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Congressional Record

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Friday, June 23, 1989*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all the celebrations we experience that mark the special moments of time and events in our lives and in the lives of our communities. Give us the insight to see how the celebrations of life and the thankfulness for all the blessings we receive, can be a part of every day and all our thoughts. May the spirit of gratitude, O God, become our focus and lead us to health and respect and love so we become the people You would have us be. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 71, not voting 135, as follows:

[Roll No. 106]

YEAS—226

Ackerman	Archer	Bilbray
Akaka	Atkins	Bliley
Alexander	Bateman	Bonior
Anderson	Bennett	Brennan
Andrews	Bereuter	Brooks
Annunzio	Berman	Browder
Applegate	Bevill	Brown (CA)
Bruce	Johnson (SD)	Pickle
Bustamante	Johnston	Poshard
Callahan	Jones (GA)	Rahall
Campbell (CA)	Jones (NC)	Ravenel
Campbell (CO)	Jontz	Ray
Cardin	Kanjorski	Regula
Carper	Kasich	Ritter
Carr	Kastenmeier	Robinson
Clarke	Kennelly	Rohrabacher
Clement	Kildee	Rowland (CT)
Clinger	Kleczka	Roybal
Coleman (TX)	Kostmayer	Sabo
Combest	LaFalce	Saiki
Conte	Lancaster	Sangmeister
Conyers	Laughlin	Sawyer
Costello	Leath (TX)	Saxton
Crockett	Lehman (CA)	Schaefer
Darden	Lehman (FL)	Scheuer
Davis	Leland	Schiff
de la Garza	Levin (MI)	Schneider
DeFazio	Levine (CA)	Schulze
Dellums	Lewis (GA)	Shaw
Dicks	Livingston	Shumway
Dorgan (ND)	Lloyd	Shuster
Dreier	Long	Skaggs
Duncan	Lowey (NY)	Skeen
Durbin	Manton	Skelton
Dwyer	Markey	Slattery
Engel	Martin (NY)	Slaughter (NY)
English	Mavroules	Smith (IA)
Erdreich	McCrery	Smith (NE)
Espy	McCurdy	Smith (NJ)
Evans	McDade	Smith (VT)
Fawell	McDermott	Snowe
Fazio	McEwen	Solarz
Feighan	McHugh	Solomon
Fish	McMillen (MD)	Spence
Flake	McNulty	Spratt
Foglietta	Meyers	Staggers
Ford (MI)	Mfume	Stallings
Gallo	Michel	Stenholm
Gejdenson	Miller (WA)	Stokes
Gephardt	Mineta	Studds
Gibbons	Moakley	Synar
Gillmor	Mollohan	Tallon
Gilman	Montgomery	Tanner
Gingrich	Morrison (WA)	Thomas (GA)
Glickman	Mrazek	Towns
Gonzalez	Murtha	Traficant
Gordon	Nagle	Udall
Gradison	Natcher	Unsoeld
Grant	Neal (MA)	Vander Jagt
Gray	Neal (NC)	Vento
Gunderson	Nowak	Visclosky
Hall (TX)	Oakar	Volkmer
Hamilton	Oberstar	Walgren
Hammerschmidt	Obey	Walsh
Harris	Olin	Watkins
Hayes (IL)	Owens (NY)	Waxman
Hayes (LA)	Owens (UT)	Weiss
Hefner	Packard	Weldon
Hertel	Pallone	Whitten
Hoagland	Panetta	Williams
Hochbrueckner	Parker	Wise
Holloway	Patterson	Wyden
Houghton	Payne (NJ)	Wylie
Hubbard	Penny	Yates
Hughes	Perkins	
Hutto	Petri	

NAYS—71

AuCoin	Hastert	Schuette
Baker	Hefley	Sensenbrenner
Ballenger	Hiler	Shays
Bilirakis	Hopkins	Sikorski
Buechner	Hyde	Slaughter (VA)
Bunning	Inhofe	Smith (MS)
Burton	Ireland	Smith (TX)
Chandler	Jacobs	Smith, Robert (NH)
Coble	James	Smith, Robert (OR)
Coleman (MO)	Kolbe	Stearns
Coughlin	Kyl	Stump
Cox	Lagomarsino	Sundquist
Dannemeyer	Lewis (FL)	Tauke
DeLay	Lightfoot	Upton
DeWine	Lukens, Donald	Vucanovich
Dickinson	Machtley	Walker
Douglas	McGrath	Weber
Edwards (OK)	McMillan (NC)	Wheat
Emerson	Oxley	Whittaker
Gallegly	Pashayan	Young (AK)
Gekas	Paxon	Young (FL)
Goodling	Rhodes	
Goss	Roberts	
Grandy	Rogers	
Hancock	Roukema	

NOT VOTING—135

Anthony	Ford (TN)	Moody
Armey	Frank	Moorhead
Aspin	Frenzel	Morella
Barnard	Frost	Morrison (CT)
Bartlett	Garcia	Murphy
Barton	Gaydos	Myers
Bates	Green	Nelson
Beilenson	Guarini	Nielson
Bentley	Hall (OH)	Ortiz
Boehlert	Hansen	Parris
Boggs	Hatcher	Payne (VA)
Borski	Hawkins	Pease
Bosco	Henry	Pelosi
Boucher	Herger	Pickett
Boxer	Horton	Porter
Broomfield	Hoyer	Price
Brown (CO)	Huckaby	Pursell
Bryant	Hunter	Quillen
Byron	Jenkins	Rangel
Chapman	Johnson (CT)	Richardson
Clay	Kaptur	Ridge
Collins	Kennedy	Rinaldo
Cooper	Kolter	Roe
Courter	Lantos	Rose
Coyne	Leach (IA)	Rostenkowski
Craig	Lent	Roth
Crane	Lewis (CA)	Rowland (GA)
Derrick	Lipinski	Russo
Dingell	Lowery (CA)	Sarpalius
Dixon	Luken, Thomas	Savage
Donnelly	Madigan	Schroeder
Dornan (CA)	Marlenee	Schumer
Downey	Martin (IL)	Sharp
Dymally	Martinez	Sisisky
Dyson	Matsui	Smith (FL)
Early	Mazzoli	Smith, Denny (OR)
Eckart	McCandless	Stangeland
Edwards (CA)	McCloskey	Stark
Fascell	McCollum	Swift
Fields	Miller (CA)	Tauzin
Flippo	Miller (OH)	Thomas (CA)
Florio	Molinari	

Thomas (WY)	Valentine	Wright
Torres	Wilson	Yatron
Torricelli	Wolf	
Traxler	Wolpe	

□ 1025

Mr. ROHRABACHER changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from California [Mr. PACKARD] to lead the House in the Pledge of Allegiance.

Mr. PACKARD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The Chair announces to the House his intention of recognizing Members for 1-minute speeches at the conclusion of all other business, prior to special orders.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, annnounced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 111. Joint resolution designating 23, 1989, as "United States Coast Guard Auxiliary Day";

H.J. Res. 132. Joint resolution to designate the second Sunday in October of 1989 as "National Children's Day";

H.J. Res. 276. Joint resolution designating September 14, 1989, as "National D.A.R.E. Day"; and

H.J. Res. 298. Joint resolution designating July 14, 1989, as "National Day To Commemorate the Bastille Day Bicentennial."

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2402. An act making supplemental appropriations for the Department of Veterans' Affairs for the fiscal year ending September 30, 1989, and for other purposes.

The message also announced that the Senate recedes from its amendment to the bill (H.R. 2402) entitled "An act making supplemental appropriations for the Department of Veterans' Affairs for the fiscal year ending September 30, 1989, and for other purposes," and the bill do pass with an amendment.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1722) "An act to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such act."

The message also announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1250. An act to waive the application of chapter 11 of title 18, United States Code, to the extension of a certain loan to the U.S. Holocaust Memorial Council, and

S. Con. Res. 50. Concurrent resolution providing for a conditional recess or adjournment of the Senate and a conditional adjournment of the House over the July 4th Holiday.

SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF VETERANS' AFFAIRS, FISCAL YEAR 1989

Mr. WHITTEN. Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 2402) making supplemental appropriations for the Department of Veterans' Affairs for the fiscal year ending September 30, 1989, and for other purposes, with a Senate amendment thereto, and concur in the amendment of the Senate.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 3, strike out "No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein." and insert:

TITLE I—DIRE EMERGENCY SUPPLEMENTALS AND TRANSFERS

CHAPTER I

EMERGENCY DRUG FUNDING

DEPARTMENT OF JUSTICE

To strengthen Federal domestic drug law enforcement at the local level for additional Assistant United States Attorneys, Deputy United States Marshals and other Agents, including necessary equipment and supplies; initiate plans to acquire available military facilities for use as prisons or Civilian Conservation Corps type use for drug offenders; speed up planning for not less than three prisons in areas where most needed; and to expedite the purchase of automatic data processing equipment to improve the exchange of information, $71,000,000, notwithstanding any designations contained in Titles I through IX of Public Law 100-690: *Provided*, That not later than thirty days after each month the Attorney General shall report to the Committees on Appropriations of the Senate and House of Representatives on the monthly obligation of these funds.

THE JUDICIARY

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners" to strengthen drug law enforcement at the local level, $4,000,000.

CHAPTER II

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice assistance" for the Public Safety Officers' Benefits Program, $4,000,000 to remain available until expended.

THE JUDICIARY

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIAL OFFICERS' RETIREMENT FUND

For payment to the Judicial Officers' Retirement Fund, as authorized by Public Law 100-659, $2,300,000.

CHAPTER III

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

(TRANSFER OF FUNDS)

For additional amounts for appropriations for the fiscal year 1989, for increased pay costs authorized by or pursuant to law as follows:

"General regulatory functions", $1,100,000, to be derived by transfer from "Operation and maintenance, general".

"General expenses", $2,600,000, to be derived by transfer from "Construction, general".

GENERAL REGULATORY FUNCTIONS

(TRANSFER OF FUNDS)

For an additional amount for "General regulatory functions", $2,225,000, to remain available until expended, to be derived by transfer from "Construction, general".

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For an additional amount for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), $55,000,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $1,429,000,000 in fiscal year 1989, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of section 484 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1989 so as to result in a final fiscal year 1989 appropriation estimated at not more than $0.

GENERAL PROVISIONS

SEC. 301. Sunset Harbor, California: Section 1119(a) of the Water Resources Development Act of 1986 is amended by adding at the end thereof the following: "The total cost referred to in the preceding sentence may be increased by the Secretary by any amount contributed by non-Federal interests which is in excess of amounts contributed by non-Federal interests under the preceding sentence.".

"SEC. 302. Saylorville Lake, Iowa: From Construction, General funds heretofore or hereafter appropriated, the Secretary of the Army is directed to construct Highway 415, Segment "C" at the Saylorville Lake, Iowa, Project in accordance with terms of the Re-

locations Contract executed on June 21, 1984, between the Rock Island District Engineer and the State of Iowa.

"SEC. 303. Sims Park, Ohio: The Secretary of the Army, acting through the Chief of Engineers, shall undertake a beach erosion control project at Sims Park, Euclid, Ohio, using funds appropriated under the heading "CONSTRUCTION GENERAL" in title I of the Energy and Water Development Appropriation, 1988 (Public Law 100-202; 101 Stat. 107).

"SEC. 304. The undesignated paragraph under the heading "Bonneville Lock and Dam, Oregon and Washington—Columbia River and Tributaries Washington" in section 301(a) of Public Law 99-662 (100 Stat. 4110) is amended by striking out "$191,000,000" in two places and inserting in lieu thereof "$328,000,000".

"SEC. 305. From existing funds appropriated pursuant to Public Law 100-371, an Act making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes, the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 to undertake preliminary engineering and design for a project at West Fork of Mill Creek Lake, Ohio, pursuant to section 1135 of Public Law 99-662, as amended.

CHAPTER IV

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

ECONOMIC SUPPORT FUND

Of the funds appropriated in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, up to $200,000 of the unearmarked funds appropriated under the heading "Economic Support Fund" may be made available for the support of the process of democratic transition in Poland, which may include, among other things, civil education programs, including independent media and publishing activities: *Provided*, That funds made available under this paragraph may be used without regard to any provision of law which would otherwise prohibit the use of foreign assistance funds with respect to Poland: *Provided further*, That there shall be available an additional amount for the "Economic Support Fund", $3,000,000, which shall be made available notwithstanding any other provision of law for the promotion of democracy in Nicaragua: *Provided further*, That of the funds made available under this heading for the promotion of democracy in Nicaragua, $1,500,000 shall be made available as a contribution to the Organization of American States to carry out election monitoring activities in Nicaragua: *Provided further*, That the amount provided for promotion of democracy in Nicaragua under this heading shall be derived from funds appropriated under such heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1987, or from funds earmarked under such heading in Public Law 100-202 for reconstruction and rehabilitation of the National University of El Salvador and other institutions of higher education in El Salvador: *Provided further*, That such funds shall be in addition to funds made available for the promotion of democracy in Nicaragua by Public Law 100-461.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", $100,000,000, to support emergency refugee admissions and assistance: *Provided*, That this amount may be derived through new budget authority, or the President may transfer to such account for purposes of this paragraph any unobligated and unearmarked funds made available under Public Law 100-461, notwithstanding section 514 as amended by section 589 of Public Law 100-461: *Provided further*, That if the President transfers funds for this paragraph not more than 3.3 per centum of the unobligated and unearmarked funds available under any account in Public Law 100-461 may be transferred: *Provided further*, That any transfer of funds pursuant to this paragraph shall be subject to the regular reprogramming procedures of the Committees on Appropriations: *Provided further*, That not less than $85,000,000 of such amount shall be made available for Soviet and other Eastern European Refugee admissions and for admissions restored to other regions: *Provided further*, That funds provided under this paragraph are available until expended.

GENERAL PROVISIONS

SEC. 401. The Congress finds that failing to recognize natural resource depletion causes current systems of economic statistics to provide a distorted representation of many nation's economic condition.

(a) The Secretary of State shall instruct the United States representative to the Organization for Economic Cooperation and Development and to the United Nations and it's appropriate affiliated organizations to seek revisions in the manner in which these organizations report the income and economic activities of nations. Such a system of accounting shall recognize the depletion or degradation of natural resources as a component of economic activities.

(b) The Secretary of the Treasury shall instruct the United States Executive Director to each Multilateral Development Bank and to the International Monetary Fund to seek the adoption of revisions in accounting systems as described in subsection (a).

(c) The Administrator of the Agency for International Development shall incorporate the changes described in subsection (A) into AID's evaluations and projections of the economic performance of recipient countries.

HAITI

Section 563(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, as contained in Public Law 100-461 is amended by adding two new subsections as follows:

"(11) assistance consisting of sales and donations of agricultural commodities under Public Law 480, in an amount not to exceed $12,000,000.

"(12) animal and plant health programs, where the assistance is primarily for the benefit of the United States.".

CHAPTER V

DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF AGRICULTURE

For an additional amount for emergency rehabilitation, forest firefighting, fire severity presuppression, and other emergency costs on National Forest System lands and Department of Interior lands, $341,669,000 of which (1) $30,180,000 is for "Bureau of Land Management, Management of lands and resources"; (2) $2,895,000 is for "United States Fish and Wildlife Service, Resource management"; (3) $25,000,0000 is for "National Park Service, Operation of the National Park System"; (4) $33,594,000 is for "Bureau of Indian Affairs, Operation of Indian Programs"; and (5) $250,000,000 is for "Forest Service, National Forest System": *Provided*, That such funds are to be available for repayment of advances to other approportion accounts from which funds were transferred in fiscal year 1987 and fiscal year 1988 for such purposes.

DEPARTMENT OF THE INTERIOR

OIL SPILL EMERGENCY FUND

For an additional amount for the Department of the Interior for contingency planning, response and natural resource damage assessment activities related to the discharge of oil from the tanker *Exxon Valdez* into Prince William Sound, Alaska, $7,300,000, to be available until September 30, 1990: *Provided*, That for purposes of obligation and expenditure, these funds shall be transferred, upon approval of the Secretary, to existing appropriations of the Department of the Interior: *Provided further*, That any reimbursements from the Pollution Fund of the Coast Guard or other sources for activities for which funds were transferred from this account are to be credited back to this account: *Provided further*, That notwithstanding any other provision of law, in fiscal year 1989 and thereafter, sums provided by any party, including sums provided in advance as (1) reimbursement for contingency planning, response or damage assessment activities conducted or to be conducted by any agency funded in the Department of the Interior and Related Agencies Appropriations Act as a result of any discharge of oil into the environment or (2) damages for injuries resulting from such a discharge to resources for which an agency funded in the Department of the Interior and Related Agencies Appropriations Act is a trustee, may be credited to the relevant appropriation for that agency then current and shall be available until expended: *Provided further*, That section 102 of the Department of the Interior and Related Agencies Appropriations Act, 1989, is amended as follows: after the term "volcanoes" insert "; for contingency planning subsequent to actual oilspills, response and natural resource damage assessment activities related to actual oilspills".

DEPARTMENT OF ENERGY

ALTERNATIVE FUELS PRODUCTION

(TRANSFER OF FUNDS)

Monies received from government operations and sale of the Great Plains Gasification Plant, including accrued interest, which currently are deposited in the liquidation trust at the First Trust of North Dakota shall be deposited in this account, and $12,000,000 determined by the Secretary of Energy to be excess to the needs of ongoing alternative fuels programs shall be transferred to the General Fund of the Treasury prior to October 1, 1989.

CLEAN COAL TECHNOLOGY

Notwithstanding any other provision of law, funds originally appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1989, shall be available for a third solicitation of clean coal technology demonstration projects, which projects are to be selected by the Department not later than January 1, 1990.

GENERAL PROVISIONS

SEC. 501. No funds appropriated or made available heretofore or hereafter under this or any other Act may be used by the executive branch to contract with organizations outside the Department of Energy to per-

form studies of the potential transfer out of Federal ownership, management or control by sale, lease, or other disposition, in whole or in part, the facilities and functions of Naval Petroleum Reserve Numbered 1 (Elks Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912, and Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915: *Provided*, That the negotiation of changes to the unit plan contract with Chevron which governs operation of Elk Hills, where the purpose of the changes is to prepare for the divestiture of the Reserve, is prohibited.

SEC. 502. Notwithstanding any other provision of law, the Secretary of the Treasury is directed to provide the Secretary of Agriculture, to remain available until expended, total timber receipts in fiscal year 1988 in excess of $791,000,000 as required in Public Law 100-446 without reductions for payments made in accordance with the provision of the Act of May 23, 1908, as amended (16 U.S.C. 500) or the Act of July 10, 1930 (16 U.S.C. 577g): Provided further, That additional receipts made available by this section shall be distributed by the Secretary of Agriculture in the same manner as provided in Public Law 100-446.

SEC. 503. The Department of the Interior and Related Agencies Appropriations Act, fiscal year 1989 (Public Law 100-446), is amended under the heading "Miscellaneous Payments to Indians" by inserting "100-383," after "98-500,".

SEC. 504. Of the funds appropriated in Public Law 100-446 under the heading "Forest Service, National Forest System", $400,000 shall be transferred to the appropriation account "Forest Service, Forest Research".

CHAPTER VI

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

TRADE ADJUSTMENT ASSISTANCE

For an additional amount for "Federal Unemployment Benefits and Allowances", $90,648,000, of which $56,000,000 shall be for activities as provided by part 1, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended, and $34,648,000 shall be for activities, including necessary related administrative expenses, as authorized by sections 236, 237, and 238 of the Trade Act of 1974, as amended.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Funds made available under the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 1989 (Public Law 100-436), that are authorized under section 6 of the Wagner-Peyser Act (29 U.S.C. 49e) may be used to carry out the targeted jobs tax credit program under section 51 of the Internal Revenue Code of 1986.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for the Occupational Safety and Health Administration, $3,200,000, which shall be available for a grant to the State of California under section 23(g) of the Occupational Safety and Health Act.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $1,445,000, to be derived by a transfer of such sum from the amounts available for Departmental Management administrative expenses in the fiscal year 1989 Black Lung Disability Trust Fund appropriation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES PROGRAM OPERATIONS

For activities authorized under section 799A(e) of the Public Health Service Act, $800,000.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

Funds appropriated by the Department of Health and Human Services Appropriations Act, 1989, to implement section 4005(e) of the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203, may not be used to provide forward or multiyear funding.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The last proviso under this heading in Public Law 100-436, related to automatic data processing and telecommunications expenditures, is deleted.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For an additional amount for "Payments to States for Foster Care and Adoption Assistance", $423,345,000 for title IV-E of the Social Security Act, which shall be available for prior years' claims.

DEPARTMENT OF EDUCATION

IMPACT AID

Section 5(e)(1)(D) of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), shall not apply to any local educational agency that was an agency described in section 5(c)(2)(A)(ii) of the Act in fiscal year 1987 but is an agency described in section 5(c)(2)(A)(iii) of the Act in fiscal year 1989 as a result of families being moved off-base in order to renovate base housing: *Provided*, That any school district which received a payment under section 5(b)(2) of the Act for fiscal year 1986 but which the Department of Education has determined to be ineligible for section 2 assistance due to a review of the original assessed value of the real property involved at the time of acquisition of the Federal property shall be deemed eligible for payments under section 2, for fiscal year 1989 only.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

Appropriations under the heading "Rehabilitation Services and Handicapped Research" shall be considered as funds mandated by law for purposes of applying section 517 of the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1989.

GUARANTEED STUDENT LOANS

For payment of obligations under this heading incurred during fiscal year 1989, $892,428,000.

HIGHER EDUCATION

For an additional amount for "Higher Education" which shall be available for such project as the Secretary may deem appropriate which is authorized under existing law, $1,600,000.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

(RESCISSION)

Of funds provided under this head for necessary expenses of the National Student Loan Data System, $5,533,000 are rescinded.

OFFICE FOR CIVIL RIGHTS

For an additional amount for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $790,000.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $440,000.

RELATED AGENCIES

RAILROAD RETIREMENT BOARD

LIMITATION ON REVIEW ACTIVITY

For an additional amount for "Limitation on Review Activity", $150,000.

PRESCRIPTION DRUG PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For the Prescription Drug Payment Review Commission, as authorized by section 1847 of title XVIII of the Social Security Act, $250,000, to be derived by transfer of $125,000 from the Physician Payment Review Commission and $125,000 from the Prospective Payment Assessment Commission, to remain available until expended.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

For carrying out activities under Public Law 100-382, $1,750,000.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WINDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Carolyn F. Nichols, widow of Bill Nichols, late a Representative from the State of Alabama, $89,500.

LIBRARY OF CONGRESS

Effective June 15, 1989, the Library of Congress shall provide financial management services and support to the United States Capitol Preservation Commission as may be required and mutually agreed to by the Librarian of Congress and the Cochairmen of the United States Capitol Preservation Commission.

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

AGRICULTURAL MARKETING SERVICE

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed an additional $2,500,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for necessary administrative expenses of the Agricultural Stabilization and Conservation Service in-

curred in carrying out fiscal year 1989 workload in connection with 1988 disaster assistance activities only, not to exceed $40,000,000, to be derived by transfer from the Commodity Credit Corporation: Provided, That of this amount, $275,000 shall be transferred to the Cooperative State Research Service to be paid to the Kansas Agricultural Research Experiment Station at Kansas State University for the purposes of disseminating information to farmers on methods of alleviating drought problems and exploring improved water conservation techniques.

CONSERVATION RESERVE PROGRAM

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Conservation Reserve Program", delete the sum "$1,864,000,000" and insert in lieu thereof "$1,789,000,000", and delete the sum "$385,000,000" and insert in lieu thereof "$370,000,000".

ADVANCED DEFICIENCY PAYMENTS

Notwithstanding any other provision of law, effective only for the 1988 crops of wheat, feed grains, upland cotton and rice, if the Secretary determines that any portion of the advanced deficiency payment made to producers for the crop under section 107C of the Agricultural Act of 1949 must be refunded, such refunds shall not be required prior to December 31, 1989, for that portion of the crop for which a disaster payment is made under section 201(a) of the Disaster Assistance Act of 1988: *Provided*, That for the purposes of section 202 of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119), this provision is a necessary (but secondary) result of a significant policy change.

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND

OPERATING LOANS

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For an additional amount for insured operating loans, $32,500,000, to be derived by transfer from emergency disaster loans, to remain available until September 30, 1990: *Provided*, That the Secretary shall allocate immediately insured farm operating loans to States from the national reserve, from pooling of unobligated funds previously allocated to States, and from this appropriation, in a manner that will provide each State with an opportunity to fund at least the same level of obligations as in fiscal year 1988: *Provided further*, That in Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Agricultural Credit Insurance Fund", delete the sum of "$600,000,000" and insert in lieu thereof "$562,500,000".

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Agricultural Credit Insurance Fund", delete the sum of "$14,000,000" and insert in lieu thereof "$7,000,000", delete the first sum of "$3,000,000" and insert in lieu thereof "$1,500,000", and delete the sum of "$2,000,000" and insert in lieu thereof "$1,000,000".

RURAL HOUSING INSURANCE FUND

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Rural Housing Insurance Fund" the first proviso of the second paragraph is hereby amended to read as follows: *"Provided*, That of this amount not less than $109,918,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than $5,082,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949:".

RURAL DEVELOPMENT INSURANCE FUND

For an additional amount for insured water and sewer facility loans, $2,500,000, to remain available until expended.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for water and waste disposal grants, $7,500,000, to remain available until expended.

SOIL CONSERVATION SERVICE

REIMBURSEMENT TO THE SOIL CONSERVATION SERVICE FOR CONSERVATION RESERVE PROGRAM ASSISTANCE

The Agricultural Stabilization and Conservation Service shall reimburse the Soil Conservation Service for services provided to carry out the Conservation Reserve Program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831-3845), at a rate of $3.00 per acre bid in the program: *Provided*, That reimbursement for this service is made retroactive to October 1, 1988.

WATERSHED AND FLOOD PREVENTION OPERATIONS

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Watershed and Flood Prevention Operations", delete the sum "$7,949,000" and insert in lieu thereof "$4,000,000".

RESOURCE CONSERVATION AND DEVELOPMENT

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Resource Conservation and Development", delete the sum "$1,207,000" and insert in lieu thereof "$600,000".

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

For an additional amount for necessary expenses to carry out the Food Stamp Act, $224,624,000.

FOOD AND DRUG ADMINISTRATION

For an additional amount for orphan product grants and contracts, $500,000.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENT TO AIR CARRIERS

For an additional amount for "Payments to air carriers" $6,600,000: *Provided*, That notwithstanding and other provision of law, after September 30, 1989, no subsidy shall be paid for any service to or from any essential air service point in the contiguous United States for which the per passenger subsidy exceeds $300.

STATE AND LOCAL ANTI-APARTHEID POLICIES

Notwithstanding any other provision of this or any other law, none of the funds provided by this or any previous or subsequent Act to the Department of Transportation shall be withheld from State or local grantees for any reason related to the adoption by any such grantee of a policy prohibiting the procurement of products manufactured or fabricated in the Republic of South Africa.

COAST GUARD

OPERATING EXPENSES

Notwithstanding and other provision of law, in fiscal year 1989 and thereafter, sums provided by any party, including sums provided in advance, as reimbursements for operating expenses incurred by the United States Coast Guard in response to the oil-spill from the "Exxon Valdez" grounding, shall be credited to the "Operating expenses" appropriation for the United States Coast Guard, and shall remain available until expended.

From funds made available under this head in Public Law 100-457, up to $5,600,000 shall be made available until expended for development, acquisition, installation, operation, and support, including personnel, or equipment to provide vessel traffic management information in the New York Harbor area: *Provided*, That the United States Coast Guard shall initiate action within sixty days of the date of enactment of this Act to establish such a system: *Provided further*, That within sixty days of the date of enactment of this Act, the Secretary shall initiate a rulemaking to determine which class be required to participate in an active vessel or classes of vessels operating in the New York Harbor area traffic management system, and the specific operating procedures and requirements of such a mandatory system.

Notwithstanding any other provision of law, funds available under this head in both Public Law 100-457 and this Act shall be available for expenses incurred in fiscal year 1989 by the Coast Guard in responding to any oil spill.

FEDERAL AVIATION ADMINISTRATION

INSTALLATION AND USE OF EXPLOSIVE DETECTION EQUIPMENT

Not later than thirty days after the date of the enactment of this Act, the Federal Aviation Administrator shall initiate action, including such rulemaking or other actions as necessary, to require the use of explosive detection equipment that meets minimum performance standards requiring application of technology equivalent to or better than thermal neutron analysis technology at such airports (whether located within or outside the United States) as the Administrator determines that the installation and use of such equipment is necessary to ensure the safety of air commerce. The Administrator shall complete these actions within sixty days of enactment of this Act: *Provided*, That notwithstanding any other provision of law, the Federal Aviation Administration shall renegotiate the Logan County Airport grant agreements "5-54-0013-01-77" and "5-54-0013-02-78" to include funds sufficient to cover the additional project costs associated with project delay and inflation, so that the project can be completed as originally intended.

FEDERAL HIGHWAY ADMINISTRATION

The paragraph designated "Discretionary Bridge Program" under the heading "General Provisions" of chapter XI of title I of Public Law 100-71 (101 Stat. 436) is amended by adding at the end thereof the following: "Phase II of such project shall include,

for purposes of funding under the discretionary bridge program, construction of the bridge from the end of phase one on City Island to the touchdown point of the bridge near Fourteenth Street. Application and determination of eligibility for additional funding on the project beyond present commitments shall occur without regard to the current schedule of bidding and construction, prior determinations of agreements by the United States Department of Transportation concerning the boundaries of phase II of the project.".

CHAPTER X

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

INTERNATIONAL AFFAIRS

(TRANSFER OF FUNDS)

For an additional amount for "International affairs", not to exceed $1,623,000, to be derived by transfer from "Salaries and expenses".

CHAPTER XI

DEPARTMENT OF VETERANS' AFFAIRS

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

(TRANSFER OF FUNDS)

For an additional amount for the purchase of prosthetic appliances for "Medical care", $5,000,000, to be derived by transfer from "Construction, major projects".

Notwithstanding any other provision of this Act, the proviso following "$340,125,000" under the head "Veterans Health Service and Research Administration, Medical Care" contained in the earlier part of this Act, shall have no force or effect.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Of the amounts heretofore provided for the section 8 moderate rehabilitation program, any amounts in excess of $47,000,000 that are recaptured during fiscal year 1989 shall not be subject to the requirements of the sixth proviso under this head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014).

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(TRANSFER OF FUNDS)

For an additional amount for "Payments for operation of low-income housing projects", $88,000,000, to remain available until September 30, 1990: *Provided*, That such amount shall be derived by transfer from "Annual contributions for assisted housing", and the amount specified for the section 8 moderate rehabilitation program in the first proviso under that head in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014) shall be reduced by such amount: *Provided further*, That from the foregoing amount, $8,200,000 shall be made available, notwithstanding section 9(d) of the United States Housing Act of 1937, for grants for use in eliminating drug-related crime in public housing projects, consistent with the criteria set forth in section 5125(b), and reflected in other requirements of the Public Housing Drug Elimination Act of 1988 (Public Law 100-690, 102 Stat. 4301).

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $3,490,000, to be derived by transfer from "Urban development action grants".

ADMINISTRATIVE PROVISION

Section 17(f) of the United States Housing Act of 1937 (42 U.S.C. 1437o(f)) is amended—

(1) by inserting after "State of New York" the following: "or City of New York"; and

(2) in clause (1), by inserting "or municipal" after "State".

INDEPENDENT AGENCIES

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the initial startup costs and operation of the Court of Veterans Appeals as authorized by sections 4051-4091 of title 38, United States Code, $3,100,000, to remain available until September 30, 1990: *Provided*, That, notwithstanding section 4081 of title 38, United States Code of Veterans Appeals may (A) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint not to exceed 35 employees (and employees to replace any employees so appointed whose employment by the Court is terminated) shall be eligible for noncompetitive conversion to a position in the competitive service if (i) application therefor is made to the Office of Personnel Management by December 31, 1990, and (ii) the Director of the Office of Personnel Management determines that such noncompetitive conversion is in the interest of the Government, and (B) procure the services of experts and consultants under section 3109 of such title, (2) in the making of appointments pursuant to clause (1), preference among equally-qualified persons shall be given to persons who are preference eligibles (as defined in section 2108(3) of such title), and (3) the authorities provided in clause (1) may be exercised by the Chief Judge of the Court whenever there are not at least two Associate Judges on the Court.

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $6,000,000.

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $9,000,000, to remain available until September 30, 1990.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of available funds under this head, $15,000,000 are rescinded.

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", up to $5,000,000, which shall be derived by transfer from "Abatement, control, and compliance".

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY FOOD AND SHELTER PROGRAM

For an additional amount for the "Emergency food and shelter program", $12,000,000 to be derived by transfer from "Urban development action grants".

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND PROGRAM MANAGEMENT

(TRANSFERS OF FUNDS)

For an additional amount for "Research and program management", up to $35,000,000, to be derived by transfer from "Research and development" and "Space flight, control and data communications".

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and related activities", $37,500,000, to remain available until September 30, 1991.

For an additional amount for "Research and related activities", $37,500,000, to remain available until September 30, 1991: *Provided*, That this amount shall not be available for obligation until October 1, 1989: *Provided further*, That this additional amount made available on October 1, 1989 is in addition to the amount made available upon enactment.

CHAPTER XII

DISTRICT OF COLUMBIA

INAUGURAL EXPENSES PAYMENT

(TRANSFER OF FUNDS)

For an additional amount for "Inaugural expenses payment", $1,000,000, to be derived from Expenses, Presidential Transition, General Services Administration.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support", $26,000: *Provided*, That of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-1 to 2269-2), $7,216,000 are rescinded for a net decrease of $7,190,000.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $1,990,000: *Provided*, That of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-2), $19,016,000 are rescinded for a net decrease of $17,026,000.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $29,360,000, of which $5,064,000, to remain available until expended, shall be solely for overtime expenses of the Metropolitan Police Department and $800,000, to remain available until expended, shall be solely for overtime expenses of the Superior Court: *Provided*, That of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-2 to 2269-4), $1,210,000 are rescinded for a net increase of $28,150,000.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $4,529,000, which shall be allocated as follows: $3,758,000 for the public schools of the District of Columbia and $771,000 for the District of Columbia School of Law: *Provided*, That of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-4), $2,000,000 for the University of the District of Columbia, $6,000 for the Educational Institution Licensure Commission, $389,000 for the Public Library, and $185,000 for the Commission on the Arts and Humanities are rescinded for a net increase of $1,949,000.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", $45,858,000: *Provided*, That $3,611,000 of this appropriation, to remain available until expended, shall be available solely for the District of Columbia's employees' disability compensation: *Provided further*, That of the funds provided for the Office of Emergency Shelter and Support Service, $750,000 shall be used to provide food for the homeless and may not be used for any other purpose: *Provided further*, That of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-4), $9,945,000 are rescinded for a net increase of $35,913,000.

PUBLIC WORKS

(INCLUDING RESCISSION)

For an additional amount for "Public works", $5,436,000: *Provided*, That of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-4), $10,655,000, including $300,000 from the school transit subsidy are rescinded for a net decrease of $5,219,000.

WASHINGTON CONVENTION CENTER FUND

For an additional amount for "Washington Convention Center fund", $543,000.

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

Of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-5), $5,834,000 are rescinded.

REPAYMENT OF GENERAL FUND DEFICIT

For an additional amount for "Repayment of general fund deficit", $13,950,000: Provided, That in addition, all net revenue that the District of Columbia government may collect as a result of the District of Columbia government's pending appeal in the consolidated case of *U.S. Sprint communications et al.* v. *District of Columbia, et al.*, CA 10080-87 (court order filed on November 14, 1988), shall be applied solely to the repayment of the general fund accumulated deficit.

SHORT-TERM BORROWINGS

For an additional amount for "Short-term borrowings", $4,592,000.

PERSONAL SERVICES ADJUSTMENTS

(RESCISSION)

Of the funds appropriated under the various appropriation headings for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-1 through 2269-6), $18,553,000 as determined by the Mayor, are rescinded: *Provided*, That the Mayor shall reduce appropriations and expenditures for personal services within object classes 11, 12, 13 and 14: Provided further, That during the fiscal year ending September 30, 1989, the Mayor shall reduce the number of authorized, full-time, funded positions above DS-10 by 318.

INAUGURAL EXPENSES

For an additional reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-1803), $1,000,000, which shall be apportioned by the Mayor within the various appropriation headings in this Act.

ENERGY ADJUSTMENT

(RESCISSION)

Of the funds appropriated under the various appropriations headings for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-1 through 2269-6), an additional $349,000 as determined by the Mayor are rescinded from object class 30(a) energy.

EQUIPMENT ADJUSTMENT

(RESCISSION)

Of the funds appropriated under the various appropriation headings for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-1 through 2269-6), $3,500,000 as determined by the Mayor are rescinded from object class 70 (equipment).

CAPITAL OUTLAY

(INCLUDING RESCISSION)

For an additional amount for "Capital outlay", $146,642,000, to remain available until expended: *Provided*, That of the amounts appropriated under this heading in prior fiscal years, $15,970,000 are rescinded for a net increase of $130,672,000: *Provided further*, That $14,700,000 shall be available solely for the Correctional Treatment Facility of which $8,700,000 shall be for delay claims owed to the contractor for construction delays and $6,000,000 shall be for fixtures and equipment connected to the floors, walls, and ceilings of the Facility by means of structural, mechanical, or electrical requirements: *Provided further*, That $4,185,000 shall be available for project management and $9,425,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further*, That $25,000,000 shall be available to the Department of Corrections for a feasibility study, site acquisition, and design and construction of a jail that is generally bounded by G Street, N.W. on the north, 6th Street, N.W. on the west, Pennsylvania Avenue, N.W. on the south and 1st Street, N.W. on the east: *Provided further*, That the feasibility study shall include a companion analysis of a revised mission for the present jail to prevent duplication: *Provided further*, That the executive branch is prohibited from disposing of any property in the Judiciary Square area that is under the jurisdiction of the Mayor until a site has been chosen.

WATER AND SEWER ENTERPRISE FUND

Of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-7), $100,000 shall be available to compensate individuals as provided in the Water Main Break Fund Emergency Act of 1988, effective December 21, 1988 (D.C. Act 7-269; to be codified at D.C. Code, sec. 47-375, note).

ADMINISTRATIVE PROVISIONS

The United States hereby forgives $5,064,000 of the fourth quarter indebtedness incurred by the District of Columbia government to the United States pursuant to the Act of March 3, 1915, D.C. Code, sec. 24-424, as amended, this amount being equal to the increased cost of housing District of Columbia convicts in Federal penitentiaries during the fiscal year ending September 30, 1989: provided, That for the fiscal year ending September 30, 1990, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

Notwithstanding any other provision of law, including, but not limited to the District of Columbia Historic Landmark and Historic District Protection Act of 1978, D.C. Law 2-144, as amended, 25 DCR 6939 (1979), the District of Columbia Government is directed to begin construction of a correctional facility to be located in the District of Columbia, as described in Public Law 99-591, within thirty days of enactment of this Act.

TITLE II—URGENT SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $28,400,000, to remain available until expended.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and expenses, general legal activities", $1,800,000.

ASSETS FORFEITURE FUND

(RESCISSION)

Of the $75,000,000 in expenses authorized by 28 U.S.C. 524 and appropriated from receipts of the Assets Forfeiture Fund in 1989 (Public Law 100-459), $2,232,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

(INCLUDING RESCISSION)

From the amounts made available to the National Institute of Justice in Public Law 100-459, there shall be available $200,000 for a grant to the University of South Carolina for the purpose of studying the causes and effects of the increasingly disproportionate use of illegal drugs in the black community: *Provided*, That of deobligated funds previously awarded from appropriations for "Justice assistance", $2,053,000 are

rescinded, notwithstanding any other provision of law.

DEPARTMENT OF STATE

GENERAL PROVISION

(TRANSFER OF FUNDS)

SEC. 1. In order to meet urgent requests that may arise during fiscal year 1989 for contributions and other assistance for new international peacekeeping activities, and to reimburse funds originally appropriated for prior international peacekeeping activities, which have been reprogrammed for new international peacekeeping activities, the President may transfer during fiscal year 1989 such of the funds described in section 2(a) as the President deems necessary, but not to exceed $125,000,000 to the "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES" account or the "PEACEKEEPING OPERATIONS" account administered by the Department of State, notwithstanding section 15(a) of the Department of State Basic Authorities Act of 1956, section 10 of Public Law 91-672, or any other provision of law.

SEC. 2. (a) IN GENERAL.—The funds that may be transferred under the authority of this heading for use in accordance with section 1 are—

(1) any funds available to the Department of Defense during fiscal year 1989, other than funds appropriated by the Department of Defense Appropriations Act, 1989 (Public Law 100-463); and

(2) any funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461) for the "MILITARY ASSISTANCE" account, for the "INTERNATIONAL MILITARY EDUCATION AND TRAINING" account, or for grants under the "FOREIGN MILITARY FINANCING PROGRAM" account.

(b) RELATIONSHIP TO CERTAIN OTHER PROVISIONS.—Funds described in subsection (a)(2) may be transferred and used for contributions or other assistance for new international peacekeeping activities in accordance with section 1 of this provision notwithstanding section 514 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (as amended by section 589 of that Act), relating to transfers between accounts.

SEC. 3. (a) REVIEW OF PROPOSED TRANSFERS.—Any transfer of funds pursuant to section 1 shall be subject to the regular reprogramming procedures of the following committees:

(1) The Committee on Appropriations of each House of Congress.

(2) The Committee on Armed Services of each House of Congress if funds described in paragraph (1) of section 2(a) are to be transferred.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate if funds described in paragraph (2) of section 2(a) are to be transferred.

(b) REVIEW OF PROPOSED OBLIGATIONS.—The regular reprogramming procedures of the following committees shall apply with respect to the obligations of any funds transferred pursuant to section 1:

(1) The Committee on Appropriations of each House of Congress.

(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 4. (a) Of the amount that may be transferred pursuant to section 1, $38,950,000 shall be made available upon enactment for contribution with respect to implementation of the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988 (hereafter known as the Tripartite Agreement) only if the President determines and certifies to the appropriate Congressional committees that (1) the armed forces of the South West Africa People's Organization (SWAPO) have left Namibia and returned north of the 16th parallel in Angola in compliance with the agreements, (2) the United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date, and (3) the Secretary General of the United Nations has assured the United States that it is his understanidng that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date.

(b) An additional $38,950,000 of such amount shall be made available after August 15, 1989, for implementation of the Tripartite Agreement only if the President has determined and certified to the appropriate Congressional committees that (1) each of the signatories to the Tripartite Agreement is in compliance with it obligations under the Agreement, (2) the Government of Cuba has complied with its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), specifically with respect to its obligations as of August 1, 1989, (3) the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare, (4) the United Nations and its affiliated agencies ave terminated all funding and other support, in conformity with the United Nations impartiality package, to the South West Africa People's Organization (SWAPO), and (5) the United Nations Angola Verification Mission is demonstrating diligence, impartiality, and professionalism in verifying the departure of Cuban troops and the recording of any troop rotations.

(c) Funding of these activities by the United States may not be construed as constituting recognition of any government in Angola.

(d) The term "Bilateral Agreement" means the Agreement Between the Governments of the People's Republic of Angola and the Republic of Cuba for the Termination of the International Mission of the Cuban Military Contingent, signed at the United Nations on December 22, 1988, and the term "Tripartite Agreement" means the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988.

(e) The term "appropriate Congressional committees" means the Committees on Appropriations, Foreign Affairs, and Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations, Foreign Relations and the Select Committee on Intelligence of the Senate.

SEC. 5. The Secretary of the Treasury shall instruct the United States Executive Directors to the International Monetary Fund and the International Bank for Reconstruction and Development to vote in opposition to the entry of the Government of Angola into these financial institutions or to approve any loans to Angola unless the President certifies to the appropriate Congressional committees that progress is being made toward national reconciliation.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

FEDERAL SHIP FINANCING FUND

For payment to the Secretary of Treasury for debt reduction, $515,000,000, to remain available until expended.

Notwithstanding section 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for each of the following:

(1) the vessel LIBERTY, hull identification number BHA 5512 B and State of Hawaii registration number HA 5512 B;

(2) the vessel NAVATEK I;

(3) the vessel NANCY ANN, United States official number 901962; and

(4) the vessel NOR'WESTER, United States official number 913451.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

That the authority under the Supplemental Appropriations Act, 1985 (Public Law 99-88) with respect to the relocation of the Fort Lauderdale Monitoring Station be amended to authorize the Federal Communications Commission to expend the funds remaining from the sale of the Fort Lauderdale, Florida Monitoring Station, for salaries and expenses in fiscal year 1989 in lieu of returning the unsued funds to the general fund of the United States Treasury.

LEGAL SERVICES CORPORATION

ADMINISTRATIVE PROVISION

None of the funds approriated under this Act or under any prior Acts for the Legal Services Corporation, or any other funds available to the Corporation, shall be used by the Corporation Board, members, staff or consultants, to consider, develop or implement any system for the competitive award of grants until such action is authorized pursuant to a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate, except that nothing herein shall prohibit the Corporation Board, members, or staff from engaging in in-house reviews of or holding hereings on proposals for a system for the competitive awards of all grants and contracts, including support centers, and that nothing herein shall apply to any competitive awards program currently in existence: Provided, That the Corporation shall insure that all grants or contracts made during calendar year 1989 to all grantees funded under sections 1006(a) (1) and (3) of the Legal Services Corporation Act with funds appropriated in Public Law 100-459, or prior appropriations Acts, shall be made for a period of at least twelve months beginning on January 1, 1989, so as to insure that the total annual funding for each current grantee or contractor is no less than the amount provided pursuant to Public Law 100-459, and shall not be subject to any amendments to regulations relating to fee generating cases (45 C.F.R. Part 1609) or the use of private funds (45 C.F.R. Part 1610 and 1611) not in operational effect on October 1, 1988.

ADMINISTRATIVE PROVISIONS

SEC. 101. Funds appropriated to the Commission for the Study of International Migration and Cooperative Economic Development and the Commission on Agricultural Workers in Public Law 100-459 shall remain available until expended.

SEC. 102. The Director of the Administrative Office of the United States Courts, under the supervision of the Judicial Conference of the United States, and upon notification to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in Section 606 of Public Law 100-459, may transfer unobligated balances available under Courts of Appeals, District Courts, and Other Judicial Services, "Defender Services", to any appropriation account of the Judiciary: *Provided,* That compensation and reimbursement of attorneys and others as authorized under section 3006A of title 18, United States Code, and section 1875(d) of title 28, United States Code, may hereinafter be paid from funds appropriated for "Defender Services" in the year in which payment is required.

SEC. 103. Funds heretofore or hereafter appropriated or otherwise made available to the United States Information Agency for television broadcasting to Cuba may be used by the Agency to lease, maintain and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

SEC. 104. Section 631(b)(1) of title 28, United States Code, is amended by striking out all after "Puerto Rico, or the Virgin Islands of the United States," through "the bar of the district court of the Virgin Islands;" at the end of subparagraph (b), and by striking out the words "the first sentence of" that appear in the same paragraph.

SEC. 105. None of the funds provided in this or any prior Act shall be available for obligation or expenditure to relocate, reorganize or consolidate any office, agency, function, facility, station, activity, or other entity falling under the jurisdiction of the Department of Justice.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

ADMINISTRATIVE PROVISIONS

SEC. 201. (a) Section 8111 of the Department of Defense Appropriation Act, 1989 (Public Law 100-463; 102 Stat. 2270-38) is amended by striking out "$1,163,200,000" and inserting in lieu thereof "$1,258,600,000".

(b) The additional funds made available pursuant to subsection (a) may be used only to cover costs related to underestimates of the cost of transporting exchange merchandise to overseas locations and to compensate for adverse changes in foreign currency exchange rates.

SEC. 202. Section 8119 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-39/40) is repealed.

SEC. 203. Section 8080 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463) is amended by inserting the following provision at the end of the paragraph, after "skills": ": *Provided further,* That these limitations shall not apply to members who enlist in the armed services on or after July 1, 1989, under a fifteen-month program established by the Secretary of Defense to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense".

SEC. 204. Section 8031 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-22/23) is amended by inserting "High mobility multipurpose wheeled vehicle;" after "M-1 tank Chasis;".

SEC. 205. The appropriation "Operation and Maintenance Army" contained in the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-2/3) is amended by adding the following after "Championships": ": *Provided further,* That, of the funds appropriated in this paragraph, "$50,000,000 shall be available only for procurement for the Extended Cold Weather Clothing System (ECWCS) unless $50,000,000 of ECWCS is procured by the Army Stock Fund during fiscal year 1989".

SEC. 206. The Secretary of Defense may, in conjunction with the Office of Personnel Management, conduct a test program to adjust pay rates to reflect local prevailing rates of pay for civilian employees in the following health care occupations; nurse, physician assistant, medical records librarian, medical laboratory technician, and radiology technician.

SEC. 207. Section 8037 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-23), is amended by striking out "39 individuals" and inserting in lieu thereof "42 individuals".

SEC. 208. Within funds available to the Department of Defense, the Secretary of Defense shall transfer or otherwise make available funds as necessary to accommodate repair of real property, aircraft, and other Department of Defense assets damaged during the storm at Fort Hood, Texas, on May 13, 1989: *Provided,* That funds made available pursuant to this section shall be in accordance with established authorities and procedures.

CHAPTER III

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

GENERAL PROVISIONS

SEC. 301. None of the funds available to the Department of the Interior may be used to place on the National Register of Historic Places the Al Capone House at 7244 South Prairie Avenue, Chicago, Illinois.

SEC. 302. The King Center and the National Park Service are authorized to locate an additional parking site for the Martin Luther King National Historic Site within the National Historic Site and Preservation District Boundary in accordance with Federal and State preservation regulations, in lieu of the vacant lot on the north side of Irwin between Jackson and Boulevard as specified in Public Law 100-202.

CHAPTER IV

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

For the settlement of promissory notes issued to the Secretary of the Treasury, $10,770,941, to remain available until expended, together with such sums as may be necessary for the payment of interest due under the terms and conditions of such notes.

GENERAL PROVISIONS

SEC. 401. Section 312 of Public Law 100-457 is amended by deleting "276,000" and inserting in lieu thereof "$300,000".

SEC. 402. Notwithstanding any other provision of law, the New York State Bridge Authority shall have the authority to collect tolls on the Newburgh-Beacon Bridge and to utilize the revenue therefrom for the construction and reconstruction of and for the costs necessary for the proper maintenance and operation of any bridges and facilities under the jurisdiction of such Authority and for the payment of debt service on any of the Authority's obligations issued in connection therewith.

Section 341 of Public Law 100-457 is amended by deleting "2" and inserting in lieu thereof "4".

CHAPTER V

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

Under this heading in the Treasury Department Appropriations Act, 1989, Public Law 100-440, after the words, "Provided, That", insert "with the exception of the transfer of two E2C aircraft to the U.S. Coast Guard,".

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

Funds appropriated under this heading in the Treasury, Postal Service, and General Government Appropriations Act, fiscal year 1989, Public Law 100-440, for construction of barriers at the south end of the White House shall remain available until expended.

DEPARTMENT OF THE TREASURY—GENERAL PROVISIONS

Section 103 under this heading in the Treasury Department Appropriations Act, 1989 (Public Law 100-440) is amended by striking "1 per centum" and inserting in lieu thereof "2 per centum".

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

Notwithstanding any other provision of law, for an additional amount for "Salaries and expenses", for grants to the Popular Democratic Party, the New Progressive Party, and the Puerto Rican Independence Party of the Commonwealth of Puerto Rico, $1,500,000, to remain available until the sine die adjournment of the One Hundred First Congress: *Provided,* That grants shall be made to each such party in equal amounts, not to exceed $500,000 each: *Provided further,* That such funds shall be made available for necessary expenses incurred after March 1, 1989, to each such party to participate in the legislative process involving the future political status of Puerto Rico, including the travel and transportation of persons, services as authorized by section 3109 of title 5, United States Code, communications, utilities, printing and reproduction, and supplies and materials and other related services, and for administrative costs: *Provided further,* That under such regulations as the Comptroller General may prescribe, the Comptroller General shall perform a financial audit of the financial transactions made by each such party with such funds: *Provided further,* That such funds may not be used directly or indirectly to finance the campaigns of candidates for public office.

OTHER INDEPENDENT AGENCIES

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

Amounts made available under this heading in the Independent Agencies Appropria-

tions Act, 1989 (Public Law 100-440), which are to be transferred from the Trust Funds for implementing the recordkeeping system of the Federal Employees' Retirement System, shall remain available until expended.

GENERAL SERVICES ADMINISTRATION

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, the Administrator of General Services (Administrator) shall transfer to the administrative jurisdiction of the Holocaust Memorial Council (Council), without consideration, the Auditors West Building (Annex 3) located at Raoul Wallenberg Place and Independence Avenue Southwest, Washington, District of Columbia.

Prior to such transfer of jurisdiction to the Council, the Council shall agree to perform all necessary repairs and alterations to the Auditors West Building so as to renovate the exterior of the Auditors West Building in a manner consistent with perservation of the historic architecture of the building, and to preserve the structural integrity of the building. The Council, prior to such transfer, shall furnish to the Administrator, for his approval, a plan detailing the repairs and alterations proposed, dates for completion of the work, and funding availability.

In the event the Council ceases to exist, administrative jurisdiction of the Auditors West Building (Annex 3) shall revert to the General Services Administration.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $250,000, to be derived by transfer from "Expenses, Presidential Transition", General Services Administration.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

SEC. 201. (a) Notwithstanding any other provision of law, the General Services Administration is hereby authorized to purchase, from annual funds available in the Federal Buildings Fund in fiscal year 1989, such additional furniture and equipment as may be necessary, not to exeed $1,500,000, for the National Oceanic and Atmospheric Administrator to relocate to the Silver Spring, Maryland, Metro Center.

(b) The National Oceanic and Atmospheric Administrator will reimburse the General Services Administration for such expenditures in equal amounts over a period of two years, beginning in fiscal year 1990.

CHAPTER VI

DEPARTMENT OF VETERANS' AFFAIRS

GENERAL OPERATING EXPENSES

The costs of external contract audits shall be charged to "Construction, major projects", "Construction, minor projects", and the "Supply fund", as appropriate, and be made retroactive to October 1, 1988.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The Secretary of Housing and Urban Development may make amounts reserved or obligated under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for particular projects under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), available as subsidy amounts for such projects under section 202(h)(4) of such Act.

RENTAL HOUSING ASSISTANCE

Such sums as may be necessary are hereby approved to implement the authority conferred on the Secretary of Housing and Urban Development by section 236(r) of the National Housing Act to provide interest reductions and rental assistance payments: *Provided*, That notwithstanding the second sentence of such section 236(r), an application shall be eligible for assistance under such section if the mortgagee submits an application within five hundred and forty-eight days after the effective date of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

Funds under this head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 shall be made available for a special project under section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307) to the Hawaii State Department of Hawaiian Home Lands, for infrastructure development on Hawaiian Home Lands, notwithstanding the restrictions on alienation applicable to such lands.

INDEPENDENT AGENCIES

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The limitation carried under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 on program development and management in fiscal year 1989 is increased by $750,000.

GENERAL PROVISION

Section 406 under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100-404) is amended by striking out "the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitation" and inserting in lieu thereof "any officer or employee authorized such transportation under title 31, United States Code, section 1344".

TITLE III—TECHNICAL ENROLLMENT CORRECTIONS

SEC. 301. The appropriation Operation and Maintenance, Navy as contained in the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-3) is amended by striking out ", of which $60,000,000 shall be transferred to the Coast Guard".

SEC. 302. In Public Law 100-461, "An Act making appropriations for Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1989, and for other purposes", in TITLE V—GENERAL PROVISIONS, following the last "." in section 572, insert the following:

"RESOLUTION OF JAPANESE BEETLE PROBLEM"

"SEC. 573. None of the funds appropriated by this Act may be used to fund any programs to assist in solving the Japanese beetle problem in the Azores. It is the sense of the Congress that this problem was created by the Department of Defense which should fund any program to resolve it.".

SEC. 303. In Public Law 100-446, "An Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Navajo and Hopi Indian Relocation Commission" delete the sum "$27,323,000" and insert in lieu thereof "$27,373,000".

SEC. 304. In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "National Agricultural Library", delete the sum "$13,268,000" and insert in lieu thereof "$14,268,000".

SEC. 305. In Public Law 100-457, "An Act making appropriations for the Department of Transportation and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Urban Mass Transportation Administration, Interstate Transfer Grants-Transit" delete the sum "$2,000,000,000" and insert in lieu thereof "$200,000,000".

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Notwithstanding section 1346 of title 31, United States Code, or section 608 of Public Law 100-440, funds made available for fiscal year 1989 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 403. No funds appropriated under this Act or any other Act shall be available to the Bureau of Alcohol, Tobacco and Firearms for the enforcement of section 204 of the Alcoholic Beverage Labeling Act of 1988, title VIII of the Anti-Drug Abuse Act of 1988 (Public Law 100-690, 102 Stat. 481), and regulations issued thereunder, as it relates to malt beverage glass returnable bottles of 12 ounces or less to which labels have been permanently affixed by means of painting and heat treatment, which were ordered on or before April 21, 1989: *Provided*, That the closure for such bottles contains the warning statement: *And provided further*, That any new returnable glass bottles ordered after April 21, 1989, will be in full compliance with section 204 and the regulations issued thereunder.

SEC. 404. (a) Within 6 months of the enactment of this Act and after granting notice and opportunity to comment to affected tenants, the Secretary shall review the drug-related eviction procedures of all jurisdictions having a Public Housing Authority for the purpose of determining whether such procedures meet Federal due process standards.

(b) Upon conclusion of the review mandated by subsection (a), if the Secretary determines that due process standards are met for a jurisdiction, the Secretary shall issue that jurisdiction a waiver of the procedures required in section 6(k) of the United States Housing Act of 1937, 42 U.S.C. 1437(k), for evictions involving drug-related criminal activity which threatens the health and safety of other tenants of public housing authority employees as long as evictions of a household member involved in drug-related criminal activity shall not affect the right of any other household member who is not involved in such activity to continue tenancy.

(c) Within 60 days of completion of the review mandated by subsection (a), the Secretary shall report to Congress the findings of the review including all waivers granted in accordance with subsection (b).

SEC. 405. SENSE OF THE SENATE REGARDING THE APPOINTMENT OF A NEW ADMINISTRATOR

OF THE PANAMA CANAL COMMISSION.—It is the sense of the Senate that the President should not appoint a new Administrator of the Panama Canal Commission unless and until he certifies to Congress that the ruling government of Panama is democratically elected according to procedures specified in the Constitution of Panama providing for a civilian government in control of all Panamanian military and paramilitary forces.

SEC. 406. RESTORATION OF EASTERN AIRLINES.—

(a) FINDINGS.—The Senate finds that—

(1) the operations of Eastern Airlines have been substantially shut down since March 4, 1989, by a strike by the International Association of Machinists with the support of pilots and flight attendant unions;

(2) Eastern Airlines filed a petition under chapter 11 of title 11, United States Code, on March 9, 1989;

(3) Texas Air Corporation, which controls Eastern Airlines, had negotiated for the sale of Eastern;

(4) the organized employees of Eastern had agreed to provide a potential new owner with substantial wage concessions;

(5) the deregulation of the airline industry by Congress was predicated on the anticipated continued existence of strong, independent airlines, such as Eastern Airlines;

(6) the Bankruptcy Court has the power to appoint an independent trustee to manage Eastern's return to operation during the interim period, leading up to the consummation of the sale agreement and transfer of control to a potential owner; and

(7) the return of Eastern Airlines to full operation is in the public interest and in the best interest of the creditors, employees, and customers of Eastern as well as the economies of the communities, States and regions of the United States that Eastern serves.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Bankruptcy Court and all involved parties should facilitate the prompt and safe restoration of Eastern Airlines to full operations through all appropriate action, which may or may not include appointment of an independent trustee, pending sale of the company.

SEC. 407. RESPONSIBILITY FOR NUCLEAR, CHEMICAL BIOLOGICAL, AND MISSILE NONPROLIFERATION.—

(a) RESPONSIBILITIES.—The responsibilities of the Undersecretary of State for Coordinating Security Assistance Policy shall include—

(1) coordinating United States diplomatic efforts to obtain the agreement of all appropriate countries to a missile technology control regime encompassing chemical, biological, and nuclear capable missiles; and

(2) coordinating policies within the United States Government on strategies for restricting the export to foreign countries of components of missiles which are capable of carrying nuclear, chemical, or biological weapons.

(b) REPORT REQUESTED.—The Secretary of State shall submit within 90 days of the date of enactment of this Act to the Speaker of the House of Representatives and the President pro tempore of the Senate a report setting forth the Administration strategy for dealing with the missile proliferation issue, and specifying the steps taken to ensure that adequate resources will be allocated for that purpose.

(c) CONTENTS OF REPORT.—The report required in subsection (b) shall contain, but is not limited to—

(1) a discussion of efforts that can be made to strengthen the Missile Technology Control Regime to restrict the flow of Western missile hardware and knowhow;

(2) a discussion of ways to strengthen international arrangements, including the formation of a new international organization, to monitor missile-related exports and compliance with missile nonproliferation efforts; and

(3) a discussion of how incentives and threats of sanctions can be used to win the cooperation of more nations in controlling missile proliferation.

SEC. 408. TEMPORARY SUSPENSION OF RIGHT TO REPURCHASE STINGER MISSILES.—Notwithstanding section 573(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, and section 566(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, the United States hereby suspends its obligation to repurchase STINGER antiaircraft missiles from Bahrain until October 31, 1989.

SEC. 409. EXEMPTION PROVIDED FOR NATIONAL COMMISSION ON CHILDREN FROM CERTAIN PROVISIONS OF TITLE 5.—Section 1139 of the Social Security Act (42 U.S.C. 1320b-9) is amended by striking subsection (f) and inserting in lieu thereof the following new subsection:

"(f)(1) The Commission shall appoint an Executive Director of the Commission. In addition to the Executive Director, the Commission may appoint and fix the compensation of such personnel as it deems advisable. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, that govern appointments in the competitive services, and the provisions of chapter 51 and subchapter III of chapter 53 of such title that relate to classifications and the General Schedule pay rates.

"(2) The Commission may procure such temporary and intermittent services of consultants under section 3109(b) of title 4, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.".

SEC. 410. It is the sense of the Senate that the Secretary of Transportation should conduct a review of the potential impact of highly leveraged acquisitions of control of United States air carriers. The potential impacts to be addressed in such review should include the effects of increased expenses associated with increased debt on carriers' ability to—

(i) modernize their fleets;

(ii) make necessary expenditures for maintenance;

(iii) survive economic downturns (and the effect on competition among air carriers if some do not survive);

(iv) provide small community services;

(v) compete internationally against foreign airlines; and

(vi) make and/or keep the financial commitments to airport projects necessary to expand capacity and improve safety, and meet the future needs of their employees with regard to such matters as salaries, benefits, pensions, and job security and growth.

Pursuant to the conclusions of such review, the Secretary should make a report to the Congress and include in such report an assessment with respect to any major air carrier that is the object of a highly leveraged buyout.

SEC. 411. The Secretary of Agriculture may use his section 32 authority in appropriate instances to stabilize the apple market and to satisfy the request of recipient agencies.

This Act may be cited as the "Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989".

The SPEAKER (during the reading). Without objection, further reading of the Senate amendment will be dispensed with, and the Senate amendment will be printed in the RECORD.

There was no objection.

The SPEAKER. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I may include tabular and extraneous material, on the Senate amendment to the bill (H.R. 2402) making supplemental appropriations for the Department of Veterans' Affairs for the fiscal year ending September 30, 1989, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I am proud to present H.R. 2402, which I introduced in the House on May 18. We passed it that same day and sent it to the Senate. This bill protects the veterans' programs.

I introduced the bill in case H.R. 2072, handling the overall supplemental, struck a snag. This did happen on Wednesday, June 21. After this occurred, the gentleman from Massachusetts [Mr. CONTE] the ranking Republican, and I, met repeatedly with Senator BYRD, the new chairman of the Senate Appropriations Committee and Senator HATFIELD, the ranking Republican and a former chairman. The Senate retracted many additions which had been made to H.R. 2072. We in turn insisted that we strengthen local law enforcement. We agreed unanimously on the amendment now attached to this bill, H.R. 2402, which was pending in the Senate. This procedure will let us move ahead and allow us to save time in meeting our problems.

□ 1030

Mr. Speaker, I wish to thank my colleagues, the new leadership of the House and Senate, and particularly my colleague, the gentleman from Massachusetts [Mr. CONTE], ranking Republican of the Committee on Appropriations. We have worked togeth-

er many times, but never more effectively than on the bill before us.

Mr. Speaker, we have a national crisis because of the breakdown of law enforcement at the local level. This agreement provides $75 million to strengthen our hand at the local level by providing funds for hiring additional assistant U.S. attorneys, deputy U.S. marshals, agents in the field for the Drug Enforcement Administration, FBI, and the Immigration and Naturalization Service.

There are also adequate funds to initiate plans to acquire available military facilities for use as prisons, or, as proposed in H.R. 1591, Civilian Conservation Corps-type camps for drug offenders. Funds are also to be used for speeding up planning for not less than three prisons.

Mr. Speaker, this agreement includes:

Veterans' programs	$1,193,818,000
Law enforcement at the local level	75,000,000
Guaranteed student loans	892,428,000
Forest fire restoration	341,669,000
Payments to States for foster care and adoption services	423,345,000
Food stamps	224,624,000
Trade adjustment assistance	90,648,000
Migration and refugee assistance	125,000,000
International peacekeeping assistance	125,000,000
Essential air services and many other important programs	6,600,000

It does not advance any pay dates for the Department of Veterans' Affairs, NASA or EPA.

May I say to my colleagues that this is largely due to the last minute further cuts in the 1989 budget resolution of $1,900,000,000 which affected our appropriations bills. We went along with that, with the feeling on the part of many of our conferees that we would straighten it out in a supplemental.

The agreement that was reached between some of our leaders was that we would have supplementals only in dire emergencies, and may I say to my colleagues that dire is a word with a general definition that one sees in the dictionary.

We have tried to stick to the fact that these are dire emergencies as that term is defined.

May I say in other cases we did not impose a dire emergency test, but we had offsetting cuts so as to keep the spending in line. In each case, in the judgment of the conferees, what we have done with the money here is far more important than the place from which they took it.

So I bring you a deal here where everybody that was in the conference is in agreement. It passed without difficulty in the Senate. The Representatives of both parties there agreed with what we are doing here.

I shall not take up your time further because the record is plain. We have held the line and everything we have got here is badly needed to keep this country running.

Whatever our problems are, domestic and foreign, we are going to have to keep our country going or we will not be able to handle the problems. It is rapidly reaching the point where we had better look at the veterans' affairs in view of this and other things. We need to save money if we can, but you do not save it by letting your country go down.

LEGISLATIVE DIRECTIVES

Mr. Speaker, because we are concurring with the Senate amendment, we have an unusual situation where there is no conference report or statement of managers. Since it is really the agreement on H.R. 2072, the reports associated with H.R. 2072 provide the explanations and guidance to be followed in the implementation of H.R. 2402.

Drop the so-called scorekeeping adjustments related to the payday shift and the section 202 asset sale contained in amendments numbered 87, 93, 95, and 131 of the statement of the managers.

Reduce fiscal year 1989 funding for the National Science Foundation for a replacement telescope at Green Bank, WV, to a level of $37.5 million (amendment number 96).

Reduce fiscal year 1989 insured farm operating loans from a level of $70 million to a level of $32.5 million (amendment number 59).

Provide $75 million for additional law enforcement at the local level to fight the war on drugs and begin design of not less than three prison facilities in lieu of $821 million provided by the House and reported in true disagreement to fight the war on drugs (amendment number 2).

Drop the Senate earmark for the Center for Toxicological Research reported in true disagreement (amendment number 71).

Provide new clarifying language for the Legal Services Corporation which was reported in true disagreement (amendment number 111).

Mr. Speaker, in closing I would like to insert in the RECORD at this point a comparative table showing the various items in the new agreement and how they compare with the request of the administration.

1989 SUPPLEMENTAL BILL (H.R. 2402)

Doc. No.		Supplemental Request	House	Senate	Conference	Conference vs. Requests	Conference vs. House	Conference vs. Senate
	TITLE I - DIRE EMERGENCY SUPPLEMENTALS AND TRANSFERS							
	CHAPTER I - EMERGENCY DRUG FUNDING							
	DEPARTMENT OF JUSTICE							
---	Drug law enforcement	---	821,579,000	---	75,000,000	+75,000,000	-746,579,000	+75,000,000
	CHAPTER II							
	DEPARTMENT OF JUSTICE							
	Office of Justice Programs							
101-40	Justice assistance	---	---	4,000,000	4,000,000	+4,000,000	+4,000,000	---
	THE JUDICIARY							
	Judicial Retirement Funds							
101-4 S.Doc. 101-7	Payment to Judicial Officers' Retirement Fund	2,300,000	2,300,000	2,300,000	2,300,000	---	---	---
	Total, Chapter II: New budget (obligational) authority	2,300,000	2,300,000	6,300,000	6,300,000	+4,000,000	+4,000,000	---
	CHAPTER III							
	DEPARTMENT OF DEFENSE - CIVIL							
	Corps of Engineers - Civil							
101-40 S.Doc. 101-7	General regulatory functions (by transfer)	(3,325,000)	(1,100,000)	(3,325,000)	(3,325,000)	---	(+2,225,000)	---
101-40	General expenses (by transfer)	(2,600,000)	(2,600,000)	(2,600,000)	(2,600,000)	---	---	---
	Total, Corps of Engineers - Civil: (By transfer)	(5,925,000)	(3,700,000)	(5,925,000)	(5,925,000)	---	(+2,225,000)	---
	DEPARTMENT OF ENERGY							
	Energy Programs							
101-40	Uranium supply and enrichment activities	55,000,000	55,000,000	55,000,000	55,000,000	---	---	---
101-40	Revenue	-153,000,000	-153,000,000	-153,000,000	-153,000,000	---	---	---
	Total, Chapter III: New budget (obligational) authority	-98,000,000	-98,000,000	-98,000,000	-98,000,000	---	---	---
	(By transfer)	(5,925,000)	(3,700,000)	(5,925,000)	(5,925,000)	---	(+2,225,000)	---
	CHAPTER IV							
	FOREIGN ASSISTANCE							
	BILATERAL ECONOMIC ASSISTANCE							
	DEPARTMENT OF STATE							
101-40	Migration and refugee assistance	100,000,000	100,000,000	100,000,000	100,000,000	---	---	---
101-40	International peacekeeping activities and operations (by transfer)	(125,000,000)	(125,000,000)	---	---	(-125,000,000)	(-125,000,000)	---

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Doc. No.		Supplemental Request	House	Senate	Conference	Conference vs. Requests	Conference vs. House	Conference vs. Senate
	CHAPTER V							
	DEPARTMENT OF THE INTERIOR							
	Bureau of Land Management							
---	Management of lands and resources	---	30,180,000	30,180,000	30,180,000	+30,180,000	---	---
	United States Fish and Wildlife Service							
---	Resource management	---	2,895,000	2,895,000	2,895,000	+2,895,000	---	---
	National Park Service							
---	Operation of the national park system	---	25,000,000	25,000,000	25,000,000	+25,000,000	---	---
	Bureau of Indian Affairs							
---	Operation of Indian programs	---	33,594,000	33,594,000	33,594,000	+33,594,000	---	---
	Office of the Secretary							
---	Oil Spill Emergency Fund	---	---	7,300,000	7,300,000	+7,300,000	+7,300,000	---
	Total, Department of the Interior	---	91,669,000	98,969,000	98,969,000	+98,969,000	+7,300,000	---
	DEPARTMENT OF AGRICULTURE							
	Forest Service							
---	Forest Research (by transfer)	---	---	(400,000)	(400,000)	(+400,000)	(+400,000)	---
101-4	National Forest System	250,000,000	250,000,000	250,000,000	250,000,000	---	---	---
	DEPARTMENT OF ENERGY							
---	Alternative fuels production (offsetting collections)	---	-12,000,000	-12,000,000	-12,000,000	-12,000,000	---	---
	Total, Chapter V:							
	New budget (obligational) authority	250,000,000	329,669,000	336,969,000	336,969,000	+86,969,000	+7,300,000	---
	(By transfer)	---	---	(400,000)	(400,000)	(+400,000)	(+400,000)	---
	CHAPTER VI							
	DEPARTMENT OF LABOR							
	Employment and Training Administration							
101-40	Federal unemployment benefits and allowances	126,648,000	126,648,000	90,648,000	90,648,000	-36,000,000	-36,000,000	---
	Occupational Safety and Health Administration							
S.Doc. 101-7	Salaries and expenses	3,200,000	---	3,200,000	3,200,000	---	+3,200,000	---
	Departmental Management							
101-40	Salaries and expenses	1,445,000	---	---	---	-1,445,000	---	---
---	(By transfer)	---	---	(1,445,000)	(1,445,000)	(+1,445,000)	(+1,445,000)	---
	Total, Department of Labor	131,293,000	126,648,000	93,848,000	93,848,000	-37,445,000	-32,800,000	---
	DEPARTMENT OF HEALTH AND HUMAN SERVICES							
	Health Resources and Services Administration							
---	Health Resources and Services, program operations	---	---	800,000	800,000	+800,000	+800,000	---
	Assistant Secretary for Human Development Services							
101-4 101-40	Payments to states for foster care and adoption assistance	423,345,000	423,345,000	423,345,000	423,345,000	---	---	---

1989 SUPPLEMENTAL BILL (H.R. 2402)

Doc. No.		Supplemental Request	House	Senate	Conference	Conference vs. Requests	Conference vs. House	Conference vs. Senate
	DEPARTMENT OF EDUCATION							
	Office of Postsecondary Education							
101-4	Student financial assistance (reappropriation)	(4,308,000)	---	---	---	(-4,308,000)	---	---
101-4								
101-40	Guaranteed student loans	892,428,000	892,428,000	892,428,000	892,428,000	---	---	---
---	Higher Education	---	---	1,600,000	1,600,000	+1,600,000	+1,600,000	---
	Departmental Management							
---	Program administration (rescission)	---	---	-5,533,000	-5,533,000	-5,533,000	-5,533,000	---
---	Office for civil rights	---	---	790,000	790,000	+790,000	+790,000	---
---	Office of the inspector general	---	---	440,000	440,000	+440,000	+440,000	---
	Total, Departmental Management	---	---	-4,303,000	-4,303,000	-4,303,000	-4,303,000	---
	Total, Department of Education	892,428,000	892,428,000	889,725,000	889,725,000	-2,703,000	-2,703,000	---
	RELATED AGENCIES							
	Railroad Retirement Board:							
---	Limitation on review activity	---	---	(150,000)	(150,000)	(+150,000)	(+150,000)	---
101-	Prescription Drug Payment Review Commission	250,000	---	---	---	-250,000	---	---
---	(By transfer, trust funds)	---	(250,000)	(250,000)	(250,000)	(+250,000)	---	---
---	White House Coference on Library and Information Services	---	---	1,750,000	1,750,000	+1,750,000	+1,750,000	---
	Total, Chapter VI:							
	New budget (obligational) authority	1,447,316,000	1,442,421,000	1,409,468,000	1,409,468,000	-37,848,000	-32,953,000	---
	(By transfer)	---	---	(1,445,000)	(1,445,000)	(+1,445,000)	(+1,445,000)	---
	(By transfer, trust funds)	---	(250,000)	(250,000)	(250,000)	(+250,000)	---	---
	CHAPTER VII							
	LEGISLATIVE BRANCH							
	SENATE							
101-4	Salaries, officers and employees	490,000	---	---	---	-490,000	---	---
101-4	Sergeant at Arms and Doorkeeper of the Senate	157,000	---	---	---	-157,000	---	---
101-4	Miscellaneous items	570,000	---	---	---	-570,000	---	---
	Total, Senate	1,217,000	---	---	---	-1,217,000	---	---
	HOUSE OF REPRESENTATIVES							
	Payments to Widows and Heirs of Deceased Members of Congress							
---	Gratuities, deceased Members	---	89,500	89,500	89,500	+89,500	---	---
	Salaries and expenses							
101-4	Salaries and expenses	6,102,000	---	---	---	-6,102,000	---	---
	JOINT ITEMS							
	Official Mail Costs							
101-4	Expenses	7,057,000	---	---	---	-7,057,000	---	---
	BIOMEDICAL ETHICS BOARD							
101-4	Salaries and expenses	904,000	---	---	---	-904,000	---	---
	Total, Chapter VII:							
	New budget (obligational) authority	15,280,000	89,500	89,500	89,500	-15,190,500	---	---

1989 SUPPLEMENTAL BILL (H.R. 2402)

Doc. No.		Supplemental Request	House	Senate	Conference	Conference vs. Requests	Conference vs. House	Conference vs. Senate
	CHAPTER VIII							
	DEPARTMENT OF AGRICULTURE							
---	Cooperative State Research Service (by transfer)	---	---	(275,000)	(275,000)	(+275,000)	(+275,000)	---
	Agricultural Marketing Service:							
	Marketing Services (limitation on administrative							
---	expenses, from fees collected)	(2,500,000)	(2,500,000)	(2,500,000)	(2,500,000)	---	---	---
	Agricultural Stabilization Conservation Service:							
101-40	(Transfer from Commodity Credit Corporation)	(50,000,000)	(40,000,000)	(40,000,000)	(40,000,000)	(-10,000,000)	---	---
---	Conservation reserve program (rescission)	---	-75,000,000	---	-75,000,000	-75,000,000	---	-75,000,000
	Farmers Home Administration:							
	Agricultural Credit Insurance Fund:							
	Operating loans (loan authorization):							
---	Insured (by transfer)	---	(75,000,000)	---	(32,500,000)	(+32,500,000)	(-42,500,000)	(+32,500,000)
	Soil and water loans (loan authorization):							
---	Insured	---	---	(-7,000,000)	(-5,500,000)	(-5,500,000)	(-5,500,000)	(+1,500,000)
---	Guaranteed	---	---	---	(-1,500,000)	(-1,500,000)	(-1,500,000)	(-1,500,000)
	Indian tribe land acquisition loans (loan							
---	authorization)	---	---	(-1,880,000)	(-1,000,000)	(-1,000,000)	(-1,000,000)	(+880,000)
	Watershed and flood prevention (loan							
---	authorization)	---	---	(-7,869,000)	(-3,949,000)	(-3,949,000)	(-3,949,000)	(+3,920,000)
	Resource conservation loans (loan							
---	authorization)	---	---	(-1,151,000)	(-607,000)	(-607,000)	(-607,000)	(+544,000)
	Rural Development Insurance Fund:							
	Water and sewer facility loans (loan							
---	authorization) Insured	---	---	(2,500,000)	(2,500,000)	(+2,500,000)	(+2,500,000)	---
---	Rural water and waste disposal grants	---	---	7,500,000	7,500,000	+7,500,000	+7,500,000	---
	Soil Conservation Service:							
---	Conservation operations	---	---	5,000,000	---	---	---	-5,000,000
	Food & Nutrition Service:							
101-	Food stamp program	253,000,000	---	224,624,000	224,624,000	-28,376,000	+224,624,000	---
	Food and Drug Administration:							
---	Salaries and expenses	---	---	1,000,000	500,000	+500,000	+500,000	-500,000
	Total, Chapter VIII:							
	New budget (obligational) authority	253,000,000	-75,000,000	238,124,000	157,624,000	-95,376,000	+232,624,000	-80,500,000
	Appropriations	(253,000,000)	---	(238,124,000)	(232,624,000)	(-20,376,000)	(+232,624,000)	(-5,500,000)
	Rescission	---	(-75,000,000)	---	(-75,000,000)	(-75,000,000)	---	(-75,000,000)
	(By transfer)	(50,000,000)	(40,000,000)	(40,275,000)	(40,275,000)	(-9,725,000)	(+275,000)	---
	(Loan authorization)	---	---	(-15,400,000)	(-10,056,000)	(-10,056,000)	(-10,056,000)	(+5,344,000)
	(Loan authorization, by transfer)	---	(75,000,000)	---	(32,500,000)	(+32,500,000)	(-42,500,000)	(+32,500,000)
	CHAPTER IX							
	DEPARTMENT OF TRANSPORTATION							
	Office of the Secretary							
---	Payment to air carriers	---	---	6,600,000	6,600,000	+6,600,000	+6,600,000	---
	Federal Aviation Administration							
101-4	Operations (By transfer)	(40,700,000)	---	---	---	(-40,700,000)	---	---
	CHAPTER X							
	DEPARTMENT OF THE TREASURY							
	Office of the Secretary							
101-4	International affairs (by transfer)	(2,063,000)	(2,063,000)	(1,623,000)	(1,623,000)	(-440,000)	(-440,000)	---
	Financial Management Service							
101-40	Salaries and expenses (by transfer)	(5,500,000)	(5,500,000)	---	---	(-5,500,000)	(-5,500,000)	---

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Doc. No.		Supplemental Request	House	Senate	Conference	Conference vs. Requests	Conference vs. House	Conference vs. Senate
	Internal Revenue Service							
101-4	Processing tax returns (by transfer)	(32,229,000)	(32,229,000)	---	---	(-32,229,000)	(-32,229,000)	---
101-4	Investigation, collection, and taxpayer service (by transfer)	(41,754,000)	(41,754,000)	---	---	(-41,754,000)	(-41,754,000)	---
	Total, Chapter X:							
	New budget (obligational) authority	---	---	---	---	---	---	---
	(By transfer)	(81,546,000)	(81,546,000)	(1,623,000)	(1,623,000)	(-79,923,000)	(-79,923,000)	---
	CHAPTER XI							
	DEPARTMENT OF VETERANS AFFAIRS							
	Veterans Benefits Administration							
101-40	Compensation and pensions	701,481,000	701,481,000	701,481,000	701,481,000	---	---	---
101-40	Readjustment benefits	22,212,000	22,212,000	22,212,000	22,212,000	---	---	---
101-40	Loan guaranty revolving fund	130,000,000	120,100,000	120,100,000	120,100,000	-9,900,000	---	---
	Total, Veterans Benefits Administration	853,693,000	843,793,000	843,793,000	843,793,000	-9,900,000	---	---
	Veterans Health Service and Research Administration							
101-4								
101-40	Medical care	303,000,000	340,125,000	340,125,000	340,125,000	+37,125,000	---	---
---	(By transfer)	---	---	(1,160,000)	(5,000,000)	(+5,000,000)	(+5,000,000)	(+3,840,000)
	Departmental Administration							
---	Construction, major projects (rescission)	---	---	-8,840,000	---	---	---	+8,840,000
---	General operating expenses	---	9,900,000	9,900,000	9,900,000	+9,900,000	---	---
---	(By transfer)	---	(15,000,000)	(15,000,000)	(15,000,000)	(+15,000,000)	---	---
	Total, Department of Veterans Affairs	1,156,693,000	1,193,818,000	1,184,978,000	1,193,818,000	+37,125,000	---	+8,840,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
	Housing Programs							
---	Payments for operation of low-income housing projects (by transfer)	---	(88,000,000)	(8,200,000)	(88,000,000)	(+88,000,000)	---	(+79,800,000)
	Management and Administration							
101-4	Salaries and expenses (by transfer)	(3,490,000)	(3,490,000)	(3,490,000)	(3,490,000)	---	---	---
	INDEPENDENT AGENCIES							
	Court of Veterans Appeals							
101-4								
101-40	Salaries and expenses	1,204,000	3,100,000	3,100,000	3,100,000	+1,896,000	---	---
	Environmental Protection Agency							
---	Salaries and expenses	---	6,000,000	6,000,000	6,000,000	+6,000,000	---	---
---	Abatement, control, and compliance	---	9,000,000	9,000,000	9,000,000	+9,000,000	---	---
---	Hazardous substance superfund (rescission)	---	-15,000,000	-15,000,000	-15,000,000	-15,000,000	---	---
	Total, Environmental Protection Agency (net)	---	---	---	---	---	---	---

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Doc. No.		Supplemental Request	House	Senate	Conference	Conference vs. Requests	Conference vs. House	Conference vs. Senate
	Federal Emergency Management Agency							
---	Emergency food and shelter program (by transfer).....	---	(15,000,000)	---	(12,000,000)	(+12,000,000)	(-3,000,000)	(+12,000,000)
	National Aeronautics and Space Administration							
---	Research and program management (by transfer).....	---	(15,000,000)	---	(35,000,000)	(+35,000,000)	(+20,000,000)	(+35,000,000)
	National Science Foundation							
---	Research and related activities.....	---	---	75,000,000	37,500,000	+37,500,000	+37,500,000	-37,500,000
---	Advance appropriation, FY 1990.....	---	---	---	37,500,000	+37,500,000	+37,500,000	+37,500,000
	Total, Chapter XI:							
	New budget (obligational) authority (net)...	1,157,897,000	1,196,918,000	1,263,078,000	1,271,918,000	+114,021,000	+75,000,000	+8,840,000
	Appropriations.....	(1,157,897,000)	(1,211,918,000)	(1,286,918,000)	(1,249,418,000)	(+91,521,000)	(+37,500,000)	(-37,500,000)
	Rescission.....	---	-15,000,000	-23,840,000	-15,000,000	-15,000,000	---	+8,840,000
	(By transfer).....	(3,490,000)	(136,490,000)	(27,850,000)	(158,490,000)	(+155,000,000)	(+22,000,000)	(+130,640,000)
	CHAPTER XII							
	District of Columbia							
	Federal Funds							
S.Doc. 101-7	Inaugural expenses payment (by transfer).....	(1,000,000)	---	(1,000,000)	(1,000,000)	---	(+1,000,000)	---
	District of Columbia Funds							
	Operating Expenses							
101-61	Governmental direction & support.....	(26,000)	---	---	---	(-26,000)	---	---
101-61	Rescission.....	(-7,216,000)	---	(-7,190,000)	(-7,190,000)	(+26,000)	(-7,190,000)	---
101-61	Economic development & regulation.....	(1,990,000)	---	---	---	(-1,990,000)	---	---
101-61	Rescission.....	(-19,016,000)	---	(-17,026,000)	(-17,026,000)	(+1,990,000)	(-17,026,000)	---
101-61	Public safety and justice.....	(29,360,000)	---	(28,150,000)	(28,150,000)	(-1,210,000)	(+28,150,000)	---
101-61	Rescission.....	(-1,210,000)	---	---	---	(+1,210,000)	---	---
101-61	Public education system.....	(4,529,000)	---	(4,529,000)	(4,529,000)	---	(+4,529,000)	---
101-61	Rescission.....	(-2,580,000)	---	(-2,580,000)	(-2,580,000)	---	(-2,580,000)	---
101-61	Human support services.....	(45,858,000)	---	(35,913,000)	(35,913,000)	(-9,945,000)	(+35,913,000)	---
101-61	Rescission.....	(-9,945,000)	---	---	---	(+9,945,000)	---	---
101-61	Public works.....	(5,436,000)	---	---	---	(-5,436,000)	---	---
101-61	Rescission.....	(-10,655,000)	---	(-5,219,000)	(-5,219,000)	(+5,436,000)	(-5,219,000)	---
101-61	Washington convention center fund.....	(543,000)	---	(543,000)	(543,000)	---	(+543,000)	---
101-61	Repayment of loans and interest (rescission).....	(-5,834,000)	---	(-5,834,000)	(-5,834,000)	---	(-5,834,000)	---
101-61	Repayment of general fund deficit.....	(13,950,000)	---	(13,950,000)	(13,950,000)	---	(+13,950,000)	---
101-61	Short-term borrowing.....	(4,592,000)	---	(4,592,000)	(4,592,000)	---	(+4,592,000)	---
101-	Inaugural expenses.....	(1,000,000)	---	---	(1,000,000)	---	(+1,000,000)	(+1,000,000)
101-61	Personal services adjustment (rescission).....	(-18,553,000)	---	(-18,553,000)	(-18,553,000)	---	(-18,553,000)	---
101-61	Energy adjustment (rescission).....	(-349,000)	---	(-349,000)	(-349,000)	---	(-349,000)	---
101-61	Equipment adjustment (rescission).....	(-3,500,000)	---	(-3,500,000)	(-3,500,000)	---	(-3,500,000)	---
	Total, operating expenses, general fund (net)...	(28,426,000)	---	(27,426,000)	(28,426,000)	---	(+28,426,000)	(+1,000,000)
	Capital Outlay							
101-61	General Fund.....	(131,942,000)	---	(131,942,000)	(146,642,000)	(+14,700,000)	(+146,642,000)	(+14,700,000)
101-61	Rescission.....	(-15,970,000)	---	(-15,970,000)	(-15,970,000)	---	(-15,970,000)	---
	Total, Chapter XII:							
	New budget (obligational) authority.....	---	---	---	---	---	---	---
	(By transfer).....	(1,000,000)	---	(1,000,000)	(1,000,000)	---	(+1,000,000)	---
	(District of Columbia funds (net)).....	(144,398,000)	---	(143,398,000)	(159,098,000)	(+14,700,000)	(+159,098,000)	(+15,700,000)
	(Appropriations).....	(239,226,000)	---	(219,619,000)	(235,319,000)	(-3,907,000)	(+235,319,000)	(+15,700,000)
	(Rescission).....	(-94,828,000)	---	(-76,221,000)	(-76,221,000)	(+18,607,000)	(-76,221,000)	---

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Doc. No.		Supplemental Request	House	Senate	Conference	Conference vs. Requests	Conference vs. House	Conference vs. Senate
	Total, Title I:							
	New budget (obligational) authority (net)	3,127,793,000	3,719,976,500	3,262,628,500	3,265,968,500	+138,175,500	-454,008,000	+3,340,000
	Appropriations	(3,127,793,000)	(3,809,976,500)	(3,292,001,500)	(3,324,001,500)	(+196,208,500)	(-485,975,000)	(+32,000,000)
	Rescission	-94,828,000	-90,000,000	-105,594,000	-171,754,000	-76,926,000	-81,754,000	-66,160,000
	(Reappropriation)	(4,308,000)	---	---	---	(-4,308,000)	---	---
	Advance appropriations, FY 1990	---	---	---	(37,500,000)	(+37,500,000)	(+37,500,000)	(+37,500,000)
	(By transfer)	(307,661,000)	(386,736,000)	(78,518,000)	(209,158,000)	(-98,503,000)	(-177,578,000)	(+130,640,000)
	(By transfer, trust funds)	---	(250,000)	(250,000)	(250,000)	(+250,000)	---	---
	(Loan authorization)	---	---	(-15,400,000)	(-10,056,000)	(-10,056,000)	(-10,056,000)	(+5,344,000)
	(Limitation on administrative expenses)	(2,500,000)	(2,500,000)	(2,500,000)	(2,500,000)	---	---	---
	TITLE II - URGENT SUPPLEMENTAL APPROPRIATIONS							
	CHAPTER I							
	DEPARTMENT OF COMMERCE							
	National Oceanic and Atmospheric Administration							
---	Operations, research, and facilities	---	---	---	28,400,000	+28,400,000	+28,400,000	+28,400,000
101-40	(By transfer)	(19,200,000)	---	(19,200,000)	---	(-19,200,000)	---	(-19,200,000)
	DEPARTMENT OF JUSTICE							
	Legal Activities							
101-40	Salaries and expenses, General Legal Activities	3,416,000	---	---	1,800,000	-1,616,000	+1,800,000	+1,800,000
---	(By transfer)	---	---	(1,000,000)	---	---	---	(-1,000,000)
101-40	Salaries and expenses, U.S. Attorneys	12,476,000	---	---	---	-12,476,000	---	---
---	Assets forfeiture fund (rescission)	---	---	---	-2,232,000	-2,232,000	-2,232,000	-2,232,000
	Total, Legal Activities	15,892,000	---	---	-432,000	-16,324,000	-432,000	-432,000
	Federal Bureau of Investigation							
101-40	Salaries and expenses	23,010,000	---	---	---	-23,010,000	---	---
	Office of Justice Programs							
101-4	Justice assistance	2,900,000	---	---	---	-2,900,000	---	---
	Rescission	---	---	---	-2,053,000	-2,053,000	-2,053,000	-2,053,000
	Total, Department of Justice	41,802,000	---	---	-2,485,000	-44,287,000	-2,485,000	-2,485,000
	DEPARTMENT OF STATE							
	International peacekeeping activities and operations							
101-40	(by transfer)	---	---	(125,000,000)	(125,000,000)	(+125,000,000)	(+125,000,000)	---
	THE JUDICIARY							
	Courts of Appeals, District Courts, and Other Judicial Services							
101-4								
101-40								
S.Doc.								
101-7	Salaries and expenses	30,000,000	---	---	---	-30,000,000	---	---
101-4								
101-40								
S.Doc.								
101-7	Fees of jurors and commissioners	8,865,000	---	---	---	-8,865,000	---	---
101-4	Court security	1,080,000	---	---	---	-1,080,000	---	---
101-40	Defender services	6,750,000	---	---	---	-6,750,000	---	---
	Total, Courts of Appeals, District Courts, and Other Judicial Services	46,695,000	---	---	---	-46,695,000	---	---

1989 SUPPLEMENTAL BILL (H.R. 2402)

Doc. No.		Supplemental Request	House	Senate	Conference	Conference vs. Requests	Conference vs. House	Conference vs. Senate
	Administrative Office of the United States Courts							
S.Doc. 101-7								
101-40	Salaries and expenses	1,250,000	---	---	---	-1,250,000	---	---
	Federal Judicial Center							
101-40	Salaries and expenses	440,000	---	---	---	-440,000	---	---
	Total, The Judiciary	48,385,000	---	---	---	-48,385,000	---	---
	RELATED AGENCIES							
	DEPARTMENT OF TRANSPORTATION							
	Maritime Administration							
101-4	Federal Ship Financing Fund	515,000,000	515,000,000	515,000,000	515,000,000	---	---	---
101-4	Portion applied to debt reduction	-515,000,000	-515,000,000	-515,000,000	-515,000,000	---	---	---
	Total, Department of Transportation	---	---	---	---	---	---	---
	Federal Communications Commission							
101-4	Salaries and expenses (by transfer)	(1,431,000)	---	---	---	(-1,431,000)	---	---
	Total, Chapter I:							
	New budget (obligational) authority	90,187,000	---	---	25,915,000	-64,272,000	+25,915,000	+25,915,000
	(By transfer)	(20,631,000)	---	(145,200,000)	(125,000,000)	(+104,369,000)	(+125,000,000)	(-20,200,000)
	CHAPTER II							
	DEPARTMENT OF DEFENSE - MILITARY							
---	Administrative provisions	---	---	---	---	---	---	---
	CHAPTER III							
	DEPARTMENT OF THE INTERIOR							
---	Administrative provisions	---	---	---	---	---	---	---
	CHAPTER IV							
	DEPARTMENT OF TRANSPORTATION							
	Federal Aviation Administration							
101-40	Aircraft Purchase Loan Guarantee Program	11,905,941	11,905,941	---	11,905,941	---	---	+11,905,941
	Mandatory	---	---	10,770,941	---	---	---	-10,770,941
101-40	Portion applied to debt reduction	-10,770,941	-10,770,941	---	-10,770,941	---	---	-10,770,941
	Mandatory	---	---	-10,770,941	---	---	---	+10,770,941
	Total, Chapter IV:							
	New budget (obligational) authority	1,135,000	1,135,000	---	1,135,000	---	---	+1,135,000

1989 SUPPLEMENTAL BILL (H.R. 2402)

Doc. No.		Supplemental Request	House	Senate	Conference	Conference vs. Requests	Conference vs. House	Conference vs. Senate
	CHAPTER V							
	Executive Office of the President							
---	Office of Administration	---	---	1,500,000	1,500,000	+1,500,000	+1,500,000	---
	Independent Agencies							
	Federal Election Commission:							
---	Salaries and expenses 1/	---	---	250,000	---	---	---	-250,000
101-	(By transfer)	(368,000)	---	---	(250,000)	(-118,000)	(+250,000)	(+250,000)
	General Services Administration:							
---	Expenses presidential transition (rescission)	---	---	-250,000	---	---	---	+250,000
	Office of Personnel Management							
---	Administrative provisions	---	---	---	---	---	---	---
	Total, Chapter V:							
	New budget (obligational) authority	---	---	1,500,000	1,500,000	+1,500,000	+1,500,000	---
	Appropriations	---	---	(1,750,000)	(1,500,000)	(+1,500,000)	(+1,500,000)	(-250,000)
	Rescission	---	---	-250,000	---	---	---	+250,000
	(By transfer)	(368,000)	---	---	(250,000)	(-118,000)	(+250,000)	(+250,000)
	CHAPTER VI							
	National Science Foundation							
	Research and related activities (limitation on							
101-40	administrative expenses)	(1,100,000)	(750,000)	(750,000)	(750,000)	(-350,000)	---	---
	Total, Title II:							
	New budget (obligational) authority	91,322,000	1,135,000	1,500,000	28,550,000	-62,772,000	+27,415,000	+27,050,000
	Appropriations	(617,092,941)	(526,905,941)	(527,520,941)	(558,605,941)	(-58,487,000)	(+31,700,000)	(+31,085,000)
	Appropriations for debt reduction	(-525,770,941)	(-525,770,941)	(-525,770,941)	(-525,770,941)	---	---	---
	(By transfer)	(20,999,000)	---	(145,200,000)	(125,250,000)	(+104,251,000)	(+125,250,000)	(-19,950,000)
	(Limitation on administrative expenses)	(1,100,000)	(750,000)	(750,000)	(750,000)	(-350,000)	---	---
	TITLE IV - GENERAL PROVISIONS							
101-40	General reduction to offset discretionary requests	-829,418,000	---	---	---	+829,418,000	---	---
	Grand Total:							
	New budget (obligational) authority (net)	2,389,697,000	3,721,111,500	3,264,128,500	3,294,518,500	+904,821,500	-426,593,000	+30,390,000
	Appropriations	(2,915,467,941)	(4,336,882,441)	(3,819,522,441)	(3,882,607,441)	(+967,139,500)	(-454,275,000)	(+63,085,000)
	Appropriations for debt reduction	(-525,770,941)	(-525,770,941)	(-525,770,941)	(-525,770,941)	---	---	---
	Rescission	(-94,828,000)	(-90,000,000)	(-105,844,000)	(-176,039,000)	(-81,211,000)	(-86,039,000)	(-70,195,000)
	(Reappropriation)	(4,308,000)	---	---	---	(-4,308,000)	---	---
	Advance appropriations, FY 1990	---	---	---	(37,500,000)	(+37,500,000)	(+37,500,000)	(+37,500,000)
	(By transfer)	(328,660,000)	(386,736,000)	(223,718,000)	(334,408,000)	(+5,748,000)	(-52,328,000)	(+110,690,000)
	(By transfer, trust funds)	---	(250,000)	(250,000)	(250,000)	(+250,000)	---	---
	(Loan authorization)	---	---	(-15,400,000)	(-10,056,000)	(-10,056,000)	(-10,056,000)	(+5,344,000)
	(Limitation on administrative expenses)	(3,600,000)	(3,250,000)	(3,250,000)	(3,250,000)	(-350,000)	---	---

1/ FEC Supplemental request transmitted to the Congress on February 24, 1989.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think this ship, which has been adrift for 3 months now, has finally come home to port. The ship has been in dire straits, wracked by cataclysms, threatened with foundering by storms, stymied by weeks of dead calm, and even had a few mutinies over its bounty.

Its sailors are weak, wounded, covered with bruises, sleepless, clothes in bad shape, if not bad taste, and in need of some "R and R". There is at least one group of veterans happy to see this ship limp in, and I am happy for them too. But I think this ship has finally come home.

As one of the sailors on this good ship "Lollygag", I hope I never see one like it again, and that's no fooling around.

But I do want to thank the captain of the ship, the admiral, the chairman of the Appropriations Committee, JAMIE WHITTEN, for all of his tireless work.

Yesterday, we spent all day working this thing out, and I look forward in the months and years ahead to the same kind of close and cooperative relations that we enjoyed yesterday.

Let me also express my appreciation to the chairman of the Senate Committee, Senator ROBERT BYRD, who at one point regaled us by tracing the origin of the tradition that the House originates appropriations bills back to the 15th century—he is a scholar and a gentleman—and also my good friend, the ranking minority member, Senator MARK HATFIELD, a prince among men.

Let me also thank the staff, particularly the front office, Fred Mohrman, Dennis Kedzior and Ed Powers.

Mr. Speaker, as the chairman said, yesterday we worked out a compromise that makes this bill very different from the bill that was last brought to the floor Wednesday. Essentially, what we have done is resolve all the problems that were pending when the bill was brought up. Hopefully we have resolved them in a way that is acceptable to all.

There is $75 million for drug programs, for local law enforcement, initiation of three new prisons, and needed equipment.

That $75 million was obtained by reducing the telescope in half this year and reducing the amount provided for agriculture direct operating loans.

Let me say that there is no one who fought harder for the drug law enforcement funding than the chairman.

Even though the writing was on the wall, once the Senate voted four times to delete it, and the administration indicated it would not accept the additional spending, the chairman fought tooth and nail. The same goes for the chairman of the Commerce Justice Subcommittee, the Gentleman from Iowa, [NEAL SMITH].

A compromise was worked out on Legal Services. The scorekeeping provisions relating to moving the pay date and section 202 loans have been removed. And the $3 million for the Toxicological Research Center has been dropped.

Mr. Speaker, this bill contains much needed supplemental funding for many programs, including:

$1.2 billion for Veterans programs, including $340 million for way overdue funding for medical care. I hope that medical system can get back on its feet as soon as possible. It is really not fair what happened to the veterans on this one. But I think they are free at last.

$892 million for Guaranteed Student Loans;

$423 million for Foster Care programs;

$348 million for Forest Fire fighting costs;

$225 million for Food Stamps;

$125 million by transfer for peacekeeping in Southwest Africa;

$100 million for refugees, including badly needed funding for Soviet refugees; and

$90 million for trade adjustment assistance.

In total, depending upon whose numbers you believe—and there have been at least three different sets of figures at all times on this bill—the bill provides $3.2 billion in new budget authority. That is a long, long, way from the $4.7 billion reported out of full committee on April 18.

It is almost exactly the total of the Conte substitute offered at that time.

The bill has been passed by the Senate, and it is acceptable to the administration. It will be signed. If they do not sign it, I will personally go down and start tearing down the Old Executive Office Building stone by stone.

Let me say to all of you who have worked so hard to get the supplemental funding for the one truly dire emergency in here—the Veterans Medical Care—Chairman MONTGOMERY, Vice Chairman STUMP, Mr. SOLOMON, Mr. MCEWEN, and many, many others—thank you.

Our veterans have needed this bill for 3 months. They need it now. Free the veterans.

CONFERENCE AGREEMENTS, COMMERCE, JUSTICE, STATE, AND JUDICIARY

The agreement provides $75 million in budget authority and outlays in fiscal year 1989 for antidrug purposes for the Department of Justice and the judiciary. This is a reduction from the $322 million in the House bill.

These funds are intended to strengthen Federal domestic drug law enforcement at the local level. As stated in the bill language, the funds may be used to acquire military facilities for use as prisons or Civilian Conservation Corps, or boot camp, type use for drug offenders. Other uses could include additional assistant U.S. attorneys, deputy U.S. marshals and other agents, to speed up the planning for three new prisons, and to provide additional automatic data processing equipment.

These antidrug funds are to be obligated completely before the end of the fiscal year on October 1 to ensure that the war on drugs is, in fact, accelerated. To this end the bill requires monthly reports on obligations by the Attorney General.

In addition to the $71 million provided to the Department of Justice, the remaining $4 million is for necessary fees of jurors and commissioners within the judiciary.

The agreement also includes compromise language regarding the activities of the Board of the Legal Services Corporation. The language prohibits the current Board from considering, developing, and implementing a competitive award system for grant awards, except for in-house reviews or hearings on proposals for such a system. Competitive award systems currently in place can remain in place.

The LSC language also requires that 1989 grants shall be funded through the end of calendar 1989 rather than the end of the fiscal year as proposed by the current Board, and that all 1989 grants not be subject to regulations imposed after October 1, 1989, relating to fee generating cases or the use of private funds. Stronger Senate language prohibiting a much wider range of new regulations, policies, rules, guidelines, instructions, data collection systems, and accounting and audit procedures was dropped as part of the agreement.

The House receded to the Senate addition of $4 million for the Public Safety Officers' Benefit Program. Benefits under this program were doubled last year by the Congress.

The conferees have agreed to provide $28.4 million for the National Oceanic and Atmospheric Administration. The total includes $13.2 million for the Geostationary Satellite Program, $2,129,000 for requirements of the Marine Mammal Protection Act Amendments of 1988, and $13,071,000 to prevent cutbacks and closures at National Weather Service facilities around the country.

The conference agreement provides $1.8 million for the Office of Redress Administration in the Department of Justice for the initial costs of identifying Japanese-Americans interned during World War II for the purpose of making payments under the Civil Liberties Act of 1988. These funds are offset with rescissions from the assets forfeiture fund and justice assistance.

The House receded to a Senate earmark of $200,000 from funds available to the National Institute of Justice for a study by the University of South

Carolina into the causes and effects of drug use in the black community.

The Senate receded on its language directing the FBI Director to expand a cost-of-living bonus plan to the Bureau's Newark, NJ, employees. Currently, New York City employees are receiving such benefits under a provision in the Intelligence Authorization Act. The conferees agreed that the question of compensation of Federal employees in high cost areas should be dealt with on a broad rather than piecemeal basis.

The House receded to Senate language waiving the Jones Act to allow four vessels of uncertain U.S. birthright to transact business in U.S. coastal waters.

The House receded on technical language authorizing the use of aircraft, including aerostats, for testing television broadcasting to Cuba via TV-Marti.

And finally, the conferees agreed to compromise language which would allow former U.S. magistrates to be appointed as magistrates in States in which they are not members of the bar.

This amendment also includes language added in conference prohibiting the Department of Justice and the Small Business Administration from relocating, reorganizing or consolidating offices under their jurisdiction. Both agencies recently violated the committees' reprogramming procedures regarding the closure of offices.

Both bills included the mandatory amount of $2.3 million for the judicial officers' retirement fund.

Mr. Speaker, the items that were contained in the H.R. 2072 conference report that was defeated on Wednesday pertaining to defense are included in this version of H.R. 2042. Those items are: A raise in the ceiling for MWR transportation costs; a rejection of the prohibition on funds for the MIRACL laser; putting the HMMWV vehicle on the list for multiyear procurement; purchase of $50 million in cold weather gear by the Army; conducting a study in conjunction with OPM regarding the pay of health care professionals in the military; adding three positions to the DOD at the SES level 4; directing the Army in language to put $36 million of an $80 million reprogramming request in supply funds into aviation maintenance and the rest in P2 mission funds to help address the damage at Fort Hood by severe weather on May 13.

ENERGY AND WATER DEVELOPMENT

The bill includes all provisions added by the Senate to H.R. 2072, including an increased authorization for the Bonneville lock and dam project and direction to the Corps of Engineers to commit $500,000 of previously appropriated funds to the design of the Mill Creek Lake project of Ohio. All items contained in the House version of H.R. 2072, with the exception of the Blue Tee land exchange, are included in H.R. 2402.

The bill includes $55 million in new spending authority to purchase low-cost power for the uranium enrichment activities of the Department of Energy. This will be more than offset by revenues generated by the sale of enrichment services.

VA, HUD, AND INDEPENDENT AGENCIES

The bill includes all items contained in the conference agreement on H.R. 2072 (H. Rept. 101-89), with the exception of provisions advancing the pay dates for three agencies of Government and a provision permitting revenues from the sale of section 202 mortgages to be credited to the 302(b) allocation of the Subcommittee on VA, HUD, and Independent Agencies. The bill modifies the conference report on H.R. 2072 by making only $37.5 million of the $75 million Green Bank telescope in West Virginia available for expenditure in fiscal year 1990.

The bill includes a transfer of $5 million from the Facilities Development Planning [FDP] Program of the Department of Veterans' Affairs into the VA medical care account for the purchase of prosthetic devices. It also includes a transfer of another $5 million from FDP into the VA working reserve. The bill includes $88 million for public housing operating subsidies, including $8.2 million to finance the antidrug effort in public housing.

The bill includes a limited waiver of civil service rules to permit immediate hiring for the Court of Veterans Appeals and provides limited transfer authority for the EPA and NASA. The bill also includes language to facilitate transfer of HUD section 202 projects to the new Handicapped Housing Program as authorized by the Housing Act of 1987.

The bill provides $1.2 billion in new spending authority for the Department of Veterans' Affairs; $340,125,000 of this spending authority is for VA medical care. The balance is dedicated to mandatory programs, including compensation and pensions, readjustment benefits, and the VA loan guaranty revolving fund.

At the National Aeronautics and Space Administration, the conference report provides an additional $35 million for research and program management through transfers from space flight, control and data communications, and requires that personnel compensation for fiscal year 1989 be made before the end of the fiscal year.

At the National Science Foundation, the conference agreement provides an additional $75 million for research and related activities for replacement of the national radio astronomy telescope at the Greenbank Astronomy Observatory, $37,500,000 to be made available in fiscal year 1989 and $37,500,000 to be made available in fiscal year 1990. In addition, bill language is provided to increase the limitation by $750,000 on program development and management for increased pay costs, as requested by the National Science Foundation.

FOREIGN OPERATIONS SUBCOMMITTEE

The House receded to Senate amendments 14 through 17, which made minor changes in the House language earmarking $200,000 in economic support funds available to assist the democratic transition in Poland.

The conferees agreed to compromise language providing $3 million in previously appropriated economic support funds for the promotion of democracy in Nicaragua. Half of the money would go to the Organization of American States for election monitoring activities. These funds are in addition to the $2 million included for such activities in the fiscal 1989 Foreign Assistance Appropriations Act.

The House receded to Senate language directing the Secretaries of State and Treasury and the Administrator of AID to seek revision in economic activities reports of international agencies to include information on the depletion or degradation of natural resources. Report language directs the agencies to work toward the improvement of adequate accounting systems in this area.

The conferees agreed to compromise language providing $125 million by transfer for U.N. peacekeeping activities. Funds for the U.N. Transition Assistance Group working in southwest Africa are made available in two tranches subject to Presidential certification that all parties are adhering to the peace agreement between South Africa, Angola, and Cuba, including the withdrawal of Cuban troops and SWAPO forces.

The House receded to a Senate provision relaxing current limitations on aid to Haiti by excepting up to $12 million in Public Law 480 food aid and animal and plant health programs which benefit primarily the United States.

The House also receded to Senate language expressing the sense of the Senate that the President should not appoint a new Administrator of the Panama Canal Commission until he certifies that Panama has a democratically elected government. Under the Panama Canal Treaty the next canal Administrator is to be a Panamanian.

And finally, the House receded to Senate language extending the period during which the United States is to buy back Stinger missiles and components previously sold in Bahrain. The existing deadline is July 22, 1989, and conference agreement extends this to October 31, 1989.

The amendment also assigns responsibility for missile proliferation issues to the Undersecretary of State for Co-

ordinating Security Assistance Policy and requires a report from the Secretary of State stating the administration's strategy for dealing with missile proliferation.

Both the House and Senate bills included $100 million by transfer or in new budget authority, at the discretion of the President, for emergency refugee admissions and assistance. Of the total, $85 million is for the admission of additional refugees from the Soviet Union and the East bloc, and $15 million is for refugee assistance in Africa and Asia.

INTERIOR AND RELATED AGENCIES

The conference report includes several provisions under the jurisdiction of the Interior Subcommittee.

The conference report provides $342 million for reimbursement of 1988 and 1989 firefighting costs by agencies of the Interior and Agriculture Departments. The bill provides $30 million to the Bureau of Land Management; $2.9 million to the U.S. Fish and Wildlife Service; $25 million to the National Park Service; $33.6 million to the Bureau of Indian Affairs, and $250 million to the U.S. Forest Service. These amounts were transferred from other accounts within these departments to pay for firefighting costs which exceeded the amounts provided in the regular appropriation bill. An unexpectedly serious fire season accounted for this cost overrun.

The President requested only $250 million for the Forest Service to cover firefighting costs.

Bill language is included restricting the use of funds to study the sale of the Naval Petroleum Reserves.

Bill language is included which would allow Interior Department appropriations accounts to be reimbursed directly by any party for expenses related to any discharge of oil into the environment.

The provision also expands the Department's emergency transfer authority to include activities related to oil spills. The conferees accepted a Senate amendment which provides $7.3 million to the Department of the Interior for contingency planning and response activities related to the oil spill in Alaska.

The conferees also accepted a Senate amendment which set a new deadline for completion of the third solicitation of the Clean Coal Technology Program.

The conference report also provides $150,000 in administrative funds for the implementation of the Aleutian and Pribilof Island Restitution Act; $400,000 in competitive research grants into the effect of forest fires in the Yellowstone area, and language is included clarifying a provision in Public Law 100-446 concerning Forest Service receipts.

The conference agreement also includes a provision which prevents the Interior Department from listing the Al Capone House on the National Register of Historic Places. Section 302 authorizes the King Center and the National Park Service to use funds to construct a parking lot at the Martin Luther King National Historic Site.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

In the Department of Labor, the conference report provides $90,648,000 in supplemental funds for training and benefits under the Trade Adjustment Assistance Act. This is $36,000,000 less than was provided in the House bill, but is based on a revised estimate from the Department of Labor. These funds are to provide benefits to workers made eligible by last year's Omnibus Trade and Competitiveness Act of 1988. Of the funds provided, $56,000,000 is for weekly benefits and $34,648,000 is for training, job search, and relocation allowances.

The conference agreement also provides authority to States to use Employment Service funds to carry out the targeted jobs tax credit. Fiscal year 1989 appropriations were not sufficient to operate the TJTC Program through the year, and some States are experiencing difficulty operating the programs. In addition, the managers approve an administration request for an additional $3,200,000 for the Occupational Safety and Health Administration to help the transition from Federal to State coverage in the State of California resulting from last year's referendum. Finally, the conference report provides authority, requested by the Labor Department, to transfer $1,445,000 from the Black Lung Disability Trust Fund to adjudication of longshore cases.

In the Department of Health and Human Services, the conference report provides $800,000 to the Health Resources and Services Administration to conduct an evaluation of rural health care needs. In the Health Care Financing Administration, the managers have included language prohibiting the multiyear grants under the rural health care transition program.

In addition, the conference agreement deleted a proviso in the fiscal year 1989 appropriations act which limited the amount the Social Security Administration could spend on data processing and telecommunications costs to $170 million. The conference report also provides an additional $423,345,000, to cover the Federal share of foster care and adoption assistance services that have already been provided by States, and will fully satisfy the Federal obligation required under this entitlement program. Both of these items were requested by the President.

In the Department of Education, the conference report provides authority to continue impact aid eligibility for certain school districts, for fiscal year 1989 only, whose eligibility has been affected by circumstances beyond their control. For Rehabilitation Services and Handicapped Research, the agreement clarifies our intent that what we originally appropriated for these programs in the fiscal year 1989 appropriation act should not have been reduced by the Education Department. The bill also provides $892,482,000, requested by the President, for additional costs of the Guaranteed Student Loan Program resulting principally from increased interest costs.

The conference agreement also provides $1,600,000 in higher education for the Secretary to make a grant to such entity as he deems appropriate. It is my hope that the Secretary will make that grant to the Urban Education Foundation in Philadelphia to complete a project begun in 1983. In addition, the conference report provides $790,000 for the Office of Civil Rights to handle increased complaint compliance reviews resulting from the enactment of the Civil Rights Restoration Act, and $440,000 for the inspector general to expedite investigations of fraud and abuse in postsecondary institutions. Finally, the managers have agreed to a rescission of $5,533,000 from the National Student Loan Data System, a nonoperational system, to offset the costs of discretionary increases.

For the related agencies, the conference agreement provides $150,000 for the inspector general of the Railroad Retirement Board to conduct an audit of the board's processing of Medicare claims. For the Prescription Drug Payment Review Commission, the conferees provide $250,000, from transfers of $125,000 each from the Prospective Payment Assessment Commission and the Physician Payment Review Commission. In addition, the conferees agreed to provide $1,750,000 for authorized start up activities leading to the White House Conference on Library and Information Services. Finally, the conference report provides bill language modifying the Social Security Act exempting the National Commission on Children from civil service hiring and recruitment requirements as is the practice with most independent agencies.

LEGISLATIVE BRANCH

In the only item in disagreement the House receded to Senate language authorizing the Library of Congress to provide financial management services to the U.S. Capitol Preservation Commission, which has no such capability presently.

Both the House and Senate bills included a death gratuity payment to the widow of the late Representative Bill Nichols of Alabama.

TREASURY-POSTAL SERVICE-GENERAL GOVERNMENT

The conference agreement includes several provisions under the jurisdiction of the Treasury Subcommittee.

The House bill included $4 million for the Bureau of Alcohol, Tobacco and Firearms; $35 million for Customs Service salaries and expenses; $51 million for the Customs Service air interdiction program, and $6 million for the Federal Law Enforcement Training Center. This funding for drug programs was deleted as part of the compromise.

The House bill included transfers totaling $81.5 million for three Treasury Department offices as requested by the President. Two million dollars within the Office of the Secretary; $5.5 million from unspecified other Treasury bureaus to the Financial Management Service; $74 million within accounts of the Internal Revenue Service. There is no budget impact because of these transfers, and they are needed to meet unanticipated, uncontrollable costs. The conference agreement eliminated these transfers and instead the Department was directed to use general transfer authority to meet these needs. The usual reporting requirements are expected to be followed.

The conference agreement accepted a House provision to include bill language which would allow the U.S. Secret Service to extend the availability of $2 million beyond fiscal year 1989 for the construction of security barriers around the south portion of the White House. Bill language requested by the administration was also included which would authorize the Office of Personnel Management to obligate until expended $7 million already authorized for 1989 for costs to be incurred in implementing the recordkeeping system of the FERS system. This proposal would not affect outlays.

Bill language was included to give the Office of Personnel Management authority for setting wage rates for certain health care personnel. The committee claims that "this authority will allow OPM to maintain parity among Federal agencies regarding pay rates for health care personnel."

The conferees accepted several provisions included by the Senate: Language authorizing the transfer of two E2C aircraft from the Customs Service to the Coast Guard; $1.5 million for grants to certain political parties in Puerto Rico for statehood referendum; $250,000 for the Federal Election Commission to be derived by transfer from unexpended Presidential transition expenses; $1.5 million for expenses associated with the relocation of NOAA offices.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I rise in total support of this dire supplemental appropriation.

Let me say to the gentleman in the well and also to the gentleman from Mississippi [Mr. WHITTEN], my chairman, and to the gentleman from Michigan [Mr. TRAXLER] and to the gentleman from New York [Mr. GREEN] and the rest of the Members on the Appropriations Committee my appreciation for the wonderful work they did.

We were not hollering "wolf" on the hospital care funding. It had to be done.

I would like the record to show to our veterans organizations that the problem of funding on this medical care for veterans was not in the House of Representatives. It was caused by the other body. They delayed us. I would certainly like to make that crystal clear, that the House of Representatives sent the other body a clean bill and they did not act on it; but thanks to all this hard work, the funding will be allocated to the veterans hospitals this next week and we will get back on track of taking care of these veterans and quit turning them away.

Mr. Speaker, I rise in support of this supplemental. It contains more than $1.1 billion for veterans benefits and services. It contains $340 million for veterans health care. For weeks we have known many VA hospitals were running out of money and thousands of veterans needing health care were being denied such care.

Mr. Speaker, I regret it has taken the other body so long to pass the veterans supplemental. We sent the other body a separate veterans supplemental on two occasions. On both occasions the other body failed to act.

I have spoken with Secretary Derwinski and he has assured me that he will quickly authorize the entire $340 million to be obligated to hospitals in the field. So although the enactment of this legislation is far later than it should be, it is better late than never.

This bill also contains $3.1 million for the new U.S. Veterans Court of Appeals.

Mr. Speaker, I want to thank my colleague, the distinguished chairman of the Appropriations Committee, Mr. WHITTEN, and the very able ranking minority member of the full committee, Mr. CONTE, for the efforts they have made in behalf of our veterans. I want to also pay a special tribute to the chairman of the subcommittee, the gentleman from Michigan, [Mr. TRAXLER] who has been deeply involved in getting the funds contained in this bill. No one has worked harder for our veterans than BOB TRAXLER and we appreciate his leadership. I also want to thank the very able ranking minority member of the subcommittee, BILL GREEN, who has been a strong advocate for our veterans over the years.

I urge my colleagues to adopt this measure.

Mr. CONTE. Mr. Chairman, I want to thank the gentleman from Mississippi for his cooperation.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, let me just say that we really do owe to Chairman WHITTEN and the ranking member, the gentleman from Massachusetts [Mr. CONTE] a debt of gratitude. Quite often we fight, Democrats and Republicans, on this floor. Let me assure you that this is a case where the House of Representatives won the battle. We have eliminated about 80 percent of the problems that we had with this bill, and that is why I would urge all the conservatives on both sides of the aisle, even though as a matter of principle this is not all dire, we won this battle. We need the money for the veterans. We ought to pass this bill right now. So I take my hat off to all of you. Congratulations.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am happy to yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding to me.

Just for a quick comment or two, I want to join in the accolades the gentleman has doled out to the Members responsible for bringing us all together.

Now, there is no question that when it started out, it was a dire emergency for veterans, with only a few other incidental items. Yes, there have been some other items added, but that is only in the interest of compromise.

I think for those of you who may still have some reservation about the fact that there are additional items other than those original ones proposed, bear this in mind. In years past we have had a first, second, third supplemental, maybe emergency, et cetera, et cetera. This is "the" supplemental appropriation for this current fiscal year. That means through September 30, this is going to be it. It had to involve a few other things to make absolutely sure that we are not going to be forced to another one before we get to the end of the fiscal year.

I think you have all done a good job. It is within what the administration can assimilate as far as the testimony of the Budget Director to us.

So I applaud all those responsible and hope there will be an overwhelming vote in support of this.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my friend, the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I thank the gentleman from Massachusetts for yielding this time and rise in support of the supple-

mental appropriations bill embodied in the Senate amendment to H.R. 2402.

Mr. Speaker, this bill provides for a number of dire and urgent needs our Government faces, including funding for veterans medical care and other veterans programs, funding for guaranteed student loans, funding for the National Weather Service, and additional funding to fight the war on drugs.

The bill also contains a modified version of a Senate amendment to H.R. 2072, an administrative provision with respect to the Legal Services Corporation.

The original Senate amendment would have prevented the Legal Services Corporation from considering, developing, or implememting a system for the competitive award of grants and contracts, including support centers. It also would have prohibited the Corporation from enforcing any regulation, guideline, grant condition, or other specific procedures not in operational effect as of October 1, 1988. The essence of the Senate amendment, in my view, was to deny the Corporation the legal authority to adequately account for the use of Federal funds, prevent and address instances of fraud, waste, or abuse of Federal funds, otherwise manage LSC programs, and ensure that LSC attorneys are properly devoting resources toward the main goal of the LSC—the provision of basic legal services to the poor.

The bill contains significant improvements to the Senate amendment. First, in no way does it depart from the current law requirement that a new Board of Directors, nominated by the President and confirmed by the Senate, shall develop and implement a system for the competitive award of grants and contracts, including support centers. Second, the bill does not preclude the Corporation's current Board, individual Board members, or staff from engaging in in-house reviews of or holding hearings on proposals for a competitive award system, not does it prohibit any competitive awards programs currently in existence. While a new Board must implement competition and the current Board cannot, the current Board, as well as the Corporation's staff, can and will perform a valuable function by focusing attention on the issues associated with competition and holding hearings on proposals for making such awards. Since the Congress expects the Corporation's new Board to move with dispatch on the implementation of competition, as much preparatory work as is possible should be completed. Third, on the subject of regulations, the Corporation has adopted amendments to the existing regulations dealing with fee-generating cases (45 CFR pt. 1609) and the use of private funds (45 CFR pts. 1610 and 1611), but has not given notice of its intent to publish the amendments to these regulations in final form. While the Corporation may publish these regulatory amendments in final form, the Corporation may not enforce the amendments in connection with the legal services grants and contracts made for the calendar year 1989. Nothing, however, prevents the Corporation from enforcing these regulatory amendments after the end of calendar year 1989. Fourth, it also should be noted that this bill does not preclude the Corporation from moving forward to make final its previously adopted regulation prohibiting the legal services programs from engaging in redistricting activity—including the use of private funds to pay for such activity. Nor does the bill limit the Corporation's ability to enforce or otherwise use its policies, rules, guidelines, instructions, data collection systems, and accounting and audit procedures. As I stated earlier, it is both desirable and important that the Corporation be allowed to manage and require accountability of the legal services programs.

While I and others would prefer no LSC language at all in this supplemental appropriations, this language removes the most onerous shackles embodied in the LSC amendment passed by the Senate.

Mr. Speaker, at this time I also commend the chairman of the full Appropriations Committee, Mr. WHITTEN, and the ranking member, Mr. CONTE, for their tireless efforts on this supplemental and for making this compromise language possible. I also wish to acknowledge and commend my chairman, the gentleman from Iowa, for his perseverance on a matter of great personal concern to him and many of us—the war on drugs, for his leadership on our subcommittee's portion of this supplemental, and for his consideration of this Member's interests throughout the process.

Mr. Speaker, I recommend adoption of the bill.

Mr. WHITTEN. Mr. Speaker, I yield 13 minutes to the gentleman from Iowa [Mr. SMITH], the chairman of the subcommittee which handles law enforcement and so many other things. The gentleman is thoroughly familiar, more so than any of us, with the real need which we try to meet in this bill.

Mr. SMITH of Iowa. Mr. Speaker, first of all, I want to thank the gentleman from Mississippi [Mr. WHITTEN] for really standing firm to make more adequate funding available for the No. 1 problem in this country. Crime is the No. 1 problem in this country, and since most violent crimes are drug-related, illegal drugs are also the No. 1 problem in this country. It is the No. 1 problem in Chicago; it is the No. 1 problem in New York. It is the No. 1 problem in Los Angeles, and every major city, in every small city, in rural areas and everywhere it is time we know whether the country is going to be committed to fighting this problem.

Now, $75 million is all that is in the bill for law enforcement and crime, but I want to point out that the language is as important as the amount of money. The language in the bill permits the leveraging of the $75 million so that enhanced programs and new initiatives will have the funds available during the next 100 days they would have had in the first 100 days of a new fiscal year.

Let me explain. We would ordinarily provide the full amount of obligation authority to initiate, plan, and complete an entire prison, and to do that might require us to appropriate $60 million for one prison. During the first 100 days mainly what they do is go out, find the site, maybe do some of the planning, line up the architect, and they would spend very little of the authority they have to obligate, but instead of that approach, we are leveraging the $75 million so that they can pay the first 100 day's cost on a much greater total program.

Now, the administration tells us that they have the capital right now to initiate a program to construct eight prisons. That would be two complexes of three each, plus three others, and also to take advantage of some of these newly closed military bases. This $75 million will give them the money needed to take the initial steps for handling all of that even though the eventual cost for the program may be $500 million.

The language says they shall initiate a program to build not less than three, it would require about $25 million or $30 million the first 100 days for a $500 million program, so they can go ahead with that program. Without this language, they could not do it. Ordinarily we front fund the whole cost of a facility before they can spend $1. So that is terribly important. Also, they have the funds to locate and initiate plans to use closed military bases for drug related activities.

In addition to that, they will have the money so they can interface the computers. Do you know that the DEA cannot even communicate with the FBI and cannot exchange information with the Border Patrol by computer instantaneously at the present time?

Each one stores its own information but needs to have up-to-date information that is in the others' system. The money in this bill also gets them started 100 days earlier and thus permit them to complete interfacing these systems 100 days earlier.

We do have some emergencies coming up also and they can handle those, so I want to thank Chairman

WHITTEN for being so insistent on having drug money in this bill. For example the DEA has insufficient funds to even complete the fiscal year in some field offices, in their most important investigative unit and in their aircraft program, let alone expanding as needed.

It was even said as an excuse that they still have unobligated funds. To the untrained ear that sounds like and was designed to sound like they have a surplus. That is not so. Of course, they had unobligated funds at the end of the second quarter because they are prohibited from spending third quarter and fourth quarter funds in the second quarter. The Defense Department is well over $100 billion in unobligated funds but that doesn't mean it is surplus to the programs for which that obligation authority was given.

The Department of Veterans' Affairs has unobligated funds in the hospital account too but that is fourth quarter money and so everyone agreed they needed more obligation authority in this supplemental. They do not have a surplus for law enforcement accounts and an enhancement in programs requires this supplemental.

Now why were we so insistent on considering more funds for the drug program as being as important as other things in this bill? It is because drugs and crime and law enforcement is the No. 1 problem in this country. The polls show that it is the No. 1 problem and this is one case where I think the polls are right, no question about it. It is truly a national problem. It reaches into every community, into every city, into every county, even down into the local school districts. It is truly a national problem if there ever was a national problem, and it is not even limited to adults.

One thousand babies are being born each day who are addicted to drugs because their mothers were on drugs; 1,000 per day. By the end of this fiscal year that is another 100,000 babies that will be born that will be addicted to drugs at birth and have to go through withdrawal pains at the same time they are trying to make the transition from the umbilical cord to sustenance by mouth. One hundred thousand; that is more than all the lives we lost in Vietnam.

Even if we were to solve this drug problem today, those 100,000 babies that will be born will still have problems and be a part of society, some of them will die, some of them will be afflicted for life, but they will be around for longer than our lives. If we were to solve the sale and distribution and addiction problem today, we would still have a lot of problems with those who have suffered permanent damage and for a lot of years to come.

We have delayed too long. Last year we were delayed while the omnibus drug bill of 1988 was developed and passed. Then when the drug bill passed, budget caps did not permit full funding. Without the money, that bill was really a hoax. The small amount of money that was provided could have been provided without the new bill.

Now it has been argued that we should wait for the drug czar to make a report in September. That is another delay. We do not need the delay, because Secretary Bennett has already said and the President has already said that we need more for law enforcement. Even though the administration opposed the funding in the bill, they have both said we need more for more law enforcement than we have in this bill. We do not need to wait for another report.

Some say we cannot move both on the veterans supplemental and a drug bill at the same time, and even indicate veterans are opposed to the supplemental on drugs. I don't believe it.

Veterans are just as interested with getting on with the war on drugs as any group. These babies being born addicted to drugs are in many cases their children or grandchildren or close relatives. Veterans are just as sensitive to social problems and suffering caused by drugs as any group. They are not single-issue people, they are not monolithic in their interests in this country. The impression some Members of Congress leave that veterans are only interested in veterans benefits is not salable with me and does veterans as a group a disservice.

Veterans would be the last ones to give up on any war without at least making an all-out effort and the war on drugs is no exception. It is not an either/or proposition. We must take care of veterans and also seriously fight a war against illegal drugs and crime.

Anyone who thinks they are helping veterans or even making points with veterans by opposing a speedup in the war on drugs is wrong.

Some members have been saying we can't do both the drug problem and also fund welfare and other social programs.

But the drug problem reaches into every community and at least indirectly to every family in America. It has virtually destroyed many families and in other cases, curtailed the freedom of everyone to move about freely. Right here in Washington, in every area of the city, danger lurks around the corner for anyone who goes out and it is not even limited to darkness. Every area is involved including the inner city and no one is more affected than the same people who are dependent on social programs. You ask people who are dependent on welfare and social programs what their No. 1 priority is and they will say, control drugs—get drugs out of our neighborhood, our schools, and protect us from drug related crimes. When there is a drug bust in an inner city neighborhood, the local residents turn out to cheer the law enforcement officers. You have never heard of one instance where a welfare recipient said we should divert money from enforcing drug laws in order to increase a social program they themselves need.

The President has asked for funding for an additional 18 prisons or more starting in November. The professionals at the working level say they could get started on 8 of these now if they had the obligation authority and also take advantage of some closed military bases. The supplemental only provides authority sufficient to start three and concert some military facilities so that would certainly not be too much. Incarceration for violent criminals is expensive. It costs from $20,000 to $60,000 per inmate, but the same criminal on the street renders $200,000 in damage on victims in society. When some more Willie Horton's commit violent crimes because there was no place to keep them locked up who would have been incarcerated had this supplemental passed, no one—including the veterans—will take credit for urging opposition to this bill.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Speaker, I want to congratulate the gentleman from Iowa on a very, very fine statement. He does an outstanding job as chairman of this important subcommittee. I want to commend him.

I also want to congratulate the chairman of the full committee, the gentleman from Mississippi [JAMIE WHITTEN], for navigating a lot of minefields in what I know was a very, very difficult conference, he and SIL CONTE, the gentleman from Massachusetts.

But I want to tell you I am really disheartened by what came out of the conference with regard to drug money.

The gentleman from Iowa says drugs are the No. 1 priority in this country except, I say to the chairman, in this House and in the Congress. It apparently is not the No. 1 priority.

I have heard my colleagues get up and say we have won the war in this conference, the House won the war.

Well, the House had a total of $821 million in there for drug enforcement and we are back to $75 million. If that is winning the war, then I do not want to be involved in that kind of a war because we have been overwhelmed, our flanks have been overrun, they have taken prisoners, we have retreated, we are down to $75 million.

I say to the chairman: Are we saying in this conference report that drug en-

forcement is as important as building a replacement telescope at a cost of $37.5 million? Is that what we are saying?

Mr. SMITH of Iowa. Well, obviously there are 15 things that some people thought were more dire emergency than winning the war on drugs. But, with the persistence of the chairman, fighting crime and illegal drugs are included, at least, for the first time, we have a commitment that drugs are going to be treated at least on an equal basis with other emergencies. The administration thought paying the Contras mustering out pay was such an emergency that it should be passed first and separately from a veterans supplement and they did not want any drug supplemental. Thus they requested more money for the United Nations, of which $107 million in outlays is not offset. Then others considered other items more important.

Mr. HUGHES. Well, there is a drug epidemic in this country. Our neighborhoods are burning while we are fiddling. While $75 million is certainly going to be an assist, particularly the way the gentleman has crafted the language so that we can leverage the funding, the fact of the matter is we are operating in the margin. We are deficient in every program on the enforcement side as well as on the demand reduction side, directed to substance abuse in this country. It is disgraceful.

Mr. SMITH of Iowa. Well, the fact of the matter is the administration and the Congress has not in the past been committed to winning the war on drugs, this Government should not do what it did in Vietnam and just respond with half measures restricted to defending and halfway do it for 8 or 9 years and then give up.

Either we should get in there with a commitment to win the war on drugs or else acknowledge that we are not going to.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to my chairman, the gentleman from Mississippi.

Mr. WHITTEN. I thank the gentleman for yielding.

Mr. Speaker, I would like to say to my friend, the gentleman from New Jersey [Mr. HUGHES], and nobody is a better Member of Congress than he, that you cannot judge what you do by how much money you appropriate. We have got a plan which is supposed to come up September 1. What we have here is a beginning. It was not recommended to us by the President. In fact, a veto has been threatened from the very first because we had money for this problem in the supplemental.

What we have done here is try to handle it, get a start. May I say that in these vacated military facilities, we call on them to use them, and have CCC-type camps for those folks suffering from drugs; we are trying to save a generation.

We have named a czar and all he can do as of now is issue news releases and make speeches until September 1. What we have done is make a concrete move and identify specific things that lead to doing something, and we did it on our own.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Speaker, with all due respect to our chairman, we do not have to wait, we do not have to have to wait for Chairman BENNETT to come back to this Congress and to the White House with a plan.

Mr. WHITTEN. Regardless of what is in the plan, we have funds in this bill.

Mr. HUGHES. But the fact of the matter is we presently are cutting youngsters loose, five and six times, because we do not have places to house them and judges have to decide whether to send them back to the same neighborhoods or to send them to prison. That is the only option. We have a program, the Foreign Cooperative Investigative Program overseas that is so shallow that we are doing pittance in other countries who try to deal with trafficking problems overseas because we are short on resources.

Mr. SMITH of Iowa. Let me end the discussion here on my part.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of Iowa. I yield to my chairman, the gentleman from Mississippi.

Mr. WHITTEN. I thank the gentleman for yielding further.

Mr. Speaker, I would like to point out what is in this bill. There are adequate funds to initiate plans to acquire available military facilities for use as prisons, or, as proposed in H.R. 1591—which I introduced and which is pending—civilian conservation corps-type camps for drug offenders.

Funds are also to be used for other purposes.

This is a start, and you have to start before you can finish. And we have started on our own.

Mr. SMITH of Iowa. I want to take my time back and conclude this from my part.

What we have done here is to leverage this money.

When this bill started out, the administration was opposed to any money to enhance and speed up the war on drugs even though at the same time the President is out making speeches saying he supports more money. At least now the country is aware of what is going on. We have people in the administration and we have some people in Congress who talk one way and act another.

At least now maybe we are on to a policy where we speak loudly and carry a big stick instead of the past policy of speaking loudly and carrying a very small stick and that is the policy we have had in the administration and to large extent in Congress.

So what we need now is to take this bill as a commitment. We have a commitment which probably equals a $550 million increase in annual programs because it is leveraged to fund the first 100 days of such an annual program.

We will have to further fund it later. But they can get started. For the first time they have the authority, and the chairman insisted on this, they have the authority to go ahead to use this to initiate these programs even though they are not front loaded, and they are just a part of what the President has in speeches said he is for. They can take the preliminary steps necessary to hire more agents, to build those field offices down there on the Mexican border, to initiate probably eight persons, to use closed military bases and to interface computers so the various agencies can coordinate their activities.

So we need to do this.

Mr. CONTE. Mr. Speaker, I have no further requests for time. I think we have heard enough here.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I listened to all the other debate and I did not complain. But I do want to complain about a provision that the Senate insisted on in this conference report, which is legislation in an appropriation bill. It was stricken when the bill passed the House. We have no recourse in this legislation, in this conference report, to deal with what is manifestly a contravention of House rules providing legislation in an appropriation bill. In this instance it is the direction to the FAA to install and use explosive-detection equipment and require airlines to buy it, pay for it, install it and operate it.

□ 1100

The House Committee on Public Works and Transportation and the House Committee on Foreign Affairs have reported comprehensive terrorism countermeasure legislation. We are ready to bring that legislation to the floor. Part of that bill deals with this very issue of explosive detection devices with a very different approach into how the money should be raised to pay for those detection devices.

It is unconscionable that the Senate sent this take-it-or-leave-it proposition to the House, when the House had already clearly spoken that this lan-

guage was not to be included in an appropriation bill. Then, I might add, on top of that, they put a little frosting on the cake with an additional $400,000 funding for an airport in West Virginia. Now that is just unreasonable. It goes beyond the bounds.

We have kept such funding projects out of the House legislation. The Senate comes around and puts this very unwise and unworkable approach and unfair approach into the legislation.

If this legislation stands, air travelers will be paying twice for security: paying once in the airline ticket tax, part of that tax goes to security. If this stands, and I hope it will not when we pass our legislation, they will be paying a second time in an airport ticket surcharge which I think is unreasonable.

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Speaker, I want to associate myself with the gentleman from Minnesota's remarks, at least insofar as it relates to the procedure which is being employed here.

As the gentleman knows, we have a disagreement on how the devices should be funded, but I think it is absolutely inappropriate in this case that we are seeing another example of legislating the appropriation bill. It is clearly within our purview and our responsibility to deal with this. We are dealing with it in the authorizing committee, and it is unconscionable that we are dealing with it in this fashion at this time.

We may disagree on the ultimate result. We certainly agree this is not appropriate procedure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for his support.

The legislative committees worked diligently, held hearings both in the Committee on Foreign Affairs and the Committee on Public Works and Transportation and worked out the legislation, and brought a bill to the floor expeditiously. This provision should be dropped.

I thank the chairman for defending the House position in conference.

Mr. DREIER of California. Mr. Speaker, amendment No. 133 of the general provisions of the conference report to H.R. 2072, the emergency supplemental appropriations bill, was added on the Senate side and subsequently modified in conference.

Its original purpose was to aid HUD Secretary Kemp and the millions of law-abiding tenants of public housing to rid their developments and neighborhoods of drugs. It told Secretary Kemp to review local statutes on drug-related evictions and, if those statutes guaranteed due process to residents as well as landlords, told Secretary Kemp to waive a cumbersome first layer of bureaucracy required of public housing authorities in such circumstances.

As my colleagues know, Secretary Kemp has been in the forefront of the drug fight and is currently making due process determinations in all 50 States and has granted waivers of this cumbersome HUD lease-grievance procedure for a number of jurisdictions. These tenants are consistent in their pleading for action on behalf of the Government to remove these burdensome administrative procedures which allow drug dealers to lengthen victimization of public housing tenants. I strongly support Secretary Kemp's efforts, and so do most public housing tenants. They are tired of being the victims of the drug trade, where they are constantly exposed to murder, violence, and other forms of crime.

Unfortunately, the modification of the general provisions of the conference report—section 404(b)—has the effect of tying Secretary Kemp's hands. It is a garbled provision which refers to "tenants of public housing authority employees." It goes on to prohibit evictions of drug dealing households in public housing if not all household members are involved in such illicit activity. This will deal a devastating blow not to drug traffickers but to those it is intended to protect—the innocent neighbors and tenants who must continue to be victimized by drug dealers.

Residents of public housing are perhaps among the most victimized and terrorized persons in the drug wars. They want the crack dealers out. But we can't have it both ways. Either we rid public housing of these terrorists who threaten everyone else, or we continue to watch shootings and drug overdoses on the nightly news.

Although I am certain that those proposing this modification do not intend for this language to in any way overrule any provision of the 1988 Anti-Drug Abuse Act, that should be made clear. Unfortunately, their drafting may not adequately reflect this. I believe section 404 was written hastily and needs technical corrections so that HUD can continue its efforts with local public housing authorities and residents to take back their communities. I urge my colleagues on the appropriations committee to take corrective action on this language in the fiscal year 1990 HUD appropriations bill.

Mr. WHITTEN. Mr. Speaker, I have no further requests for time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MFUME). The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 318, nays 6, not voting 108, as follows:

[Roll No. 107]

YEAS—318

Ackerman	Gilman	Miller (CA)
Akaka	Gingrich	Miller (OH)
Alexander	Glickman	Miller (WA)
Anderson	Gonzalez	Mineta
Andrews	Goodling	Moakley
Annunzio	Gordon	Mollohan
Anthony	Goss	Montgomery
Applegate	Gradison	Morrison (WA)
Archer	Grandy	Mrazek
Atkins	Grant	Murtha
AuCoin	Gray	Nagle
Baker	Green	Natcher
Ballenger	Gunderson	Neal (MA)
Bateman	Hamilton	Neal (NC)
Bennett	Hammerschmidt	Nowak
Bentley	Hancock	Oakar
Bereuter	Harris	Oberstar
Berman	Hastert	Obey
Bevill	Hayes (IL)	Olin
Bilbray	Hayes (LA)	Owens (NY)
Bilirakis	Hefley	Owens (UT)
Bliley	Hefner	Oxley
Boggs	Herger	Packard
Bonior	Hertel	Pallone
Brennan	Hiler	Panetta
Brooks	Hoagland	Parker
Browder	Hochbrueckner	Pashayan
Brown (CA)	Holloway	Patterson
Bruce	Hopkins	Paxon
Buechner	Houghton	Payne (NJ)
Bunning	Hoyer	Penny
Burton	Hubbard	Perkins
Bustamante	Hughes	Petri
Byron	Hunter	Pickle
Callahan	Hutto	Poshard
Campbell (CO)	Hyde	Rahall
Cardin	Inhofe	Ravenel
Carper	Ireland	Ray
Carr	Jacobs	Regula
Chandler	James	Rhodes
Clarke	Johnson (SD)	Richardson
Clement	Johnston	Ritter
Clinger	Jones (GA)	Roberts
Coble	Jones (NC)	Robinson
Coleman (MO)	Jontz	Rogers
Coleman (TX)	Kanjorski	Rohrabacher
Combest	Kasich	Roukema
Conte	Kastenmeier	Rowland (CT)
Conyers	Kennelly	Roybal
Cooper	Kildee	Sabo
Costello	Kleczka	Saiki
Coughlin	Kolbe	Sangmeister
Coyne	Kostmayer	Sarpalius
Crockett	Kyl	Savage
Darden	LaFalce	Sawyer
Davis	Lagomarsino	Saxton
de la Garza	Lancaster	Schaefer
DeFazio	Laughlin	Scheuer
DeLay	Leath (TX)	Schiff
Dellums	Lehman (CA)	Schneider
Derrick	Lehman (FL)	Schuette
DeWine	Leland	Schulze
Dickinson	Levin (MI)	Sharp
Dicks	Levine (CA)	Shaw
Dingell	Lewis (CA)	Shays
Dorgan (ND)	Lewis (FL)	Shumway
Douglas	Lewis (GA)	Shuster
Dreier	Lightfoot	Sikorski
Duncan	Livingston	Skaggs
Durbin	Lloyd	Skeen
Dwyer	Long	Skelton
Dyson	Lowery (CA)	Slattery
Edwards (OK)	Lowey (NY)	Slaughter (NY)
Emerson	Lukens, Donald	Slaughter (VA)
Engel	Machtley	Smith (IA)
English	Manton	Smith (MS)
Erdreich	Markey	Smith (NE)
Espy	Martin (NY)	Smith (NJ)
Evans	Mavroules	Smith (TX)
Fawell	McCloskey	Smith (VT)
Fazio	McCrery	Smith, Robert (NH)
Feighan	McCurdy	Smith, Robert (OR)
Fish	McDade	Snowe
Flake	McDermott	Solarz
Foglietta	McEwen	Solomon
Ford (MI)	McGrath	Spence
Gallegly	McHugh	Spratt
Gallo	McMillan (NC)	Staggers
Gejdenson	McMillen (MD)	Stallings
Gekas	McNulty	Stearns
Gephardt	Meyers	Stokes
Gibbons	Mfume	
Gillmor	Michel	

Studds	Valentine	Wheat
Stump	Vander Jagt	Whittaker
Sundquist	Vento	Whitten
Synar	Visclosky	Williams
Tallon	Volkmer	Wilson
Tanner	Vucanovich	Wise
Tauke	Walgren	Wolf
Tauzin	Walker	Wright
Thomas (GA)	Walsh	Wyden
Towns	Watkins	Wylie
Traficant	Waxman	Yates
Udall	Weber	Young (AK)
Unsoeld	Weiss	Young (FL)
Upton	Weldon	

NAYS—6

Campbell (CA)	Dannemeyer	Sensenbrenner
Cox	Hall (TX)	Stenholm

NOT VOTING—108

Armey	Garcia	Ortiz
Aspin	Gaydos	Parris
Barnard	Guarini	Payne (VA)
Bartlett	Hall (OH)	Pease
Barton	Hansen	Pelosi
Bates	Hatcher	Pickett
Beilenson	Hawkins	Porter
Boehlert	Henry	Price
Borski	Horton	Pursell
Bosco	Huckaby	Quillen
Boucher	Jenkins	Rangel
Boxer	Johnson (CT)	Ridge
Broomfield	Kaptur	Rinaldo
Brown (CO)	Kennedy	Roe
Bryant	Kolter	Rose
Chapman	Lantos	Rostenkowski
Clay	Leach (IA)	Roth
Collins	Lent	Rowland (GA)
Courter	Lipinski	Russo
Craig	Luken, Thomas	Schroeder
Crane	Madigan	Schumer
Dixon	Marlenee	Sisisky
Donnelly	Martin (IL)	Smith (FL)
Dornan (CA)	Martinez	Smith, Denny (OR)
Downey	Matsui	
Dymally	Mazzoli	Stangeland
Early	McCandless	Stark
Eckart	McCollum	Swift
Edwards (CA)	Molinari	Thomas (CA)
Fascell	Moody	Thomas (WY)
Fields	Moorhead	Torres
Flippo	Morella	Torricelli
Florio	Morrison (CT)	Traxler
Ford (TN)	Murphy	Wolpe
Frank	Myers	Yatron
Frenzel	Nelson	
Frost	Nielson	

□ 1123

The Clerk announced the following pairs:

On this vote:

Mr. Downey for, with Mr. Crane against.

Mr. Nelson for, with Mr. Craig against.

Mrs. Martin of Illinois for, with Mr. Torricelli against.

Mr. Denny Smith for, Mr. Barnard against.

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, I asked for this 1 minute for the purpose of inquiring of the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT] the program for next week and the balance of the day knowing that we also have an official move to make with respect to an adjournment resolution.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Illinois [Mr. MICHEL] for yielding.

First, I would say that the only matter left that may require a vote, although we hope it will not require a vote, is the Senate Concurrent Resolution 50 for adjournment for next week.

Mr. Speaker, we will then have three other unanimous-consent requests that have to do with adjournment here until next Monday and with the various calendars.

Then I would like to announce the program for next week.

On Monday the House will not meet, and there will not be legislative business.

On Tuesday we will have suspensions: H.R. 1199, Veterans Nurse Pay Act of 1989; H.R. 2557, to designate the "James J. Howard Veterans' Outpatient Clinic" in Brick Township, NJ; H.R. 2569, to designate the Aleda E. Lutz Department of Veterans' Affairs Medical Center in Saginaw, MI; H.R. 1334, to remove a limitation relating to the payment of pension to veterans furnished hospital care by the VA on a long-term basis; H.R. 1594, to extend most-favored-nation [MFN] status for Hungary for 5 years; H.R. 2467, 1988 Disaster Assistance Extension Act; H.R. 536, to allow claims against the United States for damages arising from certain negligent medical care provided members of the Armed Forces; H.R. 1048, Hate Crime Statistics Act; H.R. 2705, relating to Government contributions to the Federal Employees Health Benefits Program for 1990 or 1991; House Joint Resolution 281, to approve the designation of the Cordell Bank National Marine Sanctuary; House Joint Resolution 175, Palau Compact of Free Association Implementation Act; H.R. 2214, to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations; and H.R. 2136, to limit the length of time an individual may be incarcerated for civil contempt in a child custody case in the D.C. Superior Court.

Mr. Speaker, those votes will be postponed until after debate on all suspensions on Tuesday.

Then, beginning on Wednesday, we will take up the emergency and water appropriations for fiscal year 1990. We will try to finish that. Of course it is subject to a rule. And following that we will resume consideration of H.R. 2655, the Foreign Assistance Act authorization for fiscal 1990 and 1991. It will be our intention to go late on Wednesday and try to complete as much of that act as we can. We will, however, try to finish by 6 o'clock on Thursday so that Members could plan their weekend and then be able to leave Washington on Friday or Thursday evening.

I also would like to announce that the Members will have in their offices the proposed schedule for July and the first week of August. There will be a recess that extends through July 10. We will not have votes on July 10. We will then have votes each week in July, Tuesday through Thursday, and on Monday the 17th, Monday the 24th, Monday the 31st after 3 p.m. in the afternoon. We will aim at being able to leave for the August recess in the afternoon or night of August 4, which is a Friday.

Mr. Speaker, this calendar will be in the Members' offices today.

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. Speaker, might I inquire again with respect to Monday? There will be no session Monday; is that not correct?

Mr. GEPHARDT. The gentleman from Illinois [Mr. MICHEL] is correct.

Mr. MICHEL. In addition, Mr. Speaker, noting that conference reports may be brought up at any time, does the gentleman from Missouri [Mr. GEPHARDT] know if it is possible we might be considering the natural gas conference report sometime next week? It is my understanding that they are pretty near or probably will have agreement, and I am just curious.

Mr. GEPHARDT. Mr. Speaker, I am told, although I do not have definitive information, that there is an agreement, and it well may be that that will be brought up next week.

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader, and I think that concludes my questions.

MAKING IN ORDER ON TUESDAY, JUNE 27, 1989 DISTRICT OF COLUMBIA BUSINESS

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the District of Columbia business in order on Monday, June 26, 1989, be made in order on Tuesday, June 27, 1989.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT TO TUESDAY, JUNE 27, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Tuesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING CONDITIONAL RECESS OR ADJOURNMENT OF SENATE AND CONDITIONAL ADJOURNMENT OF HOUSE OVER THE JULY 4TH HOLIDAY

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 50) providing for a conditional recess or adjournment of the Senate and a conditional adjournment of the House over the July 4th holiday, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 50

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, June 22, 1989, Friday, June 23, 1989, Saturday, June 24, 1989, Sunday, June 25, 1989, Monday, June 26, 1989, Tuesday, June 27, 1989, Wednesday, June 28, 1989, Thursday, June 29, 1989, Friday, June 30, 1989, or Saturday, July 1, 1989, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 8:30 a.m. on Tuesday, July 11, 1989, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House adjourns on Thursday, June 29, 1989, or Friday, June 30, 1989, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12:00 o'clock noon on Monday, July 10, 1989, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING MEMBER TO SIGN AND SUBMIT REQUESTS TO ADD NAMES OF MEMBERS TO LIST OF COSPONSORS ON H.R. 2273

Mr. HOYER. Mr. Speaker, I ask unanimous consent that I may be authorized to sign and submit requests to add the names of the following Members to the list of cosponsors on H.R. 2273: PETER H. KOSTMAYER, HENRY J. NOWAK, JAMES H. SCHEUER, BOB CARR, LEE H. HAMILTON, C. THOMAS MCMILLEN of Maryland, AL SWIFT, FLOYD H. FLAKE, and WILLIAM O. LIPINSKI.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE REPORT ON H.R. 1048, HATE CRIMES STATISTICS ACT

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until midnight tonight, June 23, 1989, to file a report on the bill, H.R. 1048, the Hate Crimes Statistics Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

□ 1130

Mr. WALKER. Reserving the right to object, Mr. Speaker, I am told that the staff on our side knows nothing about this request. Is this something that has been cleared with the minority? We have not heard from the minority side on this.

Mr. BROOKS. Mr. Speaker, if the gentleman will yield, it is my understanding the minority has been consulted on this and has agreed to it. It is just a report on a bill, H.R. 1048, the Hate Crime Statistics Act, which was supported by the Republicans, and I think there is no objection whatsoever to it.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROPOSED CONSTITUTIONAL AMENDMENT ON RESPECT FOR THE FLAG

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, later today I will be introducing a piece of legislation which will call for a constitutional amendment to raise the flag of our country to its proper place in the hearts and minds of all Americans. With due respect to the Supreme Court and its recent decision, the supreme will of the people of our country is that henceforth no flag raising will be met with anything except the full respect of the American people. If this legislation should pass, the flag of the United States no longer will be flown or desecrated without penalty, no longer will be burned without punishment, no longer will be desecrated in any way without the due enforcement of law. That is the will of the American people, and we in the Congress should heed that and proceed with a constitutional amendment or any statutory remedy that we can apply.

SUPREME COURT DECISION ON DESECRATION OF THE FLAG

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, yesterday I introduced a resolution that would acknowledge the sense of Congress that we are indeed outraged with the Supreme Court decision relating to the desecration of the American flag. I opposed that decision.

I think this Court is schizophrenic. Several days before, they take away the access to rights of women and minorities and then this so-called conservative Court, which is or is not, takes away I think what is something very, very sacred, the values of the American people.

I think people who desecrate the American flag maliciously or intentionally ought to be punished. My father was born on the 4th of July and I introduced that resolution in his memory because reverence for the American flag and what it symbolized was very cherished in my family.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Speaker, I was unavoidably detained this morning because I had an important field hearing for the Select Committee on Aging on drug misuse in Montgomery County. Therefore, I missed rollcall vote No. 107.

Mr. Speaker, had I been here, I would have voted resoundingly yes.

APPOINTEES TO NATION'S MILITARY ACADEMIES FROM 31ST DISTRICT OF NEW YORK

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, all too often in these Chambers we discuss what is wrong with America, our Nations problems, and sometimes it appears that our future may be rocky, indeed.

29-059 O-90-2 (Pt. 10)

Just 2 days ago, this feeling was underscored when the Supreme Court issued what can only be termed an awful decision, saying that our flag, this flag, the very symbol of our Nation's strength and our values, could be desecrated.

Well, Mr. Speaker, today at my district office back in Williamsville, NY, there are gathered 11 young men and women who symbolize to me all that is right about America, and these talented young men and women, the next generation of leaders of this Nation, prove that America's future is strong indeed.

For these young men and women are my district's outstanding appointees to the U.S. military academies for the coming year.

These nominees are: Christina Ott, Williamsville; Timothy Hens, Hamburg; Rick Randazzo, East Amherst; Richard Allen, Mount Morris; Robert Mansell, Williamsville; Brian Lane, Getzville; Tom Kait, Angola; Chris Chilbert, Geneva; Matthew Zacher, Conesus; Christopher Bannister, Gainesville; and John Wieland, Elma.

By entering service to our Nation, these great men and women are making a tremendous sacrifice for their fellow Americans and, in a very real way, insuring a bright future for this flag and for this country.

ACTION IS NEEDED TO RESOLVE COAL CRISIS

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, it is time to end the impasse in the coalfields between the Pittston Coal Co. and the United Mine Workers of America.

This situation is offensive to working men and women across the country, who have joined unions to protect their safety on the job and standard of living at home.

The inability of Pittston to recognize legitimate bargaining demands by the United Mine Workers has now forced an emotionally charged situation to spread to coalfields across the country. That includes the mines and miners I represent in southern Illinois.

I stand ready to join my colleagues on the Coal Caucus and others in this House who are interested in bringing a satisfactory end to this logjam.

Coal provides 60 percent of our Nation's energy needs. The union and coal companies have settled two contracts in a row without the strike activity that was part and parcel of previous contracts.

We in this body should encourage peaceful resolution through negotiating channels before we end up regretting that we did not act sooner.

SUPPORT FOR THE DISASTER ASSISTANCE EXTENSION ACT

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, farmers in western Ohio are suffering from one of the worst one-two disaster punches Mother Nature could deliver. Last year, it was the devastating drought that caused millions of dollars worth of crop losses. This year, they have been hit with rains so heavy, many have not been able to even get their crop in the ground.

Last month, the House Agriculture Committee passed H.R. 2467, the Disaster Assistance Extension Act. This bill would extend benefits to those farmers hit by drought, hail, excessive moisture, and other natural disasters. I rise today in continued strong support of this legislation.

My district has some of the most productive land in the Nation. Ohio is proudly titled as a breadbasket State. It is indeed a sad sight to see this sector of American society, the backbone of this Nation continue to suffer.

I urge the speaker to bring this urgent legislation to the floor as soon as possible so that we can relieve the suffering of our Nation's farmers.

□ 1140

OPPOSITION TO EXPENDITURE TARGETS

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, I am opposed to a proposal in Ways and Means to put expenditure targets on physician services. The promise of the implementation of the resource based relative value scale is being tainted by a provision that threatens to ration medical care.

A cap would result in only less costly medical services being rendered. Sicker and elderly patients could be turned away by doctors who try to stay within the limits of a cap. Rationing of health care is exactly contrary to the intent of Medicare as well as the Hippocratic oath.

TRAGIC INCIDENT WITH SISTER MARY MACKEY IN EL SALVADOR

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, what tragic news we got yesterday about the horrible attack which took place against Sister Mary Mackey in San Salvador. A bullet came from a pickup truck and hit her in the head. The report is that she may lose an eye.

I would like to say, Mr. Speaker, that my prayers, along with those I know of others in this House, and my friend, the gentlewoman from Ohio. [Ms. OAKAR], expressed her concern, go to Sister Mackey and to the other nuns and those who are working in El Salvador.

I have to say, Mr. Speaker, that this horrible incident underscores the importance of an amendment which my colleague, the gentleman from Florida [Mr. MCCOLLUM] and I are going to be offering next week to the Foreign Assistance Act designed specifically to provide important training to police forces within El Salvador which in the past has prevented these kinds of incidents and just may have been able to prevent this one had we not let the waiver expire on this very important training which will take place.

Our prayers are with Sister Mackey, and I hope very much that our colleagues will respond to their horrible incident by supporting our important amendment.

AFLATOXIN FOOD SAFETY ACT OF 1989

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, food safety is a concern not only of consumers, but also of those who produce the food for our Nation. This past week, I filed legislation to deal with one potential food safety issue which shows that farm and consumer groups can work together toward insuring the safety of our Nation's food supply.

The Aflatoxin Food Safety Act of 1989 would take several steps to prevent any threat to consumers from aflatoxin, a naturally occuring carcinogenic substance which has been detected in some of the corn affected by this past year's drought. The bill would standardize testing for aflatoxin to improve its accuracy, provide indemnification for farmers who find aflatoxin damaged corn, direct USDA to engage in research to prevent aflatoxin, and require testing of corn exports from our Nation to insure all customers receive a quality product.

Joining me in sponsoring this bill is the very capable Chair of our Wheat, Soybeans, and Feedgrains Committee, Mr. GLICKMAN of Kansas. The legislation has been endorsed by the National Corngrowers Association, the National Farmers Union, and Americans for Food Safety, a consumer group.

Mr. Speaker, food safety is an issue this Congress must address. I hope that the Aflatoxin Food Safety Act of 1989 helps us to meet our obligation to

the American people to insure them the safest food supply possible.

OUTRAGE AT SUPREME COURT'S DECISION ON FLAG BURNING

(Mr. STEARNS asked and was given persmission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I would like to take this opportunity to once again express my outrage over the Supreme Court's decision to allow American flagburning as political expression.

From Valley Forge to Vietnam, in every battlefield wherever American values have been attacked, the American flag has been the shining, eternal spirit of liberty.

To desecrate such a symbol is to desecrate the memory of the thousands of Americans who have sacrificed their lives to keep that banner flying, intact.

Since Americans have fought and died to defend the flag, any act of desecration of this proud symbol is offensive to Americans.

I have introduced legislation that incorporates the above and expresses the sense of Congress that the Supreme Court erred in its decision in Texas versus Johnson. I ask your support for this resolution.

The Supreme Court has voiced its opinion, now it is time for the body of the people to express its opinion.

WOUNDING OF SISTER MARY MACKEY IN EL SALVADOR

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, I am happy to yield to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank my friend from Texas for yielding. I wanted to say I was grateful to hear my friend, the gentleman from California [Mr. DREIER], expressing his disbelief at the terrible assault on one of the nuns and missionaries in El Salvador.

I represented two of the missionaries who were killed some years ago in El Salvador. We were at least pleased to see the military who are responsible for those terrible actions put on trial and indeed convicted, and we think that that saved other lives. But this kind of an assault on people who are in El Salvador to help the poor is despicable, reprehensible, and I hope our Government will play a role, as it ultimately did in determining who killed the four American missionaries on this avenue. And I hope that we will express more outrage at this kind of an assault on innocent people, not only for Sister Mackey, but for the El Salvadoran people who have their human rights violated every day of the week.

Again, I thank the gentleman from Texas for yielding.

PERSONAL EXPLANATION

Mr. EMERSON. Mr. Speaker, during part of the session of Thursday, June 22, I was absent due to emergency dental surgery and I missed several recorded votes. If I had been present, I would have voted as follows:

Rollcall No. 100—House Resolution 182—China resolution—I would have voted "aye."

Rollcall No. 101—Bereuter amendment—striking cargo preference language—I would have voted "aye."

Rollcall No. 102—Bereuter amendment as amended—allowing certain cargo preferences—I would have voted "aye."

Rollcall No. 103 was a quorum call.

Rollcall No. 104—Lewis amendment—assessing the progress of countries moving toward economic liberalization—I would have voted "aye."

Rollcall No. 105—Kostmayer amendment—gut international family planning restrictions—I would have voted "no."

FLAG BURNING CASE SPURS MOVE TO AMEND THE CONSTITUTION

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, there is a difference between liberty and license and the Supreme Court stepped over the line this week.

Disparate elements of our society are woven together by threads—sometimes not as strong as we wish—that have been weakened by allowing the burning of our flag. The fragile social fabric that sustains freedom has been undermined by diminishing freedom's finest symbol.

By blurring the distinction between liberty and license, the Supreme Court is advocating "anything goes" freedom. Isn't it true that a part of America's problem with drugs—the tremendous demand for drugs and their use at all levels of society—stems from the breaking down of boundaries between freedom and license?

Our youth, our citizenry, will not respect limits imposed by society for its own protection when society's highest judicial body, the Supreme Court itself, cannot even impose limits on protecting the American flag.

Mr. Speaker, for those who fought and died in so many wars to preserve freedom, for all who served and serve our country, indeed for all who believe in America's great legacy of freedom, the Supreme Court's decision was a shocking stunning blow. To reverse this decision, I have introduced a bill to amend the Constitution, and I urge my colleagues to support it.

□ 1150

HISPANIC SERVING INSTITUTIONS BILL AND CENSUS

The SPEAKER pro tempore (Mr. MFUME). Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE] is recognized for 5 minutes.

Mr. BUSTAMANTE. Mr. Speaker, I would like to share with my colleagues the findings of a recent Census Bureau study that will have an important impact on many of their districts, and will undoubtedly shape our Nation's future in the global marketplace. In its first detailed estimates of minorities by State since its 1980 census count, the Census Bureau has reported that Hispanics are densely concentrated in a few of our fastest growing States and most populated cities. According to the Bureau's statistics, the city of Laredo in my district is the Nation's most Hispanic, 97.9 percent of its inhabitants are Hispanic. All throughout the Southwest and West similar clumping occurs. Of 17.5 million Hispanics in the United States almost 6 million live in California and another 3.6 million live in Texas. Elsewhere, New York and Florida each have more than 1 million residing in their States, with Illinois and New Jersey both nearing that number.

Knowledge of this population density will have a profound effect on how we address the needs of the Hispanic-American community. And how these needs are addressed will do more to determine the future health of the United States than most can imagine. On the shoulders of this vibrant and growing population rests our educational and economic strength as a nation.

Many hours are spent by our colleagues on this floor warning of the need to prepare our country for the economic demands of the coming century. The United States' preeminent position as economic leader in the world is being challenged all across the globe. No longer can we rest on our laurels and expect to remain the power we have become. The Pacific Rim countries are quickly becoming industrial and technological centers, while an impending European Common Market threatens to compete more forcefully with our export businesses. Unless we are willing to rise to these new challenges, our position of international leadership and our domestic standard of living will suffer.

Fortunately, we are beginning to realize that steps must be taken to ensure that we remain competitive in an increasingly technological world marketplace. The cornerstone of our

efforts to prepare for this battle is education. We understand that a high school education will no longer suffice for our needs. In Japan, high school students will graduate this year with an education equal to a college sophomore in the United States. It is clear that we must do more to funnel students through high school and into college where they can acquire the skills needed to become a part of our productive economy.

Recent statistics from the Census Bureau reveal that Hispanics are the fastest growing subpopulation in the United States. Between 1980 and 1985 their numbers have increased by over 22 percent. At this rate, Hispanics will be the country's most populous minority by the year 2020. It is these young Hispanics who will determine our Nation's fate. They will be our work force in the 21st century. They will be the consumers at our supermarkets and department stores. They will be the owners and board members of business ventures across the land. And they will be the taxpayers who fund America's defense and social needs. If they are strong and wise, our Nation will thrive; if they are weak and uneducated, we will decline.

Unless we act quickly to prepare these young men and women for the important roles they will be asked to fill, our changes for prosperity in the future are slim. Hispanic high school students have a much higher dropout rate than their white counterparts. They average much lower than the general population on standardized tests, and comprise a tiny fraction of doctoral candidates at our universities. In my own district, dropout rates are sometimes as high as 50 percent. If we don't do something to keep these students in school and help them pursue college educations, we are going to be depending on an unskilled army to defend us in a technological war.

I have introduced a bill in this Chamber that will begin us on this road of preparation for the future. H.R. 1561, the Hispanic-Serving Institutions of Higher Education Act of 1989 will create a pipeline between high school and college for young Hispanic students. Through this legislation a network would be formed of colleges and universities with at least a 25 percent Hispanic student population. This network will then be given funding to help member schools recruit and retain young Hispanic men and women. Such an effort is essential if we are to properly prepare for our future. And it must be made now.

But the task is not as difficult as it may seem. The high concentration of Hispanics in certain population centers hints at how effective a directed effort would be. Because Hispanics reside in such large numbers in cities like San Antonio, Los Angeles, New York, and San Diego, we know where to focus our efforts. We do not need to paint with broad, wasteful strokes. Instead we can pinpoint our brushes in select areas without overlooking many needy people. This is the aim of the Hispanic-Serving Institutions of Higher Education Act. And it would be as cost efficient as it is effective.

It is not often that we are able to help a group of people so in need, with so much ease, and with so much benefit to our entire Nation. For their sake, and for the sake or our country's future, let's take advantage of the obvious implications found in the Census Bureau's report and invest in this legislative attempt to prepare for the future.

COLLAPSE OF COMMUNISM IN CHINA, POLAND, AND THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, we have over the past several months seen almost all of the national news magazines printing headlines like this on their covers: "Collapse of Communism in China, Poland, the Soviet Union, the People Defy Their Leaders." Time, Newsweek, U.S. News, all the great publications, that great publication insight which we all get in our offices. A lot of publications are focusing attention on that. In fact it underscores the fact that we have seen the attention move away from Washington, DC. The world usually focuses on Washington, DC, the District of Columbia and the activities which we are involved in here. Now world attention is focused on these spots where democracy is on the move.

There is an interesting column which they carry every week, which I always like to read at the beginning of the week if I am lucky enough to get my magazine, U.S. News, delivered to my office on time, called "Washington Whispers." One would think that those of us in Congress are well aware of everything that goes on and would know in advance what the "Washington Whispers" column might be printing. But I often learn quite a bit from the U.S. News and World Report, "Washington Whispers."

This one deals specifically with the cover that I have been talking about, "Collapse of Communism." It is very interesting.

I read it especially in light of the fact that a couple of weeks ago I had the thrill of joining with a couple of my colleagues in observing the first election in over four decades take place in Poland.

I am going to read through this—maybe it is a little dated, this is actually the June 19 issue of U.S. News and World Report. It is the lead item in the "Washington Whispers" column.

It says:

> If there were Polish-style elections in other Communist-run countries, how would the party fare? Even worse in some places than in Poland, where Communist candidates won only an estimated 20 percent of last week's vote, say U.S. analysts surveyed by U.S. News. The experts believe that in neo-Stalinist Czechoslovakia and Romania, the party could get no more than 10 percent, that East German Communists would be lucky to outdo their Polish comrades and that even in Bulgaria, which has always been the most pro-Soviet of Moscow's allies, the party could count on no more than 30 percent.

□ 1200

The Communists' best chance seems to be the Hungarian Party's reform wing, which could win as much as 35 percent. Now it is clear that that reform is not Marxist leaning, and that is the reason they do as well as they predict here. The experts think that if Cubans were asked next week to choose Fidel: "si or no," Castro might line up 60 percent—but if the opposition had time to organize, it could win by the same percentage. An even better example of the problems of holding free elections where dissent is banned in North Korea, whose veteran dictator Kim Il-song, could emerge on top because, as one scholar says, "It's like the last days of Stalin. North Koreans don't know alternatives exist."

Well, Mr. Speaker, it is clear that with this informational explosion as we have discussed here, that alternatives do exist and people throughout the world are learning about these alternatives. I am very pleased we were able to incorporate the Douglas amendment in the Foreign Assistance Act which calls for a plebiscite in Cuba, and I hope, very much, Mr. Speaker, that the world will recognize that the idea behind these Communist totalitarian regimes is clearly a failed one. We hope very much that we will see an opportunity for the kinds of elections which these analysts outlined for us in U.S. News and World Report will, in fact, take place.

INTRODUCING LEGISLATION TO PROTECT THE AMERICAN FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, if we were to stand today and gaze at Fort McHenry under seige, would we feel the same swell of pride at the sight of the Stars and Stripes as that which prompted Francis Scott Key to pen the glorious words to our National Anthem? We would. But, after the Texas versus Johnson decision, the broad strips and bright stars are not so

gallantly streaming since flag burning and desecration has been given the nod by the U.S. Supreme Court.

The U.S. flag is, in and of itself, a symbol of all the freedoms which we as Americans enjoy everyday—the freedoms of speech, press, assembly, religion and so many more. Earlier this year I introduced a resolution expressing the sense of the Congress regarding the flagrant and malicious desecration of the flag, and in response I have heard from many, many people in my district, and in fact from many people from across the Nation, who are outraged over the blatant desecration that the American flag has suffered in recent years.

I happen to believe that flagrant and public abuse of the flag should not be considered as symbolic speech under the first amendment, and such abuse should not be tolerated. I am pleased to offer an amendment to the U.S. Constitution declaring that desecration of the flag is prohibited. This amendment will also give enforcement powers to both the Federal and the State governments. I urge my colleagues to support this amendment to the Constitution.

Throughout history, the U.S. flag has been revered as the embodiment of the liberty and freedom which have become the hallmark of our Nation. This casual treatment of our Nation's most revered symbol is an affront not only to the flag, but to the ideals which stand behind it. It is an affront to the people who have served our great country in all capacities and exigencies, but especially to those who have fought and died for America.

I urge my colleagues to join me in sponsoring this resolution to set in motion the process of amending the Constitution to give protection to the flag, the embodiment, the entity which symbolizes our national ideals.

COMMUNITY LIFE AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DANNEMEYER] is recognized for 60 minutes.

Mr. DANNEMEYER. Mr. Speaker, one of the most eloquent statements of liberty ever penned was our own Declaration of Independence. We celebrate this document and its glorious message each Fourth of July. The declaration is the charter of our Nation, our founding document. The principles espoused therein are the core of our democracy and represent our collective civic faith.

Thomas Jefferson surmised the predicament of the colonies in these revolutionary terms:

> When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the Earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to separation.
>
> We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these, are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed * * *.

Mr. Jefferson's formal recognition of God in connection with the rights of people, not sovereigns, was certainly unique. No nation had ever acknowledged that all men are created equal, let alone state that each has been endowed by their creator with individual, inalienable rights.

More significant for my purposes today is the injunction that, "to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed." In the same breath, our national charter has listed that we not only have rights that no government can take away, but that our constitutional Government was instituted to secure these rights.

The declaration continues that:

> Whenever any form of government becomes destructive of these ends, it is the right of the people to alter it.

Mr. Speaker, I would like to share with my colleagues a short history of a government that has become destructive to certain of these ends as stated in our Declaration of Independence. In fact, the history I will detail is of a government that has sought to deny the sole authority that has granted it legitimacy. I am speaking of how an unelected body, with the timid consent of the Congress of the United States, has disallowed through a series of judicial decisions the right of rising generations to formally acknowledge their creator.

The significance of this encroachment into the verity that has established our inalienable rights is that if a creator did not grant us these rights, then men must have. Meaning in practical terms: What men can grant, they can also take away. America was an experiment of inalienable rights, not transitory rights. And for our constitutional Government, established by this people, to become destructive to the authority that granted it its very existence is inimical to all reason and to all of the temporal privileges of our existence.

There are many ways I could begin this history of judicial turpitude. I could begin on a positive note by affirming the spiritual nature of our society. History is replete with facts detailing how the pursuit of religious freedom spawned the Original Thirteen Colonies. Mind you, I said in "the pursuit of religious freedom," not out of fear for religion, was this Nation spawned.

I could discuss the faith of our Founding Fathers. That out of the 55 men who drafted the Constitution, all but three were orthodox members of one of the established Christian communions: approximately 29 Anglicans, 16 to 18 Calvinists, 2 Methodists, 2 Lutherans, 5 Roman Catholics, 1 lapsed Quaker, and sometime-Anglican, and one open deist.

It does no good for critics of our spiritual heritage to shrug off these facts to the times—as if to say, "what else would you expect them to profess in that day and age?" This criticism is no more substantive that claims that all people in the days of Jesus Christ were either Jews or Christians, or even that no spiritual consensus exists today. These critics are only dealing with perception and self-delusion.

I could also talk about the philosophical and legal traditions of men schooled in the Judeo-Christian ethic relied on by our Founding Fathers. Men like Algernon Sidney and John Locke, the French philosopher Montesquieu and William Blackstone, and Hugo Grotius.

Or I could recite all the many references to our creator in ancillary documents to our founding. Those such as the Northwest Ordinance of 1787 and all 50 State constitutions.

But I won't submit to this great temptation. I prefer instead to begin by cataloging the judicial decisions that have taken God out of the intellectual and civic realm of public schoolchildren. This removal has created an atmosphere of distrust and duplicity in the minds of kids toward their elders.

Children will not allow us to get away with a double message. If a belief in a creator is good enough for home and church, then it is certainly appropriate to recognize a creator in the school room. Relegating this recognition to its proper place is not enough to effectively influence the active minds of children who spend most of their days away from both home and church and in an environment that unhesitatingly proclaims that such instruction is antithetical to reasoned thought and intellectual stimulation.

The judicial activism of the Supreme Court began toward this end in 1962. The case of *Engel* v. *Vitale* (370 U.S. 421 (1962)) centered on a State-imposed and drafted prayer that was recited daily in the public schools of New York. The beginning of each day would begin with:

> Almighty God, we acknowledge our dependence on Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country.

The Court held that:

> The constitutional prohibition against laws respecting an establishment of religion

must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government.

And further, that the first amendment's,

Prohibition against governmental establishment of religion, as reinforced by the provisions of the 14th amendment, government in this country, be it State or Federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity.

The nondenominational aspect of the regent's prayer did not persuade the Court to preclude it from application under the first amendment. Neither did the fact that student participation was strictly voluntary. Left unresolved was the issue of whether or not other issues such as student intiated voluntary prayers, reading the Bible in class, and posting the Ten Commandments were constitutional.

Only 1 year later, on June 17, 1963, the Court addressed these other concerns, directly and indirectly, in *Abington School District* v. *Schempp* (374 U.S. 203, 1963). Each morning at Abington Senior High School selected students would read 10 verses of the Holy Bible over the school's intercommunications system. The reading was followed by the recitation of the Lord's Prayer with all students being asked to stand and repeat the prayer in unison. The exercises were closed with a flag salute and the Pledge of Allegiance. Once again, participation in these activities was left to the discretion of the student and students could either refrain from participation in class or leave the room entirely until completion of the exercise.

In ruling against Abington school district, as with its forerunner Engel, the Court ruled that such exercises were a violation of the establishment clause as applied to the States under the 14th amendment. The majority arguments in both cases rested on the 14th amendment incorporating the establishment clause.

By 1980 the Court had worked its way up to denying the Ten Commandments to be posted on a school room wall. In Stone versus Graham the Court reviewed a case where a 1978 Kentucky statute required a copy of the Ten Commandments to be posted in each public school class room in the State.

Also to appear in small print following the last commandment was the wording:

The secular application of the Ten Commandments is clearly seen in its adoption as the fundamental legal code of western civilization and the common law of the United States.

A Kentucky trial court as well as the Kentucky Supreme Court upheld the statute as constitutional, but the U.S. Supreme Court felt different. The Court held that:

The pre-eminent purpose for posting the Ten Commandments on school room walls is plainly religious in nature. The Ten Commandments is undeniably a sacred text in the Jewish and Christian faiths, and no legislative recitation of supposed secular purpose can blind us to that fact.

It is important to note that the language of the Court restricted the posting of the Ten Commandments even if Kentucky law did not require such a posting. Now-Chief Justice Rehnquist authored a dissenting opinion that held the statute as constitutional and that a secular legislative purpose was well-defined by the Kentucky Legislature.

A last major court decision I will mention concerned a Lousiana law passed by the State legislature in 1982 that stated that any time the theories of creation and evolution are taught, independent of each other, then the other theory must be taught as well.

Once again, the paragons of the establishment clause rose to the occasion. In a seven-to-two decision, the Court held in Edwards versus Aguillard that:

The act continues the battle William Jennings Bryan carried to his grave. The act's intended effect is to discredit evolution by counterbalancing its teaching at every turn with the teaching of creationism, a religious belief. The statute therefore is a law respecting a particular religious belief.

Justice Antonin Scalia called the court's reasoning embarrassing and argued that the Court should abandon the perilous task of trying to determine the subjective intent of legislators.

Mr. Speaker, what is crucial to understanding this series of major decisions, as well as various lesser related decisions, is that an activist Court has not only consistently refused to side with the merits of religious-based values, but it has also refused to consider true secular State interests in promoting a formal recognition of God in our public schools.

Well, I for one, have had enough of double-edged Supreme Court decisions that, on their surface, focus on limiting State mandates, but also serve as legal fodder to intimidate financially-strapped and time-constrained local school systems into docile submission.

I would now like to turn my attention to the reality of children refused a higher authority than man himself. Author David Barton has produced a book titled, "America: To Pray Or Not To Pray." Every Member's office should have received a copy of this book by now.

Mr. Barton got to wondering about the 1962 prayer decision and its correlation to various social indices. For instance, he compiled Government statistics on SAT scores, dropouts, teenage pregnancies, violent crime, alcohol consumption, birth rates, divorce, unwed couples living together, and single parent households.

Now let me state up front that various factors could have led to the picture Mr. Barton's analysis paints. The welfare state, for instance, began its massive buildup in the early sixties. But let's get one thing clear: A picture is worth a thousand words, and what I am about to show you cannot be denied.

THE SAT SCORE CHART

The scholastic aptitude test is an academic test measuring the developed verbal and math reasoning skills of student's preparing to enter college. These results are widely used to gain admission to colleges and universities. The SAT has been administered to high school seniors since 1926. A scale was established in 1941 to allow comparison of the scores from year to year.

Notice the dramatic decline in scores at the time of the initial Court decisions prohibiting State-sponsored prayer. A high of 980 in 1963, down to the 1986 level of 905. My friends, this is not a picture of a trend. A trend would gradually slide downhill. This is a picture of an event.

THE SCHOOL DROPOUT CHART

The examination of school dropout rates is a difficult area of documentation. It is hard to track individual students to know if they have actually dropped out, have moved out of the State or country, or if they are suffering an extended sickness or serious injury.

The one aspect of school dropouts that is well documented in the number of students who take the general education development test, or the G.E.D. test. A G.E.D. certificate is available for those people who did not receive a high school diploma, but are able to prove that they have adequate and equivalent academic skills. The test has been used since 1918.

Once again notice how the chart goes ballistic after the 1962 and 1963 decisions. Also note the relatively flat plane of population growth.

TEENAGE PREGNANCIES

Lastly, let's look at pregnancies to unwed women between the ages of 15 and 19. There were other age groups to choose charts from, but this particular chart offers a poignant testimony to our social decline since 1962.

You can see the differential between population growth within these ages and total births and abortions. Figures were reported that 1 million adolescent girls become pregnant each year. Eighty percent of the teenage girls who are pregnant are unmarried. And the cost to the public of teenage pregnancies in 1985 alone was estimated at $16½ billion.

Tell Mr. Barton that other factors are responsible for these tragedies. Tell him it is not enough social spend-

ing or social justice. Tell him it was the adverse effects of the Vietnam war or the television age. Just don't tell him 1962 and 1963 were not pivotal years in our existence. These pictures don't lie.

In my opinion, the only solution to nearly 3 decades of government by judiciary and the social ills that, at least, this rule has contributed to, is to allow local communities to send their school kids a clear message: rights come with responsibilities and those rights do not change with each new generation because God, the creator of those rights, decreed them inalienable.

We have seemingly entered a new era of thought regarding education. This is the day of public choice. And in this same spirit of public choice, I have introduced a bill I call the community life amendment that will allow the people to determine the civic efficacy of voluntary prayer and the teaching of the Judeo-Christian ethic.

The bill's language reads as follows:

SECTION 1. The right of the people to allow voluntary school prayer and the teaching of the Judeo-Christian ethic in public schools shall not be denied or abridged by the United States.

SEC. 2. For the purpose of section 1, the term "teaching of the Judeo-Christian ethic" shall include the Ten Commandments, and the creation of the earth as accepted in Judeo-Christian tradition.

SEC. 3. Section 1 shall not force the people to enact any statute against their will.

SEC. 4. Nothing in this amendment shall constitute an establishment of religion, nor shall this amendment permit any governmental or administrative authority to prescribe the form or content of any voluntary prayer.

Let me take this opportunity to define the terms of this amendment as well as offer some legislative intent.

The first thing I would like to point out is that this bill is not a school prayer amendment. It is not a religion in school amendment. It is not a Ten Commandments amendment. Nor is it a creation amendment. This truly is a community life amendment. Legislative jurisdiction is returned to the people to choose to reinforce to the fullest our inalienable rights, or to choose not to.

Section 3 of the amendment states explicitly, that section 1 shall not force the people to enact any statute against their will. This is not a school prayer amendment. It mandates little upon the States, local communities, and the people. It does do what all good constitutional amendments do, and that is to limit the scope of the Federal Government.

What is mandated is that if a community decides to pursue truly voluntary prayer in public school, then this amendment states that no Governmental or administrative authority shall prescribe the form or content of any prayer. That is what is mandated in keeping with a fair reading of the first amendment.

Well, what do I mean by voluuntary prayer? Didn't the board of regents in the State of New York also say that their State-written prayer was voluntary?

I have just read section 4 of the amendment that holds unconstitutional any government-prescribed prayers. By voluntary, I mean that if a community decides that, first of all, they want a formal recognition of the Creator in their schools and, second, choose to allow this formal recognition in the form of vocal prayer, then this prayer must originate from a student, be extemporaneous, and unconstrained in form or content by any governmental or administrative authority. Local communities are left to decide regulations dictating a proper time and place to maintain academic order.

But, I have been asked, aren't kids now allowed to say silent prayers whenever they choose? And the answer is of course they are. The lords of lunacy in Washington have yet to figure a way to dictate the private thoughts of individuals. But what is not allowed is the formal recognition of God, by whatever name, in public school. Without this formal recognition, we are attempting to teach kids that they have been endowed by their Creator with inalienable rights, but for some strange reason, they are not allowed to recognize that fact in school, a place we have sent them by law to learn how to be responsible adults.

This has the same effect as telling a child that it is not good to steal when the child may actually be making a profit from stealing. Children need to be told that some authority, higher than man, has instructed him not to steal no matter the utility of the act. It is a wonder of our existence that most kids respond positively to rules of equal conduct as laid out by a higher authority. In fact, they respond much more positively to this instruction then they do rules handed down by adults who fail to practice what they preach.

But shouldn't we leave parents and churches to teach children these fundamental concepts? I have already explained the failing of limiting the scope of this formal recognition. Without it the public schools are left with teaching civics based on the authority of men. This is Humanism.

Humanism, by definition, will fail to effectively instruct kids that God is the source of their civic and personal liberties. Again, the moral relativism of Humanism will only adversely indoctrinate children by teaching them that utility is the standard whereby actions should be judged. Socialism, Communist, and authoritarian regimes have provided ample evidence of where moral relativism leads a nation.

I am also asked, why not compromise and pursue a policy that allows a time for silent prayer or meditation as well as comparative instruction about religions?

The community life amendment says nothing about religion or religions. It neither advances nor inhibits religion. There is nothing to compromise. The amendment simply allows public school children to formally recognize their Creator, by instruction in the Judeo-Christian ethic and by voluntary prayer, thereby instilling in them the importance of their inalienable rights as outlined in the declaration of independence.

Silent prayer or meditation may not formally recognize the Creator of inalienable rights and, hence, may not meet the defined secular legislative purpose. However, the amendment allows this nondescript form of recognition.

What we can expect if this amendment becomes law is that local school boards, under the direction of the people, will first have to establish whether or not they want to allow a formal recognition to take place. Second, they will have to decide whether they want vocal or silent voluntary prayer. If they decide in the affirmative, then they may choose to develop regulations governing the proper time and place for voluntary prayer as well as how the Judeo-Christian ethic will fit into their curriculum. Some local school boards may choose not to enact any governing regulations. However, academic order will be better served by some regulations.

Clearly though, regulations cannot preclude any student from offering a voluntary prayer.

Now let me turn my attention to section 2 of the amendment that defines the teaching of the Judeo-Christian ethic to include "the Ten Commandments and creation of the Earth as accepted in Judeo-Christian tradition."

These two items are specifically cited because the Supreme Court singled them out as points of contention. My amendment leaves to the discretion of local communities just how, if at all, they will choose to incorporate these teachings into curriculums.

It is common knowledge that the Judeo-Christian ethic is the cornerstone of American jurisprudence, the Ten Commandments at its core. We know that the first Four Commandments of the Ten regard our personal relationship with deity, while the remaining six regard man's dealing with man.

While the posting of the Ten Commandments would be allowed in schoolrooms if communities desired this posting, there is nothing in this amendment that would require wholesale instruction in the entire Ten Commandments. For instance, if a commu-

nity felt that instruction in the first Four Commandments was too sensitive by community standards, then a community could choose to limit the inclusion of the Ten Commandments—in curriculum—to instruction in the latter Six Commandments.

My point is that communities have flexibility under the provisions of this amendment—flexibility being a hallmark of a wise amendment. They can have all, some, or none of the teaching of the Judeo-Christian ethic as they independently choose.

The Divine creation of the Earth is also included among topics covered by the Judeo-Christian ethic. The inclusion of creation is intended to counter adverse Supreme Court decisions as well as support our Nation's claim that a Creator endowed us with inalienable rights. After all, what good would it do to teach kids about the divine origin of our human rights and then attempt to ignore or sidestep references to the Creator or the creative process.

This issue of creation need not be as contentious as some people try to make it. We do not need to pit creation versus evolution in open warfare. There need not be separate classes in creation or evolution. We can treat these topics as we treat others in society so as to set a mature example for our youth.

Just as sex education can be adequately taught in a biology class, within the discipline of biology, and just as the Judeo-Christian ethic can be taught in civics or history classes, within the confines of those disciplines, so too can the divine creation of the Earth be taught within the discipline of science. Communities have the discretion to teach these principles as they see fit within the confines of the Constitution.

Say a community chooses to include in its science curriculum the divine origins of the universe. Children could be instructed in scientific fact about the complexities that make up our environment. Let the kids decide whether or not an accident could have originated these complexities. Let the kids decide whether or not a faceless nature could wrought this life. A community may decide that they owe it to their children to pose the question of divine creation after a thorough presentation of the facts.

This approach is articulated in a reasonable and cogent analysis of the origins of our universe in a book titled, "Origins and Destiny", by Dr. Robert Gange of the Genesis Foundation. Dr. Gange is a practicing scientist in Princeton, NJ. Just as one example, Dr. Gange explains the complexity of our existence as in Earth's relationship to the Sun. He writes:

> The Sun is 92.9 million miles away from the Earth, and yet its 12,000 degree surface temperature radiates precisely the correct amount of energy for the proper intensity to reach this planet * * *. The Earth's diameter is 7,900 miles so that it intercepts one two-billionth of the total solar energy that reaches us. Yet if its diamater were slightly smaller or larger, we would either freeze or roast to death * * * and lest we take our thermal environment for granted, we might recall that the moon is only 293,000 miles away. Yet its surface temperature varies each lunar day from a high of 214 degrees above zero to a low of 243 degrees below zero!

Dr. Gange concludes of these type scientific facts:

> This is a world of complex patterns harmoniously interacting so as to sustain themselves. Such patterns are never produced on our scale of observation by chance processes. We see them only produced by intelligence. Where is the emirical warrant for the faith that presupposes that lifeless particles first made a home for themselves [Earth], endowed themselves with a living awareness of their own existence [us], and then proceeded to build art museums, mucic halls, and bowling alleys? There [is] none!

We are a mature and rational people who also happen to have been endowed by their Creator with certain inalienable rights. The collective wisdom of the people as expressed in their representative local governments is more than adequate to handle the instruction authorized by the community life amendment.

Whether the issue is truly voluntary school prayer or instruction in the Judeo-Christian ethic, the civic mandate is self-evident. If the greater liberal Thomas Jefferson acknowledged our Creator in our country's founding document, then does there not exist a secular legislative purpose in the passage of the community life amendent—an amendment that simply allows communities across America to instill this knowledge in their kids if they so choose?

The time is right for this amendment.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MYERS of Indiana (at the request of Mr. MICHEL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. RITTER, for 5 minutes today.

Mr. DREIER of California, for 5 minutes, today.

Mr. EMERSON, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, on June 29.

(The following Member (at the request of Mr. DANNEMEYER) to revise and extend his remarks and include extraneous material:)

Mr. Goss, for 60 minutes, on June 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. HOUGHTON.

Mrs. BENTLEY in two instances.

Mr. LEWIS of Florida.

Mr. SAXTON.

Mr. RHODES.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ASPIN.

Mr. LELAND.

Mr. JONES of North Carolina.

Mr. PAYNE of New Jersey.

Mr. LAFALCE.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table, and under the rule, referred as follows:

S. 1250. An act to waive the application of chapter 11 of title 18, United States Code, to the extension of a certain loan to the United States Holocaust Memorial Council, to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 111. Joint resolution designating June 23, 1989, as "United States Coast Guard Auxiliary Day."

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On June 21, 1989:

H.R. 881. An act to provide for restoration of the Federal trust relationship with, and assistance to, the Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians, and for other purposes.

On June 22, 1989:

H.R. 2344. An act to authorize the transfer to the Republic of the Philippines of two excess naval vessels.

ADJOURNMENT

Mr. DANNEMEYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Tuesday, June 27, 1989.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1380. A letter from the Secretary of Agriculture, transmitting a copy the annual animal welfare enforcement report; to the Committee on Agriculture.

1381. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 901. A bill to amend title 38, United States Code, to improve programs for the recruitment and retention of health-care personnel of the Department of Veterans' Affairs, to extend certain expiring programs of that Department, and for other purposes with an amendment (Rept. 101-107). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 2444. A bill to provide for the appointment of Adm. James B. Busey as Administrator of the Federal Aviation Administration, and for other purposes (Rept. 101-108). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 1048. A bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity; with amendments (Rept. 101-109). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. House Joint Resolution 281. Jont resolution to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, and to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary; with an amendment; referred to the Committee on Interior and Insular Affairs for a period ending not later than June 26, 1989, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(1), rule X (Rept. 101-110, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DORGAN of North Dakota:

H.R. 2746. A bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the refuge revenue sharing fund; to the Committee on Merchant Marine and Fisheries.

By Mr. LaFALCE:

H.R. 2747. A bill to amend the International Lending Supervision Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. EMERSON (for himself, Mr. MCCURDY, Mr. SAXTON), and Mr. KANJORSKI):

H.J. Res. 324. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. GEKAS:

H.J. Res. 325. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration to the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. HORTON:

H.J. Res. 326. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration to the flag of the United States; to the Committee on the Judiciary.

By Mr. STOKES:

H.J. Res. 327. Joint resolution designating September 1989 as "National Minority Health Awareness Month," and for other purposes; jointly, to the Committees on Post Office and Civil Service and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 37: Mr. SMITH of New Jersey.

H.R. 520: Mr. SOLOMON.

H.R. 521: Mr. SOLOMON.

H.R. 522: Mr. SOLOMON.

H.R. 523: Mrs. SAIKI and Mr. SOLOMON.

H.R. 526: Mr. BUSTAMANTE.

H.R. 529: Mr. HUGHES and Mr. HAWKINS.

H.R. 530: Mr. HUGHES, Mr. HAWKINS, and Mr. CARPER.

H.R. 586: Mr. ROYBAL.

H.R. 638: Mr. LEHMAN of Florida.

H.R. 645: Mr. JAMES and Mr. CAMPBELL of Colorado.

H.R. 720: Mr. GARCIA and Mr. GILMAN.

H.R. 774: Mr. MURPHY, Mr. DICKS, Mr. BRYANT, Mr. CARR, Mr. YATES, Mr. ESPY, Mr. FLORIO, and Mr. WALGREN.

H.R. 791: Mr. MACHTLEY and Mr. ENGEL.

H.R. 800: Mr. BRYANT and Mr. HAYES of Illinois.

H.R. 1000: Mr. COSTELLO.

H.R. 1117: Mr. PICKETT.

H.R. 1138: Mr. ASPIN.

H.R. 1181: Mr. CRAIG, Mr. ROE, Ms. KAPTUR, and Mr. HYDE.

H.R. 1295: Mr. GILMAN.

H.R. 1439: Mr. HAYES of Illinois.

H.R. 1540: Mr. LEVIN of Michigan.

H.R. 1691: Mr. ENGEL and Mr. ROYBAL.

H.R. 1997: Mr. BARNARD and Mr. FORD of Tennessee.

H.R. 2170: Mr. NIELSON of Utah, Mr. LAGOMARSINO, Mr. EMERSON, Mr. ARMEY, and Mr. RHODES.

H.R. 2259: Mr. INHOFE and Mr. LAGOMARSINO.

H.R. 2273: Mr. KOSTMAYER, Mr. NOWAK, Mr. SCHEUER, Mr. CARR, Mr. HAMILTON, Mr. MCMILLEN of Maryland, Mr. SWIFT, and Mr. FLAKE.

H.R. 2361: Mr. HUGHES and Mr. PRICE.

H.R. 2362: Mr. HUGHES and Mr. PRICE.

H.R. 2386: Mr. VENTO, Mr. RINALDO, and Mrs. COLLINS.

H.R. 2405: Mr. KENNEDY, Mr. MAVROULES, Mr. MORRISON of Connecticut, Mr. KOSTMAYER, and Mr. RANGEL.

H.R. 2414: Mr. GINGRICH, Mr. SUNDQUIST, Mr. MARLENEE, Mr. LAGOMARSINO, Mr. SHUMWAY, Mr. HORTON, Mr. LIGHTFOOT, and Mr. LANCASTER.

H.R. 2547: Mr. KILDEE, and Mr. OWENS of New York.

H.R. 2561: Mr. OWENS of Utah, Mr. MOLINARI, and Mr. MORRISON of Connecticut.

H.R. 2585: Mr. RAVENEL.

H.R. 2596: Mr. SHARP, Mr. BOSCO, Mr. RINALDO, and Mr. FLORIO.

H.J. Res. 174: Mr. BATEMAN, Mr. BROOKS, Mr. FIELDS, Mr. FROST, Mr. HASTERT, Mr. HILER, Mr. HUCKABY, Mr. JACOBS, Mr. KOLTER, Mr. PANETTA, Mr. PARKER, Mr. PETRI, Mr. SABO, Mr. SAVAGE, Mr. SAWYER, Mr. SAXTON, Mr. TAUKE, Mr. TAUZIN, Mrs. UNSOELD, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WALSH, Mr. YATRON, Mr. ARCHER, and Mr. SMITH of Mississippi.

H.J. Res. 227: Mr. GILMAN, Mr. VENTO, Mr. NOWAK, Mr. GRANDY, Mrs. VUCANOVICH, Mr. SLAUGHTER of Virginia, Mr. ANTHONY, Mr. MONTGOMERY, Mr. MARKEY, and Mr. DENNY SMITH.

H.J. Res. 257: Mr. KOSTMAYER, Mr. IRELAND, Mr. SHUSTER, Mr. JONES of North Carolina, Mr. BUSTAMANTE, Mr. BEVILL, Mr. DONALD E. LUKENS, Mr. GINGRICH, Mr. SABO, Mr. MCEWEN, Mr. ATKINS, and Mr. WHEAT.

H.J. Res. 273: Mr. JENKINS, Ms. SLAUGHTER of New York, Mr. CLEMENT, Mrs. LLOYD, and Mr. ACKERMAN.

H.J. Res. 277: Mr. ACKERMAN, Mr. ALEXANDER, Mr. ANTHONY, Mr. APPLEGATE, Mr. ASPIN, Mr. ATKINS, Mr. BATES, Mr. BERMAN, Mr. BILBRAY, Mr. BLILEY, Mr. BONIOR, Mr. BOUCHER, Mrs. BOXER, Mr. BROOKS, Mr. BUECHNER, Mr. CHANDLER, Mr. CLAY, Mr. CLEMENT, Mrs. COLLINS, Mr. CONYERS, Mr. COOPER, Mr. COSTELLO, Mr. COUGHLIN, Mr. COURTER, Mr. COX, Mr. CROCKETT, Mr. DARDEN, Mr. DEFAZIO, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKS, Mr. DIXON, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ECKART, Mr. EMERSON, Mr. ENGEL, Mr. ENGLISH, Mr. ESPY, Mr. EVANS, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FLAKE, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK, Mr. FUSTER, Mr. GALLO, Mr. GARCIA,

Mr. GINGRICH, Mr. GONZALEZ, Mr. GOODLING, Mr. GOSS, Mr. GRANDY, Mr. GRAY, Mr. GUARINI, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HANCOCK, Mr. HANSEN, Mr. HARRIS, Mr. HATCHER, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HENRY, Mr. HERTEL, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. HOPKINS, Mr. HORTON, Mr. HOUGHTON, Mr. HOYER, Mr. HUCKABY, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mrs. JOHNSON of Connecticut, Mr. JOHNSTON of Florida, Mr. JONES of Georgia, Mr. JONTZ, Ms. KAPTUR, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAUGHLIN, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LONG, Mrs. LOWEY of New York, Mr. MCDERMOTT, Mr. MCEWEN, Mr. MCNULTY, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mr. MOODY, Mr. MRAZEK, Mr. MURPHY, Mr. NAGLE, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Ms. OAKAR, Mr. OBERSTAR, Mr. OBEY, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PALLONE, Mr. PANETTA, Mr. PARKER, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. POSHARD, Mr. PRICE, Mr. RAHALL, Mr. RANGEL, Mr. RAVENEL, Mr. RHODES, Mr. RICHARDSON, Mr. RINALDO, Mr. ROBINSON, Mr. ROE, Mr. ROGERS, Mr. ROHRABACHER, Mr. ROSE, Mr. ROWLAND of Connecticut, Mr. SABO, Mr. SARPALIUS, Mr. SAVAGE, Mr. SAWYER, Mr. SAXTON, Mr. SCHUMER, Mr. SHAYS, Mr. SISISKY, Ms. SLAUGHTER of New York, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SMITH of Oregon, Mr. SMITH of Florida, Mr. SMITH of Vermont, Mr. SOLARZ, Mr. STAGGERS, Mr. STOKES, Mr. STUDDS, Mr. SYNAR, Mr. TALLON, Mr. TANNER, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mrs. UNSOELD, Mr. VALENTINE, Mr. VISCLOSKY, Mr. WALSH, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, Mr. WILLIAMS, Mr. WISE, Mr. WOLPE, Mr. WRIGHT, Mr. CARPER, Mr. BROWDER, Mr. SCHEUER, Mr. SKELTON, Mr. BUSTAMANTE, Mr. GILMAN, Mr. DORGAN of North Dakota, Mr. MONTGOMERY, Mr. DERRICK, Mr. THOMAS of Georgia, Mr. GRANT, Mr. SCHUETTE, Mr. CARR, Mr. CARDIN, Mr. CLARKE, Mr. FROST, Mr. GEJDENSON, Mr. KANJORSKI, Mr. LANCASTER, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MORRISON of Washington, Mr. MURTHA, Mr. MYERS of Indiana, Mr. PACKARD, Mrs. PATTERSON, Mr. SANGMEISTER, Mr. SHAW, Mr. SUNDQUIST, Mr. VANDER JAGT, and Mr. WILSON.

H.J. Res. 281: Mr. JONES of North Carolina, Mr. PRICE, Mr. MILLER of California, Mr. ROSE, and Mr. NEAL of North Carolina.

H.J. Res. 307: Mrs. PATTERSON and Mr. RAVENEL.

H. Con. Res. 117: Mr. HORTON, Mr. SARPALIUS, Mr. WHEAT, Mr. BILBRAY, Mr. FAZIO, Mr. HANCOCK, Mr. DE LUGO, and Mr. MCNULTY.

H. Res. 172: Mr. ARMEY, Mr. DEFAZIO, Mr. HUGHES, Mr. LAGOMARSINO, and Mr. MAZZOLI.

H. Res. 176: Mr. SHAW.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2655

By Mr. OWENS of Utah:

—Page 509, strike out lines 11 through 24; redesignate subsections (c) through (e) of section 861 as subsections (b) through (d), respectively; page 510, line 11, strike out "(a) REQUIREMENT FOR REPORTS.—"; page 511, line 10, insert closing quotation marks and a period after the period; and strike out lines 11 through 17.

SENATE—*Friday, June 23, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.—(Genesis 2:24).

God of creation, as Thou didst preside at the first marriage giving the first woman to the first man, make us to realize that marriage is God's idea, not the invention of a clever sociologist who thought that would be a good way to organize society. Teach us respect for the sanctity of marriage. Impress upon each husband God's mandate to him to "cleave unto his wife." And enable each husband to take time—make time to be with his wife, to nourish the intimacy that God intends in marriage. Help them to understand that the greatest security children enjoy is in the strength and intimacy of parental relationships. Whatever else involves the husbands during this recess, move them to take some time for wife and family. Protect the family against the subtle desertion so common in the business of our culture.

Dear God, bless our families. As this recess offers opportunity, bring healing, reconciliation and restoration.

In the name of Him who is love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 23, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting majority leader is recognized.

THE JOURNAL

Mr. DIXON. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. DIXON. Mr. President, following the time for the two leaders, there will be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak for up to 5 minutes each. The Senate will resume debate on S. 5 at 10 a.m.

Mr. President, I ask that the time for the majority leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting Republican leader is now recognized.

Mr. HATFIELD. Mr. President, thank you.

Mr. President, I ask unanimous consent that the Republican leader's time be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. For the record, under the previous order there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. HATFIELD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Oregon.

(The remarks of Mr. HATFIELD pertaining to the submission of Senate Concurrent Resolution 51 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. HATFIELD. Mr. President, how many minutes do I have left on my 5?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. HATFIELD. Mr. President, I yield myself 4 additional minutes from the leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HATFIELD pertaining to the submission of Senate Concurrent Resolution 52 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 1256 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. HEINZ].

SUPREME COURT DECISION ON DESECRATION OF AMERICAN FLAG

Mr. HEINZ. Mr. President, I rise this morning to express my amazement and profound concern at the decision of the Supreme Court which licenses the burning and destruction of the American flag, nothing less than an obscenity.

In making its decision, the Court has cited the first amendment and the right of every American to free speech. But, Mr. President, although I am not a lawyer, I have read enough cases, and I have been in this institution long enough to know that obscenity is explicitly not protected speech. And to the vast majority of American people, and to myself, the desecration of the American flag is obscenity, and nothing less.

I believe that the Court is inconsistent in ignoring previous holdings about what is and is not protected speech. I submit the decision is wrong, the Court's opinion misguided and, offensive. I must tell you that I am also troubled that this decision represents a judicial activism, that is going

beyond the clear meaning of the Constitution.

As I understand the first amendment, it talks about speech in all its forms. Now, that includes not only verbal speech, but writing and gestures. But it should not include overt physical acts by individuals or groups. Once you start down that slope, Mr. President, it is slippery and dangerous indeed.

We are not a perfect country, Mr. President, but we strive to make it better every day, and the flag of our country has a special place in our hearts. We love freedoms for which it stands. We cherish it for the duty to which it calls us. We recall the thousands upon thousands of young Americans who have died to defend it. The Court's decision offends because it devalues those sacrifices, and because it cheapens two centuries of efforts, of blood, sweat and tears, by generations of Americans who have labored to build a country of which we can all be proud.

In sanctioning the act of flag burning, the Court licenses a patently offensive obscenity, and it is for this reason that I have joined in introducing Senate Joint Resolution 167, to reverse this ruling.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I thank the Chair.

(The remarks of Mr. GLENN pertaining to the submission of Senate Concurrent Resolution 52 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

A WHITE HOUSE CONFERENCE ON GLOBAL CLIMATE CHANGE

Mr. HEINZ. Mr. President, today I am sending a letter to the President, signed by many of my colleagues, urging him to invite the Nation's top authorities and scientists on climate change to a discussion with relevant Cabinet and other top administration officials.

The President has already taken a strong and meaningful step toward international agreement on climate change. This fall, the United States will host an international workshop on this very urgent subject. We believe, however, that the President can also take a very important and subtantive interim step before the workshop convenes.

By convening a high-level meeting on this subject, the President and his advisers would go into the workshop armed with the best possible evidence and analysis. The benefits of the discussion would also go far beyond just the workshop. Because the United States' world influence is so great, and our Government so segmented among agencies and departments, the consequences of our actions—be they concerted or disjointed—will very likely determine the world's response to climate change. The kind of preparation we suggest will enhance the likelihood of the U.S. Government role that is not only concerted, but responsible and effective as well.

Mr. President, I ask unanimous consent that the text of the letter we are sending be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 23, 1989.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We commend you for your decision to sponsor a workshop this fall on global warming response strategies. We believe your action enhances the United States' diplomatic, scientific, and environmental leadership in the world.

We believe this workshop would be even more productive and significant if the Administration were to take an interim step even sooner. This step would be for the White House to invite the nation's top authorities and scientists on climate change to a discussion with relevant Cabinet and other top Administration officials on this very serious problem, and the scientific, diplomatic, and policy steps necessary to forge a U.S. response.

Given the vast international influence of this nation, and the many consequences inherent in developing policies in this area as well as the conflicting departmental jurisdictions, such an investment would have far greater significance here compared to Mrs. Thatcher's similar conferences and discussions.

We recognize that the White House, and in particular Dr. Alan Bromley, is more than able to convene the best authorities for the briefing. We would be able to recommend some very capable individuals should you desire our assistance. In sum, we would be delighted to assist you with this effort.

Sincerely,

John Heinz, John Warner, David Pryor, Spark Matsunaga, Herb Kohl, Paul Simon, Arlen Specter, Timothy E. Wirth, Brock Adams, Joseph Lieberman, Thad Cochran.

COL. TADAHIKO ONO, U.S. ARMY CORPS OF ENGINEERS

Mr. DECONCINI. Mr. President, I would like to take a minute to recognize Col. Tadahiko Ono who is being transferred from command of the Los Angeles District of the U.S. Army Corps of Engineers to command engineer of the U.S. Army Training and Doctrine Command, Fort Monroe, VA, effective August 1.

Prior to taking command of the Los Angeles District, Colonel Ono was Assistant Director of Civil Works for the Pacific area in headquarters, U.S. Army Corps of Engineers, Washington, DC. He is a graduate of the U.S. Military Academy at West Point and holds a master of science degree in civil engineering from the University of Illinois. Colonel Ono is also a graduate of the U.S. Army Command and General Staff College, Industrial College of the Armed Forces, and the National Institute for Defense Studies, Japan.

I would like to convey my appreciation of Colonel Ono's efforts to keep a number of vitally important flood control projects on track in Arizona. In fact, in some cases he recognized the urgency of the situation and expedited the ultimate construction of certain projects. Examples of his responsiveness to the flooding concerns of Arizona are the Prima Bridge project in Graham County, the Nogales Wash project, the Clifton project, and most recently the Alamo Dam. He has certainly been a friend to Arizona. Along with a great many other Arizonans, this Senator is appreciative of the hard work and tireless efforts of this fine public servant.

I would like to thank Colonel Ono for his dedicated service and wish him continued success in his new position.

DR. CHARLES M. LOVELESS, NATIONAL FOREST SERVICE

Mr. DeCONCINI. Mr. President, this year the U.S. Forest Service is losing a dedicated and longtime employee. On June 30, Dr. Charles M. Loveless is retiring after almost 40 years of service in the Fish and Wildlife Service and the National Forest Service. I would like to take a moment to share with you some of the many achievements of this outstanding public servant.

Dr. Loveless graduated from the University of Florida with a bachelor's degree in forestry and a master's degree in wildlife ecology and statistics. In 1964, Dr. Loveless received his Ph.D. in wildlife ecology and statistics from Colorado State University. Upon graduation, Dr. Loveless dedicated his life to the Forest Service in many different capacities. His first job was Chief of the Office of Special Service of the Denver Wildlife Research Center. During the last 10 years of his career, Dr. Loveless was the Director of the Forest Environment Research Staff with the U.S. Department of Agriculture right here in Washington and, most recently, he has been Station Director of the Rocky Mountain Forest and Range Experiment Station in Fort Collins, CO.

During his career, Dr. Loveless received a plethora of awards recognizing his significant accomplishments. Included among these are the Outstanding Publication in Wildlife Ecology and Management by the Wildlife Society, the Honor Alumnus of 1980 for the College of Forestry and Natural Resources, Colorado State University in Fort Collins, and the Outstanding Alumnus of 1985 for the School of Forest Resources and Conservation, University of Florida, in Gainsville.

I ask for this body to join me in the recognition of Dr. Loveless for his

marvelous achievements in the service of the U.S. Forest Service. We wish him well in his retirement.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. PRYOR].

EXPENDITURES TO FIGHT THE WAR ON DRUGS

Mr. PRYOR. Mr. President, I rise this morning to share some very deep concerns I have about the billions of dollars that have been spent already on the so-called war against drugs. For the past decade, the Federal Government has spent over $20 billion—$20 billion, Mr. President—to fight this dreaded scourge. While I do believe that eliminating the importation and the use of illegal drugs is one of this country's highest priorities, I do have a very growing and gnawing concern that the money being spent is not getting down to the State and local levels of government where it is so desperately needed.

With all the talk in this city and in this very body about what we are going to do in the drug program, the number of new programs that we are going to fund, the number of taxpayers' dollars that we are going to appropriate, I thought it might be wise if we would pause to reflect on what we have already spent on the war on drugs and where these dollars have gone over the last several years. But my question is and will be, are we hitting the target with these dollars?

Mr. President, last month, President Bush spoke at a memorial service commemorating the 161 law enforcement officials who were killed in the line of service in 1988. All but 9 of those law enforcement officials who had given their lives were involved in State and local law enforcement. I was struck by this fact. I began to wonder how many of the billions of dollars that we are spending actually filter down to the State and the local levels to allow these very brave people to hire more officers or purchase better equipment to enable them to fight a better fight in our own localities, in our own neighborhoods. So far it appears that most of the money we are spending today in the drug war is spent not at the State and local level.

Mr. President, 97 percent of all the dollars is spent at the Federal level. Only 3 percent filters down to the local level. I am today releasing a report I requested from the General Accounting Office detailing Federal law enforcement spending on the drug problem since 1981. The General Accounting Office has found in this study that the bulk of the $20 billion has gone to 11 of the 13 Cabinet departments in Washington. This study makes it very clear, Mr. President, that we have not provided a fair share of resources on the State and local level. Over the past decade, State and local law enforcement authorities have received some $500 million in 10 years from the Federal Government to fight the war on drugs. This means, once again, that less than 3 percent of the total amount this Congress has appropriated has filtered down to the State and local level. The Drug Enforcement Agency, the Customs Service, and the Coast Guard have received $10 billion over the past decade.

Mr. President, I want to emphasize I am not criticizing the fact that these agencies receive much needed money for this war on drugs. However, I do have a longstanding concern that whenever the Federal Government throws massive amounts of money at a problem, agencies do not always use the money in the most effective fashion. All too often, the funds go to consultants and private contractors, hired to organize the new initiatives. We do further studies. We give research grants. At this particular time when agencies receive massive infusions of funds for more programs we must be very cautious that these dollars are hitting the mark.

For example, Mr. President, the Department of Education received $2.9 million in fiscal year 1986 for its drug abuse prevention program. The next year the Department of Education received $203 million for its drug prevention program. The Department of Education is the right place to turn to educate our children on the dangers of using drugs.

Mr. President, the Department of Education, sad to admit, has never met a consultant it could not hire or did not like. I have no doubt that large numbers of reports and evaluations of drug programs are now being worked on by private consultants and private contractors, when these same dollars could be spent at the local level fighting the war on drugs.

Another example: the Customs Service, Mr. President. Customs—has had some success in using dogs to detect hidden drugs in luggage and packages. I guess the Government thinks that if a dog's nose is effective in detecting drugs, maybe an electronic nose would be even better. So the Customs Service has recently awarded a contract for $90,000 to pay for research on an electronic nose.

Mr. President, maybe we need that research. But I hope these dollars are being well spent. I have also noticed that when the Government invests heavily in a new program, money is flowing freely, agencies often rely heavily on reports and studies that have already been completed years in the past. The Federal antidrug campaign is no different, and one example is the Department of Transportation who just recently issued a contract for $970,000, almost $1 million, for a study of the role of drugs in fatal car accidents.

Mr. President, this very issue, the role of drugs in fatal car accidents, has been studied exactly 141 times since 1970, and yet the Department of Transportation grants a $1 million contract to a private consulting firm to do another study.

Mr. President, that $1 million contract represents the entire amount that was authorized for the little State of Arkansas in the 1988 crime and drug omnibus bill. It went to a private contractor. There was probably no real competition on it. The buddy system is alive and well—yes, even in the war on drugs.

Mr. President, Arkansas, as I mentioned, authorized in this legislation we passed in 1988 $1.3 million for law enforcement improvements. Fourteen States received less than $1 million.

I realize we need to base decisions on good information, but I have to wonder if this million dollars that we have spent might have been better spent hiring more State police officers to fight this war in a more significant and efficient and meaningful way.

The trouble with these reports and evaluations is that all too often they sit unread on shelves. I wonder if we would not be better off sending these studies and these reports to the Border Patrol and have them build a wall with them to stop the drug smugglers from entering this country. That is about how useful many of these studies actually are, while we are taking and siphoning away from the meaningful drug program to further study some issue which frankly we know most of the answers to.

I recognize that the Congress and the President have worked together to make a decision to spend a great deal of money to solve this problem, but we are not going to solve it, Mr. President, with further studies, further reports that are unneeded.

This money needs to go down to the local law enforcement officers. We do not need 1,600 more lawyers in the Justice Department that President Bush has recommended.

I simply want to ensure that this money is spent on the necessary personnel, the treatment facilities, the security for public housing tenants, and the drug interdiction equipment that is so desperately needed today at the Federal and State level.

I do not want this money to be spent on expensive advice and duplicate studies, especially if it is granted to the friends and buddies of those officials who feel that they must spend this money before the fiscal year runs out or they will not get any more the next fiscal year.

President Bush's plan to get tough on crime earmarks money for more Federal law enforcement personnel,

and that is good; increased spending on Federal prisons, and that is good; and more money for assistant U.S. attorneys. Maybe we need some, but we do not need 1,600.

The President's plan had this to say to State and local law authorities. The President urged State and local authorities to "increase their law enforcement resources devoted to identifying and apprehending violent criminals."

Imagine if you were a State trooper sitting out there alone some night working in the interdiction of drugs and you heard our Presidential report say we are not going to send you any more money; we want you to raise your own money. We are going to keep this money in Washington, DC. We are going to hire 1,600 more lawyers in the Justice Department. What does this do and what message does this send out there to the local law enforcement people, Mr. President, while they are out there protecting our lives and fighting a war that we are not helping them to win?

Unfortunately, that exhortation was just about all the State and local law enforcement authorities received in the President's crime package. Of the nearly $1.2 billion targeted in that plan, the recent plan submitted by our very fine President, only $6 million, less than ½ of 1 percent is going to State and local officials.

Mr. President, let us be honest. Let us reexamine this request and how these so-called war on drug dollars are being spent.

Our State and local law enforcement officials are on the frontline every day, every night in the war on drugs. At a time when drug dealers are becoming millionaires or maybe billionairies, and airplane pilots smuggling in planeloads make $250,000 a flight, it is absolutely imperative that we provide the State and local officials with a fair share of the resources so that they can effectively fight these well-funded criminals.

This is an area of real concern to me, Mr. President. I know it is to all of us. I intend to continue examining the way in which Federal agencies use the money that has been earmarked for the flight against drugs.

Mr. President, let me just cite a few examples. I have already cited the example of the Department of Transportation, a study for $970,000 to study the role of drugs in fatal car accidents.

Once again, this issue was studied 141 times since the 1970's; $1 million, $1 million thrown down a rat hole, $1 million that could have gone to the State of Arkansas, to the State of Wisconsin, to the State of Colorado, Oregon, wherever to really fight and to really target in on the drug dealers.

Here is another contract, Mr. President, a contract for "Problem-Oriented Policing," a $1 million contract. I do not know who that contract went to. I do not know how much profit they are going to make on that, but another contract for cool $1 million.

Another contract: Listen to this, Mr. President—the exploratory study of indirect pressures on cocaine sellers, $296,581. What is going on around here? Who are these people who are doing all these studies, and what are these studies going to accomplish?

Another study: Research strategies to incapacitate narcotics wholesalers—well, that was a nice one—$137,000 worth of research and study.

Here is a nice one: Stakes and risks in violent crime behavior, $224,000, to a private consulting firm.

Here is a good one. Listen to this one, now, Mr. President: The program on human development and criminal behavior, $612,000. Who did this contract? What results are we going to see from that study that we do not already know?

Mr. President, another good one. The empirical test of ecological theories of victimization, $153,829. What are we going to learn from this study, Mr. President?

Think of this very short list, and it is only a limited number of those contracts and those consulting firms that are today coming to the public trough, to enrich their own coffers and not truly to fight the war on drugs.

Mr. President, I am going to conclude by saying that if we are sincere, if we are going to truly fight the war on drugs, and if we are going to appropriate additional billions of dollars to do it, let us hit the target. Let us hit the target, Mr. President.

Mr. President, I ask unanimous consent that at this point in the RECORD a report from the General Accounting Office on this issue, dated June 16, 1989 be printed.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, June 16, 1989.

B-235807.

Hon. DAVID PRYOR,
Chairman, Subcommittee on Federal, Services, Post Office, and Civil Service, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR. MR. CHAIRMAN: This fact sheet responds to your May 31, 1989, request for information on federal agencies' budget authority and outlays by strategy regarding drug law enforcement, abuse, and treatment. We obtained the budgetary data for fiscal years 1981 to 1989 from the Office of Management and Budget (OMB). We did not verify the accuracy of this data.

The information you requested is included in appendixes I, II, and III. As arranged with the Subcommittee, we extracted information for each of the various strategies (e.g., interdiction, prosecution, treatment) from the OMB-provided data and summarized it for (1) fiscal years 1981 to 1989, (2) fiscal years 1986 to 1989, and (3) fiscal year 1989. The figures presented in the percentage column may not total exactly due to rounding.

As agreed with the Subcommittee, we plan no further distribution of this fact sheet until 5 days after the date of issuance, unless you publicly announce its contents earlier. At that time, we will send it to interested parties and make copies available to others upon request.

The major contributors to this report are listed in appendix IV. If you have any questions on this fact sheet, please call me on 275-5074.

Sincerely yours,

BERNARD L. UNGAR,
Director, Federal Human Resource Management Issues.

[Fact sheet for the Chairman, Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs U.S. Senate, from the General Accounting Office, June 1989]

FEDERAL DRUG-RELATED EFFORTS: BUDGET INFORMATION BY STRATEGY

APPENDIX I.—FEDERAL DRUG LAW ENFORCEMENT AND ABUSE SUMMARY BY STRATEGY

[Dollar amounts in millions]

Strategy	Fiscal year 1981–89			
	Budget authority	Percent	Outlays	Percent
Interdiction:				
Coast Guard	$4,020.6	53.0	$3,965.9	56.0
Customs Service	2,037.8	26.9	1,910.9	27.0
Department of Defense	988.0	13.2	867.8	12.3
Department of Justice Forfeiture Fund	390.0	5.1	212.3	3.0
Immigration and Naturalization Service	78.9	1.0	73.9	1.0
Customs/Asset Forfeiture	45.7	.6	36.4	.5
Payments to Puerto Rico	15.6	.2	15.6	.2
Federal Aviation Administration (FAA)	.7	0	.7	0
Office of Criminal Drug Enforcement	0	0	0	0
Subtotal	7,587.3	100.0	7,083.5	100.0
Investigations:				
Drug Enforcement Administration (DEA)	2,071.3	52.6	1,962.8	51.7
Federal Bureau of Investigation	798.2	20.3	787.6	20.7
Internal Revenue Service	457.9	11.6	457.9	12.1
Customs Service	405.5	10.3	393.3	10.4
U.S. Marshals Service	65.5	1.7	62.5	1.6
Bureau of Alcohol, Tobacco and Firearms	59.7	1.5	55.8	1.5
Immigration and Naturalization Service	54.3	1.4	54.3	1.4
Bureau of Indian Affairs (BIA)	15.0	.4	12.6	.3
U.S. Park Service	6.1	.2	6.1	.2
Bureau of Land Management	2.5	.1	2.5	.1
U.S. Forest Service	1.9	0	1.9	.1
Office of Criminal Drug Enforcement	0	0	0	0
Subtotal	3,937.9	100.0	3,797.3	100.0
International:				
Department of State International Narcotics Matters	572.8	46.2	502.1	45.4
Drug Enforcement Administration	549.0	44.3	505.2	45.7
Agency for International Development (AID)	95.4	7.7	76.9	7.0
U.S. Information Agency	10.0	.8	9.3	.8
Department of State, Salaries and Expenses	5.0	.4	4.0	.4
International Criminal Police, Organization (INTERPOL)	3.2	.3	3.1	.3
Federal Bureau of Investigation	3.2	.3	3.2	.3
U.S. Marshals Service	2.0	0.2	1.8	.2
Subtotal	1,240.6	100.0	1,105.6	100.0
Prosecution:				
U.S. Attorneys	529.2	50.2	509.1	50.3
U.S. Marshals Service	436.8	41.5	417.4	41.2
Internal Revenue Service	39.6	3.8	39.6	3.9
Department of Justice:				
Criminal Division	36.0	3.4	34.9	3.4
Tax Division	11.6	1.1	11.4	1.1

APPENDIX I.—FEDERAL DRUG LAW ENFORCEMENT AND ABUSE SUMMARY BY STRATEGY—Continued

[Dollar amounts in millions]

Strategy	Fiscal year 1981–89			
	Budget authority	Percent	Outlays	Percent
Office of Criminal Drug Enforcement	0	0	0	0
Subtotal	1,053.2	100.0	1,012.4	100.0
Corrections:				
Bureau of Prisons	2,082.3	87.2	1,925.4	87.1
U.S. Marshals Service, Support of Prisoners	223.6	9.4	205.1	9.3
Immigration and Naturalization Service	83.1	3.5	80.9	3.7
Subtotal	2,389.0	100.0	2,211.4	100.0
Intelligence:				
Drug Enforcement Administration	241.4	74.5	225.2	73.6
Federal Bureau of Investigation	41.0	12.6	40.2	13.1
Customs Service	38.5	11.9	37.1	12.1
Immigration and Naturalization Service	2.2	.7	2.2	.7
Federal Aviation Administration	.9	.3	.9	.3
U.S. Forest Service	.2	.1	.2	.1
Subtotal	324.2	100.0	305.8	100.0
State and local assistance:				
Office of Justice Programs (OJP)	475.2	48.3	234.1	35.2
Department of Justice, Forfeiture Fund	260.0	26.4	195.2	29.3
Drug Enforcement Administration	167.4	17.0	157.8	23.7
Customs Forfeiture Fund	41.5	4.2	40.4	6.1
Bureau of Indian Affairs	20.8	2.1	19.0	2.9
U.S. Forest Service	13.5	1.4	13.5	2.0
Bureau of Land Management	3.1	.3	3.1	.5
Fish and Wildlife Service	2.5	.3	2.5	.4
National Highway Traffic, Safety Administration (NHTSA)	.4	0	.2	0
Subtotal	984.4	100.0	665.8	100.0
Research and Development:				
Office of Justice Programs	33.1	29.8	28.9	26.6
Drug Enforcement Administration	23.9	21.5	26.6	24.5
Coast Guard	18.5	16.7	18.1	16.7
Customs Service	17.4	15.7	17.0	15.6
Agriculture Research Service	12.3	11.1	12.3	11.3
President's Commission on Organized Crime	5.0	4.5	5.0	4.6
Immigration and Naturalization Service	.4	.4	.4	.4
U.S. Forest Service	.4	.4	.4	.4
Subtotal	111.0	100.0	108.7	100.0
Regulatory and compliance:				
Drug Enforcement Administration	172.8	81.9	163.6	82.0
Food and Drug Administration	15.8	7.5	13.8	6.9
Internal Revenue Service	13.5	6.4	13.5	6.8
U.S. Forest Service	8.2	3.9	8.2	4.1
Department of Justice Inspector General	.6	.3	.4	.2
Subtotal	210.9	100.0	199.5	100.0
Subtotal, drug law enforcement	17,839.7		16,490.9	
Drug abuse prevention:				
Department of Health and Human Services (HHS) Alcohol, Drug Abuse and Mental Health Administration	1,501.3	49.7	1,384.0	57.2
Department of Education	804.8	26.7	409.7	16.9
Department of Defense	530.6	17.6	490.7	20.3
Action	58.4	1.9	53.4	2.2
Other HHS	30.0	1.0	3.0	.1
Department of Justice Office of Justice Programs (OJP)	25.9	.9	22.6	.9
Department of Labor	20.9	.7	17.2	.7
Department of State (AID)	18.0	.6	12.5	.5
Department of Transportation (FAA)	13.0	.4	13.0	.5
Department of Justice (DEA)	5.6	.2	5.4	.2
White House Conference	5.0	.2	3.7	.2
Department of the Interior (BIA)	3.4	.1	3.3	.1
Drug Czar	1.2	0	.9	.0
Department of Transportation (NHTSA)	0	0	0	0
Special Forfeiture Fund	0	0	0	0
Subtotal, drug abuse prevention	3,018.1	100.0	2,419.4	100.0
Drug abuse treatment:				
Department of Health and Human Services Alcohol, Drug Abuse and Mental Health Administration	1,620.1	63.1	1,492.2	62.3
Veterans' Administration	632.2	24.6	626.0	26.1
Department of Defense	185.3	7.2	173.4	7.2
Department of Health and Human Services Indian Health Service	52.0	2.0	51.9	2.2
Department of Justice (OJP)	45.9	1.8	20.6	.9
Department of Justice (Prisons)	30.9	1.2	29.7	1.2
Department of the Interior (BIA)	1.7	.1	1.5	.1
Drug Czar	1.2	0	.9	0
Special Forfeiture Fund	0	0	0	0
Subtotal, drug abuse treatment	2,569.3	100.0	2,396.2	100.0
Total, Federal drug summary	23,427.1		21,306.5	

APPENDIX II.—FEDERAL DRUG LAW ENFORCEMENT AND ABUSE SUMMARY BY STRATEGY

[Dollar amounts in millions]

Strategy	Fiscal year 1986–89			
	Budget authority	Percent	Outlays	Percent
Interdiction:				
Coast Guard	$2,089.5	43.6	$2,034.8	46.3
Customs Service	1,259.2	26.3	1,225.9	27.9
Department of Defense	914.0	19.1	798.8	18.2
Department of Justice Forfeiture Fund	390.0	8.1	212.3	4.8
Immigration and Naturalization Service	77.4	1.6	72.5	1.6
Customs/Asset Forfeiture	45.7	1.0	36.4	.8
Payments to Puerto Rico	15.6	.3	15.6	.4
Federal Aviation Administration (FAA)	.7	0	.7	0
Office of Criminal Drug Enforcement	0	0	0	0
Subtotal	4,792.1	100.0	4,397.0	100.0
Investigations:				
Drug Enforcement Administration (DEA)	1,273.8	54.7	1,176.3	53.2
Federal Bureau of Investigation	427.8	18.4	417.2	18.9
Internal Revenue Service	214.2	9.2	214.2	9.7
Customs Service	265.5	11.4	256.2	11.6
U.S. Marshals Service	41.9	1.8	40.2	1.8
Bureau of Alcohol, Tobacco and Firearms	35.8	1.5	35.0	1.6
Immigration and Naturalization Service	53.8	2.3	53.8	2.4
Bureau of Indian Affairs (BIA)	10.0	.4	8.7	.4
U.S. Park Service	3.8	.2	3.8	.2
Bureau of Land Management	2.5	.1	2.5	.1
U.S. Forest Service	1.4	.1	1.4	.1
Office of Criminal Drug Enforcement	0	0	0	0
Subtotal	2,330.5	100.0	2,209.3	100.0
International:				
Department of State International Narcotics Matters	373.3	46.8	309.9	44.3
Drug Enforcement Administration	353.0	44.3	315.6	45.1
Agency for International Development (AID)	53.2	6.7	58.5	8.4
U.S. Information Agency	5.0	.6	4.8	.7
Department of State Salaries and Expenses	5.0	.6	4.0	.6
International Criminal Police Organization (INTERPOL)	2.7	.3	2.6	.4
Federal Bureau of Investigation	3.2	.4	3.2	.5
U.S. Marshals Service	1.7	.2	1.5	.2
Subtotal	797.1	100.0	700.1	100.0
Prosecution:				
U.S. Attorneys	353.6	49.4	342.8	49.5
U.S. Marshals Service	289.9	40.5	277.8	40.1
Internal Revenue Service	38.0	5.3	38.0	5.5
Department of Justice:				
Criminal Division	26.1	3.6	25.6	3.7
Tax Division	8.4	1.2	8.2	1.2
Office of Criminal Drug Enforcement	0	0	0	0
Subtotal	716.0	100.0	692.4	100.0
Corrections:				
Bureau of Prisons	1,503.4	86.0	1,383.9	85.8
U.S. Marshals Service Support of Prisoners	160.7	9.2	147.5	9.1
Immigration and Naturalization Service	83.1	4.8	80.9	5.0
Subtotal	1,747.2	100.0	1,612.3	100.0
Intelligence:				
Drug Enforcement Administration	127.0	71.4	117.8	70.7
Federal Bureau of Investigation	22.8	12.8	22.0	13.2
Customs Service	25.2	14.2	24.1	14.5
Immigration and Naturalization Service	2.2	1.2	2.2	1.3
Federal Aviation Administration	.4	.2	.4	.2
U.S. Forest Service	.2	.1	.2	.1
Subtotal	177.8	100.0	166.7	100.0
State and local assistance:				
Office of Justice Programs (OJP)	440.6	54.1	190.9	38.7
Department of Justice Forfeiture Fund	260.0	31.9	195.2	39.6
Drug Enforcement Administration	50.9	6.2	46.1	9.3
Customs Forfeiture Fund	35.5	4.4	35.5	7.2
Bureau of Indian Affairs	15.2	1.9	13.4	2.7
U.S. Forest Service	8.1	1.0	8.1	1.6
Bureau of Land Management	2.5	.3	2.5	.5
Fish and Wildlife Service	1.5	.2	1.5	.3
National Highway Traffic Safety Administration (NHTSA)	.4	0	.2	0
Subtotal	814.7	100.0	493.4	100.0
Research and development:				
Office of Justice Programs	29.5	40.1	25.8	37.2
Drug Enforcement Administration	11.7	15.9	11.5	16.6
Coast Guard	15.8	21.5	15.4	22.2
Customs Service	9.8	13.3	9.5	13.7
Agriculture Research Service	5.3	7.2	5.3	7.6
President's Commission on Organized Crime	1.0	1.4	1.3	1.9
Immigration and Naturalization Service	.4	.5	.4	.6
U.S. Forest Service	.1	.1	.1	.1
Subtotal	73.6	100.0	69.3	100.0
Regulatory and compliance:				
Drug Enforcement Administration	63.6	68.6	59.1	68.7
Food and Drug Administration	11.5	12.4	9.5	11.0
Internal Revenue Service	10.1	10.9	10.1	11.7
U.S. Forest Service	6.9	7.4	6.9	8.0
Department of Justice Inspector General	.6	.6	.4	.5
Subtotal	92.7	100.0	86.0	100.0
Subtotal, drug law enforcement	11,542.9		10,427.4	
Drug abuse prevention:				
Department of Health and Human Services (HHS) Alcohol, Drug Abuse and Mental Health Administration	1,034.3	45.4	919.9	53.8
Department of Education	790.2	34.7	394.8	23.1
Department of Defense	314.0	13.8	297.3	17.4
Action	28.5	1.2	23.5	1.4
Other HHS	30.0	1.3	3.0	.2
Department of Justice Office of Justice Programs (OJP)	25.9	1.1	22.6	1.3
Department of Labor	14.7	.6	11.3	.7
Department of State (AID)	16.8	.7	12.4	.7

APPENDIX II.—FEDERAL DRUG LAW ENFORCEMENT AND ABUSE SUMMARY BY STRATEGY—Continued

[Dollar amounts in millions]

Strategy	Fiscal year 1986–89			
	Budget authority	Percent	Outlays	Percent
Department of Transportation (FAA)	11.1	.5	11.1	.6
Department of Justice (DEA)	5.4	.2	5.2	.3
White House Conference	5.0	.2	3.7	.2
Department of the Interior (BIA)	3.4	.1	3.3	.2
Drug Czar	1.2	.1	.9	.1
Department of Transportation (NHTSA)	0	0	0	0
Special Forfeiture Fund	0	0	0	0
Subtotal, drug abuse prevention	2,280.5	100.0	1,709.0	100.0
Drug abuse treatment:				
Department of Health and Human Services Alcohol, Drug Abuse and Mental Health Administration	1,100.1	67.6	973.4	66.2
Veterans' Administration	334.0	20.5	332.9	22.7
Department of Defense	85.6	5.3	81.9	5.6
Department of Health and Human Services Indian Health Service	42.1	2.6	42.1	2.9
Department of Justice (OJP)	45.9	2.8	20.6	1.4
Department of Justice (Prisons)	16.5	1.0	16.0	1.1
Department of the Interior (BIA)	1.7	.1	1.5	.1
Drug Czar	1.2	.1	.9	.1
Special Forfeiture Fund	0	0	0	0
Subtotal, drug abuse treatment	1,627.1	100.0	1,469.3	100.0
Total, Federal drug summary	15,450.5		13,605.7	

APPENDIX III.—FEDERAL DRUG LAW ENFORCEMENT AND ABUSE SUMMARY BY STRATEGY

[Dollar amounts in millions]

Strategy	Fiscal year 1989			
	Budget authority	Percent	Outlays	Percent
Interdiction:				
Coast Guard	$628.9	41.1	$597.5	43.7
Customs Service	334.9	21.9	327.7	24.0
Department of Defense	308.3	20.1	303.1	22.2
Department of Justice Forfeiture Fund	206.0	13.5	90.3	6.6
Immigration and Naturalization Service	42.0	2.7	39.3	2.9
Customs/Asset Forfeiture	10.0	.7	10.0	.7
Payments to Puerto Rico	0	0	0	0
Federal Aviation Administration (FAA)	0	0	0	0
Office of Criminal Drug Enforcement	0	0	0	0
Subtotal	1,530.1	100.0	1,367.9	100.0
Investigations:				
Drug Enforcement Administration (DEA)	368.5	55.2	335.8	52.9
Federal Bureau of Investigation	125.4	18.8	127.4	20.1
Internal Revenue Service	48.6	7.3	48.6	7.7
Customs Service	75.1	11.2	73.5	11.6
U.S. Marshals Service	15.1	2.3	14.7	2.3
Bureau of Alcohol, Tobacco and Firearms	8.8	1.3	8.6	1.4
Immigration and Naturalization Service	21.4	3.2	21.4	3.4
Bureau of Indian Affairs (BIA)	2.4	.4	2.5	.4
U.S. Park Service	1.2	.2	1.2	.2
Bureau of Land Management	.7	.1	.7	.1
U.S. Forest Service	.4	.1	.4	.1
Office of Criminal Drug Enforcement	0	0	0	0
Subtotal	667.6	100.0	634.8	100.0
International:				
Department of State International Narcotics Matters	101.0	46.2	97.0	45.4
Drug Enforcement Administration	96.8	44.3	88.2	41.3
Agency for International Development (AID)	12.7	5.8	21.6	10.1
U.S. Information Agency	1.0	.5	1.0	.5

APPENDIX III.—FEDERAL DRUG LAW ENFORCEMENT AND ABUSE SUMMARY BY STRATEGY—Continued

[Dollar amounts in millions]

Strategy	Fiscal year 1989			
	Budget authority	Percent	Outlays	Percent
Department of State Salaries and Expenses	5.0	2.3	4.0	1.9
International Criminal Police Organization (INTERPOL)	1.1	.5	1.0	.5
Federal Bureau of Investigation	.4	.2	.4	.2
U.S. Marshals Service	.7	.3	.6	.3
Subtotal	218.7	100.0	213.8	100.0
Prosecution:				
U.S. Attorneys	$141.4	51.0	$139.9	51.3
U.S. Marshals Service	108.1	39.0	105.3	38.6
Internal Revenue Service	15.0	5.4	15.0	5.5
Department of Justice:				
Criminal Division	10.7	3.9	10.6	3.9
Tax Division	2.2	.8	2.1	.8
Office of Criminal Drug Enforcement	0	0	0	0
Subtotal	277.4	100.0	272.9	100.0
Corrections:				
Bureau of Prisons	574.4	84.8	493.8	83.2
U.S. Marshals Service Support of Prisoners	58.4	8.6	56.3	9.5
Immigration and Naturalization Service	44.6	6.6	43.3	7.3
Subtotal	677.4	100.0	593.4	100.0
Intelligence:				
Drug Enforcement Administration	31.4	71.0	28.6	69.4
Federal Bureau of Investigation	3.5	7.9	3.5	8.5
Customs Service	8.3	18.8	8.1	19.7
Immigration and Naturalization Service	.8	1.8	.8	1.9
Federal Aviation Administration	.1	.2	.1	.2
U.S. Forest Service	.1	.2	.1	.2
Subtotal	44.2	100.0	41.2	100.0
State and local assistance:				
Office of Justice Programs (OJP)	141.8	48.1	89.5	50.8
Department of Justice Forfeiture Fund	120.0	40.7	55.2	31.3
Drug Enforcement Administration	13.8	4.7	12.6	7.1
Customs Forfeiture Fund	12.0	4.1	12.0	6.8
Bureau of Indian Affairs	3.6	1.2	3.8	2.2
U.S. Forest Service	2.0	.7	2.0	1.1
Bureau of Land Management	.6	.2	.6	.3
Fish and Wildlife Service	.4	.1	.4	.2
National Highway Traffic Safety Administration (NHTSA)	.4	.1	.2	.1
Subtotal	294.6	100.0	176.3	100.0
Research and development:				
Office of Justice Programs	12.5	50.6	10.9	47.6
Drug Enforcement Administration	2.7	10.9	2.5	10.9
Coast Guard	4.0	16.2	4.0	17.5
Customs Service	3.7	15.0	3.7	16.2
Agriculture Research Service	1.3	5.3	1.3	5.7
President's Commission on Organized Crime	0	0	0	0
Immigration and Naturalization Service	.4	1.6	.4	1.7
U.S. Forest Service	.1	.4	.1	.4
Subtotal	24.7	100.0	22.9	100.0
Regulatory and compliance:				
Drug Enforcement Administration	19.1	56.7	17.4	58.4
Food and Drug Administration	6.7	19.9	4.7	15.8
Internal Revenue Service	4.7	13.9	4.7	15.8
U.S. Forest Service	2.6	7.7	2.6	8.7
Department of Justice Inspector General	.6	1.8	.4	1.3
Subtotal	33.7	100.0	29.8	100.0
Subtotal, drug law enforcement	3,769.6		3,353.9	
Drug abuse prevention:				
Department of Health and Human Services (HHS) Alcohol, Drug Abuse and Mental Health Administration	428.7	45.6	350.0	51.4

APPENDIX III.—FEDERAL DRUG LAW ENFORCEMENT AND ABUSE SUMMARY BY STRATEGY—Continued

[Dollar amounts in millions]

Strategy	Fiscal year 1989			
	Budget authority	Percent	Outlays	Percent
Department of Education	354.5	37.7	210.9	31.0
Department of Defense	89.0	9.5	85.0	12.5
Action	7.9	.8	5.0	.7
Other HHS	30.0	3.2	3.0	.4
Department of Justice Office of Justice Programs (OJP)	11.5	1.2	10.0	1.5
Department of Labor	5.7	.6	3.4	.5
Department of State (AID)	5.2	.6	5.4	.8
Department of Transportation (FAA)	4.2	.4	4.2	.6
Department of Justice (DEA)	2.2	.2	2.1	.3
White House Conference	0	.0	0	0
Department of the Interior (BIA)	.8	.1	.8	.1
Drug Czar	1.2	.1	.9	.1
Department of Transportation (NHTSA)	0	0	0	0
Special Forfeiture Fund	0	0	0	0
Subtotal, drug abuse prevention	940.9	100.0	680.7	100.0
Drug abuse treatment:				
Department of Health and Human Services Alcohol, Drug Abuse and Mental Health Administration	$462.1	74.4	$382.6	71.6
Veterans' Administration	93.9	15.1	93.6	17.5
Department of Defense	23.0	3.7	22.0	4.1
Department of Health and Human Services Indian Health Service	18.7	3.0	18.7	3.5
Department of Justice (OJP)	17.0	2.7	10.0	1.9
Department of Justice (Prisons)	5.1	.8	5.0	.9
Department of the Interior (BIA)	0	0	1.5	.3
Drug Czar	1.2	.2	.9	.2
Special Forfeiture Fund	0	0	0	0
Subtotal, drug abuse treatment	621.0	100.0	534.3	100.0
Total, Federal drug summary	5,331.5		4,568.9	

APPENDIX IV.—MAJOR CONTRIBUTORS TO THIS REPORT

General Government Division, Washington, D.C.:

Lucille B. Kauffman, Assistant Director, Federal Human Resource Management Issues; Ronald J. Cormier, Assignment Manager; Terry L. Draver, Evaluator-in-Charge.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for morning business under the previous order has expired.

The Chair recognizes the Senator from Louisiana.

EXTENSION OF MORNING BUSINESS

Mr. BREAUX. Mr. President, I ask unanimous consent that the time set aside for morning business be extended to the hour of 10:15 under the same conditions as previously agreed to.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RURAL AMERICA

Mr. BREAUX. Mr. President, the conventional wisdom these days has it that the United States is enjoying one of our longest sustained periods of economic growth and good times in our history. Unfortunately, as many of us are now beginning to realize, the blessings of these expanded services and economy have not benefited everyone or every region of our great Nation equally. We have spent a great deal of our time beating our chests about the economic growth that is taking place on the east coast and the west coast. For too long we have ignored the stagnation and dislocation that has become pervasive in the rural parts of America.

The challenges facing rural America are very severe and they are numerous. In virtually every measurable area, rural communities now lag behind metropolitan areas: Whether it is in employment and job creation, the startup of new businesses, education, health care, community, municipal and human services, you name it, you will find that rural America is lagging behind metropolitan America.

The unemployment rate in rural America last year was 28 percent higher than it was in urban areas. Almost 2 million rural Americans were searching for work in 1988. The rate at which jobs were created in rural communities was actually less than half of the rate that jobs were created in the cities.

Employment patterns in rural communities are beginning to change. Only about 10 percent of the Americans who actually live in rural America are now engaged in agricultural activities. Nevertheless, many rural communities remain overly dependent on narrow resource-based mining or forestry industries.

My own home State of Louisiana, which is basically largely rural, is now suffering the very severe consequences of having become overly dependent on a single resource. At the beginning of this year, our unemployment rate finally fell below double digits, and in April stood at 9.6 percent unemployment rate. A number of Louisiana parishes still have unemployment rates above or near 20 percent unemployment and I am willing to bet that there are substantially even more people living in those areas who have actually just given up because there is no hope of finding a job in these very depressed areas.

What Louisiana is trying to do and what we need to try to do on a nationwide basis is to help rural communities diversify their economic activities and their economic bases. Whether through the promotion of high-technology communications and computer facilities or the establishment of rural enterprise zones, there are steps we can take to make rural communities more attractive as places for existing businesses to locate and actually to make new locally owned and operated businesses more viable and profitable.

The poverty rate among rural Americans is now about 35 percent higher than in metropolitan areas, with nearly 9 million rural American citizens now living in poverty. Despite the fact that unemployment and poverty are higher and more widespread in rural areas, Federal spending per person in the countryside is about one-fifth lower than it is in metropolitan areas. Overall Federal assistance to rural areas has actually fallen by half during the 1980's.

The availability and quality of health care in the rural parts of this country is beginning to slip, and the Federal Government can actually share some of the responsibility for this. Rural America has a larger proportion of elderly people living in rural areas. This means that hospitals in rural areas are generally more heavily dependent on Medicare as their primary source of payment than are urban hospitals. In recent years we have seen a dramatic increase in the number of rural hospitals that have actually had to close their doors, and we are also told that 60 percent of rural hospitals are expecting to lose money in the fiscal year coming up.

Rural America also has a higher concentration of young, school-aged children than does the metropolitan parts of this country. Education, even more so than health care, is heavily dependent on local funds. Innovation and opportunity in rural America will require that our working people are properly educated and have the ability to keep up in what is now a global and highly technical economy. Again, the statistics are depressing. The rural high school dropout rate is higher. Fewer rural Americans have gotten their college degrees. More and more we are seeing young, well-educated citizens leaving the countryside for the cities.

The combination of decreased Federal assistance and declining local economies has left a huge void where communities once found the resources that they needed in order to function. Tax bases have shrunk and community services are beginning to disintegrate. In addition to problems with basic human services such as education and health care, rural communities are having more trouble keeping up with their basic infrastructure needs. Roads, bridges and sewer systems all require major maintenance. Federal demands for improved water quality and also for waste disposal methods have made the inevitable infrastructure demands even harder to keep up with, especially coupled, as they have been, with cuts in Federal assistance.

I am glad that the Agriculture Committee has a bill that will be coming to the floor, hopefully, in the middle of next month. Through a combination of public and private funds, we can begin to provide the initial capital that small businesses need in order to get started, as well as the access that any business in today's marketplace needs to high-tech telecommunications and computer facilities. The bill also will provide some assistance to communities that are struggling with inadequate resources as they struggle to meet their basic infrastructure needs and comply with Federal environmental mandates.

Mr. President, all of these facts point to a simple conclusion: Opportunity and economic development are not evenly distributed throughout this country. Geographic disparities in our economy are something that Congress can do something about. We need to make this a priority and I hope that my colleagues will join me in this effort.

As I said, I am particularly pleased that the Senate Agriculture Committee has a bill that will be coming to the floor, hopefully in the middle of next month, and through a combination of public and private funds we can begin to improve the initial capital that small businesses need, which will be of dramatic assistance to rural America.

I am very pleased that this Senate and this Congress, and particularly our Agriculture Committee, has taken this initiative, and I urge my colleagues to also join in supporting it.

The PRESIDING OFFICER (Mr KOHL). The Chair recognizes the Senator from West Virginia [Mr. BYRD].

BULGARIA'S EXPULSION OF ITS TURKISH MINORITY

Mr. BYRD. Mr. President, I want to express my deep concern about the blatant discrimination by the Government of Bulgaria against its Turkish minority and the escalation of discrimination into a policy of expelling its Turkish citizens across the border into Turkey. This has recently received a great deal of press attention. Rightly so. What is going on in Bulgaria right now is appalling.

The Bulgarian Government has been engaged for the past 5 years in an increasing draconian campaign to assimilate its large Turkish minority into the Bulgarian mainstream. What this means is that since December 1984, the Bulgarian Government has forced its Turkish citizens to change their Turkish names to Bulgarian names. In 1984 and 1985, the Government killed, wounded, and arrested hundreds of ethnic Turks who protested this new policy. Using both force and coercion, the Bulgarian Government has removed ethnic Turks from their own villages and resettled them

into areas with small Turkish populations.

The Government also has prohibited the study of Turkish language in schools. It has banned the use of the Turkish language in public. It has made the receipt and reading of Turkish publications a punishable act. It has jammed the reception of Turkish radio and television programs. It has also severely curtailed the right of its Turkish citizens to practice their religion and has closed mosques and barred the importation of copies of the Koran.

At the same time, the Bulgarian Government has prevented its ethnic Turkish citizens from emigrating.

These actions have not received very much attention. No one paid attention to what the Bulgarian Government has been doing until this past month, when the Government began forcibly expelling ethnic Turks and sending them across the border into Turkey.

Although figures vary, it is clear that the Bulgarian Government is sending massive numbers of ethnic Turks across the border. Massive numbers is in the range of 30,000 to 45,000.

This is not the first time that Bulgaria has forcibly expelled large numbers of its ethnic Turkish population. In the 1950's, it sent about 100,000 ethnic Turks across the border. A smaller number departed in the late 1960's.

While some people are fleeing voluntarily, most are being ordered out by soldiers or the police. They are being uprooted from their homes and exiled with only what they can carry of their personal belongings. Most cross the border on foot; some push wheelbarrows or carts. A few cross in delapidated cars. Most were given no more than 24 hours to pack their possessions and have had to leave behind property, bank accounts, and family members. Passports being handed out are validated with exist visas only for Turkey.

That brings us to the role of Turkey. Faced with as many as 6,000 people entering Turkey on a daily basis, the Turkish Government has welcomed these Bulgarian refugees with open arms. I believe the open door policy announced by Prime Minister Ozal deserves great praise. Turkey has set up tent cities and has tried to help absorb the new arrivals as quickly as possible. New laws are being drafted to allow tax-free importation of household goods. Legislation is being prepared to grant the Bulgarian refugees automatic residency work permits.

Prime Minister Ozal has called repeatedly for the negotiation of an orderly departure agreement between Turkey and Bulgaria under the auspices of the United Nations High Commissioner for Refugees. Bulgaria has rebuffed all calls for such talks.

The United States' response so far has been mild. The United States has condemned the expulsion of the ethnic Turks and has raised the issue in international fora such as the Paris human rights conference. It also canceled the State Department appointments of a Bulgarian trade official recently—although that official met with Government representatives at the Commerce Department, the U.S. Trade Representative [USTR], and the Overseas Private Investment Corporation [OPIC].

I do not think this goes far enough. I understand Bulgaria wants most favored nation status which would facilitate closer trade ties. I have questions about whether that would be in the interest of the United States, but I certainly would oppose it until, at minimum, Bulgaria had negotiated a comprehensive migration agreement with Turkey and halted its assimilation campaign against its ethnic Turkish population.

I understand that the discussions the Bulgarian trade official had at Commerce, USTR, and OPIC were preliminary explorations for expanding trade ties. I am all for expanded trade—particularly if it is other countries who want to buy American goods. But in this case, I see no reason to hurry the process along or to reward Bulgaria with international bank loans or assist Bulgaria in its desire to join the General Agreement on Tariffs and Trade [GATT].

We do not have a lot of leverage over Bulgaria, but we can urge our Western European allies to condemn Bulgaria and exact economic penalties. Our allies have been surprisingly silent on this matter. We can also urge that the United Nations High Commissioner for Refugees get involved. Absorbing 50,000 to 100,000 refugees will be costly for Turkey, particularly since last fall, it absorbed enormous numbers of Kurdish refugees fleeing chemical weapons attack in Iraq.

The Bulgarian expulsion of its Turkish minority is an appalling violation of the norms of civilized behavior. As such, I deplore it and I urge the administration to do so as well.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes and that morning business may be extended the same amount of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

OUTRAGE IN CHINA

Mr. BYRD. Mr. President, there are new reports today of what continues to be shocking and dastardly behavior by the Chinese Government against its own people. The President and the Congress have so far refrained from taking punitive measures against the Chinese Government. First, the situation was confused and it seemed imprudent to act precipitously. And I congratulate the President on his cautious approach at that point. Second, it did not appear that action we took would have any effect on that quickly unfolding chain of events. Third, there has been a legitimate concern that we should refrain from punishing the Chinese people of the fruits of economic intercourse with the West because of the barbaric and reactionary actions taken by the leaders of China's Communist Party.

But now, Mr. President, the dust is settling. The stark barbarism of the Communist regime is becoming clear and it is unforgivable to all civilized people. The dust has settled on the blood of peaceful demonstrators, and now the regime wantonly spills fresh blood on top of old. It executes its young on the altar of old men's egos and fears. America cannot possibly be in the position of rewarding, appearing to reward, or to in any way countenance such acts.

For America to allow business as usual in the face of these despicable acts runs afoul of the core of values and the principles of civilized governance. I believe the President must take tough action and block trade with, and new investments in, China right now. There are some 40,000 to 50,000 Chinese students in the United States today. If our actions fail to influence the behavior of the current Chinese regime, at the least, we can impress upon those future leaders residing in our Nation today that America stands for something worthwhile, that there are some values which take precedence over commerce, and that there is a point beyond which we will not stomach business as usual in the face of the acts being perpetrated by the Chinese leaders on their own people.

So, Mr. President, I hope the administration will not need any more evidence, any more fresh outrages, to act. I hope we will not need to see any more footage of public murders of patriotic and courageous Chinese to clearly and strongly make our stand unequivocal. There should be no confusion about where America stands in the face of the barbaric acts of the Chinese Government. The Senate will go on a recess period in all likelihood tonight, and I do hope that when we, the Senate, returns, the administration will have acted.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CHILD CARE IMPROVEMENT ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 5, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 5) to provide for a Federal program for improvement of child care, and for other purposes.

The Senate resumed the consideration of the bill.

Pending: Dole amendment No. 202, to replace the tax credit for health insurance premiums with an increase in the earned income tax credit.

Mr. DODD. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside for the purpose of considering the amendment to be offered by the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Vermont.

AMENDMENT NO. 220

(Purpose: To limit the effect of title I on provisions of State law regarding the expenditure of State government revenues in sectarian institutions)

Mr. JEFFORDS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself and Mr. BOND, proposes an amendment numbered 220.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 91, after line 24, add the following new subsection:

(c) EFFECT ON STATE LAW.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions.

Mr. JEFFORDS. Mr. President, I offer this amendment on behalf of myself and Senator BOND.

The amendment I am offering is in keeping with the general structure and philosophy of the bill now before us. The substitute takes care in allowing the State flexibility in establishing standards of care.

I believe my amendment is probably a restatement of existing law. A well written law review article on the subject substantiates this. (Va law Review 71:625) However, I am concerned that the substitute may create considerable confusion in the area of discrimination. Thus my amendment would allow States to add clarification and protection in the area of possible discrimination in the use of funds for child care. I am sure the Federal and State courts will be called upon to interpret the language of the Mitchell substitute, and thus determine the protection afforded by its provisions and the U.S. Constitution. My amendment is intended to insure compliance with the States own laws and constitutions.

Not to do so will result in inexplicable conflicts between State programs using only State funds, and programs using State standards and funds from this bill, as well as perhaps State funds.

By amending the bill as introduced to remove requirements for compliance with Federal standards to be established, we clearly establish the intent to allow States to control the programs. I believe it is clear that the rationale expressed in *Wheeler* v. *Barrera*, 417 U.S. 402 applies here. This amendment therefore, merely restates existing law.

I believe it will add considerable clarity to how to handle certain delicate issues under this bill. I have cleared it with both the managers of the bill. I do not believe there is an objection.

I would be happy to yield to the Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague for yielding.

In fact, I ask unanimous consent that I be added as a cosponsor for this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, Senator HATCH is temporarily tied up in hearings this morning but I am authorized to speak for him and I say he has also cleared this amendment. We both have. It is a good amendment. It does do exactly what the Senator says. It reaches the flexibility issue which is one of the central, key points of this legislation, to allow maximum flexibility for the States. We urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 220) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I thought I might take a minute here, since we are waiting for a couple of our colleagues—I believe Senator DOMENICI is on his way. There is an amendment he has proposed which we can also accept, to try to move some of these matters along. So we can raise the significant possibility that we may be leaving here this afternoon, as Members are planning, I know, their Fourth of July recess plans. We will try to handle as many matters as we can here pending the resolution of some other outstanding issues which may take a little more time.

I would also like to take a moment to congratulate a number of our colleagues who have proposed amendments that have been accepted by both the Senator from Utah and myself and others that have, we believe, contributed significantly to the improvement of the legislation. It reflects what both Senator HATCH and I have expressed over the last number of months, that is we were anxious to have people make suggestions as to how the child care program in this country could be improved.

Yesterday, once we got beyond the two major amendments, the amendment offered by the minority leader, the substitute, and the Mitchell substitute, we then began to receive some suggestions. Yesterday there were some 11 different amendments that were accepted by the managers of the bill, two amendments by Senator BOSCHWITZ dealing with library outreach and child care for higher educational students; five amendments by Senator COATS covering a wide variety of issues; two amendments by Senator BOND that were proposed.

There was an amendment offered by Senator ROBERT KERREY of Nebraska. Senator PRYOR offered, along with his colleague, Senator BUMPERS, an amendment to reduce the age of children under the legislation from 16 to 13.

Senator BOB GRAHAM of Florida offered an amendment to clarify the calculation of State allocations in the legislation. And those are the ones that we took yesterday.

Just a few moments ago an amendment by Senator JEFFORDS was adopted.

I felt very strongly that this ought to be bipartisan legislation. That is the reason Senator HATCH and I, I believe, worked out concerns that he raised early on. I joined in this effort. Unfortunately, for a short period of time, at any rate, we seemed to have lost that bipartisanship. But we seem to have restored that yesterday with accepting most of the amendments coming from the minority side. This legislation re-

flects the work product of truly a bipartisan effort.

Of the 11 amendments yesterday, 9 come from the minority side at their suggestion and 2 more will be accepted this morning. I know that even the acceptance of those amendments does not necessarily mean that some of those people are going to support the legislation, but for those who want to suggest that this is just a Democratic bill, I think the actions of yesterday indicate that it is no longer the case.

Again, I congratulate all my colleagues yesterday for those suggestions. Every single one of them, I think, was extremely worthwhile and does improve the product of the legislation, as does Senator JEFFORDS' this morning. We believe Senator DOMENICI will be coming over with an amendment of his as well.

I wanted to make that point this morning, Mr. President, and hopefully, before too long, we will be able to resolve the few remaining outstanding issues and be able to move this child-care legislation along and raise the significant possibility that, for the first time in 46 years, we may have a major child-care effort.

I took note the other evening that the last time that a major child-care bill was enacted into law and was signed by the President was in June 1943.

It was a child-care bill that was sponsored by Senator Thomas of Utah. It was passed on the floor of the Senate on June 30, 1943, in the middle of World War II. The Senate allocated $20 million in the middle of the war effort for child care for American citizens. It passed on a voice vote. It was not even a recorded vote, Mr. President. That is how strongly that legislation was supported.

Senator Taft of Ohio gave an eloquent statement about the needs of children and the people who worked and how they should be able to reconcile workplace responsibilities and family responsibilities and how child care could play a significant role.

Obviously, in 1943, we were faced with a unique situation in those days of young men fighting in the Pacific and European Theaters. Women were home raising families and working in the war-production process. Child care was a real necessity. Single parents were trying to work and manage the responsibilities of home life during that great worldwide crisis.

At the end of World War II, the program phased out. Men came home, families were restored, mothers stayed home, by and large, and raised children, although not in every case, obviously, and no longer was there a great necessity for child care. I noted that of all the child-care programs that were set up in 1943, there is still one remaining in Santa Monica, CA, that was created in 1943 and has been in continuous operation, at least I am told it has been in continuous operation.

Today, in 1989, 46 years later, we are obviously, thank God, not involved in a great world conflict. But the facts are not dissimilar to this extent: That we find today an awful lot of single mothers raising children, home alone trying to hold down a job and take care of their families. We also find a lot of dual-income parents, parents where both spouses are working in order to provide for the economic needs of their families. They would prefer, I know, to be at home, at least one of the parents, to take care of minor children, but the facts of life are they need two incomes. They are not affluent people.

Our legislation is designed to try and relieve some of that burden, to try and reduce the cost of child care for those families. We even make it possible for some middle-income families to qualify under this legislation.

I have been criticized for that. I find that criticism fascinating because I have always felt that we ought to try, whenever possible, to make it possible for working middle-income families to qualify for some of the things that we pass in these Halls. I do not think there is anything wrong with trying to make it possible. We leave it up to the States to say that middle-income families also have tremendous financial stress and that if the States and Governors and State legislatures allow some of those families to qualify for child-care assistance, then that ought to be something we take pride in.

As I said the other day, too often we ask the middle-income families of this country to fight our wars and pay our taxes and support all the other programs that affect everyone else but them. This legislation at least carves out the possibility that for the first time in many a year, middle-income families might also qualify as well for some child-care assistance. I do not think we need apologize for that.

But, obviously, the major thrust is focused on trying to get people off aid to families with dependent children, those welfare programs, and back to work; something we all support. The welfare reform bill last year passed overwhelmingly in the Congress and was signed into law by President Reagan. Clearly, one of the major reasons that that legislation was so broadly supported is because it had as one of its major goals getting people off welfare and back to work and being productive citizens.

A major feature of the welfare reform bill was a child-care component during the training period and 1 year after the training period. Child care then ended under the welfare reform bill. What we are doing here is picking up what the welfare reform bill started, which was so broadly supported by this Congress and the President of the United States.

I look forward today to some additional amendments to try to resolve some of these efforts.

Mr. President, I am not clear whether or not Senator DOMENICI is going to be coming to the floor to offer an amendment which we have reached agreement on.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond 10:50 a.m., under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPEAK OUT ON CHINA

Mr. KERRY. Mr. President, yesterday the Secretary of State said that the United States must speak with one voice regarding the situation in China. Congress and the American people appear to have found their voice. The administration appears to have not.

In a very real sense, Mr. President, the bullets that are aimed at prodemocracy students, at workers, and at teachers, are also aimed at us. Each shot ricochets around the world, to tear at the civilized world's conscience. Each shot that takes a life, when met by silence or indifference or a sense of impotence, also takes with it a piece of who we are and what we are supposed to stand for as a nation.

These public executions, coming in the wake of such an extraordinary expression of human will to be free, cannot be met by a simple public balancing of geopolitical equities. They must be met with public rage. They must be met by an unrelenting and unmistakable willingness to change immediately and significantly the status quo of our relationship. They must be met with measures that leave no doubt to the world, but particularly to China, that they cannot publicly murder their citizens and somehow still be partners in the world of business as usual.

Yes, Mr. President, we have worked for 17 years, as the Secretary said, to build a relationship with China. And it is, indeed, upsetting to put that work at risk. But we have worked for more than 200 years to build the relationship with the world, and among our own people. And we should be even less willing to put that at risk.

The history of that relationship demands, I believe, that we take the strongest available action condemning what is happening in China today. We must do so now when it matters. We must do so now before they execute so many people that they take away the core leadership and intimidate com-

pletely any others left, then to stand up and announce the executions have come to an end with nothing changed in the economic relationship between China and the world.

Mr. President, who in the world is not moved by the sight of a single man placing himself in front of a column of tanks and stopping them cold in their tracks? It was one of thousands upon thousands of acts of courage, and it sent shivers through all who witnessed it.

For a brief moment, he seemed to say to the world that one human being can stop an army. Now we have learned that he, too, has been murdered. What the tanks were unwilling to crush, frightened men with too much power were not. The symbol of his defiance was too powerful for them to live with and so, by killing him, they sought to kill the meaning behind the symbol.

Mr. President, history has taught us that they cannot do that. They will not do that. And they do not understand that.

No country should understand that better than we do. No country should be more at the forefront of world leadership to bring whatever pressure we can to bear, Mr. President, even if those actions we take will have less effect than desired. To not take them is to guarantee that we will have less effect on this and on many other matters in the future if we do not try.

The administration asserts that it has spoken out loudly and clearly, but, Mr. President, it is obvious that the number of people looking for a stronger message suggests that theirs has not been heard. And if it has not been heard by us in this country, Mr. President, it is fair to assume that it has not created the barest ripple in China.

There is much that we could do with a national effort here in this country, with the United Nations, with most favored nations status. There is much we could do to send a stronger message. And I hope that the President and the Secretary of State will not let the equities of the geopolitical balance allow them to lose sight of the equities of human rights and of the meaning of the executions that are taking place in China today.

I hope that the President and Secretary of State will recommit themselves to this task.

I yield the floor.

WAYNE A. WHITNEY IS SELECTED FOR THE RESEARCH SCIENCE INSTITUTE

Mr. KENNEDY. Mr. President, we all know that there is a concern that our Nation's youth will not be able to compete in the fields of math and science. Recently, a young student in my State was recognized for his accomplishments in these fields and I would like to congratulate him.

Wayne A. Whitney, a high school student at Medfield High School in Medfield, MA, has been selected for the Research Science Institute held at the George Washington University by the Center for Excellence in Education. Selection for this highly competitive program was based on his Preliminary Scholastic Aptitude Test score, high school grade point average, recommendations, and a personal essay.

For 6 weeks, he will attend math and science classes taught by distinguished college professors from schools such as MIT, the George Washington University, the University of Washington, and excellent high school teachers from around the country.

I send my heartiest congratulations to Mr. Whitney and wish him the best of luck in the future. In an era where talk about the shortcomings of American schools and students are commonplace, it is important to recognize and honor students that excel.

I hope that other Members of the Senate will join me in congratulating Mr. Whitney.

DEMOCRACY AND INDEPENDENCE

Mr. HELMS. Mr. President, in June 1988, the leaders of the popular movements in Estonia, Latvia, Lithuania, Armenia, Georgia, and the Ukraine gathered in L'vov, Ukraine, to form the Coordinating Center of the National Democratic Movements of the People of the U.S.S.R.

This umbrella organization has been concerned mainly with national rights, much to the dismay of the Soviet Government, which throughout its existence has been dedicated to the preservation and expansion of the colonial empire built by the Russian czars, which has continued unabated by the Marxist-Leninist leaders of the Soviet Union.

As a result of their beliefs, many of the leaders of the National Democratic Movements have been forced to emigrate from the Soviet Union, and now find themselves in the West. These representatives, along with other recent Soviet exiles and national rights supporters, met on May 9 and 10 at a historic conference in Paris to form a new organization, dedicated to the same goals as the National Democratic Movements.

Mr. President, this new organization, The Coordination Center in Support of National Democratic Movements for the Peoples of the U.S.S.R., also known as Democracy and Independence, released its founding declaration at the recent Paris conference.

Mr. President, I ask unanimous consent that the text of this declaration be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, in it, the delegates to the conference state their belief that both "perestroika" and "glasnost" in the Soviet Union have been a failure:

> After four years of perestroika policy, the consumer situation has worsened, the transition from socialist command methods in the economy to economic management has not taken place, ecological reforms have led to nothing, and dozens of new Chernobyls threaten the peoples of the USSR with disaster, despite some unavoidable concessions to liberalization of certain aspects of public life, there has been no real democratization. Soviet society has not moved closer to the rule of law.

However, Mr. President, they view the nationality question as the most obvious failure of "perestroika" and "glasnost." As the delegates make clear, "the Soviet Union has always been and remains a colonial empire * * *," and feel that "the existing crisis cannot be resolved by a liberalization or modernization of the existing system, the only solution is to reject it entirely. The nations of the Soviet bloc cannot be saved by cooperating with the single party system, but by creating alternative political structures."

The primary recommendation of the delegates to the Paris conference was a plea that no subsidies or confidence should be granted to the Government of the U.S.S.R. without proper consideration for the interests of the national liberation struggle. Paruyr Hayrikian, the elected representative of the Armenian democratic movements in the West, and newly elected president of Democracy and Independence, and the representative to the West of all the democratic resistance movements in the Soviet Union, has publicly declared that Democracy and Independence, and the constituent members of the organization in the U.S.S.R. oppose President Bush's proposal to waive the "Jackson-Vanik" amendment to the United States Trade Act of 1974 and grant most favored nation trade status to the U.S.S.R.

Mr. Hayrikian bases his opposition on the fact that:

> * * * even if the emigration condition improves, there are other issues that have significantly changed since 1974. The Soviet Bloc owes western financial institutions more than $160,000,000,000, nearly a third of which is to the Soviet Union itself and is wholly unpayable. Moreover, today the Democratic Movements in the Soviet Union are currently forcing change in the Soviet system. That is a condition which also did not exist in 1974 * * * U.S. "MFN" will open the floodgates of escalated debts, which is used to support the Soviet Government's efforts to repress the people, thwart the Democratic Movement and cause mischief abroad, all of which are contrary to U.S. and Western interests.

Mr. President, I agree with Mr. Hayrikian in his assessment that this is not the proper time to be giving away our carrot of economic assistance on the basis of vague promises. The Soviet economy is on its knees. The most basic of food stuffs, milk, bread, meat, butter is rationed throughout the country, unless you are a Communist Party member. In fact, the standard of living under Gorbachev has declined significantly.

Until the Soviet Union discovers democracy and freedom, and puts itself on a solid economic footing, we should not reward it by giving the Soviet Union most favored nation treatment.

Democratic movements throughout the Soviet Union are working to establish democratic reforms and putting forth demands for economic independence from Moscow. Three days after the conclusion of the Paris conference, representatives of the Estonian and Latvian Popular Fronts and the Lithuanian Reform Movement "Sajudis" met in the Estonian capital of Tallinn to formulate a common strategy for proceeding with reform in the occupied Baltic States.

According to an article in the May 15 issue of the New York Times, this Baltic assembly adopted a series of resolutions. The most important may have been those resolutions that appealed to the United Nations and the members of the Conference on Security and Cooperation in Europe "to heed the aspiration of our nations for self-determination and independence in a neutral and demilitarized zone of Europe," expressed the right of the people of the "sovereign states of Estonia, Latvia, and Lithuania" to determine the form of their economy. The assembly also demanded that the Soviet Union should—and would—declare the infamous Molotov-Ribbentrop Pact and its secret protocols, that divided up Eastern Europe into Soviet and Nazi German spheres of influence, null and void.

Mr. President, I ask unanimous consent that this article, from the May 15, 1989, issue of the New York Times, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. In reference to the recently announced proposal by President Bush to waive temporarily the Jackson-Vanik amendment, pending the codification of a new, freer Soviet immigration law, democratic groups within the Soviet Union have made clear their opposition to this proposal as well. The May 14 issue of the Soviet samizdat newspaper the Express Chronicle featured a report of two demonstrations which took place on May 10 in Moscow in opposition to the possible repeal of Jackson-Vanik. According to the report, one demonstration, organized by a group known as Free Emmigration, took place in front of the American Embassy in Moscow. The other, a gathering of Jews gathered outside of the International Trade Center, was dispersed by police and special riot troops.

Mr. President, this is just another example of the fraud of glasnost being perpetrated on the gullible West. In fact, culturally, politically, and historically, the Russians—who make up the vast majority of the Soviet leadership—even under the czars have had only one response to internal dissent: repression.

Mr. President, I ask unanimous consent that a samizdat report on the demonstrations, which appeared in Issue No. 20 of the Express Chronicle, May 14, 1989, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HELMS. Mr. President, the United States has a moral obligation to support the aspirations of freedom-loving people the world over, to stand against repression and the denial of basic human and national rights. Our great Nation, will be doing a disservice to those individuals and groups that are pushing the Soviet Union to become a freer country, if we were to reward the Soviet Government for words alone, before they followed through with concrete actions.

Mr. President, I feel the Government of the United States should heed the words of Mr. Hayrikian, who is, as I have pointed out, the president of the new Coordination Center in Support of the National Democratic Movements for the Peoples of the U.S.S.R. Mr. Hayrikian said:

> The Democratic Leaders in the Soviet Bloc who are struggling for democracy, call on President Bush to delay the Executive Order waiving Jackson-Vanik until there is democracy in the Soviet Union and permanent reforms are in place. I hope it is not the intention of the American government to finance Soviet repression and, if not, then the grand benefit of "MFN" should be held out until democratic reforms are fully implemented, and not granted as a reward for Soviet repressive behavior. President Bush must choose if he is going to be on the side of the repressed or on the side of the repressors.

Mr. President, the Western leaders have finally heard from the leaders of the Democratic movements in the Soviet Union, not the Soviet Communist Party leadership. These Democratic leaders represent the aspirations and hopes of the masses that are oppressed by the Soviet Communist Party.

Mr. President, what is it that these democratic leaders request? They request the exact opposite of the stated policy of the Bush administration. We cannot and we must not, Mr. President, waive Jackson-Vanik. Emmigration is not the sole human rights issue that this country and our freedom loving heritage stands for, we stand for all human rights.

The Bush administration must listen to the leadership of the Democratic movements in the Soviet Union and must not waive the Jackson-Vanik amendment.

Mr. President, C-SPAN recently twice aired a press conference that was given by the group Taxpayers Against Subsidizing the Soviets. Over 100 independent taxpayer and other political and ethnic organizations signed a petition to President Bush that demanded that President Bush not grant the Soviet Union most favored nation trade status. There is a growing realization among American taxpayers that the Soviet Union is not going to pay its debts and furthermore, that the American taxpayer, just as they were the ones that were stuck with the $300 billion savings and loan bill, will end up having to pay for bad debts to the Soviet Union.

Mr. President, the domestic political resistance to waiving Jackson-Vanik and granting MFN to the Soviets will continue to grow once the American taxpayers realize who is going to foot the bill.

Mr. President, I ask unanimous consent that the petition and the list of signatories be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

DECLARATION OF THE COORDINATION CENTER IN SUPPORT OF DEMOCRATIC MOVEMENTS FOR THE PEOPLES OF THE U.S.S.R.

The crisis in the communist systems and resistance by democratic forces both within and outside of the Soviet bloc have compelled the Politburo of the Soviet Communist Party to make some concessions regarding the long-standing demands of the democratic movement, and to introduce a program of reform.

However, given the existing exclusive rule by the communist system, neither Gorbachev nor any other communist party upstart is able to achieve any major changes for the better.

After four years of perestroika policy, the consumer situation has worsened, and so have inflation and the budgetary deficit.

The transition from socialist command methods in the economy to economic management has not taken place.

Ecological reforms have led to nothing, and dozens of new Chernobyls threaten the peoples of the USSR with disaster.

Despite some unavoidable concessions to liberalization of certain aspects of public life, there has been no real democratization. This is especially evident in the election system, which is fundamentally non-democratic, as well as in the merger of the party structures with those of the Soviet government.

Soviet society has not moved closer to the rule of law. Soviet laws, already enacted or under consideration, remain contradictory to internationally accepted standards. The new articles of the criminal code give even greater leeway to repression on political

grounds, and while many of the old political prisoners have still not been released, new ones are already filling the camps and psychiatric prisons. The KGB apparatus is still in full force, and has not been made accountable for its past crimes.

But the most obvious failure of the new party policy is evidenced by the nationality question. When the peoples of the Soviet Union made legitimate demands concerning respect for their national rights, the reaction was traditional repression. People who are active in the national-democratic movements are subjected to persecution and arrest. Campaigns aiming to defame independent associations and movements have not calmed down. Unlimited rights to suppress demonstrations have been granted to the Spetsnats troops (commando forces). These have committed unheard of atrocities in Georgia, using chemical weapons against civilians, and killing many peaceful demonstrators. Martial law was proclaimed in Armenia in response to Armenians' attempt at self-rule, and is still in force. The question of the repatriation of forcibly deported nations has not been resolved.

The Soviet Union has always been and remains a colonial empire where the seizure of new territories has been accomplished along classical imperial lines: by means of military occupation and by the annexation of sovereign states, by the overthrow of legitimate governments, by forced sovietization and the bloody suppression of national liberation efforts. A vivid example of this policy is the forcible integration of the western Ukraine, western Bielorussia, and the seizure of independent Baltic states and of Bessarabia under a deal with Nazi Germany. The only solution for the problem of nationalities in the USSR is to grant peoples their right to self-determination, as set forth in the UN Charter, and in particular to restore the independence of the forcibly colonized peoples.

A specific feature of the Soviet empire is a power system based on the partocratic principle and on Marxist-Leninist ideology. Not only did the Bolsheviks restore the former empire, but they turned it into a totalitarian empire, based on this ideology.

Socialism has proved its complete importence in solving economic, political, national and other problems. Thus the attempts of the authorities to keep the society within the "the framework of socialism", which is imposed upon all the nations of the Soviet bloc, are even less justified. The existing crisis cannot be resolved by a liberalization or modernization of the existing system, the only solution is to reject it entirely. The nations of the Soviet bloc cannot be saved by cooperating with the single party system, but rather by creating alternative political structures.

Our peoples' struggle for national independence and socio-economic progress is hindered by a misjudgment of the role and meaning of the democratic opposition. Certain opportunistic circles of the Soviet intelligensia, along with certain former dissidents inside the USSR and in emigration contribute to this misjudgment. In essence, their position helps to stabilize the Soviet regime on a level far removed from a democracy.

The misjudgment of the Soviet Union's democratic opposition and of its core—the national democratic movement—is also prevalent in the West. Our nation's movements are wrongly associated here with nationalistic extremism or mere ethnic problems. The interests of the national democratic movement are subordinated to real-politics and to obsolete sovietological concepts, and are considered as an obstacle to "Gorbachev's positive reforms". Contrary to what is evidenced by the events in different republics, the West overestimates Gorbachev's actual strength and underestimates the real strength of national democracies. This struggle of the peoples of the USSR must be reflected truthfully. We believe that it is in the best interests of the West to support the national democratic movement.

No subsidies or confidence should be granted to the government of the USSR without proper consideration for the interests of the national liberation struggle. We appeal to the West to reject the double standards, and not to regard phenomena which it considers unacceptable for itself or for developing countries as being normal or even positive in the context of the USSR.

Democratic opposition in the USSR is a reality. It has found its expression in the emergence of independent political parties and organizations, in the creation of the Coordinating Committee of National Democratic Movements, of the Movement of Freedom and Democracy, etc. We are representatives abroad of this opposition, and we propose a constructive program, the purpose of which is to lead our nations out of a socialist dead-end. We are convinced that the way out is the immediate implementation of the following three fundamental principles: democracy, self-rule and free enterprise.

Our main principle is that one can learn democracy only in the process of implementing it. Democracy is the power by the people, each and every citizen being equally sovereign. There is no reason why democracy should be postponed.

The essence of the democratic opposition in the USSR is a political struggle for assertion of the people's will. This implies the creation of a system of national self-rule as an alternative to the totalitarian power. We support the creation by the nations of democratic institutions and political parties, their own choice of a political system, of the judicial, executive, legislative and judicial systems. National self-rule should take on the shape of oppositional national parliaments, instruments for the expression of people's will.

At the present time, it is precisely in self-rule that we see the force capable of bringing to life the idea of independent statehood for the people of the USSR. National self-rule should in fact determine the question of citizenship in the republics, of their diplomatic representations, etc. Self-rule of each of the peoples of each nation must be completely sovereign. At the same time, there should be close cooperation, mutual help and an exchange of experience in creating each given system of self-rule.

We consider the cause of each nation to be a common cause for each of us. Our movements are united by functional conditions and principles.

The main functional condition is the existence of a single and common enemy: an imperial totalitarian system.

The basic principles are the following: a commitment to human rights, to the rights of other nations and to the rights of minorities living on the territories of the different republics, a commitment to nonviolent methods of political struggle, opposition to all forms of chauvinism, racism, national discrimination in the spheres of language, religion, culture etc.

One of the main evils for the nations under Soviet rule is economic subservience, and the imperial-colonial nature of the Soviet economy. Centralized and totalitaristic socialist economy has failed completely.

The main principle under socialism is the removal of products from the most productive sector and their transfer to the less productive sector. In the Soviet empire, this type of redistribution is carried out by the totalitarian government, with the result that all the nations of the USSR without exception regard themselves as being robbed. This inevitably leads to an exacerbation of relations between these nations, to further colonization of national economies, to economic inefficiency.

The only way to solve the economic problems of our nations is to introduce a free market economy and private enterprise on a large scale, leading to the elimination of national colonial barriers. All taxes should be direct and separate, i.e. each individual or enterprise should pay local and republic-level taxes separately. Federal taxes are relevant only for those republics that wish to stay within the federation. Domestic and foreign trade should be free, prices should be set by the market, and trade levies and duties should be reduced to a minimum.

We demand that the economies be freed from state socialism in the USSR, and that the people's productive forces be given an opportunity for free competition within the private cooperative and state production systems.

We welcome the creation of independent associations, trade unions and other safeguards of social and economic rights. We proclaim our unshakeable commitment to the right to a non-socialist democratic alternative in the USSR.

We demand the elimination of barriers to free self-expression for our nations, the withdrawal of all occupational troops from all national republics, complete non-interference in their internal affairs.

We demand the immediate release of all political prisoners, and that all repression of national democratic movements cease.

Being an obvious evil and anachronism, the Soviet totalitarian empire should disappear from the historical arena. It should give way to free democratic states, equal to other states in the modern world.

We fully support the birth of a new era in the history of nations of the Soviet bloc, an era of struggle for independence and democratic reorganization. To fulfill these demands, we proclaim the creation of a Coordination Center in Support of National Democratic Movements in the Soviet empire. The name of the Center is "Democracy and Independence".

This Center will provide assistance, to the full extent of its means, to democratic opposition in the USSR.

Our Center is open to the participation of representatives of national liberation and democratic movements in the USSR, to cooperation with all those active in human rights, and to public and political forces in the West who share the principles of this declaration.

Signed by:

Agulian, Karen: Paris section of the Association "National Self-Determination of Armenia";

Hayrikyan, Paruyr: Association "National Self-Determination of Armenia" Coordination Committee for National democratic Movements of the peoples of the USSR;

Ahonen, Heiki: Estonian party for National Independence;

Broude, Sergei: Action for the Protection of Soviet Jewry;

Bukovsky, Vladimir: American Foundation for Resistance International;

Gerashchenko, Igor; Gintere, Sarma: Latvian Movement for National Independence;

Gudava, Tengiz: National Democratic Party of Georgia;

Gudava, Eduard: Georgian Helsinki Group;

Koriagin, Anatoly: Democratic Union;

Kuznetsov, Eduard: Resistance International;

Madison, Tiit: Estonian Party for National Independence;

Pliouchtch, Leonid: Ukrainian Helsinki section;

Ratushinskaya, Irina: Center for Democracy in the USSR;

Rozkalns, Yanis: Latvian Movement for National Independence;

Ruban, Petro: Radical wing of the Ukrainian Helsinki sector;

Rudenko, Mikola: Ukrainian Helsinki section;

Svitlichna, Nadia: Ukrainian Helsinki section;

Seytmuratova, Ayshé: National Movement of Crimean Tatars;

Skuodis, Vitautas: Lithuanian Helsinki section;

Suslensky, Yakov: Society for Ukrainian-Jewish Relations; and

Yarim-Agaev, Yuri: Center for Democracy in the USSR.

EXHIBIT 2

[From the New York Times, May 15, 1989]

BALTIC INDEPENDENCE FRONTS PLEAD TO U.N.

(By Esther B. Fein)

TALLINN, U.S.S.R., May 14.—Leaders of popular political movements from the Soviet Union's three Baltic republics appealed today to the United Nations to help them become independent nations.

Saying they wanted their status resolved "on the international level," representatives of the Popular Fronts of Estonia and Latvia and the Lithuanian movement Sajudis adopted a joint document that called on the United Nations and the Conference on Security and Cooperation in Europe "to heed the aspiration of our nations for self-determination and independence in a neutral and demilitarized zone of Europe."

After an interval of independence between the world wars, Estonia, Latvia and Lithuania were forcibly incorporated in the Soviet Union in 1940, after Hitler and Stalin signed a nonaggression treaty and a secret protocol in 1939 carving up Europe into spheres of influence.

The Soviet annexation is still not recognized as legitimate by the United States, and Lithuanians, Estonians and Latvians maintain small independent diplomatic missions in the United States.

VOIDING OF PROTOCOL ASKED

Members of the three popular movements said in their statement that they believed the Soviet Government should—and within the year would—"renounce and declare null and void" the treaty and the secret protocol, thus dissolving any Soviet legal claims to the Baltic republics.

Under Mikhail S. Gorbachev's leadership, the Soviet authorities have begun to present a more honest version of a history long distorted, but they still deny that there ever was a secret protocol. Excerpts from the pact have been printed in Baltic newspapers.

The Soviet Government had no immediate comment on the Baltic statement today, but Mr. Gorbachev has stressed recently that he is "resolutely against" the calls for secession being issued by various nationalist groups.

Grass-roots political movements were officially founded in Estonia, Latvia and Lithuania less than a year ago, but already they have gained wide support from both their ethnic populations and local Communist party leaders.

The action today, taken at the first assembly of all three Baltic popular movements, marks the first time that these groups have appealed for an international forum to decide their status, basing their claims on the illegality of the Stalin-Hitler pact.

The assembly also passed a declaration spelling out the rights of "the people of the sovereign states of Estonia, Latvia and Lithuania" to choose their own form of economy. The statement said the current attempts at economic perestroika, or restructuring had failed because they were inherently ineffective, mainly because they serve a centralized economy.

While many of those concepts have been put forth before by the popular fronts individually, the joint demands and strategy were more radical than previous ones.

LOCAL PARTY CHIEFS ABSENT

Apparently expecting that this conference would adopt more extreme positions, none of the Communist party leaders from the three republics were in attendance this weekend.

"I think our leaders were a little bit afraid to attend," said Antanavicius Kazimieras, a leader of the Lithuania Sajudis and a deputy-elect to the new Soviet Congress of People's Deputies. "But this does not represent a confrontation between the party leaderships and the popular fronts."

At a rally Saturday night in the medieval town square here, thousands of Tallinn residents and visitors from the other Baltic republics watched the lighting of a symbolic torch of Baltic unity as similar flames were being ignited in Riga, the Lativan capital, and Vilnius, the Lithuanian capital.

Underneath the flags of all three republics, the long-banned national anthems of the republics' independent period were played.

"The last time I sang this song freely was the 18th of July 1940," said Janis Blum, a 64-year-old engineer from Riga, who cried as he sang "God Bless Latvia" under his homeland's flag. "My dream is to once again sing it as a completely free man."

EXHIBIT 3

[From the Express Chronicle, May 14, 1989]

SAMIZOAT REPORT

Moscow, May 10.—Two demonstrations in protest of the possible repeal of the Jackson-Vannik amendment were held on May 10th in Moscow. At 4:00 P.M., about 150 people, organized by the group "Free Emigration," demonstrated for 30 minutes outside the American Embassy. At 6:00 P.M. about 50 Jews who had been refused permission to imigrate gathered outside the International Trade Center. Police and special troops dispersed the second demonstration.

EXHIBIT 4

PETITIONS TO THE PRESIDENT OF THE UNITED STATES OF AMERICA

(By Paruyr Hayrikian, President, Democracy and Independence)

PETITION 1

Whereas funds lent to the U.S.S.R. to finance trade and for other purposes are being used by the Soviet government to repress the people and to undermine their popular movements for democracy and independence guaranteed by the right of national self-determination,

Now, therefore, as the official representative of Democracy and Independence, the unified national democratic movements in the Soviet Union, I respectfully request that President Bush not grant United States "most favored nation" (MFN) trade status to the Soviet Union until democracy and independence have been fully implemented throughout the republics in the Soviet Union.

PETITION 2

Whereas funds lent or otherwise made available to the U.S.S.R. to finance trade and for other purposes, are being used by the Soviet government to repress the people; to undermine their popular movements for democracy and independence guaranteed by the right of national self-determination, and to carry out activities and policies contrary to Free World interests; and

Whereas the Soviet Union refuses to comply with internationally accepted standards for accounting, auditing and disclosure of its financial and production statistics; and

Whereas the Soviet Union's external debt is not repayable from Soviet resources and assets, while additional extensions of credit, which would follow the granting of "most favored nation" (MFN) trade status to the Soviet Union, also would be unrepayable, thus putting the burden of these Soviet debts on American taxpayers; and

Whereas the Soviet Union has used its resources and assets to finance, train and otherwise support international terrorism and oppression, and has promoted drug trafficking in the Free World,

Now, therefore, as leaders of American organizations, we respectfully call on President Bush to delay the granting of "most favored nation" (MFN) trade status to the Soviet Union until:

The Soviet Union has fully implemented democracy and independence throughout the republics in the Soviet Union; and

The Soviet Union complies fully with its obligations under all its international agreements; and

The Soviet Union conducts its economic affairs—financial, accounting, disclosure and independent auditing of statistics—on a par with those of the Western nations; and

The Soviet Union has ceased to support international terrorism, and has halted its promotion of drug trafficking.

Signatories:

Martin Colman, chairman, Taxpayers Against Supporting the Soviets,

Paul M. Weyrich, national chairman, Coalitions for America,

Phyllis Schlafly, president, Eagle Forum,

Howard Phillips, chairman, The Conservative Caucus,

Beverly LaHaye, president, Concerned Women for America,

Ambassador Lewis Tambs,

Ralph Perk, American Nationalists Movement,

Lucuja Mazeika, California Republican Heritage Groups Council,

Dr. John Nadas, National Federation of American Hungarians,

L. Francis Bouchey, president, Council for Inter-American Security,

Curt Anderson, vice president, C.N.P., Inc.,

Jack Wheller, senior consultant, Krieble Associates, Inc.,
Laszlo Pasztor, national president, Liberation Support Alliance,
Lt. Gen. Daniel Graham, High Frontier,
Eugenia Ordynsky, executive director, Congresss of Russian Americans,
The Honorable Albert Lee Smith, former congressman from Alabama,
Constantine Menges, American Enterprise Institute,
Dr. Gabor Papp, Committee for a Free Hungary,
Peter Harkay, Capisztan Youth Foundation,
Dr. Marianne Bouvier, German American National Congress,
George Sterling, Association of Free Hungarian Journalists,
Dr. Colomann Fiedler, Polish Hungarian World Federation,
Don Devine, Citizens for America,
George Mesterzcuk, Ukranian Congress Committee of America,
Stockton Reeves, chairman, College Republican National Committee,
Henry L. Walther, president, United States Defense Committee,
Slava Stetsko, Anti-Bolshevik Bloc Nations,
Maj. F. Andy Messing, Jr., executive director, National Defense Council Foundation,
William P. Hoar, executive editor, Conservative Digest,
Howard Segermark, executive director, Free the Eagle,
Warren Carroll, editor, The Freedom Fighter,
Roxolana Potter, American Friends of the Anti-Bolshevik Bloc Nations,
Phillip Abbott Luce, Americans for a Sound Foreign Policy,
John Fisher, president, American Security Council,
Dr. Frank Fazakas, Pacific Chapter, National Federation of American Hungarians-Rev.,
Pal Bolvary, American Hungarian Federation of Western Pennsylvania,
Dr. Albert Wass, Transylvanian World Federation,
Maido Kari, president, Estonian World Council,
Aro Piirisild, Baltic American Free League,
Clay Claiborne, Black Silent Majority Committee,
Orest M. Baranyk, Captive Nations Council,
Joan Hueter, president, National Association of Pro-America,
Susan R. Brackin, executive director, College Republican National Federation,
William Gill, Catholic War Veterans,
Grover Narquist, Resistance Support Alliance,
Mrs. Margaret Rothla, Captive Nations Committee of Pennsylvania,
Ms. Amilda Houge, Cardinal Mindszenty Society of Florida,
Orest Steciw, Anti-Bolshevik Bloc Nations of Canada,
Eric Licht, president, Coalitions for America,
Jennifer White, Center for Security Policy,
Fred Smith, The Competitive Enterprise Institute,
Tammy Lyles, executive director, Ruff PAC,
John Kwapisz, director, Center for Peace and Freedom,
Robert G. L. Wall, Western Monetary,
Ron Nelson, American Foreign Policy Council,
Robert G. Mills, International Freedom Foundation,
Henry Kriegel, Committee for a Free Afghanistan,
Dr. Balint Gaspar, United American Captive National Movement,
Dr. Imre Gal, World Federation of Free Hungarian Jurists,
Denes Koltavary, United States Division, World Federation of Hungarian Veterans,
Peter J. Flaherty, chairman, Conservative Campaign Fund,
William W. Pascoe, III, executive director, Krieble Associates, Inc.,
Tom Burch, National Vietnam Veterans Coalition,
John Marshall Rohrer, executive director, The Conservative Network,
William Holt Kling, convenor, The James Monroe Group on the American Democracies,
R. V. Raehn, founder, U.S. Global Strategy Council,
Dr. Richard Harris, American Association of Christian Schools,
Mike Thompson, American Defense Lobby,
Tim Beauchemin, American Legislative Exchange Council,
William Lyons, Family Life Seminars,
Larry Pratt, Gun Owners of America,
Amy Moritz, National Center for Public Policy Research,
Carter Wrenn, The National Congressional Club,
David Keating, National Taxpayers' Union,
James Denton, National Forum Foundation,
Megan Lott, Organizational Director, National Teenage Republicans,
Tom Cox, legislative assistant, Free the Eagle,
Judy Bashore, vice president, Phoenix International,
Reinaldo Lopez-Lima, Pro-Liberation of Cuba,
Karen McKay, president, Americans for Freedom,
Ray Raine, Richland Development Corporation,
Morgan Norville, Selous Foundation,
Richard Viguerie, United Conservatives of America Political Action Committee,
Rick Hendrix, United Families of America,
Paul Kamenar, Washington Legal Foundation,
Tom Lizzardo, Young Americans for Freedom,
Ralph Galliano, Congressional Majority Committee,
Dr. Pedro DeMesones,
Theodore J. Mortensen, National Vietnam Veterans Coalition,
Julia Godolley, Plant City Liberty Society,
Eugene Delgaudio, Council of Volunteer Americans,
Carolyn C. Sullivan, secretary, Eagle Forum Education Fund,
Patrick B. McGuigan, 721 Group,
Stan McDonald, Office of the Governor of Alabama,
Richard M. Baker, president, Executive Homes, Birmingham, Alabama,
R. Trenton Ellison, vice president, Sun Building Company, Birmingham, Alabama,
Gordon W. Miller, president, Miller Sales, Company, Birmingham, Alabama,
Francis E. Keller, president, Richard Machine Company, Birmingham, Alabama,
Donald C. King, president, KBE, Inc., Birmingham, Alabama,
Nevin R. Newton, vice president, Southern Precision, Inc., Birmingham, Alabama,
James W. Scott, vice president, Executive Homes, Birmingham, Alabama,
Chad C. Baker, Birmingham, Alabama,
Glenn Bullen, vice president, Robbins Manufacturing, Inc., Birmingham, Alabama,
Kenneth S. Austin, Reformed Theological Seminary, Birmingham, Alabama,
William B. Baker, vice president, Baker & Sons, Dairy, Birmingham, Alabama,
Lutheree Bradwell, Birmingham, Alabama,
Martha K. Park, Birmingham, Alabama,
William C. Braswell, Birmingham, Alabama,
Valerie Jones, Birmingham, Alabama,
Susan Townley, Birmingham, Alabama,
Howard D. Parr, pastor, Shades Mountain Bible Church, Birmingham, Alabama,
Arthur J. Phillips, Birmingham, Alabama,
Nathan Park, Birmingham, Alabama,
Donald Simpson, Birmingham, Alabama,
LaVerne S. Lamb, Birmingham, Alabama,
Ruth Stone, Birmingham, Alabama,
Janice White, Birmingham, Alabama,
Darryl White, Birmingham, Alabama,
Tamela C. Nelson, Birmingham, Alabama,
Joe Nelson, Birmingham, Alabama,
Brenda Carroll, Birmingham, Alabama,
Shirley Bingham, Birmingham, Alabama,
Debbie Hailey, Birmingham, Alabama,
Celia Adams, Birmingham, Alabama,
Marvin Hewlett, Birmingham, Alabama,
Barry Wood, Birmingham, Alabama,
David F. and Martha H. Stokes, Carrollton, Alabama,
Kenneth R. Sullivan, Birmingham, Alabama,
Mrs. Eunice W. Smith, president, Alabama Eagle Forum,
Stewart H. Welch, Birmingham, Alabama,
Charlene Johnson, Birmingham, Alabama,
Mike A. Priestly, Birmingham, Alabama,
Rocky Smith, Birmingham, Alabama,
Marie S. Gresham, Birmingham, Alabama,
Mac McCullough, Birmingham, Alabama,
J. M. McGee, Jr., Birmingham, Alabama,
Al S. Reynolds, Birmingham, Alabama,
John C. Beck, Birmingham, Alabama,
John C. Beck, II, Birmingham, Alabama,
John D. Vernon, Sr., Birmingham, Alabama,
Lamar M. Davis, II, Birmingham, Alabama,
Michael Palmer, Helena, Alabama,
Mary Tediman, Albertville, Alabama,
Lois P. Filmore, Huntsville, Alabama,
Linda McClendon, Birmingham, Alabama,
John Herzberg, Birmingham, Alabama,
Cleve Smith, Birmingham, Alabama,
P.E. Garrison, Birmingham, Alabama,
Mr. and Mrs. R.C. Weldon, Birmingham, Alabama,
Charles H. Potter, Birmingham, Alabama,
Peggy Pettus, Birmingham, Alabama,
John F. Pettus, Birmingham, Alabama,
Doris McCroskey, Birmingham, Alabama,
Jimmy M. Hester, Birmingham, Alabama,
Jay Hester, Birmingham, Alabama,
Brian S. Everling, Birmingham, Alabama,
Walter J. Bishop, Birmingham, Alabama,
Kenneth Farragut, Birmingham, Alabama,
Jane Southerland, Birmingham, Alabama,
W.L. Ivey, Springville, Alabama,
Mildred P. Ivey, Springville, Alabama,
James E. McLendon, Birmingham, Alabama,
Pauline McLendon, Birmingham, Alabama,
Wilson Donovan, Birmingham, Alabama,
Wayne H. Jones, Birmingham, Alabama,
Jed P. McLendon, Birmingham, Alabama,
Dick E. Campbell, Birmingham, Alabama,
Florine M. Kinkel, Birmingham, Alabama,

Harry N. Wilhite, Jr., Irondale, Alabama,
Linda Ling, Irondale, Alabama,
Terry Hood, Alabaster, Alabama,
Karen Hooper, Birmingham, Alabama,
J. Michael Ballard, Ashville, Alabama, and
William Nobles, Irondale, Alabama.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CHILD CARE IMPROVEMENT ACT

The PRESIDING OFFICER. The Senate will continue with the consideration of S. 5.

The Senate continued with the consideration of the bill.

Mr. DODD. Mr. President, I ask that the pending amendment be temporarily laid aside for the purpose of considering an amendment to be offered by the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 221

(Purpose: To exempt child care services provided by relatives from the prohibition against sectarian activities.)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for himself and Mr. GRASSLEY proposes an amendment numbered 221.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88 after line 14, add the following new section:

"(b) Subsection (a) shall not apply to funds received by an eligible child care provider as defined in section 103(8)(B)."

Renumber as appropriate.

Mr. DOMENICI. Mr. President, while this appears to be a rather innocuous amendment, and in discussing the matter with the manager of the bill, I really think this was the intention of the bill. I believe this amendment will clarify a very significant objective of this bill.

We all recall that Senators FORD and DURENBERGER offered an amendment that was directed at the religious or sectarian centers for providing child care that had that quality.

I think perhaps through an oversight what has happened is that the provider that is given that exemption is deemed, in the amendment, to be entitled to be reimbursed through a certificate, and actually there are three ways for reimbursement, not just a certificate. There are certificates and there are contracts and there are grants. Some States may not use the certificate approach. That is still something within their flexibility.

Consequently, if they do not, it would seem to me that a literal reading of the Ford-Durenberger amendment and the bill would say for those States there is no real way to reimburse. If you happen to find a way to do it through the contract or grant, the technical exemption amendment only used one of the words, "certificate," and yet there may be an opportunity for the relationship, the grandmother, the aunts, and the siblings, to provide the religious training and child care and be exempt and find there is no way to get reimbursed. If that occurs—and I am not suggesting it will happen many of the times. I would think that most, if it works, will be certificate reimbursement—I would think we ought to make it clear we did not intend in Ford-Durenberger to limit the reimbursement scope of that exemption to certification reimbursement.

So all my amendment does essentially is say that it is certification, grant or contract as the means of reimbursement under the religious exemption. I believe it is fair and I think the managers acknowledge it was perhaps oversight, but in any event that they are prepared to accept the amendment.

Mr. DODD. Mr. President, I thank my colleague for his comments. I would not say it was an oversight because we believe we covered the situation and there is no disagreement as to what the intent of the legislation is, but for the purpose of clarity this will make it clearer to those who are concerned about this and we believe it does not violate anything in the course of the legislation already called for. We are delighted to accept it.

Again, I can speak for my comanager, the Senator from Utah [Mr. HATCH], as well as myself, that we think this is a good amendment and will help clarify the situation even further. The intent of the Ford-Durenberger language was clearly to allow for the situation as the amendment spells out.

So I thank my colleague from New Mexico for offering this amendment. I know of no further debate on this particular amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 221) was agreed to.

Mr. DODD. I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I thank the manager of the bill. I compliment him on his dedication and hard work and hope that we will be able to, this afternoon, culminate the months of work with a final vote and we can perhaps go to our respective States and talk about what we did or did not do. I compliment the Senator.

Mr. DODD. I thank my colleague. I pointed out this morning that we have had now about 13 amendments we have accepted over the last day or so, and most of them have been from the minority side. We have had a few from our side. But I have tried to really make this a bipartisan bill and the amendments of the Senator from New Mexico, amendments offered by Senators JEFFORDS, COATS, and BOSCHWITZ have really made this a bipartisan bill and we want to continue in that vein. I thank my colleague for his comments.

Mr. DOMENICI. I thank my distinguished colleague. I yield the floor.

AMENDMENT NO. 222 TO AMENDMENT NO. 202

(Purpose: To provide for a perfecting amendment adding a supplemental earned income credit for families with young children, and for other purposes)

Mr. BENTSEN. Mr. President, I send an amendment to the desk in the second degree to the Dole amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ROBB). The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment numbered 222 to the Dole amendment 202.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after "SUBTITLE" on page 1, line 3 of the amendment, and insert the following:

A—TAX CREDIT FOR CERTAIN HEALTH INSURANCE PREMIUMS AND CHILD CARE AND SUPPLEMENTAL EARNED INCOME CREDIT FOR FAMILIES WITH YOUNG CHILDREN

SEC. 211. CREDIT FOR HEALTH INSURANCE PREMIUM COSTS.

(2) ALLOWANCE OF CREDIT.—Paragraph (1) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) IN GENERAL.—In the case of an individual who maintains a household which includes as a member 1 or more qualifying individuals, there shall be allowed as a credit against the tax imposed by this chapter for

the taxable year an amount equal to the sum of—

"(A) the applicable percentage of the employment-related expenses paid by such individual during the taxable year, plus

"(B) the credit percentage of the qualified health insurance expenses paid by such individual during the taxable year."

(b) CREDIT PERCENTAGE.—Section 21(a) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

(3) CREDIT PERCENTAGE.—For purposes of paragraph (1)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'credit percentage' means 50 percent reduced (but not below zero) by 16.67 percentage points for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $12,000.

"(B) SPECIAL RULE.—In the case of taxable years beginning before 1994, subparagraph (A) shall be applied by substituting in the case of any taxable year beginning in—

"(i) 1991, '35 percent',

"(ii) 1992, '40 percent', and

"(iii) 1993, '45 percent', for '50 percent'."

(c) LIMITATIONS.—

(1) DOLLAR LIMITATION.—Section 21(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(c) LIMITATIONS.—

"(1) DOLLAR LIMIT ON EMPLOYMENT-RELATED EXPENSES.—The amount of the employment-related expenses paid during any taxable year which may be taken into account under subsection (a)(1)(A) shall not exceed—

"(A) $2,400 if there is 1 qualifying individual with respect to the taxpayer for such taxable year, or

"(B) $4,800 if there are 2 or more such qualifying individuals.

The amount determined under subparagraph (A) or (B) (whichever is applicable) shall be reduced by the aggregate amount excludable from gross income under section 129 for the taxable year.

"(2) QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a)(1)(B) shall not exceed $1,000."

(2) EARNED INCOME LIMITATION.—

(A) IN GENERAL.—Section 21(d) of such Code is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE FOR QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a)(1)(B) shall not exceed the excess (if any) of—

"(A) the earned income of the taxpayer for the taxable year, over

"(B) the amount of employment-related expenses taken into account under subsection (a)(1)(A)."

(B) CONFORMING AMENDMENT.—Paragraph (1) of section 21(d) of such Code is amended by striking "subsection (a)" and inserting "subsection (a)(1)(A)".

(d) DEFINITIONS AND RULES.—

(1) QUALIFIED HEALTH INSURANCE EXPENSES.—Section 21(b) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFIED HEALTH INSURANCE EXPENSES.—

"(A) IN GENERAL.—The term 'qualified health insurance expenses' means amounts paid during the taxable year for insurance—

"(i) which constitutes medical care (within the meaning of section 213(d)(1)(C)), and

"(ii) under which coverage includes at least 1 qualifying individual.

For purposes of this paragraph, the rules of section 213(d)(6) shall apply.

"(B) QUALIFYING INDIVIDUAL.—For purposes of this paragraph and subsection (a)(1)(B), the term 'qualifying individual' means an individual described in paragraph (1)(A), except that such paragraph shall be applied by substituting 'age of 19' for 'age of 13'.

"(C) ELECTION NOT TO TAKE CREDIT.—A taxpayer may elect for any taxable year to have amounts described in subparagraph (A) not treated as qualified health insurance expenses."

(2) IDENTIFYING INFORMATION REQUIRED.—Section 21(e)(9) of such code is amended by adding at the end thereof the following new sentence: "In the case of the credit allowable under subsection (a)(1)(B) for qualified health insurance expenses, the Secretary may require an insurance policy number in addition to (or in lieu of) the taxpayer identification number."

(e) COORDINATION WITH DEDUCTION FOR SELF-EMPLOYED INDIVIDUALS.—Section 162(1) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 21."

(f) CONFORMING AMENDMENTS.—

(1) The heading for section 21 of the Internal Revenue Code of 1986 is amended by inserting "; HEALTH INSURANCE EXPENSES" after "EMPLOYMENT".

(2) The item relating to section 21 in the table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting "; health insurance expenses" after "employment".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 212. DEPENDENT CARE AND HEALTH INSURANCE PREMIUM CREDIT MADE REFUNDABLE.

(a) CREDIT MADE REFUNDABLE.—Section 21 of the Internal Revenue Code of 1986 (relating to credit for household and dependent care services) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) CREDIT REFUNDABLE FOR LOW AND MODERATE INCOME TAXPAYERS.—

"(1) IN GENERAL.—For purposes of this subtitle, in the case of an applicable taxpayer, the credit allowable under subsection (a) for any taxable year shall be treated as a credit allowable under subpart C of this part.

"(2) APPLICABLE TAXPAYER.—For purposes of this subsection, the term 'applicable taxpayer' means a taxpayer whose adjusted gross income for the taxable year does not exceed $28,000 ($14,000 in the case of a married individual filing a separate return).

"(3) COORDINATION WITH ADVANCE PAYMENTS ANDS MINIMUM TAX.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply with respect to the portion of any credit to which this subsection applies."

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF DEPENDENT CARE CREDIT.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom a dependent care eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's dependent care advance amount.

"(b) DEPENDENT CARE ELIGIBILITY CERTIFICATE.—For purposes of this title, a dependent care eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 21 for the taxable year.

"(2) certifies that the employee reasonably expects to be an applicable taxpayer (within the meaning of section 21(f)) for the taxable year.

"(3) certifies that the employee does not have a dependent care eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer.

"(4) states whether or not the employee's spouse has a dependent care eligibility certificate in effect.

"(5) states the number of qualifying individuals in the household maintained by the employee, and

"(6) estimates the amount of employment-related expenses and qualified health insurance expenses for the calendar year.

"(c) DEPENDENT CARE ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'dependent care advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period.

"(B) on the basis of the employee's estimated employment-related expenses and qualified health insurance expenses included in the dependent care eligibility certificate, and

"(C) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(C) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply."

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of dependent care credit."

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1990.

(2) ADVANCE PAYMENT OF CREDIT.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1991.

(3) ONLY PORTION OR CREDIT REFUNDABLE IN 1990.—In the case of any taxpayer to whom section 21(f) of the Internal Revenue Code

of 1986 (as added by subsection (a)) applies for any taxable year beginning in 1991.

(A) 90 percent of the amount of the credit allowable under section 22(a) of such Code for such taxable year shall be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1 of such Code, and

(B) the remaining 10 percent of the amount of such credit shall be treated as a credit allowable under section 21 of such Code.

SEC. 213. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) INCREASE IN CREDIT FOR EXPENSES RELATING TO DEPENDENT CARE.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000.

"(B) HIGHER PERCENTAGES FOR LOW-INCOME TAXPAYERS.—The term 'applicable percentage' means in the case of any taxpayer with an adjusted gross income for the taxable year of—

"(i) $8,000 or less, 34 percent, and

"(ii) more than $8,000 but less than $10,000, 32 percent."

(b) CERTAIN SUBSIDIZED EXPENSES NOT ELIGIBLE FOR CREDIT.—Section 21(e) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(10) SUBSIDIZED EXPENSES.—No expense shall be treated as an employment-related expense or qualifying health insurance expense to the extent such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof."

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 214. SUPPLEMENTAL EARNED INCOME CREDIT FOR FAMILIES WITH YOUNG CHILDREN.

(a) IN GENERAL.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—There is allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of the following amounts:

"(1) GENERAL CREDIT.—In the case of an eligible individual, an amount equal to 14 percent of so much of the earned income for the taxable year as does not exceed $5,714.

"(2) SUPPLEMENT FOR YOUNG CHILDREN.—

"(A) IN GENERAL.—In the case of an eligible individual with 1 or more qualifying children, an amount equal to the lesser of—

"(i) the applicable percentage of so much of the earned income for the taxable year as does not exceed $5,714, or

"(ii) $750 ($500 for an eligible individual with only 1 qualifying child).

"(B) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means 10 percent (7 percent for an eligible individual with only 1 qualifing child).

"(b) LIMITATIONS.—

"(1) GENERAL CREDIT.—The amount of the credit allowable to a taxpayer under subsection (a)(1) for any taxable year shall be reduced (but not below zero) by 10 percent of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $9,000.

"(2) SUPPLEMENT FOR YOUNG CHILDREN.—The amount of the credit allowable to a taxpayer under subsection (a)(2) for any taxable year shall be reduced (but not below zero) by 20 percent of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the lesser of—

"(A) $10,000, as adjusted under subsection (i), or

"(B) $12,000."

(b) QUALIFYING CHILD DEFINED.—Subsection (c) of section 32 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFYING CHILD.—The term 'qualifying child' means, for the taxable year, an individual—

"(A) with respect to whom the taxpayer qualifies as an eligible individual, and

"(B) who, as of the end of such taxable year, has not attained the age of 4."

(c) CONFORMING AMENDMENTS.—

(1) Subsection (f)(1) of section 32 of the Internal Revenue Code of 1986 is amended by inserting "(including separate tables for individuals with qualifying children)" after "Secretary".

(2) Subsection (1) of subsection 32 of such Code is amended—

(A) by inserting "('calendar year 1990' for 'calendar year 1987' in the case of the dollar amount referred to in clause (iii) of paragraph (2)(B))" before the period at the end of paragraph (1)(B), and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) DEFINITIONS, ETC.—For purposes of paragraph (1)—

"(A) APPLICABLE CALENDAR YEAR.—The term 'applicable calendar year' means—

"(i) 1986 in the case of the dollar amount referred to in clause (1) of subparagraph (B),

"(ii) 1987 in the case of the dollar amount referred to in clause (ii) of subparagraph (B), and

"(iii) 1991 in the case of the dollar amount referred to in clause (iii) of subparagraph (B).

"(B) DOLLAR AMOUNTS.—The dollar amounts referred to in this subparagraph are—

"(i) the $5,714 amount contained in paragraphs (1) and (2)(A)(i) of subsection (a),

"(ii) the $9,000 amount contained in subsection (b)(1), and

"(iii) the $10,000 amount contained in subsection (b)(2)(A)."

(3) Subsection (b) of section 3507 of such Code is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) states the number of qualifying children (as defined in section 32(c)(3)) of the employee for the taxable year.".

(4) Paragraph (1) of section 3507(c) of such Code is amended—

(A) by striking "and" at the end of subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C), and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) on the basis of the number of qualifying children (as defined in section 32(c)(3)) of the employee for such period, and".

(5) Paragraph (2) of section 3507(c) of such Code is amended—

(A) by striking "paragraph (1)(B)" and inserting "paragraph (1)(C)", and

(B) by adding at the end thereof the following new flush sentence:

"A separate advance amount table shall be prescribed for the credit under section 32(a)(2) in the same manner as provided under the preceding sentence, except that the applicable percentage under section 32(a)(2)(B) shall be substituted for 14 percent."

(6) Section 3507 of such Code is amended by adding at the end thereof the following new subsection:

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 215. STUDY OF ADVANCE PAYMENTS.

(a) IN GENERAL.—The Comptroller General of the United States shall, in consultation with the Secretary of the Treasury, conduct a study of advance payments required by section 3507A of the Internal Revenue Code of 1986 (as added by section 212(b)(1)) to determine—

(1) the effectiveness of the advance payment system, and

(2) the manner in which such system can be implemented to alleviate administrative complexity, if any, for small business.

(c) REPORT.—Not later than 1 year after the date of the enactment of this title, the Comptroller shall report the results of the study conducted under subsection (a), together with any recommendations, to the Committee on Finance of the United States Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 215-B. PROGRAM TO INCREASE PUBLIC AWARENESS.

Not later than the first day of the first calendar year following the date of the enactment of this title, the Secretary of the Treasury, or the Secretary's delegate, shall establish a taxpayer awareness program to inform the taxpaying public of the availability of the credit for dependent care and health insurance premiums allowed under section 21 of the Internal Revenue Code of 1986 (as amended by this subtitle). Such public awareness program shall be designed to assure that individuals who may be eligible are informed of the availability of such credit and filing procedures. The Secretary shall use public service and paid commercial advertising, direct-mail contact, and any other appropriate means of communication to carry out the provisions of this section.

SEC. 215-C. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, EVERYTHING IN THIS ACT WHICH FOLLOWS THIS SECTION AND PRECEDES SECTION 216 SHALL BE NULL AND HAVE NO FORCE OR EFFECT.

In lieu of the matter proposed to be stricken on page 104, line 17, insert the following "and qualified health insurance expenses."

In lieu of the matter proposed to be stricken on page 105, lines 2 and 3, insert the following: "and qualified health insurance expenses."

In lieu of the matter proposed to be stricken on page 107, lines 19 and 20, insert the following: "or qualifying health insurance expenses."

In lieu of the matter proposed to be stricken on page 109, line 2, insert the following: "and health insurance premiums."

Mr. BENTSEN. Mr. President, we worked all yesterday afternoon, far into the night, trying to reach a compromise with the minority that would accommodate both the President's proposal for a new young child supplement and the Finance Committee's proposal for a new health initiative, a health insurance credit to help low-income working families to provide health insurance for their children.

But in the long run it finally came apart because there were some on the other side who would not yield on that point. Apparently they want it all.

Mr. President, that just is not the way the process works around here, or should not.

The chairman of the Finance Committee is not going to write this bill. The chairman of the Labor and Human Resources Committee is not going to write that bill. The senior Senator from Connecticut is not going to write that bill, nor any one of the ranking members.

The President of the United States cannot have it all.

The provisions reported by the Finance Committee are the result of listening to all of the groups who represent the children of American—their concerns and their needs, listening to all of them as we have, having them testify before us, telling us how the system works and what we need, and then putting that all together to make the whole, and to arrive at what we think is best from each of these plans to try to help the children of America.

I hear some people say that the health credit is not that important; it does not necessarily have to be a part of this package.

I strongly disagree with that.

I was looking at this morning's USA Today, an article saying that people who lack health insurance are shortchanged on hospital care, even in public institutions that traditionally treat them. That is a study of some 52 Boston area hospitals. In this country, we have more than 37 million Americans without health insurance, and 13 million of these are children.

Studies have shown that Federal cost-cutting pressures have caused hospitals to provide less outpatient care to people without insurance than to people with insurance. Studies show that the uninsured are generally sicker when they get there and once admitted have shorter stays.

Mr. President, I understand why. What you are seeing is escalating health insurance premiums. Last year health insurance premiums went up 17 percent.

So what do parents say? "We are low income. We want to stay off welfare. We are trying to make ends meet, and the health insurance premium has gone up 17 percent. Maybe the kids won't get sick this year. Guess we better chance that. Let's drop the health insurance policy."

And they do that. And then the kids get sick.

And then they say "Maybe that fever will break. Let's hold off and give our child some more aspirin."

And then finally at the last minute, they have no choice but to go to the hospital. And the study reported in the paper today shows that once they get there, they do not get as good care as the family that has the hospital insurance. In some cases, they do not even get admitted.

You bet it is important.

You have someone working, making $15,000 a year who needs medical attention, and today under our system the person on welfare has better access to health care than that person working, and trying to stay off welfare.

Now let us take a look at the other side. There are those who have said here in the debate there is not anything for the person making $50,000 a year. That is not correct.

Under the dependent care credit for children, you are getting a 30 percent credit on a $2,400 payment for child care if you make $10,000 a year and that finally phases down to $28,000 when the credit drops to 20 percent. But then you can make $50,000 a year and still get that credit. Or add a digit—$500,000 a year, or add a digit—$5 million a year, and you still get that credit. With two kids you get a credit twice the size.

So we are already helping those various groups. But here we are trying to help a group with incomes just above welfare, who are having a tough time.

There are those who have said we should do more for the mother who does not work, who stays home with her kids. The credits under this amendment are available to her, and we provide help for that family.

Mr. President, in the spirit of compromise, what we are trying to do with this amendment that I am offering is to provide for almost an equal division between the two proposals, the President's proposal, and what we are proposing out of the Finance Committee. Over the next 5 years the 5-year estimate for the President's credit is $2.714 billion and for the health insurance credit it is a little less, $2.652 billion.

In addition, there is another $5.103 billion that will go toward making the child care credit refundable.

Let me describe what the amendment will do. It will phase in the health insurance credit over time, and originally what I wanted and what we brought out of the Finance Committee was a credit of 50 percent immediately. But in the spirit of compromise, and trying to take care of what the minority also wants and what the President wants, we will start the health care credit at 35 percent in 1991, 40 percent in 1992, 45 percent in 1993 and finally reach the 50 percent in 1994.

In addition that credit will phase out for families in excess of $18,000 a year. The way we reported it out of the Finance Committee it was $21,000 a year but once again we are acting in a spirit of compromise and trying to see that we get a balance.

The young child supplement will be available to families with incomes from $10,000 to $15,000, and as in the earlier Dole amendment it will be indexed with inflation so that over time it will reach families with incomes between $12,000 and $17,000. The credit will be equal to 7 percent of earnings, and that is up to a maximum of $500 for the first child and an additional 3 percent of earnings up to a cap of $250 if there is more than one child. As the President originally proposed that credit will apply to children under the age of 4.

The dependent care credit will be made 90 percent refundable beginning in 1991.

As I understand it, the concern on the other side is to have something in the ABC bill for families with mothers who stay at home to take care of their children. And I want Members and staff who have talked to me about that position time and time again to know that we have something in there for these families. The majority leader's package, the package that came out of the Finance Committee, has always had something in there for these families. Part of that is the health insurance credit—available to every low-income family with a child under the age of 19 regardless of whether both parents are employed.

The White House has wanted its own credit—first called a child tax credit, now called a young child supplement to the earned income tax credit. It is still the same kind of credit it has always been, an untargeted income supplement. It has been renamed an EITC, I suppose because they believe there is some support for an expanded EITC.

Well, this compromise amendment, Mr. President, is going to provide more to families where the mother does not work than did the Dole amendment $5.4 billion over the next 5 years, as compared to $4 billion for the Dole amendment.

I find it interesting, Mr. President, that no one who opposes the child health insurance credit is trying to make the case that improving support for health coverage is unimportant. In fact, the opposite is true.

Before the Finance Committee completed action on its portion of this package, I was asked to join the Republicans in a compromise package

that included an unearmarked tax credit, and my credit for the purchase of health insurance. I declined that offer because a majority of the members of the Finance Committee had already rejected an unearmarked credit.

Now, the other side has begun to focus its criticism on the health insurance portion of our package. I understand. They want to support the President.

But, Mr. President, in my view, that deletion would be an absolute tragedy—13 million children uninsured, one in five in this Nation without any public or private health insurance coverage. Nearly two-thirds of those children are from families below 185 percent of poverty, the very families we want to help with this credit. And the credit is focused on low-income families.

In the compromise before you, all of the benefits will go to families with incomes of $18,000 or less. Now let me remind the Members that it is these families that are finding it harder and harder to provide health insurance coverage.

As I stated earlier, all the trends are in the wrong direction; the cost of premiums went up 17 percent last year. A study by the Health Insurance Association of America shows that in medium-sized and large companies providing health insurance for their employees and their dependents, the average premium cost to the employee is $800.

There have been those here who have stated that that is not enough to be meaningful to those employees. Not enough? We start out with a 35-percent credit and we work up to a 50-percent credit. That 50-percent credit means if you have an $800 premium the cost would be $66 a month; with the credit, it costs you half of that, $33. You would cut the cost of a monthly premium from $66 to $33. For the low-income people, that sure would help.

I think this credit will create a strong incentive for insurers to provide health insurance benefits for children and an incentive for those families to buy it.

Just this week, Mr. George Farr, President of the Children's Medical Center of Dallas, testifying for the National Association of Children's Hospitals, told the Finance Committee how important it was for the public and the private sector to work together to try to get insurance for children; that hospitals know firsthand about the decline in employer-paid dependent coverage, and that they are getting an increasing number of uninsured children in their hospitals. And they say they are encouraged by the tax credit approach in this bill, and that it will increase health insurance coverage for the children of America.

The National Federation of Independent Business said that the credit will make significant strides toward helping low-income families purchase health insurance for their uninsured children. And they applaud the credit because it recognizes that the issue of the uninsured can be tackled through the private sector by these kinds of market incentives. This legislation, they said, is an important step toward making sure all children have access to health care.

The Health Insurance Association of America has said that this credit will make a dramatic difference in the proportion of low-income employees choosing to extend health care coverage to their children.

Blue Cross-Blue Shield said they expect insurance companies to respond to the incentives provided by this credit by making available low-cost policies aimed at children.

The Washington Business Group on Health told the Finance Committee that it is in the direct economic interest of employers of all sizes to have Congress lead the Nation in making a responsible investment in our children. They believe the credit will lead to an increase in the provision of health insurance that is provided by small business.

But that is not what is happening now. Businesses are dropping it in droves as they see the cost of premiums go up. You have to turn this situation around, and that is what this kind of credit will do.

There are a lot of people out there who understand what we are trying to do. I have a list of sponsoring organizations as long as my arm. I recited them yesterday here. I will not take the time of the Senate to repeat them, but I could again put them in the RECORD for those who want to peruse that.

Now, my friends, let us put the parents of low income who are concerned about their kids on at least as good a footing as the parents who are on welfare and trying to take care of their kids. These are the working poor and they need help, too. We want to close that gap to help these working Americans who either cannot afford or who lack access to health insurance for their children.

The administration's credit is not targeted on child care or child health or anything else. You hark back to George McGovern's days with $1,000 for everybody. I cannot help but think of the irony of it, how much George would enjoy being in the gallery today and hearing of a Republican administration that wants $1,000 for everybody to spend it as you would like, whatever you want to do with it.

I think health insurance is a worthy priority for our country, and it is a targeted priority for our country. And I think the American people agree with that.

So what we have here is a question about setting priorities. And because I think the American people would agree that health protection for childen should be given the highest priority, I oppose deleting the health credit altogether.

I am prepared to compromise with the minority as a way of bringing this debate over this portion of the child care bill to closure. But I cannot endorse stripping out of this package a provision that promises to see that millions of children receive the kind of health care that they need in this country.

Mr. President, let me say again, I offer this amendment in the spirit of compromise and I ask for its adoption.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon, Senator PACKWOOD.

Mr. PACKWOOD. I thank the Chair.

Mr. President, I hate to disagree with my good friend, the chairman from Texas. I am with him on most issues, but on this particular one, he pays for part of it by reducing the refundability of the dependent care tax credit to 90 percent, which has been a touchstone for me and many others. For that reason, I will have to oppose him on this amendment.

Mr. President, I ask for the yeas and nays of this amendment. I would hope that we would not have to have extensive debate on it. I think the issues are well known.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PACKWOOD. I hope we could vote on it soon.

I yield the floor.

The PRESIDING OFFICER. Does any other Senator wish to be recognized?

The Chair recognizes the Senator from Minnesota, Senator DURENBERGER.

Mr. DURENBERGER. Mr. President, I rise to speak against the Bentsen amendment to the Dole amendment and I do it with an obvious degree of reluctance. I commented, during the course of the debate yesterday, about the rapid pace with which the Senate Finance Committee's child-care bill went through the Senate Finance Committee and came to the floor. I also made reference to the fact that only shortly before the markup did a lot of us have an opportunity to view the chairman's proposal on health insurance.

Having said that, and because it was a proposal by the chairman of the Finance Committee and because he is

not only committed to child care in particular—and I think his tendencies in this regard are probably a little bit more Republican as viewed here today than Democrat—and because there is no question at all about the fact that his lifelong commitment to children has provided us all with an opportunity in this body to do more by way of good public policy, that I am reluctant to speak against the amendment by the Senator from Texas. And to speak very strongly, if I may, in favor of the Dole amendment.

What brings us here in debate is kids and the growing value that we place on their care, particularly in the early years of life. This is a time in our society when we are busy about many things: Making a living, getting ahead, child care—whatever the case may be.

My two colleagues who are still seated in this Chamber, Senator DODD and Senator HATCH, have led us, on the Labor and Human Resources Committee, through a wide variety of means to address what I characterized yesterday as a $75 billion problem, and trying to suit to that something in the nature of a $4 billion solution. That is very difficult.

We currently spend $7.5 billion in Federal money to supplement child care in a variety of different ways. We spend in this bill approximately $4 billion additional annual Federal dollars. And the point of all of this, lest it be lost on anybody—and I do not think it has been in the course of this debate—is that a premium is being placed during the course of this week on how we spend this money, not whether.

There is no question about the fact that the Federal Government and Federal policy must deal with the lack of child care in this country. The only issue is how do we spend each of these dollars. It strikes me after going through this process in the Labor and Human Resources Committee and then again on the Finance Committee, that child care can be approached in a variety of ways. It is not like health insurance where we can not. Unless we have a doctor in the family, we have to buy health insurance. Unless we have a hospital that we own, we have to buy health insurance in order to get into the system.

So, we can have a system in this country, either in the private sector or in the social insurance sector, in which people have the option to buy their access to doctors and hospitals through a health insurance system.

But largely, the responsibility for child care is on the family. A child is in need of care every single day of his early life and we have a wide variety of choice about how we provide for that child. But the difference between child care and health insurance is simply that we must provide some type of care for the child—the child needs that care.

Health insurance or access to doctors and hospitals in this country is still an elective access. I just came from another Labor and Human Resources Committee hearing on proposals both by Senator KENNEDY and Senator HATCH on a universal health insurance program for this country. How are we going to provide for the needs of the 37 million Americans who do not have access to the system?

Many of the 37 million Americans do not have access to the system because if they are in desperate need of a doctor and a hospital, they are going to be able to get a doctor and a hospital. It is an elective. You do not have to have health insurance. If you work for an employer who has it, you have it. If you are elderly, you have it in Medicare; certain poor have it in Medicaid. But for the rest, it is an elective.

As we deal with how to provide child care, we can do it either as ABC does it, providing grants and contracts, and certificates, or we can do it in one way or another by supplementing income of the parent and the way in which that income is used to make child-care choices.

The Dole substitute chooses to use the income supplement method as its principal way of accessing people to child care. Current Federal policy uses the income supplement as a way to do it. In part, it supplements income directly as through the earned income tax credit; in part, it supplements income by providing through the dependent care tax credit for those who purchase child care somewhere in the marketplace.

So as I view the health insurance proposal of the Senator from Texas, I am inclined to look at it as a form of income supplements. If, in fact, you can provide on the average $189 in a refundable tax credit for anything—anything; it does not have to be health insurance, it just happens to be health insurance, but it is an extra $189 a year to supplement choice—then I could say a positive thing you can say for Senator BENTSEN's proposal is that it puts an extra $189 in the hands of people that would not normally be there because it is now being spent on health insurance; $189 a year or, even at the maximum, $500 a year on health care which the average cost of coverage is about $3,600 is at least something. But compared with an earned income tax credit, compared with the refundable tax credit that is also targeted at this particular population, I would suggest that it is a less advantageous income supplement that is put forward by the Senator from Kansas.

Let us look at its as health insurance. Most Americans are covered by health insurance at work. Some people buy it in the marketplace. Thirty-seven million Americans do not and there is the great debate in this country about how to ensure coverage for these individuals.

As I understand the proposal by the Senator from Texas, it is designed to provide an incentive to retain health insurance in the employment area for children of parents who work or to provide an incentive to purchase additional health insurance for those who are uninsured. But as I have looked at the data since the Senator made this proposal and particularly since the proposal was passed through the Senate Finance Committee, the reality, Mr. President, is that Senator BENTSEN's proposal does not and will not, particularly after in its amended, gradually phased-in form, benefit the vast majority of children who are in families earning less than $20,000 a year. I think it has even been scaled down to something substantially less than the $20,000 limit, possibly $17,000.

At best, Senator BENTSEN's proposal, both in its amended form and original form, at best reaches 8.2 million children living in families earning less than $20,000 a year. I regret, without having the benefit of the amendment in front of me, I am not sure whether or not that has been changed.

Let us assume the original proposal of $20,000 a year reaches 8.2 million children. Mr. President, we checked with the Internal Revenue Service, which is America's reliable way to find out how many of everything there are in this country. According to the Internal Revenue Service there are today over 20 million children claimed as dependents on tax returns filed by families earning less than $20,000 a year. So this means that at least 11.8 million children, or over 60 percent of kids living in low-income families, are not covered by private health insurance and will not even be reached by the benefits proposed in this new subsidy.

It has been argued that the tax credit will do two things: First, that it will encourage parents with self-only policies to upgrade that coverage, to expand their coverage to include dependents. Second, it is argued that it will encourage parents with no private insurance to go into the market and buy it.

Mr. President, I have come to the conclusion that there is no chance that this is going to happen in the market for American health insurance today. The average benefit from this proposal is $189 a year, or $16 a month. At best, it is $500 a year or $42 a month. But what does this do for a low-income family? If a family had to buy a typical policy in the private marketplace today for self and family coverage, the average annual cost is approximately $3,000 or more a year. I priced one out yesterday with the Blue Cross people in New York and it is

substantially more than that, but this $3,000 is an average figure across the country.

So I think as we consider the merits of the proposal in this second-degree amendment, Senator BENTSEN's amendment, we just need to ask ourselves whether or not $189 a year, or $16 a month, or even at the maximum, $500 a year, is enough to induce a family to spend $3,000 on health insurance in 1989.

As I understand the proposal of my colleague from Texas, this does not start to go into effect until 1991, and then it is to be phased in over 4 or 5 years. At the rate health insurance is going up today—the hearing I just came from in the Labor and Human Resources Committee was using the figure 20 to 30 percent a year—this $189 wouild be worth much less. The Chamber of Commerce people who testified said 50 percent over the last 2 years. At that rate, a $3,000 policy 6 years from now is probably going to cost somewhere in the neighborhood of $7,500 or $8,000, and the Senator would have us spend $1.5—I guess it is scaled down now—to about $1 billion a year providing an average $189 contribution to a $7,500 policy.

A single parent with two children who earns $12,000 a year only realizes about $221 a week in disposable income, even after the earned income tax credit. So ask yourself again: If you were supporting two children on $12,000 a year, would you spend $3,000, $5,000, or $7,000 a year on health insurance? And the answer in the experience of the eighties is no. That is one of the reasons why we have so many people not buying health insurance.

I say again, Mr. President, so that it is not misunderstood either by my colleagues or by the chairman of my committee, whom I revere—respect is a better word.

Mr. BENTSEN. I like revere.

Mr. DURENBERGER. Revere has something to do with in the past context, like we have not seen him lately. Revere or respect.

I would repeat what I said at the beginning, we can look at this as a $189 supplement to make it easier to buy it or we can look at it as health insurance. I look at it both ways, and I have to say that an earned income tax credit is a much better way to help those people making $12,000 a year.

Now let me also put it in the context of current tax credits, or tax deductions, which is the way in which we currently subsidize employment-based health insurance.

If a tax credit, as the Senator proposes, of $189 a year or up to $500 a year would help get people to hang on to their health insurance, then why today are so many employers dropping their health insurance? And why are so many people in the employment sector choosing not to take health insurance?

Using this $3,000 a year self and family plan as an example, the current tax spending for this plan is at almost $500 a year. That is the value on that kind of a plan to you and I and everybody else in America in the fact that we do not have to pay taxes on that portion of the employer's contribution. It is a tax-free income to us. That is worth $500 a year already.

In addition to that, our employer gets a tax deduction for all of his premium contributions, and that again on an average premium is worth about $1,000 a year. So you have all these employers in this country with an average $1,000 tax break and all these employees with an average $500 tax break and they are still not buying health insurance. Again, Mr. President, how is $189 a year going to induce anybody to buy into this system?

Mr. President, I argued earlier that this proposal will not benefit the vast majority of children who are in families earning less than $20,000 a year, and I ask unanimous consent to introduce at this point in the RECORD what is entitled "Analysis of Health Insurance Premium Credit."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ANALYSIS OF HEALTH INSURANCE PREMIUM CREDIT

[Office of Senator David Durenberger]

Adjusted gross income [1]	Total affected returns [1]	Total actual returns [2]	Total children potentially reached [1] (millions)	Total children at each income level [2] (millions)	Percent of children not reached [2]
All data is based on 1985 Federal income tax returns:					
$0 to $5	0.871	2.7	1.460	4.8	71
$5 to $10	1.436	3.9	2.565	7.4	66
$10 to $15	2.191	4.1	4.161	7.9	47
$15 to $20	2.548	4.1	5.039	7.7	35
$0 to $15			8.2	20.1	60
$0 to $20			13.2	27.8	53

[1] Source: Joint Committee on Taxation.
[2] Source: Internal Revenue Service, U.S. Department of the Treasury.
Note.—Analysis was not performed on the adjusted gross income class $20,000—$30,000 because of the phase-out of the tax credit.

Explanation: The Joint Committee on Taxation released preliminary data of the distribution, by income class, of the number of dependent children reported on those returns whose families are estimated to have private health insurance coverage. Those data show the number of children in families who could benefit from the subsidy of the parent's premium expense for private health insurance that includes coverage for dependent children.

However, separate data reported by the Internal Revenue Service on the total number of returns filed, by income class, and the total number of dependent children claimed on those returns, highlights how many families do not have private health insurance at those income levels. The last column above displays, by income class, the estimated percentage of children in families who do not have private health insurance coverage and who are unlikely to benefit from the premium credit.

Mr. DURENBERGER. What this small chart indicates—and again this is Internal Revenue Service and Joint Committee on Taxation data—is by family income category how many dependent children there are, and how many are potentially reached by the proposal of the Senator from Texas. In the adjusted gross income category of zero to $5,000 per year, which is approximately 2.7 million returns, the total number of children potentially reached, even if everyone used the Bentsen subsidy, is 1,460,000. The total number of children at that level in need of some kind of health insuranced is 4.8 million. He reaches, even if the system works, 29 percent of the kids with family incomes on an adjusted gross income basis of less than $5,000.

In the category $5,000 to $10,000 in adjusted gross income, there are about 3.9 million returns in this category and the number of children potentially affected if this thing works as the Senator form Texas believes it should work—and I have to say I disagree that it can—the total number of children currently affected is 2.5 million. The total number of children in families whose adjusted gross income is between $5,000 and $10,000 a year is 7.4 million. So the proposal of the Senator reaches 34 percent of the kids in that category. So more than two-thirds of the children in America, most of whom are the ones in most desperate need in this country are not even affected by the proposal of Senator BENTSEN, even if it worked.

Mr. President, this brings me obviously to the issue of alternatives, and to ask the question if you want to spend a billion and a half dollars to ensure access to better health care for kids in low-income families, are there not so much more direct and valuable ways to spend the money.

At this point I would love to defer to my colleague from Texas because he has played such a role in helping to create so many of these programs, title V of the Social Security Act, and maternal and child health, title XIX, Medicaid Program, a wide variety of these programs. But the most dramatic illustration I can think of for where our money ought to be going, if we want to help poor kids, if we want to help young people, if we want to help moms with prenatal care, if we want to help the kids before they are 4, 5, 6 years of age with health care, if that is our desire, the most dramatic place to look is the Medicaid Program, because if we eliminated all categorical distinctions under Medicaid, that do not say you have to be in AFDC, you do not have to be this, that, or the other

thing, get rid of the distinction and we say by gosh, for once in America we are going to leave South Africa by itself and we are going to cover every young person in America below the poverty level. Here is how many uninsured children we could cover and what it would cost in fiscal 1990, and this is according to the Congressional Budget Office: to cover 1.9 million additional kids under 100 percent of poverty, $320 million. If we extend that to 130 percent of poverty, 3.1 million additional kids—with just $460 million.

So for an amount almost equal to the average value of the tax credit, $189 a year, we could provide complete Medicaid coverage for one child for 1 year. According to CBO, the average cost of care under Medicaid for children between the ages of 1 and 5 is $265 per year. For children 5 to 18 the cost is $460 per child per year.

So, Mr. President and my colleagues, I just have to ask myself, as I have since we marked up this proposal in the Finance Committee, What are we doing? It is kids we are talking about here. It is child care. This proposal that we need to vote on has to be measured against what it is ultimately doing for children. If I thought this proposal by the Senator from Texas was going to provide $256 million a year through the Medicaid system for kids, take his $1.5 billion and make universal health care coverage for all kids in America a reality, I say that is a lot better than the earned income tax credit, but that is not his proposal. That is not his proposal. His proposal is simply to say if you are lucky enough to be in a family where a breadwinner has a health insurance plan, you get $189 a year on the average or maximum of $500.

And 71 percent of the kids in this country who live in families of less than $5,000 a year income do not have a breadwinner with a job with health insurance. Sixty-six percent of the kids in this country who live in families that make less than $10,000 a year do not have somebody in that family that has a job and has a health insurance plan so they can get $189 a year.

I heard the Senator yesterday read off a list of business and health insurance supporters, and I guess that would be impressive around here except for the fact that if you have been at this business a little while, you know who the first folks are to line up behind any proposal to increase tax subsidies for health insurance. It is going to be the health insurance industry, and it is going to be any business that uses health insurance.

We are now spending $48 billion a year in this subsidy, and we are going to add $1.5 billion. They are going to stand around and cheer. Why? Because it is direct money in their pockets? Not necessarily—because it endorses the current system of health insurance in which the bigger you are and the more you have, the more you get. If you are Chrysler, you have health insurance, all of your employees are totally covered, when your bill goes up from $500 to $600 a year, and the cost of the car goes up another $100, you pass that on through to the employees. But you get the tax subsidy, and that tax subsidy is going to be supplemented by this $189. But if you are a little self-employed person, a farmer in my State, or you run a little business in Connecticut, Texas, or Virginia, particularly if you are self-employed, you do not get that subsidy. You do not get to pass it through to anything because you are buying your health insurance with after-tax dollars. You are paying 50 percent more.

Why endorse that kind of a system? Why endorse the system in which tax subsidies, tax spending that is precious dollars that we cannot find to spend on kids is going to make the big bigger, the rich richer, and the poor poorer? There are six of our colleagues and six House Members and three other persons on the National Bipartisan Commission on Comprehensive Health Care. It is called the Pepper Commission, and our job by the end of this year is to solve the problem that the chairman of the Finance Committee has been trying to deal with for a long time; that is, how do we provide access to all Americans for adequate health care in this country?

I suggest that if we want to do child care we do it here on the floor right now, and we could do it by voting against the health insurance proposal of the Senator from Texas and for the Dole substitute. Then you know they are going to buy child care. If you want to buy more health insurance, I suggest you wait until after the bipartisan commission report. Do it right or do not do it at all.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I first want to commend our colleague and chairman of the Senate Finance Committee, Senator BENTSEN, on his very creative and vitally needed tax credit proposal to assit low-income families with the cost of health insurance premiums for their children, and as we now know a refundable expansion of the earned income tax credit. Both he and his staff have worked very long into the night in order to reach a compromise. In fact, many of us were here last evening—of the reasons we were here as late as we were—in part because it seemed as though we were about to reach an agreement that would bring not only a good portion of the health care credit of the Senator from Texas in line but also take into consideration the arguments on the earned income tax credit.

Regrettably that compromise did not work. I am not entirely clear as to why it did not except the fact I know at some hour last evening it was decided they would walk away from the effort that the Senator from Texas and others had been engaged in. That is history, and the fact is we now find ourselves with making a choice. I happen to believe what the Senator from Texas has put together here deserves the support of all of us in this Chamber.

As I said, unfortunately there was no agreement, so we find ourselves in that situation today.

Senator BENTSEN now presents us with his own compromise, one that is balanced and responsible, and it is a better compliment to the Act for Better Child Care. I believe his amendment moves more than halfway across the aisle and deserves the Senate's support, and particularly the health care credit is a very innovative approach which addresses the intolerable problem facing this Nation.

Mr. President, as we all know, there are 37 to 40 million Americans which have no health insurance at all, none. Of that 37 to 40 million, 13 million of that number are children in this country, children who cannot fend for themselves, who regrettably are living in a family circumstance that does not make it possible for them to receive the adequate coverage they must have in order to protect against the significant loss, not only financially but, of course, physically, as a result of illness.

The Senator from Minnesota has said what the Senator from Texas is proposing is inadequate or endorses the present system. I have only been in this Chamber about 10 years. But I go back to my predecessor, Senator Ribicoff, and I recall 20 years ago his talking about a national health insurance program, the Long-Ribicoff proposal. I think it was in the sixties they were advocating some changes in the health care coverage system of this country.

I know my colleague from Texas, as we all do, hopes at some point we might come up with a system in this country that will deal with the health care problems of this Nation. But the fact of the matter is we have not yet. We talk a lot about it. We have commissions about it. We have hearings about it, and we have discussion groups. But the fact of the matter is we still have the present system, and under the present system 13 million kids have no health insurance.

The Senator from Texas is not suggesting with his amendment that he is going to eradicate the crisis of affordability in child care. I am not suggesting that is what this bill does. We are trying to at least deal in part with the problem as it is. What do you say to a

child? "Wait? There is a Commission in Washington, DC, you see, and that Commission is going to make some suggestions next week, next month, next year. You hold on there, youngster, and be careful, do not get sick. Do not fall down. Do not break a limb. We know you do not have any kind of health insurance. Do not you worry. Washington is going to solve the problem." Well, we have not. In the meantime, the numbers grow.

This year it is 13 million. We now know one out of every four children, almost one out of every four, is growing up in poverty. In our major cities it is every other child. In this city as you leave this building today, and you drive through it, either to your home or to the airport, if you spot a child in Washington, DC, there is a 50-50 chance that child is growing up in poverty. Every other child in this city is growing up in poverty. We are paying a dear cost for it. It is not as if there is no cost associated with it. That child gets sick and someone pays. We are paying.

All we are trying to do here with this in combination with the earned income tax credit is to try to provide some assistance and help. I do not think the Senator from Texas ought to be condemned for trying to do that. He ought to be commended and applauded for coming up with an innovative idea of trying to reduce the cost. I realize some may not take advantage of this. But the fact of the matter is it will at least lure people into the possiblity of picking up some health insurance that may reduce the cost that somebody is going to pay—and it is usually the American taxpayer—and help us try to at least reduce the hemorrhaging that is occurring with the health insurance crisis in this country. It does not stop that bleeding. We still have to address that fundamental problem.

But in the meantime, this will help, and deserves our support. The implications from children not getting proper and timely health care are vast. I will not go into them this morning. My colleagues know them as well as I do.

The reasons for this are complex, that there are many deficiencies and restrictions in Medicaid, costly private insurance premiums are unaffordable to the low-income working poor, to name only two. The result is, of course, the children are going without essential, cost-effective preventive care. Early symptoms of illness are initially ignored, until the time when the hospital's emergency room must become the course of care, which is both poor economics and poor health care.

Senator BENTSEN's proposal will amend the dependent care credit, adding a new one for health insurance premiums paid for coverage of dependent children under the age of 19. Up to $1,000 of qualified health insurance expenses may be taken into account in the credit calculations.

I said 1 in 4 a minute ago. It is between 1 and 4 and 1 in 5. Certainly, in this country children are without health coverage. Two-thirds of them are in families with incomes 185 percent below poverty. I will repeat that. That is 185 percent below poverty—the very people who benefit from this credit.

Low-income families are finding it harder to afford health insurance coverage for their families. Cost of premiums rose 17 percent just last year. The recent Finance Committee hearings on the subject of Blue Cross and Blue Shield said they expect that insurance companies will respond by making available low-cost policies for children. The Bentsen proposal will provide incentives for both insurers to provide coverage and families to purchase it.

The child health insurance credit makes new funds available to poor families, including those with stay-at-home spouses. Let me emphasize that. We have heard criticism raised that one of the problems of the ABC bill, the package, the Mitchell substitute, if you will, is that we are not sympathetic about the mother at home. I hope we would address that not only on our own concerns as individual Members, but the history on what exists in the books. The law today in our land provides for mothers at home. We do take that into account, regardless of income.

But if that were not enough, the Senator's proposal here says specifically that mothers at home would not be excluded from this, the benefits of this particular amendment. They are included. So those that would suggest sowehow that we are not taking into consideration people in that situation, I would hope they would be disabused of that notion, in light of what is in this proposal. Families would receive this credit, in addition to funds. They may receive credit for dependent care. Like child care, there are no simple solutions for assuring affordable and available health care. To obtain services for many children in America, we must continue to work together for solutions, and this proposal is a good start.

I want to commend the chairman of the Finance Committee and the staff. This proposal represents an extremely fine compromise. We have worked together over the last number of weeks trying to put this package together.

I say once again, Mr. President, that in the last 2 days I have accepted 12 amendments from the minority side. They are good amendments. We tried to word on some others. Some we have not worked out. Some are represented by colloquies, exchanges between two Members in the RECORD. I understand there may be more coming over, and I am willing to consider them. I want this to be a bipartisan bill.

The Senator from Texas sat down last night and tried to work this out, so that we would marry the various ideas on the tax side of this equation. Regrettably, that did not occur. What he is offering us today is the fruit of that labor. That compromise was not accepted in the final analysis, by the other side, but the compromise is a good one. It is normally how we conduct our business here. We try and work things out among ourselves and try and bring together the best ideas in the way that we can all claim that this legislation has been approved. I believe this compromise does that.

Again, I thank my colleague from Texas and his staff for their fine work, not only on this particular proposition, but the tremendous support they have offered this Senator and the Senator from Utah in backing us and providing guidance and assistance on putting together the Act for Better Child Care. We would not have been successful at all without the support and backing of the chairman of the Finance Committee.

As a result of that, I think we have a very good product before this body. I am confident that before the Sun sets on this Capitol tonight, this body will have sent to the other Chamber, along the way to the President, for the first time in 46 years, a child care program that offers real hope to American families.

I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in support of the compromise amendment that has been worked out by the distinguished chairman of the Finance Committee. I do so for the reasons that have just been set forth plainly and purposefully by the chief sponsor of the child care legislation before us, the distinguished Senator from Connecticut.

Mr. President, I would like to bring to the attention of this Chamber two points, one of which is familiar, and the other of which may be less so. The first—and you heard the distinguished Senator from Connecticut speak to it—is the extent of child poverty in this country and in our cities.

The Senator from Connecticut said that if you were to drive randomly in the city of Washington, every other child you saw would be living in poverty. That is the rate for children in this District of Columbia. That is about twice the rate for the Nation as a whole. For the Nation as a whole, it is, at any given moment, over 20 percent. Over time, it is a much higher proportion, in the sense of the number of

children who will have been poor during their childhood.

We have made estimates in the Committee on Finance, Subcommittee on Social Security and Family Policy, that as much as 32 percent, a third, of children born in 1980 can expect to be on welfare before they are 18 years of age. I note, Mr. President, that our committee changed the title of the subcommittee which I chair for a very specific reason. It is not called merely the Subcommitte on Social Security but the Subcommitte on Social Security and Family Policy. That is what our social science system should be most about: How families support themselves and raise their children. That is the elemental concern of any society, and needs to be ours, not less than others.

Here is the second point which I wish to make, the first point being the incidence of poverty in our country among children. The second point is that we are the first society in history in which the poorest group in our population are children. Never before in the history of the species can this be said to have happened.

As the industrial age came upon us, we began to notice the problems of poverty among the aged, who had lost wages and did not have retirement benefits. Retirement benefits are something new. They appeared about mid-20th century in this country for ordinary employees. So we found ourselves in a period where the problems of poverty were distinctly those of the aged, where the aged were the poorest group. As for children, they were as well off or as badly off as their parents, and that was about all there was to say.

In the past 50 years we have addressed the problem of poverty among the elder. First we established Social Security, with its most advertised provision, retirement benefits. Then we added, in the 1960's, medical care through Medicare. During this period we saw the maturing of private pension systems. We have brought the incidence of poverty among the aged down to a very low level.

It is mostly Goverment transfers that account for this success. Given just income available from employment or pensions, almost half of the persons 65 and over are poor. But when Government transfers such as Social Security and Medicare are figured in, that drops down to about 10 percent, and of these, you are talking mostly about what are called the "old old," the persons in their eighties and nineties who have not ever acquired private pension benefits and very little in the way of Social Security entitlement, who are in nursing homes, and so forth.

Today, in the main, people retire in circumstances almost as well off as they have been in their working years, and that is a great achievement and one to be preserved. But simultaneously we look up and we find that children are no longer as well or badly off as their parents but are distinctly worse off. They are the poorest group in the population.

Despite this, or perhaps the reason for this is that we are the only democratic industrial nation in the world that does not have a childrens' allowance, that does not say that the raising of children obviously involves expenses and that society should look after those additional expenses while families have minor children.

I do not know when if ever we will get a child's allowance in our country. We have some provisions of sorts. We have the earned income tax credit for the working poor. We have the dependent care tax credit for families who pay taxes. But we have no children's allowance per se. We have talked about it on this floor. John F. Kennedy, when he was Senator from Massachusetts, introduced legislation for a children's allowance; Senator Neuberger of Oregon did the same. He had run into the child allowance when he was working on the Al-Can Highway. The Canadians have had this as a matter of course for two generations or three now, I should say.

Mr. President, if we do not go so far as to establish outright a child's allowance in this legislation, we extend some present provisions to the point where we clearly have the beginnings of such.

As I say again, we are the only industrial democracy in the world that does not have one. Our neighbors in Canada continue to be amazed that we do not. But today, with the proposals introduced by the distinguished chairman of our committee and endorsed now by the manager of this legislation we may be beginning. I would dare to hope we are beginning.

There are three provisions, each of which moves in this direction.

The first is the dependent care credit. This is a proposal offered by my good and learned friend, the former chairman of our committee, the Senator from Oregon, Mr. PACKWOOD, and myself. He and I proposed this some 3 months ago. It is to take the present provision in the Tax Code that says you may deduct a portion of your child care expenses as a cost of obtaining income but only if you owe taxes.

It happens, and properly so, that in the 1986 tax legislation we removed some 6 million families from the income tax rolls. We were at that point taxing families into poverty. We had a tax policy of creating poor families, as you might say, and we instantly agreed in the Finance Committee that we would put an end to that. But when we put an end to that, we put an end to the availability of this tax credit to the working poor.

Now, today we propose to pay out in a positive sum what otherwise would have been deducted in a negative manner. This is the principle of a children's allowance.

It can be paid at the end of the year or it can be paid over time in a paycheck on a monthly or bimonthly basis. This is the first part of the amendment offered by the chairman of the Finance Committee. It is a bipartisan proposal that was introduced by Mr. PACKWOOD and myself 3 months ago—and it is a step toward a child's allowance.

The second provision in the chairman's compromise has exactly the same feature. I want to stand and acknowledge that it was first proposed in this particular debate from the other side of the aisle, to the credit of the Republican leader, Mr. DOLE, who is the ranking member of the Subcommittee on Social Security and Family Policy.

The proposal Mr. DOLE has submitted to us would provide a supplement to the earned income tax credit which would provide families with a child under 4 an additional credit of 7 percent and provide families with more than one child under 4 an additional credit of 10 percent. Here we introduce an absolutely essential principle of the children's allowance: that it should increase with the number of children.

One of the reasons people were so skeptical about a childrens' allowance back in the days when former Senator, later President, John F. Kennedy and Senator Neuberger proposed it was we were all then fearful that it might encourage population growth. There is no evidence of this ever having happened anywhere. In any event, we are in a period of declining population of young people, of labor shortages. Therefore, if it should have that effect, it need hardly concern us anymore.

This is the first time, and it is in the chairman's proposal, that we have taken into account, in terms of positive payments from the Federal Treasury, family size.

It never happened before. It is happening today. Probably it will not be much noticed. But many of the most important things in social policy begin quietly, when principles are established, and that is what the chairman, Senator BENTSEN'S proposal does. It establishes principles that can grow into a true transformation of social policy.

And then, of course, there is his third provision, his own and his unique provision, a health insurance credit, which would amend the Dependent Care credit by adding a refundable credit for health insurance expenses. He has discoursed at great and learned length in this regard. It is

a refundable credit, as are the other two.

Herein you have the beginning of the structure of a child allowance, the kind of children's allowance which will be found in every democratic industrial nation on Earth, an aspect of social insurance which most countries take for granted and they look and wonder why the United States has never done.

As I said, Senator John F. Kennedy talked about it 40 years ago in this Chamber. We are doing something about it today, and we are doing it because the Senator from Texas, who knew John F. Kennedy, as we had reason to recall in a recent unpleasantness, is doing what was proposed as a visionary idea 40 years ago and it is going to become a reality on this floor today.

There are three provisions: Dependent care tax credit, refundable; earned income tax credit expanded for children under 4, adjusted for family size, refundable; health insurance credit, refundable.

This is the makings of a transformation in American social policy, and it is happening right here, and it is being proposed by the chairman of the Finance Committee.

I would plead with the Senate to accept this. I would plead with them to acknowledge that the refundable child care tax credit is a bipartisan proposal of Mr. PACKWOOD and myself. The earned income tax credit expansion comes from Mr. DOLE, the ranking member of the Subcommittee on Social Security and Family Policy, and the health care credit from the Senator from Texas, Mr. BENTSEN.

These are admirable measures, long overdue. I see the two distinguished leaders are on the floor, Mr. President. I do not want to detain them, but I would do it just long enough to make this point.

When we pass these measures, we ensure that they will be carried out because they are tax credits, they are automatic claims on the Treasury. They do not go through the annual travail of the authorization process and the appropriation process and the negotiations and the cuts and the repeated total disappearance of programs. These measures we start today and the successive measures built on them will be in our Tax Code a half-century from now, and there will not have been a year in which the benefits contemplated will not have been paid.

I think this is an extraordinary moment. I want to congratulate the Senator from Kansas for what he has done. I want to thank the Senator from Texas. I know that I am particularly grateful that the refundable dependent care credit is included.

I say, again, Mr. President, we lay the foundation of a genuine transformation of social policy in behalf of children in this country with this measure. We are fortunate to have it brought before us. I urge its approval.

Mr. MITCHELL. Mr. President, I note the presence of the distinguished Republican leader on the floor and inquire as to whether he believes that we have had sufficient debate on this matter to permit us to proceed to a vote on it within the next half-hour or so, if the Republican leader is agreeable to it.

Mr. DOLE. Mr. President, I know there are still 20-some amendments floating around. If we have any intention of finishing by 6, 7, or 8 o'clock tonight, I think we ought to agree to vote on this.

One o'clock is satisfactory with me. I think Senator WILSON wants to speak. I have about a 3-minute statement. Others are willing to speak again, but I think everybody fairly understands the issues.

I know there are going to be additional amendments, so I would hope we might agree to vote at 1 o'clock.

Mr. MITCHELL. I would like to make a brief statement. Does Senator DURENBERGER wish to be heard on this?

Mr. DURENBERGER. For a couple of minutes.

Mr. MITCHELL. Might I suggest that I would propound an agreement that we vote at 1:05 and that the 30 minutes remaining be divided, 20 minutes under the control of the Senator from Kansas and 10 minutes under my control.

Mr. President, I ask unanimous consent that the Senate proceed to vote on the pending amendment at 1:05 p.m., with no intervening amendments or motions in order, and that the 30 minutes of debate remaining be divided 20 minutes under the control of Senator DOLE and 10 minutes under my control.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MITCHELL. I thank the distinguished Republican leader.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield myself about 3 or 4 minutes.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I want to acknowledge first that there was a sincere effort—in fact, it lasted all day—to see if we could not reach some agreement. But it seems that in some cases the closer we thought we were coming, really, the further apart we were. Because when I took this information back to many of my colleagues, they thought we were not advancing what we considered to be an appropriate response to he need for child care.

What we have, in effect, is sort of a cafeteria plan now. We take a little bit of everything. We do not know precisely how much we want, so we just take a little of this, take a little of this. We assumed that everybody was going to be happy because we have gone through the line. We picked up what we wanted, and even if we did not want it, we would take a little anyway just to get what we call a compromise.

That was the point my colleagues raised with me about 10 o'clock last night, when I then notified Senator BENTSEN and the majority leader that we could not work out a compromise.

I know that many Members on both sides would like to find some way we could all vote for child care. Everybody is for child care, as far as I know, last time I checked.

So we have fairly different approaches under the ABC bill and the President's bill. To date, there is nothing in this package that the President wants except for the one provision that is in nearly every bill and that is the dependent tax care credit and the refundability of that.

But there is nothing in the bill that will help those mothers who stay at home. Again, I repeat, as I did yesterday, I do not know anything wrong with staying home with your children. Some mothers work because they want to work, because of necessity. Others stay at home because they do not want to work or because of necessity. Maybe they have disabled children; maybe they have very small children.

So I share the view that compromise is always possible, but it is not possible yet in child care. Maybe in 4 or 5 months, maybe after the House acts—and they have been cool to this approach. A recent interview by the chairman indicated some reluctance to adopt much of what we were doing over here.

But I guess the conclusion of my colleagues, the bottom line, was that the compromise would spend too much money on a health insurance windfall for the fortunate and too little on very low-income families with young children. When you start adding up the cost of this bill and the cost in the out years of the ABC approach, if that is finally adopted, we are talking about billions and billions and billions of dollars.

Some will say, "Oh, that's all right. We are investing in our children. It is probably worth billions of dollars."

But I think we have to take a look at what the compromise does, and I think some people on the other side would be outraged, even though I know the great affection they have for the chairman of the Finance Committee, as we all do. I know nobody likes to take on the chairman of the Finance Committee—at least I used to think that when I was chairman. Now and then I did not succeed, however.

I have heard a lot of talk about we should not touch the dependent care tax credit. But in order to achieve this

compromise, you are going to reduce the refundability of existing dependent care tax credit by 10 percent. That is the one common element in all these proposals—refundability of the DCTC, because it is simple fairness to provide the same subsidy to all qualifying families regardless of their tax liabilities. I think this is a point we have to keep in mind.

Under the Bentsen compromise, the poorest families whose dependent care tax credits exceed their tax liabilities will lose 10 percent of the tax benefit. Millionaires and others who do not have to worry about that are going to get everything. They are not going to lose anything.

It was hard for our colleagues on this side to justify or support this result. You are going to ask the poor people, those with the lowest incomes, to pay for the health care credit, or part of it, over a billion dollars over a 5-year period. It seems to them: Why?

Maybe this idea—and I do not want to quarrel with my colleague from Texas—is a good idea. But I think we know that the DCTC is a good idea and refundability is a good idea. Why should we start right off the top when we are starting refundability, and say, "Oh, by the way, we are going to have to take 10 percent of your check to pay for this other thing we want to do." But not everyone is going to get 10 percent, only those people who do not have much income.

So it is pretty hard to justify or support that result.

Second, this proposal spends more than $2.5 billion over 5 years on health insurance credits for the already insured. As the Senator from Minnesota has pointed out, and I hope he will point out again, this so-called child health credit does not reach 71 percent of the families earning less then $5,000 a year or 66 percent of the families earning $5,000 to $10,000 per year. These poorest families with less than $10,000 a year income are also indirectly paying for the very health insurance credits which only a few will receive.

Why? You say, oh, I do not believe that. Well, this is because the earned income tax credit which benefits every family earning less than $10,000 with a child under age 5 is being cut back by more than $1 billion to fund the child health credit.

You may say, well, it is all well and good in the spirit of compromise. You are talking about a multibillion dollar bill and $2.5 billion or $1 billion here or there really does not make any difference, because this may prove to be an excellent program.

So there was an effort, an all-day effort by staff on each side, by Members, by Joint Tax Committee people who helped us with numbers, trying to figure out what we could do. We tried to work out what we might do to create incentives which will increase employer provided health insurance coverage for the lowest income families.

But, again, should we just say well, here is $2.5 billion, let us give it a try; $2.5 billion for those who already have employer-subsidized insurance, subsidizing those who already have insurance. This is a child care bill, not a health care bill. With the money you get under EITC, or refundability under DCTC, particularly EITC, you can buy health insurance.

So, I would just say, in conclusion, that my amendment will provide full and fair, 100 percent refundability of the dependent care tax credit for the lowest-income families and will supplement the incomes for all poor families with young children.

If anybody wants to dispute that they are free to do it. I do not know of anybody who has really focused on it on the other side. This may be a loyalty vote rather than a vote on the merits. We are talking about policy. Policy.

The EITC income, this income I am talking about, is not earmarked for health insurance but is available for the purchase of health insurance, if the family has access to affordable coverage, and I think based on some of the information we have, that might be rather hard to come by.

What I want to do, and what I have indicated I would like to do, is to set the stage so we might somewhere along the line have a child care bill that most everyone can support. To do that I would like to at least say well, there is one provision in this bill that the President wanted. There is one provision in this bill that is going to reach the mothers who stay at home as well as those who work.

Well, now we say, well, we are going to have half a loaf; you get a little bit, we will get a little bit and then we will water that down in conference and pretty soon there will not be anything for the mothers who stay at home; who stay at home for any reason they wish or work for any reason they wish. We are not trying to discriminate against either group but we do not want to discriminate against the mothers who stay at home or the mothers who work.

I think our amendment is fair and it is balanced. There is no mystery about the dependent care tax credit. It has been on the books for a long time. We are spending what, about $6.2 billion now. Some say that is not a very effective program, there are too many high-income people get dependent care tax credit. Others say that poor families do not receive it because they do not keep track of their child care expenses and therefore they cannot qualify. So there are even flaws that ought to be addressed there. But I never thought I would stand on the Senate floor with some of my colleagues on both sides of the aisle who say: Let us take money out of the earned income tax credit. Do not give it to poor families. Let us give it to somebody who had already bought insurance and let us give them a little subsidy.

I would think the liberals would be jumping out of their seats on the other side saying you cannot do this. But they are not.

We are going to try again if we fail on this. We have other avenues this afternoon and tomorrow if necessary, if we are going to have a child-care bill that can be supported by a majority on a bipartisan basis. I read about all this bipartisanship. That only works when the President is giving in. Bipartisanship is a two-way street. There is nothing in this bill for the President of the United States. He is on record for child care. He wants a child-care bill he can sign. But to get one we have to put something in there that he supports.

So I would urge my colleagues on both sides of the aisle to take a look at what we are doing. We could not reach a compromise. We tried. Some of my colleagues who are more expert than I on this said: Do not do that. You cannot do that. We are not going to vote for it.

I would say to my friend from Texas, we tried. But I cannot believe on the other side that everybody is just willing to give up $1 billion or $2 billion in dependent care tax credits and EITC just to try a new program that subsidizes those who already have insurance. If that happens then I know that it is going to be difficult.

It is not enough to say well, everybody gets something. We will take care of everybody.

Mr. President, I hope when the vote comes, that we might prevail for once because we are right. Not because we are Republicans. We know we are outnumbered. If there is going to be straight party-line votes we will not win anything, but we will be here for a while losing. Because we want a good child-care bill and we are not in any hurry.

Maybe enough on the other side will go home, we will win one here one of these days and will have a better child-care bill because of it. We are talking about policy. Not personality. Policy. Children.

Mr. President, I yield 5 minutes to the Senator from California, 5 minutes to the Senator from Minnesota, and 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Republican leader only has 7½ minutes of time left.

Mr. DOLE. That will not quite make it, will it?

Let me see, I would ask unanimous consent that I might have—I will take 5 minutes of my leader's time.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. DOLE. That will be about 4½ minutes apiece.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, we have made some progress but not nearly enough. This amendment should be defeated because what it proposes is through fiscal years 1991 through 1994, we will provide roughly equal amounts of money for a health credit being proposed by the chairman of the Finance Committee and the earned income tax credit.

What we should do is not have two inadequate programs. We should have one that is adequate where it counts most.

Mr. President, it does not make sense to shortchange the earned income tax credit because in contrast to what we have heard on this floor this morning, existing law does not provide adequate incentive for the at-home mom; that is for the woman who decides that she wishes to forego a second income for her working poor family in order to give the kind of care to her child that the child deserves, needs in those most critical first days and months and years of life.

Dr. Burton L. White, who is, perhaps, the leading authority on the early years of childhood, for many years the director of Harvard University's celebrated preschool project, the author of "The First Three Years of Life," the host of the television series of the same name, now the director of the Center for Parental Education in Newton, MA, has these things to say about the critical first years of life.

> Studies have almost always revealed that the absence of a primary caretaker during a child's first few years produces serious emotional and psychological debilitation.

Yet he points out that more and more infants and toddlers are spending the majority of their waking hours in the hands of a full-time substitute caretaker. He says:

> I firmly believe that most children get a better start in life when during the majority of their waking hours of their first 3 years they are cared for by their parents or other nuclear family members. Not by any form of substitute care.

Indeed, he concludes,

> To put it bluntly, after more than 25 years of research on how children develop well, I would not think of putting a child of my own in any substitute care program on a full-time basis during the first few years of life, especially a center-based program.

Mr. President, we should be encouraging women to stay at home with their children in the first years of life, not because we wish to deny them the opportunity for fulfillment in a career, but because we wish to encourage them to give that all important care that only they can give so much better, in the words of Dr. White, than a full-time substitute caretaker. And that is what this argument is all about.

There is not under the dependent care credit the kind of incentive that will allow a mother to make that choice saying to her husband, "You go to work and I will stay home. We need the money, but I think we need the time with the baby more." Instead, she cannot get anything from the dependent care tax credit because, one, she is not purchasing child care. She is providing it and, therefore, she cannot provide to the IRS the documentation to get a credit. She is not eligible. That family just does not get any assistance in that regard.

So let us be honest about this. I think the Senator from Kansas, the distinguished Republican leader, made it quite clear the other day that the rather trivial sum, and I do not mean to be offensive, that the trivial sum that is offered in the way of a health care credit will not induce poor working families to go out and buy health insurance.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILSON. Mr. President, let us have a program that works for poor working families and encourages mothers to stay at home.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICI. Mr. President, I believe the leader yielded to Senator DURENBERGER.

The PRESIDING OFFICER. The Senator from Minnesota has 4½ minutes.

Mr. DURENBERGER. Mr. President, let me say to my colleagues that the most telling part of the argument I thought the Republican leader made about this bill is one that really I feel fairly strongly as one of the only people who has spoken on this floor on this issue who has spent time watching this bill develop in both of the authorizing committees, and it is not just a matter of pleasing the President. You can find a little bit of the President in it, a little bit of the Finance Committee, a little bit of Labor and Human Resources Committee. The fact is we are talking about a $75 billion problem for which we are adding about $4 billion in solutions.

A wide variety of Americans who need child care in this country demand this kind of variety, and it is for that reason that I strongly support the Dole substitute and argue that it not be diluted by the Bentsen amendment.

The most expensive, difficult, financially difficult child care in America to provide is the decision by a parent to forego outside earned income in order to provide that care for a child himself or herself. And so nothing ought to stand in the way of an opportunity to add to ABC, to add to the current tax credit as much of the earned income tax credit or opportunity to spend the most expensive, most costly health care the mother or the father in the home that we have in this country.

It is not like we are creating this new policy. That is in effect the way it is in America today. The question is whether or not Federal policy will conform to the realities of child care in America as it is and will supplement with the limited dollars that we have available, will supplement those kinds of decision.

So I rise and argue strongly against the dilution by the Bentsen amendment of the expansion of the earned income tax credit and to remind my colleagues again, as I did earlier in this argument, that for $1.5 billion a year, slightly less than that—I think it must be down to a billion, whatever it is a year—you will be spending $123 on the average in 1991 to buy on the average family plan $4,320 in premium costs of health insurance. That is not going to buy anything.

In 1992, the Bentsen proposal would provide $152 on the average with a maximum of $400 against an average premium cost of $5,184. Again, we are assuming a rate of increase which is about the average in the last 3 years.

By the year 1994, when fully implemented, the maximum credit in the Bentsen proposal averages $189 a year against the $7,453 cost. I would say if we have that kind of money to spend we spend it on child care, not on supplementing an antiquated health insurance system in this country. I strongly recommend that my colleagues who believe in child care and who believe in health care make the decision to do both of them the right way and vote against the Bentsen amendment and for the Dole substitute.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Mexico is recognized for 4½ minutes.

Mr. DOMENICI. Mr. President, I leave the health care argument to those who know a lot more about it than I, and address my remarks to the policy of the child care bill and to those who are strong proponents of the ABC bill.

Mr. President, there can be no doubt, and I say to my fellow Senators that those who are in support of the ABC grant program, where we are going to subsidize a small portion of the young children in this country through a mechanism of State grants and State certification, I urge that you consider the fact that your program is very narrow.

It cannot cover enough of our young children. Why in the world would you be voting for tax credits that take away from those dependent care tax credits for working mothers and EITC tax credits for nonworking mothers who will then get a very significant child care tax credit to spend on an unknown, untried reimbursement for existing health care expenditures? If that is a good program, why do we not consider it sometime? But why do we not say to the American people we have a State grant program that in and of itself is not going to do the job? Why do we not maximize the opportunity to help parents with their child care needs—whether they are working or not by giving them tax credits that are for child care needs?

If we had that $30 billion around here, we might take care of everything. But the issue before us is that ABC child care bill is supplemented by tax credits of one kind or another. All of a sudden, instead of an earned income tax credit that is meaningful, that will help stay-at-home mothers if they so decide, and that will help parents who work and pay for child care, we siphon off over $1 billion and say let us pay for a new program.

I am sure somebody can stand up and say it is related to child care. I tell you, whatever you take off the bill for this new reimbursement to people who are buying health insurance for children comes right out of the pockets of parents who have child care needs. That is what we have been talking about for 2 years. That is what the Presidential campaign was about. And now all of a sudden we are saying we can do all three.

We are going to do all three ineffectively. We are going to put a lot more pressure on the ABC bill and its effectiveness because we are taking money out of the pockets of parents who could then go get a subsidy for less money out of ABC because they received a tax subsidy. You take that into consideration when you assign them their allotment under ABC, but there are going to be less of them around with resources.

So essentially for a new program, the need of which has not been determined, you are taking money away from the effectiveness of the ABC program. For those who are sponsors and advocates of it, every dollar you put in this new program you take away from the effectiveness of the ABC program because it is supplemented by tax credits, either the refundable dependent care credit or refundable earned income credit. That is the issue. The issue is not who is sponsoring what. The issue is a child care bill that is made more comprehensive and apt to solve more problems versus a bill that is less comprehensive, will solve less problems, and put more pressure on ABC.

I yield the floor.

The PRESIDING OFFICER. The majority leader has 10 minutes.

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator KENNEDY be recognized for 5 minutes, Senator BENTSEN be recognized for 5 minutes, and I be recognized for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I rise to support the provisions which have been included in this package that relate to health care. Listening to this debate, you think, well, if you have a child who needs day care, they may not need health care, and then I hear the minority leader saying why are we doing this; why are we subsidizing health insurance for some of the neediest families in this country? Well, this particular proposal, Mr. President, is helpful if you are actually going to provide some kind of health care to children. That is important. Senator BENTSEN has not stated that this is going to answer all the problems that we are facing in terms of the health needs of the children in this country, but it is a down payment just as the ABC bill is a down payment.

Then I hear, "Why should we be subsidizing these individuals?" Mr. President, we subsidize American business; $35 billion a year through the Tax Code for health care. We are talking about $1.5 billion in this program for children, for the neediest people in our society. Why do we not hear any opposition to those $35 billion subsidies to business from those who are saying, "Why are we doing this for needy people who are struggling to provide health care for their children?"

Mr. President, I think this particular proposal makes sense. We have seen increases in health insurance premiums of 20 to 30 percent per year in many of the last 5 years. How are low-income people supposed to maintain coverage at these inflation rates? Their incomes are increasing 4 to 5 percent a year, if they go up at all. We haven't increased the minimum wage since the beginning of this decade. This amendment is to try to give some relief, not a lot, but some relief, to those individuals who are trying to provide some health care to their children.

Mr. President, I believe this is a commendable amendment and it deserves support. I hope those who are concerned about whether we are going to begin to move down the road toward meeting health needs of our children will recognize the benefits of it and support it.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Texas.

Mr. BENTSEN. Mr. President, I heard the distinguished minority leader saying he wished we could have a bipartisan solution. He did not want this just to be a party line vote.

We had a bipartisan solution. When this bill came out of the Senate Finance Committee, with the child health care provision in that bill, the vote was 17 to 3—17 to 3. You cannot get much more bipartisan than that. The switch has been since then.

The President wants his bill. He is not going to get his bill just as he designed it. There is going to have to be a compromise. I am not going to get mine just as I designed it, and neither will the chairman of the Labor and Human Resources Committee, or the Senator from Connecticut. But we are going to take the best of each and put them together to help the children of America.

I have heard a lot of talk about the mothers who stay home and how Senators want to address that issue. I listened to those comments. And so we have now crafted this amendment so that over the next 5 years $5.4 billion will go to the mothers who stay home. Do you know the interesting thing about that? That is more money to the mothers who stay home than the Dole amendment had. Over 50 percent of the money in this amendment goes to the mothers who stay home.

I heard my friend from Minnesota talking about a $500 tax credit, to provide an incentive for the mother to stay home. Do you really think it adequate? Do you really think she is going to stay home because of that?

I heard my friend from Minnesota—and we are often allies when it comes to things for children. He is a compassionate man who has been very effective in their assistance. I regret the fact he is not with me on this one because I think we have a breakthrough in this amendment and that is important. But when he referred earlier to the long list of organizations supporting the health credit, in effect what he was saying by innuendo was that they are doing it to increase their profits. But let me tell you what some of those organizations who support this credit are: The American Academy of Pediatrics, the National Association of Children's Hospitals, the Washington Business Group on Health, the Children's Defense Fund, the National Women's Law Center; Dr. Steve Freedman, University of Florida Institute for Child Health Policy. Those are the kinds of people who are for it, who think this is a breakthrough and helpful to the children of America.

I heard the comment made that the credit does not do enough in paying for part of the premium. The study by the Health Insurance Association of America showed that the average cost of a family premium for the employ-

ees of middle and large sized companies providing family coverage is $800.

Now, by 1994, when the credit gets up to the full 50 percent, you are talking about cutting that premium in half. If it is a $800 premium, you are talking about payments per month of $33, instead of $66.

Will the market provide a product for this incentive? Of course it will. Will they expand the market? Certainly they will. But you also want to staunch the flow of companies and employees that are dropping their coverage because they just cannot afford it. That it what this does.

The Joint Tax Committee told us the credit affects 14 million children. Sure, some of them have insurance now. But, some of them are dropping insurance now. That is what we are trying to turn around. So this is an innovative approach supported by a majority of the Finance Committee. That means Republicans and Democrats trying to bring this about, making a dramatic difference in the child care and the health care of our country.

We have Blue Cross/Blue Shield saying they believe the private health insurance markets will respond to the incentive provided by the credit by making low-cost policies available.

Go down to Florida and see what they are doing there, offering a low-cost package to children through the public school system. Look at what is happening out in California where they have designed a product now for preschool children at $320; for children up to the age of 19 for $250. Does a $500 tax credit make a difference in the purchase of that insurance? Absolutely. It is a major breakthrough. But what you are seeing today amongst the families of America is the dropping of insurance coverage.

Surveys show that since 1980 there has been a 20-percent drop in the number of employees in medium and large sized firms who have wholly paid dependent health coverage, and that has happened to companies across America. That is what we are trying to turn around. You have seen a 17-percent increase in the premiums last year, representing a heavier burden for that family. And when they are faced with that fact, too many families are saying, well, maybe the kids will not get sick this year; maybe we will not have to go to the hospital. And then once that child has a fever, maybe that fever will break tonight, put on some ice packs, see if we cannot turn it around, give them some more aspirin. And when it gets too late, take them to the hospital.

I have seen a survey of the hospitals in Boston which shows that the child who arrives at a hospital without insurance gets lesser health care than a child who arrives with hospital insurance.

So what we are talking about is upgrading the health care of the children of this country. If you are a person on welfare with children, you have a better chance of health access for your children than someone who earns $10,000, $15,000 a year who wants to stay off welfare, wants to take care of the children. That is the target at which we are aiming. Those are the people we are helping.

I urge strong support for this amendment.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized for 5 minutes.

Mr. MITCHELL. Mr. President, I urge the Members of the Senate to support this amendment, and I begin by attempting to correct a misimpression which has been created during this debate. Over and over again opponents of this amendment have said—and I wrote it down verbatim when stated by one of them—that "Nothing in the bill helps mothers who stay at home."

Mr. President, that is not true. The health care credit which is now being debated is available to mothers who stay at home. An effort has been made to incorporate provisions proposed by the President which are available to mothers who stay at home. The legislation is now before the Senate, and this amendment by Senator BENTSEN, is specifically designed to help mothers who stay at home.

So let us dispel that misimpression. This helps mothers who stay at home. That is what it is intended to do, and that is what it will do.

This is a fair compromise. We have responded to the President's concerns. We have responded to the concerns of our Republican colleagues. But now we are being told that unless we accept what the President wants there will be no bill. Remember the sandlot baseball game? "I brought the ball, and if I cannot pitch, there will not be a game." That is what we are being confronted with. We have gone the extra mile to compromise, to accept recommendations made by the President, and made by opponents of the legislation not only in the provisions of the ABC bill but with respect to the nature of tax assistance.

Let me address the question of health care. Do we need better health care for American children? Consider this fact: Fully 40 percent of American children under the age of 4 have not been immunized against diseases such as polio, whooping cough, measles, and mumps. Consider another fact: The United States ranks 19th in the world in infant mortality—19th in the world. The health of American children ought to be one of our highest national priorities, not something to be discounted, ridiculed, or shunted aside. Yes; this amendment helps provide better health care for American children, and we do not apologize for that. We are proud of it. We think it is important and necessary to help improve the health of American children.

What do the words "child care" mean if they do not mean the health of American children?

So this amendment deals with child care, including the health of American children. It helps mothers who stay at home. It is a well balanced compromise that takes some of the provisions which the President has proposed, takes some of the provisions which our Republican colleagues have proposed, and represents a sincere and genuine effort to go the extra mile to compromise.

Now, we are being told we only want 90 percent of the way, and we have to go 100 percent of the way. Well, I think the Members of the Senate recognize a fair compromise when they see one.

I urge my colleagues to support this amendment. We want to get the best, most fair, most comprehensive bill possible which the limits on our resources permit. This does not address every problem in the country. It does not make aid available to every family and child who will need it. But it does represent a significant, a truly significant step in the direction of better child care and better health care for American children. It deserves the support of every Member of the Senate.

I urge my colleagues to support this amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 222 offered by the Senator from Texas to amendment No. 202 offered by the Republican leader, Mr. DOLE. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "yea."

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—54

Adams	Burdick	Fowler
Baucus	Byrd	Glenn
Bentsen	Conrad	Graham
Biden	Cranston	Harkin
Bingaman	Daschle	Heflin
Boren	DeConcini	Hollings
Bradley	Dixon	Inouye
Breaux	Dodd	Johnston
Bryan	Exon	Kennedy
Bumpers	Ford	Kerrey

Kerry	Mikulski	Robb
Kohl	Mitchell	Rockefeller
Lautenberg	Moynihan	Sanford
Leahy	Nunn	Sarbanes
Levin	Pell	Sasser
Lieberman	Pryor	Shelby
Matsunaga	Reid	Simon
Metzenbaum	Riegle	Wirth

NAYS—45

Armstrong	Gramm	McConnell
Bond	Grassley	Murkowski
Boschwitz	Hatch	Nickles
Burns	Hatfield	Packwood
Chafee	Heinz	Pressler
Coats	Helms	Roth
Cochran	Humphrey	Rudman
Cohen	Jeffords	Simpson
D'Amato	Kassebaum	Specter
Danforth	Kasten	Stevens
Dole	Lott	Symms
Domenici	Lugar	Thurmond
Durenberger	Mack	Wallop
Garn	McCain	Warner
Gorton	McClure	Wilson

NOT VOTING—1

Gore

So the amendment (No. 222) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I support Senator DOLE's amendment which would replace the health insurance tax credit portion of the ABC bill with an increase in the earned income tax credit for low-income families with young children.

I was extremely distressed to learn that the health insurance tax credit had been added to ABC. I do not believe that the original proposal is effective. Senator BENTSEN's amendment with a modified health insurance tax credit is even less effective.

For the past 8 years, many of us, including the distinguished Senator from Texas, have worked tirelessly to improve the health care status of low-income children and families by improving and expanding the Medicaid Program. We have struggled every year to find small amounts of money to pay for limited expansions in coverage.

But today, we are suddenly talking about a $1.5 billion proposal which does not expand health care coverage at all, but rather subsidizes those families already receiving health care coverage. The estimate of the cost of this provision does not recognize any increase in insurance coverage for children.

If we used this same amount of money to pay for an expansion of Medicaid, we could assist up to four times as many people who are currently without any health care coverage. In a time of limited funding, it seems imprudent to consider a proposal which does not address increased access to care.

This Senator has been one of the most consistent and outspoken proponents of improved health care services for children and low-income families. The health care tax credit will not achieve that goal. As one deeply involved in these issues, I strongly believe we can find a more effective way to spend $1.5 billion through the Medicaid Program.

During this time of fiscal restraint our priorities should include providing health care to the 12 million children who are uninsured. Providing a health insurance tax credit to families who currently have insurance should be a lower priority.

Employers who pay wages under 200 percent of poverty frequently do not even offer the opportunity to buy dependent coverage. In order to have health insurance, families have to purchase nongroup coverage in the private market—at rates that we all know to be exorbitant. A $500 maximum credit for a family under $12,000 would not be sufficient to make this feasible.

Therefore, the majority of families who have the potential of benefiting from this proposal are those who do not have access to employer-subsidized insurance. Even these families would have difficulty taking advantage of this credit because most of them are to pay a substantial percentage of the premiums. In fact, it is not uncommon for employees to pay the entire family coverage premium—at a cost ranging from $2,600 to $3,000 per year. Again, the maximum credit of $500 would not be enough to encourage low-income families to purchase the coverage.

In preparing cost estimates on this proposal, the Joint Committee on Taxation assumed no behavioral changes in terms of those who currently purchase insurance and those who do not. JCT estimates that the $1.5 billion credit proposal will affect 14 million children. But, those 14 million children are already insured.

It appears clear that very few children, possibly as low as 500,000 children will benefit from this proposal. A few numbers will illustrate what I mean. In the income category this proposal would affect, there are approximately 8.8 million uninsured children. Of these, there are only 1.2 million children that even have access to employer-provided insurance: that is, they are the children of employer-insured adults. This is the group that would theoretically be able to use the credit. But as a practical matter, fewer than half would be able to afford to.

We can be doing much more for low-income families with $1.5 billion. Senator DOLE's amendment would give a supplemental tax credit to families with incomes below $15,000. The goal is to allow families to offset some of the costs they experience in having small children. These costs may include child care, health care, proper nutrition, or anything that families provide for their children.

My concern about the health insurance tax credit increased when I compared its effectiveness with the Dole amendment. The health insurance tax credit would help families with incomes under $21,000. Senator DOLE's amendment would help families with incomes under $15,000. If we are going to use limited dollars to provide a supplement to families with small children, I believe it is most appropriate to concentrate on families at the lowest end of the income scale, as Senator DOLE's amendment does.

Some Senators may object that the credit does not ensure that families will use the supplement specifically for their children's expenses. However, I believe that families need the flexibility to use the money in the most effective and necessary manner. For example, the credit may enable a family to more easily pay the sliding scale fee for community health clinic services while still leaving money available for child care or some other necessity.

The Act for Better Child Care in combination with Senator DOLE's proposed EITC credit makes a significant step toward removing some of the barriers blocking low-income families from self-sufficiency. Last year we worked very hard to reform the Welfare Program. Our efforts to help families get back on their feet will soon prove to be very successful. But our work must not stop there. We must enact the ABC bill and the Dole amendment to alleviate some of the burden of child care and other necessities. Both of these measures will enable more families to continue on the path toward financial independence.

We cannot afford to short-change our children by spending $1.5 billion on a proposal that doesn't efficiently and effectively help them. I urge my colleagues to support the Republican leader's amendment, and to defeat the second-degree amendment currently under consideration.

AMENDMENT NO. 202, AS AMENDED

The VICE PRESIDENT. If there is no further debate, the question is on agreeing to the amendment of the Senator from Kansas, as amended by the amendment of the Senator from Texas.

The amendment (No. 202), as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The minority leader.

AMENDMENT NO. 223

(Purpose: To replace the tax credit for health insurance premiums with an increase in the earned income tax credit)

Mr. DOLE. Mr. President, I send an amendment to the desk.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 223.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 97, line 5, strike all through page 109, line 10, and insert the following:

TITLE II—INTERNAL REVENUE CODE PROVISIONS

This title shall be effective after December 30, 1990.

SUBTITLE A—EARNED INCOME CREDIT AND DEPENDENT CARE CREDIT

SEC. 211. INCREASE IN EARNED INCOME CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—There is allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of the following amounts:

"(1) GENERAL CREDIT.—In the case of an eligible individual, an amount equal to 14 percent of so much of the earned income for the taxable year as does not exceed $5,714.

"(2) SUPPLEMENT FOR YOUNG CHILDREN.—

"(A) IN GENERAL.—In the case of an eligible individual with 1 or more qualifying children, an amount equal to the lesser of—

"(i) the applicable percentage of so much of the earned income for the taxable year as does not exceed $5,714, or

"(ii) $750 ($500 for an eligible individual with only 1 qualifying child).

"(B) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means 12 percent (8 percent for an eligible individual with only 1 qualifying child).

"(b) LIMITATIONS.—

"(1) GENERAL CREDIT.—The amount of the credit allowable to a taxpayer under subsection (a)(1) for any taxable year shall be reduced (but not below zero) by 10 percent of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $9,000.

"(2) SUPPLEMENT FOR YOUNG CHILDREN.—The amount of the credit allowable to a taxpayer under subsection (a)(2) for any taxable year shall be reduced (but not below zero) by 15 percent (10 percent for an eligible individual with only 1 qualifying child) of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $10,000."

(b) QUALIFYING CHILD DEFINED.—Subsection (c) of section 32 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFYING CHILD.—The term 'qualifying child' means, for the taxable year, an individual—

"(A) with respect to whom the taxpayer qualifies as an eligible individual, and

"(B) who, as of the end of such taxable year, has not attained the age of 5."

(c) CONFORMING AMENDMENTS.—

(1) Subsection (f)(1) of section 32 of the Internal Revenue Code of 1986 is amended by inserting ("including separate tables for individuals with qualifying children)" after "Secretary".

(2) Subsection (i) of section 32 of such Code is amended—

(1) by inserting "('calendar year 1990' for 'calendar year 1987' in the case of the dollar amount referred to in clause (iii) of paragraph (2)(B))" before the period at the end of paragraph (1)(B), and

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) DEFINITIONS, ETC.—For purposes of paragraph (1)—

"(A) APPLICABLE CALENDAR YEAR.—The term 'applicable calendar year' means—

"(i) 1986 in the case of the dollar amount referred to in clause (i) of subparagraph (B),

"(ii) 1987 in the case of the dollar amount referred to in clause (ii) of subparagraph (B), and

"(iii) 1991 in the case of the dollar amount referred to in clause (iii) of subparagraph (B).

"(B) DOLLAR AMOUNTS.—The dollar amounts referred to in the subparagraph are—

"(i) the $5,714 amount contained in paragraphs (1) and (2)(A)(i) of subsection (a),

"(ii) the $9,000 amount contained in subsection (b)(1), and

"(iii) the $10,000 amount contained in subsection (b)(2)."

(3) Subsection (b) of section 3507 of such Code is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) states the number of qualifying children (as defined in section 32(c)(3)) of the employee for the taxable year.".

(4) Paragraph (1) of section 3507(c) of such Code is amended—

(A) by striking "and" at the end of subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C), and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) on the basis of the number of qualifying children (as defined in section 32(c)(3)) of the employee for such period, and".

(5) Paragraph (2) of section 3507(c) of such Code is amended—

(A) by striking "paragraph (1)(B)" and inserting "paragraph (1)(C)", and

(B) by striking "14 percent" in subparagraphs (B)(i) and (C)(i) and inserting "the sum of 14 percent and the applicable percentage".

(6) Section 3507 of such Code is amended by adding at the end thereof the following new subsection:

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

SEC. 212. DEPENDENT CARE CREDIT MADE REFUNDABLE.

(a) CREDIT MADE REFUNDABLE.—Section 21 of the Internal Revenue Code of 1986 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection.

"(f) CREDIT REFUNDABLE FOR LOW AND MODERATE INCOME TAXPAYERS.—

"(1) IN GENERAL.—For purposes of this subtitle and section 6401, in the case of an applicable taxpayer, the credit allowable under subsection (a) for any taxable year shall be treated as a credit allowable under subpart C of this part.

"(2) APPLICABLE TAXPAYER.—For purposes of this subsection, the term 'applicable taxpayer' means a taxpayer whose adjusted gross income for the taxable year does not exceed $28,000.

"(3) COORDINATION WITH ADVANCE PAYMENTS AND MINIMUM TAX.—Rules similar to the rules of subsection (g) and (h) of section 32 shall apply with respect to the portion of any credit to which this subsection applies."

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF DEPENDENT CARE CREDIT.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom a dependent care eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's dependent care advance amount.

"(b) DEPENDENT CARE ELIGIBILITY CERTIFICATE.—For purposes of this title, a dependent care eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 21 for the taxable year,

"(2) certifies that the employee reasonably expects to be an applicable taxpayer (within the meaning of section 21(f)(2)) for the taxable year,

"(3) certifies that the employee does not have a dependent care eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(4) states whether or not the employee's spouse has a dependent care eligibility certificate in effect,

"(5) states the number of qualifying individuals (as defined in section 21(b)(1)) in the household maintained by the employee, and

"(6) estimates the amount of employment-related expenses (as defined in section 21(b)(2)) for the calendar year.

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnishes the statement in question.

"(c) DEPENDENT CARE ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'dependent care advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the number of qualifying individuals (as defined in section 21(b)(1)) in the household maintained by the employee,

"(C) on the basis of the employee's estimated employment-related expenses included in the dependent care eligibility certificate, and

"(D) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(D) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with

such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply."

"(e) REGULATIONS.—The secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of dependent care credit."

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1989.

(2) ADVANCE PAYMENT OF CREDIT.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1991.

(3) ONLY PORTION OF CREDIT REFUNDABLE IN 1990.—In the case of any taxpayer to whom section 21(f) of the Internal Revenue Code of 1986 (as added by subsection (a)) applies for any taxable year beginning in 1990—

(A) one-third of the amount of the credit allowable under section 21(a) of such Code for such taxable year shall be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1 of such Code, and

(B) the remaining two-thirds of the amount of such credit shall be treated as a credit allowable under section 21 of such Code.

SEC. 213. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) INCREASE IN CREDIT FOR EXPENSES RELATING TO DEPENDENT CARE.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000.

"(B) HIGHER PERCENTAGES FOR LOW-INCOME TAXPAYERS.—The term 'applicable percentage' means in the case of any taxpayer with an adjusted gross income for the taxable year of—

"(i) $8,000 or less, 34 percent, and

"(ii) more than $8,000 but less than $10,000, 32 percent."

(b) CERTAIN SUBSIDIZED EXPENSES NOT ELIGIBLE FOR CREDIT.—Section 21(e) of the Internal Revenue Code of 1986 is amended by adding at the end there the following new paragraph:

"(10) SUBSIDIZED EXPENSES.—No expense shall be treated as an employment-related expense to the extent such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof."

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 214. STUDY OF ADVANCE PAYMENTS.

(a) IN GENERAL.—The Comptroller General of the United States shall, in consultation with the Secretary of the Treasury, conduct a study of advance payments required by section 3507A of the Internal Revenue Code of 1986 (as added by section 212(b)(1)) to determine—

(1) the effectiveness of the advance payment system, and

(2) the manner in which such system can be implemented to alleviate administrative complexity, if any, for small business.

(c) REPORT.—Not later than 1 year after the date of the enactment of this title, the Comptroller shall report the results of the study conducted under subsection (a), together with any recommendations, to the Committee on Finance of the United States Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 215. PROGRAM TO INCREASE PUBLIC AWARENESS.

Not later than the first day of the first calendar year following the date of the enactment of this title, the Secretary of the Treasury and the Secretary of Labor, or the Secretarys' delegates, shall establish a taxpayer awareness program to inform the taxpaying public of the availability of the credit for dependent care allowed under section 21 of the Internal Revenue Code of 1986 (as amended by this subtitle). Such public awareness program shall be designed to assure that individuals who may be eligible are informed of the availability of such credit and filing procedures. The Secretary shall use public service and paid commercial advertising, direct-mail contact, and any other appropriate means of communication to carry out the provisions of this section.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

If the Senator will suspend 1 minute to restore order to the Chamber so the Senator may be heard.

The Republican leader.

Mr. DOLE. Mr. President, I understand the majority leader wants to take a look at the amendment. Let me explain while we have Members here what it does.

It is just where we were when we started. We changed the effective date by 1 day.

We need to make a decision in the Senate whether we are going to go for some untested new program called a health credit or going to enlarge the EITC, earned-income tax credit.

We would like to get a clear vote on that, not a half loaf of this and a half loaf of that.

We intend to keep doing this. If this is going to be a second degree and have the same vote, I will offer another amendment. We would like an up or down vote. We would like the Senate to say we do not believe in EITC; we want to try this new untested program.

I do not believe that represents the majority view. This will be a clearer test than what we just finished where we had some EITC and some health care that satisfied a majority of Senators.

That is all the amendment does. I am sure the majority leader wants some time to discuss it and form a strategy to follow. Meanwhile I will try to find another amendment if that is satisfactory.

The PRESIDING OFFICER. If the Senator will suspend 1 minute until we obtain order in the Chamber so the Senator may be heard.

Senators will please take their conversations off the floor, so that the Senate can conduct business.

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that there be a period now for the transaction of routine morning business, the time not to extend beyond 2:20 p.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 1264 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM pertaining to the introduction of S. 1261 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 1261 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MOUNT RUSHMORE COMMEMORATIVE COIN

Mr. PRESSLER. Mr. President, I am happy to announce that nearly one-half of the U.S. Senate has joined me in sponsoring a bill to mint a commemorative coin for Mount Rushmore.

Mount Rushmore is a South Dakota treasure. It celebrates its 50th anniversary in 1991 when a major celebration is planned. In fact, a celebration similar to what was done for the Statue of Liberty is underway. A national fundraising drive is being chaired by Mr. Al

Neuharth, of USA Today, who is a native South Dakotan.

Nearly 2 million tourists a year visit Mount Rushmore. It is one of the most popular attractions that foreign tourists, particularly Japanese, wish to visit.

Of the money raised from the coin, one-half will go to the Treasury of the United States for reduction of the deficit and the other half will go to the Mount Rushmore Society for improving its facilities.

I was pleased, in an earlier Congress, to sponsor an amendment to build a new road up to Mount Rushmore. I also introduced another amendment to develop the architectural plans for refurbishing Mount Rushmore for the 1991 celebration. It is a major national symbol. It is a major attraction for domestic and foreign citizens to visit and to be inspired by the four Presidents on Mount Rushmore and the ideals they represent.

A number of years ago I sponsored a National Tourism Act, which designated one of the Under Secretaries of Commerce to work strictly on tourism as the U.S. Travel and Tourism Administration. Part of the effort was to help those States that are not on the coasts to get more tourists: the midlands, and some of the other sites within the interior of our country. Certainly Mount Rushmore, the national parks, the national forests, the Badlands, the attractions in Wyoming, and those in North Dakota where my colleague, who is chairing the Senate at this moment, is from, are a part of this effort.

Mr. President, I wish to thank my colleagues. I believe we have 46 cosponsors today. There will be more. As a member of the Banking Committee, 40 Members allows us to proceed to consideration of the bill. We will continue to increase the number of cosponsors and continue to work toward the minting of Mount Rushmore commemorative coins. We look forward to building to this celebration in 1991 which will be a national celebration of Mount Rushmore, and of the ideals represented by George Washington, Thomas Jefferson, Abraham Lincoln, and Teddy Roosevelt.

Mr. President, I thank my colleagues and I yield the floor.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, it is now 1,560 days that Terry Anderson has been held in captivity in Beirut.

Peggy Say, Terry Anderson's sister, has shown enormous strength in the face of her brother's ordeal. She has worked tirelessly for his release, despite meeting tremendous frustration.

On January 21, 1989, a story appeared in the Boston Globe which described Peggy Say's visit to a school which had undertaken a letter-writing campaign on Terry Anderson's behalf. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Jan. 21, 1989]

NEW ERA BRINGS NEW HOPE FOR HOSTAGES

(By Stan Grossfeld)

It was just past high noon when Peggy Say let the Gipper have it.

"Ronald Reagan didn't even mention the hostages in his farewell speech. He said his only regret was the deficit. God willing my only problem should be money."

Say, sister of hostage Terry Anderson, was particularly irked because Reagan had called her from Air Force One in November, 1986, and promised he "would not rest until Terry was home." But yesterday was Day 1408 in captivity in the Middle East for Anderson and Day One for private citizen Reagan.

Unlike eight years ago, when the hostages held in Iran were freed on the day of Reagan's first inaugural, yesterday there was no word on the nine American hostages held by Shiite Moslems in Lebanon. Still, President George Bush's inaugural speech gave her hope.

"Hey, even a mention is an acknowledgment of the pain, and that means a lot," she said after speaking at Waltham's South Middle School, where she thanked students for a letter-writing campaign and helped hoist a hostage flag, which will fly until the Americans are released.

Students then launched 400 yellow balloons, each one carrying a message asking the receiver to write the president and other leaders in support of Terry Anderson. Some balloons headed skyward, but many got trapped in the bare trees of Moody Street, giving it a carnival look. Until one thought of the obvious symbolism.

Peggy Say repeatedly asked reporters if there was any news out of Beirut—she carries her passport with her wherever she goes—and then talked of Bush, whom she has met and reportedly called "cold fish." Say claims she was misquoted.

"I must admit . . . he seems to be extending an olive branch in many directions. I hope that would include those in the Mideast who have influence over the hostages." Former President Reagan, who at the time was flying to Andrews AFB in a Marine helicopter was given yet another swipe.

"Reagan always refers to those shadowy groups' holding the hostages, and he said in one of his last interviews 'We don't know where they are or who has them.' I know who took my brother, his captors names, where they went to school. Their identities were published in Newsweek two years ago."

Say is not the only one angry: the students at South Middle are, too. "I think the government should be doing something—they haven't acted on anything," said 7th-grader Billy Ferguson. "They should talk to the people holding them captive and find out what they want. He has a three-year-old daughter he's never seen."

Ferguson, 11, says he has grown more than a foot since Terry Anderson was taken hostage. He has also learned to write letters to President Bush and to Sen. Kennedy, and he's gotten an unsolicited taste of life in captivity—when he lied to his mother.

"I told her I had to do homework at a friend's house and I went and saw 'Who Framed Roger Rabbit.' My mother found out and made me spend one week in my room—no going out except for my paper route. I felt real sad and real lonely and real bored . . . I'm surprised he [Anderson] hasn't tried to kill himself."

South Middle School principal Paul Connolly said. "These kids have big hearts and are very sensitive. They've already written 500 letters, and we hope to go statewide, get 150,000-200,000 and then start on the other 49 states."

"There were a lot of kids really choked up that he has never seen his daughter."

Say told a packed auditorium that Anderson was abducted on a Beirut street by three armed men driving a green Mercedes. "My eight-year-old niece Rachel said, 'Mommy, how many men with three arms took Uncle Terry?'"

She told the students that they may sometimes fight with their brothers and sisters, but they should "be a little quicker to hug."

Brian Kenney, a 7th-grader at Millis Middle School, got the message. "We're gonna hound them, overload them, and flood them with letters. People are sitting around doing nothing while he's rotting. I wouldn't want that to happen to my father."

THE U.S. CAPITOL PRESERVATION COMMISSION

Mr. BYRD. Mr. President, this has been quite a busy time for those of us who cherish the U.S. Capitol Building.

Last November, Congress established the U.S. Capitol Preservation Commission to provide improvements in the preservation and acquisition of works of fine art and other property for display in the Capitol.

Also in 1988, Congress passed the U.S. Congress Commemorative Coin Act. This statute provided for the minting of a five-dollar gold coin, a one-dollar silver coin, and a fifty-cent clad coin, each bearing designs emblematic of congressional history. A significant portion of the surcharges received from the sale of these coins will be deposited in the Capitol Preservation Fund, under the jurisdiction of the Capitol Preservation Commission.

On June 14, 1989, as Senators are aware, the initial gold and silver bicentennial coins were minted under a tent on the Capitol's East Front plaza. This became the first occasion that U.S. coins have been struck outside a mint facility.

On June 20, this past Tuesday, the Capitol Preservation Commission sponsored a gala dinner at the National Building Museum to raise $1 million for the Capitol Preservation Fund.

Mr. President, I ask unanimous consent that my remarks on both of these excellent bicentennial events be printed in full in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ROBERT C. BYRD AT THE FIRST COIN STRIKE CEREMONY, WEDNESDAY, JUNE 14, 1989, U.S. CAPITOL BUILDING

Secretary Brady, Treasurer of the United States, Mrs. Ortega, Director of the Mint, Mrs. Pope, Mrs. Boggs, Members of Congress, ladies and gentlemen. If the United States of America has one tangible, visible symbol, it is our Capitol Building. It began as our Nation began—as an idea in the minds of inspired men. Its location here in a new Federal city emerged from a vigorous debate in which differing parties yielded in compromise for the good of all. In designing the new city, Pierre L'Enfant selected this hill as the Building's site—a place he described as a "pedestal waiting for a monument."

The Capital has grown as our Nation has grown. As the leaders of the legislative and executive branches struggled in the temporary Capital of Philadelphia during the 1790's to give shape to the newly minted government, the Capitol's architects and overseers labored against funding shortages and differing visions of what building design would be most appropriate for the Nation. As the administration of George Washington declined in popularity and talk of impeachment flourished, construction funds were cut and work ceased on the structure's south wing, designed for the House of Representatives.

Yet work continued on the Capitol's north wing, and in November of 1800, the House and Senate moved to Washington and convened for the first time in the north wing's cramped quarters. This came in the midst of a Presidential contest that seemed likely, for the first time, to transfer power from the Federalist Party of George Washington and John Adams to the Republican Party of Thomas Jefferson. There were no guarantees that the new nation would survive this transition, which was seen as the greatest test of this fledgling constitutional republic.

Three months later, Thomas Jefferson took his oath in the Senate Chamber as the Nation's third President. Just yards from this very place, he declared, "We have been called different names, brethren of the same principle. We are all Republicans: We are all Federalists. Jefferson's inauguration demonstrated the Constitution's abiding strength as a framework for the peaceful transfer of political power.

In the dozen years that followed, work was completed on the House wing. This doubled the Capitol's size, just as the purchase of the Louisiana Territory doubled the Nation's size. The greatest challenge of all appeared in mid-August of 1814 as hostile British forces marched on Washington, virtually unimpeded, and set the Capitol ablaze. The fire destroyed the interior but a fortuitous rainstorm saved the exterior. The next year brought peace with Great Britain and the beginning of the Nation's westward expansion. Within three decades, the United States would extend its reach across a continent, spanning from the Atlantic to the Pacific.

By the middle of the nineteenth century, Senators and Representatives from newly admitted States arrived to find the Capitol's Legislative Chambers crowded to capacity. It became apparent that as the Nation was expanding, so too must the Capitol. In 1859, as the issue of slavery threatened to tear the Nation asunder, new wings were made ready for occupancy and work progressed on a new dome, designed to be in proportion to the expanded structure.

Then came the greatest test ever to the fabric of our Constitution. Shortly after the enlarged Chambers went into service, a tragic and bloody civil war emptied them of their Southern Members. Learning that the Secretary of War, in the face of an engulfing military emergency, had ordered a halt to the dome's construction, President Abraham Lincoln proclaimed that the work should continue. He declared, "If the people see the Capitol going on, it is a sign that we intend the Union shall go on. In the midst of that construction, the very cast iron plates that would form the dome were pressed into service as protective breastworks on the Capitol's porticoes. Boards and Boulders and casks of cement barricaded the entrances. Construction did go on. The dome was completed and the statue of freedom was hoisted into place in December of 1863, as the fortunes of war began to turn in favor of the Union.

Since those dark days, the Capitol has stood as a unifying symbol to our Nation. In our legislative chambers we pause in great moments to honor the Nation's living heroes: its poets, its generals, its astronauts. In the Capitol's magnificent rotunda, we have paid homage to our departed heroes: From Henry Clay and Abraham Lincoln to John F. Kennedy and Claude Pepper.

The building has survived fires, bombings, and the assaulting elements of wind, rain, and searing sun.

Like the Capitol, our form of government has endured. It has weathered war, economic depression, assassination, and bitter divisions among its citizens. As we survey the political and social turmoil that engulfs other nations in our modern world, we pause with today's ceremony to pay tribute to our system of checks and balances. This system has ensured that government remain the servant of the people and not their master.

For today's ceremony, the U.S. Mint has chosen the theme "Proclaiming the Triumph of Democracy." And for the coins that are about to be issued, Congress has specified that each would bear the word "Liberty." Liberty and domocracy are what our Capitol Building has come to symbolize. These coins are thus a fitting way to celebrate the bicentennial of Congress and to promote the magnificent and enduring principles for which this Nation stands.

STATEMENT OF SENATOR ROBERT C. BYRD AT THE FINAL GALA BICENTENNIAL DINNER, TUESDAY, JUNE 20, 1989, PENSION BUILDING, WASHINGTON, DC

Ladies and gentlemen. Welcome to this final gala celebration of the bicentennial of the United States Congress. Thank you for being here. I deeply appreciate your support of the Capitol Preservation Commission.

We meet this evening in the majestic hall of the Pension Building. In the late nineteenth century, this building's construction was supervised by General Montgomery C. Meigs. Years earlier, General Meigs had similarly been in charge of the building of the Senate and House wings of the U.S. Capitol.

As gifted and influential a man as was Montgomery Meigs, he was only one of countless numbers of Americans who have played a part in the construction and reconstruction, in the furbishing and refurbishing of the Capitol Building over the past two hundred years. And during that time, the Capitol has grown with the Nation, literally pushing out its walls and expanding as new States were added to the Union, new Members were added to Congress, and more and more Americans came to see this living symbol of democracy. The Capitol weathered war and peace, prosperity and depression. It has even weathered Washington's weather. Because of the efforts of the many who love this building, it still stands proudly upon Capitol Hill, its marble gleaming in the sunshine, its dome the most recognized symbol of our national Government. Our national symbols are precious. They remind us of how fortunate we are to live in this unique land. They inspire captive peoples to struggle against oppression and reach out for the promise of freedom. Our symbols are the dwelling places of our dreams and the shrines of our ideals. So, tonight we launch the Capitol Preservation Commission, to maintain and enhance our temple of democracy, the United States Capitol Building. This is not just a worthy effort. It is a responsibility to future generations. Our Capitol Building is the legacy of all that we have struggled for and all that we have achieved. We must never let it decay of slip into disrepair. It is the people's talisman, and with our efforts it will remain forever a beacon to all who thirst for freedom around the globe.

As those of you attending this evening know, events do not just happen. They take hard work and good advance planning.

I want to give a special thanks to individuals who have been extremely helpful in making this evening possible.

Our chairman of this celebration, Bob Tisch, is a legend in New York. Now he has brought his talents to Washington. You have done a wonderful job, Bob, and I extend the appreciation of the Congress to you for your commitment.

Hamish Maxwell, our dinner chairman, has been extremely generous with his resources and his time. Hamish, we are all in your debt—you have certainly "earned your dinner."

I also want to thank Colonel John Bourgeois and the U.S. Marine Corps Band who have so enhanced our bicentennial activities.

In closing, let me also thank Barbara Boggs and Ellen Proxmire, who have spent many hard hours to make this event successful. And to our own Dot Svendson, who is our in-house guarantee for the success of any event with which she is associated, I express gratitude.

Thank you all for being here and thank you for your support for the Capitol Preservation Commission. In future years, each of you can look back and know that you had a significant part in preserving our Capitol Building for future generations to enjoy and revere.

It is now my great pleasure to introduce the distinguished chairwoman of the House Commission on the Bicentenary, the Honorable Lindy Boggs.

TRIUMPH FOR THE U.S. CUSTOMS SERVICE

Mr. HELMS. Mr. President, on June 24, 1988, the United States Customs Service arrested three men who were trying to smuggle sophisticated weapons technology to Egypt. On June 11, 1989, 1 year later, U.S. scientist Abdelkader Helmy pleaded guilty and agreed to cooperate in an international inquiry. Mr. Helmy was the main figure in the smuggling attempt.

The arrest and trial reflects the excellent job done by the Customs Service through its ambitious program code named Operation Exodus. The object of this program is to stop the unlawful exportation of high technology. Through the dedication and persistence of the Customs Service, the United States was able to avoid a serious loss of high technology which is used for ballistic missile production.

Mr. President, the Customs operation succeeded in breaking one of the links in the escalating crisis in the Middle East as countries there scramble to obtain ballistic missiles. The United States must make every effort to stop the proliferation of missiles in the Middle East. With this in mind, Mr. President, I point out that the Foreign Aid bill being considered currently in the committee includes a provision I sponsored with the chairman which is intended to discourage Chinese sales of ballistic missiles to Libya, Syria, Iran, and Iraq. I hope my colleagues will take note of this when the bill comes to the floor.

Mr. President, so that my colleagues may have the opportunity to read an excellent summary of the Helmy case, I ask unanimous consent that an article written by William M. Carley in the April 4, 1989, Wall Street Journal be printed in the RECORD. In addition, I ask unanimous consent that a New York Times article of June 11, 1989, also be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 4, 1989]

SHADY BUSINESS: HOW THE U.S. CAUGHT AN ALLEGED SMUGGLER OF ARMS PARTS TO EGYPT—HIS SHIPMENTS FED THE RACE AMONG MIDEAST NATIONS FOR A LONG-RANGE MISSILE

(By William M. Carley)

RANCHO CORDOVA, Calif.—Abdelkader Helmy's career as an alleged smuggler of U.S. missile materials and parts lasted barely nine months.

Last June, his worst fear came to pass. Mr. Helmy, who is 41 years old, was arrested, jailed and fired from his $70,000-a-year job as chief scientist on a weapons program at GenCorp's Aerojet division. The Internal Revenue Service filed notice to seize his family's newly purchased home here in Rancho Cordova. The agency even seized his modest individual retirement account. Today he is still in jail.

The Egyptian-born Mr. Helmy was ruined in the quickening race of Middle East nations to arm themselves with sophisticated missiles. He played a critical role, according to the government, in efforts to export missiles-making supplies to Egypt. He was supplied $1 million from a Swiss bank account. He depoisted the money in a California savings and loan association, the government says, using it to buy and ship items that Egypt couldn't obtain legally.

SIFTING THE GARBAGE

But the U.S. Customs Service, tipped early to the scheme, possibly by Israeli intelligence or the U.S. Central Intelligence Agency, was tracking almost every move of Mr. Helmy and his confederates. They also tapped his phone and facsimile machine.

The agents sifted through his garbage, too, and found notes on missile systems. Kenneth Colins, an Aeroject vice president, told customs officials that the notes describe "a complete package to build or upgrade a tactical missile system."

Most of Mr. Helmy's confederates are untouchable: the cast of characters includes three high-ranking Egyptian military officers, one of whom was indicated by the U.S. but never arrested, and the Egyptian minister of defense. Only Mr. Helmy and James Huffman, an aerospace marketing man from Livingston, Ohio, now are being prosecuted. Mr. Huffman is free on bail.

Both men deny any wrongdoing and say they will fight the smuggling charges against them, filed in federal court in Sacramento and announced June 24 last year. A spokesman for the Egyptian government says it is investigating the role of its officials in the affair.

A BOYHOOD CHUM

Whatever the outcome of the legal proceedings, U.S. officials say the case grows but of a dangerous race in the Middle East to obtain long-range missiles, some possibly tipped with poison-gas warheads. They say several countries in the region are trying to obtain ballistic missiles that could reach targets in five minutes or so.

Born and raised in Cairo, Mr. Helmy, according to his attorney, was a boyhood chum of Abdel Halim Abu Gazaia, who is now the Egyptian defense minister. At the University of Cairo, Mr. Helmy earned bachelor's, master's and doctoral degrees in chemical engineering. In 1977 he came to the U.S. to work for Jet Propulsion Laboratory, Pasadena. Calif., where he specialized in rocket fuels.

In 1982 Mr. Helmy moved to Teledyne Inc.'s Teledyne McCormick Selph division in Hollister, Calif., still specializing in rocket fuels. At Teledyne he met Mr. Huffman, who later moved to Ohio to become a Midwest marketing representative for the division.

In September 1987, according to Mr. Helmy's lawyer, Mr. Helmy was on vacation in Egypt with his wife and children when he was summoned to the Defense Ministry to talk with Mr. Abu Gazala. The minister asked Mr. Helmy to help purchase chemicals and other items for export to Egypt. Mr. Helmy was told to work out the shipping details with the Egyptian Embassy in Washington; but he would report to Col. Hussam Youssef, posted to Salzburg, Austria.

MILLION-DOLLAR ACCOUNT

Mr. Helmy returned to the U.S. became an American citizen in October, and got his job at Aerojet. The story that follows comes largely through affidavits filed by customs agents in federal court in Sacramento.

In early 1988, IFAT Corp., Zug, Switzerland, a company the agents believe Egyptian officials used as a front, began making wire transfers to the Helmys' checking account at the World Savings & Loan Association branch in Cameron Park, Calif., not far from the Aerojet plant. In transfers increasing in size from $30,000 to $150,000 to $500,000, the account swelled to more than $1 million.

Mr. Helmy began his shopping. Because of his job at Aerojet, he had only occasional difficulty. He ordered 54 pounds of carbon composites, which can be used to make rocket nose cones, from Kaiser Aerospace's Kaiser Aerotech division in San Leandro, Calif. It was shipped to his home by United Parcel Service. He ordered a tiny antenna made by Vega Precision, Vienna, Va., that could be installed on a rocket for data telemetry.

Later, Col. Youssef telephoned from Austria to ask about the antenna: "Did you ship it?" Mr. Helmy replied: "They are now tuning it. * * * As soon as I receive it I will ship it to you right away; if somebody from your end comes our way, he can carry it [back] in his suitcase."

But the conversation was being recorded: on March 18 the Customs Service had received its tip that a smuggling plot was afoot, and that to further it, an Egyptian official—Fuad Algamal, who was later identified as a brigadier general in the Egyptian army—would be flying from Frankfurt to Chicago on his way to California. The next day, a customs agent in Chicago learned from Lufthansa that Gen. Algamal would arrive that afternoon to board an American Airlines flight to Sacramento.

Shortly after the general stepped of his Lufthansa flight at the Chicago airport, the customs agent surreptitiously photocopied Gen. Algamal's passport. The agent then wired a facsimile copy of his passport identification photo to customs agents in Sacramento. Recognized by the photo as he stepped off his American Airlines jet in Sacramento, Gen. Algamal was shadowed by agents until he left the country.

His trail led directly to Mr. Helmy; the two met at a motel in Rancho Cordova and then flew to Washington, D.C. There, Mr. Helmy checked into a room at the Vista International Hotel on March 24. Defense Minister Gazala was also in the hotel. He and other Egyptians were in Washington for final negotiations of an arms treaty with the U.S.

Mr. Helmy's lawyer says the minister complained that the procurement of rocket materials was going too slowly. Mr. Helmy was urged to speed things up.

He did. Returning to his office in a windowless concrete building at Aerojet's sprawling rocket plant at Rancho Cordova, Mr. Helmy began directing the shipments of his purchases to Mesa Associates, a company set up in Ohio by Mr. Huffman. According to Customs Service affidavits, on May 12 an American Cyanamid plant in Charlotte, N.C., shipped to Mesa an order of Cyanox 2246, a chemical that prolongs the life of solid rocket fuels.

On May 26, Arsyncol Co., New York City, sent to Mesa a rocket propellant ingredient called MAPO. On May 27, Henkel Corp., La Grange, Ill., shipped to Mesa an epoxy hardener that, with another chemical, is used to glue carbon materials in aerospace applications.

While the materials were being gathered in Ohio, Mr. Helmy's garbage was being gathered from his home in nocturnal visits by customs agents. In the garbage they found a deposit receipt that led them to World Savings & Loan and the Helmys' accounts there. The agents found that a check had been written to Kaiser Aerotech; they visited Kaiser and learned of the Helmy order of carbon composites.

Meanwhile, from officials at Aerojet the agents learned that Mr. Helmy was expert in both rocket propulsion and carbon composites technology.

Another Helmy check, the agents found, had gone to Greenleaf Technical Ceramics, a subsidiary of Greenleaf Corp., in East Flat

Rock, N.C. Customs inquiries at the company disclosed that Mr. Helmy was in the process of ordering two ceramic cones that could withstand temperatures as high as 1,400 degrees Celsius for one minute; a missile nose of such resistance could survive reentry into Earth's atmosphere.

James Greenleaf, a Greenleaf manager, took the order himself, thinking it involved classified work. "I knew he [Mr. Helmy] worked for Aerojet, so I assumed it was for some black project," he says. "I thought, they're just trying to muddy the water. If you assume it's the government, you don't ask a lot of questions."

By this time customs agents had enough evidence for a court order to tap Mr. Helmy's phones. On May 25, according to their affidavit, Mr. Huffman in Ohio called Mr. Helmy at his Aerojet office. He had run into a roadblock, Mr. Huffman said. Mobay Chemicals wouldn't sell him a chemical called HDI. He added that he would wait a few days before contacting another supplier.

"I don't want to make anybody nervous or suspicious so they start sending somebody around to investigate," Mr. Huffman told Mr. Helmy.

When customs agents contacted Mobay, they were told Mr. Huffman had asked to buy HDI as a paint additive to paint the floor of a local gym. A Mobay official replied that the toxic chemical was used mainly in rocket fuel, and refused to sell it to him.

Despite this rebuff, Mr. Helmy and Mr. Huffman were rapidly accumulating enough materials for major shipments to Egypt. The plan was to truck the materials that had accumulated in Ohio to the Baltimore-Washington airport. There an Egyptian Air Force C-130 cargo plane, on a regular weekly flight, would ferry the materials to Egypt.

Another glitch developed. The Egyptian Embassy official who coordinated shipments on the C-130 took ill. He was replaced by Egyptian Rear Adm. Abdel Rahim Elgohary, posted to Washington as director of military procurement in the Egyptian Embassy. Adm. Elgohary, however, apparently hadn't been briefed by the Egyptian defense ministry on the urgency of the Mesa shipments.

In a June 1 phone call from the Egyptian Embassy to Mr. Helmy at his Aerojet office, Adm. Elgohary seemed disturbed by the shipments Mr. Helmy wished to make.

Said Mr. Helmy: "Both items are banned from being exported [from the U.S.] and we acquired them through our own ways and channels. You knew that very well."

"We cannot include a bill showing the type of items exported," Adm. Elgohary objected.

"No problem." Mr. Helmy responded. "I shall list the kind of material that looks like the material that we are shipping."

MORE OBJECTIONS

When the admiral expressed fear that the nature of the shipments might be discovered, Mr. Helmy tried to reassure him. "The operation is being done in three stages." Mr. Helmy said. "We acquire the material from the company itself in a certain way with the understanding that it is going to be used locally; then we move it to another place [in Ohio], and from there to you so no one will know its final destination."

The admiral still objected. "I am thinking. The shipment is large and heavy, 10 pieces in all. I need a year or more to ship it in small parcels. I was not expecting to be asked to ship a cargo of such weight, six or seven tons."

Mr. Helmy exploded. "You know the minister wanted the cargo shipped, no matter what. We were told that you will arrange for the shipment via the airplane that usually leaves for Cairo every . . . week."

The conversation ended. Shortly afterwards, Mr. Helmy was on the telephone with Col Youssef in Salzburg.

"The man in Washington is going to put us in great trouble." Mr. Helmy said of Adm. Elgohary. He said that if the shipments become known. "I shall be in great trouble." and he added. "You should understand that in one single minute I could be thrown in jail here and my children will never see me again. If he [the admiral] talks in a high voice like he did and people around him know what is going on, he should realize that very sensitive things are involved, especially things like antennas. Not only I will be in trouble, but also those who are helping me too."

FLIGHT DEPARTS

Col. Youssef promised to intercede. Later that day, he phoned to tell Mr. Helmy that he had spoken to Adm. Elgohary and that the admiral would cause no problems in the future.

Shipments began moving quickly. On June 11, the Egyptian C-130 took off from Baltimore-Washington. In its hold were drums of plasticizer—a chemical used to render plastic flexible enough to be molded into products—listed on the cargo manifest as fatty acid of animal oil, and a drum of a chemical called EPON, listed as plastic. Nordel, a specialty rubber, was listed as synthetic rubber. "We took all the markings off the barrels and boxes," Mr. Huffman told Mr. Helmy in a phone call.

A few days later another shipment was on the way, 430 pounds of carbon fibers from Fiberite, a company in Winona, Minn., to a freight forwarder in Ohio used by Mesa Associates. But this time customs agents were on hand; with Fiberite's cooperation, one customs agent rode the truck delivering the carbon fibers to Ohio, and other agents followed the shipment on to the Baltimore area.

Bigger shipments were in the works. The Customs Service's access to Mr. Helmy's phones also enabled them to copy facsimile messages between him. Mr. Huffman and Col. Youssef in Salzburg. From the nature of the messages it became clear that Mr. Huffman was beginning to get price quotations on tons of maraging steels—which can be used to make missile casings—from Ladish, a Milwaukee forging company.

But the group never got the opportunity to buy the steels.

Still unaware they were under investigation, Mr. Helmy and Mr. Huffman on June 23 chatted on the phone about a future shipment. "You tell him." Mr. Helmy said, "this is the material for the big man . . . which is the minister."

On June 24, the Fiberite carbon material was standing on the tarmac at Baltimore-Washington airport: it was scheduled to be flown to Egypt the next day. Adm. Elgohary's aide, a Col. Shousha—also known as Col. Mohamed Adballa Mohamed—was there to supervise the loading of the material. Mr. Helmy was at work at his office in California. Mr. Huffman, on other business, was visiting the U.S. Navy's Surface Weapons Center at Indian Head, Md.

Almost simultaneously, customs agents swarmed onto the airfield, the office and the Navy base, arresting all three men and seizing the carbon material.

Agents also took Mr. Helmy's computer disks from his home and his office. On one printout they found a total of 20 items had been ordered amounting to $614,000.

While some materials didn't require export licenses, others did, the federal indictment against the two men alleges. The two respond that they didn't break any U.S. laws because they were only acting as purchasing agents and that it was up to Egyptian officials to obtain any export licenses that were needed.

The materials actually involved didn't require licenses, they add. "The carbon compounds involved are no more high tech than those in this telephone," says Marcus Topel, attorney for Mr. Helmy. Mr. Topel adds that he will dispute some of the conversations from phone taps, arguing that the English translations of some discussions that were in Arabic were faulty.

Adm. Elgohary and Col. Shousha, who both left the U.S. shortly after the June 24 arrests, were named as unindicted co-conspirators. The State Department asked the Egyptian government to waive their diplomatic immunity, either for their prosecution or only for their testimony, which could be used against Mr. Helmy and Mr. Huffman. Egypt's government refused to waive any immunity. Col. Youssef in Salzburg was indicted by the U.S., but he has never been arrested.

While top Egyptians go free, the U.S. continues to pursue Mr. Helmy. The IRS, asserting that the Helmys owe hundreds of thousands of dollars in income taxes on the money wired by the Swiss company, has seized all the funds in his bank accounts. While Mr. Helmy remains in jail, his wife and two children are living at their home. Nobody believes that the cracking of the case will stop the Middle East missile race. Even now Israel, with assistance from the U.S. government, is developing an anti-ballistic missile as a defensive measure against other nations' missiles.

[From the New York Times, June 11, 1989]

U.S. ROCKET EXPERT PLEADS GUILTY IN EGYPTIAN SMUGGLING CASE

SACRAMENTO, CALIF., June 10 (AP)—An American rocket expert accused of trying to smuggle sophisticated weapons technology to Egypt has pleaded guilty and agreed to cooperate with investigators in an international inquiry.

The rocket expert, Abdelkader Helmy, 41 years old, of El Dorado Hills, pleaded guilty on Friday to one count of illicit exporting in return for having 11 other charges dismissed. He faces up to $1 million in fines and 10 years in prison.

As part of the plea arrangement, Federal prosecutors urged that Mr. Helmy serve nearly five years in prison. Federal District Judge Raul Ramirez set a presentencing hearing for Sept. 27.

"I put my faith in God and your judgment," Mr. Helmy told the judge.

Mr. Helmy, who was employed at the Aerojet Solid Propulsion Corporation, said he had participated in an international ring that attempted to smuggle out 430 pounds of carbon phenolic cloth, a material to help elude radar that is used in missile nose cones and stealth aircraft.

The cloth, which is on the Government's restricted-munitions list, can not be exported without a license. Aerojet was not impli-

cated in the scheme, the Federal authorities said.

Mr. Helmy, who has worked for NASA and propulsion companies in France and West Germany, said last year that he was recruited for the smuggling scheme by Egypt's Defense Minister at the time, Lieut. Gen. Abdel Halim Abu Ghazala.

MUBARAK'S DENIAL

In August 1988, The Washington Post reported that transcripts of monitored telephone conversations appeared to implicate Mr. Abu Ghazala in the alleged scheme.

Egypt's President, Hosni Mubarak, has denied that Mr. Helmy was part of an Egyptian spying ring.

Federal prosecutors said Mr. Helmy had received at least $1 million in payments from Egyptian sources to buy high-technology products like missile equipment.

"The indictment against Helmy charges serious violations of the nation's export laws," United States Attorney David Levi said. "As Helmy has today admitted, he was involved in an effort to defeat those laws and to export technology and terms of military importance."

Mr. Helmy admitted that he and a confederate had shipped the material last June from Minnesota, where it was manufactured by the Fiberite Corporation, to the Baltimore-Washington airport. Federal agents seized the material moments after it was loaded aboard a transport plane bound for Egypt.

COMMUNIST CHINA: MORE EXECUTIONS

Mr. HELMS. Mr. President, this morning's news contained reports of more executions in Communist China, this time in Beijing. That brings the official total to 27 such killings. The charges against the 27 involved such things as stealing Chinese Army property—for example, theft of a mosquito net.

I am outraged, but not surprised. After all, this is what communism is all about. On January 29, 1987, I spoke on the Senate floor about the true nature of the Chinese Communist Party. I said then that the Chinese Communist Party had dragged China on a long, wretched march to nowhere. Today we would say that it has been a long march to repression and death.

Mr. President, we are told that we must "maintain the relationship" with Red China—but, a relationship with what? A relationship with whom? At what point will Deng's terrorism against his own Chinese citizens make association with his regime more repugnant than it is worth? That point has already been reached insofar as I am concerned.

It is time to speak the truth: The Chinese Communist Party is an organization of gangsters masquerading as a government. Their rule is by death squads and a bullet in the back of the head.

It is time for the President and the Congress to assert the leadership of the free world and decide how we are to meet this challenge. Reacting after the fact to each new outrage with a little more response, is not the answer.

Today I call on the administration to join with the Congress to develop a united program to address the state terrorism of the Chinese Communist regime. Together, we must take a stand on a matter of fundamental principle. We cannot do business as usual with a regime that murders its own citizens.

SECTION 89

Mr. PRYOR. Mr. President, on January 1 of this year, small businesses woke up to find that the U.S. Government had mandated them to hire new employees and to purchase expensive computers and software. In other words, they woke up to find section 89 on their doorsteps.

Mr. President, I would like to read two letters from a couple of those small businesses.

WILLIAM C. NOLAN, Jr.,
El Dorado, AR, April 25, 1989.

Senator DAVID PRYOR,
Federal Building, Little Rock, AR.

Re: Section 89 of the Internal Revenue Code.

DEAR DAVID: I am writing to request your support in repealing the now infamous Section 89 of the Internal Revenue Code. I operate several small businesses, two of which have what I consider to be very good group health insurance plans in which our Company pays the premium for the employee and the employee pays the family portion. Neither of the plans discriminate in any manner in favor of the owners, stockholders or partners. In fact, in some instances the owners and stockholders are not even covered by the plan.

Even with my legal training I have been completely unable to understand or comprehend what I must do in order to prove that our group insurance plans do not discriminate, when in fact there is no such discrimination in these plans. I do not think that I have ever seen a more misguided effort out of our Congress.

I believe that we should do everything possible to encourage the adoption of employer sponsored health benefit plans. However, if this new law stands I will be forced to consider abolishing the group health insurance plans relating to my companies because I do not want to risk being fined and censored when in fact our plans do not discriminate. This would be a real shame because it would very likely result in more than one hundred persons losing insurance benefits.

From what I can tell, my situation is just like that experienced by just about every other small businessman with whom I have any contact. Please do what you can to abolish this law. I believe that government was formed to serve and aide people and not foster completely unreasonable and incomprehensible laws and regulations on them thereby compounding the very problem that they are attempting to deal with.

Thank you for your consideration of this matter.

With best personal regards, I remain,
Sincerely,
BILL NOLAN, Jr.

PACKAGING SPECIALTIES, INC.,
Fayetteville, AR, April 28, 1989.

Senator PRYOR,
U.S. Senate, Washington, DC.

DEAR SENATOR PRYOR: As the owner of Packaging Specialties, Inc., a small business in your district, I would like to call your attention to the hardships being inflicted on my company, and others like it, by the requirements under Section 89 of the Internal Revenue Code. This provision of the Tax Reform Act of 1986 will be ineffective because of its complexity, which has been compounded by a lack of guidance and poor communication from the Internal Revenue Service. Section 89 may also impose excessive and misdirected penalties on employers, even if they make sincere efforts to comply with its requirements.

Congress' primary goal in enacting Section 89 was to encourage employers to provide tax-free benefits, such as health insurance, to a broader base of employees who could not otherwise purchase or afford to purchase such coverage. While I agree with Congress' intentions, Section 89 in its present form cannot serve as the vehicle to reach this well intended goal. In fact, the substantial costs in terms of both dollars and time, required to comply with Section 89 will discourage employers like myself to extend these desirable benefits to a broader cross section of employees.

Under the qualification provisions of Section 89, I am required to have a written notification document and a written plan for each tax-free benefit I provide to my employees. Yet, the Internal Revenue Service has offered little guidance on the form or content of these documents. These qualification provisions apply even if a benefit is extended to only one employee. Compliance requires costly outside assistance to document the plan. Please note that the expense of drafting a plan for one or 1,000 employees may be the same, which poses a significant disadvantage to small and medium size businesses such as mine.

The Section 89 mathematical tests required to be made for each plan are so complex that many small and medium size employers will be compelled to seek outside assistance which results in an additional cost of doing business.

The Section 89 penalties are both excessive and misdirected. To tax a highly compensated employee on his excess benefits, for example, provides little, if any, encouragement to an employer to extend health care coverage. Further, the law may penalize the wrong person by including the proceeds of a disastrous medical reimbursement in the income of a non-highly compensated employee if the employer fails to comply with the plan qualification rules.

I urge you to communicate these concerns to the members of the House Ways and Means and the Senate Finance Committee. Please join me and thousands of other owners of small and medium sized businesses, to persuade Congress to postpone the date on which Section 89 becomes effective to a point in time when an alternative provision better suited to achieving the desired objectives may be enacted.

Our well-trained and motivated work force is the nation's most valuable resource. We must do all that is necessary to enhance, extend and preserve the well-being of our employees. Section 89 in its present form, works against these objectives. Please join

us in our quest for more effective legislation.

Sincerely,

M. HAYS BIGGS.

Mr. President, I want to thank these constituents for exercising their right to petition the Government, and I want to say to them that Congress has heard them loud and clear. S. 1129 repeals section 89. I repeat. S. 1129, as included in the ABC bill, repeals section 89. I am not sure if many of my distinguished colleagues are aware of this fact.

I want to point out that there is a common thread running through these letters and through most of the letters coming into my office. Employers do not mind having nondiscriminatory health plans. What irks them is the cost and burden of complying with section 89. As one letter points out, section 89 adds thousands of dollars to the cost of doing business, even if a health plan is clearly nondiscriminatory on its face.

S. 1129 recognizes this fact by providing a simple rule to test for discrimination. As I said earlier, the bill repeals section 89 and replaces it with a simple design-oriented test based on availability. The rule says that if the plan is made available to substantially all of the employees—at least 90 percent—and the employees are not required to pay more than 40 percent of the cost of their coverage, then the plan is not discriminatory. Period.

The employer does not have to calculate coverage, keep track of who is actually receiving benefits, gather reams of data and paper, or run a whole gauntlet of tests. At the beginning of the year, the insurance company sells the employer a plan that complies with the new rule and the employer is through.

This is a good solution. But most of all, it is a fair solution to the section 89 problem. It is fair to employers, because it provides a simple, straight forward rule. It is fair to employees, because they will have access to tax-favored health benefits. It is fair to taxpayers, because they will not be subsidizing executive-only health coverage. I believe the bill equitably balances the interests of employers and employees.

I would like to make two points: First, Treasury and the IRS must be required to produce early guidance on any new legislation. This morning, the new Commissioner of Revenue, Fred Goldberg, pledged that the IRS will abide by a congressional mandate to rush guidance on any section 89 legislation. I repeat, Congress must make an affirmative statement on the necessity of early guidance. Second, if for whatever reason this new legislation proves to be over burdensome or over complex, I pledge to seek its repeal. I will monitor its implementation very carefully, and if we have a repeat of the present debacle I will introduce legislation to remove this law from the books.

I would like to thank a number of groups for their support. These groups have been tough with us here in Congress at times. Sometimes pushing us in the right direction when we did not want to be pushed. But, they have always been willing and technically able to discuss the issues important to small businesses.

These groups are the National Small Business United, Small Business Legislative Council, the National Association of Life Underwriters, the National Rural Electric Association, the American Institute of Certified Public Accountants, the Associated General Contractors of America, the Retail Tax Committee, and the Jewelers of America.

These groups have earned our respect as well as our gratitude for guiding us through this difficult issue. Many of these groups would have preferred repeal and still would. But that has not stopped them from discussing the important issues with the members and their staff. They have demonstrated once again their immense influence on issues affecting small businesses. And, they have once again served their members well. I look forward to continuing our work together on this and other issues important to small businesses.

FIRST ANNIVERSARY UPDATE ON INF TREATY—IS IT UNRAVELING?

Mr. SYMMS. Mr. President, despite the fact that the Soviet Union continued to violate all existing arms control treaties, including the SALT I ABM Treaty and the SALT II Treaty, on May 27, 1988 the Senate gave its advice and consent for the President to ratify the INF Treaty. On June 1, 1988, Ronald Reagan ratified the treaty with Soviet leader Gorbachev in Moscow, and the treaty entered into force.

Thus the first anniversary of the U.S. Senate's advice and consent to ratify the INF Treaty was May 27, 1989, and June 1, 1989 was the first anniversary of the treaty's ratification and entry into force.

This INF Treaty update is presented in sober commemoration of the first anniversary of the unwise Senate vote on the ratification and entry into force of the treaty. This update suggests that the treaty is unraveling, due to increased, new United States intelligence evidence showing Soviet maintenance of covert INF missile forces, and to a proliferation of Soviet violations of the treaty all related to maintenance of these covert INF forces. The historical record of Soviet cheating on arms control treaties thus persists, even with Gorbachev's INF Treaty.

The January 25, 1988 memorandum to Republican Senators on the Senate Foreign Relations Committee from Senator HELMS on the INF Treaty addressed the fundamental question of whether the treaty decreased or increased the danger of nuclear war. The "Helms' INF Red Book" memorandum was organized around 10 INF issues. The following is a June 1989 analysis of each of these 10 INF issues, coming a year after the treaty's entry into force on June 1, 1988.

SUMMARY

In each of the 10 INF issues, the update analysis shows that almost 1½ years ago, Senator HELMS correctly predicted the negative effects of the treaty almost precisely:

Issue 1. The INF Treaty in fact weakened the NATO alliance, by deeply eroding Western nuclear deterrent capabilities.

Issue 2. The treaty indeed advanced the strategic offensive Ogarkov doctrine, by preserving and enhancing Soviet nuclear superiorities.

Issue 3. The U.S.S.R. has gained significant military advantages by cheating on the treaty, by means of their originally intended maintenance of covert SS-4, SS-20, SS-23, and SS-CX-4 GLCM INF missile forces probably numbering in the thousands of missiles and warheads; for example, the hard evidence of a covert SS-20 force reportedly has jumped from about 300 covert SS-20's to now about 1,600 covert SS-20's; and there is now reportedly also hard evidence of at least 12 of the previously undetected Soviet SS-CX-4 GLCM's, which are reportedly part of a covert force of up to 2,000 illegal SS-CX-4 GLCM's, together with evidence of reverse dismantling in the SS-23 and SS-20 forces.

Issue 4. The treaty missile dismantling requirements together with the reported extreme shortage of U.S. nuclear materials results in the unilateral destruction of about 931 U.S. INF nuclear warheads, but such U.S. unilateral warhead destruction is destabilizing. In contrast, the Soviets have probably retained and reused on non-INF missiles all 3,136 of their nuclear warheads on declared INF missiles; the treaty requires the destruction only of INF missiles; the Soviets have reportedly dismantled 51.2 percent of their INF missiles declared, but some could have been dummies or duds, while the United States has reportedly dismantled 38.3 percent of its INF missiles; the higher Soviet percentage of destruction is due largely to the fact that the Soviets were allowed to launch 100 SS-20 missiles to destruction, which is really 10 years worth of illegal troop training, while the United States had no similar right.

Issue 5. The Soviets were already confirmed by President Reagan to have clearly cheated on the INF

Treaty in five ways involving several hundred illegal incidents during the first 6 months of the treaty's entry into force, and also to originally have provided false missile dimensional data. There are now recent press reports that even before the early May Shevardnadze threat to violate the INF Treaty, the Soviets illegally stopped dismantling their SS-20 and SS-23 launchers, and that some SS-20 and SS-23 dismantling was even illegally reversed. There have also been press reports that the intelligence evidence of covert Soviet INF missile forces in all categories, numbering in the thousands of covert missiles, has recently been greatly strengthened.

Issue 6. Due to continually delayed U.S. deployment of new NTM systems still years away, and to an ineffective and at least 10 months late United States onsite x-ray system, the United States cannot even now effectively monitor or verify at all a key provision of the INF Treaty—the ban on further SS-20 production. A total of a year and a half thus will have gone by during which the United States could not verify at all whether the Soviets are continuing to illegally produce SS-20's banned by the treaty.

Issue 7. Continued Soviet aggression in the Third World—the Soviets persist in supplying arms to their satellite regimes in Afghanistan, Angola, Namibia, and Nicaragua—and violent Soviet suppression of religious, ethnic, national, and basic human rights in the U.S.S.R. proves that the Soviet Gulag police-state endures despite Gorbachev's new thinking.

Issue 8. The West is accelerating its trade, untied investment, and technology transfer help to the U.S.S.R., enabling it to become an economic superpower.

Issue 9. The cost of the INF Treaty to the United States is very large, because the United States was forced to abandon and destroy brand new INF missiles and support assets. In contrast, the Soviets are converting most of their INF facilities into supporting non-INF missiles.

Issue 10. The treaty did not result in the elimination of a whole class of nuclear weapons or missiles on both sides, the main objective of the treaty. The Soviets are reusing their INF warheads on non-INF missiles, and have also retained thousands of covert INF missiles and warheads.

A former top level United States military intelligence officer summarized the effect of the INF Treaty, when he stated privately last year that while the treaty destroyed the main American nuclear deterrent in NATO, it greatly accelerated the Soviet strategic missile modernization program.

In sum, Senator HELMS has been proven to have been correct about the dangers of the INF Treaty on each of the 10 issues, just as he has been proven correct earlier on the dangers to American national security of the fatally flawed SALT II Treaty and the self-defeating Panama Canal Treaty.

The INF Treaty must also be judged to be unsuccessful even by its proponents, who stated in their 1988 report:

> The success of the treaty will depend largely on whether it will lead to the conclusion of an all-encompassing agreement on strategic offensive arms.

A potential START Treaty is a long way from being ready to sign, partly because of verification concerns stemming from the same problem of Soviet covert missile forces we have experienced in the INF Treaty, and thus the INF Treaty is deemed unsuccessful even by its proponents.

INF TREATY UPDATE ANALYSIS

Issue 1. Relations with allies: Does the INF Treaty strengthen or weaken NATO?

American military leaders in NATO evidently believe that the INF Treaty has weakened NATO, because in the wake of the treaty's entry into force they are arguing that NATO's conventional forces must be strengthened, and that NATO's short range nuclear forces such as the Lance missile must also be modernized. Clearly, without the Pershing II's, NATO's nuclear deterrent has been severely weakened. Moreover, the FRG's resistance to Lance modernization and its insistence upon premature East-West negotiations on short range nuclear forces and a broadened and accelerated economic détente with the Soviet bloc have reawakened the long smoldering alliance defense burden sharing debate. Finally, the FRG is leading the efforts to severely restrict low-level military flight training and other types of military exercises, further weakening NATO's readiness.

Issue 2. Preparations for war: Is the INF Treaty a major step forward in the implementation of the Ogarkov doctrine that the Soviets can dominate Europe despite the danger of nuclear war?

The Soviet nuclear first strike threat to NATO has not decreased under the treaty, but has merely taken a different form, with SLCM's, theater SLBM's, medium bombers, and road mobile ICBM's replacing the SS-20's as the principal counterforce threat. For example, since the INF Treaty went into effect almost a year ago, the detected deployment of the variable range, road mobile SS-25 ICBM's has doubled, from about 100 to reportedly over about 200 launchers. If reload/refire missiles are taken into account, the SS-25 force has quadrupled.

While the Soviets have announced unilateral cuts in their armed forces of 500,000 men and 10,000 tanks, these cuts will be difficult to monitor and verify, and they could actually streamline and improve the efficiency and offensive capability of remaining Soviet conventional forces if they are mostly reductions in obsolete equipment.

Issue 3. Militarily significant advantages: Can the Soviet Union gain any militarily significant advantages by cheating on compliance with the treaty?

The main militarily significant advantage that the Soviets might gain by cheating on the treaty would be by maintaining a covert force of SS-20's and other INF missiles.

There is now new and even stronger evidence that the Soviets are maintaining a covert SS-20 force, as well as covert forces of other INF missiles, according to press reports.

Since the treaty entered into force, DIA has reportedly reanalyzed their evidence and methodology for estimating the number of existing SS-20's. DIA reportedly now believes that the Soviets produce a ratio of five missiles for every detected launcher. DIA now reportedly believes that about 2,250 SS-20's have been produced, rather than only 1,200. Thus the SS-20 force has almost doubled. Moreover, CIA reportedly now agrees with DIA on their estimative methodology and conclusion that about 4,000 SS-4's were produced, also doubling the SS-4 force previously estimated at 2,000.

In addition, according to several press reports, United States onsite inspectors discovered from their analysis of Soviet SS-CX-4 missile factory serial numbers that at least 12 more were produced than the 80 that the Soviets declared under the INF Treaty. Moreover, both DIA and CIA reportedly have estimated that about 2,000 SS-CX-4's were produced, a very significant covert force.

Finally, according to several press reports, several SS-20 canisters and TEL's have been detected by U.S. National Technical Means of verification, at nondeclared facilities. Moreover, in early May, United States onsite inspectors reportedly detected that the Soviets were rewelding parts cut off their SS-23 transporter erector launchers [TEL's], and refusing to cut off required parts of their SS-20 TEL's. Thus in early May 1989 the Soviets had reportedly stopped their compliance with important provisions of the treaty. This Soviet noncompliance thus came before Soviet Foreign Minister Schevardnadze's ominous threat to stop SS-23 dismantling, in violation of the treaty. The threat is all the more significant because the Soviets were already violating the INF Treaty by stopping their SS-23 and SS-20 dismantling.

Thus, according to press reports, since the treaty went into force, United States intelligence evidence for large Soviet covert forces of INF missiles has been strengthened significantly.

Moreover, an interesting Soviet statement on the issue of their covert INF forces was published shortly after the treaty entered into force. In early August 1988, an authoritative Soviet spokesman stated:

In March Helms decided to change tactics. In an effort to prove that the Soviet side was planning to "conceal" some of the missiles that were to be destroyed, he distributed a chart showing missile estimates from the State Department, the CIA, and the Defense Intelligence Agency to the members of the Foreign Relations Committee. The data conflicted and were also highly classified * * *."

This Soviet statement is interesting for several reasons.

First, the 1988 HELMS' chart showed estimates of a Soviet covert SS-20 force, not the concealment of SS-20's from within the 654 Soviet acknowledged SS-20 force that had to be destroyed under the treaty. Thus the covert SS-20 force issue appears to have been deliberately obfuscated in the Soviet statement.

Second, by stating incorrectly that the data were highly classified, the Soviets seem to be enhancing the credibility of the HELMS' chart. The Soviets almost always deny the truth when they are caught in arms control treaty deceptions or violations, and they almost always deny any wrongdoing. Thus finally, the Soviets further enhance the credibility of the Helms chart by failing to deny that they indeed do have a large covert force of SS-20s.

In this case, the Soviet failure to deny that they are maintaining a covert SS-20 force can be interpreted as evidence that such a covert force indeed exists.

Issue 4. Reduction of nuclear weapons: Does the INF Treaty meet the definition and destruction of nuclear weapons on both sides?

On the U.S. side, all the 931 INF nuclear warheads for the Pershing IIs, Pershing IAs, and the GLCMs are reportedly being destroyed, in order for their nuclear material to be reprocessed into new nuclear weapons. This is happening because the United States reportedly has an acute shortage of nuclear materials for weapons.

But in contrast, on the Soviet side, most if not all of their 3,136 INF warheads can easily be reused on other missiles which are not constrained by the Treaty, of which there are many being produced. There is reportedly also evidence that the Soviets are reusing their INF warheads intact. Thus the treaty has had a negative and one-sided effect, and because of U.S. unilateral disarmament it has decreased stability.

According to an unclassified report recently released by the Defense Department, during the past year the Soviets have dismantled 945 of their 1,846 INF missiles required to be eliminated under the treaty. Thus the Soviets have dismantled about 51.2 percent of their INF missiles. But some of those Soviet missiles reported to be dismantled may have been dummies or duds, because the United States has never been able to effectively check and identify missiles before destruction. For example the United States has never photographed an SS-20 missile to compare with and verify the Soviet-supplied SS-20 photograph, which many believed was a forgery. According to the same Defense Department report, the United States has dismantled 324 of its 846 INF missiles required to be eliminated under the treaty. Thus the United States has dismantled about 38.3 percent of its INF missiles. The DOD report does not reveal how many TEL's the Soviets have dismantled, perhaps because the Soviets have suspended and even reversed their TEL dismantling in some cases.

One reason that the Soviets have dismantled more missiles than the United States is the fact that they took advantage of the fact that the treaty allowed them the unilateral right to test launch to destruction 100 SS-20s, or about 10 years' worth of troop training firings.

Issue 5. Soviet record of cheating: Does the history of Soviet cheating on arms control treaties make it more likely or less likely that they will cheat on the INF Treaty?

In 1988, Senator HELMS predicted that the confirmed record of Soviet cheating on every other arms control treaty suggested that the Soviets would also cheat on the INF Treaty.

Senator HELMS was again proven correct. Then President Reagan formally reported the following five unqualified Soviet INF violations to the Congress on December 2, 1988, involving hundreds of illegal Soviet acts, only 6 months after the treaty entered into force:

INF Treaty issues have arisen for which the U.S. has made *noncompliance findings.* These include the following:

Since entry into force, the Soviets have conducted nearly 200 noncompliant transits of SS-20's on their launchers between missile operating bases (MOB's), missile/launcher repair facilities (MLRF's), and elimination facilities * * * it is clear that such transits constitute a *violation* of paragraph 8 of Article VIII of the Treaty.

Immediately after the INF Treaty's entry into force, the Soviets *were not in compliance* with Article IX requirements to list all TLI's and their locations in the data update to the MOU * * *.

In addition, *noncompliant* activities occurred with regard to: (1) un-notified movements of training launchers; (2) treaty-limited items at a facility declared ready for elimination; removal of SRM's from an elimination facility; and (3) Treaty-limited items at non-declared locations * * *.

A compliance-related question that also arose, but did not result in a conclusion of noncompliance, was Soviet failure to provide complete and accurate technical data in the MOU. The parties are obliged to present true and accurate data, both in the MOU and in all subsequent updates * * * they failed to provide true and accurate data in the MOU with regard to the existence of the short version of the SS-20 launch canister." (Emphasis added.)

These Presidential statements confirm that during the first 6 months of the treaty, the Soviets have already clearly cheated on the treaty in five ways, and also provided false data, just as Senator HELMS predicted.

In addition to these presidentially confirmed Soviet INF Treaty violations, as noted before, there are multiple press reports of several new Soviet violations:

First, several Soviet SS-20 canisters on transporter erector launchers under camouflage have reportedly been sighted by NTM's at nondeclared sites in the U.S.S.R. If confirmed, this would be another blatant INF violation.

Second, there are press reports that there is evidence from Soviet missile serial numbers seen by United States onsite inspectors that the Soviets have at least 12 more SS-CX-4 GLCM's than they declared. These extra SS-CX-4 GLCM's, out of 2,000 reportedly estimated to have been produced, are further evidence that the Soviets are maintaining illegal covert INF forces. This evidence is also consistent with the reported recent DIA-CIA estimate doubling the historical total of SS-4 missile production to 4,000 missiles, and the reported DIA estimate doubling SS-20 production to 2,250. Moreover, it has been reported in the press that the Soviets have erased all the serial numbers on their SS-20 force. The best explanation for this erasure of all SS-20 serial numbers is that the Soviets have something important to hide—the fact that they have kept a covert force of hundreds or even a thousand or more SS-20's that they do not want the United States to discover.

Third, there are press reports that the Soviets are not dismantling their SS-20 and SS-23 TEL's as is required by the treaty. These reports indicate that the Soviets are rewelding back on the parts they are required to cut off these TEL's. This, too, is a flagrant violation of the INF Treaty. Indeed, Soviet Foreign Minister Shevardnadze even threatened to stop dismantling their SS-23 TEL's as required by the INF Treaty, just after the Soviets were caught rewelding the cut parts back onto SS-23 TEL's. Thus the Soviets were caught violating the INF Treaty in this way even before the Soviet leadership threatened to do so.

Fourth, there are press reports that the Soviets are camouflaging illegally their SS-25 TEL's that have been subject to United States observation by NTM's six times each year. This is a flagrant violation if confirmed.

Fifth, there is a press report that several camouflaged Soviet SS-20 units that have eliminated their launchers and missiles have been sighted by NTM's undergoing covert missile training in the field. These reported NTM sightings of camouflaged missile training by former SS-20 units add to the evidence of the Soviet covert SS-20 force, and suggest that these units are part of the Soviet covert SS-20 force.

In sum, there are multiple press reports of increased evidence that the Soviets have retained covert INF missile forces, in serious violation of the INF Treaty, just as Senator HELMS predicted 1½ years ago.

Issue 6. Verification and compliance: Does the INF Treaty give us the ability to detect, inspect, and correct any violations of the treaty which occur on declared sites, or which occur elsewhere?

According to press reports, in February 1988, the chairman of the Senate Select Committee on Intelligence, Senator DAVID BOREN, proposed a package of U.S. intelligence satellite monitoring upgrades totaling about $3 billion a year for 5 years, or about $15 billion.

This package was designed to improve U.S. national technical means [NTM] capabilities to monitor the then proposed INF Treaty, and also a potential START Treaty. Several of the Indigo-Lacrosse all weather, around the clock, synthetic aperture radar monitoring satellites—reportedly first launched by the U.S. space shuttle in early 1989—were reportedly included in the proposed Boren package. Senator BOREN and then Senate Majority Leader BYRD told President Reagan that the Senate would not schedule consideration of advice and consent to the proposed INF Treaty, and might in addition oppose any potential START Treaty, until President Reagan agreed to fund the Boren INF/START NTM upgrade package.

Then President Reagan agreed to fund the Boren INF/START upgrade package, and the INF Treaty was cleared for consideration on the Senate floor in May 1988. Advice and consent was given by the Senate for the President to ratify the treaty on May 27, 1988, and the treaty entered into force on June 1, 1988.

But now, in the proposed fiscal year 1990 defense budget, President Bush has agreed to accept an as yet undetermined cut in defense spending. In anticipation of this defense cut, the Bush administration has reportedly reneged on the promised funding of much of the Boren NTM upgrade package.

The defense budget cut has reportedly forced the following: Delay in the initial operational capability of at least 5 years on all the new NTM satellites, from about 1995 to beyond 2000; and stretch out in the funding of the new satellites over 10 years, instead of the original five.

These reported actions have the effect of gutting the Boren INF/START NTM upgrade package. Thus it is apparent that the U.S. NTM upgrades needed to monitor and verify the INF Treaty do not now exist, and are not likely to be deployed for at least another 5 to 10 years.

There is yet another serious monitoring and verification problem with the INF Treaty. Under the terms of the treaty, the United States was supposed to be able to install an x-ray monitoring system at the Soviet Votkinsk missile factory portal, in order to be able to ascertain that no banned SS-20's were exiting the factory in the guise of similar but allowed SS-25's. The United States was supposed to be allowed to install this x-ray machine 6 months after entry into force of the treaty, or by December 1, 1988. During the ratification debate, this machine was correctly described as the keystone in the whole U.S. verification scheme for the treaty.

But now in June 1989, the x-ray machine is still not installed, largely because the Soviets are making additional demands in the terms of the memorandum of agreement for verification procedures even now still under negotiation. The earliest that the x-ray machine could be operational at Votkinsk is October or November 1989, according to the U.S. program manager, or almost a year late, and almost 1 year and 11 months after the treaty went into force.

Thus for the first year and 11 months of the treaty's entry into force, the Soviets could have been able to continue to produce banned SS-20 missiles, without the United States being able to verify that this production was not occurring. The Soviets therefore could have replaced by new production all of the 100 SS-20's they were allowed to eliminate through launch to destruction firings.

But even under the most optimistic United States objectives for the x-ray machine, once it is belatedly installed the United States will reportedly be able to detect Soviet cheating only three times out of four. Thus one time out of four Soviet cheating will go undetected. In addition, the data base for estimating this relatively low detection rate does not emphasize the most difficult but also most likely objects for detection—fiberglass cased second stages of missiles. Further, the estimated inaccuracy tolerances for missile stage length are reportedly at best 20 percent of length difference, and possibly 50 percent of diameter difference. These large detection degradation factors could reduce U.S. detection capabilities even further. Moreover, the effects of misalignment of the missile, canister, and railcar upon the x-ray detection accuracy have not even been measured. Finally, whether even these maximum but inadequate United States detection capabilities would provide a deterrent to Soviet cheating is arguable.

But beyond these inherent inaccuracies, there are at least two good Soviet cheating options. These Soviet cheating options are easy to execute, and they each have the inherent advantage of being very difficult to detect. There are no known U.S countermeasures being devised to cope with these cheating options. Thus the Soviets probably could easily continue to cheat on the INF Treaty constraints on production of banned SS-20 missiles, even with cargo scan belatedly installed.

In sum, even with United States onsite monitoring capability at the Soviet Votkinsk SS-20 factory, the United States may never be able to detect or prevent cheating. Moreover, even if the United States were to detect these cheating options, the Soviets know that they have yet to pay any penalty for their massive cheating on all existing arms control treaties.

Issue 7. Peace and freedom: Can the INF Treaty be viewed apart from the Soviet stand against religious rights and human freedom in the Soviet empire and throughout the world?

Soviet troops have shot and even gassed Soviet citizens recently in the Baltic states and throughout Soviet Asia, who were merely trying to achieve basic human rights. Despite Gorbachev's glasnost and perestroika reforms and so-called new thinking, the Soviet forced labor camps of the gulag remain in place, and Soviet proxies continue their wars against freedom in Afghanistan, Namibia, Angola, and Nicaragua, with continued Soviet supply of arms.

Issue 8. Economic benefits to the Soviet Union: Is it a collateral purpose of the INF Treaty, and follow-on arms treaties, to make it possible for the United States to help the Soviet Union become an economic superpower?

In late March 1989, a consortium of United States business firms announced the consummation of a multibillion dollar deal with the Soviet Union. Recently, the British have announced several billion dollar investment deals with the Soviets. These are but several of many such similar business deals in the offing, and these are dwarfed by other Western European and Japanese business deals, trade deals, and untied loans that are now in the offing with the Soviet Union. Thus the Soviets are already benefiting economically from the treaty.

Issue 9. Cost to United States: What is the cost to the U.S. taxpayer in terms of weapons destroyed, implementation of treaty actions, and redressing the conventional military balance in Europe?

The multibillion dollar cost of the treaty to the United States outlined in the Helms memorandum has yet to be analyzed by the executive branch, but it is clear that the costs are very large. For example, the United States has been forced to abandon completely brand new facilities just built for the GLCM in Sicily, Italy, because of the treaty. Indeed, all the U.S. Pershing II and GLCM missiles and facilities were newly built just before the treaty required their destruction.

In contrast, the Soviets seem to be converting most of the facilities for their banned INF missiles into facilities for other nonconstrained missiles.

Issue 10. Success of the negotiations: Does the text of the INF Treaty fulfill our negotiating goals and carry out the treaty's expressed intentions?

In sum, it is fair to conclude that the treaty has not resulted in its main goal—the total elimination of a whole class of nuclear missiles and weapons on both sides. Only on the United States side is a whole class of missiles and nuclear warheads being eliminated. On the Soviet side, they are reusing their 3,136 INF nuclear warheads on missiles not banned by the treaty, and they have kept thousands of covert INF missiles and their warheads.

COMPARATIVE INF MISSILE DATA—REFINING ARSENAL INVENTORIES

	Soviet MOU data—	
	December 1987 [1]	July 1988 [2]
SS–20	650	[3] 654
SS–4	170	[4] 149
SS–5	6	[5] 6
SS–12	726	[4] 718
SS–23	200	[3] 239
SS–CX–4	80	[5] 80
Total	1,832	[3] 1,846
Pershing II	[6] 247	[4] [7] 234
GLCM's	[6] 442	[5] [7] 443
Pershing IA	[6] 170	[4] [7] 169
FRG PIA's	[6] 72	[5] [7] 72
Total	931	[4] [7] 918

[1] SFRC majority report of April 1988; data extrapolated from Soviet MOU data of December 1987.
[2] Unclassified executive branch data extrapolated from Soviet MOU data of July 1988.
[3] Increase.
[4] Decrease.
[5] Same.
[6] United States December 1987 data.
[7] United States July 1988 data.

The United States has slightly decreased its numbers of declared missiles, between the INF Treaty memorandum of understanding on data exchanged at the time of treaty signing in December 1987, and the treaty MOU on data exchanged in July 1988, just after the treaty entered into force. This slight decrease in U.S. missile numbers of 13 missiles suggests a U.S. refinement of arsenal inventories. The increase in the Soviet number by 14 missiles also suggests a refinement of arsenal inventories.

According to press reports, out of the 1,846 INF missiles that the Soviets are required to dismantle under the treaty, they have done the following:

First, eliminated only 192 SS–20's out of the 654 SS–20's declared, but there is hard evidence of a covert force of over 1,600 more SS–20's; the Soviets may be deliberately stalling on their SS–20 elimination, in order to maintain diplomatic leverage;

Second, eliminated 600 SS–12's out of the 718 SS–12's declared;

Third, eliminated none of their 239 SS–23's—the Soviets were very reluctant to include these missiles in the INF Treaty in the first place, and they have reneged on their destruction in violation of the treaty;

Fourth, eliminated 72 SS–4's out of the 149 SS–4's declared, but about 4,000 SS–4's were estimated to have been produced since 1954 and thousands cannot be accounted for:

Fifth, eliminated one out of the six SS–5's declared; and

Sixth, eliminated all 80 of the SS–CX–4's declared, but there is hard evidence of at least 12 more out an estimated covert force of about 2,000.

CONCLUSION: SOVIET INF COVERT MOBILE MISSILE FORCES SHOW THAT A START TREATY ALLOWING MOBILE ICBM'S WILL BE IMPOSSIBLE TO VERIFY

Mr. President, it is a well-known fact that any limits on the deployment of the Soviet SS–24 and SS–25 mobile ICBM's, under the START Treaty now being negotiated, cannot be verified at all. Even the CIA, which so often exaggerates its own ability to monitor arms control treaties, reportedly recognizes that any START constraints on the Soviet mobile ICBM's that allow some deployment will be impossible to verify. The only hope in verifying mobile ICBM's under START is to completely ban them. But even complete bans on mobile missiles, as were negotiated in the INF Treaty, are not easy to verify, as we have seen with the accumulation of increased evidence of Soviet convert INF forces in violation of the INF Treaty. So we must conclude that even a complete ban on mobile ICBM's, the current U.S. START proposal, will entail large verification uncertainties.

On June 16, 1989, a senior Defense Department official made the following statements about START verification problems in general, and whether mobile ICBM constraints or bans in a START Treaty could be verified:

One of the things the [Bush Administration strategic] review has made clear is that even on the numbers of elements where we have achieved maybe a surprising degree of agreement with the Soviets, there are some very big verification problems that we can see already . . . I think one of the biggest questions this [START] Treaty's going to confront when it goes up for ratification is not about the basic strategic soundness of the framework, but rather about whether we can in fact verify what we've [agreed to] . . . we're into tougher problems than we've ever had to verify before . . . under present arrangements [there is] a rather large uncertainty as to how many [mobile ICBMs] they have . . . there are major verification problems in the agreed elements of this Treaty.

These statements all suggest that the proposed START Treaty's verification problems will become the critic's biggest issue.

In my April 1, 1988 minority views on the INF Treaty, I answered the central question of the verifiability of the INF Treaty as follows:

The Soviets have probably already made the calculation that covert SS–20 force is both militarily useful to them, and poses no political risk even if detected. An SS–20 covert force probably exists, and it could be maintained, and the Soviets could cheat without detection, without our ability to enforce their compliance, for a significant military and political advantage. The ten year covert deployment of 50 to 200 SS–16 mobile ICBMs, without flight-testing, is a good precedent of what the Soviets probably intend to do under the INF Treaty.

I believe that increased evidence of covert INF forces have proven the accuracy of my assessment. We do not have enough evidence of Soviet convert INF missile forces to confirm that they exist. We will need another special closed session of the Senate to inform Senators of the details of this new evidence.

HOSTILE BUT SOPHISTICATED SOVIET ANALYSIS OF THE U.S. SENATE'S INF TREATY RATIFICATION DEBATE

Mr. President, May 27, 1989, was the first anniversary of the Senate's advice and consent to the President's ratification of the INF Treaty, and June 1, 1989, was the first anniversary of the treaty's ratification and entry into force. In commemoration of this dangerous though historic event, I also wish to bring to the Senate's attention an important Soviet analysis of the U.S. Senate's ratification debate.

On August 8, 1988, the open, unclassified journal of the Soviet Institute for the Study of the U.S.A. and Canada (IUSAC), entitled SSHA: Ekonomika, Politika, Ideologiya, published a very interesting article called "The Pace of the Senate and the Speed of History." The article was signed to press on July 22, 1988.

This open-source Soviet article was published in Russian, and was translated into English by the U.S. Government on January 19, 1989. The author was Yu. A. Ivanov, a candidate of historical sciences and sector chief at the IUSAC. The unclassified Soviet article was about the U.S. Senate INF Treaty ratification debate.

I have several comments on this interesting though pro-INF Soviet commentary on the INF Treaty.

First, Soviet author Ivanov erroneously claims that the INF Treaty reduced nuclear weapons. It is a fact, however, that the INF Treaty did not actually reduce nuclear weapons, be-

cause despite the reported U.S. destruction and reprocessing of its INF nuclear weapons, on the Soviet side intermediate range nuclear weapons are probably reused on other missiles and continue to increase:

Second, I agree with Soviet commentator Ivanov that:

. . . J. Helms (North Carolina), M. Wallop (Wyoming), S. Symms (Idaho), and others—had what [Senator] Dole described as 'definite feelings about some aspects of the Treaty.' . . . Although they [the U.S. Senate opponents of the INF Treaty] failed, the nature of the debates, the methods to which the conservatives resorted, and the entire struggle over the treaty seem quite edifying. . . .

Indeed, the opponent's debates were quite edifying. Many Senators were impressed by the seriousness and correctness of the opponents arguments, and learned a great deal about the nature of the Soviet threat during the debates.

Third, I also agree with the article's statement that:

The [INF] Treaty's opponents were few in number but they were extremely active.

I would add that the few opponents were also highly effective in their opposition.

Moreover, I also partially agree with the additional Soviet statement:

Although the inveterate opponents of the treaty realized that they were not strong enough to sabotage its approval, they continued to prolong the debates with the aid of procedural loopholes, rumors, and outright slander.

It is indeed true that the Senate opponents of the INF Treaty did oppose the treaty by means of procedural devices, but use of parliamentary rules to advance a point of view or an argument is a natural part of parliamentary democracy. The opponents never resorted to "rumors" and "slander" to attack the treaty. Instead, treaty opponents used bona fide arguments and analyses to attack the treaty.

Finally, I strongly disagree with the article's anti-democratic conclusion that: "The cost of parliamentary democracy seems too high—a handful of opponents of a historic agreement can cause as many delays as they want in the work of the legislative body."

The anti-democratic Russian author seems not to understand that slow but deliberate debate is the essence and even the virtue of parliamentary democracy, because all sides of an argument are given a chance to be expressed and heard. History is gradually proving that the opponents of the INF Treaty were correct in their arguments.

In sum, while in many ways hostile and misguided, this interesting Soviet article at least demonstrates a sophisticated understanding of the U.S. constitutional treaty-making powers, the rules and procedures of the U.S. Senate regarding treaties, and a perceptive grasp of the political forces involved in the Senate's debate on the INF Treaty. The article also shows a grudging Soviet respect for the American opponents of the INF Treaty. While I do not agree at all with the pro-INF Treaty or the anti-democratic thrusts of the article, I do congratulate Mr. Ivanov for the quality of his scholarship, research, procedural understanding, and analysis.

Mr. President, I ask unanimous consent that this important and unclassified Soviet article be printed in the RECORD, so that my colleagues may have the benefit of reading this insightful, albeit hostile, interpretation of an important event in the Senate's history.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROCESS OF U.S. SENATE RATIFICATION OF INF TREATY DETAILED

[Article by Yu. A. Ivanov, candidate of historical sciences and sector chief at Institute of U.S. and Canadian Studies: "The Pace of the Senate and the Speed of History"]

[Text] The era of nuclear disarmament began when the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (INF) went into effect on 1 June 1988 after the exchange of ratification documents at the Moscow summit meeting. The conclusion of the treaty last December was one of the most important events in world history in recent decades. The journey to the treaty was a long and difficult one, requiring considerable effort on the part of both states and their allies.

After the treaty was signed, it took more than 4 months before it was ratified and became law.

In the United States the main event, took place in the Senate and its committees, where rabid opponents of arms limitation and reduction and of the entire process of normalization of Soviet-American relations concentrated on sabotaging the ratification of the treaty. Although they failed, the nature of the debates, the methods to which the conservatives resorted, and the entire struggle over the treaty seem quite edifying. Now new steps must be taken along the road to a nuclear-free world, a world without wars or violence. This means that the struggle is not over, and the experience accumulated thus far requires analysis and clarification.

There are significant differences between the two countries in the constitutional role of legislative bodies in the ratification of international treaties and in the machinery for this kind of decisionmaking.

In the Soviet Union the government submits an international treaty to the USSR Supreme Soviet Presidium for consideration. The presidium then requests the foreign affairs commissions of the Council of the Union and the Council of Nationalities to review the treaty. The INF Treaty was analyzed scrupulously and thoroughly by these commissions; a working preparatory commission was then formed for a more detailed analysis. The opinions of experts, scholars, and representatives of ministries and departments, the parliaments of the GDR and CSSR, and the Soviet and foreign public were voiced at joint sessions of the two commissions and in the preparatory commission. The INF Treaty was ratified on 28 May 1988 by an ukase of the USSR Supreme Soviet Presidium in accordance with its constitutional prerogative.

According to the Constitution of the United States, the president "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur." In practical terms this means that the treaty ratification process consists of two stages: During the first the Senate decides whether or not it will consent to the proposed treaty, and during the second, by and with the Senate's "advice and consent," the president ratifies the treaty in accordance with his constitutional prerogative. In other words, even by and with the "advice and consent" of the Senate, the president retains the power to decide if and when a treaty should be ratified.

The discussion of the treaty in the Senate is preceded by its consideration by one or several committees. An important feature of the ratification process in the Senate is this body's power to not only register approval or disapproval of the treaty as a whole but also to make it conditional upon various amendments, reservations, or interpretations. When the reservations are included in the resolution of approval, they are binding only on the American side, but amendments to the text of the international agreement can make it completely unacceptable to the other side. In American political terminology these are known as "killer amendments." Is there any need to speak of how dangerous the attempt to impose these kinds of amendments on Soviet-American agreements can be in the sphere of disarmament, where each word and each number are carefully calculated to preserve the balance of mutual interests?

Within the first days after the signing of the INF Treaty, it was clear that the overwhelming majority of senators had positive feelings about the document as a whole. The leader of the Democratic majority, R. Byrd (West Virginia), said: "I hope we will realize how positive this treaty is." The leader of the Republicans in the Senate, R. Dole (Kansas), stressed: "I have not heard a single senator oppose the treaty or say he will vote against it. This does not mean that no one will want to object to it during the discussion of the document."

It was precisely in the Republican faction of the Senate that there was no unanimity on this matter. Some senators on the extreme right—J. Helms (North Carolina), M. Wallop (Wyoming), S. Symms (Idaho), and others—had what Dole described as "definite feelings about some aspects of the treaty." Were these definite feelings not objections? It is indicative that even the leader of the Republicans, who had entered the race for the presidential nomination and was busy campaigning, was wary of expressing unconditional support for the treaty in the first days after its signing. It was not until 17 December that Dole finally declared his views at the insistence of his campaign managers and under pressure from the White House: "I definitely support the treaty. I told the President that I support the treaty." [1]

The Republican leaders in the Senate tried to urge the conservative extremists to display loyalty to the general party line. In December a Republican coordinating group

Footnotes at end of article.

was formed, consisting of 11 senators, including conservatives. As later events indicated, however, this goal was not attained.

It was a paradoxical situation: The Republican President had to rely on the Democrats to win the consent of the Senate, and not only because they held the majority there, but also because their support for the treaty was more consistent. . . . Democratic leader R. Byrd expressed the hope that the treaty would be approved by the middle of April. As soon as the treaty had been signed, the majority leaders formed their own coordinating group for preparations for its discussion. The group consisted of R. Byrd and the chairmen of the three committees slated to consider the treaty: the committees on foreign relations (C. Pell, Rhode Island), on the armed services (S. Nunn, Georgia), and on intelligence (D. Boren, Oklahoma).

There was one important factor, however, that complicated the relations between the administration and the Democratic majority in the Senate. Ever since the administration had decided to step up the work on the SDI program, it had insisted on a "broad" interpretation of the 1972 Soviet-American ABM Treaty, and the majority of Democrats in the Senate had vehement objections to this. We should recall that in March 1987 Senator Nunn shattered all the administration's arguments in three lengthy speeches [2], and the matter then reached the point of a constitutional crisis. The Democrats insisted that the executive branch did not have the power to change the interpretation of the treaty in the form in which it was approved by the Senate without the Senate's consent, but the administration disagreed. The Democrats made several attempts to reinforce their position by legislative means. On 1 September 1987, long before the INF Treaty was signed, Senator Nunn sent President Reagan a letter to inform him that the administration's position on the possibility of reinterpreting treaties approved by the Senate "will have serious implications for the Senate's work in the ratification of all future treaties, including the possible treaty on intermediate-range nuclear forces." In this way, the White House was warned that the discussion of an INF treaty would demand executive concessions in the constitutional disagreement over the power to interpret treaties.

In December and early January the Reagan Administration made a massive effort to neutralize the group of conservative extremists in the Senate. The President met with them several times to convince them of the need to uphold party solidarity. It appeared, however, that the President's remonstrations were having no effect on the inveterate opponents of the INF Treaty: The press constantly reported their false statements and attacks on the treaty. Conservative organizations flooded the senators with letters and petitions and launched a lobbying campaign.

The leaders of the Democratic faction attached great significance to a trip taken by an influential senator from their party, J. Biden (Delaware), in January at the request of the chairman of the Senate Foreign Relations Committee. Biden met and spoke with the leaders of the FRG, France, and England and with influential West European politicians. He returned to the United States convinced that the United States' allies were unanimous in their opinion that the INF Treaty should be ratified as quickly as possible and without any changes. Prime Minister M. Thatcher of Great Britain told him that "if the U.S. Senate does propose a 'killer amendment' to the treaty, it will be a disaster for NATO."

The position taken by the United States' West European allies undermined the arguments of the treaty's opponents and aided considerably in its approval. Senator D. Quayle (Republican, Indiana) summed up the situation: "even if the Senate votes against the treaty, political realities will demand the withdrawal of the missiles anyway." [3]

At that time the Reagan Administration was conducting thorough preparations for the upcoming debates in the Senate. A special group of 20 State Department staffers was formed to plan tactics: How could the Senate be prevented from making any changes in the treaty? The group worked in close contact with two other groups, headed by White House Chief of Staff H. Baker and National Security Adviser C. Powell. Members of the administration kept Senate staffers informed of all new developments and prepared the testimony of witnesses representing the administration and other materials and documents.

In the morning of 25 January 1988 a White House courier handed the secretary of the Senate a thick package containing the texts of the INF Treaty and the documents connected with its, as well as other documents, including a detailed analysis of the agreement by administration experts. The treaty was officially submitted to the Senate. In a letter accompanying the treaty, Ronald Reagan wrote: "I believe that this treaty is in the best interest of the United States and will be an important step in arms reduction and will strengthen the security of the United States and its allies. For this reason, I ask the Senate to offer its advice and to consent to its ratification."

According to the usual procedure in the Senate, the preliminary examination of all international treaties is one of the prerogatives of the Foreign Relations Committee. Treaties are not discussed by the full Senate until this committee has made its report. If a treaty pertains to other matters within the competence of other Senate committees, these might also be involved in its preliminary discussion. In this case, these committees hold their own hearings on the treaty and then present their reports to the Foreign Relations Committee.

This was the procedure in the Senate during the discussion of the INF Treaty. It was to be discussed first by the Committee on the Armed Services, which would concentrate on the military aspects of the treaty, and by the Select Committee on Intelligence, which was supposed to study the reliability of the verification system in the treaty in depth. In this case the procedure was not superfluous even for the supporters of the agreement—for political reasons. It was a presidential election year, and the White House wanted to include the treaty among the assets of the Republican Party, while the Democratic leaders in the Senate were making a massive effort to underscore their party's role in the discussion and approval of the treaty.

Evaluating the prospects for the discussion of the INF Treaty before the committees went to work, Senate Majority Whip A. Cranston, the experienced and influential Democratic politician from California, said: "I believe that we will almost certainly be able to reject any amendment designed to bury the treaty. I am certain that it will be approved by the Senate. The main thing we have to watch out for now is the attempt to attach amendments, reservations, or interpretations to the treaty that will make strategic arms reduction talks difficult, if not impossible."

The hearings before the two committees began on the same day that the treaty was officially submitted to the Senate. When the hearings in the Foreign Relations Committee started, Chairman C. Pell said that he regarded the treaty as "the first step in the efforts to reverse the nuclear arms race." He stressed that the treaty "has won the support of the American people." At the first meeting the committee was addressed by Secretary of State G. Shultz and heard a statement by Republican leader R. Dole, who requested the committee to recommend Senate approval of the document.

The first speakers to address the Committee on the Armed Services were Secretary of Defense F. Carlucci and Admiral W. Crowe, the chairman of the Joint Chiefs of Staff. Both made definite statements in favor of the approval of the treaty—and both reported plans for the modernization of NATO nuclear arms.

Senator Helms launched an attack on the treaty at the first meeting of the Foreign Relations Committee. He was the acknowledged leader of the agreement's opponents on that day and throughout the period of discussion in the Senate. He distributed a memorandum to the Republican senators on the Foreign Relations Committee. In this 180-page document, the senator argued that the treaty "would not lead to any reduction in nuclear arms," because "neither side has to destroy its nuclear warheads." He also asserted that the treaty was not verifiable and then took this opportunity to heap accusations on the USSR, ranging from its alleged constant "non-observance" of treaties to the "Soviet position on religious rights and civil liberties."

The treaty's opponents were few in number but they were extremely active. They used every opportunity to prolong the discussion of the document. In February the same Helms dreamed up a new condition: The United States should have the right to conduct inspections . . . in Cuba. He used the excuse that the United States "could not know of the existence of missiles and warheads of this kind there." Conservative preacher P. Robertson, another contender for the presidential nomination, picked up the ball and ran farther with it: He asserted that Soviet intermediate-range missiles were most probably deployed in Cuba. The White House and the Pentagon had to issue resolute denials.[4]

In March Helms decided to change tactics. In an effort to prove that the Soviet side was planning to "conceal" some of the missiles that were to be destroyed, he distributed a chart showing missile estimates from the State Department, the CIA, and the Defense Intelligence Agency to the members of the Foreign Relations Committee. The data conflicted and were also highly classified, and for this reason the chart was quickly retrieved. Helms insisted that he had cited previously published data. It turned out that they had been published, but the person who had supplied the newspapers with the information was . . . Helms' top aide, prominent conservative D. Sullivan, who had once worked for the CIA and other government agencies.[5]

Although the inveterate opponents of the treaty realized that they were not strong enough to sabotage its approval, they continued to prolong the debates with the aid of procedural loopholes, rumors, and out-

right slander. They were trying to prolong the approval process as much as possible in order to prevent the exchange of ratification documents at the summit meeting in Moscow and to undermine the strategic offensive arms reduction talks as much as possible.

Intensive hearings in all three Senate committees continued until the end of March. Current and former administration staffers, experts (both supporters and opponents of the treaty), and other witnesses spoke at 72 sessions. The main thing was that all of the "killer amendments" introduced by the treaty's opponents were rejected by a significant majority.

All of the hearings before the Senate Select Committee on Intelligence were closed. On 22 March the committee's unanimous conclusions were submitted to the Foreign Relations Committee. The chairman of the select committee, D. Boren, conceded that the current capabilities of American intelligence would secure a "quite satisfactory" level of verification of the INF Treaty. At the same time, both Boren and the vice chairman of the committee, Republican Senator W. Cohen (Maine), insisted that if a new Soviet-American agreement should be concluded on strategic offensive arms, the capabilities of American technical intelligence would be insufficient for the verification of both agreements.[6] The motives behind these statements became apparent later, when the American press reported that the Senate Committee on Intelligence had used the discussion of the INF Treaty as an opportunity to exert pressure on the administration in order to gain its approval of the program for the development of the latest spy satellite, the Indigo-Lacrosse, with an estimated cost of from 6 billion to 12 billion dollars.[7]

The next day, on 23 March, the Senate Committee on the Armed Services recommended the approval of the INF Treaty by a vote of 18 to 2. Only Senators G. Humphrey (Republican, New Hampshire) and the previously mentioned S. Symms voted against it. In addition, however, the committee asked the administration to clarify several matters before the discussion of the treaty by the full Senate. In particular, the committee wanted to know whether the treaty would prohibit "futuristic" systems of intermediate- and shorter-range weapons—i.e., systems which do not exist now but might be developed in the future. The systems in question here were ones using laser, particle-beam, and microwave components.

After receiving the reports of the committees on the armed services and on intelligence, the Foreign Relations Committee began drafting a Senate "advice and consent" resolution on the ratification of the INF Treaty. The resolution was approved by the committee on 30 March by a vote of 17 to 2—Helms and L. Pressler (Republican, South Dakota).

The Democrats were able, however, to include a reservation in the draft reflecting their position on the U.S. administration's claims to the right to change the interpretation of treaties. The reservation was proposed by Senator J. Biden and was then modified slightly by A. Cranston. Referring to constitutional provisions, the amendment stipulated that "the United States will interpret this treaty in accordance with the common understanding of the treaty by the administration and the Senate at the time of the Senate's consent to its ratification," "will not consent to an interpretation differing from this common understanding, and will not recognize this kind of interpretation without the consent and recommendations of the Senate."

The fact that two Republican senators—J. Helms and F. Murkowski (Alaska)—voted for this reservation along with the Democrats can be described as one of the frequent paradoxes in the Senate. It is probable that the motive in this case was not their concern about constitutional proprieties, but the possibility of creating another obstacle to block the approval of the treaty.

The administration had vehement objections to this reservation. When White House Counsel A. Culvahouse addressed the Foreign Relations Committee, he called it an "unprecedented usurpation of the power to make treaties."[8] The administration's supporters in the Senate also railed against the reservation. Senator R. Lugar (Republican, Indiana) predicted a "battle" over this matter, and Senator R. Boschwitz (Republican, Minnesota) voted for the draft resolution in the committee but then threatened to change his mind.

The final report of the Senate Foreign Relations Committee, summarizing the results of the hearings in the committees (according to procedure, it is submitted to the Senate along with the draft resolution on "advice and consent"), was distributed on 18 April. It recommended Senate consent to the ratification of the INF Treaty "on the conditions stipulated in this report and in the resolution on ratification." This was a reference to the Biden-Cranston reservation. Because the treaty reduces nuclear arms "only slightly," the report stressed, "the significance of the INF Treaty is mainly political rather than military." It went on to say: "The success of the treaty will depend largely on whether it will lead to the conclusion of an all-encompassing agreement on strategic offensive arms," because in the absence of this kind of agreement, it "could lose its significance if new strategic weapons lead to the augmentation of the size and force of stockpiles." In the section of the report on missiles equipped with "weapons of the future," the committee requested the administration to "work through diplomatic channels for the Soviet Union's unequivocal affirmation that future weapons will be covered by the INF Treaty.

Judging by all indications, the Senate was ready to begin the discussion of the treaty. Because of the week-long recess at the beginning of May, the debates were expected to start on 9 May. It is indicative that support for the treaty was expressed by the House of Representatives, which has no constitutional prerogative to participate in the process of the approval of treaties. When a vote was held on 19 April, 393 of its members voted for the INF Treaty, and only 7 voted against it. The symbolic vote was deliberately held before the discussion in the Senate.

During these weeks, however, the issue of "weapons of the future" in connection with the treaty was exaggerated in the Senate and in the American press to the extreme. Former Secretary of Defense C. Weinberger and former Director of the Arms Control and Disarmament Agency K. Adelman sent letters to Congress to inform it that the issue of "weapons of the future" was never discussed at Soviet-American talks; the administration did not deny this, but it did stress that there were no differences of opinion between the Soviet and American sides in this area: These weapons would be banned. Nevertheless, Senators D. Quayle, W. Cohen, B. Bradley (Democrat, New Jersey), and P. Gramm (Republican, Texas) brought the issue up several times. Chairman D. Boren of the Committee on Intelligence announced that his committee might have to hold additional hearings on this matter.

At this time, Chairman S. Nunn of the Senate Committee on the Armed Services informed journalists that the treaty might require an amendment on "weapons of the future." "We need a precise text signed by both sides," he said.[9] It is true that Nunn changed his mind 2 days later and announced that if the administration could get a precise document on this matter from the Soviet side, no amendment would be necessary.

Time was passing inexorably, there was only a month left before the Moscow summit meeting, and the procedure of Senate approval of the treaty was clearly taking too long. Senate leaders were not doing anything to speed up the process either. Democratic Majority Leader R. Byrd remarked: "The White House will have to wait, it seems to me, until we are certain that all obstacles can be surmounted." Republican leader R. Dole, however, was vigorously promoting the quickest possible discussion of the treaty. Another Republican, Senator R. Kasten (Wisconsin), said in one of the subcommittees of the Senate Committee on Appropriations: "It seems to me that the hearings are taking too long. Everyone knows what the crux of the problem is. I think we should conclude the discussion and make a decision by the time the President leaves for the summit meeting." Kasten clearly hinted that the party concerns of the Democratic leaders were one of the reasons for the delay.

At the end of April the senators learned that the details of the treaty verification procedure had given rise to certain differences of opinion when they were discussed by the Soviet and American sides at the preparatory talks: now these technical problems were also exaggerated beyond measure. There was even some talk about the Soviet Union's alleged "questioning" of the provisions of the treaty. The people who said this completely ignored the fact that the Soviet side had also expressed its concern about several matters at these talks. . . .

On 9 May the administration and the leaders of both factions in the Senate agreed to postpone the discussion of the INF Treaty. Senator Byrd said: "it is clear that the problems which came up earlier have not been solved, and new ones have also come to light." Byrd and Dole expressed the hope that all differences of opinion might be resolved at the upcoming meeting between Secretary of State G. Shultz and USSR Minister of Foreign Affairs E.A. Shevardnadze on 11-12 May.

The meeting justified these hopes. Two Soviet-American documents were signed in Geneva to eliminate the difficulties and misunderstandings connected with the INF Treaty. Shultz said: "We reached completely satisfactory agreements on all of these matters."[10] C. Powell returned to Washington right away and held a confidential briefing on the agreements for congressional leaders and committee chairmen.

Hearings on the results of the talks in Geneva were held in all three of the committees reviewing the treaty on 16 May, and R. Byrd announced that debates by the full

Senate would begin the next day. The first meeting, which took place after lunch, was essentially procedural: The clerk started reading the text of the treaty, but even this formality had to be interrupted when there was no quorum by six o'clock.

The procedure of the discussion of treaties in the Senate consists of two stages: First the test of the document and the amendments to it is discussed, and then the text of the resolution of approval, which can also be amended, is debated. The conservative opponents of the treaty began introducing amendments to the text right away for the purpose of prolonging the discussion. Then J. Helms announced that he would not support the treaty even if he should be the only senator voting against it.

There was a veritable flood of amendments. The conservatives alleged that the treaty was not binding on the Soviet Union. They demanded that the enactment of the treaty be linked with the administration's assurances that the USSR would observe earlier agreements in this area. They proposed the postponement of the enactment of the treaty until NATO had built up its reserves of fuel and ammunition—and much more in the same vein. All of these amendments were rejected by the Senate, and by a significant majority, but they took up a great deal of time. Helms also resorted to procedural ruses: He would announce that he had amendments and would then refuse to indroduce them, he would block attempts to close the debates, etc. As a result, the discussion of the treaty proceeded at what the The Washington Post described as "a snail's pace."

The second week of debates began, but the Senate still could not climb out of the morass of amendments. In an interveiw on the CBS television network, D. Bumpers (Democrat, Arkansas) said: "The treaty will be approved by the Senate. The only question is whether it will be approved before the summit meeting or after it. I think that the opponents of the treaty believe that if it is approved by the Senate before the meeting, it will be a success, and they do not want a successful summit meeting."

On 24 May, the day before Reagan left for Europe, R. Byrd and R. Dole had a meeting with the President, who was quite disturbed by the course of events in the Senate. After this, Byrd proposed the limitation of the debates to 30 hours. The approval of the resolution would take 60 votes, and the results of all previous votes indicated that this majority would be easy to obtain, but according to procedure, the proposal could not be put to a vote until 26 May.

The President left for Europe without waiting for the vote on the treaty, but on the same day, 25 May, the Senate leaders finally prevailed over J. Helms, and he gave up his obstructionist behavior. This was apparently a result of the threat of a vote on the limitation of the debates and the completely obvious futility of any further contention.

The Senate finally began discussing the resolution of approval. After the Foreign Relations Committee had included the abovementioned statement about the obligatory common interpretation of the treaty by the Senate and the administration in the draft resolution, some of the supporters of the SDI in the Senate began threatening to vote against the resolution in this form. During all of the time the Senate was trying to surmount the obstructionist tactics of the conservatives, a vigorous search was going on behind the scenes for a compromise on this matter. The compromise amendment R. Byrd introduced on 26 May was approved by a vote of 72 to 27. It was "intended to clarify and reinforce the Senate's role in the interpretation of this treaty," Byrd said. "The amendment was supposed to make it absolutely clear that the common understanding reached by the executive branch and the Senate would be binding for the current President and all future presidents."

The amendment concerning "weapons of the future" and the verification of the treaty was approved unanimously (96 votes "for").

The last and deciding vote on the INF Treaty was held in the evening of 27 May. The treaty won the "advice and consent" of the Senate by an overwhelming majority—93 to 5 (four Republicans—J. Helms, G. Humphrey, S. Symms, and M. Wallop—and one Democrat—E. Hollings (South Carolina). When the results of the vote were announced, something extraordinary happened: The senators and all of the other people present in the room applauded the historic decision. For the first time in 16 years the Senate had approved a Soviet-American agreement on disarmament.

Senate leaders immediately telephoned Ronald Reagan in Finland to inform him of the decision. The Senate resolution was delivered to Moscow by White House Chief of Staff H. Baker, who had been waiting for it in Washington. Ratification documents were exchanged during the Moscow summit meeting. On that day the INF Treaty, the first treaty on nuclear arms reduction in history, went into effect.

When the Senate was just beginning the discussion of the INF Treaty, a New York Times editorial said: "This test of strength will tell who will determine the future of Soviet-American relations. Will it be the advocates of the hard line, who would doom the West to endless, hopeless, costly, and potentially dangerous rivalry with Moscow? Or will it be a bipartisan coalition willing to investigate the possibilities for the use of less dangerous forms of rivalry?" [11] The impressive majority by which the treaty was approved in the Senate is clear testimony in favor of the latter conjecture.

It is disturbing, however, that the legislators took more than 4 months to discuss the treaty in the Senate. Furthermore, obstructionist tactics threatened to cause even more delays, and the situation was only saved by the reluctance to undermine the President's position at the summit meeting and by concern about the United States' international prestige. There is no question that the thorough discussion of agreements of this kind by the legislative bodies of both countries is absolutely necessary, but goodwill is also important: Agreements on details of a technical nature can be reached much more quickly and simply. . . .

The cost of parliamentary democracy seems too high: A handful of opponents of a historic agreement can cause as many delays as they want in the work of the legislative body. A negative role was also played by inter-party differences of opinion, which are more pronounced in presidential election years, and by the rivalry between the White House and the Capitol, which is trying to consolidate its more active role in foreign policy.

The new foreign policy thinking is finding its way into the hearts and minds of people throughout the world. The idea of the gradual elimination of the threat of mutual nuclear annihilation, an idea set forth by our country, is winning more and more support. It is in this direction that the USSR and the United States will have to take many resolute steps, and none of them will be easy. They will be necessary, however, and speed will be of the essence.

When we examine the discussion of the INF Treaty in the Senate in this context, we might wonder whether the Senate is keeping pace with history. Traditions are a good thing, but they can sometimes conflict with progression toward a safe world.

FOOTNOTES

[1] The New York Times, 18 December 1987.
[2] Congressional Record, 11 March 1987, pp. S2967-2986; 12 March 1987, pp. S3070-3145; 13 March 1987, pp. S3171-3173.
[3] The New York Times, 24 January 1988.
[4] Ibid., 26 February 1988.
[5] Time, 23 May 1988, p. 23.
[6] The New York Times, 23 March 1988.
[7] The Washington Post, 6 April 1988.
[8] International Herald Tribune, 31 March 1988.
[9] The New York Times, 20 April 1988.
[10] International Herald Tribune, 13 May 1988.
[11] The New York Times, 25 January 1988.

Mr. SYMMS. In conclusion, Mr. President, I wish to point out that the above Soviet article was labeled by the United States executive branch "For Official Use Only." This United States label was affixed only because the Soviet article was copyrighted under international law. I would note the following points:

The U.S. Department of Defense does not regard the "For Official Use Only" caveat to be an official U.S. Government security classification. Thus such a label is certainly not a part of the security classification system within the U.S. Government;

The CONGRESSIONAL RECORD of the U.S. Congress is an official publication of the U.S. Government, and thus it can legitimately publish any unclassified U.S. Government document, especially one that is not classified and is labeled "For Official Use Only";

Indeed, under the Constitution, it is only the Congress that is mentioned as the source of all governmental authority for any secrecy classification;

Articles copyrighted under U.S. law and international law are routinely and almost daily printed in the CONGRESSIONAL RECORD;

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Thus the CONGRESSIONAL RECORD's publication of an "Official Use Only" document is fully legitimate by the already existing standards of the CONGRESSIONAL RECORD.

Mr. President, I have carefully checked all the above points with the Senate legal counsel and with legal and copyright experts of the Congressional Research Service, the Library of Congress, and the Intelligence Community.

ADMINISTRATION CONFIRMS SOVIET SALT II VIOLATIONS WHILE CONGRESS HOLDS UNITED STATES TO UNILATERAL COMPLIANCE WITH SALT II

Mr. President, as we commemorate the first anniversary of the INF Treaty the world often forgets the most fundamental fact about arms control today. This fact is quite simple, but we usually forget about it, probably because it has unpleasant, and even dangerous implications.

This fact is that the Soviet Union is confirmed even now to be violating every existing arms control treaty—the SALT I ABM Treaty, the SALT II Treaty, the Limited and the Threshold nuclear test ban treaties, and the Kennedy-Khrushchev Agreement of 1962 that ended the Cuban Missile Crisis. The Soviets are even now violating the INF Treaty. This is despite Gorbachev's glasnost, perestroika, and "new thinking."

Meanwhile, in stark contrast to the Soviet Union, the United States is in unilateral compliance with all the existing arms control agreements.

In sum, the Soviets are cheating, while the United States is unilaterally complying. This is really American unilateral disarmament.

Mr. President, in May 1989, the Bush administration, like the Reagan administration several times before it, has confirmed that the Soviets are still violating the overall ceiling and the sublimits of the SALT II Treaty. The Bush administration confirms that the following statement is both accurate and unclassified:

> Information indicates that the Soviets appear to be slightly above the SALT II Treaty Sublimit of 1,200 MIRV'd ICBM and SLBM launchers, and on occasion have temporarily exceeded this Sublimit since mid-1987. The Soviets have exceeded the SALT II Strategic Nuclear Delivery Vehicle Limit of 2,504 for several years.

In fact, according to many press reports, the Soviets have continuously exceeded their unilateral SALT II SNDV Limit of 2,504 since 1984. Moreover, according to press reports, the Soviets were violating the SALT II Sublimit on MIRV'd ICBM's as early as mid-1986. According to press reports, the Soviets have over 1,220 MIRV'd ICBM's and MIRV'd SLBM's, and over 2,580 SNDV's.

Meanwhile, the Congress legislated in the fiscal year 1989 Defense authorization bill the continued U.S. unilateral dismantling of Poseidon submarines. While the SALT II Treaty is not specifically mentioned in the legislation, the effect of continued U.S. unilateral dismantling of Poseidon submarines is to keep the U.S. in unilateral compliance with the SALT II Sublimits. President Reagan originally vetoed the fiscal year 1989 Defense authorization bill, partly because it required U.S. unilateral compliance with SALT II. The Congress rewrote the bill and took out most of the features that the President objected to, but the Congress kept in the unilateral Poseidon dismantling. The President finally was forced to accept U.S. unilateral SALT II compliance.

In sum, the Soviets are confirmed to be violating SALT II, while the United States unilaterally complies. There are a total of 25 confirmed Soviet violations of SALT II. The same is true of the SALT I-ABM Treaty. The Soviets are confirmed to be violating the ABM Treaty by their construction of the Krasnoyarsk radar, among nine other violations, while the United States unilaterally complies with the ABM Treaty.

COMMEMORATIVE STATEMENT ON THE FIRST ANNIVERSARY OF THE INF TREATY AND THE CURRENT STATUS OF UNITED STATES-SOVIET ARMS CONTROL NEGOTIATIONS

Mr. President, arms control is not in very good shape today, in the month of the first anniversary of the Senate's advice and consent vote on the President's ratification of the fatally flawed, dangerous INF Treaty.

Unfortunately, despite ongoing Soviet violations of all existing arms treaties, the Senate voted overwhelmingly to give its advice and consent to the President's ratification of the treaty. But today, as many treaty opponents predicted, there are important signs that the INF Treaty is unraveling, just as Soviet violations have unraveled all previous arms control treaties.

There are several disturbing Soviet strategic activities going on.

First, the Soviets continue to violate the ABM Treaty's core provisions, while trying to use their Krasnoyarsk radar violation of their existing ABM Treaty obligations to induce leverage for United States concessions in negotiations for a potential Strategic Arms Limitation Treaty.

Second, the Soviet Foreign Minister has recently threatened to stop dismantling missiles required to be dismantled under the INF Treaty. The Soviets are clearly already unraveling the recent INF Treaty, by showing a cavalier attitude toward solemn treaties similar to Adolf Hitler's. The Soviets, like the Nazis, seem to be willing to comply with solemn treaties only as long as it is convenient for them. They use threats to violate existing treaties in order to coerce Western concessions in further negotiations for new treaties. In fact, as predicted over a year ago, there is now strong new evidence of illegal Soviet covert INF missile forces, in flagrant violation of the INF Treaty.

Thus, even under Soviet leader Gorbachev, the Soviets show by their behavior that they will comply with solemn treaties only temporarily. Unfortunately, this dangerous attitude was also the Nazi German and Soviet Stalinist approach to treaties.

Here are the facts backing up my statements. The Soviet Krasnoyarsk radar was deemed to be a clear violation of the key provisions of the ABM Treaty by President Reagan, and also by unanimous votes of both Houses of the U.S. Congress.

Yet Gorbachev continues to try to convince the United States to accept or to condone the clear Soviet violation of the ABM Treaty.

First, instead of dismantling the illegal Krasnoyarsk radar, over 2 years ago Gorbachev offered to turn the illegal Krasnoyarsk radar over to the Soviet Academy of Sciences for peaceful space research. But this peaceful transition can not be verified, and we have no way of ascertaining whether such a transfer is in effect. In any case, such a turnover would still preserve the physicial external and internal structure of Krasnoyarsk and its capability to be an illegal ABM radar.

Second, Gorbachev tried last December at the United Nations to propose to turn over the illegal Krasnoyarsk radar to the U.N. for international space research. This Gorbachev proposal, too, would preserve Krasnoyarsk as an illegal ABM radar, and can not be verified. So far even the pro-Soviet United Nations has failed to take the Soviets up on this fallacious offer.

Finally, Gorbachev tried to convince the new U.S. Secretary of State, James Baker, in Moscow recently, to trade mere Soviet pledges, often repeated, to dismantle the illegal Krasnoyarsk radar, in exchange for a permanent moratorium on U.S. SDI testing.

But why should the United States have to make clearly disadvantageous bargains constraining future U.S. rights to legitimate research and development on ABM defenses, only in order to achieve Soviet compliance with their existing arms control obligations?

The fact is that last fall, the Soviets quietly admitted that they were continuing their internal installation at Krasnoyarsk of the internal radar electronics equipment. The Soviet Krasnoyarsk radar is externally complete, reportedly, covert internal electronics installation continues, and could be internally complete as soon as next year. The entire Soviet LPAR network of 12 or more radars could be operational as soon as next year.

The Soviets are also continuing to violate their solemn agreement made last November in the ABM Treaty's Standing Consultative Commission to very precise dismantling procedures for their illegal Flat Twin and Pawn Shop ABM radars at Gomel. The Soviets are still trying to convince the United States to condone their failure to fulfill their solemn, and very precise, procedural obligations at Gomel.

In regard to the 1-year-old INF Treaty, the situation is also dismal. Last December, President Reagan reported to Congress that the Soviets had clearly violated the new INF Treaty in five clearcut ways, involving over several hundred separate illegal incidents, and that the Soviets had also provided false INF missile size data.

The Soviets have also refused for 6 months to allow the vital United States Cargoscan x-ray machine for verification to be installed at their Votkinsk SS-20 factory, a key verification provision of the treaty. Indeed, other key verification provisions of the INF Treaty are, even a whole year after the treaty entered into force, still under negotiation. Therefore, over 1 year and 11 months will have gone by before the U.S. Cargoscan can be installed, during which the Soviets could have illegally produced hundreds of banned SS-20's at their Votkinsk factory, totally without United States verification.

Finally, recently in Bonn, Federal Republic of Germany, Soviet Foreign Minister Shevardnadze threatened to violate the new INF Treaty by illegally ceasing the required dismantling of their SS-23 missiles and launchers banned by the treaty. Why are the Soviets threatening to violate solemn, existing legal treaties? This can only be a sign of Soviet nuclear blackmail.

There are press reports that the Soviets have already reneged upon their solemn obligations to dismantle their banned SS-20 and SS-23 missile launchers. In addition, there are reportedly other signs that the INF Treaty is unraveling. For example, there is reportedly increasing United States intelligence evidence that the Soviets have maintained illegal, covert INF missile forces in several categories, numbering in the thousands of covert missiles.

In sum, I see no evidence that Gorbachev's new thinking in foreign policy is any different from Brezhnev's, or for that matter, Stalin's. Soviet arms control cheating just goes on and on.

And yet, nevertheless, the main question the Senate is being asked to debate next is not whether, but only when, the U.S. should sign a proposed START Treaty.

COMMEMORATING THE 20TH ANNIVERSARY OF THE NATIONAL ASSOCIATION OF REHABILITATION FACILITIES

Mr. DOLE. Mr. President, I rise today to congratulate the National Association of Rehabilitation Facilities [NARF] on the 20th anniversary of its outstanding service to the vocational developmental, residential, and medical rehabilitation communities.

The National Association of Rehabilitation Facilities was formed in 1969 from the merger of the Association of Rehabilitation Centers and the National Association of Sheltered Workshops and Homebound Programs.

Since then, NARF has grown to represent the needs and goals of the entire range of rehabilitation facilities, including vocational and developmental facilities, comprehensive outpatient facilities, distinct rehabilitation units, supported employment programs, residential programs, and rehabilitation hospitals serving over 600,000 persons with disabilities annually.

During the last 20 years, NARF has established a reputation as a skilled, assertive and knowledgeable advocate for the rehabilitation industry and people with disabilities. The tightly knit and responsive network of NARF State chapters provides NARF with a grassroots organization that is unparalleled. Because of the swift and energetic response of this national network to the issues affecting rehabilitation, we on Capitol Hill always know exactly where the rehabilitation industry stands.

With the help of NARF and its dedicated volunteers, the rehabilitation industry has grown in influence, prestige, and its ability to serve persons with disabilities. There are many examples of that growth. NARF's support has been instrumental in enacting positive amendments to the Fair Labor Standards Act, amendments to Medicare creating comprehensive outpatient rehabilitation facilities, renewal of Small Business Administration setasides and renewal of the targeted jobs tax credit. NARF has grown in national leadership, sponsoring job training partnerships with major corporations, administering a variety of research grants and advocating the expansion of medical rehabilitation coverage through Medicare and Medicaid. Such progressive leadership has enabled rehabilitation facilities of all types to provide more and better services to their clients and patients.

This year, NARF will celebrate its 20th anniversary with a national conference held right here in Washington, DC. It is only fitting that an organization known for its outstanding leadership, successful advocacy, and tireless dedication celebrate 20 years of commitment in the Nation's Capitol.

Mr. President, I commend the National Association of Rehabilitation Facilities for serving so well and so long the needs, the goals, and the overall welfare of the entire rehabilitation industry and people with disabilities.

DANIEL JUSTIN McNAMARA

Mr. DURENBERGER. Mr. President, despite the image that most people have, politics and public service is a team sport.

The people of Minnesota see my face on television and my name on the ballot, but what they are really getting is a team of committed talented people.

Today the Durenberger team is saying good bye to its last remaining original Washington staff member, Daniel Justin McNamara. Danny joined me from the staff of my predecessor, Muriel Humphrey.

Prior to that, he had worked with her husband, the great Senator Hubert Humphrey. Danny's roots go back many generations in this city. He is the great, great grandson of a stone mason who worked on this Capitol Building.

That man would look proudly on the work his descendant has done in the Senate.

Danny has been a workhorse for me and the people of Minnesota for over a decade. He has been a bridge between Minnesota's farmers, builders, and businesses and their Government here in Washington.

He has also been a constant source of information for my constituents about how Federal programs work, and how to achieve funding through the appropriations process for worthy projects.

He excelled at handling people's problems as if they were his own. His judgment and policy input can be seen in many of the major public works and infrastructure bills of the 1980's.

It has also been a personal pleasure for my family to know him and depend on him as a friend over the years, and to enjoy getting to know his wife, Marie and their son, Seamus.

The members of the Durenberger team wish him well in his new position with Cassidy & Associates here in Washington, and express our gratitude for the talents and energy he shared with us for so long.

NATIONAL WOMEN'S HALL OF FAME

Mr. MOYNIHAN. Mr. President, the National Women's Hall of Fame is located in Seneca Falls, NY. Seneca Falls is a small town of some 7,500 residents, but it was there that in 1848 the first women's rights convention was held. Led by Elizabeth Cady Stanton, 300 participants drafted a declaration of sentiments that called for such outlandish reforms as equal pay for equal work, the right to own and inherit property, and the right to vote.

These ideas began to spread in the reform-minded central New York region, and spread west with travelers on the railroad routes and the Erie

Canal. Congress acknowledged the importance of the convention in 1980 when we established the Women's Rights National Historic Park in Seneca Falls.

It is this historical context that makes the town so appropriate as the site of the Hall of Fame. The hall was established in 1968 to honor the achievements of American women. Forty-two women have been inducted, including Susan B. Anthony, Willa Cather, Babe Didrickson Zaharias, and Sally Ride; It is an impressive and diverse group.

The hall is a private concern, dependent on contributions, admissions, and memberships for its funding. It is not associated with the National Historical Park. And it is facing a financial crisis. It has been unable to meet its operating expenses and will close if it cannot achieve financial stability in the near future.

The hall has launched a fundraising drive that I hope will see it through the near term. It must then concentrate on plans for viability in the long run. Surely there are individuals and organizations that will want to help keep the Women's Hall of Fame in operation, and help expand the programs and activities it is capable of.

I believe the Federal Government should be willing to help as well, and I have encouraged hall officials to apply for funds from the Institute for Museum Services. I will help with this and other efforts to improve its financial picture, and I encourage my colleagues to do so as well. The Women's Hall of Fame is a resource to be kept alive. Simply spreading the word about the hall would help greatly. Its importance is easy to recognize, as is the need for providing support for its immediate needs and its long-term goals.

LEGISLATION TO ENCOURAGE DEMOCRACY IN POLAND AND HUNGARY

Mr. PELL. Mr. President, today we are witnessing dramatic changes in parts of Eastern Europe, particularly Poland and Hungary. Recent events in Poland and Hungary demonstrate that the spirit of freedom and the hope for democracy has been kept alive during four decades of oppression. Just 3 weeks ago, in the first free elections in Eastern Europe in four decades, the people of Poland went to the polls to elect a new Senate. In Hungary, the government has finally recognized Imre Nagy for the patriot that he was and has promised to hold free elections next year.

These are, of course, first steps. In Poland, while the elections for the new Senate were completely open and free, 65 percent of the seats in the other legislative body, the Sejm, were reserved for government-sponsored candidates. And in Hungary, the 1990 election remains a future promise not a current reality. Nevertheless, it is absolutely essential that the world recognize and encourage the process of change that is underway in Poland and Hungary.

Last year, before the outcome of the dialog between Solidarity and the Polish government was known, I made a statement here on the Senate floor in which I posed the following question: "Will the Polish government embark down the bold path of reform with its unpredictable political consequences, or will it retreat down the well beaten, but more predictable, path of economic stagnation?" The Polish government appears to have chosen the bolder path of political reform. We now have a responsibility to take steps to encourage that process.

On April 17, 1989, President Bush reached the same conclusion in a speech he made in Hamtramck, MI. In that speech he called for legislation that would provide economic benefits for Poland. With recent developments in Hungary, the President has agreed that Hungary should be eligible for similar benefits.

Those proposals are incorporated in the legislation, entitled the "Democracy in Eastern Europe Act of 1989", which has passed the House and has been introduced in the Senate. The "Democracy in Eastern Europe Act" demonstrates our willingness to respond to genuine changes in Eastern Europe with constructive steps of our own. The United States has long demanded that the Governments of Poland and Hungary release their strangleholds over the people of Poland and Hungary and allow the democratic process to take hold. Now those governments have begun to loosen their grip and the people of Poland and Hungary have asked the United States to take steps that will spur private economic enterprises and help fledgling democratic institution to grow. That is what the "Democracy in Eastern Europe Act" will do.

Unfortunately, while the administration has called upon the Congress to enact this legislation before the President's visit to Poland and Hungary in early July, we will not have done so with the result that the President will leave for Eastern Europe without it.

When the Senate returns from its recess we will confront these issues once again and I am committed to trying to get this legislation passed.

IMPLEMENTING CLOSED CAPTION BROADCASTING FOR HEARING-IMPAIRED INDIVIDUALS OF SENATE FLOOR PROCEEDINGS

Mr. DOLE. Mr. President, several years ago, we voted to bring the Senate to the American people through the medium of television. We did so out of the belief that increasing access to political process strengthens our democracy. Just this week the Senate voted to increase access to the political process through passage of Senate Resolution 13—making available closed captioned proceedings of Senate floor debates to more than 20 million Americans with hearing impairments.

Closed-captioning technology allows the audio portion of a program to be displayed in printed form on a television screen The captions are only received if a person has a special decoding device attached to the television set. Real time, instantaneous closed captioning is already being used in Presidential speeches and press conferences, news programs, and even some Senate committee hearings. Real time captioning involves creating captions that appear on the viewer's screen almost instantaneously. A real time captioner, trained as a court reporter, listens to the broadcast and creates a machine shorthand transcript of the program audio. The shorthand is immediately fed into a computer which translates it into printed text. The text data is sent to an encoder which inserts the data onto the broadcast screen.

This method will now bring full verbatim coverage of Senate floor proceedings to deaf and hearing-impaired individuals. This body, by providing such a service, contributes to the equal opportunity of all Americans and allows access for everyone to understand how our political system works and ultimately to become involved in the process.

I commend my colleagues on the Rules Committee and the Senate Task Force, as well as representatives of the hearing-impaired community and those agencies and companies experienced in captioning, for working out the details to assure full coverage captioning.

I am proud that the Senate has this week committed itself to opening its doors to deaf and hearing-impaired Amerricans. All Americans—whether hearing or nonhearing—have a right to share in these debates. This 101st Congress can say that the world's greatest deliberative body is accessible to all Americans.

CLOSED CAPTIONING OF SENATE PROCEEDINGS

Mr. HARKIN. Mr. President, we have decided that it is important that we be accountable to our constituents and that they have the opportunity to partake in the legislative process via television. It is no less important that deaf and hard-of-hearing Americans be afforded that same opportunity. As

chairman of the Subcommittee on the Handicapped, and as the brother of a deaf sibling, I am very pleased that the Senate has passed Senate Resolution 13 which will allow our televised proceedings to be closed captioned.

There are approximately 22 million Americans who experience partial or total loss of hearing and who stand to benefit from closed-captioned proceedings. Of that number, 2 million are totally deaf; the other 20 million have varying degrees of hearing loss. As Americans live longer, the number of people with hearing impairments will increase.

In addition, in 1988, the Commission on the Education of the Deaf issued a report which identifies captioning of television as one of the most important technologies for deaf and hearing-impaired individuals. The Commission also finds that closed captioning is the most effective technology for speeding the attainment of literacy, and more importantly, in helping the deaf person participate in the wider world that is routinely accessible to those who hear. I subscribe to this view.

TV is the most pervasive and influential means of sharing information in America. Until the 1970's, deaf persons had no access to TV, and were isolated from the major pipeline feeding information to America. The development of captioning made it possible for deaf persons to see what others heard on TV. (p.112)

It is also important to note that closed-captioned television can benefit more than just the deaf and hearing-impaired population. It can help hearing children and illiterate adults learn to read. Captioning can also facilitate the acquisition of the English language by those whose first language is not English.

Mr. President, one of the most disturbing findings of the Commission is that some 70 percent of all deaf high school graduates read at the third grade level. This is partially due to the difficulty in recognizing and accommodating the special communication needs of deaf children. These children have an invisible language disability and oftentimes cannot understand what is being taught. Closed captioning provides visible access to the English language, and facilitates language acquisition which in turn facilitates learning.

As a cosponsor of this resolution, I want to thank the majority and minority leaders for bringing this proposal before the Senate and I anxiously await its implementation.

TRIBUTE TO WILLIAM WINPISINGER

Mr. METZENBAUM. Mr. President, after devoting more than 40 years of his life to improving the standard of living for millions of Americans, William W. Winpisinger is retiring as international president of the International Association of Machinists and Aerospace Workers. It is fitting that we take a moment to recognize the tremendous contribution that Wimpy has made to the lives of working people across America.

William Winpisinger and I grew up together in Cleveland, OH. Wimpy joined the Navy, served time in World War II, and upon his return, he became an auto mechanic. Wimpy quickly moved up the ranks of the machinists union, from member to shop steward, lodge president, national automotive coordinator, and then vice president. In 1977, Wimpy was elected international president of the machinists, a position he will hold until his retirement at the end of this month.

During his five decades with the machinists union, Wimpy has developed a reputation for being a tough, outspoken advocate for working people both inside and outside the machinists union. I can think of no labor leader who has worked so tirelessly or spoken so eloquently on behalf of the less fortunate in our society. You may not agree with everything that Wimpy stands for. You may not take the same side as Wimpy on the many issues he is involved in. But regardless of whether you agree with his views, anyone who knows Wimpy respects him for his conviction and devotion to improving the quality of life of citizens both in the United States and abroad.

William Winpisinger is my very good friend. He is a leader. He and I have worked together time and time again on issues and legislation before the Congress, and I will miss his leadership in future endeavors. The working people of America will miss the strong effective representation he has provided them. But knowing Wimpy, I am confident that even in retirement, Wimpy will be up here on Capitol Hill fighting for the causes he believes in. He will still be a formidable presence. Retirement will not quiet him.

I salute William Winpisinger on his long and distinguished career, and I wish Wimpy and his wife, Pearl, much health and happiness in retirement.

THE DROUGHT CONTINUES

Mr. GRASSLEY. Mr. President, in 1988, farmers suffered wilted crops and parched land, while consumers across the Nation endured inflated prices and shortages of many food items. Only through immediate emergency relief was an economic calamity to our producers minimized.

For parts of our Nation's heartland, the most serious drought ever recorded is still continuing; in other words, the question is not whether or not we are in a drought this year; the point is that we are in a drought. In the past week, temperatures in Iowa hovered near 100 degrees.

The damage from abnormally high temperatures has been compounded by high winds. The heat and wind have combined to deplete Iowa's soil of the moisture needed to insure a favorable harvest next autumn. Last week, topsoil moisture was inadequate for over one-half of my State.

Just like last year, many parts of Iowa are experiencing a rainfall deficit of 50 percent. Some parts of Iowa need at least 5 inches of rain just to be up to the average rainfall that we normally have by this time of year. Subsoil moisture remains inadequate for 92 percent of my State. These indicators point to a potential crisis ahead. Unless the climate rapidly improves, something that meteorologists would seriously question, Iowa and other parts of the Nation will be in the same position as in 1988.

There are those here in Washington, DC, who advocate a wait-and-see approach when the subject of drought aid is brought up. Some observers prefer to be optimistic, hoping for ample rains later in the summer. But, in my opinion, this is a strategy for disaster. If conditions become worse, farmers need to have assurances from the Federal Government as to the type of assistance, if any, that will be available.

So we must begin by expanding the focus of the drought hearing, which is scheduled for the 19th of July before the Agriculture Committee of the Senate. The current hearing is to consider the impact the drought has had on our wheat crop. This is not enough. We must also examine the state of our corn, soybeans, as well as other crops and commodities, and determine what can be done to protect our producers against the climatic extremes they currently face.

We need to draft emergency drought legislation that is similar to last year's measure—legislation that is truly comprehensive bipartisan and a cooperative agreement between Capitol Hill and the White House. The House Agriculture Committee has already passed an extension to the Disaster Assistance Act of 1988 and in every respect that meets the necessity of being timely, bipartisan, and, as we were in 1988, being cooperative between Capitol Hill and the White House. So I feel that we on the side of the Hill must do the same. In short, we must make certain that all of our major crop producers are protected.

Therefore, plans for comprehensive Federal drought relief must be made now. If the climate becomes favorable in the future, then we may take satisfaction in knowing that we were prepared for the worst. And if the worst does occur, we will be prepared to cushion the blow.

I urge my colleagues on the Senate Agriculture Committee to move quick-

ly in preparing, as our counterparts on the side of the Hill, a very comprehensive drought legislation. If we do not prepare for the worst, the future productivity of America's agricultural States, as well as the institution of the family farm, will be in jeopardy.

BOSH AND NAUSEA: POSTAL SERVICE "HONORS" HOMOSEXUALS

Mr. HELMS. Mr. President, some days I decide that things cannot get any worse, but then they do. The U.S. Postal Service took a big step this week to accommodate the perversion. Tomorrow and Sunday, June 24 and 25, several post offices in New York City will issue a special postmark to "honor" Gay and Lesbian Pride Week.

Obviously, I am appalled at this astounding lack of judgment on the part of the U.S. Postal Service. Mr. President, the post office produces more than 1,500 special postmarks each year celebrating such things as county fairs, local celebrities, anniversaries of special events, and so on. That is all well and good. But, the Postal Service has explicit regulations against the issuing of postmarks which contain political propaganda.

Obviously, the U.S. Postal Service has deliberately ignored its own regulations in order to pander to the whims of the militant homosexual minority, and I resent it.

The Postal Service is "celebrating" what homosexual groups candidly regard and proclaim as the beginning of their political "movement." Twenty years ago police raided a "gay" bar in New York City known as the Stonewall Inn. The homosexuals in the neighborhood responded by rioting. This is the event the Postal Service is helping to "celebrate."

The homosexuals are in a battle against American values. Their ultimate aim is to have the American people accept the proposition that their perverted "lifestyle" is as worthy of protection as race, creed, and religion.

I do not buy that. I say to them, bosh and nausea, and a pox upon whomever in the Postal Service made this completely misguided decision.

Mr. President, instead of denouncing the homosexual "lifestyle," countless politicians, some in this Chamber, fall in line with a repugnant organized political movement—and that is what it is—attempting to persuade the American people that this is a desirable way to conduct their lives.

Recently, San Francisco took the final step toward recognizing homosexual marriages. Homosexuals in San Francisco may now register their relationships publicly. They may obtain hospital visitation rights and health insurance and bereavement leave. In the meantime, thousands more in this country will continue to die from AIDS while the homosexuals proclaim the virtues of their perverse practices.

So, Mr. President, the Postal Service, in the judgment of this Senator, has done a great disservice to its long tradition of public service to the American people.

Mr. President, I ask unanimous consent that a letter I wrote on June 19 to Postmaster General Anthony Frank and an article from yesterday's Washington Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 19, 1989.

Hon. ANTHONY M. FRANK,
Postmaster General, U.S. Postal Service, Washington, DC.

DEAR MR. POSTMASTER GENERAL: I assume that there is no substance to strong protests I have received to the effect that the Postal Service has approved a Stamp Cancellation for June 24-25 promoting "Gay and Lesbian Pride Week" in connection with the 20th anniversary of the Stonewall Station incident.

But if the reports are indeed accurate, I must myself register a protest. Surely the United States Government is not in the business of dignifying perversion.

Please assure me that this is not going to happen.

Sincerely,

JESSE HELMS.

DORNAN: GAY POSTMARK "ACCOMMODATES SODOMY"

(By David Braaten)

The Postal Service will be stamping a special "Gay and Lesbian Pride" postmark on letters in Greenwich Village Saturday, and Rep. Robert Dornan is furious.

The California Republican, an outspoken critic of homosexuality, yesterday deplored the Postal Service's effort to "accommodate sodomy."

But a postal official said there's really no cause for alarm. The general public will not be getting mail with the gay logo—only those who present a stamped envelope to clerks at the temporary "Stonewall Station" to be set up on Christopher Street," he said.

"It'll more than pay for itself," predicted High McGonigle, senior philatelic programs specialist at Postal Service headquarters here. "We'll probably sell 25,000 25-cent stamps at a minimum."

And most of them will be handed back, not mailed, he said.

Philatelic or pictorial postmarks are not like commemorative stamps, Mr. McGonigle explained. The special cancellations are produced for about 1,500 events each year, from state fairs to political conventions and local municipal celebrations.

"It provides an inexpensive souvenir of events for people," he said. "For 25 cents they can have something that says, 'I was there.' It sort of freezes an event in time."

The event on Saturday is a 20th anniversary celebration of the police raid on the Stonewall Inn, a gay bar in the Village. It led to an unexpectedly spirited response by neighborhood residents who previously had taken police harassment passively.

Some in the gay community regard the incident as the beginning of the gay rights movement. Mr. Dornan was informed of the upcoming gay-pride postmark by a friend in New York City who thought mistakenly that it meant nationwide use of the cancellation.

The congressman's suspicions were fueled by the initial response he got when he called the Postal Service's congressional liaison.

"They said, 'It can't be true,'" Dornan aide Brian Bennett said yesterday. "Then they checked, and it was."

The delay led Mr. Dornan to believe that the Postal Service was trying to—what else?—stonewall on the issue.

Mr. McGonigle said there was some concern over the suitability of a postmark for the gay celebration. There are strict requirements for philatelic and pictorial cancellations, he said, and one of them is that there cannot be a propaganda message contained in them.

"This one was sort of borderline," Mr. McGonigle said. But officials scrutinized the Keith Haring drawing and the wording and decided they could not reject the postmark under the guidelines.

Another consideration, Mr. McGonigle said, is "whether we're going to lose our shirts" on a postmark. They would not, he said, create one for, say, a birthday party.

"But we should make money on this one," he said. "You figure two or three clerks, a couple of 6-foot tables in a booth and a couple of rubber stamps. How much can that cost?

Mr. Dornan had planned to devote his one-minute floor speech yesterday to the gay-lesbian postmark. As it turned out, an aide said, there were so many other issues that outraged the congressman that he simply added it to a list that included the Supreme Court's flag-burning decision and the attempt to show homoerotic photographers at the Corcoran Gallery.

HUMAN RIGHTS AND THE U.S.S.R.

Mr. GRASSLEY. Mr. President, there has been much discussion and debate recently concerning the Jackson-Vanik amendment. We are beginning to hear a call for a waiver and the granting of most favored nation status to the Soviet Union, in view of the improved emigration record. But I rise today to caution against any precipitious action, and of course to urge careful deliberation before granting a waiver.

Let me state at the outset that I want to see more trade with the Soviet Union. Removing trade barriers would certainly be good for American business, including my own farmers in Iowa. And, if giving the Soviet Union MFN resulted in the presence of more American goods and services in the U.S.S.R., that would benefit Soviet citizens who are so short of domestic goods.

Clearly, things are changing in the Soviet Union. And emigration—the issue to which the granting of MFN is expressly linked by Jackson-Vanik—has greatly improved. It is expected that more than 40,000 Soviet Jews will emigrate in 1989. Added to that are thousands of ethnic Germans, Armeni-

ans, and Pentacostals who are being allowed to leave.

But obstacles to emigration remain. First, there are still some 600 long-term refusenik families, 7 months after Secretary Gorbachev's encouraging speech before the United Nations in which he claimed he wanted to get the refusenik issue "off the table." Many of these long-term refusenik families are in fact refused because someone in the family allegedly has access to what the Soviets call "state secrets." Even if they did work with classified information, they haven't done so for many years, some as long as 15 or 20 years. Moreover, there are no procedures to appeal a secrecy determination, and many have no clue as to how long they will be tagged with the secrecy label, which is nothing more than a subterfuge for not giving permission to leave the Soviet Union.

Second, many can't even apply to emigrate because a close relative refuses to relinquish financial claims. These so called poor relative cases do not even make it into the refusal statistics, because their applications to leave are not accepted by emigration officials. And once again there is no legal procedure to challenge the financial claim.

Jackson-Vanik prohibits the granting of MFN to a country which, in the words of the law, "denies its citizens the right or opportunity to emigrate. * * * *" While the Soviet Union has greatly improved its emigration record, emigration still remains a privilege, as seen by the leaders of the Soviet Union. And as long as it remains a privilege, we need to be cautious with a Jackson-Vanik waiver.

Last November, when I was in the U.S.S.R. with the Helsinki Commission, Soviet leaders told us they were drafting an emigration law which would address some of our objections. We offered our legislative expertise in helping them.

Quite frankly, they more or less said they did not know how to go ahead with this sophisticated business of law writing and seemed to imply that they welcomed our help. But they in the final analysis have seemingly declined our offer but promised to share that draft law when it was in blueprint rather than sketch form, as they put it. As yet we have seen no such draft law.

I am not certain that we need to wait for such a law. After all, lots of good intentions can be put into laws, but the real test is in how laws, rules, or policies, are carried out. While Jackson-Vanik does not require emigration laws before MFN can be granted, it mandates the President report to Congress on the "nature and implementation of emigration laws and policies. * * *" As I have said many times before, deeds must be the measuring stick. Words simply codified into a law will not be reason enough to waive Jackson-Vanik.

Mr. President, this debate on Jackson-Vanik is most healthy. It shows the Soviets that their progress has our attention. And it requires the right response. We have already agreed to hold a human rights conference in Moscow in 1991. Now, the Soviets need to remove the remaining barriers to emigration. Clear the way for the long-term refuseniks to leave—families like Uspensky, Lurie, and Genis. And keep the exit doors open for new applicants. Show us the policies have really taken firm hold. Then we can start the Jackson-Vanik waiver process.

The PRESIDING OFFICER (Mr. MOYNIHAN). The Senator from Colorado.

Mr. WIRTH. I thank the Chair.

THE CHILDREN'S EDUCATION ACT OF 1989

Mr. WIRTH. Mr. President, it is appropriate today when we are considering this extremely vital legislation relating to children to also note the introduction of the Children's Education Act of 1989.

Mr. President, there is an education crisis in this country, a crisis that is eating away at the fabric of our society and undermining our economic competitiveness. We see it every day, day in and day out. Twenty-five percent of high school students from low-income families drop out; our inner-city schools are increasingly becoming battlegrounds; Head Start does work, but only one in six eligible children are funded; and there are more than 30 million illiterate adults in this country.

How can we begin to address this crisis? It is a good start today with the ABC bill, another with the Children's Education Act.

In recent years, a new force has joined family, church, and school, the traditional institutions through which we imparted values and education to our young. Television has become a force as powerful as the others—perhaps more powerful. Study after study shows the enormous potential of television in educating and socializing our children. Yet the tragic paradox is that the more we know about television and its capacity to teach our young, the less we use it.

It puzzles me how most television stations can perform so admirably in some areas, such as providing worldwide news coverage, and at the same time perform so irresponsibly in failing to deliver any worthwhile educational programs for children. With the deregulation bent at the FCC in recent years, broadcasters seem to have abandoned educational children's programs entirely. Today, not one of the three major commercial broadcast networks offers a single regularly scheduled educational program for children. Without question, the educational needs of America's young are not being served by the Nation's television broadcasters.

This week, along with Senators METZENBAUM and LAUTENBERG, I am introducing legislation to remedy the situation by requiring each station, as part of its public-interest obligation, to provide programming specifically designed to educate and inform young viewers.

A very important aspect of this legislation is its emphasis on programming specifically designed for the child audience. Children learn most effectively from material that is specially tailored to their limited level of cognitive development. Imagine a third-grader trying to learn from a textbook intended for adults and it is easy to see why we need educational television programs specifically designed for children.

Our proposal also requires—and I might point out that we used to have this requirement before the FCC. It was part of the public service obligation that every broadcaster received. Broadcasters receive licenses for nothing. They do not pay for it. If livestock grazes on the public lands, owners pay a grazing fee. If people timber in our national forests, they pay a fee, but not for using the public spectrum. Why not have some return come back to the public for that? That is the public interest obligation. Children's programming always used to be in that. It has been dropped out.

Our proposal requires that educational programs for children be publicly identified in advance by the broadcaster. We have a careful way in which broadcasters, like the movie ratings, can help parents, who clearly cannot look at every program offered, by seeing which ones are going to be more valuable than others.

Finally, as part of a comprehensive package to improve children's television, our legislation would limit commercial advertising directed at children to no more than 9½ minutes per hour on weekends and 12 minutes per hour on weekdays.

Since the FCC went on this deregulatory rampage, they have now allowed any number of advertising minutes to be in a children's program. You watch a Saturday morning program and it is replete with advertising for toys, chocolates, and so on. Children are seeing not only this enormous number of advertisements but we are now seeing two more insidious items: One tie-in where the characters on Saturday morning shows are the items being marketed during the advertising time. That kind of tie-in would be eliminated through this legislation, and also we are seeing the biggest one

of them all, program-linked commercials. What we have is the whole half hour devoted to marketing a product in the guise of programming for kids.

What more insidious way of trying to take advantage of young people in our time?

The FCC has an obligation to move in this particular direction. The FCC has said this is excessive interference with the public interest standard. However, that which is in the communications law of 1934 is very, very clear on what that public interest standard can be. And in fact in June 1987, in response to overderegulation by the FCC, the U.S. Court of Appeals ruled that the Commission had erred in deregulating and ordered the agency to reconsider the decision. In June, 1987, it ordered the FCC to reconsider their decision. But now, more than 2 years later, the FCC continues to stonewall and has offered no response to the court order.

The time has come for us to carefully reevaluate the importance of television and the impact of television on the education of our young. We all know that something is amiss, and it is time for us to help the broadcasters move above the lowest common denominator.

Mr. President, I am also pleased to say that this legislation has earned the strong support of several organizations, including the American Academy of Child and Adolescent Psychiatry, the American Academy of Pediatrics, the American Psychological Association, the Consumer Federation of America, the National Association of Better Broadcasting, the National Education Association, and the National Parents and Teachers Association—broad-based citizen groups interested in the welfare of our young.

I hope, Mr. President, that this brief explanation, which appears at greater length in the RECORD earlier this week, will help to suggest to our colleagues what this legislation is that we are offering, and I urge our colleagues to join us in supporting this, and as this important legislation in front of us moves to take further steps to promote the interests of our young people.

Thank you very much, Mr. President.

If there is nobody seeking recognition, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD CARE IMPROVEMENT ACT

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, parliamentary inquiry. In order for an amendment to be in order must I ask the amendment pending be set aside?

The PRESIDING OFFICER. There is an amendment pending.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the pending Dole amendment be temporarily set aside for the purpose of offering another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 224

(Purpose: To provide parents with a choice in the type of care their children receive.)

Mr. DOMENICI. Mr. President, I send an amendment to the desk in behalf of myself, Senators PACKWOOD, GRASSLEY, HELMS, and GRAMM of Texas. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for himself, Mr. PACKWOOD, Mr. GRASSLEY, Mr. HELMS, and Mr. GRAMM, proposes an amendment numbered 224.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 48, between lines 3 and 4, insert the following new paragraph:

(3) PROVIDE PARENTS WITH CHOICE.—Subject to the limitation described in paragraph (2), each State that receives assistance under this Act shall provide each parent of an eligible child who receives, or whose eligible child is cared for by a child care provider that receives, assistance under this Act with the option of—

(A) enrolling such child with an eligible child care provider that receives assistance through grants or contracts as provided under subparagraphs (A) of (B) of paragraph (1); or

(B) receiving a child care certificate as provided in paragraph (1)(C).

Mr. DOMENICI. Mr. President, I understand from the distinguished manager of the bill that he is prepared to accept this amendment. I assume that means he has conferred with the Republican manager and he concurs.

Having said that, I think it is an important enough amendment and advances an important enough principle that I should take a few moments to explain it. I will try to be brief. But nonetheless, I think it makes a couple of points.

I hope in adopting it here today we will make some legislative history about the ABC bill and parental choice with reference to where the children that are going to child care centers actually end up being assigned or end up being taken care of.

I choose to call this the assured choice through certificates amendment. If it were a bill, that is what I would call it. I have said before in discussing the ABC bill that we had shifted from a focus of national bureaucracy and rules to what I perceive to be a new, growing, set of State rules and State bureaucracy that will determine where the young children that we are going to be paying for are taken care of.

I believe that is the case. I would like this bill to move slightly in another direction by making parents of the children have the ultimate final choice as to where children are taken care of.

So this amendment, while it is simple, ends up as a bottom line. It says that parents are entitled to a certificate if they are unsatisfied or desire alternative assignment for their children than that which the State has determined.

So, in a sense, I do not want the State to be accommodated. I want the parent to be accommodated. Another way to look at it is to look at the evolution of the public school system in this country. We note that when parents get tired enough of bad schools, they demand choice. The idea grew up in Minnesota that parents have the right to choose the school, even if you have moved out of the district to which the child was assigned.

In a very real sense, my amendment says that every parent ultimately should be entitled to a certificate in lieu of the assignment that the State makes on behalf of the parents for the care of the child in licensed facilities. I add one other thrust. Think of the Ford-Durenberger amendment, which supposedly took care of, and made constitutional, the right of parents to put children in sectarian-oriented centers. That choice might be unconstitutional, if we fund it directly; they can put children in these licensed facilities, through the certificate mechanism.

I hope the Senate knows that not all States have a certificate mechanism. If that is the case, not all States are going to be able to carry out the wishes of the Ford-Durenberger amendment, which created the flexibility to choose, even religious or sectarian day care centers.

So, essentially, when you boil it all down, the Domenici-Packwood-Helms assured choice amendment at the minimum says that ultimately, before the child is assigned by the State, the parent can elect a certificate. I think this keeps the heat on the State to provide choice. Even though the base bill says that States will provide this diversity to the maximum extent possible, I believe that by having parents be entitled to a certificate, it keeps the

pressure on the State to provide diversity of care arrangements.

My second point is that we will surely move more States in the direction of certificate programs. In fact, it may make all of them have it, because if parents have the choice, I do not know how the States are going to provide them if they do not have certificate programs. Essentially, this is an assured parental choice amendment, through the mechanism of certificates. It is making this bill as accommodating to the parent's choice, rather than accommodating to what the State wants. That is it in a nutshell. I believe it is good philosophy, and a good idea.

When the Senate adopts it here today, and after it is totally analyzed in conference, I hope that those who continue to say the family and the parents have a lot of choice under ABC, will say let us maximize that choice by allowing parents to choose that ultimate weapon of choice; a certificate. Parents will have a little more shopping room, a little more discretion as to where, and what kind of facility, their child is attending.

I understand that this will only apply to licensed facilities. That is the whole tenor of the bill. I do not choose to change that. I do believe that many in this body who have not looked at the nuances of the bill and looked at it with care, might assume their parents already have this choice. Frankly, I think the choice should be as broad as possible, and as accommodating as possible. Pressure should be on the State to accommodate the parents, and they ought to be able to be the source of that pressure by having the choice.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I want to thank my colleague from New Mexico for this amendment. I must say to him, briefly, that the Senator from Utah and the Senator from Connecticut do not disagree at all with the intent of the Senator's amendment. The problem we face in trying to achieve this is our good friends, the Governors. who did not want us to be mandating anything in this legislation, requiring the State to do something that they were not doing.

As the Senator pointed out, there are 20-some other States that do not have certificate programs, telling us, "Let us decide how we best want to do this. You give us the assistance. We will decide." We are caught in that proverbial rock and a hard place, trying to reflect the desires of our colleagues that did not want us mandating things to the States and simultaneously wanting to make it possible for the parents in the States to have maximum choice. We agree with the goals, as stated by the Senator and included, frankly, in his amendment. For those reasons, we accept them, and we are going to try to see if we cannot get the Governors to agree with that approach.

Mr. HATCH. Mr. President, I agree with the distinguished Senator from Connecticut. We are happy to accept this amendment, with that stipulation, that we are concerned about anything that amounts to a mandate. We do not disagree with the general intentions of the Senator from New Mexico.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank both managers for their comments and for accepting this amendment, and I urge that between now and conference, that the Governors of our sovereign States find a way to accommodate this philosophy.

Frankly, if we are going to have mothers and fathers who are single heads of households out there in the 50 States who are supportive of the system that the Governors are going to have to run, either through contract, or otherwise, they better provide parents with maximum choice. If they don't, then they are going to be in a a position where parents will say, "You are sending me to a facility that is not good. I want a better one. I want one that is as good as my neighbor Johnny is going to." And the way to alleviate and accommodate that natural emotion, and at the same time maximize the opportunity to keep these centers the best centers possible, you give these parents some choice, and it will have an ameliorating affect of very significant proportions.

I hope they understand that I do not like to tell the States what to do, but in this case we are putting up an awful lot of money. We are pushing to allow certificates to be used in religious facilities. It seems to me that if we are doing that, we might as well say, you better have a certificate program to implement it.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 224) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, let me indicate to my colleagues on this side of the aisle that we would like to enter into some time agreement to cover all amendments and final passage and disposition of this bill. So I hope that any of my colleagues on this side would be in touch with the Republican cloakroom within the next 10 minutes, if they intend to offer an amendment.

Right now we have an amendment by Senator HELMS that is not disposed of, and an amendment by Senator WILSON that is not disposed of, and possibly an amendment by Senator PACKWOOD or WILSON, and an amendment by this Senator, which is not disposed of. Two amendments by Senator KASTEN are not disposed of. Possibly, there will be one other amendment by this Senator.

So I hope in the next 10 minutes we can get some agreement, and then we can notify our colleagues on both sides of the aisle—many who have places to go this evening, far away from Washington, DC—as to what time they may depart.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, the Senator from California is prepared to offer an amendment. He is prepared to accept 20 minutes on the amendment equally divided. If the manager of the bill has no objection, he could not make that request.

Mr. DODD. This is with no amendments in order.

Mr. DOLE. With no amendments in order to the amendment.

TIME LIMITATION AGREEMENTS

Mr. DODD. Mr. President, I ask unanimous consent that as to an amendment to be offered by the Senator from California the debate be limited to 20 minutes equally divided between the Senator from California and the Senator from Connecticut with no amendments thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I also ask unanimous consent that as to an amendment to be offered by the Senator from North Carolina that the debate be limited to 20 minutes equally divided between the Senator from

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North Carolina and the Senator from Connecticut and there be no amendments thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending amendment will be set aside and the Senator from North Carolina is recognized for his amendment.

AMENDMENT NO. 225

(Purpose: To make certain provisions unseverable)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistance legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. DOMENICI and Mr. GRASSLEY proposes an amendment numbered 225.

On page 88, after line 24, insert the following new subsection:

"(c) SEVERABILITY.—If any provision of this section or the application thereof to any individual or circumstance is held invalid, the invalidity shall cause the entirety of this Title to be invalid."

On page 97, delete section 126.

Mr. HELMS. Mr. President, the intent of this legislation's sponsors is certainly laudable. Of course, we all want strong families in America. I, and other Senators, have been preaching that for a long time because families instill values, they build character, strengthen religious commitment, and teach morality. Indeed, the strength of a republic is determined by the strength of its people. Consequently, the fate of our Nation literally hinges on the survival of the family.

I have listened carefully to the various declarations and proclamations throughout the discussion of this bill. It is obvious now that the bill blatantly discriminates against mothers who choose to stay home and raise their children because it denies these parents any portion of the massive Federal child-care assistance program they will be taxed to support.

However, Mr. President, I have been particularly intrigued by the provision referred to as the Ford-Durenberger amendment. This provision would supposedly make it possible for parents to use child-care certificates authorized under this bill to purchase religious day care if—and I repeat if—the courts do not strike it down.

Mr. President, as originally proposed, this bill contained a flat-out prohibition on the expenditure of funds for religious instruction and worship. The effect was to eliminate religious-based child care from the options available to parents who want to take advantage of the Federal assistance provided under this bill.

Now here is the point, Mr. President: If this bill becomes law it will provide child-care assistance to fewer than 1 million out of the approximately 12 million children who would be eligible for assistance—just 1 child out of 12. Thus, in a sense, the bill creates a giant lottery for the available assistance. The question for the religious day cares in this country is whether or not the children they care for will be allowed to compete for these Federal funds.

Mr. President, the Ford-Durenberger amendment was intended to guarantee that they would be able to. However, I have my doubts that the Ford-Durenberger amendment will survive a constitutional challenge in the Federal courts. If the courts drop the Ford-Durenberger provision from this legislation, then the bill will have been a fait accompli and parents who want to send their children to religious day care will be out in the cold in the competition for Federal assistance.

Is that fair, Mr. President? Is that what we intend? No, it is not. I do not think a single Senator on this floor will say that this is our intent. But, that is very likely what will happen once the antireligious groups in this country take this issue to court—which they have promised to do.

Now I want to be clear that I fully support the intent of the Ford-Durenberger provision and I commend my colleagues for attempting to address this problem. For many Senators, the inclusion of the Ford-Durenberger provision is essential to their support of this bill. If those Senators are listening in their offices, my amendment is an important amendment to them because without it the millions of parents who send their children to religious day care will be discriminated against by this bill. They will be shut out of the Federal day care game despite our efforts to protect them.

Mr. President, I have heard Senators come to the floor and say that the Ford-Durenberger amendment is unconstitutional. I have heard other Senators say that it is not unconstitutional. But many attorneys whom I have consulted question whether Federal assistance, even in the form of child-care certificates, can be exempted from the Supreme Court's onerous interpretations of the Establishment Clause. These attorneys—and they are pretty good ones who know a lot about the Constitution—tell me that the chances that a Federal court will find the Ford-Durenberger provision unconstitutional are very good.

Recognizing that possibility, Mr. President, the authors of this legislation included in Title I of the bill a severability clause, stating that, "If any one or more provisions of this title is held to be unconstitutional, the same shall not affect the validity of other provisions of this title."

Mr. President, the severability clause will allow a Federal court to strike down the Ford-Durenberger provision—or possibly the entire child-care certificate program—without affecting the rest of the bill. My amendment would prevent this from happening. So, unless my amendment passes, we could end up with the ABC bill without any guarantee whatsoever that religious day-care centers will be a viable option for parents receiving assistance under this bill. Such a turn of events would be completely contrary to the purpose and intent of the Ford-Durenberger provision.

Mr. President, I dare say that many of the Ford-Durenberger provision's opponents agreed to accept it simply because they were confident that the courts would not uphold it. What did they have to lose? They think they can satisfy our concerns on the Senate floor and then confidently sit back and wait for a Federal judge to take it out of the bill later on.

Mr. President, I am trying to make it certain that that is not what will happen. The only way to do that is to delete the severability clause, and that is what the pending amendment does.

However, Mr. President, deleting the severability clause does not take care of the problem entirely. We must ensure that if the Ford-Durenberger provision does not remain in the bill—if it is later deleted by a Federal judge—all of Title I will fall and we can go back to the drawing board. Consequently, it is necessary to include a provision to that effect in the bill.

My amendment inserts such a provision in section 121 stating:

If any provision of this section or the application thereof to any individual or circumstance is held invalid, the invalidity shall cause the entirety of this Title to be invalid.

Mr. President, if the Ford-Durenberger provision is to offer any real protection to religious day care, it must have the teeth provided for in my amendment. Those Senators who do not recognize the importance of religious day care in this country and who wish to remove such child care as an option for parents relying on the Federal assistance should vote against my amendment. All other Senators should vote for it.

Mr. President, the Senator from Iowa and the Senator from New Mexico joined with me in offering this amendment, so we should call it the Helms-Grassley-Domenici amendment.

Mr. President, I reserve the remainder of my time and I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I yield whatever time the Senator may need.

Mr. HATCH. Mr. President, I have a great deal of fondness and admiration for my colleague from North Carolina. I think everybody in this Senate does. He is one of the most unique Senators who has ever sat here. I consider him one of the greatest Senators who has ever sat here. I cannot imagine the Senate without a JESSE HELMS in it, because there are so many things he stands up for and speaks out against. He is an amazing human being and I consider him my friend.

But, for the life of me, I cannot understand this argument today. And the reason I cannot is because the very reason severability clauses are put into legislation is to make sure that legislation is constitutional; to make sure that we are not wasting our time here in the U.S. Senate in pushing legislation.

Because if we did not have severability clauses and one aspect of the legislation is found to be unconstitutional, then the whole legislation is unconstitutional. So the effect of the amendment of the distinguished Senator from North Carolina would be that if a small part of the ABC bill was found to be unconstitutional—and I do not believe even the smallest part is unconstitutional under current constitutional law—then the whole bill would be unconstitutional. And that means that it will be knocked out, even though we have now spent 8 days on the floor of the U.S. Senate making a case for the ABC bill and, I might add, having won the two most crucial amendments with regard to that bill.

The fact of the matter is that good draftsmanship, good legislative draftsmanship, smart legislative draftsmanship, good-faith legislative draftsmanship mandates putting a severability clause in the legislation. Who knows what a future Supreme Court will do? But, in the unlikely event that something in this legislation is unconstitutional, we surely want a severability clause in there so that all of the legislation is not wiped out in a single swoop of the Supreme Court's pen.

That just makes sense. With regard to the Ford-Durenberger amendment which is put in here—yes, there will be litigation, probably. There will probably be those who will try to knock that amendment out and they will generally be on the side of people who are contrary to what the distinguished Senator from Kentucky, from Minnesota, and, I might add, from North Carolina believe. But there are many, many authorities who based upon current constitutional law agree that the Ford-Durenberger amendment is constitutional.

I may not be an authority but I am somewhat familiar with the Constitution and I agree that this clause is not unconstitutional. But even if it were, the severability clause protects the rest of our legislation from being thrown out as unconstitutional. And it is a wise and important, worthwhile, honest, intelligent thing to have in there.

So I have to conclude that my dear colleague from North Carolina dislikes the ABC bill so much that, even though he would like to see the Ford-Durenberger amendment upheld because it does protect the rights of religious freedom, he hates the ABC bill so much that he is hoping the Ford-Durenberger amendment will be found unconstitutional and that this lack of a severability clause, if his amendment passes, will then invalidate the whole ABC bill.

Mr. DODD. Will my colleague yield?

Mr. HATCH. I will be glad to yield.

Mr. DODD. I want to underscore what my colleague pointed out. We asked legislative counsel. There are over 60 parts of the U.S. Code that contain severability clauses. Last year, well, the number I cannot even count, a drug abuse act, the Indian health care amendments, a long list of bills last year, all of which include severability clauses.

In fact, there are two in this bill, Mr. President, one to apply specifically to the provision with regard to the discrimination area and then one that applies to the act overall.

Obviously, this is just basically good legislating, as the Senator from Utah has indicated.

I know my colleague from Kentucky is interested in being heard on this.

Mr. HATCH. I will be happy to yield to the distinguished Senator from Kentucky.

Mr. FORD. Mr. President, let me just take a minute or 2 to say to my good friend from North Carolina that I am somewhat disappointed that he would take this tack because 70 percent of the money under the amended ABC bill is paid in the manner in which I think he would like for it to be—in tax credits. If the Ford-Durenberger portion of the bill is found unconstitutional, then we would lose all of that money, that 70 percent of that money, to help the children throughout this country of ours.

Mr. DOMENICI. Will the Senator yield? I do not mean to ask this question but——

Mr. FORD. Yes. You do not mean to ask it?

Mr. DOMENICI. Would my colleague not recognize, if I were to read him the language, that it does not apply to the tax credit portion? The tax credit portions are not included in his language. It is simply anything within the ABC bill that his nonseverability clause applies to.

So I do not think it applies to the other two but I will be glad to read the amendment, if the Senator would like me to.

Mr. FORD. I would not want to take that much time. But I think if he is not willing to take a chance on the Ford-Durenberger language, I am not willing to take a chance on his severability clause.

The chances of the Ford-Durenberger provision being unconstitutional are remote. If we take the Ford-Durenberger language we have CRS, and they say it is constitutional; we take the University of Chicago School of Law, Professor Michael McConnell, who says our position is constitutional. But my colleague wants to take a chance and do away with all the rest of ABC on this one provision. I think he is trying to kill the bill.

If the Senator succeeds with this position and the bill is killed, we lose the opportunity to help those children out there who need safe, affordable care. If that happens, I think we will all rue the day.

If this amendment kills the ABC bill, that means we will have to come back and try to write another one. That is exactly what will happen.

If we do that, then it will be the next session of Congress before we get something out of here. And the children will be the ones who suffer.

Mr. President, I hope my colleagues will not accept this amendment. I am not a lawyer. I do not intend to be a lawyer.

My Dad told me, "A little knowledge of the law is dangerous, get you a good lawyer; stay with him."

I have a good lawyer. I am staying with her on this. And I think her advice is good.

We have several experts that have said the Ford-Durenberger position is constitutional; they helped us draft this amendment. I think we are right, and I am willing to take a chance on it. I hope my colleagues will oppose this amendment.

Mr. HATCH. Mr. President, how much time do we have on this?

The PRESIDING OFFICER. A minute, thirty-five seconds.

Mr. HATCH. Let me yield 35 seconds to the distinguished Senator from New Mexico and a minute to the distinguished majority leader.

Mr. DOMENICI. Thirty-five seconds?

Mr. President, the problem, or the argument against this amendment is that it ignores the fact that probably this whole bill would fail but for the religious section. If Senators were confident that they have enough votes to pass this bill without the Ford-Durenberger amendment then they vote against this amendment. What we are saying is this bill would not become law but for that. Therefore, if it is de-

clared unconstitutional, we ought to bring the bill back. The whole bill should go. Maybe we ought to have a test vote and see if my colleagues have 50 votes for ABC without the religious exemption. I will bet they do not. That is why this is appropriate in this case.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The majority leader.

Mr. MITCHELL. Mr. President, a severability provision exists in over 63 Federal laws. It is a commonplace occurrence in the writing of laws. This is not new, it is not novel, it is in no way unique. I am certain that it exists in many laws supported by persons who might otherwise be disposed to favor this amendment.

Mr. President, let us understand what it is we are being asked to do here. We are being asked to say that if any aspect of this law is declared unconstitutional, that the entire law must fall. Yet we are not asked to do that with respect to a very large number of laws that are now on the books.

Accordingly, Mr. President, I urge my colleagues to support a motion to table this amendment which I am about to make.

Has all time expired?

The PRESIDING OFFICER (Mr. KERREY). All time has just expired. The Senator from North Carolina has 32 seconds.

Mr. MITCHELL. I yield to the Senator from North Carolina.

Mr. HELMS. Mr. President, inasmuch as we are trying to help the leadership along and I agreed to a time limitation, knowing there was not going to be time enough, would the leadership be good enough to extend my time 3 minutes so I could yield to the distinguished Senator from California if he wishes to speak?

Mr. MITCHELL. I have no objection to that.

May I ask, Mr. President, if the Senator would in turn agree to permit Senator HATCH to have 2 minutes?

Mr. HELMS. Oh, absolutely. Absolutely.

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator WILSON be recognized for 3 minutes in support of Senator HELMS' amendment, Senator HATCH be recognized for 2 minutes in opposition to it, following which I be recognized to move to table the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mr. WILSON. Mr. President, if the Ford-Durenberger amendment has made the ABC legislation constitutional, then the adoption of the Helms amendment can in no way hurt it. But if, in fact, the Ford-Durenberger amendment fails to make it constitutional, then we will have a situation in which 40 percent, at least, of existing child care providers in the United States will be prohibited from receiving any Federal assistance under this bill.

Mr. President, that is not keeping good faith with parents to whom we have heard time and time again on this floor the ABC bill will offer a maximum of parental choice. It will not, if we shrink by 40 percent the existing day care facilities and providers in this country. All the Helms amendment does is to say that if, in fact, Ford-Durenberger proves inadequate when tested constitutionally, that, in fact, yes, we will have to rewrite the whole bill to see that it is constitutional to afford parents that choice which presumably Ford-Durenberger does afford them. If it does, fine; the Helms amendment cannot hurt. But if, in fact, that legislation is not constitutional, then speaking of good faith, we better be in good faith with the people to whom we say we are offering choice, and we will not be if we just blithely say, "gee, that is a shame; we thought we fixed it but now, guess what, 40 percent of existing child care providers will not be eligible to receive any assistance under this legislation."

Mr. President, what we should do is recognize this as a situation in which it is critical that there be a fix if it is required. If it is not required, then the Helms amendment becomes merely surplusage. To say that it is a killer amendment, to say that it will gut the bill, to say that it is in bad faith is wrong because quite openly and clearly, Senator HELMS and those supporting his amendment think that unless it is constitutional, parents will be deprived to the freedom of choice that they have been promised and that we should therefore come back and rewrite the bill, and he is right. It is that simple.

So I might say to those who feel full confidence in the adequacy, constitutionality of the Ford-Durenberger provision, you should not even reject it. You should accept the amendment because it will do no harm. It is mere surplusage.

I commend my colleague from North Carolina.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I was intrigued by the argument of the distinguished Senator from New Mexico. The Ford-Durenberger amendment does not make this whole bill any more than the countless other amendments we have. The reason we accept these amendments is to try to improve the bill. One of the reasons for the Ford-Durenberger amendment is because it protects the right of people who want religious freedom. I think most people in this body agree with that. What we are trying to say here is that it is a little bit of sophistry to come in and say this whole bill hinges on the one issue. It does not. We are trying to protect certain rights and certain freedoms, and we are trying to do it the best we can.

Frankly, whether this amendment was in this bill or not, the bill is a good bill; it is one that ought to be passed. It is one that might just possibly help some families in America who have long been waiting for this kind of help.

Now we are here at this late hour playing around with a severability clause that virtually every legislator worth his salt would like to have in basic legislation as a protection to that legislation. You do it in bills that do not have any constitutional issues at all just to be sure because you never know. A court that will permit desecration of our flag might very well permit something else that nobody ever thought about.

So you never know what is going to happen, that is why you put these severability clauses in these things and to take it out now, there is only one reason: That is because the distinguished Senator from North Carolina, my friend, does not like the ABC bill. Well, he has a right to do that. He has a right to not like it. He has a right to this amendment, but we have a right to vote this amendment down. It is good legislative craftsmanship to vote it down. I hope every Senator in this body will vote it down because it will send a legislative message that is worthwhile, one that is long overdue.

Whatever time I have left, I yield to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. There are 4 seconds left.

Mr. FORD. Mr. President, Senator DOMENICI offered an amendment this morning that I think is absolutely unconstitutional. Without this severability clause, whether the Ford-Durenberger amendment is unconstitutional or not, the Domenici amendment will bring this bill down. This is a backdoor attempt to kill the bill.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, the amendment by the Senator from North Carolina gets a high score for ingenuity, but that's about it. It purports to strengthen the parental-choice portion of the bill, but its actual intent is to bury a legal landmine in the bill before us, which he hopes will eventually destroy it. While

he attempts to draw support for the amendment by appealing to supporters of the language Senator FORD and I offered to this bill, I think the votes will indicate that he will be joined in this effort only by those who want to defeat this bill.

It is likewise misleading of the Senator to leave the impression that this is somehow a referendum on the constitutionality of Ford-Durenberger; it is certainly not. The severability clause which the Senator deletes by this amendment is in no way specific to section 121. I believe the Senator has the hope that a future court may find some portion of this section unconstitutional; in that case his amendment would have the result of invalidating the entire bill. Severability is a commonplace protection which the Senate uses to safeguard its work product in the judicial arena and it belongs on this bill, regardless of the addition of the Ford-Durenberger language in majority leader's package.

As I and a number of other Members have argued, the Ford-Durenberger amendment is both constitutional and improves this legislation. The Senator from North Carolina is not interested in improving this bill, and Senators should keep that in mind as they vote.

CONSTITUTIONALITY AND SEVERABILITY OF THE CHILD CARE BILL

Mr. SPECTER. Mr. President, I have voted for the Mitchell substitute and am voting for final passage of the ABC bill notwithstanding my doubts about the constitutionality of the provision in the bill that authorizes Government funds to be expended for sectarian child care.

In a floor statement yesterday, I expressed my concerns with respect to the constitutional issue. Specifically, I reviewed the relevant first amendment precedents and expressed my belief that tax credits which indirectly benefit sectarian institutions are constitutional, but more direct aid such as grants, vouchers, or certificates run a significant risk of being declared unconstitutional. A more detailed analysis of the constitutional question can be found in letters from Prof. Laurence Tribe of Harvard Law School and Gary Simson of Cornell Law School. I ask unanimous consent that both letters be printed in the RECORD at the conclusion of this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. SPECTER. Mr. President, in my floor statement yesterday, I also expressed concern that the courts might not find the unconstitutional provision in this act severable from the rest of the bill. I should note, however, that the vote to table the Helms amendment on severability may alter that analysis. There is now a strong congressional declaration that the Ford-Durenberger provision should be severed in order to save the remainder of this important legislation. It appears that many of my colleagues agree with me that there must be comprehensive child-care legislation, even if the first amendment prohibits Government aid to sectarian child-care providers.

It is my hope that the bill can be improved in conference to eliminate the potential constitutional problems. I firmly believe that it is vital that we move ahead with legislation on the important subject of child care. Therefore, the conferees should attempt to craft legislation that does not risk invalidation on constitutional grounds. Toward this end, I urge my colleagues to study carefully the relevant Supreme Court precedents.

EXHIBIT 1

HARVARD UNIVERSITY LAW SCHOOL,
Cambridge, MA, May 5, 1989.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing in response to your request for my views on the constitutional implications of a proposed amendment to the Act for Better Child Care (S. 5). The amendment would exempt the certificates for child care assistance provided for in section 8(a)(1)(C) from the prohibition in section 19(a) against the expenditure of federal funds "for any sectarian purpose or activity, including sectarian worship or instruction." For the reasons stated below, I believe that such an amendment, if adopted, would create a significant risk that the ABC bill would be held unconstitutional.

Under the bill as reported by the Labor and Human Resources Committee, federal child care assistance may be awarded to eligible providers through three means: (1) grants to, or (2) contracts with, the providers, or (3) child care certificates distributed to parents of eligible children. In all three instances, the bill requires that the participating state enter into an agreement with the child care provider under which the provider agrees to meet the requirements of the ABC bill, and the state pays the provider directly for providing child care services to eligible children. Secs. 3(4), 3(8)(A) & 8(a)(1).

Section 19(a) of the reported bill provides that "[n]o financial assistance provided under this Act shall be expended for any sectarian purpose or activity, including sectarian worship or instruction." The Committee Report makes clear that this provision bars an entity receiving any of the forms of financial assistance under the bill from including "any sectarian activities, worship or instruction in providing child care services under this Act." S. Rep. 101-17 at 49.

The proposed amendment would exempt federal assistance awarded through child care certificates from the restrictions in section 19(a). Its purpose is to permit federal funds under the Act to be used to pay for child care when parents using child care certificates opt to send their children to providers that carry on religious worship and instruction as part of the child care program.

In evaluating the constitutionality under the Establishment Clause of government aid to religious institutions, the Supreme Court is guided by the three-part test first articulated in *Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971):

"First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; finally, the statute must not foster 'an excessive government entanglement of religion.'" *Id.* (quoting *Walz v. Tax Comm'n*, 397 U.S. 664, 674, (1970); other citations omitted).

On the first, secular purpose requirement, later Supreme Court decisions have suggested that a statute will be invalidated on this ground "only if it is motivated wholly by an impermissible purpose." *Bowen v. Kendrick*, 108 S.Ct. 2562, 2570 (1988) (citations omitted). Numerous other precedents define the requirement slightly more broadly, stipulating that, so long as the law was motivated at least primarily by a legitimate secular purpose, the first leg of the *Lemon* test is satisfied. *See, e.g., Lynch v. Donnelly*, 465 U.S. 668 (1984). The mere fact that a particular legislative objective may coincide with, or even be prompted by, religious doctrine does not render the objective an impermissible one; only actions intended either to endorse or to disapprove of religious doctrine fail the secular purpose requirement. *See* L. Tribe, *American Constitutional Law* sec. 14-9 (2d ed. 1988).

Both the text of the ABC bill and the Committee Report make it clear that the measure's primary purpose is a secular one; to facilitate the provision of high quality child care to families that are unable to afford it without government assistance. As a general matter, broad-based financial aid programs like that envisioned by the bill easily survive scrutiny under the first prong of the *Lemon* test, even when they run afoul of other aspects of the *Lemon* framework." *Mueller v. Allen*, 463 U.S. 388, 394 (1983). *See Grand Rapids School District v. Ball*, 473 U.S. 373, 383 (1985) ("As has often been true in school aid cases, there is no dispute as to the first test.").

Though it may be argued that one purpose of the proposed amendment is to advance religious observance by awarding federal funding to child care programs that engage in religious instruction, it seems clear that the amendment is also intended to enlist religious child care providers in meeting the bill's primary objective of providing high quality day care to indigent families.

The Supreme Court accepted this latter rationale as persuasive in *Bowen v. Kendrick, supra*, 108 S.Ct. at 2571, in holding that provisions in the Adolescent Family Life Act changing federal law in order to permit payment of federal funds to religious institutions that provide counseling on questions of adolescent sexuality satisfied the secular purpose requirement. Moreover, it may also be argued that the proposed amendment is simply intended to remove financial considerations from an eligible parent's decision whether to send his or her child to a sectarian or a nonsectarian day care program, and as such is a "reasonable accommodation" to the parent's religious beliefs, rather than an endorsement of religion. *See Church of Latter-day Saints v. Amos*, 107 S.Ct. 2862, 2868 (1987).

Under these precedents, it is highly unlikely that adoption of the proposed amendment would cause the bill to violate the secular purpose requirement. But the bill's prospects under the latter two *Lemon* criteria would be far more problematic if the amendment were adopted.

Under the proposed amendment, it is predictable that a significant portion of ABC assistance will be paid to child care provid-

ers which conduct religious instruction or worship as part of the child care programs subsidized by the bill. As a result, it is quite likely that the ABC bill would be held to violate the second *Lemon* requirement, which bars measures having the primary effect of advancing religion.

The amendment probably transgresses this stricture because it would permit government funds to be used directly to subsidize sectarian activities carried on as part of the child care programs funded by the bill. "Although Establishment Clause jurisprudence is characterized by few absolutes, the Clause does absolutely prohibit government-financed or government-sponsored indoctrination into the beliefs of a particular religious faith." *Ball, supra* 473 U.S. at 385.

In this regard, the bill as amended would go considerably beyond the AFLA statute upheld in *Kendrick*. There, the Court ruled that the projects authorized by AFLA, which included counseling and child care, were "facially neutral" in nature, 108 S.Ct. at 2576. In so doing, however, it acknowledged that federal funding of these activities by "pervasively sectarian institutions" would imperil the constitutionality of the AFLA law, and it explicitly declined to assume that such institutions would receive AFLA funds.

Adoption of the proposed amendment would thus raise two significant constitutional problems not present in *Bowen*. First, the amendment seems to contemplate that ABC funds would be paid to "pervasively sectarian" institutions, such as child care programs maintained as an integral part of a parochial school program. Such a result appears likely to doom the provision under the approach taken by the majority in *Kendrick. See id.* at 2580. And second, since the amendment would lift even the prohibition against using ABC funds paid through child care certificates for sectarian purposes or activities, it seems clear that the amended bill would contemplate that government funds would be used to further religion, a result that would render the provision invalid even under the relatively unrestrictive approach outlined in Justice Kennedy's concurring opinion. *Id.* at 2582.

Nothing in *Witters v. Washington Dep't of Services for the Blind*, 474 U.S. 481 (1986), provides a secure basis for confidence that a contrary result will be reached. In *Witters*, the Court simply held that the Establishment Clause did not forbid granting aid under a state vocational program for visually handicapped persons to one solitary student who sought to use it to pay to attend Bible college. Indeed, the opposite result would have imposed a significant burden on the student's rights under the Free Exercise Clause.

It is true that the "form" of federal assistance—the fact that ABC funds would flow to sectarian programs as a result of individual parents' decisions regarding where to use their child care certificates, rather than an explicit statutory directive—will undoubtedly weigh favorably in the Court's deliberations. There is nevertheless a significant possibility that the measure would be held unconstitutional, because the child care certificates differ substantially from the forms of government aid to religious institutions previously upheld by the Court.

In *Mueller v. Allen*, for example, parents were allowed a tax deduction for the costs they incurred in sending their children to public or private schools. The benefit that flowed to religious schools was indirect; in contrast, under the proposed amendments, ABC funds would be paid directly by the government to the child care provider to which the parent delivers a child care certificate. More importantly, the ABC bill requires the provider to enter into a written agreement with the government under which the provider promises to comply with the bill's requirements.

This factor highlights the problems posed by the proposed amendment under the third Lemon test: whether the statute would lead to "an excessive entanglement of government with religion." 403 U.S. at 613. If the amendment were adopted, the government would be thrust into the position of closely monitoring compliance by pervasively sectarian institutions with the requirements of the Act. Exactly such a situation prompted the Court in *Aguilar v. Felton*, 473 U.S. 402 (1985), to strike down on entanglement grounds New York City's program of Title I aid to elementary and secondary schools: many of the schools receiving aid were "pervasively sectarian" and had as a substantial purpose the teaching of religious values. 473 U.S. at 411. The Court found that ensuring that federal funds were not used for religious indoctrination would require "a permanent and pervasive state presence in the sectarian schools receiving aid." *Id.* at 413.

In sum, adoption of the proposed amendment would create a significant likelihood that the ABC bill would be held to have the primary effect of advancing religion and to create an unacceptable entanglement of government with religion. The amendment thus poses a substantial threat to the constitutionality of the ABC bill.

Sincerely,

LAURENCE H. TRIBE.

EXHIBIT 2

CORNELL UNIVERSITY,
CORNELL LAW SCHOOL,
Ithaca, NY, May 5, 1989.

MS. SHIRLEY SAGAWA,
Counsel, Senate Labor and Human Resources Committee, Washington, DC.

DEAR MS. SAGAWA: As you requested, I am writing to offer my opinion of the constitutionality of the proposed amendment to the Act for Better Childcare relating to certificate-funded programs. Based on our telephone conversation, my understanding of the amendment is that it would authorize federal funding of childcare programs that provide religious instruction without seeking to ensure that such funds do not go to support the religious instruction. In my view, the amendment clearly violates the Establishment Clause of the First Amendment. It directly contradicts one of the core purposes of the Establishment Clause as well as a long line of Supreme Court cases interpreting the clause.

As Chief Justice Burger underlined in his landmark opinion for the Court in *Lemon* v. *Kurtzman*, 403 U.S. 603, 612 (1971), "financial support" of religion is one of the principal "evils against which the Establishment Clause was intended to afford protection." In keeping with this perception of original intent, the Court in *Lemon* and a host of other cases has invalidated government aid to parochial schools unless it was satisfied that the aid was not being used to support the schools' religious mission. The *Lemon* case exemplifies the court's approach. In striking down aid supplementing the salaries of teachers of secular subjects in parochial schools, the Court made clear that it regards as unconstitutional not only laws that plainly help pay for religious instruction but also ones that on their face appear to fund only secular instruction but that in practice present a significant risk of supporting religious instruction. Under this approach the proposed amendment, with its unabashed subsidy for religious instruction, presents an easy case for invalidation.

The Court's recent decision in *Bowen* v. *Kendrick*,—U.S.—, 108 S. Ct. 2562 (1988), upholding the federal Adolescent Family Life Act, does not suggest that the Court would view the proposed amendment otherwise. In an opinion by Chief Justice Rehnquist, the Court in *Bowen* v. *Kendrick* reaffirmed the principle that aid is invalid that directly supports religious activities or that poses a significant risk of being used to advance such activities (108 S. Ct. at 2574-75), and it expressly provided that specific grants under the Act should be struck down if they could be proven to entail a significant risk of supporting religious instruction (108 S. Ct. at 2580-81). It may well be that the Court in *Bowen* v. *Kendrick* retreated to some degree from its earlier cases in its estimate of what constitutes a significant risk of funds being channeled to religious activities. There is no basis for finding in its opinion, however, any retreat from its longstanding position that government funding of religious instruction is barred.

It appears that the only Supreme Court precedent that lends any aura of legitimacy to the proposed amendment is *Mueller* v. *Allen*, 463 U.S. 388 (1983). In *Mueller* the Court held that a state could allow parents of parochial school children a state income tax deduction for tuition and other specified expenses. Read broadly, *Mueller* might seem to suggest that government indeed may fund religious instruction without violating the Establishment Clause: though not an expenditure of public funds in form, a tax deduction is one in fact; and the tuition payments encompassed by the deduction plainly go to support the religious instruction provided at parochial schools.

In *Mueller* itself, however, the Court indicated that such a broad reading would be inappropriate. It emphasized that its determination of constitutionality was significantly influenced by the fact that the law under review was a tax statute. According to the majority, the Court "traditionally" has given legislatures "especially broad latitude" and "substantial deference" in matters of taxation (463 U.S. at 396). Furthermore, in subsequent cases, the Court has confirmed that *Mueller* should not be read broadly. *Grand Rapids School District* v. *Ball*, 473 U.S. 373 (1985), is particularly notable in this regard. Not only did the Court in *Grand Rapids* invalidate a funding scheme based on a significant risk that funds would be used to support religious instruction; it also expressly distinguished *Mueller* as a case involving aid "mediated by the tax code" (473 U.S. at 395 n.13). *Mueller* is a highly controversial decision by a sharply divided Court. Whether or not *Mueller* proves to be long-lived, it is apparent that the Court is unwilling to read it so broadly as to provide precedent for the type of funding authorized by the proposed amendment.

In sum, I strongly recommend against adoption of the proposed amendment based on its unconstitutionality under the Establishment Clause of the First Amendment. Please feel free to share this letter with anyone you wish and do not hesitate to contact me if I can be of any further assistance.

Very truly yours,

GARY J. SIMON,
Professor of Law.

Mr. MITCHELL. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—62

Adams	Durenberger	Lieberman
Baucus	Exon	Matsunaga
Bentsen	Ford	Metzenbaum
Biden	Fowler	Mikulski
Bingaman	Glenn	Mitchell
Bond	Graham	Moynihan
Boren	Harkin	Nunn
Bradley	Hatch	Pell
Breaux	Hatfield	Pryor
Bryan	Heinz	Reid
Bumpers	Hollings	Riegle
Burdick	Inouye	Robb
Byrd	Jeffords	Rockefeller
Chafee	Johnston	Sanford
Cohen	Kennedy	Sarbanes
Conrad	Kerrey	Sasser
Cranston	Kerry	Shelby
Daschle	Kohl	Simon
DeConcini	Lautenberg	Specter
Dixon	Leahy	Wirth
Dodd	Levin	

NAYS—36

Boschwitz	Heflin	Nickles
Burns	Helms	Packwood
Coats	Humphrey	Pressler
Cochran	Kassebaum	Roth
D'Amato	Kasten	Rudman
Danforth	Lott	Simpson
Dole	Lugar	Stevens
Domenici	Mack	Symms
Garn	McCain	Thurmond
Gorton	McClure	Wallop
Gramm	McConnell	Warner
Grassley	Murkowski	Wilson

NOT VOTING—2

Armstrong	Gore

So the motion to lay on the table amendment No. 225 was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, last month my wife Marcelle and I spent a morning at a child care center in Burlington. It was a cold, drizzly Vermont spring day—but you would not have known it by the smiles on the children's faces. The center is one of the best in my State. Parents who leave their children in its care feel comfortable that their kids are in safe, qualified hands.

The value of this peace of mind cannot be underestimated. Parents who must work need assurances that their children are safe and well-cared for. Their productivity depends on it.

Too often, though, parents are forced to make choices that compromise their childrens' welfare and safety. The serious shortage of safe, affordable child care in America forces many families to settle for mediocre, sometimes even dangerous, arrangements. Our children deserve better. Working families deserve better, and they need our help.

My home State of Vermont is responding to the varied needs of families and has taken steps to improve its child care system. Vermont is spending more on child care and is in the forefront on safety and quality issues.

The number of licensed child care spaces in Vermont has almost tripled in 4 years, from 6,000 to 16,000. Vermont now spends $5.8 million annually to help Vermont's parents care for their children, but another 25,000 children need this quality care, and are not getting it.

Mr. President, we have an opportunity to help parents who cannot find safe, affordable care for their children. We have an opportunity to save the business community billions of dollars lost due to child care-related absenteeism.

I support the children's package introduced by the majority leader. Senators MITCHELL, DODD, and HATCH and many others have worked hard to put together a bill that offers a sound approach to our child care needs. Through years of debate, difficult compromise, and bipartisan cooperation, the ABC bill before us is greatly improved. It is not perfect. No legislation that tackles a problem as great as child care can be. But what this bill says to working families is that the Federal Government is making a commitment to better child care in America.

The ABC bill expands child care options for working parents. It allows them to choose among a wide variety of child care services, including care by relatives, churches, family providers, centers, schools and employers.

As revised by the agreement with the National Governors Association, 70 percent of ABC funds will go directly to families. Twenty-two percent of funds will go to improve the quality and supply of child care in each State. The States will use the remaining funds to administer the program.

States will have complete discretion to design their own health and safety standards, and they will be able to apply for incentive grants to meet model standards recommended by a national committee.

The ABC compromise includes a child-care and child-health tax credit package reported by the Senate Finance Committee. It provides refundable tax credits to low-income families with children to increase the number of families helped with child-care and child-health expenses.

The compromise reduces the original authorization level for the ABC bill to $1.75 billion. I want to commend Senator DODD for leading the successful effort to fund new child-care initiatives contained in the fiscal year 1990 budget resolution passed earlier this year.

Is $1.75 billion too high a price to pay for adequate child care? Well, let me remind Senators that we could take care of the Nation's child-care needs for the next decade and more for far less than it will cost the American taxpayers to bail out the Nation's savings and loan institutions in the southwest.

I consider spending on child care an investment in the future. So do many in the business community. The Committee for Economic Development, a group of more than 220 heads of major U.S. corporations and universities. released a report that stresses the importance of investing in children early on.

The money we spend on child care will improve the lives of working families and their children. It is a sound investment. It is a necessary investment.

Over the past 2 years, the ABC bill has undergone significant change and improvement. With the additions and changes that are included in the Mitchell substitute, it is the best proposal for addressing the problems of supply, quality and affordability of child care. A tax credit approach alone is not a meaningful substitute for comprehensive child care. A tax credit does nothing to address the problems of quality and supply of child care. It offers no guarantee that the money is spent on child care.

Last year a filibuster prevented us from passing child-care legislation and helping thousands of families meet their child-care needs. We have a second chance. I urge my colleagues to vote for better child care by supporting the ABC bill.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, if I could have the Senator's attention, I am about to propound a unanimous-consent request which will enable us to complete action on this legislation very shortly. So I ask for Senators' attention on that, because at the conclusion I am going to inquire with respect to whether or not there will be a request for a vote on final passage.

Mr. President, I understand the pending business is the Dole amendment.

The PRESIDING OFFICER. That is correct.

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be 15 minutes of debate on the Dole amendment, equally divided between Senator MITCHELL and Senator DOLE, following which there occur an up or down vote on the Dole amendment.

I further ask unanimous consent that after the Dole amendment is disposed of, either Senator PACKWOOD, Senator WILSON, Senator GRASSLEY, or Senator DOLE be recognized to offer an amendment on model standards on which there shall be 20 minutes of debate equally divided between Senator DODD and the sponsor of the amendment.

I further ask unanimous consent that following the disposition of the model standards amendment, the Senate turn to the consideration of Senator WILSON's amendment on credits on which there shall be 20 minutes of debate equally divided between Senators DODD and WILSON; that, following the disposition of the credits amendment, Senator GORTON be recognized to offer an amendment on the flag that the managers expect to accept; that, following disposition of the Gorton amendment, Senator KASTEN be recognized to offer two amendments, one on section 89 and one on licensing, which the managers expect to accept; that, following disposition of the Kasten amendments, Senator MITCHELL be recognized to offer an amendment in behalf of himself, and Senators BOSCHWITZ, PACKWOOD, and PRYOR regarding section 89 which the managers expect to accept; and, that, following the disposition of the Mitchell-Boschwitz-Packwood-Pryor amendment, the Senate proceed without any intervening action to third reading and final passage of the bill, and that no other amendments or motions except motions to table be in order.

The PRESIDING OFFICER. Is there objection?

Mr. BRADLEY. Reserving the right to object, I would like to ask the leader, do the last four amendments have time agreements on them? How long does the leader expect the amendments if accepted will take?

Mr. MITCHELL. Just a few moments. We do not anticipate more than a few moments. They have been cleared on both sides.

Mr. EXON. Reserving the right to object, may I further inquire? I appreciate the fact we are trying to move things along. I did not get a chance to add up all of the time. For those of us who have already canceled two or three flights, could the majority leader give us any approximate time sometime between 6 o'clock and midnight that he anticipates we might be through or is that impossible under the present situation?

Mr. MITCHELL. No. It is my hope that if this agreement is accepted we will be through by before 5:30. I hope even before that. It is possible I am advised that one of the amendments for which time has been allocated in the agreement may not be offered which would speed it up that much. This means that there would be a maximum of three rollcall votes on amendments, the amendments taking 15, 20, and 25 minutes in succession.

I would like to get agreement on this, and then I am going to make the request of Senators with respect to final passage.

Mr. DODD. Reserving the right to object, would I be permitted, or the Senator from Texas be permitted, to offer a second-degree amendment to any of the amendments being proposed

Mr. MITCHELL. Not as the agreement is currently drafted.

Mr. DODD. I would like at least the opportunity to consider a second-degree amendment.

Mr. MITCHELL. Can the Senator identify the amendment with respect to which he wishes to reserve the right to offer that second-degree amendment, so we can put that in the agreement?

Mr. DODD. I apologize to the leader. I did not hear.

Mr. MITCHELL. Will the Senator identify the amendment with respect to which he would like to reserve the right?

Mr. DODD. A standard amendment, both amendments.

Mr. MITCHELL. Mr. President, I amend my unanimous consent request to provide that with respect to the amendment which I identified as to be offered by Senators PACKWOOD, WILSON, GRASSLEY or DOLE, and with respect to the amendment which I identified as a Wilson amendment, with respect to credits, that there be permitted a second-degree amendment, and if a second-degree amendment is offered, that the time limitation on the second-degree amendment be the same as the time limitation on the amendment sought to be amended.

Mr. DODD. Reserving the right to object, is that to cover any amendment on the standards issue?

Mr. MITCHELL. There is only one amendment that may be permitted on standards under this agreement. It will be offered by one of four Senators who have been identified in the agreement, and the distinguished Republican leader has not identified which of the four will offer it.

Mr. DOLE. If anyone offers it, I will offer it.

Mr. MITCHELL. If it is to be offered, it will be offered by Senator DOLE.

Mr. WILSON. Reserving the right to object, do I understand that the Senator talking about a second-degree amendment to the Wilson tax credit amendment?

Mr. MITCHELL. Yes, the agreement would permit such an amendment with a time limit on the same amount of time as your amendment.

So, Mr. President, I amend my request to provide that a second-degree amendment permitted under this agreement would be offered by Senator DODD and would be on the same subject matter as the amendment sought to be amended.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, now it is not my intention to seek a rollcall vote on final passage, which means that the last rollcall vote will occur within about an hour and a half, if all of these amendments are offered, and they may not all be, which means it would be even less time. Now, many Senators are here, and I make inquiry, and I know the distinguished Republican leader makes inquiry, is there any Senator who wishes a recorded vote on final passage?

Mr. HATCH. Reserving the right to object, I am informed there are some Senators who do.

Mr. MITCHELL. Well, that is not part of the agreement, but I just say we have made a real effort here to accommodate as many Senators as possible, and this is the time of day and week when many Senators would like to depart. I ask the Senator and the distinguished Republican leader, and I will do the same, if we can find out who would like a vote.

Mr. HATCH. The senior Senator from Connecticut told me he would like a vote on final passage.

Mr. MITCHELL. Mr. President, we have obviously been unable to resolve the question for a recorded vote on a final passage. There will be two, possibly three rollcall votes. I suggest we proceed to the consideration of the Dole amendment, not unduly delay it further, and I will have an announcement with regard to later action after the next vote.

The PRESIDING OFFICER. There is 15 minutes of time, evenly divided, between the majority and Republican leader. Who yields time?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. The pending business——

The PRESIDING OFFICER. The Senate will come to order. The pending business is amendment No. 223, offered by the Republican leader.

Mr. DOLE. Mr. President, I know what time it is, and I know there are a number of Senators who have been very nice to me, calling me on the tele-

phone today, and they normally do not call at all, saying, "When are we going to get out of here." I am going to take about 1 minute, and I hope we can——

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. I am going to take about 1 minute to say what this amendment does, and I am prepared to yield back the remainder of my time. I know Senators have a lot of things they would like to do. What I wanted to have is a vote up or down, and we are going to have the vote up or down now, and I want to thank the majority leader and chairman of the Finance Committee.

I do not think there is going to be any change. There should be a change, but I want to put it into this bill so we can work out this compromise somewhere down the line, hopefully, on child care and have the President be a player, because he has an interest in legislation.

What I want to do is replace the health care credit and put in the earned income tax credit; that helps poor families, people that live in my State, as opposed to some untested program that may be a great idea. I do not want to quarrel with the chairman of the Finance Committee, but we know the EITC will help people who stay at home, poor families, and is not going to help families who are going to be reimbursed for insurance they are already buying. I think we ought to make that RECORD.

Second, it brings the President of the United States, who is getting along pretty well with a 75 percent approval rating, into the action; it makes him a player in child care. That is essentially the case.

I yield the remainder of my time.

Mr. DURENBERGER. Mr. President, not only do I believe we are going in the wrong direction with the addition of the health credit, but I also think that the substitute of the expansion of the earned income tax credit is an excellent one.

I think one lessen we have learned from this extended debate on child care, is that families have differing child care needs at different times in their lives. I have heard from many when debating another topic before this body—that of parental leave—about the importance of giving parents the choice of staying home to care for a child during that first critical months or years of a child's life.

And I believe Federal child care policy should take into account these differing needs at different periods of a child's life. For these first critical years in a child's life, I believe it is important that child care policy take into account the needs of parents who decide to care for their child in their home. Expansion of the earned income tax credit to account for family size and by targeting children under age 3—the age when most parents would prefer to have the option of staying home.

Not only is this good social policy, it is also good economic policy. These first few years of a child's life is also the time when care expenses are the highest and when low-income families need the most assistance to make ends meet. When we are putting more money directly into parents pockets to use in a manner which best suits their own individual needs, we are making the most efficient use of Federal dollars. I urge my colleagues to support this amendment.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, in good faith, yesterday, for what was, I believe, more than 10 hours, negotiations occurred with respect to the subject that the distinguished Republican leader has described. Negotiations did not succeed, but we took the final stage of those negotiations and added them to the bill today, accepting more than half of what it is that the President wanted. So we have accepted into this, in the spirit of compromise, what the President wanted, even though the reality is the votes existed not to accept that. The votes on this are clear, that we could have prevailed without accepting those provisions, but we did so in an effort to try to indicate some willingness to compromise on this, which attitude continues.

The PRESIDING OFFICER. The Senate will come to order.

Mr. MITCHELL. So having accepted what I think can fairly be characterized, having gone more than halfway toward the position espoused by the distinguished Republican leader, we have included that in the bill. We are now being asked to say we must accept it all or nothing. Take it or leave it. I do not think that is compromise. I do not think that is going halfway.

So I urge my colleagues to keep in mind that we have included an earned income tax credit in this bill as a result of the amendment adopted earlier today. We accepted more than half of what it is that the President's proponents asked us to. We went more than halfway, and we hope that the spirit of compromise which has been displayed can continue, and that we can end up with a bill, finally, that will be acceptable to the President and to all concerned.

This is a good bill. This is a fair compromise; it is a reasonable and sincere attempt to accommodate the interests of the President and the Republican Members of the Senate. It includes an earned income tax credit. It helps mothers who stay at home, which is what I understood to be the principal request being made.

Accordingly, Mr. President, I urge my colleagues to repeat the vote of earlier today, stand firm, and defeat this amendment, and then let us go on to complete final action on this bill, which will be a historic bill for our Nation and for this Senate.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment of the Senator from Kansas, Mr. DOLE.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] and the Senator from North Carolina [Mr. HELMS] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

The PRESIDING OFFICER (Mr. FOWLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—44

Bond	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Burns	Hatch	Packwood
Chafee	Hatfield	Pressler
Coats	Heinz	Roth
Cochran	Humphrey	Rudman
Cohen	Jeffords	Simpson
Conrad	Kassebaum	Specter
D'Amato	Kasten	Stevens
Danforth	Lott	Symms
Dole	Lugar	Thurmond
Domenici	Mack	Wallop
Durenberger	McCain	Warner
Garn	McClure	Wilson
Gorton	McConnell	

NAYS—53

Adams	Ford	Metzenbaum
Baucus	Fowler	Mikulski
Bentsen	Glenn	Mitchell
Biden	Graham	Moynihan
Bingaman	Harkin	Nunn
Boren	Heflin	Pell
Bradley	Hollings	Pryor
Breaux	Inouye	Reid
Bryan	Johnston	Riegle
Bumpers	Kennedy	Robb
Burdick	Kerrey	Rockefeller
Byrd	Kerry	Sanford
Cranston	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Shelby
Dixon	Levin	Simon
Dodd	Lieberman	Wirth
Exon	Matsunaga	

NOT VOTING—3

Armstrong	Gore	Helms

So the amendment (No. 223) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, it is my understanding now that there is no request for a rollcall vote on final passage. Under the agreement now in effect, there will be two more amendments, one to be offered by Senator DOLE on model standards, with 20 minutes of debate, and one by Senator WILSON on credits with 20 minutes of debate.

Senator DOLE has agreed not to offer his amendment. Through an inadvertent error, Senator HEINZ', amendment was left off the list.

Therefore, Mr. President, I ask unanimous consent that Senator HEINZ now be recognized to offer an amendment with respect to which there will be 10 minutes of debate, equally divided between Senator HEINZ and Senator BENTSEN; that following the disposition of the Heinz amendment, Senator WILSON be recognized to offer his amendment in accordance with the agreement in effect; and that the conditions applying to the agreement in effect apply to this agreement as amended.

I will make that request now, Mr. President, then I will make a brief explanatory statement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

Mr. PRYOR. Reserving the right to object. I do not think there is a need to object, I say to the leader, but I think the leader inadvertently left off the Kasten-Pryor amendment to section 89. I do not think it will require a rollcall.

Mr. MITCHELL. No; it is my intention that the Kasten-Pryor amendment on section 89 and the amendment I will offer for myself, and Senators BOSCHWITZ, PACKWOOD, and PRYOR, will remain in effect under the agreement. This modifies only that portion of the agreement which provided for an amendment by Senator DOLE with 20 minutes equally divided. In effect, we are not substituting an amendment for that one, an amendment by Senator HEINZ, with 10 minutes equally divided.

Mr. PRYOR. Thank you.

Mr. METZENBAUM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Ohio reserves the right to object.

Mr. METZENBAUM. I do not intend to object. Is it my understanding that a part of the package of amendments to be accepted is one that provides some provision directing one of our committees to act by a date certain in connection with an issue that is of concern to Members of the Senate?

Mr. MITCHELL. Mr. President, I will defer to the manager on that.

Mr. BIDEN. Will the majority leader yield on that point? I think I can add some light. Apparently there is some consideration by some of our colleagues to do just that. I have been speaking with some of our colleagues. I have a piece of legislation that I believe would obviate the need for that and I would be happy to show it.

That has not been done yet, to the best of my knowledge. There is no unanimous-consent agreement that that be done. I would not want that done as chairman of the Judiciary Committee, but I would be delighted—as a matter of fact, I am on my way over to speak to the Senator with an alternative.

Mr. METZENBAUM. It is not part of any package before us?

Mr. MITCHELL. No; that is not correct. There is in the agreement now in effect a provision to recognize Senator GORTON to offer an amendment which, in the words of the agreement, "that the managers expect to accept."

That is the agreement now in effect. That was a result of discussion with the managers.

Mr. BIDEN. Would the Senator yield? The point is, it is not accepted at this point and hopefully in the next 45 minutes or so, we can work that matter out.

Mr. MITCHELL. The distinguished Republican leader has suggested that perhaps the two Senators would meet with Senator GORTON while we are proceeding with these other matters.

Many Senators have indicated a desire to leave. I would ask if we could proceed with the pending provision, pending amendment, and while that is being disposed of, discuss this. The provision agreement to which the Senator refers was entered into previously. It has nothing to do with the agreement I am now seeking.

Mr. METZENBAUM. I will not object.

The PRESIDING OFFICER. Hearing no objection, the unanimous-consent agreement is agreed to.

The Senator from Pennsylvania [Mr. HEINZ], is recognized.

AMENDMENT NO. 226

(Purpose: To replace the tax credit for health insurance premiums with an increase in the dependent care tax credit)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ] proposes an amendment numbered 226.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 97, line 5, strike all through page 108, line 5, and insert the following:

TITLE II—INTERNAL REVENUE CODE PROVISIONS

This title shall be effective after December 30, 1990.

Subtitle A—Dependent Care Credit

SEC. 211. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) INCREASE IN CREDIT.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 (defining applicable percentage) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 45 percent reduced (but not below 20 percent) by 3 percentage points for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $12,500."

(b) NO CREDIT FOR EXPENSES SUBSIDIZED BY GOVERNMENT.—Section 21(b)(2) of the Internal Revenue Code of 1986 (defining employment-related expenses) is amended by adding at the end thereof the following new subparagraph:

"(E) EXCEPTION FOR SUBSIDIZED EXPENSES.—Employment-related expenses described in subparagraph (A) shall not be taken into account if such expenses are paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal government, a State or local government, or any agency or instrumentality thereof.".

(c) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1990.

(2) The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1989.

SEC. 212. DEPENDENT CARE CREDIT MADE REFUNDABLE.

(a) CREDIT MADE REFUNDABLE.—Section 21 of the Internal Revenue Code of 1986 (relating to credit for household and dependent care services) is amended by redesignating subsections (f) and (g) as subsection (g) and (h) and by inserting after subsection (e) the following new subsection:

"(f) CREDIT REFUNDABLE FOR LOW AND MODERATE INCOME TAXPAYERS.—

"(1) IN GENERAL.—For purposes of this subtitle, in the case of an applicable taxpayer—

"(A) the credit allowable under subsection (a) for any taxable year shall be treated as a credit allowable under subpart C of this part, and

"(2) APPLICABLE TAXPAYER.—For purposes of this subsection, the term 'applicable taxpayer' means a taxpayer whose adjusted gross income for the taxable year does not exceed $28,500.

"(3) COORDINATION WITH ADVANCE PAYMENTS AND MINIMUM TAX.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply with respect to the portion of any credit to which this subsection applies."

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF DEPENDENT CARE CREDIT.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payments of wages with respect to whom a depedent care eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's dependent care advance amount.

"(b) DEPENDENT CARE ELIGIBILITY CERTIFICATE.—For purposes of this title, a dependent care eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 21 for the taxable year,

"(2) certifies that the employee reasonably expects to be an applicable taxpayer (within the meaning of section 21(f)) for the taxable year,

"(3) certifies that the employee does not have a dependent care eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(4) states whether or not the employee's spouse has a dependent care eligibility certificate in effect,

"(5) states the number of qualifying individuals in the household maintained by the employee, and

"(6) estimates the amount of employment-related expenses for the calendar year.

"(c) DEPENDENT CARE ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'dependent care advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer of such period,

"(B) on the basis of the employee's estimated employment-related expenses included in the dependent care eligibility certificate,

"(C) on the basis of the percentage of the credit which is refundable under section 21(f), and

"(D) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(C) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply."

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of dependent care credit."

(c) EFFECTIVE DATES.—

(1) IN GENERAL.— Except as provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1990.

(2) ADVANCE PAYMENT OF CREDIT.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1991.

On page 109, line 2, strike "and health insurance premiums".

Mr. HEINZ. Mr. President, in simplest terms, what this amendment does is to take the money that was put into the Bentsen amendment which was offered as a perfecting amendment in the nature of a substitute to that offered by the minority leader, Mr. DOLE, and take all of those revenues and apply them to an enhanced child care and dependent tax credit.

Most of that money, of course, will come out of the child-care health tax credit that has been a part of the Finance Committee bill, and which was a part of the Bentsen amendment. The shortcomings of the child health-care tax credit have been debated at some length and I will not take much time to point out its weaknesses now. Except to say that it rests on the doubtful, if not simply inaccurate premise, that there are people who are in the process or may be about to drop family health-care insurance that they pay for in favor of cheaper single coverage for themselves, thereby leaving their children exposed.

Mr. President, I happen to think that that is doubtful for many reasons but it certainly runs against human nature, especially in this country where people have a history of sacrificing for their kids.

More importantly, no amount of analysis has been done that satisfied anybody as to, really, what the effect of that amendment is going to be; that money is going to be. We do not know who is going to benefit from that money.

Indeed, the Joint Tax Committee, and they are usually an authority we have a tendency to respect, has said basically everybody who will benefit already has health insurance. Well, what a way to spend billions of dollars when we have 37 million people in this country who do not have health insurance.

Mr. President, that is a backward priority. So I am aiming at that pot of money above all with my amendment, and to apply all of that money to an enhanced child care and dependent tax credit which will allow us to offer not only a substantially enhanced child-care health credit, but it will allow us to help more people. We will help some 12 million people, as compared to 11 million or so people under this bill and about 9 million people helped by the dependent-care tax credit under current law.

But more importantly still, for those who need the help the most, for example, people earning between $5,000 and $10,000 a year, we will increase the amount of the child and dependent-care tax credit on average, for a tax paying family by close to $340. We will nearly have a 50-percent increase in the tax credit for those people and, not only that, we have, unlike the present bill as it is now amended, full refundability. One hundred percent refundability; not 90 percent as was in the amendment that was adopted earlier today.

So we will help the poorer people even more.

My friends, that is where we ought to direct our attention. If we care about poor people, if we want to empower them to have day care, let us put the money, not into some will-o'-the-wisp tax credit nobody has any idea who it will affect, but let us put it into right where we need to put it, the child care and dependent tax credit.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas controls the time in opposition.

Mr. BENTSEN. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator from Pennsylvania has 37 seconds remaining. The Senator from Texas has 5 minutes.

Mr. BENTSEN. Mr. President, this is an interesting proposal coming from a Republican. This proposal would strike the health insurance credit. In doing so my colleague is actually taking money away from the mother at home. The health insurance credit does not discriminate against one-earner families. It allows these families to receive a credit for health insurance expenditures. This credit is a carefully targeted solution to the problems facing the millions of children in families with no health insurance. It also will provide relief to millions of families who will not be able to afford insurance due to dramatic increases in premiums. Recently we have seen a 17-percent increase in premiums and a 20-percent reduction in the amount of health insurance provided by companies to their employees for dependent coverage. The health insurance credit is a positive step toward solving this problem.

Today many people who are on welfare have more access to health care for their children than those working families with incomes of $10,000, $15,000, $17,000 a year. This credit will provide health-care assistance to approximately 10 million children. However, my distinguished colleague says that he does not know who will benefit from the credit. I've answered that question. The credit is structured very carefully to provide assistance to those families that are currently uninsured and to those families that may soon find that the cost of health insurance for their children has increased beyond their means.

The Senator from Pennsylvania wants to increase the maximum percentage of a credit that under current law provides millions of dollars to high income taxpayers. The dependent care is currently an expenditure of several billions of dollars. His proposal would add another $3.5 billion to current expenditures. And this may just be the beginning.

Nearly everyone who has testified before the Finance Committee—the Association for Insurance, the Association for Pediatric Care, for Children's Hospitals—endorsed the health insurance credit. In addition, the insurance industry itself has said that they will design packages structured to take advantage of the tax credit and to encourage increased coverage for low-income children.

Insurance companies on the west coast have designed a plan where the cost per child will be $320 for preschool and $250 for those who are in school. In Florida they are putting together a plan offered through the school system. These are positive moves and the right direction and the credit will encourage insurers to take additional steps.

There is a real health-care crisis for children in this country. We have a mortality rate in our country today that puts us 19th amongst the developing countries. If you have a child born within a mile of this Capitol, that child has less chance of living to the age of 1 than a child born in Cuba today, and we need to turn that around. I'm convinced that this credit sends out the right kind of a message.

We have been down this road several times today and once again we are being challenged. So I strongly urge my colleagues to continue doing what you are doing. Back this provision.

I must say to you also, that in the Finance Committee this was part of a package that was passed by a bipartisan vote of 17 to 3. Let us continue to give it that kind of support and bring this to a successful conclusion. I urge strongly that we defeat the amendment.

Has the Senator finished?

Mr. HEINZ. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Thirty seconds.

Mr. BENTSEN. I reserve the remainder of my time.

Mr. HEINZ. Mr. President, I have great respect for the Senator from Texas but he has made an excellent argument for the expansion of Medicaid, not for an untried insurance program which, if it is really effectively administered, 40 cents out of every dollar is going to go to the insurance company. That is about the average in this country today of the benefit to insurance premium ratio. Talking about giving to the rich. This is a very good way to do it if we leave this bill unamended.

As to what this legislation does, we keep the present ceiling on the child care and dependent tax credit, which phases out, I say to my good friend from Texas, at $28,000 and most of it is concentrated well below that.

So, Mr. President, I must object to the characterization, and I think my friend from Texas knows this focuses on the poor. I wish his did. I think he means to do it but unfortunately going through the private insurance system is going to be 40 cents out of every dollar.

Mr. BENTSEN. Mr. President, I move to table the amendment.

Mr. HEINZ. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MITCHELL. Mr. President, I announce for the information of the Senate that the distinguished Senator from West Virginia [Mr. ROCKEFELLER] will be absent for the remainder of today's session due to a death in the family.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

I also announce that the Senator from West Virginia [Mr. ROCKEFELLER] is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Oregon [Mr. HATFIELD], the Senator from North Carolina [Mr. HELMS], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 40, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—53

Adams	Exon	Matsunaga
Baucus	Ford	Metzenbaum
Bentsen	Fowler	Mikulski
Biden	Glenn	Mitchell
Bingaman	Graham	Moynihan
Boren	Harkin	Nunn
Bradley	Hatch	Pell
Breaux	Hollings	Pryor
Bryan	Inouye	Reid
Bumpers	Johnston	Riegle
Burdick	Kennedy	Robb
Byrd	Kerrey	Sanford
Conrad	Kerry	Sarbanes
Cranston	Kohl	Sasser
Daschle	Lautenberg	Shelby
DeConcini	Leahy	Simon
Dixon	Levin	Wirth
Dodd	Lieberman	

NAYS—40

Bond	Coats	Danforth
Boschwitz	Cochran	Dole
Burns	Cohen	Domenici
Chafee	D'Amato	Durenberger
Garn	Lott	Rudman
Gorton	Lugar	Simpson
Gramm	Mack	Specter
Grassley	McCain	Stevens
Heflin	McClure	Thurmond
Heinz	McConnell	Wallop
Humphrey	Murkowski	Warner
Jeffords	Nickles	Wilson
Kassebaum	Pressler	
Kasten	Roth	

NOT VOTING—7

Armstrong	Helms	Symms
Gore	Packwood	
Hatfield	Rockefeller	

So the motion to lay on the table amendment No. 226 was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from California, Mr. WILSON, is now recognized for his amendment.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 227

(Purpose: To permit States to use assistance provided under title I to offer child care tax credits to its residents)

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON], for himself and Mr. BURNS, proposes an amendment numbered 227.

Mr. WILSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 47, line 9, strike out "or".

On page 47, line 14, strike out the period and insert in lieu thereof "; or".

On page 47, between lines 14 and 15, insert the following new subparagraph:

"(D) through the use of tax credits provided by the State to low income working families with children, including two parent families in which one parent cares for the children of such family at home.".

On page 72, between lines 15 and 16, insert the following new paragraph:

(5) STATE TAX CREDITS.—In calculating the Federal share for purposes of making payments to a State that certifies to the Secretary that it will provide child care tax credits as described in section 108(a)(1)(D), the Secretary shall require the State to provide

20% matching funds for any amounts that are to be used by the State for such tax credits.

Notwithstanding the adoption of amendment No. 224 a new category D shall be deemed added to that amendment as contained in page 1, line 6 through page 2, line 2.

Mr. WILSON. Mr. President, this is a very simple, and, if I do say so somewhat immodestly, a very good amendment. It is simple because it is described in the single sentence that has been affixed to the amendment. It says: "Purpose: To permit States to use assistance provided under title 1 to offer child care tax credits to its residents."

That is what it is all about. It simply provides—and it is permissive—but it provides an additional option to the States to use State tax credits in order to provide the kind of assistance for child care that we have been talking about these several days.

Mr. President, the basic facts here are that probably there is no one on this floor that would not like to see the earned income tax credit increased beyond what we are seeing offered in the ABC legislation as it will leave this floor.

There is not a whole lot of money. It will be a help, but we would like to see more help. And if, in the judgment of a particular State, their people can be best served by offering full parental choice in a way that allows them to not only receive some kind of earned income tax credit as a Federal tax credit, but to be supplemented by a further State tax credit, Mr. President, it seems to me we should allow the States to make that judgment.

We should say that parents who wish to go that route will have that option. That is what this legislation does. It puts the tax credit on an equal footing with the other forms of child care under which assistance is offered under the ABC bill because it requires as do the others a 20-percent State matching fund.

So we have a completely equal footing for the different forms. It allows the States, and therefore parents, to make that choice. Clearly not all States will choose to do so. Some do not offer that kind of a tax credit now. Some do not tax income. Some do not tax earned income. But let us allow the States to have the option, and the only reason to oppose this amendment very simply is, if you dislike the idea of helping people through tax credits, if you are against that idea, then you should vote against this amendment. But if you are for allowing the States and allowing parents to choose what form of assistance they shall have, and if you do not wish to prejudice that choice, then this is the amendment for you.

Mr. President, I reserve the remainder of my time.

Mr. HATCH. Mr. President, I yield such time to our side as I may need.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Senator Durenberger had to leave, but he asked me to put his statement in the RECORD on this amendment. I would like to read it.

Mr. President, at another place and time in this debate, the amendment of the Senator from California would be a very attractive proposal for this Senator. As a rule, I support the notion of tax credits over direct assistance. But the amendment by the Senator from California comes before us in the form of a killer amendment. Were it a serious attempt to modify this bill, it certainly would have come far earlier in this process and not at the eleventh hour.

I have concluded that this bill has been improved sufficiently to merit its moving forward in the legislative process. I do not not believe the Senate should do indirectly what it has not decided to do directly, namely derail this bill. I therefore will reluctantly vote to defeat the amendment of my colleague from California.

So this is important. He should be listed as a vote against this amendment, as I will, because I will vote against this amendment. It diverts needed resources away from the availability and quality, I might say. Availability is important. Quality is important. This takes resources away, and these are also services of ABC to parents. It is one of the main things we do in this bill.

Number two, it makes families earning up to a State median income, with a parent at home, eligible for a credit at the expense of lower-income families that the States would otherwise be able to target. So it is unfair to the lower-income families, and as much as I like tax credits, that is why I need a comprehensive bill to do both sides of this thing.

This amendment would ruin one of the more imprtant parts of this comprehensive bill, and that is the ABC bill as we have amended it here up until now. A tax credit is an entitlement. Services under the ABC bill are explicitly not entitlements. It is one of the redeeming features of this bill.

As the Senator from New Mexico has pointed out often in this debate, our approach is not an entitlement approach. It is about time somebody did it that way. These funds will be targeted by the State, and the State has the flexibility to do that.

Our bill makes sense. It makes even more sense with the Bentsen amendment added on and the tax credits. But all one or all the other do not work as well as both together.

With that, I certainly would like to yield time to my distinguished colleague and friend, the principal sponsor of the ABC bill, Senator DODD.

Mr. DODD. I thank my colleague for yielding.

The Senator from Utah hit it on the head here, Mr. President. I say, what you are doing here is to to set up a program wherein you would have the Federal Government sort of subsidizing.

Tax credits are perfectly allowable in the States. They can do it. It is just whether or not they do it with Federal funds. That would be as if we said to the States in the Head Start, "Have a Head Start program or use the money for a tax credit. Under title I, use title I or do not use a tax credit. Use the Federal money any way you want."

The fact of the matter is, if you take the Wilson amendment, despite his statements last evening about how concerned he was about the very poor in his own State, and there are thousands of them in the State of California, 150,000 children, 150,000 children would be cut out of this legislation, if this amendment were adopted. That is California. And Alabama, Arkansas, Michigan, go right around the country, and the poor in your State would be absolutely excluded, if this amendment were adopted. He comes at the 11th hour trying to gut this legislation, and that is what I call totally unacceptable after 9 days of working on this.

Second, of course, you would be finding yourself in a situation here, whereas the Senator from Utah said reallocate funds.

ABC is designed to spread it out. We try to do something with quality, and we try and deal with availability. Most of you have told me you have a problem with slots, and you do not have enough availability in the States for your people. If this amendment is adopted, those funds are gone, entirely. The earned income tax credit—a part of it anyway—that was part of the Dole approach and the Bentsen approach, I applaud that.

I say to my colleagues that in March of this year, I sat in the White House and offered that that ought to be what the child-care bill looked like. The President's EITC approach and the ABC approach. That was the offer in March. Today we have at least a good part of that back. That could have resolved this bill. Having done that with half of this bill, now to turn around and say we are going to take the money and subsidize the tax credit at the local level, that is defeating the purpose of this legislation. It takes funds, as the Senator from Utah said, and not to send them off in the directions which would deny these others.

Last—and I do not think my colleagues want to do this—clearly under our bill, the ABC bill, we allow up to 100 percent of median income for the States to decide whether or not you would receive under the ABC fund.

Our argument is that in some cases people in middle-income categories ought not be excluded from child care assistance. If you take the Wilson amendment, the effect of it would be

to provide a tax credit, potentially, for that crowd of people at the very top. So the people at the lower income levels would be excluded. So the poor, who need the help the most, that we all agree on here, could be cut out entirely, or virtually entirely, for the purposes of this legislation.

With all due respect to my colleague from California, this amendment is not designed to help this bill. I have accepted 18 amendments from the minority side. I thought they were amendments that help. This amendment guts, viscerates this bill.

I hope at this final hour, the last vote on this, we would reject this amendment. At the appropriate time, I will offer a motion to table this amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WILSON. How much time remains, Mr. President?

The PRESIDING OFFICER. Seven and a half minutes.

Mr. WILSON. Mr. President, I must say that I am disappointed in the quality of the response. Frankly, I would have expected better from my friends from Utah and Connecticut. To suggest that because an amendment is offered late, it is not in good faith, is absurd on its face and I resent it. I do not think it is worthy of further comment.

Second, to say that this would have been a superb amendment and one that one could have voted for if it could have been offered earlier, but not now, is a little ridiculous. Speaking of good faith, there is a question there as to whether or not that argument makes sense.

Finally, let me just say this: To say that this amendment guts the ABC bill is ludicrous on its face. It is, on its face, a permissive amendment. What they are saying is that if the States have the choice that would be offered by this amendment, that it will choose to use tax credits, as opposed to the other forms of assistance, and clearly that is not true.

I suspect the States, the broad range of our States in their different circumstances will use all the forms of the child care for which Federal assistance is offered.

But there is a hysteria, an absolute panic, on the part of the proponents of the ABC bill, that this permissive amendment is going to gut this legislation. How can it gut it, unless the States and parents choose to exercise this option? What they are saying to you, Mr. President, is that they do not want the States to have that option. They are fearful that if there is real parental choice, people will exercise it.

Now, I think their fears are largely exaggerated, I hate to say that, because I wish they were correct, that this would allow everyone who has the opportunity to choose it; and, therefore, they would all choose it. They will not all choose it. The States will not choose to make it as available. It will cost the States just as much. They will have to provide the same 20 percent matching funds.

What they are saying is that they are opposed to the idea of a tax credit, and I must say that the idea that we have done enough by way of an earned income tax credit, that this was the solution in March, but, by God, it was not the solution this afternoon; it was not the solution yesterday. There has been one after another amendment offered and defeated. This does not require then adjustment of the formula as would the Dole amendment. It does not do that.

So, people who did not want to do that, really do not have to. They do not have to be alarmed that they will be inconsistent, that they will be denying to their States or to any form of child care, the opportunity to receive Federal assistance. What this does is to make explicit that there is one additional option to States and, therefore, to parents, and that is to use a State tax credit, in order to supplement what is now an inadequate tax credit and made it more inadequate by the Bentsen amendment, which took half the money away to put it into a child health care credit which, frankly, is going to help children of median income parents and not the working poor.

Mr. President, how much time remains to me?

The PRESIDING OFFICER (Mr. BRYAN). Three minutes and 58 seconds.

Mr. WILSON. How much time remains to the opponents?

The PRESIDING OFFICER. Four minutes and 5 seconds.

Mr. WILSON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I will not use all 4 minutes. People have flights they want to catch. Let us wrap this up.

I will just say clearly in looking around here there are an awful lot of States that this is irrelevant to. The State of Alabama, for instance, does not use credits at all. They would not benefit under this proposal at all. I could go around the room here just looking down, Michigan, North Dakota, Wisconsin, people here in the room, of course my own State, and others, this is meaningless to us. We do not use credits.

As I said before if you accept this amendment the way it is working it does exactly what we have tried to avoid doing here.

All of us, Republicans and Democrats, are trying to target child care whether you use the credits or whether you use the direct assistance approach. We have all been concerned about serving people most in need. There is no disagreement on that point, it seems to me. We disagree about how best to reach that targeted group.

This amendment, if accepted, moves you away from that group entirely. That is the problem with it. You end up discriminating against the very people who need the help the most.

As I listened to my colleague last night from California, he was eloquent on the need of targeting those tax credits to the neediest part of our population. Today he offers an amendment that would do it in exactly the opposite direction. So, even though there is debate——

Mr. WILSON. Mr. President, will the Senator yield right there?

Mr. DODD. I yield.

Mr. STEVENS. If it is discretionary and it is up to the States, and the State legislature has to do it, how does the Senator say we are taking anything away by virtue of this amendment?

Mr. DODD. I say to my colleague what you end up doing is having the Federal Government becoming a subsidy source for an entitlement program. You do not do it in any other area of Government. That is the reason I think it is so dangerous for us to move in that area.

Mr. STEVENS. That is a form of assistance.

Mr. DODD. Mr. President, we have gone on for almost 9 days. It has been a lengthy debate.

I thank our colleagues for their patience on this.

I urge that this amendment be rejected.

I reserve the remainder of my time. I will not use any more time and, I will move to table at the appropriate time.

The PRESIDING OFFICER. Who yields time?

Mr. WILSON. Mr. President, let me read, which I fear my friends have not done, the amendment. It seeks to create an option. It is permissive, and the option to the State is to make available, and I quote now, "through the use of tax credits provided by the State to low-income working families."

Low-income working families, Mr. President, "including two-parent families in which one parent cares for the children of such family at home."

Mr. President, I have to tell you the reason that I am concerned is that in my State there are a lot of low-income working families who will not be helped enough by the ABC bill as it is now written. This is an effort to give them a little more assistance.

So let us not try to delude anyone, and the suggestion has been made that somehow this involves a Federal subsidy to a particular form of child

care not available to any of the others under the ABC legislation. This is false because in fact this is on an equal footing. All forms of assistance would be equally subsidized by the Federal Government. All would require the same State matching funds.

The difference provided by this amendment is that it adds explicit authority for the States to have this additional option, and only if you are terrified of the idea of State tax credits being used for child care assistance should you reject this amendment.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. WILSON. I yield to my friend.

Mr. DOMENICI. Let me just compliment the Senator and say I was not even going to speak, but to hear my friend from Connecticut once again call the ABC bill a program to help poor children when they spent 2 days down here talking about it will help middle-income people, that it will help people with $47,000 incomes, which was the medium income, and then to oppose an amendment where a State would be given the right to target substantial portions to the poor children of this country, to oppose the earned income tax credit because it goes to the poor children of this country and you need it broader, seems to me to be rather inconsistent.

You are saying if the State would want to use some of the money it could create a tax credit for low-income families, is that correct?

Mr. WILSON. That is correct.

Mr. DOMENICI. I thank the Senator.

Mr. WILSON. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute.

Mr. WILSON. Mr. President, I thank my friend from New Mexico. Once again he has perceived the truth and stated it very simply.

The fact of the matter is if your State does not give these credits, if it is irrelevant to your State, neither can your State be hurt by the adoption of this amendment. It simply means that your State can choose the other forms of child care assistance.

But if your State does, and many States do, give child care tax credits, then this is an opportunity for them to enhance what they do. It is that simple.

Mr. President, having missed five airplanes, I am delighted to yield back the remainder of my time.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Have the yeas and nays been ordered on the final passage of this bill?

The PRESIDING OFFICER. They have not.

Mr. WILSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second——

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. Mr. President, for 7 days we have debated this legislation. It has been a good instructive healthy debate. But for 7 days what we have heard from the Republican side of the aisle is that this bill should be defeated because it is not adequately targeted to the poor. Over and over and over again for 7 days this argument was made.

Now, at the very last minute the Senator from California comes in with an amendment that is the exact opposite of the argument that has been made for 7 days, that would do the very thing for which the pending bill was criticized by speakers for 7 days.

Either that means that the arguments of the past 7 days had no validity or that this amendment has none.

Mr. President, this is the last vote. We ought to complete action on it and pass this bill. I urge that this amendment be defeated and I move to table the amendment and ask for the yeas and nays.

Mr. STEVENS. Mr. President, has the amendment been read?

The PRESIDING OFFICER. There was a consent agreement which called off the reading of the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be read.

SEVERAL SENATORS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Regular order.

The PRESIDING OFFICER. The regular order is on the motion.

Mr. MITCHELL. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The bill clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the amendment.

The bill clerk read as follows:

On page 47, line 9, strike out "or".

On page 47, line 14, strike out the period and insert in lieu thereof "; or".

On page 47, line 14 and 15, insert the following new subparagraph:

"(D) through the use of tax credits provided by the State to low income working families with children, including two parent families in which one parent cares for the children of such family at home.".

On page 72, between line 15 and 16, insert the following new paragraph:

(5) STATE TAX CREDITS.—In calculating the Federal share for purposes of making payments to a State that certifies to the Secretary that it will provide child care tax credits as described in section 103(a)(1)(D), the Secretary shall require the State to provide 20 percent matching funds for any amounts that are to be used by the State for such tax credits.

Notwithstanding the adoption of amendment No. 224 a new category D shall be deemed added to that amendment as contained in page 1, line 6 through page 2, line 2.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine to lay on the table the amendment of the Senator from California.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from South Dakota [Mr. DASCHLE], the Senator from Tennessee [Mr. GORE], and the Senator from Nevada [Mr. REID] are necessarily absent.

I also announce that the Senator from West Virginia [Mr. ROCKEFELLER] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Oregon [Mr. HATFIELD], the Senator from North Carolina [Mr. HELMS], Senator from Arizona [Mr. MCCAIN], Senator from Oregon [Mr. PACKWOOD], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "nay."

The PRESIDING OFFICER (Mr. BREAUX). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 55, nays 33, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—55

Adams	Biden	Boren
Baucus	Bingaman	Breaux
Bentsen	Bond	Bryan

Bumpers	Heflin	Mikulski
Burdick	Hollings	Mitchell
Byrd	Inouye	Moynihan
Conrad	Jeffords	Nunn
Cranston	Johnston	Pell
D'Amato	Kassebaum	Pryor
DeConcini	Kennedy	Riegle
Dixon	Kerrey	Robb
Dodd	Kerry	Sanford
Exon	Kohl	Sarbanes
Ford	Lautenberg	Sasser
Fowler	Leahy	Shelby
Glenn	Levin	Simon
Graham	Lieberman	Wirth
Harkin	Matsunaga	
Hatch	Metzenbaum	

NAYS—33

Boschwitz	Gramm	Nickles
Burns	Grassley	Pressler
Chafee	Heinz	Roth
Coats	Humphrey	Rudman
Cochran	Kasten	Simpson
Cohen	Lott	Specter
Danforth	Lugar	Stevens
Dole	Mack	Thurmond
Domenici	McClure	Wallop
Garn	McConnell	Warner
Gorton	Murkowski	Wilson

NOT VOTING—12

Armstrong	Gore	Packwood
Bradley	Hatfield	Reid
Daschle	Helms	Rockefeller
Durenberger	McCain	Symms

So the motion to lay on the table amendment No. 227 was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the order, the Chair recognizes the Senator from Wisconsin.

The majority leader.

Mr. MITCHELL. Mr. President, the Senator from Wisconsin is not present. Under the order I am to be recognized following that to offer an amendment in behalf of myself and other Senators.

The PRESIDING OFFICER. The majority leader is recognized for that purpose.

AMENDMENT NO. 228

(Purpose: Relating to the definition of qualified cash payment)

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for himself, Mr. BOSCHWITZ, Mr. PACKWOOD and Mr. PRYOR, proposes an amendment numbered 228.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 130, strike lines 3 through 9, and insert: "because the employee indicates that he is covered by a health plan providing core benefits maintained by another employer".

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, this amendment is offered on behalf of myself and Senators BOSCHWITZ, PACKWOOD, and PRYOR. It modifies the provisions in the bill dealing with the treatment of cafeteria plans under section 89. Cafeteria plans are employee benefit arrangements where employers give their employees a menu of benefit options from which to choose.

For the purpose of the new nondiscrimination tests, it is important to distinguish between employer-paid and employee-paid benefits. This, however, is difficult to do with cafeteria plans where benefits are purchased through salary reduction and employer credits.

In an attempt to accommodate the legitimate concerns of cafeteria plans, the Finance Committee bill adopts definitions to deal with this problem. However, these rules still limit the flexibility of cafeteria plans and as a result many cafeteria plans which clearly pass the nondiscrimination tests under current law, will not pass this new test.

My amendment slightly alters the definition of "qualified cash payments" to expand the definition of employer credits counted as employer-paid benefits—by eliminating the requirement that the employee must elect not to be covered by any health plan of the employer.

I understand this amendment is acceptable to the chairman and ranking member of the Finance Committee. I urge its adoption.

I yield to my colleague, the Senator from Minnesota, who is a coauthor of this amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I rise to join the majority leader, Senator MITCHELL, to offer an amendment to the section 89 proposals in the ABC child-care legislation. Employers sponsoring cafeteria plans often provide a plan contribution or "credit" that an employee may use to pay for coverage elected under the plan. For instance, the employer might give the employee $1,500 in credits and allow the employee to elect among medical options worth $700, $1,200, $1,500, and $1,800. Employees are not permitted to go without coverage and are required to take at least $700 in coverage. Employees electing the $700 option, receive $800 in cash, the so-called cashable credit. Employees electing the $1,800 plan must pay in salary reduction contributions.

The Finance Committee amendments to section 89 single out a limited form of cashable credits for treatment as employer contributions—qualified cash credits—but treats all other cashable credits as employee contributions. The qualified cash credits are those that the employee can obtain only if he can show that he has coverage elsewhere, such as through his spouse's employer. Qualified cashable credits also are limited to cases where the employee obtains the cash by going to a zero coverage option.

In the example above, the $800 in cashable credits are not treated as employer contributions under the qualified cashable credit rule because: First, the employee does not have to demonstrate other coverage in order to elect the $700 plan and receive $800 in cash; and second, even if the $700 option were so limited the qualified cash credit rule applies only if the employee elects zero medical coverage.

If the cashable credits are treated as employee contributions, the $1,200, $1,500, and $1,800 options in the example will not be treated as affordable plans. The $1,200 plan is not affordable because the employee is viewed as having to pay $500 in order to obtain the $1,200 plan—the employee's share of the cost is 41.6 percent, which flunks the 40-percent affordability test. The cap on the highly compensated employees' medical benefits is determined by looking at the $700 plan which is the only affordable plan. This produces a cap of $931 for the highly paid. The highly compensated employees are taxed on $269 if they take the $1,200 plan even though the employer gives all employees $1,500 to spend on the medical benefits.

The qualified cashable credit rule should be expanded to apply to situations where the employee is required to take some coverage from the employer. In the above example, for instance, the $700 plan might be limited to employees who demonstrate other coverage. No sound policy is served by requiring the employer to add a zero option to a cafeteria plan to improve the section 89 outcome.

I believe my amendment solves most, if not all, of these problems. I ask my colleagues for their support.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, what this amendment does is clarify some of the employees' benefits and it is directed to some of the unintended consequences of the bill itself. As chairman of the Finance Committee, I see no problem with the amendment, and I am pleased to see that it is accepted.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 228) was agreed to.

Mr. MITCHELL. Mr. President, I move to consider the vote by which the amendment was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin, Senator KASTEN, is recognized.

AMENDMENT NO. 230

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] for himself, Mr. PRYOR, Mr. DASCHLE, Mr. BUMPERS, and Mr. BOREN, proposes an amendment numbered 230.

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 126, strike lines 18 through 21, and insert:

"(2) HIGHLY COMPENSATED EMPLOYEE.—

"(A) IN GENERAL.—The term 'highly compensated employee' has the meaning given such term by section 414(q); except that paragraph (5)(B) of such section shall not apply.

"(B) SPECIAL RULE FOR CERTAIN 5-PERCENT OWNERS.—Notwithstanding subparagraph (A), no amount shall be included under subsection (a) in the gross income of a highly compensated employee for any taxable year if such employee is treated as a highly compensated employee by reason of paragraph (1)(A) of section 414(q) and such employee has adjusted gross income for such taxable year of less than $30,000. In the case of years beginning after 1990, the $30,000 amount under the preceding sentence shall be adjusted at the same time and in the same manner as the $75,000 and $50,000 amounts are adjusted under section 414(q)(1).

On page 134, beginning with line 22, strike all through page 135, line 9, and insert:

"(a) IMPOSITION OF TAX.—

"(1) GENERAL RULE.—There is hereby imposed a tax equal to the applicable percentage of the amounts paid or incurred during any taxable year under a specified employee benefit plan which at any time during the taxable year does not meet the requirements of subsection (c).

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'applicable percentage' means—

"(i) 10 percent with respect to amounts paid or incurred which are allocable to the 1st 6 months of the correction period,

"(ii) 20 percent with respect to amounts paid or incurred which are allocable to the 2nd 6 months of the correction period, and

"(iii) 34 percent with respect to any other amounts.

"(B) CORRECTION PERIOD.—The term 'correction period' means, with respect to any failure, the period—

"(i) beginning on the date any of the persons referred to in paragraph (3) knew, or exercising reasonable diligence knew, that such failure existed, and

"(ii) ending on the date such failure is corrected.

"(3) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by paragraph (1):

"(A) In the case of a plan other than a multiemployer plan, the employer.

"(B) In the case of a multiemployer plan, the plan.

On page 135, line 16, strike "subsection (a)(2)" and insert "subsection (a)(3)".

On page 136, line 1, strike "subsection (a)(2)" and insert "subsection (a)(3)".

On page 148, between lines 2 and 3, insert:

"(6) DELAY IN APPLICATION OF QUALIFICATION RULES.—Section 4980C of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to plan years beginning after the later of—

(A) December 31, 1989, or

(B) the earlier of—

(i) 3 months after the Secretary of the Treasury or his delegate issues regulations for an application of such section which taxpayers may rely upon, or

(ii) December 31, 1990.

Notwithstanding paragraph (5), in the case of a small employer (as defined in paragraph (5)), section 4980C of such Code shall apply to years beginning after the date which is one year after the date determined under the preceding sentence.

"(7) GUIDANCE.—Not later than January 1, 1990, the Secretary of the Treasury or his delegate shall issue such guidance as may be necessary to comply with the provisions of section 89 of the Internal Revenue Code of 1986 (as amended by subsection (a)).

Mr. KASTEN. Mr. President, this amendment pertains to section 89 of the Internal Revenue Code and S. 1185, the Finance Committee's bill which would replace current law. In recent weeks, great progress has been made, Mr. President, in improving the old regulations. I hope we are about to take another step closer to a plan which will help end the uncertainty in the small business community with regard to section 89.

Last night, the Senate approved an amendment to delay any new nondiscrimination rules for small businesses until 1991. What that means, in simple terms, is that for the next 18 months, the small businesses of this Nation do not need to worry about section 89. A study will be done to determine whether there truly is discrimination in the small business community. If not, I am confident that Congress will permanently exempt small businesses.

The amendment that I am offering today does three additional things: First, my amendment would delay the effective dates of S. 1185, the Bentsen section 89 reform bill. Delay is needed to allow businesses and state and local governments time to interpret and comply with any new regulations. When combined with last night's vote, the effective date of S. 1185 would be as follows: For the qualification rules, firms must be in compliance 3 months after regulations upon which the taxpayer can rely on are issued, but not later than January 1, 1991. Small businesses with 20 or fewer employees get an additional 1-year delay. For the nondiscrimination rules, the compliance date for businesses with 20 or fewer employees is delayed until January 1, 1991. All other firms are required to be in compliance by January 1, 1990.

The second part of this amendment would modify the harsh excise tax penalties contained in the Bentsen bill. Instead of forcing firms to meet a 34 percent penalty immediately, my amendment would phase in that rate.

The third and final part of my amendment would modify the definition of a highly compensated employee. Under the present bill, an individual who owns as little as 5 percent of a business is classified as a highly compensated employee, even if they only make, say, $10,000 or $15,000. That is crazy.

What my amendment would do is to make certain that no one who owns 5 percent or more of a firm, yet who makes less than $30,000 a year, will be at risk of running up against section 89 penalties. My amendment would also index that $30,000 rate to keep pace with inflation.

Mr. President, by adopting this amendment today, we will have succeeded in doing four things. We will effectively have exempted small businesses for the next 18 months, delayed the effective day of the new law, and made sure that only people who are truly highly compensated are classified as highly compensated under the bill, and also will have adopted a more sensible excise tax penalty structure.

Mr. President, I appreciate the willingness of the Senator from Texas and also the Senator from Arkansas who I might say, is an original cosponsor of the amendment to consider improvements to S. 1185. I hope the full Senate will join in supporting this amendment.

I also want to say to my colleagues that I fully reserve my right to offer a repeal amendment at some later date. For several months now, I have been fighting in the U.S. Senate for the repeal of section 89 of the Tax Code. I still strongly support repeal, but we have made tremendous progress. The question we have to concern ourselves with now is the potential obstacles to the efforts we are making today in finally getting through to a workable plan.

I think we have to recognize this particular bill may not make it through the House of Representatives and be signed into law by the President. There still are obstacles in the House of Representatives with regard to the Ways and Means Committee. There are many, many steps that remain before what we have before us today is actually the law. I think we have to stand ready if these kinds of reforms that are now being accepted do not make it through the process, then we have to be ready to repeal section 89, and I reserve my right to do so.

However, in the meantime, this is a good amendment, a workable amend-

ment with strong bipartisan support, and I urge its adoption.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I am very pleased to join with Senator KASTEN today in the amendment that is now the business of the Senate. I also would like to very much thank the distinguished chairman of the Finance Committee who, for several months, has labored with all of us in this body to work out a meaningful, a constructive, and a workable answer to the chaotic situation that we enacted in the 1986 tax law.

This amendment offered by Senator KASTEN and myself and others will mandate the Treasury to issue guidance before the implementation at the new section 89 rules. This is fair, and it is reasonable. Mr. President, I ask unanimous consent that Senator DASCHLE, Senator BOREN, and Senator BUMPERS be made original cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I am pleased to join my colleagues in proposing this amendment to the section 89 provisions.

Among the many complaints that were raised about the existing section 89 provisions was the fact that Treasury regulations were not released until long after employers were expected to comply with the section 89 law. I raised this point when the Finance Committee was considering the Bentsen/Pryor section 89 bill. The chairman of the Finance Committee and my colleague from Arkansas have done a commendable job in proposing a far simpler approach to the qualification and nondiscrimination rules for health plans. But, why should we go to all this trouble simplifying section 89 and then allow it to go into effect once again without the necessary guidance from Treasury?

I am delighted that a compromise has now been negoitated and that the amendment we are now proposing will address the effective date issue. As has been mentioned, the amendment mandates Treasury to publish guidance on the new section 89 provisions prior to the effective date. As a fallback measure, it would prevent certain aspects of the section 89 provisions from going into effect until 3 months after Treasury guidance is released.

The amendment we are offering will also make some adjustments to the penalty structure of the new section 89 measure. These are specifically aimed at small businesses. The penalties for failure to meet the qualification rules will be phased in over the period of noncompliance, and relatively low-paid individuals who are considered highly compensated under the rules simply because they are 5 percent owners will be given a special exception to the penalty provisions.

I believe the proposed amendment would provide modest but nontheless important improvements in the new section 89 provisions. I therefore encourage my colleagues to support it.

Mr. KENNEDY. Mr. President, I wish to make an inquiry of the floor manager about the intention of the bill's exclusion from the section 89 nondiscrimination rules of employees covered under the Davis-Bacon Act.

The Davis-Bacon Act requires contractors on federally-financed construction projects to pay their workers no less than the wage rates (including employee benefits) prevailing in the geographic areas as determined by the Labor Department. A contractor is permitted to satisfy his obligation to pay this prevailing wage by any combination of cash wages and benefit plan contributions.

This aspect of the Davis-Bacon Act, combined with the exemption of benefit plan contributions from payroll taxes (like FICA and workers compensation taxes), is being seized upon by some entrepreneurs and non-union contractors to manipulate employee health plans.

The purpose of this manipulation is to avoid payroll taxes and unfairly undercut competition for Davis-Bacon projects. Under these schemes, typically a contractor makes inflated benefit plan contributions for an employee while the employee is working on a Davis-Bacon job, and discontinues or reduces the contributions when the employee is working on other jobs for the contractor. By unilaterally diverting a larger portion of the Davis-Bacon prevailing wage to plan contributions, the contractors reduce their cash payroll that is subject to payroll income taxes. In contrast, collectively bargained benefit plan contributions are not subject to this type of manipulation. Such manipulation of benefit plans is contrary to sound public policy.

Accordingly, it is my understanding that the bill is not intended to give any comfort to such schemes. To the contrary, it seems to me that the bill has the effect of reducing the ability of highly compensated employees using such schemes to receive greater health benefits under the nondiscrimination rules by taking into consideration inflated plan contributions for Davis-Bacon projects.

Also, it is my understanding that a contractor's employees would be considered for purposes of the nondiscrimination rules when they are not employed on Davis-Bacon jobs.

I wish to ask the chairman of the Finance Committee whether my understanding is correct?

Mr. BENTSEN. Yes, the Senator's understanding of the bill's intent is correct.

Mr. KENNEDY. I thank the distinguished chairman for that clarification.

Mr. PRYOR. Mr. President, this amendment would mandate the Treasury Department and the IRS to issue guidance on the new section 89 legislation before it goes into effect January 1 of next year. Additionally, it would delay the effective date of the qualification requirements under section 89 until 3 months after guidance from the Treasury. The amendment would phase in the penalty for failing to qualify. Presently, the penalty is 34 percent. The amendment would make the penalty 10 percent in the first 6 months, 20 percent in the second 6 months, and finally, 34 percent after 1 year. The amendment would modify the definition of highly compensated employee. Under present law, 5-percent owners must include the value of the health insurance coverage in their income if the plan fails the nondiscrimination rules. The amendment would provide an exception for 5 percent owners with less than $30,000 in adjusted gross income.

Many of the employers who wrote to me about section 89 complained about the lack of guidance from Treasury and the IRS until well after the law went into effect. The lack of timely guidance added to the general cynicism and opposition to section 89. Let's save ourselves a lot of grief and mandate the Treasury to get out the guidance early. This amendment will ensure that employers will not have to comply twice with the new rules: once before guidance from Treasury and a second time after Treasury comes out with regulations.

The amendment would give employers 3 months to look over the guidance from Treasury to comply with the qualification rules. This is only fair. Employers will have time to make important decisions about their health plans to ensure that their plans will pass the qualification rules. Employers will be able to decide what constitutes proper notice to employees. They will be able to know with some certainty what to put in their plan description. Most importantly, this amendment will ensure that employers will be able to get it right the first time.

The phase-in of the penalty would ensure that we only punish the truly noncompliant. This change is consistent with the penalty reform process now occurring on Capitol Hill.

The change in the definition of highly compensated employees will ensure that we do not hurt the small business owner who inadvertently fails the nondiscrimination rules.

Mr. President, before I close, I would like to thank a number of small business groups that are most responsible for this amendment being before us today. These groups are the National

Small Business United; Small Business Legislative Council; the National Association of Life Underwriters; the National Rural Electric Association; the American Institute of Certified Public Accountants; the Associated General Contractors of America; the Retail Tax Committee; and the Jewelers of America. Without their help, I truly believe that we would have made a very tragic mistake. With their help, we will repeal section 89 and replace it with a much simpler test. I would like to thank the chairman of the committee, Senator BENTSEN, for his strong support, and for allowing us the opportunity to bring this amendment to the floor of the Senate for its final and, I hope, immediate consideration.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, I thank the distinguished Senators from Arkansas and from Wisconsin for their very generous comments, and I commend them for this excellent amendment. I believe it is a substantial help to small business.

I cannot help but remember the pioneering work the Senator from Arkansas did on simplifying section 89—doing away with the complexities of that particular piece of legislation. He understood early on the adverse impact section 89 would have on small business. I also recall just before the markup on the Bentsen/Pryor section 89 bill, that Senator PRYOR and Senator DASCHLE came to me saying they were concerned that there might not be guidelines early enough for small business to understand the full implications of the new rules. We did not have time at that markup to take care of it. But Senator PRYOR and Senator DASCHLE continued to work on that issue. They never stopped in your diligence in trying to correct it.

Senator KASTEN also continued to work on that issue, and we were able to work out this amendment together. I am delighted to be supportive of it as chairman of the Finance Committee. I think it is a good amendment. Let us support it.

Mr. KASTEN. Mr. President, I ask unanimous consent that Senators DOLE, PRESSLER, and BURNS be named as original cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the Kasten amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 230) was agreed to.

Mr. KASTEN. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The PRESIDING OFFICER. The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, under the order, Senator GORTON was to be recognized to offer an amendment on the flag. Following discussions between Senator GORTON, Senator BIDEN, and others it has been agreed that Senator BIDEN would be recognized to offer an amendment in his behalf as well as in behalf of Senator GORTON and others.

Mr. KASTEN. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. KASTEN. My understanding was that I would have an opportunity to offer both Kasten amendments at this time.

Mr. MITCHELL. I apologize to the Senator. I thought he completed action on his second amendment. Accordingly, Mr. President, I yield to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 231

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 231.

Mr. KASTEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert in the appropriate place the following: "Nothing in this Act shall be construed to require, or to mandate the States to require, the training or licensing of individuals to provide child care to members of their families."

Mr. KASTEN. Mr. President, this amendment has been reviewed by managers on both sides and I believe it to be acceptable. This amendment is very simple. It attempts to cut through the underbrush of charges and countercharges on the issue of licensing and training family members to be child-care providers.

Over the last few days, a lot of concern has been expressed, in this Chamber, all over the country and in my State of Wisconsin, on the subject of training and licensing grandmothers. Some Senators believe this bill would allow States to require family members—like grandmothers and grandfathers and aunts and uncles—to undergo mandatory training or Government licensing in order to be permitted to act as providers of child care to their young relatives.

Mr. President, I believe it is essential for us to make our legislative intent clear on this issue. Licensing grandmothers is not what we intend. All my amendment does is spell out this in the clearest possible terms. We simply say, "Nothing in this act shall be construed to require, or to mandate the States to require, the training or licensing of individuals to provide child care to members of their families."

Mr. DOLE. Does this cover grandfathers, too?

Mr. KASTEN. It covers grandfathers, also.

Mr. President, it is my understanding that this amendment reflects a broad bipartisan consensus, and it is my hope that we can proceed to its swift adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 231) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, as I indicated, Senator GORTON was to offer an amendment. It has now been agreed that Senator BIDEN will offer an amendment for himself, Senator GORTON, and others. I ask unanimous consent that Senator BIDEN be recognized for the purpose of offering his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 232

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. HATCH, Mr. MITCHELL, Mr. GORTON, Mr. DOLE, Mr. HEFLIN, Mr. BUMPERS, Mr. DECONCINI, and Mr. BREAUX, proposes an amendment numbered 232.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . That subsection (a) of section 700 of title 18, United States Code, is amended to read as follows:

"(a) Whoever knowingly and publicly mutilates, defaces, burns, displays on the floor or ground, or tramples upon any flag of the United States shall be fined not more than $1,000 or imprisoned for not more than one year, or both.".

Mr. BIDEN. Mr. President, I rise today to address an issue that—given our discussion and vote yesterday on Senate Resolution 151—is on the

hearts and minds of all of us. What I am talking about is the Supreme Court's decision Wednesday in the case of Texas versus Johnson, the so-called "flag burning" case.

My concern today is a narrow and—at least for this body, I believe—an important one. I am concerned about the Federal law on flag burning.

As we all know by now, the law at issue in the Supreme Court case was a Texas law and not the Federal law. Nonetheless, the decision by the Supreme Court did cast doubt upon the continued viability of our Federal flag burning statute.

I believe that I have come up with a way to change our law so that the Federal Government can make burning the American flag a crime while at the same time be consistent with the Supreme Court's decision in Texas versus Johnson.

In fact, I have just sent an amendment to the desk that I believe accomplishes these very goals.

Very simply, Mr. President, my amendment amends the Federal flag burning statute so that it will be a crime for anyone to knowingly and publicly: Mutilate, deface, burn, display on the floor or ground, or trample upon, the American flag.

In effect, what my amendment does is to change the current Federal flag burning law by striking the words, "cast contempt."

Now some will ask, "Why does that make any difference?" and "Isn't that still unconstitutional because of the Supreme Court's decision?"

Mr. President, I respectfully suggest, to those who respond in that manner, no, I believe the amendment I have offered is not unconstitutional under the terms of the Court's decision.

Let me explain.

Justice Brennan's opinion on Wednesday for a majority of the Court reasons that the man in Texas who burned the flag was prosecuted because he knew his action would cause, "serious offense to others."

As you read Justice Brennan's opinion, you find that this was the real problem with the Texas statute. Indeed, the Texas law was not aimed at protecting the integrity of the flag in all circumstances—rather, it was aimed at protecting against only those kinds of acts against the flag that would cause "serious offense to others."

In my view, the amendment I have offered meets the test articulated by Justice Brennan and thus would be constitutional under the terms of yesterday's Supreme Court decision. What I have drafted does not depend on whether the person burning the flag has intended to offend other people or cast contempt.

I should note that the amendment specifically incorporates the language of S. 607, passed unanimously by the Senate in March, which prohibits displaying the flag on the floor or on the ground.

The point is that the Court might very well have reached a different result had the Texas statute not specifically said that flag burning is a crime when designed to seriously offend other individuals.

Therefore, in order for a flag burning statute to be constitutional under the terms of Wednesday's Supreme Court decision—at least how I read the decision—it has to be more neutral. The statute cannot be tied—to use a lawyer's term here—to "the likely communicative impact" of the flag burning on other people. In other words, whether you have committed the crime cannot depend on whether your action seriously offends others or whether—to use the words from the Federal statute—you intended to "cast contempt."

Thus, if you eliminate from the statute the word "cast contempt"—the language aimed at the particular political expression that the Government has deemed unpopular—you have redressed the problem that most concerns Justice Brennan and the Justices who joined his opinion on Wednesday.

Mr. President, Woodrow Wilson said in a speech on June 14, 1915:

> "The flag is the embodiment, not of sentiment, but of history. It represents the experiences of those who * * * live under that flag.

Mr. President, I believe that through the amendment I have offered, we can live up to the ideals expressed by President Wilson and at the same time act in a manner consistent with the terms of Wednesday's Supreme Court opinion. I urge my colleagues to support this amendment.

Mr. President, in the interest of the time of my colleagues so late in the day and so far into this debate on the ABC bill, let me just suggest again that I am confident this amendment is constitutional. I thank my colleague from the State of Washington for yielding to me for the opportunity to introduce this amendment. I hope it will be accepted by both the managers of the bill. I know Senator HATCH, who is an original cosponsor, is in favor of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I greatly commend the distinguished Senator from Delaware, who is the chairman of the Committee on the Judiciary. The amendment which I had proposed was to be a sense-of-the-Senate amendment going somewhat beyond yesterday's leadership amendment on this subject, which I supported, asking for prompt consideration by the Senate Judiciary Committee of legislation or a constitutional amendment which could effectively overturn the decision of 2 days ago by the Supreme Court of the United States on flag desecration. Events overtook me. The distinguished Senator from Delaware wrote such a statute after consulting with noted constitutional law experts. He has expressed his belief that it is constitutional.

It is my considered opinion that the bill which the Senator from Delaware has drafted would be found by a majority of the members of the Supreme Court of the United States to be constitutional and effective in preventing outrageous desecration of the flag of the United States.

Since my proposal was simply a sense-of-the-Senate amendment, since this amendment is in the form of a statute which can promptly be passed by the House of Representatives, I was delighted to yield to the Senator. I commend him for his drafting work. I am very pleased to be a cosponsor. I think we can effectively deal with the problem with which the American people wish us to deal.

Mr. HATCH. Mr. President, I commend the distinguished chairman of the Judiciary Committee, the Senator from Delaware, for what is an ingenious amendment. Frankly, I think he has, through careful legal research and careful consultation, with the distinguished Senator from Washington, uncovered the flaw in the statute that probably made the Court come up with the flag-desecration decision that they did. That is basically the language in the statute which says "that might cause serious offense to other individuals." Frankly, I think he is right, and I believe constitutionally he is right. If he is, it is far better for us to correct this matter in the statute at this time than to seek a constitutional amendment, although I am a cosponsor of Senator THURMOND's constitutional amendment and I have filed a constitutional amendment myself which would give Congress authority to correct and resolve issues of the desecration of our national symbol, the American flag.

So I thank the distinguished Senator from Delaware for his work. I am a principal cosponsor. Although usually I would not try to overturn a Supreme Court decision by mere statute, this is an instance where we are trying to correct an existing statute so as to satisfy the Court so that the next decision by the Court will sustain and uphold the statute which will prevent people from desecrating our national symbol, our flag. I think this will solve a lot of problems that presently exist.

If the distinguished Senator from Delaware is right, and I believe he is, then I believe we will in the simplest of ways solve one of the most serious

problems we have had in a long time. So, with that I support this amendment and certainly accept it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DODD. Mr. President, I am pleased to accept the amendment with my colleague from Utah. I know the Senator from Delaware, the chairman of the Judiciary Committee, has worked very long and hard in this particular effort. Certainly, this is something that we would be glad to make a part of this piece of legislation. So there is no objection from the majority.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 232) was agreed to.

Mr. DODD. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 233

Mr. DODD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment?

Mr. DODD. Mr. President, in asking unanimous consent that it be in order, this is a noncontroversial amendment offered by myself and Senator HATCH which was inadvertently omitted from the pending legislation. It is language requested by the League of Cities and the National Association of Counties which simply clarifies that cities and towns receiving funds will comply with various provisions of the bill which otherwise could apply to the States. It is a noncontroversial amendment which I urge the Senate adopt.

The PRESIDING OFFICER. Is there objection? The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 233.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

(2)(A) If, for any fiscal year for which funds are appropriated to carry out this Act, a State does not seek or receive assistance under this Act, then

(i) for purposes of sections 105, 106, 107, 109, 110, 117, 119, a reference applicable to such State (other than a reference to State law, including licensing and regulatory requirements) shall be deemed to be a reference to each unit of general purpose local government in the State;

(ii) the Secretary shall allot to such unit the pro rata share of such unit attributable to the amount that is allotted to the State under section 105(b); and

(iii) each such unit is eligible to receive assistance under this Act if such unit complies with the requirements of such sections, other than any of such requirements that is expressly waived by the Secretary because its application to such unit is inappropriate.

(B) For purposes of making the allotment required by subparagraph (A), the number of children in a geographical area that lies in the jurisdiction of more than 1 unit of general purpose local government shall be divided equally among all units of general purpose local government—

(i) in which such area lies; and

(ii) which submit an application under this section.

(C) In order to receive funds under subsection (A), a unit of general purpose local government shall submit to the chief executive officer of the State a copy of the plan otherwise required of the State under section 107, assuring the compliance of the unit of general purpose local government with the requirements of the plan, as appropriate, and shall submit a report to the State consistent with the terms and provisions of the report otherwise required of the State under section 111(g).

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (No. 233) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 234

(Purpose: To make a technical amendment to strike a duplicative provision)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 234.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section , added by Amendment 199, strike all matter after subsection (b) and insert the following:

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to wages or income earned after the date of the enactment of this Act.

Mr. HATCH. Mr. President, this is a technical amendment to correct the situation as regards the Roth amendment, and with regard to the subsequent amendment creating a duplicative provision in the Roth amendment. This will correct that. I think it is acceptable to everyone.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 234) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLARIFICATION OF THE STATE LEAD AGENCY PROVISION

Mr. CRANSTON. Mr. President, I would like to seek clarification of the provisions of section (6)(a) of S. 5, which deal with the designation of a lead State agency for implementation of the child-care program authorized under this bill. In my State of California, the State department of education is already designated by State law as the lead agency for child-care programs. It is my understanding with respect to section 6(a), that where a lead agency for child-care programs is already designated by State law that designation would not be altered by this bill, assuming of course that that agency meets the requirements of the act.

Mr. DODD. My friend from California is correct. Section 6(a) of the act was not intended to supersede existing State law with respect to the designation of the lead State agency for child-care programs.

REGULATION OF NONFUNDED PROVIDERS

Mr. FORD. There is a great deal of misrepresentation about the type of providers that must be regulated or licensed under the Mitchell substitute to the ABC bill.

An assertion has been made that the Ford-Durenberger language on sectarian care, included in the Mitchell substitute, will require States, in order to participate in the ABC bill, to impose regulations on all day-care providers, thereby "tending to coerce State regulation of church-based child-care centers in States where they are now exempt."

As one of the authors of the Ford-Durenberger language, this is clearly not the intent of the provision. In my opinion, such an interpretation ignores the changes made in the Mitchell substitute.

It is my understanding that States may continue to exempt from regulation or licensing those child-care providers that receive no assistance under this title, including churches and other religious providers.

Would the Senator from Connecticut agree with this interpretation?

Mr. DODD. The Senator from Kentucky is correct.

Mr. DURENBERGER. Mr. President, I rise to state my support for the legislation before us and urge my colleagues to vote for its passage. Let me say at the outset that I express my appreciation and admiration to the managers of this bill on both sides of the aisle. This has been a long and difficult process, involving many difficult choices, and the managers have done an effective job bringing the Senate to the point where we can present to our colleagues a bill most of them can support. This is not a perfect bill; I doubt any of our colleagues is entirely satisfied with it. But as I said yesterday, prior to the vote on the Dole substitute, the most important thing is for this measure to move forward. I am confident that we are converging toward a genuinely bipartisan bill, and one which the administration can support. And on that basis I am glad to lend it my support.

With the passage of this bill, we are pointing the policy of this Government toward a range of child-care services to meet a variety of needs. The ABC provisions of this bill, modified to allow State standards and church-based care in certificate programs, and the tax credit proposals approved by the Finance Committee, if enacted into law, will join the $7.5 billion in Federal subsidies made available in at least 12 existing programs. I believe that diversity of approaches is a virtue for child-care policy. I am hopeful that as the provisions of this year's bill are being implemented that we will take a cold look on what further legislation is necessary to coordinate these many programs and insure they reinforce, rather than duplicate, each other.

I am very pleased that the majority leadership has chosen to accept the amendment by Senator FORD and myself to broaden the supply and quality of child care in America. Our amendment guarantees that parents will have a genuine choice under the bill's certificate program to secure the kind of child care they feel is most appropriate for their children. This amendment will help achieve the goal shared by Senators on both sides of the aisle: to build on the existing foundation of child care in America, to give parents choice and responsibility and to target help to those who need it most. I appreciate the support of my colleagues from around the Nation, from rural and urban States and from both sides of the aisle. The Senate has sent a very clear signal to the House of Representatives in conference that the certificate program is a critical element of this bill in the Senate, and that that program should provide a broad opportunity for parents to select the kind of child care they feel is appropriate, without arbitrary limits.

I am also pleased that this bill contains language which will be of assistance to the millions of "latch key" children in this country. This has been a major concern of mine and it deserves to be addressed in this and future legislation.

Mr. President, as I have said on this floor, I have significant reservations about the health care tax credits brought to this floor by the chairman of the Finance Committee. That proposal has not met the burden of proof that it will accomplish its goals or that it is superior to other things it could do to help improve the health of America's poor children. As cochair of the Pepper Commission, the group created by the 100th Congress to address the needs of the 37 million uninsured Americas, I am quite familiar with this problem. I think it has been demonstrated on this floor, however, that a credit of the size and type contained in the proposal is unlikely to result in much additional coverage for America's poor children. I would much prefer that we put this money toward tried and true proposals to improve Medicaid coverage for pregnant women and children near the poverty line. I had hoped that the lengthly negotiations which have gone on with respect to the Bentsen proposal might have yielded a better result, but that fight will have to wait for another day.

I believe, Mr. President, that a good-faith effort has been made to improve this bill as much as could be expected under the circumstances. I am hopeful that the Senate conferees will continue the process we've made on this floor.

Mr. President, one of the guiding forces in my approach to child care issues in the Congress has been Minnesota's experience in establishing a child care support system that maximizes parental choice, supports diversity, and targets assistance to those families that need help the most.

In 1979, I established a women's task force designed to look at a variety of issues effecting the economic and social well-being of women in our society. This task force saw the need to address the problem of child care, and studied various methods of assistance to parents to meet their child-care needs. From this task force emerged the movement behind the 1981 creation of the dependent care tax credit.

I think this is important because Minnesotans, and the members of this task force, have not felt the need to limit parent choices to certain types of legally operating child care arrangements, for example. Instead, Minnesotans have sought to encourage and support diversity, while at the same time addressing concerns about quality, accessibility and availability.

Perhaps a brief review of the various aspects of the child care support system in Minnesota will help make my point.

Mr. President, Minnesota has chosen to pool available Federal, State, and local funds for child care into what is called the Minnesota Child-Care Fund. This fund subsidizes child care costs for AFDC children and other low-income parents. Many eligible families pay a portion of their child-care costs depending on their income and number of children in care with the remaining costs paid by the State. The State's sliding fee program serves families with incomes up to 75 percent of the 1985 State median income. Under this fee schedule, a family of two currently becomes ineligible for assistance when family income reaches $15,700 per year.

In fiscal year 1988, the State of Minnesota appropriated $12.5 million for the child care fund, to which counties added about $4.0 million in other revenue sources. Federal reimbursements for AFDC recipients in training programs in Minnesota was over $2.0 million this past year.

As of December 1988, the Minnesota Child-Care Fund was subsidizing approximately 15,000 children from just over 9,600 families. The average subsidy per child was $1,500 for families not on AFDC and $1,200 to $1,500 for AFDC families.

In the 1989 session, the Minnesota Legislature continued to expand its commitment to child care by expanding funding for the State sliding fee program by $12 million over the next 2 years. State funding for child care for postsecondary education students was also increased by $2.0; and an increase of $600,000—to a total of $800,000—was made in the State's child-care service grant program for family child care providers and centers needing assistance for startup expenses, facility improvement needed to meet standards, equipment and training.

Mr. President, the aspect of Minnesota's Child Care Program that lends parents the greatest degree of choice is its dependent care tax credit. Just this year, the Minnesota Legislature voted to add $2.7 million per year to this program which, in 1987, assisted about 40,000 families at a total cost to State taxpayers of $10.4 million.

The Minnesota dependent care tax credit has special merit because of its targeting of benefits to low-income families, including families that can afford to spend relatively little on child care.

Two features in the Minnesota tax credit are of special note.

The first is its refundability, also one of the most important improvements in the Federal dependent care credit we are making in the legislation now before us.

The second is a unique feature that helps target needed funds to low

income families, with a result much like the so-called toddler tax credit I and many other Senators would prefer to see included in legislation assisting all low income families with young children.

Under the Minnesota system, all families earning less than $15,000 per year—who qualify for a Federal dependent care credit by spending any amount of money on work-related child care—are eligible for the maximum State credit of $720 for one child and $1,500 for two or more children. About $15,000 in income, the State credit begins to phase down until it reaches zero at $27,000.

Under certain circumstances, this kind of a flexible credit allows lower income parents in Minnesota to recoup the entire cost of their child care, even using higher cost arrangements.

For example, parents could use the credit to cover all of their out-of-pocket expenses above the subsidy they qualify for under the State's sliding fee program. Or, they could use the maximum credit they're entitled to to cover the entire cost of child care used for part-time or seasonal work. Or, if they could use the credit for a higher cost, part-day program—in a nursery school, for example—in combination with lower cost or uncompensated care provided by a neighbor or relative.

My point here, Mr. President, is that Minnesota has found a way to not only offer maximum choice, but to also provide low-income parents—who cannot afford to spend $2,000 or $3,000 a year on child care—with a way to reap the maximum benefits of its dependent care credit. That same credit also allows its maximum benefit to be shared by low-income parents who choose to combine at-home parenting with less than full-time employment outside the home.

CHURCH-BASED CHILD CARE IN MINNESOTA

Finally, Mr. President, I want to turn to an aspect of Minnesota's child care system that has been a major factor in my own concerns about how we expand the Federal role in child care—the substantial, growing role in child care provided by churches in Minnesota, and the support and recognition for that role provided by both Government and by church leaders and church organizations.

Mr. President, my own informal inquiry into the role of churches in child care in Minnesota found what I'm sure many of us have found in our own States. On the whole, church-based child care is helping to meet all three goals of the legislation we have before us: quality, affordability, and accessibility. It's a large—and growing—part of the child care delivery system that public policy must not discourage.

Between 35 and 40 percent of licensed full- and part-day child care centers in Minnesota are located in churches. More than half these centers are actually operated and supported by the host churches, and an even larger number have chosen to include some sectarian content in their program.

It's impossible to overstate the value of the contribution of churches to quality child care in Minnesota. In most cases, the motivation of church sponsors is to offer the best quality, caring environment possible. This is very important in a State that—although it has been a leader in establishing quality child care arrangements—still faces a critical shortage in many areas.

Church-based child care also benefits from substantial subsidies from host-churches, helping to hold down the cost to parents and make child care more affordable.

According to a recent survey of child care programs in the western Twin Cities metropolitan area, 66 percent of the church-housed centers use the church's tax exemption; 71 percent are covered by a rider or by the church's insurance policy; and almost half provide direct or indirect funding through donation of space, payment of utilities, building repair and refurbishing, provision of custodial services, and provision of church office supplies and staff time.

State and local governments in Minnesota have recognized the quality and other contributions of church-based child care by deferring to the large number of low-income parents who both qualify for public subsidies and choose to place their children in church-based child-care programs.

According to the same survey of church-based child-care centers in the western Twin Cities metropolitan area, 21 percent of the programs are receiving public sliding fee subsidies; 24 percent receive assistance under the child-care food program; and 12 percent receive other Government programs.

Minnestoa's two largest counties—Hennepin and Ramsey—have contracts with sectarian church-based child-care centers and totally defer to the individual choices of subsidized parents who choose to use them. The centers must only satisfy State licensing requirements and have adequate liability insurance coverage.

Similar policies—deferring to parent choice, even when that choice includes sectarian, church-based child-care centers—are also in effect in other counties outside the Twin Cities metropolitan area. And, in counties that currently do not have children placed in sectarian centers, officials have stated that they would defer to parent choice if such centers were selected by eligible parents.

Mr. President, this policy of deferring to parent choice in the selection of sectarian child-care centers is widely supported in Minnesota, not only by parents, but by State and local government officials. And, as the State has gradually added components to its comprehensive child-care assistance program, eligibility of church-based child care—when such care is the preference of parents—has not been an issue.

As one county social services child-care coordinator told me:

I see churches as a growing player in meeting the need for quality child care. We shouldn't discourage that role.

A social services child-care coordinator from another county put it this way—

I personally believe parents should have the choice of whatever program they want. Taking away that choice for low-income parents would be real disconcerting for some parents because the most convenient center would no longer be eligible. A good example would be students who attend church-supported colleges in our county who use religious child care centers associated with those colleges.

Mr. President, State and local officials who regulate child care and administer child-care funding programs have a herculean task as they seek to assure safe, high quality environments for children. But, as one local official told me, "* * * quite frankly, we have more important concerns in monitoring the quality of care provided in day-care centers than whether grace is being said before snacks."

Mr. President, I found the contribution of church-based child care in Minnesota to be of particular value to many minority and inner city parents. Consider, for example, the following comments made recently by Willie Mae Wilson, executive director of the St. Paul Urban League:

Speaking as an individual, as a parent who has used church-based child care, and as a person who works with low income families who would like to have access to quality child care, I support giving parents the right to choose any licensed church-based child care program. Quality child care is in critically short supply and we need to be expanding, rather than restricting, the supply of quality child care programs. Church-based child care meets the needs of many low income families in St. Paul and I'm all for retaining the right of free choice for parents to use those programs. But, we should not deny that free choice to low income parents who need financial assistance.

For differing reasons, I found the same strong support for allowing subsidized parents to choose sectarian child care programs in rural parts of Minnesota. That case was made most forcefully recently by Cy Carpenter, former president of the Minnesota Farmers Union and the National Farmers Union:

In rural areas, because of financial pressures in farming and other parts of the economy, families have a growing need for

quality child care. In many rural communities, church-based centers provide the only child care center options available to parents. And, because of the special role they play in rural communities, churches are also the most logical place to look for expansion in the availability of quality child care.

Many smaller rural communities don't have non-profit organizations or entrepreneurs available and willing to go into the child care business. Churches—with their pool of volunteers and available space can undertake that task, and many are. And, because of what they contribute, through in-kind donations, direct support, and volunteers, churches are able to hold down costs and make high quality child care more affordable.

We need to encourage an expansion of the role of rural churches in supporting quality child care, not discourage it. And, for many churches that will mean including some type of religious program which their parents desire. For all these reasons, it would be a tragedy to deny low income rural parents the right to choose what for them may be the old child care center option available in their community.

Mr. President, beyond the essential role being played by church-based child care in Minnesota and the broad support it enjoys, I also found that—given the right kind of signals from policymakers—churches in my State are poised to assume an even greater role in improving the quality of child care and making it more accessible and affordable.

Just last year, the Greater Minneapolis and Greater St. Paul Area Council's of Churches received private foundation funding for a 3-year project designed to expand the role of metropolitan area churches in child care and other services to children.

This program—called Churches Concerned for Children—offers a variety of services to churches including technical assistance in establishing child care centers and other children's programs, assistance in recruiting family day care providers from within congregations, speakers, printed materials, a regular newsletter and conferences, all designed to increase the awareness of pastors, church staff, and church members in the large number of options available as they seek to expand their ministries to children.

Expanding this type of program on a statewide basis is now a goal of the Minnesota Council of Churches—hopefully bringing the same kind of information, inspiration, and assistance to rural congregations.

While these programs—through the Council of Churches' organizations in Minnesota are directed primarily toward so-called mainline Protestant churches, I also found growing interest in child care programs in virtually every religious denomination that serves the State.

Many Catholic churches in Minnesota, for example, are already deeply involved in child care and preschool programs through their elementary schools. And, a large number of Missouri Synod and Wisconsin Synod Lutheran churches also have preschools attached to their elementary schools. The same is true for a number of Baptist and Evangelical Christian churches in Minnesota that are either independent or affiliated with various national denominations.

Because of the strong historic commitment in these denominations to children and to education, leaders of these denominations believe that this commitment will—in many parishes and congregations—gradually expand into offering full-day child care programs.

That is one reason why both the Minnesota Catholic Conference and the Southern Minnesota District of the Lutheran Church Missouri Synod have issued strong statements urging that the option of parents to choose sectarian child care programs not be removed as we expand Federal child care assistance for low-income parents.

Mr. President, I have taken the time here today to give an overview of the child care system in Minnesota because I believe it will help explain my own approach to this issue. As we lay the foundation for Federal child care programs and policies we would do well to do what Minnesota has done—to respect and support the diversity of child care arrangements used and preferred by parents; to target available resources to those at low-income levels needing help the most; to make it possible for low-income parents to receive the maximum assistance possible through the tax system, where maximum choice is preserved; and to respect the wishes of parents—especially low-income parents—to use the large number of high quality child care centers operated and supported by the churches.

Again, I would like to thank the distinguished Senator from Connecticut who has worked long and hard at putting together the package we have before us today. Overall, I think that the package we have before us today draws a lot on what Minnesota has done in terms of offering a broad array of programs that allow States and parents greater options in the child care arena. And, I am pleased to say that it will go a long way in helping the many families who so drastically need this assistance.

Mr. DODD. Mr. President, I would like to take a moment to commend my colleague from Minnesota for his work on this bill. While he was not an original cosponsor of this bill, he has made a major contribution to its passage on this floor. I recognize his efforts to make this a stronger bill, by modifying the certificate program under the bill and to find alternate means of achieving our joint objective of improving the health and welfare of America's children. The Senate as an institution is all about consensus. There is a very important role in our process here for those who help to forge the majorities which result in our work here becoming the law of the land. The Senator from Minnesota has played that role on this bill, and as the manager of the bill, I thank him for his strong and active support for this bill and we look forward together to bringing a bill back from conference which serves the needs of the American people.

Mr. McCONNELL. Mr. President, this is the summer of sequels. Some are better than the originals, some worse. Some are descendents of bad originals, however popular they might have been. This Senate has seen its share of sequels. Now showing is the Act for Better Child Care.

The original ABC bill was bad legislation with strong support among vocal special interests. The latest sequel, known as the Mitchell substitute, has been substantially improved, but it also has problems. Supporters of the Mitchell substitute are proponents of Federal standards for child-care, now referred to as "model" standards. They do not feel that parents who stay home with their children and sacrifice income, are deserving of assistance. They believe government must be the conduit for child-care funding, because parents cannot be trusted to use their own money wisely. Further, they are risking the excellent child-care provided by religious institutions in this country through a provision of questionable constitutionality.

Since this debate began, I have believed that if we are to develop effective and equitable child-care legislation, we must understand who uses child-care, which arrangements they prefer, and what kind of assistance they need. Despite claims that the traditional American family is a relic, over 50 percent of all children under 5 years of age are cared for by their parents at home. In other words, the traditional family unit is alive and well in America.

In addition, parents overwhelmingly prefer—by 3 to 1—to have their children cared for in a home, rather than an organized day-care facility. In fact, there is a remarkable diversity in the kinds of child-care arrangements available to families today. Many parents rely on some form of extended family relationship, while others use informal neighborhood-based care, often splitting the responsibility with other parents in a nonpaid arrangement.

Less than one-quarter of all children under 5 are cared for in organized day care centers. Many parents who select this option prefer a religiously affiliated facility, because of the reduced cost and the assurance of strong moral instruction. It should go without saying that any Federal child-care policy we adopt must respect parents' religious and moral convictions in

making child-care decisions, and preserve the range and freedom of choice available to families today.

The principal goal of our child-care policy should be to assist the most needy, and we should avoid approaches that would make child-care more costly or unavailable for those who need help most. Regulations will make child-care more expensive.

The ABC bill, will impose costly and bureaucratic new regulations on all child-care providers—including home care, which traditionally has been the most affordable and high-quality option for struggling families. The first ABC bill set up these regulations through a Federal day care dictatorship. The sequel does it indirectly, by requiring extensive State regulation. The regulatory maze established by ABC will make it too expensive for many family-based providers to operate, even though they are today the most preferred child-care resource for all parents, particularly those with low incomes. It is no wonder that people are saying ABC stands for "Act for Bureaucratic Control."

To better address the needs of families, I supported the Dole substitute amendment, the Working Family Child Care Act. This bill provides financial assistance directly to families to meet their child-care needs. The tax credit provided in this bill would preserve freedom of choice and would not discriminate against traditional families who care for their children at home or want religious-oriented care. Further, direct assistance avoids the expensive layers of bureaucracy and regulation which the ABC bill heaps onto child-care providers and parents.

The amendment I voted for would make the Dependent Care Tax Credit refundable to better target assistance to low-income working families. Further, it would provide a $400 million annual increase in State Dependent Care Development Grants, to help States improve the quality and availability of child-care. To better utilize a tremendous source of care for our Nation's children, this amendment also eliminated the earnings limit for Social Security recipients who provide child-care. Grandparents certainly are qualified to care for children. In fact, no Americans are more experienced.

Clearly, a huge economic problem that families face is the Federal tax bite: In 1948, Federal taxes took only 2 percent of the total income of a middle-class family; now, 40 years later, the Federal Government takes about one-fourth of the average family's income. I believe that parents are well-qualified to determine the most suitable care for their children, and that the Government can best assist parents by allowing them to keep more of their hard-earned money, thus enabling them to afford quality child-care. That is why I have supported the tax credit approach to helping families.

Raising a family is among the most fundamental endeavors of human life. For thousands of years, parents have raised their children without benefit of advanced degrees, Federal guidelines, model standards, or government regulations. Americans still are quite capable of caring for their children. The best help the Government can provide is to let Americans keep more of their money and leave them alone. The worst way that government can get involved in child-rearing is to force families to hand over money in taxes to pay for bureaucratic, socialized day care programs, and to regulate preferred child-care options out of existence.

Mr. BYRD. Mr. President, I am pleased to support the Act for Better Child Care Services—better known as the ABC bill. This legislation is designed to promote the availability of affordable and quality child-care.

It will increase the number of child-care facilities, and the number of child-care providers available to all families. It will improve the quality of child-care available to all families, and it will coordinate child-care resources to ensure their efficient use and help make a wide range of child-care options available to parents, enabling them to make the most suitable arrangements for their children.

In my own State of West Virginia, 46 percent of women with school-age children work outside the home, and 32 percent of women with children under the age of 6 work outside the home. This translates to 111,000 children under the age of 13 in West Virginia whose mothers are in the work force.

The majority of working mothers in West Virginia are working outside the home because they must. Two-thirds of these mothers are either the sole wage earner for the family or are married to men who make less than $15,000 per year. Stated another way, 122,000 West Virginia children live in families with incomes below the poverty level. This represents one in four children in West Virginia. So you see most West Virginia mothers do not have a choice about working, and they need safe, affordable child-care.

In the latest figures available from the West Virginia Department of Human Services [DHS], only 13.9 percent of the 111,000 children that currently use child-care are in licensed child-care situations. An appalling 95,000 children are in "unregulated" child-care. Fourteen counties have no DHS-approved facility at all, and other approved facilities have enormously long waiting lists. For instance one center in Huntington, WV, has a capacity of 70 children, and has a waiting list of 71.

The major source of Federal funding which can be used to help States with child-care, the title XX program, shrank under the Reagan administration. Between 1981 and 1986, the number of children receiving child-care under the title XX program in West Virginia decreased by 13.5 percent. The State is now able to assist 4,700 children, or 4 percent of the children in need of day care in the State.

The modified ABC bill does address many issues that have led to a crisis in the provision of child-care services. It maintains the emphasis on helping low- and moderate-income families find and afford decent child-care.

The bill helps lower income parents pay for child-care, through direct financial assistance and refundable tax credits. Many low-income families will receive grants or certificates for the full cost of child-care—which averages $3,000 per year nationwide—while the remaining low-income families will receive a tax refund for a portion of their child-care expenses. At the same time more affluent families will retain the current child-care tax credit.

Under the ABC bill, it is the parents that choose the type of child-care best for their children and family from a full range of options—from care by relatives to child-care centers. It helps low-income parents with choices by providing them with assistance to afford the types of care previously available to moderate- and higher-income parents.

By requiring States to develop their own standards for the health and safety of children in care, as opposed to instituting national standards, the ABC bill will improve the quality and the safety of available child-care but allow the States to tailor their standards to the needs of their specific State circumstances and needs. This is vitally important, as many children are in care that is totally unregulated today.

Finally, the ABC bill will help increase the availability of child-care by assisting States in the establishing or expanding child-care programs; recruiting and training family day care providers; establishing after-school-care programs; and assisting businesses with child-care programs.

We have all heard or read the horror stories of mistreatment or neglect of children in unregulated care or children who are left alone because care is not available or not affordable; we need to act now to prevent such occurrences in the future.

Finally, I want to commend Senator DODD and Senator HATCH, for their perseverance and commitment in pushing this legislation which is so important to our Nation's children.

Our children are our future. If we shortchange our investment in them now, we will be shortchanging ourselves and our Nation in the future. We have achieved a crisis atmosphere

in regard to child-care, and I believe we need to enact the ABC bill now. I strongly support the modified ABC bill, and I urge my colleagues to do likewise.

Mr. LUGAR. Mr. President, I rise today to share my views in the ongoing debate over how the Federal Government can best address the child-care needs of millions of families across our Nation. In studying the child-care issue for 2 years, I have concluded that families will be best served by initiatives that make quality care available in both the private and public sectors. Greater supply will create an environment in which providers will have to compete on the basis of quality and affordability.

One of my concerns with the direct subsidies provided in the ABC bill—70 percent of the $1.75 billion authorized this year—is that this enormous infusion of Federal funding may detract from the current pressure in the private sector to respond to the changing needs of our work force. With the growing number of mothers employed outside the home—some by choice and others by necessity—discerning employers are already involved in providing some measure of child care for employees. This involvement comes in any number of forms including onsite child-care centers, resource and referral programs, reimbursement of child-care costs and flexible work schedules.

The Federal Government ought to encourage, not discourage, greater involvement by private enterprise. Under the Dole proposal, which I supported yesterday, the authorized State block grant moneys could be used to set up recruitment and training programs to increase the number of child-care providers and volunteers. States would be encouraged to reduce barriers to affordable liability insurance, which is a major stumbling block for many competent individuals who want to provide quality child care. Senior citizens who want to offer their services could exempt earnings from the Social Security earnings test.

To address affordability, an expansion of tax credits available to families has been proposed. I support refunding existing dependent care tax credit, which will allow us to help those families most in need who have little or no tax liability and, thus, do not benefit under the current Tax Code.

I also favor the increased earned income tax credit proposed by Senator DOLE. Low income families with one or more children under age 4 could take an additional credit, as long as one of the parents is working. While the extra $500 to $750 this will free up for the care of children is not a complete panacea, it will ease the burden for those mothers who work to make ends meet, as well as help those who stay at home to care for their young children while forgoing outside income.

Mr. President, we cannot afford to wait much longer for an agreement on how to improve the quality of life for our children. I am pleased that the Senate is working through philosophical differences in opinion. I hope this will result in a comprehensive, effective package that all Seniors can endorse.

THE RELIGIOUS EXEMPTION

Mr. GRASSLEY. Mr. President, I rose last Friday and again this morning to address my concerns about the Act for Better Child Care. I have made it clear that I believe that the best approach to the child-care issue is one that has as its centerpiece a tax credit that would be available to all families with children, including those with one parent staying home to take care of the children.

With the Mitchell substitute to the ABC bill, we encounter all kinds of controversy around the provisions involving the participation of religious child-care centers in Federal programs. I believe, however, that this Congress should be as concerned about the clause which protects religious liberty as we are about the clause ensuring the separation of church and state.

One of the specific problems expressed is that it is unclear whether in States providing a certificate program, if parents will be guaranteed the right to choose between receiving those certificates themselves, as opposed to putting their children in a directly subsidized child-care center.

Furthermore, the National Association of Evangelicals and the American Association of Christian Schools are deeply concerned about the uniformity clause. This clause, they fear, would require religious day care centers to submit to Government licensing and regulation, even if they do not receive Federal funds. If this is not true, then I appeal to the sponsors of this bill to immediately amend the bill to clarify that this would not occur.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD a statement by the National Association of Evangelicals which express this group's concerns about the latest version of this bill—the Mitchell substitute.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF EVANGELICALS,
OFFICE OF PUBLIC AFFAIRS,
Washington, DC, June 21, 1989.

Hon. CHARLES GRASSLEY,
U.S. Senate, Washington, DC.

DEAR CHUCK: With a modified version of the Act For Better Child Care Services (the Mitchell Amendment) under Senate consideration, confusion exists over whether discrimination against parents desiring religious care has been adequately addressed.

The Mitchell proposal, first made by Senators Ford and Durenberger, to allow parental choice of child care providers through certificates, with an exception from the restriction against sectarian activity, has been heralded as solving the problem of discrimination against parents who are committed to religious care. It does not.

The idea is no doubt well-intended but it by no means solves the problem of religious discrimination. Indeed, the changes are in essence cosmetic. The attached materials indicate why the revised ABC bill, even with its proposal for child-care certificates, is an injustice to the religious community. The only real solution is a non-discriminatory tax credit approach.

Faithfully yours,

ROBERT P. DUGAN, Jr.
Director.

NATIONAL ASSOCIATION OF EVANGELICALS CITES PROBLEMS FOR RELIGIOUS CHILD CARE IN THE REVISED ABC BILL OR "MITCHELL AMENDMENT"

The "ABC" child care bill (S. 5) now nearing a vote in the Senate, originally excluded from assistance, families who choose day care with religious activity. The revised bill (Mitchell Amendment) prohibits assistance to "sectarian activity" except where the means of assistance may be "child care certificates to parents," redeemable with "eligible child care providers". This exception is heralded as solving the problems of discrimination against parents who choose religious care. It does not. In particular:

1. "Eligible child care providers" must be licensed or regulated under state law". In quite a number of states, church-based day care is exempt from regulation. Parents in these states would be denied the religious choice in using certificates under ABC.

2. The dismayingly complex and ambiguous provisions appear to require that a state, to participate in the federal funding, must impose regulation on all day care providers—thus tending to coerce state regulation of church-based child care centers in states where they are now exempt, whether or not such centers receive any assistance. If that is not the intent, clarifying language is imperative.

3. According to the Department of Justice, as a consequence of child care certificate use (or other aid) "all child care centers * * * and any affiliated religious organizations like churches and synagogues, would be subject to the strictures of the Civil Rights Restoration Act of 1988." Any selectivity in employment practice or dealing with children based on religious or moral considerations could subject day care centers and churches to both the CRRA (Grove City Bill) and a number of additional discrimination strictures which appear in the ABC bill or might be added by HHS regulations. The Department foresees "officious government intervention in the private affairs of churches."

4. The ABC bill does not provide working guides of permissible use of child care certificates in religious day care, but instead literally invites court litigation to provide the working rules with a declaration that "assistance * * * shall not be expended in a manner inconsistent with the constitution," and the addition of a severability clause to keep the rest of the bill moving if the certificate process is held up in litigation.

5. There is no requirement that any of the billions authorized be channeled to the "child care certificate" process where the choice of religious day care is to be available to parents. The states are free to limit or

omit this channel, and the litigation potential will increase their past reluctance to use such vouchers or certificates.

The vast regime of subsidies and regulation in the ABC bill must be avoided, and replaced by a non-discriminatory tax credit approach, using the principles of the Administration proposal.

STANDARDS

Mr. GRASSLEY. Mr. President, I rise to discuss the specific issue of Federal and State standards, required in the amended ABC bill.

The new version of the ABC bill has deleted mandated Federal standards and replaced them with mandated State standards. We will still have Federal standards and we will still have mandated standards.

The good Senator from Utah, with whom I usually agree, assures us that the States will not be pressured in any way to adopt the Federal model standards. I guess none of us really know the answer to that question. None of us can predict how States will respond.

The political climate, indeed the child-care climate, may change during the years in which the advisory commission develops its standards. At any rate, that remains to be seen.

The issue I am addressing today has little to do with the extent to which States will or will not be obligated to meet the Federal model standards, although I think that is significant to this debate. My discussion, instead, focuses on whether the standards will accomplish their stated goal. State standards, which are supposed to look something like the Federal model standards, are mandated with a goal to ensure quality.

Quality is the primary issue that opponents of the Dole amendment claimed was lacking in our proposal. Therefore, the assurance of quality, it would follow, would be the main reason to support the ABC bill.

The Federal Government, however, cannot possibly guarantee every parent that every child in licensed child care would receive high quality care.

Will licensing give moms and dads confidence that their little ones will be loved, protected, and well cared for? Will State licensing, with compliance in no less than six federally mandated areas, make them feel better when they have to leave their children to go to work?

The new State standards, under the umbrella of Federal model standards, is supposed to give parents the assurance of a Federal Government "good child-care seal of approval."

Mr. President, I don't believe this is the case—even if the standards were perfect.

First, standards are only as good as is their enforcement.

Second, compliance with standards is ensured only at the time of the inspection.

Third, the elements that parents want in high quality child care cannot be regulated.

Despite these shortcomings, the Federal Government will encourage parents to place their children in licensed child-care centers. Then they will supposedly be assured that their children will be safe and well cared for.

Mr. President, I do not want to be a party to that false sense of security. I can imagine the letters I will receive when this bill is fully implemented. Mothers and fathers will write in anger and frustration about the horrors that occur in licensed child-care centers. These horrors may occur in child-care centers which meet or exceed the Federal standards, just as they may occur in any center operated by the wrong people.

Many of my colleagues have spoken on the floor that there is no data on the relationship to quality child care with regulations. Likewise, there is no relationship to abuses in child care and the lack of regulation.

Anecdotes can tell any story, but I believe I have one that represents the problems of many parents and child-care providers.

About a month ago I received a letter from a mother who was quite distraught. Leaving her child at the baby sitters was the most difficult thing she ever had to do. In order to provide sufficiently for her family, however, it was necessary for her to go to work every day.

The first baby sitter was a disaster for a variety of reasons. The mother then found a child-care provider who already had the maximum number of children enrolled for which the center was licensed. The provider decided to take a chance and enroll the daughter because someone is usually missing, whether sick or on vacation, or whatever.

The young mother wrote me that her daughter thrived at this center. Leaving her daughter in the mornings was no longer a heartache because her daughter enjoyed her time there and looked forward to going "to Debbie's house."

The young mother wrote me, because one day, when she went to pick up her daughter, Debbie the child-care provider, told her that she could no longer bring her daughter to the center. Someone from the State agency has been there to inspect the center and determined that too many children were present.

This young mother was upset that a government worker would not allow her to continue the best child care for her daughter. Instead, the young mother was forced to put her daughter in a center which met the State standards, but which was much less satisfactory to her. She implored me to not let a government worker tell her how to raise her daughter.

Mr. President, the point is that standards do not guarantee high quality, and the absence of standards do not guarantee the absence of quality.

Instead, tighter standards will only make it more difficult for parents to make the decisions about the care which is best for their children and will require parents and State governments to expend more money on enforcement.

My colleague from California has spent a considerable amount of effort on this issue of additional expense. He has spent considerable time on the impact of the ABC bill on State government budgets.

Some States, like Minnesota and New York, already have an extensive State regulatory structure. Other States, however, such as my State of Iowa, have not chosen to develop or implement extensive State regulations.

Iowa and these several other States will incur significant new expense to develop, implement, and enforce standards for child-care providers.

Yet, Mr. President, the child-care system in Iowa is excellent. Child-care providers in Iowa are responsible and loving professionals who take their jobs very seriously.

We have over 1300 State-licensed child-care centers. Even more impressive, 3000 family care providers voluntarily register their programs with the State.

The record of quality, effectiveness, and success in Iowa child-care centers is well documented. This quality is obviously not the result of oppressive standards. Instead, quality is evident because the strong sense of family and community ever-present through my State.

The figures submitted by Senator WILSON suggest that families in 17 States will incur increased child-care costs in excess of $400 per child annually. Families in 26 States will have to pay an additional $800 per child annually.

In closing, then, Mr. President, I do not feel that the amendments, which are bipartisan and which embody significant improvements to the bill, are sufficient to alleviate my concerns about the underlying bill.

Although they will serve as model standards, the underlying bill creates Federal standards. Although the standards will be developed by the States, the underlying bill mandates standards in six specific areas.

Mr. President, I spoke yesterday and last week on my philosophy on the role of the Federal Government in family policy. I hope I made it very clear that Federal standards and Federal intervention in family policy, particularly with the other implications this bill has, are highly inappropriate.

There are many problems in this bill that are not yet resolved. I fear that if we pass this bill, we will regret it.

Mr. KERRY. Mr. President, I am delighted to speak on this critical issue. The need for child care in this country is tremendous. The need has far outstripped the Nation's capacity to provide enough quality care that American families can afford.

My colleague from Connecticut deserves enormous credit for his work on this legislation. He has labored hard for 2 years to bring this bill successfully to the floor. My colleague from Utah has also worked long and hard on this legislation. He, too, deserves to be commended.

The bill we are considering may not be as strong as some would have wanted, but it is still a major piece of legislation and it will make a significant improvement in American families' ability to find good child care that they can afford.

Obviously, the world has changed for all of us, but particularly for women and their families as more and more women have entered the workforce. In 1950, only 18 percent of married mothers, with a husband present and children under age 18; by 1988, 65 percent were working. Thirty percent of married mothers with young children less than 6 were working.

Currently there are 9 million children under the age of 6 whose mothers are in the labor force—9 million.

And we cannot ignore the fact that women work for simple economic survival: two-thirds of women in the labor force with preschool children are either the family's sole wage earner or are supplementing a family income of $15,000 or less. Good child care is not a luxury; it is an absolute necessity.

And for the families who are better off financially, it is increasingly the case that the income of both parents is necessary to meet a family's financial needs. All of these factors are creating a massive need for quality child care at a reasonable and affordable cost, care that is often unavailable.

In all of this debate, we must remember that it is the children who suffer from lack of quality child care.

No parent should be forced to choose between necessary employment and the needs of their children. And we have to take the steps to insure that the children—who represent the future of our Nation—are properly cared for.

It has been proven beyond any doubt that good child care is a good investment in the future. Children who are in quality in the future. Children who are in quality early childhood programs get a solid start in life. They are prepared for school. They get positive attention from their caregivers. They learn about themselves and their world. Centers with nutrition programs mean kids get decent meals. There is no question that child care and nutrition programs pay off in the long run.

Good child and nutrition programs give our children the foundation and tools to lead our Nation and the world into the 21st century. If we neglect our children by failing to provide proper care, the societal costs may be great.

I have heard Senators during this debate mention that the legislation we are discussing is too expensive and that we cannot afford it. Mr. President, what we cannot afford to do is neglect the next generation of Americans.

Despite the obvious need for some sort of child care program, the United States has no comprehensive policy to address the affordability, availability, or quality of child care in America. Indeed, the national policy on child care. Our patchwork system is swamped with demands and waiting lists, and is ill-equipped to cope with increased demands. More and more children are being placed in substandard day care, or must remain alone at home, because affordable care is simply not available.

Mr. President, we have a crisis on our hands—parents are making the choice between employment and the safety and proper supervision of their children. In many neighborhoods in Massachusetts, parents are forced into making terrible choices.

I know of two parent families, families with solid, well-paying jobs, that are being torn apart because they cannot find adequate child care that they can afford. Mothers find jobs on day shifts, fathers find jobs on swing shifts or night shifts so one parent will always be home with the children. These families have no family time; they don't eat dinner together, they have no time together. The lack of quality affordable child care is fragmenting the American family. This situation is simply wrong.

I know of women who have given up well-paying jobs because they simply cannot find quality care for their children; their husbands are forced to take second jobs to make up the lost income. These are the problems of the middle class; the problems facing the poor are even worse. Single parents don't have spouses who can take second jobs to make up lost income. Child care is often the link between being able to make it and not.

Mr. President, in my home State of Massachusetts 20 percent of all the households with children are headed by a single parent. For these families, reliable, quality and affordable day care is essential to independence and self sufficiency. For low-income families day care can mean the difference between a life of welfare dependency, or the ability to continue school, participate in job training programs, or maintain gainful employment. For the children, quality day care can mean a safe, healthy environment and proper nutrition.

As we have learned from the great success of the Head Start Program, this type of early intervention leads to children who are more likely to complete high school and to be gainfully employed and more likely to be involved with the penal system, or to become victims of teen age pregnancy.

Many mothers in Massachusetts, especially in the ET program, have been able to successfully move off AFDC into the work force because they have been able to find decent care for their children.

But if they can only find marginal care, they simply don't have the choices the middle class and the affluent do. We need high quality, affordable child care for all of our families who want it.

Massachusetts leads the nation in the level of resources that we have allocated toward day care; we have made great progress. Even so, the demand for childcare still greatly outweighs the supply and the cost is often prohibitive. For example, in Boston the cost of day care for an infant averages $120 a week. Clearly it is going to take the combined efforts of Federal, State and local governments as well as private industry to rectify this situation.

Families in Massachusetts are relatively lucky when it comes to the child care services available. The Act for Better Child Care is necessary so families across the country have access to higher quality, more affordable child care.

In Massachusetts, we have high quality standards for our providers. These standards encompass staff/child ratios, group size, staff training, and health and safety. These standards are an important part of a system that delivers quality child care to 180,000 children by 12,300 family and center based providers.

Partnerships are absolutely necessary to increasing the supply of quality child care. In Massachusetts, we have 250 businesses and colleges providing child-care assistance to their employees.

The ABC bill is an important piece of legislation. It addresses our most important child-care problems. It will assist States improve the quality and availability of child-care services and provide direct assistance to low-income working families.

The dependent-care tax credit provision helps out the working poor who were eliminated from income tax liability in the 1986 Tax Reform Act, but who were also eliminated from the benefits of the credit. Refundability is an important benefit.

While some would have preferred national standards instead of State

standards, we will see the development of a mechanism for the design of model standards. Standards are an important issue to the child-care providers in Massachusetts. We have very high standards for our caregivers; we believe that children across the Nation should have the opportunity to receive care that meets similar standards.

One of the most controversial aspects of this bill is the language on the funding of religious activities. I am well aware of arguments of the opponents of this language. But I believe that it is vitally important that parents be able to receive assistance for the type of care that they choose. I believe that the language promotes parental choice without violating constitutional principles.

During this debate, my colleagues across the aisle proposed an alternative to the package we are now discussing. These alternatives were based on the very important recognition of the problems facing many American families today. Expanding the earned income tax credit puts extra cash in the hands of the working poor; this is an important proposal and I am glad that we have made the earned income tax credit more generous.

It is vitally important that we take measures to increase the availability and quality of child care. This legislation gives parents choice through the expanded dependent-care tax credit and through State grants to help families pay for services. We need to do everything we can to broaden the availability of care.

The legislation we are considering today is crucial to the well-being of our families, and of our economy. Yet, it is actually very modest. It only addresses part of the need for increased services, increased quality, and affordability. It is an important step, but only a first step.

In a year when we will bail out the savings and loan industry at a cost of $150 billion to $300 billion, it seems a tragic comment that we have spent so much time engaged in a political debate over a $2 billion initiative to provide care for our children, to invest in our children.

I am a strong supporter of this legislation. It is of critical importance to our Nation: to working women, to working parents, to our children, and to our economy.

Mr. BIDEN. Mr. President, we as a nation have neglected our children.

More than one fifth of our children live in poverty.

Tens, if not hundreds of thousands of our children are living in shelters and wandering the streets. In my own State of Delaware, 39 percent of the homeless are children.

An estimated 375,000 babies will be born this year with illegal drugs already in their veins.

Over 4 million poor children have no health insurance and are not even eligible for Medicaid.

The most basic needs of our children are too often unmet, and they cry out for a national solution.

Today, we have an opportunity to address one of the most serious of these needs—the shortage of affordable child care.

LIBRARIES: AN EXAMPLE OF MAKESHIFT CHILD CARE ARRANGEMENTS

Mr. President, 15 years ago, when my two eldest children were very young, the public library was a place where we took your children to discover the world of books. It was where we showed them how to gain access to other times—past and future—and other lands—real and imaginary.

Fifteen years later, the role of the public library has expanded in unintended ways. Now, in addition to allowing children to escape their boundaries to learn about other worlds, some libraries are being used to allow parents to escape their children to work or do other things.

According to a recent New York Times article, some Long Island libraries are now being called upon to serve as emergency child care facilities.

In a growing number of cases, young children—some only 3 years old—have been left unsupervised in libraries for long periods of time.

These children frequently fall asleep, or play loudly and disrupt other persons using the library.

Some librarians have even had to turn unattended children over to the police when parents do not show up at closing time.

Mr. President, it goes without saying that libraries and librarians are not qualified or intended to provide child-care services.

But this Nation faces a severe shortage of affordable, quality child care. Too many American parents have no good options for caring for their children while they work. Leaving children unattended in libraries is just one of the makeshift, desperate measures to which American parents have resorted.

We badly need to expand the options parents have to provide child care. The Act for Better Child Care, as it has been amended and improved in the last few days, will help achieve this goal, and that is why I am an original cosponsor of the measure.

CHANGES IN THE AMERICAN FAMILY

Mr. President, few among us would deny that there have been substantial changes in the structure of the American family and the American work force over the last several decades.

In 1950, 35 percent of all women aged 25-34 were in the labor force. Today, over 70 percent of the women aged 25-34 work outside the home.

In 1950, 12 percent of women with children under age 6 were in the labor force. Today, 57 percent of such mothers work outside the home.

In my own State of Delaware, 49 percent of mothers with children under age 6 work.

As one would guess, these changes in the American family have resulted in an increased need for quality child care.

Over 10 million American preschool children have mothers in the work force.

By 1995, there will be 15 million preschool children with mothers in the work force.

About 120,000 Delaware workers, more than one-third of the State's labor force, rely on child care.

By 1995, the number of children in child care in Delaware is expected to double.

Unfortunately, it is all too clear that the supply of child-care slots has not kept up with this demand. In 1986, less than one-quarter of all preschool children with working mothers were enrolled in licensed child-care programs.

Our national shortage of affordable quality child care hurts us in many ways.

CHILD CARE SHORTAGE HARMS CHILDREN

First, it hurts our Nation's children.

Children cannot develop healthy bodies and minds if they are ignored or left unattended in front of a television set.

In several tragic cases, young children left home by themselves were hurt and even killed in easily preventable accidents.

Older, latchkey children are also at risk, though from different perils. Unattended latchkey children are more likely than children in after-school programs to become involved with drugs or to become teenage parents.

CHILD CARE SHORTAGE HURTS PARENTS

The lack of affordable, quality child care burdens the working parents of our Nation. Many American women either cannot work or must limit their hours of work, because they cannot afford or cannot find adequate child care for their children.

Even those who do work often must place their children in child care arrangements which they don't trust. A number of surveys indicate that parents who are dissatisfied with their child-care situation are more likely to be absent, and less likely to be productive.

The child-care shortage has been particularly burdensome on lowest-income families.

Two-thirds of the respondents to a recent survey of welfare recipients cited difficulties with child-care arrangements as the primary problem in seeking and keeping jobs.

Three-quarters of the recipients surveyed who had given up looking for a job cited child-care problems as the reason.

Single mothers on welfare who cannot find affordable child care also cannot enroll in job training programs, cannot enter remedial education courses, and cannot leave home to work. The shortage of quality child care cuts these women off from the opportunities necessary to help themselves, trapping them in a cycle of poverty and welfare dependency.

CHILD CARE SHORTAGE HARMS THE ECONOMY

Even the most coldhearted among us must admit that there is also an ominous economic dimension to our shortage of affordable child care.

Children who receive poor child care or are left completely unattended today will be the leaders of tomorrow's citizens, the producers in tomorrow's economy, the guardians of tomorrow's democracy, and the providers for tomorrow's retirees.

In a world where our leadership role is increasingly challenged by our economic rivals, we cannot afford to yield 1 yard of productive potential because of inferior child care.

Unfortunately, we are falling well behind our competitors in this important area. Almost every other industrialized nation does a better job in providing adequate child-care services. If we want to be competitive in the international economy of tomorrow, we must support a child-care system that boasts the same quality, affordability and availability as the systems of our competitors.

ABC BILL HELPS MEET THESE NEEDS

The legislation we now have before us would be an important first step toward meeting these child-care needs. The ABC bill will provide a cost-effective, direct means of addressing three important aspects of our national child care problem. It will improve the affordability, the availability, and the quality of child care.

AFFORDABILITY

The ABC bill takes an important step toward making child care more affordable for low-income parents. Most of the bill's funds will be used to subsidize the cost of child care for these families.

All told, the leadership ABC bill will help as many as three-quarters of a million children receive quality child care.

In the State of Delaware, over 1,500 children will be helpled.

SUPPLY

The bill also helps expand the supply of child care. Some of the act's funds are set aside for grants and low-interest loans to increase the supply of child care services by establishing and expanding child care programs, by recruiting and training new child care workers, by helping small businesses form consortia to establish child care programs, and by assisting communities to set up afterschool programs.

In addition, some of the act's funds will be allocated for developing resource and referral systems and for health and training programs for child care workers.

QUALITY STANDARDS

Finally, the ABC bill will improve the quality of child care provided in this Nation. The bill requires States to establish minimum quality standards to ensure that child care providers receiving Federal aid meet acceptable health and safety requirements.

The need for strong quality standards is obvious. There have been far too many cases in which children were left in child care arrangements which were unsanitary, poorly supervised, overcrowded, or—in a few tragic cases—dangerous and abusive.

There are some who say that the Federal Government should stay out of the question of quality standards. I cannot agree with the idea that Federal money should be indiscriminately handed over to child care centers without making sure that providers meet minimum safety and health standards. We must be sure that Federal money is never used to support institutions that endanger our children.

TAX PROVISIONS

The bill has also been greatly improved by the package of tax provisions added by the distinguished chairman of the Finance Committee.

These provisions will expand the dependent-care tax credit so that it will be much more progressive, and much more useful to low-income persons.

The bill will also extend the dependent-care tax credit, so it will now also cover the expenses of low-income parents who buy health insurance for their children. This will help some of the millions of poor children who currently have no access to needed medical care.

DEBUNKING MYTHS ABOUT ABC

Like many other path-breaking social initiatives, the ABC bill has been the target of a great deal of distortion. Just as some once claimed that Medicare represented repression and socialism, we now hear complaints that the ABC bill will socialize motherhood and require grandmothers to be licensed. These accusations are farfetched and incorrect.

First, some critics imply that the ABC bill will herd all our children into massive Government-run centers. That is plainly wrong. In fact, the bill ensures that a large portion of the funds will be directed to parents who may then choose the sort of care that they wish for their children. That care can include services operated by churches, schools, community organizations, employers, for profit agencies, or even neighborhood family child care providers. Accusations that this bill will require parents to use only institutional care are absurd.

Second, some people have claimed that the ABC bill would lead to licensing of all grandmothers. In fact, State minimum standards would only apply to child care providers that receive Federal money. Any providers not wishing to comply with the new State quality standards required by the bill could simply choose to not accept Federal money.

Lastly, it is simply not true that the ABC bill will create a cumbersome Federal bureaucracy. The task of developing and administering child care programs is left to the States.

According to the Congressional Budget Office, the entire Federal administrative cost of the original ABC bill would be approximately three-tenths of 1 percent of the total amount of funds authorized. The amended version of the bill will have even lower costs.

COMPARISON WITH DOLE AMENDMENT

Mr. President, let me also take a moment to explain why I opposed the alternative that Senator DOLE offered yesterday.

I was encouraged that the minority leader proposed to expand the earned income tax credit. I agree that the EITC is a good way to supplement the incomes of low-income Americans, and in other contexts I myself have proposed legislation to raise it. What I object to, however, is proposing an increase in the EITC as a substitute or replacement for having a national strategy to address child care problems.

Increasing the earned income tax credit is not a child care strategy—it is merely throwing money at the problem. It would not increase the supply of child care. It would not improve the quality of child care. It would not provide any referral or consumer information services.

The Dole amendment's emphasis on the earned income tax credit was an indirect and very inefficient way of addressing child care. It was trickle down child care. Much of the money will go to families who have no child care problem. Even for the money that does go to families with child care problems, there is no guarantee that those dollars will be spent on child care.

Supporters of the Dole substitute made a so-called family choice argument, saying that it is immoral to do anything special for parents who need child care, as opposed to something that would equally benefit families where one parent stays at home.

If you take this argument to its logical conclusions, however, you end up with some rather extreme results. Under this reasoning, we should repeal or abolish the dependent care tax credit and the Head Start Program. Both benefit parents who wish to put their children in child care programs,

but do not benefit parents who wish to care for their children at home.

In addition, Mr. President, if we accept the reasoning of this family choice argument, raising welfare payments is an outstanding child care proposal. That would increase the disposable income available to low-income parents, without requiring them to spend it on any particular expense.

The earned income tax credit provisions of the Dole amendment would have only helped those children who are aged 4 or less. This provision also did little for those it does help—it would have given only $500 at most to an eligible family with one child, even though the average cost of child care in America runs at $3,000 or more.

In short, Mr. President, the main provisions of the Dole substitute amendment would have been a useful step to alleviate poverty for some low-income families. It was not really a child care program, however, and it was not a worthy substitute to a national child care strategy.

ADDITIONAL STEPS STILL NEEDED

Mr. President, as vital as the leadership substitute to the Act for Better Child Care is, it is still only one step among many we should take to improve the quality and availability of child care.

Another step we should pursue is to encourage employers to provide onsite child care for parent-employees. Employees who are physically close to their children are happier and more productive. More importantly, the children feel closer to their parents.

Only about 10 percent of all employers provide some kind of child care service or benefit for workers, but there is more we can do to encourage other employers to do the same. During the last Congress, I proposed that we provide a tax credit of 10 percent for corporate expenditures to provide child care at worksites, and I will continue to pursue this idea during this Congress.

Similarly, we cannot be content to simply address the issue of child care. We must also address other concerns, such as the health needs of our children.

That is why I recently introduced the Health Care for Children Act. This legislation would require States to extend Medicaid coverage to all poor children aged 18 and under. It would ensure that 4 million children who are currently uninsured would receive adequate health care.

Mr. President, we cannot afford to wait any longer to address our shortage of affordable quality child care.

Child care is not somebody else's problem. It is the responsibility of all of us. For these are not somebody else's children. They are our children, because they are also our future.

Mr. PRYOR. Mr. President, I want to thank the Senator from Texas for the fine job he has done on drafting the section 89 reform bill. A number of small business groups have asked for clarification of the medically uninsurable rule. Specifically, they would like Congress to review the issue of extremely poor underwriting risk individuals in relation to the special rule on medically uninsurable. They would like assurances that Congress will review this issue during the conference committee on S. 5.

Mr. BENTSEN. Mr. President, it is my intention to take a careful look at the medically uninsurable rule during the conference committee on S. 5.

Mr. President, the committee report states that—

> Except where directly inconsistent with the provisions of the bill, prior legislative history relating to any provision amended by the bill (including the rules of section 89) and guidance issued by the Secretary pursuant to any such provision, continue in effect.

I would like to make it clear that including this statement in the report, the committee does not intend to endorse the Internal Revenue Service's proposed regulations under section 89 and the other provisions amended by the bill. The committee intends only to allow employers to rely upon the proposed regulations to the extent that those regulations are not directly inconsistent with the provisions of the bill. However, as the committee report makes clear, an employer may rely on a reasonable, good faith interpretation of the statute. The committee recognizes that an employer's reasonable, good faith interpretation may differ from the position taken by the Internal Revenue Service in its proposed regulations.

Mr. PACKWOOD. Mr. President, let me state that I agree completely with the statement of the chairman of the Finance Committee. The committee did not in its report intend to endorse the proposed regulations and no inference with respect to any specific provision in those regulations is intended.

Mr. BRADLEY. Mr. President, I rise to support the child-care legislation currently before us. I am proud to have been an original cosponsor of the Act for Better Child Care, which is a major component of this package. The legislation before us makes the existing dependent care tax credit 90 percent refundable, in order to be sure that low-income working families with child care expenses will benefit from a provision that is already used by many middle-income families. Finally, it creates a new child health tax credit and expands the earned income tax credit for families with children under age 4.

Mr. President, this legislation represents years of hard work orchestrated by the distinguished Senator from Connecticut, by the Senators from Massachusetts and Utah, as well as by the majority leader, the Finance Committee chairman, their staffs, and many groups and individuals across the Nation. The legislation which has resulted recognizes our commitment to the welfare of our country's children, the changing pattern of work and family life in our country, and an appreciation of the problems facing working parents seeking quality child care. I support this legislation because I believe that it is a well-balanced, pragmatic approach to expanding and improving available child care and making it more accessible to low-income families.

Mr. President, in 1950, only 12 percent of women with children under age 6 were in the labor force. In those days of the breadwinning father and the stay-at-home mother, the rhythms of family life fell into predictable patterns. Dad left for work and the older kids left for school while mom stayed home tending to chores and caring for the younger children. In a pinch, grandmother was there to help. Today, many families still fit this description. But for many others, the picture has changed dramatically.

By 1987, more than 50 percent of women with children less than 1-year-old were in the labor force. In New Jersey, 39 percent of mothers with children under age 6 are working.

There are many reasons for this change. One reason is that families need two wage earners to make ends meet. A 1983 New York Times poll reported that 70 percent of mothers who work, do so primarily because they need the money to support their families.

Another important trend has been a dramatic increase in the number of single parent families. While the number of married couples with children has remained unchanged over the past decade, the number of single-parent families has increased by 35 percent. As a result, roughly 22 percent of all children under the age of 18 live in single-parent families. And single parents are more likely to be working than not.

Today, a total of 35.5 million children—or 61 percent of all children under the age of 18 in the United States—live in families in which both parents, or the sole parent, are in the work force. Two-thirds of working mothers are single, widowed, divorced, separated, or have husbands who earn less than $15,000 per year.

If trends continue, by 1995, 2 of 3 preschool children and 3 of 4 children age 6 to 13 will have mothers in the labor force.

Mr. President, in light of these trends, it is clearly important for us to consider who cares for children while their parents are working. One-fourth of preschool children are cared for by relatives. Frequently, however, grandparents and other relatives are either in the work force themselves or live

hundreds of miles away. Half of the Nation's preschool children are cared for in out-of-home, nonrelative arrangements.

By making an investment in the early care and education of American children, we can produce a better educated, better trained work force—one that will contribute to future economic growth. If we ignore the needs of our Nation's childen and families, particularly low-income families, we are likely to move into the 21st century with a work force that lacks the skills and character necessary for productive employment.

Mr. President, parents all over the country are faced with two basic problems: Good child care is hard to find and difficult to afford.

The search for child care is costly, time consuming, and frustrating. As a result, families may be unable to find the type and quality of child care they would prefer, even when it exists at a price they are able to afford.

To make matters worse, there are often serious shortages of particular types of care within communities. Even if information were available, parents would still not be able to meet their needs or preferences, except perhaps, at prices that are unacceptably high. Infant and toddler care, child care for children when they are ill, care for handicapped children, and child care during evenings and weekends are services that are in short supply in many communities.

The cost of child care varies widely. Out of home child care for one child can range from $1,500 to $10,000 per year, averaging $3,000 per year in low-income urban areas such as Newark and Camden, NJ. Center-based care, for example, is more costly than family day care. Infant and toddler care is more expensive than care for preschoolers. The most expensive child care option is an in-home caregiver who is unrelated to the child.

For the average family, child care accounts for 10 percent of the family budget—equivalent to family expenditures for food. Poor families pay as much as 20 percent to 26 percent of their family budget for day care—comparable to expenditures for housing. Without help, these families will have serious problems paying for quality child care.

Mr. President, despite the obvious, growing need for child care for working families, the United States has no comprehensive policy or program to address the availability, affordability and quality of child care. What child care policy there is in our country is a patchwork of Federal, State, local and private programs developed on an ad hoc basis. The legislation before us presents an excellent alternative—an opportunity to address the child care problems of our country at a variety of levels and in a variety of ways.

This legislation is a two-pronged approach to addressing existing child care problems. The legislation authorizes $1.75 billion for a child care grant program. On the tax side, it alters the existing dependent care tax credit in order to ensure that low-income working families will be able to benefit from the credit, and expands the earned income tax credit for low-income families with children under age 4.

Seventy percent of the grant funding will be used by States to subsidize child care on a sliding fee scale. These funds will go directly to improving the affordability of child care for low-income families. Assistance may be provided for services for children up to age 13 in families with incomes within 100 percent of the State median. States must, however, give priority to the lowest income families. Families have complete discretion to choose among a wide range of child care services including: Nonprofit and for-profit child care centers, family day care homes, group homes, and school-based care. Families may also choose nonsectarian care provided by churches and religious congregations, and may choose sectarian care if their State has provisions for the use of child care certificates, as does New Jersey. Relative care by grandparents, aunts and uncles is also fully eligible for assistance under the act, provided such care complies with any current State laws or regulations.

Affordability of child care is also addressed by making the dependent care tax credit 90 percent refundable for families with adjusted gross income under $28,000. This means that beginning in 1991, low-income working families who have little or no Federal income tax liability will be able to take advantage of this credit for work-related child care expenses.

This legislation also increases the size of the credit for low-income taxpayers from the current 30 percent to 34 percent for those with adjusted gross income of less than $8,000. Taxpayers with adjusted gross income of at least $8,000 but less than $10,000 will be entitled to a 32 percent credit.

After 1992, the dependent care tax credit will be refundable on an advance payment basis through the employees regular paycheck. This means that low-income families will receive the tax credit in time to pay for needed child care, rather than at the end of the tax year. This is important, because families living at or near the poverty line are hard pressed to find cash needed to pay for child care. A tax return at the end of the year is too late.

Affordability of child care is further enhanced by a provision in the legislation before us which creates a supplemental earned income tax credit of 7 percent for families with one child under age 4, or 10 percent for families with more than one child under this age, and who have adjusted gross incomes of up to $15,000. The credit, which will be up to $500 for families with one child and up to $750 for families with more than one child, would be refundable on an advance payment basis beginning in 1991. I am pleased about this expansion, since I have long been a supporter of expanding the earned income tax credit as a way to ensure that low income working families do not have to live below the poverty line.

The availability of child care is addressed in the legislation before us by authorizing States to use up to 12 percent of Federal grant funds for activities to achieve this purpose. These activities could include, for example, establishing or expanding child care programs, recruitment and training of family day care providers, assistance to establish after-school services and programs for sick and homeless children, assistance to business with child care programs, resource and referral systems to help parents find the type of care they are seeking, consumer education, before and after school care, or development of child care for nontraditional hours. States will have the flexibility to decide how best to fill in the gaps in child care that exist in their jurisdictions.

The problems of the high cost or unavailability of liability insurance can pose a significant barrier to the establishment of new day care centers as well as to the continued operation of existing centers. This legislation addressed the problem by authorizing an expenditure of $100 million to fund a new Child Care Liability Risk Retention Fund to increase day care providers' access to affordable liability insurance through a shared risk pool system.

Finally, Mr. President, this child care legislation addresses the need to improve the quality of child care in our Nation. States will use at least 10 percent of Federal funds for activities to improve the quality of care. These activities could include State monitoring of child care, licensing and inspection efforts, health and safety training for child care workers, and improvements in salaries for child care workers. Additional funds will be available to help States that seek to improve their standards toward the national recommended level.

Mr. President, this bill would permit my State of New Jersey to double the number of poor children in quality child care from 13,500 who currently receive child care assistance to nearly 30,000 under this legislation.

I have long believed that the Act for Better Child Care was important legislation for all American families with children and particularly for low-

income families. The bill has focused national attention on the problems of working families who faced the problem of how to care for their children while parents were working. Since the Act for Better Child Care was first introduced, it has improved through debate, negotiation, and compromise. The legislation now before us represents a well-balanced, pragmatic, and creative approach to confronting the problems of affordability, availability, and quality of child care. I urge my colleagues to take this opportunity to vote to provide support for American families who are seeking to balance their economic needs, the needs of their children, and the need of our country for a productive work force.

Mr. COATS. Senator HATCH, as one of the chief cosponsors of this bill, I wonder if you could clarify for me the intent of section 121(a) of the Mitchell substitute which restricts the use of the financial assistance, other than through certificates, for any sectarian purpose or activity.

I would like to know whether it is the intent of this provision to restrict child-care providers from engaging in activities such as prayers before meals or holiday songs, and whether it would require such action as the removal of religious objects from walls.

Mr. HATCH. I appreciate the Senator's concerns in this area and appreciate them given the amount of rhetoric that we have all heard on the church-state issue.

Well, I can tell you that the intent of this section is that Government funds in the form of direct assistance not be expended for sectarian purposes. No more is intended, and no less. Thus, as long as the use to which this aid is put is consistent with the limitations of the establishment clause, it is not the intent of this provision to prohibit any activities which are otherwise permissible. In this regard, I would point out that the Supreme Court has upheld as constitutional general direct aid programs benefiting religiously affiliated institutions so long as the aid has been legislatively restricted to secular use. See, for example; *Bradfield* v. *Roberts*, 175 U.S. 291 (1899); *Roemer* v. *Maryland Board of Public Works*, 426 U.S. 736 (1976); *Bowen* v. *Kendrick*, 108 S. Ct. 2562 (1988). I, therefore, do not believe that the types of activities and matters to which you have referred would necessarily be precluded. Certainly, if such activities are not barred by the establishment clause, they would not otherwise be precluded by section 121.

Mr. COATS. I thank the Senator. May I ask one further question for clarification? It is my understanding that nothing in this bill would preclude religious organizations or institutions in the 13 States that do not license such institutions from becoming eligible providers. Is that correct?

Mr. HATCH. The Senator is correct. As he knows, the bill requires that an eligible provider be either licensed or regulated. Thus, even if such providers are not licensed, if they are regulated, that, by itself, is sufficient.

Mr. COATS Is it the further understanding of the Senator from Utah that States which neither license nor regulate sectarian providers, but do require some sort of registration would still be eligible recipients under this legislation, and that those providers would nonetheless be eligible as providers?

Mr. HATCH. It is my understanding that if a State's only current form of regulation for child-care providers is a registration requirement, nothing in this bill would require a State to change that. Providers who were covered by a State requirement for registration, which is a form of regulation, would be eligible to participate in the ABC program.

Mr. KERRY. Mr. President, regarding the interpretation of the leased employee rules, I want to emphasize that the fact that an individual's services are not performed under the control of the intermediary third party that arranged for the individual to perform the services for the recipient company does not, by itself, necessarily lead to the conclusion that the individual's services are performed under the control of the recipient company. The services may instead be performed under the control of the individual himself or under the control of an entity other than the intermediary third party or the recipient company. This issue is particulary important in my State of Massachusetts where a substantial number of workers provide services through brokers as independent contractors. Is my understanding of the committee's intention correct?

Mr. BENTSEN. The Senator's understanding is correct.

Mr. RIEGLE. Mr. President, World War II marked the beginning of the greatest economic expansion in the history of the world; World War II also marked the last time this country, the site of that expansion, had a national child-care policy. On June 29, 1943, this body passed by voice vote a $20 million child-care bill. It was passed because mothers were needed to aid in the war production effort, and the Nation recognized that the children of those mothers needed quality care.

After the war, most mothers returned to their homes. By 1947, only 19 percent of women with children under 18 worked. Since then, however, women's participation in the work force has steadily increased. In 1970, 42 percent of women with kids under 18 worked, and in 1987 that figure reached 65 percent.

Today, we are not engaged in military battle, but rather in economic battle, and women again play a vital role in the effort. They now comprise 45 percent of the work force, and, according to the Department of Labor, they will constitute two-thirds of new workers by the year 2000. As labor shortages worsen, the importance of recruiting and retaining female workers will intensify.

Today our Nation is struggling to sustain the economic vitality that the postwar era brought, and the lifeblood of that economic vitality is the productivity of our work force. Productivity depends upon the quality of our investment in our people and most importantly in our children's education, health and care.

We now have an opportunity to provide comprehensive child-care options to America's families, to make quality care available and affordable.

Currently, those options do not exist. Employers are discovering that recruitment and retention of female workers is hampered by the lack of adequate child-care services. Furthermore, recent studies have shown strong links between child-care problems and stress, stress-related health problems, absenteeism, and lower job productivity for both female and male workers. One survey of 5,000 employees found that 67 percent, including those with no kids, agreed that child-care problems exact a high price in unproductive use of employees' minds and time.

Employers have begun to realize that meeting child-care needs of employees is cost-effective, yet nationwide only 11 percent of workplaces with 10 or more employees offer some specific care benefits or services. Sixty-one percent have some work-schedule policy, such as flextime or job sharing, that assists parents to meet child-care needs.

Despite the efforts of employers to help fill the gap for quality, affordable care, the gap remains wide. Many workers receive no assistance, and for those that do, it usually is not enough. In addition, States and local communities lack sufficient resources to adequately meet child-care needs. Clearly, the Federal Goverment has a role to play to assist parents in their struggle to provide for their children.

Even more important than assuring that working parents are productive is guaranteeing that their children will be well-adjusted and therefore productive parents for their chidren.

One of the most crucial factors in that guarantee is quality child care. Indeed, comparison studies between low-income children who attended a quality early childhood development program are more likely at 19 to be literate, employed, and enrolled in post-secondary education and less likely to be school dropouts, dependent on welfare, arrested for criminal activity or

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delinquency than those who had not attended.

Unfortunately, too many low-income children are not likely to be enrolled in a quality development program. In fact, many have poor quality care or no care at all. Research shows that children in self-care, "latchkey" children, face considerable stress and run greater risk of academic problems, accidents, exposure to alcohol and drugs, poor nutrition, fear, prolonged loneliness.

The Act for Better Child Care provides low-income families real choices. Presently, costs are so prohibitive that families cannot afford quality care. By providing direct financial assistance to working families, they are able to afford decent child care, and thus do not have to choose between ceasing to work and placing their children in potentially dangerous child-care situations.

Indeed, the ABC is a critical step in helping working families to make ends meet without sacrificing their children's well-being in the process. Low-income families can hardly afford quality care at $2,300–$3,000 per child; this amount equals one-third of poverty-level income for a family of three.

As some have charged, the ABC does not encourage mothers to enter the workforce and thus neglect their children; rather, it assures those families in which the parent or parents have to work that their children have quality care. Thirty-five percent more two-parent families would live below the poverty line if mothers were not employed.

An equally urgent need confronting America's working families is health insurance. Senator BENTSEN took the initial step in the Finance Committee package to improve access to health care for children. I look forward to developing, with him and the distinguished leader, Senator MITCHELL, a comprehensive proposal to guarantee universal access to health insurance for the 37 million Americans, 12 million of whom are children, who lack coverage.

For myself and the families of America, I would like to thank my friend from Connecticut, Senator DODD, and Senators HATCH and KENNEDY and their staffs for their tireless efforts in crafting this compromise package. As an original cosponsor of the ABC, I have admired the leadership of Senator DODD on this very important issue. The compromise package is a solid one that I am proud to support, and I hope that as this legislation is implemented, adequate standards will be set forth by the States and care will be provided in a constitutional manner.

Mr. WALLOP. Mr. President, while I have strongly supported other child-care initiatives in the Senate, and have introduced my own legislation to do just that, I cannot support the bill the Senate will pass today. If there would have been a rollcall vote on this measure, the Act for Better Child Care, I would have registered a vote against it.

This legislation, Mr. President, is not only too expensive but it creates another entitlement program in the process. I do not believe this bill will meet the child-care needs of working and single parents. Most importantly, the bill ignores altogether the needs of parents who choose to stay home and care for their own children. Parents should have the right to choose what kind of care they want for their children. This bill dictates that choice. It does not give it to the parents, it takes it away. For all these reasons, I cannot support this bill.

Mr. CONRAD. Mr. President, child care is one of my highest priorities and a pressing national concern. I am pleased that the Senate is debating the Act for Better Child Care, or ABC bill, for the benefit of our Nation's families. Our changing work force has resulted in increasing numbers of single-parent and dual-earner families. Today, fewer than 10 percent of families have a mother staying home to care for the children and a father who is the sole wage earner—less than 1 in 10 families. Further, we are the only industrialized Nation in the world without a national child-care policy. While other countries have recognized this need, we have not addressed this issue for our citizens and we are losing our competitive edge. Child care must be accessible and affordable to these single-parent and dual-earner working families.

Mr. President, I do not believe, however, that assistance for families with children stops there. I believe that low-income families who have chosen to forfeit a second income and have one parent remain at home to care for their kids—I will call these homemaker families—also need financial assistance. After all, these families are struggling to make ends meet in a society where two incomes are often necessary to do so. I do not want to send the signal that the Senate favors parents' working over staying home with their children.

On several trips home many of my constituents from homemaker families have asked me why I would support legislation that helps families who utilize day-care services, but doesn't help them. The original version of the ABC bill did not offer these families any assistance. These families raise an excellent point, and I strongly agree that assistance for them should be a high priority as well.

For this reason, I was pleased to support the Dole amendment to the ABC bill. The most direct way to assist homemaker families is to expand the earned income tax credit [EITC]. This would directly provide additional disposable income to low-income families. The Dole amendment would provide such assistance: Up to $500 for one child and an additional $250 for two or more children. This would lighten the burden of low-income families by providing additional disposable income in their pockets.

Such a tax credit would also clearly address the issue of utilizing religiously affiliated child-care services. Although the ABC bill currently allows funds to be directed toward religious day-care centers, States must have a statewide child-care certificate program in place for parents to do so. Many States, including North Dakota, do not have such a program, and that has me concerned. However, parents with additional income from a tax credit could go directly to the religious day-care center and enroll their children. I support such freedom in choosing religious child-care options.

Mr. President, while I was pleased to support the Dole amendment, that amendment alone does not address our Nation's child-care needs; a tax credit does not go far enough. One further provision needs to be married with such a tax credit, which I believe would make it the strongest, fairest possible package for all of our families.

For this reason, I was also pleased to support the Mitchell amendment to the ABC bill. I was a cosponsor of the ABC bill in the 100th Congress, and was pleased to support the amended package because I believe that it will go a long way toward increasing the availability of safe and affordable child care for working families.

Close to 70 percent of mothers with schoolage children work outside the home, and 85 percent of all women in the work force expect to have children at some point during their working careers. There are 3.5 million single women who head households, and 52.5 percent of these families are below the poverty level. One out of five children under 18 today in our country is poor; 1 out of 4 infants and toddlers under 3 is poor. The annual median income of a female head-of-household with at least one child under age 6 is $6,400.

And my home State is no exception; 12,000 children under age 5 live in poor families in North Dakota. This represents 19.4 percent, or 1 in 5, of all children under age 5. These families do not have the option to remain at home and care for their children; they can barely make ends meet with their incomes. It is essential that these families have reliable child-care services, and I believe the package passed today moves significantly toward achieving this goal.

Mr. President, in order for child care to be reliable, it must be safe, quality care. This package requires that States implement standards, at their own discretion, in several areas to

ensure that minimal safety is provided. While my home State has one of the most stringent systems of child-care licensing in the Nation, I am pleased that this bill recommends standards and provides a grant incentive program to achieve standards for the safety of children nationwide.

The care of our children must also be affordable. The average annual cost of child care today is $3,000 per child. More specialized types of care, such as for infants—and one-half of mothers with infants 1 year old and younger are in the work force—and handicapped children, often incur even greater costs for families. The ABC bill earmarks 70 percent of its funds to directly assist low- and middle-income families pay their child-care expenses. This is particularly beneficial to my State, where direct child-care assistance is only provided where protective services are needed. This means that serious problems, such as child abuse, must be present before the State can directly assist families with child-care costs. This package will implement an income-eligibility level for families in North Dakota to receive assistance in paying their prohibitive child-care costs. I am also pleased that a set-aside provision is included for programs which benefit Indian children.

In addition, Mr. President, child care must be accessible. Even if a family can afford to pay for day care, there are often not enough child-care slots available in a community to meet the demand. Rural communities in particular often have extremely limited child-care options. A constituent recently wanted to start a child-care center in a small town in my State, but didn't have the money and couldn't get any Federal assistance. The ABC bill would help people like him; 12 percent of the funds are directed toward increasing child-care supply.

The ABC bill offers extensive parental choice concerning child care. Mr. President, no parent, including myself, wants the Government to tell us who should care for our children. Under the package passed today, parents may choose among several child-care options, including religiously affiliated day-care centers, day-care homes, or school-based care. They may also choose to place their children in the care of a relative or friend. Some people expressed concern that the bill would require the "licensing of grandmothers." This will not happen. The bill does not require any new regulations with respect to relative care.

I am pleased that the package fits within the fiscal year 1990 budget authority, and I believe it will be extremely cost effective. Quality programs for our young children will get them off to a good start and save the Nation money in the long run. For example, our experience shows that participants in early education programs, such as Head Start, are less likely to drop out of school, commit a crime, become unemployed, or seek welfare, and they have fewer incidents of teenage pregnancy, saving $5 to $6 for every $1 spent.

Not only will our children benefit from the services in this package and become more productive citizens in the future; their parents will be more productive members of the work force now—when it is important that we increase competitiveness and productivity to balance our budget before our spending options are completely reduced. Mr. President, I said before that we are the only industrialized Nation in the world without a national child-care policy. What these other nations realize is that parents are more productive on the job when they don't have to worry or take time off to straighten out child-care arrangements. As my distinguished colleague from Connecticut, Mr. LIEBERMAN, pointed out, 48 percent of women and 24 percent of men said they must take time away from work for their children's needs. And 75 percent of women and 57 percent of men have difficulty finding reliable child care. Clearly, child-care worries have contributed to increased worker absenteeism and decreased productivity.

Further, this package will provide incentives for employers to become involved in child care. Of our 6 million employers across the Nation, roughly 4,000 provide any employee child-care assistance. The bill provides for child-care liability insurance assistance so that employers can become involved in child care with less worry.

Finally, Mr. President, last year we passed a welfare reform bill which provided up to 1 year of child-care services for parents making the transition from the welfare rolls to the work force. But when that 1 year is up, many of these families are still not earning enough to pay for day care. With insufficient income to pay the bills, these families might be forced back to the welfare rolls. The ABC package will provide the necessary assistance to encourage these families to remain in the work force. And, our Nation currently spends over $14 billion annually for AFDC [Aid to Families with Dependent Children] recipients. By helping families afford to hold down jobs, ABC has the potential to reduce the need for such great AFDC funding and save our Nation billions of dollars.

For all of these reasons I was pleased to support this carefully crafted, comprehensive package. North Dakota will receive an estimated $5.6 million in assistance under the child-care portion alone.

Mr. President, we owe it to our Nation's working families—the fabric of our society—to unite our strong ABC package with a tax credit for all families, and I am hopeful that the final version of the legislation passed in the Senate will do just that. We owe it to our families, our homemakers, and our children, and it is in this spirit that I supported these two child-care approaches.

Mr. METZENBAUM. Mr. President, I would like to address several questions to the Senator from Connecticut. I must say that I am troubled by the proposed solution to the church-State problem in section 121(a) of the Mitchell substitute. The leadership substitute could well be construed to allow Federal funds to be used for religious instruction or indoctrination of impressionable children.

I have grave doubts about the constitutionality of this approach.

The bill we reported out of committee provided that no financial assistance provided under the ABC bill "may be expended for any sectarian purpose of activity, including sectarian worship or instruction." The substitute exempts the use of Federal child care certificates from this restriction.

As I understand the bill, a State may contract with a religious organization to provide child care to serve a number of low-income children. No funds from that contract, however, may be used for sectarian purposes. Is that understanding correct?

Mr. DODD. Yes.

Mr. METZENBAUM. But what if the State tries to serve the same children by issuing child care certificates to the parents of those children? For example, would the substitute allow a religious provider to cash in the child care certificates and use the resulting Federal funds for religious instruction of children?

Mr. DODD. The bill allows for such use if such use is not inconsistent with the Constitution. Thus, for example, if financial aid goes directly to the parent in the form of a certificate, then a parent may use such certificate for child care in a religious setting provided that the courts do not find that such aid is constitutionally barred.

Mr. METZENBAUM. Ultimately, the courts will have to decide whether this approach is constitutional. The leadership package expressly provides that no funds, including child care certificates, may be spent in a manner inconsistent with the Constitution.

It is my understanding that notwithstanding the exception for certificates in section 121(a), Congress has stated no opinion on the constitutionality of the use of certificates for religious purposes. Is that correct?

Mr. DODD. Yes.

Mr. METZENBAUM. Therefore, I fully expect that the courts will review the use of certificates based on currently accepted constitutional principles, with no view from Congress on

this issue. Does the Senator, as prime sponsor of this bill, agree?

Mr. DODD. I agree. Some Members believe the use of child care certificates for sectarian purposes is constitutional. Others believe such use is unconstitutional. Therefore, section 121(a) of the leadership substitute does not take a position on the constitutionality of the use of child care certificates for any sectarian purposes.

Mr. KOHL. Mr. President, I rise today as a cosponsor of the Act for Better Child Care to support final passage of the bill.

This Federal investment in child care is long overdue. In Wisconsin, 49 percent of mothers with children under 6 are working. According to the statistics provided by the Children's Defense Fund, 59,000 Wisconsin children under age 5 live in poverty, yet only 12,690 received child-care assistance that year. These are children, along with thousands others like them across the country, who need a lifting hand. This legislation will extend that hand to those children and to their families.

It is a step in the right direction. The bill will provide $29.4 million to Wisconsin. It will not provide all of the assistance needed, and I think we must acknowledge that here. It is not a total fix, but it is a bandage that will stop the bleeding of thousands of families. ABC will provide 13,218 more children with decent day care in Wisconsin. With the standards that will be established by the State of Wisconsin, it will also provide healthy and safe environments and caring, trained child-care providers. It will allow parents to choose the care for their children, be it by a family member, a school or a local church-based program.

It increases the authorization for the Head Start Program, a critical component of the State of Wisconsin's effort to provide social services and child care to children.

And there is more. The bill contains three refundable tax credits for low-income families with children. The first is an expansion of the dependent care tax credit that allows taxpayers to reduce their tax liability by a portion of their child-care expenses. A new health care tax credit was also created for low-income working families with children. This measure will hopefully, make health insurance more affordable to some of the 37 million Americans lacking coverage. The bill also makes both of these credits available to families, even if they have no tax liability. This makes the program, dramatically, more effective than previous law. Finally, the bill increases the earned income tax credit for families with young children. Both the earned income tax credit and the health insurance tax credit are available to families in which one or the other parent remains at home to care for the children.

I am pleased to see the inclusion of changes to section 89. Under current law, employers are facing enormously complex rules governing health insurance plans for their employees. I am proud to have been an original cosponsor of the bill on which this provision was modeled.

I am pleased with these components of the bill. But I would be remiss, Mr. President, if I did not express my regrets with the limitations as well. With increased resources and without this crushing budget deficit, we could have done much more. And we must.

If we are committed to the children of this Nation, to the low- and middle-income families who work to keep a roof over their heads and work to instill the traditional values and work ethics that are at the very foundation of this society, if we are committed to helping those families give their very best to those children, we must continue to build on the foundation laid by this bill.

There were several difficult votes on this measure and I frankly didn't like the choices. The choice should not be between expansion of the dependent care tax credit or health insurance for the uninsured children. The choice should not be between the earned income tax credit and preventive health care for pregnant women and children. The choice should not be between grandmother's loving care or a school-based service. And the choice should not be between lower- and middle-income families.

I hope, Mr. President, that as we continue our debate on this vital issue, that we can lay down partisan swords and do what this bill is all about: To make a better life for our children, and to provide more choices to their families.

I look forward to that end and I am pleased that we have made one giant step forward with passage of the Act for Better Child Care.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise to make a few brief comments on the bill, and to commend the managers of the bill.

When the Act for Better Child Care first burst upon the scene, it was quite a different animal than it is today. Providers were to be licensed. We heard praises such as "licensing grandmothers" and 'shrinks availability"; that too many dollars would go to bureaucrats. I must confess that I made some of those comments myself.

But the bill we have before us today is very different from the ABC bill thanks to the willingness of Senator DODD to work on the issue raised by parents and providers from around the country, and thanks to the hard work of the Senator from Utah [Mr. HATCH]. His involvement and active participation in the drafting of this year's bill meant that those of us interested in State flexibility had an advocate on our side.

No longer must every provider be licensed or regulated. States are now left to create or continue with their own standards. No Washington bureaucrats will be breathing down their necks insuring that Nome, AK, and Miami, FL, meet the same climate control standards.

It is also a very important step toward State flexibility. I wrestled with this bill, and whether it met the needs of child care in this country.

I have long believed that child-care bills should give the States flexibility that they need to solve the particular child care problems in the States.

Second, it should encourage programs which will become self-sufficient over time. And, third, it should address the very basic child care problems most working families face in finding affordable safe day care.

I believe the changes the sponsors have made in this bill, and the amendments adopted along the way, including those that I have offered and which have been so graciously accepted by the two managers, have gone a long way toward making this a responsible, responsive vehicle for meeting the child care needs in our country today.

My State faces a shortage of child-care slots, and we believe that the latchkey amendment and other provisions which have been added will do much to solve those needs.

Mr. President, I commend the distinguished floor managers and sponsors, the Senator from Connecticut [Mr. DODD] and the Senator from Utah [Mr. HATCH] for their diligence, patience, and hard work on this bill. They have been alternatively villified and revered, and probably did not deserve the decible level at either end of the spectrum. But I want to thank them for working diligently for a very long time to accomplish what I think is a vastly improved product.

As a former Governor who has had the opportunity to work on programs provided for by Congress, I believe this bill will give the States, localities, and the school districts and the parents who want to make it work the flexibility to make it work.

I urge my colleagues to give it a chance.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have to go to participate in a McNeil-Lehrer show on another subject. But on behalf of all the families in America who will benefit from the services that we have authorized in this landmark

legislation, just prior to the final passage by the U.S. Senate, I want to thank the many people and organizations who worked so hard to develop this successful compromise.

First, I want to pay particular tribute to the distinguished Senator from Connecticut. I do not know when I have enjoyed working with another human being as much as I have enjoyed working with him. At the right time, he has had the great gift of a sense of humor. He is an indefatigable worker, and we spent hundreds of hours together trying to put this bill together in a way that would be acceptable to our colleagues. He has always had his arms open to anybody who had ideas. We went to the White House together. We tried our best there.

I am somewhat disappointed. We were less successful than either of us would have liked to be. On the other hand, I also understand the White House views in these areas. I do not want to be too critical of them at this point.

Let me say this: He has been a champion in our committee of children and families, and has headed the relevant subcommittee. He has done a wonderful job. On this particular bill, it would not have been debated nor would it have passed this very deliberate body if it had not been for the distinguished Senator from Connecticut. I have personal affection and regard for him.

I have to say I gained a great deal of respect for him through this process, and I think if anyone deserves credit for this legislation it would be the distinguished Senator from Connecticut.

Let me also pay tribute to the Senator from Maryland, BARBARA MIKULSKI. If there is a woman serving in any legislative body in this world who is more dynamic, who is more aggressive and more intelligent than the distinguished Senator from Maryland, then I would like to meet that person. Although I have to admit it is a tiring thing to be around Senator MIKULSKI. She really has worked hundreds of hours on this legislation and was a real moving force behind this compromise.

I want also to acknowledge the good cooperation and support of the distinguished chairman of the Labor Committee, Senator KENNEDY.

I want to pay special tribute to the staff as well, both the staff of the Senator from Connecticut and the Senator from Maryland. Rich Tarplin, Jackie Ruff, Courtney Pasterfield, and Trudy Vincent spent countless hours, days, weeks, months, and years on this legislation and deserve so much credit. Also, Shirley Sagawa from Senator KENNEDY's staff did yeoman's work on the bill.

All I can say is that it is a good thing Congress does not have to pay overtime or we would owe these people a great deal of money right now.

The list of organizations who have contributed in so many constructive ways is too long to mention. But I will risk singling out the ABC Coalition, which is comprised of over 120 national groups interested in family matters; the U.S. Catholic Conference and the National Governors Association—we could not have reached this point without their help. They deserve a lot of credit, too.

Finally, and this is very emotional, I want to express my regard for my own staff on this issue. Wendy Higginbotham, Sharon Prost, Mark Disler, Abby Kuzma, and, of course, Kris Iverson, the minority staff director for our Labor Committee.

The ABC bill was an exercise in both confrontation and, of course, conciliation, and I want to thank my staff for going the distance.

Mr. President, it has been a privilege to work with all these people. They have all been professionals, and whether people agree or disagree with what we have done here today, there is no question, I think, in anybody's mind that this is a monumental achievement, and these people deserve the credit.

Last but not least, I pay special respect to the distinguished majority leader. I have been here 13 years, and I have always enjoyed working with the other side, but never have I worked with anyone on the other side who has conducted his affairs, and the affairs of the Senate, with more dignity, more ability, more downright lack of partisanship, more friendliness, and more intelligence than my friend from Maine. I have had nothing but respect for him ever since he came here. Having served on the Iran-Contra Committee with him, I saw a real professional in action, and I can tell you I have personally appreciated him as the majority leader in this body ever since he started serving. I want to just express my affection and respect for him, because there have been many times when his wisdom has contributed to the passage of this bill and probably has made it possible for this bill to pass.

I hope, with my heart, that we can get this bill through the House in substantially its present form. It has been widely amended. We have taken good amendments from Senators on both sides of the floor. I think it is a good bill and one that I believe will help these families all over America who are in such dire need of help. I hope that my colleagues who disagree with this bill look at it and read it and start finding some good in it, so that they, too, could share in the blessings that I believe will come to families and to our country as a result of this bill. When I think of the hardship that families have had over the past many years concerning child care, I have to say that what has been done here, in spite of the process, in spite of the difficulties, is really a monumental achievement. Again, thanks to the distinguished Senator from Connecticut and all that I have mentioned. I want to express my personal thanks and gratitude to them for the privilege of being able to work with them.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I want to congratulate those who brought us to this point in this legislation—I do not agree with them, but I think they deserve our congratulations. There are differences of opinion. There are strong differences of opinion, and we are a long way from any child-care legislation. Before anybody breaks out the champagne, I think we need to make certain that we understand that this is just the first step, and a very small step at that.

This is not bipartisan. I noticed that the Senator from Utah praised everybody but the Republicans, and that is his right. The President has a stake in this legislation. We are about to pass and are going to have a child-care bill that ignores the needs and wishes of millions of Americans and working families with young children.

It is about to go on record as rejecting the helping hand of child-care choice and replacing it with a rulebook, flow chart, certificate, inspector, and a giant building in Washington, maybe, someday, and all the other red tape, paragons of Government meddling. Even worse, this act is about to undermine one of American's most cherished freedoms, the freedom to decide what is best for our children. Oh, this bill sounds good. We have just heard some rhetoric about how good it is, what it is going to do and all those things. It ought to do some good. It is going to cost enough money. But if the money finds its way through the Federal and State bureaucracy, maybe some will even get to the families—not much. It will not help many families, until you put 10 times as much money into the bill. Then you have a $20 billion, $30 billion program, and that has never really been discussed on this floor. We just all accepted $1.75 billion. Let us see, that helps 500,000 to 700,000 children, those who are eligible.

Add up the costs. We have been so busy saying what a great bill it was, we forgot to add up the cost. I think once billions of Americans outside the beltway find out what is in the ABC package, all the mandates and the mischief, there will be a different attitude. It will take a while, because the networks give to one side the liberal cast. They like mandates; they like Government. But the American people

somehow will find out what happened. This is a classic inside-the-beltway bill. It sounds great. Who can be against it?

Until you go out in the real work like Russell, KS—and the people in my hometown are not yelling for Government, they are yelling at it. They do not need any more Government in their lives, especially when the long arm of the bureaucracy comes between working families and their children.

If there is one overriding message, one theme, one lesson from the past three Presidential landslides, it is that the American people are fed up with big Government. That is a message we ought to be hearing loud and clear, as we talk about child care. When the working Americans say they want their kids staying with the family, they mean brother, not Big Brother. I think they are right.

We have covered a lot of ground in this debate on child care. I am not going to cover it again. But I do think that we have glossed over a lot of things in the rush—and this is an important bill—to get it done. I do think we do a disservice to the President of the United States when he is on record, campaigned on the record, was elected, won 40 States, and there is nothing in this bill, except a little bit of health care, which is going to subsidize those who already have health care, the dependent care tax credit, which is in every bill. There is going to be very little in this bill, the way it is moving, for stay-at-home parents, the parents who want to take care of their children. Is there some crime against not working, staying home with your children? Should they be discriminated against? They are going to be in the ABC bill.

I think there is a big philosophical debate going to take place on this bill all across the country. How is it going to help? Poor families? We tried to do that with the earned income tax credit, but we end up with barely one-half of a loaf. We are going to put it into some new program that has not even been tested. One day of hearings. So I congratulate all the groups. Somebody called me from the Children's Defense Fund, and they do not speak for everybody in America. They have done a good job.

I do not think the American people voted for mandates, and I know they say there are no standards, only model standards, but States have to meet those. The religious issue is still unsettled. It has been papered over. So it just seems to me that, notwithstanding the diligent efforts of the manager—and I compliment Senator DODD, Senator HATCH, and Senator KENNEDY, and all the other key players because their side won; they had more votes. But I would like to be able to compliment the parents, the children. You cannot do that yet, because we do not have a child care bill. What do we tell our friends and neighbors, that maybe the amendment by Senator KASTEN will take care of it? What do we tell our grandparents, sorry you cannot stay with our children anymore; some bureaucrat just labeled you hazardous to our kids' health?

Oh, there are limited exemptions that have been made for grandparents, aunts, and uncles. I am certain there are a lot of grandmothers out there breathing a sigh of relief knowing that the Senate of the United States has provided them with a limited exemption. They are going to be very thankful for that when they find it out.

But what about the neighbors? Is a trusted friendship worth nothing to the sponsors of the ABC bill? The ABC bill denies help to families who place their children with a trusted friend or neighbor. Try explaining that at the next town meeting somewhere in the South or the Midwest or anywhere in America.

I think we ought to give Americans a choice and I thought at one time during this debate we might be headed for a sort of compromise that we might be able to put together even with some provisions, because there has been a vast change as someone said earlier, the Senator from Missouri, Senator BOND, even from the original ABC bill and this ABC bill. Why was it changed? Not because it was voluntary, but because there was so much opposition to the original bill. It would not have passed this body. So changes were made, and they were good changes, and I commend the managers.

But I think in the final analysis, when we needed bipartisanship, it was not there. It became party line.

We do not want the President of the United States to have anything to do with this bill. We are going to pass a Democratic bill with the help of three Republicans, and we are going to call it bipartisan.

And when we knocked out the EITC, or most of it, and replaced it with the health care credit, for no good reason that anybody yet has stated, then you do not give the Americans a choice. It is just another government program.

But having said all that, I am an optimist. I have been around long enough to know that things can happen, things can change, and I am going to encourage the administration not to view what happened in the Senate as final. It is not final. I think the House of Representatives has a whole different attitude. They are more inclined to go with credits. They want money to go to the families and that is where the credits go. Credits go to the families as opposed to the ABC approach.

We never know who is right. Maybe the ABC people are exactly right, and those on the other side are totally wrong. Maybe, but I doubt it.

I have to believe they are partly right and maybe some on the other side are partly right and all those partly rights will get together sometime in the next few months and sit down and hammer out a child-care bill that everyone can vote for.

It is an important issue. It has been an issue that at least has been addressed by the Senate, and I congratulate the majority leader for getting it done. I may not agree with the results, but that is not the way it works. We have a system. It was fair, deliberative, Senators had all the opportunity they wanted, but the bottom line is how many votes do you have? In this case we did not have enough.

But there is a long way to go, and I would guess as Members span out or fan out across the country during this recess period a lot of people will be wondering about it. Some have already made up their minds. Some like credits. Some like the ABC approach. Most Americans are not going to worry about details. They want help, particularly low-income and lower middle-income Americans.

I would hope just as one Senator and the leader on this side of the aisle that when it is all said and done we can all be at the signing ceremony somewhere all saying, well, we started off and the Senate of the United States gets the credit for starting the movement, and those who did it get the credit for starting the movement, those who were opposed get some credit for raising some new ideas or different ideas, and in the final analysis everybody came together, including the President of the United States, who is willing, and I note just yesterday Mr. Fitzwater, the press secretary, said maybe we can work out something.

So I would say to my friends on the other side or on the other side of this issue that I want to work with them and work with the President to put together a child-care bill that will have the support of nearly every Senator and every Member of the House of Representatives.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join those who have commended the floor managers of this legislation: my friend, the chairman of the Children's Subcommittee, Senator DODD; and also the ranking member of the Labor Committee, Senator HATCH.

This has been a spirited debate. Differing views have been presented in the Senate. The Senate has made up its mind, and I believe that as a result of the actions that have been taken today the real winners, the children, are closer to a safe, more effective, and more affordable child care program.

I must say I am somewhat mystified at the comments of the minority leader. The bill he describes is not the bill that this Senate has just voted on. It appears that he misrepresents the bill and then differs with the misrepresentation because I could not understand it.

And I am somewhat perplexed, Mr. President, at the words of the minority leader because we have seen in these last years the reauthorization of the chapter I programs for disadvantaged children. The money does not go to the parents for them to make choice. It goes to the schools and this body sets up the criteria to ensure, for example, that the parents are going to be very much involved in the development of that program.

We strengthened parental involvement just this last year, and the Senator from Kansas voted for it. We have the Head Start Program for which this administration is recommending some $250 million, with very careful criteria again involving the parents, again involving items of nutrition and care for the children, very carefully devised according to the lessons of past experience.

This President, this administration, the Members of this body are all in support of Head Start. Republicans on the Budget Committee acted in support of it.

The Senator from Connecticut and the Senator from Utah have outlined very carefully the differences between the old ABC bill and how this legislation addresses the issue of child care.

This, I can say as the chairman of the Human Resources Committee, was not a partisan issue. It was not in our committee. We had members of the Republican Party who supported this measure. And it certainly was not a partisan issue in the Senate until the final days of the debate.

I think anyone in this body, any fair-minded person, who has had the opportunity to talk to the floor managers, Senator DODD and Senator HATCH, would find that they were quite willing to accommodate, to adjust, to change this legislation, according to criteria set out when this legislation was drafted: It was going to improve quality, it was going to be affordable, and it was going to increase availability. Those were the criteria.

I found, as I watched the shaping of this legislation that the floor managers were willing to adjust, accept other views, as long as it did not do violence to those fundamental principles, and they deserve great credit for it.

So, Mr. President, I commend both of them and commend the chairman of the Finance Committee, Senator BENTSEN, for his involvement and his willingness to work closely with the floor managers and with our committee. There are so many areas of common interest between our committees. We now have a strong working partnership and a relationship which hopefully can move along in the course of this session to develop constructive and positive legislation. I commend him and I also, as others have, commend the majority leader.

There were so many times during the course of both the scheduling of this legislation and during the time of the debates that a person of weaker will, of weaker determination, of weaker commitment might have moved in a different direction. But he has demonstrated on this issue, as we have come to understand, appreciate and almost expect on other matters, to be a strong hand at the wheel in helping to guide this institution to very constructive and positive action.

We look forward to action in the House of Representatives. We are eager to see a successful conclusion of the legislative process.

I know that I speak for all the members of the committee when we say that we are quite willing to hear the administration, to listen to their recommendations and their suggestions.

I think it has been abundantly clear during the course of the debate, as has been expressed time in and time out by the Senator from Connecticut and the Senator from Utah, that this is not a perfect bill. But it is a real down payment on the child care issue.

ABC reflects the best ideas of literally hundreds of organizations and experts. The Children's Defense Fund, under the leadership of Marian Wright Edelman, has guided this effort with great skill over the past 3 years.

The tireless commitment and extraordinary vision of Mrs. Edelman, and her associates, Mary Bourdette, Helen Blank, Amy Wilkins, and Jenny Savage, made this victory for children possible.

I would also like to commend the work of Senator DODD's staff—Rich Tarplin, Jackie Ruff, and Courtney Pasturfield; Bob Rosen and Grace Reef of Senator MITCHELL's staff; Suzanne Martinez and Asha Jaini of Senator CRANSTON's staff; Trudy Vincent of Senator MIKULSKI's staff; Kristine Iverson, Wendy Higginbotham, and Sharon Prost of Senator HATCH's staff; and Shirley Sagawa, Mike Epstein, Jeff Blattner, Nick Littlefield, Rusty Barbour, Terri Rivera, Matt Hersh, Tommy Brennan, and Angela Antonelli of my own staff.

Duffy Campbell and Brenda Smith of the National Women's Law Center also deserve special thanks for their work on the legislation, as do Jerry Klepner, Patricia Murdock, Debbie Murdock, Barbara Warden, Janice Pieper, Susan Campbell, Joan Lombardi, Eden Fisher, Joyce Strom, Barbara Willer, Karen Hendricks, Jane O'Grady, and others too numerous to mention.

In passing the ABC bill, the Senate has taken a giant step on behalf of children. I am pleased that we could put our partisan differences aside, to vote overwhelmingly in favor of this landmark legislation.

My only regret is that our action comes a generation late. It has been almost two decades since Congress last took up the issue of comprehensive child-care legislation. The measure that passed both Houses in 1971 was defeated on a veto by President Nixon. The bitter passions and divisions unleashed by that debate have stalled action for 18 years.

In that time, an entire generation of children has grown up. The share of mothers in the workforce has grown significantly. And the need for child care has grown overwhelmingly greater.

In passing this legislation, we have the chance to save future generations from spending years in unsafe child care or alone, while their parents work to keep the family off the welfare rolls. The ABC bill will help those children and those families.

It will provide child care to millions of families across the Nation. It will increase the supply, reduce the cost, and improve the quality of child care in every State.

In the course of getting to this point, we were able to reach important compromises on critical issues such as model Federal standards to ensure quality and safety, new tax credits for working families—and a fair role for religious day-care centers.

We have now adopted a far-reaching measure that squarely addresses the three most serious failings of our current child-care system: Poor quality, inadequate supply, and lack of affordability.

The measure now goes to the House of Representatives, where I hope that it will receive expeditious action.

Every day we delay, 3 million children spend another day in unsafe, unreliable child-care settings. Every day we delay, 2 million children spend another day alone and unsupervised.

Our message today to millions of working families across America is that help is on the way.

Mr. DODD. Mr. President, first of all, let met thank my colleague from Massachusetts for his very generous remarks. I said at the outset of this debate that we would not have arrived at the position we did a week ago yesterday, 8 days ago, had it not been for the tremendous support that the chairman of the full committee had given to those of us on the subcommittee and on the committee who were seeking to bring a child care bill to the floor of the Senate. I said it to him privately and I have said it to others along the way, that his leadership, his support, his counsel, his untiring ef-

forts on behalf of this legislation in no small measure contributed to the fact that we are on the brink of adopting this bill, S. 5, sending it to the House and hopefully, with the support of the President, guaranteeing the American public before too very long this year, for the first time in 21 years, that Congress would have passed child care legislation. It would have been 46 years this month, the month of June 1943, the very last time we actually had a child care bill passed by the Congress and signed into law by the President of the United States.

Mr. President, first of all, I want to take a minute or 2 here to thank some people. I am sure I am going to miss some people, Mr. President. There have been so many people involved in this effort.

But I want to begin at home. I want to begin in my own office with my own staff. I want to take a moment to share with my colleagues something that they already know because I know each and every one of them have people with whom they work that make the difference in terms of the success of their office, the kind of representation they give their constitutents in their home States.

I am very lucky. I have a number of people, many of whom have been with me for 15 years, since I was first elected to public office.

But the one in particular who has made it possible for us to bring this bill to the floor is Rich Tarplin, who is the staff director of the Subcommittee on Children, Family, Drugs, and Alcoholism. He spent countless nights and early mornings working with hundreds and hundreds of people, off the Hill and on the Hill, with groups, academic institutions, the list just goes on forever. He has had to work with members of the committee to listen to the suggestions and ideas that others had about how best to deal with this legislation. He has earned the respect and admiration of people from the minority side as well as the majority side.

I feel truly blessed to have someone as talented, as competent, as caring as Rich Tarplin on my staff.

And in this bill, ultimately, when I know it will be signed by the President in one form or another, truly he deserves the lion's share of the credit as a young man making it possible for a piece of legislation to reach the floor of the Senate and ultimately the desk of the President.

We are lucky to have with us as well Jackie Ruff and Courtney Pasturfield, who have just done a tremendous job; Angela Manuel; Jason Isaacson of my own office; Ed Silverman; Pat Walsh, my secretary. I have a tendency to cover all of them.

But every one of them has contributed in some way in making it possible with their time and effort that has gone into this.

Jackie Ruff and Courtney Pasturfield have worked here on the floor, again, working with the minority staff, patiently listening to other ideas, being positive whenever possible.

On the minority side, of course, they have been balanced by a terrific team, as well: Kris Iverson, Wendy Higginbotham, and Sharon Prost all have done a tremendous job. I see a couple of them sitting here on the floor this afternoon, Mr. President, and they have been a joy, an absolute joy to work with.

We have our differences of opinion. They have been candid from the very first moment when we started our discussions with what they could accept and what they would not accept. They have listened patiently and offered good suggestions. It is the way the staff ought to work. This is a model of how congressional staff with different points of view ought to try to sit down and get together. It is a pleasure to have worked with them, as well. So I thank them.

Certainly from Senator KENNEDY's staff, Shirley Sagawa, Mike Epstein, Jeff Blatner, and Nick Littlefield all were tremendously helpful.

And on the majority leader's staff, Grace Reef—I take credit for Grace. Grace first worked for me, but she said I did not offer too many opportunities, I guess. She left me and joined the majority leader. She is doing far better than with the Senator from Connecticut. She has a much bigger office than she had when she worked for me; but we take credit for her. She had done a tremendous job.

Bob Rozen, who is brilliant in analyzing tax legislation; Sally Mernissi from the Democratic Policy staff; all of these people have been tremendously supportive.

I have walked in and out of the majority leader's office more times in the last 8 days than I have in 9 years. I think they will be glad to see this bill come to a close and see somebody else wandering around those rooms rather than the Senator from Connecticut. So I thank them for what they have done.

From the floor staff: Charles Kinney, Marty Paone, and Lula Davis, all right here, have been terrific and supportive over the last week.

Suzanne Martinez, from Senator CRANSTON's staff; Trudy Vincent, who Senator HATCH has referred to, from Senator MIKULSKI's staff; Margaret Malone and Mariana Weiss from the Finance Committee; Amy Dunathan from Senator CHAFEE's staff; all, again, have worked for weeks and months with us on this legislation.

And from the outside groups, of course, the minority leader sort of referred to them in a disparaging way, as if somehow they had no interest but their own interests. Marian Wright Edelman and the Children's Defense Fund has been accused of various things. I do not think anyone has ever accused them of not caring about America's children and their families. I am disappointed, I am sorry to say. We have our differences; we have our fights. You win some and you loss some. But it is people like Marian Wright Edelman of the Children's Defense Fund; the Bush Center, the National Women's Law Center, the American Academy of Pediatrics, the Child Welfare League, the National Association of the Education of Young Children; organizations like the AFL-CIO, AFSCME, the Junior League, ILGW, UFCW, SEIU, the YMCA, all of these groups that many people know care deeply about what is happening to families and their children.

And as far as the people that work with these organizations and worked with us over the last several months—I mentioned Marian Wright Edelman—Helen Blank, Mary Bourdette, Dr. Ed Zigler, who I referred to, of course, and his staff were present; Evie Dubrow and Barbara Warden were tremendously supportive of these efforts.

Jerry Klepner, I could not have done anything without him. Early on, he was there from the very beginning working with us.

So I express my gratitude to them.

Let me mention also, of course, as I have tried to do throughout the debate and probably not as adequately as I should, but in my 9 years that I have served in the Senate, I have never had a more enjoyable working experience than I have had in the past several months, particularly in the last 8 or 9 days, working with my colleague from Utah.

I have read all of the civics books and read the stories about how a Congress and legislatures are supposed to pass laws, how Members of Congress are supposed to work together for the benefit of the country. And I have watched, on occasion, that happen here. I have never had the opportunity to be directly and personally involved in it, carrying a piece of legislation from the idea, the conceptualization, through the subcommittee and full committee to the floor of the Senate and debate it here as we have for the last week.

But I must tell you that this experience of working with Senator HATCH has reconfirmed my views that this process does work. It may not always be the most glorious process to watch. As someone once said, there are two things never meant for the human eye to observe in production: sausage and laws.

From time to time, that certainly is the case. But with all of its shortcomings, with all of the tensions and the time spent—time wasted, it may appear to some—this system that we embrace, this political process that

makes it possible for the people to be represented in a Hall such as this, where disparate views can be raised, debated, argued, and finally voted on, is the best system in the world.

And I had an opportunity to work with a Member of the Senate with whom I have disagreed on countless occasions, an individual with whom I do not share a similar political philosophy in many areas, but ORRIN HATCH cares about this country deeply.

He cares about its children deeply. He was willing to put aside ideological or partisan differences. He reached his hand out across the aisle of this institution, embraced the hand of someone who shares a different political point of view, and said: let us do something about the one out of every four Americans who is a child and how one out of every four of them is living in poverty. We can do it if we work together. If we do not bring excess baggage and luggage that has nothing to do with this debate, we can accomplish what has not been accomplished for 46 years. And I am very proud, Mr. President, on this evening, this Friday evening, to have been associated with this fine public servant. The people of Utah are represented well in the U.S. Senate in the person of ORRIN HATCH.

I have developed a great respect for him. That I had even before this debate. What has grown is my friendship for this individual, for his humor, his joy of the political process, for his heart and his soul. I look forward to the days and weeks and months ahead we can join on other matters. There are times I can guarantee we will be fighting on an issue, but I look forward to those days we will be working together.

I quickly want to say how much I enjoyed working with the majority leader as well. The bill had trouble. He pointed it out to us. He made it one of the priorities of the legislation for the Democratic side in the early days of the 100th Congress.

The majority leader felt the interests of children and their families should be a priority for the Congress. Without his assistance in giving this particular proposal the priority attention that it has enjoyed, I am not sure we would have reached the point we have today.

He has stood on this floor over the last 8 or 9 days and moved this Senate. During periods of heated debate there were moments over the last 24 hours when I thought we would never get this bill done. We have because of his patience, because he did not flare up, he did not get angry, he was never mean spirited. There were times when I went to him and said let us try some of those tactics that he has available to him as the majority leader.

I hope he will not mind me saying that on each and every occasion he said: Have patience. Have patience. This matter will work its way out. And it has. He was right.

It is that kind of leadership which has earned him the respect of every single individual that I know of in this institution as a great majority leader. And S. 5, the Act for Better Child Care, is very fortunate indeed that GEORGE MITCHELL, of Maine, was the majority leader of the U.S. Senate on the day that it reached the floor. He was there to guide it over the past week.

Senator MIKULSKI, Senator CHAFEE, Senator JEFFORDS, Senator BOB KERREY, who was here on every day of this debate, engaged every day in discussion and argument. I want to thank them, of course, for their efforts.

Senator HOLLINGS, of South Carolina, stood with me 2 years ago, only a few feet from this Chamber on the day we introduced the bill. He was the earliest cosponsor and stayed with the legislation all the way through.

Senator BUMPERS, Senator PRYOR, from Arkansas, gave good advice. Senator FOWLER, from Georgia, was a tremendous help. Senator RICHARD SHELBY, Senator HOWELL HEFLIN, were good supporters, and gave me good advice and counsel.

People who did not always agree with me and said they would not support me if I did not make changes. Senator FORD and Senator DURENBERGER—the fingerprints of almost every Member of this Senate are on this legislation, one way or the other. Some did not vote for the final passage but contributed to its success, and I want to thank each and every one of them for that effort.

I just want to say in conclusion, Mr. President, I listened a few moments ago to the minority leader. There are very few people for whom I have as much respect as I do for BOB DOLE, of Kansas. I consider some of my proudest moments when I joined with him when we have been crushed by votes on matters that were matters of principle. Going back a number of years ago on the issue of withholding the interest on dividends, when only five or six of us were around here, I remember being buried alive in mail from my constituents because I thought he was right and voted with him on that issue. And there have been a number of others.

But I have to say, as a friend, tonight I was disappointed. He talked tonight about a bill that I am totally unfamiliar with, and I am listed as chief sponsor of the bill that is before us.

He talked about choice and bureaucracy and mandates, things that have nothing whatsoever to do with the Act for Better Child Care.

We began with the idea of trying to reduce cost of child care in this country, increase the available supply of it, and improve the quality. Those were our three goals. We set out, trying to find various ways in which we could improve on each one of those areas. I think we have done that.

We have not done it all, but today, the American parents, when this bill is finally adopted or signed into law, will have greater choice and better choice in the area of child care than they have ever had before. Many poor families who have been on welfare will have a chance to get off welfare and become productive citizens because we have made child care more affordable for hundreds and hundreds of thousands of families across this country.

We ought to reduce and we have reduced, I believe, the fear that many parents, have felt, the anxiety, of leaving a child off at a child care center with someone they may not know very well, wondering whether or not those individuals are going to give that child the kind of care or at least come close to the kind of care the parents give.

Our preference of course is parents taking care of children. But the realities of life are, today, with two out of every three women either in the work force or with a husband that earns less than $15,000 a year it is not possible for them to be.

So, I am disappointed that the minority leader, while I understand why he voted against the bill, could not have at least addressed what is in the bill. I recognize that, though shortcomings it may have, it is a step in the right direction and deserves, frankly, more support, in my view, than his comments indicated.

So, Mr. President, I know my colleagues will not object if I enjoy a little pride at this moment. It has been a long fight. It has been a long week.

I had an awful lot of good friends, not the least of which of course is my colleague from Utah, who stood with me. And he stood tall, Mr. President. He has taken an awful lot on the chin in the last few days from people primarily within his own party. That happens from time to time. But he never was shaken at all. He remained strong and tall in this efforts and he set a good example.

Because there will come a time when each and every one of us will be faced with some choices. He made a tough choice; a political choice in some sense—but a right choice.

So, I thank all involved and look forward to the weeks and months ahead because we are not through. The minority leader is right in that sense. We are not over here. This is not the law of the land yet by any stretch of the imagination. But I know I will be talking, as the majority leader will, to the others on the House side, and will be making calls to the White House.

I sat 2 feet outside of the Oval Office 4½ months ago and offered the compromise the minority leader was talking about. It was rejected. In the

last 4 months I made that offer repeatedly and it has been rejected. But I would still say the door is open and I look forward to working with President Bush. I do think he cares about children and would like to see a good child-care program in this country.

The Senator stands willing and able to work with him in that regard. I am not bitter about his opposition to my particular proposal. I am not upset at the fact that he worked hard to defeat my proposal and pass another one a few days ago. That is the nature of the political process.

But now that that battle is over with I hope we can join ranks and do something about the American child and their families.

So, again, Mr. President I thank all involved for their efforts and I look forward to continue the fight and serving children in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, this is an important day for the Senate, for American families, for American children, But I think, most important, for American women.

This is titled "a child care bill," and indeed it is. But I believe a central issue, running through this legislation and this national concern is equal economic opportunity. The scarcity, in some areas the total absence of decent, affordable, safe child-care facilities has deprived millions of American women of their equal economic opportunity.

They have been forced to make a painful choice between the economic imperative of working to supplement their families's income and the anxiety of concern for their children's health, safety and well-being. And until the day that our society makes child care readily available, readily affordable in safe and secure settings for all American women, we will not have achieved our ideal of equal opportunity for all Americans.

I believe that to be as significant as any aspect of this bill, which is, admittedly, but a first step in that direction.

All concerned deserve credit for getting us this far. I will not repeat the many staff members, the many Senators who have contributed to this effort. I believe three deserve special recognition: Senator KENNEDY, the chairman of the full committee, Senator DODD, the chairman of the subcommittee, and Senator HATCH. Senator HATCH especially, I believe, has demonstrated again the remarkable independence of judgment and political courage that have marked his political career. As Senator DODD indicated, we do not share a political party or a political philosophy and, therefore, often find ourselves on different sides of an issue. But as always, he has conducted himself with intelligence, with dignity, with vigor and genuine courage.

I think Senator DODD has rightly been recognized as the architect, author and principal sponsor of this important legislation and he, indeed, deserves the pride of success at what has occurred in the Senate today. And perhaps more important than any words I might utter or Senator HATCH might utter or any other person might utter is the knowledge in which he can be secure that as a result of his efforts, millions and millions of Americans, once we bring this legislation to enactment, millions and millions of Americans, many of whom will never know his name, will enjoy better, more full and meaningful lives.

Mr. President, I want to say that this has been a vigorous, competitive, instructive, informative, and beneficial debate. It has been long—7 full days on the Senate floor. It has been tiring for all concerned, but I believe it demonstrates our process at its best because I believe that the legislation that we are about to enact is much better than the bill that we began debating 7 legislative days ago, better still than the bill that emerged out of committee and better yet when the bill was first introduced. I think we can all agree that we still have work to do. We can still improve it. We learned during this week from its critics. Much of the criticism was constructive and positive. The bill was changed to accommodate that criticism, and that process will continue.

I thank the distinguished Republican leader with whom I have had such a good personal and working relationship for his courtesy and thoughtfulness throughout this process. I have tried very hard to balance the interests of moving this legislation forward with total fairness to those who opposed it and the opportunity for everyone to have the fullest possible chance to express whatever view they may have, and I hope that as a result of this effort, the Senate will be strenghened in that regard.

I conclude, Mr. President, by saying that we have made a significant step in the direction of providing adequate safe care for American children and equal economic opportunity for American women. We have a long way to go, but we can take pride in what we have done to this point. On behalf of all Americans, I salute and thank Senators DODD, HATCH, and KENNEDY, and all concerned.

The PRESIDING OFFICER. Under the previous order, the bill will be engrossed for a third reading.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 5), as amended, was passed, as follows:

S. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Act for Better Child Care Services of 1989".

(b) TABLE OF CONTENTS.—

TITLE I—CHILD CARE SERVICES

Sec. 101. Short title and table of contents.
Sec. 102. Findings and purposes.
Sec. 103. Definitions.
Sec. 104. Authorization of appropriations.
Sec. 105. Amounts reserved; allotments.
Sec. 106. Lead agency.
Sec. 107. Application and plan.
Sec. 108. Special rules for use of State allotments.
Sec. 109. Planning grants.
Sec. 110. Continuing eligibility of States.
Sec. 111. State advisory committee on child care.
Sec. 112. Resource and referral programs.
Sec. 113. Training and technical assistance.
Sec. 114. Child care public-private partnership.
Sec. 115. Federal administration of child care.
Sec. 116. Federal enforcement.
Sec. 117. Payments.
Sec. 118. National Advisory Committee on Recommended Child Care Standards.
Sec. 119. Child care standards improvement incentive grant program.
Sec. 120. National study on child care standards.
Sec. 121. Limitations on use of financial assistance for certain purposes.
Sec. 122. Nondiscrimination.
Sec. 123. Preservation of parental rights and responsibilities.
Sec. 124. Child care liability risk retention group.
Sec. 125. Head Start Act authorization of appropriations.
Sec. 126. Family members training or licensing.
Sec. 127. State allotments.
Sec. 128. Severability.

TITLE II—INTERNAL REVENUE CODE PROVISIONS

Sec. 201. Short Title.

SUBTITLE A—TAX CREDIT FOR CERTAIN HEALTH INSURANCE PREMIUMS AND CHILD CARE AND SUPPLEMENTAL EARNED INCOME CREDIT FOR FAMILIES WITH YOUNG CHILDREN

Sec. 211. Credit for health insurance premium costs.
Sec. 212. Dependent care and health insurance premium credit made refundable.
Sec. 213. Modifications of dependent care credit.
Sec. 214. Supplemental earned income credit for families with young children.
Sec. 215. Study of advance payments.
Sec. 215A. Program to increase public awareness.
Sec. 215B. Disclaimer.
Sec. 212. Dependent care and health insurance premium credit made refundable.
Sec. 213. Modifications of dependent care credit.

Sec. 214. Study of advance payments.
Sec. 215. Program to increase public awareness.
Sec. 216. Demonstration projects to extend health insurance to children not covered by public or private health programs.
SUBTITLE B—EMPLOYEE BENEFIT NONDISCRIMINATION RULES
Sec. 221. 1-year delay in application of section 89 rules.
Sec. 222. Revision of antidiscrimination rules for certain employee benefit plans for years beginning after 1989.
Sec. 223. Other provisions relating to nontaxable benefits.
Sec. 224. Study of section 89.
SUBTITLE C—OTHER REVENUE PROVISIONS
Sec. 231. Permanent extension of telephone excise tax.
Sec. 232. Estimated tax payments required for S corporations.
TITLE III—SOCIAL SECURITY ACT AMENDMENTS
Sec. 301. Retirement test exempt amount increased to $10,560 in 1990.
Sec. 302. Reduction factor with respect to certain earnings lowered to 25 percent.
Sec. 303. Payment of recomputed benefits.
Sec. 304. Payment of certain retroactive benefits.
Sec. 305. Mandatory provision of social security account statement.
Sec. 306. Child care earnings excluded from wages and self-employment income for excess earnings test.
TITLE IV—GENERAL PROVISIONS
Sec. 401. Sense of Congress regarding the Higher Education Act.
Sec. 402. Penalties for desecrating the flag.

TITLE I—CHILD CARE SERVICES

SEC. 101. SHORT TITLE.

This title may be cited as the "Act for Better Child Care".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the number of children living in homes where both parents work, or living in homes with a single parent who works, has increased dramatically over the last decade;

(2) the availability of quality child care is critical to the self-sufficiency and independence of millions of American families, including the growing number of mothers with young children who work out of economic necessity;

(3) high quality child care programs can strengthen our society by providing young children with the foundation on which to learn the basic skills necessary to be productive workers;

(4) the years from birth to age 6 are a critical period in the development of a young child;

(5) a significant number of parents do not have a real choice as they seek adequate child care for their young children because of limited incomes, insufficient State child care standards, and the inadequate supply of child care services in their community;

(6) high quality early childhood development programs provided during such period are cost effective because such programs can reduce the chances of juvenile delinquency and adolescent pregnancy and can improve the likelihood that children will finish high school and become employed;

(7) the number of quality child care arrangements falls far short of the number required for children in need of child care services;

(8) the rapid growth of participation in the labor force by mothers of children under the age of 1 has resulted in a critical shortage of quality child care arrangements for infants and toddlers;

(9) the lack of available child care services results in many preschool and school-age children being left without adequate supervision for significant parts of the day;

(10) many working parents who are unable to afford adequate child care services do not receive adequate financial assistance for such services from employers or public sources;

(11) because of the lack of affordable child care, a large number of parents are not able to work or to seek the training or education they need to become self sufficient;

(12) making adequate child care services available for parents who are employed, seeking employment, or seeking to develop employment skills promotes and strengthens the well-being of families and the national economy;

(13) the payment of the exceptionally low salaries to child care workers adversely affects the quality of child care services by making it difficult to retain qualified staff;

(14) several factors result in the shortage of quality child care options for children and parents, including—

(A) the inability of parents to pay for child care services;

(B) the lack of up-to-date information on child care services;

(C) the lack of training opportunities for staff in child care programs;

(D) the high rate of staff turnover in child care facilities; and

(E) the wide differences among the States in child care licensing and enforcement policies; and

(15) improved coordination of child care services will help to promote the most efficient use of child care resources.

(b) PURPOSES.—The purposes of this title are—

(1) to build on and to strengthen the role of the family by seeking to ensure that parents are not forced by lack of available programs or financial resources to place a child in an unsafe or unhealthy child care facility or arrangement;

(2) to promote the availability and diversity of quality child care services to expand child care options available to all families who need such services;

(3) to provide assistance to families whose financial resources are not sufficient to enable such families to pay the full cost of necessary child care services;

(4) to lessen the chances that children will be left to fend for themselves for significant parts of the day;

(5) to improve the productivity of parents in the labor force by lessening the stresses related to the absence of adequate child care services;

(6) to provide assistance to States to improve the quality of, and coordination among, child care programs;

(7) to increase the opportunities for attracting and retaining qualified staff in the field of child care to provide high quality child care services to children; and

(8) to strengthen the competitiveness of the United States by providing young children with a sound early childhood development experience.

SEC. 103. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of Child Care appointed under section 115(a).

(2) CAREGIVER.—The term "caregiver" means an individual who provides a service directly to an eligible child on a person-to-person basis.

(3) CENTER-BASED CHILD CARE PROVIDER.—The term "center-based child care provider" means a child care provider that provides child care services in a nonresidential facility.

(4) CHILD CARE CERTIFICATE.—The term "child care certificate" means a certificate that is issued by the State to parents who may use such certificate only as payment for child care services for an eligible child and that provides to an eligible child care provider a right to payment for such services at the same rate charged by that provider for comparable services to children whose parents are not eligible for certificates under this title or for child care assistance under any other Federal or State program.

(5) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" has the meaning given such term by section 4(5) of the Job Training and Partnership Act (29 U.S.C. 1503(5)).

(6) ELEMENTARY SCHOOL.—The term "elementary school" means a day or residential school that provides elementary education, as determined under State law.

(7) ELIGIBLE CHILD.—The term "eligible child" means an individual—

(A) who is less than 13 years of age;

(B) whose family income does not exceed 100 percent of the State median income for a family of the same size; and

(C) who—

(i) resides with a parent or parents who are working, seeking employment, or enrolled in a job training or educational program; or

(ii) is receiving, or needs to receive, protective services and resides with a parent or parents not described in clause (i).

(8) ELIGIBLE CHILD CARE PROVIDER.—The term "eligible child care provider" means—

(A) a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that—

(i) is licensed or regulated under State law;

(ii) satisfies—

(I) the Federal requirements; and

(II) the State and local requirements;

applicable to the child care services it provides; and

(iii) not later than 3 years after the date of enactment of this title, complies with State standards in each of the categories described in section 118(d) that are applicable to the child care services provided by such provider; or

(B) a child care provider that is 18 years of age or older who provides child care services only to an eligible child who is, by affinity or consanguinity, or by decree of court, the grandchild, niece, nephew, or sibling of such provider, if such provider complies with any State requirements that govern child care provided by relatives.

(9) FAMILY CHILD CARE PROVIDER.—The term "family child care provider" means 1 individual who provides child care services for fewer than 24 hours per day, as the sole caregiver, and in a private residence.

(10) FAMILY SUPPORT SERVICES.—The term "family support services" means services that assist parents by providing support in

parenting and by linking parents with community resources and with other parents.

(11) FULL-WORKING-DAY.—The term "full-working-day" means at least 10 hours per day.

(12) GROUP HOME CHILD CARE PROVIDER.—The term "group home child care provider" means 2 or more individuals who jointly provide child care services for fewer than 24 hours per day and in a private residence.

(13) HANDICAPPING CONDITION.—The term "handicapping condition" means any condition set forth in section 602(a)(1) of the Education of the Handicapped Act (20 U.S.C. 1401(a)(1)) or section 672(1) of the Education of the Handicapped Act (20 U.S.C. 1471(a)).

(14) INDIAN TRIBE.—The term "Indian tribe" has the meaning given it in section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(b)).

(15) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 481(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1)), except that with respect to a tribally controlled community college such term has the meaning given it in section 2(a)(5) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(5)).

(16) LEAD AGENCY.—The term "lead agency" means the agency designated under section 106(a).

(17) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given that term in section 198(a)(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854(a)(10)).

(18) PARENT.—The term "parent" includes a legal guardian or other person standing in loco parentis.

(19) SCHOOL-AGE CHILD CARE SERVICES.—The term "school-age child care services" means child care services that are—

(A) provided during such times of the school day when regular instructional services are not in session; and

(B) not intended as an extension of or replacement for the regular academic program, but are intended to provide an environment which enhances the social, emotional, and recreational development of children of school age;

(20) SECONDARY SCHOOL.—The term "secondary school" means a day or residential school which provides secondary education, as determined under State law.

(21) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services unless the context specifies otherwise.

(22) SCHOOL FACILITIES.—The term "school facilities" means classrooms and related facilities used to provide education.

(23) SLIDING FEE SCALE.—The term "sliding fee scale" means a system of cost sharing between the State and a family based on income and size of the family.

(24) STATE.—The term "State" means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, or Palau.

(25) UNIT OF GENERAL PURPOSE LOCAL GOVERNMENT.—The term "unit of general purpose local government" means any city, county, town, township, parish, village, a combination of such general purpose political subdivisions including those in two or more States, or other general purpose political subdivisions of a State.

(26) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given it in section 4(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(c)).

(27) TRIBALLY CONTROLLED COMMUNITY COLLEGE.—The term "tribally controlled community college" has the meaning given it in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out this title, other than section 122, there are authorized to be appropriated $1,750,000,000 for the fiscal year 1990 and such sums as may be necessary in each of the fiscal years 1991 through 1994.

(b) STANDARDS IMPROVEMENT INCENTIVE GRANT PROGRAM.—Of the amounts appropriated in each of the fiscal years 1993 and 1994 under subsection (a), the Secretary shall make available 10 percent of such amounts in each such fiscal year to make grants under section 119. In no event shall amounts made available under this subsection be less than $35,000,000 nor more than $75,000,000 in each such fiscal year.

(c) CHILD CARE LIABILITY RISK RETENTION GROUP.—

(1) IN GENERAL.—To carry out section 122, there are authorized to be appropriated $100,000,000 for fiscal year 1990.

(2) AMOUNTS TO REMAIN AVAILABLE.—The amounts appropriated pursuant to paragraph (1) shall remain available for assistance to States for fiscal years 1990, 1991, and 1992 without limitation.

SEC. 105. AMOUNTS RESERVED; ALLOTMENTS.

(a) AMOUNTS RESERVED.—

(1) TERRITORIES AND POSSESSIONS.—The Secretary shall reserve not to exceed one half of 1 percent of the amount appropriated under section 104(a) in each fiscal year for payments to Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, and Palau, to be allotted in accordance with their respective needs.

(2) INDIANS.—The Secretary shall reserve an amount, not less than 1.5 percent and not more than 3 percent of the amount appropriated under section 104(a) in each fiscal year, to carry out subsection (c) regarding Indian children.

(b) STATE ALLOTMENT.—

(1) GENERAL RULE.—From the remainder of the sums appropriated under section 104(a) for each fiscal year, the Secretary shall allot to each State (excluding jurisdictions referred to in subsection (a)(1)) an amount equal to the sum of—

(A) an amount that bears the same ratio to 50 percent of such remainder as the product of the young child factor of the State and the allotment percentage bears to the sum of the corresponding products for all States; and

(B) an amount that bears the same ratio to 50 percent of such remainder as the product of the school lunch factor of the State and the allotment percentage bears to the sum of the corresponding products for all the States.

(2) YOUNG CHILD FACTOR.—The term "young child factor" means the ratio of the number of children in the State who are less than 5 years of age to the number of children in all the States who are less than 5 years of age as provided by the most recent annual estimates of population in the States by the Census Bureau.

(3) SCHOOL LUNCH FACTOR.—The term "school lunch factor" means the ratio of the number of children in the State who are receiving free or reduced price lunches under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) to the number of children in all the States who are receiving free or reduced price lunches under such program as determined and updated annually by the Department of Agriculture.

(4) ALLOTMENT PERCENTAGE.—

(A) IN GENERAL.—The allotment percentage for a State is determined by dividing—

(i) the per capita income of all individuals in the United States; by

(ii) the per capita income of all individuals in the State.

(B) LIMITATIONS.—If a sum determined under subparagraph (A)—

(i) exceeds 1.2, then the allotment percentage of that State shall be considered to be 1.2; and

(ii) is less than 0.8, then the allotment percentage of the State shall be considered to be 0.8.

(C) PER CAPITA INCOME.—For purposes of subparagraph (A), per capita income shall be—

(i) determined at 2-year intervals;

(ii) applied for the 2-year period beginning on October 1 of the first fiscal year beginning on the date such determination is made; and

(iii) equal to the average of the annual per capita incomes for the most recent period of 3 consecutive years for which satisfactory data are available from the Department of Commerce at the time such determination is made.

(c) PAYMENTS FOR THE BENEFIT OF INDIAN CHILDREN.—

(1) TRIBAL ORGANIZATIONS.—From the funds reserved under subsection (a)(2), the Secretary may, upon the application of a Indian tribe or tribal organization enter into a contract with, or make a grant to such Indian tribe or tribal organization for a period of 3 years, subject to satisfactory performance, to plan and carry out programs and activities that are consistent with this title. Such contract or grant shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) and shall be conducted in accordance with sections 4, 5, and 6 of the Act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 655-657), that are relevant to such programs and activities.

(2) INDIAN RESERVATIONS.—In the case of an Indian tribe in a State other than the States of Oklahoma, Alaska, and California, such programs and activities shall be carried out on the Indian reservation for the benefit of Indian children.

(3) STANDARDS.—The Secretary shall establish, through the application process, standards applicable to child care services provided under such programs and activities. For purposes of establishing such standards, the Secretary shall take into consideration—

(A) the codes, regulations, and cultural factors of the Indian tribe involved, as expressed by such tribe or the tribal organization that represents such tribe; and

(B) the State standards, and licensing and regulatory requirements applicable to child care services provided in the State in which such program and activities are carried out.

(4) AVAILABILITY OF STATE CHILD CARE SERVICES.—For the purpose of determining whether to approve an application for a

contract or grant under this subsection, the Secretary shall take into consideration the availability of child care services provided in accordance with this title by the State in which the applicant proposes to carry out a program to provide child care services.

(5) RULE OF CONSTRUCTION.—This subsection shall not be construed—

(A) to limit the eligibility of any individual to participate in any program carried out with assistance received under this title by a State; or

(B) to modify any requirement imposed on a State by any provision of this title.

(6) COORDINATION.—To the maximum extent practicable, the applicant for a grant or contract under this subsection and the State in which the applicant is located shall coordinate with each other their respective child care programs and activities, including child care programs and activities carried out with assistance received under this title.

(d) DATA AND INFORMATION.—The Secretary shall obtain from each appropriate Federal agency, the most recent data and information necessary to determine the allotments provided for in subsection (b).

(e) REALLOTMENTS.—

(1) IN GENERAL.—Any portion of the allotment under subsection (b) to a State that the Secretary determines is not required to carry out a State plan approved under section 107(d), in the period for which the allotment is made available, shall be reallotted by the Secretary to other States in proportion to the original allotments to the other States.

(2) LIMITATIONS.—

(A) REDUCTION.—The amount of any reallotment to which a State is entitled to under paragraph (1) shall be reduced to the extent that it exceeds the amount that the Secretary estimates will be used in the State to carry out a State plan approved under section 107(d).

(B) REALLOTMENTS.—The amount of such reduction shall be similarly reallotted among States for which no reduction in an allotment or reallotment is required by this subsection.

(3) AMOUNTS REALLOTTED.—For purposes of any other section of this title, any amount reallotted to a State under this subsection shall be considered to be part of the allotment made under subsection (b) to the State.

(f) DEFINITION.—For the purposes of this section, the term "State" means any of the several 50 States, the District of Columbia, or the Commonwealth of Puerto Rico.

SEC. 106. LEAD AGENCY.

(a) DESIGNATION.—The chief executive officer of a State desiring to participate in the program authorized by this title shall designate, in an application submitted to the Secretary under section 107(a), an appropriate State agency that meets the requirements of subsection (b) to act as the lead agency, or the State Child Care Board that is appointed by the chief executive and that meets the requirements of subsection (b), to serve as the lead agency.

(b) REQUIREMENTS.—

(1) APPOINTMENT OF BOARD.—

(A) ESTABLISHMENT.—The chief executive officer of a State desiring to participate in the program authorized by this Act shall, if such chief executive officer has not designated a lead agency under subsection (a), establish a State Child Care Board that shall be composed of seven members to be appointed by such chief executive officer with the advice and consent of the legislature of such State.

(B) CHAIRPERSON.—The chief executive officer of the State shall designate a member of the Board to serve as chairperson. Such chairperson shall report directly to the chief executive officer and serve at the pleasure of such chief executive.

(C) TERMS, VACANCIES, COMPENSATION.—The chief executive officer of the State, with the advice and consent of the State legislature shall determine the terms of office of the members and chairperson of the Board established under subparagraph (A), the method to be used to fill vacancies on such Board, and the compensation to be received by such members.

(D) DUTIES.—The Board established under this paragraph shall act as the lead agency for the State for the purposes of this Act.

(2) ADMINISTRATION OF FUNDS.—The lead agency shall have the capacity to administer the funds provided under this title to support programs and services authorized under this title and to oversee the plan submitted under section 107(b).

(3) COORDINATION.—The lead agency shall have the capacity to coordinate the services for which assistance is provided under this title with the services of other State and local agencies involved in providing services to children.

(4) ESTABLISHMENT OF POLICIES.—The lead agency shall have the authority to establish policies and procedures for developing and implementing interagency agreements with other agencies of the State to carry out the purposes of this title.

(c) DUTIES.—The lead agency shall—

(1) assess child care needs and resources in the State, and assess the effectiveness of existing child care services and services for which assistance is provided under this title or under other laws, in meeting such needs;

(2) develop a plan designed to meet the need for child care services in the State for eligible children, including infants, preschool children, and school-age children, giving special attention to meeting the needs for services for low-income children, migrant children, children with a handicapping condition, foster children, children in need of protective services, children of adolescent parents who need child care to remain in school, and children with limited English-language proficiency;

(3) develop, in consultation with the State advisory committee on child care established under section 111, the State plan submitted to the Secretary under section 107(b);

(4) hold hearings, in cooperation with such State advisory committee on child care, annually in the State in order to provide to the public an opportunity to comment on the provision of child care services in the State under the proposed State plan;

(5) assist the chief executive officer in making such periodic reports to the Secretary as the Secretary may by rule require;

(6) coordinate the provision of services under this title with—

(A) other child care programs and services, and with educational programs, for which assistance is provided under any State, local, or other Federal law, including the State Dependent Care Development Grants Act (42 U.S.C. 9871 et seq.); and

(B) other appropriate services, including social, health, mental health, protective, and nutrition services, available to eligible children under other Federal, State, and local programs;

(7) as appropriate, identify resource and referral programs for particular geographical areas in the State that meet the requirements of section 112; and

(8) establish in accordance with subsection (d)(1) several local advisory councils that collectively represent the entire geographical area in the State.

(d) LOCAL ADVISORY COUNCILS.—

(1) APPOINTMENT.—Each local advisory council established under subsection (c)(8) shall be composed of individuals who are collectively representative of the local geographical area for which they are appointed and of the ethnic characteristics of the population of such area. Such council shall be composed of individuals appointed from among the following:

(A) Parents of preschool children.

(B) Parents of school-age children.

(C) Individuals who are child care providers.

(D) The heads of Head Start agencies.

(E) The heads of local public agencies that provide social services or human resources.

(F) The heads of local education agencies.

(G) The heads of local public health agencies.

(H) The heads of resource and referral agencies.

(I) Individuals engaged locally in business.

(J) Representatives of units of local purpose government.

(K) Local representatives of nonprofit private organizations that provide funds for social services or human resources.

(L) Representatives of groups that engage in private activities relating to providing child care services.

(2) DUTIES.—Each local advisory council shall—

(A) assess the extent to which there is an unsatisfied need for child care services in the geographical area for which such council is appointed;

(B) submit to the lead agency, not less frequently than biennially, a report identifying the results of the implementation in such area of the State plan included in the application submitted under section 107;

(C) recommend to the lead agency the uses for which assistance received under this subchapter by the State should be expended in such area, and with respect to each such use, the amount of such funds that should be so expended;

(D) advise local child care providers regarding the means to collectively obtain training, supplies, and insurance relating to providing child care services; and

(E) otherwise assist the lead agency, and the State advisory committee on child care established under section 111 to carry out their respective duties.

(3) ADMINISTRATIVE SUPPORT.—The lead agency shall provide to such council such funds, and administrative support services (including personnel) directly or by contract, as the State determines necessary to enable such council to carry out its duties.

(4) CONFLICTS OF INTEREST.—A member of such council may not cast a vote on any matter that—

(A) may result in a financial benefit to such member; or

(B) under Federal, State, or local law would create or appear to create a conflict of interest if such vote were cast by such member.

(5) PUBLIC AWARENESS OF COUNCIL PARTICIPATION.—The Secretary shall require by rule that residents of each geographical area for which a local advisory council is appointed are informed of the opportunity to be appointed to such council.

(e) REDESIGNATION.—The chief executive officer of a State may modify the original

decision concerning the designation of a lead agency if such chief executive determines that the original designation is not appropriate.

SEC. 107. APPLICATION AND PLAN.

(a) APPLICATION.—To be eligible to receive assistance under this title, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require by rule.

(b) PLAN.—The application of a State submitted under subsection (a) shall include an assurance that the State will comply with the requirements of this title and a State plan, that shall be prepared by the lead agency or the State Child Care Board established under section 6(b)(1), that is designed to be implemented during a 3-year period and that meets the requirements of subsection (c).

(c) REQUIREMENTS OF A PLAN.—

(1) LEAD AGENCY OR STATE CHILD CARE BOARD.—The plan shall identify the lead agency or the members of the State Child Care Board appointed under section 6(b)(1), the location of the offices of such Board, and shall contain a certification that the Board solicited input from the local advisory councils in preparing the plan.

(2) ADVISORY BODIES.—The plan shall demonstrate that the State will establish in accordance with section 111 a State advisory committee on child care.

(3) POLICIES AND PROCEDURES.—The plan shall set forth policies and procedures designed to ensure all of the following:

(A) That, to the maximum extent practicable—

(i) the parents of each eligible child who will receive child care services for which assistance is provided under paragraph (4) are permitted to select the eligible child care provider that will provide such services to such child; and

"(ii) if the State places such child under the methods provided in section 108(a)(1)(A) or (B), the State will attempt to place such child with the eligible child care provider selected by such parents.".

(B) That—

(i) all providers of child care services for which assistance is provided under this title comply with all licensing or regulatory requirements (including registration requirements) applicable under State and local law; and

(ii) such requirements are imposed and enforced by the State uniformly on all licensed and regulated child care providers within the same category of care, which receive public funds.

This subparagraph shall not be construed to prohibit a State from imposing more stringent standards or requirements on child care providers who provide services for which assistance is provided under this title and who also receive State funds under any other law to provide child care services under a contract or other arrangement with the State.

(C) That procedures will be established to ensure that child care providers receiving assistance under this title or under other publicly-assisted child care programs comply, not later than 3 years after the date of enactment of this title, with State child care standards in each of the categories described in section 118(d) that are applicable to the child care services provided by such providers, and comply with all applicable State and local licensing or regulatory requirements (including registration requirements).

(D) That the State will not—

(i) reduce the categories of child care providers licensed or regulated by the State on the date of enactment of this title, unless the State with the concurrence of the State advisory committee established under section 111, requests a waiver of this subparagraph and demonstrates, to the satisfaction of the Secretary, that the proposed reduction is necessary to increase access to and availability of eligible child care providers and will not jeopardize the health and safety of children.

(ii) reduce the level of standards applicable to child care services provided in the State and to the matters specified in sections 113(a) and 118(d) unless the State, with the concurrence of the State advisory committee established under section 111, requests a waiver of this subparagraph and demonstrates, to the satisfaction of the Secretary, that the proposed reduction is necessary to increase access to and availability of eligible child care providers and will not jeopardize the health and safety of children.

(E) That funds received under this title by the State will be used only to supplement, not to supplant, the amount of Federal, State, and local funds expended for the support of child care services and related programs in the State, except that States may use existing expenditures in support of child care services to satisfy the State matching requirement under section 117(b), but in no event shall such expenditures be used to satisfy the matching requirements of any other Federal program.

(F) That for each fiscal year the State will use an amount not to exceed 8 percent of the amount of funds received under section 105 by the State for such fiscal year to administer the State plan.

(G) That the State will pay funds under this title to eligible child care providers in a timely fashion to ensure the continuity of child care services to eligible children.

(H) That resource and referral services will be made available to families in the State.

(I) That each eligible child care provider described in section 103(8)(A) who provides services for which assistance is provided under paragraph (4)—

(i) gives priority for provider services to children of families with very low income, taking into account family size, or children with special needs;

(ii) not later than 3 years after the date of enactment of this title, complies with State child care standards in each of the categories described in section 118(d) that are applicable to the child care services provided by such providers;

(iii) if such eligible child care provider is regulated by a State educational agency that—

(I) administers any State law applicable to child care services;

(II) develops child care standards that meet or exceed the State child care standards in each of the categories described in section 118(d) that are applicable to the child care services provided by such providers, and the State licensing or regulatory requirements (including registration requirements); and

(III) enforces the standards described in subclause (II) that are developed by such agency, using policies and practices that meet or exceed the requirements specified in subparagraphs (A) through (K) of paragraph (11);

complies with the standards described in subclause (II) that are developed by such agency; and

(iv) complies with the State plan and the requirements of this title.

(J) That child care services for which assistance is provided under paragraph (4) are available to children with a handicapping condition.

(K) That the State will review existing State regulations to determine if such regulations are appropriate for school-age child care services.

(L) That child care providers in the State are encouraged to develop personnel policies that include compensated time for staff undergoing training required under this title.

(M) Encourage the payment of adequate salaries and other compensation—

(i) to full and part-time staff of child care providers who provide child care services for which assistance is provided under paragraph (4);

(ii) to the extent practicable, to such staff in other major Federal and State child care programs; and

(iii) to other child care personnel, at the option of the State.

(N) That child care services for which assistance is provided under paragraph (4) are available for an adequate number of hours and days to serve the needs of parents of eligible children, including parents who work nontraditional hours.

(4) CHILD CARE SERVICES.—The plan shall provide that—

(A) subject to subparagraphs (B) and (C), the State will use at least 70 percent of the amount allotted to the State in any fiscal year to provide child care services that meet the requirements of this title to eligible children in the State on a sliding fee scale basis and using funding methods provided for in section 108(a)(1), with priority being given for services to children of families with very low family incomes, taking into consideration the size of the family, or children with special needs;

(B) the State will use at least 10 percent of the funds reserved for the purposes specified in subparagraph (A) in any fiscal year to provide for the extension of part-day programs as described in section 108(b); and

(C) the State, with the approval of the Secretary, may use not to exceed 5 percent of the funds reserved for the purposes specified in subparagraph (A) in any fiscal year for any of the activities described in paragraph (6) if the State certifies that additional funds are needed to increase the availability of child care to meet the demand for such care.

(5) ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.—The plan shall provide that the State will use not less than 10 percent of the amount allotted to it in any fiscal year to do the following:

(A) Provide financial assistance, pursuant to procedures established under the State Dependent Care Development Grants Act (42 U.S.C. 9801 note), to private nonprofit organizations or public organizations (including units of general purpose local government) that meet the requirements of section 112 for the development, establishment, expansion, operation, and coordination of resource and referral programs specifically related to child care.

(B) Improve the monitoring of compliance with, and enforcement of, the licensing and regulatory requirements (including registration requirements) of the State.

(C) Provide training, technical assistance, and scholarship assistance in accordance

with the provisions of subsections (b), (c), and (d) of section 113.

(D) Ensure that adequate salaries and other compensation are paid to full- and part-time staff who provide child care services for which assistance is provided under paragraph (4).

(E) Allow that the State will make grants to local libraries for the purchase and delivery of children's books, videos, tapes, and toys to licensed or certified family-based or group child-care providers, child care centers, or other providers that meet State eligibility requirements.

(6) ACTIVITIES TO INCREASE THE AVAILABILITY OF CHILD CARE.—Except as provided in paragraph (4)(C), the plan shall provide that the State will use not more than 12 percent of the amount allotted to it in any fiscal year for any of the following activities:

(A) Making grants or low-interest loans to existing and potential family child care providers and nonprofit child care providers to help such providers pay the cost of—

(i) establishing child care programs; and

(ii) making renovations and improvements in existing facilities to be used to carry out such programs.

(B) Making grants or low-interest loans to child care providers to assist such providers in meeting recommended Federal child care standards, or State and local child care standards, giving priority to providers receiving assistance under this title or under other publicly assisted child care programs and which serve children of families that have very low incomes.

(C) Providing funds for the child care public-private partnership activities described in section 114.

(D) Providing assistance for the establishment and operation of after school child care programs.

(E) Providing assistance for the temporary care of children who are sick and unable to attend child care programs in which such children are enrolled.

(F) Providing assistance for the establishment and operation of child care programs for homeless children.

(G) Providing assistance to link child care programs with programs designed to assist the elderly.

(H)(i) Establishing and administering a revolving loan fund from which any person desiring to make capital improvements to the principal residence of such person (within the meaning of section 1034 of the Internal Revenue Code of 1986) may obtain a loan in order to become a licensed or regulated family child care provider, pursuant to State and local law, and to comply with the standards applicable to such providers as established by the State in each of the categories described in section 118(d)(2).

(ii) To permit the use of funds provided under this title for the activity described in clause (i), the State shall set forth procedures and guidelines to carry out the purposes of such clause, including procedures—

(I) that provide assurances that only applicants who will licensed or regulated to operate a child care facility in accordance with the provisions of State and local law and who will meet the State standards applicable to family child care services in each of the categories described in section 118(d)(2), benefit from loans made available pursuant to the provisions of clause (i);

(II) to assure that the revolving fund will be administered by the State and will provide loans to qualified applicants, pursuant to the terms and conditions established by such State, in an amount, determined by such State, that is not in excess of $1,500;

(III) to assure that funds used to carry out the purpose of clause (i) are transferred to such fund to provide capital for making loans;

(IV) to assure that interest and principal payments on loans and any other moneys, property, or assets derived from any action concerning such funds are deposited into such fund;

(V) to assure that all loans, expenses, and payments pursuant to the operation of the revolving loan fund are paid from such fund;

(VI) to assure that loans made from such fund are made to qualified applicants to enable such applicants to make capital improvements so that such applicants are able to become a licensed or regulated family child care provider pursuant to state and local law and so that such applicants are able to meet the State standards applicable to such providers in each of the categories described in section 118(d)(2); and

(VII) that specify how such revolving loan fund will continue to be financed in subsequent years, such as through contributions by the State or by some other entity.

(I)(i) Making grants to States to enable such States to provide grants to school districts to enable such districts to establish or maintain extended day care programs.

(ii) In order to use funds under this paragraph for the activity described in this subparagraph, the State shall—

(I) Administer the allotment provided to the State under this subparagraph shall be administered through the State educational agency; which

(II) shall establish requirements that school districts must meet in order to receive assistance under this subparagraph; and

(iii)(I) use amounts received under this subparagraph to provide grants to school districts to enable such districts to provide extended day child care.

(II) ensure that school districts that receive assistance under this subparagraph use such assistance to—

(aa) offset the start-up costs associated with the establishment of extended day child care programs;

(bb) conduct studies to determine the feasibility of establishing extended day child care programs;

(cc) provide for the equipping and staffing of extended day child care programs; and

(dd) offset any other costs that the State determines appropriate.

(III) Ensure that amounts received under this subparagraph are not used for ongoing maintenance or operational costs incurred by school districts.

(IV) Ensure that extended day child care programs that receive assistance under this subparagraph shall—

(aa) be developmentally appropriate and meet the diverse recreational, social, emotional, cultural, and educational needs of school-aged children; and

(bb) provide parents with the opportunity to participate in such programs."

(V) Ensure that each school district that receives assistance under this subparagraph coordinates the programs carried out with such assistance with other public entities and private non-profit community-based organizations that provide before and after-school child care;

(VI) Permit a school district to provide a before and after-school child care program in accordance with the provisions of this subparagraph through grants to or contracts with other public entities and eligible private nonprofit community-based organizations that provide before and after-school child care programs.

(VII) As used in this subparagraph:

(aa) The term "school district" means the public authority legally constituted and recognized in a State as the administrative agency for that district or county's public elementary or secondary schools.

(b) The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(J) Providing assistance for comprehensive child care demonstration projects within existing public school buildings that—

(i) ensure that year around, on-site all day child care for children ages 3 to 5 (or of the age of entering kindergarten) and on-site before and after school child care for children ages 5 through 12, inclusive;

(ii) ensure the establishment of a family support system for parents (including a home visitation program);

(iii) provide support for local family day-care providers (including technical assistance, back-up support in case of illness, and training);

(iv) provide for information and referral and other specialized services;

(v) develop a sliding scale fee payment system for children using the system (based on the parents ability to pay);

(vi) provide for ongoing parental involvement in the planning, implementation, monitoring, and evaluation of such projects;

(vii) provide that such demonstration projects be operated by administrators trained in early childhood development;

(viii) provide for the use of trained child care workers in such demonstration projects, with a priority given to child care workers with credentials in early childhood education or child development, including the child development associate credential;

(ix) provide that salaries paid to child care workers in such demonstration projects shall—

(I) be not less than the rates paid for comparable services provided in the school or surrounding community, whichever is higher; and

(II) be comparable to salaries paid to school employees with equivalent responsibilities, experience and credentials; and

that salary schedules for child care workers encourage child care workers to obtain early childhood credentials;

(x) assure that any child care services provided by such demonstration projects meet, at a minimum, regulator standards set by the State and local government;

(xi) develop ways to improve the quality of child care services in such demonstrations; and

(xii) describe plans for monitoring and evaluating the effectiveness of such demonstration projects.

(K) Providing assistance for any other activity deemed by the State to be in accordance with the purposes of this paragraph.

(7) DISTRIBUTION OF FUNDS.—The plan shall provide that funds will be distributed—

(A) to a variety of types of child care providers, including center-based child care providers, group home child care providers, and family child care providers; and

(B) equitably among child care providers to provide child care services in rural and urban areas.

(8) PAYMENTS.—The plan shall provide that for child care services for which assistance is provided under this title, an eligible child care provider shall have a right to payment at the same rate charged by providers in the State or substate area for comparable services to children of comparable ages and special needs whose parents are not eligible for certificates under this title or for child care assistance under any other Federal or State program.

(9) PRIORITY.—The plan shall provide that priority will be given, in distributing funds in the State, to child care providers that—

(A) in providing child care services assisted by such funds, will give priority to eligible children of families with very low income, or children with special needs;

(B) to the maximum extent feasible, provide child care services to a reasonable mix of children, including children from different socioeconomic backgrounds and children with a handicapping condition;

(C) provide opportunities for parent involvement in all aspects of providing such services; and

(D) to the maximum extent feasible, offer family support services.

(10) SLIDING FEE SCALE.—The plan shall provide for the establishment of a sliding fee scale that requires cost sharing based on the services provided to and the income of the families (adjusted for family size) of eligible children who receive services for which assistance is provided under this title.

(11) PARENTAL INVOLVEMENT.—The plan shall establish procedures for parental involvement in State and local planning, monitoring, and evaluation of child care programs and services in the State.

(12) ENFORCEMENT OF LICENSING AND OTHER REGULATORY REQUIREMENTS (INCLUDING REGISTRATION REQUIREMENTS).—The plan shall provide that the State, not later than 3 years after the date of enactment of this title, shall have in effect enforcement policies and practices that will be applicable to all licensed or regulated child care providers (including child care providers required to register) in the State, including policies and practices that—

(A) require personnel who perform inspection functions with respect to licensed or regulated child care services to have knowledge concerning health and safety, child abuse prevention and detection, program management, and relevant law enforcement practices and policies;

(B) to the maximum extent feasible, have personnel requirements to ensure that individuals who are hired as licensing or regulatory inspectors are qualified to inspect and have inspection responsibility exclusively for children's services;

(C) require—

(i) personnel who perform inspection functions with respect to licensed or regulated child care services to make not less than 1 unannounced inspection of each center-based child care provider in the State annually; and

(ii) personnel who perform inspection functions with respect to licensed or regulated child care services to make periodic, unannounced inspections of all licensed or regulated family child care providers and group home child care providers in the State;

(D) require licensed or regulated child care providers (including registered child care providers) in the State—

(i) to have written program policies and to make a copy of such policies available to parents; and

(ii) to provide parents with unlimited access to their children and to providers caring for their children, during normal hours of operation of such providers and whenever children of such parents are in the care of such providers;

(E) implement a procedure to address complaints that will provide a reasonable opportunity for a parent, or child care provider, that is adversely affected or aggrieved by a decision of the lead agency or any program assisted under this title, to be heard by the State;

(F) prohibit the operator of a child care facility to take any action against an employee of such operator that would adversely affect the employment, or terms or conditions of employment, of such employee because such employee communicates a failure of such operator to comply with any applicable licensing or regulatory requirement;

(G) make consumer education information available to parents and the general public about licensing and regulatory requirements, complaint procedures, and policies and practices required by this paragraph;

(H) make readily available to parents the telephone number of the appropriate licensing or regulatory agency that parents may call regarding a failure of such provider to comply with any applicable licensing or regulatory requirement; and

(I) require the State to maintain a record of parental complaints and to make information regarding substantiated parental complaints available to the public on request.

(13) DATA COLLECTION.—The plan shall provide for the establishment of procedures for data collection by the State designed to show—

(A) by race, sex, ethnic origin, handicapping condition, and family income, how the child care needs of families in the State are being fulfilled, including information on—

(i) the number of children being assisted with funds provided under this title, and under other Federal child care and preschool programs;

(ii) the type and number of child care programs, child care providers, caregivers, and support personnel located in the State;

(iii) the average cost of child care in the State; and

(iv) such other information as the Secretary considers necessary to establish how funds provided under this title are being used;

(B) the extent to which the availability of child care has been increased; and

(C) how the purposes of this title and the objectives of the State set forth in the State plan are being met, including efforts to improve the quality, availability, and accessibility of child care;

and shall provide that data collected by the State under this paragraph shall be submitted to the Secretary.

(d) APPROVAL OF APPLICATION.—The Secretary shall approve an application that satisfies the requirements of this section.

(e) SPECIAL RULE.—Subject to compliance with the standards, licensing, and enforcement requirements of sections 107 and 110, the Secretary shall strongly encourage States to undertake the activities described in subparagraphs (A) and (D) of subsection (c)(5).

SEC. 108. SPECIAL RULES FOR USE OF STATE ALLOTMENTS.

(a) FUNDING OF CHILD CARE SERVICES.—

(1) IN GENERAL.—The child care services referred to in section 107(c)(4) that are to be provided out of the allotment to a State, shall be provided—

(A) by contracts with or grants to eligible child care providers who agree to provide such services directly to eligible children;

(B) by grants to units of general purpose local government, or by contracts to nonprofit private organizations designated by the State, that agree to enter into contracts with eligible child care providers who agree to provide such services directly to eligible children; or

(C) by distributing child care certificates to parents of eligible children under such terms as the Secretary shall prescribe to enable the recipients of such certificates to purchase child care services from eligible child care providers.

(2) LIMITATION ON CERTIFICATES.—Child care certificates authorized by paragraph (1)(C) may be issued by a State only if a resource and referral program carried out by an organization that meets the requirements of section 112 is available to help parents locate child care services made available by eligible child care providers.

(3) NO ENTITLEMENT TO CONTRACT OR GRANT.—Nothing in this title shall be construed to entitle any child care provider or recipient of a child care certificate to any contract, grant or benefit, or to limit the right of any State to impose additional limitations or conditions on contracts or grants funded under this title.

(4) PROVIDE PARENTS WITH CHOICE.—Subject to the limitation described in paragraph (2), each State that receives assistance under this Act shall provide each parent of an eligible child who receives, or whose eligible child is cared for by a child care provider that receives assistance under this Act with the option of—

(A) enrolling such child with an eligible child care provider that receives assistance through grants or contracts as provided under subparagraphs (A) of (B) of paragraph (1); or

(B) receiving a child care certificate as provided in paragraph (1)(C).

(b) PART-DAY PROGRAMS.—

(1) IN GENERAL.—At least 10 percent of the funds available for activities under section 107(c)(4)(A) shall be used by the State to enable child care providers to extend the hours of operation of the part-day programs described in paragraph (2) to provide full-working-day child care services throughout the year, in order to meet the needs of parents of eligible children.

(2) ELIGIBLE PROGRAMS.—As used in paragraph (1), the term "part-day programs" means—

(A) programs of schools and nonprofit child care providers (including community-based organizations) receiving State or local funds designated for preschool;

(B) programs established under the Head Start Act (42 U.S.C. 9831 et seq.);

(C) preschool programs for which assistance is provided under chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801 et seq.); and

(D) preschool programs for children with a handicapping condition.

(c) FACILITIES.—

(1) NEW FACILITIES.—No financial assistance provided under this title shall be expended for the construction of a new facility.

(2) EXISTING FACILITIES.—No financial assistance provided under this title shall be

expended to renovate or repair any facility unless—

(A) the child care provider that receives such financial assistance agrees—

(i) in the case of a grant, to repay to the Secretary or the State, as the case may be, the amount that bears the same ratio to the amount of such grant as the value of the renovation or repair, as of the date such provider ceases to provide child care services in such facility in accordance with this title, bears to the original value of the renovation or repair; and

(ii) in the case of a loan, to repay immediately to the Secretary or the State, as the case may be, the principal amount of such loan outstanding and any interest accrued, as of the date such provider ceases to provide child care services in such facility in accordance with this title;

if such provider does not provide child care services in such facility in accordance with this title throughout the useful life of the renovation or repair; and

(B) if such provider is a sectarian agency or organization, the renovation or repair is necessary to bring such facility into compliance with health and safety requirements imposed by this title.

SEC. 109. PLANNING GRANTS.

(a) IN GENERAL.—A State desiring to participate in the programs authorized by this title that cannot fully satisfy the requirements of the State plan under section 107(b) without financial assistance may, in the first year that the State participates in the programs, apply to the Secretary for a planning grant.

(b) AUTHORIZATION.—The Secretary is authorized to make a planning grant to a State described in subsection (a) if the Secretary determines that—

(1) the grant would enable the State to fully satisfy the requirements of a State plan under section 107(b); and

(2) the State will apply, for the remainder of the allotment that the State is entitled to receive for such fiscal year.

(c) AMOUNT OF GRANT.—A grant made to a State under this section shall not exceed 1 percent of the total allotment that the State would qualify to receive in the fiscal year involved if the State fully satisfied the requirements of section 107.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A grant made under this section shall be considered to be expended for administrative costs by the State for purposes of determining the compliance by the State with the limitation on administrative costs imposed by section 107(c)(3)(F).

SEC. 110. CONTINUING ELIGIBILITY OF STATES.

A State shall be ineligible for assistance under this title after the expiration of the 3-year period beginning on the date of enactment of this title unless the State demonstrates to the satisfaction of the Secretary that—

(1) the State has established State child care standards in each of the categories described in paragraphs (1), (2), and (3) of section 118(d);

(2) all child care providers required to be licensed or regulated by the State—

(A) are so licensed or regulated; and

(B) are subject to the enforcement provisions referred to in the State plan; and

(3) all such providers who are receiving assistance under this title or under other publicly-assisted child care programs—

(A) satisfy the requirements of subparagraphs (A) and (B) of paragraph (2); and

(B) satisfy the State child care standards in each of the categories described in section 118(d) that are applicable to the child care services provided by such providers.

SEC. 111. STATE ADVISORY COMMITTEE ON CHILD CARE.

(a) ESTABLISHMENT.—The chief executive officer of a State participating in the program authorized by this title shall—

(1) establish a State advisory committee on child care (hereinafter in this section referred to as the "committee") to assist the lead agency in carrying out the responsibilities of the lead agency under this title; and

(2) appoint the members of the committee.

(b) COMPOSITION.—The State committee shall be composed of not fewer than 21 and not more than 30 members who shall include—

(1) at least 1 representative of the lead agency designated under section 106(a);

(2) 1 representative of each of—

(A) the State departments of—

(i) human resources or social services;

(ii) education;

(iii) economic development; and

(iv) health; and

(B) other State agencies having responsibility for the regulation, funding, or provision of child care services in the State;

(3) at least 1 representative of providers of different types of child care services, including caregivers and directors;

(4) at least 1 representative of early childhood development experts;

(5) at least 1 representative of school districts and teachers involved in the provision of child care services and preschool programs;

(6) at least 1 representative of resource and referral programs;

(7) 1 pediatrician;

(8) 1 representative of a citizen group concerned with child care;

(9) at least 1 representative of an organization representing child care employees;

(10) at least 1 representative of the Head Start agencies in the State;

(11) parents of children receiving, or in need of, child care services, including at least 2 parents whose children are receiving or are in need of subsidized child care services;

(12) 1 representative of specialists concerned with children who have a handicapping condition;

(13) 1 representative of individuals engaged in business;

(14) 1 representative of fire marshals and building inspectors;

(15) 1 representative of child protective services; and

(16) 1 representative of units of general purpose local government.

(c) FUNCTIONS.—The committee shall—

(1) advise the lead agency on child care policies;

(2) provide the lead agency with information necessary to coordinate the provision of child care services in the State;

(3) otherwise assist the lead agency in carrying out the functions assigned to the lead agency under section 106(c);

(4) in conjunction with the lead State agency, review and evaluate child services for which assistance is provided under this title or under State law, in meeting the objectives of the State plan and the purposes of this title;

(5) make recommendations on the development of State child care standards and policies;

(6) participate in the public hearings required under section 106(c)(4); and

(7) perform other functions to improve the quantity and quality of child care services in the State.

(d) MEETINGS AND HEARINGS.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each fiscal year, the committee shall meet and establish the time, place, and manner of future meetings of the committee.

(2) MINIMUM NUMBER OF HEARINGS.—The committee shall have at least 1 public hearing each year at which the public shall be given an opportunity to express views concerning the administration and operation of the State plan.

(e) SUBCOMMITTEE ON LICENSING.—

(1) COMPOSITION.—The committee shall have a subcommittee on licensing (hereinafter in this section referred to as the "subcommittee") that shall be composed of the members appointed under paragraphs (2)(A)(iv), (3), (6), (7), (11), (14), (15), and (16) of subsection (b).

(2) FUNCTIONS.—The subcommittee shall review the law applicable to, and the licensing and regulatory requirements and the policies of, each licensing agency that regulates child care services and programs in the State unless the State has reviewed such law, requirements, and policies in the 3-year period ending on the date of the establishment of the committee under subsection (a).

(f) USE OF EXISTING COMMITTEES OR SUBCOMMITTEES.—To the extent that a State has established broadly representative State advisory groups, prior to the date of enactment of this title, that are comparable to the advisory committee or the subcommittee on licensing described in this section and focused exclusively on child care and early childhood development programs, such State shall be considered to be in compliance with subsections (a) through (c), or (e), as appropriate.

(g) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this title, the committee shall prepare and submit to the chief executive officer of the State involved a report that meets the requirements of paragraph (2).

(2) CONTENTS OF REPORT.—A report prepared under paragraph (1) shall contain information on child care services provided by center-based child care providers, group home child care providers, and family child care providers, including—

(A) a detailed statement of the findings and recommendations that result from the subcommittee review under subsection (e)(2), including a description of the current status of child care licensing, regulating, monitoring, and enforcement in the State;

(B) a detailed statement identifying and describing the deficiencies in the existing licensing, regulating, and monitoring programs of the State involved, including an assessment of the adequacy of staff to carry out such programs effectively, and recommendations to correct such deficiencies or to improve such programs; and

(C) comments on the relationship between the child care standards of the State and the national recommended child care standards established by the Secretary under section 118(e)(2).

(3) RECEIPT OF REPORT BY THE CHIEF EXECUTIVE OFFICER OF THE STATE.—Not later than 60 days after receiving the report from the committee, the chief executive officer of the State shall transmit such report to the Secretary with—

(A) the comments of the chief executive officer of the State; and

(B) a plan for addressing deficiencies in, or improving the licensing, regulating, and monitoring, of the child care services and programs referred to in subsection (f)(2).

(h) SERVICES AND PERSONNEL.—

(1) AUTHORITY.—The lead agency is authorized to provide the services of such personnel, and to contract for such other services as may be necessary, to enable the committee and the subcommittee to carry out their functions under this title.

(2) REIMBURSEMENT.—Members of the committee shall be reimbursed, in accordance with standards established by the Secretary, for necessary expenses incurred by such members in carrying out the functions of the committee and the subcommittee.

(3) SUFFICIENCY OF FUNDS.—The Secretary shall ensure that sufficient funds are made available, from funds available for the administration of the State plan, to the committee and the subcommittee to carry out the requirements of this section.

SEC. 112. RESOURCE AND REFERRAL PROGRAMS.

(a) ELIGIBILITY FOR ASSISTANCE.—Grants or contracts made or entered into by the State, pursuant to section 107(c)(5)(A), shall be made to, or entered into with, private nonprofit organizations or public organizations (including units of general purpose local government) who shall provide resource and referral services to families in the State.

(b) FUNDING.—Organizations that receive assistance under subsection (a) shall carry out resource and referral programs—

(1) to identify all types of existing child care services, including services provided by individual family child care providers and by child care providers who provide child care services to children with a handicapping condition;

(2) to provide to interested parents information and referral regarding such services, including the availability of public funds to obtain such services;

(3) to provide or arrange for, at the discretion of the State, the provision of information, training, and technical assistance to existing and potential child care providers and to others (including businesses) concerned with the availability of child care services; and

(4) to provide information on the demand for and supply of child care services located in a community.

(c) REQUIREMENTS.—To be eligible for assistance as a resource and referral agency under subsection (a), an organization shall—

(1) have or acquire a database of information on child care services in the State or in a particular geographical area that the organization continually updates, including child care services provided in centers, group home child care settings, nursery schools, and family child care settings;

(2) have the capability to provide resource and referral services in a particular geographical area;

(3) be able to provide parents with information to assist them in identifying quality child care services;

(4) to the maximum extent practicable, notify all eligible child care providers in such area of the functions it performs and solicit such providers to request to be listed to receive referrals made by such organization; and

(5) otherwise comply with regulations promulgated by the State in accordance with subsection (d).

(d) LIMITATION ON INFORMATION.—In carrying out this section, an organization receiving assistance under subsection (a) as a resource and referral agency shall not provide information concerning any child care program or services which are not in compliance with the laws of the State and localities in which such services are provided.

SEC. 113. TRAINING AND TECHNICAL ASSISTANCE.

(a) MINIMUM REQUIREMENT.—A State receiving funds under this title shall require, not later than 3 years after the date of the enactment of this title, that all employed or self-employed individuals who provide licensed or regulated center-based, family and group home child care services (including registered child care services) in a State complete a minimum number of hours of inservice training each year in areas appropriate to the provision of child care services, such as training in health and safety, nutrition, first aid, the recognition of communicable diseases, child abuse detection and prevention, and the needs of special populations of children.

(b) GRANTS AND CONTRACTS FOR TRAINING AND TECHNICAL ASSISTANCE.—

(1) GRANTS AND CONTRACTS.—The State may make grants to, and enter into contracts with State agencies, units of general purpose local government, institutions of higher education, and nonprofit organizations (including resource and referral organizations, child care food program sponsors, and family child care associations, as appropriate) to develop and carry out child care training and technical assistance programs under which preservice and continuing inservice training is provided to eligible child care providers, including family child care providers, and the staff of such providers including teachers, administrative personnel, and staff of resource and referral programs involved in providing child care services in the State.

(2) ELIGIBILITY REQUIREMENTS FOR GRANTS AND CONTRACTS RELATING TO TRAINING FOR FAMILY CHILD CARE PROVIDERS.—To be eligible to receive a grant or enter into a contract for a training and technical assistance program for family child care providers under paragraph (1), a nonprofit organization shall—

(A) recruit and train family child care providers, including providers with the capacity to provide night-time and emergency child care services;

(B) operate resource centers to make developmentally appropriate curriculum materials available to family child care providers;

(C) provide grants to family child care providers for the purchase of moderate cost equipment to be used to provide child care services; and

(D) if appropriate, operate a system of substitute caregivers.

(3) ELIGIBILITY REQUIREMENTS FOR GRANTS AND CONTRACTS RELATING TO TECHNICAL ASSISTANCE.—To be eligible to receive a grant, or enter into a contract under subsection (b) to provide technical assistance, an agency, organization, or institution shall agree to furnish technical assistance to child care providers to assist such providers—

(A) in understanding and complying with local regulations and relevant tax and other policies;

(B) in meeting State licensing, regulatory, and other requirements (including registration) pertaining to family child care providers.

(c) SCHOLARSHIP ASSISTANCE.—The State may provide scholarship assistance to—

(1) individuals who seek a nationally recognized child development associate credential for center-based or family child care in amounts sufficient to cover the costs involved in securing such credential; and

(2) caregivers who seek to obtain the training referred to in subsection (a) and whose income does not exceed such poverty line.

(d) CLEARINGHOUSE FUNCTION.—The State shall establish in the lead agency a clearinghouse function to collect and disseminate training materials to resource and referral agencies and child care providers throughout the State.

SEC. 114. CHILD CARE PUBLIC-PRIVATE PARTNERSHIP.

(a) ACTIVITIES AUTHORIZED.—Each State using funds as described in section 107(c)(6)(C) shall design activities conducted with such funds to encourage businesses in the State to support or provide child care services to a reasonable mix of children, including children from different socioeconomic backgrounds, and children of employees and nonemployees. Such activities may include—

(1) disseminating information relating to—

(A) model child care programs appropriate for implementation by such businesses;

(B) flexible employee work schedules; and

(C) other technical assistance that would enable employers to establish and operate child care programs;

(2) making grants or loans on a competitive basis to assist employers in establishing innovative child care programs;

(3) establishing a demonstration program under which grants are made to local nonprofit private organizations to improve and expand child care services in cooperation with employees who contribute to the cost of such improvement or expansion;

(4) making grants to non-profit business organizations to provide technical information and assistance to enable employers to develop and operate child care services; and

(5) encouraging such businesses to participate in resource and referral activities carried out by organizations recognized under section 112.

(b) DUTIES OF STATE.—In carrying out the activities described in subsection (a), the State shall—

(1) consult with the State advisory committee on child care established under section 111;

(2) provide outreach to businesses participating in such activities; and

(3) encourage such businesses to contribute to the cost of carrying out such activities.

(c) BUSINESS PARTNERSHIP TASK FORCE.—The State may carry out subsection (a) in consultation with—

(1) a business task force appointed by the State from among representatives of businesses of various sizes in the State; and

(2) a state entity that administers laws relating to productive economic development.

(d) PRESIDENT'S AWARD FOR PROGRESSIVE MANAGEMENT POLICY.—

(1) ESTABLISHMENT AND AWARD.—

(A) IN GENERAL.—There is established the President's Award for Progressive Management Policy to honor public and private sector employers who have—

(i) successfully implemented in their businesses family-oriented personnel programs and policies responsive to the child care needs of working parents; or

(ii) made significant contributions to child care projects in their communities.

(B) CITATION.—The President's Award for Responsive Management Policy shall con-

sist of a certificate, plaque, or other appropriate citation.

(2) NOMINATION AND SELECTION.—

(A) NOMINATIONS.—Each year the President, acting through the Secretary of Labor, shall solicit nominations for the President's Award for Responsive Management Policy from State and local elected officials, educational institutions, State-based employee or business associations, or other State or local entities.

(B) RECIPIENTS.—The President, in conclusion with the Secretary of Labor, shall select not less than 3 such nominees from each State to receive the President's Award for that year.

(C) REPRESENTATION.—Of the nominees selected from each State to receive such awards, at least 1 shall represent—

(i) a small business;

(ii) an intermediate-size business; and

(iii) a large business.

(3) PRESENTATION.—The President shall present the President's Award each year with such ceremonies as the President may consider proper.

(4) REGULATIONS.—The Secretary of Labor shall promulgate such regulations as are necessary to carry out the provisions of this section.

SEC. 115. FEDERAL ADMINISTRATION OF CHILD CARE.

(a) ADMINISTRATOR OF CHILD CARE.—There is hereby established in the Department of Health and Human Services the position of Administrator of Child Care (hereinafter in this section referred to as the "Administrator"). The Secretary shall appoint an individual to serve as the Administrator at the pleasure of the Secretary.

(b) DUTIES.—The Administrator shall—

(1) coordinate all activities of the Department of Health and Human Services relating to child care, and coordinate such activities with similar activities of other Federal entities;

(2) annually collect and publish State child care standards, including periodic modifications to such standards;

(3) evaluate activities carried out with funds provided under this title;

(4) act as a clearinghouse to collect and disseminate materials that relate to—

(A) the child care training and technical assistance programs described in section 113(b)(1); and

(B) studies that relate to the salaries paid to individuals employed to provide child care services; and

(5) provide technical assistance to assist States to carry out this title.

SEC. 116. FEDERAL ENFORCEMENT.

(a) REVIEW OF COMPLIANCE WITH STATE PLAN.—The Secretary shall review and monitor State compliance with this title and the plan approved under section 107(d) for the State.

(b) NONCOMPLIANCE.—

(1) IN GENERAL.—If the Secretary, after reasonable notice and opportunity for a hearing to a State, finds that—

(A) there has been a failure by the State to comply substantially with any provision or any requirements set forth in the plan approved under section 107(d) for the State; or

(B) in the operation of any program or project for which assistance is provided under this title there is a failure by the State to comply substantially with any provision of this title;

the Secretary shall notify the State of the finding and that no further payments may be made to such State under this title (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to such program or activity) until the Secretary is satisfied that there is no longer any such failure to comply or that the noncompliance will be promptly corrected.

(2) ADDITIONAL SANCTIONS.—In the case of a finding of noncompliance made pursuant to this paragraph (1), the Secretary may, in addition to imposing the sanctions described in such paragraph, impose other appropriate sanctions, including recoupment of money improperly expended for purposes prohibited or not authorized by this title, and disqualification from the receipt of financial assistance under this title.

(3) NOTICE.—The notice required under paragraph (1) shall include a specific identification of any additional sanction being imposed under paragraph (2).

(c) ISSUANCE OF RULES.—The Secretary shall establish by rule procedures for—

(1) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this title; and

(2) imposing sanctions under this section.

SEC. 117. PAYMENTS.

(a) IN GENERAL.—

(1) AMOUNT OF PAYMENT.—Each State that—

(A) has an application approved by the Secretary under section 107(d); and

(B) demonstrates to the satisfaction of the Secretary that it will provide from non-Federal sources the State share of the aggregate amount to be expended by the State under the State plan for the fiscal year for which it requests a grant;

shall receive a payment under this section for such fiscal year in an amount (not to exceed its allotment under section 105 for such fiscal year) equal to the Federal share of the aggregate amount to be expended by the State under the State plan for such fiscal year.

(2) FEDERAL SHARE.—The Federal share for each fiscal year shall be 80 percent.

(3) STATE SHARE.—The State share equals 100 percent minus the Federal share.

(4) LIMITATION.—A State may not require any private provider of child care services that receives or seeks funds made available under this title to contribute in cash or in kind to the State contribution required by this subsection.

(b) METHOD OF PAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may make payments to a State in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(2) LIMITATION.—The Secretary may not make such payments in a manner that prevents the State from complying with the requirement specified in section 107(c)(3)(F).

(c) SPENDING OF FUNDS BY STATE.—Payments to a State from the allotment under section 105 for any fiscal year may be expended by the State in that fiscal year or in the succeeding fiscal year.

SEC. 118. NATIONAL ADVISORY COMMITTEE ON RECOMMENDED CHILD CARE STANDARDS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—In order to improve the quality of child care services, the Secretary shall establish, not later than 60 days after the date of the enactment of this title, a National Advisory Committee on Recommended Child Care Standards (hereinafter in this section referred to as the "Committee"), the members of which shall be appointed from among representatives of—

(A) the chief executive officers of the several States;

(B) State legislatures;

(C) units of general purpose local governments;

(D) businesses;

(E) individuals responsible for regulating the insurance industry within the States;

(F) religious institutions;

(G) different types of child care providers;

(H) persons who carry out resource and referral programs;

(I) child care, early childhood development, or early childhood education specialists;

(J) individuals who have expertise in pediatric health care, handicapping conditions, and related fields;

(K) organizations representing child care employees;

(L) individuals who have experience in the regulation of child care services; and

(M) parents who have been actively involved in community child care programs.

(2) APPOINTMENT OF MEMBERS.—The Committee shall be composed of 20 members of which—

(A) 4 members shall be appointed by the President;

(B) 4 members shall be appointed by the majority leader of the Senate;

(C) 4 members shall be appointed by the minority leader of the Senate;

(D) 4 members shall be appointed by the Speaker of the House of Representatives; and

(E) 4 members shall be appointed by the minority leader of the House of Representatives.

(3) CHAIRMAN.—The President shall appoint a chairman from among the members of the Committee.

(4) VACANCIES.—A vacancy occurring on the Committee shall be filled in the same manner as that in which the original appointment was made.

(b) PERSONNEL, REIMBURSEMENT, AND OVERSIGHT.—

(1) PERSONNEL.—The Secretary shall make available to the Committee office facilities, personnel who are familiar with child development and with developing and implementing regulatory requirements, technical assistance, and funds as are necessary to enable the Committee to carry out effectively its functions.

(2) REIMBURSEMENT.—

(A) COMPENSATION.—Members of the Committee who are not regular full-time employees of the United States Government shall, while attending meetings and conferences of the Committee or otherwise engaged in the business of the Committee (including traveltime), be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service under GS-18 of the General Schedule established under section 5332 of title 5, United States Code.

(B) EXPENSES.—While away from their homes or regular places of business on the business of the Committee, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(3) OVERSIGHT.—The Secretary shall ensure that the Committee is established and operated in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(c) FUNCTIONS.—The Committee shall—

(1) review Federal policies with respect to child care services and such other data as the Committee may determine appropriate;

(2) not later than 180 days after the date on which a majority of the members of the Committee are first appointed, submit to the Secretary proposed recommended standards, as described in subsection (d), for child care services, taking into account the different needs of infants, toddlers, preschool and school-age children; and

(3) develop and make available to lead agencies, for distribution to resource and referral agencies in the State, model requirements for resource and referral agencies.

(d) RECOMMENDED CHILD CARE STANDARDS.—The proposed child care standards submitted by the Committee pursuant to subsection (c)(2) and the child care standards issued by the Secretary pursuant to subsection (e) shall be recommended standards and shall consist of only the following:

(1) CENTER-BASED CHILD CARE SERVICES.—Such standards submitted with respect to child care services provided by center-based child care providers shall be limited to—

(A) group size limits in terms of the number of caregivers and the number and ages of children;

(B) the maximum appropriate child-staff ratios;

(C) preservice qualifications and background of child care personnel;

(D) requirements for inservice training in areas appropriate to the provision of such child care services, including a minimum number of training hours requirement;

(E) health and safety requirements for children and caregivers, including requirements for—

(i) the prevention and control of infectious diseases (including immunization and handwashing procedures);

(ii) injury prevention, control and treatment;

(iii) building and physical premises safety;

(iv) general health and nutrition;

(v) children with special needs; and

(vi) prevention of child abuse; and

(F) requirements for parental involvement in licensed and regulated child care services.

(2) FAMILY CHILD CARE SERVICES.—Such standards submitted with respect to child care services provided by family child care providers shall be limited to—

(A) the maximum number of children for which child care services should be provided and the maximum number of infants for which child care services should be provided;

(B) the minimum age for caregivers;

(C) requirements for inservice training in areas appropriate to the provision of such child care services, including a minimum number of training hours requirement; and

(D) health and safety requirements for children and caregivers, including those described in paragraph (1)(E), as appropriate for family child care services.

(3) GROUP HOME CHILD CARE SERVICES.—Such standards submitted with respect to child care services provided by group home child care providers shall be limited to the matters specified in paragraphs (1)(B) and (2).

(4) LIMITATION.—The Committee shall not submit any standard under subsection (c)(2) and the Secretary shall not establish any standard under subsection (e) that is less or more rigorous than the least or most rigorous standard that exists in any of the States at the time of the submission or establishment of such recommendation.

(e) CONSIDERATION AND ESTABLISHMENT OF RECOMMENDED STANDARDS.—

(1) NOTICE OF PROPOSED RULEMAKING.—Not later than 90 days after receiving the recommendations of the Committee, the Secretary shall—

(A) publish in the Federal Register for public comment for a period of at least 60 days—

(i) the proposed recommended standards of the Committee submitted under subsection (c)(2); and

(ii) the proposed recommended standards of the Secretary; and

(B) distribute the proposed recommended standards of the Committee and the proposed recommended standards of the Secretary to each lead agency and each State subcommittee on licensing for comment.

(2) ESTABLISHMENT OF RECOMMENDED CHILD CARE STANDARDS.—

(A) ISSUANCE OF RULES.—The Secretary shall—

(i) take into consideration any comments received by the Secretary with respect to the standards published under paragraph (1); and

(ii) not later than 180 days after publication of such standards, issue rules establishing recommended child care standards for purposes of this title. Such standards shall include the nutrition requirements issued, and revised from time to time, under section 117(g)(1) of the National School Lunch Act (42 U.S.C. 1766(g)(1)).

(B) AMENDING STANDARDS.—The Secretary may amend any standard first established under subparagraph (A), except that such standard may not be modified, by amendment or otherwise, to make such standard less comprehensive or less stringent than it is when first established.

(C) EXTENDED PERIOD FOR COMMENT.—If the Secretary proposes a recommended standard under paragraph (2) that no State has a requirement concerning, as of the time that such standard is recommended, the Secretary shall provide an additional 30 days during which States may submit comments concerning such standard.

(3) ADDITIONAL COMMENTS.—The National Committee may submit to the Secretary and to the Congress such additional comments on the recommended child care standards established under paragraph (2) as the National Committee considers appropriate.

(f) TERMINATION OF COMMITTEE.—The National Committee shall cease to exist 90 days after the date the Secretary establishes recommended child care standards under subsection (e)(2).

SEC. 119. CHILD CARE STANDARDS IMPROVEMENT INCENTIVE GRANT PROGRAM.

(a) ESTABLISHMENT.—Not later than 3 years after the date of enactment of this title, the Secretary shall establish a child care standards improvement incentive grant program to make grants to eligible States to assist such States in improving State child care standards in the categories described in section 118(d).

(b) ELIGIBLE STATES.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application in accordance with subsection (c).

(c) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare, and submit to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require, including—

(1) a certification that the State has consulted with the licensing subcommittee of the State in preparing the application and has provided an opportunity for public comment on such;

(2) an assurance that the State will meet the matching requirements of subsection (g);

(3) information that shall—

(A) describe the present level of child care standards that are in effect in such State;

(B) describe the prospective use of such grant; and

(C) describe the expected improvement in the child care standards of the State;

(4) an assurance that the State will use any amounts received under a grant under this section to specifically improve its child care standards; and

(5) any other information that the Secretary determines appropriate.

(d) CONSIDERATION AND AWARDING OF GRANTS BY SECRETARY.—

(1) INITIAL GRANTS.—The Secretary shall consider applications submitted by the States under subsection (c), and shall award the initial grants under this section to States on a competitive basis after considering the following criteria—

(A) the relative quality of the existing child care standards of the State as described in the application in comparison to such standards of other States that submit applications;

(B) the level of child care standards that the State desires to adopt and the State plans for achieving this improved level of standards; and

(C) the relative fiscal capacity of the State in comparison to that of other States that submit applications.

(2) SUBSEQUENT GRANTS.—In determining whether a State that submits an application under subsection (c) for subsequent grant under this section after the expiration of the previous grant, the Secretary shall award such grant based on the compliance of the State with the application for the previous grant. The Secretary may award a subsequent grant to a State that has not complied with such application of the State if the Secretary determines that factors beyond the control of the State significantly contributed to such non-compliance.

(e) USE OF GRANTS.—

(1) IN GENERAL.—States that receive grants under this section shall use amounts provided under such grants to specifically carry out the State application for improving its child care standards, as submitted by the State under subsection (c).

(2) SPECIFIC USES.—In meeting the requirement of paragraph (1), a State may use such amounts for any of the activities described in section 107(c)(5) if such activities are directly related to the State application for improving its child care standards.

(f) ADMINISTRATIVE PROVISIONS.—

(1) TERM OF GRANTS.—Grants made under this section shall be for a 2-year period with no State receiving more than three consecutive grants.

(2) TRANSFER OF FUNDS.—The Secretary may transfer funds made available for grants under this section to the amounts made available for allotments under section 105(b) if the Secretary determines that there is an insufficient number of qualified applications for grants under this section to utilize the entire amount of funds made available for such grants.

(3) TERMINATION.—The grant program established under this section shall terminate 8 years after the date of enactment of this title, or on the date on which funds are no longer appropriated under section 104(a), whichever occurs first.

(g) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Each State that receives a grant under this section shall provide from non-Federal sources the State share of the aggregate amount of the grant.

(2) FEDERAL SHARE.—The Federal share for each fiscal year shall be 80 percent.

(3) STATE SHARE.—The State share equals 100 percent minus the Federal share.

(4) LIMITATION.—A State may not require any private provider of child care services that receives or seeks funds made available under this title to contribute in cash or in kind to the State contribution required by this subsection.

SEC. 120. NATIONAL STUDY ON CHILD CARE STANDARDS.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this title, the Secretary, in consultation with the Office of Technology Assessment, shall conduct a national study on child care standards that is based on the data collected by the States under section 107(c)(13) and the State reports submitted under section 111, and shall prepare and submit, to the appropriate Committees of Congress a report concerning such study.

(b) CONTENTS.—The report submitted under subsection (a) shall contain—

(1) an assessment of the compliance of the States with the requirement described in section 110 that the States have in place, not later than 3 years after the date of enactment of this title, State standards in each of the categories described in section 118(d);

(2) an assessment of the propriety of the recommendations of the National Advisory Committee on Recommended Child Care Standards and a summary of the level of standards in each State in relation to such recommendations;

(3) an assessment of the progress of the States and the activities undertaken by the States since the date of enactment of this title to meet the recommended child care standards; and

(4) recommendations for Congress concerning efforts that should be undertaken to further improve the access of the public to quality and affordable child care in the United States.

SEC. 121. LIMITATIONS ON USE OF FINANCIAL ASSISTANCE FOR CERTAIN PURPOSES.

(a) SECTARIAN PURPOSES AND ACTIVITIES.—No financial assistance provided under this title shall be expended for any sectarian purpose or activity, including sectarian worship and instruction, except that this subsection shall not apply to funds received by any eligible provider resulting from the distribution of a child care certificate to a parent under section 108(a)(1)(C). Financial assistance provided under this title shall not be expended in a manner inconsistent with the Constitution.

On page 88 after line 14, add the following new section:

(b) Subsection (a) shall not apply to funds received by an eligible child care provider as defined in section 103(8)(B).

(c) TUITION.—With regard to services provided to students enrolled in grades 1 through 12, no financial assistance provided under this title shall be expended for—

(1) any services provided to such students during the regular school day;

(2) any services for which such students receive academic credit toward graduation; or

(3) any instructional services which supplant or duplicate the academic program of any public or private school.

SEC. 122. NONDISCRIMINATION.

(a) FEDERAL FINANCIAL ASSISTANCE.—Any financial assistance provided under this title, including a loan, grant, or child care certificate, shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 794 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and the regulations issued thereunder.

(b) RELIGIOUS DISCRIMINATION.—

(1) IN GENERAL.—Nothing in this section shall be construed to modify or affect the provisions of any other Federal law or regulation that relates to discrimination in employment on the basis of religion, except that a sectarian organization may require that employees adhere to the religious tenets and teachings of such organization and further, such organization may require that employees adhere to rules forbidding the use of drugs or alcohol.

(2) DISCRIMINATION AGAINST CHILD.—

(A) IN GENERAL.—A child care provider that receives assistance under this title shall not discriminate against any child on the basis of religion in providing child care services.

(B) NON-FUNDED CHILD CARE SLOTS.—Nothing in this section shall prohibit a child care provider from selecting children for child care slots that are not funded directly with assistance provided under this title because such children or their family members participate on a regular basis in other activities of the organization that owns or operates such provider.

(3) EMPLOYMENT IN GENERAL.—

(A) PROHIBITION.—A child care provider that receives assistance under this title shall not discriminate in employment on the basis of the religion of the prospective employee if such employee's primary responsibility is or will be working directly with children in the provision of child care services.

(B) QUALIFIED APPLICANTS.—If two or more prospective employees are qualified for any position with a child care provider receiving assistance under this title, nothing in this section shall prohibit such child care provider from employing a prospective employee who is already participating on a regular basis in other activities of the organization that owns or operates such provider.

(C) PRESENT EMPLOYEES.—This paragraph shall not apply to employees of child care providers receiving assistance under this title if such employees are employed with the provider on the date of enactment of this title.

(4) EMPLOYMENT AND ADMISSION PRACTICES.—Notwithstanding paragraphs (2) and (3), if assistance provided under this title, and any other Federal or State program, amounts to 80 percent or more of the operating budget of a child care provider that receives such assistance, the Secretary shall not permit such provider to receive any further assistance under this title unless the grant or contract relating to the financial assistance, or the employment and admissions policies of the provider, specifically provides that no person with responsibilities in the operation of the child care program, project, or activity of the provider will discriminate against any individual in employment, if such employee's primary responsibility is or will be working directly with children in the provision of child care, or admissions because of the religion of such individual.

(5) SEVERABILITY.—If any provision of this section or the application thereof to any individual or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this title which can be given effect without regard to the invalid provision or application, and to this end the provisions of this section shall be severable.

(c) EFFECT ON STATE LAW.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions.

SEC. 123. PRESERVATION OF PARENTAL RIGHTS AND RESPONSIBILITIES.

Nothing in this title shall be construed or applied in any manner to infringe upon or usurp the moral and legal rights and responsibilities of parents or legal guardians.

SEC. 124. CHILD CARE LIABILITY RISK RETENTION GROUP.

(a) PURPOSE.—It is the purpose of this section—

(1) to increase the availability of child care by alleviating the serious difficulty faced by child care providers in obtaining affordable liability insurance; and

(2) to provide States with a sufficient capital base for liability insurance purposes that may be increased or maintained through mechanisms developed by the State.

(b) FORMATION OF CHILD CARE LIABILITY RISK RETENTION GROUP.—

(1) ASSISTANCE IN FORMATION AND OPERATION OF GROUP.—Any State may assist in the establishment and operation of a child care liability risk retention group in the manner provided under this section.

(2) CHILD CARE LIABILITY RISK RETENTION GROUP DEFINED.—As used in this section, the term "child care liability risk retention group" means any corporation (or other limited liability association)—

(A) whose members are licensed child care providers pursuant to State and local law and who, not later than 3 years after the date of enactment of this title, comply with State child care standards in each of the categories described in section 118(d) that are applicable to the child care services provided by such members; and

(B) which otherwise satisfies the criteria for a risk retention group under section 2(4) of the Liability Risk Retention Act of 1986 (15 U.S.C. 3901(4)).

(c) STATE APPLICATIONS.—

(1) APPLICATIONS.—To qualify for assistance under this section, a State shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require, including information that meets the requirements of subsection (b) of this section.

(2) CONTENT OF STATE APPLICATION.—

(A) LEAD AGENCY.—The application shall identify the lead agency that has been designated and that is to be responsible for the administration of funds provided under this section.

(B) PARTICIPANTS IN RISK RETENTION GROUP.—The application shall assure that all participants in the child care liability risk retention group are licensed or regulated child care providers pursuant to State and local law who, not later than 3 years after the date of enactment of this title, comply with State child care standards in each of the categories described in section 118(d) that are applicable to the child care services they provide. In addition, the appli-

cant shall provide for maximum membership of family-based child care providers in the group.

(C) USE OF FUNDS.—The application shall provide that the State shall use at least the amount allotted to the State in any fiscal year to establish or operate a child care liability risk retention group.

(D) CONTINUATION OF RISK RETENTION GROUP.—The application shall contain provisions that specify how the child care liability risk retention group will continue to be financed after fiscal year 1992, including financing through contributions by the State or by members of such group.

(d) FEDERAL ENFORCEMENT.—

(1) REVIEW OF APPLICATIONS.—The Secretary shall review and approve State applications submitted in accordance with this section and shall monitor State compliance with the provisions of this section.

(2) FINDING OF NONCOMPLIANCE.—If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds—

(A) that there has been a failure to comply substantially with any provision or any requirements set forth in the State application of that State; or

(B) that there is a failure to comply substantially with any applicable provision of this section,

the Secretary shall notify such State of the findings and of the fact that no further payments may be made to such State under this section until the Secretary is satisfied that there is no longer any such failure to comply, or that the noncompliance will be promptly corrected.

(e) ALLOTMENT TO STATES.—

(1) IN GENERAL.—The Secretary shall make an allotment to each State from the sums appropriated to carry out the provisions of this section using the same allotment formula established under section 105.

(2) STATE ADMINISTRATIVE COSTS.—Of the amount allotted to a State pursuant to paragraph (1), an amount not to exceed 10 percent shall be used by such State to provide for the administrative costs of carrying out such program.

(f) PAYMENTS.—

(1) ENTITLEMENT.—Each State for which an application has been approved by the Secretary under this section shall be entitled to payments under this subsection for each fiscal year in an amount not to exceed its allotment under subsection (e) to be expended by the State in accordance with the terms of the application for the fiscal year for which the grant is to be made.

(2) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or, by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(3) STATE SPENDING OF PAYMENTS.—Payments to a State from the allotment under subsection (e) for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

SEC. 125. HEAD START ACT AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended by striking "$1,405,000,000" and inserting "$1,552,000,000".

SEC. 126. FAMILY MEMBERS TRAINING OR LICENSING.

Nothing in this Act shall be construed to require, or to mandate the States to require, the training or licensing of individuals to provide child care to members of their families.

SEC. 127. STATE ALLOTMENTS.

(a) If, for any fiscal year for which funds are appropriated to carry out this Act, a State does not seek or receive assistance under this Act, then

(i) for purposes of sections 105, 106, 107, 109, 110, 117, and 119, a reference applicable to such State (other than a reference to State law, including licensing and regulatory requirements) shall be deemed to be a reference to each unit of general purpose local government in the State;

(ii) the Secretary shall allot to such unit the pro rata share of such unit attributable to the amount that is allotted to the State under section 105(b); and

(iii) each such unit is eligible to receive assistance under this Act if such unit complies with the requirements of such sections, other than any of such requirements that is expressly waived by the Secretary because its application to such unit is inappropriate.

(b) For purposes of making the allotment required by subparagraph (A), the number of children in a geographical area that lies in the jurisdiction of more than 1 unit of general purpose local government shall be divided equally among all units of general purpose local government—

(i) in which such area lies; and

(ii) which submit an application under this section.

(c) In order to receive funds under subsection (a), a unit of general purpose local government shall submit to the chief executive officer of the State a copy of the plan otherwise required of the State under section 107, assuring the compliance of the unit of general purpose local government with the requirements of the plan, as appropriate, and shall submit a report to the State consistent with the terms and provisions of the report otherwise required of the State under section 111(g).

SEC. 128. SEVERABILITY.

The provisions of this title are declared to be separable. If any one or more provisions of this title is held to be unconstitutional, the same shall not affect the validity of other provisions of this title.

TITLE II—INTERNAL REVENUE CODE PROVISIONS

SEC. 201. SHORT TITLE.

This title may be cited as the "Child Care and Health Insurance Act of 1989".

Subtitle A—Tax credit for Certain Health Insurance Premiums and Child Care and Supplemental Earned Income Credit for Families With Young Children

SEC. 211. CREDIT FOR HEALTH INSURANCE PREMIUM COSTS

(a) ALLOWANCE OF CREDIT.—Paragraph (1) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) IN GENERAL.—In the case of an individual who maintains a household which includes as a member 1 or more qualifying individuals, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(A) the applicable percentage of the employment-related expenses paid by such individual during the taxable year plus

"(B) the credit percentage of the qualified health insurance expenses paid by such individual during the taxable year."

(b) CREDIT PERCENTAGE.—Section 21(a) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) CREDIT PERCENTAGE.—For purposes of paragraph (1)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'credit percentage' means 50 percent reduced (but not below zero) by 16.67 percentage points for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $12,000.

"(B) SPECIAL RULE.—In the case of taxable years beginning before 1994, subparagraph (A) shall be applied by substituting in the case of any taxable year beginning in—

"(i) 1991, '35 percent',

"(ii) 1992, '40 percent', and

"(iii) 1993, '45 percent',

for '50 percent'."

(c) LIMITATIONS.—

(1) DOLLAR LIMITATION.—Section 21(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(c) LIMITATIONS.—

"(1) DOLLAR LIMIT ON EMPLOYMENT-RELATED EXPENSES.—The amount of the employment-related expenses paid during any taxable year which may be taken into account under subsection (a)(1)(A) shall not exceed—

"(A) $2,400 if there is 1 qualifying individual with respect to the taxpayer for such taxable year, or

"(B) $4,800 if there are 2 or more such qualifying individuals.

The amount determined under subparagraph (A) or (B) (whichever is applicable) shall be reduced by the aggregate amount excludable from gross income under section 129 for the taxable year.

"(2) QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a)(1)(B) shall not exceed $1,000."

(2) EARNED INCOME LIMITATION.—

(A) IN GENERAL.—Section 21(d) of such Code is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE FOR QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a)(1)(B) shall not exceed the excess (if any) of—

"(A) the earned income of the taxpayer for the taxable year, over

"(B) the amount of employment-related expenses taken into account under subsection (a)(1)(A)."

(B) CONFORMING AMENDMENT.—Paragraph (1) of section 21(d) of such Code is amended by striking "subsection (a)" and inserting "subsection (a)(1)(A)".

(d) DEFINITIONS AND RULES.—

(1) QUALIFIED HEALTH INSURANCE EXPENSES.—Section 21(b) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFIED HEALTH INSURANCE EXPENSES.—

"(A) IN GENERAL.—The term 'qualified health insurance expenses' means amounts paid during the taxable year for insurance—

"(i) which constitutes medical care (within the meaning of section 213(d)(1)(C)), and

"(ii) under which coverage includes at least 1 qualifying individual.

For purposes of this paragraph, the rules of section 213(d)(6) shall apply.

"(B) QUALIFYING INDIVIDUAL.—For purposes of this paragraph and subsection (a)(1)(B), the term 'qualifying individual' means an individual described in paragraph

(1)(A), except that such paragraph shall be applied by substituting 'age of 19' for 'age of 13'.

"(C) ELECTION NOT TO TAKE CREDIT.—A taxpayer may elect for any taxable year to have amounts described in subparagraph (A) not treated as qualified health insurance expenses."

(2) IDENTIFYING INFORMATION REQUIRED.—Section 21(e)(9) of such Code is amended by adding at the end thereof the following new sentence: "In the case of the credit allowable under subsection (a)(1)(B) for qualified health insurance expenses, the Secretary may require an insurance policy number in addition to (or in lieu of) the taxpayer identification number."

(e) COORDINATION WITH DEDUCTION FOR SELF-EMPLOYED INDIVIDUALS.—Section 162(l) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 21."

(f) CONFORMING AMENDMENTS.—

(1) The heading for section 21 of the Internal Revenue Code of 1986 is amended by inserting "; HEALTH INSURANCE EXPENSES" after "EMPLOYMENT".

(2) The item relating to section 21 in the table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting "; health insurance expenses" after "employment".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 212. DEPENDENT CARE AND HEALTH INSURANCE PREMIUM CREDIT MADE REFUNDABLE.

(a) CREDIT MADE REFUNDABLE.—Section 21 of the Internal Revenue Code of 1986 (relating to credit for household and dependent care services) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) CREDIT REFUNDABLE FOR LOW AND MODERATE INCOME TAXPAYERS.—

"(1) IN GENERAL.—For purposes of this subtitle, in the case of an applicable taxpayer, the credit allowable under subsection (a) for any taxable year shall be treated as a credit allowable under subpart C of this part.

"(2) APPLICABLE TAXPAYER.—For purposes of this subsection, the term 'applicable taxpayer' means a taxpayer whose adjusted gross income for the taxable year does not exceed $28,000 ($14,000 in the case of a married individual filing a separate return).

"(3) COORDINATION WITH ADVANCE PAYMENTS AND MINIMUM TAX.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply with respect to the portion of any credit to which this subsection applies."

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF DEPENDENT CARE CREDIT.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom a dependent care eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's dependent care advance amount.

"(b) DEPENDENT CARE ELIGIBILITY CERTIFICATE.—For purposes of this title, a dependent care eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 21 for the taxable year.

"(2) certifies that the employee reasonably expects to be an applicable taxpayer (within the meaning of section 21(f)) for the taxable year.

"(3) certifies that the employee does not have a dependent care eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer.

"(4) states whether or not the employee's spouse has a dependent care eligibility certificate in effect.

"(5) states the number of qualifying individuals in the household maintained by the employee, and

"(6) estimates the amount of employment-related expense and qualified health insurance expenses for the calendar year.

"(c) DEPENDENT CARE ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'dependent care advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period.

"(B) on the basis of the employee's estimated employment-related expenses and qualified health insurance expenses included in the dependent care eligibility certificate, and

"(C) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(C) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply."

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of dependent care credit."

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1990.

(2) ADVANCE PAYMENT OF CREDIT.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1991.

(3) ONLY PORTION OF CREDIT REFUNDABLE IN 1990.—In the case of any taxpayer to whom section 21(f) of the Internal Revenue Code of 1986 (as added by subsection (a)) applies for any taxable year beginning in 1991.

(A) 90 percent of the amount of the credit allowable under section 21(a) of such Code for such taxable year shall be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1 of such Code, and

(B) the remaining 10 percent of the amount of such credit shall be treated as a credit allowable under section 21 of such Code.

SEC. 213. MODIFICATION OF DEPENDENT CARE CREDIT.

(a) INCREASE IN CREDIT FOR EXPENSES RELATING TO DEPENDENT CARE.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000.

"(B) HIGHER PERCENTAGES FOR LOW-INCOME TAXPAYERS.—The term 'applicable' percentage' means in the case of any taxpayer with an adjusted gross income for the taxable year of—

"(i) $8,000 or less, 34 percent, and

"(ii) more than $8,000 but less than $10,000, 32 percent."

(b) CERTAIN SUBSIDIZED EXPENSES NOT ELIGIBLE FOR CREDIT.—Section 21(e) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(10) SUBSIDIZED EXPENSES.—No expense shall be treated as an employment-related expense or qualifying health insurance expense to the extent such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof."

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 214. SUPPLEMENTAL EARNED INCOME CREDIT FOR FAMILIES WITH YOUNG CHILDREN.

(a) IN GENERAL.—Subsections (a) and (b) of section 32 of the Internal Revenue code of 1986 are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—There is allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of the following amounts:

"(1) GENERAL CREDIT.—In the case of an eligible individual, an amount equal to 14 percent of so much of the earned income for the taxable year as does not exceed $5,714.

"(2) SUPPLEMENT FOR YOUNG CHILDREN.—

"(A) In general.—In the case of an eligible individual with 1 or more qualifying children, an amount equal to the lesser of—

"(i) the applicable percentage of so much of the earned income for the taxable year as does not exceed $5,714, or

"(ii) $750 ($500 for an eligible individual with only 1 qualifying child).

"(B) Applicable percentage.—The term 'applicable percentage' means 10 percent (7 percent for an eligible individual with only 1 qualifying child).

"(b) LIMITATIONS.—

"(1) GENERAL CREDIT.—The amount of the credit allowable to a taxpayer under subsection (a)(1) for any taxable year shall be reduced (but not below zero) by 10 percent of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $9,000.

"(2) SUPPLEMENT FOR YOUNG CHILDREN.—The amount of the credit allowable to a taxpayer under subsection (a)(2) for any taxable year shall be reduced (but not below zero) by 20 percent of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the lesser of—

"(A) $10,000, as adjusted under subsection (i), or

"(B) $12,000."

(b) QUALIFYING CHILD DEFINED.—Subsection (c) of section 32 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFYING CHILD.—The term 'qualifying child' means, for the taxable year, an individual—

"(A) with respect to whom the taxpayer qualifies as an eligible individual, and

"(B) who, as of the end of such taxable year, has not attained the age of 4."

(c) CONFORMING AMENDMENTS.—

(1) Subsection (f)(1) of section 32 of the Internal Revenue code of 1986 is amended by inserting "(including separate tables for individuals with qualifying children)" after "Secretary".

(2) Subsection (i) of section 32 of such code is amended—

(A) by inserting "('calendar year 1990' for 'calendar year 1987' in the case of the dollar amount referred to in clause (iii) of paragraph (2)(B))" before the period at the end of paragraph (1)(B), and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) DEFINITIONS, ETC.—For purposes of paragraph (1)—

"(A) Applicable calendar year.—The term 'applicable calendar year' means—

"(i) 1986 in the case of the dollar amount referred to in clause (i) of subparagraph (B),

"(ii) 1987 in the case of the dollar amount referred to in clause (ii) of subparagraph (B), and

"(iii) 1991 in the case of the dollar amount referred to in clause (iii) of subparagraph (B).

"(B) DOLLAR AMOUNTS.—The dollar amounts referred to in this subparagraph are—

"(i) the $5,714 amount contained in paragraphs (1) and (2)(A)(i) of subsection (a),

"(ii) the $9,000 amount contained in subsection (b)(1), and

"(iii) the $10,000 amount contained in subsection (b)(2)(A)."

(3) Subsection (b) of section 3507 of such Code is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) states the number of qualifying children (as defined in section 32(c)(3)) of the employee for the taxable year.".

(4) Paragraph (1) of section 3507(c) of such Code is amended—

(A) by striking "and" at the end of subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C), and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) on the basis of the number of qualifying children (as defined in section 32(c)(3)) of the employee for such period, and".

(5) Paragraph (2) of section 3507(c) of such Code is amended—

(A) by striking "paragraph (1)(B)" and inserting "paragraph (1)(C)", and

(B) by adding at the end thereof the following new flush sentence:

"A separate advance amount table shall be prescribed for the credit under section 32(a)(2) in the same manner as provided under the preceding sentence, except that the applicable percentage under section 32(a)(2)(B) shall be substituted for 14 percent."

(6) Section 3507 of such Code is amended by adding at the end thereof the following new subsection:

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 215. STUDY OF ADVANCE PAYMENTS.

(a) IN GENERAL.—The Comptroller General of the United States shall, in consultation with the Secretary of the Treasury, conduct a study of advance payments required by section 3507A or the Internal Revenue Code of 1986 (as added by section 212(b)(1)) to determine—

(1) the effectiveness of the advance payment system, and

(2) the manner in which such system can be implemented to alleviate administrative complexity, if any, for small business.

(c) REPORT.—Not later than 1 year after the date of the enactment of this title, the Comptroller shall report the results of the study conducted under subsection (a), together with any recommendations, to the Committee on Finance of the United States Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 215A. PROGRAM TO INCREASE PUBLIC AWARENESS.

Not later than the first day of the first calendar year following the date of the enactment of this title, the Secretary of the Treasury, or the Secretary's delegate, shall establish a taxpayer awareness program to inform the taxpaying public of the availability of the credit for dependent care and health insurance premiums allowed under section 21 of the Internal Revenue Code of 1986 (as amended by this subtitle). Such public awareness program shall be designed to assure that individuals who may be eligible are informed of the availability of such credit and filing procedures. The Secretary shall use public service and paid commercial advertising, direct-mail contact, and any other appropriate means of communication to carry out the provisions of this section.

SEC. 215B. DISCLAIMER.

Notwithstanding any other provision of this act, everything in this act which follows this section and precedes section 216 shall be null and have no force or effect.

SEC. 212. DEPENDENT CARE AND HEALTH INSURANCE PREMIUM CREDIT MADE REFUNDABLE.

(a) CREDIT MADE REFUNDABLE.—Section 21 of the Internal Revenue Code of 1986 (relating to credit for household and dependent care services) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) CREDIT REFUNDABLE FOR LOW AND MODERATE INCOME TAXPAYERS.—

"(1) IN GENERAL.—For purposes of this subtitle, in the case of an applicable taxpayer, the credit allowable under subsection (a) for any taxable year shall be treated as a credit allowable under subpart C of this part.

"(2) APPLICABLE TAXPAYER.—For purposes of this subsection, the term 'applicable taxpayer' means a taxpayer whose adjusted gross income for the taxable year does not exceed $28,000 ($14,000 in the case of a married individual filing a separate return).

"(3) COORDINATION WITH ADVANCE PAYMENTS AND MINIMUM TAX.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply with respect to the portion of any credit to which this subsection applies."

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF DEPENDENT CARE CREDIT.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom a dependent care eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's dependent care advance amount.

"(b) DEPENDENT CARE ELIGIBILITY CERTIFICATE.—For purposes of this title, a dependent care eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 21 for the taxable year,

"(2) certifies that the employee reasonably expects to be an applicable taxpayer (within the meaning of section 21(f)) for the taxable year,

"(3) certifies that the employee does not have a dependent care eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(4) states whether or not the employee's spouse has a dependent care eligibility certificate in effect,

"(5) states the number of qualifying individuals in the household maintained by the employee, and

"(6) estimates the amount of employment-related expenses and qualified health insurance expenses for the calendar year.

"(c) DEPENDENT CARE ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'dependent care advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the employee's estimated employment-related expenses and qualified health insurance expenses included in the dependent care eligibility certificate, and

"(C) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(C) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply."

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of dependent care credit."

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1989.

(2) ADVANCE PAYMENT OF CREDIT.—The amendments made by subsection (b) shall

apply to taxable years beginning after December 31, 1991.

(3) ONLY PORTION OF CREDIT REFUNDABLE IN 1990.—In the case of any taxpayer to whom section 21(f) of the Internal Revenue Code of 1986 (as added by subsection (a)) applies for any taxable year beginning in 1990—

(A) one-third of the amount of the credit allowable under section 21(a) of such Code for such taxable year shall be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1 of such Code, and

(B) the remaining two-thirds of the amount of such credit shall be treated as a credit allowable under section 21 of such Code.

SEC. 213. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) INCREASE IN CREDIT FOR EXPENSES RELATING TO DEPENDENT CARE.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000.

"(B) HIGHER PERCENTAGES FOR LOW-INCOME TAXPAYERS.—The term 'applicable percentage' means in the case of any taxpayer with an adjusted gross income for the taxable year of—

"(i) $8,000 or less, 34 percent, and

"(ii) more than $8,000 but less than $10,000, 32 percent."

(b) CERTAIN SUBSIDIZED EXPENSES NOT ELIGIBLE FOR CREDIT.—Section 21(e) of the Internal Revenue Code of 1986 is amended by adding at the end there the following new paragraph:

"(10) SUBSIDIZED EXPENSES.—No expense shall be treated as an employment-related expense or qualifying health insurance expense to the extent such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof."

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 214. STUDY OF ADVANCE PAYMENTS.

(a) IN GENERAL.—The Comptroller General of the United States shall, in consultation with the Secretary of the Treasury, conduct a study of advance payments required by section 3507A of the Internal Revenue Code of 1986 (as added by section 212(b)(1)) to determine—

(1) the effectiveness of the advance payment system, and

(2) the manner in which such system can be implemented to alleviate administrative complexity, if any, for small business.

(c) REPORT.—Not later than 1 year after the date of the enactment of this title, the Comptroller shall report the results of the study conducted under subsection (a), together with any recommendations, to the Committee on Finance of the United States Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 215. PROGRAM TO INCREASE PUBLIC AWARENESS.

Not later than the first day of the first calendar year following the date of the enactment of this title, the Secretary of the Treasury, or the Secretary's delegate, shall establish a taxpayer awareness program to inform the taxpaying public of the availability of the credit for dependent care and health insurance premiums allowed under section 21 of the Internal Revenue Code of 1986 (as amended by this subtitle). Such public awareness program shall be designed to assure that individuals who may be eligible are informed of the availability of such credit and filing procedures. The Secretary shall use public service and paid commercial advertising, direct-mail contact, and any other appropriate means of communication to carry out the provisions of this section.

SEC. 216. DEMONSTRATION PROJECTS TO EXTEND HEALTH INSURANCE TO CHILDREN NOT COVERED BY PUBLIC OR PRIVATE HEALTH PROGRAMS.

Section 1115 of the Social Security Act (42 U.S.C. 1315) is amended by adding at the end thereof the following new subsection:

"(d)(1)(A) The Secretary shall conduct demonstration projects to evaluate and extend the provision of health insurance to—

"(i) children under the age of 19 who are not covered by other public or private health programs, and

"(ii) at the option of the organization described in subparagraph (B), the parents of such children who are not so covered.

"(B) Subject to the provisions of paragraph (2), the Secretary may enter into agreements to provide coverage described in subparagraph (A) through public and private cooperative arrangements sponsored by organizations, including (but not limited to)—

"(i) school based programs;

"(ii) programs operated under the auspices of nonprofit entities offering health insurance; and

"(iii) programs operated by nonprofit hospitals.

"(2) Any agreement entered into between the Secretary and any organization under paragraph (1)(B)(ii) shall provide—

"(A) that such agreement will be in effect for a period of 5 years, except that such agreement shall be terminated for failure to meet the requirements of this paragraph;

"(B) that the portion of the costs of any coverage program under the agreement to be funded from amounts provided by non-Federal sources shall not be less than the greater of—

"(i) the percentage (not less than 50 percent) specified by the Secretary, or

"(ii) if, at the time the agreement is entered into, such organization is conducting a program similar to the program covered by the agreement, the portion of such similar program funded by such non-Federal sources; and

"(C) that the coverage program provided by such organization shall not—

"(i) restrict enrollment in such program on the basis of a child's medical condition, or

"(ii) impose waiting periods or exclusions for preexisting conditions.

"(3) The Secretary in conducting demonstration projects under this subsection shall provide in any agreement that any organization described in paragraph (1)(B) may charge a premium to individuals enrolling in the coverage program provided by such organization.

"(4) The demonstration projects conducted under this subsection shall evaluate the effects of program coverage under any agreement on—

"(A) access to health services,

"(B) availability of insurance coverage to participating children and their families,

"(C) characteristics of participating children and their families, and

"(D) health care costs.

"(5) The Secretary shall publish no later than January 1, 1990, criteria governing the eligibility and participation of organizations in the demonstration projects conducted under this subsection.

"(6) For purposes of carrying out the demonstration projects described in this subsection there are authorized to be appropriated $25,000,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994."

Subtitle B—Employee Benefit Nondiscrimination Rules

SEC. 221. 1-YEAR DELAY IN APPLICATION OF SECTION 89 RULES.

(a) 1-YEAR DELAY.—Paragraph (1) of section 1151(k) of the Tax Reform Act of 1986 is amended to read as follows:

"(1) IN GENERAL.—The amendments made by this section shall apply to years beginning after December 31, 1989."

(b) CONFORMING AMENDMENT.—Subparagraph (F) of section 1011B(a)(22) of the Technical and Miscellaneous Revenue Act of 1988 is amended by striking "January 1, 1989" and inserting "January 1, 1990".

SEC. 222. REVISION OF ANTIDISCRIMINATION RULES FOR CERTAIN EMPLOYEE BENEFIT PLANS FOR YEARS BEGINNING AFTER 1989.

(a) GENERAL RULE.—Section 89 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 89. HEALTH BENEFITS PROVIDED TO HIGHLY COMPENSATED EMPLOYEES.

"(a) INCLUSION IN INCOME.—

"(1) IN GENERAL.—Notwithstanding any provision of part III of this subchapter, gross income of a highly compensated employee who is a participant in a health plan during any testing year shall include an amount equal to such employee's taxable benefit under such plan for such testing year.

"(2) YEAR OF INCLUSION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)—

"(i) any amount included in gross income under paragraph (1) shall be taken into account for the taxable year of the employee with or within which the testing year ends, and

"(ii) any deduction of the employer attributable to such amount shall be allowable for the taxable year of the employer with or within which the testing year ends.

"(B) ELECTION TO DELAY INCLUSION FOR 1 YEAR.—If an employer maintains a plan with a testing year ending after September 30 and on or before December 31 and elects the application of this subparagraph—

"(i) amounts included in gross income under paragraph (1) with respect to employees of such employer shall be taken into account for the taxable year of the employee following the taxable year determined under subparagraph (A), but

"(ii) any deduction of the employer which is attributable to such amounts shall be allowable for the taxable year with or within which the testing year following the testing year in which the taxable benefits were provided ends.

"(b) TAXABLE BENEFIT.—For purposes of this section—

"(1) TAXABLE BENEFIT UNDER PLANS NOT MEETING ELIGIBILITY REQUIREMENTS.—The taxable benefit of any highly compensated employee under any health plan not meeting the requirements of subsection (c) is the

amount of such employee's employer-provided benefit under such plan.

"(2) TAXABLE BENEFIT UNDER PLANS MEETING ELIGIBILITY REQUIREMENTS.—

"(A) IN GENERAL.—The taxable benefit of any highly compensated employee under health plans meeting the requirements of subsection (c) is the excess (if any) of—

"(i) such employee's aggregate employer-provided benefit under such plans, over

"(ii) 133 percent of the base benefit with respect to such employee.

"(B) BASE BENEFIT.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'base benefit' means, with respect to any employee, the smallest employer-provided benefit for participants with the same number of covered individuals as such employee under any plan which was taken into account in determining whether the requirements of subsection (c)(1)(B) are met with respect to such participants.

"(ii) BASE BENEFIT WHERE MULTIPLE FAMILY OPTIONS AVAILABLE.—If there is no plan meeting the requirements of subsection (c)(1)(B) with respect to participants with the same number of covered individuals as an employee, the base benefit for such employee shall be the smallest employer-provided benefit under the plan which meets such requirements for participants with the next lowest number of covered individuals.

"(iii) BASE BENEFIT ZERO IN CERTAIN CASES.—If—

"(I) no plan of an employer meets the requirements of subsection (c)(1)(B) for participants with self-only coverage, or

"(II) an employer elects the application of this clause for any testing year,

the base benefit for all employees of such employer shall be zero.

"(C) AGGREGATION OF PLANS.—For purposes of subparagraph (A)(ii), an employer may elect to treat any group of 2 or more health plans as 1 plan if—

"(i) each of such plans is available to the same group of employees with the same eligibility requirements, and

"(ii) such plans when so aggregated qualify as a qualified core health plan.

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—For purposes of this section, a health plan meets the requirements of this subsection if—

"(A) such plan does not contain any provision relating to eligibility to participate which (by its terms or otherwise) discriminates in favor of highly compensated employees, and

"(B) the employer maintains 1 or more qualified core health plans and at least 90 percent of all employees are eligible to participate in any of such plans.

"(2) QUALIFIED CORE HEALTH PLAN.—For purposes of this section, the term 'qualified core health plan' means any health plan if—

"(A) the employer-provided benefit under such plan primarily consists of core benefits, and

"(B) such health plan does not require contributions by an employee in excess of the reasonably expected allowable cost of the coverage provided to the employee.

Such term does not include any plan which includes a flexible spending arrangement.

"(3) ALLOWABLE COST.—For purposes of paragraph (2)(B)—

"(A) SELF-ONLY COVERAGE.—In the case of self-only coverage, the allowable cost is 40 percent of the cost of such coverage.

"(B) OTHER COVERAGE.—In the case of coverage other than self-only coverage, the allowable cost is an amount equal to the sum of—

"(i) 40 percent of the cost of such coverage, plus

"(ii) the amount (if any) by which the amount determined under subparagraph (A) exceeds the amount an employee is required to contribute for self-only coverage.

"(C) COST.—For purposes of this paragraph, cost shall be determined under subsection (f)(3)(B)(i) or (f)(3)(C), whichever applies.

"(4) CORE BENEFITS.—For purposes of this section, the term 'core benefits' means—

"(A) comprehensive major medical benefits,

"(B) comprehensive hospitalization benefits, and

"(C) at the election of the employer, other benefits specified by the Secretary.

"(5) SPECIAL RULE FOR SMALL EMPLOYERS.—

"(A) IN GENERAL.—In the case of a plan maintained by a small employer, if the number of employees determined under paragraph (1)(B) is not a whole number, such number shall be rounded to the next lowest whole number (or to 1 if such number is less than 1).

"(B) SMALL EMPLOYER.—For purposes of this paragraph, the term 'small employer' means an employer which normally employs 20 or fewer employees per day during the plan year. All employers treated as 1 employer for purposes of subsection (b), (c), (m), (n), or (o) of section 414 shall be so treated for purposes of the preceding sentence.

"(d) EXCLUDED EMPLOYEES.—

"(1) IN GENERAL.—The following employees shall be excluded from consideration under this section:

"(A) Employees who have not completed 6 months of service. An employee shall be excluded from consideration until the 1st day of the 1st month (or 1st day of a period of less than 31 days specified by the plan) beginning after completion of the period of service required under the preceding sentence.

"(B) Employees who normally work less than 30 hours per week.

"(C) Employees who normally work during not more than 6 months during any year.

"(D) Employees who have not attained age 21.

"(E) Employees who are nonresident aliens and who receive no earned income (within the meaning of section 911(d)(2)) from the employer which constitutes income from sources within the United States (within the meaning of section 861(a)(3)).

"(F) Employees who are students if—

"(i) such students are performing services described in section 3121(b)(10), and

"(ii) core benefits are made available to such students by such employer.

"(G) Any of the following:

"(i) Individuals who have attained the age of 55 and—

"(I) who are enrolled in a federally subsidized program under title V of the Older Americans Act, or

"(II) whose employment is funded under a grant or cooperative agreement made pursuant to the Environmental Programs Assistance Act of 1984.

"(ii) Individuals who are students employed under a cooperative education program which is qualified, or would be qualified, under title VIII of the Higher Education Act of 1965.

"(iii) Individuals who perform services at a rehabilitation facility and—

"(I) who are holding a certificate issued pursuant to section 14(c) of the Fair Labor Standards Act of 1938, or

"(II) who are receiving benefits under section 223 or title XVI of the Social Security Act.

"(iv) Individuals who are imprisoned in a correctional facility operated by or for the United States or a State (or political subdivision thereof) and who are performing services under a program operated by or for such facility.

"(v) Individuals who are performing services under any other similar Federal or State subsidized program specified by the Secretary.

"(2) SPECIAL RULES FOR EMPLOYEES EXCLUDED ON BASIS OF PERIOD OF SERVICE.—

"(A) SHORTER PERIOD.—If a plan specifies a shorter period of service than the period specified in paragraph (1)(A), paragraph (1)(A) shall be applied by using such shorter period.

"(B) SEPARATE APPLICATION.—If employees not meeting the service requirements of paragraph (1)(A) (after application of subparagraph (A)) are covered under a health plan of the employer, the requirements of this section shall be applied separately with respect to such employees.

"(3) EXCLUSION OF MEDICALLY UNINSURABLE EMPLOYEES OF SMALL EMPLOYERS.—In the case of a small employer (within the meaning of subsection (c)(5)(B)), there shall be excluded from consideration under this section employees of the employer who are determined to be medically uninsurable by a third party insurer providing coverage under the health plan.

"(e) SPECIAL RULES RELATING TO OTHER CLASSES OF EMPLOYEES.—For purposes of this section—

"(1) TREATMENT OF UNION EMPLOYEES.—

"(A) IN GENERAL.—If an employer has employees included in any qualified bargaining unit, this section shall be applied separately with respect to employees included in each such unit.

"(B) QUALIFIED BARGAINING UNIT.—For purposes of subparagraph (A), the term 'qualified bargaining unit' means any unit of employees covered by an agreement which the Secretary finds to be a collective bargaining agreement between employee representatives and 1 or more employers if—

"(i) there is evidence that health benefits were the subject of good faith bargaining between the employee representatives and such employer or employers, and

"(ii) not more than a de minimis number of such employees are professional employees.

"(2) EXCEPTIONS FOR EMPLOYEES OF MULTIEMPLOYER PLANS AND SIMILAR EMPLOYEES.—

"(A) IN GENERAL.—There shall be excluded from consideration under this section—

"(i) employees covered by a collective bargaining agreement pursuant to which a health plan which is a multiemployer plan is maintained, and

"(ii) employees with respect to which employer contributions to a health plan are required under—

"(I) the Act of March 3, 1931, commonly referred to as the Davis-Bacon Act (40 U.S.C. 276a, et seq.), or

"(II) any similar Federal law specified by the Secretary.

"(B) SPECIAL RULES FOR PROFESSIONALS AND NONUNION EMPLOYEES.—

"(i) PROFESSIONAL EMPLOYEES.—Subparagraph (A)(i) shall not apply to any employees covered by a multiemployer plan who are professional employees unless there is

no more than a de minimis number of such employees covered by such plan.

"(ii) NONUNION EMPLOYEES.—Notwithstanding subparagraph (A)(i), if a multiemployer plan covers a de minimis number of individuals—

"(I) who are employees of the plan, and

"(II) who are not covered by any collective bargaining agreement pursuant to which the plan is maintained,

such individuals shall be excluded from consideration under this section.

"(3) TREATMENT OF FORMER EMPLOYEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), this section shall be applied separately to former employees under requirements similar to the requirements that apply to employees.

"(B) MODIFICATIONS OF REQUIREMENTS.—Except as provided in regulations, in applying this section to former employees—

"(i) subsection (c)(2)(B) shall not apply, and

"(ii) in determining whether the requirements of subsection (c)(1)(B) are met, the employer may take into account reasonable differences in eligibility to participate based on the age or service of the former employee.

"(C) FORMER EMPLOYEES SEPARATING BEFORE 1990.—This section shall not apply to any former employee who was separated from service before January 1, 1990 (and who was not reemployed on or after such date).

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) HEALTH PLAN.—The term 'health plan' means an accident or health plan within the meaning of section 105(e).

"(2) HIGHLY COMPENSATED EMPLOYEE.—

"(A) IN GENERAL.—The term 'highly compensated employee' has the meaning given such term by section 414(q); except that paragraph (5)(B) of such section shall not apply.

"(B) SPECIAL RULE FOR CERTAIN 5-PERCENT OWNERS.—Notwithstanding subparagraph (A), no amount shall be included under subsection (a) in the gross income of a highly compensated employee for any taxable year if such employee is treated as a highly compensated employee by reason of paragraph (1)(A) of section 414(q) and such employee has adjusted gross income for such taxable year of less than $30,000. In the case of years beginning after 1990, the $30,000 amount under the preceding sentence shall be adjusted at the same time and in the same manner as the $75,000 and $50,000 amounts are adjusted under section 414(q)(1).

"(3) EMPLOYER-PROVIDED BENEFIT.—

"(A) IN GENERAL.—An employee's employer-provided benefit under any health plan is the value of the coverage provided during the testing year to or on behalf of such employee to the extent attributable to contributions made by the employer.

"(B) VALUE OF COVERAGE.—

"(i) IN GENERAL.—Except as provided in clause (ii), the value of the coverage provided under any health plan shall be determined in substantially the same manner as costs under a health plan are determined under section 4980B(f)(4).

"(ii) ELECTION BY EMPLOYER.—At the election of the employer, and except as provided in regulations, the value of the coverage shall be determined under any other reasonable method selected by the employer. This clause shall not apply for purposes of subsection (b) or (c)(2)(B).

"(C) SPECIAL RULE FOR SMALL EMPLOYERS.—Except as provided by the Secretary, in the case of a qualified core health plan with respect to which costs are individually rated, such employer may elect to determine the value of the coverage under the plan for all employees on the basis of the average cost for employees with the same coverage.

"(4) SEPARATE LINE OF BUSINESS EXCEPTION.—

"(A) IN GENERAL.—If, under section 414(r), an employer is treated as operating separate lines of business for a year, the employer may apply the provisions of this section separately with respect to employees in each such separate line of business. The preceding sentence shall not apply to any plan unless such plan is available to a group of employees as qualify under a classification set up by the employer and found by the Secretary not to be discriminatory in favor of highly compensated employees.

"(B) OPERATING UNITS.—In applying section 414(r)(7) for purposes of this section, an operating unit shall be treated as in a separate geographic area from another unit if such units are at least 35 miles apart.

"(5) TREATMENT OF SALARY REDUCTION ARRANGEMENTS.—

"(A) IN GENERAL.—Any contribution by reason of a salary reduction arrangement shall be treated as an employer contribution for purposes of determining the employer-provided benefit of a highly compensated employee.

"(B) ALLOWABLE COST TEST.—For purposes of subsection (c)(2)(B)—

"(i) IN GENERAL.—Any contribution by reason of a salary reduction arrangement (other than a qualified cash payment) shall be treated as an employee contribution.

"(ii) TREATMENT OF QUALIFIED CASH PAYMENTS.—Qualified cash payments shall be treated as employer contributions.

"(C) BASE BENEFIT.—For purposes of subsection (b)(2)(A)(ii), the base benefit under a plan shall be determined—

"(i) by treating any qualified cash payment as an employer-provided benefit, and

"(ii) by treating any other contribution by reason of a salary reduction arrangement as an employer-provided benefit only to the extent such contribution is matched dollar for dollar by an employer contribution which is not made by reason of a salary reduction arrangement.

"(D) QUALIFIED CASH PAYMENT.—For purposes of this paragraph, the term 'qualified cash payment' means an amount which is payable in cash to an employee and which is made solely because the employee indicates that he is covered by a health plan providing core benefits maintained by another employer.

"(6) TESTING YEAR.—The term 'testing year' means—

"(A) any 12-month period beginning with the calendar month designated in the plan for purposes of this section, or

"(B) if there is no such designation, the calendar year.

No period may be designated under subparagraph (A) unless the same period is designated with respect to all other health plans of the employer. Any designation under subparagraph (A) may be changed only with the consent of the Secretary.

"(7) TIME FOR TESTING.—

"(A) IN GENERAL.—Except as provided in regulations prescribed by the Secretary, determinations under this section (other than the determination of a highly compensated employee's actual employer-provided benefit) shall be made on the basis of the facts as of the testing day.

"(B) TESTING DAY.—For purposes of this paragraph, the term 'testing day' means—

"(i) the day designated for the plan as the testing day for purposes of this paragraph, or

"(ii) if there is no day so designated, the last day of the testing year.

"(C) LIMITATIONS.—

"(i) DESIGNATION MUST BE CONSISTENT FOR ALL HEALTH PLANS.—No day may be designated under subparagraph (B)(i) with respect to any plan unless the same day is so designated with respect to all other health plans of the employer.

"(ii) DESIGNATION BINDING.—Any designation under subparagraph (B)(i) shall apply to the testing year for which made and all subsequent years unless revoked with the consent of the Secretary.

"(D) SPECIAL RULE FOR MULTIPLE EMPLOYER PLAN.—In the case of a plan maintained by more than 1 employer (other than a multiemployer plan), each employer may, subject to such rules as the Secretary may prescribe, elect its own testing year under paragraph (6) and its own testing date under this paragraph.

"(8) SPECIAL RULES FOR CERTAIN DISPOSITIONS OR ACQUISITIONS.—

"(A) IN GENERAL.—If a person becomes, or ceases to be, a member of a group described in subsection (b), (c), (m), or (o) of section 414, then the requirements of subsection (c) shall be treated as having been met during the transition period with respect to any plan covering employees of such person or any other member of such group if—

"(i) such requirements were met immediately before such change, and

"(ii) either—

"(I) the coverage under such plan is not significantly changed during the transition period (other than by reason of the change in members of such group), or

"(II) such plan meets such other requirements as the Secretary may prescribe by regulation.

"(B) TRANSITION PERIOD.—For purposes of subparagraph (A), the term 'transition period' means the period—

"(i) beginning on the date of the change in members of a group, and

"(ii) ending on the last day of the 1st plan year beginning after such date of change.

"(9) COORDINATION WITH MEDICARE, ETC.—

"(A) IN GENERAL.—If a plan is coordinated with health or disability benefits provided under any Federal, State, or foreign law or under any other health plan covering the employee or family member of the employee, such plan shall not fail to meet the requirements of subsection (c) merely because the amount of benefits provided to an employee or family member are coordinated in a manner which does not discriminate in favor of highly compensated employees.

"(B) CERTAIN DISABILITY PLANS EXEMPT FROM NONDISCRIMINATION RULES.—This section shall not apply to any disability coverage other than disability coverage the benefits of which are excludable from gross income under section 105 (b) or (c).

"(C) ACCIDENTAL DEATH AND DISMEMBERMENT.—In the case of accidental death and dismemberment benefits—

"(i) this section shall not apply, and

"(ii) rules similar to the rules of section 79(d) shall apply to such benefits.

"(10) EMPLOYERS WITH ONLY HIGHLY COMPENSATED EMPLOYEES.—This section shall not apply to any health plan for any year if the only employees of the employer maintaining such plan are highly compensated employees.

"(11) SPECIAL RULES FOR CHURCH EMPLOYEES.—

"(A) IN GENERAL.—There shall be excluded from consideration under this section church employees covered by a church plan.

"(B) DEFINITIONS.—For purposes of subparagraph (A), the terms 'church employee' and 'church plan' have the meanings given such terms by paragraphs (3)(B) and (1) of section 414(e), respectively, except that—

"(i) section 414(e) shall be applied by substituting 'section 501(c)(3)' for 'section 501' each place it appears, and

"(ii) the term 'church employee' shall not include an employee of—

"(I) an organization described in section 170(b)(1)(A)(ii) above the secondary school level (other than a school for religious training),

"(II) an organization described in section 170(b)(1)(A)(iii), and

"(III) an organization described in section 501(c)(3), the basis of the exemption for which is substantially similar to the basis for exemption of an organization described in subclause (II).

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) EXCISE TAX ON PLANS NOT MEETING CERTAIN REQUIREMENTS.—

(1) IN GENERAL.—Chapter 43 of such Code is amended by adding at the end thereof the following new section:

"SEC. 4980C. FAILURE TO SATISFY CERTAIN REQUIREMENTS WITH RESPECT TO EMPLOYEE BENEFITS PLANS.

"(a) IMPOSITION OF TAX.—

"(1) GENERAL RULE.—There is hereby imposed a tax equal to the applicable percentage of the amounts paid or incurred during any taxable year under a specified employee benefit plan which at any time during the taxable year does not meet the requirements of subsection (c).

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'applicable percentage' means—

"(i) 10 percent with respect to amounts paid or incurred which are allocable to the 1st 6 months of the correction period,

"(ii) 20 percent with respect to amounts paid or incurred which are allocable to the 2nd 6 months of the correction period, and

"(iii) 34 percent with respect to any other amounts.

"(B) CORRECTION PERIOD.—The term 'correction period' means, with respect to any failure, the period—

"(i) beginning on the date any of the persons referred to in paragraph (3) knew, or exercising reasonable diligence knew, that such failure existed, and

"(ii) ending on the date such failure is corrected.

"(3) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by paragraph (1):

"(A) In the case of a plan other than a multiemployer plan, the employer.

"(B) In the case of a multiemployer plan, the plan.

"(b) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that none of the persons referred to in subsection (a)(3) knew, or exercising reasonable diligence would have known, that such failure existed.

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 180 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 180-day period beginning on the 1st date any of the persons referred to in subsection (a)(3) knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY THE SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(c) REQUIREMENTS.—A specified employee benefit plan does not meet the requirements of this subsection unless, except to the extent provided in regulations—

"(1) such plan is in writing,

"(2) the employee's rights under such plan are legally enforceable,

"(3) employees are provided reasonable notification of benefits available in the plan,

"(4) such plan is maintained for the exclusive benefit of employees, and

"(5) such plan was established with the intention of being maintained for an indefinite period of time.

In the case of a plan described in subsection (d)(1) maintained by a small employer (within the meaning of section 89(c)(5)(B)), the requirements of paragraph (1) shall be treated as met if the plan consists of an insurance policy issued by a third party insurer.

"(d) SPECIFIED EMPLOYEE BENEFIT PLAN.—For purposes of this section, the term 'specified employee benefit plan' means—

"(1) an accident or health plan (within the meaning of section 105(e)),

"(2) any plan of an employer for providing group-term life insurance (within the meaning of section 79),

"(3) a qualified tuition reduction program (within the meaning of section 117(d)),

"(4) a cafeteria plan (within the meaning of section 125), and

"(5) a plan to which section 505 applies.

Such term shall not include a church plan (within the meaning of section 414(e)).

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end thereof the following new item:

"Sec. 4980C. Failure to satisfy certain requirements with respect to employee benefits plans."

(c) NONDISCRIMINATION REQUIREMENTS FOR GROUP-TERM LIFE INSURANCE.—

(1) RESTORATION OF PRIOR LAW.—The amendment made by section 1151(c)(1) of the Tax Reform Act of 1986 is hereby repealed and section 79(d) of the Internal Revenue Code of 1986 shall be applied and administered as if the amendment made by such section 1151(c)(1) had not been enacted.

(2) EXCLUSION OF CERTAIN EMPLOYEES.—Subparagraph (B) of section 79(d)(3) of such Code (as in effect on the day before the date of the enactment of the Tax Reform Act of 1986) is amended to read as follows:

"(B) EXCLUDED EMPLOYEES.—For purposes of subparagraph (A), there shall be excluded from consideration employees—

"(i) who are excluded from consideration under rules similar to the rules under section 89(d), determined—

"(I) by substituting '1 year' for '6 months' in paragraph (1)(A) thereof, and

"(II) without regard to paragraph (3) thereof, and

"(ii) employees not included in the plan who are included in a unit of employees covered by an agreement which the Secretary finds to be a collective bargaining agreement between employee representatives and 1 or more employees, if the benefits provided under the plan were the subject of good faith bargaining between such representatives and employers."

(d) CONFORMING AMENDMENTS.—

(1)(A) Sections 117(d)(4), 125(b)(3), and 127(b)(2) of such Code are each amended by striking "section 89(h)" and inserting "rules similar to the rules of subsection (d) of section 89 (determined by substituting '1 year' for '6 months' in paragraph (1)(A) and without regard to paragraph (3))".

(B) Paragraph (2) of section 120(c) of such Code is amended to read as follows:

"(2) ELIGIBILITY.—

"(A) IN GENERAL.—The plan shall benefit employees who qualify under a classification set up by the employer and found by the Secretary not to be discriminatory in favor of employees who are described in paragraph (1).

"(B) EXCLUDED EMPLOYEES.—For purposes of subparagraph (A), there shall be excluded from consideration employees—

"(i) who are excluded from consideration under rules similar to the rules of section 89(d), determined—

"(I) by substituting '1 year' for '6 months' in paragraph (1)(A), and

"(II) without regard to paragraph (3), and

"(ii) employees not included in a plan who are included in a unit of employees covered by an agreement which the Secretary finds to be a collective bargaining agreement between employee representatives and 1 or more employers, if there is evidence that group legal services plan benefits were the subject of good faith bargaining between such representatives and employees."

(C) Paragraph (8) of section 129(d) of such Code is amended to read as follows:

"(8) EXCLUDED EMPLOYEES.—For purposes of paragraphs (2), (3), and (7), there shall be excluded from consideration employees—

"(A) who are excluded from consideration under rules similar to the rules of section 89(d), determined—

"(i) by substituting '1 year' for '6 months' in paragraph (1)(A), and

"(ii) without regard to paragraph (3), and

"(B) employees not included in a program who are included in a unit of employees covered by an agreement which the Secretary finds to be a collective bargaining agreement between employee representatives and 1 or more employers, if there is evidence that dependent care benefits were the subject of good faith bargaining between such representatives and employees."

(D) Paragraph (2) of section 505(b) of such Code is amended to read as follows:

"(2) EXCLUDED EMPLOYEES.—For purposes of paragraph (1), there shall be excluded from consideration employees—

"(A) who are excluded from consideration under rules similar to the rules of section 89(d), determined—

"(i) by substituting '1 year' for '6 months' in paragraph (1)(A), and

"(ii) without regard to paragraph (3), and

"(B) employees not included in a program who are included in a unit of employees covered by an agreement which the Secretary finds to be a collective bargaining agreement between employee representatives and 1 or more employers, if there is evidence that the class of benefits involved were the subject of good faith bargaining between such representatives and employers."

(2) Sections 120(b)(2), 125(c)(1), 127(b)(1)(B), and 129(d)(1)(B) of such Code are each amended by striking "89(k)" and inserting "4980C".

(3) Subparagraph (C) of section 125(c)(2) of such Code is amended by striking the last sentence thereof.

(4) Paragraph (1) of section 125(e) of such Code is amended by striking "section 89(a)" and inserting "sections 79(d) and 89(a)".

(5) Subparagraph (B) of section 162(l)(2) of such Code is amended by inserting "and treating individuals who are employees within the meaning of section 401(c)(1) as employees" before the period at the end thereof.

(6)(A) Subsection (b) of section 4976 of such Code is amended by striking paragraph (5).

(B) Subparagraph (B) of section 4976(c)(1) of such Code is amended to read as follows:

"(B) a health or group-term life insurance plan is part of such fund and benefits under such plan are taxable under chapter 1 by reason of section 79(d) or 89,".

(C) Clause (i) of section 4976(c)(2)(A) of such Code is amended to read as follows:

"(i) the aggregate taxable benefits referred to in paragraph (1)(B), or".

(D) Clause (ii) of section 4976(c)(2)(A) of such Code is amended by striking "such testing year" and inserting "the plan year".

(E) Section 4976(c) is amended by adding at the end thereof the following new paragraph:

"(3) TAX NOT TO APPLY IF AMOUNTS REPORTED ON W-2 FORMS.—No tax shall be imposed under paragraph (1) for any plan year if the employer meets the requirements of section 6051(g) for such year."

(7) Section 6051 of such Code is amended by adding at the end thereof the following new subsection:

"(g) REPORTING REQUIREMENTS FOR CERTAIN TAXABLE FRINGE BENEFITS.—

"(1) IN GENERAL.—If an employee of an employer maintaining any plan is required to include any amount in gross income under section 79(d) or 89 for any year ending with or within a calendar year, the employer shall separately include such amount on the statement which the employer is required to provide the employee under subsection (a) (and any statement required to be furnished under subsection (d)).

"(2) PENALTY.—For penalty for failure to report, see section 6652(k)."

(8)(A) Paragraph (1) of section 6652(k) of such Code is amended by striking "89(l)" and inserting "6051(g)".

(B) Paragraph (2) of section 6652(k) of such Code is amended by striking subparagraph (B) and inserting the following:

"(B) an amount which bears the same ratio to the employer-provided benefit with respect to the individual to whom such failure relates as the amount required to be but not shown on timely statements under sections 6051(a) and 6051(d) bears to the amount required to be shown.

For purposes of subparagraph (B), the term 'employer-provided benefit' means the employer-provided benefit determined under section 89 in the case of a health benefit and the cost of insurance determined under section 79(c) in case of a plan providing group-term life insurance."

(9) The table of sections for part II of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 89 and inserting the following:

"Sec. 89. Health benefits provided to highly compensated employees."

(10) Paragraphs (1), (2), and (3) of section 3021(c) of the Technical and Miscellaneous Revenue Act of 1988 are hereby repealed.

(11) Section 6070 of the Technical and Miscellaneous Revenue Act of 1988 is hereby repealed.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply as if included in the amendments made by section 1151 of the Tax Reform Act of 1986.

(2) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of the enactment of the Child Care and Health Insurance Act of 1989, the amendments made by subsection (a) shall not apply to any employee covered by such an agreement in years beginning before the earlier of—

(A) the date on which the agreement covering such employee expires (without regard to any extension thereof after such date of enactment), or

(B) January 1, 1993.

(3) ELECTION NOT TO HAVE AMENDMENTS APPLY.—

(A) IN GENERAL.—An employer may elect not to have the amendments made by subsection (a) apply to health plans maintained by the employer for years beginning in 1990 or 1991. Such election shall be made each year and shall apply to all health plans of the employer maintained during such year.

(B) EFFECT OF AN ELECTION.—If an election is made under subparagraph (A), section 89 of the Internal Revenue Code of 1986 (as in effect before the amendments made by subsection (a)) shall apply; except that—

(i) such section shall be treated as if it only applied to health plans,

(ii) section 89(d) of such Code (as in effect after such amendments) shall apply in lieu of section 89(h) of such Code (as in effect before such amendments), and

(iii) paragraphs (2) and (3) of section 89(e) of such Code (as in effect after such amendments) shall apply.

(4) ELECTION NOT TO HAVE AMENDMENTS APPLY TO DEPENDENT CARE ASSISTANCE PROGRAMS.—

(A) IN GENERAL.—An employer maintaining a dependent care assistance program to which section 129 of the Internal Revenue Code of 1986 applies may elect (in the same manner as under paragraph (2)) not to have the amendments made by this section (to the extent such amendments apply to such program) apply for years beginning in 1990 or 1991.

(B) EFFECT.—If an election is made under this paragraph, paragraph (2)(B) shall apply to the program, except that "dependent care assistance programs" shall be substituted for "health plans".

(5) SPECIAL RULES RELATING TO SMALL EMPLOYERS.—

(A) 1-YEAR DELAY.—In the case of a small employer, section 89 of the Internal Revenue Code of 1986 (as added by subsection (a)) and section 4980C of such Code (as added by subsection (b)) shall apply to years beginning after December 31, 1990.

(B) STUDY.—

(i) IN GENERAL.—The Secretary of the Treasury or his delegate shall conduct a study to determine if discrimination in favor of highly compensated employees occurs in the providing of employee benefits by small empioyers. Such studies shall consider a broad base of small businesses, including businesses of professionals.

(ii) REPORT.—Not later than July 1, 1990, the Secretary of the Treasury or his delegate shall report the results of such study to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, including any recommendations. Such committees shall review such report and take appropriate actions with respect to the application of nondiscrimination rules to small employers.

(C) SMALL EMPLOYERS.—For purposes of this subparagraph, the term "small employer" has the meaning given such term by section 89(c)(5)(B) of the Internal Revenue Code of 1986 (as added by subsection (a)).

(6) DELAY IN APPLICATION OF QUALIFICATION RULES.—Section 4980C of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to plan years beginning after the later of—

(A) December 31, 1989, or

(B) the earlier of—

(i) 3 months after the Secretary of the Treasury or his delegate issues regulations for the application of such section which taxpayers may rely upon, or

(ii) December 31, 1990.

Notwithstanding paragraph (5), in the case of a small employer (as defined in paragraph (5)), section 4980C of such Code shall apply to years beginning after the date which is one year after the date determined under the preceding sentence.

(7) GUIDANCE.—Not later than January 1, 1990, the Secretary of the Treasury or his delegate shall issue such guidance as may be necessary to comply with the provisions of section 89 of the Internal Revenue Code of 1986 (as amended by subsection (a)).

SEC. 223. OTHER PROVISIONS RELATING TO NONTAXABLE BENEFITS.

(a) TREATMENT OF LEASED EMPLOYEES.—

(1) REPLACEMENT OF HISTORICAL TEST WITH CONTROL TEST.—Subparagraph (C) of section 414(n)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(C) such services are performed by such person under the control of the recipient."

(2) SERVICES INCIDENTAL TO SALES OR CONSTRUCTION DISREGARDED.—Paragraph (2) of section 414(n) of such Code is amended by adding at the end thereof the following new flush sentence.

"The term 'leased employee' shall not include an individual solely because such individual is performing services incidental to the sale of goods or equipment or incidental to the construction of a facility. Such term shall include the support staff of professional employees."

(b) DEPENDENT CARE ASSISTANCE.—

(1) INCLUSION IN INCOME OF EXCESS BENEFITS.—Paragraph (7) of section 129(d) of such Code is amended by adding at the end thereof the following new paragraph:

"(C) FAILURE TO MEET REQUIREMENTS.—

"(i) IN GENERAL.—If a plan fails to meet the requirements of this paragraph for any plan year—

"(I) such plan shall be treated as a plan which is a dependent care assistance program to which subsection (a) applies, but

"(II) there shall be included in the gross income of each highly compensated employee for the taxable year of such employee with or within which the plan year ends an amount equal to such employee's excess benefit.

"(ii) EXCESS BENEFIT.—For purposes of this subparagraph, the excess benefit of any employee is the excess of the employee's employer-provided benefit under the plan over the highest permitted benefit.

"(iii) HIGHEST PERMITTED BENEFIT.—For purposes of clause (ii), the highest permitted benefit under any plan shall be determined by reducing the nontaxable benefits of highly compensated employees (beginning with employees with the greatest nontaxable benefits) until such plan would be treated as meeting the requirements of subparagraph (A) if such reduced benefits were taken into account."

(2) INFORMATION REPORTING.—Paragraph (9) of section 6051(a) of such Code is amended by inserting "and the amount of such assistance required to be included in gross income by reason of section 129(d)(7)(C)" after "section 129(d)".

(c) GROUP-TERM LIFE INSURANCE.—

(1) HIGHLY COMPENSATED EMPLOYEES.—

(A) Section 79(d) of such Code is amended by striking "key" each place it appears (other than paragraph (6)) and inserting "highly compensated".

(B) Paragraph (6) of section 79(d) of such Code is amended to read as follows:

"(6) HIGHLY COMPENSATED EMPLOYEE.—For purposes of this subsection, the term 'highly compensated employee' has the meaning given such term by section 414(q)."

(2) COMPENSATION LIMIT.—Paragraph (5) of section 79(d) of such Code is amended by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, compensation for any year shall not be taken into account for such year to the extent it exceeds the amount in effect under section 401(a)(17) for such year."

(d) HIGHLY COMPENSATED EMPLOYEES.—

(1) COMPENSATION THRESHOLDS.—Subparagraph (D) of section 414(q)(1) of such Code is amended to read as follows:

"(D) was at any time an officer and received compensation in excess of the amount in effect under subparagraph (C) for such year."

(2) ROUNDING.—Paragraph (1) of section 414(q) of such Code is amended by adding at the end thereof the following new sentence: "If the amount determined under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the nearest $1,000 (other than for purposes of applying the preceding sentence)."

(e) LINE OF BUSINESS TEST.—

(1) APPLICATION FOR PERIOD BEFORE GUIDELINES ISSUED.—In the case of any plan year beginning on or before the date the Secretary of the Treasury or his delegate issues guidelines under section 414(r)(2)(C) of the Internal Revenue Code of 1986 (and begins issuing determination letters with respect to such section), an employer meeting the requirements of section 414(r)(2) (A) and (B) of such Code with respect to a line of business may treat it as a separate line of business if the employer reasonably determines it to be separate.

(2) APPLICATION TO DEPENDENT CARE PROGRAMS.—Paragraph (1) of section 414(r) of such Code is amended by inserting ", 129(d)(7)," after "section 89".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall take effect as if included in the amendments made by section 1151 of the Tax Reform Act of 1986.

(2) SUBSECTION (a).—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1983.

(3) SUBSECTION (b).—The amendments made by subsection (b) shall apply to years beginning after December 31, 1988.

(4) LINE OF BUSINESS.—The provisions of subsection (e)(1) shall apply to years beginning after December 31, 1986.

SEC. 224. STUDY OF SECTION 89.

The United States Bipartisan Commission on Comprehensive Health Care established under section 401 of the Medicare Catastrophic Coverage Act of 1988 (42 U.S.C. 1395b note) shall study the implementation and effectiveness of section 89 of the Internal Revenue Code of 1986. The Commission shall include in its report under section 406(b) of such Act the results of the study, including recommendations with respect to—

(1) improving the effectiveness of section 89 in making employer-provided health insurance more accessible and affordable to low- and middle-income employees, and

(2) alternative methods for improving accessibility and affordability of health insurance available in the work place.

Subtitle C—Other Revenue Provisions

SEC. 331. PERMANENT EXTENSION OF TELEPHONE EXCISE TAX.

(a) IN GENERAL.—Paragraph (2) of section 4251(b) of the Internal Revenue Code of 1986 is amended by striking "percent;" and all that follows through the period and inserting "percent.".

(b) TIME FOR DEPOSIT OF TELEPHONE EXCISE TAXES.—Section 4251 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subsection:

"(d) TIME FOR DEPOSIT OF TAXES.—If, under regulations prescribed by the Secretary, a person is required to make deposits of any tax imposed by this section with respect to amounts considered collected by such person during any semi-monthly period, such deposits shall be made not later than the third day (not including Saturdays, Sundays, or legal holidays) after the close of the first week of the second semi-monthly period following the period to which such amounts relate."

(c) ONE-TIME FILING OF TELEPHONE EXCISE TAX EXEMPTION CERTIFICATES.—Section 4253 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subsection:

"(k) FILING OF EXEMPTION CERTIFICATES.—

"(1) IN GENERAL.—In order to claim an exemption under subsection (c), (h), (i), or (j), a person shall provide to the provider of communications services a statement (in such form and manner as the Secretary may provide) certifying that such person is entitled to such exemption.

"(2) DURATION OF CERTIFICATE.—Any statement provided under paragraph (1) shall remain in effect until—

"(A) the provider of communications services has actual knowledge that the information provided in such statement is false, or

"(B) such provider is notified by the Secretary that the provider of the statement is no longer entitled to an exemption described in paragraph (1).

If any information provided in such statement is no longer accurate, the person providing such statement shall inform the provider of communications services within 30 days of any change of information."

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall take effect on the date of the enactment of this title.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to the payment of taxes considered collected for semi-monthly periods beginning after June 30, 1990.

(3) SUBSECTION (c).—

(A) IN GENERAL.—The amendment made by subsection (c) shall apply to any claim for exemption made after the date of the enactment of this title.

(B) DURATION OF EXISTING CERTIFICATES.—Any annual certificate of exemption effective on the date of the enactment of this title shall remain effective until the end of the annual period.

SEC. 332. ESTIMATED TAX PAYMENTS REQUIRED FOR S CORPORATIONS.

(a) IN GENERAL.—Section 6655(g) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(4) APPLICATION OF SECTION TO CERTAIN TAXES IMPOSED ON S CORPORATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), this section shall apply to any of the following taxes imposed on an S corporation:

"(i) The tax imposed by section 1374(a) (or corresponding prior provision of law).

"(ii) The tax imposed by section 1375(a).

"(iii) Any tax imposed by reason of section 1371(d)(2).

"(B) SPECIAL RULES.—In applying this section to an S corporation—

"(i) clause (ii) of subsection (d)(1)(B) shall not apply to the taxes described in clauses (i) and (iii) of subparagraph (A), and

"(ii) paragraph (2) of subsection (d) shall not apply."

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the amendments made by this section shall apply to installments required to be made after the date of the enactment of this title with respect to taxable years ending after such date.

(2) SPECIAL RULES.—

(A) PAYMENTS SPREAD OVER REMAINING INSTALLMENTS.—Notwithstanding section 6655(d)(1)(A) of the Internal Revenue Code of 1986, any estimated payment of any tax relating to an item arising before the date of enactment of this title for any taxable year beginning on or before and ending after such date shall be taken into account ratably among the installments required to be made after such date for such taxable year.

(B) ANNUALIZED INSTALLMENT PAYMENTS.—If subsection (e) of section 6655 of such Code applies with respect to payments described in subparagraph (A), subclauses (II), (III), and (IV) of paragraph (2)(A)(i) of such subsection shall be applied by using the longer time periods prescribed under such subclauses.

(C) NUMBER OF REQUIRED INSTALLMENT.—For purposes of this paragraph, paragraph (1) shall be disregarded in determining the number of any required installment.

TITLE III—SOCIAL SECURITY ACT AMENDMENTS

SEC. . RETIREMENT TEST EXEMPT AMOUNT INCREASED TO $10,560 IN 1990.

(a) IN GENERAL.—Subparagraph (D) of section 203(f)(8) of the Social Security Act (42

U.S.C. 403(f)(8)) is amended to read as follows:

"(D) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual who has attained retirement age (as defined in section 216(l)) before the close of the taxable year involved shall be $880 for each month of any taxable year ending after 1989 and before 1991.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1989.

SEC. 302. REDUCTION FACTOR WITH RESPECT TO CERTAIN EARNINGS LOWERED TO 25 PERCENT.

(a) IN GENERAL.—Paragraph (3) of section 203(f) of the Social Security Act (42 U.S.C. 403(f)) is amended by striking "33⅓ percent" and all that follows through "paragraph (8)" and inserting "equal to the sum of (A) 25 percent of so much of his earnings for such year in excess of the product of the applicable exempt amount as determined under paragraph (8) as does not exceed $5,000, and (B) 33⅓ percent of so much of such earnings in excess of such product as exceeds $5,000,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1989.

SEC. 303. PAYMENT OF RECOMPUTED BENEFITS.

(a) IN GENERAL.—Subparagraph (D) of section 215(f)(2) of the Social Security Act (42 U.S.C. 415(f)(2)) is amended by striking subparagraph (D) and inserting the following new subparagraphs:

"(D) A recomputation under this paragraph with respect to any year shall be effective—

"(i) in the case of an individual who did not die in that year, for the earlier of—

"(I) monthly benefits beginning with benefits for the fifteenth month following the end of such year, or

"(II) monthly benefits beginning with benefits for the month in which the individual submits a written request for such recomputation; or

"(ii) in the case of an individual who died in that year, for monthly benefits beginning with benefits for the month in which he died.

"(E) Under regulations of the Secretary, monthly benefits increased as a result of a recomputation under this paragraph which became effective pursuant to subparagraph (D)(i) shall be further increased on an actuarial basis (taking into account the age of the individual) to include the value of benefits which would have otherwise been paid if the recomputation were effective beginning with benefits for January of the year following the year with respect to which the recomputation is made.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to recomputations made after the date of enactment of this Act.

SEC. 304. PAYMENT OF CERTAIN RETROACTIVE BENEFITS.

(a) IN GENERAL.—Subparagraph (B) of section 202(j)(4) of the Social Security Act (42 U.S.C. 402(j)(4)) is amended—

(1) by redesignating clause (v) as clause (vi), and

(2) by inserting after clause (iv) the following new clause:

"(v) Any retroactive benefits for which an individual is eligible because of clause (i) or (iv) shall be paid to the individual as an increase in the individual's monthly benefit amounts, determined on an actuarial basis pursuant to regulations prescribed by the Secretary.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to applications for benefits made after the date of enactment of this Act.

SEC. 305. MANDATORY PROVISION OF SOCIAL SECURITY ACCOUNT STATEMENT.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301-1320b-10) is amended by adding at the end thereof the following new section:

"SOCIAL SECURITY ACCOUNT STATEMENTS

"Provision Upon Request

"SEC. 1141. (a)(1) Beginning not later than October 1, 1990, the Secretary shall provide upon the request of an eligible individual a social security account statement (hereinafter referred to as the 'statement').

"(2) Each statement shall contain—

"(A) the amount of wages paid to and self-employment income derived by the eligible individual as shown by the records of the Secretary at the date of the request;

"(B) an estimate of the employee and self-employment, old age, survivors, and disability insurance contributions of the eligible individual as shown by the records of the Secretary at the date of the request;

"(C) a separate estimate of the employee and self-employment hospital insurance contributions of the eligible individual; and

"(D) an estimate of the potential monthly retirement, disability, survivor, and auxiliary benefits payable on the eligible individual's account together with a description of the benefits payable under the medicare program of title XVIII.

"(3) For purposes of this section, the term 'eligible individual' means an individual who—

"(A) has a social security number,

"(B) has attained age 25 or over, and

"(C) has wages or net earnings from self-employment.

"Notice to Eligible Individuals

"(b) The Secretary shall to the maximum extent practicable take such steps as are necessary to assure that eligible individuals are informed of the availability of the statement described in subsection (a).

"Mandatory Provision of Statements

"(c)(1) By not later than September 30, 1994, the Secretary shall provide a statement to each eligible individual who has attained age 60 by October 1, 1993, and who is not receiving benefits under title II and for whom a current mailing address can be determined through such methods as the Secretary deems appropriate. In fiscal years 1994 through 1999 the Secretary shall provide a statement to each eligible individual who attains age 60 in such fiscal years and who is not receiving benefits under title II and for whom a current mailing address can be determined through such methods as the Secretary deems appropriate. The Secretary shall provide with each statement to an eligible individual notice that such statement is updated annually and is available upon request.

"(2) Beginning not later than October 1, 1999, the Secretary shall provide a statement on a biennial basis to each eligible individual who is not receiving benefits under title II and for whom a mailing address can be determined through such methods as the Secretary deems appropriate. With respect to statements provided to eligible individuals who have not attained age 50 such statements need not include estimates of monthly retirement benefits. However, if such statements provided to eligible individuals who have not attained age 50 do not include estimates of retirement benefit amounts, such statements shall inlcude a description of the benefits (including auxiliary benefits) that are available upon retirement.".

(b) REPORT TO CONGRESS AND STUDY.—Not later than October 1, 1996, the Secretary shall submit to Congress a report on the implementation of the requirements of this Act and on his specific plans for implementing the final requirements contained in such Act, particularly with regard to estimating retirement benefit amounts for individuals who have not attained the age of 60.

(c) DISCLOSURE OF ADDRESS INFORMATION BY INTERNAL REVENUE SERVICE TO SOCIAL SECURITY ADMINISTRATION.—

(1) IN GENERAL.—Section 6103(m) of the Internal Revenue Code of 1986 (relating to disclosure of taxpayer identity information) is amended by adding at the end thereof the following new paragraph:

"(6) SOCIAL SECURITY ACCOUNT STATEMENTS FURNISHED BY SOCIAL SECURITY ADMINISTRATION.—Upon written request by the Commissioner of Social Security, the Secretary may disclose the mailing address of any taxpayer who is entitled to receive a social security account statement pursuant to section 1141(c) of the Social Security Act, for use only by officers, employees, or agents of the Social Security Administration for purposes of mailing such statement to such taxpayer.".

(2) SAFEGUARDS.—The last sentence of section 6103(p)(4) of such Code (relating to safeguards) is amended by striking out "subsection (m)(2) or (4)" and inserting in lieu thereof "paragraphs (2), (4), or (6) of subsection (m)".

(3) UNAUTHORIZED DISCLOSURE PENALTIES.—Paragraph (2) of section 7213(a) of such Code (relating to unauthorized disclosure of returns and return information) is amended by striking out "(m)(2) or (4)" and inserting in lieu thereof "(m) (2), (4), or (6)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 306. CHILD CARE EARNINGS EXCLUDED FROM WAGES AND SELF-EMPLOYMENT INCOME FOR EXCESS EARNINGS TEST.

(A) WAGES.—Section 203(f)(5)(C) of the Social Security Act (42 U.S.C. 403(f)(5)(C)) is amended—

(1) by striking out "or" at end of clause (i),

(2) by striking out the period at the end of clause (ii) and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following new clause:

"(iii) the amount of any payment made to an employee who has attained retirement age (as defined in section 216(l)) by an employer for child care services (including indirect services) performed by such employee after the month in which such employee initially becomes entitled to insurance benefits under this title.".

(b) SELF-EMPLOYMENT INCOME.—Section 203(f)(5)(D) of such Act (42 U.S.C. 403(f)(5)(D)) is amended—

(1) by striking out "or" at the end of clause (i),

(2) by adding "or" at the end of clause (ii),

(3) by inserting immediately after clause (ii) the following new clause:

"(iii) an individual who has attained retirement age (as defined in section 216(l)) who has become entitled to insurance benefits under this title, any income attributable

to child care services (including indirect services) performed after the month in which such individual becomes entitled to such benefits,", and

(4) by striking out "royalties or other income" and inserting in lieu thereof "royalties or income".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to wages or income earned after the date of the enactment of this Act.

TITLE IV—GENERAL PROVISIONS

SEC. 401. SENSE OF CONGRESS REGARDING THE HIGHER EDUCATION ACT.

(a) FINDINGS.—Congress finds that—

(1) postsecondary education is an increasingly important element in enhancing the productivity of the work force;

(2) the enrollment of students in colleges, junior colleges and technical institutes continues to increase rapidly;

(3) the most rapidly growing segment in such institutions consists of those students who are 25 years of age or older;

(4) postsecondary education must expand its services to meet the needs of the changing student population;

(5) a barrier to continuing education is the lack of affordable, accessible and quality child care;

(6) students are often economically disadvantaged and child care costs are an additional financial burden;

(7) postsecondary schools have limited resources for traditional student services and do not have additional funding for child care; and

(8) the one hundredth Congress recognized that such problems exist and authorized, but did not appropriate, $10,000,000 for postsecondary institutions to assist students with child care.

(b) SENSE OF CONGRESS.—It is the sense of Congress that $10,000,000 should be appropriated in fiscal year 1990 to carry out subpart 8 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070f).

SEC. 402. PENALTIES FOR DESECRATING THE FLAG.

Subsection (a) of section 700 of title 18, United States Code, is amended to read as follows:

"(a) Whoever knowingly and publicly mutilates, defaces, burns, displays on the floor or ground, or tramples upon any flag of the United States shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the bill, as amended, passed.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE PRESIDING OFFICER

The PRESIDING OFFICER. The Chair announces, pursuant to Public Law 100-480, the designation of the Senator from South Carolina [Mr. THURMOND] to represent the Republican leader on the Commission for the Judiciary Office Building.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business in which Senators may speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORIAM: JAN NICHOLS HINKLEY

Mr. CRANSTON. Mr. President, on May 29, the Peace Corps suddenly lost one of its foremost advocates and dedicated workers, Jan Nichols Hinkley. Jan was killed on Memorial Day in a tragic accident along with both her parents. Through her tremendous efforts as Director of Congressional Relations at the Peace Corps, she did more for world peace and understanding in 5 years than most could ever hope to accomplish in a lifetime.

Jan Hinkley joined the Peace Corps staff as Director of Congressional Relations in 1984 after 12 years in the Senate working with my colleague Senator TED STEVENS—for many years as his administrative assistant. Since 1984, Jan worked unceasingly to establish effective working relationships with the Senate Foreign Relations Committee and the House Foreign Affairs Committee and the two Appropriations Committees. She forged bonds of trust and two-way communication that were remarkable. She also worked to bring the Peace Corps' message to many, many Senators and Representatives and their staffs. Her efforts were incredibly successful in gaining and strengthened congressional support for the Peace Corps and advancing legislation and appropriations so important to its vitality.

Her activities and talents lead to many innovations and improvements in Peace Corps programs. Jan was a particularly staunch and effective advocate for the congressionally mandated 10,000-volunteer goal for the Peace Corps. Her enthusiasm, dedication, commitment, and love of volunteer service contributed greatly to a resurgence of interest in the Peace Corps in the Congress and across the Nation.

Over the years, Jan proved herself to be a truly remarkable person with unlimited energy and enormous dedication to the betterment of humankind. She was generous and kind, loving and thoughtful, and was truly thrilled to be working to promote world peace and understanding. She was always a joy to work with and touched the lives of all who had the privilege to call her a friend.

Jan's sudden tragic absence has left a deep void in the hearts of many, including friends, family, colleagues, and admirers. The Peace Corps and the Congress have lost a very good friend indeed; and public service is diminished by her passing.

As sorely as Jan will be missed by so many of us up here, her wish would be for those of us who worked so closely with her to rededicate ourselves to the mission she so ardently believed in, pursued, an promoted. I pledge to continue my best efforts, in her memory and honor, to carry on the tasks she so persistently and effectively asked of us to strengthen, expand, and improve the Peace Corps in the quest for mutual understanding and peace, around the world.

TEST PILOT'S DREAM

Mr. MATSUNAGA. Mr. President, I rise to speak in behalf of a test pilot's dream, one which I share: The X-30 supersonic aircraft which offers the prospect of flying four times faster than any other plane has ever done. It could go from New York to San Francisco in a matter of 1 hour flight time.

As part of a series of future issues and trends published to mark its centennial, the Wall Street Journal on Monday carried a story on this plane of the future as seen through the eyes of Lt. Col. Ted Wierzbanowski, considered one of the Air Force's foremost test pilots. It is an absorbing story of one man's dedication to a goal, the realization of this experimental airplane, which would be capable of taking off from an ordinary airport and achieving Earth orbit. It is a vision, based on known technology, which will be realized one day. How soon and by whom remain to be seen.

Mr. President, if Colonel Wierzbanowski has his way—and he is a resourceful Air Force manager, indeed—it will be sooner rather than later and the aircraft will bear the Stars and Stripes. The Colonel is 43 and his aim is to fly the space plane before his test pilot career is over. Unlike Air Force test pilots of yesteryear, Col. Wierzbanowski is both a project executive and a highly trained specialist with degrees in engineering and management.

The Wall Street Journal article makes clear that the key to the X-30 reaching ultra-high speeds is a new generation of engines, called scramjets, that mix oxygen from the air with liquid hydrogen on board to provide the necessary thrust.

Mr. President, S. 639, a bill which I have introduced for a national hydrogen research and development program, would provide the Colonel with the necessary legislative thrust to realize his dream, a dream of many in aviation circles. This is legislation I have championed since the 97th Congress and have urged passage ever since. Like the Colonel, I am not growing any younger and I share his dream for the realization of liquid hydrogen's promise.

For the benefit of my colleagues and others who may not have read this story of determination and imagination, fighting institutional inertia to achieve flight, I ask unanimous con-

sent that the Journal article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLUE SKY: PLANE OF THE FUTURE WOULD FLY INTO ORBIT, CROSS U.S. IN AN HOUR—THE X-30 HAS A WAYS TO GO, BUT NASA AND PENTAGON HAVE SOME PLANS FOR IT, A TEST PILOT AND HIS DREAM

(By Bob Davis and Andy Pasztor)

EDWARDS AIR FORCE BASE, Calif.—Lt. Col. Ted Wierzbanowski, one of the Air Force's premier test pilots, looks beyond a stretch of desert shrubs and abandoned buildings here. Someday, this will be the home of the world's hottest airplane, he tells a pack of aerospace contractors competing to build it.

The executives shade their eyes from the midday sun. They check their heels for snakes. They see nothing but trouble. Not enough warehouse space, one mutters. Not much room for fuel, says another. Col. Wierzbanowski is unfazed. Be imaginative, he urges: "Wild ideas sometimes work."

The wildest idea in aerospace these days is the colonel's plan to build a jet that would take off from an ordinary airport and vault into earth orbit. It would fly four times faster than any other plane in history.

The X-30—the X standing for experimental—would have engines as powerful as rockets. It would use exotic materials that could stand 10,000-degree heat. Roughly the size of a Boeing 727, it would be sleek as a missile, its advanced engines arrayed from nose to tail. With a top speed of 17,000 m.p.h.—25 times the speed of sound—it could zoom from California to New York in less than an hour.

If successful, the plane could undertake orbital missions every few days, not needing the army of technicians and extensive preparation that keep the space shuttle idled for months at a time. Its sponsors, the Defense Department and the National Aeronautics and Space Administration, won't say much about what the X-30's mission would be, but a spy-plane version could race to the skies above Russia as fast as a missile and, since it had a pilot on board, inspect far more targets than a satellite can.

Col. Wierzbanowski, linebacker-sized with craggy good looks, wants to do more than build the space plane—he longs to fly it. As a top acquisition official on the project, he hunts avidly for factories to build the plane, exhorts contractors to improve their designs and even plots the routes of the first test flights in 1994. Orbital flights would start two years later.

"The first pilots should be people who wrote the manual, not people who memorize the manual," says the colonel, who is known by his flight-jock moniker of "W-plus-12."

But the test pilot's dream is threatened by budget and technical problems. The cost of the project is as stratospheric as the plane: $4 billion. The Air Force and NASA won't decide until September of 1990 whether to build it. Now, Col. Wierzbanowski's new boss, Defense Secretary Dick Cheney, wants to pull the project out of Air Force to save money and switch it to NASA, which has its own budget squeeze.

Supporters on Capitol Hill and elsewhere contend that the space plane is crucial to U.S. leadership in space and are battling to save the project, however. In a few weeks, the National Space Council, headed by the vice president, is expected to recommend hefty funding for the space plane.

The X-30 started life in 1986 as the "Orient Express"—President Reagan's vision of a plane that could shuttle business travelers to Tokyo in a few hours. But the phrase has become an embarrassment to X-30 officials, who concede the plane would make a lousy airliner. For one thing, the wings would get so hot during atmospheric re-entry that they would look as if they were burning up, hardly a sight to reassure passengers.

The space plane actually is a successor to the X-15, the rocket-powered experimental plane of the 1960s that was dropped from the wing of a B-52 and roared to heights of 67 miles and a velocity of about seven times the speed of sound. The X-15 pioneered the use of rocket thrusters to maneuver in space and of flight simulators to train pilots, among other firsts. But the government's interest in experimental aircraft waned in the 1970s as attention turned to the shuttle.

From 1975 through 1984, the government didn't fly any X-aircraft, killing proposal after proposal to build a plane faster than the X-15. That attitude began to shift, however, as technology advanced. Aerospace engineers designed lightweight blends of metals and plastics able to withstand stresses that would crush conventional airplanes; they theorized that a jet using oxygen in the air for part of its fuel could reach orbital speed.

"We're desperate to raise the U.S. from this mediocrity of aluminum airplanes," says Scott Crossfield, a former X-15 pilot who has championed the X-aircraft renewal as a senior staffer on the House science committee.

Col. Wierzbanowski also was desperate to get into X-planes, to boost what had been a largely undistinguished flying career. During pilot training, he flubbed one of his final test runs and placed just 16th in a graduating class of about 50. He was a states-side flight instructor during the Vietnam war and didnt get to fly fighters until nine years after graduation, patrolling Iceland and trading obscene gestures with Soviet bomber crews.

He finally got picked for the test-pilot training at 35, one of the oldest in the class. He went on to become a top test pilot. Now 43, he worries that if the space plane is delayed much, he'll be considered too old to fly it—and lose a chance to return to his beloved Edwards from his management job at Wright-Patterson Air Force Base in Dayton, Ohio. "I really want to get back to the desert," he says, "I'm a desert rat."

FAST PLANES

At Edwards, the talk is of fast airplanes, daring flight maneuvers and not much else. Here, Col. Wierzbanowski is a star playing Broadway. For six years, he was the sole Air Force test pilot on the X-29, a bizarre-looking plane with its wings pointed forward for greater agility. Now he's in charge of turning the X-30 from an engineer's dream to reality. "Any test pilot who told you he didn't want to fly the X-30 would be blowing smoke," he says.

A test pilot's life now is far different from in the postwar days when Chuck Yeager broke the sound barrier in the bullet-shaped X-1. Mr. Yeager flew as many as 27 different kinds of aricraft in a month, Says Edwards historian James Young; Col. Wierzbanowski has flown three in six years. Mr. Yeager barely made it out of high school; the colonel has engineering and management degrees and spent four years helping design the X-29 before he flew it. Test pilots now are often project managers as well as fly-boys.

As an X-29 manager, Col. Wierzbanowski set up the Air Force office that runs experimental aircraft and traveled the country talking up the project to generals, who approved money to build a second plane. As an X-29 pilot, the cautiously practice each test run three times on a simulator and inspected emergency landing sites by air before strapping himself into the cockpit.

But some things don't change: Test flights are still dangerous and test pilots are still cocky. Col. Wierzbanowski's sidekick at Edwards, NASA test pilot Steve Ishmael, had to parachute from an F-18 that was spinning out of control last year. Mr. Ishmael, who broke his jaw when he landed, dismisses shuttle astronauts as hopelessly behind the times. "The orbiter gives you great views out the window, but it's a 20-year-old system," he says.

LIQUID HYDROGEN

The X-30, though, would push the limits of technology. To reach ultra-high speeds, it would use a new generation of engines, called scramjets, that mix oxygen from the air with liquid hydrogen on board to provide thrust. It would get so hot that nitrogen would have to be pumped through engine surfaces and the plane's skin. Leaks of the explosive hydrogen could cripple the craft.

Designing the space plane taxes even the most sophisticated supercomputers. No wind tunnel can simulate speeds anywhere near the maximum envisioned. Simply figuring out how to track the plane is a formidable task-it would fly so fast it would kick up a gaseous cloud that would block communications.

Though the Air Force won't disclose its ultimate plans for space planes, a National Academy of Sciences report says that if the service wanted to, it could use them to spy on foreign sites more quickly and thoroughly than with satellites, or to shower an enemy with warheads as fast as intercontinental missiles can. Unlike missiles, the plane could be recalled in case of error.

Before any space planes are built, though, Col. Wierzbanowski must prove the technology works. The heat-resistant materials need to be available by the thousands of pounds, not in the mint-sized samples engineers have now. The engines might be unable to capture enough oxygen from the air for fuel to boost the plane into orbit. Then the plane would need a rocket for orbital flights, and if the rocket had to be too big, the plane's advantage over the shuttle would drop sharply.

OVER BUDGET

Budget constraints may prevent engineers from attacking those problems. The project is already a year behind schedule and about $700 million over budget. Using the slogan "Let's get real," Col. Wierzbanowski prods some of the nation's largest aerospace contractors, including McDonnell Douglas Corp. and General Dynamics Corp., to stay on schedule and assign their best designers to the project. The companies already have kicked in half of the $1.5 billion spent on X-30 research and test facilities, but he prods them to do more.

In the California desert, he tries to fire their imagination. He leads a bus packed with aerospace officials to a sprawling military preserve, called Plant 42, where the Stealth bomber and shuttle orbiter are produced, to show off a hangar big enough to manufacture the X-30. Then it's off to nearby Edwards, where he points out miles

and miles of dry lake beds, as flat as runways. "If something goes wrong, you'd be able to land anywhere," he says. "That's what we call margin of error."

After the contractors depart, he plunges into the details of the plane with local X-30 managers, who see him as their link to space-plane headquarters at Wright-Patterson. Johnny Armstrong, a wisecracking veteran of the X-15, fills him in on the test plan.

The X-30 would fly so fast, Mr. Armstrong explains later, that it would quickly run out of room at Edwards. All the U.S. would become a test range. In early runs, the plane would head east at six times the speed of sound, turn around over Cape Canaveral in Florida, fly back twice as fast, and then glide in for a landing. To test at higher speeds, it would have to detour north around Chicago. Dozens of controllers at Edwards would monitor X-30 instruments for signs of trouble, including "flutter"—ominous vibrations that could tear the plane apart.

WINDOW FLAP

Even so, Col. Wierzbanowski can't guarantee that in an emergency the plane would land safely on a runway instead of in pieces in someone's den.

He keeps the pilot's safety foremost in mind, though. He pushed through funding for an X-30 simulator that Edwards test pilots can use to help design the cockpit and flight controls. The simulator looks as if it belongs to a video arcade, with a fake leather chair, joystick and video monitor, but it helps the pilots run through mock flights and learn whether they could land the craft without crashing.

Over beers at the Officers' Club, Col. Wierzbanowski's test-pilot buddy, Mr. Ishmael, brings up a sore point about cockpit windows. Space-plane designers don't like them, he says, because they're heavy and hard to cool. Designers would just as soon put the cockpit in the tail, or even in the fuel tank. "They want us to fly by TV," he complains. "They want us to fly by magic."

Windows are a must, Col. Wierzbanowski insists. "We've had astronauts tell us it would be dumber than dirt to build a spacecraft and not be able to see outside," he says.

Besides, if W-plus-12 gets the chance to fly an airplane into earth orbit, he wants to be able to see where he's going.

ANNUAL REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT—PM-52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I am pleased to transmit to the Congress the annual report of the Council on Environmental Quality, *Environmental Quality 1987-1988.* This report focuses on the Nation's air, land, and water resources that are particularly affected by the urbanization of our population and by other intensive uses. It presents CEQ's analysis of the historical trends, current status, and outlook for urban air quality, developed water resources, and the growing burden of municipal solid waste on the urban landscape. it also offers an assessment of the Federal lands reserved for our national defense installations, which present special environmental challenges.

Americans built great cities that have facilitated commerce and economic growth and prosperity, and provided homes to millions of new citizens from all over the world. Today nearly three-fourths of our people reside in communities classified as "urban," which make up only about 2 percent of this country's total land acreage. As our Nation has generally prospered by intensively developing these urban areas, expectations for human health and quality of the natural environment have also increased.

Hence, for nearly 2 decades, governments at all levels have increased their efforts to address pollution and environmental degradation. Parallel efforts in the private sector have accompanied government programs to protect the human environment. As a result, we can point proudly to improvements on a number of fronts. Some of these are reviewed in this CEQ report. For example, the Federal motor vehicle control program, which sets emissions standards for all new production vehicles, has brought about a clearly demonstrated improvement in the quality of the air in cities throughout the Nation.

But we can do better. That is why we are committed to cleaner air in the Nation's cities, and why we believe that a fresh approach to the Clean Air Act can help the Nation's environmental needs without compromising our record of unprecedented economic growth. It is now clear that different cities have varying climatic conditions, industrial mixes, and automobile use patterns. Cleaner air in our cities will thus require credible commitment, timetables, and strategies for the different regions of the country. Innovative solutions tailored to meet local circumstances will be required. Draconian limits on economic growth and on the use of the automobile should not be necessary in order to give Americans clean air at levels they are willing to pay for, but it will require significant Federal, State, and local leadership and innovative approaches from government and industry.

We must do better. This country must make every effort to stem the rising tide of garbage and industrial waste through a more aggressive use of waste minimization and recycling practices. America as a nation is filling landfills faster than it can establish new ones. The waste problem is not going away, and it can no longer be neglected. Waste minimization must start at home and in the local communities, by reducing household garbage and separating wastes for recycling. In many cases it is in the economic self-interest of industry to recycle its wastes, to minimize waste generation at the source, or to adopt less polluting processes. Innovative techniques that have proven effective in reducing wastes both in industry and in local communities should be widely shared.

We will do better. The development of America's abundant water resources has stimulated economic advancement in nearly all regions of the country and has facilitated growth in interstate commerce generally. Since 1972, a national expenditure of $350 billion for water pollution abatement and control has restored water quality in many places so that today some three-fourths of our rivers, lakes, and estuaries can fully support fishing and swimming. But the pollution that washed ashore on popular beaches last summer has again focused attention on the condition of the Nation's coastal waters. Abuses of the oceans and the Great Lakes must end and will end, and we will work closely with the States to enforce and strengthen the effectiveness of the Ocean Dumping Act and the Clean Water Act. We must also better protect America's wetlands, by working towards a goal of no net loss through a coordinated wetlands policy. We are also committed to protecting the Nation's surface and ground water resources from contamination by fertilizers and pesticides without jeopardizing the economic vitality of U.S. agriculture, and we will work with farmers to adopt environmentally sound production practices, safer chemicals, and biological pest controls.

Doing a better job of cleaning the air will make our cities more healthful. Doing a better job of solid waste management will make our landscapes safer and more attractive. Doing a better job of protecting our water resources will add importantly to the overall opportunities for outdoor recreation within and near our urban communities, closer to where most Americans spend most of their time. Recent studies of outdoor recreation have pointed out the enormous popularity of water-based recreation activities and have stressed the positive relationship between improvements in water quality and the effective use of urban lands available for outdoor recreation.

A better life for all Americans is our great common desire, and I believe that economic growth and a clean environment are both part of what all Americans understand a better life to mean. The protection of the environment and the conservation and wise management of our natural resources must have a high priority on our national agenda. Given sound research, hard work, sufficient public and pri-

vate funds, and—most important—the necessary political will, we can achieve and maintain an environment that protects the public health and enhances the quality of life for us all.

GEORGE BUSH.

THE WHITE HOUSE, *June 23, 1989.*

MESSAGES FROM THE HOUSE

At 11:05 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 694. An act to amend the Energy Policy and Conservation Act to extend the authority for the strategic petroleum reserve, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1278) to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 1, 219(5), 223, 314, and 315 and title I of the House bill, and sections 1, 222(4), 223, that portion of section 301 adding new sections 3(b) and 5 (s) and (t) to the Home Owners' Loan Act of 1933, and 1409, and titles I and XV of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. ANNUNZIO, Mr. NEAL of North Carolina, Ms. OAKAR, Mr. VENTO, Mr. BARNARD, Mr. GARCIA, Mr. SCHUMER, Mr. LEHMAN of California, Mr. MORRISON of Connecticut, Mr. CARPER, Mr. KLECZKA, Mr. PRICE, Mr. WYLIE, Mr. LEACH of Iowa, Mrs. ROUKEMA, Mr. BEREUTER, Mr. ROTH, Mr. SAXTON, Mr. STEARNS, and Mr. GILLMOR.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 501, 505 through 508, 1203, 1204, 1207, 1208, 1211, and 1212 and titles II (except section 219(5)), III (except sections 314 and 315), IV, VI, and VIII of the House bill, and sections 501, 505, 724, 1402 through 1405, 1410, 1413, and 1414 and titles II (except sections 221(b)(2), 222(4), and 223), III (except that portion of section 301 adding new sections 3(b) and 5 (s) and (t) to the Home Owners' Loan Act of 1933), IV, VI, and VIII of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. ANNUNZIO, Mr. NEAL of North Carolina, Mr. LAFALCE, Ms. OAKAR, Mr. SCHUMER, Mr. FRANK, Mr. LEHMAN of California, Mr. CARPER, Mr. KANJORSKI, Mr. MCMILLEN of Maryland, Mr. MCDERMOTT, Mr. WYLIE, Mr. LEACH of Iowa, Mr. SHUMWAY, Mr. PARRIS, Mr. MCCOLLUM, Mr. DREIER of California, Mr. HILER and Mr. BARTLETT.

From the Committee on Banking, Finance and Urban Affairs, for consideration of titles IX, X, and XI of the House bill, and sections 221(b)(2), 1408 and 1411, and titles IX, X, and XIII of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. ANNUNZIO, Mr. FAUNTROY, Mr. HUBBARD, Mr. BARNARD, Ms. KAPTUR, Mr. ERDREICH, Mr. NELSON of Florida, Mrs. PATTERSON, Mr. FLAKE, Mr. HOAGLAND, Mr. NEAL of Massachusetts, Mr. WYLIE, Mr. LEACH of Iowa, Mr. SHUMWAY, Mr. PARRIS, Mr. MCCOLLUM, Mr. BEREUTER, Mr. RIDGE, and Mr. MCCANDLESS.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 1201, 1202, 1205, 1206, 1210, 1213 through 1216, and titles VII and XIII of the House bill, and sections 1401, 1406, 1407, and 1415 and titles VII (except section 724), XI and XII of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. ANNUNZIO, Mr. FAUNTROY, Mr. HUBBARD, Ms. OAKAR, Mr. VENTO, Mr. GARCIA, Mr. FRANK, Mr. MORRISON of Connecticut, Mr. TORRES, Mr. KLECZKA, Mr. KENNEDY, Mr. MFUME, Ms. PELOSI, Mr. WYLIE, Mr. LEACH of Iowa, Mrs. ROUKEMA, Mr. DREIER of California, Mr. BARTLETT, Mr. ROTH, Mr. RIDGE, Mrs. SAIKI, and Mr. BUNNING.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 502 through 504 of the House bill, and sections 502 through 504 of the Senate amendment, and modifcations committed to conference: Mr. GONZALEZ, Mr. ANNUNZIO, Mr. FAUNTROY, Mr. NEAL of North Carolina, Mr. HUBBARD, Mr. LAFALCE, Mr. VENTO, Mr. SCHUMER, Mr. FRANK, Mr. MORRISON of Connecticut, Mr. TORRES, Mr. KLECZKA, Mr. WYLIE, Mr. LEACH of Iowa, Mr. HILER, Mr. MCCANDLESS, Mr. SAXTON, Mrs. SAIKI, Mr. BAKER, and Mr. PAXON.

From the Committee on Ways and Means, for consideration of title XIV of the House bill, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. ARCHER, Mr. VANDER JAGT, and Mr. CRANE.

From the Committee on Ways and Means, for consideration of section 217, such portions of section 502 adding new subsections 21B (b), (c) (1) and (2), (d)(3), (f)(1) (A) and (B), (g)(2)(B), and (j) to the Federal Home Loan Bank Act, sections 502 (b) and (c), 504 and 1209 of the House bill and that portion of section 501 adding a new subsection 21A(k) to the Federal Home Loan Bank Act, such portions of section 502 adding new subsections 21B(b), (C)(1), (2), (3), (5), (6), and (8), (d) (1), (2) and (3), (f)(1) and (i) to the Federal Home Loan Bank Act, sections 503 and 504 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. JACOBS, Mr. FORD of Tennessee, Mr. JENKINS, Mr. DOWNEY, Mr. GUARINI, Mr. RUSSO, Mr. PEASE, Mr. ARCHER, Mr. VANDER JAGT, Mr. CRANE, Mr. FRENZEL, Mr. SCHULZE, Mr. GRADISON, Mr. THOMAS of California, and Mr. MCGRATH.

As additional conferees, for consideration of the remaining portions of section 502 of the House bill, and the remaining portions of section 502 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GUARINI, and Mr. ARCHER.

As an additional conferee, for consideration of sections 1213 through 1215 of the House bill, and modifications committed to conference: Mr. CONYERS.

As an additional conferee, for consideration of section 223 of the House bill, and that portion of section 223 adding a new subsection 28(d) to the Federal Deposit Insurance Act of the Senate amendment, and modifications committed to conference: Mr. DORGAN of North Dakota.

From the Committee on the Judiciary, for consideration of sections 212 and 219 of the House bill, and sections 212, 214, and 222 of the Senate amendment, and modifications committed to conference: Mr. KASTENMEIER, Mr. CONYERS, Mr. HUGHES, Mr. GLICKMAN, Mr. STAGGERS, Mr. SANGMEISTER, Mr. FISH, Mr. HYDE, Mr. GEKAS, and Mr. SMITH of Mississippi.

From the Committee on the Judiciary, for consideration of title IX of the House bill, and sections 913, and 981(c), and title X of the Senate amendment, and modifications committed to conference: Mr. KASTENMEIER, Mr. CONYERS, Mr. HUGHES, Mr. FRANK, Mr. SCHUMER, Mr. SANGMEISTER, Mr. FISH, Mr. HYDE, Mr. GEKAS, and Mr. SMITH of Mississippi.

From the Committee on Government Operations, for consideration of section 502(c) of the House bill, and modifications committed to conference: Mr. CONYERS, Mrs. COLLINS, Mr. ENGLISH, Mr. SYNAR, Mr. WISE, Mr. HORTON, Mr. CLINGER, and Mr. MCCANDLESS.

From the Committee on Rules, for consideration of that portion of section 501 adding a new section 21A(u) to the Federal Home Loan Bank Act, and section 502(c) of the House bill, and modifications committed to conference: Mr. MOAKLEY, Mr. DERRICK, Mr. BEILENSON, Mr. FROST, Mr. BONIOR, Mr. QUILLEN, and Mr. SOLOMON.

At 12:24 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2402) making supplemental appropriations for the Department of Veterans' Affairs for the fiscal year ending September 30, 1989, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 50. A concurrent resolution providing for a conditional recess or adjournment of the Senate and a conditional adjournment of the House over the July 4th Holiday.

ENROLLED JOINT RESOLUTION SIGNED

At 1:14 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 111. Joint resolution designating June 23, 1989, as "United States Coast Guard Auxiliary Day."

The enrolled joint resolution was subsequently signed by the Vice President.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance without amendment:

S. 1262: An original bill to amend the Trade Act of 1974 to make Poland eligible for the Generalized System of Preferences.

Mr. BENTSEN. Mr. President, Secretary Baker yesterday asked me, on behalf of the administration, to attempt to move a bill making Poland eligible for benefits under the Generalized System of Preferences or GSP. The House passed the measure on Tuesday. The administration is asking us to move the measure this week, in order for the President to be able to tell Polish leaders when he visits there the week of July 10 that he is authorized to extend Poland this benefit.

Under the GSP program, the United States gives preferential tariff treatment to imports from certain developing countries. The law specifically prohibits imports from certain Communist countries and certain developed countries from receiving GSP treatment. Poland is one of those countries.

Under the GSP program, even if a country is eligible for GSP, it does not necessarily receive the benefit. The President may only designate countries for GSP if the criteria set forth in the law are met. For example, no country may receive GSP benefits if it denies its workers internationally recognized workers' rights or is dominated or controlled by international communism. Some countries have actually lost GSP benefits by discretionary action of the President because they were found to no longer meet the statutory criteria.

Finally, no country receives GSP on all the products it exports to the United States. Certain products from certain countries are disqualified automatically by law, others are disqualified because a country becomes a competitive exporter of those products.

So, even if the Congress amends the law to make Poland eligible for GSP, that does not mean that all products imported from Poland will immediately receive the benefit. However, I think it is reasonable for us to expect that the President intends to reward Poland for its advances in democracy and human rights by extending the benefit to at least some products imported from Poland if he can find that it meets the statutory criteria. The administration has not told us what those products would be, but we do know that 1988 imports from Poland of products potentially eligible for GSP were worth $73 million. All of those products are now subject to our regular MFN rate of duty, averaging 4.8 percent ad valorem.

I believe there are reasonable policy objectives for considering GSP treatment for imports from Poland. The purpose of the GSP program is to support economic development in developing countries through the expansion of their exports. Poland's per capita income is around $2,000 per year, about the same as Mexico's, well below the maximum amount set forth in the GSP statute. While most U.S. tariffs are low, giving Poland some tariff preferences may allow it to make some sales that it would not have made with the full duty. Given the relatively small volume of trade involved, I do not see much risk for U.S. producers, but providing these incentives to Poland will hopefully encourage their recent reforms and promote a large role in that economy for market-based decisions. Moreover, I think we have an opportunity here to authorize the President to demonstrate what we support by way of human rights and democracy in the Communist world.

For these reasons, I support moving the original bill at this time.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 1256. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of flexible individual retirement accounts the interest on which is exempt from tax, to allow a credit for contributions by low-income persons to such account, and for other purposes; to the Committee on Finance.

By Mr. DOLE (by request):

S. 1257. A bill to improve the contribution of libraries to the education of economically disadvantaged or handicapped individuals, to increase access to library materials through resource sharing, to support research and assessment necessary to improve library services, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY:

S. 1258. A bill to amend the Higher Education Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself and Mr. DECONCINI):

S. 1259. A bill to amend section 3143 of title 18, United States Code, to require the detention of any person found guilty of a violent offense pending sentence or appeal, and for other purposes; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. BENTSEN, Mr. HATCH, Mr. GRAHAM, and Mr. SIMON):

S. 1260. A bill to amend the Immigration and Nationality Act to continue to permit, after October 1, 1989, the immigration of certain adopted children; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. ADAMS, Mr. SIMON, Ms. MIKULSKI, Mr. GORE, Mr. LAUTENBERG, Mr. DODD, Mr. HATFIELD, Mr. PELL, and Mr. MATSUNAGA):

S. 1261. A bill to amend the Civil Rights Act of 1964 to clarify the burden of proof for unlawful employment practices in disparate impact cases and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BENTSEN, from the Committee on Finance:

S. 1262. An original bill to amend the Trade Act of 1974 to make Poland eligible for the Generalized System of Preferences; placed on the calendar.

By Mr. SIMON (for himself, Mr. CRANSTON, and Mr. DIXON):

S. 1263. A bill to treat Hong Kong as a separate foreign state for purposes of applying the numerical limitations on immigration; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself, Mr. BENTSEN, Mr. JOHNSTON, Mr. LEAHY, Mr. CONRAD, and Mr. JEFFORDS):

S. 1264. A bill to provide for the phased reduction of approximately 10,000 United States Army personnel stationed in the Republic of Korea; to the Committee on Armed Services.

By Mr. PRYOR (for himself and Mr. BOREN):

S. 1265. A bill to amend title 31, United States Code, to permit the Comptroller General of the United States to review and decide protests of Federal Government employees relating to converting to contractor performance certain functions performed by such employees, and to amend the Federal Property and Administrative Services Act of 1949 to provide for judicial review of certain agency decisions relating to converting to contractor performance of commercial activities performed by Federal Government employees; to the Committee on Governmental Affairs.

By Mr. KASTEN:

S. 1266. A bill to amend the Federal Food, Drug and Cosmetic Act to specify the authority to regulate food products with cheese and meat, to require food containing

imitation or substitute cheese to be labeled to reflect the fact that such cheese is contained in the food, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 1267. A bill to require that imports of fresh papaya meet all the requirements imposed on domestic fresh papaya; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO (for himself and Mr. COHEN):

S. 1268. A bill to amend the Immigration and Nationality Act to permit certain nationals of the People's Republic of China to adjust their status to that of aliens lawfully admitted to the United States for temporary residence; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 1269. A bill for the relief of Ibrahim Hakki Demircan; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. MURKOWSKI, and Mr. DECONCINI):

S. 1270. A bill to provide an Indian mental health demonstration grant program; to the Select Committee on Indian Affairs.

By Mr. DECONCINI (by request):

S. 1271. A bill to amend title 17, United States Code, to change the fee schedule of the Copyright Office, and to make certain technical amendments; to the Committee on the Judiciary.

By Mr. DECONCINI (by request):

S. 1272. A bill to amend chapter 8 of title 17, United States Code, to reduce the number of Commissioners on the Copyright Royalty Tribunal, to provide for lapsed terms of such Commissioners, and for other purposes; to the Committee on the Judiciary.

By Mr. BOREN (for himself, Mr. DURENBERGER, Mr. DANFORTH, Mr. PRYOR, Mr. LUGAR, Mr. LEAHY, Mr. DASCHLE, Mr. COCHRAN, Mr. CONRAD, Mr. SYMMS, Mr. PRESSLER, Mrs. KASSEBAUM, Mr. GRASSLEY, Mr. BOSCHWITZ, Mr. HARKIN, Mr. BURDICK, Mr. BOND, and Mr. NICKLES):

S. 1273. A bill to amend the Internal Revenue Code of 1986 with respect to treatment by cooperatives of gains or losses from sale of certain assets; to the Committee on Finance.

By Mr. HATCH:

S. 1274. A bill to improve health care and health insurance for all Americans and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WIRTH:

S. 1275. A bill to authorize the Secretary of the Interior to construct, operate, and maintain a water treatment plant for the purpose of treating water discharged from the Leadville Mine Drainage Tunnel near Leadville, Colorado, in order to meet water quality standards, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GLENN (for himself, Mr. ROTH, Mr. PRYOR, Mr. STEVENS, and Mr. SASSER):

S. 1276. A bill relating to the method by which Government contributions to the Federal employees health benefits program shall be computed for contract year 1990 or 1991, if no Government-wide indemnity benefit plan participates in that year; to the Committee on Governmental Affairs.

By Mr. FORD (for himself and Mr. MCCAIN):

S. 1277. A bill to amend the Federal Aviation Act of 1958 to prohibit the acquisition of a controlling interest in an air carrier unless the Secretary of Transportation has made certain determinations concerning the effect of such acquisition on aviation safety; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI:

S. 1278. A bill to deny the People's Republic of China most-favored-nation trade treatment; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 1279. A bill to amend title 38, United States Code, to revise the eligibility requirements for veterans readjustment employment and to extend the veterans readjustment employment program; to the Committee on Veterans' Affairs.

By Mr. PRYOR (for himself and Mr. BOREN):

S. 1280. A bill to amend title 31, United States Code, to permit the Comptroller General of the United States to review and decide protests of Federal Government employees relating to converting to contractor performance certain functions performed by such employees, and to amend the Federal Property and Administrative Services Act of 1949 to provide for judicial review of certain agency decisions relating to converting to contractor performance of commercial activities performed by the Federal Government employees; to the Committee on Governmental Affairs.

By Mr. GLENN (for himself and Mr. FORD):

S. 1281. A bill to amend the Harmonized Tariff Schedule of the United States to suspend the duties on certain bicycle parts, and for other purposes; to the Committee on Finance.

By Mr. GARN (for himself, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BOND, Mr. BOSCHWITZ, Mr. BURDICK, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. GORTON, Mr. GRAMM, Mr. HATCH, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MATSUNAGA, Mr. MCCLURE, Ms. MIKULSKI, Mr. MITCHELL, Mr. MURKOWSKI, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SASSER, Mr. SHELBY, Mr. SIMPSON, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WARNER, and Mr. WILSON):

S.J. Res. 170. Joint resolution to designate July 20, 1989, and July 20, 1990, as "Space Exploration Day"; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S.J. Res. 171. Joint resolution proposing an amendment to the Constitution of the United States relative to the display and care for the flag of the United States of America; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. LEAHY, and Mr. JEFFORDS):

S.J. Res. 172. Joint resolution to recognize the Bicentennial of the American Morgan Horse and to designate the period commencing October 9, 1989, and ending October 15, 1989, as "National Morgan Horse Week"; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mrs. KASSEBAUM, Mr. COCHRAN, Mr. LOTT, Mr. COATS, Mr. NUNN, Mr. SANFORD, Mr. BREAUX, Mr. REID, Mr. PRYOR, Mr. JOHNSTON, Mr. PELL, Mr. BRYAN, Mr. GARN, Mr. CONRAD, Mr. STEVENS, Mr. JEFFORDS, Mr. RUDMAN, Mr. SHELBY, Mr. EXON, Mr. LEVIN, Mr. ROCKEFELLER, Mr. DURENBERGER, Mr. BRADLEY, Mr. LAUTENBERG, Mr. HOLLINGS, Mr. LIEBERMAN, Mr. LUGAR, Mr. DANFORTH, Ms. MIKULSKI, Mr. GLENN, Mr. GORE, Mr. ROBB, Mr. WIRTH, Mr. BENTSEN, Mr. SIMON, Mr. KERRY, Mr. CHAFEE, Mr. COHEN, Mr. MCCLURE, Mr. PRESSLER, Mr. GORTON, Mr. PACKWOOD, Mr. HELMS, Mr. KOHL, Mr. HUMPHREY, Mr. WARNER, Mr. INOUYE, Mr. MOYNIHAN, and Mr. GRASSLEY):

S.J. Res. 173. Joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATFIELD:

S. Con. Res. 51. A concurrent resolution in support of human rights and democracy in Hong Kong; to the Committee on Foreign Relations.

By Mr. HATFIELD (for himself, Mr. GLENN, and Mr. WARNER):

S. Con. Res. 52. A concurrent resolution to express the sense of the Congress that science, mathematics, and technology education should be a national priority; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself, Mr. BOSCHWITZ, Mr. HEINZ, Mr. DIXON, Mr. MITCHELL, Mr. DOLE, Mr. DURENBERGER, Mr. LIEBERMAN, Mr. DASCHLE, Mr. LUGAR, Mr. GORTON, Mr. PELL, Mr. GRAHAM, Mr. SIMON, Mr. INOUYE, Mr. CHAFEE, Mr. JEFFORDS, Mr. PRESSLER, Mr. KENNEDY, Mr. BURDICK, Mr. KERRY, Mr. SARBANES, Mr. COHEN, Mr. GLENN, Mr. EXON, Mr. BIDEN, Mr. DECONCINI, Mr. STEVENS, Mr. D'AMATO, Mr. BUMPERS, Mr. HOLLINGS, Mr. CONRAD, Mr. MATSUNAGA, Mr. MURKOWSKI, Mr. MCCAIN, Mr. DOMENICI, Mr. CRANSTON, Mr. RIEGLE, Mr. SIMPSON, Mr. MACK, Mr. GORE, Mr. WIRTH, Mr. BRADLEY, Mr. MOYNIHAN, Mr. HATFIELD, Mr. WILSON, Mr. PACKWOOD, Mr. HUMPHREY, and Mrs. KASSEBAUM):

S. Con. Res. 53. A concurrent resolution concerning Iranian persecution of the Baha'is; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 1256. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of flexible individual retirement accounts the interest on which is exempt from tax, allow a credit for contributions by low-income persons to such account, and for other purposes; to the Committee on Finance.

1989 SAVE AMERICA TAX ACT

Mr. ROTH. Mr. President, I've heard it said that there is a growing sentiment in America that regular saving should be ignored—that the Government will take care of the people and give them security when they get beyond a certain age or become old and unable to work, but it must be borne in mind that the people who earn and do save, take care of the Government. Were it not for the thrifty and the willing workers, the Government would be in a very bad way.

Adam Smith simplified this basic economic truth when he said:

As the capital of an individual can be increased only by what he saves . . . so the capital of a society can be increased only in the same manner.

In this distinguished Chamber, Mr. President, we'd be hard pressed to find someone who disagrees with these two axioms. Ironically, however, it would be just as hard to find recent substantial and successful legislation that encourages Americans to save. Almost everything points in the opposite direction, including the 1986 Tax Reform Act which cut the otherwise successful Individual Retirement Account Program off at the knees.

I can still recall the 2 weeks that surrounded the 1986 vote. My office phone never stopped ringing as Americans—businessmen, families, farmers, teachers, retired folks—called to ask why Congress was wiping out the one program that focused on self-reliance. Letters poured in—as I'm sure they did in the offices of my colleagues—and I understood only too well something I'd known for a long time: Americans are a self-reliant people. Most Americans depend on themselves first, family second, church and community organizations third, and then, if they must, they'll turn to the Government.

Sometimes, however, I think Congress violates this spirit of self-reliance. Sometimes I think Washington becomes all too eager to enslave the hearts and minds of the people, too conscript Americans to policies and programs that fade once they oxidize in the air of reality outside the beltway. And this happens when we fail to focus on the silent majority, the people who run our small businesses and family farms, the people who plan to send their own children to college, the young couples who buy homes, and hardworking, frugal Americans saving for retirement—saving for themselves, for their children, and for their grandchildren.

These are the people to whom Rudyard Kipling referred when he wrote:

Savings represents much more than mere money value. They are the proof that the saver is worth something in himself. Any fool can waste; any fool can muddle; but it takes something more of a man to save and the more he saves the more of a man he makes of himself. Waste and extravagance unsettle a man's mind for every crisis; thrift, which means some form of self-restraint, steadies it.

This all seems so simple. But if it is, why, then has it been so hard for this distinguished body to enact legislation to promote savings? Why have the policies, some of which are lobbed out of Washington like errant projectiles, turned America into a nation of consumers? Why has Congress allowed the United States to become the lowest savings nation of all our major trade competitors?

You would think that something so fundamental to the well-being of our countrymen, and to the Nation as a whole, would be a top priority for us, especially as we continue to move into the dynamic global economy where competition is stiff and our leadership is anything but assured. Yet Congress has continued to exacerbate the bias against savings, as our own Treasury Department pointed out in 1977. The double taxation of savings, first as income then on interest, increases the price of saving relative to consumption. In recent years our hybrid tax system has moved even further in this unproductive direction, as additional forms of saving have been included in the income tax base.

What's even more ironic is that Congress has moved in the wrong direction even when it's known better—even though it has evidence that tax incentives for saving have been effective. For example, a 1987 study published by the prestigious National Bureau of Economic Research found that most IRA contributions resulting from the tax changes made in 1981 did represent new saving. According to the report, "The data show almost no substitution of IRA's for other saving." What's more, the study noted that IRA's comprised about $45 billion, about one-fourth of personal saving by 1986.

In keeping with what I've said about mainstream America being our savers, this study also found that about 70 percent of the contributors to IRA plans earned less than $50,000 in 1984.

Despite these data, and the need for America to become a savings nation, Congress, unfortunately for many taxpayers, eliminated, or curtailed, the tax deduction. As a matter of public policy it was a serious error as annual contributions declined from $38 billion to $14 billion. As a matter of public policy it was a serious error as millions of Americans had literally banked on the fact that IRA's would allow them to be self-reliant in retirement.

And as a matter of public policy it was a serious error in terms of our Nation's gross national product as economists determine that a simple 2.5-percentage point increase in the personal saving rate annually could add roughly 10 percentage points to our Nation's GNP in 10 years—or an increase in GNP of about $500 billion in current dollars.

Mr. President, it's clear that Congress must do something to promote savings in America. It's clear that the bias against saving must be lifted to help our constituents toward self-reliance and to help our Nation toward a strong competitive posture. And to this end. I introduce today what is fast becoming known as the "Save America" bill—a simple, but comprehensive plan to add a IRA-plus option to the existing IRA Program.

Through the IRA-plus, Americans will once again be attracted toward a savings program for retirement as their earned income will be taken out of double-jeopardy taxation. While the initial income will be taxed, once it is invested in an IRA-plus account, it will remain tax free from interest—or second earning—if used for retirement after age 59½. Consequently, while the program benefits the savers, an added benefit is that it will not dramatically impact the budget as the tax exemption will come upon withdrawal rather than upon deposit. This will not only encourage self-reliance, but other benefits to the IRA-Plus Program will be equally attractive.

For example:

With the increase in national savings, America would realize a dramatic increase in capital—capital that is essential for the future economic well-being of our country. Today we have about $400 billion in IRA accounts, as a result of annual contributions by Americans—contributions that have been cut almost two-thirds since the Tax Reform Act of 1986. This, of course, represents a reduction of badly needed capital for investment, the foundation of our Nation's infrastructure and business expansion, and it would also keep interest rates low to better enable us to compete with our trading partners.

The IRA-Plus Program would turn us in the right direction again. And what's more, as it benefits the Nation, it would begin immediately to benefit the savers as part of the money put away in the account could be used for home purchases, health care, and education. As a matter of fact, under my plan, up to 25 percent of the entire balance could be used, penalty free, to this end. So Americans could begin immediately to benefit from their thrift. And by Americans, I mean all Americans.

Under the IRA-Plus Program, there would be no discrimination against nonworking spouses—as there is in the present system. Under the "Save America" bill, spouses would also be allowed to contribute the maximum allowable amount of $2,000—the same as their working partners. And to encourage savings among lower-income Americans, the IRA-plus would offer a

25-percent tax credit for contributors with incomes below $25,000. The present IRA deduction provides only a 15-percent incentive to low-income savers and then recoups the cost when the saver retires.

Although the idea for a new IRA-plus is primarily a retirement account, it's important to mention these other benefits because they encourage our young Americans to begin early to participate in the program. It benefits them as they can save not only for retirement but for their first home as well. Unfortunately, because our young families are often more concerned about buying a house than they are about saving for retirement, the latter tends to be avoided sometimes until it's too late. My bill, however, would allow for both without suffering the tax on savings ordinarily faced by taxpayers.

And it does so by the use of the commonsense approach I've mentioned—allowing withdrawals for a down payment on a house as long as the withdrawal does not exceed 25 percent of the amount in the account.

Clearly, all of these benefits would be very advantageous for our Nation's families and businesses. But perhaps more importantly, the IRA-Plus Program would reestablish the success of the present IRA Program, making existing accounts substantially more attractive—thereby strengthening the economic portfolio of our Nation. Current participants in IRA's could convert to plus accounts to make a tax-free early withdrawal under the conditions I've mentioned—to purchase the home, or send the kids to college, or pay for health care. And all of this could be accomplished with no reduction, whatsoever, to existing IRA benefits. Immediately both Americans and America would see the benefits of increased savings, as we witnessed with the IRA, itself, before the 1986 change.

Let me also say that I believe this bill offers flexibility and simplicity. But then again, commonsense is most often simply. Under my bill, Americans will no longer have to keep track of deductible versus nondeductible contributions for 20 or 30 years, or more. Instead, they will simply rest assured that once tax has been paid on the initial earned income, their IRA-plus savings can be put away to be withdrawn, tax-free on the earned interest, after age 59½. And as American families benefit from the peace of mind this program offers, America itself will benefit from the thrift of its people.

Mr. President, this bill is an important step toward making IRA's serve the needs of all Americans. I hope that my colleagues will join with me in my objective to make the IRA an important means to increase savings in America. I welcome any additional contributions that might add to this end, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "1989 Save America Tax Act".

SEC. 2. ESTABLISHMENT OF FLEXIBLE INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

"408A. FLEXIBLE INDIVIDUAL RETIREMENT ACCOUNTS.

"(a) GENERAL RULE.—Except as provided in this section, a flexible individual retirement account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) FLEXIBLE INDIVIDUAL RETIREMENT ACCOUNT.—For purposes of this title, the term 'flexible individual retirement account' means an individual retirement plan which is designated at the time of the establishment of the plan as a flexible individual retirement account. Such designation shall be made in such manner as the Secretary may prescribe.

"(c) CONTRIBUTION RULES.—

"(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to a flexible individual retirement account.

"(2) CONTRIBUTION LIMIT.—Except in the case of rollovers, the aggregate amount which may be accepted as contributions to a flexible individual retirement account shall not exceed—

"(A) $2,000 in the case of taxable years beginning before 1995, and

"(B) $3,000 in the case of taxable years beginning after 1994.

"(d) DISTRIBUTION RULES.—For purposes of this title—

"(1) IN GENERAL.—In the case of a qualified distribution from a flexible individual retirement account—

"(A) the amount of such distribution shall not be includible in gross income; and

"(B) section 72(t) shall not apply.

"(2) QUALIFIED DISTRIBUTION.—For purposes of paragraph (1), the term 'qualified distribution' means any distribution—

"(A) made on or after the date on which the individual attains age 59½,

"(B) made to a beneficiary (or to the estate of an individual) on or after the death of the individual,

"(C) attributable to the employee's being disabled (within the meaning of section 72(m)(7)), or

"(D) which is a qualified special purpose distribution (within the meaning of subsection (e)).

"(3) SPECIAL RULES RELATING TO ROLLOVERS FROM REGULAR INDIVIDUAL RETIREMENT ACCOUNTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no amount paid or distributed out of an individual retirement plan shall be included in gross income (and section 72(t) shall not apply to such amount) if the individual receiving such amount transfers, within 60 days of receipt, the entire amount received to a flexible individual retirement account.

"(B) TREATMENT OF TAX-FAVORED AMOUNTS.—Subparagraph (A) shall not apply to the portion of any amount transferred which bears the same ratio to such amount as—

"(i) the aggregate amount of contributions to individual retirement plans with respect to which a deduction was allowable under section 219, bears to

"(ii) the aggregate balance of such plans.

"(4) OTHER DISTRIBUTIONS.—In the case of any amount paid or distributed out of a flexible individual retirement account to which this subsection does not otherwise apply, the following portions of such amount shall be included in gross income (and section 72(t) shall apply to such portion):

"(A) The portion of such amount which does not exceed the aggregate contributions to flexible individual retirement accounts with respect to which a credit was allowable under section 35 (reduced by any amounts to which this subparagraph previously applied).

"(B) The portion of the remainder of such amount which bears the same ratio to the total as—

"(i) the aggregate contributions to flexible individual retirement accounts to which subparagraph (A) does not apply, bears to

"(ii) the aggregate balance in such accounts (without regard to contributions to which subparagraph (A) applied).

"(e) QUALIFIED SPECIAL PURPOSE DISTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified special purpose distribution' means—

"(A) a first-time homebuyer distribution, or

"(B) an applicable medical or educational distribution.

"(2) 25-PERCENT ACCOUNT LIMIT.—A distribution shall not be treated as a qualified special purpose distribution to the extent it exceeds the amount (if any) by which—

"(A) 25 percent of the aggregate balance of flexible individual retirement accounts established on behalf of an individual, exceeds

"(B) the aggregate amounts previously treated as qualified special purpose distributions.

"(3) NO AMOUNTS TREATED AS QUALIFIED SPECIAL PURPOSE DISTRIBUTIONS FOR 5 YEARS.—No distribution shall be treated as a qualified special purpose distribution during the 5-taxable year period beginning with the 1st taxable year in which the individual made a contribution to a flexible individual retirement account.

"(4) DISTRIBUTIONS USED TO PURCHASE A HOME BY FIRST-TIME HOMEBUYER.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'first-time homebuyer distribution' means any payment or distribution received by a first-time homebuyer to the extent such payment or distribution is used by the individual before the close of the 90th day after the day on which such payment or distribution is received in connection with the acquisition during such 90-day period of a principal residence for such individual.

"(B) BASIS REDUCTION.—The basis of any principal residence described in subparagraph (A) shall be reduced by any amount excluded from the gross income of such first-time homebuyer by reason of subparagraph (A).

"(C) RECOGNITION OF GAIN AS ORDINARY INCOME.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, except as provided in clause (ii)—

"(I) gain (if any) on the sale or exchange of a principal residence to which subparagraph (A) applies shall, to the extent of the amount excluded from gross income under subparagraph (A), be treated as ordinary income by such individual, and

"(II) section 72(t) shall apply to such amount.

"(ii) EXCEPTION.—Clause (i) shall not apply to any taxable year to the extent of any amount which, before the due date (without extensions) for filing the return for such year, the taxpayer contributes to a flexible individual retirement account. Such amount shall not be taken into account for purposes of section 35 or any provision of this title relating to excess contributions.

"(iii) COORDINATION WITH OTHER PROVISIONS.—In the event all or part of the gain referred to in clause (i) is treated as ordinary income under any other provision of this subtitle, such provision shall be applied before clause (i).

"(D) DEFINITIONS.—

"(i) FIRST-TIME HOMEBUYER.—For purposes of this paragraph, the term 'first-time homebuyer' means any individual who (or whose spouse) has had no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence described in subparagraph (A).

"(ii) PRINCIPAL RESIDENCE.—For purposes of this paragraph, the term 'principal residence' shall have the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—For purposes of this paragraph, the term 'date of acquisition' means the date on which a binding contract to buy the principal residence described in subparagraph (A) is entered into.

"(5) APPLICABLE MEDICAL DISTRIBUTIONS.—For purposes of paragraph (1), the term 'applicable medical distributions' means any distributions made to an individual (not otherwise treated as a qualified distribution) to the extent such distributions do not exceed the amount allowable as a deduction under section 213 to the individual for amounts paid during the taxable year for medical care (without regard to whether the individual itemizes deductions for the taxable year.)

"(6) DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR EDUCATIONAL EXPENSES.—

"(A) For purposes of paragraph (1), the term 'applicable educational distributions' means distributions to an individual to the extent that the amount of such distributions (not otherwise treated as qualified distributions, determined after application of paragraph (5)) does not exceed the qualified educational expenses of the individual for the taxable year.

"(B) QUALIFIED EDUCATIONAL EXPENSES.—For purposes of this subparagraph, the term 'qualified educational expenses' means qualified tuition and related expenses (within the meaning of section 117(b)) of the taxpayer, his spouse, or his dependents for attendance at an educational institution described in section 170(b)(1)(A)(ii), including reasonable living expenses while away from home.

"(f) DETERMINATIONS.—For purposes of this section, any determinations with respect to aggregate contributions to, or the balance of, flexible individual retirement accounts shall be made as of the close of the calendar year preceding the calendar year in which the taxable year begins."

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part I of subchapter D of chapter 1 of such Code is amended by inserting after the item relating to section 408 the following new item:

"Sec. 408A. Flexible individual retirement accounts."

SEC. 3. CREDIT FOR CONTRIBUTIONS TO FLEXIBLE INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. FLEXIBLE INDIVIDUAL RETIREMENT ACCOUNTS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 25 percent of any amount paid in cash for the taxable year by or on behalf of such individual to a flexible individual retirement account.

"(b) ELIGIBLE INDIVIDUAL.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible individual' means a taxpayer—

"(A) who has not attained the age of 55 before the close of the taxable year, and

"(B) whose adjusted gross income for the taxable year does not exceed the applicable dollar limit.

"(2) APPLICABLE DOLLAR LIMIT.—For purposes of paragraph (1), the term 'applicable dollar limit' means—

"(A) $25,000 in the case of a married individual filing a joint return,

"(B) $18,000 in the case of any other taxpayer (other than a married individual filing a separate return), and

"(C) zero in the case of a married individual filing a separate return.

For purposes of this paragraph, marital status shall be determined after application of section 219(g)(4).

"(3) ADJUSTED GROSS INCOME.—For purposes of this subsection, adjusted gross income shall be determined—

"(A) after application of sections 86 and 469, and

"(B) without regard to sections 135 and 911.

"(c) MAXIMUM AMOUNT OF CONTRIBUTIONS.—

"(1) IN GENERAL.—The maximum amount of contributions which may be taken into account under subsection (a) with respect to any individual for any taxable year shall not exceed the lesser of—

"(A) $2,000 ($3,000 in the case of taxable years beginning after 1994), or

"(B) an amount equal to the compensation includible in the individual's gross income for such taxable year.

"(2) SPECIAL RULES FOR CERTAIN MARRIED INDIVIDUALS.—

"(A) IN GENERAL.—In the case of any individual with respect to whom a credit is otherwise allowable under subsection (a)—

"(i) who files a joint return under section 6013 for a taxable year, and

"(ii) whose spouse—

"(I) has no compensation (determined without regard to section 911) for such taxable year, or

"(II) elects to be treated for purposes of paragraph (1)(B) as having no compensation for the taxable year,

there shall be taken into account in computing the amount of the credit under subsection (a) for any taxable year any amount paid in cash for the taxable year by or on behalf of the individual to a flexible individual retirement plan established for the benefit of the individual's spouse.

"(B) LIMITATION.—The amount taken into account under subparagraph (A) shall not exceed the excess of—

"(i) the lesser of—

"(I) $4,000 ($6,000 in the case of taxable years beginning after 1994), or

"(II) an amount equal to the compensation includible in the individual's gross income for the taxable year, over

"(ii) the amount taken into account under subsection (a) for the taxable year.

In no event shall the amount taken into account under subparagraph (A) exceed $2,000 ($3,000 in the case of taxable years beginning after 1994).

"(d) OTHER LIMITATIONS AND RESTRICTIONS.—

"(1) RECONTRIBUTED AMOUNTS.—No credit shall be allowed under this section with respect to a rollover contribution described in section 402(a)(5), 402(a)(7), 403(a)(4), 403(b)(8), 408(d)(3), or 408A(d)(3).

"(2) AMOUNTS CONTRIBUTED UNDER ENDOWMENT CONTRACT.—In the case of an endowment contract described in section 408(b), no credit shall be allowed under this section for that portion of the amounts paid under the contract for the taxable year which is properly allocable, under regulations prescribed by the Secretary, to the cost of life insurance.

"(e) OTHER DEFINITIONS AND SPECIAL RULES.—

"(1) COMPENSATION.—For purposes of this section, the term 'compensation' includes earned income (as defined in section 401(c)(2)). The term 'compensation' does not include any amount received as a pension or annuity and does not include any amount received as deferred compensation. The term 'compensation' shall include any amount includible in the individual's gross income under section 71 with respect to a divorce or separation instrument described in subparagraph (A) of section 71(b)(2).

"(2) MARRIED INDIVIDUALS.—The maximum amount taken into account under subsection (c) shall be computed separately for each individual, and this section shall be applied without regard to any community property laws.

"(3) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a contribution to a flexible individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

"(4) EMPLOYER PAYMENTS.—For purposes of this title, any amount paid by an employer to a flexible individual retirement account shall be treated as payment of compensation to the employee (other than a self-employed individual who is an employee within the meaning of section 401(c)(1)) includible in his gross income in the taxable year for which the amount was contributed, whether or not a credit for such payment is allowable under this section to the employee.

"(5) EXCESS CONTRIBUTIONS TREATED AS CONTRIBUTION MADE DURING SUBSEQUENT YEAR FOR WHICH THERE IS AN UNUSED LIMITATION.—

"(A) IN GENERAL.—If for the taxable year the maximum amount which may be taken into account in computing the credit allowable under this section for contributions to a flexible individual retirement account exceeds the amount contributed, then the taxpayer shall be treated as having made an additional contribution for the taxable year in an amount equal to the lesser of—

"(i) the amount of such excess, or

"(ii) the amount of the excess contributions (determined under section 4973(b)(2) without regard to subparagraph (C) thereof).

"(B) AMOUNT CONTRIBUTED.—For purposes of this paragraph, the amount contributed—

"(i) shall be determined without regard to this paragraph, and

"(ii) shall not include any rollover contribution.

"(C) SPECIAL RULE WHERE EXCESS CREDIT WAS ALLOWED FOR CLOSED YEAR.—Proper reduction shall be made in the amount allowable as a credit by reason of this paragraph for any amount allowed as a credit under this section for a prior taxable year for which the period for assessing deficiency has expired if the amount so allowed exceeds the amount which should have been allowed for such prior taxable year."

(b) CONFORMING AMENDMENTS.—

(1) Section 86(f)(3) of such Code is amended by inserting "or section 35(d)(1)" after "section 219(f)(1)".

(2) Section 4973(b) of such Code is amended by adding at the end thereof the following new sentence: "In the case of a flexible individual retirement account, excess contributions shall be determined under rules similar to the rules under this subsection.

(3) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 35 and inserting the following new items:

"Sec. 35. Flexible individual retirement accounts.

"Sec. 36. Overpayments of tax."

SEC. 4. MODIFICATION OF RULES RELATING TO SPOUSES.

(a) SPOUSE WITH NO COMPENSATION MAY MAKE MAXIMUM CONTRIBUTION.—Clause (i) of section 219(c)(2)(A) of the Internal Revenue Code of 1986 is amended by striking "$2,250" and inserting "$4,000".

(b) SPOUSE'S PARTICIPATION NOT TO DISQUALIFY AN INDIVIDUAL.—Paragraph (1) of section 219(g) of such Code is amended by striking "or the individual's spouse".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1989.

By Mr. DOLE (by request):

S. 1257. A bill to improve the contribution of libraries to the education of economically disadvantaged or handicapped individuals, to increase access to library materials through resource sharing, to support research and assessment necessary to improve library services, and for other purposes; to the Committee on Labor and Human Resources.

LIBRARY SERVICES IMPROVEMENT ACT

Mr. DOLE. Mr. President, at the request of the administration, I am introducing today the Library Services Improvement Act of 1989. This proposal is similar to legislation that was introduced on the administration's behalf in the last Congress. The bill would restructure the Library Services and Construction Act [LSCA] and title II of the Higher Education Act.

The Library Services Improvement Act contains three titles. Title I would authorize $91 million to assist the States in supporting local projects to provide new or expanded library services to economically disadvantaged individuals or individuals with disabilities. Such services include literacy training, summer reading programs, the development of library collections in rural States, and the purchase and distribution of large-print books and other materials for people with disabilities.

Title II, authorized at $45 million, is intended to encourage increased access to library books and other materials through new or expanded library resource-sharing networks. The act would allocate $30 million to the States for the development of interstate and intrastate networks or for the expansion of existing ones. The remaining $15 million would be earmarked for discretionary grants for the development or expansion of library networks across State lines.

Title III would support field-initiated research, evaluation, and policy studies. To date, such data and accountability has been lacking. The conduct of research and assessment in the field of library and information science is, however, an appropriate Federal role. This sort of evaluation is needed to ensure that the Federal dollars spent on library programs and services are well targeted and effectively used.

Mr. President, I do not necessarily agree with all the provisions of the administration's bill. In particular, I know that the construction title of LSCA, which the Library Services Improvement Act would eliminate, has been found to be a very worthwhile program by librarians and library users across the country. I believe, however, that the administration should be able to go on record with its views, and I am pleased to introduce this measure on its behalf.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Library Services Improvement Act of 1989".

STATEMENT OF PURPOSE

SEC. 2. (a) The purpose of this Act is to improve the contribution of libraries to education and learning by—

(1) encouraging greater use of library services by economically disadvantaged or handicapped individuals;

(2) increasing access to library materials through support for resource sharing; and

(3) supporting research and assessments needed to improve library services.

(b) Nothing in this Act shall be construed to interfere with State and local authority and responsibility for the conduct of library services, including the administration of libraries, selection of personnel and materials, and, to the extent consistent with the provisions of this Act, the determination of the best uses of funds provided under this Act.

DEFINITIONS

SEC. 3. The following definitions apply to this Act:

(1) The term "handicapped individual" means a person who is mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or learning disabled.

(2) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in, or established pursuant to, the Alaskan Native Claims Settlement Act, which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) The term "library" includes public, school, college and university, research, special, and other libraries.

(4) The term "library service" means the performance of an activity of a library relating to the collection and organization of library materials and information, and to making these materials and information available to a clientele.

(5) The term "network" means any cooperative arrangement among two or more administratively independent libraries for the sharing of books, materials, and services.

(6) The term "Secretary" means the Secretary of Education.

(7) The term "State" means any of the several States of the United States of America, the District of Columbia, or the Commonwealth of Puerto Rico, and, except for section 5 of this Act, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Palau, or the Virgin Islands.

(8) The term "State library administrative agency" means the State agency authorized by law to extend and develop public library services throughout the State.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) There are authorized to be appropriated $91 million for fiscal year 1990, and such sums as may be necessary for each of the four succeeding fiscal years to carry out title I.

(b) There are authorized to be appropriated $45 million for fiscal year 1990, and such sums as may be necessary for each of the four succeeding fiscal years to carry out title II.

(c) There are authorized to be appropriated $1.2 million for fiscal year 1990, and such sums as may be necessary for each of the four succeeding fiscal years to carry out title III.

ALLOTMENTS

SEC. 5. (a)(1) From the amount appropriated to carry out title I for each fiscal year, the Secretary shall reserve one and one-half of one percent for awards to be allotted according to subparagraphs (A) and (B) of this paragraph.

(A) Two-thirds of the amount reserved under this paragraph shall be available for awards to Indian tribes.

(B) One-third of the amount reserved under this paragraph shall be available for awards to American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Palau (only to the extent authorized by section 104(c) of Public Law 99-658 and until the effective date of the Compact of Free Association with the Government of Palau), and the Virgin Islands, and shall be allotted among these recipients on the basis of their relative need for assistance.

(2) From the amount remaining after funds are reserved under paragraph (1), the Secretary shall allot for each fiscal year one-half of that remainder among the States on the basis of their relative population and one-half of that remainder among the States on the basis of their relative population below the poverty level, except that the Secretary shall allot to each State an amount equal to at least one-half of one percent of that remainder.

(b)(1) From the amount appropriated to carry out title II for each fiscal year, the Secretary shall reserve two-thirds for State programs under part A of title II and one-third for grants under part B of title II.

(2) From the amount reserved for State programs under part A of title II for each fiscal year, the Secretary shall reserve one and one-half of one percent for awards to be allotted according to subparagraphs (A) and (B) of this paragraph.

(A) Two-thirds of the amount reserved under this paragraph shall be available for awards to Indian tribes.

(B) One-third of the amount reserved under this paragraph shall be available for awards to American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Palau (only to the extent authorized by section 104(c) of Public Law 99-658 and until the effective date of the Compact of Free Association with the Government of Palau), and the Virgin Islands, and shall be allotted among these recipients on the basis of their relative need for assistance.

(3) From the amount remaining after funds are reserved under paragraph (2), the Secretary shall allot for each fiscal year an amount to each State which bears the same ratio to that remainder as the population of the State bears to the population of all of the States, except that the Secretary shall allot to each State an amount equal to at least one-half of one percent of that remainder.

(c) The Secretary may reallot all or a portion of a State's allotment for any fiscal year if the State does not submit an application to carry out a program under title I or title II, or the Secretary determines that the State does not need or cannot use the full amount of its allotment for that fiscal year. The Secretary may fix one or more dates during a fiscal year upon which to make reallotments.

(d) The population of a State, and the population below the poverty level of a State, and of all of the States, shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

STATE APPLICATIONS

SEC. 6. (a) Any State desiring to receive its allotment under title I or title II of this Act shall submit an application at such time, in such manner, and containing such information, as the Secretary may require. The State application shall cover a period of up to five fiscal years, and shall include descriptions of—

(1) the goals, expressed in measurable terms, that the State seeks to achieve with its allotment under title I, title II, or both titles;

(2) the means by which the State plans to achieve those goals; and

(3) the evaluation methods the State will use to determine whether those goals have been met.

(b) Each State application shall contain such assurances as the Secretary determines are necessary to carry out the purposes of this Act, including assurances that—

(1) the State will inform interested parties or potential participants of (A) the availability of funds, (B) the State's priority geographic areas, and (C) the State's procedures for selecting projects to be supported with funds under title I, title II, or both titles;

(2) the State library administrative agency will act as administrative and fiscal agent for the programs under this Act, and will implement such fiscal control and accounting procedures as may be necessary to ensure the proper disbursement of, and accounting for, Federal funds paid to the State under this Act; and

(3) the State will discontinue support under this Act after completion of the first two years of a project if the project does not accomplish, or does not give reasonable promise of accomplishing, the results for which Federal assistance was provided.

GRANTS TO INDIAN TRIBES

SEC. 7. From the funds reserved under sections 5(a)(1)(A) and 5(b)(2)(A), the Secretary shall make grants to eligible Indian tribes to improve library services. Any Indian tribe desiring to receive a grant shall submit an application at such time, in such manner, and containing such information, as the Secretary may require.

TITLE I—LIBRARY SERVICES TO DISADVANTAGED AMERICANS

PROGRAM AUTHORITY

SEC. 101. From the funds allotted in accordance with section 5(a) of this Act, the Secretary shall make grants to States to carry out projects or activities that provide new library services, or expand existing library services, to economically disadvantaged or handicapped individuals in order to enhance their educational opportunities, or to facilitate their greater use of library services.

(b) A State library administrative agency may support projects either directly or through subgrants to, or contracts with, public or private agencies, organizations, or institutions, and Indian tribes. These projects may include joint projects among libraries and other types of institutions, such as schools.

AUTHORIZED ACTIVITIES

SEC. 102. States may use funds allotted under this title to support library projects or activities such as—

(1) adult basic education;

(2) literacy training;

(3) the development of library collections in rural areas;

(4) English instruction;

(5) information and referral centers;

(6) summer reading programs for school children;

(7) after-school homework programs;

(8) services to persons in correctional institutions;

(9) specialized training of library personnel to implement activities related to the purposes of this title;

(10) the purchase and distribution of large-print books and other special materials for handicapped individuals;

(11) services to persons in nursing homes or hospitals; and

(12) the acquisition of equipment or minor structural changes that make libraries more usable for handicapped individuals.

USE OF FUNDS

SEC. 103. (a) A State shall use funds allotted under this title only for the support of new, or the expansion of existing, projects or activities.

(b) A State may not use funds allotted under this title—

(1) to support a new, or expand an existing, project or activity for a period of more than five years;

(2) for acquisition, expansion, or construction of buildings, other than minor remodeling needed to improve access to libraries and library services for handicapped individuals; and

(3) to pay the costs of the State library administrative agency in administering the State's program under this title.

TITLE II—LIBRARY RESOURCE SHARING

PART A—STATE GRANTS

PROGRAM AUTHORITY

SEC. 201. (a) From the funds allotted for this part in accordance with section 5(b) of this Act, the Secretary shall make grants to States to develop new interstate and intrastate library networks and to pay for the expansion of existing networks.

(b) The State library administrative agency may support projects either directly or through subgrants to, or contracts with, public or private organizations, agencies, or institutions, and Indian tribes.

USE OF FUNDS

SEC. 202. (a) A State may not use funds under this part to support a new, or pay for the expansion of an existing, intrastate library network for a period of more than five years.

(b) A State may not use funds under this part to pay the costs of the State library administrative agency in administering the State's program under this part, except that a State may expend up to five percent of its grant for any fiscal year for the planning of interstate library networks.

PART B—DISCRETIONARY AWARDS

PROGRAM AUTHORITY

SEC. 211. From the funds reserved for this part in accordance with section 5(b)(1) of this Act, the Secretary shall, through grants to, or cooperative agreements or contracts with, public or private organizations, agencies, or institutions, and Indian tribes, develop new, or pay for the expansion of existing, interstate library networks.

PART C—GENERAL PROVISIONS

AUTHORIZED ACTIVITIES

SEC. 221. Funds awarded under part A or B of this title may be used for projects or activities such as—

(1) specialized training of library personnel to operate library networks;

(2) acquisition and maintenance of computer hardware, software, and communications lines;

(3) cataloging of materials into electronic data bases;

(4) restoration of rare books, if such preservation is for the purpose of sharing a national resource;

(5) purchase of materials to complete significant collections, if such purchase would create a regional or national resource in a particular subject; and

(6) support of other activities that would lead to the sharing of books, materials, and services among libraries.

TITLE III—LIBRARY RESEARCH AND ASSESSMENT

PROGRAM AUTHORITY

SEC. 301. From the funds appropriated for this title, the Secretary shall, either directly or through grants to, or contracts or cooperative agreements with, public or private organizations, agencies, or institutions, and Indian tribes, support library research and assessment projects and activities needed to improve library services.

AUTHORIZED ACTIVITIES

SEC. 302. (a) Funds made available under this title shall be used to support—

(1) library research and development, including field-initiated research; and

(2) evaluation of Federal library programs supported under this Act as well as assessment of libraries and library conditions, including the regular collection and reporting of data on the condition of the Nation's libraries and library services.

(b) Funds made available under this title may be used for projects or activities such as—

(1) investigation of effective ways to apply new technologies to the provision of library services;

(2) investigation of ways to improve the use of library services by economically disadvantaged or handicapped individuals;

(3) investigation of methods to increase resource sharing and make library services more efficient;

(4) assessment of users' needs; and

(5) assessment of the effectiveness and efficiency of library services.

TITLE IV—REPEALS AND EFFECTIVE DATE

REPEALS

SEC. 401. (a) The Library Services and Construction Act (20 U.S.C. 351 *et seq.*) is repealed.

(b) The Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*) is amended—

(1) by repealing title II; and

(2) in section 356(b)(2), by striking out "II,".

(c) Section 1331 of the Higher Education Amendments of 1986 (20 U.S.C. 1029 note) is repealed.

EFFECTIVE DATE

SEC. 402. This Act shall take effect on October 1, 1989.

By Mr. KENNEDY:

S. 1258. A bill to amend the Higher Education Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

MEDICAL RESIDENTS' STUDENT LOAN AMENDMENTS ACT

Mr. KENNEDY. Mr. President, borrowing to finance postsecondary education has increased considerably in the 1980's. This is especially true for medical students.

In 1980, 77 percent of the medical school graduates used loans to finance their education and incurred an average indebtedness of $16,490. Last year, 83 percent of medical school graduates owed money and the average borrower was $38,489 in debt. Three percent owed more than $100,000.

The problems are even worse for minority medical school graduates. Among these students, the average debt last year was $44,897—17 percent above the average for all graduates. Thirty-seven percent of the medical school graduates had borrowed more than $50,000, more than 10 percentage points above the level for all graduates.

Following medical school, physicians enter a residency program. The residency period can last from 3 to 7 years depending upon the medical specialty. During this period, residents receive a modest salary. The average stipend in 1989 is approximately $23,500.

At the present time, the Stafford Loan Program gives all medical residents a 2-year internship deferment during which interest on the loans is forgiven and repayment of principal is deferred. However, at the start of their third year, residents must begin to repay their loans and interest. Given the low salary they earn, many residents are unable to meet these payments. They can request forbearance, under which loan repayments are suspended with the additional interest added to the principal due.

Some borrowers have difficulty obtaining forbearance. The decision to give a borrower forbearance is made by the lender and some lenders refuse. Indeed, last year a medical resident in Massachusetts with $80,000 in education debts was unable to get forbearance from his lender. His income was $27,000. Obviously, he would not be able to repay his loan, but the lender insisted that he do so. His medical school solved the problem by agreeing to classify him as a student, thereby permitting him to continue to obtain forgiveness of his interest payments and to defer repayment of the principal.

There are other problems under the current system. Some lenders charge borrowers a fee before granting forbearance. In addition, if forbearance is granted, it is reported to credit bureaus and is a negative mark on the borrower's record.

To address this problem, many medical schools now routinely call their residents students. This step gets them an automatic deferment on their student loans beyond the current 2-year period. This practice is both expensive and unwarranted. This practice costs the Federal Government millions of dollars annually and the bill is rising rapidly as more schools adopt this approach.

Today, I am introducing a bill that will help address this problem by requiring lenders to give medical and dental residents forbearance uppon request by the borrower. In addition, it will prohibit lenders from charging borrowers a fee on forbearance requests. Finally, the bill prohibits lenders from reporting forebearances granted to medical and dental residents to credit bureaus. This bill also prohibits medical residents from being classified as students for the purpose of a Federal student loan forgiveness. However, medical students will continue to receive the forgiveness during their first 2 years as interns and residents. The changes will apply only to subsequent years.

I believe that this step will address the problem in the short run. However, in order to give the Congress better information to consider this issue in the future, the bill requires the Advisory Committee on Student Financial Assistance to conduct a study of indebtedness among graduate and professional students. I believe that we will be in a better position to consider this issue when the 101st Congress reauthorizes the Higher Education Act if we have the benefit of a carefully done study by this independent body.

The bill reduces Federal expenditures under the Stafford Loan Program. According to the Congressional Budget Office, ending the use of the "student" deferment for medical residents will save the Federal Government $40 million over the next 3 years. The proposed changes with respect to forbearance do not affect Federal program costs.

My staff has discussed this bill with representatives of the Consumer Bankers Association [CBA] and the Association of American Medical Colleges [AAMC]. Both organizations recognize the nature and extent of the problem and think that this bill is a reasonable way to address this problem in the short run. I appreciate their willingness to work with my office on this matter and I will continue to work with these organizations on this and other issues related to financing higher education.

Mr. President, I ask that the bill be printed in the RECORD.

I hope that my colleagues will join with me in agreeing to pass this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This Act may be cited as the "Medical Residents' Student Loan Amendments Act of 1989".

SEC. 2. DEFERMENTS.—(a) Section 427(a)(2)(C)(i) of the Higher Education Act of 1965, as amended (hereinafter referred to as the "Act") is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a comma and "provided that no borrower shall be eligible for a deferment under this clause while serving in a medical internship or residency program;".

(b) Section 428(b)(1)(M)(i) of the Act is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a comma and "provided that no borrower shall be eligible for a deferment under this clause while serving in a medical internship or residency program;".

(c) Section 464(c)(2)(A)(i) of the Act is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a comma and "provided that no borrower shall be eligible for a deferment under this clause while serving in a medical internship or residency program;".

(d) The amendments made by this section shall be effective for all loans made, insured, or guaranteed under part B or part E of title IV of the Act, including loans made before the enactment of this Act, and shall take effect 90 days after the enactment of this Act.

SEC. 3. FORBEARANCE.—(a) Section 428 of the Act is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (T), by striking out "and" at the end thereof;

(B) in subparagraph (U), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof the following new subparagrph:

"(V)(i) provides that, upon written request, a lender shall grant a borrower forbearance renewable at twelve month intervals for a period equal to the length of time remaining in the borrower's medical or dental internship, residency or fellowship program on such terms as are otherwise consistent with the regulations of the Secretary, and agreed upon by the parties to the loan with the approval of the insurer, if the borrower—

"(I) is serving in a medical or dental internship, residency or fellowship program, the successful completion of which is required to begin professional practice or service, or serving in a medical or dental internship, residency or fellowship program leading to a degree or certificate awarded by an institution of higher education, a hospital, or a health care facility that offers postgraduate training; and

"(II) has exhausted his or her eligibility for a deferment under section 427(a)(2)(C)(vii) or subparagraph (M)(vii) of this paragraph;

"(ii) provides that no administrative or other fee may be charged in connection with the granting of a forbearance under clause (i), and that no adverse information regarding a borrower may be reported to a credit bureau organization solely because of the granting of a forbearance under clause (i).";; and

"(2) by amending subsection (c)(3) to read as follows:

"(3) FORBEARANCE.—A guaranty agreement under this subsection—

"(A) shall contain provisions providing for forbearance in accordance with subsection (b)(1)(V) for the benefit of the student borrower serving in a medical or dental internship or residency program; and

"(B) may, to the extent provided in regulations of the Secretary, contain provisions that permit such forbearance for the benefit of the student borrower as may be agreed upon by the parties to an insured loan and approved by the insurer. Such regulations shall not preclude guaranty agencies from permitting the parties to such a loan from entering into a forbearance agreement solely because the loan is in default.".

"(b) The amendments made by this section shall apply with respect to loans made before, on, or after the date of enactment of this Act.

SEC. 4. STUDY OF INDEBTEDNESS.—(1) The Advisory Committee on Student Financial Assistance shall conduct a study which examines indebtedness among graduate and professsional students. Such study shall—

"(A) review previous studies and data concerning loan burden for graduate and professional students;

"(B) assess the extent to which the most recent available data confirm or overturn the findings of previous studies;

"(C) examine the extent to which loan burden varies by type of institution and field of study;

"(D) review and evaluate standards of reasonableness and indices of ability to repay loans; and

"(E) identify and evaluate alternative approaches to alleviating extreme loan burden under appropriate standards.

The Advisory Committee on Student Financial Assistance shall also examine existing data and studies for the extent to which loan burden affects enrollment and persistence decisions of low-income, disadvantaged and minority graduate students.

"(2) The study shall be completed within one year of the date of enactment of this Act.

By Mr. SIMON (for himself and Mr. DECONCINI):

S. 1259. A bill to amend section 3143 of title 18, United States Code, to require the detention of any person found guilty of a violent offense or serious drug offense pending sentence or appeal, and for other purposes; to the Committee on the Judiciary.

MANDATORY DETENTION FOR OFFENDERS CONVICTED OF SERIOUS CRIMES ACT

● Mr. SIMON. Mr. President, today I am introducing along with the Senator from Arizona, Senator DECONCINI, the Mandatory Detention for Defendants Convicted of Serious Crimes Act. The primary purpose of this act is to prevent the release on bond of a convicted defendant who is awaiting sentencing or appeal. There is simply no reason that an individual convicted of a violent crime or serious drug trafficking offense should be back on the street. This legislation would ensure that dangerous individuals are kept where they belong, in prison. It also includes a provision to ensure when the Government requests a 3-day automatic continuance for a detention hearing, that weekends and holidays are included in the calculation.

In 1984 Congress dramatically changed the bail system. Prior to 1984, a defendant could be detained only if there was a risk that he would flee before trial. After the 1984 act, a defendant could be detained if, after a hearing, he was found to pose a danger to the community. The 1984 Bail Reform Act is an improvement from the old law in protecting the community from dangerous individuals and ensuring that defendants are accorded procedural safeguards. Under current law, however, a judge has discretion to release a convicted defendant pending sentencing or appeal. My bill will close that loophole.

In order to study this problem and generally review the implementation of the Bail Reform Act, I chaired an oversight hearing in the Constitution Subcommittee on June 16. At the hearing the U.S. Attorney for the Northern District of Illinois, Anton Valukas, testified on behalf of the Justice Department that mandatory detention would be an improvement. Mr. Valukas specifically cited the impact on the crime victim of having a convicted felon released. He testified that for a victim of crime the criminal act is a traumatic, frightening, and frequently life-threatening experience. The prospect that the event could occur again magnifies the victim's distress over the original act.

To address this problem and better protect victims, I am introducing the Mandatory Detention for Defendants Convicted of Serious Crimes Act. Under my bill, defendants found guilty of violent crimes and serious drug trafficking offenses will not be released while they are awaiting sentencing or appeal. My bill prevents these defendants from reentering the community where they pose a danger and can commit further offenses and is especially important in protecting the victims of these serious crimes.

The second provision of the bill addresses a problem brought to my attention at the bail reform hearing by Judge Becker of the third circuit. Judge Becker testified that under the act the government may request a 3-day automatic continuance for a pretrial detention hearing. The judge noted that there is a split on whether the 3 days should include holidays and weekends. Judge Becker was persuasive in arguing that including holidays and weekends in the calculation would not only provide appropriate procedural safeguards to defendants and ensure that Congress' intentions were met, but might also help relieve some of the tremendous problems with prison overcrowding. The act I introduce today provides that 3 days does include weekends and holidays.

There is no question that fighting crime and violence should be top priorities for Congress. Ensuring that violent criminals are not let back on the street is an important way to fight that battle. I urge my colleagues to join me in this effort by cosponsoring the Mandatory Detention for Defendants Convicted of Serious Crimes Act.●

By Mr. HUMPHREY (for himself, Mr. BENTSEN, Mr. HATCH, Mr. GRAHAM, and Mr. SIMON):

S. 1260. A bill to amend the Immigration and Nationality Act to continue to permit, after October 1, 1989, the immigration of certain adopted chil-

dren; to the Committee on the Judiciary.

FOREIGN ADOPTION LEGISLATION

● Mr. HUMPHREY. Mr. President, today I am introducing on behalf of Senator BENTSEN, Senator HATCH, Senator GRAHAM, Senator SIMON, and in my own behalf, legislation to make permanent a small but important repair to the Immigration and Nationality Act [INA]. Comparable legislation was originally offered by our former colleague, Senator CHILES, to the Commerce, Justice, State appropriations bill last year. That legislation will expire on October 1.

It is important that this provision be made permanent lest we needlessly erect an unwarranted barrier to adoption of foreign children by American families.

The problem was originally created with a 1987 memorandum by the General Counsel of the Immigration and Naturalization Services [INS] interpreting a provision of the Immigration Reform and Control Act of 1986 [IRCA]. The effect of the memo was to apply a provision in the definition of "illegitimate children" to the definition of "orphan."

The author of the provision in question, Congressman BARNEY FRANK, says that it was not his intention to affect the definition of "orphan." He intended to extend the rights enjoyed by American mothers of illegitimate children born overseas to American fathers in similar circumstances. The mothers could bring their illegitimate children into the country; fathers could not. Representative FRANK's amendment gave American fathers of illegitimate children the right to bring their children to America. INS expanded this articulation of the rights of American putative fathers to include foreign putative fathers.

In itself, it is fair to extend consideration in foreign adoptions to the foreign fathers of illegitimate children. This, after all, parallels changes in domestic adoption. Years ago, putative fathers were never considered when a decision was made to put a child up for adoption. But two Supreme Court cases, Stanley versus State of Illinois in 1972 and Caban versus Mohammed in 1979, gave putative fathers sign-off rights on adoption when they had or attempted to have an actual relationship with their children. In light of this, foreign putative fathers should have some right when the issue is their child's adoption by American parents.

The problem comes in the logistics of enforcing a putative father's right in foreign adoptions, and in the perverse result if you succeed. American agencies can neither be expected to track down the fathers of illegitimate children in foreign countries, nor can we realistically require foreign countries to do this for us. INS officers tell my office that such searches are not their aim. They are concerned primarily with the putative fathers' rights when the presence of these fathers is manifest in the documentation that accompanies an application for immigration. This is reasonable. The father's approval should be sought if he is readily available.

Unfortunately, a "catch 22" makes it immaterial whether the father says "yes" or "no." Under INS's ruling, a child may not be brought into this country as an "orphan" without ensuring the rights of the putative fathers. But it is then usually impossible for the child to immigrate if these rights are exercised. This is the glitch: Once a father is acknowledged, if there is also a mother, the child can no longer be classified as an orphan since under the law, an orphan can have no more than one parent. Thus, the child can't immigrate.

The proposed legislation addresses the logistical problems and the catch 22 while preserving the right of the father, who is present, to have a say in whether his child can be adopted by an American family. Under this language, the father need not be tracked down if he has disappeared, or if he has abandoned or deserted the child. Thus, the sign off right is limited to a father whose presence and concern are evident. Then, if the father releases the child for emigration and adoption, the child retains his orphan status and therefore can emigrate to the United States.

Since World War II, American families have made a tradition of adopting needy children from overseas. These adoptions have worked out very well, and we now have thousands of adult citizens who came here as adopted children. Virtually all of these children have come to this country under the "orphan" provisions of the Immigration and Nationality Act. There are now approximately 10,000 foreign adoptions a year: 10,000 American families ecstatic to have a child, and 10,000 fortunate children who are gaining loving families. The agencies that handle foreign adoptions agree that a large portion of these children are illegitimate, although no statistics are available. Foreign adoptions would be severely reduced if quixotic quests for putative fathers were required or if immigration were precluded by the discovery of these fathers.

As I said at the outset, this is a small repair but it is a vital one for the lives and happiness of many thousands of children and families. I ask unanimous consent that this legislation be printed in the RECORD, and I urge my colleagues to hasten its passage.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUING PROVISION PERMITTED IMMIGRATION OF CERTAIN ADOPTED CHILDREN.

(a) IN GENERAL.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting before the period at the end the following: ", except that, for purposes of paragraph (1)(F) in the case of an illegitimate child described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term 'parent' does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1989, upon the expiration of the identical amendment made by section 210(a) of the Department of Justice Appropriations Act, 1989 (title II of Public Law 100-459, 102 Stat. 2203).●

By Mr. METZENBAUM (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. ADAMS, Mr. SIMON, Ms. MIKULSKI, Mr. GORE, Mr. LAUTENBERG, Mr. DODD, Mr. HATFIELD, Mr. PELL, and Mr. MATSUNAGA):

S. 1261. A bill to amend the Civil Rights Act of 1964 to clarify the burden of proof for unlawful employment practices in disparate impact cases, and for other purposes; to the Committee on Labor and Human Resources.

FAIR EMPLOYMENT REINSTATEMENT ACT

Mr. METZENBAUM. Mr. President, I rise to introduce the Fair Employment Reinstatement Act. The legislation is a direct response to the Supreme Court's decision announced earlier this month in the case of Wards Cove Packing Co. versus Atonio. Protecting civil rights is not a partisan issue. Democrats and Republicans agree that it is wrong to discriminate against an employee on the basis of race, color, religion, sex, or national origin. That's why I am pleased that Senators JEFFORDS, KENNEDY, ADAMS, SIMON, MIKULSKI, GORE, LAUTENBERG, DODD, HATFIELD, PELL, and MATSUNAGA are original cosponsors of this important civil rights legislation.

While we in Congress can agree to prohibit discrimination against women and minorities, court action is often required to ensure meaningful protection. Since 1954, when the Supreme Court decided the landmark school desegregation cases, the Court has often been a beacon lighting the way toward equal opportunity for all citizens. Since 1964, when title VII of the Civil Rights Act became the law of the land, women and minorities have relied on the Supreme Court to enforce these important protections against employment discrimination.

Employment discrimination comes in many forms. At times it is easy to detect, as when an employer blatantly and intentionally refused to hire female or minority workers. Other times, however, employment discrimination is more difficult to uncover. Facially neutral employment practices may have significant discriminatory consequences even though such consequences may not be intended. For example, the use of so-called general aptitude tests may operate to exclude minorities. Height or weight requirements for certain jobs may effectively deny employment to women or ethnic minorities. In the 1964 civil rights law, Congress made clear its desire to remove artificial, arbitrary, or unnecessary barriers to employment whenever those barriers operate to discriminate on the basis of race or sex.

For 18 years, the congressional desire to root out these subtler forms of discrimination has been supported by the Nation's courts. The landmark case was Griggs versus Duke Power Co., a unanimous 1971 Supreme Court decision authored by Chief Justice Burger. The Court ruled in Griggs that where an employment practice has a disparate impact on minorities or women, the employer must show that the practice is required by business necessity. The Griggs approach has been followed in hundreds of lower court decisions.

Unfortunately, in recent months, a new Supreme Court majority has turned back the clock on civil rights protection. In a number of decisions issued this year, the Court, by the barest of majorities, has shown a disdain for its own precedents interpreting civil rights laws. This new majority has been cavalier and even insensitive in treating claims for equal opportunity. As Justice Blackmun declared in dissenting from the Wards Cove opinion, "[o]ne wonders whether the majority still believes that race discrimination—or, more accurately, race discrimination against nonwhites—is a problem in our society, or even remembers that it ever was."

The Wards Cove decision is a stunning example of the Court's retreat from equal opportunity. The Supreme Court, in a 5 to 4 decision, drastically undermined plaintiffs' ability to prevail in a disparate impact case. Under Wards Cove, a minority or female plaintiff who demonstrates that an employment practice has a disparate impact on minorities or women must bear the additional burden of providing that the employer has no business justification for the employment practice. By shifting this burden to the plaintiff, the Court has made it far more difficult for plaintiffs to secure relief in cases where employment practices have widespread discriminatory consequences. How can we expect a plaintiff—an individual employee or job applicant—to be able to prove there is no business justification for a particular practice? It is the employer, not the individual worker, who knows why the practice was adopted. In addition, anyone who has ever been in a courtroom knows that it is virtually impossible for a party to prove the negative.

But the majority did not stop there. The Wards Cove decision also made it much tougher for civil rights plaintiffs to prove the existence of disparate impact. Where plaintiffs challenge a group of employment practices, the Court now requires the plaintiffs to show which specific practice or practices within the group resulted in a disparate impact. But as a practical matter, an employee selection process often involves multiple practices—such as tests, interviews, and education requirements—that are interrelated. Plaintiffs who prove that the process as a whole excludes minorities or women should not also have to isolate each factor and assess its contribution, particularly because employers have far readier access to the pertinent information.

The Fair Employment Reinstatement Act overturns the Wards Cove decision. The bill reinstates the law relating to disparate impact cases under title VII so that it is once again in line with 18 years of Federal precedent. In particular, the bill reestablishes that: First, when a plaintiff demonstrates disparate impact, as that term has been applied under Griggs and its progeny, it is the employer's burden to prove the affirmative defense of business necessity; and second, a plaintiff may challenge a group of employment practices without having to demonstrate that each specific practice within the group resulted in disparate impact. In addition, the bill makes clear that when demonstrating that a challenged employment practice is "required by business necessity," the employer must show that this practice is essential to effective job performance. Thus, the "business necessity" defense is not established if other, comparably effective employment practices are available that would not result in an undesirable discriminatory effect on minorities or women. The Wards Cove decision raised some doubts on this score, making clarification necessary here.

My legislation will ensure that ordinary principles of fairness govern the conduct of title VII disparate impact litigation. By restoring clarity to this area of civil rights law, the bill also will avoid the uncertainty and confusion that would otherwise result from litigation based on the Wards Cove decision.

The Fair Employment Reinstatement Act already has received support from the NAACP Legal Defense Fund, the Lawyers Committee for Civil Rights Under Law, the National Women's Law Center, and the American Civil Liberties Union. I expect we will be receiving support from a number of other civil rights organizations in the days ahead. I urge all my colleagues to join me in this bipartisan effort to restore civil rights protection for millions of Americans.

Mr. President, I ask unanimous consent that the text of the Fair Employment Reinstatement Act, and a summary of the act, be printed in the RECORD. I also ask unanimous consent that letters and statements of support from the Lawyers Committee for Civil Rights Under Law, the National Women's Law Center, and the American Civil Liberties Union, be inserted in the RECORD following the act and summary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Employment Reinstatement Act".

SEC. 2. PROOF OF UNLAWFUL EMPLOYMENT PRACTICES IN DISPARATE IMPACT CASES.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) is amended by adding at the end thereof the following new subsection:

"(k) PROOF OF UNLAWFUL EMPLOYMENT PRACTICES IN DISPARATE IMPACT CASES.—

"(1) IN GENERAL.—In an action or proceeding under this title, an unlawful employment practice is established when—

"(A) a complaining party demonstrates that an employment practice results in a disparate impact on the basis of race, color, religion, sex, or national origin, and the respondent fails to demonstrate that such practice is required by business necessity; or

"(B) a complaining party demonstrates that a group of employment practices results in a disparate impact on the basis of race, color, religion, sex, or national origin, and the respondent fails to demonstrate that such practices are required by business necessity: *Provided,* That—

"(i) if the complaining party demonstrates that a group of employment practices results in a disparate impact, such party shall not be required to demonstrate which specific practice or practices within the group resulted in such disparate impact; and

"(ii) if the respondent demonstrates that a specific employment practice within the group of employment practices does not contribute to the disparate impact, the respondent shall not be required to demonstrate that such practice is required by business necessity.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'complaining party' means a person who may bring an action or proceeding under this title;

"(B) the term 'respondent' means an employer, employment agency, labor organization, or joint labor-management committee;

"(C) the term 'demonstrates' means meets the burdens of production and persuasion;

"(D) the term 'required by business necessity' means essential to effective job performance; and

"(E) the term 'group of employment practices; means a combination of employment practices or an overall employment process.".

SUMMARY OF THE FAIR EMPLOYMENT REINSTATEMENT ACT

The Fair Employment Reinstatement Act is intended to overrule the Supreme Court's recent decision in Wards Cove Packing Company v. Atonio. The bill reinstates the well-settled system of proving unlawful employment practices in disparate impact cases under Title VII of the Civil Rights Act of 1964.

Title VII outlaws not only intentional discrimination but also facially-neutral employment practices that have discriminatory consequences. For example, the use of so-called "general aptitude tests" may operate to exclude minorities. Height or weight requirements for certain jobs may effectively deny employment to women or ethnic minorities. In the 1964 law, Congress made clear its desire to remove artificial, arbitrary or unnecessary barriers to employment whenever those barriers operate to discriminate on the basis of race or sex.

For 18 years, the congressional desire to root out these subtler forms of discrimination has been supported by the nation's courts. The landmark case was Griggs v. Duke Power Company, a unanimous 1971 Supreme Court decision authored by Chief Justice Burger. The Court ruled in Griggs that where an employment practice has a disparate impact on minorities or women, the employer must show that the practice is required by business necessity. The Griggs approach has been followed in hundreds of lower court decisions.

In Wards Cove, the Supreme Court, by a 5 to 4 vote, drastically undermined plaintiffs' ability to prevail in a disparate impact case. Under Wards Cove, a minority or female plaintiff who demonstrates that an employment practice has a disparate impact on minorities or women must bear the additional burden of proving that the employer has no business justification for the employment practice. By shifting this burden to the plaintiff, the Court has made it far more difficult for plaintiffs to secure relief in cases where employment practices have widespread discriminatory consequences.

In addition, the Wards Cove decision made it much tougher for civil rights plaintiffs to prove the existence of disparate impact. Where plaintiffs challenge a group of employment practices, the Court now requires the plaintiffs to show which specific practice or practices within the group resulted in a disparate impact. But as a practical matter, an employee selection process often involves multiple practices (such as tests, interviews and education requirements) that are interrelated. Plaintiffs who prove that the process as a whole excludes minorities or women should not also have to isolate each factor and assess its contribution, particularly because employers have far readier access to the pertinent information.

The Fair Employment Reinstatement Act of 1989 overturns the Wards Cove decision. The bill reinstates the law relating to disparate impact cases under Title VII so that it is once again in line with 18 years of federal precedent. In particular, the bill reestablishes that: (1) when a plaintiff demonstrates disparate impact, as that term has been applied under Griggs and its progeny, it is the employer's burden to prove the affirmative defense of business necessity; and (2) a plaintiff may challenge a group of employment practices without having to demonstrate that each specific practice within the group resulted in disparate impact. In addition, the bill makes clear that when demonstrating that a challenged practice is "required by business necessity," the employer must show that the practice is essential to effective job performance. The Wards Cove decision raised some doubts on this score, making clarification necessary here.

The legislation will ensure that ordinary principles of fairness govern the conduct of Title VII disparate impact litigation. By restoring clarity to this area of civil rights law, the bill also will avoid the uncertainty and confusion that would otherwise result from litigation based on the Wards Cove decision.

If you need further information about the Fair Employment Reinstatement Act of 1989, please contact Jim Brudney or Al Cacozza with the Labor Subcommittee at 224-5546.

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW,
Washington, DC, June 22, 1989.

Re: The Fair Employment Reinstatement Act

Hon. HOWARD M. METZENBAUM,
Hon. JAMES M. JEFFORDS,
U.S. Senate, Washington, DC.

DEAR SENATORS METZENBAUM AND JEFFORDS: The Lawyers' Committee for Civil Rights Under Law is pleased to support the legislation that you and Senator Jeffords are introducing today. This important legislation will ensure the continued vitality of Title VII's prohibition against unlawful employment practices that operate without justification to exclude individuals from employment opportunities on the basis of race, national origin, or gender.

This legislation is necessary in light of the Supreme Court's recent decision in *Wards Cove Packing Co.* vs. *Atonio*, S.Ct. (June 6, 1989). That decision threatens to erode the effectiveness of this country's commitment to fair employment by creating confusion in the courts as to the nature of proof in a disparate impact case.

The legislation you are introducing will reinstate the pre-Wards Cove understanding of how disparate impact claims under Title VII operate and will ensure that plaintiffs are not needlessly blocked from pursuing meritorious claims of discrimination due to the onerous burdens of proof that courts may impose based on that decision. The Fair Employment Reinstatement Act is a major step in preventing unwarranted harm and confusion; thus, we welcome and support its adoption.

Very truly yours,

BARBARA R. ARNWINE,
Executive Director.

AMERICAN CIVIL LIBERTIES UNION,
Washington Office, June 23, 1989.

Hon. HOWARD M. METZENBAUM,
U.S. Senate, Washington, DC.

DEAR SENATOR METZENBAUM: I write on behalf of the American Civil Liberties Union to express our strong support for your proposed legislation which would address the confusion left in the wake of the Supreme Court decision in Wards Cove Packing Co. v. Atonio. In deciding Wards Cove, the Supreme Court not only departed significantly from Congress' vision of ensuring equal opportunity in the workplace regardless of race, religion, national origin or gender but from the realities of the workplace itself. Prior to Wards Cove, Title VII served as a useful tool for removing arbitrary barriers to the advancement of those protected by its mandate of nondiscrimination. It created an incentive for employers to examine conventional notions in hiring and promotions to ensure the opportunities were made available to the broadest spectrum of the workforce. The uncertainty left by Wards Cove regarding an employer's obligations in this regard now threatens to stall, if not reverse, the slow and deliberate progress that has been made.

These last several weeks have been difficult ones for those who are committed to civil rights and those who depend on that commitment. In a series of decisions the Supreme Court has demonstrated a pinched view of civil rights that we believe is inconsistent not only with the views of the Congress but the mainstream of the nation as well. We believe that your legislation is the first piece of what must be a comprehensive response. This is not the time to retreat from our national commitment to assuring equal employment opportunity. Unemployment statistics are but one indication that despite improvements in overall unemployment figures, people of color and women remain disproportionately locked out.

On the 25th anniversary of the Civil Rights Act of 1964, we urge you to move swiftly to revitalize Title VII and reaffirm our nation's commitment to equal employment opportunity.

Sincerely,

MORTON HALPERIN.

NATIONAL WOMEN'S LAW CENTER,
Washington, DC, June 23, 1989.

WASHINGTON.—With support from the National Women's Law Center, Senators Metzenbaum, Kennedy and Jeffords today introduced legislation which will overturn the adverse effects of the Supreme Court's decision in Wards Cove v. Atonio.

"The Wards Cove decision created serious impediments for women and minorities challenging employment discrimination," said Marcia Greenberger, Managing Attorney of the National Women's Law Center. "The legislation introduced today will help prevent the Supreme Court's Wards Cove decision from eroding almost two decades of progress in overcoming work place discrimination."

Wards Cove increased the employee's burden of proving a violation of Title VII's prohibition against employment discrimination. The case added to the plaintiff's existing burden of proving that an employer's practice had a discriminatory effect on women or minorities, a new burden previously placed on the employer.

Until Wards Cove, once a discriminatory practice was shown the employer was required to demonstrate that the practice was essential to its business. After Wards Cove, it is the employee who now must prove a negative—that the discriminatory practice is not required by business necessity. The legislation introduced today shifts the burden of proving a discriminatory employment practice meets the "business necessity" test back to the employer.

"Wards Cove made it easier for employers to institute discriminatory practices without providing a business-necessity justification," Greenberger said. "Under the legislation introduced today, employers would once again

bear the burden of defending their discriminatory actions."

"This legislation is an important first step in the effort needed to overturn the series of Supreme Court decisions decided this term in which a slim majority has set back the clock on civil rights which so many in our country fought long and hard to secure," Greenberger concluded.

Mr. JEFFORDS. Mr. President, the Fair Employment Reinstatement Act is a direct response to and partial reversal of the recent Supreme Court decision in Wards Cove Packing Co. versus Atonio. It would amend title VII by the addition of a provision reestablishing that: First, it is the defendant's burden to prove the affirmative defense of business necessity once the plaintiff has established existence of a discriminatory disparate impact; and second, the plaintiff may challenge a group of employment practices without having to demonstrate that each specific practice within the group resulted in a disparate impact. Additionally, the bill would clarify that proof of business necessity requires a showing that the challenged practice is "essential to effective job performance," reaffirming the conceptual underpinning of Griggs versus Duke Power.

With my participation in this bill, it is my intention to make a very clear statement that no wholesale retreat from the civil rights and equal employment commitments made by this Nation is now in order. The legitimate expectations of minorities and women that their equal employment opportunity rights will be protected must continue to be the order of the day. This bill rolls back one distressing inroad to such expectations emanating from this sharply divided and controversial decision by a fragile majority of the Court. Ordinary principles of fairness must govern the conduct of title VII disparate impact litigation. The requirement that a title VII plaintiff must bear the burden of proof on the business necessity affirmative defense asserted against him does not partake of that sense of ordinary fairness. Such has not been the consistent practice in this area and no good reasons exist for instituting such a radical change. It is principally for the purpose of correcting this injustice that I have associated myself with this bill.

Mr. HATFIELD. Mr. President, I rise today in support of the Fair Employment Reinstatement Act. I am pleased to be an original cosponsor of this legislation and also commend my colleagues for their efforts in producing this important initiative.

The Fair Employment Reinstatement Act brings us back to the well-established principles laid down in Griggs versus Duke Power Co., a unanimous 1971 Supreme Court decision that has been the guiding light in title VII disparate impact cases. Specifically, this legislation reinstates the burden of proof allocations that were set out in Griggs by establishing that, once a plaintiff proves disparate impact, the burden of proof then falls upon the employer to prove the affirmative defense of business necessity. Further, this act makes it clear that a plaintiff may challenge a group of employment practices without having to demonstrate that each specific practice within the group resulted in disparate impact.

While I do not disparage the Supreme Court in their role as the ultimate legal arbiter in this country, I believe that their recent Wards Cove Packing Co. versus Atonio decision is contrary to congressional intent as embodied in title VII of the 1964 Civil Rights Act and interpreted by the Burger Court in Griggs. This legislation would overturn Wards Cove and reinstate the doctrine laid down in Griggs and its progeny.

By placing the burden of disproving business necessity upon the plaintiff, the Wards Cove case puts an almost insurmountable burden upon plaintiffs attempting to prove discrimination. The 1964 Civil Rights Act was not intended to place such barriers in the way of those who have chosen legal remedies to combat discrimination. The difficulties of proving or disproving the intent or motive of a person or corporate entity are well known, particularly when access to information bearing upon such proof is limited.

I commend this legislation to my colleagues and urge its swift passage.

Mr. KENNEDY. Mr. President, I am pleased to join Senator METZENBAUM, Senator JEFFORDS, and other distinguished Senators in introducing this legislation to overturn the Supreme Court's decision in Wards Cove versus Atonio. The Court abandoned the rule it unanimously adopted 18 years ago in Griggs versus Duke Power that when employment practices have a disparate impact on minorities or women, employers must prove that those practices are required by business necessity. The Griggs rule was a critically important weapon in ending practices that perpetuated discrimination, and the Fair Employment Reinstatment Act will restore the Griggs rule to the civil rights arsenal.

The Wards Cove decision is part of a disturbing line of recent decisions by the Court cutting back on our country's civil rights laws. Congress must not let these decisions stand. In the coming months, I intend to introduce comprehensive legislation to fill the gaps in the civil rights laws created by the Court's decisions.

I look forward to working with Senator METZENBAUM and other interested Senators on this legislation, and on the omnibus civil rights bill to come.

Mr. ADAMS. Mr. President, I rise to support the legislation introduced by Senators METZENBAUM and KENNEDY to address the problem of discrimination in the workplace.

This bill is necessary to correct the interpretation of title VII of the Civil Rights Act of 1964 after the Supreme Court's decision in the case of Wards Cove versus Atonio. The Wards Cove decision is, unfortunately, one of five key civil rights rulings decided by the Supreme Court this session, in which a narrow conservative majority of the Court weakens our Nation's laws against discimination.

Mr. President, if our country stands for anything, it stands for the principle that equal rights and equal opportunity shall not be denied because of race, color, sex, religion, or national origin. The Supreme Court has always held firm for this principle. It has been, as Justice Black has stated, "a haven against the winds that blow." Now, however, the Court is in full retreat on civil rights; it is weakening the policies that prevent discrimination and eroding the power of individuals harmed by prejudice to redress their wrongs.

The Wards Cove case is a perfect example. In this case involving a Northwest salmon cannery, workers in the low-paying cannery jobs, mostly minority Filipinos and Native Alaskans, challenged the hiring and promotion practices for the skilled and higher paying non-cannery jobs, which were mostly held by whites. Justice Stevens, in the dissent, noted that the industry was so segregated along racial and ethnic lines that it bore "an unsettling resemblance to aspects of a plantation economy."

A 5-to-4 majority of the Court ruled for the defendants. In doing so, it overturned 15 years of decisions regarding how a plaintiff goes about proving an employment discrimination case. The Court, in effect, shifted an important burden of proof from the defendant to the plaintiff, making it that much more difficult for the plaintiff to prove discrimination. The bill we are introducing today restores title VII to its original meaning and puts the law back on solid footing.

One thing we should remember in discussing this bill: The Supreme Court in the Wards Cove case was interpreting a statute written by Congress. The Justices were trying to determine what Congress intended. By correcting their ruling, therefore, we are simply reinstating what we have always believed the law to be and what the courts have relied on for the last 15 years.

Mr. President, I hope that this is only the first of several bills to reaffirm our civil rights laws. Our commitment to equal opportunity and to fairness in the workplace cannot waiver. Instead of moving backward with the Supreme Court, it is time that we redouble our effort to ensure that all

our citizens can truly share in America's wealth and promise.

By Mr. SIMON (for himself, Mr. CRANSTON, and Mr. DIXON):

S. 1263. A bill to treat Hong Kong as a separate foreign state for purposes of applying the numerical limitations on immigration; to the Committee on the Judiciary.

INCREASING THE IMMIGRATION QUOTA

● Mr. SIMON. Mr. President, I rise today to introduce urgently needed legislation to increase the Hong Kong immigration quota. I am pleased to be joined in this important effort by my friends and colleagues Senators ALAN CRANSTON and ALAN DIXON. The legislation I am introducing today is the companion to a measure introduced by Representative NORMAN MINETA in the House.

Mr. President, while this bill is precipitated in large part by the tragic and dangerous events in the People's Republic of China, my concern about immigration from Hong Kong is longstanding. In the 99th Congress, Senator DIXON and I added a provision to the immigration bill to raise the number of visas for all colonial territories from 600 to 5,000 per year.

Prior to the enactment of the Hong Kong quota bill in 1986, Hong Kong received just 3 percent of the visas normally extended to foreign countries. It had a backlog of 32,000 people waiting for visas, some for as long as 12 years. Our bill enabled consular officials to reduce that wait significantly.

Today, it is critical to review the situation with the Hong Kong quota again. The recent turmoil and bloodshed in the People's Republic of China has certainly been felt and roundly condemned around the world. But the people of Hong Kong have particular reason to be in fear. Hong Kong residents have great worry and concern about what will happen when the People's Republic assumes control over the island in 1997.

Last month, the State Department reported that 46,446 Hong Kong residents had registered to leave Hong Kong for the United States. An immigration quota for Hong Kong limited to 5,000 instead of 20,000 would require over 9 years just to accommodate those individuals currently in line. Clearly, the British Commonwealth nations must do their part to ease the situation but we can not afford to stand by at this moment.

Earlier this week, I joined Senator DIXON to introduce legislation on J-1 student visas. That bill will facilitate the adjustment of status of Chinese students in the United States by waiving the 2-year foreign residency requirement of the J student visas and making other changes. Of the 40,000 Chinese students in the United States, approximately 70 percent are here via the J-1 category. With the reports of surveillance of Chinese students in the United States and the real possibility of retaliation against their families as part of the wave of repression in the People's Republic, it is especially important that we obtain quick action on the Dixon bill.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD in full immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF HONG KONG AS A SEPARATE FOREIGN STATE FOR NUMERICAL LIMITATIONS.

The approval referred to in the first sentence of section 202(b) of the Immigration and Nationality Act shall be considered to have been granted, effective beginning with fiscal year 1990, with respect to Hong Kong as a separate foreign state, and not as a colony or other component or dependent area of another foreign state, and section 202(c) of such Act shall not apply to Hong Kong.●

By Mr. BUMPERS (for himself, Mr. BENTSEN, Mr. JOHNSTON, Mr. LEAHY, Mr. CONRAD, and Mr. JEFFORDS):

S. 1264. A bill to provide for the phased reduction of approximately 10,000 United States Army personnel stationed in the Republic of Korea; to the Committee on Armed Services.

UNITED STATES FORCES IN KOREA REALIGNMENT ACT OF 1989

Mr. BUMPERS. Mr. President, I rise to introduce a bill to remove 10,000 American troops from Korea by 1992. Our present status in Korea is that we have 43,000 troops there: roughly 12,000 Air Force; 31,000 Army troops. We have had a presence in Korea since 1950 and for most of those years, the argument was persuasive and compelling that we keep the presence. But the arguments have grown weaker every year and, today, the argument does not even exist any longer.

Mr. President, this bill, which I am introducing today on behalf of myself, Senator JOHNSTON, Senator BENTSEN, Senator LEAHY, Senator CONRAD, and Senator JEFFORDS, in no way diminishes our commitment to the defense of South Korea.

These 43,000 troops in Korea cost us $2.6 billion a year, but the problem is not just cost. If South Korea is not big enough and grown up enough to defend themselves now, I invite my colleagues to listen to these statistics and tell me when they will be.

First, South Korea's gross national product is $154 billion. North Korea's gross national product is $20 billion. So the gross national product, that is the economic measurement, in South Korea is almost eight times as great as that of North Korea.

South Korea has about twice as many people, 41 million to 21 million.

We are an irritant to the embryonic democracy that Korea has been able to establish. Just the downtown golf course at Yongsan San is an irritant; the big military golf course right in downtown Seoul.

It is estimated that the value of that golf course, and the base it is on, is $7 billion. It is an irritant. Students and others demonstrate about us occupying all this land in downtown Seoul. So we have agreed with the Koreans that if you will find us enough space for a base in the suburbs of Seoul, we will give you the downtown golf course. And we have not gotten an offer back yet.

My point is this. The argument that we are helping Korea maintain this new democracy by maintaining 43,000 men there is absolutely perverse. The opposite is the case.

The United States is the focus of hostility of every dissident person in South Korea. We need to let the South Koreans establish their own democracy and not be an irritant to it so that every demonstration that takes place—you talk about flag burning. That is a favorite pastime in South Korea, to burn American flags, stomp on them.

This is not designed to be a South Korea-bashing speech. It is simply that it makes no common sense for us to maintain our presence there any longer. But still, this bill does not take all of our troops out. It simply says take 10,000 out. And it asks the President to give us a report on our continued presence in South Korea.

We save money, we enhance South Korea's democracy by reducing our military presence there.

Finally, Mr. President, last year—and I do not know what it was in the years past, almost as much—last year South Korea's economy is so strong they had a $10.6 billion trade surplus against the United States. And, despite all of that, they still commit a smaller percentage of their GNP to their own defense than we do.

What is going on here? Not to coin a phrase. What is going on when we are maintaining 43,000 troops at a cost of $2.6 billion to maintain the defense of a nation that is twice as big as its neighbors, has an 8 times bigger economy and which has a $10.6 billion trade deficit against Uncle Sam?

It does not make any sense.

Mr. President, I know my time is about up. I hope my colleagues will read these remarks in the RECORD. I hope they will read the justification for it.

Mr. President, I ask unanimous consent that the bill be printed as original

text, immediately following my remarks here.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Forces in Korea Realignment Act of 1989".

SEC. 1. LIMITATION ON USE OF FUNDS.

(a) IN GENERAL.—Funds appropriated to or for the use of the Department of Defense may not be obligated or expended after September 30, 1992, to support or maintain more than 21,000 United States Army personnel in the Republic of Korea.

(b) PHASED REDUCTION.—It is the sense of Congress that the President should achieve the total reduction required as a result of the limitation provided for in subsection (a) in approximately equal annual reductions and that such annual reductions should begin not later than October 1, 1990.

(c) INITIATION OF DISCUSSIONS.—It is further the sense of Congress that the President should, at the earliest practicable date after the date of the enactment of this Act, initiate discussions with the Republic of Korea regarding (1) a phased annual reduction of United States Army personnel stationed in that country, and (2) the kinds and quantities of military equipment and other materiel that will be needed by the Republic of Korea after the reduction in United States Army personnel required as a result of the limitation provided for in subsection (a) has been achieved.

(c) REPORT.—(1) The President shall submit to Congress not later than May 1, 1990, a report on the reduction of United States Army personnel stationed in the Republic of Korea. The President shall include in such report the following:

(A) The feasibility of relocating, on an expedited basis, personnel, equipment, and facilities of the Armed Forces of the United States currently situated in Seoul, Korea, to a more suitable location or locations in the vicinity of Seoul.

(B) A discussion of the feasibility of withdrawing all United States military ground forces from the Republic of Korea.

(C) A discussion of the feasibility of withdrawing all United States military forces stationed in that country.

(D) The feasibility and estimated cost of stationing prepositioned military equipment in the Republic of Korea.

(E) What technical and planning assistance the United States should offer to the Republic of Korea to assist that country in preparing to assume greater responsibility for its own defense.

(2) The President shall submit such report to Congress in both classified and unclassified versions.

(d) REAFFIRMATION OF COMMITMENT.—Congress reaffirms the commitment of the United States to the security and territorial integrity of the Republic of Korea.

By Mr. PRYOR (for himself and Mr. BOREN):

S. 1265. A bill to amend title 31, United States Code, to permit the Comptroller General of the United States to review and decide protests of Federal Government employees relating to converting to contractor performance certain functions performed by such employees, and to amend the Federal Property and Administrative Services Act of 1949 to provide for judicial review of certain agency decisions relating to converting to contract performance of commercial activities performed by Federal Government employees; to the Committee on Governmental Affairs.

CONTRACTING OUT APPEALS REFORM ACT OF 1989

Mr. PRYOR. Mr. President, today I am joined by my colleague Senator BOREN in introducing the Contracting Out Appeals Reform Act of 1989. This legislation amends the Competition in Contracting Act of 1984 to give Federal employees whose jobs are in the process of being contracted out the same appeal rights available to private contractors. The General Accounting Office [GAO] has reviewed similar legislation last year and supported the bill. GAO stated in its letter that the bill "is consistent with our goal of providing an impartial forum for the resolution of bid protests to those who have a legitimate economic interest in the outcome of the award process."

The need for this legislation became very obvious during two hearings that I chaired on the Subcommittee on Federal Services, Post Office and Civil Service the 100th Congress. The hearings reviewed examples of cost overruns, waste, and abuse that negated the hoped for savings from contracting out the Government jobs. In some cases, the private contractor seems to have intentionally set out to undermine the process to increase profits. In others, the A-76 process itself created the problems.

These situations were brought to my attention by Federal contract administrators and employees affected by bad contracts as well as their representatives in Congress, including Senator BOREN, Senator REID, and Senator STEVENS, all of whom have discussed the problems in their States before my subcommittee.

Mr. President, I am all for contracting out when it saves money for the taxpayer and increases Government efficiency. Unfortunately, my investigations show that too often the system allows just the opposite to happen. It is clear that for contracting out to work well, agencies must conduct better oversight of the process. Who better to assist them than the Federal employees most familiar with the jobs that are to be contracted out?

Today when these employees see an improperly written contract, they can only appeal a contracting out decision within their own agency. However, private contractors who believe a contract was unfairly completed can take their case directly to an independent adjudicatory body at the General Accounting Office [GAO] for resolution. The Competition in Contracting Act, which established the appeal process, recognized the value of permitting contractors to police the procurement system.

Currently, employee bid protests can take years to resolve within the agency. A bid protest initiated by Federal employees at Blytheville Air Force Base took over 4 years to settle. The average time to resolve a contractor's bid protest through GAO is 32 days.

A 1986 "Military Law Review" article by a U.S. marine attorney compared the procedures available to employees to contractor appeals to the GAO. He concluded that, "unlike labor arbitrators and the FLRA, the GAO possesses the expertise, experience, and procedural capability to resolve A-76 appeals in a manner that is timely, responsive to sound procurement principles and the interests of all affected parties * * *." My legislation simply gives the Federal employees the same bid protest route that contractors currently enjoy.

The bill also gives Federal employees the route to the courts available to private contractors. This ensures that Federal employees will have the same access to all appeals routes that contractors have.

Mr. President, the bill we are introducing today is about preventing fraud and cost overruns. It is about harnessing the true potential of contracting out to save money and increase efficiency. I hope all of my colleagues will join me in supporting this initiative.

Mr. President, I ask unanimous consent that the text of the bill be printed with my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Contracting Out Appeals Reform Act of 1989".

SEC. 2. APPLICABILITY OF GAO PROCUREMENT PROTEST SYSTEM TO CONVERSION TO CONTRACTOR PERFORMANCE OF FEDERAL GOVERNMENT FUNCTIONS.

(a) DEFINITION OF "PROTEST".—Section 3551(1) of title 31, United States Code, is amended to read as follows:

"(1) 'protest'—

"(A) means a written objection by an interested party to a solicitation by a Federal agency for bids or proposals for a proposed contract or a written objection by an interested party to a proposed award or the award of a contract; and

"(B) in the case of a contract or proposed contract referred to in paragraph (4)(B), includes an objection that a relevant performance work statement is inaccurate or incomplete;".

(b) DEFINITION OF "INTERESTED PARTY".—Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) 'interested party', with respect to a contract or proposed contract, means—

"(A) an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) in the case of a contract referred to in paragraph (4)(B)—

"(i) any labor organization accorded, under section 7111 of title 5, exclusive recognition to represent an appropriate unit (determined under section 7112 of such title) that includes the employees referred to in such paragraph (4)(B); and

"(ii) any representative of a majority of such employees, determined as provided in regulations issued by the Comptroller General;".

(c) DEFINITIONS OF "CONTRACT" AND "REGULATION".—Section 3551 of title 31, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new paragraphs:

"(4) 'contract'—

"(A) means a contract awarded by a Federal agency for the procurement of property or services; and

"(B) includes a contract awarded for the purpose of converting from performance of any commercial activity by employees of the Federal Government to contractor performance of such commercial activity; and

"(5) 'regulation' includes Office of Management and Budget Circular A-76 and any other order or directive issued by the President, the Director of the Office of Management and Budget, or the head of a Federal agency that sets out standards, procedures, or requirements for converting from performance of any commercial activity by employees of the Federal Government to contractor performance of such commercial activity.".

SEC. 3. JUDICIAL REVIEW.

(a) IN GENERAL.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

"JUDICIAL REVIEW OF EXECUTIVE AGENCY CONTRACTING FOR PERFORMANCE OF COMMERCIAL ACTIVITIES

"SEC. 311. (a) A determination by an agency head to award a contract for the purpose of converting from performance of any commercial activity by employees of that executive agency to contractor performance of such commercial activity (including any executive agency action in connection with such a determination) is subject to judicial review pursuant to chapter 7 of title 5, United States Code. The reviewing court may conduct a trial de novo in order to determine the facts relevant to such determination, including the accuracy and completeness of a performance work statement relevant to such contract.

"(b) For the purposes of chapter 7 of title 5, United States Code, each of the following parties shall be considered an aggrieved person with respect to a contract or proposed contract referred to in subsection (a):

"(1) Any labor organization accorded, under section 7111 of title 5, United States Code, exclusive recognition to represent an appropriate unit (determined under section 7112 of such title) that includes the employees referred to in such subsection (a).

"(2) Any representative of a majority of such employees.

"(c)(1) This section applies to all executive agencies notwithstanding the exception set out in section 302(a)(2).

"(2) Section 701(a)(2) of title 5, United States Code, does not apply to a determination or executive agency action referred to in subsection (a).".

(b) TECHNICAL AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 311, the following new item:

"311. Judicial review of executive agency contracting for performance of commercial activities".

SEC. 4. EFFECTIVE DATE.

The amendments made by sections 2 and 3 shall take effect with respect to contract solicitations issued on or after the date of the enactment of this Act.

By Mr. KASTEN:

S. 1266. A bill to amend the Federal Food, Drug and Cosmetic Act to specify the authority to regulate food products with cheese and meat, to require food containing imitation or substitute cheese to be labeled to reflect the fact that such cheese is contained in the food, and for other purposes; to the Committee on Labor and Human Resources.

LABELING OF CERTAIN CHEESE PRODUCTS

● Mr. KASTEN. Mr. President, I rise today to introduce legislation of great importance to American consumers—and to the farmers who provide some of their most prized foodstuffs.

For far too long, Americans have been confronted with a deceptive system of pizza labeling. Many have bought frozen pizzas in the expectation of relishing the flavor of 100 percent genuine Wisconsin cheese—only to discover that their pizza is in fact coated with any number of artifical ingredients.

My bill is a simple one. It would require truth in labeling for all frozen pizzas sold in the United States. To accomplish this goal, the bill would transfer authority over this labeling decision from the Department of Agriculture to the Food and Drug Administration.

Current law requires that products containing both meat and cheese be regulated by the Agriculture Department under the Meat Inspection Act. My bill would quite rationally transfer the regulation of cheese-pizza labeling to the agency with general authority over cheese products.

The Agriculture Department commissioned a study of consumer attitudes toward frozen meat and frozen cheese products. This study unearthed the datum that consumers largely consider frozen pizza to be a cheese product as opposed to a meat product—and that's one of the major reasons for my conclusion that Congress ought to enact this transfer of authority.

Once this transfer is accomplished, we can get on with the task of making pizza boxes tell the truth. Americans want cheese on their pizzas, and they want to know when they're really getting it.

My bill would enact this essential change.

Mr. President, I ask unanimous consent that the full text of the bill be included in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHEESE PRODUCTS WITH MEAT.

Section 701(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(a)) is amended by adding at the end thereof the following new sentence: "The authority to promulgate regulations for food products with cheese and meat shall be exclusively vested in the Secretary.".

SEC. 2. LABELING REQUIREMENT.

Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end thereof the following new subsection:

"(q) If it is food containing an imitation or substitute cheese, unless the label of the food prominently bears, contiguous to the product name on the principal display panel, the term 'contains imitation cheese' or 'contains substitute cheese'.".●

By Mr. INOUYE:

S. 1267. A bill to require that imports of fresh papaya meet all the requirements imposed on domestic fresh papaya; to the Committee on Agriculture, Nutrition, and Forestry.

REQUIREMENTS FOR IMPORTED FRESH PAPAYA

● Mr. INOUYE. Mr. President, I rise to introduce a bill to amend section 8e of the Agricultural Adjustment Act—hereafter referred to as the "Act"—as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, to require that imports of fresh papaya meet all the requirements imposed on domestic fresh papaya.

Under section 8e, whenever any marketing order issued by the Secretary of Agriculture "contains any terms or conditions regulating the grade, size, quality, or maturity of tomatoes, raisins, olives—other than Spanish-style green olives—prunes, avocadoes, mangoes, limes, grapefruit, green peppers, Irish potatoes, cucumbers, oranges, onions, walnuts, dates, filberts, or eggplants produced in the United States the importation into the United States of any such commodity * * * shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated hereunder * * *." This bill would add "papayas" to this list of imported commodities that must meet minimum quality standards of domestically produced fruits, vegetables, and specialty crops.

Hawaiian papayas are currently marketed under the provisions of marketing order, 7 CFR part 928, as amended,

regulating among other things grade, size, quality, and maturity. The purpose of this marketing order, as with other similar orders, is to protect the interests of our domestic consumers and provide them with high quality commodities, whether the product is foreign or domestic. Oftentimes, however, the efforts of the domestic industries to market high quality products are undercut by imports of a like commodity that is of inferior quality.

Since 1972, U.S. papaya growers have been fighting to get the equal treatment they deserve, but have been continually turned back by Congress under the pretext that such a measure would in effect be posing as a trade barrier against papaya exporting countries like the Dominican Republic and Mexico. Mr. President, all my bill does is guarantee equal treatment of both domestic and international producers.

Papaya producers and consumers certainly deserve the benefits of fair market treatment and quality control, respectively, as is currently provided for all those commodities under section 8e of the act.

In closing, Mr. President, I believe that the inclusion of papayas under section 8e of the act would result in higher quality produce for our Nation's consumers. The question here is not one of competition or protectionism, but rather of quality and taste. The bill I am introducing today would ensure that papayas produced in foreign countries and marketed in the United States meet the same minimum quality standards of papayas produced and marketed domestically.

I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8e of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by inserting "papayas," between "table grapes," and "or eggplants"●

By Mr. D'AMATO (for himself and Mr. COHEN):

S. 1268. A bill to amend the Immigration and Nationality Act to permit certain nationals of the People's Republic of China to adjust their status to that of aliens lawfully admitted to the United States for temporary residence; to the Committee on the Judiciary.

CHINESE STUDENT RELIEF ACT

● Mr. D'AMATO. Mr. President, each day we witness the calculated slaughter of more innocent Chinese students, as the Chinese Government carries out its misguided notion of justice. Their crime—love of freedom. During the student protests in China, the students had erected in Tiananmen Square a replica of the most powerful symbol of freedom in the world—the Statue of Liberty. On June 5, 1989, in brutal symbolic fashion, the replica was crushed by army tanks, just as sure as was the students' current struggle for freedom.

Over the last several weeks, while we have witnessed this tragic and brutal spectacle, I have been deluged by letters, telegrams, phone calls, and messages from Chinese students and scholars who are presently studying in the United States. These messages beseech Congress to act so they will not be forced to return to China to face brutal repression.

Just yesterday, I received a letter from 105 Chinese students from a major New York university—the students asked to remain anonymous. The letter poignantly describes their dilemma. Let me read some excerpts from this letter:

> As terror is reigning all over China, it has shown signs of spreading overseas as well. Some of the staff of Chinese Diplomatic Missions in the U.S. have been spotted photographing and videotaping demonstrators * * * these could well be used by the Chinese Government as evidence for prosecution * * *.
>
> Not only do most of the students and scholars refuse to serve this regime—China—but also the dictators in China view the students and scholars abroad as direct threats to their regime * * *.

Mr. President, the Chinese students in the United States face a demonstrable threat if they return to China. The United States has a moral duty to heed the calls of these students.

Today I am introducing, along with Senator COHEN, legislation that would waive the 2-year foreign residency requirement for those students who hold "J" visas, and grant temporary resident status to Chinese nationals who hold "F", "J", and "M" visas, who before June 6, 1989, have resided continuously in the United States since such date, except for brief, casual, and innocent departures from the United States.

This legislation is a necessary response to the problems faced by Chinese students and scholars who would be persecuted if they returned to China. This measure is similar to the recent amnesty legislation and the act granting temporary residence status to certain nationals of Poland, Uganda, Ethiopia, and Afghanistan.

The admission of these Chinese nationals would greatly benefit the United States and would respond in a measured, humane, and compassionate way to the needs of those displaced nationals of the People's Republic of China who are now in this country.

I urge my colleagues to join me in quickly passing this important measure.●

By Mr. McCAIN (for himself, Mr. MURKOWSKI, and Mr. DECONCINI):

S. 1270. A bill to provide an Indian mental health demonstration grant program; to the Select Committee on Indian Affairs.

INDIAN MENTAL HEALTH DEMONSTRATION GRANT PROGRAM

● Mr. McCAIN. Mr. President, I rise today to introduce a proposal I believe will ultimately lead to the reform of the mental health delivery system meant to serve the mental health needs of Native Americans. I am pleased to be joined in the offering of this proposal by my distinguished colleagues, Senator MURKOWSKI and Senator DECONCINI.

As many of us know, the Native Americans have the lowest health status of any population group in our country. While the Indian Health Service has certainly had some success in dealing with the threat that common diseases and maladies pose to the lives of native Americans, among the things still posing a serious threat to the health status and lives of native Americans is mental health.

During my 7 years in Congress, I have spent, and continue to spend, a great deal of time focusing on issues relevant to native Americans. One of the issues in the area of health care that arises consistently is the fact that the existing mental health service delivery system is woefully inadequate to meet the needs.

While I certainly recognize the stigma many attach to the issue of mental illness, this is not unique to any segment of our population. The fact that a stigma may exist should not lead us to shy away from addressing this important issue—because the stakes are very high for the individuals affected. Oftentimes, the cost of addressing a mental health need can lead to the loss of life.

Native Americans suffer from the highest rate of suicide, drug abuse, and alcoholism of any population group in this country. While there are certainly other factors that play into this, I would suggest to my colleagues that mental health is often one of the factors. Yet, we do not currently focus much attention or resources in this area. In fact, only 3 percent of the entire IHS budget is dedicated to the area of mental health.

Not only can unaddressed mental health needs be the root cause of one's alcohol or drug abuse problem, it can also cause or lead to the exacerbation of an illness. And, mental health problems themselves may actually be caused by the illness, of the abuse of alcohol or drugs.

As my colleagues know, recently the special investigations subcommittee of the Select Committee on Indian Affairs spent a great deal of time examining the problem of child sexual abuse on Indian reservations. I might say, it was one of the hardest, most heartwrenching issues I have ever dealt with in my time in Congress. The destruction left in the wake of these deviant people's behavior is mindboggling. It has left serious marks on the lives of these children, their families, and the communities in which they live. Left unaddressed, the effects could linger for generations to come.

Two of the cases we examined involved teachers sexually abusing Indian children within the federally operated schools. While we definitely need to determine what steps can be taken to diminish the chance of these kinds of things from ever occurring again, the reality is that the Native American children who have been abused, and in some cases their families and communities, are going to need assistance in dealing with the serious marks left on their mental health. Yet, the existing system is not sufficient to meet this need.

There are two different approaches that could be taken to address the inadequacy of the mental health delivery system for Native Americans. One approach would involve complete and massive reform of the existing mental health delivery system. Another approach would involve taking deliberate, calculated steps to determine what systems work best.

The proposal I am offering today favors the more deliberate approach. It would not dismantle the current service delivery system within the Indian Health Service. Rather, it would add a small number of short-term demonstration projects to the current base of services. The purpose of these demonstration projects is to serve as a tool to assist us in determining the most effective steps to take in expanding mental health services available to the Native American population.

In my opinion, it is essential that we know what policies will work and which ones will not, prior to reforming and expanding the existing mental health program. Thus, this legislation, is only a starting point from which a full reform would be crafted.

The bill provides for at least 10 grants, of no more than $1 million each, which will be competitively awarded to various Indian tribes and tribal communities. The grants will have a life of 3 years and will assist the grantees in meeting the costs of planning, developing, and implementing mental health care programs.

One important aspect of the program is that it will allow each tribe or consortia, awarded a grant, to design a mental health care program they believe would best address the mental health needs of their population. This would permit tribes to combine existing clinical approaches with traditional cultural approaches.

While, again, this is only an admitted first step, I believe it is necessary to approach the problem in this fashion. A great disservice could be done by moving headlong into a full scale reform of the current system, without either the experience of what works and/or the support of the Native American community—support that is most easily built through assisting these communities as they develop real solutions to this problem. The ultimate solution rests with the individuals, families and tribal societies. I believe that the program proposed in this bill will provide us all with the information and experience necessary to develop effective mental health services for Native Americans.

I look forward to working with my colleagues as this proposal moves forward. In particular, I look forward to working with the distinguished chairman of the Select Committee as I know of his long-held interest in this important area.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

GRANT PROGRAM

SECTION 1. Title II of the Indian Health Care Improvement Act (25 U.S.C. 1601, et seq.) is amended by adding at the end thereof the following new section:

"MENTAL HEALTH DEMONSTRATION GRANTS

"SEC. 209. (a)(1) The Secretary, acting through the Service, shall award at least 10 demonstration grants to Indian tribes or inter-tribal consortia to pay 75 percent of the costs of planning developing, and implementing programs provided by the Indian tribes or inter-tribal consortia that deliver mental health services to Indians through innovative and community-based means.

"(2) Any grant awarded under paragraph (1) shall not exceed $1,000,000 for each fiscal year.

"(3) For purposes of this section, the term 'inter-tribal consortium' means a partnership between—

"(A) an Indian tribe or a tribal organization of an Indian tribe, and

"(B) one or more other Indian tribes or tribal organizations of other Indian tribes.

"(b)(1) The term of any grant awarded under subsection (a) shall be 3 years.

"(2) In awarding at least 50 percent of the total number of grants awarded under subsection (a), the Secretary shall provide a preference to inter-tribal consortia.

"(3) The 25 percent of the costs of planning, developing, and implementing a program for which a grant is awarded under subsection (a) that are not to be paid from such grant recipient in cash or through the provision of property or services.

"(4) The mental health services delivered under any program that is funded by a grant awarded under subsection (a) may include alcohol and drug abuse treatment.

"(c)(1) Any Indian tribe or inter-tribal consortium may submit to the area office an application for a grant under subsection (a).

"(2) Any application submitted under paragraph (1)—

"(A) shall be in such form as the Secretary may prescribe,

"(B) shall be submitted to the area office before a date designated by the Secretary,

"(C) shall specify—

"(i) the nature of the program proposed by the applicant,

"(ii) the data and information on which the program is based,

"(iii) the extent to which the program plans to use or incorporate existing service delivery activities,

"(iv) the specific treatment concepts to be used under the program,

"(v) the extent of the planned use under the program of the traditional clinical model, and

"(vi) a schedule (of not more than 3 years) for completion of the program, and

"(D) shall be accompanied by a statement from the various Indian populations and Indian-related service-delivery systems in the vicinity of the applicant that would be affected by the program.

"(3) The area office to which an application is submitted under paragraph (1) shall attach to the application the comments of the area office regarding the application and shall forward the application to the Secretary.

"(d) The Secretary shall award grants under subsection (a) in accordance with regulations the Secretary shall prescribe. Such regulations shall ensure that the Secretary take into account, among other considerations—

"(1) any comments from an area office with respect to an application,

"(2) any comments of the Indian communities that would be affected by the program for which the application is submitted,

"(3) the existing mental health services currently available to the Indians the program proposes to serve,

"(4) the need for mental health services among the Indians the program proposes to serve, as described by the Indian tribe itself and the appropriate area office,

"(5) the extent to which the program would improve the access of Indians to mental health services,

"(6) the extent to which, and the manner in which, the program would improve the effectiveness of mental health service delivery in the area served by the program, and

"(7) the extent to which the program would provide Indians with access to a mental health service delivery system that effectively combines the modern clinical approach with the particular customs or culturally based methods of Indian tribes in treating members of the Indian tribe.

"(e)(1) Each recipient of a grant awarded under subsection (a) shall—

"(A) furnish the Secretary with such information as the Secretary may require to—

"(i) evaluate the program for which the grant is made, and

"(ii) ensure that the grant funds are expended for the purposes for which the grant was made, and

"(B) submit to the Secretary at the close of the term of the grant a final report which, in addition to such other informa-

tion as the Secretary may require, includes—

"(i) an assessment of the extent of the mental health needs of the Indians served by the program,

"(ii) the details of the program,

"(iii) the problems encountered in establishing the program,

"(iv) the extent to which the program was effective or ineffective in meeting the mental health needs of Indians, and

"(v) any recommendations of the grant recipient.

"(2) On the date that is 18 months after the date on which most of the grants are awarded under subsection (a), the Secretary shall submit to the Congress a preliminary report which shall—

"(A) assess the functioning and status of the grants,

"(B) evaluate the progress made toward achieving the purposes of the grants, and

"(C) include any recommendations the Secretary may deem appropriate with respect to the grants.

In preparing the preliminary report, the Secretary shall solicit and include the comments and recommendations of private and public entities with an interest in the delivery of mental health services to Indians.

"(3) By no later than the date that is 180 days after the close of the term of the last grant awarded under subsection (a), the Secretary shall submit to the Congress a final report on the grants awarded under subsection (a) which shall include conclusions on the grants, as well as comments on the implications of the demonstration grants for possible re-organization of mental health service delivery in Indian country.

"(f) There are authorized to be appropriated to carry out the provisions of this section, $6,000,000 for each of the fiscal years 1990, 1991, 1992, and 1993.".

TECHNICAL ASSISTANCE SECTION

SEC. 2. (a) The Secretary of Health and Human Services shall establish within the Office of Research and Development of the Indian Health Service a technical assistance office on mental health that shall—

(1) act as an information center for Indian tribes and tribal organizations regarding ongoing mental health activities, programs, and services within Indian country,

(2) provide technical assistance to Indian tribes, or inter-tribal consortia, that are working to implement programs under the demonstration grants provided under subsection (a),

(3) facilitate regional meetings to enable Indian tribes and tribal organizations to share information regarding—

(A) the mental health needs of Indian tribes,

(B) activities that are being undertaken to meet those needs, and

(C) programs that have been successful in meeting those needs,

(4) develop strategies that Indian tribes can take to meet the mental health needs of their members, and

(5) disseminate information regarding such strategies among the Indian tribes and tribal organizations.

(b) The Secretary of Health and Human Services shall provide the mental health technical assistance section that is required to be established under subsection (a) with such staff, facilities, and equipment as are necessary to enable the section to carry out the duties of the section.

(c) The mental health technical assistance section that is required to be established under subsection (a) shall terminate on the date that is 30 days after the date on which the final report is submitted to the Congress under section 209(e)(3) of the Indian Health Care Improvement Act.

MENTAL HEALTH DEMONSTRATION PROPOSAL SECTION-BY-SECTION

SECTION 1—GRANT PROGRAM

Provides for an Indian mental health demonstration grant program. The grants will be awarded to Indian tribes, communities, or consortia of Indian tribes to pay costs of planning, developing, and implementing programs that deliver mental health services to Indians.

There will be at least ten grants. No grant shall exceed $1,000,000 annually. Grants will have a life of three years. At least four of the grants will be awarded to communities or consortia of Indian tribes and at least four grants will be awarded to Indian tribes. 25 percent of the costs for a program shall be paid by the grant recipient in cash or by in-kind contributions of property or services.

The services provided under the program may include alcohol and drug abuse treatment.

Any Indian community, Indian tribe, or consortium of Indian tribes may submit an application for a grant. The Area Office of IHS will attach comments regarding the application. The Secretary shall evaluate the programs and award the grants under prescribed regulations.

The Secretary will submit to Congress a preliminary report 18 months after the grant is awarded, with a final report to follow shortly after the completion of the grant cycle.

SECTION 2—TECHNICAL ASSISTANCE PROGRAM

The Secretary of IHS will establish within the Office of Research and Development of the Indian Health Service a technical assistance office on mental health. This office will act as an information center, provide technical assistance, facilitate regional meetings, develop strategies, and disseminate information in conjunction with the grant program and other mental health programs of IHS.●

By Mr. DECONCINI (by request):

S. 1271. A bill to amend title 17, United States Code, to change the fee schedule of the Copyright Office, and to make certain technical amendments; to the Committee on Finance.

S. 1272. A bill to amend chapter 8 of title 17, United States Code, to reduce the number of Commissioners on the Copyright Royalty Tribunal, to provide for lapsed terms of such Commissioners, and for other purposes; to the Committee on Finance.

COPYRIGHT LEGISLATION

● Mr. DECONCINI. Mr. President, today I will introduce two bills by request of agencies under the jurisdiction of the Subcommittee on Patents, Copyrights and Trademarks which I chair. While I believe that both bills are meritorious, I believe that both should be examined closely by the copyright community. I will work with the agencies, the affected parties and my colleagues in considering and, if appropriate, perfecting the legislation.

One of the bills that I will introduce has been requested by the Librarian of Congress and the Copyright Office. This bill will raise the registration fee charged by the Copyright Office from $10 to $20. The Copyright Office believes that a doubling of their fee schedule is justified by inflation in the 10 years since the fee was established. I will place into the RECORD a letter from Dr. James H. Billington, the Librarian of Congress, explaining the need for the fee increase.

The second bill I will introduce has been requested by the Copyright Royalty Tribunal. This bill will, first, reduce the number of Commissioners from five to three; second, would transfer the Commissioners to the Executive Schedule; and third, would allow a Commissioner whose term has expired to remain in office until a successor is confirmed. The CRT faces a situation in September that could threaten to force it to suspend operations. At present it operates with three Commissioners. One of the Commissioner's term expires in September and no successor has been named. Because the CRT is one of the few independent Commissions whose members are not authorized to serve until a successor is named, the CRT could be without a quorum as of September 22.

I hope that the Senate can consider these bills quickly and without controversy. I believe that they are reasonable approaches to problems that these two important Government agencies face. I look forward to working with the copyright community on any changes that it believes are necessary. I ask unanimous consent that the bills, along with a letter from Dr. Billington, appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Fees and Technical Amendments Act of 1989".

SEC. 2. FEES OF COPYRIGHT OFFICE.

(a) FEE SCHEDULE.—Secton 708(a) of title 17, United States Code, is amended to read as follows:

"(a) The following fees shall be paid to the Register of Copyrights:

"(1) on filing each application under section 408 for registration of a copyright claim or for a supplementary registration, including the issuance of a certificate of registration if registration is made, $20;

"(2) on filing each application for registration of a claim for renewal of a subsisting copyright in its first term under section 304(a), including the issuance of a certificate of registration if registration is made, $12;

"(3) for the issuance of a receipt for a deposit under section 407, $4;

"(4) for the recordation, as provided by section 205, of a transfer of copyright own-

ership or other document covering not more than one title, $20; for additional titles, $10 for each group of not more than 10 titles;

"(5) for the filing, under section 115(b), of a notice of intention to obtain a compulsory license, $12;

"(6) for the recordation, under section 302(c), of a statement revealing the identity of an author of an anonymous or pseudonymous work, or for the recordation, under section 302(d), of a statement relating to the death of an author, $20 for a document covering not more than one title; for each additional title, $2;

"(7) for issuance, under section 706, of an additional certificate of registration, $8;

"(8) for the issuance of any other certification, $20 for each hour or fraction of an hour consumed with respect thereto;

"(9) for the making and reporting of a search as provided by section 705, and for any related services, $20 for each hour or fraction of an hour consumed with respect thereto; and

"(10) for any other special services requiring a substantial amount of time or expense, such fees as the Register of Copyrights may fix on the basis of the cost of providing the service.

The Register of Copyrights is authorized to fix the fees for preparing copies of Copyright Office records, whether or not such copies are certified, on the basis of the cost of such preparation.".

(b) ADJUSTMENT OF FEES.—Section 708 of title 17, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) In calendar year 1995 and in each subsequent fifth calendar year, the Register of Copyrights, by regulation, may increase the fees specified in subsection (a) by the percent change in the annual average, for the preceding calendar year, of the Consumer Price Index published by the Bureau of Labor Statistics, over the annual average of the Consumer Price Index for the fifth calendar year preceding the calendar year in which such increase is authorized.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect 6 months after the date of the enactment of this Act and shall apply to—

(A) claims to original supplementary, and renewal copyright received for registration, and to items received for recordation in the Copyright Office, on or after such effective date, and

(B) other requests for services received on or after such effective date, or received before such effective date for services not yet rendered as of such date.

(2) PRIOR CLAIMS.—Claims to original, supplementary, and renewal copyright received for registration and items received for recordation in acceptable form in the Copyright Office before the effective date set forth in paragraph (1), and requests for services which are rendered before such effective date shall be governed by section 708 of title 17, United States Code, as in effect before such effective date.

SEC. 3. TECHNICAL AMENDMENTS.

(a) Section 111.—Section 111 of title 17, United States Code is amended—

(1) in subsection (c)(2)(B) by striking out "recorded the notice specified by subsection (d) and"; and

(2) in subsection (d)—

(A) in paragraph (2) by striking out "paragraph (1)" and inserting in lieu thereof "clause (1)";

(B) in paragraph (3) by striking out "clause (5)" and inserting in lieu thereof "clause (4)"; and

(C) in paragraph (3)(B) by striking out "clause (2)(A)" and inserting in lieu thereof "clause (1)(A)".

(b) SECTION 801.—Section 801(b)(2)(D) of title 17, United States Code, is amended by striking out "111(d)(2) (C) and (D)" and inserting in lieu thereof "111(d)(1) (C) and (D)".

(c) SECTION 804.—Section 804(a)(2)(C)(i) of title 17, United States Code, is amended by striking out "115" and inserting in lieu thereof "116".

(d) SECTION 106.—Section 106 of title 17, United States Code, is amended by striking out "118" and inserting in lieu thereof "119".

(e) EFFECTIVE DATE.—(1) The amendments made by subsections (a) and (b) shall be effective as of August 27, 1986.

(2) The amendment made by subsection (c) shall be effective as of October 31, 1988.

(2) The amendment made by subsection (d) shall be effective as of November 16, 1988.

S. 1272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Royalty Tribunal Reform Act of 1989".

SEC. 2. MEMBERSHIP OF THE COPYRIGHT ROYALTY TRIBUNAL.

Section 802(a) of title 17, United States Code, is amended to read as follows:

"(a) The Tribunal shall be composed of three commissioners appointed by the President, by and with the advice and consent of the Senate. The term of office of any individual appointed as a Commissioner shall be seven years, except that a Commissioner may serve after the expiration of his or her term until a successor has taken office. Each Commissioner shall be compensated at the rate of pay in effect for level V of the Executive Schedule under section 5332 of title 5, United States Code.".

SEC. 3. EFFECTIVE DATE; BUDGET ACT.

(a) EFFECTIVE DATE.—The amendment made by section 2 shall take effect immediately.

(b) BUDGET ACT.—Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as are provided in appropriations Acts.

THE LIBRARIAN OF CONGRESS,
Washington, DC, January 18, 1989.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the current fee schedule for Copyright Office services has been in effect for 10 years. Inflation has cut the real price of the fees by 50 percent.

Unlike some federal agencies, the Copyright Office has no discretion in processing copyright claims. The Office cannot simply decide to do less work; an increased number of applications are submitted as more creative works are produced. Since fiscal year 1979, the Copyright Office workload has increased 42 percent—from 426,000 claims to 605,000 in fiscal year 1987. During this same period the staffing level has decreased 23 percent—form 641 to 495. Because personnel costs account for 90 percent of the Copyright Office budget, the Office simply has no more room to maneuver.

On the recommendation of the Register of Copyrights, I request that you introduce a bill to amend section 708 of the Copyright Act to double the current fee schedule (for example, the basic registration fee would become $20.00). The proposed fees are almost exactly in accordance with the inflation correction using the Consumer Price Index. To cope with future inflationary pressure, I also recommend amendment of section 708 to give the Register of Copyrights regulatory authority to adjust the copyright fee schedule at five year intervals solely to reflect national increases in the cost of living as determined by the Consumer Price Index. Copyright registration gives copyright claimants substantial benefits. Periodic adjustment of the fee schedule in response to inflation ensures that the primary beneficiaries of registration pay their fair share of the costs of administering the system.

If the new fee schedule went into effect in January 1990, the proposed amendment would give the U.S. Treasury about $7 million in additional revenues.

I have attached language that would put this proposal into effect and respectfully request your assistance in introducing the bill, as well as your support in enacting these changes in the copyright law.

Sincerely,

JAMES H. BILLINGTON,
The Librarian of Congress.●

By Mr. BOREN (for himself, Mr. DURENBERGER, Mr. DANFORTH, Mr. PRYOR, Mr. LUGAR, Mr. LEAHY, Mr. DASCHLE, Mr. COCHRAN, Mr. CONRAD, Mr. SYMMS, Mr. PRESSLER, Mrs. KASSEBAUM, Mr. GRASSLEY, Mr. BOSCHWITZ, Mr. HARKIN, Mr. BURDICK, Mr. BOND, Mr. NICKLES, Mr. CRANSTON, Mr. HEFLIN, Mr. DOLE, and Mr. KERREY):

S. 1273. A bill to amend the Internal Revenue Code of 1986 with respect to treatment by cooperatives of gains or losses from sale of certain assets; to the Committee on Finance.

TREATMENT OF ASSET SALES BY COOPERATIVES

● Mr. BOREN. Mr. President, in recent years there have been an increasing number of disputes between farmer cooperatives and the Internal Revenue Service over the proper Federal income tax treatment of gain or loss resulting from the sale of assets used by the cooperatives in their patronage operations. The issue in controversy is whether gains or losses from such dispositions should be considered to be derived from patronage or nonpatronage sources. This distinction is important because gain from patronage sources is eligible to be distributed to patrons as a patronage dividend which is deductible to a cooperative, and taxable to the patrons. Nonpatronage sourced income is taxable to a nonexempt agricultural cooperative

whether or not it is distributed to the farmer patrons.

Over the years, agricultural cooperatives have taken different approaches toward the classification of gain or loss from the sale of assets used in the patronage operation. Some cooperatives have treated this gain or loss as patronage sourced on the ground that the assets sold were directly related to or actually facilitated the marketing, purchasing, or service activities of the cooperative. Other cooperatives have treated gain or loss from the sale of assets used in the patronage operation as nonpatronage sourced in reliance on a Treasury regulation.

Recent court decisions have consistently applied a directly related-actually facilitated test in distinguishing between patronage and nonpatronage income. Notwithstanding these decisions the IRS has continued to assert deficiencies in such cases based on a Treasury regulation.

Today I join with my colleague from Minnesota, Senator DURENBERGER, as well as Senator DANFORTH, Senator PRYOR, Senator LUGAR, Senator LEAHY, Senator DASCHLE, Senator COCHRAN, Senator CONRAD, Senator SYMMS, Senator PRESSLER, Senator KASSEBAUM, Senator GRASSLEY, Senator BOSCHWITZ, Senator HARKIN, Senator BURDICK, Senator BOND, Senator NICKLES, Senator CRANSTON, Senator HEFLIN, Senator DOLE, and Senator KERREY, in introducing legislation that would permit cooperatives to elect ordinary patronage sourced treatment for gain or loss from the disposition of any asset provided that the asset was used by the organization to facilitate the conduct of business done with or revoked. If revoked, a new election would apply indefinitely, unless revoked. If revoked, a new election could not be made for 3 years. Cooperatives making the election for taxable years beginning prior to 1989 could also elect treatment for all prior taxable years.

The proposed legislation would put an end to this controversy and avoid continuing audit disputes and court proceedings that are burdensome for farmer cooperatives and consume U.S. tax dollars in enforcement activity.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF ASSET SALES BY COOPERATIVES.

(a) IN GENERAL.—Section 1388 of the Internal Revenue of 1986 is amended by redesignating subsection (k) as subsection (l), and by inserting after subsection (j) the following new subsection:

"(k) TREATMENT OF GAINS OR LOSSES ON THE DISPOSITION OF CERTAIN ASSETS.—

"(1) IN GENERAL.—For purposes of this title, if gain or loss from the disposition of any asset by an organization to which part I of this subchapter applies, would (without regard to this subsection) be treated as gain or loss from the sale or exchange of a capital asset, such organization may elect to treat the allocable portion of such gain or loss as ordinary income or loss and to include such gain or loss in net earnings of the organization from business done with or for patrons.

"(2) ALLOCABLE PORTION.—For purposes of paragraph (1), the term 'allocable portion' means the portion which bears the same ratio to the gain or loss from the sale or exchange of an asset as—

"(A) the extent to which the asset was used by an organization to facilitate the conduct of business done with or for patrons, bears to

"(B) the total use of the asset. For purposes of subparagraph (A), the extent of use for such purpose shall be determined on the basis of any reasonable method for making allocations of income or expense between patronage and nonpatronage operations.

"(3) ELECTION.—An election made under this subsection shall be made at such time and in such manner as the Secretary may prescribe. Such election shall apply for the taxable year for which it is made and the 2 succeeding taxable years.".

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—Subject to paragraph (2), the amendments made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

(2) APPLICATION TO PRIOR YEARS.—An election filed pursuant to section 1388(k) of the Internal Revenue Code of 1986 with a return for the first taxable year beginning on or before the date of enactment of this Act and ending after such date, shall apply to taxable years beginning before such date.●

By Mr. HATCH:

S. 1274. A bill to improve health care and health insurance for all Americans, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE AND UNIFORM REMEDY FOR THE HEALTH CARE SYSTEM ACT

Mr. HATCH. Mr. President, today I am pleased to introduce legislation entitled "The Comprehensive and Uniform Remedy for the Health Care System Act of 1989." This legislation is designed to reduce health care costs; share responsibility for providing access to health care; and, make it easier for businesses of all sizes to offer health care coverage and for providers to extend health care services.

Mr. President, there are two things I have learned about our current health care system. First, America provides the best health care in the world; and second, there are members of our society who cannot afford this excellent care. If we want to continue to think of our health care system as the best in the world, we have to find a way to ensure that all of our citizens share in its quality.

According to the 1988 Census Bureau Report, there are 205.7 million Americans who have health insurance coverage. However, there are 35 million Americans who lack health insurance, and many of these are workers and their dependents. There are many reasons why these workers do not have coverage, and one primary reason is rising health care costs.

Every American should have access to health care. And, we must find solutions to reach this goal. I do not support mandated health insurance because of its impact on American's freedoms. Further, mandating health insurance places the responsibility for expanding access to health care in one place—on the backs of employers and employees at a cost of $30 to $100 billion a year.

The legislation I am introducing today is a complex solution which recognizes that we all have responsibilities in helping all Americans gain access to health care. Employers have responsibilities, employees have responsibilities, health care providers have responsibilities, and local, State, and Federal Governments have responsibilities.

Six months ago, I asked representatives from the business community, health insurers, health care providers, and general health care experts to help me draft legislation to cure our health care malaise. The only restriction was that its cost be closer to $8 billion—the price of our total uncompensated hospital care currently provided. This present and future legislation will embody five principles:

First. Medicaid should be returned to its original purpose—to provide health care access to the economically disadvantaged;

Second, Federal incentives, which help make health insurance affordable, should treat all Americans equally;

Third, an ounce of prevention is worth billions in cures;

Fourth, defensive medicine is costly medicine; and

Fifth, health care providers should not shoulder the costs of uncompensated care alone.

The fundamental key to these proposals is to make health care insurance more affordable. Affordable health care gives us greater access to health care.

Today, I will introduce part one of this legislative package. It contains five titles described as follows:

TITLE I: IMPROVING THE HEALTH OF MOTHERS AND THEIR BABIES

This title places a greater emphasis on prenatal care by providing $5 million to States to coordinate existing prenatal care programs. Existing prenatal care programs are scattered in at least five separate programs and need to be better coordinated.

My home State of Utah has been a model for coordinating such services.

Governor Bangerter and his capable advisors, Dr. Suzanne Dandoy, the director of the Utah Department of health, and Dr. Peter van Dyke, director of Utah's Maternal and Child Health Care programs, have provided Congress with direction on how our Federal and State prenatal care efforts can work better. They have created new initiatives in Utah which combine public and private sector efforts to help mothers have healthy babies, and they deliver services in a coordinated fashion. I thank them for their guidance in developing this portion of the bill because what they are doing in Utah is reducing infant mortality in Utah and should be a model for others.

It is estimated that for every $1 invested in prenatal care, $3 in neonatal care is saved in the child's first year and $11 is saved over the child's lifetime in medical, social, and education costs.

TITLE II: REMOVING BARRIERS TO AFFORDABLE HEALTH INSURANCE

This title contains two parts: preemption of State mandated benefits and the development of State pools for the uninsurable. The language preempts health benefit plans from State insurance laws which currently dictate the content of health insurance purchased in the State. Generally, small employers who do not self-insure can't purchase low-cost health insurance suited to their individual company and worker needs.

So that all people have access to affordable health insurance, there is another group we need to consider—the medically uninsurable. We must provide people who are uninsurable because of a preexisting medical condition the option of purchasing, or having their employer purchase, health insurance from a State-run risk pool. I would propose a block grant to States to help underwrite the costs of such plans.

The State uninsurable pools would be authorized at $50 million for a block grant to States to develop insurance programs for individuals who are "uninsurable." The State must ensure that the funds to underwrite the pools are from the general revenue. Costs to uninsurable individuals for the insurance cannot exceed 150 percent or less than 125 percent of a community rated health insurance plan.

TITLE III: IMPROVING HEALTH CARE QUALITY AND MEDICAL LIABILITY REFORM

The provisions in this title are intended to reduce the cost of defensive medicine in our health care system. First, this title will expand the authorization for patient outcome research by approximately $100 million per year. This research is used to determine which medical treatments are the most effective for treating a given disease. Second, this title establishes a process by which the Assistant Secretary for Health can establish treatment practice guidelines which can be used for reimbursement purposes. Third, this legislation allows health care providers to use those treatment practice guidelines as the standard of care in medical liability cases.

Medical liability is adversely affecting our health care system in three ways. First, we are paying about $4 billion dollars per year, or about 8 percent of our health care dollars, for medical liability costs.

Second, according to Joseph Califano, we are paying another $121 billion in 1987 dollars for defensive medicine. That means that for every dollar we pay in medical liability costs, we are paying another $30 dollars in defensive medicine costs.

The third adverse effect is the loss of access to health care. Because physicians are scared about medical liability, they are abandoning certain areas of their medical practice and reducing access to health care.

Seventy percent of physicians say they are getting more medical consultations, 66 percent say they are ordering more diagnostic tests, and 54 percent say they are scheduling more follow-up visits. In addition, 28 percent of physicians say they are performing more procedures themselves, rather than delegating them to other, less costly, health care professionals.

Seventy-nine percent of our physicians say that they order at least $10,000 of unnecessary medical care each year, 26 percent order $50,000 or more each year, and a shocking 14 percent of our physicians say that they order more than $100,000 worth of unnecessary health care for defensive medicine purposes, each and every year. Interestingly, only 4 percent of our physicians feel they order less than $1,000 of unnecessary tests per year.

I don't think there can be any question in the minds of the members of this body that we are wasting tens of billions of dollars on defensive medicine every year. And, that the most important single step this body could take to reduce health care costs, while maintaining quality, is to do something about the liability crisis.

As I mentioned, defensive medicine is not only affecting health care cost, but it is also affecting availability. The next chart shows how many physicians have eliminated services. In a period from 1982 to 1988, 90 percent of the family physicians eliminated services, 71 percent of the internists eliminated services, and 72 percent of our OB/GYN's eliminated services.

The next chart looks at one specific type of care, obstetrical care. In that same period, 63 percent of all family physicians stopped providing obstetrical care and 36 percent of our OB/GYN's stopped providing obstetrical care.

I know that the members of this body are concerned about infant mortality and the availability of prenatal care in this country. I think this chart, as much as any other information that I have seen, points out why we don't have prenatal care available today. I dare say that even if the taxpayers of this country gave this committee a blank check to expand prenatal care, the problem will not be solved unless we also address the liability crisis. Without providers, there is no prenatal care.

I think this is an important first step for my colleagues to look at. I know that we may need to make changes to further improve the language, but I wanted to start the debate by introducing this today. As many of you know, in the near future I will be introducing additional medical liability reform legislation to further address this problem. That legislation will include additional Federal and State reforms.

TITLE IV: REDUCING HEALTH CARE COSTS THROUGH PREVENTION AND PUBLIC AWARENESS PROGRAMS

This title would clarify that work-based prevention efforts are considered health benefits for purposes of tax treatment. It would also require that the Secretary of Health and Human Services make available a list of workplace prevention efforts that are effective in reducing health care costs. This title would also expand public service announcements on health promotion and disease prevention benefits. It would also require the Secretary of Health and Human Services to develop programs on consumer education on health benefits. Consumers need to understand how such programs work, how cost-sharing, system delivery, and reimbursement methods function and how they, as consumers, can cooperate in these efforts.

Even though Americans spend approximately $500 billion annually for health care, two of every three deaths in this country are premature. Most of these deaths could be prevented through appropriate use of preventive services and behavior changes.

TITLE V: IMPROVING THE TRAUMA CARE SYSTEM

One of the two leading causes of uncompensated care in this country is accidents. In response to this problem, I have worked with the State health department in Utah, and today I am proposing a new $100 million Emergency Medical Services block grant to States.

This block grant will be used to expand accident prevention efforts, to improve the Emergency Medical Services system, and to pay part of the costs of uncompensated trauma care until some of the other proposals in this legislation can be fully implemented.

As many of my colleagues know there are several other pieces of

trauma care legislation which has been introduced in this Congress, and I would like to take a minute and describe some of the differences. First, I allow the funding to be used for accident prevention. First, I allow the funding to be used for accident prevention. We call them accidents because they can be prevented; therefore, the first thing we should do to reduce costs is try to prevent them. Second, my provisions recognize that our EMS (emergency medical service) system in many rural areas lags far behind our urban areas. Therefore, I focus more of the resource on rural areas. Third, my legislation recognizes that the needs of the trauma care of New York City are different than the needs of rural Utah. Therefore, I would leave standard setting to the States, rather than impose one uniform standard on the entire country.

Some of the other proposals would place the regulation of the trauma care system under the control of the American College of Surgeons. My colleagues are well aware that for some time now I have argued that this approach to regulation is unconstitutional, does not provide adequate due process protections for the regulated, and raises a number of antitrust questions. While I am always just as willing as the rest of my colleagues to compromise, one thing I will not compromise is the Constitution. I think, if my colleagues look closely at this issue, they will agree with me that placing regulatory authority in the hands of private entities is a policy this body should reject.

FUTURE LEGISLATION

In order to make this entire package comprehensive, in the near future I will sponsor or cosponsor legislation which will first, expand Medicaid; second, equalize tax treatment for all employers regardless of their size or income; and third, develop broader medical liability reforms.

Together, these comprehensive reforms are designed to reduce health care costs, to share responsibility for providing access to health care, and to make it easier for businesses of all sizes to offer health care coverage and for providers to extend health care services.

There are several organizations who have helped in the development of this package and are supportive of this legislation. I ask unanimous consent that letters or statements supporting the principles of this legislative effort from five of the organizations be included in the RECORD at this time. They include the Association of Private Pension and Welfare Plans, the National Association of Manufacturers, the Chamber of Commerce, the Health Insurance Association of America, and the National Association of Health Underwriters. I also ask unanimous consent that three articles entitled "Developing Good Medical Standards We All Can Live With" by Dr. Mark Chassin, "Medicine's search for 'what works': what it means to employers" by Rhoda Donkin, and "Insurers Refuse to Pay for Work Judged Needless" by Glenn Ruffenach (Wall Street Journal 2/7/89).

I urge my colleagues to review this initiative. Those who propose mandated health are merely treating the symptoms of our burgeoning health care system. This legislation attempts to cure the problems by reducing health care costs, sharing responsibility for expanding care, and leveling the playing field so that all Americans have equal access to care. I ask unanimous consent that the full text of the legislation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive and Uniform Remedy for the Health Care System Act of 1989".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

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Sec. 511. Emergency medical services block grant.

SEC. 2. FINDINGS.

Congress finds that—

(1) the health care delivery system of the United States provides most Americans with a level of access and quality of care that is unsurpassed anywhere in the world;

(2) for about 15 percent of Americans, the system works less well because they have no health insurance coverage under either public or private programs;

(3) these individuals represent a diversity of situations for which there is no single solution;

(4) assuring access to quality care for these individuals is a compelling national priority that will require commitments from both the private and public sectors;

(5) the most practical and effective solutions for these access problems are ones that—

(A) preserve the pluralistic base of the health care delivery system of the United States;

(B) emphasize incentives instead of mandates;

(C) share responsibility among employers, employees, insurers, providers, and patients, as well as Federal, State, and local governments; and

(D) recognize that both the complexity of the problem and the existence of fiscal constraints means that incremental efforts are not only necessary but desirable;

(6) Federal efforts need to be closely coordinated with others who share in the responsibility for improving access to health care services;

(7) Federal efforts need to reflect not only the diversity of interested parties but also the diversity of areas where action is appropriate, including public health, State initiatives, medical malpractice laws, Medicaid, and tax incentives; and

(8) improving access requires dealing with many of the most difficult problems in the health care delivery system, including—

(A) the escalating costs, State mandated benefit packages, and other factors that have made health insurance unaffordable for many employers and individuals, especially the poor and near poor who need more creative workplace and public options to be able to obtain health insurance coverage;

(B) the need to provide broader eligibility under Medicaid so that it includes all those who fall below the Federal poverty line, while assuring adequate provider reimbursement levels to retain physician and other provider participation in public programs;

(C) inadequate coordination in prenatal care programs;

(D) the inability of many individuals to protect themselves against catastrophic health care expenses because pre-existing conditions make them "uninsurable";

(E) assuring high quality medical care standards can be maintained, and services consistent with such standards provided at

an affordable cost, in the face of high medical malpractice insurance rates, defensive medical practices, and many unjustified lawsuits against providers;

(F) the bias against health promotion and disease prevention that exists in reimbursement and treatment practices, but that also reflects a lack of commitment on the part of many Americans to take more individual responsibility for their own health; and

(G) the tremendous loss of productive human lives and economic cost, as well as the toll on hospitals in uncompensated care, that result from avoidable traumatic injury and inadequate emergency medical care.

TITLE I—IMPROVING THE HEALTH OF MOTHERS AND THEIR BABIES

SEC. 101. COORDINATION OF PRENATAL CARE PROGRAMS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1707. COORDINATION OF PRENATAL CARE PROGRAMS.

"(a) IN GENERAL.—The Secretary shall establish a program to make grants to States who establish procedures to coordinate assistance provided through Federal and State prenatal care programs.

"(b) APPLICATIONS.—A State that desires to receive a grant under this section shall submit an application at such time, in such form, and containing such information as the Secretary shall prescribe.

"(c) COORDINATION.—The assistance provided through various programs that shall be coordinated by States that receive grants under this section shall include—

"(1) assistance provided under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(2) assistance provided under title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(3) assistance provided under title V of the Social Security Act (42 U.S.C. 701 et seq.);

"(4) assistance provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

"(5) assistance provided under subpart I of part D of title III of this Act; and

"(6) assistance provided through other Federal or State programs that is targeted at reducing infant mortality.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section, $5,000,000 for each of the fiscal years 1990 through 1992.".

TITLE II—REMOVING BARRIERS TO AFFORDABLE HEALTH INSURANCE

Subtitle A—Preemption of State Mandated Benefits

SEC. 201. PREEMPTION OF STATE MANDATED BENEFITS.

Section 514(b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(2)) is amended—

(1) in subparagraph (A), by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)"; and

(2) by adding at the end thereof the following new subparagraph:

"(C) Nothing in subparagraph (A) shall be construed to exempt from subsection (a) any provision of the law of any State to the extent that such provision mandates or provides any requirement relating to the type or level of benefits that are to be provided under contracts or policies of health insurance issued to or under a plan that constitutes an employee welfare benefit plan (as defined in section 3(1)).".

Subtitle B—State Uninsurable Pools

SEC. 211. STATE UNINSURABLE POOLS.

Title XIX of the Public Health Service Act (42 U.S.C. 1901 et seq.) is amended—

(1) in the heading of part D, by striking out "Part D" and inserting in lieu thereof "Part C"; and

(2) by adding at the end thereof the following new part:

"PART D—STATE UNINSURABLE POOLS

"SEC. 1941. DEFINITIONS.

"As used in this part:

"(1) MEDICALLY UNINSURABLE INDIVIDUAL.—The term 'medically uninsurable individual' means an individual—

"(A) who is a resident of a State;

"(B) who does not have health insurance coverage on the date on which the individual applies for health insurance coverage under a qualified uninsurable pool in the State;

"(C) who has received—

"(i) a notice of rejection from one or more insurance providers for coverage that is substantially similar to the coverage offered by the qualified uninsurable pool in the State, without material underwriting restriction;

"(ii) a notice of a reduction or limitation in health insurance benefits that substantially reduces benefits compared to benefits available to other individuals, such as a rider that excludes or modifies benefits for a condition for a period that is not less than 6 months; or

"(iii) a notice of an increase in premiums because of medical reasons for substantially similar health coverage, either applied for or in force, that exceeds the premium rate for coverage provided by the qualified uninsurable pool in the State; and

"(D) who is not eligible to receive benefits under title XVIII or XIX of the Social Security Act (42 U.S.C. 1396 et seq.)

"(2) QUALIFIED UNINSURABLE POOL.—The term 'qualified uninsurable pool' means any organization that—

"(A) is a nonprofit corporation established pursuant to and regulated by State law;

"(B) has a membership that may include—

"(i) insurers writing expense-incurred health insurance;

"(ii) hospital and medical service plan corporations;

"(iii) health maintenance organizations; and

"(iv) employers;

"(C) makes available (without regard to health conditions) to all medically uninsurable individuals in a State, levels of health insurance that is similar to the levels of coverage provided in the State by other insurers;

"(D) charges a pool premium rate that is not less than 125 percent, nor more than 150 percent, of the average premium rates for individual standard risks in the State for comparable coverage;

"(E) finances the losses of the pool through general revenue sources; and

"(F) at the option of the State and to the extent practicable, constrains costs through the use of appropriately managed care.

"SEC. 1942. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of making allotments to States to carry out the activities described in section 1945, there are authorized to be appropriated $50,000,000 in fiscal year 1990, and such sums as may be necessary in each subsequent fiscal year.

"SEC. 1943. ALLOTMENTS.

"(a) IN GENERAL.—From the total amount appropriated under section 1942 for a fiscal year, the Secretary shall allot to each State for such fiscal year an amount that bears the same ratio to the amount appropriated as the population of the State bears to the population of all States, except as provided in subsections (b) and (d).

"(b) LIMITATIONS.—Notwithstanding subsection (a), the allotment of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands under this section for a fiscal year—

"(1) shall not be less than one-half of 1 percent of the total amount appropriated under section 1942 for such fiscal year; and

"(2) shall not be more than 3 percent of the total amount appropriated under such section for such fiscal year.

"(c) ACTION BY SECRETARY.—If a State does not submit an application or description of activities in accordance with section 1946 for a fiscal year or does not otherwise establish a uninsurable pool as required under this part, the amount of funds allotted to such State shall be used by the Secretary to establish, through grants or contracts, a qualified uninsurable pool within the State that meets the requirements of this part.

"(d) REVERSION OF FUNDS.—To the extent that all of the funds appropriated under section 1942 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(2) some State allotments are offset or repaid under section 1947(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"SEC. 1944. PAYMENTS UNDER ALLOTMENTS TO STATES.

"(a) IN GENERAL.—

"(1) AMOUNT OF PAYMENT.—Each State that—

"(A) has an application approved by the Secretary under section 1946(a); and

"(B) demonstrates to the satisfaction of the Secretary that it will provide from non-Federal sources the State share of the aggregate amount to be expended by the State under the application submitted by the State for the fiscal year for which it requests funds;

shall receive a payment under this section for such fiscal year in an amount (not to exceed its allotment under section 1943 for such fiscal year) equal to the Federal share of the aggregate amount to be expended by the State under the application submitted by the State for such fiscal year.

"(2) FEDERAL SHARE.—The Federal share for each fiscal year shall be 75 percent.

"(3) STATE SHARE.—The State share equals 100 percent minus the Federal share.

"(b) AVAILABILITY.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

"(c) REDUCTION OF PAYMENTS.—The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) by—

"(1) the fair market value of any supplies or equipment furnished to the State under this part; and

"(2) the amount of the pay, allowances, and travel expenses of any officer or employee of the Federal Government, when detailed to the State, and the amount of any other costs incurred in connection with the detail of such officer or employee;

if the furnishing of supplies or equipment or the detail of an officer or employee is for the convenience of, and at the request of, the State and for the purpose of conducting activities described in section 1945. The amount by which any payment is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based. The amount shall be considered to be part of the payment and to have been paid to the State.

"SEC. 1945. USE OF ALLOTMENTS.

"(a) QUALIFIED UNINSURABLE POOLS.—Except as provided in subsection (b), amounts paid to a State under section 1944 shall be used by the State to develop and operate qualified uninsurable pools to provide health insurance for medically uninsurable individuals.

"(b) UNDERWRITING OF COSTS.—If the Secretary determines a qualified uninsurable pool exists in a State during a fiscal year for which the State receives an allotment under section 1943, the State may use any amount paid to the State under section 1944 for such fiscal year to assist in the underwriting of the costs of such pool that may conform with the requirements of this part.

"(c) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to States in planning and operating activities to be carried out under this part.

"(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the total amount paid to a State under section 1944 for a fiscal year shall be used for administering the funds made available under such section.

"(e) USE OF CERTAIN FUNDS.—A State may transfer not to exceed 10 percent of the amounts provided to such State under other parts of this title each fiscal year to carry out the activities described in this section.

"SEC. 1946. APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS.

"(a) APPLICATION.—

"(1) IN GENERAL.—To receive an allotment for a fiscal year under section 1943, a State shall submit an application to the Secretary in such form, by such date, and containing such information as the Secretary shall require.

"(2) REQUIREMENT.—Each application under paragraph (1) for an allotment under section 1943 for a fiscal year shall contain assurances that the State will meet the requirements of subsection (b).

"(b) ASSURANCES.—As part of the annual application required by subsection (a)(1) for an allotment for any fiscal year, the chief executive officer of each State shall—

"(1) certify that the State agrees to use the funds allotted to the State under section 1943 in accordance with this part;

"(2) certify that the State agrees that Federal funds made available under section 1944 for any period will be used to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under such section and will in no event supplant such State, local, and other non-Federal funds;

"(3) certify the aggregate amount that the State intends to spend to carry out this part, including the amount of Federal funds that the State intends to use; and

"(4) provide such other certifications and assurances as the Secretary may require.

"SEC. 1947. REPORTS AND AUDITS.

"(a) REPORTS.—

"(1) ANNUAL REPORT BY STATE.—

"(A) IN GENERAL.—A State that receives funds under this part shall prepare and submit, to the Secretary, at least one report each year concerning its activities under this part.

"(B) FORM AND CONTENTS.—Reports submitted under this paragraph shall be in such form and contain such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary—

"(i) to determine whether funds were expended in accordance with this part and consistent with the insurance needs within the State;

"(ii) to secure a description of the activities of the State under this part, including a summary of the insurance services that were provided, the entities involved in the pool, and the individuals who received such services; and

"(iii) to secure a record of the purposes for which the funds were spent, of the recipients of such funds, and of the progress made toward achieving the purposes for which the funds were provided.

"(C) COPIES.—Copies of the report submitted under this paragraph shall be provided, on request, to any interested person (including any public agency).

"(2) BURDENSOME REPORTING REQUIREMENTS.—In determining the information that States must include in the report required by this subsection, the Secretary shall not establish reporting requirements that are burdensome.

"(b) AUDITING PROCEDURES.—

"(1) ESTABLISHMENT OF FISCAL CONTROLS.—Each State shall establish fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under section 1944.

"(2) ANNUAL AUDITS.—

"(A) REQUIREMENT.—Each State shall annually audit its expenditures from payments received under section 1944.

"(B) AUDITING ENTITY.—State audits under this paragraph shall be conducted by an entity independent of any agency administering a program funded under this part and, in so far as practical, in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions.

"(C) COPIES.—Not later than 30 days after the date each audit is completed, the chief executive officer of the State shall transmit a copy of such audit to the Secretary.

"(3) REPAYMENTS TO THE UNITED STATES.—Each State shall, after being provided by the Secretary with adequate notice and opportunity for a hearing within the State, repay to the United States amounts found not to have been expended in accordance with the requirements of this part. If such repayment is not made, the Secretary shall, after providing the State with adequate notice and opportunity for a hearing within the State, offset such amounts against the amount of any allotment to which the State is or may become entitled under this part.

"(4) COPIES.—The State shall make copies of the reports and audits required by this subsection available for public inspection within the State.

"(5) EVALUATION OF EXPENDITURES.—The Comptroller General of the United States shall, from time to time, evaluate the expenditures by States of payments under this part in order to assure that expenditures are consistent with the provisions of this part.

"(6) REPORT BY SECRETARY.—Not later than October 1, 1991, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report concerning the activities of the States that have received funds under this part and may include in such report any recommendations for appropriate changes in legislation.

"(c) OMNIBUS BUDGET RECONCILIATION ACT OF 1981.—Title XVII of the Omnibus Budget Reconciliation Act of 1981 shall not apply with respect to audits of funds allotted under this part.

"(d) DATA AND INFORMATION.—The Secretary, in consultation with appropriate national organizations, shall develop model criteria and forms for the collection of data and information with respect to services provided under this part to enable States to share uniform data and information with respect to the provision of such services.

"SEC. 1948. WITHHOLDING.

"(a) IN GENERAL.—

"(1) NOTICE AND HEARING.—The Secretary shall, after adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State that does not use its allotment in accordance with the requirements of this part. The Secretary shall withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

"(2) INVESTIGATION.—The Secretary shall not institute proceedings to withhold funds under paragraph (1) unless the Secretary has conducted an investigation concerning whether the State has used its allotment in accordance with the requirements of this part. Investigations required by this paragraph shall be conducted within the affected State by qualified investigators.

"(3) RESPONSE TO COMPLAINTS.—The Secretary shall respond in an expeditious manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the requirements of this part.

"(4) MINOR FAILURE.—The Secretary shall not withhold funds under paragraph (1) from a State for a minor failure to comply with the requirements of this part.

"(b) INVESTIGATIONS.—

"(1) BY SECRETARY.—The Secretary shall conduct in several States in each fiscal year investigations of the use of funds received by the States under this part in order to evaluate compliance with the requirements of this part.

"(2) BY COMPTROLLER GENERAL.—The Comptroller General of the United States may conduct investigations of the use of funds received under this part by a State in order to insure compliance with the requirements of this part.

"(c) AVAILABILITY OF RECORDS.—Each State that has received funds from an allotment made to a State under this part, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States for examination, copying, or mechanical reproduction on or off the premises of

the appropriate entity on a reasonable request therefor.

"(d) UNREASONABLE REQUESTS.—

"(1) IN GENERAL.—In conducting any investigation in a State, the Secretary or the Comptroller General of the United States shall not make a request for any information not readily available to such State or make an unreasonable request for information to be compiled, collected, or transmitted in any form not readily available.

"(2) JUDICIAL EXCEPTION.—Paragraph (1) shall not apply to the collection, compilation, or transmittal of data in the course of a judicial proceeding.

"SEC. 1949. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) CONSTRUCTION.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this part are considered to be programs and activities receiving Federal financial assistance.

"(2) GENDER OR RELIGIOUS DISCRIMINATION.—No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this part.

"(b) FAILURE TO COMPLY.—Whenever the Secretary finds that a State has failed to comply with a provision of law referred to in paragraph (1) or (2) of subsection (a), or with an applicable regulation (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request such officer to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

"(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable; or

"(3) take such other action as may be provided by law.

"(c) REFERENCE TO ATTORNEY GENERAL.—When a matter is referred to the Attorney General under to subsection (b)(1), or whenever the Attorney General has reason to believe that a State is engaged in a pattern or practice in violation of a provision of law referred to in paragraph (1) or (2) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

"SEC. 1950. CRIMINAL PENALTY FOR FALSE STATEMENTS.

"Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from funds allotted to the State under this part; or

"(2) having knowledge of the occurrence of any event affecting the initial or continued right of an individual to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized; shall be fined not more than $25,000 or imprisoned for not more than 5 years, or both.".

SEC. 212. EFFECTIVE DATE.

The amendment made by section 211 shall become effective on October 1, 1990.

TITLE III—TREATMENT PRACTICE GUIDELINES

SEC. 301. TREATMENT PRACTICE GUIDELINES.

Section 304 of the Public Health Service Act (42 U.S.C. 242b) is amended by adding at the end thereof the following new subsection:

"(e)(1) The Assistant Secretary for Health shall, in consultation with the National Advisory Council on Treatment Practice Guidelines established under subsection (f), establish treatment practice guidelines for health care services provided to patients, taking into account available patient outcome research and other available information.

"(2)(A) In carrying out paragraph (1), the Assistant Secretary for Health shall establish guidelines for—

"(i) appropriate evaluation and treatment;

"(ii) inappropriate evaluation and treatment; and

"(iii) permissive evaluation and treatment.

"(B) In establishing such guidelines, the Assistant Secretary for Health shall consider the setting of the evaluation and treatment provided to patients, including whether the evaluation and treatment are provided in an urban or rural setting.

"(3)(A) Except as provided in subparagraph (B) and notwithstanding any other provision of law, guidelines established under paragraph (2)(A) may not be introduced or used in any action brought in a Federal or State court arising from the provision of a health care service to an individual.

"(B) Notwithstanding any other provision of law, in any action brought in a Federal or State court arising from the provision of a health care service to an individual, if the service was provided to the individual in accordance with guidelines established under paragraph (2)(A), such guidelines—

"(i) may be introduced by a provider who is a party to the action; and

"(ii) if so introduced, shall be the appropriate standard of medical care.

"(4) Where followed, guidelines established under paragraph (2)(A) shall be used by the Secretary under section 1154(a)(2) of the Social Security Act (42 U.S.C. 1320c-3(a)(2)).

"(5)(A) The Assistant Secretary for Health shall review each of the guidelines established under this subsection at least once each 2 years.

"(B) If the head of a Federal agency or a private organization requests the Assistant Secretary for Health to establish treatment practice guidelines for an area of health care services for which such guidelines have not been established, the Assistant Secretary for Health shall—

"(i) conduct a review to determine if the establishment of such guidelines is appropriate; and

"(ii) if the Assistant Secretary for Health determines that the establishment of such guidelines is appropriate, establish such guidelines.

"(C) If the head of a Federal agency or a private organization requests the Assistant Secretary for Health to review existing treatment practice guidelines, the Assistant Secretary for Health shall—

"(i) conduct a review of such guidelines; and

"(ii) if the Assistant Secretary for Health determines that modification of such guidelines is appropriate, modify such guidelines.

"(D) In carrying out this paragraph, the Assistant Secretary for Health shall consider standards and views submitted to the Assistant Secretary for Health by the heads of Federal agencies and private organizations.

"(6) The Assistant Secretary for Health shall make guidelines established under this subsection available to the public.".

SEC. 302. NATIONAL ADVISORY COUNCIL ON TREATMENT PRACTICE GUIDELINES.

Section 304 of the Public Health Service Act (42 U.S.C. 242b) (as amended by section 301 of this Act) is further amended by adding at the end thereof the following new subsection:

"(f)(1) There is established the National Advisory Council on Treatment Practice Guidelines (hereinafter in this subsection referred to as the 'Council').

"(2) The Council shall—

"(A) advise the Assistant Secretary for Health with respect to the establishment of treatment practice guidelines prescribed by subsection (e) and the conduct of related areas of research; and

"(B) make recommendations to the Assistant Secretary for Health with respect to the establishment of such guidelines and the conduct of such research.

"(3) The Council shall consist of—

"(A) ex officio members, including—

"(i) the Director of the National Institutes of Health;

"(ii) the Chief Medical Director of the Veterans' Administration;

"(iii) the Assistant Secretary for Health and Environment of the Department of Defense;

"(iv) the head of the Centers for Disease Control;

"(v) the head of the Health Care Financing Administration; and

"(vi) such other Federal officials as the Assistant Secretary for Health may specify; and

"(B) twelve voting members appointed by the Assistant Secretary for Health.

"(4)(A) The Assistant Secretary for Health shall appoint to the Council—

"(i) six individuals distinguished in the fields of medicine, engineering, and science (including social science);

"(ii) four individuals distinguished in the fields of law, ethics, economics, management, and insurance; and

"(iii) two individuals representing the interests of consumers of health care services.

"(B) The Assistant Secretary for Health shall ensure that members of the Council, as a group, are representative of professions and entities concerned with, or affected by, the treatment practice guidelines prescribed by subsection (e).

"(5)(A) Each appointed member of the Council shall be appointed for a term of 3 years, except that—

"(i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of such term; and

"(ii) of the members first appointed after the date of the enactment of this subsection, four shall be appointed for a term of 3 years, four shall be appointed for a term of

2 years, and four shall be appointed for a term of 1 year, as designated by the Assistant Secretary for Health at the time of appointment.

"(B) Appointed members may be appointed for additional terms and may serve after the expiration of their terms until their successors have taken office.

"(6) A member, while so serving away from the home or regular place of business of the member, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for a person in the Government service employed intermittently.

"(7) The Council shall annually elect one of its appointed members to serve as Chairman until the next election.

"(8) The Council shall meet at the call of the Chairman, but not less often than three times a year.

"(9) The Assistant Secretary for Health shall—

"(A) designate a member of the staff of the National Center for Health Services Research and Health Care Technology Assessment to act as Executive Secretary of the Council; and

"(B) make available to the Council such staff, information, and other assistance as it may require to carry out its functions.".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 308(i) of the Public Health Service Act (42 U.S.C. 242m(i)) is amended—

(1) in the first sentence of paragraph (1)(A)—

(A) by striking out "and" after "1988" and inserting in lieu thereof a comma; and

(B) by striking out "and 1990" and inserting in lieu thereof ", and $140,000,000 for each of the fiscal years 1990 through 1992";

(2) in paragraph (1)(A), by adding at the end thereof the following new sentence: "Not to exceed $1,000,000 of the amount appropriated under the first sentence for each of the fiscal years 1990 through 1992 shall be available for expenses of the National Advisory Council on Treatment Practice Guidelines established under section 304(f).";

(3) in subparagraphs (B) and (C) of paragraph (1), by striking out "1990" each place it appears and inserting in lieu thereof "1992"; and

(4) in paragraph (2), by striking out "and 1990" and inserting in lieu thereof "through 1992".

TITLE IV—REDUCING HEALTH CARE COSTS THROUGH PREVENTION AND PUBLIC AWARENESS PROGRAMS

Subtitle A—Treatment of Work-Based Prevention Efforts

SEC. 401. PROGRAM TO INCREASE EMPLOYER AWARENESS THAT WORK-BASED PREVENTION EFFORTS ARE CONSIDERED HEALTH BENEFITS.

Not later than the first day of the first calendar year following the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall establish a taxpayer awareness program to inform employers that work-based prevention efforts that are effective are considered health benefits for which deductions are allowed under section 162 of the Internal Revenue Code of 1986. The Secretary shall use public service and paid commercial advertising, direct-mail contact, and any other appropriate means of communication to carry out the provisions of this section.

Subtitle B—Public Service Announcements on Health Promotion Activities

SEC. 411. PUBLIC SERVICE ANNOUNCEMENTS ON HEALTH PROMOTION ACTIVITIES.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end thereof the following new section:

"SEC. 707. PUBLIC SERVICE ANNOUNCEMENTS ON HEALTH PROMOTION ACTIVITIES.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in cooperation with entities and individuals representing the private sector, shall establish and implement a program designed to provide the public with information concerning health promotion, prenatal care, and health benefits.

"(b) INFORMATION.—The program established under subsection (a) shall include a series of public service announcements targeted to pregnant women who are at an increased risk of suffering complications during pregnancy or having unhealthy babies, that focus on—

"(1) the availability of programs designed to provide prenatal care services;

"(2) the availability of screening programs for pregnant women; and

"(3) the availability of other State or Federal programs designed to ensure the health of pregnant women and their babies.

"(c) HEALTH BENEFITS.—As part of the program required under subsection (a), the Secretary shall establish a program to provide public service announcements on the appropriate and effective use of health benefits.

"(d) REPORT.—The Secretary shall annually prepare and submit, to the appropriate Committees of Congress, a report concerning the program established under this section and any relative changes that take place in the morbidity and mortality rates subsequent to such establishment.

"(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for each of the fiscal years 1990 through 1992.".

TITLE V—IMPROVING THE TRAUMA CARE SYSTEM

Subtitle A—General Federal Emergency Medical Services Programs

SEC. 501. NATIONAL CLEARINGHOUSE ON EMERGENCY MEDICAL SERVICES AND TRAUMA CARE.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after title XI the following new title:

"TITLE XII—EMERGENCY MEDICAL SERVICES

"PART A—ESTABLISHMENT OF CLEARINGHOUSE

"SEC. 1201. NATIONAL CLEARINGHOUSE ON EMERGENCY MEDICAL SERVICES AND TRAUMA CARE.

"(a) ESTABLISHMENT.—The Secretary shall by contract provide for the establishment and operation of a National Clearinghouse on Emergency Medical Services and Trauma Care (hereinafter referred to in this title as the 'Clearinghouse').

"(b) DUTIES.—The Clearinghouse shall—

"(1) foster the development of appropriate, modern emergency medical services and trauma care through the sharing of information among agencies and individuals involved in planning, furnishing, and studying such services and care;

"(2) collect, compile, and disseminate information on the achievements of, and problems experienced by, State and local agencies and private entities in providing emergency medical services and trauma care and, in so doing, give special consideration of the unique needs of rural areas;

"(3) provide technical assistance relating to emergency medical services and trauma care to State and local agencies; and

"(4) sponsor workshops and conferences on emergency medical services and trauma care.

"(c) FEES.—A contract entered into by the Secretary under this section shall provide that the Clearinghouse may charge fees in order to defray, and beginning with fiscal year 1991, to cover, the costs of operating the Clearinghouse.

"(d) AUTHORITY TO ENTER INTO CONTRACTS.—The authority of the Secretary to enter into contracts under this section shall be to such extent or in such amounts as are provided in Appropriation Acts.

"(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $500,000 for the later of fiscal year 1990 or the first fiscal year thereafter for which funds are appropriated under this section, $300,000 for the later of fiscal year 1991 or the second fiscal year after fiscal year 1990 for which funds are so appropriated, and $100,000 for fiscal year 1992 or the third fiscal year after fiscal year 1990 for which funds are so appropriated.

"PART B—DATA COLLECTION

"SEC. 1211. SUBMISSION OF DATA BY STATE.

"Not later than 180 days after the date of enactment of this title, the Secretary, after consultation with the States, shall promulgate regulations that require States that receive grants under part E of title XIX to provide the Secretary with certain data and information concerning the use of such grants.

"PART C—RESEARCH AND DEMONSTRATION PROJECTS

"SEC. 1221. ESTABLISHMENT OF PROGRAMS OF RESEARCH AND DEMONSTRATION PROJECTS.

"(a) IMPROVING RURAL EMERGENCY SERVICES.—The Secretary may make grants for the purpose of carrying out research into and demonstration projects of ways to improve the availability and quality of prehospital emergency medical services in rural areas—

"(1) by developing innovative uses of communications technologies and the use of new communications technology;

"(2) by making continuing education more accessible to emergency medical services personnel through telecommunications, home studies, providing teachers at accessible locations, and other methods;

"(3) by developing and refining training curricula;

"(4) by undertaking outcome studies on the process and content of emergency medical services; and

"(5) by developing innovative financing mechanisms.

"(b) REQUIREMENT OF APPLICATION.—The Secretary may not provide financial assistance under this section unless—

"(1) an application for the assistance is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the assistance is to be provided, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $8,000,000 for each of the fiscal years 1990 through 1992.".

SEC. 502. FEDERAL COMMUNICATIONS COMMISSION.

Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission shall—

(1) complete a study of the availability of radio frequency channels for emergency medical services communications (including in such study, to the maximum feasible extent, an analysis of communications between public and private ambulances and public and private hospitals);

(2) establish a plan to ensure that the needs of emergency medical services communications (including effective prehospital communications) shall be adequately provided for in the allocation of frequencies for public safety; and

(3) prepare and submit, to the appropriate Committees of Congress, a report that contains the results of such study and plan relating to emergency medical services communications.

Subtitle B—Emergency Medical Services Block Grant

SEC. 511. EMERGENCY MEDICAL SERVICES BLOCK GRANT.

Title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) (as amended by section 211 of this Act) is further amended by adding at the end thereof the following new part:

"PART E—EMERGENCY MEDICAL SERVICES BLOCK GRANT

"SEC. 1961. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of making allotments to States to carry out this part, there are authorized to be appropriated $100,000,000 for each of the fiscal years 1990 through 1992.

"SEC. 1962. ALLOTMENTS.

"(a) FORMULA.—From amounts appropriated under section 1961 for each of the fiscal years 1990 through 1992, the Secretary shall allot to each State an amount equal to the sum of—

"(1) an amount that bears the same ratio to 70 percent of the amount appropriated under section 1961 as the population of the State bears to the total population of all States; and

"(2) an amount that bears the same ratio to 30 percent of the amount appropriated under section 1961 as the land area of the State (as determined by the Secretary) State bears to the total land area of all States.

"(b) STATE.—The term 'State' means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, or Palau.

"SEC. 1963. PAYMENTS UNDER ALLOTMENTS TO STATES.

"(a) IN GENERAL.—For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotment under section 1962 from amounts appropriated for such fiscal year.

"(b) CARRYOVER FUNDS.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

"(c) PROHIBITION.—The Secretary may not make payments under this part for a fiscal year unless the State involved identifies any rural area in the State for which—

"(1) there is no system of access to emergency medical services through the telephone number 911;

"(2) there is no basic life-support system; or

"(3) there is no advanced life-support system.

"SEC. 1964. APPLICATION AND DESCRIPTION OF ACTIVITIES.

"(a) APPLICATION.—To receive an allotment for a fiscal year under section 1962, each State shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require. Each such application shall contain assurances that the State will meet the requirements of subsection (b).

"(b) REQUIREMENTS.—As part of the application required by subsection (a), the chief executive officer of each State shall—

"(1) include a State plan that meets the requirements of subsection (c);

"(2) certify that the State agrees to conduct certain data collection activities in accordance with part B of title XII;

"(3) certify that the State agrees to use the funds allotted to the State under section 1962 in accordance with the requirements of this part;

"(4) certify that the principal State agency with respect to emergency medical services will conduct public hearings on the proposed use and distribution of the payments to be received from the allotments under section 1962 for each such fiscal year;

"(5) certify that the State will establish reasonable criteria to evaluate the effectiveness of the performance of entities that receive funds from payments made to the State under section 1963 and will establish procedures for procedural and substantive independent State review of the failure by the State to provide funds for any such entity;

"(6) certify that the State will permit and cooperate with Federal investigations undertaken in accordance with this title;

"(7) certify that the State will maintain State expenditures for services provided pursuant to this part C at a level equal to not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying to receive payments; and

"(8) certify that the State agrees that Federal funds made available under section 1963 for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the activities for which funds are provided under such section and will in no event supplant such State, local, and other non-Federal funds.

"(c) STATE PLAN.—The State plan submitted as part of the application required under this section shall contain—

"(1) a description of the intended use of the payments the State will receive under section 1963 for the fiscal year for which the application is submitted, including information on the programs and activities to be supported;

"(2) a description of the general emergency medical service system components that shall receive assistance with a grant provided under this part;

"(3) a description of the trauma care components that shall receive assistance with a grant provided under this part;

"(4) a description of the emergency medical service system and trauma care components in rural areas that shall receive assistance with a grant provided under this part; and

"(5) any other appropriate information that the Secretary shall require through regulations.

"(d) ADMINISTRATION.—Unless inconsistent with this part, section 1903(b), section 1906(a), paragraphs (1) through (5) of section 1906(b), and sections 1907, 1908, and 1909 shall apply to this part in the same manner as such provisions apply to part A.

"SEC. 1965. USE OF ALLOTMENTS.

"(a) IN GENERAL.—Amounts paid to a State under section 1963 shall be used by the State—

"(1) to improve or establish accident prevention programs;

"(2) to conduct feasibility studies and planning activities for emergency medical services systems;

"(3) to establish, expand, and improve emergency medical services;

"(4) in accordance with the requirement of subsection (b); and

"(5) for any other activities determined appropriate by the Secretary.

"(b) TRAUMA CARE.—

"(1) IN GENERAL.—A State that receives a grant under this part may use not to exceed 25 percent of the amount of such grant to pay the expenses of certain uncompensated trauma care that has been provided.

"(2) UNCOMPENSATED TRAUMA CARE.—The term 'uncompensated trauma care expenditures' means any amount that is expended by a health care facility to provide health care services to a trauma patient and for which such facility does not receive payment or reimbursement.

"(c) PREVENTATIVE HEALTH.—A State may use, not to exceed the amount that such State used in fiscal year 1989 to carry out activities under section 1904(a)(1)(F) (as such section existed prior to the date of enactment of this part), to carry out emergency medical services activities under this part.".

(b) PREVENTATIVE HEALTH BLOCK GRANT.—Section 1904(a)(1) of such Act (42 U.S.C. 300w-3(a)(1)) is amended—

(1) by striking out subparagraph (F); and

(2) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively.

APPWP LAUDS HATCH MEASURE TO EXPAND HEALTH COVERAGE

The Association of Private Pension and Welfare Plans (APPWP) today lauded* important health care legislation sponsored by Sen. Orrin Hatch (R-UT). The bill, "The Comprehensive and Uniform Remedy for the Health Care System Act of 1989," (CURE), includes provisions to expand health care coverage through federal preemption of state mandated benefits without creating new federal mandates for employers. The measure also includes critical cost containment features, including medical malpractice reform which will reduce unnecessary medical services.

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* Reporter's note: This statement was previously released but has been clarified here to reflect that while the APPWP does support Sen. Hatch's effort and the philosophical approach taken in his legislation, the APPWP cannot yet endorse CURE until its Health Care Issues Committee has had an opportunity to review the measure thoroughly.

APPWP Executive Director, Howard C. Weizmann, today issued the following statement in support of CURE:

"Because the APPWP represents large and medium-size employers who provide generous health benefits to their employees, we want to encourage more employers to extend valuable health coverage to their workers as well. APPWP members either directly provide or maintain health coverage for more than 100 million Americans. We must encourage more companies to follow our members' lead.

"Today, concerns about state and federal mandated benefits, high health care costs and other obstacles to access to coverage are not limited only to small businesses. Large and medium-size firms, which constitute the bulk of our membership, are also wary of government mandated benefits and are wrestling with controlling their health care expenditures. Accordingly, the APPWP is pleased to register our strong support for Senator Hatch's effort to extend access to health coverage to the nation's uninsured population.

"We particularly applaud the fact that Senator Hatch recognizes that there are several different reasons that individuals may not have health coverage—each necessitating a different solution. A one-size-fits-all mandate will not solve the problem of the uninsured without creating new and unnecessary burdens on the nation's employers. Therefore, it is entirely appropriate that Senator Hatch has crafted a bill that addresses the different problems of the uninsurable, of those who have no connection to the workforce, of uncompensated care rendered by health care providers and of flaws in the current health system that pose disincentives to provide affordable, quality health care.

"We also congratulate Senator Hatch for recognizing that skyrocketing health care costs pose the greatest obstacle for many employers in offering health coverage. The Senator's legislative proposal is specifically targeted toward containing those costs while improving the quality of care rendered.

"The APPWP is proud to have assisted in the development of Senator Hatch's proposal and we pledge our continued support to him and others in Congress to achieve the goal we all share—access to health care for all Americans without economic burdens that would increase labor costs and stifle U.S. competitiveness."

The APPWP is the national trade association for companies and individuals concerned about federal legislation and regulations affecting all aspects of the employee benefits system. The APPWP membership of over 400 companies represents the entire spectrum of the private pension and employee benefits community: Fortune 500 companies; banks; insurance companies; law, accounting, consulting, investment and actuarial firms.

REMARKS AT SENATOR HATCH'S PRESS CONFERENCE

(By Carl J. Schramm, President, Health Insurance Association of America)

THE HEALTH CARE SYSTEM ACT OF 1989

I want to thank Senator Hatch, as well as his colleagues, notably Senators Bentsen, Durenberger, Kennedy, Chafee, and Riegle, for their demonstrated interest in addressing the needs of Americans without health care coverage.

There is now building in this country, and in the halls of Congress, a consensus that we have an unacceptable problem, and we see important and constructive intent to work together to develop a solution. We all agree that every American should have access to quality health care.

Today I am here to endorse Senator Hatch's bill, the Health Care System Act of 1989, because it encompasses many aspects of the comprehensive proposal our own industry has developed. It offers a constructive, affordable approach which focuses on eliminating counterproductive government policies, targeting appropriate government assistance to the most vulnerable populations (such as children and the medically uninsurable), and facilitating private market responses to the problem. We are also pleased that Senator Hatch has expressed a desire to pursue further provisions as they are developed and refined.

The problem of the uninsured cannot be solved without addressing another critical issue: that of health care costs. We commit our industry to work with Congress, the administration, and health care providers to develop a solution.

REMARKS OF ALEXANDER B. TROWBRIDGE, PRESIDENT, THE NATIONAL ASSOCIATION OF MANUFACTURERS

The National Association of Manufacturers is pleased to support the underlying principles of Senator Hatch's legislation to reduce health costs, share responsibility and level the playing field. Senator, we applaud your leadership for introducing today, "The Comprehensive and Uniform Remedy for the Health Care System Act of 1989."

In the area of quality, the legislation would authorize the Assistant Secretary for Health to establish treatment practice guidelines that could be used as a defense in medical malpractice litigation. Given the high cost of medical liability premiums and defensive medicine, there is a potential for significant cost savings. Second, the provision to preempt health benefit plans from state mandated benefit laws would help make health insurance more affordable for small firms.

Senator Hatch's proposal builds on the success of the private employer-sponsored voluntary health care system and existing federal programs and seeks to improve their effectiveness. Rather than mandates, this approach uses incentives, which we strongly support.

We believe this legislation is an important first step in reforming our health system. Much remains to be done, however, particularly to expand access for the uninsured. We want to urge you to support additional legislation that would expand Medicaid on a phased basis to cover more of the poor uninsured. Phased expansion is necessary to permit parallel improvements in both efficiency and better quality and to assure that services are appropriately targeted to those most in need.

Senator, the NAM is very pleased to join you today upon the introduction of this important legislation. We look forward to continuing to work with you as the debate goes forward on this issue.

HEALTH UNDERWRITERS SUPPORT NEW HEALTH CARE ACCESS LEGISLATION PROPOSED BY SENATOR ORRIN G. HATCH

WASHINGTON, DC, June 23, 1989.—The National Association of Health Underwriters (NAHU) has announced its enthusiastic support of "CURE", Comprehensive and Uniform Remedy for the Health Care System Act of 1989, a new health care access bill proposed by Utah Republican Senator Orrin G. Hatch, which was introduced at a national press conference, this date.

NAHU President Michael A. Lillie, RHU, stated that NAHU is encouraged by this new, fiscally responsible legislation, that offers a more complete solution for the nation's uninsured than previous proposals." Senator Hatch clearly recognizes the importance of keeping intact the free enterprise health care system that currently serves over 84 percent of all Americans", said Mr. Lillie.

Senator Hatch's bill provides for federal assistance in the establishment of; state uninsurable pools, medical treatment practice guidelines (to help curb malpractice costs), preemption of certain state requirements by ERISA (Employee Retiree Income Security Act of 1974) pertaining to health insurance contracts and/or policies, cost containment measures to coordinate prenatal care programs and a national emergency medical trauma care services clearinghouse.

Additionally, NAHU strongly supports a tax fairness adjustment that will encourage health insurance purchases, expansion of medicaid for the working and non-working poor, and the review of funding practices for institutional medical providers.

The National Association of Health Underwriters is a federation of state and local associations representing over 9,000 professionals involved in the sale, distribution and service of health care insurance.

COMMENT ON HEALTH CARE IMPROVEMENT ACT OF 1989

(By Karen B. Brigham, Manager of Health Care, U.S. Chamber of Commerce

WASHINGTON, DC, June 23.—The U.S. Chamber of Commerce, the world's largest federation of businesses, applauds Sen. Orrin Hatch, R-Utah, for introducing legislation which would cure many of the fundamental ills of our country's health care system.

We like it because it is a multifaceted approach to a multifaceted problem—not a monolithic mandate. If enacted, the measure would reduce health care costs and make health insurance more affordable for all Americans.

The bill addresses such critical areas as malpractice suits and defensive medicine, expensive and unnecessary state insurance mandates, the lack of attention devoted to preventive medicine and uncompensated care costs.

Sen. Hatch has shown great leadership in proposing this bill and the Chamber looks forward to continuing to work with him to develop and implement legislation to insure that all Americans have access to high quality, cost effective and appropriate health care.

[From the Wall Street Journal, Feb. 7, 1989]

INSURERS REFUSE TO PAY FOR WORK JUDGED NEEDLESS

(By Glenn Ruffenach)

These days some doctors who run test after test on their patients may collect a nice round figure: zero.

As insurers and employers fight rising health costs, excessive medical testing has become an increasingly popular target. Having gained some measure of control over hospital admissions, third-party payers are now puzzling over how to limit outpatients bills. To a large extent, that means figuring

out which of the 40 million medical tests performed in the U.S. every day are really necessary—and denying payment for those that aren't. By some estimates, tests now account for 50 cents of every dollar spent on health care.

"Most medical tests—and by that I mean well over half—do not really contribute to a patient's diagnosis or therapy," says Edward R. Pinckney, an internist in Beverly Hills, Calif., and a former editor of the Journal of the American Medical Association.

In their battle, some insurers have published guidelines for doctors that recommend when selected tests should be used. Others are installing new computer programs that identify physicians who order too many tests or ones that aren't related to symptoms. Seeing the handwriting on the wall, doctors meanwhile are designing their own standards to help determine, say, when screening for breast cancer is appropriate.

A TOUGH TASK AHEAD

Many of the approaches are still too new or too small-scale to tell whether doctors are changing their behavior or whether much money is being saved. What is clear is the difficulty of the insurance industry's task. The sheer volume of medical tests makes then much tougher to control than hospital costs. And many doctors are less than thrilled at the thought of having yet more of their judgments questioned.

"The primary-care physician is going to become a total cynic," warns Philip Alper, a doctor in Burlingame, Calif., and an associate professor of medicine at the University of California in San Francisco. "He's going to be walking through a mine field, hoping he doesn't get bombed because he didn't agree with someone's software package."

Still, the widening search for ways to cut health costs, insurers say, guarantees that more restrictions will be put on medical testing. "It's very much a problem area," says Roger Taylor, a physician and vice president at Equicor Inc., an insurer in Nashville, Tenn. "The number of tests being ordered is going up faster than medical reasons would justify."

Insurers cite several factors behind the growth in testing. First, advances in technology mean more tests exist. Nearly 900 tests can now be performed on blood alone. Second, doctors are increasingly wary of malpractice suits and thus practice more "defense medicine"—administering a blizzard of tests simply to head off allegations of negligence.

Finally, tests can be profitable for doctors. "The perception is that lab tests in a doctor's office are a service for patients," says Lawrence Goelman, president of Cost Care Inc., a Huntington Beach, Calif., consulting firm. "But they're also a great source of income. You can significantly increase your average bill per patient." For instance, blood-cholesterol tests cost a doctor about $2 but are billed at anywhere from $8 to $22.

Insurers are quick to point out that only a small percentage of doctors "test for profit." But those who do often submit staggering charges. Eugene Tominski, a claims consultant at Northwestern National Life Insurance Co. in Minneapolis, cites a $1,074 bill from a doctor who treated a patient for a vaginal infection. That included $400 for a mammogram, a test "totally unrelated to the patient's symptoms," Mr. Tomisnki says. Northwestern denied payment for the mammogram, as well as for several other tests.

ARE GUIDELINES ENOUGH?

Some insurers say doctors must be better educated about when tests are appropriate. "You don't have to do an EKG and blood tests and a urinalysis on every person before outpatient surgery," says David Tennenbaum, director of the medical-necessity program at the Blue Cross & Blue Shield Association in Chicago. Yet, he says, some physicians often run all these tests and more, simply out of habit.

Accordingly, Blue Cross & Blue Shield, in conjunction with the American College of Physicians, has published guidelines on using the 15 most common categories of diagnostic tests. For example, they recommend that routine chest X-rays (which account for more than $2 billion a year in the national medical bill) aren't normally necessary when a patient is admitted to a hospital or before surgery is performed.

Mr. Tennenbaum stresses that the guidelines are "strictly for education" and aren't a basis for denying claims.

But will recommendations alone curb testing? A preliminary study at the University of Pennsylvania indicates the answer is "no." Researchers found that doctors who were aware of the Blue Cross & Blue Shield guidelines on a particular blood test didn't significantly reduce the number of such tests they ordered.

TOO MANY TESTS?

The approximate number and cost of selected medical tests performed in hospitals and doctors' offices in 1987:

Medical Tests	Number of times performed (in millions)	Total cost (in billions)
Urinalysis	200	$3.0
Blood cholesterol	200	3.0
SMA [1]	100	4.2
Blood count [2]	100	2.0
Chest X-ray	42	2.75
Pap test	40	.8
Electrocardiogram	25	1.5
Ultrasound [3]	25	1.25
Endoscopy [4]	20	10.0
Stress/treadmill test	5	1.0

[1] Stands for Sequential Multiple Analyzer, a group of 12 to 40 test performed on a single sample of blood.
[2] The number of red blood cells and white blood cells.
[3] Includes all types of ultrasound examinations, for pregnancy, heart, gallbladder, etc.
[4] Includes all examinations of internal organs by inserting a tube into the patient.

Sources: National Center for Health Statistics; Robert Wood Johnson Foundation; Blue Cross and Blue Shield Association; Health Care Financing Administration; McGraw-Hill Inc.

TAKING THE OFFENSIVE

Some insurers, therefore, are getting more aggressive. Using new computer programs, they are reviewing the necessity of every test a doctor orders. If the computer doesn't like what it sees, the physician might not be reimbursed for the test.

One such program is produced by Concurrent Review Technology, a health-care management company in Shingle Springs, Calif. The system tells insurers the number and the type of office visits, lab tests and X-rays that are considered appropriate for a given illness. Any claim that exceeds the criteria is flagged for review.

In late 1986, Metropolitan Life Insurance Co. installed the system to review claims in its managed-care plans. Last year, the company saved $4 to $5 for every dollar spent on the program, says David Rinaldo, a director at Corporate Health Strategies, a Westport, Conn., firm that helps Met Life administer the system.

Another review system has been set up by Cost Care, the California consulting firm. That process requires doctors to obtain permission to run tests—but only for procedures that cost $250 or more.

Extending such reviews to all tests and all physicians across the country won't be easy, insurers say. So far, most of the new computer programs have been used in tightly controlled, managed-care settings, where doctors are normally required to provide detailed accountings of their diagnoses and decisions.

"What do we do?" asks Dan Dragalin, a physician and vice president of group medical care at Prudential Insurance Co. of America. "Spend $50 to run down every $15 blood test, or do we let it slide through?"

MEDICINE'S SEARCH FOR "WHAT WORKS": WHAT IT MEANS TO EMPLOYERS

(By Rhoda Donkin)

Right now, we don't buy health care, we pay for it," Robert Hungate, Hewlett-Packard, government affairs-health care manager says, voicing the frustration of corporate America. "Traditionally employers haven't considered value when they make decisions about medical benefits. It was thought we couldn't handle it. Now we're beginning to wonder whether we're getting what we pay for."

At the moment nobody has an answer. "We haven't gathered information about what works," says Paul Ellwood, M.D., head of the Minneapolis think tank InterStudy, which is one of a handful of organizations trying to remedy this monumental problem. "If employers base their buying decisions on dollars instead of value, that isn't their fault—it's medicine's."

How serious is the lack of information about value? "This country spends over $600 billion on health care largely in the dark," estimates Donald Berwick, M.D., vice president of quality control at Harvard Community Health Plan, an HMO in Brookline, Mass.

Robert Brook, M.D., deputy director of the RAND Corp. health programs, Santa Monica, Calif., says, based on that organization's studies of appropriateness, "A whole chunk of what medicine does could be safely eliminated."

Not only is there some evidence that costly medical procedures are overdone, the reasons for doing them may have more to do with physician style and inclination, than sound scientific criteria.

"Half of what the medical profession does is of unverified effectiveness,"Ellwood says.

In the not too distant future, however, the gap in knowledge about what works may narrow. Deep in the ranks of the medical profession, physicians are probing the anatomy of their decision-making in search of answers laymen have assumed they already knew. In clear, detailed, and usable terms, physicians are seeking a better understanding of the consequences of their often costly efforts to heal.

They want information to help them be better doctors, and they are taking their questions not to research labs and academic circles, but to where the action is—patients themselves. By studying and documenting the outcome of various procedures, the way both doctors and patients decide about treatment may dramatically change. The theory is that if patients knew all the variables, they might make different, perhaps less riskly and costly decisions. And if doc-

tors knew more about effectiveness, they might also practice differently.

For employers, the impact of this probe may mean that they will someday be able to buy health benefits on the basis of universally understood data on quality medical care or—simply put—what works. Purchasing healh care in the dark may become a thing of the past.

In this article we talk with the movers and shakers behind what some are calling the third revolution in medicine. We explore what they are doing and how it will influence the way health care is delivered and paid for in this country.

THE STATE OF THE ART

Medical data to improve everyone's understanding of medical effectiveness is out there already. Major databases exist for cancer, cardiovascular disease, arthritis, stroke, renal dialysis, head injuries, hypertension, hepatitis, glaucoma, and many other disorders.

But as InterStudy's Ellwood points out, without a system that connects it all, "We are held hostage by our tendency to create information repositories independently of each other. This incompatibility in data systems, rooted in history, pride, function, and money creates an added urgency to adopt a uniform subset of health outcomes data."

Ellwood wants to somehow mesh it all together, put it into a huge computer network, and create what he calls technology of collaboration. It would ultimately be a "user friendly" system tying together what medicine already knows, with information that now slips away unrecorded, everyday, after every medical interaction in our vast health network.

Says Doug Peters, senior vice president of the Blue Cross and Blue Shield Association, Chicago, "Weaving it all together with patient perceptions. That's where we should be going. That's the magic."

James Reinertsen, M.D., president of Park Nicollet Medical Center in Minneapolis, describes how the system of the future might work.

A patient comes in for a visit and while she waits to see the doctor, instead of perusing Ladies Home Journal, she is seated at a video screen and keyboard. By pushing a few buttons she answers "patient friendly questions" which have been either specifically coded to her particular problem, or generally relate to her well-being.

The answers she gives are instantly processed around the corner. Grabbing her file, the doctor stops at a computer printer en route to the exam room. Briefed on his patient's most current issues, he enters the meeting.

In this scenario, not only is this doctor armed with a "lab test" he can use to help him ask the right questions, the data provided are automatically added to a database that contains outcomes information from all over the country. (And the patient's bill is automatically taken care of, too.)

In fact, using so-called interactive video is an idea that has already been launched on a small scale by John E. Wennberg, an epidemiologist at Dartmouth Medical School, and his colleagues. They have used the results of their study on prostatectomies (described later in this article) to create a video disk which describes to patients some of the advantages and drawbacks of having the operation.

PATIENT VIDEOS

Using their data and testimonials from patients who decided in favor of and against the operation, the 28-minute-long disk offers unprecedented consumer information.

If video technology like this were installed in physicians' offices, the stage would be set for transforming routine patient data and outcomes information from paper records into the electronic age.

Further, if patients could, for example, be told with accuracy that there is a 4 percent chance of becoming incontinent or a 5 percent possibility of becoming impotent after surgery, as is the case with a prostatectomy, many patients might opt for other alternatives than the most sophisticated treatment money can buy.

"I think if people knew more about the probabilities of specific outcomes, few would say, 'Well, I may as well try it. I've got nothing to lose,'" says internist Albert Mulley, Massachusetts General Hospital, Boston, who is working with Wennberg on creating video disks for a list of other common medical procedures.

But getting from here to there won't be simple or fast. Physicians agree any conscientious medical professional tries in every case to make the right medical decision for each patient, and if they always could, there would be no need for anyone to question the value of medical care. But intriguing studies show that perhaps even the most conscientious physicians may not be responding appropriately to the medical problems they confront.

If your company has offices in several locations, you may have noticed radical differences in the number and kind of claims among your employees. Dartmouth's Wennberg has been researching this phenomenon for many years.

In an article published in Health Affairs and based on his study of physician practice patterns in New England, Wennberg reported, "A resident of new Haven, Conn., is about twice as likely to undergo a coronary bypass operation as is a resident of Boston; for carotid endarterectomy, the risks are the other way around.

"The numbers of knee and hip replacements per capita are much more common among Bostonians, while New Havenites experience substantially higher numbers of hysterectomies and back surgeries.

"The risk of hospitalization for Boston is substantially higher for a host of acute and chronic medical conditions, including back pain, gastroenteritis, pneumonia, chronic bronchitis, and diabetes, even though the residents of the two communities are very similar in demographic characteristics related to the need for hospital care."

Further, Wennberg adds, "We remain ignorant of the consequences for patients of spending vastly different proportions of the gross national product on health care."

Wennberg's work on practice patterns and RAND's appropriateness studies point a collective accusing finger at what Wennberg calls an "intellectual crisis in the scientific basis of clinical practice."

Consider one procedure that has been intensely studied on a small scale. Prostatectomies are frequently done to treat enlarged prostate glands. This procedure costs on average $3,500 and is done ostensibly to reduce the risk of prostate cancer in later life. However, research directed by Wennberg revealed distinctly different results than were expected.

Wennberg's study followed prostatectomy patients postoperatively for four years. It showed the operation doesn't have a major role in extending life, but, more accurately, affects so-called quality-of-life conditions of patients who have problems urinating. While many were relieved of their problems, 8 percent were hospitalized again for complications resulting from the surgery. Another 4 percent became incontinent for the first time as a result of the surgery and 5 percent became impotent. These findings provide unprecedented insight into the outcome of an operation which is done on over 300,000 men a year.

Mulley, Wennberg's co-researcher in the prostatectomy study, says if given this insight about the real consequences of prostatectomies, doctors may suggest patients endure the inconvenience of getting up several times during the night to go to the bathroom, and patients themselves might opt out of surgery.

"The question of choice is important," Mulley maintains. "In the case of prostatectomy, would a patient feel worse if he became a little incontinent and had to wear a pad inside his jockey shorts, or at age 70 if he became impotent, or if he basically had to put up with his present symptoms forever? Which of these health outcomes is important? The obvious answer is that different men are going to respond differently."

MISGUIDED CHOICES

Too often the health profession acts by grasping at threads of experience, says InterStudy's Ellwood. "Medical technology has gotten too complex for this. It results in guesswork too much of the time. The health care system has become an organism guided by misguided choices; it is unstable, confused, and desperately in need of a central nervous system."

Ellwood is blatantly outspoken on the need for more data on medical effectiveness and he has decided to personally ride herd on the profession to get it to organize itself around the issue.

He is perhaps best known as a thoughtful force behind the managed care revolution in this country and for coining the terms "health maintenance organization" and "preferred provider organization." The competitive impact of HMOs and PPOs have promoted tremendous change in how health care is delivered and paid for in this country.

Ellwood calls his new plan "outcomes management." It amounts to a huge nationwide system for gathering and exchanging information on long-term effects of medical care. "Outcomes management is the technology of patient experience designed to help patients, payers, and providers make more rational medical care decision," he says.

Ellwood is the first to admit he didn't create the idea that medical outcomes need to be managed, but he is willing to organize a movement to make it all happen. He is hoping to wrestle the health care community, including physicians, researchers, and academicians into collaborating which is a formidable challenge.

Ellwood wants providers to begin retrieving information about how patients fare, not just whether they live or die, but how they function and how satisfied they are with life after medical treatment. The technology of patient experience would begin at the doctor's office with patients routinely answering specific questions about things like pain levels, social interaction, ability to work, and emotional status.

The insights would be translated into a huge computerized database, ultimately in-

forming doctors about the results of their treatment.

"The crucial link would be the actions and observations of thousands of health professionals with millions of patients in a massive computerized database. We're not expecting a technology that thinks better than human beings. We need a technology that keeps track of more participants and remembers better than we do."

In Ellwood's vision, medical decisions would be driven more by patient input, and less by the authoritative dictates of the medical profession.

"Everybody knows what it means to hurt, or to feel exhausted, or to be unable to carry things up a flight of stairs, or to have to miss work a lot. Quality-of-life scales are important because that's what every one understands."

"We need a common language to communcate hurting, functioning, working, interacting, and living."

Ellwood also believes his idea would provide a common language for payers and employers to understand what they are buying. He thinks employers would be able to design their benefit packages better, more accurately anticipate demand and cost, and more clearly judge the differences between providers.

GATHERING DATA

Ellwood recently circulated a standard form for gathering patient data on so-called quality-of-life information. The form is based on the work of John Ware of New England Medical Center in Boston and his colleagues. Ellwood hopes for widespread participation from Blue Cross and Blue Shield, the Health Care Financing Administration, large group practices, and academic health centers. If a system can be set up to track the data from 115 million people, says, Ellwood, "We're off to a good start."

Already HCFA has contracted with InterStudy to implement Ellwood's outcomes management program in six HMOs in Illinois, Missouri, and Kansas. The program will track patients with three conditions—hypertension, diabetes, and cataract surgery—asking them to evaluate medical outcomes on the basis of such criteria as pain, social interaction, emotional attitude, physical activities, and return to normal role.

Doug Peters of Blue Cross/Blue Shield Association says the organization is enthusiastic about outcomes management: "We've done a lot with managed care, pre-admission review, discharge planning, second opinions, utilization review. But it all begs the central question. What works? We would feel a lot more confident about what we spend if we had some basis for understanding value."

HUGE INVESTMENT REQUIRED

Peters concedes however that installing a system to collect the critical data requires considerable effort and expense and at this point, probably only 11 of the 74 Blues plans would be willing to make the investment of time and money.

Turning a paper system of record keeping into the electronic age is a stumbling block that Paul Lairson, M.D., physician liaison for Kaiser Permanente Medical Groups, envisions. By his estimates it will take five years to set up a computerized data system adequate to accept outcomes information.

"This is an extremely costly proposition. I applaud Paul Ellwood for pursuing it, but unfortunately, he doesn't have the money to pay for the gas."

Ellwood is asking that organizations volunteer to collect both disease-specific and more general data on medical outcomes. He is also suggesting the participants assign a small team of staff members to work part time gathering and analyzing the new patient information. The cost must be assumed by the participant, with Ellwood supplying guidance through Quality Quest, his non-profit affiliate of InterStudy.

"It's going to cost, conservatively speaking, 5 percent above our present operating budget," says James Reinertsen, Park Nicollet Medical Center physician. That translates into an extra $5 million a year to this group of 280 Midwest physicians. But despite the cost, Reinertsen is clearly enthusiastic.

A practicing rheumatologist, Reinertsen says his personal experience using patient questionnaires has changed how he practices. For the past few years, the Park Nicollet, which has 1.6 million patient visits a year, has collected information similar to what Ellwood envisons gathering nationally.

PROBING PAYS OFF

"For example, one of my patients I assumed was doing well because during her visits there was no indication anything was amiss. When I got her [quality-of-life] form back, however, she scored very poorly on questions about her ability to work and her emotional status.

"When I saw her again, and asked her about those areas, this incredible flood of information came tumbling out. The result was that I decided to change her medication and refer her for psychological support. That made a big difference to her health status.

"You could argue that I should have been more perceptive, but I pride myself in being pretty aware of these things. What happens is that sometimes patients put on the best face in conversation which they don't have to on a form."

Reinertsen has a suggestion for funding data collection on patient outcomes. "Call it a lab test. We measure blood counts and all these other things to test health outcomes. What we're really interested in is pain, social, emotional, and physical functioning and all those things can be measured too.

"So why not make it a lab test and it will get into the data system that way and there won't be any funny business about how to pay for it?"

THE CAVEATS

There is a range of opinion in the research community about what qualifies as valid outcomes data—whether asking people how they are doing is really the best test for judging medical effectiveness. There are qualms about how the data should be used, who should get it, and how dissemination of the information should be controlled.

There are fears the information could spawn laymen misunderstandings about medical care and lead payers and employers to make misguided demands. If not handled properly, the data might be hurled between providers vying for patients, in public relations wars that have nothing to do with quality care.

RAND's Robert Brook notes that outcomes research has a long way to go before so-called functional status or well-being tests can be used as practical tools in assessing quality of care.

"There are lots of other tests that can be used as measures of quality . . . vaccination rates, controls on hypertension and diabetes, outcomes that look at preventable deaths. These can be used to tell employers whether they are getting their money's worth or not."

Brook doesn't want enthusiasm for quality-of-life testing to distract people from what he maintains is still the most basic and untapped reservoir of information about quality care.

"Don't bypass the central question because it's so glib and easy to do. We ought to begin by looking at death rates until we know all there is to know about that health outcome." Brook contends. "Then we can look at subtler things like satisfaction levels and some undesirable consequences of treatment.

"If a patient picks up an infection in the hospital and has to be on antibiotics an extra ten days, or even stay in longer, payers shouldn't groan, because what's really important is that patient will walk out of the hospital alive," Brook maintains.

Harvard Health Plan's Don Berwick says outcomes research is an essential ingredient for improving quality, but calls it far from sufficient.

"We have a lot to learn from industry about how to improve any complex system of production and health care is a complex system of production."

The Harvard Health Plan has spent millions of dollars on patient research in the past four years. According to Berwick, the information has been used to help doctors in the health plan, but not as public information for consumers.

"It's naive to think that employers given outcomes information can learn which of several options for health care they should purchase," Berwick says. "I think any employer who would use such information to make choices had better know the quality of the data they're dealing with."

LEARNING FROM INDUSTRY

"The big fallacy," says Berwick, "is if we think that by measuring outcomes correctly, everything else will follow. That is a vast oversimplification of the problem. We can't stop with just measuring outcome and not process.

"As an analogy, think of a manufacturing environment," he says. "Let's say we're making TV sets and we set up an outcomes measurement system. What we'd have is a big data system that measures all kinds of characteristics of TV sets and stores them in some big database and lets people control more and more information about TV sets. That can't help improve them unless somebody, somewhere, understands how things go wrong when they go wrong and how they get better when they do."

Berwick and others maintain that reducing mistakes in production offers a huge area that could be mined for savings, in health care as in industry. Finding out how things go wrong requires not just analyzing how patients feel and whether they live or die, but the intricate course of medical and other events that achieved those outcomes.

Still, for employers, the outcomes research holds promise. As Berwick points out, "Collecting outcomes data clarifies the dialogue between employers and providers. Each can talk about the outcomes they want and what is valuable, what isn't. It's a better informed dialogue."

WHAT ARE YOU PAYING FOR INAPPROPRIATE CARE?

A while ago, researchers from the RAND Corp., Santa Monica, Calif., set out to lay the groundwork for analyzing the "appropriateness" of several common surgical procedures. After an exhaustive review of the medical literature and with a consensus of

experts, researchers uncovered some shocking findings.

Almost a third of the coronary bypass operations done in the early 1980s were not necessary. They concluded that in three out of 10 cases, the highly risky procedure to relieve chest pains was unjustified. There's no research evidence to date showing the situation has changed. Today the surgery and hospital stay cost $37,000.

They also concluded that a third of carotid endarterectomies—removing the fat deposits in neck arteries—are unnecessary. The average cost for this surgery and hospitalization today is $9,000.

Other excesses they identified included 17 percent of all coronary angiographies (costing an average of $3,400), 17 percent of upper gastrointestinal tract endoscopies (averaging $750), and over 30 percent of all pacemakers implanted in heart patients ($9,000).—R.D.

Developing Good Medical Standards We All Can Live With

(By Mark Chassin, MD)

Let's clear up some semantic issues first. Whatever you want to call them—practice guidelines, criteria, standards or parameters—they are all here to stay. While it is possible to draw some fine distinctions among all of these various flavors of standards, they all pretty much amount to the same thing. For simplicity, I will use the term "standard of care" in this article. A good working definition of a standard of care is a clear and unambiguous statement about which diagnostic or therapeutic interventions should or should not be performed given a particular set of clinical circumstances.

CREATING STANDARDS

Standards can be well constructed or poorly constructed. Poorly constructed standards will be useless to physicians at best and—if imposed inflexibly—harmful to patient care at worst. Well-constructed standards can be extremely helpful to physicians and improve outcomes for patients. One major problem with many extant standards is that they are often poorly constructed. If either the clinical circumstances or the intervention are described imprecisely and ambiguously, the standard will not work. Contrast the following two standards:

A reasonable diagnostic work-up of a patient with angina pectoris [prior to considering coronary bypass surgery] . . . should be done as efficiently as possible to provide definitive information on which clinical decisions can be based.[1]

Bradycardia, in which the longest R-R interval is less than three seconds and the minimum heart rate above 40 beats per minute, with no symptoms or no correlation of symptoms with arrhythmia, is a diagnosis that does not indicate the implantation of a permanent cardiac pacemaker.[2]

The first statement is vague and ambiguous. The second is a well-constructed standard that provides a clear and objective statement about a particular clinical situation in which a pacemaker is not needed.

The reason physicans need standards is simply that, with the explosion of medical knowledge that has taken place over the past 20 years, it is literally impossible to expect physicians to have in their heads or even at their fingertips all the information necessary to practice high-quality medicine. In an ideal world, every internist would have read the reports of all the randomized trials of coronary artery bypass surgery, critically assessed their strengths and flaws, and assimilated the data objectively into his or her practice.

In reality, a lot of us obtain practical information from reviews of the literature (formal or informal) conducted by others and communicated in unsystematic ways (unreferred journals or hallway consultations). Wouldn't we welcome a source of information that summarized current knowledge about various diagnostic and therapeutic interventions, used systematic and rigorous methods of analysis to produce these summaries and presented them in a usable and easily digestible format?

CAN IT IMPROVE OUTCOMES?

In addition to these purely professional reasons, we must recognize that physicians are under increasing pressure to justify the effectiveness of what we do. Many different sectors of society are genuinely concerned that the value received for the enormous amounts of resources expended on health care is insufficient. The combination of continuing health care cost inflation—combined with the growing realization that most of what physicians do cannot be documented as efficacious based on rigorous scientific data—is a powerful driving force behind this concern.

Research literature and current experience leave little doubt that the use of standards can improve outcomes for patients. Many research studies have documented the positive impact that well-constructed standards can have when communicated to physicians in a well-designed educational program. Witness the recent experience of some Massachusetts anesthesiologists since they adopted guidelines. The frequency of anesthesia complications has plummeted.

WHOSE RESPONSIBILITY?

We have all the tools necessary to create standards, and we need them for a number of reasons. A national effort is required with a coordinated strategy. In its absence, we face the specter of a wide variety of organizations developing standards for narrow purposes, using various methods of varying quality and producing standards of highly variable utility.

What kind of organization should undertake the task? It must be prestigious enough to attract to the task the highest caliber physicians and researchers. It should be politically independent from both government and organized medicine to ensure that the standards that emanate from it will be accepted by the medical profession and viewed as something more than a self-serving exercise by the public and its representatives. It also must possess the necessary administrative skills to manage a project with such a large magnitude and complexity. The recently announced agreement between the American Medical Association and the RAND Corporation may produce an organization that meets these criteria.

Any process that is used to create standards must have two components: a summary of existing research data that bear on the subject addressed by the standard and additional expert clinical judgments that fill in the inevitable gaps left by the data. Each of these tasks can be accomplished by a number of different methods.

The Clinical Efficacy Assessment Project of the American College of Physicians provides one model. In this project, a thorough critical review of the literature is followed by the creation of a standard in the form of a policy statement. In turn, it is then reviewed by a wide variety of individuals and organizations and ultimately adopted by the College's Board of Regents.

The process developed by the RAND Corporation in its study of the appropriateness of medical and surgical procedures provides another method. The RAND process also starts with a complete review of the medical literature and then adds a panel of expert clinicians to render specific judgments about the appropriateness of a particular procedure under a variety of specific clinical circumstances.

BEGINNING THE TASK

While we certainly need additional research directed at discerning the most reliable, valid and efficient ways to create standards, I believe we know enough to begin the immense task of systematically reviewing medical practices and creating usable standards for physicians. Research on refining methods and practical experience on producing standards should proceed together.

Standards can and will be put to a number of uses. First and foremost, physicians will use them for educational purposes, if they find the source and the methods credible. In the future, physicians may have access to a computer data base that stores current standards of care covering a variety of different subjects: the appropriate diagnostic work-up for specific combinations of symptoms and signs, appropriate uses of specific diagnostic and therapeutic procedures under certain clinical circumstances, or alternative treatments for specific conditions. It is not hard to envision that such an automated data base could be interactive, allowing the physician to enter varying clinical data to obtain more information on standards that apply to highly specific clinical circumstances.

LEGAL PROTECTION

I believe that physicians also will be able to use standards to protect themselves against legal liability. Again, if the source is credible and the methods are sound, adherence to well-constructed standards can be a potent defense in a malpractice suit. The converse, however, also applies. A physician who fails to observe widely disseminated and accepted standards and whose patient suffers an adverse event will find defense very difficult.

Standards inevitably will be used by payers. If they are employed with clinical sensitivity, they can have beneficial results for patients and physicians. Many current methods of cost containment are little more than administrative obstacles to obtaining medical care. Some of these include increasing copayments and deductibles, second opinion programs and most preauthorization programs.

Well-constructed standards can help discriminate medically inappropriate health services from necessary and effective care. As part of a clinically intelligent precertification program for elective procedures, a well-trained utilization review nurse can collect clinical data initially from the patient and from the physician's office to determine the medical indication for the procedure.

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[1] "National Institutes of Health Consensus Development Conference Statement on 'Coronary Artery Bypass Surgery: Scientific and Clinical Aspects,'" *New England Journal of Medicine*, 304:680-684 (1981).

[2] Greenspan A. "Incidence of Unwarranted Implantation of Permanent Cardiac Pacemakers in a Large Medical Population," *NEJM*, 318:158-163 (1088).

This indication then can be compared to the standard of care that defines when the procedure should and should not be performed. Cases that have sufficient clincial justification can be approved immediately. Cases that appear to be inappropriate, however, must not be automatically denied. The proper use of standards in this context requires additional review of the individual case by a physician.

MAINTAINING FLEXIBILITY

Those who use standards to assess individual cases must understand that no matter how clinically detailed the standards are, they can never take into account the almost infinite diversity that patients present. Therefore, additional physician review of cases that appear to represent inappropriate care must take place to ensure that the individual case does not possess some unique or idiosyncratic charactertistics that would make the procedure appropriate despite the fact that it appeared to lack sufficient clinical justification on initial screening. When used in this fashion, standards hold the potential to improve quality of care by sparing patients the risk of unnecessary interventions, while containing costs at the same time.

These advantages will be realized only to the extent that the standards are constructed with reliable and valid methods, produced in a usable form and employed in a clinically sensitive manner. Physicians will benefit educationally by having a reliable and credible source of information about current standards of medical practice. They also will benefit from the use of such standards in the payment process to the extent that payers take account of the issues already discussed. It is easy to see that by using standards this way, payers will be in position to identify those physicians who consistently provide high-quality, appropriate care. To maximize the efficiency of this kind of review process, these physicians can be exempted from routine review altogether, thus sparing them from some of the administrative hassles of practicing medicine.

The other side of the coin is less appealing. Poorly constructed standards used in clinically inflexible ways will produce bad outcomes for patients, physicians and payers. We must strive to prevent this scenario from happening. Physicans must participate at all levels in the process of creating and using standards for them to work properly. We have much to gain for our profession and our patients by the judicious application of well-constructed standards to the practice of medicine.

PPRC COMMENTS ON PRACTICE GUIDELINES AND STANDARDS

In its 1989 report to Congress, the Physician Payment Review Commission (PPRC) proposed that Medicare develop a strategy to control rising costs by reducing unnecessary or inappropriate services. To do this, PPRC recommended that the federal government support clinical effectiveness research (see "IMCARE News & Reviews," page 31) and practice guidelines. PPRC said that "tens of millions of dollars" per year should support "the development, dissemination and evaluation of practice guidelines."

The report noted that the medical profession, though, should "take much of the responsbility for developing guidelines"—especially since these guidelines would be more likely used by physicians in their practices. These guidelines, PPRC says, should be unambiguous and specific enough so physicians can use them, and the clinical rationale for the recommendations should be apparent. They also must take into consideration "clinically relevant differences among patients and respect the role of clinical judgment in determining what is appropriate care."

Noting that there has been little if any evaluation of existing guidelines, PPRC called for the guidelines to be evaluated periodically to assess in part their impact on medical practice and the quality, efficiency and cost of care. They also should be revised when necessary based on new knowledge of effectiveness.

Guidelines used for review and payment of services and procedures "must be applied flexibly" to take into account variations in clinical factors and the local availability of medical resources, PPRC says. Inflexibile application of guidelines in utilization review would result in denial of necessary care to beneficiaries, as well as payment to physicians, the Commission warns.

Finally, guidelines can be used to inform patients or consumers, and thus enable them "to be more effective partners in decisions about their care." Although patients, especially Medicare beneficiaries, may be somewhat reluctant to change their consumer behavior, the potential for patient education to improve the use of services should be explored.

By Mr. GLENN (for himself, Mr. ROTH, Mr. PRYOR, Mr. STEVENS, and Mr. SASSER):

S. 1276. A bill relating to the method by which Government contributions to the Federal employees health benefits program shall be computed for contract year 1990 or 1991, of no Governmentwide indemnity benefit plan participate in that year; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEE HEALTH BENEFITS LEGISLATION

Mr. GLENN. Mr. President. On May 31, 1989, the Aetna Life Insurance Co., which has participated in the Federal Employees Health Benefits Program [FEHBP] for 30 years, announced that beginning January 1, 1990, it would no longer offer its indemnity benefits plan to Federal employees and retirees. Aetna, which covers 187,000 enrollees, explained that it was pulling out of FEHBP because of significant structural defects in the plan.

Under current law, the Federal Government and enrollees share Federal health insurance premium costs. The Government's share is set—by law—at 60 percent of the average cost of six specific plans, known as the Big Six. Because the Aetna plan was one of the Big Six, how the Government will calculate the premium costs for 1990 poses an immediate problem.

The Congressional Research Service has examined the implications of Aetna's withdrawal from FEHBP and has concluded that without Aetna's participation in the program, average enrollee premiums would increase by more than 30 percent. More than $600 million in premium costs would be shifted from the Federal Government over to enrollees. At the same time, the Congressional Research Service reports that Federal employees and retirees are already paying, on average, $1,100 more a year for health insurance than comparable private sector employees.

Therefore, to address this situation, I am introducing a bill today—along with Senator ROTH, Senator PRYOR, and Senator STEVENS—which would create a temporary 2-year proxy premium for the Federal Employee Health Benefits Program. The purpose of this proxy or phantom Aetna premium would be to maintain the current relationship between Federal and enrollee premium shares.

The proxy premium would represent the missing Aetna premium—what that premium would have been had the carrier remained in the FEHBP. For the 1990 contract year, the proxy premium would be determined by taking Aetna's 1989 premium and increasing it by the average cost increase in the other five major health plans. The same formula would be used for the 1991 contract year, except that the base for the proxy premium would be the proxy premium OPM created for 1990, adjusted for the average premium increase for the other five plans for 1991. The Congressional Budget Office has reviewed this proposal and has determined that it would be budget neutral.

I ask my colleagues to support this bill. It provides the Government with a rational solution. It would protect enrollees from precipitous premium increases by maintaining the status quo for 2 years while the Congress considers the broader issues involved in reforming the Federal Employee Health Benefits Program.

The Governmental Affairs Committee plans to undertake a major effort to reform the Federal Employee Health Benefits Program in the 101st Congress, with an eye aimed toward holding down premium costs for both the Government and enrollees. There are many complicated issues involved in this and I—as chairman of the committee—am asking that we have time to study them and plan our actions accordingly.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD following my statement and on behalf of myself, Senator ROTH, Senator PRYOR, and Senator STEVENS, I ask unanimous consent for the Senate's favorable consideration of this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) if no contract under chapter 89 of title 5, United States Code, is entered into with an indemnity benefit plan (as referred to in

section 8906(a)(2) of such title) for contract year 1990 or 1991, in order to compute the average subscription charges under section 8906(a) of such title for such contract years, the subscription charges in effect for the indemnity benefit plan on the beginning date of each such contract year shall be deemed to be the subscription charges which—

(A) were in effect for such plan on the beginning date of the preceding contract year as adjusted under paragraph (2); or

(B) if subparagraph (A) does not apply, were deemed under this Act to have been in effect for such plan with respect to the preceding contract year as adjusted under paragraph (2).

(2) The subscription charges under paragraph (1) shall be increased or decreased (as appropriate) by the average percentage by which the respective subscription charges taken into account under paragraphs (1), (3), and (4) of such section 8906(a) for that contract year increased or decreased from the subscription charges taken into account under such paragraphs (1), (3), and (4) for the preceding contract year.

(b) Separate percentages shall be computed under subsection (a)(2) with respect to enrollments for self alone and enrollments for self and family, respectively.

(c) Any reference in this Act to a "contract year" shall be considered to be a reference to a contract year under chapter 89 of title 5, United States Code.

By Mr. FORD (for himself and Mr. MCCAIN):

S. 1277. A bill to amend the Federal Aviation Act of 1958 to prohibit the acquisition of a controlling interest in an air carrier unless the Secretary of Transportation has made certain determinations concerning the effect of such acquisition on airline safety; to the Committee on Commerce, Science, and Transportation.

EFFECT OF TAKEOVERS ON AIRLINE SAFETY

● Mr. FORD. Mr. President, it has been my good fortune to serve as chairman of the Aviation Subcommittee for the past 2½ years. During this time, I have learned a great deal about the airline business. I am also, like many of my colleagues, a frequent user of the airlines. Mr. President, I can no longer sit by and watch Wall Street leverage the airlines to the point where the financial health of an entire industry is in jeopardy.

We have watched Wall Street devour the food industries, television networks, and telecommunications companies. Airlines are now the popular target. Mr. President, in reviewing the most recent takeover, there are many questions still to be answered but foremost in my mind is the effect of saddling an airline with a $3.7 billion debt. The financial health of the airline industry is a big economic barometer. At this time, discretionary travel is certainly what is making the industry prosper. Any downturn in the economy is immediately felt throughout the industry. What will happen to an airline with a $3.7 billion debt if there is a recession? Will management dismantle the airline? Sell off assets? Cancel equipment orders? Delay safety improvements? This is an obvious threat to air travelers and I can no longer sit by and watch Wall Street take over another industry.

Gone are the days when airlines were run by aviators. The names of Juan Trippe and Eddie Rickenbacker come to mind. Most airline executives today have spent their entire career in the industry—they are not bankers or Wall Street takeover artists. Last year there was enormous outcry in the Congress regarding delays and poor service on the part of the airlines. At huge costs the problems were corrected. If management were concerned only with the bottom line and saddled with a huge debt, they may not make the effort to correct service problems.

In reviewing the industry, I see four carriers which are ripe for the picking by Wall Street. If any of these carriers are involved in a buyout, I am certain that the debt load could exceed over $4 billion apiece. The airline industry is a national asset. Why should airlines that have competed successfully without amassing a huge debt be the most vulnerable?

Many airlines have orders for new aircraft to replace aging fleet and expand services. We in the Congress and the Department of Transportation have mandated new safety equipment which will be very expensive. For the convenience of travelers, airlines have invested large amounts in building and remodeling airport gates. Will Wall Street takeover artists respond to the needs of safety, maintenance and the convenience of travelers?

By introducing this legislation, I am not making a statement on the recent deal regarding Northwest Airlines. I would like to point out that, although the foreign investors hold only 19.5 percent of the voting stock in Wings Holding, Inc., they are providing 68 percent of the upfront money. Out of $700 million equity, $480 million is being contributed by foreign investors. This is a policy question which will have to be addressed by my friend, the Secretary of Transportation. But, Mr. President, this trend has me worried. I question whether we want a highly leveraged domestic airline industry ripe for exploitation.

Mr. President, I will join my colleague, the ranking minority member, Senator MCCAIN, and hold hearings on this matter as soon as the Senate returns from recess. The Congress must send a strong message that highly leveraged buyouts in the airline industry are not tolerable. The Wall Street vultures can take their junk bonds and go elsewhere. The airline industry is a valuable public asset which provides a service critical to millions of Americans.●

By Mr. DECONCINI:

S. 1278. A bill to deny the People's Republic of China most-favored-nation trade treatment; to the Committee on Finance.

DENIAL OF MOST-FAVORED-NATION TRADE STATUS TO CHINA

● Mr. DECONCINI. Mr. President, I, along with most Americans, strongly condemn the recent brutal massacre of students in China and the subsequent arrests and executions of prodemocracy demonstrators and activists. The Government of the People's Republic of China has violently discarded all respect for human rights, human dignity, and due process. China is sinking into a situation in which Government officials and army troops are engaging in a reign of terror against the Chinese people.

The violent turmoil which began with the slaying of an estimated several thousand people in Tiananmen Square has continued with the public execution this week of three men convicted of setting fire to a train in Shanghai. In Beijing, at least eight others have been executed, and in a mass trial in Jinan, it is estimated that as many as 17 people face the same fate. The Chinese high court ordered the lower courts to be swift and severe in their rulings. The roundup of prodemocracy workers, students, and others continues with countless arrests daily.

The Government is engaging in a propaganda campaign in which those in power constantly deny the severity of the military's actions in Tiananmen Square. They have called for ideological rectification in colleges and universities. They have established a Stalin-era type hotline for people to call and report the names and actions of prodemocracy advocates. These Orwellian actions extend even to the United States, where Chinese officials make video tapes and note Chinese participants in student protests in this country. The Chinese students protesting here must not be sent home. Their fates in China, should they return, are uncertain at best, and I am pleased that the President has taken appropriate action in this regard.

Mr. President, the United States has historically dedicated its efforts to the pursuit and protection of human rights everywhere. In 1976 the Commission on Security and Cooperation in Europe, the Helsinki Commission, was created to monitor compliance with the Helsinki accords to ensure the protection of human rights in East/West Europe. I'm proud to serve as Chairman of that Commission, and I believe that the protection of human rights is something that must never be sacrificed for the sake of political or economic expediency.

For years we have loudly condemned the Soviet Union for its restrictive emigration policies. We have aided rebels in Nicaragua who are fighting for their basic human rights; we have

condemned the Government of South Africa for denying human rights to a majority of its citizens; we have supported UNITA forces in Angola which has led to the first diplomatic steps toward national reconciliation; we have taken action in Panama, where recent elections were wrought with fraud; and we have condemned terrorists everywhere for their inhumane tactics. In Iran and Iraq, in the Gaza Strip, in South Africa and Central America and Eastern Europe and Afghanistan, the United States has fought for human rights, and we must demonstrate our abhorrence of the latest violations against humanity.

The Bush administration initially took some steps to register its strong objections to recent events in China, but more needs to be done. If it is a truism that "money talks," then the bill I am introducing today should speak with a loud voice. It would deny the People's Republic of China the right of most-favored-nation [MFN] trade status.

As a matter of general policy as well as international compacts, the MFN principle is accepted as one of the basic elements of modern international trade relations. In practice, the most important benefit that a country gets from being treated as an MFN country in its trade with the United States is that the U.S. imports from that country are dutied at substantially lower—concessionary—rates than would otherwise be the case.

Until China observes internationally recognized standards of human rights and civil liberties, I do not believe that China should benefit from MFN trade status.

Enactment of this bill may hurt certain U.S. companies. I recognize this risk, but believe that there are times when the United States must speak strongly and unequivocably of the importance of human rights and human dignity. This is one of those times.

I ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF MOST-FAVORED-NATION TRADE TREATMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

Notwithstanding any other provision of law—

(1) the President shall terminate or withdraw any portion of any trade agreement or treaty that relates to the provision of nondiscriminatory (most-favored-nation) trade treatment to the People's Republic of China,

(2) the People's Republic of China shall be denied nondiscriminatory (most-favored-nation) trade treatment by the United States and the products of the People's Republic of China shall be subject to the rates of duty set forth in column number 2 of the Harmonized Tariff Schedule of the United States, and

(3) the People's Republic of China may not be provided nondiscriminatory (most-favored-nation) trade treatment under any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431, et seq.).

SEC. 2. EFFECTIVE DATE.

The provisions of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.●

By Mr. MURKOWSKI:

S. 1279. A bill to amend title 38, United States Code, to revise the eligibility requirements for veterans readjustment employment and to extend the Veterans' Readjustment Employment Program; to the Committee on Veterans' Affairs.

EXTENSION OF VETERANS' READJUSTMENT EMPLOYMENT PROGRAM

● Mr. MURKOWSKI. Mr. President, I am today introducing legislation which would extend the termination date of Federal hiring authority provided by the Veterans' Readjustment Act [VRA] (38 U.S.C. 2014). This legislation would also improve the benefit by targeting it more closely to those veterans most in need of assistance in their readjustment to civilian life, the disabled and recently separated.

VRA allows Federal agencies to directly hire qualified veterans without going through normal civil service procedures. Appointments may be made at any grade up to GS-9. Veterans with a service-connected disability are not subject to the provision limiting eligibility to veterans with 14 or fewer years of education.

VRA has its origins in Executive Order 11521 signed by President Nixon in 1970 to assist in the readjustment and employment or returning Vietnam-era veterans. The years have shown this program to be a valuable benefit to both veterans, seeking to continue to use their skills and discipline on behalf of the American people, and to Federal agencies who use VRA to quickly and easily hire dedicated and proven workers.

This readjustment benefit has proven its worth. However, the passage of years has diminished its usefulness. Vietnam-era veterans average over 42 years of age. For most, the war will be at least 20 years in the past when VRA expires at the end of this year.

The fact that these veterans are well established in their careers is shown by Bureau of Labor Statistics employment surveys which document their low unemployment rate—3.0 percent in May 1989. This unemployment rate is less than the rate for nonveteran males the same age and far less than the general unemployment rate. Surveys also show Vietnam veterans are less likely than their nonveteran peers to have annual incomes less than $20,000 and more likely to have incomes greater than $30,000.

The success of Vietnam-era veterans in their careers also reduces the value of VRA to Federal agencies since the number of veterans in the labor market available for hire declines as the Vietnam veteran population becomes more settled.

I believe that VRA is too useful and too successful to be allowed to fade away. My legislation would, therefore, redirect the program to reflect the changed environment within which we now live. Disabled veterans would be eligible for VRA appointments without regard to when they served. A disabled veteran's claim for assistance does not fade with time, any more than his or her disability fades with time.

A veteran's readjustment needs are greatest in the years immediately following separation from active duty. It is in those years that a veteran seeks an entry level job that will put to work the skills and maturity provided by military service. It is in those years that the Nation's effectiveness in meeting our commitment to assist those who wore our uniform is most visible. The legislation I introduce today would target readjustment assistance on those veterans in the process of readjustment by providing eligibility for a VRA appointment to nondisabled veterans for a 10-year period following their discharge.

Federal agencies will benefit from enactment of the legislation because it would provide them with direct access to a pool of potential workers who have demonstrated a commitment to the Nation. Workers who have successfully performed arduous and important tasks in a frequently stressful and difficult environment. Workers who have acquired the discipline and maturity unique to those who have taken, and delivered upon, an oath to defend our country, in combat if need be.

Mr. President, I am aware that some object to providing employment benefits such as the VRA to veterans who serve in peacetime. I am unconvinced by these arguments. Only one-third of Vietnam-era veterans served in Southeast Asia. Anyone who served in Vietnam will confirm that most who were there served in noncombat support missions. At the same time service in our current peacetime environment can be both arduous and dangerous. The crew of the U.S.S. *Stark* knows that the line between peace and war is a thin one. The world is filled with men who can, and will, attack us in a manner no different than war. The crewmembers of the U.S.S. *Iowa* know that the tools of war can turn on their masters with deadly effect, even in the absence of an armed enemy.

I am introducing this legislation to ensure that those who serve us today

and who stand ready to be the veterans of the next war will have an effective and efficient benefit for entering their post military career. VRA is such a benefit. At the same time, this legislation recognizes that there is no sunset date for disability by providing permanent eligibility for disabled veterans.

The legislation would provide a 2-year extension of the program to ensure that the Congress will have a chance to examine the effects of the changes it would make and take whatever action is appropriate based on experience and future circumstances.

Mr. President, I close by noting that this legislation has the advantage of being cost free. Rarely does this body have an opportunity to assist veterans, assist the Federal agencies upon whom we rely to implement the programs we enact, and do so without cost to the taxpayers. I urge my colleagues to take advantage of this unique opportunity by joining me in support of this legislation.

I ask unanimous consent that the text of the bill appear in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY FOR VETERANS READJUSTMENT EMPLOYMENT.

(a) ELIGIBILITY.—Section 2014 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "qualified disabled veterans and veterans of the Vietnam era" and inserting in lieu thereof "qualified veterans";

(2) in subsection (b)(1)—

(A) by striking out "veterans of the Vietnam era" in the matter preceding clause (A) and inserting in lieu thereof "qualified veterans";

(B) by striking out "a veteran of the Vietnam era" in clause (B) and inserting in lieu thereof "subject to subsection (f)(1)(B) of this section, a qualified veteran";

(C) by striking out "veteran of the Vietnam era" in clause (C) and inserting in lieu thereof "qualified veteran";

(D) by striking out "and" at the end of clause (C);

(E) by striking out the period at the end of clause (D) and inserting in lieu thereof "; and"; and

(F) by adding at the end the following:

"(E) service on active duty in the Armed Forces during the Vietnam era is not required for eligibility for such appointments."; and

(3) by striking out subsection (f) and inserting in lieu thereof the following:

"(f)(1) For the purposes of this section, the term 'qualified veteran', with respect to eligibility for appointment to a position of employment in the Federal Government, means a veteran who—

"(A) has a service-connected disability that is compensable (or, except for the receipt of retired or retainer pay, would be compensable) under laws administered by the Department of Veterans Affairs; or

"(B) was discharged or released from active duty not more than 10 years before the date of the appointment or job advancement.

"(2) Nothwithstanding section 2011 of this title, the term 'veteran', as used in subsection (b) of this section, shall have the meaning provided for under generally applicable civil service law and regulations.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to appointments to positions of employment in the Federal Government, and job advancements within the Federal Government, which are made on or after January 1, 1990.

SEC. 2. EXTENSION OF THE VETERANS READJUSTMENT EMPLOYMENT PROGRAM.

Section 2014(b)(2) of title 38, United States Code, is amended by striking out "1989" and inserting in lieu thereof "1991".●

By Mr. PRYOR (for himself and Mr. BOREN):

S. 1280. A bill to amend title 31, United States Code, to permit the Comptroller General of the United States to review and decide protests of Federal Government employees relating to converting to contractor performance certain functions performed by such employees, and to amend the Federal Property and Administrative Services Act of 1949 to provide for judicial review of certain agency decisions relating to converting to contractor performance of commercial activities performed by Federal Government employees; to the Committee on Governmental Affairs.

CONTRACTING OUT APPEALS REFORM ACT

● Mr. PRYOR. Mr. President, today I am joined by my colleague Senator BOREN in introducing the Contracting Out Appeals Reform Act of 1989. This legislation amends the Competition in Contracting Act of 1984 to give Federal employees whose jobs are in the process of being contracted out the same appeal rights available to private contractors. The General Accounting Office [GAO] has reviewed similar legislation last year and supported the bill. GAO stated in its letter that the bill "is consistent with our goal of providing an impartial forum for the resolution of bid protests to those who have a legitimate economic interest in the outcome of the award process."

The need for this legislation became very obvious during two hearings that I chaired on the Subcommittee on Federal Services, Post Office and Civil Service of the 100th Congress. The hearings reviewed examples of cost overruns, waste, and abuse that negated the hoped-for savings from contracting out the Government jobs. In some cases, the private contractor seemed to have intentionally set out to undermine the process to increase profits. In others, the A-76 process itself created the problems.

These situations were brought to my attention by Federal contract administrators and employees affected by bad contracts, as well as their representatives in Congress, including Senator BOREN, Senator REID, and Senator STEVENS, all of whom have discussed the problems in their States before my subcommittee.

Mr. President, I am all for contracting out when it saves money for the taxpayer and increases Government efficiency. Unfortunately, my investigations show that too often "the system" allows just the opposite to happen. It is clear that for contracting out to work well, agencies must conduct better oversight of the process. Who better to assist them than the Federal employees most familiar with the jobs that are to be contracted out?

Today when these employees see an improperly written contract, they can only appeal a contracting out decision within their own agency. However, private contractors who believe a contract was unfairly competed can take their case directly to an independent adjudicatory body at the General Accounting Office [GAO] for resolution. The Competition in Contracting Act, which established the appeal process, recognized the value of permitting contractors to police the procurement system.

Currently, employee bid protests can take years to resolve within the agency. A bid protest initiated by Federal employees at Blytheville Air Force Base took over 4 years to settle. The average time to resolve a contractor's bid protest through GAO is 32 days.

A 1986 Military Law Review article by a U.S. Marine attorney compared the procedures available to employees to contractor appeals to the GAO. He concluded that, "unlike labor arbitrators and the FLRA, the GAO possesses the expertise, experience, and procedural capability to resolve A-76 appeals in a manner that is timely, responsive to sound procurement principles and the interests of all affected parties * * *." My legislation simply gives to Federal employees the same bid protest route that contractors currently enjoy.

The bill also gives Federal employees the route to the courts available to private contractors. This ensures that Federal employees will have the same access to all appeals routes that contractors have.

Mr. President, the bill we are introducing today is about preventing fraud and cost overruns. It is about harnessing the true potential of contracting out to save money and increase efficiency. I hope all of my colleagues will join me in supporting this initiative.

Mr. President, I ask unanimous consent that the text of the bill be printed with my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Contracting Out Appeals Reform Act of 1989".

SEC. 2. APPLICABILITY OF GAO PROCUREMENT PROTEST SYSTEM TO CONVERSION TO CONTRACTOR PERFORMANCE OF FEDERAL GOVERNMENT FUNCTIONS.

(a) DEFINITION OF "PROTEST".—Section 3551(1) of title 31, United States Code, is amended to read as follows:

"(1) 'protest'—

"(A) means a written objection by an interested party to a solicitation by a Federal agency for bids or proposals for a proposed contract or a written objection by an interested party to a proposed award or the award of a contract; and

"(B) in the case of a contract or proposed contract referred to in paragraph (4)(B), includes an objection that a relevant performance work statement is inaccurate or incomplete;".

(b) DEFINITION OF "INTERESTED PARTY".—Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) 'interested party', with respect to a contract or proposed contract, means—

"(A) an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) in the case of a contract referred to in paragraph (4)(B)—

"(i) any labor organization accorded, under section 7111 of title 5, exclusive recognition to represent an appropriate unit (determined under section 7112 of such title) that includes the employees referred to in such paragraph (4)(B); and

"(ii) any representative of a majority of such employees, determined as provided in regulations issued by the Comptroller General;".

(c) DEFINITIONS OF "CONTRACT" AND "REGULATIONS".—Section 3551 of title 31, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new paragraphs:

"(4) 'contract'—

"(A) means a contract awarded by a Federal agency for the procurement of property or services; and

"(B) includes a contract awarded for the purpose of converting from performance of any commercial activity by employees of the Federal Government to contractor performance of such commercial activity; and

"(5) 'regulation' includes Office of Management and Budget Circular A-76 and any other order or directive issued by the President, the Director of the Office of Management and Budget, or the head of a Federal agency that sets out standards, procedures, or requirements for converting from performance of any commercial activity by employees of the Federal Government to contractor performance of such commercial activity.".

SEC. 3. JUDICIAL REVIEW.

(a) IN GENERAL.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

"JUDICIAL REVIEW OF EXECUTIVE AGENCY CONTRACTING FOR PERFORMANCE OF COMMERCIAL ACTIVITIES

"SEC. 311. (a) A determination by an agency head toward a contract for the purpose of converting from performance of any commercial activity by employees of that executive agency to contractor performance of such commercial activity (including any executive agency action in connection with such a determination) is subject to judicial review pursuant to chapter 7 of title 5, United States Code. The reviewing court may conduct a trial de novo in order to determine the facts relevant to such determination, including the accuracy and completeness of a performance work statement relevant to such contract.

"(b) For the purposes of chapter 7 of title 5, United States Code, each of the following parties shall be considered an aggrieved person with respect to a contract or proposed contract referred to in subsection (a):

"(1) Any labor organization accorded, under section 7111 of title 5, United States Code, exclusive recognition to represent an appropriate unit (determined under section 7112 of such title) that includes the employees referred to in such subsection (a).

"(2) Any representative of a majority of such employees.

"(c)(1) This section applies to all executive agencies notwithstanding the exception set out in section 302(a)(2).

"(2) Section 701(a)(2) of title 5, United States Code, does not apply to a determination or executive agency action referred to in subsection (a).".

(b) TECHNICAL AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 311, the following new item:

"311. Judicial review of executive agency contracting for performance of commercial activities".

SEC. 4. EFFECTIVE DATE.

The amendments made by sections 2 and 3 shall take effect with respect to contract solicitations issued on or after the date of the enactment of this Act.●

By Mr. GLENN (for himself and Mr. FORD):

S. 1281. A bill to amend the Harmonized Tariff Schedule of the United States to suspend the duties on certain bicycle parts, and for other purposes; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN BICYCLE PARTS

● Mr. GLENN. Mr. President, today I am pleased to introduce legislation to amend the Harmonized Tariff Schedule of the United States to suspend the duties on certain bicycle parts until December 31, 1996. The regular customs duties on certain bicycle parts not manufactured in the United States have been suspended since 1971. As in the past, this suspension is critical to the competitive health of U.S. bicycle manufacturers who continue to face intense international competition. Imports have claimed an increasing share of the U.S. market, 17 percent in 1979, 30 percent in 1986, and 55 percent in 1988.

The suspension of the regular customs duties on certain imported bicycle parts is necessary for two basic reasons.

First, the bicycle parts covered by the duty suspension provisions are generally not manufactured in the United States. U.S. bicycle manufacturers must, therefore, purchase these parts abroad. A tariff would only penalize the bicycle manufacturer without protecting a U.S. parts manufacturer.

Second, duty suspension also addresses—in part—an unfair bias against domestic bicycle manufacturers in the tariff schedules of the United States. Many imported bicycles are dutiable at a lower rate than most bicycle parts. Imported lightweight bicycles with wheels over 25 inches in diameter face a duty rate of 5.5 percent while most imported bicycle parts face a duty of 10 percent. This anomaly, if uncorrected by duty suspension legislation, enables foreign bicycle manufacturers to assemble bicycles abroad with foreign bicycle parts and import the complete product into the United States subject to the lower duty rate imposed on bicycles. In contrast, our domestic manufacturers must first import certain components necessary to complete the manufacture of a bicycle—because these parts are not available domestically—and these parts come in at the higher rate imposed on bicycle parts. The higher price our domestic manufacturers must pay for their imported parts places them at an obvious competitive disadvantage vis-a-vis their foreign competitors.

The legislation I am introducing today contains three sections which deal with duty suspensions. One section would renew existing duty suspension provisions for certain bicycle parts. The Omnibus Trade and Competitiveness Act of 1988 suspended the duties on these bicycle parts through December 31, 1990; my bill would extend the expiration date to December 31, 1996. While extensions of bicycle part duty suspensions have in the past generally been limited to 4 years, my bill includes a 6-year extension in order to have the next expiration of these provisions coincide with the expirations of the duty suspension provisions enacted in the 1988 Technical Corrections Act.

A second section of my bill would add additional suspensions for certain machines used in the manufacture of wheels for bicycles and for additional bicycle parts. The machines in question are used in the manufacture of wheels for bicycles, including wheel building, wheel truing, rim punching, tire fitting, and similar machines. While the regular customs duty on these machines is only 3.7 percent, the high cost of these machines and bicycle manufacturers' need to replace them on a regular basis means that suspension of the regular duty will

substantially lower the overhead costs of U.S. bicycle manufacturers. These machines are not available from U.S. sources; hence the duty protects no domestic industry. The two additional bicycle parts for which my bill would propose to suspend duty are "bicycle handlebar stems wholly of aluminum alloy, valued over $2.15" and "bicycle handlebar stem rotar assemblies." According to the Bicycle Manufacturers Association, there is no known domestic production of these two parts.

A third section would clarify that "cantilever brakes" should be treated the same as "caliper brakes" for tariff purposes—including duty suspension, and eliminate the inverted tariff on both types of brakes and parts thereof.

The final section of the bill I am introducing today would extend the statutory prohibition against bicycle-related manufacturing operations in foreign trade zones until December 31, 1996. The original statutory prohibition was enacted in 1984 and continued through December 31, 1992, as a provision of Public Law 100-418. This provision is designed to address the concerns of many within the bicycle and bicycle parts manufacturing industry that the availability of the foreign trade zone option, coupled with the duty suspensions and the difference between the duty rate for bicycles and bicycle parts discussed above, might result in the loss of American jobs in bicycle assembly and bicycle parts manufacture. Congress has linked these two issues together in order to assure expeditious and unanimous approval of the bicycle parts duty suspension so critical to the continuation of our domestic bicycle manufacturing industry.

I urge my colleagues to support this legislation and ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON CERTAIN MACHINES FOR USE IN THE MANUFACTURE OF WHEELS FOR BICYCLES AND ON CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.84.79	Wheelbuilding, wheeltruing, rim punching, tirefitting, and similar machines for use in the manufacture of wheels for bicycles (provided for in subheading 8479.89.90)	Free	No change	No change	On or before 12/31/96
9902.87.15	Bicycle handlebar stems wholly of aluminum alloy, valued over $2.15 (provided for in subheading 8714.99.90)	Free	No change	No change	On or before 12/31/96
9902.87.16	Bicycle handlebar stem rotor assemblies (provided for in 8714.99.90)	Free	No change	No change	On or before 12/31/96".

SEC. 2. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSION PROVISIONS.

Headings 9902.40.11, 9902.73.12, 9902.73.15, 9902.85.12, and 9902.87.14 of the Harmonized Tariff Schedule of the United States are each amended by striking out "12/31/90" and inserting in lieu thereof "12/31/96".

SEC. 3. ELIMINATION OF INVERTED TARIFF AND SUSPENSION OF DUTY ON PARTS OF CALIPER AND CANTILEVER BRAKES FOR BICYCLES.

(a) Subheading 8714.94.20 of the Harmonized Tariff Schedule of the United States is amended by striking out "Caliper brakes" and inserting in lieu thereof "Caliper and cantilever brakes, and parts thereof".

(b) Subheading 8714.94.50 of the Harmonized Tariff Schedule of the United States is amended by inserting ", other than parts of caliper and cantilever brakes" after "parts".

(c) Heading 9902.73.12 of the Harmonized Tariff Schedule of the United States is amended by inserting "and cantilever" after "caliper".

(d) Heading 9902.87.14 of the Harmonized Tariff Schedule of the United States is amended by inserting "cantilever brakes," after "Caliper brakes,".

SEC. 4. FOREIGN TRADE ZONES.

Section 3(b) of the Act of June 18, 1934 (19 U.S.C. 81c(b)) is amended by striking out "before January 1, 1991" and inserting in lieu thereof "on or before December 31, 1996".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. GARN (for himself, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BOND, Mr. BOSCHWITZ, Mr. BURDICK, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. GORTON, Mr. GRAMM, Mr. HATCH, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MATSUNAGA, Mr. MCCLURE, Ms. MIKULSKI, Mr. MITCHELL, Mr. MURKOWSKI, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SASSER, Mr. SHELBY, Mr. SIMPSON, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WARNER, and Mr. WILSON):

S.J. Res. 170. Joint resolution to designate July 20, 1989 and July 20, 1990, as "Space Exploration Day"; to the Committee on the Judiciary.

SPACE EXPLORATION DAY

Mr. GARN. Mr. President, I rise today to introduce a joint resolution to designate July 20, 1989 and July 20, 1990 as "Space Exploration Day". I am joined by 54 of my colleagues as original cosponsors to this measure.

This year marks the 20th anniversary of that moment when the Nation and the world watched in awe as Neil Armstrong took that famous "giant leap for mankind" onto the surface of the moon. For the past several years, we have honored the anniversary of that historic event by proclaiming July 20 as "Space Exploration Day." We do so again this year with a renewed spirit to explore that which lies beyond our frontiers.

Our spirit of exploration has a long tradition. It moved our ancestors to settle in a new country and, later, spawned the exploration and settlement of the West. It was that same spirit which inspired those brave men of Apollo 11 to step beyond the realm of the known to land on and explore the lunar surface. That mission remains an unparalelled triumph of determination and technological genius.

The pioneering work of the United States in the area of space exploration continues to be awe-inspiring and demands our attention. In the 31 years since the inception of the space program, more information has been gathered about the universe than in all the centuries before; we have sent unmanned spacecraft on missions extending to the far reaches of the solar system; we have measured the winds of Mars; we have counted the rings of Saturn; we have landed men on the moon; and we have sent men and women aloft to explore space beyond the Earth's atmosphere, to deploy satellites, and to conduct experiments in the purity of zero gravity and have returned them in the same, reusable spacecraft. More recently we successfully deployed the Magellan space

probe, which launches an aggressive space exploration effort that will take us into the mid-1990's and vastly increase our knowledge of space and open new horizons for the future development of mankind.

We, as a nation, need to revitalize our vision of the limitless possibilities which space offers. We must rekindle our desire to explore our universe and recognize the benefits to be gained from expanding our space exploration efforts. By way of example, space exploration has given us the knowledge with which to invent the pacemaker, to manufacture new prosthetic limbs for the handicapped, to allow geologists searching for minerals and other natural resources to view the Earth's surface—and below—as never before possible, and to assist people throughout the world who suffer with famine and hunger to learn how to stop the hunger and the devastation through a greater understanding of the forces of nature. These, and the countless other benefits gained, far outweigh the investments we must initially make.

While this resolution commemorates the achievements of the past, it also serves to represent our hopes and dreams for the future. I hope that the committee will act quickly in considering and reporting this effort to pay tribute to the adventurous spirit and inquiring mind of the American people. I also hope that this resolution to commemorate the 20th and 21st anniversaries of the moon landing will receive the confirmation and support of my colleagues in the Senate by their early consideration and passage.

By Mr. GRASSLEY:

S.J. Res. 171. Joint resolution proposing an amendment to the Constitution of the United States relative to the display and care for the flag of the United States of America; to the Committees on the Judiciary.

CONSTITUTIONAL AMENDMENT REGARDING THE FLAG OF THE UNITED STATES OF AMERICA

Mr. GRASSLEY. Mr. President, I rise today to introduce an amendment to the Constitution that would allow the Congress to enact laws regarding the display and use of our flag and that would allow the Congress to prohibit public acts of mutilation, defacement, defilement, burning, or trampling upon the flag.

Yesterday, the Supreme Court—by a bare 5 to 4 majority—decided that the flag of the United States of America can be burned as a part of speech protected by the first amendment.

I think it is time that the Congress express to the Supreme Court the American people's desire to protect this unique object of America.

The question that this Congress must address is: Is the physical mistreatment of the flag valid free speech?

I answer that with a resounding "No."

Our Nation—among its many positive traits—has many symbols that represent its values, hopes, and commitment to freedom and readiness to fight to maintain its freedom, both at home and abroad.

I believe that desecration of the flag should not be interpreted as a valid portion of speech, but rather conduct that is not to be given the protection of the first amendment.

Yes, the flag is an object; a thing, if you will. However, it is the manifestation of ideals like freedom and liberty that are intangible and are what many have fought and died for throughout our country's history.

The flag is the unique symbol of the willingness of Americans to take a stand and fight for the ideas contained in the Declaration of Independence and the Constitution.

I am not in any way talking about restricting the legitimate free speech rights of Americans, however unpopular the views they may espouse.

But I also cannot see how freedom of speech is in any way adversely affected by a prohibition on the physical defiling of the flag.

The physical defiling of the flag advances no legitimate free speech interest. The defacing of the flag can only be intended to arouse the passions of members of the community who revere the flag because of its unique position in American life.

Desecration of the flag does not appeal to reason in any debate, as the Founding Fathers intended with passage of the first amendment.

As has been described by scholars of the Constitution, the mutilation of the flag is tantamount to "fighting words"; the kind of words that tend to incite an immediate breach of the peace.

In *Chaplinsky* v. *New Hampshire*, 315 U.S. 568 (1942), the Supreme Court stated:

"Fighting words" are no essential part of any free exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighted by the social interest in order and morality.

I believe that the same reasoning applies to flag burning and any other form of physical desecration of the flag.

A law that prohibits the desecration of the flag does not inhibit debate or dissent from even the most cherished of American principles.

As Justice Stevens said in his dissent in Texas against Johnson, the Government's interest in protecting important assets, such as the flag or any national monument, justifies the "trivial burden" placed upon free expression when activity such as flag burning is outlawed.

Chief Justice Rehnquist also stated in dissent:

For more than 200 years, the American flag has occupied a unique position as a symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning . . . The flag is not simply another 'idea' or 'point of view' competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have.

Any idea that runs counter to the American Government, its system, and its policies can just as easily be communicated through other forms of audio and printed communication.

In fact, Justice Stevens stated that alternative forms of communication undercut those who claim that flag desecration statutes inhibit the content of serious speech, in *FCC* v. *Pacifica Foundation*, 438 U.S. 675 (1978).

Civilized discourse does not include allowing conduct that results in inflaming the passions of millions of Americans who have risked their lives—and who in some instances died—in order that this Nation remain independent, whole, and free.

Of course, the regulation of the expression of ideas can be abused to repress free speech.

However, an inability to perceive a distinction between appeals to reason and appeals to emotion in the exercise of speech has only resulted in the demise of democratic governments in the history of the world.

In the Texas case, Chief Justice Rehnquist, who joined the dissenters in the case, referred to the delicate position of democracies in our world when he stated:

The Court concludes its [majority] opinion with a regettably patronizing civic lecture, presumably addressed to the Members of both houses of Congress, the members of the 48 State legislatures that enacted prohibitions against flag burning, and the troops fighting under that flag in Viet Nam who objected to its being burned.

Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution, or flag burning.

In his dissent in the Texas case, Justice Stevens stated:

The ideas of liberty and equality have been an irresistible force in motivating leaders like Patrick Henry, Susan B. Anthony, and Abraham Lincoln; schoolteachers like Nathan Hale and Booker T. Washington; the Philippine scouts who fought at Bataan, and the soldiers who scaled the bluff at Omaha Beach.

If those ideas are worth fighting for—and our history demonstrates that they are—it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration.

Earlier in his dissent, Justice Stevens said:

Sanctioning the public desecration of the flag will tarnish its value—both for those who cherish the ideas for which it waves and for those who desire to don the robes of martyrdom by burning it.

Flag desecration statutes only limit appeals to emotion and they should be upheld.

I look forward to working with my colleagues on the Senate Judiciary Committee for prompt hearings on my amendment and I look forward to an early vote on it in the full Senate.

By Mr. ROTH (for himself, Mr. LEAHY, and Mr. JEFFORDS):

S.J. Res. 172. Joint resolution to recognize the bicentennial of the American Morgan Horse and to designate the period commencing October 9, 1989 and ending October 15, 1989, as "National Morgan Horse Week"; to the Committee on the Judiciary.

NATIONAL MORGAN HORSE WEEK

● Mr. ROTH. Mr. President, I am pleased to introduce today a resolution commemorating the bicentennial of the American Morgan horse.

Two hundred years ago, shortly after the birth of our Nation, the first Morgan horse was born in Springfield, MA. This was the beginning of a strong new breed of horses that went on to serve this country as part of the military in every subsequent major American war through the 1940's. The Morgan was found to be an intelligent, hearty, versatile, and easily trained breed, making it well suited for the needs of the military.

The Government continued to raise this horse until the 1940's when the last Government owned and operated breeding farm was closed. The service of the Morgan horse in the civilian sector has also proven to be invaluable. Many Americans have benefited from its labors by means of farming, logging, carriage drawing, as police mounts, and in handicapped riding programs. They are also proudly displayed for their beauty, talent, and dexterity at equestrian shows and exhibitions across the country.

Today, there are approximately 115,000 registered American Morgan horses throughout the United States. In my State of Delaware alone, there are a total of 172 horses. This horse symbolizes the great pride of this country in being a breed of horse characterized by courage, strength, and endurance and is an authentic and important part of our American heritage. I ask you to join me in supporting this resolution.●

● Mr. LEAHY. Mr. President, this year marks the 200th anniversary of the American Morgan horse. This wonderful breed began in West Springfield, MA, in 1789, when a bay colt was born. As you know Mr. President, this is the same year George Washington became the first President of the United States. It was this very same colt that became the sire of the first American breed of horse—the Morgan. If you have ever seen a Morgan horse you can truely appreciate its great beauty. The characteristics to look for are their crested necks, the wide, deep chest, and the powerful muscled hindquarters. They are also a very intelligent looking animal with their short, alert ears and wideset eyes. The Morgan is not only a breed of beauty, but is also a symbol of our history.

Through the years, the Morgan breed has played a very vital role in the development of this Nation. In the beginning, the Morgan was widely used as a cavalry mount. Civil war hero Gen. Phil Sheridan rode a black Morgan on his famous 20-mile dash to organize his troops, and the Vermont Cavalry, generally known as the Green Mountain Boys, always insisted that they would be mounted on Morgan horses. Later, as pioneers began to conquer the West, the Morgan horse was used for the Pony Express.

The Morgan horse showed great uniqueness through its heartiness, stamina, and premier trotting abilities. The Morgan is a breed to fill everyone's needs. The cowboys preferred them because of their strength and agility of working cows, and they were commonly used in trotting races. Today, however, their horizons expand a great deal more. They are used in jumping, western riding, cross country, and trail riding events as well. But most important, they are the foundation of several other great American breeds of horses.

The Morgan breed became so popular that the U.S. Government became involved with its future. For more than 40 years the Government conducted tests of stamina and endurance to distinguish the qualities of this magnificent breed. These tests were directed at the U.S. Morgan Horse Farm which was established in Weybridge, VT, in 1907. From this farm, top stallions were used in the U.S. Department of Agriculture's program to upgrade other frail breeds. The farm still exists today, but is now in the proud hands of the University of Vermont.

On a more personal note, I am very pleased to announce that in 1961, my home state of Vermont established the Morgan horse as the official State animal. More recently, however, the U.S. Bicentennial Commission nominated the Morgan as the Bicentennial Horse in 1976, and in 1981, it captured the title of most versatile breed. To acquire this award the Morgan had to out perform five other breeds in a wide variety of events. This competition took place once a year during a national show and was called, challenge of the breed. It is a great achievement which should never be taken lightly. To this day, the Morgan horse is still holding the reputation it received 200 years ago.

Mr. President, I would like you and my colleagues to join me in saluting the Morgan breed, its current fanciers, and those who had the vision of what is truely a great horse—the Morgan.●

By Mr. RIEGLE (for himself, Mrs. KASSEBAUM, Mr. COCHRAN, Mr. LOTT, Mr. COATS, Mr. NUNN, Mr. SANFORD, Mr. BREAUX, Mr. REID, Mr. PRYOR, Mr. JOHNSTON, Mr. PELL, Mr. BRYAN, Mr. GARN, Mr. CONRAD, Mr. STEVENS, Mr. JEFFORDS, Mr. RUDMAN, Mr. SHELBY, Mr. EXON, Mr. LEVIN, Mr. ROCKEFELLER, Mr. DURENBERGER, Mr. BRADLEY, Mr. LAUTENBERG, Mr. HOLLINGS, Mr. LIEBERMAN, Mr. LUGAR, Mr. DANFORTH, Ms. MIKULSKI, Mr. GLENN, Mr. GORE, Mr. ROBB, Mr. WIRTH, Mr. BENTSEN, Mr. SIMON, Mr. KERRY, Mr. CHAFEE, Mr. COHEN, Mr. MCCLURE, Mr. PRESSLER, Mr. GORTON, Mr. PACKWOOD, Mr. HELMS, Mr. KOHL, Mr. HUMPHREY, Mr. WARNER, Mr. INOUYE, Mr. MOYNIHAN, and Mr. GRASSLEY):

S.J. Res. 173. Joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain"; to the Committee on the Judiciary.

DECADE OF THE BRAIN

● Mr. RIEGLE. Mr. President, I am introducing for myself and 49 of my colleagues a joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain."

Today, we stand on the brink of a decade of discovery. Our opportunity for progress in understanding the mysteries of the mind has never been greater. Teachers, clinicians, and investigators are picking up the pace in a national scientific effort to find treatments and cures for neurological diseases.

Brain disease affects Americans of every age, social status, and race. Approximately one of every five Americans is affected by neurological disorders. It is estimated that neurological disorders costs our economy over $300 billion a year in health care costs and lost income. But this figure is tiny in comparison to the human costs of brain disorders.

By expanding our knowledge of the brain function, researchers offer hope to individuals whose body function has been interrupted by disease or trauma. We may soon be able to isolate a defective gene and through gene therapy treat or cure multiple sclerosis and Alzheimer's disease. Vigorous research has also shown that it is possible to stimulate neurons in animals to regrow and transmit impulses again.

These initiatives may one day help people with spinal cord or head injuries and individuals suffering from Parkinson's disease.

Brain scientists are earnestly increasing our understanding of AIDS, stroke, drug abuse, schizophrenia, Huntington's disease, and autism. Moreover, studies into memory and sleep present fascinating insight into the workings of our minds. There is real excitement in brain research and I am pleased to take this opportunity to recognize the achievements of brain researchers and to call attention to the promise that lies ahead of us.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 173

Whereas it is estimated that 50,000,000 Americans are affected each year by disorders and disabilities that involve the brain, including the major mental illnesses; inherited and degenerative diseases; stroke; epilepsy; addictive disorders; injury resulting from prenatal events, environmental neurotioxins and trauma; and speech, language, hearing, and other cognitive disorders;

Whereas it is estimated that treatment, rehabilitation and related costs of disorders and disabilities that affect the brain represent a total economic burden of $305,000,000,000 annually;

Whereas the people of the Nation should be aware of the exciting research advances that have led to effective treatment of disorders and disabilities that affect the brain;

Whereas a technological revolution occurring in the brain sciences, resulting in such procedures as Positron Emission Tomography and Magnetic Resonance Imaging, permits clinical researchers to observe the living brain noninvasively and in exquisite detail, to defind brain systems that are implicated in specific disorders and disabilities, to study complex neuropeptides and behavior, and to begin to learn about the complex structures underlying memory;

Whereas scientific information on the brain is amassing at an enormous rate, and the field of computer and information sciences has reached a level of sophistication sufficient to handle neuroscience data in a manner that will be maximally useful to both basic researchers and clinicians dealing with brain function and dysfunction;

Whereas advances in mathematics, physics, computational science, and brain imaging technologies have made possible the initiation of significant work in imaging brain function and pathology and in modeling neural networks and simulating their dynamic interactions;

Whereas the effort to comprehend the nervous system is still on the frontier of technological innovation requiring a comprehensive effort to decipher how individual neurons, by their collective action, give rise to human intelligence;

Whereas fundamental discoveries at the molecular and cellular levels of the organization of the brain are clarifying the role of the brain in translating neurophysiologic events into behavior, thought, and emotion;

Whereas molecular biology and molecular genetics have yielded strategies effective in preventing several forms of severe mental retardation and are contributing to promising breakthroughs in the study of inheritable neurological disorders, such as Huntington's disease, and mental disorders, such as affective illnesses;

Whereas the capacity to map the biochemical circuitry of neurotransmitters and neuromodulators will permit the rational design of potent medications having minimal adverse effects that will act on the discrete neurochemical deficits associated with such disorders as Parkinson's disease, schizophrenia, and Alzheimer's disease;

Whereas the incidence of neurologic, psychiatric, psychological, and cognitive disorders and disabilities experienced by older persons will increase in the future as the number of older persons increases;

Whereas studies of the brain and central nervous system will contribute not only to the relief of neurologic, psychiatric, psychological, and cognitive disorders, but also to the management of fertility and infertility, cardiovascular disease, infectious and parasitic diseases, developmental disabilities and immunologic disorders, as well as to an understanding of behavioral factors that underlie the leading preventable causes of death in this Nation;

Whereas the central nervous and immune systems are both signaling systems that serve the entire organism, and there are direct connections between the nervous and immune systems, and whereas studies of the modulatory effects of each system on the other will enhance our understanding of diseases as diverse as the major psychiatric disorders, acquired immunodeficiency syndrome, and autoimmune disorders;

Whereas recent discoveries have led to fundamental insights into why people abuse drugs, how abused drugs affect brain function leading to addiction, and how some drugs cause permanent brain damage;

Whereas studies of the brain will contribute to the development of new treatments that will curtail the craving for drugs, break the addictive effects of drugs, prevent the brain-mediated "high" caused by certain abused drugs, and lessen the damage done to the developing minds of babies, who are the innocent victims of drug abuse;

Whereas treatment for persons with head injury, developmental disabilities, and speech, hearing, and cognitive dysfunctions is increasing in availability and effectiveness;

Whereas the study of the brain involves the multidisciplinary efforts of scientists from such diverse areas as physiology, biochemistry, psychology, psychiatry, molecular biology, anatomy, medicine, genetics, and many others working together toward the common goal of better understanding the structure of the brain and how it affects our development, health, and behavior;

Whereas the Nobel Prizes for Medicine and Physiology have been awarded to 15 neuroscientists within the past 25 years, an achievement that underscores the excitement and productivity of the study of the brain and central nervous system and its potential for contributing to the health of humanity;

Whereas the people of the Nation should be concerned with research into disorders and disabilities that affect the brain, and should recognize prevention and treatment of such disorders and disabilities as a health priority; and

Whereas the declaration of the Decade of the Brain will focus needed governmental attention on research, treatment, and rehabilitation in this area: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the decade beginning January 1, 1990, is designated the "Decade of the Brain", and the President is authorized and required to issue a proclamation calling upon all public officials and the people of the United States to observe that decade with appropriate programs and activities.●

ADDITIONAL COSPONORS

S. 35

At the request of Mr. DANFORTH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 35, a bill to provide for the establishment of rural enterprise zones, and for other purposes.

S. 58

At the request of Mr. BOSCHWITZ, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 58, a bill to amend the Housing and Community Development Act of 1987 to improve the enterprise zone development program, to amend the Internal Revenue Code of 1986 to provide tax incentives for investments in enterprise zones, and for other purposes.

S. 148

At the request of Mr. PRESSLER, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from Oregon [Mr. PACKWOOD], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alabama [Mr. SHELBY], the Senator from Nevada [Mr. BRYAN], the Senator from Virginia [Mr. WARNER], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 148, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Golden Anniversary of the Mount Rushmore National Memorial.

S. 339

At the request of Mr. BRADLEY, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 339, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program.

S. 416

At the request of Mr. DOMENICI, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost-of-living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 432

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor

of S. 432, a bill to direct the Secretary of Transportation to identify scenic and historic roads and to develop methods of designating, promoting, protecting, and enhancing roads as scenic and historic roads.

S. 494

At the request of Mr. DURENBERGER, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 494, a bill to amend the Internal Revenue Code of 1986 to extend for 5 years, and increase the amount of, the deduction for health insurance for self-employed individuals.

S. 513

At the request of Ms. MIKULSKI, the names of the Senator from Connecticut [Mr. DODD], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 513, a bill to amend chapters 83 and 84 of title 5, United States Code, to extend certain retirement provisions of such chapters which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service.

S. 570

At the request of Mr. DANFORTH, the names of the Senator from Delaware [Mr. BIDEN], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 570, a bill to amend the Internal Revenue Code of 1986 to enhance the incentive for increasing research activities.

S. 708

At the request of Mr. BRADLEY, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 708, a bill to amend title V of the Social Security Act to promote the integration and coordination of services for pregnant women and infants to prevent and reduce infant mortality and morbidity.

S. 741

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 741, a bill to require the Secretary of Labor to identify labor shortages and develop a plan to reduce such shortages, and for other purposes.

S. 828

At the request of Mr. DOMENICI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 828, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the removal of crude oil and natural gas through enhanced oil recovery techniques so as to add as much as 10 billion barrels to the U.S. reserve base, to extend the production of certain stripper oil and gas wells, and for other purposes.

S. 840

At the request of Mr. BOREN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 840, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for education loan interest incurred by doctors, nurses, and allied health professionals while serving in medically underserved areas.

S. 893

At the request of Mr. LAUTENBERG, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 893, a bill to establish certain categories of Soviet and Vietnamese nationals presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Vietnamese parolees.

S. 933

At the request of Mr. HARKIN, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 969

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 969, a bill to establish the President's Award for Addiction Research.

S. 993

At the request of Mr. KOHL, the names of the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 993, a bill to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxic Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes.

S. 1060

At the request of Mr. PRYOR, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to provide refundable income tax credits to primary health services providers who work in rural health manpower shortage areas, and for other purposes.

S. 1215

At the request of Mr. WIRTH, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1215, a bill to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience, and for other purposes.

S. 1222

At the request of Mr. DIXON, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1222, a bill to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants and by treating nonimmigrants, whose departure has been deferred by the Attorney General, as remaining in legal nonimmigrant status for purposes of adjustment or change of status.

S. 1254

At the request of Ms. MIKULSKI, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1254, a bill to authorize the Secretary of Labor to make grants to public housing agencies for the provision of literacy training, training in basic and employment skills, and support services, and to establish the Gateway Task Force.

SENATE JOINT RESOLUTION 28

At the request of Mr. ROTH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 28, joint resolution proposing an amendment to the Constitution of the United States limiting Federal taxation of State and local obligations.

S.J. RES. 47

At the request of Mr. PRESSLER, the name of Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 47, joint resolution to recognize the 75th Anniversary of the Smith Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services.

S.J. RES. 81

At the request of Mr. DIXON, the name of Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 81, a joint resolution to designate the week of October 1 through 7, 1989, as "National Health Care Food Service Week."

S.J. RES. 86

At the request of Mr. RIEGLE, the name of Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 86, a joint resolution designating November 17, 1989, as "National Philanthropy Day."

S.J. RES. 103

At the request of Mr. BRADLEY, the names of the Senator from Delaware [Mr. BIDEN], the Senator from California [Mr. CRANSTON], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Joint Resolution 103, a joint resolution to designate the period commencing February 18, 1990, and ending February 24, 1990, as "National Visiting Nurse Associations Week."

S.J. RES. 132

At the request of Mr. SASSER, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from Tennessee [Mr. GORE] were added as

cosponsors of Senate Joint Resolution 132, a joint resolution designating September 1 through 30, 1989, as "National Alcohol and Drug Treatment Month."

S.J. RES. 153

At the request of Mr. ROCKEFELLER, the names of the Senator from Washington [Mr. ADAMS], the Senator from Florida [Mr. GRAHAM], the Senator from Indiana [Mr. COATS], the Senator from North Dakota [Mr. CONRAD], the Senator from Utah [Mr. HATCH], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 153, a joint resolution designating the third week in May 1990 as "National Tourism Week."

S.J. RES. 167

At the request of Mr. MOYNIHAN, his name was withdrawn as a cosponsor of Senate Joint Resolution 167, a joint resolution proposing an amendment to the Constitution of the United States to prohibit the desecration of the flag.

SENATE CONCURRENT RESOLUTION 47

At the request of Mr. SIMON, the name of Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Concurrent Resolution 47, a concurrent resolution expressing the sense of the Congress on multilateral sanctions against South Africa.

AMENDMENT NO. 204

At the request of Mr. JOHNSTON, the name of Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of amendment No. 204 intended to be proposed to S. 406, a bill to authorize competitive oil and gas leasing and development on the Coastal Plain of the Arctic National Wildlife Refuge in a manner consistent with protection of the environment, and for other purposes.

SENATE CONCURRENT RESOLUTION 51—IN SUPPORT OF HUMAN RIGHTS AND DEMOCRACY IN CHINA

Mr. HATFIELD submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 51

Whereas the colony of Hong Kong was acquired by Great Britain from China pursuant to the 1942 Treaty of Nanking, the First Convention of Peking in 1860, and the Second Convention of Peking in 1898;

Whereas the Second Convention of Peking, which involved 90 percent of the area that is now Hong Kong, established a 99 year lease that began on July 1, 1898;

Whereas the approach of the 1997 expiration of this lease led to two years of negotiations between the Government of the United Kingdom and the Government of the People's Republic of China which culminated in 1984 in the signing of the Sino-British Joint Declaration on Hong Kong;

Whereas the Joint Declaration provides that the entire area now under British administration will be restored to Chinese sovereignty and administration in 1997;

Whereas following 1997, Hong Kong will become a Special Administrative Region of the People's Republic of China;

Whereas the Joint Declaration states that the People's Republic of China will provide that the Hong Kong Special Administrative Region will retain its capitalist system for 50 years after 1997, have a "high degree of autonomy:, and have executive, legislative, and independent judicial power (including the power of final adjudication);

Whereas the Joint Declaration further provides that the people of Hong Kong will continue to enjoy their existing rights and freedoms under Hong Kong law, which is based on a foundation of equity and common law principles, and that the Special Administrative Region will essentially be "Hong Kong people administering Hong Kong";

Whereas under the Joint Declaration, all basic policies of the People's Republic of China regarding Hong Kong will be stipulated in a Basic Law drafted by a Drafting Committee appointed by the National People's Congress of the People's Republic of China;

Whereas the Basic Law will replace existing constitutional instruments of Hong Kong;

Whereas the second draft of the Basic Law was released on February 27, 1989, and will be submitted to the Standing Committee of the National People's Congress for approval after another round of public consulation;

Whereas the second draft of the Basic Law raises serious doubts about whether the promises of a high degree of autonomy, vested legislative, executive, and independent judicial power (including the power of final adjudication), and a system of government that provides that Hong Kong people will administer Hong Kong, will be honored;

Whereas the proposal in the second draft of the Basic law for the election of the chief executive and the Legislative Council of the Hong Kong Special Administrative Region will prevent direct popular elections until at least 2011;

Whereas the second draft also does not provide adequate human rights safeguards for the citizens of Hong Kong;

Whereas the second draft does not contain the specific provisions of the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights;

Whereas in order for the rights guaranteed in these covenants to be provided to Hong Kong citizens after 1997, they must first be implemented through the laws of the Hong Kong Special Administrative Region;

Whereas such laws must pass the Legislative Council and be agreed to by the chief executive; neither of which will be directly elected until at least 2011;

Whereas the Sino-British Joint Declaration on Hong Kong allows the British Government to retain complete sovereignty over Hong Kong until 1997;

Whereas the Foreign Affairs Committee of the British House of Commons is investigating implementation of the Joint Declaration to ensure that its guarantees to the people of Hong Kong are honored;

Whereas the prospect of Chinese interference in Hong Kong's economic system has already had disturbing effects, including the fact that more than 45,000 Hong Kong residents plan to flee the colony in 1989 for Australia, Canada, and the United States and the fact that 20,000 Canadian immigrant visas were reported issued in 1987 to Hong Kong investors, entrepreneurs, and independent skilled migrants;

Whereas almost half of Hong Kong's professionals and executives are planning to leave Hong Kong or have acquired the right of residency overseas; and

Whereas the future of Hong Kong has significant economic ramifications for the United States since United States total investment in Hong Kong was $6.0 billion in 1987, while Hong Kong's exports to the United States totaled $11.1 billion, or 31 percent of its exports, and Hong Kong represents the 15th largest market in the world for United States exports and is in the top three markets for many United States materials and agricultural products: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) believes that it is in the United States national interest that there be strong, freely elected democratic insitutions established in Hong Kong long before 1997, to help ensure that the transfer of sovereignty from the United Kingdom to the People's Republic of China will, for the 50 years after 1997, not endanger the economic and personal freedoms and the human rights now enjoyed by the people of Hong Kong.

(2) urges the British Government to ensure the highest possible degree of direct elections in 1991 and 1994 to the Legislative Council of Hong Kong; and

(3) in light of the provisions of the second draft of the Basic law, calls upon the President to communicate to the People's Republic of China and to the Government of the United Kingdom the high degree of importance the United States attaches to the democratic rights of Hong Kong's citizens, the stability and retention of Hong Kong's capitalist system, and the guarantees of basic and fundamental human rights for Hong Kong's citizens.

Mr. HATFIELD. Mr. President, the horrible scenes of the bloody slaughter in Tiananmen Square will be etched in our minds for many years to come: The men and women killed there will be remembered by history as martyrs to freedom, but even their noble cause provides little comfort to grieving families. In this world which all too often seems immune to violence and suffering, the random and senseless brutality of the Chinese army has shocked even the most complacent among us.

While world attention has been focused on the Chinese Government's brutal response to calls for reform and democracy in Beijing and other cities, nowhere outside China itself are the implications of the unfolding drama as profound as they are in Hong Kong. In 1997—less than a decade from now—the 5.6 million people of Hong Kong and the miraculous slice of land on which they live will be handed over to China.

On behalf of the people of Hong Kong—hundreds of thousands of whom have been pouring into the streets to protest the barbarism of the

Chinese Government—I rise to submit a concurrent resolution expressing the deep interest of the United States in democracy, human rights and the guarantee of personal and economic freedoms in Hong Kong after 1997.

The concurrent resolution, which has been introduced in the House by Congressman JOHN PORTER, urges the British Government to establish the framework for democracy in Hong Kong prior to 1997 and calls on President Bush to communicate to the Chinese and to the British the high degree of importance the United States attaches to Hong Kong's security, freedom, and stability.

The message this concurrent resolution is intended to send is quite simple: The United States cares deeply about Hong Kong, her people and her future.

Mr. President, there is ample reason for this concurrent resolution. In the aftermath of last week's massacre, I am sure that my colleagues share my doubts that China can be relied upon to keep its promise that Hong Kong will be allowed to retain its capitalist system and all the accompanying freedoms for 50 years after 1997. Unfortunately, however, neither the British nor the United States seems particularly concerned.

Make no mistake: The people of Hong Kong are concerned. Those who have the money and the resources have begun to flee already, and thousands more will leave before the year's end. But millions of people do not have the money or the resources to leave, and it is their future about which we must be concerned.

The constitution which will govern Hong Kong after 1997 is being drafted now—and will be finalized in 2 years. Under the present draft, the Chief Executive and Legislative Council will not be directly elected until at least 2011—and only then if the sitting Chief Executive, who will be favorable to Beijing, agrees. The present draft also lacks critical human rights guarantees.

We have an unfortunate habit in this Congress of focusing on issues and policies only when they are making front page headlines. Although few of us will be able to forget the scenes from Tiananmen Square, the media soon will move on to other topics. So will we.

If anything positive can emerge in the aftermath of last week's massacres, Mr. President, it is that we have been forced to focus on the future of Hong Kong. Before we move on to other topics, I hope very much that we will act on behalf of the people of Hong Kong by agreeing to this concurrent resolution and demonstrating our commitment to their future.

SENATE CONCURRENT RESOLUTION 52—ESTABLISHING SCIENCE, MATHEMATICS, AND TECHNOLOGY EDUCATION AS A NATIONAL PRIORITY

Mr. HATFIELD (for himself, Mr. GLENN, and Mr. WARNER) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 52

Whereas there is a strong correlation between the quality of education and both the Nation's ability to compete in an increasingly technology-driven global market and its capacity for responsible, informed citizenship;

Whereas the need for improvement in education is acute in the areas of science, mathematics, and technology;

Whereas a national science education policy must be sensitive to the goals of (1) ensuring that all young persons achieve a level of technological literacy adequate to prepare them for the demands of a scientific and technologically oriented society; and (2) ensuring an adequate supply of talented and highly-trained American scientists, engineers and technicians;

Whereas numerous research reports indicate the Nation is not achieving these goals;

Whereas the most recent assessment of educational progress in the United States reveals that a majority of 17-year-olds are poorly equipped for informed citizenship and productive performance in the workplace; and

Whereas women and minorities, who will comprise 85 percent of the entering workforce by the year 2000, continue to be underserved by science and mathematics, and are underrepresented in scientific and technical fields;

Whereas the percentage of American students in the population-at-large pursuing undergraduate degrees and advanced degrees in the natural sciences, mathematics, and engineering has been declining over the last decade; Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) this Nation should dedicate its resources to the development of both a broad pool of citizens who are functionally literate in science, mathematics, and technology and a highly-trained scientific and technical workforce;

(2) a national science education policy in the coming decade should address these critical needs:

(A) serving students who traditionally have been underserved and underexposed to the disciplines of science, mathematics, and technology, including students from remote geographical areas and students from inner city areas;

(B) implementing curriculum that places a strong emphasis on reinforcing science and mathematics concepts at each grade level; and

(C) involving classrooms teachers and school administrators in all aspects of education reform in these areas of need; and preparing teachers adequately for these disciplines; and

(3) this national challenge can be met through the Nation's schools with strong leadership from Federal, State, and local governments and with long-term commitments from the civic, business, and engineering communities.

Mr. HATFIELD. Mr. President, I rise today, with my distinguished colleague from Ohio, Mr. GLENN, and my colleague from Virgina, Mr. WARNER to address this body on a matter of great importance for the future of this country. I have addressed the issue of our Nation's lack of technological literacy before, and I will continue to do so until we as a nation recognize that mathematics, science, and technology education should be a national priority.

In our modern society there are millions of people to whom science, such as physics and chemistry, seem to be part of a foreign language of a distant land. These multitudes do not realize that science and technology are the backbone of this Nation. They do not understand that such important issues as the competitiveness of American industry, the effectiveness of our national security, the advancement of our health as a nation, and the continued viability of our environment depend on science and technology.

The problem is really quite simple: our demand for scientists and engineers is outstripping the supply. In the last 13 years, the demand for scientists and engineers in every sector of the U.S. economy has increased 85 percent. The demand is emanating from several key groups in the United States. In business and industry, for example, over 50 percent of the Hewlitt-Packward products now on the market were created in the last 3 years through research and development. In our national defense establishment, an estimated 150,000 scientists and engineers at the Defense Department, in private industry and in universities, are working on SDI research alone.

And in medical research, funding for AIDS research has quadrupled in the last 4 years from $300 million in fiscal year 1986 to $1.2 billion today.

As the demand for scientists and engineers is growing, the pool of qualified individuals is evaporating. The Office of Technology Assessment predicts a shortfall of 700,000 scientists and engineers by the year 2000. Of the Nation's 24,000 high schools, 7,000 offer no physics courses, 4,000 offer no chemistry courses, and 2,000 offer no biology courses.

Even more striking is the fact that three out of four junior high school science teachers fail to meet the National Science Teachers' Association's minimum certification requirements. And beyond the competency of our youngsters is the greater problem of a general populous which is technologically illiterate. One in seven Americans cannot find the United States on the world map.

This emerging crisis has implications for virtually every national and international challenge we face today, from industrial productivity to energy effi-

ciency and the verification of arms control agreements.

Overall, it has implications for our national security, not just for bombs and bullets, but for health and housing, and the education of our children.

And so it is with a sense of urgency that I come to the floor today to enlist the support of my colleagues. Senator GLENN, Senator WARNER, and I are submitting a concurrent resolution expressing the sense of the Congress that mathematics, science, and technology education be a national priority. This is a symbolic step, which builds upon activities currently underway in our Federal agencies, private initiatives being launched by businesses all around the country—from Upjohn in Kalamazoo to Hewlitt-Packard in San Francisco, and curriculum development projects such as "Project 2061" which is sponsored by the American Association for the Advancement of Science [AAAS]. This concurrent resolution, which has the support of the AAAS, the Triangle Coalition, and the National Science Teachers' Association, will serve to put both the National Science Foundation and the Department of Education on notice that these issues must be a priority beginning in the first grade and reinforced at each successive grade level for every child in this Nation.

We must help our people realize that we all have a stake in the quality of science and technology education in this country. I urge my colleagues to join in this effort as a first step towards translating the foreign language of science and technology into a language we can all understand.

Mr. GLENN. Mr. President, I certainly subscribe to the remarks of my distinguished colleague, Senator HATFIELD, and I rise today as an original cosponsor of this very important concurrent resolution. The concurrent resolution is about science and math education. But it raises important questions about America's future economic prosperity and technological preeminence.

I take a very personal interest in technology. I have spent much of my life working around state-of-the-art innovations. It was technological excellence long ago that carried me and others of this body on combat missions and my space flight—and technological excellence that got us back.

But there are larger, more important issues involved here today than just that. It is technological excellence that has propelled this country's industrial growth and economic prosperity, and it is technological growth that keeps us in global competition, and it is technological excellence that will play an even greater role in driving economic prosperity in the future.

Today, we confront a crisis in education that threatens America's formula for economic prosperity. We might say, "What made this Nation of ours great?" People would say resources and the purple mountain majesties, the rivers flowing to the seas, and the fruited plains that we sing about, and those were a factor.

But more than anything else, it was education in this United States; it was not just from the kid from the castle, or the politically connected, or the rich kids. It was for everybody in our society. We have not done a perfect job, but we have done it better than any other country in this world, up until now, because we are under increasing international competition.

The other one was, we learned the new things first. We plowed more of our gross national product back into basic fundamental Nobel Laureate, breakthrough, seminal-type research. With that little combination of education and research, which other nations have recognized and are now copying, we catapulted ahead of the rest of the world in a tiny little timeframe in history.

If education has been important to our past, it will be critical to our future. Indeed, our schools form the pipeline that produces the Nation's scientists, engineers, and technicians.

We must focus our attention on science and math education for two reasons: For one, the level of science literacy among America's young people is embarrassingly low. And second, we face a potential, if not real, shortage of scientific personnel.

Every new report on American education produces another horror story that has to make you wonder: How did we ever let it get to this.

The same nation that landed a man on the Moon educates fewer than one out of every five high school graduates in the laws of physics—just the basic fundamentals.

The same nation that has produced the most Nobel Laureates in chemistry teaches chemistry to only half of its high school students.

Maybe most disturbing of all is that U.S. students are being outclassed by international competitors. One study of science and math performance in six countries ranked American 13-year-olds near or at the bottom. Our young people are at or near the bottom.

Further, America's challenge is complicated by demographic projections that show a workforce increasingly comprised of minorities and women. These groups have been historically underrepresented in science and engineering. Unless we encourage more of them to enter the science pipeline, serious consequences will result.

The world is becoming increasingly technological. It has been ever thus, but the pace of technological innovation moves faster than our ability to produce technical personnel. No longer do we have a generation just to assimilate new developments and to let them gradually work in. Whole industries come to fruition or go down in a very short period of time, in a very few years, and consider the consequences.

How is this country going to be able to compete with our trading partners if we cannot produce the scientists, engineers, and technicians necessary to make internationally competitive products? And if we can't compete, how are we going to provide good jobs for our citizens? Or clean up the environment, fight crime, provide health care or defend this country?

Apart from that, our schools must do a better job if we are ever to realize the Nation's goals of equal opportunity. In our high-technology economy, a technical education is now, more than ever, a ticket to getting hired or admitted into college. For some, it may be the only way out of poverty.

I believe that national leadership is desperately needed. We need national leadership to focus attention on the quality of science and math education. We need the President fully prepared to press for solutions in the Congress.

As well as in State legislatures, local school boards, schools, and homes.

Everyone with a stake in the education of our young people must get involved.

But if we agree that the current state of science and math education is a national problem, indeed a national crisis, we must have leadership and support from the Federal Government.

This is why I believe the Congress of the United States should express its sentiment that science, math and technology education should be a national priority. I urge my colleagues to cosponsor this resolution.

I yield the floor.

SENATE CONCURRENT RESOLUTION 53—RELATING TO IRANIAN PERSECUTION OF THE BAHA'IS

Mr. DODD (for himself, Mr. BOSCHWITZ, Mr. HEINZ, Mr. DIXON, Mr. MITCHELL, Mr. DOLE, Mr. DURENBERGER, Mr. LIEBERMAN, Mr. DASCHLE, Mr. LUGAR, Mr. GORTON, Mr. PELL, Mr. GRAHAM, Mr. SIMON, Mr. INOUYE, Mr. CHAFEE, Mr. JEFFORDS, Mr. PRESSLER, Mr. KENNEDY, Mr. BURDICK, Mr. KERRY, Mr. SARBANES, Mr. COHEN, Mr. GLENN, Mr. EXON, Mr. BIDEN, Mr. DECONCINI, Mr. STEVENS, Mr. D'AMATO, Mr. BUMPERS, Mr. HOLLINGS, Mr. CONRAD, Mr. MATSUNAGA, Mr. MURKOWSKI, Mr. MCCAIN, Mr. DOMENICI, Mr. CRANSTON, Mr. RIEGLE, Mr. SIMPSON, Mr. MACK, Mr. GORE, Mr. WIRTH, Mr. BRADLEY, Mr. MOYNIHAN, Mr. HATFIELD, Mr. WILSON, Mr. PACKWOOD, Mr. HUMPHREY, and Mrs. KASSEBAUM) submitted the following concurrent reso-

lution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 53

Whereas in 1982, 1984, and 1988, the Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas in such resolutions and in numerous other appeals, the Congress condemned the Iranian Government's persecution of Baha'is, including the execution of more than 200 Baha'is and the imprisonment of additional thousands on account of their religious beliefs;

Whereas the Congress has urged the President to work with other governments and with the United Nations in support of the rights of Iranian Baha'is;

Whereas recent reports indicate a decline in the numbers of Baha'is executed or imprisoned in Iran and the restoration of some confiscated business and personal properties; and

Whereas, despite such actions affecting individual Baha'is, the Government of Iran continues to deny the Baha'i community the right to organize, select its leaders, acquire and maintain places of worship or assembly, operate religious schools, and conduct other religious activities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including Baha'is, in a manner consistent with that Government's obligations under international law which guarantee the civil and political rights of its citizens;

(2) acknowledges reports of recent improvements in the treatment of individual Baha'is, including a decline in the number of executions and the release of many Baha'is imprisoned on religious charges;

(3) expresses concern that the Baha'i community as a whole remains an oppressed minority which is denied legal recognition and internationally recognized rights which would permit Baha'is to organize, hold property, operate religious schools, and conduct the normal activities of a peaceful law-abiding religious community;

(4) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and other relevant human rights accords, including freedom of thought, conscience and religion, education, and equal protection of the law; and

(5) calls upon the President—

(A) to emphasize the need for improvements in the Government of Iran's human rights practices, particularly Iran's treatment of Baha'is and other religious minorities, as an important factor in the development of the United States Government's relations with the Government of Iran;

(B) to encourage other governments to continue to appeal to the Government of Iran concerning the situation of the Baha'is;

(C) to cooperate with other governments and international organzations in joint appeals and to initiate and support actions by the United Nations and its agencies to promote the protection of the religious rights of Baha'is; and

(D) to provide, and to urge others to provide, for refugee and humanitarian assistance for those Baha'is who flee their homelands on account of religious repression.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such copy to the European Parliament and to the Commission of the European Community for distribution to the member States of the European Community.

● Mr. BOSCHWITZ. Mr. President, it is an honor for me to introduce, along with my colleague Senator DODD, this resolution once again bringing attention to Iran's persecution of the Baha'is. This will be the fourth such resolution considered by Congress in this decade. I wish it were otherwise, that there was no need for such resolutions. But there is, and I believe that they have had a positive impact on the treatment of the Baha'is in Iran.

Indeed, the situation of the Baha'is has shown some improvement recently. The number of Baha'is executed and imprisoned has been reduced, and some of their property has been returned.

At the same time, however, as this resolution states, the Baha'is remain an oppressed minority. Among other restrictions placed on them by the Government of Iran, they are barred from organizing themselves as they see fit, from operating religious schools, and from enjoying the human rights which Iran committed itself to extend to all of its people when it signed the universal declaration of human rights.

The world is carefully watching the evolution of events in Iran in the wake of Ayatollah Khomeini's death. Many are hoping for a less oppressive regime to emerge, one exhibiting greater moderation and tolerance toward all religious minorities, including the Baha'is. This resoluton keeps these hopes in the spotlight of international concern.

In calling upon the President to emphasize to Iran the need for it to improve its human rights practices if bilateral relations are to improve, this resolution remains true to our own heritage of supporting human rights on a worldwide basis. And by asking the President to use multilateral efforts to promote the protection of the Baha'is religious rights, this resolution sends a clear signal to Iran that the world will closely watch its actions in regard to its own citizens.

Mr. President, many tragedies in the 20th century could have been avoided if people and nations had spoken up and taken action earlier than they did. By passing this resolution, the Senate will speak up once again in expressing its concern over the treatment of the Baha'is and other religious minorities in Iran. We have had an impact in the past. I am committed to making every effort to ensuring that we have one now and in the future.●

AMENDMENTS SUBMITTED

ACT FOR BETTER CHILD CARE

JEFFORDS (AND OTHERS) AMENDMENT NO. 220

Mr. JEFFORDS (for himself, Mr. DODD, and Mr. BOND) proposed an amendment to the bill (S. 5) to provide for a Federal program for the improvement of child care, and for other purposes, as follows:

On page 91, after line 24, add the following new subsection:

(c) EFFECT ON STATE LAW.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions.

DOMENICI (AND GRASSLEY) AMENDMENT NO. 221

Mr. DOMENICI (for himself and Mr. GRASSLEY) proposed an amendment to the bill S. 5, supra, as follows:

On page 88, after line 14, add the following new section:

"(b) Subsection (a) shall not apply to funds received by an eligible child care provider as defined in section 103(8)(B)."

Renumber as appropriate.

BENTSEN AMENDMENT NO. 222

Mr. BENTSEN proposed an amendment to amendment No. 202 proposed by Mr. DOLE to the bill S. 5, supra, as follows:

Strike all after "SUBTITLE" on page 1 on line 3 of the amendment and insert the following:

A—TAX CREDIT FOR CERTAIN HEALTH INSURANCE PREMIUMS AND CHILD CARE AND SUPPLEMENTAL EARNED INCOME CREDIT FOR FAMILIES WITH YOUNG CHILDREN

SEC. 211. CREDIT FOR HEALTH INSURANCE PREMIUM COSTS

(a) ALLOWANCE OF CREDIT.—Paragraph (1) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) IN GENERAL.—In the case of an individual who maintains a household which includes as a member 1 or more qualifying individuals, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(A) the applicable percentage of the employment-related expenses paid by such individual during the taxable year, plus

"(B) the credit percentage of the qualified health insurance expenses paid by such individual during the taxable year."

(b) CREDIT PERCENTAGE.—Section 21(a) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) CREDIT PERCENTAGE.—For purposes of paragraph (1)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'credit percentage' means 50 percent reduced (but not below zero) by 16.67 percentage points for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $12,000.

"(B) SPECIAL RULE.—In the case of taxable years beginning before 1994, subparagraph (A) shall be applied by substituting in the case of any taxable year beginning in—

"(i) 1991, '35 percent',

"(ii) 1992, '40 percent', and

"(iii) 1993, '45 percent', for '50 percent'."

(c) LIMITATIONS.—

(1) DOLLAR LIMITATION.—Section 21(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(c) LIMITATIONS.—

"(1) DOLLAR LIMIT ON EMPLOYMENT-RELATED EXPENSES.—The amount of the employment-related expenses paid during any taxable year which may be taken into account under subsection (a)(1)(A) shall not exceed—

"(A) $2,400 if there is 1 qualifying individual with respect to the taxpayer for such taxable year, or

"(B) $4,800 if there are 2 or more such qualifying individuals.

The amount determined under subparagraph (A) or (B) (whichever is applicable) shall be reduced by the aggregate amount excludable from gross income under section 129 for the taxable year.

"(2) QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a)(1)(B) shall not exceed $1,000."

"(2) EARNED INCOME LIMITATION.—

"(A) IN GENERAL.—Section 21(d) of such Code is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE FOR QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a)(1)(B) shall not exceed the excess (if any) of—

"(A) the earned income of the taxpayer for the taxable year, over

"(B) the amount of employment-related expenses taken into account under subsection (a)(1)(A)."

(B) CONFORMING AMENDMENT.—Paragraph (1) of section 21(d) of such Code is amended by striking "subsection (a)" and inserting "subsection (a)(1)(A)".

(d) DEFINITIONS AND RULES.—

(1) QUALIFIED HEALTH INSURANCE EXPENSES.—Section 21(b) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFIED HEALTH INSURANCE EXPENSES.—

"(A) IN GENERAL.—The term 'qualified health insurance expenses' means amounts paid during the taxable year for insurance—

"(i) which constitute medical care (within the meaning of section 213(d)(1)(C)), and

"(ii) under which coverage includes at least 1 qualifying individual.

For purposes of this paragraph, the rules of section 213(d)(6) shall apply.

"(B) QUALIFYING INDIVIDUAL.—For purposes of this paragraph and subsection (a)(1)(B), the term 'qualifying individual' means an individual described in paragraph (1)(A), except that such paragraph shall be applied by substituting 'age of 19' for 'age of 13'.

"(C) ELECTION NOT TO TAKE CREDIT.—A taxpayer may elect for any taxable year to have amounts described in subparagraph (A) not treated as qualified health insurance expenses."

(2) IDENTIFYING INFORMATION REQUIRED.—Section 21(e)(9) of such Code is amended by adding at the end thereof the following new sentence: "In the case of the credit allowable under subsection (a)(1)(B) for qualified health insurance expenses, the Secretary may require an insurance policy number in addition to (or in lieu of) the taxpayer identification number."

(e) COORDINATION WITH DEDUCTION FOR SELF-EMPLOYED INDIVIDUALS.—Section 162(1) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) and paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 21."

(f) CONFORMING AMENDMENTS.—

(1) The heading for section 21 of the Internal Revenue Code of 1986 is amended by inserting "; HEALTH INSURANCE EXPENSES" after "EMPLOYMENT".

(2) The item relating to section 21 in the table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting "; health insurance expenses" after "employment".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 212. DEPENDENT CARE AND HEALTH INSURANCE PREMIUM CREDIT MADE REFUNDABLE.

(a) CREDIT MADE REFUNDABLE.—Section 21 of the Internal Revenue Code of 1986 (relating to credit for household and dependent care services) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) CREDIT REFUNDABLE FOR LOW AND MODERATE INCOME TAXPAYERS.—

"(1) IN GENERAL.—For purposes of this subtitle, in the case of an applicable taxpayer, the credit allowable under subsection (a) for any taxable year shall be treated as a credit allowable under subpart C of this part.

"(2) APPLICABLE TAXPAYER.—For purposes of this subsection, the term 'applicable taxpayer' means a taxpayer whose adjusted gross income for the taxable year does not exceed $28,000 ($14,000 in the case of a married individual filing a separate return).

"(3) COORDINATION WITH ADVANCE PAYMENTS AND MINIMUM TAX.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply with respect to the portion of any credit to which this subsection applies."

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF DEPENDENT CARE CREDIT.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom a dependent care eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's dependent care advance amount.

"(b) DEPENDENT CARE ELIGIBILITY CERTIFICATE.—For purposes of this title, a dependent care eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 21 for the taxable year,

"(2) certifies that the employee reasonably expects to be an applicable taxpayer (withing the meaning of section 21(f)) for the taxable year,

"(3) certifies that the employee does not have a dependent care eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(4) states whether or not the employee's spouse has a dependent care eligibility certificate in effect,

"(5) states the number of qualifying individuals in the household maintained by the employee, and

"(6) estimates the amount of employment-related expenses and qualified health insurance expenses for the calendar year.

"(c) DEPENDENT CARE ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'dependent care advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the employee's estimated employment-related expenses and qualified health insurance expenses included in the dependent care eligibility certificate, and

"(C) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(C) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply."

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of dependent care credit."

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1990.

(2) ADVANCE PAYMENT OF CREDIT.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1991.

(3) ONLY PORTION OF CREDIT REFUNDABLE IN 1990.—In the case of any taxpayer to whom section 21(f) of the Internal Revenue Code of 1986 (as added by subsection (a)) applies for any taxable year beginning in 1991.

(A) 90 percent of the amount of the credit allowable under section 21(a) of such Code for such taxable year shall be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1 of such Code, and

(B) the remaining 10 percent of the amount of such credit shall be treated as a credit allowable under section 21 of such Code.

SEC. 213. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(A) INCREASE IN CREDIT FOR EXPENSES RELATING TO DEPENDENT CARE.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of this paragraph (1)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000.

"(B) HIGHER PERCENTAGES FOR LOW-INCOME TAXPAYERS.—The term 'applicable percentage' means in the case of any taxpayer with an adjusted gross income for the taxable year of—

"(i) $8,000 or less, 34 percent, and

"(ii) more than $8,000 but less than $10,000, 32 percent."

"(b) CERTAIN SUBSIDIZED EXPENSES NOT ELIGIBLE FOR CREDIT.—Section 21(e) of the Internal Revenue Code of 1986 is amended by adding at the end there of the following new paragraph:

"(10) SUBSIDIZED EXPENSES.—No expense shall be treated as an employment-related expense or qualifying health insurance expense to the extent such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof."

(c) EFFECTIVE DATES. The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 214. SUPPLEMENTAL EARNED INCOME CREDIT FOR FAMILIES WITH YOUNG CHILDREN.

"(a) IN GENERAL.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—There is allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of the following amounts:

"(1) GENERAL CREDIT.—In the case of an eligible individual, an amount equal to 14 percent of so much of the earned income for the taxable year as does not exceed $5,714.

"(2) SUPPLEMENT FOR YOUNG CHILDREN.—

"(A) IN GENERAL.—In the case of an eligible individual with 1 or more qualifying children, an amount equal to the lesser of—

"(i) the applicable percentage of so much of the earned income for the taxable year as does not exceed $5,714, or

"(ii) $750 ($500 for an eligible individual with only 1 qualifying child).

"(B) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means 10 percent (7 percent for an eligible individual with only 1 qualifying child).

"(b) LIMITATIONS.—

"(1) GENERAL CREDIT.—The amount of the credit allowable to a taxpayer under subsection (a)(1) for any taxable year shall be reduced (but not below zero) by 10 percent of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $9,000.

"(2) SUPPLEMENT FOR YOUNG CHILDREN.—The amount of the credit allowable to a taxpayer under subsection (a)(2) for any taxable year shall be reduced (but not below zero) by 20 percent of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the lesser of—

"(A) $10,000, as adjusted under subsection (i), or

"(B) $12,000."

"(b) QUALIFYING CHILD DEFINED.—Subsection (c) of section 32 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFYING CHILD.—The term 'qualifying child' means, for the taxable year, an individual—

"(A) with respect to whom the taxpayer qualifies as an eligible individual, and

"(B) who, as of the end of such taxable year, has not attained the age of 4."

(c) CONFORMING AMENDMENTS.—

(1) Subsection (f)(1) of section 32 of the Internal Revenue Code of 1986 is amended by inserting "(including separate tables for individuals with qualifying children)" after "Secretary".

(2) Subsection (1) of section 32 of such Code is amended—

(A) by inserting "('calendar year 1990' for 'calendar year 1987' in the case of the dollar amount referred to in clause (iii) of paragraph (2)(B))" before the period at the end of paragraph (1)(B), and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) DEFINITIONS, ETC.—For purposes of paragraph (1)—

"(A) APPLICABLE CALENDAR YEAR.—The term 'applicable calendar year' means—

"(i) 1986 in the case of the dollar amount referred to in clause (i) of subparagraph (B),

"(ii) 1987 in the case of the dollar amount referred to in clause (ii) of subparagraph (B), and

"(iii) 1991 in the case of the dollar amount referred in clause (iii) of subparagraph (B).

"(B) DOLLAR AMOUNTS.—The dollar amounts referred to in this subparagraph are—

"(i) the $5,714 amount contained in paragraphs (1) and (2)(A)(i) of subsection (a),

"(ii) the $9,000 amount contained in subsection (b)(1), and

"(iii) the $10,000 amount contained in subsection (b)(2)(A)."

(3) Subsection (b) of section 3507 of such Code is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) states the number of qualifying children (as defined in section 32(c)(3)) of the employee for the taxable year.".

"(4) Paragraph (1) of section 3507(c) of such Code is amended—

(A) by striking "and" at the end of subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C), and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(E) on the basis of the number of qualifying children (as defined in section 32(c)(3)) of the employee for such period, and".

(5) Paragraph (2) of section 3507(c) of such Code is amended—

(A) by striking "paragraph (1)(B)" and inserting "paragraph (1)(C)", and

(B) by adding at the end thereof the following new flush sentence:

"A separate advance amount table shall be prescribed for the credit under section 32(a)(2) in the same manner as provided under the preceding sentence, except that the applicable percentage under section 32(a)(2)(b) shall be substituted for 14 percent."

(6) Section 3507 of such Code is amended by adding at the end thereof the following new subsection:

(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 215 STUDY OF ADVANCE PAYMENTS.

(a) IN GENERAL.—The Comptroller General of the United States shall, in consultation with the Secretary of the Treasury, conduct a study of advance payments required by section 3507A of the Internal Revenue Code of 1986 (as added by section 212(b)(1) to determine—

(1) the effectiveness of the advance payment system, and

(2) the manner in which such system can be implemented to alleviate administrative complexity, if any for small business.

(c) REPORT.—Not later than 1 year after the date of the enactment of this title, the Comproller shall report the results of the study conducted under subsection (a), together with any recommendations, to the Committee on Finance of the United States Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 215-B. PROGRAM TO INCREASE PUBLIC AWARENESS.

Not later than the first day of the first calendar year following the date of the enactment of this title, the Secretary of the Treasury, or the Secretary's delegate, shall establish a taxpayer awareness program to inform the tax paying public of the availability of the credit for dependent care and health insurance premiums allowed under section 21 of the Internal Revenue Code of 1986 (as amended by this subtitle). Such public awareness program shall be designed to assure that individuals who may be eligible are informed of the availability of such credit and filing procedures. The Secretary shall use public service and paid commercial advertising, direct-mail contact and any other appropriate means of communication to carry out the provisions of this section.

SEC. 215-C. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, EVERYTHING IN THIS ACT WHICH FOLLOWS THIS SECTION AND PRECEDES SECTION 216 SHALL BE NULL AND HAVE NO FORCE OR EFFECT.

In lieu of the matter proposed to be stricken on page 104, line 17, insert the following: "and qualified health insurance expenses."

In lieu of the matter proposed to be stricken on page 105, lines 2 and 3, insert the following: "and qualified health insurance expenses."

In lieu of the matter proposed to be stricken on page 107, lines 19 and 20, insert the following: "or qualifying health insurance expenses."

In lieu of the matter proposed to be stricken on page 109, line 2, insert the following: "and health insurance premiums.".

DOLE AMENDMENT NO. 223

Mr. DOLE proposed an amendment to the bill S. 5, supra; as follows:

Beginning on page 97, line 5, strike all through page 109, line 10, and insert the following:

TITLE II—INTERNAL REVENUE CODE PROVISIONS

This Title shall be effective after December 30, 1990.

Subtitle A—Earned Income Credit and Dependent Care Credit

SEC. 211. INCREASE IN EARNED INCOME CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—There is allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of the following amounts:

"(1) GENERAL CREDIT.—In the case of an eligible individual, an amount equal to 14 percent of so much of the earned income for the taxable year as does not exceed $5,714.

"(2) SUPPLEMENT FOR YOUNG CHILDREN.—

"(A) IN GENERAL.—In the case of an eligible individual with 1 or more qualifying children, an amount equal to the lesser of—

"(i) the applicable percentage of so much of the earned income for the taxable year as does not exceed $5,714, or

"(ii) $570 ($500 for an eligible individual with only 1 qualifying child).

"(B) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means 12 percent (8 percent for an eligible individual with only 1 qualifying child).

"(b) LIMITATIONS.—

"(1) GENERAL CREDIT.—The amount of the credit allowable to a taxpayer under subsection (a)(1) for any taxable year shall be reduced (but not below zero) by 10 percent of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $9,000.

"(2) SUPPLEMENT FOR YOUNG CHILDREN.—The amount of the credit allowable to a taxpayer under subsection (a)(2) for any taxable year shall be reduced (but not below zero) by 15 percent (10 percent for an eligible individual with only 1 qualifying child) of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $10,000."

"(b) QUALIFYING CHILD DEFINED.—Subsection (c) of section 32 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFYING CHILD.—The term 'qualifying child' means, for the taxable year, an individual—

"(A) with respect to whom the taxpayer qualifies as an eligible individual, and

"(B) who, as of the end of such taxable year, has not attained the age of 5."

"(c) CONFORMING AMENDMENTS.—

(1) Subsection (f)(1) of section 32 of the Internal Revenue Code of 1986 is amended by inserting "(including separate tables for individuals with qualifying children)" after "Secretary".

(2) Subsection (i) of section 32 of such Code is amended—

(1) by inserting "('calendar year 1990' for 'calendar year 1987' in the case of the dollar amount referred to in clause (iii) of paragraph (2)(B))" before the period at the end of paragraph (1)(B), and

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) DEFINITIONS, ETC.—For purposes of paragraph (1)—

"(A) APPLICABLE CALENDAR YEAR.—The term 'applicable calendar year' means—

"(i) 1986 in the case of the dollar amount referred to in clause (i) of subparagraph (B),

"(ii) 1987 in the case of the dollar amount referred to in clause (ii) of subparagraph (B), and

"(iii) 1991 in the case of the dollar amount referred to in clause (iii) of subparagraph (B).

"(B) DOLLAR AMOUNTS.—The dollar amounts referred to in the subparagraph are—

"(i) the $5,714 amount contained in paragraphs (1) and (2)(A)(i) of subsection (a),

"(ii) the $9,000 amount contained in subsection (b)(1), and

"(iii) the $10,000 amount contained in subsection (b)(2)."

(3) Subsection (b) of section 3507 of such Code is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) states the number of qualifying children (as defined in section 32(c)(3)) of the employee for the taxable year.".

(4) Paragraph (1) of section 3507(c) of such Code is amended—

(A) by striking "and" at the end of subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C), and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) on the basis of the number of qualifying children (as defined in section 32(c)(3)) of the employee for such period, and".

(5) Paragraph (2) of section 3507(c) of such Code is amended—

(A) by striking "paragraph (1)(B)" and inserting "paragraph (1)(C)", and

(B) by striking "14 percent" in subparagraphs (B)(i) and (C)(i) and inserting "the sum of 14 percent and the applicable percentage".

(6) Section 3507 of such Code is amended by adding at the end thereof the following new subsection:

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

SEC. 212. DEPENDENT CARE CREDIT MADE REFUNDABLE.

(a) CREDIT MADE REFUNDABLE.—Section 21 of the Internal Revenue Code of 1986 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) CREDIT REFUNDABLE FOR LOW AND MODERATE INCOME TAXPAYERS.—

"(1) IN GENERAL.—For purposes of this subtitle and section 6401, in the case of an applicable taxpayer, the credit allowable under subsection (a) for any taxable year shall be treated as a credit allowable under subpart C of this part.

"(2) APPLICABLE TAXPAYER.—For purposes of this subsection, the term 'applicable taxpayer' means a taxpayer whose adjusted gross income for the taxable year does not exceed $28,000.

"(3) COORDINATION WITH ADVANCE PAYMENTS AND MINIMUM TAX.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply with respect to the portion of any credit to which this subsection applies."

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF DEPENDENT CARE CREDIT.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom a dependent care eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's dependent care advance amount.

"(b) DEPENDENT CARE ELIGIBILITY CERTIFICATE.—For purposes of this title, a dependent care eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 21 for the taxable year,

"(2) certifies that the employee reasonably expects to be an applicable taxpayer (within the meaning of section 21(f)(2)) for the taxable year,

"(3) certifies that the employee does not have a dependent care eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(4) states whether or not the employee's spouse has a dependent care eligibility certificate in effect,

"(5) states the number of qualifying individuals (as defined in section 21(b)(i)) in the household maintained by the employee, and

"(6) estimates the amount of employment-related expenses (as defined in section 21(b)(2)) for the calendar year.

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnishes the statement in question.

"(c) DEPENDENT CARE ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'dependent care advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the number of qualifying individuals (as defined in section 21(b)(1)) in the household maintained by the employee,

"(C) on the basis of the employee's estimated employment-related expenses included in the dependent care eligibility certificate, and

"(D) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(D) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply."

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of dependent care credit."

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1989.

(2) ADVANCE PAYMENT OF CREDIT.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1991.

(3) ONLY PORTION OF CREDIT REFUNDABLE IN 1990.—In the case of any taxpayer to whom section 21(f) of the Internal Revenue Code of 1986 (as added by subsection (a)) applies for any taxable year beginning in 1990—

(A) one-third of the amount of the credit allowable under section 21(a) of such Code for such taxable year shall be treated as a credit allowable under subpart C of part IV

of subchapter A of chapter 1 of such Code, and

(B) the remaining two-thirds of the amount of such credit shall be treated as a credit allowable under section 21 of such Code.

SEC. 213. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) INCREASE IN CREDIT FOR EXPENSES RELATING TO DEPENDENT CARE.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000.

"(B) HIGHER PERCENTAGES FOR LOW-INCOME TAXPAYERS.—The term 'applicable percentage' means in the case of any taxpayer with an adjusted gross income for the taxable year of—

"(i) $8,000 or less, 34 percent, and

"(ii) more than $8,000 but less than $10,000, 32 percent."

(b) CERTAIN SUBSIDIZED EXPENSES NOT ELIGIBLE FOR CREDIT.—Section 21(e) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(10) SUBSIDIZED EXPENSES.—No expense shall be treated as an employment-related expense to the extent such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof."

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 214. STUDY OF ADVANCE PAYMENTS.

(a) IN GENERAL.—The Comptroller General of the United States shall, in consultation with the Secretary of the Treasury, conduct a study of advance payments required by section 3507A of the Internal Revenue Code of 1986 (as added by section 212(b)(1)) to determine—

(1) the effectiveness of the advance payment system, and

(2) the manner in which such system can be implemented to alleviate administrative complexity, if any, for small business.

(c) REPORT.—Not later than 1 year after the date of the enactment of this title, the Comptroller shall report the results of the study conducted under subsection (a), together with any recommendations, to the Committee on Finance of the United States Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 215. PROGRAM TO INCREASE PUBLIC AWARENESS.

Not later than the first day of the first calendar year following the date of the enactment of this title, the Secretary of the Treasury and the Secretary of Labor, or the Secretarys' delegates shall establish a taxpayer awareness program to inform the taxpaying public of the availability of the credit for dependent care allowed under section 21 of the Internal Revenue Code of 1986 (as amended by this subtitle). Such public awareness program shall be designed to assure that individuals who may be eligible are informed of the availability of such credit and filing procedures. The Secretary shall use public service and paid commercial advertising, direct-mail contact, and any other appropriate means of communication to carry out the provisions of this section.

DOMENICI (AND OTHERS) AMENDMENT NO. 224

Mr. DOMENICI (for himself, Mr. PACKWOOD, Mr. HELMS, and Mr. GRASSLEY) proposed an amendment to the bill S. 5, supra, as follows:

On page 48, between lines 3 and 4, insert the following new paragraph:

(3) PROVIDE PARENTS WITH CHOICE.—Subject to the limitation described in paragraph (2), each State that receives assistance under this Act shall provide each parent of an eligible child who receives, or whose eligible child is cared for by a child care provider that receives, assistance under this Act with the option of—

(A) enrolling such child with an eligible child care provider that receives assistance through grants or contracts as provided under subparagraphs (A) of (B) of paragraph (1); or

(B) receiving a child care certificate as provided in paragraph (1)(C).

HELMS (AND OTHERS) AMENDMENT NO. 225

Mr. HELMS (for himself, Mr. DOMENICI, and Mr. GRASSLEY) proposed an amendment to the bill S. 5, supra, as follows:

On page 88, after line 24, insert the following new subsection:

"(c) SEVERABILITY.—If any provision of this section or the application thereof to any individual or circumstance is held invalid, the invalidity shall cause the entirety of this Title to be invalid."

On page 97, delete section 126.

HEINZ AMENDMENT NO. 226

Mr. HEINZ proposed an amendment to the bill S. 5, supra, as follows:

Beginning on page 97, line 5, strike all through page 108, line 3, and insert the following:

TITLE II—INTERNAL REVENUE CODE PROVISIONS

This title shall be effective after December 30, 1990.

Subtitle A—Dependent Care Credit

SEC. 211. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) INCREASE IN CREDIT.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 (defining applicable percentage) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 45 percent reduced (but not below 20 percent) by 3 percentage points for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $12,500."

(b) NO CREDIT FOR EXPENSES SUBSIDIZED BY GOVERNMENT.—Section 21(b)(2) of the Internal Revenue Code of 1986 (defining employment-related expenses) is amended by adding at the end thereof the following new subparagraph:

"(E) EXCEPTION FOR SUBSIDIZED EXPENSES.—Employment-related expenses described in subparagraph (A) shall not be taken into account if such expenses are paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal government, a State or local government, or any agency or instrumentality thereof.".

(c) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1990.

(2) The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1989.

SEC. 212. DEPENDENT CARE CREDIT MADE REFUNDABLE.

(a) CREDIT MADE REFUNDABLE.—Section 21 of the Internal Revenue Code of 1986 (relating to credit for household and dependent care services) is amended by redesignating subsections (f) and (g) as subsections (g) and (h) and by inserting after subsection (e) the following new subsection:

"(f) CREDIT REFUNDABLE FOR LOW AND MODERATE INCOME TAXPAYERS.—

"(1) IN GENERAL.—For purposes of this subtitle, in the case of an applicable taxpayer—

"(A) the credit allowable under subsection (a) for any taxable year shall be treated as a credit allowable under subpart C of this part, and

"(2) APPLICABLE TAXPAYER.—For purposes of this subsection, the term 'applicable taxpayer' means a taxpayer whose adjusted gross income for the taxable year does not exceed $28,500.

"(3) COORDINATION WITH ADVANCE PAYMENTS AND MINIMUM TAX.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply with respect to the portion of any credit to which this subsection applies."

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF DEPENDENT CARE CREDIT.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom a dependent care eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's dependent care advance amount.

"(b) DEPENDENT CARE ELIGIBILITY CERTIFICATE.—For purposes of this title, a dependent care eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 21 for the taxable year,

"(2) certifies that the employee reasonably expects to be an applicable taxpayer (within the meaning of section 21(f)) for the taxable year,

"(3) certifies that the employee does not have a dependent care eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(4) states whether or not the employee's spouse has a dependent care eligibility certificate in effect.

"(5) states the number of qualifying individuals in the household maintained by the employee, and

"(6) estimates the amount of employment-related expenses for the calendar year.

"(c) DEPENDENT CARE ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'dependent care advance

amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the employee's estimated employment-related expenses included in the dependent care eligibility certificate,

"(C) on the basis of the percentage of the credit which is refundable under section 21(f), and

"(D) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(C) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsection (d) and (e) of section 3507 shall apply."

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of dependent care credit."

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1990.

(2) ADVANCE PAYMENT OF CREDIT.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1991.

On page 109, line 2, strike "and health insurance premiums".

WILSON (AND BURNS) AMENDMENT NO. 227

Mr. WILSON (for himself and Mr. BURNS) proposed an amendment to the bill S. 5, supra, as follows:

On page 47, line 9, strike out "or".

On page 47, line 14, strike out the period and insert in lieu thereof "; or".

On page 47, between lines 14 and 15, insert the following new subparagraph:

"(D) through the use of tax credits provided by the State to low income working families with children, including two parent families in which one parent cares for the children of such family at home.".

On page 72, between lines 15 and 16, insert the following new paragraph:

(5) STATE TAX CREDITS.—In calculating the Federal share for purposes of making payments to a State that certifies to the Secretary that it will provide child care tax credits as described in section 108(a)(1)(D), the Secretary shall require the State to provide 20 percent matching funds for any amounts that are to be used by the State for such tax credits.

Notwithstanding the adoption of amendment No. 224 a new category D shall be deemed added to that amendment as contained in page 1 line 6 through page 2 line 2.

MITCHELL (AND OTHERS) AMENDMENT NO. 228

Mr. MITCHELL (for himself and Mr. BOSCHWITZ) proposed an amendment to the bill S. 5, supra, as follows:

On page 130, strike lines 3 through 9, and insert: "because the employee indicates that he is covered by a health plan providing core benefits maintained by another employer".

ARCTIC COASTAL PLAIN COMPETITIVE OIL AND GAS LEASING ACT

JOHNSTON (AND BREAUX) AMENDMENT NO. 229

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. JOHNSTON (for himself and Mr. BREAUX) submitted an amendment intended to be proposed by them to the bill (S. 406) to authorize competitive oil and gas leasing and development on the Coastal Plain of the Arctic National Wildlife Refuge in a manner consistent with protection of the environment, and for other purposes, as follows:

Amend S. 406, the "Arctic Coastal Plain Competitive Oil and Gas Leasing Act", by striking all after the enacting clause and substituting therefor the following new language:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf of Mexico Oil Spill Prevention and Response Act".

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(a) "Gulf of Mexico and lower Mississippi River" means (1) all waters seaward from the coastline east of 98 degrees west longitude and west of 80 degrees 30 minutes west longitude, extending to the seaward boundary of the exclusive economic zone as established under Presidential Proclamation Numbered 5030, dated March 10, 1983 (2) that portion of the Mississippi River running adjacent to or within the boundaries of the State of Louisiana including its navigable tributaries located adjacent to or within the State of Louisiana and (3) the Gulf Intracoastal Waterway: *Provided,* That the Secretary is directed to publish within one month of the date of enactment of this Act regulations defining the precise boundaries of the area covered by this Act;

(b) "oil" means petroleum, including crude oil or any fraction or residue therefrom;

(c) "public vessel" means a vessel which—

(i) is owned or chartered by demise, and operated by (A) the United States, (B) a State or political subdivision thereof, or (C) a foreign government; and

(ii) is not engaged in commercial service;

(d) "Secretary" means the Secretary of the Department in which the Coast Guard is operating;

(e) "spill" means any emission (other than natural seepage), intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(f) "tanker" means a vessel constructed or adapted primarily for the carriage of oil in bulk or in commercial quantities as cargo; and

(g) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

TITLE I—AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT

SEC. 101. OFFSHORE OIL POLLUTION COMPENSATION FUND.

(a) INCREASE IN FUND AND ESTABLISHMENT OF ACCOUNTS.—Section 302(a) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1812(a)) is amended by deleting the subsection in its entirety and inserting in lieu thereof the following:

"(a)(1) There is hereby established in the Treasury of the United States an Offshore Oil Pollution Compensation Fund (the "Fund"). The Fund shall contain an Oil Pollution Account and a Wetlands Protecton, Restoration and Enhancement Account (the "Wetlands Account"). Except as otherwise provided in this subsection, moneys collected pursuant to subsection (d) of this section as a result of the fee imposed on oil obtained from the Outer Continental Shelf shall be deposited into the Oil Pollution Account. Moneys collected pursuant to subsection (d) of this section as a result of the fee imposed on gas obtained from the Outer Continental Shelf shall be deposited into the Wetlands Account.

"(2) The Secretary of the Treasury shall continuously monitor the amount of moneys deposited into the Fund. When the Oil Pollution Account reaches $500,000,000, all additional moneys collected pursuant to subsection (d) of this section as a result of the fee imposed on oil obtained from the Outer Continental Shelf shall be deposited into the Wetlands Account.

"(3) Notwithstanding the previous paragraph, if at any time the Oil Pollution Account falls below $500,000,000, all moneys collected pursuant to subsection (d) as a result of the fee imposed on oil produced from the Outer Continental Shelf shall be deposited into the Oil Pollution Account until such account reaches $500,000,000.

"(4) The Oil Pollution Account shall be maintained at a level of not less than $500,000,000, and not more than $550,000,000 except that such amount shall be increased to the extent necessary to permit any moneys recovered or collected which are referred to in subsection (b)(2) of this section to be paid into the Fund.

"(5) The Oil Pollution Account within the Fund shall be administered by the Secretary and the Secretary of the Treasury as specified in this Act. The Wetlands Account within the Fund shall by administered by the Secretary of the Interior and the Secretary of the Treasury as specified in this Act.".

"(6) The Oil Pollution Account within the Fund may sue and be sued in its own name.".

(b) WETLANDS ACCOUNT.—Section 302 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1812) is amended by adding a new subsection (d) as follows and redesignating the remaining subsections (d) through (f) as subsections (e) through (g):

"(d)(1) Funds deposited in the Wetlands Account shall remain available until expended and may be used solely in accordance with the provisions of this section.

"(2)(A) As soon as practicable after the date of enactment of the Gulf of Mexico Oil Spill Prevention and Response Act, the Secretary of the Interior, in conjunction and consultation with the Secretary of the Army acting through the Chief of the Corps of Engineers, the Secretary of Commerce, the Secretary of Agriculture, and the Ad-

ministrator of the Environmental Protection Agency shall initiate a process to identify and prepare a list of high priority projects to preserve, protect, enhance, restore, or create coastal wetlands in the United States.

"(B) To assist in the preparation of the list, the Secretary of the Treasury shall make funds available from the Wetlands Account to the Secretary of the Interior to prepare preliminary assessments; general or site specific inventories; reconnaissance, engineering, or other studies; preliminary design work; and such other studies as may be necessary to identify such projects.

"(C) Such funds as are necessary for these purposes, but not to exceed $10 million annually, shall be allocated by the Secretary of the Interior to the federal agencies identified in paragraph (2)(A) (including the Department of the Interior) based on the need for such funds and such other factors as the Secretary of the Interior, in consultation with the other agencies, deems appropriate to carry out the purposes of this subsection.

"(3)(A) As soon as practicable after funds are made available pursuant to paragraph (2), the Secretary of the Interior shall compile and transmit the list of priority projects to the Congress. Thereafter, the list shall be transmitted to the Congress annually as part of the President's budget submission. Such transmittal shall also include a statement from the Secretary of the Treasury indicating the amount available for expenditure from the Wetlands Account.

"(B) The list shall include, but not be limited to, the following:

(i) identification, by map or other means, of the coastal wetland area to be covered by the project; and

(ii) a detailed description of the proposed project including a justification for including such project on the list, the proposed activities to be carried out pursuant to the project, the benefits to be realized by such project, the identification of a lead agency to undertake the proposed project, an estimated timetable for the completion of project, and the estimated cost of the project.

"(C) Where such a determination if required under applicable law, benefits of projects on the list are deemed to be at least equal to the costs associated with such projects.

"(D) In preparing the list, special consideration shall be given to the inclusion of projects affecting coastal wetland areas having particularly high value as fish and wildlife habitat, for purposes of flood or pollution control and which are, or are likely to be, subject to erosion, conversion or other degradation.

"(4) Except as provided in paragraph (2), funds from the Wetlands Account shall be allocated in accordance with the list submitted pursuant to this section unless such list is modified by law: *Provided*, That funds in the Wetlands Account shall be available for projects within a state in proportion to the amount of production of oil and gas on the Outer Continental Shelf seaward from the submerged lands of such state.

"(5) Unless the list is modified by law, the Secretary of the Treasury is authorized and directed, beginning one year after the list is transmitted pursuant to paragraph (3)(A), to make funds from the Wetlands Account directly available to the head of the appropriate agency for the purpose of carrying out projects as identified on the list and in accordance with paragraph (4). If the list is modified by law, the Secretary shall take action in accordance with such modifications.

"(6) As used in this subsection, the term "project" means a complete project or, where applicable, individual phases, portions, or components thereof.".

(c) FEES.—Section 302(d)(1) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1812(d)(1)) is amended by striking "not to exceed 3 cents" and inserting "10 cents" and adding at the end of the thereof:

"The Secretary of the Interior shall levy and the Secretary of the Treasury shall collect a fee of 2 cents per thousand cubic feet of gas obtained from the Outer Continental Shelf, which shall be imposed on the owner of the gas when the gas is produced.".

(d) CONFORMING AMENDMENTS.—

(1) Section 302(c) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1812(c)) is amended by striking the word "Fund" in the first and second sentences and inserting in lieu thereof "Oil Pollution Account of the Fund" in each sentence and by striking paragraph (3) and inserting in lieu thereof:

"(3) subject to such amounts as are provided in appropriation Acts, all administrative and personnel costs of the Federal Government incident to the administration of the Oil Pollution Account of the Fund, including, but not limited to, the claims settlement activities and adjudicatory and judicial proceedings, whether or not such costs are recoverable under section 308 of this Act.".

(2) Section 302(d)(2) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1812(d)(2)) is amended by deleting paragraph (2) in its entirety and inserting in lieu thereof the following:

"(2) The Secretary of the Treasury, after consulting with the Secretary and the Secretary of the Interior, shall promulgate reasonable regulations relating to the collection of the fees authorized by paragraph (1) of this subsection. No regulation that sets fees, whether or not in effect, may be stayed by any court pending completion of judicial review of such regulation.".

(3) Section 302(e)(1) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1812(e)(1)) is amended by deleting "Fund" and inserting in lieu thereof "each account within the Fund".

(4) Section 302(e)(2) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1812 (e) (2)) is amended by deleting "the Fund" in the first sentence and inserting in lieu thereof "each account within the Fund" and by deleting the last sentence of the paragraph and inserting in lieu thereof the following:

"The interest on, and the proceeds from the sale of, any obligations held in the Fund shall be deposited in and credited to the appropriate account within the Fund.".

(5) Section 302(f) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1812(f)) is amended by deleting "Fund" at each place where it appears in the subsection and inserting in lieu thereof "Oil Pollution Account of the Fund".

(6) Section 304(f)(1) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1814 (f) (1)) is amended by deleting "Fund" and inserting in lieu thereof "Oil Pollution Account of the Fund".

(7) Section 306(c) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 18169(c)) is amended by deleting "Fund" and inserting in lieu thereof "Oil Pollution Account of the Fund".

(8) Sections 307, 308 and 312 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1817, 1818 and 1822) are amended by deleting "Fund" each place where it appears in those sections and inserting in lieu thereof "Oil Pollution Account of the Fund".

(9) Section 309(b) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1819(b) is amended by inserting "and the Oil Pollution Account within the Fund" after "Fund".

SEC. 102. OIL SPILL RESEARCH AND DEVELOPMENT CENTER.—Section 302 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1812) is amended by adding the following new subsection:

"(g)(1) The Secretary of the Department in which the Coast Guard is operating shall establish a Research and Development Center (hereinafter referred to as the 'Center') to be administered by the Commandant of the Coast Guard.

"(2) The Center shall conduct and support, through contracts and grants, research, development, testing, and training in the best available techniques, equipment, and materials to prevent, contain, remove, recover, and clean up oil spills by vessels transporting oil affecting the navigable waters of the United States and those waters extending seaward from the coastline of the United States to the seaward boundary of the exclusive economic zone as established under Presidential Proclamation Numbered 5030, dated March 10, 1983.

"(3) In administering the Center, the Secretary of the Department in which the Coast Guard is operating shall consult regularly with representatives of the Departments of Commerce, the Interior, the Environmental Protection Agency, the Navy, foreign governments, international organizations, and knowledgeable academic, industry, and other persons in order to identify and pursue development of the best available techniques, equipment, and materials.

"(4) There are authorized to be appropriated to the Secretary of the Department in which the Coast Guard is operating, for purposes of carrying out the provisions of this section, $10,000,000 in each of the fiscal years ending September 30, 1990 through September 30, 1995.".

SEC. 103. OIL SPILL CONTINGENCY PLANS.—Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end thereof a new subsection (j) as follows:

"(j) The holder of any oil or gas lease issued or maintained under this Act shall submit an oil spill contingency plan for approval by the Secretary prior to engaging in any exploration, development or production activities on such lease.".

SEC. 104. INSPECTION OF OIL SPILL PREVENTION AND CONTAINMENT EQUIPMENT FOR THE OUTER CONTINENTAL SHELF.—Section 22(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1348(c)) is amended by deleting the word "and" at the end of paragraph (1), replacing the period at the end of paragraph (2) with "; and" and adding a new paragraph (3) as follows:

"(3) an onsite inspection no less than two times each year without advanced notice to the operator of such facility of all equipment to prevent, ameliorate, or contain oil spillages, including equipment maintained by contractors.".

SEC. 105. DRILLS AND REQUIRED EQUIPMENT.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended by redesignating subsections (d) through (g)

as subsections (e) through (h) and inserting a new subsection (d) as follows:

"(d) The Secretary and the Secretary of the Department in which the Coast Guard is operating shall individually, or jointly if they so agree, promulgate regulations—

"(1) to provide for drills for familiarization with pollution control equipment and operational procedures when the equipment is placed initially and at least once every six months by the lessee or a contractor serving the lessee, with such drills simulating conditions in the area of operations and including deployment and operation of equipment; and

"(2) to require that equipment which the Secretary and the Secretary of the Department in which the Coast Guard is operating deem to be essential to carry out the oil spill contingency plan and to ensure the prompt containment of spilled oil be maintained at the site of operations.".

TITLE II.—OIL SPILL CONTINGENCY PLANNING

SEC. 201. APPLICABILITY.—This title applies to owners or operators of vessels transporting oil in the Gulf of Mexico or the lower Mississippi River and owners or operators of oil-producing, refining, or transportation facilities that, due to their location, reasonably could be expected to spill oil into or upon the Gulf of Mexico or the lower Mississippi River or adjoining shorelines.

SEC. 202. OIL SPILL CONTINGENCY PLANS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue a final rule requiring persons subject to this section to prepare and submit to the Secretary for approval an oil spill contingency plan for the prevention, containment, and cleanup of oil spills from vessels or facilities described in section 201. At a minimum, such plans must include—

(a) a clear and precise, detailed description of how the individual plan relates to and is integrated into the overall National Contingency Plan;

(b) an analysis of the "maximum probable spill" from the facility or vessel determined in accordance with the guidelines established under section 205 of this Act;

(c) procedures for early detection and timely notification regarding oil spills;

(d) a description of procedures to be used to minimize the damage from a spill and to make immediate repairs if possible;

(e) a description of countermeasures, response and cleanup personnel and equipment and their locations, and the time required to deploy them at the spill site;

(f) procedures to assess the severity of the oil spill, to plan countermeasures, and to begin cleanup efforts; and

(g) provisions for disposal of recovered spill material. Such plans shall not be required for any facility or vessel covered by an oil spill contingency plan required by the Outer Continental Shelf Lands Act. With respect to vessels, such plans shall be required to the maximum extent consistent with international law.

SEC. 203. COOPERATIVE EFFORTS.—In complying with this section, an owner or operator of a vessel or facility may rely on his or her participation in a cooperative effort with other persons subject to this title to develop satisfactory contingency plans.

SEC. 204. APPROVAL OF PLANS.—

(a) In approving the contingency plans required by this title, the Secretary shall consider the adequacy of risk analysis in the determination of maximum probable spill, the estimated response time, and the adequacy of trained personnel and communications equipment, and equipment to prevent, ameliorate and contain oil spillages.

(b) No plan shall be approved unless the Secretary determines that the equipment listed in the plan is sufficient to respond to the maximum probable spill from the vessel or facility in question.

SEC. 205. GUIDELINES FOR MAXIMUM PROBABLE SPILL.—The Secretary shall publish guidelines for the determination of maximum probable spill from a vessel or facility, taking into account the amount of oil being transported, stored, or transferred, weather and other natural conditions, technological capability, and the risk of a spill.

SEC. 206. PUBLIC AWARENESS AND PRACTICE DRILLS.

(a) The Secretary shall annually publish an up-to-date list of the contingency plans prepared for oil spills in the Gulf of Mexico and the lower Mississippi River and an inventory of equipment available for responding to such spills.

(b) The Secretary shall annually conduct practice drills of the contingency plans prepared for oil spills in the Gulf of Mexico and the lower Mississippi River pursuant to this title. The Secretary shall publish a report on such drills including an assessment of actual response time, available equipment as compared to equipment listed in the contingency plans, and requirements, if necessary, for changes in the plans.

SEC. 207. PREPARATION OF REPORT ON ADEQUACY OF OIL SPILL CONTINGENCY PLANS.

(a) Within 180 days of the date of enactment of this Act, the Secretary of Transportation, the Secretary of the Interior and the Administrator of the Environmental Protection Agency shall submit to the Congress a report which shall include their recommendations, based upon an in-depth review of all Federal, State, local and industry contingency or oil spill emergency response plans, for dealing with oil spills in connection with the exploration, development and transportation of oil in the Gulf of Mexico and lower Mississippi River. The review shall include, but not be limited to, all plans dealing with such oil spills required by the Outer Continental Shelf Lands Act (43 U.S.C. 1331, *et seq.*), the Federal Water Pollution Control Act (33 U.S.C. 1251, *et seq.*), and the Deepwater Port Act of 1974 (33 U.S.C. 1501, *et seq.*).

(b) The review and report on contingency plan adequacy shall address, but not be limited to, the following subjects:

(1) The adequacy of the contingency or oils spill emergency response plan for dealing with potential oil spills;

(2) The adequacy and operational capacity of oil spill containment equipment, including, but not limited to, containment booms, oil skimming vessels, barge facilities, work vessels, oil spill dispersants and equipment for their application;

(3) The adequacy training, preparedness and fitness of all personnel assigned to direct and implement the contingency or oil spill emergency response plan;

(4) The adequacy of plans, personnel and pre-positioned equipment for protecting wetlands, critical habitat, environmentally sensitive areas, and fisheries;

(5) The adequacy of on-site availability of chemical dispersants and dispersing systems; and

(6) The adequacy of arrangements for enlisting the use of non-oil industry personnel and calling upon backup assistance from sources such as the national guard or the military.

TITLE III.—VESSEL DESIGN AND SPILL PREVENTION

SEC. 301. REPORT AND RECOMMENDATIONS ON SPILLS AND VESSEL DESIGN.—Within 90 days of the date of enactment of this Act, the Secretary shall submit to the Congress a report which addresses and makes recommendations on the following transportation issues related to the movement of oil through the Gulf of Mexico and the lower Mississippi River:

(a) a review of all recent oil spills in the Gulf of Mexico and the lower Mississippi River involving vessels, and whether any of these spills could have been prevented by requiring double hulls or double bottoms on such vessels, or requiring additional safety lines between towing vessels;

(b) the need or desirability, from a safety point of view, for a requirement that existing vessels engaged in the transport of oil be retrofitted and that new vessels engaged in the transport of oil be constructed to incorporate:

(1) Double bottoms or interior liners to reduce oil spill risks;

(2) An increased number of separated compartments;

(3) Bow thrusters to increase vessel maneuverability; and

(4) Any other design, equipment or operational feature which will achieve the purposes of this section and this Act to reduce the risk of oil discharges from tanker or other vessel accidents, groundings or collisions.

(c) The need or desirability, from a safety point of view, for more frequent and more rigorous Coast Guard safety and structural inspections of all vessels engaged in the transportation of oil in the Gulf of Mexico and lower Mississippi River, including both in-water inspections and dry dock inspections, with special attention directed to older vessels and to vessels over 700 feet in length.

SEC. 302. REGULATIONS ON VESSEL CREW REQUIREMENTS AND TRAINING.—Effective within 90 days of the date of enactment of this Act, the Secretary shall issue regulations which:

(a) Provide that the conditions for a Masters license for any person required to have such license who is engaged in the operation of a vessel transporting oil in the Gulf of Mexico or the lower Mississippi River shall require that the license be renewed every two years and the license holder shall submit a copy of the required physical examination by a licensed physician to the appropriate Federal agency;

(b) Provide that all required certificates of inspection for vessels engaged in the movement and transport of oil in the Gulf of Mexico or the lower Mississippi River direct and require that all watches on board ship be redundantly manned to insure back-up personnel and second opinions on radar monitoring and critical navigation decisions; and

(c) Provide to the maximum extent practicable more stringent recruiting, personnel, and job training standards for all personnel and crew operating or crewing vessels engaged in the movement or transport of oil in the Gulf of Mexico or the lower Mississippi River for the purpose of enhancing safety and reducing future risks of oil spill to the lowest level humanly possible.

SEC. 303. EQUIPMENT STANDARDS.—Not later than one year after the date of enactment of this Act, the Secretary shall issue a final rule listing the equipment that must

be carried by vessels transporting oil in the Gulf of Mexico or the lower Mississippi River to carry out the oil spill contingency plans required by section 202 of this Act.

SEC. 304. INSPECTION AND MAINTENANCE.—The Secretary shall implement regulations providing for inspection of vessels transporting oil in the Gulf of Mexico or the lower Mississippi River to ensure that each vessel is in compliance with the oil spill contingency plan required by section 202 of this Act, and to ensure that the equipment required by section 303 of this Act is on board and in good working order.

TITLE IV.—NO IMPACT ON STATE LAW OR ON LIABILITY UNDER OTHER LAW

SEC. 401. STATE LAWS AND PROGRAMS.—Nothing in this Act shall be construed or interpreted as preempting any State from imposing any liability or other requirements with respect to oil spills or to the discharge of oil within such State.

SEC. 402. LIABILITY FOR OIL SPILLS OR DISCHARGES OF OIL NOT AFFECTED BY THIS ACT.

(a) Nothing in this Act shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to oil spills or the discharges of oil.

(b) Nothing in this Act shall absolve any person of any obligations or liabilities, or reduce the obligations or liabilities of any person, under existing Federal or State law, including common law, with respect to oil spills or discharges of oil occurring prior to the date of enactment of this Act.

TITLE V.—PENALTIES

SEC. 501. (a) CIVIL PENALTIES.—A person violating any provision of titles II and III of this Act or a regulation issued under such titles is liable to the United States for a civil penalty of not more than $25,000. Each day of a continuing violation is a separate violation.

(b) VESSELS.—Each vessel to which titles II and III apply that is operated in violation of such titles or a regulation issued under such titles is liable in rem for a civil penalty as prescribed in subsection (a) of this section.

(c) CRIMINAL PENALTIES.—A person willfully and knowingly violating any provision of titles II and III of this Act or a regulation issued under such titles shall be fined not more than $100,000, imprisoned for not more than five years, or both.

(d) JURISDICTION.—The district courts of the United States have jurisdiction to restrain a violation of any provision of titles II and III of this Act or a regulation issued under such titles.

TITLE VI—COOPERATIVE DEVELOPMENT OF COMMON HYDROCARBON-BEARING AREAS

SEC. 601. COOPERATIVE DEVELOPMENT OF COMMON HYDROCARBON-BEARING AREAS.—Section 5 of the Outer Continental Shelf Lands Act, as amended (42 U.S.C. 1334), is amended by adding a new subsection (j) as follows:

"(j) COOPERATIVE DEVELOPMENT OF COMMON HYDROCARBON-BEARING AREAS.—

"(1) FINDINGS.—

"(A) The Congress of the United States finds that the unrestrained competitive production of hydrocarbons from a common hydrocarbon-bearing geological area underlying the Federal and State boundary may result in a number of harmful national effects, including:

"(I) the drilling of unnecessary wells, the installation of unnecessary facilities and other imprudent operating practices that result in economic waste, environmental damage and damage to life and property;

"(II) the physical waste of hydrocarbons and an unnecessary reduction in the amounts of hydrocarbons that can be produced from certain hydrocarbon-bearing areas; and

"(III) the loss of correlative rights which can result in the reduced value of national hydrocarbon resources and disorders in the leasing of Federal and State resources.

"(2) The Secretary shall prevent the harmful effects of unrestrained competitive production of hydrocarbons from a common hydrocarbon-bearing area underlying the Federal and State boundary by protecting against drainage through the cooperative development of such area.

"(3) Whenever it shall appear that Federal oil and gas resources on the Outer Continental Shelf are being drained, or are about to be drained, by a State or any lessee, permittee or agent of a State, the Attorney General may institute a civil action in the district court of the United States for the judicial district in which the lease or land involved is located, for a temporary restraining order, injunction, or other appropriate remedy, in order to prevent the drainage of Federal oil and gas resources. Such relief shall be granted if it appears that Federal oil and gas resources on the Outer Continental Shelf are being drained or are about to be drained and the Secretary and the Governor do not agree as to the method of cooperative development of the common hydrocarbon-bearing area, including the fair and equitable apportionment of the oil and gas resources involved. Such temporary restraining order, injunction, or other appropriate remedy shall remain in full force and effect until such time as the Secretary and the Governor of the State reach agreement on such method of cooperative development and apportionment of resources or until the court enters a final judgment on the merits of the matter.

"(4) Whenever it shall appear that State oil and gas resources on the Outer Continental Shelf are being drained, or are about to be drained, by the United States or any lessee, permittee, or agent of the United States, the State may institute a civil action in the district court of the United States for the judicial district in which the lease or land involved is located, for a temporary restraining order, injunction, or other appropriate remedy, in order to prevent the drainage of State oil and gas resources. Such relief shall be granted if it appears that State oil and gas resources on the Outer Continental Shelf are being drained or are about to be drained and the Secretary and the Governor do not agree as to the method of cooperative development of the common hydrocarbon-bearing area, including the fair and equitable apportionment of the oil and gas resources involved. Such temporary restraining order, injunction, or other appropriate remedy shall remain in full force and effect until such time as the Secretary and the Governor of the State reach agreement on such method of cooperative development and apportionment of resources or until the court enters a final judgment on the merits of the matter.

KASTEN (AND OTHERS) AMENDMENT NO. 230

Mr. KASTEN (for himself, Mr. PRYOR, Mr. DASCHLE, Mr. BUMPERS, Mr. BOREN, Mr. RIEGLE, Mr. DOLE, Mr. PRESSLER, and Mr. BURNS) proposed an amendment to the bill S. 5, supra, as follows:

On page 126, strike lines 18 through 21, and insert:

"(2) HIGHLY COMPENSATED EMPLOYEE.—

"(A) IN GENERAL.—The term 'highly compensated employee' has the meaning given such term by section 414(q); except that paragraph (5)(B) of such section shall not apply.

"(B) SPECIAL RULE FOR CERTAIN 5-PERCENT OWNERS.—Notwithstanding subparagraph (A), no amount shall be included under subsection (a) in the gross income of a highly compensated employee for any taxable year if such employee is treated as a highly compensated employee by reason of paragraph (1)(A) of section 414(q) and such employee has adjusted gross income for such taxable year of less than $30,000. In the case of years beginning after 1990, the $30,000 amount under the preceding sentence shall be adjusted at the same time and in the same manner as the $75,000 and $50,000 amounts are adjusted under section 414(q)(1).

On page 134, beginning with line 22, strike all through page 135, line 9, and insert:

"(a) IMPOSITION OF TAX.—

"(1) GENERAL RULE.—There is hereby imposed a tax equal to the applicable percentage of the amounts paid or incurred during any taxable year under a specified employee benefit plan which at any time during the taxable year does not meet the requirements of subsection (c).

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'applicable percentage' means—

"(i) 10 percent with respect to amounts paid or incurred which are allocable to the 1st 6 months of the correction period,

"(ii) 20 percent with respect to amounts paid or incurred which are allocable to the 2nd 6 months of the correction period, and

"(iii) 34 percent with respect to any other amounts.

"(B) CORRECTION PERIOD.—The term 'correction period' means, with respect to any failure, the period—

"(i) beginning on the date any of the persons referred to in paragraph (3) knew, or exercising reasonable diligence knew, that such failure existed, and

"(ii) ending on the date such failure is corrected.

"(3) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by paragraph (1):

"(A) In the case of a plan other than a multiemployer plan, the employer.

"(B) In the case of multiemployer plan, the plan.

On page 135, line 16, strike "subsection (a)(2)" and insert "subsection (a)(3)".

On page 136, line 1, strike "subsection (a)(2)" and insert "subsection (a)(3)".

On page 148, between lines 2 and 3, insert:

(6) DELAY IN APPLICATION OF QUALIFICATION RULES.—Section 4980C of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to plan years beginning after the later of—

(A) December 31, 1989, or

(B) the earlier of—

(i) 3 months after the Secretary of the Treasury or his delegate issues regulations for the application of such section which taxpayers may rely upon, or

(ii) December 31, 1990.

Notwithstanding paragraph (5), in the case of a small employer (as defined in para-

graph (5)), section 4980C of such Code shall apply to years beginning after the date which is one year after the date determined under the preceding sentence.

(7) GUIDANCE.—Not later than January 1, 1990, the Secretary of the Treasury or his delegate shall issue such guidance as may be necessary to comply with the provisions of section 89 of the Internal Revenue Code of 1986 (as amended by subsection (a)).

KASTEN AMENDMENT NO. 231

Mr. KASTEN proposed an amendment to the bill S. 5, supra, as follows:

Insert in the appropriate place the following: "Nothing in this Act shall be construed to require, or to mandate the States to require, the training or licensing of individuals to provide child care to members of their families."

BIDEN (AND OTHERS) AMENDMENT NO. 232

Mr. BIDEN (for himself, Mr. HATCH, Mr. MITCHELL, Mr. GORTON, Mr. DOLE, Mr. HEFLIN, Mr. BUMPERS, Mr. DECONCINI, and Mr. BREAUX) proposed an amendment to the bill S. 5, supra, as follows:

At the appropriate place insert the following:

SEC. . That subsection (a) of section 700 of title 18, United States Code, is amended to read as follows:

"(a) Whoever knowingly and publicly mutilates, defaces, burns, displays on the floor or ground, or tramples upon any flag of the United States shall be fined not more than $1,000 or imprisoned for not more than one year, or both.".

DODD AMENDMENT NO. 233

Mr. DODD proposed an amendment to the bill S. 5, supra, as follows:

At the appropriate place, insert the following:

(2)(A) If, for any fiscal year for which funds are appropriated to carry out this Act, a State does not seek or receive assistance under this Act, then

(i) for purposes of sections 105, 106, 107, 109, 110, 117, 119, a reference applicable to such State (other than a reference to State law, including licensing and regulatory requirements) shall be deemed to be a reference to each unit of general purpose local government in the State;

(ii) the Secretary shall allot to such unit the pro rata share of such unit attributable to the amount that is allotted to the State under section 105(b); and

(iii) each such unit is eligible to receive assistance under this Act if such unit complies with the requirements of such sections, other than any of such requirements that is expressly waived by the Secretary because its application to such unit is inappropriate.

(B) For purposes of making the allotment required by subparagraph (A), the number of children in a geographical area that lies in the jurisdiction of more than 1 unit of general purpose local government shall be divided equally among all units of general purpose local government—

(i) in which such area lies; and

(ii) which submit an application under this section.

(C) In order to receive funds under subsection (A), a unit of general purpose local government shall submit to the chief executive officer of the state a copy of the plan otherwise required of the state under section 107, assuring the compliance of the unit of general purpose local government with the requirements of the plan, as appropriate, and shall submit a report to the state consistent with the terms and provisions of the report otherwise required of the title under section 111(g).

HATCH AMENDMENT NO. 234

Mr. HATCH proposed an amendment to the bill S. 5, supra, as follows:

In section , added by Amendment 199 strike all matter after subsection (b) and insert the following:

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to wages or income earned after the date of the enactment of this Act.

EXCHANGE OF CERTAIN LANDS

BURDICK AMENDMENT NO. 235

Mr. MITCHELL (for Mr. BURDICK) proposed an amendment to the bill (H.R. 2119) to authorize the exchange of certain Federal public land in Madison County, IL; as follows:

Strike section 1(a) and insert in lieu thereof the following:

"(a) EXCHANGE OF LAND.—Subject to section 2, at such time as the Blue Tee Corporation conveys all right, title, and interest in and to the land described in subsection (b)(1) to the United States of America, the Secretary of the Army (hereinafter "Secretary") shall convey all right, title, and interest in and to the land described in subsection (b)(2) to the Blue Tee Corporation."

At the end of Section 2 add the following new section:

"SEC. 3. VALUE OF PROPERTIES.

"If the appraised fair market value, as determined by the Secretary, of the land conveyed to the Blue Tee Corporation by the Secretary under section 1(a) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the United States by the Blue Tee Corporation under section 1(a), the Blue Tee Corporation shall pay the difference to the United States."

Delete all of Subsection Two (2) and insert in lieu thereof the following:

"(2) REMOVAL OF IMPROVEMENTS.—The Blue Tee Corporation may remove any improvements on the land described in section 1(b)(1). Furthermore, the Secretary, at his discretion, may require the Blue Tee Corporation to remove any improvements on the land described in section 1(b)(1). In either case, the Blue Tee Corporation shall hold the United States harmless from liability, and the United States shall not incur any cost associated with the removal or relocation of such improvements."

STRATEGIC PETROLEUM RESERVE AUTHORIZATION

JOHNSTON AMENDMENT NO. 236

Mr. MITCHELL (for Mr. JOHNSTON) proposed an amendment to the amendment of the House to the bill (S. 694) to amend the Energy Policy and Conservation Act to extend the authority for the strategic petroleum reserve, and for other purposes, as follows:

Strike out the matter proposed to be inserted by the House amendment to S. 694 and insert in lieu thereof the following:

SECTION 1. EXTENSION.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) in section 171, by striking out "June 30, 1989" each place it appears and inserting in lieu thereof "April 1, 1990"; and

(2) in section 104(b)(1), by striking out "June 30, 1989" and inserting in lieu thereof "April 1, 1990".

SEC. 2. STUDY AND REPORT ON OIL LEASING AND OTHER ARRANGEMENTS TO FILL SPR TO ONE BILLION BARRELS.

(a) IN GENERAL.—The Secretary of Energy shall carry out a study on potential financial arrangements (including long-term leasing of crude oil and storage facilities) that could be used to provide additional, alternative means of financing the filling of the Strategic Petroleum Reserve to 1,000,000,000 barrels. In carrying out such study, the Secretary shall—

(1) assume that the legislation that extends title I of the Energy Policy and Conservation Act beyond April 1, 1990, will require the Secretary to amend, by July 1, 1990, the Strategic Petroleum Reserve Plan to provide plans for completion of storage of 1,000,000,000 barrels of petroleum products in the Reserve at an average fill-rate of at least 75,000 barrels a day;

(2) consider a broad array of such arrangements;

(3) consult with persons in the private sector who might be interested in leasing crude oil or storage facilities;

(4) initiate, in cooperation with the Department of State, to the extent consistent with the interests of the United States discussions with representatives of foreign governments and other entities as to the types of financial arrangements (including crude oil leasing arrangements) that would interest them; and

(5) produce preliminary written solicitations for proposed alternative financial arrangements (including long-term leasing of crude oil and storage facilities) to assist in filling the Strategic Petroleum Reserve to 1,000,000,000 barrels.

(b) REPORTS.—(1) The Secretary shall, no later than October 15, 1989, transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives an interim report containing—

(A) an enumeration of the specific resources (both personnel and funding) committed to the study described in subsection (a);

(B) a description of the progress made toward completing the study; and

(C) any preliminary findings and conclusions made by such date.

(2) The Secretary shall, no later than February 1, 1990, transmit to such Committees a copy of the solicitations described in paragraph (5) of subsection (a) and a final report containing the findings and conclusions of the study carried out under this section, together with a draft of the legislative changes that would be necessary to authorize the most significant alternative financial arrangements studied by the Secretary (including long-term leasing of crude oil and storage facilities and recommendations of

the Secretary with respect to the need for and desirability of such financial arrangements (including long-term leasing of crude oil and storage facilities).

(c) ENFORCEMENT.—Notwithstanding any other provision of law, no portion of the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of pursuant to any contract or other agreement entered into or extended on or after February 1, 1990, other than to the Strategic Petroleum Reserve (either directly or by exchange) until the Secretary of Energy has transmitted the solicitations and the final report described in subsection (b)(2) (including the legislative changes and recommendations described in such subsection) to the Committees described in subsection (b)(1), except for the purposes provided in section 160(d)(2) of the Energy Policy and Conservation Act.

NOTICE OF A HEARING

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce for the benefit of the public that the hearing of the Select Committee on Indian Affairs scheduled for July 14, 1989, on amendments to the Indian Child Welfare Act and the hearing scheduled for July 21, 1989, to establish a Tribal Judicial Resource Center are postponed subject to the future call of the committee

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Friday, June 23, at 9:30 a.m., on the legislation: S. 253, National Nutrition Monitoring Act policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Friday, June 23, 1989, at 10 a.m. to conduct a hearing on basic health benefits.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 23, 1989, at 10 a.m. to consider an original bill, identical to section 2 of H.R. 2550, the Democracy in Eastern Europe Act of 1989, to extend eligibility for the generalized system of preferences to Poland.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on June 23, 1989, beginning at 2 p.m., in 485 Russell Senate Office Building, to meet on the administration of Indian programs by the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COLUMBUS, OHIO, DIVISION OF NURSING AND REHABILITATION CELEBRATES 67 YEARS OF SERVICE

● Mr. GLENN. Mr. President, a major issue concerning the Congress is the importance of good home health care for the citizens of our country. Recently the articles, "Birth, Death and Everything In Between," appeared in the March and April 1989 editions of Caring, the magazine of the National Association for Home Care. The articles congratulate the division of nursing and rehabilitation of the Columbus Department of Health for the excellent home health care they have provided the citizens of Columbus, OH, for the past 67 years.

The public health nurses provide essential home care for the young, elderly, poor, and now for patients suffering with AIDS, who would otherwise require prolonged hospitalization resulting in enormous medical bills. These nurses treat not only the patients but also educate the other family members in the area of health care.

In the past I have supported legislation to extend the services of home health agencies and to recognize the importance of these valuable programs and of the contributions of family caregivers. I ask that the articles from Caring be printed in the RECORD so my colleagues can share in my appreciation of the Columbus public health nurses.

The articles follow:

PUBLIC HEALTH NURSING IN COLUMBUS, OH, 1922-89: BIRTH, DEATH AND EVERYTHING IN BETWEEN

(By John Bendekovic and Karen Judson)

In September of 1989 the Division of Nursing and Rehabilitation of the Columbus Department of Health will celebrate 67 years of providing home care services to the citizens of Columbus.

Over the past 67 years the city's public health nurses were on the scene during the polio, measles, whooping cough, and scarlet fever epidemics of the 1920s, 30s, and 40s. They were there for Columbus residents each time the Bottoms flooded, through record-setting blizzards, through the social upheavals of the 1960s and 1970s. The nurses have continued to serve the city's citizens through the 1980s—a decade marked by the special problems created by changing moral values, by increases in the populations of elderly and homeless, and by rising medical costs.

The city of Columbus and the Columbus Department of Health have grown and changed over the 67 years from 1922 to 1989, but one fact remains unchanged—the commitment of the Health Department and the city's public health nurses to providing excellent health care for individuals of all socioeconomic levels and all age groups.

THE FIRST LINE OF DEFENSE

When the Instructive District Nursing Association (IDNA) of Columbus, Ohio celebrated 50 years of service in 1948, Cornelia Powell Spencer, the association's president, quoted "the medical profession" concerning public health nurses: "In the fight against all sickness that menaces community health, public health nurses are the first line of defense."

The first line of defense. Perhaps no other phrase better describes the premise of public health nursing. First out to help after floods, blizzards, tornadoes, and other natural disasters. First to enter homes where communicable disease is present. First in caring for those unable to care for themselves. First—and many times only—to help society's forgotten care for themselves.

"Employees on the front line make better decisions than any central staff," authors Thomas Peters and Robert Waterman observed in their landmark text, In Search of Excellence. Public health nurses, old hands at making decisions "on the front line," know this statement to be true.

Independent decisionmaking, judgment calls, and "a lot of accountability" are characteristic of public health nursing, emphasizes Betsy Houchen, public health nurse, director of the Division of Nursing and Rehabilitation, and assistant health commissioner for the city of Columbus. "Unlike hospital staff nurses, a public health nurse on her own in a patient's home can't call someone down the hall for help."

Public health nurses are "guests in the patient's home," and must deal with the day-to-day reality of that home, says Houchen. "They must be willing and able to work with people from all cultures and all socioeconomic levels—on their terms." They must be creative improvisors in homes without basic resources, such as running water, indoor sanitary facilities, or even adequate food and clothing.

"People in one of my assigned areas were very poor in the early 1940s. Many mothers washed their babies in iron skillets, and some families ate out of old rusty pie tins, because they had no dishes. One time I went into a home where I was ordered by the doctor to look at a woman's leg ulcer. Her leg was wrapped with a rag, and when I opened it, it was moving. I had never seen maggots before, but I knew instantly that these were maggots, hatched from eggs the flies had laid in her wound. I cleaned that wound and dressed it, then I excused myself, went outside, and was sick over the back porch."—Alma Schildknecht, retired public health nurse; St. Louis, 1940-1944, Columbus 1968-1984.

"Lois Booker and I once went to see two sisters who were in their 90s," remembers Sylvia Berg, public health nurse in Columbus from 1941 to 1968. "I hadn't been in public health very long, and the conditions in the home astounded me. There were at least a dozen cats in the house, and some were dead. There was feces on the floor, and I don't know when the two women had last eaten. One woman was blind and the other was unable to look after her. I was just overwhelmed. I didn't know where to start."

THE BEGINNING

In the poor areas of Columbus in 1898 diseases were rampant in the tenement and slum areas, spread by contaminated water, milk, and food. Shacks had no screens and flies crawled over hogs roaming the streets; garbage in the gutters also settled on babies. Appalled by these conditions, Mrs. Samuel Black, wife of the mayor of Columbus, joined with 18 of her friends to begin the Instructive District Nursing Association, a voluntary home health care agency.

Members of the newly formed association distributed "clean bedding, flowers, jelly, and good cheer . . . old shoes, clothing, comforts, and underwear." Each director raised at least $50, and donations from local merchants and the selling of one-dollar memberships finally enabled the association to hire its first nurse, Miss Louis Salter. By the end of 1898 a second nurse had been hired, and according to records kept for 1899, the two nurses cared for 634 patients the second year, visiting 6,353 homes.

THE EARLY 1890'S

There were 37 cases of tuberculosis in Columbus in 1900, and the IDNA annual report for that year included the following statement from head nurse, Margaret Lowrie: "None excite our sympathy more than the consumptive. Few people see them as we see them. How much there is for the district nurse to do!"

The extensive duties of the district nurse were detailed in the 1901 IDNA annual report: "Each nurse shall pledge herself to give two months' service . . . and when desiring to withdraw from the work shall give a month's notice."

The salary was $50 per month, and each nurse was as required to be on duty from 8 am to 6 pm, "with one hour intermission, daily except Sunday."

Other duties were to keep accurate records, take temperature and pulse at the beginning of each visit, bathe chronic patients at least twice each week, and warn consumptive cases to destroy sputa at once and use old rags or tissue paper instead of handkerchiefs and towels.

"Nurses will be held responsible for personal cleanliness of each patient under their charge and for care and cleanliness of the sick room," in addition to giving instructions to family members and other caregivers.

The nurse was instructed to wear her rubber coat and an old hat or bonnet that could be thrown away when transporting infectious patients to the hospital. Patients were wrapped in a clean sheet, with another sheet placed over the carriage seat, and carriage keepers were asked to spray the inside of the carriage with carbolic or bichloride spray, or burn a sulphur candle in it after each patient.

In 1904 visiting nurses employed by IDNA helped Columbus residents through a typhoid epidemic caused by contaminated river water. During the epidemic 196 people died, including US Senator Mark A. Hanna, who drank disease-laden water while in Columbus to attend a governor's inaugural ball.

The Scioto River was also responsible for a flood in the Bottoms area on the West Side of Columbus in 1913, killing 93, flooding over 4,000 homes, and again mobilizing the nurses. Nurses staffed refugee centers and visited flood victims in their damaged homes. The association housed and fed many displaced persons at its headquarters on Rich Street. Jan Tuttle, director of IDNA, and Augustus Condit, associate director, worked from a voting booth on Sandusky Street to dispatch nurses to those in need, establish emergency hospitals, and set up milk stations and a baby dispensary.

Administrative milestones for IDNA in the early 1990s included the first appropriation received from the city of Columbus in 1909; the beginning of hospital affiliations in 1915, with student nurses receiving fieldwork training in public health nursing; and the establishment of an orthopedic nursing service in 1916.

1922–1989: THE PAST 67 YEARS

Columbus attracted national attention in 1922 with the merging of the Instructive District Nursing Association and the Division of Nursing of the City Health Department to form one generalized nursing service—the Columbus Public Health Nursing Service (CHNS)—under the directorship of Jane Tuttle, with Augustus Condit serving as associate director. For the first time since visiting nurse services began in Columbus, private and public sectors united to provide home health care.

"We were one of the first agencies in the country to merge like that, and we were the model," states Sylvia Berg, who retired from public health nursing in 1968, after 27 years of service in Columbus. "Nurses came from other states to see how it worked."

It worked well. Two years after its formation, the association became a member of the Community Chest, and in 1925 made the first survey of crippled children's needs in the city. The five-year demonstration Health Center was established in 1926; parochial school nursing began in 1927; and the emergency consultation service for victims of the depression was begun in 1932.

"I always saw the merging of the two agencies as the best of both worlds and a wonderful way to accomplish what we saw as our mission in the community."—Jane Tschappet, public health nurse in Columbus from 1951 to the present, and a former director of the agency.

December 31, 1979, marked the end of a 58-year collaboration and jointly sponsored community health care services by the Nursing Division of the City Health Department and IDNA. The complexity of working within the regulatory requirements of federal reimbursements for home care services became one of the major obstacles to continuing a joint endeavor.

ANGELS IN BLUE

Through the years of growth and administrative changes, public health nurses in their distinctive blue uniforms continued to serve Columbus residents, teaching maternal and child care and health maintenance, and treating those stricken with tuberculosis, measles, whooping cough, scarlet fever, polio, rheumatic fever, and a myriad of diseases caused by the deprived conditions of poverty. As the nurses moved about the city, the blue uniforms and black bags announced their mission.

The first uniforms sported high white collars, tucked blouses with mutton-leg sleeves, and blue-and-white-striped skirts that swept the floor. Hats were the fashionable straw "boaters" with small crowns, large flat brims, and huge blue bows.

Minutes of one of the early board meetings, recorded in the latter part of 1898, state, "The Nurses' Committee was concerned about the question of a warmer uniform. Upon their recommendation uniforms were lined and storm collars added to the capes." Nurses purchased their own uniforms, at a total cost of $19.

Uniform design followed the popular style of the day (skirts rose and waists dropped in the 20s, and a tie was added to the blouse), but dresses were always blue, and from the 1920s on were tailored in two styles—one for winter and one for summer. Winter uniforms were navy blue, with long sleeves, while summer dresses were of a lighter fabric—usually seersucker or poplin—and had short sleeves. Nurses began wearing the winter uniforms around October 1, switching to summer dress late in May.

Shoes were comfortable oxfords, in black, brown, or navy blue. White for summer was considered "impractical for field work," and was not allowed. Suede shoes became acceptable on duty in the 1960s.

From 1941 to 1946 there were shortages in fabrics used for nurses' uniforms and delays in receiving new uniforms due to World War II. Miss Booker announced at a staff meeting in October of 1942, "we are unable to get the same material for our uniforms from Bruck's any more, and we are having to accept the same shade in poplin."

Also due to war-time shortages, in April of 1946 nurses present at a staff conference debated the problem of obtaining hose. "It was voted by the group," read the minutes of the meeting, "that we could wear leg makeup if we desire. A committee (Hohnston, McGraw, Fast) was appointed to choose the kind and shade of leg makeup we are to wear."

"We had blue gingham dresses in 1927, and the gingham was special, because it came from England. We had a Windsor tie, and blue gabardine coats. For while we wore men's Stetson hats. We'd go right to the men's department of the clothing store and buy those hats, and we thought they looked very sharp. Later we wore the overseas caps."—Lois Booker, retired in 1968 after 40 years as a Columbus public health nurse.

Nurses also dispensed with "all parties and gifts" for the duration of the war, and association dues were reduced to $1.

A 1948 description of the public health nurses uniform listed "as heavy top coat and blue serge overseas cap, a navy blue sweater, a long-sleeved navy blue uniform, a short-sleeved seersucker uniform, and seersucker overseas cap." The entire ensemble could be purchased for $95.65.

When the uniform committee of the Nursing Division met in March of 1951, suggestions made by nurses for changing the uniforms were considered. Coats were reportedly too heavy for the warmth provided, "too small around the hips," and nurses complained that the "material becomes shiny after a few months' wear." Two coats were suggested, one for summer and one for winter; the committee recommended that purchasing two coats should be optional.

Minutes of the 1951 uniform committee meeting also reveal that "several nurses objected to wearing the white collars or jabots," but "the committee decided that since these articles were part of the national uniform [National Organization for Public Health Nurses], they would have to be worn and that with a little extra care in laundering they could be kept white and not gray looking. Also, nurses should have at least 5 or 6 jabots—a fresh one for each day of the week."

In answer to a request from "several staff nurses" to be allowed to wear slacks in extremely cold weather, the committee decreed that slacks "are not professional and should not be worn with the uniform. It was felt that some other method could be used for keeping warm, such as the wearing wool knee warmers, lisle under hose, or two pair

of hose." (Knee socks were permitted "in extreme weather" as of 1963.)

Nurses who had their ears pierced were permitted to wear earrings for the first three to four months, "to prevent holes from growing together," (report from the uniform committee, April 1967), but after that time "it was felt that earrings should not be worn with uniforms."

Hairstyles also came under the regulation of the agency uniform committee; a permissible hairdo was "professional, neat, and easily worn with the cap." Extreme styles were never acceptable, and nurses who persisted in wearing them were subject to reprimand for uniform violation.

"Nurses violating any uniform regulation will receive a written warning from the Uniform Committee," read the committee's annual report for 1958-1959. "If this is not effective, the person is to be called before the committee." The ultimate sanction, of course, was dismissal.

Louise Kanmacher, retired from the Division of Nursing and Rehabilitation since 1974, confesses to having worn "the first slacks that any public health nurse ever wore on duty," during the blizzard of 1951. "A nurse who had been in the service gave me a pair of woolen slacks. I don't think anybody in the office knew I wore those slacks. I didn't much care. It was cold and I had to plow through deep snow."

In the March 19, 1958, issue of *The Columbus Citizen*, an article appeared titled, "Stork Causes City to Spend for New Uniforms," objecting to the use of public funds to purchase maternity uniforms for expectant nurses. Had the reporter been more diligent in checking his facts, he would have discovered that Columbus public health nurses had continued to purchase their own uniforms. The article led to a letter signed by all members of the executive committee, staff council, Columbus Public Health Nursing Service, demanding a retraction of the article, "and that the public be given the true facts."

The truth was, at the time the article was published in 1958, nurses were required to spend $153.75 of their own funds, annually, for, "1 coat with zip-in lining; 1 sweater (cardigan style); 1 cap (wool for winter); 1 cap (dacron cord for summer); 2 uniforms navy for winter; and 2 uniforms dacron cord for summer." Other necessary items not included in the above were at least one pair of regulation shoes and one raincoat.

The hapless reporter was duly informed that "maternity smocks are made by the nurses at their own expense," and that the staff of the Columbus Public Health Nursing Service considered the article "in poor taste."

UNIFORMS A "SHIELD AGAINST HARM"

"That blue uniform was a shield against harm," Mille Avera, public health nurse, says of her early days in uniform. Mille, who began working for the city of Columbus in 1949, took a bus to her territory in the "shoddy" part of downtown Columbus, then walked her beat in regulation black shoes, visiting her patients in crowded apartments over bars and pawn shops.

"Hoods, vandals, the angry, and the hospital knew me on sight because of the blue uniform and the black bag," Mille recalls. Those symbols of the public health nurse, Mille maintains after 40 years in nursing service, protected her from attack as she made her rounds. "When they saw the uniform those people knew we came to help."

"We were easily identified by that uniform. We were respected in many neighborhoods, and never had to be afraid. We were looked upon as helpers, and that made a difference."—Jane Tschappet

The uniform was indeed the "badge" of the public health nurse, until it was abolished in 1974 when nurses requested, and were refused, an allowance for uniforms similar to that granted by the city to firemen and policemen.

THE BLACK BAG

While the blue uniform of the public health nurse was recognized citywide, the black bag she carried was also proof of her calling and her intention to help. The bag has remained a permit to pass in some of the city's rougher neighborhoods, as well as an accurate inventory of treatment methods available through the years.

"People were always good to the nurses, because we wore the uniform and they recognized us as public health nurses. I crawled over sleeping drunks in back alleys to get to my patients, and was unafraid because of that uniform."—Lois Booker.

Standard equipment for nurses' black bags varied little through the 1920s and into the 1940s. Of primary importance was the small pan (emesis basin) used to boil instruments and heat water for other purposes. There were two pairs of forceps in the bag, including hemostats to retrieve items from boiling water, a package of newspapers, scissors with one flat side to cut bandages, a role of sterile gauze, sterile bandages, adhesive tape, six cotton balls, alcohol, rectal and oral thermometers, an apron, soap, paper towels, rubber gloves, a rectal tube and funnel for giving enemas, rubber douche and enema tips, sterile swabs, orange sticks, glass slides, a hammer and a box of tacks for tacking up quarantine signs, quarantine cards, sterile ties for babies' umbilical cords, a small "fish" scale for weighing babies, and any other pieces of equipment the nurse considered necessary for treating patients in her assigned areas.

Contents of the nurses' black bags changed with the medical times, to later include a sphygmomanometer (blood pressure cuff), disposable plastic syringes and needles in sterile packages, prepackaged enemas, plastic aprons, disposable rubber gloves, and other items necessary to care for specific patients assigned to each nurse.

"Our bag had a lot of funny equipment, because the nurses would add little extras that they thought were important in their district. In Fly Town, which was one of my assigned areas, clients always had bowel trouble, so I would bring some detergent, since I didn't alway have much water to work with to get results. I had to get some action with whatever I had!"—Wilma Brannon, public health nurse, 1947 to 1979.

Bags were to be set on a "sterile field" of newspapers, to prevent transporting disease from one household to another, and items were packed in a certain order for easy access and carrying. Instruments were boiled or cleaned with alcohol before and after use, and random laboratory tests performed by the Department of Health were used to check for the use of proper sterile technique. A 1950 staff conference report states, "There was no growth on the media which was planted with six thermometers taken at random from the nurses' bags."

"Everything went in a certain place in that bag, so it was compact if you did what you had been taught. I don't know how much that bag weighed, but it got pretty heavy sometimes in 90° weather."—Sylvia Berg.

CHANGING DUTIES REFLECT CHANGING COMMUNITY

Much of the work of the nurses from 1900 into the 1950s involved maternal and child health care and the treatment and prevention of communicable diseases.

"We went out and put up quarantine signs for whooping cough, chicken pox, mumps, and measles," says Mille Avera. "We not only made the visit, quarantined, and explained the diseases, but we had to go back at the end of the quarantine period and find out if anybody else had caught the disease, then eventually go take down the signs. A lot of people hated to see the public health nurse come, because they did not want those quarantine signs on their house."

When Lois Booker retired from public health nursing in 1968, she painted a vivid picture of the duties of the public health nurse during the 1920s and 1930s for a *Columbus Citizen-Journal* reporter:

"Osteomyletis was a terrible thing. We had to change dressings every day and sometimes even maggots were used. There were no drugs like we now have to cure it. It went on and on with many terrible deformities. Polio also resulted in many deformities. We also dressed swollen, seeping legs of cardiac patients. You don't see that any more with the modern drugs.

"You don't hear much about typhoid these days either, or diptheria, although we did have 106 cases of that as recently as 1946."

"We always sat our bag on clean newspaper, which we carried. We learned to make a trash bag from newspapers, also. We always washed our hands before we went into the bag, with liquid soap we carried, and dried them with paper towels, then we put on an apron. (The first aprons we used were cloth, which had to be laundered—the agency took care of that.) Then we took out the supplies we thought we would need for the particular case we were visiting.—Louise Kanmacher.

"Our procedures for handling communicable diseases were very elaborate," Lois Booker related in 1968. "We used newspaper squares to turn spigots on and off. We always put our coat and hat on newspapers. And we taught people how to sterilize by boiling."

Before disposable plastic items, a public health nurse carried a glass syringe and needles for giving injections, both of which had to be boiled after each use. Needles were to be sharpened, but sometimes got "dull as the dickens," according to Wilma Brannon. "It was just like putting a nail in the patient." Wilma also remembers how difficult it was to preserve the sterile field for bags in some homes. "We were careful, but we still carried home cockroaches in our bags, and sometimes bed bugs."

"We had nose and throat swabs in our bags, because if you went into a home and they said 'My throat is a little sore,' then you must take a nose and throat swab, and take it back to the Health Department to the laboratory. If this occurred after the laboratory was closed, you had to take the specimen in and plant it on a culture yourself."—Sylvia Berg.

Giving enemas was an integral part of nursing care, with no prepackaged enema kits to help until the 1950s. Enema apparatus consisted of the ever-present pan for mixing the enema solution, a rubber tube, and a funnel. One end of the rubber tube was connected to the funnel, the other end was placed in the patient, and the enema so-

lution was poured into the funnel. Usually the solution was a mixture of detergent and water, but according to Louise Kanmacher, Epsom salts was also used, and "the doctor might order a milk and molasses enema for a person who had a lot of gas."

Public health nurses have always been responsible for locating contacts of individuals diagnosed as having a venereal disease, and at one time glass slides were carried in the nurses' black bags to test babies for gonorrhea. "If there was a discharge from a baby's eyes, we put tear samples on the glass slide and took it back to the lab to be tested for gonorrhea," Louise Kanmacher explains.

A 1944 bulletin warned nurses of "an increase of syphilis in babies," and urged that all mothers with a syphilis diagnosis be encouraged to continue treatments. One early method of treatment for syphilis was to rub a pellet of mercury into the skin of the patient's arm.

Notes from a 1948 staff meeting cite remarks made by Dr. Nichols from the Rapid Treatment Center. The problem at that time with venereal disease prevention, according to Dr. Nichols, was "diagnosis and getting the patient to tell the names of contacts."

A 1954 Staff Education Conference summary informed nurses that syphilis and gonorrhea were becoming more widespread, and that in cases where pregnant women have secondary syphilis and receive no treatment, "95% of the babies will get the disease."

Also in 1954, Miss Hortense Hilbert, a lecturer in nursing at the University of Pennsylvania, discussed with the Columbus public health nursing staff "the need of a broadened aspect of hospital nursing to solve the big problem of helping to change human behavior in sexual practices." She defined the functions of the public health nurse in dealing with the problem of venereal disease in the community as "finding the patients to get care. The nurse as a citizen has an obligation to provide the resources needed in the community. There is a need for her to keep abreast of developments. There should be a continuous evaluation of functions and attitudes."

"Our public health nurse's role in venereal disease was to go out and contact the people who had been given as contacts by patients coming into the VD clinic. I remember going to a bar in a very poor part of town to locate a lady named by a male patient. All I knew was her name, but because I was in uniform and carried my bag, people knew my purpose was to help, and I was able to locate her. We didn't scare these people. We told them when to go to a clinic, where the clinic was, what kind of examination would be made, and that there was no charge."—Wilma Brannon.

Tuberculosis remained a community health concern through the 1940s and into the 1950s, and during those years nurses were responsible for giving and reading the tuberculin test to determine exposure to the bacillus. Dr. Markwood from Benjamin Franklin Hospital explained the latest in tuberculin testing to the staff nurses in May of 1949 and cautioned that hystoplasmosis, a fungus found in household or yard dust, "is sometimes confused with tuberculosis." He explained that "patients with primary tuberculosis usually are not very ill although they may carry a mild fever," and asked nurses to read patch tests either positive or negative, and "not to give degrees of positivity." False negatives, warned Dr. Markwood, "may occur when the test is given too early, the test is given subcutaneously instead of intradermally, or the material is not good."

"We had a very difficult time in the 1940s with tuberculosis. I was in charge of that program for the nurses. The regulations that we had to give those homes, after the patient had left the home and gone to the hospital, were strict. For instance, they had to destroy the patient's mattress."—Sylvia Berg.

Millie Avera aptly contrasts past with present: "When I first started in public health in 1949, a lot of people were having to go to tuberculosis sanitariums for months or even years. Then, we isolated the patient. Now, with these wonderful new tuberculosis drugs, we are no longer isolating the patient; we are isolating the germs."

"Tuberculosis was prevalent when I was a health inspector in the 1940s. I transported patients to the old tuberculosis sanitarium, and when a TB patient was moved from his home to the sanitarium I had to go get the mattress and take it down to the city incinerator and burn it, to prevent the spread of the disease."—Fred Johnson, retired health inspector, Columbus Department of Health.

Just as the incidence and treatment of tuberculosis has changed radically over the past forty years, so have public health nursing practices kept pace with medical, technological, and sociological changes. The second installment of "Birth, Death and Everything In Between," which will appear in the April issue of CARING, chronicles these changes, as seen through the experiences of Columbus, Ohio public health nurses, from the 1940s to the present.

PUBLIC HEALTH NURSING IN COLUMBUS, OH, 1922-89: BIRTH, DEATH AND EVERYTHING IN BETWEEN—PART 2

(By John Bendekovic and Karen Judson)

Over the years, some public health nursing practices—the isolation of tuberculosis patients and the use of boric acid in the eyes of newborns in the 1940s, for instance—have been eliminated by medical progress, but many areas of nursing concern, such as communicable disease control and maternal and child health, have continued to the present.

"In the days when I was out with my bag, most babies were born at home," proclaims Lois Booker, who retired from public health nursing in Columbus, Ohio in 1968. "We took care of both mother and infant, and mothers didn't get out of bed for 10 days then."

"We delivered all birth certificates in Columbus. If you ran out of something to do, or were in the neighborhood, or wanted to gain entry into a home, you could deliver a birth certificate. We always gave out a lot of pamphlets when we visited, too, on immunization and other topics, and we encouraged mothers to have their babies checked regularly."—Alma Schildknecht, retired public health nurse, St. Louis, 1940-1944, Columbus, 1968-1984.

Through the 1940s, public health nurses delivered babies' birth certificates and made visits to "newspaper babies," those children born at home whose births were announced in the local newspaper.

Public health nurses also delivered layettes to homes with new babies. Louise Kanmacher remembers delivering "four shirts, four gowns, and a dozen diapers" to the new mother of twins in 1943.

Occasionally nurses delivered the babies. Alma Schildknecht was once asked to visit a pregnant woman who would soon be coming into the hospital in Columbus to deliver. "She was difficult to find because she lived in a rural area and the roads were unmarked," Schildknecht says. "I finally got there in the afternoon and the grandmother, who lived with the woman, said she was in labor. It was the 15th of November, and the woman's doctor was out quail hunting and not expected back until evening. The baby was crowning, so there was no question of getting the woman to the hospital. I didn't have time to boil my scissors—the grandmother and I wiped them with alcohol. The baby was born quickly, with no complications. I got my sterile cord ties out of my bag, tied the cord and cut it, then took care of the mother and baby."

The disease most feared by parents of small children in the years before 1953 was poliomyelitis, or infantile paralysis, as it was first called.

In 1942 the Franklin County Chapter for Infantile Paralysis sent Lois Booker to Minneapolis to study under Sister Kenny. "Sister Kenny was wonderful," Booker recalled for a Columbus newspaper reporter in 1968. "The pain the children had during attacks was awful. The heat [from Sister Kenny's moist hot packs] eased the pain and kept restrictures from forming."

"Polio was the nightmare of most parents, prior to the polio vaccine. People were advised not to let their children go swimming, or to public gatherings—kids couldn't even go to the movies. You could treat the symptoms of the disease, but you couldn't treat the disease itself. And it could do such damage. Nobody ever knew if a child got polio what part of their body would be most damaged.

"We are heading into a new problem with polio with the younger parents, because it doesn't scare them. Polio is just a word to them. They don't have a mental picture in their heads of polio patients. They don't have the fear of it in their hearts."—Millie Avera, public health nurse who began working in Columbus in 1949.

Like polio, rheumatic fever usually struck children. The disease was prevalent in Columbus in 1949, and nurses were cautioned to watch for symptoms—"joint pain, general aching, heart murmur, abdominal pain, and nose bleeds." A systemic disease caused by streptococci bacteria and frequently followed by serious heart or kidney disease, rheumatic fever was treated with penicillin or sulfa, bed rest, and sedation.

Duties of the public health nurse in Columbus in the 1930s and 1940s also included prenatal and postpartum visits to Metropolitan and John Hancock Insurance patients. Fees for policies were 10 to 15 cents per week, which policyholders sometimes found difficult to pay. "I've been in many a home when the insurance agent came and the people said, "You'll have to come back later. We don't have it today,'" Sylvia Berg recalls.

Teaching prenatal care for expectant mothers, child care for new mothers, family nutrition and how to maintain a healthy lifestyle, and treatment of chronic medical conditions was and is today a staple of public health nursing.

"We emphasized regular medical supervision for pregnant women. So often they would wait until their seventh or eighth month to go in for a medical checkup, and we encouraged them to go earlier in their pregnancy, and to go every month.

"If we were in a home visiting a mother and baby, we didn't stop there with our teaching. If there was a two year old in the

home, for example, we would see if he needed dental care, or if he was wearing shoes that cramped his little toes, and try to teach the mother to do something about that."—Margaret Johnson, public health nurse, Columbus Department of Health, 1942 to 1972.

Louise Kanmacher kept journals of her years as a public health nurse, which provide a day-to-day account of her patient visits from 1943 to 1974, and also illustrate the broad spectrum of duties public health nurses were and are expected to perform.

Writes Kanmacher, "We worked under doctors' orders on all cases. Our hours were from 8:30 to 4:30, with one hour off for lunch. We worked on Saturdays until noon. One nurse was on call every weekend. We did general nursing care—baths, dressings, liver shots, diabetic care, diphtheria swabs, scarlet fever checks. We applied and read patch tests for tuberculosis and referred people to the doctor or clinic as necessary.

"We took care of new mothers and babies. We saw pediculae (head lice) and taught the family how to treat them. We did catheterizations, the collection of sterile specimens, bladder irrigations, and eye smears. We did venereal disease contacts and we worked in parochial schools and held well-baby clinics.

"I drove a little old Chevrolet coupe that I bought in 1937 for $700 to do my visits. I think my salary in the 1940s was around $75 a month."

"We nurses have always promoted healthful living," says Jane Tschappet of her colleagues in public health nursing. "We treat disease, but we have always emphasized teaching nutrition, and we have worked with all the normal conditions—pregnancy, children of all ages, organizations to help parents. Nurses are very good symptom finders, and we help people seek care when necessary. There's not a public health nurse in the world who hasn't at some time recognized early signs and symptoms of cancer."

"I had a patient once with multiple sclerosis. I'll never forget her. I gave her vitamin B-12 shots every two weeks. I went to her home once and she had started to roll out dough to make apple dumplings, but she couldn't finish them. I finished rolling out the dough and making her apple dumplings. You don't just say, 'This is not my job.' You help where you can."—Sue Houston, public health nurse, began her career in 1952, presently retired.

Technological advancement, changes in lifestyle, and population trends had a profound effect on public health nursing in Columbus and in other locations nationwide. Those changes influenced nursing education, as well.

EDUCATIONAL ADVANCES

As early as the 1920s nursing education programs provided some training in public health, though not the extensive community health preparation offered by current baccalaureate programs.

In addition to the educational requirements for becoming a public health nurse, the Columbus Instructive District Nurses Association (IDNA), and, more recently, the Division of Nursing and Rehabilitation, has long required inservice training for staff nurses to keep them informed of new developments in medicine and in home health care.

For example, one 1949 inservice session included a film and lecture on heart surgery, with nursing instructions for preparing families for the operation. At that same staff meeting Judge Florence Adams spoke on the "new birth of freedom," pointing out that women in 1949 had "more choice than ever before in the occupation." Staff nurses were also informed that only 1 out of every 17 high school girls was entering nursing, while 1 out of every 8 was needed to meet demand.

"In the late 1920s when I was a student nurse, we could take our choice of going to the baby camp in the summer for three months, or going into public health. I chose public health, and went to Grant Hospital. Our teacher said that when we left a house they should know someone had been there, and I took her literally. In one house with a new mother and baby I did the breakfast dishes, bathed the mother, bathed and dressed the baby, cleaned the house, and set the table for the noon meal.

"Finally a supervisor realized what I was doing and called me into her office. She told me. 'You are a nurse, not a housekeeper. You are not supposed to do the things I hear you are doing.' I was hurt, because I thought I was doing a good job."—Lois Booker, retired in 1968 after forty years as a Columbus public health nurse.

In 1958–59 inservice training for Columbus public health nurses included civil defense planning, health care plans, accident prevention in the home, rehabilitation of patients with long-term illnesses, followup of patients released from psychiatric hospitals, and an interpretation of public health nursing functions. Public speaking and group dynamics were also suggested as topics worthy of the nurses' attention, and a reference of available courses in those subjects was provided for staff nurses.

"I had an atypical background going into nursing: I had completed college as an English major before I got into nursing, and got into nursing because we were in the middle of World War II when I got out of college, and the hospitals were recruiting people to go into nurses' training. Johns Hopkins Hospital paid tuition and all costs, plus a stipend for nursing students, and the only stipulation was graduation from an accredited college. I had roommates who had been music and biology majors, and there were two who had master's degree in chemistry."—Millie Avera.

Current inservice training for public health nurses incorporates new techniques and treatments of the high-tech nursing age. Baccalaureate degree programs in professional nursing include sophisticated training in community health.

"Since public health nurses now must draw blood in the home, we have added venipuncture classes to our inservice education program," explains Jane Oswald, public health nurses in charge of staff education, Division of Nursing and Rehabilitation, Columbus Department of Health. "Nurses draw blood in the sexually transmitted disease clinic, for example, and if they are not IV-prepared when they come to us, we send them to an IV class in one of the local hospitals. They spend some time on the floors, starting IVs, before they start IVs in home care."

"When you get ready to deal with any disease, the best thing you can do is review the whole disease, especially those chronic diseases that are very devastating, like rheumatoid arthritis or AIDS. What goes on in the minds of these patients? Are they depressed? What helps them the most? Do they feel better in the winter or in the summer? All of these things come into play, to enable you to walk into that house and know what you are doing."—Janeen McAninch, public health nurse, Division of Nursing and Rehabilitation, Columbus Department of Health.

"Our inservice programs are much more high tech now. We have even had people from Ohio State University come and tell us how they want us to handle their real transplants. Inservice before used to deal mostly with chronic diseases; now we're talking more about acute kinds of care."

THE PUBLIC HEALTH NURSE: PAST, PRESENT AND FUTURE

The public health nurse used to be regarded as someone who was an expert in public health areas, but didn't keep up on her nursing skills as much as she did on her people skills," states Jane Oswald. "When I started out in nursing the majority of the high-tech care was done in the hospital. Now we are doing a lot of things in the home that some nurses didn't do in the hospital 20 years ago."

Though educational background may be the same, public health nurses see their duties as vastly different from those of the hospital staff nurse. "In the hospital everything is in a controlled setting and, as a nurse, the patient is in your territory," explains Elizabeth Barbour, a nursing supervisor with the Division of Nursing and Rehabilitation, Columbus Department of Health. "Public health nurses are going into this person's home and trying to change lifestyles, behavior patterns, or living habits. You have to be more tactful, and diplomatic. You can see things that need to be done, but first you have to establish a rapport so the patient will accept you."

"When you put a patient in the hospital, the first thing you do is take their clothes off, which removes their identity," adds Janeen McAninch. "Then you give them a number and a room, and you have dehumanized them. You label them with a diagnosis and they are no longer them. But when we get them at home, they have their own clothes, their own surroundings, and you had better not touch them unless they are ready for you to. You can't forget it is their scene and they are there to direct it."

"You have to be a jack-of-all-trades in public health nursing. You have to know a little about a lot of things. It's not like you are working with one particular kind of patient as you might be in a hospital. You have to have sort of a broad knowledge of everything."—Cindy Michel, nursing assistant supervisor, Columbus Division of Nursing and Rehabilitation.

"I am simply the helper, and they are the ones that are going to be in control of their bodies, as well they should be in control of their bodies. Then you go from there in trying to get them to comply medically, or comply with nursing care, or comply with basic good ADL [activity of daily living]. This is their territory, not mine, and I like that feeling."

"I've had a lot of hospital experience," says Donna Barnhart, regional manager, Division of Nursing and Rehabilitation. "I was a head nurse in a hemotology, medical intensive care step-down unit, and I've worked as a staff nurse in peripheral-vascular surgery, obstetrics, labor and delivery, and psychiatry. I had some sense, then, of never really meeting the needs of the patients in a hospital setting. There was so much to do and so little time. In coming to home care I was tickled to death about the opportunity for teaching, and seeing the client in his own setting, in his own clothing."

Hospital nurses may see a patient briefly and after discharge not have contact with

him or her again, thus they will have little reason to remember that person. Public health nurses, on the other hand, "become almost an honorary family member," according to Karen Jones, assistant director of Nursing and Rehabilitation, Columbus Department of Health. "We learn to interact with people in a different way than in the hospital. We are not dealing with just one person, the patient. We are dealing with the family, the home, the patient's interpersonal relationships, the family's economic situation—everything. We are intervening and making a difference in terms of educating people."

"The hospital is bound to be a different setting than the home. One of the fascinations with home nursing is that so much of the good and worst of things about a patient are self-evident in his home setting. In the hospital most people are wearing their hospital gowns, and you can't see that they love flowers, or that they are owl collectors. As a public health nurse you can just be there, in the home, and see what is important to that person."—Mille Avera.

Though hospitals now recognize the need for discharge planning so that care can be continued in the home for those patients who need it, individuals without a permanent address, typical in the 1980s, are a special challenge for public health nurses. "In one particular case," relates Donna Barnhart, "discharge planning was a real problem, because the patient's address turned out to be a vacant lot. The gentleman lived in a truck, and the address he gave the hospital was where he usually parked the truck. The nurse going out to visit him after discharge did find him at that address. We relied on him to let us know of his travels about town and where he was going to have the truck parked the next time the nurse needed to visit."

After years of seeing patients in their homes, many public health nurses have come to respect a patient's need to stay in his or her home as long as possible. "Twenty years ago I would have said, 'That situation is not safe. That person cannot stay in his home,' " admits Donna Barnhart. "I would have been calling physicians and recommending, 'Put this person in a nursing home.' After spending time with some of these people and realizing the importance of that home setting, I have much more consideration for individual rights. I think people have the right to stay in their homes with supportive home care services. I believe that nursing home placement should be the last resort for most people."

Because of the time spent with patients, and the involvement of seeing them in their own home setting, many patients are remembered long after discharge.

"You can't help but fall in love with some people," says Louise Kanmacher, retired from the Division of Nursing and Rehabilitation since 1974. "In 1948 I had a woman in her first pregnancy. They couldn't stay in their apartment after their baby came, and I was in the process of buying a house at the time, so I stayed in the apartment I was renting and asked them to live in my house. They are still friends of mine."

"A few years ago a local newspaper wanted a picture of a public health nurse with a patient for an article they were going to run. I volunteered to have my picture taken, thinking it would be a small picture on the back page. It turned out to be a half-page picture of me with this favorite patient of mine. The story ran in the fall of one year, and in March of the following year I received a phone call from a gentleman who had seen my picture in the paper and wanted me to go out with him. He said his former wife had died, and she had been a nurse, and the story had interested him, and he thought he would like to ask me out. That's my most unique experience in home care, as I am now married to the man who called me that night."—Donna Barnhart.

Louise Kanmacher remembers Maude, who was nearly immobile with arthritis, yet "swung through her apartment in a walker," and became a dear friend.

Jane Oswald recalls a "little elderly lady with a canary," who, when the bird died, buried it in her basement, then dug up her pet's bones and took them with her when she moved into a senior citizen's complex.

Jane Tschappet suspended the "never eat in a client's home" rule to take tea and cake with a lonely English war bride, and to sample stewed raccoon in the home of a "sweet little Black man."

Margaret Johnson tells of caring for a client with a gunshot wound that wouldn't heal, and of the doctor's order to use maggots to debride the wound. "There was a celluloid cap that was sealed around the wound so they couldn't crawl out. You can imagine how that felt."

Margaret also remembers treating syphilis patients by rubbing an ointment of mercury into the skin on the arm, and mothers who hung bags of asafoetida around the necks of their children. ("It was supposed to keep the child from catching a disease, but if it worked it was because it smelled so bad no one would get close to the child.")

"I had a patient once that weighed 500 pounds," recalls Cindy Michel. "She had a very outgoing personality, and was a delightful person. Because of her size she couldn't get into a bed, sit in a chair, or move around the house. She had to just lie on a blanket on the floor all the time. I had to find a doctor that would make home visits for her. She had all the things around her she needed, even a potty chair."

DAY-TO-DAY COMMITMENT

Seeing the needs of people in trouble and helping in an appropriate manner seems a consistent trait of good public health nurses, and of those who work with them on the home health care team. Marjorie Hargrove, a homemaker-home health aide in Columbus for 13 years, expresses her own helping philosophy: "The job of working with people wears on you, but you learn to like it. You do things that aren't in your job description, simply because those people you are visiting need it. Many times, if we didn't visit them, care about them, and pay attention to them no one would."

Volunteers are also important members of the home health care team and, like public health nurses, often need a sense of humor. "I sent a visitor out once to visit a bedridden preacher," illustrates Alberta Davis, director of the Friendly Visitor Program. "She was a pretty little thing, and I guess he thought so, too, because he got out of his bed and chased her around the room. She came back and told me, and I called him up and told him off for pretending to be sick like that!"

"It's nice to know that you are the doctor's eyes and ears. I was helping a lady recently who was recovering from a broken hip. The home health care aide left me a note telling me that the woman's leg was more swollen, and that it seemed more painful for her to walk, although she wasn't complaining. I was busy that day, but the hair on the back of my neck started to rise, and I knew I had better check on the woman. When I went out to see her she had thrown two blood clots—she had no pulses in her leg. I had no x-ray equipment, nothing to go on but past experience, but the sole of her foot was purple and the top was not. Her foot was cooler, but not much. The leg was a little more swollen, but not much more than it had been before. There wasn't anything, but there was something, and I'm glad I got that lady to the hospital.

"In the hospital you might ignore something like that for a while—somebody will pick it up if it gets worse. But out here in the community, the nurse may not come back for a week, and by then it would have been a big deal."—Linda Taylor, public health nurse, assistant supervisor, Division of Nursing and Rehabilitation, Columbus Department of Health.

"Sometimes doing extra things (like attending wrestling matches with a client's mother) are as important to those people we see in keeping it all together as the nursing skills we perform," observes Jane Oswald. "The key to dealing with some of the situations we see—bed bugs, maggots, stench—is that you don't take time to decide whether or not you like it. The issue is, what needs to be done for that person, or that family? You focus on something else, then when that's done you put it behind you and go on."

Besides the reward of knowing they have helped, public health nurses relate other satisfactions that keep them on the job.

"We are in the homes to teach people to care for themselves," adds Marian Pollock, public health nurse. "But we're also visiting more often now. We're still talking to people, sitting down and having a cup of coffee, talking about their kids, looking at the husband or someone else with a runny nose. We're still seeing the whole family, still concerned about what happens to these people. And we're still teachers, still patient advocates."

Modern circumstances have also made it necessary for nurses like Janeen McAninch to become familiar with the homosexual population in order to adequately meet the needs of many of the persons with AIDS. "I try to make it clear to patients with AIDS by the way I act, that I see them as human beings," says McAninch. "I will touch them and that's very reassuring to them. We had a patient with AIDS who struggled with that, and it was only after the homemaker-home health aides went in and cleaned him totally—cut his hair and trimmed his moustache—that he all of a sudden felt human. He was able to go back to the hospital and accept medical care, because at last someone had treated him like a human being. We made him realize that he was a person first, and had a disease second."

With the inclusion of the hospice program in the Division of Nursing and Rehabilitation, patient advocacy extends to helping individuals die as they choose. "We see patients and families under an incredible amount of stress," says Jennifer Hooks, a public health nurse assigned to the hospice program. "When a patient comes into the program and they are angry, or going through denial, we help them accept—help them talk about it and become peaceful. My feeling about death is that it's a transition from this life to the next life, and it's like making any other major change in your life—you need support during those changes. I firmly believe there are worse things than dying. It's rewarding to know that we can help people through this."

Most public health nurses, from those who began working in the 1920s, to those who were hired in the 1980s, express a commitment to their profession and excitement over the expanding role of the public health nurse. "Home health care is going to be expanded," professes Jennifer Hooks, "because financially it is a good alternative to hospital care. The trend of early hospital dismissal will continue, and home health care will pick up and follow these patients. We have a continuing role in keeping these people stable."

Nurses agree that home health care is an up-and-coming field, partly because patients discharged from hospitals to recover at home actually do better in their own familiar environment. "I've seen patients come home in terrible condition and get well," claims Linda Taylor. "When one elderly patient of mine came home she had a huge wound, and the room she was in wasn't heated, but she healed in four weeks."

"The home health nurse is the fulcrum on which the whole see-saw balances." Taylor continues. "The hospital is one side, and complete health is on the other, and I think that without the input of the public health nurse there would be more people with terrible hospital bills. We've let people stay home and thrive, where maybe even five years ago, without that emphasis on the public health nurse, they wouldn't have done so well. We are critical to the whole health care continuum."

Undoubtedly, public health nurses have been critical to the health care continuum in Columbus, Ohio. Since the celebrated merger of IDNA and the Division of Nursing of the Columbus Health Department in the 1922, dedicated "visting nurses" have continued to serve the city's families as only they can.

"Not everyone can do this job," affirms Rachel Little, a public health nurse for 20 years. "Not everyone can accept how clients care or don't care for themselves. The public health nurse has a keen perception of what a person needs to have a better life, and I can't imagine doing anything else. Once a public health nurse, always a public health nurse."

Like others who have made public health nursing their life's work, Mille Avera can't imagine any other calling. "Maybe it's been the correlation between real life and drama that I have found as an ongoing interest," she says in retrospect. "When I first got into public health nursing I thought, "My gosh, I'm seeing first hand what I've been reading about in Dickens and all the novels. I was on the front line as a public health nurse. You just think of all the things you have seen—you've seen the entire socioeconomic strata. You can enter the richest homes and the poorest homes in public health. In our line of work you help people deal with all the major episodes in life: birth, death, and everything in between.

"In the book of Proverbs, Solomon said that he had found that there were three things that make life good: something to eat, something to drink, and daily work. I guess I've found daily work that I love."

Residents of Columbus, Ohio and of cities both large and small, nationwide, can be thankful that since the first visting nurse service was begun in the 1800s, countless public health nurse have found community health nursing "daily work" they love.

About the Authors: John Bendekovic is an associate Professor at Ohio State University, Columbus, Ohio. He works closely with the city's community health nurses as a social worker/consultant.

Karen Judson is a freelance writer and a member of the American Society of the American Society who frequently writes about health, fitness, and nursing. The two will soon complete a book about community health nurses in action.●

CLOSED CAPTIONING OF THE SENATE

● Mr. McCAIN. Mr. President, in 1986 the U.S. Senate took a bold step when it decided to televise its proceeding. The U.S. Senate, the greatest deliberative body in the world, rightly opened its proceeding to the television viewing public. One segment of our population was unfortunately not included.

Due to the advent of closed captioning, more than 24 million Americans who are hearing impaired have been able to "watch" our President speak on TV, enjoy most prime time programs, and even watch the commentary on the Super Bowl. Yet they have never been able to listen, or more correctly watch, the U.S. Senate.

In schools for the hearing-impaired across this country, students recite the pledge of allegiance in sign language, they study the history of democracy in this country, and they learn of the Senate and the great debate that have transpired on this floor. Now, due to passage of Senate Resolution 13, hearing impaired and deaf Americans will finally be able to watch democracy in action.

Furthermore, not only will closed captioning of the Senate allow the hearing-impaired to participate more fully in our Government, but it can be used as an important aid in increasing literacy in the population of our country for whom English is a second language. Studies have shown that the use of closed captioning can be a valuable tool to the acquisition of language skills.

I was proud to join the minority leader and the majority leader as an original cosponsor of Senate Resolution 13 which mandates real-time closed captioning of Senate business. I commend the Rules Committee for their quick action on this measure, and thank my colleagues for reaffirming the commitment this body made in 1986 to televise its business to all of segments of society.●

POLISH-AMERICAN HERITAGE MONTH

● Mr. SIMON. Mr. President, I am pleased that the Senate has passed Senate Joint Resolution 93, designating October 1989 as "Polish-American Heritage Month." This is the fifth consecutive year in which Congress will recognize the achievements of Americans of Polish descent.

We are honoring the many contributions Polish-Americans have made in all walks of American life. These contributions are numerous, and they have greatly enriched our society.

With the overwhelming victory of the Solidarity Labor Union in the Polish elections, we are able to show Americans of Polish descent, and Poles everywhere, that we support their long struggle for freedom from oppression and their commitment to regaining a free and independent state. I thank my colleagues for sending this message.●

BILL VINCENT

● Mr. REID. Mr. President, a great many volunteers contribute to the well being of our Nation and receive little recognition. President Bush recognized the importance of their work and achievements by referring to our volunteers as a "thousand points of light." Today, I wish to focus on the achievements of one of those points of light that we find in the "City of Lights"—Las Vegas, NV.

My friend Bill Vincent has spent much of his life working for the preservation of our environment and improvement of people's way of life. His long career in the media signifies the importance that Bill places on an educated public being able to make informed decisions for themselves as well as for this Nation.

Bill Vincent was born October 30, 1914, in Grand Junction, CO. He attended Denver University and Columbia University. At a time when working conditions were far different than they are today, he traveled the South and Northeast organizing workers for the International Ladies Garment Workers Union. Later, he tried gold mining in Colorado and northern Nevada. He also tried farming and logging in Washington State, and today he continues to grow trees on his farm in Washington. Bill's involvement with working men and women in America and his background in mining, farming, and logging have allowed Bill to communicate with a variety of people on a variety of issues. His early years provided Bill with the background to be an effective catalyst for other volunteers in Nevada today.

His career in the news media includes being an editor of the Farmers Union in Colorado, a reporter for United Press International, a news director for a radio station in Fresno, CA, and a reporter and editor for the Las Vegas Review-Journal. He spent 14 years as editor of the Review-Journal's Sunday Nevadan magazine, where he gave great attention to hunting, fishing, recreation, and environmental issues.

It is in the protection of Nevada's environment and our people's way of life where Bill has excelled. He was named Conservation Communicator of the Year by the Nevada Wildlife Fed-

eration in 1971, and in 1980 he received the Governor's Conservationist of the Year Award from the Federation. In June 1987 Friends of the United Nations Environment Programme named him as one of 500 honorees. These are just a few of the notable achievements in his life, but there are more, less publicized, accomplishments as well.

Bill has worked hard to preserve some of Nevada's outstanding forested mountain ranges as wilderness, and he has also worked to preserve some of our few remaining wild areas along the Colorado River. I am hopeful that this 25th anniversary year of the Wilderness Act, Bill will see additional Forest Service areas in Nevada protected as wilderness by this Congress.

Bill worked hard to keep the racetrack based MX missile out of our State. Over time people throughout Nevada and our Nation came to realize that he was right in opposing an expensive, large-scale weapons system that would have dramatically changed the character and environment of Nevada and Utah.

Bill has worked with Citizens Alert in Nevada to oppose the designation of Nevada and Yucca Mountain as this Nation's high-level nuclear waste dump. Many Nevadans share his concerns. Time will tell how many others will recognize what he recognizes—that Yucca Mountain and Nevada are not the solution to this Nation's growing problem with nuclear waste.

These three major issues for Nevada and the Nation are just a few of the issues Bill has addressed during his years in Nevada. I believe his achievements and style will serve as an example for years to come on what an individual can do if only they try. Nevada and the Nation are better today because of the work of this volunteer in the "City of Lights"—Las Vegas.

I will be joining other Nevadans on June 27, 1989, in paying tribute to the work of Bill Vincent through the presentation of a Distinguished Service Award. When one learns of Bill's past efforts, it seems only fitting that the Distinguished Service Award will consist of a planting of trees in a city park. The trees, like Bill, will improve the environment and make the city and State a better place to live.●

INSURANCE INDUSTRY MAKES POLICY CHANGES TO BENEFIT CONSUMERS

● Mr. DIXON. Mr. President, last April, the Insurance Services Office [ISO], a statistical and actuarial service organization, took a significant step to address consumers' concerns about insurance pricing. The office announced that, beginning in 1990, it will no longer provide final advisory rates to the 1,400 insurance companies which use its services. This means that these insurers will have to use their own expense and profit calculations to set final rates.

After that date, insurers using ISO services will only be provided data on potential future loss claims that is based on the appropriate aggregate historical information that has been fully developed and trended. Unlike other businesses, insurers do not know what the cost of their product, an insurance policy, will be when it is sold. Data on costs from anticipated future losses are the minimum the individual insurance companies need to enable them to estimate future claim costs and set rates based on their own calculations.

In view of ISO's action to alleviate policyholder concerns, I think we should give these changes a chance to work. We should see what effect they will have on the insurance industry and consumers, before we attempt to reach a conclusion on the insurance industry's limited antitrust immunity granted under the McCarran-Ferguson Act.●

ELECTIONS IN POLAND

● Mr. LEVIN. Mr. President, we live in remarkable times. We have witnessed a sweep of events recently, with potentially profound effects on the course of history.

The Soviet Empire is undergoing change, and the assumptions and formulas that have dominated East-West relations in our lifetimes are being challenged. There appears to be a remarkable confluence of forces, events, and ideas, and the world awaits the outcome.

In the last few weeks, our attention has been fixed to Tiananmen Square. First with wonder and shared admiration, we were moved as we watched Chinese citizens express an inspired and undeniable yearning for democracy. Then with horror, anger, and revulsion, the world witnessed the discredited leadership of China engage in a convulsive struggle to repress the will of its people. It is a bitter struggle, which wil bear bitter fruit. But the repression will be, as history inevitably demonstrates, futile. The desire of the people will eventually prevail, and the tyranny of repression will fall.

Which is what I want to talk about now, Mr. President. During these past few weeks, many events have vied for our attention. Yet, we should not overlook the profoundly significant events in Poland. The world has witnessed the overwhelming desire of the Polish people to shed the repression of tyranny, and has admired their continuing struggle to do so.

In the rush of events that compete for our attention, and in the crush of demands on our time, I want to pause for a few moments to note and pay tribute to the accomplishments that have been achieved in Poland this year by Solidarity and the Polish people.

As in the Soviet Union, where ethnic minorities are reasserting pride and determination for recognition and rights, and as in Hungary, where the spring winds of change and independence have reemerged after too long a winter, the Polish people have demonstrated to the world, and to themselves, their profound desire for change.

This past Sunday another round of elections was held in Poland. These elections are the result of the April roundtable talks, in which Solidarity and the party negotiated a complicated arrangement to begin a process of governmental and electoral reform. The party and its supporters were guaranteed majority control—this time—with the understanding that the legislative elections in 4 years are to be fully competitive, and the new office of President freely elected.

Mr. President, history will record that 2 weeks ago, in the first round of free elections in Poland since 1947, the people of Poland spoke in a clear and unmistakable voice. The representatives and supporters of Solidarity won 160 of the 161 seats for which they were eligible to compete in the new Assembly. After this past Sunday's elections, Solidarity and its supporters won 99 of the 100 seats in the new Senate.

The Communist Party and the current government were overwhelmingly rejected by the Polish people in these elections.

Poland has embarked on an important and difficult journey, and its ultimate destination is not yet assured. The Polish people deserve our respect and admiration for their determination and persistence, and have earned our support. That is why I have cosponsored S. 1183, the Democracy in Eastern Europe Act. I hope the full Senate has an opportunity soon to consider and pass this legislation, which is intended to encourage the process of democratic reforms in Poland and Hungary, and to provide assistance to help do so.

Mr. President, dramatic and historical change is afoot in Eastern Europe. We are fortunate to bear witness.●

EUGENE T. REVILLE

● Mr. MOYNIHAN. Mr. President, I rise today to honor Eugene T. Reville, the superintendent of the Buffalo public schools, who has announced that he will soon be leaving the post to accept a Federal district court appointment as special "super" superintendent of the three school districts that comprise the greater Little Rock, AR, metropolitan area. Gene thus completes 36 years of service to Buffalo

and its school children as teacher, principal, and chief school administrator. I am pleased, of course, that he has been so honored, but we will certainly be badly missed by the Buffalo community and by our State.

Gene Reville became superintendent of the Buffalo public schools shortly before my first election to this body. Almost immediately he was faced with the challenge of leading his school system in the effort to carry out a court-ordered desegregation plan. That this effort was most successful and that Buffalo was spared the agony and strife that came to many other large city school districts facing similar challenges at this time is a tribute to Gene Reville—to his abilities as an administrator, to his talents as a leader and, most of all, to his total commitment to the children of his city.

Under Gene Reville's leadership, the Buffalo public school system has not only been desegregated but it has also experienced a remarkable increase in the quality of its educational product. Over the past 14 years, children's test scores in reading and mathematics have improved by well over 20 percent, and the number of dropouts and truances have declined, with average daily attendance rising to over 92 percent. In addition, the Buffalo Magnet School Program has become a model for the Nation and more Buffalo public schools have been singled out for national recognition and honors than any other district in the country. I might add that I believe the success of the educational system and the success of the desegregation effort are directly linked: One could not have happened without the other.

I am pleased to have played a part in the Buffalo schools success story. When the Reagan administration forced an end to the Emergency School Assistance Act, the Buffalo schools, along with most other major city school districts across the Nation, faced a major gap in funding its desegregation programs. Working with Gene Reville and with other urban school leaders, we were able to develop, sponsor and see passed the Federal Magnet School Assistance Program that has helped Buffalo to close that budget gap and to establish the system of magnet schools that has brought it such national acclaim.

It was the success of those programs and the expertise he gained in desegregating the Buffalo schools that brought Gene Reville to the attention of the Federal district court in Little Rock and to prompt his appointment to lead its school districts in a desegregation effort that will commence this fall. I have every confidence of his success in this new mission, and I congratulate the people of Little Rock and of Arkansas for their good fortune in securing Gene's services.●

H.R. 2119, TO AUTHORIZE THE EXCHANGE OF CERTAIN FEDERAL PUBLIC LAND IN MADISON COUNTY, IL

● Mr. CHAFEE. Mr. President, H.R. 2119, a bill to exchange lands in Madison County, IL, was introduced in the House of Representatives by Congressman JERRY COSTELLO of Illinois on April 26, 1989, and was approved by voice vote on May 11. Senator SIMON introduced companion legislation, S. 961, on May 10, 1989.

H.R. 2119 would authorize the United States to convey its interest in a parcel of land acquired in connection with the construction of the Melvin Price Lock and Dam on the Mississippi River at Alton, IL, to the Blue Tee Corp. in exchange for the conveyance to the United States of the corporation's interest in another parcel of land in the same locality.

The land swap will allow the city of Alton to relocate the Blue Tee Corp.'s scrap steel operation and facilitate the development of a small boating dock and marina when the pool behind the lock and dam is raised.

I have three amendments to offer. The first would merely provide that the non-Federal land be transferred to the United States of America rather than to the Secretary of the Army. The second amendment would add a new section to the bill and is designed to ensure that the Federal Government receives the full value for the Federal property involved in the transaction. The final amendment underscores the intentions of Congressman COSTELLO and Senator SIMON that the Federal Government incur no costs in the land transaction.

I would like to thank the distinguished chairman of the Committee on Environment and Public Works, Senator BURDICK, and Senator SIMON for helping to move this bill through the Senate and urge its adoption as amended.●

TAX-AIDE

● Mr. PRYOR. Mr. President, as chairman of the Senate Special Committee on Aging, I would like to take this opportunity to recognize the American Association of Retired Persons' Tax-Aide Program which has served older taxpayers effectively and efficiently during its 21 years of existence. I have always supported efforts to educate the public and provide free tax counseling to low-income and elderly Americans.

Tax-Aide began modestly in 1968 with four volunteer tax counselors who assisted or helped to prepare approximately 100 tax returns for elderly taxpayers. The program has grown rapidly and impressively in recent years. During the 1988 tax season alone, more than 1.5 million tax returns were prepared by Tax-Aide counselors. In addition, many other benefits have been gained by older Americans, the Internal Revenue Service, and our Nation as a whole.

Tax-Aide counselors have helped to ensure that older Americans claim all lawful deductions and other benefits under the Internal Revenue Code. Unfortunately, today many older Americans needlessly overpay their taxes each year, for a variety of reasons. Some are confused by the tax form. Others are overwhelmed by the tax law. Numerous elderly persons are simply unaware of available deductions and other tax relief measures. Tax-Aide, though, has provided an effective means to protect older Americans from overpaying their income tax.

The program assists IRS by increasing taxpayer compliance. Tax-Aide counselors enable the IRS to serve more effectively hard-to-reach older taxpayers, particularly those residing in nursing homes, elderly minorities, and the rural aged. Additionally, volunteers serve as instructors for the Tax Counseling for the Elderly Program, which enables IRS personnel to perform other services. Finally, the Tax-Aide Program provides an opportunity for elderly volunteers to engage in purposeful and fulfilling activity by helping others in their communities.

Throughout its history, Tax-Aide has received several awards for the valuable contributions that it has made to our Nation, the IRS, and the communities where the program operates. Among these awards, Tax-Aide has received a Presidential citation and the IRS Commissioner's Award for outstanding and significant volunteer service in the public interest.

Recently, I had an opportunity to attend and speak at a ceremony of the Public Employees Roundtable honoring Tax-Aide for assisting elderly taxpayers in filing accurate and timely returns. I would like to once again offer my commendation and personal thanks to all the Tax-Aide volunteers for their service to older taxpayers.●

DRUG ABUSE: SPORTS FIGURES MUST LEAD THE WAY

● Mr. KERRY. Mr. President, we were saddened this past weekend to hear of the untimely death of former Oakland Raider lineman John Matuzak. My deepest condolences go out to his family and friends.

Matuzak died of heart failure, and although the autopsy failed to reveal the exact cause of death there is some speculation that drug use contributed to his death. While I hope such speculation is wrong, as Raider owner Al Davis pointed out, "John lived life in the fast lane"—Matuzak chronicled his drug use in his autobiography a few years ago.

This event served as a tragic reminder of the death of Len Bias almost 2 years ago. Bias had just been drafted by the Boston Celtics, his lifelong dream, when he unexpectedly died of massive cocaine-induced heart failure.

It saddens us all to witness this deadly courtship between our sports figures and drugs. The undoubtable fact is that we now live in an age where our youth look up more to Dwight Gooden and Michael Jordan than Dwight Eisenhower and Michael Dukakis; it is really a shame that some of our athletes are acting as such poor role models. It is tragic that their poor judgment has undermined the great work of so many athletes on the drug issue.

What kind of a message does it send to our youth when some of our athletes come on television to condemn drug use just as their colleagues are being reported for still more drug infractions.

Unfortunately, these are not just isolated incidents. Ben Johnson's admitted steroid use, Lawrence Taylor's drug problems and Detroit Red Wing Bob Probert's arrest for cocaine trafficking are just a few incidents that come to mind.

But at least these men were caught before they hurt either themselves or others. Often the results of sports drug abuse are much more tragic. Cleveland Browns defensive back Donnie Thompson also died of a cocaine overdose, Philadelphia Flyer goalie Pelle Lindbergh killed himself while driving drunk, and Olympic diving medalist Bruce Kimball was recently convicted on two counts of manslaughter for driving his car into a crowd while intoxicated. Sad to say, the list of such incidents seems almost endless.

Our sports figures are constantly in the spotlight; they are the men and women setting examples for our kids. They should be showing the way with their athletic prowess and not their deviant behavior.

Is this the behavior we want America's children to emulate? Again and again we have said otherwise.

Mr. President, we need to again encourage all of our sports figures to be more accountable for their behavior. Unfortunately the few irresponsible sports figures erode and destroy the great work of the majority. If we are going to win the war against drugs, we have said time and time again, that we must cut consumption. Making certain that the role models of our youth set good standards of behavior is something we must do so we can keep our youth away from the abyss of drugs and prevent needless tragedies like these from happening again.●

MARGARET SHEWMAKE, SUBURBAN HERO

● Mr. MOYNIHAN. Mr. President, I rise with great pride to acquaint my colleagues with a remarkable individual and resident of Hastings-on-Hudson in New York State. Her name is Margaret Shewmake, and she has recently been named one of 20 "Suburban Heroes" by Gannett Newspapers. I should add that she was also identified as the "Spirit of Westchester" by WFAS Radio in that county.

Ms. Shewmake is a person who has not only found her own strength, but has used this strength to help others find theirs. Despite formidable adversity, she has discovered her great worth and her valuable talents and has put these assets to work for the benefit of others.

A diabetic since childhood, she has endured numerous, serious operations and was bedridden for virtually a decade. Although she is now confined to a wheelchair and became completely blind 2 years ago, Ms. Shewmake commits herself to work at a county hotel for the homeless. Here, she assists people in their struggle to find employment and to improve their very lives.

And she has had success in this task. Not only by hard work, but by example she has inspired many to find jobs and to realize their own selfworth. She is an inspiration and, as Hastings-on-Hudson county legislator Paul Feiner has stated, "she's proving the value of life."

Mr. President, Marc Brown of Gannett's Suburban People has written a fine profile of Ms. Shewmake which I want to bring to my colleagues' attention. I am sure that all Members of this body will agree that Margaret Shewmake is a true hero.

I ask that the profile be printed in the RECORD.

The profile follows:

BEATING THE ODDS

Margaret Shewmake has endured more than her share of pain and heartbreak in her 44 years.

A severe diabetic since the age of 10, Shewmake, of Hastings-on-Hudson, has undergone more than two dozen serious operations related to her illness. For nearly 10 years she never left her bed. She was lost there in an addictive haze of prescribed painkillers.

She's suffered stillbirths and miscarriages. She no longer can walk and has only limited use of her arms. Two years ago, she went totally blind.

But she still makes her way four days a week to the Elmsford Motor Lodge, a county homeless hotel, where she gently but firmly prods people on welfare into looking for work. "I try to inspire people to get off welfare, to get control of their lives, to get jobs," She says. "If I've got the energy to go there, blind, handicapped, diabetic and in wheelchair, then they can see they've got the energy to get a job.

"It's working," she adds. "A couple of the men I've talked to have gotten jobs."

Shewmake has been a one-woman cheerleading squad for self-sufficiency since November. She found her calling through County Legislator Paul Feiner (D-Hastings-on-Hudson), whom she met while working on his failed state senate campaign. She also heads his advisory committee on the disabled. She admits that her role in his ad-hoc "Earned Fare" initiative (as opposed to the county's official workfare program) is as emotionally valuable to her as it is to the homeless clients she counsels.

"I was confined to the house for too long," she says. "I was in such a state of depression I didn't know there was world out there. I pushed my husband away. I pushed my daughter away. I was hooked on drugs. I was so wrapped up in my own troubles that I couldn't see anything else.

"I enjoy being out of the house," she adds. "There's a satisfaction I get helping others. It also keeps my mind off my own troubles. It reminds me that there are people worse off than I am."

Shewmake's new zeal for volunteerism has brought her family closer together, she says. Husband Paul, a cook at the Andrus Memorial Home in Hastings, drives her to and from the hotel every day and drives some of her clients to job interviews. Daughter Mary Beth, 17, has become her mother's personal counselor, helping her channel bitterness about her own problems into concern for others. "She's proud of me now," Shewmake says. "She didn't used to be."

Feiner, who nominated Shewmake as a Suburban Hero, says the "new Margaret" is something to behold.

"She rolls down halls in her wheelchair, knocking on doors, reminding people to come out and talk when potential employers show up," he says. "She never forgets a name or the type of job someone is looking for or a reference. She spends hours on the phone trying to line up interviews for some of these people.

"For me, she's a real hero," Feiner adds. "She's proving the value of life. Even though she's disabled, she can still be cheerful. She can still be productive. I've met very few people who are as inspirational as she is."

Feiner says Shewmake's role will not change now that the county has decided to apply its workfare program to homeless-hotel residents in Elmsford. She will encourage them to participate in the program, which requires them to work in return for temporary housing. If she is no longer needed in Elmsford, she will work elsewhere in the county.

There are frustrations in her line of work, Shewmake says, such as employers' reluctance to forgive the pasts of some of her clients. A criminal record is a criminal record, she says, but if people have paid their debt, they should be allowed to get on with their lives.

"I think everyone deserves a second chance," she says. "I know I've had one."●

JOB MARKET CRISIS

● Mr. LAUTENBERG. Mr. President, more and more data are becoming available that point to a coming job market crisis. On the one hand, it is estimated that a shortfall of 23 million American workers will hit our labor markets during the 1990's. On the other hand, those who are available

for work are likely not to have the skills needed by rapidly advancing technologies.

To avoid this crisis, we need to regularly identify those occupations and skills that constitute the labor shortage and skills gap. Then we must find effective ways to educate and train a well-qualified work force to meet employer needs. S. 741, the Labor Shortage Reduction Act of 1989, would begin this vital process.

I ask that a recent article on labor market needs and the challenge our schools face to provide qualified workers be printed in the RECORD.

The article follows:

THE FORGOTTEN HALF

(By David Whitman with Joseph P. Shapiro, Ronald A. Taylor, Amy Saltzman and Bruce B. Auster)

"You don't have to go to college to be a success. . . . We need the people who run the offices, the people who do the hard physical work of our society."—George Bush at Garfield High School, Los Angeles, during the 1988 campaign.

When George Bush told students from the East Los Angeles barrio that a college education was nonessential, pundits and politicians snickered. Jesse Jackson denounced Bush's "gross insensitivity", telling a cheering commencement crowd at Hampton University: "Let *him* caddy. Let *him* shine shoes. *You* keep going to college!"

Bush's comments may have seemed patronizing, but he was right on one vital point: The nation will need millions of workers without baccalaureate degrees in the 1990s. Stereotypes of noncollege-bound youth as janitors or hamburger flippers have fed the notion that Americans who lack a college degree are economically inconsequential. In fact, *half* of all young American workers still do not attend college. And in the upcoming decade, the economy will depend as much on this diverse group of less schooled workers as it will on the nation's software programers and rocket scientists. Unfortunatley, however, few of America's "forgotten half" either possess the basic reading-writing-arithmetic skills or receive the training necessary for the more complicated jobs of the future.

JOBS OF THE FUTURE

As the service sector expands, so does the need for a skilled labor force. With an expected labor shortfall of 23 million workers, it should be a seller's market in the next decade.

Occupations with the largest number of new jobs

[Total jobs added 1986-2000]

Sales clerks (million)	1.2
Waiters, waitresses	752,100
Registered nurses	612,000
Janitors, cleaners, maids	604,000
General managers and top executives	582,000
Cashiers	575,000
Truckdrivers	525,000
General office clerks	462,000
Food-counter workers	449,000
Nursing aides, orderlies, attendants	443,000

USN& WR—Basic data: U.S. Dept. of Labor.

Two fundamental transformations have combined to give the nation's least educated workers an unprecedented role in the American economy. The first is the birth dearth. Since World War II, employers have enjoyed an overabundance of unskilled workers. Yet in many cities, particularly those on the East Coast, openings for electricians, secretaries, security guards, waiters and auto mechanics are going begging because there aren't enough young American workers to fill the jobs. In 1987, up to one third of the nation's hospitals had to limit elective surgery temporarily or close emergency rooms and intensive-care-unit beds because nurses were scarce. Even the Army failed to meet its manpower-recruiting quotas last year for the first time since the early days of the All-Volunteer Force. All told, the business-affiliated Committee for Economic Development estimates that there may be a shortfall of over 23 million American workers in the early 1990s.

At first glance, the forgotten half might seem blessed by the worker deficit, since labor shortages typically force employers to raise wages and expand benefits to attract more workers. The catch lies in the second profound shift in the workplace: Qualifications for today's middle and low-wage jobs are rising even more rapidly than in the past. In 1965, a car mechanic needed to understand 5,000 pages of service manuals to fix any automobile on the road; today, he must be able to decipher 465,000 pages of technical text, the equivalent of 250 big-city telephone books.

The skills hurdle is even more pronounced in the service sector, where virtually all of the nation's job growth will take place for the rest of the century. The secretary who once pecked away at a manual typewriter must now master a word processor, a computer and telecommunications equipment. Even the cashier at the 7-Eleven store has to know how to sell money orders and do minor maintenance jobs on the Slurpee and Big Gulp machines. Former Secretary of Labor Ann McLaughlin warns that the nation's looming skills gap could well block attempts during the next decade to raise sluggish U.S. productivity, forcing employers and taxpayers to "retrain our own workers at huge expense." A report from the Center for Educational Research at Stanford University estimates that each year's class of high-school dropouts alone costs the nation up to $296 billion in lost earnings and forgone taxes over their lifetimes.

Despite this formidable price tag, many employers remain surprisingly complacent about the imminent worker deficit. "A lot of businessmen are accustomed to unskilled-labor surpluses," explains economist Anthony Carnevale of the American Society for Training and Development. "They treat these warnings as future-shock alarmism." Taxpayers from the baby-boom generation, who have faced a seemingly endless competition for job promotions, houses and schools, also have been slow to recognize the sea change in the labor market.

To date, most public debate about future jobs has centered on potential shortages of scientists or engineers, much as the debate did in the 1950's after the launch of Sputnik. Yet Labor Department projections indicate that some of the fastest-growing jobs during the 1990s will be low and midlevel occupations, like home health aides and physical-therapist assistants. In absolute terms, the three occupations with the most new jobs will be retail salespeople, waiters and waitresses and registered nurses. Virtually all these mid and low-wage service jobs require more-flexible workers who can read, reason, learn new tasks on their own and deal graciously with customers and clients.

Will the forgotten half be able to master the more demanding jobs of the future? Probably not. High-school graduates and dropouts fare absymally on standardized achievement tests when matched against their counterparts in other industrialized nations. National surveys show that a large percentage of the forgotten half lacks the reading, math and writing skills needed to handle even the most rudimentary problems in the modern workplace. One out of 3 high-school juniors cannot describe, in a reasonably cogent paragraph, the kind of job he or she would like. And while only a tiny fraction of Americans are illiterate by traditional standards (roughly 5 percent of all young adults read below a fourth-grade level), 21-to-25-year-olds already on the job show a marked lack of general workplace skills. A third of young high-school graduates cannot order two items from a lunch menu and then figure out how much change they are owed after paying a waiter $3.

While the skills shortfall is most graphic among black and Hispanic workers, the problem is by no means confined to poor minorities who live in the inner cities. Almost 80 percent of the forgotten half are white, 12 percent are black, and 9 percent are Hispanic. Roughly a quarter are high-school dropouts, many of whom have had their real earnings plummet in recent years and appear trapped in poverty-wage jobs. On the whole, the forgotten half approximates the new American working class. Its members are not, a 1988 study from the William T. Grant Foundation reports, "overcome by drugs, crime, teenage pregnancy and alienated from adults."

WHY JOHNNY MUST READ

Even in mundane jobs, workers must be ever more literate.

AVERAGE TIME SPENT READING FOR THE JOB

Occupation	Average time (minutes)	Type of material
Secretary	168	Reference books, lists, letters, handbooks.
Account clerk	120	Correspondence, ledgers, lists, tables.
Electrician	120	Technical references, blueprints, schematics.
Practical nurse	78	Charts, tables, card files, reference books.
Auto mechanic	60	Technical references, memos, work orders.
Air conditioning mechanic	45	Manuals, blueprints, memos.

Sources: USN&WR—Basic data: International Reading Association.

Tragically, future members of the forgotten half may be even less prepard for the world of work than their counterparts are today. That is because the 1990s mark the end of the era of the white-male worker, traditionally the nation's best-educated employe. Between now and the year 2000, a stunning 57 percent of all labor-force growth will be black, Hispanic or other minorities, who generally receive less schooling. Add the growing number of white women entering the job market, says former Secretary of Labor Ray Marshall, and "almost all of the increase in our work force will be women and minorities for the next hundred years." Yet, as Arnold Packer, a labor-market expert with the Hudson Institute, points out, it is young, poorly educated minority workers "whose paychecks will pay the taxes, finance Social Security and support private benefit plans" well into the next century.

Despite the obvious economic consequences of ignoring half the work force, businessmen and educators persistently pay scant attention to nonbaccalaureate America. The typical American college student now receives a combined public and private subsidy of about $5,000 for each year in college. By contrast, only about 5 percent of the disadvantaged Americans who qualify for federally supported job training receive *any* assistance from underfunded government programs. Those lucky enough to do so generally receive the equivalent of a one-time $1,800 to $2,300 subsidy. Moreover, recent school reforms such as magnet schools may even widen the skills gap by skewing assistance further toward the most talented and privileged. From corporate-training seminars to high-school typing classes, the members of the forgotten half are just that—forgotten. Here is why, and the tales of some of those left behind.

CORPORATE AMERICA—TEST, NOT INVEST

The abysmal results of the New York Telephone Company's (NYTC) entry-level exam are well publicized, but they conceal an even more telling story of corporate neglect. In 1987, 57,000 applicants took the exam, a simple test measuring basic skills in math, reading and reasoning, and 54,900 flunked. Few news reports, however, mention that NYTC does little to raise the skills of the entry-level employes it does hire. Instead, NYTC follows corporate America's perverse rule of thumb: The more a worker needs training, the less likely an employer is to provide it.

The plight of Vincent Galvin, a 34-year-old telephone operator, is typical. Since he was a teen, Galvin, a father of three, wanted to emulate his own dad. The elder Galvin started off sweeping floors for NYTC and retired 32 years later as a $50,000-a-year phone installer. After high school, Vincent landed a job as an NYTC phone operator in 1979. An exemplary employee, he took pride in handling up to 900 calls each shift, and he later worked temporarily as an acting shift supervisor. But after 10 years, Vincent cannot get the position he wants as a frame attendant monitoring problems in telephone-switch exchanges because he has failed to pass the company's "technical-ability battery" test.

Nor will NYTC help him. The company provides no direct training for workers like Galvin who seek to upgrade their positions. Instead, employes are expected to teach themselves, using simplistic mail-order courses. Andrew Vitiello, a 29-year-old customer representative who took the electricity course explains that "if you know how to plug in a toaster, you pass the course."

Not surprising, 70 percent of employes flunk the technical test. NYTC spokesmen insist that the test screens for minimal technical ability, yet many of the math problems seem abstruse and of limited relevance to a frame atttendant's job. Galvin despairs that he will ever pass the exam and move up as his father did. "For a hundred years," says Galvin, "if you kept your nose clean, the company would take you and say, 'Forget everything. We're going to teach you all you'll need to know.' Those days are over."

It is a different story, however, for NYTC executives. The company readily reimburses managers, technicians and nonunion employes 100 percent for the cost of college-level courses, including seminars at elite think tanks. Such unequal treatment is the rule, not the exception. Nationwide, companies are three to four times more likely to offer workshops in stress management or how to run meetings than to train laborers seeking to upgrade their positions. Historically, this skewed training pattern evolved because few chief executives felt compelled to invest in unskilled workers when the supply of applicants was plentiful. But now that the labor market has changed, corporate America has been slow to adjust. Only 1 percent of the $210 billion currently spent by employers on formal and informal training goes toward raising basic skills.

This miniscule investment is especially worrisome because it is already too late to reach the bulk of the forgotten half through the schools, since roughly 75 percent of the Americans who will compose the work force of the year 2000 have already finished high school. Yet even enlightened corporate leaders spend more time bemoaning the quality of secondary education than investing in their entry-level workers. Take Xerox Corporation CEO David Kearns, who has spoken and written tirelessly about the need to reform the nation's high schools. His message, as he sums up in "Winning the Brain Race," is that the U.S. "can't have a world-class economy without a world-class work force, from senior scientists to stockroom clerks." "I am most concerned," Kearns writes, "about the least among us, the disadvantaged and the dispossessed. . . . They are tomorrow's workers too."

Still, Kearns wants somebody else besides Xerox to pick up the tab for training the dispossessed. For more than a decade, Xerox has taught tens of thousands of management, sales and technical trainees at its lavish international training center in Leesburg, Va. The center includes an outdoor pool and squash courts but lacks a course in remedial math or a developmental seminar for the stockroom clerk cited by Kearns. In fact, Xerox does not offer its clerical workers, laborers and unskilled service help any formal training, even though such low-wage workers constitute nearly a quarter of the company's 67,000-person U.S. work force. "We can still get the people we need," Kearns explains, "We have to test now about four or five times as many people as we used to, but we can still get them."

Outside the "Fortune 500" companies, the training dearth for unskilled and semi-skilled workers is even more acute. Small businesses should play a particularly important role in training the forgotten half, since businesses with fewer than 100 employes created roughly half of all new jobs in recent years. Yet only about 13 percent of small firms offer any formal training to workers with less than a high-school degree. In part, this training shortfall reflects a Hobson's choice: The small entrepreneur typically cannot afford to invest in training young employes. Even if the businessman can train them, the workers may soon leave for better paying jobs with bigger firms.

Arkansas travel agent Candi Clarkson, 28, is a case in point. As a trainee in 1985 at Blackwood Travel, a five-person agency in Little Rock, she was taught to use the office computer, but agency owner Chet Blackwood could not afford the variety of "familiarization trips" that travel agents routinely take to fancy resorts where they are likely to book clients. Blackwood would like to send his employes on more such trips because, apart from being an attractive perquisite, the tours keep agents from geting snookered by deceptive travel bargains. But in the only trip on which Blackwood could afford to send Clarkson, she got to tour the empty Fort Worth stockyards, home to the local cattle show. "It wasn't useful or much fun," Clarkson recalls, adding, "You had to watch where you walked."

After a year and a half, Clarkson left Blackwood for a bigger travel agency that raised her salary by 25 percent; she has since become an in-house agent for a major computer firm that pays for all her training and reimburses her for college courses. Chet Blackwood, meanwhile, is still frustrated by the high turnover rate among his agents but doubts he can do much about it. In desperation, he paid an employment agency $1,000 to find a new agent. After Blackwood spent three months training the recruit, she quit to become a salesperson, leaving Blackwood annoyed and $1,000 poorer.

HIGH SCHOOL—INSIDE THE TOOLSHED

Can the nation's high schools successfully elevate the skills of the forgotten half? Not without a radical change in priorities. Many educators measure their success by the number of gifted students they help send to elite colleges, not by what they do for the mediocre or failing students. Survey after survey shows that teachers and guidance counselors rank securing a job for students as their last priority.

This neglect contrasts markedly with the generous assistance that the noncollege bound get in most industrialized nations. In West Germany, Austria and Switzerland, a third to more than half of noncollege-bound 16-to-18-year-olds are in apprenticeship programs, and it is almost impossible to leave school without some vocational training. In the U.S., by contrast, fewer than 5 percent of high-school graduates sign up to be apprentices. Many high schools are unaccustomed to cooperating with employers. Several years ago, Nationwide Insurance, a major employer in Columbus, Ohio, asked local high schools for copies of 1,200 student transcripts. Only 93 transcripts came back.

Instead of receiving useful training and counseling, noncollege-bound youths typically end up in general-education and vocational courses, which too often amount to little more than corrals for handicapped students, minorities and kids with discipline problems. A 1983 National Academy of Sciences study found that automotive classes in one large city consisted of teaching minority students how to wash and wax cars. Even when their classes are not dumping grounds, "vokies" often scrape by with second-rate equipment and underfunded programs. At Stevens High School in Claremont, N.H., classrooms are so cramped that the vocational director calls them an "impediment to learning." In the health-occupation classroom, for instance, there is no room for food preparation, so students who want to be dietitians cannot practice preparing low-cholesterol meals. Nor is there the space or equipment to give nursing students practice in moving a patient into a bath or whirlpool.

Sometimes the problem is more one of attitude than dollars. Few school principals and guidance counselors fuss over outstanding vocational students. After training in Steven's outdated machine shop, Chris Yurek still managed to win the 1988 award for the top high-school machinist in New Hampshire. Yet on class day, school officials never mentioned his achievement, though they announced awards to outstanding seniors in math and science and cited every graduate who would receive a partial or full scholarship to college. One administrator, asked whether Stevens might not also announce the graduates who were taking jobs,

snickered: "Who gives a damn if some kid gets hired by K mart?"

Unfortunately, many leaders of today's education-reform movement also largely ignore the forgotten half. The much bruited 1983 "Nation at Risk" report, which launched the reform movement, does not contain a single recommendation for improving vocational education, even though half of all high school students take at least four vocational courses. Former Secretary of Education William Bennett and other reformers argue that many of the specific skills taught in vocational courses become obsolete after a student has been out of school a few years. What high-school students really need, Bennett contends, are improved attitudes toward work and more grounding in math, English, science and foreign languages.

While no one disputes the need for better basic skills, most schools put little emphasis on using vocational courses to help teach the basics. For instance, a marketing class that teaches students how to read invoices may prove more valuable for the noncollege-bound pupil than algebra or French II. Ironically, the excellence-in-education movement, including several reforms advocated by President Bush, may inadvertently even harm the forgotten half. Recent get-tough retention policies and added graduation requirements appear to have raised the dropout rate in a number of cities, while making it harder for students to find time for vocational courses. Among others, Albert Shanker, president of the American Federation of Teachers, argues that recent reforms failed to help struggling students. "It's ridiculous," he says, "to raise the hurdle for kids who are unable to jump it in the first place."

COMMUNITY COLLEGES—THE REVOLVING DOOR

Unlike the nation's high schools, community colleges devote considerable resources to upgrading the skills of the forgotten half. In the past, most students used two-year colleges to prepare for transferring to four-year schools. But today, the majority of students receive vocational training instead, and the colleges have close ties with local employers. Many even provide "customized" training courses for individual employers. While two-year colleges are generally ignored outside the trade press, they enroll roughly half of all entering freshmen.

At their best, community colleges can offer unique help to students like Annell Lawrence, a 35-year-old mother of three who found that a four-year university provided neither the personal attention from professors nor the vocational courses that she wanted. In 1973, Lawrence dropped out of Howard University and spent much of the next decade working as a $4.40-per-hour home health aide. In 1987, when she tired of "cleaning up the bedpans and the mess that people make in their houses," she enrolled at the Community College of Philadelphia (CCP) to become a $7.50-per-hour medical-records technician. Now, like many students at CCP, she juggles her studies, a part-time secretarial job, caring for her three children, cooking and cleaning. She looks forward to the day she can take the money from her new job, "throw it up in the air, and say, 'This is mine!' "

Even though community college served a s a portal for Annell Lawrence, for millions of others it has proved to be a revolving door. Many of those enrolled at two-year schools, particularly minority students at urban campuses, will never benefit from college-level courses. The three most common course offerings in community colleges are remedial reading, remedial writing and remedial math. These classes are not refresher courses but elementary-level classes. In one CCP course, math Prof. Geoffrey Schultz teaches the multiplication table just to 99 because, he says, "10 times 11 is too high a number for the students." In a CCP remedial English class, the week's assignment is to write a paragraph.

CCP students also often arrive with inchoate and inflated expectations. They take a few courses in scattered disciplines and then drop out before they receive a degree. George Feinstein, a former shift supervisor at Pizza Hut, decided to major in fire science (a curriculum of science and job-skills training for would-be firefighters) at CCP because it "sounded fun." But neither Feinstein nor his adviser knew what classes he needed to take to fulfill his major.

Feinstein spent 18 months at CCP before his adviser realized that the 20-year-old had failed to take any courses in fire science. By that time, the amiable Feinstein was on academic probation; soon, he was dismissed. Today, he works 11-hour shifts at his brother-in-law's pizzeria but dreams of becoming a television actor or cameraman. He talks wistfully of going back to college so that, "on the magical day I get married, I can do the important stuff of life—like figure out my taxes and understand a mortgage."

SOLUTIONS—CLOSING THE SKILLS GAP

Unfortunately, prospects for closing the skills gap in the coming decade appear bleak. Few large-scale programs boast much success in upgrading the reading and writing skills of the forgotten half. Particularly disappointing are initiatives aimed at those who join the work force without finishing high school. Numerous politicians have suggested that an army of volunteers could help eradicate illiteracy, but there is little evidence that even such well-intentioned programs as do exist accomplish much.

Several shortcomings of literacy programs have proved particularly hard to mend. Most similiterate adults inevitably have unhappy memories of school and do not eagerly sign up for further instruction. Even among those who do volunteer, roughly half drop out. For those who stay, notes David Harman of the Institute for Corporate Education in New York, about half "lapse back into illiteracy soon after their graduation."

Programs for forgotten-half members still in high school have been just as ineffectual. George Bush and many corporate leaders have touted the burgeoning school-business "partnership" movement as a way to prepare students for the world of work, but most corporations offer little more than grants to schools to help with maintenance and textbooks, or provide part-time tutors and mentors.

Even the most ambitious partnerships have failed to raise the test scores of mediocre students. The Boston Compact, perhaps the most comprehensive school-business partnership in the country, offers a good illustration. Under the 1982 program, each public school in Boston now has a jobs coach who instructs students on how to seek and land employment. Students learn, for instance, not to wear gym clothes or their Walkman to a job interview. And business participants lived up to their promise to provide jobs to students: Some 1,000 high-school seniors in the class of 1987 obtained jobs through the compact, and over 3,000 students got summer positions.

Boston's public schools, however, failed to fulfill their part of the partnership—raising student achievement. The low test scores of students have barely edged upward in recent years, and the dropout rate has soared. Forty percent of all ninth graders quit school before they graduate, far more than will ever find full-time jobs through the compact. School officials now say that business leaders were naïve, and they react testily to their complaints about the schools. "Business has no strategy for dealing with the problems of housing, drugs and proverty," says former school-board head John Nicci. "When a lot of bank presidents were going to school, acne was the major health concern, not 15-year-olds getting pregnant."

If Boston is a harbinger, neither a strong school-business partnership nor a seemingly tight labor market will do much to help the forgotten half in the upcoming decade. While unemployment in Boston plummeted in the 1980s to 3 percent, the city's high family poverty rate remained essentially steady at around 15 percent. That's because official unemployment statistics include only those looking for work, not the mothers on welfare, those trapped in poorly paid part-time jobs and those who have stopped looking for work. Just as the Boston Compact failed to reach the city's high-school dropouts, so, too, a strong local economy has failed to reach the city's most disadvantaged residents. Despite its good econimic fortune, Boston seems to have missed an opportunity to improve the lot of the unskilled. If that pattern prevails throughout the U.S. in the years ahead, the forgotten half will become an even weightier millstone for the nation.●

1989 NEW JERSEY IRISH FESTIVAL

● Mr. LAUTENBERG. Mr. President, on Sunday, June 25, Irish-Americans of New Jersey and the tristate area will join, as they have for the last 18 years, to celebrate the annual New Jersey Irish Festival. The festival will be held at the Garden State Arts Center.

Paul H. Reilly of Newark and Middletown, general chairman, and Mrs. Gretta (McGrenaghan) McHale, of Ridgefield and Long Beach Island, have all worked hard to make this festival a reality. The Most Reverend John M. Smith, Auxiliary Bishop of the Archidiocese of Newark, will formally open the 1989 program. Fifteen priests and vicars from parishes all over New Jersey will be the co-celebrants. A massed choir, directed by Ray Bober, from all of Bayonne's eight Catholic churches—St. Andrew, St. Henry, St. Joseph, St. Michael, Our Lady of the Assumption, Our Lady of Mt. Carmel, Our Lady Star of the Sea, and St. Vincent De Paul—will furnish the music.

There will be step dancing by the Patricia Murphy School of Irish Dancing of Neptune, and songs by Pat Roper, who is known as the King of Festivals, on the mall; Gaelic football between youth teams, 23 bagpipe bands competing for the festival championship; Irish food of all kinds; an outstanding Irish cultural exhibit,

and a theater stage program featuring two legendary Irish folk rock 'n roll bands from Dublin, the Fureys & Davey Arthur and the Clan.

Mr. President, Irish-Americans have made a lasting contribution to our Nation. At the same time, they have preserved and cherished their heritage. I wish them well as they celebrate the annual New Jersey Irish-American Festival.●

CHANEY, GOODMAN, AND SCHWERNER DAY

● Mr. BIDEN. Mr. President, I was pleased to join with the distinguished majority leader, Senator MITCHELL, as 1 of the 57 cosponsors of Senate Concurrent Resolution 40, which designated June 21, 1989, as Chaney, Goodman, and Schwerner Day. That date is important for all of us to remember.

It was 25 years ago that James Chaney, Andrew Goodman, and Michael Schwerner volunteered to work on the Freedom Summer project, an interracial voter registration campaign. The project took them to Philadelphia, MS, in late June 1964 to ensure that the right to vote—the birthright of every citizen in this country—was extended to black Americans in the Deep South.

It was a worthy effort. It was a noble effort. It also cost these three young men their lives. Many of us can still recall the moment we heard the shocking news of their murders. Their deaths were intended to deter the civil rights movement but they had just the opposite effect: They mobilized hundreds of thousands of Americans to redouble their efforts to end second class citizenship status for any American.

James Chaney, Andrew Goodman, and Michael Schwerner represent an integral part of a national civil rights movement to protest racial discrimination. This movement led to passage of the landmark Civil Rights Act of 1964 and the Voting Rights Act of 1965, two of the most effective civil rights laws ever enacted by Congress.

The lives and deaths of Chaney, Goodman, and Schwerner symbolize the dream of brotherhood among citizens of this Nation from all races, religions, and ethnic backgrounds. Their sacrifice should always encourage all Americans to rededicate themselves to the ideals of justice, equality, and community.

James Chaney, a black American from Meridian, MS. Andrew Goodman and Michael Schwerner, white men from New York. These names are part of our history. But history fades, like so many other memories, and it is easy to forget. But we must not forget: The ideals they lived and died for, the moral courage they demonstrated, and the continuing struggle for racial tolerance and social justice. These things must be rememberd. The cause of racial harmony, of social and economic justice did not die 25 years ago. For our Nation to truly flourish, this commitment must continue to unite and involve men and women of all colors and religions in 1989 as it did in that fateful summer of 1964.●

TRIBUTE TO J.B. FLOYD

● Mr. CHAFEE. Mr. President, today I ask the Senate to join me in warm and heartfelt congrationations to Mr. J.B. Floyd on the occasion of his 80th birthday. In so doiing, we share this remarkable milestone with his proud family, his many friends and the entire community of Aiken (Silver Bluff), SC, in paying tribute to this man, a fine father and an outstanding American.

Mr. Floyd achieved octogenarian stature on June 13, 1989, and his entire family will gather at his home on Sunday, July 2, in celebration. The appropriatrely elaborate and festive event has been organized in Mr. Floyd's honor by his children, Vertell Floyd Simmons of Washington, DC, and Arnold Huey Floyd of Brooklyn, NY. A great many loving relatives and friends will travel far and near to share the joy on Mr. Floyd's day of tribute.

Floyd has been blessed with a good share of personal milestones in recent years. With his beautiful bride, Martha Dunbar Floyd, he celebrated in July 1981 a 50th wedding anniversary. They are blessed with three highly accomplished children and one remarkable grandchild.

Floyd built a livelihood for his family as a self-employed carpenter. Although he has retired some years ago, he is blessed with remarkably good health, probably because he remains quite active, in carpentry and community activities. He continues to contribute to the foundation of his church as well. Floyd is a deacon at Indian Grove Baptist Church in Aiken.

More than most Americans, Mr. Floyd exemplifies the spirit of our President's message of a "kinder and gentler nation." He is widely known by his family, friends, neighbors, and the community at large as a uniquely caring, sharing, and loving person. He is often affectionately accused of giving the shirt off his back.

With great pride and personal admiration, I ask my colleagues to join me in extending our very best wishes for continued health and happiness to J.B. Floyd on the occasion of his 80th birthday.●

FEDERAL FISH INSPECTION ACT

● Mr. LOTT. Mr. President, I rise today to join the distinguished majority leader and others in introducing the Federal Fish Inspection Act. The introduction of this legislation will provide a beginning toward insuring the safety and wholesomeness of our Nation's seafood products.

The bill calls for the U.S. Department of Agriculture to develop a comprehensive plan to coordinate effective inspection of fish and seafood. The bill provides for an active program based upon modern analysis critical control point principles recommended by the National Academy of Sciences.

The program, developed by this bill, should provide for cooperation with existing State programs and agencies. It should contain provisions for an advisory committee to aid the U.S. Department of Agriculture and the various State programs associated with the fish and seafood industry, as these agencies guarantee the wholesomeness of our Nation's seafood products.

A consumer education program to make the public aware of the value of such inspections should be contained in the bill. We are familiar with public awareness of safeguards for food products grown in this country and those that are imported. Public confidence in seafood products can be increased by better inspection programs.

I strongly urge others to join us in the development of this important program. We want to ensure Americans that the fish and seafood products provided by this country as well as the imported products continue to be safe and wholesome.●

SUPREME COURT FLAG DESECRATION RULING

● Mr. D'AMATO. Mr. President, Wednesday the Supreme Court nullified laws that prohibit the desecration of the flag of the United States. The desecration of the flag is not an expression of speech, it is an act that should be a crime. The flag is a shining symbol of this Nation; its desecration is an offense against our veterans who sacrificed their lives and is an offense against all those who love this great country and cherish its freedoms. I have always been a strong supporter of free speech rights, but protecting the integrity and dignity of the flag is not inconsistent with first amendment rights. Any American is free to criticize our government and its policies, but that freedom is not license to desecrate the flag.

Earlier this year, I cosponsored a bill (S. 607) that would have strengthened the Federal law against flag desecration. Although that bill passed the Senate by a vote of 97 to 0, the Supreme Court's decision undermines the Federal law as well as the laws of 48 States that protect the flag. Accordingly, I was proud to cosponsor Senate Resolution 151 to express the Senate's profound disagreement with

the Supreme Court's decision. I am also proud to cosponsor Senate Joint Resolution 165, introduced by Senator WILSON, and Senate Joint Resolution 167, introduced by Senator THURMOND, which are proposed amendments to the constitution necessary to restore our ability to protect the flag against desecration.●

CLOSED-CAPTIONED BROADCASTING OF SENATE FLOOR PROCEEDINGS

● Mr. CHAFEE. Mr. President, I am extremely pleased that the Senate this week approved a change in the rules governing this body that makes broadcasts of our floor proceedings accessible to the hearing impaired. This important rule change clears the way for closed-captioned broadcasting of Senate sessions.

For the benefit of my colleagues who may not be familiar with this technology, closed captioning is the process by which the audio portion of a televised program is converted to written words, which then appear on television in a form similar to subtitles. In addition to enabling hearing-impaired individuals to view an instant transcript of the audio segment of a broadcast, closed captions are used by people learning to read and by those learning a new language.

By implementing closed-captioned broadcasting of its proceedings, the Senate joins a number of institutions already using this wonderful technology. Presently, most major public affairs broadcasts are closed captioned, including network news programs, Presidential debates, speeches, press conferences, and even some Senate committee hearings. A little over 2 years ago when Senate debate began to be televised, we embarked on a venture that ushered in a new era in the history of the Senate. We did so with the underlying belief that our democratic process would be strengthened as a result of a more informed and active citizenry. Now, with the addition of closed-captioned broadcasts, all our citizens can benefit from greater access to the process, regardless of their ability to hear. We all benefit from that.

Events surrounding the recent student demonstrations for democracy in China underscore the critical role played by technology and media in modern politics. To fathom the desire for greater access to democratic institutions, however, one does not have to look nearly as far as China. One only has to think back to just more than a year ago when students from Gallaudet University, a school that is attended primarily by hearing-impaired individuals, marched right by this building to make known their desire for a deaf president of their university.

It is worth noting that the Senate has taken this step in the 25th year of the landmark Civil Rights Act. For too long, however, it has been an unfinished landmark because its provisions do not afford protection to the 36 million Americans who are disabled. Many of us have sponsored the Medicaid Home and Community Quality Services Act, S. 384, and the Americans With Disabilities Act, S. 933. A cornerstone of the philosophy behind those two bills is the ideal of full participation in society by those who are disabled.

Closed-captioned broadcasting of Senate proceedings does involve a small expenditure of money. That cost is negligible, though, when compared to the benefits that will result. It is significant that this body has recognized that we too must make adjustments to accommodate the disabled. What better way for this body to move toward the goal of full participation than to take a step that extends to the disabled greater access to an institution that has the power to affect so directly their quality of life? I look forward to the day when we inaugurate the first closed-captioned broadcast of a Senate session.●

ANGOLA

Mr. DECONCINI. Mr. President, yesterday, the Marxist President of Angola Eduardo dos Santos, and the President of the UNITA rebels Jonas Savimbi shook hands and agreed to end a 14-year civil war. Long and difficult negotiations lie ahead of us. The United States must continue to provide sustained support for a full national reconciliation in Angola leading to free and fair elections.

The actions of UNITA and the MPLA are an important diplomatic first step in which the U.S. Government should take great satisfaction. It was United States support to UNITA that finally convinced the MPLA and their Soviet and Cuban backers that there could be no military solution in Angola. This realization produced the Tripartite agreement signed on December 22, 1988, between Angola, Cuba and South Africa.

After years of denying UNITA's existence as a legitimate nationalist force, the MPLA has agreed to direct negotiations. Again, it was the consistency of U.S. policy that produced this result. Early in his administration, President Bush affirmed that the United States will continue to support UNITA until national reconciliation is achived. The U.S. Congress has repeatedly reinforced the administration's position on Angola. Just last week the Senate and House agreed to my amendment to the fiscal year 1989 dire supplemental appropriations bill which strengthens the Tripartite agreement and restates U.S. policy—that the United States will continue to support UNITA until genuine national reconciliation is achieved.

Our Angola success demonstrates that we can form a strong bipartisan foreign policy. It illustrates the importance of a coherent foreign policy that is reached cooperatively between the administration and the Congress.

The road ahead will be difficult. The United States must continue to strongly support UNITA so that the dual objectives of a government of national unity and free and fair elections are achieved. Once an agreement is reached that is satisfactory to both parties, the U.S. Government should consider how it can help the newly established government rebuild a nation.●

CHARLES MOHR

Mr. MOYNIHAN. Mr. President, I rise to relay to my colleagues what many already know, which is that most exceptional journalist, Charles Mohr, died this past weekend. I would like to take just a moment of the Senate's time in recognition of one of our Nation's finest correspondents.

Charles Mohr was a dedicated correspondent whose work transversed four decades. Employed by the New York Times for a quarter of a century, he was this agency's chief correspondent in Vietnam and their chief correspondent for Southeast Asia. Charles Mohr was indeed most recognized for his reporting on the Vietnam war.

His reporting in this area was critical, descriptive, objective, and honest. Truth was the goal and the guiding force. Charles Mohr, one might say, valued truth more than safety, be it safety in physical well-being or safety of career. As a correspondent covering the Vietnam war, he in a very real sense shared the dangers of battle; his receipt of the Bronze Star certainly attests to this. In his career, his refusal to adapt his reporting to enormous pressures similarly revealed his independence and integrity.

As knowledgeable in the political realm as in foreign affairs, he was a White House correspondent during several Presidential administrations. He most recently reported on military issues and was one of a team of eight journalists which received the 1986 Pulitzer Prize for explanatory journalism in covering the Reagan administration's so-called star wars program.

All this being so, there was yet a greater impact which Charles Mohr had within and on his profession. His was an example of professionalism, of incisiveness, objectivity, and analytical prowess. Colleague Robert McFadden termed Mohr a "consummate correspondent" while Tom Wicker praised him and I.F. Stone—another fine correspondent who died this past week-

end—as being characteristically "clear-eyed".

His was reporting at its best, marked by ability, brilliance, and dedication—qualities for which there is no substance in the field of journalism or any other profession. It was Walter Lippmann who stated: "Without criticism and reliable and intelligent reporting, the government cannot govern." Charles Mohr helped us to better understand world events, to better understand the truth. In this, he not only helped our Government to better govern, but helped us to better understand our world.

I ask that Mr. McFadden's obituary as it appeared in the New York Times and Mr. Wicker's recent, eloquent editorial be printed in the RECORD at this point.

The material follows:

[From the New York Times, June 18, 1989]

CHARLES MOHR, 60, DIES SUDDENLY; PRIZE-WINNING REPORTER OF WARS

(By Robert D. McFadden)

Charles Mohr, a prize-winning correspondent who covered the wars in Vietnam and the Middle East as well as political and military affairs for The New York Times for 25 years, died of heart failure at Suburban Hospital in Bethesda, Md., Friday night on his 60th birthday.

Mr. Mohr, who had a long history of heart problems complicated by diabetes, had suffered a heart attack at his home in Chevy Chase, Md., earlier Friday evening, his family said.

From the jungles of Vietnam and desert battlefields of the Middle East to the halls of power in Washington, Mr. Mohr was regarded by colleagues and knowledgeable readers alike as a consummate correspondent—a bold, tenacious and objective reporter who could write with speed, accuracy and incisiveness.

In a career that spanned nearly four decades, he was a newspaper reporter in Nebraska, an editor and reporter for United Press in Chicago, a correspondent for Time magazine for nine years and a globe-trotting foreign and Washington correspondent for The Times.

3 CONTINENTS, 3 PRESIDENCIES

His assignments included India, Africa and Asia, numerous campaigns for the Presidency and the White House in the Administrations of Dwight D. Eisenhower, Lyndon B. Johnson and Jimmy Carter. In recent years, based in Washington, he covered military affairs and military policy, including procurement scandals and the talks on limitation of strategic arms.

"Charley Mohr was one of the most highly professional reporters I ever met," former President Jimmy Carter said yesterday. "When he wrote an article, you knew it was the truth—even if if was a critical one."

Mr. Mohr was one of the eight reporters and editors who won the 1986 Pulitzer Prize for explanatory journalism for The Times for a series of articles on the Reagan Administration's plans for a space-based missile defense system known as "Star Wars." He was co-author of "The New York Times Complete Guide to the Star Wars Debate," published last year.

But it was as a Vietnam War correspondent in the 1960's, for Time magazine in 1962 and 1963 and for The Times from 1964 to 1970, that Mr. Mohr was best known. He not only took readers into jungle outposts for graphic and moving accounts of life with embattled troops, but also analyzed the strategic conduct of the war with sweep and clarity.

CHALLENGING OFFICIAL FALSEHOODS

He was one of a handful of correspondents including Neil Sheehan, David Halberstam, Peter Arnett, Malcolm Browne, Seymour M. Hersh, R. W. Apple Jr., Homer Bigart and Eugene L. Roberts, Jr. whose reporting challenged false official accounts and presaged the failure of American and South Vietnamese policies in the war.

Presidents Johnson and Richard M. Nixon accused these reporters of courting and even encouraging defeat, but eventually it became clear that much of the official information in Vietnam was misrepresented for propaganda purposes and that it was the reporters who were bringing the facts to the American people.

Mr. Mohr, in a celebrated episode, resigned from Time in the fall of 1963 after the magazine refused to publish his reports. He then joined The Times in 1964 and returned to Vietnam, from which he continued to report until 1970.

He was the first correspondent wounded in the war—by shrapnel in the leg in 1965—and one of three awarded the Bronze Star for trying to rescue a mortally wounded marine under heavy fire during the Tet offensive of 1968. His reporting took him often into the fighting: to besieged outposts, into burning villages and fields raked with machine-gun fire.

From Saigon, his reporting appraised the full sweep of the war and the policies underlying it: misguided attempts at secret bombing, strategic and planning failures, the use of napalm on civilians, flawed efforts to "pacify" the Vietnamese people, and corruption in South Vietnam's political and military leadership.

Peter Arnett, who was in Vietnam for The Associated Press from 1962 to 1971 and won the Pultizer Prize for international reporting in 1966, said: "Charley Mohr was one of a half-dozen outstanding correspondents of the war whose reporting really made a difference. He was brave. He was one of the exceptional journalists of the era."

Charles Henry Mohr was born on June 16, 1929, in Loup City, Neb., where he grew up. He graduated Phi Beta Kappa from the University of Nebraska in 1951. He was a reporter for The Lincoln (Neb.) Star in 1950 and 1951.

After three years with United Press in Chicago, he joined Time magazine in 1954. His assignments for Time included San Francisco, the White House, New Delhi, Hong Kong and Saigon.

As a correspondent for The New York Times, Mr. Mohr covered the Presidential campaigns of Barry Goldwater in 1964 and Jimmy Carter in 1976, reported from Africa for five years in the 1970's and covered a series of wars, including the 1973 and 1967 wars in the Middle East.

Mr. Mohr is survived by his wife, Norma, a senior editor of the Voice of America, whom he married in 1951; three children, Dr. Gretchen Kalonji of Arlington, Mass., Ned Mohr, of Madison, Wis., and Julie Piwonski of Arlington, Va.; a stepson, Hank Lanum, of Clifton Park, N.Y., and five grandchildren.

[From the New York Times, June 18, 1989]

TWO HONORABLE MEN

(By Tom Wicker)

On February 7, 1965, less than a month after Lyndon B. Johnson was sworn in for his own Presidential term, Viet Cong infiltrators breached the South Vietnamese security perimeter around an American special forces camp at Pleiku, blew up several U.S. aircraft, killed 8 Americans and wounded 108 others.

Twelve hours later, 49 American carrier planes bombed staging areas and base camps near Dong Hoi in North Vietnam—"in response," the White House said, "to provocations ordered and directed by the Hanoi regime." The swift U.S. retaliation, however, suggested that the Pleiku attack had been more nearly an excuse that triggered a planned reaction. The U.S. bombing of North Vietnam had begun; by mid-March, it was a daily routine.

On Feb. 16, even before the full bombing campaign developed, I.F. Stone wrote in his four-page weekly that "The most important casually" at Pleiku as the U.S. hope for counter-guerrilla warfare in South Vietnam. "The decision to bomb North Vietnam confessed that after four years . . . the guerrillas were stronger, better armed, enjoyed more popular support and controlled more territory than when our intervention began in 1961."

Characteristically, Izzy Stone had made a prescient point that was to become of increasing importance as the war in Vietnam wore on for eight more years: bombing North Vietnam was an ineffective substitute for winning the ground war in South Vietnam. Another reporter who understood that just as clearly and who published his analysis even earlier was my admired friend and colleague, Charlie Mohr. In The New York Times of February 8, 1965, he wrote of the Pleiku incident:

"[A] small Viet Cong unit, armed with captured [American] weapons and protected by a lack of field intelligence on the part of the South Vietnamese Army, succeeded in creeping onto the American base and dealing a bloody blow." So the responsibility for Pleiku could be laid "not just to Hanoi but to a failure to prosecute the antiguerrilla war in South Vietnam itself in a more vigorous and successful way."

By sad coincidence, the bell tolled for I.F. Stone, age 81, and Charles Mohr age 60, this past weekend, tolling too for those who cherished them as good friends and great reporters—and diminishing an American journalism that's all too seldom the boldly sounding tocsin its constitutional protection ought to make it. The incisive reporting of these two clear-eyed journalists provided, at the time of the Pleiku incident, a personal moment of truth for me, and—for all those willing to hear it—a clear warning that our country was heading down a road of futility and frustration in Indochina.

The war in Vietnam, more than any other experience in my professional lifetime, validated independent, searching, skeptical journalism unbeholden to official statements by official institutions. Such reporting, bred by the war, later played a major part in disclosing the Watergate scandals. It has been and still is, unfortunately, more nearly the exception than the rule of print and broadcast news in this country.

For years, all through the red-baiting and conformist 50's, I.F. Stone exemplified in his one-man weekly reports that kind of journalism. He made a specialty of the docu-

mentary sources and the experienced personal insights that most reporters, of any era, avoid in the crush for access to official spokesmen. Long before the war in Vietnam became generally unpopular, I.F. Stone's unrelenting search for the reality beneath the official facade made him peerless among those few journalists who questioned, in print or on the air, the Government's inflated claims.

In a more conventional career, from reporting in Lincoln, Neb., to Time magazine, Charlie Mohr learned and practiced the same rare values. When Time failed to publish his reports from Vietnam because they did not observe the Government line, he refused to lie down but resigned in protest. Later in Vietnam, for this newspaper, Charles Mohr became in my judgment the outstanding combat reporter of the war—militarily knowledgeable, unafraid to reach his own conclusions, unflinching under fire, filing stories of sensitivity and compassion that matched their brilliance.

These highly skilled reporters, these warm and generous men, different in many ways but alike in courage and integrity, unfailingly honored their profession. Its practictioners could most truly honor them by emulation.●

PROVIDENCE—A CITY OF OPPORTUNITY

● Mr. PELL. Mr. President, I wish to share with my colleagues a very interesting article which appeared in KPMG Peat Marwick's recent edition of World magazine featuring Providence, RI.

Rhode Island is steeped in a unique and rich history. It was founded in 1636 as a heaven from the religious intolerance of Massachusetts and grew to become a place of boundless opportunity. While Rhode Island did face a period of decline after World War II, new leadership and a willingness to change turned Rhode Island and its capital city around and rekindled the innovative spirit which originally made Rhode Island the cradle of the industrial revolution.

Credit for Rhode Island's renaissance must be given to our public and private leaders who had a vision of a better and more prosperous Rhode Island and who were willing to take risks in the face of adversity. Thanks to the leadership and cooperative efforts of Joseph Paolino, the mayor of Providence, and Edward DiPrete, the Governor of Rhode Island, the city of Providence has become a place of opportunity, of significant growth and change. Together they created a climate which encouraged development and investment. In fact, I would like to draw attention to the fact that Providence was recently named by Newsweek as one of the "best places to work and live in America."

The enterprenuerial spirit, that same spirit which inspired Samuel Slater to build the first cotton mill on the banks of the Blackstone River, is alive and well in Providence today. One of the most recent examples of this spirit and of the favorable business climate that exists in my State is the development of the Capital Center in downtown Providence. As the article states, this project "is testament to a new level of cooperation that has emerged between city and State governments." As the article also points out, we still have a way to go, but I am confident that we can continue to succeed by relying on Rhode Island's heritage of change and progress.

I ask that the text of the article be printed in the RECORD.

The text of the article follows:

A MATCH MADE IN PROVIDENCE

(By David Narsavage and Pam Geraldi Rabin)

Governors and mayors are not necessarily known for joining forces to move mountains, but in Providence, R.I., rivers are another matter. Here, two rivers—the Moshassuck and the Woonasquatucket—have been literally rechanneled as part of a billion-dollar revitalization project known as Capital Center. If successful, the project will link Rhode Island's statehouse with the adjacent and resurging core of its largest city.

Some of the 60-acre project site for the center is not little more than a muddy construction lot, but observers on both sides of the city-state fence say that the Capital Center project involves more than just real estate. The project's very existence, they contend, is testament to a new level of cooperation that has emerged between city and state governments.

While positive city-state equations have long shown their value in economic development efforts elsewhere, such cooperation may be even more vital here because, despite their distinct entities and charters, the city of Providence and the state of Rhode Island are about as close to oneness as the equation gets.

"Little Rhody" is just that—the smallest state in the union, a mere 37 miles across and 48 miles deep. Some 800,000 of its nearly one million residents live in the greater metropolitan area of Providence. Thus, city and state can't help but play a crucial role in each other's destinies. This interdependency prompted the late anthropologist Margaret Mead to observe, "This is the most fascinating state in the country to watch because you can see the whole political process in action within four blocks."

The fate of this city-state is bound not only by the geography but by common concerns that demand shared energies and solutions. It is from such cohesive dynamics, say many of the area's politicians and business leaders, that economic and social momentum has been derived.

The momentum has been considerable of late. Economic tides within the Ocean State have surged recently, accompanied by a wave of media applause that may have crested when Newsweek called Providence one of "the best places to live and work in America." Indeed, Rhode Island boasts one of the nation's lowest unemployment levels at 3.4 percent. Personal income is at an all-time high, and about $1 billion in construction contracts were awarded last year, with new plant construction totaling 1.2 million square feet.

This turnaround may surprise those who recall the derogatory remarks once heaped upon the state. As recently as five years ago, The Wall Street Journal described Rhode Island as being "out of step," "the region's dowdy neighbor," and little more than a "smudge" on Interstate 95. The disparagements were not entirely without warrant. Decline had been the operative word in describing Rhode Island's economy since World War II. Although the state remained popular with tourists drawn by some 400 miles of picturesque bay and oceanfront and the resort jewels of Newport and Block Islands, its industrial base has been rusting away for some time.

Providence was at the center of the decline. The city was gray and dirty, its population was tumbling, and retailers had all but deserted downtown for the suburbs. It was a scene familiar in cities across New England, recalls Richards F. Syron, president of the Federal Reserve Bank of Boston. "Only 15 years ago," he says, "conventional wisdom viewed New England as a long-term basket case, destined to become an Aududon sanctuary."

By the 1970s, the State Manufacturers Association rated Rhode Island's business climate the second worst in the nation. Its unemployment level topped 10 percent as yet another wave of industrial employers pulled up stakes and left, many bound for the Sun Belt. Per capita income fell below the national average. Perhaps the heaviest blow to the state's economy came in 1974 when the Newport Naval Base and the U.S. Naval Air Station at Quonset were closed, eliminating some 10,000 civilian jobs. "The loss of Newport and Quonset was absolutely the bottom for the state," says Henry Fazzano, director of the state's department of economic development.

Rhode Island responded to the economic dilemma with a willingness to take risks that had characterized the state's original settlers. Providence, in fact, was founded in 1636 as a refuge from the religious persecution of neighboring Massachusetts. As a colony, Rhode Island's citizens were at war with the British long before Lexington and Concord saw battle, and, accordingly, it was the first among the 13 colonies to declare its independence.

Like many settlements on the Atlantic coast, Providence first found commerce as a seaport. But its fortune, and those of the entire state, turned far more prosperous upon the wheel of a water-powered cotton mill devised in 1793 on the banks of the Blackstone River in nearby Pawtucket by Samuel Slater, an English immigrant. His invention set in motion the mass production of textiles and established Rhode Island as a cradle of America's industrial revolution. About the same time, another Yankee ingeniously struck gold—or unstruck it—when a Providence jeweler, Nehemiah Dodge, reduced the gold content of his products, thereby launching America's costume jewlery industry.

It was this entrepreneurial spirit that the state government embraced in 1974 as it sought to revive a moribund economy. One result was the formation of a port authority, through which the state acquired the abandoned Quonset Naval Air Base and enticed the General Dynamics Electric Boat Division to open a manufacturing facility there. A key component of the state's offer was an extensive job training program to teach the work force skills, such as welding, required in the manufacture of boats. Today the plant employs some 5,000 workers. Job training programs also convinced Metropolitan Life Insurance Company to build a regional headquarters in suburban Warwick employing some 1,200 people.

The state has continued to develop new programs. In 1985, the Rhode Island Part-

nership for Science and Technology (RIPSAT) was formed to bring together businesses, colleges, universities, and hospitals on projects in science, technology, and research and development. And in 1988, the governor wrote into law the Workforce 2000 initiative, a business-government partnership formed to train workers in a wide range of skills.

The state also successfully wooed investment from overseas. Today there are more than 60 foreign-based companies operating in Rhode Island, employing some 7,000 workers. Credit for the increased presence of the internationals belongs, in part, to the Commodores, a state-sanctioned organization comprising some 300 members of the business, cultural, and academic communities. Receiving no state funds the group's volunteer members serve as ambassadors to potential new businesses. James R. Winoker, a Providence developer and president of B.B. Greenberg Co., one of the state's leading jewelry manufacturers, is "admiral" of the Commodores. "If the governor has a foreign economic development delegation visiting, we'll host a reception for them," comments Winoker. "Or if a domestic company is thinking of locating here, we'll get some of our members together with its representatives."

While Rhode Island's textile industry has declined, the state's jewelry and silversmith industries remain vital components of the economy. In fact, some 70 percent of the costume jewelry made in America originates here. In addition to B.B. Greenberg Co., industry leaders Monet Jewelers Inc., Trifari, and Anson Incorporated call Rhode Island home.

"The costume jewelry industry has been strong in the state for a century because hundreds of suppliers of jewelry components and services such as electroplating are available in the area," explains Matthew A. Runci, executive director of the Manufacturing jewelers and Silversmiths of America. "The industry is growing even stronger as manufacturers focus mure on design and marketing."

The state's favorable business climate is also boosting the industry," says Russell A. Boss, president of A.T. Cross Company, the largest American-owned manufacturer of writing instruments. "The industry has not always been the cleanest of corporate citizens, but that's changed dramatically with the industry's more sophisticated processing methods."

Manufacturers in industries other than jewelry are also a viable presence in the state. In addition to the General Dynamics Electric Boat Division Quonset Point Facility, Rhode Island is home to Nortek Inc., Textron Inc., and the Gilbane Building Company, one of the country's ten largest construction management companies. Today there are more than 3,000 manufacturers in Rhode Island, accounting for more than 120,000 jobs.

While manufacturing has been one the upswing, much of Rhode Island's recent growth has been in the service sector. Rhode Island boats 21 banks, including the Fleet/Norstar Financial Group, Inc., a $29 billion regional bank holding company. The insurance industry, led by Allendale Mutual Insurance Company and The PW Group, has also grown.

This growth has hardly been coincidental. Shortly after taking office, the governor established a blue-ribbon committee to help improve the business climate for the insurance industry. One result of the effort is the State's Open Rating Competitive Law, which mandates that the insurance department act on rate filings within 30 days.

"Changes traditionally have come slowly in New England, so what's happened here is just short of revolutionary," says Joel N. Tobey, president and CEO of Amica Mutual Insurance Company, founded in Providence in 1907 and now the nation's seventh largest mutual insurance company. "Government has become more sensitive to the business community, though it's not at all a captive of business interests. And the maze of bureaucracy usually endemic to a city doesn't exist here because everyone knows everyone else. So our small size is a real advantage to business."

No doubt, Rhode Island's economy has also benefited from the economic "miracle" that rippled across New England in the 1980s, due largely to defense spending by the Reagan administration.

The city and state's cooperative efforts helped bolster that momentum. The city's participation began in force with the election in 1984 of Democrat Joseph R. Paolino, Jr. At 29, he was the youngest mayor in Providence history. He was also the son of a prominent local developer who recognized the need to involve the business community in charting the city's future. Also elected to office in 1984 was Edward D. DiPrete, who became the State's first Republican governor in 16 years. A pragmatic businessman from Cranston, a largely blue-collar city, DiPrete promised to make Rhode Island "the Better Business State."

The two men are largely credited with spearheading a statewide bipartisan alliance that is considered highly unusual in a state that has historically made the crunch and grind of politics its number-one spectator sport. In 1985 the alliance resulted in a legislative package that caught the attention of the business community: Employer-paid unemployment benefits for strikers were abolished, unemployment taxes were restructured in favor of employers, workers' compensation was made more efficient, the corporate net worth tax was repealed, and all Rhode Island's residents enjoyed a 22 percent reduction in personal income taxes. Also, manufacturers were no longer required to pay property or sales taxes on machinery and equipment, nor were their inventories taxed.

To many observers, these actions were nothing short of radical in what had long been considered a labor state. But, according to DiPrete and Paolino, they were necessary to fully restore the health of the economy—as was the cooperation that allowed the changes to occur. "I knew no one would win if I had an antagonistic relationship with either the Democratic State legislature or mayor. I sensed a rebirth in that legislative session," recalls DiPrete. "Members on both sides of the aisle were indeed saying to investors in the business community, 'Look at us again. It's a new ball game here, a new State."

Paolino's support was instrumental in helping the State to develop its aggressive programs. He says that he and DiPrete understand development. "We're businessmen. We know that the needs of the community and business aren't incompatible. The key is in balancing the two—making sure that the economic and social environment is hospitable to both."

The alliance between governor and mayor signaled "a major turnaround in city-state relations," says Henry Fazzano, who also served as an aide to Paolino. "It worked because both men wanted good, clean business. Their relationship is also open and honest, which hasn't always been the case around here. Things changed because the leadership has changed."

Despite rumors that the two men might face each other in the state's 1990 gubernatorial race, both the alliance and its newest project are progressing. Capital Center is the largest single construction project in the state's history. If everything on the drawing board is realized, it will include 3 million to 5 million square feet of commercial, residential, and office space when completed in the early to mid-1990's and more than $1 billion in public and private funds will have been invested in the project, which will also give the city a new hotel and convention center, a shopping mall, and a bi-level walkway system. Well over $40 million of public funds has already gone into relocating the two rivers, as well as removing Amtrak railroad tracks referred to by residents as the Chinese wall because they cut off the statehouse complex from the rest of downtown Providence.

An already existing centerpiece on the project site is the Union Station rail terminal. Once a crumbling remnant from another era, the station is undergoing a $20 million renovation. Soon it will be the new headquarters of Cookson America, the $1 billion subsidiary of the British conglomerate Cookson Group plc, a manufacturer of specialized industrial materials. Richard M. Oster, a managing director of Cookson Group plc and CEO of Cookson America who also serves as chairman of the new Convention Center Authority, says, "It would be dramatically less expensive for the company to move its office to the suburbs rather than to Union Station. But as the grandson of Russian immigrants, I can't forget how well Providence has treated my family, how it's helped my family's business—for one, by attracting employees to the area."

Renovation of the city's landmarks has been the crusade of Antoinette Downing, chairman of the powerful Rhode Island Historical Preservation Commission and a local legend. Paolino is one of her staunchest supporters. "Don't touch a thing or she's down here in a flash," he smiles to a visitor in his office, with its turn-of-the-century splendor. The governor, too, sought her advice on the Capital Center project. Fully active despite her 80-some years, Downing is admired, respected, and a bit feared. "I never realized I could have such an effect," says Downing, laughing at her watchdog image. But she certainly has, spearheading among other projects the highly successful drive to transform Providence's Benefit Street from a badly neglected line of 18th century buildings into what's known today as "a mile of history." "I'm not afraid of progress because I don't think there's any choice," she says. "But we have so much to appreciate in Rhode Island and so much to miss if we lose these resources."

Another place in Providence where the past and future coexist amicably is Brown University, the seventh oldest college in the nation and the best known of the state's nine private and three public colleges and universities. An active member of the community, Brown is working with the University of Rhode Island, the National Science Foundation, state government, and local industry in a research foundation exploring a new coating technology known as thin film, which is potentially less damaging to the environment than current electroplating

techniques, used in the costume jewelry industry, among others. Brown has also undertaken programs to improve secondary education in Rhode Island and nationwide. And Brown University's new medical school has significantly improved the quality and availability of health care in Rhode Island.

Vartan Gregorian recently became Brown's new president, leaving his post as president of the New York Public Library. "New York is a revolutionary city, whereas Providence is an evolutionary city," he says. "It's not a collection of factions, but a true community with the perspective of the centuries."

While developments such as Capital Center are visible proof of Rhode Island's improved economy, other downtown buildings are darkened reminders that the resurgence still has a way to go. The hot economic growth of recent years also shows signs of cooling. While the economy is certainly stable and more diverse than ever, says Gary Ciminero, chief economist at Fleet/Norstar Financial Group, Inc., "1989 could be one of the slowest growth years of this decade because the region's economy is reaching its growth peak. We're running out of people to employ, and housing prices have doubled in the state."

U.S. senator and former Rhode Island governor John H. Chafee also acknowledges the difficulties. "We face the problems of any urban area. The population of Providence remains flat, wages are still relatively low, and we can't expect to sustain our recent growth. But overall, our small size means that difficulties are smaller and more manageable than those of other urban areas. We've become more diversified and, therefore, less vulnerable."

The surging economic tide to date hasn't raised everyone's boat, however: Many low-income and minority residents have been left virtually untouched by the state's economic resurgence. Recent immigrants are among the residents with low incomes, says Alan G. Hassenfeld, president of Pawtucket-based Hasbro, Inc., the world's largest toy maker. As chairman of the Governor's Advisory Council on Refugee Resettlement, he was instrumental in helping Providence cope with an influx of Southeast Asians, the second-highest per capita concentration of its kind in the nation. "We can't just sit back and say, 'We're doing fine now,'" observes Hassenfeld. "As the Boston metropolitan area grows, its population is moving south into Rhode Island tightening the supply of low-cost housing here."

While population spillover from Massachusetts has raised the cost of housing in the past two years, it's still a bargain for most of the state's residents. The same is true of Class A office space in Providence, which goes for about 60 percent of what it would in Massachusetts.

Housing bargains are only one attraction. The relatively low cost of doing business is another of Rhode Island's great draws, when compared to the other industrial states of the Northeast, says J. Terrence Murray, chairman and CEO of Fleet/Norstar. "Rhode Island's greatest growth in the past ten years has been in the defense industry. In fact, most underwater weaponry is designed in the state. Another growth area is the financial services industry. In the past five or six years, Fleet/Norstar, for instance, has gone from a $5 billion to a $29 billion company. We in Rhode Island have underestimated the appeal of what we have here, and we've had a chip on our shoulder because of some of the unfavorable national publicity we've received. Between our rich ethnic mix, beautifully restored historic architectural resources, and the natural beauty of our coastal location, we have a treasure that some Rhode Islanders don't appreciate."

One treasure that virtually everyone agrees on is the quality of life Rhode Island offers. The same attractions that draw thousands of tourists are the very reasons many residents say they wouldn't live anyplace else. In addition to the 300 beaches that dot the coastline, there are countless marinas, yacht clubs, and sailing schools. Sixty percent of the state remains undeveloped, offering what one local advertising executive called "some perks only God can confer." Among the man-made cultural attractions are an acclaimed philharmonic orchestra, the Rhode Island School of Design, the Providence Performing Arts Center, and the Tony Award-winning Trinity Repertory Company, the largest and oldest permanent ensemble in the United States.

As for sports, the Providence College Friars basketball team has helped Rhode Islanders gain national respect in athletic circles. Native Rhode Islander David Gavitt was Providence College's basketball coach for ten years before forming the Big East Conference in 1979. He's now commissioner of the conference, headquartered in Providence. "We could be anywhere within our nine-school conference," says Gavitt. "And I know of cities that would provide significant incentives for us to move there because of the publicity value we offer. But I've never considered moving the conference. This place has a special quality."

This claim is certainly not disputed by third-generation Rhode Islander Joseph M. Cianciolo, KPMG Peat Marwick managing partner in Providence. "Our obstacles are the same kinds of challenges that the country faces as a whole. All things being equal, I think Rhode Island will acquit itself very well in the years to come. I don't anticipate any flash-in-the-pan spurts, but rather steady, consistent progress. The crucial elements of the equation are firmly in place—now we've just got to put them to work."●

RECENT ACTIONS OF THE INSURANCE SERVICES OFFICE

● Mr. FORD. Mr. President, I wish to call to the attention of my colleagues a recent action taken within the insurance industry which I believe will have a positive impact on competition. In early April, the Insurance Services Office [ISO] announced that it will no longer provide advisory rates to the 1,400 insurance companies across the country which participate in its services.

The insurance industry has come under increasing scrutiny by State and Federal officials over the past several months. Consumers have been, justifiably, concerned about the future affordability and availability of various forms of insurance. And like any other industry, actions taken from within which serve to enhance competition are in the best interests of everyone and should be commended.

ISO provides "loss cost" information in an effort to allow insurers to estimate their costs based on data from across the country. Under the former ISO policy, insurers were provided information relating to marketing and overhead expenses, underwriting profit and contingencies.

Under the proposed policy change, ISO will no longer provide advisory rates based on accumulated data. ISO will not provide data on marketing and overhead expenses. Instead, each participant must determine its own expense and profit needs. ISO will only provide prospective loss costs, including such items as handling and legal expenses.

This policy change means that smaller companies will still have important information available to them. However, ISO will only be involved in estimating costs, not offering any assistance in formulating prices. Many small insurers do not have the resources to conduct this type of actuarial analysis, and would otherwise be deterred from entering new geographic markets or providing new lines of insurance.

I look forward to monitoring the implementation of the new policy to assess the impact it may have on the industry. Before Congress takes any dramatic action on any proposal to modify the structure or operation of the insurance industry, significant weight must be given to such policy changes and other trends which serve to benefit consumers.●

FEDERAL FISH INSPECTION ACT

● Mr. CHAFEE. Mr. President, I am pleased to join the distinguished junior Senator from Maine in introducing legislation to ensure the safety of seafood products. As a Rhode Islander, I am especially aware of the need to reassure consumers about the safety of the seafood that we eat. This legislation, introduced yesterday, will serve as a valuable basis for discussion on this important issue, and I look forward to working closely with Senator MITCHELL and my other colleagues on this matter.

We residents of the "Ocean State" enjoy the full benefits of a beautiful marine environment—boating, swimming, sailing. But it is also a critical economic resource. The fishing industry is central to our economy, providing hundreds of jobs for Rhode Islanders and other New Englanders. And we are well known for our seafood and shellfish. Let me extend an invitation to those Senators who have not yet visited Rhode Island or tasted Rhode Island quahogs: come see what you're missing.

In the past few years, however, there has been increasing concern—sometimes justified, but often not—about the health risks posed by unsafe or contaminated seafood. This fear has been heightened recently by troubling reports about the state of our

marine environment. Last year, stories about medical waste and ocean dumping of sludge appeared regularly in newspapers and news broadcasts. Other scares about the safety of different fruits have also added to the public's hesitation about what is safe to eat and what is not.

That is why a national seafood inspection program is important. Currently, seafood is regulated by the Food and Drug Administration [FDA] and by State agencies. But in order to allay public concerns about seafood consumption, we need a comprehensive inspection system to consolidate and enhance all of the regulatory programs.

Not only would such a program protect consumers, but it would protect fishermen and seafood processors. It is essential that we give the fishing industry a way to assure consumers that seafood products are not only safe to eat, but are of high quality as well. The USDA now inspects our meat products; fish products are of no less importance, and deserve that same stamp of confidence.

The bill that is being introduced today would give the Secretary of Agriculture the authority to establish an inspection program for fish and fish products. The program would cover processing, inspection of both foreign and domestic fish, and registration and inspection of facilities and vessels that process fish. In addition, the Secretary would establish standards for processing conditions, and implement a monitoring and surveillance system to assure compliance with the standards.

To minimize disruption in the fish industry and coordinate inspection efforts, the Secretary would work closely with other Federal agencies. Research on new testing techniques for the presence of contaminants would also be encouraged.

Mr. President, Rhode Island takes pains to ensure the safety of its seafood products. Even so, the Rhode Island fishing industry is adversely affected by negative public perceptions about seafood. Because it will help the industry, Rhode Island fishing industry representatives have endorsed a national inspection program. It is important that they be able to reassure consumers about the wholesomeness of the seafood on their dinner tables. That kind of public confidence would be greatly enhanced by a national inspection system.

I know that this piece of legislation is only a first step. But it is an important one. I look forward to working with Rhode Islanders and my colleagues in the Senate to improve this measure as the Senate continues discussion on this important issue.●

RECENT EVENTS IN CHINA

● Mr. HEINZ. Mr. President, in the weeks ahead, the Bush administration and Congress will consider additional steps to convey America's profound abhorrence of recent events in China. Whatever sanctions are imposed in the near term, there is one fundamental alteration in our bilateral relationship that must occur: the elevation of human rights to a core element of the United States-China diplomatic agenda.

I recall a story once that the Chinese Communists introduced simplified characters in an attempt to make the Chinese language more accessible to the people. At that time, the character for love contained within the character for heart. When the character was simplified, the "heart was taken out of love." Indeed today the character for "love" no longer includes the character for "heart." And now the Chinese leadership has taken the heart out of the United States-China relationship.

Since the June 3-4 massacre of prodemocracy students in Tiananmen Square, we in the United States have gone through a complete cycle of emotions.

First, we were shocked by the assault of the army and tanks on the students as they were sleeping in their tents and shelters. As so many Americans who had developed a fascination for China, I had difficulty believing the cruelty and brutality occuring before my eyes.

Then, profound disappointment as I recalled my own visit to China in 1986, and my meeting with Premier Li Peng, who went to extraordinary lengths to reassure our bi-partisan delegation of China's political and economic stability, and the esteem he held for United States-China relations.

Next, anger at the duplicitous rewriting of history occuring after the massacre, and the public execution of pro-democracy activists.

The cycle of emotion was widely shared by Americans, as was support for the initial package of sanctions implemented by President Bush within days of the massacre at Tiananmen Square.

The President's first steps targeted Chinese-United States military ties, and humanitarian aid for the victims.

The suspension of military sales under review by the Coordinating Committee (COCOM), a multilateral export control system that includes all the NATO countries, Japan and Australia; the suspension of military exchange visits; the extension of visas to the 40,000 students studying in the United States who fear they will be persecuted for supporting the prodemocracy student demonstrators in China; and, the offer of humanitarian aid to those injured during the Tiananmen atrocity.

I would point out to my colleagues that these sanctions have an immediate and high visibility impact. Take the COCOM review suspension.

Currently, the Chinese have ready access to the low-end technologies on the COCOM controlled list. Under discussion, until the events in Tiananmen Square, was a liberalization of the rules that would have led to the Chinese having access to close to 95 percent of all high technology items controlled by COCOM. That review would have been concluded in September.

In addition, last year, the Reagan administration approved two proposed satellite launches by the Chinese after a heated debate which included exchanges of letters at the highest levels of both Governments. These launches were and are extremely high on the Chinese Governments agenda because they establish the credibility of their commercial launch program, putting it on par with the United States and France, the only major commercial launchers. The first launch is planned for April 1990, and the critical period of resolving issues related to the launch is the next 30 days. President Bush has suspended any further cooperation or movement in this high visibility area as well.

Indeed, the credibility of all his other actions to target the Chinese military and political leadership would have been totally undermined and called into question had he acquiesced in continued United States approval of these launchers.

Following the first public executions of Chinese prodemocracy leaders, the President implemented additional sanctions to communicate United States disapproval of those events, again taking actions affecting the Chinese leadership and its military-industrial priorities.

The restrictions of high level contacts with Chinese embassy officials; and, the indefinite postponement in processing nearly $1.3 billion in loans from the World Bank and the Asian Development Bank and halting any steps to move forward on some $4 billion in new loans up until now under negotiations with the PRC.

While I support the President on these actions, the continuation and escalation of government retaliation against the democracy movement calls for additional steps, and I am calling on the President to take three further actions.

Extend the suspension of sales to include dual-use technologies to civilian organizations with known ties to the military; seek Congressional approval of legislation to create a special visa status for Chinese students in the United States that will not expose them to being singled out for punishment once they return home; and suspend consideration of new Export-

Import Bank assistance to United States-China business projects.

The President should also study whether China has imposed immigration restrictions contemplated under Jackson-Vanik. The Chinese Government has closed its borders—indeed may be restricting emigration—in order to ensure that people participating in the democracy movement are caught in the vast web of oppression now underway. Such restrictions would raise serious questions about continuation of the Jackson-Vanik waiver which affords China most favored nation [MFU] status. I call upon the administration to carefully analyze and report to Congress on the affect of these actions as quickly as possible.

I believe those additional steps are consistent with the President's focused response strategy, singling out the Chinese leadership yet sustaining our relationship with the Chinese people.

Necessary as those near term sanctions are, it is our ability to constructively support the aspirations of the Chinese people for freedom that demands a fundamental shift in our policy. Human rights should be an essential part of the United States-China relationship.

For the past 10 years, since the establishment of diplomatic relations between the United States and China, the United States has been as guilty of sweeping Chinese human rights violations under the rug as the Chinese have been guilty of committing them. China's human rights record is deplorable, and it has been since 1949. But the United States has refused to put human rights on the agenda for fear of offending the Chinese.

How can we offend a government that has no genuine or shared conception of freedom and liberty? Indeed, more than people were trampled in Tiananmen. It may surprise Americans to learn that China has a constitution which, on paper, guarantees its citizens freedom of speech, press, assembly, association, and of demonstrations. Article 35 proclaims that freedom of the person of a citizen of the People's Republic of China is inviolable and that no citizen may be arrested without due process, and if arrested under due process, the arrest must be by a public security organ—Article 37. The constitution allows citizens of the People's Republic of China to criticize and to make suggestions to relevant state organs against officials for corruption and other crimes—Article 41. The latter article prohibits retaliation against those bringing charges against Government officials.

This is not the first time that China has blatantly violated the human rights of its citizens. Human rights organizations have brought to our attention Chinese atrocities in Tibet, but we looked the other way. In 1978–79, 6 years after President Nixon's historic opening of China, the Chinese Government quashed another democracy movement, which some of us recall was characterized by wall posters, unofficial journals, and calls for free speech and assembly, and an end to corruption by officials and their offspring. This movement ended with the imprisonment of its leadership, including Wei Jingshen, the Fang Lizhi of 10 years ago. Wei is still imprisoned.

And where were the outcrys against these human rights violations? Did they figure in our assessment of the decision to establish diplomatic relations with China? The record available to us says a resounding no!

We have received year in and year out nothing but sterile human rights reports from the executive branch. I challenge those that would support China's human rights record to read these sterile reports. I will anxiously await this year's report. We have used the desire to normalize relations with China for geopolitical reasons as an excuse to sweep under the rug any impulse to criticize China's human rights violations. The Tiananmen massacre, hopefully, has ended this impulse.

Forty years ago the United States put human rights on the U.S.-Soviet bilateral agenda. Few believed that the inclusion of human rights on the agenda of such a repressive regime would work, but the events of the past few years show the strategy's success. The Soviet Union, to its credit under General Secretary Mikhail Gorbachev, has improved its human rights record. Indeed, in recognition of this progress, President Bush has indicated a willingness to consider waiving temporarily the Jackson-Vanik amendment which links trade with emigration.

Perhaps at this point, it is appropriate to take the same approach to China. I, for one, will insist that human rights be inserted in any prospective talks with Beijing from here on out. If the Chinese refuse to discuss human rights violations, then they will have to pay the price for their repressive actions against the prodemocracy students who were exercising what they thought were rights guaranteed to them by their own constitution.

I do not hold out the hope that the Chinese will change their behavior soon, not perhaps in my lifetime. But, it is time to face squarely what we have turned our back on for too long.●

TRIBUTE TO MAJ. GEN. HUGH R. OVERHOLT

● Mr. THURMOND. Mr. President, I rise today to recognize Maj. Gen. Hugh R. Overholt, the Judge Advocate General of the Army, for his many years of exceptionally meritorious service to our country. General Overholt will retire from active service on July 31, 1989.

General Overholt is widely respected for his visionary leadership of the Judge Advocate General's Corps. As the Judge Advocate General from August 1985 to July 1989, he was the legal advisor to the Chief of Staff of the Army and the Army Staff, as well as the military legal advisor to the Secretary of the Army and the Assistant Secretaries.

His professional legal advice demonstrated his abiding concern for the Army's mission and his sincere concern for the welfare of soldiers and their families. General Overholt's innovative and effective leadership was reflected every day in the superb legal services provided by every attorney, paralegal, and legal specialist of the Judge Advocate General's Corps.

General Overholt was born in Beebe, AR and received his undergraduate and law degrees from the University of Arkansas. He was commissioned as an officer in the U.S. Army on September 25, 1957. During his 32 years of distinguished service, General Overholt served in many positions of great responsibility, including service as an instructor at the Judge Advocate General's School, the Staff Judge Advocate of the 7th Infantry Division, the Staff Judge Advocate of the XVIII Airborne Corps, the Assistant Judge Advocate for Military Law and the Assistant Judge Advocate General.

He served in assignments throughout the United States, in the Republic of Korea, and in the Federal Republic of Germany. General Overholt's professional schooling included the Judge Advocate General's School, the U.S. Army Command and General Staff College, and the Industrial College of the Armed Forces. He reached the top of his profession when he was appointed the Judge Advocate General on August 1, 1985. Major General Overholt is now completing his remarkable military career.

In honor of his retirement, a retirement ceremony will be held at the Judge Advocate General's School at Charlottesville, VA.

I am pleased to salute Maj. Gen. Hugh R. Overholt, the Judge Advocate General of the Army, for his many years of truly outstanding service to the Judge Advocate General's Corps, the U.S. Army, and our country.●

COMPANY'S EFFORTS TO ASSIST FLOOD VICTIMS

● Mr. McCONNELL. Mr. President, I rise today to commend an American company for demonstrating concern for the citizens of Kentucky in a time of crisis. When parts of eastern Kentucky were recently ravaged by severe floods, Chevron Corp. offered many

Kentucky customers extra time to pay their credit card bills.

Whenever disaster strikes we must band together for the good of all. Chevron Corp. has displayed a concern for individuals—a concern too often missing in today's environment. Mr. President, in an effort to show that big business can act compassionately, I ask that a copy of a letter from my constituent in Bowling Green, KY, to Ann Landers, along with her reply, be printed in the RECORD.

The letter follows:

DEAR ANN LANDERS: Have you ever heard of a major corporation writing customers who have been hit by a flood to offer them more time to pay their bills? Well, the Chevron Corp. sent us just such a letter. We couldn't believe it. Since you like to salute goodness wherever you find it, how about a word for Chevron?—Bowling Green, KY.

DEAR BOWLING: Let's hear it for Chevron. A big company with a big heart.●

PROTECTING THE CIVILIAN NATURE OF SPACE EXPLORATION

● Mr. KOHL. Mr. President, we adopted a bill Wednesday, S. 1180, which, in the case of Richard Truly, waives the legal requirement which prohibits military officers from heading our civilian space agency, NASA. Now I believe that Rear Adm. Richard Truly is very well qualified to be Administrator of NASA. I believe his experience in the shuttle program will be a great asset in heading the agency, and I welcome his leadership. Waiving the prohibition on military officials was necessary to allow the rear admiral to assume this post without having to give up the benefits he earned by serving our country in the Navy. Since we asked Richard Truly to assume this post, I think we owed it to him not to ask him to give up his commission. And so we have waived the requirement, and we are going to have a military man head NASA. That is OK with me—this time.

This is a dangerous precedent we have set, and I would ask my colleagues to be aware of it. Under the National Aeronautics and Space Act of 1958, the Act which authorized NASA, we made a clear division between our civilian and military space programs. The wisdom of that decision has become clear over the years, as NASA had great success in the expansion of human knowledge and the exploration of space. Their primary goal has not been and should not be protecting national security. We have the Defense Department for that. Their primary goal has been the expansion of America's frontier into space, and the American people have supported that goal. Space exploration, still in its infancy, carries with it our hope for the future. Space exploration carries with it a hope that maybe, just maybe, we are going to be able to lay aside the divisions that exist on our planet. We need to nurture that hope. We need to give the civilian program room to follow the goals that develop naturally, out of scientific curiosity, out of global environmental need, and out of humanity's desire to push back the frontier. As policy, we need to follow the wisdom of the 1958 Act.

There has been increasing military activity in space over the last decade, and the fact is that our national security requires such work. But I think there is cause for concern in the direction our Space Program is taking. In 1982, the Department of Defense for the first time surpassed the civilian space program in expenditures. In fiscal year 1989, DOD space funding was approximately $15.3 billion, an estimate revised down from $19 billion, which reflects a change in the way DOD categorizes programs. NASA received $10.9 billion. This imbalance in our commitment of resources means that we are encouraging our country's finest minds to work on building newer and better weapons, not to expand our knowledge of the universe. I do not think we should be too comfortable with that.

Of course we cannot completely separate our civilian and military space needs. Wise utilization of scarce resources requires cooperation in some areas, such as developing launch vehicles. But I think it is important to maintain our civilian agency as a civilian agency. I was willing to waive the legal requirement which prohibits military officers from heading NASA in this case, but I want to make it clear that I was not comfortable doing it then—and I do not think I will agree to do it in the future.●

ORDER OF PROCEDURE

Mr. MATSUNAGA. Mr. President, I yield the floor.

JOINT REFERRAL OF NOMINATION OF THOMAS E. COLLINS III

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that the nomination of Thomas E. Collins III, of Mississippi, to be Assistant Secretary of Labor for Veterans' Employment and Training, sent to the Senate by the President on June 22, 1989, be referred jointly to the Committees on Labor and Human Resources and Veterans' Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar items numbered 179, 183, 184, 200, 201, and 202. I further ask unanimous consent that the nominations be confirmed en bloc, that any statements appear in the RECORD as if read, and that the motions to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF TRANSPORTATION

James Buchanan Busey IV, of Illinois, to be Administrator of the Federal Aviation Administration.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Richard Harrison Truly, of Texas, to be Administrator of the National Aeronautics and Space Administration.

James R. Thompson, Jr., of Alabama, to be Deputy Administrator of the National Aeronautics and Space Administration.

DEPARTMENT OF THE INTERIOR

Frank A. Bracken, of Indiana, to be Under Secretary of the Interior.

Delos Cy Jamison, of Montana, to be Director of the Bureau of Land Management.

DEPARTMENT OF THE TREASURY

Fred T. Goldberg, Jr., of Maryland, to be Commissioner of Internal Revenue.

STATEMENT ON THE NOMINATION OF J.R. THOMPSON

Mr. HEFLIN. Mr. President, I am pleased to rise in favor of the nomination of my friend and fellow Alabamian, J.R. Thompson, to be Deputy Administrator of NASA. As a Senator with a deep concern for and belief in our Nation's space program, I strongly endorse this nomination and without hesitation recommend J.R. to the Senate.

President George Bush has nominated a great Alabamian and an American hero to the position of Deputy Administrator of the National Aeronautics and Space Administration—J.R. Thompon. J.R. has done an outstanding job in the last 3 years as the Director of NASA's Marshall Space Flight Center in Huntsville, AL. I believe that the President has made an outstanding selection. In my judgment, he and Adm. Richard Truly, who has been selected for the Administrator position, will make an outstanding duo to run our Nation's space program.

Mr. President, J.R. Thompson is a man of vision with the knowledge, experience, and leadership ability to make that vision a reality. J.R.'s tenure as the director of NASA's Marshall Space Flight Center has proven him to be a bold, innovative, and dynamic leader who has restored the can do attitude at the Marshall Center to the level of the glorious days of Apollo.

In the aftermath of the *Challenger* disaster, J.R. was called to serve as vice chairman of the NASA task force inquiring into the accident. In September of that year, Admiral Truly, who has been appointed to the position of associate Administrator for space flight, called his old friend and colleague, J.R. Thompson, back to NASA from a high level position on the faculty of Princeton University to be the Director of Marshall Space Flight Center. At that time, morale at Marshall was at the lowest level in the history of the space program. However, J.R.'s dynamic leadership and hands-on management style has succeeded in restoring morale at Marshall to an all-time high.

J.R.'s number one job was to get the shuttle flying again. He took the job on as a personal challenge because he believed in our Nation's space program, the outstanding men and women of NASA, and Marshall Space Flight Center in particular, and he believed that America could and should lead the world in space research, technology, and exploration.

Two years later, the space shuttle, like the phoenix, was reborn from its ashes. The successful launches of the space shuttle that we have experienced since we have been flying again greatly due to J.R.'s leadership.

Mr. Thompson began his professional career with an Aerospace firm in 1960 as an experimental engineer working with liquid propulsion engines. He joined the research and development team at Marshall Space Flight Center in 1963 as a systems engineer for the Saturn launch vehicles. Since then, he has held management positions on some of the most complex programs at Marshall.

In 1974, at at time when the ability of the space shuttle program to move forward hinged upon the development of new propulsion technology, J.R. was chosen to manage the space shuttle main engine project. When he assumed command, the program was in deep trouble and he brought about a major recovery. The creation of these incredibly complex machines may well be the greatest engineering achievement of our time. For 8 years, J.R. managed the main engine project for NASA, using his technical knowledge and management skills to make what some viewed as an idle dream become a reality.

In 1983, Mr. Thompson accepted an invitation from Princeton University to join the faculty as deputy director of technical operations at the Princeton Plasma Physics Lab, where he directed advances in fusion energy research.

Following the *Challenger* disaster in January 1986, J.R. Thompson returned to NASA on furlough from his university duties, and as vice chairman of the task force and leader of the accident analysis team, he played a prominent role in the ensuing investigation. He then returned to Princeton.

When J.R. served as vice chairman of the NASA task force inquiring into the cause of the *Challenger* accident, collecting and analyzing information from the Rogers Commission, he won the confidence of its members. His frequent testimony before this committee and others in Congress during the last 3 years since returning to NASA full-time has earned him the trust and respect of many Senators and Congressmen. He has installed confidence in them that NASA could get the job done right.

J.R.'s candor, directness, and open honesty have also won him the respect and confidence of the Nation's news media. He speaks for NASA straightforwardly and truthfully. Even the most media resolute critics of our Nation's space program trust and admire J.R. Thompson. He has given hundreds of interviews since he took over the Marshall Space Flight Center. Always, one message comes through loud and clear: here's a man who will make sure that the job gets done right.

Getting the job done right is a major personal commitment of J.R. Thompson. Since taking the position of the Director of the Marshall Center, he has transferred that commitment to every Marshall employee. Shortly after he took the position of Marshall Director, J.R. has a picture of the *Challenger* crew framed and had an inscription placed under it which read, "Do it right for them. And those that follow." The picture hangs next to J.R.'s office door so that everyone who enters may see it. Mr. President, I have an article from the April 10, 1989, issue of the Huntsville Times entitled, "J.R. 'Santa' packing up at Marshall." This article does an outstanding job of explaining J.R.'s personable, confident, and dynamic management style which has brought morale at NASA's Marshall Space Flight Center back to an all-time high. I ask unanimous consent that this article be placed in RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. HEFLIN. J.R. Thompson's greatest asset may be his vision of the future. He wants to see this country lead the world in space research, technology, and exploration. He is a man who wants to open the door to tomorrow and boldly walk through it. J.R. Thompson is a strong, dynamic, and experienced leader who is well-liked and respected by Congress, the administration and the media. In my judgment, this is what our Nation's space program needs.

Mr. President, not since the United States ascended to the role of a world power has our economic and technological prowess been challenged from abroad as it is today. For the past 3 decades, the space program has been a major driving force behind the economic success of our Nation. If we do not take advantage of the enormous benefits that space has to offer, other countries will. This presents a challenge that must be met at the highest levels of NASA. I believe that J.R. Thompson can meet that challenge.

J.R. is a man of action. Action, strong and decisive, by the administration, by the President himself, is badly needed if this country is to have any hope of deploying a space station this century or having a world class space program. It would be a great loss to America if we lose the high ground of space research and exploration. This will be lost if action is not taken. J.R. is a man of action.

Again, I congratulate J.R. Thompson on this nomination. As I have said, I strongly endorse his nomination, and if confirmed, as I believe he will be, I look forward to working with him closely in his new position as Deputy Administrator of NASA.

EXHIBIT 1

[From the Huntsville Times, Apr. 10, 1989]

J.R. SANTA PACKING UP AT MARSHALL

Christmas 1986 at Marshall Space Flight Center. The first Christmas after Challenger. The first Christmas without Christa McAuliffe, Judy Resnik, Dick Scobee, Mike Smith, Ellison Onizuka, Greg Jarvis and Ron McNair. In Marshall's ninth floor administrative offices, morale was about as high as America's landlocked space program. And the spirit of Christmas had just never gotten off the ground.

Until one morning when Marshall's new boss, J.R. Thompson, jaunted through the door.

"Where's the Christmas tree?" Thompson asked abruptly as he strode past his secretary, Evelyn Staples. The next day the tree was up. And so, too, was morale.

But Thompson had other ideas hiding behind his no-nonsense facade, Ideas to bring Marshall together, to infuse a sense of family into the talented, but demoralized professional team he inherited just two months before.

"I want to have a director's office Christmas party," he told Evelyn Staples. "You want the program managers, the people on the ninth floor?" she asked. "No. I want to invite everyone. All Marshall employees. And all on-site contractors." About 500 employees showed up—some who had spent their careers at Marshall, but had never been on the ninth floor of Building 4200.

Last year, when Evelyn Staples couldn't find anyone to play Santa, she asked Thompson, "How about you?" "Me?" he asked. "I'll do it." In a Santa suit, Thompson stood at the elevators, greeting 1,500 Marshall employees.

In his first month as Marshall dirctor, Thompson called Evelyn Staples in. Get a picutre of the Challenger crew, have it framed, and put this inscription under it: "Do it right for them. And those that follow." The picture hangs next to Thompson's door, for all who enter to see.

That door stays open, to everyone. It remains such an important symbol to Thompson, that anytime his secretary partially closes it to reach file cabinets, Thompson asks, "Why is that door closed?" In the last two years, Thompson has opened other doors at Marshall: establishing a day care center, instigating an annual dinner for Marshall retirees and updating employees quarterly on center projects.

When Evelyn Staples walks into her office each morning at 6:30, she's careful not to interrupt Thompson—already at his desk an hour. As she switches on her computer terminal and the Xerox, she hears him in the little kitchen, getting his coffee.

"He's a secretary's dream boss," she says. He gets his own coffee, places his own calls, returns calls promptly, never allows mail to accumulate, and is always on—or ahead of—schedule.

Hers is a stressful, demanding job, scheduling Thompson's appointments, speeches, interviews and travel. But when something goes awry, she never hears from him. If she frets over things she can't control, he will say, "What can you do about it? Just cool it." When she tells him of an employee who's died, he'll look up from his desk and say, "I'm so sorry to hear that." Says Evelyn Staples: "It's genuine. It's from his heart."

Thompson will clean out his desk sometime this month, heading for his new Washington job as the space agency's deputy administrator. For 25 years, Evelyn Staples has watched people come and go at Marshall. But for her, somehow the departure of J.R. Thompson will be different.

"To me," she says, "he really has been our Santa."

STATEMENT ON THE NOMINATION OF DELOS CY JAMISON

Mr. BAUCUS. Mr. President, I am glad to have this opportunity to support the nomination of Cy Jamison to be Director of the Bureau of Land Management.

Cy is a Montanan and his nomination means a great deal to my State. The Federal Government manages a sizable portion of Montana and the other Western States, underscoring the need for knowledgeable leadership at the BLM. Cy Jamison is highly qualified to provide this leadership.

This won't be Cy's first position with the BLM—he fought fires with both the BLM and the Forest Service in summers during college. I'm confident he'll remember these experiences as Director and never forget about the needs of civil servants within the Bureau.

After graduating from Eastern Montana College in Billings, Cy spent over 10 years at the BLM, in positions including fire control technician, public affairs specialist, employment development specialist, youth program manager, and legislative affairs specialist.

Cy also has experience within the Department of the Interior as the House Liaison for the Secretary.

Cy's congressional experience includes work on the staff of the Committee on Interior and Insular Affairs, and as field director for Congressman RON MARLENEE.

And while we haven't always seen eye to eye on issues, I have always respected his convictions, integrity, and intelligence.

I have no doubt Cy will be an asset to the BLM. I ask my colleagues to unanimously confirm his nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ROBERT DOUGLAS WILLIS HYDROPOWER PROJECT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 923, to redesignate a Federal hydropower project in Town Bluff, TX, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so orderd.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 923) to redesignate the Federal hydropower generating facilities located at Dam B on the Neches River at Town Bluff, Texas, as the "Robert Douglas Willis Hydropower Project".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 923) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF EXCHANGE OF CERTAIN LAND

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 2119, regarding the exchange of certain Federal public land in Madison County, IL, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2119) to authorize the exchange of certain Federal public land in Madison County, Illinois.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 235

Mr. MITCHELL. Mr. President, on behalf of Senators BURDICK and CHAFEE I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. BURDICK (for himself and Mr. CHAFEE), proposes an amendment numbered 235.

Mr. MITCHELL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 1(a) and insert in lieu thereof the following:

"(a) EXCHANGE OF LAND.—Subject to section 2, at such time as the Blue Tee Corporation conveys all right, title, and interest in and to the land described in subsection (b)(1) to the United States of America, the Secretary of the Army (hereinafter "Secretary") shall convey all right, title, and interest in and to the land described in subsection (b)(2) to the Blue Tee Corporation."

At the end of section 2 add the following new section:

"SEC. 3. VALUE OF PROPERTIES.

"If the appraised fair market value, as determined by the Secretary, of the land conveyed to the Blue Tee Corporation by the Secretary under section 1(a) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the United States by the Blue Tee Corporation under section 1(a), the Blue Tee Corporation shall pay the difference to the United States."

Delete all of subsection (2) and insert in lieu thereof the following:

"(2) REMOVAL OF IMPROVEMENTS.—The Blue Tee Corporation may remove any improvements on the land described in section 1(b)(1). Furthermore, the Secretary, at his discretion, may require the Blue Tee Corporation to remove any improvements on the land described in section 1(b)(1). In either case, the Blue Tee Corporation shall hold the United States harmless from liability, and the United States shall not incur any cost associated with the removal or relocation of such improvements."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 235) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. I move to table the amendment.

The PRESIDING OFFICER. The question is on the engrossment of the

amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, "Shall it Pass?"

So the bill (H.R. 2119), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MODERNIZATION OF U.S. CIRCULATING COIN DESIGNS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 428, a bill to modernize U.S. coin designs, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 428) to modernize U.S. circulating coin designs.

Mr. SARBANES. Mr. President, I would like to address a question to my colleague from California, Senator CRANSTON, who is an original cosponsor of S. 428. As I understand it, S. 428 is the bill to modernize U.S. circulating coin designs. Is this the same language that was contained in S. 1776 that the Banking Committee marked up and passed on May 24, 1988?

Mr. CRANSTON. That is correct. S. 428, which Senator WALLOP and I introduced this Congress, incorporates the language agreed upon in committee last year.

Mr. SARBANES. As I understand it, under current law, subsection (d) of section 5112 of title 31, United States Code, the Secretary of the Treasury has the discretion to change the design on either side of a coin after that particular design has been adopted for a period of 25 years. Is that correct?

Mr. CRANSTON. Yes, that is also correct. The Secretary has that discretionary authority. As of 1989, the 1-cent piece, nickel, dime, quarter, and 50-cent pieces may all be redesigned if the Secretary so chooses.

Mr. SARBANES. I am concerned about section 3—design on obverse side of coins—contained in the bill, S. 428. It amends subsection (d) of section 5112, title 31, United States Code, and potentially eliminates the Secretary's discretionary authority. That section of S. 428 says:

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"Subject to paragraph (2), the design on the obverse side of the half dollar, quarter dollar, dime coin, 5-cent coin, and 1-cent coin shall contain the likenesses of those currently displayed and shall be considered for redesign.

It seems to me that locks in the designs on the obverses of the coins in perpetuity.

Mr. CRANSTON. Section 3 of S. 428, to which the Senator refers, was never meant to lock in forever the designs on the obverses or reverses of the coins. Since it says "Subject to paragraph (2)," that refers to paragraph (2) of section 5112 of title 31, United States Code, which explicitly gives the Secretary of the Treasury the discretionary authority to change designs on coins after 25 years. So that section of S. 428 does not take away the Secretary's authority to select and change coin designs according to existing law.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENOMINATIONS, SPECIFICATIONS, AND DESIGN OF COINS.

Subsection (d)(1) of section 5112 of title 31, United States Code, is amended by striking the fourth sentence.

SEC. 2. DESIGN CHANGES REQUIRED FOR CERTAIN COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(3) The design on the reverse side of the half dollar, quarter dollar, dime coin, 5-cent coin and one-cent coin shall be selected for redesigning. One or more coins may be selected for redesign at the same time, but the first redesigned coin shall have a design commemorating the two hundredth anniversary of the United States Constitution for a period of 2 years after issuance. After that 2-year period, the bicentennial coin shall have its design changed in accordance with the provisions of this subsection. Such selection, and the minting and issuance of the first selected coin shall be made not later than 1 year after the date of the enactment of this paragraph. All such redesigned coins shall conform with the inscription requirements set forth in paragraph (1) of this subsection.".

SEC. 3. DESIGN ON OBVERSE SIDE OF COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(4) Subject to paragraph (2), the design on the obverse side of the half dollar, quarter dollar, dime coin, 5-cent coin and one-cent coin shall contain the likenesses of those currently displayed and shall be considered for redesign. All such coin obverse redesigns shall conform with the inscription requirements set forth in paragraph (1) of this subsection.".

SEC. 4. SELECTION OF DESIGNS.

The design changes for each coin authorized by the amendments made by this Act shall take place at the discretion of the Secretary and shall be done at the rate of one or more coins per year, to be phased in over 6 years after date of the enactment of this Act. In selecting new designs, the Secretary shall consider, among other factors, thematic representations of the following constitutional concepts: freedom of speech and assembly; freedom of the press; right to due process of law; right to a trial by jury; right to equal protection under the law; right to vote; themes from the Bill of Rights; and separation of powers, including the independence of the judiciary. The designs shall be selected by the Secretary upon consultation with the United States Commission on Fine Arts.

SEC. 5. REDUCTION OF THE NATIONAL DEBT.

Subsection (a)(1) of section 5132 of title 31, United States Code, is amended by inserting after the third sentence the following: "Any profits received from the sale of uncirculated and proof sets of coins shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.".

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 125 and 126 en bloc, that the bills be deemed read a third time and passed, and that a motion to reconsider the passage of the bills en bloc be in order and it be laid upon the table.

I further ask unanimous consent that the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RENEWABLE ENERGY/FUEL CELL SYSTEMS INTEGRATION ACT

The bill (S. 633) to promote the development of technologies which will enable fuel cells to use alternative fuel sources, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewable Energy/Fuel Cell Systems Integration Act of 1989".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that while the Federal Government has invested heavily in fuel cell technology over the past

10 years ($334,700,000 in research and development on fuel cells for electric power production), research on technologies that enable fuel cells to use alternative fuel sources needs to be undertaken in order to fulfill the conservation promise of fuel cells as an engery source.

(b) PURPOSE.—The purpose of this Act is to authorize funds for research on technologies that will enable fuel cells to use alternative fuel sources.

SEC. 3. RESEARCH PROGRAM.

(a) PROGRAM AUTHORIZATION.—The Secretary of Energy shall implement and carry out a research program, pursuant to the Federal Non-Nuclear Energy Research and Development Act of 1974, for the purpose of—

(1) exploring the operation of fuel cells employing methane gas generated from various forms of biomass;

(2) developing technologies to use renewable energy sources, including wind and solar energy, to produce hydrogen for use in fuel cells; and

(3) determining the technical requirements for employing fuel cells for electric power production as backup spinning reserve components to renewable power systems in rural and isolated areas.

(b) GRANTS.—In carrying out the research program authorized in subsection (a), the Secretary of Energy may, subject to appropriations, make grants to, or enter into contracts with, private research laboratories.

SEC. 4. REPORT TO CONGRESS.

The Secretary of Energy shall transmit to the Congress on or before September 30, 1992, a comprehensive report on research carried out pursuant to this Act.

SEC. 5. AUTHORIZATION.

There are hereby authorized to be appropriated $5,000,000 for fiscal year 1990 to the Secretary of Energy to be used to conduct research as provided in this Act.

FUEL CELLS ENERGY UTILIZATION ACT

The bill (S. 634) to develop a national policy for the utilization of fuel cell technology, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fuel Cells Energy Utilization Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) while the Federal Government has invested substantially in fuel cell technology through research and development during the past 10 years, there is no national policy for acting upon the findings of this research and development; and

(2) if such a national policy were developed, the public investment in fuel cell technology would be realized through reduced dependency on imported oil for energy and the consequent improvement in the international trade accounts of the United States.

SEC. 3. INCLUSION OF FUEL CELLS AS A FUEL CONSERVATION TECHNOLOGY UNDER REIDA.

Section 256 of the Energy Policy and Conservation Act is amended by inserting at the end thereof the following:

"(e) For purposes of this section, the term 'domestic renewable energy industry' shall include industries using fuel cell technology.".

SEC. 4. ENVIRONMENTAL PROTECTION AGENCY GUIDELINES FOR USE OF FUEL CELL TECHNOLOGIES.

Within 180 days of the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall prepare Federal guidelines for cities and municipalities specifying environmental and safety standards for the use of fuel cell technology. In the preparation of the guidelines, the Administrator shall utilize the successful experience of the New York City Fire Department in the use of fuel cell technologies.

SEC. 5. DEPARTMENT OF COMMERCE INVESTIGATION OF EXPORT MARKET POTENTIAL FOR INTEGRATED FUEL CELL SYSTEMS.

Within 180 days of the date of enactment of this Act, the Secretary of Commerce shall assess and report to Congress concerning the export market potential for integrated systems of fuel cells with renewable power technologies.

STRATEGIC PETROLEUM RESERVE AUTHORIZATION

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 694.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 694) entitled "An Act to amend the Energy Policy and Conservation Act to extend the authority for the strategic petroleum reserve, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) in section 171, by striking out "June 30, 1989" each place it appears and inserting in lieu thereof "February 28, 1990"; and

(2) in section 104(b)(1), by striking out "June 30, 1989" and inserting in lieu thereof "February 28, 1990".

Amend the title so as to read: "An Act to extend title I of the Energy Policy and Conservation Act.".

AMENDMENT NO. 236

MR. MITCHELL. Mr. President, I move the Senate concur in the House amendment with a further Senate amendment, which I now send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. MITCHELL) for Mr. JOHNSTON, proposes an amendment numbered 236.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out the matter proposed to be inserted by the House amendment to S. 694 and insert in lieu thereof the following:

SECTION 1. EXTENSION.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) in section 171, by striking out "June 30, 1989" each place it appears and inserting in lieu thereof "April 1, 1990"; and

(2) in section 104(b)(1), by striking out "June 30, 1989" and inserting in lieu thereof "April 1, 1990".

SEC. 2. STUDY AND REPORT ON OIL LEASING AND OTHER ARRANGEMENTS TO FILL SPR TO ONE BILLION BARRELS.

(a) IN GENERAL.—The Secretary of Energy shall carry out a study on potential financial arrangements (including long-term leasing of crude oil and storage facilities) that could be used to provide additional, alternative means of financing the filling of the Strategic Petroleum Reserve to 1,000,000,000 barrels. In carrying out such study, the Secretary shall—

(1) assume that the legislation that extends title I of the Energy Policy and Conservation Act beyond April 1, 1990, will require the Secretary to amend, by July 1, 1990, the Strategic Petroleum Reserve Plan to provide plans for completion of storage of 1,000,000,000 barrels of petroleum products in the Reserve at an average fill-rate of at least 75,000 barrels per day;

(2) consider a broad array of such arrangements;

(3) consult with persons in the private sector who might be interested in leasing crude oil or storage facilities;

(4) initiate, in cooperation with the Department of State, to the extent consistent with the interests of the United States, discussions with representatives of foreign governments and other entities as to the types of financial arrangements (including crude oil leasing arrangements) that would interest them; and

(5) produce preliminary written solicitations for proposed alternative financial arrangements (including long-term leasing of crude oil and storage facilities) to assist in filling the Strategic Petroleum Reserve to 1,000,000,000 barrels.

(b) REPORTS.—(1) The Secretary shall, not later than October 15, 1989, transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives an interim report containing—

(A) an enumeration of the specific resources (both personnel and funding) committed to the study described in subsection (a);

(B) a description of the progress made toward completing the study; and

(C) any preliminary findings and conclusions made by such date.

(2) The Secretary shall, no later than February 1, 1990, transmit to such Committees a copy of the solicitations described in paragraph (5) of subsection (a) and a final report containing the findings and conclusions of the study carried out under this section, together with a draft of the legislative changes that would be necessary to authorize the most significant alternative financial arrangements studied by the Secretary (including long-term leasing of crude oil and storage facilities) and recommendations of the Secretary with respect to the need for and desirability of such financial arrangements (including long-term leasing of crude oil and storage facilities).

(c) ENFORCEMENT.—Notwithstanding any other provision of law, no portion of the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of pursuant to any contract or other agreement entered into or extended on or after February 1, 1990, other than to the Strategic Petroleum Reserve (either directly or by exchange) until the Secretary of Energy has transmitted the solicitations and the final report described in subsection (b)(2) (including the legislative changes and recommendations described in such subsection) to the Committees described in subsection (b)(1), except for the purposes provided in section 160(d)(2) of the Energy Policy and Conservation Act.

Mr. JOHNSTON. Mr. President, all the authority for the strategic petroleum reserve will expire when title I of the Energy Policy and Conservation Act expires on June 30, 1989. The SPR is our Federal stockpile of crude oil, our country's first line of defense against an oil supply disruption. It currently contains about 570 million barrels of oil. Given the expiration date, time is of the essence.

On May 31, 1989, the Senate passed a bill, S. 694, the Strategic Petroleum Reserve Amendments of 1989, that the committee on Energy and Natural Resources had reported. There was no controversy over this bill in the Senate. S. 694 extended the EPCA authority for 5 years, and the House later passed a substitute bill. I am offering today an amendment in the nature of a substitute that I believe will be acceptable to the House. I have talked informally with members of the House Committee on Energy and Commerce, and staff have met to iron out the differences.

The differences result because while the House passed a clean extension of the EPCA authority, the Senate version included several substantive provisions regarding the SPR. This compromise amendment will extend the EPCA authority until April 1, 1990, whereas the Senate had extended it for 5 years.

The reason for the short extension, until April 1, 1990, is that our committee intends to legislate again on the SPR. It is clear that the House Committee on Energy and Commerce also intends to legislate again in this area. Now what kind of legislation do we still need to accomplish?

First, we need to direct the Secretary of Energy to expand the planned size of the SPR from 750 million barrels to 1 billion barrels. The Senate mandated that expansion in our bill. Both our committee and the Senate adopted the mandate for a billion barrels without the slightest controversy. We thought the subject of whether we should move to a billion barrels had been studied to death and that the right answer is clear. Our committee report summarizes the case for it.

However, the House committee wants to consider the billion barrel mandate later, at the same time they consider several other SPR-related issues. I think once they examine the studies in detail and listen to the experts they will come to the same conclusion we did and agree to a 1 billion barrel SPR. I suspect that the key House Members are convinced now, but they have other SPR legislative proposals they weren't quite ready to address yet.

The second issue we still need to address is we must find an alternative means of financing the strategic petroleum reserve. We simply don't have the funds available to fill at the rate that our national security demands. The Federal budget has no asset side to its ledger, so that the purchase of oil is treated like an expense, rather than as the purchase of an asset.

There are lots of alternative financing proposals that have surfaced. From my vantage point, the most promising is the idea of leasing oil for the SPR and leasing private storage facilities in which to store it. To give an example, a foreign oil producer would agree for a specified period of time to place his oil in storage in the United States, giving the U.S. Government the right to auction the oil in the event of an SPR drawdown. At the end of the lease term the U.S. Government would either give the oil back to the lessor or buy it. In return the U.S. Government would pay an annual lease fee for that control of the oil. In short the SPR would rent the oil rather than purchase it.

My amendment today, as did the Senate passed version, would require the Secretary of Energy to conduct a detailed report on alternative financing options, with particular emphasis on the oil leasing concept. It requires the Secretary of Energy in consultation with the State Department to initiate discussions with foreign governments as to the types of financial arrangements, including oil leasing, they might consider.

Mr. President, this is much more than just a study. It is more of an interactive process of negotiation between DOE, the private sector, and even foreign governments to determine the best alternative financing package for the SPR. As chairman of the Committee on Energy and Natural Resources, I will do my best to focus the attention of the Department of Energy on this matter and to assist them in any way we can. I especially hope that the Department will devote appropriate resources to the study.

The amendment provides that if the final report is not submitted on time, then DOE cannot enter into new contracts for the sale of oil from Naval Petroleum Reserve No. 1 at Elk Hills until that report is submitted. I know of no stronger way we could send a signal to the Department. It is essential for the future of the SPR that we devise an appropriate financing package. However, I should note that the members involved were going to set a much earlier deadline, but reconsidered in the hope that it would spur DOE to produce a more useful product. The amendment also requires DOE to submit an interim report by October 15, 1989, as to progress in the study, the resources devoted to it, and any preliminary conclusions.

I was extremely reluctant to drop the mandate for a billion barrel SPR from this amendment, because I think the case for it is so strong. The House Members insist that they need more time to study the matter, so this amendment extends the EPCA until April 1, 1989, anticipating that we will pass a package of SPR legislation before then.

However, I am confident from my discussions with House Members that they are willing to require DOE in conducting the study to assume that the billion barrel mandate will be enacted soon. Specifically, DOE is to assume that the next legislative extension of EPCA will give the Secretary of Energy only 3 months to finalize his plans for a billion barrel SPR. Clearly, that does not give the DOE much time and they will have to do some advance work. The key point is that DOE is on notice.

Mr. President, this amendment is not all that I wanted to achieve, it is a compromise. But it is a good beginning, a noncontroversial matter, and I urge my colleagues to support it.

STRATEGIC PETROLEUM RESERVE

Mr. McCLURE. Mr. President, I rise in support of the amendment offered by the distinguished chairman of the Energy and Natural Resources Committee, Mr. JOHNSTON. This amendment reflects extensive discussions with the House which, on Tuesday, passed an 8-month extension of the strategic petroleum reserve.

The general authorities to construct, maintain, and draw down the SPR expire on June 30. The amendment before us, which extends these critical authorities until April 1 of next year, is agreeable to the House.

As oil imports continue to rise, all Americans should be concerned about the adequacy of the U.S. energy emergency preparedness. While I believe that the more comprehensive bill passed by the Senate on June 1 is more responsive to trends in international oil markets, the amendment before us is the most the House is prepared to agree to without further hearings.

The measure passed by the Senate extended these critical authorities for an additional 5 years, which the House is not prepared to do. The Senate bill also authorized the fourth 250 million barrels of SPR storage. This would bring the authorized level up to the

full 1 billion barrels originally envisioned by the Congress in 1976. At this time, the House is not prepared to endorse a 1-billion-barrel reserve, either. However, the House has indicated that it is favorably disposed to do so next year after further review of trends in oil imports and alternative SPR financing mechanisms.

Consistent with their concerns, the amendment expands the study provision in the Senate bill and directs the Secretary to report to the Congress by February 1, 1990, on alternative mechanisms to finance a 1-billion-barrel reserve. The study is to include an evaluation of long-term leasing of crude oil and storage facilities. The amendment also requires an interim report on October 15, 1989.

Current trends in oil imports indicate that the United States could, in the near future, fail to meet its own IEA obligations. If this were to occur it would significantly undermine the U.S. credibility and leadership on this vital issue. Between now and April 1 of next year it will be possible for the Congress and the administration to fully address these issues.

Mr. President, I would urge my colleagues to approve this amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MITCHELL. I move to reconsider the vote by which the motion was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 229

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Johnston-Breaux amendment No. 229 be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

GULF OF MEXICO OIL SPILL PREVENTION AND RESPONSE ACT

Mr. JOHNSTON. Mr. President, today Senator BREAUX and I are introducing the "Gulf of Mexico Oil Spill Prevention and Response Act." The March 24, 1989, oilspill in Prince William Sound, AK, and its ensuing disastrous environmental impacts have made us all more aware of the need for a comprehensive review of oilspill contingency planning, new requirements to ensure that plans are adequate and can be carried out effectively, and tougher provisions aimed at oilspill prevention.

This legislation addresses oilspill prevention and response in an area that is particularly vulnerable to oilspills—the Gulf of Mexico and lower Mississippi River. This region experiences extensive oil tanker and barge traffic and is the site of considerable offshore oil and gas development. It is also the site of the Louisiana Offshore Oil Port, a deepwater port located 19 miles off the Louisiana coast with a design capacity of 1.4 million barrels of throughput per day.

At the same time, the gulf coast contains coastal marshes and wetland areas, which provide critical habitat for a variety of fish and wildlife species as well as providing commercial and recreational benefits to millions of Americans. These coastal wetlands are fragile, and are adversely affected by a variety of activities including the impacts of oil and gas development.

For some time, we in the Louisiana delegation have been pursuing ways to help stem the loss of coastal wetlands in our State where the rate of loss approaches 50 to 60 square miles annually—far and away the highest rate of loss in the Nation. The key element in any program to protect coastal wetlands is the identification of a new and significant funding source—one that can provide funding for specific viable projects in the near term while our long-range planning efforts continue.

The legislation we are introducing would provide approximately $100 million annually to fund specific projects to be identified on a list of priority coastal wetlands projects to be prepared under the direction of the Secretary of the Interior in conjunction with the other affected Federal agencies. A similar mechanism was included in the ANWR legislation reported favorably from the Energy and Natural Resources Committee in March. These projects would be funded from a fee of 2 cents per Mcf of gas produced on the Outer Continental Shelf deposited into the Offshore Oil Pollution Compensation Fund. Funding for projects in a State would be in proportion to the amount of revenue generated from the production of oil and gas off the coast of that State.

Mr. President, the track record with respect to oilspill prevention and response in the Gulf of Mexico has, to date, been mixed. During 1987, 20 spills, totaling 284 barrels, occurred in the gulf as a result of oil and gas development and production on the Outer Continental Shelf. In 1988 there were 16 spills, totaling 15,053 barrels. One of these spills was a pipeline spill of over 14,000 barrels.

In addition, there have been many oilspills from vessels in the gulf. According to the most recently available Coast Guard statistics, the gulf experienced over 20 percent of all vessel spills in the United States during 1984, 1985, and 1986.

Fortunately, none of these spills has risen to anywhere near the level of that in Prince William Sound. But the potential for a serious spill exists, and for that reason we must, first, take sufficient preventive measures and, second, ensure that if a serious spill occurs adequate planning has been done and needed personnel and equipment stand ready to respond promptly.

The amendment makes statutory certain requirements relating to oilspill prevention and response currently imposed by regulation under the Outer Continental Shelf Lands Act. The legislation increases the frequency of inspections and drills, applicable on a nationwide basis. In addition, the amendment imposes certain requirements applicable only to the Gulf of Mexico. These are intended to apply on an interim basis, until comprehensive oilspill prevention and response legislation is enacted.

The legislation we are introducing would achieve the following important objectives with respect to oilspill prevention and response and wetlands protection and enhancement:

First, amends the Outer Continental Shelf Lands Act to increase funds available for oilspill response under the Offshore Oil Pollution Compensation Fund from between $100 million and $200 million to between $500 million and $550 million;

Second, establishes a wetlands protection, restoration, and enhancement account within the Offshore Oil Pollution Compensation Fund, to be funded at a level of approximately $100 million annually through imposition of a 2 cents per Mcf fee on gas produced on the Outer Continental Shelf;

Third, establishes an oilspill research and development center;

Fourth, requires at least two unannounced inspections per year of Outer Continental Shelf oilspill prevention and containment equipment;

Fifth, for oil and gas development and production operations on the Outer Continental Shelf, requires drills every 6 months and the maintenance of essential oilspill cleanup equipment on site;

Sixth, requires oilspill contingency plans for vessels carrying oil in the Gulf of Mexico—extending out 200 miles from the coastline—the lower Mississippi River, and the gulf intracoastal waterway;

Seventh, provides for a report on the adequacy of oilspill contingency plans in the Gulf of Mexico and lower Mississippi River;

Eighth, provides for a report and recommendations on past spills in the Gulf of Mexico and on vessel design;

Ninth, imposes new requirements on vessel crews, vessel inspections and oilspill response equipment to be maintained on vessels operating in the Gulf of Mexico or lower Mississippi River;

Tenth, provides that there will be no impact on State law or liability under other law; and

Eleventh, provides for civil and criminal penalties.

Finally, the legislation contains a title which addresses a serious problem with respect to offshore oil and

gas development that we are currently confronting in the gulf, but which has serious national implications. The issue pertains to the development of common hydrocarbon-bearing areas underlying the Federal-State boundary offshore.

Under the current Federal policy, where a common hydrocarbon-bearing area underlies the Federal-State boundary, the antiquated rule of capture governs; that is, whoever produces the resources first gets to keep them, regardless of whose lands they underlie. This leads to a race to produce oil and gas from the common area, unnecessary drilling in order to prevent drainage of oil and gas resources across the Federal-State boundary, and needless attendant environmental risks.

In one instance in the West Delta Field off the coast of Louisiana, this policy has led to unnecessary drilling and the Federal Government and its lessee draining the State and its lessees of oil and gas valued at $23.5 million. Not only have unnecessary environmental risks been incurred, but the Federal Government refuses to compensate the State and its lessees for this drainage.

This misguided policy has important implications for all coastal States and for all persons concerned about the orderly and environmentally sound development of oil and gas on the OCS. Although I do not believe this policy is consistent with current law, this legislation addresses the problem by providing for the cooperative development of common hydrocarbon-bearing areas by the Federal Government and the coastal States. The legislation is reciprocal in protecting both the Federal Government and the coastal States from unnecessary drilling and drainage of oil and gas resources. The legislation amends the Outer Continental Shelf Lands Act to:

First, make findings regarding the problems inherent in the unrestrained competitive production of hydrocarbons from a State-Federal common hydrocarbon-bearing area;

Second, require the Secretary to prevent harmful effects of such unrestrained competitive production by protecting against drainage through cooperative development; and

Third, provide a right for injunctive or other relief where drainage is occurring or is about to occur to halt drainage until such time as a method of cooperative development can be agreed to by the Secretary and the Governor of the involved State or until a final judgment on the merits is entered by the court.

I am a longstanding supporter of the development of oil and gas resources on the Outer Continental Shelf. The gulf coast has played a key role in supplying our Nation with much-needed energy resources. According to the Minerals Management Service, during fiscal year 1988, over 313 million barrels of oil and over 4.5 billion mcf of gas was produced from the Federal Outer Continental Shelf in the Gulf of Mexico.

The gulf and lower Mississippi River also serve as a vital link in the transportation chain, necessary in making these energy resources readily available. At the same time, we in Louisiana and other coastal States take great pride in our wetlands and coastal resources. I believe that oil and gas development, production and transportation can and should be undertaken in a safe and environmentally sound manner. This legislation will help to ensure that this is the case.

I ask my colleagues to join in cosponsoring this important legislation. Mr. President, I ask unanimous consent that a summary of the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE GULF OF MEXICO OIL SPILL PREVENTION AND RESPONSE ACT

Applicability—

Legislation covers Gulf of Mexico to the limits of the Exclusive Economic Zone (200 miles out) and the lower Mississippi River (that portion running adjacent to or through Louisiana), and the Gulf Intracoastal Waterway.

Legislation covers vessels, offshore facilities and onshore facilities located such that they could emit spills into the Gulf of Mexico and the lower Mississippi River.

I. Amendments to Outer Continental Shelf Lands Act—

Offshore Oil Pollution Compensation Fund—Establishes an Oil Pollution Account within the Fund and increases oil spill response funds to between $500 million and $550 million from the current required Fund level of between $100 million and $200 million. The Account is to be funded by a 10 cent per barrel fee on offshore oil production.

Wetlands Protection, Restoration, and Enhancement Account—Establishes a Wetlands Account within the existing Offshore Oil Pollution Compensation Fund financed by a 2 cent per mcf fee on offshore gas production. In addition, some moneys from the fee on offshore oil production may be included in the Wetlands Account. The Wetlands Account is to be used for priority projects to preserve, protect, enhance, restore, or create coastal wetlands in the United States. Based on current production, the Account will make approximately $100 million per year available for wetlands projects. Funds will be available for projects in a state in proportion to the amount of federal OCS production off the coast of that state.

Oil Spill Research and Development Center—Establishes center to be administered by Coast Guard. Authorizes appropriations of $10 million per year.

Oil Spill Contingency Plans—Legislation explicitly makes statutory the requirement that lessees must submit plan prior to conducting exploration, development or production activities.

Inspection of Oil Spill Prevention and Containment Equipment for the Outer Continental Shelf—Legislation requires at least two unannounced inspections annually of OCS oil spill prevention and containment equipment.

Drills and Required Equipment—Regulations to require drills every six months and to require essential equipment to be maintained onsite.

II. Oil Spill Contingency Planning—

Oil Spill Contingency Plans—Required for vessels carrying oil in the Gulf of Mexico or the lower Mississippi River, offshore facilities (other than those covered by plans under the Outer Continental Shelf Lands Act) and onshore facilities located where they could reasonably be expected to spill into the Gulf of Mexico or lower Mississippi River.

Public Awareness and Practice Drills—Secretary must publish list of contingency plans and inventory of response equipment. Annual drills to be conducted.

Preparation of Report on Adequacy of Oil Spill Contingency Plans

III. Vessel Design and Spill Prevention—

Report and Recommendations on Spills and Vessel Design—Report on past spills, desirability of double hulls, safety lines, and separated compartments, and need for more frequent vessel inspections.

Vessel Crew Requirements—Masters license requirements, backup personnel, more stringent recruiting and testing.

Vessel Equipment and Inspection—Secretary to issue regulations on what equipment must be on board to ensure vessel in compliance with oil spill contingency inspection plan.

IV. No Impact on State Law or Liability Under Other Law—

V. Penalties—

Civil penalties—Not more than $25,000 per violation; vessels liable in rem.

Criminal penalties—Not more than $100,000 per violation and/or imprisonment for not more than 5 years.

VI. Cooperative Development of Common Hydrocarbon-Bearing Areas—

Findings—Findings that unrestrained competitive production may result in a number of harmful national effects, including drilling of unnecessary wells and installation of unnecessary facilities resulting in environmental damage, economic waste, waste of the resources, loss of correlative rights and disorders in Federal and State leasing programs.

Prevention of drainage—The Secretary shall prevent these harmful effects by preventing drainage through cooperative development of such areas.

Federal Actions for Injunctive Relief—The Attorney General may institute an action for injunctive relief which shall be granted whenever it appears that federal oil and gas resources are being or may be drained by a State. The injunction shall remain in effect until the Secretary and the Governor agree as to the method of cooperative development or the court enters a final judgment on the merits.

State Actions for Injunctive Relief—The State may institute an action for injunctive relief which shall be granted whenever it appears that State oil and gas resources are being or may be drained by the United States. The injunction shall remain in effect until the Secretary and Governor agree as to the method of cooperative development or the court enters a final judgement on the merits.

RECESS UNTIL TUESDAY, JULY 11, 1989, AT 8:30 a.m.

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the provisions of Senate Concurrent Resolution 50 until 8:30 a.m., Tuesday, July 11, 1989.

There being no objection, the Senate, at 6:57 p.m., recessed until Tuesday, July 11, 1989, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 23, 1989:

DEPARTMENT OF STATE

JULIA CHANG BLOCH, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

SMALL BUSINESS ADMINISTRATION

KYO RYOON JHIN, OF MARYLAND, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION, VICE FRANK S. SWAIN, RESIGNED.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) JIMMY PAPPAS, [redacted] 1110, U.S. NAVY.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 23, 1989:

DEPARTMENT OF TRANSPORTATION

JAMES BUCHANAN BUSEY IV, OF ILLINOIS, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION.

DEPARTMENT OF THE INTERIOR

FRANK A. BRACKEN, OF INDIANA, TO BE UNDER SECRETARY OF THE INTERIOR.

DELOS CY JAMISON, OF MONTANA, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT.

DEPARTMENT OF THE TREASURY

FRED T. GOLDBERG, JR., OF MARYLAND, TO BE COMMISSIONER OF INTERNAL REVENUE.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RICHARD HARRISON TRULY, OF TEXAS, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

JAMES R. THOMPSON, JR., OF ALABAMA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

ENVIRONMENT, POPULATION AND SUSTAINABLE DEVELOPMENT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. SCHEUER. Mr. Speaker, I would like to submit Barber Conable's excellent speech of June 13 for the RECORD. Mr. Conable is the current president of the World Bank and a former Member of Congress. As guest speaker for the World Resources Institute, he gave an overview of the program that the World Bank has been using in the last few years to assist developing countries with their environmental problems, including the creation of an environmental department at the World Bank. Mr. Conable discussed the importance of collective global responsibility for the environment, with industrialized countries making an effort to accept and act upon environmental shortcomings to promote global cooperation.

Mr. Conable focused on the link between the environment, population growth and poverty in great detail. He explained that with today's birth rates, the ratio of people to productivity is off, causing a strain on the environment. When countries cannot support their populations with natural resources, the poverty level rises. Global good health depends on a balanced ratio between population and environment. He suggested two ways of balancing this ratio, which if used simultaneously, could be effective. These two choices were family planning and the expansion of the environmental capacities of the world. It was Mr. Conable's opinion that governments will have to take the necessary actions swiftly and soon and only in this way will any of the environmental problems facing the world today be solved. I couldn't agree more.

ENVIRONMENT, POPULATION AND SUSTAINABLE DEVELOPMENT

(Address by Barber B. Conable, President of the World Bank)

Thank you, John. Distinguished guests. Ladies and gentlemen. Meeting with this group, on Capitol Hill, is like coming home. I hold many fond memories of the years I spent in Congress and the friendships formed. I feel a special kinship and have a great deal of respect for the World Resources Institute, also, which has a close working relationship with the World Bank.

Just over two years ago, I had the pleasure of speaking to members and supporters of the World Resources Institute about the environmental action agenda of the World Bank. I am pleased to be with you tonight to talk about the progress we've made and the important next steps.

When I took over the Presidency of the World Bank, I started with the premise that the Bank ought to be devoting more staff resources and more financing to help borrowing countries safeguard and improve the environment. My aim was not to turn the World Bank into an environmental agency—for its goal has always been, and will continue to be, development and the reduction of poverty. But I did intend for the Bank to integrate environmental concerns into its day-to-day activities and to put the environment on the front burner in our policy dialogue with Third World countries.

Most of you know the facts and recent developments. The World Bank has:

Created a central Environmental Department as well as Regional environmental units;

Increased staff resources assigned full-time to the environment sevenfold over staffing three years ago (about 65 staff years);

Prepared Environmental Issues Papers for most of its active Borrowers (more than 70 countries will be covered by August);

Set up a $5 million Environmental Technical Assistance Program to speed up preparation of environmental projects.

Initiated a number of regional studies, including a capital cities cleanup project for the Asia region, supported by the UNDP, and an environmental program for the Mediterranean, funded jointly with the European Investment Bank.

INDUSTRIAL NATIONS' RESPONSIBILITIES

Now this raises an awkward question. By man, did the respondents mean Third World man? You would think so, judging by the media focus on Third World issues, such as Brazil's diminishing rain forests.

But this is both inaccurate and short-sighted. Unless and until the industrialized world is prepared to accept and act upon its own environmental shortcomings, it will be difficult to persuade developing nations that there is such a thing as a collective global responsibility for our planet's health.

The reality is that it is the industrialized countries which account for most pollution.

For example:

North America and Western Europe are together responsible for 71 percent of the industrial emission of carbon dioxide into the atmosphere but account for only 8.2 percent of the world's population. The developing world, with 79 percent of the world's population, is responsible for only 7 percent of the industrial emission of carbon dioxide.

Carbon dioxide, as you may know, is the most significant of the gases building up in the atmosphere and accumulating heat from the sun to produce global warming, the so-called Greenhouse Effect.

Take the United States:

It produces five tons of carbon dioxide for every man, woman and child in the country. The world average is under one ton.

The United States continues to permit the export of agricultural chemicals banned in this country as dangerous to human health or the environment.

Fuel consumption is the principal cause of air pollution and global warming. The U.S. continues to lead all industrial nations, except Canada, in the amount of energy used per unit of production of goods and services.

The United States accounts for nearly a third of all use of chlorofluorocarbons escaping into the atmosphere, the most important of chemicals depleting the ozone layer.

And Hawaii has the highest number of endangered species for its size of any area in the world.

What will be the likely impact of this if growth rates remain unchecked?

Population will be too large in relation to the productivity of the resource base;

Larger numbers of people will suffer from poverty, ill-health, and malnutrition;

Increasing population will put added pressure on the environment, causing more degradation of agricultural land, the further destruction of forests, greater shortages of water, and the loss of flora and fauna species; and

There will be mass migration of "ecological refugees" from areas that can no longer sustain them.

In such developments lie the seeds of political instability and international tensions.

Call it a worst-case scenario if you will. But it is still very much in the cards, unless nations are prepared to check high population growth rates within their borders.

What, then, should be done?

If we are agreed that sustainable development is our objective, then the prerequisite is to bring human populations into balance with the natural resources that support them. As the Population Crisis Committee has warned: "We don't know what will happen to the natural resource base at a population of 8, 9, 10, 14 billion."

If not limited by conscious human planning, population growth will surely be limited by natural resource constraints, because populations cannot be sustained beyond the "carrying capacity" of their regions.

There are, therefore, only two viable choices:

Act to lower population growth rates through family planning;

Seek to expand the carrying capacities of the regions in which they live.

SUMMING UP

The linkages between the environment, population, and sustainable development are obvious. We must recognize our collective responsibility to maintain a healthy ecosystem on this planet.

Toward the end of his life, the aviator, Charles Lindbergh, was asked whether he thought civilization could survive the march of progress. After due reflection, he replied:

"The final answer will be given not by our amassing of knowledge, nor by the discoveries of our science, nor by the speed of our aircraft, but by the effect our activities as a whole have upon the quality of our planet's life—the life of plants and animals as well as that of men."

I'm sure all of you here tonight agree with this sentiment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

VIOLENCE IN EL SALVADOR

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. LELAND. Mr. Speaker, this morning's news brings us a tragic story of violence in El Salvador. Wednesday night a 72-year-old nun, Mary Mackey was shot in the head and critically wounded as she was traveling from El Salvador. Sister Mackey, a member of the Sisters of Charity of the Incarnate Word based in my district in Houston, is a registered nurse and was working at a home for war orphans in Zaragoza, 10 miles from the capital city.

Sister Mackey was responsible for the care of 200 children whose parents have been killed in the 9-year civil war. Now these children have lost their surrogate mother. These children and Sister Mackey are among the countless innocent persons who are victims of the terror in El Salvador. Only when the victim is an elderly American woman who has devoted her life to others does the murder that occurs day after day in this tiny country come to our attention. No one is protected in a situation of violence that feeds on itself.

Sister Mackey was traveling with two other nuns when they were forced off the road by a pickup truck carrying at least six men. No one knows why they shot Sister Mackey. The good news is that she has regained consciousness and will be flown to Houston for treatment today. She suffers from a shattered cheekbone and may lose the sight of an eye. Her survival is miraculous.

The causes of the attack are uncertain but the climate of El Salvador makes such tragedies inevitable. We in Congress must ask questions about the contribution of the United States to these conditions. This tiny nation approximately the size of Connecticut with a population of over 5 million persons has been the recipient of an extraordinary amount of aid from this country. What is our responsibility for the continuing terror? Yesterday, the Select Committee on Hunger viewed photographs of soldiers handing out bags of United States food aid to civilians in El Salvador. There is evidence that the food aid has been abused.

It is almost 10 years since the assassination of Archbishop Romero. Yet, as a June 16 report of the Committee on Foreign Affairs points out, the case remains unsolved. The terror has gone on for almost a decade. As neighbors we have watched El Salvador, its war like a building burning out of control. We have not, unfortunately, brought the water of peace to put out the fire. We have sent armaments. Even humanitarian aid seems to further fuel the fire.

Sister Mackey's brush with death is a grim reminder that compassion alone will not solve the problems in El Salvador. Our policy must be reviewed. In the last 8 years, the United States has spent over $3 billion in aid to El Salvador, with only growing violence to show for it. Guerrilla activity is increasing. Half the population is unemployed or underemployed. There are literally hundreds of children in need of orthopedic medical attention as a result of the injuries of war.

The climate of terror which exists in El Salvador is one in which we are responsible accessories. A first step in policy change would be the enactment next week of the McHugh amendment to the International Cooperation Act of 1989. It is a moderate action that will retain congressional vigilance over our present policy in El Salvador. It would require passage of a resolution of approval next spring to release future military aid funds. It guarantees that a majority in Congress will decide whether or not to provide more military aid.

The violent attack on a woman who has given her entire life to the service of God and helpless little children demands that we pay attention and act to end the pointless, random killing in El Salvador.

TRIBUTE TO MARYLAND'S COMMUNITY COLLEGES AWARD WINNERS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mrs. BENTLEY. Mr. Speaker, I rise today to congratulate the Maryland State Community College Focus on Excellence Award winners. And I ask that my colleagues join me in congratulating the winners, because community colleges are so special to everyone.

They provide an important service to each of us as they prepare our constituents for the world. They offer education for all ages, from 18 to 40 to 85. Community colleges provide the versatility to people who wish to continue their education but need to care for their families, work, or even do both.

I applaud the community colleges of Maryland and these Focus on Excellence Award winners and wish them continued success.

Also, I would like to present these additional remarks for submission into the CONGRESSIONAL RECORD:

Eileen Sparks was the recipient of this year's student award and the Carl Berkowitz Memorial Award. She is a second-year honors student in the Criminal Justice Program at Allegany Community College. Prior to enrolling at the college, Ms. Sparks drove trucks, owned her own construction company, farmed and trained horses. Then, in the middle of raising four children, she decided to go to college. She plans to transfer to Frostburg State University after graduating from Allegany. After that, she hopes to earn a law degree from the University of Maryland.

Harlow Fullwood was the 1988–89 recipient of the alumnus award. His college years were interrupted when he was drafted by the Baltimore Colts. After professional football, he enrolled at the Community College of Baltimore where he was graduated with high honors and simultaneously completed his bachelor's degree from Virginia State University. Mr. Fullwood served with the Baltimore City Police for 22 years, earning recognition as the "Evening Sun's Policeman of the Year" in 1979. Currently he is a franchise owner of a Kentucky Fried Chicken Restaurant chain. In 1988 he received the State sales award as the franchisee who had the highest sales volume in Maryland. He also distinguished himself last year as one of Maryland's newest philanthropists by awarding charitable gifts of $350,000 to more than 50 organizations.

Dr. Mary Helen Spear is the recipient of this year's faculty award. She has been a member of the Prince Georges Community College psychology department since 1972. During that time she has taught almost every course in the psychology curriculum in every conceivable format. She is not only a superb classroom teacher widely respected for her teaching skills, she is also an extremely energetic and active member of the larger college community. Dr. Spears has pioneered innovative methods such as the personalized system of instruction where self-paced learning is emphasized along with careful testing of learned material. Over a decade ago, she proposed and taught the first weekender course ever offered during the summer for adult learners. The class was and still is a resounding success. More recently, Dr. Spear has taught and promoted television courses with such success that she was featured in a PBS nationally produced program on telecredit classes.

Maureen E. Sullivan is the 1989 winner of the Trustee Award. She has been a trustee at Montgomery College since 1981. She was the first member of the board to serve as vice-chair, and she followed that with service as chair in 1985–86. Ms. Sullivan was a founding member of the Montgomery College Foundation which has been very successful in raising private funds for scholarships and other purposes at the college. She also has a distinguished career in drug abuse prevention programs for the Federal Government. She has provided the leadership for Montgomery College to develop its drug abuse prevention program to the point where it is a model for other colleges.

Bechtel Power Corp. is this year's corporate award winner. Bechtel was cited for its many contributions as a supporter and client of Montgomery College. On the other hand, numerous Bechtel personnel have served as members of the college's curriculum advisory committees over the years. On the other, nearly 1,000 employees have been enrolled in courses offered by the college at Bechtel. More specifically, Bechtel has assisted in revising the Electromechanical Technology Program at the college and in the development of the new Computer-Aided Drafting and Design Program. Bechtel also has donated over $20,000 to Montgomery College for the purchase of equipment for technical training programs. Finally, Ed Moskel, chief engineer of Bechtel Power, has served the college well as a charter member and past chair of the Montgomery College Foundation.

TRIBUTE TO JOHN KELLY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Ms. KAPTUR. Mr. Speaker, if as President Harry S. Truman stated, politics "is the art of government," the political art world has lost

one of its truly great masters. Today, I rise in tribute to John Kelly, a beloved and distinguished monument on the political landscape of Ohio's ninth district for over a half century.

A trusted friend and frequent advisor to Presidents, congressional leaders, and local officials, Mr. Kelly represented what is best in one who dedicates him or herself to public service. With his wife of many years, Elizabeth Grace, by his side, John Kelly held a vast array of party positions on the local, State, and national levels. Whether as a stenographer to the Democratic Party boss in 1916, county commissioner in the 1930's, Democratic county chairman in the 1940's or as Ohio's Democratic Party vice chairman and Democratic National Committee advisory board member until 1976, John Kelly's dedication was characterized by a conviction that his party had the ability to articulate the needs of men and women whose own voice could not be heard. Even as recently as 1984, Mr. Kelly served as a Democratic ward chairman—a post he had held since 1932. His clarity of vision enabled him and others to see public office not as an end in itself, but as a means to a greater end—service to others. A firm believer in party discipline and loyalty, Mr. Kelly was a vital consensus builder between the county, State, and National Democratic Party for over 60 years.

The passing of John Kelly, Mr. Speaker, truly represents the passing of an era in American politics when a simple handshake, a keen memory for a name, and a gesture of gratitude were the tools of the trade. Long before candidates or campaigns entered the telegenic age, John Kelly's wisdom, assurance, warm and friendly manner, served to inspire more than one generation of men and women determined to make a difference through public service.

The State of Ohio and ninth district has been richly blessed by the life and contribution of John Kelly. While unmistakably a Democrat and politician, his vision of responsive and effective government transcended party lines. If his death provides an appropriate occasion to remember his many achievements, his life will, for an even longer time, serve to inspire our efforts to realize the endless opportunities before us when talent and selfless determination are combined and expended for public good.

Statesman, yet friend to truth! of soul sincere,
In action faithful, and in honor clear;
Who broke no promise, serv'd no private end,
Who gain'd no title, and who lost no friend.
Alexander Pope.

TRIBUTE TO WILLIAM "DUR" HORNER, SR.

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. SAXTON. Mr. Speaker, it is my pleasure to proudly honor William "Dur" Horner of Delran Township, NJ. "Dur" Horner has dedicated over 50 years to serve his community.

Dur Horner began volunteering his services in 1936 when he joined the Delran Fire Company No. 2. Three years later, he served on the committee to set up a first aid training program, and he then went on to be a founding member of the first aid division of Delran Fire Company No. 2.

In 1950, the members of the first aid division began the process of establishing their squad as a separate organization in itself. On May 4, 1951, the first aid division of the Delran Fire Department became known as the Delran Emergency Squad, Inc. Dur became a member of the original Board of Ambulance Commissioners. Because of all of the efforts performed by Dur, the squad has grown from an arm of the fire company to a full fleet of four ambulances serving the Delran community.

Dur Horner is an active member of the squad to this date. He has been the only person to hold the position of treasurer within the squad; a position in which he served admirably, throughout these many years. He also served as the cocaptain of the squad in the early 1960's.

Aside from being an important member and contributer to the first aid services on the local level, Dur Horner is also involved on the State level and international level. He is an active delegate to the International First Aid Council and a Delegate to the New Jersey State First Aid Council.

Mr. Speaker, Dur Horner is an individual who has dedicated his life to helping the community by serving through both the Fire Department and the First Aid Squad. His dedication and service to the township of Delran is greatly appreciated by the citizens. Therefore, I ask my colleagues to join me in giving William "Dur" Horner the recognition that he so deserves.

THE TORRICELLI CASH TRANSFER PROVISION

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. TORRICELLI. Mr. Speaker, the House has voted, by decisive margins, to preserve a provision I sponsored on H.R. 2655, the foreign aid authorization bill. This provision revises the cash transfer method of U.S. foreign aid to ensure that the Cash Transfer Program not only benefits the foreign nation recipient of American dollars but also results in the purchase of American agricultural commodities, manufactured goods, and services.

As amended, this provision exempts a number of the poorer recipients of foreign aid, as well as countries that are party to the Camp David accords. It is my understanding that Egypt, as a party to those accords, should enter into the same type of agreement that Israel currently maintains regarding the purchase of United States commodities and their shipment on United States-flag vessels.

The Torricelli provision is designed to ensure that U.S. foreign aid does not have the effect of enabling recipient countries to buy non-U.S. products at the expense of U.S. products.

Countries may use cash transfer funds to buy local products, or to pay debts. But cash transfers—and no other country gives cash as liberally as the United States—should not have the effect of freeing money for the purchase of Canadian wheat or Japanese machines, as has been the case.

In an ideal world, poor countries would be assisted, with no restrictions, by their wealthier friends. But in reality, the foreign aid programs of our agricultural and industrial competitors are highly tied, formally and informally, to procurement in the donor country.

It is also logical that when the purchase of goods is made possible because of foreign aid, those goods should be shipped on U.S.-flag vessels. It is important to recall that the U.S. merchant marine is in serious straits. Forty years ago, there were 2,000 U.S.-flag commercial vessels; today, there are 400. Forty years ago, 65 percent of U.S. waterborne commerce was carried by U.S.-flag ships. Today, the figure is 4 percent.

Again, in an ideal world no one would subsidize shipping. But in the real world, our industrial competitors do just that. The national security implications of allowing the U.S.-flag fleet to contract even further are enormous. The Torricelli cash transfer provision ensures that recipient countries get the aid they need while U.S. agricultural, industrial, and maritime workers benefit too.

CONGRESS' SHAMEFUL WAR ON DRUGS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. LELAND. Mr. Speaker, slashing the $821 million to $75 million for the drug provision in the supplemental appropriations bill is shameful. It is amazing that Members of this House claim to be committed to fighting the drug menace, yet refuse to approve the funding to do so.

Every day there are horror stories of youths murdered in gang drug wars and of police officers murdered by drug traffickers. Still, this Congress offers only rhetoric. Urban America is being overrun by the drug menace.

Major cities across this country—not just Washington, DC—experienced major increases in homicides in 1988. This Nation's murder rate increased by 6 percent and violent crimes increased 5 percent. The citizens, law enforcement authorities, and local and State government all need our assistance to combat drugs.

Crack cocaine alone, has destroyed untold numbers of young lives, turned peaceful neighborhoods into war zones, and contributed to violent gang wars. We here in the Nation's Capital must take an unwavering stand against drugs and the havoc they wreak on society.

The Federal Government must recognize its responsibility for addressing this problem. Unfortunately, this drastic cut in the drug provision is a step in the wrong direction.

LUXEMBOURG NATIONAL DAY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mrs. BENTLEY. Mr. Speaker, I rise today to join the entire nation of Luxembourg in celebrating their national holiday. As a first-generation American I still take great pride in my ethnic heritage and I hope that my fellow Americans, whether first-generation or descendants of the Mayflower voyage, do the same.

Luxembourg National Day is rich in tradition. The night before, there are fireworks and concerts that last late into the night. National Day starts just before noon, as the army marches to the Parliament and escorts the Members to the National Cathedral. There, the other members of the government, the royal family, the diplomatic corps, and the general public have already gathered. After the brief service, known as the Te Deum, the Minister of Foreign Affairs invites the diplomatic corps to the National Theatre for a luncheon. The day then ends with a dinner at the Grand Ducal Palace. During the day, like here in America, there are parades and festivities.

Luxembourg National Day is celebrated on June 23 even though the traditional day, the Grand Duke's birthday, is on January 23. January 23, I have been informed by their embassy, is not the best time of year to hold parades and fireworks in Luxembourg. So His Royal Highness graciously allowed for the date to be moved back 5 months, in order to allow the citizens of Luxembourg more thorough enjoyment of their national holiday.

So I wish them well today, on this their National Day. It will be all the more special since this year is the 150th anniversary of the recognition of Luxembourg's independence by the Great Powers. And I wish great joy and celebration to all those Luxembourginian-Americans who cannot travel across the Atlantic to be there. I say to you, "Ech woenschn iech e sche'nen dag"; may you have a wonderful day.

TRIBUTE TO NEWARK HALL OF FAME INDUCTEES

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. PAYNE of New Jersey. Mr. Speaker, it is with great pride that I call to the attention of my colleagues the accomplishments of outstanding members of the Newark community who have been inducted into the Newark Athletic Hall of Fame.

This honor has been conferred on the late Art Coles, the first black man to be named the director of a Newark Boys' Club, whose involvement in our city's sports and recreation programs has become legendary.

An outstanding basketball player and high jumper during his days at Robert Treat Junior High School, he went on at Central High School to become the city and State champion in the high jump. He also participated in indoor and outdoor track during those years.

To earn money for college during bleak financial times, he worked on the WPA and was also assisted by his mother and "Chappie" Wright. Mr. Coles fulfilled his dream of a higher education by gaining admittance to A&T College in Greensboro, NC. While attending A&T, he dazzled fans with his ball handling and rapid shooting ability. In his freshman year, he helped lead A&T to their first CIAA championship in high jump. During his sophomore year, he was given a full athletic scholarship. Upon graduation, Mr. Coles taught and coached at Albermarle, NC, and also at Sanford.

Mr. Coles returned to Newark where he made enormous contributions through his work with the young people of the community. He worked at Morton Street School playground, where he was instrumental in helping many of the young athletes obtain athletic scholarships to various colleges. He also coached at Cleveland Junior High, winning 59 consecutive games plus the State championship. He established a record for the number of boys sent to the summer boys' club camping program.

Mr. Coles, who was married to the former Alfreda Hunt, was the father of two talented children, Annetta and Art. He was fictionalized in Nathan Heard's book "Howard Street" and was mentioned by name in his book "To Reach a Dream." He has left a lasting mark on the Newark community through his devotion to building a better future for our young people.

Also inducted into the hall of fame was Jerry Izenberg, a nationally syndicated sports columnist who began working at the Newark Star-Ledger newspaper to work his way through Newark Rutgers. He served in the Army in Korea and wrote for several publications, including the Stars and Stripes, Paterson News, and the New York Herald-Tribune before he returned to the Star-Ledger. Mr. Izenberg played a leading role in developing recreational programs in Newark. He was a cofounder and served as president of Project Pride, a program that has raised over $900,000 for disadvantaged youth in Newark.

A talented writer, Mr. Izenberg authored several books, including "The Rivals," "How Many Miles to Camelot? "The All-American Sport Myth," "Great Latin Sports Figures; The Proud People," "Greatest Games Ever Played," and most recently, "The Jerry Izenberg Collection."

Joining Mr. Coles and Mr. Izenberg in the Athletic Hall of Fame is Lloyde S. Glicken, a 1989 recipient of the Frank LaBarca Memorial Clinic Humanitarian Award and a member of the Board of Governors for the New Jersey Sportswriters Association and the executive committees of the Essex County Coaches and Athletic Directors Associations.

Also included in the hall of fame is the late Walt Bakum, an outstanding basketball player at South Side High during the 1930's. He attended George Washington University, and served in the Army during World War II. When basketball was introduced at West Side, he served as the first coach. He was a member of the Clark Board of Education and assisted young people in obtaining scholarships.

Mr. Speaker, I know my colleagues here in the U.S. House of Representatives join me in honoring the contributions of these outstanding citizens.

PERSONAL EXPLANATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. HERGER. Mr. Speaker, yesterday, June 22, 1989, I inadvertently pushed the wrong button on rollcall No. 105, voting "yes" instead of "no" on the Kostmayer amendment to Representative CHRIS SMITH's (NJ) amendment.

My intention was, and is, to vote "no" on that amendment.

A TRIBUTE TO THE WILLIAMSTOWN THEATER FESTIVAL CELEBRATING ITS 35TH ANNIVERSARY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. CONTE. Mr. Speaker, I would like to pay tribute to a true institution, the Williamstown Theater Festival, in my district which will be celebrating its 35th anniversary this summer.

In 1974 the drama critic for the New York Times wrote:

Many of the finest actors and actresses in America have appeared in many of the world's finest plays at the Williamstown Theater Festival.

That was during the festival's 20th year. And this year, in June, July, and August, this extraordinary haven for artists in the Berkshire Hills of western Massachusetts is marking its 35th anniversary season—a "run" virtually unmatched by any theater in America.

This joyous occasion is touched with sadness, for the man who cofounded the theater in 1955 and guided it through 1988, Nikos Psacharopoulos, passed away this past January. He took the festival—known all over this country as WTF—from tentative summer-stock beginnings, nurtured it, brought in the most talented actors, directors, designers, and playwrights even as he sent new good ones into the world. His legacy is the festival's critically praised main stage, its apprentice workshop, its exciting other stage, its cabaret, new play readings, and popular outdoor free theater, all attended by well over 50,000 people every summer.

Now the torch has been passed. "Nikos" took a building and created a great theater, a place where thousands of people wanted to work and to grow, far from commercial pressures. This 35th anniversary season will look back to his achievements and forward to a future of many more. In a region blessed with fine music at Tanglewood, fine dance at Jacob's Pillow, and fine art at a score of museums, the Williamstown Theater Festival has

become a hallmark of fine drama. I speak with pride to the Members of Congress and hope that you will join me in a salute to an extraordinary institution.

TRIBUTE TO THE LATE HON. CLAUDE PEPPER

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. ASPIN. Mr. Speaker, it is a distinct honor to pay tribute to our beloved colleague, the late Congressman Claude Pepper. Claude Pepper was one of those rare Members of Congress who could truly be called a great man. He not only represented his constituents from Florida's 18th District for the past 47 years as a Congressman, and his constituents from the entire State of Florida for 15 years as a Senator, earlier in his career, but he also represented a special constituency which came to be known as his own—senior citizens.

From his early days of public service, Claude Pepper began singling out senior citizens as a group of people for whom he could make a difference. Over the years senior citizens came to rely on Claude Pepper because they knew he could help them and because they knew he would go to the wall for them. And he did, time and time again. He would stand up in the House and make sure that every American heard his message. For the past 47 years his message has been the same. Protect, stand up for, and do not forget our senior citizens. As chairman of the House Select Committee on Aging he fought hard to defend Social Security and Medicare. Not only was Claude Pepper overwhelmingly respected by his constituents and senior citizens, but he also gained the respect and affection of his colleagues in the House as they elected him to the powerful position of chairman of the Rules Committee. He was widely respected even when everyone didn't always agree with him. In 1986, as the oldest Member of Congress, Claude Pepper introduced one of his last pieces of major legislation which became the 1986 law barring mandatory retirement based on age. Two years later, at the age of 88, he was still hard at work. If Claude Pepper was forced to retire at the age of 65, the American people would have lost out on more than two decades of his work. He proved what kind of work senior citizens are capable of that people should not be cut off from their jobs when they turn 65. As Claude Pepper said about the law, "Abolishing age discrimination will offer new hope to older workers who are desperate to maintain their independence and dignity."

Throughout his more than 50 years of public service Claude Pepper remained a strong liberal and consistently championed social causes. During the New Deal and war years, Senator Pepper was a strong and consistent voice in support of President Roosevelt's policies. Throughout his career he defended the poor and the disabled. He once said, "I am and shall remain a liberal. I intend to continue to devote my full energies to helping to free people from fear of dictatorial oppression, from fear of illness and poverty, from fear of discrimination." And Claude Pepper stood by his word until the day he died.

I've served in the U.S. House of Representatives with Claude Pepper for almost 20 years. He was the kind of legislator that Members of Congress endeavor to emulate. Claude Pepper made a difference.

OLD GLORY IS A SYMBOL THAT DESERVES PROTECTION

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, like many Americans I am outraged this morning at the Supreme Court's ruling that our national symbol is free to desecrate as anyone wishes. To say that the symbol for freedom and justice everywhere is no more important than an ordinary piece of cloth is a slap in the face to all Americans, especially those who have fought and died in defense of that symbol. The Supreme Court has lessened that important emblem by legalizing the right to burn, rip, drag through the mud, shred, or even spit on the American flag.

Mr. Speaker, we are not a nation like China that murders those who dissent from our Government. There are ample avenues available to any individual to protest the actions of our Nation. There is no need to trample on the very symbol of our freedom and democracy. The majority of the Court overlooked a salient point: The flag is unique. No other emblem is regarded with such reverence in this Nation or the world.

I don't know if there is a legislative remedy to this travesty of justice, but if there is, I hope we find it. Because I know at the next instance of Old Glory being burned in public, a part of my heart, like many Americans, will be burning with her.

LEADERS AGREE TO CEASE-FIRE

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. SPRATT. Mr. Speaker, I was pleased to learn that President Jose Eduardo dos Santos of Angola and Jonas Savimbi, leader of the UNITA forces, agreed yesterday to a cease-fire in the civil war which has torn apart that African nation for approximately 14 years.

With a public handshake, the two leaders sealed their pact in the presence of 17 fellow African leaders in Gbadolite, Zaire. The cease-fire is to begin at midnight tonight.

"This is a new beginning," Mr. Savimbi declared. Indeed it is, and I am hopeful that it marks an end to the killing that has taken hundreds of thousands of lives and caused countless injuries and incalculable damage to the economy of Angola.

Special commendation goes to Zaire's President Mobutu Sese Seko, as well as his fellow African leaders, who were responsible for bringing together the leaders of the two warring forces in what some press reports have called an "extraordinary gathering."

His fellow African leaders announced yesterday that President Mobutu will serve as mediator for another round of negotiations between the Angola Government and Mr. Savimbi.

President Mobutu, who has long supported American policy in that volatile region and is a friend of the United States, has played a valuable role in the peacemaking process. He and the other African leaders who assisted in promoting this agreement deserve recognition and credit for making a contribution to a peaceful resolution of the tragic Angolan conflict. President Mobutu will be in Washington next week, the first African leader to meet with President Bush since taking office. I hope the President will express American support for the efforts which culminated in yesterday's agreement and convey a continued American willingness to promote an end to the tragic Angolan civil war.

REGARDING OMISSION OF ORIGINAL COSPONSOR OF H.R. 2055, THE MEDICARE CATASTROPHIC COVERAGE REFORM ACT OF 1989

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. RHODES. Mr. Speaker, when I introduced H.R. 2055 on April 18, 1989, with 26 of my colleagues as cosponsors, through an oversight we inadvertently omitted the name of the gentleman from Illinois, Mr. HASTERT, from among the original cosponsors.

Today, I am adding Mr. HASTERT's name as a cosponsor of H.R. 2055, and regret that his name was not included originally as he had requested and as we intended.

OPPOSITION TO THE SUPREME COURT FLAG DESECRATION RULING

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. WYLIE. Mr. Speaker, I adamantly disagree with the Supreme Court's decision that the first amendment protects those who would burn the American flag as a form of political protest. That sweeping 5–4 decision, which overturned the conviction of a protestor at the 1984 Republican convention in Dallas, nullifies flag desecration laws in 48 States.

The American flag is a special symbol of freedom which millions of men and women have defended and for which many have given their lives during our 200 years as a Nation. In the dissenting words of Chief Justice William Rehnquist, this ruling means that—

The Government may conscript men into the armed forces where they must fight and

perhaps die for the flag, but the Government may not prohibit the public burning of the banner under which they fight.

I recall from my own personal experience in combat during World War II how inspiring it was for me to see the American flag flown over ground previously occupied by Hitler's Nazi regime. To allow the flag to be burned or desecrated as a form of protest is a national disgrace and defiles the honor of those who fought and fell to preserve freedom.

Yesterday I introduced a constitutional amendment to authorize Congress and the States to prohibit desecration of the flag and to set criminal penalties for those who do. I urge Congress to act quickly on a proposal to restore the American flag's distinctive place in our national heritage.

PERSONAL EXPLANATION

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. MORRISON of Connecticut. Mr. Speaker, because of official business in my congressional district, I was unable to be present and vote today on motions to approve the Journal (Rollcall Vote 106) and to agree to the Senate amendments to H.R. 2402, Emergency Supplemental Appropriations for Veterans Programs (Rollcall Vote 107). Had I been present, I would have voted "aye" in each instance.

DESECRATING THE FLAG IS A FREEDOM WE DO NOT NEED

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. HOUGHTON. Mr. Speaker, the decision of the Supreme Court on a protestor's right to burn our flag from my standpoint is more than unfortunate. It is wrong.

This obviously is a highly emotional issue. No one, even the majority of distinguished Justices who voted the way they did, wants the flag abused. The problem, then, is one of mind set—one that gives a strict legal interpretation of first amendment rights, as contrasted to a broader approach to the very fundamentals of what this democracy is all about.

Justice Brennan, writing for the majority of the Court, has stated, "We do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents." Well, I might add neither do we consecrate freedom by encouraging those to whom freedom means so little, to abuse its sacred symbol.

The strictly technical approach to our Constitution tends to put binders on the greater reach of democracy. It does an injustice to the feelings of those of us who look at the United States and its Constitution in personal and human as well as legal terms.

The essence of freedom is our willingness to give up some of it—meaning the more extreme forms. I happen to feel this is one. Desecrating the flag is a freedom we do not need.

INTERNATIONAL LABOR ORGANIZATION CONVENTION 147—MINIMUM STANDARDS IN MERCHANT SHIPPING

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1989

Mr. JONES of North Carolina. Mr. Speaker, on June 15, 1989, International Labor Organization [ILO] Convention 147—minimum standards in merchant shipping—came into effect as a treaty obligation of the United States.

Convention 147 sets minimum standards for working and living conditions aboard ships, with particular focus on safety, shipboard living arrangements, employment conditions, social security measures and investigations of complaints and casualties. In addition, the convention's standards include workers' fundamental rights of freedom of association and to organize and bargain collectively.

The coming into force of this convention is indeed an historic event. It has been more than 36 years since an international convention dealing with the workplace has been adopted by the United States. It reaffirms this Nation's commitment to workers' rights worldwide. It also reflects enlightened U.S. self-interest in helping promote, through the ILO, better wages and living standards worldwide, especially in the Third World.

The U.S. Coast Guard and the Department of Labor have the principal enforcement responsibilities related to this Convention. Through the able leadership of Capt. J.M. MacDonald, USCG, inspection procedures have been developed and disseminated to all appropriate Coast Guard units across the country. I am confident that similar timely action will be taken by officials at the Department of Labor.

The United States has now completed the necessary steps to enforce compliance with internationally recognized minimum standards affecting all merchant ships entering U.S. ports. Under the port State control doctrine embodied in ILO Convention 147, action can be taken against substandard ships regardless of flag of registry. This includes authority to detain ships on which conditions are "clearly hazardous to safety or health".

Mr. Speaker, I am most encouraged by this Nation's action regarding this ILO Convention. Exploitation of workers should not be permitted as a competitive device in international trade.

HOUSE OF REPRESENTATIVES—*Tuesday, June 27, 1989*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We recognize, O gracious God, that You have created us in Your image—with our thoughts, our abilities, our responsibilities, and our gifts. On this day we place before You our motivations and attitudes that govern so much of what we do. We know, O God, that our actions follow our innermost feelings and intentions and so we pray that we may seek to do righteousness, to desire peace with each person, to treat people with respect, particularly those near to us, and always wish for others the good we wish for ourselves. Bless our thoughts and desires, O loving God, and cleanse us of selfishness, so we will truly be able to act with justice, with respect, with love and mercy. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PAXON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PAXON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 296, nays 96, not voting 40, as follows:

[Roll No. 108]

YEAS—296

Ackerman	Bates	Brooks
Akaka	Beilenson	Broomfield
Alexander	Bennett	Browder
Anderson	Bereuter	Brown (CA)
Andrews	Berman	Bruce
Annunzio	Bevill	Bustamante
Anthony	Bilbray	Byron
Applegate	Boggs	Campbell (CA)
Archer	Bonior	Campbell (CO)
Aspin	Borski	Cardin
Atkins	Bosco	Carper
Barnard	Boucher	Carr
Bartlett	Boxer	Chapman
Bateman	Brennan	Clarke
Clement	Johnson (SD)	Pickle
Coleman (TX)	Johnston	Poshard
Combest	Jones (GA)	Pursell
Conte	Jones (NC)	Quillen
Conyers	Jontz	Rangel
Cooper	Kanjorski	Ravenel
Cox	Kaptur	Ray
Coyne	Kasich	Regula
Crockett	Kastenmeier	Richardson
Darden	Kennedy	Rinaldo
Davis	Kennelly	Ritter
de la Garza	Kildee	Robinson
DeFazio	Kleczka	Roe
Dellums	Kostmayer	Rose
Derrick	LaFalce	Rostenkowski
Dicks	Lagomarsino	Roth
Dingell	Lancaster	Rowland (CT)
Dixon	Lantos	Rowland (GA)
Donnelly	Laughlin	Roybal
Dorgan (ND)	Leath (TX)	Russo
Downey	Lehman (CA)	Sabo
Dreier	Lehman (FL)	Saiki
Duncan	Leland	Sangmeister
Durbin	Lent	Sarpalius
Dymally	Levin (MI)	Sawyer
Dyson	Levine (CA)	Saxton
Early	Lewis (GA)	Scheuer
Eckart	Lipinski	Schiff
Edwards (CA)	Livingston	Schneider
Emerson	Lloyd	Schulze
English	Long	Shaw
Erdreich	Lowey (NY)	Shumway
Espy	Luken, Thomas	Shuster
Evans	Manton	Sisisky
Fascell	Markey	Skaggs
Fawell	Martinez	Skeen
Fazio	Matsui	Skelton
Feighan	Mavroules	Slattery
Fish	Mazzoli	Slaughter (NY)
Flippo	McCurdy	Smith (FL)
Foglietta	McDade	Smith (IA)
Ford (MI)	McDermott	Smith (NE)
Ford (TN)	McEwen	Smith (NJ)
Frank	McHugh	Smith (VT)
Frenzel	McMillan (NC)	Snowe
Frost	McMillen (MD)	Solarz
Gallo	McNulty	Spence
Gaydos	Meyers	Spratt
Gejdenson	Mfume	Stallings
Gephardt	Michel	Stark
Gibbons	Miller (CA)	Stearns
Gillmor	Miller (WA)	Stenholm
Gilman	Mineta	Studds
Gingrich	Moakley	Swift
Glickman	Montgomery	Synar
Gonzalez	Moody	Tallon
Gordon	Moorhead	Tanner
Gradison	Morella	Thomas (GA)
Grant	Morrison (CT)	Thomas (WY)
Gray	Morrison (WA)	Torres
Green	Mrazek	Torricelli
Guarini	Murtha	Towns
Gunderson	Myers	Traficant
Hall (OH)	Nagle	Traxler
Hall (TX)	Natcher	Udall
Hamilton	Nielson	Unsoeld
Hammerschmidt	Oakar	Valentine
Harris	Oberstar	Vento
Hatcher	Obey	Visclosky
Hawkins	Olin	Volkmer
Hayes (IL)	Ortiz	Walgren
Hayes (LA)	Owens (NY)	Walsh
Hefner	Owens (UT)	Watkins
Henry	Packard	Waxman
Hertel	Pallone	Weiss
Hochbrueckner	Panetta	Weldon
Horton	Parker	Whitten
Houghton	Payne (NJ)	Wilson
Hoyer	Payne (VA)	Wise
Hubbard	Pease	Wolpe
Huckaby	Pelosi	Wyden
Hughes	Penny	Wylie
Hutto	Perkins	Yates
Jenkins	Petri	Yatron
Johnson (CT)	Pickett	

NAYS—96

Armey	Hefley	Paxon
AuCoin	Herger	Ridge
Baker	Hiler	Roberts
Ballenger	Holloway	Rogers
Barton	Hopkins	Roukema
Bliley	Hunter	Schroeder
Boehlert	Hyde	Sensenbrenner
Brown (CO)	Inhofe	Sharp
Buechner	Ireland	Shays
Bunning	Jacobs	Sikorski
Burton	James	Slaughter (VA)
Callahan	Kolbe	Smith (MS)
Chandler	Kyl	Smith (TX)
Clay	Lewis (CA)	Smith, Denny (OR)
Clinger	Lewis (FL)	
Coble	Lightfoot	Smith, Robert (NH)
Coleman (MO)	Lowery (CA)	
Coughlin	Lukens, Donald	Smith, Robert (OR)
Craig	Machtley	
Crane	Madigan	Solomon
Dannemeyer	Marlenee	Stangeland
DeLay	Martin (IL)	Stump
DeWine	Martin (NY)	Sundquist
Dickinson	McCandless	Tauke
Dornan (CA)	McCollum	Thomas (CA)
Douglas	McCrery	Vucanovich
Gallegly	McGrath	Walker
Gekas	Miller (OH)	Weber
Goss	Molinari	Wheat
Grandy	Murphy	Whittaker
Hancock	Oxley	Wolf
Hansen	Parris	Young (AK)
Hastert	Pashayan	Young (FL)

NOT VOTING—40

Bentley	Hoagland	Rohrabacher
Bilirakis	Kolter	Savage
Bryant	Leach (IA)	Schaefer
Collins	McCloskey	Schuette
Costello	Mollohan	Schumer
Courter	Neal (MA)	Staggers
Dwyer	Neal (NC)	Stokes
Edwards (OK)	Nelson	Tauzin
Engel	Nowak	Upton
Fields	Patterson	Vander Jagt
Flake	Porter	Williams
Florio	Price	Wright
Garcia	Rahall	
Goodling	Rhodes	

□ 1226

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentlewoman from Tennessee [Mrs. LLOYD] to lead the house in the Pledge of Allegiance.

Mrs. LLOYD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 923. An act to redesignate the Federal hydropower generating facilities located at Dam B on the Neches River at Town Bluff, Texas, as the "Robert Douglas Willis Hydropower Project."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2119. An act to authorize the exchange of certain Federal public land in Madison County, IL.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 694) "An Act to amend the Energy Policy and Conservation Act to extend the authority for the strategic petroleum reserve, and for other purposes," with an amendment.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 428. An act to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution;

S. 634. An act to develop a national policy for the utilization of fuel cell technology;

S.J. Res. 81. Joint resolution to designate the week of October 1 through 7, 1989, as "National Health Care Food Service Week";

S.J. Res. 93. Joint resolution to designate October 1989 as "Polish American Heritage Month";

S.J. Res. 115. Joint resolution to designate the period commencing on September 9 and ending on September 15, 1989, as "National Nursing Home Residents' Rights Week";

S.J. Res. 127. Joint resolution designating Labor Day weekend, September 2 through 4, 1989, as "National Drive for Life Weekend";

S.J. Res. 134. Joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "National Disability Awareness Week"; and

S.J. Res. 161. Joint resolution to designate the week of October 22, 1989, through October 28, 1989, and the week of October 21, 1990, through October 27, 1990, as "National Adult Immunization Awareness Week."

HOUR OF MEETING ON THURSDAY, JUNE 29, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, June 28, 1989, it adjourn to meet at 11 a.m. on Thursday, June 29, 1989.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I asked for this 1 minute for the purpose of inquiring of the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT], how we are going to proceed for the next day or two.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I would like to announce that we will have 14 suspensions on the schedule today. The votes on all the suspensions, if there are any called for, will be postponed until after debate on all suspensions.

Members should note that there will be a resolution considered last that has to do with the Supreme Court decision on the flag, and that vote, along with the others, would be postponed until the end of the day.

We then will have H.R. 2136 to limit the length of time an individual may be incarcerated for civil contempt.

We will then be going in at 10 a.m. on Wednesday, and we will be going late on Wednesday to try to make as much progress as we can on the energy and water appropriation and then on the continuation of the foreign aid bill.

Mr. Speaker, if things go well, we hope to be able to be finished on Thursday at a reasonable hour. We are looking to try to finish by around 6 p.m. on Thursday. We will be starting at 11 a.m. on Thursday, and that was the purpose of my unanimous-consent request.

Mr. MICHEL. Mr. Speaker, would the gentleman from Missouri [Mr. GEPHARDT] venture a guess as to how long we will be going then, say, tomorrow, on Wednesday night?

Mr. GEPHARDT. Mr. Speaker, it is hard to exactly predict, but we will be going into the night; about 8 o'clock would be the hoped-for time of ending on Wednesday. We hope to make enough progress to then be able to finish out on Thursday.

□ 1230

CONSTITUTIONAL AMENDMENT PROHIBITING DESECRATION OF FLAG

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, we have scheduled today a resolution expressing the profound concern of this House over the Supreme Court's decision in Texas versus Johnson.

I intend to support the resolution, but it's quite clear to me that we have to do much more.

There are those who feel we can address the issue by statute, but I've talked with constitutional scholars who tell me the issue can only be dealt with by constitutional amendment.

I was pleased to note that President Bush has reached the same conclusion.

For over 32 years in the House, I have had an instinctive conservative's dislike of amending that great document.

But the 5 to 4 decision of the Supreme Court leaves me with no alternative but to propose an amendment to the Constitution authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set civil and criminal penalties for the act.

I agree with Chief Justice Rehnquist who said in dissent:

> The flag is not simply another "idea" or "point of view" competing for recognition in the marketplace of ideas . . .

I view this proposed amendment to the Constitution as not only "pro-flag" but "pro-first amendment".

And in no way is my proposal an attack on the Court. To the contrary, it is the persuasiveness of the dissents written by the Chief Justice and by Justice Stevens that serve as inspiration for my decision. Even Justice Kennedy, who joined the majority, recognizes the troubling aspects of the decision.

As I said, I view this as a serious, even solemn, matter. I ask the support of our fellow Americans, regardless of party, as we work to protect Old Glory.

Unfurl the flag, fly it, flaunt it, argue about it if you want to, but don't desecrate it—that is all we're asking. Surely that view reflects the common sense of the American people.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO SIT DURING 5-MINUTE RULE ON WEDNESDAY, JUNE 28, 1989

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may be permitted to sit during the 5-minute rule on Wednesday, June 28, 1989, to complete markup of H.R. 2461, the DOD authorization bill.

Mr. Speaker, this has been cleared with the Republican side.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE NEED FOR CONSTITUTIONAL AMENDMENT PROHIBITING FLAG DESECRATION

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I'm happy to be the first Democrat to publicly agree with the remarks of the distinguished minority leader BOB MICHEL regarding the need to amend our Constitution.

Over the weekend I found my constituents in western Kentucky very upset with the U.S. Supreme Court.

Yes, last Wednesday, in a case that set patriotic symbolism against the rights of those who would spit on and burn the American flag, the Supreme Court, in a 5-to-4 decision, nullified flag desecration laws in 48 States.

Most Americans agree with Chief Justice William Rehnquist's dissent:

For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning.

The Supreme Court has converted anti-American flag burning into a constitutional right. We need a constitutional amendment.

In Kentucky, burning and desecrating the American flag is thought of as a despicable and dastardly act.

Personally, I'm outraged at the Supreme Court decision and would suggest that Americans who want to burn our flag in contempt should consider moving to Iran, China, or Cuba where burning the American flag is not only legal but is encouraged.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT TO PROTECT THE FLAG

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, this morning the President of the United States threw his weight behind the bipartisan effort of this Congress to correct the terrible decision by the U.S. Supreme Court striking down our laws that protect and respect the American flag. After due consultation with a number of legal scholars and with a number of organizations, today myself and about 100 Members of this Congress from both sides of the aisle will be introducing legislation, a constitutional amendment, to protect the flag. If you would like to be an original sponsor of this legislation with myself and those on both sides of the aisle, we will be dropping the bill in at 3 o'clock this afternoon. We encourage your cosponsorship.

TIME TO PROTECT RIGHTS OF VICTIMS OF CRIME

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in the past the Supreme Court ruled that Communists can work in defense plants, mass murderers must be set free if their rights were violated, demonstrators can even burn the American flag, and last week the Court said Congress had no right—no right to stop dial-a-porn. The court said that even photographers have the right of free speech.

Now, I ask you today, what is next? How about dial-a-crime or dial-a-fix? What will the Supreme Court tolerate next, folks?

Now, yesterday they ruled, and I do agree, that a 16- and 17-year-old subject to the murder penalty could face the death penalty.

I say it is about time that we protect victims' rights; but 1 out of 5 is not that great. A 200 batting average never got anybody into the all star game, let alone the Hall of Fame.

It is time in this Congress to protect the rights of victims.

LAST YEAR A DROUGHT, THIS YEAR A FLOOD

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, last year Mother Nature gave us a drought and this year returned with a flood. Our farmers in Ohio are facing severe economic harm due to serious flooding in southwestern Ohio.

Following a round of meetings with farmers in my district, I discovered that this year could easily be more of a disaster for many farmers than was 1988. Farmers are unable to meet planting deadlines for corn and other crops outlined by the Federal Crop Insurance Corporation [FCIC]—20 to 25 percent of my farmers were unable to plant any crops and thus will not receive any crop insurance that they have paid for.

As of this week, only 70 percent of the corn is planted and very little more will be attempted. Only 30 percent of the soybean crop is planted. Hay is still in the field, but quality is deteriorating. Unless the first cutting can be removed soon, we will not get the second and third cuttings normally expected.

After the losses of last summer's drought, I do not believe our farmers can stand another disaster. The time has come to provide our farmers with real relief from Mother Nature's twists of fate. The drought relief bill of 1988 drained our reserves of corn and seed and provided only short term relief. The bill for that relief is now due.

I urge my colleagues to consider legislation to forgive the deficiency payments that are now due from last year's drought and concentrate our efforts on salvaging this year's crop. Let the Federal Crop Insurance Program provide the protection to our farmers that it was intended to provide and not penalize them for Mother Nature. We simply cannot afford another agricultural disaster.

OUTRAGE OVER SUPREME COURT DECISION ON DESECRATION OF THE FLAG

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I rise today to express my outrage over the recent Supreme Court decision which allows the desecration of the American flag. This decision is an insult to our Nation's veterans and it sends the wrong message to our Nation's children. The argument that the flag is only a symbol is the argument of those who have no understanding of what America is about. The strength of that symbol lies in the willingness of many millions of Americans to fight and die for it. Yesterday, my friends at U.S. 101 Radio in Chattanooga, TN, presented me with a petition, signed by literally thousands of my constituents who share this view. My constituents and I do not understand how the Supreme Court failed to recognize that we, as a free people, must bear faith with those that gave their lives to defend this country, and that we bear faith with those people by cherishing and protecting our flag. I would like to urge my colleagues to work toward passage of a constitutional amendment that would put an end to this abomination and restore dignity to the symbol of our great Nation.

□ 1240

THE CLEAN OCEANS ACT

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, this weekend there were three more oil spills in the oceans, three more reasons for this House to pass our Clean Oceans Act with my provisions to protect Lake Erie and the Great Lakes from spills.

Yesterday I took an inspection tour of the Buffalo waterfront with the U.S. Coast Guard, and one thing was very, very clear. Western New York could experience an environmentally devastating spill that could affect our fresh drinking water supply. That is why I sponsored the Clean Oceans Act, and that is why I fought for provisions to make this act apply to our Great Lakes and Lake Erie and to put the costs of cleanups on shippers, not on the taxpayers.

My colleagues, in our community in western New York, the fresh waters are our most vital natural resource. Let us pass the Clean Oceans Act now to protect the Great Lakes and our oceans.

SAVINGS AND LOANS MUST BUY RESPONSIBLE ASSETS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, last week the House passed an amendment prohibiting savings and loans from investing in and buying junk bonds.

It makes no sense to me that we would bailout the savings and loans industry in this country and then go ahead and say, "You keep buying junk bonds, high-risk junk bonds. That is just fine. The old American taxpayer will pick up the bill when you are confronted with the losses." It makes no sense to me.

It has been a sweetheart deal in this country. Those who issue junk bonds, the big operators, issue these bonds to get rich and to engage in hostile takeovers and then place them with some of their big-shot friends in the savings and loans. They get rich from the fees. Then when they go sour, the old American taxpayer pays the bill.

Here is a study that was done that shows that the early junk bonds issued have a 34-percent default rate. They are called junk, because they are high risk, and they are junk assets.

It is about time to stop it. This is symbolic of the casino game going on in this country, and the American taxpayer is sick and tired of paying the bill.

The place to start is to say that those institutions whose deposits are guaranteed by the Federal Government shall not buy and shall not hold junk bonds. "If you want to buy junk, open a junkyard. If you want to run a savings and loan, then buy responsible assets so that the American people are not going to pick up the bill for your losses."

LEVERAGE CAN HELP MOVE CHINA AWAY FROM REPRESSION

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, too often the United States speaks with so many voices that its foreign policy becomes a paper tiger.

Last week, the House showed that it was capable of working towards a bipartisan and unified response on events taking place in China. I understand that the pressures for one-upsmanship in this body are great, so great that the consensus on China may be lost.

That would be tragic. We still have a small bit of leverage with the Chinese leadership. We can throw that influence away to register our righteous indignation at China's policies, or we can use that leverage to help move China away from repression.

The Bush administration is doing a good job in a very difficult situation. I urge our leadership on both sides to do what they can to make sure that the administration is given the flexibility to respond quickly to events in China as they develop.

ISSUE DECIDED BY SUPREME COURT NOT WHETHER FLAG-BURNING REPULSIVE AND ABHORRENT

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, as one privileged to have been granted American citizenship and as one who has served in our Armed Forces and as one privileged to have been elected to serve in this body, I take second place to no one in my respect for the flag or the Constitution and the Bill of Rights of the United States.

Desecration of either is equally abhorent to me. But the issue decided by the Supreme Court is not whether or not flag-burning is repulsive and abhorrent. It is.

What makes America different from most other governments, what makes America such a great democracy, is that we do not silence the political expression of even those with views we most fundamentally disagree. That is what the Supreme Court ruled last week in a 5-to-4 majority comprised of two-dyed-in-the-wool liberals, two Reagan conservatives, and one Nixon middle-of-the-roader.

In the 200 years since the adoption of the Bill of Rights, the Constitution has been amended only 16 times, mostly to expand our rights. It will be tragically ironic if, in this year of its celebration, we were to adopt an amendment weakening the Bill of Rights.

Mr. Speaker, I am proud to be an American. I know that we have nothing to fear of the flag-burners. We have a great deal of fear from those who have lost faith in the Constitution.

WASHINGTON POST EDITORIAL POLICY LUDICROUS

(Mr. PARRIS asked and was given permission to address the House for 1 minute.)

Mr. PARRIS. Mr. Speaker, the Washington Post in its editorial policy has gone from liberal to ludicrous.

In this morning's editorials, they suggested that every Member of Congress who opposed the recent Supreme Court decision on flag-burning should leave the country and go to find one where we would be more comfortable with limited freedom of expression.

In a new twist the Post's motto is apparently: "America, hate it or leave it." They suggest that I and my colleagues might go to China, where there is no flag-burning and no dissension at all.

There is a big difference between the American flag and the Chinese flag. Our flag represents the hopes and aspirations of all mankind for freedom, opportunity, and self-determination, and it is a symbol for thousands who died protecting it. The other represents oppression and totalitarianism and it has been dyed red in the blood of its own people.

Members of the Congress who love our flag and have endorsed a constitutional amendment to defend it need not find another country, as the Post suggests, and certainly will not be following, if there is any justice at all, where the editors of the Washington Post ought to go.

FEDERAL EMPLOYEES' ADOPTION REIMBURSEMENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, society is beginning to recognize that there are different ways to build a family. One option that has always existed is adoption. But high costs prohibit many interested people from adopting children.

Many of the costs incurred by adoption are similar to those involved in biological childbearing. But the big difference is that insurance policies do not cover adoption while they do cover childbearing. The costs of adopting a child can run upward of $10,000, making it a prohibitive expense for many prospective parents.

For many years, the Federal Government has been encouraging private employers to support adoption among their workers. It's time we do the same for Federal employees. Today, I am reintroducing a bill to reimburse Federal employees up to $2,000 for reasonable and necessary adoption expenses.

This bill is very similar to a military adoption program Senator GORDON HUMPHREY and I initiated last Congress. Evidence so far indicates that this program has enabled many service men and women to adopt children. I am certain that a similar program for Federal employees would be as welcome.

CONGRESS CUTS MEDICARE WHILE TREASURY PAYS PHILIPPINE DEBTS

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, today the American taxpayer got the short end of the stick from the U.S. Treasury, to the tune of $1 billion. At the very hour this morning when Medicare went under the budget knife in our Ways and Means Committee, a Treasury official told me they want $1 billion in U.S. taxpayer funds to pay the Philippine—not the American—national debt.

This makes no sense, and should outrage every American. Why are we cutting Medicare to pay another country's debts?

Our Ways and Means Committee also should wonder why they are jumping through tough budget hoops, only to see the results of their hard work wasted a half world away in a country which already has a $4 billion foreign aid backlog that they can't spend fast enough.

Common sense always seems to be in short supply in Washington, but this $1 billion ripoff is the most ill-conceived idea I've seen in a long time.

I will have an amendment to the foreign aid bill to fix this problem, and every Member who cares about the American taxpayer, I think, should support it.

THE 1989 WORLD CANOE AND KAYAK CHAMPIONSHIP

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, many of my colleagues have talked about the flag this morning, and I, too, want to talk about the flag, but I want to talk about the last 10 days up in western Maryland on the Savage River.

We have had the pleasure of hosting the 1989 World Canoe and Kayak Championship. The Italian president of the International Canoe Federation, Sergio Orsi, said that this was one of the finest international meets he has been able to attend.

NBC is doing a 1-hour airing of a composite of 48 hours of filming they did on July 2.

I am so pleased with the 2 years of planning and the 650 volunteers who have worked so hard to host this event where 26 nations participated. To John Lugbill, who is our outstanding men's canoeist, Dave Hearn, and Jed Prentice, who won a gold medal, to Kathy Hearn, Dave's sister, Dana Chladek, and Jennifer Stone, who won a second in the women's kayaking, to Lecky Haller and Jeff McEwen, constituents of mine who almost won one, but came so close, Erick Jackson and Joe Jacobie, who tried so hard, all of these fine young American athletes have such pride with their flag and representing their country.

□ 1250

But to Bill and Abbie Endicott, our U.S. team coaches who have worked so hard to make sure that this special event will be included in the Olympics in 1992, let me say that it is a job well done.

CONSTITUTIONAL AMENDMENT TO BAN DESECRATION OF THE FLAG

(Mr. SMITH of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Hampshire. Mr. Speaker, the recent Supreme Court decision declaring unconstitutional a State law prohibiting desecration of the flag has rightfully outraged most Americans. They are furious at a decision that says it is acceptable to destroy the symbol that represents the freedoms and values of the United States of America.

As Jay Leno said last night, "In most communities in America it is against the law to burn leaves, but a bonfire of the American flag is okay."

President Bush has called for the adoption of a constitutional amendment to overturn the Supreme Court's decision, and I commend the President for his initiative. I call upon you, Mr. Speaker, to convene a special session of this House this July 4 for the purpose of adopting a constitutional amendment that makes it unlawful to desecrate the American flag. While I realize such a session would require us to cancel or postpone appearances in our districts, I believe our constituents would be more than willing to have us miss the local parade in order to rectify this misguided decision of the Supreme Court.

Mr. Speaker, a poll in last week's Newsweek indicates that more than 70 percent of the American people support a constitutional amendment to ban the desecration of the flag. The President has called for it; the American people want it. Let us meet on July 4, Mr. Speaker, and pass it. It would be a fitting tribute on our Nation's 213th birthday.

I ask for my colleagues' immediate support on this matter.

CONSTITUTIONAL AMENDMENT ON FLAG BURNING

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I am disgusted, as are the people of my Missouri district.

We are disgusted because in Missouri, unlike at the U.S. Supreme Court, we do not think it is all right to burn our U.S. flag. In Missouri we revere, we honor, we respect the flag. It is beyond our comprehension that Americans anywhere, including those on the Supreme Court, would think it is anything less than criminal to destroy our flag.

I am offering legislation that would, simply put, return Old Glory to its rightful position in our hearts, our minds, and in the law books of our land.

If we can't rely on the Supreme Court to revere our flag then we will change the Constitution to mandate that reverence.

My legislation is simple. It would add to the Constitution the following words: "The Congress and the States shall have the power to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act."

It saddens me that we need to add these 29 words to the Constitution. But if it takes these simple words to return our national flag to its revered glory, then so be it.

EXPENDITURE TARGETS

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, health care is one of the most important issues debated by Congress every year.

In a very subtle way, our health care system is being threatened by a proposal creating health care expenditure targets.

Unfortunately, this proposal would only create health care rationing.

And I do not think any of us want medical care rationed to our families or constituents.

Our friends, the Canadians, have tried this proposal. It has failed miserably.

Residents in Vancouver are waiting 1 to 3 months for surgical and routine consultations.

They are waiting 6 to 18 months for admission to a long-term placement bed.

In Quebec, patients are waiting 8 to 9 months for coronary bypass surgery.

Clearly, this proposal is a failure and people are paying with their lives.

I do not think that we want to force our doctors to withhold necessary medical care because of target expenditures.

I urge my colleagues to reject this unnecessary proposal.

REGARDING DIAL-A-PORN

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, last Friday the Supreme Court found that

the "Dial-A-Porn" provisions passed by the Congress a year ago are unconstitutional. By virtue of the Court's decision, today there is no statutory underpinning for regulations to protect our children from purveyors of smut over the telephone.

This decision should have come as no surprise. As many of us pointed out at the time, there is a constitutional way to curb the access of minors to indecent telephone messages. But ideology triumphed over common sense, and Congress passed a bill that was patently unconstitutional.

While the authors of the law may have scored a couple of political points, they bear full responsibility for the situation they have now created.

Until Congress acts responsibly on this issue, young people will be undeterred if they seek out indecent telephone dial-up-services. Today, I plan to introduce a bill that will deal effectively with the problem, and pass constitutional muster.

I invite my colleagues to put aside ideology and join in a responsible effort to deal with a serious problem, and legislate an effective remedy for Dial-A-Porn service.

CENSUS EQUITY ACT

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. Mr. Speaker, every 10 years, our country redistributes the power of the government to the citizens of our country. We do this through the census and reapportionment. This redistribution is the only constitutionally mandated purpose for the decennial census.

While census figures are of immeasurable assistance to our government for funding and planning, their main purpose is clear—they are the basis for distribution of congressional seats.

Unfortunately, the integrity of these calculations have been jeopardized by an administrative decision of the Census Bureau.

For no apparent reason, the Census Bureau has refused to include service personnel stationed overseas when reapportioning congressional seats. These are citizens of the United States. Citizens who vote, pay taxes, and who are willing to make the ultimate sacrifice for their country. Yet they will not be afforded the full weight of their vote.

In the same arbitrary manner, the Census Bureau has, and will continue to count illegal aliens for purposes of reapportionment. Last week, 25 of my colleagues joined me in introducing the Census Equity Act, which will exclude illegal aliens and include service personnel stationed overseas for the reapportionment count.

Reapportionment is the redistribution of the power of government to the governed. Reapportionment defines the scope of the political community of the United States. As the Supreme Court stated in *Cabell* v *Chavez-Salido*, 454 U.S. 432 (1982), "[s]elf government, whether direct or through representatives, begins by defining the scope of the community of the governed and thus of the governors as well: Aliens are by definition those outside the community." We do not count foreign tourists who, incidentally, enter the United States legally. Yet, the Census Bureau willingly counts those who have entered this country in direct violation of its laws.

Mr. Speaker, I ask my fellow colleagues to join me in correcting this inequity by cosponsoring the Census Equity Act.

BANNING DESECRATION OF THE FLAG

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, this past Saturday, I presented an American flag which had been displayed over the U.S. Capitol to residents of Lourdes Hall, a facility administered by the Housing Authority of Louisville.

In presenting the flag, I had no intention of doing more than describing why all Americans should respect the flag. However, Mr. Speaker, I found myself addressing the Supreme Court's recent and unfortunate decision pronouncing desecration of the flag to be constitutionally protected speech and expression.

I am no constitutional scholar. But, I find the dissenting opinions to be far more persuasive in their reasoning and logic than the majority opinions.

From the comments I received after my remarks, it was clear that the residents of Lourdes Hall agreed with me.

If the Court's decision is constitutionally correct, then the Constitution itself needs to be amended so that expressions of unhappiness or dismay with our Nation can no longer take the form of desecration of our proud flag.

LIMIT THE SCOPE OF THE HATE CRIMES STATISTICS ACTS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute.)

Mr. DANNEMEYER. Mr. Speaker, later today I will ask my colleagues to oppose an item on the Suspension Calender—H.R. 1048, the Hate Crimes Statistics Act. My purpose is to afford my distinguished colleague from Florida, [Mr. JAMES], and I, the opportunity to offer two amendments to the bill.

My amendment would simply restrict the scope of the bill by requiring the Attorney General to collect data on the number of hate crimes which manifest prejudice based on race, color, religion, and national origin—the categories recognized in the 1964 Civil Rights Act.

Why does this Congress want to elevate homosexuality above gender, age, mental capacity, and economic circumstances as a legitimate category of redress under our civil rights laws?

The amendment I intend to offer would require the Attorney General to collect data only on those categories already recognized in the 1964 Civil Rights Act and would give him discretionary authority to collect data on other categories—such as gender, age, mental capacity, and economic circumstances—where he believes it is necessary to do so.

In my opinion, our society should not enshrine homosexuality on a pedestal alongside race and religion as the primary focus of our civil rights laws. This legislation establishes a precedent which I believe very few of my colleagues would want to see put into law, that homosexuality is somehow deserving of special protection under the law.

I urge my colleagues to support my effort to defeat H.R. 1048 on the Suspension Calender so it can be properly amended. Do not let the sexual revolutionaries hijack the freedom train.

□ 1300

LIMIT TERM OF SUPREME COURT JUSTICES

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, I agree with a lot of the Members who got up and talked about a constitutional amendment on burning the flag. I think it is a terrible thing. I am having an amendment prepared myself. I am also glad to hear this morning that the President of the United States came out and he is supporting a constitutional amendment.

However, why do we not take a look at changing the way the Court is appointed? Why do we not give the people in this country a little bit more of an input. I have introduced legislation in years past in the form of a constitutional amendment. Here is what it does, and it is very simple: First of all, it would limit the terms and number of years to 12 years, unless a member comes from a lower Court, and then the member could go from there to the Supreme Court and could be a member for 24 years.

However, after the first 6 years of appointment, members have got to go back to the Senate to be reconfirmed. By going back to the Senate for recon-

firmation, at least the people of the country will have an opportunity to have their voice heard through the U.S. Senate.

I think it is a very good way to go, give the people, we the people of the United States, an opportunity to have a little bit of input into how these U.S. judges are appointed. So I ask Members to join me in this venture.

LEGISLATION TO PREVENT DIAL-A-PORN

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, like every Member of this body, I cherish the first amendment to the Constitution. Like every American, I cherish the first amendment to the Constitution. I was saddened by the decision that was made by the Supreme Court last Friday dealing with this Dial-a-Porn situation. I have to point, however, to our prescient colleague, the gentleman from Michigan [Mr. DINGELL], who stood in this well and said that the bill that we were prepared to pass out last year was unconstitutional. He was absolutely right.

Attempts have been made by the Federal Communications Commission, three times, to try and implement this. They failed every time.

The decision has been made, Mr. Speaker, by the Court. Now we have to pick up the pieces and determine exactly where we go from here to assure that young Americans to not call in to get these indecent messages over the telephone. I am very pleased to join with my colleague, the gentleman from Michigan [Mr. DINGELL], and my colleague, the gentleman from Massachusetts [Mr. MARKEY], in cosponsoring legislation which will address this terrible problem.

U.S. ALTERNATIVE FUELS COUNCIL MEMO NO. 62789: CHEVRON OIL COMMENDED

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, yesterday I visited and reviewed the work of the South Coast Air Quality Management District in the Los Angeles region.

As we know, about 50 percent of the smog and 100 percent of the carbon monoxide in the Los Angeles area comes directly from the tailpipe emissions of gasoline-powered motor vehicles. Yesterday, on Monday, I attended the opening ceremonies of a methanol fuel pump at a Chevron station in Anaheim, CA. Methanol is one of the alternative motor fuels that is offered to lessen the smog problem in southern California.

As a member of the U.S. Alternative Fuels Council, I wish to commend, to congratulate, to applaud the positive actions of Chevron Oil Co. in giving to motorists in the southern California area an alternative motor fuel, a clean air fuel, that will help reduce smog through providing cleaner air. Such actions by industry are to be applauded. I believe the remarks of Kenneth T. Derr, CEO and chairman of the board of Chevron, are important. Mr. Derr said it was the policy of his company to be socially responsible by protecting the environment. He said that Chevron was committed to supporting the cleanest alternate fuel. I congratulate Mr. Derr on this policy. The American people are the winners when a company such as Chevron adopts such an enlightened stance.

Thanks to Chevron, Californians can look forward to a cleaner breath of fresh air.

OVERTURN SUPREME COURT DECISION

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I had the opportunity and the pleasure to address the graduation ceremonies of Buckeye Boys' State at Bowling Green University on Sunday morning. I have done that for the last 5 years, and it is an excellent program. I was thrilled when I got there to find in the wake of the Supreme Court decision on the flag-burning case, that the delegates at Buckeye Boys' State, over 1,200 fine young men throughout Ohio, passed a resolution, unanimously, asking Congress to pass a constitutional amendment to overturn that dreaded decision.

It was a pleasure to me to have an opportunity to speak to those young men and find out how excited they were at the prospect of this House, and the Senate, moving expeditiously.

Then I was also pleased to know that people from my hometown of Findlay, OH, will be organizing a group demonstration, peaceful demonstration, on Thursday of this week that will again protest the flag decision, and asking Congress to pass a constitutional amendment to overturn that decision.

Findlay, by an act of Congress, is Flag City, U.S.A. The President addressed that this morning in his news conference, and nowhere are people more upset than in Findlay, OH, Flag City, U.S.A., about this decision.

I have introduced and will be introducing legislation today that will overturn the Supreme Court decision. It is a constitutional amendment. I ask my colleagues to support me in this effort. I think we owe the people of our district and throughout Ohio and throughout the Nation, our steadfast efforts at overturning this terrible decision.

DIAL-A-PORN PREVENTION AND CORRECTIONS ACT OF 1989

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, today I am joining with Chairman DINGELL in introducing the Dial-a-Porn Prevention and Corrections Act of 1989. It is time for an end to partisan bickering and the beginning of effective action to once and for all protect children from the vile influence of pornographic phone services.

This legislation is a direct response to the Supreme Court's 9 to 0 decision last week striking down the attempt in the last Congress to ban all indecent telephone messages to adults and minors. The Court's decision was no surprise: Chairman DINGELL and I, among others, argued in the last Congress that such a result was likely, and sought to implement a technologically feasible and constitutionally permissible approach to keeping dial-a-porn away from children. At every turn, that alternative was rejected in a sea of rhetoric. But the tide has turned, and now is the time to move forward toward a real-world solution to this problem.

This legislation reflects both the results of the Supreme Court's decision and the same technological approach employed last year in the conference report to H.R. 5, the Elementary and Secondary Education Act. First, the bill would make illegal the provision of any obscene speech. Second, it would mandate that no indecent speech could be provided except when a telephone customer subscribes in advance to receive the product in their home. There would be no permitted unauthorized intrusion of dial-a-porn anywhere. In the last Congress, this technological approach was endorsed by the National Parent Teachers Association, and the United Council of Churches. It was recognized as acceptable by the regional Bell operating companies, by AT&T, by GTE, the Information Industry Association, and the American Civil Liberities Union.

Mr. Speaker, it is time for the mindless shouting to end and the time to wipe out the scourge of the pernicious preying upon innocent children.

AMENDMENT NEEDED TO CONSTITUTION

(Mr. HASTERT asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, contrary to the decision of the U.S. Supreme Court last week to strike down the laws of the various States prohibiting the desecration of the flag of the United States, I think there are three sets of voices that perhaps we should listen to and heed.

First of all, there are the voices of our Founding Fathers, those articulate gentlemen who wrote the Declaration of Independence, the Constitution of the United States, and the Bill of Rights. They talked about basic human rights. They talked specifically about the freedom of speech. They certainly knew what they were talking about. They intentionally did not extend freedom of speech to actions against symbols or acts of sedition.

Also, we should respect those who have gone before us, the haunting voices, Mr. Speaker, of those people who lay in prairie graves, who fought for this country, who died for the flag, their voices haunt Members and say that we need to stand up and be counted.

Last, Mr. Speaker, there are the voices of those not yet born. Those who have not yet learned the proud legacy, the patriotic history, and the stories of freedom that surround our Nation's sacred symbol.

□ 1310

When we start to allow our symbol of freedom, the symbol of this great Nation, to be desecrated, we cheat all Americans of their proud heritage.

Mr. Speaker, it is time for a constitutional amendment protecting the flag of the United States from those who would attempt to defile it, and I think we need to bring that forward as expeditiously as possible.

A PROPOSAL TO AMEND THE HATE CRIME STATISTICS ACT

(Mr. DOUGLAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DOUGLAS. Mr. Speaker, this afternoon we are going to be taking up H.R. 1048, and I would like to urge the House to vote no on taking that bill up under suspension of the rules. That is the Hate Crime Statistics Reporting Act, which I voted for in the Judiciary Committee, as did most of us on that committee.

What we want to do is to enable the suspension to be blocked so that we can have an amendment offered that was not voted upon during that committee session on the bill. That is an amendment that would add union violence to the different categories to be studied by the Attorney General.

The National Institute of Labor Relations Research has documented over 5,000 instances of labor-inspired violence since 1975. If the bill is not voted up on suspension, we can offer again an amendment which was rejected in the Judiciary Committee that would add organized labor violence to that bill.

I think the bill is sufficiently supported by all of us so that whether we are in favor of or against H.R. 1048, it is only fair that we have an opportunity to make it a better bill and more inclusive. A vote for suspension is a vote in favor of union violence, and a vote to not suspend the rules is a vote to enable us to put that amendment on the bill so that we can deal with union violence in addition to crimes involving race, creed, color, and religion.

THE COMMONSENSE SIDE OF THE FLAG-BURNING ISSUE

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, all this rush of patriotism in the well during the last week over the flag-burning issue is not posturing; it is not just patriotism. I believe it is common sense.

It is hard in 1 minute to tell a story that is the antithesis, the exact opposite of desecration of the flag, but there was an incident that happened with our POW's in those horrible hellhole camps in Vietnam. The lack of guts on the part of the 90th, 91st, and 92nd Congresses, in collusion with the worst public servant that has ever existed in the history of this Nation, Robert Strange McNamara, caused some of our men to be held for 7 and 8 years, and one man for 9 years.

During that period some of our heroic POW's got down on their hands and knees and looked for little pieces of blue and red thread. Then they took apart an old dirty white T-shirt and wove an American flag. It was found eventually after months of them pledging to it and saluting it at night, and then it was desecrated and destroyed and the men tortured.

What was their response? To go right back on their sore knees and look for little pieces of thread again, take apart another dirty T-shirt, and make another tiny cloth flag. That one they managed to smuggle out in the spring of 1973, and it is now displayed proudly in one of our military museums.

That respect for that symbol is why it is common sense to tell this story, and to whom? To a dozen or half a dozen insensitive thugs who want to burn our Stars and Stripes that they cannot violate the sensitivities of tens of thousands, maybe several hundred thousand mothers, fathers, brothers, surviving widows, sons, and daughters all across this country who know that somebody from their family died protecting everything that flag symbolizes and in some specific cases even gave their lives to take a torn-apart standard of this country, our national ensign, Old Glory, off the field of battle.

A VOW TO PROTECT THE FLAG

(Mr. STUMP asked and was given permission to address the House for 1 minute.)

Mr. STUMP. Mr. Speaker, as is evident, I am not a very big guy, but as a combat veteran of World War II, I say to those who would choose to desecrate the flag that they had better not try to do it in my presence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. VOLKMER). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4, of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules.

VETERANS' HEALTH-CARE PROGRAMS AMENDMENTS OF 1989

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 901) to amend title 38, United States Code, to improve programs for the recruitment and retention of health-care personnel of the Department of Veterans' Affairs, to extend certain expiring programs of that Department, and for other purposes, as amended.

The Clerk read as follows:

H.R. 901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE; DEFINITION OF SECRETARY.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Health-Care Programs Amendments of 1989".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) SECRETARY DEFINED.—For purposes of this Act, the term "Secretary" means the Secretary of Veterans Affairs.

TITLE I—PERSONNEL PROVISIONS

SEC. 101. PREMIUM PAY FOR LICENSED PRACTICAL OR VOCATIONAL NURSES AND NURSE ASSISTANTS.

(a) IN GENERAL.—Section 4107(e) is amended by adding at the end the following new paragraph:

"(11) For purposes of this subsection, an employee of the Veterans Health Services and Research Administration who is a licensed practical or vocational nurse or a nurse assistant shall be treated in the same manner as a registered nurse.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the later of (1) October 1, 1989, or (2) the date of the enactment of this Act.

SEC. 102. REVISION OF CERTAIN LIMITATIONS ON OUTSIDE EMPLOYMENT FOR CERTAIN EMPLOYEES.

Section 4108 is amended by adding at the end the following new subsection:

"(e) Any provision of this title limiting employment outside of the Department by an employee of the Department shall not apply to an employee described in section 4104(3) of this title.".

SEC. 103. REVISION IN LIMITATION ON COMPENSATION OF HEALTH-CARE PERSONNEL WHO ARE RETIRED MILITARY PERSONNEL.

(a) EXTENSION TO ALL HEALTH-CARE PERSONNEL.—Section 4107(i) is amended—

(1) by inserting ", and registered nurse positions," after "physician positions"; and

(2) by adding at the end the following new sentence: "The authority of the Secretary under the preceding sentence with respect to registered-nurse positions expires on September 30, 1992.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the first day of the first pay period beginning on or after the later of (1) October 1, 1989, or (2) the date of the enactment of this Act.

SEC. 104. REVISION IN LIMITATION ON PAY OF CERTAIN PHYSICIAN POSITIONS.

(a) ENHANCED PAY FLEXIBILITY FOR EXTREMELY-DIFFICULT-TO-FILL PHYSICIAN POSITIONS.—Section 4107 is amended by adding at the end the following new subsection:

"(k) In the case of specific physician positions in a specialty which the Secretary has determined to be a specialty in which it is extremely difficult to recruit and retain physicians, the Secretary may waive the applicability to any such position of—

"(1) the limitations in subsection (d)(3) of this section and section 5308 of title 5; and

"(2) paragraphs (2) and (3) of subsection (g) of this section.".

(b) EFFECTIVE DATE.—Subsection (k) of section 4107 of title 38, United States Code, shall take effect on the first day of the first pay period beginning on or after the later of (1) October 1, 1989, or (2) the date of the enactment of this Act.

SEC. 105. APPOINTMENT OF CERTAIN INDIVIDUALS IN HEALTH-CARE POSITIONS.

Section 4106 is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may appoint qualified individuals in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title).

"(2) For purposes of this subsection, an individual shall be considered to be a qualified individual if the individual—

"(A) has a recognized degree or certificate from an accredited institution in a health-care profession or occupation; and

"(B) is appointed to and has successfully completed a clinical education program affiliated with the Department.

"(3) In using the authority provided by this subsection, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.".

SEC. 106. LEAVE-SHARING PROGRAM.

(a) AUTHORITY FOR PROGRAM.—Section 4108 is amended by adding after subsection (e) (as added by section 102) the following new subsection:

"(f)(1) The Secretary may carry out a leave-sharing program for employees subject to this section who face medical emergencies (either for themselves or family members). Any such program shall be consistent with the leave-sharing programs authorized in subchapter III (beginning with section 6331) and subchapter IV (beginning with section 6361) of chapter 63 of title 5 for employees appointed under title 5.

"(2) The authority to carry out such a program shall terminate on September 30, 1994.".

(b) EFFECTIVE DATE.—Subsection (f) of section 4108 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 1989.

TITLE II—HEALTH PROGRAM AMENDMENTS

SEC. 201. EXTENSION OF EXPIRING PROGRAMS.

(a) RESPITE CARE.—Section 620B(c) is repealed.

(b) STATE HOME GRANT AUTHORITY.—Section 5033(a) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(c) HOMELESS VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 501) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(d) ANNUAL REPORT ON MEANS TEST FOR FURNISHING NON-SERVICE-CONNECTED HEALTH CARE.—Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (title XIX of Public Law 99-272; 100 Stat. 379) is amended by striking out "and 1988" and inserting in lieu thereof ", 1988, 1989, 1990, and 1991".

(e) ANNUAL REPORT ON PTSD.—Section 110(e)(2) of the Veterans' Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2693) is amended by striking out "three" and inserting in lieu thereof "six".

SEC. 202. HOUSING PROGRAM.

Section 9 of the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987 (38 U.S.C. 1820 note; 101 Stat. 1320) is amended—

(1) in subsection (a)(3)(B)(i), by striking out "solely as a shelter" and inserting in lieu thereof "as a shelter or as transitional housing";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following new subsection:

"(c) VETERANS PARTICIPATING IN COMPENSATED WORK THERAPY PROGRAM.—(1) To assist veterans who are participants in a compensated work therapy program authorized under section 618 of title 38, United States Code, the Secretary of Veterans Affairs may convey to persons described in paragraph (2) real property and improvements described in subsection (a)(2) for an amount not less than 75 percent of the fair market value of such real property and improvements.

"(2) The Secretary may convey such property to persons who enter into an agreement with the Secretary to employ veterans who are participants in a compensated work therapy program authorized under such section 618.

"(3) The Secretary may include appropriate enforcement provisions in any agreement described in paragraph (2), including provision for reasonable liquidated damages."; and

(4) in subsection (d), as redesignated by paragraph (2), by striking out "subsections (a) and (b)" and inserting in lieu thereof "this section".

SEC. 203. COMPENSATED WORK THERAPY PROGRAM.

(a) AUTHORIZED SOURCES FOR PROVISION OF THERAPEUTIC WORK.—(1) Subsection (b)(1) of section 618 is amended by striking out "contractual arrangements with private industry or other sources outside the Veterans' Administration" and inserting in lieu thereof "a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity)".

(2) Subsection (c)(1) of such section is amended by striking out "carrying out the provisions of" and inserting in lieu thereof "furnishing rehabilitative services authorized in".

(b) AUTHORITY TO ESTABLISH AND OPERATE THERAPEUTIC AND REHABILITATIVE ACTIVITIES TRANSITIONAL HOUSING.—(1) The Secretary may carry out a demonstration program of transitional housing in accordance with this subsection. Under that program, the Secretary may purchase, lease, or otherwise acquire residential housing and may operate each residence acquired under this subsection as transitional housing for veterans described in paragraph (2).

(2) The veterans for whom transitional housing may be provided under this subsection are veterans—

(A) who are furnishing services to the Department of Veterans Affairs under subsection (a) of section 618 of title 38, United States Code; or

(B) who are furnished therapeutic work pursuant to subsection (b) of that section.

(3) The Secretary may use such procurement procedures for the purchase, lease, or other acquisition of residential housing for purposes of this subsection as the Secretary considers appropriate to expedite the opening and operation of transitional housing and to protect the interests of the United States.

(4) A residence may be operated as transitional housing for veterans described in paragraph (2) under the following conditions:

(A) Only veterans described in such paragraph and a house manager may reside in such residence.

(B) Each resident, other than the house manager, shall pay rent for the period of residence in such housing.

(C) In the establishment and operation of housing under this subsection, the Secretary shall consult with appropriate representatives of the community in which the housing is established and shall comply with zoning requirements, building permit requirements, and other similar requirements applicable to other real property used for similar purposes in the community.

(D) The residence shall meet State and community fire and safety requirements applicable to other real property used for similar purposes in the community in which the transitional housing is located, but fire and safety requirements applicable to buildings

of the Federal Government shall not apply to such property.

(5) The Secretary shall prescribe the qualifications for house managers for transitional housing operated under this subsection. The Secretary may provide for free room and subsistence for house managers in addition to or instead of payment of a fee for such services.

(6) The Secretary may operate as transitional housing under this subsection—

(A) any suitable residential property acquired by the Secretary as the result of a default on a loan made, guaranteed, or insured under chapter 37 of title 38, United States Code; and

(B) any other suitable residential property purchased, leased, or otherwise acquired by the Secretary.

(7)(A) In the case of the purchase of any property referred to in paragraph (6)(A), the Secretary shall transfer from the Special Therapeutic and Rehabilitation Activities Fund to the Loan Guaranty Revolving Fund the amount equal to the amount that the Secretary would charge for the sale of such property to a nonprofit organization or a State for use as a shelter for homeless veterans.

(B) In the case of any residential property purchased by the Secretary of Veterans Affairs from the Department of Housing and Urban Development under this section, the amount charged by the Secretary of Housing and Urban Development for that property may not exceed the amount that the Secretary of Housing and Urban Development would charge for the sale of such property to a nonprofit organization or a State for use as a shelter for homeless persons.

(8) Subject to the authority, direction, and control of the Secretary, the Chief Medical Director shall be responsible for the management, maintenance, and disposition of property acquired for the purpose of this subsection.

(9) The Secretary shall prescribe—

(A) a procedure for establishing reasonable rental rates for persons residing in transitional housing; and

(B) appropriate limits on the period for which such persons may reside in transitional housing.

(10) The Secretary may dispose of any property acquired for the purpose of this subsection. The proceeds of any such disposal shall be credited to the Special Therapeutic and Rehabilitation Activities Fund.

(c) AVAILABILITY OF THE SPECIAL THERAPEUTIC AND REHABILITATION ACTIVITIES FUND FOR COMPENSATED WORK THERAPY COMMUNITIES.—Section 618(c) is amended—

(1) in paragraph (1), by inserting "and for the purpose of carrying out section 203 of the Veterans' Health-Care Programs Amendments of 1989" before the period at the end of the first sentence; and

(2) in paragraph (2)—

(A) by inserting "and all funds received by the Department as rent under section 203 of the Veterans' Health-Care Programs Amendments of 1989" in the first sentence after "paragraph (2) of such subsection,"; and

(B) by adding at the end the following new sentence: "The Secretary may also distribute out of the fund such amounts as may be necessary for the acquisition, management, maintenance, and disposition of real property for the purpose of carrying out such section 203.".

(d) REPORT.—After the program under this subsection has been in effect for three years, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the operation of the program. The Secretary shall include in the report such recommendations for continuation or expansion of the program as the Secretary considers appropriate.

SEC. 204. ELIGIBILITY FOR OUTPATIENT MEDICAL SERVICES.

(a) CONFORMITY WITH ELIGIBILITY FOR INPATIENT CARE.—Section 612(a) is amended—

(1) in paragraph (1), by striking out "determines are needed—" and all that follows in that paragraph and inserting in lieu thereof "determines are needed to any veteran who is eligible for hospital care under section 610(a)(1) of this title, subject to the same limitations as apply under subparagraphs (A) through (I) of that section with respect to eligibility for hospital care under that section.";

(2) by striking out paragraphs (2) and (3);

(3) by redesignating paragraph (4) as paragraph (2) and in that paragraph striking out "paragraph (5)" and inserting in lieu thereof "paragraph (3)";

(4) by redesignating paragraph (5) as paragraph (3) and in that paragraph striking out "paragraph (4)" and inserting in lieu thereof "paragraph (2)"; and

(5) by redesignating paragraph (6) as paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1989.

TITLE III—HEALTH-CARE MANAGEMENT

SEC. 301. PROGRAM FOR IMPROVED SYSTEM FOR COLLECTION OF FEES.

(a) PROGRAM.—(1) The Secretary shall carry out a program for the establishment of an improved system for the administration and collection of fees and other amounts payable to the United States under Department of Veterans Affairs receipts programs.

(2) For purposes of this section, the term "Department of Veterans Affairs receipts programs" means provisions of law administered by the Veterans Health Services and Research Administration under title 38, United States Code, for the collection of fees and other amounts payable to the United States, including the provisions relating to—

(A) fees charged to third parties;

(B) amounts recoverable by the United States under section 629 of title 38, United States Code; and

(C) amounts payable as first-party medical copayments authorized in such title.

(b) AUTOMATED PROGRAM FOR BILLING AND COLLECTION.—(1) As part of the system established under subsection (a), the Secretary shall provide for the development of an automated program to carry out billing and collection of fees and other amounts. The automated program shall have the capability to process each Department of Veterans Affairs receipts program listed in subparagraphs (A) through (C) of subsection (a)(2).

(2) In developing the billing and collection program required by paragraph (1), the Secretary shall use services of the private sector to the maximum extent feasible.

(3) Not later than January 31, 1992, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the operation of this subsection during fiscal years 1990 and 1991. The report shall be based on a study, to be done in consultation with the Comptroller General of the United States, comparing the experience in carrying out this subsection through the use of employees of the Department at not more than 20 medical centers with the experience in carrying out this subsection through the use of contractor services at not more than 20 medical centers.

(c) ALLOCATION OF AMOUNTS COLLECTED.—(1) The Secretary shall defray costs of administering the automated program, including the costs of any contract under the program, from amounts received by the Secretary through the program.

(2) Of amounts collected or recovered by the Secretary for any fiscal year under the Department of Veterans Affairs receipts programs listed in subparagraphs (A) through (C) of subsection (a)(2) that remain after costs are defrayed pursuant to paragraph (1), the Secretary shall cover into the general fund of the Treasury as miscellaneous receipts an amount equal to the amount which was estimated by the Congressional Budget Office in February 1989 to be the total amount which would be recovered or collected for fiscal year 1990 under those receipts programs (assuming this section had not been enacted).

(3) Of amounts collected or recovered by the Secretary for any fiscal year under the Department of Veterans Affairs receipts programs listed in subparagraphs (A) through (C) of subsection (a)(2) that remain after costs are defrayed pursuant to paragraph (1) and the requirement of paragraph (2) has been met, the Secretary shall allocate remaining amounts as follows:

(A) 50 percent shall be credited to the Medical Care Account of the Department of Veterans Affairs.

(B) 50 percent shall be credited to the Nursing Home Revolving Fund of the Department.

(4) The Secretary shall prescribe regulations for the allocation to the medical centers of the Department of amounts credited to the Medical Care Account of the Department under paragraph (3). Those regulations shall be designed to provide incentives to directors of medical centers to increase the recovery and collection of amounts owed to the United States under programs listed in subsection (a)(2) that are attributable to health care and services furnished at their medical centers and, in the case of medical centers at which such recovery and collection has been at above average levels, to maintain and increase such levels.

(d) NURSING HOME REVOLVING FUND.—Section 5016 is amended—

(1) by striking out "realized from a transfer pursuant to" in subsection (a)(1) and inserting in lieu thereof "referred to in section 629 (g)(3) and;" and

(2) by striking out "may be made only as" in subsection (b)(1) and inserting in lieu thereof "shall be made subject to such limitations as are".

(e) EFFECTIVE DATE.—This section shall apply with respect to funds collected or recovered after September 30, 1989.

SEC. 302. ELIGIBILITY OF MILITARY DEPENDENTS FOR HEALTH CARE UNDER SHARING AGREEMENTS.

Section 5011(g)(5) is amended by inserting after "title 10" the following: "or a dependent (as defined in section 1072(2) of such title) who is eligible for care under section 1076 of such title".

SEC. 303. CHAMPVA PROGRAM.

(a) LIST OF BENEFICIARIES.—The Secretary shall compile an accurate and complete list of individuals eligible as of October 1, 1989, for benefits under section 613 of title 38, United States Code. Such list shall be compiled not later than October 1, 1989, and shall be maintained and periodically updated thereafter. The Secretary may pay bene-

fits under that section only to persons whose names are included on the list.

(b) PROGRAM REVIEW.—Not later than October 1, 1989, the Secretary shall establish a procedure for the periodic review of the need for, the cost effectiveness of, and the appropriateness of the provision of health care by the Secretary under section 613 of such title.

(c) INSPECTOR GENERAL REVIEW.—Not later than December 1, 1989, the Inspector General of the Department of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the compliance of the Secretary with subsections (a) and (b). If the report indicates that the Secretary is not in compliance with either such subsection, the Secretary shall promptly submit to those committees a report explaining the reason for any such noncompliance and the plans of the Secretary to correct the deficiency.

(d) STUDY OF ALTERNATIVES.—(1) The Secretary shall carry out a study of alternative methods for providing for the costs of health care which are currently provided under section 613 of such title. In carrying out the study, the Secretary shall consider methods which would result in a substantially unchanged cost to the United States while providing improved health benefits at lower costs to beneficiaries.

(2) The Secretary shall submit a report on the results of the study to Congress not later than one year after the date of the enactment of this Act.

(3) There is authorized to be appropriated the sum of $500,000 to carry out the study under this subsection.

SEC. 304. CANTEEN SERVICE.

(a) LIMITATION ON EMPLOYMENT.—Section 4203 is amended by adding at the end the following new subsection:

"(c) A contract or other agreement may not be made by or on behalf of the Service for performance by an individual not directly employed by the United States of any activity otherwise performed by an individual employed by the United States who is compensated with nonappropriated funds.".

(b) INDEPENDENT STATUS WITHIN THE DEPARTMENT OF VETERANS AFFAIRS.—Section 4208 is amended—

(1) by striking out "It is the purpose of this chapter that, under" and inserting in lieu thereof "Under the"; and

(2) by adding at the end the following: "The head of the Service may not be required to report to or be supervised by any official of the Department other than the Secretary and Deputy Secretary.".

SEC. 305. COMMUNITY NURSING HOMES.

(a) RESCISSION OF REGULATION.—The amendment to Veterans' Administration medical regulations relating to the use of community nursing home care facilities that was effective as of May 23, 1988, and which is further described in subsection (b) is hereby rescinded, and the provisions of regulations replaced by such regulations described in subsection (b) are hereby restored.

(b) REGULATION DESCRIBED.—Subsection (a) applies to the amendment to title 38 of the Code of Federal Regulations section 17.51a published in the Federal Register on April 21, 1988 (53 Fed. Reg. 13120).

SEC. 306. PROVISION OF PROSTHETIC APPLIANCES.

Section 5023 is amended—

(1) by inserting "(a)" before "The Administrator"; and

(2) by adding at the end the following:

"(b) The Secretary shall develop standards, based on the number of eligible veterans seeking prosthetic and sensory aids services from the Department at a medical facility, for the staffing of medical facilities of the Department to provide for—

"(1) the assignment of sufficient numbers of qualified disabled prosthetic representatives at each medical center; and

"(2) the operation of prosthetic and sensory aids services at each medical facility with an active prosthetic patient load.

"(c) The Secretary shall carry out a program for the training and continuing education of prosthetic representatives, orthotists, prosthetists, and other health care professionals involved in providing and prescribing prosthetic services.

"(d) Not later than February 1 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the funding and operation of the prosthetics program of the Department. Each such report shall include the following:

"(1) A description and analysis, by medical center, of the duration of time between the date on which each order for prosthetic services was placed by an eligible veteran during the period of time covered by the report and the date on which such service was delivered. Such analysis shall include a statement of the following:

"(A) A list of facilities at which the duration of time exceeded 5 days in any case.

"(B) The number of orders, shown by facility, for which the duration of time was more than five days and the actual amount of time elapsed in filling each such order.

"(C) The total dollar amount of orders for which the duration of time was more than five days.

"(D) The reasons for the duration of time for delivering services in accordance with such orders being in excess of five days.

"(2) A statement of the number of medical facilities at which qualified disabled prosthetic representatives are employed and the number of medical centers operating Prosthetic and Sensory Aids Services.

"(3) A description of the training provided to prosthetic representatives, orthotists, prosthetists, and other health care professionals involved in providing and prescribing prosthetic services.

"(4) A description of the actions taken during the period covered by the report to expedite the purchases of prosthetic appliances.".

The SPEAKER pro tempore. Is a second demanded?

Mr. STUMP. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 901, the bill under consideration, and also on the next four bills to be brought up for consideration, H.R. 1199, H.R. 2557, H.R. 2569, and H.R. 1334.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, H.R. 901, as amended, contains several personnel provisions that would make improvements in certain health care programs of the Department of Veterans' Affairs [DVA]. It was reported out of our committee unanimously by voice vote. Specifically, this bill extends programs that have been evaluated and shown to achieve desirable results and to be cost-effective. This bill also addresses one of the most compelling problems in the DVA medical care system: attracting and keeping the dedicated, well-trained staff that is the foundation of the DVA's Veterans' Health Services and Research Administration. The bill would also make some management changes to improve the delivery of medical services. The various provisions are summarized in a blue sheet summary here at the table.

In general, Mr. Speaker, the provisions of this bill recognize the reality that every dollar available to the DVA must be carefully weighed so that high-quality care is delivered to our Nation's veterans on a timely basis.

The problems with recruitment and retention of medical care staff are well known in American medicine, especially in the area of nursing personnel. The Federal environment makes the challenge even more difficult. The recent survey of DVA medical centers—House Committee Print No. 10, 100th Congress, documented that DVA medical centers are staffed at a much lower level than their community neighbors and that, in addition, they suffer from unfilled vacancies across all of the medical professions. H.R. 901, as amended, would address some of these findings.

First, the bill would authorize Saturday/Sunday premium pay for licensed practical/licensed vocational nurses and nurse assistants in order to recruit and retain these health care professionals. During recent hearings on recruitment and retention of nurses, attention was focused on the serious problems of recruiting and retaining licensed practical and vocational nurses and nurse assistants for DVA employment. The services of persons in these occupations are becoming more critical due to the national shortage of registered nurses.

In the committee's nationwide survey, over 1,200 licensed practical and vocational nurse vacancies were reported to exist within the DVA medical care system. A significant reason for the Department's difficulty in recruiting and retaining these valuable personnel was reported in testimony to the committee as pay or pay related. The lack of premium pay was listed as a disadvantage to DVA em-

ployment by 24.7 percent of the medical center directors responding to the above-mentioned survey. Currently such pay is discretionary for LPN/LVNs, but under this section they, as well as nurse assistants, would be treated in the same manner as a registered nurse for purposes of this provision only. It is imperative that the DVA increase its ability to compete for these necessary medical personnel. An increase in such personnel would help relieve some of the burdens placed on our already overworked registered nurses. This in turn would have a domino effect by helping in the recruitment and retention of RNs and result in our designed goal of providing high-quality care to our Nation's veterans.

Second, H.R. 901 would explicitly authorize outside employment, commonly called moonlighting, for the so-called hybrid employees whose appointment, pay, and other authorities are in both title 5 and title 38 of the United States Code. These include physical therapists, respiratory therapists, LPN/LVNs, pharmacists, and occupational therapists. Public Laws 98-160 and 100-322 contained authorization for the DVA to set rates of pay and qualifications standards for the aforementioned employees. The Congress emphasized, in the report language accompanying the legislation which created the hybrid occupational groups, that the intent was to provide the pay and appointment flexibility that was necessary to ensure that the DVA might continue to compete for these hard-to-recruit personnel.

Mr. Speaker, in order to clarify the intent of the Congress with specific regard to employment outside the DVA and in the interest of improving the ability of the DVA to compete for these employees, section 102 of the reported bill would explicitly authorize outside employment for these personnel to the extent that it does not interfere with their primary obligations within the DVA medical care system.

I would add here, Mr. Speaker, my understanding is that the outside employment is not solely oriented to supplementing the pay of these professional health care employees. Rather, the outside work would likely consist of teaching students in one of these occupations, conducting continuing medical education classes, or giving public health lectures to civic groups for pay. In these difficult times of medical personnel shortages, it is important that the DVA implement such practices in order to better assist with the recruitment and retention of these much needed employees.

Another provision related to nurses is one that would allow retired military nurses to keep their military retirement pay if they choose to work as nurses in the DVA. While there may be only a small pool of such nurses, their experience would be a valuable resource to the DVA. The disincentive to working in the DVA's medical care system under current law is that they would lose part of their retirement pay if they worked at a Federal job. Some people may consider such limits justified in order to prevent so-called double dipping.

Retirement pay, however, is a reward that has been earned through dedicated service and in view of the severe shortage of nurses we should take every opportunity to increase the number of those who want to work for the DVA. In response to expressed concerns, the committee set a limit on the duration of this waiver authority for 3 years. At that time, the extent of the use of the authority will be assessed as will the associated costs and benefits.

Mr. Speaker, another provision in H.R. 901 applies to individuals who have a recognized degree in an allied health profession and who have completed a clinical education program affiliated with the DVA. Such individuals would be able to accept an appointment with the DVA without having to go through the Office of Personnel Management process for civil service employment.

As described in a 1982 report to the Congress, highly motivated allied health-care employees who might consider employment with the DVA become frustrated with the length and complexity of the civil service procedures. The DVA, as part of its statutory mission to develop and carry out a program of education and training of health-care personnel for the Nation, annually trains more than 50,000 allied health professions students through clinical education programs in DVA facilities. Fewer than 6 percent of these students take jobs with the DVA.

We hope that this provision would aid in the recruitment and retention of allied health professionals. Mr. Speaker, I also want to stress that the individuals who are so directly appointed be graduates who meet the DVA's high standards as evidenced by academic credentials and by successful completion of an affiliated DVA clinical education program. Mr. Speaker, this kind of effort is needed in order to address the severe shortages of medical personnel that the DVA is currently facing.

The last provision in H.R. 901 that concerns the recruitment and retention of medical personnel is section 104 which would authorize the Secretary to waive the applicable pay restrictions for physicians in extremely difficult to recruit and retain specialties. During committee hearings and through the use of surveys, the particular difficulty in recruiting certain physician specialties was documented. The main reason given for this difficulty was low Federal pay. Since many medical center directors are having trouble filling these positions, they have been forced to contract out for these services at substantially higher costs. Such contracts totaled $19.6 million in fiscal year 1988.

It is not the intent of the committee to apply this waiver authority to all physicians in the designated scarce medical specialties. Instead, the committee expects that the authority would be used to employ physicians in lieu of contracting for such services. The DVA needs these services Mr. Speaker, but in these times of fiscal constraint a reasonable alternative must be found. It is the belief of the committee that this provision will provide just such an alternative.

H.R. 901 would also authorize the establishment of a 5-year leave-sharing program for DVA health-care employees appointed under title 38. Under current law title 38 employees are covered by a temporary 1-year program which terminates on September 30, 1989. Title 5 employees used to be covered by a temporary program also, but under Public Law 100-566 they were placed under a 5-year program. By extending the 5-year program to title 38 employees, the DVA would be able to avoid possible adverse morale problems associated with having part, but not all of its employees, eligible for participation.

This program would permit the voluntary transfer of annual leave from one employee to another in order to help employees cope with emergency leave situations, such as when an employee is faced with an extended illness and has only a limited amount of personal leave time available. It is the intent of the committee to provide equitable leave-sharing programs for both title 5 and title 38 employees.

Mr. Speaker, as I stated earlier this bill extends programs that have been evaluated and shown to achieve desirable results and to be cost-effective. There are five program extensions addressed by this bill.

First, the bill would provide ongoing authority for the DVA's Respite Care Program, which under current law is scheduled to expire on September 30, 1989. The ultimate goal of respite care is to help veterans with severe chronic illnesses remain at home for as long as medically possible. It is widely agreed that, where medically feasible, allowing a person to remain at home is better for the person's overall health status than institutional care. It is, also, a far more efficient and cost-effective way to meet individuals health-care needs. Under the Respite Care Program, the DVA provides chronically ill veterans who reside at home with brief, planned periods of care in DVA facilities in order to provide the veteran's immediate care givers—usually

family members—with some relief from the physical and emotional rigors of continuous home care. This is a program that has worked very well in the past and the committee expects that it will continue to do so in the future.

Second, H.R. 901 would extend the DVA's State Home Grant Program for 3 years. Under this program the DVA provides grant support to assist States in the construction and acquisition of State home facilities and, also, in the renovation of existing facilities to be used in the State Home Program, with the DVA providing up to 65 percent of these costs.

The State Veterans' Home Program has grown from 11 homes in 11 States in 1888 to 58 DVA recognized homes in 36 States. These homes currently have over 18,000 beds and in fiscal year 1988 provided more than 4.8 million days of care. These facilities make it possible to provide care to many more veterans than can receive care in DVA facilities, while at the same time doing so in a cost-effective manner. The projected increase in the elderly population of the United States is being experienced earlier in the veteran population than in the general population. The number of veterans over the age of 65 was 4.6 million in 1985 and is predicted to increase to 7.2 million by 1991 and to peak at 8.9 million veterans in 1999. In 1999, 60 percent of all males over the age of 65 will be veterans.

Third, H.R. 901 would extend for 3 years the Department's authority to conduct a pilot program, originally authorized under Public Law 100-322, to provide community-based residential care to homeless chronically mentally ill veterans. The pilot program has been implemented and there is evidence of its success; however, the 1-year timeframe originally established under Public Law 100-322 now appears to be insufficient to complete a comprehensive assessment.

Mr. Speaker, there has been considerable hearing testimony, broadcast media reports, and editorials concerning the type and scope of problems relating to homeless persons. Most estimates suggest that many homeless may be eligible for veterans benefits and that a significant proportion are chronically mentally ill. An additional 3 years would be sufficient time to evaluate the scope and impact of the effect of this program on the homeless veteran population.

Fourth, H.R. 901 would extend for 3 years the so-called means test reporting requirement. Under Public Law 99-272, the Congress provided for reform of veterans' eligibility for DVA medical care and authorized third-party recovery from health-care insurers for non-service-connected disabled veterans who obtain health care in DVA facilities. This so-called means test was implemented in response to budget reconciliation instructions to achieve specified cost savings. The law required the Secretary to provide to the Congress a report on the effects of the eligibility reforms contained in the bill.

Mr. Speaker, the current budget situation facing the DVA Medical Care Program represents numerous potential alternative action by the DVA. Fundamental in making these decisions is accurate information regarding the operations of the medical care system. I believe that the report required by Public Law 99-272 contains much important information that the DVA can use in these efforts. Therefore, the reporting requirement should be extended for an additional period of time.

Fifth, H.R. 901 would extend the reporting requirement of the Chief Medical Director's Special Advisory Committee on Post Traumatic Stress Disorder. In 1980, the American Psychiatric Association's diagnostic and statistical manual officially recognized PTSD as a diagnosis and identified combat as a potential stressor. At that time, because of the relatively recent acceptance by the medical community of this disorder, procedures for diagnosing and treating PTSD were not well established. In an effort to address the problems, a special advisory on PTSD was established under Public Law 98-528 to advise the Chief Medical Director on diagnosis, treatment, and a wide range of PTSD related issues.

Recent research suggests that about 15.2 percent of male and 8.5 percent of female Vietnam theater veterans are currently suffering from PTSD. Mr. Speaker, we believe that the special committee has been instrumental in helping the Department develop procedures to evaluate, recognize, and treat those veterans who are suffering from this disorder. Therefore, the reporting requirement should be extended, as the special committee is continually providing advice in this area.

Mr. Speaker, as I discussed before, the problems associated with medical and psychiatric treatment of chronically mentally ill veterans present an enormous challenge to the DVA. During the last 20 years, the Department, in conjunction with a national movement to deinstitutionalize psychiatric inpatients, has closed over 30,000 psychiatric beds. With the advent of deinstitutionalization, patient work became a therapeutic activity which was designed to increase the patient's capability to develop vocational skills necessary for community reentry. H.R. 901 would authorize programs for the further development of these skills as well as offering incentives to people who would help run these programs.

Specifically, the bill would expand the compensated work therapy programs of the Department, which is authorized to operate them under section 618(b) of title 38. The purpose of these programs is to provide a clinical procedure for evaluating the patient's vocational or avocational interests, aptitudes, and skills. It also assesses the patient's physical and mental capacities for work in actual employment situations. These programs encourage the development of good working habits. The programs, however, are faced with limitations.

Current law restricts contracting to private industry or other sources outside the DVA. It is the belief of the Department's general counsel that such language also restricts contracting with other governmental agencies as well. The result of such restrictions is that in some areas of the country, particularly rural ones, the opportunities for establishing CWT programs are foreclosed. Mr. Speaker, in view of the enormous potential and prior success of these programs, it makes sense to allow the CWT programs to contract with an array of private and governmental entities, including the DVA. I believe that such latitude will increase not only the number of CWT programs available to eligible veterans, but also that more veterans, through participation in these programs, will make a successful transition back into the community.

Mr. Speaker, H.R. 901 would offer incentives to people who enter into agreements with the Department to employ patients who are part of the DVA's CWT programs. The bill would authorize the Secretary to convey properties to such persons at not less than 75 percent of the fair market values for such properties. I believe that such incentives will induce more people to participate with the DVA in the operation of such programs.

Work and treatment, however, are not the only problems associated with chronically mentally ill patients in the context of helping them make the transition back into the community. The need for transitional or therapeutic living space is critical to the success of any of these therapeutic programs. This problem is addressed in H.R. 901, which would specifically provide that patients involved in a therapeutic program may also participate in a therapeutic residential living program.

Given the overwhelming success of the existing programs and the enormous potential of additional ones, the committee strongly supports the expansion of these programs authorized in H.R. 901.

H.R. 901 would also require the DVA to provide outpatient care, except dental services, to all category A veterans for whom hospital care is mandated under section 610 of title 38. The reported bill would not change the eligibility for outpatient care for catego-

ry B and C veterans. Under current law, the Department is required to furnish needed outpatient care for the treatment of a service-connected disability of any veteran; for any disability of a veteran who has a service-connected disability rated at 50 percent or more; and for veterans disabled as a result of DVA treatment or vocational rehabilitation. In addition, the Department is required to furnish outpatient care for the pre-hospital care, care to obviate the need for hospital care, and postinstitutional followup care for veterans having disabilities rated at 30 or 40 percent. This same care is required to be provided to veterans who have an income at or below the pension aid-to-attendance income level.

By mandating outpatient care to a limited and defined group, veterans would be able to predict the likelihood of receiving care from the DVA. Similarly, the DVA and the Congress would have a basis for allocation of resources to fund services. The DVA would be authorized to continue providing outpatient care to the extent possible to category B and C veterans where space is available and in certain cases, where the veteran agrees to pay a certain fee in connection with the receipt of care. We believe that the Federal Government should clearly identify those veterans, who as a matter of public policy, should receive health care and then mandate that they be provided such care in DVA facilities.

In a directly related issue, I would emphasize the testimony presented in recent hearings that outpatient services are much less expensive than services provided on an inpatient basis. The committee perceives that a statutory entitlement only for hospital care may provide an incentive for delivering needed care, whether requiring hospitalization or not, on an inpatient basis. The mandate in the reported bill to provide needed outpatient care should neutralize this bias. Some people fear that this would be costly. Let me quote directly from the CBO cost estimate: "According to DVA statistics on the disposition of applications for medical care, only about 0.4 percent of all category A applicants for outpatient care are denied care for reasons that would be eliminated by this bill." There are two other factors that could cause an increase in the demand for care by category A veterans. The fact that these veterans would now be entitled to care and the publicity surrounding the change could draw veterans to DVA facilities who might otherwise have sought non-DVA care. When category A veterans were granted entitlement to inpatient care in Public Law 99-272, an increase of only 1.5 percent resulted in inpatient episodes.

Also, all category A veterans, except those with disabilities rated 50 percent disabling or more, would be entitled to all needed outpatient care under this provision. Under current law, they are eligible only for pre- and posthospital care and care to obviate the need for hospital care. This expansion of eligibility is also expected to result in only a very small increase in outpatient visits. There is very little medically necessary outpatient care that cannot be viewed as obviating the need for inpatient care. This is evidenced by the fact that in fiscal year 1988 only around 1,700 category A veterans were turned away because they were ineligible for such care. These 1,700 denials represent only 0.2 percent of applications for which outpatient care was provided.

Mr. Speaker, the committee anticipates that these provisions will allow the DVA to provide cost-effective services to more veterans.

The third group of provisions in H.R. 901 have to do with management concerns. First, H.R. 901 would require the DVA to carry out a program for the establishment of an improved management system for the administration and collection of fees and other amounts payable to the United States under the DVA receipts program. As part of the proposed system, the Secretary would be required to provide for the development of an automated program to carry out the billing and collection of fees and other amounts. One such program was developed in the Department's medical region 2 and indicated that this one medical center could increase revenue by over $6,000,000 per year.

There is little incentive, however, for the DVA medical centers to incur the costs associated with such a program because under current law all receipts from such programs must be sent to the Treasury. In these times of tight budgets and severe personnel shortages, few medical center directors are willing to commit the needed resources and personnel for this type of program. As a result, it has been estimated that between $500 million and $2 billion go uncollected annually.

H.R. 901 would require the Secretary to establish a program for the billing and collection of fees that utilizes the technology and expertise of the private sector in these matters to the maximum extent feasible. After 2 years, the Secretary would be required to submit a report to the Senate and House Committees on Veterans' Affairs which compares the experience of carrying out this program through the use of employees of the DVA at not more the 20 medical centers with the experience of carrying out the program through the use of contractor services at not more than 20 medical centers. The Secretary would be required to defray the costs of administering the automated program, including the costs of any contracts under this program, from the amounts received through the program. It should be noted that this legislation authorizes contracts for both billing and collection services which the Secretary determines to be in the interest of the Government. Thus, the limitations on authority to contract under the Debt Collection Act of 1982 (Public Law 97-365, as amended) which are set out in a 1985 Comptroller General opinion (64 Comp. Gen. 366) are not for application in this case. Of the amounts that remain after administrative costs are defrayed, the Secretary would be required to transfer into the general fund of the Treasury an amount equal to the amount which was estimated by the Congressional Budget Office in February 1989 to be the amount which would have been collected for fiscal year 1990 had this program not been implemented.

It is important to note, Mr. Speaker, that this program is not designed to take money that has previously gone to the Treasury to help reduce the budget deficit and give it to the DVA. After the administrative costs have been paid and the Treasury has received its specified amount, then the Secretary would allocate the remaining amounts by placing 50 percent of these moneys in the Department's medical care account and 50 percent in the nursing home revolving fund.

The Secretary would prescribe a method to allocate to the medical centers the moneys retained in the medical care account in such a way so as to avoid penalizing those medical centers which, prior to the implementation of this program, were performing the collections process well. Further, the Secretary provides real incentives to the medical center directors to increase recovery of amounts owed and that these funds not be retained by central office for its own purposes. I strongly believe that the opportunity should be taken to learn from the private sector in this matter. The incentives provided in this provision should not only serve to enhance the revenues generated by the recovery authority in law, but should also serve to alleviate some of the fiscal problems currently facing the DVA.

There is also a provision in H.R. 901 that would allow, on a space-available basis, the dependents of active duty military personnel to receive care in a DVA facility through DVA/DOD sharing agreements. Under current law, such dependents cannot be treated in Department facilities. Mr. Speaker, the DVA/DOD sharing agreement program has proven to be a tremendous success. It was authorized under Public Law 97-174 and since that time approximately 250 locally initiated agreements have been signed. These agreements allow the two agencies to share their respective capabilities to deliver medical care.

Bills were introduced in both the House and the Senate in 1986 and again in the House in 1987, which sought to remove the restriction on the DVA treating dependents under DVA/DOD sharing agreements. No action was taken on these bills, but the success of the sharing program encourages us to once again propose this change. I want to be very clear, Mr. Speaker, that an eligible veteran would never be denied care because of a dependent receiving care.

I am very committed to the DVA/DOD sharing program. It has proved its efficiency and effectiveness for both Departments. An example of this can be seen in Albuquerque, NM, where the Air Force occupies the sixth floor of the new DVA hospital and is operating 40 beds. The DVA provides all ancillary support to the in-house Air Force staff. Tertiary care for Air Force beneficiaries is either purchased from the Department or the community. The Air Force manages the emergency room and a new Air Force outpatient clinic has been constructed next to the hospital which will allow further sharing opportunities. Another example is found in Las Vegas, NV, where the DVA has agreed to share in the construction costs and use of a new Nellis Air Force Base Hospital. The joint venture hospital is scheduled for occupancy in fiscal year 1993 and the DVA will have 52 of 129 hospital beds. There will be many opportunities for savings which involve shared equipment purchases, consolidated procurement of supplies, and sharing of scarce clinical specialists. Mr. Speaker, as you can see these sharing agreements are both beneficial and cost-effective and as I have stated before the committee is strongly committed to them.

Third, H.R. 901 would require the Secretary to compile an accurate and complete list of individuals who are eligible for benefits under the Civilian Health and Medical Program of the Veterans Administration. It would also require the Secretary to maintain and periodically revise this list. It is clear that action must be taken promptly by the Department to correct serious deficiencies which have been identified in the administration of CHAMPVA. According to the Department's inspector general, an estimated 15 percent of all CHAMPVA program beneficiaries in 1986 were considered to be ineligible. According to the inspector general, DVA spending for individuals not eligible for CHAMPVA program benefits was projected to be $29.7 million during fiscal years 1987 and 1988.

Fourth, H.R. 901 would prohibit securing by contract or agreement the performance of a veterans canteen service activity by an individual not directly employed by the United States, when such an activity is being performed by an employee of the United States who is compensated with nonappropriated funds. The bill would also require that the head of the canteen service report directly to the Secretary or Deputy Secretary.

Established as an independent entity within the DVA, the veterans canteen service makes available to hospitalized and domiciled veterans merchandise and services which are essential to the comfort and well-being of these veterans. Financially self-sustaining, the Congress provides no funds for the canteen service. The committee has conducted several oversight hearings, with the most recent being on June 23, 1988. During this hearing, witnesses reported that the DVA had ordered a resumption of the process for soliciting bids for contracting out canteen food service activities under the provisions of OMB Circular A-76. To date, no bids have been awarded to be contracted out under this practice.

Mr. Speaker, only 60 percent of the canteens are profitable and the excess revenues generated by them enable the canteen service to continue to operate the 40 percent that are not. By allowing for the potential contracting out of canteen food services, we run the risk of depleting much of that excess revenue. In my view, proposals to contract out such canteen services are based on the false assumptions that Government appropriations could be reduced on the one hand and services improved on the other. As already noted, Congress appropriates no funds for the canteen service; canteen operations pay their own way and therefore, inclusion of such canteen services in the A-76 process will not reduce Federal appropriations.

Fifth, H.R. 901 would rescind the Department regulation setting an arbitrary 45-day limit on the length of extensions for stays in community nursing homes. By law, when a veteran is placed in a community nursing home the maximum length of stay at DVA expense is 6 months, unless an extension is granted. It was never the Congress' intention to place a 45-day limit on the length of these extensions and, therefore, in H.R. 901 we would rescind the DVA initiated regulation.

The last provision contained in H.R. 901 concerns the procurement and delivery of prosthetic services and devices. On April 26, 1989, the Subcommittee on Hospitals and Health Care held a hearing on the status of the DVA's medical care system. The testimony illuminated the severity of the problems associated with the provision of prosthetics for veterans. At the hearing, a growing problem with delays in the provision of prosthetic devices and appliances was identified. The subcommittee heard reports that the delivery of items such as artificial limbs, wheelchairs, and other equipment was being delayed weeks and in some cases months. Applications for prosthetic items were backlogged at many medical centers. There were instances where veterans were being held in the hospital due to an inability of the medical center to discharge the veteran because of shortages of essential items necessary for daily living.

Mr. Speaker, such occurrences are inexcusable. H.R. 901 would require the Secretary to establish staffing standards based on the number of eligible veterans seeking prosthetics and sensory aids services from DVA medical care facilities. In addition, the bill would require the Secretary to carry out a program of training and continuing education of prosthetic representatives and other health care personnel involved in providing prosthetics and sensory aids services. Finally, this section would require the Secretary to provide a report on the funding and the operation of the Department's prosthetics program to the Senate and House Committees on Veterans' Affairs. Specific description and analysis of delays between ordering and receiving prosthetic services and the reasons for the delays would be required to be included in the report.

I expect to use this report to ensure timely, high-quality provision of prosthetic and sensory aids services to the highest priority veterans, those with service-connected disabilities. The reporting requirement authorized in the bill would enable the committee to monitor the actual status of the funding of prosthetics services.

Mr. Speaker, it is our hope and intention that this provision will provide the stimulus to the DVA to assign a higher priority to the provision of prosthetic services to our Nation's veterans.

Mr. Speaker, on Friday, June 23, 1989, the committee was advised by the chairman of the Committee on Ways and Means that he strongly objected to a provision which was contained in H.R. 901 as ordered reported by our committee. There follows a copy of the chairman's letter.

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 22, 1989.

Hon. SONNY MONTGOMERY,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR SONNY: As you know, the Administration has recently suggested that the Veterans' Administration be allowed access to taxpayer information in order to verify beneficiaries' income eligibility for programs administered by the Veterans' Administration. This issue also was discussed last year in connection with H.R. 5114, the Veterans' Health-Care Programs Amendments of 1989.

It has come to my attention that the Committee on Veterans' Affairs is considering inclusion of this provision in H.R. 901, the Veterans' Health-Care Programs Amendments of 1989.

I strongly object to inclusion of this provision in legislation to be reported by your

Committee. As you know, Section 6103 of the Internal Revenue Code prohibits the disclosure of tax returns and return information with exceptions for authorized disclosure in certain specific instances. Thus, access to taxpayer information is a matter clearly within the jurisdiction of the Committee on Ways and Means.

In the past this Committee has attempted to cooperate with other committees regarding the use of taxpayer information. However, this Committee has also reserved its right to determine those specific instances and circumstances in which taxpayer information could be utilized.

In light of this, the Committee on Ways and Means has included an income verification provision in the fiscal year 1990 budget reconciliation measure. I would, therefore, request that the Committee on Veterans' Affairs not include this provision in the bill before you. If this matter is included, I will be forced to request a sequential referral of the bill.

Sincerely,

DAN ROSTENKOWSKI,
Chairman.

In compliance with the wishes of the chairman of the Committee on Ways and Means, we deleted this provision from our bill. The letter from the chairman was a most unusual communication for several reasons. To receive this communication on the day after our committee had met to consider this provision made it very difficult to accommodate the chairman of the Ways and Means Committee. I believe that we had provided adequate notice of our intention to mark up this particular legislation, which I would like to describe for my colleagues.

During the 100th Congress, we worked closely with the Committee on Ways and Means to craft legislation which would give the Secretary of Veterans' Affairs access to certain taxpayer earning information. There are several veterans' benefits which are needs-based, such as non-service-connected disability pension payable to wartime veterans with low incomes and who have permanent and total disabilities not related to their military service. For purposes of this program, a veteran who has attained age 65 is presumed to be totally and permanently disabled. In addition, the eligibility criteria for DVA hospital, nursing home, domiciliary, or outpatient care requires the DVA to obtain income information.

In all of these programs, eligibility determinations are made by the DVA on the basis of income data which have been self-reported by the beneficiary. The DVA inspector general has conducted several matches of beneficiary reported data against other data bases. These efforts revealed material discrepancies between data reported by some beneficiaries and data from other sources. In order to assess the extent of the discrepancies, Senator FRANK MURKOWSKI, the ranking minority member of the Senate Committee on Veterans' Affairs, requested that the General Accounting Office [GAO] conduct a review of the accuracy of self-reported beneficiary income using certain income tax data bases maintained by the Internal Revenue Service [IRS]. GAO's findings indicated that, considering only discrepancies greater than $100, the potential 1984 overpayments totaled $182.5 million paid to nearly 149,000 DVA pension beneficiaries. The GAO further found that only $25.3 million of these overpayments could have been identified by the DVA using existing resources and procedures. Access to the same third-party and self-employment IRS and Social Security Administration [SSA] data available to other Federal agencies for purposes of eligibility determinations would have permitted identification of over $157.2 million in erroneous payments, according to the GAO. GAO recommended that the Congress allow the DVA access to such information to permit verification of self-reported beneficiary income.

As ordered reported H.R. 901 would have required the Secretaries of the Departments of Health and Human Services and Treasury to disclose taxpayer earning information to the DVA for purposes of income verification in connection with its needs-based pension programs under chapter 15 of title 38 or other laws administered by the DVA; parent's dependency and indemnity compensation under section 415 of title 38; compensation based on individual unemployment ratings; and health-care services furnished on the basis of income, incapacitation, or resources under sections 610(a)(1)(I) and (2)(A) (hospital care 610(b) (domiciliary care), and 612(a)(2)(B) (outpatient care) of title 38. The bill would have also amended chapter 53 of title 38, relating to special provisions in connection with DVA benefit programs, to add a new section 3117, which would prohibit the Secretary from using such IRS and SSA information without first independently verifying such data, notifying the individual concerned, and allowing the individual fair opportunity to contest Department findings based on such information. Finally, the provision would have required that the DVA notify benefit recipients and applicants that the income data they provide to the DVA for the purpose of establishing initial or continuing eligibility for benefits would be subject to verification by means of matching against information in reports submitted by employers, financial institutions, and other third parties to the IRS and SSA. The bill ordered reported would have required that the DVA provide this notice within 90 days of the date of enactment and prior to initiating verification and matching of data. Subsequently, the DVA would be required to provide notice of the income-verification program to all new applicants for the benefits involved or for health-care services based on income status and periodically to renotify all recipients.

As I said, it seemed very unusual that the Committee on Ways and Means would object to consideration of this legislation since our committee had notified the committee of our intent to report the measure. The Department of Veterans' Affairs has been seeking access to records of the Internal Revenue Service for a number of years. In most instances, those requests have been rebuffed, although the Committee on Ways and Means has reported legislation to give almost every other means-tested program access to whatever information is needed to insure program integrity. Following the issuance of the GAO report requested by Senator MURKOWSKI, our committee decided to act on the GAO recommendation. H.R. 5114, which our committee ordered reported during the second session of the 100th Congress, included a provision which is almost identical to the provision contained in H.R. 901. We had worked with the Ways and Means Committee in drafting the provision. Unfortunately, due to the press of other legislative business, this provision was not enacted into law.

Earlier this year, I had informal discussions with the Director of the Office of Management and Budget about ways to increase funding to support the veterans' health care system. During the course of these discussions, I mentioned this proposal and our intention to act on it again this year. We felt reasonably confident that despite any noticeable enthusiasm for this measure on the part of the administration in prior years, or the Committee on Ways and Means, the proposal had merit and should be enacted.

In light of this, my colleagues might be led to believe that there were serious reservations about our proposal. In fact, what has happened is that the Committee on Ways and Means has considered the provision which we reported last year and recommended its inclusion in the budget reconciliation measure for fiscal year 1990. Although the Committee on Ways and Means has not provided our committee with a copy of its proposed legislative language, I am very interested in how it will solve a particularly vexing problem with respect to the implementation of this authority. The provision which our committee ordered reported gave access to return information to the Secretary of Veterans' Affairs. However, merely granting access does not save money; the Secretary must review each case individually and resolve any discrepancy between information obtained by the Secretary and information furnished by the beneficiary. This measure does not generate any new revenue or raise taxes; all of

the savings will accrue in the Veterans' Pension Program, which falls within budget function 700. Thus, the concern about implementation is not an academic concern.

According to both CBO and GAO, the estimated implementation cost of this measure is approximately $14 million. In order to assure that sufficient funds would be available to the Secretary of Veterans' Affairs to implement this proposal, our committee proposed to insert language making funds available for this purpose. Without this language, CBO assumed that the Secretary of Veterans' Affairs would decline to utilize this authority, and there would be no savings from the adoption of this legislation.

In light of the recent action by Congress to provide additional funding in the 1989 supplemental appropriations bill just passed for the DVA's general operating expenses account in order to prevent further reductions in the quality and timeliness of service to veterans, I believe it is certain that the Secretary cannot implement this authority without additional funds to employ additional staff in the Veterans' Benefits Administration. What this means is that if the Ways and Means Committee does not come up with a means of providing appropriations to cover the cost of implementation, it will not be implemented, and there will be no savings.

The Committee on Ways and Means has been vigilant in asserting jurisdiction over this matter; I will be just as vigilant with respect to any language reported by the Committee on Ways and Means which may impose new burdens on the Secretary of Veterans' Affairs unless the means of meeting those burdens are also addressed.

Mr. Speaker, I do want to thank the very able ranking member of the full committee, Mr. BOB STUMP of Arizona, and the very able ranking member of the Health Care Subcommittee for their continued hard work and dedication, not only on this bill, but the others we are considering today.

I urge my colleagues to support H.R. 901, as amended.

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Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 901, as amended, revises and extends a variety of Department of Veterans' Affairs health care policies and programs. It also authorizes establishment of priorities for Department of Veterans' Affairs outpatient care.

The members of the Hospitals and Health Care Subcommittee have put together a good package responding to the needs of the Department of Veterans' Affairs health care system. I urge my colleagues to support it.

I also want to express my appreciation to the distinguished ranking minority member of the Subcommittee on Hospitals and Health Care, Mr. HAMMERSCHMIDT, for his efforts on this legislation. His commitment and dedication to veterans throughout the country is well known.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in strong support of H.R. 901, the Veterans' Health-Care Programs Amendments of 1989. This bill represents the collective work of the Subcommittee on Hospitals and Health Care, of which I am the ranking member. It is the result of many hearings and hours of careful deliberation. Like most of the work of the Committee on Veterans' Affairs, H.R. 901 has strong bipartisan support.

H.R. 901 contains health care issues of significant importance to our Nation's veterans. In light of the budget constraints, it has been an extremely difficult year for the subcommittee in terms of identifying legislation which would improve the operations of the Department of Veterans' Affairs health care system.

Mr. Speaker, H.R. 901 does make substantial improvements to programs under the direction of the Veterans' Health and Research Administration. And we do so with very little new spending. When we do authorize new appropriations, it is important to point out that we have identified a cost-recovery provision which will more than cover the cost of enactment.

Specifically, H.R. 901 provides for improvements in the ability of the Department of Veterans' Affairs to recruit and retain certain health care professionals. The bill addresses such improvements in a variety of ways, such as pay improvements as well as the implementation of a no-cost, innovative employee program known as leave-sharing.

H.R. 901 also authorizes a transitional housing demonstration program to combine with an already authorized DVA program known as the Compensated Work Therapy Program. This new authorization would allow the DVA to provide a therapeutic residential living program to aid the discharge and reintegration of psychiatric patients back into the community.

The program is further improved by authorizing discounts on the sale of DVA difficult-to-sell foreclosed properties to nonprofit organizations for use as transitional housing for homeless veterans in addition to use as shelters as provided in current law.

In order to provide therapeutic work for veterans under the DVA's compensated work therapy program, H.R. 901 authorizes the DVA to establish work contracts with Federal agencies, rather than being limited to contracting only with private and nonprofit entities as the law currently requires

A very important section of H.R. 901 pertains to improvements to the DVA prosthetics program. Recent reports to the committee continue to indicate that the DVA health delivery system is in serious financial crisis. Surveys by the committee have confirmed these allegations.

Although not reflected in official DVA statistics, committee staff found a significant reduction in the capacity of the medical centers to deliver medical services to veterans. Official operating beds have been closed due to staff shortages. The stopgap solution to address the shortages of health care personnel was to transfer money from other operating accounts, including prosthetics, to fund personnel costs.

Specifically, the committee survey found that medical center directors were literally raiding other accounts to meet unfunded requirements in recurring operating expenses. It was determined by the survey that over $44 million had been taken from drugs, medical supplies, and prosthetics moneys. That is an average of $411,250 for each individual medical center.

On September 7, 1988, the House Committee on Veterans' Affairs, Subcommittee on Hospitals and Health Care, held a hearing on the status of Department of Medicine and Surgery operating funds. The committee received testimony from representatives of veterans' service organizations as well as DVA medical center directors and DVA central office personnel.

The testimony illuminated the severity of the problems facing the provision of prosthetics to veterans. The hearing identified a growing problem with delays in the provision of prosthetic devices and appliances which are in many instances essential to the veteran. The committee heard reports that items such as artificial limbs, wheelchairs, and other equipment were being delayed weeks and in some instances months.

Applications for prosthetic items were backlogged at many medical centers. There were instances where veterans were being held in the hospital due to an inability of the medical center to discharge the veteran because of shortages of essential items necessary for daily living.

The results of this hearing made it clear that the shifting of funds quarter by quarter during the fiscal year from the prosthetics account was having a detrimental effect on the ability of the DVA to provide needed services to eligible veterans.

On April 26, 1989, the Subcommittee on Hospitals and Health Care held an additional hearing on the matter as a followup. The subcommittee received testimony from Mr. Frederick Downs, Jr., director of the DVA's Prosthetic

and Sensory Aids Service. His testimony verified that the problems identified in 1988 were still occurring.

Mr. Downs in response to questioning by subcommittee members was able to give his recommendations for improvements in the DVA's provision of prosthetic services.

The reporting requirement authorized in H.R. 901 will enable the committee to monitor the actual status of the funding of prosthetic services. In so doing, the committee will be able to carry out its oversight function with regard to the reported delays and reductions in service. In addition, H.R. 901 addresses the need to establish the prosthetic service as a priority.

Specifically, the bill will authorize improvements in the service by requiring the Secretary of Veterans' Affairs to develop staffing standards and a program for the training and continuing education of prosthetic representatives, orthotists, prosthetists, and other health-care professionals involved in prescribing and providing prosthetic equipment to veterans.

Mr. Speaker, I believe that such amendment to section 5023 of title 38 will provide the stimulus to the Department of Veterans' Affairs to assign a higher priority to the provision of prosthetic services to our Nation's veterans. Due to the severity of budget constraints, Members of Congress have been advised of recent reductions in veterans' access to DVA medical care.

I respectfully submit that there are certain aspects of DVA health care that we just cannot afford to reduce. The provision of prosthetics services is one of those. It must be a priority. The area of prosthetics is where the Department of Veterans' Affairs has been the recognized leader, in this country and even worldwide.

H.R. 901 also requires the Secretary of Veterans' Affairs to furnish needed outpatient care to all veterans in category A. This provision will bring eligibility for outpatient care into conformity with the current eligibility for hospital care. The Committee on Veterans' Affairs attempted this change last Congress.

Unfortunately, the provision was dropped in conference with the other body. Congress has already determined that category A veterans are veterans of the highest priority. There are other important provisions contained in H.R. 901. In the interest of time, I will not attempt to overview all of them.

It is notable however that many of these provisions were passed by the entire House in the second session of the 100th Congress. Since we were unable to reach agreement with our counterparts in the other body, we are considering these provisions once again.

Mr. Speaker, I believe the legislation we are moving today is fiscally responsible and at the same time, establishes new and improved directions for health care delivery to our Nation's veterans. I want to thank the distinguished chairman of the Committee on Veterans' Affairs, the Honorable G.V. "SONNY" MONTGOMERY and the ranking minority member, the Honorable BOB STUMP.

Veterans continue to be well served by the strong advocacy of these two gentlemen.

Thank you, Mr. Speaker for this opportunity to state my support for H.R. 901. I urge the support of my colleagues.

Mr. MONTGOMERY. Mr. Speaker, I would like to thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for his kind words, as well as the gentleman from Arizona [Mr. STUMP].

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY], the chairman, for yielding this time to me, and I also thank him for his efforts in the passage of this legislation.

Mr. Speaker, I want to direct myself to section 204 of the bill which deals with the subject of eligibility for outpatient medical services by our Nation's veterans.

I originally introduced this section of the legislation as H.R. 1780 to address a problem which came to my attention earlier this year when I was notified by the Adam Benjamin, Jr., Outpatient Clinic in the Fifth Congressional District of Indiana that they would be turning away some category A veterans from outpatient care. I was very disturbed when I received that report because I was under the impression that in fact the VA had to provide services to category A veterans, and that is true with regard to hospital care.

However, Mr. Speaker, what I learned was that in fact there is a different standard for services for outpatient care, and a number of very deserving category A veterans could legally be turned away. Those could include former POW's, victims of agent orange, veterans of World War I, some service-connected veterans with less than a 50-percent service-connected disability. I do not believe the number of those veterans who are now being turned away is large, and in fact the Congressional Budget Office analyzed the estimated cost of this provision and found that for fiscal year 1989 the cost of the legislation would be $40 million in authorization levels and $34 million in outlays with an increase of about $5 million a year through 1993. But for those veterans who are now being denied care, it certainly is very important that they have access to the VA health care system.

Mr. Speaker, I believe further that by providing care to many of these veterans on an outpatient basis we can avoid the necessity of care on inpatient basis at a future date which might be more expensive.

I encourage the passage of this legislation with the provision of section 204 to conform eligibility for outpatient services with that currently in existence for inpatient care, and I want to thank the gentleman from Mississippi [Mr. MONTGOMERY] again for his work on this legislation and for the inclusion of this particular provision.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Indiana [Mr. JONTZ].

Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Speaker, I rise in support of H.R. 901, to amend title 38 of the United States Code, to improve the programs for the recruitment and retention of health-care personnel of the Department of Veterans' Affairs, to extend certain expiring programs of that Department, and for other purposes. First, I would like to commend the Committee on Veterans' Affairs for bringing this measure before the House today.

This bill will make important contributions to expand and improve on the commitment to provide adequate health-care to our Nation's veterans. The bill authorizes and extends a variety of health and housing programs. The respite care program would be made permanent and the State Veterans' Home Programs would be reauthorized through fiscal 1992.

Mr. Speaker, this is something of an omnibus bill. It covers many areas of great need. Measures are included to enhance the recruitment and retention of nurses as well as to improve certain Department of Veterans' Affairs programs. For example, premium pay on weekends would be provided for all nurses and nurses assistants. The chairman's statement, and the committee report describe in detail the bill, and the work of the committee. However, I do want to call attention to one area of the bill that I think is especially notable.

Section 204 of the bill would require the Department to furnish outpatient care, except for dental services, to all category A veterans for whom hospital care is already mandated. This would include veterans with service-connected disabilities, former prisoners of war, non-service-connected veterans with salaries of less than $16,466 for singles and $19,759 for veterans with one dependent. The bill would not change the eligibility for outpatient care for category B and C eligible veterans.

Mr. Speaker, under current law, only veterans with service-connected disabilities rated 50 percent disabling or

greater are eligible for all needed outpatient care. Other category A veterans are eligible for pre- and post-hospital care and care that would obviate the need for inpatient care.

Mr. Speaker, as stated in the committee report, by mandating healthcare to a defined, limited group, veterans will be able to predict the likelihood of receiving care from the Department, and the Department and Congress will have a basis for allocation of resources. This is certainly a positive step. Outpatient care is much less expensive than inpatient service. The requirement to provide needed outpatient care will improve the system by encouraging health-care decisions to be made on the basis of good medical judgment, without any bias toward inpatient care.

I encourage my colleagues to support this bill. It's a positive step for our veterans.

□ 1330

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 901, the Veterans' Health Care Program Amendments of 1989, and I would like to commend the distinguished chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY] and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for their unceasing efforts to improve veterans health-care.

H.R. 901 addresses a number of veteran health-care issues. specifically, the provisions for health-care personnel include allowing the Department of Veterans' Affairs to exceed maximum salary limitations in order to attract "difficult-to-recruit" physicians. The bill also establishes a 5-year leave-sharing pilot program for employees and extends premium pay to licensed practical or vocational nurses and nurse assistants during overtime and on Saturdays.

In total, these personnel provisions are intended to increase incentives to attract skilled nurses and physicians. Currently, this intention is especially important, since the Department of Veterans' Affairs has recently been plagued with a critical shortage of professional health-care workers.

In regard to health-care programs, H.R. 901 makes permanent the provision of respite care to eligible veterans. The pilot program of contract community-based care for homeless and chronically ill veterans would be extended for 3 years.

H.R. 901 would also require the VA to provide outpatient medical services to eligible veterans. To the extent these resources are available, the VA may furnish such services to veterans with non-service-related disabilities.

Mr. Speaker, the betterment of veterans health-care is of paramount importance at this time. H.R. 901 is directed toward providing improved, and more affordable care to America's veterans. Accordingly, I urge my colleagues to join in support of the Veterans' Health Care Programs Amendments of 1989.

Mr. STUMP. Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. JONTZ). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 901, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VETERANS' NURSE PAY ACT OF 1989

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1199) to amend title 38, United States Code, to improve recruitment and retention of nurses in the Department of Veterans' Affairs by providing greater flexibility in the pay system for those nurses, as amended.

The Clerk read as follows:

H.R. 1199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTRUCTURING OF NURSE GRADE LEVELS AND PAY.

(a) NEW GRADES ESTABLISHED.—(1) The Secretary of Veterans Affairs shall restructure the current nurse grades of the Department of Veterans Affairs so as to provide four grade levels for nurses employed by that Department under section 4104(1) of title 38, United States Code. Those grade levels shall be established with the following relationships to the current nurse grades and to pay grades under the General Schedule under title 5, United States Code.

1. Entry grade	*Junior and associate grades*	*GS 6-10*
2. Intermediate grade	*Full and intermediate grades*	*GS 9-12*
3. Senior grade	*Senior and chief grades*	*GS 12-14*
4. Director grade	*Assistant director and director grades*	*GS 14-16*

(2) For purposes of paragraph (1), the term "current nurse grades" means the grades in effect on the effective date of this Act for nurses employed by the Department of Veterans Affairs under section 4104(1) of title 38, United States Code.

(b) PAY STRUCTURE AND ADMINISTRATION FOR NEW NURSE GRADES.—Subchapter I of chapter 73 of title 38, United States Code, is amended by inserting after section 4107 the following new section:

"§ 4107A. Nurses: grades, rates of pay, and administration of pay

"(a) The Secretary shall maintain four grade levels for nurses employed by the Department under section 4104(1) of this title. Those grade levels shall have the following relationships to pay grades under the General Schedule under title 5.

"Nurse Grades	*GS Grades*
Entry grade	*GS 6-10*
Intermediate grade	*GS 9-12*
Senior grade	*GS 12-14*
Director grade	*GS 14-16*

"(b) The rates of basic pay for those nurse grades shall, for each grade, be established pursuant to this section. The minimum and maximum rates of basic pay for each nurse grade shall be the lowest minimum, and the highest maximum, respectively, rate of pay for the General Schedule grades corresponding to that nurse grade.

"(c)(1) The range of basic pay for each nurse grade shall be divided into twenty equal increments, known as 'steps'. Rates of pay within a grade shall be established only as full steps. Any increase within a grade in the rate of basic pay payable to a nurse shall be by one or more of such step increments. The director of each medical center may (subject to this section) determine the standards and criteria for such increases.

"(2) Regulations prescribed under this section shall provide—

"(A) that the rate of basic pay of each nurse of the Department employed under section 4104(1) of this title shall be increased at least one step increment in that nurse's grade not less often than every two years that the nurse holds that grade (unless the Secretary determines that the performance of the nurse during the preceding two years has not been satisfactory); and

"(B) that whenever a nurse is given a new duty assignment which is a promotion, the rate of basic pay of that nurse shall be increased at least one step increment in that nurse's grade.

"(3) A nurse of the Department serving in a head nurse position shall while so serving receive basic pay at a rate two steps above the rate that would otherwise be applicable to the nurse.

"(d) A nurse who is promoted to the next higher nurse grade shall be appointed in that grade at a rate of basic pay that is greater than the rate of basic pay applicable to the nurse in the lower grade.

"(e) Under regulations which the Secretary prescribes for the administration of this section, the director of a medical center of the Department may provide step promotions within a grade, or may pay a cash bonus, to a nurse employed at the medical center who has qualifications, experience, or achievement which the director determines exceed the standards for the nurse's grade. In making such a determination, the director shall consider the following:

"(1) Service with relevant professional committees or groups.

"(2) Service in a responsible office in a professional nursing society.

"(3) Educational attainment (including certification).

"(4) Publication of articles in professional journals.

"(5) Exemplary job performance.

"(6) Other appropriate evidence of professional stature.

"(f)(1) The Secretary shall provide (in regulations prescribed for the administration of this section) that the director of a medical center of the Department, in appointing a person under section 4104(1) of this title as a nurse for employment at that medical center, may appoint that nurse at a rate of basic pay in excess of the minimum rate of basic pay applicable to the grade in which the appointment is made (but not in excess of the maximum rate of basic pay for that grade) without a requirement for prior approval at any higher level of authority within the Department if the director determines that it is necessary to do so in order to obtain the services of nurses employed under section 4104(1) of this title in that nurse grade at that medical center.

"(2) Such a determination may be made by the director of a medical center only in order—

"(A) to provide pay in an amount competitive with the amount of the same type of pay paid to nurses at non-Federal facilities in the same labor market;

"(B) to achieve adequate staffing at the medical center concerned; or

"(C) to recruit nurses with specialized skills, especially nurses with skills which are especially difficult or demanding.

"(3) Whenever the director of a medical center exercises authority under this subsection without prior approval at a higher level of authority within the Department, the director shall—

"(A) document in writing the reasons for employing the nurse concerned at a rate of pay in excess of the minimum rate of basic pay applicable to the grade in which the nurse is appointed (and shall retain that document on file); and

"(B) in the first budget submission of the director prepared after the nurse is employed, include documentation for the need for such increased rates of basic pay.

"(g) A nurse employed under section 4104(1) of this title who (without a break in employment) transfers from one medical center of the Department to another may not be reduced in grade. The rate of basic pay of such a nurse may be established at the new medical center in a manner consistent with the practices at that medical center for a nurse of that grade.".

(c) REPEAL OF LIMITATION ON HOURLY RATE OF OVERTIME PAY.—Section 4107(e)(5) of such title is amended by striking out ", not to exceed" in the first sentence and all that follows through "Nurse Schedule".

(d) CONSOLIDATION OF NURSE PAY PROVISIONS IN NEW NURSE PAY SECTION.—(1) Subsection (e) of section 4107 of such title (as amended by subsection (c)) is—

(A) transferred to the end of section 4107A of such title, as added by subsection (b);

(B) redesignated as subsection (h); and

(C) amended by striking out "the rate of basic pay provided for nurses in subsection (b)(1) of this section" in paragraph (1) and inserting in lieu thereof "basic pay";

(2) Subsection (h) of section 4107 of such title is—

(A) transferred to the end of section 4107A of such title (as amended by paragraph (1));

(B) redesignated as subsection (i); and

(C) amended in paragraph (2)—

(i) by striking out "one thousand two hundred and forty-eight" in subparagraph (B) and inserting in lieu thereof "1,248"; and

(ii) in subparagraph (C)—

(I) by striking out "subsection (e)(5)" both places it appears and inserting in lieu thereof "subsection (h)(5)"; and

(II) by striking out "subsection (e)" and inserting in lieu thereof "subsection (h)".

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) Section 4107(b) of such title is amended by striking out the items under the heading "NURSE SCHEDULE" and inserting in lieu thereof the following:

"Entry grade.
"Intermediate grade.
"Senior grade.
"Director grade.".

(2) The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 4107 the following new item:

"4107A. Nurses: grades, rates of pay, and administration of pay.".

SEC. 2. PROCREATIVE SERVICES FOR MARRIED VETERANS WITH SERVICE-CONNECTED DISABILITIES WHICH IMPAIR THEIR ABILITY TO PROCREATE.

Section 612 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(k) The Secretary may provide to a married veteran (and, if necessary, the veteran's spouse) procreative services to the extent reasonably necessary to overcome the effects of a service-connected disability of the veteran which prevents or impairs the ability of the veteran and the veteran's spouse to conceive a child. Such services may not include—

"(1) procedures to conceive a child using gametes of an individual other than the veteran or the veteran's spouse;

"(2) procedures to conceive a child through in vitro fertilization; or

"(3) the services of a surrogate gestational mother.".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1989.

The SPEAKER pro tempore (Mr. VOLKMER). Is a second demanded?

Mr. STUMP. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1199, as amended, would provide a solution to the problem of nursing staff shortages which is critical to our efforts to maintain high quality care within the Department of Veterans Affairs [DVA] and to restore services to a level adequate to treat all eligible veterans. The bill would make much needed improvements in the DVA's nurse pay system, one of the most important tools available to recruit registered nurses into the DVA medical system from an already too small pool of nurses nationally. In addition, it would offer certain procreative services to specific and clearly defined group of service-connected disabled veterans. The bill was reported out of our committee unanimously by voice vote. The various provisions of the bill are summarized in a "blue sheet" summary available for Members, and I will discuss them here as well.

For several years, the Committee on Veterans' Affairs has been aware of serious and growing difficulties in the ability of the DVA to attract and retain registered nurses. This problem was highlighted by a survey conducted by the House Veterans' Affairs Committee staff last year. We found that some medical centers have had to shut down wards while others have been unable to open newly constructed ones because they simply do not have the necessary nursing staff to operate them. Mr. Speaker, without the proper amount of nursing personnel, the DVA is hard pressed to meet the growing need for medical care demanded by our Nation's veterans.

This shortage of nurses is not endemic to the DVA, but as the largest single medical care system in this country it is the most adversely affected. It is impossible for the Department to compete with the private sector for these scarce medical personnel without addressing their greatest point of concern—salaries authorized under the DVA's current nurse pay system.

H.R. 1199 condenses the current nurse pay grades from eight to four and divides each new pay grade into 20 equal increments known as steps. The intent of the committee is to provide local hospital directors with the flexibility to meet local conditions with respect to demand and the costs of recruiting and retaining nurses. We expect that the directors will carefully assess local market conditions before establishing the pay rates. This will ensure that while departmental nurse salaries may not be as much as those offered in the private sector, they will at least be more competitive with them. One anticipated benefit will be that the Department will have current information on the costs of nursing personnel when the proposals for annual departmental budgets come to the Congress.

Dividing the grades into 20 equal steps will offer some structure to the system. However, it is not our intention that these steps should allow increased rigidity. Rather, we intend with these changes to provide greater flexibility across the board in the nurse pay system and they should not be misinterpreted as a signal or an opportunity to make the system more rigid.

Mr. Speaker, in another version of a nurse pay bill that came before the committee, language was included that explicitly set out specialties among nurses that were especially difficult to recruit and retain for the DVA. These included intensive care nurses, nurse anesthetists, long-term care nurses

and others. We decided that the rigidity proposed by such a statutory list was inconsistent with the fluid nature of nurse personnel supply and demand across our diverse Nation. Therefore, we opted to give flexibility to local hospital directors to meet the unique circumstances facing the local facility. Nothing in H.R. 1199, as amended, precludes a nurse in one speciality area from receiving higher pay than other nurses of similar seniority at the same facility. Some people might say that would have a deleterious effect on morale. I do not believe that. The nature of a competitive marketplace includes diversity of pay for scarce supplies of personnel. If the result is that nurses enter a more highly paid specialty, then the higher pay will have achieved its goal.

Mr. Speaker, the committee has heard a lot of testimony from the various nursing organizations within the DVA about how overworked and underpaid they are and yet the fact remains that they continue to work for the Department. They do so because they are dedicated, loyal employees. They do so because the DVA, despite its problems, is still a high quality health care delivery system. However, we cannot continue to rely on this dedication and loyalty alone. We must make the DVA a viable option to the private sector for nursing personnel and a more competitive salary structure would go a long way toward accomplishing this goal.

Mr. Speaker, H.R. 1199, as amended, would also authorize the DVA to furnish certain procreative services to those veterans whose eligibility for DVA medical care has always been the highest priority—those disabled in service. Medical science has made great advances over recent years in a large number of disciplines. I am proud to say that the Department of Veterans' Affairs has played a starring role in those advances.

Among these advances is knowledge about reproduction. Much can now be done medically to aid in overcoming infertility. The DVA has suggested that such services may be beyond its authority because the infertility services do not repair, but rather overcome physiological problems. Well, if that were true, wheelchairs which also only help to overcome disabilities, would fall outside the Department's authority as well.

Mr. Speaker, in order to clarify the situation involving a highly emotional subject for veterans and their spouses who are precluded from conceiving a child because of a service-connected condition, our committee included a provision in H.R. 1199, as amended, to authorize procreative services.

Now I hasten to add that these services would be provided only to the extent reasonably necessary to overcome the effects of a service-connected disability of the veteran, which prevents or impairs the ability of the veteran and the veteran's spouse to conceive a child. The inability to conceive, therefore, would be required to be directly linked to a service-connected disability in order to use this authority. There are other restrictions as well. These services would not include in vitro fertilization or the use of donor gametes from an individual other than the veteran or the veteran's spouse. The bill would specifically allow, however, services to the veteran's spouse in the event and to the extent that overcoming the veteran's service-connected procreative disability requires such services.

Mr. Speaker, it is not known exactly how many veterans will participate in this program. The Congressional Budget Office estimates that very few service-connected veterans would use the authority. However, that does not reduce the value or the benefit to those who qualify. I believe that for those veterans who want to have a family and cannot due to service-connected impairments—we should offer help.

Mr. Speaker, I urge my colleagues to support H.R. 1199, as amended.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1199, as amended, the Veterans' Nurse Pay Act of 1989. It makes badly needed revisions in the pay scale for nurses so that the Department of Veterans' Affairs may become more competitive in the health-care professional marketplace.

Before yielding to the ranking minority member to comment on the bill, I want to recognize the leadership and hard work of the distinguished chairman of the full committee, and subcommittee, the gentleman from Mississippi, SONNY MONTGOMERY.

Our veterans are indeed fortunate to have him as their chief advocate in this House. His determination on their behalf is unsurpassed as exemplified by congressional action last week providing urgent supplemental funding for the Department of Veterans' Affairs. As the ranking minority member of the full committee, I want to personally thank him for his consistent bipartisanship and his counsel on issues of importance to our Nation's veterans.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking minority member of the Subcommittee on Hospitals and Health Care of the Veterans' Affairs Committee.

Mr. HAMMERSCHMIDT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 1199, as amended, the Veterans' Nurse Pay Act of 1989. The bill provides for increased flexibility on the part of the Department of Veterans' Affairs so that the agency can more effectively respond to the negative effects that the national nursing shortage is having on veterans' access to medical care.

The Subcommittee on Hospitals and Health Care have held many meetings at which the national nursing shortage has been in the forefront. It has become increasingly obvious that the Congress must take rapid action to improve the ability of the Department of Veterans' Affairs to compete for adequate numbers of registered professional nurses.

Through surveys conducted by the committee, we have been able to determine that nursing shortages have resulted in reducing veterans' access to needed medical services. In fact, the committee has reported that up to 30 percent of DVA operating beds have been closed due to funding and staff shortages.

The committee has also substantiated reports that new facility activations have been delayed, and in some instances, remain delayed due to funding and health care personnel shortages. Veterans' access to outpatient care has been critically reduced and in the case of certain category B and C veterans, completely denied.

It also seems clear from committee hearing records, that the capacity of the DVA medical system to deliver care has decreased substantially. The reports and testimony regarding staff, funding and bed levels are consistent in magnitude and direction to support this conclusion.

We have all agreed that the DVA is indeed experiencing difficulties in its ability to recruit and retain professional nurses. The time has come to send legislation to the President. The future of DVA medical centers depend on favorable action.

H.R. 1199 will also address the provision of certain medical services to veterans who are service-connected for disabilities which impair their ability to have children. This provision is supported by the major veterans organizations, and the other body has similar legislation.

The number of veterans, male and female who would qualify for treatment is quite small. Accordingly, the Congressional Budget Office has estimated that the cost of enactment of this provision would be less than $500,000.

Technology in recent years has advanced to the point where it is fairly simple to treat certain fertility impairments. It is important that we allow our service-connected veterans access to such treatment, should they desire to have a family.

Mr. Speaker, my colleagues, Mr. MONTGOMERY and Mr. KENNEDY, have

explained the bill. I simply want to urge my colleagues' support of this measure.

Mr. STUMP. Mr. Speaker, the gentleman from Mississippi [Mr. MONTGOMERY] started off explaining the bill, but a major contributor to our bill was the gentleman from Massachusetts [Mr. KENNEDY], who I know is going into a more comprehensive explanation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Speaker, first I want to thank our distinguished chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, the ranking minority member, BOB STUMP, and their able staff, for their support and leadership on this legislation. It has been a privilege to serve with both these men on the Veterans' Affairs Committee and I look forward to working with them on many more veterans' issues in the years to come.

The debate over the supplemental appropriations has convinced every single Member in this House, that the VA medical system is facing a crisis of an enormous proportion. We know that VA hospitals have been forced to take beds out of service, deny patient care to war-injured veterans, and cut back on essential patient services. Passing the supplemental was an important step in lessening the crises, but there is much more work that we need to do in order to reestablish the VA's reputation as a quality, medical institution. The next step is the passage of this legislation the Veterans' Nurse Pay Act.

The past years of budget cuts and freezes has caused an immense nursing shortage in the VA. There are over 2,400 RN vacancies which has seriously undermined the VA's ability to deliver quality, timely care. The continuous underfunding of salaries is the principle cause of the nursing shortage and unless we do something to reverse this trend, our veterans will continue to be turned away from VA hospitals because we are just simply running out of nurses to care for sick veterans. VA nursing salaries are grounded in title V of the general schedule which fails to provide the flexibility local hospital directors need to recruit and retain registered nurses. Currently, the GS pay scale for a registered nurse just out of college is $17,542 per year. This may be sufficient for the limited areas of the country where there is no nursing shortage, but for 75 percent of the VA medical centers, this salary is totally inadequate to recruit and retain qualified registered nurses. Nurses in the VA can receive special salary rates, but the problem with special salary rates is by the time a hospital administrator receives the go-ahead from the VA central office to implement the new rates, nursing salaries in the private sector have escalated again, placing the administrator in the constant game of catchup. Another problem with special salary rates is that in areas such as New York, Boston, and San Francisco, labor costs far exceed the limit placed on special salary rates.

H.R. 1199 also provides nurses with the incentive to excel in their practice by rewarding them for assuming head nurse positions, publishing professional articles, and attaining clinical certification. But most importantly, this legislation will reward nurses for choosing to work at the Veterans' Administration by allowing them to receive pay competitive with the private sector.

The other aspect of H.R. 1199 will provide vital medical services to veterans who have a service-connected disability which impair their ability to have a child. These services include widely practiced medical procedures such as artificial insemination, drug therapy, and the GIFT procedure. This bill does not include more controversial measures such as in vitro fertilization, or surrogate mothers. For less than half a million dollars, we may be able to provide some 16,000 men and 1,300 women with the chance to become parents. Access to this medical care may be the best service we can offer these men and women.

I urge my colleagues to vote for H.R. 1199 which includes the nursing provisions and the medical services for childless veterans.

□ 1340

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the former ranking member of the Committee on Veterans' Affairs, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate him taking me out of turn so that I can get up to the Committee on Rules meeting which starts in a few minutes.

I want to take a minute just to commend the chairman of the full committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the gentleman from Arizona [Mr. STUMP], who took my place as the ranking member on the full committee, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

This legislation is the most badly needed legislation we have in this Congress today. As the gentleman from Massachusetts has spoken about Boston and New York and Albany, NY, we have serious problems today in replacing nurses who have left to go to the private sector and in attracting those new nurses coming out of nursing schools where there is a real drought of nurses today.

I think the time may come when this committee may want to consider a nurses' reserve officers training program where we can offer scholarships to these nurses, full scholarships, if they will then guarantee so much time, say, 5 years to their country in service of the armed services or in the veterans' hospitals. This is something we ought to work together on, because I think the time will come when we are going to have to go to a program like that.

Mr. Speaker, I take off my hat to the committee. It is good to see they are still out there doing that great job for America's veterans.

Mr. KENNEDY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Speaker, first of all, I want to say how delighted I am to see the gentleman from New York [Mr. SOLOMON] speaking in favor of the remarks. He was a tremendous member of the Committee on Veterans' Affairs, and we miss him for the short period of time that he has been away.

I also want to thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT], who has been an inspiration, although he stands on the other side of the aisle. The fact is the gentleman from Arkansas [Mr. HAMMERSCHMIDT] has done a wonderful job in representing the interests of our veterans, and I appreciate the support he has given on this for the nurses involved with the VA who so badly need a helping hand here in the Congress.

Mr. STUMP. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I would like to thank the gentleman from Arizona for allowing me to address the House.

Today I rise in support of the House Veterans' Affairs Committee actions regarding H.R. 1199—the Veterans' Nurse Pay Act of 1989. I am proud to be a cosponsor of this important bill. I commend the Chairman, Mr. MONTGOMERY, and all the members of the committee for moving this bill diligently through the legislative process.

Our great Nation is faced with a serious problem that affects our VA health-care system. As I stand here today, that system is slowly deteriorating. Aside from the fact that the majority of our veterans' population is now aging and requires more specialized care, more money, and better equipment than ever before, veterans' hospitals are also losing nurses. Because the current pay system for VA nurses is so outdated, we are losing a great number of qualified nurses to hospitals outside the VA health-care system.

As freedom-loving Americans, it is our responsibility to care for our veterans' population in the best possible

way. We cannot allow the VA hospital system to crumble. Maintaining the quality of those hospitals is the least we can do for the brave men and women who risked their lives for our Nation.

My district, the 27th of New York, has a large veterans' hospital in Syracuse. The VA facility is not competitive in the local marketplace in the hiring of new nurses. With the passage of H.R. 1199, they will be able to overcome this obstacle.

H.R. 1199 addresses the recent problems our veterans' hospitals have had to face in dealing with the recruitment of a nursing staff. This bill provides greater flexibility in the pay system which helps to attract the nurses into the system. As for the retention of those nurses, there are also pay incentives set up within the bill, giving the directors of local veterans' medical centers the ability to offer these nurses who are dedicated to helping our veterans, wages that are competitive with the private sector.

Therefore, it is for this reason that I strongly support the passage of this legislation.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member wants to commend the gentleman from Massachusetts, [Mr. KENNEDY], for introducing H.R. 1199, the Veterans' Nurse Pay Act of 1989. I would also like to recognize the efforts of the chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. STUMP], for their energy and leadership in bringing this issue before us in such a timely fashion. As a cosponsor of H.R. 1199, this Member urges my House colleagues to vote in support of this measure.

On March 30 of this year this Member once again visited the Veterans' Medical Center in Lincoln, NE. During my tour of the facility, I met with the nursing staff. The problems noted by this fine VA nursing staff including working under high stress situations, often working 6 to 7 days in a row, and working 2 or 3 weekends a month. Furthermore, the VA nurses noted that the increased care level of the veteran patients resulted in a need for a high level of nursing expertise. As a result, they were fearful that with the present trend of reducing the number of nurses at the Lincoln Veterans' Medical Center they would be unable to continue to provide top quality nursing care to our Nation's veterans. We in the Congress must act to provide the financial incentives that are necessary to recruit and retain nurses in the VA system so as to provide this Nation's veterans with the medical care that they need and deserve.

The passage of H.R. 1199 will assist in achieving the goal of adequate health care for our veterans. The bill provides for a more flexible pay scale for nurses by reducing the number of pay grades from eight to four and by providing a wider salary range within each grade. Local hospital directors are given the authority to use higher starting salaries as a recruitment incentive to attract nursing personnel. However, these salaries would still have to be justified in the next budget process. H.R. 1199 will give VA nurses long overdue incentives for choosing to work within the Department of Veterans' Affairs by allowing them to receive pay that is competitive with the private sector. I ask each Member of the House to vote for our country's veterans by voting for H.R. 1199.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 1199, the Veterans' Nurse Pay Act of 1989, and I thank the gentleman from Massachusetts [Mr. KENNEDY] for his sponsorship. I also commend the distinguished chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for bringing this measure to the floor at this time.

H.R. 1199 addresses an important health-care issue. The difficulty which the Department of Veterans' Affairs has had in attracting and retaining registered nurses. The current payment provisions have created a critical shortage of registered nurses.

This situation has caused the temporary closure of approximately 13,000 VA hospital beds.

H.R. 1199 would enable the Veterans' Administration to offer salaries which are competitive with private hospitals. This bill creates a new payment schedule for nurses, which will condense the eight current VA nurse pay grades into four, and divide each of the four grades into 20 steps.

The terms under which VA nurses shall be promoted are also outlined in the measure. An increase of at least one pay grade step every 2 years will be granted to all nurses. Furthermore, nurses who receive promotions involving additional duty will receive an automatic one-step salary increase and all head nurses will receive a two-step salary increase.

Finally, this legislation would empower VA hospital directors to adjust salaries in order to attract necessary nurses.

Mr. Speaker, H.R. 1199 provides a much needed remedy. Accordingly, I have cosponsored this measure and I urge my colleagues to join in support of the Veterans' Nurse Pay Act of 1989.

□ 1350

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Speaker, I do want to congratulate the ranking member of the committee, the gentleman from Massachusetts [Mr. KENNEDY], for sponsoring this bill. As a member of the Appropriations Committee, we find the nursing problem is serious throughout the whole Nation. So I congratulate the Veterans' Affairs Committee today for upgrading at least four levels in pay raises so that we can attract and keep our good nurses in the veterans' program.

I represent Ann Arbor, MI, and we have a VA hospital. In my last trip over there just 3 weeks ago, it was indicated that we are about 24 nurses shy and unable to find them. We find hospitals competing and the private sector competing for nurses all over the Nation, and obviously it is an economic and salary level problem. I congratulate this committee for upgrading and keeping on top of a very serious national problem.

I am going to cosponsor some amendments in the appropriation bill to establish and extend the Nursing Commission which Dr. Bowen, former Secretary, established to look at the other aspects of regional differences, economic differences, as the gentleman from Massachusetts [Mr. KENNEDY] pointed out, and labor problems also, because I really think nurses are getting hurt with the low economic status they receive, and I congratulate this committee for an outstanding piece of legislation and encourage all of my colleagues to vote yes on this bill, H.R. 1199.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the very able gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I would like to take a moment to discuss the budget resolution assumptions for veterans' programs. I think most Members will recall we had an interesting struggle in the Budget Committee and on the floor of this House and in the Conference Committee to allocate enough money to the veterans' function so that we could do all of the things we wanted to do for the veterans. Even so, we still have to stay within the 302(b) allocations.

When we pass bills like this one, we have to know where the money is coming from, and with which other programs it is going to be competitive. Earlier in the year we passed a grave liner bill that will cost about $4 million. This one will be in the same neighborhood, $5 million to $10 million according to CBO, although the Department of Veterans' Affairs really

expects the bill to cost nearly $35 million in the first year.

When one looks at the give in the budget that has already been improved, one wonders where that is coming from, and most expections are that that is going to come out of the COLA increase which many Members of the House are sworn to give in the full amount of 4.9 percent. But that $457 billion which is the 4.9 COLA increase may have to give for administrative costs and, in fact, actual costs of programs like the ones we pass today.

I mention these things so that Members will be apprised of the difficulties and know that these programs are going to be competitive, and we still have battles to wage in the Appropriations Committee.

Mr. Speaker, I believe that this program and the one to follow, which relates to pensions, are meritorious, and I believe the committee has made the correct decision. I intend to vote for them. But I do want Members to know that there may be difficult competitive times in the future.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY], the author of this legislation.

Mr. KENNEDY. Mr. Speaker, basically I wanted to just address some of the concerns that were just articulated by the gentleman from Minnesota [Mr. FRENZEL].

The estimates we have received for the cost of this bill were somewhere between $5 million and $10 million, and that estimate was done by the CBO. As the ranking minority member is well aware, the special salary rates have been fully funded by the budget resolution, and we are well within the 302(b) allocation. So I do not know what the problem is. But I think we are well within the guidelines that we were provided by the Appropriation Committee and the Budget Committee.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I believe the gentleman from Massachusetts is correct on the statement he has just made.

Mr. KENNEDY. I thank the gentleman.

Mr. BRENNAN. Mr. Speaker, I rise today in support of H.R. 1199, the Veterans' Nurse Pay Act. This urgently needed measure will begin to put our veterans' hospitals across the country back in the position of providing the best medical care available to our veterans.

In my State of Maine, State's only VA medical center has suffered continuous losses of talented nursing personnel who are forced to leave not because of a disregard for veterans, indeed, I have met many such nurses and they are among the best advocates for veterans' causes anywhere, no, these nurses are leaving because they simply can no longer rely on their salaries to make a decent living and retain their professional competitiveness.

The need to change the Federal wage structures that have caused this crisis is now an urgent national priority. A 1988 House Veterans' Affairs Committee study detailed 2,400 vacancies in nurse positions at VA hospitals across the country. H.R. 1199 will make salaries more competitive with the private sector, give local hospital directors greater flexibility in assigning competitive wages, grant nurses more incentives to stay at VA hospitals, and provide them with opportunities for career advancement.

Mr. Speaker, our veterans deserve the best medical care we can provide. But they cannot be cared for without a trained and motivated nursing staff. Our veterans' nurses should be given the respect and compensation they deserve. Today, let us pass H.R. 1199 and show our respect and appreciation for two groups in this country who do not receive enough of either, veterans and nurses.

Mr. MILLER of Washington. Mr. Speaker, I rise in support of the Veterans' Nurses Pay Act. Veterans are among this country's most dedicated and decorated servants. Yet, those who care for our mentally and physically ill veterans are leaving hospitals around the country, because the salaries and benefits afforded them are not competitive with others in their profession.

What a sad irony that those who deserve our greatest respect are losing the care they deserve, simply because we aren't paying veterans' nurses enough. What a sad message we are sending to veterans.

In a study last year, the Veterans' Affairs Committee found registered nurse staffing levels for VA medical centers were 29 percent less than their private-sector counterparts. The study also found there were 2,400 vacant nurse positions in veterans' facilities.

I am speaking in favor of H.R. 1199, the Veterans' Nurses Pay Act. This bill allows hospital directors to increase salaries for veterans' nurses without the approval of the Veterans' Affairs Department.

Let's show veterans how much we support them. They've given so much to this country. It's only right we give them the care they deserve.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of the legislation before us, the Veterans' Nurse Pay Act of 1989. This legislation has been given careful consideration by the Veterans' Affairs Committee and the Hospitals and Health Care Subcommittee.

I commend the author of the bill and my colleague on the committee, JOE KENNEDY of Massachusetts, for his hard work in this area. I also applaud the chairman, SONNY MONTGOMERY; the ranking member of the full committee, BOB STUMP; and the ranking member of the subcommittee, JOHN PAUL HAMMERSCHMIDT.

Mr. Speaker, the nursing shortage in our VA hospital system is a very serious problem on which we must take action. In Indianapolis, the Roudebush VA Medical Center has had an extremely difficult time attracting and retaining qualified nurses because private hospitals are offering higher salaries. As a result, the hospital has been forced to close two wards to patients. This is an intolerable situation.

The Veterans' Nurse Pay Act will give VA hospital directors the flexibility they need to offer competitive salaries to nurses in their communities. This is going to help the veterans in Indiana and across the country because it will help VA hospitals keep all of their wards open and fully staffed.

I am a cosponsor of this bill and I urge its adoption.

Mr. ROWLAND of Connecticut. Mr. Speaker, I rise today to express my support for H.R. 1199, the "Veterans' Nurse Pay Act of 1989."

Across the country, Department of Veterans' Affairs hospital beds have been unavailable as a result of the critical shortage of nurses that threatens the quality of care delivered to our Nation's veterans. In fact, the West Haven DVA Medical Center in my home State of Connecticut reported last year that they had to close off 71 beds because of their nursing shortage.

Last month, I had the pleasure to attend the Veterans' Affairs Subcommittee on Hospitals and Health Care's field hearing at the West Haven Medical Center. Testimony received during this hearing regarding the shortage of health care professionals at DVA hospitals reinforced the dire need for action on this matter.

This important legislation will greatly assist Department of Veterans' Affairs hospital administrators in the recruitment and retention of registered nurses by significantly restructuring the nurse pay system. I believe that the time is now to act on this matter to ensure that our DVA hospitals can reopen closed wards and restore the quality of patient services to deserving veterans.

Mr. LANCASTER. Mr. Speaker, I rise in strong support of H.R. 1199, to improve the recruitment and retention of nurses in the Department of Veterans' Affairs by providing greater flexibility in the pay system for those nurses. This bill, in conjunction with H.R. 901, will help improve the health care system for our Nation's veterans. I commend the Committee on Veterans' Affairs for its work in this area, and urge my colleagues to support this bill.

Mr. Speaker, in its 1988 study, the Committee on Veterans' Affairs found that registered nurse staffing levels for VA medical centers were 29 percent less than their private-sector counterparts. The study also showed that there were 2,400 vacancies in authorized nurse positions in veterans' facilities. The bill address this serious problem by replacing the current eight salary levels for nurses with four broader pay ranges, and gives discretion to directors of local veterans medical centers to offer salaries to new nurses within those ranges. The bill would allow hospital directors to increase salaries without prior approval from the Veterans' Affairs Department in order to recruit and retain nurses, and require annual reports to the Department regarding these increases.

Mr. Speaker there is more to this bill than simply improving the recruitment and retention

of nurses serving in VA medical centers, but this is certainly an important part of the bill. Nurses are in integral part of the VA medical care system. Without recruiting and retaining good nurses, our VA medical system will suffer. This bill takes important steps to address this problem. I urge my colleagues to join the Committee on Veterans' Affairs in supporting H.R. 1199.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1199, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend title 38, United States Code, to improve recruitment and retention of nurses in the Department of Veterans' Affairs by providing greater flexibility in the pay system for those nurses and to authorize the Secretary of Veterans' Affairs to provide certain procreative services for married veterans' with service-connected disabilities which impair their ability to procreate.".

A motion to reconsider was laid on the table.

JAMES J. HOWARD VETERANS' OUTPATIENT CLINIC

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2557) to designate the outpatient clinic of the Department of Veterans' Affairs to be located on New Jersey State Route 70 in Brick Township, New Jersey, as the "James J. Howard Veterans' Outpatient Clinic".

The Clerk read as follows:

H.R. 2557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The outpatient clinic of the Department of Veterans' Affairs to be located on New Jersey State Route 70 in Brick Township, New Jersey, shall be known and designated as the "James J. Howard Veterans' Outpatient Clinic".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, map, regulation, document, record, or other paper of the United States to the outpatient clinic referred to in section 1 shall be deemed to be a reference to the "James J. Howard Veterans' Outpatient Clinic".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2557 would name the new Department of Veterans' Affairs outpatient clinic in Brick Township, NJ, for our late colleague, the Honorable James J. Howard.

The bill is cosponsored by the entire New Jersey delegation and supported by the State veterans' organizations, as required by committee procedures.

The gentleman from Arkansas, Mr. JOHN PAUL HAMMERSCHMIDT, ranking minority member of our Subcommittee on Hospitals and Health Care, and the ranking minority member on the Public Works and Transportation Committee worked very closely with Jim Howard on that committee, and he will certainly discuss and explain the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I urge my colleagues to support H.R. 2557.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise to urge your support and the support of my colleagues on H.R. 2557, a bill to designate the veterans' outpatient clinic located in Brick Township, NJ, as the "James J. Howard Veterans' Outpatient Clinic."

As you know, many Members of this body, myself included, were supporters of this bill last Congress. Unfortunately, the measure was deleted in conference.

James J. Howard (Jim—as we knew him) served the Third Congressional District of New Jersey from the 89th through the 100th Congresses and died in office on March 25, 1988. Mr. Howard served as chairman of the Committee on Public Works and Transportation from the 96th Congress until his death.

Many of my colleagues here today remember Mr. Howard as a devoted protector and promoter of the best interests of veterans and their dependents. He was an outspoken advocate of benefits paid to veterans with disabilities incurred while in military service as well as dependency and indemnity compensation paid to their survivors.

Mr. Howard voted consistently for legislation to maintain adequate staffing levels at VA medical facilities. Recognizing the need for greater emphasis on ambulatory treatment, and in particular, the need for a VA medical facility to serve veterans in the central New Jersey region.

He worked closely with our colleagues, CHRISTOPHER H. SMITH and JAMES J. FLORIO, two distinguished members of the Committee on Veterans' Affairs to establish the very clinic we are attempting to name in remembrance of him. The clinic became a reality as a result of Public Law 100-322.

Mr. Howard's unwavering record on behalf of veterans is a legacy of concern and compassion for their well-being. It is a record of a distinguished individual who recognized the importance of veterans' benefits and who worked hard to maintain the Nation's commitment to care for those men and women who have served in its defense.

I believe it is fitting to pay tribute to the memory of Congressman Howard. We have the support of the entire New Jersey delegation on this measure so I recommend that we take favorable action on this bill.

□ 1400

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds in closing remarks. I want to commend two members of the committee for their work to establish this outpatient clinic, the members of our committee, JIM FLORIO and CHRIS SMITH. They have been deeply involved in getting a clinic at New Jersey. Now we named it for Jim Howard.

Mr. ANDERSON. Mr. Speaker, I wish to express my support for H.R. 2557, to designate the James J. Howard Veterans' Outpatient Clinic in Brick Township, NJ. As a colleague of Jim Howard's on the Committee on Public Works and Transportation, I know how hard he worked to have this much needed facility located in Brick Township to meet the needs of the many veterans at the New Jersey shore.

The fact that this clinic is located in Brick Township is a tribute to Jim Howard's ability to get things done. As the many members who served with Jim during his 23 years in this Chamber can attest, when he set his mind on something, there was no stopping him.

That was true in this case in which he was determined that there would be a clinic to serve the veterans of northern Ocean County, NJ. There would be no clinic in Brick Township without Jim Howard, therefore it is fitting that the clinic bear his name. It is also fitting that his colleagues in the House pay this tribute to Jim Howard by enacting the name by statute, rather than allowing an administrative agency to make the designation.

I also want to commend my colleague from the Committee on Public Works and Transportation, JOHN PAUL HAMMERSCHMIDT, for following through on this legislation. I know the gentleman from Arkansas, as the ranking Republican member of the committee, worked closely with Jim Howard and fully appreciated his contributions to this Nation in many fields. I also want to commend Mr. MONTGOMERY, the Chairman of the Committee on Veterans' Affairs, for moving this legislation to the floor.

As Jim Howard's colleague on the Committee on Public Works and Transportation Committee, I can easily attest to his work to improve the Nation's infrastructure. He was proud of his work on the Interstate Highway System, on mass transit, on clean water and water resources development.

At the same time, he devoted his tremendous energy to making the Nation's highways safer places for everyone using them. He was intensely passionate about safety legislation such as the 55-mile-per-hour speed limit and the 21-year-old minimum national drinking age, as well as many other safety issues which the committee enacted during his chairmanship.

Jim Howard's achievements extended beyond public works and transportation, however. He also numbered among his achievements, education legislation that resulted in the construction of Ocean County Community College and legislation on the 200-mile fishing limit. The veterans' outpatient clinic is another example of his efforts.

Jim Howard had many plans ambitious programs to upgrade and restore the infrastructure. At the time of his death last year, much of that work remained undone. The Veterans' Outpatient Clinic in Brick Township is one part of his work that was finished. It will be there, serving the veterans.

Mr. Speaker, I am proud to join with my colleague from the Public Works and Transportation Committee, JOHN PAUL HAMMERSCHMIDT, the members of the Committee on Veterans' Affairs, and the New Jersey delegation in supporting H.R. 2557 naming the James J. Howard Veterans' Outpatient Clinic.

Mr. FLORIO. Mr. Speaker, I am pleased to join in expressing support for H.R. 2557, to designate the outpatient clinic in Brick Township, NJ, as the James J. Howard Veterans' Outpatient Clinic. As a cosponsor of this legislation, I am thankful for this timely action on legislation that honors our late colleague and friend.

I am indeed proud to have been a colleague of Jim Howard's and to have served with him in representing New Jersey. As a member of our delegation, Jim Howard worked tirelessly to promote the interests of his constituents and the well-being of both our State and our Nation. During the 23 years that he served the Third Congressional District of New Jersey, Jim Howard demonstrated compassion and understanding, and a love for serving his constituents and his country.

I know that I am joined by many of my colleagues, by Jim Howard's family and by his constituents in saying that we have missed him. But Jim left us a legacy that will be remembered by many generations to come. As chairman of the House Public Works Committee, Jim Howard fought for rebuilding our Nation's infrastructure in a way that made sure that environmental concerns were given top priority. His efforts showed his strength and compassion in dealing with such key issues as environmental protection, funding for mass transit and our Nation's roadways, and airport safety. I welcomed Jim Howard's help in many efforts, including the reauthorization of Superfund. His record of accomplishments is long and he will be remembered as a legislator who cared about his constituents enough to fight for them.

There is another dimension to the life of Jim Howard that we should draw attention to today. Many of you may know that Jim Howard served his country in the Navy during World War II, in the South Pacific, and was a member of the Veterans of Foreign Wars. He dedicated his efforts to making sure that the veterans in his district were treated fairly and with honor. Recognizing the serious health care needs of the veterans in his community, Jim Howard joined me in seeking to authorize an outpatient clinic in Brick Township, NJ. This outpatient clinic, which is scheduled to open for business this coming fall, will serve a number of the needs of the veterans in that area. The need for more facilities in New Jersey is severe. Jim Howard and I recognized that and fought for this facility.

It is therefore only appropriate to dedicate this facility to Jim Howard's memory in the hope that the many generations of veterans who will be served by this clinic will remember the hard work and dedication of our late colleague.

I urge my colleagues to support this legislation.

Mr. UDALL. Mr. Speaker, today the House will vote on H.R. 2557, a bill to name the newly constructed Veterans' Administration Outpatient Clinic in Brick Township, NJ, the James J. Howard Veterans' Clinic. I am proud to support this legislation.

Jim Howard, a respected colleague and close personal friend would have been honored to see the fruits of his labors culminate in this much needed veterans facility. Congressman Howard was a strong supporter of the brave men and women who served this country in the Armed Forces. His voting record on veterans legislation is proof of his unwavering commitment to their needs.

Jim Howard's personal efforts with the Veterans' Administration helped to bring about the clinic that will be named in his honor. This clinic will make the veterans' outpatient servcies available to the many veterans who now live in northern Ocean County.

As I have previously stated, Jim Howard and I were close friends. I know first hand of his 3-year battle with the White House to secure the needed funds that made this facility possible. Jim was never one to back away from a fight. He knew the facility was critical for the many veterans in his district. As Will Rogers once said "We live in an age of urge. We do nothing till somebody shoves us." Jim provided the shove to get this clinic built.

Marlene Howard and his three daughters can be proud of Jim's many accomplishments. I know they will be honored to have Jim remembered in such a fitting manner.

Mr. PALLONE. Mr. Speaker, it gives me great pleasure to support this bill that will officially designate the Veterans' Outpatient Clinic to be built in Brick Township, NJ, in the memory of my predecessor, the late Jim Howard, who represented the Third District of New Jersey so ably for so many years.

In moving H.R. 2557 in this Congress, the House reinforces the action it took in the 100th Congress, when led by our distinguished ranking member, the gentleman from Arkansas, similar legislation was passed and sent to the Senate.

It would appear that the crush of events in the waning days of that session precluded action by the other body. It is my understanding that the former Director of Veterans' Affairs gave his complete support to the initiative begun in the House and transmitted that assurance to the other body.

Therefore, Mr. Speaker, what we are doing today is to reinforce the overwhelming sentiment expressed last year by the House to name this new medical facility for the man who worked tirelessly with our local officials and medical community to bring it to fruition.

Jim Howard was a veteran of World War II who never forgot the needs of his fellow veterans. While fate struck him down much too soon, the action we take here today will asure that his memory will live on as long as this Clinic stands.

Mr. SHUSTER. Mr. Speaker, I am honored to join my colleagues supporting H.R. 2557, designating the James J. Howard Veterans' Outpatient Clinic in Brick Township, NJ. It is a fitting tribute to the late Jim Howard, and a demonstration of the love and affection felt for him by friends, neighbors and colleagues. He would, I believe, be proud to have his name associated with this clinic.

During his service to the citizens of the country and his district, Jim worked tirelessly to improve our roads and waterways, and today his legacy remains—safer highways and cleaner water. His commitment to the infrastructure of our Nation is demonstrated by such things as his efforts to increase the gasoline tax to fund highway improvements, the establishment of a mass-transit account to serve both urban and rural areas, and passage of clean water bills that funded sweeping improvements to the water systems of communities across America. He championed causes such as national drunk driving laws and safety belt usage, along with the 55 m.p.h. speed limit. And while not always successful, he always fought for the safety of the people on our highways and in our communities.

Jim will be remembered by all for his work in the Congress, and the naming of the veteran's outpatient clinic in his native New Jersey will demonstrate to all the friendship and respect with which he was regarded.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 2557.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ALEDA E. LUTZ DEPARTMENT OF VETERANS' AFFAIRS MEDICAL CENTER

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2569) to designate the Department of Veterans' Affairs Medical Center in Saginaw, MI, as the "Aleda E. Lutz Department of Veterans' Affairs Medical Center."

The Clerk read as follows:

H.R. 2569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Department of Veterans Affairs medical center in Saginaw, Michigan, shall after the date of the enactment of this Act be known and designated as the "Aleda E. Lutz Department of Veterans Affairs Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Aleda E. Lutz Department of Veterans Affairs Medical Center.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2569 would name the Department of Veterans' Affairs Medical Center in Saginaw, MI, for Aleda E. Lutz.

This bill was introduced by our colleague, BOB TRAXLER, and is sponsored by every Member of the Michigan delegation. The bill has been approved by the chartered veterans' organizations in the State.

Lieutenant Lutz entered service in February 1942 and died on November 1, 1944, in the crash of a C-47 hospital plane in the south of France. She was the first women to receive the Distinguished Flying Cross. She was a highly decorated and courageous service member who helped save the lives of thousands of wounded soldiers during World War II.

Mr. Speaker, Lieutenant Lutz served her country with great honor and she deserves to have this excellent medical facility bear her name.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2569 and urge my colleagues to support the bill.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Speaker, I rise in support of H.R. 2569, a bill I introduced that would officially designate the Veterans' Affairs Medical Center in Saginaw, MI, in the honor and memory of First Lt. Aleda L. Lutz.

I would like to thank the distinguished chairman of the Veterans' Affairs Committee, Mr. MONTGOMERY from Mississippi, and the committee's distinguished ranking minority member, Mr. STUMP from Arizona, for their help in bringing this legislation before the full committee in such an expedient and efficient manner.

I would also like to note the support of all of my colleagues from the great State of Michigan as well as the support of all the members of the Veterans' Affairs Committee. I feel it is also important to recognize the assistance given to our effort by the organized veterans' groups in Michigan. I appreciate your unanimous approval of this measure.

Ms. Lutz was a true heroine of World War II and a resident of Saginaw, MI. She was an original member of the 802d Medical Air Evacuation Squadron, and while attending the 15 wounded soldier's was killed in a tragic plane crash in southern France on November 1, 1944. She was a leader in her squadron, flying over 190 missions spanning over 800 hours in the air. During that time she evacuated approximately 3,500 patients and her fellow nurses were quoted as saying that no one died under her hand.

Her valiant service earned her the Distinguished Flying Cross for extraordinary achievement. According to news reports from the era, she was the first woman to receive this prestigious award for service in World War II. The official citation issued by the Department of the Army called attention to "her selfless devotion to duty and outstanding proficiency (which) reflected the highest credit upon herself and the Armed Forces of the United States * * * (T)hroughout her long period of service, Lieutenant Lutz distinguished herself through her superior professional skill and courage."

Another honor accorded to Ms. Lutz after her death was the renaming of the captured French luxury liner, *Colombie,* in her honor. After its conversion to a medical facility, the U.S. Army hospital ship *Aleda E. Lutz* carried a compliment of 18 doctors, 44 nurses, and 188 enlisted attendants and was able to provide care for 800 patients at any one time.

In 1949, the Veterans' Administration expressed their desire to dedicate the new hospital in Saginaw to the memory and legacy of Aleda Lutz. Unfortunately, their wish did not come true before the hospital was completed and formally dedicated on September 3, 1950. The Saginaw VAMC, however, has unofficially been known as the "Aleda Lutz Hospital" for nearly 40 years. Today, I am seeking to officially note and commemorate a recognition bestowed upon Ms. Lutz by the Saginaw community.

Perhaps one of the best statements about Aleda Lutz comes from a letter written by Maj. Frederick Holt, the commanding officer of the 802d Squadron, to Helda Lutz, the lieutenant's sister:

Her outstanding characteristics, however, do not appear on any records but remain in the memories of all who came in contact with her over here. I can say without hesitation that her consistent cheerfulness and kindness under any conditions endeared her to her sister nurses, the flight surgeons of the squadron, our enlisted men, as well as all others with whom she had any contact. In her work as flight nurse she not only gave her patients the best of medical care but also unfailingly created an atmosphere of cheerfullness which enabled her patients to forget their physical and mental distress.

It is my sincere hope that my colleagues will join me in honoring this great heroine by voting for H.R. 2569.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 2569, a bill to name the Department of Veterans' Affairs Medical Center in Saginaw, MI, in memory of the late Lt. Aleda E. Lutz.

Lieutenant Lutz distinguished herself as a very dedicated and courageous member of the Armed Forces. She died while in service to the Nation. Her service and response to the Nation's call to duty exemplify the reasons why the Nation and the Congress remain strongly committed to providing veterans with the quality health care which they have earned.

The compassion and perseverance under the adversity of war demonstrated by Lieutenant Lutz are deserving of tribute. The Aleda E. Lutz Department of Veterans' Affairs Medical Center would be the first DVA facility to bear the name of a female veteran. Her courage and patriotism deserve to be memorialized for generations to come.

I urge the adoption of H.R. 2569.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

I would like to pass on to you, Mr. Speaker, and the other Members of the body, as I understand it Lieutenant Lutz is one of those exceptional persons. Not only was she a qualified nurse but she was also a qualified pilot in our military services.

We certainly are hopeful for our colleagues' support for this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill H.R. 2569.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REMOVING LIMITATION RELATING TO PAYMENT OF PENSION TO CERTAIN VETERANS FURNISHED HOSPITAL CARE

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1334) to amend title 38, United States Code, to remove a limitation relating to the payment of pension to veterans furnished hospital care by the Veterans' Administration on a long-term basis, as amended.

The Clerk read as follows:

H.R. 1334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF LIMITATION ON PAYMENT OF PENSION TO VETERANS FURNISHED LONG-TERM HOSPITAL CARE BY DEPARTMENT OF VETERANS' AFFAIRS.

Section 3203(a)(1) of title 38, United States Code, is amended by striking out "hospital or" each place it appears in subparagraphs (B) and (D).

SEC. 2. REDUCTION IN PERIOD OF MARRIAGE OF CERTAIN SURVIVING SPOUSES FOR ELIGIBILITY FOR DEPENDENCY AND INDEMNITY COMPENSATION.

Section 418(c)(1) of title 38, United States Code, is amended by striking out "two years" and inserting in lieu thereof "one year".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 1989.

The SPEAKER pro tempore. Is a second demanded?

Mr. STUMP. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1334, as amended, would make certain improvements in pension and indemnity compensation programs administered by the Department of Veterans' Affairs.

Mr. Speaker, I want to commend the gentleman from Ohio [Mr. APPLEGATE], the chairman of the subcommittee, for his continued leadership in insuring that benefits to our Nation's veterans are administered fairly and timely. This subcommittee is one of the most active in conducting oversight visits in the field and oversight hearings on programs under its control.

Again I thank the gentleman, the distinguished chairman of this subcommittee. I also want to commend the ranking minority member, BOB MCEWEN, also from the State of Ohio, for the good work.

To explain the bill at this time, I yield such time as he may consume to the gentleman from Ohio, Mr. DOUG APPLEGATE.

Mr. APPLEGATE. Mr. Speaker, I thank the gentleman from Mississippi, chairman of the committee, for yielding time to me.

Mr. Speaker, H.R. 1334, as amended, would liberalize provisions of law relating to survivors' death benefits and also liberalize provisions affecting nonservice-connected pensions for certain hospitalized veterans.

Section 1 of H.R. 1334 would remove a current provision in the law which limits, to $60, the amount of pension payable per month to a single veteran who is being furnished hospital care by the DVA for any period after the end of the third full calendar month following the month of admission.

This requirement can work a hardship on a veteran if he or she has ongoing obligations such as rent or loan repayments. If the veteran has no saving available, it is quite possible that he could lose his home. Not only is there potential for harm to the veteran, the DVA must also keep tabs on these cases. They must be identified, appropriate action must be taken to reduce the award, and then, upon discharge, further action must be taken to restore the proper benefit. Given the lengthy delays in claims processing we have observed, this change would be beneficial to the veteran as well as the DVA.

Section 2 of the bill would reduce the length of marriage required in order for certain surviving spouses to be eligible for death benefits paid at DIC rates. In general, if a veteran who dies of a non-service-connected cause has been rated totally disabled due to a service-connected disability for at least 10 years prior to his death, his widow is eligible for a death benefit which is paid at DIC rates as if the veteran's death were service connected. Eligibility is conditioned on the veteran and his widow having been married for at least 2 years prior to the veteran's death, or for no set time if a child was born of the marriage.

The general marriage duration requirement under DIC, for service-connected deaths, is only 1 year. This provision simply conforms the two programs by requiring only 1 year of marriage in either situation. It was passed by the House last year as part of the compensation COLA bill but was not accepted by the other body.

Mr. Speaker, I urge favorable consideration of this bill.

□ 1410

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1334, as amended, and also want to thank the ranking minority member of the Subcommittee on Compensation, Pension and Insurance, the gentleman from Ohio [Mr. MCEWEN].

He has become one of our most forceful and outspoken members on behalf of veterans' benefits and adequate funding for those benefits.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. Mr. Speaker, I rise in support of H.R. 1334, and I subscribe to everything the distinguished chairman has said in outlining the legislation. We agree on the need for finding a remedy for the rules which presently cause great hardship for a small, but not insubstantial, population of veterans.

I suppose the most fundamental point to this legislation is that sick veterans do get better. Medical science continues to advance, finding cures and treatments which we did not previously know were possible. That is a source of hope and encouragement for our veterans. But consider the case of the veteran with a spinal cord injury, who is already receiving a nonservice-connected pension. A skin injury to this individual frequently leads to skin breakdown and damage to adjoining muscles and bone.

Doctors are able to treat these conditions through transplants and grafts. But this healing process can be slow, requiring hospital stays of more than 3 months. Thanks to modern medical procedures, the veteran suffering from conditions like these, stands a good chance of having his health largely restored. But consider the price of recovery.

Under present law, this healed veteran, who may have been hospitalized for, say, 4 or 5 months, will have had this pension cut to $60 per month after the first 90 days. Upon leaving the hospital, our veteran may have a host of new problems of a financial nature. This veteran, who is reliant upon his pension to help him meet his mortgage, rent, property tax, electricity or other regular monthly obligations, has now experienced a 2-month lapse in this urgently needed pension. Mr. Speaker, with plenty of real-life examples to cite as empirical evidence, we can predict with troubling certainty that this veteran may lose his home or worse.

All of which raises this question: What is gained by nursing our veterans back to health if our laws will leave them impoverished and hopeless in this process? How does society profit from saving a few months of pension payments if the society then must assume the burden and associated costs of a newly homeless veteran? Too often this is the result of present law, which is why I urge adoption of H.R. 1334.

In addition, Mr. Speaker, I also wish to support that portion of the bill which amends the eligibility criteria for certain recipients of dependency and indemnity compensation. This provision will standardize eligibility criteria for the survivors of totally disabled service-connected veterans.

I wish to take this opportunity to commend the chairman of our committee, SONNY MONTGOMERY, and our ranking member, the gentleman from Arizona [Mr. STUMP] for their steadfast leadership in behalf of veterans, and to the chairman of the subcommittee, Mr. APPLEGATE, my friend and colleague from Ohio, for his authorship and bringing this bill forward for consideration.

I recommend passage of this legislation and urge my colleagues to support it.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 1334, legislation to remove the limitation relating to the payment of pensions to veterans who are furnished hospital care by the Department of Veterans' Affairs on a long-term basis. I would like to commend the chairman of the Subcommittee on Compensation, Pension and Insurance, the gentleman from Ohio [Mr. APPLEGATE] for introducing this important legislation and the distinguished chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY] and the ranking member of the committee, the gentleman from Arizona [Mr. STUMP] for their commitment to bettering the lives of our veterans and active members of the Armed Forces.

H.R. 1334 will remove the limitation on pension payments to veterans without spouses or children who are receiving hospital care for more than 3 months from the Department of Veterans' Affairs.

In removing this restriction, this legislation removes an undue hardship which is placed upon a hospitalized veteran who must meet financial obligations. For a sick veteran who often faces the loss of his home, this bill is of vital importance.

Furthermore, this legislation will reduce the period of time for which a surviving spouse must have been married to a veteran in order to receive dependency and indemnity compensation.

Accordingly, Mr. Speaker, I urge my colleagues to join today in support of this worthy bill.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1334, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to remove a limitation relating to the payment of pension of veterans furnished hospital care by the Department of Veterans' Affairs on a long-term basis and to reduce the period of time that a surviving spouse must have been married to a veteran who dies while in receipt of compensation for a service-connected disability in order for the surviving spouse to be eligible for dependency and indemnity compensation.".

A motion to reconsider was laid on the table.

EXTENDING MOST FAVORED NATION STATUS FOR HUNGARY FOR 5 YEARS

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the Peoples' Republic of Hungary for 5 years, as amended.

The Clerk read as follows:

H.R. 1594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF HUNGARY.

Subject to section 2, during the 5-year period beginning on July 4, 1989, nondiscriminatory treatment (most-favored-nation treatment) applies to the products of the Peoples' Republic of Hungary.

SEC. 2. REQUIREMENT FOR BILATERAL COMMERCIAL AGREEMENT.

The nondiscriminatory treatment provided for under section 1 shall apply only during such time within the 5-year period referred to in that section that there is in effect between the United States of America and the Peoples' Republic of Hungary a commercial agreement that meets the requirements set forth in section 405(b) of the Trade Act of 1974 (19 U.S.C. 2435(b)); except that, notwithstanding the provisions of paragraph (1) of such section, the renewal of the commercial agreement after the date of the enactment of this Act shall be for a period ending not sooner than July 4, 1994.

SEC. 3. COORDINATION WITH JACKSON-VANIK AMENDMENT.

During the 5-year period referred to in section 1, the provisions of section 401, 402, 404, 405 (a) and (c), and 407 of the Trade Act of 1974 are suspended with respect to the Peoples' Republic of Hungary except to the extent necessary for the inclusion of that country within the appropriate waiver procedures of section 402(d) for purposes of extending nondiscriminatory treatment (if the President decides to recommend such extension) to Hungarian products after July 3, 1994.

□ 1420

The SPEAKER pro tempore (Mr. PANETTA). Under the rule, a second is not required on this motion.

The genleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of H.R. 1594, a bill to extend most-favored-nation [MFN] status to Hungary for 5 years. Hungary has been granted MFN treatment on an annual basis under the Jackson-Vanik waiver process since 1978. During that time, the Committee on Ways and Means has not received a single complaint about Hungary's record on emigration. The President himself has indicated in a recent message to Congress that "Hungary has continued to take a positive and constructive approach to emigration matters."

Mr. Speaker, I had the privilege of leading a delegation of members of the Committee on Ways and Means to Hungary earlier this year. We met with General Secretary Grosz and a number of other Hungarian Government and business officials. We observed firsthand and were quite impressed by the dramatic steps Hungary has taken toward a more pluralistic political system and market-oriented economy. I believe it is time for the United States to recognize and reward Hungary's behavior as we recently did for Poland with the passage of H.R. 2550. I also believe that Members need only look to Hungary's consistently good performance during these past 11 years that it has enjoyed MFN status, to realize that there is little risk that Hungary will take a sharp turn away from the reforms which it has launched.

H.R. 1594 would remove Hungary from the conditions of the Jackson-Vanik amendment, as contained in the Trade Act of 1974, and grant MFN to Hungary unconditionally for 5 years. This bill is a timely and appropriate response to the bold reforms and

strong emigration record of the People's Republic of Hungary.

I urge my colleagues to support this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the distinguished chairman of the Ways and Means Committee in supporting H.R. 1594, a bill extending for 5 years most-favored-nation tariff treatment to the People's Republic of Hungary. Providing nondiscriminatory tariff treatment to Hungary on a more permanent basis is, in my view, a just reward—and a modest one—for that country's ongoing commitment to free emigration and to enhancing fundamental human rights.

Under existing law, Hungary has enjoyed most-favored-nation status for more than 10 years. During this time, that country's emigration laws and practices have been carefully reviewed under the criteria of the Jackson-Vanik amendment, and each year the President has recommended a waiver permitting MFN to be extended to Hungary for another year.

Although emigration is the sole focus of the Jackson-Vanik amendment, fundamental human rights, including religious freedom and worker rights, have alway been scrutinized during consideration of the annual waiver.

Hungary's record in this regard has been excellent, and recent actions by the Government and the Hungarian Parliament have underscored the country's commitment to progressive reforms. However, the 1 year waiver policy lends uncertainty, especially to the business community, as to whether the United States policy toward Hungary will continue to include liberal tariff treatment. Since businesses usually plan for the longer term, the possibility of a change in tariff treatment, however remote, tends to weaken business ventures in that country.

Hungary's progressive position among Eastern-bloc countries is very important to the United States and one which we should encourage whenever possible.

Just last week, the House passed under suspension of the rules a bill to extend OPIC loans to Hungary, as well as promote cultural and educational exchanges, and in doing so praised Hungary's liberal path. This bill we are considering today will also express the appreciation of the United States for Hungary's long-standing record on free emigration and free-market business practices.

I feel obliged to make note of the fact that the administration opposes this legislation, although it is strongly sympathetic to what this bill is trying to do. However, I believe their opposition to be mild, and is based primarily on their desire to have sole discretion to give or take away MFN. The Congress clearly has a role to play in reviewing Hungary's record and in deciding appropriate incentives like the one embodied in this bill. Also, the administration would like to wait until the Hungarian Parliament acts this fall to codify its already liberal emigration practices.

We feel confident that Hungary intends to keep its promises to put in place new emigration laws, and this legislation designed to reward a good 10 years of effective policies need not be delayed.

Mr. Speaker, I believe H.R. 1594 is appropriate and desirable and in the national interest of the United States. I urge my colleagues to vote "Yes" on H.R. 1594 and extend MFN to Hungary for 5 years.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, we have no further requests for time.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL], a respected member of our committee.

Mr. FRENZEL. Mr. Speaker, the bill before us has been described by the distinguished chairman and the distinguished vice chairman of the committee. I urge all Members to vote positively for the bill.

This is a 5-year extension of MFN to Hungary, which has earned annual extensions for the last decade based on its splendid record on immigration and family reunification.

When MFN was first granted to Hungary, there were nervous Members of this body who wondered if it was a good idea. Since that time, we have renewed MFN about 10 times for Hungary, and it looks to me as though Hungary's record has been spotlessly clean. Hungary has led Eastern Europe and the Comecon group in its dedication to the principles of free immigration and of family reunification.

When the President sent his message to the Congress urging that MFN be extended again this year, he indicated that every person in Hungary who had applied for immigration had had that right granted under the current policy. The fact that Hungary is going to codify that policy into law is really only frosting on the cake, for we ought to look at the record, not the promise.

For Hungary, the record has been excellent.

Mr. Speaker, this legislation is going to allow a 5-year extension, allowing Hungarian companies and American companies to make longer-range plans to improve economic activity between our two countries, to the betterment of the human condition in both countries.

It is also going to serve as a model for our relationships with other nonmarket economies which may want the same privilege under most-favored-nation and now, having seen the success in Hungary and seeing the trade advantages it has been rewarded, may be willing to take the same more liberal attitude toward immigration.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of H.R. 1594, legislation to provide most-favored-nation status to Hungary for 5 years.

The significant political and economic reforms that have recently occurred in Hungary should not go unnoticed. Just last year, I joined with the majority of my colleagues in supporting the Roth amendment to the fiscal year 1989 miscellaneous international affairs authorization bill in striking Hungary and Romania from OPIC authorizations. However, since that time, substantial and serious reforms have been made in Hungary warranting a change in U.S. policy. Last week, the House, with my support, passed H.R. 2550, extending OPIC coverage to Hungary.

Along those same lines, the liberalizing movement in Hungary also warrants a change in this Eastern European maverick's MFN status. In 1974, title IV of the trade act tied MFN treatment of Communist countries to their emigration policies. The Jackson-Vanik amendment, as it is called, lists specific criteria which Communist countries must meet in order to receive MFN status. The Jackson-Vanik amendment does allow the President to waive the prohibition on MFN status to countries not meeting the criteria if such a waiver would help better promote the amendment's objectives. Hungary, for the past 11 years, has received such a waiver annually.

Today, Hungary is close to approaching total compliance with the provisions of the Jackson-Vanik amendment. For example, many of the restrictions on travel to neighboring western countries, like Austria, have been lifted. The result has been massive weekend traffic jams to Vienna where the shopping is still much better, despite Budapest's economic reforms. Interestingly, unlike in the past, these Hungarians are willing to return home—a sure sign that real changes have been made in Hungary. Another sign of change is Hungary's protest in the Conference on Cooperation and Security in Europe [CSCE] of neighboring Romania's construction of border barricades, Eastern Europe's newest wall. Again, it is telling that Romania's wall is to keep its citizens from fleeing to Hungary. Hungary has

taken positive and exemplary action toward increasing emigration.

Since my eye-opening visit to Hungary in January of this year with H.R. 1594's sponsors, Messrs. FRENZEL, GIBBONS, and LANTOS, additional progress has been realized. Two weeks ago, special tribute was paid to former leader Imre Nagy, who was deposed by the Red army after it brutally crushed the 1956 unprising—a popular revolt spurred in part by Nagy's liberalizing movements. The hard-liners who followed Nagy had branded him a traitor. Last week, the ruling leadership was again shuffled with those favoring greater economic and political reforms gaining additional power.

Our previous carrots to Hungary, in the form of Western economic assistance, have promoted this change. While there are still many internal and external obstacles, the private sector is beginning to flourish. There is genuine and vast support for the free enterprise system—even among those in the ruling Communist Party. They know that Hungary's economic survival depends on the success of this Western style economic reform. The state-controlled Soviet style planned economy has been a dismal failure. Real economic reform naturally prompts political reform. This axiom is true to Hungary. There has been a relaxation of political controls and political pluralism is on the rise. Clearly, more must be done. However, as a further signal of our support for these efforts and to promote continued progress. I believe we should reward Hungary by changing its MFN status. Instead of relying on an annual Presidential waiver, Hungary now will have graduated to receiving a 5-year MFN status.

However, despite all of this encouraging change, Hungary is still a Communist country within the Warsaw Pact Alliance. Economic and political liberalization were crushed by Soviet tanks 33 years ago. Sixty thousand Soviet troops still occupy Hungary today, although some have left and more will. As we have been witnessing in China, a country until just recently we praised for progressive reforms, the repression and brutality of Communism can swifty return. However, our positive incremental actions—like the MFN proposal before us today—provide the flexibility to meet any changes. Just as easily as we grant this new MFN status, we can revoke it.

If there is a possibility of removing the Iron Curtain, or at least drawing it open to let the light of freedom and liberty penetrate, that possibility best exists in Hungary. An important, yet often overlooked benefit of the steady pattern of reform in Hungary is the difficulty that would be incurred in repealing it. Certainly, we can help strengthen the reform movement and further solidify its foundations by providing the aid needed to make it successful, H.R. 1594 does just that. And, the more successful the reform movement is, the more difficult and painful it is to repeal. Of course, greater freedom and continued reform in any Warsaw Pact country benefits our national security and helps diminish the threat against our European NATO allies.

I urge my colleagues to join me in supporting this worthy legislation.

□ 1430

Mr. GIBBONS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. LANTOS], who knows firsthand why this should be extended.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from Florida [Mr. GIBBONS], my good friend, for yielding this time to me. I want to salute him for his leadership on this issue, as well as the gentleman from Minnesota [Mr. FRENZEL], both of whom have carried the main brunt of this legislation.

Mr. Speaker, anyone keenly attuned to history and its ironies and anyone who is inspired by faith and hope in the irrepressible human spirit could not help but be moved this spring as Hungarian soldiers began to dismantle the Iron Curtain that has painfully divided Europe for four decades. The removal of the barbed wire fence was a symbolic opening of freedom within Hungary and a signal of its reaffiliation with Europe.

Equally remarkable, Mr. Speaker, was the rehabilitation of Imre Nagy, the leader of the 1956 democratic revolution that was crushed by Soviet invasion. Nagy was secretly executed by Soviet troops and buried in an unmarked grave, yet just a few days ago, with government consent, he was reburied. His reinterment was a major historic occasion with participation of Hungary's prime minister, the speaker of its parliament and its political leadership.

The promise held by the dramatic political and economic changes in Hungary pose a profound challenge and an historic opportunity for the United States to encourage and support potentials for freedom and democracy in Eastern Europe.

Mr. Speaker, I do not mean to exaggerate Hungary's march toward liberty, nor to minimize the internal and external obstacles in its path. They are many, and they are great.

Nevertheless, those of us committed to freedom can only welcome the palpable progress and the even more promising trends in Hungary which go well beyond the rest of Eastern Europe and, of course, the Soviet Union.

Mr. Speaker, Hungary is embarking on sweeping reforms that will dismantle one-party rule, a state-run economy and emulate the economic and political models of such neutrals as Sweden, Finland, and Austria. A quiet revolution for economic freedom is occurring slowly, but steadily. New laws to let the private sector blossom and to free capital movement are steps toward a free market and a mixed economy. Individual enterprises and private shareholding companies, aided by eased taxation, will make new ventures more profitable and much less risky. A new law on foreign investments permits foreign firms to buy into domestic companies or to set up wholly owned subsidiaries. By the early 1990's, if the trend persists, half of Hungary's economy could well be in private hands.

Yet without political freedom there is no economic freedom, and political reform is moving at an almost dizzying pace, spurred on by reformers and the democratic opposition. Freedom of association and expression, a free press and free publishing and a multiparty system are already legalized. These reforms, along with citizens' rights, the rule of law, impartial justice, and free trade unions are all to be enshrined and institutionalized in a new constitution, now being drafted, which will be voted on next January.

Mr. Speaker, there are grave risks. All of these incremental reforms could result in a crisis of systemic transition. Already the economic reforms have sparked an inflationary spiral, exacerbated discord between the poor and the newly rich, and increased unemployment and impatient pressures for higher living standards. And yet another omnious note: On a per-capita basis Hungary is the most heavily indebted country in Eastern Europe.

Mr. Speaker, this is all the more reason for the United States and its Western allies to help ease the transition. Hungary presents an important opportunity and an enormous challenge to us.

There is much that Washington can do. Our policies and actions can make an enormous difference by aiding a reform-minded regime to overcome the difficulties during the transition to a market-oriented economy.

I think it is extremely important that we pass this piece of legislation. It will be a symbolic gesture telling the Hungarians that we welcome the economic and political reforms they have already instituted, that we want them to go all the way, and we want to welcome them into the community of free and democratic nations.

Mr. Speaker, I endorse the legislation with all possible emphasis at my command.

Mr. FRENZEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I regret to differ with my colleague, the gentleman from California [Mr. LANTOS] and some of my other colleagues, as I

rise in opposition to this measure extending most-favored-nation [MFN] status to Hungary and in support of the administration view which, while sympathetic to the intent of the measure, opposes the bill because the current law provides a preferable way to extend most-favored-nation status to Hungary.

Mr. Speaker, I fully recognize the recent significant progress that has been made in Hungary more than, probably, any other Soviet-bloc nation and that the rising tide of democracy in Eastern Europe is nowhere more apparent than in Hungary. While we congratulate the Hungarian administration for their forward steps in pluralism and undertaking positive, exemplary action in removing obstacles to immigration, I believe that extending MFN status for a 5-year period takes away the President's flexibility.

The Jackson-Vanik amendment to the Trade Act of 1974 allows the President to waive any of the provisions when he deems it appropriate, and I think that Hungary's forward steps in moving toward considering a new immigration law this fall will enable the President to make that determination on his own.

The gentleman from California [Mr. LAGOMARSINO] just a few minutes ago recited for us how the problems in Beijing underscored what can unexpectedly happen to a regime which we thought was moving in the right direction and which could suddenly be overturned.

Accordingly, Mr. Speaker, I urge my colleagues: Let us not proceed too hastily. Allow the President to utilize his flexibility, which I'm certain will be utilized in the event that the proposed immigration laws are adopted this fall by Hungary, and let's not take the unprecedented step of adopting a 5-year ironbound measure that will not allow the President to undertake the kind of steps he may very well be inclined to undertake later on this year.

Mr. Speaker, for these reasons I urge my collegues to oppose this measure.

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Speaker, I rise in support of the resolution, and I must say that there is no other person in this body who can speak with more authority than the gentleman from California [Mr. LANTOS].

Mr. Speaker, the gentleman from California [Mr. LANTOS] led our congressional delegation to Hungary this January in which we had an opportunity to visit with the leaders of that country, and I was extremely impressed with the reforms that are going on, the pluralism that is going on, the private sector initiative that is going on, and the real changes that are occurring in this society.

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I think we were asked at several of the meetings about our intentions to extend most-favored-nation status and what we might do as a government. I think today we can state very forcefully that we have taken notice of the reforms going on in Hungary, of the exciting possibilities for these people, and that we stand to say on a good-faith effort that we support what you are doing and that we are supplying this support for a 5-year term.

Now, it has been argued that it is taking away flexibility from the administration, who would like to have a 1-year extension. Heaven forbid if something were to happen to change the course of events in Hungary, we, of course, could come back here and eliminate the 5-year extension and we could reduce it or eliminate it entirely. I do not see that as a real problem, but I do see a problem when America has a chance to reward people who are taking considerable risks, both personal, financial, political, and all sorts of risks in their society, to move toward a democratic representative type of government with the freedoms that we enjoy and recognize and human rights that we reward that in some fashion with this type of recognition.

Again, I commend my colleague, the gentleman from California [Mr. LANTOS] who so vigorously and forcefully has stated today why we should support this proposition.

Mr. FRENZEL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I would just say that I have the same kind of reservations and cautions that the gentleman from Maryland was just stating; however, I would lean just the other way slightly, opposing this legislation, on the basis that if we continue to grant 1-year at a time this favored-nation status, we keep the pressure not only on those Hungarians moving in our direction, but also on the Soviet Union; so without disagreeing with the gentleman from Maryland, he is absolutely right.

The gentleman from California [Mr. LANTOS] I think has laid it out clearly, but as the administration says, we can accomplish more and move them more toward democracy by giving them a 1-year extension.

I would call to your attention that this body voted unanimously last Thursday on my amendment which reinstated Hungary as one of those Communist nations that is prohibited by law from receiving foreign aid.

So let us not be contradictory. Let us thank them and move them and urge them to do what is right in moving toward democracy, but let us not take away that encouragement by extending it for 5 years.

I would urge defeat of the bill.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

There is a time in history when we should move, and this is one of those times.

The people of Hungary have demonstrated almost ever since World War II that they seek and yearn for freedom, but it has been impossible for them to obtain it. They are close now. It is time for us to take them off probation and to extend a helping hand. Forty years of ostracism from the West is long enough, too long, in my book.

This is not foreign aid. This is just decent treatment for a very decent people, and we need to do that.

It is unbecoming of the United States to carry a chip on its shoulder when people have tried and strive hard to do what is right.

I hope that this House will practically unanimously support this piece of legislation.

Mr. BEREUTER. Mr. Speaker, today this body considers most-favored-nation status for Hungary. We are able to do this because of the remarkable progress that country is making in free market economic reform, because of its expansion of political liberties, and because of its positive attitude toward emigration matters. This progress is far beyond what any of us could have envisioned just a few short months ago.

It was not long ago that Hungary successfully ousted its long-time dictator, Janos Kadar, and replaced him with more moderate leaders. However, even this change fortunately has not satisfied the forces of reform. Only last week the Communist Party selected an even more reform oriented leadership. The new leadership seeks to establish warm relations with the West, and hopes to win the popular support of the people. Elections have been set for next year, and the Communist Party, with good cause, apparently believes that it will lose control of the government unless it responds to the people.

Mr. Speaker, the Communists in Hungary feel threatened for good reason. Opposition political parties have been formed to challenge them in the upcoming election. Until recently it was impossible to conceive of a Warsaw Pact nation where political parties view for political control in an election where the results have not been rigged. Yet that is exactly where Hungary is heading. Indeed, Communist leaders have recently been consulting with Western Europe political parties for advice on facilitating the formation of counterpart parties in a new pluralistic Hungarian form of government.

Hungary also has been ahead of its East European neighbors in expanding its economy, in establishing joint ventures with Western businesses, and in providing an environment suitable for foreign investment. There are, for example, Western radio stations that have been licensed to begin broadcasts in Budapest.

Mr. Speaker, the situation in Hungary admittedly is far from perfect. But while Hungary has a long way to go before it achieves true political and economic freedom, it has made very substantial progress. And, this progress should be recognized. Granting of MFN on a multi-year basis recognizes Hungary's progress, and it sends a message to nations such as Czechoslovakia and the German Democratic Republic that political reform fostering democratization of their societies does indeed have its rewards.

President George Bush soon will be traveling to Hungary, Mr. Speaker. It would be fitting if the Congress moves speedily to approve this MFN legislation before the President makes his trip. This Member would urge the overwhelming approval of H.R. 1594.

Mr. FRENZEL. Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HARRIS). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 1594, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 166

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Nevada [Mr. BILBRAY] be stricken as a cosponsor of House Joint Resolution 166.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

1988 DISASTER ASSISTANCE EXTENSION ACT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2467) entitled the "1988 Disaster Assistance Extension Act", as amended.

The Clerk read as follows:

H.R. 2467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "1988 Disaster Assistance Extension Act".

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TITLE I—EMERGENCY CROP LOSS ASSISTANCE

Subtitle A—Annual Crops

SECTION 101. PAYMENTS TO PROGRAM PARTICIPANTS FOR TARGET PRICE COMMODITIES.

(a) DISASTER PAYMENTS.—(1) Effective only for producers on a farm who elected to participate in the production adjustment program established under the Agricultural Act of 1949 for the 1989 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, except as otherwise provided in this subsection, if the Secretary of Agriculture determines that, because of damaging weather or related condition in 1988 or 1989, the total quantity of the 1989 crop of the commodity that such producers are able to harvest on the farm is less than the result of multiplying 65 percent of the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) for such crop, the Secretary shall make a disaster payment available to such producers at a rate equal to—

(A) 65 percent of the established price for the crop for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop; and

(B) 90 percent of the established price for the crop for any deficiency in production greater than 75 percent for the crop.

(2)(A) Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm with respect to any acreage in excess of the permitted acreage for the farm for the commodity.

(B) Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(3) The total quantity of a crop of a commodity on which deficiency payments otherwise would be payable to producers on a farm under the Agricultural Act of 1949 shall be reduced by the quantity on which a payment is made to the producers for the crop under paragraph (1).

(b) ADVANCE DEFICIENCY PAYMENTS.—(1) This subsection shall apply only to producers on a farm who elected to participate in the production adjustment program established under the Agricultural Act of 1949 for the 1989 crop of wheat, feed grains, upland cotton, or rice.

(2)(A) Subject to subparagraph (B), if because of damaging weather or related condition in 1988 or 1989 the total quantity of the 1989 crop of the commodity that the producers are able to harvest on the farm is less than the result of multiplying the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) for such crop (hereinafter referred to as the "qualifying amount"), the producers shall not be required to refund any advance deficiency payment made to the producers for such crop under section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) with respect to that portion of the deficiency in production that does not exceed 34 percent of the qualifying amount.

(B) Producers on a farm shall not be eligible for the forgiveness provided for under subparagraph (A), unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(3) The Secretary shall allow producers on a farm who elected, prior to the date of enactment of this Act, not to receive advance deficiency payments made available for the 1989 crop under section 107C of the Agricultural Act of 1949, to elect (within 30 days after the date of the enactment of this Act) whether to receive such advance deficiency payments.

(4) Effective only for the 1989 crops of wheat, feed grains, upland cotton, and rice, if the Secretary determines that any portion of the advance deficiency payment made to producers for the crop under section 107C of the Agricultural Act of 1949 must be refunded, such refund shall not be required prior to July 31, 1990, for that portion of the crop for which a disaster payment is made under subsection (a).

SEC. 102. PAYMENTS TO PROGRAM NONPARTICIPANTS FOR TARGET PRICE COMMODITIES.

(a) DISASTER PAYMENTS.—Effective only for producers on a farm who elected not to participate in the production adjustment program established under the Agricultural Act of 1949 for the 1989 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, if the Secretary of Agriculture determines that because of damaging weather or related condition in 1988 or 1989, the total quantity of the 1989 crop of the commodity that such producers are able to harvest on the farm is less than the result of multiplying 65 percent of the county average yield established by the Secretary for such crop by the sum of acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment

available to such producers. The payment shall be made to the producers at a rate equal to—

(1) 65 percent of the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary, for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop; and

(2) 90 percent of the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary, for any deficiency in production greater than 75 percent for the crop.

(b) PREVENTED PLANTING CREDIT.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1989 crop of the commodity for harvest because of damaging weather or related condition in 1988 or 1989, as determined by the Secretary. Such acreage may not exceed the greater of—

(1) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1987 minus acreage actually planted to the commodity for harvest in 1989; or

(2) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1985, 1986, and 1987 minus acreage actually planted to the commodity for harvest in 1989.

The Secretary shall make appropriate adjustments in applying the limitations contained in the preceding sentence to take into account crop rotation practices of the producers.

(c) LIMITATIONS.—The amount of payments made available to producers on a farm for a crop of a commodity under subsection (a) shall be reduced by a factor equivalent to the acreage limitation program percentage established for such crop under the Agricultural Act of 1949.

(2) Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

SEC. 103. PEANUTS, SUGAR, AND TOBACCO.

(a) DISASTER PAYMENTS.—(1) Effective only for the 1989 crops of peanuts, sugar beets, sugarcane, and tobacco, if the Secretary of Agriculture determines that, because of damaging weather or related condition in 1988 or 1989, the total quantity of the 1989 crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 65 percent of the county average yield (or program yield, in the case of peanuts) established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers. The payment shall be made to the producers at a rate equal to—

(A) 65 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop (or in the case of a crop of burley tobacco or fluecured tobacco, for any deficiency in production greater than 35 percent, but not greater than 75 percent, of the farm's effective marketing quota for 1989); and

(B) 90 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 75 percent for the crop (or, in the case of burley tobacco or fluecured tobacco, for any deficiency in production greater than 75 percent of the farm's effective marketing quota for 1989).

(2) For purposes of paragraph (1), the payment level for a commodity shall be equal to—

(A) for peanuts, the price support level for quota peanuts or the price support level for additional peanuts, as applicable;

(B) for tobacco, the national average loan rate for the type of tobacco involved, or (if there is none) the market price, as determined under section 104(a)(2); and

(C) for sugar beets and sugarcane, a level determined by the Secretary to be fair and reasonable in relation to the level of price support established for the 1989 crops of sugar beets and sugarcane, and that, insofar as is practicable, shall reflect no less return to the producer than under the 1989 price support levels.

(b) PREVENTED PLANTING CREDIT.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1989 crop of the commodity for harvest because of damaging weather or related condition in 1988 or 1989, as determined by the Secretary. Such acreage may not exceed the greater of—

(1) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1987 minus acreage actually planted for harvest in 1989; or

(2) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1985, 1986, and 1987 minus acreage actually planted to the commodity for harvest in 1989.

The Secretary shall make appropriate adjustments in applying the limitations contained in the preceding sentence to take into account crop rotation practices of the producers and any change in quotas for the 1989 crops of tobacco.

(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(d) SPECIAL RULES FOR PEANUTS.—Notwithstanding any other provision of law—

(1) a deficiency in production of quota peanuts from a farm, as otherwise determined under this section, shall be reduced by the quantity of peanut poundage quota that was the basis of such anticipated production that has been transferred from the farm;

(2) payments made under this section shall be taken into account whether the deficiency for which the deficiency in production is claimed was a deficiency in production of quota or additional peanuts and the payment rate shall be established accordingly; and

(3) the amount of undermarketings of quota peanuts from a farm for the 1989 crop that may otherwise be claimed under section 358 of the Agriculture Adjustment Act of 1938 (7 U.S.C. 1358) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such peanuts for which payment has been received under this section.

(e) SPECIAL RULES FOR TOBACCO.—Notwithstanding any other provision of law—

(1) the amount of undermarketings of quota tobacco from a farm for the 1989 crop that may otherwise be claimed under section 317 or 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such tobacco for which payment has been received under this section; and

(2) disaster payments made to producers under this section may not be considered by the Secretary in determining the net losses of the Commodity Credit Corporation under section 106A(d) of the Agricultural Act of 1949 (7 U.S.C. 1445-1(d)).

(f) SPECIAL RULE FOR SUGAR.—A producer of the 1989 crop of sugarcane or sugar beets that is unable to process the commodity into sugar due to the inability of local processing plants to process sugar as a result of damaging weather or related condition in 1989 shall be eligible for disaster payments in accordance with subsection (a) for any loss in sugar production attributable to such inability. Disaster payments made available under this subsection for such loss of production shall be reduced by an amount equal to any proceeds received by the producer from the disposition of that portion of the crop on which disaster payments are made.

SEC. 104. SOYBEANS AND NONPROGRAM CROPS.

(a) DISASTER PAYMENTS.—(1)(A) Effective only for the 1989 crops of soybeans and nonprogram crops, if the Secretary of Agriculture determines that, because of damaging weather or related condition in 1988 or 1989, the total quantity of the 1989 crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 65 percent of—

(i) with respect to soybeans, the State, area, or county yield, adjusted for adverse weather conditions during the 1985, 1986, and 1987 crop years, as determined by the Secretary; or

(ii) with respect to nonprogram crops, the yield established by the Commodity Credit Corporation under subsection (d)(2),

for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers.

(B) The payment shall be made to such producers at a rate equal to—

(i) 65 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop; and

(ii) 90 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 75 percent for the crop.

(2) For purposes of paragraph (1), the payment level for a commodity shall equal the simple average price received by producers of the commodity, as determined by the Secretary subject to paragraph (3), during

the marketing years for the immediately preceding five crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

(3)(A) The Secretary shall make disaster payments under subsection (a) on a crop by crop basis, with consideration given to markets and uses of the crops, regulations issued by the Secretary.

(B) For purposes of determining the payment levels on a crop by crop basis, the Secretary shall consider as separate crops, and develop separate payment levels insofar as is practicable for, different varieties of the same commodity for which there is a significant difference in the economic value in the market.

(4) For purposes of determining the total quantity of the 1989 nonprogram crop of the commodity that the producers on a farm are able to harvest under paragraph (1), the Secretary shall exclude commodities that cannot be sold in normal commercial channels of trade and shall exclude dockage, including husks and shells, if such dockage is excluded in determining yields under subsection (d)(2).

(b) PREVENTED PLANTING CREDIT.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1989 crop of the commodity for harvest because of damaging weather or related condition in 1988 or 1989, as determined by the Secretary. Such acreage may not exceed the greater of—

(1) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1987 minus acreage actually planted for harvest in 1989; or

(2) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1985, 1986, and 1987 minus acreage actually planted to the commodity for harvest in 1989.

The Secretary shall make appropriate adjustments in applying the limitations contained in the preceding sentence to take into account crop rotation practices of the producers.

(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(d) SPECIAL RULES FOR NONPROGRAM CROPS.—(1) As used in this section, the term "nonprogram crop" means all crops (including sweet potatoes) for which crop insurance through the Federal Crop Insurance Corporation was available for crop year 1989, and other commercial crops (including sweet potatoes) for which such insurance was not available for crop year 1989, except that such term shall not include a crop covered under section 101, 102, or 103, or soybeans.

(2) The Commodity Credit Corporation shall establish disaster program farm yields for nonprogram crops. The yield for a farm shall be based on proven yields, if the producers on the farm can provide satisfactory evidence to the Commodity Credit Corporation of actual crop yields on the farm for at least one of the immediately preceding three crop years. If such data do not exist for any of the three preceding crop years, the Commodity Credit Corporation shall establish a yield for the farm by using a county average yield for the commodity.

(3) It shall be the responsibility of the producers of nonprogram crops to provide satisfactory evidence of 1989 crop losses resulting from damaging weather or related condition in 1988 or 1989 in order for such producers to obtain disaster payments under this section.

SEC. 105. CROP QUALITY REDUCTION DISASTER PAYMENTS.

(a) IN GENERAL.—To ensure that all producers of 1989 crops covered under the provisions of sections 101 through 104 are treated equitably, the Secretary of Agriculture may make additional disaster payments to producers of such crops who suffer losses resulting from the reduced quality of such crops caused by damaging weather or related condition in 1988 or 1989, as determined by the Secretary.

(b) ELIGIBLE PRODUCERS.—If the Secretary determines to make crop quality disaster payments available to producers under subsection (a), producers on a farm of a crop described in subsection (a) shall be eligible to receive reduced quality disaster payments only if such producers incur a deficiency in production of not less than 35 percent and not more than 75 percent for such crop (as determined under section 101, 102, 103, or 104, as appropriate).

(c) MAXIMUM PAYMENT RATE.—The Secretary shall establish the reduced quality disaster payment rate, but such rate shall not exceed 10 percent, as determined by the Secretary, of—

(1) the established price for the crop, for commodities covered under section 101;

(2) the basic county loan rate for the crop (or a comparable price if there is no current basic county loan rate), for commodities covered under section 102;

(3) the payment level under section 103(a)(2), for commodities covered by section 103; and

(4) the payment level under section 104(a)(2), for commodities covered under section 104.

(d) DETERMINATION OF PAYMENT.—The amount of payment to a producer under this section shall be determined by multiplying the payment rate established under subsection (c) by the portion of the actual harvested crop on the producer's farm that is reduced in quality by such natural disaster in 1988 or 1989, as determined by the Secretary.

SEC. 106. EFFECT OF FEDERAL CROP INSURANCE PAYMENTS.

In the case of producers on a farm who obtained crop insurance for the 1989 crop of a commodity under the Federal Crop Insurance Act, the Secretary of Agriculture shall reduce the amount of payments made available under this subtitle for such crop to the extent that the amount determined by adding the net amount of crop insurance indemnity payment (gross indemnity less premium paid) received by such producers for the deficiency in the production of the crop and the disaster payment determined in accordance with this subtitle for such crop exceeds the amount determined by multiplying—

(1) 100 percent of the yield used for the calculation of disaster payments made under this subtitle for such crop, by

(2) the sum of the acreage of such crop planted to harvest and the acreage for which prevented planting credit is approved by the Secretary (or, in the case of disaster payments under section 101, the eligible acreage established under sections 101(a)(1) and 101(a)(2)(A)), by

(3)(A) in the case of producers who participated in a production adjustment program for the 1989 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, the established price for the 1989 crop of the commodity;

(B) in the case of producers who did not participate in a production adjustment program for the 1989 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, the basic county loan rate (or a comparable price, as determined by the Secretary, if there is no current basic county loan rate) for the 1989 crop of the commodity;

(C) in the case of producers of sugar beets, sugarcane, peanuts, or tobacco, the payment level for the commodity established under section 103(a)(2); and

(D) in the case of producers of soybeans or a nonprogram crop (as defined in section 104(d)(1)), the simple average price received by producers of the commodity, as determined by the Secretary, during the marketing years for the immediately preceding five crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

SEC. 107. CROP INSURANCE COVERAGE FOR THE 1990 CROPS.

(a) REQUIREMENT.—Subject to the limitations under subsection (b), producers on a farm, to be eligible to receive a disaster payment under this subtitle or forgiveness of the repayment of advance deficiency payments under section 101(b), must agree to obtain multiperil crop insurance under the Federal Crop Insurance Act for the 1990 crop of the commodity for which such payments or forgiveness are sought.

(b) LIMITATIONS.—Producers on a farm shall not be required to agree to obtain crop insurance under subsection (a) for a commodity—

(1) unless, with respect to producers of a crop planted in 1988 for harvest in 1989, such producers' deficiency in production, with respect to a crop planted in 1988 for harvest in 1989 for which a disaster payment under this subtitle otherwise may be made, exceeds 65 percent;

(2) where, or if, crop insurance coverage is not available to the producers for the commodity for which the payment or forgiveness is sought;

(3) if the producers' annual premium rate for such crop insurance is an amount greater than 125 percent of the average premium rate for insurance on that commodity for the 1989 crop in the county in which the producers are located;

(4) in any case in which the producers' annual premium for such crop insurance is an amount greater than 25 percent of the amount of the payment or forgiveness sought; or

(5) if the producers can establish by appeal to the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)) that the purchase of crop insurance would impose an undue financial hardship on such producers and that a waiver of the requirement to obtain crop insurance should, in the discretion of the county committee, be granted.

(c) IMPLEMENTATION.—(1) The Secretary of Agriculture shall ensure (acting through

the county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act and located in the counties in which the assistance programs provided for under sections 101 through 105 are implemented) that producers who apply for assistance, as described in subsection (a), obtain multiperil crop insurance as required under this section.

(2) Each producer who is subject to the requirements of this section may comply with such requirements by providing evidence of multiperil crop insurance coverage from sources other than through the county committee office, as approved by the Secretary.

(3) The Secretary shall provide by regulation for a reduction in the commissions paid to private insurance agents, brokers, or companies on crop insurance contracts entered into as a result of the requirements of subsection (a) sufficient to reflect that such insurance contracts principally involve only a servicing function to be performed by the agent, broker, or company.

(d) REPAYMENT OF BENEFITS.—Each producer subject to the requirements of this section shall make immediate repayment to the Secretary of any disaster payment or forgiven advance deficiency payment that the producer otherwise is required to repay at any time (prior to the end of the 1990 crop year for the commodity involved) that the crop insurance coverage required of the producer under this section is cancelled by the producer.

SEC. 108. CROPS HARVESTED FOR FORAGE USES.

Not later than 15 days after the date of the enactment of this Act, the Secretary of Agriculture shall announce the terms and conditions by which producers on a farm may establish 1989 yield with respect to crops that will be harvested for silage and other forage uses.

SEC. 109. PAYMENT LIMITATIONS.

(a) LIMITATION.—Subject to subsections (b) and (c), the total amount of payments that a person shall be entitled to receive under one or more of the programs established under this subtitle may not exceed $100,000.

(b) NO DOUBLE BENEFITS.—No person may receive disaster payments under this subtitle to the extent that such person receives a livestock emergency benefit for lost feed production in 1989 under section 606 of the Agricultural Act of 1949.

(c) COMBINED LIMITATION.—No person may receive any payment under this subtitle or benefit under title VI of the Agricultural Act of 1949 for livestock emergency losses suffered in 1989 if such payment or benefit will cause the combined total amount of such payments and benefits received by such person to exceed $100,000. If a producer is subject to the preceding sentence, the person may elect (subject to the benefits limitations under section 609 of the Agricultural Act of 1949) whether to receive the $100,000 in such payments, or such livestock emergency benefits (not to exceed $50,000), or a combination of payments and benefits specified by the person.

(d) REGULATIONS.The Secretary of Agriculture shall issue regulations—

(1) defining the term "person" for the purposes of this section, which shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 and the Disaster Assistance Act of 1988; and

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this section.

SEC. 110. DE MINIMIS YIELDS

(a) DISASTER PAYMENTS.—The Secretary of Agriculture shall determine a de minimis yield for each crop eligible for reduced yield disaster payments under this subtitle. The de minimis yield shall be set at a level that will minimize any incentive provided by the prospect of disaster payments to abandon crops that have a value that exceeds the cost of harvesting. In no case may the de minimis yield be less than the amount of production that, when valued at current market prices, equals the average cost of harvesting the crop, as determined by the Secretary. Any producer whose actual yield for a crop is equal to or less than the de minimis yield for such crop shall be considered as having an actual yield of zero for the purpose of calculating any reduced yield disaster payments for such crop under this subtitle.

(b) CROP INSURANCE.—If the actual yield for a crop on a farm is equal to or less than the de minimis yield for the crop determined by the Secretary pursuant to subsection (a), neither the Federal Crop Insurance Corporation (including its agents and employees), nor companies reinsured by the Federal Crop Insurance Corporation (including their agents and employees) may require the destruction of any portion of that crop as a condition for making a full crop loss indemnity payment to a producer under the terms of a valid contract of insurance on such crop.

SEC. 111. DEFINITIONS.

(a) The term "damaging weather" for purposes of this subtitle includes but is not limited to drought, hail, excessive moisture, freeze, tornado, hurricane, excessive wind, or any combination thereof.

(b) The term "related condition" for purposes of this subtitle includes but is not limited to insect infestations, plant diseases, or other deterioriation of a crop of a commodity either before or after harvest which is accelerated or exacerbated naturally as a result of damaging weather.

Subtitle B—Forest Crops

SEC. 121. ELIGIBILITY.

(a) DROUGHT LOSS.—Subject to the limitation in subsection (b), the Secretary of Agriculture shall provide assistance, as specified in section 122, to eligible tree farmers that planted tree seedlings in 1988 or 1989 for commercial purposes but lost such seedlings as a result of drought or related condition in 1989, as determined by the Secretary.

(b) LIMITATION.—An eligible tree farmer shall qualify for assistance under subsection (a) only if such tree farmer's tree seedling mortality, as a result of the natural disaster, exceeds 35 percent (adjusted for normal mortality).

SEC. 122. ASSISTANCE.

The assistance provided by the Secretary of Agriculture to eligible tree farmers for losses described in section 121 shall consist of either—

(1) reimbursement of 65 percent of the cost of replanting seedlings lost due to drought or related conditions in 1989 in excess of 35 percent mortality (adjusted for normal mortality); or

(2) at the discretion of the Secretary, sufficient tree seedlings to reestablish the stand.

SEC. 123. LIMITATION ON ASSISTANCE.

(a) LIMITATION.—The total amount of payments that a person shall be entitled to receive under this subtitle may not exceed $25,000, or an equivalent value in tree seedlings.

(b) REGULATIONS.—The Secretary of Agriculture shall issue regulations—

(1) defining the term "person" for the purposes of this subtitle, which shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 and the Disaster Assistance Act of 1988; and

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

SEC. 124. DEFINITION.

As used in this subtitle, the term "eligible tree farmer" means a person who produces annual crops from trees for commercial purposes or who grows trees for harvest for commercial purposes, and owns 1,000 acres or less of such trees.

SEC. 125. DUPLICATIVE PAYMENTS

The Secretary of Agriculture shall establish guidelines to ensure that no person receives duplicative payments under this subtitle and the forestry incentives program, agricultural conservation program, or other existing Federal programs.

Subtitle C—Additional Assistance

SEC. 131. NEW CONSERVATION MEASURES.

(a) IN GENERAL.—(1) In the case of an owner or operator of land who has entered into a conservation reserve program contract under subtitle D of title XII of the Food security Act of 1985 (16 U.S.C. 3831 et seq.) and hays or grazes livestock during the 1989 crop year on acreage subject to such contract as authorized by the Secretary of Agriculture, the Secretary may not reduce the amount of rental payments made to such owner or operator as the result of such haying or grazing to the extent that the owner or operator—

(A) carries out additional conservation practices, approved by the Soil Conservation Service in consultation with appropriate Federal and State agencies, to enhance soil, water, and wildlife conservation on or in thje vicinity of lands subject to such contract; and

(B) pays the costs of carrying out such practices.

(2) The amount of the reduction prohibited under paragraph (1) shall equal one-half of the amount paid by the owner or operator to cover the costs of carrying out the conservation practices.

(b) CONSERVATION PRACTICES.—For purposes of subsection (a), the term "conservation practices" includes—

(1) establishment of permanent shelterbelts and windbreaks;

(2) restoration of wetlands;

(3) establishment of wildlife food plots; or

(4) planting of trees.

SEC. 132. ASSISTANCE FOR PONDS.

Section 607(b)(2)(B) of the Agricultural Act of 1949 (7 U.S.C. 1471e) is amended by inserting "or ponds" after the word "wells".

Subtitle D—Administrative Provisions

SEC. 141. INELIGIBILITY.

(a) GENERAL RULE.—A person who has qualifying gross revenues in excess of $2,000,000 annually, as determined by the Secretary of Agriculture, shall not be eligible to receive any disaster payment or other benefits under this title.

(b) QUALIFYING GROSS REVENUES.—For purposes of this section, the term "qualifying gross revenues" means—

(1) if a majority of the person's annual income is received from farming, ranching, and forestry operations, the gross revenue from the person's farming, ranching, and forestry operations; and

(2) if less than a majority of the person's annual income is received from farming, ranching, and forestry operations, the person's gross revenue from all sources.

SEC. 142. TIMING AND MANNER OF ASSISTANCE.

(a) TIMING OF ASSISTANCE.—(1)(A) Subject to subparagraph (B), the Secretary of Agriculture shall make full disaster assistance available under this title as soon as practicable after the date of the enactment of this Act.

(B) Notwithstanding any other provision of law, no payment or benefit provided under this title shall be payable or due until such time as a completed application for a crop of a commodity therefor has been approved.

(2) A person eligible to receive payments under subtitle A shall make application for such payments not later than March 31, 1990, or such later date that the Secretary, by regulation, may prescribe.

(b) MANNER.—The Secretary may make payments available under subtitle A in the form of cash, commodities, or commodity certificates, as determined by the Secretary.

SEC. 143. COMMODITY CREDIT CORPORATION.

(a) USE.—Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation in carrying out this title.

(b) EXISTING AUTHORITY.—The authority provided by this title is in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

SEC. 144. LIMITATION ON OUTLAYS.

(a) PURPOSE.—It is the purpose of this section, through the reduction provided under subsection (b), to limit the amount of outlays by the Commodity Credit Corporation for each of the fiscal years ending September 30, 1989 and September 30, 1990 in carrying out this title to an amount equal to any reduction in outlays by the Commodity Credit Corporation for that fiscal year in carrying out the price support and related programs for 1989 crop commodities.

(b) REDUCTION.—(1) Not later than July 31, 1989 or 30 days after the date of enactment of this Act whichever is later, the Secretary of Agriculture shall estimate, based on the economic and technical assumptions used in preparing the supplemental summary of the budget submitted pursuant to section 1106 of title 31, United States Code, the amount of outlays by the Commodity Credit Corporation, including outlays for the conservation reserve program established pursuant to subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), and the Federal Crop Insurance Corporation, for the period consisting of the two fiscal years ending September 30, 1989 and September 30, 1990 that would result, in the absence of this section, from the provisions of this title. This amount is referred to in this section as "paragraph (1) outlays".

(2) The Secretary shall determine for each of the fiscal years ending September 30, 1989 and September 30, 1990 the amount derived by subtracting—

(A) the outlays, other than those outlays to carry out the purposes of this Act and any other Act enacted after January 3, 1989, by the Commodity Credit Corporation for that fiscal year, as estimated in the supplemental summary of the budget submitted pursuant to section 1106 of title 31, United States Code; from

(B) the outlays by the Commodity Credit Corporation for that fiscal year, as estimated in the budget of the United States Government submitted by the President pursuant to section 1105 of title 31, United States Code.

This amount is referred to in this section as "paragraph (2) outlays".

(3) The Secretary shall allocate the paragraph (1) outlays between the fiscal years according to this paragraph. If the paragraph (1) outlays—

(A) do not exceed the sum of the paragraph (2) outlays for the two fiscal years, the Secretary shall allocate the paragraph (1) outlays between the fiscal years in such a manner that the paragraph (1) outlays in each fiscal year do not exceed the paragraph (2) outlays for the fiscal year.

(B) exceed the sum of the paragraph (2) outlays, the Secretary shall, to the extent practicable, allocate the paragraph (1) outlays between the fiscal years in such a manner that the proportion by which the paragraph (1) outlays exceed the paragraph (2) outlays in each fiscal year is equal.

(4) Notwithstanding any other provision of this Act, the Secretary shall make pro rata reductions in all disaster payments, forgiveness of advance deficiency payments, and other assistance provided under this title in a fiscal year by a proportion equal to the proportion by which the paragraph (1) outlays, allocated as provided under paragraph (3), exceed the paragraph (2) outlays for the fiscal year.

SEC. 145. REGULATIONS.

The Secretary of Agriculture or the Commodity Credit Corporation, as appropriate, shall issue regulations to implement the provisions of this title as soon as practicable, without regard to the requirement for notice and public participation in rule making prescribed in section 553 of title 5 United States Code, or in any directive of the Secretary.

TITLE II—MISCELLANEOUS

SEC. 201. PLANTING OF ALTERNATE CROPS ON PERMITTED ACREAGE.

Section 504(b)(2) of the Agricultural Act of 1949 (7 U.S.C. 1464(b)(2) is amended by—

(1) striking out "and" at the end of subparagraph (D);

(2) redesignating subparagraph (E) as subparagraph (F); and

(3) inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of the 1990 crop year, acreage in an amount equal to not to exceed 20 percent of the permitted acreage for a program crop, if—

"(i) the acreage considered to be planted is planted to canola, rapeseed, sunflower, safflower, flaxseed, kenaf, crambe, guaule, milkweed, or meadowfoam;

"(ii) the producers on the farm plant for harvest to the program crop at least 50 percent of the permitted acreage for such crop; and

"(iii) payments are not received by producers under section 107D(c)(1)(C), 105C(c)(1)(B), 103A(c)(1)(B), or 101A(c)(1)(B), as the case may be; and".

SEC. 202. LIVESTOCK WATER DEVELOPMENT PROJECTS.

Section 607 of the Agricultural Act of 1949 (7 U.S.C. 1471e) is amended by adding at the end thereof the following new subsection:

"(c) Nothwithstanding any other provision of law, the Secretary may make available at least $25,000,000 to provide special assistance under subsection (b)(2) for livestock emergencies in 1988 and 1989.".

SEC. 203. LIVESTOCK TRANSPORTATION ASSISTANCE.

Section 606 of the Agricultural Act of 1949 (7 U.S.C. 1471d) is amended by adding at the end thereof the following new subsection:

"(f) Nothwithstanding any other provisions of law, the Secretary may make available at least $25,000,000 to provide livestock transportation assistance under subsection (a)(6) for livestock emergencies in 1989.".

SEC. 204. ANIMAL UNIT METHODOLOGY STUDY AND REPORT.

The Secretary of Agriculture shall conduct a study on the methodology and justification of the calculations used to determine the animal unit figure used for purposes of the emergency feed program and the emergency feed assistance program under section 606 of the Agricultural Act of 1949 (7 U.S.C. 1471d), and report to Congress the results of such study within 90 days of the date of enactment of this Act.

SEC. 205. EMERGENCY WATER ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish an emergency water assistance program, to be administered through the Farmers Home Administration, to provide grants to public and private entities that supply water to rural communities to enable such entities' water supply systems to recover from losses and damages to such water supply systems resulting from drought conditions in calendar year 1988 or 1989.

(b) ELIGIBLE RECIPIENTS.—Applicants eligible to receive a grant under this section are public and private entities that supply water primarily to rural areas, rural communities, or cities or towns that have a population not in excess of 15,000 inhabitants.

(c) APPLICATIONS.—To be eligible to receive a grant under this section an applicant shall submit an application to the Secretary, at such time and in such form as the Secretary may prescribe, that contains—

(1) evidence that the applicant suffered from problems related to severe water depletion as a result of drought conditions in calendar year 1988 or 1989;

(2) a certification that, in the absence of a grant under this section, the applicant's water supply system is not, or will not be, able to supply adequate amounts of water as a result of losses or damages resulting from drought conditions in calendar year 1988 or 1989; and

(3) any other information that the Secretary may require.

(d) USE OF GRANT.—Any entity that receives a grant under this section shall use the proceeds of such grant only for purposes of providing for the recovery of that entity's water supply system from any loss or damage resulting from drought conditions in calendar year 1988 or 1989.

(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $75,000,000 to carry out this section.

(g) EXISTING AUTHORITY.—The authority provided by this section is in addition to, and not in place of, any authority granted to the Secretary under any other provision of law.

The SPEAKER pro tempore. Is a second demanded?

Mr. MADIGAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

□ 1450

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2467, the 1988 Disaster Assistance Extension Act, and I urge my colleagues to vote for passage of this important legislation.

The drought of 1988 has not ended in many parts of the United States. Although the east coast has experienced rain for much of the spring--in fact, too much rain—many other parts of the Nation have suffered continuing drought.

In many areas of the Great Plains States, insufficient rainfall since last summer has exacerbated the already deficient topsoil and subsoil from last year's drought. Even though rain has recently fallen over some of these areas, it fell too late to save the winter wheat crop.

Across the major winter wheat-producing States—Kansas, Texas, Colorado, and Oklahoma—the drought continues to be rated by the U.S. Department of Agriculture as severe to extremely severe. As a result of receiving only 20-50 percent of their normal yearly rainfall, and experiencing extreme fluctuations in temperatures, freezes, and wind storms, farmers in these States have seen irreparable damage done to their winter wheat crop and livestock pastures.

According to the USDA, winter wheat production has already declined by almost 10 percent from last year's reduced levels. Private analysts expect that by harvest, an additional decrease of 5-10 percent will occur. The winter wheat harvest normally produces 75 percent of yearly wheat production.

Winter wheat was not the only crop affected by these poor weather conditions. Large sections of the Nation's most productive agricultural areas face severe and widespread subsoil moisture shortfalls. As of late May, 96 percent of the cropland in Iowa was deficient of subsoil moisture, as was 98 percent of the cropland in Nebraska, 71 percent in Minnesota, 84 percent in Kansas, and nearly 60 percent in Missouri.

As a result, Mr. Speaker, the outlook for spring-planted crops remains in doubt as well. Although recent rains have provided spring-planted crops with healthy start, experts warn that these plants, including corn and soybeans, will be highly vulnerable to drought damage this summer, should the rains not to continue.

Added to this, ironically, is the excessive moisture that some regions have experienced. Parts of Texas are today expecting in excess of 10 inches of rain from a tropical storm that landed yesterday.

In other areas, such as Indiana, Michigan, and Ohio, excessive rains have delayed planting of spring crops such as corn. Yet this moisture is deceiving because while it nourishes the shallow-rooted young plants, it remains insufficient at the deeper levels the crops will need later.

Thus we face the prospect of losing some spring-planted crops which are needed for human food and for feed, due to delays in planting and/or inadequate moisture if the rains stop.

Mr. Speaker, while we cannot do anything about the weather, the Congress can do something to aid farmers and farm communities affected by the continuing adverse weather conditions of 1989.

Last year the Congress responded quickly and effectively to the drought by passing the Disaster Assistance Act of 1988. While the drought is no longer making big headlines, the Congress' help is needed again.

H.R. 2467 would simply extend the program of disaster assistance that this body approved and the President signed into law last year. It is a program that provides limited assistance to crop producers who suffer a significant loss in normal crop production during 1989.

Farmers who lost more than 35 percent of their normal production due to damaging weather would be eligible to receive 65 percent of the applicable payment level for the crop they produce. The program, as it did last year, would be available to producers of program and nonprogram crops. Damaging weather would include drought, hail, excessive moisture, freeze, tornado, hurricane or excessive wind.

As we did in 1988, this bill would limit the amount of disaster assistance that a producer could receive to $100,000. No individual would realize more income from disaster payments than he or she would have under normal conditions. Individuals with gross revenues in excess of $2 million would not be entitled to receive disaster assistance under the bill.

The committee considered, and incorporated into the bill a number of new provisions which deviate slightly from the 1988 disaster program or are intended to clarify problems that arose in implementing the 1988 act. Specifically, the bill would:

Include as damaging weather, freeze, tornado, hurricane or excessive wind;

Require the Secretary to establish a de minimis yield for crops eligible for disaster payments and not prohibit requiring the destruction of such residual amount as a precondition for receiving a crop insurance indemnity payment under this amount be destroyed;

Expand provisions for revegetating conservation reserve acres which the Secretary authorizes for haying or grazing;

Clarify that a loss in the marketability of a crop for commercial purposes, despite normal levels of production, would be treated as an equivalent loss in production for disaster assistance purposes;

Extend authority to make payments for quality losses in crop production to all nonprogram crops;

Encourage the Secretary to provide funding for livestock assistance;

Provide added flexibility to farmers who want to plant the alternative crops of canola, rapeseed, sunflower, safflower, flaxseed, kenaf, crambe, guayule, milkweed, or meadowfoam on permitted acres;

Provide for the deepening of farm ponds for livestock water;

Authorize a new program to provide emergency water assistance through grants to private and public entities that provide water to rural communities; and

Direct the Department to conduct a study of the manner in which it determines the animal unit figure used for the purpose of providing emergency assistance to livestock producers.

Mr. Speaker, in a letter to our colleague, Congressman GLICKMAN, regarding an earlier disaster assistance bill, Agriculture Secretary Yeutter wrote that a disaster assistance program would have to meet certain criteria:

First, the bill must be budget neutral;

Second, the bill must apply only to 1989 crops affected by drought; and

Third, the bill must be accompanied by an agreement between Congress and the administration that Federal crop insurance will be the sole vehicle for crop disaster assistance after 1989.

Mr. Speaker, H.R. 2467 meets most of these requirements.

First, as the result of an amendment to the bill offered by Congressman GRANDY, and further refinements that are incorporated into the bill that we are considering today, outlays for the disaster program will not exceed savings that are generated as a result of crop production shortfalls and higher market prices. The amount of money that USDA can provide under this bill is restricted to the amount saved from reduced deficiency payments and other costs that are already included in the budget.

The committee-reported bill is amended with clarifying language to section 144, the limitation on outlays, that has two effects.

It includes the cost of Federal crop insurance and conservation reserve programs in the calculation of title I costs.

In addition, it excludes any legislation enacted since January 3, 1989, from the calculation of the change in Commodity Credit Corporation outlays, which determines the amount of spending available for disaster assistance. This provision will remove from the total disaster assistance outlays available, the $25 million saved by Public Law 101-7, legislation which modified the Government's purchase prices for nonfat dry milk and butter.

Second, as previously noted, the bill only applies to 1989 crops. The administration would like to limit disaster assistance only to those crops affected by drought. But I would point out to my colleagues that the 1988 disaster program, which the previous administration helped draft and heartily endorsed, was not limited to drought.

H.R. 2467 simply clarifies the adverse weather conditions, in addition to drought, that would be covered. This is the only way to ensure that farmers who have been affected by adverse weather, including drought, are given fair and equitable treatment.

Finally, the bill as reported includes a requirement that any producer who accepts a disaster payment or forgiveness of an advanced deficiency payment for 1989 crops, must sign up for multiperil crop insurance for those same crops in 1990. This is similar to a provision that was included in the House bill last year, but was modified in conference with the Senate when we finalized the 1988 bill.

Mr. Speaker, it is our intent in this legislation to ensure that farmers provide their own protection against future adverse weather conditions through the purchase of crop insurance.

I would note that a Commission established by legislation authored by the Committee on Agriculture last year will report to us on July 1 with their recommendations for improvements in the Federal Crop Insurance Program. It is my hope that these recommendations will provide the basis for improving the crop insurance program and allow us to achieve the objective of farmers providing their own protection, an objective which I share with the administration.

Mr. Speaker, I believe that H.R. 2467 is a fair, equitable, and fiscally responsible bill and I ask my colleagues to join me in supporting this important legislation.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2467 and I commend the chairman and my other colleagues on the committee who have worked hard in a bipartisan manner to address the drought crisis that has occurred in the southwest, mainly in the area that embraces parts of Kansas, Nebraska, Oklahoma, New Mexico, Colorado, Texas, and Missouri.

The bill that has been brought to the floor addresses the financial and mental stress problems suffered by many farmers and producers in these States while doing so in a responsible, budget-neutral manner.

The drought that attacked approximately 40 States in 1988 continued its devastating effect in several Southwestern States in the fall of 1988 and the spring of 1989. Some farmers in these areas have had entire crops of wheat, cotton and other commodities destroyed by the drought, hot high winds accompanying the drought, and other disaster related conditions. The severity of the drought is already attested to by the substantial reduction in winter wheat crop production forecast by the U.S. Department of Agriculture for these areas. The winter wheat 1989 crop in Kansas alone is 40 percent below the 1988 crops. Fortunately for consumers, the drought, while devastating in many areas up to this point, is not so severe nationwide as to deny a sufficient supply of wholesome food without large increases in consumer prices. Meanwhile, the substantive provisions of this bill that provide for disaster payments are patterned after the Disaster Assistance Act of 1988 that achieved the effect of extending some help to farmers well within the budget constraints of the fiscal year 1989 Budget Resolution.

Recognizing that the committee could not hope to make up all the financial losses that farmers and producers might incur this year, the committee made this effort to give them some assistance to keep them operating in 1990 inasmuch as many of them are still recovering from the farm credit crisis in farm country that has existed in the 1980's.

However, the committee realized that the budgetary constraints that the Congress is operating under would limit how much assistance could be provided to those affected by weather disasters, and the committee designed this legislation so that it would be budget neutral. Congressman GRANDY's amendment—section 144—was adopted in committee that establishes a method of constraining outlays under this bill, as estimated by the Department of Agriculture, to the difference in estimates for Commodity Credit Corporation [CCC] outlays made by the President in the January 1989 budget and the estimate of CCC outlays for fiscal years 1989 and 1990 made by the administration in the midsession review this summer. In effect, the amendment draws on the reductions in agriculture program spending caused by higher market prices for the farm program crops that the drought—or other disasters—have created. The Congressional Budget Office [CBO] has estimated that reductions in Federal outlays for deficiency payments and price support loans will approximate over $900 million during fiscal years 1989 and 1990. Under the Grandy amendment, outlays for the 1989 crop disaster payments could not exceed that estimated reduction in Federal outlays that might otherwise have been made with favorable crop conditions. The Secretary of Agriculture is also directed to make pro rata reductions in disaster payments if the disaster claims were to exceed the amount that 1989 crop expected outlays would have been without the effect of the drought that caused higher prices—for winter wheat and other commodities—and the resulting reduction in the deficiency payment rate and other price support reductions.

The budget-neutral aspects and language of this bill have been provided to the Congressional Budget Office, the House Budget Committee, the U.S. Department of Agriculture and the Office of Management and Budget. It is my understanding that there is general agreement that the Grandy amendment will work to limit the disaster payments provided for in this bill to the reductions in deficiency payments that will occur for program crops because of the disaster—the drought has increased winter wheat prices to the point where deficiency payments will be reduced by over $900 million.

The limitations provided in section 144—the Grandy amendment—will constrain Federal outlays so as to make this bill budget neutral. Some estimates of the costs of this bill may be somewhat higher than the Congressional Budget Office estimate but such estimates generally estimate larger disaster costs that would still be capped by the Grandy amendment.

There are other provision in the bill such as that inserted by Congressman COLEMAN by an amendment—section 205—that requires the establishment of a new emergency water assistance program to be administered by the Farmers Home Administration, with an authorization level of $75 million. This type of discretionary spending for rural development was specifically contemplated by the Budget Committees and provided for in House Concurrent Resolution 106.

In conclusion, I urge your support for this bill that the Agriculture Committee brings to the floor as a bipartisan, budget-responsible bill that will assist thousands of farmers and producers as well as people in small towns

who depend on farmers and producers for their own welfare.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, June 26, 1989.

Hon. KIKA DE LA GARZA,
Chairman, House Agriculture Committee, Washington, DC.

DEAR MR. CHAIRMAN: The American Farm Bureau Federation (AFBF) is the nation's largest general farm organization representing more than 3.6 million member families in 49 states and Puerto Rico. We support H.R. 2467, the disaster assistance legislation approved by the House Agriculture Committee in late May.

H.R. 2467 will make payments to farmers who experience severe weather related losses in 1989. This bill will provide the same type of disaster assistance used in 1988 for producers suffering similar losses this year. AFBF believes this assistance is warranted based upon the extent of crop losses that have already occurred in 1989 upon the extent of crop losses that have already occurred in 1989 and the fact that in many cases the federal crop insurance program is still unworkable.

AFBF commends you for your leadership in this matter. We urge the House of Representatives to approve H.R. 2467.

Sincerely,

JOHN C. DATT,
Executive Director, Washington Office.

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to our colleague, the distinguished chairman of the Committee on the Budget, and a member of our committee, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I rise in support of H.R. 2467, the 1988 Disaster Assistance Extension Act, and request permission to revise and extend my remarks.

THE CONTINUING IMPACT OF THE 1988 DROUGHT

The 1988 drought was the second worst drought in this century in geographic coverage. The 1988 grain harvest was 30 percent less than the 1987 crop, threatening grain and livestock producers with financial ruin. In response to this devastating drought, the Congress and the administration responded quickly to mitigate its financial impact by enacting the Disaster Assistance Act of 1988. Without this assistance many farmers and ranchers would have been driven out of business last year.

Unfortunately, that drought did not end with the 1988 crop year. It continued through the winter, severely affecting the 1989 winter wheat crop in the Southern Great Plains and in parts of the Northwest. The most recent USDA report estimates that the 1989 winter wheat crop will be 10 percent smaller than the 1988 crop because of the drought.

H.R. 2467, THE 1988 DISASTER ASSISTANCE EXTENSION ACT

H.R. 2467 responds to the situation faced by winter crop producers by extending the provisions of the 1988 Disaster Assistance Act to the 1989 crop year. Benefits will be available to livestock producers and to both program and nonprogram crop farmers who suffer a loss of more than 35 percent of their crop. Although this aid will not cover all of the damage to 1989 winter crops, it will provide enough aid to prevent farmers and ranchers from being forced out of business.

It is too early to tell whether the weather will have any effect on 1989 spring-planted crops, but H.R. 2467 would provide flexibility to respond should the adverse impact of the drought continue. There have been substantial rains in parts of the Nation this spring, but subsurface moisture levels are still well below normal in many areas, and drought damage could appear rapidly if new rains are not timely.

BUDGET EFFECT OF H.R. 2467

This 1989 disaster bill is also a responsible bill in budget terms. It contains a provision, the Grandy amendment, which will ensure, with the technical amendment offered by Chairman DE LA GARZA, that the disaster assistance provided by this bill will not exceed the reduction in price support spending resulting from disasters. When disasters affect crop production on a large enough scale, market prices increase rapidly in response to the production of crop supplies. This, in turn, decreases deficiency payments to farmers, including those not affected by the disaster. This is true with the drought affecting 1989 winter crops.

CBO now estimates that under current conditions price support outlays in fiscal year 1990 will be $940 million lower because of the drought than was estimated in the 1990 budget resolution. Because of the Grandy amendment, as revised, aid provided by this bill would be limited to the corresponding estimate made by OMB of the spending reduction caused by the impact of the drought on winter crops.

However, current condition estimates are not used for official scorekeeping purposes. The baseline used in the budget resolution is the benchmark for budget scorekeeping. On that basis, CBO estimates that H.R. 2467, as amended, will not increase 1990 spending, but will save $10 million.

If this bill were not on the floor under a motion to suspend the rules, it would require two waivers of Budget Act provisions—section 302(f) because of the $25 million of estimated new spending causes the Agriculture Committee's allocation to be exceeded, and section 302(c), because the committee has not yet filed its fiscal year 1990 302(b) report. Howerver, Chairman DE LA GARZA's technical amendment corrected the first concern, and it is my understanding that the committee will file its 302(b) report today, if it has not already done so. For these reasons, even if H.R. 2467 were not on the suspension calendar, I would support technical waivers of the Budget Act provisions to allow the bill to come to the floor, because the committee has acted to remove the inconsistencies with the Budget Act and because the bill limits assistance to the amount of spending reduction caused by disasters on a "current conditions" basis. We appreciate the cooperation of the Agriculture Committee in providing very important emergency aid in a manner as consistent as possible with the 1990 budget resolution.

Last year's drought bill faced a similar situation. The Disaster Assistance Act of 1988 was estimated to cost money compared to the baseline in effect at the time it was considered by the House. However, both CBO and OMB had released updated, current condition estimates which showed that the amount of aid triggered by that bill would be less than the reduction in spending caused by the 1988 drought. For that reason, the administration supported the 1988 disaster bill, and, with the Budget Committee's concurrence, the necessary Budget Act waivers were approved to allow the 1988 bill to come to the floor.

CONCLUSION

I urge members to support this bill which provides very important disaster assistance to farmers and ranchers adversely affected by the drought affecting 1989 winter crops—first, because the aid is limited to the amount that price support spending is reduced by the winter drought and, second, because the Agriculture Committee has acted to conform the bill to the requirements of the Budget Act.

Mr. MADIGAN. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Massachusetts [Mr. CONTE], the ranking member of the Committee on Appropriations, who I am sure wants to support this bill.

Mr. CONTE. Mr. Speaker, we ought to be in the movie business. Just like Columbia, Paramount, and Warner Bros., when a tried and true formula pleases the audience and makes us look good, we have just got to do it again. So here before us is the sequel to last year's "Drought I." The trouble is, this sequel, like so many in the movies, does not come close to the original. "Drought II" may still be a hit at the box office, but that will not make it break even.

This blockbuster suffers from the "bigger is better" mentality. What should have been a small, low-cost bill directed at winter wheat ballooned into a mammoth, catch-all relief bill. Everything is in there: corn, cotton, rice, soybeans, tobacco, peanuts, sugar, and on and on. Those crops have not suffered from disasters this year, and they should not be included.

But where the bill really loses focus is in the jury-rigged financing mechanism which tries to make it look like the bill will not cost us a penny.

That is not the case. CBO estimates it will cost us 90 billion pennies in budget authority and outlays next year. That is $900 million. The Department of Agriculture estimates the costs could approach $1.5 billion.

Why then do we hear that the bill is cost free? Because section 144 limits disaster assistance outlays to the amount of savings which accrue to the Commodity Credit Corporation over the fiscal year, based on OMB's January budget estimate compared with its midsession review. That may technically render it "budget-neutral" relative to the initial budget estimates, but there is a real cost in reduced savings from the Commodity Credit Corporation. And not only that, if those estimates are inaccurate, we may find out at the end of next year that we have spent more than we have saved. That is not my idea of fiscal responsibility.

I am probably about as popular as a skunk at a garden party for saying this, but we ought to send this back to the Agriculture Committee for editing. Let us narrow it down to winter wheat, which is the only crop which needs help right now. And let us limit the expense to the savings from that crop alone, not the entire CCC. Help the farmers who need help, and help the budget at the same time.

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Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. GLICKMAN], chairman of the Subcommittee on Wheat, Soybeans, and Feed Grains.

Mr. GLICKMAN. Mr. Speaker, I wanted to say to the gentleman from Massachusetts [Mr. CONTE], that I fought against adding honey into this particular provision. I was the one who saved this bill so that we could get the support of the gentleman from Massachusetts, and we appreciate his support very much.

Mr. Speaker, I just want to make a couple of points.

No. 1 is this bill does not spend more money than is saved by reduced deficiency payments. There is a tremendous drought out there in this country. There is a significantly smaller quantity of wheat that is being produced, which means lower deficiency payments, which means those dollars will be saved. We will spend no more than what is saved as a result of the Grandy amendment, and I think that is important to know.

Second of all, it is important to know that we are suffering extraordinary losses in the Great Plains right now. We have probably had the worst drought localized in one region of the country than any place has had since the Great Depression. We have lost between 60 percent and 75 percent of our winter wheat production in Kansas. I know in places in Nebraska, Colorado, Oklahoma, and Texas, all throughout the Great Plains they are in a similar position, so it is important to recognize that there is a tremendous human tragedy occurring out there in the heartland. That is what we are trying to deal with, that is what we dealt with last year as well.

Third of all, it is important to remember that no crop is eligible for disaster assistance unless it has suffered a 35-percent loss. The previous speaker talked about all of these crops were covered. That is not true. No crop is covered unless it suffers an actual disaster. Then those crops all over this country will potentially be covered, but if there is no disaster, there is no coverage at all.

So for all of those farmers who are suffering an extraordinary loss, let us do the same thing we did last year. Let us show compassion, let us show mercy for those people, and let us pass this bill.

Mr. Speaker, I rise in support of H.R. 2467, the 1988 Disaster Assistance Extension Act.

Last summer, the United States incurred the worst drought it had seen in over 50 years. In the midst of this disaster, Congress passed the Disaster Assistance Act of 1988 to aid those farmers who, without such assistance, would have lost their farms and livestock herds. Fortunately, for most of the country, especially in the Corn Belt, the drought, which ravaged that area last summer is beginning to break. This is good news indeed for American farmers and Americans in general. Rain is finally falling where it has not fallen in months—it is even falling in Kansas again.

Unfortunately, farmers have already incurred extraordinary losses this year due to the continuation of the 1988 drought. Over the Great Plains States of Kansas, northern Texas, Oklahoma, Nebraska, and parts of Colorado, where 75 percent of our yearly wheat production is produced, the 1988 drought continued through the fall and winter, killing over 22 percent of the maturing winter wheat. As a result, total winter wheat production which should have been 1.8 billion bushels, will only be 1.4 billion bushels.

In Kansas alone, where 20 percent of winter wheat and nearly 75 percent of Hard Red Winter Wheat is produced, farmers have lost over one-half of their wheat crop. Based on planting statistics, Kansas farmers had the potential to harvest approximately 450 million bushels of wheat this spring, because of the drought, they will be harvesting less than one-half—202 million bushels to be exact.

However, spring crops are still at risk of failing. If rain fails to fall in a timely manner this summer, subsoil moisture, which is still considerably deficient all over the Midwest, will not be adequate to sustain growing crops. Herein lies the danger for farmers all over America's breadbasket.

We must not forget that grain producers are not the only segment of agriculture affected during a severe drought. Since last year, all over Kansas, Texas, Nebraska, and Oklahoma, brown pastures and dry watering wells have forced cattlemen to find alternative ways to provide water, feed, and grazing pastures for their cattle. During the height of this winter's drought, Kansas cattlemen, alone, were sending six times more cattle to slaughter than normal because adequate pastures and watering holes were nowhere to be found. Luckily, the USDA provided emergency feeding assistance and haying and grazing programs for the counties in emergency conditions. However, due to the untimely and expensive feed costs, cattlemen still incurred extensive economic losses.

Although, Kansas farmers have already lost over $800 million in income due to losses in cattle and crops. However, with respect to Kansas' economy on a whole, less income means fewer dollars to spend for agricultural inputs and other durable and nondurable goods, resulting in a total economic loss of $2 billion or more to the Kansas economy.

In May, my Subcommittee on Wheat, Soybeans, and Feed Grains held field hearings in Amarillo, TX, and Great Bend, KS, to check the drought situation and talk to producers. Every wheat field I saw was dead. According to the farmers, if the drought did not kill those wheat plants, then the early spring freezes and insect infestation did. We all agreed that this situation warranted immediate action by Congress.

As a result, on May 25, 1989, the Committee on Agriculture passed the 1988 Disaster Assistance Extension Act to aid those producers who suffered losses. Just like last summer's bill, this bill provides disaster benefits to those producers who suffered annual commercial crop losses in excess of 35 percent due to damaging weather, such as drought, hail, excessive moisture, and freeze and other related conditions in 1988 and 1989. It provides benefits to participants and nonparticipants of all target price commodities and it also covers producers of soybeans and other nonprogram crops.

For incurred losses between 35 and 75 percent, wheat, feed grains, cotton, and rice program participants may collect disaster payments at a rate of 65 percent of the 1989 target price or 65 percent of the county loan rate for nonparticipants who raise program crops. It also provides disaster payments to soybean and other nonprogram crop producers at a rate of 65 percent of the average producer market price of the last 5 years, excluding the highest and the lowest. The Secretary has the discretion to make an additional payment of up to 10 percent of the applicable payment rate for the reduced quality of the actual harvested program and nonprogram crops due to adverse weather in 1989.

For any losses exceeding 75 percent, producers may collect disaster payments on the production loss at a rate of 90 percent of the applicable payment level.

Similar to last year's drought bill, producers will not be required to repay advance deficiency payments on production losses up to 35 percent. And, producers who lose 35 percent or more of their crop and receive disaster payments, would not be required to repay advance deficiency payments until July 31, 1990.

In order to help regain lost income, the bill would allow farmers to transfer 20 percent of permitted acreage for one program crop to plant industrial crops like canola, rapeseed, sunflower, safflower, and flaxseed.

The only significant deviation from last year's bill is in the Federal Crop Insurance Provision. In fact, it goes beyond last year's bill and makes the requirement more stringent. This bill requires producers to purchase Federal crop insurance if they receive any disaster payment or were allowed to keep any portion of their advance deficiency payments for crops planted in 1989. However, producers who planted crops in 1988 for harvest in 1989 will not be required to purchase crop insurance unless they suffer production losses in excess of 65 percent, which is the same as last year's bill.

Total benefits to an eligible person from programs established by this legislation are limited to $100,000. Also, combined benefits from persons receiving payments under this legislation and current livestock emergency programs is limited to $100,000, as well.

In times of shortfall in production, this year and last, we included a provision which requires the Secretary to establish a de minimis yield for each crop eligible for disaster payments to be set at a level that will minimize any incentive to abandon crops that have a value greater than the cost of harvesting the crop. This allows the producer to harvest any remaining portion of the crop without the threat of losing disaster payments.

Realizing the budget constraints, we included a spending cap which caps total spending under this legislation to the amount of savings generated through reduced commodity spending expected this year. The difference between the Office of Management and Budget's January and August budget estimates will be the amount that the programs established under this bill will be allowed to spend. If necessary, the Secretary will have the authority to prorate benefits to eligible recipients.

In closing, this bill, which is similar to last year's, but significantly dissimilar with respect to crop insurance, is needed to save many Kansas and Texas farmers and throughout areas that have to recover from the drought of 1988.

Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. COLEMAN], the ranking minority member of the Subcommittee on Conservation, Credit, and Rural Development.

Mr. COLEMAN of Missouri. Mr. Speaker, I thank the gentleman from Illinois for yielding me 1 minute.

Let me say I rise in support of H.R. 2467, to assist the farmers and communities who are experiencing severe drought.

There is a residual problem, Mr. Speaker, from last year's drought and previous years as well. Even though there may have been some moisture this spring, there are a number of communities, indeed a lot of farms as well and a lot of farmland that underneath the soil does not have sufficient moisture to sustain crops this year or next year, and it is going to be a continuing problem.

But let me say I think it is important that we recognize small towns and communities in many cases are having their water supply dry up. These people are also going to be helped by this bill because it provides an amendment, which I offered in committee, providing emergency water assistance programs to communities of 15,000 or fewer people. I think it is extremely important that we recognize that at a time when many of us are talking about rural development, there can be no rural development in communities where they have sustained a drought unless they have some sort of location for water to supply their communities and for future growth. That is the importance of this amendment, and I feel also the importance for this legislation as well.

Mr. Speaker, I support H.R. 2467 and urge my colleagues to adopt it.

There are two provisions contained in the bill that I offered in the full committee that are beneficial to the citizens of north Missouri who have suffered under severe and long-term drought conditions during the last year and a half. Indeed, the provisions would assist persons throughout the Midwest.

As you know, Mr. Speaker, the Midwest has been fortunate to receive rain this spring, but municipal and rural water supplies still are critically low and in some cases have been exhausted. It will be some time before those water supplies will be replenished.

H.R. 2467 establishes an emergency water assistance program through the Farmers Home Administration that provides grants to public and private entities that supply water to small, rural communities. If the water systems of those communities have been damaged because of the drought during 1988 or 1989, they probably would be eligible to receive assistance. Applicants would be entities serving rural areas including cities and towns with a population of not more than 15,000.

The applicants must submit evidence that the problems are related to the drought and must certify that the water supply system cannot or will not be able to supply adequate water supplies to communities because of the drought. Any grant can be used only for recovery from the drought.

Finally, Mr. Speaker, I should point out that this does not replace any existing program operated by the Farmers Home Administration, and it is designed to deal with the particular emergency conditions caused by the drought of the last 2 years. It is not a permanent program. As the chairman of the Budget Committee noted at the markup of this bill in the Agriculture Committee, there is money available in the budget resolution to fund this emergency program.

The other provision included in this disaster legislation deals with the rehabilitation of farm ponds at a time when many of these ponds are dry. Over the years, many farm ponds have silted or filled in and thus do not have the capacity to hold water they had when they were new. At a time when many of these ponds no longer are water impoundments, farmers could dredge or dig out these ponds so that they could regain or increase their original capacity.

Mr. Speaker, I urge passage of the legislation.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Speaker, I think that it must be understood that in all fairness this legislation, H.R. 2467, is a continuation of the drought legislation from last year.

My home State of Oklahoma and my congressional district was hard hit by this drought. In fact, in northwestern Oklahoma we had areas as hard hit as any place else in the country.

It must be understood, as I stated, that this drought started last year. Last September when our farmers planted their crops, the drought was there. There was little moisture that fell through the fall, and it continued on into the winter, and during that particular period that crop had little chance to develop because of a lack of moisture. We found a root system that was inadequate, and lying upon the surface, and when the hard freezes of winter came about, it completely destroyed that crop.

Mr. Speaker, we found also a situation in which farmers in my district were unable to even harvest this particular crop. In fact, they had to plow that crop under before it even approached the time of harvest.

Mr. Speaker, I strongly support H.R. 2467, and in all fairness I urge that it be adopted by this House.

Mr. MADIGAN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, at the request of the gentleman from Pennsylvania [Mr. GOODLING], who is unable to be here today due to surgery, I request the attention of the gentleman from Texas [Mr. DE LA GARZA], chairman of the committee, and the gentleman from Illinois [Mr. MADIGAN], the ranking member, to address an issue involving section 104(a) of the bill and the administration of the 1988 disaster program by the Department of Agriculture under section 204 of the Disaster Assistance Act of 1988.

I note that on page 26 of the report accompanying the bill, the following section-by-section analysis of section 104(a) states what is absolutely in agreement with my understanding of what Congress intended USDA to implement in the 1988 Disaster Program as it relates to section 204 of the Disaster Assistance Act of 1988. Is that correct?

Paragraph (4) of section 104(a) does not have a counterpart in the Disaster Assistance Act of 1988. It has been added here because the Secretary of Agriculture has misinterpreted the provisions of section 204 of the Disaster Assistance Act of 1988, which is the parallel provision to section 104. It was and is the intent of section 204 of

the Disaster Assistance Act of 1988, and it is the intent of section 104 of this bill, that commodities that cannot be sold in normal commercial channels of trade are not to be considered as part of the quantity of harvested commodities. This intent has been recently confirmed in a colloquy between Mr. DE LA GARZA and Mr. WHITTEN (see CONGRESSIONAL RECORD, Apr. 26, 1989, H 1411).

Mr. DE LA GARZA. If the gentleman will yield, yes, that language on page 26 accurately states what was intended under the 1988 act, and is intended under this bill, that is the proper interpretation of these respective sections to the effect that commodities that cannot be sold in normal channels of trade are not to be treated as part of the quantity of harvested commodities. If it is not marketable it is not production. It was not intended to relate to the quality of the production.

Mr. MADIGAN. If the gentleman will yield, I concur with the chairman's statement and state further that the Department treated losses for crops such as peaches and potatoes that the commodities that were harvested but not marketable as involving a quality issue whereas in fact it was the intent of the committee and the Congress that harvested commodities that could not be marketed as such and that were unsalable and nearly worthless involved a reduction in the quantity of production and thus made producers eligible for assistance. This provision in section 104(a) does not broaden the bill viz-a-viz the 1988 act, it merely clarifies it and sets forth the proper interpretation of the act and the bill.

Mr. GUNDERSON. On behalf of Mr. GOODLING, I thank the chairman and the ranking member for the clarification of the interpretation of the pertinent sections of the act and of the bill.

Mr. GOODLING. Mr. Speaker, I want to commend the chairman and ranking minority member of the House Committee on Agriculture for taking steps to provide relief to farmers who did not receive payments under last year's drought bill because the Department considered their losses for nonprogram crops to be quality losses.

When a farmer has a peach or an apple that is greatly reduced in size because of the drought and drilled full of holes from hail or a potato which develops jelly end rot, it is not a quality loss. There is no market for this product. It is, therefore, a question of marketability.

In my 19th Congressional District of Pennsylvania, we have experienced 3, and in many instances 4, years of drought. Some of my farmers are considering leaving farming because they can no longer make ends meet. They are not bad farmers or poor managers. Like all farmers, their success depends, to a large degree, on the weather—and it just hasn't been cooperating these past few years.

My district probably produces more snack foods than any other area in this country. They use a lot of potatoes. But there was little or no market for last year's crop. The chippers refused the potatoes—and if the chippers refuse them, there is no other market.

Similarly, my peach and apple farmers could not even sell their crops to processors. The peaches were too small and too damaged by hail to even be processed into a canned product. Apples weren't even salable for apple juice. And then, to add insult to injury, many of my peach and apple farmers had to pay laborers to remove the unsalable crop from the trees.

But USDA told my farmers their problem was quality. They still had a product and, therefore, were not eligible for benefits under the Disaster Assistance Act.

Mr. Speaker, these farmers do not usually come to the Government for help. There are no Government programs which support them. But they need help now if they are to stay in business.

Last year's drought assistance law was supposed to help them. The report accompanying the 1988 Disaster Assistance Extension Act, on page 26, clearly spells out that it was and is the intention of the Congress that commodities that cannot be sold in normal commercial channels of trade are not to be considered as part of the quantity of harvested commodities. I hope USDA is listening.

Mr. Speaker, I urge the enactment of this legislation and I urge the USDA to make payments to farmers throughout this country who have suffered losses because of the 1988 drought but have been unable to obtain financial relief because USDA did not abide by the wishes of the Congress.

Again, I want to thank my colleagues on the Committee on Agriculture for this legislation. My farmers and I appreciate all of your efforts in their behalf.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 2467 and commend my friend, the gentleman from Texas, and my colleagues, the gentlemen from Kansas, Mr. GLICKMAN and Mr. ROBERTS, for their work in the committee on this legislation. In doing so, I would state I appreciate that we have some differences to work out with the administration, and I am confident that we can do that as we move through the process.

I would also like to point out that I think a false image was left by our friend, the gentleman from Massachusetts, when he argued that this is going to cost a great deal more than the budget resolution has provided for. The fact of the matter is I think the gentleman from California [Mr. PANETTA] made it very clear that with the Grandy amendment in place, we are capping the cost of this legislation to the amount of savings in commodity programs. With that in mind, I hope that my colleague will feel comfortable in voting for this from a budgetary standpoint.

In closing, I would just observe that Kansas has sustained a loss of probably $1 billion this year, and that is a conservative estimate of the loss of 40 percent of our wheat crop. Mr. Speaker, I think the legislation before us is responsible, and it is legislation that hopefully we can work to obtain the administration's support for as we move through the process.

Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 2467, the 1988 Disaster Assistance Extension Act as reported by the House Agriculture Committee, and in opposition to any amendments which could weaken or dilute the committee's position. I thank the distinguished committee chairman, the gentleman from Texas [Mr. DE LA GARZA] and the ranking Republican member [Mr. MADIGAN] for their diligent efforts to bring this legislation before the Congress in an expeditious fashion.

Mr. Speaker, in response to the 1988 drought and other weather-related disasters the 100th Congress passed the Disaster Assistance Act of 1988. The severe drought of 1988 was the worst agriculture disaster since the dustbowl day's of the 1930's Great Depression. This severe 1988 drought that affected much of the Nation has continued to plague regions of the Great Plains, Texas, and the Southwest. In fact, the USDA has continued to rate the drought as extremely severe with regard to the major wheat-producing States of Kansas, Texas, Colorado, and Oklahoma. Furthermore, the lack of adequate subsoil moisture reserves poses a threat to 1989's spring-planted crops.

For this reason, I am a strong supporter of the provision sponsored by the gentleman from Texas [Mr. DE LA GARZA] and approved by the full Agriculture Committee, which will establish programs to benefit producers of wheat, feed grains, upland cotton, extra long cotton, and rice as well as onions, peanuts, sugar, tobacco, and soybeans. This is not a handout, nor an unwarranted Government subsidy. Rather, it is a legitimate attempt to help our Nation's farmers hold the line against drought-induced price increases.

Mr. Speaker, this legislation will provide important relief to America's diligent and hard-working farmers. Furthermore, this legislation is important because as experience demonstrates a healthy agricultural economy coincides with the best interests of consumers and our country as a whole. For these reasons, I urge my colleagues to support H.R. 2467.

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Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in support of H.R. 2467, the 1988 Disaster Assistance Extension Act. This bill is similar to legislation I introduced, H.R. 2394, for comprehensive disaster assistance based on the Disaster Assistance Act of 1988.

Producers from across the State of Nebraska have been devastated by the dry weather that has severely limited their ability to produce a normal crop, and they desperately need assistance.

H.R. 2467 is not a perfect piece of legislation, but it is a positive step forward in assisting producers who have been affected by weather-related conditions beyond their control. We will not be replacing a normal year's income, only providing just enough assistance to allow producers to continue production for another year.

As my colleagues will remember, the drought of 1988 was the worst drought in our Nation in nearly 50 years. This drought continues to grip the farmers and ranchers in Nebraska and throughout the Midwest.

While some States are only partially affected by this year's drought conditions, the Secretary of Agriculture has approved all 93 counties in Nebraska for emergency haying and/or grazing on set-aside and conservation acres, 48 counties have been approved for the use of Conservation Reserve Program [CRP] acres, and 42 counties have been designated for emergency livestock feed programs.

According to the USDA, in 1987 producers in Nebraska planted 2.2 million acres of wheat and harvested 85.8 million bushels for an average of 44 bushels per acre.

Nebraska producers have lost most of their crop and are expecting the smallest wheat production since 1944. In 1988, Nebraska producers planted almost 2.6 million acres of wheat, but according to USDA estimates they will only harvest 53.3 million bushels for an average of 26 bushels per acre.

Subsoil moisture is 93 percent short and topsoil moisture is 82 percent short. Almost 60 percent of the winter wheat crop is still rated poor to very poor even though many fields have already been destroyed. Pasture and range feed supplies are rated 83 percent short and almost 40 percent of the alfalfa hay crop is rated poor to very poor. Total precipitation for Nebraska is running 65 percent behind normal.

This bill covers more than just drought-related production losses. I am extremely pleased to see that farmers who suffer 1989 crop losses in excess of 35 percent as a result of excessive moisture and other natural disasters will also be covered.

Many producers in my district have experienced total crop losses due to hail damage and tornados. These farmers have hope that they will be able to survive such devastation just as their neighbors who are suffering from drought.

While I do not favor all the provisions of this bill, I believe fair and responsible assistance is generally provided.

H.R. 2467 does not, however, address the need to provide effective crop insurance coverage. Many producers find they cannot purchase adequate coverage at an affordable price. Therefore, they did not participate in the Federal Crop Insurance Program. I believe my colleagues on the Agriculture Committee agree that we must overhaul Federal crop insurance if we are to provide it as an effective replacement to disaster assistance legislation.

I also have reservations with H.R. 2467 because it does not address the sharply increased costs faced by irrigators in my district. When a dryland producer faces inadequate moisture—his crop fails and under this bill he would receive partial compensation for his losses. However, a producer who irrigates his cropland faces increased water application expenses and, without sustaining significant production losses, he will not receive compensation even though market prices will not cover his additional costs and reduced yields.

I was pleased by the timely actions taken by the Secretary of Agriculture to bring assistance to drought counties in Nebraska and across the United States. Despite the Secretary's early efforts, further assistance is needed and should be approved by this Congress. I urge my colleagues to vote for this bill.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, as we have heard today, drought has caused severe economic problems for a good portion of the country. For the second year in a row, producers have been stripped of most of their crops and, along with it, their income.

Once again, these weather conditions have not been discriminating. They have been relentless and thorough in wiping out crops throughout our Nation's Farm Belt. Consider the loss in Texas alone. Our 1989 wheat crop is projected at 58.8 million bushes—a full 42 percent below normal.

We are sorely mistaken, though, if we think these problems begin and end with the producers. At a recent hearing in Amarillo, members of the North Panhandle Bankers Association testified that about 25 percent of rural bank customers are producers. All of those producers will suffer some degree of financial loss this year, and at least 10 percent will lose their farms.

If that is not an example of adverse economic impact, then I do not know what is.

Mr. Speaker, in light of the evidence it is clear we must provide producers with some relief from the financial burden this drought has caused.

I want to express my appreciation to Chairman DE LA GARZA and the other members of the Agriculture Committee for their diligence in working to bring to the floor legislation that solves this pressing problem.

Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, the distinguished gentleman from Massachusetts [Mr. CONTE] made some interesting observations about this bill. But I think we need to look on the optimistic side and to congratulate the committee for the work that it has done to put its bill into shape so that it would pass budget muster.

The Grandy amendment and others have given it a current CBO rating of a savings of $10 million. That is an outstanding achievement.

The gentleman from Kansas [Mr. SLATTERY] indicated there are other improvements that need to be made along the way. But I think that the work that the Committee on Agriculture has done, and its distinguished chairman and vice chairman have done to try to meet their obligations is a good sign that they are going to continue that and will do so.

Mr. Speaker, I intend to vote for H.R. 2467 because of the outstanding work that they have done to meet their budget obligations.

Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Speaker, I rise in support of the passage of H.R. 2467, the 1988 Disaster Assistance Extension Act, and I strongly urge our colleagues to also lend their assistance to this modest but vital effort. Last year Congress waited until late in the season to enact the 1988 Disaster Assistance Act, and by that time almost every region of the country was suffering from some form of weather disaster that threatened the very existence of tens of thousands of family farmers.

In the bill last year, Congress acknowledged that the current program of Federal crop insurance was totally insufficient to meet even the minimal needs of those producers hard hit by natural disaster. Federal crop insurance was insufficient in 1988, and it remains insufficient in 1989. Even those who have bought policies for this year will not receive indemnity payments

large enough to cover their out-of-pocket expenses related to the 1989 crop. This leaves them in jeopardy when it comes time to repay operating loans and to pay the annual mortgage installment on their land.

In last year's bill, we rewarded those producers who had voluntarily tried to cover part of their risk by buying Federal crop insurance by allowing them to also receive a small disaster payment under the legislation. The bill before us today will continue that incentive. Hopefully, within the next year or two Congress will act to reform and improve the Crop Insurance Program so that it will eliminate the necessity of disaster bills such as H.R. 2467. But, until such time, it is only fair that we use the savings generated to USDA when natural disasters reduce overall farm program payments, and use those savings to make disaster payments to adversely affected producers.

Last year Congress "capped" the total benefits under the bill at $4 billion because in late August USDA was already able to identify at least that much in program savings due to drought and weather-related crop yield reductions. To date, only about $3.3 billion in benefits have been paid out under the 1988 act, but USDA estimates that total savings will actually be more on the order of $6 billion. So, even if the $4 billion "cap" had been reached, American taxpayers would still have saved some $2 billion.

The bill before us today contains similar limiting language. Because it is still too early in the season to accurately estimate total savings in dollar figures, this year's bill says that total payments for disaster benefits cannot exceed the total savings for the year which result from weather-related disaster crop yield reductions. So, this bill is not a "budget buster" and should not be looked at as any increase in the costs of the 1989 farm program budget as already approved by this Congress.

In fact, this bill will actually save money for the taxpayers when farm operators use large portions of the assistance to meet their payments which will become due to the Farmers Home Administration or to the Farm Credit System banks later in the year. FmHA defaults cost the taxpayers directly, and less than 2 years ago Congress granted the Farm Credit System a $4 billion line of credit which will also cost the Treasury if they are forced to draw on that line of credit more heavily in the future due to disaster-related defaults this year.

This bill is not premature. Already thousands of farmers have lost their winter wheat crops, hurricanes are pounding the Texas and Louisiana coasts, while excessive moisture has damaged many corn-growing areas in the Midwest and along the eastern shore. Farm producers and their lenders need to know now what they can count on if and when their particular operation is adversely affected by disastrous weather.

Again, Mr. Speaker, I urge our colleagues to approve this measure today. It is timely. It is modest. It is within our budget guidelines for 1989, and it is the right thing to do.

Mr. Speaker, I commend the chairman of the committee, the gentleman from Texas, Mr. DE LA GARZA, and the ranking member, the gentleman from Illinois [Mr. MADIGAN].

Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today to urge my colleagues' support of legislation to be considered under suspension of the rules today to assist farmers suffering under our Nation's continued drought. The legislation, H.R. 2467, would extend to 1989 crops the disaster assistance provided to 1988 crops under the provisions of the drought relief bill enacted last year.

The bill provides disaster payments to eligible producers of wheat, feed grains, upland cotton, extra-long cotton, rice, peanuts, sugar, tobacco, soybeans, and nonprogram crops. As a condition for receiving payment, producers would be required to obtain crop insurance for the 1990 crop. H.R. 2467 also assists livestock producers by, among other benefits, encouraging the USDA to make at least $25 million available for water and transportation cost-sharing assistance.

My home State of Kansas is in desperate need of this legislation as drought conditions continue to persist in our Nation's No. 1 wheat-producing State. As harvest time begins, wheat farmers are bracing themselves for what is expected to be one of the lowest yields in a decade. Wheat which should now be taller than a farmer's waist is instead only 1 to 2 feet high. The USDA predicts that the 1989 harvest will be down 8 percent nationally from last year's level, but down 37 percent in Kansas, the breadbasket of the world. This situation is expected to cost the Kansas economy $1.61 billion or 3 percent of the State's total annual economic output.

Mr. Speaker, the weather, which is so vital to a successful harvest, was especially mean-spirited on this year's winter wheat crop. In fact, farmers were hit by a triple weather whammy. Last summer's drought depleted soil moisture to the extent that there was little autumn rain to help the seeds get started. This was followed by an unusually warm January, which prompted the plants to emerge from dormancy early, so that they were completely exposed and at the mercy of the arctic cold front that blasted the Nation in February. Finally, the hot, dry spring made it impossible for the wheat to overcome these winter setbacks.

Mr. Speaker, I implore my colleagues to recognize these uncontrollable, adverse weather conditions and to vote their conscience to assist those responsible for making America the largest bread producer in the world.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri [Mr. VOLKMER], chairman of the Subcommittee on Forests, Family Farms and Energy of our full committee.

Mr. VOLKMER. Mr. Speaker, I wish to commend the chairman and ranking minority member for bringing this legislation to the floor and being prepared for a disaster, actually for many of us, maybe, before it occurs, and not waiting until after it has happened and then come forward with legislation.

I know that the people in Kansas and Oklahoma and Texas have already had their disaster but there is a good possibility that many of us will still have parts of our area still subject to disaster, and this legislation by being in place will help our farmers.

I urge all Members to support this legislation and let us get on with it and pass it and make it into law so if we have another disaster this year we will be prepared for it this time and not have to wait for regulations at the end.

Again I thank the chairman and the ranking minority member for their work on this legislation.

Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of H.R. 2467 and commends the leadership on both sides of the aisle for the cooperative, bipartisan effort to design a core package of drought legislation that may be needed for those farmers, particularly in the Great Plains States, who, in significant geographical pockets, continue to suffer the prolonged effects of last year's devastating drought.

This Member also commends the Secretary of Agriculture for his favorable cooperation in numerous decisions that were needed by local and State ASCS offices to combat the early effects of the drought. While the Secretary has pledged to continue to use existing authority in these mitigation efforts, there is a need to administer some of the discretionary haying and grazing regulations under the CRP Program with a greater degree of discretion and common sense.

The Secretary has recognized the importance of preserving foundation herds that have taken livestock producers in my State years to build up. Unless valuable forage is released and

the ASCS is more responsive to the immediate forage needs of livestock producers, the costs, in terms of lower herd numbers and reduced quality in breeding stock, will be experienced for years to come.

This Member strongly supports the intent of the committee with respect to H.R. 2467—that relief be based on proven commodity losses and be consistently measured across commodity lines. It is also important that the direct emergency feed programs be aimed at those producers who are unable to grow adequate stocks needed to support their foundation herds and that the program be extended. The USDA should report to Congress on how the animal unit calculations for the level for assistance are determined. This Member has long questioned the data used by the USDA to determine the daily nutritional needs of beef cattle. In addition, fortunately, the legislation includes language to authorize emergency grants for rural community water supplies and to expand opportunities for farmers who wish to plant certain alternative crops on farm program acres.

This Congress, and in particular those who will serve on the conference committee, must now draw the line on those elements that have no place in this drought relief program. While it is my hope that this legislation ultimately will not be needed by the producers in Nebraska, such assistance should be available. However, assistance through H.R. 2467 must be directed only to those who suffer substantial losses due to drought in 1989 and address the impact of drought as it affects producers in 1989. It should not be utilized generally to make major policy changes in basic farm policy.

If properly crafted and administered, the taxpayer should not be exposed to any additional costs because of the passage of this legislation. Because the bill caps total spending at the level of savings generated through reduced costs of commodity programs, no additional outlays should be necessary. Additionally, the legislation enacted should assure that those producers who do not carry Federal crop insurance should not be treated as generously as those who do participate. That would set a bad precedent, thus discouraging the higher levels of participation in the crop insurance program that it is our current national policy to encourage. In closing, I would encourage the Congress to take a very careful look at the recommendations to be made shortly by the Federal Crop Insurance Advisory Board. We will want to pay particularly close attention to any recommendation for encouraging widespread participation and avoiding the use of ineffective and drastic measures often contained in stop-gap agricultural disaster legislation.

Mr. Speaker, this Member urges support for H.R. 2467.

□ 1520

Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I rise in obvious support for H.R. 2467, and as a member in committee who was successful in drafting an amendment to garner the support of possible agricultural critics such as our friend, the gentleman from Minnesota [Mr. FRENZEL], who keeps a close eye on our spending matters in this Congress. The idea of that amendment was to say that we can spend no more in drought relief than we save in program payments, which will not be necessary unless the price of the commodity goes up.

Mr. Speaker, that is in section 144 of this legislation. It is designed as a preemptive mechanism to give Members confidence that we are not trying to spend more than has already been allotted for agriculture this year. Hence, no sequestration.

Now, our chairman of the Committee on Agriculture went further, created a perfecting amendment, and the new language makes sure that the Secretary takes into account the increased outlays for the conservation reserve program and Federal crop insurance estimating the cost of the disaster bill to exclude the outlays needed for "any act enacted after January 3, 1989." The language is designed to make sure that we ascribe those savings toward the payments that we make. The Secretary of Agriculture has the ability to prorate payments, should there not be enough money left, to prorate payments in terms of commodity payments or in terms of disaster payments.

Mr. Speaker, in closing, this is a budget-sensible piece of legislation. I urge my colleagues to support it, whether they are representing drought-strained areas of the country or not.

Mr. MADIGAN. Mr. Speaker, I yield the remaining 3 minutes to the gentleman from Kansas [Mr. ROBERTS] to close the debate on this side.

Mr. ROBERTS. Mr. Speaker, I choose not to associate myself with the remarks of my friend and colleague from Massachusetts, Mr. CONTE, but I do share some of his concerns. I would say in his own prescribed way he is not a skunk in the woodpile so much as a lonely but revered polecat. He never says enough, but we should pay attention to his concern, because we do want to bring this in under budget.

I rise in support of H.R. 2467. Simply put, the highly publicized drought of last year continued in the winter wheat belt to the extent we have had a major crop disaster.

Probably more times than my colleagues would like to be reminded, I have told this House that we grow more wheat in the big First District of Kansas than any other State; that's during normal times. And, while we are used to the vagaries of extreme weather and all of the rest of the problems and challenges that go hand-in-hand with being a wheat producer out on the High Plains, we have not been able to withstand the worst drought since the infamous "Dirty Thirties."

Several months ago, the Wheat Subcommittee held hearings in my district in Great Bend, KS, under the chairmanship of my colleague from Kansas, Mr. GLICKMAN. The subcommittee heard from our Kansas Gov. Mike Hayden, both Senators DOLE and KASSEBAUM, State legislators, our Kansas Secretary of Agriculture Sam Brownback, numerous farm organizations, and experts from Kansas State University as well as others with expertise in weather forecasting and crop conditions. Most important, we heard from beleaguered farmers and ranchers.

These are the same folks who have somehow perservered during the past decade through very difficult times and who, during the past 2 years, have begun the long road back to economic survivial. Some did not make it but for those who have, this drought has been a killing blow.

Mr. Speaker, I will spare the committee and my colleagues my speech: "We did it for corn country last year in the middle of a Presidential election, it is only fair we apply the same assistance for the beleaguered wheat farmer," I made in the House Agriculture Committee. But, let it be said this is a major crop disaster. In Kansas, we have lost one-half of our crop and the practical result on an individual farmer basis and up and down Main Street of rural and smalltown America has been devastating; an estimated economic loss of $1.6 billion to Kansas alone.

Mr. Speaker, while this bill is on the suspension calendar it does not come to the floor without some concern. The Secretary of Agriculture has indicated several:

First, we in no way want this bill to lead to a sequestration under Gramm-Rudman-Hollings and with the Grandy amendment it should be budget neutral.

Second, this bill does provide assistance to all 1989 crops caused by damaging weather or related conditions. That means assistance would be granted to producers of crops who have yet to experience a disaster, regardless of the cause and regardless of the area affected. More to the point, since the

Grandy amendment stipulates we cannot pay out in assistance more than is saved in wheat deficiency payments, it means the wheat producer could see his deficiency payments financing producers of other crops where there has not been a major disaster and his own assistance prorated where there has been a major disaster.

The first drought bill of this session was introduced by this gentleman from Kansas and it was crop specific—only where we could clearly show we have suffered a major crop disaster. I realize that we in agriculture represent a family of sorts, but when a farmer's barn burns down, his neighbors rebuild the barn—they do not fix fences for everyone in the surrounding area. I am hopeful when this bill goes to conference we can limit this assistance to 1988 planted crops; that is, where the major crop loss has occurred, that is where the assistance should go, and that is what we can afford.

Finally, Mr. Speaker, there is the policy question in regard to Federal crop insurance. For over a decade now we have tried to reform, improve, and change Federal crop insurance to be the sole vehicle for crop disaster assistance. Simply put, it has not done the job; better in some regions for some crops, not so good in others. Well, to be sure, if we grant disaster assistance, as we are doing today, producers are not going to purchase crop insurance. I know that and I think I know that argument from many of my colleagues and officials within the USDA and OMB by heart.

That is why we have studied crop insurance yet again, appointed a special commission to do so, and are ready again to hold hearings and try to reform this program all over again. So be it. But, due to the complexity of the Federal Crop Insurance Program and the inequities, and quite frankly the lack of participation on the part of farmers, we will make every effort to jump start this program again. I have mixed emotions about that but the point is the Commission's recommendations are now in the hands of the Secretary of Agriculture and we in the Congress will not take this up until fall. In the meantime, we have had a major disaster in wheat country. We need this assistance now.

Mr. Speaker, I also know the Secretary of Agriculture is concerned about the livestock section of this bill. Since I authored those amendments, let me say I feel very strongly any disaster program must include the livestock sector. When Secretary Yeutter came to Kansas several months ago at the request of Senators DOLE, KASSEBAUM, our Governor, and myself, he knew he would see damaged wheat. What really impressed the Secretary was the sorry condition of our pastures. Needless to say the livestock producer does not have the equivalent of Federal crop insurance.

But, in the interest of budget concerns, taking into account the spotty rains we have had since the drought conditions, we made the water enhancement program and the transportation assistance program discretionary with the Secretary. While the cattleman has been hard hit, some of that assistance may not be needed.

Mr. Speaker, the last concern I wish to stress is in regard to time.

In this regard, I want to thank Chairman DE LA GARZA for expediting this bill on the suspension calendar and my colleague from Kansas, Mr. GLICKMAN for holding hearings and his leadership as well. We have assurance from the chairman of the Senate Agriculture Committee, that they will take up their version of this legislation in mid-July. I am grateful for that.

But, I must say Mr. Speaker, in my estimation if we had kept this bill crop specific or limited to 1988 planted crops and kept the livestock section discretionary, I think we could have moved this legislation on a much faster track. Our wheat farmers deserved and deserve no less.

Ms. LONG. Mr. Speaker, I am pleased that the House has moved quickly to consider H.R. 2467, the 1988 Disaster Assistance Extension Act. As a member of the Agriculture Committee, I know that my colleagues worked hard to move this legislation through the committee in a timely fashion.

If passed, this legislation would put sound mechanisms in place to assist farmers in the event of a natural disaster. The bill would provide assistance to farmers who have a loss of, or are prevented from planting, 35 percent or more of their crop. Last year it was the drought, but in the future any number of natural disasters could take a heavy toll on U.S. agriculture.

I want to take a moment to point out to the membership that in my congressional district of Indiana, farmers have had tremendous difficulty getting into the fields to plant due to excessive moisture. The Indiana State ASCS offices' latest estimates show that in Allen and Jay Counties only 30 percent of the corn and 50 percent of the soybeans have been planted. Much of the corn acreage has been planted with soybeans, but as a farmer myself, I know that these figures could mean real trouble for agriculture and related agribusiness in our area if the rain continues, or if we have an early frost.

I have been visiting farms to inspect the flooding over the past 2 months, but the proportions of the situation became apparent earlier this month when I had the opportunity to take a helicopter tour of some of the areas which have been particularly hard hit by the flooding. I witnessed firsthand the effects that standing water, saturated soil, and unworkable fields were having on area farms. I should mention that it has continued to rain every few days since I took this tour, and it is raining in portions of my district even as I speak.

Mr. Speaker, the legislation that we are considering today will put in place mechanisms which can assist farmers should the rain continue in my congressional district, and it will be in place for other areas of the country should a true disaster occur.

I commend the gentleman from Texas [Mr. DE LA GARZA], the chairman of the Agriculture Committee, and the ranking minority member, Mr. MADIGAN, for bringing this legislation to the floor. It is a good and needed will, and I urge all of my colleagues to support it.

Mr. WEBER. Mr. Speaker, I rise in support of H.R. 2467 the 1988 Disaster Assistance Extension Act. This legislation, if passed, will provide the producers in my district with a solid insurance policy against potential financial disaster if the drought continues. The chairmen and the committee should be commended for their expeditious work on reporting a bill that meets tight budgetary requirements.

Mr. Speaker, during the early 1980's, the farmers in my district suffered through one of the worst depressions since the 1930's. Although the farm economy has rebounded, a continued drought could have the same devastating effect on rural America. This is why we need to take immediate action today and pass this legislation. We need to have this bill in place so we can distribute relief quickly and effectively to those affected by the drought.

I have noticed in recent days that the Department of Agriculture seems to have taken a wait-and-see approach to the drought and the need for this legislation. I'm sure the Department shares our concern about the potential impact of the drought on producers. But I think their position regarding the need for this legislation is penny wise but pound foolish. The Department should recognize, better than most of us, how cumbersome the process is to put a program like this into place. Furthermore, they should also understand that most producers will need to know what type of program is in place by this falls harvest. Therefore, I would encourage my colleagues to support this legislation so that the Department understands how important it is to have a drought relief program in place quickly.

Mrs. LLOYD. Mr. Speaker, I rise in strong support of H.R. 2467, to extend the 1988 Agricultural Disaster Assistance Act to include the 1989 crops.

This bill directs the Agriculture Department [USDA] to provide disaster payments to farmers who lost more than 35 percent of their 1989 crops—or are prevented from planting them—due to damaging weather and related conditions in 1988 or 1989. The specific conditions covered by the measure are drought, hail, excessive moisture, freeze, tornado, hurricane, or excessive wind, and insect infestation, plant disease, or other crop deterioration worsened by damaging weather.

This legislation is essential to farmers in my own State of Tennessee who have recently seen their crops severely damaged by heavy flooding. I had the opportunity to tour some of these sites in my district just several days ago. I found that many farmers are in dire need of Federal assistance because of the severe damage their crops have sustained. Enactment of this proposal is essential toward that end.

Our farmers are the backbone of our Nation and we need to stand firm in our commitment to provide whatever assistance is necessary for them to maintain their viability. This legislation is an appropriate and timely response to the severe weather conditions which have persisted in so many parts of the country. I urge my colleagues to join with me in supporting the passage of the 1989 Agricultural Disaster Assistance Extension Act.

Mr. DE LA GARZA. The Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HARRIS). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2467, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. The Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2467, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON POLICY, RESEARCH AND INSURANCE OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT DURING 5-MINUTE RULE ON TOMORROW, WEDNESDAY, JUNE 28, 1989

Mr. ERDREICH. Mr. Speaker, I ask unanimous consent that the Subcommittee on Policy, Research and Insurance of the Committee on Banking, Finance and Urban Affairs be permitted to sit while the House is sitting under the 5-minute rule on Wednesday, June 28, 1989, in order to conduct a hearing on the Crime Insurance Program, followed by a markup of budget reconciliation language.

The ranking minority member of the subcommittee, the gentleman from Nebraska, [Mr. BEREUTER], concurs in this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

REMOVAL OF NAME AND MEMBER AS COSPONSOR OF H.R. 2136

Mr. WOLF. Mr. Speaker, due to a clerical error, the name of the gentleman from Connecticut [Mr. MORRISON] was mistakenly added as a cosponsor to my bill, H.R. 2136, and I ask unanimous consent that his name be removed as a cosponsor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

HATE CRIME STATISTICS ACT

Mr. SCHUMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1048) to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity, as amended.

The Clerk read as follows:

H.R. 1048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crime Statistics Act".

SEC. 2. ACQUISITION AND PUBLICATION OF DATA.

(a) IN GENERAL.—Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire, for calendar year 1991 through calendar year 1995, data on the incidence of criminal acts that manifest prejudice based on race, religion, homosexuality or heterosexuality, ethnicity, or such other characteristic as the Attorney General considers appropriate. The crimes with respect to which such data shall be acquired are as follows: homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and such other crimes at the Attorney General considers appropriate.

(b) CONSTRUCTION.—Nothing in this Act creates a right for an individual to bring an action complaining of discrimination based on homosexuality.

(c) LIMITATION ON USE AND CONTENT OF DATA.—Data acquired under this Act shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(d) ANNUAL SUMMARY.—The Attorney General shall publish an annual summary of the data acquired under this Act.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 1991 through fiscal year 1996.

The SPEAKER pro tempore. Is a second demanded?

Mr. DANNEMEYER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, many Members, in this body have expressed disgust when we hear about crimes based on prejudice. From the murder in Portland, OR, of a black immigrant from Ethiopia to the burning of a synagogue in my district in Brooklyn, we have seen an explosion of attacks based on bias and prejudice. This legislation is an opportunity to begin the counterattack against crimes based on hate.

By voting for this legislation, Congress is saying "We will not tolerate fear and prejudice in America."

There are disturbing signs that the number of hate crimes has skyrocketed in this country.

□ 1530

Mr. Speaker, the New York City Police Department reported, for example, that hate crimes doubled in the last 2 years. Reports of racial violence on college campuses have also increased.

We do not have exact figures, however, on the incidence of hate crimes nationwide. We do not know how often such crimes occur, what particular regions and areas they are committed in, who the main perpetrators are, or what individuals are most susceptible to attack.

H.R. 1048 would provide us with such information. The bill requires that the Department of Justice collect statistics for a period of 5 years on crimes which involve prejudice against a person's race, ethnicity, sexuality, or religion, or other characteristics the Attorney General considers appropriate.

H.R. 1048, as marked up by the subcommittee, also authorizes the Attorney General to collect statistics on other groups if he finds a similar showing of hate violence against that group. Therefore, the collection of data is by no means limited to those groups specifically mentioned in the legislation.

The bill, as amended, has overwhelming bipartisan support. Legislation similar to H.R. 1048 passed the House in both the 99th and 100th Congresses, last year by a vote of 383 to 29.

By enacting H.R. 1048, Congress will improve law enforcement efforts against hate crimes. By enacting H.R. 1048, Congress is also demonstrating that violence is intolerable.

Mr. Speaker. I would like to thank the many Members who spent significant time on this legislation. I extend my thanks to the gentleman from Michigan [Mr. CONYERS], the sponsor, and my predecessor, the gentlewoman from Connecticut [Mrs. KENNELLY], chairman of the subcommittee, who originated the hate crimes legislation, along with many others.

Finally, Mr. Speaker, I would like to acknowledge the work of the gentleman from New York [Mr. FISH] and the gentleman from Pennsylvania [Mr. GEKAS], the ranking members of the Committee on the Judiciary and the Subcommittee on Criminal Justice.

Mr. Speaker, this bill is long overdue, and I urge the Members of the House to vote in its favor.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, it is important to articulate a little bit of the history of this legislation, and I direct all my remarks to the gentleman from California because it is important for him to recognize what brought us here today and what the real issues are.

I, too, like the gentleman from California, had felt in the last session of Congress and the previous session that we were wading in dangerous waters when we were attempting to raise the homosexuals to a constitutionally guaranteed or protected class which was not in accord with race, creed, and color, as was already articulated in the Civil Rights Act of 1964. So I attempted at that time to say that if we were going to include the homosexuals, why not include the handicapped, the elderly, the infants, and other classes of people in our society who might be the victims of hate crimes?

The will of the Congress was to supplant my concern with placing another category juxtaposed to homosexuals; namely, heterosexuals, and put them both in the statute as protected classes without violating the age-old concern the gentleman and I have that they are not in effect constitutionally protected classes, although the people within them, of course, are protected as individuals and have all the rights the Constitution accords them.

Given all that and the fact that the will of the Congress was spoken in the last term and now reintroduced in that form in this session, I am constrained to support this legislation, especially since my amendment was adopted which protects the concerns of the gentleman from California and all others who wish to add any kind of classes or other protected groups within the thesis of this bill.

So my amendment adopted in a part of the legislation now says that the Attorney General shall have the right to add to a protected class any other groupings of our fellow American citizens who might be the victims of hate crimes. I would refer to hate crimes like those visited against the handicapped and people in wheelchairs. We have seen hundreds of incidents over the lifetime of civil rights in our country where the handicapped and the blind and others have been the victims of hate crimes. Those who are victims of child abuse, for example, should also be protected. My amendment would protect all these citizens by saying in effect that when the Attorney General detects that there is some hate crime out there which is not covered by this legislation, he has the right to add to it and gather statistics for it as well as for those that are articulated within the statute.

Mr. Speaker, I feel that my amendment, which I will fearlessly protect in conference in front of the Senate, adds a salutary theme to this bill, and I will support the bill as it is and reject or attempt to reject the position of the gentleman from California.

Mr. Speaker, I rise in support of H.R. 1048.

Violent crime against persons solely because of their race, nationality or religion unfortunately appears to be a growing phenomenon in American society. It is an evil that threatens not only the victims, but endangers society itself. This odious hate crime pits nationalities, races and religions against one another thereby tearing at the very fabric of a Nation that can survive only when its citizens harmonize their differences. Hate crime against one is hate crime against all.

That having been stated, I must explain why I support this bill today when I did not support the legislation that passed the House last Congress. Last year's bill, for the first time, added to the identified groups to be protected persons who were victimized because of their homosexuality or heterosexuality. I did not think that singling out a group that was not a constitutionally protected class was appropriate, when other groups such as women, the elderly or the handicapped, just to mention a few, were not so favored. This year during subcommittee markup, I offered an amendment, which was approved, that will permit the Attorney General to add to the list of protected groups whomever he feels it is appropriate to include.

I cannot stress too greatly the importance of this amendment because it gives this legislation a flexibility that it previously lacked. Instead of encouraging us to fight over which specific groups can get themselves included by statute, the amendment will permit the Attorney General to get about the business of finding out what hate crime exists in this country, as well as whether and where it is increasing.

Mr. Speaker, I urge my colleagues to support H.R. 1048.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. NAGLE). The time of the gentleman from Pennsylvania [Mr. GEKAS] has expired.

Mr. GEKAS. I am sorry, but I do not have the time to yield.

Mr. CONYERS. Mr. Speaker, I simply wanted to extend my compliments to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. DANNEMEYER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, the Hate Crime Statistics Act is an important and laudable piece of legislation. With its adoption, Federal law enforcement officials, for the first time, will have access to statistics which will allow a clear understanding of irrational hate motivated violence in America.

This legislation is long overdue. For too long, segments of our society have been the victims of the heinous acts of cowardly thugs who strike only when they sense a climate of dominance. The statistics provided by this act will allow Federal law enforcement officials to design and craft policies that will eliminate the environment which spawns these hate crimes. I salute my colleagues, Congressmen SCHUMER and GEKAS, for their hard work, guidance and leadership on this important measure. As strong and critical as this legislation is, I believe that it can be strengthened further.

One area which is ignored by this legislation, which I believe is a severe problem, is the thousands of acts of violent crime committed by and against union and nonunion members. At committee markup I offered an amendment, which I had hoped to offer on the floor, which would have required statistics to be kept on crimes committed against union and nonunion members, whether committed by workers, management, or union personnel. Statistics provided by various independent sources indicate that there have been thousands of incidents of union-related violence committed by and against union members.

This violence is not an isolated occurrence, but has occurred nationwide. I think it's a real problem that needs to be addressed. I know there are some here who would have immediately responded—that would have been an antiunion amendment. But just the opposite is true. This amendment would have allowed statistics to be kept on violence against union members, so that we might have an accurate picture of labor-related violence in America. We must know of those instances in which acts of violence by employers or their agents intended to intimidate employees to abandon their bargaining demands are and we also need to know of those instances in which acts of violence are committed by labor union members for the purpose of inducing an employer to pay higher wages or bestow greater benefits. In either scenario, this senseless violence is unacceptable; it must not be tolerated; and we must have the statistical data available to determine if, indeed, there is a serious problem in this area that requires legislative attention. I believe my amendment would have strengthened this legislation and, as I earlier stated, I would have liked to have had the chance to offer it on the floor.

Regardless of my concerns about this flaw in the hate crimes statistics Act, I wholeheartedly support the measure. Thank you.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. JAMES. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, let me ask, does this cover brawls in a union meeting or cops trying to protect scabs from crossing a picket line? What does the gentleman have in mind?

Mr. JAMES. It would cover all of the above, and each of the above.

Mr. CONYERS. Mr. Speaker, I want to refer to my labor colleague, the gentleman who chairs the Committee on Education and Labor, because he had a different interpretation of this.

Mr. JAMES. Mr. Speaker, I say to the gentleman it would cover any of them. That was the intention.

□ 1540

Mr. DANNEMEYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise today to express my outrage over ongoing expressions of hate violence and hate vandalism in our country and in my congressional district. I feel strongly about this issue and am an original cosponsor of H.R. 1048.

There have been three times as many reported incidents of hate crime in Montgomery County in the first 5 months of 1989 as there were in the same period in 1988.

This past winter, the Children's Learning Center of Rockville was spray-painted in black with swastikas and such phrases as "Hitler is my friend," "eight million dead, yeah," and "go back to Africa." The Learning Center is an independent Jewish nursery school. We must do all we can to protect our children from hate violence.

The last few months, active members of the Gaithersburg community have been harassed and assaulted because of the color of their skin. A few weeks ago, in Gaithersburg, a member of the Hispanic community needed 64 stitches in his face and chest after being assaulted by a group of juveniles. We must continue to do all that we can to protect our neighbors.

The police are doing an outstanding job of stemming the tide of hatred. On March 3, 1989, 10 Skinheads were arrested by the Maryland-National Capital Area Park Police for an assault on an Asian-American student and three of his friends in Sligo Creek Park. The Skinheads arrested were charged with multiple counts of assault with intent to maim and one count of Maryland's new racial harassment law, which, in this case, could bring a 10-year sentence.

The Congress must assist State and Federal authorities in their fight against bigotry and hatred. This bill, H.R. 1048, requires the Department of Justice to collect and publish annual statistics on crimes motivated by prejudice based on race, religion, ethnicity, and sexual orientation. Nationwide data is a key to fighting hate crimes.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. EDWARDS], a distinguished member of the committee.

Mr. EDWARDS of California. Mr. Speaker, I rise in support of H.R. 3193. The Judiciary Committee's Subcommittee on Criminal Justice has developed a compelling case for this legislation and I urge my colleagues to vote for it.

Under this bill, data will be collected nationwide on the incidence of crimes motivated by the race, religion, ethnic origin, or sexual orientation of the victim.

Data of this kind is crucial to help government—at all levels—combat these reprehensible criminal acts based on prejudice and bigotry. Obviously, we must know the scope of the problem before successful means can be found to combat it. A national effort by the Justice Department will bring the resources to bear to provide this necessary information.

H.R. 3193 has widespread support, and I submit for the record a list of the endorsers of the legislation. I would just point out that the support runs the gamut of our society—police organizations, religious organizations, ethnic organizations, civil liberties organizations, medical and health organizations, unions, many of the States attorney generals, and the list goes on.

Mr. Speaker, H.R. 1048 has been carefully crafted by the Subcommittee on Criminal Justice. It was reported overwhelmingly by the Judiciary Committee, and it deserves the wholehearted support of the House of Representatives. I urge an aye vote on the bill.

COALITION—FEDERAL HATE CRIME STATISTICS ACT

American Association of University Women.
American Arab Anti-Discrimination Committee.
American Bar Association.
American Baptist Church, USA.
American Civil Liberties Union.
American Ethical Union.
American Jewish Committee.
American Jewish Congress.
American Medical Student Association.
American Nurses Association.
American Psychiatric Association.
American Psychological Association.
American Public Health Association.
American Sociological Association.
Americans for Democratic Action.
Anti-Defamation League of B'nai B'rith.
Asian Americans for Community Involvement.
Asian Americans for Equality.
Asian American Resource Workshop.
Asian Community Mental Health Services.
Asian Pacific American Coalition, USA.
Center for Constitutional Rights.
Center for Democratic Renewal.
Center for Women's Policy Studies.
Chicago Catholic Women.
Chinese/Affirmative Action.
Church of the Brethren, Washington Office.
Church Women United, Washington Office.
Committee for Children.
Episcopal Church, Washington Office.
Friends Committee on Federal Legislation.
Human Rights Campaign Fund.
Indochina Resource Action Center.
International Association of Human Rights Agencies.
Jesuit Social Ministries?, National Office.
Lambda Legal Defense and Education Fund.
Leadership Conference on Civil Rights.
Endorsing Executive Committee: International Union of United Auto Workers; National Council of Churches; National Council of Senior Citizens; National Catholic Council for Interracial Justice; National Education Association; American Civil Liberties Union; National Council of Negro Women; National Urban League; NAACP Legal Defense and Education Fund; United Steelworkers of America; National Women's Political Caucus; League of Women Voters of the US; People for the American Way; Union of American Hebrew Congregations; National Organization for Women; Disability Rights Education and Defense Fund; AFL-CIO; and National Council of La Raza.
Lutheran Office of Governmental Affairs.
National Association of Social Workers.
National Association for the Advancement of Colored People.
National Black Police Officers Association.
National Coalition of American Nuns.
National Committee Against Repressive Legislation.
National Conference of Black Lawyers.
National Conference of Christians and Jews, Nat'l Capital Area.
National Congress of American Indians.
National Council of Churches.
National Gay and Lesbian Task Force.
National Gay Rights Advocates.
National Institute Against Prejudice and Violence.
National Lawyers Guild.
National Organization for Women.
National Organization of Black Law Enforcement Executives.
National Urban League.
Native American Rights Fund.
NETWORK: A Catholic Social Justice Lobby.
North Carolinians Against Racist and Religious Violance.
Organization for Chinese Americans.
People for the American Way.
Police Executive Research Forum.
Police Foundation.
Religious Action Center of Reform Judaism.
Society for the Psychological Study of Social Issues.
Southern Poverty Law Center.
Sunny von Bulow National Victim Advocacy Center.
Union of American Hebrew Congregations.
United Church of Christ, Office of Church in Society.
United Methodist Church, General Board of Church and Society.
Unitarian/Universalist Association of Churches of North America.
State Attorneys General supporting hate crime data collection: Arizona; Arkansas;

California; Connecticut; Delaware; Florida; Hawaii; Illinois; Indiana; Iowa; Kentucky; Maine; Maryland; Massachusetts; Michigan; Minnesota; Montana; Nebraska; New Hampshire; New York; Ohio; Oklahoma; Rhode Island; South Dakota; Tennessee; Vermont; Washington; West Virginia; and, Wisconsin.

Mr. Speaker, I trust that this bill will be enacted by an overwhelming vote.

Mr. DANNEMEYER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I urge my colleagues today to vote "no" on suspension of the rules on H.R. 1048, the Hate Crime Statistics Act. Suspension will prevent a vote on an amendment by Congressman JAMES to require Department of Justice record-keeping on hate crimes against workers because of membership or non-membership in unions. I supported Congressman JAMES' amendment in the Judiciary Committee.

For years, union violence reform legislation has languished in the House Judiciary Committee. Opponents claim that violence in labor disputes is not serious enough to warrant Federal action.

Well, let's help prove or disprove their point. Let's have the Department of Justice compile statistics in a neutral fair-handed fashion.

A vote for suspension is a vote against investigating hate crimes in our country's workplaces. Please vote "no" on suspension of the rules on H.R. 1048.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN], a distinguished member of the committee.

Mr. GLICKMAN. Mr. Speaker, this is an important bill. It creates an inventory to quantify the amount of criminal bigotry in this country.

Mr. Speaker, it is important to determine how many hate crimes are occurring, who is being subjected to these hate crimes, what part of the country they are happening in and whether existing laws are adequate. This bill will give us the raw data to determine the answers to those questions.

Mr. Speaker, last year, with the help of the gentleman from Michigan [Mr. CONYERS], we were responsible for passing a bill to criminalize religious bigotry in this country in terms of damage to religious institutions. That was an important symbol to America that we would not tolerate religious bigotry, particularly if it was caused in some part by a criminal motive.

This bill will give us the information to determine if this and other substantive laws need to be expanded, or if the current laws are adequate, and, Mr. Speaker, I urge its passage.

Mr. DANNEMEYER. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H.R. 1048, the Hate Crime Statistics Act. Criminal acts such as homicides, assaults, and threats that are based on prejudice damage the moral foundation upon which our country was built. Hate crimes are not only morally offensive but they stand in defiance of our Nation's creed, "liberty and justice for all." Undoubtedly we cannot fully comprehend the prevalence of hate crimes today without adequate statistics. Therefore, the Justice Department must take the responsibility for collecting and publishing annual statistics on these crimes. By collecting and publishing these statistics we can create a basis for understanding the range and depth of crime prompted by individual and group prejudice. Then and only then can we work effectively toward the elimination of hate crime.

Mr. Speaker, this legislation directly parallels the language of H.R. 3193, as amended by the amendment of the distinguished gentleman from Washington [Mr. MILLER], and passed on May 18, 1988 by the House in the 100th Congress. That amendment replaced the phrase "sexual orientation" with the phrase "homosexuality or heterosexuality." It is also instructive to note given previous comments, that section 2(b) indicates that nothing in this act creates a right for an individual to bring an action complaining of discrimination based on homosexuality.

Mr. Speaker, I urge support for H.R. 1048.

Mr. SCHUMER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], the original author of this legislation.

Mrs. KENNELLY. Mr. Speaker, with the show of support we have here today, I believe that after 4 long years of work on this legislation, 1989 is the year we will see the hate crimes bill enacted into law.

Crimes driven by hatred of a person's race, religion, ethnic background or sexual orientation, can scar not only an individual but a whole community. We just don't know the extent to which these acts are committed because no comprehensive statistics are maintained. But as a society that prides itself on its diversity and tolerance, we need to find out.

Our bill directs the Attorney General of the United States to collect and publish annual statistics about crimes motivated by hatred. Such crimes include homicide, assault, robbery, burglary, theft, arson, vandalism, trespass and threat. These statistics would then be available to Federal, State and local governments; allowing law enforcement officials to measure trends, develop enforcement strategies, and assign manpower to the areas of greatest need.

Hate crimes motivated by political, religious or social intolerance need to be distinguished from other crimes. The death of Michael Griffith in the Howard Beach neighborhood of Queens is not just a hit and run, swastikas spray-painted on a synagogue are not simply the defacement of property, a cross-burning on a front lawn is more than arson. These crimes of prejudice must be recorded as such if we are to come up with informed ways to prevent them in the future.

The basic idea behind hate crime legislation is simple: The more we know about these crimes of hate, the better chance we have to prevent them. Accurate data on when, where and how often these crimes occur will help. Four years of work on hate crime legislation has convinced me more than ever that the hate crime data this bill calls for is urgently needed by the law enforcement officials and public policy makers in this country.

There is prejudice abroad in the land. By ignoring it, we silently condone it. By documenting its existence, incident by incident, we are forced to face its reality, whereby we begin to find a solution. This is important to us as a Nation.

Mr. DANNEMEYER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I rise today in strong support of H.R. 1048, the Hate Crime Statistics Act of 1989. Crimes motivated by racial, ethnic, religious, and antigay hatred are pervasive in our society, and it is unfortunate that there are no comprehensive, up-to-date statistics kept on the incidence of hate crimes. The Hate Crime Statistics Act directs the Department of Justice to compile and publish data about crimes that manifest prejudice based on race, religion, homosexuality, heterosexuality, or ethnicity. This legislation seeks to start to address the alarming problem of crimes which are motivated by prejudice.

Hate motivated crimes are still, tragically, a part of the lives of many Americans. In 1988, 1,281 anti-semitic incidents were reported by the Anti-Defamation League of B'nai B'rith. The National Gay and Lesbian Task Force reported 7,008 incidents of antigay violence in 1987. There have also been numerous documented attacks against Asian-Americans. A Los Angeles County Human Relations Commission report showed that Asians were victims of 24 percent of the hate crimes committed in 1986, up 14 percent from 1985. There is also evidence of growing Klan, neo-Nazi, Skinhead, and other hate group activity throughout the Nation.

Enough is enough, and it is high time that the Federal Government take action to study and remedy crimes motivated by hatred and ignorance. Irrespective of one's views on civil rights protections, it is critical

that Congress take a stand against hate violence. H.R. 1048 requires that statistics be assembled on the magnitude of hate crimes, enabling us to know the geographical extent and numerical frequency of such malicious and sadistic acts. Such a national, anonymous data base will provide an excellent tool for research into the causes and motivations of such attacks. There is clearly a demonstrated need to compile reliable information on this problem in order to formulate effective responses. H.R. 1048 does not endorse or provide special rights to any group of citizens. This legislation simply aims to collect anonymous statistics on acts that are clearly illegal, so that adequate and informed responses can be formulated.

In closing, I urge my colleagues to support H.R. 1048 and to oppose any efforts to defeat the bill under suspension which could lead to amendments that would weaken the scope of the legislation. Let's get a handle on the pervasive hate motivated crimes that continue to trouble our society. Vote yes on H.R. 1048.

□ 1550

Mr. DANNEMEYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say initially, I support the gathering of statistical data for the categories of crimes that are listed in this bill.

I support the comment of my colleague, the gentleman from Pennsylvania [Mr. GEKAS] who was able to get into this bill in the subcommittee the ability of the Attorney General to add such other crimes in his or her judgment on which statistical data should be obtained. I support that.

I am standing here in the well today asking you to vote no on this matter on suspension for at least two reasons:

One, we are prevented, of course, from offering any amendments when a matter is on suspension. We all understand that is the rule.

This Member from California has an amendment that I would like to offer to this bill for the House to consider. Since it is on suspension, I cannot do that.

My colleague, the gentleman from Florida [Mr. JAMES] also has an amendment for a category of crimes that he would like to add to this bill, an amendment that he cannot offer because it is on suspension.

Last year when this matter was considered, it was on the regular calendar.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to my colleague, the gentleman from New York.

Mr. SCHUMER. I would just ask, is the amendment the gentleman is referring to the one that was voted down in the full committee 33 to 1, is that the one?

Mr. DANNEMEYER. The gentleman has counted correctly.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman.

Mr. DANNEMEYER. Mr. Speaker, this issue I think needs to be debated on the floor of the House. Last year we had an opportunity to debate this issue on the floor of the House because the bill came up on the regular calendar where amendments could be offered. This year, of course, it is on the Suspension Calendar where amendments are not in order.

You know, early in the 1970's in this country we Americans started down a new road and the course of this new direction was whether or not we are going to affirm standards in human sexuality in our society.

In 1973, the American Psychiatric Association changed its assessment of homosexuality from abnormal to normal. Since that decision was made by the distinguished leaders of the medical profession practicing in the field of psychiatry, the homosexual community in America has used that decision time and time again as a rational basis on which to suggest we should change the laws of the culture of our society so that we will accept and equate homosexuality on a par with heterosexuality.

My State of California in 1975 repealed the law proscribing sodomy in that State, through the leadership of that distinguished member of the State assembly, Willie Brown from San Francisco. About half the States in the Union have done that. We now know what this has done to the medical status of the people of our country. This Nation is in the midst of a venereal disease epidemic. I am not talking just about AIDS, I am talking about curable venereal disease as well.

What we are witnessing today on the floor right now is one of the items on the agenda of the homosexual movement in America to use the power of the legislative arena or the court system to achieve their agenda, to accept homosexuality on a par with a heterosexual lifestyle.

I will remind my colleagues, there are at least three legislative alternatives floating around Washington today to achieve this agenda. One is a sex study buried in the bowels of HHS. It was rejected by the OMB as being inappropriate for the Federal Government to discover that, and as a result it goes back to HHS and they are now attempting to redraft the language, and like Phoenix, it will probably rise again.

Another matter relates to a bill developing a disability act for the country. Included within that definition will be persons with a communicable disease. It just boggles my mind that our society would consider granting antidiscrimination status to persons with a communicable disease in the instance of AIDS, or the virus for AIDS, noncurable, at a time when we have not even adopted the routine steps that historically our society has pursued to control communicable diseases, venereal disease, that is reportability in confidence to public health agencies, and contact tracing.

The third element, of course, is this bill on hate crime. What is involved here is to change the basic definition of the 1964 Civil Rights Act to include a new status that would have the dignity of being within the proscription of that act.

I remind my colleagues that in 1964 our society said that we will not tolerate discrimination based on race, color, religion, or national origin.

This bill before us changes that definition of that 1964 act and says that we will gather data on race, religion, homosexuality or heterosexuality, or ethnicity.

I have no objection—in just a moment I will yield to my friend. I have a few other comments first.

I have no objection, I will say again, to the gathering of statistics based on race, color, religion, or national origin, but I object in a very firm way to an effort here today that will elevate sexual preference, whether you call it heterosexuality or homosexuality, on the same basis as race, color, religion, or natural origin, and that is the very issue that I am talking about today.

One of the things you have to do in this field of politics is sometimes look and read what your opponents are saying. This quotation came from one of the homosexual publications in America, called Guide. Here is what they said:

> Ideally, we would have straights register differences in sexual preferences the way they register different tastes for ice cream or sports games. At least in the beginning, we are seeking public desensitization and nothing more. You can forget about trying to persuade the masses that homosexuality is a good thing. But if only you can get them to think that it is just another thing, then your battle for legal and social rights is virtually won.

Mr. JAMES. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Florida.

Mr. JAMES. Mr. Speaker, while I strongly support this legislation, I have an even stronger belief in the principle of the people's House, and in the people's House the voice of every Member should be heard.

This is an important, much-needed piece of legislation, but we must not sacrifice a Member's ability to offer an amendment on a bill.

I recommend this measure be taken off the Suspension Calendar and placed on the Union Calendar, so that we may protect the sanctity of this

body in this principle of representative democracy.

This will do nothing to jeopardize the ultimate and speedy adoption of this measure, but it will do much to further our ability to deliberate on the important issues we face.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to my friend, the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman very much for yielding to me.

Does the gentleman in the well condone gay bashing, or does he oppose the collecting of statistics around this obscene subject?

Mr. DANNEMEYER. I think physical violence of any nature against another human being is to be condemned, and people who commit it should be prosecuted to the full extent of the law. Whether that physical violence is practiced by or against a heterosexual or a homosexual is in my humble opinion irrelevant to the purposes of this bill.

Sexual preference has no business being elevated to the same status as race, color, religion, or national origin. That is my point.

I have a few other comments I would like to make, and then I will yield to the gentleman if I have time.

Dr. David Pence is a noted physician in the State of Minnesota. He has written eloquently on what our society should do in developing a response to control the AIDS epidemic in this country. He has excellent credentials because he served time in the Federal penitentiary during the Vietnam war era because of his resistance to that war.

□ 1600

He also marched with the civil rights activists in the South prior to the adoption of the Civil Rights Act in 1964.

This is what Dr. Pence says:

Homosexual behavior is a completely different category of activity which * * * cannot be seriously considered even an analogue of race or gender. The freedom train has been hijacked. The new agenda of the civil rights movement will not be written until the philosophical and social tenets of the sexual revolutionaries are exposed as inimical to the poor. While feminists cry for an end to patriarchy, the poor demand responsible fathers. While homosexuals cry for sexual license, the poor demand sexual discipline. While libertarians extol the victimless crime of drug use, the urban poor demand protection from the violence and social havoc of the drug industry. The civil rights agenda of the next generation will be rooted in a moral consensus that stresses community protection, self-discipline, fatherhood, chastity, work and education. By restoring its moral foundation, the civil rights movement will no longer serve the ideologies of the last 20 years but will fulfill the democratic promise of America's first two centuries.

We will affirm the heterosexual ethic for ourselves and for our kids and for this country by voting against this bill on suspension so that this Member will have an opportunity of offering an amendment to delete the reference to heterosexuality and homosexuality.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I thank the gentleman for yielding.

As the chairman of the subcommittee pointed out, the vote on the amendment in the committee was 33 to 1.

Mr. DANNEMEYER. I will reclaim my time on that point and reply to my colleague that more than one member of that committee, in case my colleague would like to know, came up to me afterwards and regretted they voted the way they did. That was one of the reasons I am standing in this well today.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I appreciate the gentleman offering that statement.

Mr. DANNEMEYER. Did any of the colleagues ask the gentleman about that?

Mr. FRANK. I appreciate the offers of repentance, but in the quotation the gentleman read, he listed among the enemies of the poor, feminism. Is it also his intention to strike sex from this? He read a statement there which denounced feminists as also being antipoor. In his effort to clean this bill up is he also going to strike sex as one of the bases on which we would classify?

Mr. DANNEMEYER. I will ask my colleague: Is the gentleman suggesting we add feminism to the bill?

Mr. FRANK. No. But there is a gender reference there.

Mr. DANNEMEYER. Is that relevant to the discussion?

Mr. FRANK. The reference to sex, I think, the author of that piece the gentleman read would have considered to be an effort to introduce that.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, as a cosponsor of H.R. 1048, I rise today to urge my colleagues to support the Hate Crime Statistics Act. I want to commend my colleague, Congressman SCHUMER, chairman of the Subcommittee on Criminal Justice, for his leadership in bringing this bill to the floor.

Mr. Speaker, the first settlers to what would one day become these great United States, were fleeing from religious persecution. In fact, throughout our Nation's history, the United States has sought to be the land of the free, a nation where people are judged as individuals, not on the basis of characteristics, such as race or religion. Tragically, however, there has been a rising incidence of violent crimes in our Nation which are motivated by prejudice, hatred, and ignorance.

We are all horrified by these hate crimes, but far too many of us can recount instances of hate crimes which occured in our own communities. Last summer, in my congressional district, a cross was burned on a lawn. I cannot begin to imagine the terror the two young children who lived in the home experienced when they were awakened by the sounds and sight of a burning cross.

We must all join the chorus of outrage against these hate crimes, but there is more the Congress and the Federal Government must do. While we know these crimes exist, the Federal Government does not have a clear picture of the national scope of this problem. Presently, there are no comprehensive, accurate, and up-to-date statistics kept on the national incidence of hate crimes. We do not have accurate data as to the geographic patterns of these crimes, who the main perpetrators are or what individuals are most susceptible to attack. Without this vital information, our efforts to end hate crimes are severely limited.

My State of Maryland is one of nine States which currently monitors hate crimes. Maryland law enforcement officials have found this data to be invaluable in their efforts to prevent these ugly crimes, which tear at the very fabric of our Nation.

Mr. Speaker, legislation similar to H.R. 1048 was passed by the House in both the 99th and 100th Congress. I urge my colleagues to join me in once again supporting this vital legislation. It is unconscionable that in our Nation, which was founded on the principle of the tolerance and freedom, these crimes should exist. But in order to stop them, we must know more about them. This bill is a vital step in our efforts to bring an end to violence motivated by prejudice and ignorance. I urge my colleagues to vote for H.R. 1048.

Mr. SCHUMER. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the full committee, the gentleman from New York [Mr. FISH], who has been a leader in supporting this bill and bringing it this far.

Mr. FISH. Mr. Speaker, I rise in support of H.R. 1048.

This legislation creates an important tool to eliminate the detestable hate crimes from modern America. The burning cross. The swastika painted on a church wall, the desecrated ceme-

tery—all these are examples of hate running rampant and endangering the very fabric of our society.

H.R. 1048 requires the Attorney General to gather data on the incidence of crimes motivated by prejudice based upon race, religion, nationality, sexual preference, or other characteristics that the Attorney General considers appropriate. It thus quantifies and illuminates manifestations of hatred against groups in our society who have been victimized merely for being who they are. The annual publication of this data, as called for by the bill, will permit law enforcement officials to develop strategies and establish priorities which can help eradicate this fearsome evil.

Two important features of the bill will help insure that the reporting requirements of this legislation will not create an unnecessary burden for the Attorney General nor outlive their usefulness. First, there is an authorization provision which will enable funds required to implement this bill to be considered separately from those required by the Attorney General for other functions of the Department of Justice. Second, this authorization extends only through 1996, when the Congress will be forced to revisit this issue and assess the effectiveness of the legislation.

Mr. Speaker, hate crimes such as we identify here deny the American dream not only to their victims but to us all. Our Nation was founded upon racial, religious, and ethnic diversity and to protect that foundation we must prevent the ending influence of hate crime. If the American dream of peace and freedom for all citizens is worth having, it is worth protecting.

We, today, affirm the vision of the founders who gave us the first amendment, freedom of religion; the experience of those who after a long and bloody Civil War, gave us the 13th and 14th amendment; and the promise held high by the statute of liberty.

This bill deserves the support of all, and I urge its adoption.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, when someone burns a cross on a black family's front lawn, is that merely arson? When a swastika is painted on a synagogue, is that simply another incident of vandalism? When a man is beaten to death with baseball bats by youths yelling antigay slogans, is that just random gang violence?

These incidents are, and I quote from the bill, "criminal acts that manifest prejudice." They are hate-crimes, committed against a person solely because he or she happens to be a member of a particular class of people, whether it's a racial class, an ethnic class, a religious class, or a class identified by one's sexual orientation.

The reason such a crime is a particularly heinous thing is that its effects are not felt solely by the individual against whom the crime is perpetrated. When a Jew in Nazi Germany was singled out, Jews around the world were intimidated by that act.

The same thing is true today in this country when a Jewish talk-show host is murdered by neo-Nazis in Denver, or when a black man is run down in Howard Beach, or when a woman is shot dead on the Appalachian Trail by a man who explicitly stated that he shot her because she was gay.

The reason that race, religion and sexual orientation are in the bill is that, so far as we know, these are the principal categories of such acts based on hate. That is what all the testimony before the committee revealed. This bill has the support of all the major national religious groups, all national civil rights organizations, and a majority of the State attorneys general.

It is my belief that none of us, our families, our friends, or neighbors will be safe until the ugly and increasing tide of hate-inspired violence is stopped. Hate-motivated crime is intolerable—but until we have accurate statistics about its commission, we will remain unarmed against it.

Mr. SCHUMER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I rise in strong support of the bill. I think that when we are discussing this issue we have to remember we are all God's children.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of H.R. 1048, the Hate Crime Statistics Act of 1989. I would like to commend the gentleman from Michigan [Mr. CONYERS]; the gentleman from New York, my good friend, the ranking minority member [Mr. FISH]; the distinguished chairman of the Subcommittee on Criminal Justice, the gentleman from New York [Mr. SCHUMER]; the subcommittee ranking minority member, the gentleman from Pennsylvania [Mr. GEKAS]; the gentlewoman from Connecticut [Mrs. KENNELLY]; and the gentlewoman from Maryland [Mrs. MORELLA], for the bipartisan effort to eliminate racial violence.

In 1987, the Department of Justice conducted a study of hate crimes and concluded that "there is plenty of documentation to show that the problem (of hate violence) is widespread, and considerable evidence that it is increasing."

The Hate Crime Statistics Act provides for the acquisition and publication of data about crimes based on race, religion, homosexuality, heterosexuality, or ethnicity. Furthermore, the Attorney General will be required to publish an annual summary of the data acquired under this act. As you may know, Connecticut and Maryland already monitor hate crimes. It has been shown that the data on hate crimes has been helpful in our efforts to eradicate hate crime activity.

Mr. Speaker, Congress must send a clear signal to all people that crimes based on race, religion, or sexuality will not be tolerated. H.R. 1048 is an important step toward achieving that goal. Accordingly, I urge my colleagues to join today in support of this bill.

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Mr. SCHUMER. Mr. Speaker, I thank the gentleman from New York for his remarks.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I want to thank my colleague, the gentleman from New York, for yielding time to me, and I congratulate him, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Michigan [Mr. CONYERS] for their hard work in bringing this very important bill to the floor of the House.

Mr. Speaker, I rise in support of the Hate Crime Statistics Act. This legislation received the overwhelming support of the Judiciary Committee and deserves the support from the entire House.

The National Institute Against Prejudice and Violence, based in Maryland, conservatively estimates that 1 out of every 5 minority persons experiences some form of victimization based on prejudice every year. Despite some recent Supreme Court decisions on civil rights and assertions of conservative commentators, racism still exists in our society. African-Americans are now able to drink from the same water fountains as whites, use the same lavatories as whites, eat at the same lunch counters as whites, and ride at the front of buses. We have made political progress. Racism still exists and it exists in its most despicable form—violence.

It is our job as legislators to provide law enforcement officials with as many tools as possible to counter hate crimes. Maryland was the first State in the Nation to pass a data collection law. The data collected has enabled us to target where and what kinds of hate crimes are occuring. The data collected by the Baltimore County Police Department has been a vital part of their ethnic, racial, and religious violence program. It has also enabled us to educate communities about prejudice and hate. We now have resources that can help us create the most effective public policies to fight hate crimes.

During the 100th Congress this bill was approved by the House 383 to 29. We are witnessing a growth in hate crimes nationwide. It is essential for our law enforcement community to fully understand the depth and scope of this activity if it is to effectively combat it. I urge my colleagues in both bodies to expeditiously approve this legislation so the law enforcement community can get to work now.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Maryland for his remarks.

Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me and commend the gentleman from New York [Mr. SCHUMER], the gentlewoman from Connecticut [Mrs. KENNELLY], the gentleman from Michigan [Mr. CONYERS], and the gentleman from New York [Mr. FISH] for their leadership in bringing this legislation to the floor.

Mr. Speaker, I rise today in strong support of H.R. 1048, the Hate Crime Statistics Act. This bill would require the Justice Department to collect and publish annually statistics on crimes which are based on race, religion, sexual orientation, or ethnicity. The need for such statistics has already been well documented. Similar legislation was passed by the House in both the 99th and 100th Congresses.

According to the Anti-Defamation League of B'nai B'rith, more hate crimes were committed in the last 2 years than in the previous two decades. This fact is even more disturbing when we consider that most of these incidents are never reported for fear of retribution. Increased activity by hate-motivated extremist groups has made the need for this legislation all the more vital.

The tremendous rise in criminal activity directed toward minorities is widespread and extremely serious. Throughout the 1980's, hundreds of acts of prejudice-motivated violence have been documented nationwide. Yet, currently there is no system of collection of statistics on these crimes at the Federal level.

The nationwide collection of hate crime statistics will provide information, that will enable the law enforcement community to better predict and prevent prejudicial violence. This type of program will also help police target limited resources into successful anti-hate violence programs. The Department of Justice has the ability, through existing technology, to enact a national process for compiling hate crime statistics.

I support this measure in its present form. Any effort to remove or limit the range of groups who could be singled out for violence would defeat the purpose of this legislation. I would also like to add threats. Hate crimes against women are just as serious and seem to be increasing in frequency. According to the National Coalition Against Domestic Violence, battering is the single biggest cause of injury to women—more frequent than auto accidents and muggings combined. It is imperative that we let women know that they are not alone by including the crimes committed against them in the statistics on hate crimes. The Federal Government must act to protect innocent victims by encouraging them to speak out and receive assistance. We will not accept crimes manifested through racial or religious hatred nor will we ever accept crimes based on sex.

Hate crimes are a national problem. In order to establish effective law enforcement strategy, reliable data on hate crimes must be available. H.R. 1048, the Hate Crime Statistics Act would provide for a comprehensive and cooperative State and Federal law enforcement effort to correct the current situation. Congress has the responsibility to ensure that all citizens are equally protected from violence and intimidation, irrespective of their race, religion, sexual orientation, or ethnic origin. I urge my colleagues to support H.R. 1048, the Hate Crime Statistics Act.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I rise in support of H.R. 1048, the Hate Crime Statistics Act. This legislation is extremely important, and I commend the sponsors of the bill for taking this initiative. I am proud to be a cosponsor of this bill.

It is time for the Justice Department to begin collecting data on hate crimes. Although this is 1989, one might have thought that data collection on hate motivated crimes would already be a part of the Federal Government's routine statistical gathering endeavors. All evidence indicates that hate crimes are, in fact, on the rise and the documentation mandated by this bill is an important step forward in confronting these insidious crimes.

Mr. Speaker, as a new Member, I am amazed at some of the arguments put forward by some of my colleagues in opposing this bill. This bill is not sanctioning any particular life style. It is simply saying that violence against any human being for any reason ought not be tolerated.

I would like to take a few minutes to relate some facts about hate crimes which I find extremely disturbing. These facts should convince any decent American of the need to maintain these records, and to take the information we acquire as a result of the legislation's implementation, to fight back against those whose hatred results in violence against citizens of our country.

According to a report from the Anti-Defamation League of B'nai B'rith, there were 823 episodes of vandalism and desecration and 458 acts of harassment of an anti-Semitic nature in 1988. This represents a 18.5 percent increase over 1987. This marks the second straight year of substantial increases in anti-Semitic vandalism after a 4-year downward trend. This report bears witness to the importance of tracking acts of violence in this country based on such characteristics as religion, race, ethnicity and sexual orientation.

One important aspect of the B'nai B'rith report is the increased activities of the neo-Nazi skinheads. Skinheads have perpetrated their crimes against blacks, Hispanics, Jews, Asians and homosexuals in a wanton, brutal fashion.

The National Gay and Lesbian Task Force has also highlighted the serious problem of skinhead violence against gays and lesbians in their most recent report. Included in the 7,248 acts of violence against gays and lesbians this past year, crimes ranging from harassment to homicide was the beating of a gay man by pipe wielding skinheads in California. Violent acts against blacks, Asians and other minorities also continues unabated. Despite the civil rights laws which are on the books, racism continues to be a serious problem in our society. All too often racism has been the motivating factor for unprovoked attacks which do physical and emotional harm to American citizens.

Mr. Speaker, senseless, bias-related crime has become a daily activity in this country. We must put an end to it and it is not one day too soon for this Congress to act. H.R. 1408 is an important first step in constructing a record of how irrational hate manifests itself in unthinkable crimes which do harm to the fabric of our society. I urge the adoption of this legislation.

Mr. SCHUMER. Mr. Speaker, to conclude, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS], the lead sponsor of this legislation, the gentleman has shepherded it through three Congresses, and hopefully we will see it signed into law with broad bipartisan support.

Mr. CONYERS. Mr. Speaker, I rise at the close of debate to acknowledge the heartfelt gratitude of the leaders of the civil rights movements who are perfectly aware of the enormous importance and significance of this piece of legislation.

When the gentlewoman from Connecticut [Mrs. BARBARA KENNELLY], brought this to our attention in 1985, we thought hate crimes were on the rise. We are now positive of it.

This measure is going to send a strong signal out to everybody in the

land that this Nation, its Congress, and its Department of Justice are going to move on this by keeping a close account of the commission of these crimes. So I say to my successor, the gentleman from New York [Mr. SCHUMER] I am very pleased that he would choose this legislation to be the first that would move out of his subcommittee. To all of my friends on the other side of the aisle, the gentleman from Pennsylvania [Mr. GEKAS], who has been the ranking minority leader of the Subcommittee on Criminal Justice for many years, the gentleman from New York [Mr. FISH], and all of our colleagues, this is a bipartisan matter because this subject matter is bipartisan. We are moving out of the past. When we announced that we were going to keep statistics on this ugly subject, we were saying that we are going to be able to deal with hate crimes more meaningfully than ever before.

So, on behalf of the family in Temperance, MI, a few miles from Detroit, who had a cross burned on their lawn only a few months ago, I want to express to you their thanks. To Vincent Chin and his family in Detroit, a young Chinese man brutally murdered, I know his family will be grateful for this legislation.

Mr Speaker, I am pleased that the Committee on the Judiciary has moved quickly to bring the Hate Crime Statistics Act to the floor. I have introduced this measure in each of the last two Congresses, seen it pass the House each time with overwhelming bipartisan support, only to see the bill fail to clear the Senate. I believe, however, that this time out, the prospects for enactment are much better. The companion legislation introduced by Senator PAUL SIMON (S. 419) has already been favorably reported by the Senate Judiciary Committee March 9. It has 46 cosponsors, and floor action is expected later this summer. The bill before this committee, H.R. 1048, now has 129 cosponsors. The Department of Justice recently expressed support for the concept the bill embodies. I do recognize, however, that the Department, and a few Members would like to see some minor modifications made, but I strongly urge passage of this bill in its persent form.

H.R. 1048 simply requires the Department of Justice to collect and publish statistics on the nationwide incidence of hate crimes—those crimes motivated by prejudice based on race, religion, homosexuality or heterosexuality, of ethnicity. The bill was amended by the Subcommittee on Criminal Justice on May 18, to allow the Attorney General to include any additional category of victims he deems appropriate. I thank the gentleman from Pennsylvania, the ranking minority member on the subcommittee, GEORGE GEKAS, for bringing this particular amendment forward which seeks to make the legislation more inclusive. I am aware that interest has been expressed in having crimes against women and the elderly included in the bill, and perhaps through further congressional hearings on hate crimes, a record can be created to support action in that regard by the Attorney General.

At the recent Judiciary Committee markup of this bill, one member argued that hate crimes against gays and lesbians should not be included because they were not historically recognized in civil rights law. An amendment to accomplish that objective was soundly defeated, 33 to 1, as it was on the floor of the House when this bill was considered last year, 384 to 30. A report released earlier this month on antigay violence and victimization indicated that there were 7,248 incidents in 1988—an increase of 3 percent over 1987—ranging from verbal harassment to homicide. Clearly to leave hate crimes against gays and lesbians out of this bill, given this record, would be like leaving African Americans out of the civil rights legislation of the 1960's.

During my term as chairman of the Subcommittee on Criminal Justice, my staff and I received information from a variety of sources which indicated that there has been a constant increase in physical and psychological attacks on persons targeted simply because of their race, religion, sexual orientation, or ethnicity. We conducted a series of five hearings from 1985 through 1988 that document the need for this legislation in its present form. Testimony was received that hate crimes are both the spontaneous acts of nonaffiliated individuals, as well as being actions planned and carried out by organized groups like the Skinheads, the Aryan Nation, and The Order.

These attacks have the effect of intimidating not just their victims, but of spreading fear throughout an entire community of people. The fact that these offenses still continue to happen at all in America is an indication that the democratic values that we take great pride in, and which distinguish our society among the community of nations, are not yet shared by all of our citizens. Clearly we must do more to promote greater understanding and tolerance, and gathering information about crimes of bigotry is an important first step.

In my own State of Michigan, we still see such things as cross burnings occurring. This past March, a 6-foot cross was burned in the back yard of Charles Wilder, a resident of Temperance—located about 55 miles southwest of Detroit. Crosses were also burned on the lawn of a family in Jones, MI during December 1988, and in Redford Township and Livonia in August 1987. These incidents are not at all fading images of our segregationist past.

There have also been an increasing number of racial incidents on our State's college campuses this year. These are particularly disturbing because they indicate that many of our youth are still growing up afflicted with the scourge of bigotry. This past February, racial threats were reported against African American students at Michigan State University, Eastern Michigan University, and Albion College. Unless we are able to get a handle on this problem, it will continue to plague us well into the future.

At present, nine States—Maryland, Pennsylvania, Illinois, Connecticut, Oklahoma, Minnesota, Virginia, Maine, and Idaho—and a few local governments monitor the incidence of hate crimes. As the result, there is still much about the nature and scope of this problem that we do not know such as: whether some parts of the country experiencing more hate crimes than others, or are there patterns evident in the background of the perpetrators and victims? I believe that such information would be of great value to law enforcement personnel and legislators concerned about the eradication of this problem. With the enactment of hate crimes statistics legislation, the answers to these questions can easily be obtained.

Hate crimes are extraordinary in nature and require a special governmental response. By passing this measure to devote Federal resources to the collection of information about this problem, this Congress will demonstrate that it is concerned about the threat that racism and bigotry pose to the peace and harmony of our communities, and is willing to take effective steps to eliminate it.

Mr. Speaker, the Hate Crime Statistics Act has been endorsed by over 100 national organizations and 30 State attorneys general. Among them are law enforcement organizations such as the Police Executive Research Forum, International Association of Chiefs of Police, the Police Foundation, and the Criminal Justice Statistics Association. This is in addition to civil and human rights organizations, professional associations, and religious groups. It is a modest measure that deserves our support, and I urge all of my colleagues to vote for it.

Mr. MILLER of Washington. Mr. Speaker, I rise in support of the Hate Crime Statistics Act. This legislation would require the Justice Department to collect data on frequency of crimes based on race, religion, sexual orientation, and ethnic background.

Mr. Speaker, we need this information. Obviously, the information will help local jurisdictions solve these crimes. But, more subtlely, we need this information so we can know more. Remember, these are crimes targeted against the very foundation of this country. These are crimes that are committed because people are different.

Mr. Speaker, this is such a dangerous trend. We can reverse it though, with more knowledge. The first step is to lift the rock, to shine the light in the corner, and to expose these awful crimes that lay underneath the rock.

Mr. Speaker, as Americans, we can't afford not to approve this act.

Mr. SCHEUER. Mr. Speaker, I am deeply disturbed by reports that crimes of hate—motivated by ethnic, racial, and sexual bigotry—are increasing. The Hate Crime Statistics Act, H.R. 1048, brings much-needed attention to religious defamation which is often construed as pranks or ordinary vandalism.

The Anti-Defamation League [ADL] has been closely tracking one type of hate crime, antisemitic vandalism, since 1960.

According to the ADL, antisemitic incidents have increased by 21 percent since 1987. In 1988 there were more crimes of hate against Jews than in any of the last 5 years with a particularly large increase in the number of such incidents on college campuses.

In addition, since the fall of 1988, neo-Nazi skinhead activities have expanded from 21 to 31 States.

At present there are no comprehensive and up-to-date statistics on these types of crimes.

Last year, by a margin of 383–29 the House of Representatives passed the Hate Crime Statistics Act. In doing so, this body expressed its repulsion for all crimes of hatred and its commitment to take action. Unfortunately, this important piece of legislation died in the Senate.

I am pleased to report that this legislation currently has earned support from over 30 State Attorneys General, 75 civil rights and religious organizations, and a variety of associations representing police officials.

Law enforcement and government officials will be in a position to confront bias-related crimes in the most effective fashion only when the scope of the problem is known. To date, both local and national responses to hate crimes have been impeded by a lack of comprehensive, comparative statistical data concerning the number, location, and types of such crimes.

In the long-term, education on the values of tolerance and diversity is the only solution to unseating the unseemly roots of hate crimes. A Federal commitment and accurate statistics are essential components of this effort.

Mr. MACHTLEY. Mr. Speaker, I would like to express my support for the Hate Crime Statistics Act we are considering today.

This legislation makes a crucial statement to the perpetrators of bigotry in our country. This legislation makes clear that malignant acts of hatred against individuals and groups will be accounted for, that we will have an accurate sense of where these incidents occur, and of how often they occur. This bill calls these criminals to task by making it clear that the U.S. Government considers acts of prejudice and bigotry crimes that merit our full and collective reproach.

We live in the best nation in the world. We live in a nation where people of all races, religions, and ethnic groups have gathered to live freely, democratically, and peaceably. It offends my sense of America's beauty that some 67 odd organizations, some 4,500–5,500 Klan members, some tiny and twisted groupings in the United States that could never even be called a minority—could sully the character of the United States with acts of cruel and misplaced hatred.

I ask my colleagues today to call to conscience these sinister symbols of hate, and to permit the calculation and identification of pernicious hate crimes which affront the integrity of the great American melting pot.

Mr. VENTO. Mr. Speaker, I rise in strong support of H.R. 1048, the Hate Crime Statistics Act, which I am also cosponsoring.

H.R. 1048 would require the Department of Justice to collect data on a variety of crimes aimed at victims based on their race, religion, sexual orientation and ethnicity. These crimes would include homicide, assault, robbery, burglary, theft, arson, vandalism, and threats. Data would be collected over a 6-year period from 1991 to 1996 for research and statistical purposes. Law enforcement agencies, as well as Congress and State and local legislative bodies will have access to this data which should prove to be helfpul in focusing law enforcement resources on protecting victims' rights.

Mr. Speaker, in recent months we have seen an alarming increase in crimes directed at individuals because of their race, religion, sexual orientation, and ethnicity. In Portland, OR last February, a young black Ethiopian man was beaten to death by two youths who were members of a neo-Nazi group known as the skinheads. Across the Nation, police have reported increased acts of vandalism and desecration at Jewish synagogues, which have been spray-painted with antisemitic graffiti and swastikas. Violent attacks directed against gay men and women are also on the increase. All of these crimes are especially reprehensible because they involve premeditation. Their victims are not totally random, but rather specifically targeted because of their race, religion, ethnicity, or sexual orientation.

Last year, the Minnesota Legislature overwhelmingly passed similar legislation, which was signed into law by Minnesota Governor Rudy Perpich. The Minnesota law, like H.R. 1048, does not confer any new special privilege or rights to any particular group. Instead, it simply gives the government the means of gathering information which is necessary to effectively respond to hate crimes. We must send the strongest possible message that we will be intolerant of the mindless intolerance of hate crimes directed against any group in our society. I urge my colleagues to join me in voting for H.R. 1048.

Mr. BRENNAN. Mr. Speaker, today the House will consider under suspension of the rules the Hate Crime Statistics Act. I stand convinced of the need for this measure.

We in this Nation are fortunate in that the quality of life here is the best the world has to offer. Because the freedoms we enjoy directly contribute to that quality, we must fiercely protect these freedoms for one and all.

When it appears that, due to discrimination by some, certain individuals enjoy lesser freedoms, it is our responsibility to restore equity. We now are being called upon to do so.

In past years, it has become evident that some segments of our society are being singled out as the object of violence and criminal activity simply because of their race, religion, ethnicity, or sexual orientation. It is imperative that we determine where and why these types of crimes are occurring. Because the Hate Crime Statistics Act will provide for the collection of data regarding crimes of hate and prejudice, it will allow us to eliminate this discrimination by targeting our resources against it.

In a broader sense, it will allow us to protect the freedoms that define this great Nation. I strongly urge my colleagues to join me in support of the Hate Crime Statistics Act.

Mr. MATSUI. Mr. Speaker, this Nation is facing an emerging pattern of violence motivated by racial hatred. A rising number of our constituents are being brutally victimized for no other reason than their race, religious heritage, or sexual preference.

Our daily newspapers have become dotted over recent months with stories documenting the growth of these hate crimes. The New York Times, the Los Angeles Times, the Wall Street Journal, and the Philadelphia Enquirer are but a few papers that have featured such stories.

Recent incidents include a couple that was seriously beaten as they came out of a convenience store by skinheads who mistakenly thought they were Jewish, and a cross-burning at a Tennessee high school for children of Japanese businessmen.

Mr. Speaker, clearly this bill will not immediately stop any crimes based on prejudice. But it will provide the statistical data needed by our law enforcement organizations to combat these types of activities. Hate crimes, motivated by political and social intolerance, must be distinguished from crimes motivated by other factors.

In looking for an appropriate response to this rising problem, we can begin by approving H.R. 1048 on this floor today. As a nation, we must have comprehensive, accurate, and up-to-date statistics on the number of hate crimes committed in this country. We must know more about this despicable form of violence if we are to effectively deal with this tragedy. This bill is a responsible first step.

Mr. Speaker, no longer can we turn our heads to the growing number of hate crimes occurring on our streets by calling them isolated incidents.

I urge my colleagues to support this bill that has the strong endorsements of organizations including the Fraternal Order of Police, the National Association of Police Organizations, the American Jewish Committee, and the Japanese American Citizens League, and I strongly encourage my colleagues to oppose any amendments that may weaken its scope.

Mr. McCANDLESS. Mr. Speaker, I abhor crime and acts of violence. Regardless of the motivation, a violent and criminal attack is, at the very minimum, in violation of basic human and civil rights of the victim.

The legislation before us, H.R. 1048, the Hate Crime Statistics Act, requires the Department of Justice to compile and publish data annually on the incidence of hate crimes. Hate crimes are crimes that manifest a prejudice against a category of victims. While this information may be of statistical interest, H.R. 1048 does nothing to stop crime of any nature; does nothing to help the victims of crime; and it does nothing to punish those who are guilty of crimes. This legislation only provides statistics.

The legislation authorizes "such sums as may be necessary," which the Congressional Budget Office estimates to be from $1 million to $10 million per year. At a time when we are undertaking a major war on drugs, at a time when the District of Columbia has come to Congress and asked that we foot the bill for more local police officers, at a time when we must begin to rebuild the prison system in the United States, I must question the propriety of spending up to $10 million a year to keep statistics. That money is desperately needed, and could be much more effectively used, in other anticrime programs.

In our efforts to reduce the Federal budget deficit, we must carefully set our spending priorities. While Federal anticrime efforts must be a high priority, statistics, no matter how noble the cause, should be far down on the list.

If H.R. 1048 would put an end to hate crimes, help the victims of hate crimes, or punish those who commit such crimes, I most

certainly would support it. But since it does none of those things, I must oppose it.

Mr. BROOKS. Mr. Speaker, I rise in support of H.R. 1048, the Hate Crime Statistics Act. H.R. 1048 would require the Department of Justice to collect statistics every year for a 5-year period on crimes that manifest prejudice either on specified bases or on other characteristics that the Attorney General would consider appropriate. Similar legislation passed the House in the past two Congresses.

Currently, no national statistics are collected on the crimes. As a result, it is impossible to determine important factors, such as where these crimes are occurring and the frequency with which they are occurring, and who the perpetrators and victims are, that would be useful in attempting to combat crimes that result from prejudice against various groups in our society.

The U.S. Commission on Civil Rights has urged the Congress to enact hate crimes legislation, and a large number of groups involved in criminal justice and civil rights activities have urged the passage of this legislation. I join them in this and urge a positive vote on H.R. 1048.

The SPEAKER pro tempore. (Mr. Bosco). All time has expired.

The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the bill, H.R. 1048, as amended.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed,

GENERAL LEAVE

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1048, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

RELATING TO GOVERNMENT CONTRIBUTIONS TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM FOR 1990 OR 1991

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2705) relating to the method by which Government contributions to the Federal employees health benefits program shall be computed for 1990 or 1991 if no Governmentwide indemnity benefit plan participates in that year, as amended.

The Clerk read as follows:

H.R. 2705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) if no contract under chapter 89 of title 5, United States Code, is entered into with an indemnity benefit plan (as referred to in section 8906(a)(2) of such title) for contract year 1990 or 1991, in order to compute the average subscription, charges under section 8906(a) of such title for that contract year, the subscription charges in effect for the indemnity benefit plan on the beginning date of that contract year shall be deemed to be—

(A) the subscription charges which were in effect for such plan on the beginning date of the preceding contract year, as adjusted by paragraph (2); or

(B) if subparagraph (A) does not apply, the subscription charges which were deemed under this Act to have been in effect for such plan with respect to the preceding contract year, as adjusted by paragraph (2).

(2) The subscription charges under paragraph (1)(A) or (1)(B), as applicable with respect to the contract year involved, shall be increased or decreased (as appropriate) by the average percentage by which the respective subscription charges taken into account under paragraphs (1), (3), and (4) of section 8906(a) of title 5, United States Code, for such contract year increased or decreased from the subscription charges taken into account under such paragraphs (1), (3), and (4) for the preceding contract year.

(b) Separate percentages shall be computed under subsection (a)(2) with respect to enrollments for self alone and enrollments for self and family, respectively.

(c) Any reference in this Act to a "contract year" shall be considered to be a reference to a contract year under chapter 89 of title 5, United States Code.

The SPEAKER pro tempore. Is a second demanded?

Mr. GILMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2705, a measure which addresses an unforseen emergency situation in the Federal Employees Health Benefits Program [FEHBP].

On May 30, 1989, Aetna Life Insurance Co. notified the Office of Personnel Management that effective January 1, 1990, it will no longer offer its indemnity benefit plan to Federal employees and retirees. That notice signalled the end of a 30-year relationship with the health benefits program and means that 187,000 enrollees will have to enroll in another health insurance plan.

The impact of Aetna's decision, however, reaches far beyond those enrolled in the indemnity benefit plan. This is because Aetna's premium is used as part of the statutory formula for calculating the Federal Government's share of health premiums.

Since Aetna has dropped out of FEHBP, the Office of Personnel Management finds itself without the six premiums it needs to calculate the Government contribution to health premiums. Absent a legislative remedy to the Aetna situation, enrollee premiums could rise by more than 30 percent in 1990.

H.R. 2705 is intended to provide such a remedy to this emergency situation. The bill maintains the status quo and, according to a cost estimate prepared by the Congressional Budget Office, would have no budgetary impact. I submit the CBO correspondence to be printed in the RECORD at this point:

ANALYSIS OF H.R. 2705

Relating to the method by which Government contributions to the Federal employees health benefits program shall be computed for 1990 and 1991 if no Governmentwide indemnity benefit plan participates in that year.

Introduced on June 21, 1989 by Chairman William D. Ford of the Committee on Post Office & Civil Service (for himself, Mr. Ackerman, Mr. Gilman, and Mr. Myers of Indiana).

BACKGROUND

In order to determine the Federal Government's (employer's) share of FEHBP premiums each year, the Office of Personnel Management (OPM) is directed to determine the average total premium for six health plans. The Government's share is then a dollar amount equal to 60% of that six-plan premium average.

The six plans are:

1. Service Benefit Plan (Blue Cross/Blue Shield high option).

2. Indemnity Benefit Plan (Aetna high option).

3/4. The two largest enrollment employee organization plans.

5/6. The two largest HMOs.

Since Aetna has dropped out of FEHBP, OPM finds itself without the six premiums it needs to calculate the Government's premium share (#2 above is missing). Even without the Aetna issue, FEHBP premiums are expected to rise by approximately 15 percent. Absent a legislative remedy to the Aetna situation, enrollee premiums could rise by more than 30 percent.

PROPOSAL—A PROXY PREMIUM

In order to avoid a calculation based upon the "Big Five" instead of Big Six premiums, and a shift of $600 million in premium costs to enrollees, the proposal would direct OPM to create a "proxy premium" for the next two years to permit a Big Six calculation. The proposal maintains the status quo and does not affect the budget deficit.

The proxy premium would reflect what Aetna's premium would otherwise be had the carrier remained in the FEHBP and the government share of FEHBP premiums would be approximately the same as if Aetna had remained in the program.

For the 1990 contract year, the proxy premium would be determined by taking Aetna's 1989 premium and increasing that premium by the average increase in the

other five plans which remain part of the Big Six.

The same formula would be used for the 1991 contract year, except that the base for the 1991 proxy premium would be the proxy premium OPM created for 1990 adjusted for the average premium increase for the other five plans for 1991.

Under the proposal, the Big Six calculation would be based upon the following:

1. Service Benefit Plan (Blue Cross/Blue Shield high option).

2. Proxy Premium (for Indemnity Benefit Plan)

3/4. The two largest enrollment employee organization plans.

5/6. The two largest HMOs.

Note that the proxy premium would be utilized only if OPM is unable to contract with another carrier for a governmentwide Indemnity Benefit Plan.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, June 27, 1989.

Hon. WILLIAM D. FORD,
Chairman, Committee on Post Office and Civil Service, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: At the request of your staff, CBO has reviewed H.R. 2705, as introduced and referred to the Committee on Post Office and Civil Service. The bill would set the method by which government contributions to the federal employees health benefits program (FEHB) would be computed for contract year 1990 or 1991 if no government-wide indemnity plan participates in that year. The bill addresses a problem created by the withdrawal of Aetna from the FEHB program effective at the end of this calendar year.

According to the method for calculating the government share of premiums (the so-called "Big Six" formula specified in Sections 8906(a) and 8906(b) of title 5, chapter 89, of the United States Code), the government share is set at the lesser of: (A) the dollar amount equal to 60% of the average of subscription charges set by the highest level of benefits offered by (1) the indemnity benefits plan (currently Aetna, high option), (2) the service benefit plan (Blue Cross/Blue Shield, high option), (3) the two largest employee organization plans, and (4) the two largest comprehensive plans (HMOs); or (B) 75% of the actual subscription charges of the plan.

The proposal mandates a method for creating a proxy for Aetna's subscription charges if the Office of Personnel Management does not contract with an indemnity plan to replace Aetna for contract (calendar) years 1990 or 1991. That method would be to calculate an average by which the subscription charges of the other five plans in the "Big Six" change (from 1989 to 1990), and to change Aetna's 1989 subscription charges by that average change. The result would be considered a proxy for Aetna's 1990 subscription charges for use in the "Big Six" formula. The government share of FEHB premiums would then be calculated as specified in current law. The same method would be used in similar fashion to calculate the government share for 1991, using the average change in the "Big Five" subscription charges from 1990 to 1991 and applying it to Aetna's subscription charges "deemed" in effect for 1990.

CBO's baseline budget projections for government payments of FEHB premiums are based on data provided by the Office of Personnel Management. The baseline assumed continuation of the "Big Six" formula for calculating the federal government's share of FEHB premiums. The method mandated by H.R. 2705 for calculating that share in the absence of an indemnity plan would closely approximate the result that is assumed in the baseline. Use of the mandated method thus is consistent with CBO's baseline projections of government payments of FEHB premium for FY 1990 through FY 1994. The proposal as drafted would therefore have no budgetary impact when measured against the CBO February baseline.

We will be pleased to answer further questions about this estimate. The CBO contact is Alan Fairbank (226-2820).

Sincerely,

ROBERT D. REISCHAUER.

To solve the dilemma facing the health benefits program, H.R. 2705 mandates a method for creating a proxy for Aetna's subscription charges. The method would be used only in the event the Office of Personnel Management does not contract with an indemnity benefit plan in place of Aetna for contract years 1990 or 1991.

The proxy premium would replicate the Aetna premium that would have been in existence had the carrier remained in the health program.

Mr. Speaker, H.R. 2705 is cosponsored by the ranking minority member of the full committee [Mr. GILMAN] and the Subcommittee on Compensation and Employee Benefits [Mr. MYERS], as well as the chairman of that subcommittee [Mr. ACKERMAN]. This bipartisan support is indicative of the bipartisan concern we share for an already ailing program. With program reform in progress, this is not the time for fiscal opportunists to take advantage of a critical situation.

As I, along with Representative ACKERMAN and Senators GLENN and PRYOR of the Senate Committee on Governmental Affairs, wrote to OPM on June 2, 1989, "The absence of Aetna from the FEHBP must, by necessity, precipi-tate action which safeguards enrollees from both any further erosion of plan benefits or unanticipated increases in enrollee premiums." H.R. 2705 is the appropriate action.

I urge adoption of H.R. 2705 as a means to ensure that all Federal enrollees will have uninterrupted access to high quality medical care at fair and reasonable rates.

□ 1620

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2705, the bill presently under consideration.

The SPEAKER pro tempore (Mr. Bosco). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 2705, emergency legislation relating to the unexpected withdrawal of Aetna Insurance Co. from the Federal Employees Health Benefits Program. Earlier this month, Aetna Insurance Co. announced that it was no longer offering its traditional health insurance coverage to Federal Government employees. Aetna's plan was one of two systemwide plans offering both standard and high option insurance coverage for tens of thousands of Federal employees. Aetna's pullout impacts the Federal Health Benefits Program with serious problems in terms of plan structure and contract negotiations. The legislation before us (H.R. 2705) alleviates these problems on a temporary basis by creating a proxy for Aetna's subscription charges if the Office of Personnel Management does not contract with an indemnity plan to replace Aetna for the contract years 1990 or 1991.

Mr. Speaker, the committee is presently reviewing several options for reform of the current health benefits program. Last year, we requested the Congressional Research Service to devise several strategies for FEHBP reform. CRS issued the report last month and the committee subsequently held hearings on the myriad issues it presented. The legislation before us today merely retains the status quo until the committee has had ample time to develop legislation for total program reform.

I understand the administration has begun work on their own proposal addressing the problems presented by Aetna's withdrawal from the health benefits program. I believe that we all share the same goals of stabilizing health benefit premium costs while ensuring the best health protection for Federal employees. The pending legislation was drafted with these goals in mind and our committee looks forward to entering into discussions with the administration in order to solve any problems which may currently exist in the health benefits program.

Because of the timing of Aetna's decision to withdraw coupled with pending contract negotiations, a timely legislative response is needed to ensure a smoothly run and effective health benefits open season. Time delays could hamper OPM in its contract negotiations with the insurance carriers while adversely impacting on the scheduled open season.

Mr. Speaker, health insurance is of primary concern to all Federal employees and is an important tool in recruiting and retaining a qualified and motivated workforce. The CRS report points out that Federal employees al-

ready pay more for health insurance coverage than their comparable private sector counterparts. Now is not the time to consider alternatives that would further increase enrollee costs while damaging the Federal Government's competitiveness in the workplace. The Congressional Budget Office has indicated that the proposed legislation is budget neutral and is consistent with its baseline projections. Accordingly, I urge all of our colleagues to support passage of H.R. 2705.

□ 1630

Mr. FORD of Michigan. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H.R. 2705. This measure provides relief to the Federal Employees Health Benefits Program enrollees from an unanticipated premium increase due to the Aetna Life Insurance Co.'s decision to withdraw from the health program.

Last month, the Aetna Life Insurance Co. notified the Office of Personnel Management that, effective January 1, 1990, it will no longer participate in the FEHBP. Aetna was once the second largest carrier participating in the FEHBP. However, over the past decade, the Aetna plan has lost its younger and healthier enrollees to other plans.

As a result, Aetna was left with older, and more expensive enrollees, a fact which drove up its premium to such a level that Aetna decided it was no longer prudent to continue its participation in the program.

Aetna's decision has created substantial uncertainty with regard to the allocation of premiums between enrollees and the Federal Government because the Aetna plan was one of the six FEHBP plans used to determine the Government contribution. Enrollee costs would increase by as much as 18 percent simply as a result of Aetna's departure. This premium increase is based upon a projected recalculation of the formula used to determine the Government's contribution to each enrollee's health plan. This increase is apart from any escalation attributable to medical inflation or increased utilization of health care services.

H.R. 2705 provides that the Government contribution be calculated as if Aetna still participated in the FEHBP. The bill does not authorize the appropriation of any additional amount to the health program. It simply provides protection for Federal employees, annuitants and their dependents against a significant and unanticipated premium increase.

For those reasons, Mr. Speaker, I urge my colleagues to vote in favor of H.R. 2705.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I join with my colleagues, Mr. FORD, Mr. ACKERMAN, and Mr. GILMAN, in support of H.R. 2705, the FEHBP "fix" proposal. I thank the chairman and ranking member for taking this action so quickly—for time is critical.

We are forced to bring this legislation to the House floor because the current carrier of the Federal employees health benefit plan's indemnity plan, Aetna Life Insurance Co., has notified the Office of Personnel Management [OPM] that it would no longer participate in the Federal Employees Health Insurance Program. Some 187,000 enrollees and their families, mostly retirees, will be left without health care coverage. These people will be forced to select a new health care insurance carrier.

The problem created by the pullout is that the Indemnity plan, administered by Aetna since 1959, is part of the "Big Six" formula which is used to determine the premiums paid by federal employees.

Unfortunately, for the past several years Federal employees have been hit with huge health care premium increases. As a result of the high level of uncertainty, OPM commissioned a study of the entire FEHB plan which called for a complete overhaul of the world's largest group insurance program. The FEHB plan covers more than 9 million employees, annuitants, and dependents.

The administration has informed us that it will soon present its own premium stabilization legislation. H.R. 2705 meets the same goal that the administration is pursuing: stabilize premiums for Federal employees. Until we get more information on that proposal, I support the FEHBP fix legislation which is contained in H.R. 2705. This proposal maintains the status quo and does not affect the budget deficit. The Congressional Budget Office reported that H.R. 2705 is consistent with its baseline projections and would have no budgetary impact.

I hope all my colleagues will support this urgently needed legislation. We must act quickly because the Government is currently negotiating with the carriers toward establishing the 1990 rates. If we fail to act on this legislation, the Office of Personnel Management could be forced to delay the Federal employees health benefit plan annual open season for those wishing to change plans and avoids a potential shift of $600 million in premium costs to Federal employees covered under the FEHBP.

I urge prompt consideration and passage of this important legislation.

Mr. GILLMAN. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] for her supporting arguments.

Mr. Speaker, I reserve the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR], a member of the subcommittee which is wrestling with the permanent solution to this problem.

Ms. OAKAR. Mr. Speaker, I want to thank my distinguished chairman and thank the ranking member, along with the gentleman from New York [Mr. ACKERMAN] and others for their say on this matter and for a quick reaction to the implications of the big 6 provider, Aetna's decision to withdraw from the Federal Employment Health Policy Program.

Mr. Speaker, I rise in strong support of H.R. 2705 which will bring no additional costs to this year's deficit calculations. However, if we fail to act in support of this legislation, Federal employees could see as much as 30 percent increase in their own health contributions. This is in addition to the 20-percent increase they suffered last year.

I think at this point, it is interesting to take a look at what the Federal Employment Health Program really is. There are about 400 programs from which Federal employees and most of the retirees can choose, and it could be said that is wonderful to have all these options. The fact is that Federal employees, unlike the private sector, particularly the larger corporations, pay 40 percent of these premiums. I, personally, have always felt that that benefit ought to be provided for as part of the Federal employment pay package. For while they have this opportunity, they have seen in the last 8 or 9 years a problem with respect to the quality and quantity of health care delivery, and they have seen repeated actions in an attempt to eliminate this system and replace it with the voucher system, et cetera.

If we do not act in this way, because we are dealing with a very, very wide spectrum type program, we really have to act expeditiously and deal with this problem of having one of the major providers withdraw from the Federal Health Employment Program.

□ 1640

I think time is of the essence. I know that some will say that we should have a chance to take a look at it and deal with it conscientiously. I wish there were more time. I am afraid that even though this is a fine program and even though it still needs improvement, many would be very, very upset if we do not expeditiously pass this bill, H.R. 2705. I think that if we were to be faced with any kind of a stalemate in this regard, the Federal workers, who are always the brunt of our

budget cuts, and the Federal retirees and career public servants, who are the easy targets, will again bear the brunt of our inability to act.

So until we can adequately address the flaws within the Federal Health Benefits Program, let us have a unanimous vote for this legislation and spare any apprehension or anxiety on the part of our Government workers, some of whom we are having a hard time retaining because they are underpaid and undervalued. If we do not pass this legislation, this would just be another blow that we would strike at those kinds of career people in particular.

So, Mr. Speaker, I urge the support of this bill by the Members. I think it is a very, very important bill. I congratulate the chairman of the committee, the subcommittee chairman, and the ranking members for their cooperation, and I hope that we can overwhelmingly support this bill and send the right signal to the Senate and to the administration that we had better act quickly.

Mr. FRENZEL. Mr. Speaker, H.R. 2705 concerns the calculation of the Federal Government's contribution to the Federal Employees Health Benefits Program. This bill retains the status quo by creating a phantom health plan to replace Aetna in the premium calculations now that Aetna has announced its withdrawal from FEHB.

Mr. Speaker, the FEHB seems to have enough cost problems already without creating a phantom plan to perpetuate those problems. I recognize that this bill is a stopgap measure designed to approximate this year's Government contribution toward employee health costs while OPM seeks to replace Aetna. The employees and the tax payers would be better served if Aetna's departure from the plan forces a long, hard look at rising health care costs both to the Government and its employees.

Instead of maintaining the high "big 6" average with this phantom plan, a "big 5" average would save the Government millions of dollars by reducing its contribution to FEHB. While this bill does not violate the Budget Act, I regret that a chance to effect budget savings is being ignored by continuing to calculate a big 6 average instead of using the big 5 that are left.

The gimmick of using a phantom plan may not violate the Budget Act, but it does violate commonsense budgeting.

Mr. FORD of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Michigan [Mr. FORD] that the House suspend the rules and pass the bill, H.R. 2705, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and bill, as amended, was passed.

A motion to reconsider was laid on the table.

APPROVING DESIGNATION OF THE CORDELL BANK NATIONAL MARINE SANCTUARY

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 281) to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 281

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the national marine sanctuary designation entitled "Designation Document for Cordell Bank National Marine Sanctuary" that was submitted to Congress by the Secretary of Commerce on May 24, 1989, but disapproves the following terms of such designation: Designation of hydrocarbon (oil and gas) activities as activities which may be regulated within the Sanctuary and adjacent waters under article 4, section 1.c. of the final designation document for the Sanctuary.

SEC. 2. PROHIBITION OF EXPLORATION, DEVELOPMENT, OR PRODUCTION OF OIL, NATURAL GAS, OR MINERALS IN SANCTUARY.

(a) PROHIBITION.—Notwithstanding any other provision of law, the exploration for, or the development or production of, oil, gas, or minerals in any area of the Cordell Bank National Marine Sanctuary established by the designation referred to in the first section is prohibited.

(b) ISSUANCE OF REGULATIONS.—Not later than 120 days after the date on which this joint resolution becomes law, the Secretary of Commerce shall revise the regulations issued by the Secretary governing prohibited activities in the Cordell Bank National Marine Sanctuary (15 CFR 942.6) to implement the prohibition established by subsection (a).

SEC. 3. ENVIRONMENTAL IMPACT STATEMENT REQUIREMENT.

(a) REQUIREMENT.—The Secretary of the Interior shall not approve any exploration plan, or any activities described in any exploration plan (including any application for a permit to drill), pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) in connection with a lease in effect on the date of enactment of this Act for block numbered 204, 246, 247, 290, 291, 334, 335, 378, 379, 422, 423, 466, 467, 510, 511, 553, 554, 555, 597, 598, 599, 640, 641, or 642 on protraction diagram NI 18-2 of the Universal Transverse Mercator Grid System, until a final environmental impact statement is issued with respect to such exploration plan.

(b) SUSPENSION OF OPERATIONS.—The Secretary of the Interior shall, pursuant to section 5(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(1)), suspend operations under a lease in effect on the date of enactment of this Act on any block referred to in subsection (a), and extend any lease affected by such suspension, for the period between—

(1) the submission of an exploration plan pertaining to such block; or

(2) the date of enactment of this Act,

whichever occurs later, and the issuance of a final environmental impact statement as required under subsection (a). Nothing in this section affects the authority of the Secretary of the Interior under such section 5(a)(1) with respect to any period after the issuance of such final environmental impact statement.

The SPEAKER pro tempore. Is a second demanded?

Mr. SHUMWAY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes, and the gentleman from California [Mr. SHUMWAY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolinia [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 281 concerns two of this Nation's most sensitive coastal areas. Sections 1 and 2 deal with the proposed Cordell Bank National Marine Sanctuary, offshore California.

Section 3 deals with the possibility of oil and gas exploration offshore Cape Hatteras, NC.

In a moment, I will recognize my colleague from California, DOUG BOSCO, to explain sections 1 and 2. First, however, I would like to discuss section 3, which deals with an area adjacent to my district.

Section 3 of the resolution calls for the Interior Department to prepare an environmental impact statement before approving an exploration plan covering 24 OCS tracts offshore the First Congressional District of North Carolina.

Most of these tracts were leased in 1981 and a few were leased in 1982 and 1983. The State of North Carolina is convinced that the environmental impact statements prepared back then are inadequate.

Each EIS covered an entire OCS planning area from North Carolina to Rhode Island. As a result, North Carolina officials believe that a new EIS is needed to evaluate the environmental consequences of exploring in a smaller, more specific offshore area.

Numerous meetings among the parties involved have occurred this spring. I have met with the Director of the Minerals Management Service in the Interior Department and with officials of the Mobil Oil Corp.—the company with the most direct interest in the

first exploration plan likely to come in from that area.

I have also had conversations with Gov. Jim Martin to try to reach some accommodation on the information necessary to satisfy the State before the Interior Department approves an exploration plan.

Despite the efforts of all the parties concerned, no solution has been found. Therefore, at the direct request of North Carolina's Governor—who is a distinguished Republican and one our former colleagues here in the House—and at the request of the State's attorney general—who is a distinguished democrat.

I have attached this clearly bipartisan provision to House Joint Resolution 281 to resolve the issue. I hope that it enjoys equally bipartisan support from the House.

I feel that this amendment is necessary to move the process along, and perhaps, bring the parties together.

I would like to make it clear that I am willing to withdraw this provision before congressional passage if, in the meantime, all the parties can reach an understanding on necessary environmental documentation.

I urge my colleagues to support this amendment.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Bosco], the sponsor of this joint resolution]

Mr. BOSCO. Mr. Speaker, I rise in support of House Joint Resolution 281, a resolution to ban oil and gas development in the Cordell Bank National Marine Sanctuary in northern California. I am very grateful for the assistance and support this legislation has received from the distinguished chairman of the Merchant Marine and Fisheries Committee, Mr. JONES, and from the chairmen of the Fish and Wildlife and Oceanography Subcommittees, Mr. STUDDS and Mr. HERTEL.

I am joined today by my colleagues BARBARA BOXER and NANCY PELOSI, who not only have offered invaluable help with this legislation, but who have been consistent, active protectors of the California coast for many years.

The resolution before us sets forth the approval by Congress of the designation of the Cordell Bank National Marine Sanctuary, signed by the Secretary of Commerce May 19, 1989. Unlike the original designation, however, the resolution would prohibit the exploration, development, and production of oil, gas, or minerals in any part of the almost 400 square miles of the sanctuary.

Mr. Speaker, as Americans react with disbelief, frustration, and anger over the environmental damage wrought in Prince William Sound in Alaska and just this last weekend in coastal areas in Texas, Rhode Island, and Delaware, it would probably come as a shock to most to learn that development of oil and gas can still occur in the most sensitive of all offshore areas—our national marine sanctuaries.

These areas are the underwater equivalent of Yosemite and Yellowstone Parks, yet unlike national parks they may still be explored for oil development. This legislation will protect the Cordell Bank Sanctuary from such development, and hopefully set a precedent so that future sanctuaries are explicitly made off limits to the dangers that commercial exploration can bring.

Mr. Speaker, the Merchant Marine Committee drafted and Congress enacted legislation in the last Congress designating the 400-square-mile Cordell Bank region as a national marine sanctuary. This marked only the eighth time since the Marine Protection, Research, and Sanctuaries Act of 1972 that Congress and the administration have seen fit to create a marine sanctuary.

We do not create a national marine sanctuary lightly or for frivolous reasons. The act requires the Government to identify marine areas of special national significance which contain highly productive and unusual ecological, research, educational, aesthetic, historical, and recreational resources as candidates for Federal protection.

The legislative record of the last Congress demonstrates convincingly that Cordell Bank fulfills these requirements. The bank itself is a unique underwater island, and the surrounding waters are populated by large numbers of rare marine animals, plants, and corals. Twelve endangered and two threatened species inhabit the region, including the California brown pelican, the blue, humpback, and sperm whales, the short-tailed albatross, and the green sea turtle.

House Joint Resolution 281 addresses whether the regulations which will protect this pristine sanctuary should explicitly prohibit hydrocarbon operations—oil and gas drilling—within the region. There is no serious debate between experts or within the Government on this matter—all parties agree that hydrocarbon operations within the Cordell Bank Sanctuary should be banned. The administration fully supports prohibiting oil and gas drilling within Cordell Bank, even though the sanctuary lies within the prospective lease sale 119 region.

Still, the official document designating the sanctuary contained an outright drilling ban for only 5 percent of the total sanctuary area. The administration contends that it did not possess sufficient authority and environmental impact data at the time to ban drilling in the entire sanctuary.

On May 19, the Acting Administrator of NOAA, Dr. William Evans, announced the beginning of a rulemaking process intended to culminate in a total drilling ban. I welcomed this constructive and important step, and I commend Dr. Evans for his approach to this matter and his stalwart support of our efforts.

Cordell Bank, though, is too important a region to be left to the vicissitudes and uncertainties of the bureaucratic rulemaking process. The permanent protection of Cordell Bank's unique resources requires legislation which will lock in protection of the environment and lock out the oil companies. That is exactly what this legislation will accomplish.

I might also say, Mr. Speaker, that most of us from California view this legislation as only a small step toward much more comprehensive protection of our coast as a whole. Our delegation in Congress has worked tirelessly to preserve the natural scenic grandeur of the coast, not just because it is one of the last pristine areas untouched by exploitation, but also because it supports marine life vital to our economy. While Cordell Bank is indeed unique, we can and will make the case to the American people that our entire northern coast is a national treasure that should be preserved and protected. It is expected that over 70 percent of the American people will live in coastal areas within the next 5 years.

As population pressures make the need for solitude and communication with Mother Nature more and more important, future generations will view with deep gratitude our actions today in setting aside these important coastal resources.

□ 1650

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I am here today to voice my strong support for House Joint Resolution 281 which calls for the prohibition of oil and gas development within the Cordell Bank National Marine Sanctuary.

Mr. Speaker, this is really a day of celebration for many of us, and it could not have been possible without the help of two people on our Committee on Merchant Marine and Fisheries, the gentleman from California [Mr. Bosco], who I will speak of later, and the chairman of that committee, the gentleman from North Carolina [Mr. JONES].

Mr. Speaker, Cordell Bank lies directly off my district's coast, and I can personally assure each and every Member of Congress that this proposed sanctuary, which has its incredibly diverse population of marine habitat, which the gentleman from California [Mr. Bosco] described, is absolutely deserving of this protection that will be afforded under this resolution.

Offshore oil drilling involves the use of many toxic materials, particularly drilling muds laden with heavy metals and toxics, and this toxic pollution which, added to the risk of small chronic oilspills and tanker accidents, could very well smother and poison the marine life of this fragile area. It is really, Mr. Speaker, an underground park that is as worthy of protection as any of our great national parks.

Mr. Speaker, it seem inconceivable that oil and mineral development could even be considered for such an environmentally sensitive area, and thus I am so proud to be a cosponsor of this legislation, and I urge my colleagues to vote in its favor.

I believe that I can safely speak for my entire district by extending my thanks to the Committee on Merchant Marine and Fisheries, of which I was a former member, and its wonderful chairman, the gentleman from North Carolina [Mr. JONES] because without his support and his work we would not even be here with this bill, and he moved this bill expeditiously, believe me.

In addition, Mr. Speaker, I want to express my deepest appreciation to the gentleman from California [Mr. Bosco], my congressional neighbor to the north. I have the privilege of sharing the representation of Sonoma County with him, and we have been working on issues of this nature for a long time, but I can say today to my colleague, the gentleman from California [Mr. Bosco] that with his work and that of the chairman, the gentleman from North Carolina [Mr. JONES], we have something of lasting significance, something that will remain for future generations, and to be able to do that even once in this Congress is a real treasure and a joy.

Mr. Speaker, the gentleman from California [Mr. Bosco] was part of all the meetings that we had with NOAA when we tried to resolve this issue short of legislation, and so was the gentlewoman from California [Ms. PELOSI] there, and I thank her, and I am grateful for her support.

We tried to resolve this issue without legislation, but we could not. NOAA declined to exercise its authority under the Marine Protection Research and Sanctuaries Act to prohibit this type of oil development and gas development within the sanctuary, and instead they did ban oil development, but only in 5 percent of the sanctuary area leaving 379 square miles unprotected and available for this oil development. This legislation remedies that mistake.

Mr. Speaker, I would argue that wherever we have in this great Nation chosen to protect these sanctuaries that we should not just designate something a marine sanctuary and then allow oil and gas drilling within it. That is a contradiction in terms. How can it be said, on the one hand, that we have a sanctuary and, on the other hand, we can drill for oil and gas? It is destructive.

So, Mr. Speaker, I would hope that we will now move, after we do this bill, to look at a more comprehensive approach where from now on when the President designates, or NOAA designates a marine sanctuary, or we designate a marine sanctuary, it automatically carries the caveat that there could never be any oil or gas drilling within that particular sanctuary.

Mr. Speaker, in closing I again want to extend my heartfelt thanks to the gentleman from California [Mr. Bosco], the gentleman from North Carolina [Mr. JONES] and to the entire Committee on Merchant Marine and Fisheries for their work. Had I sat on this committee, I could not have added to the wonderful work that they did, and I thank them very much.

Mr. SHUMWAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Title III of the Marine Protection, Research, and Sanctuaries Act [MPRSA] authorizes the Secretary of Commerce to designate certain marine areas of national importance as National Marine Sanctuaries. On May 24, 1989, the Secretary officially designated the Cordell Banks National Marine Sanctuary off the coast of California about 50 miles northwest of San Francisco.

Under the statutory provisions of the Marine Protection, Research, and Sanctuaries Act, the Congress has 45 days of continuous session in which to act to either deny the designation or change any of the terms of the designation. If the Congress fails to act in this time period, the designation, as proposed by the Secretary takes effect automatically.

NOAA in its designation document for the Cordell Banks National Marine Sanctuary, has proposed to prohibit oil and gas activities within the 18-square-mile center or core area of the sanctuary. NOAA's regulations further propose that until updated regulations can be issued, oil and gas activities should be carefully regulated by the Secretary to ensure protection of the Cordell Bank's conservation, recreational, ecological, historical, research, educational, and aesthetic values. NOAA has already stated its intention to continue its rulemaking process after the sanctuary designation legally takes place to ban all oil and gas activities within the entire 400-square-mile sanctuary.

NOAA has not, at this point, proposed this comprehensive ban in the designation document it recently issued, citing legal and administrative requirements to issue a more comprehensive supplemental environmental impact statement before doing so. House Joint Resolution 281 uses the statutory Congressional review process to make this proposed regulatory change for NOAA, thus avoiding the need for the supplemental environmental impact statement, and the delay and cost associated with preparing such a study.

Mr. Speaker, since NOAA has already proposed this more comprehensive ban on oil and gas activities within the entire National Marine Sanctuary, I believe Mr. Bosco's bill, House Joint Resolution 281, is within the proper Congressional review procedure as we envisioned it in 1984 during the amendment to Title III of the Marine Protection, Research, and Sanctuaries Act. However, I am concerned that opponents of the OCS oil and gas program will begin to view the National Marine Sanctuary Program as a convenient and effective tool to block OCS leasing in potential future sanctuary areas or designated sites. Mr. Speaker, the program is not designed for such a purpose and to do so would be an abuse of the sanctuary law. The statute specifically allows for activities such as OCS operations to be regulated and permitted so long as the purpose of the sanctuary is compatible with such activities, and indeed no such ban of oil and gas activities exists for the majority of National Marine Sanctuaries already designated and in existence today.

I am also somewhat concerned with the precedent regarding the provision Chairman Jones added to the bill during committee consideration to require an environmental impact statement for exploration activities off the coast of North Carolina.

The Outer Continental Shelf Lands Act clearly does not envision the need for an environmental impact statement at the exploration stage. Environmental impact statements are required prior to lease sales earlier in the process. Courts have ruled to this effect and my concern is that this provision may be viewed as a precedent which could further harm the OCS program, a program which is vital to the national energy security of this Nation and which has repeatedly come under unwarranted attacks by its opponents.

I know, Mr. Speaker, that Chairman Jones has been a supporter of this program in the past and has worked diligently to avoid congressional appropriations moratoria which have undermined this program. It is my understanding that negotiations are underway between the Minerals Management Service at the Interior Department and the State of North Carolina and that some accommodations may be made to alleviate the State's concerns. While I do have concerns about the precedent of this provision, I do support the chairman's efforts to alleviate his State's concerns. In this con-

text, this environmental impact statement provision may be the preferred course of action to take at this time.

□ 1700

Mr. SHUMWAY. Mr. Speaker, I know of no other speakers on my side of the aisle, and therefore, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, first I want to commend the gentleman from California for supporting this bill, with some slight reservations, and also I appreciate the fact that the Interior and Insular Affairs Committee, represented by its able chairman, looked at the bill and let it go.

Ms. PELOSI. Mr. Speaker, I rise in support of House Joint Resolution 281.

The saying oil and water do not mix, could never be more true. The recent *Valdez* oilspill is a tragic example of how oil and water resources do not mix. No marine sanctuary is a true sanctuary if the possibility of energy exploration exists within its borders.

Cordell Bank is now a national marine sanctuary, but our work is not done. A sanctuary, in the truest sense, is a refuge that allows protection. Cordell Bank's resources will never be protected unless we pursue a complete ban on oil drilling in the entire sanctuary. House Joint Resolution 281 would accomplish this goal.

As a cosponsor of the Bosco bill, and as an immediate neighbor to Cordell Bank, I am committed to full protection of its resources. Federal policy that creates a marine sanctuary is inconsistent with Federal policy that allows oil drilling.

Cordell Bank's marine resources should be inviolate, protected from the threat of an oil disaster.

Mr. Speaker, I urge my colleagues to vote in favor of House Joint Resolution 281. Thank you.

Mr. MILLER of California. Mr. Speaker, I rise in strong support of House Joint Resolution 281, a joint resolution to approve the designation of the Cordell Bank National Marine Sanctuary and prohibit the exploration and development of oil, gas, or minerals in the sanctuary. Cordell Bank is an extremely rich marine ecosystem on the Pacific Outer Continental Shelf [OCS] about 20 miles west of Point Reyes, CA. House Joint Resolution 281 would provide permanent protection for the Cordell Bank area and protect against oil and gas development.

I commend my colleagues Representatives BOSCO, BOXER, and PELOSI for their work on this legislation. I also commend the Chairman of the Merchant Marine and Fisheries Committee, WALTER JONES, for his fine work.

The Cordell Bank OCS area was designated as a National Marine sanctuary by the Commerce Department on May 19, 1989. The area protected by the Sanctuary is approximately 400 square miles in size. Unfortunately, the Commerce Department designation only bans oil and gas drilling in an 18-mile area in the center off the Cordell Bank. This is unacceptable. A comprehensive drilling ban for the entire Cordell Bank is absolutely necessary to protect the area. House Joint Resolution 281 would provide that protection.

House Joint Resolution 281 also contains a provision authored by Chairman JONES which bars the Secretary of the Interior from approving any oil or natural gas exploration plan in connection with certain leases on the OCS off the North Carolina coast prior to the issuance of an environmental impact statement [EIS]. This provision is needed because existing environmental data on these lease sales are inadequate and out-of-date. I strongly support this provision. It sends a strong message to the Department of the Interior that the Congress will not permit OCS oil and gas drilling to proceed when the Department has not fully studied environmental impacts associated with drilling.

The Cordell Bank oil and gas drilling ban and the North Carolina OCS lease sale EIS requirement both fall under the jurisdiction of the Interior Committee, and specifically the Subcommittee on Water, Power and Offshore Energy Resources, which I chair. The Interior Committee requested, and received, a sequential referral of House Joint Resolution 281. I am pleased we can join our colleagues on the Merchant Marine and Fisheries Committee in support of this important legislation.

Mr. Speaker, House Joint Resolution 281 is vital legislation. It is needed to protect the environmentally valuable Cordell Bank area from hazardous drilling and mining. I strongly urge my colleagues to join me in support of this legislation.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the joint resolution, House Joint Resolution 281, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The title of the joint resolution was amended so as to read:

Joint resolution to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 281, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PALAU COMPACT OF FREE ASSOCIATION IMPLEMENTATION ACT

Mr. DE LUGO. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 175) to authorize entry into force of the Compact of Free Association between the United States and the Government of Palau, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 175

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—IMPLEMENTATION OF COMPACT OF FREE ASSOCIATION WITH PALAU

SEC. 101. SHORT TITLE.

This title may be cited as the "Palau Compact of Free Association Implementation Act".

SEC. 102. ENTRY INTO FORCE OF COMPACT.

Entry into force of the Compact of Free Association between the United States and Palau (set forth in title II of Public Law 99-658 and hereafter in this joint resolution referred to as the "Compact") in accordance with subsections (a) and (d) of section 101 of Public Law 99-658 (100 Stat. 3673) is hereby authorized—

(1) subject to the condition that the Compact, as approved by the Congress in Public Law 99-658, is approved by the requisite percentage of the votes cast in a referendum conducted pursuant to the Constitution of Palau, and

(2) upon expiration of 30 days after the President notifies the Committees on Interior and Insular Affairs and Foreign Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of the effective date of the Compact.

SEC. 103. FISCAL PROCEDURES ASSISTANCE.

(a) PROCEDURES ON EXPENDING FUNDS.—Upon request of the Government of Palau, the Secretary of the Interior shall provide assistance to the Government of Palau to develop and promulgate regulations for the effective expenditure of funds received pursuant to this joint resolution, Public Laws 99-658 and 99-239, or any other Act of Congress.

(b) IMPLEMENTATION OF AUDIT RECOMMENDATIONS.—

(1) The President is authorized to negotiate an agreement with the Government of Palau under which the Government of Palau agrees to develop a plan within 120 days after an audit is submitted to that Government (or any entity or instrumentality thereof) by the Comptroller General of the United States (or his duly authorized representatives), or the Inspector General of the Department of the Interior, to—

(A) implement the recommendations made by such audit, or

(B) inform the Secretary of the Interior of that Government's objections to implementing such recommendations.

(2) Under such agreement the President may agree that the Secretary of the Interior shall provide assistance to the Government of Palau to implement such audit recommendations.

SEC. 104. ANTIDRUG PROGRAM.

(a) PLAN.—The National Drug Policy Board shall develop, in cooperation with the Government of Palau, a plan for an anti-

drug program in Palau. The plan shall be submitted to the Committees on Interior and Insular Affairs, Foreign Affairs, and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate by April 1, 1989. The plan shall identify the specific needs and costs of such an antidrug program. It shall identify all existing resources to be allocated for its implementation by the Government of the United States and the Government of Palau, and it shall recommend priority use for additional resources, assuming such resources are made available.

(b) AGREEMENT.—Following completion of the plan, the President and the Government of Palau shall negotiate an agreement to facilitate implementation of the plan. Such agreement may include—

(1) that the Government of Palau may request, on a long-term or case-by-case basis, that the officers of United States law enforcement agencies may conduct investigations consistent with implementation of the plan in cooperation with the law enforcement agencies of the Government of Palau;

(2) that the Government of Palau or the Government of the United States may agree to provide specific resources, on a one-time or a multiyear basis, to strengthen the antidrug program; and

(3) a specific description of the technical assistance, training, and equipment to be provided to Palau by the United States necessary to implement the plan.

(c) AUTHORIZATION.—To the extent that funds are not otherwise available to appropriate agencies of the United States to implement any agreement entered into pursuant to this section, there is hereby authorized to be appropriated such sums as may be necessary.

SEC. 105. PUBLIC AUDITOR AND SPECIAL PROSECUTOR.

(a) AGREEMENT.—The President shall, upon the formal request of the Government of Palau, negotiate an agreement with the Government of Palau in accordance with section 224 of the Compact which may provide that—

(1) the Government of the United States agrees to provide the Government of Palau with assistance, subject to appropriation, under section 222 of the Compact for maintaining offices of public auditor and special prosecutor;

(2) the Government of Palau agrees to maintain and staff the independent offices of public auditor and special prosecutor established in accordance with the authority of its constitution and laws;

(3) the Government of Palau agrees to provide funding levels adequate for the effective operation of each of the offices of public auditor and special prosecutor during the period the Compact is in effect in addition to the assistance provided by the Government of the United States pursuant to this subsection;

(4) upon request of the Government of Palau the President shall provide, on a nonreimbursable basis, appropriate technical assistance to the public auditor or special prosecutor. The assistance provided pursuant to this subsection for the first five years after the effective date of the Compact shall, upon the request of the Government of Palau, and to the extent personnel are available, include (but not be limited to) the full time services of—

(A) an auditor or accountant, as determined by the public auditor, for the office of public auditor; and

(B) an attorney or investigator, as determined by the special prosecutor, for the office of special prosecutor; and

(5) the Government of the United States shall, subject to appropriation, provide the Government of Palau with such sums as are agreed to under this section, for each of the offices of public auditor and special prosecutor for the first five years after the effective date of the Compact.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

SEC. 106. POWER GENERATION.

Section 104(e) of Public Law 99-658 is amended to read as follows:

"(e) Neither the Secretary of the Treasury nor any other officer or agent of the United States shall pay or transfer any portion of the sum and amounts payable to the Government of Palau pursuant to this joint resolution to any party other than the Government of Palau, except under the procedures established by the Compact and its related agreements. No funds appropriated pursuant to the Compact, this Act, or any other Act for grants or other assistance to Palau may be used to satisfy any obligation or expense incurred by Palau prior to November 14, 1986, with respect to any contract or debt related to any electrical generating plant or related facilities entered into or incurred by Palau which has not been specifically authorized by Congress in advance, except that the Government of Palau may use any portion of the annual grant under section 211(b) not required to be devoted to the energy needs of those parts of Palau not served by its central power generating facilities and any portion of the funds under section 212(b) of the Compact for such purposes.".

SEC. 107. DEVELOPMENT PLAN FOR PALAU.

The President shall negotiate an agreement with the Government of Palau under which the Government of Palau agrees to provide current information regarding the National Development Plan proposed pursuant to section 231 of the Compact and submitted pursuant to section 101(d)(1)(C) of Public Law 99-658, including information adapting the existing plan to the first 5-year period following the effective date of the Compact, and to list all capital infrastructure projects to be financed with United States assistance.

SEC. 108. MEDICAL SYSTEM.

(a) REPORT.—The Secretary of the Interior, in cooperation with the Public Health Service, shall submit a report, including the views of the Government of Palau, to the Committees on Interior and Insular Affairs, Foreign Affairs, and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate by April 1, 1989. The report shall present the range of options, and the cost of such options, for the upgrading of the Koror hospital.

(b) FINANCIAL ASSISTANCE REQUEST.—The Government of the United States will sympathetically consider the request of Palau for additional financial assistance to meet the need for medical facility construction based on the report made under this section, and the United States encourages Palauan financial assistance to this project in addition to funds made available by the United States.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to upgrade the Koror hospital.

SEC. 109. AUDIT CERTIFICATION.

The chief officer of any agency conducting an audit pursuant to paragraph (1) of sections 102(c) and 103(m) of the Compact of Free Association Act of 1985 (Public Law 99-239) and section 101(d)(1)(C) of Public Law 99-658 shall certify that audit.

SEC. 110. ACQUISITION OF DEFENSE SITES.

The provisions of title III of the Compact relating to future use by the United States of defense sites in Palau do not restrict the authority of the President of the United States to—

(1) request additional funding, subject to appropriation, related to the use of privately owned land in Palau pursuant to article II of title III of the Compact as may be appropriate in light of actual land use requirements, independent appraisals of such privately owned land accepted by both governments, and other appropriate documentation of actual land use costs; and

(2) consent to an extension of the time set forth in a subsidiary agreement to such article in which the Government of Palau is required to make such land available to the United States.

SEC. 111. CAPITAL IMPROVEMENTS.

(a) REPORT.—The Secretary of the Interior, in cooperation with the Government of Palau, shall submit a report to the Committees on Interior and Insular Affairs, Foreign Affairs, and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate by April 1, 1989 on the condition of the Palau prison. The report shall present a range of options for upgrading the prison, including replacement of the facility; the cost of these options; and alternatives for funding these options.

(b) FINANCIAL ASSISTANCE REQUEST.—The Government of the United States will sympathetically consider the request of Palau for additional financial assistance to meet the need for prison construction based on the report made under this section.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to upgrade the Palau prison.

SEC. 112. FEDERAL PROGRAMS COORDINATION PERSONNEL.

(a) ASSIGNMENT.—The Secretary of the Interior shall station at least one professional staff person in each of the Offices of the United States Representatives in the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Island to provide Federal program coordination and technical assistance to such governments as authorized under Public Laws 99-239 and 99-658. In meeting the purposes of this section the Secretary shall select qualified persons following consultations with the Interagency Group of Freely Associated State Affairs.

(b) AUTHORIZATION.—There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 113. REFERENDUM COSTS.

The Secretary of the Interior shall provide such sums as may be necessary for a further referendum on approval of the Compact, if one is required, or other appropriate costs associated with the approval process in Palau. There is authorized to be appropriated not to exceed $200,000 to carry out the purpose of this section.

SEC. 114. AGREEMENTS.

(a) APPROVAL.—Pursuant to section 101(d) of Public Law 99-239, the following agree-

ments are approved and shall enter into force in accordance with their terms:

(1) "Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands to Amend the Governmental Representation Provisions of the Compact of Free Association Pursuant to section 432 of the Compact" signed on March 18, 1988; and

(2) "Agreement Between the Government of the United States and the Government of the Federated States of Micronesia to Amend the Governmental Representation Provisions of the Compact of Free Association Pursuant to section 432 of the Compact" signed on March 9, 1988.

(b) EFFECTIVE DATE ON CERTAIN AGREEMENTS.—An agreement between the United States and the Government of the Republic of Palau identical to the agreements referred to in subsection (a) of this section shall take effect upon submission to Congress of such an agreement and entry into force of such an agreement in the manner provided in section 101(d)(5) of Public Law 99-658.

(c) EXTENSIONS.—The provisions of article IX, paragraph 5(a) of the Agreement referred to in section 462(e) of the Compact of Free Association as approved by Public Law 99-239, and article IX, paragraph 5(a) of the agreement referred to in section 462(f) of the Compact of Free Association for Palau as approved by Public Law 99-658, are extended, in accordance with the terms thereof, until October 1, 1998, unless earlier terminated or further extended by the laws of the United States.

SEC. 115. STATUS OF FUNDS.

(a) OBLIGATION OF FUNDS.—In any year that funds made available by the United States for that year pursuant to this joint resolution, Public Law 99-658 or Public Law 99-239, or any other Act of Congress are not completely obligated by the Government of Palau, the unobligated balances of such funds shall remain available in addition to the funds to be provided in subsequent years.

(b) PAYMENT PROCEDURES.—The President is authorized to negotiate and conclude an agreement, including the obligation of United States funds, with the Government of Palau which shall provide the following:

(1) The sum of $28,000,000, adjusted by section 215 of the Compact at the time of its availability to Palau, shall be provided to Palau pursuant to section 211(b) of the Compact in fiscal year 1989.

(2) Palau shall pay to the United States, on or before the 15th anniversary of the effective date of the Compact, an amount equal to the net economic cost to the United States of making available the section 211(b) funds in the manner specified in this subsection rather than as provided in section 211(b).

(3) Such economic cost shall reflect the time value of money and be determined using the rate determined for an equivalent loan by the Federal Financing Bank as of the date these funds are advanced, and using an inflation rate consistent with the determinations made under the provisions of section 215 of the Compact.

(4) If the Government of Palau has not paid such net economic costs to the United States by the 15th anniversary of the effective date of the Compact, then the United States shall be automatically paid such sums from the fund established under section 211(f) of the Compact.

(5) The provision of section 211(b) funds, as appropriated by Public Law 99-349 and pursuant to this subsection, shall be in fulfillment of all United States obligations under such section 211(b) of the Compact and shall be subject to section 236 of the Compact.

SEC. 116. SUBMISSION OF AGREEMENTS.

(a) SUBMISSION.—Any agreement concluded with the Government of Palau pursuant to this joint resolution and any agreement which would amend, change, or terminate any such agreement, or portion thereof, shall be submitted to the Congress and may not take effect until after 30 days after the date on which such agreement is so submitted. An amendment or agreement substituting or in addition to the subsidiary agreement negotiated under section 212(a) of the Compact or its annex shall take effect only when approved by an Act of Congress.

(b) EFFECTIVE DATE.—The authority under section 102 of this joint resolution for the Compact to enter into force shall not be effective until the agreements set forth in sections 103 and 107 between the Governments of the United States and Palau have been concluded.

SEC. 117. TRANSITION FUNDING.

Section 104(c) of Public Law 99-658 (100 Stat. 3676) is amended to read as follows—

"(c) AUTHORIZATION FOR TRANSITION PURPOSES.—For the purposes of applying section 105(c)(2) of the Compact of Free Association Act of 1985 (99 Stat. 1792) to Palau, the terms 'fiscal year 1987', 'fiscal year 1988', and 'fiscal year 1989' shall be deemed to be the first, second, and third fiscal years, respectively, beginning after the effective date of the Compact."

TITLE II—INSULAR AREAS MATTERS

SEC. 201. SHORT TITLE.

This title may be cited as the "Omnibus Insular Areas Act".

SEC. 202. JUDICIAL ASSISTANCE.

(a) IN GENERAL.—The Ninth Judicial Circuit of the United States may provide assistance to the courts of the freely associated states. The Chief Justice of the United States or the Chief Judge of the Ninth Circuit may, upon the request of a duly authorized official of a freely associated state, authorize any circuit judge of, or district court judge within, the Ninth Circuit to serve temporarily as a judge of any court of a freely associated state.

(b) CONSENT.—The Congress hereby consents to the acceptance and retention of reimbursement or allowances for expenses related to service on a freely associated state court authorized by this section. All such reimbursement or allowances shall be reported by the judge concerned to the Administrative Office of the United States Courts.

(c) ADDITIONAL AGREEMENTS.—The President is authorized to enter into agreements with the freely associated states that are necessary or appropriate to facilitate implementation of this section.

SEC. 203. CONTROLLED SUBSTANCES IN THE FREELY ASSOCIATED STATES.

(a) IN GENERAL.—The President is authorized to negotiate agreements which provide—

(1) that the United States shall carry out the provisions of part C of the Controlled Substances Act (21 U.S.C. 821 et seq.) as necessary to provide for the lawful distribution of controlled substances in the freely associated states; and

(2) that a freely associated state which institutes and maintains a voluntary system to report annual estimates of narcotics needs to the International Narcotics Control Board, and which imposes controls on imports of narcotic drugs consistent with the Single Convention on Narcotic Drugs, 1961, shall be eligible for exports of narcotic drugs from the United States in the same manner as a country meeting the requirements of subsection (a) of section 1003 of the Controlled Substances Act (21 U.S.C. 953).

(b) EFFECTIVE DATE.—Agreements concluded pursuant to this section shall become effective pursuant to section 101(f)(5) of Public Law 99-239 or section 101(d)(5) of Public Law 99-658, as may be applicable.

SEC. 204. NORTHERN MARIANAS COLLEGE.

The Northern Marianas College is hereby constituted a depository to receive Government publications, and the Superintendent of Documents shall supply to the Northern Marianas College one copy of each such publication in the same form as supplied to other designated depositories.

SEC. 205. MATCHING FUND REQUIREMENT.

The last sentence of section 501(d) of Public Law 95-134, as amended by Public Law 96-205, as amended (48 U.S.C. 1469a(d)), as amended—

(1) by inserting "any Federal program as it applies in" before "American Samoa"; and

(2) by inserting "or other expenditures" after "funds".

SEC. 206. VIRGIN ISLANDS.

The Revised Organic Act of the Virgin Islands is amended by striking out the second sentence of section 25 (48 U.S.C. 1615).

SEC. 207. CABRAS ISLAND.

Section 818(b)(2) of Public Law 96-418 (94 Stat. 1782) (as amended by section 504 of Public Law 98-454 (98 Stat. 1736)) is amended by striking "30 percent" and inserting "50 percent".

SEC. 208. PONAPE HYDROPOWER DIVERSION.

Section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by inserting "for design and construction of the Nanpil River hydropower diversion project;" after "Ponape;".

SEC. 209. SPECIAL PROGRAMS AGREEMENT.

Section 101(c)(2)(D) of Public Law 99-658 (100 Stat. 3673) is amended—

(1) by striking "and" at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting "; and"; and

(3) by adding at the end thereof the following:

"(vii) the agreement entitled 'Agreement Concerning Special Programs related to the Entry into Force of the Compact of Free Association Between the Government of the United States and the Government of the Republic of Palau', signed on May 26, 1989.".

SEC. 210. POLITICAL STATUS OF PUERTO RICO

(a) GRANTS TO POLITICAL PARTIES.—There is hereby authorized to be appropriated to the President for grants to the Popular Democratic Party, the New Progressive Party, and the Puerto Rican Independence Party of the Commonwealth of Puerto Rico $1,500,000, which is authorized to remain available until the sine die adjournment of the One Hundred First Congress. Grants shall be made to each such party in equal amounts, not to exceed $500,000 each. Such funds shall be made available for necessary expenses incurred after March 1, 1989, to each such party to participate in the legislative process involving the future political status of Puerto Rico, including the travel and transportation of persons, services as authorized by section 3109 of title 5, United States Code, communications, utilities,

printing and reproduction, and supplies and materials and other related services, and for administrative costs.

(b) AUDITS.—Under such regulations as the Comptroller General of the United States may prescribe, the Comptroller General shall perform a financial audit of the financial transactions made by each such party with such funds.

(c) PROHIBITION OF USE OF FUNDS.—Such funds may not be used directly or indirectly to finance the campaign of candidates for public office.

SEC. 211. CLARIFICATION WITH RESPECT TO ALLOTMENTS FOR TERRITORIES.

Section 1912A(c) of the Public Health Service Act, as added by section 2022(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended to read as follows:

"(c)(1) Subject to paragraph (2), the allotment under this subpart for a territory of the United States shall be the product of—

"(A) an amount equal to the amounts reserved under paragraph (3); and

"(B) a percentage equal to the quotient of—

"(i) the population of the territory, as indicated by the most recently available data; divided by

"(ii) the aggregate population of the territories of the United States, as indicated by such data.

"(2) Each territory of the United States shall receive a minimum allotment under this subpart of the greater of—

"(A) $100,000; and

"(B) an amount equal to 105 percent of the sum of—

"(i) the amount the territory received under section 1913 for fiscal year 1988 (as such section was in effect for such fiscal year); and

"(ii) the amount the territory received under part C for fiscal year 1988 (as such part was in effect for such fiscal year).

"(3) The Secretary shall reserve for the territories of the United States 1.5 percent of the amounts appropriated pursuant to section 1911 for allotments under this subpart for each fiscal year.".

SEC. 212. VIRGIN ISLANDS PRISON EXPANSION AND RENOVATION.

There is authorized to be appropriated $5,000,000 to the Secretary of the Interior for construction of a 127-bed prison barracks at the Golden Grove Prison on St. Croix, United States Virgin Islands, and for renovation of and improvements to existing prison facilities.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from the Virgin Islands [Mr. DE LUGO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from the Virgin Island [Mr. DE LUGO].

GENERAL LEAVE

Mr. DE LUGO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 175, the joint resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

Mr. DE LUGO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the last Congress, the Subcommittee on Insular and International Affairs, which I am privileged to chair, dedicated most of its efforts to the smallest of the eight insular areas: the western Pacific islands of Palau.

These efforts were focused on a proposed Compact of Free Association with Palau. They led the House to pass legislation to authorize the compact to be put into effect last October 6 with 406 votes.

In the closing hours of the 100th Congress, a compromise was reached on this legislation. Under it, the Reagan administration committed to fulfill the requirements of the House legislation without being required to do so by statute if the House would pass the Senate version with one mutually agreed upon amendment.

Unfortunately, the commitments that made the compromise possible were delivered literally minutes too late to get it enacted last year.

Also unfortunately, the Reagan administration didn't follow through on the compromise. The ranking Republican of the Insular and International Affairs Subcommittee, BOB LAGOMARSINO, promised, though, that the Bush administration would.

So, in March, 65 Members joined me in sponsoring House Joint Resolution 175, the legislation that the compromise requires regarding Palau.

I said then I would seek action when the Bush administration did what it could to implement the compromise. I suggested an addition to the compact be agreed to with Palau that would commit the United States to fulfill the requirements of the last Congress' House legislation.

After the Bush administration decided to honor the compromise, the State Department officer who had agreed to it in the first place, James Berg, began negotiating the needed subsidiary agreement to the compact with a Palauan commission headed by the islands' new Vice President, Kuniwo Nakamura.

Two administration proposals were made but fell short of the compromise. Meanwhile, some in Palau became concerned that the necessary consensus on the compromise would erode. Some in Washington felt that time for the compromise had run out.

Finally, after Palau's leaders spoke out in the U.N. Trusteeship Council, Mr. Berg agreed to the commitments that made agreement possible. A subsidiary agreement for this purpose was signed on May 26.

The Insular and International Affairs Subcommittee conducted a hearing June 8 to determine whether the agreement signed May 26 met the requirements of the compromise.

I am pleased to report that our hearing confirmed that the agreement generally lives up to the compromise. The differences we found between the agreement and the compromise are minor and are fair to both the United States and Palau. For the most part, the agreement commits the executive branch to take action which would have been required by the House legislation in the last Congress.

This makes it incumbent upon us to pass the legislation that the compromise requires. From conversations with the chairman of the committee of jurisdiction on the other side of the Capitol, I expect the Senate to also approve it.

A substitute for House Joint Resolution 175, as it was introduced, that I proposed was approved by the Interior and Insular Affairs Committee last week by a vote of 24 to 2.

The differences between the introduced resolution and the substitute are the following:

First, the substitute would approve the May 26 agreement, effectively making it a part of the compact and this legislation.

Second, the substitute includes a number of miscellaneous other insular measures that were included in the compromise but were not included in House Joint Resolution 175, as it was introduced.

Third, it includes a few other miscellaneous insular measures that need to be enacted soon which the administration either supports or to which it has no objection and which the chairman of the Senate committee and I have agreed to have added by the House.

We, in Washington entered into this compromise last October with the concurrence of leaders of Palau. Their support for it is important because the free association relationship that the compact would bring about would be a mutual one. Palau, after all, must also approve the compact for it to become effective.

Palau's leaders felt strongly that the original legislation we introduced on this matter a year ago offered the best chance for getting their people—who have failed to approve the compact in six referendums—to finally approve it. This was because the legislation addressed problems which had hindered approval of the compact in the past.

They agreed with us, though, to the compromise between leaders of the Interior and Insular Affairs and Foreign Affairs Committees that made overwhelming House passage possible because they recognized the need for compromise.

They also went along with the final compromise on this legislation, reached in the last hours of the last Congress, because they recognized that it provided the best improvements to the compact that we could get through implementation legislation.

The agreement fairly represents these improvements to the compact. It expands upon them as much as can be agreed. So, I want the people of Palau to understand that this still is the best agreement we can now get on compact implementation legislation.

I know that they have heard pronouncements like this before only to have these improvements made. But these improvements have been made in part through efforts that I, and other members of the Interior and Insular Affairs Committee, have fought for and my message to them is: We cannot now win more than we have already.

I also want my friends in Palau to know, though, that I remain committed to working for any other needed improvements in free association between the United States and Palau under the compact.

So, I would hope that this compromise will result not only in Congress' final approval of the compact, but final approval by Palau as well.

Palauan approval, of course, cannot be presumed. And it may be less assured than it seemed to be late last year and early this year. This is because of the long time it took for the administration to make the commitments that were needed.

Still, from what I have heard from Palau's leaders, they will try to obtain their people's approval.

The need for Palauan approval is one of the reasons we should expeditiously approve this legislation. Palau needs to know the United States position on this matter to be able to make its own decision. This legislation should frame the necessary final United States position.

Palau's leaders will then have to carefully judge how to obtain their people's final approval. For if this package does not result in Palau's approval of the compact, there may be no way to ever get it approved.

If the compact is approved under this legislation, though, our efforts and theirs to get help for Palau to be able to fairly settle its crippling power facilities debt and relieve its medical referral debts, to root out corruption and correct fiscal mismanagement, to combat drug abuse, to build a decent hospital and jail, to fix deficient infrastructure, and to assure that the Compact will not interfere with the Palauan constitutional requirement for just compensation for private lands needed for public purposes, will soon begin to bear fruit.

We would, thus, finally achieve our mutual goal of ensuring that the United States meets its essential obligations under the trusteeship. We would be able to bring trusteeship responsibility to an end as soon as possible and do it with honor.

EXPLANATION OF SUBSTITUTE

Let me now explain the substitute in some detail.

TITLE I

Title I would be the "Palau Compact of Free Association Implementation Act."

More than the language of the resolution must be read to understand title I. The legislative provisions can only be understood when read in the context of the compromise. They must be read together with the agreement signed May 26 because the agreement effectively amends the legislation.

The administration assures that the agreement, which would become a part of the legislation under title II, will constitute an international legal obligation of the United States. It must be complied with if the United States is not to face challenge for a breach of compact obligations.

The intent of title I, therefore, is as follows:

ENTRY INTO FORCE

The compact would be authorized to be put into effect: First, if it is approved by the vote required by Palau's constitution—75 percent—or a lesser percentage if Palau's constitution is amended to lower the requirement—and second, 30 days after the President has notified the Committees on Interior and Insular Affairs and Foreign Affairs of the House and the Committee on Energy and Natural Resources of the Senate of his intent to implement the compact.

FISCAL PROCEDURES ASSISTANCE

The Secretary of the Interior would be required to assist Palau in developing regulations for spending compact assistance.

Palau would be required to develop plans to implement United States audit recommendations, or in the alternative, inform the United States of its objections to implementing the recommendations within 120 days of when recommendations are made. The Secretary of the Interior would be required to provide Palau with assistance to implement recommendations.

ANTI-DRUG AND LAW ENFORCEMENT PROGRAM

The United States would be committed to provide Palau with assistance for enforcement of its narcotics and other laws and prevention and treatment of narcotics and other substance abuse.

Palau would be committed to submit a plan for an anti-substance abuse program to the United States for agency approval. The National Drug Abuse Policy Board would be required to submit a plan on this matter to congressional committees. The United States would be committed to provide Palau $400,000 a year for 5 years beginning by fiscal year 1991 as well as technical assistance for implementing the plan and for law enforcement. It is intended that the United States will provide further assistance to Palau for these purposes after the 5-year period if needed and justified by Palau. These sums would be authorized.

Palau would be committed to authorize United States law enforcement officers to conduct investigations related to enforcement of United States laws in Palau in cooperation with Palauan law enforcement agencies.

The United States would be committed to: having Federal law enforcement officers assist in enforcing substantial abuse laws in Palau and provide training and equipment for Palauan substance abuse law enforcement.

Palau would be committed to employ additional customs officers trained to detect smuggling of prohibited substances, and conduct substance abuse education and treatment efforts.

PUBLIC AUDITOR AND SPECIAL PROSECUTOR

Palau would be committed to maintain and staff the special prosecutor and public auditor offices established by its law and dedicate the necessary amount of its own funds—but not less than $100,000 a year—for each of the offices for at least 5 years.

The United States would be committed to provide the public auditor and special prosecutor with technical assistance on a nonreimbursable basis. Requests for the assistance could come from either the Government of Palau or the auditor or the prosecutor.

The assistance must include the services of an auditor or accountant for the office of public auditor and an attorney or investigator for the office of special prosecutor for at least the first 5 years after the effective date of the compact. The type of personnel required would be determined by the public auditor and special prosecutor.

The United States would also be committed to provide Palau at least $300,000 annually for the public auditor and special prosecutor offices for at least the first 5 years of the compact. $100,000 of these amounts would be required to be spent annually for each office. The additional $100,000 per year would be required to be divided between the two offices by the Government of Palau. These sums would be authorized.

In the event that Palau does not maintain public auditor and special prosecutor offices, the President would initially have to take the conference and dispute resolution steps outlined in the compact. These involve: the two Governments conferring; referral to arbitration if the dispute is not resolved within 90 days;

the naming of three arbitrators within a total of 45 days; and an arbitration decision within 30 days, unless a longer period is mutually agreed upon.

Palau would be considered in material breach of the compact if it did not comply with an arbitration decision on this matter within 180 days. In this event, the President would be required to withhold funds that this legislation, the compact, and any other law would provide Palau and take such other actions as may be appropriate. These would continue until Palau again began to maintain, staff, and adequately fund its special prosecutor and public auditor offices.

POWER GENERATION SYSTEM DEBT

Section 104(e) of Public Law 99-658, the law which approved the compact subject to the condition that another law be enacted to approve its effectiveness, would be amended to prohibit Federal officials from paying compact legislation funding to parties other than the Government of Palau except as compact agreements might provide.

This law would also be amended to prohibit Federal assistance from being used by Palau to satisfy power facilities debts incurred prior to November 14, 1986, except for funds specifically authorized by Congress to be used for this purpose.

Two funds would be authorized to settle the debt. One consists of the energy development funds provided under compact section 211(b) other than those required to be devoted to parts of Palau not served by Palau's central power facilities—$1.5 million per year, adjusted for inflation, in years 2 through 15 of the compact. The other consists of the capital development funds provided under compact section 212(b), $28 million adjusted for inflation.

DEVELOPMENT PLAN

Palau would be committed to adapt its development plan to the first 5 years of the compact; list public infrastructure and private sector projects to be financed with compact assistance in priority order; and outline how existing capital improvement debts would be paid.

MEDICAL FACILITY

Palau would be required to submit a plan for hospital construction and operation to the Departments of Interior and Health and Human Services. The Secretary of the Interior would be required to submit a report on the options for improving the current hospital facilities, prepared in cooperation with the Public Health Service, to congressional committees.

Palau would be committed to dedicate at least $5 million to hospital needs during the first 15 years of the compact. The United States would be committed to provide Palau at least $5 million for the hospital and such other amounts as provided by United States law not later than fiscal year 1991. These sums would be in addition to any provided through the end of this fiscal year and would be authorized.

The total of $10 million referenced in the agreement was based on an estimate of $9.3 million needed for the hospital in addition to funds previously granted. The most current estimate is that an additional $14 million is needed.

Our intent is that the United States will provide the amount necessary to have a decent hospital built. We support providing at least half of this—$7 million—for this project this year.

This amount is included in the fiscal year 1990 Interior appropriations bill as reported by the subcommittee. I appreciate the cooperation I have received from Interior Appropriations Subcommittee Chairman SID YATES in trying to obtain funding for this important need.

AUDIT CERTIFICATION

The head of any Federal agency which audits funds pursuant to the laws approving the compacts with Palau, the Federated States of Micronesia, and the Marshall Islands would be required to certify that the audits meet the requirements of those laws. The intent of this requirement is to ensure that a Federal official is fully responsible for determining whether compact assistance has been spent properly.

ACQUISITION OF DEFENSE SITES

The United States would recognize that: The Government of Palau will be bound by its constitution to provide fair payment for private land that the United States might require Palau to provide it for military purposes under the compact; that land is scarce and has a special importance in Palau; and that Palau wants to prevent foreign ownership of its land.

The United States would also recognize that Palauans with interests in land used by the United States for military purposes under the compact in ways that prevent private development may be entitled to compensation as if their entire interest had been taken.

The United States would be committed to request only the minimum amount of and interest in land needed for military purposes and attempt to request public, rather than private, land, if possible, for its military needs.

The Government of Palau would be committed to obtain rights to land at the Airai Airfield and Malakal Harbor for United States military use as necessary to meet United States needs for the sites. The United States would be committed to enter into agreements for financial assistance if requested by Palau to acquire land, other than at the airfield and harbor, that the United States requires Palau to provide under the compact. Palau would not be obligated to make such land available until such agreements are reached. Assistance would be required to be based on fair value of land.

The United States would be committed to extend the 60-day period that Palau has to make private land available to the United States under the compact if Palau justifies such an extension.

PRISON IMPROVEMENTS

Palau would be committed to submit a plan to the Departments of the Interior and Justice for prison construction and operation. The Secretary of the Interior would be required to report options for improving Palau's prison to congressional committees.

The United States would be committed to provide Palau $800,000 for prison improvements not later than fiscal year 1991.

These sums would be in addition to any provided through the end of this fiscal year and would be authorized.

FEDERAL PROGRAMS COORDINATION PERSONNEL

The Interior Department would be required to assign at least one professional each to the United States Representative's offices in Palau, the Federated States of Micronesia, and the Marshall Islands.

The intent is that these officers—hopefully augmented by other staff if needed—would coordinate all Federal programs in and assistance to the freely associated states. They would be selected in consultation with other agencies concerned with the freely associated states.

Their expenses would be authorized; but the intent is that stationing of the officers is required whether or not specific, separate appropriations are made for this purpose. The compromise is based on the understanding that the Interior Department has and will use existing personnel slots and funding if needed to satisfy this requirement of the compromise.

REFERENDUM COSTS

The Secretary of the Interior would be required to provide Palau funds for a seventh referendum on the compact and other appropriate costs related to the change in the political relationship between the United States and Palau. The sum of $200,000 would be authorized to be spent for these purposes; but the funds are required to be made available whether or not specific appropriations are made for this purpose. The understanding that funds exist which may be used for this purpose if needed is an important part of the compromise.

AGREEMENTS

Agreements between the United States and the Federated States of Micronesia and the Marshall Islands which would effectively amend the Compact of Free Association Act of 1985 would be approved. The agreements would enable the U.S. Repre-

sentatives in the freely associated states and the states' representatives in the United States to be called "ambassadors". An identical agreement with Palau would become effective when submitted to Congress.

Agreements with the Federated States of Micronesia, the Marshall Islands, and Palau concerning their continued eligibility under the compact for the Essential Air Services Program would be approved. The agreements would extend their eligibility through fiscal year 1998.

STATUS OF FUNDS

Palau would be authorized to spend assistance provided it by the United States for use in one year in a subsequent year.

The United States would be committed to provide Palau with the $28 million, adjusted for inflation, that the compact requires the United States to pay Palau from year 2 to year 15 of the compact for energy development in fiscal year 1989, if Palau settles its debt for the IPSECO power facilities. This debt now exceeds some $48 million but agreement has been reached to settle it for $32 million—a fair price for the facilities—under this legislation.

Palau would be required to pay the United States $3 million for costs of this advancement of funds within the first 10 years and 30 days of the compact. If Palau does not, it would be deducted from the $70 million investment fund that the United States is required to provide Palau under section 211(f) of the compact.

The Government of Palau would be committed to spend at least $7 million for the energy needs of the areas of Palau not served by the IPSECO power facilities within 15 years of compact implementation. It would also be committed not to use Federal funds other than those provided for energy and capital development under the compact to pay the IPSECO debt.

SUBMISSION OF AGREEMENTS

Agreements between the United States and Palau pursuant to this resolution, including any agreements which would in any way change such agreements, would not take effect until 30 days after being submitted to Congress.

This delayed effectiveness is intended to give Congress time to ensure that the agreements are consistent with the intent of this resolution. It would enable Congress to take action if any requirements of this legislation were not being met.

Additionally, congressional approval would be required for any change to the agreement entered into under the compact which would require the United States to construct a 53-mile road on Babelthaup Island in Palau.

TRANSITION FUNDING

Public Law 99-658 would be amended to delay the 3-year, 25-percent-per-year, phase-down of the Federal programs that would be discontinued under free association. The delay would be from fiscal year 1987 to the first fiscal year after the compact is implemented.

POWER FACILITY ASSISTANCE

It is intended that the United States would provide Palau with grant or loan assistance for operating the IPSECO power facilities as may be provided under United States law if justified by Palau.

CAPITAL INFRASTRUCTURE ASSISTANCE

It is intended that the United States would provide Palau with Department of the Interior and Corps of Engineers assistance for operating and improving United States-built infrastructure in Palau, including infrastructure which has been identified as being deficient. The infrastructure was built in fulfillment of U.S. trusteeship responsibilities. The necessary improvements have been estimated to cost $6.3 million by a Federal study, although Palauan estimates are higher.

All of the improvements identified in the study done for the Interior Department are intended to be made to the extent necessary. Improvements are to be made on a priority basis. Palau and the United States would cooperate to force any contractors responsible for deficiencies to help correct them. This effort could not be used to delay priority improvements.

Also, $8.3 million is included in the subcommittee report on the fiscal year 1990 Interior appropriations bill for the necessary repairs in Palau as well as in the Federated States of Micronesia and the Marshall Islands, which have also been parts of the Trust Territory. The cooperation of Interior Appropriations Subcommittee Chairman SID YATES is appreciated in this regard.

MEDICAL REFERRAL OBLIGATIONS

The United States would be committed to assume all existing Palauan medical debts to the United States public and private sectors, which we understand to be approximately $2 million. Debts to Federal institutions would be canceled. The United States would pay, or provide Palau with the money to pay, private health care providers for all existing Palauan medical debts.

The Government of Palau would be committed to promptly pay for all future services to its citizens at United States military medical institutions. The United States would be committed to consider providing Palau with funds to pay for future services at United States military medical institutions if justified by Palau.

TAXATION MATTERS

The United States and Palau would be committed to negotiate agreements on tax treatment—including tax exemption—of income earned by residents of the United States in Palau and vice-versa. Any agreement would, of course, be submitted to Congress.

CIVIL AIR TRANSPORT

The United States would be committed to recognize that Palau has authority to regulate civil air carrier landings within its borders except for rights already guaranteed United States carriers under a subsidiary agreement to the compact.

LAND SURVEY ASSISTANCE

The United States would be committed to providing Palau with assistance for surveying its land justified by Palau.

TRADE AND TARIFF MATTERS

The United States would be committed to negotiate agreements to ensure that Palauan textile and apparel products receive no less favorable tariff treatment than that provided to Caribbean Basin Initiative countries to the extent not prohibited by other agreements that the United States has already signed. The United States would also be committed to negotiate agreements to ensure that other Palauan products continue to receive tariff preferences no less advantageous in comparison to treatment of similar products of other countries.

MARITIME JURISDICTION

The United States would be committed to recognize that Palau has full authority to regulate submerged lands or the waters off its borders.

FEDERAL PROGRAMS

The United States would be committed to negotiate an agreement within 1 year of compact implementation on continuation of Federal programs in Palau not provided for under the compact so that Palau will not face hardship because of the phase-out of Federal programs. The United States would be committed to consider any further Palauan requests for other Federal programs as justified.

DISPUTES

The United States and Palau would be committed to try to resolve any disputes under the May 26 agreement and to submit disputes not resolved within 90 days to arbitration under the compact.

AUTHORIZATION

All United States financial assistance to Palau provided by the May 26 agreement would be authorized by the legislation.

TITLE II

Title II would be the "Omnibus Insular Areas Act."

It includes the seven provisions that were passed by both Houses of the last Congress as the "Omnibus Insular

Areas Act of 1988" but not enacted because of disputes regarding the Palau compact legislation. Enactment of these provisions is a part of the compromise on the Palau compact legislation.

As I indicated earlier, title II also includes three additional provisions which need to be enacted soon which Chairman JOHNSTON of the Senate committee and I have agreed to have the House add. They have bipartisan support and are either supported or not objected to by the administration.

SECTION 202

Section 202 would authorize the temporary assignment of judges of the ninth judicial circuit to freely associated state courts upon the request of those states.

It is assumed that such assignments will be arranged in a manner consistent with constitutional requirements of both the United States and the associated state involved.

In the case of the United States, this assumption does not require that the arrangements be made by the executive branch because of the foreign policy powers of the President. Requiring executive branch involvement could encroach upon the independence of the judiciary.

The government-to-government contacts required can be satisfied by agreements between Federal and insular judiciaries. It may be helpful, however, for there to be executive-to-executive understandings reached concerning this assistance. The language provides for such arrangements.

The work of Supreme Court Associate Justice Anthony Kennedy on this matter is appreciated.

SECTION 203

Section 203(a) would authorize the President to agree with the freely associated states regarding the distribution of legal drugs. It would permit the United States to continue to regulate the distribution of drugs to the states or to treat the states as foreign countries for the purposes of such distribution if the states agree to international conventions on distribution.

Section 203(b) provides for submission to Congress of agreements reached under this section.

SECTION 204

Section 204 would make the Northern Marianas College a Federal depository so that it will be eligible to receive all Federal publications.

SECTION 205

The intend of omnibus insular areas acts in 1980, 1983, and 1984 was to waive all requirements for insular governments to spend funds in order to have any Federal program or project apply to or take place in American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands.

Current law requires the waiver of contribution requirements of the first $200,000 per project or program by every Federal agency in each instance where such a requirement could be applied.

The intent of this section is to clarify this requirement. Thus, any requirements for insular spending under all Federal programs or projects are required to be waived to the extent of $200,000 annually, regardless of cost or any other factor. This should include, for example, projects done by Federal agencies for insular governments, such as Corps of Engineers assistance projects as well as Interior Department infrastructure operations and maintenance aid.

SECTION 206

Section 206 would amend the Revised Organic Act of the Virgin Islands. It would authorize the U.S. District Court for the Virgin Islands to sit anywhere in the territory.

SECTION 207

Section 207 would amend the limitation in existing law on the amount of the proceeds from the sale or lease of 927 acres at Guam's main port that Guam may use to develop the property to increase the percentage from 30 to 50 percent.

This property was transferred to the territory under a 1980 law. The 1984 Omnibus Insular Areas Act amended the 1980 law's requirement that all proceeds from any private use of the land be paid to the Federal Government to permit 30 percent of the proceeds to be used for development costs.

This amendment further liberalizes the original requirement. It would still, however, provide that half of the proceeds from private use of the property would be paid to the Federal Government.

SECTION 208

Section 208 would authorize such sums as may be necessary for the design and construction of the Nanpil River hydropower diversion project in the Federated States of Micronesia. It is intended that the project will proceed as described in the March 1988 Army Corps of Engineers Report entitled: "Pohnepi Island Surface Water Resources Study: A planning for Hydropower Addition to the Nanpil River Project." The project is estimated by the Senate sponsors to cost $4 million, although the insular government is expected to pay design costs for the project. It will divert additional water flows to a hydropower facility already built with U.S. funds. Additional U.S. funds would go toward construction which should increase capacity from 25 to 40 percent of the island's needs.

SECTION 209

Section 209 would require congressional approval for any change to the agreement required by the compromise on the Palau Compact legislation. It would incorporate the "Agreement Concerning Special Programs Related to the Entry Into Force of the Compact of Free Association Between the Government of the United States and the Government of Palau" signed on May 26 into the compact and this legislation.

It would do this by amending Public Law 99-658 to add the agreement to the list of subsidiary agreements to the compact which can only be amended or ended by the United States by an act of Congress.

This section is intended to ensure that the United States lives up to commitments under the agreement and this legislation unless Congress specifically agrees to any executive branch agreement with Palau or other action that would in any way change these requirements.

SECTION 210

Section 210(a) would authorize $1.5 million to be appropriated to the executive office of the President for grants in equal amounts to the Popular Democratic, New Progressive, and Independence parties of Puerto Rico. The grants could be used to defray expenses related to participation of the parties in development of legislation to authorize a referendum between enhancing the current commonwealth relationship between the United States and Puerto Rico, and statehood or independence and implementation of the preferred political status. Eligible expenses would be those incurred during this Congress after March 1 of this year. They would include: Transportation; communications; printing; materials; administrative costs; and professional services.

It is intended that grants will only be allocated to the parties as long as they participate in the process for bringing about the referendum.

Section 210(b) would require the General Accounting Office to audit the parties' use of these grants.

Section 210(c) would prohibit the parties from using these grants to in any way finance compaigns for public, including party, office.

These funds would be appropriated by the dire emergency supplemental appropriations bill for fiscal year 1989. This authorization is a part of an understanding with House conferees on the legislation.

Initially, House conferees objected to the amendment, which was sponsored by the chairman of the Senate authorizing committee, for several reasons.

One reason was that the appropriation has not yet been authorized. I promised House conferees to sponsor this provision to take care of this problem.

A second reason for objection is a concern that the appropriation would be used to lobby Congress. I have assured House conferees that the intent of this assistance is that it not be used

to subsidize lobbying by the three parties.

Instead, the funds are to be used to enable the parties, which represent the three status options, to work with the Committees on Interior and Insular Affairs and on Energy and Natural Resources of the Senate and any other appropriate committees on the necessary mutual definition of the future status options of substantial interest to the people of Puerto Rico. This would help end a stalemate on this issue which has effectively prevented action on many of the needs of our 3.3 million fellow Americans of Puerto Rico for many years.

During these years, the Federal Government has been open to resolving Puerto Rico's political status dilemma; but it has been unable to take action because the people of Puerto Rico have not decided on a change to the existing relationship. The people of Puerto Rico, conversely, have not made such a decision, in spite of a clear interest in doing so, because the specific options for change are not clear to them.

These options are much more complicated than when other areas for which the United States was responsible decided to seek statehood or independence in the past. Proposals to enhance commonwealth would also be very complicated.

Neither Congress nor the leaders of Puerto Rico can unilaterally determine the options for the future of the United States-Puerto Rico relationship. Mutual and careful definition is required. This is why the parties must participate in the development of the legislation which will set forth the options to be presented to the people of Puerto Rico and provide for implementation of the preferred option.

Safeguards are written into the legislation to ensure that these grants are only used for purposes related to the status choice and enabling Congress to live up to its responsibilities in framing them. The funds are not to be used for lobbying and are not to be used for partisan or individual political gain. So, the concerns regarding these issues should be satisfied.

The referendum proposal has its roots in a bill sponsored by the gentleman from California [Mr. LAGOMARSINO] in the last Congress which would have authorized a referendum on and implementation of statehood. It also has its roots in amendments to that bill that I developed in consultation with the Resident Commissioner from Puerto Rico, JAMIE FUSTER. They would have expanded the choice to include enhancing commonwealth and independence.

After consulting with Chairman JOHNSTON and me as well as now Deputy to the White House Chief of Staff Andy Card, the Governor of the Commonwealth, Rafael Hernandez Colon, boldly and formally proposed the referendum in his inaugural address.

The initiative of the governor, who heads the commonwealth party, was agreed to by the heads of the statehood and independence parties in a historic and patriotic agreement. The status choice was then given a boost by the President in his February 9 address to the Joint Session.

It has been the leadership of Chairman JOHNSTON that has really moved this process so far forward so fast, however. He has introduced the legislation; already conducted hearings in both Washington and San Juan; and planned markup of the bill.

He has been consulting with me and others concerned in a concerted effort to obtain the necessary authorization in this Congress. The Nation owes him thanks for his dedication to resolving Puerto Rico's status problem.

I, too, have been working on this matter and plan an intensive effort on it in the House. This authorization will help that effort.

I appreciate the cooperation that I received from the distinguished chairman of the Appropriations Subcommittee on Treasury, Postal Service, and General Government, ED ROYBAL, in working out the problems with this appropriation.

SECTION 211

Section 211 would make a technical correction to the Anti-Drug Abuse Act of 1988 needed to allot the intended funding for mental health and substance abuse block grants to Guam and the Virgin Islands.

This technical correction has already passed the House twice and the Senate once this year. It is not assured of being enacted through that other legislation, however, because of differences between the House and Senate unrelated to this issue.

This provision is included in the legislation with the approval of the Energy and Commerce Committee. The cooperation of chairman JOHN DINGELL in this regard is appreciated.

Although the Anti-Drug Abuse Act intended to increase the size of the insular grants from the Alcohol, Mental Health, and Drug Abuse Administration by 5 percent, the language actually provides for them to be substantially decreased. For example, the Virgin Islands grant, which should increase from approximately $1.1 to $1.2 million, would decrease to about $400,000.

Even though it is late in the fiscal year, the intent of this legislation is that there be no loss of funds to Guam and the Virgin Islands.

I appreciate the leadership of the distinguished Chairman of the Subcommittee on Health and the Environment, HENRY WAXMAN, in correcting this problem. I also appreciate the willingness of the Chairman of the Senate committee, EDWARD KENNEDY, to correct it.

The Virgin Islands, in particular, has a serious drug abuse problem. In part, it is a by-product of the territory, being a transshipment point for international smuggling into the large and lucrative market in the States.

There are substantial treatment needs which my territory does not have the resources to meet that the assistance authorized by this provision would help it to meet.

SECTION 212

Section 212 would authorize appropriations of $5 million to the Department of the Interior for grants to expand the Virgin Islands prison on St. Croix.

This project was proposed by the Bush administration in its budget for fiscal year 1990 at the request of Governor Alexander A. Farrelly. It is needed because of overcrowding in the territory's prisons so serious that requests for detention of Federal prisoners must routinely be denied.

Conditions at the territory's primary prison at Golden Grove, St. Croix, are so inadequate that the territory has been forced to agree that they violate prisoners' rights and promise that safety-threatening conditions will be corrected.

The project would expand the capacity of the prison as well as make other improvements. The only differences between this provision and the administration's proposal are that this provision would authorize $5 million for the project rather than $2 million and increase capacity by 127 prisoners rather than 100 prisoners.

Let me now explain some of the background of the Palau Compact legislation.

TRUSTEESHIP AUTHORITY

Our Nation got its first authority in Palau in some of the bloodiest battles of World War II. The United States has been fully responsible for the islands since it entered into an agreement with the U.N. Security Council in 1947 for the trusteeship administration of the former Japanese administered islands of Micronesia.

The trusteeship agreement gave the United States full powers in the Trust Territory of the Pacific Islands in an arrangement approved by the joint resolution of July 18, 1947.

This responsibility was delegated to the President by the Act of June 30, 1954. Pursuant to law, it was redelegated by executive order to the Secretary of the Interior.

CONSTITUTIONAL GOVERNMENT

The Secretary has authorized a locally determined Government of Palau to exercise the authority vested in the Department of the Interior. Of course, this delegation has not absolved the department of its full responsibility for the governing of Palau.

Palau's Government was established according to a constitution approved in 1980. The intent at that time was that Palau would exercise powers of local self-government, with the Interior Department continuing to exercise national responsibilities.

This intent changed within a couple of years. A desire to save money and avoid difficult situations, as well as a misplaced confidence that the compact was always just about to come into effect, led to an abdication of the exercise of Federal responsibilities in Palau.

A number of the most serious problems now faced by Palau resulted from this neglect. The problems require that the United States take the actions that the compromise would require so that our Nation's trusteeship obligations can finally be met.

THE COMPACT

The compact would provide Palau with self-governing authority in all matters other than those affecting security. The United States would retain full military rights in Palau.

United States rights include the authority to deny military access to any other country in perpetuity. They also include the requirement that Palau make land dsignated by the United States available for military bases for 50 years.

In combination with bases in Guam and base rights in the Northern Mariana Islands, these base rights figure into almost any scenario for alternatives to our important bases in the Philippines, which are some 500 miles from Palau.

The compact would also provide Palau with substantial assistance over 15 years. An estimate values the financial assistance at $460 million, adjusted for inflation. This does not include the value of Federal programs and technical assistance which will also be provided. It also does not include the additional assistance that this legislation would provide that I have already described.

Another benefit of the compact is that it will grant the 15,000 Palauans the right to enter and work in the United States.

OTHER AREAS

Palau is the only part of the trust territory of the Pacific Islands which has not determined its future political status. The Northern Mariana Islands entered into a commonwealth union with the United States through a covenant approved by Public Law 94-241. A compact to establish free association between the United States and the Federated States of Micronesia and the Marshall Islands was approved by Public Law 99-239.

Implementation of this compact will hopefully, therefore, enable the trusteeship agreement to be finally terminated. Termination would also mean the end of the U.N. trusteeship system since this is the last trusteeship of the 11 that the United Nations established.

THIRD COMPACT LAW

If this resolution is enacted, it will be the third law regarding the compact.

The first, passed at the end of 1985, was an "approval in principle" of the compact with Palau. Public Law 99-239 did not include an actual approval of the compact with Palau because Palau hadn't approved the compact—in spite of two referenda on it.

These votes resulted in majority support for the compact; but they did not approve it by the 75-percent majority required by Palau's Constitution. The Constitution requires 75 percent approval because the compact would grant the United States nuclear rights that the Constitution otherwise prohibits.

Members of the Interior and Insular Affairs Committee were concerned about the approval in principle since the issues had not been thoroughly reviewed. But we agreed to it to show our willingness for the United States to enter into free association with Palau.

In early 1986, the President asked Congress for a real approval of the compact, asserting that a third referendum in Palau had approved it. The compact hadn't received 75 percent support; but the administration claimed that a slight rewording of the U.S. nuclear rights in the compact avoided the 75-percent approval requirement.

Members of the Interior and Insular Affairs Committee doubted, however, that the President was right about this. Our doubts were proven well-placed by a ruling of Palau's Supreme Court which held that Palau had not approved the compact.

We agreed, though, to the second law on the Palau compact. Public Law 99-658 was a conditional approval of the compact; the significant condition being that Congress pass yet another resolution authorizing implementation.

Members of this committee were concerned about the conditional approval, particularly because a review of the issues indicated that there were problems preventing Palau's approval of the compact which had not been addressed. But we agreed to it to show again that the United States was willing to enter into free association with Palau.

In a statement on the House passage of Public Law 99-658, Chairman UDALL recognized some of the problems which had prevented Palau's approval of the compact. He said that the resolution was an offer to Palau that should be revised if it did not finally result in Palau's approval of the compact.

PALAU DIDN'T APPROVE

Well, Palau didn't approve the compact in the fourth referendum on it. But the last administration declined to follow Chairman UDALL's advice and try to resolve the problems which had prevented Palau's approval.

I led a visit to Palau shortly after the fourth referendum. I said then that if Palau approved the compact in a planned fifth referendum, the Insular and International Affairs Subcommittee would address the problems which had prevented approval, once the compact was approved.

I said that we would consider these problems afterward because of the administration's opposition to doing so beforehand and because of the plans for the fifth referendum.

HEARING

But that fifth referendum also didn't result in Palau's approval. So, the subcommittee conducted a hearing to see what plans there were for further consideration of the compact and addressing Palau's problems.

There was a lot said in that hearing about Palau's problems by compact critics, including then Palau House Speaker Olikong. Because of assurances by both United States and Palauan administration officials that the charges were groundless and politically motivated, however, we really didn't believe most of what we were told. But we did promise to look into the allegations of corruption, drug trafficking, and political intimidation.

Some of Palau's needs did become clear at the time of that hearing, though. Two-thirds of the Government work force had been laid off, meals at the hospital were canceled, and power and water service had been curtailed by the then President of Palau, Lazarus Salii.

Amazingly, the Interior Department had no plans to deal with the problems. Officials made it clear at the hearing that they didn't intend to develop any either.

PRESSURE FOR APPROVAL

The reason for the cutbacks was supposedly a lack of funds. Lack of money was a problem; but Salii also wanted to make clear to his people that the compact would be the solution to Palau's continuing financial problems.

An originator of the free association concept, he hoped that the crisis would justify a controversial move to amend Palau's Constitution to eliminate the 75 percent approval requirement.

Substantial—and we know now illegal—pressure was used to get a constitutional amendment referendum scheduled.

After a referendum was held to approve the constitutional amendment, a sixth referendum was held on the compact. Both resulted in majority votes.

APPROVAL CLAIMED

President Salii claimed that the compact had been approved by this method, even though the approval fell short of the 75 percent requirement. But a lawsuit was filed challenging the approval. The suit was withdrawn, though, when Salii and Palau's highest ranking chief reached an agreement on one of the main reasons for opposition to the compact: the requirement for Palau to make land available to the United States for military purposes without compensation for 50 years.

Compact critics were afraid that land would be taken without an owner's consent and without fair compensation. Salii had pledged that this would not happen.

I was happy when Salii told me in August 1987 that the agreement had ended the controversy. I thought then that we would soon be able to take the final action on this matter.

APPROVAL CHALLENGED

But the agreement did not settle the controversy. The suit was refiled by courageous, traditional women leaders of the islands within a couple of days.

These leaders disagreed that the purported approval was constitutional. They also thought that Salii's agreement was an inadequate assurance of protection for landowners' rights.

The reaction to the suit was even more serious—and violent—pressure on compact challengers. Finally, after shootings, a bombing, a murder and direct threats to the plaintiffs, the suit was withdrawn.

Salii told me that the plaintiffs withdrew the suit for the good of Palau. But the judge in the case, the courageous Robert Hefner, said that it appeared that intimidation through the use of violence was the reason.

INVESTIGATION

I then directed the staff to find out the truth. What they found initially, as well as what they were finding out from investigating the allegations made at the hearing I mentioned, convinced Chairman UDALL and our colleague, GEORGE MILLER, to join me in asking the General Accounting Office for a major investigation of the compact approval process and other problems in Palau.

The GAO will soon issue its final report on this investigation.

We—and others—took the position that the Interior and Insular Affairs Committee would not approve compact implementation legislation until compact challengers were allowed to exercise their constitutional rights to challenge the compact's approval. The intimidation that they were subjected to at the time will be clear from the GAO's report and is well-cataloged in a report by the International Commission of Jurists.

PRESIDENT'S REQUEST

President Reagan, however, accepted President Salii's assertion that the compact had been approved by Palau. In November 1987, he once again asked Congress to approve the compact.

Members of the Interior and Insular Affairs Committee once again doubted that the President was right about Palau's approval of the compact—the condition agreed upon in 1986 for final United States approval.

Chairman UDALL and I were also concerned about what the subcommittee's investigation was turning up about problems in Palau. We decided we must insist that there be assurance that these problems would be addressed if the United States was to relinquish its governing responsibilities in the islands.

A majority of Palau's Congress also took this position. So did Governors of the Palauan states with a majority of Palau's population.

PROBLEMS IN PALAU

One of these problems was high-level corruption. Our investigation found a number of questionable situations in Palau. In the most troublesome, about $1 million in unsubstantiated payments were made to Palauan and other officials by IPSECO, the British company that built the islands overpriced, new power facilities.

President Salii received $200,000 of these payments. Hundreds of thousands more were received by close associates of his. Salii and these associates played key roles in getting Palau into the IPSECO debt.

The people of Palau now face debt approaching $50 million for power facilities only worth about $22 million at the time—although their leaders agreed then to pay $28 million plus interest. Like many of the other problems Palau faces, this situation directly relates to United States failures to live up to trusteeship responsibilities.

Even Palauans who weren't paid for their support were vulnerable to the scam proposed by IPSECO, a fly-by-night company, because Palau had not been able to get the United States to help electrify their islands 35 years after the trusteeship began. Requests for even a few million dollars were being turned down by the executive branch when the much larger IPSECO project was proposed. Half of Palau is still without electricity today.

Salii was also a party to a number of other questionable contracts, many of which involve serious allegations, questionable procedures, or serious questions of judgement. Many also relate to the use of U.S. funds.

One, for example, concerned the 53-mile road that the United States is committed to build on Babelthaup Island under the compact. The road was of interest to the United States because it could be used in connection with military activity under the compact. It is an important feature of the compact in the view of many Palauans because it is essential for Babelthaup's development.

Impatient for the road, the Salii administration rigged a contract for a 22-mile section of the road for a favored contractor even though Palau did not have the money to pay for the road without the compact. The $29 million price-tag was a third or so more than the road should have cost and engineering concerns were ignored.

The plan was to try to force the United States to pay for the road after it was built to help satisfy the United States 53-mile-road obligation. The contract promised payment only when the compact went into effect. At first, the contract set the price at $2 million more if the United States paid for the road than if Palau did.

A top aide to Salli has been quoted as saying that the contractor for the road had "financially secured" his position with the then President of Palau.

I described many of the questionable actions taken by Palau's Government without adequate Federal guidance when the House considered this legislation in the last Congress. These and other problems will be further described in the GAO report.

Palau has some good laws on its books to attack corruption. But Palau's special prosecutor law was being frustrated and its public auditor law was not really being implemented. Corruption in Palau was so serious, though, that Palau's first President may have been assassinated and Salii may have committed suicide because of it.

I am pleased to report that Palau's Congress and its new administration now appear intent on enforcing Palau's anticorruption laws.

Yet another of Palau's problems has ben crippling debt. Much of it was created by the shady power facilities deal. As I have noted, Palau owes over $48 million for the facilities, according to a Federal court ruling. The debt is over twice Palau's annual budget—and twice the value of the plant.

President Salii was prepared to pay even more than this under a settlement of the debt that he worked out. This legislation would make a $32 million settlement—a fair price for the facilities—possible.

GAO investigators tell us that other deals—many of them questionable—had pushed Palau's total debt to near $100 million. It is encouraging to learn that some of these debts are being canceled.

Another of Palau's problems was drug trafficking. The DEA and the World Health Organization said in 1987 that hundreds of Palauans had

used heroin, which first appeared in Palau just over 5 years ago.

Many heroin arrests in Guam have been Palau-related. Marijuana is Palau's largest cash crop.

I am pleased that the scrutiny our investigation has brought to this problem seems to have substantially reduced Palauan drug trafficking.

Still other problems exist which are related to other trusteeship responsibilities that the United States clearly has not met. Like the other problems I have mentioned, these basic needs imperil the chances Palau has for facing the future with confidence.

A major need relates to Palau's hospital. It is in abysmal condition and Palau is the only one of the six original districts of the trust territory without a decent hospital.

Another problem is that, even though the Interior Department hasn't provided Palau with enough assistance to build a decent new hospital, it has let Palau accumulate millions of dollars worth of debts for essential off-island medical care for its people. This failure to live up to our trusteeship responsibility for the health of the inhabitants of Palau is a grave embarrassment to our Nation.

Palau's jail is in even worse condition than its hospital. It has been declared unfit by the courts.

Much of the infrastructure built by the United States in Palau is deficient. Yet, promises to correct these deficiencies by the executive branch have gone unfulfilled.

Another major problem has been financial management. And, as in the other areas of problems in Palau, the Interior Department has not adequately carried out its responsibilities to help.

According to GAO investigators, Palau's future financial stability will be affected not only by the debts it has incurred and the financial commitments it has already made, but also by its ability to manage the funds it will receive from the United States upon compact implementation.

GAO investigators have found numerous financial management weaknesses including:

Palau consistently has been unable to comply with the terms of Federal assistance and has only made nominal efforts to comply;

Palauan procedures for expending Federal assistance will not ensure that compact funds will be used as intended;

Numerous instances of noncompetitive and unfunded purchases;

The compact does not provide for resolution of audit recommendations; and

Palau lacks adequate tax and utility revenue assessment and collection systems.

I am pleased that the new leadership in Palau seems to want to correct these deficiencies.

COMMITTEE OFFER

Our insistence that it be made safe for those who had tried to challenge the compact's approval in 1987 to reinstate their suit resulted in the suit being refiled last year. Our doubts about whether Palau had really approved the compact were then proven well-placed once again by yet another Palau Supreme Court ruling that the compact has not been approved.

As I have explained, the serious problems facing Palau hindered Palau's approval of the compact. So, Chairman UDALL and I offered the administration a deal: We would support legislation to authorize the compact to be put into effect—when it was clear that it had been approved by Palau—if the administration would agree to assurance that these problems would be addressed.

We developed the necessary legislation in consultation with Palau's leaders, and introduced it as House Joint Resolution 597 a year ago.

A substantial majority of Palau's leaders supported House Joint Resolution 597. But a minority—including then President Salii—balked at one provision: an assurance that Palau would implement its special prosecutor and public auditor laws. They, like the Reagan administration, wanted approval of the compact as it was negotiated.

FUNDAMENTAL PROVISIONS

Chairman UDALL and I, however, reiterated our position that the committee would only report legislation that included the fundamental provisions of House Joint Resolution 597.

There are two reasons we took this position.

First, that it would have been futile to pass legislation that did not include these provisions. As I have explained, Palauan leaders believed that the only chance of their people approving the compact was if the implementing legislation included the fundamental provisions of House Joint Resolution 597.

The other reason is that our consciences wouldn't allow us to ignore the very serious problems in Palau and the pleas of the majority of Palauans for the help they needed to tackle them.

In spite of this, administration officials opposed our resolution. One of their excuses was that they could not support something Palau's President opposed. But objection to cost and a stubborn determination to defend their proposal—whatever its deficiencies—were also factors.

PRESSURE ON SALII

As last summer wore on, pressure mounted on President Salii.

There was a final Supreme Court ruling that Palau had not approved the compact as he had claimed.

The Federal court ruling that Palau owed a now-estimated $48 million for the power facilities made it clear that he knew at the time the deal was made that the facilities would not be self-financing as had been claimed. This was particularly embarrassing in light of his involvement in the deal and the $200,000 he took.

Salii's Vice President and his Minister of State broke with him to support House Joint Resolution 597. They questioned why anyone would not want to commit to enforcing Palau's own special prosecutor and public auditor laws.

Finally—and tragically—President Salii took his own life last August.

UNITY IN PALAU

In the wake of his death, Palau's leaders were able to be unified for the first time in the compact. Palau's new President joined the Congress in saying that the best chance for getting the compact approved was if it was authorized by the United States as House Joint Resolution 597 would have authorized it.

AMENDMENT

Members of the Interior and Insular Affairs and Foreign Affairs Committees then agreed upon an amended version of House Joint Resolution 597. It represented substantial compromises; but it also preserved the resolution's fundamental provisions. After pressure on our part, this initial compromise received the support of the Reagan administration.

It was passed by the House last October 6 by a vote of 406 to 11.

The day after the House acted, the other body amended House Joint Resolution 597. This amendment did not guarantee the assistance that the House legislation would have provided Palau.

Curiously, the Reagan administration supported both versions. Their unwillingness to take sides impeded reaching the necessary compromise between the Houses.

Several compromise proposals were made by the House but rejected by representatives of the other body. Finally, the compromise I described at the outset was reached due to the efforts of all involved. What made the final compromise possible were assurances from the last administration that the executive branch would implement the requirements of the House version of the legislation if the House would pass the Senate version with one mutually agreed-upon amendment.

Unfortunately, as I have said, these assurances were delivered just minutes too late to get the compromise enacted last year. They were only delivered after the House had begun to vote on

what then Speaker WRIGHT had announced would be the last legislation of the 100th Congress.

Two of our colleagues from the other side of the aisle understandably objected when we proposed approval of the compromise in spite of what Speaker WRIGHT had said. Our new Speaker, then the majority leader, understandably, however, refused to ignore the Republican objections. So, the legislation was not to be considered in the closing hours of the 100th Congress.

DEMOCRACY IN PALAU

Although the people of Palau must make their own decision about the compact, it is clear that this is a timely moment for this determination. In spite of circumstances which would have threatened or brought down many governmental systems, the people of Palau have remained steadfast in their support of democracy and their alliance with the United States.

The last few years have seen the tragic death in office of two Presidents and the endurance of significant hardships, financial and otherwise. Yet, at the same time, we have seen the orderly succession to office of Vice President Remengesau last year and the orderly, but highly contested democratic election this year of a new President, Vice President and Congress. The Government of Palau has begun to put its financial house in order with strict fiscal controls and outstanding management. Although the Government of Palau has had differences with the United States executive branch over the compact, the Government of Palau has continued to assert its desire for stronger relationship with the United States. The organized and businesslike way in which Palau has negotiated resolution of its major differences with the executive branch during the past several months has been most impressive.

The stability of the Paluan political system in these circumstances, the manner in which Palau has conducted its governmental business in these last several months, and the unity of the Government of Palau is a tribute to both the leadership and the people of Palau. This speaks well for Palau's future and is one reason why we should move promptly on this legislation in order that Palau can make its determination on the compact.

REQUESTS

Mr. Speaker, I ask the House pass the substitute.

I also ask unanimous consent to include in the RECORD:

The agreement required by the compromise, which is incorporated into the compact and is a fundamental part of this legislation;

A statement of administration support for House Joint Resolution 175 and the compromise with supporting letters;

The recommendations, conclusions, and the explanation of improvements to the compact resulting from the subsidiary agreement contained in the report of Palau's Commission on Future Palau/United States Relations; and

A list of the requirements of the compromise not contained in the text of House Joint Resolution 175 itself and addressed in large part by the agreement.

AGREEMENT CONCERNING SPECIAL PROGRAMS RELATED TO THE ENTRY INTO FORCE OF THE COMPACT OF FREE ASSOCIATION BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE REPUBLIC OF PALAU

This Agreement is entered into by the Government of the United States and the Government of Palau in recognition of their desire to record their agreements and intended undertakings with respect to the implementation of certain aspects of agreements subsidiary to the Compact of Free Association and with respect to the continuation of certain programs and assistance commenced prior to the entry into force of the Compact of Free Association. The Government of the United States and the Government of Palau note that these continuing programs and elements of assistance are intended to allow for an expeditious and productive transition to their relationship under the Compact and that authority for them is set forth in United States Public Laws 99-239 and 99-658, the United States law authorizing entry into force of the Compact enacted pursuant to Section 101(d)(1)(B) of United States Public Law 99-658 and the relevant laws of the Republic of Palau. The Government of the United States and the Government of Palau intend that this Agreement be construed and implemented in a manner consistent with the Compact.

ARTICLE I—DEFINITION OF TERMS

1. Except as otherwise provided in this Agreement, the Definition of Terms set forth in Section 461 of the Compact is incorporated in full in this Agreement.

2. Except as otherwise provided in this Agreement, the Definition of Terms set forth in the subsidiary agreements between the Government of the United States and the Government of Palau referred to in Section 462 of the Compact are incorporated in full in this Agreement.

3. Except as otherwise provided in this Agreement, the Definition of Terms set forth in the following agreements between the Government of the United States and the Government of Palau pursuant to the Compact are incorporated in full in this Agreement:

(a) The Agreement Concerning Procedures for the Implementation of United States Economic Assistance, Programs and Services Provided in the Compact of Free Association Between the Government of the United States and the Government of the Republic of Palau (the Fiscal Procedures Agreement), done at Washington, D.C. on December 2, 1987; and

(b) The Agreement between the Government of the United States and the Government of Palau Regarding Mutual Assistance in Law Enforcement Matters, done at Washington, D.C. on December 2, 1987.

ARTICLE II—CONSTRUCTION PROJECTS

1. Completion of the Central Health Care Facility in Palau

(a) The Government of Palau shall prepare and submit a plan to the Government of the United States for completion of the central health care facility of Palau, the construction of which commenced during Fiscal Year 1989. The plan shall specify the amount necessary to complete an operational facility, the funds to be provided by the Government of Palau for that purpose, and the manner in which the central health care facility, once completed, will be operated and maintained. The Government of Palau shall dedicate, prior to the fifteenth anniversary of the effective date of the Compact, the sum of $5 million to the construction of the central health care facility or its operation and maintenance.

(b) The review and approval of the plan by the Government of the United States shall include review by the United States Departments of Health and Human Services and Interior. After review of the plan, the Government of the United States shall provide to the Government of Palau an amount, as provided by the laws of the United States and not later than during fiscal year 1991, of not less than $5 million and such additional funds as shall be provided under the laws of the United States to complete construction to the central health care facility pursuant to such plan. Funds provided by the Government of the United States pursuant to this paragraph shall be used by the Government of Palau exclusively for completion, operation and maintenance of the central health care facility of Palau and shall be in addition to the funds already provided by the Government of the United States for the Palau central health care facility prior to the end of fiscal year 1989.

2. Prison Facility Improvements

(a) The Government of Palau shall prepare and submit a plan to the Government of the United States for the improvement of the Palau national prison facility. The plan shall address in a comprehensive manner the purpose and placement of the prison facility in the context of an overall criminal justice policy and specify the amount necessary to complete an operational and improved prison facility and the manner in which the prison facility shall be operated and maintained.

(b) The review of the plan by the Government of the United States shall include review by the United States Departments of Justice and Interior. After review of the plan, the Government of the United States shall provide to the Government of Palau the sum of $800,000, as provided by the laws of the United States and not later than during fiscal year 1991, to be used exclusively for improvements to the Palau national prison facility in accordance with the plan, and such sum shall be in addition to the funds already provided by the Government of the United States for the same purpose prior to the end of fiscal year 1989.

3. Central Power Generating Facility

The Government of Palau may prepare a plan for the operation and maintenance of the Palau central power generating facility and its related power distribution system. The Government of the United States shall sympathetically consider providing assistance to the Government of Palau, in accordance with Sections 222 and 224 of the Compact, for the purposes set forth in such op-

erations and maintenance plan and upon the request of the Government of Palau. Such assistance may include the extension of grants and loans to the Government of Palau, as authorized and provided by the laws of the United States.

4. Capital Infrastructure

The Government of the United States and the Government of Palau shall continue to cooperate in the implementation of the program addressing operations, maintenance, deficiency identification and correction, and training under the sponsorship of the Government of the United States through the Departments of the Interior and Army Corps of Engineers. The Government of Palau shall assist the Government of the United States in obtaining legal redress, where appropriate, against responsible parties with respect to any identified deficiencies in the capital infrastructure built in Palau, during which time the Government of the United States and the Government of Palau shall give priority attention to infrastructure in need of immediate repair.

ARTICLE III—DRUG ENFORCEMENT, TREATMENT AND EDUCATION PROGRAMS

1. The Government of the United States and the Government of Palau declare that it is their policy that the enforcement of narcotics and other laws and the prevention and treatment of narcotics and other substance abuse in Palau benefits both Palau and the United States. The Government of Palau, in cooperation with the Government of the United States, shall develop a plan for the enforcement of narcotics and other laws and for the prevention and treatment of narcotics and other substance abuse in Palau. The plan, which shall be submitted to the Government of the United States for approval, shall identify the specific needs and costs of such a program, identify all existing resources available to the Government of Palau to be allocated to the implementation of the plan and shall recommend priority use for additional resources, if any, for plan implementation. Review and approval of the plan by the Government of the United States shall include review by the United States Office of National Drug Policy, and the United States Departments of Justice, Education, Health and Human Services and Interior. The plan shall be consistent with the provisions of this Article, the Compact and its subsidiary agreements, the laws of the United States applicable to Palau pursuant to the Compact, and the laws of Palau.

2. After review of the plan referred to in paragraph 1 of this Article, the Government of the United States shall provide to the Government of Palau an annual amount not to exceed $400,000, as provided by the laws of the United States and during the five successive years commencing not later than during fiscal year 1991, for the purpose of implementing the plan and for the purposes set forth in this Article. If consistent with the plan, funds provided pursuant to this paragraph may be used by the Government of Palau to construct a rehabilitation center for narcotic and other substance abuse victims.

3. If, prior to the sixth anniversary of the effective date of the Compact, the Government of Palau has prepared a review of the effectiveness of the plan referred to in this Article and if that review identifies and justifies the application of additional assistance from the Government of the United States for the purposes to which the original plan was dedicated, the Government of the United States shall sympathetically consider providing such additional assistance. Technical assistance from the Government of the United States to assist the Government of Palau in carrying out the plan and for the purposes referred to in this Article shall be provided in accordance with Section 222 of the Compact.

4. The Government of Palau authorizes officers of the law enforcement agencies of the Government of the United States, including the Drug Enforcement Agency, the Federal Bureau of Investigation and the United States Secret Service and Customs Service and Immigration and Naturalization Service, to conduct investigations, in accordance with the applicable laws of Palau and in cooperation with the law enforcement agencies of the Government of Palau, related to the enforcement of the laws of the United States applicable in Palau.

5. The Government of Palau may request, on a long-term or case-by-case basis, the assistance of United States law enforcement officers to conduct investigations consistent with the implementation of the plan referred to in paragraph 1 of this Article and in cooperation with the law enforcement agencies of the Government of Palau. In this connection, the Government of the United States will make available to the Government of Palau, in accordance with Section 222 of the Compact, training courses in narcotics investigations, narcotics identification and search techniques, and the rules of evidence for successful prosecutions.

6. The Government of Palau may procure from the Government of the United States narcotics test kits, communications equipment and investigative aids consistent with the purposes of the plan referred to in paragraph 1 of this Article.

7. The Government of Palau, in the implementation of the plan referred to in paragraph 1 of this Article, shall employ additional customs officers who will be trained and equipped to detect narcotics in sea and air shipments of goods destined for Palau and shall continue its narcotics awareness and education efforts, especially those directed toward young people, and for the treatment and rehabilitation of persons already addicted to narcotics substances.

ARTICLE IV—ASSISTANCE FOR PROSECUTION AND AUDIT PROGRAMS

1. The Government of Palau shall maintain and staff the offices of public auditor and special prosecutor established under the authority of and pursuant to its constitution and laws during the period specified in paragraph 2 of this Article and thereafter as it determines necessary. The individuals appointed by the Government of Palau to head the offices of public auditor and special prosecutor shall be resident in Palau during the periods of their incumbencies. The Government of Palau shall dedicate not less than $100,000 annually to the maintenance and staffing of each of the offices of public auditor and special prosecutor during the period and in addition to the amounts specified in paragraph 2 of this Article.

2. The Government of the United States shall provide assistance to the Government of Palau, pursuant to Sections 222 and 224 of the Compact and as provided by the laws of the United States, in furtherance of the maintenance and staffing of the offices of public auditor and special prosecutor as follows for the first five fiscal years after the effective date of the Compact:

(a) upon the request of the Government of Palau, an auditor or accountant, as determined by the Government of Palau, to serve in the office of the public auditor but who shall not serve as the public auditor and an attorney or investigator, as determined by the Government of Palau, who shall serve in the office of the special prosecutor but who shall not serve as the special prosecutor; and

(b) annual amounts not to exceed $300,000, which amounts shall be used by the Government of Palau for the commencement, staffing, operation and maintenance of the offices of public auditor and special prosecutor, provided that in each year not less than $100,000 of these amounts shall be dedicated by the Government of Palau to each of the offices of public auditor and special prosecutor with the remainder to be allocated as between the two offices as the Government of Palau determines.

3. The Government of Palau may at any time request, and the Government of the United States may agree to provide, pursuant to Sections 222 and 224 of the Compact, technical and other assistance additional to that specified in paragraph 2 of this Article to the Government of Palau for the operation, maintenance and staffing of the offices of public auditor and special prosecutor.

4. Disputes arising under this Article shall be resolved in accordance with the conference and dispute resolution provisions of Article II of Title Four of the Compact. In the case that the Government of Palau does not comply with the provisions of paragraph 1 of this Article while receiving assistance from the Government of the United States pursuant to paragraph 2(b) of this Article, the Government of the United States shall have recourse to the conference and dispute resolution provisions referred to in this paragraph. If a determination of material nonconformance on the part of the Government of Palau is made and if, within 180 days after such determination, the Government of Palau takes no steps effectively to rectify such nonconformance, then the Government of Palau shall be considered to be in material breach of its undertakings. The Government of the United States, in response to this consideration, shall take the steps it considers appropriate, including, but not limited to, the withholding of funds to be provided pursuant to this Agreement, to the Compact and to other applicable laws of the United States until the Government of Palau conforms its actions to the determinations referred to in this paragraph.

ARTICLE V—FISCAL PROCEDURES

1. Implementation of Audit Recommendations

(a) Within 120 days after an audit conducted by the Government of the United States pursuant to Section 233 of the Compact and the Fiscal Procedures Agreement is submitted to the Goverment of Palau, the Goverment of Palau shall:

(i) develop a plan to implement the recommendations made by such audit, or

(ii) inform the United States audit officials, as that term is defined in Article IV of the Fiscal Procedures Agreement, of its objections to implementing such recommendations.

(b) The Government of the United States, in accordance with Section 222 of the Compact, shall provide assistance to the Government of Palau, upon its request, to implement such audit recommendations.

2. Palau National Development Plan

(a) In respect of the National Development Plans promulgated by the Government of Palau pursuant to Section 321 of the Compact and paragraph 3 of Article III of the Fiscal Procedures Agreement, the Government of Palau shall ensure the inclusion in such development plans of the following information:

1(i) current information, including such information adapting the existing plan to the first 5-year period following the effective date of the Compact; and

(ii) a list, in priority order, of all capital infrastructure projects, both for the public and the private sectors, intended by the Government of Palau to be financed with United States assistance, including all capital infrastructure projects for which obligations were in existence at the commencement of the plan period covered by the first National Development Plan.

3. Financing and reimbursement arrangements related to Section 211(b) of the Compact

(a) If the conditions of paragraph 3(b) of this Article are satisfied, the Government of the United States shall provide to the Government of Palau, on a grant basis and together with the funds provided to Palau upon entry into force of the Compact, the sum of $28 million. Such sum shall be adjusted by Section 215 of the Compact and the resulting funds in the adjustment account shall be provided together with the funds provided upon entry into force of the Compact. The payment of the sum of $28 million referred to in this paragraph constitutes fulfillment of the obligations of the Government of the United States under Section 211(b) of the Compact. The payment of the adjustment account amount referred to in this paragraph constitutes fulfillment of the obligations of the Government of the United States under Section 215 of the Compact as it relates to Section 211(b) of the Compact through the date of such payment.

(b) The Government of Palau shall have entered into an agreement with its creditors for the full discharge of its obligations with respect to the central power generating facility in Palau.

(c) The Government of Palau shall dedicate at least $7 million to the energy needs of those parts of Palau not served by the central power generating facility prior to the fifteenth anniversary of the effective date of the Compact. If funds additional to those provided pursuant to this Article and Section 211(b) of the Compact are used by the Government of Palau to satisfy its payment obligations with respect to the central power generating facility, only funds provided pursuant to Section 212(b) of the Compact shall be so used, in addition to funds otherwise available to the Government of Palau from sources other than the Government of the United States.

(d) The Government of Palau shall pay to the Government of the United States an amount equal to the net economic cost to the United States of making available funds pursuant to Section 211(b) of the Compact in the manner specified in paragraph 3(a) of this Article rather than as provided in Section 211(b) of the Compact. The Government of the United States and the Government of Palau have determined that the net economic cost to be paid to the Government of the United States equals the sum of $3 million and have further determined that this sum shall be paid to the Government of the United States by the Government of Palau not later than the tenth anniversary of the effective date of the Compact. In order to accomplish the payment of the amount referred to in this paragraph, the Government of Palau may authorize the Government of the United States to deduct such amount from any funds that otherwise would have been paid to the Government of Palau pursuant to the Compact and its related agreements prior to the tenth anniversary of the effective date of the Compact.

(e) Notwithstanding Section 211(f) or the agreement concluded pursuant to Section 211(f) of the Compact, the Government of Palau shall pay to the Government of the United States, from the fund created pursuant to Section 211(f) of the Compact, the amount that would be due to the Government of the United States pursuant to paragraph 3(d) of this Article as of the tenth anniversary of the effective date of the Compact. Such payment shall be made within thirty days of the tenth anniversary of the effective date of the Compact unless the payment conditions of paragraph 3(d) have already been fulfilled by the Government of Palau. The payment obligations set forth in this paragraph shall continue as a condition on the ownership of the fund created pursuant to Section 211(f) of the Compact until the payment obligation of the Government of Palau set forth in this Article is satisfied.

ARTICLE VI—ACQUISITION OF DEFENSE SITES

1. In accordance with section 352 of the Compact, the Government of the United States recognizes that the Government of Palau, in meeting its obligations under Title Three of the Compact, is obligated by its constitution to provide just compensation to the owners of any private land which may be used for that purpose. The Government of the United States recognizes and respects the scarcity and special importance of land in Palau. In making any designation of land pursuant to Section 322 of the Compact, the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy the requirement through public real property, where available, rather than through private property. The Government of the United States acknowledges that the Government of Palau desires that ownership of land in Palau be maintained for people indigenous to Palau. The Government of the United States further recognizes that in the event of any taking of a partial interest in real property by the Government of Palau, in meeting its obligations under Title Three of the Compact, rendering the remaining interest economically unusable for the purposes for which the real property in question was being used, the interest holders may be entitled to compensation from the Government of Palau as if the entire real property interest had been taken.

2. The Government of Palau, in light of any actual United States land use requirements in Palau which impact upon privately owned land, exclusive of the Airai airfield and Malakal harbor exclusive-use and joint-use defense sites specifically identified in paragraphs 1(a), 1(b), 2(a) and 2(b) and Tabs 1, 2 and 3 of Annex A of the agreement referred to in Section 462(h) of the Compact, may request United States financial assistance in addition to that provided in Title Two of the Compact. The Government of Palau shall acquire and retain such rights to those Airai airfield and Malakal harbor defense sites as to be able to fulfill its obligations under Title Three of the Compact. Upon the request of either, the Government of the United States and the Government of Palau shall enter into an appropriate agreement for such financial assistance, and such agreement shall be subject to approval in accordance with their respective constitutional processes. As to any designation of any defense site pursuant to Section 322(b) of the Compact, the Government of Palau shall not be obligated to make available to the Government of the United States the use rights pertaining to such designation unless such an agreement has been so approved as to such designation, provided however, that if such an agreement has not been entered into and approved within a time period specified by the Government of the United States at the time of the initial designation, the Government of the United States and the Government of Palau may continue to seek the prompt conclusion of such an agreement or either of them may resolve the matter as provided for in paragraph 5 of this Article.

3. Any agreement concluded pursuant to paragraph 2 of this Article shall be based upon independently verified land appraisals and other appropriate documentation of actual land use costs, and be consistent with the mutual undertakings and interests of the Government of the United States and the Government of Palau under Title Three of the Compact, and the absence of such agreement shall not derogate from the obligations and authorities of the Government of Palau and the Government of the United States under that Title.

4. Should the Government of Palau be required pursuant to Title Three of the Compact to acquire privately owned land in Palau for United States use, the Government of Palau may request extension of the time limit set forth pursuant to Title Three of the Compact and the Government of the United States shall sympathetically and expeditiously consider such request.

5. Disputes arising between the Government of the United States and the Government of Palau under the terms of this Article shall be resolved in accordance with the provisions of Title Three of the Compact.

ARTICLE VII—OUTSTANDING MEDICAL REFERRAL OBLIGATIONS

1. The Government of the United States shall take the appropriate steps necessary to settle, or shall provide the Government of Palau the necessary funds to pay, as provided by the laws of the United States, any properly verified unliquidated medical obligations owed to United States citizens or to non-governmental medical facilities in the United States, including its territories and Commonwealths, for services rendered prior to the effective date of the Compact to citizens of Palau at the request of the Government of Palau.

2. The Government of the United States hereby cancels, as provided by the laws of the United States, any obligations incurred by the Government of Palau for treatment in United States Government medical facilities prior to the effective date of the Compact.

3. Pursuant to Article XVII of the agreement subsidiary to Section 323 of the Compact which provides for continued access by citizens of Palau referred by the Government of Palau to United States military medical facilities, such access shall be subject to expeditious reimbursement, pursuant

to the terms and conditions agreed upon pursuant to such agreement, of the Government of the United States by the Government of Palau for medical services rendered. The Government of the United States and the Government of Palau may develop additional terms and conditions under which such services shall be provided, including the availability of funds for the provision of such services.

ARTICLE VIII—CONSULTATION AND TRANSITION PROVISIONS

1. Discussions on taxation matters

The Government of the United States and the Government of Palau shall discuss agreements concerning the taxation and exemption from taxation by each of them of source income earned by residents of the other. Any such agreements would be subject to approval pursuant to the constiutional processes of the Government of the United States and the Government of Palau.

2. Economic regulation of civil air transport

Except for the rights, so long as they continue, of United States air carriers as provided in paragraph 6 of Article IX of the Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two of the Compact, the Government of Palau has the exclusive authority, exercised in a manner consistent with the Compact, to grant or deny landing rights in Palau to civil air carriers.

3. Assistance in Land Survey Activities

The Government of Palau shall develop a plan and submit the same to the Government of the United States which shall consider sympathetically requests by the Government of Palau for financial and technical assistance to complete the surveying of the land in Palau pursuant to such plan. Any such assistance shall be provided in accordance with Sections 222 and 224 of the Compact.

4. Discussions on Trade and Tariff Matters

The Government of the United States and the Government of Palau shall discuss agreements to ensure that the export of textile and apparel items not subject to textile agreements as to which the Government of the United States is a party, from Palau to the United States shall be eligible to receive tariff treatment no less favorable than that afforded like products exported to the United States from Caribbean Basin Initiative countries and to ensure that the export of other products from Palau to the United States shall retain the same relative beneficial tariff treatment in regard to exports to the United States from other countries as is provided in the Compact of Free Association and the laws of the United States. Any such agreements would be subject to approval pursuant to the constitutional processes of the Government of the United States and the Government of Palau.

5. Maritime Space Jurisdiction

The Government of the United States and the Government of Palau interpret the provisions of the Agreement Regarding the Jurisdiction and Sovereignty of the Republic of Palau over its Territory and the Living and Non-Living Resources of the Sea and referred to in Section 462(j) of the Compact as in no way preventing the Government of Palau from exercising its rights as to its continental shelf or from declaring an exclusive economic zone, in manners consistent with the Third United Nations Convention on the Law of the Sea and with the principles of international law.

6. Discussions on Federal Programs Matters

The Government of the United States and the Government of Palau, prior to the first anniversary of the effective date of the Compact, shall enter into an agreement identifying whether and what federal program assistance shall be continued to offset any anticipated, economically adverse circumstances. The Government of Palau shall include any requests for continuation of federal programs in the reports referred to in Section 231(b) of the Compact. Any continuation or commencement of federal program application arising purusant to this paragraph shall be in accordance with Section 224 of the Compact.

ARTICLE IX—EFFECTIVE DATE, AMENDMENT AND DURATION

1. This Agreement shall come into effect simultaneously with the Compact.

2. This Agreement may be amended at any time by the mutual consent of the Government of the United States and the Government of Palau.

3. Except as otherwise provided in this Agreement, disputes arising between the Government of the United States and the Government of Palau under the terms of this Agreement shall be resolved in accordance with the procedures set forth in Article II of Title Four of the Compact.

4. This Agreement shall remain in full force and effect until terminated by mutual consent, or until the termination of the Compact, whichever occurs first.

5. This Agreement may be accepted, by signature or otherwise, by the Government of the United States and the Government of Palau. Each Government shall possess an original English language version.

In witness whereof, the undersigned, duly authorized, have signed this Agreement Concerning Special Programs Related to the Entry into Force of the Compact of Free Association between the Government of the United States and the Government of the Republic of Palau which shall come into effect in accordance with its terms between the Government of the United States and the Government of Palau.

STATEMENT OF JAMES D. BERG, DIRECTOR OF THE OFFICE OF FREELY ASSOCIATED STATE AFFAIRS, UNITED STATES DEPARTMENT OF STATE

Mr. Chairman and Members of the Subcommittee: I appreciate the opportunity to appear here today on behalf of the administration and in response to your letter of June 2 to Secretary Baker. I am also pleased to be accompanied by Mr. David Heggestad of the Office of Territorial and International Affairs of the Department of the Interior.

The administration supports the earliest possible passage by the House and Senate of House Joint Resolution 175, as introduced into the House on March 8 of this year. I believe that the subcommittee is well aware of this Administration position so I will not review the legislation on a section by section basis in this statement. However, to complete the record, I have attached to this statement a letter to the Chairmen of the two House Committees with jurisdiction from Assistant Secretary of State Janet Mullins dated March 31, 1989. That letter sets out in full the Administration's position on House Joint Resolution 175, and emphasizes the reasons why we see the need for expedited action on the measure. Also attached is a September 26, 1988 letter, signed on behalf of the last administration by then-Deputy Secretary of State John Whitehead, which remains the foundation for our support of both the legislation that is now before Congress in the form of H.J. Res. 175 and the substance of the Compact subsidiary agreement that was signed on May 26 of this year with Palau.

The legislation of the United States that approved the Compact of Free Association for Palau—PL 99-658—requires that before the Compact can enter into force, the Congress must so authorize by another joint resolution and the people of Palau must approve the Compact in accordance with their constitutional processes. The Administration has been seeking passage of a joint resolution by Congress authorizing the Compact's entry into force since legislation to that effect was first submitted by the Reagan Administration on November 1, 1987. From the United States point of view, there is no reason for any delay in passing authorizing legislation for the Compact. Funds for the Compact have been appropriated and are ready to be obligated this fiscal year. The administrative system for managing our participation in a free association relationship with Palau is in place. Our experience with the Compact, and with United States participation in free association relationships with other former parts of the Trust Territory of the Pacific Islands has been wholly positive and has reaffirmed our view that free association is the most workable political status and relationship for Palau. Of course, the Compact will not enter into force until it has been approved by the people of Palau and until we have entered into an effective date agreement with Palau.

The newly inaugurated Government of Palau has stated its commitment to the Compact and its early entry into force. In that connection, the Palau Government is expected soon to call a plebiscite on the Compact and its subsidiary agreements. Included among those agreements is one signed just a few weeks ago on May 26. This new subsidiary agreement addresses certain current needs that the Palauan Government has identified and that, although arising out of the trusteeship period, will, pursuant to this subsidiary agreement to the Compact, be able to be addressed after the Compact enters into force. In other words, this subsidiary agreement contemplates a transitional arrangement under which Palau and the United States will be able to complete the addressal of trusteeship era matters without delaying the entry into force of the Compact.

The subsidiary agreement signed with Palau on May 26 does not amend the Compact or any of its existing subsidiary agreements. Nor does it violate, in the view of the Administration, the fundamental philosophy of the free association relationship which is, at its existence, a relationship between two sovereign governments. These two features are critical to the integrity of the future American-Palauan relationship, as it is enshrined in the Compact signed on January 10, 1986.

Under the terms of the new subsidiary agreement, the United States will provide $9.3 million, spread out over six years after the Compact enters into force, to finance projects in Palau. These projects include construction activities related to the new hospital that Palau is now building with a grant of $10 million already provided by the United States, funding and technical assistance for Palau government programs in drug law enforcement and treatment, audit,

and prosecution, and funds for the construction and improvement of prison facilities. The Administration intends to request funds for these purposes in the years and for the amounts specified in the subsidiary agreement.

The subsidiary agreement also provides that the United States will advance certain funds already included in the Compact to Palau at a date earlier than the Compact provides so that Palau can liquidate its power plant debt. Palau must have reached an agreement with its creditors prior to the effective date of the Compact for this provision to have effect, and we believe that the agreement near completion is fair to both Palau and its creditors.

The May 26 subsidiary agreement also contains provisions, such as the one regarding medical referral debts, which, with the above mentioned provisions, made it an accurate reflection of the compromise reached last October 22, between representatives of the House, the Senate and the Administration regarding the Palau Compact authorizing legislation. Under that compromise, the House was to have passed the Senate version of last year's Palau Compact authorizing legislation—H.J. Res. 597—and the Administration would implement the provisions of the House version of that legislation. Translated into this year, H.J. Res. 175 is the same as the version of H.J. Res. 597 passed by the Senate on October 7, 1988. The new subsidiary agreement signed on May 26 provides the vehicle under which the Administration will implement the provisions of the last year's House passed version of the legislation. It is important to note that Congressional passage of H.J. Res. 175 is necessary not only to allow the Compact to enter into force but also to provide legislative authorization for the undertakings in the May 26 subsidiary agreement.

Mr. Chairman, we would be pleased to answer questions with respect to H.J. Res. 175, the Compact or the subsidiary agreement just signed with Palau. We hope that this subsidiary agreement will allow the House to move forward with final passage of H.J. Res. 175 in the form it was introduced within the next few days and look forward to working with the Subcommittee to accomplish that end.

Thank you.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 31, 1989.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives.

DEAR MR. CHAIRMAN: The Administration believes Congress should pass legislation authorizing implementation of the Palau Compact of Free Association at the earliest possible date. In this regard, we support passage by the House and the Senate of H.J. Res. 175 which was introduced on March 8. This bill is similar to legislation passed by the Senate last October 7 but differs in two ways: one is a date change from March to April regarding submissions of Palau's drug intervention plan, and the other would adjust the payment stream of Compact funding to Palau to accommodate a resolution agreed to by Palau of its power plant debt.

While more than two-thirds of the people of Palau have successively demonstrated in past plebiscites their desire for a free association relationship with the United States, Palau has yet to approve the Compact of Free Association in accordance with the requirements of its constitution. It is the Administration's judgment that the Palauan people can make an informed judgment on the Compact only once the terms of its implementation are defined by enactment of United States legislation authorizing its entry into force. Since many of the elements of Compact implementation, including the arrangements to facilitate resolution by Palau of its power plant debt, are linked to actions this fiscal year, a plebiscite in Palau on the Compact and its subsidiary agreements needs to occur by early summer. Early House and Senate action approving H.J. Res. 175 is thus all the more imperative.

Last year, the House and Senate passed differing versions of legislation authorizing entry into force of the Palau Compact, and the Reagan Administration supported both versions. In the closing hours of the One-Hundredth Congress, a compromise between the two versions was developed, but not enacted, under which the Administration would implement, through appropriations requests and other administrative actions, the provisions of the House-passed version (October 6) if Congress would approve the Senate-passed version October 7). While final Congressional action did not occur, that same compromise is now available in the form of H.J. Res. 175. In urging passage of H.J. Res. 175, the Administration is prepared to take steps that will give effect to that compromise, in addition to actions already taken to address the specific issues. The steps we intend to commence during the process of Congressional consideration and passage of H.J. Res. 175 include the negotiation and conclusion of Compact subsidiary agreements with Palau, the completion of the reports to Congress that are mentioned in H.J. Res. 175 and in the House-passed version, and, ultimately, administrative actions or requests for the appropriation of funds, totalling up to $9.3. million spread over the first six years of Compact effectiveness, that are authorized in H.J. Res. 175 and detailed specifically in the House-passed version.

The House-passed version contemplated the availability to Palau of the $9.3 million in addition to the funding Palau will otherwise receive pursuant to the terms of the Compact. On the assumption that H.J. Res. 175 is enacted and the Compact can enter into force before the end of the current fiscal year, the Administration would seek, through pending and future appropriations requests or through funds already appropriated, to make these additional amounts available to Palau starting in FY 1990, the first full year of Compact effectiveness. These funds would be provided in a manner consistent with the reports and recommendations referred to above, the relevant provisions of Compact subsidiary agreements, and, in the case of appropriations requests, in accordance with United States laws.

The Administration's approach outlined in this letter is designed to facilitate House and Senate passage of H.J. Res. 175, and the commencement and completion of Administration undertakings related to H.J. Res. 175 and last year's House-passed version, on an expeditious basis.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely.

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

THE DEPUTY SECRETARY OF STATE,
Washington, DC, September 26, 1988.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives.

DEAR MR. CHAIRMAN: The Administration believes Congress should pass legislation authorizing implementation of the Palau Compact of Free Association at the earliest possible date. We support efforts to fashion legislation in the House of Representatives accomplishing this result before Congress' early October adjournment.

The President submitted draft legislation on November 30, 1987 authorizing implementation of the Compact. Since that time, the Senate has passed a version of the legislation that was, with one minor alteration, acceptable to the Administration. The House Foreign Affairs Committee, last April, reported HJR 479 that was also acceptable to the Administration. An alternate version of implementing legislation—HJR 597—was later considered by the House Interior Committee, but has never been reported. Additionally, on August 29, 1988, the Palau Supreme Court determined that there is inconsistency between the Compact and the Palau Constitution. This decision requires Palau to complete its internal Compact approval process through a vote on the Compact, whether directly or through a constitutional amendment procedure.

Therefore, because Palau must put the Compact before the Palauan electorate by one or the other of these methods, we believe it imperative that the United States position on implementation of the Compact be made clear now so that the Palauan people can participate in an informed act of self-determination. Thus, I urge that the House pass implementing legislation as soon as possible.

The Administration is aware of the provisions of legislation that emerged from recent meetings between members of the House Foreign Affairs and Interior Committees. To date, we have not had the opportunity to review a final text of these provisions.

However, based on our understanding of the legislation and given the imperative to clarify the United States position on implementation of the Palau Compact, we support passage of this new compromise legislation but deem it essential that objectionable provisions and limitations in the compromise relating to Palau's use of Compact funds to liquidate its power plant debt be revised in the process of final Senate and House action. On this matter, we would oppose any United States Government loan, guarantee or other subsidization of the debt. With respect to the funding authorized in the new bill, a full faith and credit provision attaches to a maximum of $9.3 million of these funds. The Administration intends to ensure that appropriate planning, needs analyses and justifications are associated with provision of this funding in a manner consistent with the legislation.

Sincerely,

JOHN C. WHITEHEAD.

A REPORT TO THE THIRD OLBIIL ERA KELULAU AND THE REPUBLIC OF PALAU PRESIDENT

(By the Commission on Future Palau/United States Relations)

V. RECOMMENDATIONS

The Commission is fully aware that, despite political education programs which had preceded each of the referenda on the COMPACT many people in Palau continue

to have certain misgivings about approving the COMPACT and its subsidiary agreements. Many are concerned about the nuclear provisions of the COMPACT; This Commission was not able to and could not re-negotiate possible changes to the Compact language on nuclear and harmful substances, but it made note of the fact that any approval of the Compact and its subsidiary agreements by 75 percent votes will overcome any constitutional impediments to the use of harmful substances and nuclear material within the Republic of Palau. Any argument, therefore, against the approval of the Compact and the subsidiary agreements based upon the provisions of the Palau Constitution prohibiting the use of harmful substances will be moot. Others contend that the economic and financial assistance being offered by the United States will not be sufficient to allow orderly economic development for Palau; some maintain that the options given the United States to use Palau lands for defense sites and military purposes will deprive Palau as to the use of such lands, the money to pay for the use of such lands would not allow just and fair compensation to land owners, and that the period of the COMPACT is onerous. Still many others disfavor the COMPACT because they prefer other political status alternatives such as independence, or commonwealth.

While this Commission does not want to be drawn into a debate on the merits or demerits of the COMPACT and its subsidiary agreements, it is constrained to make an observation regarding the need to resolve the Political Status with the approval of the COMPACT and its subsidiary agreements as the only alternative available. In the long run, it is not the amount of money proposed to be provided in any political status alternative, such as that provided for under this Compact with its subsidiary agreements, that should induce Palau voters either to accept or reject it. Even if that were the only yardstick to assess the merits of the Compact, the funding level set by the Compact and the subsidiary agreements, together with financial and technical assistance under H.J. Res 175 and its subsidiary agreement, compares well with similar levels of financial assistance extended other political entities in the Micronesian areas.

It is the stability of the government associated with the resolution of the political status through the approval of the Compact which is paramount. Once the stability of the government is assured, Palau can expect an accelerated development in the private sector of the economy. This in turn will bring about the kind of economic progress and social development in step with the general effort of nation building.

Both the United States and the Republic of Palau will need to take the following steps to bring about the approval of the COMPACT and its subsidiary agreements and to ensure its implementation.

A. Actions to be taken by the United States to allow Compact to take effect:

(1) Enactment by the U.S. Congress of H.J. Res. 175 authorizing the entry into force of the Compact and its subsidiary agreements.

(2) Approval by U.S. Department of the Interior for the allotment of funds to Palau for the political education program and for the holding of the Seventh Referendum on the Compact of Free Association.

(3) United States to request the UN Trusteeship Council to dispatch a Visiting Mission to observe the 7th Referendum on the COMPACT.

B. Actions to be taken by Palau Government relative to the approval of the COMPACT:

(1) Enactment by the OEK of an enabling legislation to set the date of the referendum sometime in July, 1989 and to provide for an impartial and fair political education program on the COMPACT and its subsidiary agreements.

(2) Carrying out a political education program on the COMPACT and its subsidiary agreements and on H.J. Res. 175 and its subsidiary agreement. (See Exhibits 12 and 13)

(3) Holding of a clean and properly conducted Referendum on the COMPACT and its subsidiary agreements.

(4) Creation of the Transition Committee to provide for smooth transition, in the event the COMPACT is approved.

(5) Identification of plans, reports, and studies required to be prepared including the formulation of the Palau National Development Plan pursuant to the COMPACT and its subsidiary agreements and pursuant to H.J. Res. 175 and its subsidiary agreements and assigning these tasks to the committee on transition so as to ensure their completion within the time frame specified.

(6) Public Political Education Committee on the Compact.

VI. CONCLUSIONS

The greatest involvement of the people of Palau in the status question will come in a referendum in which the Palauan voters accept or reject the COMPACT. The outcome of such a referendum will determine the future relations between the United States and Palau after the Trusteeship system governing Palau comes to an end. The future well-being of this generation of Palauan people requires that a firm and strong consensus be established on the matter of status. Conducting plebiscites and referenda involving political status issues inevitably creates social conflict, diverts much energies, time, and public funds that could otherwise be expended for more constructive ends. Thus, if the majority of the Palau voters should reject the COMPACT in any referendum to be held, the Commission strongly recommends that such a referendum be the last one held on the 1986 COMPACT and its subsidiaries. At least, the present Administration should not even consider holding any more referendums on the same COMPACT during its term.

E. Improvements to the Compact Resulting from the Subsidiary Agreement

Inasmuch as the mandate of the Commission is to improve the terms of any future relationship between the United States and Palau when the Trusteeship system governing Palau terminates, the Commission has decided to give in this part of the Report an overview of the improvements in the Compact resulting from the Subsidiary Agreement. The list that follows does not itemize every improvement in the implementing legislation and the Subsidiary Agreement, but is designed rather to highlight the most significant changes from the COMPACT as negotiated.

1. Use of Land in Palau for Defense Purposes:

Compact as Negotiated. Under the Compact as negotiated (together with separate subsidiary agreements), the United States was entitled to designate a site at Malakal Harbor, at Airai Airfield including equivalent site in Angaur, a site for non-exclusive use in Melekeok State, and *any* other land in Palau for defense purposes and was not obligated to pay compensation to Palau for the land designated. Upon notice by the U.S. of designation, Palau has 60 days to provide such lands. The financial benefits in Title Two of the Compact, including an impact payment of $5.5 million, were regarded as full compensation for any land that might be taken. There was no specific recognition by the U.S. of Palau's obligation under its Constitution to provide just compensation to holders of private land taken by the government.

Implementing Legislation and Subsidiary Agreement. Except for two specific sites, Palau has no obligation to provide private land to the United States for defense sites unless the United States has first agreed to provide compensation for the land to be used. If there is a dispute on compensation, Palau is still not obligated to act until the dispute is resolved. The sites where the United States can designate land without a prior agreement are at Airai Airfield—exclusive use of an aircraft parking area and joint use of the airfield—and in Malakal Harbor—exclusive use of a wharf in a designated area if one is ever built by the United States and joint use of the anchorage area. In effect, the United States has reduced its defense sites to two specific areas and has agreed that it must first execute separate agreements with Palau as to any other sites. The United States also specifically recognizes the constitutional obligations of the Government of Palau to provide just compensation for the use of private lands.

(While H.J. Res. 597 as introduced and passed by the House in 1988 recognized Palau's obligation to compensate for the use of private lands and provided for an agreement as to compensation from the United States, these provisions did not state that Palau did not have to provide land without an agreement, nor did they limit United States defense sites to two specific locations.)

2. Settlement of IPSECO Debt:

Compact as Negotiated. The Compact as negotiated does not specifically address the IPSECO debt. It does, however, leave the financial benefits under the Compact vulnerable to attachment by the creditors should they prevail in the pending lawsuit. The Compact leaves the litigation pending, with a judgment against Palau now estimated at approximately $50 million.

Implementing Legislation and Subsidiary Agreement. The Subsidiary Agreement and H.J. Res. 175 provide that, if there is a settlement with the creditors, $28 million in energy funds payable over 14 years under Section 211(b) of the Compact will be accelerated into the first year, without discount, and made available with the related inflation adjustment to pay the settlement. In return for this non-discounted acceleration, H.J. Res. 175 provides that Palau will pay the United States at the end of 15 years for the net economic cost of the nondiscounted acceleration of energy funds. The United States estimated this amount to be between $7 and $8 million, but the Subsidiary Agreement provides for payment of $3 million in ten years as full payment of net economic cost.

The Subsidiary Agreement also provides that Palau can meet out-island energy needs from any funds, rather than just Section 211(b) funds, provided at least $7 million is dedicated for this purpose prior to the 15th year of the Compact. It further provides that Palau may request further assistance from the United States with respect to electric power generation, including applicable grants and loans.

3. Medical Referral Debts;

Compact as Negotiated. No provision.

Implementing Legislation and Subsidiary Agreement. The United States will act to settle all outstanding medical referral debts so long as those referrals are documented. Moreover, the United States agrees to cancel all debts arising out of referrals to United States military hospitals.

4. Central Health Care Facility:

Compact as Negotiated. No provision.

Implementing Legislation and Subsidiary Agreement. The Subsidiary Agreement commits the United States to support the provision of at least $5 million, and perhaps more, in fiscal year 1990 or fiscal year 1991 to Palau for construction of its central health care facility. Palau must devote at least $5 million over the next fifteen (15) years to the hospital, including operations and maintenance, instead of matching any United States funding as was provided in H.J. Res. 597 as introduced and passed in the House in 1988.

5. National Prison Facility:

Compact as Negotiated. No provision.

Implementing Legislation and Subsidiary Agreement. The Subsidiary Agreement commits the United States to support the provision of $800,000 during fiscal year 1990 or fiscal year 1991, for improvement of the Palau national prison facility.

6. Deficiencies in Capital Infrastructure Projects:

Compact as Negotiated. No provision. Deficiencies in previous CIP projects are not acknowledged.

Implementing Legislation and Subsidiary Agreement. The United States and Palau agree to continue to cooperate to correct infrastructure deficiencies under the program sponsored by the United States through the Department of the Interior and the Army Corps of Engineers and to cooperate in seeking legal redress from negligent contractors, while repairing infrastructure in need of immediate repair.

7. Anti-Drug Program:

Compact as Negotiated. No provision.

Implementing Legislation and Subsidiary Agreement. The Subsidiary Agreement commits the United States to support the provision of $400,000 annually to Palau during fiscal years 1991 through 1995 for an anti-drug program which can include a rehabilitation center if desired. The United States acknowledges that it is in its interest as well as Palau's that such a program be instituted. United States law enforcement officials in Palau are required to comply with the laws of Palau. Further requests for assistance are to be viewed sympathetically by the United States.

8. Special Prosecutor and Public Auditor:

Compact as Negotiated. No provision.

Implementing Legislation and Subsidiary Agreement. The Subsidiary Agreement commits the United States to support the provision of $300,000 annually to Palau and to provide one staff person for each office during the first five years after implementation of the Compact for the offices of special prosecutor and public auditor.

Palau must fund the offices at $100,000 annually each for the five year period, but the penalties for Palau's failure to maintain these offices that would have been provided by H.J. Res. 597 as passed by the House in 1988 are reduced and made applicable only if the United States provides financial assistance as stated above.

9. Continuation of Federal Programs:

Compact as Negotiated. Apart from certain federal programs for which the Compact explicitly states that Palau will remain eligible, existing federal programs will be phased out over a three-year period.

Implementing Legislation and Subsidiary Agreement. The United States and Palau will enter into an agreement (during the first year of the Compact) to determine which federal programs in addition to those specifically continued by operation of the Compact will be continued, to ensure that Palau does not suffer anticipated adverse economic consequences as a result of the phasing out of federal programs and in spite of the assistance under Title Two of the Compact.

10. Miscellaneous Provisions:

Compact as Negotiated. None of the following issues are treated.

Implementing Legislation and Subsidiary Agreement. The Subsidiary Agreement provides:

The Government of Palau retains exclusive authority to grant or deny landing rights in Palau to civil air carriers, except for rights held by United States air carriers as provided in The Federal Programs and Services Agreement concluded pursuant to the Compact.

The United States and Palau will discuss agreements to ensure that Palau does not receive less favorable tariff treatment than Caribbean Basin Initiative countries with respect to textile and apparel items and other exports.

The United States will sympathetically consider requests from Palau for assistance to complete land surveying in Palau.

The United States and Palau confirm that the separate Agreement Regarding the Jurisdiction and Sovereignty of the Republic of Palau over its Territory and the Living and Non-Living Resources of the Sea preserves Palau's rights under international law as to its continental shelf and as to its declaration of an exclusive economic zone.

REQUIREMENTS OF THE COMPROMISE ON H.J. RES. 597

(In addition to requirements specified in the Senate amendment)

The Compact will be implemented when (a) it is approved by the percentage of votes in Palau required by Palau's constitution and (b) the President has negotiated agreements with Palau in consultation with the Congress that will provide for required assistance for law enforcement, Palau's special prosecutor and public auditor, medical and prison facilities, and a referendum on the Compact.

The President will negotiate an agreement which will commit the U.S. to provide Palau in FY '90 with the amount up to $5 million matched by Palau for improvement of medical facilities to be spent according to a plan approved by the Secretary of the Interior in consultation with the Secretary of Health and Human Services.

The President will negotiate an agreement which will commit the U.S. to settle the outstanding debts of Palau, the Federal States of Micronesia, and the Marshall Islands to U.S. medical institutions incurred during the trusteeship.

The U.S. will recognize that Palau is required to provide fair payment for private land the U.S. might require Palau to provide for military purposes under the Compact.

The President will enter into agreements regarding financial assistance for this purpose based on fair value if Palau determines it needs such assistance.

The U.S. will recognize that the President may extend the 60 days Palau has to make land available to the U.S. if an extension is needed to acquire privately-held land.

The President will negotiate an agreement which will commit the U.S. to assist Palau in enforcing narcotics and other laws and in preventing and treating narcotics and other substance abuse.

The agreement will specifically describe the assistance to be provided for law enforcement.

It will also commit the U.S. to provide Palau with $400,000 annually in years two through six of the Compact for these purposes.

Finally, it will provide that Palau authorizes U.S. law enforcement officers to investigate U.S. laws applying in Palau in cooperation with Palauan officials.

The President will negotiate an agreement with Palau in consultation with the Congress which will commit the U.S. to provide Palau with $800,000 for prison facilities.

The President will negotiate an agreement which will provide that the U.S. will assist Palau in implementing its special prosecutor and public auditor laws.

The agreement will provide that Palau will spend not less than $100,000 annually for each of the offices in years one through five of the Compact.

It will also commit the U.S. to providing nonreimbursable technical assistance to the two offices, including an attorney or investigator and an auditor or accountant, in years one through five of the Compact at the request of the government of Palau or the prosecutor or auditor.

Additionally, it will commit the U.S. to provide Palau with $300,000 annually in years one through five of the Compact for the offices.

If Palau does not maintain the offices, the President will take the matter up under the conference and dispute resolution procedures of the Compact. If Palau does not comply with an arbitration decision under these procedures within 180 days, the President will either withhold assistance to Palau or suspend the guarantee of assistance the Compact would provide Palau.

The President will consult with the Congress in negotiating the required agreement on implementation of U.S. audit recommendations. The agreement will provide that the Secretary of the Interior will assist Palau in implementing such recommendations.

The President will negotiate an agreement which will provide that Palau will provide information describing private sector projects to be financed with Compact assistance and outlining how current Palauan national and state capital project debts will be paid.

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Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arizona [Mr. UDALL] chairman of the full committee, without whose help we would not be here today. It has been this great chairman who supplied the advice, counsel, and inspiration to develop this legislation.

Mr. UDALL. Mr. Speaker, today, I join my colleagues in bringing to the floor House Joint Resolution 175, to authorize the implementation of the Compact of Free Association Between the United States and the Government of Palau.

The road which we, and especially the people of Palau, have traveled to reach this point has been a most difficult and painful one. Along that road we have seen the assassination of the first President of Palau, a crime which remains unsolved; a period of unchecked threats, intimidation, violence, and governmental corruption; the life of Palau's second President end tragically; the misappropriation of hundreds of thousands of dollars of Palauan funds, and a general breakdown in the rule of law in Palau.

On the positive side, we have witnessed remarkable examples of personal and political courage on the part of many Palauan citizens and leaders. We have witnessed the strength, resolve, and wisdom of the Palauan judicial system when it was given the opportunity to make reasoned judgments. We have witnessed the accelerated progress of the Palau National Congress, the Olbiil Era Kelulau, in its movement toward assumption and utilization of its full authority to oversee matters of government in Palau. And, we have seen a most welcome spirit of cooperation and commitment to principles of democratic government by the executive branch of Palau.

This past February, I had the great pleasure of leading a bipartisan congressional delegation of 12 members of the Interior and Insular Affairs Committee and our former ranking Republican member of the committee, the new Secretary of the Interior, the Honorable Manuel Lujan, to a number of Pacific insular areas, including Palau.

Those Members who joined me on that journey, by their participation in the trip and their interest in the problems facing Palau, have helped to bring the House to its consideration of this legislative proposal today. Those Members of Congress to whom I owe a special debt of gratitude for their cooperation and assistance are: Congressman BRUCE VENTO, and RON DE LUGO; Congresswoman BARBARA VUCANOVICH; and Congressmen BOB LAGOMARSINO, JAMES FUSTER, BEN BLAZ, JAMIE CLARKE, JAY RHODES, ELTON GALLEGLY, JIM LIGHTFOOT, and ENI HUNKIN FALEOMAVAEGA.

During our visit to Palau, I was impressed by the incredible beauty and the remarkable history of the island and by the warmth, humor, hospitality, and dedication of the Palauan people. I left Palau after our brief stay with a renewed commitment to seek for Palauans the best opportunity that we in the Congress can provide them to fulfill their self-determination goals.

Those who traveled with me on that historic visit to Palau and I will be forever indebted to President Ngiratkel Etpison, Vice President Kuniwo Nakamura, Senate President Joshau Koshiba, House of Delegates Speaker Shiro Kyota, members of the Commission on Future Palau/United States Relations, and so many other leaders and citizens of Palau who helped make our stay so productive and memorable.

We bring to the House today a legislative package which includes the provisions of House Joint Resolution 175—along with the language of the Agreement Concerning Special Programs Relating to the Entry into Force of the Compact of Free Association with Palau dated May 26, 1989.

It is our intent that the executive branch of the United States should carry out fully the legislative intent underpinning the agreement—amd the legislative vehicle, House Joint Resolution 175, to adopt that agreement—which is based upon the legislation which passed the House on this matter October 6, 1988.

The unique legislative history of this measure has required a unique approach to resolving differences between various positions with respect to implementing the compact of free association. Although I hold some reservations about this approach, I believe that it can work if the administration and the Congress do their part to assist Palau in its transition to free association with the United States assuming that is what the Palauan people ultimately approve.

The agreement was to have been a bona fide effort to reflect the principles and provisions of House Joint Resolution 597, as passed by the House of Representatives last Congress. In many cases the agreement does just that. In a few cases its language falls short of that objective. It is, therefore, important to my decision to support this legislative package to know that key Members of the House and Senate, as well as of the administration, have made commitments to ensure that the administration lives up to the commitment to implement all of the requirements of House Joint Resolution 597 as passed by the House last year.

Particularly relevant on the point is that members of the Interior Committee agreed to change the language of House Joint Resolution 597 from the 100th Congress, requiring the backing by the full faith and credit of the United States of funding provided in the legislation, to language which simply authorized this funding. This change was agreed to only after receiving commitments by Members of the House and Senate as well as the administration to seek and to obtain the necessary appropriations for this legislative package.

The statement of the gentleman from the Virgin Islands, Mr. DE LUGO, today, includes our analysis of, and intent regarding, this legislative package. My colleagues will remember the compact from debate in the last Congress which involved some $460 million in aid of one type or another being provided to Palau over a 15-year period and certain defense rights being provided to the United States over a 50-year period.

In this legislative package before you today, the House would authorize the implementation of the compact, which was previously approved by Congress, after the people of Palau constitutionally approve the compact.

This package also contains approximately $9.3 million in direct grants and other assistance, which would provide millions of dollars' worth of other aid which will help correct some of the deep-seated problems which have become clear in Palau and will help fulfill the U.S. obligation under the U.N. trusteeship agreement regarding Palau.

In addition, it will also provide for advancing money from compact funding to be paid over 15 years of the compact to help Palau settle a staggering $48 million debt which it faces and which could jeopardize its future if not alleviated in some way. The debt would be able to be settled for $32 million, and Palau would repay the United States $3 million for advancing such funds.

Regardless of what we do in this package containing the legislation and the subsidiary agreement, the key to success for the people of Palau regarding the direction for their islands in the years ahead lies—where it should lie in a democracy—in the hands of the people themselves. Such provisions in the agreement as those dealing with the public auditor and special prosecutor and others regarding audit recommendations are extremely important to helping ensure that the Palauan people, first, know what is going on with respect to their government, and second, have a vigorous and effective system of checks and balances operating within the government as provided for in their constitution and laws to facilitate remedial action being taken when needed.

I would like to take this opportuntity to commend especially my colleague, the chairman of the Subcommittee on Insular and International Affairs of the Interior Committee, Congressman RON DE LUGO, for his tireless efforts and leadership in overseeing the problems in Palau and for his creativity and good judgment in our work to address those problems.

Also deserving of praise for their steadfast commitment to taking the proper and more difficult course with respect to Palau, are the ranking member of the Interior and Insular Affairs Committee, the gentleman from California, GEORGE MILLER, and the ranking Republican member of our committee, the gentleman from Alaska, DON YOUNG.

Key among others who have contributed to the effort to resolve differences and bring us to consideration of the legislative package before the House today are Representative BOB LAGOMARSINO, the ranking Republican member of the Subcommittee on Insular and International Affairs, my good and longtime friend and colleague, Chairman DANTE FASCELL, Representative STEVE SOLARZ, and Representative JIM LEACH of the Foreign Affairs Committee.

In addition, I would like to express my appreciation to the dedicated staff of the Subcommittee on Insular and International Affairs and the full Interior Committee who worked so long and diligently to help us to detect, investigate, and seek solutions to problems facing Palau.

I wish the people of Palau success in their efforts to explain and later to consider the compact and this legislative package. If they choose not to approve the compact in this, the seventh attempt at such approval, they will continue to have my support and resolve to help them achieve their self-determination goals be it through the compact of free association and a legislative package or through some other means. If the compact is approved, I wish them the greatest economic and political success in their new relationship with the United States in the years ahead.

I urge my colleagues to support the legislative package before the House today.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 175, a measure to authorize the entry into force of the Compact of Free Association with Palau. It has literally been decades since the process of political self determination began for the people of Palau.

Palau is part of the Micronesian Islands which were the first Pacific Islands to be sighted by European explorers in the 16th century. Various countries have controlled Palau's external relations and economic development over the years. Palau was first administered by Spain, then Germany, Japan, and the United States. Events of World Wars I and II led to American involvement in Palauan affairs.

Japan had gained administrative control of Palau from Germany under a League of Nations mandate following World War I. The administrative center for all of the Micronesian Islands under Japan's control was established in Palau. Their primary responsibility was the economic, social, and political development of the islands. However, rather than fulfilling the aspirations of the people and their responsibility under the mandate, Japan used the island for defensive and strategic purposes.

The intense battles at Peleliu and Angaur in Palau are legendary. Thousands of lives were lost in the conflict. Even today, the haunting remains of that fierce era can been seen: Rusting gun turrets, intact Zero's, and sunken ships. Only recently a United States fighter plane was found in the dense jungle of one of the myriad islands of Palau. Another chapter of that war closed as confirmation was made of the men lost.

Another pilot was also shot down north of those islands in World War II. Fortunately, he survived and we have benefited from his knowledge and experience in the Pacific. The pilot I am referring to is President George Bush, who has maintained a continuous interest and involvement in the issues affecting these islands. No doubt that experience was helpful at the United Nations, where as the United States Ambassador, he was responsible for the report of activities in the United States-administered Trust Territory of the Pacific Islands. As Vice President, George Bush made a number of trips across the Pacific, including a visit to Saipan, the United States Administrative Headquarters for the island under trusteeship. His influence as Vice President of United States Pacific policy is reflected in many of the Reagan administration's efforts in the island.

The political status negotiating process with Micronesia began in the 1960's to conclude an agreement encompassing the island of the trust territory. A number of successive administrations were unable to reach closure on a new relationship with the islands of Micronesia. However, the Ford administration successfully concluded a separate agreement with one part of the trust territory, the Northern Mariana Islands. The agreement or covenant provided the framework of the new relationship in which the United States exercised sovereignty, the people were authorized local self-government, U.S. citizenship and the protection of most of the U.S. Constitution.

The rest of the trust territory coalesced into three groups, along cultural and linguistic lines. The Marshall Islands, the Caroline Islands, and the Western Caroline Islands. Within the Caroline Islands four distinct island clusters joined as the Federated States of Micronesia to negotiate a bilateral relationship with the United States. The Marshall Islands and Palau of the Western Caroline Islands also negotiated individual compacts of free association.

In 1977, the Carter administration announced its intention to complete the negotiating process for the compacts of free association and terminate the trusteeship by 1981. The staff of the trust territory was reduced in preparation for the implementation of the compact of free association for Palau and the other islands of the trusteeship. To further the presumed imminent self-government, the Carter administration began to turn control of health facilities, schools, power generation plants, water distribution, and road maintenance and all other public works and social services to the local island government, While many have argued that the people were inadequately prepared for a transfer of responsibility of that magnitude, it was an inevitable part of the self-government process and self-determination aspirations of the people. The announced completion of the negotiations was premature as no compact of free association was agreed to by the Micronesia States and the United States by the start of 1981.

At the outset of the Reagan administration, I joined with a number of my colleagues in the House to request a complete review by the new Reagan administration of United States policy in Micronesia. At that time, the Trust Territory of the Pacific Islands remained as the last of the 11 United Nations trusteeships established after World War II. It appeared that something needed to be done to conclude the languishing self-determination process in Micronesia.

After an intensive review by the new Reagan administration, it was decided that a free association relationship with the United States represented the majority opinion of the people of the trust territory. A relationship preserving specific strategic and defense rights of the United States while providing domestic and external sovereignty to the islands with developmental assistance and enunciated in a compact, would be in the mutual interest of all parties.

The administration then tapped an individual with years of experience in the islands and a proven ability to lead and negotiate. President Reagan appointed Fred M. Zeder II, as the President's personal representative to Micronesian status negotiations. Ambassador Zeder came well equipped to take on the assigned task given. As a World War II fighter pilot, Zeder understood the strategic importance of the Pacific Islands to the United States. He had succeeded in business enterprises in the Caribbean and the Pacific from the 1950's through to the 1980's and knew the challenges and understood the importance of economic development to the island people. Zeder served as Director of Territories during the Ford administration and became well acquainted with many of the leaders of the Pacific Islands. Under Ambassador Zeder's leadership and skillful negotiating, compacts of free association were finally concluded

with each of the three aspiring island states.

With an equal amount of tenacity and creativity, Ambassador Zeder worked with the Congress to develop enabling legislation to provide for the approval and implementation of the free association relationships. In December 1985, President Reagan signed Public Law 99-239, approving the Compacts of Free Association for the Marshall Islands and the Federated States of Micronesia. Nearly a year later, the President set effective dates for the implementation of the compact for the Marshalls and FSM in October and November respectively, as those governments had subsequently ratified the compact terms as contained in Public Law 99-239.

In November 1986, President Reagan signed legislation in which the Congress approved the Compact of Free Association with Palau. Since that date, up to 73 percent of the people of Palau have approved the compact in official referenda. However, this super majority did not meet the 75 percent margin required by the Palau Constitution. It remains for the people of Palau to determine if they want to have a free association relationship with the United States as defined in the compact and subsidiary agreements.

In enacting the Palau compact, the Congress provided the people of Palau with the full details of the free association relationship, thus affording them the information to make an informed choice of self-determination. The United States also demonstrated a serious commitment to the fulfillment of the terms of the compact by the appropriation of the funding for the first year of the compact, approximately $150 million. I might note that the Marshalls and the FSM ratified their compact prior to the appropriation of any funds.

The people of Palau have also had the benefit of observing the new free association relationship between the United States and the Marshalls and the FSM. They have seen programs and assistance extended to the people of the freely associated states which were not in the compact. Included in this legislation are a number of other provisions which modify or add to the compact of free association. One post-compact provision, section 202, judicial assistance, has been included due to the work and recommendation of Justice Anthony Kennedy of the Supreme Court. Justice Kennedy is the chairman of the Pacific Territories Committee of the Judicial Conference of the United States. The Judicial Conference has recommended that the chief justice or the chief judge of the ninth circuit be allowed to temporarily assign judges to the freely associated states upon their request. Currently, judges from Third World countries are assisting the freely associated states. The United States has a vested interest to allow U.S. judges to assist the freely associated states as decisions could affect U.S. interests. This dynamic free association relationship is mutually beneficial to all parties involved and is consistent with the relationship which I had envisioned under the compact.

Just as the Reagan administration and the Congress agreed to changes in the relationship with the free associated states, sympathetic consideration has been given to requests by Palau for post-compact assistance. In fact, the Reagan administration was willing to provide extra-compact assistance to a greater degree than that which the Congress agreed to. The administration was consistently working with both Houses of Congress to develop acceptable extra-compact provisions throughout the last Congress and literally up to the final hours. In the evening of the last day of the 100th Congress, the administration responded immediately to the initiative of JIM LEACH, vice chairman of the Foreign Affairs Subcommittee on Asian and Pacific Affairs, and myself to resolve the Palau compact implementing legislation deadlock. In a meeting which we convened in the Capitol, the administration met with the two of us and staff from the committees of the Senate and House. The administration was represented by James Berg, Director of the Office of Freely Associated Affairs of the Department of State, and Howard Hills, OFASA legal advisor. Within a couple of hours we were able to develop a compromise to satisfy each specific reservation raised. The administration agreed in writing to address each of the concerns through specific action as part of the compromise reached that evening on the basis that the legislation would be enacted that night. The House was to accept the Senate passed bill with one amendment providing for the funding of money from the compact energy accounts.

The written agreements and the legislation requiring enactment were taken to the House floor for action. Unfortunately, in spite of the cooperative efforts of the administration, the initiative we undertook was in vain as time ran out before all the principals involved acted.

I had no illusions after the Congress adjourned that the administration had committed itself to fulfill the compromise provisions in the absence of implementing legislation. The administration made commitments that night which were to be executed after the passage of the Palau compact implementing bill. However, in spite of the failure of the Congress to pass legislation in the 100th Congress, the administration communicated a desire to save the process in a manner acceptable to the incoming Congress. The Reagan administration remained open and responsive to a consensus solution through its last days.

It was with the knowledge of the administration's ernest desire to implement the Palau compact in a manner acceptable to the Congress, that I renewed our initiative by giving a newly drafted bill to the chairman, RON DE LUGO, of the Subcommittee on Insular and International Affairs, on January 3, the opening day of the 101st Congress. I believed it was crucial to promptly enact the compact to provide adequate time for the people of Palau to finally approve the compact. At no time did I expect the administration to complete the agreements prior to the enactment of the implementing legislation.

However, the administration has met and exceeded the expectations of the compromise. Each of the concerns of the Palauans have been provided for in a lengthy subsidiary agreement which was concluded in Guam on May 26, 1989. Vice President Namamura of Palau and Mr. James Berg of the State Department signed the agreement which has been referenced in the legislation before the House today. The new subsidiary agreement clarifies how the United States and Palau will interact to specific projects programs and needs to the mutual benefit of both parties. Funding for the provisions of the subsidiary agreement is subject to the appropriation process. For that reason, the provisions of the agreement requires Palau to submit plans justifying the level and type of need for a health care, correctional center assistance, drug abuse and rehabilitation and the correction of infrastructure deficiencies. We owe a large debt of gratitude to Jim Berg and Howard Hills for their hard, dedicated and constructive work.

The Palauan Legislature is in the process of scheduling a plebiscite for next month. I believe this bill, the prior legislation which approved the Palau compact (99-658), and the new May 26, 1989, subsidiary agreement providing for post-compact assistance should provide the people of Palau to make an informed choice regarding the future relationship with the United States. However, the leaders of Palau should not believe that the United States will provide assistance beyond that which has been detailed in law before the people approve the compact. As I mentioned earlier, the United States has been responsive to requests for post-compact assistance or changes from the freely associated states and will continue to be. However, due to our own budget constraints, no further assistance will be offered until after the compact is in effect.

The legislation also contains a provision unrelated to the free association

relationship for Palau. Section 210 provides $1,500,000 to the Executive Office of the President for activities related to a referendum in Puerto Rico regarding the future United States-Puerto Rico relationship. The Executive Office of the President may disburse up to $500,000 to each of the three political parties in Puerto Rico to enable them to participate in the legislative process with the Congress involving the future political status of Puerto Rico. President George Bush, in his February 9, 1989, address to the joint session of Congress, expressed his strong personal support of Puerto Rico statehood and asked the Congress to authorize a referendum in order for the people of Puerto Rico to decide on their future relationship within the United States.

Puerto Rico has the closest relationship within the United States of all the territories. The people have been U.S. citizens for over 71 years. Puerto Rico alone among the territories lies within United States customs zone. The U.S. Constitution applies in part. Puerto Rico has set the pace among United States territories in the development of democratic self-government like that of the United States. Puerto Rico was authorized a representative in Washington at the beginning of this century. It wasn't until 1980 that three other territories were represented in Congress. The newest member of the American family, the Commonwealth of the Northern Marianas, do not yet have a delegate in Congress although the residents gained United States citizenship in 1986.

Puerto Rico was the first territory to be authorized to elect their own Governor after World War II in the late 1940's. In fact, the territories of Alaska and Hawaii were not authorized to elect their own Governors until they became States in 1959.

In 1950, the Congress enacted the Puerto Rico Federal Relations Act authorizing the people to formulate a local constitution. Congress approved the developed constitution with certain required changes in 1952. With the Puerto Rico Consitution in effect, the local legislative and executive branches lead by popular vote, and an elected representative in Congress, albeit a nonvoting, Puerto Rico enjoyed unprecedented local self-government among United States territories.

Puerto Rico's advanced local self-government was often examined as a possible model for Alaska and Hawaii. However, the people of those areas chose to wait for full integration into the United States. Through statehood the people of Alaska and Hawaii would gain full participation in the American system, the right to vote for President and Vice President and full voting representation in the House and Senate. There were uncertainties regarding the economic impact of the responsibilities of statehood. However, the determination to fully participate and faith in the American system lead the people to seek statehood. Their desires and faith proved correct as evidenced by the strong economies of both States.

Puerto Rico's economy has developed over the years and the per capita income has risen to a point nearly unparalleled among the islands of the Caribbean. The people are now faced with the choice of their future relationship with the United States. Should they go it alone through independence? Should they be satisfied with the unincorporated commonwealth/territory relationship with the United States which could be improved but would leave them disenfranchised and without voting representation? Or should they pursue the inevitable culmination of integration with the United States through statehood to achieve a full endowment of their constitutional rights?

I believe the people of Puerto Rico will choose the best relationship with the United States. It is critical that they make a well-informed choice, so that there are no misconceptions or allusions regarding any of the three relationships.

The administration supports the Senate initiative to provide $500,000 to each of the three political parties through the Executive Office of the President to allow participation in our legislative process. It is essential to have the involvement of the political parties as Congress develops the referendum legislation. However, the voter education regarding the different relationship options should be provided in a nonpartisan manner. Although each of the political parties supports a particular future relationship with the United States, the people should make their choice according to the merits of a relationship, not for partisan reasons.

I want to thank my good colleagues from the Committee on Interior and Insular Affairs and the Committee on Foreign Affairs for their years of effort on the Compact of Free Association. While the Palau compact was approved separately from the compact legislation for the Marshall Islands and the Federated States of Micronesia, the Palau compact legislation was based largely on the prior work for the other freely associated states.

□ 1720

Mr. Speaker, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. CLARKE], one of the most valuable members of the subcommittee, and a gentleman who has worked with me for over 2 years on the Palau issue, and traveled with us to Palau.

Mr. CLARKE. Mr. Speaker, I congratulate and commend the gentleman from the Virgin Islands, Mr. DE LUGO, chairman of the Subcommittee on Insular and International Affairs, and the gentleman from California [Mr. LAGOMARSINO], the ranking Republican on the subcommittee, for their long and effective work on this legislation.

This spring our subcommittee visited the jail, the hospital, the powerplant in Palau, all of which are substantially affected by this legislation. The situation on Palau has been a complicated one, and we hope that this bill will now bring the long negotiations to a successful conclusion, and that more than 75 percent of the people of Palau will now ratify the compact.

We understand that Palau is the last trusteeship left in the world, and with this bill and the approval of it by the people of Palau, they will become a member of the Compact of Free Association and be independent, except for defense by the United States.

This bill deserves our support.

Mr. DE LUGO. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLARZ] the distinguished chairman of the Subcommittee on Asian and Pacific Affairs who has worked so hard on this issue and is so knowledgeable in this area, and one of the leaders.

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for yielding time to me. He also has played a very important role in bringing this legislation before the House. I want to pay tribute to Members on both sides of the aisle who have devoted enormous amounts of effort and energy to this issue which has very little political resonance back home in our constituencies, but which is of considerable importance to the people of Palau, and to larger American interests in the South Pacific.

Hopefully the enactment of this legislation, which enjoys bipartisan support and the endorsement of the administration, will facilitate at long last the constitutional approval by the people of Palau of the Compact of Free Association in a manner which is compatible with our own security interests and responsibilities with respect to Palau, at which point the President would be able to sign the necessary certifications and Palau could change its status from that of a trust territory to a free associated state. It would have the effect of, in effect, divesting the United States of its last colony, and I think that would be in the best interests of the people of Palau, and it would be also in the best interests of the United States.

This legislation fully protects our interest. I think it is in the interests of the people of Palau. The ball is now clearly in their court. I suspect some of the Palauans will read the tran-

script of this debate, and probably it will have a larger audience there than it will back in Brooklyn.

So let me take this opportunity to say to my friends on Palau that this is the best, ladies and gentlemen, which you are going to get. The patience of many of the Members of the House has been sorely tried over this prolonged process. We want to do what is best for Palau, but we negotiated an agreement over 13 or 14 years. Your negotiator signed off on it. The overwhelming majority of the people of Palau voted for it in six referendums. Unfortunately, because of the provision in the Constitution which required a three-quarters vote on any matter involving an antinuclear arrangement, it meant that because they did not have 75 percent but only had 71 or 72 percent, it was not considered constitutionally appropriate, and it was not approved.

I know a lot of Members of the House would be delighted to get elected with 73 percent of the vote or 71 percent of the vote, but on Palau apparently one needs 75 percent of the vote.

One of the reasons they have not gotten 75 percent is there are always some people on Palau who claim that they can get more, and that if the referendum results in a rejection there will be another negotiation, and they will end up with more money. If anybody believes that, let me disabuse them of the notion. I think this is a very generous proposal. Indeed, it is an extraordinarily generous proposal. I am not sure all of our colleagues fully appreciate how generous it is.

So I hope my friends on Palau will find this acceptable, because if not, then, like an old married couple that lives together many years after the flames of romance and affection have died down, we will be stuck with our present arrangement.

Now we have the opportunity to move on to a whole new level where they will have the dignity of free association, total autonomy, functional independence. We will maintain our role in providing for their security, and we have joint consultations on foreign policy.

So let me pay tribute to my colleagues on the Interior and Insular Affairs Committee who managed to squeeze the last available cent out of the Congress for those on Palau whose interests they seek to protect. I now hope, having done this, that this is the last time that we visit this issue, and we can go onward and upward to bigger and better things in the future, and all return in friendship, holding hands for the ceremonies on Palau when they establish their new status as a freely associated state.

Again, I thank the gentleman for yielding the time, and I compliment him on his good work in bringing this to a successful conclusion.

Mr. LAGOMARSINO. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I rise in support of this bill.

Mr. Speaker, with the passage of House Joint Resolution 175, we are approaching the end of a long process to implement the "Compact of Free Association" with Palau, and to finally end the trusteeship responsibilities of the United States over the Micronesian islands.

The resolution before us is the result of the driving force of Congressmen JIM LEACH and BOB LAGOMARSINO and compromises among Members of the Senate, the House Interior and Insular Affairs Committee, the House Foreign Affairs Committee, and the administration. Together with agreements that were subsequently developed between the administration and the Government of Palau, House Joint Resolution 175 speaks to the many concerns of the Palauans as they approach independence. Hopefully this resolution will be acceptable to the Senate, and will provide assurances to the people of Palau so that they can finally approve the Compact of Free Association between our two nations.

Certainly this effort to bring forth a new nation into the community of nations has been a long and difficult process in both Palau and the United States. A case-in-point has been the process by which this resolution has come before us today. The bill was not reported out of any of the committees to which it was referred. Ultimately, however, we must examine the basic product, and in doing so, I believe we can all find that it is sound and should be supported.

In that sense, Mr. Speaker, I support the resolution and encourage my colleagues to support it also.

Mr. LAGOMARSINO. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I rise today in opposition to House Joint Resolution 175, a resolution that authorizes entry into force of the Compact of Free Association with Palau.

The Congressional Budget Office estimates $186 million in direct spending triggered by passage of this joint resolution. The compact is not yet in effect because of four conditions that needed to be met: Presidential certification that the compact has been approved; Presidential agreement with Palau regarding law enforcement and auditing; a congressional joint resolution authorizing the entry into force of the compact; and finally, a referendum of approval by the people of Palau. The first two conditions have been met. This joint resolution would fulfill the third of these stipulations, and resolution of Palau's referendum question would fulfill the last condition.

Upon clearing this last hurdle, then, House Joint Resolution 175 allows $186 million in direct spending, reflecting the full faith and credit of the United States for various capital projects, operating expenses, and trust funds. While the direct spending is not in this resolution, this is the resolution that would clear the way for direct spending as authorized in previous legislation concerning Palau.

If the spending is triggered in fiscal year 1990, this resolution, from the Interior and Foreign Affairs Committees, violates section 302(f)(1) of the Budget Act by creating new budget authority in excess of the committee's allocation of new budget authority for fiscal year 1990.

If the spending takes place this year, the resolution violates the budget resolution of fiscal year 1989 and the outlay ceilings of the 1987 summit.

Members will recall the difficulty we had in creating room in the budget resolution for urgent spending needs and various program priorities. To create direct spending and to violate the Budget Act are affronts to the fiscal restraint we were forced to employ.

Despite strong support from the administration for this measure, the amount of direct spending in this resolution—$186 million—is far too high to be considered in a suspension bill. The CBO did not assume these expenditures in fiscal year 1989, though it is entirely possible that the funds will be obligated by then.

I do not oppose this resolution per se, but I must draw the line at clear disregard for fiscal prudence. In the interest of retaining some semblance of fiscal responsibility, I rise in opposition to this resolution and the direct spending it creates.

Mr. FALEOMAVAEGA. Mr. Speaker, I appreciate the opportunity to appear here today and I rise in strong support of House Joint Resolution 175, as amended.

Mr. Speaker, at the heart of the bill, of course, is title I, the implementation of the Compact of Free Association with Palau. This important piece of legislation is the culmination of well over two decades' worth of hard work and negotiation between the Governments of the United States and Palau. If passed, House Joint Resolution 175 shall allow Palau, if she so chooses, to join her sister states in the Trust Territory of the Pacific Islands—the freely associated states of Micronesia and the Marshall Island—in determination of her political status. In addition to defining Palau's relationship to the United States, this measure shall also address several major financial and social concerns that presently confront the local government.

Mr. Speaker, I wish to commend the efforts of the distinguished chairmen that have led the struggle for this vital piece of legislation, the Honora-

ble Subcommittee Chairman RON DE LUGO and BOB LAGOMARSINO of the House Interior Subcommittee on Insular and International Affairs and the Honorable Subcommittee Chairman, STEPHEN SOLARZ and JIM LEACH of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs. I would also like to recognize our distinguished colleagues in the Senate, the Honorable BENNETT JOHNSTON and the Honorable JAMES MCCLURE, for their invaluable support and contribution to the process. Additionally, the administration should be applauded for its continuing, earnest effort to finalize the negotiations with Palau.

The measure that is before us today, Mr. Speaker, has strong bipartisan support in both Houses, as well as the blessings of the administration. I believe that this is reflective of the fact that the legislation provides exceedingly well for the economic, social and political interests of the people of Palau as well as for the strategic and military concerns of the United States.

This unique relationship of free association shall guarantee Palau self-government in virtually all areas outside of security matters, and provide the people close to half-a-billion Federal dollars for development over the next decade and a half. On the other hand, with the increasing instability in the South Pacific and South Asia regions—as witnessed by the Anzus Pact deterioration and the uncertainty of the base rights negotiation in the Philippines—it is clear that the United States must secure alternative military base sites for the defense of freedom in the Pacific. Whereas the measure before us addresses both the needs of Palau as well as the concerns of our Nation, I would strongly urge my colleagues to support passage of this legislation.

In reviewing the situation with Palau, it brings to mind the increasing importance, both economically and strategically, of the Asia-Pacific region to the United States. As the President declared early in his administration, America, too, is a Pacific nation and we must renew our determination to strengthen ties and relationships with our allies and partners in the Pacific. Vice-President QUALYE underscored the President's message by stating that his recent trip to the South Pacific was tangible proof of our country's commitment to remain a strong and visible power in the Pacific Region.

All of this renewed focus on the Pacific reminds me of the prophetic observations made early in this decade by former Prime Minister Nakasone of Japan. He noted:

History teaches us that civilizations shift gradually toward the periphery, creating new civilizations as they move. Flourishing civilizations have constantly moved towards the frontier; from Greece to Rome, from Rome to England, France and Germany, and from Europe to the American colonies. Even within America itself, the torch of civilization advanced westward from the Atlantic to the shores of the Pacific Ocean. The compass needle of history has swung from the Mediterranean to Atlantic civilizations. Now it is pointing to the Pacific. Today, there cannot be doubt that we are on the verge of a new economic and cultural sphere, that, while centered on Japan and the United States, will encompass the Pacific shores on both the Northern and Southern Hemispheres. The Pacific Ocean is becoming the new and historic stage for the drama of human interaction and development.

As envisioned by Mr. Nakasone, in the upcoming decade and into the next century, the governments of the Pacific shall play a greater role in the economic, political and military affairs of the United States and the world. With the passage of the legislation on the table, the Palau Compact shall ensure that our ties to this Pacific government shall always remain strong, positive and of mutual benefit.

Although I urge my colleagues to pass the entirety of House Joint Resolution 175, I would note my special support for section 210 of the bill. This provision is of historic importance to the people of the Commonwealth of Puerto Rico. Under the provision, $1.5 million is authorized in grants to the three major political parties of Puerto Rico to assist them in participating in the legislative process for determination of the future political relationship between Puerto Rico and the United States.

With the grant funds, the legislative work necessary to holding a referendum shall be accomplished, whereby the people of Puerto Rico shall be given an opportunity to choose between maintenance or enhancement of its present commonwealth status, statehood or independence. Whereas this is a lengthy and costly process, and the issue is of paramount importance to the destiny of Puerto Rico, this measure is clearly meritorious and I strongly urge my fellow colleagues to support it.

Mr. Speaker, thank you once again for allowing me to express my support for the passage of House Joint Resolution 175.

Mr. LAGOMARSINO. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. LEACH], the ranking member of the committee.

Mr. LEACH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, let me make it clear that Palau is a small but a very important symbol to our own historic commitment to self-determination. Colonialism, after all, is an idea whose time on this historical clock has passed.

To be legitimate, colonies should be temporary, and this is precisely what the United States of America has made clear in this particular agreement.

Mr. Speaker, I would like to buttress to some extent the comments of the gentleman from New York [Mr. SOLARZ]. I personally was a bit distraught that we did not arrive at a resolution last fall of this issue. But the fact of the matter is this is a good agreement for all parties concerned. And if anyone has any doubts about Palau's capacity to operate in a democratic framework, all one has to look at is their capacity to deal with this body. They have done it very effectively and very well.

I think this is a time to be upbeat, congratulatory of the Members of Congress who have played such a significant role in all of this legislation such as Mr. DE LUGO and Mr. LAGOMARSINO, but most of all because I think it is a time to suggest to the people of Palau that we wish them well and we wish them godspeed.

Mr. LAGOMARSINO. Mr. Speaker, I yield 3 minutes to the delegate from Guam, [Mr. BLAZ].

Mr. BLAZ. Mr. Speaker, at the outset I would like to take this opportunity, which I always seek to take, to recognize and to commend the great chairman of our committee, MO UDALL.

I just do not know what the people of the territories would have done all these years had there not been a MO UDALL in this House. I also would like to commend the efforts of RON DE LUGO, BOB LAGOMARSINO, and a host of other people. But I would also like to say that since many things have been covered from the technical standpoint let me share with you something from a different perspective.

Over 40 years ago I was in attendance at an American school with people of my generation from Palau. Always at recess time our discussions centered on political self-determination. It was our No. 1 dream, it was our No. 1 aspiration.

In the ensuing years since those school days we on Guam have enjoyed a measure of it. We have become a territory. We now have a bill to become a commonwealth.

In the meantime my friends down at Palau have remained essentially unchanged as if nothing has happened.

When we emerged from World War II there were about 11 or so trusteeships. We had one of them. I do not know how many years ago it was when we got rid of 10, and the last remaining trusteeship of all the countries of the world is still being administered by the true champion of freedom, the United States of America.

In that trusteeship one last remaining entity, that is Palau.

I am going to ask my colleagues to consider passing this bill for the sake of the United States, and for its belief as a champion of freedom and its desire to grant political self-determi-

nation to people everywhere, why not the people right in our own backyard?

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But for the people of Palau, I want to say that they, too, have a cross to bear, and the cross to bear is to look at this, seriously consider it and pass it, and pass it because this Congress has done all that it could possibly do plus more. I do not think we will go down this road any more.

Mr. Speaker, once again the House of Representatives meets to resolve the longstanding issue of Palau, the last remaining district of the Trust Territory of the Pacific Islands. Congress has striven for several years to enact and implement the Compact of Free Association Between the United States and Palau. Now I believe we have before us the document which will bring this new relationship into effect, House Joint Resolution 175, the Palau Compact Implementation-Omnibus Territories Resolution.

It is a great honor for me to serve in this House as the Member from Guam. For it was in Guam on May 26, 1989, that the representatives of Palau and the United States signed the agreement concerning special programs relating to the entry into force of the compact between the United States and Palau.

House Joint Resolution 175 is principally the legislative vehicle necessary to implement the Compact of Free Association Between Palau and the United States. It is a valiant, final attempt to bring the Palau issue to a close. I am pleased that both the majority and the minority in Congress are heading toward agreement on the terms for the coming into effect of Palau's status as a freely associated state of the United States. I hope that at least three quarters of Palau's voters going to the polls to vote on this implementation resolution will vote in its favor.

This resolution is very reasonable for the United States. To continue Palau's status as a district of the Trust Territory of the Pacific Islands would cost the United States more than under this legislation. I anticipate that our country will do all possible to assure the voters of Palau of the wisdom of accepting this legislation wholeheartedly.

With great enthusiasm I praise the chairman and ranking minority member of the Subcommittee on Insular and International Affairs, the Honorable RON DE LUGO and the Honorable ROBERT LAGOMARSINO, for their outstanding leadership over the last 5 years in both this Compact of Free Association and the one between the United States and the Federated States of Micronesia and the Marshall Islands. As I said at the hearing which Mr. DE LUGO held on Thursday, June 8, 1989, on this resolution, these two gentlemen have worked above and beyond the call of duty to bring about this implementation legislation.

I would like to touch on the resolution's three sections which affect Guam. The first, section 205, will benefit not only Guam but also the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands. It is not a new provision. What it does is to make manifestly explicit that the Governments of Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands do not have to match any Federal grants-in-aid under $200,000. This is not a change or improvement. It merely clarifies what the U.S.-flag territories have known all along. Many in the Federal Government have not wanted to acknowledge this arrangement.

Section 207 is the second. It will amend for Cabras Island in Guam the fixed standard percentage which the Government of Guam remits to the Federal Government for Cabras Island's reasonable development costs. It will replace the old formula, by which Guam would have kept 30 percent and the Federal Government 70 percent. The split will now be 50 percent for each.

The third, section 211, is a provision for mental health in Guam and the Virgin Islands. It would correct an error in the mental health authorization section of the Anti-Drug Abuse Act of 1988, which substantially decreased grants for these two U.S.-flag territories.

I urge my colleagues to consider House Joint Resolution 175 favorably.

Mr. LAGOMARSINO. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], who traveled with members to Palau.

Mrs. VUCANOVICH. Mr. Speaker, I rise today in support of House Joint Resolution 175—the Palau Compact of Free Association Implementation Act. My esteemed colleagues on the Interior and Insular Affairs Committee, Mr. DE LUGO and Mr. LAGOMARSINO, are to be commended for their hard work in this matter. As chairman and ranking minority member, respectively, of the Subcommittee on Insular and International Affairs, they have had to overcome many obstacles in order to bring this bill to the floor for consideration. Their subcommittee, the full Interior Committee and the House as a whole have passed Palau legislation many times and I look forward to their efforts coming to fruition. In addition, the compact is the result of extensive efforts by the Reagan and Bush administrations.

Palau is the last trusteeship in the world and implementation of the compact would appropriately and fully meet the responsibilities of the United States as the administrative authority of the trusteeship. Input was sought from a wide range of sources in order to achieve a compact that is responsive to the needs of all interested parties. I believe House Joint Resolution 175 would establish a mutually beneficial relationship between the United States and Palau and would address all of the concerns voiced during the development of the compact.

As a member of the congressional delegation that visited Palau in February of this year, I saw firsthand the deplorable conditions of the hospital and the prison in Palau and I am especially gratified that House Joint Resolution 175 includes funding to help correct this situation. I feel very confident that, with the postimplementation assistance provisions in general and the hospital and prison assistance provisions in particular, the United States has fulfilled its obligations as trustee for Palau.

House Joint Resolution 175 is similar to legislation passed by the House and Senate in separate measures last year. A compromise was reached but the agreement fell victim to the time constraints imposed at the end of the 100th Congress. Mr. Speaker, the Palau Compact is a good plan and I urge my colleagues to vote for House Joint Resolution 175.

Mr. LAGOMARSINO. Mr. Speaker, I yield 1 minute to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, reaching this compromise required the dedication and cooperation of a number of Members. As one who has dedicated a tremendous amount of effort to the cause of meeting the needs of Palau, I appreciate the involvement of Members who have helped make this compromise possible.

In particular, I would like to recognize the contributions of the distinguished chairmen of the Interior and Insular Affairs Committee, MO UDALL, and the Foreign Affairs Committee, DANTE FASCELL; and the ranking Democrat on the Interior and Insular Affairs Committee, GEORGE MILLER; in addition to the gentleman from California, BOB LAGOMARSINO.

I would also like to recognize the efforts of the chairman and ranking Republican of the Asian and Pacific Affairs Subcommittee, STEVEN SOLARZ and JIM LEACH; the ranking Republicans of the Interior and Insular Affairs and Foreign Affairs Committees, DON YOUNG and BILL BROOMFIELD; and other Members such as DOUG BEREUTER, JAMIE CLARKE, BEN BLAZ, JOHN LEWIS, and BARBARA VUCANOVICH.

Of course, the support of other cosponsors of this legislation is very much appreciated including: DANNY AKAKA, DOUG BARNARD, CHARLES BENNETT, HOWARD BERMAN, SHERWOOD BOEHLERT, DAVE BONIOR, DOUG BOSCO, GEORGE BROWN, ALBERT BUSTAMANTE, CARDISS COLLINS, LARRY CRAIG, BUDDY DARDEN, PETER DEFAZIO, RON DELLUMS, BUTLER DERRICK, JULIAN DIXON, BYRON DORGAN, MERVYN DYMALLY, DON EDWARDS, BILL EMERSON, MIKE ESPY, ENI FALEOMAVAEGA, VIC FAZIO, TOM FOGLIETTA, BILL FORD, JAIME FUSTER, ELTON GALLEGLY, JIM HANSEN, CHARLES HAYES, MARCY KAPTUR, BOB KASTENMEIER, DALE KILDEE, RICH LEHMAN, MEL LEVINE, JIM LIGHTFOOT, ED MARKEY, MATTHEW MARTINEZ, BOB MATSUI, JOE MCDADE, MATT MCHUGH, BOB MRAZEK, AUSTIN MURPHY, HOWARD NIELSON, MARY ROSE OAKAR, MAJOR OWENS, WAYNE OWENS, CHIP PASHAYAN, NANCY PELOSI, JOHN RHODES, BILL RICHARDSON, MARTY SABO, RICHARD STALLINGS, ESTEBAN

TORRES, BOB TRAXLER, BRUCE VENTO, and PAT WILLIAMS.

STAFF

I also want to express my gratitude to the House staff members who have dedicated themselves to bringing this legislation this far. My subcommittee staff director, Jeffrey Farrow, has worked with devotion and tireless energy to keep the compact process moving and to produce legislation that will benefit both Palau and the United States.

Staff Assistant Gail Mukaihata has contributed to this bill through her many contacts with Palauan leaders and her trip to represent the committee in Palau at a particularly critical moment. Pat Krause has provided invaluable help, based on her years of knowledge of and love for the people of Micronesia. Roy Jones, associate staff director of the Interior and Insular Affairs Committee, has contributed his expertise and dedication at every step of the way.

Manase Mansur, consultant to the minority of the Insular and International Affairs Subcommittee, devoted countless hours to this legislation.

I also want to thank Lee McElvain, Linda Stevens, Dan Beard, and Stan Sloss of the committee's majority staff.

Just as the Members worked in a bipartisan spirit on this matter, all the committee staff dedicated themselves to its success. So, I additionally want to commend Rick Agnew and Dan Kish from the minority staff.

Finally, Tom Dunmire represented the committee on special trips to Palau during a very sensitive period and advised us well on this matter. And Daisy Minter has helped keep the subcommittee running smoothly throughout this busy final period of work on this legislation.

PHIL BURTON AND JOHN SEIBERLING

Additionally, I want to thank two predecessor chairmen of the subcommittee with jurisdiction over Palau: John Seiberling and our late colleague Phil Burton.

SENATORS

I also want to recognize the cooperation on and interest in this matter of two Members of the other body, the chairman and ranking Republican on the Energy and Natural Resources Committee, BENNETT JOHNSTON and JIM MCCLURE. Their willingness to compromise with us will enable this matter to finally be resolved.

ADMINISTRATION OFFICIALS

Administration officials have also made this compromise possible, including: our former colleague, Secretary of the Interior Manuel Lujan and his Counselor Tim Glidden; Office of Territorial and International Affairs officials; Office of Management and Budget Interior Branch Chief Ron Cogswell; and State Department Freely Associated State Affairs Director Jim Berg and his staff.

PALAU LEADERS

But no one will be more responsible than several leaders of Palau if this legislation enables problems worsened by years of U.S. neglect to be addressed. Chief among these leaders are the President of the Senate, Joshua Koshiba, and the Vice President of Palau, Kuniwo Nakamura. They have shown unequaled courage, dedication, integrity, and judgment in fighting for the interests of their people, as has the former Speaker of Palau's House, Santos Olikong.

Palau's new President, Ngiratkel Etpison, and his predecessor, Thomas Remengesau, have provided a great service to their people by their courageous support of this legislation. Other members of Palau's Congress, including the Speaker of the House Shiro Kyota, Senators Lucius Malsol, Tommy Remengesau, Jr., and Peter Sugiyama and Delegates Ignacio Anastacio and Hideo Tell, to name a few, have helped make it possible for us to accomplish as much as we have.

Leaders of Palau's judicial branch, including Supreme Court Chief Justice Mamoru Nakamura and Associate Justice Robert Hefner, have also made major contributions to Palau's political development by their courage and wise handling of compact litigation. Palau has also been advised well on these matters by its Washington counsel, including Stuart Eizenstat, Michael Chanin, and Clyde Spillinger. And it has been well represented here by Steve Kanai and Noriwo Ubedei. All of these representatives have been very helpful to us.

Last, in this regard, but not least, I want to mention the members of Palua's commission on U.S. relations chaired by Vice President Nakamura. Their hard work really made the critical May 26 agreement possible. They are: John Rechucher; Roman Bedor; Johnson Toribiong; Hokkons Baules; Kathy Kesolei; Carlos Salii; Yukiwo P. Dengokl; Mengirarou Ngiratechekii; Governor Nemicio Andrew; Eos Ruluked; Santos Olikong; Moses Mekoll; Antonio Bells; Victor Rehuher; Masami Elbelau; Masa-Aki N. Emesiochel; Gov. Moses Uludong; Gov. Elia Tulop; Joe Nestor; Fumio Rengiil; and Sadang Silmai.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to join the gentleman from the Virgin Islands [Mr. DE LUGO] in thanking the staff members, and if I may be permitted to do so, I will, especially to thank Manase Mansur, who was with me all the way on this thing and provided a great deal of very, very effective assistance which is being shown here today.

When the Reagan administration came into office in 1980 or 1981, I was very skeptical about the negotiations that had gone forward under the Compact of Free Association for the Freely Associated States of the Marshall Islands and Palau. I asked the President at that time to review it. They did. They went into it at great length and conducted very lengthy investigations and came back and essentially confirmed all the work that had gone into it to that point.

Since that time I have seen the results of what has happened in the Marshall Islands and in the Federated States of Micronesia, and while the activities and the progress there has not been perfect, I think they are well on their way. I think one of the reasons is because they are now standing on their own with our assistance. They know that anything they do is going to be a plus, not going to be deducted from what they met and what they achieved. I think the thing will happen in Palau, too, once we get this thing behind members, and once they approve it.

With respect to the comments of my good friend from Minnesota [Mr. FRENZEL], I would only point out that most of the money that is in this bill has already been appropriated, the bulk of it has been appropriated. Most of the rest of it comes in the form of forward funding, forward funding, which means we will not spend it later. As a matter of fact, Palau has agreed to pay the United States the sum of $3 million to make up the costs of forward funding of the IPSECO Power Co. I think this is a very good piece of legislation, not only for Palau but for the United States and for that entire section of the world. I think it is going to do members as well as them, a lot of good.

Mr. DELLUMS. Mr. Speaker, today we are being asked to vote in favor of legislation approving the implementation of the Compact of Free Association with the Republic of Palau. The Congress is asked to take this action despite the fact that the compact, which provides military and land use rights to service nuclear ship visits, has not yet been ratified by the people of Palau. In fact, there have been six failed attempts by the U.S. Government to get people of Palau to ignore their constitutional prohibition on nuclear materials and substances—and approve the compact. The financial and political pressure which has been brought to bear on the self-determination process in Palau violates all the principles this Nation was founded on.

Nearly 10 years ago to the month—July 9, 1979—the people of Palau stunned the world by assuming the classic "David and Goliath" posture with the United States and adopted the world's first completely Nuclear Free Constitution by an impressive 92-percent majority. The intent of the framers is unambiguous and has been upheld in the Palauan Supreme Court time and time again—the people of Palau's overwhelming desires are reflected in their Constitution which establishes that Pa-

lauan land and waters are to be nuclear free; and Palauan land and waters are to be utilized as they see fit and not how the U.S. military sees fit. A vote to implement the Compact of Free Association as it now stands may serve to continue the conflict between the compact and the Palauan Constitution, and perpetuate the self-determination process in Palau.

Mr. PANETTA. Mr. Chairman, I would like to point out for the RECORD the Budget Act violation with regard to House Joint Resolution 175, Palau Compact of Free Association Implementation Act, on the Suspension Calendar.

First of all, the resolution violates section 302(F)(1) of the Budget Act. Section 302(F)(1) of the Budget Act prohibits consideration of any measure providing new budget authority, new entitlement authority, or new credit authority for a fiscal year which would cause a committee's appropriate allocation made pursuant to section 302(B) to be exceeded. The Foreign Affairs Committee and the Interior and Insular Affairs Committee, the committees of jurisdiction, have no allocation for new budget authority for fiscal year 1990.

Second, the caucus rules for the 101st Congress prohibit consideration on the Suspension Calendar of any bill costing over $100 million. House Joint Resolution 175 would result in new spending of $185 million in fiscal year 1990. This clearly violates the caucus rules.

As a result, when this resolution was originally scheduled for floor consideration last week, I asked that it be removed from the schedule. However, the caucus rules and provide that bills with budget issues can be placed on suspension if approved by a majority of the Democratic Steering and Policy Committee. The leadership obtained the necessary majority to place this bill back on the calendar. In general, I oppose placing bills with direct spending above de minimus amount, or authorizations of over $100 million, on the calendar; however, an expedited process based on caucus rules has been followed in this case.

Mrs. SAIKI. Mr. Speaker, I want to express my strong support for House Joint Resolution 175, the Palau Compact of Free Association Implementation Act.

This measure is a message of United States support for the independence of the people of Palau. The effort to transform Palau from a trustee relationship with the United States, to one of free association, has been a long and sometimes difficult process. This compact is the result of two decades of negotiation, and will allow the people of Palau to determine their political status.

The bill before us today adequately balances our desire to see the people of Palau exercise self-determination, while also protecting American interests in the Pacific. I am hopeful that the people of Palau will take the enactment of this legislation as an opportunity to move forward into a state of free association.

Chairman DE LUGO and Congressman LAGOMARSINO are to be commended for their efforts on behalf of this legislation, and I urge all Members of the House to vote in favor of House Joint Resolution 175.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. DE LUGO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from the Virgin Islands [Mr. DE LUGO] that the House suspend the rules and pass the joint resolution (H.J. Res. 175), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

RATIFYING CERTAIN AGREEMENTS RELATING TO THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2214), to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations.

The Clerk read as follows:

H.R. 2214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, pursuant to section 101(d) of Public Law 99-239, the following agreements are approved and shall enter into force in accordance with their terms:

(1) "Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands to Amend the Governmental Representation Provisions of the Compact of Free Association Pursuant to section 432 of the Compact", signed on March 18, 1988; and

(2) "Agreement Between the Government of the United States and the Government of the Federated States of Micronesia to Amend the Governmental Representation Provisions of the Compact of Free Association Pursuant to section 432 of the Compact", signed on March 9, 1988.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to pay tribute to my very good friend, the gentleman from California [Mr. LAGOMARSINO], for bringing this legislation before the House.

Very simply, what it would do is to upgrade the level of our diplomatic relations with the Marshall Islands and the Federated States of Micronesia. A number of other countries have already established full diplomatic relations with both the Marshall Islands and the Federated States of Micronesia. The time has now come for the United States to do, as well.

These two entities, which previously were trust territories of the United States, embarked on a new relationship with the United States a few years ago when they became freely associated states.

□ 1750

At the time that we approved the Compact of Free Association with the Marshall Islands and the Federated States of Micronesia, we provided for resident representatives of the United States in these entities rather than fully accredited diplomatic representatives, but I believe that the feeling of my good friend, the gentleman from California [Mr. LAGOMARSINO], which I entirely share, was that the dignity and the status of two entities required us to upgrade the level of our diplomatic relationship with them and to have full-fledged ambassadors over there.

I hope I am not being naive or overly optimistic in expressing the hope that whoever is appointed to these ambassadorial positions will have the credentials and the professionalism which one generally expects in diplomatic representatives of the United States, and that these two posts will not be awarded to minor fundraisers or doorbell ringers who are being rewarded for their services to one of our two great political parties. I think the citizens of the FSM and the Marshall Islands deserve better. We do have many qualified professional foreign service officers, I think, would relish having the opportunity to have the post of ambassador in their curriculum vitae.

In any case, Mr. Speaker, the bill does have the support of the administration, it has support on both sides of the aisle, and I very much hope that our colleagues will join with us in supporting this most meritorious measure.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in rising in support of H.R. 2214, a bill to ratify certain agreements, relating to the Vienna Convention on Diplomatic Relations, I want to first thank Chairman DANTE FASCELL and Vice Chairman BILL BROOMFIELD of the Committee on Foreign Affairs for their support of this legislation. I also want to thank Chairman STEVE SOLARZ and Vice Chairman JIM LEACH of the Foreign Affairs Subcommittee on Asian and Pacific Affairs for yielding the lead on this matter of diplomatic representation in the Pacific.

For a number of years, I have been concerned with the lag in establishing adequate United States diplomatic representation among the many new independent Pacific Island nations.

That void provided an opportunity for those not traditionally friendly with the United States or in agreement with United States strategic interests to unduly influence these new Pacific countries. In a relatively short period of time, new independent archipelagic states emerged in the Pacific with extended economic zones covering most of the Pacific

I am pleased to note that by last year, the United States had established diplomatic posts in each of three major spheres of influence of the Pacific: Melanesia, Polynesia and Micronesia. Some further fine tuning of our diplomatic representation in the Pacific may be in order, which the provisions of H.R. 2214 proposes to do.

H.R. 2214 addresses the type of diplomatic relations with the new freely associated states of the Republic of the Marshall Islands and the Federated States of Micronesia. These two states became fully sovereign and responsible for domestic and external affairs upon the effective dates of their respective compacts of free association with the United States in 1986.

Since then, the freely associated states have established diplomatic relations with a number of major countries throughout the world. Both the Marshalls and the Federated States of Micronesia have been formally admitted to the South Pacific forum, the major political organization in the Pacific for independent states, exclusive of Pacific Rim countries and European powers. The administration and the Governments of the Marshalls and the Federated States of Micronesia determined it was in the mutual interest of all parties to conduct relations as do other countries in the international community. In March 1988, our Government and the governments of the freely associated states agreed to a change in diplomatic relations according to the procedures in Public Law 99-239, the Compact of Free Association. The compact requires changes in the compact be by mutual consent and with the approval of the Congress. Last year, the Committee on Foreign Affairs favorably reported ratifying legislation, which was subsequently passed by the House on two different occasion.

In the last Congress, the subcommittee and full Foreign Affairs Committee reported these provisions and the House subsequently passed legislation containing the identical language in the new bill on two different occasions. First with the passage of House Joint Resolution 597 and later with House Resolution 5550. Unfortunately, due to time and other constraints, they were not enacted into law.

This legislation ratifies the agreement between the Government of the United States and the Government of the Federated States of Micronesia and the agreement between the Government of the United States and the Marshall Islands which were entered into on March 9 and March 18, 1988, respectively. The agreements extend diplomatic status to the signatory governments' representatives according to the Vienna Convention on Diplomatic Relations.

I believe it is in the best interest of the United States to have diplomatic relations with the Federated States of Micronesia and the Marshall Islands according to the internationally recognized Vienna Convention on Diplomatic Relations. While the relationship between the United States and these former United Nations' islands is special and unique, they choose to have sovereignty and authority over foreign relations and their own citizenship. In contrast, the people of the Northern Mariana Islands yielded sovereignty and authority regarding foreign affairs to the United States and are today U.S. citizens. By conforming our diplomatic relations with the Marshalls and the Federated States of Micronesia to the internationally recognized standard, our relationship to U.S. affiliated island areas not covered by the territorial clause of the Constitution will be clearer and better understood both within the United States and among the international community.

Let me also thank my good friend from Guam, a cosponsor of this legislation, and the only Member of Congress from Micronesia, Gen. BEN BLAZ, for working with me on this issue which I recognized affects his neighbors. He has provided many constructive suggestions during the past 5 years on legislation we have enacted. My thanks also to the new delegate from American Samoa, ENI FALEOMAVAEGA, for also cosponsoring this bill which will affect the relations among the Pacific Island community.

In closing, it is also appropriate to express my appreciation to the President of the Marshall Islands, Amata Kabua, and the President of the Federated States of Micronesia, John Haglelgam, for their cooperation and patience with the United States in effectuating this change. The chiefs of mission of the freely associated states in Washington, the honorable Wilfred Kendall, representating the Marshall Islands and the Honorable Jessie Marehalau, representing the Federated States of Micronesia, are also due recognition for their diligent and cooperative efforts with both the executive and legislative branches of the United States.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 23, 1989.

Hon. JIM WRIGHT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This letter addresses H.R. 2214, a bill "to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations". This bill would approve agreements of March 1988 between the United States and the Marshall Islands and the Federated States of Micronesia enabling us to conduct our diplomatic relations with the Freely Associated States in accordance with the Vienna Convention on Diplomatic Relations. Since these agreements would amend the Compact of Free Association (PL 99-239), they must be ratified by Congress. Passage of H.R. 2214 would accomplish this purpose; hence the Administration endorses the bill.

Since the Compact of Free Association entered into force in late 1986 our diplomatic relations with the Freely Associated States have been governed by its Sections 151 and 152. Amendment of these Compact provisions is believed necessary because of anomalies which have arisen with respect to areas where our diplomatic relations are not in conformance with the Vienna Convention.

First, our diplomatic representatives presently do not enjoy appropriate levels of inviolability and immunity from local civil and criminal process in the Freely Associated States. Specifically, there can be considerably legal ambiguity associated with the assertion of "official acts" immunity by diplomatic representatives under Section 152 of the Compact. Unnecessary taxpayer expense may be incurred where the need arises to retain counsel to travel to the Freely Associated States for purposes of representing United States diplomats who must plead "official acts" immunity in court because they do not enjoy traditional diplomatic immunity.

Moreover, our practice of exchanging diplomatic Chiefs of Mission, but giving them the title of "Representative" with limited immunities has resulted in confusion internationally regarding the legal and political status of the governments of the Freely Associated States. Conversion to full Vienna Convention treatment for the diplomatic envoys of the United States and the Freely Associated States will promote better international understanding of the sovereign and self-governing status of the Freely Associated States. In this manner, the proposed bill will advance the foreign policy objectives embodied in the Compact.

In our view, implementation of the agreements, specifically converting our present missions to embassies, will entail no additional costs. We intend no increase in personnel levels as a result of the implementation of the agreements. We are leasing office space and housing in both locations that suit our present purposes and intend no alterations in these arrangements to accommodate their conversion to embassies.

Therefore the Administration requests expeditious passage of H.R. 2214.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, I am pleased to support H.R. 2214, which would give full diplomatic status to the representatives in the United States of the two fully independent Micronesian states—the Marshall Islands and the Federated States of Micronesia.

I wish to commend Mr. LAGOMARSINO for his role in sponsoring this legislation. I also thank Chairman FASCELL and Congressman SOLARZ, the chairman of the Asia/Pacific Sub-

committee, and Mr. LEACH, the ranking Republican member of the subcommittee, for giving it speedy consideration.

Since they were established under the Compact of Free Association, the Micronesian states have been fully independent sovereign countries. They have made great strides in building national governments to administer their internal affairs and conduct foreign relations.

Up to now, the representatives of these Micronesian states have had a special status under the Compact of Free Association. The time has come for them to be granted full diplomatic rights and privileges under the Vienna Convention on Diplomatic Relations.

This legislation will give full diplomatic status to the representatives of these Micronesian governments. I give it my warm support as yet another indication of the growing maturity of these states and their admission into the council of the world's governments.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, I thank the gentleman from New York for yielding me this time, and I rise in strong support of the legislation. I congratulate the gentleman from California [Mr. LAGOMARSINO] for his leadership in this matter.

Mr. Speaker, I support H.R. 2214, a bill which would effectively amend the Compact of Free Association Act of 1985 to make a minor change in Federal representation in two of the insular areas, the Federated States of Micronesia and the Marshall Islands.

The Compact Act included a compromise between the Interior and Insular Affairs and Foreign Affairs Committees—and the Interior and State Departments—on the issue of Federal relations with the freely associated states. The Committee on Energy and Natural Resources of the other body was also a major factor in this compromise, advocating the position supported by the Interior and Insular Affairs Committee and the Interior Department.

Under the compromise, the Interior Department provides all Federal assistance to and coordinates all Federal programs in the freely associated states. The State Department handles government-to-government contacts.

U.S. representation in the freely associated states is supervised by a representative, who is a State Department employee. It is supposed to include a representative of the Interior Department, to supervise Federal assistance and programs under the representative.

H.R. 2214 would alter the compromise on the Compact Act of 1985 by enabling the Federal representative in the freely associated states to carry the title of Ambassador.

This proposal was not included in the compromise on the Compact Act of 1985 so as not to suggest that the Compact Act would make the Federated States and the Marshall Islands independent countries.

Instead of independence, these insular areas had chosen free association, a status different from independence which the Compact Act approved. Under free association, these insular areas have full powers of self-government in all matters not affecting security, for which the United States remains responsible; are largely supported by Federal assistance, including many domestic programs; and enjoy free access for their citizens to the United States, and other preferences.

Because this relationship is unprecedented for the United States, it required us to decide how Federal relations with the freely associated states should be conducted, among other things.

To prevent confusion, we decided in 1985 against full diplomatic relations, as I have indicated. Since U.S. responsibilities in the freely associated states would go far beyond diplomatic responsibilities, including security and providing most of the insular governments' revenue, we felt that diplomatic relations would not be adequate.

We did not think it would be preferable to have ambassadors in insular areas for which our Nation retains such special responsibilities of a domestic nature. Instead, we felt we should be represented in them by a new kind of representative, officers whose position and mission would recognize both the autonomy and sovereignty possessed by the freely associated states and continuing U.S. responsibilities.

Why, then, do we now support a bill that would have relations conducted on a diplomatic basis?

The reason is not that the Federated States and the Marshall Islands have moved from free association to independence or that the nature of Federal responsibilities regarding them have changed. They have not.

The reason is that we have compromised on legislation to authorize the Compact of Free Association with Palau to be put into effect. This compromise includes a provision proposed on the other side of the Capitol to approve agreements signed by a State Department official in March 1988—but only formally endorsed to Congress by the executive branch last month—to conduct relations with the Federated States and the Marshall Islands according to the Vienna Convention on Diplomatic Relations.

We can agree to this provision of the compromise because it would in no way actually change the fundamentals of the status of the Federated States and the Marshall Islands, although it may cause some confusion about it, although it changes the compromise on the Compact Act, and although there are some concerns about its advisability.

As a provision of the compromise, the provisions of this bill are part of the legislation authorizing the compact with Palau to be put into effect which has just passed the House.

Why, then, is this bill being considered separately?

Separate consideration was also agreed to out of deference to the gentleman from California, our colleague BOB LAGOMARSINO. The ranking Republican of the Insular and International Affairs Subcommittee, which I am privileged to chair, he has been the principal proponent of this legislation.

Separate consideration was also agreed to out of respect for the Chairman of the Committee on Foreign Affairs, my valued friend DANTE FASCELL, who has supported the gentleman from California's request.

On behalf of the chairman of the Committee on Interior and Insular Affairs, MO UDALL, our ranking Democrat, GEORGE MILLER, objected to consideration of this bill a month ago. He now agrees to consideration with me.

There were a number of reasons that the leadership of the Interior and Insular Affairs Committee objected to consideration of this bill last month.

One was that the bill had not been considered by our committee, which has always had jurisdiction over matters concerning these insular areas, has jurisdiction over the Compact Act, and specifically wrote this provision of the Compact Act with the Foreign Affairs Committee in the compromise in 1985 that I described.

This jurisdiction was recognized when a bill containing similar provisions—but no others within our committee's jurisdiction—was referred to the Interior and Insular Affairs Committee in the last Congress. Of course, it was also recognized when the Palau Compact legislation just before the House was referred to our committee.

Another reason for objection was that separate consideration last month would have come ahead of consideration of the Palau Compact legislation. At that point, the Palau Compact legislation was still uncertain to be considered because the administration had not followed through on commitments made in the compromise on it.

As I have indicated, we agreed to the provisions of this bill as part of the compromise in spite of reservations about these provisions. The reason for our agreement was to reach the compromise. The compromise did not eliminate our reservations to the extent that we would agree to go ahead with a Senate provision of the compromise without certainty that House provisions would be acted upon.

In addition to the reservations related to the unique status of the freely associated states and Federal responsibilities in them that are distinct from responsibilities in independent countries, there are reservations related to the continuation of the Pacific Islands Trusteeship.

Our Nation was assigned full responsibility for the Federated States and the Marshall Islands—as well as Palau and the Northern Mariana Islands—under a 1947 agreement with the United Nations Security Council. The United States long maintained that Security Council action was required for termination of this agreement. According to the American Law Division of the Congressional Research Service, this remains the position of most legal commentators.

The Compact Act did not purport to terminate the trusteeship for the Federated States and the Marshall Islands and the Security Council has not acted to terminate it. Federal courts have recognized that it remains in legal effect even though President Reagan proclaimed it ended.

A primary reason that termination of the trusteeship has not been proposed in the Security Council is that the United States also long took the position that the trusteeship cannot be terminated piecemeal. This is why the trusteeship continued to apply to the Northern Mariana Islands for a decade after the covenant to establish the Commonwealth

of the Northern Mariana Islands in political union with the United States was approved.

The relevant difference between the Covenant and the Compact Acts is that the Covenant Act asserted that a Presidential proclamation that the trusteeship was terminated for the Northern Mariana Islands would not be reviewable and the Compact Act contained no similar authorization for a Presidential proclamation.

One of the factors impeding Security Council agreement to terminate the trusteeship—is the unquestioned continuation of United States trusteeship responsibility for Palau. Hopefully, the legislation just passed on the Palau Compact, including the agreement between the administration and leaders of Palau which made it possible, will lead to the implementation of Palau's future political status.

Although the compact with the Federated States and the Marshall Islands is in effect, as Congress intended, the trusteeship agreement may, therefore, still be applicable in an international legal sense—for whatever that is worth.

This raises the question of whether the United States should have Ambassadors in trust territory entities in addition to the question of whether its representatives in freely associated states should be called Ambassadors.

There is, though, another aspect of this issue that I would like to mention. It is that some representatives of the Federated States and the Marshall Islands believe that having the United States agree to conduct its relations with them according to the Vienna Convention will help them obtain recognition from other countries and help their development.

This factor is a very important one to me. I very much want the sovereign status the compact provides the freely associated states to be recognized throughout the world. Even more, I want to help them to develop in any way I can.

So, I attach great weight to this argument in favor of the bill and hope that there is really something to it.

Finally, I want to reiterate that simply conducting relations with the freely associated states according to the Vienna Convention cannot—and it not in any way intended to—actually change either their unique political status, or our Nation's unique responsibilities in them, including the unique nature of the Federal representative's mission in them.

For the reasons I have explained, I am willing to support this legislation. I am hopeful that it will not be misunderstood.

Mr. SOLARZ. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I am proud to be a cosponsor of H.R. 2214, the legislation before the assembly. I rise in strong support of this measure and request that it be passed by my colleagues.

H.R. 2214, a bill introduced by our esteemed colleague, Hon. ROBERT LAGOMARSINO, would ratify agreements providing that future governmental relations between the United States and the Republic of the Marshall Islands and the Federated States of Micronesia [FSM] be conducted in accordance with the Vienna Convention Standards on Diplomatic Relations.

I would like to acknowledge the long years of hard work put into the negotiations underlying this measure by Hon. Wilfred Kendall, representative of the government of the Marshall Islands, and Hon. Jesse Marehalau, representative of the Government of the Federated States of Micronesia. H.R. 2214, which has broadbased bipartisan support in both the House and the Senate, is strongly advocated for passage by the administration.

This vital piece of legislation shall remedy the existing, untenable situation created under Public Law 99-239, the compacts of free association, wherein an aberrant relationship of diplomatic representation has been devised between the governments of our country, the Marshall Islands, and the FSM. Under section 151 of the compact, rather than having an exchange of fullfledged ambassadors representing each countries' interests, we have an interchange of resident representatives. Pursuant to section 152, rather than having full diplomatic embassies established in each country, we have created resident offices. This makeshift system of diplomacy clearly does not meet internationally recognized protocols on diplomatic relations.

Although the compacts were designed in great part to give the Marshalls and the FSM a greater sense of self-government and autonomy, the existing provisions in the compacts establish governmental relations with the United States that are clearly deficient from the standard of diplomatic relations we accord other nations. Whereas this shortfall in diplomatic recognition of the Marshalls and the FSM has not gone unnoticed, this has had negative ramifications for the unconditional acceptance of these two governments into the International Community of Nations.

In order to facilitate the progression from trusteeship to self-government, it is necessary that our country extend full diplomatic relations in accordance with the Vienna convention standards to the Marshals and the FSM. I would strongly urge my colleagues to support this measure, which shall assist in bring to fruition full recognition for these island nations.

Mr. SOLARZ. Mr. Speaker, for the purpose of concluding debate on our side of the aisle, I yield myself 30 seconds, and I will take this time simply to pay tribute to the gentleman from California [Mr. LAGOMARSINO].

Mr. Speaker, the gentleman from California has done as much, if not more so, than any other Member of this body to shepherd this legislation through the Congress. He has played an enormously constructed role in protecting our vital interests in the South Pacific, and he has acted over the last several years as a member of both the Committee on Interior and Insular Affairs and the Committee on Foreign Affairs with great responsibility. He has been our ambassador to the Committee on Interior and Insular Affairs, he has been the resident representative of the Interior Committee on the Foreign Affairs Committee, and he has managed to emerge unscathed from that experience, enjoying the affection and the esteem of the membership of both committees.

Mr. Speaker, I urge adoption of the legislation.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume, and I take this time to thank the gentleman from New York [Mr. SOLARZ] for his kind words, although I am not sure about the word, "unscathed."

Mr. Speaker, I urge my colleagues to adopt this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLARZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and pass the bill, H.R. 2214.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ALLOWING CERTAIN CLAIMS ARISING FROM MEDICAL CARE PROVIDED MEMBERS OF THE ARMED FORCES

Mr. FRANK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 536) to amend chapter 171 of title 28, United States Code, to allow claims against the United States under that chapter for damages arising from certain negligent medical care provided members of the Armed Forces, as amended.

The Clerk read as follows:

H.R. 536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLAIMS FOR NEGLIGENT MEDICAL CARE.

(a) COGNIZABLE CLAIMS.—Chapter 171 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 2681. Certain claims arising out of medical care provided members of the Armed Forces

"(a) CLAIMS AUTHORIZED.—Subject to the provisions of this chapter, claims may be brought under this chapter for damages against the United States for personal injury or death of a member of the Armed Forces serving on active duty (as defined in section 101(22) of title 10) or on full-time

National Guard duty (as defined in section 101(42) of title 10), under the conditions prescribed in this section.

"(b) LIMITATION TO MEDICAL CARE IN FIXED FACILITIES.—The personal injury or death referred to in subsection (a) must have arisen out of noncombatant medical or dental care furnished the member of the Armed Forces in a medical facility operated by the Secretary of a military department or any other medical facility operated by the United States.

"(c) OFFSET OF OTHER GOVERNMENT BENEFITS BY AMOUNT OF AWARDS OF JUDGMENTS.—If an award or judgment on a claim under this section for personal injury or death of a member of the Armed Forces is paid, then no monetary benefits under title 10, title 37, or chapter 11 or 13 of title 38 that are attributable to the personal injury or death from which the claim arose shall be paid to the member or the member's estate, survivors, or beneficiaries, for any month beginning after the date on which the award or judgment becomes final, until the aggregate amount of benefits that would be paid but for this sentence equals that amount of the award or judgment which the agency making the award, or the court entering the judgment, as the case may be, determines is equal to compensatory damages, less any amount of the award or judgment paid for attorneys fees or costs incurred in connection with the claim.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'medical facility' means a medical center, hospital, or clinic that is located in a building or structure; and

"(2) the term 'personal injury' does not include mental or emotional disability unless it is the direct result of a physical injury.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 171 of title 28, United States Code, is amended by adding at the end the following new item:

"2681. Certain claims arising out of medical care provided members of the Armed Forces."

SEC. 2. EFFECTIVE DATE.

Section 2681 of title 28, United States Code, as added by section 1 of this Act, shall apply only with respect to personal injuries or deaths occurring on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second is considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I am delighted to note that our versatile friend, the gentleman from California [Mr. LAGOMARSINO], having demonstrated his mastery of the Interior Committee and the Foreign Affairs Committee, is now picking up the duties of the Judiciary Committee as a sideline, and I am sure he will perform them well.

This is a bill that has passed this House several times before. It first came forward when the chairman of the Subcommittee on Administrative Law was the gentleman from Kansas [Mr. GLICKMAN], and it says something very simple. At present, anybody in the United States may sue the Federal Government for medical malpractice except people who are on active duty in the armed services. If you are an inmate in a Federal correctional institution and you are the victim of malpractice from a federally employed physician, you are allowed, as you should be, to sue for malpractice. If you are a veteran and you go to a veterans' hospital or you go to a base hospital, as your right may be, and you are operated on by a military physician, you may sue for malpractice. If you are the dependent of an active duty member of the armed services and you are the victim of malpractice, you can sue for it. But if you are a marine or sailor or a soldier or a member of the Air Force, you cannot, and we think that is inequitable.

I want to emphasize that this is not an effort to indict military medicine. We do not believe that military medicine is somehow inferior to medicine of a general sort. The argument would have to be the reverse. You would have to believe that military medicine is somehow infinitely superior to regular medicine to be against this bill, because all this bill says is that—and we have an example of this—if you are a woman in the Air Force who, as a result of malpractice, has lost her right to have children, you can sue for that, and if you are severely damaged, you can sue for it.

□ 1800

People have said, "Well, we don't like this whole tort business."

The Federal Tort Claims Act is the law under which people would be allowed to sue for malpractice, and it is a much more restricted right of suit than the average citizen has in the course of our land and in the States because we, the Federal Government being sovereign, determine the terms under which we can be sued. There are no jury trials. There are no punitive damages. It is a far more limited right. Many of the things that people have found to be negative in tort practice in general, and I do not mean at this point to endorse those criticisms or not, but simply to note them, but they do not apply here.

Mr. Speaker, it is also not an effort to sue Hawkeye. This would not apply to Army or Navy hospitals overseas. What we do is amend the Federal Tort Claims Act, which in its terms is limited to actions that take place within the continental United States.

This bill came unanimously out of subcommittee, and indeed it was strengthened by amendments offered by the ranking member, the gentleman from Florida [Mr. JAMES] and the gentleman from New Hampshire [Mr. DOUGLAS], a former member of the New Hampshire Supreme Court. It came unanimously out of the Committee on the Judiciary. It passed the House by the requisite two-thirds or more on several occasions.

We made one change this year from last year, which is why we necessitated a second here. The gentleman from Mississippi, the great defender of the veterans, pointed out to us that the way we had the bill written, we had it written so there would be an offset so that we would not be collecting twice, both in veterans' benefits and in a malpractice settlement. We had it written so, first, they would get their veterans' benefits. That drew down the budget of the Veterans' Administration. We have reversed this, and, under this bill, first one would get their settlement, which comes, by the way, not out of the Defense Department budget, but out of the judgment fund of the Federal Government.

It is Federal money; I do not pretend that it is not, but it is not VA money, and it is not DOD money. Only after one has gotten their full settlement would they then go to the VA.

The one argument we have heard against this is that it would be subversive of discipline because enlisted personnel would be allowed to sue officers. I do not favor giving a private or a sergeant the right to defy an order from a captain, but the argument that we have somehow undermined discipline, if after emerging from an anesthetic and being diagnosed as having been the victim of a malpractice a private is allowed in an orderly process to bring a lawsuit against the captain or major who performed the operation, I do not for the life of me see how discipline is undermined.

If the argument is that the enlisted personnel will somehow infer that their officers are not infallible, I say to those who worry about it, "It is to late. They already know that."

There is no right here for any enlisted personnel to defy a superior officer, to confront a superior officer in an unbecoming manner. It simply allows this legal process.

Mr. Speaker, I notice at this point that we have been joined by the ranking minority member who made some important contributions, and one last minute contribution of his that I should note is that we had drafted this bill in a somewhat loose fashion at one point, and there was a possibility that one could have won their lawsuit, had a recovery, and the fees one would have had to pay their lawyer would have obviously not gone to them, but

it could have cost them veterans' benefits. The gentleman from Florida [Mr. JAMES] correctly pointed out that was not our intention. It is a better bill because of his work.

Mr. Speaker, I am delighted at this point to reserve the balance of my time so the gentleman from Florida [Mr. JAMES] may proceed.

Mr. LAGOMARSINO. Mr. Speaker, I ask unanimous consent that I be able to yield my time under the second to the gentleman from Florida [Mr. JAMES].

The SPEAKER pro tempore (Mr. VOLKMER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JAMES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 536 and would urge my colleagues to vote in favor of the bill. Although the Administrative Law Subcommittee did not hold hearings on this issue in this Congress, I have reviewed the hearing record from the prior Congress and had the opportunity to participate in debate during committee consideration of this bill wherein amendments were adopted which I believe improve the legislation.

H.R. 536, as has been stated, would amend the Federal Tort Claims Act to provide that active duty military personnel may sue the Federal Government for negligent medical care. This legislation does, in effect, overturn the longstanding Feres doctrine which was created pursuant to the Supreme Court's ruling in the case of Feres versus United States. In the Feres case, the Supreme Court determined that while the Federal Tort Claims Act does make the Government amenable to suit "in the same manner and to the same extent as a private individual in like circumstances" it went on to conclude that the circumstances surrounding the relationship between active duty military personnel and the Federal Government is not analogous to that of a private individual to the Federal Government. Consequently, the Feres decision held that active duty military personnel would not be able to sue the Federal Government and that prohibition currently includes a suit by military personnel for medical malpractice.

The hearing record regarding this issue is replete with examples of blatant malpractice by military doctors against military personnel, examples which have left some of our military people virtually crippled for life with no legal recourse to address their grievances. While it is true that our military service people are entitled to certain disability claims pursuant to title 10 and title 38 of our code, these entitlements in my opinion, come nowhere near placing military personnel on a level playing field with private individuals when it comes to redressing the negligence of medical malpractice. I think this legislation addresses that inequity head on by providing under limited circumstances the right to our military people to sue our Government when they have been wronged due to negligent medical care.

It is important to keep in mind that, the Federal Tort Claims Act, through which a person must sue pursuant to this bill, limits those suits so as not to include claims arising out of combatant activities during a time of war or any claim arising in a foreign country, and does not provide for jury trials or claims for punitive damages. The bill further explicitly excludes a claim arising from an injury from services rendered in a field hospital or on a ship and I think it is important to note that personal injury under this legislation is defined not to include mental or emotional disability unless it is a direct result of a physical injury.

The bill was amended—as has been stated by the chairman—after full committee markup to clarify that there will not be double payment by the Federal Government to a claimant injured by negligent medical care. This was done by requiring that should a claimant be entitled to payments pursuant to his military service and sue for medical malpractice that any reward that he should be granted in our court system would postpone any disability payment he would be entitled to under current law until such time as those entitlements would equal the judgment rendered in his favor. I specifically amended that "anti-double dipping provision" to ensure that the basis of any court award rendered on behalf of a claimant for purposes of this provision would be offset by any attorneys' fees which the claimant may have to pay for having obtained that judgment. I think it only fair that if a veteran is going to have his disability payments suspended based upon the award of a court, that that award only reflect the payment which will eventually make it to the claimant's pocket.

I understand that the administration is opposed to this legislation and I also understand the administration's concerns. However, I believe if anybody deserves the right to sue in our court system for negligent medical care, it is our military men and women who risk their lives for this country. I further believe, based on the vote last year on this same bill, which passed overwhelmingly by a vote of 312 to 61, that a majority of this body obviously believes that the potential downside in allowing our military personnel to sue for negligent medical care substantially outweighs the concerns of the Supreme Court in the Feres decision as well as the concerns of the administration.

I commend the subcommittee chairman for expeditiously moving this bill through the committee process and to the floor of the House and urge my colleagues to vote in favor of this bill.

It is further my understanding, after discussion with the chairman, the gentleman from Massachusetts [Mr. FRANK] that it says "from the time of judgment."

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. JAMES. I yield to the gentleman from Massachusetts.

Mr. FRANK. The gentleman from Florida [Mr. JAMES], as I said before he was able to get here, correctly pointed out that the way we had it drafted, a successful claimant in the first place might find the lawyer's fee not being compensated and, second, might find that he was losing fees for money that had not yet been awarded. That is the gentleman raised the issue as to when the money actually was being paid, and what we decided, on page 3, as an insert to page 1 in line 24 we put in explicitly the words "is paid."

Mr. JAMES. Very good.

Mr. FRANK. So, Mr. Speaker, we changed "made" to "paid." So the offset would only begin when the dollars were actually in hand, and I thank the gentleman from Florida [Mr. JAMES] for pointing that out to us.

Mr. JAMES. Before it said "final judgment," and now it does say "paid." I thank the gentleman from Massachusetts [Mr. FRANK].

Then, Mr. Speaker, I fully endorse the bill, and I thank the gentleman from Massachusetts [Mr. FRANK] for his care in changing that language that makes it clear that someone is not waiting on their final judgment on an appeal to receive the funds and at the same time have their benefits terminated.

That solves the problem. I fully endorse the bill, and I thank the gentleman from Massachusetts [Mr. FRANK], the chairman, for his efforts on it. I thank him so very much.

□ 1810

Mr. FRANK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to H.R. 536, a bill that will allow active duty military personnel to engage in litigation to sue the Government in the case of possible malpractice litigation.

I think all of us want the very best quality of care for our people who are in the military service, and they deserve that, but I do not believe there is anything in this legislation that would improve the quality of care for the

people who are now serving us in the military. In fact, if you look at the amount of problems that we have had in the prviate sector when it comes to malpractice litigation, one realizes that the increasing cost of health insurance, the fact that many doctors are leaving rural areas, are not participating in obstetrical practice and many different things, that litigation has been at least a contributing factor to, one wonders really why we would want to allow military personnel who are on active duty to sue.

Also, these people already have in place a system of compensation. They can be compensated for injuries that they receive through the Veterans' Administration. They can get their medical care through the Veterans' Administration or they can get disability benefits, they can receive disability benefits through the military or receive medical care in military facilities.

So many times it is the lawyer who has the fastest gun really who is able to get his client the best awards that are available. In many instances those people who sue who really have a legitimate case are not able to win because they are being represented by an individual who is not really as astute as the one who is on the other side.

So it seems to me that if we do have a problem in the military, we should look at a system of arbitration. If there are problems with military personnel being able to recover when, in fact, they do have a legitimate complaint, then it seems to me that we should work out a system of arbitration and really not provide the Federal Treasury to them.

Mr. JAMES. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, first I would like to thank the gentleman for yielding time to me, because the gentleman has been advised that although I usually agree with him, I do not agree with him on this bill.

Mr. Speaker, I rise to oppose H.R. 536. I acknowledge that there is indeed a difference between what would happen legally between a member of the military who suffers from malpractice and a civilian dependent, let us say, who suffers the same malpractice at a military hospital. As far as I know, there are differences between a military member and a civilian in any situation that might involve injury through some military responsibility. That is because there are two systems.

We have one system that applies to the military and a civil court system that applies to civilians. Sometimes a civilian claimant frankly can do better financially. That has been the case indeed in certain malpractice claims. A civilian person injured has gotten a judgment higher than a military member receives in disability benefits.

At the same time, Mr. Speaker, there are times when the military member receives more in compensation that the civilian would. If the civilian fails to prove medical malpractice, the civilian may receive nothing, but if the military member fails or could not prove medical malpractice, the military member can still receive the appropriate military disability payment.

The point is that the Government is already paying an amount to those people in the military who are injured through malpractice.

Mr. Speaker, if the military system is inadequate, then let us work with and better fund the military system of paying compensation. I believe despite the fact that I acknowledge there are some cases where military members do not receive as much compensation as civilians would in the same circumstances, nevertheless the worst thing for good order and discipline in the military is to have members of the military being able to sue each other in the civilian courts.

Mr. Speaker, I believe that we ought to keep the civilian courts out of the operation of our military as much as I can, and this is why I oppose H.R. 536.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume to make just a couple points.

First, the gentleman from Georgia, who as an M.D. knows the profession, pointed out that in some cases we have a problem because malpractice suits drive people out of the profession. That is, of course, not at all a factor here. These are not suits against the individual doctor. They are suits against the U.S. Government.

This will not, and no one alleges that it will in any way, shape or form, damage our ability to employ medical personnel, because they will not be held personally liable.

Second, while it is true that there are disability schedules, there is no disability allowed for the loss of ability to bear a child. There are things that can happen to you as the result of malpractice that are not necessarily going to be compensated. So we regard this as a supplemental.

Finally, people say, well, there are better ways to do it. Those who have been critical of this approach, and this is the third time this bill has come to the floor, to my knowledge none of them have come forward with that alternative. The Defense Department says there may be a better way, but they do not come forward.

In fact, if you believe as my friend, the gentleman from Georgia believes, he should not be here opposing this bill. He should be here repealing the malpractice section of the Federal Tort Claims Act, because with all these arguments you are left with this fact. Everybody in America can sue the Federal Government for medical malpractice, except the brave young people who put their lives on the line for it. It is that inequity and that alone that this bill addresses.

Mr. JAMES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a big difference in this bill on the civilian side of the ledger. There is no jury award here. That is the biggest distinction.

Now, the criticism that has been invoked and brought forward against the private sector is mainly directed because of the verdicts that are rendered by juries, and that is where the criticism basically is found. Here you have no jury trial.

Likewise, this bill, if the malpractice kills a man, let us say, in the military, there is no wrongful death, and correct me if I am wrong on this, I say to the gentleman from Massachusetts [Mr. FRANK]. There is no wrongful death action and no compensation that is otherwise paid to military personnel. That is unfair.

Additionally, if you look at the benefits awarded to a military person, there is not normally the same comparable loss of wages or loss of estate values that occur on the civilian side of the ledger.

In other words, the worst possible place where you could be injured by malpractice would be if you were a military service member. It is very tough on your family. They already take the risk of death because of war or because of the danger of their activities. Why should they indeed also take the risk of death, dismemberment, or permanent injury at the hands of the negligence of another person and be in a totally different position than a civilian would be when operated on by a civilian doctor?

So you have your built-in protections that are spelled out in the bill. Furthermore, there is a dollar-for-dollar reduction, a specific dollar-for-dollar reduction against the disability that otherwise would be awarded. That is significant. That is net benefits received.

So there seem to be compelling reasons to treat the military personnel in a similar way that you would a civilian claimant. To do otherwise, is simply unconscionable.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN] who was the chairman when this bill first came to the floor.

Mr. GLICKMAN. Mr. Speaker, the gentleman from Massachusetts who has spearheaded this bill from the beginning has explained all the reasons for it, but the prime reason is a matter of equity. In ordinary noncombatant care situations where you have a situation where a member of the Armed

Forces is negligently treated and is not able to get judicial compensation, it is not fair. His child or her child, his or her spouse, can get compensation in the courts, but that person cannot. That is not fair.

More to the point. If you are a Federal prisoner in one of the Federal prisons in this country and you are injured by reason of negligent health care by a physician who works for the Federal Government, you being the Federal prisoner can sue the United States of America, but if you are an active duty member of the Armed Forces, you cannot. That is not fair. There is no reason that an active duty member should be held to be a second-class citizen, less than a Federal prisoner is in terms of his or her rights.

Therefore, this bill is reasonable, it is responsible, it is a matter of equity, and it ought to be passed.

□ 1820

Mr. FRANK. Mr. Speaker, I yield 3 minutes to the gentlewomen from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Speaker, as chairman of the Subcommittee on Military Personnel and Compensation, I rise in opposition to H.R. 536. I fully share the desire of the gentleman from Massachusetts [Mr. FRANK] to ensure that our young men and women in uniform receive only the highest quality medical care, but I do not believe his bill will make a significant contribution toward achieving that goal.

Let me say at the outset that the issue before us is not whether victims of military medical malpractice should be compensated. Rather, the question before us today is whether the existing system to compensate military members injured on active duty is fair and adequate for those injured by medical malpractice and what alternatives to the current system exist.

Currently, under the Federal Tort Claims Act, dependents of active duty personnel, retirees, their dependents, and survivors may sue the Government for malpractice at military medical facilities in the United States. If malpractice occurs overseas, the Military Claims Act provides an administrative process for malpractice settlements. Active duty personnel are bared from suing the Government because of the Supreme Court's decision in the case of Feres versus United States. Active duty victims of medical malpractice, like other service members injured or disabled in the line of duty, receive either military disability retired pay or disability compensation from the Veterans' Administration.

Critics argue that compensation under this system is inadequate, primarily because civilian courts are now making large malpractice awards. H.R. 536 is an attempt to bring active duty military members into the civilian court system by authorizing suits against the Government for medical malpractice.

If I thought that passage of H.R. 536 would guarantee that no active duty service member would ever again suffer medical malpractice, I would vote for it. I do not believe the bill will achieve this result. There appears to be little correlation between large malpractice awards and settlements in the civilian sector and improvements in the quality of care provided. I am sure we are all aware that the malpractice crisis is one of the major dilemmas facing American medicine today, with malpractice insurance premiums continuing to skyrocket. The primary beneficiaries of this crisis appear to be the trial lawyers who take home large contingency fees. H.R. 536 will only lead to more of the same.

In the 100th Congress, the Subcommittee on Military Personnel and Compensation held a hearing to look at alternative ways to compensate active duty military members who are victims of medical malpractice. The conclusion we came to was that extending to active duty personnel the administrative settlement procedures which now apply to those injured by medical malpractice overseas under the Military Claims Act makes more sense than authorizing suits in civilian courts. This would not be a perfect solution. But in my view H.R. 536 has more drawbacks than the Military Claims Act alternative. H.R. 536 would create a distinction between active duty personnel who are victims of negligence on the operating table and those injured by some other type of negligence. In other words, an active duty person injured by medical malpractice in a military hospital could sue the Government to recover, but someone who was struck by a Government employee driving a vehicle on the street right outside the same hospital could not. In addition, by allowing active duty personnel to sue, injured service members and the military system will be placed at opposite ends of an adversarial process in civilian courts and controlled by civilian judges and attorneys. Such a result would pit witnesses from the same service against one another and would disrupt the military assignment process because the civilian court system would be controlling the availability of military personnel. All in all, H.R. 536 is not the best way to ensure better quality medical care in the military or adequate compensation for those injured by medical malpractice.

In conclusion, let me say that in the past few years I have visited many military hospitals and have talked with many physicians and patients. I firmly believe that the vast majority of military doctors are capable and competent. They deserve our appreciation for a job well-done under often difficult and extraordinary circumstances. This bill will only make the recruitment and retention of health care providers more difficult. It will not create a more equitable compensation scheme for those injured by medical malpractice, and it will not lead to better quality health care. For these reasons, I intend to vote against the bill, and I urge my colleagues to do the same.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just close by saying that I agree, and I am glad that the gentlewoman from Maryland closed as she did, by lauding the hard-working people who provide medical care. I disagree with her that this would discourage them, but I think it is important that we end on the note of common praise for their hard work. I appreciate her for saying that.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, I had not intended to speak on this matter, but I was sitting in my office watching, and I was persuaded by my conviction to come down in support of the bill.

Let me tell the Members that I was operated on in one of the military hospitals some 5 years ago, and during that period of time there were other people who were operated on, and I simply say now there but for the grace of God go I. Because in that situation of those operations, four were wrongful deaths. The operation was conducted by a person who was not even qualified to hold that post of chief cardiac surgeon. He was later prosecuted and convicted and was sentenced.

If the Army or anybody else is going to be responsible, then it takes an act like this. People are responsible when they are held accountable. When they are not held accountable, they are not responsible.

Of those deaths, two were able to sue because they were spouses of retired personnel. In other instances, I think fairly unjustly, the others were not allowed to sue.

Mr. JAMES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to respond to a couple of comments made.

First, under the Tort Claims Act, the attorneys' fees are limited to 25 percent. Second, I am sure there are many doctors out there especially since there is no premium paid and it will not injure them one iota, who would morally want a claimant to have the right to pursue this in this manner, especially when there is no jury trial, if he made a mistake and knew he made a mistake. There is now no way to compensate a person even if the doctor knew he made a mistake. There is no way to do it. I would hope

that many of them would feel that way.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to close by saying that we have been acknowledging staff, and we have been very well served by staff here. This is the last bill on which Jen Ihlo has worked. She is leaving. She has done enormously good work on several pieces of legislation, and I regret her loss, and I thought it was appropriate that we should note it on this bill. I thank our coworkers for reminding me of that.

Mr. FRENZEL. Mr. Speaker, I rise today in opposition to H.R. 536, a bill which allows members of the Armed Forces to sue the United States for damages for medical malpractice for care provided at Armed Forces medical facilities.

The Congressional Budget Office estimates that this new cause of action would cost the Government about $30 million per year. Under current law military personnel may not sue for medical malpractice but dependents and retirees may. From fiscal year 1984 through 1988, the Government paid about $60 million per year in malpractice settlements to dependents and retirees. The CBO estimate of this bill is based on the assumption that military personnel will generate claims and receive awards at the same rate per hospital admission as dependent and retired users of the system.

Judgments against the United States under this legislation would be paid out of the claims and judgments account within the Treasury Department which is funded by a permanent indefinite appropriation. This means that the bill creates spending by the Federal Government every time an award is won against the Government on the basis of this new cause of action.

Although it has been determined by the Parliamentarian that this bill does not create new budget authority or new entitlement authority in violation of the Budget Act, I would like to express a concern that the bill will most certainly result in new outlays in fiscal year 1990 and beyond.

Mr. Speaker, these new outlays will make our job of deficit reduction more difficult in the future and will add to the possibility of a fiscal year 1990 sequester. It is time to draw the line on spending increases. Once a budget resolution is adopted for a fiscal year, it should not be whittled away with spending increases here and there.

Mr. PANETTA. I would like to make clear that I support H.R. 536, which would allow active duty military personnel to bring suit against the United States for injuries arising from medical malpractice in military medical facilities. I have seen first hand the pain and suffering inflicted by negligent medical care in military medical facilities, where the injured military service man or woman was prohibited from pursuing legal redress. I urge my colleagues to vote in favor of the bill.

However, my role as chairman of the Budget Committee compels me to point out that the bill contains direct spending, as defined by CBO, and violates several sections of the Budget Act. These issues were not raised when the bill came to the floor last year and therefore the Judiciary Committee did not include the measure in its February 25 report.

The proper procedure for any committee planning to report a bill creating direct spending is to state its intent to report such legislation in its February 25 report to the Budget Committee and to work with the Budget Committee to ensure that such authority or spending is included in the budget resolution.

Mr. BROOKS. Mr. Speaker, I rise in support of H.R. 536, which would amend the Federal Tort Claims Act to allow active duty military personnel to sue for damages that arise from medical malpractice. This bill was approved by the Committee on the Judiciary on April 25, 1989, by a voice vote.

A 1950 Supreme Court decision held that the Federal Tort Claims Act bars active duty military personnel from suing the Federal Government for damages arising from Government action or inaction. It has applied this principle, which is known as the Feres doctrine, to claims for medical malpractice. Because nonactive duty personnel, who comprise two-thirds of the individuals treated in medical facilities, have the right to sue for medical malpractice, the only individuals who are disadvantaged by the application of this doctrine are active duty personnel.

The Subcommittee on Administrative Law and Governmental Relations, chaired by the gentleman from Massachusetts, Mr. FRANK, has documented in detail the cases of members of the Armed Forces who have suffered from medical malpractice and who have been unable to recover damages which they otherwise might receive, due to the operation of the Feres doctrine.

I believe that passage of H.R. 536, which constitutes a carefully drawn and limited waiver to the Feres doctrine, is amply justified by the record compiled by that subcommittee. Passage of this bill is a matter of justice and equity and I urge an affirmative vote for H.R. 536.

Mr. FRANK. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 536, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend therein remarks on H.R. 536, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE FLAG OF THE UNITED STATES

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 186) expressing the sense of the House of Representatives regarding the flag of the United States.

The Clerk read as follows:

H. RES. 186

Whereas for more than 2 centuries the flag of the United States has stood as the paramount symbol of unity for the Nation by transcending political and geographical divisions;

Whereas millions of men and women have served under the flag of the United States in the Armed Forces since the beginning of the Republic, through 2 world wars and in Korea and Vietnam, and many thousands sacrificed their lives in defense of freedom;

Whereas the Congress has commemorated the unique status of the flag through the enactment of detailed legislation prescribing its proper display and treatment;

Whereas desecration of the flag is an act so offensive to individuals in the United States that it may be considered an incitement to violence;

Whereas the United States Supreme Court has held in the case of Texas v. Johnson that the Texas statute prohibiting desecration of the flag is unconstitutional; and

Whereas the decision of the Court calls into question the validity of section 700(a) of title 18, United States Code, prescribing criminal penalties for desecration of the flag, as well as statutes enacted by 48 of the 50 States prohibiting the burning of the flag: Now, therefore, be it

Resolved, That the House of Representatives hereby—

(1) expresses its profound concern over the Supreme Court's decision in Texas v. Johnson;

(2) expresses its continued commitment to preserving the honor and integrity of the flag as a living symbol of our Nation and its aspirations and ideals;

(3) condemns all actions intended to desecrate the American flag; and

(4) urges the American people to continue to display proudly the flag of the United States as a symbol of our Nation and the values for which it stands.

The SPEAKER pro tempore. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that debate be extended to 1 hour, to be divided equally between the majority and the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WEISS. Mr. Speaker, reserving the right to object, inasmuch as I may be one of the few true opponents of this resolution and I have discussed with my friend and colleague, the gen-

tleman from New York [Mr. FISH], the appropriateness of reserving a certain balance of time for myself in the debate from the minority side, I would appreciate an allocation of 7 minutes of the minority's time.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I am happy to yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, we did have this conversation, but we did not know at that time exactly how much time would be allocated to this measure. In view of the number of requests I have for time, could the gentleman be satisfied with 6 minutes?

Mr. WEISS. Mr. Speaker, I would be pleased to accept 6 minutes.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from New York [Mr. FISH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the suggestion of the Speaker of the House, TOM FOLEY, and the majority leader, DICK GEPHARDT, I have introduced this resolution to assure the American people that we here in the House of Representatives do not condone actions of disrespect and desecration against the flag of the United States of America. My colleague from New York, HAMILTON FISH, the ranking Republican on the Committee on the Judiciary, joins me in sponsoring this resolution.

Mr. Speaker, the flag has been a symbol of our unity as a Nation for over 200 years. It transcends political and geographic divisions. It unites us in war and in peace. It has given inspiration to the millions who have served in defense of our freedoms.

The flag is not just a piece of cloth—it is our most revered symbol of our identity as a Nation—and the freedom for which we stand. The flag has been accorded a unique position of respect in our Nation's life.

Detailed legislation prescribes its proper display and treatment. Forty-eight States and the Federal Government have passed laws prohibiting the desecration of the flag.

Last week, a Supreme Court decision held unconstitutional a Texas statute prohibiting the burning of the flag. That decision puts in jeopardy those many laws enacted to protect our flag and to punish those who would desecrate it. I am certain that the American people share my concern that the flag must not be subjected to unfettered scorn and physical abuse. Attacks on the flag do pose the likelihood of public unrest and an incitement to violence that can easily result in a breakdown in law and order.

As a Texan proud of my Nation's heritage that is symbolized by the flag, as a marine who fought under that flag, and as a Congressman who has worked in the shadow of that flag of me for the past 35 years, I personally disagree strongly with the Supreme Court's decision in Texas versus Johnson. However, I am mindful of the role of the Supreme Court in interpreting the Constitution and respectful of the doctrine of separation of powers. In light of those considerations, I believe it is appropriate for us as a body to express our concern about that decision and to resolve to fashion ways to ensure, consistent with our constitutional freedoms, that this symbol of our Nation is protected from harm.

I believe there is room in this country for free expression of one's beliefs without sacrificing the very symbol of our Nation's dedication to the protection of those freedoms. I believe that free speech and the flag are compatible and both can be fully protected without undue infringement on the other.

I want to take this opportunity to confirm an announcement that the Speaker made at his noon news conference, that the Committee on the Judiciary intends to move forward on this issue as quickly as possible. As soon as we return from the Independence Day district work period, we will begin hearings to explore thoroughly what the Congress and the Federal Government must do to protect the flag from desecration. We will examine the matter from the standpoint of the need for a constitutional amendment or possible statutory remedies, including the amendment to section 700(a) of title 18 of the United States Code that the Senate passed last week.

In the meantime, the pending resolution expresses the House's deep concern about the effect of the Supreme Court's decision and reaffirms our commitment to preserving the honor and integrity of the flag as a living symbol of our Nation and its aspirations and ideals. My resolution condemns all actions intended to desecrate the American flag.

This resolution will assure the American people that we stand with them in defending the sanctity of our flag and that we do not intend to let those who would destroy and desecrate it to go unpunished.

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I would add that we have at the desk signup sheets for coauthorship for Members who would like to be coauthors of this resolution, and the sheet will remain there prior to the passage of this resolution by a vote.

Mr. FISH. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this resolution concerns a matter that has both angered and saddened citizens all across America—persons in virtually every region, every State, and every community. I speak, of course, of last week's Supreme Court decision in the case of Texas versus Johnson. By a slim 5-4 majority, the Court held that the burning of the American flag was an exercise of symbolic free speech, protected by the first amendment, and not subject to criminal sanction.

There are many Members of this House that have already expressed their dismay and outrage over the Court's decision. Veterans' organizations, in particular, are urging the Congress to take prompt legislative action to overturn the Court's ruling.

The language of the resolution we consider today is somewhat muted and cautious. It is not intended to be, nor should it be, considered a substitute for congressional hearings and an eventual Federal statute or, if necessary, a superseding constitutional amendment. The Judiciary Committee will begin hearings upon our return from the Independence Day district work period. This resolution, then, is just the beginning and not the end of this matter in the House of Representatives.

As I read the Supreme Court's decision, a number of questions occurred to me—the first of these being a practical, prosecutorial one. Why was Gregory Lee Johnson prosecuted only under the Texas flag desecration statute? He could have just as easily been prosecuted for receiving stolen property or vandalism, as well. It is worth noting, in this connection, that the flag that Johnson burned was not a flag that he owned. The Court's majority opinion takes cognizance of the fact that the flag he burned was taken by a fellow protester from in front of a nearby public building. It was, then, clearly, the destruction of government-owned property. While this may seem a bit legalistic, the fact that the prosecutors confined their case to the flag desecration count limited the ability of the Supreme Court to make a decision on more narrow grounds—that is, on grounds other than the first amendment.

But given the fact that the Court's decision is confined to a first amendment symbolic free speech holding, I would like to make some observations on that specific point. One may seriously doubt that symbolic speech of the type protected by this decision was the type of free expression that our Founding Fathers intended to protect under the first amendment.

To me, it is an unfortunate development in American constitutional law that symbolic gestures and physical

manifestations have been given the legal credibility and equivalent protections of the written word or the spoken word. Burning an American flag is certainly no newspaper editorial, no scholarly book, no television documentary, no public address. Should a symbolic, nonverbal act—undertaken to communicate a particular political belief or political view—receive the same automatic first amendment protections as do the more traditional modes of free speech? Aren't there countervailing societal and ethical values that deserve legal consideration? Should there be a more restrictive balancing test than the one currently applied in these symbolic free speech cases?

The Texas statute deemed to be unconstitutional by the Court did not prohibit Gregory Lee Johnson from saying or writing anything he wanted. Furthermore, that statute did not compel any particular type of conduct, nor did it require an individual to submit to any particular type of belief, idea or symbol. Johnson was free to make a public, political statement—and he did so, highly critical of President Reagan and the Republican Party at the very scene of the 1984 Republican Convention. The Texas statute did not impose any form of censorship. Johnson did not need to burn the American flag to communicate his views about the Reagan administration and the Republican Party. The facts of the case show that he clearly had communicated those views before the flag was burned. Furthermore, he could have said or written anything he wanted about the flag itself.

Mr. Speaker, it is indeed ironic and odd legal logic that considers protection of an individual's symbolic right to desecrate superior to what is for most of us a unique and treasured national symbol.

The Court's decision seems to say that symbolic free speech can only be limited if there is a threat of physical injury to someone nearby, or if there is a genuine possibility that a riot or breach of the peace may occur. Why should these be the only justifications for a criminal statute to protect the dignity of our flag?

Again, I have to come back to my earlier point that there is no legal necessity that symbolic actions receive the same protections under the first amendment as writing and speaking. If emotional expression is to be protected under the first amendment, it should be balanced against the emotional injury to our societal values brought about by a legal sanction for Johnson's type of behavior.

While I am not absolutely certain at this point, it appears likely that the only way to reverse this decision would be through the enactment and ratification of a new constitutional amendment. But, I will defer a final judgment until we have had an opportunity to further analyze the details of the Supreme Court's language and to hear expert testimony on that point.

Finally, I would again stress that this resolution should be viewed as the beginning—and not the end—of this matter in the House of Representatives. I strongly urge my colleagues to adopt this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Speaker, I thank the gentleman from Texas, chairman of the committee, for yielding time to me.

Mr. Speaker, the Supreme Court has ruled and will rule later this week on a number of highly controversial areas—civil rights, child pornography, capital punishment, desecration of the American flag, and abortion—which have and will presumably offend many Americans and the values they hold. Many of these court decisions will cause people to call for changes in our statutes or for new constitutional amendments.

In Texas versus Johnson, the flag burning case, we had a conservative court, seven out of the nine members of the Court having been appointed by Republican administrations, presumably looked hard and long at this issue. Their decision came to me, as it did to most Americans, as a surprise. It has provoked public outrage, and understandably so, for the Court ruling was seen as dealing with respect for the flag and what the flag represents.

What was the decision reached by the Court? It was a juxtaposition of values. As the Court saw it, it was reverence for the first amendment, freedom of speech, and in this particular case, freedom of expression in terms of a political statement, no matter how offensive that expression may be. On the other hand, it was reverence for the flag and its symbolic representation of our country. The Court sided with the constitutional provision and the first amendment prevailed, in a self-admittedly difficult decision.

The role of the Congress, however, in this issue is different from that of the Supreme Court and the Federal judiciary. The Congress frequently reflects popular opinion, even outrage at various provocative events. This case is no exception, and in that context the resolution before us, while I may have worded it somewhat differently, is supportable.

What, if anything else, should the Congress further do on this issue. We must exercise very great care. There are various bills, resolutions and proposed amendments to the Constitution that have been referred to the Judiciary Committee, and it is appropriate that the Judiciary Committee should carefully consider these proposals. Even today, we have a recommendation by the President for an amendment to the Constitution as a way to proceed. Others, including certain congressional leaders, believe that the statutory route is the best way to deal with this issue. Still others hold that no congressional action is required, believing, as do the majority of the Court, that Old Glory is strong enough even to endure insults in the name of freedom.

The initiative to amend the Constitution must be weighed with extraordinary caution. Some Americans have a list of matters requiring constitutional amendments, particularly to the first amendment, and if we yield on this point without careful deliberation, we may see a number of changes to the Constitution that are equally well argued.

Mr. Speaker, in conclusion, while today the House will overwhelmingly vote for this resolution, I trust that the House will regard other initiatives with great respect to the deliberative process for which this institution is historically responsible.

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Mr. FISH. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. I thank my colleague for yielding.

Mr. Speaker, I wanted to speak to the House on this important issue and bring to their attention and to yours, Mr. Speaker, the court cases on desecration of our flag which are fairly old.

Let us look back at history to two cases, one here in Congress and one in the U. S. Supreme Court itself which tackled this issue many years ago. Here is what they said in the past.

In 1968 Congress passed an act setting penalties for casting contempt on the flag:

The Federal law declared that a person may be imprisoned for up to a year and/or fined up to $1,000 for intentionally casting contempt upon the U.S. flag, a piece of one, a picture of one or publicly mutilating, defacing, defiling, burning, or trampling on.

Mr. Speaker, that was this body in the year of 1968.

Mr. Speaker, I have the opinion of Supreme Court Justice John Marshall Harlan in 1907 in the case of *Halter and Haywood v. State of Nebraska*, 205 U.S.34, where he said.

No American, nor any foreign-born person who enjoys the privileges of American citizenship, ever looks upon it without taking pride in the fact that he lives under this free Government. Hence, it has often occurred that insults to a flag in the presence of those who revere it, has been resented and, sometimes punished on the spot. So a State may exert its power to strengthen the bounds of the Union and patriotism and

love of country among its people. When, by its legislation, the State encourages a feeling of patriotism towards a Nation, it necessarily encourages a like feeling towards the State.

He goes on to explain the reverence we have for our flag, Mr. Speaker, and then further it concludes that:

Each State, when they come into the Union, assumed certain obligations respecting the symbol of the Union, the United States flag, and enacted adequate laws for the protection of the United States flag and to provide penalties for its desecration.

Mr. Speaker, to the Members, to my colleagues and to you, I say there is adequate evidence in the past, both here in the Congress, in the Supreme Court, to protect our flag.

So it was with that reasoning that I put into the House the House Resolution 185, the sense of Congress, that the Supreme Court had erred in its decision.

Let me conclude by saying a constitutional amendment and several resolutions to this effect have been presented; I support those and look forward to passing them in the House.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. SYNAR], a distinguished member of the Committee on the Judiciary.

Mr. SYNAR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, any act, including burning of the flag, which is an outright attack on an American symbol is particularly disturbing to the vast majority of Americans.

The burning of the flag conjures up extremely painful images for all of us because it has been an often repeated action by citizens of other countries who disagree with our chosen way of government.

The thought that an American citizen, within our own boundaries, and who is the beneficiary of all the freedoms that our country offers, could burn the symbol of those freedoms and beliefs is abhorrent to us all and somewhat incomprehensible.

I do not approve of any actions which are contemptuous of the flag. I believe it is a national symbol and embodies all that is unique about our democratic principles.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, the Supreme Court decision striking down flag desecration laws is outrageous. Our flag is the living symbol of all our freedoms.

Tens of thousands of American men and women have died in defense of freedom and the principles of democracy that our flag represents. For the Court to say that the vulgar destruction of our flag by a crazed protester is an expression of free speech is a repudiation of every life lost in defense of freedom and every ounce of blood shed in protection of liberty.

Neither I nor most of my colleagues will stand idly by without dissent and allow the Supreme Court to condone the desecration of the symbol of the very essence of our Nation. I am proud to say that I am an original cosponsor of an amendment to the Constitution which will correct this grievous and inexplicable mistake by the Court and once again make the heinous desecration of our beloved flag against the law.

I am also proud to support the resolution offered by the distinguished chairman and ranking member of the Judiciary Committee. I urge support of the resolution.

Mr. Speaker, I hope that ultimately we will take the next step and that is to amend the Constitution so as to bring honor to both the first amendment and to the flag.

Mr. WEISS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, let me start out by commending the distinguished gentleman from Texas [Mr. BROOKS] and my distinguished colleague from New York, the gentleman from New York [Mr. FISH], for the tenor of the discussion and the debate which they have generated.

I think that they have indeed cast this discussion in the kind of serious and respectful mode that it deserves.

Mr. Speaker, I have had three occasions for circumstances in which I have sworn fealty to the U.S. Constitution.

The first time was when I was granted citizenship by this country. The second, when I entered military service. And the third, in a series every 2 years since then, when I entered this body as a Member of the U.S. House of Representatives.

I take second place to no one in my respect for the flag or for the Constitution and the Bill of Rights. But, Mr. Speaker, what makes America great, what makes us different from most other countries is that we in fact recognize that difference on the most fundamental issues is permitted by our Constitution.

And so this resolution that is before us, although it is cautiously and carefully drafted, I find difficult to support. I can support three out of the four resolved clauses. I will read those. I support that provision which says that, "The House of Representatives hereby expresses its continued commitment to preserving the honor and integrity of the flag as a living symbol of our Nation and its aspirations and ideals."

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I support that provision which says, "that the House condemns all actions intended to desecrate the American flag," and I support that which urges the American people to continue to display proudly the flag of the United States as a symbol of our Nation and the values for which it stands.

The one single provision which I cannot support, because I think it flies in the face of our Constitution, is that which says that it expresses profound concern over the Supreme Court provision in Texas against Johnson.

Mr. Speaker, for the Republic, for our democracy, I exult in the decision of the Supreme Court of the United States, because the Supreme Court has, in fact, validated, once again, the Constitution and the Bill of Rights. I think it should be pointed out too, Mr. Speaker, that the Supreme Court was not acting on their own ab initio, the Supreme Court was confirming the decision of the highest court of criminal jurisdiction in the State of Texas. It is Texas' highest court which said that Texas' statute was constitutional, and the Supreme Court said, "Right on."

Now, the State of Texas itself admitted in the course of their argument that the conduct which it was objecting to was, in fact, expressive; that in essence it was equivalent to speech itself. The Supreme Court has held repeatedly in a long range of decisions that, in fact, expressive conduct is protected by the first amendment of the Constitution.

We have had in the 200 years since the adoption of the Bill of Rights only 16 amendments to the Constitution. We should be very careful about going down the path of a reckless tampering with the Constitution. We have just witnessed in the last month what happended to Chinese students in Tianenmen Square. Those are students who sat in, who burned their flag of oppression, and we were revolted as Americans, indeed, as citizens around the globe, at the Chinese Government's brutal suppression and murder and slaughter of those innocent civilians. We cannot allow that kind of thing to happen in our country, and we will not, so long as we respect the Constitution. We have little to fear from the flag burners. We have a lot to fear from those who lose faith in our Constitution.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, I rise today in support of the resolution offered by the gentleman from Texas.

The Supreme Court ruling is a disgrace to all of us who dearly love America and our symbol of liberty. It wounded the Nation's pride.

Burning the Stars and Stripes is not what our Founding Fathers had in mind when they guaranteed freedom of expression. That action—unthinkable to most Americans—goes too far, and is undeserving of any constitutional protection. Instead it should be a punishable offense.

What bothers me most about the ruling is the impact it has had on veterans and those now serving in our Armed Forces. What kind of message has the Supreme Court sent those who've given life and limb to see our flag wave proudly atop this very building—our Capitol.

I urge my colleagues to join me in expressing their support for the resolution. It will help restore the flag's patriotic luster which sadly faded before the eyes of our Supreme Court last week.

Mr. FISH. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of House Resolution 186, which expresses in no uncertain terms the belief of the House that desecration and disrespect of the American flag is wrong.

Anger, sadness, and disbelief best describe my immediate reaction to the Supreme Court's decision to prohibit the prosecution of anyone who burns or desecrates the American flag. This decision clearly does not represent my views or the views of the people of Pinellas County, FL. I know, because I have listened to their angry calls and read their letters of disbelief.

The American flag stands as a symbol of freedom and democracy for our Nation and flies over all three branches of our Federal Government. The Supreme Court is but one of these three branches and we cannot allow its decision to cast asunder the pride and respect the American people have for the Stars and Stripes.

President Bush, the House with the adoption of this resolution, and the Senate with passage of a similar resolution last week, have indicated the intention of the executive and legislative branches of our Government to take matters regarding the desecration of the flag out of the hands of the Supreme Court. Legislation I have sponsored would amend the Constitution of the United States to permit the Congress to enact laws to protect the integrity and dignity of this symbol of our Nation's history and heritage.

In addition to reestablishing that it is a Federal crime, and a crime in 48 States, to desecrate the flag, I also have reintroduced legislation to punish anyone who casts contempt upon any flag of the United States by publicly mutilating defacing, defiling, burning, or trampling upon it.

The American flag is a worldwide symbol of freedom, hope, and peace and anyone who destroys this symbol of American democracy should be punished to the fullest extent of the law. It is my hope that we will expedite consideration of legislation to put before the American people a constitutional amendment to take this matter out of the Supreme Court's hands and to reaffirm our intent to preserve the sanctity of the American flag.

Mr. Speaker, the American flag means more to us than just liberty, justice, and freedom. It stands for more than the pain and suffering of those Americans who followed the American flag into battle and fought in the gas filled trenches of France, on the frozen battlefield of Europe, in the hot deserts of Africa, and in the steamy jungles of the South Pacific and Southeast Asia or wherever in the world Americans have fought and died in the name of freedom. It means more than the feeling of pride it evokes everytime it passes on parade, every time we sing the national anthem, and every time we stand before the Tomb of the Unknown Soldier.

The American flag is also a commitment to the young people of America that they will have a future filled with peace, justice, honor, and duty. It means that our children and grandchildren will be able to raise their families under the same freedoms and liberties that we have and that they will have all the opportunities we enjoy to work in the job of our choice and worship in the church of our choice.

It also means that the commitment to maintain our freedom is not without cost. We all know the closing lines of the Star Spangled Banner—that great tribute to the flag:

Oh say does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?

Mr. Speaker, let us never forget that the American flag stands for all that is good and right about our Nation and that to continue to be the land of the free, America must always be the home of the brave.

Mr. FISH. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Speaker, I rise in support of the resolution. Like many Americans, I was dismayed by the Court's decision. Recent events in China have reminded Members in a most tragic and dramatic and important way how important freedom and free speech is. That right is given to Americans, as many of my colleagues have pointed out, in the Constitution. So I know the decision was a difficult one.

Yet I believe that even this resolution is not enough. We should move to a constitutional amendment, and I believe it can be delicately and deliberately drawn so that it involves only the flag. Yes, it is the flag that is special.

We do not put a speech, no matter how noble it is, on the coffins of those that die for this Nation. We do not fly the Declaration of Independence, no matter how wonderful it reads, from the mast, to say that the Government is here. We do not move on the Island of Iwo Jima to raise a speech of any Member of Congress, no matter how noble it is intentioned. It is only the flag, and therefore, it deserves the constitutional amendment.

Mr. Speaker I rise in support of the resolution. Like many Americans around our Nation I received with dismay news of the Supreme Court's recent decision stating, in effect, that the guarantees of free speech and expression provided under the first amendment of the Constitution extended to those who would purposefully desecrate the flag of the United States.

Recent events in China have reminded us in a most tragic and dramatic fashion of the preciousness of the freedoms of free speech and assembly which our Constitution grants us. The rights and protections granted us under the first amendment are fundamental to our democracy. For this reason I believe the decision which the Court confronted was an especially difficult one. Yet, I believe that in this particular case in Court, reflecting its profound and well placed respect for the first amendment, erred on the side of caution.

The court, in its ruling, went beyond protecting the right of free speech, just as Gregory Johnson and the demonstrators whom he led went beyond the exercise of free speech when they poured kerosene on an American flag and set it afire. Gregory Johnson was not punished for what he said—though most Americans would find his words offensive. He was punished for what he did.

Justice Stevens, in his dissenting opinion, said that "The case has nothing to do with disagreeable ideas, * * * it involved disagreeable conduct." The dissent aptly points out that "had (Johnson) chosen to spray paint his message of dissatisfaction on the fascade of the Lincoln Memorial, there would be no doubt about the power of the government to prohibit his means of expression." I believe Justice Stevens is correct in the analogy he suggests. In the actual case as in the hypothetical, the expression of an idea or a belief gave way to actions which lay beyond the expression of thought and beyond the protections afforded by the first amendment.

The American flag stands through much of the world as a preeminent symbol of freedom and of Government's respect for human dignity. Through respect for our flag we express respect for the Constitution and for the democracy which it represents. I urge all of my colleagues to support the resolution before us and to thereby affirm our responsibility to protect this most prized symbol of our Nation and our democracy.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished Member from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank the distinguished chairman of the Committee on the Judiciary, the gentlemen from Texas, for offering this resolution.

Mr. Speaker, I believe the Supreme Court is somewhat schizophrenic. In three recent decisions they have diminished the rights of women and minorities, but not, in this so-called conservative Court, they rescind laws which provide for penalties for those who maliciously desecrate the American flag.

I think they are wrong. I think the American flag is a symbol of our country, our country's freedom. Freedom is not just doing what a person wants to do, it is doing what a person should do.

Mr. Speaker, this decision had a personal effect on me, because my father was born on the Fourth of July. We were taught to respect the American flag, and what it symbolized. He believed we lived in the greatest country in the world. So on the first day after that decision, I introduced a resolution opposing the Supreme Court decision, in his memory.

Mr. Speaker, no one embraces the Constitution more than I do. No one embraces the absolute guarantee of the rights of free expression than I do. However, no one embraces respect for the traditional values more than I do, and what are we to tell the families of the thousands upon thousands of American patriots who gave up their lives to defend the symbol of the sacred cloth? What are we to tell the thousands upon thousands of young Americans who look upon Members for moral instruction, regarding respect for tradition? What are we to tell ourselves in our morning mirrors when we call upon our reserves to resist the daily encroachment on the ideas and traditions that we have carefully and patiently woven into the fabric of our national conscience?

Mr. Speaker, the fabric of our American flag, the symbol of America's freedom and sacrifice, is so interwoven with the fabric of our distinctly American sense of values that we cannot allow the symbol to be damaged without allowing damage to those values themselves.

Mr. FISH. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of the resolution expressing the sense of Congress regarding the issue of flag burning and I commend the distinguished chairman of the Judiciary Committee the gentleman from Texas [Mr. BROOKS] and the ranking minority member the gentleman from New York [Mr. FISH] for expeditiously bringing this measure to the floor at this time. It is possible that no Supreme Court decision since the infamous Dred Scott decision of 1857 has caused the spontaneous outpouring of indignation that the Supreme Court's Texas versus Johnson decision evoked.

We all understand that freedom of speech and political expression is one of our Nation's most cherished rights. However, just as the late Supreme Court Justice Oliver Wendell Holmes, Jr., once stated that "Freedom of speech does not give anyone the right to cry fire in a crowded theater," likewise, freedom of political expression should not give anyone the right to incite our Nation by slapping the face of millions of our veterans, both living and dead, who sacrificed on battlefields at home and abroad so that our Nation may be made and kept free.

The American flag—"Old Glory," is unique among the flags of the world. Unlike most European flags, its colors and design do not harken back to the days of kings and nobility.

It was 212 years ago this month that the Continental Congress adopted our flag as the official banner of our newly independent Republic. The colors and design were chosen uniquely to symbolize our new Nation. No family crest or heraldic imagery has ever appeared on our flag.

The red is considered by most Americans to be the symbol of the blood that was shed by many to establish and maintain our liberties. The white symbolized the purity of purpose which guided our Founding Fathers. The blue is symbolic of both the seas—across which all Americans came—and the Heavens which look down upon our undertakings and which have blessed us for over two centuries.

The original 13 stars were symbolic of a new constellation which appeared in the galaxy of nations in 1776. Since then, a new star has been added for each State admitted to the Union. And, each State, was admitted as coequal with the original 13. Unlike other nations, we had no intent to colonize other lands and to capitalize upon their people. Instead, we welcomed our new territories into the Nation as States, equal in every way to the States that preceeded them.

The Texas versus Johnson Supreme Court decision is an affront to our Nation, but far more than that, it was an insult to the brave Americans who sacrificed their lives in our 200-year history to win and preserve our freedoms. The Americans of the War of 1812 and the Mexican War, and to those who died during those sad years when brother fought brother to preserve our Union.

Years from now, as historians look back on 1989, this decision will long be remembered as well as the eloquent dissent penned by Chief Justice William Rehnquist, who was joined by Justices Byron White and Sandra Day O'Connor in stating:

> Throughout more than 200 years of our history, our flag has come to be the visible symbol embodying our Nation. Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political or philosophical beliefs they may have. I cannot agree that the first amendment invalidates the federal law and the laws of 48 of the 50 States, which make criminal the public burning of the flag.

Mr. Speaker, my offices in Washington and in my 22d Congressional District in New York have received hundreds of calls and letters from our constituents, who called and wrote to express their indignation, their frustration, and most of all, their sadness regarding this decision.

Robert J. Spanogle, national adjutant of the American Legion, stated:

> I think of Iwo Jima Memorial—those Marines that raised that flag while their fellow Marines were dying at their feet so that we could have our freedom. That flag is the living symbol of all our freedoms.

Mr. Speaker, I urge our colleagues to join in approving this resolution, which expresses our profound concern and commitment to preserving the honor and integrity of our flag and will let the American people know that we in the Congress share their reverence for our "grand old flag."

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank the distinguished gentleman for yielding this time to me, and I rise in support of the resolution.

Mr. Speaker, I submit for the RECORD a partial text of my newsletter which is sent to my district every week.

> Old Glory. The Supreme Court is wrong, wrong, wrong. We are deeply disturbed that our high court would carry freedom of speech to an extreme degree and offer First Amendment protections to those who burn or desecrate our flag.
>
> This Congressman has joined with other Members of Congress from both political parties in all areas of the country to begin a legislative process to countermand the Supreme Court ruling.
>
> The individual's freedom to speak his mind is paramount in our basic law, but this cannot extend to such a reprehensible act as desecration of our flag—the very symbol of that which protects freedom of speech. Extreme abuse of the flag should be considered a criminal act and dealt with accordingly.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I rise in support of the resolution being offered by the gentleman from Texas, and want to commend him for his extremely judicious handling of this very sensitive issue.

Mr. Speaker, the burning of the American flag—any desecration of the flag—is simply wrong. It is offensive no matter what the circumstances.

I believe Congress can—and must—act to ensure that proper and respectful treatment be given to what is our most powerful and revered national symbol. I will support the efforts of my colleagues, from both parties and both Houses of Congress, to find a judicious solution. And I intend to vote for whatever remedy is required to prohibit the desecration of the flag.

We, in Congress, have a responsibility to write laws consistent not only with overriding national sentiment but also with the Constitution we are sworn to uphold. We must, therefore, be careful that in our determination to quickly reaffirm the very special meaning the flag has for Americans everywhere, we not inadvertently tamper with the integrity of the Constitution for which the flag itself stands.

Mr. FISH. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I am an original cosponsor of Congressman BOB MICHEL'S constitutional amendment to attach criminal penalties to the act of burning the American flag, and I'd like to say a few words on this important initiative.

I have been in Congress since 1956, and I don't ever recall seeing such a high degree of unity in this body on an issue that has such a potential to divide.

The Supreme Court may have divided 5 to 4 on the issue of burning the American flag, but there has been a virtually unanimous opinion in both Houses, that this act is not only repugnant, but should be prohibited.

I like the way Chief Justice Rehnquist put it. Flag burning is not a form of self-expression; it's just an inarticulate grunt. People burn flags not to express an idea, but just to antagonize other people. It's not the beginning of a debate, but the beginning of a fight.

Who do flag burners antagonize? They antagonize all those brave Americans who took up arms so that all Americans, including flag burners, could live free.

The American flag has flown over Iwo Jima; it has crossed the rivers of Europe. It entered Paris to the cheers of millions of French men and women who had been liberated from the bondage of fascism. Burning the American flag is an insult to all those brave Americans who have fought in America's wars.

The American flag is more than a symbol of America's willingness to defend itself and other nations. It is a symbol of America's dreams as well.

Look down the hallways of this building, and you'll see interns carrying around American flags that have been requested by our constituents. For many Americans, the flag symbolizes the freedoms and opportunities that they work hard everyday to earn and to maintain.

The American flag is large enough to shelter Americans of all political beliefs, rich and poor, black and white, North and South.

It flies over our heads right here in the Capitol. It represents Congressmen from the left as well as those from the right. There are plenty of symbols that can and do divide us. The American flag is a symbol that unites us.

I would hope that this debate on the Supreme Court's decision will send a message that America is a country that is willing to tolerate an awful lot of antisocial behavior, but that burning the American flag is something that we consider totally out of bounds.

I strongly support the idea of a resolution to prohibit burning the American flag. But I don't believe that a resolution will go far enough.

Congress needs to do something that makes it crystal clear that both the State and Federal Governments have a right to pass laws that makes flag burning a criminal act.

For that reason I support the introduction by the distinguished minority leader for a constitutional amendment to deal with this problem. I will support the amendment and I urge the House to act expeditiously to report it to the floor.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me just say that I think the Supreme Court erred in its decision. Free speech does not require destruction of the American flag or anything else. Free speech is our America substitute for destruction.

Mr. Speaker, I commend the gentleman from Michigan [Mr. BROOMFIELD], and I urge passage of this resolution.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the action of the Supreme Court in permitting desecration of the flag has made combat veterans cry. I talked today to Col. Glenn Bennett of Calico Rock, AR, who served as a combat veteran in both World War II and the Korean war, and he said it in his own words better than I could. Let me quote what he said.

The action of the Supreme Court is so un-American that it makes me cry. It is very difficult for me to discuss it without becoming emotional. I fought in two wars to defend free speech, and I cannot see where the destruction of the flag can have anything to do with free speech. I don't see it as free speech. I see it as arson and destruction perpetrated on the symbol of our nation.

There are rules concerning the handling of the flag, rules which prohibit its touching the ground, but now we are told that it can be burned or mutilated in the name of free speech. I just don't understand such thinking.

Mr. Speaker, I rise in support of the resolution.

The SPEAKER pro tempore (Mr. VOLKMER). The Chair will announce that the gentleman from Texas [Mr. BROOKS] has 15 minutes remaining, the gentleman from New York [Mr. FISH] has 8 minutes remaining, and the gentleman from New York [Mr. WEISS] has 2 minutes remaining.

The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, in rising in support of the Brooks-Fish resolution, I would like to read an excerpt from a letter I just received from Maj. Richard M. Gordon of Clifton Park, NY. The letter reads, in part, as follows:

I was a prisoner of war of the Japanese for three and a half years. During that period of captivity—from Bataan until Liberation Day in Japan—most of my fellow prisoners never saw the flag of their country. That privilege, and honor, was denied them. Yet in several prison camps, American prisoners made flags, American flags, from various material available, and that flag had to remain secreted. A piece of such a flag carried throughout the war now rests in the museum at West Point.

To those of us denied all freedoms, the flag of the United States took on an even greater meaning than to non-prisoners of war. That flag meant that we "belonged" to a country; a nation who would not forget us. I saw an American prisoner of war, found in possession of a piece of cloth, so severely beaten that he eventually died from that beating.

Upon our liberation by naval forces at Hommamatsu, Japan, we boarded landing craft to be taken to hospital ships at anchor. Seeing the flag of this country flying from the stern of those craft for the first time in years brought tears to the eyes of every prisoner on board. There was living proof that our faith in that flag was not in vain, and so believing we came back.

If a flag, "a piece of cloth" can provide such hope and support in the most trying in our lives, surely it deserves better treatment and respect than what was offered by an avowed communist who "spits on America".

The flag of the United States will one day be given to my widow. I would hate to have her think of it as "only a piece of cloth", and not as a symbol of our country for which thousands and thousands gave their lives in defending its flag.

I urge you to take action to prohibit desecration of the flag.

Mr. Speaker, when we finish this debate, the gentleman from Michigan [Mr. SCHUETTE] and I will drop in a constitutional amendment requiring an act of respect for that flag.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. SCHUETTE].

□ 1910

Mr. SCHUETTE. My colleagues, I have high regard for the gentleman from Texas [Mr. BROOKS] and the gentleman from New York [Mr. FISH]. But this resolution of profound concern and condemnation does not go far enough. The issue is broader and deeper, and I say to my colleagues, "If you're a veteran or those who have given your lives to secure and protect our liberties, they're more than profoundly concerned. They're outraged, and they should be."

Mr. Speaker, I say to my colleagues, "If you are parents who take your kids to Girl Scout meetings or Boy Scout meetings, well, you learn American values." They are more than profoundly concerned. They are insensed, and they ought to be.

As my colleagues know, the Gregory Lee Johnson's of the world, the defendant in the Texas case, can express freely, "America, red, white and blue, we spit on you," or, "Great to see the symbol of international plunder and murder go up in flames."

Mr. Speaker, that is his right under our laws, but the Gregory Lee Johnson's of the world should not be able to flaunt American values by burning the American flag and then getting away scot-free. That is wrong.

I would urge my colleagues to support the Solomon-Schuette amendment to the Constitution that would prohibit the desecration of the American flag.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of House Resolution 186 and the American flag. Like many of my colleagues, I was outraged by the Supreme Court's decision providing first amendment protection for those who desecrate our national flag.

Free speech is one thing, free burning of the flag is something else again.

I am very pleased that President Bush this morning stated his personal support for a constitutional amendment making such unpatriotic attacks on this special national symbol unlawful. I strongly endorse President Bush's decision. In fact, the morning after the ill-fated Supreme Court decision, I cosponsored such a constitutional amendment resolution right here on the floor.

While I also support House Resolution 186 and agree with its provisions and proclamations, I do not believe that it is strong enough. Congress must go further.

Our flag is a symbol of our freedom, liberty, and our sacrifices to protect these rights. To veterans and the families of those who died or were wounded defending our Nation, the Stars and Stripes holds special meaning. To those overseas yearning for the freedoms we enjoy and they do not, our flag is a symbol of hope and real liberty—just ask the students in Tiananmen Square.

An attack against the American flag is an attack against our Nation and the principles upon which it was built. For these reasons, our flag deserves special respect and protection.

House Resolution 186 is a good step toward this protection. It is, most certainly, not a last one.

Mr. FISH. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS].

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise in very strong support of House Resolution 186. I join with the millions of Americans in our country who are discouraged and appalled by the unfortunate ruling of the Supreme Court on the treatment of our American flag.

The American flag is a symbol recognized world over, as an inspiration of hope and freedom. As a veteran, I share the love of those veterans from the American Revolution to the war in Vietnam, in every battlefield where American values have been attacked the flag has been the shining eternal spirit of liberty. The ruling of the U.S. Supreme Court is contradictory to the morals and beliefs of a great majority of the American people. To allow anyone to defile and desecrate such a revered symbol is not only foolish, but morally wrong.

I am currently cosponsoring four pieces of legislation with fellow colleagues, Mr. FISH, Mr. HUTTO, Mr. WALKER, and Mr. WOLF, to preserve the honor of our great flag. As Members of Congress, we must act quickly and decisively to protect our national symbol, and do so in a wise manner.

As President Wilson once said:

> This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation.

Ladies and gentlemen, I ask you to make the right choice. Let us join in preventing the unwanted and vile treatment of our flag. Let's restore the dignity and honor of our American flag.

Mr. WEISS. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, the issue decided by the Supreme Court is not whether or not the flag burning is repulsive and abhorrent. It is. But we do not silence the political expression of even those with whose views we most fundamentally disagree. That is what the Supreme Court ruled last week in a 5-to-4 majority comprised of two dyed-in-the-wool liberals, two Reagan conservatives and one Nixon middle-of-the-roader.

I would like to close by quoting from the concurring opinion of Justice Kennedy. He said:

> I agree that the flag holds a lonley place of honor in an age when absolutes are distrusted and simple truths are burdened by unneeded apologetics.
>
> With all respect to those views, I do not believe the Constitution gives us the right to rule as the dissenting members of the Court urge, however painful this judgement is to announce. Though symbols often are what we ourselves make of them, the flag is constant is expressing beliefs Americans share, beliefs in law and peace and that freedom which sustains the human spirit. The case here today forces recognition of the costs to which those beliefs commit us. It is poignant but fundamental that the flag protects those who hold it in contempt.

Mr. Speaker, I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Speaker, like my colleagues and my countrymen, I loathe the desecration of the American flag. It is a vile and repugnant act. I urge the Congress to move slowly and carefully as we proceed in the coming months in considering a proposed amendment to the Constitution which may alter in any way the first amendment.

Let us recall the words of former Justice Robert Jackson when he wrote:

> If there is any fixed star in our constitutional constellation, it is that no official, high or low, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein.

Mr. Speaker, as a Member of Congress from the State in which the Constitution was written, I join my colleagues in supporting the resolution.

Mr. FISH. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I do not think this is an easy case at all. I think the Supreme Court decision is a very close call, and I think the difficulties that people had with it are shown by the lineups of the philosophies of the various Justices on either side of this case.

Mr. Speaker, free speech is very important. It is one of the most important gifts or bequests that our ancestors have given us in this country.

I only wish those who are offended by any limitation to free speech, even criminalizing the burning of the flag, were as outspoken with someone like Adolfo Calero or Jeane Kirkpatrick who tries to speak at some prominent

university, a citadel of learning and liberality, and they are forbidden by circumstances to give their speech. But, nonetheless, free speech is very important.

My colleagues, flag burning has been called an exercise of symbolic speech. There are limitations to free speech. We have libel laws, we have slander laws, and we all know what Justice Holmes once said, "That you can't yell 'fire' in a crowded theater," so free speech is not absolute.

Mr. Speaker, what we need in this situation is not nearly this resolution, good as it is, and we should support it. We do need a constitutional amendment which will be an expression by the American people, two-thirds of their Congress in both Houses, and three-quarters of the States, 38 States, making a statement to their fellow Americans that the flag is indeed sacred, not merely as a symbol, but as the embodiment of those ideals: freedom, opportunity, equality, which generation after generation have died for, have come home in their caskets with the flag on top of it, and this is not a piece of cloth susceptible to mere symbolic speech, but it is the embodiment of all that America stands for.

□ 1920

It is like the sacrament in the Catholic Church. It is like the holy book in other places or religion. We have standards in this country of decency and there are some things you do not do. So long as free speech is available in its pristine form as free speech, so long as you can speak and write what you want, this act, more than a provocation, this act of desecration is beyond the pale.

Now, we accomplish that by an amendment which will involve all of America, two-thirds of Congress, three-quarters of the States, saying to our fellow Americans, "You don't do this. This is sacred. This is beyond the pale."

So we need that. I look forward to the amendment. I think it will pass overwhelmingly. I congratulate the gentleman from Texas [Mr. BROOKS] and the gentleman from New York [Mr. FISH] for this very useful resolution.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, I strongly endorse the Brooks/Fish resolution and urge my colleagues to vote for it.

I congratulate my friends Mr. BROOKS and Mr. FISH for bringing this resolution before us. I'm proud to be a cosponsor of this resolution.

Over the weekend I found my constituents in western Kentucky very upset with the U.S. Supreme Court.

Yes, last Wednesday, in a case that set patriotic symbolism against the rights of those who would spit on and burn the American flag, the Supreme Court, in a 5-to-4 decision, nullified flag desecration laws in 48 States.

Most Americans agree with Chief Justice William Rehnquist's dissent:

For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning.

The Supreme Court has converted anti-American flag burning into a constitutional right. We need a constitutional amendment. But now we need this resolution.

In Kentucky, burning and desecrating the American flag is thought of as a despicable and dastardly act.

Personally, I'm outraged at the Supreme Court decision and would suggest that Americans who want to burn our flag in contempt should consider moving to Iran, China, or Cuba where burning the American flag is not only legal but is encouraged.

Again I urge my colleagues to vote for this resolution. Let's approve it by an overwhelming majority. Let's show the U.S. Supreme Court that the great majority of American people are expressing themselves through the U.S. House of Representatives in opposition to those burning our American flag as "a right of free speech."

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. Mr. Speaker, we have had some very good debate here. Let me see if I can summarize this in just a few seconds.

The American flag is not a piece of cloth. It is an idea. It is a concept. It is a monument. Certainly the U.S. Congress has the right, has the constitutional right to pass laws to oppose the desecration of monuments.

So in the passing of this legislation, I think we would have the legal authority; but should that be struck down by the courts in the future, I think we ought to move on a dual track and express ourselves by proposing a constitutional amendment as well, and then either way, in the legal consideration by the Court the will of the people to keep the American flag from being desecrated will prevail.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the distinguished chairman of the full Judiciary Committee for yielding this minute to me.

I rise in very strong support of House Resolution 186.

Mr. Speaker, the decision of the Supreme Court of the United States in the matter of Johnson versus Texas was deeply troubling to me. The American flag belongs to all Americans as a symbol of our national identity. I just cannot believe that we are unable to protect our flag from the conduct, not speech, but conduct of those who would debase or desecrate it for whatever reason.

While we must move very, very slowly in any amending of the Constitution, looking for other ways to deal with the problem, I have no question but that we do need surely to move ahead with hearings and with dispatch and with some deliberation to craft the very best way that we can in dealing with what I think is a wrongheaded decision.

So I commend the gentleman from Texas for offering this resolution and urge my colleagues to support it.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, there is perhaps no right that is more important to the American people than the first amendment right, the right of free speech; however, there is nothing more important than having a symbol of our democracy in which we believe.

In this country which permits unlimited verbal displeasure or disagreement, it is important that we maintain this symbol. In a world which is turning to democracy where people are willing to die for democracy, we must stand as a beacon for the democracy.

When I took the oath to be a Congressman and when I took the oath to be a naval officer, I agreed to not only defend this country, but to defend all the liberties and rights that go with it.

I must ask my colleagues to support this amendment to the Constitution and this resolution to show the world that not only do we care about democracy, but we care about the symbol that represents that democracy.

Mr. BROOKS. Mr. Speaker, I yield myself 30 seconds to remind the Members that the cosponsors list is available both on the Republican side and on the Democratic side. We will be open until the vote is taken on this bill.

Mr. YATES. Mr. Speaker, I support wholeheartedly the last three of the four resolutions in this bill. I disagree with resolution No. 1. I support the decision of the Supreme Court of the United States in sustaining the right of free speech protected by the Constitution. A free society must allow true expression even of beliefs and ideas which would be unpopular to most people.

I would not support a constitutional amendment which in the name of protecting the flag jeopardized the rights and freedoms guaranteed by the first amendment to the Constitution.

I find most repugnant the desecration of the American flag by protesters. The American flag is a symbol of reverence for me, to be flown proudly because it stands for the freedoms for which our Nation proudly stands.

I shall support this resolution noting the reservations I have about the expression of con-

cern with the decision of the Supreme Court in the case of Texas versus Johnson, protecting American freedom.

Mr. McGRATH. Mr. Speaker, the U.S. Supreme Court said that the deliberate destruction of the American flag is a form of free speech protected by the first amendment. This decision denigrates the service of every Armed Forces veteran who has risked his or her life in battle fighting for the very rights the Court's majority claims to protect. It is also a slap in the face to every American citizen who loves this country and who, if they had a grievance with the Government would find methods of redress other than wanton destruction of our sacred symbol.

Freedom of speech has rightfully received the highest level of protection by our courts. Literally thousands of options exist to express outrage and discontent with Federal policies. The trampling of our national emblem goes beyond speech and, well into the category of lawless conduct. I fail to see the censorship or suppression of ideas in a law which prohibits the burning, destruction, or desecration of the symbol of the most successful form of democracy in the history of mankind. The willful, malicious destruction of an American flag in a public place is the type of conduct which can lead to more violent actions toward Federal policies and institutions. It is also certain to infuriate and incite an intemperate response among those who hold dear the freedoms and liberty Americans have fought and died for in our 200-year history. The reverence which Americans apply to our flag brings with it a special protection richly deserved. Those who disgrace our Nation by destroying its symbol deserve to be punished.

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of this resolution and urge its overwhelming approval. Just like the rest of the country, I was shocked at the unbelievable Supreme Court decision that said it was OK in some cases to burn the American flag. Burning of our Nation's most important symbol is not a matter of free speech. Rather it is descreation of the flag, pure and simple.

I feel very strongly about this flag issue. The American flag is a symbol of what this country represents to our people and to the rest of the world. It stands for freedom and democracy and more than 1 million Americans who have died in our major wars over the 200 years to make sure those principles were protected.

There are a thousand ways to legitimately protest the actions of our Government without burning or otherwise desecrating our flag. When someone takes that kind of action, they have gone too far, in my opinion. I think that view is shared by 99 percent of the American public and I dare say by almost 100 percent of the good Mississippians I represent.

We are proposing to send a strong message to the Supreme Court on this issue. I urge the support of my colleagues.

We need really a constitutional amendment to straighten this matter out and I am strongly pushing an amendment.

Mr. MICHEL. Mr. Speaker, while I join with our colleagues in supporting this resolution, I must say that in my view it is only a symbolic step.

As President Bush pointed out this morning, a resolution or plain statute simply will not undo the damage done by the Supreme Court's decision. I have been talking to scholars and they tell me the same thing.

So I am going to introduce a proposed constitutional amendment to protect Old Glory.

I do so recognizing the gravity of the step I will take.

I have an instinctive conservative's dislike of amending or tampering with the Constitution.

But I did not defend this flag against the Nazis 45 years ago just so it could be desecrated with impunity today.

There are many learned and complex arguments offered on both sides of this issue. I am certain we will be debating them, holding hearings and learning what the constitutional experts believe.

But before we get lost in the complexities, let's remember one thing: If you go up to an average American and ask him if he believes that desecrating the flag is a legitimate form of expression, what you'll get in reply will be the cold, clear, sane, cleansing sound of uproarious laughter.

Listen to the word of former Justice Hugo Black, well-known as an absolutist where first amendment rights are concerned. Justice Rehnquist quoted Black as saying:

It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.

Desecrating the flag is an action against a revered, unique symbol, not a form of expression protected by the first amendment.

This is not a fight between those who wish to protect the first amendment and those who don't. I believe that protecting the flag actually strengthens the Constitution because it rescues the first amendment from the absurdity in which the majority decision has placed it.

It is not a fight between those who honor the Court and those who don't. It was precisely Chief Justice Rehnquist and Justice Stevens's dissents that demonstrated to me the need to offer an amendment. I revere the Court so much that I believe arguments in dissent can sometimes contain more wisdom than the arguments of the majority.

The real question is: Are we going to protect Old Glory or not?

So, while I join this symbolic resolution, I do so realizing that only a constitutional amendment will do the job. I hope I can have our colleagues' support as we move forward.

Mr. SAXTON. Mr. Speaker, throughout history, the Stars and Stripes have been exalted as the embodiment of the liberty and freedom upon which the United States of America was founded. The Stars and Stripes have stood by this land and its people through more than two centuries of struggle for the liberty and freedom that we are enjoying today. The comradery between the American flag and American men and women throughout these 200 years has established a priceless blueprint for freedom that is admired and desired throughout the world.

Our love and pride in our flag, Mr. Speaker, was undisputed until last week. The Supreme Court, the highest court of the land, illegitimized our reverence for the Old Glory when they nullified our flag-desecration laws. The Supreme Court has illegitimized the lives and courage of the men and women that have fought for this country, and has minimized the efforts of our military veterans, particularly the Iwo Jima battle during World War II. I hope that members of the Supreme Court have not forgotten that it took 6,000 American lives to raise that flag on that island. These courageous marines risked death to raise the flag of the United States of America, while their fellow marines were dying at their feet so that we could maintain our freedom today. Throughout our proud American history, American dying and sacrifice have been done in the name of freedom. The Stars and Stripes is the living, revered, and timeless symbol of all of our freedoms.

With the greatest of disappointments, I rise today in disagreement with the Supreme Court's toleration of the burning of the American flag. I believe that this action by the Supreme Court requires an act of Congress to add to the Constitution of our Nation. To this end, I will do whatever is necessary to explicitly declare that the majority of the men and women in this country do not condone desecration of the American flag be upheld.

Mr. DELLUMS. Mr. Speaker, I rise to associate myself with the remarks of my esteemed colleague from New York [Mr. WEISS].

Mr. Speaker, the Supreme Court has discharged its responsibility of protecting individual rights in this matter. While I eschew the desecration of any symbol of freedom and liberty, as these principles are under attack today more than in recent memory, I feel compelled to observe that the Court has dealth with a controversial and divisive issue and has adopted a position in support of individual freedom and in support of the Bill of Rights.

The Supreme Court, is intended to be guardian of the rights of citizens, immune from day-to-day sentiments that, while they may for an instant be popular, may also work in the long-term against the prerogatives of the individual. Freedom must be cherished, even in the face of seemingly overwhelming patriotic reasons for its curtailment. The Court acted prudently in the case of Texas versus Johnson, choosing to disregard the nationalist reasoning of the State in favor of the overwhelming interest of the individual.

Disquieting as it may be, it is a poignant irony that the right to express oneself by burning the flag is protected by the flag itself; that those who died for the flag died to preserve that right.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and agree to the resolution, House Resolution 186.

The question was taken.

Mr. BROOKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further

proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 186, the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. VOLKMER). Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1594, by the yeas and nays;

H.R. 1048, by the yeas and nays; and

H. Res. 186, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

EXTENDING MOST FAVORED NATION STATUS FOR HUNGARY FOR 5 YEARS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1594, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 1594, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 242, nays 172, not voting 18, as follows:

[Roll No. 109]

YEAS—242

Ackerman	Borski	Clement
Akaka	Bosco	Clinger
Alexander	Boucher	Coleman (MO)
Anderson	Boxer	Coleman (TX)
Andrews	Brennan	Conte
Annunzio	Brooks	Conyers
Anthony	Brown (CA)	Cooper
Aspin	Bruce	Coughlin
Atkins	Bustamante	Coyne
AuCoin	Campbell (CA)	Crockett
Bates	Campbell (CO)	de la Garza
Beilenson	Cardin	DeFazio
Bennett	Carper	Dellums
Bereuter	Carr	Dicks
Berman	Chandler	Dingell
Bevill	Chapman	Dixon
Bilbray	Clarke	Donnelly
Bonior	Clay	Dorgan (ND)
Downey	Lancaster	Roe
Durbin	Lantos	Rogers
Dwyer	Leath (TX)	Rose
Dymally	Lehman (CA)	Rostenkowski
Early	Lehman (FL)	Rowland (GA)
Eckart	Leland	Roybal
Edwards (CA)	Levin (MI)	Russo
Engel	Levine (CA)	Sabo
Espy	Lewis (GA)	Saiki
Evans	Lipinski	Sangmeister
Fascell	Long	Sarpalius
Fazio	Lowey (NY)	Savage
Feighan	Luken, Thomas	Sawyer
Flippo	Machtley	Saxton
Foglietta	Madigan	Scheuer
Ford (MI)	Manton	Schneider
Ford (TN)	Markey	Schroeder
Frank	Martinez	Schuette
Frenzel	Matsui	Schumer
Frost	Mavroules	Sharp
Gallo	Mazzoli	Sikorski
Garcia	McCloskey	Sisisky
Gaydos	McDermott	Skaggs
Gejdenson	McEwen	Slattery
Gephardt	McHugh	Slaughter (NY)
Gibbons	McMillen (MD)	Smith (FL)
Glickman	Meyers	Smith (NE)
Gonzalez	Mfume	Smith (NJ)
Gordon	Miller (CA)	Smith (VT)
Gradison	Mineta	Snowe
Grandy	Moakley	Solarz
Gray	Mollohan	Spratt
Green	Moody	Stallings
Guarini	Morrison (CT)	Stangeland
Gunderson	Mrazek	Stark
Hall (OH)	Murtha	Stokes
Hamilton	Nagle	Studds
Hatcher	Neal (NC)	Swift
Hawkins	Nowak	Synar
Hayes (IL)	Oakar	Tanner
Hertel	Oberstar	Thomas (CA)
Hoagland	Obey	Thomas (GA)
Hochbrueckner	Olin	Torres
Houghton	Owens (NY)	Torricelli
Hoyer	Owens (UT)	Towns
Hubbard	Pallone	Traxler
Jacobs	Panetta	Udall
Johnson (CT)	Parris	Unsoeld
Johnson (SD)	Payne (NJ)	Vander Jagt
Johnston	Payne (VA)	Vento
Jones (GA)	Pease	Visclosky
Jones (NC)	Pelosi	Waxman
Jontz	Perkins	Weber
Kaptur	Pickett	Weiss
Kastenmeier	Porter	Wheat
Kennedy	Poshard	Williams
Kennelly	Price	Wilson
Kildee	Pursell	Wise
Kleczka	Rahall	Wolpe
Kolter	Ravenel	Wyden
Kostmayer	Ray	Yates
LaFalce	Richardson	Yatron
Lagomarsino	Ridge	

NAYS—172

Applegate	Dickinson	Hiler
Armey	Dornan (CA)	Holloway
Baker	Douglas	Hopkins
Ballenger	Dreier	Horton
Barnard	Duncan	Huckaby
Bartlett	Dyson	Hughes
Barton	Edwards (OK)	Hunter
Bateman	Emerson	Hutto
Bilirakis	English	Hyde
Bliley	Erdreich	Inhofe
Boehlert	Fawell	Ireland
Broomfield	Fields	James
Browder	Fish	Jenkins
Brown (CO)	Gallegly	Kanjorski
Buechner	Gekas	Kasich
Bunning	Gillmor	Kolbe
Burton	Gilman	Kyl
Byron	Gingrich	Leach (IA)
Callahan	Goss	Lent
Coble	Grant	Lewis (CA)
Combest	Hall (TX)	Lewis (FL)
Cox	Hammerschmidt	Lightfoot
Craig	Hancock	Livingston
Crane	Hansen	Lloyd
Dannemeyer	Harris	Lowery (CA)
Darden	Hastert	Lukens, Donald
Davis	Hayes (LA)	Marlenee
DeLay	Hefner	Martin (IL)
Derrick	Henry	Martin (NY)
DeWine	Herger	McCandless
McCollum	Quillen	Solomon
McCrery	Regula	Spence
McCurdy	Rhodes	Stearns
McDade	Rinaldo	Stenholm
McGrath	Ritter	Stump
McMillan (NC)	Roberts	Sundquist
McNulty	Robinson	Tallon
Michel	Rohrabacher	Tauke
Miller (OH)	Roth	Tauzin
Molinari	Roukema	Thomas (WY)
Montgomery	Rowland (CT)	Traficant
Moorhead	Schaefer	Upton
Morella	Schiff	Valentine
Morrison (WA)	Schulze	Volkmer
Murphy	Sensenbrenner	Vucanovich
Myers	Shaw	Walgren
Natcher	Shays	Walker
Nelson	Shumway	Walsh
Nielson	Shuster	Watkins
Ortiz	Skeen	Weldon
Oxley	Skelton	Whittaker
Packard	Slaughter (VA)	Whitten
Parker	Smith (MS)	Wolf
Pashayan	Smith (TX)	Wylie
Patterson	Smith, Denny (OR)	Young (AK)
Paxon	Smith, Robert (NH)	Young (FL)
Penny	Smith, Robert (OR)	
Petri		
Pickle		

NOT VOTING—18

Archer	Courter	Miller (WA)
Bentley	Flake	Neal (MA)
Boggs	Florio	Rangel
Bryant	Goodling	Smith (IA)
Collins	Hefley	Staggers
Costello	Laughlin	Wright

□ 1948

Messrs. ROBINSON, VOLKMER, MICHEL, SKELTON, PASHAYAN, EMERSON, and HUGHES changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1950

LEGISLATIVE PROGRAM

(By unanimous consent, Mr. GEPHARDT was allowed to speak out of order.)

Mr. GEPHARDT. Mr. Speaker, I would like to announce to the House the plans for the rest of the evening. We have one vote on H.R. 1048, the Hate Crime Statistics Act. That will be a 5-minute vote. Then we have a vote on House Resolution 186, having to do with the Supreme Court decision on the flag. That will also be a 5-minute vote. That will be the last vote for today.

The District bill be brought up this evening but there will be no votes on it. If there are votes required, they will take place tomorrow morning.

ANNOUNCEMENT BY THE SPEAKER

Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

HATE CRIME STATISTICS ACT

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 1048, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the bill, H.R. 1048, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 368, nays 47, not voting 17, as follows:

[Roll No. 110]

YEAS—368

Ackerman	Dreier	James
Akaka	Duncan	Jenkins
Alexander	Durbin	Johnson (CT)
Anderson	Dwyer	Johnson (SD)
Andrews	Dymally	Johnston
Annunzio	Dyson	Jones (GA)
Anthony	Early	Jones (NC)
Applegate	Eckart	Jontz
Aspin	Edwards (CA)	Kanjorski
Atkins	Edwards (OK)	Kaptur
AuCoin	Engel	Kasich
Barnard	English	Kastenmeier
Bartlett	Erdreich	Kennedy
Bateman	Espy	Kennelly
Bates	Evans	Kildee
Beilenson	Fascell	Kleczka
Bennett	Fawell	Kolbe
Bereuter	Fazio	Kolter
Berman	Feighan	Kostmayer
Bevill	Fish	LaFalce
Bilbray	Flippo	Lagomarsino
Bilirakis	Foglietta	Lancaster
Bliley	Ford (MI)	Lantos
Boehlert	Ford (TN)	Leach (IA)
Bonior	Frank	Leath (TX)
Borski	Frenzel	Lehman (CA)
Bosco	Frost	Lehman (FL)
Boucher	Gallegly	Leland
Boxer	Gallo	Lent
Brennan	Garcia	Levin (MI)
Brooks	Gaydos	Levine (CA)
Broomfield	Gejdenson	Lewis (CA)
Browder	Gekas	Lewis (FL)
Brown (CA)	Gephardt	Lewis (GA)
Brown (CO)	Gibbons	Lightfoot
Bruce	Gillmor	Lipinski
Buechner	Gilman	Livingston
Bustamante	Gingrich	Lloyd
Campbell (CA)	Glickman	Long
Campbell (CO)	Gonzalez	Lowery (CA)
Cardin	Gordon	Lowey (NY)
Carper	Gradison	Luken, Thomas
Carr	Grandy	Lukens, Donald
Chandler	Grant	Machtley
Chapman	Gray	Madigan
Clarke	Green	Manton
Clay	Guarini	Markey
Clement	Gunderson	Martin (IL)
Clinger	Hall (OH)	Martin (NY)
Coleman (MO)	Hall (TX)	Martinez
Coleman (TX)	Hamilton	Matsui
Conte	Harris	Mavroules
Conyers	Hastert	Mazzoli
Cooper	Hatcher	McCloskey
Coughlin	Hawkins	McCollum
Cox	Hayes (IL)	McCrery
Coyne	Hayes (LA)	McCurdy
Craig	Hefner	McDade
Crockett	Henry	McDermott
Darden	Hertel	McEwen
Davis	Hiler	McGrath
de la Garza	Hoagland	McHugh
DeFazio	Hochbrueckner	McMillan (NC)
Dellums	Horton	McMillen (MD)
Derrick	Houghton	McNulty
DeWine	Hoyer	Meyers
Dickinson	Hubbard	Mfume
Dicks	Huckaby	Michel
Dingell	Hughes	Miller (CA)
Dixon	Hyde	Miller (OH)
Donnelly	Inhofe	Miller (WA)
Dorgan (ND)	Ireland	Mineta
Downey	Jacobs	Moakley
Molinari	Richardson	Spratt
Mollohan	Ridge	Stallings
Montgomery	Rinaldo	Stangeland
Moody	Ritter	Stark
Moorhead	Roberts	Stenholm
Morella	Roe	Stokes
Morrison (CT)	Rohrabacher	Studds
Morrison (WA)	Rose	Sundquist
Mrazek	Rostenkowski	Swift
Murphy	Roukema	Synar
Murtha	Rowland (CT)	Tallon
Myers	Rowland (GA)	Tanner
Nagle	Roybal	Tauke
Natcher	Russo	Tauzin
Neal (NC)	Sabo	Thomas (CA)
Nelson	Saiki	Thomas (GA)
Nowak	Sangmeister	Torres
Oakar	Sarpalius	Torricelli
Oberstar	Savage	Towns
Obey	Sawyer	Traficant
Olin	Saxton	Traxler
Ortiz	Schaefer	Udall
Owens (NY)	Scheuer	Unsoeld
Owens (UT)	Schiff	Upton
Oxley	Schneider	Valentine
Packard	Schroeder	Vander Jagt
Pallone	Schuette	Vento
Panetta	Schulze	Visclosky
Parker	Schumer	Vucanovich
Parris	Sensenbrenner	Walgren
Pashayan	Sharp	Walker
Patterson	Shaw	Walsh
Paxon	Shays	Watkins
Payne (NJ)	Shuster	Waxman
Payne (VA)	Sikorski	Weber
Pease	Sisisky	Weiss
Pelosi	Skaggs	Weldon
Penny	Skeen	Wheat
Perkins	Skelton	Whitten
Pickett	Slattery	Williams
Pickle	Slaughter (NY)	Wilson
Porter	Slaughter (VA)	Wise
Poshard	Smith (FL)	Wolf
Price	Smith (NE)	Wolpe
Pursell	Smith (NJ)	Wyden
Rahall	Smith (VT)	Wylie
Ravenel	Snowe	Yates
Ray	Solarz	Yatron
Regula	Solomon	Young (FL)
Rhodes	Spence	

NAYS—47

Armey	Goss	Roth
Baker	Hammerschmidt	Shumway
Ballenger	Hancock	Smith (MS)
Barton	Hansen	Smith (TX)
Bunning	Herger	Smith, Denny (OR)
Burton	Holloway	Smith, Robert (NH)
Byron	Hopkins	Smith, Robert (OR)
Callahan	Hunter	Stearns
Coble	Hutto	Stump
Combest	Kyl	Thomas (WY)
Crane	Marlenee	Volkmer
Dannemeyer	McCandless	Whittaker
DeLay	Nielson	Young (AK)
Dornan (CA)	Petri	
Douglas	Quillen	
Emerson	Robinson	
Fields	Rogers	

NOT VOTING—17

Archer	Courter	Neal (MA)
Bentley	Flake	Rangel
Boggs	Florio	Smith (IA)
Bryant	Goodling	Staggers
Collins	Hefley	Wright
Costello	Laughlin	

□ 2001

Mr. STEARNS changed his vote from "yea" to "nay."

Mr. LIVINGSTON changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on certain group characteristics."

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE FLAG OF THE UNITED STATES

The SPEAKER. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 186.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and agree to the resolution, House Resolution 186, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 5, not voting 16, as follows:

[Roll No. 111]

YEAS—411

Ackerman	Combest	Gaydos
Akaka	Conte	Gejdenson
Alexander	Conyers	Gekas
Anderson	Cooper	Gephardt
Andrews	Costello	Gibbons
Annunzio	Coughlin	Gillmor
Anthony	Cox	Gilman
Applegate	Coyne	Gingrich
Armey	Craig	Glickman
Aspin	Crane	Gonzalez
Atkins	Dannemeyer	Gordon
AuCoin	Darden	Goss
Baker	Davis	Gradison
Ballenger	de la Garza	Grandy
Barnard	DeFazio	Grant
Bartlett	DeLay	Gray
Barton	Derrick	Green
Bateman	DeWine	Guarini
Bates	Dickinson	Gunderson
Beilenson	Dicks	Hall (OH)
Bennett	Dingell	Hall (TX)
Bereuter	Dixon	Hamilton
Berman	Donnelly	Hammerschmidt
Bevill	Dorgan (ND)	Hancock
Bilbray	Dornan (CA)	Hansen
Bilirakis	Douglas	Harris
Bliley	Downey	Hastert
Boehlert	Dreier	Hatcher
Bonior	Duncan	Hawkins
Borski	Durbin	Hayes (IL)
Bosco	Dwyer	Hayes (LA)
Boucher	Dymally	Hefner
Boxer	Dyson	Henry
Brennan	Early	Herger
Brooks	Eckart	Hertel
Broomfield	Edwards (CA)	Hiler
Browder	Edwards (OK)	Hoagland
Brown (CA)	Emerson	Hochbrueckner
Brown (CO)	Engel	Holloway
Bruce	English	Hopkins
Buechner	Erdreich	Horton
Bunning	Espy	Houghton
Burton	Evans	Hoyer
Bustamante	Fascell	Hubbard
Byron	Fawell	Huckaby
Callahan	Fazio	Hughes
Campbell (CA)	Feighan	Hunter
Campbell (CO)	Fields	Hutto
Cardin	Fish	Hyde
Carper	Flippo	Inhofe
Carr	Foglietta	Ireland
Chandler	Ford (MI)	Jacobs
Chapman	Ford (TN)	James
Clarke	Frank	Jenkins
Clement	Frenzel	Johnson (CT)
Clinger	Frost	Johnson (SD)
Coble	Gallegly	Johnston
Coleman (MO)	Gallo	Jones (GA)
Coleman (TX)	Garcia	Jones (NC)

Jontz	Murtha	Shuster
Kanjorski	Myers	Sikorski
Kaptur	Nagle	Sisisky
Kasich	Natcher	Skaggs
Kastenmeier	Neal (NC)	Skeen
Kennedy	Nelson	Skelton
Kennelly	Nielson	Slattery
Kildee	Nowak	Slaughter (NY)
Kleczka	Oakar	Slaughter (VA)
Kolbe	Oberstar	Smith (FL)
Kolter	Obey	Smith (MS)
Kostmayer	Olin	Smith (NE)
Kyl	Ortiz	Smith (NJ)
LaFalce	Owens (NY)	Smith (TX)
Lagomarsino	Owens (UT)	Smith (VT)
Lancaster	Oxley	Smith, Denny (OR)
Lantos	Packard	Smith, Robert (NH)
Leach (IA)	Pallone	Smith, Robert (OR)
Leath (TX)	Panetta	Snowe
Lehman (CA)	Parker	Solarz
Lehman (FL)	Parris	Solomon
Leland	Pashayan	Spence
Lent	Patterson	Spratt
Levin (MI)	Paxon	Stallings
Levine (CA)	Payne (NJ)	Stangeland
Lewis (CA)	Payne (VA)	Stark
Lewis (FL)	Pease	Stearns
Lewis (GA)	Pelosi	Stenholm
Lightfoot	Penny	Stokes
Lipinski	Perkins	Studds
Livingston	Petri	Stump
Lloyd	Pickett	Sundquist
Long	Pickle	Swift
Lowery (CA)	Porter	Synar
Lowey (NY)	Poshard	Tallon
Luken, Thomas	Price	Tanner
Lukens, Donald	Pursell	Tauke
Machtley	Quillen	Tauzin
Madigan	Rahall	Thomas (CA)
Manton	Ravenel	Thomas (GA)
Markey	Ray	Thomas (WY)
Marlenee	Regula	Torres
Martin (IL)	Rhodes	Torricelli
Martin (NY)	Richardson	Towns
Martinez	Ridge	Traficant
Matsui	Rinaldo	Traxler
Mavroules	Ritter	Udall
Mazzoli	Roberts	Unsoeld
McCandless	Robinson	Upton
McCloskey	Roe	Valentine
McCollum	Rogers	Vander Jagt
McCrery	Rohrabacher	Vento
McCurdy	Rose	Visclosky
McDade	Rostenkowski	Volkmer
McDermott	Roth	Vucanovich
McEwen	Roukema	Walgren
McGrath	Rowland (CT)	Walker
McHugh	Rowland (GA)	Walsh
McMillan (NC)	Roybal	Watkins
McMillen (MD)	Russo	Waxman
McNulty	Sabo	Weber
Meyers	Saiki	Weldon
Mfume	Sangmeister	Wheat
Michel	Sarpalius	Whittaker
Miller (CA)	Sawyer	Whitten
Miller (OH)	Saxton	Williams
Miller (WA)	Schaefer	Wilson
Mineta	Scheuer	Wise
Moakley	Schiff	Wolf
Molinari	Schneider	Wolpe
Mollohan	Schroeder	Wyden
Montgomery	Schuette	Wylie
Moody	Schulze	Yates
Moorhead	Schumer	Yatron
Morella	Sensenbrenner	Young (AK)
Morrison (CT)	Sharp	Young (FL)
Morrison (WA)	Shaw	
Mrazek	Shays	
Murphy	Shumway	

NAYS—5

Clay	Dellums	Weiss
Crockett	Savage	

NOT VOTING—16

Archer	Flake	Rangel
Bentley	Florio	Smith (IA)
Boggs	Goodling	Staggers
Bryant	Hefley	Wright
Collins	Laughlin	
Courter	Neal (MA)	

□ 2010

Mr. SMITH of Texas and Mr. LEWIS of Georgia changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2696, ENERGY AND WATER DEVELOPMENT APPROPRIATION, 1990

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-115) on the resolution (H. Res. 187) waiving certain points of order against consideration of the bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day.

The Chair recognizes the gentleman from the District of Columbia [Mr. FAUNTROY].

LIMITING THE LENGTH OF TIME AN INDIVIDUAL MAY BE INCARCERATED FOR CIVIL CONTEMPT IN A CHILD CUSTODY CASE IN THE DISTRICT OF COLUMBIA SUPERIOR COURT

Mr. FAUNTROY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 2136) to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in a child custody case in the Superior Court of the District of Columbia and to provide for expedited appeal procedures to the District of Columbia Court of Appeals for individuals found in civil contempt in such a case, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from the District of Columbia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON TERM OF INCARCERATION IMPOSED FOR CONTEMPT IN CHILD CUSTODY CASES.

(a) SUPERIOR COURT. Section 11-944 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) Subject to the limitation described in subsection (b), and in addition"; and

(2) by adding at the end the following new subsection:

"(b) In any proceeding for custody of a minor child conducted in the Family Division of the Superior Court under section 11-1101(1), no individual may be imprisoned for more than 18 months pursuant to the contempt power described in subsection (a) for disobedience of an order or for contempt committed in the presence of the court.".

(b) DISTRICT OF COLUMBIA COURT OF APPEALS. Section 11-741 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) Subject to the limitation described in subsection (b), and in addition"; and

(2) by adding at the end the following new subsection:

"(b) In the hearing of an appeal from an order of the Superior Court of the District of Columbia regarding the custody of a minor child, no individual may be imprisoned for more than 18 months for disobedience of an order or for contempt committed in the presence of the court pursuant to the contempt power described in subsection (a).".

SEC. 2. EXPEDITED APPEALS PROCESS FOR INDIVIDUALS INCARCERATED FOR CONTEMPT IN CHILD CUSTODY CASES.

Section 11-721 of the District of Columbia Code is amended by adding at the end the following new subsection:

"(f) The District of Columbia Court of Appeals shall hear an appeal from an order of the Superior Court of the District of Columbia holding an individual in contempt and imposing the sanction of imprisonment on such individual in the course of a case for custody of a minor child not later than 60 days after such individual requests that an appeal be taken from that order.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to individuals imprisoned for disobedience of an order or for contempt committed in the presence of the Superior Court of the District of Columbia or the District of Columbia Court of Appeals in the course of a case for custody of a minor child on or after January 1, 1987.

Mr. FAUNTROY (during the reading). Mr. Speaker, I ask unanimous consent that the bill be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from the District of Columbia?

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the resolving clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Civil Contempt Imprisonment Limitation Act of 1989".

SEC. 2. LIMITATION ON TERM OF INCARCERATION IMPOSED FOR CIVIL CONTEMPT.

(a) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.—Section 11-944 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) In addition"; and

(2) by adding at the end the following new subsections:

(b)(1) Except as provided in paragraph (2), no individual may be imprisoned for more than 12 consecutive months for civil contempt pursuant to the contempt power described in subsection (a) for disobedience of an order or for contempt committed in the presence of the court.

"(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to subsection (c) may be imprisoned until the completion of such individual's trial for criminal contempt, except that in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).

"(c)(1) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order pursuant to subsection (a) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except that an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90-day period that begins on the date of the enactment of this subsection.

"(2) The trial of an individual prosecuted for criminal contempt pursuant to this subsection—

"(A) shall begin not later than 90 days after the date on which such individual is charged with criminal contempt;

"(B) shall, upon the request of the individual, be a trial by jury; and

"(C) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a).".

(b) DISTRICT OF COLUMBIA COURT OF APPEALS.—Section 11-741 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) In addition"; and

(2) by adding at the end the following new subsections:

"(b)(1) Except as provided in paragraph (2), no individual may be imprisoned for more than 12 consecutive months for civil contempt pursuant to the contempt power described in subsection (a) for disobedience of an order or for contempt committed in the presence of the court.

"(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to subsection (c) may be imprisoned until the completion of such individual's trial for criminal contempt, except that in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).

"(c)(1) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order pursuant to subsection (a) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except that an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90-day period that begins on the date of the enactment of this subsection.

"(2) The trial of an individual prosecuted for criminal contempt pursuant to this subsection—

"(A) shall begin no later than 90 days after the date on which such individual is charged with criminal contempt;

"(B) shall, upon the request of the individual, be a trial by jury; and

"(C) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a).".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

Mr. FAUNTROY (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from the District of Columbia?

There was no objection.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 2136 as amended will statutorily limit incarceration for civil contempt in the District of Columbia to 12 months unless a charge of criminal contempt is filed against the individual. It was fashioned after similar legislation in California and Wisconsin. H.R. 2136 also states that an individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order and who continues to disobey the court's order may be prosecuted for criminal contempt at any time before the expiration of the 12-month period that begins on the first day of that individual's imprisonment. In that case, Mr. Speaker, the individual may be held in jail until the completion of the criminal contempt trial, but not longer than 18 months.

Mr. Speaker, it is important to point out that H.R. 2136 does not seek to place a limitation on the amount of time an individual can be sentenced to serve if convicted of criminal contempt. That is not the aim of H.R. 2136—it is simply to preserve the basic rights of individuals to due process under the law.

H.R. 2136 strikes a balance that gives the individual the option of a trial by a jury of his peers after a reasonable period of time has been allowed for the court to exercise its coercive powers.

Mr. Speaker, section 2(a) of the bill amends section 11-944 of the District of Columbia Code regarding the contempt power of District of Columbia Superior Court judges and inserts the following new subsections thereto:

(b)(1). This subsection limits imprisonment for civil contempt to twelve (12) consecutive months, except when a trial is pending on the issue of criminal contempt.

(b)(2). This subsection provides that a person held in civil contempt may be imprisoned until the completion of that individual's trial for criminal contempt, but in no case longer than eighteen (18) months for civil contempt.

Subsection (c)(1) provides that an individual who has been imprisoned for six (6) consecutive months for civil contempt for disobedience of a court order and who continues to disobey that court order may be prosecuted for criminal contempt for that conduct within twelve (12) months of that person's incarceration.

Subsection (c)(2) provides that individuals incarcerated for civil contempt on the date of the bill's enactment may be prosecuted for criminal contempt at any time during the ninety (90) day period immediately following the effective date.

Subsection (c)(2) also requires that trials for criminal contempt "begin not later than ninety (90) days" after criminal contempt charges are filed. The person charged with criminal contempt would be entitled to a trial by jury. The trial could not be conducted by the same judge who ordered the individual incarcerated for civil contempt.

Mr. Speaker, section 2(b) amends section 11-741 of the District of Columbia Code in the same way regarding the contempt power of the District of Columbia Court of Appeals.

Further, Mr. Speaker, section 3 provides that amendments made by this act shall become effective on the date of the enactment of the Act.

SUBCOMMITTEE HEARING

Mr. Speaker, the Subcommittee on Judiciary and Education held a hearing on this bill on Tuesday, May 23, 1989. Witnesses included Congressman FRANK R. WOLF; Congresswomen CONSTANCE A. MORELLA; District councilmember James E. Nathanson (Ward 3); Ronald Goldfarb, Esq., of Goldfarb, Kaufman & O'Toole; Doug Rendleman, Esq., of the Washington and Lee Law School; Prof. Charles Ogletree of the Harvard Law School; and Prof. Robert J. Martineau of the University of Cincinnati College of Law.

The hearing record also includes written testimony and statements submitted by Congressman THOMAS J. BLILEY, Mary Anne Largen, of the National Network for Victims of Sexual Assault [NNBSA], and Mary Jane Defrank of the American Civil Liberties Union [ACLU].

SUBCOMMITTEE AND FULL COMMITTEE CONSIDERATION OF H.R. 2136

Mr. Speaker, on June 20, 1989, the Subcommittee on Judiciary and Education considered H.R. 2136. At markup, Congressman DANA ROHRABACHER introduced an amendment in the nature of a substitute, which was approved by a voice vote. The subcommittee then favorably reported the bill, as amended, to the full committee by a voice vote. Also on June 20, 1989, the full committee favorably reported

H.R. 2136, as amended, by a vote of 9 to 1.

It is evident, Mr. Speaker, that H.R. 2136 raises some questions regarding the Dr. Morgan child custody case presently pending before the superior court in the District of Columbia, certain questions which in fairness to my colleagues should be answered.

The major question is whether this legislation applies retroactively. The answer is yes. It does in a case where a person is incarcerated and has already served more then the 18 months on the date of the legislation's enactment. He or she will be entitled to be released. In such a case, however, the bill allows charges for criminal contempt to be brought within 90 days of enactment of the bill. Nonetheless, this is not a bill designed simply to address the Dr. Morgan case and her incarceration. It is intended to remedy an inequity in the law and encourage due process.

Mr. Speaker, H.R. 2136 has the full support of the ranking Republican, STAN PARRIS, as well as this gentleman. I urge my colleagues on both sides of the aisle to vote for passage of H.R. 2136.

Mr. PARRIS. Mr. Speaker, I move to strike the last word.

I rise in support of H.R. 2136 as amended by the committee amendment in the nature of a substitute.

This bill and its amendment are the result of a cooperative and fully bipartisan effort to address a deficiency noted within the D.C. Code. Enactment of this legislation will ensure that the due process rights of individuals in our Nation's capital city are not unfairly abridged while, at the same time, effectively preserving the civil contempt statute as a valuable coercive tool for use by the court in enforcing its orders.

H.R. 2136, as amended, would statutorily limit incarceration for civil contempt to 12 months unless a charge of criminal contempt is filed against the individual and criminal court proceedings are begun between the 6th and 12th months of incarceration. In that case, the individual may be held in jail until the completion of the trial, but not longer than 18 months. Language is also included which would require that criminal charges would be heard by a different judge than the one who had incarcerated the individual for civil contempt.

Conversely, if criminal contempt charges are not filed and criminal court action is not initiated before the end of the 12th month of incarceration for civil contempt, that individual may not be held in jail beyond the end of that 12th month.

I believe it is important to point out that we do not seek to place a limitation on the amount of time an individual can be sentenced to serve if convicted of criminal contempt—that was not our place. Our aim was to preserve the basic rights of individuals to due process under the law. I believe we have successfully met that goal in striking a balance that gives the individual the option of a trial by jury of his peers; but only after a reasonable period of time has been allowed for the court to exercise its coersive powers.

The case of Dr. Elizabeth Morgan is responsible for bringing to our attention the deficiencies of the D.C. Code with respect to civil contempt incarceration. The provisions of this legislation would apply retroactively to that case where Dr. Morgan has already served 4 months more than the 18 month cap. The only exception would be that the bill provides the court 90 days after date of enactment within which criminal contempt charges against Dr. Morgan could be brought. Of course, under what I like to think of as the clean slate provision, a criminal contempt case against Dr. Morgan, if any, would be heard by a judge other than Judge Dixon, who has held her in civil contempt for more than 22 months.

At the beginning of our May 21 hearings on this legislation before the D.C. Subcommittee on Judiciary and Education, I set out to answer two very important questions:

First: At what point does civil contempt incarceration for purposes of coercion become, instead, punishment—thereby constituting a direct infringement on an individual's due process rights; and

Second: At what point on the incarceration calendar should civil contempt automatically become criminal contempt, entitling the individual to a speedy trial by a jury of his peers.

Since those hearings, members of the committee have collectively worked in an effort to finally establish some statutory guidelines for the incarceration of individuals in contempt of court and to, at the same time, protect those individual's due process rights under the Constitution, as well as maintaining contempt proceedings as a tool of the court to bring about the proper administration of justice.

Mr. Speaker, H.R. 2136 as amended represents the answer to my two questions, and represents the success of our efforts and, therefore, has my unqualifed support.

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Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, the gentleman from Virginia [Mr. PARRIS] stated in his opening remarks that one of the reasons for supporting this legislation was what the gentleman termed to be a deficiency in the D.C. Code.

In other words, I do not want to put words in the mouth of the gentleman from Virginia [Mr. PARRIS], but is he suggesting that the D.C. Code, not having an absolute limit to incarcertion for civil contempt, he feel is deficient?

Mr. PARRIS. The gentleman from Illinois [Mr. DURBIN] is correct.

Mr. DURBIN. Could the gentleman from Virginia [Mr. PARRIS] tell me what the law is in his home State of Virginia on the same question?

Mr. PARRIS. Mr. Speaker, that is not the question we are addressing, I would say to the gentleman from Illinois [Mr. DURBIN]. We are addressing the D.C. Code right here. Right now we are about to fix it, I hope.

Mr. DYMALLY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the measure before us today is a bill which was considered by the Subcommittee on Education and Judiciary, which I chaired over a long period of time, and with much consultation with Members on both sides of the aisle, from very expert witnesses, and it corrects a deficiency in the D.C. Code.

However, Mr. Speaker, there are some other implications of this measure which trouble me, and that is that this bill was introduced for one individual, and in its original introduction it has a retroactive clause which was taken out to make it somewhat more objective. But in its present form it applies to one individual in the District who is now incarcerated because of contempt of court.

Mr. Speaker, I have been troubled by the nature of this legislation which was designed for a special interest, but I became more disturbed over the weekend when this particular person went on national television and said in effect that, if the court ordered her to have supervised visits with the father of her child, she will defy the court.

So what we have here, Mr. Speaker, is a case of defiance of the court. This is not a situation in where we are trying to help a persecuted or a prosecuted woman. This is a situation in which this has become the cause celebre among many people in the country, and what troubles me is the advocates of this bill are strong law and order people. They are people who on this floor urge Members of Congress to obey the law, to be tough on crime, to hang people for drug transactions. These are the proponents of this piece of measure, and this particular individual is no longer saying, "I am sacrificing my freedom in the interests of my child." She is saying in effect, "I'm going to defy the court. I don't care what the court says. I am not going to produce this child even under court supervision with a witness."

Furthermore, Mr. Speaker, her brother, I am told, was suspended or

had to take leave because of his defiance of this court order, and this was an officer of the court in his employ with the Department of Justice.

So, Mr. Speaker, here we have an entire family, one of whom by virtue of his admittance to the bar is an officer of the court and an employee directly of the Department of Justice, defying the court. This is not trying to help some woman who is incarcerated in the jail because of some inadequacy in the District Code. That is one point.

The other point, Mr. Speaker, is that the Committee on the District of Columbia has historically taken the position that we ought not to interfere with the District of Columbia. We ought not to interfere with the courts, and here it is, this committee, with one exception. It is saying to the court: We're going to change the system to help this one person, and I ask the question, Mr. Speaker, were this some poor woman on welfare in the ghetto, would we have come to her defense as we are now? Would we have waged a national campaign to get her out of jail and pass special legislation?

Mr. Speaker, I just leave that for the thoughts of the Members overnight when they vote tomorrow.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, let me say that I certainly agree with many of the sentiments expressed by the gentleman from California [Mr. DYMALLY].

I do want to make two statements, however, that I think enlighten other Members on the dimension of this measure.

The first is, of course, that under the D.C. Code and under title XI of the Home Rule Act the Congress retains the authority to enact legislation with respect to the judiciary, and I would have joined the gentleman from California [Mr. DYMALLY] in protesting this as a local matter, did the law permit that. However, we are acting within our rights and responsibilities on this question.

Second, I am sure the gentleman from California [Mr. DYMALLY] will agree that no matter who or what the circumstances of an individual, that person is entitled to due process, and I want to assure the gentleman that, if Dr. Morgan does defy a court order such as might follow the passage of this measure, that she would be subject to due process on the question of criminal contempt, in which case she could be incarcerated, not indefinitely, but incarcerated as a result.

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Mr. DYMALLY. If I may reclaim my time, Mr. Speaker.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DYMALLY was allowed to proceed for 1 additional minute.)

Mr. DYMALLY. Mr. Speaker, let me pose this question to the sponsors of this bill. This bill corrects a deficiency in the court system, as stated by my good friend, the gentleman from the District of Columbia. There is another deficiency in the court system, the supreme court. This is the only State in the Union without a supreme court. Are those Members going to rush to correct that deficiency?

Mr. FAUNTROY. Mr. Speaker, if the gentleman will yield further, I will certainly be calling upon them to rush to do that, and I see a smile on the face of the gentleman from Virginia [Mr. PARRIS]. He may well want to join me in that effort.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, I thank the gentleman for yielding to me.

I just want to publicly acknowledge, Mr. Speaker, that the chairman of this subcommittee, the gentleman from California [Mr. DYMALLY], has been a model of fairness and even-handedness in this entire matter. He scheduled hearings in a timely fashion, even though he opposes this bill. It is in the finest traditions of the Congress to permit the majority of this body to make the decision, and I thank the gentleman for his actions in this regard.

Mr. DYMALLY. Mr. Speaker, I thank the gentleman for that small consolation. I shall take it to the district.

Mr. ROHRABACHER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the bill before us contains the language of the substitute which I offered during subcommittee markup. I believe that this language provides a means of balancing the competing interests involved in civil contempt law for the District of Columbia.

No one contests that, if we are to have an orderly society based on law, judges must have reasonable and effective means to see that their orders are obeyed. Yet, too much power can be placed in the hands of judges. This is evident when one examines our system and sees that a judge, under current D.C. law, can effectively sentence someone without a trial to life imprisonment for continuing civil contempt.

H.R. 2136 as amended does two things. First, it sets a cap on the amount of time someone can be imprisoned for civil contempt in the District of Columbia. This cap is generally 12 months. I believe that the possibility of spending 1 year in jail is sufficient to cause compliance with court orders in almost all cases. This belief is supported by testimony we received in subcommittee hearings on this bill. Setting an even shorter limit on civil contempt confinement in Wisconsin did not result in more people disobeying court orders.

Second, H.R. 2136 as amended allows a 6-month period to charge with criminal contempt anyone continuing to disobey a court order once they have been imprisoned for at least 6 months. Someone charged with criminal contempt may remain in prison for civil contempt for up to a total of 18 months. Trial for criminal contempt must begin no later than 90 days after charges are brought, must be by jury trial if requested by the defendant, and must be before a different judge than the one who imprisoned the defendant for civil contempt. The ability of a new judge to hold a defendant without bail for trial on criminal contempt charges is not affected by this legislation.

In the case of someone who is already imprisoned for civil contempt when this bill is enacted, a seperate period of 90 days, beginning with the date of enactment, is allowed for bringing criminal contempt charges.

Judges can be stubborn and protective of their authority just as a mother is stubborn and protective of her child.

But our current system is not intended as a vehicle to protect judges' authority. It is a system to find the truth and promote justice.

Mr. Speaker, it is not just that anyone should be incarcerated indefinitely without the right to a jury trial. Judges are not meant to be all powerful. In this country the people still hold the power; in our judicial system, that means the jury, not the judge, should make decisions such as we are addressing today.

In summary, I believe that H.R. 2136, as amended, strikes the proper balance between ensuring due process for those charged with civil contempt, and making sure that judges have effective means of enforcing their orders. I ask my colleagues for their support of this bill.

Now, we have heard tonight that this bill may have been introduced, or supposedly was introduced to help one individual. I can testify that I have not studied the case of any individual that is in question. I look at the principle. The principle is what we are talking about and the principle is that someone who is being incarcerated for a long period of time should not be incarcerated unless they have a jury trial.

I would suggest that law and order people do believe that the State

should be strong, but in dealing with criminals. We are talking about a civil matter where you have an honest disagreement between two basically honest people when you are talking about a civil issue. In cases like that, it is proper, very proper, to demand that there be certain restrictions on State power, especially on the arbitrary power of a judge.

So I would suggest that what this bill is all about is not one particular case. This bill is about the fundamental principle that if someone is going to be incarcerated for long periods of time, that he or she has the right to a jury trial.

Mr. WOLF. Mr. Speaker, I move to strike the last word.

Mr. Speaker, let me just comment on the one question that was asked by the gentleman from California. This bill would protect anyone who is in this situation, a welfare mother or anyone. I think it ought to, and I think that is absolutely important. I think it was a fair question, but I think the answer is that it would.

Mr. Speaker, I rise today in support of H.R. 2136. As the sponsor of this legislation, I want to thank Chairmen DYMALLY and DELLUMS for moving this legislation through the District of Columbia Committee so quickly.

There are several points I want to make about this legislation.

First, the bill represents a compromise. My original bill provided for an absolute 18-month cap on civil contempt imprisonments. The legislation was modeled after statutes in effect in California and Wisconsin and a Federal statute which places an 18-month cap on imprisonment for civil contempt in the case of a recalcitrant grand jury witness.

After thorough hearings in the District of Columbia Subcommittee on Judiciary and Education, we amended the bill. The amendment was designed to answer the criticism that an 18-month cap would provide an incentive for individuals to merely "wait out" the 18-month period without complying.

The amendment that was added in committee still provides for a cap on imprisonment for civil contempt of 12 months, but allows the prosecutor to charge an individual so imprisoned with criminal contempt.

Therefore, if the circumstances merit, an individual can be kept in prison, but only with the benefit of a jury trial and other due process protections afforded any criminal defendant. This prevents a person from avoiding compliance by "waiting out" the contempt period. The threat of criminal prosecution also provides an additional incentive for the individual to comply with the judge's order.

This is a good compromise which corrects the problem we are trying to address while at the same time preserving judicial authority to coerce compliance in the courtroom.

Second, while the problem in the law of civil contempt was brought to my attention by the case of Dr. Elizabeth Morgan, this bill is neutral in the Morgan case controversy. It neither supports nor opposes her case with her former husband, Dr. Eric Foretich.

Their controversy is not the issue we are addressing with this legislation. Rather, the issue is the flaw in current law that allows an individual to be imprisoned indefinitely—longer than many drug dealers and burglars—for civil contempt without any of the protections afforded to any criminal defendant.

Third, the problem inherent in the current law is aptly illustrated in the Morgan-Foretich case where a 6-year-old girl named Hilary has been caught in the process.

District of Columbia Court of Appeals Judge John Steadman summed up the situation perfectly in reviewing the case last year. Quoting a proverb from the Kikuyu tribe of Kenya, he said:

> When elephants fight, it is the grass that suffers. Here, the grass is a little girl. . . . For almost a year, she has been denied the company of both father and mother. She is the principal figure in a drama of appalling proportions, no matter the outcome.

For nearly 2 years, the process has been stalled.

This has only harmed Hilary. The legislation before us will move the process forward in Hilary's case and will prevent similar problems from occurring in other cases. It provides the best hope for finding Hilary and it addresses the flaw in the current system that allowed this situation to arise.

The law needs to be corrected and the legislation before us does that in a fair manner that balances the rights of individuals involved with the rights of a judge to enforce his lawful order.

I encourage my colleagues to support this bill, and I include the following article from Roll Call:

[From Roll Call, May 29–June 4, 1989]

ELIZABETH MORGAN CASE: WHAT CAN CONGRESS DO?

(By Representative Frank Wolf)

One of the most painful aspects of the American judicial system is child custody proceedings. While their purpose is to protect the interests of the child, the child is sometimes lost in the process.

Such is the case of a six-year-old named Hilary. For more than 20 months Hilary's mother, Dr. Elizabeth Morgan, has been imprisoned in the DC Jail for failing to produce Hilary pursuant to an order of District of Columbia Superior Court Judge Herbert Dixon.

Hilary's case involves alleged child abuse. Dr. Morgan was jailed for civil contempt in August 1987 after she refused to give Hilary up for a two-week unsupervised visit with her father, Dr. Eric Foretich.

Hilary's whereabouts and condition have remained unknown.

For nearly two years, one organization after another refused to become involved in the case and governmental agencies, for a variety of reasons, refused to look for Hilary.

For nearly two years, news stories appeared which focused on the controversy between Dr. Morgan and Dr. Foretich.

No one, however, seemed to be focusing on Hilary, a six-year-old child who must have lived through more pain and controversy than many adults face in a lifetime.

I believe that in cases such as this the interests of the child are paramount. We must think of the child first.

I do not believe that a child who is denied the care of either of her parents is being well served, and I do not believe it is appropriate that we not know where Hilary is or whether she is being cared for. This is not in the best interest of the child.

DC Court of Appeals Judge John Steadman summed up the situation perfectly in reviewing the case last year. Quoting a proverb from the Kikuyu tribe of Kenya he said: "When elephants fight, it is the grass that suffers. Here, the grass is a little girl. . . . For almost a year, she has been denied the company of both father and mother. She is the principal figure in a drama of appalling proportions, no matter the outcome."

Today, it is apparent to me that keeping Dr. Morgan in jail longer would not produce the desired result: Keeping her in jail would not produce Hilary. It is apparent that if an individual has not complied with an order of the court after 18 months, it is unlikely that the individual is going to comply.

Legislation I introduced in the House of Representatives (H.R. 2136) would limit to 18 months the length of time an individual could be incarcerated for civil contempt in child custody cases in the courts of the District of Columbia.

It is patterned after legislation enacted in California and Wisconsin. Those laws limit the length an individual can be imprisoned in the case of civil contempt in any circumstance. California provides for a 12-month limitation. Wisconsin provides for a six-month cap.

It is also patterned after current federal law, which limits the length of time a recalcitrant grand jury witness may be imprisoned to 18 months.

My bill recognizes that further incarceration of Dr. Morgan will only continue to penalize Hilary. It does not, however, take the case out of Judge Dixon's hands, but rather, it encourages the process to move forward.

My bill may not be the only solution to Hilary's situation. Nonetheless, testimony from hearings held in the District of Columbia subcommittee on judiciary and education last week indicated that there is a great deal of support among the states and in the legal community for my approach.

However, if the sole result of my bill is that it sparks the discussion which produces another responsible solution to the controversy, I will have considered my effort a success.

A system which punishes a child by allowing a parent who has been convicted of no crime to be imprisoned indefinitely—longer than many drug dealers, burglars, and armed robbers—without producing compliance, does not serve the interests of the child involved or of the parents involved. The law needs to be corrected and my legislation is a solid starting point.

H.R. 2136 HAS BROAD BIPARTISAN SUPPORT

Facts about H.R. 2136:

applies to all individuals imprisoned for civil contempt in the District of Columbia;

balances the interests of individuals with the interest of the judicial system;

has gained broad, bipartisan support including:

National Network for Victims of Sexual Assault;

Family Research Council (a division of Focus on the Family);

The National Organization for Women;

Prison Fellowship;

The Baltimore Sun; and

The Journal Newspapers.

H.R. 2136 has bipartisan support in the House.

At hearings in the District of Columbia Committee subcommittee on Judiciary and Education, expert legal witnesses from across the country have testified in support of the concept advanced in H.R. 2136.

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Mr. Speaker, in closing, let me just say this bill is broad-based, has strong support, is supported by the National Network for Victims of Sexual Assault, it is supported by the Family Research Council focused on the family, the National Organization for Women, the Prison Fellowship, and many newspapers, the Baltimore Sun, the Journal newspapers.

I want to again thank the chairman, the gentleman from California [Mr. DYMALLY], and the chairman, the gentleman from California [Mr. DELLUMS], and the other members of the committee. I think they have fashioned a fair and reasonable compromise, and I would urge the Member to support the bill.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I am happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I would like to ask the gentleman at the outset: When the Clerk read the bill, reference was made in the title of the bill to the fact that this bill or resolution supposedly applies to the incarceration for civil contempt in child-custody cases. As I review the bill, it seems to me that it goes beyond child-custody cases. Is that not true?

Mr. WOLF. It goes to all civil cases where an individual is held in civil contempt.

Mr. DURBIN. So that any civil action brought in the District of Columbia which results in a contempt citation regardless of the nature of the case, whether it is a personal-injury case, whether it has to do with child-support payments as opposed to child custody, it would be covered by this amendment to the United States Code, and this change in the law limiting the period of incarceration?

Mr. WOLF. The person involved in that case, I would say to my friend from Illinois, after a period of 12 months, would have the opportunity to have a jury trial whereby a jury of his or her peers could make that decision.

The SPEAKER pro tempore (Mr. MFUME). The time of the gentleman from Virginia [Mr. WOLF] has expired.

(At the request of Mr. DURBIN and by unanimous consent, Mr. WOLF was allowed to proceed for 5 additional minutes.)

Mr. DURBIN. Mr. Speaker, will the gentleman yield further?

Mr. WOLF. I am happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, could the gentleman tell me how many incidents we have had of incarceration of more than 12 months for civil contempt in the District of Columbia?

Mr. WOLF. There have been numerous cases of incarceration around the country. I do not know how many have been in the District of Columbia. This a very common problem in many, many parts of the country. As a result of that, that is why the State of Wisconsin passed its law limiting to 6 months, and that is why California limited theirs to 12.

Mr. DURBIN. If the gentleman will yield further, it is my understanding that this is the only case where someone has been incarcerated in the District of Columbia for more than 12 months under a civil contempt citation. My information may not be accurate, and if the gentleman has any additional information to suggest otherwise, I would appreciate it.

Mr. WOLF. I really do not. I think that I would answer the gentleman by saying this: We are the only body that has the ability to deal with this and the right of one individual or two individuals, whoever they are, in a circumstance like this anywhere in the country, and I think that we have in a case like this an individual who has been held in prison longer than many drug dealers and criminals with armed robbery, so even if it is just one, and even more to come, it would cover them.

Mr. DURBIN. If the gentleman will yield further for another question, the gentleman has stated in his statement to the body here that this resolution, this law, would be neutral on the Morgan case and, yet, if I am not mistaken, I believe that the Delegate from the District of Columbia suggested otherwise in his statement, that this legislation would, in fact, be retroactive as of the date of its effective date and would affect then the future course of action on the court in reference to Dr. Morgan.

Which is the case?

Mr. WOLF. What I said is while the problem in the law of civil contempt was brought to my attention with respect to the case of Dr. Elizabeth Morgan, this bill is neutral with regard to Elizabeth Morgan. It neither supports nor opposes her case. What would happen, I would tell the gentleman, is the district attorney in the District of Columbia would have the opportunity in 90 days to bring a criminal contempt and to try Dr. Morgan with a jury trial.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I am happy to yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, if I understand the gentleman's intent of his statement, it was that in no way is this bill intended to deal with the question of the custody of the young person involved here, to adjudicate the rights between the parents, in other words?

Mr. WOLF. The gentleman is correct.

Mr. PARRIS. There is no attempt to determine which of the parents is the more worthy of the custody and that sort of thing?

Mr. WOLF. That is correct.

Mr. PARRIS. We in no way address those questions? Is that correct?

Mr. WOLF. That is correct.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I am happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, is the gentleman then suggesting that though it would not resolve the merits of the issue, it would in fact resolve any future contempt citations which might be handed down against Dr. Morgan?

Mr. WOLF. What I think would happen, or what would happen under this, there would be an opportunity for the District of Columbia judicial system to bring Dr. Morgan to trial and to charge her for criminal contempt. At that time she would have an opportunity for a jury trial.

Mr. DURBIN. But they would be stopped by this legislation from any further civil contempt after it takes effect against Dr. Morgan?

Mr. WOLF. Civil. They would have criminal action, and clearly, as the gentleman knows, a criminal offense is a much stiffer penalty, a much stiffer action in a criminal.

Like I said earlier, it is like a caterpiller turning into a butterfly. It transforms, and it would be a much more difficult problem.

Mr. DURBIN. If the gentleman would yield for just one more question, and I thank him for yielding for this series of questions, so that I understand this, at the end of the limitation on the period of incarceration for civil contempt, if a respondent or a defendant in one of these cases still refuses to cooperate with the court and to divulge information, the court would then be powerless on the civil side to impose any kind of contempt citation, and the recourse would then be for criminal prosecution for criminal contempt? Is that correct?

Mr. WOLF. Yes. It would move into criminal contempt.

Mr. BATEMAN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I reluctantly rise in opposition to this legislation, and given the fact that the distinguished chairman of the committee and the distinguished ranking member of the committee are in agreement, I guess I should have gone home and applauded and said that the millenium has arisen. But, unfortunately, I must voice my opposition to enactment of this bill.

It is a better bill than that which was originally introduced. Certainly that much can clearly be said for it. What cannot be said for this bill is that it is not a direct and specific intrusion of the legislative process into the very vital aspect of an ongoing, pending litigation. That is not valid, sound public policy.

In all my years now of legislative experience, and that is some 21 now, going on 22 years, of experience, it has always been offensive in the legislative bodies in which I have previously served for legislative action to be applied retroactively to cases then pending prior to the effective date of the bill.

It is said here repeatedly that the purpose of this bill is not to do anything with respect to the ongoing Morgan child-custody case. If that is the case, then why is the bill written with a retroactive provision in it? Why is that retroactive provision stated in terms where only one person alive fits the condition for it being applied to them retroactively? And that is the Morgan case.

One can say until we are all blue in the face and expiring for breath that this has nothing to do with the Morgan case, that it is merely a matter of good, sound public policy, but it is not, frankly, credible to this Member at least. This is a Dr. Morgan-inspired bill to be applied to an ongoing case.

That is wrong for us to do. If we are so imbued with the sound public policy of this legislation, then strike the retroactive provisions or put in it that this bill shall not affect any pending litigation or parties to any litigation pending prior to the date of its enactment. That would make it fine, and that would let us address ourselves to the public-policy merits of the bill, which I am not sure it does not have public-policy merits, but it has no merit to take this bill and to apply it to pending litigation, because that litigation has inspired a great deal of headlines and where we, in effect, are intruding ourselves, however innocently, unknowingly, and unintentionally, into affecting the outcome of that litigation.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. BATEMAN. I am happy to yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, let me see if I can summarize at least my feelings or my position as one Member of this body and of this committee in regard to this matter as it relates to Dr. Morgan's case.

I clearly intend to permit Dr. Morgan to have a hearing as soon as possible under a criminal contempt proceeding which I assume Judge Dixon will now bring. That is his right, and it is her right to have that hearing.

□ 2050

Mr. BATEMAN. Reclaiming my time, the gentleman is simply pointing out further and further that this is a bill that directs itself to the outcome of pending litigation and parties to that litigation. The gentleman is talking about giving rights to someone to do something, and to have them amenable to a criminal prosecution and the availability of a jury trial when that is not a right, that is not the circumstances in which this person, a party to this pending litigation presently is exposed. We are changing the nature of that litigation and what the judge may or may not do. Whether rightly or wrongly, we are affecting the litigation and parties to it after the fact. And that in principle I believe to be wrong.

Mr. PARRIS. Will the gentleman yield to me further?

Mr. BATEMAN. I yield to the gentleman from Virginia.

Mr. PARRIS. I would say to the gentleman, if I had never heard of Dr. Morgan, and if there was no Dr. Morgan, if I had known of the circumstances in the District of Columbia Code as it relates to civil contempt, I would have taken the same position.

Mr. BATEMAN. Reclaiming my time, let me ask the gentleman a question. If he is so concerned about the public policy merits of the proposition, why has this bill directed itself to the District of Columbia? Why is it not addressed to the United States Code where all of the people of the United States would have the benefit of this remarkable transcending superior public policy position with regard to punishment for civil contempt?

Mr. PARRIS. I would say to my friend from Virginia, we are having enough trouble with the District of Columbia Code without attacking each State legislature in this matter around the Nation.

The SPEAKER pro tempore (Mr. MFUME). The time of the gentleman from Virginia [Mr. BATEMAN] has expired.

(On request of Mr. PARRIS and by unanimous consent, Mr. BATEMAN was allowed to proceed for 2 additional minutes.)

Mr. BATEMAN. Mr. Speaker, let me reclaim the time only long enough to say that my objection here, my comments, nothing goes to us doing anything as to State law. We are talking about Federal law under the Federal system and the United States Code, not the code of 50 States, most of which do not contain a provision such as this, but which we are now going to say, because of the appeal the gentleman from Virginia apparently finds in this case applicable to Dr. Morgan, this should be done in the District of Columbia, when if it is such a good idea it should have been done for all of the people of the United States.

Let me also respond to the chairman of the committee, the gentleman from the District of Columbia. This would not apply to all welfare mothers throughout the United States, because it does not apply to anything except those people under the D.C. judicial system. So it is not something that applies to everybody generically, it applies only in the District of Columbia, and it is only being offered for the District of Columbia because of one case, and it affects that case, and the litigants to it, and I think that is wrong in principle.

Mr. PARRIS. If the gentleman will yield further, let me just state to him that if the principle which he believes very strongly in in terms of incarceration turning into punishment at some point, if the principle is good for future defendants, for future similarly situated persons, then it is also good for Dr. Morgan. And if we make the legislation only prospective, then we say to this particular individual in this case, you sit there for 25 years, if that is what it takes for the judge to change his mind. I think that is what is wrong.

Mr. BATEMAN. Reclaiming my time, the gentleman very clearly demonstrates the accuracy of my statement that what he is doing is not future, prospective public policy, but to get at what he perceives to be an injustice under the present law as applied to present, pending litigation.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, we are the only body that has the authority to amend the D.C. Code. The D.C. City Council does not have the authority. We are the only body who can do this.

Second, this is a very common occurrence, in Texas, in Judy Mann's column, Washington State, Baltimore is going through the very same thing, the New York case. This is a very common occurrence whereby people have been driven underground. We do not have the authority, I would tell the gentleman from Virginia, to pass laws for all of the States, but this is the appropriate place and the only place who has the authority to do it.

The SPEAKER pro tempore. The time of the gentleman from Virginia [Mr. BATEMAN] has again expired.

(By unanimous consent, Mr. BATEMAN was allowed to proceed for 30 additional seconds.)

Mr. BATEMAN. Mr. Speaker, I would only remind the gentleman from Virginia and all of the Members that this Congress does have the authority to enact generic laws governing all courts in the Federal system, of which the D.C. courts are only a small part. It could do that if it chose to do that.

Yet, we have clearly chosen to do it here, and to do it here because of its effect on a pending case, and to make it absolutely certain, we have made it retroactive in order to guarantee it.

Mrs. MORELLA. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I am pleased to be an original cosponsor of H.R. 2136, and I rise in support of this bill.

H.R. 2136 is designed to remedy, as an example, the troubling child custody and visitation dilemmas of parents, in the District of Columbia, who are faced with the agonizing decision of whether to either surrender their child to a spouse they fear may abuse the child, or to disobey a court order.

If the parent does not turn over the child, as directed by the court, then he or she risks contempt of court. Currently, in the District of Columbia, an individual can be imprisoned for civil contempt for an indefinite period of time.

While a number of my constituents have shared with me their tragic stories of the abuse of their children by their spouses, perhaps the need for H.R. 2136 is best exemplified by the situation of Dr. Elizabeth Morgan. I believe that bad cases make good laws.

Dr. Morgan has been incarcerated for civil contempt of court in the D.C. Jail for the past 22 months. She has not been convicted of any crime, yet she has been imprisoned for noncompliance with a court order which would permit her ex-husband to resume unsupervised visitations with her daughter, Hilary.

She has refused to obey that order because she contends that her ex-husband has sexually assaulted their child, and may continue to do so in future visitations. As a result, Dr. Morgan has indicated her willingness to remain incarcerated to protect her daughter's well-being, and, if necessary, until Hilary is 18 years old and out of the court's jurisdiction in the year 2000. Currently, there is no recourse in the D.C. legal system to address this situation other than to lock up Elizabeth Morgan indefinitely.

Civil contempt incarceration is designed to coerce compliance with a court order. However, there comes a point when the remedial intent of civil contempt of the court ceases, and the remedy then becomes punitive. Indeed, the incarceration of Dr. Morgan has now crossed that point—and the child suffers.

H.R. 2136 specifies that after 12 months, the coercive effect of civil contempt may be lost. The bill would offer a remedy to such a situation by limiting the length of incarceration for civil contempt. In addition, as a safeguard to prevent any possibility of the obstruction of justice by a parent in a child custody case, H.R. 2136 would allow for criminal contempt charges, if necessary, to be brought upon the expiration of any civil contempt jail term for the failure to comply with a court order. Any criminal contempt charges would require a jury trial within 90 days.

The power to determine the jurisdiction of the D.C. courts lies with Congress. This power must at all times be tempered by conscience. Presently, the States of Wisconsin and California have statutes which limit civil contempt incarceration. I am contacting the Maryland State Legislature to urge them to also enact a similar bill to H.R. 2136.

I urge my colleagues to support H.R. 2136.

Mr. PARRIS. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. Yes indeed, I yield to the gentleman from Virginia.

Mr. PARRIS. The gentlewoman said in her statement that Dr. Morgan has not been convicted of any crime, and I would add that she has not been accused of any crime. All she has ever done has been held in contempt of this individual judge, and for 22 months now she has languished in a prison with no change of circumstance, no change of position on anybody's part. The question is whether that is likely to result in some improvement of the circumstance of this individual case, and I submit that it is not.

One further thing, if the gentlewoman will yield further, it is reported in a recent edition of a national magazine that the judge may well be ready to up the ante in this war of attrition by raising the possibility of jailing the brother of Dr. Morgan as a result of a hearing that was held on June 9, and it has been suggested in this article that this is like medieval torture where they put someone in jail, and they grab a member of the family and put his feet to the fire.

How far do we go with this? Should there not be some opportunity under the process of law at some place in time? This or any other individual is entitled to a hearing by a jury of his peers.

□ 2100

That is what this bill is all about. It is not intended in any way to interfere with the enforcement proceeding of this or any other judge or this or any other court. It is not intended to determine the legitimacy of the allegations of fact.

It is simply a question of due process. And when you have the fire spreading to other members of the family, I think that is going just a little too far.

I thank the gentlewoman for yielding.

Mr. BATEMAN. Mr. Speaker, will the gentlewoman yield to me?

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. BATEMAN. I thank the gentlewoman for yielding.

Mr. Speaker, I would like to have been able to do this procedurally by addressing the comments or question to my colleague from Virginia, but my problem is the gentlewoman is talking about Dr. Morgan's brother.

The SPEAKER pro tempore (Mr. MFUME). The time of the gentlewoman from Maryland [Mrs. MORELLA] has expired.

(On request of Mr. BATEMAN and by unanimous consent Mrs. MORELLA was allowed to proceed for 2 additional minutes).

Mr. BATEMAN. Mr. Speaker, will the gentlewoman continue to yield.

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. BATEMAN. I thank the gentlewoman for continuing to yield.

Dr. Morgan's brother is not under threat by anyone of incarceration except to the extent that he refuses to give information he is believed to have with regard to the whereabouts of the child. If he gives the information, no one is thinking of throwing him in jail just because he happens to be the brother of Dr. Morgan. He would be going to jail because he is withholding the very same information, if he has any, that Dr. Morgan is in jail for withholding. He is as much in contempt of the court under those circumstances as she.

To intimate that we are going out and grabbing members of Dr. Morgan's family or that someone is, just because she will not do something, is a totally, I think, erroneous impression that is being left.

Mrs. MORELLA. The concept is to force compliance. But in the case in point that brings this about, obviously you are not going to force compliance and therefore it becomes a punitive situation. And therefore a law is necessary to remedy it.

Mr. ROHRABACHER. Mr. Speaker, will the gentlewoman yield to me?

Mrs. MORELLA. Mr. Speaker, I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. I thank the gentlewoman for yielding.

Mr. Speaker, again I am the author of this substitute and I have not studied this particular case. I looked spe-

cifically at the principle that was involved and I do not believe that people should be incarcerated for long periods of time without the right to go to a jury. And that is what this case is all about. Should an individual have a right to go to a jury once he or she has been incarcerated for a given period of time? We cannot leave that to stubborn judges. That is what freedom is all about. People have a right to a jury trial if they are going to be incarcerated.

Mr. DURBIN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I thank the Speaker and my colleagues in this debate for yielding to questions earlier. At the outset I am opposed to H.R. 2136.

Mr. Speaker, I have listened closely to this debate, and I have tried to follow not only the committee report but the press reports and all the information involving this issue.

It strikes me there are several things we should clear up at the beginning.

On the question of criminal contempt, it is truly different than civil contempt. There is a higher burden. The burden is beyond a reasonable doubt in the cases involved in criminal law. There is a right to due process which an individual can have, the right of course to trial by jury.

The penalties, of course, in criminal contempt are usually higher.

In contrast, in civil contempt proceedings there is much more court discretion. But, please, I hope no one will leave this debate with the understanding or belief that in cases involving civil contempt there is no hearing.

Ladies and gentlemen of the House, I can tell you after years of practice in matrimonial law there are more hearings than you could ever stand.

The court will call you in at the drop of a hat for a hearing for a rule to show cause as to why a person should be held in contempt or not held in contempt.

But in a civil contempt proceeding, in a civil proceeding, believe me, before you can get any contempt citation you have a day in court.

You stand before a judge, you are represented by counsel; you have a hearing, you state your case; that judge then makes the decision.

To say there is no jury present is probably true. I will readily concede that fact.

Few juries are called in in that instance.

But let me tell you the important distinction as I see it between civil contempt and criminal contempt.

When a person is locked up in criminal contempt they can rest assured that the next morning they will wake up in the same cell facing their sentence. When a person is jailed for civil contempt, that person is virtually jailed with the key to the cell in his or her hand. As soon as that person is willing to comply with the court order, that person is released.

To suggest that they are sent off to some desert island never to be heard from again is just not accurate.

A hearing is held. A person who is willing to purge themselves of contempt in a civil proceeding can find their own release instantly before the court.

Now we cannot escape the fact whether or not we want to that this law that comes before us or this bill comes before us to become law primarily because of one case; an exceptional case, an extraordinary case.

From what I am told, possibly a historic, landmark case, the longest incarceration for civil contempt in the history of the District of Columbia. It certainly merits our consideration.

But less us also not try to delude ourselves into believing that a lot of feeling and strength of feeling about this case has to do with what we have read about Dr. Morgan. This law that is presented to the House of Representatives goes far beyond Dr. Morgan's case. It is retroactive in one respect, as I discussed with my colleague from Virginia earlier, and would have had an impact on Dr. Morgan. But ladies and gentlemen of the House, this law affects in future every civil case brought in the District of Columbia; every defendant and every respondent in every circumstance will be bound by this law.

So please test it beyond the situation of Dr. Morgan. Test it in other conditions to see whether it stands up.

Having said earlier that I have been involved in hundreds of these cases, child custody, child support, all of the myriad issues involved in matrimonial law, I will readily concede to you it brings out the worst in people, the absolute worst. People become ruthless, vicious, you find them turning on one another and caring little about what is going to happen, many times, to the small child affected by the decision.

Now in this case some would argue that Dr. Morgan is in jail as a matter of conscience. I cannot stand here in judgment of whether she is right or wrong. But to sit incarcerated for 21 months, to give up a practice of medicine, is clearly a matter of conscience.

But is that what guides us now to make this decision? Because tomorrow's case may not be conscience, tomorrow's case may be greed or it may be malice.

Let me tell you what I am talking about.

I have certainly represented fathers who have said to me, "I won't pay another nickel in child support. I don't care what the court says. Let them haul me into jail. I will sit there unemployed, I will show them." Totally unreasonable, totally unjustified, motivated by greed, certainly, and subject to a civil contempt citation.

Do you have the same level of mercy and charity, the same feeling of compassion about the father who will not pay the child support?

The SPEAKER pro tempore. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 5 additional minutes.)

Mr. DURBIN. Do you have the same feeling of compassion then about the father sitting in that jail cell? The father who will not go to work, who may not disclose where his assets are? That happens. How about the court decree in a court case that says, "You shall sign over the marital property, the home of the wife so that she can use the proceeds to raise the kid?" He says, "I would rather sit in jail." Now do you have the same level of compassion?

Of course there are some who are just malicious, those who will not pay the medical bills for their children.

Sometimes children can be denied medical care because an estranged father angered by the court system says, "I would rather sit in jail than pay that bill." And there sits the mother in tears and the child in need of medical care; do you have the same level of compassion for the father, found in civil contempt?

Ladies and gentleman of the House, some say, it has been mentioned in debate, this is a woman's issue. Certainly it is a women's issue. It is a man's issue. It is a children's issue. Believe me, all women are not right in these cases and all men are not wrong. These poor judges that are burdened with the responsibility of matrimonial law have to make these decisions day in and day out and it is not an easy lot in life.

But for some group to stand back and say that we are certain in passing this law is going to help the women of America, I am sorry, because tomorrow the woman of America can be the petitioner in this case saying to her former husband, "You are going to pay child support." And he will say, "I would rather sit in jail than sign over the deed to that house." That is not protecting the woman or the child.

Let me say this can be turned on people; it can be a sword tomorrow, a shield today.

I am asking the Members of this House to please look beyond Dr. Morgan's case, as compelling as it may be, to say: Do we want to apply this in every instance?

□ 2110

Let me take another example: a personal injury case, someone that was harmed by a company of the District of Columbia files the necessary documents for discovery to find out, perhaps we will consider a set of facts to

find out what chemicals were being used at some concern that may have poisoned someone, and the company says, "I will not release that information." The officers say, "Regardless of the order of the court, I won't release the information in a civil case," and is prepared to be held in contempt.

Now, does the gentleman have the same level of compassion for that person that will not release that information?

Let me close by saying some people believe it will solve Dr. Morgan's problems. I do not know if it will or not. I will say if I represented the other side I would file a petition in the District of Columbia the next day, asking her to disclose again where that child is, and if she fails to do so, she may find herself back in the cell again for another 12 months. Then what have we accomplished?

I ask the gentleman further to consider the fact that we have a situation that, in fact, is unusual, extraordinary, but do we want to turn this into permanent law of the District of Columbia, when only two other States of the Union have followed our example?

I commend all the sponsors of this legislation. I earnestly commend the sponsors, my colleague from Virginia, my colleague from California, and my colleague from the District of Columbia. I earnestly commend the Members for their sensitivity to a case that is very compelling. I rise not in opposition to the compelling circumstances of this case, but in the hopes it will reflect on what this might mean to so many other cases.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. I want to thank the gentleman for pointing out that this bill does not relate solely to the Morgan case, and pointing out that it will apply to any cases. Indeed, the gentleman indicated that never in the history of this city has a person been confined for 12 months on a civil contempt charge or order. The gentleman kept asking the question, would we have compassion in a number of possible circumstances.

I want to say to the gentleman that I would have compassion for the persons injured in any of the cases to which the gentleman makes reference, but I also would have concern, one, that any person who is confined, incarcerated on a civil contempt order be afforded an opportunity to go before a jury of his or her peers and have them to make a judgment as to whether or not they should be punished for their contempt, one; and two, under our system of jurisprudence, I believe a person to be sentenced for life for criminal contempt, and if the father, whose behavior the gentleman described there, would be egregious, were to go before a jury of his peers and judged guilty of criminal contempt, they could decide an appropriate punishment for that person, and it is the compassion that we have for all citizens, whatever their circumstances be, that they at least have the right to due process.

The SPEAKER pro tempore (Mr. MFUME). The time of the gentleman from Illionis [Mr. DURBIN] has again expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 5 additional minutes.)

Mr. DURBIN. Mr. Speaker, I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, I agree this goes far beyond the question of Dr. Morgan's case. The fact is that I do have compassion, that even if this bill passed, and I hope that it will, she will have spent 22 months incarcerated, without due process, and that should happen to no one in the country, in my view. Second, should it pass, there is the prospect that she could spend another 18 months before coming to resolution on a question of criminal intent, which would entitle her, as every American, whoever that person happens to be, to due process.

Mr. DURBIN. Mr. Speaker, if the gentleman would engage in dialog with me, I think there are two possibilities, two possible conclusions to what we are saying here.

The first possibility, and we will assume this is enacted into law, and we will assume it is the day after, the petitioner in this case, the former husband, is still seeking custody of the child, files a new action, files a new petition in the existing action in the District of Columbia, and the judge, whoever it might be, the sitting judge or a new judge, asks the same basic question: Where is the minor child? In that case, for the same reason, I would assume the respondent, Dr. Morgan, would say the same thing, "I won't tell this court."

Does the gentleman suggest under the terms of this legislation that the respondent might then be found in civil contempt again and placed in custody for another 12 months?

I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, I think in all honesty that hypothetical does suggest ambiguity. I think, at this point, however, it is clear from our hearings, from our discussion of debate on the substitute which was offered by the gentleman from California [Mr. ROHRABACHER], that it is our intent that should the process which the law now provides for in the present case for Dr. Morgan to have an opportunity to go before a jury of her peers in a criminal contempt case, that should a jury of her peers judge her to be guilty of contempt, that she would have, and that she serve out the sentence that they recommend, and the judge approves, the justice will have been served.

Mr. DURBIN. My question is more specific. The facts that I described to the gentleman, could the respondent be called and be subject to civil contempt for refusing to disclose the same information?

Mr. FAUNTROY. If the gentleman will yield, I think the answer is that if she were charged and prosecuted.

Mr. DURBIN. A strictly civil question, strictly civil. Can she be charged with civil contempt if she continues to refuse, after being released under the terms of this legislation, continues to refuse to divulge the information ordered by the court?

Mr. FAUNTROY. If the gentleman will yield, we do not intend that, one. Two, I suspect that what the gentleman is saying or suggesting is that the husband in this case would reenter a charge which the judge would then judge.

Mr. DURBIN. The gentleman from the District of Columbia, if I understand his response, it is not your intent that the person would then be held subject again to further civil contempt citation?

Mr. FAUNTROY. After she went through criminal intent process.

Mr. DURBIN. There is nothing in the law which requires criminal contempt proceedings. There is a right to bring criminal intent proceedings between the 6th and 12th month. There is no requirement. Should the District of Columbia not bring a criminal contempt citation, the gentleman is suggesting, once having served 12 months of criminal contempt, it is over? I suggest to the ladies and gentlemen of the House if that is the same conclusion you reach, "take it away, Dr. Morgan," and think of the case of the person who will not sign the deed on the marital home to provide the assets to raise the children. Twelve months in jail, for free? Twelve months in jail?

Mr. WOLF. If the gentleman will yield, the answer is, if it were a new order she could be put back in jail.

What we are talking about are individuals. They have, as the gentleman from the District of Columbia has said, the right to have a jury trial. We ought not to be afraid of a jury trial.

So, yes, if it were a new order, she could be put in, but she is given an opportunity for a jury trial of her peers that anyone would want.

Mr. DURBIN. I am not sure of the procedure in the District of Columbia, but in most States of the Nation in the case of dissolution or divorce, questions of child custody and support, it might be subject to jury trial in the first instance. I do not think the jury trial in and of itself is a determining factor here.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from California.

Mr. ROHRABACHER. The gentleman does not believe that 12 honest people on a jury can make decisions, proper decisions in all of the cases that the gentleman was suggesting, in terms of child custody of payments?

Mr. DURBIN. I certainly did not say that. I am, in my other life, a practicing lawyer and officer of the court. If I did not believe in jury process, I have no business practicing in this country.

The SPEAKER pro tempore. The time of the gentleman from Illinois [Mr. DURBIN] has again expired.

(On request of Mr. ROHRABACHER and by unanimous-consent request, Mr. DURBIN was allowed to proceed for 5 additional minutes.)

Mr. DURBIN. Mr. Speaker, I yield to the gentleman from California.

Mr. ROHRABACHER. Not being a lawyer myself, sometimes I have more faith in the common sense of an average citizen, in 12 members of a jury, than I do in a judge that might be stubborn. Is that something I am off base on?

Mr. DURBIN. I believe if the gentleman were sitting on the side of the table where the judge found in his favor, he would applaud the stubbornness. If the judge ruled against the gentleman, of course, the gentleman would think the whole system is flawed.

Mr. ROHRABACHER. If the gentleman will yield, if we are to put our faith in a judicial system, is not our judicial system based on the fact that we have a right to 12 jurors, to make a decision if we so choose?

□ 2120

Mr. DURBIN. Mr. Speaker, there is no question about that, but in this case involving civil contempt understand, if my colleagues will, that we have got to step aside from the case here involving child custody and ask whether we want this to apply to an officer of a company who will not disclose the chemicals that have in fact, allegedly, let us say, poisoned the plaintiff in the case.

Now I would say to the gentleman from California [Mr. ROHRABACHER] that in that case the court is saying, "You have a duty and an obligation to disclose this for the purposes of justice," and the gentleman is saying, "Well, let's start a new trial at that point."

Mr. ROHRABACHER. Mr. Speaker, let me ask my colleague, the gentleman from Illinois [Mr. DURBIN] whether he has any faith that a jury will make the right decision.

Mr. DURBIN. Mr. Speaker, the gentleman from California [Mr. ROHRABACHER] has asked the same question twice. I will respond to him the second time as well by saying that I have faith in the jury system, I have faith in the system of justice.

Mr. Speaker, I am happy that the gentleman's State now has addressed this question, but honestly, some 49 other States have not.

Mr. ROHRABACHER. Mr. Speaker, is the gentleman from Illinois [Mr. DURBIN] aware that California and Wisconsin have already dealt with this issue?

Mr. DURBIN. Yes, I am.

Mr. ROHRABACHER. In addition, Mr. Speaker, is the gentleman from Illinois aware of caps such as this?

Mr. DURBIN. Yes, I am.

Mr. ROHRABACHER. And they are working fine, that we have heard testimony in our committee that the caps placed on this type of confinement have worked very well in Wisconsin and California.

Mr. DURBIN. I am aware that 48 other States have not.

Mr. ROHRABACHER. It has worked.

Mr. DURBIN. However, Mr. Speaker, what is interesting to me is that the gentleman from California [Mr. ROHRABACHER] now would like to suggest that the wisdom of the residents of the District of Columbia should be tested and tried in this case and that we would come to ultimate truth, and yet I find so many of my colleagues reluctant to give these same residents of the District of Columbia the right to make a decision as to who will represent them as a voting Member of the House or U.S. Senate.

Mr. ROHRABACHER. Mr. Speaker, perhaps, not being a lawyer, I do not know about bringing in other types of issues to make a point, but the fact is that the jury trial, a jury trial is still someone's right in this country, and we have seen that work in California and Wisconsin when they placed this type of restriction on a judge's stubborness in that State.

Mr. DURBIN. I thank the gentleman from California [Mr. ROHRABACHER].

Mr. PARRIS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I will not trespass at length on the time of the House. It is getting late in the evening, but I would say to the gentleman from Illinois [Mr. DURBIN] regarding his comments about the vagaries of human nature, those of us who have practiced law, and I did for almost 20 years, understand something about that.

Mr. Speaker, I was twice involved with a child custody case between a blind natural mother and sighted grandparents of a natural healthy sighted child. I say to my colleagues that is a matter of some compassion, and I would say to the gentleman from Illinois [Mr. DURBIN], would the gentleman from Illinois think it is also compassionate, is it right for this mother, as she has threatened to do, to spend her life in jail without a hearing or a determination of any kind, except by one judge, until the child reaches adulthood, presumably at which point she could then bring the child from behind the bars; hopefully she would bring the child to the courtroom and say, "OK, Judge. Here is now my child," and she can determine her own custody, what parent she wants to have serve as her custodial person at that point, as an adult?

What happened to her childhood? Is that fair to this child forever to have this judge solely in his discretion, without any other proceeding, for presumably the 18 years? I say to the gentleman from Illinois [Mr. DURBIN], my friend, that's not very compassionate in my——

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, the gentleman from Virginia [Mr. PARRIS], having practiced law in family court, knows it happens every day across the United States of America. Judges reach decisions on custody that are heart-rending decisions which leave people in tears in a courtroom and surely believing that they have been wronged, and it happens every day. These cases are so compelling.

(By unanimous consent, Mr. PARRIS was allowed to proceed for 30 additional seconds.)

Mr. PARRIS. Mr. Speaker, I yield to the gentleman from the District of Columbia [Mr. FAUNTROY], my friend.

Mr. FAUNTROY. Mr. Speaker, I thank the gentleman from Virginia [Mr. PARRIS] for yielding.

Mr. Speaker, I would just like to again address the gentleman from Illinois [Mr. DURBIN] by saying, "I'm sure you do not believe that any citizen, however egregious his behavior, should be incarcerated indefinitely as a result of a civil contempt judgment by a judge. Would you not agree that even that gentleman who poisoned someone has a right to trial by jury to determine what his punishment ought to be?"

Mr. Speaker, that is, I think, the essential here in this bill and in the case which stimulated it generation by this committee.

Mr. WOLF. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I do not want to prolong this.

Mr. Speaker, in the Bloom Supreme Court case; this is Supreme Court law, it says that in any case where an individual can be punished or sentenced for more than 6 months that they are guaranteed a jury trial, and this is the only place that they are not. I would say that whether it be in Texas, or Illinois, or the District of Columbia, no

matter who the individual is, in a case like this there ought to be the right for a jury trial.

Mr. BATEMAN. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Speaker, I just think that I need to remind my colleagues that we are talking here about punishment for a civil contempt of a judge's order committed in the presence of the court. From the Magna Carta forward until now I think I am correct that no person subject to punishment for such contempt has been entitled to a jury trial except apparently in California and Wisconsin, and, if this passes, in the District of Columbia. It is not the norm that people being punished for civil contempt of court committed in the presence of the court can be discharged even by a jury. If we are going to permit that, we are simply going to disrupt, to completely wipe out, the authority that a judge must have in enforcing the edicts of the court upon those who personally appear before them and are in contempt of that court. It is not for the sake of the judge, but for the sake of the judicial system, that that must be vindicated and protected, and it cannot be allowed to be disrupted because someone happens to convince a jury that, well, we really do not think the judge ought to be able to punish this person for contempt or to continue to punish him. As to Dr. Morgan and all others in violation of a court order and in contempt for not obeying it, all they need to do to be out of duress vile is to comply with the order of the court.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, I would say to the gentleman from Virginia [Mr. BATEMAN] that the essential point of the committee in strongly recommending passage of this measure is that it is not the intent or the purpose of civil contempt citations to punish, and for that reason we are suggesting that there be a process by which, if we go beyond the coercive purpose of civil contempt, those who feel that punishment should be meted out for contempt will have an avenue for achieving that.

Mr. BATEMAN. Mr. Speaker, what this is all about is not some notion of translating this into a jury trial proceeding and a criminal contempt proceeding. We are dealing here with someone in civil contempt of court. They are not incarcerated to punish them. They are incarcerated to coerce their compliance with the order of the court, and I see nothing particularly egregious about being able to do that. They can be freed of custody by compliance with a valid court order.

Mr. Speaker, I am not real offended if, in fact, they remain in custody until they have complied.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, that is the difference that the gentleman from Virginia [Mr. BATEMAN] has with the rest of us on the question, those that are supporting the measure. The fact is that the case here has to do with one person who has been incarcerated longer than anyone in the history of this city on the basis of a civil contempt order, and we are simply saying that no person should be denied freedom on the basis of that indefinitely.

□ 2130

Mr. FAUNTROY. Mr. Speaker, I move the previous question on the bill and on the committee amendment in the nature of a substitute.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the speaker announced that the ayes appeared to have it.

Mr. DURBIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this motion will be postponed until tomorrow.

GENERAL LEAVE

Mr. FAUNTROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2136, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the District of Columbia?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. PARRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PARRIS. Mr. Speaker, I wonder if the Chair could tell us, if it is within its prerogative to do so, the House will recess until 10 o'clock in the morning, if memory serve me correctly. Is it the intention of the Speaker to take this vote as matter of the first order of business of the House tomorrow or can the Speaker share with us what the sequence of events will be in that regard?

The SPEAKER pro tempore (Mr. MFUME). The Chair assumes that the unfinished business will be taken up after 1-minute speeches tomorrow.

Mr. PARRIS. Mr. Speaker, I thank the Chair.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
June 23, 1989.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 2:35 p.m. on Friday, June 23, 1989 and said to contain a message from the President whereby he transmits the annual report of the Council on Environmental Quality, entitled Environmental Quality 1987-1988.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORT OF COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries.

(For message, see proceedings of the Senate of Friday, June 23, 1989, at page S 7501.)

SECRETARY OF DEFENSE REAFFIRMS IMPORTANCE OF B-2

(Mr. DICKS asked and was given permission to address the House for 1 minute and revise and extend his remarks and include extraneous matter.)

Mr. DICKS. Mr. Speaker, as the Congress considers the Defense authorization and appropriations bills in the coming weeks, there will no doubt be considerable debate with respect to the B-2 Stealth bomber. Given the importance of this program this is wholly appropriate.

But it is important for Members to remember that the B-2 is a longstanding program, begun in the Carter administration and fully supported by

President Reagan and now President Bush. Over $20 billion has already been invested in this aircraft. The technological breakthroughs included in this program will assure the viability of the air-breathing leg of our strategic triad well into the next century.

I know many Members are troubled by the cost of the program. And others are concerned whether we are procuring the aircraft prematurely. I would only note that when the inflation factors are discounted, the cost of this aircraft is not out of line with others, especially in light of its revolutionary capabilities. It is also important to remember that no aircraft program has been subject to comparable preflight testing both on computer and in the wind tunnel.

Secretary Cheney had these same concerns when he undertook the helm at the Defense Department. Since that time he has examined the program closely and inspected the manufacturing facilities personally. This review has convinced him that the B-2 remains an essential program that has the full support of the Department.

As part of the revised budget request, this program was delayed by 1 year in order to uphold the Secretary's policy of proceeding slowly in the early stages of very high technology programs. Many Members have viewed this program as a source to make available funds for programs deleted by the Secretary. The perception seems to be that the program is fat, and that it can serve as a free bill payer.

Nothing could be further from the truth. Additional delays or stretches of this program will produce a self-fulfilling prophecy for those who are concerned about cost growth and affordability.

In order for Members to have the benefit of Secretary Cheney's thoughts on the B-2 I am submitting his letter to me on this subject.

The letter follows:

THE SECRETARY OF DEFENSE,
Washington, DC, June 23, 1989.

Hon. NORMAN D. DICKS,
Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. DICKS: Several months ago in testimony to the Congress, I said I would examine the total program cost and the technical status of the B-2. Since then I have taken a very close look at the program including a visit to Northrop's engineering and manufacturing and aircraft final assembly plants to see firsthand the progress that has been made, as well as the remaining hurdles that still need to be overcome. In addition to the visit, I have received the results of the Defense Acquisition Board review of the program, an updated report by the Defense Science Board, and a considerable amount of other information on cost and technical risk.

Now that I have had time to review all these inputs carefully, I would like to give you my views on why we need the B-2, how much it will cost, and what further risks remain.

The manned bomber force is the most versatile element of the strategic Triad. Strategic bombers are capable of being recalled or redirected while enroute to their targets. They are able to attack fixed strategic targets, and they can perform damage-assessment missions following earlier strikes by U.S. forces, and reconstitute for follow-on missions. They can also hold at risk mobile military targets that are critical to Soviet wartime objectives. Manned bombers are capable of real-time reaction to the threats posed by air defenses; they can alter their routes to avoid defenses or use appropriate electronic countermeasures to reduce defense effectiveness. Because of their versatility, long time-of-flight, and inherent retaliatory mission, strategic bombers are regarded as stabilizing forces. In addition to their primary strategic deterrent mission, long-range bombers can be used to support conventional ground and naval operations worldwide.

Although modernization of the U.S. bomber force with the ALCM-B cruise missile and the B-1B bomber has significantly improved our air-breathing strategic forces when compared to the early 1980's, we will begin to find it increasingly more difficult to penetrate Soviet air defenses over the next ten to twenty years with the systems we now have in place. The B-2 is required to maintain the effectiveness of our penetration bomber force as Soviet air defenses continue to improve. Its enhanced penetration ability, due to its revolutionary stealth characteristics, will allow it to attack heavily defended targets that other assets may be unable to strike in the future. The B-2 also provides our most promising means for holding at risk relocatable targets. We must also recognize the B-2 has superior capability as a long range combat aircraft in a conventional role, which is particularly important considering the declining availability of overseas bases.

Let me turn now to the closely related subjects of program cost and technical risk. We now estimate the total acquisition cost of the B-2 program at $43.8 billion in 1981 dollars (the program's base year), or $70.2 billion in then year dollars. The difference between these figures and the corresponding figures for the initial FY 1990 budget submission primarily reflects a one-year delay in the full rate production program, which I directed according to my general policy of proceeding slowly in the early stages of very high technology programs. The $70.2 billion program cost equates to a total flyaway cost of $315 millon per aircraft. Total flyaway cost is the cost to put an aircraft on the flight line ready to be fueled, armed, and flown. It does not include support costs nor the research and development costs, most of which are behind us.

The $70.2 billion program cost estimate is based on key assumptions in three areas: protecting existing fixed price options for certain subsystems, a multi-year procurement starting in FY 1993, and achieving planned cost-reduction initiatives. We carefully examined all the assumptions and believe they are realistic. However, we will need your support on some items such as the multiyear funding. The cost estimate we have now for the B-2 program is based largely on costs actually realized so far on the 11 aircraft (six research, development, test, and evaluation aircraft and five production aircraft) now in various stages of manufacture. This does not mean we know a great deal more about B-2 costs than we did one or two years ago, particularly since these aircraft are being built on actual production-line tooling. However, program risk and cost risk remain. And of course, actually executing the program for $70.2 billion depends to a large extent on the rate at which the B-2 is procured.

While cost risk underlies much of our mutual concern, I was also concerned about the risk associated with the advanced technology applications. These technical considerations, like those in all development programs that challenge the state of the art, must be put in perspective. First, we have done much more in the way of risk reduction activities, including extensive wind tunnel and avionics testing, than is normally done prior to flight testing. Second, the Defense Acquisition Board recently completed an in-depth review of the B-2 program and concluded that the remaining technical risks are reasonable for a development program at this stage. I must emphasize that this is a critical time in this program. During the coming year, our understanding of both cost and risk will increase immensely. This was the reason, not any major technical difficulty, that led us to hold the production rate steady for another year. I recognize the delayed first flight and cost increases have heightened your concerns about the program's technical health and affordability. Those of us who recently visited and toured the contractor's facility are led to a different conclusion. The components we have seen, the major subassemblies, and the assembled aircraft itself, all attest to a dedicated work force producing a quality product.

I firmly believe that both the cost and technical risks have been fully assessed, and that it is prudent for us to proceed. Given the lessons learned in other programs, the current and projected fiscal climate, and the degree to which the B-2 is pushing the state of technology, I believe we have reached a balance of both risk and cost which puts us in the correct position to move forward with this very important program.

I will not mislead you by guaranteeing there will be no future cost increases, but I will do everything I can to avoid them. There are still some risks in this program, but I believe they have been reduced to a prudent level. It is time that we move this debate from the question of simple cost to one of strategic value. I fully support this program because the country needs it. The B-2 will be a cornerstone in our overall strategic deterrence well into the next century. The program has made great progress and the Department is ready to proceed as proposed. I look forward to your support and cooperation in helping me achieve the goals of this vitally important program.

Sincerely,

DICK CHENEY.

THE RIGHT HONORABLE BRIAN MULRONEY, PRIME MINISTER OF CANADA: WISE WORDS FROM A VALUED FRIEND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. BOEHLERT] is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, on April 27, 1988, while addressing a joint meeting of Congress, the Prime Minister of Canada, the Honorable Brian Mulroney, posed to us and the Ameri-

can people a most penetrating question:

What would be said of a generation of North Americans that found a way to explore the stars, but allowed its lakes and forests to languish and die?

Our valued friend and trusted ally was speaking, of course, about the problem of acid rain.

It was not the first time that the Prime Minister focused international attention on what has properly been labeled a "cancer in the sky." He had done it many, many times before and repeatedly since. He, perhaps more than any other public official in the world community, is responsible for mobilizing to action people and governments to get on with a plan to combat acid rain.

For too long, the Prime Minister was a virtual Lone Ranger on the subject when leadership councils convened. On some occasions, he was a teacher.

I remember well the first so-called Shamrock summit involving then President Reagan and Prime Minister Mulroney. It took place on March 17, 1985—St. Patrick's Day—in historic Quebec City. The big news of that day was not, as some expected, about mutual trade or mutual defense, although much was said about both; no, the big news of that day involved a determined effort on the part of one Chief of State to convince another that the subject of acid rain was critically important and demanded the collective best effort of their respective nations in order to solve rather than be a passive perpetuator of the myriad problems it created.

That was a turning point in the United States' approach to the reality of acid rain.

□ 2140

There has been progress, but it has been painfully slow until April 27, 1988, when Prime Minister Mulroney came to town. From that date forward, the pace of progress has accelerated significantly, culminated by President George Bush's dramatic revelations of his comprehensive package of amendments to the Clean Air Act with special emphasis on an action plan to combat acid rain.

President Bush deserves the near universal acclaim he is receiving for his bold leadership to make clean air an American birthright. Environmentalists, many of whom were doubters in the past when speculating on a Bush plan on acid rain, have been among those cheering the loudest and rightly so, for our President has done what no previous occupant of the Oval Office would do. He had gone beyond the let-us-study-it stage. He says it is time for action, and he is right.

How encouraging it is to have the President of the United States and the Prime Minister of Canada on the same wavelength.

What did the Prime Minister say when he addressed that joint meeting of Congress back in April of 1988? Let me quote just two excerpts from his speech. He said as he stood here in this Chamber:

We are doing everything we can to clean up our own act. We have concluded agreements with our provinces to reduce acid rain emissions in eastern Canada to half their 1980 levels by the year 1994, but, you know, that is only half of the solution. Acid rain comes across the border directly from the United States falling upon our forests, killing our lakes, and soiling our cities. The one thing acid rain does not do is discriminate. It is despoiling your environment as inexorably as it is ours.

Then the Prime Minister went on to say:

We acknowledge responsibility for some of the acid rain that falls in the United States, and by the time our program reaches projected targets, our export of acid rain to the United States will have been cut by an amount in excess of 50 percent. We ask nothing more than this from you.

Mr. Prime Minister, our President has responded, and I am confident that shortly so, too, will the Congress. We will, working together, develop, approve, and begin implementation of an action plan to combat acid rain, and when this occurs, there will be many people to share the credit, and many people deserving of our praise and thanks. The Right Honorable Brian Mulroney will be right up there with George Bush at the top of my list.

INTRODUCTION OF AN AMENDMENT TO THE McKINNEY ACT

The SPEAKER pro tempore. Under a previous order of the House the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, today I rise to introduce a bill to amend the McKinney Homeless Assistance Act of 1988 to establish a priority for the provision of child care in transitional housing.

The need for child care among the homeless is indisputable. A 1988 study conducted in California found that 35 percent of that State's homeless are under 18 years of age. The National Academy of Sciences estimated that in the same year 100,000 American children were homeless.

Under the provisions of my bill, the Secretary of Housing and Urban Development would be directed to give priority to funding transitional housing programs that include child care services for their residents. Studies indicate that currently three types of child care services are available to residents of transitional housing—on site care in transitional housing, additional child care slots set aside for the homeless in mainstream programs, or child care centers established to serve multiple local shelters. A transitional housing program providing any one of these three types of child care services would qualify for priority treatment making them eligible to seek a 75-percent grant for the provision of the child care services.

Homeless families are under extreme stress. There are parents raising their families in homelessness and spending their days searching for housing, employment, and a means to sustain and keep their families together. All too often the stress of trying to meet all of these needs, complicated by the persistent cry for attention on the part of small children, leads to child abuse or neglect. Responding to this basic need is also critical to break the cycle of homelessness by making it possible for the people to seek meaningful employment. One child care program director noted, "There is no way homeless families can make it without child care."

Mr. Speaker, we must assist in providing for this critical need. My bill reinforces the commitment of the Federal Government to ending the scourge of homelessness in a very meaningful way. By providing for child care to help homeless children develop intellectually and emotionally, we accomplish the dual goal of allowing homeless parents to seek permanent housing and employment. Making child care a priority in transitional housing is critical.

COLUMBUS QUINCENTENARY COIN BILL INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on August 3, 1492, three small ships raised anchor and hoisted sail in the Spanish port of Palos. The 90 men on board were setting out on the most important sea voyage in history. Seventy days later, sailing under the command of Christopher Columbus, they would discover the New World. Their discovery would not only change fifteenth century maps, but would change the course of history.

To commemorate Columbus' discovery, I am today introducing the Christopher Columbus Coin and Fellowship Act. This legislation will authorize the minting of gold, silver and copper-nickel coins in 1991 and 1992 to commemorate the discovery of the New World by Christopher Columbus. The profits from the sale of these coins will be used to fund the Christopher Columbus Fellowship Foundation. This foundation will make awards to Columbus Scholars, to encourage new discovery in all fields of endeavor for the benefit of mankind.

There have been many arguments over whether Columbus was the first to reach the New world or whether Etruscans, Phoenicians, Norsemen, or others were the first to come and even settle. Similarly, there are arguments over where Columbus first stepped ashore in the New World.

All these arguments miss what made Columbus' discovery so momentous. It was Columbus' discovery alone, which led others to follow in his footsteps. He changed the focuses of Europe from East to West.

European interest in discovering the riches of the East turned to discovering the riches of the West. Columbus' voyage changed Europeans' outlook like no other voyage before or since. It changed the course of world history and created the Western Hemisphere as it is today.

The legislation commemorates Columbus not only through the issuance of coins but more importantly, through the Christopher Columbus Fellowship Foundation, which will be set up to fund Columbus Scholars. These Scholars will be individuals working to find new discoveries in all fields of endeavor for the benefit of mankind.

The Columbus Scholars will follow in the spirit of Columbus, in trying to make discoveries that benefit mankind. For that is what Coumbus was, a discoverer who found a New World and planted the seeds for a better one. Columbus Scholars will be selected from all fields of endeavor, but will be united in spirit as they search to make discoveries that open up new worlds and enrich us all.

The first commemorative coin in American history was issued in 1892 in commemoration of Columbus' discovery of America. While the proceeds from the sale of those coins were used to help fund the World Columbian Exposition in Chicago, the funds from the sale of quincentenary coins will benefit a far greater good.

If all 1 million gold coins, 4 million silver coins and 6 million copper-nickel half dollar coins were sold, it would raise $69 million to fund fellowships to encourage more great discoveries for the benefit of mankind.

Mr. Speaker, Columbus could not have made his discoveries without the financial assistance of the Spanish government. It is only fitting that coins commemorating the resulting discovery help the U.S. Government fund endeavors that may lead to future discoveries benefitting mankind.

I have included a section-by-section summary of the legislation so that all Members have an opportunity to see a complete description of the legislation.

SECTION-BY-SECTION ANALYSIS OF THE CHRISTOPHER COLUMBUS COIN AND FELLOWSHIP ACT

Section 1—The Act may be cited as the "Christopher Columbus Coin and Fellowship Act".

TITLE I—CHRISTOPHER COLUMBUS QUINCENTENARY COINS

Section 101—Title I may be cited as the "Christopher Columbus Quincentenary Coin Act.

Section 102—The section authorizes the minting of one million $5 gold coins containing .24 ounce of gold, four million $1 silver coins containing .77 ounce of silver and six million copper-nickel half dollars. The gold coins would portray Christopher Columbus. The one dollar and half dollar coins would commemorate the quincentenary of the discovery of America. Different designs of the coins would be issued in 1991 and 1992.

Section 103—Gold for the coins would be obtained under existing law. Silver for the coins would come from the National Defense Stockpile.

Section 104—The Secretary of the Treasury would select the designs of the coins after consultation with the Christopher Columbus Fellowship Foundation and the Commission of Fine Arts.

Section 105—The coins may be issued in uncirculated and proof qualities. all gold coins would be minted at the West Point Mint. The one dollar and half dollar coins could be minted at any facility of the United States Mint, so long as no more than one facility was used to strike any particular combination of denomination and quality. The coins would be issued beginning January 1, 1991. No coins could be minted after January 30, 1993.

Section 106—The coins would be sold to the public by the United States Mint. Discounts would be available for bulk orders and for pre-issue orders. The coins would carry a surcharge of $35 per coins for the gold coins $7 per coin for the silver dollars and $1 per coin for the half dollars.

Section 107—The Secretary of the Treasury would have to assure that the minting of the coins would not result in any net cost to the United States.

Section 108—The surcharges on the coins would be deposited in the Christopher Columbus Fellowship Fund.

Section 109—The United States Mint would be exempt from all procurement laws, othen than those relating to equal employment opportunity, in carrying out the provisions of this Act.

TITLE II—CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

Section 201—Title II may be cited as the "Christopher Columbia Fellowship Act".

Section 202—The Christopher Columbus Fellowship Program would be established to support research, study and labor, designed to produce new discoveries for the benefit of mankind.

Section 203—The Christopher Columbus Fellowship Foundation would be established. It would be governed by a Board composed of four members appointed by the President Pro tempore of the Senate, four members appointed by the Speaker of the House of Representatives, and five members appointed by the President. Members of the Board would serve for six-year terms. The Chairman and Vice Chairman are designated by the President. Members of the Foundation serve without pay, but are reimbursed for their Foundation-related travel and expenses.

Section 204—The Foundation is authorized to award fellowships for up to two years to individuals to encourage new discoveries in all fields of endeavor for the benefit of mankind. Fellowship recipients shall be known as "Columbus Scholars".

Section 205—The Foundation shall determine the amount of the stipend awarded to Columbus Scholars.

Section 206—The Christopher Columbus Fellowship Fund, consisting of surcharges from the sale of quincentenary coins and contributions received by the Foundation, would be established in the Treasury. The Secretary of the Treasury is required to invest the fund in interest-earning United States government securities. Disbursements from the Fund shall be made on vouchers approved by the Foundation.

Section 207—The General Accounting Office is authorized to audit the activities of the Foundation.

Section 208—An Executive Secretary would be the chief executive officer of the Foundation.

Section 209—The Foundation is authorized to hire necessary personnel, enter into contracts, conduct programs, and make other necessary expenditures relating to its operation. The Foundation is also required to submit an annual report to the President and to Congress.

CHARLIE GRIFFIN: A GREAT PUBLIC SERVANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise today to pay tribute to a former colleague of ours from the State of Mississippi, Charlie Griffin. Charlie retired from the House of Representatives in 1972 after serving 5 years. He succeeded his former boss, John Bell Williams. Charlie has now announced he plans to retire from his second career in public service, as Secretary of the Mississippi Senate, at the end of July.

Before being elected to Congress, Charlie was administrative assistant to Representative Williams. He began working for John Bell Williams in 1949, soon after graduation from Mississippi State University. He was with him until Williams left the House to become Governor of Mississippi in 1968.

Charlie won election to fill that unexpired term and then was reelected to two more terms, but he surprised his fourth district constitutents in 1972 by announcing plans to return to Mississippi.

His second career as Secretary of the Mississippi Senate began in 1980. In that job, he was in charge of 36 full-time employees and had responsibility for a $2 million budget to pay salaries, purchase equipment and otherwise see that the Mississippi Senate was in good working order.

But in addition to the administrative work, Charlie has been an adviser and counselor to lawmakers in our State, young and old. He knows politics and the political process and I know he will be greatly missed in the halls of the State Capitol in Jackson.

In addition to being a great public servant and administrator, Charlie Griffin has been a friend to many, including myself. I have known him for more than 25 years and I can say that he has given his best in Jackson and in Washington to try to make things better for those he has served.

I wish Charlie and his wife, Angie, well in retirement and I salute him on a job very well done.

TROPICAL REFORESTATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, deforestation of the world's tropical rain forests is perhaps the most pressing environmental problem of our time. If it continues, it will decide the fate not only of the developing countries where these forests are disappearing, but that of the world as a whole.

The vast billows of smoke which rise every year from the tropical forests of the world are explained, even justified, in the name of development. In fact, what is happening is not development, but destruction. And what is being destroyed is one of the Earth's greatest natural treasures, the home of fully half of the world's plant and animal species.

Certainly no one can blame developing countries for wanting to use their own natural resources to bring their citizens out of poverty. The Amazon and other tropical forests are great and wonderful resources which can and should be used to help the people of these nations. However, what is happening in these countries is not really use, but rather misuse and abuse of what have been called the lungs of the world.

Typical "use" of tropically forested land means its destruction. Misguided government policies have tended to favor forest exploitation for economic gain in the short term, without consideration of long-term benefits for that country's economy, much less the ecological balance of the forest. An example is the logging industry. Logging itself is not particularly destructive, if it is done efficiently. Unfortunately, it almost never is. Moreover, logging in previously untouched areas often requires that roads be built deep into the forest. These roads bring new settlers, often desperate farmers who indiscriminately slash and burn the forest to plant their crops. Analysis of data gathered by the United Nations Environment Program shows that 55 percent of forest land that is logged eventually becomes deforested, and nearly double the area of the land logged is deforested due to the influx of settlers.

Clearly this is not good for the future of the logging industries or the economies of developing countries. Indeed, Haiti, the poorest country in the Western Hemisphere, can attribute much of its economic and ecological decline to deforestation.

The great loss of the natural resources for these developing nations, however, pales in comparison to the loss for humanity if the rainforests are destroyed. Fifty percent of the world's species of plants and animals live in tropical rainforests. The wild species of plants are the origin of 25 percent of our prescription drugs. Over 1,400 plants with anticancer properties have been found there. If we lose these precious resources, we lose our chances to find a possible cure for cancer and other diseases from this vast and diverse pool of living organisms.

Deforestation also contributes significantly to the greenhouse effect. Smoke from the burning of huge patches of forest land dumps tons of carbon dioxide into the atmosphere each year. Last year 170,000 fires were set in the Amazon alone. The loss of the trees is all the worse since they are the very things that absorb CO_2. In order to save our atmosphere, we should be planting trees, not burning them.

For all of these reasons, CLAUDINE SCHNEIDER and I are reintroducing H.R. 5390 of the 100th Congress, which would deny GSP tariff waivers on wood and wood products being imported into the United States, unless the exporting nation provides for the reforestation of land cleared for these exports with no net loss of forest diversity or biodiversity. A second section of the bill urges the USTR to make the encouragement of reforestation and regeneration programs part of the United States agenda in the Uruguay round of multilateral trade negotiations.

The United States imports over $650 million of wood products from these countries each year. By pushing up the cost of destructive forestry, we are serving many purposes: We are providing encouragement for the implementation of sensible forestry policies. We are making a statement that we care about how the wood products we buy are harvested. And we are providing leadership for other wood-importing nations such as Japan and the European countries to take some action on this critical problem.

While taking this step to show we are serious about the management of these resources, we are also committed to working together with the governments of developing nations and other nongovernmental organizations to bring an end to tropical deforestation. We are open to any and all suggestions on how we can best achieve this goal and bring about sustainable development where people can benefit from the forest without causing its destruction.

The forest can be used sensibly and intelligently. It is our responsibility to encourge this kind of use, and not hasten the forests' destruction by unthinkingly buying whatever wood products these countries can put out. We have to do our part to ensure that the tropical rainforests do not disappear, for all our sakes. I ask the Congress to support environmental responsibility and support the tropical reforestation bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF GSP TREATMENT.

(a) IN GENERAL.—Section 503 of the Trade Act of 1974 (19 U.S.C. 2463) is amended by adding at the end thereof the following new subsection:

"(d)(1) Subject to paragraph (3), the President shall suspend the designation as an eligible article under subsection (a) of any wood article that is a product of a beneficiary country unless that country, during each calendar year—

"(A) commences a reforestation program within the country for the equivalent forest area for such year; and

"(B) satisfactorily continues or completes each reforestation program that was commenced under this subsection by the country in any previous calendar year.

"(2)(A) As soon as practicable after the close of each calendar year, the Secretary of Agriculture (hereinafter in this subsection referred to as the 'Secretary') shall—

"(i) after consultation with the Secretary of the Interior, determine whether each beneficiary country that is subject to this subsection is in compliance with subparagraphs (A) and (B) of paragraph (1) with respect to that calendar year; and

"(ii) promptly advise the President of the identification of each beneficiary country regarding which a negative determination is made under either or both of such subparagraphs (A) and (B).

"(B) The Secretary may—

"(i) carry out such intraannual monitoring as may be necessary for the administration of this subsection; and

"(ii) on the basis of such monitoring, provide beneficiary countries with estimates of the equivalent forest areas for the year and preliminary evaluations of the status of existing reforestation programs.

"(3) Paragraph (1)(A) does not apply to any beneficiary country with respect to any calendar year in which the aggregate United States customs valuation of the wood articles produced in that country that were entered during such year was less than $10,000.

"(4)(A) Except as provided in subparagraph (C), any person may commence a civil suit on his own behalf against the Secretary if there is alleged a failure of the Secretary to perform any act or duty under this subsection which is not discretionary under this subsection.

"(B) The district courts have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to order the Secretary to perform any such act or duty.

"(C) No action may be commenced under subparagraph (A) sooner than the 60th day after the day on which written notice of the alleged failure of the Secretary to perform an act or duty is given to the Secretary.

"(D)(i) Any suit under this subsection may be brought in the judicial district in which the plaintiff resides or has a place of business.

"(ii) In any suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Secretary, may intervene on behalf of the United States as a matter of right.

"(iii) The court, in issuing any final order in any suit brought pursuant to subparagraph (A), may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

"(5) For purposes of this subsection—

"(A) The term 'entered' means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

"(B) The term 'equivalent forest area' means, with respect to any calendar year, the area of forest within a beneficiary country required to provide the board feet of timber utilized in the production of the wood articles in that country that were entered during such year.

"(C) The term 'reforestation program' means a program of agricultural practices designed to reforest areas without a net loss in forest diversity and biodiversity.

"(D) The term 'wood article' means any article provided for under chapter 44 of the Harmonized Tariff Schedule of the United States if the article is wholly or in chief value of wood that is the growth of the beneficiary country that produced the article.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 1990. The Secretary of Agriculture shall make the annual determinations required under section 503(d)(2)(A)(i) commencing with calendar year 1990.

SEC. 2. UNITED STATES AGENDA ON REFORESTATION IN THE URUGUAY ROUND.

The United States Trade Representative shall use the opportunity presented by the Uruguay Round of Multilateral Trade Negotiations to promote the replenishment of the forest resources that are utilized in developing countries for wood and wood product exports. The United States Trade Representative shall seek to carry out this section through international arrangements providing for appropriate inducements or sanctions, or both, including—

(1) the provision of financial and technical assistance to developing countries for purposes of reforestation;

(2) the extension of additional GSP or other trade benefits to those developing countries that implement appropriate reforestation programs;

(3) the suspension or withdrawal of benefits under the GSP with respect to those developing countries that do not implement appropriate reforestation programs; and

(4) the imposition of tariffs on the wood and wood products of developing countries that do not implement appropriate reforestation programs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOAGLAND (at the request of Mr. GEPHARDT), for today until 12:30 p.m., on account of official business.

Mr. GOODLING (at the request of Mr. MICHEL), for today and tomorrow, on account of medical reasons.

Mrs. BENTLEY (at the request of Mr. MICHEL), for today and the balance of the week, on account of attending the commemorations of the 600th anniversary of the Battle of Kosovo Serbia, Yugoslavia.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOEHLERT) to revise and extend their remarks and include extraneous material:)

Mr. BOEHLERT, for 5 minutes, today.

(The following Members (at the request of Mr. VISCLOSKY) to revise and extend their remarks and include extraneous material:)

Ms. LOWEY of New York, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. HOAGLAND, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, on June 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DELLUMS, on House Resolution 186, immediately prior to the vote on passage.

(The following Members (at the request of Mr. BOEHLERT) and to include extraneous matter:)

Mrs. MARTIN of Illinois.
Mr. BROOMFIELD.
Mr. GRANT.
Mr. CRANE.
Mr. DUNCAN.
Mr. MACHTLEY.
Mr. GEKAS.
Mr. CONTE in two instances.
Mr. KASICH.
Mr. DANNEMEYER.
Mr. LEWIS of California.
Mr. ROWLAND of Connecticut in two instances.
Mr. BILIRAKIS.
Mr. WEBER.
Mr. FISH.
Mr. LAGOMARSINO in two instances.
Mr. BEREUTER.
Mr. SHUSTER.
Mr. MCCANDLESS.
Mr. SAXTON.
Mr. MOORHEAD in two instances.
Mr. COURTER.
Mr. DORNAN of California in two instances.
Mr. SKEEN.
Mr. YOUNG of Alaska.
Mr. ROTH.
Mr. SOLOMON.
Mr. DONALD E. "BUZ" LUKENS.
Mr. GILMAN.

(The following Members (at the request of Mr. VISCLOSKY) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALES in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. LEHMAN of Florida.
Mr. SKELTON.
Mr. MAZZOLI.
Mr. GUARINI.
Mrs. BOXER.
Mr. LAUGHLIN.
Mr. UDALL.
Mr. KANJORSKI.
Mr. GAYDOS.
Mr. FLORIO in two instances.
Mr. MARTINEZ.
Mr. RAY.
Mr. LAFALCE in two instances.
Mr. SOLARZ.
Mr. MCMILLEN of Maryland.
Mr. HUBBARD.
Mr. RANGEL.
Mr. CLAY.
Mr. WYDEN.
Mr. STARK in three instances.
Mr. FEIGHAN.
Mr. BERMAN.
Mr. DIXON.
Mr. MURPHY.
Mr. OBERSTAR.
Ms. LOWEY of New York.
Mr. ROWLAND of Georgia.
Mr. ATKINS.
Ms. OAKAR.
Mr. ORTIZ.
Mr. CROCKETT.
Mr. GEPHARDT.
Mr. DARDEN in two instances.
Mr. SMITH of Iowa.
Mr. STALLINGS.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 428. An act to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution; to the Committee on Banking and Finance.

S. 634. An act to develop a national policy for the utilization of fuel cell technology; to the Committee on Energy and Commerce.

S.J. Res. 81. Joint resolution to designate the week of October 1 through 7, 1989, as "National Health Care Food Service Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 93. Joint resolution to designate October 1989 as "Polish American Heritage Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 115. Joint resolution to designate the period commencing on September 9 and ending on September 15, 1989, as "National Nursing Home Residents' Rights Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 127. Joint resolution designating Labor Day weekend, September 2 through 4, 1989, as "National Drive for Life Weekend"; to the Committee on Post Office and Civil Service.

S.J. Res. 134. Joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "National Disability Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 161. Joint resolution to designate the week of October 22, 1989, through October 28, 1989, and the week of October 21, 1990, through October 27, 1990, as "National Adult Immunization Awareness Week"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 923. An act to redesignate the Federal hydropower generating facilities located at Dam B on the Neches River at Town Bluff, Texas, as the "Robert Douglas Willis Hydropower Project";

H.R. 2402. An act making supplemental appropriations for the Department of Veterans Affairs for the fiscal year ending September 30, 1989, and for other purposes;

H.J. Res. 132. Joint resolution to designate the second Sunday in October of 1989 as "National Children's Day";

H.J. Res. 276. Joint resolution designating September 14, 1989, as "National D.A.R.E. Day"; and

H.J. Res. 298. Joint resolution designating July 14, 1989, as "National Day to Commemorate the Bastille Day Bicentennial."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following title:

S. 1077. An act to authorize the President to appoint Admiral James B. Busey to the Office of Administrator of the Federal Aviation Administration, and

S. 1180. An act to authorize the President to appoint Rear Admiral Richard Harrison Truly to the Office of Administrator of the National Aeronautics and Space Administration.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that the committee did on the following date present to the President, for his approval, a joint resolution of the House of the following title:

On June 23, 1989:

H.J. Res. 111. Joint resolution designating June 23, 1989, as "United States Coast Guard Auxiliary Day".

ADJOURNMENT

Mr. BOEHLERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 28, 1989, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communciations were taken from the Speaker's table and referred as follows:

1382. A communication from the President of the United States, transmitting amendments to the requests for appropriations for his initiative to combat violent crime that was announced on May 15, 1989, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-76); to the Committee on Appropriations and ordered to be printed.

1383. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-46, "District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1384. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 37th report on the extent and disposition of U.S. contributions to international organizations, pursuant to 22 U.S.C. 262a; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL: Committee on Foreign Affairs. H.R. 2214. A bill to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations; (Rept. 101-111). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. Report on allocation of budget totals for fiscal year 1989 submitted pursuant to section 302 of the Congressional Budget Act of 1974 (Rept. 101-112). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 2087. A bill to transfer a certain program with respect to child abuse from title IV of Public Law 98-473 to the Child Abuse Prevention and Treatment Act, and for other purposes; with an amendment (Rept. 101-113). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 2088. A bill to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (Rept. 101-114). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 187. Resolution waiving certain points of order against consideration of H.R. 2696, a bill making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes (Rept. 101-115). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEILENSON:

H.R. 2748. A bill to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on the Permanent Select Committee on Intelligence.

By Mr. BARTON of Texas:

H.R. 2749. A bill to authorize the conveyance of a parcel of land in Whitney Lake, TX; to the Committee on Public Works and Transportation.

By Mr. UPTON:

H.R. 2750. A bill to amend the Federal Election Campaign Act of 1971 to restrict the amount of money spent on congressional compaigns, to prohibit certain Members of Congress from converting excess campaign funds to personal use, and for other purposes; to the Committee on House Administration.

H.R. 2751. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction of up to $250 for contributions made to candidates for public office; to the Committee on Ways and Means.

By Mr. DORNAN of California (for himself, Mr. HYDE, Mr. SMITH of New Jersey, Mr. HUNTER, Mr. HOLLOWAY, Mr. SENSENBRENNER, Mr. DANNEMEYER, Mr. SHUMWAY, and Mr. HERGER):

H.R. 2752. A bill to make the performance of an abortion in the District of Columbia a criminal offense; to the Committee on the District of Columbia.

By Mr. ACKERMAN:

H.R. 2753. A bill to amend the Urban Mass Transportation Act of 1964 to allow certain recipients of mass transit assistance to continue to use mass transit vehicles for providing school bus transportation; to the Committee on Public Works and Transportation.

By Mr. ANNUNZIO:

H.R. 2754. A bill to require the Secretary of the Treasury to mint coins in commemoration of the quincentenary of the discovery of America by Christopher Columbus and to establish the Christopher Columbus Fellowship Foundation; jointly, to the Committees on Banking, Finance and Urban Affairs; Science, Space, and Technology; and Education and Labor.

By Mr. DINGELL (for himself, Mr. MARKEY, and Mr. DREIER of California):

H.R. 2755. A bill to require that the access of minors to indecent communications by telephone be appropriately restricted, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOWNEY:

H.R. 2756. A bill to amend section 311 of the Older Americans Act of 1965 to require the Secretary of Agriculture to provide assistance for two meals served daily per person; to the Committee on Education and Labor.

By Mr. FAUNTROY:

H.R. 2757. A bill to amend the International Lending Supervision Act of 1983 and the Internal Revenue Code of 1986 to encourage commercial banks to participate in reducing the debt of highly indebted countries; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. GOSS (for himself, Mr. JAMES, Mr. JOHNSTON of Florida, and Mr. STEARNS):

H.R. 2758. A bill to amend the Internal Revenue Code of 1986 to provide a more equitable treatment under the supplemental Medicare premium for married individuals filing separate returns; to the Committee on Ways and Means.

By Mrs. LOWEY of New York:

H.R. 2759. A bill to amend the Stewart B. McKinney Homeless Assistance Act to authorize the Secretary of Housing and Urban Development to provide assistance for child care services programs for the residents of transitional housing; jointly, to the Committees on Education and Labor and Banking, Finance and Urban Affairs.

By Mr. MARTINEZ (for himself, Mr. FLORIO, and Mr. GUARINI):

H.R. 2760. A bill to amend the Job Training Partnership Act to require the Secretary of Labor to identify labor shortages and develop a plan to reduce such shortages, and for other purposes; to the Committee on Education and Labor.

By Mr. RIDGE (for himself, Mr. MONTGOMERY, MR. STUMP, Mr. EVANS, Mr. MURTHA, Mr. BONIOR, Mr. ACKERMAN, Mr. APPLEGATE, Mr. BENNETT, Mr. BEVILL, Mr. COSTELLO, Mr. DINGELL, Mr. HORTON, Mr. LANCASTER, Mr. PAXON, and Mr. WILSON):

H.R. 2761. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United Services Organization; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RINALDO:

H.R. 2762. A bill to amend National Foundation on the Arts and the Humanities Act of 1965 to prohibit the use of certain grants for a project which desecrates or denigrates a religious or national symbol; to the Committee on Education and Labor.

By Mr. ROWLAND of Connecticut:

H.R. 2763. A bill to assess the suitability and feasibility of including the Weir Farm in the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. SCHROEDER (for herself, Mr. MATSUI, Mr. MILLER of California, Mr. MCGRATH, Mr. OWENS of New York, Mr. ATKINS, Mrs. COLLINS, Mr. HYDE, Mrs. UNSOELD, Mr. CROCKETT, Mr. BUSTAMANTE, Mr. FLORIO, MS. PELOSI, Mr. ROE, Mr.

DWYER of New Jersey, Mr. MAZZOLI, Mrs. BOXER, Mr. MORRISON of Connecticut, and Mr. EVANS):

H.R. 2764. A bill to amend title 5, United States Code, to provide for the reimbursement of expenses incurred by a Federal employee in the adoption of a child; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Jersey (for himself, Mr. HALL of Ohio, and Mr. WOLF):

H.R. 2765. A bill to prohibit any wine, cheese, meat, or any other edible agricultural commodity or product thereof, that is the growth, product, or manufacture of the Socialist Republic of Romania, from entry, or withdrawal from warehouse for consumption, in the customs territory of the United States; to the Committee on Ways and Means.

By Mr. TOWNS (for himself, Mr. SWIFT, Mr. OWENS of New York, Mr. LIPINSKI, Mr. JACOBS, Mr. LAGOMARSINO, Mr. ROE, Mr. RINALDO, Mr. ACKERMAN, and Mr. FROST):

H.R. 2766. A bill to amend the Animal Welfare Act to include mice, rats, and birds within the definition of animals protected under the act; to the Committee on Agriculture.

By Mr. APPLEGATE:

H.J. Res. 328. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. GRANT:

H.J. Res. 329. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. HUTTO (for himself, Mr. ENGLISH, Mr. BARNARD, Mr. LOWERY of California, Mr. PACKARD, Mr. DORNAN of California, Mr. RANGEL, Mr. LEATH of Texas, Mr. BILIRAKIS, Mr. FIELDS, Mr. SCHAEFER, Mr. RHODES, Mr. SKEEN, Mr. WILSON, Mr. SCHUETTE, Mr. MAVROULES, Mr. TANNER, Mr. SKELTON, Mr. DONALD E. LUKENS, and Mr. SHUMWAY):

H.J. Res. 330. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the desecration, misuse, and improper display of the flag of the United States; to the Committee on the Judiciary.

By Mr. McEWEN:

H.J. Res. 331. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration to the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. MURPHY:

H.J. Res. 332. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration to the flag of the United States; to the Committee on the Judiciary.

By Mr. OXLEY:

H.J. Res. 333. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the misuse and improper display of the flag of the United States; to the Committee on the Judiciary.

By Mr. PAXON:

H.J. Res. 334. Joint resolution proposing an amendment to the Constitution of the United States prohibiting the desecration of the flag; to the Committee on the Judiciary.

By Mr. RITTER:

H.J. Res. 335. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the United States to prohibit the act of desecration to the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself and Mr. WOLF):

H.J. Res. 336. Joint resolution proposing an amendment to the Constitution of the United States relative to the protection of the flag of the United States; to the Committee on the Judiciary.

By Mr. SOLOMON (for himself, Mr. SCHUETTE, Mr. SUNDQUIST, Mr. MCGRATH, Mr. GILMAN, Mr. MOLINARI, Mr. HASTERT, Mr. MARTIN of New York, Mr. BURTON of Indiana, Mr. MOORHEAD, Mr. SMITH of New Jersey, Mr. IRELAND, Mr. YOUNG of Florida, Mr. GALLEGLY, Mr. SCHULZE, Mr. WYLIE, Mr. MCMILLAN of North Carolina, Mr. SMITH of Mississippi, Mr. WELDON, Mr. MCEWEN, Mr. RAVENEL, Mr. GRANT, Mr. MILLER of Ohio, Mr. COMBEST, Mr. INHOFE, Mr. MCDADE, Mr. HAMMERSCHMIDT, Mr. SLAUGHTER of Virginia, Mr. DOUGLAS, Mr. SPENCE, Mr. BEREUTER, Mr. DONALD E. LUKENS, Mr. APPLEGATE, Mr. HOPKINS, Mr. COBLE, Mrs. BENTLEY, Mr. BARTON of Texas, Mr. MYERS of Indiana, Mr. ROGERS, Mr. BAKER, Mr. HYDE, Mr. BUNNING, Mr. ROTH, Mr. SMITH of New Hampshire, Mr. BOEHLERT, Mr. WOLF, Mrs. SAIKI, Mr. STEARNS, Mr. MCCRERY, Mr. HOLLOWAY, Mr. LAGOMARSINO, Mr. HANCOCK, Mrs. SMITH, of Nebraska, Mr. DORNAN of California, Mr. MARLENEE, Mr. LEWIS of California, Mr. DREIER of California, Mr. GOSS, Mr. BROOMFIELD, Mr. SENSENBRENNER, Mr. RHODES, Mr. QUILLEN, Mr. JAMES, Mr. PAXON, Mr. MAZZOLI, Mr. RIDGE, Mr. OXLEY, Mr. VOLKMER, Mr. MURPHY, Mr. MORRISON of Washington, Mr. WILSON, Mr. CRAIG, Mr. LEATH of Texas, Mr. YOUNG of Alaska, Mr. DANNEMEYER, Mr. MONTGOMERY, Mr. WALSH, Mr. HANSEN, Mr. EMERSON, Mr. PACKARD, Mr. SKEEN, Mr. VANDER JAGT, Mr. SAXTON, Mr. GUNDERSON, Mr. PARRIS, Mr. HUBBARD, Mr. UPTON, Mr. ROBERT F. SMITH, Mr. ROBERTS, and Mr. DELAY):

H.J. Res. 337. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. UDALL (for himself, Mr. LEWIS of Georgia, Mr. GREEN, and Ms. SCHNEIDER):

H.J. Res. 338. Joint resolution designating April 22, 1990, as "Earth Day" to promote the preservation of the global environment; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ:

H. Con. Res. 160. Concurrent resolution expressing the sense of the Congress relating to the human rights condition of Jews in Ethiopia; to the Committee on Foreign Affairs.

By Mr. BROOKS (for himself, Mr. FISH, Mr. GEPHARDT, Mr. GLICKMAN, Mr. HUGHES, Mrs. SCHROEDER, Mr. SYNAR, Mr. DOUGLAS, Mr. ROSTENKOWSKI, Mr. PANETTA, Mr. ANNUNZIO, Mr. MOAKLEY, Mr. BONIOR, Mr. DE LA GARZA, Mr. DERRICK, Ms. OAKAR, Mr. ALEXANDER, Mr. MURTHA, Mr. WOLPE, Mr. VOLKMER, Mr. MCGRATH, Mr. FASCELL, Mr. LIVINGSTON, Mr. EARLY, Mr. HOYER, Mr. ANDREWS, Mr. BENNETT, Mr. NELSON of Florida, Mr. HUBBARD, Mr. CARDIN, Mr. VENTO, Mr. FLIPPO, Mr. HARRIS, Mr. AKAKA, Mr. LANCASTER, Mr. POSHARD, Mrs. LOWEY of New York, Mr. BILBRAY, Mr. TRAFICANT, Mr. DURBIN, Mr. BROWN of California, Mr. VALENTINE, Mr. BORSKI, Mr. PRICE, Mr. DELAY, Mr. UPTON, Mr. SCHAEFER, Mr. ATKINS, Mr. GALLEGLY, Mrs. LLOYD, Mrs. PATTERSON, Mr. ESPY, Mr. BEVILL, Mr. MONTGOMERY, Mr. MARTIN of New York, Mr. NEAL of North Carolina, Mr. WISE, Mr. MORRISON of Washington, Mr. SHARP, Mr. MCCURDY, Mr. JOHNSTON of Florida, Mr. PAYNE of Virginia, Mr. WILSON, Mr. HERTEL, Mr. SMITH of Florida, Mrs. BOXER, Mr. JONTZ, Mr. SCHUMER, Mr. COOPER, Mr. GONZALEZ, Mr. GOSS, Mr. ENGLISH, Mr. ROWLAND of Georgia, Mr. BARNARD, Mr. TALLON, Mr. ERDREICH, Mr. BROWDER, Mr. MCHUGH, Mr. MCNULTY, Mr. JENKINS, Mr. HAYES of Louisiana, Mr. PETRI, Mr. CHANDLER, Mr. SHAYS, Mrs. ROUKEMA, Mr. SKEEN, Mr. RHODES, Mr. JAMES, Mr. LAGOMARSINO, Mr. GILMAN, Mr. MCEWEN, Mr. SOLOMON, Mr. PORTER, Mrs. MARTIN of Illinois, Mr. HORTON, Mr. BROOMFIELD, Mr. PAXON, Mr. STEARNS, Mr. MACHTLEY, Mr. EMERSON, Mr. MILLER of Ohio, Mr. HYDE, Mrs. VUCANOVICH, Mr. BUNNING, Mr. MOORHEAD, Mr. MCCOLLUM, Mr. MCMILLAN of North Carolina, Mr. SMITH of Mississippi, Mr. MOLINARI, Mr. BROWN of Colorado, Mr. CRAIG, Mr. GALLO, Mr. THOMAS of Wyoming, Mr. BAKER, Mr. SENSENBRENNER, Mr. COMBEST, Mr. HANSEN, Ms. SCHNEIDER, Mr. DUNCAN, Mrs. SMITH of Nebraska, Mr. NIELSON of Utah, Mr. SMITH of New Hampshire, Mr. WALSH, Mr. MCDADE, Mr. SHUSTER, Mr. KOLBE, Ms. SNOWE, Mr. CAMPBELL of California, Mr. HOUGHTON, Mr. RITTER, Mr. GUNDERSON, Mr. SHAW, Mr. EDWARDS of Oklahoma, Mr. DONALD E. LUKENS, Mr. WYLIE, Mr. SMITH of Texas, Mr. CLINGER, Mr. INHOFE, Mr. WEBER, Mr. RINALDO, Mr. ECKART, Mr. REGULA, Mr. KYL, Mr. MFUME, and Mr. JOHNSON of South Dakota):

H. Res. 186. Resolution expressing the sense of the House of Representatives regarding the flag of the United States; to the Committee on the Judiciary.

By Mr. HUBBARD:

H. Res. 188. Resolution expressing the sense of the House of Representatives regarding the flag of the United States; to the Committee on the Judiciary.

By Mr. SKEEN (for himself, Mr. ANDERSON, Mr. BAKER, Mr. BARTON of Texas, Mr. BATEMAN, Mrs. BENTLEY, Mr. BENNETT, Mr. BEVILL, Mr. BILIRAKIS, Mr. BLILEY, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CAMPBELL of California, Mr. CHANDLER, Mr. CLINGER, Mr. COBLE,

Mr. CONTE, Mr. COX, Mr. CRAIG, Mr. DORNAN of California, Mr. DOUGLAS, Mr. DREIER of California, Mr. EMERSON, Mr. FIELDS, Mr. FRENZEL, Mr. GALLO, Mr. GILMAN, Mr. GINGRICH, Mr. GRANT, Mr. GREEN, Mr. GUNDERSON, Mr. HANCOCK, Mr. HASTERT, Mr. HEFLEY, Mr. HOLLOWAY, Mr. HOUGHTON, Mr. HUTTO, Mr. IRELAND, Mr. JACOBS, Mr. JONTZ, Ms. KAPTUR, Mr. KASICH, Mr. LEATH of Texas, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. MARLENEE, Mr. MARTIN of New York, Mr. MCEWEN, Mr. MILLER of Ohio, Mr. MILLER of Washington, Mr. MONTGOMERY, Mr. MORRISON of Washington, Mr. MYERS of Indiana, Mr. NIELSON of Utah, Mr. OXLEY, Mr. OWENS of Utah, Mr. PARKER, Mr. PAXON, Mr. PORTER, Mr. PURSELL, Mr. RHODES, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROGERS, Mrs. ROUKEMA, Mr. SCHAEFER, Mr. SCHIFF, Mr. SCHUETTE, Mr. SHAW, Mr. SLAUGHTER of Virginia, Mr. SMITH of Mississippi, Mr. SMITH of Vermont, Ms. SNOWE, Mr. SOLOMON, Mr. SPENCE, Mr. STENHOLM, Mr. THOMAS of Wyoming, Mr. TRAFICANT, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALKER, Mr. WALSH, Mr. WATKINS, Mr. WEBER, Mr. WHITTAKER, Mr. WOLF, and Mr. BUSTAMANTE):

H. Res. 189. Resolution expressing the sense of the House of Representatives that individuals throughout the United States should observe Independence Day, July 4, 1989, as "Take Pride in the Flag Day"; to the Committee on Post Office and Civil Service.

By Mr. UPTON:

H. Res. 190. Resolution amending the Rules of the House of Representatives to restrict the use of the franking privilege in order to reduce the advantages of the privilege to a Representative running for reelection; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

157. By the SPEAKER: A memorial of the Legislature of the State of Louisiana, relative to a National Silver-Haired Congress; to the Commttee on Education and Labor.

158. Also, memorial of the Legislature of the State of Minnesota, relative to the increases in compensation for Member of Congress; to the Committee on the Judiciary.

159. Also, memorial of the Legislature of the State of Louisiana, relative to the Medicare income tax surcharge imposed by the Medicare Catastrophic Coverage Act of 1988; to the Committee on Ways and Means.

160. Also, memorial of the General Assembly of the State of Nebraska, relative to the Medicare Catastrophic Coverage Act of 1988; jointly, to the Committees on Ways and Means and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McMILLEN of Maryland:

H.R. 2767. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade for the vessel M/V *Harbor Exec*; to the Committee on Merchant Marine and Fisheries.

By Mr. SHAW:

H.R. 2768. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the submersible vessel PC-1501; to the Committee on Merchant Marine and Fisheries.

By Mr. WISE:

H.R. 2769. A bill for the relief of Miguel Lapuz; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mrs. PATTERSON.

H.R. 41: Mr. ANDREWS, Mr. JOHNSON of South Dakota, Mr. SKEEN, and Mr. CARPER.

H.R. 81: Mr. WEISS and Mr. WISE.

H.R. 82: Mr. NEAL of North Carolina, Mr. BILIRAKIS, Mr. MCEWEN, Mr. ASPIN, Mr. MARTINEZ, Mr. BATEMAN, Mr. ALEXANDER, Mr. KASICH, Mr. SCHAEFER, Mr. COURTER, and Mr. VANDER JAGT.

H.R. 109: Mrs. PATTERSON, Mr. BURTON of Indiana, and Mr. FROST.

H.R. 110: Mr. ACKERMAN, Mr. SLATTERY, and Mr. FROST.

H.R. 118: Mr. SCHAEFER, Mr. GALLO, and Mr. JAMES.

H.R. 132: Mr. SHAYS and Mr. PANETTA.

H.R. 212: Mr. JONTZ.

H.R. 213: Mr. MAZZOLI.

H.R. 215: Mrs. BOXER, Mr. KLECZKA, and Mr. KOLTER.

H.R. 242: Mr. TOWNS, Mr. SPENCE, Mr. CLAY, Mr. HYDE, Mr. MRAZEK, and Mr. DE LUGO.

H.R. 267: Mr. HOLLOWAY.

H.R. 290: Mr. SCHUMER, Mr. ANDREWS, Mr. BILBRAY, Mrs. SCHROEDER, Mr. VENTO, and Mr. EVANS.

H.R. 332: Mr. HOLLOWAY.

H.R. 425: Mr. ROBINSON and Mr. VALENTINE.

H.R. 529: Mr. KLECZKA, Mr. GREEN, and Mr. TAUZIN.

H.R. 530: Mr. KLECZKA, Mr. GREEN, and Mr. TAUZIN.

H.R. 539: Mr. MILLER of Washington and Mr. OBEY.

H.R. 560: Mr. FLAKE, Mr. MILLER of Ohio, Mr. ANDERSON, and Mr. GIBBONS.

H.R. 567: Mr. BUNNING, Mr. BILBRAY, Mr. FORD of Tennessee, and Mr. KOSTMAYER.

H.R. 578: Mr. FAWELL.

H.R. 586: Mr. MRAZEK.

H.R. 590: Mr. SMITH of Florida.

H.R. 624: Mr. COMBEST and Mr. PAXON.

H.R. 660: Mr. WISE.

H.R. 777: Mr. BATEMAN, Mr. BENNETT, Mr. BLAZ, Mr. BROOMFIELD, Mr. COLEMAN of Missouri, Mr. JENKINS, Mr. KOLTER, Mr. MURTHA, Mr. OWENS of Utah, Mr. VANDER JAGT, and Mr. WALSH.

H.R. 812: Mrs. SAIKI.

H.R. 866: Mr. ENGEL and Mr. PALLONE.

H.R. 867: Mr. PALLONE.

H.R. 868: Mr. PALLONE.

H.R. 875: Mr. VALENTINE.

H.R. 876: Mr. ASPIN, Mr. THOMAS A. LUKEN, and Mr. MARKEY.

H.R. 911: Mr. ACKERMAN, Mr. APPLEGATE, Mr. BILIRAKIS, Mr. BROWN of California, Mr. CALLAHAN, Mr. CAMPBELL of Colorado, Mr. CLARKE, Mr. DEWINE, Mr. DURBIN, Mr. DYSON, Mr. EDWARDS of Oklahoma, Mr. EVANS, Mr. GINGRICH, Mr. GRANDY, Mr. HAYES of Louisiana, Mrs. KENNELLY, Mr. KOLTER, Mr. LEVINE of California, Mr. MCDERMOTT, Mrs. MEYERS of Kansas, Mr. NAGLE, Mr. OLIN, Mrs. ROUKEMA, Mr. ROWLAND of Connecticut, Mr. SAVAGE, Mr. SCHUETTE, Mr. SHUSTER, Mr. SKAGGS, Mr. SMITH of New Jersey, Mr. STARK, and Mr. TORRES.

H.R. 995: Mr. HUTTO and Mr. BOUCHER.

H.R. 1046: Mr. COURTER, Mr. MORRISON of Washington, and Mr. SMITH of New Hampshire.

H.R. 1055: Mr. SOLARZ, Mr. MARTINEZ, Mrs. COLLINS, Mr. LEWIS of Georgia, Mr. HAMMERSCHMIDT, and Mr. BORSKI.

H.R. 1056: Mr. RICHARDSON, Mr. PALLONE, and Mr. SCHAEFER.

H.R. 1074: Mr. SARPALIUS, Mr. MOODY, Mr. GRANT, Mr. COMBEST, and Mr. NATCHER.

H.R. 1080: Mr. INHOFE.

H.R. 1109: Mr. STALLINGS and Mrs. BOXER.

H.R. 1165: Mr. BLILEY, Mr. BATEMAN, Mr. HOLLOWAY, and Mr. MACHTLEY.

H.R. 1181: Mr. SUNDQUIST.

H.R. 1243: Mr. RIDGE.

H.R. 1387: Mr. ACKERMAN, Mrs. COLLINS, Mr. FUSTER, Mr. LEWIS of Georgia, Mr. RINALDO, and Mr. ROE.

H.R. 1416: Mr. WOLPE, Mr. LEATH of Texas, Mr. CLARKE, Mr. ROSE, Mr. MCDERMOTT, Mr. PENNY, Mr. COURTER, Mr. BAKER, Mr. CLEMENT, Mr. PURSELL, Mr. CARPER, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. EDWARDS of California, and Mr. DERRICK.

H.R. 1436: Mr. SAXTON, Mr. SOLARZ, Mr. PARKER, Mr. LANTOS, Mr. SENSENBRENNER, and Mr. SMITH of Mississippi.

H.R. 1457: Mr. NELSON of Florida, Mr. ANDERSON, and Mr. KOSTMAYER.

H.R. 1470: Mr. SPRATT.

H.R. 1526: Mr. RAY and Mr. STAGGERS.

H.R. 1561: Mr. FROST.

H.R. 1574: Mr. MCEWEN.

H.R. 1582: Mr. BATES.

H.R. 1590: Mr. SHUMWAY.

H.R. 1632: Mr. ROSE and Mr. MOAKLEY.

H.R. 1660: Mr. STARK, Mr. SCHEUER, Mr. RANGEL, Mr. HAYES of Illinois, Mr. BERMAN, Mrs. BOXER, and Mr. CROCKETT.

H.R. 1664: Mr. HOLLOWAY.

H.R. 1676: Mr. SMITH of Florida and Mr. RANGEL.

H.R. 1710: Mr. CLARKE, Mr. GONZALEZ, Mr. BONIOR, and Mr. VALENTINE.

H.R. 1762: Mr. WEISS and Mr. PALLONE.

H.R. 1809: Mr. HOLLOWAY.

H.R. 1845: Mr. RANGEL, Mr. WEISS, and Mr. BATES.

H.R. 2008: Mr. DEWINE and Mr. BUECHNER.

H.R. 2022: Mr. COYNE, Mr. KOSTMAYER, and Mr. FROST.

H.R. 2121: Mr. ROHRABACHER, Mr. FIELDS, Mr. BORSKI, Mr. GARCIA, Mr. GRANDY, Mr. SARPALIUS, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. LEATH of Texas, Mr. WHITTAKER, Mr. ANDREWS, Mr. PACKARD, Ms. KAPTUR, Mr. MATSUI, Mrs. KENNELLY, and Mr. ANTHONY.

H.R. 2132: Mr. HOLLOWAY, Mr. SENSENBRENNER, and Mrs. MEYERS of Kansas.

H.R. 2133: Mrs. MEYERS of Kansas, Mr. HOLLOWAY, and Mr. SENSENBRENNER.

H.R. 2162: Mr. FISH.

H.R. 2185: Mr. KOLTER and Mr. FRANK.

H.R. 2201: Ms. PELOSI.

H.R. 2222: Mr. WEBER.

H.R. 2228: Mrs. COLLINS, Mr. ECKART, and Mr. JONTZ.

H.R. 2238: Mr. JONTZ and Mr. ENGEL.

H.R. 2243: Mr. DYMALLY, Mr. MOLLOHAN, Mrs. COLLINS, Ms. KAPTUR, Mr. FRANK, Mr. STAGGERS, Mr. EVANS, Mr. SAWYER, Mr. SKAGGS, Mr. FAZIO, Mr. MCDERMOTT, Mr. KILDEE, Mr. ERDREICH, Mr. LELAND, Mr. TRAXLER, Mr. GORDON, Mrs. SCHROEDER, Mr. WOLPE, Mr. OWENS of New York, Mr.

TALLON, Mr. CARPER, Mr. LAGOMARSINO, Mr. CLEMENT, and Mr. OWENS of Utah.

H.R. 2265: Mr. SKAGGS, Mr. LAGOMARSINO, Mr. ROWLAND of Connecticut, and Mr. BROWN of California.

H.R. 2269: Mr. DORGAN of North Dakota and Mr. PALLONE.

H.R. 2312: Mr. ACKERMAN, Mr. DELLUMS, Mr. ENGEL, and Mrs. MARTIN of Illinois.

H.R. 2330: Mr. FROST.

H.R. 2345: Mr. ACKERMAN, Mr. DELLUMS, and Mr. KOSTMAYER.

H.R. 2361: Mrs. BOXER, Mr. COURTER, and Mr. SENSENBRENNER.

H.R. 2362: Mrs. BOXER, Mr. COURTER, and Mr. SENSENBRENNER.

H.R. 2406: Mr. ANDREWS.

H.R. 2445: Mr. MCHUGH.

H.R. 2456: Mr. DELLUMS.

H.R. 2504: Mr. ECKART.

H.R. 2514: Mrs. MORELLA.

H.R. 2522: Mr. FAZIO, Mr. LEHMAN of California, and Mr. DEFAZIO.

H.R. 2548: Mr. PALLONE.

H.R. 2561: Mr. LIPINSKI, Mr. LAFALCE, and Mr. NOWAK.

H.R. 2584: Mr. RIDGE.

H.R. 2654: Mrs. LLOYD, Mr. FAWELL, Mr. DANNEMEYER, Mr. HALL of Texas, and Mrs. JOHNSON of Connecticut.

H.R. 2674: Mr. DONALD E. LUKENS and Mr. DELLUMS.

H.R. 2699: Mr. BOEHLERT, Mr. WILLIAMS, Mr. BOUCHER, Mr. NIELSON of Utah, and Mr. SANGMEISTER.

H.R. 2712: Mr. HALL of Ohio, Mr. POSHARD, Mr. PACKARD, Mr. CAMPBELL of Colorado, Mr. GINGRICH, Mr. NEAL of North Carolina, Mr. VOLKMER, Mr. HASTERT, Mr. HAYES of Louisiana, Mrs. UNSOELD, Mr. BOEHLERT, Mr. STUDDS, Mr. ANDREWS, Mr. PORTER, Mr. KASTENMEIER, Mr. WALSH, Mr. FROST, Mr. COURTER, Mr. JONES of North Carolina, Mr. YATES, Mr. UDALL, Mr. FAZIO, Mr. MCDERMOTT, Mr. RITTER, Mr. FEIGHAN, Mr. WOLF, Mr. HAYES of Illinois, Mr. MONTGOMERY, Mr. CHAPMAN, Mr. GEJDENSON, Mr. THOMAS A. LUKEN, Mr. RUSSO, and Mr. SAXTON.

H.R. 2732: Mr. JACOBS, Mr. GOODLING, Mr. PETRI, Mr. STALLINGS, and Mr. FRANK.

H.J. Res. 44: Mr. HOLLOWAY.

H.J. Res. 82: Mr. COSTELLO, Mr. CLARKE, Mr. FRANK, Mr. VALENTINE, and Mr. DE LA GARZA.

H.J. Res. 104: Mr. SKEEN, Mr. MFUME, Mr. BONIOR, Mr. JACOBS, Mr. COYNE, Mr. FOGLIETTA, Mr. STEARNS, Mr. SHUSTER, Mr. ACKERMAN, Mr. ATKINS, Mr. CONYERS, Mr. DYMALLY, Mr. BURTON of Indiana, Mr. BROOMFIELD, Mr. FLORIO, Mr. GOODLING, Mr. DE LA GARZA, Mr. MOAKLEY, Ms. OAKAR, Mr. PACKARD, Mr. PASHAYAN, Mr. PAXON, Mr. ROBERTS, Mr. RAVENEL, Mr. MCNULTY, Mr. DELLUMS, Mr. DONNELLY, Mr. TRAFICANT, and Mr. SMITH of Texas.

H.J. Res. 183: Mrs. MEYERS of Kansas.

H.J. Res. 188: Mr. MAZZOLI.

H.J. Res. 195: Mr. PICKETT, Mr. HUNTER, Mr. GUNDERSON, Mr. COURTER, Mr. STOKES, Mr. MAVROULES, Mr. THOMAS A. LUKEN, Mr. BILBRAY, Mr. VENTO, Mr. SMITH of Florida, Mr. SAVAGE, Ms. LONG, Mr. SAWYER, Mr. SOLOMON, Mr. AKAKA, Mr. BATES, Mr. CARPER, Mr. CLAY, Mr. CONTE, Mr. DE LA GARZA, Mr. FISH, Mr. FLAKE, Mr. HENRY, Mr. JONTZ, Mr. POSHARD, Mr. WALGREN, and Mr. WYDEN.

H.J. Res. 227: Mr. RUSSO.

H.J. Res. 248: Mr. FISH, Mr. MORRISON of Connecticut, and Mrs. PATTERSON.

H.J. Res. 253: Mr. LENT, Mr. BEVILL, Mr. BLILEY, Mr. PACKARD, Mr. DORNAN of California, Mr. EMERSON, Mr. RAVENEL, Mr. WALSH, Mr. HANCOCK, and Mr. KOLTER.

H.J. Res. 255: Mr. EARLY, Mr. TRAXLER, Ms. SLAUGHTER of New York, Mr. LOWERY of California, Mr. SOLARZ, and Mr. JACOBS.

H.J. Res. 257: Mrs. MORELLA, Mr. MATSUI, and Mr. SAXTON.

H.J. Res. 265: Mr. COUGHLIN and Mr. BILBRAY.

H.J. Res. 273: Mr. TALLON, Mr. UDALL, Mrs. MORELLA, Mr. SHAW, Mr. LAFALCE, Mr. HILER, Mr. SCHUMER, Mr. SANGMEISTER, Mrs. JOHNSON of Connecticut, Mr. ROTH, and Mr. BRUCE.

H.J. Res. 277: Mr. BOSCO, Mr. RAY, Mr. WALGREN, Mr. PICKETT, Mr. HUBBARD, Mrs. MORELLA, Mr. FALEOMAVAEGA, Mr. DONNELLY, Mr. FLIPPO, Mr. FISH, Mr. GORDON, Mr. PERKINS, and Mr. GILLMOR.

H.J. Res. 305: Mr. MAZZOLI, Mr. MARTIN of New York, Mr. DICKINSON, Mr. JONES of North Carolina, Mr. BROWDER, Mr. LENT, Mr. WHITTAKER, Mr. TANNER, Mr. WATKINS, Mr. STENHOLM, Mr. OLIN, Mr. REGULA, Mr. STALLINGS, Mr. STUMP, Mrs. MEYERS of Kansas, Mr. LOWERY of California, Mr. SPENCE, Mr. CALLAHAN, Mr. FLIPPO, Mr. ERDREICH, Mr. HARRIS, Mr. PACKARD, Mr. JOHNSON of South Dakota, Mr. DORNAN of California, Mr. RAVENEL, Mr. COSTELLO, Mr. FROST, Mr. BILIRAKIS, Mr. JENKINS, Mr. HEFNER, Mr. TRAXLER, Mr. NIELSON of Utah, Mr. SKEEN, Mr. BARNARD, Mr. DE LA GARZA, Mr. MAVROULES, Mr. SAXTON, Mr. RHODES, Mr. SHUMWAY, Mr. KOLTER, Mrs. LLOYD, Mr. MURTHA, Mr. MONTGOMERY, Mr. PARKER, and Mr. THOMAS of Georgia.

H.J. Res. 308: Mr. GINGRICH, Mr. DANNEMEYER, Mr. LOWERY of California, Mr. DEWINE, Mr. HORTON, Mr. PACKARD, Mr. WOLF, Mr. BEVILL, Mr. HUTTO, and Mr. LEATH of Texas.

H.J. Res. 319: Mr. DORNAN of California, Mr. SKEEN, Mrs. BENTLEY, Mr. SOLOMON, Mr. HUTTO, Mr. BILIRAKIS, Mr. SCHAEFER, and Mr. RHODES.

H. Con. Res. 35: Mr. EDWARDS of Oklahoma, and Mr. BILIRAKIS.

H. Con. Res. 128: Mr. FROST.

H. Con. Res. 130: Mr. SKAGGS.

H. Con. Res. 149: Mr. STOKES, Mr. BOEHLERT, Mr. MORRISON of Connecticut, Mr. LANCASTER, Mr. LEWIS of Georgia, Mr. NELSON of Florida, Mr. VENTO, Ms. OAKAR, Mr. BILIRAKIS, Mr. ENGLISH, Mr. HORTON, Mr. IRELAND, Mr. JACOBS, and Mr. EVANS.

H. Res. 41: Mr. BROWDER, Mr. ENGEL, Mr. ESPY, Mr. FLAKE, Mr. LEATH of Texas, and Mrs. LOWEY of New York.

H. Res. 128: Mr. RHODES, Mr. KANJORSKI, Mr. MCDADE, Mr. DIXON, Mr. SMITH of New Jersey, and Mr. WOLPE.

H. Res. 164: Mr. SHAYS.

H. Res. 170: Mr. DYMALLY, Mr. TOWNS, Mr. ESPY, Mr. JONTZ, Mr. KOLTER, Mrs. COLLINS, Mrs. SAIKI. Mr. ACKERMAN, and Mr. ATKINS.

H. Res. 176: Mr. BUECHNER and Mr. SKEEN.

H. Res. 184: Mr. PACKARD, Mr. HUTTO, Mr. RHODES, Mr. NIELSON of Utah, Mr. SKEEN, Mr. WILSON, Mr. SCHUETTE, Mr. RAVENEL, Mr. SAXTON, Mr. LEATH of Texas, Mr. COURTER, Mr. FROST, and Mrs. BENTLEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 166: Mr. BILBRAY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2655

By Mr. DYMALLY:

—Page 582, line 7, strike out "made available to" and insert in lieu thereof "of".

H.R. 2696

By Mr. ECKART

—Page 41, line 5, strike "$1,062,431,000," and insert "$952,431,000,".

EXTENSIONS OF REMARKS

WISE INSIGHT FROM PRESIDENT NIXON ON EVENTS IN CHINA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. LAGOMARSINO. Mr. Speaker, 17 years ago history was made when President Richard Nixon traveled to the People's Republic of China and opened the door to relations with this Asian giant. Since that time, Mr. Nixon has closely monitored China's development and its relationship with both the United States and the Soviet Union. Today, as we focus on the aftermath of the brutal repression of China's prodemocracy movement and formulate policy to address this very serious and emotional issue, I bring the very insightful commentary by President Nixon to my colleagues' attention.

I believe we should carefully consider the broader issues and implications of our actions as particularly advanced by Mr. Nixon. While there have been many commentaries and analyses on the situation in China and on future Sino-American relations, Mr. Nixon's article is the best and most intelligent I have seen. I strongly urge my colleagues to carefully study the following insight from President Nixon—someone who knows, firsthand, the realities of China and American national interests.

[From the Los Angeles Times, June 25, 1989]

CHINA POLICY: REVULSION REAL, REPRISAL WRONG

(By Richard M. Nixon)

NEW YORK.—China's brutal repression of its pro-democracy movement has shocked the Western World. The Tian An Men Square crackdown was shockingly cruel and incredibly stupid. Last week's executions of activists and workers deepened our revulsion, leading even China's friends to question the rationality of a regime that would go forward with such brutality in spite of the protests of Western governments, whose future good will China needs to continue its economic reforms.

For now, China seems to have reverted to its old fanatical communist hard line. In the light of this development, it is difficult to contemplate how continued normal relations with China would be in our interests, at least in the short term. But before adopting policies of reprisal that would again virtually isolate the Chinese regime from the West, the Bush Administration must consider long-term stakes, for the United States and the people of China.

Lashing back with punitive policies would be politically popular and emotionally satisfying for the great majority of the American people. Such policies would make us feel better. But they would have no effect whatsoever on China's hard-line leadership. Instead, they could dash the Chinese people's chances for further economic progress and eventual political reform. They would not be in the interests of the hundreds of thousands of Chinese in China and all over the world who have demonstrated for political reform. And they would not be in the interests of the United States. If, in anger, we drive China back into the shadows of the Soviet Union and the oppressive economic system Deng Xiaoping has tried to reform, those who have died for freedom in China will truly have died in vain.

To see where we should go in our policy toward China, we should first look back to see where we have been.

When I went to China in 1972, I was criticized by the far right and praised by the far left, both for the wrong reasons. The far right believed I had betrayed my anti-communist principles; the far left rejoiced because it thought I had outgrown them. In fact, my decision had nothing to do with my attitude toward communism.

The first reason I went to China was the Soviet threat. Both the Soviet Union and China had communist governments. Both were supporting our enemies in North Vietnam. But there was a crucial difference. The Soviet Union, as a nuclear superpower, was a potential threat to the United States. China was not. China had broken away from the Soviets and was in the position to play a more constructive, international role. It made both moral and strategic sense for the United States to have relations with any nation that did not threaten our fundamental interests.

The second reason I went to China had nothing to do with the Soviet Union. Even if there had been no Soviet threat, it was essential that we have relations with a government that was a member of the nuclear club. And today, how can we launch a worldwide attack on the environmental crisis without the cooperation of a government ruling more than one-fourth of all people on Earth?

Today, a strong, stable China is as vital as ever to the security interests of the United States and to peace in the Pacific. A weak, fractured China would leave the Soviet Union as the dominant military power in Asia and Japan as the dominant economic power.

Whatever happens in the future, it is imperative that Chinese-American relations remain strong so the United States can help maintain the balance among China, Japan and the Soviet Union.

President Bush will be pressured to take harsher action by a strange coalition of China-bashers. Those on the far right who oppose any relations with China will demand economic and diplomatic sanctions. So will the human-rights lobby, which calls for punishing every regime that does not live up to our standards, regardless of our interests or those of the millions living under those regimes whom sanctions would hurt the most. The Bush Administration should continue to ignore these extremist voices and stay the prudent course it has already set.

Many who criticized the President's measured response to the Beijing crackdown were strangely quiet about the deafening silence from Mikhail S. Gorbachev. He may have refrained from condemning the Chinese leaders because he fears that he, too, will continue to face pro-democracy and anti-Moscow regional movements, such as the one in Georgia this spring where troops used shovels and poison gas against the people. In stark contrast to the massive coverage of tragedy in Tian An Men Square, American television cameras and reporters were not present when 20 or more Georgians died, which is one reason Gorbachev's popularity rating in the West remains high while Deng's is plunging. But the Soviet leader cannot push his luck by condemning Deng for taking steps he has already taken and may have to take again.

Gorbachev also knows a freeze between Washington and Beijing will hasten the thaw between Moscow and Beijing. Nearly forgotten in the aftermath of Tian An Men Square is an equally important event that occurred there just days before: the normalization of relations between Moscow and Beijing. Hard-line communist leaders in Beijing, some of whom have been suspicious of Americans to begin with, are probably saying today that if the United States adopts further sanctions—in effect closing the door to China that we opened in 1972—the Kremlin gates now stand open.

China's leaders want to continue economic progress, and they know the best way to achieve that is through continued access to Western technology and investment. They neither like nor trust the Russians, and the Russians have little to offer them compared with the West.

But political factors can override economic realities. The Chinese got along without the West for a quarter-century, and they could do so again. If we force them back into their angry isolation from the West, we risk prompting a potentially disastrous entente between the two great communist powers that would be in nobody's interests but Gorbachev's.

Despite the fundamental national self-interest behind our rapprochement with China, many Americans have gone overboard and turned it into a romance. China has a limitless capacity to fascinate. But it is not Disneyland. It is, as it has been since 1949, a communist dictatorship held together by brute force.

No one who knows China should be surprised when its leaders turn to violence in pursuing their political goals.

They have done far worse before Tiananmen Square. One overly excited journalist wrote last week that the crackdown transformed "the Woodstock-like encampment of young students . . . into the bloodiest killing ground in communist China's history." He apparently was not aware that many times more people died—hundreds of thousands, some Chinese claim millions—in Mao Tse-tung's Cultural Revolution. Twenty million died in the wake of the brutal forced collectivization known as the Great Leap Forward. Attacks on unarmed civilians are never justified. But in condemning them, we should not pretend that we did not know

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that China's leaders were capable of using violence for political purposes.

Since Tiananmen Square, some pundits have noted with irony that the Deng who beguiled millions during his state visit to the United States in 1979 is the same man who ordered the crackdown. What is more ironic is that many of the same pundits were willing to believe that the dedicated communist who had fought his way through the Long March and the bloody Chinese civil war was just a cuddly teddy bear with a cute smile. Those who insist on romanticizing relations between nations will always be disappointed when the realities of national interest and survival inevitably intrude.

But while we should be realistic about China, its leaders and the strategic reasons our relationship must continue, we should not lose sight of the benefits the Chinese people have derived from that relationship, particularly the economic progress that has come along with it. If we can restore a close relationship with China, the greatest beneficiaries will be the people of China themselves.

Some Beijing demonstrators carried banners reading, "In the Soviet Union they have Gorbachev—who do we have?" They have leaders who have made life better for hundreds of millions of Chinese.

In the 10 years since Deng instituted his economic reforms and an intensive campaign to attract Western investment, the income of the average Chinese has doubled. In the five years since Gorbachev came to power in the Soviet Union, despite the rave reviews for his political reforms, the income of the average Russian has stagnated or even gone down.

In 1972 there were no Chinese students from the People's Republic studying in the United States. Since that time, 62,500 have gone to school here. In that same period only a few hundred Soviet students have studied here. Gorbachev's *glasnost* notwithstanding, television and press coverage of the events in Tiananmen Square has been far greater than that of comparable events in the Soviet Union.

On June 2, two days before the crackdown, a Chinese student studying in New York City mailed a letter to my office. "Please tell President Nixon," he wrote, "that we young people from China really appreciate what he has done to open up China to the outside world. Just look at the Statue of Liberty that the Chinese students carried when demonstrating on the streets for democracy. It would be impossible without his courageous visit to China."

As events later unfolded, I took little comfort from his message. China's new fascination with the West and the dramatic economic reforms Deng adopted were both welcome developments. But they also entailed great dangers. By giving their people a better life economically and permitting their brightest young people to study in the West, China's leaders ran a risk—that the people's rising expectations would eventually lead to demands for political reforms challenging the authority of the Communist Party.

The further tragedy is that the suppression of the pro-democracy challenge has dealt a massive setback to Deng's economic policies. A fundamental goal of U.S. policy toward China should be to influence its leaders to get the economic reforms back on track and also to go forward with peaceful political reforms. Our influence will be squandered if we make pious pronouncements in public about what the Chinese leaders should or should not do. It would be far better to urge them, through private channels, to show restraint in dealing with pro-democracy activists and eventually find a way to accommodate dissent within the system.

In 1972 I met with a group of congressmen and senators who opposed our new relationship with the Soviet Union because of its policies against Jewish immigration. I said, "The walls of the Kremlin are very thick. It is difficult to be heard even when you are inside the walls. It is impossible to be heard when you are outside." When we opened lines of communication to the Kremlin and made our views known privately, the number of Jews allowed to leave the Soviet Union increased, from 600 the year before I came to office in 1969, to 37,000 in 1973.

We face a similar dilemma today. The Great Wall of China is very thick. We may not always be heard when we are inside. If we withdraw outside the wall again, we will not be heard at all, and the Chinese people's dreams of more democracy and a better life will almost certainly die.

INTRODUCTION OF THE FOREIGN DEBT SAFETY AND SOUNDNESS ACT OF 1989

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. LAFALCE. Mr. Speaker, on Friday, I introduced the "Foreign Debt Safety and Soundness Act of 1989," H.R. 2747. This bill should greatly strengthen the financial soundness of our banking system by requiring increased reserves on risky Third World debt portfolios.

Bank safety and soundness must be a paramount concern to all Members of the House, especially in view of the harsh measures we are being forced to take to deal with the savings and loan crisis.

Mr. Speaker, if an ounce of prevention is worth a pound of cure, I believe my bill offers a pound of prevention.

We are all familiar with the problem. After years of heavy lending to Mexico and other Third World countries, banks found themselves holding many billions of dollars of shaky loans. For example, loans to Latin America by the nine largest United States banks totaled 175 percent of the banks' combined capital in 1982.

When it turned out that these debtors were unable to pay, these U.S. banks faced bankruptcy. In response to this threat, the Congress passed the International Lending Supervision Act of 1983 [ILSA].

ILSA requires regulators to direct banks to reserve against these risky Third World loans. Unfortunately, reserves have not been built up adequately.

A May 1988 GAO study requested by our colleague Mr. LEACH showed that regulators were requiring reserves on very small portions of risky loans. An update to that study that I requested and released on June 6 of this year shows, in fact, that over $70 billion of foreign loans held by U.S. banks are either not complying with their present debt-service obligations, or noncompliance appears imminent.

Yet the Federal Reserve and other regulators have required the banks to reserve against only 3 percent of this total.

While there has been some progress over the last 7 years, some banks are still dangerously overexposed. For several money center banks, Third World loans still comprise over 100 percent of equity. Mexican debt alone accounts for over 50 percent of equity of some of the major banks in this country.

If there is one lesson we have learned from the savings and loan crisis, it is that we must require adequate regulation and reserves on high risk loans.

My bill would help to confront the reality of the deteriorating economic conditions in the developing countries, conditions that continue to put at risk Third World loans. The bill's premise is simple: risky loans require adequate reserves.

The bill essentially does three things:

First, reserves are required on loans to sovereign borrowers whenever payment of interest or principal is more than 90 days in arrears. Reserves are further required on loans that have previously been rescheduled because the borrower could not meet the original terms.

This step implements a recommendation of the GAO that the financial system needs to be better protected against defaults by debtors with an ongoing history of delinquency, that is, the highest risk debtors.

Second, the amount of reserves would vary on a country-by-country basis. Loans to Mexico, in many ways a model debtor, would require fewer reserves than some of its neighbors who have failed to implement economic reforms.

While I understand that the current secondary market may be too thin to precisely value Third World loans, and thereby provide a strict "market-to-market" mechanism, it can act as a useful guidepost. Therefore, the bill sets reserve levels at no less than 70 percent of the discount reflected by secondary market prices.

Given current circumstances, this means that reserves on Mexican debt would be approximately 40 percent, while reserves on Argentine debt would be closer to 60 percent.

Third, because safety and soundness is the guiding light of this bill, the bill accommodates the principles of the "Brady proposals."

I have long advocated the position that U.S. banks with large exposures to developing nations would be on safer ground if those nations would have the opportunity to grow and develop. However, this cannot happen as long as the debt burdens drain those countries of the resources they need for economic development.

The Brady proposal reflects the understanding that meaningful debt relief is a prerequisite to economic growth in the Third World. And economic growth is the best antidote to these threats to our financial system.

Therefore, my bill allows regulators to reduce reserve requirements for banks that have participated in negotiating a meaningful debt reduction and restructuring package that includes the exchange of existing debts for

new instruments that are credit-enhanced by the IMF, the World Bank, or other MDB's in accordance with the Brady plan.

This increases the creditworthiness of outstanding loans in two ways. First, it reduces the debt burden of the borrowing country and adds to the capital inflows, thereby increasing the resources available for investment in economic growth. Second, it exchanges unsecured, highly risky debt for new, secured debt.

Mr. Speaker, these are prudent steps. They are preventative medicine. I hope that we can act on my bill with dispatch so that we can shore up our financial institutions for the long term.

The text of the bill follows:

FOREIGN DEBT SAFETY AND SOUNDNESS ACT OF 1989

Section 905(a) of the International Lending Supervision Act of 1983 is amended by inserting:

"Section 905(a)(1) Each appropriate Federal banking agency shall require a banking institution to establish and maintain a special reserve against possible future losses on any loan to a sovereign borrower if—

"A. The loan has been rescheduled at the request of the borrower as a result of difficulties in making payments due under the terms of the loan; or

"B. The borrower is more than 90 days in arrears in the payment of interest or principal under such loan;

"(2) The reserve to be required under paragraph (1) to any loan shall be determined by each appropriate Federal banking agency, on a semi-annual basis, in light of the particular circumstances of the borrower, except that the amount shall not be less than 70 percent of the discount on loans made to such borrower as established by loans to such borrower on similar terms traded on the open market.".

The International Lending Supervision Act of 1983 is amended by inserting after Section 905, the following:

"Section 905(A): The reserving requirements provided for in Section 905 may be waived by an appropriate Federal banking agency if the agency determines, in a finding transmitted to the Committee on Banking, Finance, and Urban Affairs of the House of Representative, and the Committee on Banking, Housing and Urban Affairs of the Senate, that—

"(1) A sovereign borrower whose loans would otherwise be subject to Section 905(a) has:

"(A) Secured the approval of the International Monetary Fund or the International Bank for Reconstruction and Development an economic program designed to produce adequate rates of growth to support timely repayment of external loan obligations; and

"(B) Negotiated with all of its creditors a schedule of future repayment obligations the debtor is able to maintain without the need for future rescheduling of debt; and

"(2) The banking institution has received credit enhancements on existing debts in exchange for debt or debt service reduction, or swapped existing debts for new credit-enhanced debt carrying lower principal or interest burdens pursuant to agreements negotiated among the banking institution, the sovereign borrower, the International Monetary Fund, and the International Bank for Reconstruction and Development. Additional loans made as part of a package including debt or debt service reduction shall be considered enhanced for the purposes of this Act."

"(3) This Act takes effect 6 months from date of enactment.".

SERBIAN-AMERICANS REMEMBER KOSOVO

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. FLORIO. Mr. Speaker, June 28, 1989, Serbian-Americans from all over the United States will gather in Greyslake, IL, to commemorate the 600th anniversary of the historic Battle of Kosovo. This battle for independence showed the determination of the Serbian people to remain free of imperialistic rule. Although the Serbian Army was defeated by the Ottoman Empire, the soul and spirit of the Serbian people was not diminished. Their struggle for liberty and freedom showed the same determination which was so vital to the founding and protection of our own United States.

After 500 years of alien control, the Serbs' persistence finally prevailed in 1870, when a sovereign kingdom of Serbia was reestablished. However, some of the Serbian lands still remained under imperialistic control. Only after World War I, when the central powers were defeated, did the people in all the lands inhabited by Serbians achieve unity and sovereignty. This dedication to reunite their culture and beliefs is expressed best in the Serbian motto, "Better the Grave Than Be a Slave."

Mr. Speaker, June 28 will be a day to celebrate. A day to celebrate not only freedom, but also the quest for freedom. To celebrate the ability of an entire people to overcome oppression and demand democracy. To celebrate the astonishing plea for human rights that is being heard today all over the world, and to celebrate the accomplishments of the Serbian people.

As this anniversary approaches, we realize that 600 years ago people cherished the same ideals that we so dearly value today. This creates hope that in the future resistance to oppression and dedication to freedom will still persist. So on this day of celebration, all the people of America can learn from their Serbian-American fellow citizens. By congratulating them on the 600th anniversary of the Battle of Kosovo, perhaps we all can better understand the principles which created these United States.

IN HONOR OF CHANEY, SCHWERNER, AND GOODMAN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. SCHEUER. Mr. Speaker, 25 years ago many of us in the Northeast were caught up in the excitement of breaking through a new frontier in civil rights.

Few of us, however, were aware of the serious dangers facing those who were actually fighting to provide equal opportunity and hope to blacks in Mississippi.

Andrew Goodman, James Chaney, and Michael Schwerner gave their lives to that noble cause. The tragedy of their deaths sent shock waves across America.

Our country was in a state of sorrow and disbelief. The contribution these three brave men made went far beyond what any of them could have imagined.

They galvanized the conscience of the Nation and brought a taste of the pain and suffering incurred by blacks in the South to many American homes across the Nation.

Twenty-five years later, they cast an everlasting light, symbolizing hope for all Americans who strive to rid America of hatred, guarantee equal rights under the law, and provide hope to those who have been denied it.

THE RETIREMENT OF MR. JAMES J. MOONEY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. CONTE. Mr. Speaker, I would like to take this opportunity to extend my heartfelt congratulations to a good friend and a community leader, James J. Mooney, who is retiring at the end of this year after 18 memorable years as executive director and 22 more on the staff of the Boys Club of Pittsfield, MA.

For 40 years, the youth of western Massachusetts have benefited from the endless labors of Jim Mooney. He is a man who never shirks responsibility and is always glad to get involved. Jim has always displayed great respect for every individual with whom he has come into contact. Jim has always addressed and been sensitive to the needs of everyone, from the youngest child to the troubled adolescent to the respected businessperson. Jim has made the Boys Club into a special place. His keen sense of organization and ability to coordinate activities down to the most minute detail are certainly characteristics which Jim has sharpened and utilized to the advantages of thousands of children. However, it is his strength of character and understanding nature which has been the base for his success and the reason that people that have been involved with the Boys Club come back and give back to it.

Always sensitive but demanding and tough when necessary, Jim has built an environment and institution which will survive after him. He has taken an environment largely based upon the competition of sports, and has made it a place of bonding and character building for children of all ages. Jim has made the Boys Club a resource and an outlet for those who desperately need a guiding hand. He has added programs for mentally and physically handicapped youngsters and has turned the Boys Club from an all-male organization into one meeting the needs of a coed young community. The Boys Club has always been there to help children in need and to provide comprehensive programs and activities for their enjoyment. Under Jim's leadership, the Pittsfield Boys Club has come to be widely recog-

nized as one of the finest Boys Clubs in the Nation.

His concern for others and inherent feeling for the community has led Jim to be an active participant in a variety of organizations, working diligently and rising to the top in practically every task he selflessly undertakes. His community involvement does not end at the walls of the Boys Club but pervades the community in many ways. Still a young man at 58, Jim Mooney will remain thoroughly ingrained in the community which bore him.

My connection to Jim Mooney is special because as a youngster, I belonged to the Pittsfield Boys Club. Every day I walked the railroad tracks from my home in Lakewood to what we called "The Club." It is where I learned my manual training and made many close friends. I still remember the many hours that went into the bookcase and coat rack I built under the instruction of Mr. Victorine. In fact, I still have them today. The experiences I had at the Boys Club truly helped me through my childhood. The Boys Club was there for me when I needed guidance and structure, just as it is there for those who need it today.

The Boys Club I remember was similar to the Boys Club of today because of one main ingredient, leadership. The directors of the Boys Club of yesteryear, men like P.A. Jordan, James E. Keegan, and Fred S. Fahey, were fantastic leaders. Following in their footsteps is Jim Mooney, a born leader who cares dearly about the community in which he has spent his entire life. Following Jim, no easy task, will be Greg Crosier, another exceptional man. All of these leaders exemplify the work ethic and the idea of service for one's fellow man. Heading into the 21st century, the Boys Club is in good hands.

I cannot say enough about my friend Jim, Mr. Speaker. Literally thousands of children have been touched by Jim Mooney's presence at the Pittsfield Boys Club. Nevertheless, he takes his retirement in stride just as he has taken any problem or issue throughout his career. Pittsfield knows its champion will retire gracefully, not making his retirement an end, but making it a beginning of a new life. Still a young man at 58, Jim Mooney will remain thoroughly ingrained in the community which bore him. Jim is a strong, caring, and devoted man as well as a tireless worker and I am truly honored to pay tribute to him today. I wish him the best in his retirement and am confident he will continue giving to the community in the generous way he always has.

LOOSE MARBLES * * * INDEED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. STARK. Mr. Speaker, I would like to submit for the record an insightful editorial written by my good friend and colleague from Florida, Congressman CHARLES BENNETT. Mr. BENNETT'S article exposes with great clarity how certain notable weapons scientists have, with incredibly optomistic claims, lead the U.S. military into the world of absolute fantasy on SDI.

Lawrence Livermore National Laboratory, in my congressional district, is home to these scientists and receives a large amount of the research funding for SDI. Lawrence Livermore is particularly prominent as a developer of the "brilliant pebbles" concept.

Clearly, I have a good reason to support SDI. But, I don't. The SDI Program has an outrageous history of spending huge amounts of money on unrealistic expectations.

Congratulations to Mr. BENNETT for his excellent work.

[From the New York Times, June 17, 1989]

"BRILLIANT PEBBLES"? NO, LOOSE MARBLES

(By Charles Bennett)

WASHINGTON.—With "brilliant pebbles," proponents of the Strategic Defense Initiative may finally have gone off the deep end.

After six years and $17.5 billion of research, the "Star Wars" program has produced lots of exciting ideas. Every time one of them gets shot down, the scientists invent another. This time it's a doozie.

After a year of lobbying, Lowell Wood and Edward Teller of Lawrence Livermore National Laboratory have convinced the Bush Administration to embrace brilliant pebbles. The idea is to encircle the globe with tens of thousands of rockets packed with so much advanced technology that they could shoot down about 30 percent of the first wave of a Soviet nuclear missile strike.

We should not reject this idea out of hand. But for something swallowed uncritically by educated adults who should know better, this proposal has a remarkable number of problems.

To start with, brilliant pebbles is the brainchild of the same two scientists who hatched the idea of shooting down missiles in space with an X-ray laser. Mr. Teller's briefings to President Ronald Reagan about this weapons concept are widely credited with inspiring the S.D.I. program. Mr. Teller claimed the laser was close to reality, writing that "a single X-ray laser module the size of an executive desk could potentially shoot down the entire Soviet land-based missile force." The problem was that this claim wasn't true.

While Mr. Reagan believed Mr. Teller, other S.D.I. scientists were less optimistic, to put it mildly. George Maenchen, the senior scientist in charge of the X-ray laser program at Lawrence-Livermore, said: "All these claims are totally false. They lie in the realm of pure fantasy." Indeed, the X-ray laser program that launched S.D.I. was soon put on the backburner as "long-term research."

Mr. Wood and Mr. Teller also championed ground-based lasers, and then space-based interceptors—hundreds of satellites, each carrying a dozen rockets. Unfortunately, brilliant pebbles looks no more promising than its predecessors.

The system requires technological breakthroughs in dozens of areas. No "brilliant pebble" has been built yet. Mr. Wood talked last year of deploying 100,000 rockets, each weighing five pounds and costing $10,000. Last month, Vice President Quayle said each would weight 100 pounds and cost $500,000.

Even if the technology does work, we still haven't solved the basic problem of strategic defense: All defensive systems can be defeated by countermeasures that cost far less. The reason for that is simple. It's a lot easier to hit an orbiting satellite than a warhead moving at a vast rate of speed. Moreover, it's also easy to build enough new missiles to numerically overwhelm a defense, or to develop missiles that get into space before interceptors can target them.

In any event, we would be locked into a spiraling offensive and defensive arms race with no winner, no stability and no security. Funds would be drained from more urgent defense needs.

Recently, the Joint Chiefs of Staff proposed that the Administration drop its insistence, in the Geneva talks on strategic arms reductions, on the right to deploy strategic defenses. This note of skepticism follows their call, in April, for the lowest of the funding options presented during an official review of Star Wars.

Research, however, is a prudent hedge against unpleasent technological surprises. Respected experts have told Congress repeatedly that a vigorous research program could be supported at $2 billion to $3 billion a year. We are spending more than that now because we have a program geared to deployment, not research.

If the Bush Administration wants to spend some of that money on brilliant pebbles research, fine. Administration officials may, in fact, know the idea is crazy but be using it to divert attention while they cut $1 billion from S.D.I. Since there has been little outcry at the cuts from the true believers, perhaps we should concede the brilliance of their strategy.

But for Congress to appropriate $4 billion or $5 billion for this scheme would look less like brilliant pebbles than like loose marbles.

TRIBUTE TO ELEANOR "ELLY" ROBBINS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. RANGEL. Mr. Speaker, it is with great honor that I stand today to salute a truly outstanding, committed, and dedicated humanitarian, Mrs. Eleanor "Elly" Robbins.

Mrs. Robbins was recently honored with the 1989 Harriman Award for 50 years of "exemplary" service to the American Red Cross, and the League of Red Cross Societies. I would like to share with you and my colleagues an article from the New York Daily News, which speaks of Mrs. Robbins' committed and dedicated service. I commend this article to you, and ask that it be entered into the CONGRESSIONAL RECORD.

[From the New York Daily News, June 14, 1989]

GRAVEL VOICE BEHIND RED CROSS GETS IN A FEW PRIVATE WORDS

(By D.J. Saunders)

"Why am I doing this? I do public relations for the Red Cross. People in public relations aren't supposed to be subject of news—it is against all my principles," say Eleanor ("call my 'Elly' ") Robbins as she sits in her fifth floor office at the American Red Cross in New York.

She is being interviewed because she was recently honored with the 1989 Harriman Award for "exemplary" volunteer service—50 years of it—with the American Red Cross and the League of Red Cross Societies throughout the world.

"I don't play bridge, I don't like to shop, and I certainly don't want to have lunch with the girls—I would go bananas," she says in her trademark gravelly voice ("I've had it since I was a teenager, I can't tell you how many times people call me 'sir' ").

She adjusts her smart black dress with a brown printed top as she prepares to go to "some very fancy luncheon," as she puts it. She keeps her co-workers in stitches with her good humor, and with one-liners that would give Auntie Mame rough competition.

"How old am I? You do have your nerve. Seventy-two," she answers quickly. "I'm an old bag, you know."

"I guess I could get paid," she responds to a question. "But why would they hire me? They've got me for free. And this is a large corner office, beautiful, with a view of the Hudson River on one side and Lincoln Center."

Any thoughts of author Patrick Dennis' Legendary Mame vanish as she casually mentions that she spent last Christmas on the Thailand-Kampuchea border "or as we Americans still say, 'Cambodia,' bringing good wishes to an American medical team stationed at a refugee camp. I was very impressed at what they were doing under the most difficult situations."

Like Mame she has travelled extensively. But unlike Mame, she worked as a volunteer.

As the Harriman Award plaque puts it "brilliantly promoting the American Red Cross and the League of Red Cross Societies."

"I hope you are duly impressed," she jokes. "I was. I had no idea that I was that brilliant. But I had to give a speech, which I loved because I am the biggest ham in the world."

Her tone turns serious as she explains, "That is the league of 148 societies in 148 countries. I worked for them in Geneva. And I went to 17 countries getting public relations programs to promote the Red Cross."

The citation is named after E. Roland and Gladys Harriman (of the Union Pacific Railroad Harrimans), who were longtime volunteers and large financial contributors to the Red Cross. Elly is cited for enhancing "the image and traditions of the American Red Cross on a truly global basis . . . (demonstrating) extraordinary volunteer leadership to the American Red Cross on all levels from local to national to international."

"Let's get this correct, now," she insists. "It is not what I have done for the Red Cross. It is what it has done for me. I'll read from my speech, 'I want to thank the American Red Cross for the opportunities it has given me' ", she emphasizes. " 'These opportunities broadened my perspectives, widened my contacts and helped me to achieve personal growth and the development of abilities.' "

She sets the speech aside and changing her tone, tells this story. "I really started as a teenager, you know, sitting in the foyer of the Stork Club with a cannister collecting money. They sent me a drink. I was 15. I couldn't drink but here I was sitting with all these VIPs and I said, 'This is for me.' It sure broadened my perspective. Sitting in the Stork Club would broaden anyone's perspective."

UNITED STATES SECURITY RELATIONSHIP WITH SOUTH KOREA

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. GUARINI. Thank you, Mr. Speaker. Today I would like to bring to the attention of the House of Representatives the remarks made by Dr. Hyun-Uk Kim at the luncheon meeting held by the Committee on Foreign Affairs on June 21, 1989. Dr. Kim is chairman of the Foreign Affairs Committee of the Korean National Assembly.

In his statement, Dr. Kim observed that while global tensions between East and West now appear to be easing, the continual threat of military aggression by North Korea remains a reality on the Korean Peninsula. As a consequence, Dr. Kim strongly advised against premature withdrawal of American troops from South Korea. American troops cannot remain in Korea indefinitely—but to withdraw them in the near future, Dr. Kim believes, would only invite further aggression.

During the years that United States troops have been stationed in Korea, the Korean people have been making strides toward building a steady economy and a peaceful society, free from the ravages of war and underdevelopment. I believe we must have no illusions about the potency and effectiveness of the American military deterrent in allowing this gradual social transformation to take place. To withdraw United States troops now, when there has been no progress in dialog between North and South Korea and no reduction in tensions on the peninsula, would be to abandon our commitment to helping the Korean people continue to build a democratic society.

History has shown that the security relationship between our Nation and South Korea has enabled the Korean people to move ahead toward greater economic prosperity and political freedom. With these thoughts in mind, I am pleased to submit to the House of Representatives the June 21, 1989, remarks of Dr. Hyun-Uk Kim of the Korean National Assembly.

REMARKS BY DR. HYUN-UK KIM, CHAIRMAN, FOREIGN AFFAIRS COMMITTEE

Chairman Fascell, Ranking Member Broomfield, and distinguished Congressmen; I am highly honored to be with you at this luncheon meeting and on behalf of my delegation, would like to express our appreciation to you for your kind invitation.

Today, I would like to make a few observations on the security relationship between our two countries and concern over anti-American sentiment in Korea.

During the last four decades, the strong security ties between Korea and the United States have contributed to peace and stability not only on the Korean peninsula, but in all of Northeast Asia—a region in which the United States has much at stake. By helping deter North Korean military adventurism, American troops stationed in South Korea have provided a stable environment for my country to move forward economically and politically. It is undeniable that Korea has been a success story for U.S. foreign assistance policy.

These days, many people say that the Cold War is over. It would seem to be true given the process of change and reform in the Soviet Union and in some East European countries. As a result, the United States together with its NATO allies and the Soviet Union are tossing back and forth some proposals for possible force reductions in Europe. General trends in Europe and across the Atlantic are moving toward the thawing of East-West confrontation.

Unfortunately, however, it is not the case on the Korean peninsula. We don't see any sign of change or reform in North Korea which continues to focus on achieving Kim Il Sung's lifelong ambition of communizing South Korea. It is a fact of life that military threats from the North perpetuate the volatile situation on the Korean peninsula.

Nonetheless, lately we have heard some sporadic talk in the U.S. Congress and in academia about possible reductions or phased withdrawal of American troops from Korea. Given the budget constraints and thawing trends in East-West relations, it is somewhat understandable. And I agree that the American troops will not remain indefinitely in Korea.

However, I think that it is premature to begin talk about a reduction or withdrawal of U.S. troops from Korea before there has been any progress in the South-North dialogue or any tension reduction on the peninsula. And given that the Soviets have recently been seeking positive engagement in Asia, it is not the time for the United States to retreat from its forward deployment strategy. Any unwarranted talk about disengagement holds some dangers of undermining our sound alliance in this time of uncertainty.

Moreover, military experts say that 40,000 American troops (one ground division and its supporting forces) is the minimum level required to constitute an effective combat force. The American commitment to the defense of Korea that these troops represent is a proven deterrent to North Korean aggression. Due to the symbolic significance of the troops and their already relatively small number, conditions for a reduction of troops in Korea are much different from those of the U.S. troops serving in Europe.

As President Bush said in his speech to the Korean National Assembly on Feb. 27 this year, "American troops should remain in Korea as long as they are needed and as long as it is in the interest of peace." And let me emphasize that both our governments will continue to review the prospects for peace and the conditions for possible troop reductions from Korea through close consultation.

Now I would like to comment on anti-Americanism in Korea which some say is a growing problem in Korean-American relations. I think the problem is not too serious because the majority of Koreans value the traditional friendship between Korea and the United States. It is true that as democracy becomes more entrenched in Korea, the voice of the public will increase in importance. But most of the anti-American sentiment is expressed by a relatively small group of radical students and leftists. They blame the United States for forcing the division of the Korean peninsula in 1945 and for complicity in the evils of past regimes such as the Kwangju incident in 1980. And they call for the United States to remove its troops from Korea because foreign troops are seen as a hindrance to reunification.

In many cases, by upholding North Korean arguments, the radicals have

become more sympathetic to the communist North than they are to their own government. It seems that they are using their demands and attacks on America to weaken President Roh's government and to alienate the United States from the legislative government of Korea. Due to their high level of organization, radical students' violent demonstrations have enjoyed great media attention, but even so have not won any broad public support in Korea.

I believe these violent demonstrators will soon learn that there is no future to their movement when President Roh goes ahead with further democratizations and establishes a constructive working relationship with the opposition parties. A lack of support and legitimacy will result in their disappearance from center stage in the near future.

In spite of many noisy and often violent scenes viewed by the American public through newspapers and television, Korean society is moving ahead steadfastly toward democratization and modernization. The driving force behind this process is the growing number of sound middle-class people who want a gradual, non-violent process of social transformation.

There are surely some criticisms of certain aspects of Korea-U.S. relations to be heard among the middle class, but such criticism is not synonymous with anti-Americanism. They may have voiced opposition to U.S. trade pressure toward Korea. They may be increasingly sensitive to displays of Korea's subordinate status in relation to the United States, such as the highly visible Yongsan base, the relocation of which both governments are discussing at the moment.

However, most Koreans know that in reality such images are mere reflections of the past. I think they cherish their friendship with the United States who helped a friend in need. I am sure that when we work together with more sensitivity and carefully adjust policy through close consultation between both nations' policy makers, we can solve any difficulties in our relationship and further strengthen this traditional friendship.

Mr. Speaker, I am pleased to have had the opportunity to present Dr. Kim's comments to the House of Representatives today, and I believe they provide a clear and cogent analysis of the current situation in Korea. I hope that you and all Members of the Congress will join me in extending the hand of friendship and solidarity to the people of South Korea.

AN EXEMPLARY CONGRESSMAN

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. DANNEMEYER. Mr. Speaker, the following article by syndicated columnist, Louis Rukeyser, helped me to remember the example of a former Member of Congress, Representative Davy Crockett (circa. 1800). This is the same Davy Crockett of Alamo fame.

As the story goes, one day on the House floor Members were asked to consider a relief bill. Mind you, in those days American polity still held charity inviolate and the tool of taxation limited to legitimate public functions.

There was great clamor to help the widow of a recently deceased Member and, eventually, a bill was introduced to provide financial assistance to the widow after a tragic fire to her home in Georgetown added to her misery. Right before passage of the relief bill Davy Crockett made his way to the podium and sought recognition.

This noble Member of, even then, great fame made his colleagues a proposition. He offered to give this widow a week's salary and asked his colleagues to join him in this act of pure charity in lieu of the relief bill. You see, Mr. Crockett thought the relief bill set a bad precedent, notwithstanding its noble intent. But far nobler, in his mind, was the principle that tax dollars should not take the place of charity. It was not wise public policy, nor did it make fiscal sense taken to the extreme.

Mr. Speaker, Davy Crockett lost this battle and the widow received public relief. The legacy of this, and other early precedents, have been taken to their extreme—a nation $3 trillion in debt. We are no longer a welfare state. We have graduated to the status of a subservient state. All life in America must pass the muster of minds inside the beltway. This is a disgrace. Mr. Rukeyser's commentary, appearing in the Orange County Register on June 14, is a deserved poke at all of us who have the privilege of serving in this institution.

Mr. Speaker, I recommend the following for Members' consideration:

NO SHORTAGE OF CHUTZPA FOR MEAN CONGRESSMEN

How sweet it is. Some of the very congressmen who have so successfully practiced the politics of envy in American economic life now weep copious tears when its viciousness is turned, for a change, against them.

Whence comes this "meanspiritedness," this "mindless cannibalism"? they demanded, as they embark on a forced march to the congressional exits. Well, guys, the answer can be found with a swift glance in the shaving mirror.

The truth behind the maudlin rantings is that such congressmen for years have been among the nation's most shameless hypocrites: simultaneously feathering their own nests, with everything from ludicrous perks to meaningless junkets, while leading a "populist" charge against anyone who managed to outearn them in private life.

Congress has used every tax bill since 1982 to vent its outrage on those Americans who were getting ahead. Our noble legislators cut back on the dentists' pension plans—and thereby cut back on the nation's overall savings and investments. They vastly increased the paperwork and the costs for small businesses. They changed the rules in midstream on those who had invested in good faith under the tax rules of earlier Congresses. They paused while flying off to Rio to tell the traveling salesman he could no longer fully deduct his business lunch.

Long forgotten was the wisdom of Abraham Lincoln ("you cannot build your own home by tearing down another man's house") or even Jack Kennedy ("a rising tide lifts all boats"). This Congress for years has focused instead on (1) nonstop revenue raising (to reduce its own gaping deficits without having to reduce the spending that helps it get elected), and (2) nastily, demagogically exploiting the politics of envy.

There is a word for all this, and it is not any of the self-serving syllables being used by disgraced politicians. The word is chutzpa.

Chutzpa is an old Yiddish word that has become as American as pizza and chow mein. It means, of course, unmitigated effrontery—which often, itself, seems like a perfect definition of Congress. (An illustrative story tells of a woman bitten by a dog who, when advised that the dog is mad, replies: "Chutzpa! The dog should be mad?")

And so the mad dogs of Congress, have stirred the frenzy of envy in American society, now thrash about in indignation when this "unaccountable meanspiritness" is turned on them.

Not so, I fear. "Ethics" and "greed" have lately become the hardy perennials of American pseudo-thought.

"Greed" should never be confused (as it usually is in Congress) with the legitimate desire to improve one's lot in private life and to keep more of one's earnings. That desire is the keystone of all economic progress. It is what built this country, provided its pool of savings for future growth and kept us competitive. Honestly to desire a better life for oneself and one's family is not "greed"—even though it often plays well on the hustings to denounce as "greedy" any of our neighbors who has had the impudence legally to outearn us.

Similarly, the genuine "ethics" issue in Washington is not whether some conniver twisted the House rules for personal gain. Those who did should be prosecuted; that's what courts are for. (Leaving Congress—and keeping your lavish pension—may not suffice, despite the orgy of crocodile tears.) The genuine "ethics" issue concerns a Congress that survives by stealing from others, that habitually bribes groups of voters with other people's money—and then has the nerve to call itself "generous" and "compassionate." No wonder these, the theoretically "ethical" incumbent congressmen who have preyed so successfully on our meanest and most envious instincts, get re-elected more than 98 percent of the time—a higher percentage, incidentally, than currently prevails in the Supreme Soviet.

COMMUNITY ACTION CELEBRATES 25TH ANNIVERSARY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. LEWIS of California. Mr. Speaker, I would like to take this opportunity to remember an important day in our Nation's efforts to aid low-income Americans. On August 20, 1989, the "Community Action Movement" will celebrate a quarter of a century of service to America's low-income population.

The Community Services Department [CSD] for San Bernardino County, originally the Dependency Prevention Commission [DPC], is part of a national network of community action agencies that have served the poor with commitment and distinction for 25 years.

I would like to take this opportunity to recognize the original board of directors who incorporated the local "War on Poverty" Agency on January 8, 1965. They include Chairman Harry C. Smith, Ruben S. Ayala, Dr. C. Weynard Bailey, Fred Lopez, Mrs. Anne Shirrells, Robert E. Bell, Jim Vezie, Paul J. Young, O.E. Brown, Mrs Judy Ismach, Earl W. Bandy, Donald L. Morgan, Henry L. Lucas,

Rev. Murphy Beck, W.R. Holcomb, Dr. Robert G. Fisk, Earl Wilson, and Allen F. Sterling, M.D.

I would also like to recognize the current Community Action Board which includes Chairwoman Belva Holder, Dorothy Grant, Nancy Ruth White, Cindy Lobo-Jaurequi, Venny Newman, Johanna Olson, Mary Louise Cogswell, Charles McGroarty, Beverly Sauers, John Williams, Dolores Kossman, Carlene Henriques, and Armine Hogate.

In celebration of the 25th anniversary of Community Action, I would like to share with my colleagues an article that appeared in the San Bernardino Sun on August 25, 1964, discussing the origins of the local antipoverty agency in my district.

HOW WILL POVERTY BILL AFFECT COUNTY?

Supervisor Daniel D. Mikesell asked a question yesterday that may be in the minds of quite a few people: How is the new anti-poverty bill going to affect the county and its operations?

Mikesell didn't get an immediate answer.

"I don't think anyone is too sure how it will work," said Supervisors' Chairman Nancy E. Smith.

Mrs. Smith said there has been thinking that provisions of the bill will be carried out by a specially formed local group, by an organization such as the United Fund or by government, or a combination of all three.

County Administrative Officer Robert A. Covington noted that a number of administrative interpretations are usually handed out with a bill of this type.

Mikesell said he wanted to know the fundamentals of the bill, how it will be administered and how the county can participate.

Mikesell's interest apparently was heightened by the recent formation of a steering committee to form a county "Dependency Commission." The steering committee is the result of efforts by the County Council of Community Services.

William F. Nicholas, executive director of the group, said the idea of a committee to coordinate efforts in meeting a range of community problems originated last fall.

The pattern which the citizens group was following happens to coincide with the type of program encouraged in the antipoverty bill, Nicholas said.

AN AGENDA FOR CHANGE IN COMPETITIVENESS POLICY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. LAFALCE. Mr. Speaker, I would like to insert in the RECORD an article from Business Week's special issue "Innovation in America." The article entitled "Agenda for Change," succinctly summarizes what I believe is an emerging consensus in this country that we need an active, coordinated policy to regain U.S. competitiveness. That is the view of Commerce Secretary Mosbacher, who on May 8 called for an active and explicit industry-led business-government partnership to enhance American competitiveness. And it is the view of many Democrats who, like myself, have been alarmed at the decline in U.S. productivity growth and the ability of U.S. industry to compete, and have been pressing for a coordinated competitiveness policy for many years now.

The elements of that emerging consensus, as described in the Business Week article, include:

First, forming a partnership among industry, governnment, and academia, as called for by Secretary Mosbacher and U.S. Trade Representative Carla Hills, to speed commercialization of new technologies. Such public-private partnerships have been phenomenally successful in the past—in improving agricultural productivity and in the development of the computer, semiconductor, and commercial aircraft industries.

Second, removing barriers that prevent firms from engaging in collaborative research and production, such as overly restrictive antitrust laws.

Third, creating incentives for increased savings, investment, and industrial research and development. One important way to do this is by reducing the size of the Federal deficit.

Mr. Speaker, the full text of the article follows:

After three decades of ebbing quality in education, four decades of neglecting the factory, five decades of stoking consumption at the expense of savings, and seven decades of a parochial business outlook, America is now paying the piper. It no longer produces enough wealth to sustain its standard of living, depending instead on the thrift of the Japanese and other nations to pay for its extravagances. And it covers its debts by pawning the labors of future generations and selling off its hard-won assets.

The malaise is now so deeply rooted in American customs, habits, and legislation that righting things could take the rest of this century—even with a concerted, coordinated effort. Without forceful leadership at the top levels of Washington, there is a risk it may not get done in time to preserve U.S. control of the U.S. economy.

"The technological colonization of the U.S." is already under way, says the president of a major California company. (He asks not to be identified because his company relies on imported Japanese parts.) More and more, he says, U.S. companies are being reduced to providing services—marketing, distribution, and field support—to foreign manufacturers that rake off the bulk of the profits. Japanese holdings in the U.S. are now growing four times as fast as the U.S. economy, and Japan's rate of direct investment is accelerating.

There's no easy way out. Simplistic solutions such as walling off the country behind high trade barriers would only aggravate matters. "There's a whole litany" of things that need changing, says Stephen S. Cohen, co-director of the Berkeley Roundtable on the International Economy. "We need changes in investment policies, education, foreign trade, political attitudes, and labor relations."

A big order, indeed. Tackling them one by one would take forever—and simply perpetuate the patchwork approach that got the country into this predicament in the first place. So it's becoming clear to more and more industry leaders and government officials that a coordinated effort to salvage U.S. industry is essential. Call it industrial policy if you must, but that tends to conjure up visions of politicians deciding the fate of industries by choosing which ones will or won't get government subsidies.

That's not what advocates have in mind, though. Commerce Secretary Robert A. Mosbacher, U.S. Trade Representative Carla A. Hills, and others are pushing a concept they call "industry-led policy." They envision a new partnership among industry, government, and academia that would break down the barriers to innovation and share the costs of developing the new technologies that are essential to industrial competitiveness.

Not even the Japanese subscribe to a "pick the winning industry" approach, though many believe that's just what the Ministry of International Trade & Industry does. It doesn't—not any more, at least. Now that Japan is running neck-and-neck with the U.S., or even out in front in some technologies, MITI no longer has the U.S. as a lighthouse for guidance. So, these days, it serves more as a clearinghouse for ideas. MITI's primary tool for spurring innovation is a list of technologies, not industries, that qualify for special tax breaks—another idea Japan borrowed from the U.S. and refined. Published every other year, the list currently cites some 150 technologies, from steel processing to genetic engineering to supercomputers. But MITI doesn't dream up the list—industry does. MITI just solicits and compiles the ideas.

A good starting point for the U.S. would be to make the tax credit for research and development permanent. Even at deep-pocket companies such as IBM, the R&D credit is a major factor in investment decisions. "I can tell you that for sure," says Erich Bloch, who was an IBM vice-president before taking over the National Science Foundation. The credit allows a company to reduce its tax bill by 20% of any increase in R&D spending.

Next, the Administration should devise some method of enlisting industry's help in compiling a list of key-to-the-future technologies. Tax credits over and above the general R&D credit would be offered to spur progress in these emerging areas. Perhaps companies that take the extra credit would pay a small royalty to Uncle Sam on future sales of applications of that particular technology. Over time, the program might even become self-financing. In effect, Washington would serve as a research venture capitalist, funding work on technologies that are 5 to 10 years from marketability—too long for most private-sector venture capitalists.

It works in Japan. MITI reports that the costs attributable to its tax-credit list are modest: about $680 million in the fiscal year that ended March, 1989. MITI has never tried to estimate the benefits that have accrued from the program. "Our idea is that if some business has extra cash and is about to invest in a Picasso or a condominium in Honolulu, this tax credit may entice them to spend the money on a new clean room for making microchips instead," says Midori Tani, MITI's assistant director for technology promotion.

It's also critically important to dissipate the financial community's fixation with short-term returns. For starters, Congress should create a new tax category for truly long-term capital gains: After being held for six or seven years, the bite should be snipped to some token amount, even less than the 15% rate on three-year investments proposed by President Bush. Gains from personal savings held for that length of time would also earn a much lower rate. "If we're ever going to do anything about capital formation and investment," says

Robert M. Solow, a Nobel laureate economist at Massachusetts Institute of Technology, "incentives for the long term are the way to go."

That could have enough impact on investment strategies to persuade financial analysts to begin recalculating the way they evalute companies. In turn, that would encourage CEOs to stress longer-term planning to curry Wall Street's favor. It would also help offset America's high cost of capital—now two to three times Europe's and Japan's—while Washington struggles to reduce the federal deficit, a major contributor to high interest rates.

Clearly, tax revenues would take a hit. But it might be temporary. "I'd be willing to bet that you'd stimulate enough new domestic manufacturing and jobs that taxes [from those sources] would make up the difference—maybe more than make up the difference," says Romesh T. Wadhwani, chairman of Pittsburgh's Cimflex Teknowledge Corp.

Some economists won't be pleased, though. "Basically, you'd freeze a lot of money for a long time," notes Christopher N. Caton, director of long-term studies at DRI/McGraw-Hill. "You'd make the flow of capital more sticky" and introduce inefficiencies that might make matters worse. Others, however, believe that would be an advantage. "This business of bouncing financial instruments from one mirror to another is not effective," says Michael L. Dertouzos, chairman of the MIT Commission on Industrial Productivity and director of its Computer Science Laboratory. "It just doesn't enrich the country's wealth."

While the antitrust laws have been modified to permit collaborative research, they should be further softened to permit joint production as well—but without the government footing the bill. Some lawmakers still fret about cartel monopolies, but that only betrays a lack of understanding of today's global marketplace. U.S. markets are too attractive for just about any U.S. company or group to control prices. That would only invite foreign competitors to swoop in with lower-cost goods. Today, even if General Motors owned Ford Motor and Chrysler, there's no way that GM could dictate prices.

Other measures that ought to be explored as part of a comprehensive industrial policy:

Tax breaks for debt incurred to increase productivity, especially in manufacturing.

Restructuring unemployment taxes to boost penalties paid by companies that frequently lay off workers and provide tax credits to those that retrain displaced workers.

Curbing state aid to foreign companies that want to set up U.S. plants. "Job creation through foreign ownership is unsustainable," says Arden L. Bement Jr., TRW Inc.'s vice-president for technical resources. "It barters away our long-term future" because design and other high-value-added functions remain close to the home office.

Finally, it may be possible to throw some disincentives in front of managers who cling to short-term thinking. U.S. managers are usually rewarded on the basis of their company's near-term profitability, so they are understandably prone to sacrifice long-term considerations if these conflict with short-range profits. One way to persuade management to bite that bullet, says Roy H. Pollack, former executive vice-president of electronics technology at RCA Corp., would be to offer tax benefits to companies that defer at least 25% of executive pay for five or more years—until the results of long-range plans can be assessed. "Obviously, this would be very painful at first," says Pollack. "But there'd be enough pain to go around for everybody."

Sums up TRW's Bement: "Most problems having to do with innovation are outside innovation"—the high cost of capital, outdated policies and laws, and the lack of cohesive economic planning. It's a hodge-podge, yet "it's all connected." Getting it together will be America's major challenge in the years ahead.

(By Otis Port in New York, with bureau reports.)

ATV DEATH TOLL CONTINUES

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. FLORIO. Mr. Speaker, the death toll from all-terrain vehicles [ATV's] continues. There have been over 1,300 deaths associated with these vehicles since 1982. Following is a news report of a recent tragedy in Salem County, NJ:

ATV CRASH KILLS SALEM COUNTY BOY

PILESGROVE TWP.—A 13-year-old Tansboro boy was killed Tuesday after he lost control of the all-terrain vehicle that he was driving on private property off Lincoln Road, state police said.

Two juveniles, who were believed to be related, were riding an unregistered, heavy-duty vehicle when the Winslow Township boy lost control of the vehicle. The ATV, which was a type that is used in farming, landed on his chest, police said.

Police refused to identify the juvenile but said that he was rushed to Cooper Medical Center, Camden where he was pronounced dead on arrival.

The other boy, whose age or name was not available, was thrown from the vehicle and sustained minor injuries, police said.

The state police are continuing the investigation.

TWENTY-FIVE EXEMPLARY YEARS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. SCHEUER. Mr. Speaker, I would like to submit for the RECORD a history of the Broadway-Flushing Homeowner's Association [BFHA] located in the Eighth Congressional District of New York. This model organization is currently celebrating 25 years of dedicated assistance to households in one of the most stable and lovely residential areas in the city of New York.

In its 25 years, the association has sponsored many successful projects, such as working with the parks department to arrange tree pruning. It keeps in touch with the members of its community by sending out a newsletter and holding leadership as well as membership meetings. The area which the association has jurisdiction over includes 1,300 households. Membership includes 505 of these 1,300. Membership also includes PTA members, community board members and active members of both churches and synagogues.

The purposes for which the Broadway-Flushing Homeowners Association was founded are listed below:

(1) To conserve the Association area as a single-family, detached residence district.

(2) To unite and encourage all homeowners and residents to maintain and improve the community of Broadway-Flushing.

(3) To further the advancement of the community by appropriate representation and other courses of action before the various governmental agencies of the city and State of New York.

(4) To keep the community informed with respect to zoning and related contemplated changes, and to alert the community regarding apparent violations of current zoning laws.

(5) To cooperate with other similar organizations in the furtherance of the above purposes.

Throughout its 25 years, the Broadway-Flushing Homeowners Association has diligently upheld its mandate through the concerted effort of many devoted officers and members. I commend this organization for its devotion and help the Broadway-Flushing community. Happy 25th anniversary.

THE 225TH BIRTHDAY OF THE TOWN OF WINCHENDON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to a great town in my district, Winchendon, MA. Nestled in the hills of central Massachusetts and bordering on New Hampshire, the town of Winchendon stands tall in its own right.

No one exemplifies the town of Winchendon more than Martin E. Converse. A man with a deep desire to serve his community by keeping its youngsters entertained and happy, Martin E. Converse's Toy Company built the original Toy Town horse for Winchendon's 150th anniversary parade. That horse later was adopted by Winchendon as their town symbol and Winchendon is still referred to as "Toy Town" today.

Although June 14, 1764 is the official date for the incorporation of Winchendon into the Commonwealth of Massachusetts, its past stretches back much further than 225 years. Formerly the plantation of Ipswich-Canada, it was renamed by Governor Bernard to honor his family who came from Upper Winchendon, England. Governor Bernard named Winchendon to honor the family of which he was an heir. Because he did so, Winchendon remains the only town in America to be named after an area in England where the person naming the colonial town had a personal interest.

Mr. Speaker, this is no ordinary 225th anniversary celebration. Winchendon has been celebrating since June 14, and will continue celebrating through July 4. Their enthusiasm springs from a pride in their history. They have much to be proud of. Their consistent effort

over the past 225 years has been an inspiration and challenge to us all.

Since that time, Winchendon has grown and prospered through the hard work and the undying optimism of its residents. From a small frontier town, it has grown and changed to meet the needs of all who call it home. It is home to historic landmarks such as the Mellen Farm, the Ephraim Murdock, Jr., Estate, the Highlands, Marchmont, Mapleview, and many others. Winchendon has also been a gathering point for distinguished people. Over the years, basketball players Jerry West and Jerry Lucas have stopped at the beautiful Toy Town Tavern Golf Course, and among others the late great John F. Kennedy made sure to come to Winchendon in 1958 when campaigning for reelection to the U.S. Senate. Today, the prestigious Winchendon School remains a learning facility for children of famous parents. To name a few, the son of Victor Borge, Jorge Batista, and Gordon McRae have enjoyed picturesque Winchendon.

Winchendon is not an average small town but one rich with glory past and present. I am indeed honored to share in their celebration, to thank them for their efforts, and to wish the town of Winchendon great success in the years, decades, and centuries ahead. It has been a distinct pleasure to have the opportunity to serve such a wonderful community.

LAURIE SHIELDS, "AN INDOMITABLE WOMAN"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. STARK. Mr. Speaker, I'd like to include in the RECORD a newspaper excerpt highlighting Laurie Shields, the cofounder of the Older Women's League [OWL]. Mrs. Shields, a woman of considerable personal strength, died this year. The article, which comes from the OWL-CA News for spring 1989, reads as follows:

Laurie Shields . . . died March 3, of cancer. She was at her home at 3800 Harrison Street in Oakland, which also served as the first OWL headquarters.

"Laurie was an indomitable woman who was fired by concern for displaced homemakers and older women—women confronted by widowhood, divorce and sex and age discrimination," said Lou Glasse, national OWL president.

"Women all across the country have lost a powerful force," Glasse said. "She will be missed."

Laurie and Tish Sommers, who died in 1985, founded the Alliance for Displaced Homemakers in 1975, and the Displaced Homemaker's Network. OWL, which currently has some 17,000 members and 120 chapters nationwide, was founded in 1980.

A native of Chicago, Laurie graduated from the University of Wisconsin and had a career in the merchandising and advertising for Lever Brothers and the Dancer-Fitzgerald-Sample advertising agency before her marriage to actor Arthur Shields. Laurie knew first-hand the problems experienced by older women in this country. After her husband died in 1970, she found herself unable to get a job because of age discrimination.

During that time, Laurie said, "We're in our middle years and caught in an era of rising expectations for women that we're not prepared for. What we need is help in that transition period between dependency and self-sufficiency."

During the 1970s, she worked with NOW as coordinator for displaced homemaker organizations.

In 1980 she was an organizer of the White House Mini-Conference on Older Women.

Laurie was the author of "Displaced Homemakers: Organizing for a New Life," published in 1981, and co-author of "Women Take Care," a book about caregivers, published in 1987.

She is survived by her daughter, Christine Shields, of Oakland, and a sister, June McVeigh, of Sarasota, Florida.

THE BASIC QUESTION ON ABORTION: WHO DECIDES?

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. WYDEN. Mr. Speaker, the Supreme Court will soon be deciding whether it is within the States' powers to restrict abortion, or if women's rights to abortion will continue to be protected from the whims of politics.

In the final analysis, the abortion debate can be summed up with one basic, simple question: Who decides?

Justice O'Connor reiterated this question herself during the oral arguments of Webster versus Reproductive Health Services of Missouri when she asked whether procreation is a right protected by the Constitution.

My constituents who have once decided, at various times in their lives, to have abortions have been writing to me. They are concerned, as I am, that the Supreme Court will ignore Justice O'Connor's basic question and decide that it is within the purview of the government to make decisions on procreation. And I agree. The fear of the dark days of illegal abortions returning as a result are not unfounded: Rights granted to the State usually limits rights of individuals. That the rights under scrutiny are so fundamental is particularly disturbing.

For the record, here is the text of a letter from one of my constituents who wrote to express her belief in the basic right to decide whether to have children. I stand with her in that belief.

LETTER FROM A THIRD DISTRICT WOMAN (PORTLAND, OR)

I am a 33-year-old woman and have been married for fifteen years. I have one child, age 10. I have had two "miscarriages", (spontaneous abortions). In March of 1980, at age 24, I had a therapeutic abortion.

In March [of that year] I had 2 separate sinus surgeries, both under a general anesthetic. Over a two week period, I received "IV" antibiotics and steroids, "IM" [intramuscular] narcotic analgesics and had topical cocaine applied several times. I was using an IUD at that time for birth control.

No one can imagine my despair in late April, 1980 when I discovered I was accidentally 6 to 8 weeks pregnant. My husband and I had tried to have more children; I had a miscarriage in October 1979. Given the circumstance of this pregnancy, we were extremely concerned.

Working in the medical profession, I was fully aware of the effects of drugs, especially anesthetics, on a developing fetus in the first trimester. I consulted with my obstetrician, who strongly advised me terminating my pregnancy. This was a difficult decision for my husband and I to make, but we were fearful, given all the medication that I had received. In May of 1980, I had an abortion.

For the record, we were responsible people using preventative measures that failed. We were not using abortion for birth control purposes. I am a married, educated and professional woman thankful that the option of a safe and legal abortion was available when I found myself in such a dilemma.

I'd like to add that I worked as a nurses' aide in an Intensive Care Unit in 1972 in Virginia, prior to Roe v. Wade. I can remember caring for women with overwhelming and lifethreatening infections (sepsis or septic shock) because of botched illegal or self-abortions. This will be the situation we will find ourselves in again if women are denied the right to safe and legal abortion.

ABBA COHEN: THE AGUDATH ISRAEL'S NEW MAVEN IN WASHINGTON

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. SOLARZ. Mr. Speaker, I rise today to welcome Mr. Abba Cohen, the new director of the Washington office of the Agudath Israel of America, to the Nation's Capital. I know that my colleagues in the House share my eagerness to begin working with Abba on the many important issues of concern to the Orthodox Jewish community.

I have long enjoyed the benefit of the Agudath's wise counsel and insightful policy recommendations. At this time, I would like to pay particular tribute to the Agudath's beloved president, Rabbi Morris Sherer, and its esteemed general counsel, Mr. David Zweibel. I am confident that Abba Cohen's presence in Washington will only enhance the work of these two outstanding Jewish leaders and of their organization.

Mr. Speaker, I would like to commend to my colleagues an article concerning Abba's arrival in Washington that was published in the Jewish Press.

[From the Jewish Press. June 23, 1989]

COHEN NAMED TO AGUDATH ISRAEL D.C. POST

WASHINGTON, DC.—Abba Cohen, a rabbinical *musmach* and an attorney with a background in both international relations and Jewish communal affairs, has been named the new director of the Agudath Israel of America Washington Office.

Cohen replaces Rabbi Nesanel Kasnett, who launched the Agudath Israel office as the first full-time Orthodox Jewish bureau in the nation's capital last year, and is returning to private pursuits.

A native of Washington, Cohen attended yeshivos in the local area, and pursued advanced Talmudic studies at Ner Israel Yeshiva in Baltimore. At Ner Israel, he received *semicha* from its revered late *rosh hayeshiva* Rabbi Yaakov Yitzchok Ruder-

man. A graduate of John Hopkins University, Cohen received his masters degree in International Political Economy at the prestigious Columbia University School of International Affairs in New York, and earned his law degree from the Georgetown University Law Center in Washington, D.C., where he was a member of the Georgetown Immigration Law Journal.

Cohen brings to his position valuable experience as a former assistant director of the Department of Middle Eastern Affairs of the Anti-Defamation League, where he worked on behalf of endangered Jewish communities overseas and also served in the bureau for Latin American affairs. His legal experience includes a brief stint at the U.S. Court of International Trade in New York City, and two years experience with the Washington, D.C., law firm of Miller, Cassidy, Larroca & Lewin, where he worked closely with prominent constitutional attorney Nathan Lewin on several legal issues touching on the rights and interests of Orthodox Jews.

In announcing the new appointment, Rabbi Moshe Sherer, national president of Agudath Israel of America, commented as follows: "Agudath Israel's Washington Office, under the directorship of Nesanel Kasnett, has already in the span of one short year, shattered many of the stereotypes that so many persons in positions of prominence have had about Orthodox Jews. We all owe Rabbi Kasnett a debt of gratitude for his pioneering work in the nation's capital.

"At the same time, we are fortunate indeed, as is the entire Jewish community, that an individual of the experience, talent, and caliber of Abba Cohen will now be representing us day-in and day-out in the seat of American governmental power. The structure we are creating is being built upon the foundation laid by Agudath Israel over the course of the last half century in its *shtadlonus* activities in Washington, and is supported by the talents of Agudath Israel's staff at our national headquarters. With Abba Cohen at the helm of our Washington Office, this structure promises to be a magnificent edifice of accomplishment and strength."

IMPROVING MATH AND SCIENCE EDUCATION FOR MINORITIES A VALUABLE PROGRAM IN EAST LOS ANGELES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. BROWN of California. Mr. Speaker, I rise today to call attention to, and to commend, the announcement of a new program, funded by the National Science Foundation, to improve the skills of teachers of science and mathematics, and the performance of students in these fields, in the largely Hispanic area of east Los Angeles. I consider this program, described in an article in Sunday's Washington Post, to be significant for several reasons.

First, almost everyone knowledgeable about the U.S. technology-based economy and its future progress has identified the improvement of science and mathematics teaching and learning at all levels in our education system as a major priority. I will not recite the many surveys and analyses which lead to this conclusion, but they are extensive. This program focuses directly on that high priority need.

Second, most of these studies conclude that the growing need in the next generation for capable scientists, engineers, mathematicians, and teachers in these fields, will come largely from currently underrepresented groups such as minorities and women. Again, this program recognizes that fact and meets the need head on.

Third, the program does not represent an effort to mandate a federally conceived plan on a benighted local education system unable to solve its own problem. Instead it offers a Federal helping hand, a partnership in the national interest, to a school system which has already demonstrated its ability to support an outstanding program with local leadership of the highest quality. I am of course referring to the nationally recognized work of Jaime Escalante, a teacher of mathematics of Garfield High School in east Los Angeles. In this partnership in the national interest, the Federal Government, acting through the National Science Foundation, is actually the junior partner, providing only one-third of the necessary funding. The other two-thirds comes from the Los Angeles Community College District and the ARCO Foundation.

Fourth, I consider the role of the Community College District, which has a major campus in the east Los Angeles area, to be a major factor in this partnership. The East Los Angeles Community College campus, located close to the high schools on which the program is focused, and with superior faculty and other resources, can provide a demonstration of the important role in which community colleges with their close ties to the students' own communities, can play in the total effort to improve the quality of education, and science and mathematics education in particular. I would hope that the nearby California State University campus, which is a major teacher training resource with a large minority enrollment, could become a significant part of this program, also.

Fifth, this National Science Foundation initiative indicates the significance of continued support for the funding of science and engineering education in the National Science Foundation [NSF] budget. NSF, with the level of funding available to it, can never be more than a catalyst in support of excellence in science education. The major effort must continue to be at the State and local levels. But we would be derelict if we did not recognize that at the national level we can and must provide leadership, set priority guidelines, recognize and reward innovation and excellence, and chart progress toward national goals. The Director of NSF, Eric Bloch has shown a discriminating wisdom in performing this role, not only for science education, but for new patterns of advanced technology development, as well as for the primary mandate of NSF: supporting the most promising areas of fundamental research in science and engineering.

Mr. Speaker, I look forward to the success of this program. I once served east Los Angeles, as well as Garfield High School and the East Los Angeles Community College, as their representative in the State legislature, and in the Congress. I am proud of that community and the many contributions which its citizens have made. This program will continue to focus national attention on what one community, poor in material resources but rich in human resources and leadership skills, can do to help and inspire the Nation.

I include the Washington Post article at this point:

INNER-CITY SCHOOL PROGRAM WINS FEDERAL SUPPORT

(By Jay Mathews)

LOS ANGELES, June 24.—The National Science Foundation (NSF) has approved a major grant for the expansion of a mathematics and science program headed by Jaime Escalante, the teacher made famous in the film "Stand and Deliver."

The three-year, $457,033 grant is expected to allow about 560 predominantly Hispanic students from low-income families to attend accelerated mathematics, science and English classes this summer at East Los Angeles College and to provide for training secondary and elementary school teachers in Escalante's methods. It is the first federal support in three years for what is considered one of the nation's most successful inner-city school projects.

Bassam Z. Shakhashiri, assistant NSF director for science and engineering education, said he hopes the Escalante program will be a model for improving minority opportunities. "The East Los Angeles area is typical of fertile ground that must be cultivated if the United States is to continue at the forefront of science and technology," he said. "By the year 2000—only 11 years from now—85 percent of the new hires in U.S. industry will be women and minorities."

Escalante, who teaches calculus at Garfield High School, said he is delighted to see the program grow. "In three years we're going to change the whole system and have 40 [percent] to 50 percent of the kids academically oriented," he said.

Escalante's summer school program lost a federal Health Careers Opportunity Program grant three years ago for failure to follow program guidelines, even though Garfield was about to produce more calculus students than all but four public schools in the nation.

Since then Escalante has developed a friendship with President Bush, who visited Garfield during the 1988 campaign and received Escalante's endorsement. NSF officials said the White House was not involved in the grant decision.

The expanded summer program is one of several efforts to spread the 58-year-old Bolivian American's techniques. Escalante is working on two video projects in which he discusses the links between mathematics and careers and presents several full-length calculus lessons.

This May about 140 Garfield students took advanced-placement calculus tests, a school and city record, even though most of the students prepared by Escalante and Garfield colleague Ben Jimenez are from poverty-level families in which neither parent has a high school diploma.

George Madrid, director of the Escalante program, said at least 13 instructors will be teaching students from Garfield, neighboring Roosevelt High School and some junior high schools in calculus, computer science, chemistry, physics, English and algebra. Elementary school teachers will observe some classes, and Escalante will conduct a daily seminar on teaching techniques. During the

regular school year, the same teachers will hold Saturday morning refresher classes, as Escalante has done for five years.

The program will cost $1.5 million over three years, with the Los Angeles Community College District providing $900,720 and the ARCO Foundation $150,000.

FEDERAL JUDGE WALTER NIXON

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. HUBBARD. Mr. Speaker, I would like to share with my colleagues in the U.S. House of Representatives a letter I received from Mr. Rick Johnson, a prominent attorney in my hometown of Mayfield, KY.

As my colleagues can see, Mr. Johnson is adamant about the delay in removing Federal Judge Walter Nixon from office while still receiving his $89,500 annual salary after his conviction for perjury. I share Mr. Johnson's view.

I encourage my colleagues to read Mr. Johnson's letter.

June 25, 1989.

Hon. CARROLL HUBBARD,
Rayburn House Office Building, Washington, DC.

DEAR CARROLL: The delay in removing Federal Judge Walter Nixon from office and the government payroll is ridiculous. I am outraged that he has continued to receive his $89,500 annual salary and has received more than $286,000 in salary since his conviction for perjury. Maybe all 535 House and Senate members should chip in about $535 each to repay the Treasury for this ripoff.

You can be sure that if some widow had been overpaid by Social Security that they would have extracted their blood from her without such delay. Whose political buddy is Judge Nixon anyway? It looks to me like there should be an investigation as to why he received this cream puff treatment. Is there a campaign contribution being made from some of Judge Nixon's friends to some members of Congress who have delayed this matter?

Congress shouldn't wonder why the American people are disenchanted, disillusioned, and cynical about our government when things like this are taking place right under its nose. Perhaps all of you were too busy designating such important events as National Asparagus Day or National Duckling Week that cost us an additional $500 million a year to take care of the business with Judge Nixon.

Sincerely,

RICK JOHNSON,
Attorney at Law.

THE 25TH WEDDING ANNIVERSARY OF PAT AND TONY PLAZA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. CONTE. Mr. Speaker, I rise today to give recognition to Mr. and Mrs. Tony Plaza of Florence, MA, as they prepare to celebrate their 25th wedding anniversary. Tony and Pat are dear friends of mine.

Tony and Pat are special people, and their silver anniversary is a special occasion for their family and all their friends. I have been fortunate to know Tony and Pat for many years. Tony has attended my fishing derbies and has generously brought with him many Polish delicacies that were almost as popular as the derbies themselves.

Throughout my career, Tony and Pat have stood by me and extended their support and selflessly given a large portion of their time to organizing and assisting with my campaigns. I will always be grateful for their friendship and support.

Tony and Pat have generated joy and happiness for so many people around them. They are the proud parents of two exceptional children, Kristen and Kimberly, whom I have watched grow and mature. A family full of love, the Plazas have always been a tight unit supportive of each other and the people around them. The Plazas know that material possessions may come and go, but the family is a part of their lives forever.

On July 1, Tony and Pat's family and friends are gathering at a surprise party to congratulate this exceptional couple on their 25th wedding anniversary. Twenty-five years of marriage is truly a milestone and something that Tony and Pat should be very proud of. It calls for generous amounts of love and loyalty, mixed thoroughly with faith. Tony and Pat's commitment to each other has kept their relationship strong through these past 25 years.

Mr. Speaker, I want to extend all of my best wishes and warmest regards to Tony and Pat on this wonderful occasion, and wish them continued happiness and success for at least another 25 years.

AMNESTY INTERNATIONAL DOCUMENTS INCREASED HUMAN RIGHTS VIOLATIONS IN GUATEMALA

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. FEIGHAN. Mr. Speaker, again, we are receiving news of increasing brutality and violence in Guatemala, a country that has had a long history of military dictatorships and severe repression. In 1986, a civilian government took power in that troubled country. At that time, both the Congress and the administration expressed their hopes that this fledgling democratic movement would take hold and foster a new respect for human and political rights. Unfortunately, this appears not to have happened, and after a brief decrease in the number of human rights violations in Guatemala, government-sponsored terror is again on the rise. We are increasingly hearing reports of continued torture, disappearances, and extrajudicial killings.

This is a critical time for us to remain vigilant with regard to Guatemala's human rights record. The House of Representatives is now working on the foreign aid legislation which will address the issue of aid to Guatemala. It is critical that we match our words with deeds and tie any aid to Guatemala to progress toward respect for human and political rights.

Amnesty International USA has just released a report entitled "Guatemala: Human Rights Violations Under the Civilian Government," which details the increasing pace of human rights violations against trade unionists, academics and students, clergy, lay church workers, and peasants. This report provides the sickening detail that, unfortunately, is necessary to credibly document the recurring horror. The report does not ignore the fact that antigovernment elements have undoubtedly had a hand in the violence, but it concludes that the evidence points to a far greater role in the killings on the part of the Guatemalan Government.

I have included with this statement, a copy of the press release that Amnesty International put out to announce the report. I believe that the report is an important and timely contribution to our assessment of the ongoing situation in Guatemala, and I hope that each one of my colleagues takes the opportunity to read it.

HUMAN RIGHTS VIOLATIONS CONTINUE UNDER CIVILIAN GOVERNMENT IN GUATEMALA, AMNESTY INTERNATIONAL SAYS

WASHINGTON, DC.—Hopes that the accession of civilian government in Guatemala more than three years ago signalled an end to human rights violations there have not been fulfilled, Amnesty International said today (Wednesday, June 14, 1989).

The human rights organization said that although the number of abuses decreased initially, there has been a resurgence of abductions, "disappearances," and extrajudicial executions in the past 18 months.

In a new report, "Guatemala: Human Rights Violations Under the Civilian Government," Amnesty International says it has reports of hundreds of cases of human rights violations carried out by official police and military forces, acting both in uniform and in plainclothes in the guise of "death squads."

Men and women from all sectors of Guatemalan society have been targeted because they were suspected of being government opponents. Peasants and members of peasant organizations, trade unionists, clergy, academics and students seem to have been singled out particularly.

Amnesty International cites the case of Ana Paniagua, a former economics student who was politically active and who was abducted in February 1988 by armed men in plainclothes. According to eye-witnesses, she was beaten and forced into a white van with darkened windows. Her body was found two-days later with stab wounds and her throat slashed. A similar white van reportedly appeared at her funeral, and days later her family was visited by men they believed to be security agents who threatened her brother and sister.

Amnesty International says these white vans—"death vans" as they became known locally—have been implicated frequently in "disappearance" cases. Antonio Calan, a student leader, went into exile abroad after escaping an attempt on his life. He had been persistently followed and threatened by men in a "death van." An agronomist, Jose Albino Grijalva Estevez, was abducted at a bus stop, also by men in a "death van." His tortured body was found a day later.

Agents of the treasury police were rounded up in March 1988 and the national police compiled comprehensive information linking them with the "death van murders." However, the judge in charge of the case was kidnapped and held hostage for 52 hours by unknown assailants. Those arrested in connection with the murders were later released for "lack of evidence."

Amnesty International says it is cases like these, coupled with the failure of the authorities to carry out full and impartial investigations, which call into question the government's stated commitment to the rule of law. The organization says urgent and decisive measures should be taken to protect human rights and prevent a return to the gross human rights violations which occurred in Guatemala in the past.

It says it has a list of more than 200 unresolved cases of "disappearance" between January 1986, when president Vinicio Cerezo came to power, and January 1989, in which the available evidence suggests official complicity.

Amnesty International says it was disturbed by reports that peasants who have signed petitions asking to withdraw from the supposedly voluntary civilian militias have been accused of being guerrillas and threatened and harassed. Others who have accused local patrols of human rights abuses have also been threatened, beaten, "disappeared," or killed.

Amilcar Mendez Urizar, a 39-year-old school teacher from El Quiche Department and a member of the union of Guatemala education workers, has been repeatedly threatened with death for his human rights work. In July 1988, he set up the Council of Indigenous Communities to help peasants file petitions against the civil defence patrols. In August 1988, he received a death threat warning that it was only "a matter of time and opportunity." In January 1989 he received further death threats after the armed forces accused him of having links with the armed opposition.

Also threatened have been peasants who have mounted a campaign for the exhumation of some of the bodies of civilians killed during the counter-insurgency campaigns of the early 1980s, when thousands of victims—many of them peasants—were clandestinely buried in secret graves. In April 1988 the minister of defense, General Hector Alejandro Gramajo, is reported to have labeled publicly as "subversives" all those who claimed that clandestine cemeteries existed. He said they knew where the bodies were because they had killed and buried the victims.

Amnesty International says that despite an initial improvement after the present government took office in January 1986, Guatemala is now experiencing a steady escalation in human rights violations. It says that various bodies appointed by the government to inquire into human rights violations appear not to have carried out genuine investigations. It says that the regular police and the judiciary seem similarly unwilling or unable to carry out exhaustive investigations and bring the perpetrators of human rights abuses to justice.

Amnesty International is calling for prompt and impartial investigations into all reported cases of abductions, death threats, unlawful killings, and other human rights violations. It says the judiciary should be allowed to function independently of the security forces and that security forces personnel should be told that human rights violations will be investigated fully and those responsible prosecuted.

Amnesty International's report is based on a visit the organization made to Guatemala in 1988 and a subsequent memorandum it submitted to the Guatemalan authorities in 1989 outlining its concerns. It has not received a reply from the government.

MARIE BODACK WINS ORATORICAL CONTEST

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mrs. LOWEY of New York. Mr. Speaker, I rise today to acknowledge the success of a young woman in my district. Marie Bodack, a senior at New Rochelle High School, was recently named the Westchester County American Legion Oratorical Winner. She subsequently placed third in the State finals. Last year she reached the regional finals in Baltimore.

In her speech for the oratorical contest, Marie spoke about some of the heroes of our Nation's history, whose careers and commitment have best exemplified the idea of public service. I found her piece to be inspirational, and I hope that as Marie begins to plan her own career path and her future, she will consider the rewards of a commitment to public service. Our Nation needs young talent with the kind of vision and understanding that Marie has expressed in her piece. I would like to share her work with my colleagues today.

I insert the text of her oration at this point in the RECORD:

Many of us can remember perhaps the most famous words spoken by John F. Kennedy, "Ask not what your country can do for you. Ask what you can do for your country." He spoke these as a sincere demand to make America a better place in which to live, a better place for democracy. Today, over twenty years later, we ask ourselves how many of us have followed his advice with respect to our country, our freedom, our constitution.

In reality, as reflected in daily life, the constitution gives our country the power to do numerous things for us. In addition to allowing us to elect our leaders, the Constitution also protects numerous civil rights and liberties.

However, our Constitution also gives us the power to do something through it, for our country. This power is one of the most unique and enduring qualities of our federal constitution: Article V. In Article V the framers of the constitution specified that amendments could be ratified. Thomas Jefferson explained the benefits of the amending process:

"When we find our constitution defective and insufficient to secure the happiness of our people, we can assemble . . . and set it to rights, while every other nation . . . must have resources to arms to amend or to restore their constitution."

To illustrate the effectiveness of Article V, we can look to the fact that only 26 amendments out of over 10,000 proposed have been passed in 200 years. Mary Francis Berry explained that the Constitutional Framers produced a constitution that would be "open to change—but not open to change without great effort." For if it could be altered easily, the Constitution would be mere temporary law, not a document for the ages.

Throughout history, many individuals have tried to change the Constitution for what they believed was the better. Although at times, they were ridiculed, harassed, and publically ostracized for their beliefs, they were not discouraged or embittered and they continued to plead their cases.

In 1872, the Rochester "Democrat and Chronical" printed an article which urged everyone to vote. One woman followed this advice and led a group of females to register and vote. After doing so, she was arrested and tried because under New York State law, women were not yet granted the vote. At her trial, Susan B. Anthony, spoke these words:

"The Preamble of the Federal Constitution says "We the people of the United States * * * It was we, the people; not we the white male citizens, nor yet we, the male citizens; but we the people who formed this Union. And, she concluded, it is a downright mockery to talk to women of their enjoyment of the blessings of liberty while they are denied the use of the only means of securing them provided by this democratic government, the ballot.

Although she was found guilty at her trial, she continued to work for the enfranchisement of women, until her death in 1906. However, her work lived on. Several thousand women continued to fight for Susan B. Anthony's dream. As a result, in 1920, the 19th Amendment was ratified, and women throughout the country could legally vote.

Because amending the constitution can be a long and difficult process, many individuals decide to take their cases to the Supreme Court, which has the power of interpretation. The court decisions do not change the Constitution with the same magnitude as do amendments. However, they work to ensure a "more perfect union."

In 1961, a fifty-one year old Florida man who could not afford a lawyer was arrested for robbery. In court, he asked for counsel but under Florida laws counsel was granted for only capital offenses. Nevertheless, this man attempted to argue his case, but he lost. While in jail, he researched Constitutional law and then wrote to the Supreme Court to ask that he be given counsel. Clarence Earl Gideon was unlike the hundreds of others who had previously written the court with the same request. Because he cited cases and based his arguments on pertinent amendments, the Court responded by appointing Abe Fortas to represent him in Supreme Court. In a letter to Mr. Fortas, the accused wrote, "I have no illusions about law and courts or the people who are involved in them. I believe that each era finds an improvement in law that each year brings something new for the benefit of mankind. Maybe this will be one of those small steps."

In 1963, that small step was climbed. The Supreme Court ruled that all accused are entitled to legal counsel. As a result, this man left jail to be tried again, this time with a lawyer. And this time Clarence Earl Gideon was found not guilty.

Furthermore, we have seen that although the amendments have been ratified, their meaning is only worth their interpretation by the Supreme Court, or their enforcement by the states. For example, after the Civil War a series of 3 amendments was ratified with the purpose of giving greater legal rights to the newly freed blacks. The fourteenth was one such amendment which

guaranteed to all persons "equal protection of the laws." In the case of *Plessy* v. *Ferguson* (1896), the Supreme Court ruled that segregation of the races was justified, provided that these separate facilities were equal.

For many, it was evident that the facilities for the blacks were inferior to the facilities for whites. Although many protested locally and nationally, little was done to rectify the situation. However, many continued their protests into the 1950s. At that time, in Topeka, Kansas, one family was beginning their struggle for racial equality. Linda Brown was forced to attend an all black school blocks away, while closer to her home was an all white school. In the 1954 Supreme Court decision, the Warren Court ruled that education is "the most important function of a state and local government." Based on this, the judges ruled that "separate educational facilities are inherently unequal." In this case, a section of the Constitution was interpreted for a second time, based not on racism, but justice. And now, Linda Brown and thousands of others were able to attend desegregated schools.

So as we are here today, we see that many people, in all ages of American history, have shared Kennedy's hopes in making America a better place in which to live. Susan B. Anthony and the suffragettes did for their country in guaranteeing the right to vote for women. Clarence Earl Gideon, who would not be intimidated to fight for his rights because of his age did for his country in gaining legal counsel for all accused. The Brown family of Topeka did for their country in securing equal educational opportunities for all persons. And each one of us can do for our country something that will help to form a "more perfect Union."

When we do this, we will be understanding what Kennedy meant when he said, "The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world.

FOREIGN AID SHOULDN'T BE A HANDOUT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. GAYDOS. Mr. Speaker, while I have always had concerns about America's foreign aid programs, this year's bill, H.R. 2655, the Foreign Aid Authorization for Fiscal Years 1990 and 1991, has some new requirements that benefit our own country for a change.

The most important benefit for America, especially in light of our trade picture during the past several years, is that countries receiving U.S. cash assistance must spend the same amount on U.S. goods and services, and must transport 50 percent of those goods on U.S.-flag vessels.

As someone who has watched our maritime industry, and that includes shipbuilding as well as our merchant marine, go steadily downhill, I welcome these modest efforts to require "Buy American" provisions, and I applaud my colleagues, for defeating those amendments offered to strip those modest "Buy American" proposals from the bill.

The decline of our maritime industry threatens our national defense, and we cannot afford to lose what little we have left.

Since 1970, the U.S. has lost half of its maritime capacity, and U.S. vessels now carry only about 4 percent of U.S. waterborne foreign commerce. The American maritime force has shrunk from more than 400 ships to under 150. Not one major cargo ship has been built in an American yard in almost 2 years, and only half of our 14,000 active seamen trained in deep sea shipping are employed.

We are dealing with unfair foreign shipping competition because of heavily subsidized merchant fleets and their restrictions are hurting our shipping industry. It's only fair that we take action to protect our own industry. A recent report from the President's Commission on Merchant Marine and Defense also said that our sealift capacity is in a dangerously inadequate state.

Not too long before his death, Frank Drozak, former president of the American Seafarers Union, warned us about the state of the U.S. Merchant Marine. He told us if we had a national emergency today, we would not be able to provide the manpower and the American-made cargo ships to keep our military forces overseas supplied.

If we lived in an ideal world of free trade and enterprise, there wouldn't be a need to provide assistance to the U.S. fleet, but we don't.

In years past and in more prosperous times, we were financially able to assist other nations with no guarantee of a return on our investment. Today, this is no longer possible. The world economy is much more competitive.

Under current law, there is no guarantee that countries receiving cash assistance from the U.S. have to be used to purchase U.S. goods or services. It should, and this bill requires it under some circumstances.

And if U.S. aid is to be used to purchase U.S. goods, it is also logical to require that a fair portion of these goods be carried on U.S. vessels. We have set a 50 percent limit, a modest one at best.

This requirement is a reasonable way of increasing the vitality and protecting the future of our shipping industry. Our exports to developing countries have been expanding more rapidly than exports to the developed world. Their markets now account for about 40 percent of U.S. exports, thus creating roughly 2 million jobs.

Other major aid donors, including Japan, usually tie their foreign aid to subsequent purchases of their goods and services and also require that goods be shipped in vessels carrying their flags. In order to remain competitive, we should follow the practices of our competitors and establish a similar link between aid and exports.

We already have made provisions for countries, including Israel, receiving less than $10 million a year in U.S. aid, to be exempt from this requirement. Further, the bill gives the President authority to waive the requirements for other recipient countries.

I think that we should be able to see that this bill simply requires a guarantee that future U.S. foreign aid will now benefit the economy of the U.S. as well as the economies of nations we are assisting. The hard-working, taxpaying citizens of this country gain absolutely nothing if these U.S. funds are used by foreign nations to buy wheat from Canada or Argentina, trucks from Japan, or tractors from Poland.

Foreign aid doesn't have to be a handout. This country has to stop giving out freebies because American taxpayers deserve more than that. We're our worst enemy if we think that we can keep giving to other countries and not expect any of their markets in return.

DECISION ON THE AMERICAN FLAG SHOULD BE REVERSED

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. MURPHY. Mr. Speaker, today I am introducing a joint resolution that would add an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecrating of the flag of the United States.

I do so in response to the Supreme Court's recent decision which allows the burning of the flag as an act of free speech.

The U.S. flag is not simply a piece of cloth. It is a symbol of the ideas on which this country is based. When you destroy the flag, then you are condemning the ideas of life, liberty, and the pursuit of happiness.

How do our young schoolchildren begin their day? By reciting the Pledge of Allegiance. How are our sporting events started in this country? By singing the National Anthem while we face the flag. How do we symbolically honor the great Americans who pass before us? By lowering the flag at half staff. What do our servicemen do the first thing in the morning at military bases both here and around the world? They raise the American flag? What one item do you find standing tall on all Federal Government office buildings everywhere? The American flag. Do these acts show the tremendous value the flag has to the patriotism of our country?

The American flag should be revered by all U.S. citizens, and any good American would not use the American flag as a protest symbol. If the gentleman in Dallas felt that the Republican Party was ruining America, then why didn't he burn a picture or a model of an elephant? There are other items to use that will just as equally get the point across.

By simply stating that the burning of the flag is all right, even if it may offend someone, is not justification enough. When you burn the flag, you insult any serviceman who has fought to keep our flag flying, any naturalized citizen who came to this country for the love of freedom and independence, and every American who appreciates the opportunity to live in the United States.

I am hopeful that my colleagues will enthusiastically support me in this endeavor. Forty-eight States and the Federal Government already have laws already in the books prohibiting the desecration of the American flag.

Justice Stevens was right when he said that sanctioning the public destruction of the flag

may tarnish its value for all Americans. Hopefully, we can indeed pass a law preventing this erosion of value from occurring.

VOICE OF DEMOCRACY: STATE OF NEBRASKA WINNER

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. BEREUTER. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Auxiliary conduct the Voice of Democracy broadcast scriptwriting contest. This year more than 250,000 secondary school students participated in the contest. The theme for this year's competition was "Preparing for America's Future."

The winning contestant from the State of Nebraska is from the First Congressional District, Miss Lynn D. Lu of Lincoln, NE. Lynn's parents are Paul and Janet Lu. Lynn is a National Merit Semifinalist, a member of the National Honor Society, and a recent graduate of Lincoln East High School. This Member invites the attention of his colleagues to the excellent entry prepared by Lynn Lu for the Voice of Democracy competition.

PREPARING FOR AMERICA'S FUTURE

(By Lynn Lu)

Even the best artists have humble beginnings. A master painter's very first medium is often fingerpaint. Brilliant, vibrant colors in the hands of a child's imagination are swirled and smeared into clouds with a meaning as clear as the muddy mixture itself. With practice and encouragement, though, that artistic talent can be developed into the ability to create masterpieces.

The United States was born out of an unintelligible smear of confusion. Then a group of creative, innovative minds turned that random splattering of paint into a work of art with the brushstrokes of genius. In order to put the finishing touches on the ideal portrait of America, we must continue to improve our nation. We must prepare for America's future by making the most of our creative potential. Only then will the painting be fully appreciated.

Creative potential includes originality, a unique perspective on life, the ability to see new paths to success and new methods of solving problems. Often, it also embodies divergent thinking and unconventional ideas. We must develop these attributes and take advantage of them, for change can come only from experimentation. Our nation was founded on this principle. Nonconformist concepts produced a revolutionary new government, a constitutional democracy; a brilliant idea became a lasting reality. Americans have painted a history of innovation and creativity. Most recently, our space program has boldly ventured into newer and more ambitious flights. But we cannot dwell on our successes. We must continually learn from our experiences and build upon them. If we are creative, then we will always be able to find some way of improving ourselves.

Although the United States is making considerable contribution to the world, we are still lacking in creative talent. Few world-class artists, writers, and thinkers have been produced. Today's Americans live in an unimaginative society. Television has taught us to think the same, dress the same, and expect the same from everyone else. We are stagnating the world of observation rather than participation. TV thinks for us. It creates for us. Instead of allowing our view of the world to expand, we force it to fit on one TV screen. But everyone has talents. We must make the most of them we must make our future a time in which everyone's creative gifts are magnified and enhanced, in which everyone can put creativity to use.

To prepare for this future, we must begin with the youth of the nation. We must encourage them to think critically, to think creatively, to think differently. In schools fine arts and humanities studies must be improved so that students will be exposed to the talents of others; and will develop their own artistic gifts. Students must be taught different ways to approach problems so that solutions can be reached faster and more efficiently. Students must be taught to use logic and instinct together to achieve results. They must be challenged to be creative. In this way when they become leaders, they will be better able to face the real challenges of life.

We must also encourage creativity through tolerance. Independent thought and divergence from the norm must be nurtured, not quilled. Creativity means willingness to take risks and to diverge from the accepted norms. But the results are worth it. We cannot risk losing our most human quality imagination to be content with what we have.

The future will present more difficult problems and we must be prepared to face them. Fresh ideas and perspectives will give us a new outlook on this nation, and as it changes and grows, we will be able to make those changes benefit us all.

By developing and encouraging creativity in today's youth, and by preserving it in today's generation, we can be sure that America's future is in good hands and that it will continue to improve. Creativity is an art that must be practiced and used. We have already seen the results in our history. The final product will be a priceless piece of art created by the citizens of this country who imagined a vision, sketched it out, and colored it with inspiration and imagination. It will be the masterpiece our forefathers began, entitled "America the Beautiful."

CONGRATULATIONS TO JOSHUA MAYESH

HON. MEL LEVINE

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. LEVINE of California. Mr. Speaker, we wish to congratulate Joshua Mayesh on being named valedictorian of his high school class at Yeshiva University of Los Angeles.

Joshua is richly deserving of this great honor. As the following article from the Jewish Journal describes in greater detail, he has widely varied interests, and has excelled in many areas. Although he has not yet decided what he will study in college, we know he will continue his record of excellence. We ask our colleagues to join us in congratulating Joshua Mayesh on his success in high school, and in wishing him the best of luck in his future endeavors.

The article follows:

[From the Jewish Journal, June 9-15, 1989]

TRIBUTE TO JOSHUA MAYESH

Joshua Mayesh, who is the valedictorian for his graduating class at the boy's high school of Yeshiva University of Los Angeles, is a sports fan who roots for every Los Angeles team except the Clippers. ("I didn't like them when they were in San Diego and that hasn't changed.") But his collegiate interests lie elsewhere, in politics, law and English.

But Mayesh is putting all of that behind him for a year of study at Yeshiva Bet Israel in Jerusalem. He doesn't see that as a break in his education since he says that studying in a yeshiva teaches one a sense of responsibility which will be useful whether he goes to UCLA (which has accepted him) or to Columbia University (to which he is considering applying.) Asked if such a diversion might lead to aliyah, he shrugs his shoulders and says that anything is possible.

Looking back at his years at YULA High School, Mayesh says that they were particularly valuable for the education he received in religion, Jewish history and tradition and that its faculty and leadership are adept at solving student's problems. Of great interest to him was a senior year program which enabled him to take courses at UCLA in astronomy, political history, Greek and English Literature.

Mayesh credits his broad range of interests to his parents, Maurice Jack and Suzanne. The Mayesh's, according to their son, do not attend any synagogue exclusively but spend more time at Chabad of Hancock Park than at others. Mayesh's politics, he says, are Democratic, his religious home is Orthodoxy, and his academic interests are catholic, but with a small "c". It is an interesting combination to find a student, and the community will be hearing more of him in years to come.—Y.L.

TRIBUTE TO SOLOMON WOODRUFF, FIRST SETTLER OF LIVONIA

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. PAXON. Mr. Speaker, I rise today to honor and pay tribute to the town of Livonia which is celebrating the bicentennial of the arrival of its first settler, Solomon Woodruff.

In 1789, Solomon Woodruff traveled to Livonia from Litchfield, CT. After building a log cabin on a plot of land south of Livonia Center, Mr. Woodruff returned to Connecticut to gather his belongings, his wife Susannah, their 2-year-old son Austin and his infant brother.

During the long winter journey across the Northeast, the Woodruffs' infant son died in his mother's arms. The grieving couple buried their little boy atop a nearby hill, quietly prayed for him, and then moved on. Arriving in Livonia many days later, the Woodruffs found

their new home burned to the ground by Indians. While Solomon built a second home, Susannah and Austin stayed with the family of Gideon Pitts in the nearby town of Honeoye.

Even for the heartiest souls, pioneer life in 1789 was not easy, and the Woodruff family still had much to do. Solomon soon began to log the forest around his new home. As there was no access for a wagon, he dragged the logs through the woods to a clearing. From there he carried logs by ox yoke to the nearest lumber mill 7 miles east of Canandaigua.

Solomon's son Philip was born February 19, 1794. Philip grew up to become a well-respected lawyer in Livonia and went on to serve in the New York State Assembly for two terms in 1849 and 1850.

After Philip's birth, Solomon and Susannah opened Livonia's first tavern in their log cabin. They welcomed visitors and esteemed guests such as the exiled King of France, Louis Phillipe, who traveled with Duke de Liancourt, and the reputable Rev. Dr. Joel Parker. These weary travelers were greeted with a comfortable place to rest, a home-cooked meal and a glorious view of the Livonia Valley at the Woodruff's home.

Many of these visitors loved Livonia so much that they settled in the area and the community began to grow. Other community settlers were relatives of Solomon Woodruff and many of their descendants still live in the area today. Also, Livonia's first one-room schoolhouse was built on the original Woodruff land.

It is hard for us to imagine the great courage and skill it took for Solomon Woodruff and his family to survive as pioneers. Constant dangers such as sickness, fire, and injury made life in the early days of our Nation a daily struggle. Still, through foresight and hard work Solomon Woodruff and his neighbors built Livonia from nothing but the land they lived on. This is the story of countless other communities throughout our great Nation. And my friends, it is the story of who we are.

Today the town of Livonia includes the village of Livonia, and the hamlets of Livonia Center, Lakeville, Hemlock, South Lima, and South Livonia. Parts of Conesus Lake and Hemlock Lake are also within the township. This area of upstate New York is famous for its natural beauty and hospitality, and I am proud to represent Livonia in the House of Representatives. I am also most proud to honor Solomon Woodruff, the brave pioneer and first settler of Livonia 200 years ago.

STARTING SMARTER: INTRODUCTION OF THE LABOR SHORTAGE REDUCTION ACT

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. MARTINEZ. Mr. Speaker, in this country we are drowning in press releases with numbers that promote a particular point of view, but students, employees, educators, employers, and public policymakers are suffering because we don't have the systematic information we need to provide appropriate education and job training. Meeting international competitive challenges and strengthening the American community at home demand better information about education, job training, and employment opportunities in order to eliminate the serious mismatch between our changing work force and the evolving workplace.

If America attempts to compete against low-wage workers world wide, we will lose that battle, because they can always pay less. America can only compete by competing smarter. If America does not begin producing better educated workers with the skills needed by our rapidly evolving economy, the fact is that the jobs will go elsewhere. It is ironic that just when our economy is producing a surplus of jobs in some areas, jobs that would pay people enough to lift them out of poverty, the school system and the job-training system is not producing students that can handle those jobs. Too often we have treated the private sector and the public sector as enemies. The fact is that they each have strengths, and we need effective policies that allow them to complement each others efforts. The information provided by this program would strengthen our schools, public and private training programs, and strengthen the foundations for sustainable growth.

America's students and employees must be trained not for the sake of altruism, but frankly to make the economy work. The greying of the baby-boomers signals major changes in our work force and is making the issue of labor shortages and changing demands for skills even more important for employers and educators across America. A recent report issued by the UCLA poir.ts out that southern California—like many parts of our Nation—faces a dilemma. The area is at once a booming manufacturing, financial, trade, and cultural center thirsty for qualified workers and a magnet for those who are educated only for blue-collar and unskilled jobs. Unless changes are made, our cities will be flooded with underachievers who cannot supply the skills American employers need—and the Nation could face a generation of economic decline and societal polarization.

Timely identification of labor shortages and of emerging shortages is a basic element in building schools and training that is flexible and able to respond rapidly to the needs of our rapidly changing economy. Job markets, like other markets, don't work well without quality information. Information builds and moves markets. And public policymaking does not work well if we don't have the facts we need. The reauthorization of the Perkins Vocational Education Act (H.R. 7) takes important steps in upgrading information about training in technical skills. A demonstration program to be established by that legislation will examine the medium and long-term impacts of vocational and technical training on employment and careers to help assess the impact of such training. But this is only one component of a larger effort to eliminate the mismatch between the skills taught by our schools and the needs of America's employers. Our Nation needs higher quality information that allows public and private sectors to identify and deal with labor shortages.

Today, I am introducing legislation that will mandate that the Department of Labor, in cooperation with the Department of Education and other agencies, utilize and augment existing data resources to identify labor shortages. This is a basic input in any effort to have modern education and training which meets the needs of the Nation.

I urge my colleagues to support this important legislation.

THE SAN FRANCISCO FESTIVAL OF THE HORSE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mrs. BOXER. Mr. Speaker, I rise today to bring to the attention of my colleagues an event about to take place in the city of San Francisco. It is the Sixth Annual Festival of the Horse and Polo in the Park sponsored by the San Francisco Grandprix Association. The event, scheduled to take place on July 23, 1989, in the Golden Gate Park Polo Field, will benefit the Student League of San Francisco Charitables Programs, especially the James S. Brady Riding Program for the Handicapped.

The proceeds of the Festival of the House will enable the James S. Brady Riding Program for the Handicapped to provide brain-injured, paraplegic, cerebral-palsied, and sight-impaired young people with a rare opportunity to enjoy the thrill and medical benefits of horseback riding.

The San Francisco Festival of the Horse has been fashioned after the Royal Windsor Horse Show held each May at the Queen's residence of Windsor Castle, Windsor, England. Like the Royal Windsor Horse Show, having a rich tradition of excellence providing competition that prepares the military and their horses, nationwide show jumpers, and British children and their ponies, the San Francisco Festival of the Horse and Polo in the Park provides spectators with a varied and elegant horse show.

Mr. Speaker, this event benefits a truly noble and necessary cause; the less-fortunate children of our country. It fills me with a great sense of pride to rise today to honor this respected and appreciated event.

JUST PLAIN SPEAKING

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. CLAY. Mr. Speaker, at the risk of expulsion from this honorable body, I intend to engage in the old-fashioned, outdated but much-needed custom of speaking plainly. I know it is a profanity, a desecration to inject logic and reason into the highly emotional atmosphere prevailing just 1 week after the Supreme Court committed high treason by ruling that the Constitution does not prohibit the burning of our flag. I am quite aware that many zealous souls who would not hesitate to

burn at the stake anyone accused of burning an American flag, are chomping-at-the-bit to crucify anyone hailing the court decision as important to the maintenance of a free society. So, in this perilous climate, for fear of my life, I refuse to exercise my right of free speech by discussing the subject of the Supreme Court or flag burning.

Mr. Speaker, I am also apprehensive about mentioning the dial-a-porn decision issued by the Supreme Court last week. I don't know what got into those ultraconservative, strict-constructionist judges appointed by President Reagan. The only purpose for their appointments was to nullify all laws enacted to guarantee equality and justice for blacks, women, and the poor. But I suppose the job of a Supreme Court Justice is full time. After recklessly and callously returning black people, women, and other minorities to the status of involuntary servitude, there is still much time left to dabble into the pet projects of the least intelligent amongst us, the Neanderthals who thrive on intellectual and moral dishonesty.

When I first came to Congress, the conservatives, as now, were incensed with the Supreme Court. They had launched a nationwide campaign to impeach Chief Justice Earl Warren and Justice William O. Douglas. But under the chaotic circumstances we find ourselves after this far-reaching dial-a-porn decision, they dare not call for the impeachment of their ideological brethren, Supreme Court Justices, Antonin Scalia and Anthony M. Kennedy. And I dare not suggest that they do.

But, Mr. Speaker, regardless of the consequences, I intend to speak plainly about what is happening today in China and the hypocrisy inherent in the public statements of many American leaders claiming to be indignant. I too am shocked, appalled, dismayed at the barbaric behavior of Chinese officials in the killing of students and citizens who were demonstrating for a more equitable voice in the affairs of government. But my reaction, unlike that of many in this body, is consistent with my reaction to many other obscene and atrocious assaults by government operatives on helpless citizens around the world.

Mr. Speaker, I was outraged at the actions taken in Poland to put down the Solidarity movement and that of Idi Amin in the ruthless slaughter of thousands of Ugandans. I joined with my colleagues in expressing that outrage. But I am also outraged by the crimes against humanity being committed in South Africa. More so, I am traumatized by the eerie silence of those who close their eyes to mass murder when committed by fascists governments, but emerge in high-pitched, shrilled voices to protest the same brutal acts when inflicted by Communist governments.

Mr. Speaker, while speaking plainly, I would like to discuss a related matter taking place in China and the seeming hyprocrisy of many American leaders. The contradiction is all too apparent. Many of those condemning the Court decisions in the dial-a-porn case and the flag burning case, joyously hailed the Supreme Court decision yesterday which ruled that execution of juveniles and retarded individuals is constitutional. Those gleeful expressions are but outward manifestations of our inward moral depravity.

National polls reveal that 75 percent of the American people believe in capital punishment. They also believe that the right of appeal in capital cases is frivolous, time consuming and an unnecessary waste of the taxpayers money. Further, they contend that immediate execution is the most salient way to deal with those committing serious crimes.

But, Mr. Speaker, how can we in this body who have repeatedly voted to show how tough we are on crime by enacting the death penalty into law for various and sundry offenses, protest the Chinese Government's use of such dastardly force. Yet, each day, I hear my colleagues who support capital punishment and its swift enactment, wail in astonishment when a foreign government, condoning this barbaric practice convicts its citizens, sentences them to death, and then executes them forthwith.

Mr. Speaker, I am torn in sorrow and racked with pain by the violence taking place in all parts of the world. And I often publicly express the opinion that violence breeds more violence. I will continue to be consistent in my words and deeds. I hope my fellow colleagues will join me in decrying violence everywhere, including the violent acts of 110 executions in the United States in the last 10 years.

TRIBUTE TO FATHER JOSEPH A. SELLINGER, S.J.

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay tribute to a man who exemplifies the meaning of service, Father Joseph A. Sellinger, S.J. In celebration of 25 years as president of Loyola College, I want to express my sincere admiration for his unselfish love and dedication to Loyola College, the city of Baltimore, and the State of Maryland.

Ordained as a Jesuit in 1951, Father Sellinger became the dean of the College of Arts and Sciences at Georgetown University in 1954. In 1964, Father Sellinger became president and rector of Loyola College in Maryland. Through his interactions with corporations, religious and civic groups, Loyola College evolved from a commuter school to a highly respected institution.

During his illustrious tenure, enrollment has tripled in undergraduate and graduate divisions. Several satellite centers have been established in the surrounding areas of Baltimore. Also, the Masters of Business Program which began in 1967 has galvanized the economic development of the city of Baltimore and the State of Maryland. In recognition of his many achievements and community service, Father Sellinger has received numerous honorary degrees and public service awards.

It is with great honor that I offer my congratulations to Father Joseph A. Sellinger, S.J. on his many achievements and extend best wishes for his continued success. I know that my colleagues will be pleased to join me in this well-deserved tribute.

IN RECOGNITION OF THE ACHIEVEMENTS OF THE DEBATE TEAMS AT CHESTERTON HIGH SCHOOL AND MUNSTER HIGH SCHOOL IN INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. VISCLOSKY. Mr. Speaker, it is a special honor when a Member of the House of Representatives can note with pride that a high school in his or her congressional district has won a national debate tournament sponsored by the National Forensic League. I am proud to inform my colleagues that Chesterton High School in Chesterton, IN, has won a truly distinguished contest and earned the title: 1989 National Debate Champions.

This occasion is especially gratifying for myself and the residents of northwest Indiana because a second high school in the First District, Munster High School in Munster, IN, placed third in the very same national contest.

Mr. Speaker, as a former debater who never progressed past regional competition, I am extremely proud of the northwest Indiana students who participated in the contest. Their achievements are a credit to their dedication, hard work and abilities. Additionally, the students' parents and teachers deserve praise for their encouragement and guidance.

I am elated by the students' achievements because they prove to the entire country that northwest Indiana is a very special place to live, work, and learn. Their achievements are examples that success will come from the values and traditions we in northwest Indiana hold dear. These values include hard work, a commitment to quality education and dedication to our tasks.

Special recognition should go to Michael Gotch of Chesterton High School and Eric Pardell of Munster High School who placed first and second, respectively, in the original oratory competition. Also, northwest Indiana had 2 top-10 finishers in the Lincoln-Douglas debate category: Adam Anderson of Chesterton High School placed second and Jill Uylaki of Munster High School placed ninth.

These students make me excited and optimistic about the future of our country because someday they and others of their generation will be leading our country. I am confident they will be very capable.

Each student should be proud of their accomplishments as I am proud of each and every one of them.

The Chesterton High School students are Gotch, Anderson, Michelle Petty, Dan Pennell, Amanda Hess, Greg Lanter, Heather Ransford, and Andy Beckett. Their coaches are Jim Cavallo, Barbara Funke, Carol Biel, and Bob Kelly.

The Munster High School students are Pardell, Uylaki, Kathi Vaughn, Ravi Patil, Andrea Foltz, Sonali Balajee, Jennifer Gust, Stephen Hess, and Dan Holloway. Their coaches are Mary York, Don Fortner, Linda Horn, Rhonda Pool, and Douglas Fix.

I would also like to recognize the head coaches for both schools whose leadership played a significant role in their teams' success: Mr. Joseph Wycoff at Chesterton High School and Mrs. Helen Engstrom at Munster High School.

SOCIAL SECURITY BENEFITS FOR WIDOWS/WIDOWERS AND SPOUSES

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. OBERSTAR. Mr. Speaker, in virtually all respects, the Social Security Act, on its face, no longer discriminates on the basis of gender. Yet, in application, many provisions of the law result in lower benefits to women, not only because of fewer years in the work force and lower wages, but also because provisions placed in the law years ago have not been reviewed and updated. To correct some of these inequities, I introduced three bills on Thursday, June 22, 1989.

The first bill (H.R. 2731), the Social Security Disabled Widow's and Widower's Equity Act of 1989, calls for equal social security disability insurance [SSDI] eligibility criteria and benefits for disabled widows and widowers. H.R. 2731 has three main components.

When disabled widows or widowers were initially authorized survivor benefits in 1967, no reliable estimate could be made of the numbers of widows/widowers who might become eligible. Until such experience could be gained, it was considered prudent to protect the Old Age and Survivors Insurance Trust Fund from excessive outlays by imposing several limitations which were not applicable to wage earners who become disabled. The restrictions imposed on disabled widows/widowers included a separate, more stringent definition of disability, a 7-year limit on qualification following the death of the worker or cessation of mother's benefits, and a requirement that the applicant be at least 50 years of age. In addition, a widow/widower who met all of these requirements also suffered a reduction in their benefit for each month she was under 65.

The first component addresses the first of these unfair restrictions: The separate definition of disability which is now applicable only to widows and widowers. Women would be the primary beneficiaries of this change since most widowers would be entitled to greater benefits on their own work records. The Social Security Act stipulates two different standards for determining disability. Wage earners and supplemental security income [SSI] applicants, on one hand, must establish that medically determinable impairments are so severe as to preclude any gainful activity. if disabilities are severe, but do not meet the listings, these applicants are entitled to a second evaluation step which takes into consideration age, education, and previous work history. Widows and widowers—hereinafter referred to as "widows"—on the other hand, are evaluated on the basis of disabilities alone; claims are not considered with reference to age, education, and experience.

This double standard must be reformed. Since the Reagan administration began conducting continuing disability investigations in the early 1980's, we have all become painfully aware of the stringency of the definition of disability as it applies to wage earners and SSI applicants. I do not believe that we can ask that these harsh standards be ameliorated and, at the same time, continue to impose an even harsher standard of disability on widows.

The second component of the bill addresses two other double standards: Unlike wage earners, disabled widows under age 65 receive a reduced benefit and widows under age 50 do not qualify for disability benefits.

How can Congress justify a different disability standard for disabled widows? No actuarial reduction has ever been imposed on disabled workers. Congress has judged that severe impairments combined with vocational imitations make it impossible for the worker to continue in the work force. In order to compensate for the cut in earning power, benefits for a disabled worker are calculated as if the worker had attained age 65. Disabled widows lack earning power but they are unable to receive any benefits before age 50 and, once they attain age 50, they receive a reduced benefit. This inequity contributes largely to the impoverishment of disabled widows throughout the country.

The third component of the bill addresses another disability restriction for widows: Under current law, a widow remains eligible for widow disability benefits for only 7 years after the death of the worker or cessation of mother's benefits. This law leaves many widows without adequate disability coverage.

The presumption underlying current law is that a widow who is neither caring for young children nor disabled is capable of self-support. In other words, if a widow accepts the responsibility of self-support and enters the work force, she will qualify for her own disabled worker's benefit before her protection as a widow expires. Benefits, however, can be totally inadequate if the widow has only a few years in the work force.

Under H.R. 2731, a widow who enters into and remains in the work force will never lose the protection of survivor's benefits although the amount payable on the basis of the deceased husband's wage record would continually decline as her own personal entitlement increased due to her own work efforts.

The second bill (H.R. 2729), the Social Security Working Widow Equity Act of 1989, calls for opportunities for widows to improve Social Security widow benefits by continuing in the work force. H.R. 2729 addresses two more double standards which separate widows from wage earners.

The first inequity caps widow benefits at the level of the deceased husband's benefits. For example, if a worker retires at age 62, his widow will never receive more than his age 62 benefit—plus COLA's—even if she works until age 70. My bill calls for a limitation on the reduction of widow's benefits in the case of early retirement of the deceased spouse. In other words, widow benefits would remain as if the deceased husband retired at age 65 unless the widow herself received, or had received, early retirement benefits.

The second inequity relates to the delayed retirement credit program: Unlike wage earners, widows are denied access to the program.

Workers who remain in the work force past age 65 are entitled to a delayed retirement credit for each month a Social Security retirement benefit is not payable due to excess wages. Though the credit is not actuarially determined, it partially compensates the worker for continuing to work past normal retirement age.

The credit does not apply to widow benefits. Though many widows are eligible for benefits on their own records, their widow benefits are often larger; only the larger of the two entitlements is paid. In other words, most widows do not benefit from working after age 65. My bill calls for correction of this inequity by granting working widows who forego benefits after age 65 a credit on the highest benefit which they are entitled to receive.

My third bill (H.R. 2730), the Social Security Spouse Act of 1989, calls for benefits to caregiver spouses—spouses of disabled primary beneficiaries in need of continuous care—and disabled spouses of annuitants. Under current law, spouses who fall under these categories receive no benefits despite the likelihood of resulting financial hardship.

When a worker becomes disabled or reaches retirement age, his retirement-age spouse is also eligible for a benefit. For each, full benefits are not payable until age 65, but actuarially reduced benefits can be paid as early as age 62. A spouse less than retirement age, who does not have a child under age 16 or an adult disabled child in her care, is presumed to be capable of entering the work force until retirement age is attained. Evidently, this presumption is flawed in the case of a disabled spouse. But, unlike wage earners, disabled spouses under age 62 are not eligible to receive any benefits.

My bill corrects this inequity by authorizing a spouse benefit—half of the wage-earner benefit—to disabled spouses or disabled divorced spouses of annuitants subject to the same definition of disability applicable to disabled workers.

When a disabled Social Security annuitant is in need of constant care, a spouse who is less than retirement age often provides that care. As a result, he or she is prohibited from entering the work force, even if the worker's benefit alone may be inadequate for the support of both husband and wife. The resulting marginal income is often the principal cause of nursing home placement and the primary factor in divorce entered into to relieve the nondisabled spouse of financial responsibility for the cost of institutional care. Payment of a spouse benefit in such cases could make home care possible.

The Spouse Equity Act authorizes the payment of a full spouse benefit when an annuitant is so disabled as to require full-time care. This provision is similar to present law which authorizes a mother's benefit—or parent's benefit—to be paid when there is an adult disabled child in need of care.

I urge my colleagues to consider these bills in light of the many impoverished widows and families who suffer from the inequities ad-

dressed in these three bills. I have introduced similar bills in each of the last four Congresses.

SUPPORT OF ROE VERSUS WADE

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. DIXON. Mr. Speaker, I would like to add my voice to the nationwide chorus urging the Supreme Court to reaffirm its 16-year-old Roe versus Wade decision upholding the individual right of privacy.

I recently received a letter written by a 74-year-old constituent from my district. In it, she recounted the painful memories of hew own abortion, and the circumstances—a failing marriage, several other children—that lead to her making that decision. Her experience was one that was all too common in the days before Roe. A botched abortion by a shady doctor led to her near death, and lifetime medical complications. She wrote that the thought of returning to such times made her very glad she is now 74 years old. She was sad that women have had to fight so hard to maintain the rights Roe guaranteed.

My constituent told her story in the hope that it would help ensure that other young women would not be forced to go through the same painful and traumatic experience. The amount of human suffering that would result from a weakening or repeal of Roe versus Wade would indeed be high.

Mr. Speaker, if Roe were weakened or overturned, the personal crisis my constituent went through half a century ago would be magnified many times throughout our society. It would disrupt our entire political and social system. It would cause great pain and division. The integrity of our legal system depends on not disturbing settled points of law. Upholding Roe will preserve public confidence and send a message that the privacy rights of American citizens will not be jeopardized.

Americans hold strong and differing opinions over the right to choose an abortion. While I respect the deep convictions of those who want to eliminate this right, I strongly believe in a woman's constitutional right of privacy and am committed to upholding it. During this week, when the High Court is expected to hand down its decision on the Webster case, I join my colleague in the House of Representatives in urging the Court to protect the privacy rights of our fellow citizens.

CONGRATULATIONS TO INDONESIA ON THEIR SUCCESSFUL FAMILY PLANNING PROGRAM

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. MOODY. Mr. Speaker, earlier this month President Soeharto of Indonesia received the United Nation's 1989 Population Award from U.N. Secretary General Javier Perez de Cuellar. The award honors President Soeharto's support for what has become one of the developing world's most successful family planning programs.

An examination of just a few statistics will demonstrate the magnitude of Indonesia's achievement. In 1972, there were 400,000 Indonesian couples practicing birth control. By 1988, the equivalent figure was 16 million, with 15,000 new participants every day. The crude birth rate was 44 per thousand in 1971, while today it is 29 per thousand and falling rapidly. The fertility rate has dropped from 5.5 to 3.3 children per family.

With fewer births, Indonesian officials can concentrate more resources on improving the health of their citizenry. The mortality rate has dropped from 22 to 8 per thousand in two decades. The infant mortality rate—at 142 per thousand when the program started—is now 58 per thousand, a 60-percent decline.

Today Indonesia, with 178 million people, is the world's fifth most populous nation, so that each percentage drop in the birth rate means a tremendous amount in actual numbers. The United States Census Bureau projects that by the year 2050 Indonesia will drop to seventh in population—behind India, China, Nigeria, Pakistan, the U.S.S.R., and Brazil.

Indonesia's success is nothing short of a revolution in attitudes. As with many agricultural societies, every Indonesian child was considered a source of prosperity—providing help to fathers in the fields and mothers in the home. Where infant mortality is high, there is a great fear of vulnerability of children, and parents respond by having a large number of children. Many must be born to ensure a few will survive.

The challenge to Indonesian officials was to alter this basic societal norm. Under President Soeharto's leadership, a basic strategy to institutionalize and popularize the small family as the happy and prosperous one was created. This has clearly been achieved, and in a society where abortion is illegal and sterilization is not encouraged.

The U.S. AID Program has played a part in this success. Indonesia's family planning program has received funding regularly since 1968. Total aid in that period is just over $182 million.

Mr. Speaker, I recently had the privilege of meeting with Dr. Haryono Suyono, director of Indonesia's program, and the Indonesian Ambassador to the United States, His Excellency Abdul Rachman Ramly. Dr. Haryono, who was educated at the University of Chicago, had headed the program since 1983. On behalf of the Congressional Population Coalition, which I chair, I want to express my sincere congratulations to President Soeharto for the 1989 Population Award, and to Dr. Haryono for his leadership of this program. Indonesia's example is proof that one of the world's gravest dangers—unchecked population explosion—can be avoided with enlightened leadership and political and moral support from the highest levels.

IN RECOGNITION OF THE CREATION OF THE OXFORD LAW DICTIONARY, A JOINT EFFORT OF THE UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW AND THE OXFORD UNIVERSITY PRESS

HON. GREG H. LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. LAUGHLIN. Mr. Speaker, I rise today to recognize a most unique venture of truly historic consequence. The University of Texas at Austin School of Law and the Oxford University Press have jointly undertaken a scholarly legal project of major proportions—the creation of the Oxford Law Dictionary.

The University of Texas/Oxford Center for Legal Lexicography unites the Oxford University Press, and editor in chief Bryan A. Garner, with the exceptional resources of the Tarlton Law Library. This marshaling of talent and resources heralds the Oxford Law Dictionary as one of the great contributions to legal scholarship of the 20th century.

This project will mark the first time that the entire English-language legal vocabulary will be collected and defined. Scholars at the University of Texas/Oxford Center will work some 7 years to produce the multi-volume work, which will contain nearly 6 million words and will span 30,000 entries. The entries will trace legal words from the time when English was first used in law reports and treatises through law, the Oxford Law Dictionary will cover terminology from all English-speaking jurisdictions. Combining traditional uses of original source material with the resources available through computer, the dictionary will give a comprehensive and historically accurate view of the development of legal words and phrases.

A distinguished editorial advisory board, comprised of academicians, judges, and practitioners from the United States, the United Kingdom, and other English-speaking jurisdictions, will provide guidance on stylistic and substantive matters.

Unprecedented in the history of Anglo-American legal scholarship, the Oxford Law Dictionary will be the ultimate resource for questions concerning the meaning or usage of any legal term, whether modern or historical, and will contribute significantly to the understanding of our legal heritage.

TRIBUTE TO A GEORGIA BALLERINA

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. DARDEN. Mr. Speaker, it was with great pride last week that those of us in her hometown of Marietta, GA, saw Caroline Cavallo take part in the prestigious Moscow International Ballet competition. And, although she returns home to Georgia without a medal, we

congratulate Caroline on successfully establishing herself as one of the rising stars of ballet.

As we all saw on various broadcast features about the competition, Caroline captured the imagination of audiences and critics with her performances. She was, by the way, one of the only two Americans among the 24 finalists in the competition at Moscow's historic Bolshoi Theatre.

And, as further evidence of the new spirit of friendship between her home country and the nation hosting this great event, Caroline's dancing partner was a young Soviet man.

By the way, Caroline's parents, Rick and Jackie Cavallo, are friends of mine. I know how proud they are of her accomplishments, just as they rejoiced recently in the achievement of her brother Danny, who attended the rank of Eagle Scout.

Mr. Speaker, Caroline Cavallo speaks to people around the world in a language understood by all, even though their native tongue may be Spanish, or Italian, or Japanese, or Russian or English. She speaks eloquently and artfully in the language of dance, and we are certain to hear more from Caroline as her career grows in skill and stature over the coming years.

RACIAL UNREST IN MAURITANIA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. DYMALLY. Mr. Speaker, I rise today to draw attention to a grave and potentially disastrous racial revolution in the Islamic Republic of Mauritania.

In late April of this year, Mauritanians of white/Arab descent waged a vicious campaign of murder and mutilation against black Mauritanians and Senegalese inhabitants in Mauritania. Though this particular tragedy has long departed the news media in this country, there is a greater injustice unfolding.

On both a national and international scale, the Mauritanian Government has set out to completely eliminate—by death or expulsion—the black population within its rank.

The Mauritanian Government alleges that black Mauritanians obtained their citizenship fraudulently and therefore must be expelled to Senegal. Unfortunately, this conflict has historical underpinnings. Mauritania is literally, racially, and geographically between black and Arab Africa. As a former French Colony, without clearly defined southern borders, Mauritania was considered an appendage of Senegal, administered from the former Senegalese capital city of St. Louis. The French then charged the Senegalese ethnic blacks—[Halpuiaars]—to set up a government administration in Mauritania. Upon independence in 1960, the Arab "Maures" returned to power. This set the stage for serious conflict between the learned, and politically, socially and economically established Senegalese and the aspiring Maures.

The Mauritanian Government has expelled Presidential secretaries, high level civil servants, police officers, national guardsmen, and a range of United States aid trained officials. The government's computerized electricity system nearly came to a grinding halt because the only maintenance person qualified to work on the machinery was a Senegalese—expelled earlier.

The official declaration suggests the if you are black and residing in Mauritania, you were either there illegally before independence and thus could not legitimately be a Mauritanian, or if you came after independence your citizenship is invalid. The government seems to have forgotten that in either case, the criteria for citizenship was set by an Arab-Mauritanian government.

The government has even adopted the policy of recalling diplomats of African descent, stripping them of their status and land holdings, and demanding that they relocate to Senegal. Families are threatened, business completely wiped out and international relations seriously endangered.

Mr. Speaker, the Mauritanian Government receives 50 percent of all its food aid through United States aid; they sit alongside the United States in a multitude of international organizations, including the UN, WHO, ITU, INTELSAT, FAO, GATT, IBRD, ICAO, ILO, IDA, IDB, and I could go on.

Mauritania is currently working on the final stages of a $37-million agriculture section loan.

Mr. Speaker, let me be real clear. I am not advocating that we target these arrangements or Mauritanian membership in the international organizations arena. However, I believe that we cannot sit idly by and witness a new system of apartheid develop before our very eyes.

We must register our deep concerns and let the Mauritanian Government know that this racial purge of a nation is unacceptable to the international palate. The fact that some nations have reputedly aligned themselves with Mauritania "in the event of war with Senegal over the race issue" is nothing short of outrageous. It demonstrates a gross misappropriation of international alliances and a misuse of the scarce resources available to the developing world.

Mr. Speaker, I call on my colleagues to join me in sending a concerted message to the Government of Mauritania that if there is to be a place for them in the international arena there is no place for racial eradication. This reckless aggression must come to an end.

CONGRATULATIONS TO HARRY BEY AND PROJECT GANGS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. MOORHEAD. Mr. Speaker, Harry Wayne Bey is a unique man with a unique mission. He grew up in southern California in a theatrical family. He was forthright, extroverted, and courageous. He was also a thoughtful man with a strong sense of country and Christianity. Because of his character and commitment, the evolution and growth of gangs in the area alarmed him. He could see that the gangs in Los Angeles would grow in size and strength; that they would become more violent and more cruel; that they would become more destructive to themselves and their communities.

He could also see that the normal approach to controlling the gangs was not stopping their growth or destructive nature. So he founded Project GANGS [Gang actors needing group support]. He then wrote an acclaimed four-act play called "Gangs," which he subsequently came to produce and direct. To find his players, he reached into the gangs of Los Angeles.

The goals Harry Bey has established for the members of Project GANGS are straightforward. He wants his kids to develop and maintain a belief that full potential can be realized only through a belief in God; to develop self-confidence, self-esteem and self-respect in themselves and to appreciate the value and worth of other individuals and society; to appreciate physical and mental health; to grow to be responsible and productive citizens; and to develop leadership qualities.

In August, Project GANGS will begin a 10-city tour of California. In September, the troupe will begin a 30-stop tour throughout the United States. Widely acclaimed and well received by the public, the play and the players call for an end to the "madness, the drugs, the weapons, the mindless shootings."

Mr. Speaker, Harry Bey and his troupe deserve credit and recognition for their efforts to solve a problem that threatens all our cities and communities. In the grand tradition of the theater: "Harry. Kids. Break a leg."

END DISCRIMINATION AGAINST THE MILITARY SUPPORT H.R. 572, H.R. 2277, AND H.R. 2300

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. DORNAN of California. Mr. Speaker, as I stated in the June 15, 1989 CONGRESSIONAL RECORD I introduced three key pieces of legislation which will restore fairness and equitable treatment to members of the U.S. Armed Forces.

H.R. 572, H.R. 2277, and H.R. 2300 would amend the Spouse Protection Act to make it more consistent with the existing pension plans, which Congress has established for members of the Foreign Service, the Central Intelligence Agency, and portions of the civil service retirement/survivors benefits.

It is important to note that all three bills follow congressional precedents and common State divorce provisions. Further, note that in all cases, although the legislation is retroactive, savings provisions are incorporated requiring no repayment of previous awards, and no further payments shall ensue after enactment. None of the changes affect spousal or child support provisions—just retirement.

As I stated, I believe these changes are long overdue to provide the Armed Forces members the protection afforded the other Government employees upon retirement. Retired pay is perhaps the No. 1 incentive for re-

tention of our Armed Forces. Shouldn't they receive equal treatment with other Federal retirees?

Between now and the time the Defense authorization bill is debated on the House floor, I will be sharing with my colleagues some of the many letters I received, both pro and con, concerning this issue. Please take the time and review these letters and join with me in restoring fair and equitable treatment for our military retirees.

DEAR SENATORS ALAN CRANSTON, PETE WILSON AND REP. DUNCAN HUNTER: Hello. My name is Dorothy Cook and I am 71 years old. I have been married to my second husband 23 years.

Last month he was served with a lawsuit by his ex-wife of 24 years ago. She wants half of his $920 a month military retired pay; she wants half of everything he has collected from the time he retired in 1967; she wants future payments until he dies. She does receive her own retirement pension plus an annuity from her own retirement pension plus an annuity from her deceased second husband amounting to about $1,500 a month.

I was also married before. My first husband was a Navy man, too; he died of cancer 25 years ago. He provided for me by buying a private insurance policy which over the years I have prudently saved for emergencies; home repairs, maintenance and medical bills. My present husband signed an agreement before we were married that the insurance money was mine. However, it has always been there for both of us. He didn't have anything of his own since he was paying alimony and child support out of his $350 a month military pay; the ex-wife got the house and furniture and the best car.

My husband is partially blind and deaf; has high blood pressure and I think he has had a stroke, and I am afraid that all this business will cause him great harm. We have always been very careful with our money, trying to plan ahead in the event of nursing home care, etc. but I have already paid out $3,750 of my account for legal fees for my husband. The lawyer wanted $3,500 before he would even take our case, at $175.00 an hour, and there's more to come. I don't know where we will get the money.

I do most of the driving in our family and am afraid of driving on the freeways; consequently all our business with the lawyer must be done on the telephone and through the mails. I am very bewildered and overwhelmed by all of this. I don't think my husband fully understands it all and the burden must fall on me to take care of it. It looks like we will lose our home, most of our emergency money is gone and we will end up on welfare. I told the lawyer that I did not think that any court would do this to us but he said it is the law and the courts, particularly in California automatically give it to her since it is now called property without regard to what it will do to us.

Your law is very unfair. My husband paid his alimony, child support, give her their home and all the furniture and the best car. He took his clothes and an old Studebaker. He had very little to live on from what was left of his $350 a month pay check. He has paid enough.

I am sorry that she lost her second husband but I cannot understand why she is able to come back to the first husband of so many years ago. Are the military men always responsible for the rest of their lives to an ex-wife and even if she remarries. Your law is very unfair.

I am not well myself and I resent not only the injustice of this law but it is taking valuable time away from taking care of my husband and myself and just to get through the day. We are much too old to deal with this extra and expensive burden and the possibility of ending up with nothing after all these years.

I am very scared and don't know where to turn. I am hoping you can help me.

I have always been proud to be a military wife but am now ashamed of what our government is doing to us. I am sad for all of us.

I am pleading with you to do something. Please stop it now. We simply do not have the stamina to deal with the lawyers, getting all the papers together for the lawyer, the courts (and we can't even drive that far), and waking up in the morning with the depressing thought of "where we will be when this is all finished." My husband and I would like to enjoy as much as we can of our remaining years in peace and quiet. The law needs changing now. Will you help?

If you need any more information, I will be happy to reply. Please write me.

Thank you.

Hon. ROBERT K. DORNAN,
U.S. House of Representatives, Washington, DC.

SIR: I am writing in regards to your bill providing that a court-ordered allocation of a portion of military retirement pay to a former spouse of a military retiree shall terminate upon the re-marriage of the former spouse.

I am a retired Marine and am currently paying child support and 27% of my retirement to my former spouse, who was remarried 7 months after the divorce. She remarried another Marine who is also a career Marine.

Sir, I am grateful that you have taken the initiative to correct a terrible injustice to the military retirees. It is one thing to support a former spouse when she is single and on her own, but to support her new family is unjust especially when she brags that in two years she can divorce him and draw another 25% for a total of 52%. Now I ask you is this FAIR?

I would like you to know that I wholeheartedly support your actions and I'm sure I can speak for all of the retirees. If there is anything I can do to help this cause, please let me know.

JOHN D. KITE.

March 27, 1989.

Hon. ROBERT DORNAN,
U.S. House of Representatives, Washington, DC.

DEAR HON. ROBERT DORNAN: Please cosponsor representative Dornan's no-cost H.R. 572 and companion Senate Bill. Relieve USFSPA retroactivity, remarriage, age and time inequities suffered by military members and innocent second families. Include in FY-90 DOD authorization bill. Supportive reply respectfully requested.

Our family is one of the innocent victims of the California Civil Code 5124 which made USFSPA retroactive. Particulars:

My current wife and I have been married for eight years. I retired from the United States Air Force on 1 Dec 88. My ex-wife left me and took our only child in July 1979 after twelve years of marriage. The divorce judgment reference support and division of property was filed 5 Jan 1982. She remarried a Physician (Colonel) stationed at Letterman Army Hospital, lives in General's quarters at Fort Baker, Sausalito, CA. She also works as a certified Anesthetist who has earning capacity superior to my own. The judgment provided that she receive half of the community property, I pay her attorney's fees and child support. My military retirement was considered by the court at that time. The following quote is from the judgment, "The Court has determined that it has no jurisdiction over the subject matter of military retirement under the decision of the United States Supreme Court on 26 June 1981, in McCarty v. McCarty, precluding the application of state community property laws to Military Retirement Pay".

Based on the California Civil Code 5124 which made USFSPA retroactive to 25 June 1981, my ex-wife obtained a judgment on 21 March 1985, "Petitioner is entitled to a modification of the judgment re: Division of property filed 5 Jan 1982 to include a Division of respondent's disposable military retirement benefits payable on or after Feb 1983."

In Dec 88 I retired from the U.S. Air Force after 28 years of honorable service. My daughter was 18 years of age in Dec 88 and will graduate from high school in June 89. I have been paying $350 per month for my daughter. Now I must pay part of my retirement to my ex-wife who is living a very high life style in Marin County.

My present wife had to retire in July 1988 due to poor health at age 60. My present wife's health has been severely degraded due to stress generated by this ordeal of payment of attorneys fees, loss of a portion of my retirement pay and now to find out that the little retirement she will receive will almost eliminate any Social Security, since this is considered double dipping.

Please consider the fact that when an ex-spouse remarries a member of the military and he also receives retirement pay that this is double dipping?

When my present wife and I married the laws changed retroactively and now we are just about living in poverty. My ex-wife served me with divorce papers, moved to San Francisco, presently married to a Colonel (Physician), living in a General's House at Fort Baker with no financial problems. I have lost all of my financial resources supporting attorneys and my ex-wife. Now I must pay her part of my retirement and this is putting us further and further in debt.

This is not fair. There are so many who have exhausted all of their financial resources fighting this unfair decision.

We are facing a bleak future, please do everything that you can to correct this injustice by passing H.R. 572 and The Companion Senate bill.

Thank you kindly,

ROSALIE A. CURTIS,
RICHARD R. CURTIS,
Lt. Col. USAF (ret'd.)

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent on Friday, June 23, 1989. Had I been present, I would have voted:

"Yea" on roll No. 106, approving the Journal of Thursday, June 22, 1989; and

"Yea" on roll No. 107, approving the Senate amendment to H.R. 2042, the fiscal year 1989 Department of Veterans' Affairs supplemental appropriations bill.

TRIBUTE TO DAVID A. BRODY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. STOKES. Mr. Speaker, I rise today to pay tribute to a longtime friend, David A. Brody, who is retiring as the director of the Washington office of the Anti-Defamation League of B'nai B'rith [ADL] having served since 1949.

There are few people in Washington who do not know Dave Brody personally or know that he has been one of the most influential lobbyists on Capitol Hill for over 40 years. I met Dave when I first came to Washington to represent the 21st Congressional District of Ohio. Since then, I have come to admire and respect Dave's professionalism, commitment, and dedication to the ADL.

I am not alone in these sentiments. After 40 years of lobbying on the Hill, Dave has earned the title "the 101st Senator" from the people with whom he has worked on behalf of the ADL. I think that this is one of the highest compliments anyone can receive.

Dave Brody has earned the reputation of being a tough advocate for the civil rights of all Americans. He is one of those special and unique individuals who has the respect of the establishment and whose judgment is sought after in areas of Jewish concern, such as Israel and Soviet Jewry, civil rights, civil liberties, and social welfare issues.

Dave Brody played a key role in the passage of many of the civil rights laws from which all Americans benefit. Through his work with the ADL, he has been instrumental in working to translate this country's heritage of democratic ideals into a way of life for all Americans. The success he has attained at the ADL—first as a lobbyist and second as its director—is clearly attributable to Dave's outstanding leadership and dedication.

Mr. Speaker, although Dave is retiring as director of the Washington office, he plans to stay active in the new position of special counsel. I hope that all of my colleagues join me in wishing Dave Brody the best of luck in his new job. I am confident that as special counsel, Dave will make the same impact that he did as director.

And finally, Mr. Speaker, I would like to extend to my friend, Dave Brody, best wishes for a future blessed with good health and good fortune.

CONGRATULATIONS TO CURTIS STRANGE

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. BATEMAN. Mr. Speaker, last year I rose with great pride to extol one of my constituents for an outstanding accomplishment. The accomplishment was the winning of the U.S. Open Golf Tournament. The constituent was Curtis Strange. Little did I expect that a year later I would have the occasion to rise and commend the same constituent—Curtis Strange—for repeating as the winner of the U.S. Open Golf Tournament.

No one has won the U.S. Open back to back since Ben Hogan did so almost 40 years ago.

Curtis Strange has demonstrated that he is among the most talented and successful golfers of this era. He is also one of the best examples for the young people of our country. Curtis Strange's character and demeanor are outstanding. His commitment to his family, his steadiness and coolness under pressure are especially admirable.

Congratulations to Curtis Strange. You won your second U.S. Open the old fashioned way—the best way—you earned it.

BILL FLEWELLEN'S LEGACY

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. SMITH of Iowa. Mr. Speaker, I rise to recognize the contribution both to education and also to the small business community by Dr. William Crawford Flewellen, Jr. Dean Flewellen has announced his retirement from a unique career which combined participation in the academic community and also struggling small businesses in the real world. Too often these two sectors have been regarded by participants in each as similar to oil and water, that is, they do not mix. Bill believed to the contrary and, more importantly, he demonstrated and put his beliefs into practice.

I met Bill some 10 years ago when I was serving as chairman of the House Small Business Committee. At that time, he was the dean of the School of Business Administration at the University of Georgia, Athens. He arrived in my office, leading a delegation of schools which were participating in a pilot program sponsored by the Small Business Administration. This pilot program, called the University Business Development Center Program, was operating on the proverbial shoe string. In return for a few thousand dollars of SBA grant money which was supplemented with local money and the contribution of services, these UBDC's were providing management and technical assistance to small businesses.

Dean Flewellen's purpose in coming to see me was to support expansion of the program.

In 1980, Bill Flewellen saw that pilot program become a national program: The Small Business Development Center Program was born. A partnership was established through legislation which provided a statutory framework and guidance to the centers and to SBA.

Mr. Speaker, the Georgia program, which opened in 1977 as an experiment, initially received $40,000 from SBA. It now receives $3.6 million in State and Federal funding in addition to in-kind contributions. Initially it counseled 1,000 small businesses, but in 1988 it provided counseling to almost 6,400. This, of course, is in addition to thousands more who annually attend seminars, workshops, and conferences.

Mr. Speaker, this activity directly translates into benefits to our economy. Recent data from Georgia shows that the sales of SBDC clients have increased at a rate of 2½ times that of other businesses in Georgia and that employment at their clients has increased at a rate of five times that of other Georgia businesses. In addition, impact studies show an increase in tax revenues of anywhere from $2 to $10 for each dollar spent at the SBDC.

Mr. Speaker, the Georgia SBDC is not simply an isolated instance of what can happen. It has been duplicated elsewhere, including in my State, Iowa. The SBDC Program now exists in 46 States and provides counseling at more than 500 locations. The Federal Government now invests approximately $45 million per year in this program which is matched by State and local government and others by another $65 million.

Mr. Speaker, I believe that this program is making a critical contribution. We realize the terrific beneficial impact which small business has on our economy. We now know that small business is the Nation's job creator. Study after study is showing this. To cite just one, we know that during the decade of 1976 to 1986, large manufacturers lost 100,000 jobs; on the other hand, the net employment by small manufacturers increased by 1.3 million employees.

Mr. Speaker, I also compliment Dean Flewellen on his dedication to servicing the truly mom and pop type of small business. It is very easy for those who are involved with small businesses to want to limit their activities "to the big league" and deal in high-technology problems. Of course, this is part of the small business community, but millions and millions of small businesses will never fall into this category. Most of them are the mom and pop type operations, but they can survive and they can grow and they can prosper if someone will show them the way to overcome basic and mundane problems. Their problem may be the need for an accounting system; it may be a review of their cost and price structure; or it may be the proper way to advertise their product. These are the types of problems that confront most of our small businesses today. Bill Flewellen has recognized the needs of this large segment of the small business community and has tended to them. For this he is to be complimented as even this mundane work contributes to our economy; it simply takes more success stories to yield the same contribution made by a larger firm.

Mr. Speaker, I believe that the past creation of jobs is indicative of what the small business community can do. In no small part is the success of small business due to the SBDC Program which now provides counseling to some 125,000 businesses annually and provides training to another 250,000.

It was through the foresight and the dedication of individuals such as Bill Flewellen that this program not only was started but has carried on to become the success that it is. Bill should be very proud of what he has done.

Mr. Speaker, I wish Bill and his wife, Tommie Sue, every success and happiness in their future years.

TRIBUTE TO THE LATE DAVE SELLERS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. DARDEN. Mr. Speaker, I am saddened to inform my House colleagues of the unexpected and untimely death of Dave Sellers, a man who—but for the margin of a few thousand votes—might have served with you over the past 5½ years in the seat I occupy today.

Dave Sellers and I were among a field of 19 candidates vying for the Seventh District of Georgia's congressional seat in the fall of 1983, following the tragic death of Congressman Larry McDonald. Dave was a Republican with high name recognition in northwest Georgia; he had run against Congressman McDonald the year before. Many people expected him to finish first or second in the nonpartisan special election, and then be the favorite in a runoff.

Dave ran a spirited race in those few weeks allotted to us for the campaign. He was eloquent and thoughtful in his handling of the major issues. He was courteous and fair to all of us who competed against him for the seat.

In the end, Mrs. Kathy McDonald and I were the leading vote-getters, and we went on to compete in the runoff 2 weeks later. Dave returned to his successful law practice in Marietta.

Mr. Speaker, I urge my colleagues from both parties to join me in sending our condolences and best wishes to Dave's family, including his children—David, Temple and Erica.

PEACE IN ANGOLA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. DYMALLY. Mr. Speaker, I am happy to report an epochal event that, in the opinion of many, has significant implications for peace in Africa and, I dare to say, the entire international community.

I am referring to the formal cease-fire agreement that is destined to end the 14-year civil war in Angola. The agreement, which is being dubbed as the beginning of a new era for Africa, was signed by President Jose Eduardo dos Santos and Mr. Jonas Savimbi on June 22, 1989. The nation is now ready for peace talks that will, hopefully, set the stage for a national reconciliation.

This development represents a concrete step toward the culmination of a peace process in southern Africa. Moreover, it attests to the importance of communicating with allies of the United States as well as those with whom we have sharp differences.

Throughout my tenure in Congress, I have espoused a philosophy of diplomatic contact with leaders abroad. Because of my position, I have endured the slings and arrows of my critics, who espouse a less direct, noncommunicative approach.

The efficacy of contact rather than noncommunication is reflected in the current peace talks in Angola. President Mobutu, who, I have been criticized for having a dialog, orchestrated the peace signing agreement. President Mobutu was also successful in getting President Moussa Traore of Mali, the current chairman of the Organization of African Unity (OAU) and President Kuanda of Zambia, past chairman of the OAU to participate in the summit conference. Other African leaders who participated in this summit included President Ibrahim Babangida of Nigeria and the heads of state of Burundi, Chad, Central African Republic, Rwanda, Botswana, Mozambique, Gabon, Cape Verde, Guinea-Bissau, Cameroon, Sao Tome and Principe, Congo and Zimbabwe.

These monumental events and the possibility of peace in southern Africa would not have been possible without ongoing contact and dialog.

COMMEMORATION OF A GREAT AMERICAN STATESMAN, GEN. WILLIAM A. PILE

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. MOORHEAD. Mr. Speaker, I take great pleasure in bringing to the attention of my colleagues in the U. S. House of Representatives a memorial celebration in honor of Gen. William A. Pile, a man who stood for truth, freedom, and equality for all.

On July 4, 1989, residents of the city of Monrovia, CA, will gather together to remember General Pile. He was born in 1829 in Indianapolis, IN, and although he came from an agricultural family that possessed minimal economic resources, Pile succeeded in educating himself. He later became a teacher and ordained minister in his hometown.

Pile's career blossomed when he joined the U.S. Army during the Civil War. Known by his fellow soldiers as The Fighting Parson, Pile earned the rank of major-general. Following the war, he was elected to the U.S. Congress as the representative from the First Congressional District of Missouri. He further served our Nation as Governor of New Mexico, as appointed by Ulysses S. Grant in 1865.

Toward the twilight of his career the general dedicated himself to serving as a foreign diplomat. In 1871, he was asked to represent the United States as Minister Resident to Venezuela. General Pile ended his career as mayor of Monrovia, a city in my Congressional District.

Because of his contributions to our Nation, both at the local and national levels, General Pile has contributed much to our heritage. When one considers the difficult circumstances and lack of economic resources that General Pile faced in his early life, his accomplishments become even more remarkable. He realized the American Dream, so dear to all of us. General Pile stands not only as a prominent figure in American history, but also as the epitome of the self-made man—the person who overcomes formidable obstacles in the pursuit of success.

Mr. Speaker, as demonstrated through his achievements, General Pile lived as a man dedicated to serving others and our great Nation. I appreciate this opportunity to pay tribute to this man and to recognize him as a model of service that can inspire all Americans.

POST-ABORTION SYNDROME: AN INTRODUCTION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. DORNAN of California. Mr. Speaker, I would like to call your attention to an excellent article published in the May 1989 A.L.L. About Issues magazine. In the article, Dr. Bob Markovitch reveals an aspect of abortion that many doctors and psychologists are confronting more and more today as a result of the millions of women who have undergone abortions. Numerous studies of the physical, emotional and psychological effects women experience after having abortions illustrate what health professionals have termed "P.A.S."—"Post-Abortion Syndrome".

Dr. Markovitch explains what P.A.S. is, who get it, when it occurs, what the signs and symptoms are and why it's not getting the attention it deserves. This heart-wrenching aspect of abortion demonstrates further that abortion is an American tragedy, a tragedy of two victims—the preborn child and the woman herself.

POST-ABORTION SYNDROME: AN INTRODUCTION

(By Bob Markovitch, M.D.)

Years ago, when the abortion controversy was only beginning in our nation, a prominent legal scholar was asked whether opposition to abortion would stop when enough women have had abortions. "Yes", he conceded, bowing his head, "and that will be the saddest day in the history of this country." Twenty years later in the slow march of time, it seems that this professor's despair may have come too early. The best laid plans of mice and men (and social planners) sometimes do go awry—in very painful ways.

We now know that many women have suffered from an inability or damaged ability to cope with life after experiencing abortion—what the average person would call a "nervous breakdown". These episodes of suffering are diverse and sometimes delayed, but patterns have emerged. Health professionals have named this group of symptoms "P.A.S."—"Post-Abortion Syndrome".

What is PAS? First, it is important to note that PAS is not the same as regret over one's abortion, or the belief that one's past decision to abort was a clear mistake. Women who regret their abortions often do suffer from PAS—but women who hold that their abortion was the right choice for them at the time are also numbered among the victims of this affliction. Secondly, while the basic definition of PAS is a damaged ability to cope due to the abortion experi-

ence, this syndrome may begin without the victim realizing that her current and past suffering originated in the abortion.

Who gets PAS? During the past two decades, some fifteen million women have experienced over twenty-five million abortions. A conservative estimate based on the medical literature is that five to ten percent of these women have suffered PAS at some time in their lives. This would calculate to roughly one million victims.

Certain women appear to be at a higher risk for this condition, or for particularly severe forms of it. Women who experience multiple abortions often get more severe forms of PAS. Women who have coping problems before the beginning of the aborted pregnancy have a higher risk of PAS, as do women who undergo immense stress during the time of the abortion decision. Additionally, abortions may be more damaging to a woman's health when performed late in a pregnancy; and physical health problems and infertility following an abortion may also complicate the mental health picture.

When does this condition occur? The timing varies from immediately following the abortion to very late in life, but a large percentage of the victims begin to suffer within the first several years after the abortion. Half of the victims will have time-specific symptom patterns. Some of these are termed "anniversary reactions" and occur each subsequent year around the baby's due date (had it lived till birth), or around the date of the abortion procedure itself. Less frequently, the victims suffer with each menstruation or with a future pregnancy. Other women suffer without a detectable time pattern.

What are the signs and symptoms of PAS? Anniversary reactions are common, as described above. The "atonement child" phenomenon is also frequently seen: a woman becomes pregnant again shortly after an abortion, but this time she carries the child to a peaceful birth—to makeup for her previous decision. "Phantom Child" phenomenon is also observed—recurrent disturbing images of the aborted child in a victim's dreams or fantasies. Unpleasant reactions to certain triggering phenomena are also noted—these "triggers" may be the sound of a vacuum cleaner, a certain color of automobile similar to the one used on the day of the abortion, or the accidental coincidence of a housewife who picks up five forks to set a table for her family of four.

Many women begin to suffer in response to a stimuli or events which break down or neutralize psychological denial of their abortion, thereby robbing them of the "protection" of their inaccurate, idealized view of the abortion experience. Suicidal thoughts and actions, and uncontrollable emotional states which lead to child and spouse abuse, are frequently seen. Abortion may also lead to other recognized illnesses in a victim: Depression, anxiety disorders and drug and alcohol abuse are among the more frequent problems; psychotic breakdowns are much more rare, but do occur.

Medicine, through research, consensus meetings and specialty committees, recognizes a specific set of mental health disorders. PAS is not yet among them. But many researchers now agree that PAS is markedly similar to an already recognized condition, Post-traumatic Stress Disorder; and, significantly, authoritative sources point out that this disorder may be caused by serious harm to one's children, or by experiencing the killing of another person through physical violence! Why is PAS not recognized?

The complete answer involves a number of factors. First of all, a victim's denial and avoidance prevent others from learning about her problem. This natural response to pain and suffering prevents a PAS victim from talking about her condition—especially to those involved in causing it: members of the medical profession. Secondly, most of the investigation into post-abortion psychology has been done by abortionists, or by those who cooperate in providing abortion or making it available. Such people are naturally inclined to investigate the positive results of the abortion experience, and their subjects naturally do not want to face the painful aspects of their ordeal in front of an involved authority figure.

In addition, abortion enjoys a privileged position in contemporary "medical ethics." It is an "elective procedure" to an extreme degree—the mother decides that the abortion is medically indicated, and the physician is required to cooperate. This includes the ethical duty of a family doctor to offer abortion as a reasonable alternative and to refer for abortion, as well as the duty of a gynecologist to perform an abortion. The physician is ethically "free" from the "burden" of acting in the best interests of the patients (for both of them), and free from responsibility for the turmoil that follows. Let the mother decide—and let her bear the consequences! The ethical abandonment and neglect by the medical profession of their preborn patients has now come full circle to victimize the women as well! In this brave new world there is no duty to heal, or even to research, a woman's suffering.

Finally, all of us, including health care professionals, are influenced by the cultural and societal beliefs of our generation. Many people view abortion from a broad historical perspective. Abortion is seen as a prize fought for, a right defended in two decades of political battle, the key to equal career opportunity, equality between the sexes and full citizenship for every woman. Can such a great gift possibly cause a mental disorder?

Still, abortion has been a mass phenomenon in this country for only twenty years—a very short time in the history of medicine—and still will surely reveal its true nature. Indeed, Post-traumatic Stress Disorder (the diagnosis so similar to PAS), was itself recognized as a genuine medical condition only as recently as 1980, though many began to discern its presence in survivors of the last world war.

Yes, time will reveal, and tomorrow's victims of PAS will be the beneficiaries of a more sensitive, humane and informed healing. For today's victims this day cannot arrive too soon, and those of us who have observed this tragic affliction can work to help this vision of healing become reality. For the victims who have gone before us, we can only pray to God that He will grant His mercy to those whose psyches were offered up in sacrifice on the altar of "choice."

TRIBUTE TO VICE ADM. ED MARTIN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. SKELTON. Mr. Speaker, I stand today to pay tribute to a good friend and a great American, Vice Adm. Ed Martin, who recently retired after a distinguished career in the U.S. Navy.

The people of Savannah, GA, have reason to be proud of their native son, who in 1950 went off to the U.S. Naval Academy in Annapolis. He became a naval aviator, and was a combat flight instructor until 1961. In 1965 he graduated from the Naval War College. Shortly thereafter he received a master's degree in international affairs.

After serving in Vietnam, where he was a prisoner of war from 1967 to 1973, Admiral Martin returned to the States to become a student again, this time at the National War College, where he graduated in 1974. In 1987, Edward Holmes Martin was designated Vice Admiral of the U.S. Navy and appointed Commander of the Sixth Fleet. He also spent time in London as Deputy Commander and Chief of the U.S. Naval Forces in Europe. He most recently served at the Pentagon as the special assistant to the Chief of Naval Operations.

It is an honor to pay tribute to Vice Admiral Martin. I extend my sincere wish that Ed and his wife Sherry find comfort and enjoyment in his retirement.

WHAT IT MEANS TO BE HISPANIC

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. ORTIZ. Mr. Speaker, I rise to once again commend Marisa Perales, an outstanding young woman from my hometown, Robstown, TX. Marisa recently won a scholarship through a national essay contest on "What It Means To Be Hispanic." Marisa, age 17, is a junior at Robstown High School and hopes to attend law school. I encourage each of my colleagues to take a moment and read the following winning essay. I believe it truly represents what it means to be Hispanic.

WHAT IT MEANS TO BE HISPANIC

As I walk up the sidewalk to the small, wooden house surrounded by beautiful, colorful flowers, my grandparents are already waiting for my family and me on the front porch. "Hi, Huelo and Huela," I say as I embrace my grandmother first, then my grandfather, giving each of them a peck on the cheek. "Hi, mija!" they respond. My grandmother, a pleasantly plump woman in her mid-sixties with short gray hair, gently pats my behind as she hurries me along inside the house.

The interior of the house is decorated with pictures of grandchildren everywhere. While sitting on the worn couch covered with crocheted furniture covers, I spot the large picture of myself in a quinceañera dress on the opposite wall. The picture brings back many pleasant memories of that special day when I turned fifteen. It represented the day that I entered maturity and womanhood. I remember the traditional mass and the beautiful Spanish music sung by the choir. Afterwards, my friends, my family, and I celebrated at a festively decorated dance hall. We danced to the Spanish music of a live band. It was such a memorable evening!

"Food's ready!" My grandmother's loud voice brings me back to the present. As I ap-

proach the kitchen, a pleasant aroma greets me. "Mmm," I say, "what did you make for lunch, Huela?" "Arroz con pollo y tortillas," she replies. "Oh, I just love chicken and rice." We all gather around the kitchen table with the vinyl table cover to say a customary prayer before we eat. My father recites a short prayer in Spanish that I do not completely understand. We then sit down to eat off of the plastic plates that do not all match and drink tea from glasses of different sizes. The picture of "The Last Supper" adorns the main wall of the eating area. My parents and grandparents make casual conversation entirely in Spanish while we eat. My grandfather asks how I'm doing in school and I see his face beam with pride as I tell him I made the honor role. He pulls a dollar bill out of his pocket and hands it to me as a small reward. I first refuse telling him, "No, really, I can't accept it." However, after enough persuasion, I gratefully accept it and give him an affectionate hug in return. Although a dollar may not seem like much, I know it comes from the heart.

My parents have returned to the living area where my grandfather has turned on the old radio to a Spanish station. My grandmother has put on her floral-print apron over her loose fitting dress and has begun to wash the dishes while I just stand and stare out the backdoor window. I giggle softly to myself as I see the striped boxer shorts hanging out on the clothesline. When I think about it, I realize if my mother hung out underwear and clothes outside, I'd be terribly embarrassed. I also realize we hardly ever listen to Spanish music at home and I would be thoroughly humiliated if my mother placed covers over our furniture. However, it doesn't seem unusual to see it here at my grandparents' house.

Although the traditional Hispanic customs are disappearing in today's society, the values and the morals that my grandparents and parents have taught me will continue to live through my children. My parents, who are both successful, have raised me in a home where Spanish is seldom spoken, but it is always appreciated and respected. Both my parents were brought up in a home where not much more was offered than food to eat and a warm place to sleep, but there was always an abundance of love. It was a home in which religion and education were highly regarded. All of these Hispanic customs and morals that I value so much represent what being Hispanic means to me. These are the things that make me a truly unique individual.

"Honey, are you ready to leave?" I hear my mother ask. "Oh, yes, I am," I respond as I drift back to reality. While standing in the front doorway ready to leave, I feel the love pour out of each of my grandparents when we embrace. Again I kiss each of them and say, "Adios! Te amo Huelo y Huela. I love you!" as I slowly head toward the car.

THE REPUBLIC OF ZAIRE'S EFFORTS TO PRESERVE THE AFRICAN ELEPHANT

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. KASICH. Mr. Speaker, I have become increasingly concerned about the plight of the African elephant and I have recently introduced legislation designed to stop the slaughter of these magnificent beasts by poachers. Although the Bush administration has recently announced a domestic import ban on ivory products as a means to protect the elephant, international cooperation to stop ivory trading must be made if the trend toward extinction is to be reversed. I would like to share with my colleagues what one African country, the Republic of Zaire, is doing to help end the illegal poaching that is devastating African elephant populations throughout the continent.

With one of the largest elephant populations in the world, the Republic of Zaire considers these creatures and their ivory to be one of the greatest natural resources. Considered to be a progressive force in the field of nature conservation in Africa, Zaire has declared war on illegal poaching within its borders. Although Zaire is a poor country, President Mobutu is doing all within his power to guarantee the security of these majestic animals.

Under the direction of Mr. Mankoto ma Mbaelele, the Zairian Institute for Nature Conservation has administered the Garamba National Park in northeast Zaire which provides safety for 10,000 elephants. A paramilitary force patrols the park in order to combat well-armed poachers that are as dangerous to park rangers as they are to the elephants they indiscriminately kill.

In addition, Zaire has recently joined several other African states in calling for an end to the international ivory trade. This courageous action by a legal ivory producing nation has clearly shown that the people of Zaire are committed to preserving an important part of their heritage.

Although the actions of Zaire are highly commendable, far more international cooperation is needed between Western, Asian, and African governments in order to stem the flow of elephant tusks out of Africa. Since the early 1980's, the price of ivory on the world market has risen from $25 to $100 per pound. The price will continue to rise as poached ivory becomes more valuable due to dwindling herds becoming better protected. Therefore, more efforts must be made to control the trade of ivory from the demand side as well as the supply side. Educational campaigns must be started to equate ivory bracelets and figurines with the death of one of the most extraordinary animals on Earth.

Zaire cherishes its elephant population. Now other nations must show the same determination. The assistance of the United States and all other nations of the world is needed in order to save the African elephant from extinction.

THE PLO'S ELECTION PLAN

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. CROCKETT. Mr. Speaker, I would like to share with my colleagues an article entitled, "The PLO's Election Plan," which appeared in the Washington Post on May 21, 1989. In that article, Bassam AbuSharif, a special adviser to PLO Chairman Yasser Arafat, outlines his organization's support for free and fair elections in the occupied territories.

As we continue our consideration of the foreign assistance authorization bill, I would hope that my colleagues would keep the views expressed in this article in mind. I, therefore, ask that it be included in today's CONGRESSIONAL RECORD.

[From the Washington Post, May 21, 1989]

THE PLO'S ELECTION PLAN—ARAFAT'S TOP AIDE RESPONDS TO SHAMIR'S PROPOSAL

(By Bassam AbuSharif)

The Palestine Liberation Organization supports the holding of elections in the West Bank and Gaza to choose representatives freely and democratically. But we Palestinians are in favor of a truly democratic choice—not a sham democracy.

We think the election plan proposed by Israeli Prime Minister Yitzhak Shamir is an example of sham democracy. It is a trick aimed at ending the intifada and a legitimizing Israeli occupation. And as long as Israeli election proposals remain vague and separate from the final objective of the right of Palesinians to self-determination, they will be nothing but a device for perpetuating Israeli occupation.

The only genuine form of democracy is that practiced freely without restrictions, threats or any form of intimidation. That is not possible today in the West Bank and Gaza, where any gathering, even of only five people, can be broken up with bullets. Nor is it possible at a time when Palestinians who try to practice their right to freedom of expression are liable to prosecution. Under the rules of occupation, as enforced by the Israeli army, it is illegal for Palestinians to engage in political activity, to campaigns, or even to express their national feelings and beliefs.

Another condition for free democratic choice is a set of rules that safeguards those elected. History shows many tragic examples when the results of democratic elections have been eradicated by army intervention. The most recent case is Panama, where the army brutally annihilated the election result and democracy itself.

In occupied Palestine, past experience with elections has been even more tragic. In 1976, the PLO agreed to elections for the West Bank municipal councils. Of the 116 candidates elected by the Palestinians, 96 were PLO supporters. Israelis tried to assassinate three mayors: Bassam Shaka's, Karim Khalaf and Ibrahim Attawil. Shaka's legs were amputated after attackers planted a bomb in his car. Khalaf lost his foot when a bomb exploded in the car he was driving and he later died of gangrene. Attawil escaped death when he discovered an explosive device in his car.

Two other mayors, Mohammed Milhem and Fahd Kawasmeh, were deported to Jordan. Israeli occupation forces then removed most of the elected mayors, including all the PLO supporters who had been elected by the people.

Now the situation is even more dangerous. Israeli soldiers have been deployed in the streets of cities in the West Bank and Gaza for 18 months—using live ammunition against men, women and children demanding freedom and democracy. These events demonstrate that unless a neutral force is present, the Israeli army may repeat the same behavior.

Our worries are supported by the words of Yitzhak Shamir, the prime minister of Israel, and Yitzhak Rabin, the defense minister of Israel and military governor of the West Bank and Gaza.

Rabin told the daily Ha'aretz on April 21: "We will send to prison any elected Palestinian who declares loyalty or affiliation to the PLO." Shamir informed Yediot Aharonot: "We don't need America's help to carry out the elections. We can control the whole process. We will not talk to the PLO. We have nothing to talk about with the PLO. And if the elected Palestinians will not abide by the rules of the game, we will cancel everything and return to the previous situation."

Shamir is not denying Palestinians their right to vote; he is just announcing that if they make the wrong choice, it will not be respected.

The intifada has shown that the Palestinians of the West Bank and Gaza are not "pro-PLO"—they are the PLO. This has been demonstrated as well to Dennis Ross, Secretary of State James Baker's envoy, by the group of Palestinians who met him in Jerusalem recently. This is why the PLO is not afraid of the results of free and democratic elections. And it is why the Israelis are afraid of those same results.

What Shamir is proposing clearly contradicts not only the principles of democracy and freedom upheld by the free world, but also the democratic principles of Israel itself. I do not believe that is what President Bush had in mind when he called for elections in the West Bank and in Gaza.

We believe that a package deal in the Middle East is the only path to lasting peace in the region. The Palestinians seek a settlement that will put an end to bloodshed in the area. They seek a comprehensive peace, not a truce. They are seriously committed to this goal, while Shamir and his government still cling to the same old expansionist dreams.

President Bush asked the PLO and Israel to reach a mutually acceptable formula on the issue of elections. This is important if we wish to keep the peace process moving forward in the Middle East. But the crucial point is this: President Bush repeated and emphasized that the Israeli occupation of Gaza and the West Bank must come to an end.

Here lies the key issues. It is only on this basis—of Israeli withdrawal—that steps toward peace can be negotiable and the final status of the West Bank and Gaza be clarified. The end of Israeli occupation is what the Palestinians are struggling for. Israeli withdrawal from these areas should be required by the rules of civilized human society.

Is Israel ready to withdraw from the West Bank and Gaza? Does Israel accept United Nations resolutions 242 and 338 calling for withdrawal from territories occupied in the 1967 war? Is Israel ready to cease resorting to the forms of state terrorism it uses against the Palestinians, including air raids on refugee camps in Lebanon?

These are basic questions, and the United States should attempt to get answers to them.

The Palestinians do not trust Shamir and his government. The casualties and sufferings inflicted on them by the Israeli occupation forces give them excellent reasons not to. But the Palestinians are ready to give the Israeli government the benefit of the doubt and to seek a package deal in the Middle East based on the principles of the initiative put forward by Yasser Arafat to the U.N. General Assembly on Dec. 13.

The substance of this package is the two-state solution. The state of Israel will live in peace side-by-side with the state of Palestine, which will be confederated with Jordan. An internationally guaranteed peace agreement will protect the interests of all parties including the Palestinians and the Israelis.

The process should comprise four interrelated steps:

A beginning of the withdrawal of Israeli forces and their replacement by international or multinational forces, according to an internationally assured timetable.

Election of representatives from the West Bank and Gaza to a legislative body of Palestinian people. The Israeli withdrawal need not be complete before elections are held, but Israeli soldiers and armed settlers should not be in any position to hinder or endanger voters. The elections should be monitored and observed internationally to guarantee freedom of choice and protection of those elected—so that they do not suffer the same fate as did those elected in 1976.

An interim period under international or multinational auspices. During this transitional period, the Palestinian legislative assembly will elect an executive body. That executive body will select a team to negotiate with Israel. The negotiations can begin on internal issues but must also consider substantive matters involved in a comprehensive settlement, such as borders and water.

Preparations for the convocation of an active, well-constructed international peace conference that will be convened on the basis of U.N. resolutions 242 and 338 and the Palestinian right to self-determination. The international peace conference should be convened within an agreed period of time that takes into consideration the deplorable conditions being endured by the Palestinians in the West Bank and Gaza. At this conference, all parties in the Middle East conflict can raise any question for discussion or negotiation.

The PLO wants a comprehensive peace that will safeguard future generations, both Palestinian and Israeli. The PLO will continue its efforts to establish such a peace in cooperation with all parties concerned.

CONSTITUTIONAL AMENDMENT TO PROHIBIT DESECRATION OF OLD GLORY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. ROTH. Mr. Speaker, I, like many Americans, am outraged that the Supreme Court issued an opinion which allows the destruction of the American flag as a form of protest.

The 5-to-4 vote by the Supreme Court is an affront to every American. Since our proud Nation was founded, our flag has served as a symbol of freedom and democracy. Respect for our flag signifies the loyalty, respect, and commitment of the American people to our country and our way of life.

As a cosponsor of legislation to prohibit desecration of the flag, I applaud President Bush's call for an amendment to the Constitution to accomplish this goal. I look forward to working with the President to move swiftly to constitutionally ban actions which desecrate the flag.

The American flag, Old Glory, stands throughout the world as a shining symbol of freedom. Thousands of Americans have died on the battlefields around the world for the freedom that the flag embodies. Let's not cheapen the sacrifices of our veterans and the ideals of our forefathers by allowing the Supreme Court decision to stand.

We must protect the symbol of what this free country stands for. I strongly urge my colleagues to support an amendment to the Constitution which will accord the flag the respect and dignity it deserves.

LET'S DEDICATE THIS FOURTH OF JULY TO OLD GLORY!

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. SKEEN. Mr. Speaker, today, I am introducing a resolution expressing the sense of the House of Representatives that next Tuesday, Independence Day 1989, be observed as "take pride in the flag day."

I—like many of my colleagues and fellow Americans—was deeply disappointed with the announcement last week by the Supreme Court of flag desecration. While our efforts to amend the U.S. Constitution to protect Old Glory are certainly worthwhile and commendable, I believe an overwhelming majority of Americans want to take action now to demonstrate their support and pride for the flag.

The American flag has carried the message of freedom to many parts of the world in our several battles for freedom over the past 2 centuries. The flag is the symbol of freedom and liberty throughout the free world.

My resolution encourages all Americans to display the flag on Independence Day at public celebrations, parades, fireworks shows, in their homes and during family outings. These activities will be in recognition of and in celebration of the great liberties and freedoms of our Nation for which generations of Americans have fought so hard.

Let's take pride in the flag by dedication this July 4 to Old Glory!

DIAL-A-PORN PREVENTION AND CORRECTIONS ACT OF 1989

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. MARKEY. Mr. Speaker, today I am joining with Chairman DINGELL in introducing the Dial-a-Porn Prevention and Corrections Act of 1989. It is time for an end to partisan bickering and the beginning of effective action to once and for all protect children from the vile influence of pornographic phone services.

This legislation is a direct response to the Supreme Court's 9-to-0 decision last week in Sable Communications versus FCC, in which the Court struck down the attempt in the last

Congress to ban all indecent telephone messages to adults and minors. The Court's decision was no surprise: Chairman DINGELL and I, among others, argued in the last Congress that the Court was likely to hold the legislation unconstitutional, and instead, we sought to implement a technologically feasible and constitutionally permissible approach to keeping dial-a-porn away from children. At every turn, the aternative was rejected in a sea of rhetoric. But the tide has turned, and now is the time to move forward toward a real-world solution to this problem.

Mr. Speaker, the lessons of the last Congress on this issue should by now have taught that empty symbolism is no substitute for effective, constitutional action. In fact, one member of the minority predicted on February 17, 1988, that if Congress adopted the total ban on obscene and indecent telephone speech, "we would still not be closer to a solution of the problem, because immediately the purveyors of these [dial-a-porn] messages would go into court and get a restraining order, and then it would be litigated for not days or months but years before we got a solution, and maybe we would get the one we sought and maybe we would not." Despite those warnings and others, such a total ban was enacted, and now we find ourselves here more than 1 year later with no effective approach to protecting minors.

Mr. Speaker, this legislation reflects both the results of the Supreme Court's decision and the same technological approach employed last year in the conference report to H.R. 5, the Elementary and Secondary Education Act. First, the bill would maintain the current prohibition against the provision of any obscene speech. This is consistent with the Supreme Court majority's view that the Constitution does not protect obscene speech and that banning such speech over the telephone does not create an impermissible national obscenity standard.

The second element of the legislation would prohibit the provision of indecent communications to minors and would require that any indecent speech be provided only when a telephone customer subscribes in advance to receive the product in their home. In other words, if you want smut to come into your home over the telephone, you have to beg for it. There would be no permitted unauthorized intrusion of dial-a-porn anywhere. In the last Congress, this technological approach was endorsed by the National Parent Teachers Association, and the United Council of Churches. It was recognized as acceptable by the regional Bell Operating Companies, by AT&T, by GTE, the Information Industry Association, and the American Civil Liberties Union.

The legislation reflects the input received from testimony in the 100th Congress before the Subcommittee on Telecommunications and Finance that there are in fact feasible, technical solutions to the dial-a-porn problem which can quite effectively restrict access to these services by children. This was the view expressed by representatives of NYNEX, the Federal Communications Commission, the Department of Justice, and the American Civil Liberties Union. According to the Supreme Court's Stable decision, the absence of any factual record indicating that technology could not solve the dial-a-porn problem was a critical factor in invalidating the total ban. Such a ban on indecent speech was not narrowly crafted to protect first amendment rights of adults.

Mr. Speaker, it is time for the mindless shouting to end and the time to wipe out the scourge of the pernicious preying upon innocent children. With this legislative approach, Congress can finally and effectively provide a resolution of this obnoxious problem. I urge my colleagues to support this legislation.

LAKEWOOD, OHIO, CELEBRATES ITS CENTENNIAL

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Ms. OAKAR. Mr. Speaker, throughout 1989, the citizens of Lakewood, OH, are celebrating the centennial of their community. In 1805, the area that is now Lakewood, the first suburb to the west of Cleveland, was designated "Township 7, Range 14" of the Western Reserve of the Connecticut Land Co. James Nicholson, the first permanent settler, built a log cabin there along the Detroit trail on 300 acres of land, not far from the Rocky River. Others, attracted by plentiful water, woods, and game, built similar cabins along the same trail that became known as Detroit Road. The early settlers farmed the land, built schools and churches, and soon replaced the log cabins with stone houses, establishing a growing community they called Rockport. A toll road, made of planks, was constructed to ease transportation from Cleveland to the Rocky River and more families came. By 1870, there were more than 90 families living in the community.

The plank road attracted customers to the inns and taverns that were established along Detroit Road, while the Rocky River and Lake Erie attracted summer residents to the western sections. At the eastern edge of town, the National Carbon Co.—now the Union Carbide Co.—built a factory and established a housing allotment to build homes for workers. By 1889, streetcars from Cleveland helped to transform the farmland community of Rockport into a suburb. The area was renamed the Hamlet of Lakewood, with its own police department. In 1902, a fire department was established and in 1907, a hospital was opened. By 1911, the population had grown to 3,500 and Lakewood became a city, "the City of Homes," a name that has characterized the community for the past 100 years.

The Lakewood of 1989 is a friendly, family oriented city of 62,000 with a wide range of services and amenities, including 35 churches serving 16 denominations, 2 public libraries, 14 public and 8 private schools, more than 50 cultural organizations, a distinctive cultural arts center, a full range of sports facilities, and a modern medical complex.

To commemorate its centennial, Lakewood has an exciting calendar of events that began with a centennial ball that was held in the Lakewood Armory on January 28 and will culminate with events throughout the summer, including a 3-day Hometown Pride Weekend, July 28 through July 30. The weekend will feature a big parade, picnic, hometown band concert, and fireworks. In August, the city will host the Lakewood Arts Festival and in September the Lakewood Community Festival.

I would like to congratulate Lakewood and its fine citizens on their centennial and commend Mayor Anthony Sinagra, the Lakewood City Council, and other elected officials for the fine job they have done to make Lakewood one of the finest communities in America.

TRIBUTE TO NEW JERSEY STATE ASSOCIATION OF CHIEFS OF POLICE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. COURTER. Mr. Speaker, I rise today to commend the fine work being done in my home State of New Jersey by the New Jersey State Association of Chiefs of Police. The association has done much over the years to improve the quality of life for the citizens of New Jersey and ensure them the best possible law enforcement.

The association provides the law enforcement community with an organization whereby valuable enforcement innovations can be shared all across the State by every police force. The association has become an essential bridge between our chiefs, who are struggling to fight crime in our neighborhoods and the sale of drugs on our streets. I applaud the efforts of the association and take this opportunity to thank its membership, on behalf of all New Jerseyians, for their dedicated service.

Mr. Speaker, I would like to specially recognize this year's outgoing president, Chief R. Bruce Phillips of Holmdel, NJ. Chief Phillips has certainly done much to further the association's mission during his service as president. I would also like to offer our best wishes to our new president, Chief Anthony Parenti of Fanwood, NJ, as he takes over at the association. The residents of New Jersey can be thankful that when such a distinguished man as Chief Phillips steps down, we can call on another colleague with Chief Parenti's competence and dedication to duty.

A CONSTITUTIONAL AMENDMENT TO PROTECT THE FLAG

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. BILIRAKIS. Mr. Speaker, last week's Supreme Court decision permitting the U.S. flag to be burned in political protest is not a free speech issue—not at all.

Are we expected to believe that if we don't allow our national symbol to be burned, we are against free speech? Well, why don't we just open up the National Archives and tear up the Constitution and Declaration of Independence?

If the ideals and not the evidence are all that matters, why has this court decision raised such a cry of outrage from citizens throughout our Nation?

What kind of a message does it send when we are willing to stand by while our flag is burned in desecration? What does it say about us as a nation if we are content to watch the bright stars of democracy and the bold stripes of freedom defiled?

By protecting our flag we deny no one the right of agree speech or of peaceful political protest. To suggest that we do is to stretch belief to a bizarre length. On the contrary, by defending the flag we ensure that those rights never will be denied. All we ask is that the flag be accorded the same respect we accord to those who protest under the freedoms it symbolizes.

Generations of Americans have placed their lives on the line to keep old glory flying—many of them have fought and died to ensure that democracy and freedom would live on. To reduce the flag to a few yards of cloth—which I believe the Supreme Court's recent decision did—is to break faith with America's veterans and all those who made the ultimate sacrifice in its defense.

Last week, I introduced legislation proposing a constitutional amendment giving the Congress and the States the power to declare the desecration of the flag illegal and to set applicable criminal penalties.

Sixty-nine percent of Americans recently polled by "USA Today" support a constitutional amendment to protect the flag. Another poll by Newsweek magazine found that 63 percent of Americans polled disagreed with the Supreme Court decision.

This 101st Congress should waste no time in restating for history that the American flag is more than just a few yards of cloth without greater meaning.

PERSONAL EXPLANATION

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. ROWLAND of Georgia. Mr. Speaker, on Friday, June 23, 1988, I was unavoidably absent, missing two rollcall votes, due to a previous speaking engagement before the Kiwanis Club in Waycross, GA. Had I been present, I would have voted "yea" on rollcall 106, the passage of the Journal, and "yea" on rollcall 107, on H.R. 2402, to concur in the Senate amendments to Emergency Supplemental Appropriations for Veterans' Programs for fiscal year 1989.

TRIBUTE TO SAMUEL LAWSON

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. GEPHARDT. Mr. Speaker, it is with the greatest respect and admiration that I rise today to honor a man who has given tirelessly to the cause of education in my State and district for the past 42 years.

I speak of Mr. Samuel G. Lawson, who has served as treasurer of the St. Louis Board of Education since 1965. Under his auspices, funds for my city's youth and future have been well-cared for. With gratitude, Missouri and St. Louis must bid a fond farewell as he retires from the education field.

Mr. Lawson holds an associate's degree from Harris Junior College and a bachelor's degree in science from the University of Missouri, as well as a master's in education from that institution. In addition to these, Sam received his doctorate degree in education from Harvard University in 1960.

Upon graduation, he took his first position as instructor at Francis Howell High School in St. Charles, MO in 1947. He continued his distinguished career as principal of Montgomery City High School in 1949 and as counselor at McKinley High School of St. Louis in 1952. It was with great respect that the board of education welcomed him as budget analyst in 1955 and as director of education in 1960. It was in 1965 that he took his current position with the board, as treasurer.

Mr. Speaker, in addition to this excellent service to his profession he has donated countless hours to youth groups and to service organizations is his community. Sam has served as a trustee for the YWCA and as a retreat captain for St. Raphael's Church. As well as having the strengths of his work he has a loving family of four. Sam and his wife, Dorothy, have two sons, Craig and Mark, and a daughter, Joan.

Mr. Speaker, I appreciate this opportunity to thank Mr. Lawson for giving his all to the field of education. With his help, direction has been given to many of our youth and strength for the future has been given to America. It is with great pride that I invite you and our colleagues to join me in saluting Samuel Lawson, who through his efforts has made our Nation a better, more educated place in which to live.

TRIBUTE TO REV. HERBERT DANIEL DAUGHTRY, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. TOWNS. Mr. Speaker, It is a distinct honor to pay tribute to a man who has spent 30 years in tireless service to his church and community. Rev. Herbert Daniel Daughtry has devoted over half of his life to the cause of improving the spiritual and economic well-being of all people and promoting religious tolerance and understanding between people of all creeds around the world. His quest has led him to meet with the Pope and to address the United Nations on two separate occasions. Reverend Daughtry maintains his active record of service while pastoring at the House of the Lord pentecostal Church in the 11th Congressional District of New York.

Reverend Daughtry is a religious scholar and lecturer who has spoken and studied in Africa, Asia, the Middle East, Europe, and the Caribbean. In addition to lecturing abroad, Reverend Daughtry has spoken extensively at college and university campuses in this country including the sesquicentennel celebration of the Virginia Theological Seminary. He has also received numerous citations and awards from educational institutions including a doctor of humane letters degree from Seton Hall University.

In addition to his teaching and speaking in academic circles, Reverend Daughtry has been actively involved in his community through activities designed to assist those individuals traditionally forgotten by society. In his mission to work among the "least of these" he has worked with and held leadership positions in such diverse organizations as the Brooklyn Congress of Racial Equality, Operation Breadbasket, Welfare Rights Mothers, Ministers Against Narcotics, and Bedford-Stuyvesant Youth-In-Action.

Realizing that the solution to entrenched urban problems often require political solutions, Reverend Daughtry played a key role in organizing the National Black United Front and serves on the board of directors of the Rainbow Coalition.

Moreover, recognizing the need to expand his ministerial outreach, he has been the principal speaker on a weekly radio program serving the New York area for over 14 years while simultaneously fulfilling his pastoral duties at the House of the Lord Pentecostal Church.

It was a recognition of his diverse and multifaceted activities and devotion to the community that the Honorable Percy Sutton, then Manhattan Borough President, proclaimed November 19, 1977, as "Reverend Herbert Daughtry Day" in the borough of Manhattan.

I take great joy in adding my voice to the many others who have saluted Reverend Daughtry on his years of unselfish and unwavering service to the Brooklyn community over the past three decades.

THE SUGAR PROGRAM AND U.S. FARMERS

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mrs. MARTIN of Illinois. Mr. Speaker, opponents commonly claim that the U.S. sugar program only serves a few thousand large-scale beet and cane farmers. That ignores the program's most important benefit—the defense it provides against heavily subsidized foreign sugar exports—which is vitally important to the U.S. corn economy.

It's no secret that in recent years, corn prices have been desperately low, and corn farmers have been hard-pressed to turn a profit. It's less well known that studies show the demand for corn sweeteners contributing 25 cents per bushel to the price of corn. That boost affects all corn farmers, not just those whose corn goes directly into corn sweeteners.

For a typical corn farmer, planting 350 acres and producing 120 bushels per acre, the price boost from corn sweetener demand increases farm income by $10,500 per year. In

a lean year, that can be the difference between making a profit or taking a loss.

In the 239 counties that harvest at least 10 million bushels of corn or more per year, the price boost from corn sweetener demand pumps an additional $2.5 million to as much as $13 million into the county economy.

Without the sugar program for defense, abusive foreign subsidies and sugar dumping would undermine the U.S. sugar producers and the U.S. corn sweetener industry. As corn sweetener use declined, farmers would lose a critical market. At the same time cane and beet acreage would shift to corn and soybeans, further depressing prices for feed grains and costing the United States. Depressed corn prices would also cost the U.S. Treasury more for feed grain prices supports. One study has shown that U.S. corn producers and the U.S. Treasury would have lost $11.5 billion from 1982 to 1985 in the absence of the U.S. sugar program.

The sugar program is vitally important to 1.3 million corn producers and to rural economies across the Corn Belt. Until we get international sugar policy reforms, we must maintain the U.S. sugar program.

A TRIBUTE TO THE WILLIAMSTOWN THEATER FESTIVAL CELEBRATING ITS 35TH ANNIVERSARY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. CONTE. Mr. Speaker, I would like to pay tribute to a true institution, the Williamstown Theater Festival in my district, which will be celebrating its 35th anniversary this summer.

In 1974 the drama critic for the New York Times wrote: "Many of the finest actors and actresses in America have appeared in many of the world's finest plays at the Williamstown Theater Festival." That was during the festival's 20th year. And this year, in June, July, and August, this extraordinary haven for artists in the Berkshire Hills of western Massachusetts is marking its 35th anniversary season—a run virtually unmatched by any theater in America.

This joyous occasion is touched with sadness, for the man who cofounded the theater in 1955 and guided it through 1988, Nikos Psacharopoulos, passed away this past January. He took the festival—known all over this country as WTF—from tentative summer stock beginnings; nurtured it; brought in the most talented actors, directors, designers, and playwrights even as he sent new good ones into the world. His legacy is the festival's critically praised main stage, its apprentice workshop, its exciting other stage, its cabaret, new play readings, and popular outdoor free theater, all attended by well over 50,000 people every summer.

Now the torch has been passed. Nikos took a building and created a great theater, a place where thousands of people wanted to work and to grow far from commercial pressures. This 35th anniversary season will look back to his achievements and forward to a future of many more. In a region blessed with fine music at Tanglewood, fine dance at Jacob's Pillow, and fine art at a score of museums, the Williamstown Theater Festival has become a hallmark of fine drama. I speak with pride to the Members of Congress and hope that you will join me in a salute to an extraordinary institution.

WILDERNESS LOSES POPULARITY AS BABY BOOMERS HAVE KIDS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. YOUNG of Alaska. Mr. Speaker, this year marks the 25th anniversary of the 1964 Wilderness Act, and many are celebrating its passage. However, the system may be a victim of its own success. Originally set up for a system of less than 20 million acres, it now exceeds 90 million acres. Now visitation is going down quickly as baby boomers grow up, take gainful employment and have children. As a result, many wilderness areas throughout the country cannot be enjoyed by the public, which is turning to motorized camping, rather than backpacking. Under law, the only way to get into a wilderness area is to walk or paddle. No cars, campers, bicycles, or even wheelchairs are allowed. That is tough to do for those with children. A recent article in the Los Angeles Times illustrates this emerging trend in recreation, and I ask that it be inserted in the RECORD.

[From the Los Angeles Times, May 31, 1989]

CALL OF WILD FADES FOR BABY BOOM

(By Kevin Roderick)

YOSEMITE NATIONAL PARK.—It's a chilly, drizzly Friday in May, yet Yosemite Valley is packed. Station wagons and RVs block the one-way road in, the occupants craning to see Bridalveil Fall spill toward the Merced River. Every campground is full, and tourist mobs tromp over meadows and surround hapless chipmunks.

This is spring in Yosemite, 75 years after John Muir's death. Come summer, when most of the park's 3.2 million yearly visitors will motor in, the sense of Yosemite as paradise lost will loom even stronger.

But 10 miles away by trail, in the High Sierra backcountry where Yosemite's famous falls begin as icy creeks, hikers who know where to go will escape the summer onslaught, and without encountering the crowds that streamed into the wilderness in the 1980s.

PATH LESS TRAVELED

Backpacking into mountain wilderness is losing popularity throughout the Sierras and the West, leaving many high-country areas less traveled than at any time since the baby boomers left college.

Permits and the irritant of many packpackers—reservations—are still required on popular trails. But aficionados say there is less chance of lugging 40 pounds of food, water and equipment through black bear habitat for a week, only to share a pristine meadow and trout stream with loud radios and beer guzzlers.

More people than ever are visiting the West's mountain national parks, but they are staying in motel rooms and campgrounds reachable by car. It's the American pastime of roughing it that has lost its allure for thousands who purchased lightweight tents and down sleeping bags and slogged up to the tree line in the 1970s.

"That is the case not only in the Sierras, but throughout the Pacific Northwest and the Rockies as well," said Doug Morris, chief ranger at Sequoia-Kings Canyon National Park. "There's just fewer backpackers."

SEVEN PEOPLE IN A WEEK

Two summers ago, Morris strode out of Kings Canyon and walked for a week along the John Muir Trail, a remote but highly publicized, well-worn route that snakes through the High Sierra. "I only saw about seven people," he said.

In the late 1970s, he might have heard the footfalls and jangling camp stoves of dozens of backpackers in a week on the trail. But the National Park Service says backcountry use peaked in the 1970s, and the favorite theory to explain the drop in wilderness use points to the cultural force behind so many recent changes in American life.

"We don't have any hard statistics, but we think it's the aging of the baby boom," said John Poimoroo, who keeps track of changing wilderness use for the Yosemite Park & Curry Co., which operates lodging and high-country camps in Yosemite.

Wilderness camping has always been savored by a small, loyal subculture. But backpacking's surge came when it was taken up, in college and after, by a fair slice of the 76 million Americans born between 1946 and 1964. Now they are moving on to less demanding recreations that better accommodate careers and families.

In 1979, about 2.4 million people slept out in National Park wilderness areas, compared to 1.6 million last year. In Yosemite, backcountry use peaked in 1975 at 79,000. Since 1980 no more than 60,000 have trekked into the wilderness except for last year, when a mild winter and warm spring permitted an unusually long high-country season.

At other Western parks, the drop has continued, even as overall visits increase. In Lassen National Park, there was a 4 percent increase in visitors last year, but a 12 percent drop in backcountry camping despite dry, warm weather. At Rocky Mountain National Park in Colorado, the backcountry was visited by only about 32,000 people in 1987, fewer than half the number who packed in at the peak.

BACKPACKER TIED DOWN

Steve Harder, manager of the REI mountaineering store in Carson, used to backpack regularly, but now is an example of a wilderness hiker who cannot get away as he did before.

"Now I have a 1-year-old and a 5-year-old, and my camping is rather limited," Harder said.

Some disappearing backpackers may also be choosing their wilderness experiences with more care. Instead of spending two weeks hiking familiar trails in the High Sierra, many are heading off to Nepal and Thailand for more exotic trekking.

"You get all the extraordinary views—you think the Sierras are big until you see the Annapurna range," said Donna Bojarsky of Los Angeles, who recently returned from trekking in the Himalayas. "The other advantage is you get to see a different culture. You see people farming the same way they have for thousands of years. It's just an amazing cultural experience."

At alpine elevations in the High Sierra, the plants are fragile and the growing seasons short, so nature is slow to repair human damage. But with fewer people passing through, some meadows and the ponds formed by glacial moraines are reverting to something like the state Muir may have seen when he hiked the High Sierra in the early 1900s.

In the Yosemite backcountry, away from the valley and the trans-Sierra highway that lets motorist campers drive to Tuolumne Meadows at 8,600 feet, true solitude may still be elusive, but there are fewer annoyances to spoil the days.

You don't have as many people doing something irritating like washing their hair in a stream," Yosemite ranger Mallory Smith said.

Even so, trails that have been longtime favorites remain too crowded for purists. "People say the John Muir is more of a freeway than ever," said Sandy Sans, an outfitter and guide with Sierra Adventures in Mountain View.

"I get complaints all the time," said Larry Cash of Eugene, Ore., who has hiked for many years along the Pacific Crest Trail, which follows a 2,400-mile route from Canada to Mexico, much of it in the Sierra and Cascade ranges.

The Mt. Whitney Trail up the east face of the Sierra from Owens Valley is limited to 50 overnight campers a day, and reaches its quota most days from May into October, U.S. Forest Service ranger Charlie Robinson said.

At Grand Canyon National Park, the number of campers packing down into the canyon has begun to rise again in the last two years, perhaps because the park has become immensely popular. The park's yearly visitor count has grown by 1.4 million since 1985, ranger Chuck Lundy said.

NEW GENERATION?

"We don't know if a new generation has discovered the Grand Canyon or what," Lundy said.

But magazines and outfitters that enjoyed the benefits of the backpacking boom are adapting to the shrinking hunger for wilderness trips.

Backpacker magazine is carrying more articles about family activities and short camping trips, close to cities, that can be accomplished in a few days. Managing Editor Tom Shealey said fewer readers have the time for 10-day treks into the deep wilderness.

"Back in the 1970s there were more college kids," Shealey said. "It seems like most of the people reading our magazine are older. They have family obligations, they have grass to cut, cars to wash."

Fewer retailers are stocking backpacking tents, sleeping bags and packs, leaving the equipment market to specialized outfitters such as REI, the membership co-op based in Kent, Wash., with 20 stores in 10 states.

Even REI has seen its customers change. They are growing older, and taking up new sports. About 75 percent of the bicycles sold at the Carson REI store are mountain bikes, Harder said. The store still carries hiking boots, he said, but "we also sell a lot of walking shoes."

Those who still venture into the wilderness are also demanding more services to make outings less strenuous. Guides and horse packers in the Sierras say they are getting more business from hikers, many of them longtime backpackers, who no longer want to lug full packs up into the high country.

"So many hikers want us to carry their stuff up for them," said Jody Winchester at Cottonwood Pack Station in Lone Pine, below the steep east face of the Sierra.

The ultimate in soft "roughing it" might be the chain of high-country camps in Yosemite, spaced about a day's walk from each other. The camps provide meals, showers and beds, so hikers do not need to carry heavy packs. They sell out in January every year for the coming summer.

"The High Sierra camps are as popular as ever," said Poimoroo of the Yosemite Park & Curry Co.

SUPREME COURT GIVES AMERICA BITTER BIRTHDAY PRESENT

HON. BILL GRANT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. GRANT. Mr. Speaker, today I'm angry, shocked, and disappointed that the highest court in the land, the U.S. Supreme Court, would incredibly stretch the Constitution to protect people who burn or desecrate the American flag in political demonstrations.

The justices, in voting 5 to 4 in the case of Texas versus Johnson, overturned the anti-desecration laws of Congress and 48 States. I believe this decision is an insult to the millions of Americans who have given their lives to protect freedom and liberty, the very ideals our flag symbolizes.

When people deface and burn the American flag, they also desecrate the memory of the marines who raised the flag at Iwo Jima and the soldiers who scaled the bluffs at Omaha Beach. Soldiers have died simply trying to prevent the colors from touching the ground, so fervently did they revere and worship the symbol of our Nation's honor and sovereignty.

If the ideals of liberty and equality are worth defending, and I believe they are, then so is the sacred honor of the American flag.

Previously, the Supreme Court has ruled that not every form of free speech warrants constitutional protection. For example, the first amendment guarantee of free speech does not permit a person to yell "fire" in a crowded theater. But now, you can burn and trample the American flag as a political statement. I say the desecration of the flag is done simply to inflame and anger patriotic Americans and has no other purposes.

The Supreme Court has spoken and their words are a bitter birthday present to our Nation. Now is the time for the American people to speak, through their elected representatives. My colleagues and I will immediately take steps to correct this highest form of American injustice and reaffirm the status our flag so richly deserves.

A CONGRESSIONAL SALUTE TO MARYLYN GINSBURG

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has devoted many years of her life to the San Pedro community. On June 29, 1989, the San Pedro Peninsula Chamber of Commerce will be holding its 84th annual installation dinner. This occasion gives me the opportunity to express my sincere appreciation to outgoing chamber president Marylyn Ginsburg for her many years of hard work and unending commitment.

It would be hard to find a person more capable or knowledgable of San Pedro commerce than Marylyn Ginsburg. Her impressive educational background, coupled with her ownership of several San Pedro businesses, provided the San Pedro Chamber of Commerce with an outstanding leader over the past year.

Born in Schenectady, NY, Marylyn attended Syracuse University for both undergraduate and graduate school. She graduated with a B.F.A. in art education, magna cum laude, in 1956, and received her master's, also in art education, in 1957. As if a bachelor's and master's were not enough, she later attended Northrop University, school of law, and received her juris doctorate in 1981.

Marylyn began her career as an art teacher. She spent the years from 1956 to 1964 teaching art in New York, New Jersey, and then in California. She decided in 1964 to forgo her full-time teaching responsibilities to raise a family. She spent the next 16 years as a part-time art instructor and a full-time mother to her sons, Jeffrey, Daniel, and Gregory. In 1980, she launched a successful business career with her founding of Grand House Management Co. Her early business success led to the opening of two fine San Pedro restaurants, the Grand House, and the Whale and Ale.

While it would seem that Marylyn's restaurants would occupy all her time, this is clearly not the case. Aside from her business interests and active membership in the San Pedro Peninsula Chamber of Commerce, she is also involved in numerous other social and civic organizations. Among these are the Palos Verdes Chamber of Commerce, the British American Chamber of Commerce, the San Pedro Revitalization Corporation, the Soroptimist International, the Rotary, the South Bay Women Lawyers, as well as many support memberships for civic, music, art, theater, horticultural, and environmental organizations.

My wife, Lee, joins me in extending our congratulations to this caring and giving individual on a job well done. Marylyn is a remarkable individual who has devoted her talents and energies to enriching the lives of so many other people. We wish Marylyn Ginsburg, her children, Jeffrey, Daniel, and Gregory, all the best in the years to come.

IN MEMORY OF A MAN OF RECONCILIATION: JEAN-MARIE TJIBAOU OF NEW CALEDONIA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. LAGOMARSINO. Mr. Speaker, I was saddened to hear of the assassination of Jean-Marie Tjibaou of New Caledonia on May 4, 1989. A former priest, Tjibaou was the key leader who advanced the resolution of the decades old self-determination struggle of the people of New Caledonia by signing a peace agreement last year with French Prime Minister Michel Rocard. While violence was advocated by militant separatists as a means to achieve independence from France, Mr. Tjibaou used diplomacy, dialog, and the political process to gain recognition of the political aspirations of his followers. He was considered to be the only leader who could reconcile the often strident and divergent views of the pro-independence factions.

New Caledonia is a French overseas territory comprising a large island group to the east of Australia and populated by two principal groups: The Kanaks or indigenous people and settlers from France, Asia, and other Pacific islands. The Kanaks comprise less than 50 percent of the population and are divided according to political status preference. A majority of the indigenous people want some form of sovereignty while the rest favor continued association with Metropolitan France.

Jean-Marie Tjibaou was the most respected and well-known separatist leader in New Caledonia who sought change by engaging in the political process, while others openly urged war with France. In spite of the status-related death of his brothers some years ago, Tjibaou continued his peaceful activism and tolerance of militant separatists and anti-independence radicals. Tjibaou recognized but did not agree with the preference of those of his fellow islanders who advocated for continued association with Metropolitan France. Both he and pro-French Kanak leaders acknowledged the importance of openly discussing their views if a solution to the self-determination problem were to be realized.

On September 30, 1986, I hosted a conference at the Capitol entitled, "Oceania at a Crossroad: Strategic Consideration for the Western Alliance." The speakers included Jean-Marie Tjibaou, President of the Kanak Liberation Front, Dick Ukeiwe, President of the Territory Assembly and leader of the pro-France coalition and Gaston Flosse, President of French Polynesia and Secretary of State for South Pacific Affairs. I believe this may have been the first time that these South Pacific leaders, who were proponents of different status relations with France, spoke together in an international forum relating to this emotionally and politically charged issue.

At the time, I questioned the effectiveness of a conference which would likely involve the volatile issue of French Pacific territories. However, I believe a real benefit existed in having these prominent Pacific leaders air their different political philosophies in a neutral forum.

The highlight of the conference was the powerful oratory of the French Pacific territorial speakers. They were eloquent and emphatic of their views, yet in a most respectful way. Perhaps in part, because they were speaking here, at the world's foremost democratic institution.

I was most pleased last year to hear of the signing of the peace agreement, or Matignon accords, between the French Government, Jean-Marie Tjibaou, and pro-French leader Jacque Lafleur. The accords provided for increased self-government for the people of New Caledonia during a 10-year transitional period. France also agreed to a referendum on indpendence at the end of the transition. It appeared that the consummation of a self-determination process would end the often violent struggle for New Caledonia's political identity.

Tjibaou knew that resolving New Caledonia's political status through an agreement which reflected the consensus views of all Kanaks and actually provided for measurable progress would best serve the welfare of the people. His signing of the peace accords with the anti-independence leader and the Prime Minister of France marks the most important event in the islands' self-determination evolution.

What a shame that Jean-Marie Tjibaou lost his life at the hand of a militant separatist who shared the same ultimate political status objective but disagreed as to the means. Unfortunately, many would not accept that peace and reconciliation could deliver what war and belligerence had not.

Prime Minister Rocard of France, upon hearing of Tjibaou's death stated, "the Kanak community loses a generous leader, New Caledonia a man of reconciliation, and I lose a friend." I believe the entire Pacific Community, of which the United States is part, has suffered a great loss. However, it is my hope that we remember Jean-Marie Tjibaou's achievements through reconciliation and his active peaceful engagement in the democratic political process.

I join with those who hope that all factions in New Caledonia will move forward with the Matignon plan as a fitting tribute and memorial to the vision of Jean-Marie Tjibaou.

GEORGE C. FROST: OUTSTANDING ENGINEER AND SCOUT LEADER

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. SOLOMON. Mr. Speaker, among my heroes are those citizens who quietly contribute their time and leadership skills to their community. I would like to bring your attention to George C. Frost of Glens Falls, NY, a man whose contribution has been enormous.

George C. Frost would be an outstanding citizen even if he limited his activities to being one of the most respected engineers in the Northeast. But he has taken the extra step of giving nearly 50 years of Scouting at every level, as well as to many other civic and community organizations.

He earned an engineering degree with honors in 1950 from Northeastern University, where he was elected to Tau Beta Pi, the national engineering honor society. He interrupted his career to serve 2 years with the U.S. Army Signal Corps during the Korean war. After resuming that career with the former Imperial Paper and Color Corp. in Glens Falls, he joined fellow engineer Harold E. Rist to form one of the most respected consulting engineering firms in New York and New England. The two men saw the firm grow to include 125 employees with offices in Glens Falls, NY and Laconia, NH, offering diversified engineering and architectural design services to industrial, commerical, institutional, and government clients.

Mr. Frost is a registered professional engineer in several States and an active member of the National Society of Professional Engineers, the American Consulting Engineers Council, and several engineering technical societies. He will be the next president of the New York State Consulting Engineers Council. He is past president of the local chapter of the Illuminating Engineers Society and of the local council of the American Society of Heating, Refrigeration and Air Conditioning.

In 1969 he was honored with the American Society of Engineers' Engineering Excellence Award.

Mr. Frost joined the Boy Scouts in 1940 at the age of 12. He was a Scoutmaster from 1947 to 1952 and a district commissioner from 1955 to 1963. He has served on the Mohican Council's executive board since 1963 and has been vice president of training since 1986. He is a recipient of Scouting's prestigious Silver Beaver award.

On July 7, he will receive the Mohican Council's Distinguished Citizens Award at a dinner in his honor.

Mr. Speaker, it is my pleasure to ask you and other Members of Congress to join me in saluting George C. Frost, a good friend, a respected engineer, a dedicated Scout, and a great American.

PROHIBIT DESECRATION OF THE FLAG

HON. ELIZABETH J. PATTERSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mrs. PATTERSON. Mr. Speaker, I rise today in amazement at the decision of the U.S. Supreme Court in the case of Johnson versus Texas. It is incredible that the majority decided that both Houses of the Congress and the duly elected legislatures of 48 States were wrong and acted unconstitutionally when they enacted laws against the desecration of the American flag.

As Justice Stevens pointed out in his dissent, we would not allow someone to spray paint a message across the facade of the Lincoln Memorial. Why can't we protect the flag against desecration? The reasoning of the majority is simply not persuasive.

Mr. Speaker, symbols are important in our society—some more so than others. But, there is no more potent symbol in this Nation than our flag. It deserves our reverence and our protection.

That is why I am a cosponsor of House Joint Resolution 107, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act.

IN HONOR OF FRAMINGHAM STATE COLLEGE

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. ATKINS. Mr. Speaker, I rise today to honor a great institution in my district on a very important day in its history. July 3 marks the 150th anniversary of Framingham State College, the first State-supported normal school for the education and training of teachers in the United States of America. From the day it opened on July 3, 1839, it met the challenge of educating excellent teachers who were in great demand for the common schools of Massachusetts and throughout the Nation.

Born of the ideals and practical needs of the citizens of Massachusetts, the college was founded under the leadership of the noted educational reformer, Horace Mann, who had served the Commonwealth of Massachusetts as senate president and as the first secretary of education.

Guided by its initial motto, "Live the Truth," its graduates have been in high demand for their distinguished contributions to the town of Framingham, the Commonwealth of Massachusetts and the entire Nation. To name but a few distinguished pioneers: Rebecca Pennell Dean, a member of the first graduating class, became the first woman professor in the United States—Antioch, 1853. Lucretia Crocker, who graduated in 1850, was the first woman elected to the Boston School Committee.

Mary Chase Walker, class of 1861, served as the first public elementary schoolteacher in southern California when she was hired in 1865 to teach at the Mason Street School in San Diego. Marion P. Shadd, class of 1875, went to Washington, DC, where she served as principal of the Lincoln School and rose to the position of assistant superintendent for elementary instruction. An elementary school located at 56th and East Capitol, SE, is named in her honor.

One of the college's more prominent recent graduates was Christa Corrigan McAuliffe, the Nation's first teacher astronaut, who lost her life in the tragic explosion of the *Challenger*.

The college has continually responded to the changing needs and demands of the Commonwealth and its role has changed from Normal School to Teachers College to comprehensive State College. Today, Framingham State College offers bachelor of science and bachelor of arts degrees in 28 undergraduate and 15 master's degree programs to more than 6,000 women and men. The college maintains a distinguished reputation for the excellence of its academic programs, for its dedicated faculty and staff, and its comprehensive support services which enhance the lives of its students and the life of the local metro west area.

The more than 18,000 living alumni give testimony to the quality of a Framingham State College education by making significant contributions in the fields of human services, education, government, and business. Framingham State College is justly proud of its 150 years of rich history as a public college that offers a foundation of liberal arts and preparation for careers in public, professional, and business life in keeping with its historical mission of serving others with integrity and generosity as demonstrated by the quality of the people associated with the college.

Mr. Speaker, from its early days in 1839 under the guidance of Rev. Cyrus Peirce, the first principal, to the college of 1989 under the leadership of President Paul F. Weller, Framingham State College has exemplified Horace Mann's ideals of high quality educational programs. It is with great honor and pride that I submit these remarks—honoring 150 years of service at Framingham State College—for the record. Happy 150th to Framingham State with many more to follow.

A CONGRESSIONAL TRIBUTE TO JACK D. COX

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to bring to my colleagues' attention the long and distinguished career of an outstanding citizen in my district, Mr. Jack D. Cox. Jack, who currently is secretary-treasurer of Teamsters Union Local 572 and vice president of the International Brotherhood of Teamsters, will be honored by his brethren for his outstanding work while associated with the Teamsters.

Jack is well known to the western Teamsters. He began his Teamsters career as a full-time representative for Teamsters Local 572 back in 1962. He has served as secretary-treasurer of that Carson California local union since 1966.

Since local 572's jurisdiction covers both the Long Beach and Los Angeles harbor areas and includes sales drivers, warehousemen, and major industrial companies, he has developed considerable and widespread expertise in negotiating for and representing members with a number of nationally known firms.

Jack Cox is a World War II veteran who served in the U.S. Navy. He's also a onetime merchant seaman. He has lived and worked in the Long Beach, CA area since 1958, having also attended the Industrial Relations Institute of the University of California from 1958 to 1962, receiving his certificate in industrial relations from UCLA in 1962.

In addition to his union work, Jack has been active in local and State Democratic Party activities and has served on both county and State party committees. He has served on the annual dinner committees for both myself and State Assemblyman Dave Elder.

Jack is a member of the Veterans of Foreign Wars and a 26-year member of the Benevolent and Protective Order of the Elk's Lodge No. 888 in Long Beach, CA.

My wife, Lee, joins me in extending our congratulations to Jack D. Cox today. He is a remarkable individual who has contributed greatly to Long Beach and the surrounding community. On behalf of the entire community, we wish Jack, his four sons, David, John, George, and James, and daughter, Judy, all the best in the years to come.

DEREK BASS: TOP PHYSICS STUDENT IN THE UNITED STATES

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. LEHMAN of Florida. Mr. Speaker, Derek Bass, a sophomore at North Miami Beach Senior High School in our 17th Congressional District, has a remarkable talent that is making a lot of people feel better about this Nation's prospects for developing the scientific and technical abilities of its young people.

Derek placed No. 1 in a national competition of 800 of the best and brightest physics students in the country. Next month, he will head a team of five outstanding high school physics students in representing the United States at the International Physical Olympiad in Warsaw, Poland. Although the United States has received bronze and silver medals and an honorable mention in this competition, it has never won a gold medal. Many feel this will be the year.

I want to extend my heartiest congratulations to Derek Bass for the distinction he has achieved at such an early age. I know that the best wishes of his fellow students, his teachers, particularly Dr. Rena Roychowdhury for physics and Dr. Martin Franklin in chemistry, and of our entire community, go with him.

DAUGHTERS OF THE AMERICAN REVOLUTION ESSAY CONTEST WINNERS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. CRANE. Mr. Speaker, for almost 4 years, it has been my honor to serve as a member of the Commission on the Bicentennial of the United States Constitution. During this time, the Commission has sponsored many contests on the bicentennial, offering to young people of all ages the opportunity to learn more about our Constitution, and to put that knowledge to work.

Recently, the Commission joined with the Daughters of the American Revolution [DAR] and the Department of Defense Overseas School System to sponsor a national essay

contest on the Constitution. Winners were selected in nine regions, and from those, a national winner chosen.

The national winner was Michael Rather, a senior at Nottaway High School, Blackstone, VA. His essay, titled "Our Responsibilities as 'We the People'" included this statement, "Our responsibilities as 'We The People' include being aware of current events, acting as law-abiding citizens, assembling peacefully and voting." He wrote that citizens must influence government "because their decisions influence us." The DAR honored Mr. Rather at its National Convention in Constitution Hall.

Regional winners were: Olga Itkin, Brookline, MA, Duane J. Corpis, Columbia, SC, Paula E. Edelenbos, Portsmouth, OH, Denise Kay Drudik, Grand Island, NE, Etien Frett, Friendswood, TX, Franz X. Wuerfmannsdobler, Salida, CO, Luke Wilson, Bozeman, MT, and Emily Roberts, a student at a Department of Defense school in Heidelberg, West Germany.

The winners, and their teachers, were awarded a trip to New York City April 29-30 as guests of the Bicentennial Commission to attend the celebration at Federal Hall of the 200th anniversary of George Washington's inauguration as the first President of the United States.

I met with these students in New York, and as a former teacher of American history, I was gratified to learn how well informed these young people are about our history and institutions. I know my colleagues join me in offering congratulations to all of the winners of today, destined to be the leaders of tomorrow.

TRIBUTE TO HAPS BOYER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. GEKAS. Mr. Speaker, it is fitting that in the year of the 50th anniversary of Little League Baseball, I call the attention of my colleagues to the East League Midget Baseball Team of Harrisburg, PA. And when central Pennsylvania residents think of this little league team, they think of a man whose dedication to children has been evidenced for nearly as long as there has been little league—Haps Boyer.

Haps Boyer was raised in a tradition of dedication to children and sport. Many of my constituents can remember his father, also Haps, attending every football game played at the John Harris field. But this colorful character did not just watch the game—he participated. Right before the kickoff, Haps Boyer, Sr., would run down to the field and throw a rabbit's foot over the goal post. Even into his eighties, Haps would be seen trotting down to that football field. A football game just was not a football game without Haps, Sr.

And the East League Midget Baseball Team will not be the same with the retirement of Haps Boyer, Jr. For 40 years, Haps has helped instill in area children the values of teamwork, sportsmanship, discipline, and responsibility. He has lovingly and selflessly overseen the mental and physical development of literally thousands of children during their most formative years.

Mr. Speaker, the capital of Little League Baseball is located in Williamsport, PA. Haps Boyer, and all of us who love the State realize the importance of having that capital within our borders, for the prestige of this outstanding program is matched only by the benefits that have been reaped by its participants throughout the past 50 years.

I am grateful to Haps Boyer for sharing with our children the attributes of fair play, teamwork, good sportsmanship, and an understanding of the meaning of friendly competition. As those youngsters grew, he can be sure they remembered the values they learned on the playing field under his loving guidance. Our society is in need of citizens who possess these values: who seek fairness, who place the interests of a group above their own, who can admit defeat with a grin.

Central Pennsylvania boys and girls have had the finest role model in Haps Boyer. I join countless others when I say I am proud to call him a friend.

IN SUPPORT OF VETERANS' SUPPLEMENTAL APPROPRIATION

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. BRYANT. Mr. Speaker, last Friday, June 23, the House voted on final passage of H.R. 2402, the veterans' supplemental appropriations bill, making supplementary appropriations for the Department of Veterans' Affairs for the fiscal year ending September 30, 1989.

Unfortunately, I was called out of town last Friday and was unable to make the vote—Roll No. 107. I would like now to go on record in support of the legislation which was cleared for the President's signature.

As a member of the House Budget Committee on leave from the House Veterans' Affairs Committee, I was deeply involved in each stage of the budget process. I am proud that the budget approved by the Congress earlier this year included a $1 billion increase for veterans' medical care above the inflationary baseline—the funding level necessary to keep peace with inflation.

I am proud to have been named "Legislator of the Year" in 1988 by the Texas State Council of the Vietnam Veterans of America for my staunch advocacy of veterans' issues and concerns. This statement declares my continued support for the veterans of America through the consistent support for both veterans' supplemental bills—H.R. 2402 and H.R. 2072.

TRIBUTE TO SHERMAN D. LONDON

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. ROWLAND of Connecticut. Mr. Speaker, Thursday, June 29, marks an end of an era in journalism in Connecticut. For over 40 years, Sherman D. London has been reporting on the people and the events that have shaped the city of Waterbury. I would like to summarize for my colleagues his career and his achievements.

He was born in Waterbury on February 17, 1922, the son of Mr. and Mrs. Harry London. He was graduated from Driggs Grammar School, Crosby High School, and Rider College in Trenton, NJ, where he majored in journalism.

After graduation in 1942, he joined the staff of the Waterbury Democrat. War interrupted his journalism career when he joined the field artillery and served in Hawaii and with the Army of Occupation in Japan. He was honorably discharged in 1946 with the rank of technical sergeant. He rejoined the Democrat and worked there until it folded in December of that year. He went to the Evening News in Southbridge, MA.

He quickly returned to newspaper reporting in Waterbury on February 17, 1947, and has remained on the staff ever since, serving as general assignments reporter, police reporter, and political reporter. He covered the general assembly for many years before becoming director of the editorial pages of the Republican and the American in 1968.

In 1981 he received the Community Service Award from Mattatuck Community College for work he did on committees at the college and as a member of the Higher Education Center blue ribbon task force. He is a past president of the Connecticut chapter, Society of Professional Journalists, and has received awards from that society. In 1961, he won the national first prize of the American Trucking Associations for a series of articles on the need to build Route 8 through the Naugatuck Valley and in 1976 he won a first place editorial writing award from the New England United Press International for an analysis of the Waterbury school system's problems.

For many years he has managed election news coverage for the newspapers and served as broadcast announcer for radio coverage. For about 20 years, he has been a regular panel member of Connecticut Public Television's "Fourth Estate Show."

He was named as a founding member of the board of directors of Crime Stoppers of Connecticut, is the head of the Waterbury campership fund and has served in several capacities with the United Way appeals.

He married Arlene Freedman in 1948 and they have two sons, Michael and Steve, and three grandchildren.

I know that my colleagues will join me in congratulating Sherman London upon his retirement from professional journalism and wishing he and his family the very best in all their future endeavors. Today, more than any other day, proves that there is life after journalism.

A TRIBUTE TO DAVID SULLINS, JR.

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. DUNCAN. Mr. Speaker, I would like to pay tribute to a family friend and fellow volunteer from Athens, TN, Dr. W. David Sullins, Jr., who this week will assume the presidency of the American Optometric Association.

For over 20 years, David Sullins has compiled a remarkable record of service to his country, his community, his profession, and his patients. Shortly after graduation from Southern College of Optometry in 1965 David volunteered for service in the U.S. Navy and Marine Corps. Upon his departure from active duty in 1969, David began a career in the Reserves and currently serves as a captain in the Medical Service Corps of the Naval Reserve.

At the same time, David rejoined his father in the practice of optometry in Athens and plunged into community service, serving for 4 years on the Athens City Council and as mayor for 2 years. Somehow David also found time to devote to his profession. He has served as president of his local, State, and regional optometric associations and has also been active in the national association for many years. David Sullins has rightfully earned the reputation as the volunteer's volunteer and I am pleased his colleagues have shown the wisdom and foresight to choose him to lead them in the coming year.

THE MOUNTING LOSSES IN THE WAR AGAINST DRUGS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. GILMAN. Mr. Speaker, we recently read of another tragic drug-related murder in Colombia. This time it was a reputable television editor, Jorge Leon Vallejo, who was kidnapped by gunmen and found shot dead outside Medellin, home base of the drug cartel of the same name. He is the fourth journalist to be killed in Colombia since April 6, 1989.

Of course, it is not only journalists who have been killed in Colombia because of their antidrug efforts. Over 50 judges, including half of the Supreme Court, have been assassinated by the drug traffickers. The Colombian attorney general as well as scores of other law enforcment personnel, government officials and private citizens also have lost their lives in Colombia. The drug traffickers offer those who stand in there way either silver or lead, a bribe or a death sentence. For the drug kingpins, murder is just another form of doing business.

Still, the governments of Colombia, Bolivia, Ecador and Peru continue to try to combat drug production and trafficking. The Drug Enforcement Administration through Operation Snowcaps is working closely with the Bolivians and Peruvians to disrupt drug production efforts by destroying coca processing labs and clandestine airstrips used by the traffickers in the major coca growing areas. More than 40 members of Peru's Civil Guard have been killed thus far during the course of antinarcotics activities. Last month a State Department plane carrying the head of Peru's coca eradication program as well as a DEA agent and 7 others crashed. There were no survivors.

Unfortunately, that is not the end of the death toll. We must also count our losses at home: New York Patrolman Edward Byrne was shot in the head while he was guarding a witness in a drug case and DEA Agent Kiki Camarena who was tortured and killed for his efforts at combating drug trafficking and corruption in Mexico. There have been others, including Federal, State and local law enforcement officers, who have been slain in the line of duty, casualties in the war against drugs.

We must also include the thousands who have lost thier lives or lost control of their lives because of drug abuse. Both, throughout our country with the spread of crack cocaine, and in Latin America with the increased use of cocaine and cocaine products, the losses continue to add up.

Mr. Speaker, too many Americans in the North and in the South, have already died because of illicit narcotics. Drug trafficking and drug abuse is a plague upon our modern world. There is no easy cure for this disease, but we must continue to combat it in every way we know how. That means fighting this scourge on our societies in the streets of New York and Los Angeles and in the jungles of Peru and Bolivia. It means dedicating our limited national resources toward educating our youth to reject drugs and in treating and rehabilitating those who have already become addicted. We need a national and international crusade against drugs. Nothing less would appropriately honor the memory of the hundreds who have already sacrificed their lives in the war against drugs.

THE MACBETH DIVISION OF KOLLMORGEN INSTRUMENTS OF NEWBURGH, NY, WINS, E-STAR AWARD

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. FISH. Mr. Speaker, I take this opportunity to commend the Kollmorgen Instruments Corp. of Newburgh, NY, in my district for winning the U.S. Department of Commerce's prestigious E-Star Award. This award is given in recognition of outstanding contributions to the increase of U.S. exports.

This award will be presented to Kollmorgen's Macbeth Division for its color measurement and management systems in a public ceremony to be announced in Washington.

The E-Star Award goes to only a very few firms annually. To qualify, a firm must have been cited previously by the U.S. Commerce Department for excellence in exporting U.S. products and services. In 1986, Kollmorgen's Macbeth Division was given the E Award for excellence in exporting.

The E-Star Award recognizes continued superior performance by E Award recipients in expanding a company's export share, in opening new product lines, and in entering new regional markets.

CONGRATULATIONS AMBASSADOR SHIRLEY TEMPLE BLACK

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. BROOMFIELD. Mr. Speaker, President Bush recenty announced the appointment of one of America's most distinguished citizens to be the new Ambassador to the Czechoslovak Socialist Republic.

Mrs. Shirley Temple Black is the only living Republican I know who has been a figure of great national prominence since the days before Franklin Roosevelt was elected President.

A business reporter might say that Mrs. Black was on a career fast track. She made her first movie, "Stand Up and Cheer," when she was 3½ years old.

As Ronald Reagan found out, achieving such recognition at a young age can be a mixed blessing. When Mr. Reagan ran for the Presidency in 1980, some people still considered him a film star, even though he had a solid background in labor affairs, most notably as president of the Screen Actors Guild for 6 years, and a long and prominent career in public affairs, as a two-term Governor of California and as a leading spokesman for the Republican Party.

Like President Reagan, Mrs. Black followed her film career with a distinguished career in public service. For more than 20 years, she has given her time and talents to public service. She has served in such positions as Delegate to the U.N. General Assembly, Ambassador to the Republic of Ghana, and cochair of the State Department's ambassadorial seminars.

But most important, like everyone in this Chamber, she has run as a candidate for Congress.

I know that Mrs. Black's experience in so many areas of American life will make her an effective advocate for the ideals we all share, and that her good judgment and graciousness will appeal to people throughout Czechoslovakia.

COMMENDING URI'S GREEK ORGANIZATIONS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. MACHTLEY. Mr. Speaker, today it is my distinct pleasure to honor Jeff Britt, president of the Interfraternity Council at the University of Rhode Island. I would like to recognize Jeff for his positive contributions to Rhode Island and to communities outside of Rhode Island.

As president of the Interfraternity Council, Jeff played an instrumental role in raising a total of $114,000 for charities. A portion of this money was given to assist an important development project for the community of La Union, Guatemala. In addition, members of the fraternities and sororities performed 7,700 hours of community service, delivered 25,000 pounds of food to the homeless, and donated 600 pints of blood.

I am proud to commend Jeff, and his fraternity and sorority colleagues, for their selfless actions which have positively affected the lives of thousands of human beings. The work of these young people will doubtlessly have a profound impact even beyond our national borders. The compassion demonstrated by these students not only improves the life of others, but also sets an admirable example of human understanding and international cooperation.

THE GREAT MYTH OF SUBSIDIZED WATER

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. STALLINGS. Mr. Speaker, I want to correct some of the misunderstanding which currently exists regarding western reclamation projects. Recently, my colleague, Mr. GEJDENSON, introduced legislation which perpetuates a tragic misconception—that western farmers who receive water from Bureau of Reclamation projects are the principal contributors to surplus agriculture commodities. The bill, in simple terms, would mandate that a western farmer who receives reclamation water make a choice between that water and Federal farm program participation.

Unfortunately, I see that some of my fellow members of the Agriculture Committee are now cosponsors of this legislation. I would urge them, and all my colleagues, to consider the following facts and reassess what appears to be a red herring issue, floated to divert attention from other problems associated with Federal farm program costs.

Let me start by reminding my colleagues that in 1987, more than 61 percent of all Federal farm program payments went to corn growers, a crop grown in the Corn Belt, not the western reclamation States. The single largest contributor to increasing Federal farm program payments is corn. I don't want to get in a divisive argument over a diminishing farm budget; but I do want to be clear that it is not the western reclamation States that are costing the most money, or even a significant amount.

There is very little corn grown in western reclamation States. Of the 7 billion bushels of corn grown in 1987, a mere 22 percent was grown in the 17 western reclamation States. Of the 1.5 billion bushels grown in the reclamation States, more than 90 percent was grown on nonirrigated farms. Additionally, of all irrigated farms in the West, more than 60 percent of irrigation water sources are from onfarm wells or surface supplies. As is evident, reclamation irrigated corn production is probably less than 2 percent of the entire 1987 crop. This is hardly a factor in the budget and should not be reason for such legislation as is being proposed.

The more pertinent factors in Federal outlays for corn payments is the level of the target price and loan rate for corn. Several studies document that corn target prices and target rates are far out of line with production costs and other commodity target levels.

Laying that aside, let's look at the specifics.

According to the U.S. Department of Agriculture, there are 277,713 irrigated farms comprising 48,647,729 acres in the United States. This amounts to only 11 percent of the 421 million acres of cropland in production in this country. Of the 48.6 million acres of irrigated land, 84 percent is in the 17 western reclamation States. More than a third of the irrigated farming units are livestock operations, 21 percent are cash grain operations, and approximately 19 percent are fruit and tree nut farms.

Less than one-third of reclamation State irrigated farms receive water from an off-farm source, for example, reclamation or other water delivery systems. Even if all off-farm water sources are lumped into reclamation project sources, and livestock operations, fruit and nut farms and other nonprogram crop farms are subtracted out, we end up with a figure of about 11 percent of all irrigated farms in the West with reclamation water and program crops. As earlier mentioned, few of these operations grown corn. The principal farm program crops are winter wheat, spring wheat, barley, oats, and in the case of southern California and Texas, rice.

Of these crops, the bulk is grown in the Central Plains States. Even though these States are classified among the 17 western reclamation States, most of their crops are not irrigated. Nebraska, Kansas, Texas, Oklahoma, Montana, North and South Dakota, to my knowledge, do not use extensive irrigation practices on winter or spring wheats. These seven States account for about 75 percent of winter wheat production and 65 percent of spring wheat production. What we typically think of as irrigated reclamation States raise only about 20 percent of winter wheat grown in the United States and less than 10 percent of spring wheat.

Again, remembering that even with this amount of production in reclamation States, some of it is grown under nonirrigated farming operations, some receives irrigation water from on-farm sources, and only about one-third of the irrigated production comes from off-farm sources, most of which is probably reclamation derived.

Because barley and oats are not in surplus production and contribute little to farm program outlays, we will not treat them in this discussion, although they are important crops to my State of Idaho and many other reclamation and nonreclamation States.

Given the evidence of these statistics, I think it reasonable to conclude that the contribution of program crop production attributable to reclamation project irrigation is negligible on the entire picture. It simply cannot be shown that reclamation projects are producing any significant amount of surplus program crops. In fact, more than 98 percent of farm program payments can be attributed to other regions of the country or nonirrigated practices.

These are incidences where reclamation water recipients grow Federal program crops. However, the 1982 Reclamation Reform Act applied strict acreage control to reclamation recipients. With these restrictions, and the evidence I have cited above regarding the comparably minimal amount of program crops grown under reclamation irrigation, I urge my colleagues to reassess their interest in this issue and consider the facts.

PROTECT THE SOCIAL SECURITY TRUST FUND

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. RAY. Mr. Speaker, Mr. Morton A. Harris of the Third District of Georgia recently sent me a copy of the "Special Supplement" on the Social Security trust fund prepared by the Employee Benefit Research Institute. This report explains the state of the Social Security trust fund and projects its status for the future. I want to submit a copy of this statement for the benefit of my colleagues.

Mr. Speaker, I have long supported legislation aimed at keeping this, and other trust funds, out of the Federal budget. Continuing to do business as usual threatens these trust funds and masks fiscal irresponsibility. We must take the trust fund moneys out of the budget equation, and face up to the true annual deficit and national debt.

The report follows:

SUMMARY OF THE 1989 ANNUAL REPORT OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE AND DISABILITY INSURANCE TRUST FUNDS

HIGHLIGHTS

As shown in the 1989 Annual Report, the assets of the Old-Age and Survivors Insurance (OASI) Trust Fund increased by $40.7 billion in calendar year 1988, reflecting, in part, the continuing growth in the economy. Including the increase of $0.2 billion in the Disability Insurance (DI) Trust Fund, the growth in the combined trust funds, at $41.0 billion, was about the same as the increase estimated in the 1988 Annual Report on the basis of the intermediate alternative II-A assumptions.

The trust funds are expected to continue growing for many years into the future. Based on intermediate assumptions, the combined trust funds are estimated to reach a level of about 5 or 6 times annual outgo in the next 20 to 30 years. Even if future experience is very adverse, the combined funds are estimated to increase to about 2½ times annual outgo during the next 20 to 25 years. However, under such adverse conditions, the assets of the DI Trust Fund could decline to such a low level that financial problems with that fund would occur within the next 10 years.

The long-range 75-year estimates indicate that, under the intermediate assumptions, the OASDI program will experience about 3 decades of positive annual balances, with

Charts subsequently referred to are not printed in the RECORD.

continuing annual deficits thereafter. Based on the intermediate alternative II-A assumptions, the positive balances in the first part of the 75-year projection period nearly offset the later deficits, so that the program, as a whole, has an actuarial deficit of 0.10 percent of taxable payroll. Based on the intermediate alternative II-B assumptions, the OASDI program has larger future deficits that yield an actuarial deficit of 0.70 percent of taxable payroll, which is 0.12 percent larger than in the 1988 report. However, the expected accumulation of the trust funds during the next 20 to 30 years provides ample time to monitor the financial status of the program and to take corrective action at some time in the future if it still appears to be warranted at that time.

During the first part of the long-range projection period, the combined OASI and DI Trust Funds are expected to accumulate rapidly to a peak fund ratio of 547 percent of annual outgo in the year 2014, based on the alternative II-B assumptions. Thereafter, the fund ratio is estimated to decline until the funds are exhausted in 2046, 2 years earlier than in last year's report. Thus, according to the alternative II-B projections, the OASDI program will have enough funds to cover expenditures for about 57 years into the future.

For OASI and DI, separately, the long-range actuarial balances, based on the alternative II-A assumptions, are +0.03 percent and −0.13 percent of taxable payroll, respectively. Based on the alternative II-B assumptions, both programs have actuarial deficits, which are 0.53 percent and 0.17 percent of taxable payroll, respectively. Because of the size of the DI deficit, relative to its cost rate, the DI program needs careful monitoring in both the short-range and the long-range periods.

1. PROGRAM DESCRIPTION

The OASDI program consists of two separate parts which pay monthly benefits to workers and their families:

(1) Old-Age and Survivors Insurance (OASI) pays benefits after a worker retires and to survivors after a worker dies.

(2) Disability Insurance (DI) pays benefits after a worker becomes disabled.

The Board of Trustees of the trust funds is required by law to report annually to the Congress on the financial condition of the funds and on estimated future results. The Board has five members, three of whom serve in an ex officio capacity: the Secretaries of the Treasury, Labor, and Health and Human Services. The Board also has two members of the public, who are nominated by the President and confirmed by the Senate for 4-year terms. The terms of the present public members, Mary Falvey Fuller and Suzanne Denbo Jaffe, began on September 28, 1984. They are currently serving under recess appointments, which the Senate received on January 3, 1989, after the adjournment of the 100th Congress.

Most OASDI revenue consists of contributions paid by employees, their employers, and the self-employed. (Additional contributions are paid into a separate trust fund for the Hospital Insurance part of Medicare. This summary focuses on OASDI and does not discuss Medicare.) The contribution rates are established by law. Contributions are paid on earnings not exceeding the earnings base—$48,000 in 1989. The earnings base will rise in the future as average wages increase. The current and future OASDI contribution rates for employees and employers, each, are shown below (as percentages):

Year	OASI	DI	Total
1989	5.53	0.53	6.06
1990–99	5.60	.60	6.20
2000 and later	5.49	.71	6.20

Since 1984, a portion (not more than one-half) of OASDI benefits received by higher income beneficiaries is subject to Federal income taxation. The revenues collected as a result of this provision are transferred from the general fund of the Treasury to the trust funds.

The outgo of the OASI and DI Trust Funds consists of benefit payments and administrative expenses. Trust fund assets may not be used for any other purposes.

During periods when outgo temporarily exceeds income, trust fund assets are used to meet the shortfall. In the event of recurring shortfalls, the trust funds can allow time for legislation to be enacted to restore balance to the program. The assets of the trust funds are invested in U.S. Government securities bearing rates of interest similar to those for long-term securities issued to the general public.

2. RECENT RESULTS

During 1988, about 128 million workers made contributions to the OASDI program. At the end of September 1988, 38.5 million persons were receiving monthly benefits under the OASDI program. Administrative expenses represented about 1.2 percent of benefit payments in fiscal year 1988.

Income to the OASI and DI Trust Funds in fiscal year 1988 was $258.1 billion, while outgo was $219.3 billion. Thus, the assets of the combined funds increased by $38.8 billion during the fiscal year. A summary of the OASDI financial operations in fiscal year 1988 is shown below (in billions):

Trust fund assets at end of fiscal year 1987	$65.4
Income during year:	
Contributions	248.1
Revenue from taxation of benefits	3.4
Payments from general fund	.1
Net interest	6.5
Total income	258.1
Outgo during year:	
Benefit payments	213.9
Administrative expenses	2.5
Transfer to Railroad Retirement program	2.9
Total outgo	219.3
Trust fund assets at end of fiscal year 1988	104.2

NOTE.—Totals may not equal sums of components, due to rounding.

3. ACTUARIAL ESTIMATES

The annual report contains 75-year estimates of each fund's financial operations and status. Because precise prediction of the future is impossible, alternative sets of assumptions, representing a reasonable range of possible future experience, are used to make short- and long-range estimates. Future experience could, however, fall outside the range indicated by these assumptions.

Future OASDI income and outgo will depend on a variety of economic and demographic factors, including economic growth, inflation, unemployment, fertility, and mortality. These factors affect the levels of workers' earnings and OASDI benefits, as well as the numbers of people making contributions and receiving benefits.

The estimates in this report were prepared using four alternative sets of assumptions. Two sets—alternatives II-A and II-B—are designated "intermediate." Both intermediate sets share the same demographic assumptions, but differ with respect to economic assumptions; somewhat more robust economic growth is assumed for alternative II-A than for alternative II-B. One set—alternative I—is designated "optimistic," and another—alternative III—is "pessimistic."

No single measure is used to assess the acturial status of the OASDI funds. Short-range measures usually focus on the adequacy of reserves available to pay benefits. Long-range measures usually focus on the balance between income and outgo during the projection period as well as the adequacy of the reserves.

The *contingency fund ratio* is the usual measure of the OASDI program's ablity to pay benefits on time in the near future. This ratio is the amount in the trust funds at the beginning of the year, including advance tax transfers for January, divided by that year's expenditures. Thus, if the trust fund ratio is 50 percent, the amount in the fund represents about 6 months' outgo. A ratio of at least 8 to 9 percent is required to pay benefits at the beginning of each month. At the beginning of 1989, the fund ratio for OASDI was about 57 percent.

In analyzing the actuarial status of OASDI for the next 75 years, several different measures are commonly used. The *income rate* is the combined OASDI employee-employer contribution rate scheduled in the law, plus the income from taxation of benefits, expressed as a percentage of taxable payroll. The *cost rate* is the annual outgo expressed as a percentage of taxable payroll. The annual balance, which is the difference between the annual income rate and the annual cost rate, measures the adequacy of funding in each year of the long-range projection period. If the difference is negative, the annual balance is a deficit. The level and pattern of annual positive balances and annual deficits during the various periods of time within the next 75 years measure the financial strength of the program over such periods.

If a trust fund becomes exhausted during the projection period, the year in which the exhaustion occurs is an important measure of the financial condition of the fund.

Summarized income and cost rates over the 75-year projection period can be compared directly to measure the adequacy of the program's overall level of financing during the entire long-range period. The summarized income and cost rates reflect the full effect of interest. In addition, the trust fund balance at the beginning of the projection period, expressed as a percentage of taxable payroll, is included in the summarized income rate for the 75-year period.

The *actuarial balance* for the 75-year long-range projection period, is the difference between the summarized estimated income rate and the summarized estimated cost rate. If this actuarial balance is negative, the program is said to have an actuarial deficit. Such a deficit is a warning that future changes may be needed in the program's financing or benefit provisions, although it does not present a complete picture without the other measures of financing discussed here.

4. SHORT-RANGE FINANCING (1989–93)

Estimates for the next 5 years are used to assess the adequacy of OASDI financing in the short range. In this period, the numbers

of persons receiving OASDI benefits can be estimated fairly accurately. Changes in the national economy, however, which are difficult to predict, can have major effects on income and outgo.

The actuarial estimates shown in the 1989 report indicate that the combined assets of the OASI and DI Trust Funds will be sufficient to pay OASDI benefits on time throughout the 5-year period and for many years thereafter, based on all four sets of assumptions. In addition, the estimates based on alternatives I, II-A, and II-B indicate that the OASI and DI programs, separately, can operate satisfactorily for many years. During the next 10 years, however, if experience is very adverse, the assets of the DI Trust Fund could decline to such a low level that financial problems would occur.

Chart A shows the OASDI contingency fund ratio for 1989, 57 percent, and the projected OASDI ratios for 1990-93, on the basis of all four sets of assumptions. The fund ratios for the combined trust funds are estimated to increase each year.

5. LONG-RANGE FINANCING (1989-2063)

Long-range 75-year estimates for OASDI, although sensitive to variations in the assumptions, indicate the trend and general range of the program's future financial status. During this long-range period, income and outgo are greatly affected by demographic, as well as economic, conditions. Most of the beneficiaries during the next 75 years have already been born, so that their numbers are projected mainly from the present population. The numbers of workers involved in these projections, however, depend largely on future birth rates, which are subject to more variability.

Several important demographic trends are anticipated, which will raise the proportion of the aged in the population during the next 75 years. First, because of the large number of persons born in the two decades after World War II, rapid growth is expected in the aged population after the turn of the century. Second, assumed declines in death rates also would increase the numbers of aged persons. At the same time, birth rates, which began to decline in the 1960s and are assumed to remain relatively low in the future, would hold down the numbers of young people.

Chart B shows the long-range trend in the number of covered workers per OASDI beneficiary. (The term "beneficiary" includes not only retired workers, but also disabled workers, spouses, children, and survivor beneficiaries.) Based on the intermediate assumptions, this ratio is estimated to decline gradually from 3.3 in 1988 to 3.0 in 2010. From 2010 to 2030, the estimated ratio falls rapidly to 2.0 as the number of beneficiaries increases more rapidly than the number of covered workers. After 2030, the ratio is estimated to decline gradually.

Chart C shows the estimated OASDI income and cost rates for the long-range projection period, based on the intermediate II-B assumptions. During the first three decades of this period, the estimates indicate that the income rate will generally exceed the cost rate, resulting in substantial positive balances each year. Beginning about 2020, the reverse is true, with the cost rate exceeding the income rate, thus resulting in substantial deficits. These positive balances and deficits do not reflect interest earnings, which result in trust fund growth continuing for about 10 years after the first actuarial deficits occur. The cost rate is estimated to increase rapidly after the first half of the 75-year projection period, primarily because the number of beneficiaries is projected to increase more rapidly than the number of covered workers.

Chart D shows the projected OASDI contingency fund ratios for the 75-year period, based on the intermediate alternative II-B assumptions. The ratio rises steadily and reaches 547 percent in 2014. After 2014, the ratio declines until the combined funds are exhausted in 2046. The importance of the trust fund accumulating reserves is emphasized by Chart D. As the chart shows, the build-up in the reserves will be needed later on to pay benefits to the increasing numbers of retired persons who were born in the high bith-rate years from the mid-1940s to the mid-1960s.

The table below presents a comparison of the annual income and cost rates for the 75-year long-range projection period, based on the four sets of assumptions. The figures are expressed as percentages of taxable payroll.

Assumptions	Income rate	Cost rate	Actuarial balance
Optimistic	12.90	11.16	1.74
Intermediate II-A	12.98	13.08	−.10
Intermediate II-B	13.02	13.72	−.70
Pessimistic	13.15	16.78	−3.63

Note.—Income rate, cost rate, and actuarial balance are defined in the text.

The long-range OASDI actuarial deficit of 0.70 percent of taxable payroll, based on the intermediate II-B assumptions, results from an income rate of 13.02 percent of taxable payroll over the 75-year period (including beginning trust fund balances) and a cost rate of 13.72 percent over the period. In the absence of other changes, the long-range actuarial balance will tend to worsen slowly in future annual reports, as the valuation period moves forward and additional distant years of deficit are included in the valuation. The actuarial deficits in the later years of the 75-year projection period are caused primarily by the demographic trends described above, in combination with a flat contribution rate schedule.

SUPREME COURT HAS ALLOWED DESTRUCTION OF OUR GREATEST AMERICAN SYMBOL

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1989

Mr. APPLEGATE. Mr. Speaker, I am mad as hell. We have witnessed the greatest travesty in the annals of jurisprudence when the U.S. Supreme Court allowed the destruction of American symbols. What in God's name is going on?

One and a quarter million of our American veterans fought and died throughout our history to defend this flag and what is stands for.

The flag right here in this Chamber that we pledge to, we can take it down, throw it on the floor, step on it, defecate on it, do anything we want, burn it, as long as we have a message, and the Court is going to say it is all right.

The Court has humiliated the flag and allowed its desecration in the Chicago court case also. America should be outraged.

Are there any limitations? Are they going to allow fornication in Times Square at high noon? If one has a political and social message to make, why not go ahead and do it? I am sure the Supreme Court will probably uphold it.

If we change the Court, we change the decision. What we need is a constitutional amendment.

In addition, Mr. Speaker, I wish to draw attention to the fact that when I made the above statement on the floor of the House of Representatives on Thursday, June 22, 1989, my exact words were not printed in total and were misrepresented by the House stenographer. Specifically, the word "heck" was printed in place of the word "hell." I do not believe that substituting even a single word of a Member of Congress should be the prerogative of the stenographers. That is a right that I believe should be reserved for the Speaker of the House.

HOUSE OF REPRESENTATIVES—*Wednesday, June 28, 1989*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to speak our words with sincerity of heart and to hear the words of another with the same sincerity. As our thoughts and admonitions flow from our hearts, may they not be used in pretense to cover the pressure of any moment, but freely express our common aspirations and our shared humanity, so that what we say will reflect the good will that is nurtured always by Your loving spirit. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 299, nays 100, not voting 33, as follows:

[Roll No. 112]

YEAS—299

Ackerman	Boxer	Coyne
Akaka	Brennan	Craig
Alexander	Brooks	Crockett
Anderson	Broomfield	Darden
Andrews	Browder	Davis
Annunzio	Brown (CA)	de la Garza
Anthony	Bruce	Dellums
Applegate	Bustamante	Derrick
Archer	Byron	Dicks
Aspin	Campbell (CA)	Dingell
AuCoin	Campbell (CO)	Dixon
Barnard	Cardin	Donnelly
Bartlett	Carper	Dorgan (ND)
Bateman	Chapman	Downey
Beilenson	Clarke	Dreier
Bennett	Clement	Durbin
Bereuter	Coleman (MO)	Dwyer
Bevill	Coleman (TX)	Dymally
Bilbray	Combest	Dyson
Boggs	Conte	Early
Bonior	Conyers	Eckart
Borski	Cooper	Edwards (CA)
Bosco	Costello	Edwards (OK)
Emerson	Livingston	Roe
Engel	Lloyd	Rohrabacher
English	Long	Rose
Erdreich	Lowey (NY)	Rostenkowski
Espy	Luken, Thomas	Roth
Evans	Manton	Rowland (CT)
Fascell	Markey	Rowland (GA)
Fazio	Martin (NY)	Roybal
Feighan	Martinez	Russo
Fish	Matsui	Sabo
Flippo	Mavroules	Saiki
Foglietta	Mazzoli	Sangmeister
Ford (MI)	McCloskey	Sarpalius
Ford (TN)	McCollum	Savage
Frank	McCrery	Sawyer
Gallo	McCurdy	Saxton
Garcia	McDade	Schaefer
Gephardt	McDermott	Scheuer
Gibbons	McEwen	Schiff
Gillmor	McHugh	Schneider
Gilman	McMillen (MD)	Schulze
Gingrich	McNulty	Schumer
Glickman	Meyers	Sharp
Gonzalez	Michel	Shaw
Gordon	Miller (CA)	Shumway
Gradison	Miller (WA)	Shuster
Grant	Mineta	Sisisky
Gray	Moakley	Skaggs
Green	Mollohan	Skeen
Guarini	Montgomery	Skelton
Gunderson	Moody	Slattery
Hall (TX)	Morella	Slaughter (NY)
Hamilton	Morrison (CT)	Smith (FL)
Hammerschmidt	Morrison (WA)	Smith (NE)
Harris	Mrazek	Smith (NJ)
Hatcher	Murtha	Smith (VT)
Hawkins	Myers	Snowe
Hayes (LA)	Nagle	Solarz
Henry	Natcher	Spence
Hertel	Neal (MA)	Spratt
Hoagland	Nelson	Staggers
Hochbrueckner	Nowak	Stallings
Horton	Oakar	Stark
Houghton	Oberstar	Stenholm
Hoyer	Obey	Stokes
Hubbard	Olin	Swift
Huckaby	Ortiz	Synar
Hughes	Owens (NY)	Tallon
Hutto	Owens (UT)	Tanner
Johnson (CT)	Packard	Tauzin
Johnson (SD)	Pallone	Thomas (GA)
Johnston	Panetta	Torres
Jones (GA)	Parker	Torricelli
Jones (NC)	Patterson	Traficant
Jontz	Payne (NJ)	Traxler
Kanjorski	Payne (VA)	Udall
Kaptur	Pease	Unsoeld
Kasich	Pelosi	Valentine
Kastenmeier	Penny	Vander Jagt
Kennedy	Perkins	Vento
Kennelly	Petri	Visclosky
Kildee	Pickett	Volkmer
Kleczka	Pickle	Walgren
Kolter	Porter	Walsh
Kostmayer	Poshard	Watkins
LaFalce	Price	Waxman
Lancaster	Pursell	Weiss
Lantos	Quillen	Weldon
Laughlin	Rahall	Whitten
Leath (TX)	Rangel	Wise
Lehman (CA)	Ravenel	Wolpe
Lehman (FL)	Ray	Wright
Lent	Regula	Wyden
Levin (MI)	Richardson	Wylie
Levine (CA)	Rinaldo	Yates
Lewis (GA)	Ritter	Yatron
Lipinski	Robinson	

NAYS—100

Armey	Boehlert	Chandler
Baker	Brown (CO)	Clay
Ballenger	Buechner	Clinger
Barton	Bunning	Coble
Bilirakis	Burton	Coughlin
Bliley	Callahan	Courter
Cox	Lagomarsino	Shays
Crane	Leach (IA)	Sikorski
Dannemeyer	Lewis (CA)	Slaughter (VA)
DeLay	Lewis (FL)	Smith (MS)
DeWine	Lightfoot	Smith (TX)
Dickinson	Lukens, Donald	Smith, Denny (OR)
Dornan (CA)	Machtley	Smith, Robert (NH)
Douglas	Madigan	Smith, Robert (OR)
Duncan	Marlenee	Solomon
Fields	Martin (IL)	Stangeland
Gallegly	McCandless	Stearns
Gekas	McGrath	Stump
Goss	McMillan (NC)	Sundquist
Grandy	Miller (OH)	Tauke
Hancock	Molinari	Thomas (CA)
Hansen	Moorhead	Thomas (WY)
Hastert	Murphy	Upton
Hayes (IL)	Oxley	Vucanovich
Hefley	Parris	Walker
Herger	Pashayan	Wheat
Hiler	Paxon	Whittaker
Holloway	Rhodes	Wolf
Hopkins	Ridge	Young (AK)
Hyde	Roberts	Young (FL)
Inhofe	Rogers	
Ireland	Roukema	
Jacobs	Schroeder	
James	Schuette	
Kolbe	Sensenbrenner	

NOT VOTING—33

Atkins	Florio	Leland
Bates	Frenzel	Lowery (CA)
Bentley	Frost	Mfume
Berman	Gaydos	Neal (NC)
Boucher	Gejdenson	Nielson
Bryant	Goodling	Smith (IA)
Carr	Hall (OH)	Studds
Collins	Hefner	Towns
DeFazio	Hunter	Weber
Fawell	Jenkins	Williams
Flake	Kyl	Wilson

□ 1025

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas [Mr. DELAY] lead the House in the Pledge of Allegiance?

Mr. DELAY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 633. An act to promote the development of technologies which will enable fuel cells to use alternative fuel sources;

S.J. Res. 19. Joint resolution to designate November 8, 1989, as "Montana Centennial Day"; and

S.J. Res. 155. Joint resolution designating June 23, 1989, as "United States Coast Guard Auxiliary Day."

The message also announced that pursuant to Public Law 100-480, the Chair announces the designation of Mr. THURMOND to represent the Republican leader on the Commission for the Judiciary Office Building.

PERSONAL EXPLANATION

Mr. ARCHER. Mr. Speaker, on rollcall No. 111 last night I was not present and I missed the vote on House Resolution 186 expressing the sense of the House in concern over the Supreme Court decision on the flag.

Mr. Speaker, I was at the time with the President in the White House. Had I been here, I would have voted "aye."

Mr. Speaker, I ask unanimous consent that my remarks appear immediately following the rollcall in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LIMITING THE LENGTH OF TIME AN INDIVIDUAL MAY BE INCARCERATED FOR CIVIL CONTEMPT IN A CHILD CUSTODY CASE IN THE DISTRICT OF COLUMBIA SUPERIOR COURT

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the unfinished business is the question of the passage of the bill, H.R. 2136, on which further proceedings were postponed on Tuesday, June 27, 1989.

The Clerk read the title of the bill.

The SPEAKER. The question is on the passage of the bill, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 376, nays 34, not voting 22, as follows:

[Roll No. 113]

YEAS—376

Ackerman	Boggs	Coble
Akaka	Bonior	Coleman (MO)
Alexander	Borski	Coleman (TX)
Anderson	Bosco	Combest
Andrews	Boxer	Conte
Annunzio	Brennan	Conyers
Anthony	Brooks	Cooper
Applegate	Broomfield	Costello
Archer	Browder	Coughlin
Armey	Brown (CA)	Courter
Aspin	Brown (CO)	Cox
Atkins	Bruce	Coyne
AuCoin	Buechner	Craig
Baker	Bunning	Crane
Ballenger	Burton	Crockett
Barnard	Bustamante	Dannemeyer
Bartlett	Byron	Darden
Barton	Callahan	Davis
Bates	Campbell (CA)	de la Garza
Beilenson	Campbell (CO)	DeFazio
Bennett	Cardin	DeLay
Bereuter	Carper	Dellums
Bevill	Chandler	Derrick
Bilbray	Clarke	DeWine
Bilirakis	Clay	Dickinson
Bliley	Clement	Dicks
Boehlert	Clinger	Dingell
Dixon	LaFalce	Ravenel
Donnelly	Lagomarsino	Ray
Dornan (CA)	Lancaster	Regula
Douglas	Lantos	Rhodes
Downey	Leach (IA)	Richardson
Dreier	Lehman (CA)	Ridge
Dwyer	Lehman (FL)	Rinaldo
Dyson	Leland	Ritter
Eckart	Lent	Roberts
Edwards (CA)	Levin (MI)	Robinson
Edwards (OK)	Levine (CA)	Roe
Emerson	Lewis (CA)	Rogers
Engel	Lewis (FL)	Rohrabacher
English	Lewis (GA)	Rose
Erdreich	Lightfoot	Rostenkowski
Espy	Lipinski	Roth
Evans	Livingston	Roukema
Fascell	Lloyd	Rowland (CT)
Fazio	Long	Rowland (GA)
Feighan	Lowery (CA)	Roybal
Fields	Lowey (NY)	Russo
Fish	Luken, Thomas	Sabo
Flippo	Lukens, Donald	Saiki
Foglietta	Machtley	Savage
Ford (TN)	Madigan	Saxton
Frank	Manton	Schaefer
Frenzel	Markey	Scheuer
Gallegly	Marlenee	Schiff
Gallo	Martin (IL)	Schneider
Garcia	Martin (NY)	Schroeder
Gaydos	Matsui	Schuette
Gejdenson	Mavroules	Schulze
Gekas	McCloskey	Schumer
Gephardt	McCollum	Sensenbrenner
Gibbons	McCrery	Sharp
Gillmor	McDade	Shaw
Gilman	McDermott	Shays
Gingrich	McEwen	Shumway
Glickman	McHugh	Shuster
Gonzalez	McMillan (NC)	Sikorski
Gordon	McMillen (MD)	Sisisky
Goss	McNulty	Skaggs
Gradison	Meyers	Skeen
Grandy	Mfume	Skelton
Grant	Michel	Slattery
Gray	Miller (CA)	Slaughter (NY)
Green	Miller (OH)	Slaughter (VA)
Guarini	Miller (WA)	Smith (FL)
Gunderson	Mineta	Smith (MS)
Hall (TX)	Moakley	Smith (NE)
Hamilton	Molinari	Smith (NJ)
Hammerschmidt	Mollohan	Smith (TX)
Hancock	Montgomery	Smith (VT)
Hansen	Moody	Smith, Denny (OR)
Harris	Moorhead	
Hastert	Morella	Smith, Robert (NH)
Hatcher	Morrison (CT)	
Hawkins	Morrison (WA)	Smith, Robert (OR)
Hayes (IL)	Mrazek	
Hayes (LA)	Murphy	Snowe
Hefley	Murtha	Solarz
Henry	Nagle	Solomon
Herger	Natcher	Spratt
Hiler	Neal (MA)	Staggers
Hoagland	Nelson	Stangeland
Hochbrueckner	Nielson	Stark
Holloway	Nowak	Stearns
Hopkins	Oakar	Stenholm
Horton	Oberstar	Stokes
Houghton	Obey	Studds
Hubbard	Olin	Sundquist
Huckaby	Ortiz	Swift
Hughes	Owens (NY)	Tallon
Hutto	Oxley	Tanner
Hyde	Packard	Tauke
Inhofe	Pallone	Tauzin
Ireland	Panetta	Thomas (CA)
Jacobs	Parker	Thomas (GA)
James	Parris	Thomas (WY)
Jenkins	Pashayan	Torres
Johnson (CT)	Patterson	Traficant
Johnston	Paxon	Unsoeld
Jones (GA)	Payne (NJ)	Upton
Jones (NC)	Payne (VA)	Valentine
Jontz	Pease	Vander Jagt
Kanjorski	Pelosi	Vento
Kaptur	Penny	Vucanovich
Kasich	Petri	Walgren
Kennedy	Pickett	Walker
Kennelly	Pickle	Walsh
Kildee	Poshard	Watkins
Kleczka	Price	Weber
Kolbe	Pursell	Weiss
Kolter	Quillen	Weldon
Kostmayer	Rahall	Wheat
Kyl	Rangel	Whittaker
Whitten	Wolpe	Young (AK)
Williams	Wyden	Young (FL)
Wise	Wylie	
Wolf	Yatron	

NAYS—34

Bateman	Kastenmeier	Spence
Carr	Laughlin	Stallings
Chapman	Mazzoli	Stump
Dorgan (ND)	McCandless	Synar
Duncan	McCurdy	Traxler
Durbin	McGrath	Udall
Dymally	Myers	Visclosky
Early	Perkins	Volkmer
Ford (MI)	Porter	Waxman
Hertel	Sangmeister	Yates
Hoyer	Sarpalius	
Johnson (SD)	Sawyer	

NOT VOTING—22

Bentley	Frost	Owens (UT)
Berman	Goodling	Smith (IA)
Boucher	Hall (OH)	Torricelli
Bryant	Hefner	Towns
Collins	Hunter	Wilson
Fawell	Leath (TX)	Wright
Flake	Martinez	
Florio	Neal (NC)	

□ 1044

Mr. PORTER changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE EXCHANGE OF CERTAIN FEDERAL PUBLIC LAND IN MADISON COUNTY, IL

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2119) to authorize the exchange of certain Federal public land in Madison County, IL, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 1, strike out lines 4 to 9, and insert:

(a) EXCHANGE OF LAND.—Subject to section 2, at such time as the Blue Tee Corporation conveys all rights, title, and interest in and to the land described in subsection (b)(1) to the United States of America, the Secretary of the Army (hereinafter "Secretary") shall convey all rights, title, and interest in and to the land described in subsection (b)(2) to the Blue Tee Corporation.

Page 3, strike out lines 3 to 11, and insert:

(2) REMOVAL OF IMPROVEMENTS.—The Blue Tee Corporation may remove any improvements on the land described in section 1(b)(1). Furthermore, the Secretary, at his discretion, may require the Blue Tee Corporation to remove any improvements on the land described in section 1(b)(1). In either case, the Blue Tee Corporation shall hold the United States harmless from liability, and the United States shall not incur any cost associated with the removal or relocation of such improvements.

Page 3, after line 18, insert:

SEC. 3. VALUE OF PROPERTIES.

If the appraised fair market value, as determined by the Secretary, of the land conveyed to the Blue Tee Corporation by the Secretary under section 1(a) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the

United States by the Blue Tee Corporation under section 1(a), the Blue Tee Corporation shall pay the difference to the United States.

Mr. ANDERSON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from California?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, and under my reservation, I yield to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. ANDERSON], to explain his request.

Mr. ANDERSON. Mr. Speaker, H.R. 2119 would authorize the United States to convey its interest in a parcel of land in Madison County, IL, to the Blue Tee Corp. in exchange for the conveyance to the United States of the corporation's interest in another parcel of land in that county.

The land owned by the United States was acquired in connection with the construction of the Melvin Price Locks and Dam project on the Mississippi River at Alton, IL. The land will be under water when the pool behind the locks and dam is raised. This is expected to happen in September.

Local interests wish to develop a boating dock and marina in the area, and have determined that the land scheduled to be inundated would be the best location for the boating facilities if its elevation is raised by the placement of fill material.

The bill, as amended by the Senate, provides that if the fair market value, as determined by the Secretary, conveyed to the Blue Tee Corp. exceeds the fair market value of the land to be conveyed to the United States, the Blue Tee Corp. shall pay the difference to the United States.

Enactment of this legislation at an early date is necessary so that the land to be used for boating facilities can be raised prior to its inundation. I urge enactment of the bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Illinois [Mr. COSTELLO], the author of the bill.

Mr. COSTELLO. Mr. Speaker, I thank the ranking minority member of the Committee on Public Works and Transportation, and I thank the chairman of the Committee on Public Works and Transportation. The gentleman from California [Mr. ANDERSON], the chairman of the committee, and the ranking minority member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], have been very supportive of this legislation, which passed the House May 11 with no objection under a unanimous-consent order.

The amendment, as the distinguished chairman of the Committee on Public Works and Transportation stated, calls for no cost to the Federal Government. All costs involved will be handled by the Blue Tee Corp. This is an enormous benefit to the people of my congressional district, and I thank the chairman of the committee and the ranking minority member for their support.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, let me just state that we support the bill in question and we have no objection to the amendments of the Senate.

The bill would allow an exchange of two adjoining parcels of land near the Melvin Price Lock in Alton, IL, and is supported by all parties concerned. The amendments adopted by the Senate are primarily technical in nature and ensure that the exchange would be on terms which fully protect the interests of the United States. The bill, as amended, has our full support on this side of the aisle.

Mr. NOWAK. Mr. Speaker, I rise in support of the bill, H.R. 2119, a bill to authorize an exchange of lands between the United States and the Azcon Scrap Co. of Alton, IL, a subsidiary of Blue Tee Corp.

The parcel of land presently owned by the United States was acquired in connection with the Melvin Price Lock and Dam and will be under water when the pool behind the dam is raised. This land, if elevated to a height above the pool level, would be a desirable site for a boat dock and marina. Local interests wish to develop the land in this manner and are seeking the exchange of lands for the purpose. There is a need for early passage of this legislation so that the parcel now owned by the Government can be filled to the required level before it is inundated by the pool this September.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

AUTHORIZING THE CONVEYANCE OF A PARCEL OF LAND IN WHITNEY LAKE, TX

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 2749) to authorize the conveyance of a parcel of land in Whitney Lake, TX, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

□ 1050

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. ANDERSON] to explain his request.

Mr. ANDERSON. Mr. Speaker, H.R. 2749 would authorize the Secretary of the Army to convey to the city of Whitney, TX, approximately 45 acres of land located at Whitney Lake, TX. This land is needed for the construction of a new wastewater treatment facility, which must be located at this site because of the topography and the location of existing sewage mains. The need for early passage of the necessary authorizing legislation results from the city's impending fines for failure to comply with Federal treatment requirements.

The city must pay fair market value for the land, and the conveyance is subject to the condition that the property be used for the construction of a treatment plant.

Mr. Speaker, I urge passage of this legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, we have reviewed the bill on this side of the aisle and found it to be very meritorious. As Chairman ANDERSON has described, the bill would allow the Corps of Engineers to sell approximately 45 acres of land to the city of Whitney, TX, at fair market value. The land would be used by the city to construct a wastewater treatment facility consisting primarily of an artificially constructed wetland. The wetland would provide a low cost, effective treatment alternative to a small community of 2,000 which is under an EPA enforcement order to expand their currently inadequate wastewater treatment facility.

The EPA and the State of Texas have looked at this technology and are very supportive. The proposal, which has been employed elsewhere in the country with great success, would be the first artificial wetland used for municipal wastewater treatment in the State of Texas. The Corps of Engineers has also reviewed the legislation. Their recommendations have been incorporated into the bill and they have advised us that they have no objection to the sale of this land as provided for in this bill. In closing, let me commend the gentleman from Texas [Mr. BARTON] for his hard work and cooperation in bringing this to the attention of the committee.

Mr. HAMMERSCHMIDT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Texas [Mr. BARTON], the author of the bill.

Mr. BARTON of Texas. Mr. Speaker, I would like to thank the chairman of the Public Works and Transportation Committee, Mr. ANDERSON, and the vice chairman, Mr. HAMMERSCHMIDT, for their diligent efforts in expediting House consideration of H.R. 2749, legislation which will greatly benefit the city of Whitney, TX. The city of Whitney, which is in Hill County, TX, in my congressional district, is caught between a rock and a hard place. They were ordered by the Environmental Protection Agency [EPA] on May 5, 1989, to build a new wastewater treatment facility as soon as possible. The current wastewater treatment plant is adjacent to land which is owned by the U.S. Army Corps of Engineers for flood control on Lake Whitney. The corps originally purchased land right up to the city limits, and up to the boundary of the current wastewater treatment facility. The city needs to build the new facility next to the old one because of the layout of the sewer mains and the gravitational flow. There is no other feasible alternative.

When the city approached the corps about the possibility of selling the land, the city was informed that the corps did not have the authority to do so because by law the corps is allowed to use this land for flood control, water conservation, development of hydroelectric power, and public recreation purposes only. The corps stated in a May 22 letter to me that they also could not lease the land for the same reasons.

This legislation will authorize the Secretary of the Army to sell 45 acres of land currently owned by the Corps of Engineers to the city of Whitney for the purpose of building a new sewage treatment plant. The land is on the highest part of the 100 year flood plain, and it is unlikely that it would ever be needed for flood control.

My bill will result in no outlays of funds, and will actually bring in revenue from the land that is sold. I have received assurance from Col. John Schaufelberger, the commanding district engineer, that he would support this sale if he had authorization to do so. This sale is also supported by the city government of Whitney.

The city has proposed to build a new rock-reed filter type facility, which will be the first of its kind in the State of Texas. Both the city and the EPA are very excited about this proposed facility, as it utilizes a new generation of environmentally compatible technology by combining modern treatment techniques with age-old waste treatment processes found in nature. It is envisioned that this facility will become a model for future waste treatment facilities in Texas and throughout the world. The House Public Works and Transportation Committee has also expressed great interest in this promising new technology as an economically and environmentally sound alternative to standard wastewater treatment facilities in rural areas.

The city could be fined up to $25,000 per day for the condition of their current facility, but have not been to this point. This legislation will eliminate the bureaucratic barrier which is keeping the city of Whitney from complying with Federal environmental law.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, let me commend the gentleman from Texas [Mr. BARTON], for his hard work and his cooperation in bringing this to the attention of the committee.

Mr. NOWAK. Mr. Speaker, I rise in support of the bill H.R. 2749. This bill will authorize the Secretary of the Army to convey land acquired for a Corps of Engineers' flood control project to the city of Whitney, TX. The city needs this particular parcel of land for construction of a wastewater treatment plant. If the plant is not constructed, the city will face large fines for not complying with the requirements of the Federal Water Pollution Control Act.

The interests of the United States are protected through a number of conditions that must be met. The city must pay fair market value for the land. If the land is not used for a treatment plant, title reverts to the United States. Also, the Secretary of the Army may require such other terms and conditions as the Secretary considers appropriate to protect the interest of the United States. Under this requirement, for example, excavation of an area to provide flood control storage to replace that lost to the treatment plant may be required so that there is no reduction in the effectiveness of the flood control project.

Mr. Speaker, I urge passage of the bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, WHITNEY LAKE, TEXAS.

(a) AUTHORITY TO CONVEY.—Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized and encouraged to sell and convey to the city of Whitney, Texas, all right, title, and interest of the United States in and to approximately 45 acres of land located at Whitney Lake, Texas.

(b) CONDITIONS.—(1) In consideration for the sale and conveyance, the city of Whitney shall pay to the United States the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a).

(2) The conveyance authorized by subsection (a) shall be subject to the condition that the property conveyed by the Secretary be used by the city for the purposes of a water treatment plant.

(3) If the property conveyed pursuant to subsection (a) is not used for the purposes described in paragraph (2), all right, title, and interest in and to such property shall revert at no cost to the United States, which shall have the right of immediate entry thereon.

(4) The conveyance authorized by subsection (a) shall be made only if the Secretary determines that the Secretary does not need fee simple title to such real property for the flood control project on Lake Whitney.

(c) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the city of Whitney.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ANDERSON

Mr. ANDERSON. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ANDERSON: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. LAND CONVEYANCE, WHITNEY LAKE, TEXAS.

(a) AUTHORITY TO CONVEY.—Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to sell and convey to the city of Whitney, Texas, all right, title, and interest of the United States in and to approximately 45 acres of land located at Whitney Lake, Texas.

(b) CONDITIONS.—(1) In consideration for the sale and conveyance, the city of Whitney shall pay to the United States the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a).

(2) The conveyance authorized by subsection (a) shall be subject to the condition that the property conveyed by the Secretary be used by the city for the purposes of a wastewater treatment plant.

(3) The conveyance authorized by subsection (a) shall be made only if the Secretary determines that the Secretary does not need fee simple title to such real property for the flood control project on Lake Whitney.

(c) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the city of Whitney.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions (including any limitation relating to the operation of the Lake Whitney flood control project) with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

Mr. HAMMERSCHMIDT (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be consid-

ered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. ANDERSON].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELBERT P. TUTTLE COURT OF APPEALS BUILDING

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 801) to designate the U.S. Court of Appeals Building at 56 Forsyth Street in Atlanta, GA, as the "Elbert P. Tuttle Court of Appeals Building."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I yield to our distinguished chairman, the gentleman from California [Mr. ANDERSON] to explain his request.

Mr. ANDERSON. Mr. Speaker, I thank the gentleman for yielding, and also thank him for his cooperation on this bill.

Mr. Speaker, there are few judges who have had the impact on the law that Judge Tuttle has had and continues to have.

Judge Elbert P. Tuttle, now 92, was born on July 17, 1897, in Pasadena, CA. His family lived in Hawaii from 1906 to 1914. He graduated there from Punahou Academy in 1914. He then attended college at Cornell University, graduating in 1918 with an A.B. degree. He served as a second lieutenant in World War I. After the war, he returned to Cornell and earned his law degree there in 1923.

Judge Tuttle then moved to Atlanta, GA, and went into private practice as a tax lawyer. This legal career was interrupted by World War II. He served as commander of the 304th Field Artillery, 77th Infantry Division and saw action in Guam, Okinawa, Leyte, and Ryukyus. He won several medals for his war service, including the Purple Heart with Oak Leaf Cluster and the Bronze Star. Following the war, he returned to private practice until 1953. From 1953 to 1954, he served as general counsel to the Treasury Department.

President Eisenhower appointed Judge Tuttle to the Fifth Circuit U.S. Court of Appeals in 1954. The fifth circuit then had jurisdiction over appeals from Federal courts in Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, and the Canal Zone.

Judge Tuttle became chief justice of the court in 1961 and served in that capacity until 1967. During his tenure, the court put itself in the forefront of the civil rights movement during a very turbulent time. That this was done by a southern court had a significant positive impact on improving civil rights in the South. This was because it allowed an outsider, the Supreme Court, to affirm southern court decisions that expanded civil rights, instead of the Supreme Court imposing new civil rights decisions on the South.

Judge Tuttle's leadership as chief justice and his opinions have had a significant impact on ending racial discrimination in voting, jury selection, and education. He has also issued decisions that resulted in improvement of education at all levels in the South. The Tuttle court was a leader in the use of injunctions to persuade State and Federal courts to act more expeditiously to provide individuals with their constitutional rights.

Throughout Judge Tuttle's career, both on and off the bench, he has stood for a humane approach to law, one that focuses on the parties involved and the human issues they represent, for Judge Tuttle, the law is the complex embodiment of human attempts to resolve human problems. It is his focus on the human dimensions of a case that explains why in some instances, he believes the law must change. It is also his focus on the human dimensions of a case that explains why cases do not linger in Judge Tuttle's office. His decisions are rendered with care and dispatch. They are clear, logical, and sensitive.

Judge Tuttle retired as chief judge in 1967 when he reached the mandatory retirement age of 70. However, he remained on the court in senior status until 1981. At that time he was assigned to the eleventh circuit, where he continues to serve.

In tribute to Judge Tuttle's important contributions to Georgia, the South, and the Nation, it is appropriate to honor Elbert P. Tuttle by naming the U.S. Court of Appeals Building located at 56 Forsyth Street in Atlanta, GA, as the "Elbert P. Tuttle United States Court of Appeals Building."

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I commend the gentleman from Georgia [Mr. LEWIS] for introducing this legislation which recognizes the contributions of Judge Tuttle to the country.

Mr. Speaker, H.R. 801 would name the court of appeals building in Atlanta, GA, in honor of Judge Elbert P. Tuttle.

Judge Tuttle has had a long and distinguished career serving on the Federal bench, including serving as chief judge of the fifth circuit from 1960 to 1967. During that time, Judge Tuttle became known for his court's decisions and opinions on cases concerning such civil rights issues as voting rights and equal education.

I commend Congressman JOHN LEWIS for introducing this legislation which will recognize the contributions Judge Tuttle has made to this country by designating the Atlanta Court of Appeals Building as the "Elbert P. Tuttle United States Court of Appeals Building."

Mr. Speaker, I yield to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member for yielding, and thank him for helping with the chairman and the subcommittee chairman and the ranking minority member to move this legislation with dispatch.

Mr. Speaker, I rise to urge my colleagues to support H.R. 801, legislation to designate the U.S. Court of Appeals Building at 56 Forsyth Street in Atlanta, GA as the "Elbert P. Tuttle United States Court of Appeals Building." I cannot think of a more fitting tribute to this 92-year-old American hero than to name this building after him. I cannot think of a more fitting tribute to the important work of the Fifth Circuit of the U.S. Court of Appeals than to name this building after him.

Judge Elbert P. Tuttle was key to weaving a new and more durable legal and social fabric for our nation. As Chief Judge of the U.S. Court of Appeals for the Fifth Circuit from 1960 to 1967, Judge Tuttle boldly led the South's Federal appellate court through the most turbulent times of our Nation's history, the Civil Rights Movement.

Most of the major civil and constitutional rights cases—particularly those involving African-Americans—came out of the South. They were decided by the Tuttle court.

Judge Tuttle's decisions were not popular. But, they were right, just, fair and sound. They led to progress—not only in the South, but throughout our Nation . . . not only for African-Americans, but for all Americans. They changed the social and legal landscape of our country. They helped to make our Nation great.

Mr. Speaker, it is not often that we have an opportunity to honor those men and women who have created legacies during their lifetimes. This is one such opportunity.

Judge Tuttle set the course for social change in America in the 60's, in the decades that followed and in many years to come. For that, America shall be forever thankful.

Again, I urge my colleagues to support H.R. 801. Thank you, Mr. Speaker.

Mr. HAMMERSCHMIDT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

H.R. 801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Court of Appeals Building at 56 Forsyth Street in Atlanta, Georgia, shall be known and designated as the "Elbert P. Tuttle Court of Appeals Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the "Elbert P. Tuttle Court of Appeals Building".

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute; Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION.

The United States Court of Appeals Building at 56 Forsyth Street in Atlanta, Georgia, shall be known and designated as the "Elbert P. Tuttle United States Court of Appeals Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the "Elbert P. Tuttle United States Court of Appeals Building".

The SPEAKER. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to designate the United States Court of Appeals Building at 56 Forsyth Street in Atlanta, Georgia, as the 'Elbert P. Tuttle United States Court of Appeals Building'.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2749 and H.R. 801, the two bills just passed, and on the Senate amendments to H.R. 2119 just concurred in.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CORRECTION IN APPOINTMENT OF CONFEREES ON H.R. 1278, FINANCIAL INSTITUTIONS REFORM, RECOVERY AND ENFORCEMENT ACT OF 1989.

The SPEAKER. The Chair, under the authority granted by the House on June 22, 1989, makes the following corrections in the appointment of conferees on H.R. 1278, Financial Institutions Reform, Recovery and Enforcement Act of 1989:

First. For the second panel from the Committee on Banking, Finance, and Urban Affairs, delete section 223 of the House bill from the sections under consideration.

Second. For the first panel from the Committee on Ways and Means, add section 1412 of the Senate amendment as a section for consideration.

Third. For the second panel from the Committee on Ways and Means, delete section 503 of the Senate amendment from the sections under consideration.

The Clerk will notify the Senate of the change in conferees.

TRANSFER OF OBSOLETE DESTROYER U.S. SHIP "EDSON" TO INTREPID SEA-AIR-SPACE MUSEUM IN NEW YORK

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the Senate bill (S. 1184) to allow the obsolete destroyer U.S. ship *Edson* (DD 946) to be transferred to the Intrepid Sea-Air-Space Museum in New York before the expiration of the otherwise applicable 60-day congressional review period, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. SPENCE. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, S. 1184 would waive the 60-day waiting period incident to transfer of the obsolete destroyer *Edson* to the Intrepid Sea-Air-Space Museum in New York City. Navy has no need for the ship and has requested the transfer.

Mr. Speaker, this has been considered in the subcommittee and in the full committee and approved by both.

Mr. SPENCE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clauses (2) and (3) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7308(a) of such title of the obsolete destroyer United States ship Edson (DD 946) to the Intrepid Sea-Air-Space Museum, a nonprofit corporation organized under the laws of the State of New York.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1184, the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2696, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1990

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 187 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 187

Resolved, That during the consideration of the bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 10 through page 16, line 22; beginning on page 17, line 19 through page 20, line 23; beginning on page 21, line 15 through page 22, line 3; beginning on page 27, line 11 through page 32, line 16; beginning on page 34, lines 13 through 24; beginning on page 39, line 4 through page 52, line 3; beginning on page 53, line 1 through page 55, line 9; beginning on page 55, line 20 through page 57, line 6; beginning on page 57, line 15 through page 58, line 2; beginning on page 58, line 6 through page 59, line 24; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6 or rule XXI are hereby waived: beginning on page 2, line 10 through page 15, line 5; beginning on page 17, line 19 through page 20, line 23; beginning on page 21, line 15 through page 22, line 3; beginning on page 28, line 5 through page 32, line 16; beginning on page 34, lines 13 through 24; beginning on page 46, line 10 through page 47, line 15; and beginning on page 49, line 20 through page 50, line 10. It shall be

in order to consider the following amendments printed in the report ot the Committee on Rules accompanying this resolution; (1) the amendment, if offered by Representative Mrazek of New York and (2) the amendment, if offered by Representative Owens of Utah, and all points of order against said amendments for failure to comply with the provisions of clause 7 of rule XVI and with clause 2 of rule XXI are hereby waived; (3) the amendment, if offered by Representative Martin of Illinois, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived; and (4) the amendments, if offered by Representative Roe of New Jersey, or his designee, said amendments may be considered en bloc and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

□ 1100

The SPEAKER pro tempore (Mr. LEWIS of Georgia). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 187 waives points of order against certain provisions of H.R. 2696, the energy and water development appropriations bill for fiscal year 1990. This rule does not provide for the bill's consideration since general appropriation bills are privileged under the rules of the House. The rule also does not contain any provisions relating to time for general debate. Customarily, general debate will be limited by a unanimous-consent request by the floor manager when the bill is considered.

House Resolution 187 waives clause 2, rule XXI against specified provisions in H.R. 2696. This clause prohibits unauthorized appropriations or legislative provisions in general appropriations bills. This rule also waives clause 6 of rule XXI against specified provisions, a clause prohibiting reappropriations or transfers in general appropriations bills.

The provisions for which these waivers are provided are detailed in the rule by reference to page and line in the energy and water appropriations bill. Generally, certain provisions in titles I, II, and III have been granted waivers for clauses 2 and/or 6 of rule XXI, and specific provisions in titles IV and V have been granted waivers against clause 2 of rule XXI.

Finally, Mr. Speaker, this rule makes in order the amendments printed in Report No. 101-115 accompanying this resolution and waives certain points of order against three of these amendments. Provisions against clause 2 of rule XXI, and clause 7 of rule XVI, for germaneness, are waived against amendments to be introduced by Representatives MRAZEK of New York and OWENS of Utah. All points of order against clause 2 of rule XXI are waived for an amendment to be introduced by Representative MARTIN of Illinois. Amendments offered by Representative ROE of New Jersey or his designee may be considered en bloc and are not subject to a demand for a division of the question in the House or in the Committee of the Whole.

Mr. Speaker, H.R. 2696 appropriates $18.5 billion in new budget authority for the Army Corps of Engineers, the Bureau of Reclamation, the Department of Energy, and several independent agencies. Approximately one-half of the appropriations in this bill are allocated to the Department of Energy's defense nuclear programs and another one-fifth is provided for planning, construction, and maintenance of water projects.

H.R. 2696 is an important bill. Some of the programs provided for in this bill are literally vital for our Nation and I commend the appropriations committee for a job well done. I am especially delighted that this bill provides $304 million for the building of new tritium production facilities and provides a substantial increase in funding for the cleanup of our Nation's nuclear materials production complex. It is absolutely essential that we move ahead with these projects; the health, safety, and security of our Nation depend on it.

I believe this rule will allow for expeditious consideration of H.R. 2696. I urge its adoption.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the subcommittee chairman, the gentleman from Alabama [Mr. BEVILL], and the subcommittee ranking Republican, the gentleman from Indiana [Mr. MYERS], for their hard work in putting together this piece of legislation. As we found in the Rules Committee hearing on this bill yesterday, it is not possible to please everyone with the limited resources available. But the gentleman from Alabama and the gentleman from Indiana have done an excellent job in carrying out a difficult assignment.

This is the first of the 13 general appropriation bills to come to the floor in the first session of the 101st Congress. I would like to remind my colleagues that general appropriations bills are privileged on the floor where they are considered in the Committee of the Whole under an open amending process. The reason they come to the Rules Committee is for waivers of points of order. In this case waivers are required because some of the appropriations in the bill have not been authorized, there is legislation on this appropriation, and the bill reappropriates some previously appropriated funds. In addition, the rule provides waivers to protect several amendments which would otherwise be subject to a point of order.

Mr. Speaker, this bill provides funding for important projects across the Nation. The administration has expressed its support for provisions to fund the initial construction of the superconducting super collider. The bill provides funding for items of interest in my own region as well, such as the Tennessee Valley Authority, the Appalachian Regional Commission, and operation and maintenance of Corps of Engineers' projects.

I support this rule so that the House may get down to the business of debating and amending this important legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed out of order for 2 minutes and to revise and extend his remarks.)

CRIME ON CAPITOL HILL

Mr. BURTON of Indiana. Mr. Speaker, I take this 2-minute special to bring to the attention of the body a terrible tragedy that happened just a couple of nights ago. We all think that we are safe on Capitol Hill and that the crime problem we have in Washington, DC, occurs just off the Hill, so we are safe up here.

A couple of days ago, a young lady outside the Hart Building had a gun stuck to her at 8:45 in the morning on the way to work, and was mugged. Four of my colleagues on the other side of the aisle that room together, somebody broke into their apartment and stole a television set half a block from Anton's, just recently. Night before last, one of my staff members was working in her kitchen in the evening, and a fellow broke into her apartment, put a 4-inch knife through her hand, bit her severely several times in a violent struggle. She struggled, fell down a flight of stairs and got a door open and the fellow fled. But he was about to kill her, two blocks from my office at the Cannon Building.

We are not safe on Capitol Hill. It took 30 minutes for the D.C. police to get there, even though an ambulance was there in 3 to 5 minutes. It took several hours before an investigator got there because he was on the other side of the town dealing with other problems. I do not know why they do not have more investigators. Nevertheless, it took several hours. The next morning my staff person, who was injured, found three articles that the assailant left during the struggle. The policeman did not even find that.

The reason I bring this up is because we have a terrible problem here in Washington, DC. There are 1,300 uniformed policemen, I understand, and they are not able to cope with the situ-

ation. Now, if the city of Washington cannot deal with the crime problem, then we are going to have to do something about it, because it is not just the people off the Hill at risk, it is Members and our staff people. It is happening time and again. I submit to members on the Committee on the District of Columbia should deal with this, and if they cannot we as a body should deal with it. If we cannot protect the people in this city, how are we going to protect them across the country? The drug problem and the murder problem is terrible, we all know that. We must come to grips with it.

Mr. Speaker, I thank the gentleman for yielding time to me.

□ 1110

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, with regard to the budget issues involved with this appropriation bill, we have provided a "Dear Colleague" to all Members. There are no Budget Act waivers that are required under this rule, and the prinicipal reason for that is that the bill meets and actually provides additional savings below the targets that were established under the 302 subdivision that was assigned to this subcommittee of the Committee on Appropriations.

Under the 302(b), approximately $18.979 billion in budget authority was provided. The bill contains $18.584 billion in budget authority, which is a savings of $395 million below the 302(b) target.

With regard to outlays, the outlay figure that was in the 302(b) was $17.905 billion. The bill actually reflects an outlay number of $17.867 billion, which is a savings of $38 million. The bill, therefore, is well within the requirements, not only of the budget resolution but of the budget agreement worked out with the White House. For those reasons, there are no budget problems.

This subcommittee, the first subcommittee reporting an appropriations bill to the floor, has, I think, done an outstanding job in meeting the targets that were established under the budget resolution. We congratulate them, and we are pleased to bring the information to the attention of the Members.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, June 26, 1989.

DEAR COLLEAGUE: Attached is a fact sheet on H.R. 2696, Energy and Water Development Appropriations bill for Fiscal Year 1990. This bill is scheduled for floor consideration on Wednesday, June 28, subject to a rule being adopted.

This is the first appropriations bill for fiscal year 1990 and is below the Appropriations Committee 302(b) subdivision for this subcommittee.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

[Fact Sheet]

H.R. 2696, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FISCAL YEAR 1990 (H. REPT. 101-96)

The House Appropriations Committee reported the Energy and Water Development Appropriations bill for fiscal year 1990 on Tuesday, June 20, 1989. This bill is scheduled for floor action on Wednesday, June 28, subject to a rule being adopted.

COMPARISON TO THE 302(b) SUBDIVISION

The bill provides $18,584 million of discretionary budget authority, $395 million less than the appropriations subdivision for this subcommittee. The bill is under the estimated discretionary outlay subdivision by $38 million. A detailed comparison of the bill to the spending and credit subdivisions follows:

COMPARISON TO SPENDING ALLOCATION

[In millions of dollars]

	Energy and water development appropriations bill		Appropriations Committee 302(b) subdivision		Bill over (+)/under (−) 302(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	18,584	17,867	18,979	17,905	−395	−38
Mandatory [1]						
Total	18,584	17,867	18,979	17,905	−395	−38

[1] Conforms to budget resolution estimates of existing law.

Note:—BA, new budget authority; O, estimated outlays.

The direct loan levels in the bill equal the discretionary subdivision for this subcommittee. A detailed comparison follows:

COMPARISON TO CREDIT ALLOCATION

[In millions of dollars]

	Energy and water development appropriations bill		Appropriations Committee 302(b) subdivision		Bill over (+)/under (−) 302(b) subdivision	
	DL	LG	DL	LG	DL	LG
Discretionary	32		32			
Mandatory	32		32			
Total	32		32			

Note:—DL, new direct loan obligations; LG, new loan guarantee commitments.

Pursuant to Section 302(b) of the 1974 Budget Act as amended by P.L 99-177 (Gramm-Rudman-Hollings), the Committees of the House are required to subdivide the spending authority and credit authority allocated to them in the Budget Resolution for Fiscal Year 1990 (shown in H. Rept. 101-50). The Appropriations Committee reported its 302(b) subdivisions on June 21, 1989 (H. Rept 101-97). These subdivisions are the official scorekeeping targets for appropriations subcommittees.

The following are the major program highlights for the Energy and Water Development Appropriations Bill for FY 1990, as reported:

PROGRAM HIGHLIGHTS

[In millions of dollars]

	Budget Authority	New Outlays
Atomic energy defense programs [1]	9,687	6,009
Army Corps of Engineers	3,172	2,172
Bureau of Reclamation	973	797
DOE general science	1,062	752
(Superconducting super collider—SSC)	(200)	(142)
Energy supply R&D	2,115	1,058
Uranium enrichment (gross)	1,445	1,257
Nuclear waste fund (civilian)	450	225
Appalachian Regional Commission [ARC]	110	31
Nuclear Regulatory Commission (gross)	442	332
Tennessee Valley Authority [TVA]	121	30

[1] The atomic energy defense program funds are part of function 050, national defense, and count against the bipartisan budget agreement defense target. The other accounts shown above count against the domestic discretionary target.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I rise in support of this rule and the $200 million provided by the fiscal year 1990 energy and water appropriations bill to begin construction of the superconducting super collider.

The SSC represents an unparalleled opportunity for the United States to lead the way in advancing mankind's knowledge of matter and energy at its most fundamental level. Our Nation has always been at the forefront of scientific discovery, and the SSC offers the prospect of continued leadership in this area.

Of course, while it's difficult to predict now where the SSC will lead us, we do know that past scientific and technological breakthroughs have had enormous impact on our daily lives. Major advances in medicine, agriculture, computers, and lasers have come about because of our Nation's commitment to basic scientific research. It's reasonable to believe that the SSC will also lead to now unforeseen discoveries that will profoundly affect the way we live.

Twenty years ago, man set foot upon the Moon for the first time, realizing the dreams of a generation of Americans dedicated to leading the way in scientific research, exploration, and technical innnovation. Today, we can embark on a new journey with the SSC, continuing the American tradition of exploring new frontiers and making discoveries benefiting our Nation and all mankind.

I urge my colleagues to support the $200 million appropriation for construction of the SSC.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LEWIS of Georgia). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 364, nays 47, not voting 21, as follows:

[Roll No. 114]

YEAS—364

Ackerman	Durbin	Jones (GA)
Akaka	Dwyer	Jones (NC)
Alexander	Dymally	Jontz
Anderson	Dyson	Kanjorski
Andrews	Early	Kaptur
Annunzio	Eckart	Kasich
Anthony	Edwards (CA)	Kastenmeier
Applegate	Emerson	Kennedy
Armey	Engel	Kennelly
Aspin	English	Kildee
AuCoin	Erdreich	Kleczka
Baker	Espy	Kolbe
Barnard	Evans	Kolter
Bartlett	Fascell	Kostmayer
Barton	Fawell	LaFalce
Bateman	Fazio	Lagomarsino
Bates	Feighan	Lancaster
Beilenson	Fields	Lantos
Bennett	Fish	Laughlin
Bereuter	Flippo	Leath (TX)
Bevill	Foglietta	Lehman (CA)
Bilbray	Ford (MI)	Lehman (FL)
Bilirakis	Ford (TN)	Leland
Bliley	Frank	Lent
Boehlert	Frost	Levin (MI)
Boggs	Gallegly	Levine (CA)
Bonior	Gallo	Lewis (CA)
Borski	Garcia	Lewis (FL)
Boucher	Gaydos	Lewis (GA)
Boxer	Gejdenson	Lipinski
Brennan	Gephardt	Lloyd
Brooks	Gibbons	Long
Broomfield	Gillmor	Lowery (CA)
Browder	Gilman	Lowey (NY)
Brown (CA)	Glickman	Luken, Thomas
Brown (CO)	Gonzalez	Lukens, Donald
Bruce	Gordon	Machtley
Bryant	Goss	Madigan
Bustamante	Gradison	Manton
Byron	Grant	Markey
Campbell (CA)	Gray	Martin (IL)
Campbell (CO)	Green	Martin (NY)
Cardin	Guarini	Martinez
Carper	Gunderson	Matsui
Carr	Hall (TX)	Mavroules
Chandler	Hamilton	Mazzoli
Chapman	Hammerschmidt	McCloskey
Clay	Hancock	McCrery
Clement	Hansen	McCurdy
Clinger	Harris	McDade
Coleman (MO)	Hatcher	McDermott
Coleman (TX)	Hawkins	McEwen
Combest	Hayes (IL)	McGrath
Conte	Hayes (LA)	McHugh
Conyers	Henry	McMillan (NC)
Cooper	Herger	McMillen (MD)
Costello	Hertel	McNulty
Coughlin	Hoagland	Meyers
Courter	Hochbrueckner	Mfume
Coyne	Holloway	Michel
Crockett	Horton	Miller (OH)
Darden	Houghton	Miller (WA)
Davis	Hoyer	Mineta
DeFazio	Hubbard	Moakley
DeLay	Huckaby	Molinari
Dellums	Hughes	Mollohan
Derrick	Hutto	Montgomery
Dicks	Inhofe	Moody
Dingell	Ireland	Moorhead
Dixon	James	Morella
Donnelly	Jenkins	Morrison (CT)
Dorgan (ND)	Johnson (CT)	Morrison (WA)
Downey	Johnson (SD)	Mrazek
Murphy	Rose	Stangeland
Murtha	Rostenkowski	Stark
Myers	Roth	Stearns
Nagle	Roukema	Stenholm
Natcher	Rowland (CT)	Stokes
Neal (MA)	Rowland (GA)	Studds
Nelson	Roybal	Sundquist
Nowak	Russo	Swift
Oakar	Sabo	Synar
Oberstar	Saiki	Tallon
Obey	Sangmeister	Tanner
Olin	Sarpalius	Tauke
Ortiz	Savage	Tauzin
Owens (NY)	Sawyer	Thomas (CA)
Owens (UT)	Saxton	Thomas (GA)
Oxley	Schaefer	Thomas (WY)
Packard	Scheuer	Torres
Pallone	Schiff	Torricelli
Panetta	Schneider	Traficant
Parker	Schroeder	Traxler
Parris	Schuette	Udall
Pashayan	Schulze	Unsoeld
Patterson	Schumer	Valentine
Payne (NJ)	Sharp	Vander Jagt
Payne (VA)	Shaw	Vento
Pease	Shays	Visclosky
Pelosi	Shuster	Volkmer
Penny	Sikorski	Walgren
Perkins	Sisisky	Walsh
Pickett	Skaggs	Watkins
Pickle	Skeen	Waxman
Poshard	Skelton	Weiss
Price	Slattery	Weldon
Pursell	Slaughter (NY)	Wheat
Quillen	Smith (FL)	Whittaker
Rahall	Smith (MS)	Whitten
Rangel	Smith (NE)	Williams
Ravenel	Smith (NJ)	Wilson
Ray	Smith (TX)	Wise
Regula	Smith (VT)	Wolf
Rhodes	Smith, Robert (OR)	Wolpe
Richardson	Snowe	Wright
Ridge	Solarz	Wyden
Rinaldo	Solomon	Wylie
Roberts	Spence	Yates
Robinson	Spratt	Yatron
Roe	Staggers	Young (AK)
Rogers	Stallings	Young (FL)
Rohrabacher		

NAYS—47

Archer	Edwards (OK)	Nielson
Ballenger	Frenzel	Paxon
Buechner	Gekas	Petri
Bunning	Grandy	Porter
Burton	Hastert	Ritter
Callahan	Hefley	Sensenbrenner
Coble	Hiler	Shumway
Cox	Hopkins	Smith, Denny (OR)
Craig	Hunter	Smith, Robert (NH)
Crane	Hyde	Stump
Dannemeyer	Kyl	Upton
DeWine	Leach (IA)	Vucanovich
Dickinson	Lightfoot	Walker
Dornan (CA)	Livingston	
Douglas	Marlenee	
Dreier	McCandless	
Duncan	McCollum	

NOT VOTING—21

Atkins	Flake	Johnston
Bentley	Florio	Miller (CA)
Berman	Gingrich	Neal (NC)
Bosco	Goodling	Slaughter (VA)
Clarke	Hall (OH)	Smith (IA)
Collins	Hefner	Towns
de la Garza	Jacobs	Weber

□ 1133

Mr. GRANDY and Mr. COX changed their vote from "yea" to "nay."

Mr. PACKARD changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2696, and that I be permitted to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1990

Mr. BEVILL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Indiana [Mr. MYERS] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama [Mr. BEVILL].

The motion was agreed to.

□ 1136

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2696, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. BEVILL].

PARLIAMENTARY INQUIRY

Mr. HAMMERSCHMIDT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMERSCHMIDT. Mr. Chairman, would this be the proper time to raise a point of order on section 110 and section 112 of the bill?

The CHAIRMAN. It would not be the proper time. The proper time would be when those sections are read under the 5-minute rule.

Mr. BEVILL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring to you today for your favorable consideration the energy and water development appropriation bill for 1990. I am joined in this effort by my colleagues on the Energy and Water Development Subcommittee who have worked long and hard to bring this legislation to the floor. Let me express my special appreciation to our ranking minority member, the gentleman from Indiana [Mr. MYERS]. As in years past, he and I have worked together with the subcommittee without any trace of partisanship to fashion a bill that meets the present and future needs of our entire country. I also want to express my appreciation and thanks to the members of the subcommittee, the gentlelady from Louisiana [Mrs. BOGGS], the gentleman from California [Mr. FAZIO], the gentleman from Oklahoma [Mr. WATKINS], the gentleman from Georgia [Mr. THOMAS], the gentleman from Texas [Mr. CHAPMAN], the gentlelady from Nebraska [Mrs. SMITH], the gentleman from Michigan [Mr. PURSELL]. This is Mr. CHAPMAN'S first year on the subcommittee, and he has proven to be a valuable addition to the subcommittee. I want to also thank Mr. WHITTEN, a member of the subcommittee, and Mr. CONTE for their assistance.

Mr. Chairman, at the outset, I want to point out to Members of the House that this bill is within the section 302(b) allocation for both new budget authority and outlays. The bill is also within the summit agreement for domestic and defense program levels. I caution Members that any amendments offered to increase appropriations for the domestic programs in this bill will put it over our allocation amount as it applies to outlays.

Mr. Chairman, the bill before the committee today would provide $18,527,710,000 in new budget authority to the Army Corps of Engineers, the Bureau of Reclamation, the Department of Energy, and nine independent agencies and commissions. The bill includes $9,687,000,000 for defense activities and $8,840,710,000 for domestic programs. The amount for defense is $300 million greater than the budget request, and the amount for domestic programs is $150,663,000 less than the administration's request.

TITLES I AND II—WATER RESOURCE DEVELOPMENT

Mr. Chairman, the committee is committed to a policy of development of the vital water supply, navigation, flood control, irrigation, and hydroelectric projects that are necessary to the well-being and economic growth of the entire Nation. No part of this country is immune from the problems of water—too little or too much—and all States of the Union must join together to cooperatively foster a truly national water policy which responds to the unique needs of each State and region.

Title I includes $3,172,218,000 for the Corps of Engineers which provides for 546 water resource projects in the planning or construction phases.

Title II includes $976,130,000 for the Bureau of Reclamation which provides for 122 water resources projects in the planning or construction phases.

Titles I and II also provide for studies and projects in the operation and maintenance category. Within the available funds, the subcommittee has attempted to accommodate the most critical needs, within budget constraints, identified through the extensive hearings conducted with administration witnesses, the public, State and local officials, and Members of Congress.

In spite of budget outlay constraints, the committee has provided for new construction starts for both the Corps of Engineers and the Bureau of Reclamation.

TITLE III—DEPARTMENT OF ENERGY

In title III, for the Department of Energy, the recommendation provides a total of $13,835,077,000. In this title, we are recommending $9,677,000,000 for the national security programs, $290 million above the budget request, and $4,158,077,000 for all other energy programs, $274,749,000 below the budget request. The amount recommended for energy research programs maintains a balanced energy research program and a healthy scientific research effort. The recommendations include numerous changes in the request which are summarized in the report. I will mention a few.

In the energy programs of the Department of Energy, several changes are worth mentioning:

For solar and renewable energy programs, we are recommending $94,996,000 compared to the budget request of $71,156,000.

For magnetic fusion, the recommendation provides $280,450,000, a decrease of $68,800,000 below the requested level of $349,250,000. The decrease reflects the severe budget constraints imposed on the committee.

The committee continues to support the program activities included in the nuclear waste disposal fund. The bill includes $450 million, a reduction of $50 million. This reduction does not withdraw support but is a response to severe funding restraints.

For general science and research, the committee recommendation provides a total of $1,062,431,000. The recommendation includes funds to initiate construction of the superconducting super collider. The committee included $200 million for this project, of which $110 million is for construction. This is a $50 million reduction from the budget request, but an increase of $100 million over last year's amount. The administration is pushing hard for this project. While the committee is very supportive of the project because of the new knowledge and understanding that will be brought about by constructing it, construction funding in future years will be a challenge. Hopefully, cost sharing from Texas and from foreign countries will enable this project to move forward.

The recommendation for defense programs of $9,677 million is $1,577 million above the current appropriations and is $290 million above the budget request. The recommended level includes increased funds for defense waste cleanup and is generally consistent with the expected defense authorization bill soon to be brought to the floor.

TITLE IV—INDEPENDENT AGENCIES

Title IV of the bill includes $544,285,000 for nine independent agencies. This is $98,284,000 above last year's level.

We have provided $110 million for the Appalachian Regional Commission; $121 million for the Tennessee Valley Authority; and $1,135,000 for three river basin commissions.

The committee recommendation provides $445 million for the Nuclear Regulatory Commission, an increase of $25 million from last year's level. In addition, the bill includes language which would permit NRC to use up to $146,850,000 in revenues from licensing and other activities to offset part of the appropriations.

The committee recommendation includes three new agencies for 1990. The committee provides $10 million for the Defense Nuclear Facilities Safety Board, $2 million for the Nuclear Waste Technical Review Board, and $2 million for the Office of the Nuclear Waste Negotiator.

GENERAL PROVISIONS

The bill contains the customary general provisions carried in prior years to permit the agencies funded in this bill certain flexibility and to limit other activities.

COMMITTEE REPORT

The report accompanying the bill provides a good explanation of the recommendations reflected in the bill. I would encourage the Members to look through it.

This is a good bill. I recommend its adoption.

□ 1140

Mr. Chairman, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and colleagues and Committee of the Whole today, I join my chairman in, first, endorsing this bill as a very good bill. This one is mean and lean, particularly lean.

□ 1150

I join my chairman in complimenting and thanking the other members of the subcommittee who have done an excellent job spending hours, weeks, and months in listening to witnesses. We have over 12,000 pages of testimony involving about 100 Members of Congress who testified in person. Over half of the Members of this House of Representatives did appear before this subcommittee either in person or in written statements to support certain items. We heard a number of Governors, State legislators, and a great many concerned citizens around the country.

So I do thank the members of the committee for sitting through those hearings, and also the staff who once again did an excellent job. I join my chairman in thanking all of the individuals who contributed to bringing this bill to the floor today.

Back years ago when the chairman and I came to this subcommittee, when this particular bill from this subcommittee was then known as the Public Works Subcommittee on Appropriations, it was frequently called the all-American bill. Some people who were critics of our bill were critical of the "all-American" because they thought that there was something in the bill for every Member of Congress and every area of the country, particularly those Members who said this is pork barrel legislation. I have learned since then what pork barrel really is. Pork barrel is a program or project that does not affect my district.

But this bill does help a great many people. I think it is called all-American because it touches everyone of us. It supports more than 25,000 miles of inland waterways, and the ports of our country, making them navigable so that the products of industry and American agriculture can be exported around the world at competitive prices. The things that make this possible are in the bill.

Then in recent years we have come into a new area of research and development of new sources of energy, things that we take for granted like electric energy. This morning when we woke up to the alarm clock that probably was electric, and go out and open the garage door electronically, had toast, had coffee using electricity, all of these things which most of us in recent years take for granted. But it is because we have research that those things have been created and developed. This committee has had the insight through the years to make many of these things possible. That work continues to be very, very necessary.

So yes, I still think this is the all-American bill. It may not be the largest appropriation bill to come before this House this year, but it does have an impact on every one of us as Members and our constituency back home, regardless of whether they come from one of the most metropolitan areas of the country or they come from one of the most rural areas. The things that we create in this bill and provide for serve our constituencies.

Again, years ago I thought by the time we had been here this many years that we would be able to take care of all of the requests from Members of Congress around the country. Because of the budget impact, however, it has become more difficult through the years for this committee to help the Members of this House who have some very high priorities. So it was necessary for us to hold down some of the spending. I know I have heard some complaints from Members who say we either did not put their program or project in or we cut it too low.

But every appropriation subcommittee will share this year with the tightening down. I certainly support it. It was necessary to cut many of the programs, and even not include some of the very high-priority programs.

But for the first time in the years that I have been on this subcommittee, defense programs within the Department of Energy will have more money provided than the domestic programs. Again, back years ago defense was not part of this bill. But our research into new weapons systems, in new reactors in the Defense Department, and new technology that is provided through the Department of Energy is in this bill. That particular part exceeds our domestic spending for the first time since I have been on this committee. It is the first time ever that this committee has come to the floor with a defense section larger than the domestic.

As has already been stated, we have some waivers in the bill that are necessary. The important thing is to remember we have not waived the Budget Act. We are not over the budget. We are slightly over the President's request. We were over last year. But we have not waived the Budget Act, and that is very important.

But some of the waivers that were necessary are legislative in nature. There are amendments, modifications of programs and projects that have to be made where the authorizing committees have not had the opportunity to pass these amendments. Some that the House has already acted upon and the Senate has not acted upon yet. These legislative refinements are absolutely necessary. If we are to meet our requirements by the rules of this House to come forth with our appropriation bills, I think we are going to hear this same argument from almost every appropriation subcommittee on their bill. That it is not because the Appropriation Committee likes to legislate, but if we are to move forward in a timely fashion. If we are to modify the programs as they are needed to be modified, it is necessary to do it through this route.

So the legislative modifications that are required in this bill are minor in nature. There are no major unauthorized new programs started in this bill.

The administration is uncertain about their support. We have heard from the Office of Management and Budget, as we always have in the years I have been on the committee, about the new starts we have put in. The administration requested 11 new starts in the Corps of Engineers. We have included those 11, and in prioritizing, we have added 19 others that this body decided are very important. There are no very large ones, but we have included 19 plus the administration's 11.

Naturally the administration, both Democrat and Republican, always oppose our new starts. They support their 11. If we were to surrender, however, and say only the administration has the right to decide which new starts, then we might as well not have the Appropriations Committee, or even this body, for that matter. We could call all get a rubber stamp and approve it.

So I do not think the adminstration is going to be opposed to it, but they do question the new starts.

This is good bill and I hope it will get the support of every Member here. There will be a few minor amendments offered today some the committee will support and some we will not be able to support, but it is a good bill. It is the best bill I believe we have ever come to the floor with. It is lean, even more lean than we would like to see it, but it is one that I hope each Member can support.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] has consumed 8 minutes.

Mr. BEVILL. Mr. Chairman, I yield 2½ minutes to our colleague and friend, the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I rise in support of the energy and water appropriations bill, and urge my colleagues to vote for the bill.

This bill provides funding for a wide variety of projects and services that are important to our Nation. I want to mention just one of these that is particularly important to me and to the State of Colorado—funds to cleanup our Nation's nuclear weapons plants.

I am very heartened that the bill provides a significant increase in the Department of Energy's [DOE] waste management and cleanup program. The bill would literally quadruple current-year funding for cleanup activities at DOE nuclear weapons plants. In addition, the bill almost doubles the resources for waste research and development, that is, it doubles the money the Department will have to

find better and cheaper solutions to waste problems at weapons sites.

These increases are absolutely necessary to restoring some credibility to the management of our Nation's weapons complex. I believe strongly that if we do not attack these waste issues aggressively, the future of our entire weapons complex and our nuclear deterrent could be cast into doubt. The truth of the matter is that Americans today will no longer tolerate threats to their safety and health from our nuclear weapons plants in order to ward off the threat posed by Mr. Gorbachev.

I want to commend and thank Chairman BEVILL and his subcommittee for their leadership on this very difficult issue. It was very troubling to me that President Bush's budget recommended we spend more than three times as much on weapons plant modernization as on cleanup in 1990—even though cleanup will cost us more in the long run. Mr. BEVILL's bill does a far better job of balancing our national needs.

People in my State of Colorado understand the importance of this cleanup because of the situation at Rocky Flats. The Department of Energy has called ground water contamination at Rocky Flats the number one potential health hazard at any of its plants nationwide. And there are other potential hazards at the plant—such as plutonium in the soil and poisonous chemicals in old evaporation ponds—that in the near future could become immediate threats to our health in Colorado if cleanup work is not carried out quickly and thoroughly.

Funds in this bill will accelerate cleanup at the Rocky Flats plant, and help the Department meet its cleanup obligations under the agreement it recently signed with the State of Colorado.

At this point, I would greatly appreciate the opportunity to engage the distinguished chairman from Alabama in a colloquy.

As the chairman is aware, the Department of Defense authorization bill being prepared by the Armed Services Committee includes a section that would authorize and earmark funding for the Department of Energy to carry out its responsibilities under the June 16, 1989, agreement it signed with the State of Colorado.

The section would also authorize and earmark funding for the DOE to help the State of Colorado assist those Colorado communities whose water supply is affected by the Rocky Flats plant to ensure the safety of their drinking water. Because of recent events at the Rocky Flats plant, these communities have had to undertake extraordinary water testing and related activities, and this section is to alleviate these extraordinary costs.

As I understand it, Mr. Chairman, nothing in this bill would keep the DOE from using funds in the Defense Waste and Environmental Restoration Program for the purpose of carrying out either of the activities of the section in the DOD authorization bill I have described. I would appreciate the chairman's view on whether this understanding is correct.

Also, the appropriations bill before us today includes an increase of $661 million over current year funding for DOE's Defense Waste and Environmental Restoration Program. Does the chairman agree there are sufficient funds for the activities in the DOD authorization bill I have described?

Mr. BEVILL. If the gentleman will yield, Mr. Chairman, the gentleman from Colorado is correct in his understanding of the bill. DOE would be able to use funds in the Defense Waste and Environmental Restoration Program to carry out the activities he has described. Sufficient funds have been included for these activities.

Mr. SKAGGS. I thank the chairman for engaging in this colloquy with me. And I again want to express the great thanks of the people of Colorado for the chairman's and his committee's leadership in moving aggressively to provide the substantial increase in funding so desperately needed to expedite cleanup at the country's nuclear weapons facilities.

□ 1200

Mr. MYERS of Indiana. Mr. Chairman, I yield 5 minutes to a very valuable member of the subcommittee, the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. I thank the gentleman for yielding.

Mr. Chairman, I will be brief today because I know we are going to have a long evening.

Mr. Chairman, I want to congratulate the gentleman from Alabama [Mr. BEVILL], and the gentleman from Indiana [Mr. MYERS], for an outstanding bill, and I congratulate the staff, working in a very bipartisan spirit for, I think, the best interests of the country.

I put it that way, Mr. Chairman, because I think that we did look at all the projects in the Nation and made decisions that sometimes were unpopular but, I think, correct in the long term.

The programs funded by this legislation represent a major component of this country's science and technology effort. The United States is the world leader in science and in the application of that science to commercial use. To maintain that preeminence, however, the Federal Government must continue to nurture and stimulate knowledge in biomedical research, biotechnology, superconductivity, and other emerging technologies. That is what this legislation and other appropriations bills supporting basic and applied science aim to do.

I commend the committee for the continuing support of the University Research Program in Robotics for Advanced Reactors and University Nuclear Engineering Programs. In fiscal year 1987 the Department of Energy initiated an innovative, long-range program to develop advanced robotic systems capable of performing tasks that are hazardous to humans or more appropriately performed by automated systems. I feel that continued support is justified based upon the significant long-term economic, technical, and human safety benefits.

In order to preserve the Nation's energy options, nuclear engineering must continue to attract a reasonable number of outstanding graduate students. I am glad the committee recommended that moneys be made available for graduate fellowships, direct research support, and educational support programs in the field of nuclear engineering.

I would like to thank the committee for including funding for the superconducting super collider.

The proposed superconducting super collider provides America the opportunity to build a premier research facility and retain preeminence in the world's scientific community.

Like the Apollo Moon landing project, the super collider will inspire and encourage many young people to point their lives toward careers in science and engineering. Those who do meet the challenges of this unprecedented search for scientific knowledge will become our future leaders in universities, industry, and government.

Also, I want to commend the subcommittee for their work with the Corps of Engineers. Of special interest to me, is the St. Lawrence Seaway, the fourth seacoast. There are now serious constraints to efficient use of the St. Lawrence Seaway system. Because the international fleet has undergone profound changes in total capacity, size, character, organization, and cost of transport, modernization of the St. Lawrence Seaway is paramount.

Accordingly, the committee has directed the Secretary of Army to initiate and complete a study to identify alternative financing methods and cost recovery options and potential local sponsors for constructing major navigational improvements.

Again, I commend our subcommittee and staff for the expert job done in writing this bill. I strongly support it and urge my colleagues to vote for it.

Mr. Chairman, I would like to tell you of the superconducting super collider's importance to education and how universities across the country will benefit from this investment in science.

The super collider will be managed and operated by the prestigious Universities Research Association [URA], an organization comprising 73 of our Nation's universities. The Southeastern Universities Research Association [SURA], which has a membership of 39 universities, has endorsed the super collider as an important educational research facility. These groups share my interest in seeing our finest scientists and students conduct advanced scientific research here, instead of overseas.

Over 100 universities eventually could participate in research at the facility. This would inspire our youth to pursue careers in science, engineering, computers, and related fields. Building the super collider will send a strong signal to our children that America believes in and supports education, science, and technology. It will give American students the opportunity to participate in experiments working side by side with some of the world's brightest physicists.

While the super collider promises numerous future benefits to our students, many universities are already conducting research and development on this project. This year, $8 million has been allocated to 28 universities for research and development on the detectors, the heart of the machine which will record the particle collisions. Over $110 million is being spent at 82 universities across the country in fiscal year 1989 to conduct further research in this area of high-energy physics. Such "cutting edge" research is not only educationally valuable, but could help form the foundation for new industries and technologies.

With European countries and the Soviet Union building accelerators that soon will surpass our current facilities, timely construction of the super collider is vital to our maintaining the lead in this important scientific area and in helping keep new American industry and education competitive well into the 21st century. The super collider is a top priority for this administration and I urge your support for construction funding for the superconducting super collider.

Mr. BEVILL. Mr. Chairman, I yield 1 minute to our friend and colleague, the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the committee has strongly supported the flood control project at Salyersville, KY, known as the cut-thru project. As I understand the situation, the gentleman from Alabama did not include actual funding for this project in the fiscal year 1990 bill because the Corps of Engineers has assured the gentleman that they have more than sufficient funds to continue this project during fiscal year 1990, and it is my further understanding that the committee strongly supports this much-needed project and my efforts to get it under construction at the earliest possible date.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Alabama.

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct.

Mr. PERKINS. Mr. Chairman, I thank the gentleman.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky [Mr. ROGERS], another member of the Committee on Appropriations.

Mr. ROGERS. I thank the gentleman for yielding this time.

Mr. Chairman, I take this time to congratulate the chairman of the subcommittee, the gentleman from Alabama [Mr. BEVILL], and the ranking member, the gentleman from Indiana [Mr. MYERS], and all the subcommittee members for an extremely well-crafted bill.

The subcommittee as a whole this year is faced with very tight fiscal restraints, and the bill before the House lives within these very strict parameters, while providing, I think for many of the Nation's needs. This subcommittee has one of the most difficult jobs in the Congress. It has to decide which projects go forward and which ones do not given the very, very limited amount of money allocated for energy and water development in the country.

And these members must act with the wisdom of Solomon, and I believe that this bill is in that spirit.

This is a fiscally responsible bill. It is below the 302(b) allocation in both budget authority and outlays.

At the same time it adequately addresses a number of major areas, including funding for the Appalachian Regional Commission, our extremely serious nuclear production waste problems, initial construction funding for the superconducting super collider, and flood control projects, all of them vital. Flood control projects save lives, save homes, churches, communities, even ways of life. I am very grateful to the subcommittee for including vital flood control work on the Cumberland River in my district and State. This flood-ravaged area in Harlan, Bell, and Knox Counties and other counties even today is drying out from another flood of a couple of weekends ago. This area welcomes this bill, as you can never know.

I want to thank the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] for hearing our pleas on the matter of the recreational area closings.

I want to especially commend the subcommittee for rejecting the proposed closure of our numerous recreational areas managed by the corps across the country. Among the 600 sites proposed for partial or complete closure were several in my district and throughout the State of Kentucky; top-grade camp sites, boat ramps, picnic areas, all of which draw hundreds of thousands of tourists to our areas would have been closed and the investment lost. Neither the State nor local governments could have picked up the tab for these operating expenses.

These closures would have dealt a severe blow to my tourist-dependent State and would have deprived tourists, as well as local residents, of some of the finest recreational opportunities in the country.

This bill provides the funds necessary to operate these recreational areas next year and I thank the subcommittee deeply for its action.

Again, Mr. Chairman, to the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] our deep appreciation for, I think, a good bill.

Mr. BEVILL. Mr. Chairman, I yield 1½ minutes to our good friend and colleague, the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, I would like clarification on one point regarding the maintenance dredging of a recreational harbor which is essential to the economy of the village of Mamaroneck in my district. The harbor in question was scheduled for dredging this year, fiscal year 1989.

Unfortunately, the Army Corps of Engineers was unable to proceed with the dredging because the county, in compliance with the Clean Water Act, is constructing a sewer pipe through the harbor. The construction hindered the Army corps' ability both to accurately assess the work that needed to be done and to begin the dredging. The dredging operation was further confounded by the closing of the usual dump site, in response to a court order. An alternative site was found. However, no dumping was permitted from May 15 through October 1. All of this precluded dredging the harbor during fiscal year 1989.

Mr. Chairman, when a recreational harbor of great economic importance to a town is unable to access dredging funds that had been reserved for their use, but were subsequently reprogrammed when the work couldn't be completed, do you agree that that harbor should receive high priority for reprogramming of funds back into the project the following fiscal year?

Mr. BEVILL. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY of New York. I yield to the gentleman from Alabama, the chairman of the subcommittee.

Mr. BEVILL. I thank the gentlewoman for yielding.

Mr. Chairman, yes, I agree with the gentlewoman from New York. Certainly funds should be made available for projects such as the one she has described.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. MORRISON] with whom we work very closely in this subcommittee.

□ 1210

Mr. MORRISON of Washington. Mr. Chairman, I want to take this opportunity to applaud Chairman BEVILL, my friend JOHN MYERS, the Appropriations Subcommittee on Energy and Water Development and the entire Appropriations Committee for a job well done.

Crafting an appropriations bill is not an easy chore. With limited dollars and a wide range of competing interests, the pressure to piece together something that is acceptable to everyone—or least a sizable majority—is formidable. Chairman BEVILL and his team rise to the occasion annually, and I want to thank them particularly for agreeing to administration-requested funding for the many important programs at the Department of Energy Hanford Reservation.

A centerpiece of the reservation is the fast flux test facility, a multipurpose machine that is DOE's most modern, versatile, and reliable reactor. Full funding for this reactor in fiscal year 1990 is critical to preserving the long-term mission it so desperately deserves: production of the nonweapon isotope plutonium-238 for use in our Nation's space program. DOE has yet to name a site for the Pu-237 mission, but Hanford is considered the frontrunner, and less than the $100.4 million needed to meet full FFTF funding in 1990 would result in technical and personnel problems that would undermine our space and defense future.

In addition, the bill includes funding for a host of other programs and projects of tremendous importance to Hanford and, indeed, the entire Nation. Among them:

Defense waste cleanup;

Tritium target development for the 63-percent complete Washington Public Power Supply System Plant No. 1;

Construction of the Hanford Waste Vitrification Plant;

Contined work on the SP-100 space-reactor program; and

Development of the Environmental Center of Excellence and the Molecular Science Research Center.

The bill also contains funding for several other projects that are important to my central Washington district. They include:

An evaluation of the 21st century requirements for the levees separating the Columbia River from the Tri-Cities;

Continued modernization of the Oroville-Tonasket irrigation system;

Study of water enhancement possibilities in the Yakima River Basin;

Completion of the Columbia Basin project environmental impact statement; and

Implementation of the Lower Snake River fish and wildlife compensation plan.

Mr. BEVILL. Mr. Chairman, I yield 4 minutes to our good friend and colleague, the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I rise in support of H.R. 2696 and I commend Chairman BEVILL and his subcommittee for their work on this bill.

The energy and water development appropriations bill represents to me the essence of why we are here. It provides money for the infrastructure that is necessary to improve and maintain America's quality of life such as the West Memphis flood control target and the Helena Harbor in Arkansas, and such wonderful projects as the committee has in its great wisdom decided to support. It also provides funds for both research and development initiatives that will improve the quality of life for the future.

There are two items in the bill on which I would particularly like to comment.

First of all, I am pleased that the committee has recommended a $4 million increase for biofuels research and development. The Federal Government does not come close to spending what it should on alternative motor fuels research. However, after 8 years of neglect by an administration that just wasn't interested in the subject, it is refreshing to see an increase.

This increase will allow researchers at the Solar Energy Research Institute in Colorado to go forward with efforts to develop a new ethanol production process that could lead to 60-cent-per-gallon ethanol by the turn of the century.

It will also allow scientists at the Oak Ridge National Laboratory in Tennessee to proceed with efforts to develop new, genetically engineered biotech energy crops that, if all goes well, will someday be grown by farmers and foresters in Arkansas and around the Nation as feedstock for that cheap ethanol.

President Bush has set the Nation on the path to cleaner air through clean auto fuels. For consumers to accept and even demand clean fuels, the fuels must be cost-competitive with gasoline; and to realize the full air quality potential of clean fuels, production of ethanol, methanol, and compressed natural gas must be greatly expanded.

To achieve these goals, both industry and Government must make a strong commitment to alternative fuels research and development, and I expect this to occur over the next decade. This year's energy and water appropriations bill marks that first step toward this commitment, but we should also commend Mr. Roger Smith, of General Motors, for his commitment, and Mr. Kenneth T. Derr, chief executive officer and chairman of the board, of Chevron Oil Co., for their commitment to clean air fuels. For the first time in the long 20-year fight for energy independence in industry, the captains of industry have made a commitment to cheaper energy.

The enlightened leadership of Mr. Smith and Mr. Derr will certainly serve as encouragement to those of us who have fought the fight for cleaner fuels, cleaner air, and more secure energy sources.

I welcome them. We need them.

Mr. Chairman, I applaud Admiral Watkins. The Washington Post reported this morning that Admiral Watkins, commenting on the problems at the nuclear weapons production facilities, blasted a "culture" of mismanagement and ineptitude in the DOE.

I would submit that the same sentiments are applicable to the management of the Department's civilian programs in recent years, as evidenced in the lack of an energy policy other than the three words "burn more oil."

Admiral Watkins and his able deputy, our former colleague, Henson Moore, have served notice that the much-heralded "new breeze" is blowing through the Department of Energy. That is a welcome development.

Recently, I was appointed to the U.S. Alternatives Fuels Council, which the Congress created last year in the Alternative Motor Fuels Act to help the administration develop a national alternative fuels policy by 1992.

So far, Senator ROCKEFELLER of West Virginia and I are the only appointees to the Council. The law requires the Secretary of Energy to appoint 16 members from the private sector or State and local government who are knowledgeable about alternative fuels issues.

I realize that Secretary Watkins and Deputy Secretary Moore have been preoccupied with the crisis at the nuclear weapons production plants and other issues. However, I hope they will move rapidly to fill the Council's membership and get it up and running.

I take this opportunity to inform the Department that we are ready to proceed. I look forward with great anticipation to working with the aggressive new management of the Department of Energy to create an alternative fuels policy that will benefit the entire Nation.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of provisions of this bill appropriating funds for construction

of the Ramapo and Mahwah Rivers flood control project in my district in Mahwah, NJ.

I wish to commend the distinguished chairman of the subcommittee, Mr. BEVILL, and the ranking minority member, Mr. MYERS, for approving $330,000 in construction funds for this project in the next fiscal year. As they both know, I have been an ardent supporter of this project. And, while last year the subcommittee was compelled to institute a "no new construction starts" policy for this and other projects, Chairman BEVILL did promise to assist in pursuing construction funds for the Mahwah project in fiscal year 1990. Indeed, today, the subcommittee is keeping that promise and in so doing is helping to spare my district the economic and environmental catastrophe which would inevitably result from another tragic flood.

Mr. Chairman, it must be stressed that this area of the country is environmentally sensitive and extremely prone to flooding. Between 1968 and 1984 alone, the Mahwah area experienced eight devastating floods. The worst flood in November 1977 caused an estimated $4.4 million in damage. The Army Corps of Engineers has estimated that the damage from a new flood would cause—at the very least—as much destruction. I would submit that this would simply overwhelm local businesses and homeowners.

In conclusion, I am sure my colleagues will agree with me that the money appropriated for this project will indeed be well spent. This project has been in the planning stage for approximately 20 years, and, the administration is in full agreement that we must now move to the construction phase. We simply cannot afford to gamble with Mother Nature. We must build this project immediately.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to our friend and colleague, the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I rise in support of H.R. 2696, the Energy and Water Development Fiscal Year 1990 Appropriations Act and to commend Chairman BEVILL and my colleague from Indiana JOHN MYERS, for their fine work on this measure.

The subcommittee conducted extensive hearings on the programs and projects provided for in this legislation. The record of the hearings are contained in 8 volumes totaling over 12,000 pages. In addition to over 100 Members of Congress, the subcommittee heard testimony from numerous outside witnesses, officials from the executive branch, several Governors and other State and local governmental officials. Clearly, an exhaustive effort was conducted to consider all viewpoints. For this, subcommittee members and staff deserve our commendation.

This body is continually confronted with the challenge of providing for vital programs and services in an era of fiscal austerity and frugality. The legislation we now consider demonstrates that such a balance is possible. In fact, the committee approved budget outlay for fiscal year 1990 is $25 million less that the final budget outlay figure for fiscal year 1989 signed into law last year. Furthermore, this legislation is $395 million less than the target set by the Appropriations Committee for discretionary budget authority pursuant to the fiscal year 1990 resolution and $18 million less than the outlay target.

In meeting this year's targets, the subcommittee has intelligently provided for important public works projects that will benefit the communities and States in which they are located. This bill contains $4.2 billion for planning, construction and maintenance of water resource development projects. These projects will provide for stable supplies of water at lower costs than would be incurred under alternative arrangements. Included projects will also lower the input costs of industrial production and encouraging large-scale cost industrial production.

Another feature of this legislation concerns flood control project. Our Nation's first line of defense against flooding is the Army Corps of Engineers' program of flood control and prevention. The effectiveness of this program was demonstrated during the flood seasons in fiscal years 1983 and 1984 when corps' projects prevented $40 billion in damages. I am particularly sensitive to this issue because the district I represent recently experienced extremely heavy rains in a very short period of time. As a result, there was flooding that directly resulted in the loss of a life and millions of dollars in estimated damage to homes, businesses, and roads. I am pleased that the subcommittee has tried to meet this serious responsibility.

The flood situation previously cited in my district will be addressed by $2.4 million for initial construction for the Little Calumet River flood control project which the subcommittee has included in this measure. When completed, this project will provide comprehensive flood control for northwest Indiana, improve the quality of life for residents and open new land for economic development. Additionally, the subcommittee granted my request for a restoration project at Lake George in Hobard. Originally authorized in the 99th Congress, this important project had not been funded. With this appropriation, the Army corps may begin the initial phase of the restoration process required to remove silt and other sediments from the watershed.

In conclusion, I urge my colleagues to join me in support of H.R. 2696.

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Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I rise in support of the fiscal year 1990 energy and water appropriation. The chairman of the committee, Mr. BEVILL, and the ranking member, Mr. MYERS, have done an outstanding job of bringing this bill, the first appropriations bill, to the floor.

The subcommittee has done an excellent job of assuring that extremely important ongoing public works projects will continue. In addition, within tough fiscal and time constraints, the committee was able to include funding for 32 new projects starts.

I thank the chairman and ranking member of the committee, and Dave Zook of the committee staff for their excellent work, and I urge passage of H.R. 2696.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I appreciate the gentleman yielding me this time.

Mr. Chairman, in December 1987 the Nuclear Waste Policy Act of 1982 was amended by House and Senate conferees to the budget reconciliation bill, which was signed into law. The law specifically designates Yucca Mountain in Nevada to be the only site to be studied for the high level nuclear waste repository. In accordance with the act, the nuclear waste disposal fund was established to license, construct, and operate the repository.

I would like to quote from the Appropriations Committee report on the energy and water development appropriations bill. In the section on the nuclear waste disposal fund, the report states:

> The committee directs the department [of energy] to submit a report within 60 days of enactment of this bill which describes in detail how the department plans to respond to the committees concerns dealing with endemic schedule slips, problems in management structure, and lack of integrated contractor efforts.

These concerns are only a few of the concerns I have had with the entire site characterization process from the beginning. I can only hope that the committee's recognition and expression of concerns is at least a realization on the part of my colleagues that, at the very least, the process bears close scrutiny to ensure public safety. I further hope that the report language is an indication that site characterization will be an objective and scientific process. I remain adamantly opposed to the designation of Yucca Mountain and will continue to work for a proper designation procedure.

I do wish to extend my thanks to the Appropriations Committee, especially Chairman BEVILL and Chairman

MYERS, for the inclusion of funding for the Office of Nuclear Waste negotiator and the Nuclear Waste Technical Review Board. These are two provisions whose inclusion enhance the openness and scientific credibility of site characterization. My main goal in the nulcear waste program has been—and will continue to be—that the repository be located in the safest place possible.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to my good friend and colleague, the gentleman from Texas [Mr. CHAPMAN], a member of the subcommittee.

Mr. CHAPMAN. Mr. Chairman, I would like to take this opportunity to commend the Committee on Appropriations on accomplishing in its bill today something that we have worked for, for over 35 years to accomplish back in my home district in Texas.

In Texas there is a project called the Coopers Lake and Channels project. It was authorized in Congress in 1955. That project has met delay after delay. In fact, initially funds to initiate construction of that badly needed water resource and flood control project were appropriated in 1958, but a court injunction and other things stopped the project and the project lay in Federal court for over 15 years. After lengthy delays, with critical needs, after communities were rationing water and having to truck water in, after tens of thousands of acres were lost to floods in the Sulphur River Basin, we were finally in 1986 able to get the project out of court and resume construction.

This year the Subcommittee on Energy and Water and the full Committee on Appropriations have funded the President's request of $31 million, which will be the largest appropriation ever for the project and which will complete most of the dam embankment.

A part of this project also involves recreation facilities, facilities that were in 1955 authorized at full Federal expense, not just to construct the recreation facilities but to operate and maintain them as well.

The committee bill today enhances those recreation facilities within the project's budget and is going to allow the construction of recreation facilities as originally authorized and as has been approved by OMB. I understand that there may be some attempt today on this project and perhaps others to subject it to cost sharing, and I would urge the Members of the House to consider not only the law and the authorization but the equities of the project that is over 35 years old, a project which, without any additional cost, we can fund, a project which the State of Texas has now agreed it will operate in all facilities of recreation, an agreement the State made which under the authorization it did not have to make.

I would just like to commend the committee for righting an injustice that had been done before in funding this project and in providing the people in my congressional district and all of northeast Texas a water resource and flood control project that has been a dream for a generation.

Mr. Chairman, I commend the chairman of the subcommittee, the gentleman from Alabama [Mr. BEVILL] and the ranking minority member, the gentleman from Indiana [Mr. MYERS]. I thank them for their leadership in this effort and say that the people in my congressional district and in fact 38 counties of Texas thank them and will thank this House for this vital boost for this much needed project.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. NIELSON], with whom we have worked very closely in this committee.

Mr. NIELSON of Utah. Mr. Chairman, I would like to commend the chairman of the subcommittee and the ranking minority member of the subcommittee for a very fine bill. They have been very fair with their work with the Central Utah projects.

We do have a problem on the appropriation as far as section 8 is concerned, because there are two specific aspects in the authorization bill passed in the last Congress which apparently are in conflict with each other. The gentleman from Utah [Mr. OWENS] is going to attempt to change that at this time. I would vigorously oppose his amendment, and I will do so in more detail later, because what we have done there is to say that we want to transfer land from the Bureau of Reclamation to the Forest Service for better management. The sportsmen, the Forest Service, the Bureau of Reclamation, the Fish and Wildlife Commission of the State of Utah and the Strawberry Water users have come to an agreement after months of negotiation. That agreement was incorporated into the bill of the gentleman from Utah [Mr. OWENS] last year. It was deleted in the Interior Committee, but it was added back in the Senate. When the Senate added that amendment back, both the gentleman from California [Mr. MILLER] chairman of the subcommittee, and the gentleman from Utah [Mr. OWENS] praised the amendment and asked for its favorable consideration, as did I. It did pass as part of the bill. The Appropriations Committee has not said how they want the $28 million they have appropriated for section 8 divided as between the projects. The total of the project authorization was $34 million, so the appropriation is $6 million less than the authorization. If we follow the law, the first $15 million should go to make this transfer which has been standing for a long time, and then we would have to cut back on some of the other requests, and gentleman from Utah [Mr. OWENS] does not want to do that.

That is the gist of the concern. We will discuss it in more detail. The Appropriations Committee has done a good job. I wish they could have gone with the full $34 million so we would not have this internal fight over the priority of projects.

I might add just one thing. The bill which made the transfer was passed in 1986 unanimously in the House on the consent calendar, in fact. It has been simmering for several years.

Mr. Chairman, if we want good management of the lands, then we need to defeat the Owens amendment.

Mr. BEVILL. Mr. Chairman, I yield one minute to our good friend and colleague, the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL of Colorado. Mr. Chairman, I would like to thank my good friend, the chairman of the subcommittee, the gentleman from Alabama [Mr. BEVILL], and the ranking minority member, the gentleman from Indiana [Mr. MYERS], as well as the rest of the subcommittee for being sensitive to the water needs of the West. We appreciate having friends who share our concern about funding important water projects.

The Bureau of Reclamation play a vital role in the economic development of communities within my congressional district. I would like the record to reflect my support for the additional Bureau of Reclamation funds contained in the bill for a variety of projects the administration did not want to begin to construct next year, including the Animas-La Plata project.

The subcommittee's work is especially commendable in light of the fact that the Bureau's expenditures will be less than last year.

The members of the subcommittee are to be congratulated for wisely funding programs, while still being mindful of the budget deficit. The people of western Colorado appreciate them, and their past visits to our State.

The bill reflects the Congress' commitment to responsible water resource development and use. Water is the lifeblood of the West and without the understanding of the subcommittee, our culture and economy would be vastly different, and I believe far less prosperous.

Their interest and their always-open door make it a pleasure to work with them, and I urge my colleagues to support the bill.

The CHAIRMAN. The Chair wishes to announce that the gentleman from Alabama [Mr. BEVILL] has 4 minutes remaining and the gentleman from In-

diana [Mr. MYERS] has 10 minutes remaining.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. RHODES], whose father, when I came to this committee, was the ranking member of this subcommittee and a very important Member of the House.

Mr. RHODES. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to join the rest of my colleagues in commending the chairman of the subcommittee, the gentleman from Alabama [Mr. BEVILL], and the ranking minority member, the gentleman from Indiana [Mr. MYERS], for the work they have done on this entire bill.

I would add to that on behalf of the people of Arizona our heartfelt thanks to the gentleman from Alabama and the gentleman from Indiana for their continuing support of the central Arizona project.

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Mr. Chairman, not only is the central Arizona project a priority for the people of Arizona, but it is a priority project to the Bureau of Reclamation, and the members of the subcommittee have recognized the necessity of pushing this project forward to completion, and because of this support and because of this assistance I am proud and pleased to report to my colleagues that we actually are approaching the day when we can see water at the end of the ditch, although I hesitate to call this engineering miracle a ditch. Anything that costs this much deserves the name "aqueduct" rather than "ditch."

Mr. Chairman, we all do sincerely appreciate what this subcommittee has done and the dedication to this project that the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL] have shown over the years, and we just want to say to them how much we do appreciate it and thank all of them very much for all their help.

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the ranking Republican member of the Committee on Appropriations, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, once again, the energy and water bill is the first horse out of the gate, and I congratulate the subcommittee for completing its work so promptly. My good friend, the distinguished gentleman from Alabama, Chairman BEVILL, has done an outstanding job, as always. The ranking member, the Honorable JOHN MYERS, has done his usual job of discharging his duties with distinction, wisdom, and dignity.

Every year, the work of our Appropriations subcommittees becomes more and more like an episode of television's "Mission Impossible." As we watch entitlements eat up a larger share of the Federal budget; as we watch the interest on the national debt consume a growing amount of taxpayer dollars; and as we continue to operate without relief in the form of new revenues, it becomes harder and harder for our subcommittees to provide enough funds just to achieve current services levels; it becomes nearly impossible to embark upon bold new initiatives.

This is the backdrop against which our subcommittees must labor. The Subcommittee on Energy and Water Development is to be commended for bearing its pain gracefully and for completing its job under very confining circumstances. The subcommittee has had to make some very difficult choices. It has been unable to say "yes" to all 100 Members of Congress who testified before the subcommittee and to the 100 more who submitted written requests.

But on balance, I believe that the Subcommittee on Energy and Water Development has done its job well. The subcommittee has provided funding for priority projects, while spreading out the pain of necessary cuts as evenly as possible. The overall recommendations for the Corps of Engineers, the Bureau of Reclamation, and several independent agencies are less than last year's appropriation. A number of programs within the Department of Energy have also heard the budget ax fall.

The bill does contain $18.5 billion in new budget authority, nearly $2 billion more than last year's bill. A $1.6 billion increase in the atomic energy defense activities of the Department of Energy accounts for most of this increase. At $9.7 billion, appropriations for these defense activities represent more than half of the new spending in the bill. Budget authority and outlays are both under the 302(b) allocations in force for fiscal year 1990.

The bill makes some important progress on issues of vital national concern. The appropriation for solar and renewable energy programs, for example, is $95 million, compared with a budget request of $71 million. I applaud the subcommittee's leadership in exploring clean alternative energy supplies to reduce our reliance on foreign oil, which now represents over 40 percent of our national energy consumption.

The bill also restores operation and maintenance funding for the Corps of Engineers so that hundreds and hundreds of recreational facilities and harbors across the country will not have to face closure in fiscal year 1990.

The bill includes construction funds for the superconducting super collider, funds for the cleanup of our nuclear weapons production complex and funds for a host of other critical national activities.

Once again, Mr. Chairman, I would like to commend my colleagues on the subcommittee for their fine work on this bill. I urge my colleagues in the House to support H.R. 2696.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. BUECHNER].

Mr. BUECHNER. Mr. Chairman, I would like to engage in a colloquy with the chairman.

Mr. Chairman, Public Law 97-128, authorized the lower Meramec flood damage prevention project which will protect the city of Valley Park, MO, from annual flooding through the construction of a 3-mile-long levee providing a 100-year protection. The project has progressed through the planning and design stages and is currently ready to begin construction. Although the city of Valley Park has financing in place to provide its local cost share for construction, operation, and maintenance, funding has not been forthcoming to begin this very badly needed project.

The distinguished majority leader and I have spent a great deal of time reviewing the site and discussing the Valley Park flood control project with local officials. Based on our review, we would like to stress how very badly this project is needed. Since 1945, about half a dozen major floods have inundated substantial parts of Valley Park. Although one of the worst occurred in 1982 when a flood caused between $25 million to $30 million in physical damage, Valley Park spends between $2.5 million and $3 million annually in flood damage. In fact, a recent flood closed area schools, from grades 1 to 12, for over 4 months.

As you can imagine Mr. Chairman, the constant flooding has caused a severe financial hardship for Valley Park, and its economic outlook will not improve until a flood control project is built. I understand that your budget is very limited, but this project meets the administration's cost/benefit criteria and is being pushed strongly by Senators DANFORTH and BOND. Accordingly, any assistance that can be provided in the conference with the other body in securing the needed funds for this project would be greatly appreciated by the Missouri delegation and most importantly, the citizens of Valley Park.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. BUECHNER. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I thank the gentleman from Missouri [Mr. BUECHNER] for yielding.

Mr. Chairman, I certainly agree with the gentleman from Missouri that this flood control project is very badly needed, and I will make every effort to

obtain the needed funding in conference, if the Senate adds it.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Chairman, I thank the gentleman from Indiana [Mr. MYERS] for giving me the short time here to rise in support of H.R. 2696 and commend its sponsors for taking an important step down the long, difficult, and expensive trail toward environmental restoration at our Federal facilities.

As a member of the Energy and Commerce Committee, I understand the magnitude of the problem. Estimates of the cost of cleaning up our Federal facilities range from $50 to $150 billion. Taking our strict fiscal constraints into account, it is easy to see that cleaning up these sites is a challenge of monumental proportion.

But it is challenge which we must undertake. Within our weapons complex there are currently more than 3,000 waste sites—many of which are significantly contaminated. Included in this list is the Rocky Flats Plant just outside my district, which DOE rated as the "unit of most concern from a potential public hazard perspective." From my constituents' standpoint, a "we'll get to it" approach to cleanup just isn't good enough.

That's why I am pleased that the bill before us today recognizes the inadequacy of our current commitment to environmental restoration. H.R. 2696 not only increases the funding level for this purpose, but exceeds last year's appropriation by nearly 300 percent. Compared to the scope of the problem, it still isn't enough. But passage of this bill will demonstrate that our promises to improve the environment were a good deal more than empty campaign rhetoric.

Mr. Chairman, while I am at it, I will mention another piece of legislation that is closely going to come to this floor, H.R. 1056, that was drafted by the gentleman from Ohio [Mr. ECKART], my colleague, that I had the privilege of working with, and that bill is finally going to treat Federal facilities, insofar as compliance and cleanup, the same as private facilities, and it is a companion piece of legislation.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I rise today in strong support of H.R. 2696, the energy and water appropriations bill for fiscal year 1990.

Mr. Chairman, I want to commend the gentleman from Alabama [Mr. BEVILL], the chairman, for his leadership. I want to commend the gentleman from Indiana [Mr. MYERS], the ranking Republican, for his fine leadership.

Mr. Chairman, I specifically want to point out that this meets the section 302(b) requirement of Gramm-Rudman, as the gentleman from California [Mr. PANETTA], the budget chairman, pointed out in the opening remarks. No budget waivers are requested for this bill. That is a tremendous accomplishment.

Mr. Chairman, I also want to commend the committee for including funding for the superconductor super collider project, a high energy physics research project, that will be located in my congressional district. This project has been researched since 1981. The bill does include a construction commitment of $110 million this year. I will point out that every committee that has had jurisdiction over the SSC in the years it has been under consideration has voted yes to support it, including last year when the full House voted to authorize the funding.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong support of H.R. 2696, the energy and water appropriations bill for fiscal year 1990, and to thank the chairman TOM BEVILL and the ranking member JOHN MYERS and VIC FAZIO for their diligence and consideration in putting together a balanced and well-crafted bill within the limits set by the Budget Committee and the administration. We have come to expect first-rate work from this committee, and that is a tribute to the chairman and ranking member as well as to the other members of the committee and to the staff, once again, the energy and water appropriation is the first appropriations bill to reach the floor of the House, even though it must deal with difficult and contentious issues, the committee has done an admirable job of balancing the need to maintain our Nation's infrastructure of waterways, harbors, and other public works projects against the competing necessity of staying within the budget, and I urge that the bill be supported by my colleagues on the floor.

In particular, I want to thank the committee for funding important and necessary projects in the 19th Congressional District of California, for example, Freeman diversion project harbor dredging, coast protection, stream protection, many of which have proven their value and worth over the years. I also commend the committee for resisting the arbitrary and damaging proposal to limit dredging of smaller harbors. These harbors may not handle vast amounts of commercial cargo, but in many cases, such as in Ventura and Santa Barbara Counties, they provide essential services for the Coast Guard, National Park Service, and other Federal agencies as well as being harbors of refuge for smaller craft and sheltering commercial fishing fleets and oilspill cleanup craft.

In conclusion, Mr. Chairman, I think this is an important bill, a necessary bill, and I thank the committee for its work and urge my colleagues to support it.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of H.R. 2696, the Energy and Water Appropriation Act for fiscal year 1990.

I want to thank the chairman, the committee, TOM BEVILL, JOHN MYERS, ranking Republicans and as well as Mr. FAZIO from California for their hard work and fairness. I would also like to address one particular part of the bill that is of utmost importance for the citizens that live in southern California.

This bill finally provides for the funding necessary to begin construction of the Santa Ana mainstream project which effects millions of people in southern Los Angeles and Orange County.

The lives of over 3 million people are at risk everyday in Orange County, CA. The Santa Ana River is a disaster waiting to happen. In fact, the Army Corps of Engineers has described the river as the most serious flood threat west of the Mississippi River.

When the flood does come, and we know that it will, the direct economic loss to the community is estimated at between $12 and $18 billion. Clearly the economic effects would be felt not only in Orange County or California, but by the Nation as well.

The loss of life would run into the thousands. H.R. 2696, at last, puts us to work preventing this tragedy before it happens.

Once again, I thank the chairman and I urge my colleagues to support this measure.

Mr. BRYANT. Mr. Chairman, America's predominant role in the world scientific community is threatened.

As American science is threatened, so is American industry and technology, American jobs and workers, American teachers and students, American families and children—in short, the future of our country.

The superconducting super collider—the SSC—is an example of how to keep America first. It can be, should be, and, I believe, will be the showcase project of our Nation's science program.

Today, Japan and many other nations are buying up America's productive assets—our farms, banks, factories, businesses, buildings, and even Government securities—at a record pace. Foreign investment here has tripled to more than $1.7 trillion in just 7 years.

At the same time, American industry and technology are threatened by foreign imports in a wide range of fields. Our trade deficit has skyrocketed to over $170 billion.

To address these vexing problems requires commitment to our future today. The SSC offers us that opportunity.

Doctors and scientists expect important medical and technological spinoffs from the project. Educational leaders foresee large gains in high-energy physics research and renewed student interest in the field as SSC benefits.

Building the collider will help preserve America's technological lead in these areas.

Presently, two overseas accelerators with capacities greater than America's current largest, Fermilab, are in the planning stages—one in the Soviet Union and one in Switzerland. SSC would be stronger than both. Should the Soviets or Europeans build their accelerators and the United States decide not to build the SSC, the United States will lose many of the world's top scientists.

In addition to this "brain drain," America's high technology industries would lose the lead to foreign competitors in yet another field, and benefits of any spinoff technologies would be lost to the Soviets and Europeans.

We have already received so much from SSC research—gains in x-ray and CAT scan technologies, improved satellite communications, and enhanced computer capabilities.

And the promise for this project is limitless. The next cancer treatment, for example, may well be within our grasp with the assistance of the SSC and other research tools.

In other words, it would be a false economy to sacrifice our commitment in Government or in private business to research and development and high technology. If we fail to put America first in those areas, we will fall behind in trade and economic prosperity and national security.

To disapprove funding for the SSC today would be to trample on the American spirit of competitiveness and ingenuity.

I don't believe that scenario is one that Members of either party, from any region, or of any background would care to see played out.

It only takes a little common sense to help put America first. Let's make a commitment to America's future today.

Mr. RAHALL. Mr. Chairman, I am in strong support of H.R. 2696, energy and water development appropriations for fiscal year 1990. Of great importance to my home State of West Virginia is funding contained in the bill for the Appalachian Regional Commission and for the Army Corps of Engineers water development projects.

H.R. 2696 appropriates $110 million for the Appalachian Regional Commission, a program that has been, and continues to be, of critical importance to West Virginia and other areas of Appalachia. While I am disappointed that the appropriation is not closer to the level contained in legislation I have introduced, H.R. 1166, which reauthorizes the Commission at $185 million per year for 5 years, I am encouraged that the amount is slightly up from last year's level.

There is no question in my mind as to the importance of maintaining the ARC at an adequate funding level. Since 1965, this program has had an enormous, positive impact on Appalachia, and I believe that the continuation of the Commission is crucial to the economic revitalization of this region. While much has been accomplished in the region with the assistance of the ARC, much remains to be done. Many in Appalachia continue to struggle against lingering poverty and high unemployment. The high school dropout rate remains unacceptably high, and many of the area's unemployed are functionally illiterate. There are grave shortages of health care services and the infant mortality rate is frightening, especially in rural areas such as those in southern West Virginia.

Additionally, the Appalachian corridor system, a network of approximately 3,000 miles of roads throughout Appalachia, is at present only two-thirds complete. It is unfortunate that at current funding levels completion of the entire system will not be accomplished until at least the year 2065, especially as the system has been designated as a Federal priority for 25 years. I will continue to work toward enactment of legislation which I have introduced, H.R. 1167, which will ensure that these roads are finished up by the year 2000. As we all know, a decent network of roads is crucial to the economic development of an area, and this holds especially true for Appalachia.

One only has to travel in my home State of West Virginia to realize the importance of the timely completion of these highways. Corridor G, which runs from Charleston to the state line at Williamson, will eventually be 80 miles in length. Two segments of the road, totaling 19 miles, remain incomplete and at current levels of funding will not be finished for another 25 years. These two segments are needed to link Corridor G with Logan and Williamson, two vital communities in the southern part of the State.

Also of importance to West Virginia is the water development funding contained in H.R. 2696 which, among other things, will help to modernize the antiquated waterways which are so vital to the shipment of West Virginia's coal. The bill provides $78.9 million for continued construction of new locks at Gallipolis on the Ohio River about 30 miles upstream from Huntington, WV. The original locks and dam were completed in 1937 and are badly deteriorated and in urgent need of replacement. It is my understanding that the early construction work at Gallipolis is going well; the funds contained in this bill are needed to continue this job.

Also appropriated in the bill is $20.8 million for construction at Winfield Lock and Dam on the Kanawha River. I sponsored this much needed project in the Public Works and Transportation Committee's authorizing legislation to provide for more efficient movement of metallurgical coal from southern West Virginia to markets throughout the Nation. The original structure at Winfield was completed in the mid-1930's and now handles more than five times its original freight. Obviously the modernization of this facility is long overdue and much needed.

Also of significance to southern West Virginia is the $56 million included in the bill for flood control projects on the Levisa and Tug Forks and upper Cumberland River. These projects, such as the floodwalls at Williamson and the flood proofing of homes in that area, are crucial to the future well being of the Tug Valley communities that have been ravaged time and again by severe flooding.

H.R. 2696 contains $250,000 for a waterfront development study on the West Virginia side of the Ohio River. This study was authorized in a resolution which I, with the help of my good friend ALAN MOLLOHAN, introduced in the Public Works and Transportation Committee last Congress. The resolution, which was approved by the committee, directs the Corps of Engineers to implement a study which is to include consideration of the needs and opportunities for enhancing the urban waterfront areas of communities along the Ohio River, as well as flooding and other water resource problems of the area. Special consideration is to be given to improving existing local flood control projects, drought management plans, general recreation, fishing, boating, fish and wildlife enhancement, and preservation and interpretation of archeological, historical and cultural resources. The findings of the study would be used to enhance environmental and economic resource development in the urban river areas, as well as to increase the use and enjoyment of them.

Another area of funding in H.R. 2696 covers the operation and maintenance of existing Corps of Engineers projects throughout West Virginia. Included is funding for operation and maintenance at the following areas:

Beech Fork Lake	$632,000
Bluestone Lake	1,043,000
Burnsville Lake	1,124,000
East Lynn Lake	999,000
Elkins	12,000
Kanawha River Locks and Dams	7,765,000
R.D. Bailey Lake	1,364,000
Stonewall Jackson Lake	682,000
Summersville Lake	1,063,000
Sutton Lake	1,269,000
Tygart Lake	641,000

Again, I strongly support H.R. 2696 and urge my colleagues to support its adoption.

Mr. DORGAN of North Dakota, Mr. Chairman, I rise in support of H.R. 2696, the energy and water appropriations bill for fiscal year 1990. The bill makes numerous investments in water development for rural America and also provides funding for critical energy projects and the cleanup and management of nuclear wastes at weapons facilities.

May I first commend the chairman, Mr. BEVILL, and the ranking member, Mr. MYERS, for their unstinting efforts and leadership in bringing a carefully crafted bill to the floor. As usual, they and their fine staffs, have been presented with a series of perplexing choices. The administration wanted to make nuclear waste management a higher priority but did not request adequate resources to do the job. The administration championed work on the superconducting super collider high energy physics project, but failed to meet its commitment to North Dakota, Nebraska, Colorado, and other States to proceed with critical water development projects.

The subcommittee has confronted these and many other tough choices and drafted a bill which should enjoy the wide support of my colleagues. I would like to illustrate why I believe this to be the case with respect to several critical projects.

BROKEN PROMISES TO NORTH DAKOTA

About 40 years ago, the people of North Dakota agreed to accept a massive flood control project in the State in exchange for which we were promised a major water development project. In a nutshell, flood control protection and hydropower for downstream and adjoining States was to be provided by building the massive Garrison Dam and Reservoir, which flooded some 500,000 acres of prime farm land, in return for which North Dakota was to receive the capability to irrigate 1 million acres.

The Garrison Diversion Reformulation Act of 1986 recast North Dakota's major water development project in order to allay certain concerns of the environmental community and our Canadian neighbors. As a result, stringent environmental safeguards and wildlife enhancement features were built into the project. Further, it was reformulated by reducing the allowable irrigation to only 135,000 acres—or one-eighth the original size—and by increasing the use of project water for rural, industrial, and municipal water development.

Notably, the reformulated project resulted in a savings of some $800 million. This, too, was a sacrifice by the people of my State.

Notwithstanding these painful concessions and compromises, the executive branch has repeatedly sent up budgets which broke faith with the people of North Dakota and which would have undercut North Dakota's main hope for economic development in the face of a decade of slumping farm and energy prices.

For example, the administration's fiscal year 1987 budget proposed only $2.5 million. Congress maintained the Federal commitment by restoring $35 million to the Garrison project. Subsequently, the administration asked North Dakota to be patient while other major projects were completed. We waited. But now again the administration sent up a broken promises budget of only $7 million which would pay for the mothballing of Garrison diversion and actually sound its death knell.

Fortunately, the subcommittee has seen fit to reaffirm the Federal commitment to the people of North Dakota by funding fiscal year 1990 project activities at $25 million. This is a major step forward from the administration's budget. However, I must report to my colleagues that even this level of funding will result in layoffs of some 40 percent of project staff and prevent the State from making significant progress in delivering reliable water supplies to drought-prone and water-short areas of the State. It would provide scant funds for any features related to irrigation activities, recreation, or Indian water supplies. The project actually requires $48 million to keep it on track.

Let me, nevertheless, commend the subcommittee for the report language which accompanies this bill:

The Committee is aware of the commitment by the Federal Government to provide municipal, industrial, and irrigation water supply in return for the completed flood control project for the Missouri River. The Committee is also aware of the concessions and compromises made between the state and the Administration in the Garrison Reformulation Act. The Committee considers the Administration's budget request for the Garrison project to represent a broken promise to the people of North Dakota. Accordingly, the Committee has included $25,000,000 in the bill to continue construction.

SHEYENNE FLOOD CONTROL

I also want to thank the subcommittee for restoring $5 million to begin construction of a direly needed flood control project in eastern North Dakota, the Sheyenne diversion project. The relevant committees agreed last year not to undertake any new construction starts for the Army Corps of Engineers in view of tough budget constraints. This bill puts many of those projects back on course, including the vital flood protection for West Fargo, ND, an area threatened again this spring by rising flood waters.

The bill also provides for ongoing flood control, recreation, and dam maintenance activities for the Souris River Basin, Lake Ashtabula and Baldhill Dam, Bowman Haley Lake, Garrison Dam, Homme Lake and Dam, and Pipestem Lake.

I commend the committee for rejecting the administration's request to significantly cut funding in the Army Corps of Engineer's recreation budget. The committee action will keep open recreation sites on Lake Sakakawea.

In conclusion, the subcommittee and full committee have wrestled with some tough issues and brought to the floor a bill which meets budget requirements, addresses key energy and water development concerns, and recognizes the Federal commitment to the people of North Dakota and other rural States.

I sincerely hope that Congress will see fit to keep faith with the people of North Dakota this year and in future years. We have accepted a permanent flood of prime farmland and realized almost no benefits from the Garrison project. We have agreed to compromises which saved the Federal Government some $800 million, broadened the focus of project activities, and strengthened enivronmental safeguards.

It's now time for the Federal Government to deliver on its solemn pledge to North Dakota by providing the resources for full-scale and immediate development of the Garrison diversion water development project.

Mr. KOLBE. Mr. Chairman, I support this measure as put forward by the Energy and Water Subcommittee. The chairman of the subcommittee, Mr. BEVILL, deserves a great deal of credit for accomplishing his work on this bill, and for bringing it forward so quickly for our consideration. I would also like to compliment Mr. MYERS who, despite significant duties that kept him from participating in much of the subcommittee's deliberations, nonetheless kept close tabs on the bill's progress. A final commendation must also go to Representative VIRGINIA SMITH, who recently announced her retirement from the House of Representatives at the conclusion of the 101st Congress. Knowing Mrs. SMITH, with her energy and drive, retirement for her will be a full-time and productive occupation.

The energy and water bill is particularly important to my home State of Arizona. In the desert southwest, management of water resources has always been a tricky business. My Arizona colleagues and I spend a great deal of time working to ensure that water is available to our thirsty citizenry. But when it rains, we need to make sure we don't get washed away. The Bureau of Reclamation is most supportive of our efforts when we have too little, and the Army Corps of Engineers is critical to public safety when we occasionally get too much.

I support the appropriation of $218 million for the Central Arizona Project—the system of canals and pumps which will deliver Colorado River water over 200 miles of desert to Tucson by 1991. Meeting that 1991 deadline is critical, because the Southern Arizona Water Rights Settlement Act invokes significant economic penalties on the Federal Government if the water is not available to the Tohono O'odham Indian Reservation by that date.

I also support the appropriation of $1.4 million for safety of dams improvements at Coolidge Dam. The Department of the Interior recently identified Coolidge Dam as one of the most dangerous in the country in terms of threat to downstream residents. Secretary Lujan has approved funds for work to begin immediately on addressing the safety problems at the dam, and this money for fiscal year 1990 will expedite efforts to eliminate this problem. I have expressed my concern that attention needs to be paid immediately to the question of a downstream flood warning system. The Bureau of Reclamation has undertaken a complex and comprehensive effort to provide flood warning protection. They, and the Bureau of Indian Affairs should also work on a short-term, low-technology solution which will help alleviate the anxiety of those citizens who lie directly downstream of the dam.

I am also encouraged by the work being undertaken by the Corps of Engineers to reduce flood damage resulting from the kind of violent flash flooding we get too often in Arizona. I am particularly encouraged by the approval of design funds for the Rillito River streambank protection project. This project has been approved at all levels of the Corps of Engineers, but has been held up by OMB. This is unfortunate because the Rillito River has been the sight of three presidentially declared flood disasters in the last 15 years. Cementation of the stream banks will prevent massive bank migration which can wipe out millions of dollars' worth of property, including bridges, schools, and parks.

Overall, I think the committee deserves a great deal of credit with the scope of accomplishment this bill includes, in an ever tightening budget environment. The committee has respected the budget limits placed upon it, and has set responsible priorities based on merit and need. I applaud the work of the committee, and I support this bill.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the energy and water development appropriations bill for fiscal 1990. The bill, H.R. 2696, is a good bill; it is a balanced bill. I urge my colleagues to support it.

Mr. Chairman, I would also like to take this opportunity to commend the good work of Mr. BEVILL, the chairman of the Energy and Water Development Subcommittee; Mr. MYERS, the ranking minority member; and, the subcommittee's dedicated staff. They have done an admirable job throughout the years, and this year is no different.

The bill provides $18.5 billion for energy and water programs in fiscal 1990, including a threefold increase in funds for cleanup contamination at Energy Department nuclear weapons plants.

Mr. Chairman, the bill is under the 302(b) allocation for budget authority and outlays. The bill is a full $395 million below the 302(b) allocation in budget authority and $38 million below the allocation in outlays. In addition, the direct loan levels in the bill equal the 302(b) allocation to the subcommittee for the direct loans.

Mr. Chairman, the bill provides the funding for a number of key water development projects in California, even though the total budget for water projects and programs in the bill is actually below the 1989 level.

Specifically, the bill provides $3 million to initiate repair work on 32 miles of levees along the Sacramento River in an effort to provide Sacramento with greater flood protection.

By getting started on this project in fiscal 1990, we can provide a large number of homeowners with 100-year flood protection and insulate them from high flood insurance requirements as well as accelerate our drive for greater flood protection for the entire community.

When combined with the lowering of the water level behind Folsom Dam, these levee repairs will provide approximately 70-year protection for the Natomas area, 90-year protection for much of downtown Sacramento as well as more than 100-year protection for portions of Sacramento south of the American River.

The bill also includes $5.5 million to launch construction on the Cache Creek project, which is another important project which will enhance the level of flood protection available to Sacramento.

When functioning properly, the settling basin prevents roughly 1.1 million cubic yards of Cache Creek sediment from flowing to the adjacent Yolo Bypass, the waterway that steers Sacramento River floods away from the city of Sacramento. Sediment reaching the bypass decreases the waterway's flood-carrying capacity, thus putting Sacramento at greater risk.

This project is critical to raising the level of flood protection available to the residents of Sacramento, and I am very appreciative of Mr. BEVILL and Mr. MYERS for their willingness to work with us to see that this project was funded.

And, Mr. Chairman, the bill includes the final $2.945 million necessary to complete work on the $35.4 million Fairfield Vicinity Streams flood control project. This project is key to providing the cities of Fairfield and Suisun with additional flood protection.

Mr. Chairman, for the Department of Energy, I am also very pleased to point out that the bill increases funding for environmental restoration at DOE facilities to $636 million—a 59 percent increase over the administration's fiscal 1990 budget request and a 299 percent rise above spending on the program for fiscal 1989. The cleanup of these facilities is a problem of monumental proportions, and with the passage of this bill, the subcommittee has taken a significant step forward in accelerating the cleanup of these DOE sites.

I am particularly pleased, Mr. Chairman, that the bill rejects most of the administration's recommendations to cut funding for solar and other renewable energy research programs.

The bill provides $95 million solar and other renewable energy programs, $24 million more than the administration requested and slightly above the level appropriated in fiscal 1989.

In particular, the bill rejects the administration's recommendation to cut research and development into photovoltaic technology back to $25 million. Instead, the bill provides $36.5 million for continued R&D into this vital, emerging technology.

Again, Mr. Chairman, I thank Mr. BEVILL and Mr. MYERS for their cooperation and support, and their sensitivity to the many water development and energy-related problems facing the Nation and the State of California, in particular. I urge my colleagues to support the bill.

Mr. STANGELAND. Mr. Chairman, I rise to address provisions in H.R. 2696, the fiscal year 1990 energy and water development appropriations bill which provides funds for, among other things, the Corps of Engineers' water resources programs.

First, let me thank the House Appropriations Committee for their hard work and leadership, particularly subcommittee chairman, TOM BEVILL; ranking Republican, JOHN MYERS; full Committee Chairman JAMIE WHITTEN; and ranking Republican SILVIO CONTE. The House Public Works and Transportation Committee appreciates the cooperation of the Rules Committee. We have worked well together over the years and will continue to do so.

But, Mr. Chairman, I did want to address a problem with the appropriations process, Generally, and some of the particular provisions in the bill. House rule 21, clause 2 prohibits unauthorized appropriations and authorizations in general appropriations bills. The rule is meant to protect the important role of this House's authorizing committees. The public works committee is concerned about violations of the rule generally and in this bill, specifically. Our analysis of H.R. 2696 indicates many provisions are authorizations or policy-making provisions in violation of rule 21.

In response, we held a full day of hearings last Thursday to emphasize our procedural concerns and to learn more about the substance of the various proposals. We heard testimony from the Corps of Engineers and Members of Congress promoting various projects in the bill. On the basis of that extensive hearing record, we are in a position to make some specific recommendations at the appropriate time involving the merits of each proposal. At this point, though, we want to emphasize our procedural concerns and have the opportunity to make points of order when the bill is to be debated on the floor later today.

On that note, let me also thank the Rules Committee for its willingness to withhold from granting a blanket waiver of rule 21, clause 2. Our committee appreciates their cooperation.

All of us on the committee realize water resources emergencies and noncontroversial requests arise from time to time. Recognizing that, we fought long and hard to get away from the huge, multiyear bills and back on track with 2-year bills. Mr. Chairman, the purpose of that whole effort is defeated if we allow every authorization to be tacked onto a more convenient, but inappropriate vehicle in this case, H.R. 2696.

We do not intend to object to every single authorization in the appropriations bill because of various considerations involving time sensitivity and the mere clarification of already authorized projects. By not objecting to these provisions, we are not sanctioning violations of rule 21 or in any way setting precedent for certain types of projects to proceed through the appropriations process. Instead, it is an effort on our part to accommodate some urgent or unique needs.

Let me also make clear that projects to be stricken from the bill for procedural reasons will be subject to further review and potential action. In keeping with the 2-year authorization process, we plan to begin holding hearings this session and move a small corps authorization bill either this session or the next. Obviously we would be willing to give serious consideration to various projects and policy-making provisions contained in H.R. 2696.

Mr. Chairman, let me also briefly address some important water resources projects and provisions for northwest Minnesota.

H.R. 2696 includes $50,000 from the operations and maintenance account to allow the corps to continue with plans and specifications to clean up Sauk Lake. The project could be used as a model in Federal, State, and local cooperation in removing sediment and weeds and reducing runoff pollution.

The bill also includes $200,000 to begin construction of a levee along the Roseau River in Duxby, MN and $100,000 to restudy a flood control project for Breckenridge, MN and Wahpeton, ND.

In addition, H.R. 2996 appropriates $150,000 to study flood control measures in Crookston, $50,000 for flood control along the Red Lake and Clearwater Rivers, and $75,000 for work along Red Lake River.

The bill also includes my request that Minnesota receive $300,000 under the "Planning Assistance to States Program" for the development of technical assistance and flood plain management services. Minnesota needs the technical expertise of this program since flooding still causes an average of over $60 million in damages each year. These funds would be particularly helpful in the Red River Basin and along the Red River of the north, where recent flooding prompted the President to declare the area a major disaster.

Mr. Chairman, I urge my colleagues to support the Corps of Engineers funding provisions in this bill. They will help keep the Nation's largest water resources program on track.

Mr. BEREUTER. Mr. Chairman, this Member wants to commend the chairman of the Appropriations Subcommittee on Energy and Water Development, the gentleman from Alabama [Mr. BEVILL] and the ranking minority member, the gentleman from Indiana [Mr. MYERS] for their leadership in bringing to the floor the first appropriations bill for fiscal year 1990. I would also like to recognize the efforts of the chairman of the Appropriations Committee, the gentleman from Mississippi [Mr. Whit-

ten] and the ranking minority member, the gentleman from Massachusetts [Mr. CONTE] for their energy and leadership in bringing this bill before us in such a timely fashion. And, of course, a special word of appreciation to my distinguished colleague from Nebraska, [Mr. SMITH] who has worked diligently and aggressively on behalf of those projects that are so important to our own State.

Mr. Chairman, this Member takes great pleasure in using this opportunity to offer my endorsement for H.R. 2696. Furthermore, I would like to express my support for several programs of key interest to my constituents that are contained in the Energy and Water Development appropriations. These include the Missouri National Recreation project, continued funding for the Groundwater Recharge Demonstration Act and several other projects that affect the people of the State of Nebraska.

The Missouri National Recreation River project has had a long history of broken promises. The severe erosion problems along the Missouri River downstream from the Gavins Point Dam are directly attributable to the construction and operation of the Gavins Point Dam. Although it has no intention of admitting it, the Federal Government in reality is largely responsible for the continued damage caused downstream on the stretch of river identified by this project.

Therefore, this Member enthusiastically support the Missouri River Bank Stabilization and Recreation project appropriation for fiscal year 1990 at $100,000 for operation and maintenance of the works already completed along the 59-mile stretch of river and $1,000,000 for construction. This Member also pledges to work aggressively with this committee and the key authorizing committees to find a way to permit construction to begin on this project that overcomes the Office of Management and Budget's and Army Corps of Engineers' unfortunate insistence that cost-sharing rules be applied retroactively to what was always intended to be a Federal project.

To continue the list of key Nebraska projects, under section 601 of Public Law 99-662, the Water Resources Development Act of 1986, $51.9 million was authorized for Missouri River mitigation. The mitigation project includes the four States of Iowa, Nebraska, Kansas, and Missouri and, among other things, attempts to restore fish and wildlife habitat loss due to the federally constructed channelization and stabilization projects of the Pick-Sloan era. For every year we wait, however, reclamation costs escalate and the project moves another year closer to the deauthorization date of 1991.

Recognizing budgetary restraints facing this Nation, I support the initial appropriation for 1990 of $150,000 for remediation activities for fiscal 1990 that will permit implementation of key features of the mitigation project and most important, keeps the authorization alive. 0

Third, I also strongly support the fiscal year 1990 appropriation of $7,300,000 for the High Plains States Ground Water Demonstration Program which I originally authored in 1984. The Bureau of Reclamation has selected one project in my district near York, NE, which I would particularly like to endorse. The project is sponsored by the Upper Big Blue Natural Resource District and will capture surface water runoff for eventual recharge into the ground water acquifer.

Additionally, I lend my strong support for the Salt Creek Tributaries and Lakes Program, and the House budget request of $737,000 in fiscal year 1990 for operation and maintenance by the Corps of Engineers.

I support the continuation of the Antelope Creek Flood Survey carried out by the Corps of Engineers at the appropriation of $100,000 to comply with the next phase of the project, the Corps of Engineers feasibility study. The Section 202 Flood Plain Management Program continues to be another successful cooperative tool in assisting States on flood plain matters. This is especially important given the trend of fewer structural flood control projects being built in the future, which intensifies the need for continuation and development of strong flood plain management programs with communities. I urge the adoption of the recommended $265,000 for assisting Nebraska communities in fiscal year 1990.

Many of the Platte River demonstration projects will be complete at the end of this year. These projects include streambank stabilization on the North and South Platte Rivers. I encourage the Corps of Engineers to continue the development of plans and specifications for the final designs and the aquisition of land easements. I also support the Gavins Point Dam-Lewis and Clark Lake fiscal year 1990 request for operation and maintenance funds in the amount of $4,125,000. Additionally, I commend the Corps of Engineers on the drought contingency plans set in motion when reduced Missouri River flows on the operation of Gavins Point Dam became apparent.

Thank you for this opportunity to speak on behalf of these Nebraska projects. My compliments again to the committee for its diligence in bringing this bill to the floor in a timely fashion. I urge my colleagues to vote in support of H.R. 2696

Mr. HOCHBRUECKNER. Mr. Chairman, I rise in strong support of the energy and water development appropriations bill for fiscal year 1990 (H.R. 2696). I commend the able gentleman from Alabama [Mr. BEVILL] for his hard work in bringing to the floor a bill that meets our budget commitments for fiscal year 1990 while responding to pressing national needs.

There is one particular provision in the report accompanying H.R. 2696 that I want to call to the attention of the House. On page 22 under New York State, an appropriation of $5.3 million is included for the Shinnecock Inlet. That funding is necessary to begin construction of an extremely important navigation project along the south shore of Long Island. The timely completion of this project is quite literally a matter of life and death for fishermen and boaters in my district. Its inclusion in this bill is necessary to confront the very serious threat to human life, property, and the fishing economy of eastern Long Island posed by continued shoaling in the inlet.

Shinnecock Inlet is a vital passageway for fishermen on Long Island. The value of the fishing interests directly dependent upon Shinnecock Inlet is between $75-$88 million per year. If the inlet were not cleared, this industry could be destroyed.

Fishing boat accidents caused by shoaling in the inlet have recently resulted in several deaths. The Coast Guard is very concerned about the safety of boaters using Shinnecock Inlet. Without the program planned by the Corps of Engineers and funded under this bill, the Coast Guard fears it would be necessary to severely restrict marine vessel traffic in the inlet. Were this action to be taken by the Coast Guard, the effect on eastern Long Island's economy would be devastating.

The Shinnecock Inlet project will provide for the following critical improvements: Dredging the entrance channel connecting the Atlantic Ocean and Shinnecock Bay; dredging an inner bay channel to the Long Island Intracoastal Waterway; rehabilitating existing jetties; and constructing a facility for transferring sand from the east side of the inlet to the west side to minimize future shoaling.

Congress authorized the Shinnecock Inlet project nearly 30 years ago, as a part of the River and Harbor Act of 1960. The Corps of Engineers has already spent $1 million to complete the project's design and specifications. Furthermore, Suffolk County spent $700,000 on an emergency dredging of the inlet this past winter.

The State of New York strongly supports the Shinnecock Inlet project. Despite the current State budget deficit, Gov. Mario Cuomo is committed to providing the full $1.5 million State share of the funding, as well as up-front funding of Suffolk County's $670,000 share, which together will meet the required non-Federal funding commitment of $2.2 million for the project.

In addition, New York State's senators are very actively supporting this project in the other body.

Thanks are due to number of Long Islanders who worked diligently to support the Shinnecock Inlet project. In particular I want to recognize Suffolk County Executive Patrick Halpin, Suffolk County Legislator Fred Theile, and Southampton Township Supervisor Mardythe DiPirro; Donna Soleau, Linda Kozofsky, and the members of the Concerned Wives of Shinnecock Fishermen; Richard Lofstadt and the members of the Shinnecock Fishermen's Cooperative; William Pell of Pell's Dock; and Floyd Carrington and the members of the Shinnecock Marlin and Tuan Club. There are many more individuals and groups that have lent their support to this effort and should be proud of their contribution.

Mr. Chairman, the people of eastern Long Island will long remember the gentleman from Alabama [Mr. BEVILL] for his recognition of the emergency in my district. With our need to restrain spending in all accounts in this and other bills, his decision was not an easy one. I thank the gentleman and all the members of the House who will support funding for the Shinnecock Inlet project.

I ask all my colleagues to support H.R. 2696 as adopted by the Committee on Appropriations.

Mr. FIELDS. Mr. Chairman, I rise in strong support of H.R. 2696, the energy and water appropriations bill for fiscal year 1990. I would also like to compliment Chairman BEVILL and

the ranking minority member of the subcommittee, Congressman JOHN T. MYERS, for their outstanding leadership in expediting consideration of this most important measure.

While there are a number of vital provisions contained within this legislation, I would like to highlight the Cypress Creek Flood Control Project which I am pleased to say is included within H.R. 2696.

This project, which is located in both my district and that of our colleagues, BILL ARCHER and GREG LAUGHLIN, will provide positive flood control benefits for nearly 200,000 of our constituents. It was authorized by the Congress last year during consideration of S. 2100, the Water Resources Development Act of 1988 (Public Law 100-676).

It is the product of many years of careful study and analysis by the Corps of Engineers. As recommended and approved by the Congress, the Corps' flood control plan for the Cypress Creek watershed consists of three major elements. These are:

A 29.4 mile channel to be constructed from the mouth of Cypress Creek upstream to U.S. 290. Work will involve widening, deepening, and straightening the existing channel and constructing a channel about 20 feet deep and two or three feet above the existing ground. Bottom widths of the channel will vary from about 200 feet downstream to 30 feet near U.S. 290 and top widths will vary from 150 to 300 feet. In order to accommodate the improvements, six highway bridges will be replaced, one bridge will be extended, 28 pipelines will be relocated, and 25 single-family homes will be removed;

Fish and Wildlife habitat improvements will be made to approximately 1,250 acres of Harris County parklands and private lands located along Cypress Creek in order to lessen adverse environmental effects associated with the loss of wooded areas along the Creek called for under the Corps of Engineers' plan; and

Eleven and one-half miles of lighted hiking-biking trails with six-foot bridges will be developed at seven existing Harris County parks. Other facilities to be constructed include seven parking and public access areas and two canoe launching ramps.

While the Federal share of this project is $84,900,000, H.R. 2696 appropriates $250,000 in fiscal year 1990 so that the Corps can begin essential preconstruction, engineering, and design work.

Mr. Chairman, upon completion the project will provide $1.20 worth in benefits for every dollar it costs to implement the flood control and recreational improvements. In addition, it will remove 4,200 acres of land and 1,300 structures from the 100-year floodplain, it will reduce average annual flood damage by 93 percent, and it will provide just under $17 million each year in various benefits to those living on the Cypress Creek watershed. In short, this is a vital project for many Texas residents.

Mr. Chairman, the people who live along the Cypress Creek watershed have made every effort at the local level to protect their homes and businesses from the ravages of flooding. We should now do our part by helping them to accomplish what they are unable to do themselves.

While we are living in an age of severe budget constraints, the Federal Government has an inherent responsibility to protect its citizens who live in constant fear of flooding. There are few things in this world more terrifying than the prospect of waking up in the middle of the night to find that your home is floating down a river of flooding water—with you still in it.

It is also important to note that the Federal Government will end up saving millions of dollars by providing this flood protection rather than continue the endless cycle of rebuilding our communities with Federal flood insurance money.

Mr. Chairman, the Cypress Creek flood control project is sound. It is an investment in our Nation's future. It will save taxpayers money. It will create jobs. And, it will provide flood relief to thousands of citizens who are now suffering from the personal and economic hardships of persistent flooding.

Mr. Chairman, the Houston metropolitan area has been ravaged by repeated flooding during the past few months. In fact, just this past weekend, Houston received an additional 13 inches of unwanted rain which has caused another round of massive flooding for those people who live along the Cypress creek watershed.

With this legislation, which is so vital, we will take the first critical step towards providing these people with the flood protection which they so desperately need.

Again, I would like to express my appreciation to the members of the House Appropriations Committee and, in particular, to Chairman BEVILL and Congressman MYERS, for their untiring efforts on behalf of the people of this Nation. I urge my colleagues to vote aye on H.R. 2696.

Mrs. LLOYD. Mr. Chairman, I rise in support of a provision in the energy and water appropriations providing an additional $335 million for a total of more than $1.6 billion for the Department of Energy's environmental restoration and waste cleanup at its weapons facilities.

It has long been the policy of the Congress to direct the Department of Energy to abide by the environmental law of this Nation without giving the Department the adequate funding to do so.

In my own third district of Tennessee, the DOE facilities received considerable attention in the 1982-83 timeframe for environmental contamination. Having provided them with proper funding, which has increased every year since the original discovery. The Oak Ridge operations office has instituted major changes at those DOE facilities in environmental work, environmental technology development, and employee/contractor attitudes.

I am very proud of the accomplishments at Oak Ridge and the dedication of DOE to correct the environmental problems there. I sincerely hope the Department utilizes the lessons learned at Oak Ridge and exports its programs to all other DOE facilities.

Mr. BLILEY. Mr. Chairman, I rise in strong support for H.R. 2696, the energy and water development appropriations bill for 1990. I want to applaud the members of the subcommittee for their discipline in remaining within the subcommittee's section 302(B) allocations for both budget authority and outlays in accordance to the budget summit agreement. I also want to applaud the foresight of the subcommittee, especially its chairman, Mr. BEVILL, its ranking minority member, Mr. MEYERS, and my friend from Georgia, Mr. THOMAS, by investing in two very worthwhile projects in my hometown of Richmond, VA.

I am pleased to report that our continued commitment to the Richmond floodwall project is already paying big dividends. Though construction of the floodwall is only partially completed, confidence in the project has spurred great economic activity in the Shockoe Bottom area that only a few short years ago was an urban wasteland due to constant ravaging by flood waters. Property values have increased in some cases by almost 200 percent and property tax assessments have been quick to follow. I want to stress that the moneys included in this bill for floodwall construction is not a giveaway or a gift. It is a wise investment that recognizes that funding a project to keep back the waters now will lead to a flood of economic development that will produce a larger stream of tax revenues in the years to come.

I am also pleased that the subcommittee has used this same wisdom to give seed money to a U.S. Army Corps of Engineers project to widen the James River channel from 200 feet to 300 feet. This widening will allow a greater number of cargo ships to use the port of Richmond. The increase in cargo will more than offset the cost of construction. Studies have indicated a favorable cost benefit ratio ranging from 5.4-1 to 9.9-1. Though the size of the initial grant is not large, the strong commitment to the project that it represents is very gratifying.

Finally, I do want to note that both of these projects are cost-sharing endeavors. I want to thank both the city of Richmond and the U.S. Army Corps of Engineers for their hard work on these matters. Their successes show that partnerships between local and Federal Governments are in the best interest of the local community and the taxpayers.

Mr. HUGHES. Mr. Chairman, I rise today in support of H.R. 2696, the energy and water development appropriations bill for fiscal year 1990.

I wish to commend Chairman TOM BEVILL and ranking member JOHN MYERS for their outstanding work in developing this legislation and moving it to the floor. With so many worthwhile energy and water projects eligible for funding around the country, the subcommittee has a difficult task identifying those projects which are critical and those which can reasonably be deferred until we get a better handle on the Federal budget deficit. As always, the subcommittee has done an excellent job of developing a bill which is fair and balanced and, just as importantly, stays in line without budget recommendations.

This legislation can be summed up in one word—jobs. All around the country energy and water development projects play a vital role in the State and local economies. In my own district of southern New Jersey, tourism, fishing, boating, and shipping are multi-billion dollar industries which depend upon clean beaches and navigable waterways. It is important for

the Federal Government to remain an active partner in the effort to maintain and protect these resources and the tens of thousands of jobs which depend upon them. I appreciate the support which the subcommittee has provided for some 12 projects in my district which are vital to both the economy and the way of life which we cherish in south Jersey.

I wish we could fund every authorized project in my district and elsewhere around the country this year, but we obviously don't have the resources to do that. This legislation funds the highest priority projects without breaking the budget. It's a good bill and I urge my colleagues to support it.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself the remaining time.

I take this time in behalf of the staff and the members of the committee who have put in so many hours, and I thank those who have testified today. The compliments, and they are deserving, we accept.

It is increasingly difficult with the spending restrictions to meet the needs of the country. It certainly has not become any easier. The committee has done the best job it can in trying to put those items of either the projects or programs in the right priority. We believe we have done a good job. We think we have, and we urge all Members to support this subcommittee. We believe it has done an excellent job.

Mr. BEVILL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1990, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $123,312,000, to remain available until expended: *Provided,* That with funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1990 in the amounts specified: Rillito River, Arizona, $350,000; Hillsboro Inlet, Broward County, Florida, $50,000; Monroe County, Florida, $96,000; Jeffersonville, Indiana, $125,000; Missouri River Fish and Wildlife Mitigation, Iowa, Nebraska, Kansas, and Missouri, $150,000; Newport, Kentucky, $50,000; Red River Waterway, Shreveport, Louisiana, to Dangerfield, Texas, $1,500,000; Sainte Genevieve, Missouri, $50,000; Antelope Creek, Lincoln, Nebraska, $100,000; Elm Creek, Nebraska, $75,000; West Virginia Waterfront Development Study, West Virginia, $250,000; Sacramento River Flood Control Project, Glenn Colusa Irrigation District, California, $180,000; Lake George, Hobart, Indiana, $100,000: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design for the Caliente Creek, California, project and is further directed to undertake any reformulation of the plan recommended in the feasibility study completed by the Corps of Engineers South Pacific Division Engineer on December 23, 1988, as part of preconstruction engineering and design: *Provided further,* That $110,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, to initiate and complete a reconnaissance phase study of roadway access problems at Fishtrap Lake, Kentucky, and the purchase of property from willing sellers and relocation of owners of property so purchased: *Provided further,* That with funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate preconstruction engineering and design for construction of a bridge at Floyd's Fork, on Routt Road at Taylorsville Lake, Kentucky: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use, immediately upon enactment of this Act, $125,000 of the funds appropriated herein to accomplish detailed planning of the Wabash Valley Scenic Corridor at Lafayette, Indiana, under the authorized Wabash River Basin Comprehensive Study: *Provided further,* That within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete a reconnaissance level study for the Saint Lawrence Seaway and Great Lakes-Financing Navigational Improvements Study, as authorized in section 47(d) of Public Law 100-676, at full Federal expense: *Provided further,* That $150,000 of the funds herein appropriated for the Eastern North Carolina above Cape Lookout, North Carolina, study, shall be used by the Secretary of the Army, acting through the Chief of Engineers, to conduct basic hydrologic, water quality, and land use studies of the Albemarle and Pamlico Sounds in support of the Albemarle-Pamlico Estuarine study under the National Estuarine Study Program: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, using $100,000 of the funds herein appropriated, is directed to complete preconstruction engineering and design necessary to prepare the Big and Little Sallisaw Creeks, Oklahoma, project, authorized by the Water Resources Development Act of 1976, for construction: *Provided further,* That with funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete a study to determine the feasibility of the Winton Woods, Mill Creek Lake, Ohio, project under authority of section 1135 of the Water Resources Development Act of 1986: *Provided further,* That $300,000 of the funds herein appropriated for section 22 planning assistance to the States shall be used to assist the State of Nebraska in seeking solutions to water resources problems, including investigating and resolving problems of streambank erosion and environmental concerns along the Platte and Missouri Rivers: *Provided further,* That $300,000 of the funds herein appropriated for section 22 planning assistance to the States shall be used to assist the State of Minnesota in seeking solutions to water resources problems: *Provided further,* That $300,000 of the funds herein appropriated for section 22 planning assistance to the States shall be used to assist the State of Alabama in seeking solutions to water resources problems: *Provided further,* That $45,000 of the funds herein appropriated shall be used by the Army Corps of Engineers to complete a comprehensive reconnaissance study of coastal erosion controls for the Portuguese Bend landslide in the immediate, urban Los Angeles, California, area: *Provided further,* That in fiscal year 1990 the Corps of Engineers shall utilize funds previously appropriated for engineering and design, in addition to $605,000 provided herein, for engineering and design work on the Miami Harbor. The engineering and design work shall be completed by March 30, 1990.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, alteration and removal of obstructive bridges, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,026,112,000, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to remain available until expended: *Provided,* That with funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1990 in the amounts specified: Beaver Lake, Arkansas (Water Quality Enhancement), $1,100,000; Red River Emergency Bank Protection, Arkansas and Louisiana, $4,000,000; Guadalupe River, California, $1,100,000; Redondo Beach, (King Harbor), California, $250,000; Fort Pierce Harbor, Florida, $4,524,000; Kissimmee River, Florida, $6,000,000; Manatee County, Florida, $5,000,000; Sarasota County, Florida, $4,067,000; Maalaea Small Boat Harbor, Hawaii, $600,000; Little Calumet River, Indiana, $2,400,000; Ouachita River Levees, Arkansas and Louisiana, $400,000; Roseau River (Duxby Levee), Minnesota, $200,000; Cape Girardeau-Jackson, Missouri, $1,000,000; Trimble Wildlife Area, Smithville Lake, Little Platte River, Missouri, $1,570,000; Great Egg Harbor Inlet and Peck Beach, New Jersey, $250,000; Acequias Irrigation System, New Mexico, $2,000,000; Shinnecock Inlet, New York, $5,300,000; Grays Harbor, Washington, $13,000,000; Roanoke River Upper Basin, Virginia, $200,000; Red River Chloride Control, Texas and

Oklahoma, $2,500,000; Papillion Creek and Tributaries Lakes, Nebraska, $2,500,000; Missouri National Recreation River, Nebraska and South Dakota, $1,000,000; Buffalo Harbor Drift Removal, New York, $1,100,000; Small Boat Harbor, Buffalo Harbor, New York, $1,000,000; Atlantic Coast of Maryland, Maryland, $8,200,000: *Provided further,* That with $6,000,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to award a continuing contract for levee/floodwall construction and to continue, by continuing contracts, other structural and nonstructural work associated with the Barbourville, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further,* That with $20,000,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the work for the river diversion tunnels and to undertake other structural and nonstuctural work associated with the Harlan, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367 using continuing contracts: *Provided further,* That no fully allocated funding policy shall apply to construction of the Barbourville, Kentucky, and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project: *Provided further,* That with $1,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed, notwithstanding section 903(a) of the Water Resources Development Act of 1986, to construct the Mound State Park, Moundville, Alabama, project, authorized by section 608(a) of the Water Resources Development Act of 1986, in accordance with the General Design Memorandum Number 1 (April 1988) of the Mobile District Engineer, and the non-Federal share of this project shall be 25 percent: *Provided further,* That with $1,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed, notwithstanding section 903(a) of the Water Resources Development Act of 1986, to construct the Fort Toulouse, Elmore County, Alabama, project, authorized by section 608(b) of the Water Resources Development Act of 1986, in accordance with the General Design Memorandum Number 1 (April 1988) of the Mobile District Engineer, and the non-Federal share of this project shall be 25 percent: *Provided further,* That, notwithstanding section 903(a) of the Water Resources Development Act of 1986, $9,000,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for construction of the Miami River Sediments, Florida, project, authorized by section 1162 of Public Law 99-662: *Provided further,* That, notwithstanding section 903(a) of the Water Resources Development Act of 1986, $500,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for construction of the Satilla River Basin, Georgia, project, authorized by section 1151 of Public Law 99-662: *Provided further,* That using $415,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed, immediately upon enactment of this Act, to initiate a program of applied research, in cooperation with the Tennessee Valley Authority, to help resolve the aquatic plant problem in Guntersville Lake, Tennessee River, Alabama, in accordance with the research provisions of the aquatic plant control program authorized in section 302 of Public Law 89-298: *Provided further,* That using $1,500,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction of the O'Hare Reservoir, Elk Grove Township, Illinois, as authorized in section 401(a) of Public Law 99-662 with cost sharing in accordance with the percentages specified in section 103(a) of the Water Resources Development Act of 1986: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate remedial work on the Sacramento River Flood Control Project levees in the Sacramento Metropolitan Area with $3,000,000 herein appropriated for that purpose: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate design and construction of the Waterloo Bridges in Waterloo, Iowa, in accordance with section 835 of the Water Resources Development Act of 1986 using funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete construction of the Maumee Bay State Park, Ohio, Shoreline Protection and Beach Restoration project, using funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371, and the non-Federal sponsor shall share the cost of the project in accordance with the cost sharing requirements of the Water Resources Development Act of 1986, Public Law 99-662: *Provided further,* That using funds appropriated in the Energy and Water Development Appropriation Act, 1988, Public Law 100-202, the Secretary of the Army, acting through the Chief of Engineers, shall make $150,000 available to the Kankakee River project in Illinois to acquire an icebreaking boat and equipment to be loaned to the city of Wilmington, Illinois, for a period of at least three years in accordance with section 1101(b) of the Public Law 99-662 (100 Stat. 4224): *Provided further,* That, notwithstanding section 903(a) of the Water Resources Development Act of 1986, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Hamlet City Lake, Hamlet, North Carolina, project using $3,200,000 of the funds herein appropriated: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the Kanawha River, Charleston, West Virginia, and Kanawha River, Saint Albans, West Virginia, projects using funds appropriated in the Energy and Water Development Appropriations Act, 1988, Public Law 100-202: *Provided further,* That using funds previously appropriated and $13,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to construct Highway 415, Segment "C" at the Saylorville Lake, Iowa, project in accordance with terms of the relocations contract executed on June 21, 1985, between the United States Army Corps of Engineers Rock Island District Engineer and the State of Iowa: *Provided further,* That with $1,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and continue the repair and rehabilitation of the Maeystown Creek gravity drainage structure through the project levee of the Harrisonville and Ivy Landing Drainage and Levee District, Number 2, Illinois, subject to the-cost sharing provisions of section 103 of Public Law 99-662: *Provided further,* That with $4,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to resume construction on the Wallisville Lake project in Texas, and to award continuing contracts until construction is complete under the cost-sharing terms and conditions signed in 1967 between the Trinity River Authority of Texas, the city of Houston, the Chambers-Liberty Counties Navigation District, and the Corps of Engineers, and as provided for in Public Law 98-63: *Provided further,* That with $10,000,000 heretofore or herein appropriated for the Cooper Lake and Channels project in Texas, the Secretary of the Army, acting through the Chief of Engineers, is directed to award continuing contracts in fiscal year 1990 at full Federal expense for additional recreation facilities at an estimated cost of $22,000,000 not exclusive to South Sulphur and Doctors Creek Parks, as is acceptable to the State of Texas; and, in addition, $101,800,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, of which, $2,500,000 shall be used to acquire up to five thousand acres of land in the vicinity of the Stumpy Lake/Swan Lake/Loggy Bayou Wildlife Management area as part of the wildlife mitigation lands for the Red River Waterway project: *Provided further,* That the Secretary of the Army is authorized and directed to immediately begin a reconnaissance study of the Cuyahoga River. The Reconnaissance Study shall be conducted at 100 percent Federal cost pursuant to the provisions of section 905(b) of Public Law 99-662, using funds already appropriated in Public Law 100-202.

PARLIAMENTARY INQUIRY

Mr. HAMMERSCHMIDT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMERSCHMIDT. Mr. Chairman, is this the proper time to raise my point of order against sections 110 and 112?

The CHAIRMAN. Not quite.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 13, line 7, strike "at Full federal expense."

Mr. CONTE. Mr. Chairman, I rise in support of the amendment. Mr. Chairman, the Water Resources Development Act of 1986 was landmark legislation that established specific criteria for the determination of local cost-sharing responsibilities. The act required an extraordinary amount of work, and it resulted in a remarkable compromise.

Moreover, the law is working. It has saved the Federal Government hundreds of millions of dollars, and it has operated as a device to separate truly worthy projects from those that have little merit. Communities are rarely willing to commit the type of money required under a local cost share agreement for a project that they do not really need or want.

The provision in this bill permitting 100 percent Federal funding of recreational areas at Cooper Lake in Texas violates both the letter and spirit of the 1986 act. OMB and the Army Corps of Engineers have assured me that the the additional features of the Cooper Lake project funded by this bill are entirely recreational in nature and that they are "separable elements" of the Cooper Lake and Channels project. In fact, the bill specifically acknowledges that these features are additional recreational facilities. Under these conditions, the law requires that a project be cost shared with a locality at 50 percent. Besides, the Federal Government has spent tens of millions of dollars at Cooperville at no cost to the local government. Now we are being asked to shell out another $10 million for recreational improvements without one cent of local contribution.

This sets a bad precedent. It is a fundamental departure from the cost sharing principals that this body worked so hard to enact.

I urge my colleagues to support this amendment and to protect the integrity of our cost share requirements.

Mr CHAPMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had spoken earlier on the floor of the House about this project and talked in terms of the generation-long dream of the people of northeast Texas.

I am surprised and disappointed that the gentleman from Massachusetts would after 35 years of hard work by the Congress and the Corps of Engineers and a couple million Texans try now to tear down what the Congress has authorized, and I quite frankly am offended by the suggestion that this is illegal.

Let me say, to the contrary. In 1955, the Congress of the United States authorized this project and President Eisenhower signed it, a lake project in northeast Texas, authorized and funded the project at full Federal expense for water supply, flood control and recreation. After that, construction began at full Federal expense as authorized legally by the Congress, but because of a number of delays, including a court injunction, disagreements over the application of an environmental impact statement and other problems, this project fell between the cracks and for 20 years lay dormant, not really started, but yet still fully authorized.

In 1986, Congress again renewed the construction of the Cooper Lake and Channel project, a project authorized by Congress at full Federal expense over 30 years ago.

When the question came up about the recreation provisions, since the policy of the administration had changed at that time, not the law, but the policy that recreation facilities should be cost shared, an agreement was reached between the Army Corps of Engineers, OMB and the local sponsors of the lake, that the recreation facilities if built at full Federal expense would then be operated and maintained forever by the local sponsors.

In furtherance of that agreement, the local sponsors sought and acquired an agreement and contract from the State of Texas to operate these recreation facilities from now on. This bill today does nothing more than complete the commitment, the legal commitment, of the U.S. Congress of 1955.

I am sadly disappointed that the gentleman from Massachusetts in the last 30 minutes would try to destroy the work of the Congress and the dreams of the people of east Texas for the last 35 years in furtherance of an agreement of the U.S. Corps of Engineers.

Mr. Chairman, I urge my colleagues to reject this amendment, to support the committee, support this project as authorized legally by the Congress, and defeat the Conte amendment.

□ 1250

Mr. BEVILL. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, the Congress authorized the project, authorized it to be completed at full Federal cost. The recreation areas will be operated by the State. This is a one-time expense, that is actually completing a project that was started and authorized by Congress back in 1955.

I urge a "no" vote on this amendment.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, the gentleman from Texas only gave us part of the story. This has all been changed as a result of the 1986 law.

Here is what the Office of Management and Budget says;

Cooper Lake and Channels, Texas, and Saylorville Lake Recreation Roads: The Federal Government has already spent hundreds of millions of dollars at Cooper Lake without local cost-sharing. The committee's provision for Saylorville involves creational access roads, and that for Cooper Lake involves recreational facilities. Both are separable features from the existing project and both are recreation, low-priority. Moreover, excepting these new separable elements from cost-sharing sets an extremely expensive precedent for all separable elements in the future.

The gentleman then talks about an agreement that was made with the Corps of Engineers. Here is a letter from the Corps of Engineers from Robert Dawson, Assistant Secretary of the Army, to Senator PHIL GRAMM, the author of the Gramm-Rudman Hollings:

DEAR SENATOR GRAMM: Construction, as well as operation and maintenance, of five additional recreational sites identified on the project master plan.

Which is in this bill—

is to be a non-Federal responsibility in accord with a previous agreement between the Corps and the local sponsor.

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Texas.

Mr. CHAPMAN. Mr. Chairman, I would like to ask the gentleman in the well if he is aware that it was the junior Senator from Texas, Senator GRAMM, who negotiated the agreement with OMB for full Federal funding of the parks? Is he aware of that?

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, all I know is that the Department of the Army wrote to Senator GRAMM and said that this is part of the agreement: No money for the recreational purposes for which the gentleman is asking here today.

And here is what the committee said in its report on this bill:

The committee is also aware that construction of recreational facilities were reduced by the administration in agreement with the State of Texas. The committee has included the language in the bill to revise the limitation imposed by the administration and direct the Secretary of the Army to use $10 million to construct recreational facilities in addition to those facilities contained in the existing agreement.

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Texas.

Mr. CHAPMAN. Mr. Chairman, I would like to point out that the $10 million is within the project budget. It is not any extra money. I would also like to advise the gentleman that, as is shown by the committee report, it is not a multi-hundred-million-dollar project, and, in fact, the total cost is about $130 million, of which $51 million will be recovered by the Federal Government.

All of this suggestion of a free ride, all of this suggestion that OMB has somehow been offended by this is absolutely incorrect.

Mr. CONTE. Will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I only am reading from the OMB's memo to me. I am only reading from Assistant Secretary Dawson's letter to Senator GRAMM, and I am only reading from the committee report saying they are going ahead even though there is an agreement here; they are going ahead with $10 million. You folks out there watching the boob tube, how much are you getting in this bill? About $10 million for nothing. How greedy is Texas going to get? They have the supercollider superconductor—$200 million—and now they want $10 million more for picnic areas, benches, tents, walkways. This is crazy.

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Texas.

Mr. CHAPMAN. Mr. Chairman, may I take that as a commitment from the gentleman from Massachusetts for the supercollider?

Mr. WALKER. Reclaiming my time, I am not sure the gentleman got that exactly.

Let me say that I do rise in favor of the amendment of the gentleman from Massachusetts. It seems to me that we made a commitment with regard to having shared funding in consideration of the public-works bill, and it seems to me we ought to stick with that.

Mr. KANJORSKI. Mr. Chairman, I rise today in strong support of the energy and water development appropriations for fiscal year 1990 and wish to commend the Appropriations Committee and Subcommittee Chairman TOM BEVILL for their timely and thoughtful efforts on this important legislation. I wish to highlight two provisions of H.R. 2696 that hold special significance for my constituents in northeastern Pennsylvania.

Mr. Chairman, northeastern Pennsylvania is especially fortunate that Congress recognizes the pressing needs we face in our region regarding flood control protection along the Susquehanna River. In a vital provision to ensure that our region receives the flood control protection we need and deserve, the bill we have before us today strengthens the Wyoming Valley levee raising project.

In particular, the bill clarifies the original intent of Congress to design and construct the Wyoming Valley levee raising project to protect against flood conditions which would occur as a result of the recurrence of tropical storm Agnes of 1972. Once enacted, this bill gives unequivocal direction to the Army Corps of Engineers that this project should not be scaled down. The bill also reaffirms the Federal Government's critical financial commitment to the project.

As you know, the Wyoming Valley levee raising project was originally authorized in Public Law 99-662 with the recognition that tropical storm Agnes severely damaged our area in 1972. When that grave storm hit northeastern Pennsylvania—and triggered the overflow of the Susquehanna River into several communities—all of us in the area turned our attention to rebuilding the economy and to protecting against the possibility of future storms.

I am pleased that the Congress shares my firm conviction that it would be shortsighted to cut corners on this project today when a recurrence of a flood the magnitude of tropical storm Agnes would cause in excess of $1 billion in damages and would threaten many lives.

This flood control project is far too important to the long-term prosperity and welfare of northeastern Pennsylvania to be left to the discretion of those who merely care about this year's accounting sheet.

The fiscal year 1990 energy and water development measure also provides the first phase of funding for the design of a flexible, inflatable dam on the Susquehanna River in the Wyoming Valley. This funding for a new and innovative recreation component of the dike project follows the authorization we received in Public Law 100-676, the Omnibus Water Resources Development Act of 1988.

With this funding, design work, planning and feasibility studies will now be completed and the inflatable dam will become an integral part of the overall flood control project. The dam will provide area residents with seasonal boating, swimming, and fishing, and will enhance our long-term ability to control water flow along the Susquehanna River. It will be a boon for recreation and it will further enhance the quality of living and the image of northeastern Pennsylvania.

Mr. Chairman, I first approached the Army Corps of Engineers in February 1988 with the idea that an inflatable dam should be included in the overall dike project and they told me we needed specific congressional authorization and funding. So, I offered an authorizing provision in the 1988 Water Resources Development Act last fall and, with enactment of this spending bill, we will have funds in place to move forward.

I urge my colleagues to support H.R. 2696 and look forward to expeditious action by the other body in the upcoming weeks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CONTE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 238, not voting 15, as follows:

[Roll No. 115]

AYES—179

Applegate	Campbell (CO)	Dornan (CA)
Archer	Chandler	Douglas
Ballenger	Clinger	Dreier
Bateman	Coble	Duncan
Bates	Coleman (MO)	Early
Beilenson	Conte	Edwards (OK)
Bilirakis	Coughlin	Fawell
Bliley	Cox	Fish
Boehlert	Craig	Frank
Brown (CO)	Crane	Frenzel
Buechner	Crockett	Gallegly
Bunning	Dannemeyer	Gallo
Burton	DeWine	Gekas
Callahan	Dickinson	Gillmor
Campbell (CA)	Donnelly	Gilman
Gingrich	McCollum	Schumer
Goss	McDade	Sensenbrenner
Gradison	McEwen	Sharp
Grandy	McGrath	Shaw
Grant	McMillan (NC)	Shays
Green	Meyers	Shumway
Gunderson	Mfume	Shuster
Hamilton	Michel	Sikorski
Hammerschmidt	Miller (OH)	Skeen
Hancock	Miller (WA)	Slattery
Hansen	Molinari	Slaughter (VA)
Hastert	Moody	Smith (NJ)
Hefley	Moorhead	Smith (VT)
Henry	Morella	Smith, Denny (OR)
Herger	Murphy	Smith, Robert (NH)
Hiler	Neal (MA)	Smith, Robert (OR)
Hoagland	Neal (NC)	Snowe
Hopkins	Nowak	Solomon
Horton	Oxley	Spence
Houghton	Packard	Spratt
Hunter	Panetta	Stearns
Hutto	Patterson	Sundquist
Hyde	Paxon	Tallon
Inhofe	Penny	Tauke
Ireland	Petri	Thomas (CA)
Jacobs	Porter	Thomas (WY)
James	Ravenel	Torricelli
Johnson (CT)	Ray	Upton
Kasich	Rhodes	Valentine
Kennedy	Ridge	Vander Jagt
Kolbe	Ritter	Vento
Kyl	Roberts	Vucanovich
LaFalce	Robinson	Walker
Lagomarsino	Rogers	Weber
Leach (IA)	Rohrabacher	Weiss
Lent	Roth	Weldon
Lewis (CA)	Roukema	Whittaker
Lewis (FL)	Rowland (CT)	Wolf
Lightfoot	Saiki	Wyden
Long	Saxton	Wylie
Lowery (CA)	Schaefer	Yatron
Lukens, Donald	Schiff	Young (FL)
Machtley	Schneider	
Madigan	Schroeder	
Marlenee	Schuette	
Martin (IL)	Schulze	

NOES—238

Ackerman	Courter	Hawkins
Akaka	Coyne	Hayes (IL)
Alexander	Darden	Hayes (LA)
Anderson	de la Garza	Hertel
Andrews	DeFazio	Hochbrueckner
Annunzio	DeLay	Holloway
Anthony	Dellums	Hoyer
Armey	Derrick	Hubbard
Aspin	Dicks	Huckaby
Atkins	Dingell	Hughes
AuCoin	Dixon	Jenkins
Baker	Dorgan (ND)	Johnson (SD)
Barnard	Downey	Jones (GA)
Bartlett	Durbin	Jontz
Barton	Dwyer	Kanjorski
Bennett	Dymally	Kaptur
Bereuter	Dyson	Kastenmeier
Berman	Eckart	Kennelly
Bevill	Edwards (CA)	Kildee
Bilbray	Emerson	Kleczka
Boggs	Engel	Kolter
Bonior	English	Kostmayer
Borski	Erdreich	Lancaster
Bosco	Espy	Lantos
Boucher	Evans	Laughlin
Boxer	Fascell	Leath (TX)
Brennan	Fazio	Lehman (CA)
Brooks	Feighan	Lehman (FL)
Broomfield	Fields	Leland
Browder	Flake	Levin (MI)
Brown (CA)	Flippo	Levine (CA)
Bruce	Foglietta	Lewis (GA)
Bryant	Ford (MI)	Lipinski
Bustamante	Ford (TN)	Livingston
Byron	Frost	Lloyd
Cardin	Garcia	Lowey (NY)
Carper	Gaydos	Luken, Thomas
Carr	Gejdenson	Manton
Chapman	Gephardt	Markey
Clarke	Gibbons	Martinez
Clay	Gonzalez	Matsui
Clement	Gordon	Mavroules
Coleman (TX)	Gray	Mazzoli
Combest	Guarini	McCandless
Conyers	Hall (TX)	McCrery
Cooper	Harris	McCurdy
Costello	Hatcher	McDermott

McHugh	Pickle	Stangeland
McMillen (MD)	Poshard	Stark
McNulty	Price	Stenholm
Miller (CA)	Pursell	Stokes
Mineta	Quillen	Studds
Moakley	Rahall	Stump
Mollohan	Rangel	Swift
Montgomery	Regula	Synar
Morrison (CT)	Richardson	Tanner
Morrison (WA)	Rinaldo	Tauzin
Mrazek	Roe	Thomas (GA)
Murtha	Rose	Torres
Myers	Rostenkowski	Traficant
Nagle	Rowland (GA)	Traxler
Natcher	Roybal	Udall
Nelson	Russo	Unsoeld
Nielson	Sabo	Visclosky
Oakar	Sangmeister	Volkmer
Oberstar	Sarpalius	Walgren
Obey	Savage	Walsh
Olin	Sawyer	Watkins
Ortiz	Scheuer	Waxman
Owens (NY)	Sisisky	Wheat
Owens (UT)	Skaggs	Whitten
Pallone	Skelton	Williams
Parker	Slaughter (NY)	Wilson
Pashayan	Smith (FL)	Wise
Payne (NJ)	Smith (MS)	Wolpe
Payne (VA)	Smith (NE)	Wright
Pease	Smith (TX)	Yates
Pelosi	Solarz	Young (AK)
Perkins	Staggers	
Pickett	Stallings	

NOT VOTING—15

Bentley	Goodling	Martin (NY)
Collins	Hall (OH)	McCloskey
Davis	Hefner	Parris
Florio	Johnston	Smith (IA)
Glickman	Jones (NC)	Towns

□ 1316

Messrs. KLECZKA, CARDIN, SMITH of Florida, DERRICK, TRAXLER, CONYERS, CARR, HAWKINS, KOLTER, and ESPY changed their vote from "aye" to "no".

Messrs. BATEMAN, OXLEY, and SCHUMER changed their vote from "no" to "aye".

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. MARTIN OF ILLINOIS

Mrs. MARTIN of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MARTIN of Illinois: Page 13, line 24, strike the period and insert the following: ": *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, shall use $600,000 of the funds appropriated under this heading for a flood control project on Loves Park Creek, Loves Park and vicinity, Illinois, as authorized by Public Law 99-662, sec. 401.".

PARLIAMENTARY INQUIRY

The CHAIRMAN. For what purpose does the gentleman from Texas [Mr. COLEMAN] rise?

Mr. COLEMAN of Texas. I have parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. COLEMAN of Texas. I understand, am I correct, that this amendment is in violation of clause 2 of rule XXIII, that it was granted a waiver, is that correct, under the rule?

The CHAIRMAN. The rules waive that point of order against the amendment.

Mr. COLEMAN of Texas. So any point of order against this amendment is waived because the rule make it that way, is that correct?

The CHAIRMAN. That is correct under clause 2, rule XXI.

Mr. COLEMAN of Texas. And those Members on the other side of the aisle that object to rules that waive points of order would not do so in this particular instance, is that correct?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

Mr. COLEMAN of Texas. I thank the Chairman.

□ 1320

Mrs. MARTIN of Illinois. This is an amendment that I know was supported by the chairman and the ranking member of the committee. It was kindly, I might add, very kindly, moved by the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY] to correct an error. I have appreciated the bipartisan nature of this.

This is a small amendment that would make $600,000 available to a project. There has already been money spent on the project, and to my knowledge, there is no objection about correcting the error that occurred.

I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentlewoman for yielding. This is an ongoing program. It was left out of the bill inadvertently. We found the mistake and the rule provides we can correct it.

Mrs. MARTIN of Illinois. I yield to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. I thank the gentlewoman for yielding.

We support this amendment. We are delighted to be in a position to provide for this project.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois [Mrs. MARTIN].

The amendment was agreed to.

Mr. BEVILL. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of the remainder of title I is as follows:

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $342,186,000, to remain available until expended: *Provided,* That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist: *Provided further,* That the Secretary of the Army is directed to provide $1,000,000 from funds appropriated by Public Law 100-371 (102 Stat. 859) for Flood Control, Mississippi River and Tributaries, to the United States Department of Agriculture, Soil Conservation Service, to be expended for engineering and design of the Johns Creek project, as authorized by section 401(a) of Public Law 99-662 (100 Stat. 4124): *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with design and construction of a replacement for the Motor Vessel MISSISSIPPI using funds available under this appropriation in order to complete construction of the replacement vessel by the end of calendar year 1991.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,382,081,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $20,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601): *Provided,* That $100,000 of funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers for operation and maintenance of existing structures and facilities of the Missouri National Recreation River, Nebraska and South Dakota: *Provided further,* That not to exceed $8,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further,* That $750,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for maintenance dredging of the Los Angeles River portion of the Los Angeles-Long Beach Harbors project: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, may use not more than $500,000 of the funds herein appropriated for payments to parties adversely affected by the closing of the Cape Cod Canal Railroad Bridge for repairs by the Secretary of the Army: *Provided further,* That $50,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the Sauk Lake, Minnesota, project.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable

waters, including bridges, and wetlands, $69,427,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer Automation Support Activity, and the Water Resources Support Center, $127,300,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 150 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986, is modified to direct the Secretary of the Army to design and construct the project to provide flood protection to the area protected by the existing projects from flood conditions which would occur as a result of the recurrence of tropical storm Agnes of 1972, with cost sharing in accordance with the percentages specified in section 103(a) of the Water Resources Development Act of 1986, at a total cost of $169,000,000 with an estimated Federal cost of $127,000,000 and an estimated non-Federal cost of $42,000,000.

SEC. 102. The Sacramento River Flood Control Project, California, as authorized by the Flood Control Act of 1917, as amended, is further modified to direct the Secretary of the Army, acting through the Chief of Engineers, to proceed in fiscal year 1990 and in subsequent years as necessary with construction of riverbed gradient restoration structures in the vicinity of River Mile 206, Sacramento River, California, at an additional estimated cost of $6,000,000, generally in accordance with the plan contained in a report prepared by the Glenn Colusa Irrigation District and the California Department of Fish and Game, dated December 1988. Local cost-sharing is to be obtained in accordance with the flood control requirements of the Water Resources Development Act of 1986.

SEC. 103. The undesignated paragraph entitled "Sims Bayou, Texas" in section 401(a) of Public Law 99-662 (100 Stat. 4110) is amended by striking out "$126,000,000" and inserting in lieu thereof "$244,000,000", by striking out "$94,700,000" and inserting in lieu thereof "$164,000,000", and by striking out "$31,300,000" and inserting in lieu thereof "$80,000,000".

SEC. 104. The project for shoreline protection for the Atlantic Coast of Maryland (Ocean City), authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4135), is modified to authorize the Secretary to construct hurricane and storm protection measures based on the District Engineer's Post Authorization Change Notification Report dated May 1989, at a total initial cost of $71,000,000, with an estimated Federal cost of $37,000,000 and an estimated non-Federal cost of $34,000,000, and an annual cost of $2,700,000 for periodic beach nourishment over the life of the project, with an estimated annual Federal cost of $1,755,000 and an estimated annual non-Federal cost of $945,000.

SEC. 105. Notwithstanding section 110 of the Energy and Water Development Appropriation Act, 1988, Public Law 100-202, the Secretary of the Army is authorized to transfer and reassign property accountability for the headquarters aircraft of the Corps of Engineers, Serial Number 045, from the assets of the civil works revolving fund, to the military activity of the Army that the Secretary determines is appropriate, except that the aircraft shall be made available on a priority basis as necessary for activities in support of the Army's civil works mission.

SEC. 106. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to assume operation of the Sledge Bayou Drainage District's structure located in Quitman County, Mississippi.

SEC. 107. Section 803 of the Water Resources Development Act of 1986 (100 Stat. 4166) is amended by adding at the end thereof the following new sentence: "Notwithstanding section 215 of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a), if, before the date of the enactment of this Act, non-Federal interests complete construction and repair of the Cherry Street bridge, the Secretary shall credit toward the non-Federal share of the cost of construction of the Walnut Street bridge an amount equal to the Federal share of the cost incurred for construction and repair of the Cherry Street bridge.".

SEC. 108. Cost sharing requirements for the study of the Lake Erie-Ohio River Canal, Ohio and Pennsylvania, authorized by resolution of the Committee on Public Works and Transportation on October 1, 1986, shall be in accordance with section 105(a)(2) of the Water Resources Development Act of 1986.

SEC. 109. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform maintenance dredging and related activities to maintain Pump Slough from its confluence with the West Pearl River to the boat ramps in the vicinity of Interstate 59 and Crawford and Davis landings.

SEC. 110. A project for flood control along the Santa Ana River in the vicinity of the city of Norco is authorized for construction as part of the Santa Ana River Mainstem, including the Santiago Creek project, in accordance with plans described in the Reconnaissance Assessment Report for Norco Bluffs, dated October 18, 1988, prepared by the United States Army Corps of Engineers Los Angeles District. The total project cost for the Santa Ana Mainstem, including the Santiago Creek project, is raised by $6,120,000.

SEC. 111. The project for mitigation of fish and wildlife losses at the Canaveral Harbor West Basin and Approach Channel project, Florida, authorized by section 601(a) of the Water Resources Development Act of 1986 under the heading "PORT CANAVERAL HARBOR, FLORIDA" (100 Stat. 4140), is modified to authorize the Secretary to construct that part of the project consisting of reshaping of four spoil islands located in the Banana River, installation of culverts along the existing levee of the south mosquito control impoundment of Merritt Island, and rehabilitation of the existing pump station located at the southern tip of the south mosquito control impoundment, at a total cost of $838,000, with an estimated first Federal cost of $825,000 and an estimated non-Federal cost of $13,000.

SEC. 112. (a) The Secretary of the Army, acting through the Tulsa District Engineer, Corps of Engineers, is authorized and directed to design, construct, operate, and maintain Federal hydroelectric generating facilities at the Broken Bow Reregulation Dam on the Mountain Fork River in Oklahoma generally in accordance with the report of the District Engineer, dated July 1988, and in accordance with the following subsections of this section.

(b) The RedArk Development Authority, a public trust of the State of Oklahoma, is designated as the non-Federal sponsor of the hydroelectric generating facilities described in subsection (a) of this section. Construction of said hydroelectric generating facilities shall be contingent upon the RedArk Development Authority providing 100 percent of the costs to finance, design, and construct said facilities. Further, the RedArk Development Authority may enter into arrangements with other non-Federal entities to cofinance and cosponsor the design and construction of such facilities. Operation and maintenance of the facilities shall not be a financial responsibility of the RedArk Development Authority or its cofinanciers.

(c) Using $100,000 of the General Investigations funds previously appropriated by Public Law 100-371 and $150,000 of the funds appropriated in this Act under General Investigations the Secretary of the Army is directed to initiate preconstruction engineering and design for the addition of the hydroelectric generating facilities described in subsection (a) of this section immediately upon enactment of this section. These funds, together with any other preconstruction engineering and design expenses associated with this undertaking, shall be reimbursed by the RedArk Development Authority prior to the initiation of physical construction of the facilities.

(d) The Secretary of the Army, acting through the Tulsa District Engineer, Corps of Engineers, and the Secretary of Energy, acting through the Administrator, Southwestern Power Administration, shall—

(1) within ninety days of the enactment of this section provide to the RedArk Development Authority and other non-Federal entities as described in subsection (b) of this section the following for the facilities described in subsection (a) of this section:

(A) the estimated costs for design and construction of the facilities,

(B) the estimated schedule of quarterly expenditure of such funds,

(C) the method of payments,

(D) the management of such funds, and

(E) the management and rights to any interest accruing to the deposit of such funds; and

(2) upon provision of the agreement described in subpart (1) of subsection (d) of this section enter into negotiations with the RedArk Development Authority and other non-Federal entities as provided in subsection (b) of this section to execute such construction, escrow, and power sales agree-

ments as necessary to design, construct, and market the power from the hydroelectric generations facilities described in subsection (a) of this section.

(e) Notwithstanding the provisions of section 5 of the Flood Control Act of 1944 (58 Stat. 890; 16 U.S.C. 825), the Secretary of Energy, acting through the Administrator, Southwestern Power Administration, is authorized and directed, with the concurrence of the RedArk Development Authority, to construct such transmission facilities as necessary to market the power produced at the generating facilities described in subsection (a) of this section.

(f) Within five years of the date of enactment of this section, the Tulsa District Engineer, Corps of Engineers, shall complete construction of the hydroelectric generation facilities described in subsection (a) of this section and make power and energy available to the Southwestern Power Administration and the Southwestern Power Administration shall complete construction of necessary transmission facilities.

(g) Pursuant to the agreements described in subsection (d) of this section, the Secretary of Energy, acting through the Administrator, Southwestern Power Administration, shall market the excess power produced by the generating facilities described in subsection (a) of this section in accordance with section 5 of the Flood Control Act of 1944.

(h) Notwithstanding any other provision of law, the Secretary of Energy, acting through the Administrator, Southwestern Power Administration, shall allocate to the cosponsor described in subsection (b) of this section who meets the qualifications of a preference customer of the Southwestern Power Administration such power and energy as required, but not in excess of that available from the generating facilities described in subsection (a) of this section, from the interconnected system of reservoirs operated by the Corps of Engineers and marketed by the Southwestern Power Administration in accordance with such rates and power and energy allocation guidelines as apply to the interconnected system.

(i) Notwithstanding the provisions of section 5 of the Flood Control Act of 1944, the Secretary of Energy, acting through the Administrator, Southwestern Power Administration, is authorized and directed, in accordance with the provision of the agreements described in subsection (c) of this section from revenues from the sale of power produced by the generating facilities of the interconnected system of reservoirs operated by the Secretary of Energy and marketed by the Southwestern Power Administration, to—

(1) repay the RedArk Development Authority and other cofinanciers as described in subsection (b) of this section such funds, including financing and interest costs, as may be provided by the RedArk Development Authority and its cofinanciers for the design and construction of the hydroelectric generation facilities described in subsection (a) of this section; and

(2) contribute funds, in such amounts and at such times as may be deemed appropriate by Southwestern Power Administration for the payment of construction work in progress (CWIP) or interest during construction (IDC) during the construction of the hydroelectric generating facilities, described in subsection (a) of this section.

(j) Development of hydropower facilities under the foregoing provision will not proceed prior to completion of an environmental review. The level of review will be the same as that required for new hydropower licenses under Federal Energy Regulatory Commission guidelines and will be conducted under the auspices of the appropriate Federal agency.

POINTS OF ORDER

The CHAIRMAN. Are there any points of order against the remainder of title I?

Mr. ANDERSON. Mr. Chairman, I make a point of order against section 112 of the bill. This section directs the Corps of Engineers to carry out a project not previously authorized by law and therefore violates rule XXI, clause 2, of the Rules of the House, which prohibits legislation in an appropriations bill.

In making this point of order, let me emphasize the following:

The provision in question is legislation in an appropriations bill. This is a matter which goes to the core of our jurisdiction, our authority and our effectiveness.

Last week our Subcommittee on Water Resources held a hearing on all authorizing provisions included in this bill so that we could determine the need for action on them now rather than waiting for the next water resources bill. This provision does not, in our opinion, meet the test of being time sensitive; and

There will be a water resources bill next year. We are committed to having one every 2 years. This will ensure that provisions like this one can be handled in a timely fashion through the normal legislative process.

It is for these reasons that I must object.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. WATKINS. Mr. Chairman, I rise, deeply concerned about this point of order because he is correct about it being authorizing or legislating language.

However, that is done quite often as the gentleman well knows, and this has been selected as one of three to drive a point of order against. We have authorized this piece of legislation in the past and it has been knocked out in conference. I have worked trying to put together financing, private financing, like H.R. 6 states. The law that we passed and all we are doing is in an economically depressed area of Oklahoma and we are knocking out a project that would help stimulate jobs, development, and help try to build the community in that area.

I know the chairman of the committee has that prerogative to do that, but I tried to abide by the law over and over again. I am not in a position, not on the Committee on Rules, not being the chairman of any of the committees, and so I am quite sure that the chairman is going to have his way in knocking this out. I wish, though, he would take into consideration some of the needs. We followed the law. We followed the spirit of the law. I have gone out and tried to get private financing lined up to get the project done, but this does not mean anything I do not guess, to the chairman, because we are going to knock it out, delay, delay it. I will lose the investors and we will see it go down the drain.

I deeply regret the chairman of the authorizing committee having singled this one out. I have seen other projects, literally, Mr. Chairman, be continued there, and their act of points of order, but they have singled this one to knock it out. I guess if that is what the Member plans on doing, the Member will do it to me. However, I appreciate, Mr. Chairman, your consideration, but under the circumstances, I know there must be some reason the gentleman feels strongly about my project and letting all the others go. I want to make that point.

The CHAIRMAN (Mr. PEASE). Does any other Member wish to be heard on this point of order? If not, the Chair is prepared to rule.

For the reasons stated by the gentleman from California, the Chair finds section 112 constitutes legislation on an appropriation bill. The point of order is sustained. Section 112 is stricken from the bill.

Are there other points of order against this title of the bill?

Mr. HAMMERSCHMIDT. Mr. Chairman, I make a point of order against section 110 of the bill. This section directs the Corps of Engineers to carry out a project not previously authorized by law and therefore violates rule XXI, clause 2 of the rules of the House, which prohibits legislation in the appropriations bill.

The CHAIRMAN (Mr. PEASE). Are there any other Members who wish to be heard on this point of order?

If not, the Chair is prepared to rule.

For the reasons stated by the gentleman from Arkansas, the Chair sustains the point of order. Section 110 is stricken from the bill.

Mr. CARPER. Mr. Chairman, I move to strike the requisite number of words.

I would like to thank my distinguished colleague from Alabama, Mr. BEVILL, and also my distinguished colleague from Indiana, Mr. MYERS, for their kind attention to a unique problem in the State of Delaware—the need for a new bridge over the Chesapeake and Delaware Canal. The C&D Canal is a federal project that cuts my State completely in two. As I have pointed out to my two colleagues, the State law chartering the original canal company to build the C&D Canal required the company to build and maintain good and sufficient bridges for public highways over the canal. The Federal Government, in taking over

the canal company franchise in 1919 to vastly enlarge the canal for national defense and commercial purposes, assumed the legal responsibility for providing bridges, and has met that responsibility to date by providing needed bridges in both Delaware and Maryland.

The Federal St. Georges Bridge carries 60 percent of the traffic over the canal from northern Delaware and the rest of the northeast corridor to the three-State Delmarva Peninsula. The bridge is barely capable of handling today's traffic, and studies indicate it will fall far short of meeting our transportation needs 5 years from now.

Delaware is building a new $400 million highway to carry the ever-increasing traffic of the U.S. Route 13 corridor, and needs the Federal Government to provide a new bridge near St. George's to carry this traffic across the canal.

Though there is nothing in this bill for the new bridge, I thank my colleagues for their attention to the needs of my State, and for their willingness to work with me to address those needs in the future.

□ 1330

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. CARPER. I yield to the chairman of the subcommittee.

Mr. BEVILL. Mr. Chairman, there is indeed a unique problem here, and though we were unable to consider it in the context of this appropriation bill, we will give attention to it in the future.

Mr. CARPER. Mr. Chairman, I thank the subcommittee chairman, and I thank the distinguished ranking minority member as well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $11,230,000: *Provided*, That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, $661,008,000, of which $164,866,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $188,823,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further*, That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294): *Provided further*, That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: *Provided further*, That Plan 6 features of the Central Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acre feet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Bartlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation criteria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat. 885; 43 U.S.C. 1501 et seq.): *Provided further*, That $17,000,000 of the funds herein appropriated shall be available for use for construction on the Davis Creek Dam, North Loup Division, Nebraska, and related facilities in addition to the amount requested by the Secretary of the Interior for continuing work on the North Loup Division, which funds shall remain available until expended.

OPERATION AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $212,287,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), may be derived from that fund: *Provided further*, That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable: *Provided further*, That none of the funds appropriated in this Act shall be used to execute new long-term contracts for water supply from the Central Valley Project, California, prior to October 1, 1990.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of

projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956, as amended (43 U.S.C. 422a-422l), including expenses necessary for carrying out the program, $34,122,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That during fiscal year 1990 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $31,922,000: *Provided further*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $47,983,000, of which $1,000,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

WORKING CAPITAL FUND

For acquisition of computer capacity for the Business System Acquisition project, and other capital equipment, $8,500,000, to remain available until expended, as authorized in section 1472 of title 43, United States Code (99 Stat. 571).

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 27, 1987 (16 U.S.C. 4601-6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 28 passenger motor vehicles for replacement only; acquisition of one aircraft by transfer of title without the use of appropriated funds; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467), and June 27, 1960 (16 U.S.C. 469): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses", amounts provided for plan formulation and advance planning investigations under the head "General Investigations", and amounts provided for applied engineering under the head "Construction Program".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts for which a solicitation is issued after the date of this Act are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.). Notwithstanding the provisions of 5 U.S.C. 5901(a), as amended, the uniform allowance for each uniformed employee of the Bureau of Reclamation, Department of the Interior, shall not exceed $400 annually.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Mr. BEVILL (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there any points of order against title II?

Are there any amendments to title II?

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS of Utah: Page 39, after line 2 insert:

SEC. 205. In Public Law 100-563, sec. 4(e)(2), delete the sentence that reads "Of the amounts appropriated hereafter under section 8 of such Act, the first $15,000,000 shall be paid to the Association."

Mr. OWENS of Utah. Mr. Chairman, this amendment is critically important because it will permit Congress to keep faith with a commitment we made last year, a commitment which stands as the foundation for a much larger negotiation we are now working on in Congress to complete the Central Utah project.

The controlling authorization passed by the House last year, after a lengthy and complicated negotiation, was

amended in the Senate, resulting in an inconsistency which was overlooked during final passage. This amendment would resolve that inconsistency and restore the intent and effect of the House-passed authorization bill.

My amendment has the strong support of the chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona [Mr. UDALL], and the chairman of the Water and Power Subcommittee of the Committee on Interior and Insular Affairs, the gentleman from California [Mr. MILLER]. The CUP is a 25-year-old reclamation project designed to bring Utah's negotiated share of the Colorado River to its growing population centers. The project is three-quarters done. We must have additional funding authorization to complete it. It is critically important to the growth and future of the State of Utah.

We are in the middle of an enormous legislative undertaking to reform this project and develop a CUP completion plan which would meet both the needs of the State of Utah and, at the same time, conform to Congress' current fiscal and environmental realities.

To date, well over $1 billion has been invested in the project's water development, yet only $10 million out of that $1 billion has been spent on environmental mitigation. The project's environmental impacts have been enormous, long overlooked, and are a serious obstacle to congressional approval to complete the project.

The inconsistency I am resolving with this amendment will permit the $23 million mitigation package that was carefully negotiated and earmarked in the House authorizing process to be implemented. It will authorize all these amounts to be expended in a manner that comports with the promises made to many Utah and national sportsmen and conservation groups, whose continued constructive support is key if we are to arrive at a comprehensive legislative plan which will complete the CUP.

Only $10 million of the over $1 billion has been spent on environmental mitigation, and during the authorizing process at the subcommittee and committee levels of the Interior Committee, we made commitments that we would start the environmental mitigation in fiscal year 1990. We also made the commitment, and it is in the statute, that we would spend $23 million doing that.

There is an inconsistency in the Senate language, and we have changed that inconsistency, or I would change it by the amendment which I offer today. We cannot break those commitments which we made or we lose the possibility of their support in the completing of the CUP this year by other legislation. We must begin to seriously repair and mitigate the extensive damage of that extensive water development, which is the largest transbasin transfer of water in the history of this country.

It does not harm to delay for 1 year the payment to the Strawberry Water Users Association. I support that payment. I have never supported its being made at the cost of environmental mitigation this year.

Mr. Chairman, let us put that back and let us agree to this amendment, which will permit us to keep our commitment to move to begin the environmental repairs of that great project.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I yield to the chairman of the subcommittee.

Mr. BEVILL. Mr. Chairman, I have no objection to the amendment.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by my colleague, the gentleman from Utah [Mr. OWENS].

Mr. Chairman, the gentleman from Utah [Mr. OWENS] made several statements in his presentation. First of all, he said that we need to meet the commitments we made and not break them. I agree with that fully.

It is interesting to note that the bill has two seemingly conflicting statements. According to the language of section 4, it says the first $15 million of section 8 funds, which is environmental, by the way, shall be paid to the Strawberry Water Users Association in order to transfer 57,000 acres of land from the Bureau of Reclamation to the Forest Service.

That land has been badly abused. The sportsmen, the environmentalists, the Bureau of Reclamation, the Forest Service, the U.S. Department of Fish and Game and the Strawberry Water Users Association, plus the entire delegation after 6 months of negotiation came to a settlement of that item. The gentleman from Utah [Mr. OWENS] included that in the bill he presented last year for the central Utah project.

The committee stripped that portion of the bill and in fact every portion of the bill except an amount to raise the ceiling in order to keep the project alive, but the Senate added that language back.

The gentleman from Utah [Mr. OWENS] would now have us believe we should go back to the House language, but let me read some of the statements made on this floor when the Senate amendments came back to us. The Senate amendment was praised by the gentleman from California [Mr. MILLER], chairman of the Water and Power Subcommittee, and it was praised by the gentleman from Utah [Mr. OWENS]. Both suggested that we agree with the Senate. Both suggested the property transfer should be part of the bill. The Senate amendment was accepted by the entire House by voice vote with no opposition. This was an agreement among the five members of the Utah delegation on this issue since the gentleman from Arizona [Mr. UDALL] insisted we be together on everything we wanted or we would not have the project at all. I concurred in that. But let me point out what the gentleman from Utah [Mr. OWENS] said when that Senate amendment was made. This is from the CONGRESSIONAL RECORD, page H 16140 from last year, and he said this:

> Mr. Speaker, the Utah delegation, the Interior Committee, local water users, environmentalists, sportsmen's organizations, and many others have worked long and hard toward enactment of a comprehensive reauthorization bill for the Central Utah project.

Then after that he said this:

> The current Senate amendments to H.R. 3408 which are now before us are acceptable to the chairman of the Subcommittee on Water and Power Resources, the gentleman from California [Mr. Miller], and to me.

The gentleman from California [Mr. MILLER] then said his committee had intended to include the Senate language in the original bill, and then added:

> However, in the interests of securing an interim cost ceiling increase for the project, we are willing to accept the language offered by the Senate.

So both the gentleman from Utah [Mr. OWENS] and the gentleman from California [Mr. MILLER] accepted the language at that time. It is part of the law that the first amount be given to the Strawberry Water Users. Now the gentleman from Utah suggests that maybe the various groups can wait another year. I remind the Members that this problem has been festering for many years.

The House in 1986 passed my bill under suspension of the rules unanimously, and it went to the Senate. Unfortunately, it was not acted on by the Senate. In 1987, Senator GARN and I each had bills to solve the problem. The gentleman from Utah [Mr. OWENS] had his choice of which of those bills he would incorporate into his central Utah project authorization bill and he chose the Garn bill which contained the $15 million. My bill did not specify the amount but set the compensation based on independent appraisals of the property. The gentleman from Utah [Mr. OWENS] made that choice freely. He agreed to include his bill and the entire Utah delegation approved.

Mr. Chairman, if we talk about breaking commitments, I think this is a very good example of doing exactly that. The agreement was in the Owens bill initially and it was also accepted by the House on the recommendation of myself, of Representative OWENS and of Representative MILLER. So it is not only longer standing but also more recent and more specific than the other requests.

□ 1340

Mr. Chairman, this had the support of the Bureau of Reclamation, the Forest Service, sportsmen, the Strawberry Water Users; and more importantly, the entire Utah delegation until about 3 days ago.

I believe that we need to look at some other aspects of this bill. Where we are talking about deferring things, we asked for some $15 million for the Strawberry Water Users, and $19 million for the other projects, a total of $34 million. The Committee on Appropriations approved $28 million, some $6 million short of our request.

When I met before the Committee on Appropriations subcommittee, I stressed over and over again, ad nauseam almost, the fact that the first $15 million was earmarked to complete the Strawberry Water Users transfer to solve the problem which has been a major concern for so many years. I had the impression that the committee would do that. However, the committee report is silent as to how they intend the $28 million to be divided between the two projects.

(By unanimous consent, Mr. NIELSON of Utah was allowed to proceed for 2 additional minutes.)

Mr. NIELSON of Utah. Mr. Chairman, let me indicate that of the $19 million requested in addition to the $15 million for the property transfer mitigation, $3,706,000 in recreation and fish and wildlife is in the Jordanelle Reservoir area. This money cannot be spent until the reservoir is completed. The reservoir will not be completed until 1991, so that money can easily be deferred without harm to anyone. The Diamond Fork mitigation of over $1 million also could be deferred very easily because that project is not completed and the tunnels are still being put through the mountain. Even the mitigation of Strawberry Reservoir itself, $8,646,000 could be more effectively spent if the land surrounding the reservoir is rehabilitated at the same time.

I do not think we could go back and change the $15 million. You had 25 people who worked for 6 months before coming to that agreement including many organizations. It would break faith with every one of those organizations and break faith with what we, as a delegation, tried to do and which the gentleman from Utah [Mr. OWENS] and the gentleman from California [Mr. MILLER] and the entire Committee on Interior and Insular Affairs accepted when the Senate amendment was made.

Mr. OWENS of Utah. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Utah.

Mr. OWENS of Utah. Mr. Chairman, I would say to my colleague, the gentleman from Utah [Mr. NIELSON] that, if he would look at pages 5 and 6 of the committee report which accompanied the passage of this subject legislation last fall, he would see in there a listing of $23,885,000 worth of environmental mitigation projects, some in Colorado, and some in Wyoming, $19 million of it in Utah which the legislative language mandated be spent in fiscal year 1990.

Mr. NIELSON of Utah. Mr. Chairman, reclaiming my time, I agree it says, "You're going to have $19 million and also $15 million." They are both in that bill. That is $34 million. We only got a $28 million authorization. We are $6 million short.

I say, "Let's meet the original commitment."

(By unanimous consent, Mr. NIELSON of Utah was allowed to proceed for 1 additional minute.)

Mr. OWENS of Utah. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Utah.

Mr. OWENS of Utah. Mr. Chairman, this was a very significant decision that we made last year. The gentleman from Utah [Mr. NIELSON] was not in those committee meetings. He is not a member of that committee, but in working with the environmental, and conservation and sportsmen's organizations whose support was critical to getting the 1-year extension and, more importantly, today whose support will be critical for getting the legislation completed this year, we absolutely make the commitment that, though we had spent almost $1.2 billion on the CUP, and no money, save $10 million of that $1.2 billion on environmental mitigation, we made the absolute commitment that we would begin in fiscal year 1990 the environmental repairs and earmark $23 million, which the chairman of the committee and subcommittee support.

Mr. NIELSON of Utah. Mr. Chairman, reclaiming my time, Mr. Chairman, I agree with the environmental desires. The $15 million for rehabilitating the Strawberry lands is also environmental. It was asked for by the sportsmen. It was asked for by environmentalists.

(By unanimous consent, Mr. NIELSON of Utah was allowed to proceed for 2 additional minutes.)

Mr. NIELSON of Utah. Mr. Chairman, I would remind the gentleman from Utah [Mr. OWENS], the Members of this House, both the $15 million project and all of the $19 million projects are in my district. I have worked with the county officials of Utah and Wasatch Counties. I know they stand in favor of getting that problem solved that has been brewing for a long time, and to make them wait in order to find more recent and in some cases premature projects is totally unfair. Some portion of these other projects could be deferred to another year because at least $8 million of the $19 million could easily be deferred and in fact could not be done at all. I urge rejection of the Owens amendment and yield back the balance of my time.

Mr. THOMAS of Wyoming. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise very briefly to oppose the amendment. I was involved last year, before being in this body, in some rather significant changes that have been suggested in the Colorado River storage project, and they are somewhat distressing and disturbing, and it does seem to me, although I am not familiar with the rules of this body, that to change an authorization by an appropriation does seem appropriate, and I rise to oppose the amendment.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the last word.

The gentleman from Utah [Mr. HANSEN] has sent word that he would like to speak on the floor in opposition to the amendment, however he is presently detained in committee and asks that his remarks be inserted in the RECORD at this point.

Mr. HANSEN. Mr. Chairman, I rise in opposition to this unreasonable and unilateral amendment by Mr. OWENS. The $15 million he seeks to delete results from a complex negotiation last year between the Forest Service, the Strawberry Water Users Association, the Central Utah Water Conservancy District, Utah sporting, fishing, and conservation groups, the Utah congressional delegation including Mr. OWENS, and the Subcommittee on Water and Power including Chairman MILLER.

This expenditure is the prerequisite to further rehabilitation of streams and associated wildlife/fish values in this area. Once this compensation occurs, the Forest Service will take title to these lands and begin a long-term rehabilitation of the area. Mr. OWENS is well aware of this, and yet without consultation, and in direct violation of the agreement he openly supported last year, he has unilaterally launched off on an effort that defeats the environmental values we sought to protect and promote last October.

But effort by Mr. OWENS does not achieve protection of fish and wildlife—it subverts and precludes a $3 million Forest Service effort to promote those values cited by Mr. MILLER in discussion on the floor last year—CONGRESSIONAL RECORD October 12, 1988. It represents a breach of faith with all those people and entities who worked so diligently to craft an understanding and agreement. By this action Mr. OWENS represents only the narrowest range of his constituents views and interests. If this amendment succeeds the Forest Service will be prevented from taking management control of approximately 57,000 prime acres for hunting, fishing, and associated ecological values.

I ask you to join me in defeating this effort by Mr. OWENS to renege on a commitment he supported just 8 months ago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. OWENS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. NIELSON of Utah. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 116]

Ackerman	Combest	Gekas
Akaka	Conte	Gephardt
Alexander	Cooper	Gibbons
Anderson	Costello	Gillmor
Andrews	Coughlin	Gilman
Annunzio	Courter	Gingrich
Anthony	Cox	Gonzalez
Applegate	Coyne	Gordon
Archer	Craig	Goss
Armey	Crane	Gradison
Aspin	Crockett	Grandy
Atkins	Dannemeyer	Grant
AuCoin	Darden	Gray
Baker	Davis	Green
Ballenger	de la Garza	Guarini
Bartlett	DeFazio	Gunderson
Barton	DeLay	Hall (TX)
Bateman	Dellums	Hamilton
Bates	Derrick	Hammerschmidt
Beilenson	DeWine	Hancock
Bennett	Dickinson	Hansen
Bereuter	Dicks	Harris
Berman	Dingell	Hastert
Bevill	Dixon	Hatcher
Bilbray	Donnelly	Hawkins
Bilirakis	Dorgan (ND)	Hayes (IL)
Bliley	Dornan (CA)	Hayes (LA)
Boehlert	Douglas	Hefley
Boggs	Downey	Henry
Bonior	Dreier	Herger
Borski	Duncan	Hertel
Bosco	Durbin	Hiler
Boucher	Dwyer	Hoagland
Boxer	Dymally	Hochbrueckner
Brennan	Dyson	Holloway
Brooks	Early	Hopkins
Broomfield	Eckart	Horton
Browder	Edwards (CA)	Houghton
Brown (CA)	Edwards (OK)	Hoyer
Brown (CO)	Emerson	Hubbard
Bruce	Engel	Huckaby
Bryant	English	Hughes
Buechner	Erdreich	Hunter
Bunning	Espy	Hutto
Burton	Evans	Hyde
Bustamante	Fascell	Inhofe
Byron	Fawell	Ireland
Callahan	Fazio	Jacobs
Campbell (CA)	Feighan	James
Campbell (CO)	Fields	Jenkins
Cardin	Fish	Johnson (CT)
Carper	Flake	Johnson (SD)
Carr	Flippo	Johnston
Chandler	Foglietta	Jones (GA)
Chapman	Ford (MI)	Jones (NC)
Clarke	Ford (TN)	Jontz
Clay	Frenzel	Kanjorski
Clement	Gallegly	Kaptur
Clinger	Gallo	Kasich
Coble	Garcia	Kastenmeier
Coleman (MO)	Gaydos	Kennedy
Coleman (TX)	Gejdenson	Kennelly
Kildee	Nelson	Skaggs
Kleczka	Nielson	Skeen
Kolbe	Nowak	Skelton
Kolter	Oakar	Slattery
Kostmayer	Oberstar	Slaughter (NY)
Kyl	Obey	Slaughter (VA)
LaFalce	Olin	Smith (FL)
Lagomarsino	Ortiz	Smith (MS)
Lancaster	Owens (NY)	Smith (NE)
Lantos	Owens (UT)	Smith (NJ)
Laughlin	Oxley	Smith (TX)
Leach (IA)	Packard	Smith (VT)
Leath (TX)	Pallone	Smith, Denny (OR)
Lehman (CA)	Panetta	Smith, Robert (NH)
Lehman (FL)	Parker	Smith, Robert (OR)
Leland	Parris	Snowe
Lent	Pashayan	Solarz
Levin (MI)	Patterson	Solomon
Levine (CA)	Paxon	Spence
Lewis (CA)	Payne (NJ)	Spratt
Lewis (FL)	Payne (VA)	Staggers
Lewis (GA)	Pease	Stallings
Lightfoot	Pelosi	Stangeland
Lipinski	Penny	Stark
Livingston	Perkins	Stearns
Lloyd	Petri	Stenholm
Long	Pickett	Stokes
Lowery (CA)	Pickle	Studds
Lowey (NY)	Porter	Stump
Lukens, Donald	Poshard	Sundquist
Machtley	Price	Swift
Madigan	Pursell	Synar
Manton	Quillen	Tallon
Markey	Rahall	Tanner
Marlenee	Rangel	Tauke
Martin (IL)	Ravenel	Thomas (CA)
Martin (NY)	Ray	Thomas (GA)
Martinez	Regula	Thomas (WY)
Matsui	Rhodes	Torres
Mavroules	Richardson	Torricelli
Mazzoli	Ridge	Traficant
McCandless	Rinaldo	Traxler
McCloskey	Ritter	Udall
McCollum	Roberts	Unsoeld
McCrery	Robinson	Upton
McCurdy	Roe	Valentine
McDade	Rogers	Vander Jagt
McDermott	Rohrabacher	Vento
McEwen	Rose	Visclosky
McGrath	Rostenkowski	Volkmer
McHugh	Roth	Vucanovich
McMillan (NC)	Roukema	Walgren
McMillen (MD)	Rowland (CT)	Walker
McNulty	Rowland (GA)	Walsh
Meyers	Roybal	Watkins
Mfume	Russo	Waxman
Michel	Sabo	Weber
Miller (CA)	Saiki	Weiss
Miller (OH)	Sangmeister	Weldon
Miller (WA)	Sarpalius	Wheat
Mineta	Savage	Whittaker
Moakley	Sawyer	Whitten
Molinari	Saxton	Williams
Mollohan	Schaefer	Wise
Montgomery	Scheuer	Wolf
Moody	Schiff	Wolpe
Moorhead	Schneider	Wright
Morella	Schroeder	Wyden
Morrison (CT)	Schuette	Wylie
Morrison (WA)	Schulze	Yates
Mrazek	Schumer	Yatron
Murphy	Sensenbrenner	Young (AK)
Murtha	Sharp	Young (FL)
Myers	Shaw	
Nagle	Shays	
Natcher	Shumway	
Neal (MA)	Sikorski	
Neal (NC)	Sisisky	

□ 1405

The CHAIRMAN. Four hundred fifteen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Utah [Mr. OWENS] for a recorded vote. Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 174, not voting 15, as follows:

[Roll No. 117]

AYES—243

Ackerman	Gibbons	Obey
Akaka	Gonzalez	Olin
Alexander	Gordon	Ortiz
Anderson	Gray	Owens (NY)
Andrews	Green	Owens (UT)
Annunzio	Guarini	Pallone
Anthony	Hamilton	Panetta
Applegate	Harris	Parker
Aspin	Hatcher	Patterson
Atkins	Hawkins	Payne (NJ)
AuCoin	Hayes (IL)	Payne (VA)
Beilenson	Hayes (LA)	Pease
Bennett	Hertel	Pelosi
Berman	Hoagland	Penny
Bevill	Hochbrueckner	Perkins
Bilbray	Hoyer	Pickett
Boggs	Hubbard	Pickle
Bonior	Huckaby	Poshard
Borski	Hughes	Price
Boucher	Hutto	Rahall
Boxer	Jacobs	Rangel
Brennan	Jenkins	Richardson
Brooks	Johnson (SD)	Robinson
Browder	Johnston	Roe
Brown (CA)	Jones (GA)	Rose
Bruce	Jones (NC)	Rostenkowski
Bryant	Jontz	Rowland (GA)
Bustamante	Kanjorski	Roybal
Byron	Kaptur	Russo
Campbell (CA)	Kastenmeier	Sabo
Campbell (CO)	Kennedy	Sangmeister
Cardin	Kennelly	Sarpalius
Carper	Kildee	Savage
Carr	Kleczka	Sawyer
Chapman	Kolter	Scheuer
Clarke	Kostmayer	Schroeder
Clay	LaFalce	Schumer
Clement	Lancaster	Sharp
Coleman (TX)	Lantos	Shays
Conyers	Laughlin	Sikorski
Cooper	Lehman (CA)	Sisisky
Costello	Lehman (FL)	Skaggs
Coyne	Leland	Skelton
Crockett	Levin (MI)	Slattery
Darden	Levine (CA)	Slaughter (NY)
de la Garza	Lewis (GA)	Smith (FL)
DeFazio	Lipinski	Solarz
Dellums	Lloyd	Spratt
Derrick	Long	Staggers
Dicks	Lowey (NY)	Stallings
Dingell	Manton	Stark
Dixon	Markey	Stokes
Donnelly	Martinez	Studds
Dorgan (ND)	Matsui	Swift
Downey	Mavroules	Synar
Durbin	Mazzoli	Tallon
Dwyer	McCloskey	Tanner
Dymally	McCurdy	Tauzin
Dyson	McDermott	Thomas (GA)
Early	McHugh	Torres
Eckart	McMillen (MD)	Torricelli
Edwards (CA)	McNulty	Traficant
Engel	Mfume	Traxler
English	Miller (CA)	Udall
Erdreich	Mineta	Unsoeld
Espy	Moakley	Valentine
Evans	Mollohan	Vento
Fascell	Montgomery	Visclosky
Fazio	Moody	Volkmer
Feighan	Morrison (CT)	Walgren
Flake	Mrazek	Watkins
Flippo	Murphy	Waxman
Foglietta	Murtha	Weiss
Ford (MI)	Nagle	Wheat
Ford (TN)	Natcher	Whitten
Frank	Neal (MA)	Williams
Frost	Neal (NC)	Wise
Garcia	Nelson	Wolpe
Gaydos	Nowak	Wyden
Gejdenson	Oakar	Yates
Gephardt	Oberstar	Yatron

NOES—174

Archer	Barton	Boehlert
Armey	Bateman	Bosco
Baker	Bereuter	Broomfield
Ballenger	Bilirakis	Brown (CO)
Bartlett	Bliley	Buechner

Bunning	Ireland	Ritter
Burton	James	Roberts
Callahan	Johnson (CT)	Rogers
Chandler	Kasich	Rohrabacher
Clinger	Kolbe	Roth
Coble	Kyl	Roukema
Coleman (MO)	Lagomarsino	Rowland (CT)
Combest	Leach (IA)	Saiki
Conte	Leath (TX)	Saxton
Coughlin	Lent	Schaefer
Courter	Lewis (CA)	Schiff
Cox	Lewis (FL)	Schneider
Craig	Lightfoot	Schuette
Crane	Livingston	Schulze
Dannemeyer	Lowery (CA)	Sensenbrenner
Davis	Luken, Thomas	Shaw
DeLay	Lukens, Donald	Shumway
DeWine	Machtley	Shuster
Dickinson	Madigan	Skeen
Douglas	Marlenee	Slaughter (VA)
Dreier	Martin (IL)	Smith (MS)
Duncan	Martin (NY)	Smith (NE)
Edwards (OK)	McCandless	Smith (NJ)
Emerson	McCollum	Smith (TX)
Fawell	McCrery	Smith (VT)
Fields	McDade	Smith, Denny (OR)
Fish	McEwen	Smith, Robert (NH)
Frenzel	McGrath	Smith, Robert (OR)
Gallegly	McMillan (NC)	Snowe
Gallo	Meyers	Solomon
Gekas	Michel	Spence
Gillmor	Miller (OH)	Stangeland
Gilman	Miller (WA)	Stearns
Gingrich	Molinari	Stenholm
Goss	Moorhead	Stump
Gradison	Morella	Sundquist
Grandy	Morrison (WA)	Tauke
Grant	Myers	Thomas (CA)
Gunderson	Nielson	Thomas (WY)
Hall (TX)	Oxley	Upton
Hammerschmidt	Packard	Vander Jagt
Hancock	Parris	Vucanovich
Hansen	Pashayan	Walker
Hastert	Paxon	Walsh
Hefley	Petri	Weber
Henry	Porter	Weldon
Herger	Pursell	Whittaker
Hiler	Quillen	Wolf
Holloway	Ravenel	Wylie
Hopkins	Ray	Young (AK)
Horton	Regula	Young (FL)
Houghton	Rhodes	
Hyde	Ridge	
Inhofe	Rinaldo	

NOT VOTING—15

Barnard	Florio	Hunter
Bates	Glickman	Smith (IA)
Bentley	Goodling	Towns
Collins	Hall (OH)	Wilson
Dornan (CA)	Hefner	Wright

□ 1412

Mr. KASICH changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WATKINS

Mr. WATKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATKINS: On page 39, after line 2, insert the following new section:

"SEC. 205. Sec. 210 of the Energy and Water Development Appropriations Act of 1988 is hereby deleted in its entirety."

Mr. WATKINS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WATKINS. Mr. Chairman, I have cleared this amendment with the chairman of the subcommittee and also the ranking minority member, and I do not think they have any objections.

Mr. BEVILL. Mr. Chairman, if the gentleman will yield, we have no objection to the amendment.

Mr. MYERS of Indiana. Mr. Chairman, if the gentleman will yield, the minority offers no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. WATKINS].

The amendment was agreed to.

Mr. PASHAYAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to ask the manager of the bill, the distinguished Chairman of the Subcommittee on Energy and Water Development Appropriations, the gentleman from Alabama [Mr. BEVILL], a question regarding the legislative intent of a particular provision of H.R. 2696.

Mr. Chairman, a provision on page 32 of the bill states that none of the funds appropriated in this act shall be used to execute new long-term contracts for water supply from the Central Valley project, California, prior to October 1, 1990.

The committee report states that you do not intend by this language to prohibit the renewal of existing water supply contracts consistent with Federal reclamation law and other applicable regulatory and procedural requirements.

As you know, renewal of existing water contracts is a matter of vital importance to thousands of growers in the Central Valley and I want to make sure there is no mistake here.

Is this provision intended to prohibit the Secretary of Interior from executing any new, long-term water supply contracts from the Central Valley project prior to October 1, 1990?

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. PASHAYAN. I am glad to yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, yes, the gentleman is correct in his statement.

Mr. PASHAYAN. Is it also true that this provision does not prohibit the renewal of existing water supply contracts consistent with Federal reclamation law and the applicable regulatory and procedural requirements.

Mr. BEVILL. The gentleman is correct.

Mr. PASHAYAN. Since this provision does not prohibit the renewal of existing water supply contracts, is it also true that those contract renewals can go forward under existing law and that the renewal process will not be affected by this Act?

Mr. BEVILL. The gentleman is correct.

Mr. PASHAYAN. I thank the distinguished chairman, and I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Orgnanization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 21 for replacement only), $2,115,516,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $2,500,000 shall be provided to the Midwest Superconductivity Consortium at Purdue University.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to ask a question of the distinguished chairman of the subcommittee, the gentleman from Alabama [Mr. BEVILL].

With regard to the prefinancing language contained in the subcommittee's report, is it the gentleman's understanding that existing contracts entered into by DOE and the National Laboratories require the Department to reimburse the contractors for any severance or termination costs incurred by the laboratories in accordance with the terms of their contract?

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Alabama.

Mr. BEVILL. The answer to my friend and colleague is, that is my understanding.

Mr. YATES. Is it also the gentleman's understanding that the Department of Energy would be expected to honor these contract terms in the event that such costs are incurred by the laboratories?

Mr. BEVILL. Yes, it would be expected that the Department would honor its contractual agreements.

Mr. YATES. I thank the gentleman for that clarification and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activi-

ties in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 25 for replacement only), $1,445,000,000, to remain available until expended: *Provided,* That revenues received by the Department for the enrichment of uranium and estimated to total $1,500,900,000 in fiscal year 1990, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1990 so as to result in a fiscal year 1990 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquistion or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 13, of which 10 are for replacement only and one is a police-type vehicle), $1,062,431,000, to remain available until expended.

EN BLOC AMENDMENTS OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer en bloc amendments made in order under the rule.

The CHAIRMAN. The Clerk will report the en bloc amendments.

The Clerk read as follows:

En bloc amendments offered by Mr. ROE: On page 41, line 10, strike "$450,000,000" and insert $424,700,000" and on page 39, line 17, strike "2,115,516,000" and insert "2,140,816,000".

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the en bloc amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROE. Mr. Chairman, I rise in support of my amendment which has been agreed to by the chairman and ranking member of the Energy and Water Appropriations Subcommittee. This amendment restores $5.3 million to initiate construction of the Compact Ignition Tokamak (CIT) (88-R-92) in fiscal year 1990; and in addition the amendment provides $20 million in operating expenses at the Princeton Plasma Physics Laboratory for continuation of work toward a better understanding of confinement physics, scientific concepts of controlled fusion and related activities which can be applied to the CIT design and development efforts.

In preparing this amendment I have worked closely with the Appropriations Committee which had already reduced the substantial increase requested for the funding of the nuclear waste disposal fund. If my amendment is adopted, it still provides a 15-percent increase over last year in the appropriation for this program.

I urge the adoption of the amendment.

Mr. BEVILL. Mr. Chairman, if the gentleman will yield, we agree with his amendment and accept it.

□ 1420

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment offered by the gentleman from New Jersey [Mr. ROE].

Mr. Chairman, I rise today in strong support for the amendment offered by Mr. ROE, the chairman of the Science, Space, and Technology Committee. I would like to commend Mr. ROE for his outstanding leadership in the area of fusion research programs.

Mr. Chairman, recently I was made aware of a change in departmental policy toward the direction of fusion research. The Secretary of Energy announced that he was going to delay for 10 years the construction of the Compact Ignition Tokamak, or CIT, the most promising line of magnetic fusion research. Accordingly, the Appropriations Committee redirected $68 million from this effort in order to allow the Secretary to complete a rethinking of the magnetic fusion program. However, Mr. Chairman, this will not just postpone the CIT experiments, it will kill them.

Mr. Chairman, the leading magnetic fusion research center, the Princeton Plasma Physics Laboratory, which is located in my district, would be devastated if this cut in funding were to become law, as would the other laboratories and universities conducting research. Cancellation of the CIT will prevent the construction of the proposed $450 million machine at the Princeton Plasma Physics Laboratory.

Since 1974, the Federal Government has spent more than $5.3 billion on the magnetic fusion program. Of that amount, approximately $1.4 billion has been spent on research at the Princeton Plasma Physics Laboratory. Each year, the PPPL budget has averaged $100 million and the lab has employed approximately 800-900 employees, down from a high of over 1,000. However, a cut of funding of the magnitude proposed by the committee would result in layoffs on the magnitude of about 300 personnel at Princeton. These are highly skilled and trained specialists who would be lost to the program permanently.

This decision would contradict the recommendation of the scientific community. Only last week, the department's own group, the Magnetic Fusion Energy Advisory Committee, urged the Secretary and the Director of the Office of Fusion Energy to proceed with the plans for building CIT. In his letter to the Department of Energy, the chairman of the Advisory Committee, Mr. Fred Rihe, strongly reiterated the panel's support for the CIT.

Mr. Chairman, the success of the magnetic fusion program is based on the Tokamak program, which has already surpassed the performance requirements set in 1976 when the Tokamak Fusion Test Reactor was designed. The Compact Ignition Tokamak, or CIT, is now ready to move on to the next phase, ignition, which is the point where the fusion reaction no longer requires outside energy to sustain it. Every scientific group that has formally reviewed the plans for the CIT believes that the machine as currently conceived in phases I and II will achieve ignition. Mr. Ribe, chairman of the Advisory Committee, said that, "By all accounts, including that of MFAC panel 22, the CIT facility as represented by its full capability has a high probability of achieving its ignition goal."

Mr. Chairman, at a time when we are searching for new sources of energy, fusion energy promises a clean, non-polluting and abundantly available source of energy. It is imperative that we continue to press forward with those lines of research which have shown promise, such as the Compact Ignition Tokamak program. However, the cut in funding contained in the committee report would absolutely devastate the magnetic fusion research program, surrendering our world leadership in this area.

Mr. Chairman, I would urge all of my colleagues to support this amendment in order to continue the critically important research into the possibility of fusion energy.

Mr. MYERS of Indiana. Mr. Chairman, the minority has no objection and accepts the amendment.

Mr. RICHARDSON. Mr. Chairman, I rise in support of this amendment to increase the appropriation for energy supply, research, and development by $25.3 million. As you know, the provision contains funding for the magnetic fusion project. The Federal Government must take the initiative to provide support for the development of new energy sources. Magnetic fusion is a major candidate for an environmentally acceptable, long-term, inexhaustible energy source. The National Research Council strongly supports this project and, after a year-long study, has recommended a 20 percent increase for magnetic fusion.

Over the last few years, the magnetic fusion program has been remarkably successful. It has made systematic progress in the ability to produce the plasma conditions required for fusion power. Progress has also been made in the ability to predict many aspects of the complex behavior of magnetically confined plasma. Nevertheless, important work remains in the areas of understanding plasma heat loss, developing fusion materials technology, and improving the prospects for an economically attractive reactor. A cut in funding proposed could seriously jeopardize moving ahead on all fronts necessary for the development of fusion power.

While I support the amendment at hand, and the magnetic fusion project as a whole, I am especially concerned about the removal of the Confinement Physics Research Facility [CPRF], currently under construction at the Los Alamos National Laboratory, from the

budget. We cannot afford to remove a project that is already under construction. The CPRF appeared as a line item for the first time in the fiscal year 1990 Presidential budget but was actually started in fiscal year 1986. At the end of April, more than 57 percent of its total estimated cost was either spent or committed. Thus, the removal of the CPRF from the budget represents the discontinuance of a project well underway, whereas the expenditure of $13.3 million in fiscal year 1990 and decreasing amounts in the following 3 years would capitalize on the investment on $40 million already made. Furthermore, this cut was not requested in the letter from Secretary Watkins to the Senate Subcommittee on Energy Research and Development, which requested the delay of the Tokamak Next-Step CIT experiment.

The fusion concept to be studied in the CPRF is called the reversed field pinch, or RFP. Although less developed than the Tokamak, important features of the RFP are that it sustains its configuration by a self-healing "dynamo" action, it could be chemically heated to ignition (requiring no complicated, expensive auxiliary heating equipment), and offers the possibility of inexpensive, low-frequency current drive. These features could lead to a compact, simpler, less expensive fusion reactor. The CPRF experiment to be built as part of the CPRF project would place the United States in the forefront of RFP research internationally and would allow important physics to be studied at reactor-relevant plasma parameters.

Furthermore, the CPRF is being built so that, in the case of favorable physics results, it can be efficiently upgraded to provide a definitive test of the RFP as a magnetic fusion concept. If the RFP physics turns out to be less favorable than anticipated, the CPRF would still provide an important national facility for testing other concepts having the potential for compact fusion reactors.

The CPRF is a critical component of the magnetic fusion program. I look forward to working with the Chairman and my Senate colleagues to restore funding for the CPRF and developing magnetic fusion as a viable energy source for the Nation.

The CHAIRMAN. Is there further debate on this amendment? If not, the question is on the en bloc amendments offered by the gentleman from New Jersey [Mr. ROE].

The en bloc amendments were agreed to.

AMENDMENT OFFERED BY MR. ECKART

Mr. ECKART. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKART: Page 41, line 5, strike "$1,062,431,000," and insert "$952,431,000,".

Mr. BEVILL. Mr. Chairman, I ask unanimous consent that the debate on this amendment and all amendments thereto be limited to 1 hour and 20 minutes, the time to be equally divided between proponents and opponents.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. ECKART. Mr. Chairman, reserving the right to object, I would advise the Committee of the Whole that we find this arrangement to be agreeable. It is my understanding that time will be equally divided between the proponents of the amendment and the opponents to the amendment.

Mr. BEVILL. Yes.

Mr. ECKART. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. WALKER. Mr. Chairman, reserving the right to object, and I shall not object, but has there been an arrangement made to divide the time also between Republicans and Democrats?

Mr. BEVILL. Mr. Chairman, I would say yes to the gentleman.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The Chair declares that the debate time on the Eckart amendment will be 1 hour and 20 minutes pursuant to the unanimous consent request. It is the understanding of the Chair that the gentleman from Ohio [Mr. ECKART] will control 40 minutes and the gentleman from Texas [Mr. CHAPMAN] will control 40 minutes.

Mr. ECKART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the slogan of a very famous, now defunct, television show was: To boldly go where no man has gone before. The proponents of the super collider program want us to believe that the enactment of this peculiar science project, targeted by the Department of Energy for a cost of more than $4 billion, but which we are told by the Congressional Budget Office is in excess of $6 billion, will lead us to heretofore unknown horizons and opportunities in science research. But just as canceling Star Trek sent chills down the spines of its fans, talk about going slower in the pursuit of superconducting super collider sends chills down the backs of the proponents of the SSC.

Basically, building the super collider would be a super mistake. It is proposed that we put all of our research eggs in one 53-mile research basket as large as the Capital Beltway that surrounds this Nation's Capital.

Mr. Chairman, in today's Washington Post, Secretary of Energy Watkins said "I find the Energy Department a culture of mismanagement and ineptitude."

Mr. Chairman, it is this same culture of mismanagement and ineptitude to which we now want to turn over the expenditures of between $4 billion and $6 billion of taxpayers' money in a program that may leave this Federal Government with yet another white elephant.

Joined by my colleagues, the gentleman from Wisconsin [Mr. OBEY], the gentleman from New York [Mr. BOEHLERT], and the gentleman from Michigan [Mr. WOLPE], we want to underscore for our colleagues that this is the first vote in what will probably be a series of votes on determining the science priorities of this Nation.

Currently we appropriate a little more than $1 billion in general sciences, $200 million of which will be taken by this project.

Our amendment urges the continuation of research and development on the super collider but cuts the $110 million scheduled to initiate construction. For, as the committee tells us, this small $200 million down payment to build the Texas super collider grows to $900 million next year on a science budget only slightly bigger than that. Something has to give.

A fudge factor that DOE tells us can cost this project more than 21 percent in cost overruns leaves us with the question of how will we fund other important science projects. And after we are through building the super collider, it becomes a gift that keeps on giving, costing between $400 million and $550 million a year to operate.

Over its lifetime, the superconducting supercollider could cost as much as $12 billion. At a time of $150 billion budget deficits and a $150 billion savings and loan bailout and $100 billion Department of Energy environmental cleanup, where does this dollar drain end?

We were told, and this House voted just about 1 year ago, that a third of the funding for the SSC should come from foreign governments. Yet in 6 years of advancing this project, we have not a single written commitment for a single foreign dollar to participate in it. In fact, the country of India has only made a verbal commitment for a paltry sum, most of which they would like to see in in-kind services.

Yes, the State of Texas has committed a billion dollars, and for that we should be greatful.

But would they not rather see us invest this money in enhanced energy recovery resources to directly stimulate their economy and not indirectly create more pork for the plains of Texas?

The absence of substantial foreign commitments dooms this project to failure, for the foreigners will want to purchase only the best technology, not the least construction. A preoccupation with big science over little science will prevent the funding of 10,000 National Science Foundation grants covering a wide variety of investments in the science and education infrastructure of this Nation.

Mr. Chairman, there are significant technical problems here. The 55-foot prototype magnets have self-destructed because the energy they create is beyond their physical ability to sustain themselves. This will result in having to construct 10,000 of these magnets using a superconductivity technology that may be obsolete before this ring is built.

The economics, the trickle-down effect of this program is one that should not be lost on us all. The super collider, as a super mistake, will deny the ability to fund those projects which make a difference.

We were told in testimony and public commentary: "We will squeeze out important investments in biomedical research, superconductivity, photonics, high-density semiconductor integration and interconnection, structural composites, fossil fuel recovery, alternative energy resources, factory automation. We will cut back ultimately on National Institutes of Health grants, nuclear medicine, artificial intelligence, and applied science that can, if we are willing to make that much smaller investment in the science infrastructure of this Nation, bring greater investment and opportunities than some pie-in-the-sky opportunity that will allow a few physicists the opportunity to elbow each other after spending $12 billion of your dollars and say, 'See, I told you so.' "

Mr. Chairman, the ability of this Congress to choose its priorities is not lost on us all. Other of my colleagues will speak upon the priorities of this Nation that should be significantly different.

My colleague from Wisconsin will talk at length about the ability of this Congress to stand up and say, "If you want these expensive new toys, let's pay for them."

□ 1430

Just a few weeks ago this House took an important vote on the transfer of important technology to Japan and the sale and the codevelopment of the FSX fighter. A majority of Members agree that important technology ought to stay here. Our allies ought not to be given it. We ought to develop this American program for America, using American taxpayers' dollars. Yet we get no help, much in the same way our foreign allies rob Americans every single day by not paying their fair share of their defense burden, they refuse to come forward and participate in this program, hoping, once again, that Uncle Sam will be Uncle Sucker.

If this project is so good, why are they not doing it? Because the fact of the matter remains that the development of the superconducting super collider will have America eating its science seed corn. When we should be planting it and investing in alternative science programs, we will be putting all our eggs in a 53-mile circular basket, a basket of obsolete technology, a bottomless pit that will take from this House and from the taxpayers of America an unlimited amount of resources, and will give 3 percent of America's scientists 90 percent of America's science budget. That is wrong.

Captain Kirk and Mr. Spock could not save the Starship Enterprise. I do not think this House should save the superconducting super collider. Building it would be a super mistake. I urge my colleagues to go forward with research and development. Let Members look at the opportunity that may come from this. However, let Members reserve judgment until the Department of Energy demonstrates some common sense: Commitment to cost management, and a willingness and an understanding of the complex interrelationship between these kinds of projects and the environment they have so cavalierly trampled upon the last 10 years.

Mr. Chairman, I reserve the balance of my time.

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Chairman, I am a member of the subcommittee which has been a part of the national priority that I have fully supported, regardless of which State. This is not a Texas project. This is a national project. Universities throughout America are going to contribute in sharing our students of our Nation who will participate in the research of the future. We are on the cutting edge of technology, and we criticize and hear great speeches in this room about how Japan and other countries are ahead of the United States in technology. We hear speeches that we are short of engineers and mathematicians. This is an opportunity, I think, for all our universities, our young people of this Nation, to participate in the cutting edge of a research project that not only produces jobs and helps a particular region in the country, but more importantly, gives the United States the research advantage for the world.

I think it is a great project. The President has committed very strongly his personal support for this project. The committee on both sides of the aisle has supported this project very heavily. We have come within the 302(b) allocations. So I think on behalf of the project and this Nation we can do nothing less than to give this a start today and help the United States along in being on the cutting edge of research for tomorrow. America needs this project. I think the House should stand up and make a major decision today on behalf of the super collider.

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. There is probably no one in the House more parochial than me. I have lost an awful lot of jobs, and I do not come down here trying to fight for your jobs. I do what I have to to try and help my district.

However, I hear people today saying this is a white elephant, it is a mistake. In fact, it is a super mistake. Now, if it is such a super mistake, why do we want to leave $90 million in such a turkey? The truth of the matter is, this gives the United States an opportunity of competitiveness around the world. I am very parochial on the floor today. I am parochial for America. Any Member in this country that had this project scheduled for their district would be screaming for the appropriation.

Now, later today, we will resume debate on the foreign aid bill. I will be supporting the gentleman from Wisconsin [Mr. ROTH'S] amendment, because he is very concerned about a billion dollars. That is a "B," a billion dollars, over 2 years, to the Philippines. I will not see too many people up here hollering about deficits. They will vote $23 billion the next 2 years to go all over the world in the International Cooperation Act of 1989. It cooperates, all right, with everybody except the American taxpayer.

I am for the superconductor. I hoped to God it could be in my district. It is in our country, and it is going to help our country. Now, for those who are calling it a turkey, a white elephant, and a super mistake, those Members should have had a little bit more anatomy today. If it is that bad, the Members should have tried to cut it off. The truth of the matter is, everybody in this House recognizes the value. No Member knows what that will be, but the potential commercial trickle down and the advancement of research and technology is evident here today.

However, more important, Congress wants to put an umbrella in the sky called star wars, and for all the Members who can vote for star wars, take a look at job wars right here in America. This is part of that process, something that is needed. I tell Members, I am proud to stand today for Texas. For those people saying, "My God, Texas is getting everything," Texas deserves some help. I remind Members, Texas is in the good old U.S.A. Let Members vote this amendment down, and let Members go forward with the superconductor super collider.

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in support of the funding for the superconducting super collider. I know, as one from Illinois, I very frankly would have liked to have seen this in Illinois, but whether in Illinois or in Texas, I think it is something good for this country. I think we cannot afford not to build the SSC. There is no other sector of the economy that can basically support a project like this. I think it is a high priority project. There is little doubt in my mind that the SSC will make an important contribution to our national economic health and our industrial competitiveness.

History, I think, assures Members of this.

The technologies that will be developed from the SSC or any other basic scientific researches are, of course, always difficult to be able to predict. There is no guarantee that can be given here, and that is one reason why I suppose people can speak against it because they can not say what actually is coming forth from something like this. However, construction of the SSC will enable America to continue our quest to understand the universe, from the smallest constituent parts to how the world actually began. From the knowledge of physical material developed through the SSC, will come numerous technological advances.

Indeed, the experience of simply building the SSC will become a part of U.S. industry's store of experience and a base of information and techniques to be drawn on for other projects totally unrelated to high energy physics.

For example, the component part and processes needed for the SSC challenge our manufacturing know-how. U.S. industry will have to deal with constructing a 52-mile ring, possibly several hundred feet below the ground, and our manufacturing industry will learn techniques to manufacture thousands of superconducting magnets to tolerances and specifications not previously required, and our computer industry will be required to come up with designs and the ability to process vast amounts of information in time frames not previously demanded. Advances in many areas of technology such as superconducting magnets, cryogenics, ceramics, computers, cutting tools, super alloys, high-speed data processing, electronic imagery, medical technology, manufacturing technology, and quality control have been the return of our past investments and accelerator facilities at Fermi Lab and Brookhaven and Stanford.

□ 1440

The technology developed at these facilities is available to industry to adapt and apply to its specific needs in many unrelated products and processes. We can, of course, expect the same from the SSC project itself. My friend, Dr. Leon Letterman, the former director at Fermi Lab, has suggested some possible byproducts of the superconducting technology—magnetically levitated trains using superconducting magnets to support the train and serve as a propulsion source. Fusion energy experiments using superconducting magnets are already underway at Oak Ridge and Livermore Labs. Superconducting transmission facilities could help in locating power facilities away from densely populated areas. Critics of the SSC, of course, argue that we do not have sufficient commitments from other nations to go ahead with the project.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

Mr. CHAPMAN. Mr. Chairman, I yield 30 additional seconds to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, no commitments will be forthcoming from these foreign countries, though, until the United States makes its own commitment to the SSC project, and we have flirted around with this for a long time. The high energy physics community needs a clear signal from this body of Congress.

I understand very much the budget constraints and what they are, but the SSC is a bold and innovative project on a grand scale, and the rewards to fundamental science and to our Nation will be commensurate. The price of not building the SSC would be too high. It would mean turning our backs on the fundamental scientific field in which the United States has traditionally held a position of leadership, and it would mean becoming watchers instead of doers.

Mr. Chairman, I do not believe we should do that.

Mr. ECKART. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I point out to my colleague that in his litany of success stories he failed to tell us about the horrendous experience we have enjoyed with the Department of Energy. The Isabelle accelerator at Brookhaven National Laboratory was scrapped after investing 160 million taxpayer dollars for a program that went absolutely nowhere, building upon the same technology in which we want to invest now, going 150 feet in the ground. And it was the same Secretary of Energy who just told us yesterday that he found an agency besieged by insufficient scientific information, sloppy contracts, serious flaws in discipline, and an underlying operating philosophy in the Department of Energy that adequate safeguards cannot be built in.

Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Michigan [Mr. WOLPE], a cosponsor of the amendment.

Mr. WOLPE. Mr. Chairman, I rise as a cosponsor in strong support of the Eckart amendment to eliminate construction funds for the super collider project.

We have already heard some of the key reasons why this House should proceed very cautiously before giving the go-ahead to construction. First, no consensus whatsoever exists within the scientific community itself that this project should receive the kind of attention and focus that is being proposed, especially at a time of squeezed budgets and many competing research projects and other domestic priorities.

Second, there is clearly no certainty either about the ultimate cost of this project or how and by whom it will ultimately be funded. Serious questions remain about the process itself that was used to identify the site for its location. It was troubling indeed to find in hearings before the Science and Technology Committee that in the site selection committee utilized by the Department of Energy there was not a single geologist among its members.

But I want to focus on another issue that is at stake here, and that is the regional implication of siting the $6 billion-plus project in the Southwest. For the last several years I have been privileged to co-chair the Bipartisan Northeast-Midwest Congressioal coalition. Over that period I have insisted that it was possible to meet the needs of our region without harming other parts of our country, and our coalition in fact has promoted many initiatives such as our hazardous waste bill which would benefit the entire nation. The coalition in short has worked very hard to make regionalism a positive force and not a source of division within this Congress and this country.

However, we cannot remain blind any longer to what has been happening in the allocation of Federal budget dollars. The simple fact is that from a regional standpoint we have a real crisis on our hands. We are seeing a massive outflow of Federal dollars from our region that is tremendously compounding what was already an extraordinary imbalance in the flow of Federal dollars. The situation, I might say, has been particularly severe in midwestern States. The recent Census Bureau report revealed that four of the bottom five States in per capita distribution of Federal funds are located in the Midwest.

Nondefense discretionary spending was one area of Federal spending where our region had done reasonably well. We had benefited from urban development action grants, low income energy assistance, and EPA construction grants, to name a few. However, in recent years all this has changed. The UDAG program has been eliminated, EPA construction grants are

being phased out, and the funding level of LIHEAP has steadily eroded.

This squeeze on nondefense discretionary spending will only get worse as we try to meet the Gramm-Rudman requirement of a balance budget in fiscal year 1993.

It is important to remember that this squeeze is going to be greatly exacerbated by the $157 billion savings and loan bailout bill which recently passed this body. That bailout bill was largely the result of gross irresponsibility in just a couple of States. States in the Northeast-Midwest region were responsible for only 2 percent of the costs resulting from FSLIC's actions to close or merge insolvent State-chartered thrifts in 1988. But the taxpayers in our States would be required to pay 47 percent of the cost of that bailout. Unfortunately, the House was not given the opportunity to discuss this inequity during consideration of the savings and loan bailout bill.

Mr. Chairman, let us not beat around the bush. We have just asked the taxpayer's of the Nation to spend tens of billions of dollars to bailout thrifts in the Southwest that are insolvent largely due to greed and fraud on a monumental scale. Are we now going to ask those same taxpayers to spend $6 billion on a project of very questionable value in the same region? Funding this project in the wake of the S&L bill is one-two punch to the taxpayers of our region. Add the space station, with a price tag of $30 billion, 90 percent of which will be spent in the Sunbelt, and we have a regional knock-out punch.

Mr. Chairman, in light of the existing squeeze on nondefense discretionary spending due to the Gramm-Rudman targets, I see no reason to exacerbate that squeeze by launching a new $6 billion program, particularly given the outstanding questions that are yet to be answered.

Mr. Chairman, I urge my colleagues to support the Eckart amendment.

Mr. CHAPMAN. Mr. Chairman, may I inquire of the Chair as to the time remaining?

The CHAIRMAN. The gentleman from Ohio [Mr. ECKART] has 24½ minutes remaining, and the gentleman from Texas [Mr. CHAPMAN] has 31½ minutes remaining.

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Chairman, we have seen in the past several years that the Japanese have slowly taken away the high technology from this country. We now have an opportunity to gain that high technology back.

We can let our imaginations wander as to what the success of the superconducting super collider will be and what it can do. I can recall when I was a kid reading the Dick Tracy stories in the comic books that they had a watch that had a TV in it and a telephone they could talk on. The Japanese have now developed that technology, but they cannot develop a battery to compress the energy to put it on the market. We now have an opportunity to take technology like that away.

Can we imagine a car battery about this size that would develop enough energy to operate an automobile? A battery a little bit larger than that could develop enough energy to provide fuel for our homes, an x-ray machine that one could stand in front of and find tumors and cancers in the body without ever using a knife. And can we imagine a razor blade that can be used to shave a hundred times and that never gets dull?

□ 1450

Mr. Chairman, it is an opportunity for us to take a step forward on developing high technology by developing jobs and bringing some of that industry back into this country and, once again, letting this country take a step forward by developing tremendous opportunities in the next generation.

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Republican Conference, the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague, the gentleman from Texas [Mr. CHAPMAN] yielding this time to me.

Mr. Chairman, when early competition arose on the super collider superconductor, California was in the running, and, as I took a look at this project, I wanted to find myself in a position on justifying my support based upon the potential of the expenditure in terms of American interests rather than just regionalism alone, and that caused me to take a hard look at this technology and, perhaps, find some examples of where similar technology had worked and might give us a hint of the future.

It turned out that Loma Linda University was involved in an experiment with the Fermilab, and that led to a project which will build a minisuper collider in a hospital setting in Loma Linda, CA.

The project essentially produces this: They took the proton atom, and they ran around a small circle, a super collider process, and when the proton, the atoms, smashed against each other, the proton broke off, and, as I understand it, as a layman, such a proton is an excellent recipient of maximum levels of radiation. They concentrate that radiation, and then they rifle that radiation at cancer tissues.

Mr. Chairman, I think most people know as lay people that currently, when treating many patients who have cancer problems with radiation, the heat that comes out of that radiation of tissue often destroys other cells and organs, and the people die. Apparently, as a result of this process, concentrated radiation in that portion of the atom, which is the proton, can be rifled at such tissue. The heat experience does not take place, and about 90 percent of those people will be cured of cancer, a fantastic breakthrough, only an indication of the kind of potential of this super collider project.

Mr. Chairman, this takes us beyond the horizon in terms of technology in many a field. It is the kind of future that is America's future. We cannot afford to walk away from it now.

Mr. ECKART. Mr. Chairman, I yield 8 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, all this amendment asks is that this country stop making spending promises that cannot be paid for.

Mr. Chairman, this bill contains $200 million for the super collider. The amendment eliminates $110 million, which represents the amount that would move this country from the research stage to the construction stage on one of the largest public works projects in the history of the country.

Why are we offering the amendment? Mr. Chairman, the gentleman from Michigan [Mr. WOLPE] has already explained some of the regional concerns that drive some of us to take a close look at this project. I would like to discuss some larger concerns.

Mr. Chairman, the fact is we are talking about building the largest machine ever constructed in this country, a machine 54 miles in circumference, approximately the size of the highway that surrounds Washington, DC. We have never had a vote on it in this House. It is time we had one.

There are scientific and budgetary reasons for refusing to proceed at this time, and I emphasize "at this time." There are scientific and budgetary reasons for refusing to proceed at this time to the construction phase.

First, Mr. Chairman, the budget reasons: This is one of four dollar-gobbling, high-tech programs which is being pushed by the President of the United States, programs which have lots of technical pizzazz, programs which have lots of political pizzazz, but programs about which the White House and this Congress have absolutely no idea how they are going to pay for.

We have been told this afternoon that this is a "bold and imaginative" program. Mr. Chairman, it represents "bold and imaginative" spending. I would like to see some "bold and imaginative" proposals to pay for the project.

We have been told by the White House and others that there is no

room in the budget for health care coverage for 37 million people who do not have it today. We have been told that there is no room in the budget to help first-time home buyers. However, Mr. Chairman, the President is asking us simultaneously, to spend $6 to $9 billion—if we take a look at the conservative estimates over the life of this project—is asking us to spend $6 to $9 billion on the super collider project. He is asking us to spend $16 billion on the space station. We are asked to spend $4 billion on a program which I strongly support, the program to map the human genome so that we can unlock the genetic answers to a dozen diseases including cancer and many others. We are also being asked to support star wars. That is a huge project, a multi-billion-dollar project, well upwards of a hundred-billion-dollar, high-tech project.

Mr. Chairman, these are all exciting, high-tech projects, new age programs. The problem is that the White House, and I would say the Congress as well, has no idea whatever how these programs are going to be paid for.

So, Mr. Chairman, we have all kinds of politicians running around the country taking credit for this bold, imaginative, technologically forward project, but nobody knows how we are going to pay for it.

What does that mean? The committee itself indicates that this is going to cost $200 million this year, it is going to cost $900 million a year afterwards. That is a huge commitment, and, absent new revenues, and I underline those words "absent new revenues," this and the space station will destroy the rest of our science budget in this country.

I serve on the appropriations subcommittee that deals with virtually all of the medical research in this country, whether one is talking about cancer, whether one is talking about Alzheimer's arthritis, just name it. The fact is that we have seen the budget for NIH squeezed by the AIDS crisis, and we are going to see it squeezed even more if projects like this are created. The National Cancer Institute, for instance, cannot even afford right now to purchase another supercomputer to run its tests to develop new drugs to attack cancer. They are already at the supercomputer capacity, and the budget this year that the President is asking us for does not have enough room in the budget to pay for something like that.

Mr. Chairman, we have terrible needs to pursue high-temperature superconductor research. That is critical. The NOAA agency has already reached their maximum computer capacity. Those NOAA computers are critically important to studying the patterns of global warming, probably the greatest ecological and environmental disaster to hit this world in the history of the world. But the fact is they do not have enough money in their budget to buy those new supercomputers either.

We need to have more research on renewable energy sources. That portion of our science budget has been decimated since 1981 with the first Reagan budget.

We have a critical need to rebuild and reequip scientific laboratories in virtually every major university in this country, and we do not have the money to pay for it.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, the gentleman from Wisconsin [Mr. OBEY] is talking about all these medical benefits. I know the gentleman is aware of the fact that these benefits have come about because for over 10 years we have been operating Fermilab in Chicago. I am sure he is aware that the same argument he is making on these is the same one made approximately 20 years ago when we started funding Fermilab.

□ 1500

Out of Fermilab research has come Positron Emission Tomography scans and CAT scans. Now we are trying to build the SSC which is a more advanced accelerator.

Mr. OBEY. I understand, but I would appreciate if the gentleman, since I am offering him my time, I would appreciate if the gentleman would yield me some additional time.

Mr. CHAPMAN. Mr. Chairman, I yield 1 additional minute of my time to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I am happy to yield to the gentleman from Alabama.

Mr. BEVILL. I just want to point out, Mr. Chairman, the health benefits that have come from the Fermilab. These benefits have been very important. These arguments for not building SSC were made 20 years ago against the Fermilab. It was very successful and now we are just building a more advanced Fermilab with the superconductor super collider.

Also, we have had the benefit of proton accelerators, one of which is at the Loma Linda Medical Center that the gentleman knows about, which is used to treat cancer. This is a great advance in cancer treatment.

We have had the magnetic resonance imaging, which is now widely used in medical diagnostic procedure, which is a great improvement.

I do not think the gentleman is aware of all the benefits that have come out of the Fermilab, which has been very successful, a good investment. We have invested approximately $1 billion in that project. Now we are just saying let us get together with these other countries and build even a bigger Fermilab.

Mr. OBEY. I have supported those appropriations, and I certainly recognize them, but I would point out the key difference is that the proposals the gentleman is talking about dealt with the question of how to deal with cancer after it has occurred.

What we are talking about in mapping the human genome is how to prevent cancer before it ever occurs. That is the critical difference. It is a critical difference which can save a lot of misery and a lot of dollars.

I would like to proceed to finish my statement and then I would be happy to answer any additional comments the gentleman might have.

I would simply like to make the point that in addition there are many technical and technological problems facing this super collider. We have, as has been mentioned, a problem with the magnets. We have the fact that the committee itself has indicated that it is unsure about the cost estimates. The committee itself has indicated that the design assumptions need to be refined and updated so that the cost estimates can be refined and updated. The cost estimates for this program have not been adjusted since the program began, and that certainly does not make much sense, as the committee itself has indicated.

It is also very clear that there is great debate in the scientific community about whether or not this is the proper technology with which to proceed in moving ahead with projects for particle acceleration. There are other technology questions.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ECKART. Mr. Chairman, I yield 1 additional minute to my colleague, the gentleman from Wisconsin.

Mr. OBEY. I would simply say that what we have here is a case of competing scientific needs, competing medical needs, competing energy needs. All of them are probably justifiable.

I am not asserting for one moment that this may not be a very good project. What I am saying is that as policymakers, starting with the guy in the big White House down at the other end of Pennsylvania Avenue, we have an obligation if we are going to be pushing these huge multibillion-dollar projects to find some way to pay for them, other than squeezing out other portions of the science budget which are critical to the health science and energy needs of this country.

High energy physics is not the only scientific field that ought to command our dollars and our attention.

I warn you, we are going to be squeezing out vital areas of the science budget unless the President comes up

with revenue initiatives to match his initiatives for incredibly high levels of new spending.

Mr. CHAPMAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. ROE], the chairman of the Committee on Science, Space, and Technology.

Mr. ROE. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

I would like to commend the previous speaker, who is a dear and longstanding friend of mine, because the gentleman has added the excitement that I have been trying to add unsuccessfully to this whole issue of science, space and technology education in this Nation and where the priorities really should lie.

Here we find ourselves, how are we going to pay for it? I remember this debate just recently. You made the point and I make the point, "For all sad words of tongue or pen, the saddest are these, 'it might have been.' More sad are these, 'but it hadn't to be.' "

One other point on the technology involved, looking at the gentleman's bottom line, "more mistakes are made from lack of facts than from poor judgment."

I did not want the gentleman to miss that point, that more mistakes are made from lack of facts than from poor judgment.

We did vote on this bill and we voted almost unanimously.

Mr. OBEY. Mr. Chairman, will the gentleman yield on that point?

Mr. ROE. I yield to the gentleman from Wisconsin.

Mr. OBEY. We did not vote on the super collider, Mr. Chairman. We voted on a bill which contained it, but we have never had a vote in this House on the specific issue of whether we ought to actually go ahead with the super collider. We certainly never voted to go to construction.

Mr. ROE. We are just kind of nitpicking on words. That was debated strongly and it was voted on. It was voted on almost unanimously.

The House knows about this. We worked on this bill since 1983 and we spent the money on it.

Let me just make a couple quick points so we understand where we are coming from. Science, space and technology education—if we are not willing to invest in those areas, we are not going to create the new wealth of tomorrow.

The gentleman mentioned the point of super computers, that we are going to run out of time and space on super computers. We are going to turn it all over to Japan because we refuse to go ahead on the work that should be done.

As chairman of the Science, Space and Technology Committee, I can tell everybody in this House and everybody that is here today, this issue has been debated ad nauseam. We know what the specifics are. We know what it is about. It is being done in other places in the world.

The question is do we want to keep up in the United States and do we want to get ahead in this technology.

Let me say this. Do not pit one section of the country against the other. If I could have this superconductor super collider, built in New Jersey under the Hudson River in New York and it was possible to do it, I would be fighting as hard as the people in Texas are.

What is important is what is important to the country, not to regionalize it.

I resent the issue that was brought up today on the Northeast-Midwest Congressional Coalition, assuming that area is in favor of turning this particular issue down. That is not true. As one of the members of the board of directors, we were not asked about this issue at all and nobody had the right to use the nomenclature or the name of that organization and that coalition to come and say that they were opposed, that the Northwest-Midwest Coalition was opposed to this program. That is categorically untrue, and it is just as important what we do in Texas as what we do in New Jersey, and it is important what we do in the United States, as important as what we do throughout the rest of the world.

I have heard nothing but negativism. Try this one on for size. A letter comes around and it talks about basic physics on the atom bomb was determined in Germany, and therefore we only were capable enough in the United States to put the technology together, and therefore we succeeded in building the atom bomb and won World War II.

Balderdash, that is not true. The U.S. engineers, the U.S. scientists were the ones who perfected atom power to be able to make this country free in World War II. Do not use that balderdash to try to shoot something down.

More mistakes are made from lack of facts than from poor judgment.

We came aboard and we talked about another item, stretching the boundaries of man's knowledge. Should we not be doing that? If we can be successful in the super conductor, super collider, we will revolutionalize knowledge in the world. We will revolutionalize technology in the world and we will get the leadership that this country demands and needs. Are you going to throw it away because we do not have the money?

The question is, we should be able to make the resources to be able to do the things that are right in this country, No. 1, and be able to create the resources that we need.

We talked about magnets. More mistakes are made from lack of facts than from poor judgment. Of the last tests made, five of the last six 55-foot magnets performed to specification. As a matter of fact, we are very rapidly achieving the knowledge and we will beat out the rest of the world on that knowledge alone. If we shut the project off, we do not even continue on with that particular work.

What kind of sense does that make in the priorities of America?

I say to you, this is the time for us to say to every Member, including the Appropriations Committee, as we try to allocate the resources of this country and we talk about the needs for the American people and we talk about the needs of human beings, per se, we have got to be in a position to make the investment in the area where it is going to make a difference.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. CHAPMAN. Mr. Chairman, I yield 1 additional minute to the gentleman from New Jersey.

□ 1510

Mr. ROE. It is going to make a difference in science, space, and technology, and education. That is where the new jobs are going to come from. That is where our competition is going to be in the world. That is how we are going to fight in the global economy. That is where it is going to make a difference whether we succeed or not.

Let me conclude with one more point for half a second. Let us not divide the Nation. This is no time for divisiveness as to what happens in my State or other Members' States. What is important for the country is the issue that is before us today, and I hope this House will resoundingly vote down this amendment offered against this.

Mr. ECKART. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ROE].

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ROE. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I say to the gentleman that there is not a whole lot that I disagree with in the gentleman's statement.

Let me simply point out one thing: The gentleman said that we ought to be making the resources available to provide for these things. I totally agree with that. The problem is that the President of the United States is not. His budgets are not. The committee, in its very thoughtful report, has made clear that they have doubts about how they are going to be able to maintain the level of spending required for this, absent new revenues in future years.

I would also suggest that it is my understanding that a certain member of the Texas delegation from the other body engaged in a ribbon-cutting ceremony, I was told by a member of the press, engaged in a ribbon-cutting ceremony for this facility yesterday in Texas. I have not seen that Member suggest that we ought to be providing the revenues to pay for this.

I agree with the gentleman's call for moving ahead with these projects. The problem is, as he well knows, we have not been given those added resources. The President says, "Read my lips," so we are going to kill off other science programs.

Mr. CHAPMAN. Mr. Chairman, I yield 1 additional minute to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. The gentleman and I have not been in discord at all. What the gentleman is focusing on is the willingness of this administration to provide the resources or work with Congress to provide the resources to do the things we ought to do. I do not fault that. I agree with the gentleman. But I am not going to throw away the baby with the bath water. I am not going to kill a program critical to this country and then give up on the point because I want to argue with the President.

Let me respond one more time: Is it not also time that the Congress of the United States, both in the House of Representatives and the Senate, and I am not supposed to mention the other body, but I mentioned it, and let them do what they will with it, but is it not time they helped to govern? What about Gramm-Rudman and the whole bit? It is not going to work. This budget process is a farce, and the Members know it. I admire the gentleman for fighting back.

I am not going to sit back because people are being nitwits trying to run the country and give up what ought to be done for the people.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ROE. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the gentleman is not going to throw this baby out, but he is going to throw out other babies because of the size of this program.

Mr. ROE. No. I am not going to. But I would hope that this Congress will get some backbone and help to raise the resources they need for the people of this country.

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the ranking member of the authorizing committee, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, the question really before us is how many times are we going to talk about how much science means to us and yet attack science, because if we look at the amendment that we have before us and if we listen to the debate thus far, what we have had is attacks on the Department of Energy, and this amendment is an attack on science itself.

This amendment is simply an amendment to eliminate $110 million within the category within the bill known as general science and research activities. That is what it does. The amendment does not even mention the superconductor super collider. It simply cuts money out of science.

Make no mistake about it: This is a simple cut in science, because there is no redirection of the money back toward other activities. There is nothing in this amendment that goes back to the previous section of the bill and puts some money in for hydrogen research or does something for the SP-100, which is the nuclear reactor we are developing for space, or it does not put any money in for cold fusion, which could have been done in this bill. None of this money goes back into science. It is a simple cut of science money. It is an attempt to attack science directly, and it is a part of a litany of attacks on science we have had since the opening days of this session.

Mr. Chairman, thus far we have had science attacked when the budget was put together. We took $1 billion out of the science account. Then when we got to the 302 allocation, again, science made out poorly, when it came to 302 allocations. When it came to this bill coming to the floor, did we go after water projects or things like that? No. The main attack on the bill is to take $110 million out of science, and when we get to the HUD-Independent Agencies appropriation, I am sure we are going to find that we have some attacks on science.

How long are we going to go on kidding ourselves that we can take money out of science and not have a very bad impact for the country? This is not an issue before us to big science versus small science. The issue before us right now is antiscience.

Back in this 19th century, there was a group running around England known as the Luddites, and this is a Luddite measure.

Mr. ECKART. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would simply like to respond to the absurd statement that I just heard from the gentleman from Pennsylvania.

This is not an attack on science. This is an attempt to save it. Under the legislative processes in this House, we did not want to get into the parliamentarily illegal position of legislating in an appropriations bill, but we have made quite clear the purpose of the amendment is to eliminate the funding for the super collider. Under the budget processes of this House, that money will remain available to this subcommittee.

Under the 302 allocation, the subcommittee can provide that money for whatever area it wants within its jurisdiction, either in conference or at another time.

Everybody knows that, no matter how badly the gentleman from Pennsylvania tries to skew the facts.

Mr. CHAPMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Chairman, I rise in opposition to the amendment. Let me address several of the points raised by my friends who want to cut the funds provided for the super collider in this bill.

In one of the Dear Colleague letters circulated in opposition to the super collider, it is alleged that "10,000 equally important science research projects could be funded for the cost of the SSC." I hope that this argument is not taken seriously. If we are talking about the $200 million in construction and R&D money contained in this bill, then the idea that the Federal Government could get for $20,000 what it stands to get for the SSC is absurd.

Second, those who want to gut this project say that the United States will be left holding the bag when all of the foreign governments that have expressed an interest in this project withdraw. They are suspicious of our efforts as a nation to get out front and then pull other countries along on the SSC. If Members want to see foreign governments back down from their pledges, then vote for this amendment: The issue here is whether we are going to take the lead and put up the money to match our rhetoric, or whether we are going to pull back and take second place to the Japanese and the Europeans once again.

This is a big project, make no mistake. President Bush wants this project, that is true. Admiral Watkins supports the SSC. Secretary Baker and Commerce Secretary Mosbacher have said they will negotiate commitments from foreign governments. But what kind of hand will they have if we fail to provide construction money?

This is not some budgetary gimmick. The administration asked for this money and the Budget Committee and the Appropriations Committee, after a full debate, have provided this money. To walk away from the super collider now would simply amount to throwing away the work of those committees. I ask the Members to think about that and to vote down this amendment.

□ 1520

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. BAKER].

Mr. BAKER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, next spring man may launch one of the most important tools for investigation of space. Known to NASA as the Hubble telescope, this instrument will maintain a low Earth orbit to escape the atmospheric aberrations which affect the clarity of vision of earthbound instruments. Why is this so important? Looking into deep space, we will in effect be looking back into time. We will be able to capture light emitted by stellar sources billions of years ago. We will, for the first time in human existence, have a view of the forces at work during the formation of the universe. The impact of this effort is beyond our ability to fully comprehend, but it will clearly give the best hope of understanding the forces at work that direct the stars and our galaxy.

At the same time, those engaged in the pursuit of understanding particle physics, hope to come to an understanding of those forces at work within the smallest realm of our material existence. Whether the unification theory can be verified is not clearly guaranteed. In my opinion, if the superconducting super collider does nothing more than to confirm the current understanding of the four basic dynamic forces, the effort is justified and fully worth our commitment. I recognize, however, that explanations beyond that of scientific introspection, will be necessary for some.

In a world where educational excellence is the standard for future economic success, no one can legitimately question the long-term value of full funding of scientific inquiry. Projects of the impact of the SSC or the Hubble telescope are beyond the ability of private enterprise and can only be realized with Federal resources. In the lifetime of most Members of Congress we have seen unprecedented scientific achievement. Some have seen the first television. Others watched the first steps on the Moon. All have seen the effect of miracle drugs and complex surgical skills. Recitation of scientific progress is not a revelation to anyone, but it is appropriate to reflect on what has occurred in history to appreciate the potential for the future.

These projects are the key to our economic survival, not for a State, not for a region, but for our Nation. There is not anyone alive who will not benefit directly from the pursuit of scientific inquiry. Our children will be challenged to fight for the education necessary to become an astronaut or physicist. Industry will wait anxiously for the next research discovery to bring fascinating new products to the marketplace. The scope of these activities are difficult for anyone to accurately predict. It is sufficient to say, our future will be determined by the policies of this Congress. To strike this funding is more than the elimination of dollars, it may well be the elimination of our hope for a future of prosperity and peace. I do believe that anyone faced with these alternatives would step boldly into the future, not for ourselves but for our posterity.

Mr. ECKART. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. BOEHLERT], a member of the Committee on Science, Space and Technology, and a Member who has invested a great deal of his career in the development of and promotion of science.

Mr. BOEHLERT. Mr. Chairman I rise in strong support of the Eckart-Obey-Boehlert amendment to eliminate construction funding for the superconducting super collider [SSC].

I think it's important that everyone understand what the issue is here. The debate over the SSC has sometimes degenerated into a dispute over whether the SSC is good science, with the presumption that anything that is good science merits immediate funding.

That's not the issue at all. Of course, the SSC is good science. But the growing number of proposals in the approved, but unfunded category at the National Institutes of Health are also good science. The burgeoning number of proposals that the National Science Foundation must turn away for lack of funds are also good science. The proposals for research to help industry, proposals that are eliminated every year from the budget of the National Institute of Standards and Technology are also good science. The list goes on and on.

The point is this: There's more good science out there than we can fund. So the question becomes is the SSC the kind of good science we most need right now?

Do we want to commit ourselves to spending at least $6 billion right now on one of the most esoteric fields of science when we are in a constricted budget environment and other science projects are left wanting?

To assuage such concerns the advocates for the SSC are beginning to present their project as one with immediate benefits for the rest of science and industry. But funding the SSC for these purposes is really trickle down science policy—we can fund programs that serve those purposes more directly if we delay funding for the SSC.

Let me stress that what we're talking about is delay. This amendment would not spell the end of the SSC. Research would continue, and much more research is needed before the project can become operational. We have not yet learned how to perfect the magnets that are the engine of the SSC.

The success or failure of the SSC will be directly dependent on the success or failure of the program of magnet research. The SSC will require nearly 10,000 specialty magnets to function—we don't even have an operational prototype yet.

Indeed, even leaving aside the question of competing priorities, there are good reasons to delay site work. The New York Times reported recently that unexpected successes at the Stanford accelerator have "raised doubts among some scientists about the need for the superconducting super collider. Many scientists believe the innovative Stanford design may eventually prove better than the traditional configuration planned for the super collider."

What do we lose by delaying site work? Nothing. The science moves forward, research continues, no irrevocable decisions are made.

What do we gain by delaying? We allow other fields of science to prosper. We ensure that we are not building an obsolete instrument. We allow outyear budgets to get sorted out so we do not end up—as we have in the past—with accelerators that are never completed or that never have the funds to operate when they are completed.

Finally, delay will give us additional time to solicit foreign funding for the SSC. All nations will share in the benefits of the SSC; they should help pay for it. If they want to share in the benefits, they should also be willing to share the burden. The European collider is a multinational project; big science is multinational science.

In the past, I have proposed amendments to prohibit construction from beginning until we have commitments from foreign nations to pay for 25 percent of the construction costs. We can't offer such an amendment on an appropriations bill. But at the very least we need more time to ascertain whether this project has the international support needed to bring it to fruition. And we need to ensure that the Department of Energy is taking this responsibility seriously.

The purpose of the SSC is to force basic particles to collide so we can better understand the four basic forces of the universe—the weak force, the strong force, gravity, and electromagnetism.

The debate over the SSC serves a similar function. Our funding priorities collide and that serves to show up the forces at work in the Congress—the analogs to the forces of matter.

We have the weak force—apathy, ignorance. It says the SSC is a big, complex project—too much to really understand; let's just go with it. Then we have the strong force—interested constituents and lobbyists—groups that stand to benefit from the SSC calling Members to advance their own special

interests through support of a science project. I urge my colleagues to resist that force, and let me ensure them that the beneficiaries of delay are far more numerous. Then we have gravity, the arguments that pull us back to Earth, make us realize there are serious policy questions at stake here. I believe that force argues against putting money into site work when there are still open questions about the project and more urgent science priorities. And finally, there's the equivalent of the electromagnetic force—that's the force that sees science as a single unit, not as a series of programs scattered throughout appropriations and budget accounts. And I think, when we look at science as a whole, the SSC does not jump out as the most urgent item. Congress has been unwilling—wrongly, I think—to fund many of the administration's other science priorities. This is the last one that should receive special treatment.

If we fund site work now, we run the serious possibility of impoverishing the rest of science to build what could turn out to be an empty, unused tunnel—the science equivalent of New York's Second Avenue subway. If we wait, we gain knowledge of benefit to both the SSC and the rest of science. To me, the choice seems obvious. I hope the right forces move my colleagues.

Two final observations.

First, we are not—I repeat not—eliminating all funding for the SSC with this amendment as is suggested by the Republican whip note. We are continuing the important $90 million for research, and that is as it should be, but we are deferring the $110 million for construction work.

Second, the scientific community at large, the very people working so diligently to assure our international competitive pre-eminence in the fast approaching 21st century—just 126 months away—are with us as we seek to bring about more realistic priorities in our science spending.

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. MYERS], the ranking member of the Energy and Water Subcommittee of the Committee on Appropriations.

Mr. MYERS of Indiana. Mr. Chairman, I thank my colleague for yielding to me and I rise in opposition to the pending amendment.

Mr. Chairman, throughout most of this century, the United States has been on the leading edge in development, research, new ideas, and new inventions. In recent years, however, we have slipped. We have been slipping behind gradually.

Millions of people are observing the proceedings here and throughout the world. Millions of people watch this today because of research developments in the past.

□ 1530

Many of us who are past 50 years of age are alive thanks to science, research, and development. Many of us might be dead by now but we are here because somebody made an investment in our future.

So our task today is to make an investment in our future.

A year ago this committee was faced with the same situation when we marked up the bill. The administration had made a recommendation for construction funds. The committee met with then-Vice President Bush. Mr. Bush asked for funds before it was even sited in Texas. He thought it was a good idea. We discussed it with him. We came to the conclusion we were not quite ready to go to construction.

Some of the arguments here as to why we should support this amendment were made last year by the committee. We decided to delay construction money while we did more research to make sure we were heading in the right direction.

A few weeks ago Chairman BEVILL and I met with President Bush and he once again restated his interest and his concern about the development for our future. That is one of the reasons we included funding for the SSC in this bill.

No one knows exactly what is going to be developed here. We know some of the ideas that we hope this superconducting super collider will develop. While we do not know exactly what this will do, maybe it will help find how to control cancer or heart disease, some of the diseases that are so devastating to our society.

It was not too many years ago, Mr. Chairman, that you and I were on this floor and some of the same arguments were made against the Fermi Lab.

I remember Members saying, "Building this mammoth circle that we don't know what it is going to do out in the swamp west of Chicago is ridiculous." But think what Fermi has done for us.

Some of the same arguments about building Fermi back then have been made here today against the SSC.

So I say today that we do not know exactly what the SSC will bring. We know this is going to be very expensive. We do not know exactly where we are going. But it is time today for us to make an investment in our future, this Nation's future.

Are we going to recapture our leadership position in the world that we had for most of this century and have been losing recently? It takes courage. We have become one of the most studious countries in the world. When we have a problem, instead of trying to solve the problem we go out and conduct a study.

Now this amendment is asking us to study further something we should be doing. It is time for us to move into the 21st century. Are we going to look forward or look backward as we move into the 21st century?

Move forward with us by refusing this amendment.

The CHAIRMAN. The Chair would advise the Committee that the gentleman from Ohio [Mr. ECKART] has 7½ minutes remaining and the gentleman from Texas [Mr. CHAPMAN] has 10 minutes remaining.

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I of course rise in opposition to the Obey amendment. We have heard speeches here today about scare tactics, of coalition fears, competing needs, small science, even fire ants and even ribbon cuttings in Texas.

I would just observe that we need more ribbon cuttings and not fewer, based on pride and based on achievement. That is what this amendment is all about today.

You know, the long and the short of this vote, just the hard, cold fact is this: Today we have an opportunity to see the United States of America, not Texas but the United States of America, regain that position of economic superiority and even geopolitical strength that atrophied away in the late forties and early fifties in this country.

This project is an important national priority and should be constructed and operated without delay.

The advances in science that can occur through this project are not limited to merely advances in particle physics. There will be spinoffs in other areas of science. There is the long-term promise of applications of what we learn from the SSC to the areas that will result in products and services that will enhance our standard of living.

I am thinking most particularly about the potential of medical applications. But there will be others such as satellite communications, advances in supercomputers and in storage devices for electric power.

I am certain we are not going to be in this thing alone. As chairman of the Committee on International Scientific Cooperation, working with Chairman BOB ROE, I have held a number of hearings over the past 2 years and discussions with foreign governments. We have been overseas. We have seen CERN, we have talked with people at DESI. There is excitement there about this pursuit.

Japan, I am convinced, is ready to engage with this country in the building and the operation of this facility.

I think there is no question that there is interest in foreign participation in the SSC, and I am convinced there is a genuine and substantial interest in participation in this project.

However, no foreign government is willing to make any kind of a commitment before the U.S. Government has made a firm commitment.

Mr. Chairman, I urge the defeat of the Obey amendment.

Mr. ECKART. Mr. Chairman, I yield 3½ minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Chairman, some have suggested that we are here in a discussion of pork-barrel politics. I suggest that perhaps the discussion is about quark-barrel politics.

The gentleman from Pennsylvania has said this is a Luddite amendment. I take particular offense at that kind of description. Long before I ran for Congress, long before I became an attorney, I studied chemistry, was trained as a chemist, and engaged in basic research.

I look at this amendment as unfortunate but absolutely necessary. It is a statement that we must choose our investments carefully and that our scientific investment must be in the broadest and most effective research program possible.

We do not have all the money that we would like, and we certainly do not have all the money that we could spend. It does seem to me that the Eckart amendment makes a particularly wise decision to draw the line between research and development and construction. While what we learn from research and development will continue to have broad application, what we spend on construction this year will begin a process of appropriations from which it will be difficult to retreat.

The subcommittee itself, in its report to this House, has been quite clear about the indefinite nature of the costs that lie ahead. They report the potential need for up to $900 million a year for 5 to 7 years to come. Five percent of the entire energy and water appropriations bill might be taken up by this one project.

Is this the right step at this time? Do we really have the resources to go down this road? Or will the amount we spend this year on construction in the end turn out to have been wasted? This is a time to take a step back and to delay this decision. Others have spoken about other considerations. Do we really have the guarantee that we need of financing from private sources and other governments around the world? This is still a question. And where are the resources to operate the superconducting super collider going to come from once it is built? Under current assumptions we could see a very, very high percentage of the research budget of DOE consumed for this one project.

Last year, I had a visit from some physicists from Yale University. They talked to me about the superconducting super collider. I put to them the question that is before the House today. That question is not "Is this a good idea or not?," or, "Could we learn about basic energy physics, high-energy physics, and other physical matter that might be useful to us if we did this?" Of course, the answer to those is "yes." The question was, "Would you, as a high-energy physicist, choose this project in preference, for instance, to additional training funds for physicists or other research funds for physicists? Would you make that choice?"

The answer I received was instructive: "I really can't make that choice. I can't make a recommendation on that to you. I think we should do both."

Everyone thinks we should do it all, but we know we cannot do it all. We must choose. If the physicists lobbying us on this matter cannot make the choice to do it at the cost of other science, are we really ready to make that choice?

Vote "yes" on the amendment.

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas [Mr. BARTON].

□ 1540

Mr. BARTON of Texas. Mr. Chairman, there have been many Members come to the well today to speak on the SSC and say they wished it were in their congressional district. This is the Member whose district it is in. So obviously, I am for the project.

I would like to point out, though, that I was for the project in 1985 when I asked to be put on the Committee on Science, Space, and Technology, and we were not sure there would be a project. I was for the project in 1986, when the Central Design Group magnet was chosen instead of the Texas design that was designed in my congressional district at the Texas Accelerator Center. I was for the SSC in 1987 when the Department of Energy sent out solicitations for proposals and over 30 States chose to submit a proposal I was for it in 1988 when six of the States, including Texas, were chosen to be in the national finals.

I would like to point out that this project has been thoroughly researched by the authorizing committees. It has been included in the budget of the Committee on the Budget. It has been approved by the Subcommittee on Energy and Water Development of the Appropriations Committee, and also approved by the full Committee on Appropriations. I would also like to point out in the last Congress in the authorization bill, H.R. 4505, which was voted on 290 to 27 in favor on June 3, 1988, the SSC was part of that authorization bill.

Many other speakers have told Members why this project should be built in this country. I would like to quote one scientist from Scotland, a Mr. Neal Calder, who works at the CERN facility in Switzerland. He says, "The United States might not build the SSC. If they do not, they can forget about being a world force in particle physics, which is the basic science." Either Members say they want to be a world leader, or say, "OK, let the Europeans have it, and we will send our boys over there."

Mr. Chairman, we are asking to spend $5.9 billion in 1989 dollars on this project over 10 years; 4.4 billion Federal dollars; $1 billion from the State of Texas. We think we will get half a billion dollars in foreign participation once this Congress makes a commitment to build the project. The total Federal research budget annually is $90 billion, "B" as in boy, billion dollars; $60 billion is defense related, $30 billion is civil related. We are asking to spend $200 million this year for the SSC. That is 2 hours' worth of Federal expenditures for the superconducting super collider.

The SSC meets the Gramm-Rudman target under the 302(b) budget allocation. It is in President Bush's budget. I would also like to point out this is not a regional issue. We have had Congressmen from Illinois, Michigan, Pennsylvania, Alabama, Louisiana, California, and Indiana speaking in favor of it. When the time comes to vote on the Eckart-Obey amendment, vote no on the Eckart-Obey amendment. Vote yes for America's future.

Mr. PACKARD. Mr. Chairman, the superconducting super collider will explore the heart of matter, unlocking secrets of the atom that no man has yet seen.

Research in this area has led to advancements in medical diagnosis, computers, communications, radar, and lasers.

Continued exploration in this area will keep these vital technologies moving ahead in the 21st century.

Long-term science and technology investments are critical to ensuring U.S. leadership in science and to our Nation's subsequent economic growth.

However, we in Congress understand the riskiness of making substantial long-term investments with the taxpayers' money.

Past unwise or unsuccessful investments have made us extremely cautious to commit billions of dollars to big science projects. And we should be cautious.

Yet we must take the responsibility of sufficiently understanding each individual issue to make a prudent decision. This is the only way in which Congress can hope to wisely set priorities.

After considerable investigations, I have decided to fully support the super collider. It is one of those rare projects that can stimulate our entire Nation and the world.

It offers American industry the opportunity to build and operate a world-class, high-technology research facility.

It will be an international symbol of excellence in education and science, proving that

America has the courage and foresight to invest in its future.

And it will help keep our best scientists here, maintaining America's leadership in particle physics.

However, some who have decided against the super collider are offering amendments to totally cut the $110 million of construction funds, yet allow for the $90 million of R&D funds to be appropriated.

Each year of delayed construction drives the cost of the super collider up hundreds of millions of dollars.

At incredible expense to taxpayer, we too often choose to stay on the fence. We throw insufficient yet substantial amounts of U.S. dollars at projects rather than make a hard decision, which I propose must be made about the super collider.

Mr. Chairman, this is the time for us to make one of those hard decisions. This is the time for commitment to the super collider or against it.

Either we build it now, or we kill it now.

Mr. ECKART. Mr. Chairman, I yield myself such time as I may consume to close debate for our side.

First, let me thank the committee and my worthy adversary from Texas [Mr. CHAPMAN]. The gentleman from Wisconsin [Mr. OBEY] and I and others who have spoken on this amendment know the difficulties Members have been under in trying to reconcile competing demands upon Members. Sometimes I am reminded that we are like persons who have locked themselves into their own straitjacket. The straitjacket called Gramm-Rudman, which many Members voted for, and now come to Members, hat in hand, Mr. Chairman, asking for dollars that are growing increasingly scarce, having locked themselves into that straitjacket.

We realize the difficult constraints Members have had, and we understand full well the commitments that Members have embarked upon reflected in the committee report about long-term funding difficulties, and the assurances given to Members by the Department of Energy and the President, as one of his priorities. So we are grateful for the job Members have done, and we are cognizant of the difficulties which Members face. That is the purpose of this debate.

For 3 percent of the scientists in the United States to, at this point next year, be entitled to spend under the portions of this committee's jurisdiction, almost 90 percent of its budget's science expenditures just is not fair. Given the constraints of this committee, self-imposed by a President who says "Read my lips," and close my pocketbook, has left this committee and this Congress having to choose among their own children.

My colleague from New Jersey said do not throw the baby out with the bath water. The fact of the matter is that yes, this is a baby, it is a baby gorilla. Eight hundred pounds in weight, and it will crowd all the rest of the children out of that crib, a crib that we have imposed upon ourselves and now say, "By gosh, it is not my fault."

We cannot allow this kind of misspending of priorities to dominate the science agenda. Unless you think that we are the only ones who feel this way, the president-elect of the American Physical Society said that, "A deficit economy, we have to decide what will yield the Nation's most national benefits. The SSC does not have immediate relevance to our technological or economic competitiveness." "This is a super toy for a tiny faction of the scientists," says Rustin Roy, director of science. "I felt the SSC should be delayed until we sort out our priorities," says Dr. John Dempsey.

Mr. Chairman, the list goes on of eminent scientists, all of whose science credentials are above question or reproach, who are simply telling the public policymakers, the Congress of the United States, choose your priorities better. Placing all of our science eggs in the hands of 3 percent of the Nation's scientists in a 53-mile circular science egg basket, dooms us to a colossal mistake, when technology that will derive from this will leap beyond our ability to pay for it.

Mr. Chairman, how we will pay for this is a question that will be left for future generations. The decision to embark on this path will be our legacy. Whether we are on the leading edge of science or on the trailing edge of physical responsibility will be determined at the conclusion of the debate on the Eckart-Obey amendment today. We are looking for new forces in the universe, but the new forces of the universe will not repeal the economic forces of constraint that have Members choosing among our children. Reject the super collider. It is a super mistake.

Mr. CHAPMAN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, let me first correct the numbers concerning the science budget of the United States of America. Of our total nondefense research and development in the science budget, the super collider will consume less than 2 percent. Of the items in the appropriations bill, it is true, it is a big number. We make no bones about that. However, I can only go back to those who have said that in the past 50 years, as we have explored the atom, as we have conducted high energy physics research, as we have made discoveries, first of the atom and then of the nucleus, and then the components of the nucleus, including the neutron, proton and electron, as the spin-off of knowledge in medicine, technology, electronics have come from these discoveries, and recently, the discovery of the core, and now we are at the lip, the very lip of determining, the very nature of matter itself. Will we abandon that enterprise? Will we stop now?

□ 1550

Will we give this opportunity over to the Europeans and the Japanese at the point in time when we are on the threshold of making the most important discoveries of mankind? Let this not be the day that Congress makes that decision.

Mr. Chairman, I ask the Members to reject the Eckart amendment. Let us vote for the future of America.

Mr. Chairman, I yield the balance of our time to the chairman of the Subcommittee on Energy and Water, the gentleman from Alabama [Mr. BEVILL].

The CHAIRMAN. The gentleman from Alabama [Mr. BEVILL] is recognized for 3 minutes.

Mr. BEVILL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. We have heard a lot of discussion about medical benefits. These benefits spun off from continuing a program that this Congress has supported—the Fermi National Laboratory in the Chicago area. Now, we are talking about moving to a second phase by building the superconducting super collider. At the Fermi Laboratory we have a tunnel 4 miles around, and we are now talking about a tunnel 53 miles around.

I want to see our scientists, the greatest scientists in the world, stay right here in the United States and work on this project. I want to see this project built in the United States. My good friend, the gentleman from Wisconsin [Mr. OBEY]—and he is my very good friend—is talking about how this money is needed for this and that. But he manages the foreign aid bill. That bill would spend money all over the world building projects. I want to see this money spent in the United States. I want to see this project built here. I believe this project is going to be built. It is just a question of whether it is going to be built in the United States.

Mr. Chairman, let me quote the Secretary of Energy in a letter dated yesterday. He is, as we know, Admiral Watkins, who has a tremendous record in the United States Navy. He is a four-star retired admiral. He was taught by Admiral Rickover, one of the greatest. Here is what he says about it. He says that in the building of the super collider, America would not only maintain its leadership in the important area of physics research but also reap significant benefits.

He is talking about economic benefits. He is talking about over 100 universities in this country participating. He is talking about keeping our best scientific minds here that would inspire more of our young people.

We know that significant benefits have accrued already. We know that from the small 4-mile tunnel at Fermi Laboratory with the approximately $1 billion we have already invested, we have the Magnetic Renaissance Imaging known as MRI. I could go on with more examples, but let us talk about what MRI means.

This means now, thanks to the Fermi Lab, that we can now build a three-dimensional x ray. Think of the surgery that will be eliminated thanks to this technology. Think of the cost and the pain and suffering that is eliminated simply by having a three-dimensional photograph and not having to perform exploratory surgery.

This is just one of the benefits, and other benefits will be coming on. With a proton accelerator, they can treat cancer. Actually Fermi Lab is now building the proton accelerator for the Loma Londa Medical Center to treat cancer.

This is an advancement that has already been made. I think that this $1 billion was a good investment. Now, we are talking here about the SSC that costs more. It is an expensive project.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BEVILL] has expired.

All time has expired.

Mr. BEVILL. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BEVILL. Mr. Chairman, I just want to point out that we are not talking about funding this project all by ourselves.

I have a letter from the Governor of Texas dated yesterday. He says that the State of Texas will contribute $1 billion and deliver all the land necessary for the project without cost to the Federal Government. I want to point out also all the countries that the Secretary of Energy has already been in touch with, along with the State Department—Japan, Taiwan, Canada, and India. We have about 15 to 20 countries that have already—and I am using the words of the Secretary of Energy—strongly indicated that they are going to participate in this project. Japan says they are anxious to participate and will contribute between $500 million and $1 billion. India has already signed the papers to contribute to this project.

So we are well over $1 billion in commitments already, and by this time next year the Secretary of Energy says we will have more commitments if we go ahead and approve funding for this project today.

Mr. Chairman, let us vote this amendment down now and vote for science.

Mr. PENNY. Mr. Chairman, "something this big just has to be good," doesn't necessarily apply to the superconducting super collider [SSC] project. What's "big" in this case is the $6.4 billion which CBO estimates taxpayers stand to lose in a project of untested, questionable scientific benefit.

In the committee report on this legislation, the Appropriations Committee itself admits its concern "about being able to continue to finance this project through completion," and states that: "In order to complete the SSC, non-Federal participation will be necessary." While it's true that the State of Texas has committed $1 billion to the SSC, no foreign government or other financier has been willing to back the project. Just last year, this House voted overwhelmingly to direct the Department of Energy to obtain commitments for foreign participation in the SSC to cover between one-fourth and one-third of the project's estimated total costs. Shouldn't we be able to see the color of some of this money beefore we proceed to borrow $110 million to begin construction?

Eliminating construction funds at this point does not amount to turning our backs on scientific advancement. Instead it is a sound management decision not to commit scarce resources to a project which has been strongly questioned by the scientific community. I rise in support of the Eckart/Obey/Boehlert amendment which would eliminate all construction funds from this bill and urge its adoption.

Mr. PICKLE. Mr. Chairman, if the United States wants to remain a leader in the scientific world, we must move forward with the superconducting super collider project. The bill before us here today, appropriates funding for this important project. The amount is not as much as the administration had hoped for, or as much as many of us hoped for, but it is a start in our efforts to construct the largest, most advanced scientific instrument ever built.

The benefits the superconducting super collider will provide the United States are numerous. This instrument will be the largest particle accelerator in the world and will provide us with the basic knowledge of the nature of matter. I believe we have a responsibility to future generations to provide them with the knowledge and technology they will need to be competitive.

Currently, the United States sets the standard for scientific research. If we lose our leadership, this may no longer be the case. While it is impossible to prove to you today what we will reap from this super collider experiment in the future, we all know that scientific curiosity ultimately leads to enormous advances in technology and scientific discovery.

The superconducting super collider project will be one of basic research which will ultimately provide us with new technologies, new industries and new jobs.

I urge my colleagues to oppose efforts to reduce the funding provided in this bill for the superconducting super collider.

Mr. LENT. Mr. Chairman, I rise in support of H.R. 2696—the energy and water development appropriations bill—which includes much needed funding for many important navigation improvement projects including the dredging of the sand-clogged Jones Inlet by the U.S. Corps of Engineers.

The Jones Inlet is a heavily traveled waterway serving many of my constituents on Long Island. In fact, over 25,000 vessel trips—both commercial and recreational—are made in and out of this inlet each year.

A jetty constructed in 1959 at the inlet's eastern mouth is no longer effective. Originally built to prevent shoaling, this jetty has outlived its 20-year useful life and, as a result, the inlet is shoaling four times faster than it did some years ago. Channel markers have to be relocated constantly to maintain an open, safe waterway.

This situation presents a grave danger to boaters trying to navigate the inlet which has been labeled "precarious for shallow draft boats and dangerous for deep draft boats." I fear for the safety and well-being of my constituents who use this treacherous inlet. Several years ago, two people drowned and their boat was destroyed because of these channel problems. This tragedy could have been averted, and I am here today to make sure that no more lives are needlessly lost on this waterway.

The measure before us includes $900,000 for the dredging of Jones Inlet in fiscal 1990. These moneys are desperately needed to ensure the safe passage of the many boaters who navigate this inlet. I thank the distinguished chairman and ranking member of the subcommittee, the gentleman from Alabama and the gentleman from Indiana, for their support and I urge my colleagues' favorable vote on H.R. 2696.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. ECKART).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ECKART. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 93, noes 330, not voting 9, as follows:

[Roll No. 118]

AYES—93

Bates	Eckart	Leach (IA)
Beilenson	Evans	Levin (MI)
Bereuter	Feighan	Long
Berman	Ford (MI)	Luken, Thomas
Boehlert	Frank	Markey
Brennan	Gradison	Martin (NY)
Broomfield	Gunderson	Martinez
Buechner	Hamilton	McDermott
Campbell (CA)	Hancock	Miller (CA)
Carper	Hastert	Moody
Clarke	Hayes (IL)	Morrison (CT)
Clement	Hefley	Neal (MA)
Coble	Hertel	Neal (NC)
Conyers	Jacobs	Oberstar
Coughlin	Johnston	Obey
Craig	Jontz	Owens (NY)
Crockett	Kasich	Patterson
DeFazio	Kastenmeier	Penny
Dellums	Kennedy	Petri
Derrick	Kildee	Ridge
Dingell	LaFalce	Ritter
Douglas	Lancaster	Rohrabacher
Early	Lantos	Roukema

Sabo	Slaughter (NY)	Vento
Sangmeister	Smith, Robert (NH)	Visclosky
Schneider	Snowe	Weiss
Schroeder	Stark	Weldon
Schulze	Studds	Wheat
Schumer	Swift	Williams
Sharp	Synar	Wolpe
Shays	Unsoeld	
Sikorski		

NOES—330

Ackerman	Fawell	Lowey (NY)
Akaka	Fazio	Lukens, Donald
Alexander	Fields	Machtley
Anderson	Fish	Madigan
Andrews	Flake	Manton
Annunzio	Flippo	Marlenee
Anthony	Foglietta	Martin (IL)
Applegate	Ford (TN)	Matsui
Archer	Frenzel	Mavroules
Armey	Frost	Mazzoli
Aspin	Gallegly	McCandless
Atkins	Gallo	McCloskey
AuCoin	Garcia	McCollum
Baker	Gaydos	McCrery
Ballenger	Gejdenson	McCurdy
Barnard	Gekas	McDade
Bartlett	Gephardt	McEwen
Barton	Gibbons	McGrath
Bateman	Gillmor	McHugh
Bennett	Gilman	McMillan (NC)
Bevill	Gingrich	McMillen (MD)
Bilbray	Gonzalez	McNulty
Bilirakis	Gordon	Meyers
Bliley	Goss	Mfume
Boggs	Grandy	Michel
Bonior	Grant	Miller (OH)
Borski	Gray	Miller (WA)
Bosco	Green	Mineta
Boucher	Guarini	Moakley
Boxer	Hall (TX)	Molinari
Brooks	Hammerschmidt	Mollohan
Browder	Hansen	Montgomery
Brown (CA)	Harris	Moorhead
Brown (CO)	Hatcher	Morella
Bruce	Hawkins	Morrison (WA)
Bryant	Hayes (LA)	Mrazek
Bunning	Henry	Murphy
Burton	Herger	Murtha
Bustamante	Hiler	Myers
Byron	Hoagland	Nagle
Callahan	Hochbrueckner	Natcher
Campbell (CO)	Holloway	Nelson
Cardin	Hopkins	Nielson
Carr	Horton	Nowak
Chandler	Houghton	Oakar
Chapman	Hoyer	Olin
Clay	Hubbard	Ortiz
Clinger	Huckaby	Owens (UT)
Coleman (MO)	Hughes	Oxley
Coleman (TX)	Hunter	Packard
Combest	Hutto	Pallone
Conte	Hyde	Panetta
Cooper	Inhofe	Parker
Costello	Ireland	Parris
Cox	James	Pashayan
Coyne	Jenkins	Paxon
Crane	Johnson (CT)	Payne (NJ)
Dannemeyer	Johnson (SD)	Payne (VA)
Darden	Jones (GA)	Pease
Davis	Jones (NC)	Pelosi
de la Garza	Kanjorski	Perkins
DeLay	Kaptur	Pickett
DeWine	Kennelly	Pickle
Dickinson	Kleczka	Porter
Dicks	Kolbe	Poshard
Dixon	Kolter	Price
Donnelly	Kostmayer	Pursell
Dorgan (ND)	Kyl	Quillen
Dornan (CA)	Lagomarsino	Rahall
Downey	Laughlin	Rangel
Dreier	Leath (TX)	Ravenel
Duncan	Lehman (CA)	Ray
Durbin	Lehman (FL)	Regula
Dwyer	Leland	Rhodes
Dymally	Lent	Richardson
Dyson	Levine (CA)	Rinaldo
Edwards (CA)	Lewis (CA)	Roberts
Edwards (OK)	Lewis (FL)	Robinson
Emerson	Lewis (GA)	Roe
Engel	Lightfoot	Rogers
English	Lipinski	Rose
Erdreich	Livingston	Rostenkowski
Espy	Lloyd	Roth
Fascell	Lowery (CA)	Rowland (CT)
Rowland (GA)	Smith (VT)	Traficant
Roybal	Smith, Denny (OR)	Traxler
Russo	Smith, Robert (OR)	Udall
Saiki	Solarz	Upton
Sarpalius	Solomon	Valentine
Savage	Spence	Vander Jagt
Sawyer	Spratt	Volkmer
Saxton	Staggers	Vucanovich
Schaefer	Stallings	Walgren
Scheuer	Stangeland	Walker
Schiff	Stearns	Walsh
Schuette	Stenholm	Watkins
Sensenbrenner	Stokes	Waxman
Shaw	Stump	Weber
Shumway	Sundquist	Whittaker
Shuster	Tallon	Whitten
Sisisky	Tanner	Wilson
Skaggs	Tauke	Wise
Skeen	Tauzin	Wolf
Skelton	Thomas (CA)	Wright
Slattery	Thomas (GA)	Wyden
Slaughter (VA)	Thomas (WY)	Wylie
Smith (FL)	Torres	Yates
Smith (MS)	Torricelli	Yatron
Smith (NE)	Towns	Young (AK)
Smith (NJ)		Young (FL)
Smith (TX)		

NOT VOTING—9

Bentley	Florio	Hall (OH)
Collins	Glickman	Hefner
Courter	Goodling	Smith (IA)

□1617

The Clerk announced the following pair:

On this vote:

Mr. Glickman for, with Mrs. Collins against.

Messrs. ASPIN, KLECZKA, HOAGLAND, and CARDIN changed their vote from "aye" to "no."

Messrs. CRAIG, KENNEDY, STARK, and HAYES of Illinois changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BEVILL. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of the remainder of the bill is as follows:

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $450,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury: *Provided*, That any proceeds resulting from the sale of assets purchased from the Nuclear Waste Fund shall be returned to the Nuclear Waste Fund.

ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

For necessary expenses of activities related to the production, distribution, and sale of isotopes and related services, $16,243,000, to remain available until expended: *Provided*, That this amount and, notwithstanding 31 U.S.C. 3302, revenues received from the disposition of isotopes and related services shall be credited to this account to be available for carrying out these purposes without further appropriation: *Provided further*, That all unexpended balances of previous appropriations made for the purpose of carrying out activities related to the production, distribution, and sale of isotopes and related services may be transferred to this fund and merged with other balances in the fund and be available under the same conditions and for the same period of time: *Provided further*, That fees shall be set by the Secretary of Energy in such a manner as to provide full cost recovery, including administrative expenses, depreciation of equipment, accrued leave, and probable losses: *Provided further*, That all expenses of this activity shall be paid only from funds available in this fund: *Provided further*, That at any time the Secretary of Energy determines that moneys in the fund exceed the anticipated requirements of the fund, such excess shall be transferred to the general fund of the Treasury.

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities, $9,677,000,000, to remain available until expended, including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 208 for replacement only including 19 police-type vehicles).

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000) $358,734,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $150,000,000 in fiscal year 1990 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1990 so as to result in a final fiscal year 1990 appropriation estimated at not more than $208,734,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $22,959,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,145,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for expenses of the Northeast Oregon Spring Chinook Facility and Galbraith Springs/Sherman Creek Hatcheries; and for official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1990, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $18,469,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $25,172,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $11,723,000 in reimbursements, to remain available until expended: *Provided,* That the continuing fund established by the Act of October 12, 1949, c. 680, title I, section 101, as amended, shall also be available on an ongoing basis for paying for purchased power and wheeling expenses when the Administrator determines that such expenditures are necessary to meet contractual obligations for the sale and delivery of power during periods of below-average hydropower generation. Payments from the continuing fund shall be limited to the amount required to replace the generation deficiency, and only for the project where the deficiency occurred. Replenishment of the fund shall occur within twelve months of the month in which the funds were first expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase, maintenance, and operation of one helicopter for replacement only, $291,233,000, to remain available until expended, of which $264,457,000 shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $3,564,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended: *Provided,* That, the continuing fund established in Public Law 98-50 shall also be available on an ongoing basis for paying for purchase power and wheeling expenses when the Administrator determines that such expenditures are necessary to meet contractual obligations for the sale and delivery of power during periods of below-normal hydropower generation. Payments from the continuing fund shall be limited to the amount required to replace the generation deficiency, and only for the project where the deficiency occurred. Replenishment of the continuing fund shall occur within twelve months of the month in which the funds were first expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $2,000); $116,550,000, of which $11,000,000 shall remain available until expended and be available only for contractual activities: *Provided,* That hereafter and notwithstanding any other provision of law, not to exceed $116,550,000 of revenues from licensing fees, inspection services, and other services and collections in fiscal year 1990, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1990, so as to result in a final fiscal year 1990 appropriation estimated at not more than $0: *Provided further,* That revenues collected under the authority of section 3401 of the Omnibus Budget Reconciliation Act that have been held in suspense pending the final outcome of litigation, will be immediately credited to the general fund of the Treasury.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $75,000, to remain available until expended: *Provided,* That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 302. Not to exceed 5 per centum of any appropriation made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

MINORITY PARTICIPATION IN THE SUPERCONDUCTING SUPER COLLIDER

SEC. 304. (a) FEDERAL FUNDING.—The Secretary of Energy shall, to the fullest extent possible, ensure that at least 10 per centum of Federal funding for the development, construction, and operation of the Superconducting Super Collider be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))), including historically black colleges and universities and minority educational institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.)).

(b) OTHER PARTICIPATION.—The Secretary of Energy shall, to the fullest extent possible, ensure significant participation, in addition to that described in subsection (a), in the development, construction, and operation of the Superconducting Super Collider by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))) and economically disadvantaged women.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $110,000,000.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-56, section 1441, $10,000,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $214,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $345,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $100,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $442,100,000, to remain available until expended, of which $23,195,000 shall be derived from the Nuclear Waste Fund: *Provided,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $146,850,000 in fiscal year 1990 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1990 from licensing fees, inspection services and other services and collections, and from the Nuclear Waste Fund, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1990 appropriation estimated at not more than $295,250,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 U.S.C. 3109, $2,900,000, to remain available until expended; and in addition, not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided,* That notice of such transfer shall be given to the Committees on Appropriations of the House and Senate: *Provided further,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $200,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $276,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $121,000,000, to remain available until expended: *Provided,* That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code: *Provided further,* That the Tennessee Valley Authority may hereafter accept the services of volunteers and, from any funds available to it, provide for their incidental expenses to carry out any activity of the Tennessee Valley Authority except policymaking or law or regulatory enforcement. Such volunteers shall not be deemed employees of the United States Government, except for the purposes of chapter 81 of title 5 of the United States Code relating to compensation for work injuries, and shall not be deemed employees of the Tennessee Valley Authority except for the purposes of tort claims to the same extent as a regular employee of the Tennessee Valley Authority would be under identical circumstances.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Nuclear Waste Negotiator, as authorized by Public Law 100-203, section 411, $2,000,000, to be derived from the Nuclear Waste Fund and to remain available until expended.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 509, $2,000,000, to be derived from the Nuclear Waste Fund and to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177 or Public Law 100-119.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. None of the funds appropriated in this Act for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 per centum of the bid or offering price of the most competitive foreign bidder: *Provided,* That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental

costs against otherwise existing repayment obligations: *Provided further,* That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further,* That this section shall not apply to procurement of domestic end product as defined in 48 C.F.R. sec. 25.101: *Provided further,* That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

SEC. 509. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1990".

The CHAIRMAN. Are there any points of order against the remainder of the bill?

If not, are there any amendments?

AMENDMENT OFFERED BY MR. HORTON

Mr. HORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows

Amendment offered by Mr. HORTON: Page 42, line 20, strike "$9,677,000,000" and insert "$9,692,300,000".

Mr. HORTON. Mr. Chairman, I would like to commend the distinguished gentleman from Alabama [Mr. BEVILL], the chairman of the subcommittee, and the ranking member, the gentleman from Indiana [Mr. MYERS] for crafting this bill. They have done an outstanding job.

Mr. Chairman, I rise to speak in favor of my amendment. My amendment would increase the level of funding available under H.R. 2696 for the atomic energy defense activities by $15.3 million, well within the relevant 302(b) allocation. This is the amount which was recently authorized by the Armed Services Subcommittee on Procurement and Military Nuclear Systems for the upgrade of the Omega laser at the University of Rochester. In making this authorization, members of the Procurement Subcommittee were following the sound recommendations of the National Academy of Science and the special panel on the Department of Energy's defense nuclear facilities headed by chairman JOHN SPRATT of South Carolina.

Physicists at the University of Rochester firmly believe that, with this upgrade, they can achieve nuclear fusion ignition. The benefits to be derived from this event are countless—from providing clean, safe energy to an effective means of testing our nuclear arsenals without having to explode them.

In short, there are no losers with this amendment. The project has been authorized by the Armed Services Procurement Subcommittee, the funds are available, and America will benefit greatly from the physics carried out at Rochester. I urge my colleagues to support this amendment!

□ 1620

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I am happy to yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, we are familiar with that amendment. We have no objection to it, and accept it.

Mr. HORTON. Mr. Chairman, I thank the gentleman very much.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I am happy to yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, we worked very closely with the gentleman from New York [Mr. HORTON], and this was left out because the Department of Energy had some question about the ability of the university to conduct this improvement. It is inertial confinement fusion. It is upgrading the Omega, and so we support it.

Mr. HORTON. I thank the gentleman from Indiana.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HORTON].

The amendment was agreed to.

Mr. BEVILL. Mr. Chairman, there being no further amendments, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes; had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2696, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1990

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes, the Clerk shall be authorized to make any necessary technical corrections.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AUTHORIZING GERMANE MODIFICATIONS TO EN BLOC AMENDMENT AND SPECIFYING DEBATE TIME FOR FURTHER EN BLOC AMENDMENTS TO H.R. 2655, INTERNATIONAL COOPERATION ACT OF 1989

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that an en bloc amendment to H.R. 2655 offered pursuant to the authority granted by House Resolution 179 and the previous order of the House of June 21, 1989, may include germane modifications of the amendment printed in the RECORD of June 23, 1989.

Further, I ask unanimous consent that time for debate on any amendment en bloc to H.R. 2655 may be extended on demand of Representative BROOMFIELD of Michigan or myself to not more than 1 hour, equally divided and controlled.

Further, I ask unanimous consent that debate on all amendments en bloc to H.R. 2655 be subject to the 8-hour limit provided in House Resolution 179.

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I am in support of the chairman's request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANTICIPATED SCHEDULE FOR CONSIDERATION OF H.R. 2461 DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1990, 1991

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise today to inform the House of the anticipated schedule for consideration of H.R. 2461, the Department of Defense Authorization Act for fiscal years 1990 and 1991.

Mr. Speaker, the Committee on Armed Services is currently involved in markup of the legislation. It is anticipated that the committee will complete its action on the bill in time to file its report in the House by June 30, that is, by this Friday.

By next Wednesday, July 5, the Union Calendar print of the version of the bill reported from the committee should be available to all Members. Amendments for floor consideration should be drafted to the reported version of the bill.

The Rules Committee is likely to meet to consider a rule for the consideration of the bill during the week of July 17 and it is anticipated that the Rules Committee will not consider making in order any amendments which are received at the Rules Committee after 3 o'clock p.m. on Thursday, July 13, 1989.

To reiterate, any Member who wishes to offer one or more amendments during floor consideration of the Defense authorization bill for fiscal years 1990 and 1991 should have 35 copies of any amendment, together with explanatory materials, delivered to the offices of the Committee on Rules by 3 o'clock p.m. on Thursday, July 13. The Rules Committee is located in room H-312 in the Capitol.

Floor consideration of H.R. 2641 is expected to occur during the weeks of July 17 and July 24 and is to be concluded by no later than Saturday, July 29.

Mr. Speaker, I am having delivered today to Members offices a "Dear Colleague" letter which fully describes the procedures the Rules Committee is expected to follow in its deliberations on a rule for the Defense Authorization bill.

Mr. Speaker, I also wish to take this opportunity to remind my colleagues of a letter sent by the chairman and the ranking minority member of the Rules Committee to all Members on May 16 of this year. In the letter, Members were encouraged to consider presenting any amendments which they hoped to offer to the Armed Services Committee for consideration during its markup of the bill. It is our belief that full committee examination of the many amendments which Members wish to offer to the bill will not only improve the bill's final composition but will help in expediting floor consideration of a bill which has consumed increasing amounts of floor time in recent years.

Mr. Speaker, I thank my colleagues for their attention to this announcement and for their cooperation in the weeks ahead.

□ 1630

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I am glad to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I thank my friend, the gentleman from Massachusetts, and would ask this, because I think it is important to emphasize for our colleagues and for their staffs: When Members come back on July 10 or 11, they will have at most 3 days in order to get amendments in. I do not object to this procedure; I just want to make sure, because often Members arrive and wonder the week a bill comes up why their amendments cannot be included. So I think it is very important to emphasize for Members on both sides of the aisle that when we come back from the district work period, they will have only in effect Tuesday, Wednesday, and up until 3 o'clock on Thursday, I believe.

Mr. MOAKLEY. The gentleman is correct.

Mr. GINGRICH. Therefore, Members should have their staffs working on any amendments they want put in during the district work period.

EXTENSION OF TITLE I OF ENERGY POLICY AND CONSERVATION ACT

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 694) to amend the Energy Policy and Conservation Act to extend the authority for the strategic petroleum reserve, and for other purposes, with a Senate amendment to the House amendments thereto, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments, as follows:

Senate amendment to House Amendments:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. EXTENSION.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) in section 171, by striking out "June 30, 1989" each place it appears and inserting in lieu thereof "April 1, 1990"; and

(2) in section 104(b)(1), by striking out "June 30, 1989" and inserting in lieu thereof "April 1, 1990".

SEC. 2. STUDY AND REPORT ON OIL LEASING AND OTHER ARRANGEMENTS TO FILL SPR TO ONE BILLION BARRELS.

(a) IN GENERAL.—The Secretary of Energy shall carry out a study on potential financial arrangements (including long-term leasing of crude oil and storage facilities) that could be used to provide additional, alternative means of financing the filling of the Strategic Petroleum Reserve to one billion barrels. In carrying out such study, the Secretary shall—

(1) assume that the legislation that extends title I of the Energy Policy and Conservation Act beyond April 1, 1990, will require the Secretary to amend, by July 1, 1990, the Strategic Petroleum Reserve Plan to provide plans for completion of storage of one billion barrels of petroleum products in the Reserve at an average fill-rate of at least seventy-five thousand barrels per day;

(2) consider a broad array of such arrangements;

(3) consult with persons in the private sector who might be interested in leasing crude oil or storage facilities;

(4) initiate, in cooperation with the Department of State, to the extent consistent with the interests of the United States, discussions with representatives of foreign governments and other entities as to the types of financial arrangements (including crude oil leasing arrangements) that would interest them; and

(5) produce preliminary written solicitations for proposed alternative financial arrangements (including long-term leasing of crude oil and storage facilities) to assist in filling the Strategic Petroleum Reserve to one billion barrels.

(b) REPORTS.—(1) The Secretary shall, no later than October 15, 1989, transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives an interim report containing—

(A) an enumeration of the specific resources (both personnel and funding) committed to the study described in subsection (a);

(B) a description of the progress made toward completing the study; and

(C) any preliminary findings and conclusions made by such date.

(2) The Secretary shall, no later than February 1, 1990, transmit to such committees a copy of the solicitations described in paragraph (5) of subsection (a) and a final report containing the findings and conclusions of the study carried out under this section, together with a draft of the legislative changes that would be necessary to authorize the most significant alternative financial arrangements studied by the Secretary (including long-term leasing of crude oil and storage facilities) and recommendations of the Secretary with respect to the need for and desirability of such financial arrangement (including long-term leasing of crude oil and storage facilities).

(c) ENFORCEMENT.—Notwithstanding any other provision of law, no portion of the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of pursuant to any contract or other agreement entered into or extended on or after February 1, 1990, other than to the Strategic Petroleum Reserve (either directly or by exchange) until the Secretary of Energy has transmitted the solicitations and the final report described in subsection (b)(2) (including the legislative changes and recommendations described in such subsection) to the committees described in subsection (b)(1), except for the purposes provided in section 160(d)(2) of the Energy Policy and Conservation Act.

Mr. SHARP (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I yield to the gentleman from Indiana [Mr. SHARP] to explain what he is doing by this request.

Mr. SHARP. Mr. Speaker, this bill S. 694, represents a compromise over how to deal with the extension of title I of the Energy Policy and Conservation Act [EPCA]. Unless EPCA is extended before June 30, 1989, the Department of Energy may not have sufficient authority to drawdown the SPR in response to an oil shortage.

This bill is a 9-month extension of title I, until April 1, 1990. This extension is 1 month longer than the extension that had previously passed the House in H.R. 2539.

The compromise bill now contains a study of alternative means of financing oil acquisition for the SPR. This study is required to be finished no later than February 1, 1990. This will give the Congress 2 months to act on any changes before the new April 1 deadline.

This bill has been worked out on a bipartisan basis in close consultation with the administration. The primary reason for a short extension is to allow the Department of Energy and the committee to consider a number of unresolved issues relating to the SPR. In addition to alternative financing methods, these issues include: increased flexibility in Presidential drawdown authority; the desirability of some refined product storage, as well as crude oil, use of SPR to respond to domestic oil shortage as well as shortages of foreign crude oil, test drawdown authority; and the need and method of expanding the SPR to 1 billion barrels or more in size.

The Subcommittee on Energy and Power intends to hold additional hearings to assist in resolving these issues. I urge my colleagues to support passage of the bill.

Mr. MOORHEAD. Mr. Speaker, further reserving the right to object, the minority approves of the action being taken, and we stongly support the strategic petroleum reserve.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Indiana?

There was no objection.

A motion to reconsider was laid on the table.

INTERNATIONAL COOPERATION ACT OF 1989

The SPEAKER. Pursuant to House Resolution 179 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2655.

□ 1635

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2655) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal year 1990 and 1991, and for other purposes, with Mr. AUCOIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 22, 1989, title V was open for amendment at any point.

There are 5 hours and 44 minutes of deabte remaining on all amendments.

Are there any amendments to title V?

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 402, after line 2, insert the following:

"SEC. 5509. DRUG TESTING.

"The President shall require random drug testing of officers and employees of Federal Agencies assigned to carry out any assistance program funded under this Act.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I just take this moment to explain where we are and where we think we are going.

As the Chair has just announced, there are 5 hours and 44 minutes left under the rule for the debate on all amendments, except the specifically designated amendments that have time which are included in the rule.

One amendment is the McHugh amendment in title VII. The other time allocated by the rule is the substitute, if offered, by the gentleman from Michigan [Mr. BROOMFIELD]. All other debate will be within the time limit of 5 hours and 44 minutes that are left to us.

We would like to proceed tonight to get as far as we can so that if we come in reasonably early tomorrow, Mr. Chairman, we might get through at a reasonable time tomorrow. But we are going to need some cooperation.

I might say we have had excellent cooperation in working with amendments. There are a lot of amendments. We are doing our best to reach accommodation where that is possible so that we may offer amendments en bloc where that is appropriate and where we can, of course, the House will then have to work its will on those amendments.

We think we have plenty of time left to debate all of the important amendments before us, but in order to get through tomorrow we would have to work to a reasonably late hour tonight.

I thank the gentleman for yielding.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, because we have a definite, specific period of time to debate this particular legislation, is the gentleman going to make sure that we have time for the titles coming later on like say title IX, X, and XI so that not all of the time is used up on the earlier titles?

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I will say to the gentleman from Wisconsin that I have no idea whether that is possible, but maybe with the cooperation of all Members it might be.

Mr. ROTH. If I can just get 30 more seconds, I would say I hope we have some time for later titles. Otherwise, it is not fair to Members who have amendments on the later titles if everything is going to be used up in titles V, VI, and VII.

I thank the gentleman for yielding.

Mr. SOLOMON. Mr. Chairman, today I am offering the first of a series of amendments designed to change the emphasis in the war on drugs. In my view, current policy puts too much emphasis on supply when we should be concentrating on demand. It is the drug users in this country who keep the market going, and we'll never win this war unless we win the battle against user demand.

My amendment requires random testing of the officers and employees of Federal agencies assigned to carry out any assistant program funded under this act.

Three years ago, President Reagan signed an executive order, establishing the goal of a drug-free Federal work place. The order made it a condition of employment for all Federal employees to refrain from using illegal drugs on- or off-duty.

At that time, the President recognized that illegal drug use is seriously imparing the national work force, re-

sulting in the loss of billions of dollars each year. As the largest employer in the Nation, the Federal Government has compelling interest in establishing reasonable conditions of employment. And it has an obligation to set standards for the private sector, and prohibiting drug use is one of them.

This amendment offers a helping hand to those who need it, while sending a clear message that illegal drug use is uncompatible with service in the Federal Government.

Mr. Chairman, for the remainder of this 101st Congresss, I will be attaching this amendment to all authorizing bills for our Federal agencies and departments, and offering floor amendments which toughen existing law denying Federal benefits to drug users. I'll be offering amendments to deny Federal benefits, including higher education assistance and Federal job training to offenders who test positive. And at the first opportunity, I will also offer an amendment to deny Federal highway funds to States which fail to test driver's license applicants for the illegal use of controlled substances.

Mr. Speaker, we could kill every drug lord in the world today, and new ones would pop up tomorrow, allured by the enormous profits in this death trade. What we have to do is eliminate the market—eliminate the demand.

And the solution of throwing more money at this problem is not enough. We have already tried this, and rather than create drug-free work places, all this has done is create work-free drug places.

Mr. Chairman, this Congress has to summon the courage to attack the root cause of the drug crisis.

This amendment covers all officers and employees of the Federal agencies assigned to carry out any assistance program funded under this Act. More specifically, all State Department personnel.

If State Department personnel are using illegal drugs, we have a right to know about it.

Let's face the facts, marijuana and cocaine impair the judgment of the people who use them. If you are undecided about this amendment, just ask yourself these three questions.

Can we afford to have the people who negotiate our treaties using illegal drugs?—their minds and judgment temporarily impaired?

Can we afford to have our officials who are exposed to Soviet personnel on a daily basis using illegal drugs?

And, can we afford to have people with access to classified intelligence information using illegal drugs?

Mr. Chairman, this legislation is long overdue. The demand for illegal drugs must be ended—and you can help end it by supporting this amendment today—go back to your Districts this 4th of July and proudly say the Congress took a first step in declaring war on their drug use.

□ 1640

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, I understand the concern that the gentleman from New York has. I share his concern on many of the issues that in fact come before the Committee on Foreign Affairs and come before this body in terms of drug testing, use of drugs by Federal employees and the consequences that might arise as a result thereof.

As the chairman of the International Narcotics Task Force, however, and as a member of the Subcommittee on International Operations, chaired by the gentleman from California [Mr. DYMALLY], I am afraid I have to stand and oppose this amendment on a number of grounds. First of all the administration also opposes this amendment. While I do not always agree with the administration, I think their opposition to this amendment is correct because the amendment is unnecessary. The Department of State and AID are already complying with Executive Order 12564 establishing the rules for a drug-free workplace which was issued by President Reagan. They are complying with section 503 of the Supplemental Appropriations Act of 1987 establishing uniformity among Federal agency drug-testing plan; section 628 of P.S. 100-440, the fiscal 1989 Treasury appropriation bills and other relevant legislative and regulatory requirements.

In addition, this amendment would set a new precedent in applying different standards for specified agencies instead of a governmentwide uniform policy worked out with great effort.

State has already demonstrated its commitment to mandatory random testing. I do not believe that State ought to be singled out for treatment far different from other Federal agencies that already are in fact doing the kinds of drug testing that needs to be done.

In addition, the Supreme Court of this country, although we can disagree from time to time with their rulings, has already ruled and they have said that right now mandatory testing is not something that we can require but that testing of employees on a mandatory basis who are involved with dangerous instrumentalities, in fact, can be employed.

Now we know the Federal motormen and airline pilots and a number of other Federal workers who are concerned with the safety of the average American person, people who use the trains and the planes and all the other things that the Federal Government runs that inherently are dangerous, that are operated by people who work for the Federal Government, in fact are now subject to mandatory testing.

But I ask you, Mr. Chairman and my colleagues, of what danger, what inherent dangerous instrumentality is one of the striped-pants people over at the State Department? Oh, yes, they might run off at the mouth occasionally, they might say something wrong. But to make drug testing mandatory for them when more, more dangerous jobs where other Americans' lives are at stake do not have mandatory testing does not make sense.

We are all here in this body and have spoken before very seriously about our antidrug commitment. I chair that part of the Committee on Foreign Affairs that deals with the international narcotics scourge. This is not going to cure anything. This is a punitive amendment. And I really do not understand why State is being singled out for this.

I believe I speak for the chairman of the Subcommittee on International Operations when I say that he opposes this amendment as well. The administration opposes it. I do not believe that until a governmentwide, legitimately valid, constitutionally muster-passing test and set of regulations is developed that State ought to be singled out for some punitive punishment that ultimately is not going to support the work of the Department of State.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. I thank the gentleman for yielding.

I think the most important thing it seems to me—and I agree with the gentleman—this amendment is not necessary. We want a rational program. The State Department has already submitted a proposal which has been approved which would subject 90 percent of their personnel to a random testing program. So I think the administration is proceeding properly. We want a rational program affecting the agencies and not legislate it amendment by amendment.

□ 1650

I would hope this amendment would be voted down.

Mr. SMITH of Florida. Mr. Chairman, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, would the gentleman support a governmentwide testing program? The gentleman indicated he might.

Mr. SMITH of Florida. I support a program and approach that would yield for this program.

Mr. GILMAN. Mr. Chairman, I move to strike the last word and yield to the

gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, first of all, let me just respond by saying that the State Department is not being singled out individually. This same argument was used against the Solomon amendments back in 1983 when we said we were singling out students who refused to register for the draft. Same old argument.

Let me quote from the U.S. Supreme Court decision on custom drug testing. My friends, just listen:

There is a national crisis of law enforcement caused by the smuggling of illicit narcotic drugs. Reasonable drug testing is not unconstitutional.

That is what it says here, Supreme Court Justices said it.

Thirdly, the administration does not support this amendment. Here is Secretary Bennett's statement, the drug czar's proposal aims to punish users. That means Federal employees.

Now, as far as the plan that the State Department intends to implement, they have no plan to implement random testing for anybody but preemployment employees. What about all the employees that are overseas right now in our embassies that are smoking marijuana and sniffing cocaine with classified information? Do Members mean to tell me we should not test those people randomly? Now, let me tell Members one compelling piece of evidence, why everybody should vote for this legislation. In 1982, 27 percent of our entire armed forces from the PFC's to the generals were on drugs by their own admission. In 1988, thanks to Ronald Reagan when he implemented drug testing randomly selected in the armed forces, it dropped to 4.5 percent from 27 percent. That is an 82 percent drop. If Members want to do something about the demand for drugs in this country, enact this amendment and we will enact it to every single piece of legislation affecting every single department and every single Federal employee from now until the end of the 101st Congress, then Members will have done something about the illegal drug users in this country.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

We run along the edges of the drug problem all the time, and when something concrete comes up, we make all kinds of reasons why we cannot pass it. I hope my colleagues will listen to me on the other side of the aisle. This is very important. I want to make a point.

The day before yesterday, a member of my staff was attacked in her apartment, and the guy ran a 4-inch knife through her hand. This is the murder capital of America, one of the drug capitals of America. We know that, and we cannot deal with that problem here on Capitol Hill. The injury to that staff person of mine occurred two blocks from the Capitol, and we cannot deal with the problem. We know drugs are prevalent all over the place and we need to set an example. The Solomon amendment is a step in the right direction. For Members to continue to make reasons why we cannot pass drug testing legislation is ludicrous. It is a major problem facing this country.

My more liberal colleagues, whom I have a great deal of respect for, the problem affects those Members, as well as those on our side of the aisle. I would hope, instead of tuning me out as many of the Members are doing right now, I wish the Members would listen. We need to take steps to come to grips with this problem. This is a good first step.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 212, not voting 16, as follows:

[Roll No. 119]

AYES—204

Andrews	Emerson	Leath (TX)
Applegate	English	Lent
Archer	Erdreich	Lewis (CA)
Armey	Fawell	Lewis (FL)
Baker	Fields	Lightfoot
Ballenger	Flippo	Lipinski
Barnard	Gallegly	Livingston
Bartlett	Gaydos	Lloyd
Barton	Gekas	Lowery (CA)
Bateman	Gilman	Luken, Thomas
Bennett	Gingrich	Lukens, Donald
Bevill	Gordon	Madigan
Bilirakis	Goss	Marlenee
Bliley	Gradison	Martin (IL)
Browder	Grandy	Martin (NY)
Brown (CO)	Grant	Martinez
Buechner	Guarini	Mavroules
Bunning	Gunderson	Mazzoli
Burton	Hall (TX)	McCandless
Byron	Hammerschmidt	McCollum
Callahan	Hancock	McCrery
Campbell (CO)	Hansen	McDade
Chapman	Harris	McEwen
Clarke	Hastert	McGrath
Clement	Hatcher	McMillan (NC)
Coble	Hayes (LA)	McNulty
Coleman (MO)	Hefley	Meyers
Combest	Herger	Michel
Cooper	Hiler	Miller (OH)
Costello	Holloway	Molinari
Coughlin	Hopkins	Montgomery
Cox	Hubbard	Moorhead
Craig	Huckaby	Murphy
Crane	Hunter	Neal (MA)
Dannemeyer	Hutto	Nelson
Darden	Hyde	Nielson
Davis	Inhofe	Ortiz
DeLay	Ireland	Packard
Derrick	James	Pallone
DeWine	Jenkins	Parker
Dickinson	Jones (GA)	Parris
Dornan (CA)	Kasich	Pashayan
Douglas	Kolbe	Patterson
Dreier	Kyl	Paxon
Duncan	Lagomarsino	Payne (VA)
Dyson	Laughlin	Petri
Edwards (OK)	Leach (IA)	Poshard
Pursell	Shuster	Tallon
Quillen	Skeen	Tanner
Ravenel	Skelton	Tauke
Ray	Slaughter (VA)	Tauzin
Regula	Smith (MS)	Thomas (CA)
Rhodes	Smith (NE)	Thomas (GA)
Ritter	Smith (NJ)	Thomas (WY)
Roberts	Smith (TX)	Traficant
Robinson	Smith, Denny (OR)	Traxler
Roe	Smith, Robert (NH)	Upton
Rogers	Smith, Robert (OR)	Valentine
Rohrabacher	Solomon	Vander Jagt
Roth	Spence	Volkmer
Rowland (GA)	Spratt	Vucanovich
Sangmeister	Stangeland	Walker
Sarpalius	Stearns	Walsh
Schaefer	Stenholm	Watkins
Schuette	Stump	Weldon
Schulze	Sundquist	Whittaker
Sensenbrenner		Wylie
Shaw		Yatron
Shays		Young (FL)

NOES—212

Ackerman	Gillmor	Oxley
Akaka	Gonzalez	Panetta
Anderson	Gray	Payne (NJ)
Annunzio	Green	Pease
Anthony	Hamilton	Pelosi
Aspin	Hawkins	Penny
Atkins	Hayes (IL)	Perkins
AuCoin	Henry	Pickett
Bates	Hertel	Pickle
Beilenson	Hoagland	Porter
Bereuter	Hochbrueckner	Price
Berman	Horton	Rahall
Bilbray	Houghton	Rangel
Boehlert	Hoyer	Richardson
Boggs	Hughes	Ridge
Borski	Jacobs	Rinaldo
Bosco	Johnson (SD)	Rose
Boucher	Johnston	Rostenkowski
Boxer	Jones (NC)	Roukema
Brennan	Jontz	Rowland (CT)
Brooks	Kanjorski	Roybal
Broomfield	Kaptur	Russo
Brown (CA)	Kastenmeier	Sabo
Bruce	Kennedy	Saiki
Bryant	Kennelly	Savage
Bustamante	Kildee	Sawyer
Campbell (CA)	Kleczka	Saxton
Cardin	Kostmayer	Scheuer
Carper	LaFalce	Schiff
Carr	Lancaster	Schneider
Chandler	Lantos	Schroeder
Clay	Lehman (CA)	Schumer
Clinger	Lehman (FL)	Sharp
Coleman (TX)	Leland	Shumway
Conte	Levin (MI)	Sikorski
Conyers	Levine (CA)	Sisisky
Crockett	Lewis (GA)	Skaggs
de la Garza	Long	Slattery
DeFazio	Lowey (NY)	Slaughter (NY)
Dellums	Machtley	Smith (FL)
Dicks	Manton	Smith (VT)
Dingell	Markey	Snowe
Dixon	Matsui	Solarz
Donnelly	McCloskey	Staggers
Dorgan (ND)	McCurdy	Stallings
Downey	McDermott	Stark
Durbin	McHugh	Stokes
Dwyer	McMillen (MD)	Studds
Dymally	Mfume	Swift
Early	Miller (CA)	Synar
Eckart	Miller (WA)	Torres
Edwards (CA)	Mineta	Torricelli
Engel	Moakley	Towns
Espy	Mollohan	Udall
Evans	Moody	Unsoeld
Fascell	Morella	Vento
Fazio	Morrison (CT)	Visclosky
Feighan	Morrison (WA)	Walgren
Fish	Mrazek	Waxman
Flake	Murtha	Weber
Foglietta	Myers	Weiss
Ford (MI)	Nagle	Wheat
Ford (TN)	Natcher	Whitten
Frank	Neal (NC)	Williams
Frenzel	Nowak	Wilson
Frost	Oakar	Wise
Gallo	Oberstar	Wolf
Garcia	Obey	Wolpe
Gejdenson	Olin	Wyden
Gephardt	Owens (NY)	Yates
Gibbons	Owens (UT)	

NOT VOTING—16

Alexander	Florio	Kolter
Bentley	Glickman	Smith (IA)
Bonior	Goodling	Wright
Collins	Hall (OH)	Young (AK)
Courter	Hefner	
Coyne	Johnson (CT)	

□ 1715

Mr. CARR changed his vote from "aye" to "no."

Mr. CAMPBELL of Colorado and Mr. HANCOCK changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STALLINGS

Mr. STALLINGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STALLINGS: Page 377, line 14, after "housing," insert "engineering, surveying, mapping".

Mr. STALLINGS. Mr. Chairman, I commend the committee for including language in this bill which specifies that when providing professional and technical assistance to foreign countries, goods and services from the private sector be used to the fullest extent practicable. The bill states that Federal agencies may provide services in fields such as education, health, housing, or agriculture, if, among other things, they do not compete with private enterprise. The amendment I offer today would add engineering, surveying, and mapping services to the list of services covered by these provisions.

Last year, I offered an amendment to the Small Business Administration reauthorization bill which required a study of Federal agency competition with U.S. firms in the international marketplace, with emphasis on small professional and technical services businesses.

The SBA study particularly noted the impact of Government competition on surveying and mapping services. For example, the study found that the U.S. Geological Survey alone anticipates providing $22.250 million in surveying and mapping services for the Agency for International Development in 19 foreign countries in fiscal year 1989. USGS activity in the international market is equal to 54 percent of the domestic Federal Government contracting total for these services.

This fiscal year, the Government will spend $1 billion on mapping and surveying, however only $22.4 million or 5.8 percent will be subcontracted out to the private sector.

This competition represents a major barrier for U.S. firms attempting to export their services. They must compete against their own Government, and are elbowed out of markets by Federal agencies. This amendment will help open doors to U.S. firms, give them the foreign trade experience they need to expand their international marketing activities.

Again, Mr. Chairman, the committee has done an excellent job of addressing the issues I raised in my SBA amendment last year. My amendment simply clarifies section 5401 to include those professional and technical services which the private sector or SBA have considered most affected by Government competition.

I urge adoption of this amendment and I thank my colleagues from Florida [Mr. FASCELL] and from Indiana [Mr. HAMILTON], and all the members of the committee for their efforts and cooperation.

□ 1720

Mr. FASCELL. Mr. Chairman, if the gentleman will yield, we have examined this amendment. We think it is a good amendment and are happy to accept it.

AMENDMENT OFFERED BY MR. STALLINGS TO THE AMENDMENT OFFERED BY MR. CRAIG

Mr. CRAIG. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAIG to the amendment offered by Mr. STALLINGS: On page 113, line 1, after the word "housing," insert the word "construction".

Mr. CRAIG. Mr. Chairman, I have discussed this amendment with my colleague, the gentleman from Idaho. I totally agree with the effort the gentleman has put forth to add the additional services of surveying and mapping and those types of things to this section of the bill.

In our effort to encourage and facilitate the participation of the purposes of this Act, I would ask that the word "construction" become a part of it immediately following the word "housing." I believe it fits the total format of the legislation in attempting to encourage those in private enterprise in this particular section and in this important legislation.

I have discussed this with my colleague, the gentleman from Ohio. He finds no objection to it. I believe it is consistent and compatible with this section.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. CRAIG. I am happy to yield to my colleague, the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I agree with the gentleman's observations. I believe that the proponent of the original amendment feels the same way.

Mr. STALLINGS. Mr. Chairman, will the gentleman yield?

Mr. CRAIG. I am happy to yield to my colleague, the gentleman from Idaho.

Mr. STALLINGS. Mr. Chairman, I have no objection to the amendment. In fact, I think it helps strengthen what I am trying to do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. CRAIG] to the amendment offered by the gentleman form Idaho [Mr. STALLINGS].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. STALLINGS], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 369, after line 16, insert the following:

(h) ACQUISITION OF MOTOR VEHICLES.—

"(1) UNITED STATES VEHICLES.—Funds made available to carry out this Act may not be used to finance the purchase, sale, long-term lease, exchange, or guaranty of a sale of any motor vehicle that is not manufactured in the United States.

"(2) WAIVER.—Where special circumstances exist, the President may waive paragraph (1).

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, on behalf of the gentleman from Michigan [Mr. BROOMFIELD], this amendment would prohibit the use of funds made available by this act for the financing, purchase, sale, long-term lease, exchange or guarantee of sale of any motor vehicle that is not manufactured in the United States. The amendment also includes a provision whereby the President may waive this requirement under special circumstances.

Although American automobile manufacturers have improved their competitiveness in the global market, U.S. sales overseas have not reflected this change. Much of the reason lies in the fact that U.S. automakers are shut out of foreign markets. This amendment demonstrates the United States' resolve to oppose protectionist measures employed by other nations. Providing representatives of the United States in foreign countries with American-made automobiles is a small but important form of market penetration.

My amendment retains provisions in existing law which have long had the support of the Congress and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title V?

Mr. PARRIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to engage in a colloquy with the gentleman from New York [Mr. GILMAN] at this point.

The CHAIRMAN. The Chair would observe that the gentleman from New York [Mr. GILMAN] is not in the Chamber.

Mr. PARRIS. Mr. Chairman, I wonder if it would be appropriate to ask unanimous consent that the colloquy that should have taken place in regard to title V be included at a later time in the RECORD?

The CHAIRMAN. The Chair regrets to state to the gentleman that under the rules, colloquy cannot be inserted into the RECORD.

Are there further amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—TECHNICAL AND CONFORMING PROVISIONS

SEC. 601. EFFECTIVE DATE OF REVISIONS.

Titles I through VI of this Act, and amendments to the Foreign Assistance Act of 1961 made by subsequent provisions of this Act, shall take effect on October 1, 1989, except as otherwise provided in this Act.

SEC. 602. SAVINGS PROVISIONS.

(a) IN GENERAL.—All actions taken under the authority of any provision of law repealed or modified by titles I through VI of this Act shall continue in full force and effect until modified by appropriate authority.

(b) CERTAIN PRESIDENTIAL APPOINTEES.—The repeal by this Act of section 624(a), section 624(e), section 624(f), or any other provision of the Foreign Assistance Act of 1961 providing for the appointment of an individual to a position by the President, by and with the advice and consent of the Senate, and the reenactment by this Act of that provision in substantively identical form does not require the reappointment of the individual holding that position on the effective date specified in section 601.

(c) SECTION 124(c) AUTHORITY.—For purposes of section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), section 124(c) of the Foreign Assistance Act of 1961, as in effect before the effective date specified in section 601 of this Act, shall be deemed to remain in effect on and after that date.

SEC. 603. RETENTION OF CERTAIN PROVISIONS FORMERLY IN THE FOREIGN ASSISTANCE ACT.

(a) ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS IN STATE DEPARTMENT ACT.—The Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes", approved May 26, 1949, is amended by adding at the end the following:

"SEC. 6. ASSISTANT SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS.

"(a) ESTABLISHMENT OF POSITION.—There shall be in the Department of State an Assistant Secretary of State for Human Rights and Humanitarian Affairs who shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, civilians and noncombatants in situations of armed conflict, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy.

"(b) RESPONSIBILITIES.—The Assistant Secretary of State for Human Rights and Humanitarian Affairs shall maintain continuous observation and review of all matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, civilians and noncombatants in situations of armed conflict, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy including—

"(1) gathering detailed information regarding humanitarian affairs and the observance of and respect for internationally recognized human rights in each foreign country;

"(2) preparing the reports required by section 4302 of the Foreign Assistance Act of 1961;

"(3) making recommendations to the Secretary of State and the Administrator of the administering agency for title I of the Foreign Assistance Act of 1961 regarding compliance with section 4201(a)(2) of that Act;

"(4) as part of the Assistant Secretary's overall policy responsibility for the creation of United States Government human rights policy, advising the Administrator on the policy framework under which assistance under section 1221 of that Act will be developed and consulting with the Administrator on the selection and implementation of programs and activities assisted under that section; and

"(5) performing other responsibilities which serve to promote increased observance of internationally recognized human rights by all countries.".

(b) FEDERAL ACT OF STATE DOCTRINE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which claim of title or other right to property is asserted by any party, including a foreign state (or a party claiming through such state), based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in section 620(e)(1) of the Foreign Assistance Act of 1961 as in effect before the effective date of this section.

(2) EXCEPTIONS.—This subsection shall not be applicable—

(A) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right to property acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking; or

(B) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court.

(c) ECONOMIC SANCTIONS AGAINST CUBA.—Title V of the Foreign Assistance Act of 1961 (as enacted by section 501 of this Act) is amended by adding at the end a new section 5604 as follows:

(1) After section 5603 insert the following:

"SEC. 5604. ECONOMIC SANCTIONS AGAINST CUBA.".

(2) After the amendment made by paragraph (1), insert the second sentence of section 620(a)(1) of the Foreign Assistance Act of 1961 (as in effect immediately prior to the effective date specified in section 601 of this Act), with the following amendment: strike out "the preceding sentence" and insert in lieu thereof "section 4210".

(3) After the amendment made by paragraph (2), insert the text of section 620(a)(2) of the Foreign Assistance Act of 1961 (as in effect immediately prior to the effective date specified in section 601 of this Act), with the following amendments: strike out "no" and all that follows through "nor shall Cuba" and insert in lieu thereof "Cuba shall not"; and strike out "per centum" and insert in lieu thereof "percent".

(d) ACCOUNTING AND VALUATION OF FOREIGN CURRENCIES.—

(1) AMENDMENT TO UNITED STATES CODE.—Subchapter V of chapter 51 of title 31, United States Code, is amended by inserting at the end the following:

"§ 5156. Accounting and valuation of foreign currencies

"(a) Under the direction of the President, the Secretary of the Treasury shall have responsibility for valuation and central accounting with respect to foreign credits (including currencies) owed to or owned by the United States. In order to carry out such responsibility, the Secretary shall issue regulations binding upon all agencies of the United States Government.

"(b) The Secretary of the Treasury shall have sole authority to establish for all foreign currencies or credits the exchange rates at which such currencies are to be reported by all agencies of the Government.".

(2) CONFORMING AMENDMENT.—The table of sections for subtitle IV of such title is amended by inserting after the item relating to section 5155 the following:

"5156. Accounting and valuation of foreign currencies.".

SEC. 604. RENAMING OF TRADE AND DEVELOPMENT PROGRAM; CONFORMING CHANGES.

(a) RENAMING OF TRADE AND DEVELOPMENT PROGRAM.—The Trade and Development Program shall, on or after the effective date specified in section 601, be known as the Trade and Development Agency.

(b) APPOINTMENT OF PRESENT DIRECTOR NOT AFFECTED.—The enactment of this Act shall not affect the appointment of the individual who is the Director of the Trade and Development Program on the effective date specified in section 601.

(c) TRADE AND DEVELOPMENT ENHANCEMENT ACT OF 1983.—Sections 644 and 645 of the Trade and Development Enhancement Act of 1983 (12 U.S.C. 635q and 635r) are each amended by striking out "Trade and Development Program" each place it appears and inserting in lieu thereof "Trade and Development Agency".

(d) TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking out

"Director, Trade and Development Program"

and inserting in lieu thereof

"Director, Trade and Development Agency".

(e) REFERENCE IN OTHER LAWS.—Any reference in any law to the Trade and Develop-

ment Program shall be deemed to be a reference to the Trade and Development Agency.

SEC. 605. CONFORMING AMENDMENTS.

(a) ANGLO-IRISH AGREEMENT SUPPORT ACT.—The Anglo-Irish Agreement Support Act of 1986 is amended—

(1) in section 4(a)(1), by striking out "108" and inserting in lieu thereof "1224";

(2) in section 4(a)(2), by striking out "221" and all that follows through "Guaranty" and inserting in lieu thereof "1722 of that Act (relating to the Housing and Urban Development Guarantee";

(3) in section 4(a)(3)—

(A) by striking out "Title IV of chapter 2 of part" and inserting in lieu thereof "subchapter A of chapter 5 of title"; and

(B) by striking out "paragraph (2) of the second undesignated paragraph of section 231" and inserting in lieu thereof "section 1501(b)(2)";

(4) in section 4(a)(4)—

(A) by striking out "Section 661" and inserting in lieu thereof "Subchapter B of chapter 5 of title I"; and

(B) by striking out "Program" and inserting in lieu thereof "Agency"; and

(5) in section 5(a), by striking out "531(e) and 660(a)" and inserting in lieu thereof "1246 and 4202".

(b) 1988 INTERNATIONAL NARCOTICS CONTROL ACT.—The International Narcotics Control Act of 1988 is amended—

(1) in section 4003, by striking out "481(i)(3)" and inserting in lieu thereof "3282(4)";

(2) in section 4306, by striking out "481(h)(2)(A)(i)" and inserting in lieu thereof "3262(b)(1)(A)";

(3) in section 4309(b), by striking out "481(e)" and inserting in lieu thereof "3261(a)";

(4) in section 4501—

(A) by striking out "634A" in subsection (a) and inserting in lieu thereof "4304"; and

(B) by striking out "4601 of this title" and inserting in lieu thereof "3202 of the Foreign Assistance Act of 1961"; and

(5) by repealing section 4601.

(c) 1986 INTERNATIONAL NARCOTICS CONTROL ACT.—The International Narcotics Control Act of 1986 is amended—

(1) in section 2013—

(A) in subsection (a), by striking out "481(b)(2)" and inserting in lieu thereof "3261(b)";

(B) in subsection (c), by striking out "481(h)" and inserting in lieu thereof "3262"; and

(C) in subsection (d), by striking out "481(i)" and inserting in lieu thereof "3282"; and

(2) in section 2018(d), by striking out "481(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 229(i)(2))" and inserting in lieu thereof "3282(2) of the Foreign Assistance Act of 1961".

(d) NARCOTICS CONTROL TRADE ACT.—The Narcotics Control Trade Act (which is title VIII of the Trade Act of 1974) is amended—

(1) in section 802(b)(1)(A), by striking out "481(e)" and inserting in lieu thereof "3261(a)";

(2) in section 802(b)(1)(B)(v), by inserting "essential" before "precursor";

(3) in section 802(b)(2)(A), by striking out "481(e)(4)" and inserting in lieu thereof "3261(a)(2)(D)"; and

(4) in section 804, by striking out "481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(1))" and inserting in lieu thereof "3261(a) of the Foreign Assistance Act of 1961".

(e) INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985.—Section 132 of the International Security and Development Cooperation Act of 1985 is amended by striking out "Arms" each place it appears in subsections (b), (c), and (d) and inserting in lieu thereof "Defense Trade and".

(f) INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1981.—Section 726(b) of the International Security and Development Cooperation Act of 1981 is amended—

(1) in paragraph (1), by striking out "chapter 2, 4, 5, or 6 of part II" and inserting in lieu thereof "subchapter C of chapter 2 of title I or chapter 2, 5, or 6 of title II";

(2) in paragraphs (2) and (4), by striking out "Arms" and inserting in lieu thereof "Defense Trade and"; and

(3) by striking out paragraph (3), by inserting "and" after the semicolon at the end of paragraph (2), and by redesignating paragraph (4) as paragraph (3).

(g) PUBLIC LAW 480.—The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in section 106(a)—

(A) in the second sentence of paragraph (1), by striking out "but not less than the minimum rate required by section 122(b) of the Foreign Assistance Act of 1961 for loans made under that section"; and

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2);

(2) in section 106(b)(2), by striking out "the policy objectives of sections 103 and 104" and inserting in lieu thereof "four basic objectives set forth in section 1102";

(3) in section 206(a)(3)(A), by striking out "the purposes and policies specified in section 103" and inserting in lieu thereof "section 1102";

(4) in section 301(b), by striking out "policy objectives of sections 103 and 104" in the second sentence and inserting in lieu thereof "four basic objectives set forth in section 1102";

(5) in section 303(b), by striking out ", including" and all that follows through "this Act"; and

(6) in section 410, by striking out "section 620(e)" and all that follows through "expropriation," and inserting in lieu thereof "sections 4201(a)(3) and (b) of the Foreign Assistance Act of 1961 (relating to expropriation".

(h) EXPORT ADMINISTRATION ACT.—The Export Administration Act of 1979 is amended—

(1) in section 5(b), by striking out "set forth in section 620(f)" and inserting in lieu thereof "on the list established pursuant to section 4201(d)"; and

(2) in section 6(k)(2), by striking out "section 502B" and inserting in lieu thereof "sections 4201(a)(2) and (e)(2) and section 4302(a)".

(i) TITLE 5, UNITED STATES CODE.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) in section 5314, by striking out "Director, Institute for Scientific and Technological Cooperation.";

(2) in section 5315, by striking out "Deputy Director, Institute for Scientific and Technological Cooperation."; and

(3) in section 5316, by striking out "Additional officers, Institute for Scientific and Technological Cooperation (2).".

(j) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended—

(1) in section 114(c), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(2) in section 130(a), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(3) in section 2208(i)(3), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(4) in section 2213(a)(4), by striking out "Arms" each place it appears and inserting in lieu thereof "Defense Trade and";

(5) in section 2344(b)(2)(B), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(6) in section 2407, by striking out "Arms" each place it appears in subsections (a)(1), (b), (c)(1), and (d)(3) and inserting in lieu thereof "Defense Trade and";

(7) in section 4542(d)(2)(A), by striking out "Arms" and inserting in lieu thereof "Defense Trade and"; and

(8) in section 7307(b)(1)—

(A) by striking out "Arms" and inserting in lieu thereof "Defense Trade and"; and

(B) by striking out "or chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.)".

(k) DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1987.—Section 1102(e) of the Department of Defense Authorization Act, 1987, is amended—

(1) in the subsection caption by striking out "ARMS" and inserting in lieu thereof "DEFENSE TRADE AND"; and

(2) in the text, by striking out "Arms" and inserting in lieu thereof "Defense Trade and".

(l) CONFORMING REFERENCES.—Except to the extent that the context requires otherwise any reference in any provision of law enacted before the effective date specified in section 601—

(1) to credits under section 23 of the Arms Export Control Act shall be deemed to be a reference to assistance on credit terms under chapter 2 of title II of the Foreign Assistance Act of 1961;

(2) to chapter 1 of part I of the Foreign Assistance Act of 1961 shall be deemed to be a reference to subchapter B of chapter 2 of title I of that Act;

(3) to chapter 8 of part I of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 2 of title III of that Act;

(4) to chapter 2 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 2 of title II of that Act;

(5) to chapter 4 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to subchapter C of chapter 2 of title I of that Act;

(6) to chapter 5 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 5 of title II of that Act;

(7) to chapter 8 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 1 of title III of that Act; and

(8) to any other provision of the Foreign Assistance Act of 1961 shall be deemed to be a reference to the corresponding provision of that Act as amended by this Act.

SEC. 606. REPEAL OF OBSOLETE PROVISIONS.

(a) 1988 OPIC ACT.—The Overseas Private Investment Corporation Amendments Act of 1988 (as enacted by reference by section 555 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989) is repealed.

(b) 1986 DRUG ACT.—The International Narcotics Control Act of 1986 (which is title II of the Anti-Drug Abuse Act of 1986) is re-

pealed except for sections 2001, 2010, 2015, 2018, and 2029.

(c) 1986 ASSISTANCE ACT.—The Special Foreign Assistance Act of 1986 is repealed except for section 1 and section 204.

(d) 1985 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1985 is repealed except for section 1, section 131, section 132, section 202(c), section 504, section 505, part B of title V (other than section 558 and section 559), section 1302, section 1303, and section 1304.

(e) 1985 JORDAN SUPPLEMENTAL ACT.—The Jordan Supplemental Economic Assistance Authorization Act of 1985 is repealed.

(f) 1985 AFRICAN FAMINE ACT.—The African Famine Relief and Recovery Act of 1985 is repealed.

(g) 1983 ASSISTANCE ACT.—The International Security and Development Assistance Authorization Act of 1983 is repealed.

(h) 1983 LEBANON ASSISTANCE ACT.—The Lebanon Emergency Assistance Act of 1983 is repealed.

(i) 1981 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1981 is repealed except for section 1, section 709, section 714, and section 726.

(j) 1980 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1980 is repealed except for section 1, section 110, section 315, and title V.

(k) 1979 DEVELOPMENT ASSISTANCE ACT.—The International Development Cooperation Act of 1979 is repealed.

(l) 1979 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1979 is repealed.

(m) 1979 SPECIAL SECURITY ASSISTANCE ACT.—The Special International Security Assistance Act of 1979 is repealed.

(n) 1978 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1978 is repealed, except for section 1, title IV, and section 603(a)(2).

(o) 1978 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1978 is repealed.

(p) 1977 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1977 is repealed except for section 1, section 132(b), and section 133.

(q) 1977 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1977 is repealed.

(r) 1976 SECURITY ASSISTANCE ACT.—The International Security Assistance and Arms Export Control Act is repealed except for section 1, section 201(b), section 212(b), section 601, and section 608.

(s) 1975 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1975 is repealed.

(t) 1975 BIB ACT.—Public Law 94-104 is repealed.

(u) 1974 ASSISTANCE ACT.—The Foreign Assistance Act of 1974 is repealed.

(v) 1973 EMERGENCY ASSISTANCE ACT.—The Emergency Security Assistance Act of 1973 is repealed.

(w) 1973 ASSISTANCE ACT.—The Foreign Assistance Act of 1973 is repealed.

(x) 1971 ASSISTANCE ACT.—The Foreign Assistance Act of 1971 is repealed.

(y) 1971 SPECIAL ASSISTANCE ACT.—The Special Foreign Assistance Act of 1971 is repealed.

(z) 1971 FMS ACT.—The Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971 (Public Law 91-672), is repealed.

(aa) 1969 ASSISTANCE ACT.—The Foreign Assistance Act of 1969 is repealed except for the first section and part IV.

(bb) 1968 ASSISTANCE ACT.—The Foreign Assistance Act of 1968 is repealed.

(cc) 1964 ASSISTANCE ACT.—The Foreign Assistance Act of 1964 is repealed.

(dd) LATIN AMERICAN DEVELOPMENT ACT.—The Latin American Development Act is repealed.

(ee) 1959 MUTUAL SECURITY ACT.—The Mutual Security Act of 1959 is repealed.

(ff) 1954 MUTUAL SECURITY ACT.—Section 402 and section 417 of the Mutual Security Act of 1954 are repealed.

The CHAIRMAN. Are there amendments to title VI?

If not, the Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—LATIN AMERICA AND THE CARIBBEAN

CHAPTER 1—CENTRAL AMERICA

SEC. 701. PROMOTING CENTRAL AMERICAN RECOVERY AND DEVELOPMENT AND REGIONAL COOPERATION.

(a) INTERNATIONAL COMMISSION FOR CENTRAL AMERICAN RECOVERY AND DEVELOPMENT.—It is the sense of Congress that—

(1) the governments of the countries of Central America should adopt a regional plan consistent with the recommendations of the International Commission for Central American Recovery and Development;

(2) the United States should consider giving assistance for the implementation of such a plan at the levels recommended by the Commission, if presented with a request by the Central American governments for such assistance;

(3) pending the completion of the plan referred to in paragraph (1) and receipt of the request referred to in paragraph (2), United States economic assistance for Central America should be used insofar as possible in accordance with the recommendations of the Commission; and

(4) multidonor assistance for Central America should be channeled through regional mechanisms to ensure adequate coordination.

(b) CENTRAL AMERICAN RECOVERY AND DEVELOPMENT PROGRAM.—It is further the sense of the Congress that, in order to support the Central American Recovery and Development Program recommended by the International Commission for Central American Recovery and Development, the United States should, insofar as possible, assist in the implementation of the recommendations of the Commission, including its proposals—

(1) to provide additional economic assistance to the countries of Central America to promote sustainable economic development, assist with relocation and resettlement of refugees in the region, expand educational opportunity and access to health care, foster progress in human rights, bolster democratic institutions, and strengthen institutions of justice;

(2) to facilitate the ability of the individual Central American economies to grow through the development of their infrastructure, expansion of exports, and increased investment opportunities, goals which would be enhanced by enactment of the Caribbean Basin Economic Recovery Act Amendments of 1989;

(3) to provide a more realistic plan to assist Central American countries in managing their foreign debt; and

(4) to develop those initiatives in concert with the governments of Central America, Western Europe, Japan, and other democratic allies.

(c) UNDP SPECIAL PLAN OF ECONOMIC COOPERATION FOR CENTRAL AMERICA.—Funds available for fiscal years 1990 and 1991 for economic support assistance may be used for a United States contribution to the United Nations Development Program for its Special Plan of Economic Cooperation for Central America, which is designed to reintegrate the displaced refugee populations, create employment opportunities, and establish an infrastructure to ensure adequate food supplies and health facilities for the poor in Central America.

(d) COORDINATION MECHANISM.—The President shall provide appropriate support and assistance to the governments of the countries of Central America in their efforts to establish a regional mechanism to coordinate donor assistance. If such a mechanism is established, funds made available for fiscal years 1990 and 1991 for economic support assistance may be used to assist implementation of such mechanism.

(e) ORGANIZATION OF AMERICAN STATES.—It is further the sense of the Congress that there should be closer cooperation between the United States and the Organization of American States, including payment by the United States of its assessed contributions to the Organization of American States.

SEC. 702. MILITARY AIRCRAFT TRANSFERS.

(a) NOTIFICATION OF TRANSFERS BY THE UNITED STATES.—During fiscal years 1990 and 1991—

(1) the authorities of title II of the Foreign Assistance Act of 1961 and the Defense Trade and Export Control Act may not be used to make available any helicopters or other aircraft for military use, and

(2) licenses may not be issued under section 38 of the Defense Trade and Export Control Act for the export of any such aircraft,

to any country in Central America unless the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified in writing at least 15 days in advance.

(b) NOTIFICATION OF TRANSFERS BY OTHER COUNTRIES.—During fiscal years 1990 and 1991, the Secretary of State shall promptly notify the committees specified in subsection (a) whenever any helicopters or other aircraft for military use are provided to any country in Central America by any foreign country.

SEC. 703. ASSISTANCE FOR EL SALVADOR.

(a) SUPPORT FOR POLICY LINKING ASSISTANCE WITH CERTAIN DEVELOPMENTS IN EL SALVADOR.—The Congress supports the Administration's policy of linking United States assistance for El Salvador to promotion of a political settlement of the conflict, an end to human rights abuses, and respect for democracy and the rule of law.

(b) FOREIGN MILITARY FINANCING.—

(1) CEILING.—Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961, not more than $85,000,000 for each of the fiscal years 1990 and 1991 may be made available for El Salvador.

(2) TRANCHING OF ASSISTANCE.—Subject to paragraph (3), up to 60 percent of the amount allocated for foreign military financing for El Salvador for fiscal year 1990

or 1991, as the case may be, may be obligated after each of the following dates:

(A) October 1, 1989.

(B) April 1, 1990.

(C) October 1, 1990.

(D) April 1, 1991.

(3) PRESIDENTIAL DETERMINATION.—(A) Funds shall be available for obligation after each of the dates specified in paragraph (2) only if, on or after that date, the President determines and reports to the Congress that, during the preceding six months, the Government and armed forces of El Salvador—

(i) were willing, and were actively seeking, to achieve an equitable political settlement of the conflict in El Salvador, including free and fair elections, through a mutual cease fire and a dialogue with the armed opposition forces;

(ii) made demonstrated progress in protecting internationally recognized human rights, and particularly in—

(I) ending, through prosecution or other means, the involvement of members of the military and security forces in political violence and abuses of internationally recognized human rights,

(II) vigorously prosecuting persons engaged in political violence who are not connected with the government, and

(III) bringing to justice those responsible for the abduction, torture, and murder of citizens of El Salvador, the United States, and other countries; and

(iii) made demonstrated progress in its respect for and protection of the rights of freedom of the press, speech, assembly, and association (including the right to organize for political purposes), internationally recognized worker rights, and other attributes of political pluralism and democracy.

(B) The President shall include in each report pursuant to subparagraph (A) a detailed statement with respect to each of the conditions specified in clauses (i) through (iii) of that subparagraph.

(4) CONSULTATIONS.—The President shall begin consultations with the Congress regarding the conditions specified in paragraph (3)(A) not less than 15 days before making a determination under that paragraph.

(5) CONGRESSIONAL REVIEW.—Funds obligated, or available for obligation, under paragraphs (2) and (3) may not be expended during the 30-day period beginning on the date on which the President submits the report required by paragraph (3). Expenditures after that 30-day period shall be subject to any joint resolution with respect to those expenditures that is enacted by the Congress under subsection (d).

(6) RESOLUTION OF HUMAN RIGHTS CASES.—(A) Of the amount which may be made available for assistance for El Salvador under paragraphs (2)(A), (3), and (5), $5,000,000 shall be withheld from expenditure until the Government of El Salvador—

(i) has pursued all legal avenues to bring to trial those who ordered and carried out the September 1988 massacre of 10 peasants near the town of San Franscisco, El Salvador, and to obtain a verdict; and

(ii) has satisfied its obligations under the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agents (New York, December 14, 1973) with respect to the prosecution or extradition of those responsible for the murder of Mark Pearlman in January 1981.

(B) Funds withheld pursuant to subparagraph (A) may be expended only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified at least 15 days in advance of the expenditure of those funds in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(c) ECONOMIC AND FOOD ASSISTANCE.—

(1) ACCESS TO CONFLICT AREAS.—Economic and food assistance for El Salvador for fiscal year 1990 or 1991 may not be obligated until the President determines and reports to the Congress that the Government and armed forces of El Salvador are adhering to their stated policy of allowing international humanitarian organizations and religious relief agencies free access to conflict areas, except to the extent that—

(A) the lives of relief personnel would be endangered by military operations, or

(B) the United States Government has firm evidence demonstrating that such access must be restricted with respect to certain shipments or particular organizations or agencies in order to prevent the diversion of assistance from its intended recipients.

(2) CONARA.—In addition to the requirement of paragraph (1), economic and food assistance for El Salvador for fiscal year 1990 or 1991 may not be used for any program administered by the National Commission on the Restoration of Areas (CONARA) unless the President determines and reports to the Congress that that program meets the requirements of paragraphs (5)(A) and (B). Any such report shall include a description of the means by which compliance of that program with those paragraphs will be monitored and ensured.

(3) CONSULTATION WITH CONGRESS.—Not less than 15 days before making a determination under paragraph (1) or (2), the President shall begin consultations with the Congress regarding the conditions specified in that paragraph.

(4) CONGRESSIONAL REVIEW.—Funds may not be expended and agricultural commodities may not be delivered pursuant to a determination under paragraph (1) or (2) during the 30-day period beginning on the date on which the President submits the report required by that paragraph. Expenditures and deliveries after that 30-day period shall be subject to any joint resolution with respect to those expenditures and deliveries that is enacted by the Congress under subsection (d).

(5) USES OF ASSISTANCE.—Economic and food assistance for El Salvador for fiscal year 1990 or 1991—

(A) may not be used for the forced relocation of the civilian population, to coerce or be a condition for participation in civil defense patrols, as a means of attracting suspects sought by the authorities, or as a reward or punishment for political activities or affiliation;

(B) shall be used only for programs and projects which are controlled, planned, and implemented by civilian agencies or organizations and which are independent of military operations, except to the extent that military provision of transportation or security for supplies and civilian personnel is required; and

(C) shall, to the maximum extent practicable, be channeled through private voluntary organizations with a proven record of providing assistance for basic human needs.

(6) DISTRIBUTION OF TITLE II COMMODITIES BY PRIVATE VOLUNTARY ORGANIZATIONS.—Not less than one-third of the agricultural commodities made available for El Salvador for each of the fiscal years 1990 and 1991 under title II of the Agricultural Trade Development and Assistance Act of 1954 shall be provided to private voluntary organizations.

(7) ASSISTANCE FOR JUDICIAL REFORM.—Funds made available for fiscal years 1990 and 1991 may be obligated for assistance for judicial reform in El Salvador under section 1221 of the Foreign Assistance Act of 1961 (relating to human rights and democratic initiatives) only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified at least 15 days in advance of each obligation of funds for that purpose in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(8) DEFINITION OF ECONOMIC AND FOOD ASSISTANCE.—As used in this subsection, the term "economic and food assistance" means any development assistance under the Foreign Assistance Act of 1961, any economic support assistance under that Act, and any agricultural commodities made available under the Agricultural Trade Development and Assistance Act of 1954.

(d) CONGRESSIONAL REVIEW PROCEDURES.—

(1) DEFINITION OF PRIVILEGED JOINT RESOLUTION.—As used in this subsection, the term "privileged joint resolution" means a joint resolution—

(A) which—

(i) in the case of the House of Representatives, is reported by the Committee on Foreign Affairs, and

(ii) in the case of the Senate, is reported by the Committee on Foreign Relations, during the 30-day period described in subsection (b)(5) or (c)(4), as the case may be;

(B) which would place conditions or limitations or both—

(i) on expenditures of funds for foreign military financing for El Salvador pursuant to a Presidential determination under subsection (b)(3); or

(ii) on expenditures of funds or deliveries of agricultural commodities, or both, for economic and food assistance for El Salvador pursuant to a Presidential determination under subsection (c)(1) or (c)(2);

(C) which does not contain any provision which is not germane to the conditions and limitations provided for in the joint resolution; and

(D) the title of which is as follows: "Joint resolution relating to assistance for El Salvador pursuant to the President's determination of under subsection of section 703 of the International Cooperation Act of 1989", with the date on which the determination is reported to the Congress inserted in the first blank and the appropriate subsection inserted in the second blank.

(2) MOTION FOR FLOOR CONSIDERATION.—On or after the third calendar day (excluding Saturdays, Sundays, and legal holidays) after the day on which a privileged joint resolution is reported by the Committee on Foreign Affairs or the Committee on Foreign Relations (as the case may be), it shall be in order (even though a previous motion to the same effect has been disagreed to) for the chairman of that committee (or his designee) to move to proceed to the consideration of that joint resolution. In the House of Representatives the motion shall be that the House resolve itself into the Committee of the Whole House on the State of the

Union for the consideration of the joint resolution. The motion may be made in the Senate notwithstanding any rule or precedent of the Senate, including Rule 22. All points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed to the consideration of the joint resolution is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to by a House, that House shall immediately proceed to the consideration of the joint resolution without intervening motion, order, or other business, and that joint resolution shall remain the unfinished business of the respective House until disposed of.

(3) DEBATE TIME.—Debate on a privileged joint resolution, and on all debatable motions and appeals in connection therewith (other than amendments made in order in the House of Representatives under paragraph (4) and a motion to recommit in the House under paragraph (7)), shall be limited to not more than 4 hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion further to limit debate is in order and not debatable.

(4) AMENDMENTS IN THE HOUSE OF REPRESENTATIVES.—Amendments to a privileged joint resolution shall be in order, and shall be debatable, in the House of Representatives to the extent ordered by the House.

(5) AMENDMENTS IN THE SENATE.—Amendments to a privileged joint resolution are not in order in the Senate.

(6) CERTAIN MOTIONS NOT IN ORDER.—A motion to postpone or to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which a privileged joint resolution is agreed to or disagreed to is not in order.

(7) FINAL PASSAGE IN THE HOUSE OF REPRESENTATIVES.—In the House of Representatives, at the conclusion of debate on a privileged joint resolution and consideration of any amendments made in order to the joint resolution, the Committee of the Whole shall rise and report the resolution back to the House, and the previous question shall be considered as ordered on the joint resolution, with any amendments adopted in the Committee of the Whole, to final passage without intervening motion except one motion to recommit.

(8) FINAL PASSAGE IN THE SENATE.—In the Senate, immediately following the conclusion of the debate on a privileged joint resolution, and a sing'e quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(9) APPEALS FROM DECISION OF THE CHAIR NOT DEBATABLE IN THE SENATE.—Appeals in the Senate from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a privileged joint resolution shall be decided without debate.

(10) CONGRESSIONAL RULEMAKING POWERS.—This subsection is enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a privileged joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 704. ASSISTANCE FOR GUATEMALA.

(a) CEILING ON MILITARY ASSISTANCE.—Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961, not more than $9,000,000 may be made available for Guatemala for each of the fiscal years 1990 and 1991.

(b) CONDITIONS ON MILITARY ASSISTANCE.—The funds for Guatemala referred to in subsection (a) may not be obligated unless during the preceding fiscal year—

(1) the civilian government gained authority in relation to the military, and there was progress in separating the military and the civilian police forces for the purpose of creating an independent and professional police system;

(2) there was increased respect for the rights of freedom of the press, speech, assembly, and association and other attributes of political pluralism;

(3) progress has been made in reducing political killings, disappearances, and other human rights violations, in undertaking investigations of such activities, and in removing any officer found responsible for such violations from the military;

(4) people were not, by law or in fact, forced to participate in civil defense patrols (otherwise known as self-defense associations) or required to live in model villages;

(5) the Guatemalan military did not attempt to intimidate or harass Guatemalan human rights organizations; and

(6) the office of the human rights ombudsman provided for in Guatemalan law was adequately funded and functioned actively and effectively.

(c) CONGRESSIONAL REVIEW.—Funds may be obligated under subsection (b) only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified at least 15 days in advance of the obligation of those funds in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(d) PROHIBITIONS RELATING TO WEAPONS, AMMUNITION, AND ARMED AIRCRAFT.—

(1) ASSISTANCE.—For fiscal years 1990 and 1991, funds made available for foreign military financing under the Foreign Assistance Act of 1961 may not be used for the procurement by the Government of Guatemala of—

(A) any weapons or ammunition; or

(B) any aircraft, unless those aircraft are unarmed and the Government of Guatemala has agreed that those aircraft will not be armed.

(2) FMS AND COMMERCIAL SALES.—During fiscal years 1990 and 1991, the authority of the Defense Trade and Export Control Act may not be used to sell or lease to the Government of Guatemala, and licenses may not be issued under section 38 of that Act for the export to Guatemala of—

(A) any weapons or ammunition; or

(B) any aircraft, unless those aircraft are unarmed and the Government of Guatemala has agreed that those aircraft will not be armed.

(3) EXCEPTION.—Notwithstanding paragraph (2)(A), licenses may be issued under section 38 of the Defense Trade and Export Control Act for the export to Guatemala of M-16 rifles to replace rifles being retired from the inventory of the Guatemalan armed forces if the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified in writing at least 15 days in advance.

(e) ECONOMIC AND FOOD ASSISTANCE.—

(1) CONDITIONS.—Economic and food assistance for Guatemala for fiscal years 1990 and 1991—

(A) may not be used for the forced relocation of the civilian population, to coerce or be a condition for participation in civil defense patrols, as a means of attracting suspects sought by the authorities, or as a reward or punishment for political activities or affiliation;

(B) shall be used only for programs and projects which are controlled, planned, and implemented by civilian agencies or organizations and as independent of military operations, except to the extent that military provision of transportation or security for supplies and civilian personnel is required; and

(C) shall, to the maximum extent practicable, be channeled through private voluntary organizations with a proven record of providing assistance for basic human needs.

(2) DEFINITION.—As used in this subsection, the term "economic and food assistance" means any development assistance under the Foreign Assistance Act of 1961, any economic support assistance under that Act, and any agricultural commodities made available under the Agricultural Trade Development and Assistance Act of 1954.

(f) GUATEMALAN MILITARY JUSTICE SYSTEM.—

(1) STUDY.—The Secretary of State shall conduct a study of the Guatemalan system of military justice for the investigation of offenses by military personnel, with particular emphasis on violent offenses, and the prosecution of those found to be responsible.

(2) PARTICIPATION OF DEFENSE AND JUSTICE DEPARTMENTS.—The Secretary of State shall conduct the study required by paragraph (1) in cooperation with the Secretary of Defense and the Attorney General.

(3) FUNDING.—Of the amounts allocated for Guatemala for fiscal year 1990 for foreign military financing under the Foreign Assistance Act of 1961, such sums as may be necessary shall be made available to the Secretary of State for the expenses of the study conducted pursuant to paragraph (1).

(4) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary of State shall report the conclusions of the study conducted pursuant to paragraph (1) to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, together with specific recommendations for techniques to strengthen the military justice system in Guatemala.

(g) HUMAN RIGHTS AND DEMOCRATIC INITIATIVES PROGRAM.—Assistance provided for Guatemala under section 1221 of the Foreign Assistance Act of 1961 for each of the fiscal years 1990 and 1991 may include assistance for the office of the human rights

ombudsman appointed by the Guatemalan Congress.

SEC. 705. RESTRICTIONS ON ASSISTANCE TO POLICE IN EL SALVADOR, GUATEMALA, AND HONDURAS.

(a) PROHIBITION.—During fiscal years 1990 and 1991, foreign military financing and international military education and training may not be provided under the Foreign Assistance Act of 1961 to police forces and prison authorities in El Salvador, Guatemala, and Honduras.

(b) DEFINITION.—As used in this section, the term "police forces"—

(1) includes all members of security forces other than the regular uniformed armed forces; and

(2) in the case of El Salvador, specifically includes all members of the National Police, the Treasury Police, the National Guard, and the civil defense organizations.

SEC. 706. ASSISTANCE FOR COSTA RICA.

Of the amounts made available for economic support assistance under the Foreign Assistance Act of 1961, not less than $90,000,000 for fiscal year 1990 shall be available only for assistance for Costa Rica.

SEC. 707. NICARAGUA.

(a) LIMITATION ON USE OF FOREIGN ASSISTANCE FUNDS.—Notwithstanding any other provision of law, funds made available to carry out the Foreign Assistance Act of 1961 shall not be used to provide assistance of any kind, either directly or indirectly, to any person or group engaging in an insurgency or other act of rebellion against the Government of Nicaragua.

(b) RESTRICTION ON AGREEMENTS AND UNDERSTANDINGS.—The United States shall make no agreement, either direct or indirect, and shall enter into no understanding, either formal or informal, under which a recipient of United States economic or military assistance or a purchaser of United States military equipment shall provide assistance of any kind to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.

(c) MONITORING 1990 ELECTIONS.—The United States—

(1) shall encourage monitoring of the 1990 elections in Nicaragua by the United Nations and by the Organization of American States; and

(2) shall pay an appropriate share of the costs of such monitoring by those organizations.

SEC. 708. MONITORING COMPLIANCE WITH CENTRAL AMERICAN PEACE ACCORDS.

The United States should encourage the establishment, and should pay an appropriate share of the costs, of United Nations verification units to monitor compliance with the peace accord agreed to by the governments of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua on February 14, 1989, and subsequent agreements reached by those governments in furtherance of that accord, provided such action is consistent with the terms of the Bipartisan Accord on Central America (Public Law 101-14).

CHAPTER 2—THE CARIBBEAN

SEC. 721. CARIBBEAN REGIONAL DEVELOPMENT ACT OF 1989.

The Foreign Assistance Act of 1961, as amended by the preceding titles of this Act, is further amended by adding at the end the following:

"TITLE VI—REGION AND COUNTRY SPECIFIC PROVISIONS

"CHAPTER 1—CARIBBEAN REGIONAL DEVELOPMENT

"SEC. 6101. SHORT TITLE.

"This chapter may be cited as the 'Caribbean Regional Development Act of 1989'.

"SEC. 6102. UNITED STATES POLICIES.

"(a) IN GENERAL.—It shall be the policy of the United States in providing development and other economic assistance to the Caribbean—

"(1) to help the poor (including women, the landless, subsistence food producers, urban workers, the unemployed, and indigenous populations) to participate in the development of their societies through a process of equitable economic growth that enables them to increase their incomes and their access to productive resources and services, to protect and advance their rights, and to influence decisions that affect their lives;

"(2) to support development that is environmentally sustainable;

"(3) to promote Caribbean self-reliance by providing assistance to indigenous national and regional governmental and nongovernmental institutions that have the capacity or potential to carry out development programs effectively;

"(4) to support food production for national and regional consumption;

"(5) to promote the diversification of industrial and agricultural production, the development of new products, and the integration of agricultural production with the development of industry and tourism;

"(6) to help advance the process of regional economic integration by channeling assistance through regional organizations to the maximum extent possible;

"(7) to support those national programs of economic adjustment that promote the policies enumerated in this section in order to help ensure that the burdens created by adjustment are not borne by the poor;

"(8) to support employment generation while avoiding the displacement of traditional lines of small-scale production; and

"(9) to preserve and reinforce traditional Caribbean culture and social values.

"(b) DEVELOPMENT ASSISTANCE.—

"(1) SUPPORTING INDIGENOUS DEMOCRATIC INSTITUTIONS.—In furtherance of the four basic objectives set forth in section 1102, priority in providing development assistance to the Caribbean shall be given to supporting indigenous democratic Caribbean institutions (including farmers' unions, cooperatives, trade unions and other labor organizations, women's groups, and community organizations) that represent, work with, and benefit the poor, and through which the poor participate in making the decisions that affect their lives and their development. Such assistance shall be channeled to the maximum extent possible through United States institutions and Caribbean regional and national institutions that directly fund such democratic Caribbean institutions.

"(2) PER CAPITA INCOME ELIGIBILITY CRITERIA.—In determining the eligibility of any country in the Caribbean for development assistance, the per capita income of that country shall be deemed to be no greater than the per capita income for the Caribbean as a whole.

"(c) ECONOMIC SUPPORT ASSISTANCE.—To the extent that economic support assistance made available for the Caribbean is used to promote national economic policy reforms, such reforms shall be consistent with the policies enumerated in sections 6103 through 6106.

"SEC. 6103. PRIORITY AREAS FOR ASSISTANCE.

"To implement the policies set forth in section 6102, priority in the allocation of funds for development assistance and economic support assistance for the Caribbean, and in the allocation of the local currencies accruing as a result of the use of those funds, shall be given to the following:

"(1) FOOD SELF-SUFFICIENCY.—Support to national ministries of agriculture, the appropriate specialized agencies of the Caribbean Community (CARICOM) and the Organization of Eastern Caribbean States, the Caribbean Development Bank, and indigenous nongovernmental organizations for efforts to achieve greater food self-sufficiency through increased staple food production for domestic consumption, including support for—

"(A) the gathering of agricultural data;

"(B) the coordination of agricultural research;

"(C) the improvement of marketing, storage, and transportation systems;

"(D) the provision of credit to agricultural producers; and

"(E) improved coordination of regional planning for food self-sufficiency.

"(2) RURAL DEVELOPMENT.—Support, principally through regional institutions, for rural development efforts designed to increase rural employment opportunities, enhance the quality of rural life, and retard rural-to-urban migration, including programs that provide access to land and necessary assistance to small producers and cooperatives.

"(3) COMMUNITY-BASED AGRO-INDUSTRIES.—Support for locally owned cooperative and other small- and medium-scale industries engaged in the processing of indigenous resources, including support for the establishment of a marketing network to facilitate intraregional trade in food through programs that incorporate or serve small producers.

"(4) FINANCIAL RESOURCES FOR SMALL- AND MEDIUM-SIZED FARM AND MANUFACTURING ENTERPRISES.—Provision of financial resources to small- and medium-sized farm and manufacturing enterprises through—

"(A) the creation and capitalization of appropriate financial mechanisms; and

"(B) measures to encourage Caribbean commercial banks and credit unions to provide risk capital to such enterprises.

"(5) EXPANSION OF TOURISM.—Support for the expansion of tourism in the Caribbean through its fuller integration into the local economy, by providing assistance—

"(A) to appropriate governmental and nongovernmental regional organizations for the design and coordination of programs for—

"(i) the expansion of the use of local goods and services;

"(ii) the development and implementation of a marketing strategy for tourism in the Caribbean; and

"(iii) the promotion of investments in tourism integrated with the local economy; and

"(B) for training and utilizing local expertise in hotel and restaurant management and other necessary skills.

"(6) REGIONAL INTEGRATION.—Support for regional integration and institutions, including seeking the cooperation of other donor countries in promoting regional development in the Caribbean and including support for—

"(A) efforts to regionalize and coordinate activities and prevent the proliferation and duplication of regional bureaucracies;

"(B) the efforts of governmental and nongovernmental regional institutions to strengthen the infrastructure necessary to promote regional commercial activity and economic and social development;

"(C) regional research institutes; and

"(D) inter-island transportation and communication links, roads, and port facilities.

"(7) UPGRADING TECHNICAL AND MANAGERIAL SKILLS.—Support for efforts of the countries of the Caribbean to upgrade the technical and managerial skills of their people, through—

"(A) the increased utilization of local personnel, knowledge, technologies, and expertise in all development-related activities;

"(B) support, including scholarships, for training in appropriate technical fields, including administration, finance, marketing, science, technology, environmental protection, and tourism; and

"(C) support for increasing the capacity of Caribbean institutions to provide training in such fields.

"(8) NATURAL RESOURCE BASE.—Promoting those small-scale, affordable, agricultural and industrial methods suited to local environmental, resource, and climatic conditions, and supporting such actions as the establishment of protected areas, the development of environmental curricula, and programs of public education and dialogue designed to sustain and enhance the renewable natural resource base of the Caribbean.

"(9) PRIVATE SECTOR DEVELOPMENT.—Support for the diversification and promotion of Caribbean exports, for investments in the Caribbean that are appropriate to the needs of the region, and for the strengthening of private sector institutions, that would further the policy set forth in section 6102(a)(5), and particularly that would strengthen the sector referred to in paragraph (3) of this section.

"(10) DEMOCRATIC DEVELOPMENT AND THE ADMINISTRATION OF JUSTICE.—Support to broaden and deepen democratic institutions and values in the Caribbean and to assist countries in areas such as the administration of justice where requested by the recipient governments.

"(11) ACCESS TO HUMAN SERVICES AND ASSISTANCE FOR HUMAN RESOURCES DEVELOPMENT.—Support for the provision of basic services to the citizens of the Caribbean using, as appropriate, governmental and non-governmental entities, with emphasis on sustainability of service delivery in areas such as basic education, primary health care, child survival, family planning, and prevention and control of acquired immune deficiency syndrome (AIDS).

"SEC. 6104. PROTECTION OF WORKER RIGHTS.

"(a) DENIAL OF ASSISTANCE.—

"(1) IN GENERAL.—Assistance under this Act—

"(A) may not be provided to the government of any country in the Caribbean if that government does not extend, protect, and enforce internationally recognized worker rights for workers in that country (including workers within any designated zone); and

"(B) may not otherwise be provided for a country in the Caribbean if the provision of that assistance would be inconsistent with promoting respect for internationally recognized worker rights.

"(2) ASSISTANCE IF CERTAIN STEPS TAKEN.—Assistance may be provided to a government notwithstanding paragraph (1)(A) if that government is taking steps to adopt and implement laws that demonstrate significant, tangible, and measurable overall advancement in providing internationally recognized worker rights throughout the country (including in any designated zone).

"(3) EXEMPTIONS.—Paragraph (1) does not apply with respect to development assistance or narcotics control assistance provided under this Act.

"(b) ANNUAL REPORTS.—Each human rights report required by section 4302(d) shall address how the provisions of this section were implemented during the preceding fiscal year.

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'designated zone' has the same meaning it has for purposes of the Trade Act of 1974; and

"(2) the term 'internationally recognized worker rights' has the same meaning as is given that term by section 502(a)(4) of the Trade Act of 1974.

"SEC. 6105. PROTECTION OF PUBLIC HEALTH.

"The administering agency for title I shall not provide any assistance, directly or indirectly, for the use of any chemical or other substance in a country in the Caribbean if—

"(1) that use is not permitted under laws of that country relating to protection of public health, or

"(2) that use would not be permitted in the United States under laws of the United States relating to protection of public health.

"SEC. 6106. SUPPORT FOR WOMEN'S ROLE IN DEVELOPMENT.

"In providing assistance to the Caribbean, the administering agency for title I shall place emphasis on ensuring the active participation of Caribbean women in the development process, particularly through—

"(1) the promotion of greater access by women to productive resources and services, such as land, credit, and markets, thereby increasing the economic security of women and their dependents;

"(2) programs that respond to and support women's domestic needs and activities, including the strengthening of community-based education, health, and childcare programs and other critical social services identified by poor women; and

"(3) the involvement of Caribbean women in research on the factors that contribute to their economically vulnerable situation, in programs that address these factors, and in the design and implementation of development projects.

"SEC. 6107. CONSULTATION, MONITORING, EVALUATION, AND REPORTING.

"(a) CONSULTATION.—In all stages of the design and implementation of assistance policies, programs, and projects in the Caribbean, the administering agency for title I shall take into account the perspectives of the rural and urban poor through close and regular consultation with Caribbean organizations that work with the poor and that have demonstrated effectiveness in or commitment to the promotion of local, grassroots activities on behalf of long-term development in the Caribbean, as described in section 6102(a). The agency shall reflect the results of such consultations in its annual planning documents.

"(b) MONITORING.—The administering agency for title I shall monitor socioeconomic conditions in the Caribbean and the effect of United States economic assistance programs and policies on those conditions. The agency shall involve Caribbean governments, and Caribbean nongovernmental organizations that work at the grassroots level, in such monitoring.

"(c) EVALUATION.—Not later than 3 years after the date of enactment of this chapter, the Office of Technology Assessment—

"(1) shall conduct an evaluation of the performance of the administering agency for title I in carrying out this chapter; and

"(2) shall report the result of that evaluation to the Congress.

"(d) ANNUAL REPORTS TO CONGRESS.—Each report required by section 1921(d) shall include an analysis of—

"(1) the effectiveness of the programs conducted under this chapter in furthering the polices set forth in section 6102 and in carrying out each of the priorities of section 6103, including the amounts expended on each such program;

"(2) the nature and results of consultations under subsection (a), and the impact of such consultations on the programs undertaken to carry out this chapter; and

"(3) the results of the monitoring under subsection (b).

"SEC. 6108. FUNDING.

"(a) ECONOMIC SUPPORT ASSISTANCE.—Of the amounts made available for each of the fiscal years 1990 and 1991 for economic support assistance, not less than $60,000,000 shall be available only for assistance for the Caribbean in accordance with this chapter.

"(b) DEVELOPMENT ASSISTANCE.—

"(1) CARIBBEAN GENERALLY.—Of the amounts made available for each of the fiscal years 1990 and 1991 for development assistance, not less than $93,605,000 shall be available only for assistance for the Caribbean in accordance with this chapter.

"(2) EASTERN CARIBBEAN.—Of the amounts specified in paragraph (1), not less than $33,250,000 each fiscal year shall be available only for the Eastern Caribbean and Belize.

"SEC. 6109. DEFINITION.

"As used in this chapter, the term 'Caribbean' includes Anguilla, Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guayana, Haiti, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Cayman Islands, Montserrat, Netherlands Antilles, Saint Christopher-Nevis, Turks and Caicos Islands, and the British Virgin Islands.".

SEC. 722. ASSISTANCE FOR HAITI.

(a) FRAMEWORK FOR ASSISTANCE.—The Congress declares that the following policies should govern United States assistance for Haiti:

(1) Unless a credible transition to democracy is underway in Haiti, United States assistance should be withheld from Haiti (except for the assistance described in subsection (c)).

(2) While a credible transition to democracy is in progress in Haiti, United States assistance should be provided only on a step-by-step basis, in response to specific actions by the Government of Haiti to implement the transition and to foster a free and democratic society in which the Haitian people can prosper. These specific actions should include steps to—

(A) implement the transition to democracy as described in subsection (b)(1);

(B) disarm and restrain the remnants of Duvalier's private army, the Tonton Macoutes;

(C) reform the Haitian armed forces, especially with regard to the system of rural section chiefs;

(D) improve the observance of internationally recognized human rights, and institute a judicial process whereby human rights violations will be vigorously prosecuted and violators brought to justice;

(E) reform the bureaucracy to reduce corruption; and

(F) promote economic development that will benefit the Haitian people and provide the security and freedom of association necessary for grassroots development.

(3) Regularized and sustained assistance to the Government of Haiti should not be resumed, as part of a normalization of relations, until—

(A) a civilian government, elected in free, fair, and open elections in accordance with the 1987 Constitution and under international observation, is in power in Haiti; and

(B) the armed forces have demonstrated a willingness to submit to legally constituted civilian authority and to abide by the Constitution.

(c) RESTRICTION ON ASSISTANCE.—

(1) TRANSITION TO DEMOCRACY.—In furtherance of the policy expressed in subsection (a), the United States may not furnish any assistance of any kind for Haiti for fiscal years 1990 and 1991 under the Foreign Assistance Act of 1961 or any other provision of law (other than the assistance described in subsection (c)) unless the Government of Haiti has embarked upon a credible transition to democracy—

(A) by restoring the 1987 Constitution;

(B) by appointing a genuinely independent electoral commission to conduct free, fair, and open elections as soon as possible at all levels, and by giving that commission adequate support; and

(C) by taking adequate steps to provide electoral security.

(2) CONGRESSIONAL REVIEW.—At least 15 days before each obligation of funds for assistance for Haiti (other than assistance described in subsection (c)), the President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(c) ASSISTANCE EXEMPTED FROM RESTRICTIONS.—Subsections (a)(1) and (b) do not apply with respect to—

(1) assistance, provided through private voluntary organizations or other nongovernmental organizations, to meet humanitarian and developmental needs or to promote respect for human rights and the transition to democracy;

(2) assistance provided by or through the Inter-American Foundation, the Overseas Private Investment Corporation, or the Peace Corps;

(3) assistance provided to enable the continuation of migrant and narcotics interdiction operations;

(4) assistance necessary for the financing of education for Haitians in the United States; and

(5) assistance to a genuinely independent electoral commission that is responsible for the holding of elections consistent with the 1987 Constitution.

(d) ECONOMIC SUPPORT ASSISTANCE.—

(1) CONDITIONAL EARMARKING.—Of the amounts made available for economic support assistance under the Foreign Assistance Act of 1961, not less than $20,000,000 for fiscal year 1990 and not less than $40,000,000 for fiscal year 1991, shall be available only for Haiti if—

(A) the conditions of subsection (b)(1) are met;

(B) a civilian government is in power in Haiti, and that government was elected in free, fair, and open elections that were consistent with the 1987 Constitution and that were held under international supervision; and

(C) the armed forces have demonstrated a willingness to submit to legally constituted civilian authority and to abide by the Constitution.

(2) RELATION TO FUNDS FOR CARIBBEAN REGIONAL DEVELOPMENT.—The funds provided for in this subsection are in addition to the funds provided for Caribbean regional development pursuant to section 6108(a) of the Foreign Assistance Act of 1961.

CHAPTER 3—SOUTH AMERICA

SEC. 741. MILITARY EDUCATION AND TRAINING FOR CHILE.

(a) OBJECTIVES.—The Congress supports the democratic transition underway in Chile, and intends to assist the new democratically elected government, following its inauguration in March of 1990, with assistance to—

(1) strengthen democratic institutions; and

(2) establish a new relationship with the Chilean armed forces appropriate to a democratic system of government.

(b) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) AMOUNT AVAILABLE.—Of the funds made available for international military education and training under the Foreign Assistance Act of 1961, up to $50,000 may be made available for Chile for each of fiscal years 1990 and 1991, subject to paragraph (2).

(2) CONDITIONS.—Funds may not be obligated under paragraph (1) until—

(A) a civilian, democratically elected president is in power in Chile and has requested such funds;

(B) internationally recognized human rights are being respected and the civilian government is exercising independent and effective authority; and

(C) the Government of Chile is making good faith efforts in attempting to resolve the murders of Orlando Letelier and Ronni Moffitt.

(3) RESTRICTION NOT APPLICABLE.—Assistance may be provided under paragraph (1) without regard to the requirements of section 726(b) of the International Security and Development Cooperation Act of 1981.

(4) CONGRESSIONAL REVIEW.—Funds may be obligated under paragraph (1) only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified at least 15 days in advance of the obligation of those funds in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(c) SAFETY OF FLIGHT ITEM FOR CHILE.—Section 726(c) of the International Security and Development Cooperation Act of 1981 is amended—

(1) by inserting "(1)" after "export, of"

(2) by inserting before the period at the end ", or (2) components, parts, tools, technical manuals, technical changes to technical orders (TCTOs), TCTO retrofits, or related repair services for C-130 E/H aircraft owned by the Chilean Air Force to enhance the safety of the aircraft and its crew and passengers".

SEC. 742. MILITARY ASSISTANCE FOR PARAGUAY.

(a) CONDITIONS.—Funds made available for fiscal years 1990 and 1991 for foreign military financing under the Foreign Assistance Act of 1961 may not be used for assistance for Paraguay until—

(1) a democratic government is in power in Paraguay as a result of a free and fair election;

(2) the practice of torture and abuse of individuals held in detention by the military and security forces of Paraguay has ended;

(3) procedures have been instituted by the Government of Paraguay to ensure that those arrested are promptly charged and brought to trial;

(4) the political rights necessary for democracy, including freedom of speech and freedom of the press, have been restored in Paraguay; and

(5) steps toward internal reconciliation and a pluralistic democratic system have been taken by the Government of Paraguay.

(b) CONGRESSIONAL REVIEW.—Funds may be obligated under subsection (a) only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified at least 15 days in advance of the obligation of those funds in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

SEC. 743. ASSISTANCE FOR PERU.

(a) AUTHORITY TO FURNISH CERTAIN ASSISTANCE NOTWITHSTANDING CERTAIN RESTRICTIONS.—

(1) IN GENERAL.—For fiscal years 1990 and 1991, the assistance described in paragraph (2) may be furnished for Peru notwithstanding the provisions of law specified in paragraph (3).

(2) ASSISTANCE MUST BE PART OF NARCOTICS CONTROL EFFORT.—The assistance authorized by paragraph (1) is development assistance and economic support assistance under the Foreign Assistance Act of 1961 that is furnished as part of an effort to combat illicit narcotics production, trafficking, and use in Peru, such as assistance for crop or income substitution programs and narcotics awareness programs.

(3) RESTRICTIONS MADE INAPPLICABLE.—The provisions that are made inapplicable by paragraph (1) are section 4209 of the Foreign Assistance Act of 1961 and any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that restricts or prohibits the furnishing of assistance to a country that is in arrears or default in payment to the United States of principal or interest on a loan made to that country under any program for which funds are appropriated by that Act.

(b) HUMAN RIGHTS AND DEMOCRATIC INITIATIVES PROGRAM.—Assistance provided for Peru under section 1221 of the Foreign Assistance Act of 1961 for each of the fiscal years 1990 and 1991 shall include not less than $100,000 to fund the re-opening and expansion of the Office of the Special Prosecutor to Investigate Disappearances, under the jurisdiction of the Attorney General.

CHAPTER 4—OTHER PROVISIONS RELATING TO THE REGION

SEC. 761. INTER-AMERICAN FOUNDATION.

The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: "There are authorized to be appropriated $17,000,000 for fiscal year 1990 and $20,000,000 for fiscal year 1991 to carry out this section.".

SEC. 762. SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.

All assistance under the Foreign Assistance Act of 1961 that is allocated for fiscal years 1990 and 1991 for any country in Latin America or the Caribbean that has an elected president shall be suspended if that elected president is deposed by military coup or decree.

SEC. 763. HUMAN RIGHTS UNDER CIVILIAN REGIMES.

(a) CONGRESSIONAL CONCERNS.—The Congress is concerned about continuing patterns of gross violations of internationally recognized human rights by the authorities in countries of Latin America and the Caribbean that have well-established civilian regimes or that have recently undergone transitions to civilian rule, including Brazil, Colombia, El Salvador, Guatemala, and Peru. The Congress finds that the institutions and processes associated with civilian, democratic government that are normally expected to protect citizens from abuses by their government, and to provide redress in the case of such abuses, do not function adequately in such countries, leading to abuses such as political killings, disappearances, torture and abuse of prisoners, extrajudicial executions of criminal suspects, and persecution of human rights monitors.

(b) SPECIAL ANALYSIS OF HUMAN RIGHTS SITUATION.—At the time of submission of the Country Reports on Human Rights Practices for 1989 pursuant to section 4302 of the Foreign Assistance Act of 1961, the Assistant Secretary of State for Human Rights and Humanitarian Affairs shall submit to the Congress the following:

(1) SPECIAL ANALYSIS.—A special analysis of the human rights situation under civilian regimes in those countries of Latin America and the Caribbean where significant human rights abuses occur, including the countries specified in subsection (a). This analysis shall include a description of the nature of such abuses, the reasons for their occurrence, and the reasons for the failure of the appropriate authorities to prevent or punish such abuses.

(2) RECOMMENDATIONS.—Such recommendations as the Assistant Secretary considers appropriate for steps to make United States policy more effective in combatting such abuses.

SEC. 761. ASSISTANCE FOR LAW ENFORCEMENT.

(a) GENERAL AUTHORITY.—Assistance under this section shall be provided for countries in Latin America and the Caribbean with democratically elected governments—

(1) to promote respect for the rule of law and internationally recognized human rights by all elements of society;

(2) to improve the professionalism and effectiveness of law enforcement agencies in the Western Hemisphere based upon the traditional role of civilian law enforcement agencies within a democratic system;

(3) to improve the capacity of law enforcement officials and the courts to render independent, fair, timely, and accessible justice and to punish all who abuse human life and dignity;

(4) to enhance the interaction among courts, prosecutors, and police in the investigation of crime.

(b) TYPES OF ASSISTANCE AUTHORIZED.—Funds made available to carry out section 1221 of the Foreign Assistance Act of 1961 shall be available for countries in Latin America and the Caribbean that have a democratically elected government to support programs and activities, without regard to section 4202 of that Act—

(1) to enhance professional capabilities to carry out investigative and forensic functions conducted under judicial and prosecutorial control;

(2) to assist in the development of academic instruction and curricula for training law enforcement personnel;

(3) to improve the administrative and management capabilities of law enforcement agencies, especially their capabilities relating to career development, personnel evaluation, and internal discipline procedures; and

(4) to enhance protection of participants in judicial cases.

(c) ASSISTANCE SUBJECT TO NOTIFICATION REQUIREMENT.—Assistance under this section may be provided for El Salvador, Guatemala, and Honduras only if at least 15 days before each obligation of funds the President notifies the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(d) PROHIBITION ON LETHAL EQUIPMENT.—Funds made available to carry out this section may not be used to provide any lethal equipment.

(e) LIMITATION ON USE OF MILITARY PERSONNEL.—Personnel of the Department of Defense and members of the Armed Forces may not participate in the provision of training under this section.

(f) LIMITATION ON ASSISTANCE FOR LAW ENFORCEMENT.—Not more than 25 percent of the funds made available each fiscal year to carry out section 1221 with respect to Latin America and the Caribbean may be made available for programs and activities described in subsection (b) of this section.

EN BLOC AMENDMENTS OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer en bloc amendments.

The CHAIRMAN. The Clerk will designate the en bloc amendments.

The text of the en bloc amendments is as follows:

En bloc amendments offered by Mr. FASCELL: Page 435, line 14, after "conflict" insert "in accordance with the Constitution of El Salvador"; and page 436, line 15, after "Salvador" insert "in accordance with the Constitution of El Salvador".

Page 437, after line 14, insert the following:

(B) In making the determination required by subparagraph (A), the President should take into consideration that—

(i) the current democratically elected government in El Salvador is at war with elements which advocate and actively pursue the violent overthrow of the existing government,

(ii) these elements, primarily the communist Farabundo Marti National Liberation Front (FMLN), refuse to participate in the democratic process in accordance with the Constitution of El Salvador, and

(iii) these elements have been responsible for countless terrorist attacks killing innocent civilians and democratically elected government officials.

Page 437, line 15, strike out "(B)" and insert in lieu thereof "(C)".

Page 454, after line 24, insert the following:

(d) COMPLIANCE WITH 1979 OAS RESOLUTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to the Congress a report on compliance by the Government of Nicaragua with the resolution adopted on June 23, 1979, by the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, which calls for, among other things, "respect for human rights of all Nicaraguans without exception" and "the holding of free elections as soon as possible".

Page 454, after line 24, insert the following:

(e) SOVIET BLOC MILITARY ASSISTANCE FOR NICARAGUA.—

(1) FINDINGS.—The Congress finds that—

(A) the Soviet Union and its allies have provided a cumulative total of over $2,745,000,000 in direct military assistance, and between $350,000,000 and $500,000,000 in assistance for military infrastructure development, to the Republic of Nicaragua since 1979;

(B) military assistance to the Republic of Nicaragua from the Soviet Union and its allies exceeds $590,000,000 since the signing of the Esquipulas II Accords on August 7, 1987, which are designed to foster regional peace and national reconciliation in Nicaragua;

(C) all authority for the United States Government to provide or deliver military assistance to the Nicaraguan Resistance expired on February 29, 1988;

(D) the February 14, 1989, Joint Declaration of the five Central American Presidents envisions a total demobilization of the Nicaraguan Resistance, a force which has failed to present any credible threat to the Nicaraguan Government for over one year;

(E) Soviet bloc military assistance to the Republic of Nicaragua includes at least 152 light and medium tanks, 237 additional armored vehicles, 961 heavy guns/howitzers/surface-to-surface rocket launchers, at least 36 122mm multiple rocket launchers, 549 SA-7/SA-14/SA-16 surface-to-air missile launchers (SAMs), 772 air defense guns, 12 Mi-25 Hind D helicopter gunships, and 45 Mi-8 and Mi-17 medium-lift helicopters and 20 fixed wing aircraft including AN-22 and AN-26 transports, as well as sophisticated radars and communications equipment servicing an active-duty military force in excess of 80,000 troops;

(F) the Soviet Union, Cuba, and East European nations currently have between 1,100 and 1,600 military and security advisors in Nicaragua, as well as an unknown number of support personnel for the internal security apparatus in Nicaragua;

(G) the Republic of Nicaragua now has the largest and most sophisticated armed force in Central American history, with an active duty military force more than double that of the next largest active duty military force, which is that of El Salvador;

(H) the military forces of the Republic of Nicaragua are the armed element of a partisan political party known as the Sandinista National Liberation Front or the FSLN;

(I) the military equipment provided by the Soviet Union and its allies enables the Republic of Nicaragua to maintain an overwhelming military advantage over all of its neighbors; and

(J) military assistance provided to the Republic of Nicaragua by the Soviet Union and its allies is inconsistent with the goals of the Esquipulas II Accords and the February 14, 1989, Joint Declaration by the Central American Presidents.

(2) STATEMENTS OF POLICY.—In the interest of regional peace and stability, the Congress—

(A) calls on the Soviet Union, other Warsaw Pact nations, and other Soviet allies, including Cuba, Vietnam, Libya, and Algeria, to withhold further military assistance to the Republic of Nicaragua;

(B) calls on the Republic of Nicaragua to reverse significantly the growth of its armed forces, in both manpower and material;

(C) calls on the Republic of Nicaragua to work toward a stabilization of the regional military balance and to prevent the introduction of advanced weapon systems that would qualitatively upgrade current capabilities;

(D) calls on the Soviet Union, Cuba, and East European nations to immediately remove from Nicaragua their military and security advisors, as well as their support personnel for the Nicaraguan internal security apparatus; and

(E) calls on the Republic of Nicaragua to separate the armed forces from the Sandinista political party, the Sandinista National Liberation Front.

Page 454, after line 24, add the following:

(f) HUMANITARIAN ASSISTANCE TO NICARAGUA.—Section 2(b)(3) of the Act entitled "An Act to Implement the Bipartisan Accord on Central America of March 24, 1989" (Public Law 101-14) is amended by inserting before the semicolon at the end thereof "and related monitoring, investigations, and prosecutorial activities."

Page 477, after line 25, insert the following:

SEC. 744. ASSISTANCE FOR ECUADOR.

The Congress urges the Secretary of State to use every means at his disposal to persuade the Government of Ecuador to remove from the mural in Ecuador's Plenary Wall of Congress any reference to the United States Government or any of its agencies or personnel. If the Government of Ecuador fails to accede to the Secretary's diplomatic approach, the Secretary should consider invoking appropriate measures against that government, including the withholding of funds allocated for Ecuador for fiscal year 1990 for development assistance, economic support assistance, foreign military financing, and international military education and training.

Page 482, after line 8, insert the following:

SEC. 765. ECONOMIC REFORM AND DEBT REDUCTION.

It is the sense of the Congress that—

(1) the Government of Mexico should be commended for its recent economic reforms; and

(2) those commercial banks that are creditors of Mexico and other developing countries that adopt responsible economic austerity programs should negotiate debt reduction packages to reflect the discounting of their loans on the world's financial markets, provided those countries continue those austerity programs.

Page 482, after line 8, insert the following:

SEC. 766. SUPPORT FOR A MULTILATERAL ANTINARCOTICS STRIKE FORCE.

(a) FINDINGS.—The Congress finds that—

(1) the Congress has, in the past, indicated its support for a multilateral, regional approach to antinarcotics control efforts;

(2) a proposal to create a multilateral, international antinarcotics force for the Western Hemisphere, is a plan worthy of praise and strong United States support;

(3) the development of a greater capability to assist the governments of Latin America and the Caribbean, including the Caribbean Basin nations, is an essential component of efforts to interdict the flow of narcotics to the United States; and

(4) regional leadership in the promotion of a multilateral, paramilitary force to combat the drug cartels is welcomed and encouraged.

(b) SENSE OF CONGRESS.—It is therefore the sense of the Congress that—

(1) the proposal for the promotion of a regional multilateral antinarcotics force for the Western Hemisphere should be endorsed; and

(2) the United States should work through the United Nations, the Organization of American States, and other multilateral organizations to determine the feasibility of such a force and assist in the establishment of this force, if it is found to be feasible.

Page 455, after line 11, insert the following new section:

SEC. 709. UNITED STATES POLICY REGARDING REFORMS WHICH SHOULD BE TAKEN BY THE GOVERNMENT OF NICARAGUA IN ORDER TO BRING ABOUT LASTING PEACE, PLURALISM, AND DEMOCRACY IN NICARAGUA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The bipartisan accord between Congress and the President of March 24, 1989, states that "to be successful, the Central American peace process cannot be based on promises alone. It must be based on credible standards of compliance, strict timetables for enforcement, and effective on-going means to verify both the democratic and security requirements of those agreements".

(2) In signing the Central American peace accord on August 7, 1987, entitled "Procedure for the Establishment of a Strong and Lasting Peace in Central America", the Government of Nicaragua pledged "to promote an authentic democratic, pluralist and participatory process that includes the promotion of social justice and respect for human rights".

(3) Under that accord, the Government of Nicaragua is specifically required to establish "complete freedom of press, television and radio" "for all ideological groups" "without prior censorship", to grant political groupings "broad access to communications media" and permit full exercise of the rights of association, free speech, and movement, to decree an amnesty guaranteeing "freedom in all its forms", and to terminate state of emergency laws while reestablishing "the full exercise of all constitutional guarantees".

(4) In signing the Joint Declaration of Presidents in San Jose, Costa Rica, on January 16, 1988, the Government of Nicaragua acknowledged that "the commitments of Esquipulas II have not been entirely fulfilled", "above all, democratization".

(5) The 5 Central American Presidents who signed that Joint Declaration pledged to fulfill these commitments, which they "view as irrevocable and inalterable", "unhesitatingly and unequivocally, aware that their peoples and the international community will judge their compliance with obligations undertaken in good faith".

(6) In signing the cease-fire agreement in Sapoa, Nicaragua, on March 21, 1988, known as the Sapoa Accord, the Government of Nicaragua established a verification commission which included Cardinal Miguel Obando y Bravo, and again promised to "guarantee freedom of speech without limitations as provided for in the Esquipulas II Agreement".

(7) The Government of Nicaragua further "guaranteed that all of the peope who have left the country for political reasons or other reasons may return to Nicaragua, regardless of their economic or social status, and join the political, economic, and social processes without any conditions beyond those stipulated in the Republic's laws" and without being "tried, penalized, or persecuted for any political or military activities in which they may have engaged".

(8) In signing the Joint Declaration at El Tesoro, El Salvador, on February 14, 1989, known as the Tesoro Beach Accord, the Government of Nicaragua acknowledged "that the commitments assumed under the Esquipulas II and Alajuela Declaration constitute a harmonious and indivisible whole".

(9) The Government of Nicaragua has pledged to hold elections for President, Vice President, and representatives to the National Assembly, municipalities, and the Central American Parliament no later than February 25, 1990.

(10) The Government of Nicaragua has pledged to "form a Supreme Electoral Council with a balanced participation of representatives from the opposition political parties".

(11) The Government of Nicaragua has pledged that during the 6 months prior to the date set for elections a "period of political activity will begin" no later than August 25, 1989.

(12) The Government of Nicaragua has pledged that immediately preceding that 6-month period, there will be "an initial 4-month period for the preparation, organization, and mobilization of the parties", which will begin no later than April 25, 1989.

(13) The Government of Nicaragua has pledged that reforms will be made prior to April 25, 1989, in "electoral legislation and in laws regulating the expression of ideas, information, and the structure of public opinion in such a way as to guarantee political organization and action in the broadest sense for political parties".

(14) The Government of Nicaragua has pledged to "guarantee the free functioning of the communications media by reviewing and modifying the law on the media" and to "guarantee equal access in terms of broadcasting schedules and air time on the state television and radio stations for all parties".

(15) The Government of Nicaragua has pledged to authorize "all communications media to supply themselves from within the country or abroad, at their convenience, with all materials, instruments and equipment necessary to fully perform their functions".

(b) ACTIONS WHICH SHOULD BE TAKEN BY NICARAGUA TO COMPLY WITH THE COMMITMENTS IT HAS MADE IN THE ESQUIPULAS II, ALAJEULA, SAPOA, AND TESORO BEACH ACCORDS.—It is the policy of the United States that the Government of Nicaragua should undertake the reforms described in subsection (c) in order to—

(1) bring about lasting peace, pluralism, and democracy in Nicaragua, and

(2) guarantee that the February 1990 elections in Nicaragua are completely free and fair.

(c) REFORMS.—The reforms referred to in subsection (b) to be undertaken by the Government of Nicaragua are as follows:

(1) IN GENERAL.—

(A) Separate the police, military, and security forces from any identification or link with any political party.

(B) Ensure freedoms of expression, association, assembly, movement, religion, and education.

(C) Restore the rights of security of person and home and the right of freedom from unjustified arrest.

(D) Stop coercive pressure to join the Sandinista Party or Sandinista Party directed or controlled groups.

(E) Stop officially incited, organized, or condoned harassment of persons or groups opposed to the ruling party or policies of the Government.

(F) Stop discriminatory and punitive application of military conscription.

(G) Allow all citizens, including refugees and exiles, to return to Nicaragua with full restitution of all civil and political rights.

(H) Reinstate due process protections, ensure fair trials, and release individuals imprisoned without charge, trial, or due process, including campesinos and East Coast residents.

(I) Guarantee the independence and neutrality of the judiciary, the police, and armed forces.

(J) Abolish the power of police forces to administratively sentence individuals to prison terms and decide appeals.

(K) End all forms of torture and conditions of confinement which constitute torture, end the practice of holding prisoners incommunicado, and permit unrestricted access to all detention facilities by international human rights groups.

(2) POLITICAL PROCESS REFORMS.—

(A) Allow political parties and the democratic opposition to meet and march publicly, publicize meetings, and meet with and utilize the media, without reprisals or harassment incited, organized, or condoned by the ruling party.

(B) Abolish the law known as the Law for the Maintenance of Public Order and Security.

(C) End the jailing of opposition party activists and the drafting of opposition party activists and their children in reprisal for nonviolent political activity.

(D) Abolish the role of the Committees for the Defense of Sandinismo's and other party organizations in dispensing rationing cards and government services.

(E) Repeal the suspension provisions of the Nicaraguan constitution.

(3) ELECTORAL REFORMS.—

(A) Institute the electoral procedures proposed by the broad-based 15 party opposition coalition.

(B) Permit independent polling by domestic and international entities and unrestricted publication of results.

(C) Establish a definitive interval of time between an election and the succession of winning candidates.

(D) Repeal current electoral laws that require legal recognition of political parties by the Government.

(4) PRESS AND MEDIA RIGHTS.—

(A) Allow an uncensored, free press, without prior restraint.

(B) End legal and administrative restrictions on the purchase of needed materials and equipment for the production and distribution of radio, television, and print news, and allow private newsprint sales.

(C) Grant licenses for the full spectrum of private television and radio broadcasting.

(5) LABOR RIGHTS.—

(A) Ensure the right to bargain collectively, to strike, and to publish by independent unions.

(B) Immediately release those imprisoned because of nonviolent union activities.

(6) RELIGIOUS FREEDOMS.—

(A) Allow the Catholic Church to reopen its human rights and publication offices.

(B) Allow Cardinal Miguel Obando y Bravo to resume his televised Sunday mass.

(C) Allow the return of all expelled Catholic priests.

(D) Allow religion courses to be taught in private schools.

(E) Allow Protestant evangelicals to preach and conduct meetings.

(7) CAMPESINO RIGHTS.—

(A) End preventive detention and the policy of forcible resettlement of campesinos and allow campesinos who have been displaced to return.

(B) End pressure to join Sandinista farming cooperatives.

(8) INDIAN AND CREOLE RIGHTS.—

(A) Permit Indian and Creole residents to freely travel, assemble, speak, publish, broadcast, and maintain cultural beliefs and practices.

(B) End preventive detention and the policy of forcible resettlement of East Coast residents, and allow Indians and Creoles who have been displaced to return to their home communities.

(C) Guarantee the rights of Indians and Creoles to engage in traditional farming, fishing, hunting, and necessary subsistence activities.

(9) VERIFICATION OF PEACE AND DEMOCRACY ACCORDS.—Permit independent, international, and non-governmental human rights observers, both international and domestic, including the Sapoa Verifying Commission, the Nicaraguan Independent Permanent Commission for Human Rights, the International Committee of the Red Cross, and representatives of the Organization of American States and the General Secretary of the United Nations, to meet and travel freely to all areas of the country and to visit all detainees, prisoners, prisons, and tribunals without harassment.

(d) ACHIEVEMENT OF DEMOCRATIC PRINCIPLES AND PROCESSES IN CENTRAL AMERICA.—The United States urges all countries in Central America to continue to work toward achieving the democratic principles and processes specified in the Central American peace accord of August 7, 1987, entitled "Procedure for the Establishment of a Strong and Lasting Peace in Central America".

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. FASCELL] is recognized for 10 minutes.

Mr. FASCELL. Mr. Chairman, I will just simply state that under the rule we have offered these en bloc amendments where the majority and the minority have reached agreement.

I will tell my colleagues that this covers eight amendments on which we have reached an agreement and I urge support for the en bloc amendments.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield to me?

Mr. FASCELL. I am happy to yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, we have examined the en bloc amendments also and we support them and urge the House to approve them.

I might say that I was especially appreciative that we were able to work out the Inhofe amendment on Ecuador.

Mr. FASCELL. Mr. Chairman, I thank the gentleman.

I really appreciate the tremendous effort that has been made by both staff and Members to allow us to expeditiously consider this bill, and this is one way we are able to do it.

I urge the adoption of the amendments.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, these en bloc amendments contain a provision expressing strong support for a multilateral antinarcotics strike force and encouraging the administration to study the feasibility of such a force, and if possible, to implement it through the United Nations.

On June 9, Prime Minister Michael Manley of Jamaica announced his support for an international antinarcotics strike force to combat the drug problem plaguing his country, our country, and indeed, the hemisphere.

This is the first time a leader in the Western Hemisphere has publicly announced his support for such a force, and I hope other Latin American leaders will soon follow his lead.

We in the Congress and those in the executive branch have already endorsed the idea of an international antidrug force, but the support of other governments in this hemisphere is absolutely vital for any successful enactment of the plan.

As Prime Minister Manley said:

> The more we look at this, the more we are convinced you are dealing with a level of international criminal organization that is probably without precedent. Those who manipulate production, transportation, distribution, and marketing operate in a global framework * * *. They can target whatever country they want.

With countries such as Colombia held in the grip of international drug cartels, multilateral action may well be the only way to control these international narcotics networks. The statement of Mr. Manley only underscores the urgent need to explore the multinational idea.

Drugs are an international problem. We need an international solution.

Mr. FASCELL. Mr. Chairman, I agree with the gentleman from Pennsylvania. I think it is a very important initiative that we must undertake. There is no way that any one country unilaterally can begin to solve this problem.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words and I ask to be recognized for the purpose of a colloquy with the gentleman from Virginia [Mr. PARRIS], and I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FASCELL. Mr. Chairman, I object, because there is a way of doing this without going in violation of the rules. It is a very simple process, so please, let us try to do it.

The CHAIRMAN. The Chair will state that the regular order is that the gentleman from California [Mr. LAGOMARSINO] has 10 minutes of his own time on the pending amendments.

The gentleman from New York [Mr. GILMAN] could have the gentleman from California yield to him.

Mr. LAGOMARSINO. Mr. Chairman, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to proceed out of order.

The CHAIRMAN. The gentleman does not have to have unanimous consent to proceed. He has been yielded to, if the gentleman from California will remain on his feet.

Mr. GILMAN. Mr. Chairman, I yield to the gentleman from Virginia [Mr. PARRIS].

The CHAIRMAN. Would the gentleman from California, the ranking minority member, listen and will the manager of the bill listen.

The situation is that the gentleman from Florida [Mr. FASCELL] has offered en bloc amendments. He has been recognized for 10 minutes.

The gentleman from California [Mr. LAGOMARSINO] will be recognized for 10 minutes. If the gentleman from California wishes to yield time, he may do so. No speaking out of order is required.

The gentleman from New York [Mr. GILMAN] is recognized.

□ 1730

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I am happy to yield to the gentleman from Virginia.

Mr. PARRIS. Would the gentleman from New York [Mr. GILMAN] be so kind as to clarify the committee's intent in including section 3202, entitled "Coordination of All United States Anti-Narcotics Assistance to Foreign Countries." Specifically, I would hope that this provision would not undermine or dilute the authority granted by Congress to the Director of the Office of Drug Control Policy to coordinate and establish policy on domestic and international illicit narcotics trafficking. This clarification is of particularly critical importance now, as Secretary Bennett is drawing up his national strategy to fight the war on drugs, which is due to be released in September.

Mr. GILMAN. If the gentleman will yield, the gentleman from Virginia raises an important point on the coordination of our Nation's international efforts to combat illicit narcotics production and trafficking. Section 3202 would authorize the Secretary of State to be responsible for coordinating all assistance provided by the U.S. Government to support international efforts to combat illicit narcotics production or trafficking. Nonetheless, the Director of National Drug Control Policy, pursuant to the Anti-Drug Abuse Act of 1988, is responsible for establishing policies, objectives, and priorities for the National Drug Control Program and for promulgating a national drug control strategy, including efforts at international drug control.

In short, the National Drug Control Policy Director, Secretary William Bennett, is responsible for formulating, coordinating, and implementing our Nation's drug strategy, and as I interpret section 3202, the Secretary of State would be responsible for coordinating the operational, day-to-day details of our international narcotics assistance program.

Mr. LAGOMARSINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana, Mr. Chairman, June 23, 1989, this past Friday, was the 10-year anniversary of the resolution by the Organization of American States calling for:

First, "immediate and definitive replacement of the Somoza regime."

Second, "installation in Nicaraguan territory of a democratic government, the composition of which should include the principal representative groups which oppose the Somoza regime and which reflects the will of the people of Nicaragua."

Third, "guarantee of the respect for human rights of all Nicaraguans without exception."

Fourth, "the holding of free elections as soon as possible, that will lead to the establishment of a truly democratic government that guarantees peace, freedom and justice."

On July 12, 1979, 5 days before the collapse of the Somoza regime, the Sandinistas-dominated junta sent a letter to the Secretary General of the OAS. Attached to the letter were two other documents: A "plan to achieve peace" and a formal "program of the Nicaraguan national reconstruction junta." These documents constituted a formal pledge to establish democracy in Nicaragua.

The letter states that the "plan to achieve peace" was developed "on the basis of the—June 23, OAS—resolution" which "backs the installation of a broad-based, democratic government of the kind we ourselves are establishing." The letter also talks about "our firm intention to establish respect for human rights * * *." "Our decision to enforce civil justice * * *." "The plan to call Nicaraguans to the first free elections that our country will have in this century * * *." The letter ends by asking the governments of the Western Hemisphere "to bring democracy and justice to Nicaragua."

The "program of the Nicaraguan national reconstruction junta" promised "freedom of organization by unions, trades, and other popular movements," "independent foreign policy," "mixed economy," and many other fundamental liberties.

These promises, later violated one after another, helped the Sandinistas achieve power. On the basis of these promises the Carter administration and the OAS approved final transfer of power to the Sandinistas. The U.S. State Department, at the time, noted "a caretaker government is in place to begin the process of national reconciliation * * *. It has pledged to avoid reprisals, to provide sanctuary for those in fear * * *, and to respect human rights and hold elections."

The Sandinistas have achieved and kept power over the past 10 years by skillfully exploiting the enormous capacity for self-deception inherent in Western democracies. My amendment simply calls upon the Secretary of State to submit a report to Congress on the Government of Nicaragua's compliance with the now infamous 1979 OAS resolution. I believe this report will demonstrate another example of a Communist power failing to live up to promises made to the West. Yalta, the Korean armistice, the Paris peace accords, the Helsinki Accords, the list of Communist lies and deception is endless.

We continually stress in this body how important it is for our children to study and learn from history. I think we would have a greater impact on our children if we practiced what we preached. It has been 10 long years since the Communists promised freedom and democracy in Nicaragua. Is it really that hard to see what Communist intentions are? Mr. Chairman, how much longer do the people of Nicaragua have to rot under a godless tyrannical regime before this body will wake up and see the Sandinistas for what they really are?

Mr. Chairman, that is the first amendment that has been proposed that has been accepted. I have additional information being included in the RECORD.

Amendment to H.R. 2655, as reported offered by Mr. BURTON of Indiana: Page 437, after line 14, insert the following:

(B) In making the determination required by subparagraph (A), the President should take into consideration that—

(i) the current, democratically elected government, in El Salvador is at war with elements which advocate and actively pursue the violent overthrow of the existing government,

(ii) these elements, primarily the communist Farabundo Marti National Liberation Front (FMLM), refuse to participate in the democratic process in accordance with the Constitution of El Salvador, and

(iii) these elements have been responsible for countless terrorist attacks killing innocent civilians and democratically elected government officials.

Page 437, line 15, strike out "(B)" and insert in lieu thereof "(C)".

NICARAGUA AND THE U.S. CONGRESS: NINE YEARS OF PROMISES, PEACE PLANS, AND SELF-DELUSION

PROMISE

That the lives of National Guard officers and soldiers would be respected, that they would not be subject to revenge or indiscriminate reprisals. Those guilty of crimes will be dealt with within the legal framework. [From the July 12 GRN promises to the OAS]

PERFORMANCE

"After the 1979 revolutionary victory hundreds of prisoners, mostly members of the National Guard or supporters of the former regime, disappeared after capture and were later found dead. Of the dead, many were found in mass graves, as in the case of the prisoners in La Pólvora * * * the former headquarters of the National Guard in the town of Granada * * * [O]n October 3, 1979, José Estebán González of the CPDH (the independent Permanent Commission on Human Rights), traveled with several witnesses to the site and discovered human bones and remnants of clothing in a covered-over ditch.

"Similar reports led to the discovery of another site in La Arrocera, near Lake Nicaragua, where several more bodies were found. At the bottom of the crater of the Santiago volcano, near Managua, ten to fifteen bodies were sighted. Thirteen more were discovered in a mass grave in Catarine, a small town near Masaya. Approximately two hundred were found in a deep well near Leon.

"How many people were killed in this manner? Estimates based on names of prisoners who were captured and then declared missing or dead vary. The CPDH has documented the disappearance and most likely death of 785 persons who were captured by Sandinista authorities from July 1979 through September 1980 * * *" [Humberto Belli, "Breaking Faith," The Puebla Institute, 1985, p. 120]

PROMISE

After the replacement of the Somoza regime, remnants of the National Guard and of the Sandinista armed forces would be formed into a new, non-political national army. This army would maintain a "minimum" permanent establishment. [From the July 12 GRN promises to the OAS]

PERFORMANCE

The new national army was never formed. The Sandinista army continued to function as a Party armed force and in September 1979 was officially named the Popular Sandinista Army (EPS). In the so-called "72 Hour Document" of September 1979, a long term program of the top FSLN leadership, the determination was made to create "an army politicized to an unprecedented degree." [From the document text quote in Shirley Christian, "Nicaragua, Revolution in the Family," p. 151] Already in October 1979, Interior Minister Comandante Tomas Borge stated the Sandinistas' intention to arm a militia of 300,000 men (other descriptions of Sandinista intentions refer to 200,000). This compares to a July 1979 force of no more than 7,500; Somoza's National Guard had fewer than 15,000, including support troops. During this period there were no Contras, and the United States, under the Carter Administration, was the Sandinistas' biggest aid donor. By the end of 1987, regular Sandinista army forces numbered 80,000, plus some 40,000 militia. According to the revelations of Major Roger Miranda (confirmed by Defense Minister Comandante Humberto Ortega), the Sandinistas planned a total military and para-military force of 600,000 by the mid-1990s.

PROMISE

"An independent, non-aligned foreign policy will be followed which will link our country with all nations that respect self-determination and fair mutually-beneficial economic relations." [From the July 12 GRN promises to the OAS]

PERFORMANCE

The first Cuban military and security advisers entered Managua within a week of July 19, the day Sandinista forces entered the capital, possibly as early as the first day; by November there were two hundred of them. Assistance from Panama, which had provided major help to the Sandinistas in overthrowing Somoza, were rejected.

On July 21, the day after the GRN was installed, representatives from two Salvadoran communist guerrilla factions were in Managua to discuss military cooperation and assistance; these two factions joined with three others in May 1980, under Cuban and Sandinista auspices, in what became the Farabundo Marti National Liberation Front (FMLN).

On July 25, prominent junta members traveled to Havana to help Castro celebrate the anniversary of the beginning of his revolutionary movement. On July 27, Nicaragua and Cuba reestablished diplomatic relations, and within weeks relations were established with other Soviet bloc countries.

In early August, Comandante Henry Ruiz travelled to the U.S.S.R., Bulgaria, Libya, and Algeria to conclude and agreements.

By the end of August, hundreds of Nicaraguan children were being sent to Cuba for political indoctrination.

In September 1979, at a speech in Havana, Commandante Daniel Ortega gave a speech condemning U.S. "imperialism" and joining the Soviet Union in support for Vietnam, the Vietnamese puppet regime in Cambodia, other Marxist countries and political movements, and the Palestine Liberation Organization (PLO).

In early 1980, Nicaragua abstained from a United Nations General Assembly vote condemning the Soviet invasion of Afghanistan, even though the vast majority of officially "non-aligned" nations voted for the resolution.

In March 1980, the Sandinistas established Party-to-Party ties with the Communist Party of the Soviet Union. In mid-1981, Defense Minister Comandante Humberto Ortega declared "Marxism-Leninism" the "scientific doctrine" that guides the Sandinista revolution; as of 1984, eight of the nine Sandinista comandantes had directly acknowledged their Marxist-Leninist convictions (the ninth, Henry Ruiz, was sent, on a Cuban passport, to Moscow's Patrice Lumumba University as a youth cadre of the Moscow-line Nicaraguan Socialist Party in 1966 but was obliged to leave due to his excessive views in favor of guerrilla warfare in Latin America).

In late 1981, Sandinista-controlled media were told to take a line against the "counter-revolutionary" Solidarity movement in Poland and only to report "facts" confirmed by the Soviet and Cuban press agencies.

When Leonid Brezhnez died in 1982, Sandinista media praised him and the Soviet Union for their "peace" policies.

The Sandinistas abstained from a U.N. vote in 1982 demanding Soviet withdrawal from Afghanistan and abstained from a 1983 vote condemning the shooting down of Korean Airlines 007 by the Soviets. By 1986, the Sandinistas' voting record in the United Nations was more anti-American than the voting records of Iran, the U.S.S.R., and all of the East European countries with the sole exception of Albania. Judged by U.N. voting record, the Warsaw Pact is more pro-American than Nicaragua is.

PROMISE:

The legislative Council of State established by the GRN would have 33 members representing the broad spectrum of Nicaraguan society, such as political parties (including the Sandinistas), labor unions, business groups, the national university, and the national clergymens' association. [From the July 9 Program of the GRN]

PERFORMANCE

In mid-April 1980, the Sandinistas issued a decree enlarging the Council of State from 33 to 47 members, with a structure guaranteeing the FSLN and FSLN-controlled organizations a majority. The two non-communist members of the GRN, Violeta Chamorro and Alfonso Robelo, resigned in protest.

PROMISE

Guarantees of free expression, religion, association, unions, press, private enterprise, etc. [from July 12 GRN promises to the OAS]

PERFORMANCE

Within a week of taking power, the Sandinistas nationalized banking and foreign trade; this meant that producers of major export commodities like coffee, sugar, cotton, etc. would have to sell to the government, giving the Sandinistas great control over hard currency and reinvestment in Nicaragua. Insurance and mining were nationalized in October and November 1979.

Businesses labeled "Somocista" were widely confiscated in the first weeks after July 19 with loose regard to whether the former owners had been close to Somoza or not; this included about one-fourth of cultivated land, about 130 industries and businesses, houses, estates, and vehicles.

A new Sandinista-controlled labor federation was created, which also seized many businesses; the Sandinista labor federation also attacked the non-Marxist unions as "counterrevolutionaries, thieves, and imperialists" and attacked their organizers. Strikes were banned throughout the country on September 9, 1981.

In late July 1979 the Sandinistas confiscated one of the country's two daily newspapers (the other being La Prensa; a pro-Sandinista third newspaper began operation later) plus all television stations and most radio stations.

In December 1979 a private entrepreneur with a strong anti-Somoza record was re-

fused permission to open a new, independent television station by Daniel Ortega, who stated that television in Nicaragua would belong to the people, not to "millionaires of the bourgeoisie."

In April 1980, a radio newsman was sentenced to six months imprisonment for broadcasts "detrimental to the revolution," though no law making this a crime yet existed.

After anti-Cuban and anti-Sandinista demonstrations in the Atlantic Coast region in September 1980, La Prensa was ordered to not print any news from that region without government approval.

On September 10, 1980, the Sandinistas issued Decrees 511 and 512 making it a crime to publish any information that (in the opinion of Comandante Tomas Borge's Interior Ministry) "jeopardizes the internal security of the country," including information on shortages in staple products or information which might bring about price speculation. Temporary closings of La Prensa begain on July 8, 1981; full prior censorship was instituted in March 1982.

On July 31, 1979, the Nicaraguan Catholic bishops issued a pastoral letter welcoming the overthrow of Somoza and praising the new "spirit of freedom." Another pastoral letter on November 17 commented favorably on socialism if it were to be "an economic system planned with national interests in mind that is in solidarity with and provides for increased participation of the people." [Belli, "*Breaking Faith*," pp. 149-150] Despite the positive attitude of religious leaders, however, in mid-1980 the Sandinistas, under the leadership of Interior Minister Tomas Borge, began to attack the bishops as "the church of the rich." "The campaign escalated from initially mild criticism ('the bishops are too conservative, too fearful of opening themselves up to collaboration with Marxism') to a full-fledged attack ('the bishops are the voice of the bourgeoisie, have fallen into the hands of Reagan's policies, are vain, authoritarian, and counterrevolutionaries: enemies of the people')." [Belli, "*Christians Under Fire*," p. 40]

Meanwhile, the Sandinistas promoted the Liberation Theology-oriented "Peoples Church," giving it a virtual monopoly of religious programming on the increasingly Sandinista-controlled media.

Overt repression began in July 1981, when the Sandinistas banned broadcast of the mass of the Archbishop of Managua. Restrictions were placed on broadcasting by the Church's "Radio Catolica" and on *La Prensa*'s coverage of Church activities. Physical attacks on churchmen began in November 1981 with an attack on Bishop Pablo Vega by a Sandinista mob.

Concurrent with the suppression of independent social activity, the Sandinistas began to build their party-controlled social apparatus. In July and August 1979, the Sandinistas created the Sandinista Defense Committees (CDS's), modelled on Cuba's "Block Committees," as a means of social surveillance and control.

The CDS's work closely with the Interior Ministry's security police, which began to function in late 1979 with unofficial detention centers.

The FSLN also founded new women's, peasants, and youth organizations, and even an organization for small children called the "Carlitos" (after FSLN founder Carlos Fonseca) patterned after the Soviet Union's "Young Pioneers"; other FSLN politicized associations were founded for artists and writers, teachers, newsmen, etc.

Finally, in February 1981, the first Sandinista-controlled mobs (*turbas divinas*, "divine mobs"), used by the Interior Ministry to attack Sandinista opponents, made their appearance.

PROMISE

The July 12 GRN promises to the OAS included a pledge to hold democratic elections. The OAS resolution on June 23, 1979 specifies that these be held "as soon as possible."

PERFORMANCE

For over a year the Sandinistas stalled democratic elements in the GRN with the excuse that elections were not a "priority" compared to the literacy campaign, housing, health care, etc. Finally, in August 1980 Defense Minister *Comandante* Humberto Ortega announced that elections would be held in 1985, with the electoral process not to begin before January 1984. In addition, Ortega pointed out that in the FSLN's view "elections shall be to strengthen revolutionary power, not to raffle it off, for power is in the hands of the people through its vanguard, the Sandinista National Liberation Front and its national directorate [i.e., the nine *comandantes*]."

"Elections" were finally held in November 1984 (earlier than the announced 1985 date), with most democratic parties boycotting rigged procedures and campaign restrictions. Of the seven parties participating in the elections, four, including the FSLN, were Marxist-Leninist; of the other three, one tried to withdraw but was not permitted to get its name off the ballot; the other two represented pro-Sandinista splinters of parties boycotting the elections. Fidel Castro was the only head of state to attend Daniel Ortega's inauguration in early 1985.

That the Sandinistas failed to live up to their initial round of promises should come as little surprise, with some Congressmen even in August 1979, warning of the Sandinistas' communist orientation. But most in Congress seemed willing to close their eyes and hope for the best, while approving the first installment of aid ($75 million requested in November 1979, in addition to the $24.6 million already in the pipeline). And throughout this early period while the Sandinistas were busily abandoning their July 1979 promise, they were also making new ones, promising the same rights and freedoms.

MORE PROMISES

On August 21, 1979, the Sandinistas formally enacted (Decree 52) their Statute on the Rights and Guarantees of Nicaraguans, a "Bill of Rights," covering the standard internationally-accepted individual, civil, political, economic, cultural, social, and other rights.

On September 25, 1979, the Sandinistas ratified the American Convention on Human Rights.

SELF-DELUSION IN CONGRESS

At least one House member found the Sandinistas' adoption of the American Convention on Human Rights especially convincing:

A House Member, September 1979: "(I)n a ceremony September 25 at the headquarters of the Organization of American States here in Washington, the new Government of Nicaragua formally deposited its ratification of the American Convention of Human Rights, also known as the Pact of San Jose. By this act the new Government of Nicaragua undertook a solemn international commitment to respect all fundamental human rights common to the democratic nations of our hemisphere: freedom of the individual, of the press, of religion, and of all others. Equally important, Nicaragua's ratification of the American Human Rights Convention appears in keeping with other actions of the new Government. For a regime that came to power after prolonged and violent revolution, its treatment of former opponents has been unusually humane. There has been no policy of generalized revenge or retribution against the officials of the former regime, such as we have seen in other countries. The Nicaraguan Government has also issued a decree guaranteeing individual rights and has allowed an independent press and radio. As the Miami Herald stated in a recent editorial: 'So far, the new provisional government seems to be stepping carefully toward a more open society than many observers thought possible in that war-torn nation.' The direction Nicaragua's new Government will take over the long run in its domestic and foreign policy is not yet clear. But I believe the commitment to respect human rights that Nicaragua has shown deserves our recognition and support." [Congressional Record, page H-26881, September 28, 1979]

AMERICAN AID SENT TO MANAGUA

American aid ON: By the end of 1979, a total of $48 million in U.S. aid had been provided to the Sandinistas, who rejected offers of U.S. teachers, military trainers, and a large-scale Peace Corps contingent. Before the final aid suspension in April 1981, the U.S. had obligated $129 million in aid to the Sandinistas, of which $94.3 million was delivered. The United States also supported $1.6 billion in loans from other governments and international lending institutions.

MORE PROMISES

On March 12, 1980, the Sandinistas ratified the United Nations International Convenant on Civil and Political Rights, along with it Optional Protocol.

MORE SELF-DELUSION IN CONGRESS

Congressmen wanted to believe the Sandinistas' promises:

A House Member, June 1980: "First, we find that the direction of the new Government in Nicaragua is still to be determined. Most of the leaders are young and groping for direction and while there are Marxist elements present, there also are strong democratic elements which emphatically have not given up their effort to create a free society in Nicaragua. Our second conclusion was that we clearly have done the right thing in approving financial loans to Nicaragua. Every element of Nicaraguan society—including spokesmen for the church, the press, businessmen, and the political parties which oppose the Sandinistas—told us that the $75 million loan from the United States is the single most important contribution which anyone can make toward the establishment of political liberty in Nicaragua and toward improving relations between Nicaragua and the United States. Finally, we would like to report the conclusion that most people in Nicaragua do not want to be dependent upon Cuba. They do want to live in a free society, and we are convinced that—in spite of unfortunate incidents in this history of the bilateral relations between our two countries—there still exists an underlying friendship for the United States." [Congressional Record, page H-14609, June 13, 1980]

Mr. Chairman, this amendment should cause no problems for anyone

who is interested in an honest and fair foreign assistance bill. If you read the foreign aid bill as it stands, and did not understand the situation in El Salvador, you would think Joseph Stalin was alive and running El Salvador as if it were the Soviet Union in the 1930's.

My friends, in case you missed it, United States policy has promoted the consolidation of the democratic political process in El Salvador. With United States encouragement, El Salvador has held six free and fair elections since 1982, all of which were closely scrutinized by hundreds of observers from around the world, including the press. These elections were uniformly judged to have been free and honest. El Salvador reached another milestone in its democratic evolution on June 1 when, for the first time in recent history, power transferred peacefully from one democratically elected President to another. Unfortunately, the foreign assistance bill's El Salvador section fails to mention any of these most encouraging developments.

The foreign aid bill also fails to mention that this young fledgling democracy is at war with a small minority of folks in El Salvador who refuse to join in the democratic process in accordance with the Constitution of El Salvador. Instead, this relatively small group of Marxists, the FMLN, currently is following a policy which seeks to attain the violent overthrow of the democratically elected Government.

The FMLN has embarked on a campaign of threatening and killing democratically elected government officials, not to mention innocent civilians. Mayors, justices of the peace, governors of departments and municipal councils are threatened with death by the guerrillas for allegedly being part of the Government's counterinsurgency plan. For example: From March 1988 to March 1989, the FMLN threatened with death 214 of the 262 mayors in El Salvador. The Communists actually produced a form letter for death threats on FMLN letterhead. It had a blank to fill in with the name of the government official to be threatened. More than 90 mayors resigned rather than submit to revolutionary justice; leftwing death squads killed 10 mayors for failing to resign. All my amendment tries to do is lay some groundwork for the President when he makes his determination on assistance to El Salvador. Please listen carefully to each point in my amendment before making your decision:

First, the current, democratically elected Government in El Salvador is at war with elements which advocate and actively pursue the violent overthrow of the existing Government;

Second, these elements, primarily the Communist FMLN, refuse to participate in the democratic process in accordance with the Constitution of El Salvador, and

Third, these elements have been responsible for countless terrorist attacks killing innocent civilians and democratically elected government officials. Believe it or not, none of this is mentioned in the foreign aid bill. If the American people read this bill as it currently is written, they will understand all the problems that many Members of Congress currently have with the Government of El Salvador. I just hope those same Members do not object to having the whole story told.

Amendment to H.R. 2655, as reported offered by Mr. BURTON of Indiana: Page 454, after line 24, insert the following:

(d) COMPLIANCE WITH 1979 OAS RESOLUTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to the Congress a report on compliance by the Government of Nicaragua with the resolution adopted on June 23, 1979, by the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, which calls for, among other things, "respect for human rights of all Nicaraguans without exception" and "the holding of free elections as soon as possible".

Amendment to H.R. 2655, as reported offered by Mr. BURTON of Indiana: Page 435, line 14, after "conflict" insert "in accordance with the Constitution of El Salvador"; and page 436, line 15, after "Salvador" insert "in accordance with the Constitution of El Salvador".

Mr. Chairman, do you remember the oath we all took at the start of the 101st Congress? "I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic. * * *" I can't imagine that any of my colleagues would expect the democratically elected members of the Salvadoran Legislative Assembly to do any less.

All my amendment does is add to the language of the foreign aid bill, which currently reads: The President is to determine that the Government and Armed Forces of El Salvador are willing and actively seeking to achieve an equitable political settlement of the conflict in El Salvador, my amendment just adds "in accordance with the Constitution of El Salvador." That's all my amendment says.

Since the Constitution was ratified in 1983, by a popularly elected assembly, it has helped to facilitate six free and fair elections. I don't think anyone in this body would encourage the Government of El Salvador to negotiate a political settlement which would subvert or suspend the Constitution which the people of El Salvador have worked so hard to achieve. Imagine, a third country telling the United States that it must negotiate with its enemies and be willing to toss out our Constitution of 200 years in the process.

Many people in El Salvador have given their lives to defend the rights and freedoms contained in their Constitution.

Again, my amendment just points out that the United States encourages an equitable political settlement of the conflict in accordance with the Constitution of El Salvador. This body would never accept any thing less for the United States, so I hope my colleagues will be consistent and vote for my amendment in support of the Constitution of El Salvador.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in support of the en bloc amendments to title VII of the foreign assistance bill.

Specifically, I urge support for my amendment, which expresses the sense of Congress that the proposal for a regional multilateral antinarcotics force be endorsed and that the United States should work through the U.N., the Organization of American States, and other multilateral organizations to determine the feasibility of such a force, and if feasible, to help establish the strike force.

The concept of a multilateral antidrug military force is not new. Support for such an effort was included in the Anti-Drug Abuse Act of 1988, which was signed into law by President Reagan last November.

However, the recent endorsement by the Prime Minister of Jamaica, Michael Manley, of an international antinarcotics force that could interdict drugs, and mount paramilitary-style attacks against traffickers, has energized the effort to bring together a hemispheric force. Prime Minister Manley is to be commended for his efforts and hopefully, under his leadership and that of other leaders from the Americas, such a multilateral strike force will be created to effectively combat the international drug syndicates.

Mr. Chairman, if we want to win this war against the drug traffickers we must escalate our efforts. A multilateral drug force would provide the kind of capabilities that are desperately needed in the struggle against the illicit production and trafficking of dangerous drugs. The traffickers are highly organized, have virtually limitless resources, and have consistently demonstrated an ability to bribe, threaten, or kill anyone who stands in their way of conducting their deadly drug activities.

Accordingly, I urge my colleagues to support this amendment.

□ 1740

The CHAIRMAN. The question is on the en bloc amendments offered by the gentleman from Florida [Mr. FASCELL].

The en bloc amendments were agreed to.

EN BLOC AMENDMENTS OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer en bloc amendments.

The CHAIRMAN. The Clerk will designate the en bloc amendments en bloc.

The text of the en bloc amendments is as follows:

En bloc amendments offered by Mr. FASCELL: Page 502, after line 9, insert the following:

SEC. 830. ASSISTANCE FOR LEBANON.

Of the amounts made available for development assistance or economic support assistance under the Foreign Assistance Act of 1961, not less than $7,500,000 for fiscal year 1990 and not less than $7,500,000 for fiscal year 1991 shall be available only for Lebanon.

Page 508, after line 21, insert the following:

SEC. 845. RETURN OF REFUGEES TO NEW FAMAGUSTA (VAROSHA).

(a) FINDINGS.—The Congress makes the following findings:

(1) The 1974 invasion of Cyprus resulted in the displacement of over 150,000 Greek Cypriots from the north of the island, 35,000 of whom were refugees from the city of New Famagusta (Varosha). That city is now empty and is falling into disrepair with the resultant loss of billions of dollars in property and city services.

(2) In 1984, New Famagusta was placed under United Nations administration by Security Council Resolution 550, which forbids any attempt to settle any part of the city by people other than its former inhabitants. That resolution has yet to be implemented.

(3) Past proposals by both Cypriot communities regarding the return of the refugees to the city of New Famagusta represent a positive step which should be pursued by appropriate officials in the context of current United Nations-sponsored talks.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should, as a matter of priority, undertake a new initiative in the United Nations designed to promote the resettlement of New Famagusta by its former inhabitants;

(2) the United States should encourage the Secretary General of the United Nations to work with the international community to bring about the effective implementation of United Nations Security Council Resolution 550; and

(3) the United States should express its deep concern to the Secretary General about the presence in New Famagusta of people other than its former inhabitants.

Page 509, strike out line 11 and all that follows through line 5 on page 510; page 510, line 6, strike out "(d)" and insert in lieu thereof "(b)"; beginning in line 11, strike out "Not late than February 1 each year," and insert in lieu thereof "At the end of each fiscl year in which the United States Government makes any contribution to the International Fund (but not later than December 31),"; and page 511, strike out lines 11 through 25 and insert in lieu thereof the following:

"(b) INDEPENDENT REVIEW OF THE FUND.—The reports submitted pursuant to subsection (a) shall discuss the results of any independent reviews that have been conducted of the programs and projects supported by the International Fund, with particular regard to the achievement of the objectives specified in paragraphs (1) through (5) of subsection (a).".

Page 511, after line 25, add the following:

SEC. 862. HUMAN RIGHTS IN YUGOSLAVIA.

(a) FINDINGS.—The Congress finds that—

(1) the United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

(2) the Department of State's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards, including infringment upon and abrogation of the rights of assembly and fair trial, freedom of speech, and freedom of the press.

(3) the Country Report also indicates that these human rights violations are targeted at certain ethnic groups and regions, most particularly against the ethnic Albanians in the Socialist Autonomous Province of Kosovo;

(4) the human rights of all ethnic groups in Kosovo must be preserved;

(5) those human rights violations, in addition to recent actions taken to limit the social and political autonomy of Kosovo, have precipitated a crisis in that region;

(6) the response of the Government of Yugoslavia to that crisis was a police crackdown that led to the deaths of many civilians and police officers, the wounding of hundreds more, and the imprisonment of additional hundreds;

(7) these human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia, which have been the guiding principles of Yugoslavia since 1945; and

(8) the European Parliament of the European Community has condemned these actions by the Government of Yugoslavia.

(b) STATEMENT BY THE CONGRESS.—The Congress—

(1) expresses concern regarding human rights violations by the Government of Yugoslavia and its repressive handling of the crisis in the Socialist Autonomous Province of Kosovo;

(2) urges the Government of Yugoslavia to take all necessary steps to assure that further violence and bloodshed do not occur in Kosovo;

(3) urges the Government of Yugoslavia to observe fully its obligations under the Universal Declaration of Human Rights and the Helsinki Final Act to assure full protection of the rights of the Albanian ethnic minority and all other national groups in Yugoslavia;

(4) requests the President and the Department of State to continue to monitor closely human rights conditions in Yugoslavia; and

(5) calls upon the President to express these concerns of the Congess through appropriate channels to representatives of Yugoslavia.

Page 511, after line 25, add the following:

SEC. 863. USE OF FORCE IN SOVIET GEORGIA.

(a) FINDINGS.—The Congress finds that—

(1) the roots of Georgian national identity date back 2000 years;

(2) the people of the Georgian Soviet Socialist Republic continue to demand self-determination, as evidenced by the creation of the National Democratic Party of Georgia;

(3) the expression of these demands over the past 2 years by the people of Georgia has caused the expulsion of popular leaders from the Soviet Union, such as Tengiz Gudava;

(4) the people of Georgia expressed their continuing desire for self-determination through demonstrations in Tbilisi, in which thousands participated on April 9, 1989;

(5) these peaceful demonstrations were met by Soviet troops, supported by tanks and armored personnel carriers, which swept into the crowds of demonstrators and, using clubs and spades, caused 20 fatalities and over 200 injuries; and

(6) officials of the Georgian Health Ministry are reported to have said that the Soviet troops also used a poisonous gas that causes nerve paralysis, delirium, and heart failure against the peaceful demonstrators in the Tbilisi demonstrations.

(b) STATEMENT OF THE CONGRESS.—The Congress—

(1) condemns the use of excessive and lethal force by Soviet troops in responding to the peaceful demonstrations of April 9, 1989, in Tbilisi, Georgian Soviet Socialist Republic;

(2) urges the Soviet Union—

(A) to investigate allegations of the use of toxic chemical agents against the demonstrators in Tbilisi; and

(B) if the allegations are found to be true, to take steps to prevent the recurrence of such use of toxic chemical agents;

(3) supports the demands of the people of Georgia for human rights, as guaranteed by the Universal Declaration of Human Rights and the Helsinki Final Act (to which the Soviet Union is a party); and

(4) urges the Soviet Union to heed the demands of the people of Georgia and to guarantee the Georgian people their right to human rights and fundamental freedoms.

Page 511, after line 25, add the following:

SEC. 864. IMPORTATION OF CERTAIN DEFENSE ARTICLES FROM POLAND AND HUNGARY.

(a) PERMISSIBLE IMPORTS.—The authorities of section 38 of the Defense Trade and Export Control Act may not be used to prohibit the importation into the United States, by a museum or educational institution described in subsection (b), of any defense article from Hungary or Poland if it—

(1) was manufactured at least 25 years before its importation into the United States;

(2) was imported into the United States before June 30, 1989;

(3) has been disabled so that no weapon or weapons system is functional; and

(4) is used only for display to the public, by the museum or educational institution, for educational purposes.

(b) QUALIFIED MUSEUMS AND EDUCATIONAL INSTITUTIONS.—Subsection (a) applies only to a museum or educational institution that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(c) DEFINITION.—For purposes of this section, the term "defense article" means a defense article designated under section 38(a) of the Defense Trade and Export Control Act.

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 10 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, this en bloc amendment pursuant to the rule includes six amendments that have been worked out. One is the Oakar amendment on Lebanon; one is the Broomfield amendment and Lantos-Broomfield amendment on violations of human rights, one is the McEwen amendment condemning use of force and poison gas by Soviet troops; another is the Dornan proposal for removal of the prohibitions on importations from Poland and Hungary, and the other is on an independent review of programs and projects supported by the International Fund for Ireland.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I thank the gentleman for yielding and thank the distinguished subcommittee chairman, the gentleman from Indiana [Mr. HAMILTON], and the members of the minority and others for including this amendment related to humanitarian aid for people in Lebanon which provides for $7.5 million in fiscal year 1990 and $7.5 million in fiscal year 1991.

Mr. Chairman, I know of no other country that has been invaded or occupied and has a third of its population as refugees than Lebanon. It has been exploited with movements in arms and, Mr. Chairman, the people themselves, the people of Lebanon really want peace. They want harmony and they want to be a sovereign, independent, unified country. They want their leaders to put down their arms. They want all of the countries and movements to quit exploiting them, so it is important to have this amount for those needs.

Mr. Chairman, I could go on into the details related to the number of deaths and the number of wounds and so on, but I think more importantly, it is an important symbol that our country go on record as supporting these people and saying that our country supports the people of Lebanon themselves in their quest for independence, peace, and improvement in their human condition.

So I urge support for this en bloc amendment, and I want to urge our country to continue efforts to bring about stability to these deleaguered people and this beleaguered country.

Again I thank the distinguished chairman and members of the subcommittee on both sides for their kind work and also their staff and my staff.

I thank the chairman again for yielding and know that this is an important symbol for those poor people in that great country.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I am pleased to rise to express my support for these en bloc amendments to title VIII of H.R. 2655, and I commend the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL]; the distinguished ranking Republican of the committee, the gentleman from Michigan [Mr. BROOMFIELD]; and the chairman of the Subcommittee on Europe and the Middle East, the gentleman from Indiana [Mr. HAMILTON] for their work in preparing these amendments.

Let me begin by voicing support for $7,500,000 in Economic Support Assistance for Lebanon. Syrian intransigence in that nation has resulted in the needless loss of life of thousands of individuals caught in the midst of the tumult and misery that has proceeded for far too long.

The next important issue in the en bloc calls for the implementation of the 1984 United Nations Security Council Resolution 550, which forbids any attempt to settle any part of the city of New Famagusta by people other than the city's original inhabitants.

The 1974 invasion of Cyprus resulted in the displacement of over 150,000 Greek Cypriots from the north of the island. Thirty-five thousand of these individuals were refugees from the city of New Famagusta (Varosha). That city is now empty and falling into disrepair with the resultant loss of billions of dollars in property and city services.

The United Nations resolution is a positive step which should be enacted immediately. I would like to commend the distinguished ranking minority Member [Mr. BROOMFIELD] for his leadership on this issue. I can only say that I share his sentiments.

The Other amendments are significant as well. I have long been an advocate of the oppressed ethnic Albanians in the Kosovo province of Yugoslavia, and I support the language regarding that issue in the these en bloc amendments.

I would like to conclude by sharing with the distinguished Speaker of the House my sentiments about the International Fund for Ireland.

First, let me say that I have followed this issue most closely in my dual capacity as ranking Republican on the Europe and Middle East Subcommittee and as co-chairman of the ad-hoc committee on Irish Affairs.

Our committee has been disturbed by allegations that the fund was not being implemented as it was originally intended—that is to provide funds to develop the poorest areas in Northern Ireland. For that reason, I offered an amendment to provide an independent audit provision for the fund. After a great deal of work, I was under the impression that we has reached compromise language that was acceptable to everyone. Obviously, I was mistaken.

I would just like to note that I will be pleased and willing to support any initiatives which will to help bring peace and tranquility to a land plagued for too long hate, mistrust, antipathy, and violence.

Mr. Chairman, I am pleased to support these amendments.

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan, [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I want to compliment my friend, the gentleman from New York, [Mr. GILMAN] and also the gentleman from Indiana [Mr. HAMILTON] for their work in putting the New Famagusta amendment in the en bloc amendments.

Mr. Chairman, the sense of Congress amendment included in the en bloc amendment we are considering is simple and to the point. It calls upon the administration to launch a new initiative at the United Nations to urge the resettlement of the abandoned city of New Famagusta—Varosha—in northern Cyprus.

Now is the time for the administration to put the refugee issue on the front burner. We must call for the implementation of the United Nation's Security Council resolution, which would allow the United Nations to control New Famagusta, to administer that city and to protect its inhabitants, before it is too late.

Time is a critical factor in resolving the New Famagusta question. Recent events prove my point. Although the leader of the Turkish community on Cyprus was never enthusiastic about resettling Greek Cypriots in that city, he recently showed great interest in the Turkish refugee issue. He proposed that some of the 65,000 Turkish refugees who were driven out of Bulgaria settle in New Famagusta for a period of time. This ill-timed proposal clearly highlights the importance of this amendment and the need to quickly resolve this issue.

One of the lingering tragedies of the invasion of Cyprus is the abandoned city of New Famagusta. Those military operations displaced over 150,000 Greek Cypriots who are now refugees in this own land—35,000 people were forced out of New Famagusta. They have not been allowed to return to their homes since that time.

New Famagusta was once a lovely seaside town. It is now empty and its hotels and homes are crumbling. A number of Turkish Cypriot students occupy a few of the hotels. Both Greek and Turkish Cypriots have expressed a desire to return to their birthplace.

The United Nations Security Council responded to threats that New Famagusta would be settled by outsiders by

passing resolution 550. That resolution forbids the settlement of the city by people other than its original inhabitants, and calls for the transfer of the area to the administration of the United Nations. The U.N.'s call for resettlement has, however, been ignored.

My amendment calls upon our Government to begin a new initiative at the United Nations to promote the resettlement of that city. The successful return of refugees to New Famagusta would be a small, but an important first step along the road to peace in Cyprus.

I urge you to support my amendment.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS].

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, I thank the gentleman from New York for yielding time to me.

I rise first of all in support of this en bloc amendment, but I wish to congratulate the chairman of the committee who has been very fair and very considerate of all of the members of the committee in allowing us a part of the action, and of course the ranking minority member.

Having visited the camps in Cypress as well as Southeast Asia from Thailand on the border of Laos, and having taken supplies down to Central America for the refugee camps there for the last 4 years on my own time and money with supplies collected, over $2.5 million from the people of the United States, I would like to say that this is one of the rare moments of pleasure I gain on this floor and in this body in being able to help those people who are far less fortunate than we, the citizens of America.

□ 1750

And it was with great pleasure that I support the en bloc concept that allows us to address refugees around the world. My only regret, Mr. Chairman and Members of the Congress, is that we do not yet do enough to resettle those refugees waiting to gain entrance to the United States from all around the world. We have a tremendous responsibility, I think, specifically for the Southeast Asiatics, the Amerasians, the young people born out of the war in Vietnam. We have not yet addressed that. I hope we can do so.

Mr. GILMAN. Mr. Chairman, I have no further requests for time.

Mr. BROOMFIELD. Mr. Chairman, as an original cosponsor of this amendment, I want to salute Congressman LANTOS for his leadership on the issue of human rights.

The plight of the ethnic Albanian community in Yugoslavia deserves the attention of all of us here today. Recent violence in the Province of Kosovo has left scores dead, hundreds injured and thousands in detention. I am fed up with the unwillingess of Yugoslav officials to stop the human rights violations in Kosovo. It is time for the American Congress to stand up and be heard on the issue of basic human freedoms in Yugoslavia. This amendment is a good vehicle for expressing our deep concerns about the tragedy of the Albanian community in that country.

This resolution urges the Yugoslav Government to stop the ethnic strife and violence in Kosovo and observe that nation's obligations under international human rights accords. It is time for the Government of Yugoslavia to find a solution to its current problems that respects the rights of all groups in that multiethnic nation. Although our Government officially documented recent clashes in Kosovo and protested the deaths of scores of innocent Albanians there, much more must be done by America. We must strongly protest the systematic violation of the rights of the ethnic Albanian community in that country.

America cannot and will not turn its back on violations of fundamental human freedoms anywhere in the world. I encourage my colleagues to support this timely amendment.

Mr. YATRON. Mr. Chairman, I rise in support of the Broomfield amendment concerning New Famagusta which is contained in the en bloc amendment. I want to commend the gentleman from Michigan for his unwavering commitment to promoting a settlement on Cyprus.

Mr. Chairman, as we consider this amendment, the President of the Republic of Cyprus, George Vassiliou and the leader of the Turkish Cypriot community, Mr. Denktash are meeting with U.N. Secretary General Perez de Cuellar in New York. These talks, sponsored by the United Nations, are designed to establish a framework in which both communities on Cyprus can negotiate a political settlement which will unite this divided nation.

The gentleman's amendment in no way prejudges the U.N.-sponsored talks. Moreover, the issue of transferring New Famagusta to U.N. control is consistent with the 1979 high-level agreement of principles on Cyprus as well as U.N. Security Council 550.

Mr. Chairman, Congress needs to continue to focus international attention on the Cyprus dispute. In light of the fact that protracted disputes around the globe are moving toward peaceful settlements, there is no reason why the United States should not promote a settlement on Cyprus which will result in the withdrawal of Turkish forces.

Mr. CHANDLER. Mr. Chairman, today I join the gentlelady from Maryland, Mrs. BYRON, in offering the democracy in Nicaragua amendment and thank the chairman for including it in the en bloc amendment.

With the signing of the Tesoro Beach accord by the Central American Presidents and passage of the bipartisan accord on Central America, we in Congress need to clearly state the reforms needed to ensure free and fair elections in Nicaragua next year.

Summary executions of suspected Contra supporters in the countryside, and summary rejection of opposition demands in the capitol are not what we had in mind when we negotiated the bipartisan agreement with the administration.

Since April 25, the first deadline under the Tesoro Beach accord, the Sandinistas have not complied with the promises they made.

Our amendment establishes several important standards for evaluating democratization in Nicaragua under the Guatemala peace accord. Among them are: separation of the party from the state security forces and army; the rights of opposition parties to meet and organize; full freedom of the press; and equal rights for Atlantic Coast and Indian peoples.

These principles and others, the amendment states, should be adopted by all countries in the region. But in the case of Nicaragua, they are essential for fully free and fair elections next February.

We need a clear, definitive scorecard for Sandinista compliance with the promises they have made. As the bipartisan accord makes clear: "to be successful, the Central American peace process cannot be based on promises alone. It must be based on credible standards of compliance [and] strict timetables for enforcement."

Unfortunately, Sandinista actions over the past few months have demonstrated a total contempt for the agreements they have signed.

President Ortega and the Sandinista legislature have passed an electoral law that is a cruel joke. It forces the opposition to compete on an uneven playing field and rigs the Supreme Electoral Council with a majority of Sandinista loyalists and lackeys.

The new media law is even worse. It codifies more restrictions on free speech than the law it was supposed to reform.

When Ortega was criticized by the opposition for not negotiating in good faith, his response was simple. "I want to state here that we are not willing to continue participating in senseless discussions with the opposition parties," he said. "The opposition parties must understand that this little game is over."

Well Mr. Ortega, this little game is not over. The Nicaraguan people and the Members of this body are not so easily intimidated, nor are we so easily fooled.

In December 1987, our amendment was attached to the foreign aid authorization bill for fiscal year 1988. Our overwhelming victory of 346–58 sent a clear message to the Sandinistas that the House of Representatives will not accept a facade of democracy to cover the infrastructure of dictatorship. Unfortunately, that bill was not enacted into law.

The amendment was introduced in the last Congress and had over 80 cosponsors, including 39 Democrats and 9 chairmen.

It is clear that a specific list of reforms the Government of Nicaragua must undertake is needed now more than ever.

Mr. FEIGHAN. Mr. Chairman, I rise in strong support of the Broomfield amendment and I commend the gentleman from Michigan for offering this important and timely amendment.

Fifteen years ago, 150,000 Greek-Cypriot inhabitants of the seaside town of Varosha were forced to flee following the Turkish invasion of the northern third of Cyprus. For years, the town remained uninhabited. It soon becamse a symbol of the unresolved conflict that continues on that island republic.

In 1984, the U.N. Security Council passed Resolution 550 calling for the city to be placed under U.N. auspices for the purpose of resettlement by its original Greek-Cypriot in-

habitants. The amendment before us expresses the sense of Congress that the United States should take steps at the United Nations to see that this resolution is implemented.

Not too long ago, we heard reports of dependents of Turkish troops living in several buildings in Varosha. At that time, I joined Mr. BROOMFIELD and Chairman FASCELL and a number of other colleagues in writing to then-Secretary George Shultz regarding this violation of Security Council Resolution 550.

The amendment before us amplifies that concern. It also becomes timely in view of remarks made by the Turkish-Cypriot leader, Rauf Denktas, regarding the settlement of Turkish refugees now fleeing repression in Bulgaria. Late last week, Mr. Denktas offered to resettle Turkish refugees on Cyprus. While one may understand Mr. Denktas' humanitarian concern for the Bulgarian Turks, his offer interjects a canard into the Cyprus equation on the eve of a key meeting between Denktas and President Vassiliou of Cyprus.

For his past, Prime Minister Olzal of Turkey, apparently realized the danger in Denktas' offer and indicated that mainland Turkey will absorb these new refugees and that there are no plans to use the north of Cyprus for this purpose.

Many Members of Congress have viewed the bicommunal talks that have occurred over the last year as the most promising avenue for achieving a lasting solution on Cyprus. The Broomfield amendment speaks to an important element of that process. But, I think it is the hope of the sponsor and the supporters of this amendment that progress on the Varosha issue could be the stepping stone to a broader agreement on a range of issues that have kept the island divided for 15 years.

I think the amendment sends that message and I commend the gentleman for offering it. I urge my colleagues to support it.

Mr. BONIOR. Mr. Chairman, I rise in strong support of the Oakar amendment. For the past 15 years, Lebanon has been battered by both foreign intervention and internal strife. Many people have been reduced to a survival existence. The violence gripping Lebanon has claimed over 390 lives since March of this year alone. In addition to the killings, over 1,200 people have been injured by indiscriminate shellfire and shooting. Most of these casualties and fatalities are innocent civilians. I believe that the United States must not turn its back on the people of Lebanon who so desperately need our help.

There is an enormous need for emergency and rehabilitative medical care in Lebanon. Medical supplies have reached dangerously low levels. In addition, the fighting has devastated all aspects of that country's economic infrastructure. It will take years to rebuild Lebanon to the prosperous nation it once was.

This amendment would earmark $7.5 million in humanitarian aid to Lebanon for both fiscal years 1990 and 1991. The aid would go to private voluntary organizations that can best deliver the assistance. These organizations include Catholic Relief Services, Save the Children, and the World Rehabilitation Fund. This money would also go to the American University Hospital in Beirut.

Until peace can be achieved, we must, at the very least, try to alleviate the suffering of the Lebanese people. Mr. Chairman, let us extend a helping hand to a fellow democratic nation in its hour of darkness. Let us show, in this House, the traditional compassion of the American people in the face of human suffering. And let us demonstrate our commitment to peace in that deeply troubled country. I urge my colleagues to vote for the Oakar amendment.

Mr. RAHALL. Mr. Chairman, I rise in strong support for the amendment offered by my good friend from Ohio, Congresswoman OAKAR, and commend her for bringing this important matter to the attention of the House. The amendment earmarks $7.5 million for economic support assistance for humanitarian aid to the people of Lebanon for both fiscal year 1990 and fiscal year 1991. This amendment will improve the bill, which currently only addresses the tragic situation in Lebanon with report language merely recommending $2 million for economic assistance in fiscal year 1990 and $4 million in fiscal year 1991.

Since mid-March of this year, the people of Lebanon have been subjected to a reign of suffering and destruction of horrifying proportions, even within the context of Lebanon's 15-year-old period of unrest and upheaval. The United States can no longer ignore this tragic situation. Too many civilians have died and too many continue to exist under unbelievable circumstances, living in bomb shelters with limited, inadequate supplies of food, water, fuel, and electricity. Medical supplies are seriously depleted and many hospitals in Beirut have sustained critical damage since the shelling began more than 3 months ago. Life for the Lebanese is extremely difficult and very dangerous.

We in this country pride ourselves on our fine record of humanitarian assistance, and our reputation for helping innocent civilians suffering under forces beyond their control. The United States must now continue its traditional humanitarian efforts by providng these funds for economic support assistance for humanitarian aid. This aid would be administered by AID through appropriate international organizations and private voluntary organizations.

Beyond the compelling humanitarian reasons to assist the Lebanese during this current period of crisis, we must keep in mind that Lebanon has historically been a good friend of the United States and it is in our best interest to do all we can to help the Lebanese people help themselves end these hostilities and resolve their political conflicts.

I urge the adoption of this reasonable but critical amendment.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey [Mr. SMITH]. I am pleased to join with him and with the gentleman from Virginia [Mr. WOLF] in bringing this bipartisan amendment to the floor.

Since 1985, these colleagues of mine and I have been following human rights conditions in Romania under the rule of the Ceausescu regime. We joined with colleagues in the other body to offer bipartisan, bicameral initiatives to call attention to the various forms of repression carried out by the Government of Romania against its people. One of these initiatives was legislation to suspend for 6 months the most-favored-nation [MFN] trade status for Romania. Both the House and Senate adopted by large margins our amendments to suspend MFN temporarily until human rights conditions improved. However, our efforts were superseded by the decision of the Ceausescu government itself not to seek a continuation of MFN trade benefits. When this action occurred last year, it was becoming increasingly evident that both the Congress and the administration were moving toward a united policy of rejection of MFN for Romania.

Despite the glasnost movement in the Soviet Union and the promising developments occurring in Eastern bloc nations like Hungary and Poland, the Romanian people continue to suffer under a brutal and insensitive government. Years ago, the Ceausescu regime sought to portray itself as the Eastern bloc government that was independent-thinking, progressive, and open to the West. Today, this image-building effort has failed, and Romania is regarded as the most oppressive and economically backward Communist nation in Eastern Europe.

For Romanians, the reality of daily life includes harassment by the secret police, curtailment of religious freedom, destruction of ethnic identities, bulldozing of rural villages and houses of worship, food shortages, lack of heat and light, difficulties in seeking to emigrate, and the ever-present Ceausescu cult of personality.

The bulldozing of ethnic Hungarian villages in Transylvania and the campaign to destroy the cultural identity of the Hungarian minority have forced thousands to flee to neighboring Hungary. It has been an amazing and unprecedented spectacle: Citizens from one Eastern bloc nation fleeing to another in search of more freedom. Yet this spectacle now has been compounded by Romanian efforts to seal the border with Hungary. According to Hungarian reports, a 7-foot fence has been erected along 90 percent of the border. While our President calls for the hated and discredited Berlin wall to be torn down, a new "Berlin wall" is being erected between two Communist nations.

Last year, the House of Representatives passed House Resolution 505, a resolution condemning the systematic violation of internationally recognized human rights by the Government of Romania. It is clear that conditions have worsened in Romania since the passage of this resolution last October, requiring further responses from the United States and allied nations.

The amendment before us expresses the sense of Congress that the United States should impose sanctions against all Romanian food and agricultural products. This food should remain for the Romanian people, who face food lines and shortages.

The amendment further calls upon the President to consult with allied countries to develop a coordinated policy to impose sanctions against Romania, particularly sanctions against food and agricultural products.

I believe this amendment provides an excellent opportunity for a renewed expression of concern by the Congress about deteriorating human rights and economic conditions in Ro-

mania. Although the amendment by itself cannot create the sanctions, it serves to put the Congress firmly on record behind an escalated response to the ongoing abuses of the Ceausescu regime. Such a response is urgently needed from the United States and from all nations that cherish freedom.

I urge my colleagues to vote in favor of this amendment.

The CHAIRMAN. The question is on the en bloc amendments offered by the gentleman from Florida [Mr. FASCELL].

The en bloc amendments were agreed to.

The CHAIRMAN. Are there further amendments to title VII?

AMENDMENT OFFERED BY MR. TORRICELLI

Mr. TORRICELLI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TORRICELLI: Page 454, after line 24, insert the following: (d) REPORTS ON ASSISTANCE TO INFLUENCE ELECTIONS.—Not less than 15 days after the end of each month, the head of any agency of the United States Government which expended any funds during that month in order to influence, directly or indirectly, the 1990 elections in Nicaragua shall submit an unclassified report describing those expenditures to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Mr. TORRICELLI. Mr. Chairman, my amendment is not an attempt to prohibit democratic nations from assisting the opposition in Nicaragua. It is certainly not an attempt to prohibit help in conducting those elections. We believe in them.

We believe they should be conducted fairly and we support them.

What my amendment seeks to do is to recognize that the United States support for democratic elections and secret campaign funding are a contradiction in terms.

This Congress established the National Endowment for Democracy for these very purposes. In fiscal year 1990 we will approve over $2 million for these very purposes. Those sums will go to support La Prensa, civic education and training, an independent radio station, women and youth groups, get-out-the-vote training programs, and voter registration.

Additionally the Center for Democracy has approved $250,000. An additional $500,000 has been appropriated by Capital for Other Electoral Purposes.

Mr. Chairman, this Congress and this country is an important part of democratic elections in Nicaragua. But to add to these funds the prospect of secret campaign contributions would damage all that we seek to do by the endowment. Perhaps, Mr. Chairman, La Prensa has said it best. In a recent editorial they noted:

What more could Daniel Ortega want than to cry out to the world that the CIA is helping the opposition and that the democratic opposition is a kind of civilian contras, that it sold itself to imperialism.

La Prensa said it right. America should promote democracy in Nicaragua by example.

I urge my colleagues to support my amendment. Vote "Yes;" do not contradict all the Endowment seeks to do by providing for the prospects for secret funding for elections. We would not tolerate that in American electoral campaigns; Nicaragua would not tolerate it either. By allowing for the possibility no less the prospect of secret campaign funding for the opposition in Nicaragua we do great harm to those who will have joined the elections that are now scheduled.

Support this amendment, support those who are in the opposition. Do not give Daniel Ortega something to run his campaign on.

Oppose this amendment and defeat it and you have given the Sandinistas the opening platform in their campaign.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, I oppose the amendment by the gentleman from New Jersey [Mr. TORRICELLI]. I would suggest it contravenes if not the letter, the spirit of the bipartisan accord. It is contradictory to require unclassified reports on intelligence activities which rightly should be confined to the intelligence committees themselves.

Critics of military aid to the Contras should be encouraging efforts to promote elections in Nicaragua and should be seeking ways to ensure that funding for opposition parties and non-Government media are received. Under Sandinista laws and regulations, uncensored media news and political party operations are severely limited.

If we are truly interested in seeing free and fair elections in Nicaragua as we all say we are, we should not be helping the Sandinistas to stack the deck against the opposition as the Torricelli amendment would do.

AMENDMENT OFFERED BY MR. HYDE TO THE AMENDMENT OFFERED BY MR. TORRICELLI

Mr. HYDE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE to the amendment offered by Mr. TORRICELLI: In the text of the amendment, strike out the word "unclassified", and strike out "Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate" and in lieu thereof insert "appropriate committees of the Congress".

Mr. HYDE. Mr. Chairman, this is a very mischievous amendment. I am really surprised to see it offered to this bill because it is an expression of no confidence in the House Permanent Select Committee on Intelligence, which I would remind the Members is composed of 12 Democrats and 7 Republicans. The Democrats are indeed an eclectic group, hardly hardline conservatives, and a very fair balance. But this amendment offered by the gentleman from New Jersey says that the head of any agency of the Unite States Government which expends any funds during that month, in order to influence directly or indirectly the 1990 elections in Nicaragua shall submit an unclassified report describing those expenditures to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Well, the problem with that is, of course, it would foreclose any assistance at all to the up to 14 political parties in Nicaragua that are not under the thumb of the Sandino Communists.

Now the National Endowment for Democracy gave aid in Chile to the anti-Pinochet forces and, what do you know? The anti-Pinochet forces won an election and that country is going forward toward democracy.

Why the protection, why the special consideration for the Sandino Communists? I do not know. The only country in the world where effectively, de facto, we are not going to be permitted to assist in helping obtain free and fair elections? Do not deceive yourselves about free and fair elections. It is already one of the most rigged elections in history. The electoral commission is stacked for the Sandinistas.

Any money that comes in from the outside, if they permit any, 50 percent of it goes to the Sandinistas. So any funds that go in to assist these poor people trying to fight for decency and democracy, half of it goes to the Sandinistas.

The propaganda issued by the Sandinistas paints the National Endowment for Democracy as a CIA front. So this is absurd.

Now I would remind my colleagues that this country, America, has given aid to freedom fighters and forces of democracy in history before and very successfully.

In Italy, I might mention, during the Truman administration; that country would be Communist today if we had not attempted to offset the funds that the Soviets were pouring in to support the Communist Party.

If Mr. TORRICELLI's amendment is adopted, the Communists will continue to shovel it into the Sandinistas as they are doing, as we speak, but we will be effectively prohibited because what person in Nicaragua would take money overtly to influence an election and be hounded and intimidated and labeled as a CIA operative?

□ 1800

So it is just foolish.

Now, if there is a covert program in Nicaragua, and we do not know that there is, and we do not say that there is, but if there is, it is the business of the Permanent Select Committee on Intelligence, not the Committee on Foreign Affairs, not the Committee on Foreign Relations. It is the Select Committee on Intelligence, which is well balanced, which is dominated by the majority party, and which can be trusted by the Members of this House. Not the far left, I will grant that. They will never trust anything that they are not driving and controlling, but I am suggesting to people who are reasonable that this amendment of Mr. TORRICELLI's is unreasonable, and I know it is hard to reason people out of an opinion that they have not been reasoned into in the first place.

I suggest to Members that my amendment corrects the fatal defect in the amendment by the gentleman from New Jersey, Mr. TORRICELLI. My amendment strikes out the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. It does say we will not make these reports, but it says they should be made to the appropriate committees of the Congress. That reinstates, that revives, that resuscitates the Permanent Select Committee on Intelligence, both in the House and the Senate, to receive these reports which ought to be classified.

Now I suggest to Members we had a bipartisan accord. We are trying to work in a bipartisan fashion to support democracy and freedom and human dignity in Central America. The gentleman's amendment torpedoes and guts any effort to even up the balance down there. The Soviets have a free hand.

I hope Members will support my substitute.

Mr. FASCELL. Mr. Chairman, I strike the requisite number of words.

I want to be sure what the amendment to the amendment does. I would ask the gentleman from Illinois, I think as I start out, that his amendment is OK, as far as I am personally concerned in the report, going to the appropriate committees of the Congress, so I will frame my question in this kind of fashion, by saying I think it is wise for the United States to do whatever it is going to do politically in an open fashion. I think that is very important. I think it is also a good idea if we are going to do that, that the appropriate committee of the Congress in this case, as I see it, probably the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, probably the Committee on Appropriations, since they want to follow the dollar, would be good committees at the very least, might be others, but no limitation.

Your amendment, as far as the committee is concerned?

Mr. HYDE. If the gentleman will yield, that is right.

Mr. FASCELL. There is nothing to be read in your amendment except providing the information to the appropriate committees. It is not an effort for covert action; it is not an effort to declassify material. It is simply to say whatever the report is, should be made available to the appropriate committees, am I correct?

Mr. HYDE. If the gentleman will yield, the gentleman is absolutely correct.

Mr. FASCELL. As the gentleman knows, there is a prohibition, and I wanted to call it to the gentleman's attention just as part of the legislative discussion. On page 44, it is very short, "Assistance under this section may not be used to influence the outcome of any legislation in any country." So we have a direct prohibition.

If there is appropriate assistance given under some other provision of law, then the gentleman's amendment would cover it by making the information available to the appropriate committees?

Mr. HYDE. The gentleman is absolutely right.

Mr. FASCELL. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. I thank the gentleman for yielding. He would delete the words "unclassified"? It was my impression that would result from the fact that a report might have to be submitted to the Committee on Foreign Affairs and other appropriate committees as the gentleman provided, but it could be a classified report. Therefore, this gentleman's intention that any involvement that the United States Government has in the Nicaraguan elections, we stand up for, be proud of, and publicly disclose, would be thwarted; is that a correct interpretation of the gentleman's amendment, it would allow for a classified report of American involvement in Nicaraguan elections?

Mr. HYDE. If the gentleman will yield, the appropriate committees get the appropriate report. Certainly, Members would not want the Committee on Foreign Affairs to get a classified report, if the Select Committee on Intelligence is the appropriate jurisdictional committee. Unclassified reports, I daresay, are available.

Mr. FASCELL. Mr. Chairman, let me reclaim my own time to help in this discussion. I do not know that Members can legislate a requirement on the administration with respect to classification.

If the administration wants to submit a classified report, I daresay they will submit one. Now, I am not interested in the jurisdiction, except I do not want any Member to take any jurisdiction away from the Committee on Foreign Affairs. I am perfectly willing to allow the Permanent Select Committee on Intelligence to have availability of information, and I hope they allow other Members the same courtesy.

The way I read the amendment is that all the appropriate committees would have the availability of information. I agree with the gentleman from New Jersey, I would not want legislative history to indicate that if the administration sought to classify a report, it would only go to the Permanent Select Committee on Intelligence and not to the Committee on Foreign Affairs, but if they submitted an unclassified report, it would go to both committees.

Mr. TORRICELLI. If the gentleman will yield, it is my impression, and I am prepared to stand corrected if the author of the amendment would speak to it, under this provision, nothing would change from the current circumstances. Intelligence agencies of the country can secretly provide money to political forces in Nicaragua, thereby thwarting the purposes of free elections in Nicaragua. As classified reports come to the Congress, neither the Nicaraguan people or the people of the United States or the Congress will know about. If we accept the gentleman's amendment, things will stay as they are today.

Mr. FASCELL. Mr. Chairman, I yield to the gentleman from New York.

Mr. WEISS. I think I am reassured by the gentleman's statement referring to legislation itself which prohibits any of these funds from being used to interfere in the elections in Nicaragua because that clarifies what was a distortion of the fact, that the gentleman was engaging in from Illinois when he suggested, in fact, that the intelligence agencies would have the power to do that. They simply do not have the power to do that. I am reassured by the gentleman's statement.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I would like to try to clarify something. Under the bill that we are debating and going to vote on, the language is clear: Funds in this bill may not go to influence elections. We know that.

I am simply suggesting that the intelligence committees of both Chambers have a function and a responsibility. That function is oversight. While the gentleman from New Jersey thinks that things are in disarray, and somehow if things are not changed that that oversight is not going to occur, he is quite wrong. We have a fine Permanent Select Committee on Intelligence with excellent membership, very sensi-

tive to all the cares and concerns of the gentleman from New Jersey. I do not want you to make a sham or a shell out of these very useful, important committees that are just as high minded and just as intent on accomplishing the ends of democracy for our country and for the rest of the world as any other committee in this House.

My amendment simply takes out "unclassified" and says these reports may be classified, they may be unclassified. It depends on the nature of the information, and to which committee they go to. Again, it depends on the nature of the information.

It is an effort to broaden the scope of information available and to include the intelligence committees in the gentleman's requirements. I urge support for my amendment.

Mr. TORRICELLI. Mr. Chairman, I strike the requisite number of words.

Mr. Chairman, it has been stated that under the provisions of my original amendment, and unless we vote for the gentleman from Illinois, Mr. HYDE's provision of it, there will be no help for the opposition or electoral process in Nicaragua, nothing could be further from the truth. Thousands and thousands of dollars will be helped, will be spent to help the opposition in Nicaragua. However, with one difference: We will be proud of it. We will say this is what the United States is doing to help the process and those we might believe in.

□ 1810

That is the only difference—simple disclosure. Under the gentleman's amendment to what I have proposed, the U.S. Government would be permitted to have secret offices, to provide funds with no disclosure. Not only do I believe that brings shame upon us but something more fundamental. I quoted a few moments ago from La Prensa, the leading and most credible voice in Nicaragua. They spoke in opposition to what the gentleman from Illinois [Mr. HYDE] would do because they say it is bringing great harm to democratic forces in Nicaragua.

Who is it that is using the prospect of secrecy in moving for elections in Nicaragua? Daniel Ortega is using it by saying that the opposition is being funded by intelligence agencies.

Who would vote for such opposition? We would not in our country, and neither would the Nicaraguans in their country.

Mr. Chairman, I have provided this amendment for inclusion in this bill and not in the intelligence bill for a reason. Our funds, our good money in support of democratic elections belongs in a foreign assistance bill, not in an intelligence bill. Intelligence funding, secret funding and democratic elections are a contradiction in terms.

Mr. Chairman, defeating the amendment offered by the gentleman from Illinois [Mr. HYDE] is critical in order to stop that funding. Let us defeat the Hyde amendment and agree to my amendment. Let us be proud of what we are doing. Let us disclose what we are doing.

Mr. KOSTMAYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just to return very briefly to the basic question which we have been discussing in the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI], the opposition in Nicaragua does not want this money. They regard it as very damaging to their chances to defeat the Sandinistas, and I for one hope that the democratic opposition will triumph next February in the elections in Nicaragua.

A few days ago the New York Times reported, and I quote:

> Stung by word that the Bush administration is now considering efforts to influence the elections here, Nicaraguan opposition leaders have spoken out against such aid calling suggestions that it is on the way a potentially fatal blow to their electoral hopes.

The last thing we ought to do is to allow the CIA to involve itself in covert activity in the hopefully democratic elections scheduled in Nicaragua next February.

For 9 years two administrations have told the American people and the Congress that they want fair and free elections in Nicaragua. Now we have the opportunity to have those elections.

I am as mistrustful as the minority that they will be free. That is why we have the opportunity to provide the aid in an open and aboveboard way. But nothing could be more damaging to the cause of democracy in Nicaragua than to provide secret funds to the opposition. That is why the opposition does not want these funds.

If we are going to provide funds—and I think we should—to the democratic opposition, to La Prensa or to the free labor unions, let us provide them through the National Endowment for Democracy. That is all this amendment does.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I think the gentleman from Pennsylvania makes a very wise and profound statement, especially in his focus on the National Endowment for Democracy.

The gentleman from Illinois suggested before in his comments that when NED, the National Endowment for Democracy, aided the elections in Chile, it was doing it secretly and underhandedly. Indeed the triumph of the National Endowment for Democracy was that it did it openly, above board, and it provided assistance in registration activity and gave technical assistance. That is what ought to be done in Nicaragua.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Hyde amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois in order that he may respond to the last three speakers.

Mr. HYDE. Mr. Chairman, let us get something straight. If we want to give help to the forces of freedom and the anti-Sandinista groups down there, we want to do it, as the gentleman from Pennsylvania said, through the National Endowment for Democracy.

If we stay current with what the Sandinistas are saying, as reported by the Foreign Broadcast Information Service, they say the NED is a CIA front. It goes on and on labeling and castigating venomously the National Endowment for Democracy as a CIA front. What do you think they will call anyone who accepts help from the National Endowment?

In addition, they have changed their laws in Sandinistaland. Any money that comes in from the outside, half of it goes to the Sandinistas. So if the National Endowment for Democracy sends any money to anybody overtly, half of it goes to the Communists. I do not suppose that is a great idea.

Another problem with overtly taking assistance from the hated United States is that intimidation is working overtime down in Nicaragua. May I quote to the Members from a press conference on June 22 by Lenin Cerna. I admire his first name. At least he is right up front. What you see is what you get. This is Lenin Cerna, and he is Vice Minister of the Interior. Listen to what he said about the political opposition that we are told can stand up and accept money from the United States.

Lenin Cerna:

> Those meetings will bring death into our country. They will and are already creating an internal, critical situation. We are warning the Nicaraguan people about this. You can be sure that, if demonstrators hold a rally with the expressed intention of attacking the police—

And we must not think they will not read that into any and every rally—

> the authorities, and the revolutionary people, we will not be able to predict what will happen in such a situation. We cannot guarantee that people will not be killed or injured.

Let us not give such mindless criticism to helping freedom fighters covertly in certain situations.

I had a fascinating dialog with Clark Clifford, one of the senior members of the Democratic Party's pantheon of heros, back in March 1988, and I said this to him:

Let me ask you, I take it when you were in the Truman administration, you opposed the covert activity that helped save Italy in the post-war years from being taken over by the Communists who were pouring millions of dollars in there? Your distaste for covert activity, I take it, was expressed in the Truman administration?

Mr. CLIFFORD. No. I heartily supported it.

Mr. HYDE. That is one covert activity you supported?

Mr. CLIFFORD. I sure did. And it was very successful.

Mr. HYDE. Then you support the successful ones, but not the unsuccessful ones?

Mr. CLIFFORD. No. That is not the point. Here was a carefully structured plan to meet the Communist menace in Italy. They were making an all-out plan to get a Communist government in Italy. Careful, lengthy study indicated to us that the proper, intelligent use of funds in Italy might prevent that from occurring.

So we did it. We did it successfully. I would do it today. That is a very useful covert activity.

Mr. Chairman, if it was good enough for Clark Clifford back in the late 1940's under Harry Truman why is it suddenly verboten in Central America today?

The Intelligence Committee will be a good watchdog. I can assure the Members that we will watch very carefully that nothing improper or un-American will happen, or that something we would not be proud of would happen. I can assure the Members we are all proud people, we are proud of our country, and I ask the Members not to gut the possibility of a decent, fair election in Nicaragua.

Mr. SOLOMON. Mr. Chairman, let me say that the gentleman's arguments are so compelling that I move to support him, and I hope that everyone else in this Chamber does also. I only wish that we had the wisdom of HYDE on the U.S. Supreme Court a few weeks ago; we would still have the flag waving today.

Mr. Chairman, I urge support of the amendment.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply want again to keep NED, the National Endowment for Democracy, from having its record and its activities distorted and misstated by the gentleman from Illinois. The fact is that the provision about 50 percent going to the Sandinistas applies only if there is assistance given directly to political parties.

The National Endowment for Democracy has made it absolutely clear that it does not intend to give moneys directly to political parties, so that none of these moneys will go to the Sandinista government. On that score, the gentleman from Illinois ought to sit reassured.

Mr. BEILENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI] and in support of the substitute offered by the gentleman from Illinois [Mr. HYDE].

I must say that I do so with some misgivings, because I understand and share with the gentleman from New Jersey the concern that underlies his amendment. My own personal position on the issue, if I may say so, is very much the same as his, I believe. Nonetheless, as chairman of the Permanent Select Committee on Intelligence, I feel constrained to object to the way in which the House is being asked to address a very significant issue.

□ 1820

Based on what I know about the sentiments of Members of this Chamber, it is inevitable that this matter will be debated and voted upon by the House. But, it seems to me very important how we address such a question. My own strong feeling is that matters of this sort ought to be considered in the context of the fiscal year 1990 Intelligence Authorization Act, not the Foreign Assistance Act. They ought to be considered first by the Intelligence Committee, which ought to make recommendations to the House. That is, after all, why we have an Intelligence Committee.

Further, and whatever our disagreements on policy issues, we ought to make every effort to protect the confidentiality of intelligence matters and to consider carefully the precedent-setting significance of legislative prohibitions affecting covert actions.

Mr. Chairman, let me say that the Intelligence Committee is well aware of this issue. We have entered into a dialog with the administration concerning its attitude toward this question. We are at the moment unable to make any sort of prediction on how they will turn out. It would therefore seem to me both the responsible and the sensible thing to defer amendments such as this until the Intelligence Committee is in the position to make its own recommendation. When the Intelligence bill comes to the floor, the House will then have an opportunity to work its will, but it will do so in the context of, first, well-informed debate; second, the recommendation of the committee charged with such matters; and hopefully, it will have reference to a recommendation from the committee which can be accepted by the House.

In closing, Mr. Chairman, I stress that the argument that I make today goes not to the merits of any actual or proposed intelligence activity, rather, it is an argument of process. This House ought not to act on matters of such potential sensitivity without the advice of its Committee on Intelligence.

Mr. BERMAN. Mr. Chairman, will the gentlemen yield?

Mr. BEILENSON. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman from California [Mr. BEILENSON] for yielding to me.

Mr. Chairman, one of the concerns that have motivated the amendment, to which the gentleman from Illinois [Mr. HYDE] is responding with his amendment, is the fact that at this particular point no one knows what the Permanent Select Committee on Intelligence will do on the issue of covert aid. Should the Permanent Select Committee on Intelligence decide not to address that issue in the fashion that the gentleman from California [Mr. BEILENSON] and the gentleman from New Jersey [Mr. TORRICELLI] have expressed as preferable, would the House have an opportunity to address that issue through an amendment on the floor?

Mr. BEILENSON. Mr. Chairman, the answer to the question of the gentleman from California [Mr. BERMAN] is yes. The Permanent Select Committee on Intelligence authorization bill will be on the floor, and the gentleman, or some other gentleman, will, yes, have an opportunity to present this or some other similar amendment at that time. Presumably by that time his committee will have had a chance to consider and discuss the matter and will have a recommendation of one sort or another for the House.

Mr. BERMAN. Mr. Chairman, I thank the gentleman from California [Mr. BEILENSON] for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE] to the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TORRICELLI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 299, noes 118, not voting 15, as follows:

[Roll No. 120]

AYES—299

Anderson	Boggs	Coleman (MO)
Andrews	Brooks	Combest
Annunzio	Broomfield	Conte
Applegate	Browder	Cooper
Archer	Brown (CA)	Costello
Armey	Brown (CO)	Coughlin
Aspin	Buechner	Cox
Baker	Bunning	Coyne
Ballenger	Burton	Craig
Barnard	Bustamante	Crane
Bartlett	Byron	Dannemeyer
Barton	Callahan	Darden
Bateman	Campbell (CA)	Davis
Beilenson	Campbell (CO)	de la Garza
Bennett	Carper	DeLay
Bereuter	Carr	DeWine
Bevill	Chandler	Dickinson
Bilbray	Chapman	Dicks
Bilirakis	Clement	Dixon
Bliley	Clinger	Donnelly
Boehlert	Coble	Dornan (CA)

Douglas	Leath (TX)	Rostenkowski
Dreier	Lent	Roth
Duncan	Lewis (CA)	Roukema
Dwyer	Lewis (FL)	Rowland (CT)
Dyson	Lightfoot	Rowland (GA)
Early	Lipinski	Russo
Eckart	Livingston	Saiki
Edwards (OK)	Lloyd	Sangmeister
Emerson	Long	Sarpalius
English	Lowery (CA)	Saxton
Erdreich	Lukens, Donald	Schaefer
Fawell	Machtley	Schiff
Fields	Madigan	Schneider
Fish	Manton	Schroeder
Flippo	Marlenee	Schuette
Frenzel	Martin (IL)	Schulze
Frost	Martin (NY)	Sensenbrenner
Gallegly	Mavroules	Shaw
Gallo	Mazzoli	Shays
Garcia	McCandless	Shumway
Gaydos	McCollum	Shuster
Gekas	McCrery	Sisisky
Gibbons	McCurdy	Skaggs
Gillmor	McDade	Skeen
Gilman	McEwen	Skelton
Gingrich	McGrath	Slattery
Gordon	McHugh	Slaughter (NY)
Goss	McMillan (NC)	Slaughter (VA)
Gradison	McMillen (MD)	Smith (MS)
Grandy	McNulty	Smith (NE)
Grant	Meyers	Smith (NJ)
Green	Michel	Smith (TX)
Guarini	Miller (OH)	Smith (VT)
Gunderson	Miller (WA)	Smith, Denny (OR)
Hall (OH)	Molinari	
Hall (TX)	Mollohan	Smith, Robert (NH)
Hamilton	Montgomery	
Hammerschmidt	Moorhead	Smith, Robert (OR)
Hancock	Morella	
Hansen	Morrison (WA)	Snowe
Harris	Mrazek	Solomon
Hastert	Murtha	Spence
Hatcher	Myers	Spratt
Hayes (LA)	Nagle	Stallings
Hefley	Natcher	Stangeland
Henry	Neal (NC)	Stearns
Herger	Nelson	Stenholm
Hiler	Nielson	Stump
Hoagland	Nowak	Sundquist
Hochbrueckner	Ortiz	Swift
Holloway	Owens (NY)	Tallon
Hopkins	Oxley	Tanner
Houghton	Packard	Tauke
Hubbard	Pallone	Tauzin
Huckaby	Parker	Thomas (CA)
Hughes	Parris	Thomas (GA)
Hunter	Pashayan	Thomas (WY)
Hutto	Patterson	Traficant
Hyde	Paxon	Traxler
Inhofe	Payne (VA)	Upton
Ireland	Pease	Valentine
James	Petri	Vander Jagt
Jenkins	Pickett	Visclosky
Johnson (CT)	Pickle	Volkmer
Johnson (SD)	Porter	Vucanovich
Johnston	Price	Walgren
Jones (NC)	Pursell	Walker
Kanjorski	Quillen	Walsh
Kasich	Ravenel	Watkins
Kennelly	Ray	Weber
Kleczka	Regula	Weldon
Kolbe	Rhodes	Whittaker
Kolter	Richardson	Whitten
Kyl	Ridge	Wilson
LaFalce	Rinaldo	Wolf
Lagomarsino	Ritter	Wylie
Lancaster	Roberts	Yatron
Lantos	Robinson	Young (AK)
Laughlin	Rogers	Young (FL)
Leach (IA)	Rohrabacher	

NOES—118

Ackerman	Bruce	Durbin
Akaka	Cardin	Dymally
Alexander	Clarke	Edwards (CA)
Atkins	Clay	Engel
AuCoin	Coleman (TX)	Espy
Bates	Conyers	Evans
Berman	Crockett	Fascell
Bonior	DeFazio	Fazio
Borski	Dellums	Feighan
Bosco	Derrick	Flake
Boucher	Dingell	Foglietta
Boxer	Dorgan (ND)	Ford (MI)
Brennan	Downey	Frank
Gejdenson	McCloskey	Savage
Gephardt	McDermott	Sawyer
Gonzalez	Mfume	Scheuer
Gray	Miller (CA)	Schumer
Hawkins	Mineta	Sikorski
Hayes (IL)	Moakley	Smith (FL)
Hertel	Moody	Solarz
Hoyer	Morrison (CT)	Staggers
Jacobs	Murphy	Stark
Jones (GA)	Neal (MA)	Stokes
Jontz	Oakar	Studds
Kaptur	Oberstar	Synar
Kastenmeier	Obey	Torres
Kennedy	Olin	Torricelli
Kildee	Owens (UT)	Towns
Kostmayer	Panetta	Udall
Lehman (CA)	Payne (NJ)	Unsoeld
Lehman (FL)	Pelosi	Vento
Leland	Penny	Weiss
Levin (MI)	Perkins	Wheat
Levine (CA)	Poshard	Williams
Lewis (GA)	Rahall	Wise
Lowey (NY)	Rangel	Wolpe
Luken, Thomas	Roe	Wyden
Markey	Rose	Yates
Martinez	Roybal	
Matsui	Sabo	

NOT VOTING—15

Anthony	Florio	Horton
Bentley	Ford (TN)	Sharp
Bryant	Glickman	Smith (IA)
Collins	Goodling	Waxman
Courter	Hefner	Wright

□ 1843

The Clerk announced the following pair:

On this vote:

Mr. Courter for, with Mrs. Collins against.

Messrs. AuCOIN, LEHMAN of California, SABO, McDERMOTT, COLEMAN of Texas, and TORRES changed their vote from "aye" to "no."

Messrs. CAMPBELL of Colorado, LAUGHLIN, NAGLE, YATRON, and DONNELLY changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The CHAIRMAN pro tempore (Mr. SANGMEISTER). The question is on the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI], as amended.

The amendment, as amended, was agreed to.

□ 1840

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Goss: Page 454, after line 24, add the following subsection:

"(d) ELECTORAL REFORM.—It is the sense of the Congress that the electoral reform laws and media laws regulating political broadcasts adopted by the Sandinista Government as well as the appointment of members of the supreme electoral council fail to fulfill the minimum standards required by the Tesoro Beach agreement to ensure free and fair elections in Nicaragua in February 1990.

Mr. GOSS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Chairman, I rise to offer this sense-of-Congress amendment for a simple reason. If the Sandinista government of Nicaragua thinks for 1 minute that the minor tinkering that they have done with the election reform laws and the alleged fair access they have provided for political broadcasts lives up to the standards set by the Tesoro Beach accords—they are sadly mistaken—and we should say so.

In February, at Tesoro Beach, the Central American Presidents and President Daniel Ortega endorsed the Arias Peace Plan and established specific steps to implement reform. Mr. Ortega signed this agreement and he agreed that his government would make reforms "in electoral legislation and laws regulating expression information and public opinion—in such a way as to guarantee political organization and action in the broadest sense for political parties."

The Tesoro Beach agreements also stipulated that the Nicaraguan Government would form a supreme electoral council with balanced participation of representatives from the opposition political parties.

President Ortega agreed that the Nicaraguan Government would guarantee the free functioning of the communications media. The agreement called for equal access to transmission schedules and broadcast time on television and state radio stations for all political parties.

These are reasonable goals. But Mr. Chairman, we are still waiting. We have witnessed some cosmetic changes. Yet Mr. Ortega has not implemented broad reforms, and the election coming up will apparently not serve the democratic interests of the people of Nicaragua.

These are not my convictions alone. Costa Rican President Oscar Arias, during Vice President QUAYLE's recent visit, attacked the new electoral laws of Nicaragua as restrictive and said, "I feel that with the present legislation, having fair elections is impossible."

President Arias also said he believes the election rigging by Mr. Ortega has doomed his historic plan, the Arias Peace Plan for which he won the Nobel Prize.

Honduran President José Azcona, speaking about President Ortega, said in May that he did not believe Ortega has complied faithfully with what was promised.

The problems are numerous. Nicaragua's new election law gives the Sandinistas control over the electoral council by allowing President Ortega to select all five of the council's members.

Only one of the five can truly be considered an opposition party representative. And it is particularly alarming that the chairman of the council is the same person who served as chairman of the council for the discredited 1984 elections.

The new media laws allow the Minister of Interior to suspend broadcasts and limit the print media—for a short time. He can act if he finds the stories, and I quote, "contrary to state security, national integrity—peace or public order." Mr. Chairman, that sounds alarmingly similar to what we saw in China.

In addition, the opposition parties, and there are many of them, have to divide up the 45 minutes a day of radio air time and 30 minutes of TV time allocated to them. That does not leave much time for each opposition candidate to get out his message. Meanwhile the government party can use the full 45 minutes to state their single case.

I have one more example. Mrs. Violetta Chamorro, general director of La Prensa newspaper, wrote to the leadership in this Congress earlier this year and described the problems she faces as manager of a prodemocracy newspaper. The Government does not need to shut down La Prensa to make life difficult. The Government is the sole importer of news printing paper. Mrs. Chamorro was writing to us because she was running out of paper.

Mr. Chairman, the Tesoro Beach accords state that President Ortega will support electoral reforms in the broadest sense for all political parties.

What I have described does not sound very broad to me. And I believe the signatories to the Tesoro Beach accords should demand reforms in the real sense of the word.

The opposition parties should be guaranteed fair and frequent access to the media. If Nicaragua is to have democratic elections, all parties have a right to state their views again and again, whether Mr. Ortega likes it or not.

Mr. Ortega should select respected representatives from various parties to serve on the supreme electoral council, and he should choose an impartial representative to head the supreme council.

Mr. Chairman, the Presidents of the other Central American countries are labeling the alleged Sandinista electoral reforms a sham. Can we do less? I urge my colleagues to join me so the people of Nicaragua have a better chance at free and fair elections.

I believe we should send a clear signal to Mr. Ortega and to the other signatories of the Tesoro Beach accords that we fully support the intent of the agreement—and that we expect Mr. Ortega to live up to them. I urge my colleagues to join me in support of my amendment.

□ 1850

Mr. CROCKETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

I do so with reluctance, because I have a great deal of respect for the gentleman for Florida, who has been a welcome addition to our subcommittee this year. Unfortunately, this is yet another amendment that has nothing to do with foreign aid, that pertains to a country that does not receive foreign aid.

Knowing that the Nicaraguan election issue would be politicized in this country, I asked the Congressional Research Service to do an unbiased study of Nicaragua's electoral arrangements. That study was sent to each subcommittee member's office.

The study concludes that the new Nicaraguan electoral law improves the conditions for the development of a pluralistic political system that has multiple parties and that guarantees the right of the opposition parties to operate.

Among the findings of the study are:

The requirements for organizing and legalizing political parties have been made easier;

The opposition will have access to the media;

Public financing of campaigning is provided, and foreign contributions are permitted;

The system of proportional representation will benefit minority parties and could eventually lead to alteration in control of the Government; and

The provisions on poll watchers allow the close monitoring of ballot counting by the opposition.

This is not to say that Nicaragua's electoral system is everything it should be. As the CRS study points out, laws are not the sole determinant of free elections. The Sandinistas could still distort the electoral process through the sheet exercise of their power. It is also the case that the opposition could fail to take full advantage of the electoral law and the political space that it creates.

But the point is this amendment's blanklet condemnation of the law is not warranted by the facts.

The amendment says that the composition of the supreme electoral council does not fulfill the standards of the Tesoro Beach agreement. That statement is also not in accord with the facts. The agreement calls for "balanced participation of representatives from opposition political parties." The supreme electoral council has precisely that: two Sandinista representatives, two representatives of anti-Sandinista parties, and one so-called "notable" who is a member of the conservative party and was a supreme court justice under Somoza. So there is actually a non-Sandinista majority on the electoral council.

The fact is, Mr. Chairman, Nicaragua's current electoral laws and arrangements, whatever faults they may have, do not compare unfavorably with those of other Latin American countries. The facts do not support this amendment. I think it would be better if we preached a little less. I urge the defeat of the amendment.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Florida [Mr. Goss].

It is a plain fact that the actions taken by the Sandinista government to implement the requirements and commitments of Tesoro Beach fall far short of the standard required to ensure a fair electoral process.

As my colleague from Florida pointed out, Costa Rican President, Oscar Arias, who used to be quoted every time we had a debate on this issue here, but I guess when he says something that is not in accord with other views, he is not quoted anymore, Costa Rican President Oscar Arias, during the recent visit of Vice President Quayle, attacked the new electoral laws in Nicaragua as restrictive and said, "I feel that with the present legislation, having fair elections is impossible."

President Arias also said that he believes the election rigging by Nicaraguan leader Daniel Ortega has doomed his historic plan, the Arias Peace Plan for which he won the Nobel Prize.

In mid-May, Honduran President Jose Azcona, talking about Daniel Ortega's promises at Tesoro Beach said, "I do not believe he has complied faithfully with what he promised."

Just a few days ago, President Vinicio Cerezo of Guatemala revealed that he sent a letter to Nicaraguan President Daniel Ortega telling him that he is not complying with the peace agreements signed in El Salvador.

The appointment of the supreme electoral council was characterized by the human rights organization, Freedom House, as not providing the balanced participation promised by the Tesoro Beach accord.

1900

Only one of the five members can truly be considered an opposition party representative, while three others are completely dominated by the Sandinista Government. It is particularly alarming that the chairman of the council is the same person who served as chairman of the council for the discredited 1984 elections in Nicaragua.

The new laws regulating political broadcasts give final authority to the Ministry of the Interior, headed by Thomas Borge, whose reputation for fairness for the opposition rivals that

of General Noriega in Panama. The new media laws allow the Ministry of Interior to suspend broadcasts for 3 or 4 days and newspapers and magazines for three editions if their stories are deemed "contrary to state security, national integrity, peace or public order."

The elections may be scheduled for February 1990, but Sandinista leader Ortega announced that the inauguration of the new president would not take place until January 1991.

The Sandinista organization responsible for giving formal recognition to political parties formally recognized four new parties in mid-May, but disallowed five, including two that were generally considered to be the best-organized opposition parties: the Conservative National Unity Party, led by Silviano Matamoros and the Christian Democratic Party, led by Agustin Jarquin, who appeared before our subcommittee in April at the request of the chairman.

Following his trip to Europe to seek additional economic aid for Nicaragua, Daniel Ortega made a speech including comments about the electoral reform laws. Ortega said, "There will be no new concessions! The Somozist Guard's newspaper "LaPrensa" and parties that want to participate in the elections—should clearly understand that. There will be no further concessions. The reforms to the laws have already been made—and that is that!"

The test for a fair electoral process is determined not only by what happens on election day but also by what precedes it. The Goss amendment expresses the sense of the Congress of the clear failure of the Sandinista regime to fulfill its promises to ensure free and fair elections in February 1990 because it has failed to provide a fair environment leading up to the elections.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the Goss amendment.

Mr. Chairman, the gentleman from Michigan indicated that this amendment has little to do with foreign aid. I submit to my colleagues that much of the bill before us today has little to do with actual foreign aid. Much of it is sense-of-the-Congress resolutions that we put in there to let the world know how we feel about various issues.

We do that every year.

At issue here is whether or not there is going to be free and fair elections in Nicaragua come next February. The Sandinistas have a very poor track record. They violated the agreement they made with the OAS in 1979 again and again and again, they violated the Esquipulas agreements, 1 and 2, they violated the Sapoa election, and now they are violating the election agreement that they made.

As a matter of fact you have just heard from my colleague from California that they disallowed five parties from even participating in the electoral process. Is that free and fair elections? I submit to you that it is not.

I think it bears repeating that President Oscar Arias, whom you have quoted many times on this floor when it suits you, said when Vice President QUAYLE met with him, and I quote once again, "I feel that with the present legislation having fair elections is impossible in Nicaragua."

Now I think the Goss amendment is very meritorious. We should support it if we are really in favor of free and fair elections in Nicaragua and we should support it unanimously.

I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in examining this amendment I cannot understand why there would be any opposition to it at all. First of all it is simply a sense of the Congress. And it says what the international community has said over and over again, that we have some reason to be suspicious of the electoral process that is being put in place in Nicaragua.

Now if I understood the dissenting opinion to this amendment, it was that we simply ought to accept that which the Sandinistas have already done. So that in order to be against this amendment what you have to do is accept what they have put in place as being the standard that we are willing to accept for an election in Nicaragua.

Now, I think that the House would be on very dangerous ground, given what the international community has had to say about the situation in Nicaragua, to endorse the Sandinista package. That is something which we have heard over and over again on this floor is unacceptable. We have heard people saying they do not particularly like what is going on in Nicaragua and, "Don't ever put me in the camp of being pro-Sandinista but also I don't think we ought to be pro-Contra." And they voted time and time again against the opposition within Nicaragua based upon the fact that they are not pro-Sandinista either.

Well, in this particular case in order to be against this amendment, if I understood the opposition correctly, you have got to be for the Sandinistas package; you have got to be pro-Sandinista in order to vote against this amendment. And I would suggest that that is a very dangerous position for this House to adopt, given what the Latin American nations have come down. To a man, the democratic states in Central America have said that the Sandinista plan is unacceptable.

For this House to go on record as saying it is acceptable would be, I think, a travesty to democracy. I would hope we would approve the Goss amendment. It is a small way of saying that we are not satisfied with the internal conditions within Nicaragua leading toward free elections.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, I wanted to bring up another quote that comes out of Nicaragua just in the last few days by Lenin Cerna, but I think it is important enough that I am going to ask for my own time.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

I think the gentleman makes a good point. If this House were to go on record in opposition to this amendment, we would find ourselves contrary to the position and the opinions of Oscar Arias, the President of Costa Rica, Azcona, the President of Honduras, and Cerezo, the President of Guatemala.

Mr. WALKER. I thank the gentleman, because it is important to understand that for months we have talked about the Arias peace and the need to go ahead and implement those things which were a part of the leadership decision within Central America. To now undermine the Presidents who have spoken out on this matter by suggesting that this House is willing to abide by what Nicaragua has put in the form of a Sandinista plan, I just do not think is an appropriate way for this country to proceed at this moment.

Mr. Chairman, I yield back the balance of my time.

Mr. DORNAN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would hope that we would pass this amendment. What is happening down in Nicaragua as we get closer to the date they claim they are going to have an election is setting all sorts of historical precedents. The strangest one of all is that Daniel Ortega announced that no President elected would be sworn in except on the old election cycle, which is January 1991. So even if there were to be a fair election, this would be the longest interregnum, the longest period between an election and inauguration in the entire history of democracy in this hemisphere. And that may also count for the world, who knows.

It is almost a year. But this quote that I wanted to bring up from Lenin Cerna; Lenin, as in the founder of the Communist Party and the Bolshevik Party in the Soviet Union, hardly your

average Hispanic name, Lenin Cerna is the second in command of the secret police in Nicaragua, which functions more and more like a classic Gestapo operation every day. This week he made a speech where he said anyone who votes against the current Government, against Daniel Ortega as el Presidente, is committing an act of treason.

Now imagine that statement when the No. 2 man, the Minister of the Interior, the man who is head of the secret police, said if you vote on next February 25 against the Ortega brothers and the other seven comandantes you are committing an act of treason. What a line of terror.

To refresh your memory who Lenin Cerna is: Msgr. Bismarck Caballo, who was and still is head of the Radio Catolica and is a key aide to Cardinal Obando y Bravo, if you will recall about 2 years ago, was called by a woman with an emergency that she was going to commit suicide.

□ 1910

He went to her house. She tried to compromise him. She was in a state of undress. He backed away from her. Before he could leave the house he was jumped by people in hiding. They stripped him stark naked and then at gunpoint forced this Catholic monsignor down the middle of the street where the Sandinista camera crews filmed him. Lenin Cerna ran that operation. He was sitting in a car. He called the monsignor, Father Carballo, over to the car and he said, "Father, let me tell you something. I am going to kill you myself. I am going to personally shoot you someday." That is a No. 2 man in the secret police who says if you vote in the election in February against Ortega, you are committing an act of treason.

I suggest we pass this amendment and that some more codel's start going down to Central America and we have the courage of our convictions under the so-called Bipartisan Accord on Central America worked out by our President and our Secretary of State, with people on both sides of the aisle, that we start tracking this election process in Nicaragua.

Mr. CARPER. Mr. Chairman, I rise to strike the requisite number of words.

I have several questions I would like to address to the author of the amendment, the gentleman from Florida [Mr. Goss]. The gentleman's amendment notes and expresses dissatisfaction with the appointment of members of the Supreme Electoral Council, noting that they fail to meet the minimum standards required by the Tesoro Beach agreement. I wondered if the gentleman from Florida [Mr. Goss] could tell me something about the selection process. I understand there are five members to the Supreme Electoral Council. Could the gentleman tell Members about the selection of the two opposition members of that council? How were the names arrived at?

I yield to the gentleman from Florida.

Mr. GOSS. I would be happy to try and respond. I have a considerable amount of background material which I would be very happy to afford to the gentleman, but basically my understanding is that the people on the council were nominated by President Ortega of the Sandinista Party rubberstamped, and that the conclusion of the outcome of the predilections of those people, as I have stated, and stated in my testimony, that we have one who might be regarded as a possible neutral, but the others who are clearly of their positions and their sense of authority to Sandinistas.

I have a report here dated June 8, 1989, concerns raised on chances for Nicaraguan Electoral Council oppositions, urged to continue campaign, which I will be happy to share with the gentleman.

Mr. CARPER. Reclaiming my time, is it correct that both opposition members of the council were suggested by a block of 14 opposition parties?

Mr. GOSS. If the gentleman will yield, my understanding is that the opposition parties, in fact, did have some participation in the process, however, that their desires were not fully realized by any means.

Mr. CARPER. Could the gentleman tell us something about the independent "eminent person," the third of the five members, who is this individual? What is that person's background?

Mr. GOSS. If the gentleman will yield, the belief I have on that subject is, I have been reported by a colleague, the gentleman from California [Mr. LAGOMARSINO]. Again, I have reported on that. We had testimony before our committee on that subject. They came to Washington and we asked questions of the gentlemen who were involved. We had discussions with them, and again, that is a matter of public record. I believe the testimony is available.

Mr. CARPER. I believe the name of third member, the so-called independent eminent person, is Dr. Rodolfo Sandino Arguello. I understand he is a lifelong conservative, that he formerly was Supreme Court President during the Somoza regime and is not currently active in a political party. I further understand that the newspaper La Prensa characterized him as an "honorable man." I wonder if the gentleman would say whether this description coincides with his understanding of Dr. Arguello's background?

Mr. GOSS. If the gentleman will yield, that is not my understanding.

Mr. CARPER. How would the gentleman characterize his background? What we are saying is with your amendment is that we are not satisfied with the selection process or the people they have put forward. This particular person, the eminent person is perhaps the critical person in how these elections will be conducted. I think this is not a small or unimportant question.

Mr. GOSS. Well, I would characterize both Dr. Mariano Fiallos, who is the president of the council, and Dr. Leonel Arguello as leaders of the Sandinista Front.

Mr. CARPER. I am asking about the eminent third person. I am asking about the credentials of the two opposition members and the independent eminent person.

The Sandinistas are entitled to name two of their own to the council, and they have. What do you know of the other three?

Mr. GOSS. We are having trouble with our definitions of who are acceptable or not.

Mr. CARPER. I yield to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, I thank the gentleman for yielding. There are five members on this Supreme Entity. Two are clearly Sandinistas; and two are clearly with the opposition; the fifth is a former member of the Conservative Party and was on the Somoza Supreme Court and was endorsed and supported and characterized as a man of great honor by La Prensa, the leading opposition press in Latin America.

Now, that looks like 3 to 2, and I am puzzled how my friend from Florida can characterize this group as stacked on behalf of the Sandinistas when there are two Sandinistas, two opposition members, and a fifth member who is a member of the Conservative Party, and served on the Somoza Supreme Court and was endorsed by La Prensa. I wonder if my friend from Florida can respond to the inquiries which I made and which the gentleman from the State of Delaware made?

Mr. CARPER. Mr. Chairman, I yield to the gentleman from Florida.

Mr. GOSS. Is the gentleman referring to Dr. Aman Sandino? I think we need to pin this down.

The CHAIRMAN pro tempore (Mr. SANGMEISTER). The question is on the amendment offered by the gentleman from Florida [Mr. Goss].

The question was taken; and on a division (demanded by Mr. Goss) there were—ayes 20, noes 22.

RECORDED VOTE

Mr. GOSS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 293, noes 119, not voting 20 as follows:

[Roll No. 121]

AYES—293

Andrews	Hamilton	Packard
Anthony	Hammerschmidt	Pallone
Applegate	Hancock	Parker
Archer	Hansen	Parris
Armey	Harris	Pashayan
AuCoin	Hastert	Patterson
Baker	Hatcher	Paxon
Ballenger	Hayes (LA)	Payne (VA)
Barnard	Hefley	Pease
Bartlett	Henry	Penny
Barton	Herger	Petri
Bateman	Hertel	Pickett
Bennett	Hiler	Pickle
Bereuter	Hoagland	Porter
Bilbray	Holloway	Poshard
Bilirakis	Horton	Price
Bliley	Hoyer	Pursell
Boehlert	Hubbard	Quillen
Boggs	Huckaby	Rahall
Boucher	Hughes	Ravenel
Broomfield	Hunter	Ray
Browder	Hutto	Regula
Brown (CO)	Hyde	Rhodes
Bruce	Inhofe	Richardson
Buechner	Ireland	Ridge
Bunning	Jacobs	Rinaldo
Burton	James	Ritter
Bustamante	Jenkins	Robinson
Byron	Johnson (CT)	Roe
Callahan	Johnston	Rogers
Campbell (CA)	Jones (GA)	Rohrabacher
Campbell (CO)	Kanjorski	Rostenkowski
Chandler	Kaptur	Roth
Chapman	Kasich	Roukema
Clarke	Kolbe	Rowland (CT)
Clement	Kolter	Rowland (GA)
Clinger	Kyl	Russo
Coble	LaFalce	Saiki
Coleman (MO)	Lagomarsino	Sarpalius
Coleman (TX)	Lancaster	Saxton
Combest	Lantos	Schaefer
Conte	Laughlin	Schiff
Cooper	Leach (IA)	Schneider
Costello	Leath (TX)	Schroeder
Coughlin	Lent	Schuette
Cox	Lewis (CA)	Schulze
Craig	Lewis (FL)	Schumer
Crane	Lightfoot	Sensenbrenner
Dannemeyer	Lipinski	Shaw
Darden	Livingston	Shays
Davis	Lloyd	Shumway
de la Garza	Long	Shuster
DeLay	Lowery (CA)	Sikorski
Derrick	Luken, Thomas	Sisisky
DeWine	Lukens, Donald	Skaggs
Dickinson	Machtley	Skeen
Dicks	Madigan	Skelton
Donnelly	Manton	Slattery
Dornan (CA)	Marlenee	Slaughter (VA)
Douglas	Martin (IL)	Smith (FL)
Dreier	Martin (NY)	Smith (MS)
Duncan	Mavroules	Smith (NE)
Dwyer	McCandless	Smith (NJ)
Dyson	McCloskey	Smith (TX)
Eckart	McCollum	Smith (VT)
Edwards (OK)	McCrery	Smith, Denny (OR)
Emerson	McCurdy	Smith, Robert (NH)
English	McDade	Smith, Robert (OR)
Erdreich	McEwen	Snowe
Fawell	McGrath	Solomon
Fields	McMillan (NC)	Spence
Fish	McMillen (MD)	Spratt
Flippo	McNulty	Staggers
Frenzel	Meyers	Stallings
Frost	Michel	Stangeland
Gallegly	Miller (OH)	Stearns
Gallo	Miller (WA)	Stenholm
Gaydos	Molinari	Sundquist
Gekas	Mollohan	Tallon
Gibbons	Montgomery	Tanner
Gillmor	Moody	Tauke
Gilman	Moorhead	Tauzin
Gingrich	Morella	Thomas (CA)
Gordon	Morrison (WA)	Thomas (GA)
Goss	Murphy	Thomas (WY)
Gradison	Murtha	Torricelli
Grandy	Myers	Traficant
Grant	Nagle	Traxler
Green	Neal (NC)	Upton
Guarini	Nelson	Valentine
Gunderson	Nielson	Vander Jagt
Hall (OH)	Ortiz	Visclosky
Hall (TX)	Oxley	Volkmer
		Vucanovich
		Walker
		Walsh
		Watkins
		Weber
		Weldon
		Whittaker
		Wilson
		Wise
		Wolf
		Wylie
		Yatron
		Young (AK)
		Young (FL)

NOES—119

Akaka	Ford (TN)	Oberstar
Alexander	Frank	Obey
Anderson	Garcia	Olin
Annunzio	Gejdenson	Owens (NY)
Atkins	Gephardt	Owens (UT)
Bates	Gonzalez	Panetta
Beilenson	Gray	Payne (NJ)
Berman	Hayes (IL)	Pelosi
Bevill	Hochbrueckner	Perkins
Bonior	Johnson (SD)	Rangel
Borski	Jontz	Rose
Bosco	Kastenmeier	Roybal
Boxer	Kennedy	Sabo
Brennan	Kennelly	Sangmeister
Brooks	Kildee	Savage
Brown (CA)	Kleczka	Sawyer
Cardin	Kostmayer	Scheuer
Carper	Lehman (CA)	Slaughter (NY)
Carr	Lehman (FL)	Solarz
Clay	Leland	Stark
Conyers	Levin (MI)	Stokes
Coyne	Levine (CA)	Studds
Crockett	Lewis (GA)	Swift
DeFazio	Lowey (NY)	Synar
Dellums	Markey	Torres
Dingell	Martinez	Towns
Dixon	Matsui	Udall
Downey	Mazzoli	Unsoeld
Durbin	McDermott	Vento
Dymally	McHugh	Walgren
Edwards (CA)	Mfume	Waxman
Engel	Miller (CA)	Weiss
Espy	Mineta	Wheat
Evans	Moakley	Whitten
Fascell	Morrison (CT)	Williams
Fazio	Mrazek	Wolpe
Feighan	Natcher	Wright
Flake	Neal (MA)	Wyden
Foglietta	Nowak	Yates
Ford (MI)	Oakar	

NOT VOTING—20

Ackerman	Early	Houghton
Aspin	Florio	Jones (NC)
Bentley	Glickman	Roberts
Bryant	Goodling	Sharp
Collins	Hawkins	Smith (IA)
Courter	Hefner	Stump
Dorgan (ND)	Hopkins	

□ 1937

The Clerk announced the following pair:

On this vote:

Mr. Courter for, with Mrs. Collins against.

Messrs. PANETTA, WAXMAN, and NOWAK changed their vote from "aye" to "no."

Messrs. CLARKE, RAHALL, and MURPHY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MC HUGH

Mr. McHUGH. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. McHUGH: Page 435, line 23, after "(3)" insert "and paragraph (5)(B)"; and page 437, strike out line 24 and all that follows through line 6 on page 438 and insert in lieu thereof the following:

(5) CONGRESSIONAL REVIEW.—(A) Funds obligated, or available for obligation, under paragraph (2)(A), (2)(C), or (2)(D) pursuant to a determination under paragraph (3) may not be expended during the 30-day period beginning on the date on which the President submits the report required by paragraph (3). Expenditures of those funds after that 30-day period shall be subject to any joint resolution with respect to those expenditures that is enacted by the Congress under subsection (d).

(B) Funds under paragraph (2)(B) may be obligated pursuant to a determination under paragraph (3) only if the Congress enacts a joint resolution under subsection (d) authorizing the obligation and expenditure of those funds. Use of funds pursuant to such an authorization shall be subject to such conditions and limitations as may be provided in that joint resolution.

Page 443, strike out lines 10 through 25 and insert in lieu thereof the following:

except that a joint resolution described in subparagraph (B)(i) or (iii) shall be considered a privileged joint resolution for purposes of this subsection only if it is reported by that committee during the 30-day period described in subsection (b)(5)(A) or (c)(4), as the case may be;

(B) which—

(i) in the case of funds subject to subsection (b)(5)(A), would place conditions or limitations (or both) on the expenditure of those funds;

(ii) in the case of funds subject to subsection (b)(5)(B), would authorize the obligation and expenditure of those funds, subject to such conditions and limitations as are specified in the joint resolution; and

(iii) in the case of funds and agricultural commodities subject to subsection (c)(4), would place conditions or limitations (or both) on the expenditure of those funds, the delivery of those commodities, or both;

(C) which—

(i) in the case of a joint resolution described in subparagraph (B)(i) or (iii), does not contain any provision which is not germane to the conditions and limitations provided for in the joint resolution; and

(ii) in the case of a joint resolution described in subparagraph (B)(ii), does not contain any provision which is not germane to the authority, and the conditions and limitations (if any), provided in the joint resolution; and

The CHAIRMAN. Pursuant to the rule the gentleman from New York [Mr. McHUGH] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. McHUGH].

Mr. McHUGH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I am offering will determine whether Congress has any opportunity over the next 2 year to assess events in El Salvador and effectively determine whether continuing military assistance to the new government there serves American interests.

This amendment does not cut military aid to El Salvador. This amendment does nothing more than reserve to the authorizing committees and to Congress the right to determine 9 months from now whether the second

installment of military aid scheduled for El Salvador next year will flow, depending upon what happens in that country between now and then.

To understand my amendment, the Members must understand how the bill treats military assistance to El Salvador. The bill authorizes $170 million of military aid over the next 2 fiscal years. Under the bill the President must certify to Congress every 6 months that the government there is actively seeking to end the war through political negotiation and is making progress in protecting human rights. These are very important conditions, and I applaud the committee for including them in the bill.

However, if the committee determines that the conditions are not being met despite the President's certification to the contrary, the committee's only recourse under the bill is to report a resolution of disapproval with respect to the next 6 months of military aid. Such a resolution, even if adopted by the House and Senate, can be vetoed by the President.

Everyone recognizes that the President would veto such a resolution from Congress authorizing any effective control over military aid for the next 2 years, regardless of what happens in El Salvador. We know that, the administration knows that, and most importantly, the Government of El Salvador knows that.

If we are serious about the conditions in the bill, it is imperative that we modify the procedures so that the authorizing committees and Congress retain the power to reauthorize military assistance until we know what the government there is actually going to do about human rights and about trying to negotiate an end to the war.

My amendment would enable us to retain that power. It is a simple amendment, a modest amendment, but a critically important amendment.

In specific terms, my amendment would simply require that before the second installment of military aid is delivered to El Salvador next year the Congress must affirmatively vote to authorize such aid.

Why is this important? It's important because at this point we don't know what the new government in El Salvador is going to do about ending the war and protecting human rights. This is a government that is totally controlled by the right wing ARENA party, a party that has a sordid history on human rights, a party that has called for unrestricted war in El Salvador.

Since 1980, the United States has pumped $3.5 billion in aid into El Salvador. Tens of thousands of people have died, and people continue to die. Today, human rights continue to be violated. Today, there is still no functioning system of justice that can hold accountable members of the military who kill innocent people indiscriminately.

It's clear to me that the American people do not want their tax dollars spent to support a Salvadoran Government unless that government is truly committed to ending the war in an equitable fashion and is committed to respecting human rights. But at this point we have no idea what the government is committed to.

It would be tragically wrong, therefore, to give that government a blank check for another 2 years. But unfortunately, that is what the bill would do in its current form.

As I said at the outset, my amendment does not cut or eliminate military aid. It simply gives us the opportunity to judge the commitment of that government to the goals established in the bill. It would simply give the authorizing committees and the Congress the opportunity to make that judgment next April with respect to about half the military aid that would otherwise go to the government in the second half of next year.

In April of next year the new government will have been in power 10 months. At that time we will know what its real commitment is to human rights and to seeking a peace agreement. If its commitment is genuine, I'm sure we will continue military aid. If not, we will have the chance to reassess our policy.

I would note that if this were not a 2-year authorization bill, we would have the opportunity in the normal course to reauthorize military assistance next year. My amendment does nothing more than preserve that option for us.

If we are truly serious about the goals of our policy set forth in the bill, if we truly expect the Government of El Salvador to take our professions of concern to heart, we will adopt this amendment. I strongly urge my colleagues to support it.

□ 1940

Mr. LAGOMARSINO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point out that if you would read the bill, you would see some very tough conditions of military assistance to El Salvador. The President must determine that these conditions have been met. He must in addition consult with the Congress 2 weeks before he makes the determination final and the aid, if he determines it will go forward, is held up for 30 days, during which time Congress can pass an expedited resolution of disapproval.

The Bush administration and, in particular, Secretary of State Baker have gone out of their way to try to demonstrate they want to be cooperative with and responsive to the Congress in our mutual concerns about the thrust of United States foreign policy in El Salvador. The administration deserves the chance to demonstrate that commitment. The McHugh amendment ties the hands of the administration even before it has the chance to demonstrate its good faith.

Making it more difficult to provide aid to El Salvador does not improve the United States ability to influence the Cristiani government or to help the Cristiani government demonstrate it is maintaining effective control over the military forces of El Salvador.

Restricting aid in a way that makes the Government of El Salvador appear to be subservient to the United States undermines the authority of President Cristiani and undermines his ability to exercise authority over the military and reduces his ability to command the respect of the Armed Forces.

Those of us who met with President Cristiani when he was in Washington were impressed with his sincerity in emphasizing the importance of protecting human rights and bringing to justice those responsible for human rights abuses. It is fair to give him a chance to demonstrate his commitment before enacting the legislation proposed by the McHugh amendment.

The McHugh amendment will require another divisive partisan debate on aid to El Salvador 6 months after enactment of this legislation, which will come in an already tense election year and will follow on the events in Nicaragua after their elections in February of next year.

The McHugh amendment would change this foreign aid bill and the language of title VII in ways making it more restrictive and more onerous than current law. If we had examples of bad faith on the part of the new Bush administration in our foreign policy toward El Salvador and other Latin American countries, then I could understand the motivation of the McHugh amendment. If the experience with the Bush administration were to be seen as nothing but frustrating and misleading policies, then 2 years from now I would expect the kind of provisions contained in this amendment. But I believe this amendment unnecessarily ties the hands of the State Department with restrictive provisions before the Bush administration has had the opportunity to demonstrate its good faith in carrying out a foreign policy that reflects the concerns of both sides in Congress.

Many of the problems in this title result from the impression that the majority members on the subcommittee are trying to restrict the new administration because of mistrust attributable to the previous administration. This administration deserves the chance to demonstrate that the bipartisan accord on Central America really meant what it said when it was agreed

that: "The Congress recognizes the need for consistency and continuity in policy and the responsibility of the executive to administer and carry out that policy, the programs based upon it, and to conduct American diplomacy in the region."

□ 1950

Mr. Chairman, I reserve the balance of my time.

Mr. McHUGH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Chairman, I rise in strong support of the McHugh amendment.

Mr. Chairman, as the foreign aid authorization bill now stands, we are giving 2 years of support to the ARENA government without appropriate congressional oversight. In the past ARENA has been the party of the death squad, political assassination, and intimidation. One of its leaders, Roberto D'Aubuisson, was implicated in the assassination of Archbishop Oscar Romero, who was murdered in church while performing Mass. Later that year, three American nuns were raped and killed by a death squad. Lutheran Bishop Medardo Gomez has been warned repeatedly to end his humanitarian work with the poor and the sick or be killed. Last winter his church was bombed. Just a few days ago Sister Mary Mackey, an American citizen, who runs a clinic for war orphans, was shot and seriously injured. The United States has been poring money into El Salvador for years and all we have to show for it is a stalemated civil war and thousands of human rights violations linked to the Salvadoran military.

A few days ago this body overwhelmingly passed a resolution condemning the Chinese Government for its brutal repression of its people. In El Salvador such repression has been going on for 8 years, but instead of a resolution to condemn that violence we are considering a bill which will contribute another $170 million to the Salvadoran military and the ARENA party.

Mr. McHUGH's amendment offers us an opportunity to effectively condition aid to El Salvador. It will send a signal to ARENA and the military that they cannot assume American aid will be available if they ignore the rights of Salvadorans. The amendment will require a vote of Congress in April 1990 to continue aid. Only when ARENA and the military end the torture, the political murders, and the intimidation of judges by death squads should we consider allocating additional funds.

Mr. McHUGH. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I rise today to express my strong support of the amendment offered by my colleague from New York [Mr. McHUGH], which provides an important mechanism for Congress to seriously debate and review our Nation's military assistance to El Salvador.

With a population of fewer than 6 million people, El Salvador is the fifth largest recipient of United States aid. In the past, I, like a majority of my colleagues, have supported aid for El Salvador as a means of strengthening former President Duarte's position and his efforts to reduce human rights violations. However, with the success of the ARENA party, first in last year's legislative elections and now in the Presidential election, many of us fear that the Duarte policies will be repudiated by the new government, given the past ARENA history on human rights.

The McHugh amendment seeks to make a modest but necessary adjustment to United States military assistance provided to the Government of El Salvador. It would require an affirmative vote of Congress in April, 1990 to release the balance of next year's military funds for that country. That compares with the Foreign Affairs Committee approach, which would require a two-thirds vote of each House of Congress to release the same balance once the President proposed to release it. The McHugh amendment neither cuts nor reduces military aid. It simply retains Congress' ability to review the progress of the Cristiani government in promoting democratic reforms, protecting human rights, and ending the civil war.

I am deeply committed to encouraging the democratic process in El Salvador, which, I believe, continues to represent the best hope for an end to human rights abuses in that country. In that context, the Presidential election which took place in March represented an important commitment by the people of El Salvador to bring democracy to their country.

However, the election of President Cristiani now brings the executive, legislative, and judicial branches in El Salvador under the control of the ARENA party. Many here in Congress, including me, have strong concerns regarding that situation. We are torn between a commitment to support a President who won his country's elections with a strong mandate, and our fears that extremist elements of ARENA will take control. And while it is too early to assess the performance of President Cristiani, we must not forget the history of the ARENA party, which has been linked to death squad activities in the early 1980's.

Presistent and tragic charges of human rights abuses by all parties involved in the war continue. Just as we must insist that the Salvadoran military forces stand accountable for violence committed against the population they are meant to protect, so, too, must the FMLN's campaign to assassinate civilian leaders stop.

In the past decade, the American people have invested more than $3 billion in El Salvador. Congress does not have the luxury of turning its back on this issue. We have a responsibility to the people of both countries to ensure that Congress maintains the strongest role possible in monitoring events in El Salvador, and the McHugh amendment provides us with that opportunity.

The McHugh amendment does not change the amount of money authorized for El Salvador. The McHugh amendment does not change the $34 million that the Foreign Affairs Committee has fenced off. The McHugh amendment does not change the criteria under which the $34 million that has been fenced off may be released. All it does is to determine whether the Congress will exercise the basic power that legislatures have in democratic societies, the power of the purse, to participate in this Nation's decision as to whether the new Salvadoran Government deserves our effort. I urge my colleagues to support the McHugh amendment.

Mr. LAGOMARSINO. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I just think the amendment offered by the gentleman from New York [Mr. McHUGH] is really ill-advised. We have been trying to work in a bipartisan way to fashion a program that has some consistency and some continuity, and if the gentleman's amendment is adopted, we will have this whole issue before us again in 8 short months. The pressures from the left and from the right and the message that we are sending to the people of El Salvador is a message of instability and inconstancy.

Of all times to do something that reassures the FMLN that they get another crack at withdrawing American aid from the duly elected Government of El Salvador, now seems especially inauspicious. The FMLN has never been more brutal in its tactics. It is murdering people, murdered the Attorney General, bombed the house of the Vice President, murdered the deputy to the new President Cristiani, and some 19 mayors have been executed.

Why in the world would we want to coddle these people? Why would we want to give them reassurance that their case is not a bad one and that we do not fully support democracy?

Some of our friends may not like the fact that Mr. Cristiani won the presidency. Some of them did not like Napoleon Duarte because they thought he was insufficiently to the left. But if we support democracy, we ought to be able to accept the fruits of democracy, and as far as I am concerned, Mr. Cristiani and his government are entitled to support as a democratically elected government, and not this on-again, off-again, unsure, yes-and-no-and-maybe that the McHugh amendment inserts into this bill.

Either we get along in a bipartisan way with the President, and we try to work together on common goals and common purposes to common ends, or we are going to reject bipartisanship and we are going to have to battle these things out again and again.

I think El Salvador is one of the most carefully watched places in the world. I think this administration and this Congress will watch it, but I think El Salvador deserves our support as a freely elected, democratically elected government, and they are entitled to be able to count on our support at least for a year without having Congress to have to revisit these arguments and the pressures on and on and on.

Well intentioned as the gentleman from New York [Mr. McHUGH] is and his amendment is, it is a mistake. It is against the bipartisan agreement that has been worked out.

The bill's formula is a good one. We do have enough control over what goes on down there, but, for goodness sake, let us make this the year of freedom and democracy, not the year of assisting the FMLN.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I have this peculiar habit that if the House tells the American people we are doing something, I like it to be real.

The committee version pretends that we have a process to review the conduct of the new Arena government in El Salvador before deciding whether they deserve to get the final $34 million that they are scheduled to get under this bill. There is no real way under the committee proposal that that aid could be stopped even if the emerging government proceeded to engage in wholesale butchery of their citizens or American citizens.

The McHugh amendment simply gives us a real chance in April to review that aid and to review their conduct at that time. If the new government proves to be untrustworthy, then we can shut it off. If it does not, we can provide it. It does not prejudge. It does give meaning to President Reagan's suggestion that we "trust but verify." I know I do not trust the FMLN. I think I do trust Mr. Cristiani.

The question is not Mr. Cristiani. The question is, will he be the power, or will he be the front for some people who have even in the past threatened the lives and safety of American diplomats? We need an opportunity to see whether Presidential certification is baloney or on the money, and the McHugh amendment does that.

□ 2000

Mr. LAGOMARSINO. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. MICHEL], the Republican leader.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

M. MICHEL. I am happy to yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I want to indicate my strong opposition to the amendment which is being offered by my good friend, the gentleman from New York [Mr. McHUGH]. This amendment guts the agreement reached in the committee by the gentleman from Florida, [Mr. FASCELL] and myself on El Salvador.

Accordingly, I hope my colleagues will join with the gentleman from Florida [Mr. FASCELL], the gentleman from Michigan [Mr. CROCKETT], the gentleman from California [Mr. LAGOMARSINO], and myself in opposing the McHugh amendment.

I thank the gentleman for yielding.

Mr. MICHEL. Mr. Chairman, I thank the gentleman from Michigan and of course his remarks will perfectly coincide with what this gentleman from Illinois would propose to say to members of the committee.

Mr. Chairman, this amendment, in my view, is against the spirit of the bipartisan accord on Central America that Speaker FOLEY and I signed along with other members of the bipartisan, bicameral leadership with the President back on March 24.

Let me quote from that document:

The United States is committed to working in good faith with the democratic leaders of Central America and Latin America to translate the bright promises of Esquipulas II into concrete realities on the ground.

That is the solemn, pledged word of the President and the bipartisan, bicameral leadership, and in my view "working in good faith" with the democratically elected Government of El Salvador does not mean telling President Cristiani that we do not trust him.

The Communists in El Salvador are assassinating mayors. In recent weeks they murdered the attorney general, the minister of the Presidency, and anyone else they could terrorize. Terrorism from the FMLN has become so atrocious and so pervasive in El Salvador that media accounts tell us of widespread disapproval of the left among part of the populace that used to support it.

Instead of giving a long list of the reasons why this amendment should be defeated, let me just tell a personal story.

Six years ago when our first debates on El Salvador were taking place, then Speaker Tip O'Neill asked our good friend, the gentleman from Pennsylvania, Mr. JACK MURTHA, to go to El Salvador and find out what was going on there.

At that time we were being told by some that El Salvador needed a coalition government with the Communists, and we were told that the military government down there was hopeless. We were told we should abandon them and not send the aid.

But JACK MURTHA went down there and asked questions, and talked to people, and when he came back we had a meeting over in room H-227, just down the hall from my office. At that meeting there was a good constituent of mine, Dr. Ira Gallaway, a revered Methodist minister of some renown who himself had just returned from El Salvador as part of a blue ribbon group of Americans on a fact-finding tour.

And Representative MURTHA and Dr. Gallaway had independently come to the same conclusion: The people of El Salvador want and need democracy, and we should help them, and so we did help them.

Because we helped, they were able to hold democratic elections. José Napoleon Duarte was elected and everyone in the House cheered. The Democrats here in the House saw Duarte as someone whom they could trust, and we Republicans agreed. We had some very fine conversations with him on several occasions when he come to this country. We believed in him, and working together against the cynics who said El Salvador needs a coalition government, the Congress, with President Reagan and Vice President Bush, helped to save that country. It is one of the major foreign policy triumphs in my 32 years in this body.

And because we helped save it, the people of El Salvador had free, open, democratic elections recently and elected Alfredo Cristiani, a member of the ARENA party, as President.

If we support this amendment offered by the gentleman from New York, we are telling the people of El Salvador and of the region that when they elect someone we like, they get our aid; when they freely elect someone whose party we may not like, their reward is our distrust or our skepticism, which is at the very heart of the amendment offered by the gentleman from New York.

Mr. Chairman, we once helped to save El Salvador and the gentleman from Pennsylvania [Mr. MURTHA], and some other Members on the other side of the aisle played a role in that fight, and to his credit, so did our former Speaker, Jim Wright, in that very agreement.

Let us keep up that tradition of bipartisanship and reject this amendment. Let us give the people of El Salvador a sign that we do trust them enough to have them guide their own destiny, with all of the help we can give a democratic ally. I would just like to see this body live up to the spirit of the accord which the distinguished Speaker, Mr. FOLEY, myself, the majority and minority leaders in the Senate, along with the President signed our names to earlier this year.

That would be the right thing to do today by defeating this amendment.

Mr. McHUGH. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Chairman, I rise in strong support of the McHugh amendment.

Mr. Chairman, the late Archibald MacLeish once observed that "we are deluged with facts, but we have lost, or are losing, our human ability to feel them." I am often reminded of this quotation when the issue of El Salvador is discussed.

The facts and figures on the numbers of Salvadorans who have disappeared; who have been threatened, tortured, and murdered are staggering. They are so staggering that many of us have allowed ourselves to be numbed by the enormity of it all.

In the last 9 years, over 70,000 Salvadorans have been killed; at least one out of every 10 people has been forced from their homes; thousands have been tortured; and hundreds of thousands of Salvadorans have fled their country out of fear.

Mr. Chairman, we have heard these statistics so many times that I worry that they have begun to lose their urgency. I worry too, that the war doesn't seem real to many in this chamber. We often discuss the war in El Salvador as if it were some abstraction—relevant only in terms of funding levels and political posturing.

There are some who even describe the current death rate in El Salvador as having reached a tolerable level; as if it's somehow OK that hundreds of civilians are being killed versus thousands. But, murder is murder; torture is torture; fear is fear—and lives are still at risk in El Salvador.

During the last few years, I have been visited by countless numbers of Salvadorans who have told me one story after another of torture and repression. These are real people, who have suffered real pain, at the hands of both the government and the FMLN. And for the record, let me emphasize that I condemn all acts of violence against civilians—no matter which side is responsible.

I fear that if we continue with business as usual, there will be no negotiated settlement and the war with all of its devastation to human life will go on for another 10 years. And I wonder how many more Salvadorans will come to my office telling me more horror stories?

Mr. Chairman, last Friday, the ARENA government introduced harsh new reforms to the current Salvadoran legal code that could have chilling consequences for human rights workers, organized labor, church workers, and so many others.

A deputy with José Napoleon Duarte's Christian Democratic party responded: "Under this new law as it is presently written nobody will be able to attend a meeting, nobody will be able to dance, blow your nose, or go from one place to another. Everything is punished under this law and people won't have the liberty to do anything."

The new ARENA sanctions would mean: 1 to 4 years in prison for passing out materials considered subversive, up to 2 years in prison for spray painting a slogan on a wall, 10 to 20 years for damaging a public building or blocking traffic. The law would also punish anyone for encouraging foreign countries to intervene in El Salvador's own affairs, with 5 to 10 years in jail—which means that those human rights workers who encourage United States officials to investigate human rights abuses, or to condition aid, are subject to these penalties.

In short this law would represent a major step backward—and it demonstrates that our current policies are flawed.

Mr. Chairman, the war in El Salvador has gone on too long. The Congress needs now to make it clear to the warring parties that we want to see this conflict resolved in a peaceful manner. And I, for one do not want to see another decade stained with the blood of innocent Salvadorans.

The McHugh amendment provides us an opportunity to review progress toward ending the war and bettering human rights in 10 months. It should be approved.

Mr. LAGOMARSINO. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I respect the author of this amendment, and I know that his intent is benign. But it is my opinion, having traveled down to this troubled area of our hemisphere 15 times, that if this amendment passes it will have the exact opposite effect. It will give succor to the Communist Farabundo Marti terrorists, and it will make suckers again out of this House.

It is a fact, not an opinion, but an established fact that the Farabundo Marti guerrilleros are controlled out of Managua. There has been shooting after shooting after assassination down there, and if any Member can give me the evidence that is being discussed tonight on human rights abuses by the democratically elected government, I will make phone calls, I will try to stop these, if they are correct.

□ 2010

But where are the phone calls from decent Members of this body on both sides of the aisle, from both the ideologies that dominate most of the debate in this House, when an American citizen, Francisco Peccorini, 74 years of age, a former Jesuit priest who did not go over the wall but was layicized the right way, the loyal way in his church, was an instructor at Long Beach State College, was one of the world's leading authorities against the corruption of religion by what is called liberation theology, when this man is gunned down in the street at high noon on March 15, 4 days before the election? The American press all but ignored it except for some conservative newspapers and there were no calls except from conservatives going down expressing outrage at this murder of a man who held both joint Salvadoran and American citizenship.

A 74-year-old man, the chief of staff to the newly elected president murdered a few days ago; the young vice president, Vice President Merino, bombs thrown over the wall into his house while his children were on the premises; the retired former head of the National Security School gunned down by his car just yesterday, or the day before yesterday.

They have turned to the most brutal type of urban terror which Communists always do when they are losing the countryside. They come in and they start shooting the people at random.

A 74-year-old nun was shot once in the head. They did not take credit for that. That has not been openly blamed on any right-wing forces.

How better to turn public opinion in this House than to compound the excesses of December 1980 when four nuns were killed by drunken, disorderly soldiers; most of them had been in prison and their officers escaped justice. That is outrageous.

Both sides of the aisle condemned that.

But that is now 9 years ago in December. But this 74-year-old sister, she was not killed but is probably dying lying on a bed in a hospital right now, where are all the cries that this was somebody on the right? The cries are not there because it has the stench of what the radical Communists do down there in their assassination campaign.

Listen to some of these other abuses of human rights. They have been extremely escalated just in the last 8 months.

The FMLN has embarked on a campaign of killing democratically elected Government officials, conservative intellectuals like Father Peccorini and members of the armed forces. Mayors, justices of the peace, governors of departments and municipal councils are threatened with death by the guerrillas, shot at or killed.

In the year just ended, March 1989, a few weeks after the bipartisan accord was worked out by the leaders of this House with President Bush and our Secretary of State, in the year ended March 1989 the FMLN threatened with death 214 of the 262 mayors throughout all of El Salvador.

They actually produced a form letter, a form letter for death threats, that is how broad the trail was extending. They had a blank to fill in the name of a Government official to be threatened. More than 90 mayors resigned instantly rather than to submit to what is called in Communist Cubanistic language, revolutionary justice of the people.

The death squads actually killed 10 mayors for failing to resign. That is just in a year's period.

The Governor of the Department of Usulutan, which I believe the former majority whip Tony Coelho visited during the election and came back somewhat chastened about things he had said about El Salvador, agreeing that with a few flaws throughout the country Mr. Coelho admitted that he was watching a democratic election.

The beat goes on. Please do not pass that amendment.

Mr. McHUGH. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, I rise in support of the McHugh amendment.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman and members of the committee, I would hope that you would support the McHugh amendment.

In 1987 Senator HATFIELD, JIM LEACH, and myself issued a report on the use of aid in El Salvador and the finding is very simple, that we put some $3 billion of aid into El Salvador and the results that we have received are nil, are none. None of the things that we have said we wanted to do to reconstruct this country in fact have taken place. None of these facts have been refuted by the State Department or the previous administration.

We have spent $1 billion since 1985, with no results except documented corruption, corruption by the Duarte government, which eventually drove them from power within their own country.

In 1987, the year of the earthquake, this Government committed more aid to El Salvador than the Government of El Salvador. We committed 105 percent of the budget of El Salvador in aid from this Congress.

Now we all have high hopes for Mr. Cristiani. Many of the speeches that we have heard already here this evening are the same speeches we heard when Mr. Duarte was elected. But you know what, Mr. Duarte did not have the power of the conditions or sanctions on the aid. He could not refute the power of the military.

Finally, he had to resort to corruption. That was a corruption that engulfed his government. The McHugh amendment is simply nothing more than an insurance policy for your taxpayer dollars, $3 billion of aid to date and another $800 million on the way.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New York.

Mr. Chairman, I do so because, without this amendment, we will face at least 2 more years of business as usual in El Salvador.

The committee bill does place conditions on military aid to El Salvador, but those conditions may—and if past is prologue, they will—be ignored; and neither we, nor the American people, will have any practical recourse.

The McHugh amendment would not cut off military aid to El Salvador; but it would give us a real chance, not just a theoretical chance, to review the terms and conditions of that aid next spring.

None of us knows what the situation will be like in El Salvador 10 months from now.

Neither you, nor I, know all the answers.

But we do know that El Salvador is now the second largest per capita recipient of United States aid.

We know that billions of dollars of that aid have been wasted because of the sabotage of those seeking power and the corruption of those holding it.

We know that the vast majority of the Salvadoran people yearn desperately for peace, but that neither bullets nor ballots nor our billions have brought them closer to peace.

And we know that representatives of a political party that only a few years ago was a terrorist front, led by criminals, and deeply hostile both to American diplomats and American ideals has now taken power in El Salvador.

The McHugh amendment does not prejudge the new ARENA government. President Cristiani will have 10 months to define the course his government will take.

Just as important, we will have 10 months. Ten months to make it clear that we will continue writing checks to El Salvador only if we are sure that our tax dollars will be used to promote democracy, not to abuse power. To extend land reform, not to repeal it. To end the war, not through terrorism, but through negotiation. And to defend the principle that every Salvadoran, no matter how poor, no matter how desperate, no matter how outspoken, is entitled to certain basic human rights and to a chance for a better life.

The approach taken by the McHugh amendment is not micromanaging. It's not meddling. It's not naive. It's our job. It's our responsibility: To our taxpayers; to the Salvadoran people; to those, Salvadoran and American, who have been murdered in that war; and the ourselves.

The real question we face today has nothing to do with legislative tactics or bipartisan rhetoric. The real question is whether we, as a coequal branch of government, have the guts to say "no" to policies we oppose; and to recommend clear alternatives to those policies that we can support.

I regret to say that, with respect to El Salvador, the committee bill doesn't say "no" or "yes" to anything. It says "maybe" to everything. For Congress, that may be business as usual. But for El Salvador, with its tragic past and uncertain future, business as usual just isn't good enough.

Mr. WEISS. Mr. Chairman, I take second place to no one in condemning assassinations either from the right or the left in El Salvador. But it seems to me that our concern has to be with the Government of El Salvador to which we have contributed over $3 billion over the course of these past 10 years. We do not provide any funding at all to the guerrillas.

If you want to know where the Cristiani government, really the D'Aubisson government is going, look at their so-called antiterrorism act, just introduced last week. It makes criminal the most basic expressions of freedom and association.

Mr. Chairman, the most sweepingly offensive sections of that antiterrorism act would make criminals out of those who "by means of visits to foreign countries, by means of messages, or by any other means, promote declarations or programs in which other states or international organisms are motivated to intervene in the internal affairs of El Salvador." That is the reason to put the reins on this funding.

This provision would criminalize such activities as phone calls to the OAS, the U.N., the United States and other countries to denounce human rights violations in El Salvador. It would also outlaw lobbying in Geneva at the U.N. Commission on Human Rights by nongovernmental groups. Such crimes would be punishable by 5 to 10 years in prison.

The proposed law also provides that anyone in a leadership or employee position in an organization that spreads doctrines that subvert the public order, undefined including university professors and leaders of political organizations would be subject to 3 to 5 years imprisonment.

Dissemination of information that subverts the public order would be punishable with 1 to 4 years in jail. Possession of such subversive material is punishable by 6 months to 1 year in jail.

The form of labor protest most commonly in use in El Salvador—a sitdown strike—would be deemed a terrorist act; as would other acts that cause serious disturbance to the public tranquility or that affect international relations. These crimes would be punishable by 10 to 20 years in jail.

Mr. Chairman, in order to keep the Salvadoran military and the ARENA government accountable. I urge my

colleagues to vote for the McCurdy amendment.

The CHAIRMAN. The gentleman from New York [Mr. McHUGH] has 7 minutes remaining and the gentleman from California [Mr. LAGOMARSINO] has 3 minutes remaining.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I think we have a very important opportunity to speak with a clear, strong voice tonight against political violence and human rights violations. If there were ever a time to speak with one strong voice it is now

There is political ferment and violence throughout the world, from China to Poland to the Soviet Union to El Salvador. We cannot turn from our outrage at brutal repression in China to speak to our neighbors in Latin America with a different voice. And it is not enough simply to speak to these acts of violence. We have seen conditions attached in the past. Conditions without teeth are not conditions at all.

This is not an issue of right versus left. It is not an issue of the administration versus the Congress. It is an issue of whether we, as a nation, decide to speak with one strong voice against violence against peasants who are wantonly killed, against nuns who become the targets of attacks, against violence as a way to do business.

□ 2020

The signal we send tonight is not just to tell El Salvador, it is to tell the entire world. The McHugh amendment sends the right signal.

Mr. PANETTA. Mr. Chairman, I rise to share my own thoughts on the meaning of our work today to fashion United States aid to El Salvador in a careful, meaningful, and reasonable manner.

I do not need to remind my collegues of the recent rise in political violence and human rights violations in El Salvador. In these times of political ferment in nations from China to Poland to El Salvador, we in the United States Congress must send a clear message, a message to the leaders of El Salvador as well as to those in China and the Soviet Union. Most certainly we have to send the same signal to each nation. Let us not turn from our outrage at the brutal repression in China to speak to our own neighbors of the Western Hemisphere with a different voice. And let us not simply condemn acts of repression and human rights violations. We have got to take actions, Mr. Chairman, to back our democratic declarations.

What we must do, with respect to El Salvador, is attach a simple proviso: That the Congress will not continue blindly to approve military aid to El Salvador for years at a time without the ability just once to reconsider that aid in light of changed conditions.

This signal goes to every nation with which the United States has relations, Mr. Chairman. Every action we take is read by governments in every capital of the Western Hemisphere, every capital the world over. It is time to do just that. It is time to act on our beliefs, consistent with our declarations on China, on Romania, and, yes, on El Salvador.

Mr. LAGOMARSINO. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Florida [Mr. FASCELL], chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment. I tell my distinguished friend, the gentleman from New York, that I am supporting the compromise that we have in the bill. I thought it was a fair compromise.

I think the debate on his amendment, however, is a very healthy debate and an important one. However, let me state the proposition here: We have two tranches. The committee did a fine job in financing this money and this assistance. The committee provides, however, that the tranche to go forward, a resolution of disapproval under expedited procedure would stop it.

What happens under the amendment is, when Members get to the second tranche, if the Congress does not act, everything comes to an end. That forces an affirmative vote. In most cases, I would say that that would be ideal, but not when Members have two tranches in the fiscal year. It makes it impossible. If the situation is, and I daresay it might very well be as bad as previous speakers have pointed out, then it becomes incumbent upon the Congress to act anyway, and that action would be by an expedited resolution of disapproval.

I think that what the gentleman seeks there, I think the difference is that the program would continue unless things are so bad that the Congress is so repulsed that it takes the action to stop it.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, the gentleman from New York [Mr. McHUGH] is a very sensible person, and this is a very sensible amendment. It does not do anything to this program of aid except it says in April of 1990, this Congress, this Congress which spends taxpayers' dollars, will have another opportunity to look at whether or not this aid is being spent wisely. I think it is eminently sensible by a very sensible person. There is a new President in El Salvador. Many of the Members have some fears and worries on both sides of the aisle. All the Members condemn violence from both sides, and this amendment merely gives Members a chance to take another look in April at whether we have done the right thing.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentlewoman for yielding. Those Members who followed events in El Salvador have seen violence erupt time and again from the right wing. This amendment simply says: Stop, take stock, assess what is happening in El Salvador before we go forward with the next increment of aid.

Mr. McHUGH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong support of the McHugh amendment. I commend and thank the gentleman from New York [Mr. McHUGH] for drafting this compromise.

Mr. Chairman, I rise today in support of the McHugh amendment to H.R. 2655, the foreign aid bill.

The McHugh amendment would require an affirmative vote in April, 1990, for the release of the final 40 percent of military aid to El Salvador. The amendment is not extreme. In fact, it does not curtail aid, which I believe should be done. The McHugh amendment does not cut aid to El Salvador, nor does it reduce it—it does give us the opportunity to review the military and political situation in El Salvador 10 months after President Cristiani took office.

I believe that it is important for Congress to retain the right to review United States policy in El Salvador. The Reagan policy toward El Salvador was a dismal failure. Since 1980, the United States has spent over $3½ billion in that tiny, war-torn country. The war there is at a stalemate, the economy is crumbling and living conditions are deteriorating. Over 60,000 civilians have died as a result of the war conditions.

The right-wing ARENA party is now in control of all branches of the Government of El Salvador. There are still serious questions about the level of influence Roberto D'Aubuisson will have in the new Salvadoran Government. President Cristiani was sworn in less than a month ago—the only thing we really know about him is the unsavory history of his political party. Given this sordid history, we should not grant 2 years of funding without allowing ourselves a chance to review Cristiani's performance.

Over 150 Members of this body are cosponsors of House Concurrent Resolution 48, my resolution calling for a negotiated political settlement to the war in El Salvador. The McHugh amendment, by providing for a congressional vote in April 1990 on the balance of the military aid will facilitate our efforts to encourage a negotiated political settlement to the tragic and bloody war. April 1990 is 10 months into the ARENA administration. By then, we will have a better idea of Roberto D'Aubuisson's influence, of President Cristiani's intent, and of the progress made toward negotiations on a settlement to the war.

Passage of the McHugh amendment would send a strong signal to El Salvador that we are serious when we talk about achieving progress on human rights abuses and the

need for a negotiated settlement to the war. I urge my colleagues to support the McHugh amendment.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I rise in support of the McHugh amendment. The question for me this evening is not whether we trust Secretary of State Baker or Under Secretary Aaronson. I trust both of these men. The question is not whether we support President Cristiani. I support President Cristiani, and I hope and pray that he succeeds.

The real question is whether President Cristiani can control Mr. D'Aubuisson and the right wing death squads in El Salvador that have been operating there for many years.

Mr. Chairman, I do not believe there is a Member in this body this evening that can answer that question with certainty. I have supported aid to El Salvador since President Duarte was elected. I am glad that I did, and I want to continue to do so. With my vote here this evening, I am merely saying I will vote for more aid to El Salvador, next April if Mr. Cristiani demonstrates that as President of El Salvador he can control Mr. D'Aubuisson and the death squads. That is all I am asking him to do with my vote here this evening.

The CHAIRMAN pro tempore (Mr. SANGMEISTER). The gentleman from New York [Mr. McHUGH] has 4 minutes remaining, and the gentleman from California [Mr. LAGOMARSINO] has 1½ minutes remaining.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, I rise in support of the McHugh amendment. Fact No. 1: The United States has given $3.5 billion of aid to El Salvador since 1981.

Fact No. 2: Unfortunately, the civil war in that country continues unabated.

I support the continued aid to El Salvador as a means to help achieve an end to that war. This amendment simply gives Members in the Congress and the American people control over the disbursement of that military aid to El Salvador. This amendment will give Members an opportunity to assess the performance of President Cristiani's ARENA government in the spring of next year.

It is my hope that this amendment will ensure that the Government in El Salvador is making that serious effort that we all hope, and in both ending the war and in ensuring the democratic freedoms of all Salvadorans.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, 6 years ago when the House voted for aid to El Salvador, without conditionality, I voted for aid, and it passed by the thinnest of margins. I have voted for aid to El Salvador ever since, but not without misgiving, because Salvadoran aid is running into billions, and I do not think anyone here would try to argue that all has been spent well.

I do not believe many here would say they are totally comfortable with the ARENA party. After all, the honorable President for life is Roberto D'Aubuisson.

I met Mr. Cristiani on his last trip here and he is cut from a different bolt of cloth. With this aid bill, we send Cristiani our encouragement, support, and we ought to send his government and his party a warning, simple warning, that a small part of the package hinges on their conduct in office. Let Members not prejudge Cristiani and his government, but let Members not send him a blank check until we have seen his performance in office. Support the McHugh amendment.

Mr. LAGOMARSINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio, Mr. DONALD E. "BUZ" LUKENS.

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, I rise in strong opposition to the McHugh amendment.

Mr. LAGOMARSINO. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding.

My colleagues, I love this institution and I respect every Member of this body. However, sometimes I am downright embarrassed at the hypocrisy in this institution. This Congress, less than 24 hours ago, voted to extend most-favored-nation status to a Communist country, Hungary, for 5 years instead of the normal 1-year extension. As I look at the parade of sponsors, including the sponsor of the amendment, first vote to expand favored nation status to a Communist country barely moving to improve human rights, and at the same time want to cut the aid to a legitimate democracy, a direct democracy that Members and I all worked for to bring about, I wonder where our priorities are.

Five years ago in 1983, all we saw on the front pages of the papers, were the words "El Salvador." Today, Members hardly ever see them. Why? Because there is a legitimate democracy there that we all worked for. Why are Members being hypocritical? Why do they try to undermine a free democracy while supporting a Communist nation?

I hope we come to our senses and defeat this amendment.

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The CHAIRMAN. The gentleman from New York [Mr. McHUGH] has 2 minutes remaining.

Mr. McHUGH. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I would hope that the Members in considering this amendment will consider the real issues involved with the amendment. I have heard a number of red herrings thrown around during the debate, and I trust they will not mislead Members on what the very modest but, I think, very important purpose of this amendment is.

I will say what I said earlier, and that is that this amendment does not in any sense cut military aid to El Salvador. Moreover, it does not prejudge the Cristiani government, which has only taken office on June 1. We all hope and we all pray that that government will pursue the goals which the committee has very effectively set out in the legislation, goals of pursuing peace and goals of protecting human rights.

Moreover, I want to emphasize that we have made progress with the support of the United States and the foreign aid program in El Salvador under Duarte. There are still serious problems, and it is because of the continuance of those problems that we are anxious to take another look at this policy, at least once in a meaningful way next year.

All my amendment does is preserve to the authorizing committees and to the Congress the opportunity to review this policy in April of next year and to cast a meaningful vote as to whether continuing military assistance serves our interest. At that time we will have had 10 months of experience with the new government in El Salvador. If that government has performed credibly, if, as we all hope, it has pursued peace and human rights, if the guerrillas have not on their side of the conflict been responsible, I am confident that on a bipartisan basis we will consider military aid to El Salvador, but we should have the opportunity to make that judgment on the basis of the facts and on the basis of experience. To do otherwise is to simply surrender our responsibilities and our rights in this form of government in which we all serve.

So in that context, Mr. Chairman, I urge my colleagues to vote "yes" on this amendment, a modest one but a very important one.

Mr. FEIGHAN. Mr. Chairman, I rise in support of the McHugh amendment. This amendment must be passed in order to give substance to Congress' stated policy that foreign assistance should be tied to the human rights records of recipient governments. The current form of the bill virtually ensures that funds will flow to the government of El Salvador even if that government utterly fails to address its involvement in a dramatically increasing rate of political abduction and murder. This amendment will provide a responsible mechanism for

ensuring that United States policy toward El Salvador is responsive to the existing realities.

Over the past decade, the United States has provided over $3.5 billion in economic and military aid to El Salvador, yet a recent report by four U.S. Army lieutenant colonels has concluded that an end to the war appears nowhere in sight, and that the FMLN has the capacity to sustain combat at the present level indefinitely. At the same time, the human rights situation is getting worse, not better, with death squad killings up 150 percent from 1987 to 1988.

Next year is the 10th anniversary of the assassination of Salvadoran Archbishop Oscar Romero, the human rights activist who was shot to death in 1980 while leading a mass in his church. One month before his assassination, Archbishop Romero wrote to President Carter to describe how United States aid would be used to violently repress Salvadoran citizens. His words, now almost 10 years old, remain just as true today: The armed forces and security forces have unfortunately not demonstrated their capacity to resolve in practice the nation's serious political and structural problems. For the most part they have resorted to repressive violence.

One month later Archbishop Romero was assassinated and since that time, his case has become a symbol of the unwillingness of the Salvadoran military to punish human rights violators. In the past several months the Salvadoran Government has taken several actions which may signal the virtual end of any further investigation into the Romero case.

While it may be inaccurate to say that there has been no progress in El Salvador, it is also inaccurate to suggest that democracy in El Salvador has more than a tenuous foothold. At its most basic, democracy is a system of government designed to give fullest expression to the will of the people. In El Salvador, the demand of the people is that this war end. Yet, that very basic demand is held hostage by an increasingly violent insurgent movement and recalcitrant military and paramilitary hardline elements.

At a time when El Salvador is heading down an uncharted road and at a time when no one knows what will be happening in 6 months, much less in a year, this amendment will send the message that the violation of basic human rights must be addressed by the Salvadoran Government before our relationship can go forward. At the same time, it will say to the FMLN that the United States is not washing its hands of El Salvador in the wake of continued political assassination and that we remain committed to seeing this fledgling democracy function to bring Salvadorans the peace they yearn for. I urge passage of the McHugh amendment.

Mr. KASTENMEIER. Mr. Chairman, the committee report relating to military assistance for El Salvador mentions that United States assistance to El Salvador is linked to the promotion of a political settlement to the civil war, an end to human rights abuses, and respect for democracy and the rule of law, and that the purpose of certain provisions of H.R. 2655 is to increase the pressure on the Government of El Salvador to pursue a political settlement of the conflict, respect human rights, continue progress toward democratization, and to enhance congressional oversight of United States policy toward El Salvador.

I do not believe that the committee bill, as presently written, can accomplish these purposes. H.R. 2655 authorizes $85 million in military assistance for each of the fiscal years 1990 and 1991. These funds will be released in semiannual installments after the President certifies to the Congress that the Salvadoran Government and armed forces are meeting the goals called for by the Congress. If Congress disagrees with the President's findings, it may consider a resolution of disapproval for the release of military funds. The resolution of disapproval, however, would be subject to a Presidential veto.

Mr. Chairman, we have gone through this route once before. In the early 1980's, the Congress conditioned military aid to El Salvador on a determination by the President that the Government of El Salvador was making a concerted effort to comply with internationally recognized human rights and was bringing to an end the indiscriminate torture and murder of Salvadoran citizens by the armed forces. President Reagan would regularly certify that conditions imposed by the Congress were being fulfilled.

Here we are in 1989, debating the same issues. The tragic facts of El Salvador have not changed. I do not believe that military assistance for El Salvador is warranted.

Our colleague, Representative MCHUGH of New York, has proposed an amendment to H.R., 2655 which will require passage of a resolution of approval by Congress in April of next year to release future military aid funds for El Salvador. This amendment is an improvement over the committee provision, and I believe it offers a better opportunity for the Congress to convince the Government of El Salvador that it is serious in seeking compliance with the goals set by the Foreign Affairs Committee than would be the case with the committee language.

Mr. Chairman, I am voting for the McHugh amendment, and I urge my colleagues to support it.

Mr. KENNEDY. Mr. Chairman, the city of Cambridge, in my congressional district, has a sister city in El Salvador called San Jose las Flores. On May 29th, Salvadoran Army troops—the same people we are giving 170 million United States dollars to—attacked San Jose las Flores. Villagers were confined to the church—prevented from working in the fields—while soldiers fired machine guns and helicopters fired rockets around the community, destroying homes and property. Troops terrorized the civilian community, accusing villagers and nuns of being members of the FMLN.

During the same week of the attack on San Jose las Flores, the military also occupied the towns of Arcatao and Las Vueltas, in an apparent sweep of Chalatenango province. Before we send millions of dollars to troops which spend their time terrorizing nuns and peasants, Congress should seriously consider the actions of these troops.

On April 22, six humanitarian aid workers were captured, severely beaten, and denied medical treatment. They remain imprisoned today, yet they never received a trial. Given the already significant deterioration in the human rights situation since the ARENA government took power several months ago, Congress has a moral obligation to review ARENA's human rights behavior and progress towarda political solution to the civil war next April. The McHugh amendment allows us to do that. Without the McHugh amendment, the foreign aid authorization bill will be taken as a green light for ARENA's repression of the Salvadoran people.

Democracy means majority rule, and that is exactly what the McHugh amendment is about. The amendment does not cut any economic or development aid to El Salvador; it does not cut any military aid either. All the McHugh amendment does is require congressional review and approval of the second tranche of 1990 military aid—it only affects $34 million of the $170 million authorized for the next 2 years. The McHugh amendment is moderate and just: It allows the majority to decide.

The CHAIRMAN. Under the rule, all time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. MCHUGH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. McHUGH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 233, not voting 14, as follows:

[Roll No. 122]

AYES—185

Ackerman	Early	Leland
Akaka	Eckart	Levin (MI)
Alexander	Edwards (CA)	Levine (CA)
Anderson	Engel	Lewis (GA)
Annunzio	Espy	Long
Applegate	Evans	Lowey (NY)
Atkins	Fazio	Luken, Thomas
AuCoin	Feighan	Manton
Bates	Flake	Markey
Beilenson	Foglietta	Martinez
Bennett	Ford (MI)	Matsui
Berman	Ford (TN)	Mavroules
Boehlert	Frank	McCloskey
Boggs	Frost	McDermott
Bonior	Garcia	McHugh
Borski	Gejdenson	McMillen (MD)
Bosco	Gephardt	McNulty
Boucher	Gibbons	Mfume
Boxer	Glickman	Miller (CA)
Brennan	Gonzalez	Mineta
Brooks	Gordon	Moakley
Brown (CA)	Gray	Moody
Bruce	Green	Morella
Bustamante	Guarini	Morrison (CT)
Cardin	Hall (OH)	Mrazek
Carper	Hayes (IL)	Murphy
Carr	Hertel	Neal (MA)
Clarke	Hoagland	Neal (NC)
Clay	Hochbrueckner	Nowak
Clement	Hoyer	Oakar
Coleman (TX)	Hughes	Oberstar
Conte	Jacobs	Obey
Conyers	Johnson (SD)	Olin
Costello	Jontz	Owens (NY)
Coyne	Kaptur	Owens (UT)
de la Garza	Kastenmeier	Panetta
DeFazio	Kennedy	Payne (NJ)
Dellums	Kennelly	Pease
Dicks	Kildee	Pelosi
Dingell	Kleczka	Penny
Dixon	Kostmayer	Perkins
Dorgan (ND)	LaFalce	Poshard
Downey	Lantos	Price
Durbin	Leach (IA)	Rahall
Dwyer	Lehman (CA)	Rangel
Dymally	Lehman (FL)	Richardson

Roe	Skaggs	Traficant
Rose	Slattery	Traxler
Rostenkowski	Slaughter (NY)	Udall
Roybal	Solarz	Unsoeld
Russo	Spratt	Vento
Sabo	Staggers	Visclosky
Sangmeister	Stallings	Walgren
Savage	Stark	Waxman
Sawyer	Stokes	Weiss
Scheuer	Studds	Wheat
Schneider	Swift	Williams
Schroeder	Synar	Wise
Schumer	Tanner	Wolpe
Sharp	Torres	Wyden
Shays	Torricelli	Yates
Sikorski	Towns	

NOES—233

Andrews	Hayes (LA)	Pickle
Archer	Hefley	Porter
Armey	Henry	Pursell
Aspin	Herger	Quillen
Baker	Hiler	Ravenel
Ballenger	Holloway	Ray
Barnard	Hopkins	Regula
Bartlett	Horton	Rhodes
Barton	Houghton	Ridge
Bateman	Hubbard	Rinaldo
Bereuter	Huckaby	Ritter
Bevill	Hunter	Roberts
Bilbray	Hutto	Robinson
Bilirakis	Hyde	Rogers
Bliley	Inhofe	Rohrabacher
Broomfield	Ireland	Roth
Browder	James	Roukema
Brown (CO)	Johnson (CT)	Rowland (CT)
Buechner	Johnston	Rowland (GA)
Bunning	Jones (GA)	Saiki
Burton	Kanjorski	Sarpalius
Byron	Kasich	Saxton
Callahan	Kolbe	Schaefer
Campbell (CA)	Kolter	Schiff
Campbell (CO)	Kyl	Schuette
Chandler	Lagomarsino	Schulze
Chapman	Lancaster	Sensenbrenner
Clinger	Laughlin	Shaw
Coble	Leath (TX)	Shumway
Coleman (MO)	Lent	Shuster
Combest	Lewis (CA)	Sisisky
Cooper	Lewis (FL)	Skeen
Coughlin	Lightfoot	Skelton
Cox	Lipinski	Slaughter (VA)
Craig	Livingston	Smith (FL)
Crane	Lloyd	Smith (MS)
Crockett	Lowery (CA)	Smith (NE)
Dannemeyer	Lukens, Donald	Smith (NJ)
Darden	Machtley	Smith (TX)
Davis	Madigan	Smith (VT)
DeLay	Marlenee	Smith, Denny (OR)
Derrick	Martin (IL)	
DeWine	Martin (NY)	Smith, Robert (NH)
Dickinson	Mazzoli	
Donnelly	McCandless	Smith, Robert (OR)
Dornan (CA)	McCollum	
Douglas	McCrery	Snowe
Dreier	McCurdy	Solomon
Duncan	McDade	Spence
Dyson	McEwen	Stangeland
Edwards (OK)	McGrath	Stearns
Emerson	McMillan (NC)	Stenholm
English	Meyers	Stump
Erdreich	Michel	Sundquist
Fascell	Miller (OH)	Tallon
Fawell	Miller (WA)	Tauke
Fields	Molinari	Tauzin
Fish	Mollohan	Thomas (CA)
Frenzel	Montgomery	Thomas (GA)
Gallegly	Moorhead	Thomas (WY)
Gallo	Morrison (WA)	Upton
Gaydos	Murtha	Valentine
Gekas	Myers	Vander Jagt
Gillmor	Nagle	Volkmer
Gilman	Natcher	Vucanovich
Gingrich	Nelson	Walker
Goss	Nielson	Walsh
Gradison	Ortiz	Watkins
Grandy	Oxley	Weber
Grant	Packard	Weldon
Gunderson	Pallone	Whittaker
Hall (TX)	Parker	Whitten
Hamilton	Parris	Wilson
Hammerschmidt	Pashayan	Wolf
Hancock	Patterson	Wylie
Hansen	Paxon	Yatron
Harris	Payne (VA)	Young (AK)
Hastert	Petri	Young (FL)
Hatcher	Pickett	

NOT VOTING—14

Anthony	Flippo	Jenkins
Bentley	Florio	Jones (NC)
Bryant	Goodling	Smith (IA)
Collins	Hawkins	Wright
Courter	Hefner	

□ 2051

The Clerk announced the following pair:

On this vote:

Mrs. Collins for, with Mr. Courter against.

Messrs. PASHAYAN, LEWIS of California, ROWLAND of Georgia, and NAGLE changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to title VII?

AMENDMENT OFFERED BY MR. MC COLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCOLLUM: Page 447, add the following after line 24:

(e) POLICE TRAINING FOR EL SALVADOR.—Notwithstanding the prohibition contained in section 4202 of the Foreign Assistance Act of 1961, and without regard to any requirement or limitation contained in subsection (b) of this section, assistance otherwise prohibited by section 4202 of the Foreign Assistance Act of 1961 may be provided to El Salvador for fiscal years 1990 and 1991 if, at least 30 days before providing such assistance, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that he has determined that the Government of El Salvador has made significant progress, during the preceding 6 months, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without a trial. Any such notification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.

Page 453, lines 5 and 6, strike out "EL SALVADOR, GUATEMALA," and insert in lieu thereof "GUATEMALA".

Page 453, lines 10 and 11, strike out "El Salvador, Guatemala," and insert in lieu thereof "Guatemala".

Page 453, strike out lines 12 through 19 and insert in lieu thereof the following:

(b) DEFINITION.—As used in this section, the term "police forces" includes all members of security forces other than the regular uniformed armed forces.

Mr. McCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. CARDIN). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Chairman, for quite a number of years there has been a worldwide prohibition in law that we have held that says that the United States shall not train the police forces domestically in any other nation.

In 1985, there were four United States Marines killed, almost 4 years ago last week to the day in El Salvador. As a result of those deaths and the request that we had from our State Department and our Embassy, this Congress enacted a special waiver for El Salvador on the police training prohibition, and for 3 years after that we managed to train through our military police and military advisors in the San Salvador area the police forces, the city forces of that country. During this intervening period of time when that training was going on, there was great success to that program, that training program we had, the equipping program. We provided radios and cars to the police. We taught them human rights. We taught them how to do criminal investigations. We taught them a lot of things. Since that time there have been no deaths of American officials down there, no assassinations of them, although we have lost recently due to increased urban terrorism of the Communist FMLN a number of major officials of the Salvadoran Government, including the Attorney General, the Chief of Staff to President Cristiani, and most recently, just this week, assassinated was the general who was in charge of the police.

As a result of this effort, as I was saying, a great deal of good has come in El Salvador. We have a much more professional police force and so forth.

My amendment basically does one simple thing. It just renews that which has expired. It reauthorizes the waiver allowing for us in the United States and our forces to train those police and to equip them as we have been doing for 3 years until that program ran out.

Let me explain how important that program is and why it is the top priority with the Embassy there of all the things they say that should be done to help El Salvador right now, why President Cristiani wants it so badly and why I think that we in all good conscience need to do it to protect lives down there.

I guess the best way to describe it is to tell you what has happened already in that country during that time. Sixteen thousand, actually more than 16,000 police in the cities of San Salvador and San Miguel and the urban areas of El Salvador have been trained since the beginning of that program. This is something incountry. No other country does it, and in no place else in the world is it done like this.

Our State Department has reported to us that as a result of the training that we have done, we have had major breakthroughs in El Salvador in murder and kidnaping cases of the most notorious type.

I thought it was interesting and I would like to quote from a couple reports that have come out here lately on some of the things that have happened down there. Just this past month in May, there was the largest arms cache in the history of El Salvador unearthed in the city of San Salvador. It was done by the national police, who are the police that we have been training. A cable from our Embassy there to us explained in detail what all was in that. Later on you are going to see some photographs of the large size of that cache and there will be more discussion about it.

I think the important point in that cable is the quote that I am going to read from our Ambassador:

The outstanding quality of the police work that went into this bust is testimony to the growing professionalism of the Salvadoran security forces in large part due to U.S. assistance made possible until now by FAA 660 waiver. The police are emerging as a competent investigative force, and their importance in the urban war against the FMLN cannot be overstated.

Another report that I think is of a great importance out of our State Department describes the way they have helped in the humanitarian area to restrain the police, to train them in good quality techniques, and it says:

Since we began providing assistance to the police, not a single demonstrator has been killed in the numerous riots provoked by the FMLN-front groups. Ten violent demonstrations were investigated between March and September of 1988. The best example of improvements of the police can be seen in their behavior in the September 13, 1988, demonstration in San Salvador. Despite the fact the demonstration turned violent, five policemen were shot, one killed, and numerous handguns and hand grenades and Molotov cocktails, nail-studded clubs were confiscated from the demonstrators, the police behaved precisely according to the book. A review of a videotape of the incident showed restraint and professional police behavior in the face of the most severe provocation including the murder of one of their colleagues.

This is the type of training we need to have. We want to civilize the police, and they have been in that country. We want to combat urban terrorism, and we want to protect American lives.

Here is a list of all the violations of human rights in the last year reported by our State Department by the FMLN in the urban centers in that country. I am not going to read all of it, but I am including it in the RECORD.

At any rate, there is a whole long litany of these things that go on and on and on. The bottom line is that we have serious problems of security in those cities where bombings occur regularly, where assassinations occur regularly, where we now have for the first time a pretty good police force, but we do not have the power to continue training them. That is all we are asking for is the training and to save American lives, and I urge that the McCollum amendment be adopted to continue the waiver.

FMLN HUMAN RIGHTS ABUSES

Abuses of human rights by the Farabundo Marti National Liberation Front (FMLN) in El Salvador have escalated dramatically over the last eight months. Increasingly unable to confront the Salvadoran armed forces in the field, the FMLN has resorted to assassinations, urban terrorism, and destruction of infrastructure in its effort to destablized Salvadoran democracy. Another goal of the guerrillas' killing and destruction is to provoke a violent, extrajudicial reaction from the Salvadoran right and military, in the hopes that such a response would jeopardize continued U.S. assistance.

ASSASSINATIONS

The FMLN has embarked on a campaign of threatening and killing democratically-elected government officials, conservative intellectuals, and members of the armed forces. Mayors, justices of the peace, governors of departments and municipal councils are threatened with death by the guerrillas for being part of the government's counter-insurgency plan. For example:

In the year ended March 1989, the FMLN threatened with death 214 of the 262 mayors in El Salvador. The FMLN actually produced a form letter for death threats on an FMLN letterhead. It had a blank to fill in with the name of the government official to be threatened. More than 90 resigned rather than submit to "revolutionary justice;" FMLN death squads killed 10 for failing to resign.

The governor of the department of Usulutan was taken from his house before dawn in January and executed.

The FMLN threatened with death all electoral workers who participated in the March presidential election.

There have been more than 20 assassination attempts against members of the armed forces. Air force pilots are particularly targeted. The FMLN bombed the house of the 75-year-old mother of the Minister of Defense in January, wounding her.

Attorney General Garcia was assassinated on April 12 by unknown assailants. Garcia was staunchly anti-communist and often appeared on television and radio to condemn FMLN violence; he was in turn reviled in guerrilla radio broadcasts.

Unknown assailants also bombed the house of Vice President-elect Chico Merino on April 14. Merino and his wife were in the United States, but a visiting playmate of his children was injured. Merino has been an outspoken opponent of FMLN violence.

Miguel Castellantos, a former guerrilla who renounced violence in 1985, was gunned down in the street by the FMLN on February 16. Castellanos wrote and debated frequently on the need for an end to the violence. An FMLN radio broadcast praised his killing and called him a "traitor" consigned to "the garbarge dump of history."

Francisco Peccorini, a 75-year-old American citizen of Salvadoran descent who wrote and spoke against the FMLN, was killed by unkown gunmen on March 15. Peccorini was almost certainly killed for his advocacy of conservative democratic causes, particularly his attempts to promote non-ideological approaches to higher learing. Despite the fact that he was an American, little notice was paid his killing.

Carlos Ernesto Mendoza, editor of a conservative intellecutal journal, lost his arm while trying to remove a bomb from his home on April 5.

Minister of the Presidency (the equivalent of White House Chief of Staff) Jose Rodriguez Porth, 73, was killed by unkown assailants outside his house on June 9. The FMLN has denied killing Rodriguez Porth, but President Cristiani has stated his belief that the FMLN was behind the crime. Rodriguez Porth was strongly conservative and regularly denounced FMLN violence.

URBAN BOMBINGS

The FMLN has increased its use of crude homemade mortars in the city. These devices, called "rampas" by the insurgents, use one explosion— often a car bomb—to launch a projectile (usually another bomb) into a target area. In ten such uses of rampas in the city recently, little damage has been done to the targeted military installations while devastating civilian casualties have been caused, For example.

A rampa targeted at a military garrison in December was placed in front of a busy health clinic. Dozens were injured, and a passing motorist lost both legs. The garrision was untouched.

A February rampa explosion killed two elderly bystanders and wounded many others while again failing to accomplish any military purpose.

The guerrillas have also adopted the tactic of exploding bombs designed to maximize civilian casualties.

A November blast at a hamburger stand wounded dozens, four seriously.

The guerrillas shot rocket-propelled grenades at the Sheraton hotel and the U.S. AID building, also in November.

In a February attack on the Usulutan town of Berlin, the FMLN insurgents left behind apparently "dud" ammunition with anti-handling devices. Three explosive ordinance technicians were killed trying to clean up. The guerrillas fired three M-79 grenades into the town's kindergarten, destroying it.

INDISCRIMINATE USE OF WEAPONS

Guerrilla landmines planted on paths and in fields killed 42 and wounded more than a hundred people in 1988. The FMLN's indiscriminate use of landmines in rural areas have killed six so far this year.

On May 4, a booby-trapped FMLN poster on a guerrilla-sabotaged power pole killed five, including an 18-year-old mother and her two-month-old baby, and wounded 20, according to the Red Cross.

On May 13, a 10-year-old girl was killed in a guerrilla crossfire in Berlin, Usulutan. While the guerrillas probably were not aiming at her, it is worth noting that she was in church when she was shot.

On May 22, a civilian microbus was ambushed by the FMLN resulting in the deaths of seven civilians and the wounding of eight others. The FLMN later apologized for these killings.

DESTRUCTION OF INFRASTRUCTURE

One key guerrilla tactic has been to disrupt the economic infrastructure of the country through sabotage, direct attacks, and transportation stoppages. Their goal is to make normal commercial activities impossible, thereby raising tensions in society. For example:

The FMLN has declared two nationwide traffic bans—enforced with tire-puncturing devices strewn on roadways and roadblocks—in the last eight months. The FMLN burns vehicles found to be operating in defiance of their ban. These bans prevent citizens from going to work and in the case of the March traffic ban, from voting.

FMLN sabotage kept the city of San Salvador without power for two weeks prior to the March election.

The FMLN targets coffee and cotton factories for destruction. In one attack in Usulutan in February the guerrillas burned thousands of pounds of export quality coffee, a disaster in a country where coffee is the number-one foreign exchange earner.

SALVADORAN REACTIONS

There are increasing indications that the Salvadoran people are fed up with FMLN provocations and senseless violence.

Reni Roldan, vice presidential candidate for the leftist Democratic Convergence (CD), lambasted the FMLN after the February rampa explosion which killed two elderly civilians. He said that FMLN violence was hurting his party's chances in the election and was losing the FMLN support of the people. The FMLN subsequently suspended use of rampas, citing "technical difficulties." It has since resumed using these indiscriminate bombs.

Following less-than-expected electoral support for the CD in the March election, CD presidential candidate Guillermo Ungo blamed FMLN violence for the fact that he won only 3.8 percent of the vote.

Some 2,000 residents of the provincial town of San Miguel declared a strike and march against FMLN violence in February. The marchers called on the mayor, who had been threatened by an FMLN death squad, not to resign.

Archibishop Rivera Y Damas, who has repeatedly called on both sides to end the conflict, strongly denounced FMLN violence on February 5.

Mr. KOSTMAYER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we waived this in 1985. We agreed to the McCollum amendment in 1985, and since then we have provided $17 million in police training.

Do the Members know how much of that $17 million was used for training and how much was used for equipment? $16.5 million out of the $17 million was used for equipment, and a half million dollars was used for training. What kind of a training program is it that spends $17 million and uses $16.5 million to buy guns and bullets and ammunition and a lousy half million bucks for training? That is not a training program. That is an arming program. Who did it arm? It armed the National Police, the Treasury Policy, the National Guard.

We have given this country $3 billion to date, $1.5 million a day of American taxpayers' money. Do the Members know what this amendment does tonight, ladies and gentlemen, which the gentleman from Florida did not mention? It lifts the cap on military aid to El Salvador. It lifts the cap on military aid to El Salvador.

Mr. Chairman, we give them $85 million in the bill. This will allow the Bush administration to give them another $85 million.

How much military assistance are we going to give? They are already getting police training for the antiterrorism assistance program, the administration of justice, program, the antinarcotics program, and this mixes the armed forces with civilian police forces.

This is a terrible, terrible idea. It is going to increase the money that is going to the death squads.

If we vote for this amendment, we are voting to provide at least another $20 million which is what we think the administration will ask for military equipment to a country that is already getting $1.5 million a day.

Enough is enough.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I am happy to yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, there is no more money being asked here in this program. It is all to come out of MAP's money that is already down there.

When the gentleman from Oklahoma [Mr. McCURDY] finishes with his amendment coming up, that will be signed, sealed and delivered, but that is not what our amendment does.

I beg to differ with the gentleman, in all due respect.

Mr. KOSTMAYER. Reclaiming my time, this allows the administration to request additional funds. There is a cap of $85 million. This lifts the cap. This provides more money for ammunition.

The last thing we need is more guns, more ammunition. How long will it take until we learn the lesson? We are not going to reach a military solution. We do not need more guns. We do not need more ammunition. We do not need more bullets. We need to reach a political settlement.

If we provide these paramilitary police forces with the additional arms, we are removing and decreasing, I think, the chance that we will reach a negotiated settlement.

AMENDMENT OFFERED BY MR. MC CURDY TO THE AMENDMENT OFFERED BY MR. MC COLLUM

Mr. McCURDY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCURDY to the amendment offered by Mr. McCOLLUM: In the text proposed to be inserted as subsection (e) by the amendment, strike out "Notwithstanding" and all that follows through the end of the subsection and insert in lieu thereof the following:

In order to promote the professional development of the security forces of El Salvador and to encourage the separation of the law enforcement forces from the armed forces of El Salvador, assistance made available under subsection (b) may, notwithstanding section 4202 of the Foreign Assistance Act of 1961, be provided to El Salvador for fiscal years 1990 and 1991 for purposes otherwise prohibited by section 4202 of the Act, if the following conditions are met:

(1) The training provided with such assistance is provided by United States civilian law enforcement personnel.

(2)(A) The assistance is to be used for the purposes of professional development and training of the security forces of El Salvador in such areas as human rights, civil law, investigative and civilian law enforcement techniques, and urban anti-terrorist training.

(B) Any such assistance that is made available for equipment for these forces is intended to be used for the purchase of such equipment as communication devices, transportation equipment, forensic equipment, crime control and detection equipment, and personal protection gear. No such assistance may be used for the purchase of firearms.

(C) Subparagraph (B) does not preclude the provision of consumables and spare parts for existing inventories of firearms.

(3) At least 30 days before obligating such assistance in each such fiscal year, the President certifies to the Committees on Foreign Affairs and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate, that the Government of El Salvador has made significant progress during the preceding 6 months in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without trial. Any such certification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.

For purposes of this subsection, the term "civilian law enforcement personnel" means law enforcement personnel who are not members of the United States Armed Forces.

Page 453, lines 5 and 6, strike out "EL SALVADOR, GUATEMALA," and insert in lieu thereof "GUATEMALA".

Page 453, lines 10 and 11, strike out "El Salvador, Guatemala," and insert in lieu thereof "Guatemala".

Page 453, strike out lines 12 through 19 and insert in lieu thereof the following:

(b) DEFINITION.—As used in this section, the term "police forces" includes all members of security forces other than the regular uniformed armed forces.

Mr. McCURDY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCURDY. Mr. Chairman, I rise today to offer an amendment to the amendment submitted by the gentleman from Florida [Mr. McCOLLUM].

Mr. Chairman, it appears that El Salvador has replaced Nicaragua as the focus of our attention in Central America. Human rights and the conduct of the civil war in El Salvador are rapidly becoming the subject of partisan debate in this body. This threatens the bipartisanship which characterized our policy toward El Salvador during the Duarte years, and risks plunging us into the chaos we experienced over our policy toward Nicaragua.

Today we are addressing an issue that is particularly sensitive to many

Members who care about our policy toward the new government in El Salvador, and it concerns the question of United States participation in the training of Salvadoran security forces.

Mr. Chairman, as most Members know, Congress passed in 1985 a waiver to section 660(D) of the Foreign Assistance Act which permitted the United States to train and equip members of the Salvadoran police. I have spoken at length about the effects of this program with the former Ambassador to El Salvador, Ed Corr, representatives of the Departments of State and Defense, and President Alfredo Cristiani himself last week. They all have argued that the section 660 program made a number of very important improvements in the performance of the Salvadoran security forces.

Among these improvements is a dramatic reduction in the numbers of human rights abuses attributed to the security forces. The security forces have also demonstrated improvements in their investigative skills most recently by uncovering the largest cache of FMLN weapons in the history of the civil war. Finally, they have exercised maximum restraint in their handling of recent urban demonstrations by FMLN supporters, as well as the assassinations of the attorney general and the minister of the presidency.

I do not, however, mean to imply that incidents of human rights abuses do not take place in El Salvador. They do. But this does not mean we should walk away from the problem and refuse to provide the training the Salvadoran security forces badly need. I believe we should build on the positive trends we have seen since the enactment of the first waiver.

Mr. Chairman, my amendment would perfect the McCollum amendment in several important ways.

First, it would require that funding for the training of the Salvadoran security forces come from the $85 million that the foreign assistance bill provides for El Salvador in military aid. It would not exceed the $85 million cap set by the Foreign Affairs Committee.

Second, it would require that the Department of Defense contract out to us civilian law enforcement personnel to conduct training programs for Salvadoran personnel who would then train Salvadoran police recruits. My amendment would, in effect, demilitarize the training of the Salvadoran police and emphasize civilian law enforcement techniques.

Third, my amendment would prohibit the purchase of additional firearms for the Salvadoran security forces. It would permit the purchase of communications equipment, transportation equipment, forensic equipment, personal protection gear, and ammunition for existing inventories of firearms.

Finally, before obligating this assistance, my amendment would require the President to certify to Congress that the Government of El Salvador has made progress in eliminating human rights abuses, including torture, incommunicado detention, and detention of persons solely for the nonviolent expression of their political views. The administration also must include a full description of how this assistance will be used.

Mr. Chairman, I believe this approach to a section 660 waiver program will allow the United States to play a positive role in the further development of a professional police force in El Salvador and, in the long run, encourage an eventual separation of the security forces from the ministry of defense as it now exists.

Some of my colleagues argue that the United States already provides training for the Salvadoran security forces through several other programs. These include the International Criminal Investigative Training Assistance Program [ICITAP], Anti-Terrorism Assistance [ATA], and the International Narcotics Assistance programs [INM]. These programs have indeed been quite successful, but their mandates are very strict and their budgets very limited. ICITAP has a worldwide budget of only $7 million, of which only about $320,000 would go to El Salvador in fiscal year 1990. In addition, ICITAP is a regional program, not bilateral, and concentrates its efforts on criminal investigative techniques and the administration of justice.

The anti-terrorism assistance programs can only be conducted outside the United States for 30 days at a time, and the ATA budget for El Salvador in fiscal year 1989 is only $485,000.

Finally, the training provided under ICITAP and ATA is directed more toward senior and midlevel supervisors.

As I hope my colleagues can see, the ICITAP and ATA programs can only scratch the surface of what needs to be done in training the Salvadoran security forces. Under a 660 waiver using civilian instructors, many more Salvadoran policemen could be trained to act in a professional manner when carrying out their duties.

□ 2110

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. McCURDY] has expired.

Mr. McCURDY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. FASCELL. Mr. Chairman, I hate to object, but I said in the beginning of this debate that I would do that because of the limitation on time and in fairness, unless some other Member will take the time and yield to the gentleman.

The CHAIRMAN. Objection is heard.

Mr. BROOMFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I thank the gentleman for yielding.

My amendment is intended to complement the types of training provided under ICITAP, ATA, and INM. It also would stipulate that Salvadorans be trained in civilian law enforcement techniques that many of our own police forces receive. These would include human rights, prisoner handling, site security, map reading, drivers training, radio procedures, first aid, crowd control, explosive identification and render-safe techniques, vehicle maintenance, road blocks, safe entry of buildings, and urban antiterrorist measures.

Finally, I have been assured by officials at the Departments of Defense and State that, in order to make the best use of these funds, the various programs will be coordinated to avoid any duplication of efforts. I believe it would be worthwhile for the Department of Defense to explore the possibility of contracting out some of these training programs to ICITAP, ATA, and INM.

Mr. Chairman, a waiver of section 660 (D), as proposed by the Gentleman from Florida, is an important part of our policy to prevent a return to the dark days of the early 1980's when the security forces in El Salvador participated in serious human rights abuses. But with my amendment, we can place a new emphasis on the program. We can move the Salvadoran security forces in the direction of an independent, professional, and civilian law enforcement agency.

We should not delude ourselves about the difficulty that both we and the Government of El Salvador face. The FMLN has given clear indication that it intends to provoke a violent reaction by the security forces in order to cause the Cristiani government problems here in Washington. The FMLN took responsibility for the murder on Monday of the Director of the Salvadoran Police Academy; it has been implicated in the assassinations of the attorney general and minister of the presidency.

I believe President Cristiani is genuinely interested in professionalizing the security forces to respond to these provocations with maximum restraint. A number of recent press reports have claimed that the Cristiani is preparing to introduce a set of draconian antiterrorism laws to deal with recent acts

of terror in El Salvador. I have been assured that President Cristiani is opposed to these measures and that they are no longer up for discussion. This is a clear reflection of President Cristiani's intention to resist those in his own party who would overreact.

For the new government in El Salvador to accomplish its goal of a professional security force, it is essential that we here in Washington look at the situation in El Salvador with realism and foresight.

I urge my colleagues to support my amendment to the McCollum amendment.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, I would like to commend the gentleman from Oklahoma for focusing on some very serious problems which exist here today. I would like to say that I believe that he has worked to fashion a compromise which may be acceptable, but I would like to raise one concern and see if the gentleman would care to address it.

I am looking in the well at some photographs which I brought back, having on May 30 stood over the 283 Soviet AK-47's which had been seized in what the gentleman correctly described as the largest weapons seizure in the history of the civil war there, and I would say that to underscore the fact that I do not know if civilian law enforcement agents in the United States are capable to deal with this kind of a thing when we juxtapose that to the ability which the military has. I would like to ask the gentleman if he would be amenable to in some way modifying this so that we could see a phase-in of civilian training, because we have had tremendous success with the military training which has taken place. As was underscored by my friend, the gentleman from Florida [Mr. MCCOLLUM] not one demonstrator has been killed since this training has gone into effect, and we have seen a dramatic enhancement of human rights on the part of the government forces there.

So what I believe we need to do, instead of jumping immediately to civilian training, I think we ought to consider a kind of phase-in. Would the gentleman from Oklahoma be amenable to that?

Mr. MCCURDY. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from Oklahoma.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. BROOMFIELD] has expired.

Mr. YATRON. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, proponents of this amendment contend that renewing the blanket waiver of section 660 will bolster the Salvadoran Government's ability to combat the Marxist FMLN, and to deter acts of terrorism. If that were the case it would receive strong bipartisan support. This amendment is not about fighting the guerrillas. It will, regardless of the intent, enable antidemocratic elements in the security forces who consistently disregard the judicial system to receive U.S. equipment and training. Moreover, current law waives section 660 for specific and carefully monitored programs which equip and train the Salvadoran security forces.

Presently, members of the Salvadoran National Police, National Guard and treasury police are receiving training and equipment under the administration's antiterrorism program. This program includes explosive incident countermeasures, training in VIP protection, arson investigation and bomb deactivation kits as well as other services. In a bipartisan manner, the Congress has approved funds for this program and will continue to do so.

Currently under our International Narcotics Assistance Program, the Salvadoran Treasury Police are receiving communications and other equipment. Once again, Congress has approved funds for this program and will continue to do so.

Also the Salvadoran security forces are receiving training under the administration's International Criminal Investigative Training Assistance Program. Congress has supported this program and will continue to do so.

Mr. Chairman, this information underscores congressional flexibility and support for police programs in El Salvador which have specific mandates and objectives. But even the administration's own assessment of the security forces' total lack of respect for the law weighs heavily against approving a blanket waiver.

According to the Department of State's human rights report released by the Bush administration and I quote,

> Historically, civilian judicial authority has not extended to the military officer corps. Although low-ranking military and police officers have been discharged and turned over to the civilian courts for trial of criminal offenses, the officers of the armed and security forces are treated differently from other citizens before the law. Judges are frequently reluctant to bring charges against them, and colleagues often fail to cooperate in the prosecution of crimes imputed to a fellow officer. No military officer has been convicted of human rights violations or any other crime in recent years.

Mr. Chairman, the sad fact is that the judiciary does not function effectively because the security forces have nothing to fear from their superiors. Without a functioning judicial system in which police authorities respect judges, democracy will falter.

The present recommendations in the committee print are designed to strengthen our commitment to democracy and to prevent a Marxist guerrilla victory and I urge my colleagues to vote against both amendments.

□ 2120

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the McCurdy amendment to the McCollum amendment. Indeed I offer it as a cointroducer. I think it is a very important provision. It is one that seeks to forge a bipartisan consensus on a controversial but absolutely crucial issue of law enforcement training for police forces in El Salvador.

I would also say that I am not quite sure which of the amendments the arguments of the gentleman from Pennsylvania addressed. He said both amendments, at the end of his statement. But as the ranking member of the Subcommittee on Human Rights of the Committee on Foreign Affairs, I respectfully disagree with the comments that the gentleman has offered with respect to the McCurdy-Bereuter amendment. They could apply, I would suggest, under the arrangements proposed by the gentleman from Florida, although I am certain that is not his intent.

Now let me review very carefully but briefly again what the provisions of the McCollum-Bereuter amendment to the amendment provide for.

It provides for assistance to law enforcement forces in El Salvador for 2 fiscal years if the following conditions are met, and there are three: That training is provided by United States civilian law enforcement personnel; second, that there is professional development and training of the security force in El Salvador in such areas as human rights, civil law, investigative and civil law enforcement techniques, and urban antiterrorist programs.

I think those are essential characteristics of the training that law enforcement personnel in El Salvador ought to receive. And they go beyond antiterrorists and antinarcotics kinds of training now received.

Third, it is important to indicate that any assistance that is provided is to be for equipment and for training, but it specifically precludes the purchase of firearms.

Now the kind of equipment that is necessary, I think, can be provided: communication devices, forensic equipment; but clearly the intent is to provide for training, for education for law enforcement personnel.

The President is required to provide certification after 6 months that there has been substantial progress in eliminating to human rights violations, including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without trial.

Mr. Chairman, we cannot let a year go by without increasing the quality of training available to law enforcement in El Salvador. It absolutely will deteriorate if we do not act to provide the kind of assistance that is needed.

El Salvador needs help in its law enforcement forces if they are ever to incorporate traditional democratic notions of due process and respect for human rights. That is what programs such as this attempt to do, this and antiterrorist assistance programs are designed for. This will complement it. They are designed to train police officers in nations such as El Salvador to behave in capable, efficient, legal, and humane manner. These programs are required to educate police officers so that they know how to perform, so that they perform in an acceptable fashion.

I want to suggest to my colleagues that we simply cannot ignore the necessity to have this kind of training.

We will have security forces, armed forces personnel, performing as police, and that is wrong. We will have continued intimidation by the armed services on the police unless they receive the kind of training necessary.

Now I would like to suggest to you there has been a recent example of how it ought to proceed. Recently, in the case of Honduran civilian law enforcement forces, officials from the State of New Mexico in the United States, Hispanic officers, speaking Spanish, have provided the kind of assistance to Honduran police that is essential. They provided a role model. They provided them with an indication of professional techniques that ought to be used by police officers. That is the kind of expertise that we can bring to bear, not just from the FBI, but from a variety of law enforcement civilian personnel in this country. That is what the amendment of the gentleman form Oklahoma provides.

This is a compromise amendment, and I am pleased to suggest to you that it is acceptable and it is the kind of step we ought to take.

Mr. Chairman, the amendment of the gentleman from Oklahoma does not require that the Presidential certification be subject to reprogramming procedures under which the appropriate committees be notified. The four appropriate committees are the House Committee on Foreign Affairs, the Senate Foreign Relations Committee, and Appropriations Committees of the House and Senate.

This decision was not taken lightly. The reason is simple. We are operating under a new administration, Mr. Chairman, and President Bush and Secretary of State Baker have repeatedly demonstrated their willingness to work closely with the Congress to achieve a bipartisan policy.

The administration has given this body no reason to believe it will not be forthcoming and cooperative in responding to congressional concerns. Indeed, the administration had given every evidence of its willingness to comply with congressional reporting requirements.

This body should take the administration at its word when it says it will faithfully comply with the certification and consultation process established in this amendment.

If reprogramming language were added into this amendment, the possibility exists of having the entire policy training program held up if only a few Members have concerns regarding a certification. Indeed, if only one Member of any of the four appropriate subcommittees were to voice reservations, the law enforcement education program would be held up.

It was the judgment of the Member from Oklahoma and myself that such a prospect would unduly jeopardize the flow of much needed law enforcement assistance. Because it is important that whatever assistance we decide upon not be subjected to repeated fits and starts, this amendment relies upon Presidential certification without reprogramming.

This Member would strongly urge the adoption of the McCurdy-Bereuter amendment to the McCollum amendment.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. BALLENGER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from North Carolina.

Mr. BALLENGER. I thank the gentleman for yielding.

Mr. Chairman, I would like to say a few words if I may about the reason to support this amendment. I have listened to the debate today and understood that I really never realized that people in this body here would recognize that we should not support, somehow, the people in El Salvador.

My wife and I have been involved in El Salvador for 17 years. We have built two hospitals in El Salvador, we built an orphanage in Honduras, we have been involved over and over again. I cannot realize that somebody in this whole organization here would feel that we should not support the Government of El Salvador.

I have been there, I was there 15 years ago when somebody dropped, what do you call it, a hand grenade and the hand grenade was the revolution. The revolution was all over immediately after the hand grenade.

In those days because nobody from Cuba or Russia or the United States supported the revolution, nothing happened.

But now all of a sudden because Russia and Cuba and the United States support the different interests, we have this problem.

Stop and think momentarily: We did not help in Panama. The Panamanian election came along and we did not do anything. We in the United States said, "Oh, let's leave it alone. The world is going to change. We are going to do the nice thing there."

Mr. Noriega said it is not going to happen, and it did not happen because we in Congress would not allow our Government to be involved. To my way of thinking, somewhere along this line I cannot believe, and I will be frank with you, I really was not going to plan on talking to this whole thing except I cannot believe that somebody in this whole organization here has decided we will not help any kind of political organization in El Salvador to exist. Now we are saying "you cannot train your police, you cannot do this because this would be dirty deals" and all kinds of other stuff. Those of you here sitting here arguing against the darned thing have never been there before. I have been there 17 years off and on. We have tried our best. Honest to goodness, my wife and I have an organization there. We have spent time building hospitals, built fire departments, done all this kind of stuff to try to help the democratic organization there. But I somehow get the idea this organization here, this great and wonderful House we live in, is not terribly interested in democratic organizations.

What we need to do is protect the horrible, the unbelievable, terrible thing that we might take the rights away from the Communist Party there.

□ 2150

Members know and I know that the FMLN is not interested in making peace.

Ladies and gentlemen, I am not one of these people that have been up here a whole bunch of times talking about it, but this body right here is screwing up the whole damn world as far as Central America is concerned, and I would like to say I would greatly appreciate if someone would show some interest in democracy. I think I am speaking to the Committee on Foreign Affairs, some interest in democracy in Central America. I do not think they are doing it.

Mr. HYDE. Mr. Chairman, reclaiming my time, I want to associate myself with the remarks of the gentleman

from North Carolina. He has shown great insight and he is exactly right. I want to congratulate the gentleman from Oklahoma [Mr. MCCURDY], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Florida [Mr. MCCOLLUM], for a sensible, moderate attempt that recognizes the elementary fact that of every kid who ever went to school and dealt with a bully in the school year, the fact that a person does not talk these people out of terrorism, and urban assaults and assassination and destruction of infrastructure. Members have to have a police force that has more than the New York Times and the Philadelphia Inquirer to defend themselves with and defend law and order with.

We are only asking that they be trained, sensitively, with reference to human rights and how to conduct themselves and how to defend themselves against very hard-core professional terrorists. How any Member can do anything that helps the FMLN boggles the mind.

I congratulate the gentleman from Oklahoma [Mr. MCCURDY]. I congratulate the gentleman from Nebraska [Mr. BEREUTER]. I surely congratulate the gentleman from Florida [Mr. MCCOLLUM] and hope we have the support.

Mr. BERMAN. Mr. Chairman, I move to strike the last word.

I have listened to the passionate pleas and the well-reasoned pleas of the supporters of the amendment, I only ask them to consider one fact. Despite the fact that the United States has given $17 million since 1986 to Salvadoran police forces, not one officer in the security forces of El Salvador has ever been tried and convicted for human rights abuse. It would be very nice to paint this as an issue of "Are you for or against the FMLN."

That is not the case. What we are trying to do, I heard the the minority leader a while ago congratulate both parties in both Houses of this Congress for saving the country of El Salvador, not destroying the country of El Salvador, but saving the country of El Salvador as we try to build it and move it in a democratic fashion.

The problem is, and notwithstanding the claims of the author and supporters of the amendment, a police system can only function as well as the system of justice of which it is merely the instrument.

I do not care how much police training and how much police dollars we give in this bill or in any other bill. To the extent there are laws in El Salvador, they become, and they are rendered virtually meaningless by the absence of courts willing and able to prosecute on the basis of the law.

The military's role in creating this paralysis is clear. Military officers accused of human rights abuses are protected by their colleagues and by friends in the government and by right wing death squads. El Salvador's judicial system is ruled by fear, beset by intimidation and political meddling. Judges and lawyers are regularly subjected to bribery attempts and threats of violence. Several courageous judges and lawyers who sought to advance justice in sensitive cases have resigned in the past year, fearful of the consequences of pursuing the truth.

The link between the police force and the system of justice is absolutely essential, and without that system of justice, people are not going to be able to develop a police academy.

One final point, a particular case has come to my attention involves the issue of Jose Mazariego, a prominent labor leader in El Salvador. The case of Jose Mazariego and what happened to him in the past week and a half, I think demonstrates in a situation where I have personal knowledge of the situation, the futility of what the proponents of this amendment are trying to do here. This is what we are dealing with with the treasury police.

Hours after he received a visa to visit the United States to meet with Members of Congress and American labor leaders, he was abducted by plainclothesmen from the same treasury police that the proponents would have Members believe can serve and protect the Salvadoran people.

The same treasury police that proponents of this amendment want Members to spend money on to train in the exercise of deadly force and provide with police equipment.

As it turns out, Mr. Mazariego was lucky. He got out alive. However, the fact remains that after he was picked up by the treasury police he was held without charge, tortured until the maximum 72-hour period the government could legally hold him had expired. He is not a criminal. While no charges have been preferred against him, no evidence has been submitted about his activities, either in committing violence or inciting violence or in advocating violence. While he was in custody of the treasury police, a plastic hood was placed over his head and he was forced to inhale lime until he lost consciousness. Acid was poured on his legs, and he was beaten on his legs, chest and face.

This is exactly the type of behavior that Congress' prohibition on police aid was designed to curtail. We do not want to reward the torturers. This is not a matter of training, or knowing what to do. This is a matter of oppression and persecution and violence committed by people in the name of the law.

I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I do not disagree that there is a massive failure in the justice system and the treasury police are indeed brutal, frequently. This gentleman gave the graduation speech in Spanish at an FBI course for a team of investigators for President Duarte, and we sent them back there and they were soon intimidated by the military forces and the treasury police.

What we have to have is a comprehensive program from the Costa Rican international effort, from the United States, to beef up, to strengthen the judicial system, and we need to have police training from civilians in this country that can provide some assistance. We cannot simply lament the past. We have to work at a comprehensive approach.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to both the McCollum and the McCurdy amendments. I want to call the attention of my colleagues to the fact that between 1975 and 1985, all this training was prohibited by the Congress, police training of security forces of other countries because of what it did to the reputation of the United States. In countries around the globe, in Iran, in Chile, in Uruguay. Just name it. American people went in, military people and civilians, and training the security forces, which then ended up torturing their own citizens.

Who got the black eye for it? The people in the Government of the United States. So Congress, finally, in 1975 said, "Enough, no more of this." We will not have our reputations besmirched because of this kind of so-called upgrading of police activity, by making them more professional.

Now, we did have a waiver for some 3 years for El Salvador, and we spent, as the gentleman from Pennsylvania had said, some $17 million for that program, only a half a million of which went for training. Indeed, most, $16½ million, was used for equipment.

So this whole thing has been a sham. I was telling the gentleman from North Carolina, I was in El Salvador in January of 1984. We had, for the first time, provided funding for the administration of justice program.

□ 2240

There was great euphoria in El Salvador among those people who wanted most to be concerned about upgrading their judicial system, and for 5 years we have poured money into the administration of justice system in El Salvador, some $14 million, and I want the Members to tell me if the administration of justice has improved one iota in El Salvador. It has not.

The fact is that the death squad activities and activities of a similar nature by the army and security forces of the Government of El Salvador have in fact increased over the course of these past 2 years. In 1987 the total

of civilian deaths was 72, as caused by the Government forces of El Salvador. In 1988 that number had gone up to 92. Death squad activities rose from 24 to 60 from 1987 to 1988. This year again the indications are that it is going up.

I remind the Members of the incident the gentleman from California [Mr. BERMAN] cited with the Mazariego case. Even while the Vice President of the United States was in El Salvador that incident took place. They abducted a man on the streets whom the U.S. Embassy had granted a visa. The treasury police took him into custody without any identification, tortured him over a period of 72 hours, and released him without charge. Only because a member of the American Embassy happened to go to the treasury police quarters is that man alive today. I think the U.S. Government saved Mazariego's life.

I do not think we ought to be providing assistance for so-called police training to the treasury police and the national police and the other so-called quasi-military and civilian police forces in El Salvador. All this will do is to encourage them. At the very time we are considering military and economic assistance to El Salvador, they engage in that kind of activity. What will they do after we adopt this legislation?

Mr. Chairman, I urge my colleagues to vote down both the McCurdy amendment and the McCollum amendment and strike a blow for democracy.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to both amendments.

Mr. Chairman, I do think that we need a narrowly focused and disciplined police training in El Salvador. I think the committee in its bill provides a way for us to do that, but I think, before we jump off the trolley and support either of these amendments, we ought to recall a little history.

Between 1962 and 1974 this country spent about $800 million worldwide to train over 500,000 police. In 1974, after we had accusations of torture and suppression of democratic activities and murder, Congress banned foreign police training. One of the key sponsors of that ban was Hubert Humphrey, a tough anti-Communist.

In El Salvador, between 1961 and 1973, we trained 300 high-level police officers and thousands of low-level officers. In 1972, AID told the Congress that this police training program was a "model program." Shortly after they did that, police who were trained under that program kidnaped President Duarte, tortured him, and denied him office the first time he was elected. That is one reason that we banned police training in El Salvador in the first place.

A lot has happened since then. I think we ought to look at who was trained under the program. One unit receiving police aid, the treasury police, later became the base for death squads that killed some 10,000 Salvadorans, without a single prosecution of an officer in the security forces.

A number of the most notorious leaders of death squads were trained under U.S. police aid programs: Gen. Jose Alberto Medrano who founded the Orden paramilitary network, called by Duarte "the father of the death squads," was trained under that program, and Roberto D'Aubuisson was trained under that police training program. Jose Antonio Castillo, head of the National Guard section of special investigations, was trained under this program. All three of those organizations sponsored death squads. That is why that program came to an end.

The question we faced tonight, however, is not what happened 10 or 12 years ago. The question is, What do we face now? I suggest to the Members that we face a new Government in El Salvador which deserves an opportunity to have its conduct carefully reviewed before we decide what to do on this issue.

This bill has a very disciplined approach to dealing with the question of police training. We should not send the wrong signal to the government now by taking the lid off, as the McCollum amendment would do, or taking the lid partially off, as the McCurdy amendment would do. What we ought to do is evaluate the conduct of this new government over the next year and year and half to see whether or not it justifies our supplying that kind of training. I say that based on past experience, it does not.

We need to know whether in fact Mr. Cristiani is the government or whether in fact he is the "front" for people like Mr. D'Aubisson and others who have gone so far as to threaten the life and security of American diplomats. That is the least we can do to protect the security of our own people. It is the least we can do to see to it that our own country is not tarred with the bad conduct of persons trained under that program.

I might very well a year from now be in the well supporting an expanded police training program, but we have no track record on which to judge this government, and based on the past activity of the ARENA party, we ought not to just walk blindly into the situation suggested by the adoption of either the McCollum or the McCurdy.

Mr. Chairman, I urge Members to stick with the committee.

Mr. McEWEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I remember having a discussion with a member of the Human Rights Commission in Nicaragua in which he was explaining about the funds being cut off from an ally of the World Council of Churches. He said after the Sandinistas had taken control, the international press did not recognize the human rights violations that were brought to the world's attention, that the Members of Congress were no longer interested, and that funding had been cut off.

So he went to the World Council of Churches and asked, "Why was our funding cut off when under Samoza it was so strongly supported internationally?" And they explain it to him and said, "Human rights violations in Nicaragua are no longer our concern. El Salvador is now our target."

Mr. Chairman, some reference was made a little while ago about Mr. Mazariego, who was taken into custody and was mistreated. He happened to be, a day before the arrival of the Vice President of the United States, under the very close network that exists between El Salvador and the United States. Our American adviser was advised within 1 hour of the time he was taken into custody. The information had been relayed back to Washington, back to the United States. The State Department was contacted. They relayed it back to the American Embassy, and he turned to the person with whom he was having dinner, who happened to be a member of the Salvadoran police force, and said "Is it true that you have Mr. Mazariego in custody?"

He looked at him and said, "I don't know. I'll check."

He got up, went to the phone, came back, and said, "Yes, we do."

He said, "I want to go and see him."

Within 90 minutes of the time he was taken into custody, the Americans and the Salvadorans knew that we knew they had him. We interviewed him. He was kept there for the prerequisite 72 hours, and then he was released. Our colleague, the gentleman from California [Mr. DREIER], will present the form that was signed by the Human Rights Commission, to which he was turned over when he was released.

He was in perfect condition. During the time of his incarceration he took the handcuffs and he banged them against his knees in an attempt to somehow or other establish that he was injured.

□ 2150

He was recognized from when we went in. We knew when he was there. We knew when he was released, and he was in perfect condition at all times. He was then flown to Washington to give the various interviews which we have been able to enjoy the last few days.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. McEWEN. Very simply, very simply, it is apparent—I will be glad to yield to my colleague, the gentleman from California [Mr. BERMAN] in just a moment.

Mr. Chairman, it is vitally, vitally important that we do everything in our power to support democratic forces in the preservation of human rights. We have made tremendous progress in encouraging the use of human rights and respect for human rights among the police forces. To discontinue that encouragement would be precisely the wrong direction to take, and periodically there are those who know how to get our Congress to respond.

Mr. Chairman, I am very familiar with the use of the death squads in which they were able to, leftwing forces, murder anyone, tag their throat, throw them in the two square and call the international media, and the next morning this front row would line up with 1-minute speeches attacking the death squads in El Salvador.

Mr. Chairman, they know how to work this. They know how to trudge in the money so that it comes up periodically and shortly before the money comes up for consideration in the Congress. Then immediately we have this explosion in, quote, human rights violations.

They know how to work this thing, and it is important that we understand how they are doing it. We should support democracy. We should support human rights. We should reward our friends and our allies in their efforts to preserve human rights, and I believe the McCollum-Bereuter amendment is the proper direction to go, and I urge the Members to support it.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. McEWEN. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, the gentleman from Ohio [Mr. MCEWEN] made certain statements with respect to Mr. Mazariego, which my understanding is he personally has not met or discused this issue with the gentleman.

Mr. Chairman, I met with the Deputy Assistant Secretary of State and three people who met with him in the State Department Monday night. All three of them said they have absolutely no reason to doubt his story.

I am aware from the gentleman from California [Mr. DREIER] of the statement that was prepared for him to sign after he had been released or at the time he was being released from prison after 3 days of being incarcerated in prison and that he had signed a statement that he had no awareness of what it meant.

Mr. Chairman, I would suggest that I would take the credibility of that gentleman and the State Department over——

Mr. McEWEN. Mr. Chairman, reclaiming my time——

Mr. BERMAN. Made after the fact——

Mr. McEWEN. Mr. Chairman, if I may reclaim my time, very simply the suggestion that a human right——

Mr. BERMAN. That this——

The CHAIRMAN. The gentleman from Ohio [Mr. MCEWEN] has the time.

Mr. McEWEN. I would suggest that the human rights official to which he was presented, who signed the document in this presence, should be getting at least as much credence as someone who has been recognized as a strong supporter and a strong advocate of the violent overthrow in support of the Marxist revolution in El Salvador.

Mr. DREIER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just this past weekend had the opportunity to talk with two relatively young Salvadoran women, and these women are in their late twenties, and the early part of this decade they lived under very difficult times in their country. The message that they gave to me was the fact that we have seen a dramatic improvement in the treatment of Salvadoran citizens by the police during this very difficult civil war.

In fact, Mr. Chairman, during the war itself we have seen an increase in human rights recognition by the security forces there, and I think, Mr. Chairman, that it is very important for us to look at some of the cases which have come to the forefront. However we must also recognize one of the most important aspects of this training is in the area of human rights.

Now, Mr. Chairman, we have had many cases here outlined by a wide range of people who are talking about Mr. Mazariego and the horrible, reprehensible treatment which he received. Well, I have to say that I have not talked to Mr. Mazariego; I have been here. I would love to have him come by and visit me, but I will say, as the gentleman from Ohio [Mr. MCEWEN], my friend, just pointed out, that it is very clear. His signature is on this form right next to that of a member of the Human Rights Commission and an independent witness.

Now I would challenge, Mr. Chairman, a number of my colleagues to look at the signature. I reckon that a number of the signatures on dear colleagues which circulate this place are not as firm and strong as this signature from Mr. Mazariego. It doesn't appear that he was coerced into saying that he was treated well.

There is no reason in the world that, when we were getting ready to put together this bill, that members of the domestic police force would want to embark on any kind of torture, any kind of human rights violations. I believe that the best way in the world for us to maintain the kinds of human rights success which we have seen is for us to proceed with this amendment.

I would like to see full military training, Mr. Chairman, because, unlike the situation in Honduras, El Salvador is faced with a very serious civil war, and I believe that the military is best trained to bring about this kind of training.

I would like to bring about a phase-in of civilian forces, as I mentioned that in the colloquy I had earlier with the gentleman from Oklahoma [Mr. MCCURDY]. Sure, I would like to see us ultimately bring it about, but we have had such great success with military training itself that, I believe, it is important for us to proceed with that.

Now, Mr. Chairman, a lot of people have talked about this weapons cache. Well, I have right here a whole stack of photographs, and I am not going to go all through them, Mr. Chairman, because I know we are anxious to proceed and have a vote on this amendment, but I will say to my colleagues that I stood over these 283 Soviet-made AK-47's, the Hungarian pistols, the timers which are used for bombs which are exploding the infrastructure of El Salvador. This would not have been seized, Mr. Chairman, had it not been for the fact that many of these officials have been successfully trained, not only in human rights, which of course is of paramount importance, but ensuring the safety of Salvadoran citizens. Had the weapons not been seized it might have jeopardized the inauguration.

Mr. Chairman, this was seized the day before the inauguration, and let us remember what has just taken place in El Salvador: a tremendous historic achievement, the first transition from one democratically elected government to another, Mr. Chairman, in the history of the country.

So, let us recognize that our training is critically important. We have seen these forces tested. There are a great many people who are in the police forces who were part of President Duarte's government. We have to continue to pursue this as diligently as we can, and, Mr. Chairman, I believe very strongly that, if we are going to take this fragile democracy and continue to maintain human rights, to increase security and obliterate the kind of terrorism which we are seeing in urban areas by the FMLN, we have got to proceed with a very balanced approach.

The thing that disturbs me, Mr. Chairman, is that while everyone on this side of the aisle likes, or most ev-

eryone on this side of the aisle likes, to talk about the case of Mr. Mazariego, we do not hear people talking, other than my friend, the gentleman from Oklahoma [Mr. MCCURDY], about the case of Mr. Rivera, Mr. Rodriguez, Mr. Garcia, these government leaders who have been shot down in the streets. If we have a chance, a chance to prevent more of those assassinations, we have got to go back and once again renew the opportunity for this very important military training of police to take place.

I have talked, Mr. Chairman, to the two people who are responsible for this training, Bruce Hazelwood and Billy Zumwalt. They had a battle over determining whether or not we were going to potentially sacrifice a Salvadoran police officer so that no protester is killed? We know the answer, Mr. Chairman. Not one rioter has been killed since the waiver went into place. The police have bent over backward to ensure human rights. Tragically, Salvadoran law enforcement officers have been killed. There is no better testimony to the sacrifice that the Salvadoran Government is making in behalf of their goal of peace, stability, and economic recovery.

Mr. KASICH. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. DREIER] be given an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. FASCELL. Mr. Chairman, I object. The gentleman can just get some time and yield to him.

The CHAIRMAN. Objection is heard.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from California [Mr. DREIER] who previously spoke in the well just prior to my taking the well I think said for all of us what needed to be said in the most graphic way, that what we have been doing in El Salvador up until this point actually works, and we have continued it in this bill. It does not need to be changed.

The gentleman from California [Mr. DREIER] pointed out 200-some-odd AK-47's which were in fact captured by Salvadoran security forces prior to the Cristiani presidency taking place. The swearing-in ceremony of Cristiani was at risk. It is not or was not because the security forces trained by the United States in antiterrorism capability were able to seize those weapons.

Mr. Chairman, that is the best argument that can be imagined for not changing the substance of the crafted piece of legislation which is the section in the foreign aid bill dealing with El Salvador.

Mr. DREIER of California. Mr. Chairman, will the gentleman from Florida [Mr. SMITH] yield on that point?

Mr. SMITH of Florida. Mr. Chairman, the gentleman from California [Mr. DREIER] has had ample time to speak. I have not spoken at all on this issue.

Mr. Chairman, I urge my colleagues to think very carefully before they vote for either of these amendments. Voting for either one would be wrong, and it would be a step backward in what we have attempted to do over the last few years for El Salvador.

□ 2200

The McCollum amendment would move the civilian law enforcement and replace it with military training. We do not want to do that. We have rejected that previously. That is a step in the wrong direction. Even the gentleman from Oklahoma [Mr. MCCURDY] admits that.

I urge you for that reason alone, without getting into the balance of it, and there is much more, including the provisioning of weapons and firearms and everything else which we have rejected previously, I urge you for those reasons to reject the McCollum amendment.

Some of you may believe that the McCurdy amendment is somewhat of a better approach, and while over the years I have regularly been a very strong supporter and have helped the gentleman from Oklahoma [Mr. MCCURDY] in fashioning different compromises, in which frankly he is a very able person in doing, the reality is that the McCurdy amendment goes much too far as well.

First of all, in the law he provides for civilian law enforcement training. We already provide that. It is done. It is there.

He says it is providing for the training of security forces in the area of human rights, civil law and the like. We already do that.

In addition, he has got a certification by the President of the United States before obligating assistance that shows that there has been progress in eliminating human rights violations and other items. Those human rights certifications and progress in other areas are already in the bill. Before assurances on foreign assistance can be given, the President has to certify to those items, so the gentleman from Oklahoma [Mr. MCCURDY] has not added anything in that sense, either; but let us examine what he has added.

He says that assistance which is provided under his amendment may be used for transportation equipment, crime control and protection equipment and protection gear. Some of us realize that is equipment which can be used in an offensive way. We have shied away from giving that kind of equipment previously, including "transportation equiment", which includes helicopters.

In addition, he allows for the provisioning of consumables and spare parts for existing firearms. That means ammunition. We do not provide ammunition to the police now. This is a new and very different departure in the wrong direction from where we have been in the last few years and where we have been successful.

The reality is that in addition there is no balance in his amendment in terms of how the money is spent. There is no way that we can monitor whether there would be 50, 60, or 70 percent of the available provisioning of equipment and only 20 or 30 percent of training out of the total amount of money spent. There is no balance.

I urge my colleagues not to adopt the McCurdy amendment, either.

There is in the foreign aid bill a well-crafted compromise which was reached with both sides on the Foreign Affairs Committee at the time the bill was drafted. Moving in either of these directions by the McCollum or McCurdy amendment upsets that balance and, frankly, moves us to a place where the House has previously rejected going. There is no reason to go now to that place, especially since just a few months ago we were complaining about the human rights violations of the very party that is now in power in El Salvador, the ARENA party, the D'Aubuisson group, which Mr. Cristiani represents, although I do not say he is with D'Aubuisson. I do not want anybody to misinterpret. They are now in control of this country.

We have no track record at all. I would urge my colleagues before we get a track record not to do that.

Mr. KASICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Pennsylvania [Mr. MURTHA] was sent with a group of us by the President to observe the elections in El Salvador the night when the ARENA party was elected. We went throughout the country in helicopters and in trucks and we had a great opportunity to be able to observe people literally risking their lives to participate in the democratic process.

The reason why, in my judgment, and I think in the judgment of people like Senator LUGAR and the gentleman from Pennsylvania [Mr. MURTHA], the reason that ARENA won that election was that the people in El Salvador were so frustrated by the acts of terrorism within the country that they felt the Duarte government was losing control of the situation. The Duarte government felt very insecure in an effort to try to handle the problems of terrorism, because any time they took

any action whatsoever, people would scream and shout that the police were engaged in human rights abuses, and that is really essentially why ARENA won the election, because the ARENA party came out and they said that we are going to begin to deal with the problems of urban terrorism, and they won a decisive victory in those elections, as we all know. People with great alarm said that if ARENA won the election, this will return us to the days of D'Aubuisson and human rights violations and death squads. It was just the opposite. What the people of El Salvador were saying is, "We want our streets to be safe. We want our children to stop being blown up by land mines in all the fields that are being planted by the Communist terrorists in El Salvador."

Now we find ourselves in a very critical situation with the ARENA party in power and they are going to make every effort they can to regain control of the urban areas in El Salvador. If there is any point in time when we ought to be working carefully with the security forces of El Salvador to allow them to effectively combat terrorism, while at the same time respecting human rights, now is the time.

I mean, to turn our backs on the Government of El Salvador would be a disaster, and not to give these people the aid and support they need to deal professionally and in regard to human rights, not to do that at this point in time would be a horrible, horrible mistake. That is why ARENA won, because Duarte was unable to deal with the acts of terrorism in El Salvador.

So what I suggest is that we go along with the gentleman from Oklahoma [Mr. McCURDY], we go along with the gentleman from Florida [Mr. McCOLLUM], that we give the government aid and support that they need to deal toughly and firmly with the problems of terrorism without committing human rights violations.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, I thank my friend for yielding to me.

We are not turning our back on the country of El Salvador. We are providing $1.5 million per day, without this assistance, $1.5 million per day, $85 million in military assistance proposed, $3 billion in the last 4 years. We have not turned our back on El Salvador.

Mr. KASICH. I appreciate the gentleman's comments, but let me say that the newly elected President of El Salvador is begging for this kind of assistance. He is the one that has to walk the fine line between restoring order and respecting human rights. That is the critical element that we have in El Salvador right now.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I am glad to yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I wanted to respond very quickly to a statement made by the gentleman from Florida. I think he overstated in his zeal to defend the committee's position what the committee bill actually has in it. He said that they have police training in it. Quite frankly, we are talking about less than $320,000 for fiscal year 1989 and 1990 for the ICITAP program, also for the ATA program, the antiterrorism program, we are talking about $300,000 in fiscal year 1990.

The moneys that would be allowed under my amendment to the amendment of the gentleman from Florida could be up to 10 percent of the $85 million within the cap, which is about $8.5 million. That will provide real training.

The goal of this amendment is to try to encourage the government to separate the police from the military in order to professionalize and therefore improve the interface between that government and the people. Someone mentioned serving the people.

□ 2210

They do not serve the people. When they have third-grade-educated people carrying M-16's, with no training, they are not serving the people. This program would allow that.

Mr. KASICH. Reclaiming my time, the people in El Salvador in the election which put Mr. Cristiani in power say one thing: "We want order restored to the streets of El Salvador. We will not tolerate ignoring terrorist acts throughout this country," and to not accept this amendment would be a very big mistake and would be really giving a backhanded slap in the face of Mr. Cristiani, who I think at this point we all support.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the hour is late, but I do wish to speak in favor of the McCurdy amendment to the McCollum amendment.

I am not sure what the great argument is. We have, as our goal, to have human rights respected, to have law enforcement properly enforced within El Salvador. We have, under the McCurdy amendment, the opportunity to properly train their law enforcement personnel with our American civilian law enforcement people. The assistance that we provide is to be used for the purposes of professional development, training in human rights, in civil law and civilian law enforcement techniques, and all that go with it.

I think that this amendment makes a great deal of sense, and if we were to rely on the bill itself, we would see that there is just not that much money involved, and what we need to do is to look to the McCurdy amendment for guidance which really puts us on the right track.

The recent election and inauguration of Mr. Cristiani is hopefully a step in the right direction toward being a country that does respect human rights and civil law, and if we give them the civilian law enforcement personnel to train their people, I think that will make a great step in that direction.

Mr. Chairman, thus, I strongly support the McCurdy amendment to the McCollum amendment.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Members do not have to worry. I will not be here long.

As a person who has worked in El Salvador for 17 years, I think somebody somewhere should recognize the fact that it is not a one-way street. My friends there whom I have helped many times over have been kidnaped and been mistreated by the FMLN. Everybody here seems to treat the FMLN as everybody's buddy, and that is not true. They are trying to destroy the Government of El Salvador, and yet everyone acts like if we will cut out Freddy Cristiani, then the rest of the world will turn out all right. It is not true. Cristiani has basically tried to work with the FMLN, and my friends have been at one time or another, several of them, have been kidnaped, have been held for 6 months.

This was several years ago, I must admit, but the money that was produced by that kidnaping was to produce the FMLN some additional funds.

I just would like to say here and now that I think somebody somewhere should pay some attention to training these people.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. BALLENGER. I am happy to yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, first of all, I would submit to the gentleman, and I appreciate his time and his experience in the region, but I would submit that each of us in this House are seeking a common goal, that is for peace in El Salvador, a stable, democratic government that respects its people.

The greatest assistance that we in the United States can provide to the people of El Salvador and to the Government of El Salvador is training assistance for that government to respect its own people, and I believe that Democrats in this House and Republicans in this House want to achieve that goal. The difference which has occurred, and obviously those who are

opposing my amendment believe that this is not the proper vehicle.

I believe, as do my colleagues and friends on the Republican side of the aisle, that rather than walking away from the problem and having this problem just exacerbate and just boil and continue that the only proper way to do it is to address it front on, head on, and to provide assistance and training in those basic law enforcement techniques to professionalize the police, to separate them from the army as best as possible.

With that, then, we can arrive at that goal which I think we all share, and I certainly appreciate the support of the gentleman from North Carolina and recognize his expertise and appreciate him yielding.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. BALLENGER. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I would just like to say very briefly that I believe that the gentleman in the well has probably made a greater commitment and sacrifice in behalf of the cause of peace, stability, and economic recovery which the people are seeking in El Salvador than anyone. I believe that he has made, without a doubt, the most eloquent and heartfelt statements on this issue this evening.

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for his statement.

Mr. McCOLLUM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this point to talk about the McCurdy amendment, because it is time to wrap this debate up.

Mr. Chairman, I think to set the record straight a little bit, the gentleman from Oklahoma and I have worked long and hard to get something we could agree on together about this whole process, because we shared a common concern about what is happening in El Salvador to our Americans as well as to the El Salvadoran people in the cities down there.

There have been some assertions tonight that are just simply misunderstandings, I am sure, but they need to be corrected. One of the uppermost was about money to begin with. This program we are talking about is not going to cost another dollar.

Mr. Chairman, I have a statement here that apparently was made in the committee originally, and the State Department has written on this subject to me that the assertion that the training would be above and beyond the $85 million ceiling proposed in the appropriation bill is likewise simply wrong. The funds for police training and equipment under a renewed waiver would, as during the fiscal 1986-87 waiver, come from the MAP fund. I do not think there is any question about that, but I do not want there to be any misunderstanding.

Second, I think there is really a misunderstanding. The gentleman from Florida [Mr. SMITH] was talking about the importance of the training we have been having all along and why should we change that training. That is why we got this cache of arms found. That is why the police did so well in El Salvador. I think he misses the boat.

Our program is to renew the training programs that have been existent down there, not to do anything new.

We authorized this waiver in 1985, and it ran for nearly 3 years and just ended last year in 1988. It is that training of those 16,000 police in the city of San Salvador that resulted in all these good things I have heard some Members praise tonight. Some of them have taken us back all the way to 1974. For gosh sakes, we are talking about 1988, 1989, 1985 or whatever. We are talking about a generation where changes occurred, where last year the human rights violations were down dramatically as they are this year in the whole country of El Salvador, where the report last year said that 85 percent of the human rights violations occur because of the FMLN, 8 percent the cause of the army, and the police, and the others unaccounted for, a dramatic change.

Mr. Chairman, we do not want to create havoc or change anything. We want to continue a basically fundamentally sound, good training and equipping program. Up to this point, it had been run very well without complaint with a lot of success of our military police.

The gentleman from Oklahoma wants to make that civilian training. I was very reluctant to do that, but he has improved his amendment a great deal, I happen to think. I have become convinced we can work it that way tonight. I am willing to accept the amendment of the gentleman from Oklahoma to my amendment, and I hope we can get together on a bipartisan result here and go ahead to protect American lives and the lives of those down there.

We lost four Marines in 1985 because there was no radio, no police cars, no equipment, and no ability to go out and protect those Marines. We have not lost one American official since then, but when I was down there on the Presidential election task force last time to observe the election, I was called aside by somebody at the Embassy who said to me, "Mr. McCOLLUM, whatever else you do, get the training program renewed, because that saved American lives. That saves Americans in our Embassy. We need that program."

□ 2220

We need to renew it, and I am most willing to accept a very, very finely crafted amendment by the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I appreciate the statement of the gentleman from Florida, and I appreciate the opportunity to work with him. I again thank him for accepting this amendment to his amendment.

Also, may I commend very quickly the gentleman from Nebraska [Mr. BEREUTER], for his input and support and effort in crafting this amendment.

Mr. McCOLLUM. If I may make an inquiry, in civil law enforcement, that includes the FBI, am I correct? Civil law enforcement would include the FBI and also civil law enforcement, not uniformed, is that correct? Some Members over here have asked me that question.

Mr. McCURDY. It is the understanding of this gentleman that in speaking with the State Department, ICITAP, and other officials that it is their interpretation that the FBI could be one of those agencies.

Mr. McCOLLUM. Members were concerned because of their counterterrorism abilities, and that is all. I am pleased with the gentleman, and I want to thank also the gentleman from California [Mr. DREIER], for cosponsoring this, as well as the gentleman from Oklahoma [Mr. McCURDY], the gentleman from Nebraska [Mr. BEREUTER], and others, and I do accept the amendment of the gentleman from Oklahoma, and I urge an "aye" vote.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have not had an opportunity to speak on this, and I would like to take a minute or two. I rise in opposition to both amendments. I am glad the two gentlemen who have spoken have agreed on the amendment. I just want to be sure that Members understand that I had not agreed to the amendment.

I want to make it quite clear that not only did I not agree or accept the amendment, I am strongly opposed to both of them. We worked very hard to get what we thought was a sensible and reasonable compromise in the committee language that is now before this committee, and I would urge my colleagues before they jump off the reservation to consider the fact that this is not a case of no police training as against some police training. We in the bill recognize that there is a need for police training. But the Foreign Affairs Committee, over a long period of time, has been very, very cautious

about granting police training, particularly under those circumstances that exist in a country where they have just gotten democratic rule, and we admit it is difficult, but that does not mean that we should go wide open in a case like El Salvador. We need to be very cautious.

The constraints that are in the committee bill are sensible. I will give one example, and that is that police training that we envision in the committee bill is envisioned as part of a comprehensive judicial reform package. We do not think it is wise to take police training out as a separate part of the system and focus only on that and let the rest of the system go. If Members adopt the pending amendment, that is in effect what they would be doing.

We also feel that there needs to be right now and until we get some demonstration here a restraint on lethal equipment. We are not ready, it seems to me, despite whatever credibility Members want to give to the existing government, and I am certainly willing to do that, but they need some time to get their own ability and their own house in order, and we in the committee bill provide that opportunity, whereas if Members authorize it the other way with respect to lethal aid, no cap on equipment or training so that the money could be spent just like it was in the past, all on equipment and a little bit on training, then we really are not making progress.

The committee bill seeks to do what everybody wants to do, and that is to provide police training in a poor country that is struggling for the democratic process, to walk that balanced line between repression and sensibility. We suggest that in all fairness the training for police work that is envisioned in the committee bill is adequate to do the job until such time as we have a better understanding on the facts and the new government down there has an opportunity to demonstrate their capability.

Mr. FEIGHAN. Mr. Chairman, I rise in opposition to the McCollum amendment which would allow United States aid to be used for military training and equipment for the police forces of Central America. This amendment would severely undercut our effort to separate the civilian police from the military, and in the case of El Salvador, would create an enormous loophole in the provisions of the current bill governing military aid.

I am sure that everyone here supports the goals of police training. By weaning police forces from reliance on coerced confessions, by developing credible alternatives to intimidation and death squad activity, and by teaching the techniques of proper investigation and evidence collection, police training seeks to develop faith in the legal process.

Our most difficult task has been to institutionalize the different roles of the military and the police in Central American society. A military force seeks to attack and kill its enemy. A police force makes arrests, collects evidence and enforces civil law. Unfortunately, our decades-long attempt at police training has failed to change police practices to reflect this distinction. Too often, police practices in Central America have involved torturing and killing government opponents, and as a result, police training has associated the United States with some of the most brutal regimes and police forces in the hemisphere. In El Salvador just a few days ago, despite a proliferation of police training programs in that country, the treasury police abducted Jose Mazariego, a leader of El Salvador's main opposition labor federation, only hours before he was due to leave for the United States to meet Members of Congress. He was tortured with acid and beaten. He was released only after the urgent calls by Members of Congress instituted action on the part of the U.S. Embassy.

Given the apparent lack of political will to control human rights abuses on the part of many Central American nations and a seriously deteriorating human rights situation, the provision of military equipment and training for Central American police forces will only further reinforce the propensity for killing and the lack of commitment to civilian law enforcement. Military equipment and training would result in the increased indentification of the United States with human rights abuse.

Finally, the McCollum amendment would create a loophole in the provisions of the bill capping and tranching military aid to El Salvador. Such a loophole would allow "police forces," upon receipt of military training and equipment, to assume a paramilitary role in order to skirt the controls on military aid. In effect, the amendment uncaps the $85 million cap on military aid to El Salvador.

Let's give military training to the military, let us teach the police to fulfill their proper role in support of civil law, and let's abide by the bipartisan provisions governing military aid to El Salvador. I ask my colleagues to defeat the McCollum amendment.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the McCollum amendment to H.R. 2655, the foreign aid bill. The McCollum amendment would lift completely the ban on police aid for El Salvador. I believe that this action would be disastrous.

The McCollum amendment would remove all restrictions on police training for El Salvador. By removing the $85 million cap on military assistance contained in the committee language, this amendment would give carte blanche approval for expenditures of United States taxpayers' dollars on military training and equipment for the Salvadoran national guard, the national police and the treasury police, known and feared for their torture and death squad activities.

Congress first voted in 1974 to prohibit police training worldwide because we found that this kind of training intimately linked us to human rights abuses by the very same forces we were purportedly training. While we would all like to believe that police training would improve the notorious records of human rights abuses on the part of the police forces of other countries, that has unfortunately not proven to be the case. The people of El Salvador live in fear of their police, who regularly engage in extrajudicial activities including arrests without warrants, kidnapings by gunmen dressed in civilian clothing, and physical and psychological torture—we do not need to contribute to that fear by providing unlimited additional funding to those police forces.

Last week, a number of Members of Congress had the opportunity to visit with Jose Mazariego, a leading Salvadoran labor leader, and hear first hand of his experiences at the hands of the Salvadoran police. Mr. Mazariego was picked up by gunmen dressed in civilian clothing only hours after he had received a visa to visit the United States. He was picked up only blocks away from the U.S. Embassy and disappeared for a number of hours. To no one's surprise, when he surfaced, he was being interrogated and tortured by the treasury police. Anyone who heard him talk and saw the acid burns on his legs that were done while he was held and tortured by the treasury police—anyone who is seriously concerned about human rights abuses—would know that the McCollum amendment must be defeated.

The United States taxpayer is already paying to train and equip the Salvadoran police through the Department of Justice's International Criminal Investigative Training Assistance Program, through narcotics control initiatives and through the Anti-Terrorism Assistance Program. In fact, the United States has spent $17 million over the past 4 years on training of the Salvadoran police forces, with no results. According to the Human Rights Commission of El Salvador [CDHES], 559 cases of arbitrary arrests were reported in the first 4½ months of 1989.

The rightwing ARENA Party now controls all of the branches of the Salvadoran Government. We have reason to fear that under the ARENA Party, police force abuses will only get worse. Robert White, former United States Ambassador to El Salvador has stated that "ARENA is a violent Fascist Party modeled after the Nazis" and Roberto D'Aubuisson, the proverbial "dean" of the ARENA Party is on record as having stated "you Germans were very intelligent. You realized that the Jews were responsible for the spread of communism, and you began to kill them." Combining this mentality with an attitude that anyone who disagrees with the Government is a Communist or is being used by Communists makes an explosive situation. Now is definitely not the time to lift the prohibition on police training.

One of the strengths of democracy is the separation between the military and civilian police forces. It is a tragedy that this distinction is not already clear in several of the struggling democracies in Central America. The McCollum amendment blurs this distinction in El Salvador even more. I urge my colleagues to oppose this amendment—it is dangerous, it is unnecessary, and it will only hurt the people of El Salvador.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MCCURDY] to the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The question was taken; and the Chairman announced that the ayes appeared to have it.

The CHAIRMAN. The amendment is agreed to.

PARLIAMENTARY INQUIRIES

Mr. SMITH of Florida. Mr. Chairman, I was on my feet.

I have a parliamentary inquiry, Mr. Chairman, What was the vote which was just announced by the Chair? I was on my feet at the microphone to request a recorded vote.

The CHAIRMAN. The Chair announced the McCurdy amendment had prevailed and was about to put the vote on the McCollum amendment, as amended. Does the gentleman from Florida request a recorded vote on the McCurdy amendment to the McCollum amendment?

Mr. SMITH of Florida. Yes, Mr. Chairman, Pending that, Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. The Chair counts 150 Members present, a quorum.

Mr. SMITH of Florida. Mr. Chairman, I withdraw my request for a recorded vote.

Mr. McCOLLUM. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCOLLUM. Mr. Chairman, I believe I heard the Chairman correctly. When the amendment was first called, the Chair said it passed, and then there was some question about the gentleman from Florida [Mr. SMITH], as to whether it failed. I heard the Chair rule.

The CHAIRMAN. The Chair will answer the gentleman's question.

Mr. McCOLLUM. Yes, Mr. Chairman, I would like a clarification, please.

The CHAIRMAN. The McCurdy amendment has passed, and the question is now on the McCollum amendment, as amended.

The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BEREUTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 198, not voting 14, as follows:

[Roll No. 123]

AYES—220

Andrews	Bevill	Callahan
Anthony	Bilbray	Campbell (CA)
Archer	Bilirakis	Carper
Armey	Bliley	Chandler
Aspin	Boggs	Chapman
Baker	Broomfield	Clarke
Ballenger	Browder	Clinger
Barnard	Brown (CO)	Coble
Bartlett	Buechner	Coleman (MO)
Barton	Bunning	Combest
Bateman	Burton	Cooper
Bereuter	Byron	Coughlin
Cox	Kasich	Rogers
Craig	Kolbe	Rohrabacher
Crane	Kyl	Roth
Dannemeyer	Lagomarsino	Roukema
Darden	Lancaster	Rowland (CT)
Davis	Laughlin	Rowland (GA)
DeLay	Leath (TX)	Sarpalius
DeWine	Lent	Saxton
Dickinson	Lewis (CA)	Schaefer
Dornan (CA)	Lewis (FL)	Schiff
Douglas	Lightfoot	Schuette
Dreier	Lipinski	Schulze
Duncan	Livingston	Sensenbrenner
Dyson	Lloyd	Shaw
Edwards (OK)	Lowery (CA)	Shumway
Emerson	Lukens, Donald	Shuster
English	Machtley	Sisisky
Erdreich	Madigan	Skeen
Fawell	Marlenee	Skelton
Fields	Martin (IL)	Slattery
Fish	Martin (NY)	Slaughter (VA)
Flippo	McCandless	Smith (MS)
Frenzel	McCollum	Smith (NE)
Gallegly	McCrery	Smith (NJ)
Gallo	McCurdy	Smith (TX)
Gekas	McDade	Smith, Denny (OR)
Gillmor	McEwen	Smith, Robert (NH)
Gilman	McGrath	Smith, Robert (OR)
Gingrich	McMillan (NC)	Snowe
Glickman	McMillen (MD)	Solomon
Goss	Meyers	Spence
Gradison	Michel	Stallings
Grandy	Miller (OH)	Stangeland
Grant	Miller (WA)	Stearns
Gunderson	Molinari	Stenholm
Hall (TX)	Mollohan	Stump
Hammerschmidt	Montgomery	Sundquist
Hancock	Moorhead	Tallon
Hansen	Myers	Tanner
Harris	Nagle	Tauke
Hastert	Nielson	Tauzin
Hatcher	Ortiz	Thomas (CA)
Hayes (LA)	Oxley	Thomas (GA)
Hefley	Packard	Thomas (WY)
Henry	Pallone	Upton
Herger	Parker	Vander Jagt
Hiler	Parris	Volkmer
Hoagland	Pashayan	Vucanovich
Holloway	Paxon	Walker
Hopkins	Payne (VA)	Walsh
Horton	Penny	Watkins
Houghton	Petri	Weber
Hubbard	Porter	Weldon
Huckaby	Pursell	Whittaker
Hughes	Quillen	Wolf
Hunter	Ravenel	Wylie
Hutto	Regula	Young (AK)
Hyde	Rhodes	Young (FL)
Inhofe	Ridge	
Ireland	Rinaldo	
James	Ritter	
Jenkins	Roberts	
Johnson (CT)	Robinson	

NOES—198

Ackerman	Conyers	Frank
Akaka	Costello	Frost
Alexander	Coyne	Garcia
Anderson	Crockett	Gaydos
Annunzio	de la Garza	Gejdenson
Applegate	DeFazio	Gephardt
Atkins	Dellums	Gibbons
AuCoin	Derrick	Gonzalez
Bates	Dicks	Gordon
Beilenson	Dingell	Gray
Bennett	Dixon	Green
Berman	Donnelly	Guarini
Boehlert	Dorgan (ND)	Hall (OH)
Bonior	Downey	Hamilton
Borski	Durbin	Hayes (IL)
Bosco	Dwyer	Hertel
Boucher	Dymally	Hochbrueckner
Boxer	Early	Hoyer
Brennan	Eckart	Jacobs
Brooks	Edwards (CA)	Johnson (SD)
Brown (CA)	Engel	Johnston
Bruce	Espy	Jones (GA)
Bustamante	Evans	Jontz
Campbell (CO)	Fascell	Kanjorski
Cardin	Fazio	Kaptur
Carr	Feighan	Kastenmeier
Clay	Flake	Kennedy
Clement	Foglietta	Kennelly
Coleman (TX)	Ford (MI)	Kildee
Conte	Ford (TN)	Kleczka
Kolter	Neal (NC)	Sharp
Kostmayer	Nelson	Shays
LaFalce	Nowak	Sikorski
Lantos	Oakar	Skaggs
Leach (IA)	Oberstar	Slaughter (NY)
Lehman (CA)	Obey	Smith (FL)
Lehman (FL)	Olin	Smith (VT)
Leland	Owens (NY)	Solarz
Levin (MI)	Panetta	Spratt
Levine (CA)	Patterson	Staggers
Lewis (GA)	Payne (NJ)	Stark
Long	Pease	Stokes
Lowey (NY)	Pelosi	Studds
Luken, Thomas	Perkins	Swift
Manton	Pickett	Synar
Markey	Pickle	Torres
Matsui	Poshard	Torricelli
Mavroules	Price	Towns
Mazzoli	Rahall	Traficant
McCloskey	Rangel	Traxler
McDermott	Ray	Udall
McHugh	Richardson	Unsoeld
McNulty	Roe	Valentine
Mfume	Rose	Vento
Miller (CA)	Rostenkowski	Visclosky
Mineta	Roybal	Walgren
Moakley	Russo	Waxman
Moody	Sabo	Weiss
Morella	Saiki	Wheat
Morrison (CT)	Sangmeister	Whitten
Morrison (WA)	Savage	Williams
Mrazek	Sawyer	Wilson
Murphy	Scheuer	Wise
Murtha	Schneider	Wolpe
Natcher	Schroeder	Wyden
Neal (MA)	Schumer	Yatron

NOT VOTING—14

Bentley	Goodling	Owens (UT)
Bryant	Hawkins	Smith (IA)
Collins	Hefner	Wright
Courter	Jones (NC)	Yates
Florio	Martinez	

□ 2246

Messrs. BARNARD, NAGLE, and HUGHES changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 482, after line 8, add the following new section:

"SEC. 765. THE PANAMA CANAL COMMISSION.

(a) FINDINGS.—The Congress finds that—

(1) there has been a continual erosion of the democratic freedoms of Panamanian citizens and a consolidation of dictatorial power by the government of Panama led by General Manuel Noriega;

(2) the United States has not recognized the government of Panama led by General Manuel Noriega since his refusal to accept the resignation orders from President Eric Arturo Delvalle;

(3) there has been an increasing number of incidents of harassment and intimidation of American citizens in Panama by members of the Panamanian Defense Forces;

(4) on May 7, 1989, the Panamanian people participated in an election in which the government led by General Manuel Noriega engaged in systemic and massive electoral fraud;

(5) under the terms of the Panama Canal Treaty, the President of the United States must appoint, by January 1, 1990, a Panamanian national to serve as Administrator of the Panama Canal Commission;

(6) the Administrator of the Panama Canal Commission will have a significant

degree of control over the operations and maintenance of the Panama Canal; and

(7) the transference of control over the operations and maintenance of the Panama Canal to the government of Panama controlled by General Manuel Noriega would permit even greater economic, political, and military oppression of the Panamanian people.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should not appoint a new Administrator of the Panama Canal Commission unless and until he certifies to Congress that the ruling government of Panama is democratically-elected according to procedures specified in the Constitution of Panama providing for a civilian government in control of all Panamanian military and paramilitary forces.".

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I take this time to advise our colleagues what we are up to. I just wanted to say that on the consideration of this amendment on which we do not expect a vote, that would complete the work on title VII of the bill. Title VIII, we would expect to take up, as far as I know, there are no amendments. We would then be able to move to title IX, and once it is designated, we would then rise to complete the bill on tomorrow. I understand the House is coming in at 11 o'clock and we would try to conclude our business with the help of the Members as early as possible tomorrow. We have done remarkably well so far.

I want to express my appreciation to the gentleman from New York for yielding.

Mr. SOLOMON. Mr. Chairman, this amendment has to do with the fact that the President is required, under the terms of the Panama Canal Treaty, to appoint a new Administrator of the Panama Canal Commission. This appointment is to be made by January 1, 1990, and the appointee must, under the terms of the treaty, be a Panamanian national.

The operative language in the amendment I am now offering expresses the sense of Congress that the President should not make this appointment until he certifies to Congress that Panama has a democratically-elected government, according to the procedures in the Constitution of Panama which provide for a civilian government.

This operative language is exactly the same as what passed in the other body by a vote of 63 to 31 earlier this month. I might add that this operative language was also included in H.R. 2402, the dire supplemental appropriations bill we passed last Friday. I am offering it now in order to give the House the opportunity to express itself directly on this issue

I would just conclude, Mr. Chairman, by saying that the ongoing events in Panama are making the Panama Canal treaties look just about as ill-advised as the British agreement to hand over Hong Kong to the tender mercies of the PRC. It is my belief that we had better start facing this issue sooner rather than later.

And so I urge adoption of the amendment.

Mr. FIELDS. Mr. Chairman, as the author of House Concurrent Resolution 148, I am pleased to rise in strong support of this amendment offered by our distinguished colleague from New York, Congressman JERRY SOLOMON.

The language of this amendment is virtually identical to the proposal I introduced, along with several of our colleagues, in the House of Representatives several weeks ago.

It is a "Sense of Congress" amendment which states unambiguously that the President should not appoint a new administrator of the Panama Canal Commission until he certifies that a democratically elected government is in place in the Republic of Panama.

Mr. Chairman, this amendment does not have the force of law. Nevertheless, it will send a clear and strong message of support for the democratic process in Panama.

While world attention has shifted from Noriega's brutality to the mindless repression of democracy in China, we must not forget that last month, the people of Panama went to the polls and overwhelmingly rejected the continued tyranny of Noriega. Despite massive voting fraud, they elected Guillermo Endare as their next President.

Unfortunately, we all know, that the will of the Panamanian people was not only thwarted but their duly elected representatives were savagely beaten by Noriega and his henchmen.

Mr. Chairman, we must not let Noriega steal the hopes of 3 million Panamanians. Democracy and the rule of law cannot exist in Panama so long as this despot, international drug dealer, and thug remains in power. I am convinced that this amendment will help Panamanians to rid themselves of the Noriega cancer which threatens democracy throughout Central America.

Let me emphasize, Mr. Chairman, that this amendment does not, in any way, abrogate or affect the Panama Canal Treaties or the Panama Canal Act of 1979 which implemented those agreements.

While the Panama Canal Treaties were a terrible idea founded on the naive notion that by giving away the Panama Canal we would ensure a friendly democratic government in Panama, this is not the appropriate time to discuss abrogation.

Nevertheless, Panamanians should look at this amendment as a "yellow light" on the road to a full turnover of the canal. By taking action to remove Noriega now, they can ensure the continuation of a smooth transfer of authority over the Panama Canal.

I am afraid, however, that if the Panamanian people and more importantly Noriega miss this signal, then additional efforts will be proposed to stop or freeze the transfer of the Panama Canal.

While I am confident that President Bush would never submit the nomination of any individual selected by Noriega, this amendment will further strengthen the determination of those who are working to remove Noriega.

Mr. Chairman, to reiterate, this amendment does not abrogate the treaty. It does not alter or change the implementing statute. What it does is to send a strong signal to the Panamanian people that Noriega must go and that his continued presence is contrary to the goals of the Panama Canal Treaties.

I urge my colleagues to join with me, in sending this message, by overwhelmingly adopting this "Sense of Congress" amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

□ 2250

Mr. FASCELL. Mr. Chairman, I ask unanimous consent that amendments to section 707 that are otherwise in order under House Resolution 179 and the previous order of the House of June 21, 1989, may be offered after title VII has been passed in the reading of the bill for amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. SOLOMON. Mr. Chairman, reserving the right to object. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I am happy to assure the gentleman that we will share whatever time is agreed upon equally between the majority and minority in the consideration of that amendment.

Mr. SOLOMON. Mr. Chairman, continuing my reservation of objection, I thank the chairman of the Committee on Foreign Affairs for doing that.

I understand that what the gentleman has said is that we are going to bypass title VII in the bill dealing with Nicaragua and come back to it tomorrow morning.

Mr. FASCELL. Yes; just this one section.

Mr. SOLOMON. Just this one section. And if there is no agreement reached by tomorrow morning, then the minority is going to take the gentleman and that side of the aisle at their word, that when we rise in the House tonight, there will be additional time allowed under unanimous consent, for 20 minutes on each side, should there not be disagreement.

Mr. FASCELL. Mr. Chairman, the gentleman is correct. I will make that request when we rise and go into the House.

Mr. SOLOMON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there further amendments to title VII?

If not, the Clerk will designate title VIII.

The text of title VIII is as follows:

TITLE VIII—EUROPE AND THE MIDDLE EAST

CHAPTER 1—ASSISTANCE TO FURTHER MIDDLE EAST PEACE

SEC. 801. MIDDLE EAST FUNDS.

(a) FOREIGN MILITARY FINANCING.—Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961, not less than $3,148,000,000 for fiscal year 1990 and not less than $3,148,000,000 for fiscal year 1991 shall be available only for assistance on a grant basis in accordance with the allocations specified in this chapter.

(b) ECONOMIC SUPPORT ASSISTANCE.—Of the amounts made available for economic support assistance under the Foreign Assistance Act of 1961, not less than $1,538,000,000 for fiscal year 1990 and not less than $1,533,000,000 for fiscal year 1991 shall be available only in accordance with the allocations specified in this chapter.

(c) DEVELOPMENT ASSISTANCE.—Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $536,000,000 for fiscal year 1990 and not less than $539,000,000 for fiscal year 1991 shall be available only in accordance with the allocations specified in this chapter.

SEC. 802. ASSISTANCE FOR ISRAEL.

(a) FOREIGN MILITARY FINANCING.—

(1) AMOUNTS.—Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961, not less than $1,800,000,000 for fiscal year 1990 and not less than $1,800,000,000 for fiscal year 1991 shall be available only for Israel.

(2) ADVANCED WEAPONS SYSTEMS.—To the extent that the Government of Israel requests that funds be used for such purposes, amounts allocated for Israel pursuant to paragraph (1) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems as follows:

(A) Up to $150,000,000 shall be available for research and development in the United States.

(B) Not less than $400,000,000 shall be available for research, development, and procurement in Israel with respect to defense articles and defense services.

(b) ECONOMIC SUPPORT ASSISTANCE.—

(1) AMOUNTS.—Of the amounts made available for economic support assistance under the Foreign Assistance Act of 1961, not less than $1,200,000,000 for fiscal year 1990 and not less than $1,200,000,000 for fiscal year 1991 shall be available only for Israel.

(2) TERMS.—The total amounts of funds allocated for Israel pursuant to paragraph (1) shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis in the first 30 days of the fiscal year. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 803. ASSISTANCE FOR EGYPT.

(a) FOREIGN MILITARY FINANCING.—Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961, not less than $1,300,000,000 for fiscal year 1990 and not less than $1,300,000,000 for fiscal year 1991 shall be available only for Egypt.

(b) ECONOMIC SUPPORT ASSISTANCE.—Of the amounts made available for economic support assistance under the Foreign Assistance Act of 1961, not less than $315,000,000 for fiscal year 1990 and not less than $315,000,000 for fiscal year 1991 shall be available only for Egypt.

(c) DEVELOPMENT ASSISTANCE.—Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $500,000,000 for fiscal year 1990 and not less than $500,000,000 for fiscal year 1991 shall be available only for Egypt.

(d) CASH TRANSFERS.—

(1) CONDITIONS.—Subject to the requirements of paragraphs (2) and (3), of the amounts provided for Egypt for each of the fiscal years 1990 and 1991 for economic support assistance under the Foreign Assistance Act of 1961—

(A) $115,000,000 may be provided as a cash transfer with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years; but

(B) amounts in excess of $115,000,000 may be provided as a cash transfer only if significant progress is being made by Egypt in implementing a comprehensive economic reform program.

(2) MAINTAINING THE LEVEL OF UNITED STATES EXPORTS.—In exercising the authority of paragraph (1), the President shall ensure that the level of cash transfer made to Egypt does not cause an adverse impact on the total level of nonmilitary exports from the United States to Egypt.

(3) NOTICE TO CONGRESS.—Not less than 15 days before making any cash transfer to Egypt under subparagraph (A) or (B) of paragraph (1), the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

SEC. 804. ASSISTANCE FOR JORDAN.

(a) FOREIGN MILITARY FINANCING.—Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961, not less than $48,000,000 for fiscal year 1990 and not less than $48,000,000 for fiscal year 1991 shall be available only for Jordan.

(b) ECONOMIC SUPPORT ASSISTANCE.—Of the amounts made available for economic support assistance under the Foreign Assistance Act of 1961, not less than $18,000,000 for fiscal year 1990 and not less than $18,000,000 for fiscal year 1991 shall be available only for Jordan.

(c) DEVELOPMENT ASSISTANCE.—Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $17,000,000 for fiscal year 1990 and not less than $17,000,000 for fiscal year 1991 shall be available only for Jordan.

SEC. 805. ASSISTANCE FOR THE WEST BANK AND GAZA.

Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $12,000,000 for fiscal year 1990 and not less than $15,000,000 for fiscal year 1991 shall be available only for the West Bank/Gaza direct program.

SEC. 806. ASSISTANCE FOR MIDDLE EAST COOPERATIVE PROJECTS.

Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $7,000,000 for fiscal year 1990 and not less than $7,000,000 for fiscal year 1991 shall be available only for regional cooperative projects in the Middle East in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985.

SEC. 807. SCHOLARSHIP PROGRAM FOR ISRAELI ARABS.

(a) FUNDING FOR ENDOWMENT.—Subject to subsection (b), $5,000,000 of the amounts made available for fiscal year 1990 for economic support assistance under the Foreign Assistance Act of 1961 shall be available only for a grant to assist in capitalizing an endowment whose income will be used for scholarships to enable Israeli Arabs to attend institutions of higher education in the United States. The endowment and the scholarship program assisted pursuant to this section must be administered by an organization located in the United States.

(b) REQUIREMENT FOR MATCHING PRIVATE SECTOR CONTRIBUTIONS.—A grant may be made pursuant to subsection (a) only if private sector contributions of at least $5,000,000 have been made by September 30, 1990, to assist in capitalizing the endowment described in subsection (a). If the requirement of this subsection is not met, the funds described in subsection (a) shall be available for other uses without regard to section 801.

CHAPTER 2—OTHER PROVISIONS RELATING TO THE MIDDLE EAST

SEC. 821. CONVENTIONAL ARMS TRANSFERS TO THE MIDDLE EAST.

(a) FINDINGS.—The Congress finds as follows:

(1) The Middle East has become an increasingly dangerous repository of the world's most sophisticated weaponry.

(2) The introduction of an entire range of sophisticated arms into the Middle East has had serious consequences for the regional balance and will erode the qualitative edge of countries whose superiority the United States is committed to maintaining.

(3) The executive branch has inadequately delineated to the Congress how United States policy goals in the Middle East are advanced, and how the balance of power is affected, by significant arms transfers to the region.

(b) INFORMATION REGARDING CERTAIN ARMS TRANSFERS.—

(1) WHEN SUBMITTED.—The President shall provide to the Congress the information specified in paragraph (2)—

(A) concurrent with each submission to the Congress of a certification for purposes of section 3(d), section 36(b), section 36(c), or section 63 of the Defense Trade and Export Control Act with respect to—

(i) a proposed transfer to a country in the Middle East of any fighter aircraft, air defense system, tank, antitank weapon, artillery, or command, communications, and control system; or

(ii) an enhancement or upgrade of the sensitivity of the technology or the capability of any defense article described in clause (i) that was previously delivered or is to be delivered to a country in the Middle East; and

(B) not less than 30 days before approving any sale, lease, export license, or third country transfer under that Act, or any assistance under title II of the Foreign Assistance Act of 1961, involving the transfer to any country in the Middle East of air-to-ground, ground-to-air, or air-to-air missiles or associ-

ated launchers (without regard to the dollar amount involved in the transfer).

(2) INFORMATION TO BE PROVIDED.—The information required by paragraph (1) is a detailed justification of the impact of the proposed transfer, especially—

(A) the effect of the transfer on regional stability and security;

(B) a specific assessment of the threat this transfer is required to offset, and the extent to which an actual military need exists for the transfer;

(C) the extent to which the transfer will stimulate a regional arms race; and

(D) the ability of the recipient country to operate, maintain, secure, and bear the cost of the defense articles proposed to be transferred.

(c) ANNUAL REPORT ON CUMULATIVE IMPACT OF CONVENTIONAL ARMS TRANSFERS TO THE MIDDLE EAST.—Not later than January 31 each year, the President shall submit to the Congress a report analyzing—

(1) the Middle East arms balance based upon the cumulative impact of the aggregate United States transfers of defense articles to the region;

(2) how United States policy goals are advanced by those transfers; and

(3) what type of military or economic compensation is required, as a result of those transfers, to countries whose qualitative edge the United States is committed to maintaining, and how such compensation is to be funded.

In this analysis, the President shall utilize the factors listed in subsection (b)(2). In this report, the President shall include an analysis of weapons obtained by Middle East countries from sources other than the United States.

(d) MULTILATERAL ARMS RESTRAINT.—The Congress expresses its deep concern over the proliferation of increasingly sophisticated and deadly weapons in the Middle East because this proliferation undermines regional stability and threatens United States interests. The Congress therefore urges the President to—

(1) call immediately for multilateral talks among the world's major arms suppliers to draw up guidelines to govern transfers of weapons to the Middle East, such talks to be structured to avoid the pitfalls which aborted similar discussions in the 1970s;

(2) in the strongest possible terms, urge our allies, especially in Western Europe (such as France, the United Kingdom, the Federal Republic of Germany, and Italy), the Pacific Rim, and South America to cease or slow their transfers of sophisticated and destabilizing weapons to the Middle East and, in the absence of an appropriate response, publicly call attention to their involvement in such transfers and their unwillingness to take steps to address the problem;

(3) place the problem of Middle East arms proliferation high on the agenda of United States-Soviet talks in the next 12 months, and encourage the Soviet Union to restrain its allies on the issue of Middle East arms proliferation;

(4) raise the issue of arms transfers to the Middle East in the strongest possible terms with the Government of the People's Republic of China to encourage a more responsible policy by that Government; and

(5) initiate bilateral talks with friendly potential arms recipients in the Middle East to stimulate thinking about possible initiatives to restrain the transfer of arms.

(e) REPORT ON MULTILATERAL ARMS RESTRAINT.—The President shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on progress made in achieving the goals described in subsection (d). This report shall be submitted one year after the date of enactment of this Act.

SEC. 822. FOREIGN MILITARY SALES FOR JORDAN.

(a) MIDDLE EAST PEACE.—The foreign military financing authorized by this Act for Jordan is provided in the recognition of progress Jordan has made in the search for a just and lasting peace in the Middle East, to encourage further progress, in recognition of the continuing defense needs of Jordan, and in the expectation that Jordan will enter into direct and meaningful negotiations with Israel based on United Nations Security Council Resolutions 242 and 338 in order to resolve the state of war between those two countries.

(b) CONDITION ON SALES OF ADVANCED WEAPONS.—The President may make a submission to the Congress pursuant to section 36(b) of the Defense Trade and Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems, or other new advanced military weapons, only if that submission includes a statement by the President that Jordan is publicly committed to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

(c) FINANCING FOR SALES OF ADVANCED WEAPONS.—The Congress finds and declares that—

(1) the use of the foreign military financing authorized by this Act to finance the procurement by Jordan of United States advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems, would constitute the use of that financing for a significantly different purpose than was justified to the Congress; and

(2) therefore, any proposal to use that financing for such procurement would be subject to the notification requirements of section 4304(b) of the Foreign Assistance Act of 1961 and the reprogramming procedures applicable under that section.

SEC. 823. STINGERS IN THE PERSIAN GULF REGION.

Except as provided in section 824 and section 825, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Defense Trade and Export Control Act or title II of the Foreign Assistance Act of 1961.

SEC. 824. STINGERS FOR BAHRAIN.

(a) PREVIOUSLY TRANSFERRED STINGERS.—Notwithstanding section 823, section 573(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, and section 566(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, shall cease to apply with respect to Stingers made available to Bahrain under those sections if the President determines, and notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, that—

(1) the Stingers are needed by Bahrain to counter an immediate air threat or to contribute to the protection of United States personnel, facilities, equipment, or operations;

(2) no other appropriate system is available from the United States;

(3) Bahrain has agreed, in writing, to such safeguards to protect against diversion of the Stingers as may be required by the United States; and

(4) Bahrain has agreed in writing to return to the possession and control of the United States all Stingers made available under those sections and subsection (b) of this section, other than Stingers which have been fired or otherwise destroyed, at any time the United States determines, subject to subsection (c).

(b) REPLACEMENT STINGERS.—Notwithstanding section 823, Stingers may be made available to Bahrain under the Defense Trade and Export Control Act or title II of the Foreign Assistance Act of 1961 after September 30, 1989, in order to replace, on a one-for-one basis, Stingers previously made available under this subsection, section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, or section 566 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, that have been fired or otherwise destroyed, subject to the following conditions:

(1) DETERMINATIONS.—Replacement Stingers may be made available to Bahrain pursuant to this subsection only if the President makes the determinations specified in paragraphs (1) through (4) of subsection (a).

(2) NOTICE TO CONGRESS BEFORE STINGERS TRANSFERRED.—At least 30 days before making any replacement Stingers available to Bahrain pursuant to this subsection, the President shall notify the committees designated in subsection (a) that he has made the determinations required by paragraph (1). Any such notification shall include the information required in a certification under section 36(b) of the Defense Trade and Export Control Act. This paragraph applies without regard to the value of the Stingers to be made available.

(c) RETURN OF STINGERS TO UNITED STATES.—All Stingers made available to Bahrain pursuant to subsections (a) and (b), other than those fired or otherwise destroyed, shall be returned to the possession and control of the United States not later than September 30, 1991, unless the President—

(1) determines that each of the conditions specified in subsection (a) continues to apply; and

(2) notifies the committees designated in subsection (a) not later than September 15, 1991, in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961, that the United States intends to waive the requirement that the Stingers be returned to the United States by the date specified in this subsection.

SEC. 825. STINGERS FOR OMAN.

(a) CONDITIONS ON TRANSFERS.—Because Oman has publicly supported the Camp David Accords and the Treaty of Peace between Israel and Egypt, Stingers may be made available to Oman under the Defense Trade and Export Control Act or title II of the Foreign Assistance Act of 1961 after September 30, 1989, notwithstanding section 823, subject to the following conditions:

(1) LIMITATION ON NUMBER.—The number of Stingers in the possession or control of Oman at any one time pursuant to this section may not exceed 10.

(2) NOTICE TO CONGRESS BEFORE STINGERS TRANSFERRED.—At least 30 days before making any Stingers available to Oman pur-

suant to this section, the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that he has made the determinations required by paragraph (3). Any such notification shall include the information required in a certification under section 36(b) of the Defense Trade and Export Control Act. This paragraph applies without regard to the value of the Stingers to be made available.

(3) DETERMINATIONS.—Stingers may be made available to Oman pursuant to this section only if the President determines that—

(A) the Stingers are needed by Oman to counter an immediate air threat or to contribute to the protection of United States personnel, facilities, equipment, or operations;

(B) no other appropriate system is available from the United States;

(C) Oman has agreed, in writing, to such safeguards to protect against diversion of the Stingers as may be required by the United States; and

(D) Oman has agreed in writing to return to the possession and control of the United States all Stingers made available under this section, other than those which have been fired or otherwise destroyed, at any time the United States determines, subject to subsection (b).

(b) RETURN OF STINGERS TO UNITED STATES.—The Stingers made available to Oman pursuant to this section, other than those which have been fired or otherwise destroyed, shall be returned to the possession and control of the United States not later than September 30, 1991, unless the President—

(1) determines that each of the conditions specified in subsection (a)(3) continues to apply; and

(2) notifies the committees designated in subsection (a)(2) not later than September 15, 1991, in accordance with the procedures applicable to reprogramming notifications under section 6304 of the Foreign Assistance Act of 1961, that the United States intends to waive the requirement that the Stingers be returned to the United States by the date specified in this subsection.

SEC. 826. ANNUAL REPORTS ON STINGERS PROVIDED TO BAHRAIN AND OMAN.

Not later than February 1 of each year, the President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an accounting for all Stingers made available to Bahrain and Oman by the United States, including a description of the security procedures applicable to those Stingers.

SEC. 827. ILLEGAL ACQUISITION OF STINGERS BY QATAR.

The President may not sell any defense articles or defense services to Qatar under the Defense Trade and Export Control Act until the President has notified the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that Qatar has returned to the United States all Stingers that Qatar has obtained illegally.

SEC. 828. COOPERATIVE DEVELOPMENT PROJECTS.

(a) COOPERATIVE DEVELOPMENT PROGRAM.—Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $5,000,000 for fiscal year 1990 and not less than $5,000,000 for fiscal year 1991 shall be used to finance projects among the United States, Israel, and developing countries under the Cooperative Development Program.

(b) COOPERATIVE DEVELOPMENT RESEARCH.—Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $2,500,000 for fiscal year 1990 and not less than $2,500,000 for fiscal year 1991 shall be used to finance cooperative development research projects among the United States, Israel, and developing countries.

SEC. 829. SALES TO CERTAIN COUNTRIES IN THE MIDDLE EAST.

(a) CONDITION ON CERTAIN SALES.—During fiscal years 1990 and 1991, the President may make a submission to the Congress pursuant to section 36(b) of the Defense Trade and Export Control Act with respect to a proposed sale to a country in the Middle East which has acquired intermediate-range ballistic missiles made by the People's Republic of China only if that submission includes a determination by the President that such country does not have chemical, biological, or nuclear warheads for intermediate-range ballistic missiles.

(b) NOTICE TO CONGRESS OF SUBSEQUENT EVIDENCE.—If the President makes a determination under subsection (a) with respect to a country described in that subsection, the President shall notify Congress promptly of any evidence that such country after the date of that determination, has acquired chemical, biological, or nuclear warheads for intermediate-range ballistic missiles.

CHAPTER 3—EASTERN MEDITERRANEAN

SEC. 841. UNITED STATES POLICY REGARDING THE EASTERN MEDITERRANEAN.

(a) CONGRESSIONAL FINDINGS REGARDING CYPRUS SETTLEMENT.—The Congress declares that the achievement of a just and lasting Cyprus settlement is and will remain a central objective of United States foreign policy. The Congress finds that—

(1) a just settlement on Cyprus must provide reasonable guarantees that the rights of all the people of Cyprus, including displaced persons, are fully protected;

(2) a just settlement on Cyprus must include the withdrawal of Turkish military forces from Cyprus;

(3) serious negotiations, under United Nations auspices, will be necessary to achieve agreement on, and implementation of, constitutional and territorial arrangements critical to a just settlement on Cyprus; and

(4) the continued deployment of a United Nations peacekeeping force is essential to reducing tensions and maintaining the ceasefire on Cyprus.

(b) PRINCIPLES GOVERNING UNITED STATES POLICY.—United States policy regarding Cyprus, Greece, and Turkey shall be directed toward maintaining a stable and peaceful atmosphere in the Eastern Mediterranean region and shall therefore be governed by the following principles:

(1) The United States shall actively support the resolution of differences through negotiations, shall encourage all parties to avoid provocative actions, and shall strongly oppose any attempt to resolve disputes through force or threat of force.

(2) The United States will accord full support and high priority to efforts, including those of the United Nations, to bring about a prompt, peaceful settlement on Cyprus.

(3) All defense articles furnished by the United States to countries in the Eastern Mediterranean region will be used only in accordance with the requirements of the Foreign Assistance Act of 1961, the Defense Trade and Export Control Act, and the agreements under which those defense articles were furnished.

(4) The United States will furnish military assistance for Greece and Turkey only when furnishing that assistance is intended solely for defensive purposes, including when necessary to enable the recipient country to fulfill its responsibilities as a member of the North Atlantic Treaty Organization, and shall be designed to ensure that the present balance of military strength between Greece and Turkey is preserved. Nothing in this paragraph shall be construed to prohibit the transfer of defense articles to Greece or Turkey for legitimate self defense or to enable Greece or Turkey to fulfill their North Atlantic Treaty Organization obligations.

(5) Any agreement entered into by the United States for the sale or other provision of any defense article on the United States Munitions List (established pursuant to section 38 of the Defense Trade and Export Control Act) shall expressly state that the article is being provided by the United States only with the understanding that the article will not be transferred to Cyprus or otherwise used to further the severance or division of Cyprus. The President shall report to the Congress any substantial evidence that equipment provided under any such agreement has been used in a manner inconsistent with the purposes of this paragraph.

(6) The United States shall use its influence to achieve the withdrawal of Turkish military forces from Cyprus in the context of a solution to the Cyprus problem.

(c) REVIEW AND REPORTS REGARDING PROGRESS TOWARD A SETTLEMENT.—

(1) CONTINUAL REVIEW.—Because progress toward a Cyprus settlement is a high priority of United States policy in the Eastern Mediterranean, the President and the Congress shall continually review that progress and shall determine United States policy in the region accordingly.

(2) PERIODIC REPORTS.—To facilitate such a review, the President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, every 120 days, a report on progress made toward the conclusion of a negotiated solution of the Cyprus problem. Such reports shall include any relevant reports prepared by the Secretary General of the United Nations for the Security Council.

SEC. 842. ASSISTANCE FOR CYPRUS.

(a) FUNDING LEVEL.—Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $15,000,000 for each of the fiscal years 1990 and 1991 shall be available only for Cyprus.

(b) BICOMMUNAL DEVELOPMENT PROJECTS.—Of the funds allocated for Cyprus pursuant to this section each fiscal year, $5,000,000 shall be available only for bicommunal development projects.

SEC. 843. EXTRADITION OF MOHAMMED RASHID.

(a) FINDINGS.—The Congress finds that—

(1) international terrorism undermines the security, strength, and stability of all nations;

(2) the Government of Greece is a member of numerous multinational organizations, including the United Nations and the North Atlantic Assembly, which have condemned terrorism in all its forms;

(3) on December 6, 1988, the Government of Greece overturned a decision by the Greek Supreme Court and denied the re-

quest of the Government of Italy to extradite Abdel al-Zomar, an alleged Palestinian terrorist charged with the bombing of a Rome synagogue on October 9, 1982, in which a two-year-old child died and over 30 people were wounded;

(4) the Government of Greece then allowed Abdel al-Zomar to leave Greece for a country of his own choosing;

(5) the Government of the United States and the Government of Greece have been parties to a bilateral extradition treaty since 1932;

(6) Mohammed Rashid, another alleged Palestinian terrorist, is currently completing a seven month prison sentence in Greece for violating Greek immigration laws;

(7) the United States has officially requested the Government of Greece to extradite Mohammed Rashid to the United States to stand trial for the August 11, 1982, bombing of a Pan American airline in which one person was killed and more than a dozen were injured;

(8) a lower court in Greece has held that Mohammed Rashid can be extradited to the United States and the Greek Supreme Court is currently reviewing that decision; and

(9) the Government of Greece's denial of the United States extradition request would allow Mohammed Rashid to leave Greece, escaping justice and further undermining efforts to combat terrorism.

(b) MOHAMMED RASHID.—It is the sense of the Congress that—

(1) the Government of Greece should adhere to the United States-Greek extradition treaty by granting the request of the United States for the extradition of Mohammed Rashid; and

(2) a failure of the Government of Greece to extradite Mohammed Rashid would be regarded as a breach of the United States-Greek extradition treaty and would cause grave concern in the United States regarding the Government of Greece's stated commitment to combat international terrorism.

(c) ABDEL AL-ZOMAR.—The Congress deplores the decision of the Government of Greece to permit Abdel al-Zomar to leave Greece and to deny the extradition request of the Government of Italy.

SEC. 844. FOREIGN MILITARY FINANCING FOR GREECE AND TURKEY.

Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961 for each of the fiscal years 1990 and 1991, $350,000,000 shall be available only for Greece and not more than $500,000,000 shall be available for Turkey.

CHAPTER 4—OTHER PROVISIONS

SEC. 861. CONTRIBUTIONS TO ANGLO-IRISH INTERNATIONAL FUND.

(a) FUNDING LEVEL.—Of the amounts made available for each of the fiscal years 1990 and 1991 for economic support assistance under the Foreign Assistance Act of 1961, not less than $20,000,000 shall be used for a United States contribution to the International Fund in accordance with the Anglo-Irish Agreement Support Act of 1986, subject to subsection (b).

(b) AUDIT OF FUND.—Funds may be contributed to the International Fund pursuant to subsection (a) only if the International Fund agrees to an audit of the International Fund by the Comptroller General of the United States, or by a recognized auditing organization that would be capable of applying audit and evaluation standards comparable to those used by the General Accounting Office, to determine whether funds contributed to the International Fund—

(1) are being distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation, and

(2) are addressing the needs of both communities in Northern Ireland.

(c) CREATION OF PERMANENT, FULL-TIME JOBS.—It is the sense of the Congress that the Board of the International Fund should give great weight in the allocation of the funds contributed to the International Fund by the United States to projects which will create permanent, full-time jobs in the areas that have suffered most severely from the consequences of the instability of recent years.

(d) ANNUAL REPORT AND CERTIFICATION.—The Anglo-Irish Agreement Support Act of 1986 is amended—

(1) by striking out section 5(c); and

(2) by amending section 6 to read as follows:

"SEC. 6. ANNUAL REPORTS.

"(a) REQUIREMENT FOR REPORTS.—Not later than February 1 each year, the President shall report to the Congress on the degree to which—

"(1) the International Fund has contributed to reconciliation between the communities in Northern Ireland;

"(2) United States contributions to the International Fund are meeting their objectives of encouraging new investment, job creation, and economic reconstruction on the basis of strict equality of opportunity;

"(3) the International Fund has increased respect for the human rights and fundamental freedoms of all people in Northern Ireland;

"(4) the Board of the International Fund, as a whole, is broadly representative of the interests of the communities in Ireland and Northern Ireland; and

"(5) disbursements from the International Fund—

"(A) are distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation; and

"(B) address the needs of both communities in Northern Ireland.

"(b) WITHHOLDING OF CONTRIBUTION UNTIL REPORT SUBMITTED.—Funds made available for economic support assistance under the Foreign Assistance Act of 1961 may not be used for a contribution to the International Fund for a fiscal year until at least 15 days after the report required by subsection (a) has been submitted during that fiscal year.".

(e) DEFINITIONS.—As used in this section—

(1) the term "areas that have suffered most severely from the consequences of the instability of recent years" means those areas that have high rates of unemployment; and

(2) the term "International Fund" has the meaning given that term by section 8(2) of the Anglo-Irish Agreement Support Act of 1986.

The CHAIRMAN. Are the amendments to title VIII?

If not, the Clerk will designate title IX.

The text of title IX is as follows:

TITLE IX—ASIA AND THE PACIFIC

CHAPTER 1—EAST ASIA AND THE PACIFIC

SEC. 901. BURMA.

(a) CONSIDERATIONS IN FURNISHING ASSISTANCE AND MAKING MILITARY SALES.—During fiscal years 1990 and 1991, in determining whether to furnish assistance to Burma under the Foreign Assistance Act of 1961 or the Agricultural Trade Development and Assistance Act of 1954 (other than emergency humanitarian assistance under either such Act) and whether to make any sales of defense articles or defense services to Burma under the Defense Trade and Export Control Act, the President shall take into account—

(1) whether the Government of Burma has held free and fair elections, and pursuant to such elections, a civilian government has assumed power, including—

(A) whether the Government of Burma has implemented its election laws in an unbiased manner, so as to allow all opposition parties and candidates that are committed to peaceful and democratic change to run for office;

(B) whether the internationally recognized rights of freedom of speech, the press, and assembly were respected during the electoral campaign, thereby enabling opposition candidates to compete fairly against government party candidates, and whether those rights continue to be respected;

(C) whether the elections were conducted in the presence of international observers who were free to monitor the elections, and the assessments of those international observers of whether the elections were conducted fairly and without intimidation and whether the ballots were counted honestly; and

(D) whether there is an independent judiciary; and

(2) whether the Government of Burma has implemented or is committed to implementing fundamental economic reforms in order to ensure that United States economic assistance is being used or can be used effectively.

(b) NOTIFICATION REQUIREMENT.—During fiscal years 1990 and 1991, the President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961, at least 15 days before—

(1) obligating funds for any assistance for Burma under the Foreign Assistance Act of 1961 (other than emergency humanitarian assistance), or

(2) issuing a letter of offer to sell any defense articles or defense services to Burma under the Defense Trade and Export Control Act.

SEC. 902. CAMBODIA.

(a) ASSISTANCE FOR THE CAMBODIAN PEOPLE.—Notwithstanding any other provision of law, the President may make available to the non-Communist resistance forces in Cambodia funds made available for foreign military financing and economic support assistance for fiscal years 1990 and 1991 under the Foreign Assistance Act of 1961.

(b) PROHIBITION ON CERTAIN ASSISTANCE TO THE KHMER ROUGE.—Notwithstanding any other provision of law, none of the funds made available to carry out this section may be obligated or expended for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Cambodia or elsewhere in Indochina.

(c) TRAINING OF NON-COMMUNIST CAMBODIANS.—Notwithstanding any other provision of law, the President may use such funds as may be necessary from funds made available for development assistance and economic support assistance for fiscal years 1990 and 1991 under the Foreign Assistance Act of 1961 to provide for the nonmilitary training of non-Communist Cambodians who are outside of Cambodia, including Cambodians in the United States, in appropriate skills that would be used by them, in support of the non-Communist movements in Cambodia, upon returning to Cambodia in the context of an internationally acceptable political settlement in that country.

(d) INTERNATIONAL RELIEF PROGRAM FOR CAMBODIA.—Notwithstanding any other provision of law, the President may use such funds as may be necessary from funds made available under the Foreign Assistance Act of 1961 for fiscal years 1990 and 1991 for contributions by the United States to an international program of relief and reconstruction in Cambodia in the context of an internationally acceptable political settlement in that country.

SEC. 903. PROHIBITION ON MILITARY ASSISTANCE TO FIJI.

No foreign military financing and no international military education and training under the Foreign Assistance Act of 1961 which is made available for fiscal year 1990 or fiscal year 1991 may be provided to Fiji unless the President certifies to the Congress that Fiji has returned to a freely elected democratic government under a constitution acceptable to all communities in Fiji.

SEC. 904. UNCOMMITTED FMS CREDITS FOR THE PHILIPPINES.

Uncommitted balances of loans made since October 1, 1984, to the Philippines pursuant to the former authority of section 23 of the Arms Export Control Act may be disbursed without requirement for repayment of principal or interest, except that the new budget authority provided by this section may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 905. MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES.

Title VI of the Foreign Assistance Act of 1961, as amended by the title VII of this Act, is further amended by adding at the end the following:

"CHAPTER 2—MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

"SEC. 6201. FINDINGS AND STATEMENT OF POLICY.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) The people of the Philippines and the people of the United States continue to enjoy a longstanding relationship of mutual respect and cooperation.

"(2) The return of democracy to the Philippines under the leadership of President Corazon Aquino has brought the Philippines and the United States closer together and offers an opportunity to the Philippines to again become an economic, social, and political leader in Southeast Asia.

"(3) The Philippines is currently facing a domestic insurgency which threatens the efforts of the Government of the Philippines to broaden the participation of the people of the Philippines in the development of their country.

"(4) It is in the mutual interest of our two peoples that the Philippines be provided all possible assistance, including voluntary debt reduction programs under appropriate circumstances, in its efforts to redress the problems caused by economic deterioration and social inequity which have fueled the domestic insurgency.

"(5) The promotion of democracy and achievement of sustainable economic growth require a partnership among the Philippines, multilateral institutions, bilateral donors, and the private sector to help the Philippines restructure its economy and alleviate its debt service in order to achieve broadly based, self-sustaining growth and to improve the quality of life of the people of the Philippines.

"(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

"(1) the United States should participate with the multilateral financial institutions and other bilateral donors in a coordinated economic reform and development program, including voluntary debt reduction programs, in the Philippines; and

"(2) a multiyear commitment of resources by the United States, other bilateral donors, and the multilateral financial institutions with a continued reform effort and leadership role by the Government of the Philippines will be necessary in order to ensure continued economic growth in the Philippines and enhanced participation of the people of the Philippines in the democratic process.

"SEC. 6202. ASSISTANCE.

"(a) AUTHORITY.—The President is authorized to provide assistance to carry out this chapter in order to promote the four basic objectives set forth in section 1102. Such assistance shall have as its ultimate objective, in conjunction with assistance provided by other donors, support of the newly reestablished democracy in the Philippines, promotion of sustained economic growth led by the private sector, and improvement of living conditions for the people of the Philippines, and shall build upon the progress that the Government of the Philippines has made in the development and implementation of economic, structural, judicial, and administrative reforms.

"(b) PROGRESS OF REFORMS NECESSARY FOR PROVISION OF ASSISTANCE.—The provision of assistance under this chapter shall be linked to progress by the Government of the Philippines in the implementation of its economic, structural, judicial, and administrative reform program.

"(c) USES OF ASSISTANCE.—Assistance under this chapter may include support for—

"(1) economic, structural, and administrative reforms, and voluntary debt reduction programs, that are necessary to stimulate growth led by the private sector, import liberalization, export growth and diversification, and the privatization of enterprises owned or controlled by the government;

"(2) infrastructure needed by the private sector, particularly in rural areas;

"(3) strengthening the private sector, including promoting greater participation of the United States private sector in the development of the Philippines; and

"(4) such other programs as are consistent with the purposes of this chapter.

"SEC. 6203. REPORT TO CONGRESS.

"As soon as possible after the transmittal by the President of the Budget of the United States for each fiscal year beginning with fiscal year 1991, the Secretary of State and the Administrator for title I shall submit a report to the Congress on the progress made in carrying out this chapter. Such report shall include a review of—

"(1) the actions of the Government of the Philippines to achieve the objectives for which assistance under this chapter has been provided, including implementation of economic, structural, judicial, and administrative reforms;

"(2) the participation of other bilateral donors and multilateral financial institutions in the multilateral assistance program for which assistance under this chapter is authorized, including the level of their assistance, and the effectiveness of efforts to coordinate assistance activities;

"(3) the progress being made toward the achievement of the objectives of this chapter and the obstacles to such achievement; and

"(4) the budget request for the relevant fiscal year.

"SEC. 6204. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—There are authorized to be appropriated to the President to carry out this chapter, in addition to amounts otherwise available for such purposes, $1,000,000,000, of which not more than $200,000,000 may be appropriated under this section for fiscal year 1990.

"(b) TRANSFER AUTHORITY.—The President may exercise the authority of section 4101 of this Act to transfer funds available to carry out any other provision of this Act for use under this chapter without regard to the 20-percent increase limitation contained in such section, except that—

"(1) the total amount so transferred in fiscal year 1990, when added to the amount of funds appropriated under subsection (a) for that fiscal year, may not exceed $200,000,000; and

"(2) the total amount so transferred in any subsequent fiscal year, when added to the amount of funds appropriated under subsection (a) for that fiscal year, may not exceed the amount of funds requested to carry out this chapter for that fiscal year in the congressional presentation documents transmitted under section 4301.

"SEC. 6205. LIMITATIONS ON USE OF FUNDS.

"(a) FRAMEWORK FOR REFORMS.—None of the funds made available under section 6204 for fiscal year 1990 may be made available for the Philippines until the President has received a document, developed by the Government of the Philippines and acceptable to the major bilateral donors and appropriate representatives of multilateral financial institutions participating in the multilateral assistance program for which assistance under this chapter is authorized, which sets forth the overall framework and specific objectives of macroeconomic, administrative, and structural reforms, and voluntary debt reduction programs, which the multilateral assistance program is designed to support. The reforms which the Government of the Philippines undertakes pursuant to the framework document shall include specific measures to enhance debt exchange programs, to facilitate other market-oriented debt reduction programs and additional debt-equity exchanges, and to encourage greater foreign investment, particularly by simplifying licensing and registration requirements for such investment.

"(b) REQUIREMENT OF PARTICIPATION BY OTHER DONORS.—Funds made available under section 6204 may not be obligated unless the President has determined and reported to the Congress that a substantial majority of the assistance to be provided to the Philippines under the multilateral assistance program for which assistance under this chapter is authorized will be provided

by other bilateral donors and multilateral financial institutions.

"(c) PRIOR NOTIFICATION OF CONGRESS.—Funds made available under section 6204 may be obligated in a fiscal year only if the President, at least 15 days in advance of obligating such funds, submits a notification with respect to that obligation in accordance with the procedures applicable to reprogramming notifications under section 4304.

"(d) SENSE OF CONGRESS REGARDING APPROPRIATIONS AFTER FISCAL YEAR 1990.—It is the sense of the Congress that, before requesting the appropriation of additional amounts to carry out this chapter, the President should take into account the progress being made by the Government of the Philippines toward achieving the reform objectives of this chapter, the extent of financial and other participation of other bilateral donors and multilateral financial institutions, and efforts to coordinate the multilateral assistance program for which assistance under this chapter is authorized. Such considerations will be primary factors in decisions by the Congress to provide additional appropriations to carry out this chapter.

"SEC. 6206. DONOR COORDINATION.

"It is the sense of the Congress that critical to the success of the multilateral assistance program for which assistance under this chapter is authorized will be the ability of the bilateral donors, the multilateral financial institutions, and the Government of the Philippines to coordinate effectively their objectives and programs. It is further the sense of the Congress that all bilateral donors to this multilateral assistance program should take steps to simplify procurement and disbursement procedures and to ensure that any conditions on the provision or use of assistance are complementary, and that the Government of the Philippines should establish such internal procedures and processes as will ensure the most effective use of the resources provided by the bilateral donors and the multilateral financial institutions.

"SEC. 6207. ADMINISTRATIVE AUTHORITIES.

"Except where expressly provided to the contrary, any reference in any law to title I of this Act shall be deemed to include reference to this chapter.".

SEC. 906. SCHOLARSHIPS UNDER SOUTH PACIFIC REGIONAL PROGRAM.

Of the amounts allocated for the South Pacific regional program under the Foreign Assistance Act of 1961, the following amounts shall be available only for scholarships for study at postsecondary institutions of education in the United States:

(1) For fiscal year 1990, not less than $2,000,000, of which not less than $1,200,000 shall be economic support assistance funds and the remainder shall be development assistance funds.

(2) For fiscal year 1991, not less than $2,000,000, all of which shall be economic support assistance funds.

SEC. 907. TRANSFER OF FUNDS FOR ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.

(a) TRANSFER OF FUNDS.—For each of the fiscal years 1990 and 1991, the President shall transfer up to $2,250,000 of the funds described in subsection (b) to the "SALARIES AND EXPENSES" account of the Department of State, and shall use those funds for expenses incurred in the performance of functions of the Assistant Secretary of State for South Asian Affairs.

(b) SOURCE OF FUNDS.—The funds to be transferred under subsection (a) are any funds made available for fiscal years 1990 and 1991 for development assistance and for economic support assistance under the Foreign Assistance Act of 1961 which are allocated for Asia and Near East Regional Programs (excluding programs for the Near East).

SEC. 908. COOPERATION ON POW/MIA ISSUE.

It is the sense of the Congress that, consistent with the provisions of sections 3216 and 3218(5) of the Foreign Assistance Act of 1961, the President should use available authority and appropriations to provide up to $200,000 in the fiscal year 1990 and up to $200,000 in the fiscal year 1991 for support of humanitarian projects in Laos directly associated with joint United States-Laotian cooperative efforts to resolve questions concerning Vietnam era prisoners of war or those missing in action.

SEC. 909. ADMISSION OF ASIAN COUNTRIES INTO THE OECD.

(a) FINDINGS.—The Congress finds that—

(1) South Korea, Taiwan, Hong Kong, and Singapore all now have gross national products at per capita levels that exceed those of some of the least developed members of the Organization for Economic Cooperation and Development (hereafter in the section referred to as the "OECD");

(2) these Asian countries and territories have a substantial interest in furthering the health of the world economy and should assume a more prominent role in managing regional and global economic affairs; and

(3) the ideals of the OECD, namely liberalized trade and investment flows, assistance to the developing countries, and better coordination of national economic policies, are goals that should be strongly embraced and promoted by the newly industrialized countries and territories in Asia.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should encourage the OECD to actively undertake the process of study and consultation appropriate to consider for membership in the OECD the Governments of South Korea, Taiwan, Hong Kong, and Singapore.

CHAPTER 2—SOUTH ASIA

SEC. 921. ASSISTANCE FOR AFGHANISTAN.

The President may make available funds authorized to be appropriated for development assistance and economic support assistance under the Foreign Assistance Act of 1961 for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

SEC. 922. UNITED STATES POLICY TOWARD BANGLADESH.

(a) PRIMARY OBJECTIVES OF UNITED STATES ASSISTANCE.—The primary purpose of United States economic assistance for Bangladesh is to foster economic development and political pluralism, recognizing the relationship between these two goals. Accordingly, in assessing whether to provide economic assistance to Bangladesh for fiscal years 1990 and 1991 and in determining how much of such assistance to provide, the President shall take into account—

(1) whether—

(A) the Government of Bangladesh has held parliamentary elections under the supervision of an independent electoral commission, which were witnessed by international observers and were conducted in a manner that was free and fair, including with fair and guaranteed access to the media for all parties, thus ensuring that the outcome of the elections reflected the popular will; or

(B) the Government of Bangladesh has credibly declared its willingness to hold such elections in a timely fashion, and to establish arrangements, including an independent electoral commission and fair and guaranteed access to the media for all parties, in order to ensure that the outcome of the elections will reflect the popular will;

(2) whether, in the event that elections have been held in accordance with paragraph (1)(A), there is a functioning parliament which fulfills its constitutional duties and which includes a meaningful role for the minority as well as the majority;

(3) whether the press is allowed to operate freely, and all points of view can be expressed in the press;

(4) whether there is effective elected government at the local and regional levels; and

(5) whether there is an independent judiciary.

(b) REQUESTS FOR ASSISTANCE.—Whenever requesting economic assistance for Bangladesh, the President shall report to the Congress with respect to each of the issues described in paragraphs (1) through (5) of subsection (a).

(c) DEFINITION.—For purposes of this section, the term "economic assistance" means assistance under title I of the Foreign Assistance Act of 1961 and assistance under the Agricultural Trade Development and Assistance Act of 1954.

SEC. 923. INDIA AND NEPAL.

(a) FINDINGS.—The Congress makes the following findings:

(1) The people of the United States enjoy friendly relations with the people of India and Nepal.

(2) Harmonious trade relations, economic growth, and development, as well as a bilateral relationship between India and Nepal characterized by comity and mutual respect, are consistent with United States interests in South Asia.

(3) India and Nepal have historically enjoyed a special and mutually beneficial relationship, reflected in the Treaty of Peace and Friendship (signed by the two countries in 1950) and treaties governing trade and transit between the two countries.

(4) The treaties governing trade and transit between India and Nepal, as well as agreements between the two countries concerning coal and petroleum exports from India to Nepal, lapsed in March 1989 because of unresolved differences between the two countries.

(5) The absence of trade and transit agreements between India and Nepal and resulting shortages of important commodities has had an adverse impact on Nepal, such as an acceleration to deforestation, as the Nepalese substitute wood for kerosene, and a virtual halt in important development projects, many of which are supported and administered by the administering agency for title I of the Foreign Assistance Act of 1961.

(6) The Government of India has expressed its willingness to negotiate on trade, transit, and other bilateral issues, and the Government of Nepal has proposed a venue, timeframe, and agenda for talks with the Government of India.

(7) The United States has a strong interest in seeing an improved relationship between India and Nepal, in view of the fact that a continued impasse will further disrupt economic development and possibly

impose significant hardship and human suffering.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) India and Nepal should begin meaningful talks to resolve, on an urgent basis, issues relating to trade and transit between the two countries, recognizing that an expeditious and amicable resolution is in their mutual self-interest and consistent with regional harmony and stability;

(2) leaders of both countries should exercise statesmanship and good will in working promptly to resolve the differences in their relationship, taking into account the humanitarian consequences of the continued impasse; and

(3) the Secretary of State, or his designee, should provide regular briefings to the Congress regarding the effects of the Indian-Nepalese dispute on the two countries and on the interests of the United States with respect to both countries and in South Asia in general.

SEC. 924. ASSISTANCE TO PAKISTAN.

(a) FINDINGS.—The Congress finds that—

(1) the preservation of democracy in Pakistan is essential for the maintenance of political stability in Pakistan and for close, long lasting ties between Pakistan and the United States;

(2) the President, the military, the judiciary, and the other sectors of Pakistani society responded to the tragic events of August 17, 1988, with admirable responsibility and statesmanship;

(3) the Pakistani elections of November 1988 were carried out in a peaceful and responsible manner that won new respect for Pakistan around the world;

(4) the transition of power from the caretaker government to the newly elected government in the aftermath of the national elections went smoothly and in accordance with the Pakistani constitution;

(5) the human rights situation in Pakistan has improved markedly in the months since a democratic government assumed power in Pakistan;

(6) the restoration of democracy in Pakistan is an achievement deserving the high praise of the United States; and

(7) the meeting in December 1988 between the Prime Ministers of India and Pakistan has encouraged hopes for an improvement in relations between those two countries.

(b) STATEMENT OF POLICY.—The primary purpose of United States assistance for Pakistan is to support and sustain democracy. Therefore, the maintenance of a democratic government in Pakistan, in which the military forces are properly subordinate to the appropriate civilian authorities, is an essential precondition for a continuation of United States assistance to Pakistan.

(c) 1959 BILATERAL AGREEMENT WITH PAKISTAN.—The United States reaffirms the commitment made in its 1959 bilateral agreement with Pakistan relating to aggression from a Communist or Communist-dominated state.

(d) PROVISION OF DEFENSE ARTICLES.—The United States shall continue to take appropriate steps to ensure that defense articles provided by the United States to Pakistan are used solely for defensive purposes or for the other nonaggressive purposes specified in paragraph (5) of section 3(c) of the Defense Trade and Export Control Act, as amended by section 221 of this Act.

(e) WAIVERS.—

(1) AUTHORITY.—The President may waive the prohibitions of section 4205 of the Foreign Assistance Act of 1961 at any time to provide assistance to Pakistan if he determines that to do so is in the national interest of the United States. A waiver under this subsection shall be effective—

(A) until April 1, 1990, and

(B) thereafter until October 1, 1993, during such periods that a certification under section 4211 of the Foreign Assistance Act of 1961 is in effect.

(2) EXISTING WAIVER.—The waiver done under the previous authority of section 620E(d) of the Foreign Assistance Act of 1961 which is in effect on the day before the effective date set forth in section 601 of this Act shall, as of such effective date, be deemed to be a waiver made under this subsection with respect to section 4205 of the Foreign Assistance Act of 1961.

(f) CERTIFICATION.—Chapter 2 of title IV of the Foreign Assistance Act of 1961, as amended by the preceding titles of this Act, is further amended by adding at the end the following:

"SEC. 4211. ASSISTANCE TO PAKISTAN.

"No assistance may be furnished to Pakistan and no defense articles or defense services may be sold or transferred to Pakistan, pursuant to the authorities contained in this or any other Act, unless the President has certified in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or defense articles or defense services are to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.".

(g) MINIMUM ASSISTANCE LEVELS.—

(1) ASSISTANCE TO BE NOT LESS THAN CURRENT LEVEL.—For each of the fiscal years 1990 and 1991, the aggregate amount of assistance made available for Pakistan under the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 may not be less than the aggregate amount of assistance made available for Pakistan under those Acts for fiscal year 1989.

(2) LITERACY PROGRAMS FOR FEMALES.—In addition to the assistance provided for Pakistan pursuant to paragraph (1), not less than $5,000,000 of the funds made available for development assistance for each of the fiscal years 1990 and 1991 shall be available only for Pakistan for literacy programs for females.

(3) RELATION TO OTHER REQUIREMENTS.—This subsection does not apply if the certification required by section 4211 of the Foreign Assistance Act of 1961 is not submitted to the Congress.

The CHAIRMAN. Are there amendments to title IX?

Mr. SCHEUER. Mr. Chairman, I would like to commend the Foreign Affairs Committee and its distinguished chairman for bringing to the floor a foreign aid bill which continues our strong support to Israel and Egypt, and improves our development assistance program.

By authorizing $3 billion in aid to Israel—$1.2 billion in economic aid and $1.8 billion in military aid—this bill continues our historic and vital support to Israel, our only democratic ally in the Middle East. The bill provides Egypt with $2.1 billion in aid.

In addition to continuing vital economic and military assistance to Israel and Egypt, this bill initiates new efforts to fight terrorism and continues funding for programs which offer hope for peace and cooperation in the Middle East.

In prohibiting United States funds from going to the PLO, through international organizations, the Congress recognizes that the PLO has not changed its fundamental policy of terrorism which continues to call for violence in the West Bank and Gaza and the destruction of Israel. To bolster global antiterrorism efforts the bill states that the United States shall not provide any assistance to countries which grant sanctuary to terrorists.

Joint development programs to be funded include the Middle East cooperation projects, which I had the privilege of seeing first hand last summer, and a program providing financing for cooperative research programs between the United States, Israel, and Third World developing countries.

The foreign aid authorization bill also includes some welcome changes in population and development program funding. Ten percent of the African Development Fund has been allocated for population. This would provide an additional $58 million to African family planning projects. The bill also allocates $408 million over the next 2 fiscal years for international voluntary family planning programs. While these amounts are not enough to restore the United States' leadership role in the field of population assistance, they are a step in the right direction.

The legislation outlines a new "mini-Marshall plan" that has been developed for the Philippines. The United States, Japan, and the European Community, along with other governments, development banks and the private sector would work together to strengthen the Philippines. New investments, debt relief and development aid are the primary goals for this multilateral assistance initiative.

Overall, the bill redirects $1 billion from military and related assistance to development assistance, reflecting a more intelligent approach to securing our national interests abroad. I would like to commend the Foreign Affairs Committee and Chairman FASCELL for providing the House with this comprehensive bill.

Mr. FASCELL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GEPHARDT) having assumed the chair, Mr. AUCOIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2655) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1990 and 1991, and for other purposes, had come to no resolution thereon.

THE PENALTY FOR DESECRATION OF A MAILBOX

(Mr. RITTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, I point out to my colleagues that I hold in my hands a mailbox certified by the U.S. Postal Service, and I hold here "Old Glory."

It turns out that to willfully or maliciously damage or destroy this mailbox is punishable under Federal law by up to 3 years in prison and a $1,000 fine. We all know the protection that "Old Glory" has under Federal law or State law these days after the recent Supreme Court decision.

Something is really out of kilter when a mailbox receives protection under the law but our flag does not. To protect the American flag against desecration, must we stuff all of our flags in mailboxes so that desecrators of the flag would be deterred from the act of desecration?

Mr. Speaker, a constitutional change is in order. President Bush is right. Many Members of the House are right when they call for a constitutional amendment, and I personally have my own that I urge my colleagues to support.

MAKING PROVISION FOR FURTHER DEBATE TIME IN CONSIDERATION OF H.R. 2655, INTERNATIONAL COOPERATION ACT OF 1989

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that subject to clause 6 of rule XXIII, time for debate on all amendments to section 707 and amendments thereto be limited to 30 minutes, equally divided and controlled by myself and Representative BROOMFIELD, and that this time be in addition to the 8 hours permitted under House Resolution 179 to the extent that those 8 hours have expired.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I will not object. I just want a clarification. As I understand it, if there is an agreement, then the six amendments pending on this side will not be offered, but we will have 15 minutes on each side to debate the agreement?

Mr. FASCELL. Mr. Speaker, if the gentleman will yield, let me state that the gentleman is correct.

Mr. SOLOMON. If there is no agreement, then we would go ahead and be allowed to debate the six amendments, if so offered, under the regular rules of the House?

Mr. FASCELL. The gentleman is correct.

Mr. SOLOMON. Mr. Speaker, that is more than fair, and we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 2300

ANOTHER HISTORICAL POINT

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, the distinguished gentleman from Pennsylvania [Mr. RITTER] just got up and reminded us of a U.S. Government law that we all either take for granted or forget, that post office boxes are protected by the Federal Government by a law of a Congress a long time ago.

Mr. Speaker, here is something else that is interesting:

This is a dollar bill. Handsome picture of the "Father of Our Country" on there, George Washington. There is no American flag on there, but there is the beautiful Great Seal on the back with a red, white, and blue crest, if it were in color other than that greenback green.

Mr. Speaker, if someone wanted to destroy this, guess what? They would be breaking the law.

Mr. Speaker, I am going to take, or, I guess, do live the "Phil Donohue Show" on Friday, and this pathetic moron that burned the flag in Dallas at our Republican Convention of 1984 is also going to be on there, the young Leninist with the beard, revolutionary of the Communist Party. I am going to ask him if he would like to rip up a dollar bill on the air to show his comtempt for the United States of America, and then he will be subject to arrest.

Mr. Speaker, how is it that this dollar; most of us have one in our pocket right now; we think it is ours, that we cannot rip up a dollar of our own money? It is protected, but this beautiful Old Glory is not.

Mr. Speaker, there will be 1 hour after another tonight of special orders, and I have the honor of reciting for my colleagues and whoever through national technical means is watching the floor proceedings all through the night; I have the honor of reciting for the first time since the third grade Barbara Fritchie, that great poem by one of America's great poets, Mr. Whittier.

My colleagues, please watch later tonight between 3 and 4.

THE 600TH ANNIVERSARY OF THE BATTLE OF KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, I take this opportunity to inform my colleagues that 600 years ago today, the legendary Battle of Kosovo took place between the Serbs and the Ottoman Turks.

On June 28, 1389, Prince Lazar of Serbia martyred himself fighting for Serbian freedom and his Orthodox Christian beliefs against a much larger contingent of invading Turkish troops. Although defeated in battle, Prince Lazar set an example of courage, devotion, and patriotism that has inspired the Serbian people for six centuries. To this very day, Prince Lazar remains a great Serbian national hero and a canonized saint of the Serbian Orthodox Church.

I am placing in the RECORD an article on this event by my constituent, the Very Reverend Father Milan P. Markovina, pastor of the St. Sava Serbian Orthodox Cathedral in Milwaukee, WI. I urge my colleagues to read the following account of this most historic event.

THE 600TH ANNIVERSARY OF THE BATTLE OF KOSOVO, VIDOVDAN—JUNE 28, 1389-1989

On January 26, 1913, a large oak and silver coffin was lowered into a sarcophagus of black and white marble in a crypt beneath the rotunda of the Cathedral of the Navy at Annapolis, Md. The remains of John Paul Jones, great naval hero of the American Revolution known as the "Father of the American Navy", were brought home to be laid to rest at the United States Naval Academy.

John Paul Jones died July, 1792, in Paris, France. In 1905, one hundred and thirteen years later, his body was recovered and President Theodore Roosevelt ordered a squadron of 8 naval war and convoy ships to go to France and bring America's hero home. On July 8, 1905, after a full French military funeral procession through the streets of Paris, the coffin was lowered aboard the SS *Brooklyn* in Cherbourg, France. On arrival at Annapolis, commemorative ceremonies were held and the body kept under Marine guard until the construction of the crypt was completed.

John Paul Jones was brought to the naval academy because his presence would add honor, and tradition would be preserved. Generations of naval cadets and officers and American citizens from all walks of life would have the opportunity, as General Horace Porter would say at the commemorative ceremonies, to "pay homage to the leading figure in the early annals of the American Navy and to give assurance that the transfer of his remains to the land upon whose arms he shed much luster is not lacking in distinction by reason of the long delay."

Ladies and gentlemen, today, an event similar in nature is taking place in Kosovo, the Republic of Serbia, Yugoslavia. The relics of a great Serbian national hero, in this case a canonized saint and martyr of the Serbian Orthodox Church, Prince Lazar Hreblyanovich, are being returned to the place of his martyred death, Kosovo. Here, in 1389 as the leader of his nation and with an army of 35,000 men, he met the Ottoman Turkish host of 100,000 cavalrymen and lost

a fiercely contested battle. In the beginning, his right flank threw back the Turkish left flank and caused the center of the Sultan's army to abandon its plan of attack to aid its left flank. In the confusion, a Serbian hero, Milos Obilic made his way through the Turkish lines and assassinated the Sultan Amurath in his tent and was himself immediately killed. Bajazit, the Sultan's son, led his superior number to victory and captured and beheaded Prince Lazar. The Turks displayed his head as a trophy of victory.

Serbian monks took his body and buried it in the church of the Ascension in Pristina. A year later, he was removed to his foundation church of Ravanica, Kosovo. Some 300 years later, after an unsuccessful attempt at arms to overthrow the Turks, and in order to escape terrible revenge, the first great migration of Serbs from Kosovo took place. Patriarch Arsenius led some 15,000 families northward to St. Andrej, Hungary and finally to Srem in Vojvodina. They brought the undecayed relics of St. Lazar with them and laid them to rest in the New Ravanica Monastery. There they stayed until WW II, when on April 14, 1942, during the Ustasi-fascist razing of Serbian Monasteries, they were removed to the Patriarchal cathedral in Belgrade.

Now, in the 600th anniversary year of his martyrdom at the battle of Kosovo, his relics have been transferred in a circuitous procession from Belgrade, home to old Serbia and Kosovo, to once again be laid to rest in his foundation church Ravanica.

Today, over a million Serbs have gathered on Kosovo to pay homage to this great national hero, and to commemorate the epic battle that took place there 600 years ago this day. The eyes of all Europe were turned to Kosovo in 1389, and when Amurath's death caused the premature announcement of a Sebian victory, the bells of Notre Dame rang forth in celebration, for such a victory would have stayed the hand of the Ottoman invaders and stopped their march into Christian Europe. It was a military defeat but a moral and spiritual victory for the Prince and his valiant army. Theirs was a eucharistic sacrifice given voluntarily on the altar of freedom. On the eve of battle, the prince and his entire army received the Holy Communion of the Orthodox Church, knowing well that they would all perhaps drink of Christ's cup of suffering, according to their battle cry; "For the Honored Cross and Golden Liberty".

Their resoluteness to die for Christianity and for freedom is captured in Serbian epic poetry. Pondering the imminent battle and speaking to his valiant knights and noblemen, the bard has Lazar say:

To which Kingdom shall I aspire,
The earthly or heavenly?
If to the earthly, it is only temporal.
If to the heavenly, it is forever.

He chose an honorable death in Christ over life as an Ottoman slave.

And when the battle was lost, the poet blesses the prince's choice with the words:

All was holy and honorable
And well-pleasing unto dear God.

As this commemoration goes forth in spite of some present day unrest in the Province of Kosovo, it is well to remember several facts:

Kosovo is the cradle of the Serbian state and nation which became an independent Kingdom in 1219.

Serbia became an empire with the coronation of Dusan the Mighty in 1352 in his capitol city Prizren, Kosovo.

The ancient Patriarchal seat of the Serbian Orthodox Church is in Pec, in Kosovo.

More than 1200 major Serbian shrines, churches and monasteries are found in Kosovo and many more lesser ones dot its landscape.

I urge you to join in the commemoration of the 600th anniversary of the Battle of Kosovo by denouncing all terror and violence in Yugoslavia and calling on the Yugoslav government to guarantee the human rights of all its citizens in Kosovo. This is essential to the preservation of the integrity of the Yugoslav state as a stabilizing influence in the Balkans.

SOMETHING HAS TO BE DONE ABOUT THIS

The SPEAKER pro tempore (Mr. VALENTINE). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, when I was first elected to Congress I got off a plane, and a taxicab driver drove me down to the Capitol, and he was telling me about the crime problem in my city, and I said, "Well, you know, maybe I should get my gun permit which I had in Indiana renewed so I can carry a weapon in Washington to protect myself."

He said, Mr. Speaker, "Oh, no, you can't have a gun in Washington, DC. It's illegal. But, if you want one, I'll get you one in 5 minutes," and he reached under the seat and got a .38, and he told me where I could get a .38 if I wanted one.

Mr. Speaker, the D.C. statute which was enacted in 1975 says that all handguns registered in the District prior to September 23, 1976, were required to have been reregistered by February 5, 1977. After that date no more handguns could be registered. Thus, it is unlawful to possess, acquire or bring into D.C. any handgun which was not registered as of February 5, 1977.

Do my colleagues know what this means? That means the only people who can have guns beside law enforcement officers in this city are the crooks, the drug pushers, the muggers.

Mr. Speaker, I want to tell my colleagues a story I told earlier today. One of my staffers the night before last had a man break into her apartment and attack her. He took a 4-inch knife, and ran it through her hand, and beat her up and bit her during the struggle several times. I hope he did not have AIDS. And during the altercation which took place they fell down a flight of stairs. She was able to open a door, and the neighbor, saw it.

Mr. Speaker, this woman was almost killed, but she could not have a handgun according to the laws of this city in order to protect herself. I think this is ludicrous. I think the Members of this body ought to look into that. People ought to have the right to protect themselves in their own homes against intruders who will do them bodily harm.

Mr. Speaker, 70 percent of all crimes in this country are committed by people involved with drugs. Seventy percent of all crimes are drug related, and those people are running this town, and they are threatening women.

A woman was accosted outside the Hart Building about 3 days ago at 8:45 in the morning. He put a gun to her head, and accosted her and mugged her, and yet one cannot even have a gun in their own home to protect themselves.

So I would like to say to my colleagues tonight that I think we ought to do something about that in this body so women in this town, in their own homes at least, have the right to protect their persons because many of them are being accosted and hurt like the woman on my staff, and some of them are even being killed.

THE 600TH ANNIVERSARY OF THE BATTLE OF KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today, June 28, 1989, marks the 600th anniversary of the Battle of Kosovo. Occurring on St. Vitus Day, June 15, 1389, on the Julian calendar, the Battle of Kosovo represents a valiant attempt by the Serbian people to preserve their culture, religion, and nation against invasion by the Ottoman Turks.

To Serbs everywhere, Kosovo is holy ground, the heart of Serbian nationhood. It was the center of Serbia's empire in the Middle Ages. At one time, it was the strongest empire in the Balkans. Serbia first emerged as an independent state, and eventually as an empire in 1204.

It was on this fateful day 600 years ago, on the Kosovo "Field of Blackbirds," that the Serbs lost their empire to the Turks. This day is remembered by Serbians throughout the world as a symbol of tremendous courage, sacrifice, and dedication, in preserving their beloved homeland.

The Battle of Kosovo has lived in popular imagination, songs, folklore, and epic poetry. Today is observed as a day of mourning for all Serbs. An annual pilgrimage is made to the tomb of Prince Lazar, the czar of Serbia, who led his people in their gallant effort to maintain their homeland.

Most of the Serbian leaders and nobility were killed in this battle or beheaded immediately thereafter. Prince Lazar was one of those captured and beheaded by the Turks. However, the Sultan of Turkey, Murad I, third ruler of the Ottoman empire, was also killed by the courageous Serbian knight, Milosh Obilich, who is regarded as one of Serbia's greatest national heroes and is honored by Serbs throughout the world.

Although the Serbs experienced the suppression of their language, civilization, nation-

ality, and religion, they did not lose their loyalty, strength, or determination to reestablish their homeland. Prince Lazar and his people were considered the brave defenders of Christian civilization. Because the Turkish Ottomans were viewed alien barbarians with a religion totally different from the Serbs, the effect of Kosovo on the Serbs was especially devastating.

Inspired by this struggle, the Serbs produced beautiful testimonies of this battle, expressed in Serbian literary and oral traditions. According to Serbian folklore, Lazar received a message from the holy St. Elijah asking him to choose between the Kingdom of God and the empire of the world. Before the battle, Lazar made the famous statement, "The earthly kingdom is short lived, but the Heavenly One is forever." In choosing the heavenly kingdom, Lazar and his army honorably died in battle.

Although the Battle of Kosovo marked the end of an independent Serbian nation, this historic date remains alive in the hearts of Serbs everywhere and serves as a tribute to their incredible dedication and perseverance. The battle represents the courage and endurance of the Serbs to preserve their culture, their sense of community, and their desire for nationhood, despite the tremendous obstacles they encountered.

I am proud to join in commemorating the 600th anniversary of the Battle of Kosovo with the Serbian-Americans in the 11th Congressional District of Illinois and throughout our country. Kosovo symbolizes a great moral victory. It represents the steadfast struggle of a people for independence and liberty, and inspires us all to remain dedicated to the principles of freedom and self-determination.

Mr. Speaker, at this point in the CONGRESSIONAL RECORD I would like to include an article which appeared in the June 23 edition of the Chicago Sun-Times describing the events scheduled in Illinois, the United States, and Canada, to mark this special 600th anniversary observance. The text of the article follows:

[From the Chicago (IL) Sun-Times, June 23, 1989]

SERBS HERE TO MARK 600-YEAR-OLD "VICTORY"

(By Gary Wisby)

Some 20,000 Serbians are expected to gather in north suburban Third Lake this weekend to celebrate the 600th anniversary of a crushing military defeat.

That loss, at the Battle of Koslov in what is now Yugoslavia, is viewed not with shame but as a moral victory by members of the Free Serbian Orthodox Church.

"Kosovo is the heart of our people," says the church's primate, His Eminence Metropolitan Iriney. "Without that, we would be nothing."

The denomination's U.S.-Canada diocese is headquartered in this hamlet north of Grayslake. A 60-acre park is the setting for a monastery complex and a striking, multidomed church built in 1984, which is an enlarged copy of one erected in Kosovo province in 1321.

Tradition has it that before the Battle of Kosovo, a gray falcon flew from Jerusalem to Tsar Lazar, rule of the Serbs, and dropped into his lap a book from the Virgin Mary. The book spoke, asking Lazar to choose between the kingdom of heaven and an earthly kingdom.

If he chose an earthly domain, Lazar was to lead his troops immediately into battle against the Turks, to be rewarded with victory. If he chose heaven, the ruler was to build a church at Kosovo, give his soldiers communion, and lead them into a battle in which they all would perish.

"The earthly kingdom is only for a short time, but the heavenly kingdom is forever," Iriney said. So Lazar and his army died at the hands of the Moslem invaders.

Today, Kosovo symbolizes the choice that all faithful are called upon to make.

"The Serbs endured 500 years of Turkish occupation and did not leave that idea," Iriney said.

The bishop has ordered that all 52 churches in this country and 17 in Canada be closed to mark the Battle of Kosovo observance. The diocese contains 24,000 families.

At the monastery, a three-day celebration ending Sunday will include religious services, folklore, picnics, poetry readings and lectures. Serbian dishes such as roast lamb and chevapchichi, a grilled mixture of ground lamb, beef and pork, will be served.

Guest of honor will be Prince Andrej Karadjordjevich, 59, a businessman and a director of Lloyd's of London. The prince, in exile from Yugoslavia, is 66th in line to the British throne.

Married to Princess Eve Marie, he lives in Palm Springs, Calif.

OUR FLAG

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 munutes.

Mr. LIPINSKI. Mr. Speaker, tonight the special order that we are taking, myself, the gentleman from Illinois [Mr. SANGMEISTER] and the gentleman from Illinois [Mr. COSTELLO], is on the flag controversy that we have heard a great deal about in the past few days, and to start off our special order tonight I am going to yield to the gentleman from Illinois [Mr. SANGMEISTER] for as much time as he might consume. I thank him very much for joining me here this evening.

Mr. SANGMEISTER. Mr. Speaker, I thank the gentleman from Illinois [Mr. LIPINSKI] for yielding.

Mr. Speaker, there has been a lot of rhetoric over the flag controversy since the U.S. Supreme Court decision, and from what I understand from the gentleman from California [Mr. DORNAN] we are going to hear an awful lot more before maybe even the evening is over.

Mr. Speaker, this is not without good reason. The desecration of the flag apparently now will become the rule of the land, and there are a lot of people in this country that are certainly disturbed about it.

In my opinion, Mr. Speaker, the Supreme Court has certainly opened the door. Not only have they opened the door for desecration of the flag, but they have opened a lot of heartaches up for Americans and, particularly, for a lot of our veterans.

I see the chairman of our Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY] up there now, and I know what this has meant to him and to all the members of our committee, and we all feel that something does have to be done.

I think all one has to do is go across the river here in town and take a look at the Iwo Jima Memorial over there, and if that does not signify what the U.S. flag is all about, nothing ever will.

Mr. Speaker, this all got started because of a gentleman down in Texas; and I would say that, when we use the word "gentleman", that that is using it very lightly; decided that at the 1984 Republican Convention he was going to burn a flag as a symbol against what he felt was our Government. I think it is interesting to note that that gentleman did not produce that flag or buy that flag anywhere. He stole that flag, and he decided to burn it.

Also back in the State of Illinois the flag received a lot of attention this past summer, and I think most of my colleagues know about the incident. It promoted a lot of legislation at the State level in Illinois, and of course it did here at the Federal level as well, and the gentleman from Mississippi [Mr. MONTGOMERY] introduced a bill, which I was the cosponsor of, and that was to prohibit people from laying the flag on the floor, on the ground, and in the case of Illinois, those of my colleagues that know it well, of course it was not only that, but the young artist that displayed it at the Chicago Art Institute felt that it would be interesting to have people walk back and forth across it, and then he had a book there that one could sign and say what their thoughts were as they walked across the American flag. As a result of that incident a flood of legislation, of course, was introduced in Illinois. I remember attending a rally at the Art Institute that was put on by the veterans, and I want to tell my colleagues that was a pretty moving sight to see all the people there who were tremendously offended by that incident.

So, the question is: Where are we going to go now? In my opinion anyway I think the Federal statutes on proper display of the flag are certainly all gone. Federal statutes that we have on desecration of the flag, they are all gone. Any State statutes that we have concerning the flag are all gone.

I cannot help but remember that, as a young person, one of the first things that I was taught in the home and in the school was respect for the flag. I can remember being told that the flag must never touch the ground, it should not be displayed in a torn or soiled condition, it must never be displayed in the dark, it must always have a light on it, it should not be

worn as apparel. All of these things we held very dear and very sacred.

□ 2310

I can even remember one time when it was my assignment in grade school to run the flag up to the top of the mast and I did not secure it well enough. We went inside to continue with school and the rope slipped and the flag came down and landed on the ground. I felt like I had just committed a crime. The admonition I got from my teacher and the admonition I got from my fellow students about not knowing how to tie a knot to hold the flag up there was something to behold as well, but that is the kind of impressions we had. That is what we have grown up with.

I think that it is important for us to remember here, too, that this is a 5 to 4 decision. Apparently we are going to get a lot of them out of the U.S. Supreme Court; but in my opinion, Justice Stevens who dissented really said it all when he said these words:

The value of the flag as a symbol cannot be measured.

I repeat that:

The value of the flag as a symbol cannot be measured.

Of course, he was referring to the ideas of the liberty, equality, and particularly to President Lincoln and Patrick Henry and Susan B. Anthony and a lot of others.

Justice Stevens said:

If those ideas are worth fighting for, and our history demonstrates that they are, it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration.

No one can say it any better than that.

As I read the decision, of course, the majority decision, you can now do anything to the flag you want because it is protected as freedom of speech or expression.

I see there were some examples given just recently here that it is a crime to do damage to a mailbox or to tear up currency. Well, I would say to those individuals, I do not think that is going to be a good example because obviously if you can burn the flag, why can you not burn currency or why can you not blow up a mailbox as an expression that you are unhappy with the U.S. Government? That is going to be a symbol of freedom. That is going to be protected under the first amendment. So I do not think any law that we have regarding destruction of currency or that we have regarding destruction of mailboxes is going to be a reasonable alternative.

Therein, Mr. Speaker, lies the danger, I think, of what this decision is going to open up, the old proverbial Pandora's box is probably there.

I really do not think that the founders of this country intended that kind of an interpretation, because it is an anniversary desecration that we are talking about.

Now, if Mr. Johnson did not like our Government, and he obviously does not, then there are a number of things he could have done. No. 1, of course, he could have carried a placard or a sign. He could have had on it whatever he wanted to that he was unhappy with in our Government. In fact, he probably could have had obscenities on there, under the decisions that I have read from the U.S. Supreme Court. There is not very much that is obscene anymore. So Mr. Johnson had a wide latitude as to how to handle his protest.

He could have under that same amendment gathered a lot of other people together under that freedom of assembly and they could have done the same thing. They could have carried the same placards.

And of course, above all, he could have used the protection that the Founding Fathers really wanted him to have, and that is he could have spoke out for his beliefs. He could have used a megaphone if he wanted to. He could have gathered all the other people together and marched up and down the streets and defied our Government if he wanted to. Those are the freedoms that I certainly agree he could do; but to take the flag and burn it in indescribable desecration, proves nothing in addition.

So why do five Justices feel otherwise? I must say, I was rather surprised, as I am sure many were, to see Justice Scalia and Justice Kennedy, with the other Justices to form that majority, I know it almost shocked me to hear it. In talking to some of my colleagues across the aisle, they not only were shocked, they were absolutely appalled.

From the rhetoric, and rightfully so that we heard from President Reagan and from President Bush concerning the flag, and you know, as a Democrat, there were not a lot of things I used to agree with as far as President Reagan was concerned, but one thing I always gave him credit for is he did I think reinstill in this country a feeling of patriotism and what this country was all about. Of course, what else would you rally around to do that, but to have strong feelings as he did for the flag.

And of course, as Mr. Bush also, I should say President Bush at this point during the campaign; but I think we have to be a little careful that the rhetoric that we hear, and I do not want to be a part of that, is going to bring back memories of a rather bitter campaign in which the flag played a prominent part. Nevertheless, it is still there.

Anyway, I have yet to read anywhere an editorial by any newspaper, there may be some, but I have not seen them, that say anything but that they are very pleased with this 5-to-4 decision of the U.S. Supreme Court. That is to be expected, because obviously the editorial writers, whether they be for the written media or for video or the oral media of any kind, are very concerned about that first amendment and freedom of speech. I suppose they are not more biased in their feelings on that than we are in support of the flag.

I want us to understand, Mr. Speaker, that I do not take the first amendment lightly. As a practicing lawyer and as a former prosecutor, I understand what is involved. It is probably the most important amendment in the Bill of Rights when you talk about freedom of the press and freedom of speech and freedom of religion and freedom of assembly. We do not take those things lightly, and I do not think we should, either.

The point that I want to make is that I do not see why we could not protect all those same rights without saying that you are now protected to burn the flag or to walk on the flag. That is not speech that is to be protected under the first amendment, or expression. It is just plain desecration of that one symbol that unites this country.

So at this point, what are we going to do about it? I do not think we have many alternatives. I know part of the program here is going to be to try to devise a statute or a law within the scope of the majority opinion that will again make the burning of the flag or walking on it or any other desecration of the flag unlawful.

I am not a constitutional expert and would not propose to anyone that I am, but I can say this much in reading that opinion. I do not see much room. As I indicated to you, it has opened the door. So we can try a statute, and I am all in favor of trying to do all we can in that area, but I think sooner or later the only conclusion we are going to come to here is probably the only way we are ever going to get the job done, and that is with a constitutional amendment. That gives lots of people in this body much pain, because what has there been? I believe about 26 amendments since the document was originated 200 years ago. So we do not amend the Constitution, although hundreds and hundreds are proposed, very few are ever adopted. Obviously the procedure of getting it passed here with a two-thirds vote I believe and getting it ratified by a sufficient number of States is a big project, a difficult one, and it should be difficult to amend the Constitution; but as I see it, that probably will be our only alternative.

Although as I indicated, I think we are all willing to work on both sides of the aisle to try to go another route, that is going to be the bottom line. If it is, all I can say, as much as I am

going to find it difficult to do that because I do not think we should be fooling around with the first amendment, but at the same time, the U.S. Supreme Court has put us in a position where there is no place else for us to go; so as a result, regrettably, we may have to do that.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Illinois [Mr. SANGMEISTER] very much for those very insightful, significant, and important words pertaining to this problem that everyone in this country now faces because of the Supreme Court ruling of last week.

Mr. Speaker, I yield to my good friend, the gentleman from Mississippi [Mr. MONTGOMERY] to speak on this burning issue of the day.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Illinois [Mr. LIPINSKI] for giving me this time. My remarks will be about 2 or 3 minutes, and I appreciate very much being able to talk about the flag and what the Supreme Court has done.

May I say also to the gentleman from Illinois [Mr. SANGMEISTER], I appreciate what the gentleman has said. We did cosponsor legislation when we had the problem in the museum in Chicago, where knowingly people were standing on the American flag.

□ 2320

We sent that bill to the Committee on the Judiciary, and I am sorry to say that they have taken no action on that legislation. It has a lot of merit to it, and I was disappointed.

Mr. SANGMEISTER. If the gentleman would yield for just 1 moment, in my opinion at this point that legislation need not be pushed any further, because under the Supreme Court decision that bill is dead.

Mr. MONTGOMERY. I certainly agree with the gentleman. It looks like it would have to be a constitutional amendment.

I would also like to thank my colleague on this side of the aisle, the gentleman from Texas [Mr. WILSON], who is a leader here, and also the gentleman from Kentucky [Mr. HUBBARD].

I will be brief, but as I understand it, the minority leader, the gentleman from Illinois [Mr. MICHEL], is waiting in the wings to talk about an amendment to the Constitution. That will straighten out this flag situation. I want to commend the gentleman from California [Mr. HUNTER] also for lining up the Members who will be speaking most of the night. I thank him for pointing this out to the American people. We will be surprised that there will be a lot of them out there watching, because they are concerned about what is taking place here in Washington.

I join my colleagues in expressing my disappointment with this Court decision. It is unbelievable that the Supreme Court would rule in some cases that it is OK to burn the American flag. I am very proud that I was a combat veteran in World War II. I served during the Korean war. I now have the privilege of being the chairman of the Committee on Veterans' Affairs.

Mr. Speaker, the veterans do not like this at all. They have been up in arms and concerned that their comrades, over 1 million veterans, 1 million young people who have lost their lives since we have had a nation fighting for this flag, the symbol, and everywhere we go we have the symbol of the flag, and I want to point out that millions of other Americans have been seriously wounded serving the flag of this country, and that there has been a ruling as to these brave Americans that, in some cases, this flag could be burned or destroyed.

I think that Members will see that the veterans' organizations across the Nation will take some action. It will all be legal, but it will express their strong feelings that something has to be done either by legislation or by a constitutional amendment, which I believe, I hope, that we can move out of this House of Representatives.

What worries me, and I have watched what happened out in Texas as this person, as I understand it, that burned the flag, also spit on the flag and said that the reason why he was doing this is because that individual hated this country. To hate the country, they ought to leave, but we will not see them leaving. They will stay around and cause problems for us who truly believe in and love this country.

Mr. Speaker, I thank the gentleman for yielding. I think it is certainly appropriate that we talk about Old Glory. We have to get respect in some of the agencies up here in the Government and see that we can get a constitutional amendment passed and that we can stop all of this terrible situation as far as our flag is concerned.

Mr. LIPINSKI. Mr. Speaker, I am very thankful for the gentleman from Mississippi joining us in this special order tonight on the flag controversy that we have.

Mr. Speaker, I yield to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Speaker, I thank the gentleman very much for yielding this time. I thank the gentleman from California for inspiring this special order and to give us this opportunity tonight.

Mr. Speaker, I think we are going to say the same things over and over, because the same things are obvious to us all.

I just cannot imagine a great country, and certainly there is no other country in the world that cannot defend its flag, but I cannot imagine a country allowing its flag to be desecreated any more than we would allow any other great shrines and great symbols to be desecrated, any more than we would protect those who would paint a swastika on a synagogue or desecrate the grave of Martin Luther King or any other things that we hold dear.

I quote from Charles Evan Hughes:

> This flag means more than association and reward. It is the symbol of our national unity, our national endeavor, our national aspiration. It tells you of the struggle for independence, of union preserved, of liberty and union one and inseparable, of the sacrifices of brave men and women to whom the ideals and honor of this Nation have been dearer than life.
>
> It means America first; it means an undivided allegiance. It means that you cannot be saved by the valor and devotion of your ancestors; that to each generation comes its patriotic duty; and that upon your willingness to sacrifice and endure as those before you have sacrificed and endured rests the national hope.
>
> It speaks of equal rights; of the inspiration of free institutions exemplified and vindicated; of liberty under law intelligently conceived and impartially administered. There is not a thread in it but scorns self-indulgence, weakness, and rapacity. It is eloquent of our common destiny.
>
> —*Charles Evan Hughes.*

There must be no doubt; there must be no quibbling. As the gentleman before me said, if there is doubt, then the constitutional amendment must be worked through this House. The constitutional amendment will surely be worked through this House, and I have no doubt whatsoever that three-fourths of the States will quickly ratify the constitutional amendment.

Somehow this is a product of some kind of convoluted thinking on the part of a bare majority of our Supreme Court, and I must say a bit of muddle-headed libertarianism.

The founders of the Constitution provided that we in Congress and the people in the various legislatures of the 50 States can correct a mistake as vivid and as obvious as this one, and I believe we should get on with it.

I have sympathy for those who feel that somehow this in some way might violate the first amendment, but I reject that totally and completely. The flag represents everything we believe in. It represents freedom of religion. It represents the right to a trial by jury of our peers. It represents everything that is precious, and it represents certainly an imperfect but, nevertheless, the absolute best government that has ever been founded on the face of this Earth.

I commend all of my colleagues, and I look forward to our votes on this constitutional amendment and its rapid passage.

Mr. Speaker, I thank the gentleman very much.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Texas for joining in this special order tonight on the flag.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. LIPINSKI. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I have a question for the gentleman from Texas.

When the gentleman was a young midshipman at the U.S. Naval Academy at Annapolis, not just his first year but his last year, every time he was on parade and the colors passed in review, did he ever, ever get bored with seeing Old Glory go by?

Mr. WILSON. Never.

Mr. DORNAN of California. I did not think so, and that is why his words are so ringingly clear tonight.

Mr. WILSON. I would say something to my friend, and I said this on a television program over the weekend, but Supreme Court or not, anybody who burns that flag around me had better have his fighting clothes on.

Mr. DORNAN of California. If he is 6 foot 7 and has a black belt in karate, the gentleman will take a lot of pain, but I am sure he will get in some good shots first. Save those for me.

Mr. WILSON. You bet.

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the flag of the United States of America. As a veteran and an American, I cannot begin to describe my disgust at the despicable act of Mr. Gregory Lee Johnson. In burning our American flag, Mr. Johnson has displayed his utter lack of understanding of what our flag represents and what our Constitution means. I join my colleagues on both sides of the aisle in condemning this insult to the great Republic in which we live. Furthermore, I join in agreement with the dissenting justices in this landmark decision.

Despite my outrage at this decision of the Supreme Court, I must agree with President Bush in his assertion that, as Americans, we must respect the integrity of the Supreme Court as well as the Justices who wrote the opinion. For, what would the flag mean if we ignored the right of the courts to interpret our laws. I have no doubt that Justice Brennan and his colleagues are as patriotic as anyone in this Chamber. I will continue to respect them, even if I do not agree with their opinion.

And, like Justice Brennan and his fellow jurists, I too am committed to the guarantees in the Bill of Rights. The right to express oneself is preeminent in our national character, and I fully support the right to political dissent. But, this Nation is based upon the sanctity of certain institutions, and the flag is just such an institution.

What I have difficulty respecting is the notion of my Republican colleagues that the flag has somehow become the symbol of their party and not of all Americans. I am a proud American and a proud Democrat. For too long, the Republicans have claimed our national symbol as their own, and I, for one, have had enough! Mine is the party of Thomas Jefferson and Andrew Jackson, the party of Franklin Delano Roosevelt and the party of John Fitzgerald Kennedy. The Democrats are the party of the little man, and it is the little men who carry their lunchpails to work and who have carried our flag in to battle. The flag certainly belongs to Republicans but not to them exclusively. I respectfully request that they stop treating it as such.

There has been much talk in the Congress this week of a constitutional amendment outlawing the desecration of the flag. While this is noble, I believe that this course of action should be used only as a last resort. The Supreme Court did not overturn the anti-desecration law. It simply said that the law did not apply in Mr. Johnson's case. I suggest that those of us who love the flag may still have hope through the judicial system. Free speech is not unlimited, and I do not believe that our courts are willing, in the words of Justice Jackson, "to convert the constitutional Bill of Rights into a suicide pact." I have faith that a new court case, under different circumstances, will give our Justices a chance to reinterpret their recent opinion. "Eloquence may set fire to reason," and the scales of justice may tip in favor of our beloved flag.

I want to see the flag protected. It is the symbol of our Nation, and it deserves a special consideration under our laws. But, I ask my colleagues to stop and consider what makes our flag so special. Is it because we revere the flag, or is it because we revere the ideas for which our flag stands? We are the greatest Nation on this planet. We are great, not because of our flag, but because we, the people, choose our Government to protect our God-given rights and to help us make our lives worth living. Our Government cannot do this, however, unless it uses its time and resources wisely. In other words, we must spend time, not debating on what we all agree to be a despicable act, but in getting on with the business of Government. I will not hesitate to deplore the desecration of the flag. But I was elected to serve the people, and I can do this best by using my time and talents for passing needed legislation.

There are hungry people in this Nation. There are drugs on our streets, and there is oil on our beaches. While we spend time on this floor agreeing about something we all know to be deplorable, we could be engaged in honest debate about how to educate our children or how to aid our Chinese friends who have died so that they may have a taste of the freedoms so many of us take for granted. I ask you, my fellow Representatives, to lead the way in honoring the flag by doing the job we were put here to do. If you do this, when you raise the flag next week in honor of our Nation's independence, you will all be able to look at its colors and know that you have done your best to help your felllow Americans.

Just so there is no misunderstanding, I want to reiterate my disgreement with the Supreme Court in its opinion in the case of Texas versus Johnson. I love the flag and the things for which it stands. But, I believe that the best interests of this country would be served by attacking this problem through the judicial system. With new litigators and different circumstances, I believe our jurists will come to the right decision. I understand the desire to enact legislation, but I also know that, as Congress comes to a close, we must give the courts another chance and we must finish the urgent business at hand. If the courts fail, we must then begin remedial legislation and a constitutional amendment. But we should not allow the blindness of passion to cloud our judgment in the waning hours of this session.

□ 2330

THE FLAG

The SPEAKER pro tempore (Mr. VALENTINE). Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 60 minutes.

Mr. HUBBARD. Mr. Speaker, I plan to speak, as other colleagues have, about the flag of our United States, and to indicate my outrage at the Supreme Court decision of 1 week ago today. But I would like to bring my time to a conclusion. I want to participate with our minority leader, the gentleman from Illinois, Mr. BOB MICHEL, who also has 60 minutes, and in order to make this session a truly bipartisan effort by Republicans and Democrats, I yield back the balance of my time and will look forward to participating in the 60 minutes reserved for our minority leader, the gentleman from Illinois, the Honorable BOB MICHEL.

□ 2340

ORDER OF BUSINESS

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that Mr. MICHEL's special order be taken out of order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

OUR FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, may I first thank my friend, the distinguished gentleman from Kentucky [Mr. HUBBARD], my profound thanks for his graciousness here yielding to me and also to my distinguished colleague from California for his courtesy.

Mr. Speaker, we apologize to you for we have had a very lengthy, arduous day with the foreign aid authorization bill. It is nearly midnight.

But we have a problem in the sense that tomorrow is the getaway day for the Congress as we leave for the Fourth of July recess and obviously impossible for us to carry on any extended discussion of the subject matter which has been our choice for this evening to do tomorrow.

May I compliment the gentleman from California [Mr. HUNTER] for his initiative.

Some time ago, and I forget exactly when it was, he planned an overnight special order on one of the other great issues of the day that proved to be very successful in highlighting to the American public what we wanted to say and had to say at that particular time.

Mr. Speaker, he and I happen to be what one might call old infantry slobs, I guess, from different wars, using somewhat different weapons when I think the very fact that we are both combat veterans also says something about the deep, especially deep feeling that we have with respect to the subject matter we are going to be talking about this evening.

Mr. Speaker, I am really glad that we are going to have so many of our colleagues to participate in this special order. I compliment my colleagues from Illinois [Mr. LIPINSKI and Mr. SANGMEISTER], who likewise devoted their special order this evening to the flag; likewise the distinguished gentleman from Mississippi [Mr. MONTGOMERY], who participated in one of those special orders. And, yes, again, my thanks and appreciation to the distinguished gentleman from Kentucky [Mr. HUBBARD] for also participating in the special order.

Mr. Speaker, I am glad to join with so many of our colleagues in paying tribute to the flag as we approach the Fourth of July.

The flag has a special meaning for all of us and the recent Supreme Court decision has focused attention on the symbolic value of the flag and its place in our national life.

That is why tomorrow I will introduce a proposed amendment to the Constitution that will protect the flag from desecration.

Perhaps the Court's decision is one of those events that teach us the uses of adversity. Few of us, to judge by the vote on the resolution yesterday, applaud the majority's views in Texas versus Johnson.

But that decision shocked most Americans, and it's good now and then to get a shock that galvanizes you, that wakes you up, that reminds you of things you may have taken for granted.

So, in that sense, the majority decision in Texas versus Johnson is the means through which a lot of Americans awakened and began to think about the meaning of the flag.

And the more you think about the depth and mystery of what the flag symbolizes, the more complicated the issue becomes. There just isn't any other aspect of our national life that holds the same position in our hearts as the flag.

Any symbol that has such a powerful effect on the memory and the imagination is, by definition, too deep and mysterious in its meaning to lend itself to easy slogans or cliches—and too sacred to desecrate.

If we don't think about the flag, if we take it for granted, it gradually over time moves away from the foreground of our thoughts and begins to disappear before our eyes. We look at it, but we don't see it.

So perhaps in one of those curious ironies of history, Mr. Johnson, unintendedly, woke us up to the meaning of the flag in our national life.

Maybe now that we have begun to once again think about it—rather than just praise it or take it for granted—maybe we can once again capture the true meaning of this unique symbol.

Please don't misunderstand me. I wish with all my heart that the court had voted 9-to-0 that desecration of the flag is illegal—as it should be. But, as in the old story of the muleskinner who hit his mule on the head with a 2x4 to get its attention, the Court has hit us with a decision that gets our attention.

That's the point I want to make as we begin this special order.

We will hear eloquent and stirring stories about the flag as the night goes on. But what to me is important is that this Court decision should force us to reconsider our view toward a symbol we may have taken all to much for granted.

Let me just make one comment about an aspect of the majority decision that caught my attention. I refer to the final words written by Justice Brennan in his majority opinion. This is what he said:

> We can imagine no more appropriate response to burning the flag than waving one's own, no better way to counter a flag-burner's message than by saluting the flag that burns, no surer means of perserving the dignity even of the flag that burned than by—as one witness here did—according its remains a respectful burial. We do not consecrate the flag by punishing its desecration for in doing so we dilute the freedom that this cherished emblem represents.

Chief Justice Rehnquist calls this passage "a regrettably patronizing civics lecture" directed toward Members of Congress.

I agree with the Chief Justice. With all due respect for Justice Brennan, the logic of his arguments escapes me.

If we applied the same logic to other areas of law, we would have to say that the appropriate response to robbery is to be honest and that there is no better way to deal with a mugger than to hand out leaflets against violence as he pursues his ghastly trade.

It is at the very heart of our system of law that some acts are so despicable and so injurious to the common good that we punish those who commit those acts as well as practice opposite virtues ourselves.

Justice Brennan's view that we do not consecrate the flag by punishing its desecration is not to the point. We do not seek to consecrate the flag through our amendment. The flag already is consecrated through our 200 years of love and reverence of a special, almost sacred kind. We seek only to protect it, just as you'd protect any loved one.

We do not dilute freedom by punishing those who desecrate the symbol of freedom. To the contrary—in punishing those who desecrate the flag we show that the flag—and here I quote Chief Justice Rehnquist:

> * * * is not simply another "idea" or "point of view" competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have.

This is a difficult subject, filled with all kinds of questions. But at the heart of the subject is the flag. That's what we should keep in mind.

□ 2350

I am happy to yield to the distinguished colleague from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, I thank the distinguished minority leader of our U.S. House of Representatives for yielding to me, and compliment him for taking this 1 hour to honor and respect our flag. I'm happy to be the first Democrat to publicly agree with the remarks of the distinguished minority leader BOB MICHEL regarding the need to amend our Constitution.

Over the weekend I found my constituents in western Kentucky very upset with the U.S. Supreme Court.

Yes, last Wednesday, in a case that set patriotic symbolism against the rights of those who would spit on and burn the American flag, the Supreme

Court, in a 5-to-4 decision, nullified flag desecration laws in 48 States.

Most Americans agree with Chief Justice William Rehnquist's dissent:

> For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning.

The Supreme Court has converted anti-American flag burning into a constitutional right. We need a constitutional amendment.

In Kentucky, burning and desecrating the American flag is thought of as a despicable and dastardly act.

Personally, I'm outraged at the Supreme Court decision and would suggest that Americans who want to burn our flag in contempt should consider moving to Iran, China, or Cuba where burning the American flag is not only legal but is encouraged.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from Kentucky for his time, and I am happy to yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, just this afternoon, Mr. Leader, I was talking to a liberal journalist who is rather fair, Michael Barone, one of the editors of the American Almanac of Politics, and we were talking about the Members and change in leadership, and a few words about the leadership that stayed. He brought your name up. He said, "You know, a fascinating thing about Mr. MICHEL. He is so humble about his combat experience that it is almost painful for him to be questioned about it or to speak about it." I did not tell you I was going to do this tonight, but I was sitting here thinking of the gentleman from Illinois carrying a Browning automatic rifle across Europe, and I went with a codel to the Normandy beaches a few days after the anniversary this year, and out in front of this beautiful new museum at Cannes which was virtually destroyed, and the first city of any size liberated by the Allied Forces, I saw Eisenhower's words, and it said, "The whole world is watching you, the hopes and dreams of liberty-loving people everywhere march with you." He did not mean that just for the young people hitting the beach that day, but for everybody, from that June 6th day until May of 1945. So he was speaking about Mr. MICHEL, and I wonder if there is any experience from your experience as a combat infantryman working in your way, in what was called a great crusade across Europe to liberate that country, and if there are any experiences the gentleman remembers of a young kid who carried a flag, or when the shooting was over, because there are not many parades or passing of the colors in the mud of a winter going across Europe, and it was a tough winter in 1944-45; do you have any experiences with the flag that you might recall to Members tonight from your youth as a young BAR rifeman?

Mr. MICHEL. Face it, wearing the patch of the flag at the time we were in Normandy and early on in that particular war to have for example, the French people, although I may be a bit prejudiced in that sense, being the son of a French immigrant, and the correct pronunciation of the name being "Michel," which is what I used in the service, the French pronunciation. No one knew me by the name of MICHEL, but rather by "Michel," to recognize, really for the first time with an appreciation of a foreign government for our flag, what it symbolized to those people that, boy, they were going to be rescued from Nazi tyranny.

Then, there were any number of times I guess whenever a person is moving to any community or city. Unfortunately, most of them were quite desecrated and desolated by the time by the carpet bombing, before an infantry assault, but where there were those occasions, and there was still a civilian population around, to have that outward manifestation of joy and appreciation, yes, I guess for the uniform of the American soldier, but also the little flags that we wore at that particular time. Something extraordinarily special and here on the floor of this House on Flag Day, we, from time to time, had a special commemoration of the flag, too. It has been a very impressive kind of ceremony, one that we did not have this year, and brings to mind why I earlier mentioned our inclination sometimes to take all too much for granted, knowing what that flag really means to citizens.

□ 2400

And now we have had it brought home so forcefully to us through this Supreme Court decision that I think we all, as manifested by this special order, are taking a renewed interest in what it means to us.

Mr. FROST. Mr. Speaker, will the gentleman yield to me?

Mr. MICHEL. I am happy to yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, I will be in the chair shortly, and I would like to make one statement.

Unfortunately and regretably, this flag-burning incident occurred in my hometown of Dallas, TX, and I want everyone who is watching to know that the vast majority of the people in Dallas, TX do not approve of what happened in our city, do not approve of burning the American flag. We have a very patriotic city, and I for one feel very strongly about this subject also and hope that a remedy will be found by this Congress very shortly to prevent this from ever happening again.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MICHEL. Mr. Speaker, I think it is quite obvious to all Americans throughout the land, knowing of the patriotism manifested by the gentleman's hometown and the great State of Texas, that this again was one of those isolated cases that can happen any place in the country, and has happened. But to have it culminate in the kind of decision that we had, a very split decision, 5-to-4—we cannot have it any more split than that—suggest that there was serious division of thought within the minds of those nine jurists who carry such an awesome responsibility as the highest court of the land.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. I just thought, because you jogged my memory with your first-hand experience of wearing the American flag on the shoulder, that that was, I believe, in a general way unique, starting with that Normandy invasion, and I recall one of the most dramatic pictures of the war was Eisenhower in the tradition of all great commanders going to meet with the first assault wave, which would be the 82nd and the 101st Airborne, with General Maxwell Taylor, the young brigadier, and General John Gavin, another young brigadier, and he met with those men by their C-47 aircraft. Some of them had Mohawk haircuts, and they all had that American flag sewn on their shirt or their combat fatigue jacket so that at night they could easily identify one another. And that means that the first American flags to fly from a standard over occupied Europe were the young airborne men that came down in the trees around Ste-Mere-Eglise. They were machinegunned in the trees and left hanging there throughout the night hours and the early morning hours until the town was liberated.

I visited that town in 1982 with the youngest of my five, my daughter, and we found a lady in a little cafe named after Pvt. John Steele, who came down with a parachute on the steeple with his flag flying, and he pretended he was dead. This middle-aged French lady took us out on the street. She showed my daughter and me the exact spots where this young infantry man had been killed, and she started to cry on the spot 38 years later. I realize now that she was looking at the American flag flying in the streets of France. She pointed to these beautifully pruned trees that the men were hanging in, and she showed me where the men were hanging, and there was that American flag flying on their shoulders as they swung in the morning wind, having given their lives in occupied France.

So I can understand why you combat veterans who have seen friends lying on the battlefield in those early years of the European crusade with that American flag on your shoulders, could not possibly conceive of someone burning that flag and desecrating it to make a political, rhetorical statement.

Mr. BURTON of Indiana. Mr. Speaker will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Indiana.

Mr. BURTON of Indiana. First of all, Mr. Speaker, I appreciate my leader's taking this special order tonight.

Those who have fought and died in combat know the value of the American flag. Many of those who survived World War II and World War I—and some are still alive—and Korea and Vietnam have expressed their outrage to many of us in Congress regarding the Supreme Court decision. But the gentleman from California [Mr. DORNAN] asked the question, "When you were going through Europe during World War I, do you recall any incidents where people were concerned about the flag? And that brought to mind one of our colleagues.

I was elected in the 98th Congress with JOHN MCCAIN. JOHN MCCAIN was the president of our class, and we all know him well. He is now Senator MCCAIN. He is doing a very good job in the other body.

Many of us may or may not know that Senator MCCAIN, during the waning days of the Vietnam War, was shot down over Hanoi, and he suffered severe injuries and spent 5½ years in a Vietnamese prison camp. During that time many of the people with whom he was incarcerated lost hope. They wore very course uniforms, kind of like Karate gis, white, and they wore parts of American tires as thongs on their feet. They were mistreated time and time again. He said many of them lost hope.

But one fellows with whom he roomed in their barracks or in their bamboo prison never did lose hope, and every night this guy would lead them in singing patriotic songs, "God Bless America" and other songs, and they said the Pledge of Allegiance to the flag. They did not have a flag, but nevertheless they would say the Pledge of Allegiance.

This fellow got the bright idea that he would manufacture an American flag, and I guess he found an old broken needle or manufactured a needle out of piece of bamboo, and when he found a piece of red yarn or blue yarn, he would sew it on the inside of this gi and gradually the outline of an American flag started to take shape. And they would hang that up on the wall at night and they would use it as the American flag. They would say the Pledge of Allegiance to it, like we do here everyday in the body.

Finally, one of the guards found out about it, and they dragged him out and they beat the man until they thought he was dead. JOHN said that he and his comrades tried to take care of their friend as best they could, but they were pretty sure he was not going to make it through the night. JOHN said that out of sheer exhaustion they fell asleep. They had a bulb that hung down from the ceiling in this bamboo prison, and he said for some reason he woke up about 3 o'clock in the morning, and he saw a sight that he will never forget. He said that this fellow, through eyes almost completely swollen shut from that beating, was sewing another piece of red thread inside another Karate gi jacket.

That ought to tell everybody in this body and everybody in America that that flag means something. It means something to men who are incarcerated in prison camps around the world, men who fought for this country. We ought to do everything in our power to make sure that flag is held in the highest esteem. That is why this constitutional amendment is so important.

Mr. Speaker, I thank the gentleman for taking this special order.

Mr. MICHEL. Mr. Speaker, I remember the revelation of that very gripping story by JOHN MCCAIN, too. Maybe I heard it at the same time the gentleman from Indiana was told the story. It was a very moving one, and it is probably more descriptive than any other of how deep-seated a feeling one can have, particularly under those dire circumstances, incarcerated for years as they were and penned up like animals, to still have that reverance and the last vestige of hope residing in the flag or at least in as good a facsimile of a flag as you could get under those circumstances.

Mr. HUNTER. Mr. Speaker, I would ask the gentleman to yield, if he would.

Mr. MICHEL. I yield to the distinguished gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding. The gentleman has made us all reflect on why he is our leader, and we appreciate him more than we ever have before for his great fairness and loyalty to his country and a real sense of duty.

Let me just say to the gentlemen who have spoken on the other side of the aisle that I appreciate them especially, General SONNY MONTGOMERY and CHARLIE WILSON, great patriots, and also CARROLL HUBBARD, who said so many moving things. I want to assure people in Paducah, KY and in Mayfield and Hopkinsville and Madisonville and Murray and Henderson that they are very well represented in CARROLL HUBBARD.

Let me say also to the people who are spending their time here tonight that we realize that the hour is late. We have many staff people who are sacrificing their time, and I just want to assure them that we would never do this if we did not feel so deeply about this subject.

□ 0010

Mr. Speaker, I think the leader made it pretty clear when he mentioned the fact that he has been reluctant to ever request a constitutional amendment until this came up, and this may be the one, the one issue that would really move, galvanize, this House and move us to support unanimously, or by a great majority, a constitutional amendment.

Mr. Speaker, the leader touched on this, and the gentleman from California [Mr. DORNAN] talked about how a flag is something other than a symbol, and I reflected on this a little bit today, too. I thought about the President's speech in 1981, when President Reagan stood on west steps of the Capitol, and he gestured out toward the Washington Monument, and he said:

> To the west you can see the Washington Monument dedicated to the Father of Our Country, and to the south of that is the Jefferson Memorial dedicated to the man who penned those great words in our founding documents. Further west is the Lincoln Memorial, dedicated to the founder of our party and the man who saved the Union,

But he said,

> If you go across the Potomac River, you will see thousands of markers, Stars of David and crosses, at the Arlington Cemetery, and each one of those markers reflects the presence of a person who gave that same measure of devotion to his country our Founding Fathers did.

And he reflected that so many veterans who have served their country are sent to their final resting place having been covered in their last ceremony with the American flag, on the meaning, the intense meaning, that that flag and its presence had to those people, and to their families and to our countrymen because of that, and how it has to be something more than what one of the majority Justices referred to as a symbol, and perhaps nothing more, and to which Justice Rehnquist gave such a wonderful rebuttal.

I say to my colleagues, "You know property is protected in the United States, and maybe an American flag, when you arrange those threads in such a way as Mike Christian did, who, I think, the gentleman from Indiana [Mr. BURTON] was referring to, JOHN MCCAIN's friend who sewed that little American flag inside his GI, when you arrange red, white, and blue threads in such a way that they form the American flag, perhaps they form a piece of American property that is owned by

all the people in the same sense that, if you go out and arrange words in a certain order so that you copy somebody else's book, that book may have been written by you, maybe physically published by you, but it belongs to the person who first authored those words. And maybe that flag is copyrighted as a piece of property, of American property uniquely owned by all the people of the United States and, therefore, should not be subject to desecration."

Mr. Speaker, I appreciate the gentleman from Illinois [Mr. MICHEL], who truly is our leader, and he leads us with the same great loyalty, and good faith and faithfulness to our Nation that he showed as a BAR man in World War II, the war that was in all the papers. I appreciate him for taking out this special order and leading us off, starting us off.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from California [Mr. HUNTER].

Mr. Speaker, I am reminded, too, of when we lost so many Marines over in Lebanon and in the recent explosion aboard the battleship *Iowa*, and sailors were brought home, when we have had an Ambassador assassinated abroad, and bringing them back to this country in a flag-draped coffin. A lot of symbolism attaches to that flag at that particular time, and how very meticulously we fold that flag at the end of the funeral service, as my colleagues know, for preservation by the family. The family who has lost a loved one looks at that triangular-folded flag as something extra special, and it again symbolizes the reverence with which we look upon that flag.

Mr. Speaker, when we see one who feels inclined to do what this fellow, Johnson, did, well, we are just revolted inside.

Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON] who has served for so many years as our ranking Republican on the Committee on Veterans' Affairs, and he always has an intense interest in these activities.

Mr. SOLOMON. Mr. Speaker, I certainly thank our Republican leader for yielding, and, as my colleagues know, I lost my dad when I was 2 years old, and, I guess, because of that, as a young boy growing up and even as a young man, I have always been a hero worshipper. I have always looked out for people who sacrificed themselves for their country, and the gentleman from Illinois [Mr. MICHEL] knows that in my book he is a hero because he personifies what I think America is all about. He is a brave American who served his country as a young man, and he never stopped. He has been serving it all this time, and that to me is what really this country is all about. It is pride and patriotism.

Mr. Speaker, I often tell a story about the time I led a delegation to a place called Vietnam, in a place called Hanoi, a few years ago, and we visited that place that JOHN MCCAIN was incarcerated for almost 7 years in this little hut, this little two-by-four area. And I did something I thought I would never do, and that is to sit across the table from people who were Communists, people who had no respect for human life, for decency, and people who had a philosophy which did not even have the courtesy or the decency to return a fallen dead soldier or, perhaps, even live ones.

However, Mr. Speaker, I think the point I am making is that, when we were there, we had an opportunity to walk the streets and to look in the eyes of those people, those Vietnamese people. Some were Communist, and some were shackled under communism, but those people had no hope in their faces; and hope, I think, is what America is all about, what that flag is all about up there. I think the gentleman from California [Mr. DORNAN] was there with us.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I would just like to compliment the gentleman [Mr. SOLOMON] for pointing this out, and I point to our colleagues, the gentleman from California [Mr. DORNAN] and also our friend, the gentleman from New York [Mr. GILMAN] who had been a chairman of that. In fact, a large part of that delegation, we are all here talking about the flag, and I think that one of the most important points that needs to be made is that, while there are a great many Americans who look to the Stars and Stripes, the Red, White, and Blue, as a symbol of hope and opportunity, people throughout the world are looking for it.

Mr. Speaker, I made the comment the other day during a 1-minute speech about an experience that our colleague from Orange County, the gentleman from California [Mr. DORNAN], and I had when we were in Managua, a very difficult time there. In fact, it was exactly 1 month to the day following our meeting in Hanoi. We were there, as the gentleman from California [Mr. DORNAN] recalls very well, on Valentine's Day in Hanoi, and then March 17 we went to Managua, and that was my first trip to Central America. What we found was that in this cable that had come back from an employee, one of the assistants in the Embassy, was that this young Nicaraguan proudly stood there as the Stars and Stripes on our Air Force jet took off, and that young man, with guards standing over him, stood at attention and saluted the Stars and Stripes. He was a proud Nicaraguan, but that flag is a symbol, too, as we all well know, to the young students in Tiananmen Square, to those people in Vietnam who desperately want to have this same type of opportunity which we do, and that is why I could not help, but I am sorry for it, interrupting the gentleman from New York [Mr. SOLOMON]. I just could not help but remember that very moving experience I had.

Mr. Speaker, our colleague, the gentleman from California [Mr. HUNTER] here, a very proud veteran of the Vietnam War, and I regularly say, and the gentleman from California [Mr. DORNAN] knows it, that I will never have any problem with fabricating my military record because I have got none. But I do often say that I feel as if I had 18 years of combat duty because my father had been a drill instructor in the Marine Corps and made me do Marine pushups, and I know my friend from New York is very respectful of that. For the first 18 years he still makes me do pushups, but I do not have to clap my hands any longer to hit the deck, but there are people throughout this world who are looking to the Stars and Stripes as the real example for hope and freedom. That is why we have an obligation, not just to Americans, but to freedom-loving peoples throughout the world.

Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding.

Mr. SOLOMON. Mr. Speaker, the gentleman from California [Mr. DREIER] touched upon a point I was about to make when I said, and which he saw, and the gentleman from New York [Mr. GILMAN] and the gentleman from California [Mr. DORNAN] saw, when we said there was no hope in those faces of the Vietnamese people, but, if the gentleman will recall, we left there, and on our way home we stopped in a place called Thailand, and, as the gentleman will recall, we flew into the refugee camp on the border of Cambodia, and remember when we went in by truck and we drove for miles and miles, and soon on the dirt road in the middle of nowhere there began to be people on both sides of the road in the middle of nowhere?

□ 0020

And soon there were hundreds of people, and remember, soon there were thousands on both sides of this road. And what do you think those people were doing? Those people had little homemade American flags, little children in the middle of nowhere by the thousands. As we drove down that road, they had signs in their hands. Those signs were not like the signs you see on television sometimes that say, "Yankee dogs, American pigs. Americans go home."

Those signs, I say to the gentleman from California [Mr. DORNAN], said, "America, you're number one. America, we love you."

And the big long sign, almost as long as this wall said, "America, please take us home."

If these gentleman here recall, we all got out of the truck and shook hands with those people by the hundreds. We stepped back and said to ourselves, "My God, how proud we are to be an American and how much we love the U.S.A."

Those signs did not mean, "Take us home to America." Remember what they said, "Please make it possible for us to go back to our homes."

We Americans were their only hope. That flag in their hands, that red, white, and blue flag, that little bitty thing, was their hope. It is the hope of the free world.

So can we let that be trampled? We have to keep that as a symbol up there for all the freedom that everyone cherishes so much; so I say again to the gentleman from California [Mr. DORNAN], we thank the gentleman for all his efforts.

I introduced an amendment yesterday, a constitutional amendment with the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Michigan [Mr. SCHUETTE] and all our Republican colleagues, Democrats from the other side of the aisle, the gentleman from Kentucky [Mr. HUBBARD] was here. We are going to get behind the amendment of the gentleman from Illinois and we are going to pass that constitutional amendment and give the people of the United States of America that opportunity to express their will, to get 38 States to ratify the Constitution, which will bring respect and honor back to the flag.

I thank the gentleman very much, and God bless you.

Mr. MICHEL. Mr. Speaker, I thank the gentleman and I hope the gentleman's prophecy comes true.

You know, one other place on the globe that is very much in the news these days, and that is China. I am reminded of how the President related to us when we were discussing that subject at the time of the student demonstrations how Ambassador Lilley's car with the little American flag designated on his limousine, pulling into a campus there in Beijing and having the students there rally around, knowing full well that there was a representative of the United States, a very heartening kind of thing for him. Of course, that came prior to the advent of the military moving in with all the repression and all the things that have followed.

We talk about the Capitol dome as being a symbol for freedom and liberty around the face of the globe. That is true. There is the Statue of Liberty and how it was replicated in Tiananmen Square as one of those symbols, but they are rather stationary. We can only pictorially present them, generally speaking. The flag is one, however, with portability. As has been indicated before, wherever we can carry that flag around the face of the globe and plant it, yet; even on the face of the Moon when we took a trip to the Moon.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, it is still there.

Mr. MICHEL. Oh, it is still there.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

I was just going to make the point that the leader had reminded me a few minutes ago, that the flag really does embody the entire American experience. I was going to point out that it was 20 years ago at this time that we were headed for the Moon. We were about to plant that flag on the Moon. It was an important part of the entire mission. In fact, they spent a lot of time figuring out how to plant a flag on the Moon, because it was something that was very much a part of that great triumph of American technology and all that America is about.

I also reflected as I was thinking about it that those flags also draped the coffins of our astronauts that we lost at the time of the *Challenger* accident. So in just one program, like the space program, you see that the flag has symbolized our triumphs and our tragedies. That has been true throughout the entire span of American history. That is the reason why it means so much to the American people, because all we are and all that we have experienced is embodied in the flag. It has always been a coherent part of all this.

I think the gentleman from Illinois has helped bring that together for a number of us here this evening, and I thank the gentleman.

I am sure that some of what we are doing here is going to be important in terms of moving forward the gentleman's amendment, because the American people certainly have expressed their desire to see that kind of thing happen.

Mr. MICHEL. And of course, the flag has changed. It had an evolutionary period over the history of the country. As a matter of fact, when we had the inauguration of the President in January, I do not know how many people were aware of it, because we were honoring the 200th anniversary of the Congress, that today's flag was there unfurled, the one we used 100 years ago, and the one from the days of the Founding Fathers of the country. Of course, as we have added States, we have added stars. When I first came to the Congress, to use an analogy, there were only 48 stars in that flag. During the tenure here in the Congress, we have added 2 States, so we now have 50, so it is a living thing. It means so much to us.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. DORNAN of California. May I say to the gentleman from Illinois, that I do not mean to interrupt, but I want to remind the gentleman from California [Mr. DREIER] of something. I think the gentleman is going to stay for later in the night, but he forgot a moving flag story involving himself in Hanoi. I just want to tell the gentleman who is our ranking Republican on Space and Technology, to carry his flag story further with the seven astronauts who died serving their country and all mankind. Every one of them was wearing an American flag, from Christa McAuliffe to the Air Force veterans who flew so many combat missions in Vietnam. They all had American flags.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, in fact every mission that we fly, we take a number of flags with us and bring them back. It is one of the proud possessions that a number of us have, having those flags from the various missions.

Mr. DORNAN of California. But on that trip that the gentleman from New York [Mr. SOLOMON] led to Vietnam almost 2½ years ago, the gentleman from California [Mr. DREIER] and I were curious about visiting the so-called war museum. On all this planet, I believe, unless I am forgetting something, there are only two countries where American battle flags repose in a disgraceful position. One is in Korea, not that they overran any units of ours that we did not retake the ground and retake our battle flags——

Mr. SOLOMON. North Korea.

Mr. DORNAN of California. North Korea. They may have taken some into Manchuria, and they certainly have our ship, the *Pueblo*, which we had to decommission, the first ship we have ever done that with, that was a fleet ship and it sits in Wonsan Harbor as a museum with the American flag in disgrace on that ship. I always thought it should have been dispatched to the bottom with a SMART bomb; but in the Hanoi war museum, the Communist war museum, the gentleman from California [Mr. DREIER] and I were looking at pictures of POW's. We knew they had been photographed by our people in that museum carefully by our State Department people and traced against the records, so it was not anything revealing to us except the sight of Americans pitifully held in captivity being led around at bayonet point. Then I

saw a very tragic sight, the American flag, two of them, upside down in a trophy case with some other flags in a position of disgrace and defeat.

I said to the gentleman from California [Mr. DREIER], "I can't stand to look at that sight."

He said, "Well, I'm going to do something about it," and he moved around behind the flag case. I had mentioned that I could not stand to see the stars there. He moved around behind the case, I went to the door and busied the guards at the door in a false conversation, pretending they could speak English. I doubletalked to them in a very strong manner to distract them.

The gentleman from California [Mr. DREIER] went around behind the case, took the poles and rolled them, tightening up the flags until the stars disappeared and all you could see was a red and white bit of cloth against the pole.

I appreciated the gentleman from California doing that. I do not know how long it was before they discovered it. Maybe they still have not, but at least it was not recognizable any longer as an American flag upside down.

Mr. DREIER of California. Mr. Speaker, if the gentleman will yield, the point that I think is of concern to us, and this may be a case where the wonderful development of satellite technology may cause those in the war museum in Hanoi to now go—this is the first time it has been said publicly—and unfurl the Stars and Stripes.

I was hoping to keep that a secret, even though I do have a picture hanging in my office before and after.

Mr. DORNAN of California. We know that.

Mr. DREIER of California. What we did to the American flag there.

Mr. DORNAN of California. The gentleman is to be commended. We have seen the flag flying in glory and also as a symbol held in disrepute by a Communist country, and you do not ever expect to stand around and see somebody spit on it, or worse, burn it.

□ 0030

Mr. DREIER of California. We do love broadcasting this voice of freedom, although we do not talk about the technology which is utilized. We are speaking to the Speaker, of course through other parts of the world, but we hope very much that this message did not get through to the Communist dictators in Hanoi so that they will get into that war museum and in any way tamper with our handiwork.

Mr. DORNAN of California. For a price, I am sure they will return those flags someday.

Mr. LIGHTFOOT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Speaker, I appreciate the gentleman yielding.

I would like to speak for a just a moment or two about maybe a little different perspective than we are discussing here this evening as it pertains to the military aspect of it.

Being one who the good Lord decided to deposit on this Earth who became of an age to enlist and Korea was just over, Vietnam had not cranked up yet, so the biggest combat I saw was a whale of a fight up in PX No. 13, so my combat experience is quite limited.

As all of us do as Members of Congress, we receive invitations to speak at Memorial Day services, and at least it is quite common in the Midwest. I view those as an opportunity to say thank you to those of you who did fight in World Wars I, II, Korea, and Vietnam and provided us with a country that I can enjoy and raise my family in.

I would like to take this opportunity really to say thank you to all of the veterans for that, and I cannot help but, when I heard the Supreme Court's decision the other day, reflect upon this past Memorial Day. We were there in a very small Iowa community shortly after dawn. The birds were singing and the breeze was rustling through the trees. The American Legion color guard was in place and, of course, the firing squad fired their rounds, and then the bugler trumpeted Taps, and another bugler was off over to the other side of the hill with the Taps in echo, and at that point in time, of course, Old Glory went up the pole, and I cannot help but feel that if the members of the Supreme Court would have been there in that small Iowa town that morning and witnessed that, I just do not see how they could have come down with the ruling that they did.

It is not a piece of cloth. It is much more than that, and we will talk more about that later.

I thank the gentleman for yielding.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman, our minority leader, for arranging this hour for us after midnight after a hard day to come and reflect on the flag, and the gentleman from California [Mr. HUNTER] for taking the additional time for us this evening.

As my colleagues were reciting some of the incidents that they recalled that were so moving with regard to the flag, I could not help but recall a very moving moment that I had when I had to present the flag that had adorned the casket of a young captain who had cut down the tree north of the Panmunjom line and had been killed by the North Koreans. That family lived in my district, and the President asked me to make the presentation of the flag to the family. That was a very moving time for me as I saw the tears well up on the eyes of the widow, and reading the President's message to that family brought back to my mind all of the incidents that have been behind this symbol of ours that we are so proud of.

Another incident that I recall is when we traveled to Hanoi with the gentleman from Mississippi [Mr. MONTGOMERY] on the first mission to receive the repatriation of some of our missing in action, and they brought out the few caskets. I think it was Congressman MCCLOSKEY and Congressman Ottinger, the gentleman from Mississippi [Mr. MONTGOMERY], and myself who were there to receive these remains, and we had the honor of draping them with our American flag. That, too, will long stand in my memory as a very moving incident that associates the flag with what we stand for and the sacrifices that this flag symbolizes, and then the recent Memorial Day celebration I visited a veterans' cemetery in my area, and it was a windy day, and the folks had placed small flags on each of the graves. There must have been a thousand of these small flags fluttering in the breeze, and that, I think, was enough to strain the heart of any of us who had the opportunity to see that sight of these waving flags on the veterans' cemetery, reminding us again of the sacrifice that goes beyond our flag whenever we see it.

Mr. Speaker, there is no doubt that some substantive action on the part of Congress regarding the desecration of our American flag is warranted. I am pleased to know that hearings are expected to be held in the immediate future. Although it remains to be determined if the most appropriate action should be by statute or by constitutional amendment, there is little doubt that some early action is called for.

In my remarks on the floor of the House earlier this week, I noted that probably no Supreme Court decision in our history ever since the infamous Dred Scott decision of 1857 has elicited such a spontaneous outburst of rage, anger, and sadness on the part of the American people as has this recent Texas versus Johnson decision declaring antidesecration laws to be unconstitutional.

One of our colleagues appropriately remarked that the Supreme Court erred on the side of caution. No one in this Chamber, Mr. Speaker, disputes the sacredness of freedom of speech as guaranteed in our first amendment. Back in the 1940's, Supreme Court Justice William O. Douglas stated that it is easy to defend freedom of speech when the things being said are trivial

and no one cares about them. It is far more difficult—and necessary—for our Government to be prepared to defend freedom of speech when the things being said are unpopular and offend a large segment of the population.

The question before the Nation now, Mr. Speaker, is not the sacredness of freedom of speech. The question is whether the act of burning or desecrating our flag does indeed fall into the category of free speech. Does such an act add to the political debate in this Nation? Can such an act stimulate intellectual discussion? Does such an act cause Americans to think?

Sadly, I believe the answer to these questions is "no."

The act of desecrating the flag is by no stretch of definition an example of freedom of speech. Burning the flag of the United States does not inspire debate or stimulate the intellect. It is calculated to end debate to incite emotions and begin fights. It does not appeal to the mind, but wrenches at the heart. It is an act which not only does not instigate intellectual discussion, but actually discourages it, because it so basely appeals to the emotions.

Chief Justice Rehnquist noted in his dissent that certain acts would unquestionably be prohibited by the Government although some could consider them examples of freedom of speech. Among these are spray painting political slogans on the Lincoln Memorial.

The flag is, in the hearts and minds of most Americans, just as potent a symbol as is the Lincoln Memorial or any of the other memorials to great men and great events in our Nation's history.

I find it extremely ironic and bitter that a man who could exhibit his contempt for this country by burning the flag could appeal to the courts of our Nation to set him free without punishment. I wonder if the fact that this could not have happened in any country in all of history with the exception of ours has escaped him?

I believe that the Supreme Court, in its efforts to preserve freedom of speech, erred by underestimating the emotional impact their decision would have. Along with many of my colleagues, I look forward to this body taking appropriate action to remove the unfortunate effect, of this decision, and to restore Old Glory to its rightful place as a sacred symbol in the hearts and minds of all Americans.

Mr. RINALDO. Mr. Speaker, when the U.S. Supreme Court ruled that flag burning is a constitutionally protected form of free speech, it succeeded in punishing the majority of people in this country who would defend the flag against those who would desecrate it.

This decision by the court has confused freedom of speech with freedom of conduct. An individual who desecrates the American flag is not making a political speech; he or she is committing an act that breaks the law in 48 States.

I believe that States may properly prohibit personal conduct that goes beyond an individual's right to free speech and personal expression. Let us not confuse words with deeds. In my view, that is precisely the confusion that afflicts a majority of the Supreme Court.

In the case the court considered, the defendant in Texas was not charged by the police for what he said, but for what he did. He performed a prohibited act. As everyone but the Supreme Court knows, actions are not the same as words.

The court majority failed to exercise basic common sense in this decision. The simple difference between words and deeds is apparent to most people, but it is a distinction that seems to have been lost on the court.

I think the majority of Americans disagree with the court on this issue. The court majority not only is defying common sense on this matter, but it is out of step with the rest of America.

Mr. MICHEL. I thank the distinguished gentleman.

This might be an appropriate time at this juncture for me maybe to ask a question that I am sure I will be asked, and a number of us who subscribe to the route of amending the Constitution: "Why offer the amendment?"

□ 0040

Some have suggested the Supreme Court's decision can be corrected by statute, thereby making the constitutional amendment unnecessary. But a statute could not possibly solve the problem. The Supreme Court is the final interpreter of the Constitution, and once the Court held that the flag desecration was a form of expression protected by the first amendment, that was the final constitutional word.

Since the Court's constitutional interpretation overrides any proflag statute, there seems little point in following what I would call a losing proposition. The Founding Fathers, while giving the Court the power to be the final interpreter of the Constitution, did not make the power absolute. There are two ways to overrule the Court's antiflag decision.

First, as vacancies on the Court occur, the President, with the advice and consent of the Senate, can select new justices that reflect American beliefs. Second is the mechanism included in the Constitution itself for amending the Constitution, and this avenue was purposely designed to be difficult enough to ensure that we should dearly want the change we propose and be willing to work in support of that change. I believe that our proflag amendment is worthy of this special constitutional amendment process, and then for a little bit of a lesson out there to our listeners, the House and Senate have got to approve identical language for a constitutional amendment by a two-thirds majority, and three-fourths of the States then must approve, also approve the language.

I have also required that the 38 States must ratify the constitutional amendment within 7 years after it has been approved by the Congress. This time limit will ensure that the issue is resolved within a reasonable amount of time. I would like to think that in this case, however, that on as sensitive, emotional, and timely subject that the State legislatures would not require what has by tradition been that amount of time prescribed in the proposed constitutional amendment for having three-fourths of the States ratify it.

ORDER OF BUSINESS

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. LIGHTFOOT] be recognized for 60 minutes and given precedence over my special order, and be recognized out of order.

The SPEAKER pro tempore (Mr. FROST). Is there objection to the request of the gentleman from California?

There was no objection.

OUR FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LIGHTFOOT] is recognized for 60 minutes.

Mr. LIGHTFOOT. Mr. Speaker, I thank the gentleman from California, and to continue with our discussion I yield to the gentleman from Illinois [Mr. MICHEL], our leader, to respond to our colleague from Ohio [Mr. MCEWEN].

Mr. MICHEL. I will be happy to respond to the distinguished gentleman from Ohio.

Mr. MCEWEN. I thank the gentleman for yielding and wish to express again my appreciation, as has been mentioned earlier, for the leadership efforts of the gentleman from Illinois. I especially appreciate his directing our attention to the Supreme Court, which is the reason we are here tonight.

Justice Douglas has said that we are not final as a Supreme Court, we are not final because we are infallible. The Supreme Court is infallible because it is final, it is the last resort, and because of what they have done in recent days it has caused all of us to reflect on the importance of our symbols and our institutions.

The flag embodies all of the emotions that have been expressed here tonight, and we as a people have a right to protect them. Those who are involved in leadership understand what symbols mean, and throughout history we have had those who appreciated it.

Mr. Speaker, I deeply regret there have been those who serve on the Supreme Court who did not understand the significance of what they were doing. This, indeed, in my judgment, is not an expression of free speech. Desecrating the flag is not free speech. As columnist George Wills said this past week, it is not even an inarticulate grunt. It is merely an act of desecration of a symbol of our country which I believe cannot be and should not be tolerated.

Therefore, the suggestion by the distinguished minority leader, a dedicated patriot who has dedicated his life to public service to this country, is absolutely correct in expressing the desire of the legislative branch, that provision that was included in the Constitution as the free expression of the will of the people to say that in a time such as this we can make it abundantly clear by writing into the Constitution a superior expression to the infallibility of the Supreme Court to say this is what we want to be governed by, this is what we want our Constitution to say, and that is what we would have expected of our justices. That is what anyone I think who would have been stopped on the street would have said if this act of desecration of the symbol of the freedom for the world, that which we use to cover our slain and fallen patriots, do we have the right to protect it, the natural response, the overwhelming, inherent response of the American people would be we have the right.

Since the Supreme Court has misunderstood that desire, then it is incumbent upon us, it is our responsibility to allow that expression to be included in the Constitution by the amendment that the gentleman has suggested. I commend him, and I thank all Members here assembled for making this effort, because I think it is very beneficial to the American people to be able to see here that they are the supreme arbiters. This is where the people rule. This is a government of the people, and their will, will be expressed in the Constitution.

I have many other examples, as have been mentioned here tonight, of times in my life when the flag meant something very, very special to me. But I think particularly of a time that moved me to choose public service as my life's vocation. I was 9 years old. I was in the fourth grade. I heard a man by the name of John Noble speak where he talked about being trapped in Dresden, Germany as an American citizen during the time of the bombing of Germany, and shortly thereafter, as the Soviet soldiers marched through Dresden at the fall of Germany, he and his father and his mother sewed the red, white, and blue together to hang out of the window to say that this is where Americans are staying, and for about 7 days they were protected.

Finally the Soviet soldiers walked in, ripped the stars and stripes first, walked down the stairs, captured them, and he was sent off then to spend the next several years in a Soviet gulag. His name was John Noble, and he was able to write a little note under another person's writing privileges to say to his uncle, "Your noble nephew requests," and he got that word in a letter, of course, with another pseudonym written to the United States. It was presented to President Eisenhower, and President Eisenhower in 1953, as a personal request, asked that he be extricated.

He tells about the times that he was moved from Russian gulag to gulag until finally he moved into West Berlin, and he walked into the room where for the first time in many years he saw the Stars and Stripes there on a pole, and he says his knees buckled, and of course, he was under 90 pounds, a man who had been over 200 pounds, but the whole time he was in the Soviet slave labor camps, as were thousands of other Americans, but we could not prove it. But as he said, he walked in, he saw the Stars and Stripes, and he was hit with a flood of emotion that so overwhelmed him, he knew he was now free, and his knees buckled, and the tears that were pent up over the years gushed forward.

I was recently at Operation Quick Look in Germany where they invited for dinner some people to explain their impression of Americans and what their defenses mean. They told similar stories.

There was one woman there in her sixties who told that she was just a young girl, and that they were traveling and they slept in their car for many nights because they were not sure exactly where the lines were, and they would wake up in the morning and they wanted to make sure that the Stars and Stripes could be seen, and on some mornings they would wake up and they would find themselves behind the Soviet lines. One time they had to use all of their possessions, their rings, and diamonds, to bribe the Soviet soldiers to let them go down the road so that when the Iron Curtain fell they would be on the side where the Stars and Stripes were able to fly.

There are those individuals who are willing to crawl on cut glass, those who are willing to get into leaky boats, or to sacrifice everything that they have just for the hope of standing in the shadow of perhaps where that flag flies. And those who understand leadership, and government, and those who understand nationalism, those who understand what drives a people to work as a unit have a full appreciation of that. One must have a goal, one must have a symbol, one must have a common cause.

I repeat, I leave off as I began, I am deeply disappointed that we would have had people in such a position of responsibility as justices of the U.S. Supreme Court who could not appreciate that and would strike down, would outlaw, would say it is a violation for us to protect that symbol of our freedom. I believe they were in error. I believe that it can and should be corrected. For those who are willing to lead that fight, the gentleman from New York [Mr. SOLOMON], and certainly the leader of our Republican cause, a man for whom there is none other for whom I have greater admiration or affection than our Representative, BOB MICHEL, who is the minority leader, the Republican leader, the man who could be and should be Speaker of this House, I thank him for his leadership here tonight.

□ 0050

Mr. MICHEL. If the gentleman will yield for just a moment or two, I might say how beautifully the gentleman from Ohio has expressed himself again in his appreciation of what we are attempting to do.

His mention of the fallible judges that serve on the Supreme Court I think during the course of our discussions that will ensue we will want to be very careful about not condemning the institution of the Court. We condemn the decision but not the institution.

It is just as important as this institution is. We, as a continuing body of differing individuals, make decisions from time to time; we argue with one another as we did earlier today, men of goodwill, but of diametrically opposed views. We will find those views expressed on the Court by the individuals who are privileged to serve from time to time.

So, yes, we object and we are critical of decisions but not of the institution which should be revered, yes, just as much as a legislative body and the executive body as represented by the President of the United States. But we will argue, surely, before the Committee on the Judiciary on the niceties of the language and I will be the last to say that what we are going to be proposing finitely tomorrow—you know, eventually you have got to come down to language. What is it? And you cannot argue any more. And as I indicated, we are trying to keep it as simple as we possibly can with a limited number of words. We will argue over those words, with the constitutional scholars, the if's, the and's and the but's, and it will go on and on. But hopefully the process will be there for us to do that because we have every right to do it and, as I said, I have been very reluctant to introduce any constitutional amendments. This is a

first one for me. While others have felt inclined to do that for other issues and then be denied even a hearing when there has been a large body of thought supporting whatever amendment was proposed, that stifles the process here. It inhibits the process.

So I will hope, and I have been given encouragement from the new leadership in the House of Representatives, that there will be a change and that we will have that opportunity for a hearing not only as I indicated earlier on those who would approach the subject by statute, those of us who think that a constitutional amendment is the much preferable way to go.

I thank the gentleman very much for yielding.

Mr. LIGHTFOOT. I thank our leader.

I know it may seem strange to my colleagues to be here this evening because I very seldom speak on the House floor, which may be a rather strange phenomenon for someone who made his living for about 18 years talking on the radio every day.

One of the lessons that I did learn in that job, somewhat like the little boy who cries "wolf," if you talk all the time, when you have something important to say no one listens. That is the reason we are here at 5 minutes until 1 in the morning.

The only other time I stay this late is when I am the last guy out of the stadium because I forgot where I parked my car and I waited for everybody else to leave so that I can find it.

I would like to take our discussion off on a little different approach as far as the flag is concerned and talk a minute about what is the flag? We all, I guess, are introduced to it as soon as our eyes open, when we start to see, when we go through school, learn the Pledge of Allegiance and what that means.

Many of us go on to spend some time in the military. Then as adults, of course, all of our parades are always headed off with a color guard with Old Glory. In many cases you will see four or five American flags together. Then on the special occasions, the 4th of July, Memorial Day, which I talked about earlier.

But I think if we look at it for a moment, is it a piece of cloth? Sure, I guess in the final analysis we are talking about a piece of fabric which is dyed red, white and blue. But quite frankly it is much more than that.

I think when you look at the flag it is really a portrait of America. If you will study it and look at it closely you can see George Washington at Valley Forge, you can see the Union and the Confederate Armies fighting in the Battle between the States. And if you look closer still you will be able to see it flying over the battlefields in World Wars I and II and Korea and Vietnam and from the snowy mountains of Europe to the hot steamy islands in the Pacific. It also is what inspired Francis Scott Key to write the Star Spangled Banner, which we sing at the start of all of our events.

As one little boy was once asked about the Star Spangled Banner, he thought that the last two words of it were, "Play ball."

But it is good that we hear that often.

It also, I think, is the beacon for freedom around the world. We talk about the Statue of Liberty, that people come to our shores because of her open arms and beckoning the downtrodden and the fallen who want to find freedom.

But there is only one Statue of Liberty and she sits out on Ellis Island in New York Harbor. I have only seen her once. I am sure many Americans have never seen her and probably never will.

But they do see the flag someplace every day.

It is also, I think, what America is today. If you look at the flag and study it for a minute or two, the things you can see in there are the bustling cities of the east coast, you can see the cotton fields and the peanut fields of the South, you can see the oilfields in Texas and the deserts of Arizona, the corn and the soybeans in Iowa, Illinois, Indiana and through the Midwest and the wheat fields in Kansas, Colorado and Montana, backed up against the majestic Rocky Mountains that we all love so much.

Then on the other side of those mountains, if you look at the flag, you will see the forests of the Northwest and the beautiful coastlines of the State of California.

And if you look more closely, you will see the people that make up this great country of ours.

I had a group of Japanese students here about 3 or 4 years ago, and we were taking a tour through the White House. One of the interpreters with the group made the comment that they were so surprised at what they saw in the White House. They said, "Nothing here is from America. The rugs are from France, the pictures from Italy," and so on.

And the only response that I could give at the moment, and as I thought about it in the time since, I think it was correct, because the response was simply this: because that is what America is. Because you can describe most nationalities around the world. If you ask someone for a description of the Japanese, for example, you get black hair, the certain stature, and so on. If you ask for a description of a German, Swede, you name it, also. But you ask for a description of an American, and we are all of those things, black, white, brown, mixed, working together, as the leader said, sometimes against each other but nevertheless we are working in a society here.

To me that is part of the portrait that you see in the flag. But most important to me, what I see in it is really the promise for tomorrow. And when I look at that image and when I see that image, it is really the reflection of the flag that I see in the eyes of my 12-year-old son and what it means to him. It means the opportunity to succeed as well as the opportunity to fail. You cannot have one without the other.

It is the opportunity to dream and achieve those dreams basically limited only by your natural talents and how much commitment you are willing to put into any particular project.

□ 0100

Why would a farm kid from Iowa be here tonight if that were not true?

It is also, I think, the opportunity to live free, but also to accept the awesome responsibilities that go with freedom. That is really what I see in the flag. As I say, it is that flag that is reflected in the eyes of that young man and what his hopes are for the future and his dreams. I guess in response to the ruling that came down from the Supreme Court, as the founders of our country put our system together, our basic function here in the Congress is to make laws and the basic function of the Supreme Court is to interpret those laws. So therefore, a constitutional amendment that has been offered by our leader, I think is most appropriate because our response has to be one of simply making a law that they can interpret in a proper way. I think that is what this is all about.

So I would ask my colleagues should we take a look at the flag, and maybe look a little bit, we have looked at yesterday, let Members look a little bit at tomorrow. What will it mean to the next generation that comes down the line? We heard our Speaker earlier, our leader rather, who should be the Speaker, a Freudian slip there, we heard the gentleman from Illinois [Mr. MICHEL] talk about his experiences in World War II, and the gentleman from New York [Mr. SOLOMON] is still here, and the gentleman from Guam [Mr. BLAZ] is in the Chamber this evening or this morning, depending on what time zone viewers are in. But as we look to those people and the experiences that they have had, and particularly the military, the gentleman from Guam [Mr. BLAZ] was a career military man. One of my favorite stories, I have told it many, many times, not nearly as well as the first time that I heard it, and I do not know if we can coax the gentleman from Guam into telling Members tonight, we will have to clean it up because we are on TV, his story of a young man who was liberated on the island of Guam, who, under most circum-

stances, one would not see that as a very bright future. However, eventually he came to the United States and graduated from Notre Dame and retired as a brigadier general out of the U.S. Marine Corps, and now is serving his country here in the Congress of the United States. Where else in the world can a person do that? That is as red, white and blue a story as I have ever heard.

I am not trying to talk the gentleman from Guam into something, but I think it is something that people would enjoy having you tell.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield, I think the gentleman has asked enough interesting questions that I think we should compel the gentleman from Guam to stand up and tell Members why the gentleman from Illinois [Mr. MICHEL] mentioned the 50 States, the 50 stars, the 48 stars representing 48 States when he came to Congress. Here is a gentleman who represents a nation that is not a State of the United States, and I would be interested in his perspective on the flag.

Mr. LIGHTFOOT. Mr. Speaker, I thank the gentleman for his comments, and only say I had an opportunity in February to visit the beautiful island of Guam and stood on the beach where our troops landed in World War II, and when we were in a museum there, the gentleman from Guam [Mr. BLAZ] spotted a photograph. I do not think he had seen it before, taken shortly after they were liberated, and he found himself in the photograph. It was a touching moment for me.

I would be happy to yield to my friend from Guam.

Mr. BLAZ. Mr. Speaker, I was going to sit here and wait until 5 o'clock in the morning, because if that is what I have to do to have an opportunity to speak, I would do that. The reason I would do that is because I feel so strongly about this issue that I regret that I have not the words or the wit or the wisdom to dramatically emphasize the pain that I feel in my heart for what has happened in the last few days.

When I came here, the leader asked me, he said, why had he not seen me lately. He had not seen me lately here because I am one of those Members of Congress, and I have no right to vote in this body. I cannot even vote for President, but alas, I can still fight for my country. All afternoon I looked at the bio of every Member of the House and the Senate, and I am the only one who was actively involved in one way or another in the last three wars we have fought in the memory of anyone that is serving here.

There are only three stripes to be earned in battle in the last 50 years. I am wearing those three stripes. So if there is anyone who feels that he has a right to stand here and make this statement, I feel that I do. However, as disappointed as I am at being unable to vote for President, or here, except in committees, it pales, it pales in comparison to the pain that I suffer at this betrayal, and because my accent sometimes betrays me, I will say the word again: It is a betrayal. After the Korean war or during the Korean war, the Vietnam war, for almost 400 times I folded the American flag and I presented it to survivors, and in each instance a survivor would grab it and cling on to it tightly as the last link to a loved one. By this action, that link has been served because the flag, offending the flag, incredibly, is not an offense in America. Unbelievable.

In World War II, 45 years ago, I bought a picture, during the years we spent on occupied Guam, and in the concentration camps, at the risk of being executed, we made American flags, miniature American flags. At the time of liberation, a prominent artist wanted to paint something that would embody the sentiment of the liberator and the liberatee, and he produced a fantastic photograph or painting which I had reproduced, and here is this painting. The painting shows three American marines and two remaining Chamarro children, and guess what they are holding? A miniature American flag. It shows that it defies gravity because it is sticking up. We made it out of everything: Cardboard, thread, needles, sticks, whatever a person could find. After the war, marines were to tell me that the most beautiful sight they ever saw were men, women and children, emaciated from months in the pen, emerged from the caves and valleys and the jungles, carrying American flags.

I know the gentleman yielded only a few minutes to me, and I hope he will forgive me for being a little expansive, but I just wanted to show the sentiment that I have, because for 30 years I served this marvelous country of ours. Up in Philadelphia a couple of years ago, totally unexpectedly, our leader asked me to address a thousand folks that were gathered in black tie in Philadelphia. I assume, because somebody failed to show up at the last minute, but nevertheless he asked me and I accepted.

□ 0110

Mr. Speaker, I remember saying these words. I said that I was prepared as an officer to be burdened with the guilt all my life, that at one time during the war in which I was involved I might have given an order to men in battle that might not have been the right order, and they were assaulted and killed in action and wounded in action. But I was prepared. I was prepared to suffer that burden until I got to heaven so that I could explain to the men why I had to do what I did.

Mr. Speaker, I told them that when I came to this body, and in the 30 seconds that it took to administer the oath, that 30 years of my life flashed before me as a marine officer, and then, as I watched the majesty of this great body unfold before me, our form of government and that flag behind the Speaker, I said that I was not rid of this sense of guilt, for indeed, if this is what we were fighting to preserve, that flag and this country, then the only lament that I have left in life is that I cannot spare 30 more to the United States defending this flag and this country.

Finally, I want to say that since I am a soldier that I am very partial to soldiering, and I say that I paraphrase a popular thing we saw in a C-ration box in Vietnam, and it goes something like this. For those who have worn the uniform and have fought in defense of that flag and this country, life has a special flavor. Those who have never done what we have done will never ever know.

So, Mr. Speaker, quite possibly the feeling that I have may not be shared by some, but my constituency is not only the people of Guam, but every man and woman who has ever worn the uniform of this great country of ours, the Army, the Navy, and Air Force, and Coast Guard and, of course, my beloved U.S. Marines.

I mentioned earlier that I do not have a vote here. Maybe someday this aging warrior might be admitted so that, when I push my little card in that little slot there, it will not crash the place; huh? I am a very, very troubled person because of that.

So, for those who are vacillating on whether or not we should have an amendment to the Constitution, if they do not want to do it for themselves, for the sake of all my comrades, for me, do it for those of us who cannot vote, the ones whose flags I folded.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I just want to say to my fellow Congressman, the gentleman from Guam [Mr. BLAZ] that 30 years ago the Marine Corps was looking for a few good men, and they found one in BEN BLAZ, and he is also one of the finest Congressmen, whether he has a vote or not, that this body has.

I say to the gentleman from Guam [Mr. BLAZ], "We all admire and respect you, BEN."

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I think this gentleman from Guam [Mr. BLAZ] exemplifies what we are talking about. Here is a man that in his mind is treated like a second-class citizen because he does not have a vote on this floor. However, Mr. Speaker, he is a man that has given his entire life fighting, not only for this flag, but for this Constitution and this country, trying to fight for what it all symbolizes and means, that freedom that he wants for his children and his grandchildren, for the people he represents in Guam.

Mr. Speaker, no people that I know of in this whole world have more feeling and more experiences about the loss of freedom than those on Guam, than the ancestors of Guam and what has happened in World War II in Guam, all through the Pacific Rim. This gentleman, in what he has just said, exemplifies why we are here tonight, and why we are so outraged by the decision of the Supreme Court, and why we talked about that symbol of the Stars and Stripes and what it means to, not only us, but people that do not even have a vote. They know what it means probably more than some of the citizens that are here in these United States because they, having gone through every day the struggle for freedom that we take for granted, the struggle for freedom that we take for granted so much that we spit on that flag; not we, but some do, that some choose to burn that flag. To some people even such a slight misuse of the flag as to fly it at night without a light on it or to fly it in bad weather, they have to take it down. I have seen it time and time again; they pull it down from that pole and just kind of throw it over on the bush.

Mr. Speaker, I drive through my district, and a lot of car dealerships seem to fly flags, for whatever reason, in Houston, TX, and they leave them up at night, and, as I drive through my district doing my duties at night, I write down the addresses of whoever is flying that flag in less than respectful situations.

People take for granted what that flag means, so much for granted that they would dare go out, and burn it and defile what this gentleman from Guam [Mr. BLAZ] stands for, defile what the young men that served under this man stand for and died for, to take all that for granted and exemplify it in what, I think, is the decision of the Supreme Court. I think they lightly take what is so important to everyone in this world and just make a simple little thing out of it, but I think the American people have stood up and are saying all over this country ever since that decision, they are demanding that this be turned around through some sort of action of this House.

Mr. Speaker, I hope we are not playing games here in this House that would diminish and defile what the gentleman from Guam [Mr. BLAZ] means to so many of us, and I thank the gentleman from Iowa [Mr. LIGHTFOOT] for yielding.

Mr. LIGHTFOOT. Mr. Speaker, having visited Guam and having met the Governor and many of the constituents of the gentleman from Guam [Mr. BLAZ], I think the thing that we see there is they want him to have that vote, too, but I think what it underscores is that people that do not have the freedoms that we just take for granted are fiercely seeking to get those freedoms.

Unfortunately there are too many who take it for granted and do not respect it as they should, and I think that is probably one of the big fallacies we have in our Government policies because, if something does not have a little value to it, people take it for granted, and they throw it away.

Unfortunately, Mr. Speaker, we approach so many problems around here by just throwing money at situations. Look at the drug problem that we have. Basically it is centered in public housing areas, and, if my colleagues were to analyze those types of areas, they could argue about the quality of it, but, No. 1, we have given them a place to live, we have given them food, we have given them medical care, we have given them everything but responsibility.

Mr. Speaker, I think that is something that we see in this desecration tonight. The people in Guam are fiercely patriotic, and they want to have the right to vote. Personally I think they should have it.

Mr. MARTIN of New York. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Speaker, I thank the gentleman from Iowa for yielding to me. Indeed, it is a humbling experience to be here this evening speaking on this subject and to find yourself following the gentleman from Guam [Mr. BLAZ], my friend who said so much in such a short period of time.

It occurred to me that there is a story I wanted to share with my friend, the gentleman from Guam [Mr. BLAZ], because he and I share some common experiences. We served in the Marine Corps at different times together. We went to a small Catholic school in South Bend, IN, at different times together, namely, the University of Notre Dame. I wanted to share this with the gentleman from Guam, because this evening I was privileged to have dinner here in Washington with a very special person to me, a judge in the southern district of Florida, a Federal district judge by the name of Bill Zloch. You may recall Bill. He was a quarterback for the Notre Dame football team back in 1965; not that I was upset with the Judiciary, but during the course of the dinner I was discussing the decision and Bill pointed out that, you know, it is not just recently that I was sensitive to the desecration or abuse of the colors.

I want to share this with you, because it is the opportunity I had at Notre Dame out of those 5,000 students to meet Father Hesburgh. One evening a friend of mine and I were headed for the library and there in the main quad was the flagpole with the American colors. During the course of a rather nasty and miserable sleet storm, I stopped and I said, "This is awful." We went over and took the colors down and were in the process of folding them, and I know I will get in trouble probably with the gentleman from Indiana [Mr. HILER] and others for pointing out that the rent-a-cops were working there at the time, and they came over and caught us taking the colors down and were folding them. They asked what we were doing.

I said that I was taking the colors down.

When we finished folding it, he reached for the colors, and I said:

No, you don't deserve to have those because you have obviously abused them. I'm going to take them up to Father Hesburgh.

I was kidding, and I looked up and Father Hesburgh's office was open. His light was on at least. With the police officer right behind me, I said, "Come with me and we will explain this to Father Hesburgh."

My heart was pounding about a thousand beats a minute, because I did not know what Father Hesburgh was going to have to say, and you know, with this police officer right behind me. We went all the way up to the top floor of the dome, banged on the door, and who opened but Father Hesburgh.

He said, "What can I do for you?"

And I said, "My name is DAVE MARTIN from northern New York. This officer—" and the officer disappeared. I mean, he was gone.

I said:

Well, Father, I want to explain, the colors were flying in this miserable weather and I thought it was most disrespectful and I thought maybe if the officer had to confront you, perhaps they would be taken better care of.

He said, "Come on in." We were in there for 2 hours and I received an education that was well worth the tuition that evening. I am sure you know Father Hesburgh.

I recall him saying:

Dave, tell you what. Until I can get this thing resolved, why don't you take it back to your room and you take care of it properly and we will get back in touch with you.

Two days later, frantically I get a call from the ROTC to go down and see Major Fisher. He saw me and he said, "Dave, where are the colors?"

I said, "They are on the flagpole."

He said, "I know they are on the flagpole. Where are they when they are not on the flagpole?"

I said, "They are in my quarters."

He said:

Dave, we have a problem. I appreciate your respect for the flag. You are to be saluted for what you have done, but I want you to take them back to that grad student. Explain to him—

that is not the term he used, but he said:

Explain to him how to take care of the colors, because if you keep them in your quarters, we are going to have to call out an honor guard every single morning in the ROTC to take proper care of the colors.

I do not know whether it was my father or whether it was my mother or whether it was the people in the community that I was brought up in, privileged to be brought up in, to pay proper respect to the American colors. I was incensed and outraged when I first heard on the radio and later read in the newspaper the decision by the Supreme Court. I try to back off when I get very uptight in those sets of circumstances and say that I have got to look at it from their point of view. I try and it is difficult.

We all believe in the separation of powers. The decision has been made. We dislike it intensely. I think it is ridiculous, but that is my personal opinion.

It is not just for us as Members of Congress and it is not just for the wonderful people who have taken the opportunity to speak out tonight. It is for all Americans to make a decision and do it quickly, that there has to be a limit to how far you can go in the interest of free speech or whatever. There must be something sacred or sacrosanct, some symbol of America that we say:

No, no. We aren't going to buy this free speech argument when we desecrate the flag. It means too much to too many people.

I am not an artist. I probably do not have the most innovative mind in the world, but even I can think of admirable substitutes, if you want to come up with them to make your point. There is something about those American colors, the freedoms of America that have been properly inculcated in one that bring to you a certain emotion when you see those colors desecrated.

I do not know how many coffins I have had to escort either home to parents or loved ones or to funeral grounds or whatever of people who have fought under that flag. I think it is a desecration to the memory of all those who fought under it if we allow that to be some type of vehicle for free speech.

So as dispassionate as I try to be as my blood pressure rises, I would like not to yell, but I would like to talk and I would like to speak out to my friends and colleagues on both sides of the aisle and to salute the President who is leading the charge to insure that soon, and very soon, we have a proper and needed amendment to the Constitution to protect the flag and also protect the interests of the people who think so much, as a matter of fact who think with their lives of those colors.

Mr. Speaker, I want to thank everyone who has participated in this special order this evening. It is an inconvenience, to say the very least, to the Members who will be here all night long, but it is an important vigil and I think something that hopefully promptly will be ratified by the various States and will become the next amendment to the Constitution.

I salute the gentleman from Iowa for all he has done and thank him from the bottom of my heart for his sincerity and for his interest in trying to rectify what I think was a grievous error by the Supreme Court.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I just want to ask the general and this marine aviator a question.

I did what the gentleman from New York [Mr. MARTIN] did. I thought to myself, wait a minute. There are two good men that we were very proud to see confirmed to the Supreme Court, Justice Scalia and Justice Kennedy. I thought what, without reading their decision, could possibly have gone through their minds? I tried as hard as I could to figure out some rationale, and as I heard it on the radio I was actually called and asked if I would go on a 24-hour news program. I could not belive the words that I was being told as the decision came down. I thought we had a conservative court that understood tradition.

When I got the newspapers and started to read little excerpts and snippets from the decision, I still could not figure out how they could cause such pain to so many people, all those families that these two gentlemen have presented flags to, that knew that a loved one, not just men either, but some women, had died defending what that flag represents and the tremendous heartfelt symbolism in that flag, how they could hurt so many people for a handful.

□ 0130

I started thinking how many people want to burn the flag, the American flag, in a year—100? 60? 6? 3? I realized this guy's case, Johnson's case, is 5 years old in August, and then I realized that there is a practical part of this decision, and Judge Bork was just discussing it with us today.

I will ask and go by rank here and ask the general first. Could he possibly be walking down a street, my friend with that great Biblical name, Benjamin, could he walk down the street and see someone burning the flag where he would not be moved physically to intervene? Could he imagine just standing there and watching?

Mr. BLAZ. The gentleman knows the answer.

Mr. DORNAN of California. I do.

Mr. BLAZ. And the only problem I would have is that of how to keep myself from doing or going beyond the threshold of prudence to respond to that. It would be such an insult to me, but there again, I have to qualify it.

As the gentleman has pointed out, it is possibly because I am denied full citizenship that makes me so protective of what little I have and, consequently, since the only thing that I have really is that flag, and since I do not have the other things that you all enjoy like voting and so on and so forth, and that is all I have, and it is a three-legged stool, and the only leg, one, that is left for me, so I do not know. Maybe at this stage of my life I might be a little bit more gentle than I might have been when I was still in uniform, but I would not enjoy being the other guy.

Mr. DORNAN of California. But the act compels you to act. I will ask my friend, the gentleman from New York [Mr. MARTIN], could he see himself walking down a street, a back alley or Fifth Avenue in New York City where he would come upon a scene where Old Glory is in the street on the ground, and that is enough to move some people to start toward the flag, and then see someone playing with matches getting ready to torch the flag? I ask the gentleman the same question: Could he imagine himself not taking some action?

Mr. MARTIN of New York. I appreciate the spirit in which the gentleman asks the question. I would have to defer responding, if the gentleman really needed an answer, and I would check out what the statutes of limitations are from the last time I had such an experience.

The argument has been made that there is something about the flag that so touches the emotions of most Americans that the use of this as a "vehicle of free speech" is almost guaranteed to cause alarm within the community and trouble and divisiveness and injury and the like.

It is very difficult to control these emotions, because many people, most people, thank God, have not been in the situation of that intense spirit that derives from, for instance, military action, fought under that flag, and when one has had that experience, it is difficult to see those people who can think they can stand back and objectively say, "Well, this is just a demonstration of how I feel on a particular issue that relates to the Government represented by that flag or the country." It is very difficult,

indeed, and unless one has had that experience of finding oneself in a situation that people by their outrageous conduct, looking for the most important symbol of America, looking for that symbol that is likely to arouse the most passionate defenses of people who feel strongly about the flag, use it intentionally to cause disruption. That is a stong argument, because I am not sure at all times I could control my emotions in that instance.

Mr. DORNAN of California. I realize I am speaking to two marines here. Let me ask the son of a marine D.I. who, like my sons, found themselves in an age category where the military had more volunteers than they knew what to do with, and there was not a draft board breathing down their neck that sometimes motivated one to do the best thing in their life—sign up. But, DAVID DREIER, my colleague from California, could the gentleman picture himself walking down a street in West Covina and there is an American flag on the sidewalk and some cretin has matches in his hand and is going to set fire to it? Could the gentleman walk away or not be moved to some action?

Mr. DREIER of California. Let me respond to my colleague by saying that with the colloquy which has just taken place, including our great friend from New York [Mr. MARTIN], our distinguished friend, the gentleman from Guam [Mr. BLAZ], and I look at this great marine, the gentleman from New York [Mr. SOLOMON], and so many other people, and I am in awe, not only just because I am also standing in front of the Stars and Stripes but because I am also standing on the floor of the greatest, most powerful deliberative body ever known to man, but also because I am standing here with so many people who have fought, fought diligently to give me the opportunity to know peace in my lifetime and to give me the opportunity to serve here, and so when I think of the sacrifice which has been made by so many of my colleagues to give me this opportunity, again as I said a few minutes ago, I was not in the military, and I do not apologize for the fact that I was not in the military, but that in no way has prevented me from loving and respecting Old Glory, the single symbol which clearly is the cause of freedom, as I said, throughout the world.

I will tell the gentleman that I remember very well in grade school occasionally seeing the flag, even when it was marching by, possibly get at a lower level than another flag or even dip, and my heart would skip, because this is what I was taught from childhood. I know that every night my family takes it in. I know my friend from Houston, who mentioned his concern about people not taking the flag in at night, the gentleman from Texas [Mr. DELAY], but my father takes that flag in before dark and puts it up every morning.

As one who since we went in rank from General BLAZ to these marines, and we came to the absolute bottom level with me, I have to tell you that the sentiment is just as strong, because I am grateful for the sacrifice which has been made by so many, and it is because of my respect for that sacrifice that I could never stand by and walk along as someone sets fire to the Red, White, and Blue.

Mr. DORNAN of California. Here is the point, and I do not have to ask the gentleman, and I am afraid to ask the gentleman from New York [Mr. SOLOMON], for fear he would think that I actually would question for an instant that action would be immediately taken.

Mr. LIGHTFOOT. It is only 8 hours to dawn.

Mr. DORNAN of California. Right. My conclusion is that this Supreme Court decision violates common sense, because it is unfair to put so many citizens, and because I think we represent hundreds of thousands of people, put them in the position of saying to a person, "I do not care who told you that is your constitutional right, the fight is on," and as I get older and less able, I guess, to defend myself or to exercise direct action, and I know that my dad covered my back in a miniriot in Los Angeles once when he was 82 years old, and if he had ever seen the flag burned in front of him, and he had three Purple Hearts, wound chevrons from World War I, he would have gone into action. He was a welterweight boxer.

It is not right to have a law on the books that inspires good, simple people to have to engage in force to defend something that should not need that kind of defense without the force of law behind it.

We all know that a police officer in a crowd situation can turn to any citizen and assume that is a law-abiding citizen and deputize him on the spot, and that is what officers used to be able to do to save the colors, to defend the flag. We are now put in this limbo situation until we get this constitutional amendment passed, where good citizens are forced to break the law to defend something they love because it symbolizes so much of their lives and so much of the sacrifices that they have made.

I do not want to see those of us who are grandpas who are put in this situation of having to engage in direct action because two good men, and I know they are good men, on the Supreme Court got carried away with what Judge Bork called individualism, and came up dancing on the head of a pin with a decision that flies in the face of common sense.

I do not think our friends Scalia and Kennedy realized the position that they were putting a lot of people in, not just veterans, but everybody. My mother would be in a fight instantly. She has passed away 22 years now, but she loved the American flag. Not by any stretch of the imagination would she have stood around and watched someone defile it or disgrace it.

□ 0140

So it is a bad, bad decision, and we are going to have to pass a good law to cover people who have that natural and I think wonderful impulse to respond to what has been a military cry on the battlefield for at least a thousand years: save the colors.

Mr. LIGHTFOOT. Two quick observations. I think from what our friend, the gentleman from New York, [Mr. MARTIN], had to say a moment ago, and if we are trying to come up with a scale to gauge the gravity of the situation, most of us have certain historical events that when they occurred we will never forget where we were when we heard the news, such as when President Kennedy was assassinated. I remember exactly where I was. Or when Neal Armstrong first stepped on the face of the Moon. This ranks right along with those events. I will never forget when I first heard what they said, and I think that has been demonstrated by what has been said here this evening as well.

The second point, and I think perhaps the gentleman from California [Mr. DREIER] and I probably are maybe a little bit better qualified in this area, but on this whole thing of patriotism, it tends to be tied so much to the military experience. I know of high schools where there is not one single teacher or administrator who has ever served in the military. We ran into that trying to get applications to go to the various military academies.

We see people in places like Guam and other parts of the world who are so patriotic, and we wish that we could just take one-tenth of their enthusiasm and instill it in our youngsters. The question that I think facing us now, in a time of peace, without a military experience is how do we spark that fire in young people so that they will get up and do the kinds of things that Members have talked about here tonight? I think it is a big problem for us.

I am happy to yield to the gentleman from California.

Mr. DREIER of California. I thank my friend for yielding and would like to associate myself with his remarks.

Mr. Speaker, I would to extend congratulations to my good friend, the gentleman from Iowa [Mr. LIGHTFOOT], for standing on his feet for these 60 minutes in the well and yielding time around to all of us

Mr. Speaker, I would like to say that I am gratified that many of my colleagues have stepped to the back of the Chamber, for what I am about to say may be considered rather controversial, and I do not want to be pelted by anyone. And I have to say, Mr. Speaker, I am slightly nervous that the gentleman from New York [Mr. SOLOMON], is here as I am about to say this.

But just a few moments ago I took the opportunity to read amendment No. 1 of the Bill of Rights. And it says.

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Mr. Speaker, our distinguished Republican leader, probably 1 hour or 1½ hours ago, stood in the well and said that one of the things we should not do is criticize the institution, the judicial branch of our Government.

Sure, we criticized the decision, we did not like the decision that was made, but we should not criticze the institution itself because, as we had a very vigorous debate just a few hours ago here on the issue of providing training for the police forces in El Salvador, obviously in this 5 to 4 decision on the Court there was a disagreement, it was a very tough call to make.

But what I would like to say, Mr. Speaker, is that now that this decision has been made I believe that we may have seen a very, very positive step taken by the Court. Why? Because their decision in interpreting this amendment has given us the opportunity to establish an amendment to the Constitution, placing this great symbol at an even higher level than it is today. I think that for that reason we may end up seeing a silver lining in this dark cloud. In fact, many of us believe that we should continue to try and take an optimistic approach, and I happen to think that we may be able to have a real benefit coming from what initially looked like a very sad decision.

I thank my friend for yielding and again congratulate him for standing here for this full hour, and thank the Speaker for allowing me to extend this time slightly beyond the 1 hour.

Mr. LIGHTFOOT. I thank the gentleman and the Speaker, and it was no task at all. It was very important that we do this.

ORDER OF BUSINESS

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that I may take my 1-hour special order out of turn at this time.

The SPEAKER pro tempore (Mr. FROST). Is there objection to the request of the gentleman from Illinois?

There was no objection.

OUR FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HASTERT] is recognized for 60 minutes.

Mr. HASTERT. Mr. Speaker, I am grateful for the opportunity of taking this time, and certainly want to thank the gentleman from Iowa [Mr. LIGHTFOOT], my colleague who just left the well, certainly for his ability and for spending some time, in his great old Midwestern way, just to tell what this flag and what this procedure is about. And I certainly appreciate the great testimony that we have had from the generals and the persons who served in the Marines, DAVE MARTIN and JERRY SOLOMON and General BLAZ. It has been a great experience. And certainly I also want to extend my appreciation to the gentleman from southern California [Mr. HUNTER] who has put together this time and certainly this effort this evening.

I was just thinking as we were talking, and the gentleman from California was talking about kids in school that the flag sometimes is the only symbol that they have, and sometimes in schools we take the flag for granted. Very seldom anymore do we actually stand up and give the pledge of allegiance before a class or at the beginning of the day.

When we take this symbol of this country for granted, and then we allow people to take the symbol for their own purposes for granted, we certainly are causing a great disservice not only to ourselves and this Nation, but certainly the generations that have gone before.

I think of an experience that I had not too long ago, a couple of weeks ago in a little town in my district called Warrenville, IL. The VFW there has been trying for almost 35 years to get a World War II vintage tank to dedicate as a symbol to put in front of their little VFW post, as a symbol of one of the first men who died in the Pacific in World War II. He was certainly a hero who stood off a whole Japanese Marine battalion with one machine gun so that an invasion of this island could not take place, and he died in his tank.

That tank was finally put in place, and we presented a flag that had flown over the Capitol of the United States. The thought occurs to me that every child that goes by that very VFW and sees that tank and sees the flag, that will be their only opportunity to touch, to feel, to see, and on some days to hear snapping in the wind the medium that links them with those people who certainly gave a great sacrifice, those people who gave their lives for their country, those people who served and fought and carried the flag in the far corners of this Earth.

On that day it was a very sweet situation, and very sad, because we commemorated those people who fell before, but we also that day had to commemorate the death of a young marine who had just died a couple of weeks ago in the service of this country from that very same town, and had he survived, and had he gone on, he certainly probably would have been a member of that VFW post. But he died, and it was peacetime, and those types of death are even sadder. But yet, he came home in a coffin, and that coffin was covered with the United States flag as it came from the South Pacific, and I had the obligation of passing that flag on that same day to the mother of that son.

□ 0150

And that flag was important. Even though it was not a time of war. Remember, we have to be alert, yes, sometimes we must give up that precious life, those youth who are certainly the lifeblood of this country. In peacetime it is even tougher to do that. But the symbol of that young man's death, the symbol of what he died for, the symbol of what that tank dedication that day at that VFW was the flag of the United States. I think as I go back to my previous profession as a teacher and I think of the many days in history class talking about the Constitution, talking about the history of this country, and I would have probably 20, 30, 35 half-sleepy teenagers before me, and we start to talk about what the Constitution is really about. As I reflect back on that time now, I think of the guys, our forefathers who framed that Constitution.

In that Bill of Rights, which was so ably read a few minutes ago, it talks about freedom of speech, the ability for us to use words, to stand up in a free manner in this body or any other legislative body in this country, city council, county board or school, and express ourselves about what this country means, how we should be one, how we should pick leaders, how we should set our agenda. We do have that freedom of expression.

You know our forefathers, the founders of our Constitution, were very articulate people. They said specifically "freedom of speech;" words, written and spoken words. And when the Constitution was looked at, and I think erroneously by this court, and it said, "No, that means symbolism or art of desecration of the flag, that is a different type of speech," I do not think that is what our forefathers were thinking about. That is not what those very learned and articulate people talked about as speech, words written and spoken. You know this is not the first time this issue has come before this House.

I remember this spring in my home State of Illinois in the city of Chicago some student believed that he could display the flag on the floor to force people to walk upon and trample the flag. We had a piece of legislation before this Congress at that time, that that was freedom of expression, freedom of speech, that we could force people to walk on the flag.

I think we lose our perspective about what freedom of speech is really about and what it really is. I think maybe symbolically, more than symbolically, we need to look and we need to listen, listen to the past; two groups of people, one in the past and one in the future.

The people in the past are those people who died for that flag. I can think of the poem and the poetry of an Illinois poet by the name of Carl Sandburg, in one of his poems he talks about listening to the voices of the dead, those people who lie in prairie graves but yet their messages reach out.

I think of the prairie graves that I visit on Memorial Day as we do with the American Legion, the VFW Honor Guard. In some places there are graves of men who fought in Mexico in 1848, in the Civil War under two flags in 1860, again in the Spanish-American War of 1898, and the famous exploits of Teddy Roosevelt. And certainly in the Fields of Flanders in France in World War I, and in 1943 places like Tarawa, Cassino, North Africa, and in 1951 places like Pork Chop Hill in Korea and, yes, more recently in the jungles of Vietnam. But those voices say something to us. They say something about the sacrifice that we made to keep this country free. They say something to us about what that flag means. And it is more than symbolism, it is something very real and it is certainly, to the members of that Supreme Court, not to be desecrated. And then I think too as probably an old school teacher about those generations yet unborn. If we cannot hand to them the future generations of America—and God help us, I hope they can grow up and live in peace and not have to go to war, that is a sincere hope—but unless we can hand to them the legacy of what that flag means and what people have to give up to make it hang right in this Chamber today, then we do not have a gift to give to the future generations, those generations yet unborn. What pride do we have to pass on if we let that symbol, if we let that flag be desecrated?

I yield to the gentleman from Missouri.

Mr. BUECHNER. I thank the gentleman for yielding.

Mr. Speaker, I certainly would like to join in the gentleman's remarks. He really did touch a note inside my heart when he said something about the people who had gone before us. What we are doing here tonight basically is a vigil. I was wondering would it not be a better place to have this vigil at the Tomb of the Unknown Soldier and where the only gravestone that that soldier has is a flame and a flag, and also think that the Supreme Court has taken away the gravestone of that soldier. If he were buried anywhere in the United States and had a simple tombstone with his name etched on it, with a cross or a Star of David or no denomination, that if the same man that had burned the flag and had spit upon it, had turned over that tombstone, he could be placed in prison. And yet for that unknown soldier, regardless of the war, he does not receive the same amount of care and concern, the same amount of respect as though a person had died with their name etched.

I think that is a bitter irony. If we were to walk down there to that tomb, on the way we might pass some of the other memorials. I have to say that I thought about the wall of Vietnam, the veterans' names etched there, those who died, those that are missing.

A few weeks ago, I went down again and saw the names of some of my friends, including the best friend, probably, that I ever had, male friend, somebody that in college I worked with and we told stories about each other and lied a little bit, drank a little bit, laughed a little bit. And when Buck went to Vietnam I knew that Buck would not come back.

Buck was a little bit different. He reminded me of George Patton when he talked about being reincarnated. He was a warrior. He went to West Point as the oldest student there after having completed 3 years of college. He then decided to go to West Point.

He graduated, I might add, with the most demerits that anyone had had since George Custer. He had been an all-American in high school, football player, an all-American high school track and field, shotput and discus. He was courted by universities throughout this country. He played college football at Kansas University. He did not like the coach, he dropped out and went into the paratroopers. He came out, went into the reserves. He came up to a small college in Atchison, KS, played a little ball with me, worked at a flour mill with me, and a little bit later then one day he said, "You know I am going to take the Reserve test for West Point."

□ 0200

So, Richard S. Thompson, blond, cocky, went to West Point, and then he went to Vietnam. But before he left, he told me that the most important thing for a man to do was to take care of his family and take care of his country. He received the Distinguished Service Cross. He went back three times to bring in his company commander, then his first sergeant, and an enlisted man. On the third trip he was killed by friendly fire.

When I walk to the wall and I put my finger in his initials, I always look down below that, and I see the little American flags that mothers and daughters and sons, brothers and sisters, and wives have left there. Sometimes they leave pictures, teddy bears, baby shoes, but most often they leave flags. To them, those flags are a communication, they are a contact, they are an extension, a way of reaching out of the soul of their loved one who died for this country. I wonder if those people, after leaving that flag there would see someone come by and spit on that flag, or break the little thin stem or burn it, what would they think? If that person was protected by the law for doing it, I cannot help but believe that those people, those gentle, kind, those caring people that had lost someone they loved, I cannot help but believe that they would feel this country had done something very, very, very wrong. They had already given up the life of their loved one, and now the respect that they wanted to share in the death of that loved one would be defiled, would be defamed, would be denigrated.

The flag is not just a symbol, it is not just red, white and blue. It is not something to bring on in a political campaign. It is not something for people who stayed home and did not go to war in whatever generation, can wave and forget about the sacrifice that others have given so that that flag could be waved. The flag is part of the people. It is as much of this Nation as the Constitution, of the words of Abraham Lincoln and Benjamin Franklin or George Washington or John F. Kennedy or of any Member that served in this body, that flag is as much a part of this Nation's soul as the wagon wheels that went across this great Nation on the Conestogas, as a part of the tears that were shed when children died of starvation as we settled this great Nation.

I would hope that what we do here tonight is something that we can share with our children and with our friends as we say to this Nation, to this great Nation that loves its flag, that we want to do something to change what the Supreme Court did. We want to make a difference. We want to answer not just the complaints, but the outrage of Americans.

I want to thank the gentleman from Illinois for taking this time, and also the gentleman from California [Mr. HUNTER] for organizing this. I know that for my friend, wherever he is, probably Valhalla, as he looks down, I know he wishes that the Supreme Court had never rendered that decision. However, we have a chance as Members of this body to rectify it, a

unique situation. We have a chance to say the flag is important, not just in the word of a decision, but by changing the Constitution.

Now, maybe every Member of the Continental Congress would not agree. Of course, they did not agree on a lot of things, but I think that every one of them would say that freedom of speech as they interpreted it then would not have included the burning of the flag.

Mr. HASTERT. Mr. Speaker, I certainly thank the gentleman from Missouri, and think he brings out a good point.

One of the great things about that Constitution that we talk about and we have sworn to defend here, is that we can change it. When the time comes and it needs to be changed and the consensus is there for change, we have the ability to do it. Members talk about people, people criticize and say, "Well, you don't want to mess with the freedom of speech." We are not changing the freedom of speech. We are saying that there is a symbol that represents one symbol that represents this country, and through the process that that Constitution lays out, that we can change it, that we can make that decision here on a timely basis, and then we can move that decision out of this Chamber and out of this Congress to the States and very measured and without any limit on debate and have that decision be a people's decision. That is the great thing about this Constitution. That is the great thing about this flag. It is a symbol that we hold so dear.

I appreciate the comments of the gentleman from Missouri [Mr. BUECHNER]. I think they are very appropriate and very heartfelt. I appreciate him sharing those comments here tonight.

I would like to yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding, and I thank him and the gentleman from Missouri [Mr. BUECHNER] for their very articulate, very poignant statements. I think the gentleman hit the nail on the head, and I think the gentleman from Missouri [Mr. BUECHNER] touched on it very strongly also. Freedom of speech does not require destruction. Freedom of speech is an alternative to destruction. Our uniquely American alternative to destruction. There are thousands of ways and thousands of phrases and word that people can use to manifest almost any position that they have with regard to any subject. They do not have to destroy something.

Mr. HASTERT. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. BUECHNER. Is it not an amazing irony that in Tiananmen Square where the students that brought out their Goddess of Liberty, which was their symbol of democracy, that one of the first things that the Communists totalitarian government did was to destroy that symbol?

Mr. HASTERT. Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I think the gentleman has hit the nail on the head. In destroying the symbol, they crushed the motivation and the morale of those students, and they probably knew that they were doing that. I think in the same way when a person burns an American flag, and there are so many in this country who last saw their loved ones with that body covered by the flag, as the gentleman has stated, you crush them. That is precisely the reason why we should have this constitutional amendment.

Mr. HASTERT. The memory of the gentleman from Missouri strikes a like memory that I have. My very dear friend, somebody who I played ball with all the way through college, through two colleges, as a matter of fact, was a young man from Hopkins, MI, a fellow named Jim Palmlee. When I went to school, everything was mandatory ROTC, and wore the Army green, except Jim decided to be a marine. As I remember, we lined up on graduation day, many of the students in our ROTC uniforms, but Jim in his white Marine dress uniform, standing side by side, and as the flag and the colors were presented in that small Midwestern college, stood at attention, and as everybody kind of drifted away after that ceremony, Jim saluted me.

□ 0210

We were all kind of jealous of that outstanding Marine in his whites. That is the last time I saw him. He went to Vietnam and never came back. His name is certainly on that wall we talk about. But the symbol of what he believed in and the symbol of his sacrifice was that flag. And I can think of his parents who probably are still living up on the farm there in Hopkins, MI, and I wonder what their reaction is when we allow people to desecrate that flag under the decision of the Supreme Court. That is the symbol of their son, their ultimate sacrifice; that is what this country believes in and stands for. I think that was very appropriate, and it certainly brought back memories to me of those thoughts and those people. All of us have those memories.

All of us have those memories.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Calfornia.

Mr. HUNTER. Mr. Speaker, just reflecting further on this idea that sometimes that flag so symbolizes the existence of a person who serves his country for his loved ones, sometimes that is all there is, and we have with us the gentleman from New York [Mr. SOLOMON] who has been involved in the past in the situations involving American remains being brought back to the United States as men missing in action have been located in Vietnam following the Vietnam conflict.

I just wondered about this, because I guess in some of those situations there is not much left. There may be just a few bones. Yet I would presume that when given a burial, those remnants of what was once an American fighting man are still covered with the American flag, and somehow that flag makes that departed one whole in the minds and in the hearts of the people who loved him.

Mr. HASTERT. Mr. Speaker, the flag is kind of the soul of this country. The soul and the spirit of this country is embodied in it.

Going back to the experience in west Chicago, in the VFW, that is not only the thing that covers the casket, but that is the symbol of the fighting man, whether he comes back in one piece of whether he or she does not come back in one piece, because that flag is what symbolizes what he stood for and what he fought for and what this country stands for. It is just something that we do not tear asunder, because it is sacred. It is as sacred as the soil we stand on.

Mr. BUECHNER. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Missouri.

Mr. BUECHNER. Mr. Speaker, I am listening to this and I am thinking about the people throughout this world who were in chains in World War II. What would they think today if that flag were defiled by us? When it first came into their village or their town, whether the flag was on the arm of an American serviceman or on the front of a jeep or painted on a tank or flying from an antenna or on the underside of an airplane when they first saw that, I wonder what they would think if they knew that the country that produced that flag would defile it. It probably would boggle their minds.

But I am sure that some of our Supreme Court judges would say that that is all right, this country is great, and it is good that you can do those sorts of things. But a perversion of freedom of the speech does not mean that it is good for this Nation, because freedom of speech is the ability to express one's self. They did not have that opportunity in the towns of Poland, in the towns of France, in the towns of Germany, in the towns of Belgium, or in places in Finland, Estonia, or Latvia. They did not have that opportunity. But Mr. Johnson, who is a celebrity now, had the opportunity to say whatever he wanted. He could have handed out pamphlets. He did

not really have to tear down part of our heritage to have freedom of speech.

I think that that is what rings throughout the dissenting opinion, that it is not as though an amendment would deny somebody the freedom of speech, because Mr. Johnson and any of his ilk could say whatever they would like. They may get punched in the nose, but they could say whatever they like, and the person who punches him would have to take his lumps under the law.

But there is something that is just intrinsically weird about saying we do not have to respect the flag, and that people can do whatever they want. Then what is the next step? Can we do it to a Crucifix or to the Star of David? I do not think so. I hope not. But if we read the logic that tries to find some threat of legal intelligence that says that the flag is just a piece of cloth, then I think maybe the whole world has gone crazy. In a small way, we have a chance to bring a little bit of normalcy back, something that on a day-to-day basis this House does not always do.

I am certainly glad that we are all here tonight talking about this.

Somebody who was talking to me before I came over here asked, "Who in the world knows what you are doing?" We do know that there is a camera that shoots these images out. About the only people out there may be "old Joe 6-pack" or "James 6-pack," people coming off the night shift, sitting down and saying, "What in the world could those people be doing? What could they be talking about? Let me turn up the volume."

That is the same people who have written you and have written me, the people that write the letters to the editor in newspapers throughout this country in the little towns, the once-a-month newspapers as well as the big city dailies. I do not care how many sick op-ed pieces the New York Times writes saying, "Isn't this a great country? You can do anything you want with the flag," I like the letters from the Margaret Whites, the Mary Egans, and the Joe Schwanns, the people who are saying, "You know, what we ought to burn is the Supreme Court Justices' robes, because they don't know what is going on in this country. They don't understand the Constitution."

I do not want to go over there and burn their robes, but I hope they know how mad Americans are about this.

Mr. HASTERT. Mr. Speaker, I can tell the gentleman that people are listening. As a matter of fact, I just got a note that we had a few telephone calls. I said that we heard from the VFW in Illinois, in west Chicago. We got about 10 phone calls, so I know that somebody is listening out there. But the gentleman does bring in a great point.

Mr. RIDGE. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Pennsylvania.

Mr. RIDGE. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, I want to recognize the effort of all my colleagues who are participating in this special order. I also again want to thank, on behalf of all of us engaging in the special orders, the staff of the House who are with us throughout this entire evening. We very much appreciate their indulgence and their thoughtful support of our effort.

Do we in Congress or do State legislators have the power or do we have the legislative authority to prohibit the desecration of the flag? I have concluded that we do and we should.

My purpose tonight is not to discuss the origin of that legislative authority or the particulars of the prohibition but, rather to share a few personal thoughts as to why we as a country should prohibit its desecration. I think we all have our own stories, and I intend to relate a few. I hope that those who succeed me in the well will share with the rest of us some personal anecdotes involving the flag.

We all have in our own minds certain qualities or values or traditions that are embodied in that flag to lead us to the conclusion that we do have the legislative authority, and we already exercise it. We know the circumstances involved in the Supreme Court's decision, and I think we have highlighted the distinction of the dissent, and obviously the dissent is more appealing to us.

But the flag and the burning of the flag was not from my point of view an expression of dissent, but it was a prop used during a series of events or protests during the Republican Convention in 1984. I do not think that any right thinking person—and there will be honest men and women who will disagree with this—who would limit the right of dissent. If we think about it, we are not going to limit that man or anybody of his ilk in his right mind to continue to dissent, to continue to challenge policy, or to continue to challenge individuals, but we do think we have the right to limit, restrict, or prohibit the use of the flag as a prop in that expression of dissent directed toward that policy or toward an individual.

□ 0220

It is our uniform symbol. It reflects a history, a unity, a diversity that is unique and important to us as Americans, and I think everyone has spoken to that tonight as well.

However, Mr. Speaker, I do not think we should forget that it is probably the most visible, the most uniformly recognized international symbol that is respected and regarded as reflective of what this country is all about. Our friends and, perhaps more importantly, our enemies understand what the flag means to us and what it represents. I think our friends and our enemies may neither recognize, nor understand, what the White House might symbolize or mean, or what the Washington Monument might mean, or the Lincoln Memorial, or the words of the Gettysburg Address, or the Constitution or all those other things that are part of our history, part of our destiny, part of our tradition. There may be some confusion out there in the rest of the world as to how they all relate to us, but I do not think there is any confusion about the flag.

Mr. Speaker, everybody knows that the flag is very special, and it means something to all of us, and I guess it is, when one thinks about it, it really means something to our enemies, and I think we lose sight of that. Everything that we stand for, our values, this very process, this ability to come to the floor of this deliberative body to express these very words, the access that we give the body politic to agree or disagree with us, everything that the flag stands for, many of those who do not share our system of government find it anathema and inimical to their system. They know what it means.

Mr. Speaker, they know what it means, and, although I am a veteran, I have to say to my colleagues that my first thoughts, and I listened to the eloquent words of our colleague and friend, the gentleman from Guam [Mr. BLAZ], my first thoughts when I heard of this decision was of the Iwo Jima Memorial, and I noted that in the dissent that some of the facts surrounding that incredible day were recited, and the gentleman from Guam [Mr. BLAZ] knows it better than I, there was incredible hand-to-hand combat between the Americans and the Japanese in ascending that mountain. Almost 6,000 Americans lost their lives during that ascent.

Mr. Speaker, we go from that incident, which is memorialized in hundreds and thousands of incidents throughout all the conflicts in wars in which America has been engaged since the War of Independence, and there are literally hundreds and thousands of personal stories that are not reported, are not memorialized, of soliders going back onto the battlefield to retrieve fallen comrades who were wounded, dying or already dead.

The more recent conflicts were again unrecognized except by the families, perhaps the survivors of those who died in conflicts in the air, those who went down with the ships at sea, and that is woven into that flag, into those

stars, and into those stripes, and into those memories, and into that tradition and into those values that the flag reflects.

Mr. Speaker, I do not think one needs to be a veteran to understand the freedoms that we enjoy, but, as the gentleman from Guam [Mr. BLAZ] alluded to, I think that, if one is a veteran, they may appreciate them just a little bit more.

We are not a militaristic country. We are a proud country. We are a proud country, and we derive our strength, and we have protected ourselves and our friends over the years, from basically volunteer armies. We maintain a standing army, varying in sizes throughout the history of this country, but, when push comes to shove and we get involved in a conflict, there are the professional soldiers that we have to rely upon for leadership and direction.

Mr. Speaker, this is embodied in the service of our colleagues, many of whom serve in this body, but we end up getting volunteers from big cities, and small towns and off from farms to come in and serve. I saw that experience myself during the 2 years I served in the Army. I am thinking of three specific individuals I met during that period of time. I can remember one in particular, a young man, not a terribly athletic fellow, very affable, light-hearted, from a New England community, and he was one of those fellows that, whenever everyone was marching, he would be the only one that was out of step. He was not consciously trying to play games with the sergeant. He just had a tough time marching in step, and whenever we had an inspection of the barracks, his hospital corners were not quite right, and he might get a demerit or two. He never could quite put it together. And I think he admitted more publicly than most that he was fearful of combat, he did not want to go, but he was called, he was an American, and he was going to serve.

Mr. Speaker, there was another fellow that served with me in Vietnam from another part of the country. He was from out West, tall, strapping, good looking, athletic. To him service was both duty and responsibility. There was a bit of the war in him, a bit of the adventurer in him. Whatever motivated him, he was a good soldier, and serve he did.

And there was another young man I ran through a noncommissioned officer school when I was doing some on-the-job training after I completed the school before I went to Vietnam who was our top cadet in that particular training class. He was from a southern family with a proud military tradition. This man was the soldier's soldier, expert in every possible weapon, never a hair out of place, perfectly starched uniform, spit-shined boots, but he just was not all appearance. In his heart and soul he was a soldier. He was where he wanted to be, and he was prepared to serve, willing to serve, accepted it as a responsibility of citizenship, and away he went.

Those three different men, different physiques physically which meant they have different abilities physically, different ethnic backgrounds, from different parts of the country, looking at military service from slightly different eyes; I think this reflects the diversity of the men and women we call and have called upon to represent us in every conflict, in every war, every time we have been challenged by those who find our system of government a challenge to them by those who have sought to inhibit or control our friends, to dominate our friends, those who share values, and share heritage and share those freedoms, and these three men, like the million-plus that have served and died since the Revolutionary War, their lives are somewhere in that tapestry along with the million other lives that have been lost defending this country and protecting friends who share values. They are in that tapestry somewhere. I cannot point to where they are.

However, Mr. Speaker, something about that flag says something about these people, and their sacrifices and their heritage as well as the million men and women who have served and died with them, and it says something in that flag about those who come back from battle bearing permanent psychological scars or physical scars, without a limb or two, or mutilated limbs, hearing impaired, sight impaired. That is in there somewhere. One cannot point it out, but to them and to those of us who truly believe that the flag is much more than a symbol there is comfort to know that that sacrifice is reflected in that flag.

□ 0230

One other story I would share, because I think we emphasize the role of our veterans in our country in the preservation of its freedoms, and we can never ever forget that and we do not during the course of the year. On Memorial Day we think about them, July 4 we think about them, Flag Day we think about them, Veterans' Day we think about them, and every day you look at the flag you should think about the veterans; but it is also woven in that fabric, we have to think about the living as well and about the freedoms and opportunities that the living enjoy in this country because of the veterans and because of the values that flag embodies.

A couple years ago I went to visit a Vietnamese refugee camp in Hong Kong. About an hour outside the harbor on another small island, there are many of them outside of Hong Kong, they had a couple refugee camps where Vietnamese boat people had finally found a place to dock most of them their rickety old boats which they managed to sail with incredible skill and very limited equipment from the South China Sea to Hong Kong. We ran into an old fisherman who had come in the day before. He was not unlike the fishermen that many of us had seen that had worked along the South China Sea during our tour in Vietnam. His face was parched by the salt and the sun. He had hopeful, but rather uncertain eyes. What teeth he had remaining were heavily stained. His hands were kind of knarled, probably a little bit arthritic. He had brought most of his family with him and many, many friends.

He had taken everything he had, which most Americans probably would not find had enough value to donate or to pass on to somebody else, but he had taken everything he had, all his worldly possessions, the most important of which were his family, into a rickety old boat and gone out into the South China Sea. I am not talking about sophisticated navigational equipment, he flew by the stars and the seat of his pants and a hope and a prayer and he managed to get to this island. They gave him a couple options. They said, "We can refurbish you. We can give you some food. We can give you some water, or you can stay here, but if you stay here the chances of you getting anywhere beyond this island are very, very remote, very limited, minuscule." I would say his chances are not real good. He may end up spending the rest of his life on that island, unless we do something here, and I think we should, but he may very well end up on that island because he wanted to get away from Vietnam.

So I asked an interpreter to go over to him and inquire, "Why did you leave everything that you had, take with you most of your family, get in that rickety old boat and make that trip?"

He reached into his pocket and he pulled out an old discolored piece of plastic. He removed from it a tattered letter that he had received years ago from a son who had made his way somehow from Vietnam to the United States. His son had written him and said basically, "Father, you will never understand the freedoms that Americans enjoy or the opportunities that people have. You will never quite be able to understand it, but let me tell you, it is worth risking your life and the lives of others who look for that freedom and the opportunity to try to get here."

We as American citizens, many of our forefathers were refugees, so that is woven into the fabric of that flag as well. You do not have to be a refugee

and you do not have to be a veteran to appreciate what the flag stands for.

I think as legislators we are powerless to consecrate the flag. We cannot do that. America has been doing it for 200 years and Americans do it every day.

Today we had in the Post Office and Civil Service Committee several witnesses from the Federal Government, and they are in that flag someplace as well. We have a doctor from the National Institutes of Health who has given up a very lucrative career in the private sector to spend a lifetime doing research for the National Institutes of Health, looking right now for a remedy and antidote to the scourge of AIDS.

There was a woman who was a Foreign Service officer, who has traveled all around the world. Her children have gone to 20 or 30 different schools in their 12 years, but she did it to serve her country, to serve you and me, and she did it proudly and I am sure in service of the values that the flag represents.

There was an air traffic controller who has been guiding planes through difficult hazardous weather, or even on a clear day when you are around O'Hare Airport and you have 3,000 of them coming in, even on a clear day it is a very difficult job, let alone a bad day.

There was a customs pilot, a man who goes about his job every day on behalf of the Federal Government, who had seen and had two or three of his friends killed during his lifetime of service to the rest of America during a lifetime of service, and most recently trying to interdict and diminish somewhat the scourge of drugs.

You go beyond those who are in public service, and they are in that flag, somewhere, too. You think about all the health care professionals we have.

Think about the nurses tonight in emergency rooms and doctors there, those on the third shift tending to those with wounds and broken limbs and horrible and painful diseases, you think about the medical professionals.

You think about the men and women who go to work every day trying to be as productive as they possibly can, maybe working a second job so their sons and daughters have a chance to go to college or go to graduate school. Maybe it is not something they had, an opportunity they had. They go to work every day and sometimes twice a day to create that opportunity for those sons and daughters. They are in that flag someplace.

And think about people leaving their churches or their synagogues. You cannot see them, but as you and I and many of our colleagues have said, that flag embodies the spirit and the soul of the country, and there is nothing more that reflects the spirit and the soul as the diversity and the opportunity of worship, and that is in that flag someplace.

When you think of the flag, sometimes you think of the Olympians and how proud it is for that one American to walk in every 4 years to represent this country in competition, athletic competition with the rest of the world.

But somehow it is equally as important to think of those kids who participate every year in the Special Olympics, because we as a country hope that we have designed a society that has enough empathy and enough opportunity so that every man and woman, every child, will have the opportunity to reach their full potential, whatever that potential might be. It might have some limits, but whether you are going to represent us in the Olympics every 4 years in international competition, or it is the neighborhood Special Olympics, we hope those children or those adults reach the fullest athletic potential that they have. They consecrate the flag every day as well.

So I congratulate the gentleman and thank him for letting me share part of this hour on this special order.

□ 0240

As I said before, it is not for us to consecrate the flag. As politicians, elected officials, we cannot do it. We are part of that a little bit. We are up there somewhere, too, because we are the most accessible form of government known to man, we continue to be. We are the model to the rest of the world. We are the beacon; but even the Statue of Liberty, as prominent as it is in our minds, I am sure if you ask people around the rest of the world, the flag will probably have greater recognition and probably greater symbolism to them than even the Statue of Liberty. Americans consecrate that flag every day. They consecrate it through their efforts. It involves and embodies our hopes, our aspirations, our successes, our failures, our strengths, our weaknesses, our unity, our diversity. It is all there. It is all there. That is why it is so important to Americans. That is why it is so important for us since we do not have the power to consecrate it, to exercise our legislative authority and make sure that it is not desecrated.

I thank the gentleman.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Pennsylvania for certainly a very apt and moving tribute.

When we talk about it, and certainly the flag is special to those people who served in uniform and certainly carried that flag into battle, but when we look at the youth of this country, the youth that looks for direction, looks for a symbol, searching for what they are about, what their country is about, what their direction is, we do them a disservice if we do not hold that flag up as something special, and if we allow people to desecrate that flag and what the flag stands for in the history of this country.

The gentleman really has touched on some great points, and I appreciate his participation this evening.

When the gentleman from Missouri was talking about what is a flag, it is more than a piece of cloth. And it reminded me, as one stands here in the well and we go through the great stories and remembrances people have, I remember going through a small family-owned business in my district that makes flags, a good enterprise, freedom, that started with a ma-and-pa operation, but to go into that and to see huge rolls of red cloth and white cloth and blue cloth come in, and little ladies sitting there cutting that cloth into strips or into fields and all of a sudden there is magic that happens in that factory, a pride that those people have, because when those strips get sewn together and when that field of blue and those stars get woven into that flag, it is something special, and it is treated special. It is not cloth anymore. It is a symbol of this country, and I had to take my hat off to those people in St. Charles, IL, who were making those flags day in and day out, hundreds of them a day, some of them were huge, I mean, bigger flags than I ever saw, and they must fly them in Texas or someplace, but bigger than I ever saw, 150 feet by 100 feet, huge flags. When that cloth came together and when that star field became part of that, that was something special. Those people treated that, and it was not a big huge hunk of cloth anymore. It was a symbol of this country. Those people treated it special, and they consecrated that flag as part of this Nation.

Mr. BUECHNER. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I am happy to yield to the gentleman from Missouri.

Mr. BUECHNER. Mr. Speaker, I just think that maybe the last note before we conclude is that if one of those great big flags was burned, it would probably be enough to pollute the air, and this Government would allow, and that Supreme Court would permit, the arresting of those people.

It is a little strange that we would care more about the air than we do about our heritage.

Mr. HASTERT. That is why we are here. We are here, and maybe one of the problems with the Supreme Court is they do not go home every weekend. Maybe they live inside this Beltway, and how we construe the laws and words and feelings and editorials, that all of a sudden we think make this place work, but when one goes home and deals with people and that great network that the gentleman talked

about and how people are woven into that tapestry and see what they believe in and what they work for and what their aspirations are and what they hope for their children and the things they hold reverent, that flag is there. I think maybe those Supreme Court Justices probably in their own minds and academia and studying the law for years and years, probably they thought they made a good decision, but they did not go home. They lost touch with what the people really stood for.

I think that is something that we need to keep in mind here, and really that is our purpose here. It is our purpose, and we are elected to stand up and uphold that Constitution, but our purpose is to reflect what people in this country believe in, to reflect what this country stands for, and certainly to make that constitutional change is timely and important, not just for the actions that happened in 1984 or at the Art Institute in Chicago, IL, when the flag was desecrated on the floor, but for the future for those people who are our children today and will be our adults and leaders, and certainly those generations that are yet unborn to the country.

I want to, first of all, before we yield our time here, thank the gentleman from California, and certainly this great staff and the Speaker who has been standing here and tolerating this and giving us this time. We appreciate your efforts.

Mr. BUECHNER. Will the gentleman yield?

Mr. HASTERT. I am happy to yield to the gentleman from Missouri.

Mr. BUECHNER. To quote George M. Cohan, "It's a grand Old Flag," gentleman.

ORDER OF BUSINESS

Mr. RIDGE. Mr. Speaker, I ask unanimous consent that my special order be taken out of order, and that I be allowed to proceed at this time.

The SPEAKER pro tempore (Mr. COSTELLO). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE TAPESTRY OF AMERICA WHICH WE CALL OUR FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. RIDGE] is recognized for 60 minutes.

Mr. RIDGE. Mr. Speaker, I think that with few exceptions each and every one of my colleagues will probably spend part of their Fourth of July participating or observing in at least one parade, and if not that, many, many more, and if it is like the parades we have attended in the past or certainly will attend in the future, merely observing those at the parade or along the parade route will give one certainly some indication and some barometer of what the men and women we represent feel or how they feel about the flag.

If Members have ever watched it, watched the flag going down a parade route, there will be some people who will stand, there will be some people who salute, there will be some people who put their hand over their heart, and many will do some combination. The point being that in that tapestry of America which we call our flag, different people look at it and within those stars and within those stripes, they see different things. It may have been an opportunity afforded an individual member of that family because they were here in America; it may be the memory of a loved one, a relative, who served in conflict or who just served in peacetime service. It may be a political event of some significance, but the point being that that flag, that piece of fabric, that some of the judges alluded to was just a symbol, means different things to different people, and the beauty of the flag is that it catches all of us in our own experiences within its tapestry, and when we look at it, although it is an expression of our unity, it is also an expression of our diversity, our oneness and our pluralism. It evokes, it elicits, all kinds of feelings from us.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman.

Let me just say that it is 3 o'clock in the morning, but some of the words I have heard have been absolutely profound including the gentleman's, and as he was reciting in his colloquy with the gentleman from Illinois, the reason why the Vietnamese went through all types of hardships and persevered to try to get to this country that we still do not understand completely, and how he was motivated, it occurred to me that this flag had a different meaning for a lot of people.

Somehow one can be an American and can be brand new in this country and be perhaps as good an American or a better American than people who have been here for hundreds of years.

□ 0250

I reflected on what Ronald Reagan said in one of the last speeches I heard him make as President of the United States. He said you can go to France, but you cannot become a Frenchman. You can go to Japan, but you cannot become a Japanese. You can go to Italy, but you cannot become an Italian. But you can go to America and you can become an American. Maybe that is why the flag is so important to us, because we are not people who are bound or trademarked by our ancestry, by the fact that we have been attached to the land for thousands of years, because none of us have, except native Americans.

There is a certain inner property that is given to Americans upon simply entering this country and being involved in defending our freedoms and exercising our best abilities in this free marketplace, and it is almost something that is undefinable.

But as the gentleman was talking about that, I was reflecting that I just read a news article the other day that said that of the seven valedictorians in the high schools in the Boston area, 13 of them were foreign born, and it mentioned that most of them had come to this country only a few years ago. Some of them did not even speak the language a few years ago, and one of them was deaf. When the school administrators were asked how these kids could achieve so much when they apparently started with such a disadvantage, their only answer was that somehow they had a motivation that had been given to them by their parents, and that was extraordinary, and much more than that, that was given to the children of the general communities, these new Americans, these new immigrants and the children of the immigrants.

There is indeed a specialness about being in this country that seems to be more achieved by people who have just arrived, because they see the contrast between that which they see now in this flag and all of the freedoms and opportunities embodied in this flag, and that which they left behind, whether it is Vietnam or North Korea or some other place where a totalitarian system is in charge.

So we do not have pedigrees in this country, and we do not have thousand-year attachments with our farms and our land as such, as they have in other places. Maybe that is why the flag is so important, because it is the last thing that we see in many cases covering the bodies of our loved ones. It is something that people from a dozen different lands follow into battle, and many of our battles have been fought by immigrants, by people who are brand new. If we look at every war from the Revolutionary War onward, and look at World War I, it was fought by all of the people that came in and were part of the Teddy Roosevelt melting pot, who ended up bearing arms in Europe to protect the rights and achieve freedom for our brethren in Europe, and for the other Western democracies, people who had been brought together by this unique, compelling magnet called America.

So the flag is a piece of uniquely American property. It is not just a symbol, and for some people it is all they have.

My father was here when the Iwo Jima Memorial was put up, and he was a marine. Once a marine always a marine, as many Members here who were marines will tell us, including General BLAZ.

Mr. RIDGE. And General BLAZ will not only remind you, but he will remind you again and again and again.

Mr. HUNTER. The gentleman is correct. And one of my father's proudest possessions was that he had Ira Hayes' autograph. Ira Hayes was a Pima Indian who helped raise the flag at Mount Suribachi, and he was here when they dedicated the Iwo Jima Memorial and that flag, and that is one reason why I was a Vietnam veteran, and perhaps the gentleman from Pennsylvania, he and I have talked about this and worked to some degree, wanted to see an uplifting symbol at the Vietnam Memorial for Vietnam veterans. I think the gentleman in the well was very much an advocate of putting that flag up. Somehow he wanted to have something other than two dark walls with a lot of names on them, walls that incidentally seem to be lower than ground level, somewhat dismal I thought. But the one thing we thought that would be uplifting would be to have an American flag. And one thing that really bothered me was when he tried to get that flag right in the middle of that memorial, because I wanted it to be right there in the center of the memorial where it would be flying almost over the name, one member of the Fine Arts Commission in rejecting that said that the American flag is a long, stringy obstacle that is incompatible with the shape and the symmetry of this memorial, and so they approved it a little bit outside. But still that flag flies very close to that Vietnam Veterans' Memorial. I like to think that that is one uplifting aspect of that memorial that makes it worthwhile.

Mr. RIDGE. I certainly appreciate the gentleman's comments, and also his energy and enthusiasm today in arranging this series of special orders this evening in support of our minority leader, BOB MICHEL, and the President, in elevating this issue, and it will become a debate on a level that I think it certainly deserves. With many pressing problems, it seems that in this body we are finally going to get around to addressing some of them. But clearly on that agenda, at the top of the list, of which there can at least be none more significant or of greater importance than this one, I thank the gentleman for his interest, and particularly his leadership in arranging this evening.

Mr. HUNTER. Let me just say frankly that it has been very worthwhile just to be here for this Member, just to listen to gentlemen like my friend, the gentleman from Pennsylvania [Mr. RIDGE] and others who made some very profound statements. I was very, very impressed with many of the Members tonight. I think this has been an important meeting.

Mr. RIDGE. It has been easy to stay.

I yield to my friend and colleague, the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank my good friend from Pennsylvania, a fellow member of the Committee on Banking, Finance and Urban Affairs, and of the Subcommittee on Housing.

Mr. RIDGE. We are not going to talk about supervisory goodwill tonight.

Mr. DREIER of California. Within a very few hours we are going to begin a markup on a bill and have hearings in the Housing Subcommittee. I am also pleased to see my other colleagues from the Committe on Banking, Finance and Urban Affairs, a new Member, the gentleman from New York [Mr. PAXON].

I was just informed probably 2 hours ago by our very able, crack staff member, Mr. Ron Phillips, who is here, of something that I just personally witnessed. As I was walking through here, I heard my friend from Pennsylvania talking about the important symbolism of July 4 and the fact that Members will be participating in so many events on that Independence Day. He talked about the important signification that the American flag would have next to the Vietnam Memorial.

I found that our mere presence here, Mr. Speaker, being led by the gentleman from California [Mr. HUNTER], and others, is creating another important signal which I doubt any of my colleagues are aware of. I just this moment went outside and witnessed this. In fact, we have a very cool evening outside here in the District of Columbia, and I recommend that when we have a little break my colleagues go out and see this same thing.

Mr. Speaker, do my colleagues know that when a House of the Congress is in session that the stars and stripes stay flying above that House? If one were to walk out on the East Front of the Capitol, as I just did 5 minutes ago, they could look over to the other body, which we are now permitted by a change in the rules here to call the Senate, we can look at the Senate Chamber and the staff is there without the flag hanging above it. Yet when one looks back above this Chamber, by being here in session, talking about the American flag, we are creating that symbol which at this moment is flying well lit above this Chamber. I think that we have got just one other little demonstration here of what it is that we are doing and how it is represented very well.

Again I appreciate the eloquence of my friend from Pennsylvania and appreciate being able to participate during his hour and to carry out what I think is an important message to my colleagues.

Again, Mr. Speaker, I thank the gentleman for yielding.

Mr. PAXON. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I am very pleased to yield to my friend and neighbor, the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, it is, as my friend from California has just said, a great privilege to join in the gentleman from Pennsylvania's hour here on the floor.

□ 0300

It is certainly a pleasure to serve with you in this House. We are just a couple of miles from each other, Erie County, PA, and Erie County, NY.

There are few people that I have greater respect for in this Chamber. So it is great to be here.

You know, we were sitting in back waiting to come down, and someone said, "Gee, you know, is it really worth this staying up all night? So many Members coming down here?" You have to wonder sometimes if the message is getting through, but I believe it is, I think it is. For those who are back in their districts this weekend the message came through loud and clear. I think you would have to agree. The people in our communities understand better than all the legal scholars in Washington, all those learned men and women on the Supreme Court, I think the people in our districts understand what this issue is all about, why we are here tonight.

And it is important, I think you would agree, that we are here tonight because unfortunately there are some in this Chamber, as I heard my friend and colleague, Mr. HASTERT from Illinois say earlier, that do not get outside the beltway very often, do not get outside their districts, and they are not listening. For those who are listening, I hope the public will understand why we are here. We need them to send a message back here, a message loud and clear. I do not think this should be a close vote. I do not think the vote on a constitutional amendment, as it comes down the road and, hopefully, soon, should be a vote that is decided by a couple of Members. It should be an overwhelming vote. As a matter of fact, I am hoping every Member in this House will support our initiatives to move this constitutional amendment forward. But that is why we are here tonight, to encourage every single citizen in this country to take pen to paper, to pick up the phone, to stop down at the offices of their Representatives and to say to

them, "We want to know how you stand. We want you to go back and make this a top priority because that flag is central to this country."

My friends, I am just amazed at this Chamber. The first time I walked in here, it seems like a couple of days ago, for the first time, and I looked around, it is not an overwhelming Chamber in terms of grand beauty. It does not just overwhelm you. It sort of creeps up on you, the majesty of this room.

But the one thing that stands out in an otherwise very subdued room, no matter where you stand in the Chambers of the Congress of the United States, is that flag. No matter where you stand, it is the colors that stand out so vividly in this room. More people, I have brought so many people, my parents, my friends and relatives down here since taking office. And no matter where you stand the one thing that just jumps right out of the center of this Chamber is the flag of the United States.

There in only one thing above that flag, "In God We Trust," is the only thing more important in this room, that flag. And I just hope that all our constituents back home will take the time over the next few days—I know their Representatives are going to be home. If they do not get home often, they are going to be home on the Fourth of July marching in those parades behind all those flags. Tell that Congressman and Congresswoman how you feel. I think, my friends, we will get a strong, clear message and our colleagues in this Chamber will get a strong, clear message that as central as this flag is in this Chamber, it is to our constitutents, it should be to our fellow Members even if the Supreme Court does not think so. We will then get that amendment passed.

Mr. RIDGE. I appreciate the gentleman's comments, particularly the suggestion that in a participatory democracy not only do you have the opportunity to express your views, I think it is also the responsibility of citizenship that if you feel strongly about a particular issue, and hopefully there are strong feelings out there about this particular issue, that they are communicated in one form or another. It is that first amendment, that freedom of speech, we want it there for you to avail yourselves of it. But there are times when it not only presents an opportunity but also perhaps a responsibility.

I yield to my neighbor.

Mr. PAXON. Earlier our colleague, Mr. DREIER, mentioned that he did not have the privilege of serving in the military service. I did not either.

In 1972 I was a high school student. It was the end of the draft in this country. Like most students, the draft was over and our lives went on. Unfortunately or fortunately, however you look at it, for you, Mr. HUNTER, and many others, you took up the cause for this country. I hope that in some small way, some very small way tonight, those of us who did not have the chance to serve will listen to you, will listen to what many had to go through to fight for this country, as my parents did. My father served overseas in World War II. My mother served in the service during World War II. I hope we listen to what you have to say, to the type of feelings that you have felt about this flag and all it has stood for over the years to you as veterans; but that we can now in some small way return something, in some small measure, by standing up for that flag with you in this very noble effort.

I cannot help but remember the many times back in my community in western New York and across this country during those years of Vietnam when the flag was held in very low respect by a very, very few people in this country who abused, misused this flag. Thank God that is not occurring very widely today.

But I was so disheartened to see the day after the Supreme Court ruling a return to what we saw during those years when I was growing up watching television in Buffalo, the flag burnings, the desecration of the flag by a few during the war, the Vietnam war, and now it is happening again following the Supreme Court decision. Hopefully, we will see a good result in spite of the poor decision of the Supreme Court, my friend. And that result will be, when this is all over, a greater respect for this flag because this process either here in these Chambers today or across the country will cause people to stop and reflect on the value of that flag, the symbolism of that flag, on the values of this Nation that the gentlemen fought for, that many in this room have fought for over the years in many different wars and conflicts and that will, as a result of this awful Supreme Court decision, we will all have a better appreciation of the flag and what it means to this country.

Mr. RIDGE. I thank the gentleman for his contribution.

The gentleman reminds me that during that particular period of our history, in addition to burning the flag which was, unfortunately, a frequent expression of protest, and as I think my colleague from California pointed out, there are ways and devices that you can protest that can be as meaningful and potentially as productive but it does not include spitting upon, burning or ripping the flag asunder, that very flag which gives you that opportunity and protects your freedom to dissent.

But there was another symbol that disturbed me during that particular period of time and perhaps even more so thereafter, particularly when we listened to the debate from time to time on the floor here, that it was the peace symbol. I do not know of a man or woman in this Chamber or in America who would not wish and hope and pray for peace for all mankind. But the uniqueness of this country and the sacrifice of the veterans who have fought to preserve the peace is that there is an element that politicians often miss, and that is peace without freedom is not part of our heritage and not part of our values, not part of our tradition. It is something that we cannot accept for ourselves and for others who try to promote internal democratic reform.

So it is not just peace that we are about and as represented by that flag, but certainly that flag represents peace with freedoms, freedoms and opportunities.

I have to say that during a trip that I made a couple of years ago to Vietnam, the influence of America was still very profound and observable. When you traveled, and admittedly there were some other Western influences in the southern part of Vietnam as well, but when you traveled in North Vietnam there was still a sense that I got from my brief travels there and that there was a melancholy, there was a despair, there was not much hope. It was an economic and social and educational and political condition that had been endured for decades, if not centuries, and people were basically inclined to continue to endure it.

But in Saigon, there was still some life, still some hope, there was still, albeit private discussion, there was still the discussion among those in some of the shops, some of the people were able to meet with, among those Vietnamese with whom Americans had come into contact, there was still that hope that maybe there would be a better day for Vietnamese in Vietnam. And in the alternative maybe, somehow, some day they could get to this country to enjoy not only the peace they enjoy now—they are at peace by and large now if you exclude the excursion into Cambodia and some of the others—but a people by and large had peace, but peace certainly without freedom and without any prospects for freedom in the future.

□ 0310

When Members talk about the Chamber, it brings to mind my first, my most vivid recollection of the Chamber in 1981, actually before I was sworn in, when our Leader hosted a dinner in the Hall of Statues, and Members could look down the long corridor, and it truly is a majestic Chamber and an incredible sight. Members look down the corridor and look across the Speaker's chair and right behind the Speaker's chair is the

American Flag. My first recollection, my first memory as a potential Member of the House of Representatives is not so much the Chamber, but the Flag above the Speaker's chair. I will never forget that.

When Members think of this House, there are some traditions that I also think reflects the respect and the sensitivity that all Americans have to the Flag. It is traditional when the President walks down the aisle to give his State of the Union address, for Members of the Senate and Members of the House and members of the Supreme Court and everybody else, and everybody practically in this Chamber, to stand up; but for their own reasons, and based on their own reasons, and based on their own tradition or whatever it is, members of the media choose not to. That is regardless of whether the President is Republican or Democrat. It makes no difference. They remain seated during the entrance of the President of the United States.

It is heartening to note, and I think important to note that those same men and women who occupy that space above the Chamber when we recite the Pledge of Allegiance in the morning, stand up with the rest of the body and join the Members. So clearly, the Flag is more important than any single legislature, than any single President. It embraces and embodies all Members, and I think that is recognized by the fact that above Members in this Chamber, at least it seems to me on those occasions when I have been privileged to be on the floor when we have had that recitation in the morning, everybody, regardless of who they are or what their profession or what their interests or what they may do under other circumstances, stand up and represent and recite the Pledge of Allegiance.

I notice my friend from Guam was making some notes, and he has been intently and not endured, because I know he would not want me to use that to describe what he has done, but having sat here for a couple of hours with other Members, and very much a part of the group, and having made some notes, I wonder if he had any additional observations he cared to share with the Members that may have been elicited by comments of colleagues?

Mr. BLAZ. Mr. Speaker, I thank the gentleman for additional time here. I have observations about this subject. We just do not have enough time to accommodate me.

Mr. RIDGE. I might interrupt my colleague after listening to the eloquent and emotional remarks earlier this evening, I mentioned to the gentleman from California [Mr. HUNTER] that in your observation about the burden of having cared with regard to whether or not you gave the wrong order or a bad order in the heat of combat, he and I were absolutely convinced that none of your soldiers and the men whom the gentleman commanded ever thought that the gentleman did anything wrong, certainly not in the heat of battle, and we are pleased to be here on the floor tonight and give an opportunity as fellow veterans to share that with the gentleman.

I yield to the gentleman from Guam.

Mr. BLAZ. Mr. Speaker, as the gentleman was talking and others were talking about your own experiences, it occurred to me that the gentleman from New York [Mr. SOLOMON] who traditionally wears his flag when he goes out, every day, and even when we go overseas, so I checked up on that. The problem that I had was I stopped doing it when we went overseas because it got very expensive. I went down to the supply store in the House. They are a dollar, $2 each, and the minute a person goes about in a foreign country, people start pointing at it. Naturally being in love with my flag, I want to share it, share that love with other people, and my wife reminded me that this was getting to be a very expensive proposition. However, it was one of those things that a person could not possibly, the sentiment could not possibly convey to others who do not experience it. A person just cannot convey that feeling that a person goes through, and others were mentioning that we hoped that people back home may see what we are doing.

The truth of the matter is, it really should not make any difference if they see this. There is a purpose for me, a purpose for you, a purpose for all us being here, and just being here ought to be good enough, just to be here in this effort to try to call attention to this. In my case, I guess I feel that way because it is already tomorrow. I should mention that when I go home at 7 o'clock in the evening, my Fax at home is percolating because it is already tomorrow. I am reading tomorrow's paper today. We are 1,600 miles closer to Moscow than we are to my own capital.

We raise the flag before anyone else does. When America was feeling bad because of December 7 being Pearl Harbor Day, we were feeling bad because it was on the Feast of the Immaculate Conception of December 8 in Guam, so our own recollection of Pearl Harbor is different from everybody else's.

When I talk about the flag, we are a step ahead simply because there is no other community in America, no other community in America that has been subjected to the kind of tribulations that we have defending the flag. My community where we are, way out in the Pacific Ocean, has been occupied by Spain, has been occupied by the Japanese, has been occupied, of course, now by America, and we speak all the languages. That is why I have such a very unusual name. I look like Norman Edwards' brother, but I speak like the gentleman from Texas [Mr. BUSTAMANTE], but I am from Guam. I am in the Hispanic Rights Caucus, Human Rights Caucus. I am so thrilled because no one challenges my being an American, despite looking the way I do. So I have strong sentiments about this subject. They are corny to a lot of people, but it is good corn. It is good corn because I know that I feel sorry for those who have never felt how I have felt for this country. I feel sorry for those who have never loved as I love this country, and that flag that is a symbol of our country.

So asking me to say a few words is unfair, because a few is a few thousand words on the subject. I go back to my earlier statement about what we did during the war. It never occurred to anyone making a little American flag in a concentration camp and being caught, that it was not worth doing it because the penalty was death. It was worth doing it because it kept you alive knowing that that is the flag. It kept you alive.

So to those who say it does not have any meaning, I can pity them if it does not have meaning to them. The gentleman mentioned earlier about my being in the Marines, or words to that effect, kind of hinting like a needle.

Dick Cheney said the other day in a meeting, he said he discovered in the first few days that he was in the Department of Defense, that no one ever leaves the Marine Corps. The reason I am bringing that up is because maybe those Members who are in the Marines are just a little bit gung-ho for the flag, at least demonstrably so. Why do we do that? I think it has to do with the way that we were trained and the way that the flag at Iwo Jima has imbued so much in Members, an enormous amount of sense of purpose, sense of urgency, sense of loyalty.

□ 0320

Mr. Speaker, I was in Iwo Jima. I, despite what I look like today, I was too young to be in Iwo Jima, but the men who went to Iwo Jima were launched from my territory after we were captured, and we were launched from there. So, as soon as I became an officer, I saw an opportunity to go to Iwo Jima, and I went up to Mount Suribachi, it is many years later, but I could still almost smell the stench of gun powder, and I walked the sands of Iwo Jima.

However, Mr. Speaker, what impressed me the most at Mount Suribachi was that flag. It was still flying even then years later when we reverted to Japan. The Japanese and the Americans got together, and they made a metal replica of our flag, and

Admiral Nimitz's words are still there to this day, and the words are, among those Americans who fought on Iwo Jima, that uncommon valor was a common virtue, uncommon valor.

Mr. Speaker, what spurred these men to such uncommon valor? What spurred these men to make uncommon valor such a common virtue? It was the flag that they were carrying with them. It was the flag of their country.

So, as I mentioned earlier, it is possible that some do not share the sentiments that the gentleman from Pennsylvania [Mr. RITTER] and I share. He has been very modest tonight. I know his record. I know that he has been where a lot of people have never been. So, I noticed that, as he spoke tonight, I was listening, and indeed very attentively, but he has not mentioned too much about his combat record, and perhaps it is not necessary.

Mr. Speaker, I want to correct some impression, some misimpression, that was made by me. One does not need to be a soldier to be an American. One does not need to be a soldier to appreciate what we have. I was only saying that I do not expect others, however, being a soldier all my life, to have the same enthusiasm because I see the flag from a different perspective than most people have seen it.

A Senator from New Mexico, whom my colleagues may know, Harrison Smith, was an astronaut. He attended the beloved school up there by that little place in Massachusetts, and he was telling me that, before he went to the Moon, he was a geology professor and was an expert in lunar geology. And he said before he went to the Moon that he knew so much about the Moon surface that, when he got to the Moon, he had no difficulty placing names and what not because he had seen so many photographs.

However, Mr. Speaker, on his way back from the Moon he said that he finally realized that he could never again teach what he taught at Harvard with any degree of confidence akin to what he had before because of having seen the Moon, and, having been up there, he came to the realization that he may be able to teach the technical aspects of what he saw, but he could not convey the dimension of having been there in words.

Mr. Speaker, that is the problem that many of our people may have. They cannot appreciate perhaps, and I am talking even of our friends in the Supreme Court; it is possible that they look at it strictly from the black and white letters that are before them. It was a painful decision, but they did not convey in their decision any indication that it would have the impact that it had across this great country of ours.

So, Mr. Speaker, I would hope that those who may indeed be listening to us may be stirred into some kind of action because, as was pointed out earlier, there are very few things that lure this aging warrior out of his lair in Longworth, very few things. I like it there. I listen to my staff, I work with my constituents, almost on a 24-hour basis, and since I still do not have the right ticket to come and vote here, I come here ever so infrequently. However, when I do, I try to make a point, and, boy, this point today is that I want to urge for the sake of our country, for the sake of our children and for the sake of us, those of us from non-States on the periphery of the Republic, that we are never embraced because we were never part of the Union, but we are still here.

Mr. Speaker, the irony of this whole thing that we are talking about tonight is that my territory processed a quarter of a million Vietnamese through the territory of Guam, welcomed them to America, and every one of them that came to America now at this point enjoys more privileges of this great Nation than those of us who greeted them to America in the first place.

In addition, Mr. Speaker, we love the country as much, if not more, if not more.

Someone mentioned earlier also the international symbol that this flag has. When I was going to Vietnam, my 6-year-old son named Tom, good name, Irish name, he gave me a flag that was made out of a piece of cloth, and it was done in school, and he had volunteered to make this flag, and, as I was leaving, boarding the train that was to take me to where I was going, he said, Tom, "Dad, I got a present for you." He said, "I want you to wear this flag so the enemy will know you're an American."

Mr. Speaker, that was 20 years ago, and I have been trying to figure out just what this young boy of mine really meant. The ambiguity could have not been calculated because he was not old enough to design something like that. But I think he was so sure that, if I were wearing an American flag, it would have such an impact on those who do not, they they will have second thoughts about doing anything.

Mr. Speaker, he was so sure that, when I came back he said, "Do you still have the flag?"

Not only do I still have the flag; the flag is in my office, one of my prize possessions.

Finally, and this is a personal story, but, by golly, this feeling that I have is so personal. One of the great joys that anyone has in life is to return to a scene of battle where he had fought. I have done that many times, but to show my colleagues the great American democracy that we have, when my concentration camp was liberated in 1944, I looked at the Marines. I said in my broken English, "What outfit, Mister?"

Two Marines said, "Ninth Marines."

Now that is the Marines meant regiment, Ninth Marines. It did not mean much to me. In the course of time, in the natural order of things a la democracy Amercian style I was able to be a marine. I was to be a colonel and, unbelievably when I reported overseas as a colonel, the general said to me, "You will proceed to the next camp. You are now the commander of the Ninth Marines."

Mr. Speaker, I say that for those people who do not have an American story to tell. I cannot imagine any other country that would permit its citizens, particularly from the way that I started in law, to enter into the Corps, to rise, and in the natural order of things command the very regiment that liberated him.

But guess what? That was not the most beautiful part of the story.

□ 0330

The most beautiful part of the story was when I was being relieved. The officers on their own had a little ceremony. I was watching it, 5,000 men in my regiment before me, and all of a sudden they were changing flags and then a general officer came to me, senior to me, and he said, "This flag of the regiment, flown in combat in Vietnam, is presented to you by the officers and the men of this regiment."

I looked at the general, knowing that he was the commander of the regiment when that flag was flown. I was his successor. I knew in my heart that he would have loved that flag, but he was giving it to me.

So you see, I am not a good witness. I am an outstanding witness for the United States. I am defense exhibit A for America. I have been to where no one has been. I have stood in line for citizenship. I have studied English. I may even be close to mastering English, but I have not changed my love, my love for the flag, and for my friends who may be listening to me and may not feel as I do, I feel sorry for you, because you do not know how to love. You do not know how to love.

I appreciate the gentleman from Pennsylvania giving me time. For those who do not know the gentleman from Pennsylvania, there stands an American soldier. I am proud of him.

I am even proud of you, DUNCAN.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield, I am just another private in General BLAZ' army.

Mr. RIDGE. That is exactly right, and the Congressman from California and I will follow the general anywhere, absolutely.

I thank the gentleman again for sharing part of himself with us. I guess it is those kinds of experiences that the gentleman shared with us

and that are now shared with many other people in this country that are woven into the tapestry of that flag that elicits such warm inspiring response and thought from you about the flag.

It is special, and we as a country are fortunate to have a symbol, in a sense. You cannot get away from using the word, but it is so much more than that. Not only are we fortunate to have one, but I think we are entitled to have something that we revere, that we truly hold sacrosanct, that reflects all of us.

Like any other monument, like any other memorial, any other thing that we could point to in our long and proud tradition that truly represents all of us, as I said, there has probably been no more moving and personal tribute to the flag, to our country, to its freedoms and, most importantly, to its opportunities, than the witness of General BLAZ. He is a star witness. He is exhibit A and we are proud to be associated with such a good man, I say to the gentleman from Guam [Mr. BLAZ].

Mr. DREIER of California. Mr. Speaker, will the gentleman yield to me?

Mr. RIDGE. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding to me.

I want to join in paying tribute to our distinguished colleague from Guam and, of course, once again to my good friend, the gentleman from Pennsylvania. I do not want to repeat the same speech which I have over and over again, but I continue to be in awe of all of you.

I stand here once again, Mr. Speaker, as the nonveteran here who still loves the flag and loves the United States of America.

Now, I know I went up in the eyes of our friend, the gentleman from Guam [Mr. BLAZ] when he heard that my father had been a drill instructor in the Marine Corps and forced me through those very, very trying Marine pushups where I had to clap my hands for 18 years; but I do want to say that as someone who did not fight for the country, I turned 18 as the Vietnam war was winding down, coming to an end, so I did not go into the military. I have to say once again as a nonveteran here, thank you to those of you who did make the sacrifice for me to stand here as a Member of Congress and to those all the way back to the Revolutionary War.

As I stand here looking at my friend, the gentleman from Pennsylvania, directly over his left shoulder I look at the portrait of the one person who is not an American who has his picture hanging in the U.S. Capitol, and that is General Lafayette, who made the initial sacrifice with financial resources for the struggle for freedom in this country.

As my friend knows, I had visited many of the same trouble spots around the world as he has. As he knows, I have had the opportunity to go to Vietnam, it was just 3 years ago, dealing with our POW-MIA crisis, which continues to be one that is very near and dear to the hearts of all of us in this Congress.

I just want to say once again, Mr. Speaker, as the guy who is the nonveteran here, thank you, that there are a great many of us who even if we did not sacrifice militarily for our country, we do believe very strongly in the Stars and Stripes which we proudly look at and now almost daily pledge when the Congress is in session.

I should also say again to my friend that I just walked over to my office and that great symbol which we by our mere presence here are keeping on top of the Capitol is still there because we are are in session. The Stars and Stripes are waving above the most powerful deliberative body ever known to man.

Mr. RIDGE. Mr. Speaker, I appreciate the gentleman's contribution, and I reiterate what I mentioned before. We are often referred to as a powerful deliberative body, and it remains to be seen, history will judge whether we have exercised that power in a prudent, just, and proper manner, but we are virtually powerless to consecrate the flag because America has been doing it for 200 years and Americans do it every day; but we do have, hopefully, the authority to make sure that you cannot desecrate it. That is obviously one of the reasons we are out here tonight.

We appreciate the contribution of the gentleman from California [Mr. DREIER].

The gentleman did bring up one other matter that I would like to refer to very briefly. The gentleman mentioned the POW-MIA issue. It has been mentioned a couple times this evening, particularly with reference to Vietnam. We know we still have 2,200 men missing from that war. We would be remiss in the course of discussing and memorializing the sacrifices of those who have gone before us, the 8,100 men who are still missing from Korea, and I am told there are over 50,000 still unaccounted for from World War II. Somewhere and somehow when their families, close relatives and distant relatives and friends and perhaps would-be friends take a look at that flag, they seen in that flag perhaps the faces of those men, if not the face perhaps it reminds them of their sacrifice and their pain, but it means something very, very special to them, something not to be spat upon, ripped apart or burned.

□ 0340

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I just wanted to tell the gentleman that as he was speaking and having the dialog with the very articulate gentleman from Guam [Mr. BLAZ], the phones in the cloakroom have been lighting up. We have some people who think that what the gentleman has been saying is very, very important, and some offers to wake up America and make sure that they hear it at 3:40 a.m. eastern daylight time of all the benefits of the gentleman's words, so I wanted to thank the gentleman for what he said, and apparently he is having a great impact on this country.

Mr. RIDGE. I appreciate the gentleman's comments.

Mr. PAXON. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I am happy to yield to the gentleman from New York [Mr. PAXON], my friend and neighbor.

Mr. PAXON. I just could not help as I was sitting over here as the gentleman was speaking. I want to commend the gentleman for his eloquence today, and certainly the gentleman is lending a tremendous honor to the flag he so well has served both in the military and in this Congress.

As I was sitting over here listening to the gentleman's words, I had a sense of deja vu. It was not too long ago that I served in the New York State Legislature, the New York State Assembly. In the 6 years that I served in that house, we carried on a fight much similar to this, and I had forgotten about it and was reminded about it, just hearing someone mention the pledge. I served in a State assembly where it was not allowed to start our sessions every day as we do here with the Pledge of Allegiance. The leadership of the New York State Assembly refused to allow the Pledge of Allegiance to be said, and it took a band of us similar to the group here today to stand up and to say that we are not going to tolerate this body starting its session and not taking just a moment to honor the pledge and all that it stands for, and just that sense of deja vu just overwhelmed me, because it was a tough fight. It took us 5 or 6 years to get that State assembly finally to pass a resolution to institute the Pledge of Allegiance at the beginning of our sessions.

My friend, I cannot help but recount this story, because I used to go around and talk to grade school classes and try to encourage support for our effort to get the assembly to move. Young children in elementary schools, their eyes wide, said, "We just don't understand that. We start our classes every day with the pledge. Why can't the

New York State Legislature do the same?"

We finally prevailed upon them. The reason there is a sense of deja vu is I see a headline in the paper that says our Speaker raises questions about whether we should pass the constitutional amendment on the flag, and I just hope that we can have not a 6-year struggle or a 5-year struggle or a 5-month struggle to have this House act as we had to, unfortunately, in the State legislature, to build up public support over many years and make it a very controversial and unfortunately partisan issue. We cannot afford to do that here. I think that would do a disservice to this flag. We want people on both sides of the aisle, Republicans, Democrats, liberals, conservatives, people from all parts of this country joined together to ensure that this constitutional amendment is passed swiftly, that the decision of the Supreme Court is an unpleasant memory very quickly. If we do that, we will not have to go back to our constituents and tell them that we failed, and that with their support and their guidance, we will succeed as we succeeded in New York. We can prevail.

If I may just add one other thought: This has not been an easy year to serve in the Congress. There have been many problems of this House, and as we go back and hold town meetings, I know we all get back to our district people who come to us and say, "What can we do about the Congress? How can we make them responsive?"

This is a rare opportunity for this Congress to show how responsive it is, to act quickly, to act swiftly, to act responsibly to deal with an unfortunate decision of the Supreme Court, and I think we can restore much credibility to this House by acting in that way and to uphold the feelings of the people of this country and our committee.

Mr. RIDGE. I thank the gentleman, and I congratulate him on his success in the New York State Legislature and look forward to his leadership to a similar success in this Chamber.

In conclusion, I remind my colleagues that in the Constitution that was sent to all of us and that many of us sent to our constituents that was provided by the Bicentennial Commission on the Congress of the United States, the introduction says that the Declaration of Independence offered the promise of this country, and the Constitution gave it its fulfillment. I would suggest to all of the Members that the flag of this country is an affirmation of those. It is a reminder of a proud past, of the individual and collective efforts of a great country and a great people, and also a confirmation that in the future the freedoms and opportunities that we have inherited because of the sacrifices of previous generations are our responsibility to pass on to those generations to succeed us.

I thank my colleagues for sharing this hour and spending most of their time on the floor this evening with me.

ORDER OF BUSINESS

Mr. FIELDS. Mr. Speaker, I ask unanimous consent to go out of order.

The SPEAKER pro tempore (Mr. COSTELLO). Is there objection to the request of the gentleman from Texas?

There was no objection.

EXPERIENCES WITH OUR FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. FIELDS] is recognized for 60 minutes.

Mr. FIELDS. Mr. Speaker, it is quite an honor to follow the gentleman from Pennsylvania [Mr. RIDGE] and his eloquent presentation tonight. It is now 3:45, and I would have to say that the remarks I have just heard not only from the gentleman from Pennsylvania [Mr. RIDGE] but my good friend, the gentleman from California [Mr. DREIER], and the gentleman from Guam [Mr. BLAZ], the gentleman from New York [Mr. PAXON], and the gentleman from California [Mr. HUNTER] certainly are titillating and invigorating at this late hour.

I have to say to my good friends, the gentleman from California [Mr. DREIER], and the gentleman from California [Mr. HUNTER], some people whom I entered Congress with in 1981, and in fact I guess I first met the gentleman from California [Mr. DREIER] and the gentleman from California [Mr. HUNTER] in December of 1980 when we were first elected, and we came up for a school, some instruction, and I have to say that I was quite impressed with them at that time, and that impression continues. I have to say that they literally have untiring energy for putting a special order together tonight.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I want to say that we are especially privileged, and I am speaking in behalf of my California colleague, the gentleman from California [Mr. HUNTER] and I to be a member of the same class which brought this great Texan, the gentleman from Texas [Mr. FIELDS] here, a real patriot, a guy who is here in the spirit of Sam Houston, and also a proud flag-waving American.

I think that it is important, since my colleague just mentioned the fact that we came in in that really famous class of 1980, we saw what was clearly the greatest class.

Mr. FIELDS. Reclaiming my time, I just wanted to point out to the gentleman that we came in 1980 filled with a spirit to change America, and in the last 8½ years, I think there have been quite a few changes. Tonight we are here to protect a very valuable American symbol.

Mr. DREIER of California. Absolutely.

Mr. FIELDS. We have that same spirit, the spirit of change.

I yield back to the gentleman from California.

Mr. DREIER of California. And I just wanted to say that the gentleman was absolutely right in underscoring the change which has taken place in the past 8½ years since we have been here, because we came in following the leadership of Ronald Reagan, that great President who talked about change at the time, and then during the last campaign in December, in November, of last year, who underscored the fact that when our opponents were saying that they were calling for change, President Reagan said, "We are the change," and so my friend is absolutely right that as we stand here tonight, it is to protect the tremendous accomplishments which we have attained over the past 8½ years, and I know that my friend is very well prepared to fill this hour with eloquence.

I am going to sit back and listen to his tremendous insight. I thank the gentleman for yielding.

Mr. FIELDS. I appreciate the gentleman's kind remarks.

As I was beginning to say just a moment ago, literally, my friends, the gentleman from California [Mr. HUNTER], the gentleman from California [Mr. DREIER], and others have untiring energy, and as I was coming over here from my apartment tonight, I felt tired, and I was thinking, "You know, this is something that is quite unusual. The last time I did this was with the gentleman from California [Mr. HUNTER] and the gentleman from California [Mr. DREIER] when we were talking about the voluntary prayer constitutional amendment, and we stayed up all night talking about that very important constitutional amendment." Then I began to feel very guilty, because I was thinking about the millions of Americans, people like the gentleman from Guam [Mr. BLAZ], who has served this country with such distinction and how could I feel tired taking a little bit of the early morning hours to come over and discuss something that is so very important.

Mr. Speaker, I am here tonight to talk about the constitutional amendment of the gentleman from Illinois [Mr. MICHEL] and some of the experiences I have had with our flag.

□ 0350

The amendment of the gentleman from Illinois [Mr. MICHEL], the leader of the Republican Party here in the House of Representatives is very simple. It is an amendment to the Constitution, and it says the Congress and the States shall have the power to prohibit the physical desecration of the flag of the United States. In fact, BOB MICHEL'S constitutional amendment is very similar to my constitutional amendment that I introduced last week.

I have to say as someone from Houston, TX, I was embarrassed that the person who brought the suit that literally went to the Supreme Court and resulted in the decision was from Houston, and I must point out to my colleagues that that person is not representative of people from Houston, TX, nor is that person representative of Texans, and I personally do not believe that that person is representative of all Americans.

I am quite disturbed at the Supreme Court's decision. But what is new? I have been disturbed at Federal judges for many, many years. In fact, this being my fifth Congress, I have introduced for the fifth time an amendment to the Constitution that would limit Federal judges to 10 years. When our forefathers created this great country and drafted our Constitution, I think they were inspired by divine wisdom. I think they created the greatest country and Government that has ever been created, and it was the intention of our forefathers to give people like myself, elected representatives, the opportunity to pass laws, and then we would have a separate branch of Government who would intellectually sit back and make sure that what I do as a Congressman and what Senators do, or even what the President of the United States does in the executive branch, that those actions comport with the Constitution, that they are in line with the Constitution, and that is why the people in the judiciary, our Federal judges, were given lifetime appointments, so that they could sit back and interpret what people like myself do. That system worked very well until about 40 years ago, and then instead of interpreters, we had a group of Federal legislators, people who did not have to be responsive and responsible to the American people, people who were not elected, who could basically sit back and render decisions that affected the lives of Americans.

That is I think why we have decisions rendered by our Federal court system like the flag case. I do not believe that this particular decision is representative of the American people. But it is important for the American people to understand that our only remedy with this particular decision is through the constitutional amendment process. It is a very difficult process, and it is the reason that the American people must rise up and support our efforts in the U.S. Congress, because we have to have a two-thirds vote here in the House of Representatives. There must be two-thirds vote in the U.S. Senate. And then, if we are fortunate and we are able to get a constitutional amendment through the House and the Senate, it must then go to the States, and three-fourths of those States must ratify it.

I am convinced that if we get BOB MICHEL'S proposed constitutional amendment to the floor of the House, we will get the two-thirds majority. I am convinced the same thing will happen in the Senate. I am convinced that three-quarters of the States will ratify this constitutional amendment.

But the real problem at this point is getting this constitutional amendment out of the Judiciary Committee and getting that brought to the floor of the House of Representatives. That is where the American people must play a role. They must target their efforts at the Judiciary Committee here in the House of Representatives, and do what is their right in our constitutional democracy: Make their views known, ask their representatives to be responsive, and then we have representative government.

Andrew Jackson said one person with courage makes a majority. Once we deal with this constitutional amendment in regard to flag desecration, I would hope that the American people would rise up and say we must have reform in our Federal judiciary, we must return to the intent of our forefathers and have Federal interpreters instead of having Federal judicial legislators, because there is absolutely no response that a citizen can make to a Federal judge. That is why we have to go through this extraordinary process of a constitutional amendment.

When I think back to people in my district, people who like the gentleman from Texas, General BLAZ, who have served their country with distinction, I think about a very distinguished black man who works at the Veterans' Hospital named Clarence Sasser. Clarence is a Medal of Honor winner. He did some very heroic things as a medic in Vietnam and was wounded countless numbers of times. I think about another Medal of Honor winner from Texas, Roy Benevidos, or I think of a constituent of mine named Freddie Rios who was in Vietnam and should have been a Medal of Honor winner when one looks at all the acts of valor that Freddie participated in as a soldier in Vietnam. And I think about how those people not only talked about patriotism, they went out and practiced patriotism in defending this country, fighting for this country.

I think about my father, and I think about a story that he has told my brother and myself for many, many years about World War II. We have heard people talk about the Marines, and I am here to talk a little bit about the Air Force.

My dad was straight out of Humble High School in Texas, had never been outside of Texas, and he joined the Air Force, and he was a second lieutenant. He was a bombadier on a B-24 Liberator. In fact, the gentleman from Texas, Congressman BLAZ, might be interested to know that he was in the Pacific theater. I am not sure exactly all of the island groups and all of the campaigns he participated in. But he was a young, 19-, 20-year-old Texan who was flying in this plane. My father could not even swim, and whenever he was not on a bombing mission, he was down in the turret with a 50-caliber machinegun.

He tells the story about one day being sent out on a lone reconnaissance mission to look at the target for the coming days, and they were the only plane out. They were attacked by nine Japanese zeroes. I can just imagine the fear of my father, being young at the time, not being able to swim, all of these zeroes coming at him, and he said he prayed, and he asked God to be with him. And in the process of that particular fight, three zeroes were downed, and the plane was able to come back to base and literally covered with holes from the enemy planes. He tells me the first thing that he saw when the plane was making its initial pass over the field was the American flag waving in the breeze, and for him it meant that he was safe, that he was home, that he was back within the arms of his countrymen.

I have never forgotten that story. I think that experience, coupled with everything else that my father experienced in World War II, and having been brought up with great reverence for the flag, influenced by our business. We own a cemetery and a couple of funeral homes in Texas, and I remember when I was a young boy my father on Veterans Day and Memorial Day always gave my brother and I the job of putting out the flags in our cemetery.

□ 0400

And we would literally have 50, 60, 100 American flags. My brother and I would be given these boxes that we would put on the back of the tractor and we were told, "Do not ever let a flag fall our of that box. Never let soil touch that sacred fabric."

And we would drill the little holes, we would put the pipes in, put the flags up and we would always do so with great reverence.

Then after we were finished, we would take the tractor, drive through

the entire cemetery looking at what we had done. I will never forget that we had some vandalism, some people would go and steal "Old Glory."

I will never forget the night that we sat out in the cemetery late into the morning hours just to stay there to protect that flag.

That has left an indelible impression on me, and it was something that my father passed on to my brother and me. That has not been the only experience, however.

When I was elected to Congress, I was given an opportunity to go to West Germany to see how prepared we are in the event that there was some terrible war in Europe. I went on a regularly scheduled C5. It was not a junket. But we flew, and I saw literally 10 bases in 48 hours.

One of the bases that I saw was a base called the Alpha base that literally sits on the border between East and West Germany in the traditional invasion route from East to West, called the Fulda Gap. As we came to that particular base, I noticed that there was a fence, a fence that stretched in two directions to the horizon. The fence was, I would say, 10 to 15 feet tall. There were explosive charges every 50 yards.

The fence was set about 100 yards inside of East Germany. So the East Germans could come on the western side of the fence and mow the grass so that they would have a clear shooting path of anyone who was able to get through the fence. On the eastern side of the fence there were concrete bunkers, guard towers every quarter of a mile, attack German shepherds on the eastern side of the fence.

That fence was meant to keep people inside Germany, not to keep people on the outside from going into East Germany. And when I arrived, I was taken to an observation tower that literally sat on the border between East and West Germany.

If I had fallen out of that particular observation tower, I would have fallen into Communist East Germany. I looked to my left, and I saw two little wooden crosses. I asked the commander who was standing beside me what those two little crosses represented. When he told me that they represented an older gentleman and his daughter who had somehow snaked their way through the fence and were running for freedom when they were machinegunned at the last moment, at that point I understood what freedom and liberty and self-determination meant.

I looked over the fence with just total revulsion, and I saw this little village, and I asked the commander what village was that? And he said, "Well, Congressman, it is really not a village. It is just buildings because the East Germans have moved people out of that proximity to the border and they only allow those people to come in during the day when they can be watched." He said further, "You know, Congressman, that is why I want to have the largest American flag that I can have because I want people to realize that we are here and that the American flag is flying and that that flag represents freedom and all the aspirations for the people who live behind the Iron Curtain; that that flag represents hope."

Sometimes I think that as Americans we take this country for granted and we do not realize that the flag of this great country is not only something that we salute, something that we feel good about, but it is the beacon for countless millions of people around the world. To me that is one reason that this flag has got to be protected.

The only way we can do that is with a constitutional amendment.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. DELAY. I thank the gentleman for yielding.

It is great to see my neighbor from Texas be here tonight and help us with this special order on the flag. The gentleman is a great American, the gentleman who represents that flag in Houston, TX, and around the world and does such a great job in representing his constituents from Houston.

Mr. FIELDS. Let me reclaim my time for just a moment, since the gentleman is a fellow Houstonian, I would ask him if he felt the same embarrassment that I felt that the person who brought the case that went all the way to the Supreme Court claims Houston as his home? I have to believe that that is not a native Houstonian.

Mr. DELAY. No, he is not even a native Texan.

Mr. FIELDS. I am glad to hear that. I was afraid somebody would say he was a Texan. It would be embarrassing.

Mr. DELAY. Maybe he was born in Texas, but he certainly does not represent nor have the Texas spirit.

Mr. FIELDS. That is absolutely correct.

Mr. DELAY. On the other hand, I was very proud of my State.

Mr. FIELDS. If I could reclaim my time for a moment, let us assume he is not a Texan and let us also hope that he moves some place else, hopefully out of the country, because he has that freedom.

Mr. DELAY. Yes, he certainly would have that freedom. And there are plenty of ships that we could urge him to get on, even Soviet ships every now and then pull into the ports of Houston. And I think maybe that would be a good way to practice his freedom that is protected by the American flag.

But I will tell you something, on the other hand I am very proud of my State as being the State that put him in jail, arrested him, and it is the State that had a law against desecration of the flag when he went up to Dallas for that great convention of the grand old party, the Republican Party, and felt like that in order to get attention he had to burn the flag, because I think the Republican Party represents the best of what that flag has to offer.

Mr. FIELDS. Reclaiming my time, it is my understanding, and the gentleman can correct me if I am wrong, but that individual not only burned the flag, but in the process he was chanting about how he wanted to spit on the American flag.

Now to me I think that his freedom to make that statement is very important. That to me is freedom of speech, and that should be protected. Even if I find it repulsive, he has the right to make that statement. And I would come to this floor for a special order to protect his right to make whatever verbal statement that he wants to make about the flag or about this country or about me or even the gentleman from Texas. But I do not think he has the right to burn America's symbol. In fact, if you look at laws that we currently have in this country, free speech does have parameters.

First of all, a person cannot threaten the life of a President. That is an offense.

Second, if someone stands up and makes a slanderous or libelous statement, that person can be taken into court and there can be an adjudication and that person could pay money damages.

And third, there are certain types of pornographic expressions that can be regulated and controlled by State jurisdictions.

So that is the limit. When we talk about free speech and free expression in this country, we need to understand there have been recognized parameters.

Mr. Speaker, I yield back.

Mr. FIELDS. I will tell you, I like the way Pat Buchanan put it in a column just a few days ago where certainly the gentleman, Mr. Johnson, has the freedom in this country to say whatever he likes, no matter how abhorrent and obnoxious and disgusting, whatever he may be saying, as long as it does not offend me and people around me. And I think Mr. Buchanan put it best, "He can say whatever he likes, but if he is going to spit in my mother's face, he is going to meet with a fist." It is sort of the same thing.

□ 0410

The gentleman from Texas and I would defend to the death his right to say what Mr. Johnson's right to say whatever he likes. He goes too far when he desecrates everything we believe in and everything that we stand

for. He is not desecrating a piece of cloth. He is desecrating everything that America is and lives for and fights for and dies for. That flag draped around those coffins of those men that died for the freedom, and Mr. Johnson's right to express himself is the Nation, and its fingers and hands, caressing that coffin, thanking that person and forever being indebted to that person for giving up his life for the freedoms that we enjoy.

It is not just something that a person can spit on or that a person can burn or even allow to touch the ground. The way that we even display our flag is so important and so sacred and so meaningful to so many people. I am very disappointed at times how people have little or no regard for that flag or that Pledge of Allegiance. I can remember just last week a Member of this House participating in this special order, the gentleman from New York [Mr. SOLOMON] was incensed that in this gallery, in these hallowed halls of freedom where we have a new custom of reciting the Pledge of Allegiance every day, one morning we were having a ceremony reciting the Pledge of Allegiance and everyone rose, and everyone rose in the gallery, but there was a couple in the press that did not stand up, and the gentleman from New York [Mr. SOLOMON] was outraged at that and made sure that those two in the Press Gallery stood up for the Pledge of Allegiance.

We just take everything so much for granted. We have become so lazy and lackadaisical in our approach to our flag and at the same time to old traditions that we hold so dear. We ought to be so cognizant of the fact that the flag means so much to so many people, that so many people died for that flag that we ought to revere how we display it. The rules by which many people follow the displaying of our flag, it is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flag staffs in the open. When a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.

I am sorry to say in a lot of cases in Houston, TX, where I am driving through I see people have become too lazy to even take their flags down at night and do not have them properly illuminated and show such disrespect for the flag. Even here in Washington, DC, I was driving just to the east of here and the service station had a flag up on the staff that I know they had not taken down in what probably was months, because the flag was dirty and faded and misused and abused. We just treat things so cavalierly. It is a shame, now, and because we have treated the flag so cavalierly and with little or no regard for the tradition of the flag, we have allowed a lot of what we do in our society to take a back seat to importance. I think it is unfortunate that we are treating our flag in our society and our traditions and long-held traditions with little or no regard.

Mr. FIELDS. Mr. Speaker, if I could reclaim for just a moment, because I think the gentleman is making an excellent point.

I had the opportunity to share with my good friend from Texas that my wife and I are expecting a child in December. I just found out yesterday that there is going to be a little girl, so my whole perspective on life has begun to change, and I know the gentleman has probably experienced this, having children of his own, but I was thinking about this when I was preparing for these remarks tonight, what the flag meant to me.

From kindergarten on up what an honor it was to be asked to stand up and lead the Pledge each day. At our school, it was something that you work for. In other words, if you made good grades, if you had good conduct, then you were asked to be the leader. I think about all the little school functions we had, when I was a freshman football player, played on Thursday nights, and the varsity played on Friday. My freshman year in high school I was given the responsibility of raising the flag for the football game. What a tradition that is in Texas. What an honor it was for me to go down in front of everybody in the stands and be responsible for raising that flag.

So now in my mind I am thinking what does this mean to the future of my little girl? Is she going to grow up with that same reverential feeling that I have for the flag? What does the Supreme Court decision do to her as she matures and grows older? I know I will do my best to do what my father did in instilling patriotism and respect, but I also think society has a responsibility. How can other people in the world respect our flag if we do not? Where does this all lead? Eventually, will people be writing slogans on public buildings like the Capitol? Will people go to Mount Rushmore and decide they want to chisel in their name, or they want to do something else? Where does this really lead, Members? I think the time for action is now.

I do not know if the gentleman from Texas agrees with me, but people have got to realize that this is important. The American people have got to stand up in unision and demand a constitutional amendment. It is our only remedy.

Mr. DELAY. Mr. Speaker, if the gentleman will yield, I think the American people are starting to speak in great numbers across this country. If I may take the gentleman's time, and I looked up a wonderful passage entitled "So Proudly We Hail: The History of the United States," by William Furlong and Byron McCandless, and I think it so appropriately states what we are talking about here tonight. It goes like this:

On Sunday, July 20, 1969, Col. Neil A. Armstrong and Col. Edwin E. Aldrin, Jr. mounted the 50-star flag on the Moon. In 1976, the year of our country's bicentennial of its independence, an unmanned American space craft, marked with the U.S. flag, made a successful landing on Mars. Thus, in the course of its 200-year history, the flag that was to represent a new constellation among the nations of the world was carried not only to the far corners of the globe, but also out into the universe.

On Earth, another type of probing has been going on; this is the effort to determine the limits of free speech and the relationship of the flag to symbolic acts. During the 1950's and 1960's, a number of public actions and demonstrations in support of civil rights occurred. In the trials that followed the arrests of participants in such activities, symbolic expressions were recognized as legal. The Supreme Court stated that the 1st and 14th amendments to the Constitution protected those individuals who were communicating ideas by marching, picketing, and patrolling on streets and highways.

On July 5, 1968, Congress passed a law "to prohibit desecration of the flag, and for other purposes," which became the major Federal legislation on the subject. The law states that: "Whoever knowingly casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both."

The constitutionality of this law has been challenged; however, due to several instances of disrespectful treatments to the flag. On January 20, 1969, while waiting for the start of the Inaugural Parade in Washington, DC, Thomas Wayne Joyce tore the fabric of a flag which he carried, tied it to his index finger and waved it above his head with his fingers in the "V" sign. On May 6, 1970, a group of students assembled in the ROTC building at the University of Arizona as a part of protest against the war in Vietnam. Sharon K. Crosson and another woman carried a 50-star U.S. flag into the gathering and set the flag on fire. In both cases the U.S. Court of Appeals struck down any arguments concerning symbolic speech, and found both parties accused of disrespectful treatment of the flag guilty.

Since the end of the Vietnam war in 1975 public protests by Americans involving act of disrespect to the flag have become rare. Further, the bicentennial provided Americans a new feeling of pride in their heritage and on the ideas and symbols that united them. Displaying the flag in public over individual, business, and local government properties became very important following the seizure of the United States Embassy in Teheran, Iran, in 1979. Americans showed their concern for their fellow country men by displaying the flag. (And Iranians their contempt by burning it.)

What does the flag symbolize? Over the years statesmen, legislators, judges, and citizens have given various definitions. To Justice Felix Frankfurter of the U.S. Supreme Court it was "the symbol of our national unity, transcending all internal differences, however large, within the framework of the Constitution." Robert G. Ingersoll required

a paragraph to define what the flag symbolized. For him, it was among other things, "the emblem of equal rights. It means free hands, free lips, self-government, and the sovereignty of the individual. . . " During a 1967 debate in the House of Representatives over the flag profanation law, it also took a Congressman a full paragraph to define the symbolism of the flag. These difficulties suggest that perhaps Woodrow Wilson was closest to the mark when in 1917 he defined the flag as "the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation."

□ 0420

Mr. Speaker, it means so much to so many Americans, and for the Supreme Court to take the action that they did, not that I deny that institution the right to take that action, but I think those five individuals that took the action to defend someone and reverse the decision and defend someone who burns the flag, I think that was categorically wrong and a huge mistake, but it is one that we have to change by the use of the power that is vested in this institution and the power vested in us as Representatives of the people, and I think the people are going to speak through this body.

Mr. FIELDS. Mr. Speaker, I thank the gentleman from Texas [Mr. DELAY] very much for his eloquent remarks and his dedication here on the floor.

Just a moment ago when the gentleman from Texas [Mr. DELAY] was talking about the flag as a symbol, I was thinking back to a trip that the gentleman from California [Mr. HUNTER] and I took several years ago when we were asked to go to El Salvador and to meet with President Duarte, then President Duarte, to communicate how important democratic reform was in El Salvador, and I will never forget when we landed, we were put in some vans, and the vans in San Salvador had bulletproof plating on both sides, and one immediately became aware that one was in an area where there had been hostile action. We were taken from place to place there in El Salvador in those bulletproof vans, and each night we went to a hotel that had security forces just to protect us while we were there. It is about a 40-minute drive from the center of San Salvador to the airport through jungle where there had been some communist guerilla raids, and I do not know if the gentleman from California [Mr. HUNTER] feels the way that I did, but I remember driving up to that airport when we were ready to depart and seeing the American flag on the plane and feeling that finally we are safe, that we do not have to worry anymore because now we are back to America because that flag represents something very special.

Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER], my friend.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Texas [Mr. FIELDS] for yielding, and, when he talked about that scene, that American flag on that plane as we drove to the airport, my memory was sparked, and I had to come out and just say a few things about it.

Mr. Speaker, I am reminded by the gentleman mentioning that, and I felt the same way he did, that here is our ticket back home to America, that beautiful, wonderful country where people do not shoot other people for exercising free speech, and for talking and living free and worshipping free.

I thought about something that the Speaker said, the former Speaker, the gentleman from Texas [Mr. WRIGHT] in a conversation with the President about how other people feel about America and the flag. He said that he was in Central America one time, and he said on a wall somebody had written, "Yankee, go home," and he said someone came back the next day and in somebody else's handwriting under it in Spanish it said, "And take me with you," and I think that reflects to some degree the enormous awe that not only we have for this country, but for that flag, and I have heard so many people speak so profoundly tonight.

Mr. Speaker, I mean this has been a wonderful special order about what the flag means. I think it has an almost mystical meaning for other people because so many of them know that their relatives and their friends have gone to that country known as America with nothing and have enjoyed wonderful, wonderful lives because of this tremendous freedom that we have.

Mr. FIELDS. Mr. Speaker, if I can reclaim my time, because the gentleman from California [Mr. HUNTER] has just sparked a memory in me. He mentioned the gentleman from Texas [Mr. WRIGHT], our former Speaker.

Well, like my father; I used my father as an example earlier, a 19-20-year-old Texan volunteered for the Air Force during World War II. I related this to Speaker WRIGHT one time, and he told me about his experience as a B-24 pilot in the Pacific theater. In fact he told me, and, TOM, this is just demonstrative of the service of young people for our country defending that flag, but he told me about the first time they were flying to Hawaii, and the navigational system was not what it is today on those old B-24 Liberators, and he said that he kept seeing the gas gauge go a little bit further down, a little bit further down, and they did not know exactly whether they were going to make Hawaii or whether they were going to actually find Hawaii, and he talked about what a good feeling it was when they finally broke into the daylight in the early morning hours, and there were those islands and the American flag on the bases, and what it meant to him as a young man.

Mr. Speaker, I have the feeling that that experience can be repeated tens, if not hundreds of millions of times, by people who have served this country.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, as the gentleman from Texas [Mr. FIELDS] and the gentleman from California [Mr. HUNTER] were talking, I was just thinking that, "Wouldn't it be nice if we could take Mr. Johnson with us, you know, on the different occasions that Congressmen go all over the world and witness the lack of freedoms that are all over the world?"

Mr. Speaker, I also experienced the sort of same experience that the gentleman from Texas [Mr. FIELDS] did in seeing the American flag when being in a country with little or no freedom. My wife and I went to the Soviet Union and spent a long time there, not as a guest of the state, but as a guest of the Soviet Jewry going all through Moscow and Leningrad hiding and sneaking around so that we would not be caught, or at least the Soviet Jews would not be caught or be seen by the Soviet police. Seeing how other people in the world live, especially in the Soviet Union, and the things that are done to people just for being a Jew or for believing a certain way where everything is taken away from these people, and they live in terrible conditions, but even as we were there I saw a very dull city of no color, so sad and melancholy, hardly a smile on people's faces, and the same in Leningrad. We spent almost 2 weeks there in that country, and I know when my wife and I got to the airport in Leningrad waiting to board the plane to come back to America, the plane was a PanAm, and my wife stood at the window looking out onto the tarmac waiting for that plane to arrive, and she stood at that window for an hour and a half. She would not move from the window, scared to death that that plane would not come and that she would not be allowed to get on that plane to come back to America.

Mr. Speaker, when that plane touched down, and she saw the American flag on the tail of that plane, she felt incredible relief by just seeing the good old Stars and Stripes knowing that she was going to go back to freedom, the freedom that Mr. Johnson in Texas just throws away and flicks it away as he did back when he burned our flag.

□ 0430

It raises a fire in your belly about why would someone just want to

flaunt that freedom in front of those who worked so hard to protect that freedom.

I can remember being down in Nicaragua, and as luck would have it, I was invited to go out and witness a demonstration by those who want freedom in Nicaragua. We went out to Nam Dinh. We saw free speech there, Sandinista style. We drove up and we saw the demonstrators starting to stage their demonstration and hundreds of interior police were all around the demonstration area and the demonstration route and this was a "legal demonstration." They came in and started beating people, throwing them into trucks and whisked them away and then the demonstration started again and went on for, oh, an hour or so and gathered again at the end. The troops came in and beat up the people, picked up their leaders and whisked them off to put them in prision, the kind of freedom of speech that I think Mr. Johnson was calling for. Maybe he ought to go into other countries and see the other styles of freedom of speech, but it is not freedom of speech to desecrate everything we stand for and love and believe in.

Mr. FIELDS. Mr. Speaker, I appreciate again the gentleman's eloquent remarks.

I see my good friend, the gentleman from New York [Mr. PAXON], standing.

I have to say, it is very inspirational to see someone in their first term come out and participate in an all night special order like this. I want to commend the gentleman for doing this, and I yield to the gentleman from New York.

Mr. PAXON. Mr. Speaker, I thank my good friend, my new friend from Texas. It is a pleasure to be here, particularly to spend some time on the gentleman's time on this floor tonight.

This is just a great experience to sit here this evening and listen to men and women come down to this floor to talk about their personal experiences. Our good friend, the gentleman from California [Mr. HUNTER] was just here and we were talking about the fact this is what the Founding Fathers had in mind, not 1-minute speeches for the TV cameras every day, but rather an in-depth discussion of the real issues facing this country.

Maybe the Supreme Court did us a favor. I do not agree with their decision. The vast majority of Americans do not agree with the decision.

Mr. FIELDS. Mr. Speaker, if I could reclaim my time for just a moment, the gentleman mentioned Congressman HUNTER. Normally he is very modest, but Congressman HUNTER served his country with distinction in Vietnam, in fact was involved in some of the hotter fire fights that people in our country experienced and did so with great valor and great courage. Of course, he was much smaller at that particular time. He could run a lot faster, but anyway, he is a great hero. I know sometimes he is very modest.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I am very happy to yield to Mr. Modesty.

Mr. HUNTER. Mr. Speaker, in the interest of truth in advertising, I have to protest and say that I simply showed up for work in Vietnam. There are a number of Members of Congress here, including the gentleman from Guam [Mr. BLAZ] and the gentleman from Pennsylvania [Mr. RIDGE] who did participate in heavy, heavy combat.

Then, of course, the gentleman from California [Mr. DREIER] has told us many times that he comes from the other side, the absolute civilian side, and still is every bit as patriotic as we are, and in fact he is.

Let me say that I was just a person who showed up for work and I am simply an infantryman in General BLAZ's battalion.

Mr. FIELDS. Mr. Speaker, I appreciate the gentleman's comments and his extreme modesty.

I just want to point out that we have someone who really fits the title of hero, someone who really fought for the flag.

I yield to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Well, the gentleman from California [Mr. HUNTER] is the inspiration for this event this evening. When Congressman DUNCAN HUNTER comes around and grabs you by the lapels and says, "We're going to go out there tonight, we're going to spend this evening talking about this very important issue," you cannot turn him down. He is an enthusiastic man. He has been up in my district and when he left it took about a week for all that enthusiasm to leave our community.

Mr. HUNTER. You went back up in the polls.

Mr. PAXON. I just cannot help but reflect again, maybe that Supreme Court did us all a favor. We are going to spend some time talking about this issue. We are going to spend some time talking about our values.

Congressman DAVE DREIER and I were reflecting on the fact that we were in high school at the time of the last conflict this country was involved in, the Vietnam War. There is a whole generation in this country, 20 to 25 years old and younger, whose memories are only of a nation at peace, only of this country during a time of peace. This is not to say that we have not had in the past few years times when we have had to send young men and women to places of potential unrest or unrest in this world, but generally this country has known peace for almost a generation. People 20 to 25 years old in this country, their memories are of peace.

Sometimes we need to sit down and reflect on the sacrifices that have to be made. You know, those young men and women in China are making sacrifices to have what we have today, this right to stand here and talk like this. They are losing their lives to do that. In Poland, behind the Iron Curtain, in the Soviet Union and in many of the Baltic Republics, they look at this flag, many of them look at this flag as a symbol of what they want, what they are willing to fight and die for.

So I think this type of event this evening, as unfortunate as that Supreme Court decision was, does cause us to reflect on the values behind that great flag that hangs behind our distingished speaker this evening.

You know, if we spend a little time doing that over this Fourth of July weekend, maybe it will be so much better for this country. I hope the men and women of this Congress go back home and we all will have a chance to talk to our constituents, not only to take some time to reflect on the sacrifices that my family made. My dad served in North Africa and in Italy during World War II.

□ 0440

My mother served in the service during World War II, and I have a 102-year-old grandmother this year who, during the war, gave up her job, went every night to work in a defense plant in Buffalo, NY, and countless millions of Americans gave those kinds of sacrifices during that war, during Korea, during Vietnam.

We need to reflect on that, because that is what this debate is all about. This debate is not about a piece of cloth. It is not about even one gentleman's protest from Texas, unfortunately, and it could have been any State that brought forth this person, brought forth this conflict. It is not about that. It is about the values we see in that flag. That is why the gentleman's comments this evening are so appropriate. It is so very, very appropriate that we spend this time and, again, as I said earlier, many Americans will wonder as they read their morning papers over coffee and sit there this morning wondering, "What are those men and women up to in Congress? Why are they taking this time?" I hope in the coming days, the next few days as we lead up to July 4, a very, very important time in our country, that their evening has benefited as we look to the values symbolized by that flag.

Mr. FIELDS. Reclaiming my time, I appreciate the gentleman's very eloquent remarks. I think that he is very insightful in finding the positive, that there is a very good purpose in what

the Supreme Court has done. It can be a very positive product.

The question, I have always believed that God has a purpose in everything that happens, and here I can see a purpose, because it is making Americans not take our flag for granted, realizing that it is more than just cotton or nylon fabric, that the flag represents the traditions, it represents words like freedom and patriotism and self-determination, that that is what we are here saying tonight, that that is a symbol.

I have just a few minutes remaining, and, again, I want to quote Andrew Jackson, who said, "One person with courage makes a majority." For there to be any movement on this particular issue, for there to be a constitutional amendment that would prohibit desecration, it is going to take the American people rising up en masse and not asking Congress, the House and the Senate, to take action, but demanding that the House and the Senate take action, and also I think we are fortunate in that the Supreme Court rendered their decision prior to July 4, because we have a time to rally.

I know in my congressional district in Houston, TX, I am going to do everything possible to get on TV, to get on the radio and make people aware that they have a remedy. The remedy is a democratic remedy through Congress, and then we have the remedy of voting upon this constitutional amendment, two-thirds of us passing it both in the House and the Senate, and then it goes to the States for ratification. I am convinced we can be successful if we have that ground swell of support. That is democracy in action.

Mr. PAXON. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I am happy to yield to the gentleman from New York.

Mr. PAXON. The gentleman has just hit the nail on the head. This can be a unifying force bringing all parts of our country together in a cause.

I just wanted to mention one thing this morning. People may be watching this when they get up this morning and they are wondering what they can do. Make sure not only they contact their Congressman or Congresswoman, or they can circulate a petition. All they have to do is write on the top of it: "We want the Congress to reverse that Supreme Court decision. We want them to do that." And they can circulate that in their workplace, circulate that in their families, send it down to their local Congressman or send it here to the Congress of the United States, and they will get the message.

Mr. FIELDS. Again, I think a very important point, unifying force in America, and we are not trying to limit anyone's freedom. We are trying to protect an American symbol.

I have just 1 minute. I will be glad to yield to my friend from California, but before I yield, let me again compliment the gentleman for being the inspirational, intellectual force behind this special order.

I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his kind remarks. Let me just say that I thank him and his fellow Texan [Mr. DELAY], for the very articulate statements and very profound statements that they have made.

Let me thank also our staff people, who have been running this thing with us all night, Maureen Mingey and Ron Philips of the House Republican Research Committee, who have really been working giving us background information on the flag and what it means to this country, and we appreciate that.

I thank the gentleman very much for what he has contributed.

ORDER OF BUSINESS

Mr. DREIER of California. Mr. Speaker, I ask unanimous consent to proceed out of order with my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE SILVER LINING IN THE DARK CLOUD OF THE SUPREME COURT DECISION CONCERNING OUR FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER of California. Mr. Speaker, I very much appreciate the fact that we are taking this time to let our colleagues who might be seeking this in their offices here, and it is apparent that we have a rather empty Chamber, but I have to say, Mr. Speaker, that we certainly do have a great deal of quality here in the House of Representatives to focus attention on the Supreme Court decision which many people over the past several days have said was a horrible one.

I am happy so say that my friend from Texas [Mr. FIELDS], who just preceded me, and my friend from New York [Mr. PAXON], talked about the fact that there truly is a silver lining in the dark cloud of this decision.

A little while ago now, several hours ago, Mr. Speaker, I read the first amendment to the Constitution. I am going to read it once again. The first amendment reads, "The Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press or the right of the people peaceably to assemble and to petition the Government for redress of grievances."

Mr. Speaker, I have a great deal of respect for the Supreme Court, but I was, of course, one of those who was saddened by the decision of the Supreme Court that we would tolerate the burning of the American flag, which we all know is that great symbol which is right behind us here in this Chamber, in fact, the focal point of this Chamber which truly is the spot which represents the greatest deliberative body on the face of the Earth.

Mr. Speaker, I do believe that there is a silver lining in this dark cloud of the decision, and that silver lining is the fact that we now have the opportunity to amend the U.S. Constitution.

Our great Republican leader, the gentleman from Illinois [Mr. MICHEL], stood here and said that in the 30-some-odd years he has served as a Member of the House of Representatives, he has never supported, never introduced an amendment to the Constitution, and this issue was of such great importance to him that he chose to offer a very carefully worded amendment to the Constitution.

Mr. Speaker, I hope that we will proceed with the two-thirds vote which we need, and then the process will begin.

We will send it to the States for ratification, and I am confident that since 48 States now have laws which prohibit the desecration of the American flag, that at least 38 of those 48 States that have those laws will, in fact, ratify this amendment, and when we reach the magic number of 38 State legislatures which choose to support this constitutional amendment, there is no doubt about the fact that we will have another great celebration as we bring about this amendment.

I guess what I am saying again is that the silver lining in the dark cloud is the fact that we do not get to sleep this evening, that the wonderful people who have made the sacrifice to be here with us including our distinguished new Speaker pro tempore, the gentleman from Mississippi [Mr. PARKER], who has joined us, another real patriot, and I have just had the opportunity to speak with him. We are here, and we are really celebrating the American flag as we get ready to move toward the Fourth of July, and we have got a lot of things to talk about in the next several hours.

I would like to begin by yielding to my very distinguished friend and colleague from Houston, TX, the gentleman from Texas [Mr. DELAY].

Mr. DELAY. I thank the gentleman for yielding. It is a real pleasure to be on the floor of this House with the gentleman from California [Mr. DREIER], whom I know and I have traveled with. I know him to be a man who truly believes in those freedoms

that we hold so dear that we know are guaranteed in that Constitution, especially the freedom of speech.

The gentleman from California has a real drive to bring freedom to others around this world and has sacrificed personal time and energies to travel all over this world in the cause of freedom.

□ 0450

I hope the gentleman will allow me, I am not known around this country for my eloquence, to read an article by George Will a couple of days ago on this subject. I think George Will expresses what I feel at this moment about this issue, and if the gentleman will permit me I would like to read that into the RECORD.

Mr. DREIER of California. Mr. Speaker, I look forward to hearing it.

Mr. DELAY. Mr. Speaker, the material follows:

[From the Washington Post, June 23, 1989]

FAR OUT WITH THE FIRST AMENDMENT

Gregory Lee Johnson has achieved about as much as he is apt to. He has become a minor footnote in the ongoing story of the reduction of the First Amendment to mashed potatoes.

At the 1984 Republican National Convention in Dallas, Johnson was among those demonstrators whose varied activities included burning the American flag while chanting, "America, the red, white and blue, we spit on you." Convicted under a Texas statute forbidding flag desecration, Johnson stopped spitting and started calling for protection under the Constitution of the Republic he execrates. An appeals court overturned his conviction, holding that the flag-burning was "symbolic speech," a freedom to be preferred over Texas' interests in preserving the flag as a symbol and preventing breaches of the peace. So far, so very boring. It is not reasonable, but neither is it new.

In the Supreme Court on Wednesday, Justice Brennan barely had to break a sweat in arguing (joined by liberals Marshall and Blackmun and conservatives Scalia and Kennedy) that the appeals court had a peck of precedents on its side. That is, alas, too true.

But Brennan was on thin ice in arguing that flag burning is not equivalent to "fighting words" that can be punished because they are "likely to provoke the average person to retaliation." Homer nods and Brennan does not know Dallas. However, Brennan finished with a flourish of libertarian boilerplate (". . . a reaffirmation of the principle of freedom and inclusiveness that the flag best reflects . . . it is the nation's resilience, not its rigidity. . . .") of the sort stored in quantity in the word processors of First Amendment fetishists.

Then the dissenters were heard from.

Chief Justice Rehnquist (joined by White and O'Connor; Stevens dissented separately) cleared his throat with a dollop of Emerson ("By the rude bridge that arched the flood . . .") and a dash of Whittier on Barbara Frietchie ("Up from the meadows rich with corn . . ."). Rehnquist's point was that the flag is not just another of what Brennan blandly calls "designated symbols." The flag Rehnquist, is not simply another "idea" or "point of view."

Indeed, Justice Blackmun once wrote that "The flag is a national property and the nation may regulate those who would make, imitate, sell, possess or use it. . . . There would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial. . . . The flag is itself a monument, subject to similar protection."

Rehnquist said that democracies legislate against conduct considered evil and profoundly offensive to the majority, be that conduct murder, embezzlement, pollution or flag-burning. The Constitution limits the ability of majorities to impose their preferences, but democratic values require respect for the majority in close calls.

What is close about this call? The federal government and 48 states have—had, until this week—laws forbidding flag-burning. Chief Justice Warren believed government has "the power to protect the flag from acts of desecration." Justice Hugo Black, often called a First Amendment "absolutist," said: "It passes my belief that anything in the federal Constitution bars a state from making the deliberate burning of the American flag an offense."

The First Amendment is an amendment to a political document. It is not the whole document. Those who framed the amendment believed in freedom for all speech not injurious to the health of the republican form of government. Such a government is a constitutionally guaranteed right. Laws against flag desecrations express the community's legitimate concern with cultivating and husbanding that health.

Brennan, who probably can pump libertarian orthodoxy while he's answering his mail or doing crossword puzzles, said that banning flag-burning would be tantamount to allowing government to "prescribe what shall be orthodox." Rehnquist replied that flag-burning is no essential part of any exposition of ideas. Johnson was free to say anything about a flag. But flag-burning is "the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others."

Rehnquist would have done well to add that the First Amendment protects not "expression" but speech, meaning language addressed to others for the purpose of communicating and persuading. Speech, unlike an "expression" such as flag-burning, is intrinsically connected with the distinctive human capacity, reason, by which individuals govern themselves and communities achieve self-government.

Unfortunately, it is too late for reason to insinuate itself back into First Amendment law.

I think that so graphically explains what we are talking about here tonight.

Mr. DREIER of California. There is no doubt about the fact that it underscores the message very clearly, and I thank my friend for his fine contribution.

One of the most important points that was made in that article by Mr. Will is the fact that there are certain items which cannot in any way be desecrated. For example, it is clearly a violation of law for someone to spray graffiti on the Washington Monument. We have not heard a hue and cry for people to be allowed the ability to deface one of these monuments. I think that we need to recognize that this symbol is more important than any of those monuments, because this is a symbol which is looked to throughout the world, and that is why while many believe this decision was incorrect, we do now have this opportunity to bring about this amendment to the Constitution.

Those of us here in Washington who have been here for a number of years may have a tendency to have a rather blase view toward this beautiful sea of monuments from Arlington Cemetery, the Washington Monument, the Jefferson Memorial, the Lincoln Memorial, the Vietnam Memorial, and of course this great and beautiful U.S. Capitol, and the American flag is another very important one. But it is one, Mr. Speaker, which circulates not just throughout this country, as we have been saying, but throughout the entire world.

My good friend from New York [Mr. PAXON] looks as though he is anxious to make a contribution, and I am happy to yield to him.

Mr. PAXON. Mr. Speaker, my friend from California, with whom I serve on the Committee on Banking, Finance and Urban Affairs, has spent so much time this year, and it is a pleasure to be here because the gentleman is truly a patriot and a great freedom fighter in the best sense of the word, carrying on the struggle of all parts of this world for freedom. The gentleman has spoken out eloquently over the years, and I do not think there is a harder working Member of this House than the gentleman from California [DAVE DREIER] and so it is a pleasure to be here.

The gentleman from California mentioned the 38 States, and we are going to be looking to those States, we are going to be looking to the State legislators to act on this constitutional amendment.

Mr. Speaker, I think it would be insightful to read if I could this brief amendment. A lot of people certainly will think it is one of those typical laws we are always passing, a big volume of new laws, but this is eloquent in its simplicity, I think the gentleman would agree. This is the Bob Michel amendment on the Constitution.

□ 0500

Let me read it briefly:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

Let me repeat that: "The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

Of course, we are going to be looking, once we pass this, and I think you know and I know and the Speaker pro tempore, the gentleman from Mississippi [Mr. PARKER], and our friends here this evening believe this Congress is going to act quickly. And once it does, we are going to turn to those States.

So tonight we appeal to our constituents to contact their Members of Congress, and when the Sun comes up, so that they will know where to get a hold of their Congressman or Congresswoman, back in their offices, but if they do not we will give them a number so that they can contact their Congressman or Congresswoman. They should tell their Representatives, "Let us get this passed." Then they have to do a second thing, they have to pick up a phone or a pen and write to the local State legislator or representative, State senator, and urge them to have passed in their State legislature this amendment and to do so quickly.

If I could also impose upon the gentleman's time to read from an editorial that appeared in the June 23d edition of the Washington Times entitled "Under Which Flag?" let me read as follows:

In 22 pages of the tedious pedantry that has come to substitute for judicial wisdom, the U.S. Supreme Court has pitched out the statutes of 48 states and a 1967 federal law. By extending the protection of the First Amendment to the burning of the American flag, the five justices who constituted the majority in the case of Texas vs. Johnson seem to think they have struck a blow for freedom of speech and constitutional integrity. In fact, they have helped weaken the psychic and emotional substratum on which American freedom rests.

During demonstrations at the Republican National Convention in 1984, Gregory Johnson a member of the Revolutionary Community Youth Brigade was observed ripping down Old Glory from a local bank. While Mr. Johnson poured lighter fluid on the banner and set it afire, his comrades chanted "America, the red, white and blue, we spit on you." Appealing his subsequent conviction under Texas law for desecrating a venerated object, Mr. Johnson was quick to seek the protection of the political system on which he spat and whose symbol he torched.

Five years later, the opinion delivered for the majority of the court by Justice William Brennan is to constitutional law as the chant of Mr. Johnson's comrades was to poetry. "If we were to hold that a state may forbid flag-burning wherever it is likely to endanger the flag's symbolic role but allow it wherever burning a flag promotes that role—as where, for example, a person ceremoniously burns a dirty flag—we would be saying that when it comes to impairing the flag's physical integrity, the flag itself may be used as a symbol—as a substitute for the written or spoken word or a 'short cut from mind to mind'—only in one direction. We would be permitting a state to 'prescribe what shall be orthodox' by saying that one may burn the flag to convey one's attitude toward it and its referents only if one does not endanger the flag's representation of nationhood and national unity." Had Jefferson and Madison used prose and logic like this, we'd still be bowing to the descendants of George III.

Mr. Brennan held that "The way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong." But what he and his colleagues in the majority miss is the truth that persuasion operates only when interlocutors share a set of common facts, ideas, values and symbols. Mr. Johnson and others who militantly reject and scorn the basic symbols of national identity have deliberately withdrawn from and rejected the common ground that makes politics by persuasion possible.

Ultimately, Americans do not revere the principles of the U.S. Constitution because they have studied them in graduate seminars or law schools. They revere them because these principles are intimately enveloped in images and symbols that every school child learns and loves: The national anthem, the Pledge of Allegiance, the history and folklore of the founding, and the flag itself as the preeminent emblem of the nation's experience and aspirations.

This is what Justice John Paul Stevens, in his dissent, tried to express in his insight that "a country's flag . . . also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas." In stripping both the states and the federal government of the authority to protect that emblem from the moral proletariat that despises it, the court has merely facilitated the further subversion of our nation's characteristic ideas through calculated insults to their symbols.

I thank the gentleman for yielding.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his fine contribution.

Mr. Speaker, I would like to specifically ask unanimous consent that my distinguished colleague from New York have the opportunity to very carefully revise and extend his remarks.

The SPEAKER pro tempore (Mr. PARKER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER of California. Mr. Speaker, one of the things that we have been talking about is the fact that the American flag is a symbol to all Americans of freedom, hope, and opportunity. But one of the things that we mentioned earlier and I would like to point to specifically is that the stars and stripes behind us here clearly are that beacon of hope to peoples around the world.

Mr. Speaker, just a few hours ago I stood here when we were offering an amendment which I am pleased to say narrowly carried, an amendment which will allow us to provide training to law enforcement officials in El Salvador. During that debate we talked about what it is that some others might want to do to prevent us from the opportunity to place our hands over our hearts and look to the red, white and blue and pledge allegiance.

I would like to share with my colleagues, Mr. Speaker, some photographs, something that I witnessed just a few weeks ago. We were talking in debate about El Salvador. We referred to the fact that for the first time in the history of this tiny country, on the Ishthmus of Central America, we saw the transition from one democratically elected government to another.

The cause of democracy is clearly on the move. Throughout this decade we have seen elections held in 13 countries which had not been held for years, in some cases, or decades before that. But there are forces out there, Mr. Speaker, which would very much like to prevent us from being able to pledge allegiance to this flag and exercise the kind of freedom that we enjoy.

Well, just before that transition in El Salvador, in fact about 36 hours before that transition, we saw the local law enforcement officials in El Salvador, right outside of San Salvador, seize the largest cache of weapons which had ever been seized throughout the history of the very tragic war which has been going on for a decade in El Salvador.

I would like to share with our colleagues here briefly, Mr. Speaker, a couple of these pictures.

We have in this photograph here, Mr. Speaker, the chairman of the joint chief of staffs, who happens to be here in Washington, has been here the last couple of days. In fact, I know he is just getting ready to return to El Salvador. I refer to Colonel Ponce. He is standing over part of this cache of weapons. It included 283 Soviet-made AK47's.

□ 0510

It can be seen, Mr. Speaker, this lineup is very lengthy with these weapons. It included Hungarian-made pistols, North Korean-made weapons, Romanian-made weapons, and a wide range of items which had been produced by Soviet bloc countries. I have a big pile of them.

I point to this, Mr. Speaker, as we are talking about the American Flag so that we can recognize that there are forces throughout the world that desperately want to prevent the United States from having the opportunity to exercise those first amendment rights which I just read from a few minutes ago.

While many of our colleagues have been talking about their personal experiences as they relate to the American flag, I spoke a few moments ago about the fact that we are making history as was pointed out by our very qualified staff member, Ron Phillips, who asked me to go outside and look at the Capitol from the east front, and I chose to do that.

Mr. Speaker, as I have said awhile ago, we are making history because there is a symbolism that is taking place with this special order which we have been talking about throughout the night, this group of special orders and by the mere fact that that body is in session. If one were to go out on this beautiful, crisp, reasonably clear, reasonably low humidity, they would see, looking back at the Capitol the view.

I yield to the gentleman from California [Mr. Cox].

Mr. COX. Mr. Speaker, it is dawn outside right now, and it is beautiful with the Moon and the blue sky now with the Capitol dome in the background.

Mr. DREIER of California. Mr. Speaker, I thank my friend from Orange County for his contribution. I know that the sunrise on the east coast is a great one here. He likes to often watch it in his district in southern California. I have been inside, but when I was last outside it was dark. I looked back at the Capitol from the east front and saw that over at the other body, we now call it the U.S. Senate, since we had a change of rules here. We used to, in the last Congress, have to refer to it as the other body. Now we call it the Senate. There is no flag waving over the Senate because they are not in session. The mere fact that we have been in session all night has kept the Stars and Stripes waving above this Chamber.

There is another experience which I had which I would like to share with our colleagues, Mr. Speaker, and that is the one that I had on February 14, 1986—I was in Hanoi, Vietnam. This was referred to several hours ago. In fact, one of our colleagues reminded me of this particular experience, and I was reminded of that happening. Over the desk of one of the legislative assistants in my office, Roberta Meyers, is a picture I brought down, actually two pictures, Mr. Speaker, and maybe I should give the explanation before I actually show this.

I had a moving experience when I went into what is known as the War Museum in Hanoi, Vietnam. A very dreadful place. There we saw the very famous tank that many people will remember having seen knock down the palace gate in Saigon. We saw the photographs of prisoners of war. We saw the remnants of aircraft that they proudly pointed to. One of the other displays in the War Museum in Communist North Vietnam in Hanoi was a case in which they had the flags of the nations which they claim to have defeated. There were several flags there, including the orange and black flag of South Vietnam. One of the most dreadful of the things, Mr. Speaker, was to see the Stars and Stripes we have hanging right behind the Members here, pointed down in this case. It literally made my stomach turn, to see for the first time in my life a nation proudly claiming to have defeated the United States of America.

Mr. Speaker, I found that we had the ability, because there were several Members in this group, to distract one of the Communist guards who had been following Members around Hanoi, monitoring our every move. We successfully distracted this guard for just a few moments, because we observed that in these very dusty, covered cases were the flags of the nations that they had defeated, pointing downward, the little bit of the staff was sticking out of the back. So what we did, Mr. Speaker, is we were able to get behind that and very carefully and gingerly roll up the staff of the red, white, and blue, so that we could only see the stripes and, in fact, one could easily surmise from looking at it, that it was the flag of another country. Mr. Speaker, I would like to share with my colleagues this photograph, and if I could explain it, we have this case here, and we can see the flag of South Vietnam which is pointed downward along with the rest of the flags here, and Members have to imagine this, Mr. Speaker, the greatest Nation on the face of the Earth, to have anyone claim that they have successfully defeated this Nation was a gut-wrenching experience. So when I walked in and saw this, we then, as I said, Mr. Speaker, were successfully able to distract one of those guards. Here, Mr. Speaker, is the finished product and one can see looking at this case that while there are some red stripes there, one could not totally conclude that it was the flag of the United States of America.

As I said earlier, with all the proud veterans around here talking, I still considered myself a real patriot, even though, as my friends from Orange County and I turned 18 as the Vietnam war was coming to an end, so I was not in the military. When I went to Hanoi, Vietnam, 3 years ago, Valentine's Day, February 14, and saw the American flag in that condition, it was, needless to say, distressing. However, all of the Members there got this sense of exhilaration, Mr. Speaker, when we were able to take that flag and at least in some way cover up the fact that they were able to proudly claim to have defeated the United States of America.

I know a number of my colleagues are here and they have some very eloquent statements they would like to provide, and would like to first call on our very able colleague who arrived from New York, succeeding a very good friend of mine, the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I congratulate the gentleman from California [Mr. DREIER] on his eloquence and on the beautiful story he just told of his experience with our flag in a foreign land.

As my distinguished colleague from California pointed out, I am a new Member of Congress. I join a number of new Members from California here, along with the gentleman who just spoke from California, and I think it is interesting to note we are here this evening, actually this morning now, to talk about the Supreme Court decision that has raised such a furror throughout the country. It is fitting, I think, that we have Representatives from California and New York on the floor at the same time because indeed we have a strong voice, united voice, from sea to shining sea.

I would like to, if I might, make a few remarks, and these remarks are quotes from our most recent past President, the great President Ronald Reagan.

□ 0520

Mr. Reagan was a true patriot. Mr. Reagan rallied this country around the flag and around the principles of democracy and indeed began what I think is the march of democracy around the world.

Mr. Reagan proudly on many occasions pointed to the flag and to the principles represented by our flag and our Nation to inspire not only the citizens of this great country but citizens all around the world. And if I might, this is a quote that Mr. Reagan made on Memorial Day, May 31, 1982, at Arlington National Cemetery:

> In America's cities and towns today, flags will be placed on graves in cemeteries; public officials will speak of the sacrifice and the valor of those whose memory we honor. . . . We must try to honor them—not for their sakes alone, but for our own. And if words cannot repay the debt we owe these men, surely with our actions we must strive to keep faith with them and with the vision that led them to battle and to final sacrifice.
>
> Our first obligation to them and ourselves is plain enough: The United States and the freedom for which it stands, the freedom for which they died, must endure and prosper. Their lives remind us that freedom is not bought cheaply. It has a cost; it imposes a burden. And just as they who we commemorate were willing to sacrifice, so too must we—in a less final, less heroic way—be willing to give of ourselves.

These words are just as true today as they were then. They were just as true 200 years ago as they are today. Throughout our history men and women of America have pledged them-

selves by their valor, their courage, their free spirit, and their efforts to protect free speech around the world, through the wars that this Nation has fought.

President Reagan time and time again brought us back to those basic values that the Nation has held so dearly. We have talked about free speech, and indeed the Supreme Court decision presented a very unusual concept of free speech, one that I think is out of tune certainly with America. Earlier in the evening one of our distinguished colleagues held up a post office box. There is a law in this country against the damaging or desecration of Government property. Another of our colleagues held up a dollar bill and challenged the individual who burned our flag to do the same to that dollar bill. If indeed that individual did, he would be in violation of our laws. How in God's name can we allow the burning of our flag and yet have laws that would make it illegal to tear up or burn a dollar bill or to damage a post office box? What sort of logic does that represent, Mr. Speaker? The logic certainly defies me and my constituents from whom I have heard on a regular basis since this decision. They are outraged by it.

From my own personal experience, my father, who is a former Member, has decided to lower his own personal flag at home at halfstaff in silent protest over this decision, and he has received many, many comments about that silent protest of his. He feels very strongly, my neighbors feel very strongly, my constituents feel very strongly, and I would like to congratulate this distinguished gentleman from California [Mr. DREIER], our task force chairman of our party, who put this special order together and who gave me the privilege of joining my distinguished colleagues here on the floor from sea to shining sea to raise these points.

To continue, Mr. Speaker, I would like to ask my colleague, the gentleman from California, what the people of California think about this decision.

Mr. DREIER of California. Mr. Speaker, I would be happy to yield to my friend from Orange County, my fellow Californian, and as I yield to him for what I know will be a very eloquent response, I would like to say to my friend, the gentleman fron New York, that I share the great concern, but I have made an attempt over the past several hours to make this evening sort of a celebration. It is a celebration of the fact that we are going to be amending the U.S. Constitution.

Of course, it is a very dark cloud that this decision has offered us, but I would like to think that this is a silver lining within the dark cloud of this decision, and while I congratulate our former colleague, the gentleman's father, for placing the flag at halfstaff, I hope very much that we will be able to have this celebration of the beginning of our move toward a constitutional amendment, and then we will continue to talk about it as we wait for the 38 States to ratify.

Mr. Speaker, I, too, look forward to hearing from our new colleague, the gentleman from Orange County, California [Mr. Cox] about what our fellow Californians have to say about this decision. I am happy to yield to the gentleman from California.

Mr. COX. Mr. Speaker, I thank the gentleman very much. I thank my distinguished colleague from nearby parts of California, which arguably are as pretty or perhaps prettier than mine in Orange County or those of the gentleman from New York.

There is no question that this is not a regional issue. If ever there were an issue that bound our country together, it is this one. I think the sentiment in New York, the sentiment in California and everywhere in between, in Alaska and Hawaii, is exactly the same.

Mr. DREIER of California. And even in Utah, I suspect.

Mr. COX. And even in Utah.

Mr. Speaker, this is a bittersweet occasion. It is a time for lowering our flags to halfstaff for some, it is a time for rejoicing at the prospect of using article V of the Constitution for others, but there is still another reason for rejoicing. We are about to have our Nation's birthday, and while it is a dubious birthday present to be here discussing the legalization of flag burning, the exercise may very well be worthwhile. It has caused me, I know, to reflect on the real meaning of the founding of our country and to think back to 1776 and what it must have been like for those freshmen Members back in those days. Of course, I am a new Member of Congress myself.

Mr. DREIER of California. And the gentleman is doing an extraordinarily able job, I should underscore, as a new Member, because of the great experience he has brought with him here to this job.

Mr. COX. Mr. Speaker, I appreciate the gentleman's saying so.

Certainly serving as a new Member of Congress has given me a new perspective of what the job was of those Members of the spanking-new Continental Congress in 1776. Think of what they faced. Put yourself as a legislator in their shoes. The King had just decided in the early part of 1776 to rule out any political concessions, and Great Britain had opted instead for all-out war to put down the rebellion. And it was a hot summer here, a hot summer on the eastern seaboard, when the Members of the Continental Congress met and decided at great length what they were going to do, and on July 4 they passed a resolution that was drafted by Thomas Jefferson of Virginia, Benjamin Franklin of Pennsylvania, Roger Sherman of Connecticut, and Robert Livingston of New York. That declaration, of course, was our Declaration of Independence that said that the United States was once and for all a free and independent nation.

While that must have been an exhilarating feeling, they were responding to an all-out declaration of war by the strongest power on Earth, and any feeling of exhilaration they had must have faded mighty quickly, because the troops that assembled under George Washington just 2 days later were the first of many to die for their country. And one of the first acts of that Continental Congress was to adopt a new flag for the purpose of protecting the soldier and seaman who were captured by the British, because once captured, under the flag, they were entitled to be treated as prisoners of war rather than summarily hanged.

So in that way I think it is clear that the birth of our Nation and the adoption of our flag as our national symbol are very much interwoven, and it is very appropriate that on the eve of our Nation's birthday we are talking about those two things right now.

Mr. Speaker, I have obviously got much to say on that subject, but I would be happy to hear the views of my colleagues.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his excellent contribution. It is very appropriate.

We have been talking over the past several hours about what July 4 means to us and what Members of Congress will be doing on the Fourth of July. We will certainly be celebrating our Nation's birthday, the birth of our independence, and it is appropriate that as we look toward that day we talk about the American flag.

Throughout the evening we have been talking about individual experiences, from those of my friend, the gentleman from Texas [Mr. FIELDS] who talked about his great ability to lead the Pledge of Allegiance in his kindergarten classroom, to the very, very sad experience when at a military funeral the American flag was handed to the mother of a fallen soldier. So I think it is an important opportunity for us, and I thank the gentleman for his very able contribution.

Mr. Speaker, I would like very much now to yield to my classmate and my friend, the gentleman from Utah [Mr. HANSEN], who came here in 1980, at the same time, coming here with that great Reagan revolution to the U.S. Congress.

□ 0530

Mr. HANSEN. Mr. Speaker, I appreciate my friend, the gentleman from California [Mr. DREIER] yielding.

Mr. Speaker, I have been in this political game now for almost 30 years and from a city councilman in a small town, in Farmington, UT, to the State legislature in Utah, to speaker of the house in Utah, and then to the U.S. Congress. Over that period of 30 years it has been a great privilege for me to stand and put my hand over my heart and pledge allegiance to the flag.

I remember as a young man in Farmington, UT, I had the privilege of working in with some fear and trepidation to the city council with all those old gentleman with beards who used to run that town; they were all in their sixties and seventies. And I remember a very good friend of mine by the name of Hess, and I remember very distinctly that his son was an officer, a pilot, and was flying in Vietnam. And I remember walking into a city council meeting one night, and I could see the distress on his face and how he felt about things, and I said, "What seems to be the problem here?"

He said, "I just want to tell the members of the council that my son, Jay, Maj. Jay Hess, was shot down. He was flying the old thud at the time," and we did not hear anything about Jay.

The whole town was worried about it. There were prayer meetings in the local churches. Everyone was concerned about what happened to Jay Hess. For almost 24 months none of us knew or had any idea at all what happened to that man who was serving this country over there in Southeast Asia.

And then apparently we found out that he was in the Hanoi Hilton, that he was in jail, and so they allowed him 27 words, and they said, "Major, you can send 27 words out. We're going to audit it. We're going to look at it. We're not sure your family will know you're here."

And so he wrote down some words to his wife, his father, his mother, his children; he had five children, as to where he was and what he was going, but he wanted these people to know where Jay Hess was and that it was truly him, and so he wrote words that went like this.

He said, "These things are important." He started out, and he said, "Country." He talked to his young sons about scouting, he called upon them to be active in their church. He told them to keep records, to take pictures and that he would see them, and he ended it this way, "Press on."

They knew that this was colonel, later colonel, then Maj. Jay Hess.

I still remember distinctly when they let those young fellows out. We all went to the Salt Lake City airport, and the Air Force plane came in. There probably was not a dry eye in the place. The flag was flying. People were very patriotic. We went to the local courthouse. The place was packed. There was literally hundreds of people there as he stood and saluted the flag, and he said how he thanked God that he got out of that Hanoi Hilton.

Later on, as I went with Jay around Utah, we talked together, I listened to him, and he often talked about what they did as prisoners. One of the things that they did, and keep in mind that they were in absolute terrible conditions, is they found some red thread, they found some blue thread, and they took an old white T-shirt, and they put on the symbol of the flag of the United States of America.

Now take into consideration some of America's finest in this demeaning situation, and every morning they would stand, they would pledge allegiance to the flag of the United States of America, and they kept that hidden, and they would develop ways to talk to one another, communicate. They would tap on the walls; they started their own way of communication, and later how grateful they were to the President of the United States, to Congress and the good Americans who stood by them as they went through that literal hell in Hanoi.

This kind of reminds me of myself, not that I have any great experience such as that, but, as a young boy, I read a very patriotic story about a bird, and I was amazed that in the First World War we used homing pigeons. I did not realize that we did that, and in this thing I was so taken with this that I went to my parents and asked could I have that opportunity to buy some, and they said, "Oh, my goodness, we couldn't let you do that."

We lived by the University of Utah. My sisters thought it was a terrible idea, but I finally prevailed upon them to do it. They said if I cleaned out a place behind the garage I could do this.

I did it. I built the pan. I later bought the birds. Everything I did for years was on me.

I still recall those pigeons being taken all the way to Barstow, CA, how they would come home, and I had a record at one time of a pigeon doing 80 miles an hour. It must have had a whale of a tailwind.

From a young boy doing all these things, taking care of them, feeding them the proper things, even keeping genealogy on them, I remember coming home one day and every bird was gone. I do not know what happened to them. I guess they were stolen.

Later, or after a year of working in Idaho, I came home, and my mother and father were standing there, and they said, "We've got a present for you."

I went out there, and the whole backyard area they put in rabbits. Over a period of time I would say I am very grateful. I went out there. The hutches were done. The rabbits were there, the food was there, and, as I took care of them in a very shabby way, it was within 6 months they were all gone.

Now, as I look at the difference and what is the difference between the pigeons that I took care of and the rabbits is that I did it. I did everything with the pigeons. I won the record. I took care of them, and then I look back and say that the rabbits were all given to me.

I use that analogy to say, "What's the difference?" The difference is in America the things that we believe in, the things that we fight for, the things that we love, mean a lot to us, and those things that are given to us and we receive very freely do not mean as much.

Now go back to the story of the Hanoi Hilton. These guys were over there giving their all. Many of them did give their all. We are still wondering where a lot of them are. We look at some of the people, friends I know during the Second World War who were in submarines tell these chilling stories that, as depth charges were coming along, they could hear two clicks before a depth charge went off, and then does that mean that he has got you or not?

How about these people who were in those B-17's and B-24's flying over Europe? How about the people in Vietnam? How about those of us?

I still remember as a young sailor in the United States Navy, I was 18 years old and involuntarily drafted into the Navy and thinking at the time of all my friends who were in Korea. I think of the time of flying in distant airplanes, the old BP-4Y. I think of all of our good young people that we put out on the field and say, "What do they do?"

Well now everybody in America has something that they feel strong about, the flag of the United States. It is like those of us who went through a lot for something, and those of us who worked our way through college, those of us who did something we are proud of, a business we started, something we did. We tie that to the flag of the United States. Americans all over say that when they look at the flag, it is more than just a piece of silk with colors on it. It is a symbol of what they believe in, what they love, what they would die for, and so when someone comes up and says, "Red, white and blue, spit on you," we are offended. We are totally offended at that.

Mr. Speaker, we do not believe that anyone has that right. I guess we cannot do much about what happens in Iran and a number of other different areas, but we are totally offended when someone in our own Nation does it. It is one of those things that in

America we say, "O.K., take all the great legal minds, and there are dozens of them on this floor. Let them all pool together, but that means nothing to us and they try to interpret the first amendment."

Mr. Speaker, what means things to us is this is a symbol that since the time of George Washington to George Bush we believe strongly in these things, and so like Jay Hess who said, "These things are important," Mr. Speaker, there is 250 million Americans out there that are echoing the words of Maj. Jay Hess who was locked in the Hanoi Hilton. "These things are important."

We do not care much about these folks over in the Supreme Court. They can do their thing. I personally feel like Thomas Jefferson, that they made a gross mistake in this particular area.

I applaud the actions of President George Bush when he said that we should now have the 28th amendment; I guess it would be the 28th, Mr. Speaker, that would become an amendment to the Constitution that we could not burn the flag and we could not desecrate the flag. I look at how this would come about.

My colleagues realize that this would pass by two-thirds of both Houses, and then it would take 28 States to ratify it. People have said that would take a long time.

Go back to the time that the vote was given to the 18-year-olds. That did not take much time at all. Go back to the time of the equal rights amendment which never did pass, and I say, "Thank the Lord for that."

But this one would pass in a hurry.

As one of the past panel members of the National Conference of State Legislators, I can feel and prophesy, and I do not think I would be a false prophet, that this would go through 50 States very rapidly, and then Americans, which is the vast, vast majority of us, who are offended by this desecration of something that means so much to us would feel we have made a dramatic step forward.

□ 0540

It takes a lot for us as Americans to get excited about something. We are kind of a sleeping giant. We go to work, we go to church, we do our own thing. It takes a lot to get us excited; but Mr. Speaker, I want you to know and the American public to know that we are upset. We now believe there has been a mistake made. We now want to rectify it. We now want a change and that change will be the amendment to the Constitution.

I respectfully say and urge State legislators in all 50 States to seriously consider the actions of President George Bush when he has called upon us to make this dramatic change and the House should go forward and be the leader.

I compliment those who have taken the time for this special order on something that is near and dear and very, very close to the hearts of all good Americans.

I thank my friend, the gentleman from California, with whom I have served these past 9 years and appreciate the great leadership that he always takes in these areas, and also my good friend, the gentleman from California Mr. DUNCAN HUNTER, who has done such a good job and all those who have participated.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his very able contribution and appreciate the focus on the issue which has been near and dear to so many of us, and that is the plight of those classified as prisoners of war and mission in action. There is a very direct correlation when we look at this issue of the American flag and the POW/MIA issue.

Mr. Speaker, I am particularly pleased that we now are able once again to make this bipartisan special order. I am especially happy to welcome our new colleague, and I yield to the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Speaker, I thank my friend, the gentleman from California, for yielding to me. This truly is a bipartisan effort. I think the evening started with the gentleman from Mississippi Mr. SONNY MONTGOMERY.

The entire situation is really sad whenever our country gets to the point when we have to face a problem like this. There is a lot of reaction out in the country of anger, but I think as much as anything else, most people are just disappointed.

Two weekends ago before the end of school, my children were up here before I took them back home to Mississippi to spend the summer: my wife and my 3 children. I have a 15-year-old son and an 8-year-old daughter, and a 4-year-old son. We went to New York City. They had never been to New York. One of the things they wanted to do was to go and see the Statue of Liberty. It was my privilege to take them there.

The Statue of Liberty means a lot to many people. It means a lot to us here in this country. Evidently it means a lot to people all over the world.

In Tiananmen Square, we saw the Chinese students build a replica of that statue. I think when we saw the armored personnel carriers hit the statue and knock it down, everybody felt a little odd.

That statue was not something that originated here. It was a gift to our country from the people of France.

Everybody remembers a couple years ago when we had the 100th anniversary of that statue. That statue means a lot to this country. It is a symbol and symbolism is important.

I do not think anybody would argue with the fact that if someone were to express their freedom of speech by attacking that statue and harming that statue in any way, that we have laws that are available to us to incarcerate those individuals, to punish them for harming that statue but we are talking about something much more important than just the Statue of Liberty. We are talking about a symbol that has been with us since the beginning of our country. We are talking about something that means much more than a gift from the French people. We are talking about our flag.

Now, I could sit up and say, well, everybody has a right to do pretty much anything they want as far as free speech or whatever, and I think they pretty much do in this country. I think we as a government have a right, too, to require certain things of individuals.

I come from people in the Deep South who believe strongly that for every right an individual has, there is a corresponding responsibility and that responsibility is something that you have to uphold and you have to followthrough with.

Over 7,000 times we in this country have tried to amend the Constitution, over 7,000 times. Not many people realize that. We have only amended it 26 times. One time we amended it and took it back. So our track record as far as the Constitution is pretty steady. We do not take changes lightly. I do not take this change lightly, either.

I personally feel, and I am not a lawyer, and I might say that I am not ashamed of that fact, but I am not a lawyer. I am not an expert on the Constitution, but from the people that I have talked to and those individuals who have discussed the implications of this Supreme Court ruling, really the only thing that we can do, I think, is amend the Constitution.

This issue is so important, it is so vital, not only is it vital I think to our country from the standpoint of correcting a wrong, but I think as a symbolic gesture on the part of our country in reaffirming our faith in this land.

I really do not think we have a choice. We have to support that strongly. I believe it will go through the Congress about as fast as it possibly could go through, and when it is introduced, and I understand that the minority leader is going to be introducing a bill and I might say the first cosponsor on that bill is my colleague, the gentleman from Mississippi, Mr. SONNY MONTGOMERY, it will go through quickly, and I urge my colleagues to support it.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his

very able contribution. I appreciate the contribution of all my colleagues in this particular hour. We of course are going to be continuing here.

Just in closing, I would like to express my appreciation to Chris Heil, who is sitting here, his colleagues, Judi Mazur, Charles Gustafson, Susan Hanback, Tony Tartaro, Aubrey Redling, Katie Teel, Ed White, and Dick Creeger, and all the people here who have stayed up all night, and the gang downstairs. They are going to be staying with us, I am told, throughout this entire day as we continue with the Foreign Assistance Act, without any rest at all, so I think we owe a tribute to them on the spur of the moment making this sacrifice to be with us. We greatly appreciate it.

I thank all my friends here who have very ably contributed to this, and I am pleased to say there is going to be time for more, Mr. Speaker. I will be turning the reins over to my distinguished freshman colleague, the gentleman from New York [Mr. WALSH].

ORDER OF BUSINESS

Mr. DREIER of California. Mr. Speaker, I ask unanimous consent that we now proceed with the special order by the gentleman from New York [Mr. WALSH].

The SPEAKER pro tempore (Mr. BROWDER). Is there objection to the request of the gentleman from California?

There was no objection.

OUR GREAT STARS AND STRIPES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. WALSH] is recognized for 60 minutes.

Mr. WALSH. Mr. Speaker, I thank the gentleman from California for that hour in which he presented and joined with other colleagues on both sides of the aisle to discuss this very timely matter.

I think what really makes these statements poignant are the personal comments that the individual Members have made.

I know my colleague, the gentleman from California, talked about the very first flag. I can remember as a school child in 1960 taking part in I believe it was a nationwide effort to determine what the new flag would look like as we added the States of Alaska and Hawaii to the Stars and Stripes. I can remember with a pencil and paper trying to figure out what would be the best possible design and looking at the designs that had been offered. There were some fairly major changes that were proposed and there were some not so major, but all of my classmates were so excited that there was to be a change in the flag. Some people wondered whether indeed we should change the flag, but as we have added States, we have always accommodated those new States as stars in the blue field, along with the red and white stripes.

□ 0550

I was reminded again of that discussion when I came to Washington as a new Member of Congress. On the roof of this august body, just above my colleague from Buffalo and my colleague from California, in the center of the ceiling, all of the stars of the 48 States are represented circling our Great Seal, and I was informed by one of the Members from Hawaii who at that time was a Delegate to the Congress about to become a Member of Congress that the stars from Hawaii and Alaska were not represented on the ceiling, and they, working with the new Representative from Alaska, figured out a way to add those two additional flags to the ceiling just as we in America accommodated the States of Hawaii and Alaska on the flag. Those show the continuum of the great tradition and the great history of our flag from its very beginning. It changed and grew with our country, and many have pointed out that it is a monument, and it is a monument but it is a living monument, a monument that has grown and shared the experiences of this still rather young Nation and all of its trials and tribulations throughout that 200-year period.

I would like to ask my distinguished colleague from Buffalo, a member of the great New York State delegation, to maybe make some of his own personal comments about his own experiences.

Mr. PAXON. I thank the gentleman very much.

It is just a great honor to share this new morning. We have been here all evening, and as my distinguished colleague, the gentleman from California [Mr. COX] mentioned, he took a step outside, and I did a few minutes ago, and it is a beautiful morning coming up here, the sun just starting to rise, dusk breaking over the Capitol, and the flag flying all night as our friend, the gentleman from California [Mr. DREIER] said, when we are in session, the flag is up there, and the light is on the flag. It is just an incredibly beautiful sight with the Capitol dome in the background. This building is full of symbols and meaning much like the flag. I think the gentleman would agree.

The gentleman noted the ceiling and talked about the stars around that great eagle. Also around the ceiling are the seals of all of the 50 States, and it is very appropriate tonight, this morning, that we make reference to that, because what we are undertaking here is not just going to involve this Chamber or this Government at the Federal level, but it is an effort of the Federal Government and the States, because we are going to need our colleagues in the New York State Legislature, in the California Legislature, and in those State legislatures from coast to coast, all 50 of them, to join with us in this.

It is, I think, an exciting moment. There are not many opportunities, as our friend, the gentleman from Mississippi [Mr. PARKER], has said; there are very, very few times in the history of this country that we are going to have the chance to amend that Constitution. We do not do it lightly, but as I said earlier this morning, the Supreme Court handed us a decision we do not agree with, but it may well be the opportunity of a lifetime to bring this country together on this issue, to reflect on the values symbolized in the flag and in the symbols of this Chamber in the ceiling and in the seals of these great States, and reflect on all that we have been given and all that we have to continue to fight for as Americans.

Mr. WALSH. It is so true that we are so fortunate to have the freedoms that we have in this country, but those freedoms, as the gentleman from Mississippi pointed out, are certainly our rights but, with those rights go responsibilities, and I think we, as a Congress and as a nation, have a responsibility to give our flag the protection that it deserves.

My distinguished colleague, the gentleman from California [Mr. Cox], has noted that earlier in the evening, and as we move into the morning, I am sure he could expand upon those earlier thoughts.

Mr. COX. The gentleman was making some personal observations, and two personal observations have occurred to me about this flag-burning decision and about July 4 and about how we have come to this pass and the historic opportunity to do a great thing for our country, and yet a troubling circumstance for the time being.

I, of course, had the opportunity to work in the White House with Ronald Reagan. The gentleman alluded earlier to the spirit that Ronald Reagan developed in this country. He brought America back. It was morning in America. There was a renewed sense of patriotism.

If we remember back in 1984, we were hosting the Olympics, and it was perhaps the high water mark of patriotism in America for years, and that was the year, 1984, that the Republicans met in Dallas for their national convention.

I was there at the Dallas Republican National Convention, and it was just outside that the protesters were spray-painting buildings and turning over potted plants, about 100 of them, who were moving down the streets. This

was their way of really staging, of course, an antidemocratic event to state their objection to this American patriotism, which is protected by our very system, our first amendment.

None of those people were charged with any crime, but one of them, passing in front of a public building, an office building in Dallas, saw a flagpole with a flag on it, hauled down the flag, literally stole the flag, handed it off to Gregory Johnson. Gregory Johnson unfurled it in front of the city hall in Dallas and poured kerosene on it and lit it on fire, and they all stood around and watched it burn up. That was the circumstance that led to his arrest. They stood around and they chanted, of course, "America, red, white, and blue, we spit on you." None of them were arrested for this. This is all legal protest.

One man out of the 100 was arrested for defiling the national flag.

Five years of lawyers' arguments then took place, and now this past week the Supreme Court finally ruled in his case after great expense by one vote that his conviction would be overturned.

Interestingly, two Reagan appointees to the U.S. Supreme Court were part of that 5-to-4 majority narrow one-vote victory. The first Justice, Antonin Scalia, the second Justice, Tony Kennedy, and shortly after I began work in the White House, someone slipped me a confidential note and said that the Chief Justice of the United States had determined to retire, to spend full time on the bicentennial of the Constitution, but that he was not going to make public the news of his retirement until President Reagan announced his selection for a successor.

It came to me secretly to prepare dossiers for the President's review of a dozen candidates to replace Chief Justice Burger, and eventually the President narrowed it down to two men, Antonin Scalia and Robert Bork. As the President later said, it was so close those two that one could have thrown a dart to pick one or the other. Of course, he ended up picking Antonin Scalia.

Very soon thereafter another appointment came to President Reagan, and this time he right away picked Judge Bork. I worked very hard for Judge Bork's confirmation, but that was not to be, and shortly thereafter President Reagan nominated Justice Kennedy, and Justice Kennedy's nomination I worked also very hard for, and he was successfully confirmed.

Today I had the chance to meet with Judge Bork and talk with him for over an hour about the flag-burning case, and he said that he would have voted with Chief Justice Rehnquist and the four-person minority on the Court, which would have made it a 5-to-4 decision the other way. That is the way history works in our country. It is that close.

What he said is that we are not talking about amending the Constitution. We are talking about changing a one person, 5-to-4 vote on that Court, and that is what America is up to right now.

The amendments that we are considering would do nothing more than restate the law that has been in place in 48 States for years and years in this country. They would do nothing new. They would simply preserve the status quo. I think that is very appropriate.

Judge Bork echoed the dissenters on the Supreme Court when he said, "Isn't it ironic that this Government can conscript its citizens, force them, force them to fight, perhaps die, for their flag, but this same Government does not have the power to protect the national symbol, the banner under which they fight?"

□ 0600

That is wrong. That is wrong and we ought to fix it.

Mr. WALSH. The interesting thing, and our distinguished colleague from California made the point earlier on, is that this is really a truly great opportunity for this Nation. This Supreme Court has done more probably to crystallize what the flag stands for than any other, and I think we as a nation perhaps in our youth more than at any other time take for granted what that flag stands for, and as this effort continues to grow across the country from the Congress into the 50 States and into the legislatures and into the neighborhoods and into the main streets of certainly Syracuse but also of the great towns and cities throughout the Nation, I have a feeling that this is going to be a very positive, exciting effort.

I am again reminded of a personal experience that took me outside of this country when I was a young man as a member of the U.S. Peace Corps. I remember leaving the country for the first time in my life, getting on a plane at an airport in San Francisco, CA, and leaving behind the Nation that I have known and loved my entire life for a period of 2 years. I did so with a great deal of trepidation, going out to see what the rest of the world looks like. I was reminded throughout that 2-year period on a daily basis from my own personal experiences that I gained and from my own reflections of what a great Nation this is that it would provide us with the freedoms that we have.

I remember going to the Philippines and landing in Manila and spending some time there undergoing some training, and doing a little sightseeing while we were there. I remember going past the American Embassy in a taxicab with some of my friends and colleagues and seeing that flag high above that large white building, and seeing a line of people out at the front of the Embassy and down the street. I said to the taxi driver, "What are they doing?" He said to me, "They want to go to America. They are standing in line to be processed to become American citizens."

As I looked at that line and I looked at that building and the flag above them, it reminded me once again that countries throughout the world are striving for the freedom that we were born to have. It is an amazing feeling.

I was reminded again when I reached the nation where I was going to serve those 2 years, and it was in the early summer, and this was an experience that I repeated two more times while I was there, on the Fourth of July we were all invited to the Embassy for an American picnic with hotdogs and Coca-Cola and the American flag, and English, and the ability to discuss our Nation's politics, and philosophies, and our own individual ones. And everything in that country was completely foreign to me, the language, the religion, the culture, the people. But it was an interesting thing. As all of us Americans gathered on the Fourth of July, those several summers in Nepal, the people who worked at the Embassy, the people in the streets of Nepal whom we met coming and going would point to the flag and they would say, "You have what the rest of the world wants." The more I saw that and the more I heard that, the more I as an individual appreciated those freedoms, because I think we take them for granted in this country. I really think we do.

But the men and women over the years who have struggled to defend our Nation against its enemies have that appreciation.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. The account he just gave is a very touching account, and it poignantly points out what we have been talking about here all night long, about our desire to protect that symbol of freedom.

I had to come back to the microphone because I walked back into the Cloakroom and happened to sit down next to what was lying in the chair next to me. I picked it up and it was the New York Times from yesterday, and in the New York Times I happened to notice that there was an oped piece there by Ira Glasser who happens to be the executive director of the American Civil Liberties Union, more affectionately known in the last election as the ACLU. Once again they proved to be out of step with the mainstream of America, because Mr. Glasser made some comments in his

editorial piece that once again inflamed my passion about what is going on and what has happened to this flag.

He points out that the first amendment is indivisible and that what the flag stands for includes the freedom to defile it. He talks about others who have burned the flag, including James Meredith who burned the flag on a street corner in Harlem. Mr. Glasser points out that by burning the flag he symbolically increased the visibility of his protest, and because he burned the flag his protest was covered by television cameras and his message reached millions.

I assume that if Mr. Meredith came over here and put a torch to this Capitol Building, I imagine the television cameras would also show up, and his act would reach millions. Mr. Glasser points out that the President of the United States, President Bush, in calling for the constitutional amendment protecting our most precious symbol of this country, Mr. Glasser says the President has abdicated his responsibility.

It just boggles my mind that an American citizen thinks that that wonderful symbol of freedom, that wonderful symbol that we all hold dear, the American flag, is just something that you can take out and burn so that television cameras will turn on, and it is just a simple expression of speech.

It is not an expression of speech. As I said earlier in the evening, speech is just what it is, it is speaking from the mouth and not defiling something people hold dear, like this building or the monuments around this town.

How can the ACLU and people who give money to Mr. Glasser continue this kind of diatribe against the principles of this country, against what we hold dear? How can people continue to support this kind of action, this kind of organization like the ACLU that just spits in the face of freedoms of this country? It spits in the face of the values that we hold so dear in this country.

Mr. COX. Mr. Speaker, if the gentleman will yield, I could not agree more. The critical distinction here is between on the one hand respecting the right to exercise freedom of speech, and defiling the flag of the United States of America, which is the very source of that right.

I mentioned two Reagan appointees for whom I worked for their confirmation who were in the majority. Reasonable men can differ about the scope of the first amendment, but here the critical distinction is that while I have not spoken with them, I am absolutely certain that Justice Scalia and Justice Kennedy who wrote a separate concurrence with the majority opinion, saying while he joined in Justice Brennan's decision, nothing is more personally distasteful to me, and it pains me to hear, I could not believe these justices could not, would not in an instant support the right of the American people, and the people in the State legislatures in the 50 States to adopt a constitutional amendment to preserve the status quo.

This is a very narrow and easily-understood circumstance, a unique circumstance. It is our national symbol, and it will do great justice to us in this country very promptly to act on this amendment. I think that is where Ira Glasser and Justices Kennedy and Scalia who voted with the majority of the Court would part company on this one.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Ohio.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I thank the gentleman for yielding and for his very thoughtful remarks on the flag just now.

It occurred to me also we have a real problem here in that in every other instance of freedom of speech there are limitations, or you do not go beyond the pale of certain activities and certain comments. For example, we have libel laws to protect our people from being libeled, and we have slander laws for the print and media, and there are limits to what individuals can say about others. There are limits about what one can say about corporations. Everyone has protection ala the Supreme Court, except the flag.

There are also limits on shouting "fire" in a crowded theater. There are limits to all of the great freedoms we have in this Nation. But specifically, the greatest freedom I think we do enjoy is the freedom of speech.

Now we come up with the idea that the concept in its broadest definition, the freedom of speech, could cover the desecration of the symbol of our flag, and I have been taken by the comments all night long. But one that does stand in my mind is when a President, who is a Democrat, Woodrow Wilson, continued to say that the character of our flag is given to the world generation by generation.

□ 0610

This is how each generation accepts that change, accepts that responsibility and defines the honor, the prestige and the glory of the flag, determines how it is accepted around the world. It is ironic to me, standing in the United States of America, in Washington, DC, our Nation's Capital, with other fellow Members of Congress equally concerned about this true crisis, and it is a crisis of the spirit, crisis of the heart, crisis of the soul for America, that we stand here guarding in our small way tonight the precious freedom that other people die for and strive for.

I would like to relate one story if I might very briefly.

In making 17 trips to Central America with refugee supplies, clothing, et cetera, for the refugees primarily in Nicaragua, from the Communist regime there, I was being served dinner one night prior to returning back to the United States by the young lady, about 21, I assume, who was practicing her English. I said during the conservation, "I know you probably would like to come to the United States." She said, "My greatest dream is to come to the United States. I feel as much allegiance for your flag as I do my own." And I asked her why she felt that way. And when she was finished, she said, "I can't come." We forget about the freedoms that we have.

Now Costa Rica is probably the freest, the most liberal and certainly the most progressive State in all of Central America, if not all Latin America. It has a history of freedom, democratically speaking, democratic organizations as long as our own, or over 125 years. She says, "I can't come, because I am young, unmarried, and I have no property," which is very interesting. Translated, it means simply so many young people around the world, even in countries as free as our own, dream of coming to this country, but they cannot because they do not have a family to go back to, they do not have property which makes them leave something of value in their own country, and they are young so that they go where the most opportunity present itself. That young lady, and thousands like her around the world, thousands like her in her own country of Costa Rica, longs to come to the United States and knows that four out of five people who come here under protection of this beautiful flag, Old Glory, will not go back to their own country. We have freedoms represented by this flag, we have freedoms that are symbolized by this beautiful flag that go beyond the imagination of most Americans.

I thank the gentleman for yielding.

Mr. WALSH. I thank the gentleman from Ohio for his comments. They are very appropriate, very much to the point which has been made over and again. We have laws in this country, as has been stated, that they are making it a violation of the law to damage a post office box, a dollar bill. The gentleman from Texas pointed out that if someone came and desecrated the Capitol, that certainly the TV cameras would show up. But I would add that the police would also show up because that is a violation of the law.

Mr. COX. I should add that there are statutes on the books still valid after this recent Supreme Court decision that make it unlawful to use the flag on a commercial product. We cannot crassly commercialize the flag, but we can burn it up and defile it.

Mr. WALSH. Is it not amazing that we have a law stating that, not allowing it to be commercialized, but yet allowing it to be desecrated. There is something wrong with the very fiber of that decision. I think the American people sense it. We certainly sense it and the President senses it, and that is why you have a process in this country whereby the Supreme Court indeed is not supreme. The people are.

If the people of this country want a law, there is a way to put that into the Constitution, and it is through a constitutional amendment. Our great President, President Bush, has asked us to begin the proceedings to do that. I think this special order certainly shows the concern and the sincerity and the forthrightness of the Congress to begin that effort.

I yield to the gentleman from Buffalo, NY.

Mr. PAXON. I thank the gentleman from New York.

Mr. SPEAKER, listening to he gentleman's words, it strikes me how much history there is in his involvement in this House. His father served in these Chambers and now he is here.

Mr. COX. It is true, as the gentleman from Ohio said, in Woodrow Wilson's words, "Passing America down from generation to generation."

Mr. PAXON. Exactly. Maybe someday one of our children can serve in this House also. but the fact of the matter is that we come and we go. The Members of this House come and go. We have had a 50-percent turnover in these Chambers since 1980. We are here for a few terms, some more, but eventually we move on. That flag stays over this building, stays hanging in the most prominent place in these Chambers. The only thing above the flag, "In God We Trust," the flag though occupying a center role in these Chambers down through history.

As we talk about that Supreme Court decision, I hope that we will reflect on the permanence of that flag. It changes because of the number of States we have added. But the flag stays. What it means and symbolizes as it stays, though we come and go, is that our job is to protect all that flag stands for and all it symbolizes, regardless of who we are individually.

The Chambers are empty now. In a matter of about 4 hours we will be in session, this room will be filled again. But it is so very important that we all do our job to protect that flag so that when your children serve here and our children down the road, that they look up to that flag as a symbol of strength and the values of this country for years to come.

If I may, if our friend from California would yield, because of his background at the White House as one of the counsels to one of the greatest Presidents in the history of this country, Ronald Reagan: Many times in the past weeks since this decision has come down, many of my constituents who are not lawyers, I am not one and most are not, they say to me, "We don't understand it. It was always the law of the land that you couldn't defile the flag. What happened? Are all the laws thrown out?" That is the question asked of me time and time again.

Maybe the gentleman can elaborate and clarify it for my constituents and his, and for all the Members of this Chamber, exactly what has happened.

Mr. COX. Well, that is a very good question, and the answer is as difficult to give as it was for the nine Justices of the Supreme Court to agree upon themselves. They split 5 to 4. They asked the same questions, really, only in much more complicated lawyer-like, justice-like fashion.

What happened is that decisions of the Court concerning symbolic speech were pushed just a little bit further and, I think, to the commonsense viewpoint of most Americans, pushed just that little bit too far where no longer did the original logic hold true. The gentleman mentioned that we have within us, within our system the power to amend the Constitution and that makes the people supreme, our colleague from New York made this point just a few minutes ago. And I think that is another silver lining, if you will, to this decision.

Article 5 of the Constitution is just as surely an essential part as Article 1 which creates this Congress, as any other part of the Constitution.

□ 0620

Article V is the amendment article. In the view of some, and certainly the view of Thomas Jefferson, who wanted to see the Constitution as an organic thing that the people had control of, we do not use article V often enough. Today the Wall Street Journal ran an editorial and said all of this Flag stuff is fine, and you can blow a lot of hot air, but we have real problems. We have a budget deficit running out of control. If we are going to amend the Constitution, for God's sake, why do we not have a balanced budget?

I think this exercise is getting all the State legislators involved and the President of the United States and this Congress in using article V and hopefully adopting in relatively rapid fashion within a year will prove that the Constitution is a living document that we can amend. Article V is real, and as a result we might get a balanced budget amendment, we might get some of the amendments we need in order to make some sense out of our sometimes chaotic system here in Washington.

With all due apologies for the lawyer-like meanderings of each of our wise Justices of the Supreme Court, there is some good in this decision, and on the eve of the Fourth of July, I think it is terrific we have the greatest constitutional mind in America kick off a debate that will go on across the dinner tables at home across America the Fourth of July weekend.

Mr. WALSH. Mr. Speaker, I yield to the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS].

Mr. DONALD E. "BUZ" LUKENS. The comments by our mutual friend and gentleman from California are very interesting and call for a great deal of introspection, and cause me to think back to the building of the strength of our Nation, which is on the backs of the people and hearts and the soul and the loyalties of the people. I am particularly impressed, today standing here, by going through some of the Flag material I had in my office, and I wanted to read this and share this with my friend on the floor and with our country. It is a simple piece entitled "I Am Your Flag," written by James R. Howerton. Now, James Howerton is from Pendleton, OH, and was police chief for that community of about 55,000 to 60,000 people for a couple of decades. Jim, about 12 years ago, on "I Am a Loyal American Day," now "All American Day," July 1 through July 4, he wrote a tribute to the flag, and I thought it would be interesting to share this with Members, written by a man serving in World War II and now passed away, a good friend of mine, and a friend of everybody's. It says, "I am your Flag:

I have never transgressed upon foreign soil, except to defend the dignity of man
I have never flown over concentration camps, except when they were free
I have never flown over a grave except in humble thankfulness
I have left my shores with your men eager for battle and returned saddened by death
I have fallen in battle—been grabbed up by eager hands and carried on
I have gone into battle with young boys and returned with battle-hardened men
I have draped the caskets of a million fallen warriors—been folded gently and handed to a weeping mother
I have been carried in victory; but never in defeat
I have looked down upon kings and all the great men of my time
I have been burned, cursed, and spat upon
Yes, you may be disgraced; but I have lived in so much glory that I can never be disgraced.
I belong to no one and yet I belong to everyone.
For I am a symbol of your heritage of freedom.
And so I shall be as long as there is an America.

I think all of the legal speak notwithstanding, that there is no greater tribute to a nation than just one ordinary American citizen who cared to call upon to fight for his country, did so, and came back, cared enough to write to me one of the nicest tributes,

meaningful tributes to the symbol of our country I have ever heard. I think it is fitting at this moment that we realize what we are here for all night. To me, it is for the purpose of expressing to people of the United States that we do care, and that their flag which this generation loves and cares so much about will not be torn asunder by a wrong verdict, nine very well-meaning people, but a mistake. I think it is important to realize we are here for the people of the United States who overwhelmingly care about the respect that the average citizen around the world should show to a flag that stands for so much freedom and so much sacrifice and so much opportunity.

Mr. WALSH. Mr. Speaker, I thank the gentleman for his comments. It has been noted that the flag hangs over in the center of our body. Indeed, it hangs, it flies in the center of every American city and county of any size, and all the county squares and town halls throughout the country. That flag is the centerpiece. We all know it. We all love it from the youngest to the oldest citizen of this country, even know what it stands for.

I was reminded of that as I came, and of our own "Star Spangled Banner," as I walked down to the Capitol grounds this morning, I looked up at that light that sits at the top of the rotunda of the Capitol, and that light is always on when Congress is in session, and as I looked at that light, and I looked at the flag flying next to it, I was reminded of the words of the "Star Spangled Banner" that said, "Bombs bursting in air," and our flag stood amidst the battle of that great War of 1812, and the light that shines above the Capitol tonight as the day grows brighter, that light does not diminish, and the effort that was begun at the end of the day yesterday goes through the night and begins a new day today.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me once again. I had to get up one more time. We have been up here talking about this flag, this piece of cloth, and what it means to so many Members, the Members here, some being veterans, some not being veterans, all being great freedom lovers and lovers of the flag, trying to express what it really means to me.

I was walking along, coming back onto the floor and passed by George Russell, one of the recording clerks here, and I wanted to also thank again, as we have all night, the employees of the House, the clerks that are always staying up here, and George said something about, this is one of the all-nighters, and there have only been three that we know of, that he really enjoys being part of because of what the flag means to him. I said to George that when Americans see the burning of their flag, and we have all talked about it being symbols, but maybe it is a symbol, more importantly, Americans see themselves being burned. I think that says it probably better than any that have said it tonight. We see ourselves being defiled. We see ourselves being desecrated, because we see everything that we believe in being burned and defiled and desecrated, and it goes against the very grain of what America is.

I appreciate the gentleman for taking this time and being up all night to participate in this all-night special order.

Mr. WALSH. Mr. Speaker, I thank the gentleman from Texas. This is certainly an honor and a privilege for me to take part in a small way in this special order. It is truly a privilege, and as a Member of this body, I consider it one of my highest privileges yet as a Member of Congress. We all treasure our experiences here, and this is one that I will treasure, for many, many years to come.

As a candidate for this office, I came to Washington and met with the gentleman that I replaced here, Congressman Wortley, several times, and one of those times was a very, very hot July day, and as we came into the Capitol, we met with him, and we immediately left and drove up to Arlington National Cemetery where a former prisoner of war, MIA, was being laid to rest. I will never forget that day as long as I live. I had never been to Arlington before, and standing there with Congressman Wortley, and following as we did the caisson, with the riderless horse, and the full military honor guard, was a stirring experience for me.

□ 0630

That man's heritage stood next to his grave, his wife, his children, and his children's children, and the flag that was draped over that casket went with him to his grave. The children, his wife, and his brother were so proud, so proud of that man, so proud of his contribution to this country. Those sorts of feelings go deep, very deep, in all of us, and that is what the flag is all about in this country.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I think the gentleman makes an excellent point. The gentleman from Texas just a few minutes ago pointed out that the American people certainly feel that the flag is the embodiment of all that we hold most dear as a nation. It is a great unifying force for this Nation.

Just to build off the point the gentleman just made, there are a couple of things from history that we ought to reflect on, because I think they say precisely what the American people feel about the flag.

Woodrow Wilson back in 1915 said:

> The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under that flag.

In other words, everything we are and everything we want to be is embodied in the flag.

Henry Ward Beecher also made a point about the flag. He said this:

> A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the government, the principles, the truths, the history which belongs to the nation that sets it forth.

That is emblematic of the rest of the world, but in the American democracy the flag is even more important than it is in other nations because we have few unifying symbols in a democracy. We have no kings, we have no things that unify us in the way of personalities. We have a flag, and it has become extremely important to the American people to have that unifying symbol. That has been true throughout our history.

It seems to me that when we hear the great revulsion of the American people, with all of us experiencing contacts, and receiving hundreds of letters in our offices, when we hear the American people speak out, with 71 percent of them believing that a constitutional amendment should be passed, what they are really saying is that which really unifies us as a nation needs to be protected, and that somehow we have gone badly astray here when we think we can destroy our unifying symbols and not have it make a great impact on the Nation as a whole.

I think that is what we are hearing here. I think that is what we have spent the night trying to remind ourselves of and remind the nation of, that indeed what has been done here has to be corrected. It is clear that a constitutional amendment is going to be necessary to correct the damage that has been done by the Court's decision.

I certainly appreciate the efforts of the gentleman and the rest of our colleagues who have come in and spent the night to help focus the attention of the Congress and to help focus the attention of the Nation on that which is most important to us as a democracy, and that is the flag which unifies us and makes the American people one and whole.

Mr. WALSH. Mr. Speaker, the gentleman's remarks are absolutely right on, and I think it is worthy of noting that we have throughout the night and into the morning had the Representatives of the House, we represent-

atives of the people, representing people from every State, from sea to shining sea, across the country—Ohio, California, Pennsylvania, Texas, and New York. The people of the United States are speaking, and their representatives are addressing this very, very timely and important issue.

The gentleman from California [Mr. DREIER] said again and again that this is a unique opportunity for this Nation. It has made us face an issue that the Supreme Court has put before us. Is this freedom of speech? We think not. Freedom of speech is the spoken word. The flag is central to the focus certainly of this body, as we can see at the front of this Hall, and central to the focus of this Nation. In every State, every city, and every town, the flag is at the center, and this flag has inspired Presidents and poets and individual citizens to put to words and phrases some thoughts that inspire us as perhaps only our flag can inspire.

If I may, I would like to read a statement given by our great President, President Reagan, 6 years ago, on July 3d, regarding our flag. The President said this about the flag:

I am whatever you make me, nothing more.
I am your belief in yourself, your dream of what a people may become
I am a day's work of the weakest man and the largest dream of the most daring.
I am the clutch of an idea and the reasoned purpose of resolution.
I am no more than you believe me to be, and I and all that you believe I can be.
I am whatever you make me, nothing more.

The flag has stirred us in word and deed throughout our entire 200 years of history.

Mr. Chairman, if the gentleman wishes me to yield at this time, I would yield to the gentleman from California [Mr. DORNAN], who, if my memory serves me, began this special order tribute many, many hours ago.

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman for yielding.

To keep the chronology straight, may I ask the Chair how much time is left on this special order?

The SPEAKER pro tempore (Mr. BROWDER). The gentleman from New York [Mr. WALSH] has about 10 minutes remaining.

Mr. WALSH. Mr. Speaker, I yield back the balance of my time.

A FURTHER TRIBUTE TO THE AMERICAN FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, it is presently in the early morning, about 6:30 on the east coast, and in California it is 3:30, so that would make it 1:30 in Hawaii, our newest State. And across the international date line, this day is just ending in the United States' territory of Guam. That is where America's day begins, at daybreak. When "Old Glory" goes up in Guam, the day begins for America.

This is the day, as they used to say on the television shows, and through the mouth of Walter Cronkite, a day like any other day that illuminates our times.

I believe we started off on a wonderful bipartisan note here last night with special orders by some Members of the Democratic majority, including CHARLIE WILSON of Texas, an Annapolis graduate. In his special order there were stirring words about the flag.

I had not known that CBS last night, starting with Dan Rather, throwing the ball to Lesley Stahl, completely misinterpreted what we were doing here and actually put out some disinformation and said that a partisan fight was developing here in Congress, and that our friends and colleagues across the aisle were worried that somehow the Republican Party, the party that has taken the White House four out of the last five elections, was running away with the flag and making it a partisan issue. What a lot of baloney that is.

We will be glad to yield any Member of the majority in the U.S. House of Representatives. I do not know of one Member who has participated in special orders all night long in this vigil of respect to "Old Glory" who is doing it for any partisan advantage or who is not willing to welcome any American aboard, anyone of any political persuasion, to pay honor to our national symbol.

The phones have been ringing all night long in the Cloakroom. The rules of the House say we must direct all remarks through the Speaker to our fellow colleagues. If anybody is following the proceedings of the House, they are doing it by visiting with us, they are in the very few seats that are in the gallery, or they are doing it through national technical means, that is, television, watching in congressional offices, staff or Members themselves, or anybody else across the country. They are watching where I watch the floor proceedings in the House, and even in the Foreign Ministry at Moscow. I walked in the Foreign Ministry last August with my 28-year-old son, I opened the door of the conference room, and good heavens above, there were Russian Communists watching "Money Line" on CNN.

□ 0640

They were waiting to turn on the proceedings of the House floor, and I stood there, and I said, "Moneyline? Why that comes ahead of Crossfire. If they run one of my old tapes, you'll be watching that on Crossfire while I sit in Moscow itself," and they smiled and said; this was Gorbachev's main translator, Victor, who was on his way to a high assignment in the United Nations. He said, "Oh, Congressman, we watch you all the time, but only on serious matters." He said, "We have cable television here in the Foreign Ministry of the Soviet Union and your own embassy. Not even at the ambassador's home can you get American television. This was a gift from Ted Turner during the Good Will Games."

So, Mr. Speaker for all I know they are in Moscow at this very moment. Let's see, in Moscow, why it is the shank of the morning. It is coming up on 1 o'clock, 2 o'clock in the afternoon in Moscow.

So, to our friends in the Foreign Ministry in Moscow I say, "As you look across the city, at the American embassy and see Old Glory flying over the center of communism, know that this is a bipartisan vigil paying respect to 'Old Glory'."

I have had a love affair with the American flag my whole life, and I do not know where it began, but, as other Members said last night, DAVID O'BRIEN MARTIN who said, maybe it was his mother, maybe it was his father. I know my mother was born in Jersey City. Her first home was on Hamilton Street, and one can look down the street, and there is the Statue of Liberty looming so large that it makes one realize how close to the Jersey coast Bedloe's Island, renamed Liberty Island, is.

My mother dropped out of school at an early age because her father was ill. She went back into the convent and then came back to join the Zigfield Follies with her younger sister to help feed the family. She met a stagedoor Johnnie; he was a young businessman back from World War I. My father received three wound chevrons; that is what they called Purple Hearts in World War I, and he had carried a little tiny American flag next to the Cross of Jesus with him all through combat in World War I. I still have the cross. I still have the cross; we have lost the flag, but I can remember all during my youth that an American flag flew over the small desk next to my bed.

My first automobile, I put an American flag on the back next to the license plate. My second car was an MG. Most people in those days, when they wear the little sportscar hat, they put two British cloisonne flags on either side of their MG. I put two little American flags on my car as I had two American flags on the side of my red, white, and blue bicentennial van that was stolen a few years ago and at this moment is still running, illegal people desiring to be American, or at least work here back and forth through the

district of the gentleman from California [Mr. HUNTER] probably at this very moment.

Ford Broncos that I own, there are American flags on either side of the Bronco. Do my colleagues know where those flags come from?

The very first check I ever wrote in a campaign was my bicentennial campaign for Congress in 1976. People said I was crazy to spend so much for bumper stickers, but they were vinyl bumper stickers, the ones that last for years and years, and I lifted the idea from a great U.S. Senator, Jim Buckley. My bumper sticker began with an American flag, and I used to tell people, "If you're taking a bumper sticker to be courteous, go ahead and cut off my humble name, but save that flag because they sell for a dollar fifty, but you're getting it for free," and some people took that idea. I used to see my American flags on cars, but not my bumper sticker.

I have taken a leaf from the Presidency of the United States. When the flag flies directly over the White House, it means the President is in residency, and, when I am home in my home in Gardena Grove, CA, my wife puts out the American flag. It stays lighted all through the night, and it means the Congressman is in residency. When the house was shot up in some sort of a lover's quarrel across the street, my wife said, "Are you sure they meant to shoot up the house across the street? Our flag was out showing you were in residency."

I said on the floor last night to three American Marines, "You are never a former Marine. You're a Marine all your life," that would they ever pass a flag being burned on the street without having to get directly involved, and of course the question begged the answer. All three of them said of course not, and that is one of the things I find offensive about this decision is that it puts people into the position of having to take direct action against something that is now legal, and that is an offense to decency in this country.

Mr. Speaker, we got our first negative call in the cloakroom about 20 minutes ago, and let me also join my colleagues in thanking the staff here. I say to them, "You people look marvelous, a little better than we do, but I know that you don't look forward to working here all night long or even going late with special orders, but you're always good spirited about it. Even if you don't totally believe it, you always compliment us for our special hours," and I think that the unsung heroes of the House of Representatives and the U.S. Senate are our great staffs who work so hard, and that includes our police officers. That includes our great Capitol Hill Police force who occasionally don their Sunday best to mingle with the crowds in the gallery and observe their Congressmen at closer quarters than just stopping traffic in the streets and saying, "One more for the procrastinators as we weight into a late debate."

Here was one of the first calls we got last night. I know they are asleep, and I feel badly, so I will send them the RECORD.

A proud mother called, an angel she is, Angela Devito. She wanted to talk to the Speaker of the House. I believe that politics is not as important to these people as respecting the flag. This mother wanted to tell a story about her son. Kenneth Louis Devito, named after his dad, Kenneth Joseph Devito. They live in Peekskill, NY. This young 13-year-old American lad heard over the radio that it was legal to burn the American flag, and he was shocked, and he went to his mother and said, "Mom, I'm going to do something about this."

She said, "Sure you are, Ken. What are you going to do to change the Supreme Court?"

He said, "I'm going to help get a law passed to turn this around."

She said, "All right, Ken, see what you can do."

That day he visited people on the city council. He then went to see the mayor of Peekskill, Richard Jackson, who let him speak to the town council. The idea came up for a poster contest which the town is sponsoring.

Mr. Speaker, he has been unflagging over the last week in his devotion by going around talking to every person he could at this school. He is a freshman in high school at Franciscan High. He is in the ninth grade.

He called his Congressman and spoke personally on the phone to the gentleman from New York [Mr. FISH].

His mother made him a T-shirt that says, "Help Kenneth save the flag," and Kenneth Louis Devito told his mother the other day that he thinks someday he would like to sit on that town council, and then run for the mayor's job in Peekskill, NY, and then go to the assembly, as did one of our speakers here this morning from the State of New York, and then he wants to come to Congress.

Mr. Speaker, I think Kenneth Louis Devito is off to a great start, and one of these days that young man will probably sit in this Chamber and put his right hand over his heart and pledge to that beautiful flag that is displayed behind our Speaker and look back to when he was 13 years of age. The spirit of public service got to him because he heard those unbelievable words that it was a constitutional right to burn Old Glory.

There was some talks in the Cloakroom a few days ago about a poem on Barbara Fritchie that we all remember from school. As with most of the poetry that I was asked to remember in school, that came because either I was being prejudiced against because I had bright red hair and it stood out in class, so I was always nailed or I was shooting off my mouth, and the nuns were giving me a punishment, but I remember this one, and I went to our great staff over there at the Library of Congress and found out that two or three Members were doing the exact same thing at the moment, and we got the poem delivered to us, "Barbara Fritchie," by John Greenleaf Whittier. I went downstairs to look up the years of birth and death for John Greenleaf Whittier to try and figure out the date of the poem, and I see that he died the year my father was born, 1892. He lived a long life, as artist, and poets and sculptors sometimes do because of their tranquil pursuits, and he lived to be 85 years of age. He probably wrote this shortly after the Civil War.

□ 0650

It is based on some fact, the story of Robert E. Lee's invasion, the people would have called it in the North, in one of the border States in Maryland, the town of Frederick.

I would like to recall my early years at De La Salle Grammar School on the Island of Manhattan when I first encountered this poem and read it for you, through my sleepy voice on this early June 29.

Barbara Fritchie, by John Greenleaf Whittier:

BARBARA FRITCHIE

Up from the meadows rich with corn,
Clear in the cool September morn,

The clustered spires of Frederick stand
Green-walled by the hills of Maryland.

Round about them orchards sweep,
Apple and peach tree fruited deep,

Fair as the garden of the Lord
To the eyes of the famished rebel horde,

On that pleasant morn of the early fall
When Lee marched over the mountain-wall;

Over the mountains winding down,
Horse and foot, into Frederick town.

Forty flags with their silver stars,
Forty flags with their crimson bars,

Flapped in the morning wind; the sun
Of noon looked down and saw not one.

Up rose old Barbara Fritchie then,
Bowed with her fourscore years and tens;

Bravest of all in Frederick town,
She took up the flag the men hauled down;

In her attic window the staff she set,
To show that one heart was loyal yet.

Up the street came the rebel tread,
Stonewall Jackson riding ahead.

Under his slouched hat left and right
He glanced; the old flag met his sight.

"Halt!"—the dust-brown ranks stood fast.
"Fire!"—out blazed the rifle-blast.

It shivered the window, pane and sash;
It rent the banner with seam and gash.

Quick, as it fell, from the broken staff
Dame Barbara snatched the silken scarf.

She leaned far out on the window-sill,
And shook it forth with a royal will.

"Shoot, if you must, this old gray head,
But spare your country's flag," she said.

A shade of sadness, a blush of shame,
Over the face of the leader came;
The nobler nature within him stirred
To life at that woman's deed and word;
"Who touches a hair of yon gray head
Dies like a dog! March on!" he said.
All day long through Frederick street
Sounded the tread of marching feet:
All day long that free flag tossed
Over the heads of the rebel host.
Ever its torn folds rose and fell
On the loyal winds that loved it well;
And through the hill-gaps sunset light
Shone over it with a warm good-night.
Barbara Fritchie's work is o'er,
And the Rebel rides on his raids no more.
Honor to her! and let a tear
Fall, for her sake, on Stonewall's bier.
Over Barbara Fritchie's grave,
Flag of Freedom and Union, wave!
Peace and order and beauty draw
Round thy symbol of light and law;
And ever the stars above look down
On thy stars below in Frederick town!
—*John Greenleaf Whittier.*

Well, when schoolgirls and schoolboys, if they still study that poem following the Civil War, learn about Stonewall Jackson, one of the greatest heroes to the South during the Civil War, West Point graduate if he had lived, not been killed accidentally by one of his own young southern sentries, would have been the greatest general of the war on either side, wherever he chose to fight. It is a nice mixing of the agony of that conflict that put brother against brother to honor both Barbara Fritchie of Maryland and the great southern Gen. Stonewall Jackson.

Another poem followed this one in the book. They Xeroxed it in the Library of Congress for me. It is one that I remember just as well and it is cut in the middle of the poem, so maybe in a 1-minute at the beginning of our day after the Library of Congress has been opened for an hour, I will get the second half of this poem and recite this one, because I love this, and I remember it well, "The Flag Goes By."

This will stir some memories of school days. It is by Henry Holcom Bennett. I am not that familiar with Mr. Bennett.

How many remember this one, when America was still enjoying the great hat industry. Most males wore hats. I remember that. My dad must have owned 50 hats. This poem really meant something. The flag did not pass where an American male did not take his hat off and hold his hat over his heart. Now I am sometimes saddened at great American sports events where you see some of the younger men and women standing there, not knowing what to do with their hands. They look around and see that some people have their hands on their hearts. They see this look on their faces. "I wonder why they are doing that?"

It is just such a simple little gesture. It is actually the civilian salute. If you are in military uniform, you come to attention. Your left hand thumb goes along the seam of your trousers. You bring your heels together, toes at a 45-degree angle, and you salute smartly as straight as you can make your arm and hand, but if you are a civilian the salute to the flag is to put it over your heart.

When BOB MICHEL, combat veteran of World War II, opened up our vigil last night on our side of the aisle, he recalled the respect with which the flag is handled at funerals. I have been over to Arlington more times than I choose to for American heroes that I did not know, and for too many that I did know personally, the last time being just a few weeks ago when a friend that I came to know on my television show, after he had escaped with God's good luck from 5 years of Communist captivity, Col. Nicholas Rowe, one of our early Green Berets, just beloved because he commanded the John F. Kennedy Special Forces Center they have in Georgia.

I watched again how beautifully our third army regiment, the Old Guard from Fort Meyers out there in those beautiful hills at Arlington Cemetery, how slowly and beautifully they fold the flag with their white gloves, smoothing out each seam and then coming to incredible precision attention, turning it and giving it to the commanding officer of the honor guard and then he would gently go over and present the flag, in this case to Nick Rowe's wife, with his daughter sitting there and all of them shedding tears, and how the mother and the commander of the honor guard would for a moment both hold Old Glory. The commander always traditionally whispers something of how the fallen hero will be missed, the great sacrifice he made for his country. It is a moving sight.

I watched it when two of my friends that had flown with me in the Air Force in peacetime, who later gave their lives in Vietnam, were buried. I went over there for the burial of the remains that came back from Hanoi, 15, 20 years later, with wives that I had come to know and work with during the POW/missing in action struggle over the years.

I remember being in this well once talking about an American who went back to Saigon to get friends out, Tucker Grooverman. He served in the Marine Corps, worked in the CIA.

One gentleman tragically took the well on the other side and indicated he deserved to die because he had gone back to Vietnam when he should not have, that he had been in a covert program or something.

Tucker Grooverman could be heard screaming as he was being tortured in one of the Saigon Communist prisons shortly after Saigon was overrun by the Communists on April 30, 1975.

I went to Tucker Grooverman's funeral.

I went to the funeral of a man who died in a helicopter watching Los Angeles freeway traffic, but who had been shot down in a U-2 over the Soviet Union in Sverdlovsk, May 1, 1960, Francis Gary Powers. He served his country well in the Air Force, was a farm boy from West Virginia.

□ 0700

I remember his sad funeral over there as they handed the flag to his wife. The reverence that we show this flag in times of national loss, I think I have found out that most of my colleagues who have passed on with their boots on serving in this Chamber by driving to work and noticing suddenly that the flags are at half mast around Washington, DC, and if I had been daydreaming that morning and driving in, turned the radio on, and learned that a great American like Claude Pepper, 88 years of age, passed on, still serving in the House.

I remember when young Bill Steiger died. He was only 40 years of age. He has already been here 12 years. He had just had the greatest glory of his carreer, the Steiger amendment, which has become law without even a House floor vote, because it was an idea whose time had come to cut the capital-gains tax. We were coming into caucus shortly after an election. The House was in recess, and the Republican Conference came back to meet in the Cannon Building, and there was the flag over the Cannon Building at half mast. Young Bill Steiger had died at such an early age.

When we bring that flag down to half mast and people all across the country honor a hero, how incongruous that we would assume that somebody who did not like that person or their politics could then go out on the street and burn flags in the street while other flags are flying at half mast.

The gentleman from Illinois [Mr. MICHEL] reminded me of ceremonies around here, and I thought of one that he and I were at for about the fifth time this year where in the rotunda they called for presenting the colors, and Old Glory comes in, and it is followed by the division flags of the 16 American divisions that liberated the concentration camps, the Nazi death camps, on the western front of the Second World War, six armored divisions, the Thunderbird Division, the Rainbow Division, which was formed out of National Guard units in World War I that my dad served in for a while that has that beautiful rainbow symbol. All of these flags passed slowly in front of the assembled crowd, some of them survivors, Jewish

survivors of the Nazi horror, other survivors of different faiths, and to see the respect paid to our colors in that rotunda chamber during a ceremony so fraught with deep agony because of the survivors that were there and the glory of the American kids that kicked in the gates under General Patton and other commanders to see this hell on Earth, display before them of these walking skeletons reaching out their hand at the vision of the Stars and Stripes flying.

I remember reading a story once about an American fighter pilot in a Mustang flying over a camp, and he was about to strafe it. He thought it was a German military camp. There the prisoners had created an American flag out in the courtyard, and it was July 4, 1944, and most of those prisoners probably went on to die, but somehow or other out of cans or cloth or pieces of wood they made an American flag out, so the Mustang pilot rocked his wings and proceeded to strafe the gun towers only, because he knew that was a prison camp.

I am going to ask tonight that every body who has tracked this vigil find a flag story, something in their family's past, something personal to them, something they read about that has stuck in their mind, some beautiful story about reverence to the American flag. Please, do not send it to me unless you are my constituent; send it to your Congressman and ask your Congressman or woman to came down in this well, both sides of the aisle, and during a 1-minute or short special order at the end of the day, and after all one does not have to ask for a 5-minute special order. A Member can get a 1- or 2-minute special order or 5 or 10 or 15 or 20 if it is a longer story. Ask your Member to relate that story on the floor of the House to share it with all America. I just hope people will send in as many flag stories as they possibly can.

I am happy to yield to the gentleman from New York [Mr. SOLOMON]

Mr. SOLOMON. I just want to thank the gentleman from California. He is one of the Members of this Congress I deeply admire and respect for what he believes in and for the way he goes about expressing it.

He has talked about the expression and the flag, and I am very troubled about what is going to happen in this country when we talk about the Supreme Court decision on the flag and the ramifications of that, because standing on the public corner in a public place in a neighborhood at 3 a.m. in the morning in a residential neighborhood, shouting obscenities; is that freedom of expression?

Mr. DORNAN of California. No.

Mr. SOLOMON. Standing in a theater and shouting "fire"; is that constitutionally protected? Is that a right under the Constitution, or is that inciting to riot and endangering human life? Is burning the American flag, desecrating the American flag, is that a constitutional right, or is that a slap in the face to every patriotic American citizen?

The truth is now it is a constitutional right, and something has got to be done about it. Why? The gentleman was with me as we mentioned before in Hanoi, and we talked about the hope of the people, and that hope being America symbolized by that American flag.

The entire world is looking at us today to see what we Americans are going to do about this Supreme Court decision. I hate to think what will happen to this great country of ours if we do not reinstate constitutionally the protection and honor of that flag, because if we do not, let me tell the gentleman that there are going to be innocent Americans, well-meaning Americans, patriotic Americans, who will end up in jail, who will end up maimed or injured, some old disabled American veteran who is going to be on the street when there is a mob out there desecrating the American flag, a mob of the Communist Youth Brigade that is desecrating our flag; what does this gentleman think is going to happen? What is that disabled American veteran going to do who served in World War II and perhaps is living out the remainder of his life and now he is going to jump into that fray? He is going to go to jail. We cannot allow that to happen. That is why this Congress in a bipartisan way, and I hope before, as the Sun has now risen, I hope before we finish that we can read off the names of all of those Members who have participated on both sides of the aisle, not like Dan Rather likes to stir things up and say it is a political fray brewing. We were Americans. We were Republicans and Democrats who stayed here all this night. We are into the ninth hour, I think, now, as I understand, since we adjourned the regular business. We have to act on this constitutional amendment. We have to do it immediately and put it out to the States to be ratified, because if we do not, that is what is going to happen to God-loving, well-meaning, loyal American citizens. We cannot let that happen.

I admire the gentleman and respect him for taking this part of the special order here tonight.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, will the gentleman yield?

Mr. DORNAN of California. I am happy to yield to the gentleman from Ohio.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I just wanted to add a small comment in my own way.

The gentleman from California [Mr. DORNAN] has been most eloquent as usual in describing his feelings about the flag and to hear him when he participates in that deep emotion.

When the gentleman mentioned that Nick Rowe was a friend of his whose funeral the gentleman attended, my first association with Nick Rowe goes back to the first appearance in Congress when he escaped from Vietnam, and I had the privilege of serving here 22 years ago. We did a TV show together. Actually he did one for me. I did one with Nick Rowe. We did not do it together.

Mr. DORNAN of California. He came to Capitol Hill then?

Mr. DONALD E. "BUZ" LUKENS. Yes. And I saw Nick at home in my district in Ohio. I thought Nick Rowe was a genuine, great American hero, but in mentioning that marvelous person and the ultimate sacrifice he made for our country and his country, it reminded me of a story he told. I am not sure, but I think it was on camera here on Capitol Hill where we had the TV studio, and we went down and made the tape. He spoke about the efforts he and other POW's extended in making miniature American flags and how they made those miniature American flags because they represented freedom out of that captivity and the prison camps that the Viet Cong and actually the North Vietnamese Army maintained for Americans, and told how that symbol helped crystallize the love and the desire to be free and kept him sane and kept him really as far as he was concerned, he said, kept him motivated to escape after 4 years in captivity, and he still had the desire to get out of there.

He said that flag he hid on his person others could have been killed, and he could have been killed for just possessing of that flag, and how far we have come in this country, I think, in diluting, in deference to the Supreme Court, in diluting the meaningfulness and beauty and the purity of that symbol of freedom around the world. I just wanted to share that with the gentleman.

Mr. DORNAN of California. I just went off on one of my infamous tangents there after talking about "The Flag Goes By" by Henry Holcomb Bennett. It is a 32-line poem. It is beautiful. I only have the first 16 lines, so by way of a teaser, I will recite that and get the rest in a 1-minute the rest of the day:

THE FLAG GOES BY

(By Henry Holcomb Bennett)

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!
Blue and crimson and white it shines,
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;

But more than the flag is passing by:
Sea-fights and land-fights, grim and great,
Fought to make and to save the State;
Weary marches and sinking ships;
Cheers of victory on dying lips;

□ 0710

I would like to tell a story. In September of 1968 I had an opportunity to go to Vietnam for the third of my eight trips during the course of our struggle which President Reagan called a noble struggle, and I still believe it was, to keep liberty alive in half of the war-torn nation of Vietnam, as 33,629 Americans gave their lives, and many are still in wheelchairs today, as the gentleman from New York [Mr. SOLOMON] said, to keep half of another Asian country free, the northern country being Korea.

Who knows if we had succeeded in Vietnam if I might not have a dealership in my hometown of Garden Grove for an automobile produced in Vietnam, as the Hyundai dealership for all of America is headquartered in Garden Grove, CA? Who can say with any certainty that the Olympics might not have taken place in Saigon City in the year 2000 or 2004 or 2008? Who would have believed on Heartbreak Ridge and in Korea on Pork Chop Hill where men were in hand-to-hand combat with Communist forces outnumbering them 2 to 1, who would have believed in the heroic Marine withdrawal at Chosen Reservoir in the freezing winter of 1950? Who would have believed that 38 years later after that deadly struggle at Chosen that the Olympics would be celebrated, setting a record for the number of nations to participate, that they would be celebrated just a few miles to the south in Seoul, Korea? Nobody. That was a noble cause in Vietnam.

I have been there twice since my 9th and 10th trip, and it is hard to believe that North Vietnam won the war, it is such a God-forsaken place. Only Managua on this planet, and that includes Haiti, and Ethiopia, and other poor countries who are struggling, Bangladesh, I have never visited any place that is as distressed as Managua, Nicaragua or Hanoi, Vietnam. They are literally on their back, and if they were not still brutal, oppressive regimes, American aid would be flowing there like it flows from our Treasury and with young people there to follow the money and dispense it with love and care, and by AID or volunteer groups, they would be the beneficiaries of America's success with free enterprise.

But on this trip to Vietnam in September of 1968 during and just after what was called mini-Tet, the major Tet offensive for the Communists being the Tet so-called religious holiday during which they attacked on January 30 through the first 2 weeks of February early that year in 1968, and that was the highest fatality period for Americans. I remember in one 10-day stretch, the first 10 days of Tet, 1,111 Americans were reported dead. But at the end of that year I came back and spent time in all four corp areas, and I was traveling with unusual company, Gary Crosby, Bing Crosby's older son who was asked to go to Vietnam. I had appeared for awhile as a copilot on a TV series called "12 O'Clock High," a tiny little moment in the sun there in Hollywood terms, and the two of us went on what the USO calls a hand-shaker tour.

The advantage of a hand-shaker tour over Bob Hope, for example, and a greater American never walked on the stage in this or any other country, Bob Hope tours played to thousands upon thousands of people, but for security reasons could not get right up in the frontlines where the fighting had taken place just maybe a few hours before, and in one case we were there mintues after a firefight. And Gary Crosby and I made it a policy to visit not only the men in the field, but to visit those hospitals and yes, visit the morgues.

I remember we traveled for 1 day and rode on some of the armored personnel carriers following the tanks of the 11th Infantry Regiment, Armored Cavalry Regiment, and it was commanded at that time by the son of Gen. George S. Patton, and we went into one of the hospitals in the Third Corps area near where the regimental headquarters was for the 11th Cavalry Regiment. And we were going through talking to the various troopers, and one of the heroic young American nurses came up and said, "Gary and Bob, would you please come over and talk to this trooper. He's been in the hospital about a week. He is the most terribly injured man I have ever taken care of here, and he heard that Gary Crosby was coming to visit the hospital, and he wants to talk to you."

I said, "Sure, let's go."

When we approached his bed, Gary pulled up short and his eyes filled with tears, and I looked at Gary, and then I looked at the bed, and I will describe this scene to my colleagues as accurately as I can.

This young man had been in one of the M-113's of the 11th Cavalry, and he had taken a direct hit from a Chinese-supplied rocket supplied to the Viet Cong forces in that area of Vietnam, and it had killed most of the young troopers in the APC. And this young trooper had lost both his legs, both his arms, one of them just above the wrist, the other one almost completely. He was lying on his stomach on the bed with his face over the top of the bed in a net so that his face was pointing down. His head was completely shaved, and I had never seen metal or stainless steel stitches before holding his skull together actually. It was a terrible wound on his head.

Gary went down on one knee and then realized that he could not talk, and he motioned to me to kneel down next to him, and he whispered through a choking voice, "I can't I can't speak to him. You talk to him."

So I knelt down, and I saw that this trooper was missing most of his face on one side, and was drooling freely from the wounds to his throat and his mouth into a bowl that was under his face, his face down in this net.

You always wonder what to say to a wounded man in a hospital bed, and it usually comes out something like, "How are you doing, trooper?" And he said, "Fine, Gary," assuming that he's talking to Gary Crosby. And he said "How you guys doing?" And I nodded, and I found that I could hardly speak myself.

Then he said the following words to me, calling me Gary, he said, "Gary, we have been getting magazines from America." It took him much longer to say this because it was painful and his voice was very gutteral because of his wounds. He said, "We have been getting magazines from the Democratic convention in Chicago last month, and I see that in America they are flying enemy flags in the parks in Chicago and that people are burning our flag." And I said, "Well, just a few weirdos and creeps do that, and most people respect what you are doing, trooper." And he said, "Gary, can you make me a promise?" And I said, "Yes." And he said, "Will you promise to never allow anyone to fly an enemy flag in front of you or to tear down our flag?"

□ 0720

And in Gary's name and for myself I told this young 11th Cavalry trooper that I would never ever watch an enemy flag fly in our country as long as the war was going on, and I kept that promise, and that I would never again and never have, that I would never watch the flag of our country disgraced. I am going to keep that promise to that 11th Cavalry Regiment trooper. And I expect most Members in this Chamber will intervene if they see the flag being burned.

As JERRY SOLOMON said a few moments ago, no American citizen should be put in the position of having to use force to defend the flag, and not have the force of law on his side.

Mr. Speaker, I yield to the distinguished colleague from the Committee on Armed Services, the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. I thank the gentleman for yielding.

Mr. Speaker, I extend my congratulations for this ongoing effort for some of the very poignant stories that the gentleman has provided for us, someone who I think is probably one of the most experienced Members of Congress and who I think is one of the

most vocal supporters of not just our flag and what it means but our country and the greatness of our democracy around the world.

Perhaps later on we can relate one of the stories that I have heard so well. For instance, when the gentleman went into the hall of the great assembly in Moscow and shouted out as loud as he could in front of our American colleagues as well as some Soviet officials, the virtues of democracy and all the fine things our country stands for.

Mr. DORNAN of California. I knew it would be my one opportunity to speak to the Soviet Congress, even though there were only Americans in the chamber.

Mr. WELDON. The gentleman shouted out the ideals which the flag stands for around the world, and I commend him for that.

I also want to thank everyone who has participated in this special order and let the people of America who are now awakening into a new day know that this ongoing sentiment being expressed here in Washington really comes from the hearts of representatives from all over America. The gentleman is from California, I am from Pennsylvania. It crosses our great land. It crosses all ideological lines.

We have Members of both parties here, Members who represent rural areas and our urban areas. Each Member has related specific instances in their lives that have impacted them relative to the flag and what the flag means in terms of symbolism in relation to our great Nation.

It was a despicable act that occurred in Texas in relation to the flag, and I have had a tremendous outpouring of feelings from my constituents, not just my veterans but from all walks of life, from school children, from teachers, from professionals, and housewives.

Mr. Speaker, I want to relate, if I might, with the gentleman a few of the incidents that have touched my life and the meaning that the flag has had as I developed in my career and ultimately here in the Congress.

The flag has been a symbol of what America stands for. It really has been a bridge to our past and it will be a bridge to our future. It is the one symbol that we all can relate to.

In years gone by, past generations have been able to relate to the flag and to the symbolism in terms of what it means in terms of our democracy here in this country.

I will relate to you the experiences I had as a teacher in one of the poorer communities in southeastern Pennsylvania, directly adjacent to the city of Philadelphia. The young children I would deal with on a day-to-day basis, oftentimes would come to school without a decent meal, oftentimes would have family problems at home or only have one parent in the household; yet young children who had a reverence for the flag and for this country that you could see in their eyes.

As a teacher for 7 years in Darby Borough, oftentimes the community would rally around events that centered around the flag and the appropriate celebration of the flag. As a mayor in my home town, as a local official, the flag has been a rallying point for communities all across America. There is no better example of what America stands for than the typical Fourth of July parade, Memorial Day parade, or the Flag Day celebration.

I take great honor in representing a district that includes the borough of Yeadon in Pennsylvania. The borough of Yeadon is the founding home of Flag Day. The gentleman who started Flag Day, Mr. Thomas Kerr, his grandson taught school with me in Darby for 6 years and came up with the idea that we as a nation should have 1 day a year that we set aside to honor the flag and all that it means to our country and to all those people who had served under that flag in defense of freedom around the world.

Each year the borough of Yeadon has a major celebration that brings together people from all over the tri-state area around Philadelphia. People come to celebrate the flag and what it means and to relate their personal stories that the flag has had a tremendous impact on their lives in one way or another.

I think that is typical of communities all over America, not just in the birthplace of Flag Day but in small town USA and in our larger cities. The flag has been a rallying point for people who want to talk about the freedoms and the ideals upon which our country is founded.

I relate to my experience as a Member of this body, prior to coming here, having the ability to travel around the world, being over in Europe and the Middle East and in the Persian Gulf area right after the U.S.S. *Stark* was attacked. But I think of two specific trips that I took that bring back special memories of the flag and what it means to other nations.

One was to Managua, Nicaragua, during a very difficult period a little over a year and a half ago. Arriving in Managua and traveling through the city, listening to different people talk about the very real problems they were experiencing, I was touched by some of the mothers of political prisoners, one of whom had a flag she had kept as kind of a personal symbol of what we have in this country, that she hoped one day her loved ones would have. That was simply the freedom to live their lives and the freedom that we oftentimes times take for granted here in America.

I think back to that very tender moment that we had in discussing the unbelievable situation that occurred with both her father and her brother as they were carted away by the Communists in Managua, and the fact that she had not heard from them for a period of 9 months.

I think of my trip to the Soviet Union, and having an advantage of being able to speak the language and understanding the culture of the Soviet Union. I have been to that country on two specific occasions.

One time I recall visiting in December 1984, spending 3 weeks in the Soviet Union. As most people do when they travel to the Soviet Union, they like to take little trinkets or gifts that they can leave with the citizens of that country.

In 1984 I was trying to establish a feeling among the Soviet people that I met that the American people deeply wanted to have better relations but that we had some problems with the way that their Government and the way the Communist Party in fact was persecuting people.

The one thing that I had taken with me on that trip that became almost like a piece of gold was a series of small American flags that I had. Every place I went in Moscow, Leningrad, Minsk, when I traveled down to the Soviet Republic of Georgia, which in recent times has been in a terrible state of turmoil, and visited with people and stayed in homes in Tublizi, Bitumi and Kobleti, the one thing that these families asked me for, and when they saw it they all wanted to have one for themselves to hang on their wall, was the American flag. They wanted the American flag because it was something that they could symbolically identify with our country. And these people that I met even in the Soviet Union, these average citizens, farmers, housewives and engineers, wanted to be able to relate to us. And they could do that through the symbolism of that flag.

I left about 45 flags throughout the Soviet Union on that visit. I still communicate with some of those individuals. As a matter of fact, just last year one of them had the fortune of being able to travel to the United States. And along with their travels they brought out this flag that they had carried from the Soviet Union as a symbol of wanting to have better relations with our country and also as a remembrance of the special time that we had had together during my visit to the Soviet Union.

I think of an experience that I try to take advantage of at least twice a year that I think every American should have the opportunity to participate in. That is a naturalization ceremony.

Before coming to Congress, I was the chairman of my county council in the

county that I represented of 600,000 people. It has a broad diversity of socioeconomic background.

As chairman of the county council, we developed a tradition of the naturalization ceremony that would really be fitting for those people who are renouncing their allegiance to the country of their birth and taking up allegiance to America.

If you ever want to get a feel for what America is all about and what the flag means, not just to us but to foreigners who want to become Americans, attend a local naturalization ceremony.

I have spoken at probably 8 or 10 of them in my own area, and I can relate to you that there is no more moving experience than to sit in a room with 120 or 150 individuals from all the nations of the world, from Great Britain, from South America and Central America, from the Far East, from Canada, and to listen to these very personal stories of what it means to be able to give up the allegiance to the country where they were born and to be able to become an American citizen.

□ 0730

The one symbol that we use repeatedly in that ceremony in that process is the American flag. On numerous occasions, as the flag is presented to those people who in fact are becoming American citizens, there are tears rolling down their eyes because of what it means to them to be able to say that they are now an American citizen and they will proudly uphold and defend not just our Constitution but will proudly take care of and honor that flag which represents in a symbolic way all that our country stands for.

Mr. DORNAN of California. If I may reclaim my time, I agree with the gentleman, this is the most moving ceremony we can participate in. This is Boy Scout ceremonies and going to one of the service academies to watch some of the young cadets that we have appointed in passing in review behind the colors.

Does the gentleman know where he will be this coming Fourth of July, in 6 more days?

Mr. WELDON. Mr. Speaker, in seven different parades in seven communities starting at 9 o'clock in the morning and ending probably at 7 o'clock at night.

Mr. DORNAN of California. Mr. Speaker, I bet one of the nighttime ceremonies at the conclusion of a fireworks display there will be burst of fireworks that displays the American flag, glowing in three different colors. Whenever that happens, is it your experience that the crowd comes up with a very special "oooh," "aaah" sigh when they see "Old Glory" there in fireworks? I think as moving as some of these ceremonies have been, the one that most got to me was one that I did not attend but watched on television as part of the bicentennial celebration, and they were the lucky foreigners about to become American citizens on the Fourth of July 1976. They began the third century of the country, the first day of the rest of their lives as American citizens. That was a beautiful ceremony that took place all across the United States.

Mr. WELDON. The gentleman is right, as July 4 approaches there will be hundreds and thousands of ceremonies at that time.

Let me relate another example I had with the Soviets. In 1986 I hosted a delegation of 14 Soviet political leaders in my district and in America. Having them in my district, I wanted to give them a feel for what America was like. I felt that in coming to Washington and New York, they go into lectures and there are debates and discussions. I wanted to give these political leaders, these dedicated hardcore Communists a feel for what we are like as a people, and to be able to try to get inside their heads, if you will, to let them be able to relate to Americans. The experience that I think gave that impression the best happened on a Friday evening in my district. We have a summer concert series, we bring in musical groups from around the country. This one particular night we had the U.S. Navy Band playing before 15,000 people in this outdoor amphitheater. We had the Soviets to a dinner, hosted by our local Lions Club at a local restaurant, and we were trying to explain the context of what Lionism means in America to the relationship to our service clubs, and how they do not have anything similar in the Soviet Union. We went to this concert almost in the middle of the program by the Navy Band. The Navy Band knew in advance that we were going to be bringing the Soviets in. The Soviets felt that everything we were doing up until that point in time had been kind of prearranged for them, that everything they were seeing was not really necessarily true, but a case that we were showing them the best of what our country and my own particular county had to offer.

As we walked them into that outdoor amphitheater with 15,000 people there, and sat them down, the Navy Band played a rendition from a Soviet musician, then they played the "Star Spangled Banner," and then finally, John Phillip Sousa's famous composition, ending with the fireworks. As the 15,000 people in that amphitheater began to sing the "Star Spangled Banner," there was an unbelievable electricity in the air that overwhelmed the Soviets. There were no words that had to be spoken to them about our country, about the flag, about the symbolism and about all these thousands of people from all walks of life, rich and poor, who stood there together, showing their pride in their country in the way that they sung that song.

Mr. DORNAN of California. Mr. Speaker, if the gentleman can hold his thoughts one second, he is on a roll. I want the gentleman to go into the next special order. I want to ask the Chair how much time I have left, and if he has recorded who is the next special order, because the gentleman from Arizona [Mr. KYL] is here, stayed up all night for our vigil, one of our great freshman Members, the gentleman from Florida [Mr. Goss] is here, the gentleman from California [Mr. DREIER] wanted to be recognized for a minute for commenting.

The SPEAKER pro tempore [Mr. BROWDER]. The Chair is not certain.

Mr. DORNAN of California. Mr. Speaker, take Mr. KYL, and can Mr. KYL at the beginning recognize the gentleman from Pennsylvania [Mr. WELDON] to wrap up and I will take 30 seconds and give my last minute and a half to the gentleman from California [Mr. DREIER], who courageously unfurled the colors in a war museum in Hanoi as I kept a guard active, so we would not have to see the stars.

Let me say why I love this vigil, because I can still remember the thugs in Tehran carrying out the garbage in an American Flag, the formal flag from the Embassy lobby with the gold braid, they carried out the garbage. I was 9 years of age when the colors came down on Corregidor on the forces of Japan and took it down and making Skinny Wainwright witness it and put it on the ground and walk on it. When a boy is raised with parents who teach him to love the flag, he cannot stand this sight. I wish we had House rules that allowed the cameras to zoom in around here, look at this first Flag case. There is Old Glory in disgrace, upside down, other American battle flags, not because we lost the war in Vietnam, because we packed up and left our allies to the untender mercies of the Communists. I looked at this and I said to the gentleman from California [Mr. DREIER], "Oh, God, Dave, at a prayer, look at our flag upside down, because we walked off the battleground with total air-naval supremacy and never having lost an inch of ground for more than a few minutes." I said, "I cannot stand to see that." DAVE DREIER cased the joint, walked around the back side, says, "Keep the guards busy," I went to the front and double talked the guard pretending I knew he spoke English and was stonewalling him and pointed to the sky in an imaginary SR-71 flying over photographing. DAVE moved behind the case, grabbed the pole, and began to furl the colors until they were wrapped up tightly in the upper left-hand corner of our ensign where the beautiful stars representing each

State are displayed were hidden beneath the red which symbolizes the blood of every American fighting man who died in Vietnam, 58,156. Some may still be alive, missing in action, and the white for the purity of our country, that was all that was left. We did not have to see the full colors. The blue for faith. Thank you, DAVID, a courageous act. If they took you prisoner, believe me, JERRY SOLOMON and I would be on the floor making special orders every day until Congressman DREIER was released from Hanoi.

On that note, I close with a promise, the gentleman from New York [Mr. SOLOMON], more than anyone on either side has faithfully worn an American Flag on his lapel since the gentleman first came here. Today I raise my right hand and pledge that I will secure one of these flags today. I will wear it on the Phil Donohue Show tomorrow, and I will wear an American Flag at least regularly until the Court decision is overturned. Let us, all of us on the floor at this moment, people give us this things, let us collect as many flags as we can and start wearing them, even in place of our badge, our congressional badges. Our faces are known to the guards because they sit in our galleries to protect us. Let us start wearing those flags at least until this is overturned.

PATRIOTISM FOR THE FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KYL] is recognized for 60 minutes.

Mr. KYL. Mr. Speaker, I would like to begin by yielding to my colleague, the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I will finish up the comments I have. Once again, I want to congratulate and commend my good friend and colleague, the gentleman from California [Mr. DORNAN] for an outstanding job.

Another incident involving the flag I think all Members can relate to is the very touching time when a flag is used to drape the coffin of a deceased hero. As a Member of Congress for 3 years, one of the most difficult tasks I had was to accompany the family, the relatives, the two young children of sailor Tom McMillan on board the U.S.S. *Stark* when she was attacked. I had to try to explain to their two young children what it meant to lose their dad in defense of our Nation and freedom over in the Persian Gulf. Anyone who says they have the right to desecrate the flag when it symbolically represents things like what Tom McMillan had done for the country and the sacrifice he made in giving up his life, I cannot agree with.

□ 0740

I think that hits at the very soul of what America is all about. But I think the thing the flag really symbolizes is that it represents the hope that everyone has for a better life because they live in this free America.

I think of my experiences in my hometown, a town that suffered at the hands of a national motorcycle gang, the Pagans, a town that in the mid-1970's had a tremendous problem. People had lost pride in themselves, but the one thing people never lost sight of was the fact that this is America and they had a chance to change their quality of life, and that under this flag and this democracy they can change the situation they are experiencing. That flag gave the people of my hometown hope, and even during my most depressing years, when we had murders and robberies and economic stagnation, people still had hope, and twice a year we still had those massive celebrations of pride in our Nation and pride in our community, and symbolically that was represented by a proud display of the flag in front of everyone's home.

Today that community has turned itself around, because they believe in what our country is all about—being able to change and deal with some of the problems we have locally, as well as nationally.

As a person who grew up in a large family, the youngest of nine children in a rather poor community, with neither parent having the ability to go through high school because of their own family pressures, the one thing we were taught is that in this great land you have a responsiblity to put back, and you also have a responsibility to protect those symbols that represent freedom and democracy, one of which is the flag.

I can recall as a youngster growing up with my 6 brothers and 2 sisters that the one feeling we had above all else was that the flag was to be revered, and that it was an object that represented what America was all about. Each of my 6 brothers served in the military. I had a brother in the Navy during World War II, a brother in the Air Force during the Korean War, 2 brothers in the Army during the Vietnam conflict, one in the Coast Guard and one in the Marine Corps, a brother-in-law who was a retired Air Force lieutenant colonel, and it was a family that is steeped in the pride of this country. And the one symbol we have related to since the first memory I have as a youngster growing up is what the flag meant, not just to our Nation but what it meant to us as a family.

I think that is true of most families in America. The flag is really a symbol of what they have contended with, the problems and the struggles that America has gone through. For anyone as an individual to be able to think that they can desecrate this symbol, I think that has to be changed, and it has to be changed through legislation and, if necessary, through a constitutional amendment.

I would hope that all of us here today, in calling attention to this despicable incident that occurred and this terrible ruling that was put forth by the Supreme Court, will join in working to make real change.

Mr. Speaker, I know that my colleague, the gentleman from Arizona [Mr. KYL] is a true patriot in this body, and that he will be leading that fight. I thank him also for his leadership in this special order.

Mr. KYL. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WELDON] for his series of eloquent statements. I think it is interesting that we have a special order on the flag, when anyone even begins to talk about the flag, it brings out stories in all of us. We all, as Americans, have emotional stories to tell about the flag, personal experiences and things that we have witnessed.

And does that not say something to us? It evokes this feeling in us that is almost indescribable. It is hard to put in words, but it means so much to all of us.

Mr. Speaker, I know that the gentleman from Florida [Mr. Goss] wanted to speak for a moment, and I am happy to yield to him.

Mr. GOSS. Mr. Speaker, I thank my esteemed colleague, the gentleman from Arizona [Mr. KYL], for the opportunity to speak.

Following up on this, when I was walking around this morning, I went outside to take a look. Some of the things we see around here we take for granted, there is just no question about that. Maybe we are guilty of being a little too complacent and too comfortable about some of the things we see everyday. We see the American flag here at the Capitol. This morning, walking around outside this magnificent building, I looked up and I saw the flag on the Russell Building standing up there in the silent dawn flapping in the breeze, and then I look over and saw the flag on this building and I looked over and saw the flag on our Rayburn Building standing out against the sky. It is a sight we all see, and I think it probably thrills us all, but in the rush of business perhaps we forget. I think that every American and probably every lover of democracy anywhere in the world has somewhere in their mind's eye some special recollection, some memory that stands out that pictures our great flag at some moment in their life that meant something. I was trying to recall just in the short time that the 101st Congress has been in session these past 6 months or so some spectacular things where the

flag has been an important part of the ceremony or such an important part of the event that it gave meaning to what we were doing and to what the event was about.

Sadly, I traveled to Norfolk to the Naval base with many of our colleagues for the very touching service there to commemorate the loss of life on the U.S.S. *Iowa*. The flag was an intricate, interwoven part of that ceremony. We could not help but have great pride in the Nation and great gratitude in our hearts for the people who are defending us out there under that flag, and even in those saddened moments, when accidents happen and we have disability and death on behalf of our country, somehow there is comfort in looking up and seeing the flag and knowing that the Nation goes on despite the great sacrifices that have been made.

Just a few weeks ago many of us were in Tallahassee, FL and Miami for the interment of Claude Pepper, our great colleague from this body, and for me I will never forget in my mind Claude's final scene, with the folding of the flag and the presentation of the flag to the family. It was an intensely touching moment. With us standing on that hilltop, with the thunderstorm in the background and the peal of thunder as the flag was handed to the family, it was just something that any of us who were there, I am sure, will never forget.

I remember the inauguration, and that was a happier moment. What an incredible ceremony that was, and what an important part of the ceremony it was to remind us of what democracy is about and what the flag is about.

I remember speaking on Memorial Day in my district at Memorial Cemetery and looking out across the great expanse and seeing all the little flags marking the gravesites and all the people there who had come to remember and how important the flag was to them.

Just recently I came back from Panama. That is a troubled nation, as we all know, at this time, and as I was going about my business down there and making my rounds, thinking that this may be a little uncomfortable, I came to a place where I looked up at the administration building of the canal, and there was "Old Glory" flying. That gave me the sense that there were friends nearby.

I think that any of us who have served overseas in one capacity or another or who have been involved in the well-being of our Nation feel very strongly. But I certainly feel that patriots and patriotism are what makes America great. It is the spirit of America. We may come up with the most logical decisions, but if those decisions do not have the spirit of America, they are not American decisions in my view.

I think what has happened is a terrible slap in the face to us and to our veterans and to all American citizens. I think it will be misunderstood despite the logic of the court decision. I know it will never be accepted in my heart or in the hearts of most Americans. But I think that after anger comes sadness, and perhaps some of the thoughts I have had about this, thinking about these things through these hours and listening to the magnificent stories and the brilliant oratory of people like our colleague, the gentleman from California [Mr. DORNAN], and many others who have had so many more experiences and perhaps have been in such greater peril than some of us, are shown in our feelings, and my feeling is that our hat has got to be taken off, as the gentleman from California [Mr. DORNAN] said, for the flag, and we can stand for nothing less.

□ 0750

Mr. Speaker, I appreciate being given the opportunity to say that this morning. It really comes from the heart, and I know that all of us, I believe every Member of this body, has the same thought, whether we are all here to say it in one way or another, and that is a very good feeling, and that is certainly going to sustain me through the day despite that very poor decision.

Mr. KYL. Mr. Speaker, I thank the gentleman from Florida [Mr. Goss] for his eloquent testimony as to the reason we are here today.

I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank the gentleman from Arizona [Mr. KYL] for yielding, and I would like to say that I feel slightly invigorated. I feel as if I have just gotten off the red eye from Los Angeles, which is often the case. I have an opportunity, like a number of my colleagues, to take a shower and shave, and I just did that. I walked home and did that, which I always do when I get off the red eye, but I come with the sense of reinvigoration, not because I feel like I got off the red eye, but because I really look at what we have been doing for the past 8 to 9 hours as really a celebration because we have been bemoaning the fact that this horrible Supreme Court decision was made, and while I do not agree with it, I do not think there is anyone here who agrees with the decision and thinks it was a right one, but I do know that the gentleman from Illinois [Mr. MICHEL] stood in the well several hours ago and underscored the fact that it is important for us to continue to maintain that great reverence, not just for "Old Glory," but for the judicial branch of our Government and for the institution of the Supreme Court.

So the reason I am saying, Mr. Speaker, that this is a celebration is that we have spent a longer period of time than certainly has ever been spent here talking about the American flag, and we are embarking here on an amendment to the U.S. Constitution.

Now we may not like exactly what brought about the fact that we are doing this, but, nevertheless, this is a celebration that we begin with this special order planned by our distinguished friend, the gentleman from California [Mr. HUNTER] and his able assistant, Mr. Phillips, and I hope very much that we can move forward, pass this with a two-thirds vote here in the House, send it to those 38 States and look forward to ratification. Once again those State legislatures, as 48 of them have in the past, passing laws to make it a crime to desecrate the flag, they are going to have an opportunity to pass this constitutional amendment, and I believe it is a great opportunity, and I just would like to make one other point that I have been making throughout.

Mr. Speaker, I am still standing here looking at the poster which at about 9 o'clock last night I was holding up during the debate on our amendment dealing with police training in El Salvador, and so many people have been talking about the fact that in the United States of America the American flag is so revered.

However, Mr. Speaker, I cannot help but think as I look at part of the cache of 283 Soviet-made AK-47's how they would very much love to be able to prevent us from having the opportunity to do that, so we still face some very serious challenges; one of them is directly to our South.

So, we have to be very vigilant as we deal with this issue, and the people throughout the world who are seeking freedom look to the stars and stripes as their real beacon of hope, and we have got to with this constitutional amendment continue to expand that. I am convinced that we are going to do that, Mr. Speaker.

I thank the gentleman from Arizona [Mr. KYL], my friend, very much for offering me the opportunity to participate during his time. I have been here all evening, and I have to say I hope that I am providing the representation that his son, who is a constituent of mine, is a student at Pomona College, would want.

Mr. KYL. Mr. Speaker, I appreciate the comments of the gentleman from California [Mr. DREIER] about the future, the youth of our country and about what we are here today doing. Mr. Speaker, I would like to reiterate and to remind our colleagues why we are doing this and why our colleague, the gentleman from California [Mr. HUNTER] suggested yesterday that it would be a good idea for us to have a

special order. It is not simply to vent our feelings and our emotions about the flag. We will certainly have a lot of opportunity to do that over the Fourth of July, and many of us do it every day in different ways.

But the purpose of this special order of course is to commence a process, to begin something, to start something new, as the gentleman from California [Mr. DREIER] just said, to begin the process of amending the Constitution of the United States of America, and there is something beautiful about that process, about the fact that we have the ability to do that in this country, to change things when they are not exactly the way we would like to see them, and I particularly would like to follow up on a point that my colleague, the gentleman from California [Mr. DREIER] made.

Mr. Speaker, I practiced law for 20 years, much of it constitutional law. I have appeared before the U.S. Supreme Court. I have the highest regard, not only for the Court as an institution, for a coequal branch of Government, but also for the individual members of the Court, the Justices on the Supreme Court. They are all highly motivated, patriotic, very erudite Americans, and the opinion that was rendered with respect to the American flag did not come easily to the members of that Court, those who were in the majority, in the very close 5 to 4 decision.

As a matter of fact, in a couple of the opinions the authors went to great pains to say that it pained them deeply to rule the way they ruled. They did not really want to rule the way that they ruled, and I think that is an important point, Mr. Speaker, for us, for our colleagues, to appreciate here.

Americans can have difference of opinion. We can disagree with the most fundamental things to Americans, and yet, unlike the Communists, unlike the Chinese, for example, who simply declare an end to a day of freedom and gather in around them the thugs and the forces, the military, that control thought and opinion in that country and stifle all further debate, say that the discussion has ended. We permit the discussion to go forward in a system of law because we live under law rather than under the rule of men, and it is the genius of our system created by our Founding Fathers that, when we believe the Constitution needs to be amended, we have the ability to do that. That is something which is unique to the people of this country and also specifically to the Members of our body, the legislative branch of our Government, and that is why, Mr. Speaker, we are having this special order, to commence the process of amending the Constitution.

I want to make a point here to my colleagues. We need to do this quickly because the American people want the Constitution to allow the flag to have a special place in our country, a place which will protect it from desecration. Our Supreme Court has now spoken in a very closely divided decision, has said we cannot rule that the Constitution prohibits the desecration of the flag, to which we are all saying, "All right then. We will make it possible to protect the flag by amending the Constitution, and we have it within our authority to do that."

So we, Mr. Speaker, will engage in the process of hearings, and I hope very quickly bring to the floor of this House an amendment to the U.S. Constitution which prohibits the desecration of the flag, and we will do that by enabling the States and the U.S. Congress to pass laws prohibiting the desecration of the flag. We will then turn that constitutional amendment over to the States, and I think all of us hope that in a matter of just a very few months that the requisite number of States, three-fourths of them, will have adopted this constitutional amendment so that it will become a part of our Constitution.

Then, Mr. Speaker, there is something else that I think would be appropriate for this body to do and for the Senate to do, and that is to pass a law implementing this constitutional provision, doing what the Constitution permits the U.S. Congress to do, to pass a law that relates to the jurisdiction of this Congress over the various Federal facilities and Federal land and other areas of Federal jurisdiction where it would be appropriate for a Federal law, as opposed to individual State laws, to make it a criminal offense to desecrate the flag, thus showing to all of the States what a model piece of legislation would be.

I hope, Mr. Speaker, that this could be done very quickly to demonstrate to the American people that we care because they are frustrated right now. They really want us to do something.

Let me just as a matter of parochial interest read to you something that came from my home State, the State of Arizona, from the State Department of Arizona, Department of Legionnaires, some 30,000 members strong who passed the following resolution very shortly after the Supreme Court's decision.

The State Department of Arizona, the American Legion, does strongly implore the Congress of the United States to immediately initiate the process for amending the Constitution in order to protect the flag of our country from desecration by irreverent persons.

Now that says it all, Mr. Speaker. Every State, groups from throughout this country, want us to act, and we know that we must act to amend the Constitution, and then, when that process is completed, we can pass a statute which makes it a criminal offense to desecrate our flag.

□ 0800

Mr. MONTGOMERY. Mr. Speaker will the gentleman yield?

Mr. KYL. I am happy to yield to my great colleague, the gentleman from Mississippi.

Mr. MONTGOMERY. Well, Mr. Speaker, I say to my fine friend from Arizona that I thank him very much.

As has been mentioned, most of the states are participating. I would like to point out to the gentleman in the well that this is bipartisan. We certainly want to thank our colleagues on the other side of the aisle for helping to set up this all night special order about our great flag, the desecration and the burning of the flag, but I still want to make this point.

This is nonpartisan. We are all participating, Democrat, Republican, whatever you are.

I say 99 percent of the people of this country did not support what the Supreme Court did and that ruling should be overturned by an amendment, or by legislative action.

Mr. KYL. Mr. Speaker, I thank the gentleman for offering his comments.

As a matter of fact, I think the gentleman from the other party on which I sit was one of the very first speakers last night to rise in this special order and to make a special point of it.

Everybody in this body knows that when it comes to patriotism and standing up for the things that need to be done in this country to preserve that which our flag stands for, no one takes a better seat than the gentleman from Mississippi [Mr. MONTGOMERY], and everyone on this side of the aisle certainly respects that.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman.

Mr. KYL. Mr. Speaker, the gentleman from California [Mr. DORNAN] made the point when he spoke that this is a purely bipartisan effort. This is not a partisan matter. After all, Americans believe in this country and the flag is what symbolizes what we believe in. It knows no bounds in terms of religion or political party or geographical location, so it would be totally improper for anyone to believe that.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield again?

Mr. KYL. Certainly, I am happy to yield again to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, to follow up on that, as the gentleman knows, we have a congressional prayer breakfast this morning. I hope after the gentleman finishes his remarks that he will come down to the prayer breakfast.

Mr. KYL. I thank the gentleman for reminding me, Mr. Speaker, and as I leave this podium and turn it over to someone else, I would like to make the point that the Supreme Court has grappled with a lot of tough decisions over the years. One area it has had trouble with is this matter of religion and Government and the intertwining of the two. The Court naturally has wanted to try to prevent the Government from imposing a religion on the people and to permit the free exercise of religion, the two aspects of our religious clause in the Constitution, so it has tried to keep religion out of public life to the degree that it thinks it is important to do so, but I think all of us sometimes believe that the Court will sometimes wink at some of the precedents because it knows full well that the American people overwhelmingly believe in doing certain things. That includes, for example, speaking of God in this public institution, in this very Chamber, in this room.

The Supreme Court references God every day when it begins its deliberations, and as the gentleman from Mississippi said, we are about to leave, some of us, to engage in a breakfast in which we engage in prayer and we talk about things that are very important to all of us, God, our country. We do that in this very building.

I do not think that the Supreme Court or anyone in this building would believe that that is an improper use of a public institution.

It goes to show that there are some things that are so transcendent, that mean so much to all of us, that you can have all the words on paper you want to, but they do not detract from the fact that we want to do these things. We will do these things and nobody is going to take those rights away from us. That is what we are all about here, Mr. Speaker, insuring that in the future our Constitution will permit bodies all around this country to prohibit the desecration of that flag, which is the symbol of liberty and everything that the people in this country believe is so fervently.

Mr. JAMES. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Florida.

Mr. JAMES. Mr. Speaker, it is said that sometimes the darkest hour is before the dawn. Indeed, I think this may well be the case in this instance.

The Supreme Court in its decision has been in some media presentations applauded, I think wrongfully so, for their decision in upholding the first amendment.

We understand the academic arguments that make an analogy between an act and speech. I am sure our forefathers did not appreciate the nicety of that connection. In fact, burning the flag, as the dissenters pointed out in the opinion, had nothing to do with freedom of speech.

What is most alarming about this decision and concerns me the most is that the Supreme Court actually reversed itself, and this has not been written about or discussed.

Mr. KYL. Mr. Speaker, may I reclaim my time for just a moment so that I can turn the podium over to my colleague, the gentleman from New York [Mr. SOLOMON].

Mr. Speaker, I yield back the balance of my time so that the gentleman from New York [Mr. SOLOMON] can begin his special order.

ORDER OF BUSINESS

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to have my special order taken out of order at the present time.

The SPEAKER pro tempore (Mr. BROWDER). Is there objection to the request of the gentleman from New York?

There was no objection.

THE WRONGFUL SUPREME COURT FLAG DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes.

Mr. SOLOMON. Mr. Speaker, in order not to interfere with the flow, I yield to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, I am concerned about the opinion that the Supreme Court has written, for the same identical reasons that have been expressed by all the Congressmen during the night.

I am concerned also for additional reasons, for academic and legal reasons and for reasons that relate specifically to the law and the rulings of the dissent.

The decision that was made is outrageous for all the reasons that have been stated, but it is outrageous as a matter of law also.

I am concerned, because whether the Supreme Court liked the rulings of the prior court, it was totally unnecessary to reach the decision they did as a matter of case law and their own court rulings.

Now, 80 years ago in Halter versus Nebraska, as was pointed out in the dissent, the court upheld the constitutionality of the Nebraska statute that forbad the use of representations of the American flag for advertising purposes upon articles of merchandise. That to some may not immediately alert them that that is a case in point. It clearly is. Burning of the flag is far more of an issue than using the flag in advertising, so it is case in point, as lawyers say.

So the court has ruled very clearly. You cannot desecrate the flag even to the extent of using it in advertising. That has been the law of the land for at least 80 years, and in fact it was the law of the land as understood by our forefathers and constitutional lawyers prior to that decision.

So while the court, a slim majority, felt that they had to further rule on that, is a great surprise to me, quite frankly. I suppose they are asserting their independence from the will of the people and that is a flexing of their muscle. I do not think that is a valid reason for a ruling, nor do I think it is acceptable to reverse a clear ruling of that very court, especially when you have to go through the contrived exercise of saying that an act is synonymous with speech.

Though there is some logic in the application of the major opinion, certainly it is not strong enough logic to overturn their own decision.

So it is amazing that this even occurred. However, as I said in the beginning at my presentation, it is darkest just before the dawn. They may well have done us a favor because now we will have a constitutional amendment, I am convinced of that, which will honor both freedom of speech and the flag. The exception will solidify the rule, meaning by that you will have a very specialized symbol mentioned specifically in the Constitution and because of that exception you will further establish the fact of freedom of speech, freedom of speech in very necessary and real causes and ways.

□ 0810

So good can come from bad, and the emotional feelings of the public, and so it will solidify that symbol, and I applaud the President of the United States and I applaud the Congressman. I am convinced that there will be a proper amendment in a very short period of time.

Mr. Speaker, I am further convinced that it will serve the purposes of our Constitution by having that amendment both in regard to the flag and the other rights that are so clearly expressed there.

Remember, this was not the entire Court. It was a slim majority, and the Court, thank goodness for our Constitution, does have the final word on our Constitution, but we have the final word as to what amendments go in that Constitution, "we" meaning the Congress and the people of these United States. So the process has worked, will and can work, and it only symbolizes what we are all about and what the flag is all about, and the process that will follow from this.

We may not be able to always balance our budget, but we can certainly, because of our Constitution and because of our system of checks and bal-

ances, be able to solve in a peaceful way these types of problems involving laws that the public wants changed. So it really purifies and justifies and explains the beauty of the approach that our forefathers took and further defines and exemplifies what that flag stands for.

Mr. SOLOMON. I certainly want to thank the gentleman for the compelling and eloquent statement.

Mr. Speaker, let me first of all thank the Doorkeeper, Jim Molloy, for bearing with us for this 9-hour vigil that has taken place. It is now 10 after 8 o'clock in the morning, This special order started at 11 o'clock last night. My good friend, the Republican whip, the gentleman from Georgia [Mr. GINGRICH], will be thanking the staff later, but let me first yield to a new Member and an outstanding Member of the House, the gentleman from Mississippi [Mr. SMITH].

Mr. SMITH of Mississippi. Mr. Speaker, I thank the gentleman from New York for yielding.

In looking at the flag-burning issue, I looked at this week's issue of Newsweek magazine and an article entitled "Burning the Flag: What Are the Free Limits of Speech?" It talks about Gregory L. Johnson, the protestor at the 1984 Republican National Convention whose arrest brought about this recent case by the U.S. Supreme Court on the burning of the flag.

Mr. Johnson, according to Newsweek's article, is an avowed Communist, committed to world revolution. Further, Mr. Johnson himself added, and I quote, "It is a sham to talk about freedom of expression in the United States. This is still an oppressive Supreme Court and an oppressive Constitution." Obviously by those remarks, Mr. Johnson has no regard for this country or its flag, and I just have a hard time understanding, with the history of the American flag and what was said in the dissenting opinion of the Supreme Court by Justice Rehnquist, Justice White, and Justice O'Connor, how the majority of the Court could find in Mr. Johnson's favor and allow him to burn the U.S. flag.

At the time many years ago of the American Revolution, the flag served to unify the 13 colonies here at home while obtaining recognition of national sovereignty abroad, and I am now looking and reading from the dissenting opinon by Justice Rehnquist, Justice White, and Justice O'Connor on their thoughts on the history and the thoughts about the U.S. flag.

Ralph Waldo Emerson's Concord Hymn describes the first skirmishes of the Revolutionary War in these lines:

"By the rude bridge that arched the flood
Their flag to April's breeze unfurled,
"Here once the embattled farmers stood
And fired that shot heard round the world."

For many, many years beginning with the Revolutionary War, we have a history of the U.S. flag that the dissenting opinion of this Court was based on. I think we have a right, as Americans and as a Congress, to have a law that speaks to the desecration of the flag of the United States of America.

During that time, there were many colonial and regimental flags, adorned with such sumbols as pine trees, beavers, anchors, and rattle snakes, bearing slogans such as "Liberty or Death," "Hope," "An Appeal to Heaven," and "Don't Tread on Me." The first distinctive flag of the Colonies was the "Grand Union Flag"—with 13 stripes and a British flag in the left corner—which was flown for the first time on January 2, 1776, by troops of the Continental Army around Boston. By June 14, 1777, after we declared our independence from England, the Continental Congress resolved:

"That the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation." 8 Journal of the Continental Congress 1774-1789, p. 464 (Ford Ed. 1907).

One immediate result of the flag's adoption was that American vessels harassing British shipping sailed under an authorized national flag. Without such a flag, the British could treat captured seamen as pirates and hang them summarily; with a national flag, such seamen were treated as prisoners of war.

During the War of 1812, British navel forces sailed up Chesapeake Bay and marched overland to sack and burn the city of Washington. They then sailed up the Patapsco River to invest the city of Baltimore, but to do so it was first necessary to reduce Fort McHenry in Baltimore Harbor. Francis Scott Key, a Washington Lawyer, had been granted permission by the British to board one of their warships to negotiate the release of an American who had been taken prisoner. That night, waiting anxiously on the British ship, Key watched the British fleet firing on Fort McHenry. Finally, at daybreak, he way the fort's American flag still flying; the British attack had failed. Intensely moved, he began to scribble on the back of an envelope the poem that became our national anthem:

"Oh! say can you see by the dawn's early light,
What so proudly we hailed at the twilight's last gleaming?
Whose broad stripes and bright stars, thro' the perilous fight,
O'er the ramparts we watched were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof thro' the night that our flag was still there.
Oh! say does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?"

The American flag played a central role in our Nation's most tragic conflict, when the North fought against the South. The lowering of the American flag at Fort Sumter was viewed as the start of the war. G. Preble, History of the Flag of the United States of America 453 (1880). The Southern States, to formalize their separation from the Union, adopted the "Stars and Bars" of the Confederacy. The Union troops marched to the sound of "Yes We'll Rally Round The Flag Boys, We'll Rally Once Again." President Abraham Lincoln refused proposals to remove from the American flag the stars representing the rebel States, because he considered the conflict not a war between two nations but an attack by 11 States against the National Government. Id., at 411. By war's end, the American flag again flew over "an indestructible union, composed of indestructible states." *Texas* v. *White*, 7 Wall. 700, 725 (1869).

One of the great stories of the Civil War is told in John Greenleaf Whittier's poem, Barbara Fritchie:

"Up from the meadows rich with corn,
Clear in the cool September morn,
"The clustered spires of Frederick stand
Green-walled by the hills of Maryland.
"Round about them orchards sweep,
Apple and pear tree fruited deep,
"Fair as the garden of the Lord
To the eyes of the famished rebel horde,
"On that pleasant morn of the early fall
When Lee marched over the mountain wall;
"Over the mountains winding down,
Horse and foot, into Frederick town.
"Forty flags with their silver stars,
Forty flags with their crimson bars,
"Flapped in the morning wind: the sun
Of noon looked down, and saw not one.
"Up rose old Barbara Fritchie then,
Bowed with her fourscore years and ten;
'Bravest of all in Frederick town,
She took up the flag the men hauled down,
"In her attic-window the staff she set,
To show that one heart was loyal yet.
"Up the street came the rebel tread,
Stonewall Jackson riding ahead.
"Under his slouched hat left and right
He glanced; the old flag met his sight.
" 'Halt!'—the dust-brown ranks stood fast.
'Fire!'—out blazed the rifle-blast.
"It shivered the window, pane and sash;
It rent the banner with seam and gash.
"Quick, as it fell, from the broken staff
Dame Barbara snatched the silken scarf.
"She leaned far out on the window-sill,
And shook it forth with a royal will.
" 'Shoot if you must, this old grey head,
But spare your country's flag,' she said.
"A shade of sadness, a blush of shame,
Over the face of the leader came;
"The nobler nature within him stirred
To life at that woman's deed and word;
" 'Who touches a hair of yon grey head
Dies like a dog! March on! he said.
"All day long through Frederick street
Sounded the tread of marching feet:
"All day long that free flag tost
Over the heads of the rebel host.
"Ever its torn folds rose and fell
On the loyal winds that loved it well;
"And through the hill-gaps sunset light
Shone over it with a warm good-night.
"Barbara Fritchie's work is o'er,
And the rebel rides on his raids no more.
"Honor to her! and let a tear
Fall, for her sake, on Stonewall's bier.
"Over Barbara Fritchie's grave,
Flag of Freedom and Union, wave!
"Peace and order and beauty draw
Round thy symbol of light and law;
"And ever the stars above look down
On thy stars below in Frederick town!"

□ 0820

Mr. Speaker, I appreciate the opportunity to spend a few minutes this morning talking about the history of the flag of the United States.

Looking at the dissenting opinion, as we continue on through it and see through the First World War, the Second World War and the great history, and the people who have given of their lives, the prisoners of war, the missing in action that have served this country in battle, one wonders how a majority of the U.S. Supreme Court could ever come up with a ruling as they made recently on the desecration of the U.S. flag.

I thank the gentleman for yielding.

Mr. SPENCE. Mr. Speaker, few decisions in the 200-year history of the U.S. Constitution have engendered more negative response from the American people than the 5-to-4 decision by the Supreme Court regarding the burning of the American flag.

Like most Americans, I am deeply saddened by this decision. In my judgment, the decision represented not only a bad legal precedent, but it sent the wrong signal to patriotic Americans as well as to people all over the world that the most democratic and free Nation on Earth has no regard for the very symbol of its liberty.

Every American schoolchild knows about Francis Scott Key. Every schoolchild knows about the Battle of Iwo Jima. Throughout our history, young Americans have died, from the Revolution to the Vietnam war, in defense of the flag. How can we so unceremoniously disregard our history and the memory of millions of Americans who have fought under that banner by now saying that it is no longer in vogue?

We are told by some misguided people that desecration of the flag is nothing more than an expression of free speech. This is nonsense—pure and simple. It is also a step toward anarchy and the destruction of our laws and symbols. No nation can long exist that takes such a flippant attitude toward its history and the symbols which represent that history.

If we fail to reverse this tragic, unnecessary, and legally questionable decision, we will have failed the sacred memory of those who went before us to die for our freedom. We will have failed ourselves and we will have failed future generations of Americans who will be called upon the defend our beloved country in time of peril.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from Mississippi for that most eloquent statement.

Let me say to those other speakers here this morning that we do have to vacate this Chamber in a very few minutes. But first I would like to yield to one of the outstanding new Members from the State of Louisiana, Mr. CLYDE HOLLOWAY.

Mr. HOLLOWAY. Mr. Speaker, I thank the gentleman for yielding.

I just want to say a few words. I am sure there is not very much I can say that has not been said here during the night. I guess about all I can do is give a little testimony of my own as to what the flag means to me as an individual, this country that we live in and what it means, and what I feel it means to the people who are out there in the rank and file of our country.

First of all, I would say that when I go into my district to speak to children, the first thing that I always like to tell them is the loyalty that they should pay and the honor that they should pay to the flag. That is kind of hard to do after the Supreme Court decision. To think that one of our schoolchildren could see one of these very radical people who probably do not belong in this country out burning one of our flags that we are speaking about that means so much to us, and to the veterans, and to the people who have died, but not only the people who have fought and died but to the people who have served this country from here at home during wartime, the people who have served in this Congress, the people who have served the Government, who have been public servants for all of these years, it means a great deal to all of us. I guess I have to go back to my upbringing which was as a very poor southern boy.

There are very few countries in this world where a person could rise to this height. I guess that is the basis of my testimony, how many countries have some of the rights and the first amendment rights that we have in this country?

I think the Supreme Court has gone far, far too far with this decision to say that a person has under the first amendment the right to destroy our flag. Sometimes I get very hostile when I think of it and say that people should take it in their own hands when they see someone burning the flag. I think I heard the gentleman from California [Mr. DORNAN] say one time that maybe this provision allowed us to create a riot, and then maybe there could be something done to prosecute that person who started it. In my opinion, that is what a person is trying to do in a country like this when they burn a flag, and maybe that is all they are trying to do, I do now know. But it is very tough for me to take it, and it is very tough for me as an individual who I feel could not be here in any other country.

So in saying what the flag means to me, it is very close to my heart. I think it is very close to the heart of the people in my district.

So it is quite and honor for me to be here and to be able to just say a few words here on the floor on the flag.

I hope this constitutional amendment will move forward. There are many on this floor, and the President says he is going to send one down too, maybe as early as tomorrow. I hope we can move, because I think the time is right now. I was saddened to see a poll say that only 69 percent of the people in this country favored an amendment. I do not believe that. I cannot believe only 69 percent of the people, I have to believe that 99 percent of the people in this country favor us passing an amendment to preserve the flag, and if there is one thing that means something to us in this country, it is the flag. So I have to believe that if there is 1 percent, and I cannot believe there is even 1 percent, but if there is 1 percent, we must go forward, we must do whatever it takes to move this legislation through here, to get this amendment passed and get it out to the States, the 50 of them who will overturn their Constitution.

So hopefully we can move forward. I appreciate the service of the gentleman from New York to this country, because he has been to my district before, and been with some of my veterans groups, and I appreciate that very much.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from Louisiana for that compelling and most sincere statement.

Mr. Speaker, I yield briefly to the gentleman from California [Mr. DORNAN], a great American who has been with us every single hour of the night.

Mr. DORNAN of California. Mr. Speaker, I would say to the gentleman from New York I believe wanting to burn the flag is an unnatural act. For unnatural acts in one category we have these blow-up balloons that you can take home, these female figures you blow up, and who cares what you do with those things?

But I have a solution for those that have this urge to commit this heinous crime, this unnatural act of burning the flag. On the Fourth of July ask the fireworks man who at the conclusion of the fireworks is going to set off the display of the American flag where the crowd goes, "Oooh," and we see Old Glory. If he gets to light the torch to that beautiful, fantastic, fantasmagoric, red, white, and blue when the flag goes off, then maybe he can hold back that unnatural urge until the next Fourth of July.

I would say to the gentleman from New York Mrs. DeVito called. You will recall that in the shank of the night here I mentioned Kenneth DeVito, this 13-year-old freshman from Francisca High, and how his mom had made him a T-shirt that said, "Help Kenneth Save the Flag," and he visited the city council and the mayor, and that inspired him to run for the Congress, and I cannot say much more about it because I did 15 minutes on it, and on Ken senior, and Ken junior. But he called his Congressman, HAMILTON FISH. Kenneth DeVito is devot-

ed to this cause and it is happening all over the country.

A quick flag story. Back in 1962 I had a new Buick convertible, five kids under seven. I took them to the beach. I had the American flag on the aerial on my new Buick convertible. We spent some time in the Will Rogers State Park, which we have, and we came climbing up to the bluff and the car is gone; 6-year-old, 5, 4, 3, 2, and one about 6 months old, standing, shaking, shivers as the Sun goes down and no car. I called the police and called my dad or my brother to come out and pick me up. We get home and a police call is waiting.

"We found your car, Mr. DORNAN, and it is out here in the San Fernando Valley." Do you know what the car thieves did? They left Old Glory flying from the aerial. I guess that is honor among thieves.

□ 0830

I will be on "Phil Donohue" with our colleague, the gentleman from California [Mr. EDWARDS], who does not want to do anything on the flag issue. Also appearing is Joey Johnson, the young creep who burned the flag in Dallas. Yes, I will suggest to Joey that he has had a great effect on the free enterprise system. I predict, I bet we all agree, that more flags will be flying this weekend through the Fourth of July holiday than have flown since the great Fourth of July between victory in Europe and victory in Japan in 1945. I bet that every hardware store in this country sells out their American flags.

Folks, wear them on your lapel. Put them on your hats. Get the expensive sticker put on the side of the camper, on the side of your Cadillac El Dorado. Let Americans fly the flag over these holidays and remember that battle cry, on battlefields for history, "Save the colors." Men have died doing that. Congress should do no less. God bless JERRY SOLOMON and Kenneth DeVito.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for the inspiring speech, and thank so much my colleagues.

Mr. Speaker, let met, before yielding to the Republican Whip, let me first of all say how grateful I am to have the last hour of this special session which was called today to pay respect to that flag, in this third longest in the history of this House of Representatives.

DUNCAN HUNTER, would you stand up, please, from California. I want to personally pay tribute to DUNCAN HUNTER, a Member from California, who organized this entire special order, on both sides of the aisle. Let me say that I think you can sum up this whole special order here this evening that has lasted for 9-plus hours, by the hundreds of phone calls we have received across this Nation. I think the 40-some Members who have stayed here all night to sell those heart-rending stories of their constituents, and what that flag means to them. One phone call which came about 15 minutes ago came from a disabled American veteran who was in the Bataan Death March, who was a prisoner of war for 3½ years in Japan. He kept himself alive by every single night drawing a picture of the American flag, in the sand, which was the floor of his 2×4 cubicle. He was imprisoned for 3½ years. Falsely puts his hand on that flag, drawn in the sand. He posed a question to me because he had just realized, he said, "JERRY, what happens if I am walking down the street and I see this Communist youth brigade that BOB DORNAN and you will be sitting next to that creep on "Phil Donohue" next week, what happens if I see him desecrating that American flag?" He says, "I won't be able to stop myself. I will have to jump into that fray. What happens? Will I go to jail?"

Ladies and gentlemen, that is why we must change that Constitution. We must do it now and put it out to the States as the gentleman from Louisiana has said, and DUNCAN, I want to thank you from the bottom of my heart, because I think we need to mention those Members of this country representing all of those people across this Nation on both sides of the aisle, both political parties, starting with our great leader, BOB MICHEL, who spoke so eloquently at 11 o'clock last night, followed by DUNCAN HUNTER, followed by NEWT GINGRICH and BOB WALKER, and a great American Democrat on that side of the aisle, SONNY MONTGOMERY, who I served with on the Committee on Veterans' Affairs for 10 long years, to BEN BLAZ from Guam, a Marine Corps general and now a Congressman of the United States of America. DAVE MARTIN, from New York, LARKIN SMITH, who just spoke so eloquently a few minutes ago, from Mississippi, TOM RIDGE from Pennsylvania, BOB DORNAN, and we will never forget him and the eloquent speeches he has made from California. DAVE DREIER from California, BEN GILMAN from New York, DENNY HASTERT from Illinois, TOM DELAY from Texas, BOB MCEWEN from Ohio, JIM HANSEN from Idaho, DAN BURTON from Indiana, JIM LIGHTFOOT from Iowa, DON RITTER from Pennsylvania, JACK FIELDS from Texas, MIKE PARKER from Mississippi. We could go on down the line on the other side of the aisle to people like CHARLIE WILSON from Texas, CARROLL HUBBARD from Kentucky, GEORGE SANGMEISTER and BILL LIPINSKI from Illinois, CURT WELDON from Pennsylvania, JOHN KYL from Arizona. CRAIG JAMES spoke a few minutes ago from Florida, CLYDE HOLLOWAY, who just spoke a few minutes ago. I know we missed some, but those people from across this Nation stayed up all night to try to focus on this issue that means so much to the American people.

So in yielding to the Republican Whip, I want to thank all of those, but first I yield to the gentleman from California, so responsible for this.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding, because I think we all owe a great debt of gratitude to the gentleman from New York [Mr. SOLOMON] who worked this thing all night long, a great veteran, Marine Corps veteran, and leader in veterans' affairs. Thank you for everything you have done to make this special order a very special order. If we had no cameras, no publicity, whatever, the in-depth discussions that we had about the flag and its meaning to us have really forced us to analyze what this country means to us. I think it was a very profound and moving experience.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for all he has done for America and does in this Congress.

I yield to the gentleman from Louisiana.

Mr. HOLLOWAY. Mr. Speaker, I want to say thanks to Congressman HUNTER, but I want to say there may not be that many more flags flying, but we will all see those flags out there, and they will mean more to us, I think to each and every one of us because we usually fight, and when we are down, we come back up fighting, and thanks for the opportunity to be here.

Mr. SOLOMON. Mr. Speaker, I will at this time yield to our great whip from Georgia, NEWT GINGRICH.

Mr. GINGRICH. Mr. Speaker, I thank my friend from New York for yielding. First of all, we are very grateful to everyone on a bipartisan basis who made this possible and to the staff who made this possible. I want to thank the Democratic Congressmen who presided all through the night: Congressman VALENTINE, Congressman FROST, Congressman COSTELLO, Congressman PARKER, Congressman BROWDER, and now, Congressman TANNER, for providing and making it possible to have this series of special orders.

In addition, as everyone who watches C-SPAN knows, there are reporters who take down our words and who have been here all night and will be here today, showing extraordinary commitment to make the function. They include Charles Gustafson, Susan Hanback, Tab Redling, Tony Tartaro, Katie Jane Teel, Judi Mazur, and Chris Heil.

In addition, transcribers, people you never see, but they have been typing the special orders all night long, and they will continue to serve the House today. Those transcribers who are

downstairs who are taking the words of the reporters and again to transcribe them include Tony Jackubosky, Pat Vasselo, Karen Ilsemann, John Ulmer, Mary Wood, Barbara Wilmoth, Marion van den Berg.

And the RECORD clerks, Ed White, George Russell, Dick Creeger, Heather Mapes, and people throughout the building who have made this possible.

Thank you to everybody who serve above and beyond the call.

Finally, we need to thank Congressman MICHEL, the Republican leader in the House, and Congressman MONTGOMERY, one of the leading Democrats in the House, for their bipartisan efforts. They have introduced a very simple amendment. The operative passage, and this is how simple it would be, would say,

The Congress and the States will have the power to prohibit the physical desecration of the Flag of the United States.

In closing, I want to make two quick points. Many, particularly in the press, seem to misunderstand why this is an important issue. Let me suggest to them it would serve them well to read the dissent by Justice Rehnquist and Justice Stevens. In those two dissents, those able and learned men, each on the Supreme Court, outlined why the flag is an unusually important symbol, why the Government has the right to restrict certain action, even under the free speech clause and they make the case that just as in the name of freedom of speech, you could not desecrate the Lincoln Memorial, you could not desecrate the Jefferson Memorial, you could not desecrate the Washington Monument, similarly, we do have the right to allow extraordinary freedom of speech without giving up the single most powerful symbol which binds together this extraordinarily diverse Nation.

Last, it would seem to me it is precisely the right to amend the Constitution which should be pursued in this case, the right to amend the Constitution is itself written into the Constitution. Ironically, those who say we should not amend the Constitution on this occasion do so in the name of the first amendment to the Constitution, that the right of free speech protected by the Supreme Court the other day is a right granted only because the Congress initially amended the Constitution.

I go back and remind our listeners and remind our colleagues, surely an amendment which say specifically and directly as the Michel amendment does say,

The Congress and the States shall have the power to prohibit the physical desecration of the Flag of the United States.

Surely such a simple and correct protection can hardly be a threat to freedom of speech in any reasonable way.

□ 0840

Last, I have been asked as people called in all night, as our colleague pointed out, what can individual citizens do over the Fourth of July? In addition to flying the flag and wearing the flag on your lapel and otherwise speaking out, let me suggest that every citizen in America who cares about this issue can act by contacting their Congressman and their Senator and by making clear that they want to see an amendment brought to the floor and passed in the next few weeks. Every citizen has a chance over this Fourth of July to turn our national holiday, our celebration of national unity, into a time of effective action to in fact protect the flag of the United States.

Mr. Speaker, I thank the gentleman from California [Mr. HUNTER] for having organized these special orders, and I thank the gentleman from New York [Mr. SOLOMON] for yielding to me.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Georgia [Mr. GINGRICH] for that very compelling speech. I want to say just this: In carrying out what NEWT GINGRICH just said and what BOB DORNAN said about displaying the flag, one of the oldest newspapers in America, the Troy Times-Record, which incidentally is the home of Uncle Sam in upstate New York during the battles of the Revolutionary War, suggested in an editorial this morning that all Americans in my congressional district fly the American flag from now until the day that the 38th State ratifies the Constitution, putting back in respect for the flag of the United States of America.

I would suggest perhaps to all of us from all of the constituencies across America that we urge our constituents to do the same thing. Let us fly "Old Glory" from now until the 38th State ratifies that constitutional amendment, and I predict it will happen within a year from now.

Thank you all so much for participating in this third longest session of the U.S. House of Representatives. God bless you and God bless America.

Would you all join me in the Pledge of Allegiance?

Mr. SOLOMON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL of Ohio (at the request of Mr. GEPHARDT), for today until 7 p.m., on account of official business.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STEARNS) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.
Mr. HUNTER, for 60 minutes, today.
Mr. ARMEY, for 60 minutes, today.
Mr. FIELDS, for 60 minutes, today.
Mr. PORTER, for 60 minutes, today.
Mr. HANSEN, for 60 minutes, today.
Mr. RIDGE, for 60 minutes, today.
Mr. HASTERT, for 60 minutes, today.
Mr. GINGRICH, for 60 minutes, today.
Mr. SMITH of Mississippi, for 60 minutes, today.
Mr. MICHEL, for 60 minutes, today.
Mr. DORNAN of California, for 60 minutes, today.
Mr. WALKER, for 60 minutes, today.
Mr. DREIER of California, for 60 minutes, today.
Mr. KYL, for 60 minutes, today.
Mr. WALSH, for 60 minutes, today.
Mr. HYDE, for 60 minutes, today.
Mr. HOLLOWAY, for 60 minutes, today.
Mr. BLAZ, for 60 minutes, today.

(The following Members (at the request of Mr. JONES of Georgia) to revise and extend their remarks and to include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. HUBBARD, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:z

Mr. BEREUTER, during general debate on H.R. 2696, in the Committee of the Whole today.

Mr. KANJORSKI to revise and extend immediately prior to the Conte amendment in the Committee of the Whole today.

(The following Members (at the request of Mr. STEARNS) and to include extraneous matter:)

Mr. HORTON.
Mr. PORTER.
Mr. GREEN.
Mr. BROOMFIELD.
Mr. SCHAEFER in two instances.
Ms. SNOWE.
Mr. WALSH.
Mr. BAKER.
Mr. CLINGER.
Mr. CONTE.
Mr. YOUNG of Florida.
Mr. COURTER.

Mr. DONALD E. "BUZ" LUKENS in two instances.
Mr. RIDGE.
Mr. GEKAS in two instances.
Mr. DORNAN of California.
Mr. WELDON.
Mr. SOLOMON.
(The following Members (at the request of Mr. JONES of Georgia) and to include extraneous matter:)
Mr. LIPINSKI.
Mr. GLICKMAN.
Mr. HAMILTON.
Mr. DOWNEY.
Mr. UDALL.
Mr. TORRES.
Mr. TRAFICANT in two instances.
Mr. FORD of Michigan.
Mr. MAZZOLI.
Mr. KILDEE.
Mr. BRYANT.
Mr. LAFALCE.
Mr. NEAL of Massachusetts.
Mr. LANTOS.
Mr. SMITH of Florida.
Mr. CARDIN.
Mr. FUSTER.
Mrs. BOXER.
Mr. MATSUI.
Mr. BONIOR.
Mr. OBERSTAR.
Mr. DARDEN in two instances.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A Bill and Joint Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 633. An act to promote the development of technologies which will enable fuel cells to use alternative fuel sources; to the Committee on Science, Space, and Technology.

S.J. Res. 19. Joint resolution to designate November 8, 1989 as "Montana Centennial Day," to the Committee on Post Office and Civil Service.

S.J. Res. 155. Joint Resolution designating June 23, 1989, as "United States Coast Guard Auxiliary Day," to the Committee on Post Office and Civil Service.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1184. An act to allow the obsolete destroyer U.S.S. *Edson* (DD 946) to be transferred to the Intrepid Sea-Air-Space Museum in New York before the expiration of the otherwise applicable 60-day congressional review period.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 43 minutes a.m.), under its previous order, the House adjourned until today, Thursday, June 29, 1989 at 11 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees and delegations traveling under authorization from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the second and third quarters of 1987 and the second, third, and fourth quarters of 1988 in connection with foreign travel are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
A. Mario Castillo	3/29	3/31	Austria		570.00						570.00
	3/31	4/2	Czechoslovakia		302.00						302.00
	4/2	4/4	Berlin		549.00						549.00
Commerical transportation							2,868.00				2,868.00
Chairman E de la Garza	4/11	4/13	Italy		332.50						332.50
Codel	4/13	4/16	Czchoslovakia		453.00						453.00
	4/16	4/20	Germany		754.00						754.00
Military transportation							6,197.00				8,197.00
Hon. Charles W. Stenholm	4/11	4/13	Italy		332.50						332.50
	4/13	4/16	Czechoslovakia		453.00						453.00
	4/16	4/20	Germany		754.00						754.00
Military transportation							8,197.00				8,197.00
Hon. Robert F. Smith	4/11	4/13	Italy		332.50						332.50
	4/13	4/16	Czechoslovakia		453.00						453.00
	4/16	4/20	Germany		754.00						754.00
Military transportation							8,197.00				8,197.00
Hon. Steve Gunderson	4/11	4/13	Italy		332.50						332.50
	4/13	4/16	Czechoslovakia		453.00						453.00
	4/16	4/20	Germany		754.00						754.00
Military transportation							8,197.00				8,197.00
A. Mario Castillo	4/11	4/13	Italy		332.50						332.50
	4/13	4/16	Czechoslovakia		453.00						453.00
	4/16	4/20	Germany		754.00						754.00
Military transportation							8,197.00				8,197.00
Charles Rawls	4/11	4/13	Italy		332.50						332.50
	4/13	4/16	Czechoslovakia		453.00						453.00
	4/16	4/20	Germany		754.00						754.00
Military transportation							8,197.00				8,197.00
Codel other expenditures:											
Representation function, Bonn, Germany									884.97		884.97
Local transportation, Bonn, Germany									506.66		506.66
Representation function, Verona, Italy									1,208.06		1,208.06
A. Mario Castillo	5/26	5/27	Mexico		152.00						152.00
Commercial transportation							378.00				378.00
Committee total					10,810.00		52,428.00		2,599.69		65,837.69

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, July 30, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Curtis L. Marshall	10/19	10/21	U.S.S.R.		[3] 550.00		2,853.00				3,403.00
	11/13	11/17	British Columbia		521.33		[4] 306.00				827.33
James K. McCallum	10/29	11/5	Japan		2,009.00		2,350.00		126.63		4,485.63
	11/13	11/18	Spain		1,060.00		2,447.00				3,507.00
Rodney H. Moore	10/30	11/6	Japan		2,009.00		2,678.00		96.61		4,783.61
Kurt R. Oxley	10/15	10/23	United Kingdom		1,182.00		2,633.00				3,815.00
Jeffrey R. Pike	10/29	11/4	Japan		2,009.00		2,420.00		96.62		4,525.62
	11/12	11/21	Spain		1,060.00		2,555.00				3,615.00
Gerald Seifert	10/27	10/30	United Kingdom		[5]						
	10/30	11/8	Switzerland		2,050.00		2,824.00				4,874.00
Committee total					12,450.33		21,066.00		319.86		33,836.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Cash advance from Department of State; traveler returned $185.
[4] State Department issued reimbursement to traveler after trip.
[5] No per diem allowance in London, guest speaker at University of Wales.

WALTER B. JONES, Chairman, July 12, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE OF VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. G.V. Montgomery	4/14	4/17	Philippines		300.00		[3] 5,933.10		648.33		6,931.43
							[4] 50.00				
Hon. Claude Harris	4/14	4/17	Philippines		300.00		[3] 5,933.10		648.33		6,931.43
							[4] 50.00				
Hon. J. Roy Rowland	4/14	4/17	Philippines		300.00		[3] 5,933.10		648.33		6,931.43
							[4] 50.00				
Mack G. Fleming	4/14	4/17	Philippines		300.00		[3] 5,933.10		648.33		6,931.43
							[4] 50.00				
Rufus H. Wilson	4/14	4/17	Philippines		300.00		[3] 5,933.10		648.33		6,931.43
							[4] 50.00				
Louise D. Medlin	4/14	4/17	Philippines		300.00		[3] 5,933.10		648.33		6,931.43
							[4] 50.00				
Committee total					1,800.00	35,898.60	3,889.98	41,588.58			

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military.
[4] Local.

G.V. MONTGOMERY, Chairman, July 31, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Claude Harris			Equador		250.00						250.00
							[3] 662.89				662.89
Hon. Bob McEwen			Panama		194.00		[4]				194.00
			Honduras		92.00						92.00
Committee total					536.00		662.89				1,198.89

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.
[4] T–43 training mission flight.

G.V. MONTGOMERY, Chairman, Sept. 28, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Marcy Kaptur	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97
Hon. Dan Burton	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97
Hon. Michael Bilirakis	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97
Hon. Jack Davis	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ms. Gloria Royce	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97
Ms. Susan Short	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97
Mr. Kingston Smith	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97
Committee total					5,698.00		10,198.79				15,896.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military.

G.V. MONTGOMERY, Chairman, July 31, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Charles B. Rangel	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Benjamin A. Gilman	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Frank J. Guarini	8/9	8/11	Netherlands		332.00						322.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
William J. Hughes	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Edolphus Towns	8/9	8/11	Netherlands		332.00						322.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria								144.00
	8/19	8/22	Italy		388.00						388.00
Military transportation							12,474.09				12,474.09
Larry Coughlin	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		388.00						388.00
Military transportation							8,575.99				8,575.99
John T. Cusack	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Elliott A. Brown	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
George R. Gilbert	8/9	8/11	Netherlands		332.00						322.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Rebecca L. Hedlund	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Committee total					21,916.00		120,842.80				42,758.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES B. RANGEL, Chairman, Oct. 28, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SPEAKER-AUTHORIZED DELEGATION TO NETHERLANDS, FRANCE, PORTUGAL, MOROCCO, NIGERIA, AND ITALY, EXPENDED BETWEEN AUG. 8 AND AUG. 22, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ben Proctor	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Hayden Gregory	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Committee totals					4,422.00		24,948.18				29,370.18

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES B. RANGEL, Sept. 15, 1987

EXECUTIVE COMMUNICATIONS, ETC.

1385. Under clause 2 of rule XXIV, a letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report, titled "First-Line Supervisory Selection in the Federal Government", pursuant to 5 U.S.C. 1205(a)(3), was taken from the Speaker's table, referred to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 1312. A bill to amend the Domestic Volunteer Service Act to extend through the fiscal year 1992 certain authorities contained in such act relating to national volunteer antipoverty programs; with amendments (Rept. 101-116). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FAWELL (for himself, Mr. GOSS, Mr. SAXTON, Mr. LAGOMARSINO, Mr. MADIGAN, Mr. DANNEMEYER, Mr. RITTER, Mr. RHODES, Mr. GRANT, Mrs. BENTLEY, Mr. HUNTER, Mr. GINGRICH, Mr. STEARNS, Mr. HASTERT, Mr. KOLBE, Mrs. SAIKI, Mr. SLAUGHTER of Virginia, Mr. LEWIS of Florida, Mr. MILLER of Ohio, Mr. BAKER, Ms. SCHNEIDER, Mr. SCHAEFER, Mr. SMITH of Mississippi, Mr. WOLF, Mr. TAUKE, and Mr. DREIER of California):

H.R. 2770. A bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under part B of the Medicare Program, with the exception of the spousal impoverishment benefit; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ERDREICH (for himself, Mr. BEREUTER, Mr. GARCIA, and Mr. PAXON):

H.R. 2771. A bill to reauthorize the National Flood Insurance Program and the Federal Crime Insurance Program through September 30, 1991; to the Committee on Banking, Finance and Urban Affairs.

By Ms. KAPTUR:

H.R. 2772. A bill to require that certain information relating to nursing home aides and home health care aides be collected by the National Center for Health Statistics and the Bureau of Labor Statistics; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. KLECZKA (for himself and Mr. WISE):

H.R. 2773. A bill to amend the Freedom of Information Act, and for other purposes; to the Committee on Government Operations.

By Mr. MOODY:

H.R. 2774. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute on Population and Human Reproduction to be coordinated with the National Institute of Child Health and Human Development by a National Science Policy Committee for Research on Human Development, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MORRISON of Connecticut:

H.R. 2775. A bill to designate the park located across from the Embassy of the People's Republic of China in the District of Columbia, as "Tiananmen Square Memorial Park"; to the Committee on Interior and Insular Affairs.

By Mr. PALLONE:

H.R. 2776. A bill to designate "The Most Beautiful Lady in the World," by Helmut Christopher Calabrese and Paul L. Calabrese, as the official anthem of the Statue of Liberty; to the Committee on Post Office and Civil Service.

By Ms. PELOSI (for herself, Mr. CARPER, Mr. BEREUTER, Mr. SPRATT, Mr. BENNETT, Mr. DERRICK, Mr. PALLONE, Mr. TORRICELLI, Mr. MORRISON of Connecticut, Mr. BOSCO, Mr. HUGHES, Mr. HOCHBRUECKNER, Mr. TALLON, Mrs. COLLINS, Mr. OWENS of New York, Mr. NEAL of North Carolina, Mr. JONTZ, Mr. RAVENEL, Mrs. LOWEY of New York, Mrs. BOXER, Mr. HAWKINS, Mr. PANETTA, Mr. KASTENMEIER, Mr. WELDON, Mr. LEWIS of Georgia, Mr. ATKINS, Mr. FLORIO, Mr. SAXTON, Mr. WEISS, Mr. LANTOS, Mr. FEIGHAN, Mr. WOLPE, and Mr. HILER):

H.R. 2777. A bill to establish a national environmental policy on the participation of the United States in the multilateral development banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PETRI:

H.R. 2778. A bill amending section 700 of title 18, United States Code, to set criminal penalties for desecrating the flag of the United States; to the Committee on the Judiciary.

By Mr. RIDGE (for himself, Mr. GONZALEZ, Mr. MCDADE, Mr. WYLIE, Mr. FRANK, Mrs. ROUKEMA, Mr. GAYDOS, Mr. BOEHLERT, Mr. BARNARD, Mr. CLINGER, Ms. KAPTUR, Mr. LEWIS of Florida, Mr. ERDREICH, Mr. RITTER, Mr. MFUME, Mr. COUGHLIN, Mr. CARPER, Mr. MCDERMOTT, Mr. KANJORSKI, Mr. COSTELLO, Mr. HATCHER, Mr. KOLTER, Mr. ECKART, Mr. MURPHY, Mr. VENTO, and Mrs. PATTERSON):

H.R. 2779. A bill to amend the Housing and Community Development Act of 1974 to

revise and improve the Community Development Loan Guarantee Program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RINALDO (by request) (for himself, Mr. LENT, Mr. DINGELL, and Mr. MARKEY):

H.R. 2780. A bill to improve the communication between registrants of investment company securities and their beneficial shareholders by requiring nominee shareholders to deliver proxy materials and information statements to such beneficial shareholders, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SNOWE:

H.R. 2781. A bill to provide better services for individuals with Alzheimer's disease and related dementias through improved biomedical research, health services research, and training of health care personnel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK (for himself, Ms. SCHNEIDER, Mr. LEWIS of Georgia, Mr. BATES, Mr. LIPINSKI, and Mr. RANGEL):

H.R. 2782. A bill to authorize the suspension of duty-free treatment to wood products under the Generalized System of Preferences to beneficiary countries that do not implement appropriate reforestation programs, and for other purposes; to the Committee on Ways and Means.

By Mr. VENTO (for himself, Mr. FRENZEL, Mr. OBERSTAR, Mr. STANGELAND, Mr. SABO, Mr. WEBER, Mr. PENNY, and Mr. SIKORSKI):

H.R. 2783. A bill to improve the management of certain public lands in the State of Minnesota; to the Committee on Interior and Insular Affairs.

By Mr. WISE:

H.R. 2784. A bill to require that buses purchased with Federal funds be alcohol fueled, natural gas fueled, or LP-gas fueled, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. JAMES:

H.R. 2785. A bill to amend the Federal Election Campaign Act of 1971 to adjust certain contribution and expenditure limitations, and for other purposes; to the Committee on House Administration.

By Mr. OWENS of Utah (for himself, Ms. SCHNEIDER, Mr. FUSTER, Mr. BATES, Mr. SOLOMON, Mr. KASICH, Mr. FISH, Mr. NEAL of North Carolina, Mr. FORD of Tennessee, Mr. DEFAZIO, Mr. EVANS, Mr. LEWIS of Georgia, Mr. FORD of Michigan, Mr. ANDERSON, Mr. MINETA, Mr. RAVENEL, Mr. HENRY, Mr. BENNETT, Mr. LEVINE of California, Mr. OWENS of New York, Mr. PALLONE, Mr. TORRES, Mr. DOWNEY, Ms. PELOSI, Mr. BOUCHER, Mrs. BOXER, Mr. SCHEUER, Mr. GREEN, Mr. KASTENMEIER, Mr. DIXON, Mr. SMITH of Florida, Mr. MILLER of California, Mr. BOEHLERT, Mr. LEHMAN of California, Mr. MCHUGH, Mr. WELDON, Mr. EDWARDS of California, Mr. KLECZKA, Mr. BROWN of California, Mr. CROCKETT, Mr. TOWNS, Mr. LIPINSKI, Mr. CLEMENT, Mr. DELLUMS, Mr. WEISS, Mr. BUECHNER, Mr. KOSTMAYER, Mr. WOLPE, Mr. DE LUGO, Mr. LELAND, Mr. HUGHES, Mr. HAMILTON, Mrs. SCHROEDER, and Mr. SKAGGS):

H.R. 2786. A bill to provide for a timely analysis of all factors relating to the restoration of gray wolves to Yellowstone National Park and surrounding public lands, and for other purposes; jointly to the Committees on Merchant Marine and Fisheries, Interior and Insular Affairs.

By Mr. WELDON (for himself, Mr. FRANK, Mr. KOLTER, Mr. DANNEMEYER, Mr. BLILEY, Mr. CHAPMAN, Mr. LAGOMARSINO, and Mr. JAMES):

H.R. 2787. A bill to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to provide specific definition of the requirement that a purchaser of real property make all appropriate inquiry into the previous ownership and uses of the real property in order to qualify for the "innocent landowner" defense; to the Committee on Energy and Commerce.

By Mr. ALEXANDER (for himself and Mr. ANTHONY):

H.J. Res. 339. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical abuse, misuse, and improper display of the flag of the United States; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.J. Res. 340. Joint resolution proposing an amendment to the Constitution of the United States with respect to burning the flag of the United States; to the Committee on the Judiciary.

By Mr. SMITH of Florida:

H.J. Res. 341. Joint resolution designating November 1989 as "An End to Hunger Education Month"; to the Committee on Post Office and Civil Service.

By Mr. WATKINS:

H.J. Res. 342. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the acts of physical abuse, destruction, and desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. HERGER:

H.J. Res. 343. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the acts of physical abuse, destruction, and desecration of the flag of the United States; to the Committee on the Judiciary.

By Mrs. PATTERSON:

H.J. Res. 344. Joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, Presidential, State, and local elections; to the Committee on the Judiciary.

By Mr. SARPALIUS:

H.J. Res. 345. Joint resolution designating the week of March 1 through 7, 1990, as "National Quarter Horse Week"; to the Committee on Post Office and Civil Service.

By Mr. WALGREN (for himself, Mr. WELDON, Mr. BOEHLERT, Mr. COSTELLO, Mr. BUECHNER, and Mr. CLAY):

H.J. Res. 346. Joint resolution to designate October 29, 1989, as "Fire Safety at Home Day—Change Your Clock, Change Your Battery"; to the Committee on Post Office and Civil Service.

By Mr. BRYANT:

H. Con. Res. 161. Concurrent resolution expressing the sense of the Congress that the States should retain authority to regulate alcohol beverages; to the Committee on the Judiciary.

By Mr. CLINGER (for himself, Mr. GLICKMAN, Mr. ATKINS, Mr. BALLENGER, Mr. BARNARD, Mrs. BENTLEY, Mr. BOEHLERT, Mrs. BYRON, Mr. CAMPBELL of California, Mr. CARR, Mr. CHANDLER, Mr. CHAPMAN, Mr. CLEMENT, Mrs. COLLINS, Mr. COUGHLIN, Mr. CRAIG, Mr. DEFAZIO, Mr. DELAY, Mr. DURBIN, Mr. DYMALLY, Mr. EMERSON, Mr. FALEOMAVAEGA, Mr. GINGRICH, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HENRY, Mr. HOCHBRUECKNER, Mr. INHOFE, Mr. KYL, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. MCCRERY, Mr. MCEWEN, Mr. MARLENEE, Mrs. MARTIN of Illinois, Mr. MAVROULES, Mrs. MEYERS of Kansas, Mrs. MORELLA, Mr. MRAZEK, Mr. PACKARD, Mr. PARKER, Mr. PARRIS, Mr. PAXON, Mr. PETRI, Mr. RINALDO, Mr. ROWLAND of Connecticut, Mr. SABO, Mr. SHAYS, Mr. SKAGGS, Mr. SKEEN, Mr. SMITH of Florida, Mr. ROBERT F. SMITH, Mr. SPRATT, Mr. STANGELAND, Mr. TALLON, Mrs. UNSOELD, Mr. VALENTINE, Mrs. VUCANOVICH, Mr. WALSH, Mr. WELDON, Mr. WHITTAKER, and Mr. WISE):

H. Con. Res. 162. Concurrent resolution relating to the establishment of a new comprehensive national aviation policy for the United States; to the Committee on Public Works and Transportation.

By Mr. FAWELL (for himself, Mr. GOSS, Mr. SAXTON, Mr. LAGOMARSINO, Mr. MADIGAN, Mr. DANNEMEYER, Mr. RITTER, Mr. RHODES, Mr. GRANT, Mrs. BENTLEY, Mr. HUNTER, Mr. GINGRICH, Mr. STEARNS, Mr. HASTERT, Mr. KOLBE, Mrs. SAIKI, Mr. SLAUGHTER of Virginia, Mr. LEWIS of Florida, Mr. MILLER of Ohio, Mr. BAKER, Ms. SCHNEIDER, Mr. SCHAEFER, Mr. SMITH of Mississippi, Mr. WOLF, Mr. TAUKE, and Mr. DREIER of California):

H. Res. 191. Resolution providing for the consideration of the bill (H.R. 2770) to amend title XVIII of the Social Security Act; to the Committee on Rules.

By Mr. BROWN of Colorado:

H. Res. 192. Resolution amending rule XLVI of the Rules of the House of Representatives with respect to the number of mass mailings which a Member may make in any calendar year using the franking privilege; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

161. By the Speaker: Memorial of the House of Representatives of the State of Illinois, relative to legislation to correct the "notch" in Social Security benefits; to the Committee on Ways and Means.

162. Also, memorial of the House of Representatives of the State of Illinois, relative to restrictions on the use of tax-exempt bonds; to the Committee on Ways and Means.

163. Also, memorial of the House of Representatives of the State of Illinois, relative to a fair and balanced trade policy regarding the importation of foreign steel; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. JOHNSON of South Dakota.
H.R. 140: Mr. FORD of Tennessee.
H.R. 145: Mr. EVANS, Mr. HEFNER, and Mr. PARKER.
H.R. 239: Mr. HAYES of Illinois and Mr. CAMPBELL of Colorado.
H.R. 292: Mr. WOLPE.
H.R. 332: Mr. SUNDQUIST.
H.R. 401: Mr. LONG.
H.R. 496: Mr. WOLPE, Mr. PERKINS, Mr. APPLEGATE, Mr. FRANK, and Mr. MANTON.
H.R. 499: Mr. WALSH.
H.R. 504: Mr. WALSH.
H.R. 505: Mr. SKELTON, Mr. MCNULTY, Mr. RITTER, Mr. PALLONE, Mr. SOLOMON, Mr. GORDON, Mr. EDWARDS of Oklahoma, Mr. WALGREN, Mr. SMITH of Texas, and Mr. MILLER of Washington.
H.R. 570: Mr. BONIOR.
H.R. 572: Mr. BURTON of Indiana.
H.R. 574: Mr. ROHRABACHER, Mr. MCEWEN, Mr. GINGRICH, Mr. COX, Mr. HOLLOWAY, and Mr. WEBER.
H.R. 638: Ms. PELOSI, Mr. HOYER, and Mr. BUECHNER.
H.R. 665: Mr. DORGAN of North Dakota and Mr. YOUNG of Florida.
H.R. 697: Mr. HOLLOWAY.
H.R. 746: Mr. THOMAS of California, Mr. PRICE, Mr. BUECHNER, Mr. LAUGHLIN, and Mr. FISH.
H.R. 747: Mr. WATKINS, Mr. GILLMOR, Mr. HERTEL, Mr. SHUSTER, Mr. SIKORSKI, Mr. MCNULTY, Mr. SMITH of Mississippi Mr. PAYNE of Virginia, Mr. WHEAT, Mr. PALLONE, Mr. WALSH, and Mr. WYLIE.
H.R. 796: Mr. SISISKY, Mr. EVANS, Mr. HENRY, Mr. ROSE, Mr. SIKORSKI, Mr. BURTON of Indiana, Ms. KAPTUR, Mr. GRANT, and Mr. STOKES.
H.R. 875: Mr. PARRIS.
H.R. 885: Mr. MARTINEZ.
H.R. 919: Mr. BRYANT.
H.R. 930: Mr. HOUGHTON and Mr. BRENNAN.
H.R. 993: Mr. HAWKINS, Mr. HAYES of Illinois, and Mr. CROCKETT.
H.R. 995: Mr. OXLEY and Mr. ECKART.
H.R. 1025: Mr. FAUNTROY.
H.R. 1044: Mr. DELLUMS.
H.R. 1068: Mr. BUECHNER.
H.R. 1079: Mr. EDWARDS of Oklahoma and Ms. KAPTUR.
H.R. 1085: Mr. HAYES of Louisiana and Mr. ERDREICH.
H.R. 1095: Mr. BEVILL, Mrs. BOXER, Mr. BRYANT, Mrs. COLLINS, Mr. KANJORSKI, and Mr. PENNY.
H.R. 1136: Mr. ROBERTS, Mr. BARTON of Texas, Mr. DOUGLAS, Mr. BROWDER, Mr. STALLINGS, Ms. PELOSI, Mr. SOLOMON, Mr. STUMP, Mr. MILLER of Washington, and Mr. DURBIN.
H.R. 1185: Mr. OWENS of Utah and Mr. SOLOMON.
H.R. 1236: Mr. WOLPE, Mr. LIPINSKI, Mr. TORRICELLI, Mr. FROST, Mr. RICHARDSON, and Mr. MRAZEK.
H.R. 1286: Mr. EMERSON, Mr. SKELTON, Mr. CAMPBELL of California, Mr. BILBRAY, Mr. MARTINEZ, Mr. LANCASTER, Mr. SISISKY, Mr. ANDERSON, Mr. STARK, Mr. LAGOMARSINO, and Mr. LEHMAN of California.
H.R. 1287: Mr. LANTOS and Mr. SHUMWAY.
H.R. 1295: Mr. ROTH.
H.R. 1306: Mr. FLORIO and Mr. FUSTER.
H.R. 1317: Mr. MADIGAN and Mr. MFUME.
H.R. 1398: Mr. ACKERMAN, Mr. BERMAN, Mr. BUSTAMANTE, Mrs. COLLINS, Mr. CONYERS, Mr. DELLUMS, Mr. DYMALLY, Mr. EVANS, Mr. ESPY, Mr. FAUNTROY, Mr. FRANK, Mr. GARCIA, Mr. KILDEE, Mr. LELAND, Mr. MOODY, Mr. OWENS of New York, Mr. RANGEL, Mr. STOKES, and Mr. WISE.
H.R. 1432: Mr. FASCELL, Mr. CROCKETT, Ms. OAKAR, Mr. BILBRAY, Mr. WISE, and Mr. EVANS.
H.R. 1582: Mr. ROYBAL.
H.R. 1612: Mr. DELLUMS, Mr. DYMALLY, Mr. HAYES of Illinois, and Mrs. COLLINS.
H.R. 1617: Ms. OAKAR, Mrs. MEYERS of Kansas, and Mr. NATCHER.
H.R. 1643: Mr. ACKERMAN.
H.R. 1648: Ms. OAKAR.
H.R. 1704: Mr. PRICE, Mr. TOWNS, Mr. WEISS, Mr. HOCHBRUECKNER, Mr. LIPINSKI, Mr. PANETTA, Mr. SAXTON, and Mr. FAUNTROY.
H.R. 1760: Mr. WYDEN.
H.R. 1762: Mr. EDWARDS of Oklahoma and Mr. GEJDENSON.
H.R. 1955: Mr. PARRIS and Mr. ROBINSON.
H.R. 2002: Mr. WEISS, Mr. SMITH of New Jersey, and Mr. COX.
H.R. 2051: Mr. FRANK.
H.R. 2055: Mr. SCHUETTE.
H.R. 2069: Mr. HOLLOWAY.
H.R. 2096: Mr. RICHARDSON.
H.R. 2098: Mr. OWENS of New York, Mr. GEJDENSON, Mr. MYERS of Indiana, Mr. DE LA GARZA, Mr. DERRICK, Mrs. MARTIN of Illinois, Mr. THOMAS A. LUKEN, Mr. DARDEN, Mr. SIKORSKI, and Mr. MCMILLAN of North Carolina.
H.R. 2131: Mr. FISH, Mr. DONNELLY, and Mr. KANJORSKI.
H.R. 2142: Mr. STENHOLM and Mr. EDWARDS of Oklahoma.
H.R. 2165: Mr. BATEMAN.
H.R. 2186: Mr. FAWELL, Mr. MCEWEN, Mr. SHAYS, Mr. PARKER, Mr. COBLE, Mr. LAGOMARSINO, and Mr. FUSTER.
H.R. 2192: Mr. WISE.
H.R. 2217: Mr. ECKART and Mr. GEJDENSON.
H.R. 2228: Mr. OBEY.
H.R. 2290: Mr. ATKINS, Mr. PARRIS, Mr. KOLTER, and Mr. WALSH.
H.R. 2319: Mr. WHEAT, Mr. OWENS of New York, Mr. FROST, Mr. TORRES, Mr. PALLONE, Mr. SKAGGS, Mr. PERKINS, Mr. WYLIE, Mr. DYMALLY, Mr. ROGERS, Mr. KLECZKA, Mr. OXLEY, and Mr. STANGELAND.
H.R. 2323: Mr. OBERSTAR, Mr. PENNY, Mr. OWENS of Utah, Mr. DONNELLY, Mr. KENNEDY, Mr. MAVROULES, Mr. FASCELL, Mr. DE LUGO, Mr. CAMPBELL of California, Mr. ENGEL, and Mr. MOLINARI.
H.R. 2336: Mr. PARRIS.
H.R. 2373: Mr. ROE and Mr. LEWIS of Georgia.
H.R. 2386: Mr. ECKART, Mr. SHAYS, Mr. KANJORSKI, and Mr. BOEHLERT.
H.R. 2395: Mr. SUNDQUIST, Mrs. SAIKI, and Mr. FISH.
H.R. 2426: Mr. GEJDENSON, Mr. COUGHLIN, and Mr. COURTER.
H.R. 2507: Mr. DARDEN and Mr. GREEN.
H.R. 2529: Mr. ACKERMAN, Mr. NIELSON of Utah, and Mr. PENNY.
H.R. 2545: Mr. FAUNTROY, Mr. FROST, Mr. FUSTER, and Mr. ACKERMAN.
H.R. 2584: Mr. MOODY.
H.R. 2611: Ms. SNOWE, Mr. PANETTA, Mr. MILLER of Washington, Mr. COX, Mr. LEWIS of California, Mr. COURTER, Mr. FAUNTROY, and Mr. LAFALCE.
H.R. 2625: Mr. ATKINS, Mr. BATES, Mrs. COLLINS, Mr. DEFAZIO, Mr. GLICKMAN, Mr. JONTZ, Ms. KAPTUR, Mr. KENNEDY, Mr. LEHMAN of California, Mr. LEWIS of Georgia, Ms. PELOSI, Mr. PENNY, Mr. SMITH of Florida, Mr. VOLKMER, and Mr. WEISS.
H.R. 2629: Mr. SKELTON.
H.R. 2654: Mr. SMITH of Mississippi, Mr. BALLENGER, Mr. KYL, Mr. GINGRICH, Mr. WALKER, Mr. ROTH, Mr. IRELAND, and Mr. HANCOCK.
H.R. 2694: Mr. ECKART, Mr. ROBINSON, and Mr. HAMMERSCHMIDT.
H.R. 2700: Mr. RICHARDSON.
H.R. 2706: Mr. JOHNSON of South Dakota.
H.J. Res. 31: Mr. BOSCO and Mr. SAVAGE.
H.J. Res. 47: Mr. AKAKA, Mr. BUECHNER, Mr. CARPER, Mr. CONTE, Mr. FEIGHAN, Mr. FROST, Mr. FUSTER, Mr. GORDON, Mr. GUNDERSON, Mr. HOUGHTON, Mr. LEACH of Iowa, Mr. LEVIN of Michigan, Mr. LIVINGSTON, Mr. MARTIN of New York, Mr. MCHUGH, Mr. MILLER of California, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. PANETTA, Mr. REGULA, Mr. SABO, Mr. SIKORSKI, Mr. SISISKY, Mr. SOLOMON, Mr. STARK, Mr. TALLON, Mr. VANDER JAGT, and Mr. WALGREN.
H.J. Res. 149: Mr. ASPIN, Mr. GALLEGLY, Mr. LELAND, Mr. ROHRABACHER, Mr. ANDREWS, Mr. ARMEY, Mr. AUCOIN, Mr. ORTIZ, Mr. BERMAN, Mr. BEVILL, Mr. BONIOR, Mr. BRUCE, Mr. BUNNING, Mrs. BYRON, Mr. CARR, Mr. DEFAZIO, Mr. FLAKE, Mr. DICKS, Mr. DIXON, Mrs. UNSOELD, Mr. EARLY, Mr. EDWARDS of California, Mr. FORD of Michigan, Mr. FRANK, Mr. GARCIA, Mr. GEKAS, Mr. GEJDENSON, Mr. HAWKINS, Mr. HAYES of Louisiana, Mr. HOCHBRUECKNER, Mr. HUCKABY, Mr. JONES of North Carolina, Mr. JONTZ, Mr. KASICH, Mr. KENNEDY, Mr. KOSTMAYER, Mr. THOMAS A. LUKEN, Mr. MCCANDLESS, Mr. MCCLOSKEY, Mr. TAUZIN, Mr. AKAKA, Mr. BILBRAY, Mr. BROWN of California, Mr. CARDIN, Mr. CLARKE, Mr. COOPER, Mr. DELLUMS, Mr. DINGELL, Mr. DYSON, Mr. FALEOMAVAEGA, Mr. BATES, Mr. HOAGLAND, Mr. MARTINEZ, Mr. SOLARZ, Mr. RAY, Mr. ESPY, Mr. GONZALEZ, Mr. HARRIS, Mrs. KENNELLY, Mr. ATKINS, Mr. BEILENSON, Mr. BORSKI, Mr. BRYANT, Mr. CHAPMAN, Mr. CLAY, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DOWNEY, Mr. TANNER, Mr. NEAL of Massachusetts, Mr. HEFNER, Mr. PALLONE, Mr. MCDERMOTT, Mr. ENGEL, Mr. GAYDOS, Mr. HALL of Texas, Ms. KAPTUR, Mr. LAFALCE, Mr. MARKEY, Mr. MILLER of California, Mr. MONTGOMERY, Mr. MRAZEK, Mr. PANETTA, Mr. PERKINS, Mr. PRICE, Mr. ROBINSON, Mr. SABO, Mr. SARPALIUS, Mr. SAWYER, Mr. SHARP, Mr. SISISKY, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. SYNAR, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. YOUNG of Alaska, Mr. TRAFICANT, Mr. MAVROULES, Mr. MINETA, Mr. MOODY, Mr. OLIN, Mr. PAYNE of Virginia, Mr. PICKLE, Mr. RICHARDSON, Mrs. ROUKEMA, Mr. SAVAGE, Mr. SANGMEISTER, Mr. SCHUMER, Mr. SIKORSKI, Mr. SKELTON, Mrs. SMITH of Nebraska, Mr. SKEEN, Mr. THOMAS of California, Mr. VALENTINE, Ms. LONG, Mr. MCEWEN, Mr. LANTOS, Mr. LEVINE of California, Mr. CONYERS, Mr. BROOKS Mr. CLEMENT, Mr. STARK, Mr. SCHEUER, Mr. STENHOLM, Mr. TALLON, Mr. WAXMAN, Mr. WOLPE, Mrs. LOWEY of New York, Mr. POSHARD, Mr. YATRON, Mr. WILSON, Mr. WALGREN, Mr. LEATH of Texas, Mr. MICHEL, Mr. COSTELLO, Mr. FAUNTROY, Mr. RANGEL, Mr. UDALL, Mr. HUBBARD, Mrs. BOGGS, Mr. MURPHY, Mr. STAGGERS and Mr. STOKES.
H.J. Res. 163: Mr. SCHUMER, Mr. MARKEY, Mr. SCHIFF, Mr. OLIN, Mrs. UNSOELD, Mr. MAVROULES, Mr. SAWYER, Mr. BUECHNER, Mrs. KENNELLY, Ms. OAKAR, Mr. LEHMAN of California, Mr. BRENNAN, Mr. DELLUMS, Mr. BORSKI, Mr. BERMAN, Mr. DWYER of New Jersey, Mr. DIXON, Mr. ROSE, Mr. SMITH of New Jersey, Mr. SOLARZ, Mr. ANDREWS, Mr. NEAL of North Carolina, Mr. BARTLETT, Mr. WALSH, Mr. CAMPBELL of Colorado, Mr. SHARP, and Mr. DURBIN.
H.J. Res. 164: Mr. SMITH of Mississippi, Mr. HEFNER, Mr. SAWYER, Mr. ENGLISH, Mr. KANJORSKI, Mr. GORDON, Mrs. KENNELLY, Mr. BATEMAN, Mr. TANNER, Mr. COURTER, Mr. SOLARZ, and Mr. STEARNS.

H.J. Res. 171: Mr. AKAKA, Mr. ANDERSON, Mr. AUCOIN, Mr. BATES, Mrs. BENTLEY, Mr. BEVILL, Mr. BLAZ, Mrs. BOXER, Mr. CAMPBELL of Colorado, Mrs. COLLINS, Mr. CONYERS, Mr. COSTELLO, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DONNELLY, Mr. DURBIN, Mr. DYMALLY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAUNTROY, Mr. FAZIO, Mr. FUSTER, Mr. GREEN, Mr. HAMMERSCHMIDT, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HORTON, Mr. HOYER, Mr. KASICH, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MCEWEN, Mr. MCNULTY, Mr. MANTON, Mr. MATSUI, Mrs. MEYERS of Kansas, Mr. MOAKLEY, Mr. MOORHEAD, Mrs. MORELLA, Mr. MURPHY, Mr. NEAL of Massachusetts, Ms. OAKAR, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PANETTA, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PERKINS, Mr. PORTER, Mr. RANGEL, Mr. RAVENEL, Mr. ROE, Mr. ROGERS, Mrs. ROUKEMA, Mr. SABO, Mrs. SAIKI, Mr. SAVAGE, Mr. SKEEN, Mr. SMITH of Mississippi, Mr. TALLON, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. UPTON, Mr. VALENTINE, Mr. WAXMAN, Mr. WILSON, Mr. WOLF, Mr. WOLPE, Mr. ATKINS, Mr. GORDON, and Mr. JONTZ.

H.J. Res. 174: Mr. FISH and Mr. STEARNS.

H.J. Res. 199: Mr. BEVILL and Mr. MONTGOMERY.

H.J. Res. 200: Mr. OWENS of Utah, Mr. NIELSON of Utah, Mr. BARTLETT, Mr. PRICE, Mr. KOSTMAYER, Mr. FUSTER, Mr. RANGEL, and Ms. KAPTUR.

H.J. Res. 220: Mr. CROCKETT, Mr. COSTELLO, Mr. TOWNS, Mr. HORTON, Mr. TALLON, Ms. KAPTUR, Mr. HAYES of Illinois, Mr. RANGEL, Mr. FAUNTROY, Mrs. COLLINS, Mr. WALSH, Mr. TRAXLER, Mr. MURPHY, Mr. MILLER of California, Mr. MATSUI, Mr. BENNETT, Mr. STOKES, Mr. SABO, Mr. PAYNE of Virginia, Mr. GORDON, Mr. FROST, Mr. FAZIO, Mr. DWYER of New Jersey, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DYMALLY, Mr. ESPY, Mr. EVANS, Mr. FUSTER, Mr. GARCIA, Mr. GRAY, Mr. LANCASTER, Mr. LEWIS of Georgia, Mr. OWENS of Utah, Mr. PALLONE, Mr. ROE, and Ms. OAKAR.

H.J. Res. 221: Mr. ANNUNZIO, Mr. AUCOIN, Mr. CRANE, Mr. FISH, Mr. FROST, Mr. GEJDENSON, Mr. GREEN, Mr. SHAW, and Mr. WOLPE.

H.J. Res. 227: Mr. SCHAEFER and Mr. UPTON.

H.J. Res. 230: Mr. KASICH, Mr. SHAYS, Mrs. COLLINS, Mrs. BOXER, Mr. PETRI, Mr. CLAY, Mr. SCHUETTE, Mr. SKAGGS, Mr. LENT, Mr. FRANK, Mr. HAMMERSCHMIDT, Mr. DIXON, Mr. BARTLETT, Mr. MAZZOLI, Mr. DARDEN, Mr. GEJDENSON, and Mr. FISH.

H.J. Res. 231: Mr. HALL of Ohio, Mr. COUGHLIN, Mr. DE LUGO, Mr. ASPIN, Mr. HALL of Texas, and Mr. DWYER of New Jersey.

H.J. Res. 271: Mr. JONTZ, Mr. FUSTER, Mr. FAZIO, Mr. LIPINSKI, Mr. SMITH of Vermont, Mrs. SAIKI, Mr. SMITH of Florida, Mr. DELLUMS, Mr. LAGOMARSINO, and Mr. OWENS of New York.

H.J. Res. 273: Mr. DEWINE, Mr. SCHIFF, Mr. GEJDENSON, and Mr. HUGHES.

H.J. Res. 294: Mr. SENSENBRENNER and Mr. SMITH of Mississippi.

H.J. Res. 303: Mr. HOLLOWAY, Mr. EMERSON, Mr. DORNAN of California, and Mr. BILIRAKIS.

H.J. Res. 307: Mr. SPENCE, Mr. HOLLOWAY, and Mr. EMERSON.

H.J. Res. 308: Mr. BILIRAKIS, Mr. RHODES, Mr. SCHUETTE, Mr. GRANT, Mr. WILSON, Mr. HUNTER, Mr. SKEEN, Mr. SHUMWAY, Mr. HANSEN, Mr. ROBINSON, Mr. HUCKABY, Mr. BARNARD, Mr. HOLLOWAY, Mr. WYLIE, and Mr. TAUZIN.

H.J. Res. 309: Mr. DORNAN of California, Mr. PACKARD, Mr. HUTTO, Mr. NIELSON of Utah, Mr. SCHUETTE, Mr. RAVENEL, Mr. SAXTON, Mr. LEATH of Texas, Mr. KOLTER, Mr. ROBERTS, Mr. WILSON, Mr. HANSEN, Mr. SPENCE, Mr. BARNARD, Mr. DANNEMEYER, Mr. BILIRAKIS, Mr. RHODES, Mr. BOEHLERT, Mr. HUCKABY, Mr. HOLLOWAY, Mr. HUBBARD, Mr. LOWERY of California, Mr. EMERSON, Mr. PAXON, and Mr. TAUZIN.

H.J. Res. 317: Mr. LANCASTER, Mr. DYSON, Mr. BLILEY, Mr. PERKINS, Mr. HEFNER, Mr. PACKARD, and Mr. DORNAN of California.

H.J. Res. 318: Mr. STUMP, Mr. DORNAN of California, Mr. PACKARD, Mr. HUTTO, Mr. SKEEN, Mr. SCHAEFER, Mr. NIELSON of Utah, Mr. WILSON, Mr. LEATH of Texas, Mr. SAXTON, Mr. BALLENGER, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BEVILL, Mr. SCHUETTE, Mr. KOLTER, Mr. HANSEN, Mr. EMERSON, Mr. SPENCE, Mr. FIELDS, Mr. BOEHLERT, Mr. GUNDERSON, Mr. CAMPBELL of California, and Mr. BARNARD.

H.J. Res. 319: Mr. GALLO and Mr. HOLLOWAY.

H.J. Res. 322: Mr. PACKARD, Mr. WHITTAKER, Mr. ARCHER, Mr. SMITH of New Hampshire, Mr. LOWERY of California, Mr. SPENCE, Mr. GEKAS, Mr. BURTON of Indiana, Mr. DORNAN of California, Mr. RAVENEL, Mr. SKEEN, Mr. NIELSON of Utah, Mr. SCHAEFER, Mr. KYL, Mr. BARNARD, Mr. ROGERS, Mr. SAXTON, Mr. SHUMWAY, Mr. COURTER, Mrs. JOHNSON of Connecticut, Mr. BUNNING, and Mr. QUILLEN.

H.J. Res. 324: Mr. ROBERT F. SMITH, Mr. SKELTON, Mr. RHODES, Mr. MCGRATH, Mr. ROBINSON, Mr. PACKARD, Mr. WATKINS, Mr. SOLOMON, Mr. SHUMWAY, Mr. HUNTER, Mr. HANSEN, Mr. HOLLOWAY, Mr. BUECHNER, Mr. WYLIE, Mr. DERRICK, Mr. FIELDS, Mr. HUTTO, Mr. BEVILL, Mrs. BENTLEY, Mr. RITTER, Mr. APPLEGATE, and Mr. PAXON.

H.J. Res. 331: Mr. HOLLOWAY and Mr. PAXON.

H.J. Res. 335: Mr. HOLLOWAY and Mr. EMERSON.

H. Con. Res. 35: Mr. HOLLOWAY.

H. Con. Res. 79: Mr. COURTER, Mr. BUSTAMANTE, Mr. FROST, Mr. MORRISON of Connecticut, Mrs. BOXER, and Mr. DONNELLY.

H. Con. Res. 92: Mr. EVANS, Mr. SLAUGHTER of Virginia, Mr. COURTER, Mr. SUNDQUIST, Mr. SCHULZE, Mr. UPTON, Mr. WOLF, and Mr. HOLLOWAY.

H. Con. Res. 124: Mr. DANNEMEYER, Mr. JACOBS, Mr. LELAND, Mr. DINGELL, Mr. HAWKINS, and Mr. APPLEGATE.

H. Con. Res. 156: Mr. HOLLOWAY, Mr. JONES of Georgia, Mr. UPTON, Mr. MONTGOMERY, Mr. PARKER, Mr. EDWARDS of Oklahoma, and Mr. GRANT.

H. Res. 116: Mr. OWENS of Utah, Mr. SPRATT, Mrs. COLLINS, Mr. MRAZEK, Mr. GARCIA, Mr. FROST, Mr. DYMALLY, and Mr. LEWIS of Georgia.

H. Res. 130: Mrs. LLOYD, Mr. BUECHNER, Mr. ROYBAL, Mrs. BOXER, and Mr. FORD of Michigan.

H. Res. 184: Mr. SPENCE, Mr. BARNARD, Mr. DANNEMEYER, Mr. BOEHLERT, and Mr. HUCKABY.

H. Res. 189: Mr. AKAKA, Mr. APPLEGATE, Mr. ARMEY, Mr. BALLENGER, Mr. BARTLETT, Mr. BEREUTER, Mr. BOEHLERT, Mrs. BOGGS, Mr. BROOMFIELD, Mr. BROWDER, Mr. BROWN of Colorado, Mr. BUECHNER, Mrs. BYRON, Mr. CAMPBELL of Colorado, Mr. CARR, Mr. CHAPMAN, Mr. COLEMAN of Missouri, Mr. COLEMAN of Texas, Mr. COMBEST, Mr. COUGHLIN, Mr. COURTER, Mr. CRANE, Mr. DANNEMEYER, Mr. DARDEN, Mr. DAVIS, Mr. DE LA GARZA, Mr. DELAY, Mr. DEWINE, Mr. DICKINSON, Mr. DICKS, Mr. DIXON, Mr. DUNCAN, Mr. DURBIN, Mr. DYSON, Mr. EDWARDS of Oklahoma, Mr. FAWELL, Mr. FAZIO, Mr. FISH, Mr. GALLEGLY, Mr. GEKAS, Mr. GIBBONS, Mr. GILLMOR, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GRADISON, Mr. GRANDY, Mr. HALL of Texas, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HARRIS, Mr. HENRY, Mr. HERGER, Mr. HILER, Mr. HOPKINS, Mr. HORTON, Mr. HOYER, Mr. HUBBARD, Mr. HUCKABY, Mr. HUNTER, Mr. HYDE, Mr. INHOFE, Mr. JAMES, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mr. KOLBE, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Mr. LENT, Mr. LEWIS of Florida, Mr. DONALD E. LUKENS, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCDADE, Mr. MCHUGH, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MAZZOLI, Mr. MCGRATH, Mrs. MEYERS of Kansas, Mr. MICHEL, Mr. MINETA, Mr. MOLINARI, Mr. MOORHEAD, Mrs. MORELLA, Mr. MURTHA, Mr. NATCHER, Mr. OLIN, Mr. PACKARD, Mr. PARRIS, Mr. PASHAYAN, Mr. PAYNE of Virginia, Mr. PERKINS, Mr. PETRI, Mr. PICKLE, Mr. QUILLEN, Mr. RAVENEL, Mr. REGULA, Mr. RIDGE, Mr. RITTER, Mr. ROBINSON, Mr. ROHRABACHER, Mr. ROTH, Mr. ROWLAND of Georgia, Mrs. SAIKI, Mr. SAXTON, Mr. SHAYS, Mr. SKELTON, Mrs. SMITH of Nebraska, Mr. SMITH of New Jersey, Mr. ROBERT F. SMITH, Mr. SMITH of Texas, Mr. STAGGERS, Mr. STALLINGS, Mr. STANGELAND, Mr. STUMP, Mr. SUNDQUIST, Mr. SWIFT, Mr. TAUZIN, Mr. THOMAS of California, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VOLKMER, Mr. WELDON, Mr. WHITTEN, Mr. WILSON, Mr. YATES, Mr. YOUNG of Alaska, and Mr. YOUNG of Florida.

EXTENSIONS OF REMARKS

SUPREME COURT CIVIL RIGHTS DECISIONS JEOPARDIZE THE PRINCIPLE OF EQUAL OPPORTUNITY FOR ALL AMERICANS

HON. AUGUSTUS F. HAWKINS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. HAWKINS. Mr. Speaker, I read with interest the comments made by President Bush regarding the impact of the Supreme Court's recent civil rights decisions on equal opportunity. The President is quoted as having said that he would not support remedial legislation in the wake of recent Supreme Court decisions making it more difficult for minorities to prove discrimination. President Bush went on to say, "I am strongly committed to equal opportunity for all Americans, 'but that' nothing in these decisions jeopardizes the principle or calls into question affirmative action or minority outreach efforts." He dismissed these devastating decisions as mere interpretations of "technical subjects."

Mr. Speaker, we in the Congress are also strongly committed to equal opportunity for all Americans. That is why the Civil Rights Acts of 1866 and 1964 were passed—to make clear that all Americans have the right to be given access to jobs that they are qualified for, and that discrimination on the basis of race, color, religion, sex, or national origin contravenes the principles underlying the Constitution. That is also why the Congress passed the Civil Rights Restoration Act, over a Presidential veto, in 1988.

The damaging civil rights decisions of the Supreme Court's term include: City of Richmond versus J.A. Croson, which overturned the minority business set-aside program and seriously jeopardized hundreds of others throughout the United States; Wards Cove Packing Co., Inc. versus Atonio, which, by imposing technical changes involving the burdens of proof, made it virtually impossible for victims to prevail against employers engaging in discriminatory practices; Patterson versus McLean Credit Union, in which the Court graciously reaffirmed the applicability of 42 U.S.C., section 1981 to private conduct, but then severely limited its scope to actions related to the formation of a contract, thereby excluding such conduct as racial harassment; Martin versus Wilks, which held that persons who were not parties to a consent decree resolving years of litigation regarding discrimination in hiring and promotions, could challenge the decree as "reverse discrimination" years after the decree was agreed to; Lorance versus AT&T, which denied the right of women, victims of a dicriminatory seniority system, the right to challenge the system when they were demoted; and other decisions which have severely limited the scope and effectiveness of civil rights statutes.

In considering the task before us to work in a bipartisan fashion to correct these decisions, where necessary, I encourage my colleagues to read the insightful article written by Harvard law professor, Christopher Edley, Jr., and Gene B. Sperling entitled, "Have We Done Enough for Civil Rights?" This Washington Post article, from June 25, 1989, notes that we must have strong leadership by the Congress and the executive branch in order to sustain the second reconstruction and to frame the civil rights debate in an atmosphere of "healing and conciliation"—or face the spectre of "something quite different." A copy of the article follows:

HAVE WE REALLY DONE ENOUGH FOR CIVIL RIGHTS?

(By Christopher Edley, Jr. and Gene B. Sperling)

Has the civil rights consensus in America dissolved? Is the only choice now for civil rights activists between capitulation or an angry return to the streets?

Since the start of this year, Supreme Court decisions have hobbled a century-old statute against discrimination in private contracts; undermined Congress' effort to encourage voluntary settlements in discrimination suits; imposed uncertain but surely great burdens on governments that seek voluntarily to use race-conscious remedies such as contract set-asides; and blunted the strongest tool against subtle job discrimination, implicitly overruling a unanimous 1971 Supreme Court holding.

We seem to be at the end of America's Second Reconstruction. A civil rights consensus, barely 15 years in the making, was fragile but functioning when Ronald Reagan took office. There was a broad acceptance of the laws that sought to remedy historic racial injustice, of most remedial strategies and of the underlying norms. But Reagan's administration doggedly sought to undermine that acceptance. Now the real force of the Reagan-era policies is being felt in the decisions of the appointees who define the Supreme Court's position on civil rights issues.

The original period of Reconstruction that gave blacks in this country their first opportunity to seek equal status ended after a similarly brief period, and on a similar note.

"When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of the state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the law."

So wrote Justice Joseph P. Bradley for the majority in striking down the 1875 Civil Rights Act thereby dealing a death blow to the post-Civil War Reconstruction. It was 1883, a mere 20 years after the Emancipation Proclamation. Thirteen years later, the Supreme Court gave constitutional blessing in *Plessy v. Ferguson* to policies of "separate but equal," and the people Justice Bradley feared were becoming "the special favorites of the law" were instead subjected to more than a half-century of legalized discrimination.

The Second Reconstruction, launched nationally in the 1960s, has always been haunted by Justice Bradley's voice: "We've done enough." The voice turned to a chorus in the Reagan years, and in a series of decisions beginning last January, the Supreme Court's new majority has stepped out to lead that chorus. With gusto.

Three things are needed to renew this generation's effort at Reconstruction: reaffirmation, pragmatism and another way of doing the business of civil rights.

Unless President Bush makes astonishing appointments to unexpected vacancies, the immediate prospect is for a continued judicial assault not just on the controversial edges of doctrine, but even the broadly accepted core of the civil rights consensus.

Even before the Reagan challenge, the question of appropriate remedies for discrimination was far from settled. The very success of widespread racial exclusion—lasting until just one generation ago—left everyone and no one responsible at the same time. With overt discrimination mostly out of the picture, employers could blame an absence of black workers on educational disadvantage; educators could shrug and point to housing; housing officials and real estate brokers could point to low incomes; and so on. It is fatuous to pretend that the debilitating effects of centuries of servitude—persisting in the sharecropper culture of the South and the jampacked ghettos of the North well into the post-World War II period—can be reversed in a brief period of lukewarm tolerance. Sensible remedies to our great national conundrum are not easy to come by, but a country that cares about its integrity must try.

The first step in reaffirming our commitment to the ideals of racial justice is to make another attempt at an honest discussion of our differences on how to achieve it. The Second Reconstruction is imperiled in part because ideological blinders keep each side from seeing the undeniable kernel of truth clenched in the opponent's fist.

The most obvious example of such dogged misunderstanding is affirmative action. Some advocates give scant weight to the problem of innocent bystanders whose jobs, or chances of a job, may be at stake. Some opponents are even more strident in their unbending insistence on "color-blind" remedies. According to the Reagan administration's Justice Department, even the most well-intentioned use of race to remedy past discrimination is morally and legally unsound. No exceptions. Period.

When proponents of tough remedies go too far, as with set-asides for Connecticut Eskimos or promotion freezes for white males, there are real costs. The political costs are obvious. As remedies to historic racism grow more wide-ranging, they alienate first the closet bigots, and then the morally inert. But eventually they come to offend the ordinary person who simply says, "Hey, my life's tough, too."

Of course, making major changes in the social and economic scene, however necessary, is bound to cause discomfort. Though

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sometimes you can only bend history by running hard against the wind—monks engulfed in flames, Martin Luther King in Birmingham's jail, Chinese students under tanks—the tactic is most effective as a dramatic and short-term gesture. In the long term, the silent majority may be more alienated than convinced.

There is a second cost. If we seize, too quickly on discrimination as the explanation for individual disadvantage or injury, we may lose sight of some innocent and more important cause. People of any color should be fired if incompetent. And to be practical, even when discrimination is truly at play, there may be other factors worth addressing—such as encouraging people to fend for themselves in the face of the disappointments and setbacks that affect us all. Whatever their faults, Malcolm X and the Black Muslims combined their fervent support for black rights with emphasis on responsibility for self-discipline and ambition. The best black leaders, from Frederick Douglass to Jesse Jackson, have struck a similar theme.

There are similar costs on the other side of the question. We know the ugliness of racial politics, and we know the problem of blind denials of discrimination. But insensitivity to the realities of discrimination can easily go beyond disingenuousness. A senior Reagan Justice Department official, Charles Cooper, once argued to an appellate court that plaintiffs in a school desegregation suit must prove individual victimization and injury. The judge was shocked by the novel suggestion that school children should somehow have to prove that they personally were targets of unconstitutional school policy. He said that, as a conservative Republican, appointed by a conservative president, he found the suggestion offensive and shameful. Right.

Imagine that the police department of a major city with a 30-percent minority population has purposefully excluded all minorities from their police force. (They admit it, or a court makes a finding.) According to opponents of affirmative action, the proper remedy is to stop such bigotry immediately and then implement purely colorblind hiring policies. Any individual who can show that he or she has been an identifiable victim of such bigotry would be entitled to the appropriate relief.

Supporters of more aggressive forms of affirmative action, however, claim that such a remedy does not address the true nature of the harm. The goal of the racial exclusion was not simply to deny unknown and random individual jobs, but to exclude the entire minority community. Colorblind hiring, therefore, not only doesn't address this group-directed harm, it actually perpetuates the effectiveness of past bigotry. A community whose partial discrimination allowed at least a small number of minority members to be hired may have fair representation through colorblind hiring within a few years, depending on such problems as seniority, budgets, white-white cronyism or word-of-mouth recruiting. The community that completely excluded minorities will suffer the intended racial underinclusion for a substantially longer period of time.

The problem with such a justification for race-conscious remedies is that, for the innocent white bystander, it doesn't answer the age-old question: Why should I pay for my grandfather's sins?

When blacks as a group are excluded from teaching jobs or the police force, the harm is serious and real, but usually diffuse. When an Alan Bakke or a Wendy Wygant, however, loses a job or is denied admission to a medical school because of an affirmative action program, we see a real live injured person before our eyes, family by his or her side, providing sound bites and film at 11.

But virtually all policy decisions upset the expectations of some "innocent" parties. When a new highway is built, a few people get compensation for land that is taken, but many more suffer because there is pollution and congestion, or because business and, land appreciation occurs for someone else instead of them—and all these people bear the injury as part of the overhead of living in a society that wants progress.

When shall we hold the pursuit of broad social policy hostage to the just claims of such bystanders. It is an inescapable and difficult question. Perhaps the answer lies in Justice Powell's suggestion, in the 1986 case of *Wygant v. Jackson Board of Eduction*, that the "innocence" of a third party should depend on the degree that remedial burdens fall not on a generalized class—such as all white job hunters—but on a particularized few who have a long-vested interest—such as a job tenure—at stake.

If we are pragmatic in our commitment to Reconstruction, we can't do without carefully constructed race-conscious remedies to reach the most entrenched forms of discrimination. Fairness, flexibility and pragmatism may be key for those who wish to convince the courts, Congress and the public about how we can move forward.

What we need is a new way of doing civil rights policy business, one that is not only better suited to the spirit of the times but to the fact that changing circumstances call for policy tune-ups. Guerrilla warfare between the Supreme Court and Congress is not going to accomplish much. But neither can we count on making the Civil Rights Restoration Act of 1988 an annual ritual. That was a measure with only a smattering of vocal opponents on Capitol Hill. Still, it took four years plus a party swing in the Senate to pass the act, in which Congress reversed the *Grove City* case—which endorsed the nonsense of allowing a university, which receives federal funds in its science department, to discriminate in its nonsubsidized history or athletic department.

But Congress does have an indispensable leadership role in renewing the Reconstruction. Courts are the right place for balancing equities in individual cases. But they are not the right place to establish policy and build consensus. Civil rights must be on the congressional agenda constantly. The highly touted new Democratic leaders, George Mitchell in the Senate, Thomas Foley, Richard Gephardt and William Gray in the House, must find a way to make frequent and detailed debate over the design of remedies an important order of business. We can't expect civil rights to be revisited every year like the tax code amendments, because the lobbying costs would bankrupt the civil rights movement. But Congress cannot leave the hard choices to judges, and expect sensitivity to changing circumstances or effective explanations to the public.

And while Congress and the courts powerfully affect the rights and the values of our nation, there is no substitute for the moral and legislative leadership that the executive—and specifically the president—can provide. Prior to 1980, even where a president sought to challenge a civil rights development—as Nixon did school busing—every president at least sought to accommodate the development of a consensus on civil rights. Strong but tempered and pragmatic forms of affirmative action were permissible. Discrimination was defined to include some subtle forms of prejudice and entrenched discrimination as well as the most overt racial ugliness. Most elements of the business community were settled on a reformed perspective on personnel practices and community responsibility. Civil rights advocates increasingly turned their attention to broader questions of economic and social policy.

The Reagan years have shattered this consensus, uneasy as it may have been. To the Reagan administration there was no settlement that couldn't be reopened, no remedies addressing systematic discrimination that couldn't be disrupted, and no positive civil rights precedent that couldn't be called into question. At times it even seemed that civil rights policy had been ceded to a radical faction, as if it were some political plum. A minor ambassadorship, perhaps; or a HUD contract. In case after case, bill after bill, the Reagan administration stirred up rancor and division: tax deductions for racist schools; efforts to weaken the Voting Rights Act; taxpayer money to institutions that discriminated in at least some programs; attempts to reopen more than 50 voluntary employment settlements and continual efforts to reopen voluntary desegregation consent decrees.

In this field as in others, Bush must decide what to do with the Reagan legacy. He is by all accounts a decent, fair-minded and caring person, but a president must be judged by the facts of his public leadership. The president may utter kind words, and GOP Chairman Lee Atwater may protest that he really does want to attract black support. But as long as divisive racial tactics are used any time a point in the polls is at stake; as long as the president and his attorney general are more intent on using the bully pulpit to press the issue of innocent white bystanders—and not the national tragedy of housing discrimination and ghettoization—a signal will be sent to the nation that it can forget any lingering national commitment to tear down racial barriers.

Yet the president will have ample opportunity to send other signals. He can choose federal judges—and even some day a Supreme Court justice—with a strong civil rights commitment. He can vigorously enforce the Fair Housing Act of 1988. And in doing so, he can send a message that conciliation and pragmatism, and not ideological extremism, are the marching orders for his administration's civil rights policy.

And when obvious and blatant forms of racial violence and bigotry do occur on our college campuses or in our neighborhoods, President Bush can tell America that we will not turn back the clock, that we will not destroy the Second Reconstruction. Only George Bush will be able to decide whether the spirit of civil rights debate in the years ahead will be one of healing and conciliation or something quite different.

TRIBUTE TO BOB CEBULA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Bob Cebula for his 25 years

of dedicated service to the Trumbull County, Ohio, Fair Board and on his outstanding agricultural achievements.

While on the Trumbull County Fair Board, Bob had served as president and vice president for 3 and 4 years respectively. During his terms in office, Bob brought about many changes and improvements to all aspects of the fair. These range from the construction of buildings such as three new horse barns to the introduction of exciting events like the first tractor pull. Bob also served as chairman of the advertising committee for 10 years and as chairman of the entertainment committee for 13 years.

In the field of agriculture, Bob has frequently been recognized for his excellent achievements. One of the many awards he has received is the National Dairy Efficiency Award, the third highest agricultural award in the Nation. Bob was president of the Trumbull County Jersey Cattle Club for 2 years and was honored by the American Jersey Cattle Club for outstanding production. He has also been an active member and supporter of 4-H in my 17th Congressional District of Ohio.

Mr. Speaker, Bob Cebula is to be commended and honored on his exceptional achievements and contributions to his community, State, and this Nation. His example of hard work and dedication to his goals can provide inspiration to all of us. It is a privilege to represent such a fine individual. I wish him all the best in the future.

MEETING INFRASTRUCTURE NEEDS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 28, 1989, into the CONGRESSIONAL RECORD.

MEETING INFRASTRUCTURE NEEDS

Most Americans take infrastructure for granted. It is usually noticed only when something goes wrong—when a bridge collapses, a sewer overflows, an airport becomes congested, or a power plant cuts voltage to meet peak demand. Yet infrastructure provides the links that hold our economy together. Without sound roads, bridges, airports, waterways, water and sewer systems, and electrical power, the nation's commerce and safety would suffer.

It is increasingly obvious that investment in our infrastructure is failing to keep pace with the demands we place on it. Although government spending for infrastructure has increased faster than inflation in the 1980's, the need is so substantial that these increases have barely begun to scratch the surface. More importantly, outlays as a share of gross national product and as a share of the total federal budget have fallen. The current level of U.S. capital investment is barely enough to offset annual depreciation, let alone meet growing demands.

Local governments are bearing an increasingly larger share of the cost. While the federal share of public works expenditures fell from 31% in 1960 to 27% in 1985 and the state share fell from 29% to 24%, the share paid by local governments rose from 40% to 49%. Because aging structures and roadways require greater maintenance, the burden on local governments is compounded.

Failure to keep up our investment in infrastructure has contributed to a slowing of U.S. productivity increases. Between 1948 and 1973, our investment in infrastructure grew at a 4.0% annual rate. At the same time, U.S. productivity rose by 2.9% a year. But investment in public capital slowed in the 1980s, rising only 2.2% from 1980 to 1987. One consequence was slower productivity growth of 1.6%. A recent study examining public investment policies in the seven major industrialized countries found a clear correlation between infrastructure investment and productivity growth. The U.S. ranked last in the ratio of public investment to gross domestic product and, correspondingly, last in productivity growth.

While there is a clear need for more investment in infrastructure, our ability to provide it faces significant constraints. The federal government and many state and local governments face major shortfalls between them.

Our way to meet our infrastructure needs is to try to find new government funds for investment. Local governments are seeing increased voter willingness to support special taxes for infrastructure improvements. A similar argument could be made for the federal government's earmarking a new tax for this narrow purpose. We should develop innovative financing tools, such as pooled loans for small cities and development banks to fund major public works investments. Another source of revenue is the airport and highway trust funds, which have a combined surplus of $26 billion. The Congress has been reluctant to spend this money because it would increase the federal budget deficit. This money ought to be used for its intended purpose. We should also consider establishing separate federal capital budget to address our infrastructure needs. We must distinguish between government outlays that build our productive base and those that merely go for current consumption.

One way of controlling demand for a service while raising revenue is a system of user fees. These fees can occur in the form of water meters, airport landing fees, connection charges for sewer lines, and other mechanisms which shift at least part of the cost of infrastructure to a pay-as-you-go basis. Yet it is important to recognize the limits of user charges. For example, if direct charges for garbage collection lead people to dump their trash on the side of the road, little has been accomplished. Moreover, low-income individuals and communities would have to be protected from an excessive burden from user fees.

The role of the private sector in meeting infrastructure needs can be expanded. We must find creative ways to coordinate the activities of builders and developers to ensure that the stock of public infrastructure keeps up with the demands placed on it by new private investment. The private sector should pay its fair share, whether in the form of user fees, development costs, or requiring that public works improvements be made to receive building permits and zoning approval. Private provision of infrastructure, such as private toll roads, could result in lower costs and more timely supply than public provision.

We can lessen obstacles to infrastructure investment by getting our nation's fiscal house in order. As long as we rely on a policy of high interest rates to control the inflationary pressure brought on by the federal budget deficit, we penalize investments in infrastructure. Investments that make sense if the cost of borrowing is 5% or 6% cannot be justified if money costs 12% or 13%. In addition, reducing federal mandates and program requirements would give states more flexibility to respond to infrastructure needs.

Finally, we have to make sure we spend infrastructure dollars wisely. Responsibilities of the various levels of government must be more clearly defined and better coordinated. Communities must set priorities for development and schedule their spending to make best use of available dollars. The existing stock of infrastructure must be wisely used. Maintenance should be timely and done in such a way to preserve our investment, such as non-corrosive techniques of melting snow and ice on roads and bridges. Government should also encourage innovation in infrastructure design, such as more durable street surfaces and more efficient electrical transmission lines.

While a sound infrastructure does not guarantee future prosperity, long-term economic growth is unlikely to be achieved without it. If America is to remain strong, we must adequately support construction and maintenance of the public and private facilities that provide essential services to citizens and businesses.

THE 50TH ANNIVERSARY OF THE ORDINATION OF FATHER ADOLPH A. FERRARI

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. CONTE. Mr. Speaker, I want to call to the attention of my colleagues the great honor of one of my constituents, Father Adolph A. Ferrari of Pittsfield, MA, who on July 9 will be celebrating the 50th anniversary of his ordination to the priesthood.

Ordained on July 9, 1939, at the Cathedral of Verona, Italy, Father Ferrari has proudly and steadfastly devoted his life to selfless help and love for his fellow man. Now, as the director of the All Soul's Church in Pittsfield of which I am proud to be a member, Father Ferrari has surpassed all lofty expectations we had for him. He has graced our congregation with his strong leadership and gentle presence. The expectations were high because Father Ferrari follows a long line of well-respected leaders from the All Soul's Church on Fenn Street, Pittsfield. We have not been disappointed. Father Ferrari has lent his low-key spiritual strength to our chapel and has been integral to its continued success.

Prior to his position as director of our All Soul's Mission Church, Father Ferrari had served many parts of Massachusetts as an associate pastor. Father Ferrari was an associate pastor of the Holy Family Parish in Lynn, Our Lady of Mount Carmel in Pittsfield and Springfield, and of the Sacred Heart Church in Waltham. In addition, Father Ferrari used his talents as the rector of various missions in the Northeast. He has shown great leadership

over the years as the rector of St. Mary's Church in Ludlow, St. Joseph's Church in East Longmeadow, St. Ann's Church in West Springfield, and as rector of the Assumption Church in White Plains, NY.

Father Ferrari emanates an aura of respect which attracts people to him. Always willing to "go the extra mile" to help the All Soul's Church, Father Ferrari raised funds for a badly needed new roof, a resurfaced parking area, and he helped the All Soul's Church become one of the few chapels in western Massachusetts with air-conditioning. These accomplishments may appear minor at first hearing. However, our congregation is relatively small, and Father Ferrari's success pays testimony to how he was able to inspire congregants to donate to the good of their church and of all its members.

It gives me a great deal of pleasure and satisfaction to know that a man so dedicated to the concept of helping mankind lives in the First District of Massachusetts and is celebrating 50 years of service to God, to his fellow man, and to the church. For 50 years Father Ferrari has been helping all of his brothers of the world, following the teachings of a man who said, "Whatsoever you do to the least of my brothers you have done unto me." Always listening and feeling the joys and pains of our congregation, Father Ferrari truly exemplifies being a Christian.

Behind the visage of a quiet, kind, and low-key individual lies a man of unbreakable faith and inner strength. His satisfaction comes from a much deeper source than material possessions. Father Ferrari's satisfaction is derived from making people strong from the inside out, from the heart first. Whether it is celebrating the Sunday mass, comforting the grieving family of a deceased loved one, feeding the hungry, or doing good deeds that only God may notice, Father Ferrari is deeply concerned and involved.

Mr. Speaker, Father Ferrari's many years of hard work have touched the lives of thousands who will never forget his selflessness and caring. I want to offer my congratulations and thanks for Father Ferrari's last 50 years and best wishes for his future service to our Lord. I salute a man dedicated to others who has truly kept the faith sacred. He deserves all of the recognition given to him. I can only hope that he will remain with the All Soul's Church as its director for many years to come.

EXPRESSING CONCERN OVER THE SUPREME COURT DECISION ALLOWING PROTESTERS TO BURN THE AMERICAN FLAG

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. LENT. Mr. Speaker, the recent Supreme Court decision that political protesters cannot be prohibited from burning the American flag has struck a nerve embedded deep in the consciousness of our citizenry. For many, the issue is very personal and strikes at the center of the individual concept of patriotism and the very foundation of our democratic Government.

An overwhelming number of my constituents, many of them veterans, have contacted me to express their outrage over the Supreme Court decision. I, too, am deeply offended and object to this ruling for a number of reasons, many of which were cited by the dissenting Justices.

The 5–4 decision had the effect of nullifying 48 State laws and a Federal statute as well. In its opinion, the majority argued that burning Old Glory constitutes an expression of free speech, and as such, is protected by the first amendment. In my opinion, preventing the desecration of the flag in no way inhibits our constitutional right to criticize our democratic Government or the principles upon which it was founded.

We're headed down a slippery slope on this issue, and I think we've crossed over the line between that which is acceptable and that which is, as Chief Justice Rehnquist wrote, "profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution, or flag burning." Similarly, writing graffiti on the U.S. Capitol Building, for example, a national monument and symbol of our democratic Government, might also be considered free speech. But I think most Americans would agree that this is an abhorrent act that warrants punishment.

Throughout our history, thousands of our countrymen have died protecting the American flag and the noble principles it stands for. The flag is a unique symbol of our country's heritage of liberty, equality, and democracy, and I think it's a sad, sad day when loyal, patriotic service men and women are asked to lay down their lives for their country and their flag just so some ingrate can burn it.

If our flag is worth fighting for, dying for, then it should be protected. I was gratified with the overwhelming approval in the House last evening of House Resolution 186, which I supported, expressing serious concern with the Supreme Court decision. I've also cosponsored three resolutions in Congress (H.J. Res. 305, 322, and 323) calling for a constitutional amendment making it illegal to burn the American flag or defile it in any way.

If any one of these resolutions passes both Houses of Congress, and is approved by three-quarters of the States, It would overturn the Supreme Court decision. These efforts have tremendous bipartisan support, and I'm hopeful that Congress will lend its approval without delay.

Next week, our Nation will celebrate 213 years of independence on July 4. I hope all Americans will demonstrate their patriotism by honoring that most beloved symbol of American freedom and democracy, the U.S. flag.

NUTRITION FOR THE ELDERLY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. DOWNEY. Mr. Speaker, as the chairman of the Select Committee on Aging's Subcommittee on Human Services, I am happy to announce that yesterday, I introduced a bill, H.R. 2756, which would provide first-time Federal reimbursement under the Older Americans Act to senior nutrition providers who offer two meals per day, each one meeting one-third the minimum dietary allowance required by law.

I believe that this is a very important bill to the thousands of seniors who participate in nutrition programs across the country. Eligibility for USDA commodities or cash in lieu of commodities is authorized in the Older Americans Act which most recently was reauthorized in 1987. The Older Americans Act also establishes the meals requirements as stated in title III C (1) and (2).

Section 331 states:

"The Commissioner shall carry out a program for making grants to states under State plans approved under Section 307 for the establishment and operation of nutrition projects * * * (1) which, 5 or more days per week provide at least one hot or other appropriate meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide, each of which assures a minimum of one-third of the daily recommended allowances as established by the Food and Nutrition Board of the National Academy of Sciences National Research Council."

The reality, however is that nutrition directors are finding it extremely difficult to obtain reimbursement for a second meal despite its obvious importance to their clients.

My bill seeks to correct this.

This legislation is consistent with the revisions made in the USDA Elderly Feeding Program in the 1987 Amendments—Public Law 100–175. Prior to 1987, the program was forced to reduce its rate of reimbursement because meal demands exceeded available funds. This problem was resolved in 1987 when Congress agreed to set the reimbursement rate at an average of 56.76 cents per meal no matter how many meals were served. My bill would build on this more secure funding base by allowing for second meal reimbursement.

The elderly we will help by passing this bill are among our neediest and most vulnerable. The typical meal served at a nutrition site project or in a home delivered situation usually far exceeds the minimum requirement, consisting of 3 ounces of meat, one-half cup vegetable, one-half cup fruit or juice, a starch, 8 ounces of milk, a serving of butter and one-half cup of dessert. Two such meals would be excessive for an older person to eat. It is the intention of the Older Americans Act to provide safe, nutritious, and appetizing meals to our needy senior population. This can be accomplished by allowing two meals that meet a combined nutritional quality of two-thirds the required dietary allowance. What would be reimbursed under this bill would be snacks of food packages for weekends and holidays which are not presently taken care of under the existing program.

It is an established fact that providing adequate nutrition to elderly people can keep them out of nursing homes. We have a responsibility to continue to allow seniors to remain independent for as long as possible.

LOS ANGELES ADULT READING PROGRAM COMBATS ILLITERACY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. HAWKINS. Mr. Speaker, the statistics regarding adult illiteracy in the United States are staggering. Twenty percent of all adults are functionally illiterate; one-fifth of our population cannot read well enough to meet the needs of daily life. Adult illiteracy costs the United States in terms of increased social transfer payments: welfare dependency; unemployment; etc. More importantly, as recent studies show, adult illiteracy may negatively reflect upon our youth; illiterate parents can not successfully encourage literate children.

In response to these statistics, more exemplary programs to combat adult illiteracy are needed, such as the one in Los Angeles. The Los Angeles Public Library sponsors a program called LARP (Library Adult Reading Program). LARP conducts instruction for illiterate adults designed to raise reading levels as well as self-esteem. One-to-one tutoring is the cornerstone of LARP. The tutors work on a volunteer basis; each tutor receives 12 hours of training in the Labauch method which is specialized for adults. The volunteers, as well as the students, must commit for a 6-month period. The individual tutoring, as well as all of the materials, are provided free of charge to any adult aged 16 or older.

Suzanne Johnson, the current director of LARP, trains and directs more than 600 volunteer tutors. She also spends a few hours a week tutoring many of the students served by the 13 reading centers. There are currently close to 650 adults served by LARP and 400 more are waiting for openings. Johnson targets a negative view toward reading as a possible catalyst of illiteracy. Children, she says, begin to associate reading with a homework task rather than a recreational activity. This attitude, which grows over time, is reinforced by the sometimes less than adequate education system. Johnson says: "often people are pushed through schools and they do not get the bare essentials."

LARP also sponsors a program which reaches beyond the adult illiteracy problem, into the family. "Families for Reading" attempts to develop a love for books and a positive attitude toward reading and learning in preschool age children. Parents with children aged 5 years and younger receive five complementary children's books while, in turn, they are taught the picture-book method of storytelling. This program serves two purposes at once; while fostering in children a respect and love of books through storytelling and positive parental reinforcement, the parents themselves are furthering their own education.

LARP has expanded to other areas of need within Los Angeles. Today there is a one-to-one tutoring program at the Federal prison, Terminal Island. In addition, the first subcenter in a substance abuse recovery center has been established. Johnson's future concerns are to improve the transition of LARP students into local Adult Base Education [ABE] programs as well as to continue to improve their present program.

The patchwork of literacy programs in America are varied. We need to not only coordinate these programs, but we must give them the additional resources they require to be effective. LARP is an exemplary model of success and is to be commended for their efforts in fighting illiteracy.

TRIBUTE TO DR. J. NICHOLAS GORDON

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Dr. J. Nicholas Gordon on his efforts in publishing a brochure to inform and familiarize individuals about the AIDS virus.

Dr. Gordon is presently the director of student health services at the Georgia Institute of Technology in Atlanta, GA. The purpose of his brochure "Information About AIDS" is to present in a straightforward manner the current facts about the AIDS disease. The brochure covers areas from the methods of transmission through testing and prevention.

Nicholas was the team physician for Cardinal Mooney High School in Youngstown, OH, and was one of the men upon which the foundation of the school was built. The school suffered a great loss after his departure and will forever be indebted to him for his many contributions. Today, Nicholas is making outstanding progress to the betterment of the Georgia Institute of Technology.

Mr. Speaker, without the benefit of publications such as this brochure the general public would remain misinformed and unsure about issues of national and world concern. I have included a copy of the text of this superbly written and informative brochure for the RECORD and would like to congratulate Dr. Nicholas Gordon and his staff on their outstanding efforts. I wish them the best of luck in their future endeavors.

The text from the brochure follows:

INFORMATION ABOUT AIDS

(By J. Nicholas Gordon, M.D., Director, Student Health Services, Georgia Institute of Technology, Atlanta, GA, July 1988)

"We recognize, of course, that AIDS is a devastating disease and even a slight chance of exposure is not acceptable."—Paul Volberding, M.D., San Francisco General Hospital.

AIDS (ACQUIRED IMMUNE DEFICIENCY SYNDROME)

AIDS is described by Dr. June Osborn, Dean of Students at the School of Public Health at the University of Michigan as "A New, Transmissible, Universally, Fatal and Thus far Uncontrollable Disease."

For six years, the public has been deluged with contradicting facts, figures, truths, half-truths, biased opinions and propaganda about AIDS. This has led to a high degree of confusion and bewilderment of not only the general public but also of many practicing physicians.

The purpose of this brochure is to present in a simple, straight-forward, understandable manner the facts about the disease AIDS. The characteristics of the virus, the demographics of the disease, the methods of transmission, the course of the disease, antibody tests, and what you, the student, can do to prevent the transmission of this universally fatal disease will be discussed.

METHODS OF TRANSMISSION

The AIDS virus is found within T4 lymphocytes, in the blood stream, in all of the organs, and in all of the secretions of the infected body including semen, tears, saliva, sputum, vaginal secretions, sweat, etc. In 1985, Peterman, Drotman, and Curran of CDC stated, "The exchange of any of these fluids should be considered capable of transmitting the virus." At the present time, the most common method of transmission of AIDS is by sexual contact. During the sex act, the semen containing the AIDS virus is deposited in the rectum, mouth-throat, or vagina of the sexual partner. The virus then passes through the mucous membranes or through small lacerations in the mucous membranes of the mouth-throat, vagina or rectum and enters the blood stream. In the blood stream, the virus attaches to and then invades the T4 lymphocytes. The T4 lymphocyte is a white blood cell that is essential in the human defense or immune system. Within the lymphocyte, the virus produces an amazing change. It reprograms the lymphocyte and changes it from an essential body defender to a factory that manufactures thousands of AIDS virions (individual viruses). These virions escape through the cell wall, or the cell literally explodes releasing thousands of AIDS virions to attack and destroy other T4 cells. When a sufficient number of T4 lymphocytes are destroyed, the body defense mechanism is compromised and viruses, fungi, bacteria, and protozoans that usually cause no trouble in the normal person invade the body and sooner or later cause the death of the individual. The AIDS virus is also associated with the development of Kaposi's Sarcoma. Kaposi's Sarcoma is a malignant disorder characterized by purple and brown spots on the skin and mucous membranes of the infected individual.

In female-to-male sexual transmission, the AIDS virus, which is found in the vaginal secretions and in the saliva of the woman, enters the male body either through the mucous membranes of the male's mouth or through the mucous membrane of the penis, gets into the blood stream and attacks and destroys the T4 lymphocytes.

Since the AIDS virus passes through the mucous membranes of the mouth-throat, vagina, and rectum, and furthermore, since all other viruses such as measles, mumps, polio, rubella, hepatitis, cold viruses, influenza viruses, etc. all pass through normal mucous membranes, it is logical to assume that the AIDS virus can also pass through all mucous membranes. (Mucous membranes are the slippery smooth shiny epithelium that lines the eye, the mouth-throat, nose, entire respiratory tract, the gastronintestinal tract including the rectum, the genito-urinary tract including the penis, vagina, urethra and bladder). If blood or body fluids from an infected individual come in contact with the mucous membranes of another person, there is a possibility of transmitting the AIDS virus. This was documented in 1987 when a health care worker developed a positive AIDS antibody test after a small amount of infected blood splattered into her mouth.

According to the Center for Disease Control (CDC), forty to fifty percent of the

prostitutes in some areas are infected with the AIDS virus and can transmit AIDS. Prostitutes are an important factor in the transmission of AIDS in the heterosexual population.

The second most common method of transmission of this universally fatal disease is by sharing needles with intravenous drug users. An infected individual uses the needle, infected blood clings to the needle and when this needle is shared by another, the virus enters the body of the user. Needle sticks from needles used on AIDS patients can also transmit AIDS to health care workers in a similar manner.

The infusion of infected blood by transfusion or blood by-products (plasma, clotting factors, etc.) deposits the virus directly into the blood stream where it attacks and destroys the T4 lymphocytes.

It is believed that the AIDS virus cannot penetrate intact skin. Any defect in the skin such as a scratch, abrasion or laceration, however, opens a pathway for the virus to enter the body. Virus-laden blood, saliva, tears, sweat, sputum or any body fluid of an infected individual that finds its way into these skin defects then enters the blood stream can cause AIDS. In contact sports and in many occupations in mills, shops, etc., cuts and scraps on hands, arms and the body of participants and workers are commonplace. When physical contact occurs with an infected individual, blood or other virus-laden fluids can enter these skin defects and cause AIDS. This was also documented in 1987 when two health care workers developed positive AIDS antibody tests after infected blood came in contact with irritated skin. Whether the contact be casual or physical, whenever infected blood or body fluids come into contact with mucous membranes or skin defects there is possibility of transmitting the AIDS virus.

DEMOGRAPHICS RISK GROUPS

At the present time (June 1988), in the United States, about 73 percent of the AIDS victims are homosexuals, about 17 percent are intravenous drug users or abusers who have shared needles with an infected person, 2 percent are people who have been transfused with AIDS virus contaminated blood, 1 percent are hemophiliacs who have received transfusions or blood clotting factors, 1 percent are heterosexual contacts of a person with AIDS virus infection and 6 percent are people who report none of the above risk factors. It is believed that over 2.0 million people are now infected with the AIDS virus.

GEOGRAPHIC DISTRIBUTION OF AIDS

All 50 states and over 100 countries have reported cases of AIDS. New York, California and the major metropolitan areas still have the highest percentage of cases in the United States.

FRAGILITY OF THE VIRUS

Although the virus is killed quickly by a 10% sodium hypochlorite solution (household bleach), studies done by Dr. Lionel Resnik at Mt. Sinai Hospital in Miami, Florida, have shown that the AIDS virus remains alive and capable of producing AIDS for at least three days in a dry atmosphere at room temperature, and it remains alive and infectious for at least 15 days in a damp or wet atmosphere at room temperature.

French scientists at the Pasteur Institute have also found that the AIDS virus can live for several days at room temperature in a dry atmosphere.

Clotting factors for hemophiliacs are stored in a dry condition in a refrigerator for days, weeks or months and apparently can still cause AIDS. It is reported that for the past 1-2 years clotting factors have been treated in such a way that they rarely transmit the AIDS virus to hemophiliacs.

AIDS—THE COURSE OF THE DISEASE

After a person is infected with the AIDS virus he/she usually has no symptoms or signs of the disease for an average of two or three years. This is called the incubation period (the incubation period can vary from six months to six years or longer).

As the disease progresses, signs of the inability of the body to fight infections become more apparent. Common, ordinary infections, colds, influenza, etc., can be serious health problems for a person with an immune deficiency.

Some people develop enlarged lymph glands, fever, night sweats, diarrhea, marked weakness and progressive weight loss. These people are said to have AIDS Related Complex or ARC. Many of the people who have ARC gradually develop AIDS.

The disease is not called AIDS until a person harboring the AIDS virus develops Kaposi's Sarcoma, which is a cancerous-like disease, or develops a severe opportunistic infection. These opportunistic infections are infections caused by bacteria, protozoans, viruses or fungi that cause no trouble in a person with a normal immune system. The most common opportunistic infection is caused by a protozoan and is called Pneumocystis Pneumonia.

Death in AIDS cases usually occurs from recurrent resistant infections. It is important to remember that people with AIDS, people with ARC, and people with AIDS virus infection who may be asymptomatic can all transmit the fatal disease AIDS.

The AIDS virus can also invade the brain causing a myriad of neurological signs and symptoms and also a condition similar to Alzheimer's Disease.

In order to make the disease, "Acquired Immune Deficiency Syndrome" more understandable, the term AIDS should be re-defined to encompass all facets of this disease including the incubation period, ARC, the central nervous system manifestations, and what is now called AIDS.

ANTIBODY TESTS

When the AIDS virus gets into the bloodstream it is identified by the immune system and antibodies are developed by the body against this organism. It takes 2-6 months before there are a sufficient number of antibodies to be identified by antibody tests. This means that a person can be infected and can be transmitting the disease for 2-6 months before the antibody tests become positive. If a person donates blood during the 2-6 months period when the virus is present, yet antibody tests are negative, this blood could transmit AIDS. Unfortunately, these antibodies do not destroy the AIDS virus as antibodies do in other diseases.

Since AIDS antibodies are produced by the body as a direct response to the AIDS virus infection, a positive antibody test is indicative of an on-going AIDS virus infection.

The accuracy and specificity of the AIDS antibody tests, confirmatory tests, repeated if necessary and a good honest history approaches 100 percent.

SCREENING

In an article in the Journal of the American Medical Association, March 13, 1987, entitled "The Prevention of Acquired Immune Deficiency in the United States," Drs. Francis and Chin stated that "The combined use of education/motivation/skill building, serologic screening and contact treacing/notification could eliminate or substantially reduce transmission." This means that they believe follow-up with screening and counseling of sexual contacts of AIDS infected people would eliminate or substantially reduce the spread of the "universally" fatal disease AIDS.

Historically Syphillis ravaged the earth for more than 450 years and was not controlled until Dr. Thomas Parran, Surgeon General of the United States, advocated and implemented a program for mandatory follow up and mandatory screening of all sexual contacts of people infected with Syphilis in the 1930's.

Furthermore, it is a fact that many, if not all, of the sexual contacts of people with AIDS, people with ARC, and people that are AIDS antibody positive are also infected with the AIDS virus. By not being followed up, screened and counseled many of the contacts are unknowingly infecting others with the "universally" fatal disease AIDS.

The authors stated further that it would be advantageous for infected people to be screened for the following reasons:

1. They could be counseled on ways to prevent further transmission.
2. Infected women could be advised to avoid pregnancy.
3. Knowledge of the presence of the AIDS infection could lead to earlier diagnosis and treatment of life threatening infections.
4. Infected people who also are tuberculosis positive could be treated to prevent a fatal reactivation of tuberculosis.
5. AIDS positive children could avoid taking live vaccines (immunizations) which could prove fatal to AIDS infected children.
6. In case effective treatment is discovered, the known infected individuals could be treated immediately.

The authors further believe that susceptible people and couples would also benefit from screening and counseling.

INCIDENCE OF AIDS

Since 1979 the number of AIDS cases has increased over 700,000 percent. As of June 1988 the number of reported AIDS cases in the United States is over 64,000 and there have been over 36,000 deaths. The number of AIDS cases is still doubling every 12-14 months and it is estimated that there are now over 2.0 million people infected with the AIDS virus in the United States.

PREVENTION OF AIDS

In general, since at the present time about 90 percent of the cases of AIDS are transmitted by sexual contact or by the sharing of needles with drug users, common sense dictates that abstinence from these two activities would eliminate about 90 percent of the transmission of this universally fatal disease.

Promiscuity greatly increases the chances of becoming infected with the AIDS virus. It is well to remember that when you have sex with someone you are being exposed to all of the people that had sex with that person for the previous 10 years. In other words, if you have sex with a person who has had 10 contacts and each of those had 10 contacts and each of those contacts had 10 contacts you are being exposed to 1000 partners.

Sexual or intimate contact with an AIDS infected partner is always risky. Limiting your sexual contact to a person who has recently had a negative AIDS antibody test would be significantly safer. Abstinence and

mutually monogamous sex are the best methods of preventing sexually transmitted AIDS.

PREVENTION OF AIDS FOR NONINFECTED PERSONS

1. Do not have sexual or intimate contact with:

a. Persons who have AIDS or are suspected of having AIDS.

b. Prostitutes (40-50 percent of New York prostitutes tested now have AIDS antibodies).

c. Persons who have multiple sexual contacts.

d. People who use IV drugs.

e. Multiple partners.

f. People who have the AIDS virus infection.

2. Blood transfusions should be ordered and given only when they are absolutely necessary. In many elective procedures, autologous blood transfusion (your own blood donated before the procedure) can be used.

3. Health care workers should be very careful in handling secretions from AIDS patients and needles used on AIDS patients.

4. Do not share equipment with IV drug users.

5. Do not exchange fluids with a patient with AIDS or anyone in the risk group.

6. Do not participate in contact sports with an AIDS virus infected person.

7. Dr. C. Everett Koop, Surgeon General of the United States, stated recently that the correct use of latex condoms "from start to finish" lessens the chance of transmission of the AIDS virus. It is well to remember however, that family planning groups have reported that the failure rate of condoms in preventing pregnancy is 10-15% per year. Since the AIDS virus is 1/6000th as large as the sperm and can get through smaller defects in a condom and a woman can get pregnant only on about 24 days per year and can get AIDS 365 days a year the failure rate of condoms in preventing AIDS would be significantly higher than 10-15% per year. Condoms make sex safer—not safe. Only abstinence is foolproof.

8. Question your sexual partner about his/her sexual history. Your life may depend on it.

9. Do not engage in anal sex with anyone.

10. Sexual or intimate contact with a person infected with AIDS virus is extremely dangerous. Limiting your contact to a person with a recent negative antibody test would be significantly safer.

GUIDELINES FOR INFECTED PERSONS

All people with AIDS, people with ARC, and people who are AIDS antibody positive should follow the guidelines below:

1. Notify all health care workers (physicians, nurses, dentists, nurses aides, etc.) that you are AIDS virus infected before examination or treatment is begun.

2. Regular medical evaluations, follow-up and education should be advised for persons with positive antibody tests and all of their contacts.

3. Persons with positive antibody tests, ARC, and AIDS can transmit the disease to others and should not donate blood, plasma, body organs, skin, other tissues, or sperm. They should take precautions against exchanging body fluids with another person.

4. There is a risk of infecting others by sexual intercourse, sharing of needles, and exposure of others to saliva through oral-genital contact or intimate kissing. The effectiveness of condoms in preventing infection with the AIDS virus was discussed in 7. above. The consistent use of condoms, however, should reduce transmission since exchange of body fluids is known to increase the risk of transmission. As stated above condoms make sex safer not safe. Only abstinence is foolproof.

5. Toothbrushes, razors, or other implements that could become contaminated with blood should not be shared.

6. Women whose sexual partners are antibody positive are themselves at great risk of acquiring AIDS. If they become pregnant, their children are also at great risk of acquiring AIDS.

7. Until guidelines are made by CDC for contact sports, AIDS virus infected people should not participate in contact sports or altercations.

8. All sexual contacts should be notified.

9. Do not engage in anal sex.

10. Do all you can to prevent transmission.

RECOMMENDATIONS REGARDING AIDS AT GEORGIA TECH (GEORGIA TECH POLICY)

I. In accordance with the recommendations of CDC and the U.S. Public Health Service, the Georgia Tech Student Health Service encourages testing and screening for AIDS antibodies for the following students:

1. Students who have received blood transfusions, clotting factors (hemophiliacs) or blood by-products, plasma, platelets, etc, since 1977.

2. Students from Central Africa or Haiti.

3. Students who have had one or more sexual contacts with a male homosexual or bisexual since 1977.

4. Students who have had sexual contact with even one prostitute or with anyone who has a positive AIDS antibody test since 1977.

5. Students who have shared needles with a drug user or abuser since 1977.

II. The Georgia Tech Student Health Center also encourages testing and screening for AIDS antibodies for the following students:

1. Students who participate in contact sports.

2. Students who are sexually active or who have been treated for sexually transmitted diseases.

3. Anyone who is worried about having AIDS.

If it has been more than six months since the last exposure, a negative test virtually eliminates the possibility of being infected with the AIDS virus.

Confidential screening and counseling can be done at the Student Health Center or at an alternative test site. Alternate site locations can be obtained from the Student Health Center or local health departments.

III. Also, in accordance with the guidelines and recommendations of the U.S. Public Health Service, all students who are infected or probably infected with the AIDS virus are directed to report this fact to the Director of Health Services as soon as they arrive on campus. Strict confidentiality will be maintained.

IV. In order to protect the AIDS virus infected students from common campus illnesses spread by classmates and to protect the non-infected roommate from accidental transmission of the AIDS virus, the Health Service recommends that infected students live in a private room.

V. Since the required immunizations at Georgia Tech may be harmful to immune compromised (AIDS infected) individuals, infected students should report this fact to the Director of Health Services so that this requirement can be waive for these individuals.

VI. Since all students at Georgia Tech are screened for tuberculosis, students with AIDS virus infection that have a positive tuberculosis skin test can be given medication to prevent reactivation of tuberculosis which could be fatal in an immune compromised individual.

VII. CDC and the American College Health Association are studying the possibility of transmission of AIDS in contact sports are associated with injuries that cause bleeding and accidental toothbites that could possibly transmit AIDS, we strongly recommend that AIDS infected individuals not participate in any contact sports until this area is studied and recommendations made.

INGLEWOOD, CA: AN ALL AMERICAN CITY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. LEVINE of California. Mr. Speaker, I rise today to congratulate the city of Inglewood for receiving the All-America City Award from the National Civic League. Inglewood was selected to receive this prestigious award for its increasing efforts to combat the scourge of drugs and gang warfare.

This award has been presented to cities across the Nation for the past 40 years in recognition of their efforts at creating a working partnership among citizens, business, and local government to solve community problems. The National Civic League, founded by Theodore Roosevelt, has been a leading institution for the advancement of civic cooperation and problem solving.

The drug and gang warfare which has plagued the Greater Los Angeles area has been a particularly acute problem in Inglewood. Recently, however, members of the community, government, and business leaders have joined forces to begin to turn the city around. Their efforts have focused on improving the schools, the police force, and drug education for their children.

Last year, the voters of Inglewood overwhelmingly passed a referendum to increase their own taxes in order to create a 20-member crime suppression unit of the police department. The Inglewood Coalition for Police Support spearheaded the effort which was one of the first of its kind in southern California. This coalition was comprised of neighborhood block club captains, educators, business leaders, hospital administrators, physicians, ministers, attorneys, judges, police officers, nonprofit organization leaders, and other committed and concerned residents. Very seldom does such a broad-based group of professionals and citizens come together for any cause. Of course, not many causes are as great as those which fight for the lives and safety of ourselves, our neighbors, and our children.

Special recognition should be given to those who played such a key role in making Inglewood a model city: Mayor Edward Vincent, Juvenile Court Judge Roosevelt Dorn, Lt. Larry Carter, head of the police depart-

ment's narcotics unit, community activist and block club Capt. Roosevelt Douglas, and Patricia Martel, executive assistant to the city manager. They played key roles not only in Inglewood's efforts to win the award, but also in the community's strong efforts against crime and drugs.

The second prong of the attack on drugs and other street crime was the expansion of the Laker/DARE [drug abuse resistance education] Program in the public and private schools throughout the city. The Los Angeles Lakers sponsored a walk-a-thon which raised the $30,000 needed to implement the Laker/DARE Program in the schools. It also gained the participation of over 4,000 people. The Laker/DARE curriculum has now been implemented in all sixth grade classes in the city. The curriculum teaches the students values which will aid them in resisting the temptation to use drugs, becoming gang members or participating in other criminal activity.

The success of this program demonstrates the strong community spirit in Inglewood and the commitment of its citizens to make it a better place in which to live and raise a family. This commitment demonstrates why Inglewood deserves the recognition it has received. It is truly an all-American city which I am proud to represent in the Congress of the United States.

I ask my colleagues to join with me in congratulating Inglewood for this great honor.

SUPREME COURT DECISION ON FLAG BURNING

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. SCHAEFER. Mr. Speaker, I was shocked and outraged as I read the recent Supreme Court decision that flag burning is constitutionally protected speech. I find the Court's judgment to be a shameful travesty.

The Supreme Court could have, and should have, based its decision on any number of constitutionally valid grounds.

First, I question whether flag burning is speech as the framers contemplated that word when formulating the first amendment. But even if one were to construe it as speech, I question whether it is protected speech any more than is defacement of our national monuments.

Would the Supreme Court legitimize the conduct of protesters who draw a knife across the face of the Vietnam Memorial, spray paint graffitti over the Washington Monument, or scar the face of Mount Rushmore as protected forms of political expression? I pray not.

I cannot articulate any underlying value served by encouraging this kind of wanton and reckless conduct. But even if it exists, constitutional legal analysis requires it to be balanced against government interests. The citizens of the United States have always had a compelling interest in preserving the integrity of national treasures that embody our traditions and our heritage. There is no question in my mind, nor is there in most Americans' minds, that the flag is one of those treasures.

The U.S. flag is more than a mere banner; it is a symbol of those basic truths that our Founding Fathers held to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

Throughout history our flag has symbolized the challenges that our Nation has faced. The first flags adopted by our colonial forefathers were symbolic of their struggles with the wilderness of a new land. Likenesses of the rattlesnake and insignias such as "Don't Tread on Me" were often placed on the flag to symbolize the peoples' rugged determination.

Following the War of 1812 Henry Ward Beecher emphasized the importance of our flag when he said:

A thoughtful mind when it sees a Nation's flag, sees not the flag, but the Nation itself. And whatever may be its symbols, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belong to the Nation that sets it forth.

In 1941, when the Japanese attacked Pearl Harbor, our flag again symbolized yet another struggle facing our Nation. The flag that flew here over our Nation's Capital on December 7, 1941 was raised on December 8 when war was declared on Japan, and again 3 days later as Congress declared war against Germany and Italy.

The flag also symbolizes our Nation's triumphs. At Iwo Jima, 6,000 marines gave their lives so that 6 of their fellow countrymen could raise our flag on the heights of Mount Suribachi. When the crew of *Apollo 11* landed on the Moon we all shared in the pride as our flag was planted on the Moon's surface. These are all momentous events in our Nation's history, and one common thread among them is the presence of the flag as a symbol of unified strength and nationalism.

The story of our flag parallels the story of our country. I believe we, as U.S. citizens, have a duty to protect our country and its flag. As President Wilson once said, "The flag has no other character than that which we give it from generation to generation."

That is why, in the wake of this most recent attack on our flag, I have introduced House Resolution 184, a sense of the House resolution which condemns the Supreme Court decision, and am a cosponsor of the resolution introduced by the ranking members of the Judiciary Committee that passed the House last night. Of course, while I am expressing my outrage of this particular decision, it is important to stress that protecting our flag from desecration in no way hinders the art of democratic expression.

Let's join together to protect the flag, the symbol which embodies the very liberties that protesters so mindlessly trample upon when they choose to desecrate it. Let's heed the words spoken by Abraham Lincoln when he advised with respect to another Supreme Court decision which was met with universal disapproval:

If the policy of the Government upon vital questions effecting the whole people is to be irrevocably fixed by the decisions of the Supreme Court, the people will have ceased to be their own rulers, * * * it is time we the people—through our chosen representatives, delivered to "that eminent tribunal" the national rebuke it has so richly earned.

INTRODUCTION OF THE SHAREHOLDER COMMUNICATIONS IMPROVEMENT ACT OF 1989

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. RINALDO. Mr. Speaker, today I am pleased to introduce the Shareholder Communications Improvement Act of 1989, by request of the Securities and Exchange Commission. This legislation makes several important changes to the securities laws to improve shareholder communications.

First, the bill would require banks and brokers to forward proxy materials to beneficial owners of investment company securities held in nominee name. This change also would permit investment companies to send annual reports and voluntary communications directly to beneficial owners of investment company securities held in nominee name.

Second, the bill would require banks and brokers to transmit information statements to the beneficial owners of securities.

Third, the bill would ensure that investment company security holders of record will receive information statements when a security holder vote is held, but when proxies are not solicited.

This legislation would ensure that owners of mutual funds will be informed and able to vote their shares on important matters, even though those shares are held on their behalf by a bank or a broker. The amendments are intended to further shareholder democracy by improving the flow of information to shareholders in other circumstances.

I believe this bill merits careful consideration by the Members and would fill several gaps in the current law. I commend the SEC for bringing these changes to our attention and believe we should examine them carefully.

THE OIL SPILL TAX ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. LIPINSKI. Mr. Speaker, since the tragic *Valdez* oilspill in Prince William Sound, AK, this body, Federal agencies, State governments, environmental groups, and private businesses have turned their attention to preventing these types of accidents or to controlling the damage. Yet, despite all of the lipservice paid to this constant problem, oilspills and their destructive effects have recently reappeared on our national headlines. I, personally, had hoped that by this time our headlines would tell of technological advances in tanker ship design or streamlined procedures for quickly and effectively cleaning up spills. Instead, the weekend papers told of three separate oilspills, in Texas, Pennsylvania, and Rhode Island.

The only knowledge we gained by this weekends activities is that the ability to spill oil in American waters transcends national affiliations. It was a Greek tanker that leaked highly toxic oil into the Narragansett Bay. A Uruguayan tanker put thick fuel oil into the Delaware River. And finally a Panamanian-registered motor vessel ran into a tanker spiling heavy crude oil into Galveston Bay.

We need to ask ourselves one question: "Is the past weekend an example of the environmental costs we are willing to pay for the benefit of cheap energy?" Of course the fuels that have been spilled into our waters are important to the economy of this country. And, of course, we should not consider banning the transporting of these fuels by tanker. But I do believe that we can ensure an atmosphere that protects our environment while continuing the flow of inexpensive energy fuels. I believe that my bill, H.R. 2532, the Oil Spill Tax Act, begins to create such an atmosphere.

For too long we have allowed national and international companies to transport fuels over our previous waterways without enough emphasis placed on preventing spills or establishing procedures for cleaning up such spills. Instead these companies have bought expensive insurance policies so that in the case of a spill their profits will not be harmed. In fact, in the case of the Uruguayan spill in Pennsylvania, the lawyer representing the insurance agency insuring the ship said that it will cover all costs of the cleanup. He represents the insurance company based in Luxembourg which is owned by the oil shippers it insures.

Why don't these same shippers join together and develop safer methods for transporting fuel? Why don't they join together and train captains to safely operate in American waters? Why don't they join together and develop proven procedures and technologies aimed at quick and efficient cleanup? No, instead they join together and financially protect their bottom—their bottom line.

Unfortunately they do this because U.S. laws and regulations create an atmosphere that rewards financial preparation, and not prevention. Not only do we need to create laws that demonstrate our commitment to ensuring cheap energy sources but also our commitment to protecting our water industries and the environment. The Rhode Island spill exemplifies how current law was not enough of an incentive for the captain to act safely. Under Rhode Island law the captain should have waited until a licensed pilot came aboard to steer the ship in. However, in an act of an individual disregard for such laws, many Rhode Island beaches had to be closed. Laws such as those requiring trained pilots makes good sense, but disregarding them seems to save dollars. It is at this bottom line level that we must demonstrate our concern for protecting our waters and environment.

If we do not begin to rethink the message we send to energy companies, they will continue to place their profit margins above our twin domestic concerns of clean water and cheap energy. My legislation, H.R. 2532, sends the clear message that businesses, if they want to protect their profits, must not just pay for cleanup, but must do it correctly and do it quickly. Passage of this legislation will give companies incentives to prepare plans for quick and effective cleanups. And it will give companies incentives to ship fuels in safer vessels, steered by sober, well-trained pilots.

On Monday, June 26, the New York Times began a story on the Rhode Island spill by saying, "A combination of lucky circumstances has apparently spared the environment of Narragansett Bay from disastrous damage that was feared after Friday's oil spill." It went on to describe good weather and a forgiving sea. However, I am not comfortable having luck as the center piece of our policy in protecting our waters. I hope my colleagues don't either. The next time there is a spill in American water I hope to see a different story, one that begins more along the line, "A combination of safer ships and established plans apparently spared the water ways of America from environmental ruin."

TRIBUTE TO COL. JAMES C. PETERSON

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. GREEN. Mr. Speaker, I rise to honor an outstanding American who, I am proud to state, both lives and works in Manhattan's 15th District, which I represent. Tonight a testimonial farewell dinner is being held for Col. James C. Peterson, retiring after 27 years of brilliant military service. I know my colleagues join with me in saluting this outstanding officer, teacher, and gentleman.

Colonel Peterson's career has taken him all over the globe and country, in peace and in war, with excellence following him everywhere. He commanded artillery batteries in Germany and Vietnam, earning a host of decorations, including the Bronze Star for Valor, the Purple Heart, and the Humanitarian Service Medal. He then went on to become an educator of some note, returning to teach literature and philosophy at West Point, his alma mater, as well as directing strategic appraisal studies at the Army War College at Carlisle, PA. For the last 12 years, he has served as public affairs officer, in Korea—for a division of 15,000 men—at Fort Bragg, the Pentagon, and finally, here in New York, where he steps down as chief PAO after 5 most distinguished years.

I am happy to congratulate the colonel on his array of accomplishments, and his contribution to his country and community. He is an examplar of military service at its finest, and I wish him well in all future endeavors.

TRIBUTE TO TONY POUCH

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. FORD of Michigan. Mr. Speaker, I rise today to pay tribute to a constitutent of mine, from my home town of Taylor. Tony Pouch is to be commended for his achievement on the General Education Development [GED] test. Mr. Pouch was Michigan's highest scorer on the 1988 version of this test. Almost 27,000 people took the test in Michigan last year.

As my colleagues know, the GED test was developed to provide an opportunity for those who did not complete high school to prove that they have mastered the general requirements for high school graduation. This test has five parts: Writing skill, social studies, science, reading skills, and mathematics, testing a wide range of high school subjects and skills.

Mr. Pouch had dropped out of high school after completing 10th grade to work in the automotive industry. Last spring, he enrolled in a computer class offered to employees of the General Motors hydramatic plant in Ypsilanti. His instructor was impressed with his potential and referred him to the Ypsilanti Adult Education Program for their High School Completion Program. Mr. Pouch will have completed his high school graduation requirements by the end of the summer.

Tony Pouch is an inspiration to thousands of men and women, who 15 or 20 years ago, dropped out of high school to find a good paying job in industry. However, our industrial technology is rapidly advancing and workers are being asked to possess high level skills, many of which require postsecondary education.

I commend General Motors for offering onsite employee education. This training expands the potential of our current workforce. I also commend the Ypsilanti Adult Education Program for allowing Mr. Pouch a second chance at his educational goals and for encouraging him to advance his education.

Tony Pouch plans to continue his education at a local community college, while possibly pursuing a para-legal career upon retirement from General Motors. His wife and 4 children have been very supportive of his efforts. I urge my colleagues to join with me in congratulating Tony Pouch on his achievement, and in wishing him continued success in furthering his education and achieving his goals.

ALZHEIMER'S DISEASE RESEARCH AND TRAINING ACT OF 1989

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Ms. SNOWE. Mr. Speaker, today I am introducing a bill, the Alzheimer's Disease Research and Training Act of 1989. This bill would provide better services for individuals with Alzheimer's disease and related dementias through improved biomedical research, health services research, and training of health care personnel.

The tragedy of Alzheimer's disease and related dementias is becoming of even greater concern as we move toward the 21st century. This progressive and irreversible degenerative brain disease is the fourth-leading killer in the United States, affecting an estimated 3 to 4 million persons at an annual cost of about $80 billion. For the most rapidly expanding segment of the elderly population, those over 85,

the chance of developing Alzheimer's disease or a related dementia may be as high as 40 percent. Most often, the burden of caring for Alzheimer's patients falls upon family caregivers who can be devastated not only by the deterioration of their loved ones but by the enormous demands and stress of their caregiving responsibilities.

The bill which I am introducing today is based upon the recommendations of the first report of the Advisory Panel on Alzheimer's Disease, which was established through legislation that I introduced, the Alzheimer's Disease and Related Dementias Services Act. This blue ribbon panel of experts serves from 1988 to 1991 and was charged to address biomedical research, health services research, health care and social services for Alzheimer's disease and related dementias and their families. The only real hope for preventing, treating, and curing Alzheimer's disease and related dementias is through biomedical research. Researchers on Alzheimer's disease are now making rapid advances and are on the edge of possible breakthroughs. However, funding is currently available for only 1 of 4 investigator-initiated proposals approved by the National Institutes of Health. Therefore, the bill which I am introducing would authorize an increase of 50 percent for funding scientifically meritorious grant applications and would also attract and train new researchers, particularly women and underrepresented groups from underserved States and regions.

In addition, the bill would authorize the expansion of the number of Alzheimer's disease research centers from 12 to 15 for conducting longitudinal, multidisciplinary studies and clinical trials, tissue banks, and patient registries. Satellite facilities would be linked to the centers to expand diagnostic and treatment services.

I have a long time been concerned about the caregiving families of Alzheimer's victims. A study published by the Subcommittee on Human Services of the Select Committee on Aging, of which I am the ranking minority member, concluded that families today provide about 80 percent of the care needed for chronically ill elderly family members. Support services to help family caregivers continue to cope with their burden are vital but often limited and fragmented. For the victims of Alzheimer's disease and their families, very little is known about the services they need, which ones they know about and use, how much they spend on them, and how different services should be organized to be accessible, provide effective results and combine with informal caregiver services. This bill increases attention and authorizes funding for Alzheimer's disease services research and evaluation, including design, delivery, and financing of clinical care and family services. It also authorizes the establishment of 10 health services research centers on Alzheimer's disease which would coordinate closely with the Alzheimer's disease research centers.

Specialized training about the loss of cognitive abilities and the unique behavioral patterns of dementia patients is essential for professionals, paraprofessionals, and support personnel working with Alzheimer's and related disease patients and their families. This bill provides authorization for this specific training which is to be coordinated with ongoing established training programs.

Unless the cause, cure, and treatment is found, the human and fiscal costs of Alzheimer's and related disease will accelerate precipitously as our older population rapidly expands in the coming decades. If we are to conquer this tragic disease, a national commitment must be established. Concerted research and training should be the cornerstone of that commitment.

THE APPROPRIATIONS SLUMP: ZERO FOR 1989

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. PORTER. Mr. Speaker, last year, for the first time since 1954, we managed to meet our self-imposed budgeting schedule by passing the last of the 13 appropriations bills moments before the October 1 deadline. A number of factors, including the looming elections, the budget summit agreement and a strong desire to avoid wasteful continuing resolutions fueled this success.

Unfortunately, we have forgotten our resolve, and we are back on track to another continuing resolution this year.

By this time last year, eight appropriations bills had already been brought to the floor in the House and three had been considered in the Senate. Although the leadership promised the President that he would be sent 13 appropriations bills separately and on time this year, it appears that this promise will go unfulfilled.

There are only 7 working weeks left between July 4 and October 1, the deadline to send appropriations bills to the President. Another bloated, wasteful continuing resolution is the last thing this country needs and the last thing we should allow.

CONGRESS SHOULD HEAR FROM LECH WALESA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. BROOMFIELD. Mr. Speaker, last Friday, three colleagues and I sent a letter to the Speaker of the House urging him to invite Lech Walesa to address a joint meeting of Congress.

Joining me in this bipartisan initiative were the distinguished chairman of the Foreign Affairs Committee, DANTE FASCELL, and the equally distinguished leadership of the Ways and Means Committee, Chairman DAN ROSTENKOWSKI, and ranking Republican BILL ARCHER. This request is also supported by Congressman DENNIS HERTEL, and I am sure by many other colleagues.

Lech Walesa and Solidarity are in the forefront of those who are conducting one of the great experiments of the 20th century. They are attempting the peaceful transition from a Communist dictatorship to a democratic republic.

We have seen in China what can happen when an entrenched Communist Party is fearful of surrendering its power to the people. Let's hear Mr. Walesa himself describe his plans for a new Poland. And let's learn what Congress can do to help him realize a transition that is both peaceful and permanent.

ESTABLISH AN INSTITUTE ON POPULATION AND HUMAN REPRODUCTION AT NIH

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. MOODY. Mr. Speaker, over 3.3 million unintended pregnancies occur in America each year. About half of these unplanned pregnancies end in abortion. The total human and social cost of 3.3 million unintended pregnancies is truly staggering.

Often the women who make a conscious decision not to use contraceptives do so for fear of potential side effects. The plain fact is that safer, more effective, and more acceptable contraceptives are still needed, and not only in our own country. Political and social upheaval is caused in part by the imbalance between population and basic resources, with the result that the United States spends billions of dollars to feed hungry people throughout the world. Furthermore, the underdeveloped world depends predominantly on the United States to lead in fertility research.

Perhaps the most important reason for investing more on population and fertility research has to do with the long-term cost of entitlements and the social safety-net programs. The phrase, "demography is destiny" should be replaced with "demography is fiscal destiny." In the long run, the fiscal condition of social insurance programs—retirement, Medicare—and need-based programs—AFDC, food stamps, and Medicaid—will depend primarily on our birth rates—in the Nation as a whole, and by different income and social strata.

Despite all of these facts, we invest relatively little in basic biomedical research on fertility and reproduction. NIH spends only $9 million per year for contraceptive development—a mere 0.14 percent of its budget.

Although the U.S. Government also provides funding for contraceptive research through the U.S. Agency for International Development, the National Institute of Child Health and Human Development [NICHD] is the key player in supporting population research and contraceptive development worldwide. Today I am introducing a bill to spark greater attention to both the adequacy of NICHD support for such research and the institutional obstacles inherent in the organization of the National Institutes of Health [NIH] that stand in the way of a stronger investment in the field.

I believe we need to give higher priority to contraceptive research. This bill is organized to highlight several goals that need to be considered:

First, greater visibility should be given to population research in general as an area of support provided by NIH.

Second, greater visibility and prority specifically should be given to support for contraceptive development.

Third, continued strong support for and coordination with research for mothers and children, which now receives the majority of NICHD's annual funding. Historically, approximately 60 percent of NICHD's funding has been devoted to research on mothers and children, as distinct from population research.

Fourth, increased attention to long-range goals and priorities for population research in connection with research on mothers and children. The issue is not simply a question of funding but also of NIH priorities for different fields of research as well as the balance maintained between basic research, which is NIH's top priority, and applied research, which invariably suffers in the budget-making process regardless of its specific merit.

The specifics of my legislation:

The goals I have listed must be the focus of any discussion about improving our commitment to contraceptive research in a meaningful way. This bill contains several elements that have been designed specifically to call attention to these goals:

First, the creation of a new Institute on Population and Human Reproduction.

Second, a detailed authorization, including specific provision for the Institute on Population and Human Reproduction, and increased funding for the remaining work of NICHD, which specifically earmarks 25 percent of the budget of the Population Institute to be devoted to contraceptive development and evaluation.

Third, the creation of a National Science Policy Committee on Human Development with special coordinating responsibilities for the budgets and planning for the work of the Population Institute and NICHD.

I urge my colleagues to join me in supporting the establishment of an Institute on Population and Human Reproduction at the National Institutes of Health. We must take responsible actions to ensure that there is adequate emphasis on population and contraceptive research.

INTRODUCTION OF NATIONAL AVIATION POLICY RESOLUTION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. CLINGER. Mr. Speaker, today I am introducing on behalf of myself and Mr. GLICKMAN, a resolution calling for the development of a new and comprehensive national aviation policy. We are joined by 65 of our colleagues in the House who are cosponsors of the resolution.

It is time for the United States to reevaluate the Nation's air transportation system and develop, as part of Secretary Skinner's unified national transportation policy, a comprehensive, integrated, and unambiguous national aviation policy to guide America's air transportation future. Too often, the FAA's national airspace system plan, a nuts and bolts program put forth in 1981 to modernize the air traffic control system, is characterized as an overall agenda for updating our entire air transportation system. Modernized equipment procured under the NAS plan, however, is just one element of a broader objective. This objective for future air travel must be defined by a comprehensive and well-articulated national aviation policy.

The resolution I am introducing will bring together before the administration all segments of the aviation community, as well as other interested and essential parties, to discuss ideas for a national aviation policy. The administration would have 1 year from enactment to develop and submit to Congress a detailed policy and plan for implementation.

The national aviation policy resolution is supported by a broad coalition of business and community interests. The coalition consists of the major aviation groups, including the Aircraft Owners and Pilots Association, as well as four former FAA Administrators. Just as important, the coalition includes nonaviation groups such as the U.S. Chamber of Commerce, Conference of Consumer Organizations, and the National Association of Manufacturers. These groups recognize that a national aviation policy will benefit all of America's citizens.

Mr. Speaker, we need to evaluate and focus the debate on aviation issues. We need a new blueprint against which our progress can be accurately measured. That is what I intend and hope will result from the national aviation policy resolution.

My special thanks go to Mr. GLICKMAN, who is the founder and cochairman of the House aviation forum. His help developing support for the national aviation policy resolution has been essential and makes this a truly bipartisan effort.

DR. DEBRA HULL

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. MOLLOHAN. Mr. Speaker, our educational system is our future and it is appropriate for us to take the time to recognize exemplary educators and citizens like Dr. Debra Hull of Wheeling Jesuit College in Wheeling, WV.

Doctor Hull, an associate professor of psychology, was honored recently by West Virginia Gov. Gaston Caperton and the West Virginia Legislative Subcommittee on Higher Education for her excellence and dedication as an outstanding instructor contributing to the educational betterment of West Virginia.

For the past 9 years, Doctor Hull has set an example for others to follow in higher education and in her community. A clinical psychologist, she was formerly on the staff at the Northern Panhandle Mental Health Center in Wheeling. In addition, she was an adjunct faculty member at West Virginia University in Morgantown. She is also an elder at the Bethany (West Virginia) Memorial Church.

Doctor Hull has written numerous articles and book reviews for professional journals. With former Wheeling Jesuit College Assistant Professor of Theology Dr. Rosemary Curran, now at Smith College, Doctor Hull completed a study of "The Experiences of Professional Women in West Virginia." The study will soon be published in book form.

Those in the education field often receive little financial reward for their efforts to teach our youth the skills needed for satisfactory employment and meaningful lifestyles, so it is appropriate for the Congress, State governments, and other entities to pay tribute to our outstanding educators as often as possible. Today, I would like to salute Dr. Debra Hull.

THE BICENTENNIAL OF THE TOWN OF GENOA

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. HORTON. Mr. Speaker, I rise today to pay tribute to the town of Genoa, NY, as it celebrates its bicentennial. This historic moment will be celebrated this Saturday, July 1, 1989 in the hamlet of King Ferry.

Genoa is located in southern Cayuga County in my congressional district. I am proud to have been asked to participate in the festivities by the residents.

For those of you who have never traveled in this region, Genoa is your typical small American town where everybody knows each other and everybody is friendly. It is the same type of town which Norman Rockwell brought to life with his pictures for so many years. It is located in the heart of the beautiful Finger Lakes region of upstate New York.

Mr. Speaker, much has changed during the last 200 years, both in Washington and Genoa. But while Washington is struggling to come to grips with an ever increasing violent society, Genoa remains quiet and peaceful. I am looking forward to attending the celebration there this weekend. It should prove to be an enjoyable event for everyone involved.

OUR FLAG: A CHERISHED PIECE OF OUR HISTORY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. WALSH. Mr. Speaker, I disagree with the recent Supreme Court decision to allow the burning of the American flag as an act of political dissent. We are a nation of people who demand respect for our institutions. And just as the Supreme Court is one of those institutions, so, too, is our flag.

Pure and simple, we should not allow that flag, which stands for freedom and equality, to be desecrated for political reasons. When we consider arguments for or against any idea, it is always wise to rely ultimately on common sense.

On an emotional level, the Supreme Court ruling is upsetting. The flag is a cherished piece of our history.

The American people want instinctively to protect the flag, as we would any element of our way of life, from those who want to destroy that way of life.

Let's remember the case that prompted this decision. A man at the 1984 Republican National Convention burned a flag while chanting, "America, the red, white, and blue, we spit on you." He can say those words, because our country protects free speech. But, in my opinion, he can't burn the flag. Then he has gone too far. It's the ultimate insult to every American who has died defending free speech.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall votes No. 96 through No. 107 on June 21, 22, and 23, 1989. Had I been present on the House floor, I would have cast my votes in the following manner:

Roll No. 96: "Yea" on approval of the Journal.

Roll No. 97: "Yea" on House Resolution 179, the rule on the foreign aid bill.

Roll No. 98: "Yea" on the conference report on the urgent supplemental appropriations bill.

Roll No. 99: "Yea" on approval of the Journal.

Roll No. 100: "Yea" on House Resolution 182, clemency for Chinese prodemocracy demonstrators.

Roll No. 101: "No" on the Bereuter amendment to the foreign aid bill.

Roll No. 102: "No" on the Bereuter amendment to the foreign aid bill.

Roll No. 104: "No" on the Lewis amendment to the foreign aid bill.

Roll No. 105: "Aye" on the Kostmayer amendment to the foreign aid bill.

Roll No. 106: "Yea" on approval of the Journal.

Roll No. 107: "Yea" on H.R. 2402, supplemental appropriations for the Department of Veterans' Affairs.

H.R. 2696

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. SMITH of Texas. Mr. Speaker, today this House has an opportunity to greatly advance our research capabilities and re-establish this Nation's leadership role in science as we enter the next century. We are poised to take a giant step forward toward a better understanding of our physical world.

I am referring, to provisions in H.R. 2696, the Energy and Water Appropriations bill, which provide funds for continued work, including the start of construction, on the superconducting super collider. This project will solidify America's lead in high energy physics and reward society with new discoveries and technological advances, some of which are predictable, and others that are unforeseen.

The importance of this project is truly national in scope, as demonstrated by the fact that businesses, scientists and universities throughout the country are gearing up to participate in the construction and operation of the SSC. Under the current budget, for instance, more than $90 million has been earmarked for SSC related research at 35 institutions in 18 States. Additionally, at least 250 companies located in more than 40 States have expressed interest in participating in the project.

This facility will benefit the entire country and ensure that America is not left behind as the world moves further into the science-based, high technology economy of the future.

I appreciate the leadership of the Appropriations Committee on this issue, and I urge all of my colleagues to support the SSC and the energy and water bill.

TRIBUTE TO BAKER, LOUISIANA'S 1988 WINNER OF THE TAKE PRIDE IN AMERICA NATIONAL AWARD

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. BAKER. Mr. Speaker, I am proud to announce that the Charles A. Heine Memorial Park in Baker, LA, recently became a winner in the third annual Take Pride in America national awards program. The national awards program seeks to increase awareness of the need for wise use of the Nation's natural and cultural resources, encourage an attitude of stewardship and responsibility toward our natural resources, and promote voluntarism.

The beautification award was the direct result of the hard work of Betty Fontana, Billeann Riddle, and a host of others who took a strip of unsightly land and made it into a beautiful park complete with trees, flowers, sidewalks, and grass. This beautification project took over 7 years to complete. Clearly, the success of Betty Fontana's efforts demonstrates that private initiative can work in Louisiana and she should be strongly commended for her creativity, organizational ability, and steadfastness.

LIMITING THE LENGTH OF TIME AN INDIVIDUAL MAY BE INCARCERATED FOR CIVIL CONTEMPT IN A CHILD CUSTODY CASE IN THE DISTRICT OF COLUMBIA SUPERIOR COURT

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. McCANDLESS. Mr. Speaker, the legislation before us, H.R. 2136, amends the District of Columbia Code to limit to 12 months the amount of time an individual may be incarcerated for civil contempt of the District of Columbia courts. Incarceration for contempt of court is a method used by courts to force someone to comply with a judicial order. When the person complies with the court order, he or she is set free. Consequently, it is often said that a person in jail for contempt holds the key to the cell in his or her hand.

I am troubled by this legislation. It should be made clear that Congress is acting in response to a specific instance, in a specific case, and on behalf of a specific individual. H.R. 2136 was introduced for the benefit of Dr. Elizabeth Morgan. Dr. Morgan is currently incarcerated as a means of coercing her to comply with a court order to reveal the whereabouts of her daughter. To date, Dr. Morgan has refused, citing her belief that the child's father has sexually abused her. However, Dr. Morgan's allegations have neither been found to be true nor false.

The emotions surrounding Dr. Morgan's case are high, the issues are complex, and the facts are in dispute. The role of the court is to analyze the situation and separate fact from fiction in a fair and objective manner. An error in that process may be appealed to a higher court. As such, I am very reluctant to impose politics into a judicial process, as H.R. 2136 will do.

I have not taken a position on Dr. Morgan's case. I do not know if her allegations against her former husband have merit. I do not know if incarceration will coerce Dr. Morgan into complying with the court order and revealing the whereabouts of her daughter. I do not know if the court will release Dr. Morgan without her compliance with its order. But I do know that these are judicial matters that should be left to our system of justice and to our courts. Consequently, I must oppose H.R. 2136.

TRIBUTE TO ARNOLD MAYER, INTERNATIONAL VICE PRESIDENT AND DIRECTOR OF PUBLIC AFFAIRS, UNITED FOOD AND COMMERCIAL WORKERS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Ms. KAPTUR. Mr. Speaker, I rise to pay tribute to a trusted friend and advocate on behalf of the United Food and Commercial Workers for over 35 years. Since coming to Congress in 1983, I have never hesitated to look to Arnold Mayer for his valuable insight on legislation affecting food and commercial workers in Ohio's Ninth District and throughout our Nation.

Through his courageous leadership spanning three decades, Arnold has been on the front lines of legislative battles for social justice to empower those who previously had no voice or impact at the highest levels of government. Whether for civil rights, farm labor, or boosting the minimum wage, Arnold has never shied from the challenge of speaking out on behalf of those who could not. As such, he has clearly defined himself as his team's most valuable player.

Surely his friends in labor and Congress will miss his forthright contribution and opinion on the vast array of issues affecting our Nation's work force. While he will now begin to more fully enjoy the fruits of his many years of labor with family and friends, his voice on behalf of so many will continue to echo in the Halls of Congress for many years to come.

FREEDOM OF INFORMATION PUBLIC IMPROVEMENTS ACT OF 1989 INCREASES PUBLIC ACCESS TO GOVERNMENT INFORMATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. KLECZKA. Mr. Speaker, I am introducing today the Freedom of Information Public Improvements Act of 1989. This legislation sets a clear agenda for strengthening the Freedom of Information Act [FOIA] by increasing public access to government information.

This measure is similar to the FOIA reform bill (H.R. 3885) I introduced in the 100th Congress with the exception of its clarification of the FOIA status of computer and other electronic records. For the first time in the legislative history of FOIA, government agencies would be directed to treat FOIA requests for records stored in computers and on other electronic media in the same way as those printed on paper.

Up until now, there has been no uniform governmentwide policy on information found on computer disks, tapes or other electronic media. As a result of this lack of standard guidelines, government agencies have responded to these requests with a great deal of latitude, with some agencies rejecting them outright while others provide them in full.

Thus, my legislation breaks new ground in FOIA's New Electronic Frontier by redefining Government records to include "computerized, digitized, and electronic information" and by defining a records search to include "a reasonable amount of computer programming necessary to identify records."

First enacted in 1966 and amended in 1974, FOIA was a landmark in the struggle for a more open government. Over the past 23 years, the public has benefited from FOIA in countless ways, including exposures of wasteful government spending, consumer health risks, and abuses of power by the Central Intelligence Agency and the Federal Bureau of Investigation. The bulk of the requests, though less spectacular, have enabled journalists, scholars and others to build a solid public accounting of government's activities.

Now that FOIA has been in force for over two decades, it seems only appropriate that we evaluate the current law's effectiveness, and devise changes which will make it work better. Overall, I believe that FOIA has fulfilled many of the public information goals Congress intended when it first approved this legislation. However, certain problems of substance and procedure have cropped up.

Most troubling is the fact that many agencies use vaguely worded exemptions in the law to shield data which deserves to be released. The last administration was particularly adept at misusing exemptions; these loopholes must be corrected before they can be further abused.

Procedurally, we have seen serious problems in delays, unfair fees, and confusing and inconsistent regulations. While many agencies make a good faith effort to meet the statutory ten-day deadline, most cases take considerably longer. Fee waivers are not always granted to requesters who deserve them, and, on occasion, billing practices have been used to intimidate those seeking information. Finally, inconsistent FOIA practices among the various agencies have created a unnecessary shroud of confusion around the law, and no doubt many potential requesters are discouraged from using the law at all.

The bill I am introducing today addresses these problems in a number of ways:

Electronic records: The bill requires that electronic records be treated identically to paper records for FOIA purposes by explicitly defining Government records to include "computerized, digitized, and electronic information, regardless of the medium by which it is stored" and by defining a records search to include "a reasonable amount of computer programming necessary to identify records."

Exemptions: The bill revises exemptions to FOIA for national security, internal personnel, and financial institution records. The national security exemption would be revised to express a balance between the security need to protect information and the public need to disclose it. The internal personnel exemption would be eliminated, except for law enforcement manuals that may allow criminals to elude justice. The financial institution exemption, a recent focus of attention by the Government Operations Committee on which I serve, would be sharply tightened to protect only the release of information that would directly injure the financial stability of such an institution.

Standardization and openness in the FOIA process: The bill requires that agencies maintain logs of FOIA requests and responses, organize their recordkeeping systems to promote inexpensive and easy access, and make public any special queueing procedures in processing requests. Also, the bill vests FOIA oversight powers within the Archivist of the United States. This position is the one most likely to provide independent and impartial supervision.

Time delays: The bill establishes a system of financial penalties against agencies failing to comply with legal deadlines, and broadens disciplinary sanctions against employees who deliberately obstruct requests. In addition, the bill would require expedited access procedures when circumstances demand urgent disclosures.

Fee waivers: This bill makes it easier for requesters to qualify for reduced fees by clarifying fee waiver language enacted into law as part of the 1986 Omnibus Anti-Drug bill. It also broadens the categories of those eligible for the reduced fees to include individuals and nonprofit organizations.

I am pleased that my bill enjoys the cosponsorship of Congressman ROBERT E. WISE, JR., chairman of the Government Operations Subcommittee on Information. Under his able leadership, the subcommittee has already held several excellent hearings on government information policy; I look forward to testifying on this legislation before the subcommittee at their FOIA reform hearing on July 11, 1989.

I request unanimous consent to submit for the RECORD the text of the Freedom of Information Public Improvements Act of 1989 and a New York Times article of June 27, 1989 entitled "Computers Challenge Freedom of Information Act" which addresses the need for my new legislation.

[The material follows:]

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Information Public Improvements Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Freedom of Information Act has served an essential role in informing the public on the activities of the Federal Government; identifying and deterring Government waste, abuse, wrongdoing, and mismanagement; and disclosing significant information regarding public health and safety, and the environment;

(2) the cost to the Federal Government of compliance with the Freedom of Information Act has been far outweighed by the public benefits resulting from the Act;

(3) executive actions unreasonably limiting the public disclosure of information generated, collected, and maintained by the Federal Government have increased the need for a strong and effective Freedom of Information Act; and

(4) amendments are needed to make the Freedom of Information Act simpler and less expensive for noncommercial interests and news organizations to use, to provide for more meaningful sanctions for its violation, to minimize delays in processing requests under the Act, to discourage misuse of the Act's exemptions by agencies and agency personnel, to eliminate exemptions from the Act that serve no legitimate governmental purpose, to provide for more effective Congressional review of proposed exemptions to the Act, and otherwise to ensure and enhance the effectiveness of the Act.

TITLE I—AMENDMENTS TO THE FREEDOM OF INFORMATION ACT

SEC. 101. RECORDKEEPING REQUIREMENTS.

(a) LOG OF REQUESTS AND RESPONSES.—Section 552(a) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(7) Each agency shall maintain for public inspection (A) a log of requests received; (B) a current list of pending requests showing the status of progress made toward compliance; and (C) an index of all records disclosed pursuant to this section.".

(b) ACCESS AND RETRIEVAL OF RECORDS.—Section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Each agency shall organize and maintain its records in a manner which will—

"(1) make records easily accessible for convenient use under this section; and

"(2) minimize the cost and difficulty of identifying and retrieving records under this section.".

SEC. 102. FEES AND WAIVERS.

Section 552(a)(4)(A) of title 5, United States Code, is amended—

(1) in clause (ii)(II), by striking out "or a representative of the news media;" and inserting the following: "a representative of the news media; or a nonprofit organization that intends to make the information available to the news media, to any branch or agency of Federal, State, or local government, or to the public;";

(2) in clause (iii)—

(A) by inserting "(I)" after "if"; and

(B) by inserting before the period at the end thereof the following: "; (II) the information relates to a violation of law, inefficiency, or administrative error by an agency; or (III) the waiver or reduction of the fee is in the public interest because furnishing the information primarily benefits the general public";

(3) by redesignating clause (vii) as clause (viii); and

(4) by inserting after clause (vi) the following:

"(vii) For purposes of clauses (ii) and (iii), the publication, reproduction, resale, or other dissemination of information obtained by any person under this section from an agency is not a commercial use.".

SEC. 103. PENALTIES FOR AGENCY DELAY OR AGENCY FAILURE TO COMPLY.

(a) PAYMENT OF REQUESTER'S EXPENSES.—Section 552(a)(4)(E) of title 5, United States Code is amended by adding at the end thereof the following new sentence: "The court may assess against the United States all out-of-pocket expenses incurred by the requester, and reasonable attorney fees incurred in the administrative process, subsequent to the failure of any agency to comply with the applicable time limit provisions of paragraph (6) of this subsection.".

(b) CIVIL PENALTY FOR DELAY.—Such section is further amended—

(1) by inserting "(i)" after "(E)"; and

(2) by adding at the end thereof the following:

"(ii) An agency not in compliance with the time limits set forth in this subsection shall demonstrate to a court upon motion by a requester in the venue of the requester of the information that the delay is warranted under the circumstances. The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the Government fails to sustain this burden. In addition, it shall be within the discretion of the court to award the requester an amount not to exceed twenty-five dollars for each day that the agency's response to his request exceeded the time limits set forth in paragraph (6) of this section.".

SEC. 104. SANCTIONS FOR AGENCY FAILURE TO COMPLY.

Paragraph (4)(F) of section 552(a) of title 5, United States Code, is amended to read as follows:

"(F) Whenever the court issues a written finding that circumstances raise questions whether agency personnel acted arbitrarily or capriciously with respect to (i) the withholding, destruction, removal, or alteration of a record that was requested under this section, (ii) an estimate or amount of a fee or the denial of a fee waiver or reduction, or (iii) the denial of a request for expedited access, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible. After investigation and consideration of the evidence submitted, the Special Counsel shall, within six months, submit his findings and recommendations to the head administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative, the court, the requester, the Committee on Government Operations of the House of Representatives, and the Committee on the Judiciary of the Senate. The administrative authority shall promptly take the corrective action that the Special Counsel recommends and file a report with each such Committee.".

SEC. 105. EXPEDITED ACCESS.

Paragraph (6) of section 552(a) of title 5, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(D) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing that upon receipt of a request for expedited access to records and upon demonstration by the requester of a compelling need for expedited access to records, the agency shall determine within five days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such a request for expedited access whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination. A requester whose request for expedited access has not been decided within five days of its receipt by the agency or has been denied shall not be required to exhaust administrative remedies. An agency failing to comply with this time limitation shall be subject to the provisions of section 552(a)(4)(E)(ii).".

SEC. 106. SEPARATE QUEUES FOR PROCESSING REQUESTS.

Paragraph (6) of section 552(a) of title 5, United States Code, is further amended by adding at the end thereof the following new subparagraph:

"(E) Each agency shall include, as part of the regulations implementing this section, pursuant to notice and receipt of public comment, a detailed description of the procedures used in the processing of requests under this section. If a separate queue or a special procedure is used in the processing of some categories of requests, the description shall identify the queue or procedure and shall specify the criteria used for differentiating between requests.".

SEC. 107. REVISION OF EXEMPTIONS.

(a) REVISION OF CLASSIFIED INFORMATION EXEMPTION.—Paragraph (1) of section 552(b) of title 5, United States Code, is amended to read as follows:

"(1) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are—

"(A) in fact properly classified pursuant to such Executive order,

"(B) matters the disclosure of which could reasonably be expected to cause identifiable damage to the national defense or foreign policy interests of the United States, and

"(C) matters in which the need to protect the information outweighs the public interest in disclosure.".

(b) REVISION OF EXEMPTION FOR INTERNAL PERSONNEL RULES AND PRACTICES.—Paragraph (2) of such section is amended to read as follows:

"(2) law enforcement manuals that are predominantly internal in nature to the extent that disclosure significantly risks circumvention of an agency investigation, a regulation or a statute;".

(c) REVISION OF FINANCIAL REPORTS EXEMPTION.—Paragraph (8) of such section is amended to read as follows:

"(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions if disclosure would directly injure the financial stability of an institution; or".

(d) REPORTING ON USE OF STATUTORY EXEMPTIONS UNDER SUBSECTION (b)(3).—Paragraph (1) of section 552(a) of title 5, United States, is amended—

(1) by striking out "and" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; and "; and

"(3) by adding at the end thereof the following new subparagraph:

"(F) a complete list of all statutes that the agency head or general counsel has determined authorize the agency to withhold information under subsection (b)(3) of this section, together with a specific description of the scope of the information covered.".

"(e) REPORTING ON PROPOSED STATUTORY EXEMPTIONS.—Section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) An agency, upon receipt of notification of the introduction of any bill or resolution into the Senate or House of Representatives constituting authority for that agency to withhold information under subsection (b)(3) of this section shall promptly notify the Committee on Government Operations of the House of Representatives and the Committee on the Judiciary of the Senate, unless the agency determines that written notice has otherwise been given to each such Committee.".

SEC. 108. PROHIBITION ON USE OF ACT TO WITHHOLD INFORMATION TO CONCEAL VIOLATIONS OF LAW, INEFFICIENCY, OR ADMINISTRATIVE ERROR.

Section 552(d) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "This section is not authority to withhold information in order to conceal violations of law, inefficiency, or administrative error by an agency.".

SEC. 109. OVERSIGHT OF AGENCY COMPLIANCE.

"(a) IN GENERAL.—Subsection (e) of section 552 of title 5, United States Code, is amended to read as follows:

"(e)(1) The Archivist of the United States shall supervise agency compliance with this section. The Archivist may issue interpretations binding on other agencies pursuant to this section and provide advisory opinions to agencies and requesters.

"(2) On or before December 1 of each calendar year, each agency shall, in accordance with standards promulgated by the Archivist, submit a report covering the preceding fiscal year to the Speaker of the House of Representatives and the President of the Senate for referral to the appropriate committees of the Congress. The report shall include—

"(A) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

"(B) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in denial of information;

"(C) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

"(D) the results of each proceeding conducted pursuant to subsection (a)(4)(E), including a report of the disciplinary action taken, or an explanation of why disciplinary action was not taken;

"(E) a copy of every change in any rule made by such agency regarding this section;

"(F) the total amount of fees collected by the agency for making records available under this section;

"(G) the number of fee waivers requested and the number of fee waiver requests granted;

"(H) the number of requests received, processed, and pending at the end of the year;

"(I) the average length of time to comply with a request and with an appeal;

"(J) the number of requests and appeals that were responded to within the time limits specified in this section and the number that were not;

"(K) other information required by the Archivist;

"(L) any other information indicating efforts to administer fully this section; and

"(M) if an agency maintains a separate queue for some categories of requests, a separate statement of the information required by subparagraphs (H), (I), (J), and (K) of this paragraph shall be included with respect to each such queue.

"(3) The Archivist shall submit an annual report on or before December 1 of each calendar year which shall include, for the prior fiscal year, a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsections (a)(4)(E) and (F). Such report shall also include an explanation of the interpretation issued during the preceding year pursuant to paragraph (1) of this subsection and a description of the effort undertaken by the National Archives and Records Administration to encourage agency compliance with this section.".

(b) TIME FOR SUBMISSION OF REPORTS.—Notwithstanding the amendmemt made by subsection (a) of this section, the reports required by section 552(e) of title 5, United States Code—

(1) shall be submitted on March 1, 1990, and shall cover the preceding calendar year; and

(2) shall be submitted on December 1, 1990, and shall cover the period from January 1, 1990, through September 30, 1990.

SEC. 110. DEFINITIONS.

Subsection (f) of section 552 of title 5, United States Code, is amended to read as follows:

"(f) For purposes of this section—

"(1) the term 'agency' includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), any independent regulatory agency and includes the Smithsonian Institution, the Council of Economic Advisors, and Administrative Office of the United States Courts;

"(2) the term 'record' includes—

"(A) computerized, digitized, and electronic information, regardless of the medium by which it is stored; and

"(B) an appointment calendar and a telephone log of an officer or employee of an agency unless such calendar or such log is personally maintained by the officer or employee solely for his own use; and

"(3) the term 'search' includes a reasonable amount of computer programming necessary to identify records.".

TITLE II—RECOVERY OF WRONGFULLY REMOVED AGENCY FILES

SEC. 201. PRIVATE CIVIL ACTIONS TO RECOVER AGENCY RECORDS REMOVED IN VIOLATION OF CHAPTER 29 OF TITLE 44, UNITED STATES CODE.

Section 2905 of title 44, United States Code, is amended by adding at the end thereof the following new subsection:

"(c)(1) Except as provided in paragraphs (2) and (3), any person may commence a civil action on his own behalf against any person (including the United States and any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in possession of any records removed from an agency in violation of the provisions of this chapter or of standards, procedures, or guidelines promulgated pursuant to such provisions. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to order the return of any such records or to issue any other orders necessary to obtain compliance with such provisions, standards, procedures, or guidelines.

"(2) No action may be commenced under paragraph (1) prior to sixty days after the plaintiff has given notice of the alleged violation (A) to the Archivist, (B) to the head of the agency from which such records are alleged to have been removed, (C) to the Attorney General, and (D) to the person who is alleged to have custody of such records.

"(3) No action may be commenced under paragraph (1) if, within sixty days after receipt of the notice required by paragraph (2), the Attorney General commences and is diligently prosecuting an action for the recovery of the records to which such notice pertains, but if such an action is instituted the person giving such notice may intervene as a matter of right in such action.

"(4) In any action under this subsection, the Archivist, if not a party, may intervene as a matter of right.

"(5) The court, in issuing any final order in any action brought pursuant to paragraph (1) of this subsection, may award costs of litigation (including reasonable attorney fees) to any party, whenever the court determines such award is appropriate.".

SEC. 202. PRIVATE CIVIL ACTIONS TO RECOVER AGENCY RECORDS REMOVED IN VIOLATION OF CHAPTER 31 OF TITLE 44, UNITED STATES CODE.

Section 3106 of title 44, United States Code, is amended by designating the existing paragraph as subsection (a) and by adding at the end thereof the following new subsection:

"(b)(1) Except as provided in paragraphs (2) and (3), any person may commence a civil action on his own behalf against any person (including the United States and any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in possession of any records removed from an agency in violation of the provisions of this chapter or of standards, procedures, or guidelines promulgated pursuant to such provisions. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to order the return of any such records or to issue any other orders necessary to obtain compliance with such provisions, standards, procedures, or guidelines.

"(2) No action may be commenced under paragraph (1) prior to sixty days after the plaintiff has given notice of the alleged violation (A) to the Archivist, (B) to the head of the agency from which such records are alleged to have been removed, (C) to the Attorney General, and (D) to the person who is alleged to have custody of such records.

"(3) No action may be commenced under paragraph (1) if, within sixty days after receipt of the notice required by paragraph (2), the Attorney General commences and is diligently prosecuting an action for the recovery of the records to which such notice pertains, but if such an action is instituted the person giving such notice may intervene as a matter of right in such action.

"(4) In any action under this subsection, the Archivist, if not a party, may intervene as a matter of right.

"(5) The court, in issuing any final order in any action brought pursuant to paragraph (1) of this subsection, may award costs of litigation (including reasonable attorney fees) to any party, whenever the court determines such award is appropriate.".

[From the New York Times, June 18, 1989]

COMPUTERS CHALLENGE FREEDOM OF INFORMATION ACT

(By John Markoff)

With the Government's continuing shift to storing information in computers, the public faces new obstacles when seeking access to Federal documents, a growing number of legal scholars and lawyers say.

These experts and some public interest groups say the creation of vast storehouses of electronic data is undermining the original intent of the Freedom of Information Act, which does not mention computer records. Their main argument is that a lack of adequate guidelines about computerized information allows Government officials too much latitude in responding to requests for information.

Computerization has even raised disputes about what constitutes a Federal record. That is an issue in a lawsuit three public interest groups brought under the Freedom of Information Act in January. The groups obtained a temporary restraining order that prevented the Bush White House from erasing the Reagan Administration's electronic messages on the computerized mail system used by the White House and the National Security Council. Government attorneys argued that those messages "do not rise" to the level of being Government records.

"NO MAN'S LAND" OF INFORMATION

Alan Westin, a computer expert at Columbia University, says the problem is that the Government's expanded use of computers in the last two decades has leapfrogged laws intended for a world in which all Federal records were on paper. Now with data bases, electronically stored information can be instantaneously sorted and retrieved, or even destroyed, with just a few strokes on a computer keyboard.

"It's as if you've created a great no man's land of information," said Mr. Westin, who has studied whether computer technology has thwarted the information act. "Traditionally, thinking has been in terms of paper environments and without any sophistication about electronic information."

Since the information act became law in 1966, it has been extensively used by reporters, public interest groups and corporations to obtain a wide range of information, including data on polluters, arms sales to foreign governments and the activities of business competitors. A Congressional committee estimates that as many as 500,000 requests are filed each year under the act.

The Freedom of Information Act was last revised significantly in 1974, before agencies moved strongly toward computerization. The Government is now spending an estimated $15 billion a year on computer equipment.

NO EXPLICIT GUIDELINES

There are no explicit legal guidelines that agencies must follow when programming their computers to extract information asked for under the act. Nor are there guidelines on the form in which agencies must release the data. Some legal experts argue that unless issues involving computerized records can be resolved by the courts or by new laws, the lack of guidelines will become a common way for agencies to deny requests.

Several agencies have become concerned about electronic records issues. In May the Department of Justice's Office of Information and Privacy noted in a survey sent to Federal agencies that questions about records on computers "stand as largely unresolved questions of law."

Richard L. Huff, a director of the agency, which sets Government policy on Freedom of Information and privacy issues, said: "The interesting questions deal with whether you have to do computer programming to search for information. The concern is how much the Federal Government should spend on programmers."

ACTION IN CONGRESS

Congress, meanwhile, is beginning to act on issues involving computerized information. Last month, Representative Bob Wise, Democrat of West Virginia, introduced a bill that would extend the Freedom of Information Act into electronic areas and create a more uniform Federal policy.

The gray area of computer information has raised thorny questions in several recent cases, including the one involving the White House's computerized mail system.

The system helped Congressional investigators to reconstruct the events that led to the Iran-contra scandal. But the White House decided not to save the messages, stored on computer tapes, either for the Reagan Presidential library or as records at the National Archives.

The White House took the position that executive staff members must print out any significant documents and that only those paper documents were to be considered records. The case is still before a Federal District Court in Washington.

5,000-PAGE C.I.A. PRINTOUT

Another concern is that officials might undermine the intent of the information act by releasing huge volumes of paper records, effectively hiding information that could be instantly found if the records were released in the form of computer files.

Last year, for example, the National Security Archives, a Washington research library, requested an index of previously released records of the Central Intelligence Agency. In complying with the request, the agency gave the archives a 3-and-a-half-foot-high, 5,000-page computer printout with the records arranged by date of release.

The library filed an appeal, arguing that the information was less useful than if it had been made available on computer tape or disk. But last July a Federal judge supported the C.I.A.'s position that the information was in "reasonably accessible form."

In another recent case, an academic researcher filed a request with the Federal Reserve Board to obtain the software it uses to monitor the nation's money supply, aiding in decisions on when to inject money into the economy. The request was denied on the ground that the software represents the board's internal deliberative process and is thus exempt from disclosure. An appeal has been filed.

NEED FOR CHANGE DEBATED

Whether the Freedom of Information Act must be overhauled has become the subject of growing debate among lawyers and public interest groups.

Many people with experience in litigation under the act argue that it was written so broadly that it does not require revision. These people contend that courts have generally supported liberal interpretations of the law in the face of attempts by Federal agencies to restrict access. And they express concern that tampering with the original act will reduce access.

But a growing number of lawyers and public interest representatives say the shift to computers has created challenges never considered by those who wrote the act and revised it.

"The original F.O.I.A. statute was not drafted with new technologies in mind," said David Johnson, a Washington attorney who specializes in computer law at Wilner, Cutler, Pickering. "This is true with a large number of statutes. Developing technology places pressure on unexpected portions of the law and requires that the courts interpret the statutes."

Mr. Johnson noted that advances in the technology used in wiretapping and electronic surveillance created a similar situation and ultimately led to the Electronic Communications Privacy Act of 1986, which extended the scope of previous privacy statutes.

The information act requires Federal agencies to make a "reasonable effort" to comply with the public's requests for information, except in areas that might compromise national security or infringe on individuals' privacy. At the heart of the dispute is how the computerization of records may have subtly changed the definition of what is a reasonable search.

It is now possible to do with several keystrokes what would have once taken months or years of manual sorting and searching through files. Current case law as applied to paper information, however, establishes that it is not necessary for agencies to create new records in meeting requests.

ROLE OF PROGRAMMING

In responding to requests for information, some agencies have held that if computer programming is required, the result constitutes a new record. Since the creation of new records is not required under the law, programming would not be either, if this position is upheld.

The Congressional Office of Technology Assessment, in a study on Government dissemination of information in the computer age, stated that electronic information had raised a number of fundamental questions about the basic purposes of the act.

Jerry Berman, director of the American Civil Liberties Union's information technology project, has suggested that an "electronic freedom of information act" may be needed.

"We have to make the Government focus on this," Mr. Berman said. "A policy is needed where electronic information is mandated as part of the dissemination of information, and we need to view technology in general as a means for making Government more accessible to citizens."

KILDEE PAYS TRIBUTE TO VIRGIL SMITH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Mr. Virgil Smith, the oldest member of the Smith family, and its strongest link to its honorable past. Born to Lucenda and William Yancy Smith in Wesson, MS, on November 5, 1900, Mr. Smith has led an active and productive life.

He has been employed by a wide range of businesses, from an iron foundry to a railroad, until his retirement in 1966 from the Liberty Cash Wholesale Company of Memphis, TN. Leading a religious life as dedicated as his working career is diverse, Mr. Smith joined St. Paul AME at an early age. He is currently a member in good standing with Shilow Missionary Baptist Church in Memphis, TN.

As members of the Smith family gather in the approaching days for a family reunion, they will be celebrating the love and devotion that has held their family together for years. Nowhere is that love more evident than in Mr. Virgil Smith's own life. His love spans lines of heritage to include not only his wife Mary and son Rivers Mangum, but also his foster son Walter Gordon.

The Smith family will honor Virgil Smith on July 2 at a dinner at Vernon Chapel AME in Flint, MI. Mr. Speaker, I ask that we join in that tribute to Mr. Smith who, for his relatives as well as for each of us, represents 89 years of a boundless family spirit. It is my honor today to draw our Nation's attention to Mr. Smith's long life, so that we may take note on his achievements and be strengthened by them.

H.R. 536—TO ALLOW CLAIMS AGAINST THE UNITED STATES FOR DAMAGES ARISING FROM CERTAIN NEGLIGENT MEDICAL CARE PROVIDED MEMBERS OF THE ARMED SERVICES

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. BLILEY. Mr. Speaker, I stand today in support of H.R. 536, legislation which is long

overdue. This bill allows American servicemen and women and their families to enjoy the same privileges enjoyed by all U.S. citizens, the right to take part in our judicial system in medical malpractice. This will restore justice yet maintain military discipline.

Unfortunately, this legislation will not protect those who have already been subjected to the pain and frustration of injury to themselves or the tragic death of a family member. My constituents, Mr. and Mrs. James B. Friend, have experienced this kind of anguish as their son, Seaman James B. Friend III, died 2 years ago while in Navy training.

James Friend had answered the call to duty in the U.S. Navy as a proud and energetic example of the commitment of the American youth. While he was stationed in San Diego, he received a citation as the most outstanding of his company. He was an exemplary recruit. He would have made this Nation proud yet he never had an opportunity to receive this award, nor did he have a chance to prove his commitment to this country. Tragically, 2 days before his graduation, while completing his last run, he suffered a heat-exertion injury. Only 7 days later, he had died.

A serious complication to a heat-exertion injury is the sickle cell trait which James Friend carried. This condition was noted in his medical profile yet his training was not altered or modified in any way to compensate. The emergency room corpsman was not notified of the condition. While James Friend was in the hospital struggling to survive, his family was given a nonprocedural oral briefing on his medical status. In noncompliance with Naval medical policy, James' doctors interpreted the Friends' remarks as a "do not resuscitate" order. The attending physician, without the expressed consent of the family, made the decision to discontinue all lab work and the use of blood products. Under these circumstances, this simply leads a patient to bleed to death.

This legislation will prevent further needless deaths. Let us not allow others to experience the grief and anxiety that has so agonized Mr. and Mrs. Friend. It is our Nation's armed service men and women who are committed to protect our soil and interests and provide for our national defense. We must not deprive them of the ability to pursue the same judicial process in the face of medical malpractice that is enjoyed by the United States. Mr. Speaker, I urge support of this sensible legislation.

MINIMUM WAGE PROPOSAL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. MAZZOLI. Mr. Speaker, the Federal minimum wage has been at $3.35 per hour since 1981. The purchasing power of the minimum wage has eroded over these years. This unfortunate situation needs to be corrected. The minimum wage needs to be raised.

Because recent efforts to raise the minimum wage collapsed in partisanship and vetoes, it will take a bipartisan, administration-congressional effort to succeed in raising the minimum wage.

To start this process, I have sponsored legislation to raise the minimum wage to $4.25 over 2 years and to establish a temporary training wage for new hires. Another measure I have cosponsored, H.R. 2543, would increase the minimum wage to $4.25 over a 3-year period and expand and increase the earned income tax credit [EITC].

I have every hope that a compromise, bipartisan minimum wage proposal will be passed into law before the year's end.

Congress should also move on other fronts to help the working poor. For example, the targeted jobs tax credit [TJTC], which expires December 31, 1989, should be extended. The TJTC is a cost-effective method of providing jobs to the unemployed, especially the young person lacking experience and job skills and the older displaced worker who needs to be trained for a new job. A measure I have sponsored would extend the TJTC for 3 years.

Finally, any comprehensive approach to assisting the working people of America must address the need for quality, affordable day care services. I am pleased that the House Education and Labor Committee is now working on legislation in response to that need.

Mr. Speaker, my colleagues in the House and Senate have an opportunity we cannot, in conscience, reject to develop an effective legislative package to address the problems of America's working poor.

PINE BEETLE INFESTATION—A REASON FOR RESTRAINT, NOT EXCUSE FOR CLEARCUTTING

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. BRYANT. Mr. Speaker, an alarming increase of southern pine beetle infestations in east Texas points up the need for restraining the practice of clearcutting and the consequent establishment of pine plantations in our National Forests—restraint that would be imposed by enactment of the Clearcutting Restraint Act of 1989. The legislation is now cosponsored by 13 of my colleagues.

One of the disadvantages that follows clearcutting and other forms of even aged management, which lead to planting of a single variety of tree, is the susceptibility of the new trees to insects.

Yet the U.S. Forest Service actually uses such infestations as an excuse to clearcut and plant in the single variety that is most susceptible to infestation.

A general rule of ecology is that when plants or animals of one species are crowded more closely together, as in a tree plantation, they become more susceptible to insects and disease. And today, insects and disease are plaguing many of our National Forests from coast to coast in the wake of the clearcutting and monoculture planting practices that have been in effect since 1964.

H.R. 2406 would help lessen the incidence of pine beetle epidemics and other damages to our forests. The bill would not only limit clearcutting, but also require the Forest Service to maintain the mixture of species that naturally existed without the influence of humans.

My bill would allow the Forest Service to continue logging commercial timber, but the agency would be compelled to shift from even age to selection management—the felling of trees here and there throughout the areas where logging is allowed. This system keeps the forest diverse and thinned and therefore more resistant to beetles.

Selection management leaves a perpetual canopy of tall trees, as well as younger, smaller ones.

In contrast, the ongoing even age management system allows the cutting of all commercial trees in a stand, levels all remaining vegetation of all species in the area, and replaces diversity with only one species.

These one species, even aged stands then are easy targets for the diseases and insects—like the pine beetle in east Texas—that pray upon them.

Under the existing system, the Forest Service response to a pine beetle infestation, as noted in a recent artlcle from the Dallas Times Herald, is clearcutting the infested area and selling the logs. Healthy pines as well as infested ones are cut and sold, thereby flooding the market with cheap timber.

The result is not just an endless cycle of infestation, but also a glut on the market which substantially reduces the price of trees raised by small landowners.

To await a better price, private, nonindustrial timber growers often are compelled to delay their own timber sales. Private growers, who, for financial or other reasons, must proceed with a sale during a beetle epidemic, may suffer a price drop of 50 percent or more.

Southern pine beetles are killing our forests from the Carolinas to Texas in ever worsening epidemics. They particularly ravage even age stands with a density of 100 square feet of basal area per acre, as in loblolly and shortleaf pine plantations.

In 1986, a core team of Forest Service experts recommended a change in management methods to lower densities of pine and leave more hardwoods in the largely pine stands, as would be the case in selection management—"Long Term-Strategies and Research Needs for Managing Southern Forests to Reduce Southern Pine Beetle Impacts, USFS, 1986." The selection system maintains 60 to 90 square feet of basal area, far more resistant to southern pine beetles.

The Forest Service, however, is so entrenched in its even age system that it has ignored the recommendations of its own experts, thereby inviting and intensifying more costly epidemics of southern pine beetles.

If Congress enacts H.R. 2406, the Forest Service will have to reduce its clearcuts and single species monocultures in favor of more regeneration of diverse and healthy natural stands.

I urge my colleagues to consider this matter and join me in the effort to preserve what we can of our National Forests.

[From the Dallas Times Herald, June 26, 1989]

EAST TEXAS BRACES FOR BEETLE EPIDEMIC

(By Jim Morris)

DAVY CROCKETT NATIONAL FOREST.—The Southern pine beetle is on a rampage again,

chewing its way through the East Texas forests.

By late last week, the voracious black flying insects, no larger than grains of rice, had infested more than 1,200 sites in Texas' four national forests and were spreading rapidly.

U.S. Forest Service officials are bracing for a possible epidemic, perhaps as serious as the last one, in 1982-85. Twenty-five thousand acres of timber had to be cut during that outbreak, which affected more than 6,000 sites.

"What we have right now is a very intense building of beetle populations," said Mike Lannan, national forest supervisor in Lufkin. "It looks like it will be a very serious, long-range infestation."

Besides killing stately pines, the infestation has driven down the price of timber in East Texas and prompted increased cutting of healthy trees, a practice that angers environmentalists but that the forest service defends as necessary.

The Davy Crockett, west of Lufkin, is the hardest-hit of the national forests. Officials have found about 600 beetle spots here, from one to five acres each. They hope that cutting diseased trees and others near them will keep the bugs from advancing.

But unless there is a stretch of hot, dry weather, which the beetles don't like, they probably will continue their wholesale killing of loblolly and shortleaf pines, some of which are 100 years old and at lest 100 feet tall. Officials are especially worried about a 4,200-acres section of the Davy Crockett struck by a tornado June 7. Southern pine beetles thrive on older, weakened trees, and there are plenty in the storm-damaged area.

The beetles are always present in Southern forests but periodically go on a feeding frenzy. They kill more trees in the South than forest fires do.

Females lay eggs in a tree's inner bark, the eggs hatch and the larvae feed on the bark, ultimately killing the tree. In the summer, the pine needles turn from dark green to light green to yellow to brown, and the tree dies. Trees attacked in the winter may retain their normal color, but the outcome is no less deadly.

Orland Olsen Jr., chief ranger for the Davy Crockett's Neches district, traces this year's outbreak to the East Texas droughts of 1987 and 1988. The forests near Lufkin had a rainfall deficit of 32 inches during those years, Olsen said, and the trees were badly weakened.

Apart from the trees killed by beetles, healthy trees in the infested areas are being felled by the forest service, creating buffer zones designed to keep the bugs from spreading. The cut trees are either removed and sold or left on the ground.

Officials are testing a promising but experimental control technique at some sites. Verbenone, a synthetic liquid similar to a substance the male beetle excretes to let other males know a tree is "occupied," is being applied to some trees. But it's too soon to tell whether this method will reduce the need for cutting.

Clear-cutting—the leveling of stands of trees—because of the beetle outbreak already has depressed timber prices and probably will continue to do so as the summer wears on. Lower prices reduce forest service revenue and hurt the 12 East Texas counties that receive 25 percent of the proceeds from timber cut in the national forests and use the money for schools, roads and bridges. Private sellers of timber in the region may suffer as well if the market becomes flooded with trees and prices plunge.

Clear-cutting, a technique used to regenerate forests even when there are no serious infestations, also infuriates environmentalists. They favor what is known as selection management—the practice of culling individual trees from a stand based on the tree's age, size, condition and spacing.

Advocates say selection management preserves the forest's diversity of plant species, making it more resistant to insects and disease, more accommodating to wildlife and more attractive to hikers and campers. The forest service, however, maintains that clear-cutting is the most cost-effective and least intrusive method of ensuring an ample timber supply.

Dave Oates, of the forest service in Lufkin, concedes that clear-cut areas "don't necessarily look like rose gardens," but said selection management is more expensive and time-consuming.

"People have not been willing to spend the money and accept all the other tradeoffs" associated with selection management, Oates said.

But Dan Clair, a pest management specialist with the Texas Department of Agriculture, said that while selection management may be more expensive and bothersome initially, it more than pays for itself when a beetle outbreak occurs.

"If you're talking about these other problems down the road, you've got to consider that, too, as a cost," Clair said. "They're not adding all this beetle control as a cost of clear-cut management."

Clair likens the selective harvesting of trees to rotating crops—say, growing corn one year and beans the next—and says that clear-cutting is like growing the same crop year after year. Crop rotation—or selection management—keeps a particular species of pest, like the Southern pine beetle, from proliferating because the food source keeps changing, Clair said.

The selection-management forces persuaded a Tyler federal judge last year to stop the forest service from clear-cutting stands of old pines that serve as habitat for the endangered red-cockaded woodpecker. Now, says Ned Fritz, a Dallas environmentalist involved in the lawsuit, the forest service is using the pine beetle as an excuse to resume widespread clear-cutting in the state's national forests.

KILDEE HONORS CHIEF SAMUEL DIXON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in honoring an outstanding public servant, a man who has tirelessly given of himself, the retiring Fire Chief of Flint, MI, Samuel Dixon. Chief Dixon will be honored at a testimonial dinner on June 30, 1989.

Chief Dixon is retiring after serving the Detroit and Flint communities 38 years in various firefighting positions. Chief Dixon began his career in 1951 as a Detroit firefighter after graduating from Detroit's Miller High School. The chief distinguished himself by his actions in the line of duty as well as his pursuit of an education. Chief Dixon completed an associate degree in accounting from the Detroit Institute of Commerce. From there he pursued, and received a bachelor of science degree in management from the Detroit College of Business. Chief Dixon further distinguished himself by receiving a fellowship from the National Fire Academy as well as graduating from the executive officer program at the same institution.

While pursuing his education, Chief Dixon became active in professional firefighting organizations. As a member of the International Association of Fire Chiefs, Chief Dixon served on a study committee of the executive officer members which studied firefighting services in Japan, China, and Korea. Chief Dixon also traveled to Europe in 1987 to study European firefighting methods.

Another indication of Chief Dixon's commitment to his community has been his involvement in civic and charitable organizations in my hometown of Flint. The combination of professional excellence and civic commitment have made Chief Dixon a truly remarkable individual. He has shown exemplary leadership in guiding the Flint Fire Department on its mission to provide fire prevention and protection services to the citizens of Flint.

Mr. Speaker, it is indeed an honor and a pleasure for me to recognize Chief Samuel Dixon for his efforts on behalf of the citizens of Flint. While Chief Dixon is retiring, I know he is now entering a new phase of his life, a new set of challenges to conquer and new horizons. I have no doubt that Chief Dixon will meet those challenges and will excel in whatever he pursues. His dedication to protecting the public he served will be a lasting legacy in his honor. I know the entire U.S. House of Representatives joins me in paying tribute to this dedicated public servant and wishing him continued success in his retirement.

TRIBUTE TO MR. JOSEPH L. STATUM

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, today I would like to congratulate an honorable man from Oxford, OH. This man who deserves such recognition is Mr. Joseph L. Statum. Mr. Statum has served as Oxford's chief of police for 25 years and on this day, June 30, 1989, Mr. Statum is retiring from his service.

Joseph Statum outstandingly has served his community and country. He is typical of today's local police force, who has given life and limb in the front line of today's society to insure the physical safety and the peaceful assurance of a safe community.

Joseph Statum in his dedicated and unselfish service to the community of Oxford, OH, deserves to be highly commended and admired. Throughout the years, he has served his profession in a distinguished and honorable manner. He has used his time and expertise to the betterment of Oxford and for the protection of the people and preservation of law and order.

Oxford, OH, has been a safer place with Joseph Statum as her chief of police. His leadership has been recognized among all community members and is highly respected. I join today along with his family, associates and the community of Oxford to congratulate and honor my friend Joseph Statum for 25 yeas of dedicated service.

EXPENDITURE TARGETS ARE A RISK TO THE ELDERLY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mrs. MORELLA. Mr. Speaker, I rise to express my concern about the proposal to establish expenditure targets for payments to physicians under Medicare. The goal of these targets would be to restrict the volume of services provided by physicians by capping the total Medicare payments to physicians.

This expenditure target proposal may seem sound when viewed only as a deficit reduction measure. However, we cannot afford to overlook the human impact of this provision. If enacted, expendiure targets could endanger the health of the elderly who may be denied proper and thorough medical treatment due to the economic restraints placed on our Nation's physicians. These targets have been tried in other countries and have led to long waits for necessary consultations with specialists and painful delays for necessary surgery. The Congress has a commitment to ensure adequate medical treatment for this vulnerable group, our Medicare beneficiaries. The enactment of expenditure targets appears to conflict with this commitment.

The physician payment review commission has made several suggestions for reducing the costs of medical care without imposing expenditure targets. Some of these suggestions include effectiveness research, practice parameters, more comprehensive utilization and quality review. These measures can play a significant role in limiting the volume of medical services that Medicare must reimburse. Educational programs aimed at the target population and reform of the tort system will also play a vital role in reducing demand for, and costs of, medical care. I believe that these options should be further explored before we impose rigid budget restrictions on the medical community.

We must not walk away from the commitments which we have made to the elderly. It is not health care itself, but rather the rationing of care, that this country cannot afford. This is a nation that can, and should, provide quality health care for its citizens.

A TRIBUTE TO CAPT. HARRY MASTERSON

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. COURTER. Mr. Speaker, today I would like to recognize the outstanding achievements, strong commitment, and esteemed leadership of Capt. Harry Masterson. Captain Masterson will soon be retiring from the township of Ewing Police Department after serving as a distinguished member for over three decades.

Captain Masterson, a model citizen and a community leader, founded the Ewing Lou Gehrig Baseball League; served as president of the Fraternal Order of Police; chairman of the Ewing Patriotic Committee; and is currently the president of the Mercer County Chapter of the Sunshine Foundation.

Captain Masterson has not only served his township and State, but his country as well. He served in the U.S. Army from 1943 to 1946 in the European theater.

I wish to extend my sincere wishes to Captain Masterson for a rewarding, healthy, and enjoyable retirement.

HONORING ALICE PRICE FOR HER 37 YEARS OF CARE AND COMPASSION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. YOUNG of Florida. Mr. Speaker, I take this time today to honor Alice Price, a member of my staff, who in 37 years of service to the Congress has helped solve the problems of thousands of individuals.

Serving as a caseworker can be a difficult job because often people come to their Congressman when they have exhausted all other avenues available to them. It is also one of the most satisfying jobs because everyday a caseworker helps solve someone's problem.

There is no better caseworker in the Congress than Alice Price and I am proud to say that we have worked together the entire 19 years that I have served in the House. No challenge was ever too great for Alice and in many cases, she helped people out when Government agencies or other officials said there was nothing that could be done for them.

Alice brought to work everyday the essential qualities of compassion and understanding. She was able to console the family of a soldier who died in training, she helped a little girl from Mexico came to the United States for surgery to save her eyesight, she was able to replace the lost or destroyed medals of a proud veteran, and she located an American student studying in China during the terrible events of the last few weeks. Every call or letter requesting help was a personal challenge to Alice.

Although I am sad that Alice will be retiring at the end of this week, I am happy that she leaves us with so many happy memories of the people she has helped over the years. As Members elected to serve the people in the House of Representatives, we receive the credit when someone has been helped. Today, however, I want to represent the thousands of people of Pinellas County, FL, Alice Price has helped by saying thank you for your care and understanding of their needs and problems.

Mr. Speaker, Alice Price can take pride in her dedication to a lifelong career of helping people and we could no doubt fill this Chamber many times over with individuals and families whose lives were made just a little bit better or easier with her assistance. Although we will miss Alice, we want to wish her all the happiness in her retirement years and hope that in between spending more time with her children, grandchildren, and friends that she is able to reflect with satisfaction on a job well done.

BATTLE OF KOSOVO REMEMBERED

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. GEKAS. Mr. Speaker, today marks the 600th anniversary of the Battle of Kosovo where the Turks overpowered and defeated the Serbian Army in 1389. Although this great loss resulted in 500 years of Turkish rule over the Serbian nation, Americans of Serbian descent annually celebrate this occasion not because their ancestors were defeated and their homeland pillaged by the Turks, but because the Serbian people endured this time of hardship without losing their religious faith of their heritage and traditions.

The Turkish drive to conquer Europe began in the early 1300's. By 1371, their campaign led them to the banks of the Maritsa River where they soundly defeated the Serbians led by King Mrnyavchevick. Despite this disastrous setback, the Serbians continued to resist their aggressors until the Battle of Kosovo in 1389. The defeat of the Serbians at Kosovo led to their incorporation into the Ottoman Empire for nearly 500 years.

Subjected to the cruel and brutal treatment of the Ottoman Turks throughout this long period of time, the Serbians endured these hardships and remained united generation after generation with the memory of their defeat at Kosovo. The memory of this defeat inspired the Serbian people to face and overcome these tremendous odds in the name of freedom. As the Ottoman Empire gradually faded away in the late 1800's, the Serbs were given the opportunity to regain their autonomy and eventually their independence in 1882. With the end of World War I, the Serbians led the way to establishing a nation state which would incorporate themselves, the Croatians and the Slovenians. This newly created state would become the kingdom of Yugoslavia.

With the Communist invasion of Yugoslavia in 1945, the newly empowered regime banned the celebration of the Battle of Kosovo in an attempt to destroy the heritage and unity of the Serbian people. Over the course of their amazing history, the Serbian people have certainly demonstrated their capacity to cope with extreme hardship and adversity. Their celebration of this defeat and the subsequent brutality of the Turks embodies the very endurance and determination of the Serbian people. Therefore, it is with pride, Mr. Speaker, that I invite my colleagues in the U.S. House of Representatives to join me and the

Serbian people of my district as well as the entire Nation in commemorating this great battle and the ongoing struggle of the Serbian people.

SWEDENIZATION OF AMERICA

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, with the Senate having passed the act for better child care last week and the House poised to pass similar legislation, I feel it is important that we look at the example of Sweden.

Columnist Pat Buchanan, in today's Washington Times, points out that because of Sweden's high tax, Government-planned economy, which includes a state-run child care system, they are depopulating the country at a very high rate. Buchanan attributes this loss of population directly to the inner workings of the Swedish child care system. He also points out something that all Members of the House ought to be contemplating as we debate this legislation: We must realize that although the price tag of the ABC bill is relatively modest now, it is nonetheless a new Government entitlement program. We should all realize that these programs eventually always turn into huge spending monsters that rear their ugly head out of spending control.

Mr. Speaker, I urge my colleagues to read the Buchanan article. The lesson of Sweden is one that we should all take to heart.

The article follows:

SWEDENIZATION OF AMERICA

(By Patrick Buchanan)

When the income of a man or a woman in Sweden reaches $46,000, the state takes 80 percent of the rest. Taxes now consume 56 percent of gross national product, making Sweden the most highly taxed society on earth.

Behind these horrendous rates lies ideology. Socialist Sweden wants to make it impossible for a man to support a large family through his own labor. If Swedes want to become middle class, the mother is forced to work. Hence, 90 percent of Swedish mothers are working, consistent with feminist ideology and the "corporate family" strategy of the Swedish state. In Stockholm, the ideal is for all children to be reared in day-care centers, along guidelines crafted by the social planners.

"Leftist American intellectuals," writes Elizabeth Ruppert, a former journalist and educator who used to be one, "have been fascinated by the Swedish social model. Sweden is the home of a kinder, gentler socialism—no gulag, no KGB, no nomenklatura, no purges; just happy Nordic workers busily building a brave new centrally planned, state-managed Great Society."

But all is not well in the Brave New World. Because of the "difficulties with child care," writes social critic Monica Boethius, "young Swedish families are . . . having fewer and fewer children. The birth rate has been dropping. . . . [T]he last 10 years, Sweden has been the country in the West with the lowest birth rate of them all; only 1.3 children per fertile woman (2.1 would be necessary to sustain zero population growth). . . . It is simply too complciated and too expensive to have children or at least to have more than one!"

Socialist Sweden is depopulating herself; in two generations, she will be a shadow of the nation she once was.

"All of this seems fine to certain American academcis and social scientists with a bias against capitalism and nuclear families," writes Mrs. Ruppert, who worked in the Great Society. "It is what they would like America to look like, and they are at work to produce that kind of social structure, through a whole agenda of 'work and family' legislative proposals. The keystone to this edifice is the Act For Better Child Care Services."

The "ABC bill," which passed the Senate last week, is the thin edge of the wedge to bring about the Swedenization of America.

It "starts small at $1.7 billion," notes The Wall Street Journal, but, it "gets the camel's nose under the tent by funding the interest groups, the bureaucracies and the voting constituencies that will clamor for ever-higher spending. It will grow like Medicare . . . an eternal entitlement will have been born."

What is wrong with ABC?

First, we cannot afford it. A government running a $130 billion deficit has no business launching new social programs.

Second, ABC points America in the wrong direction, the Swedish direction. We have already had our domestic Vietnam, the Great Society. Why, after the "poverticians," social planners, consultants and bureaucrats made a shambles of America's cities, creating a permanent underclass of America's black poor, would we entrust this crowd with the next generation of American children?

The nuclear family remains America's bedrock institution. While it has taken a battering, government should not write it off, nor join the socialist assault. Ambition and need may have taken half of American mothers into the work force, but the best decisions, and the final decision, as to how and where children should be reared, should be left with parents themselves.

Government should support, not direct, that decision. Tax credits and vouchers, which sustain freedom of choice, are the way to go.

Let Sweden force women to work. In the United States, we should support a woman's free decision, even if, and especially if, it is to stay home. As President Richard M. Nixon wrote in his veto of the Child Development Bill of 1971, "the vast authority of the national government" ought not be put on "the side of communal approaches to childrearing over against the family-centered approach."

After that defeat, the social planners did not retire, they went back to the drawing board, determined to use local models to convince Congress, one day, to get all America's children into day care, and parents and churches out. In one plan, by the 21st century, pregnant mothers, in the third trimester, would register unborn children with a day-care center, which would then have "visitation rights" for three years. At 3, the child would enter day care full time; and, at 6, public school, followed by after-school care. Parents would be displaced, become superfluous.

The Fairfax County (Va.) School-age Child Care Program, an experimental model, is already operating, Mrs. Ruppert writes. "Children's Defense Fund, federal, state and local government agencies, industry and government unions as well as corporations are linked into one monopolistic structure." It is a veritable shadow government, with coercive power and public funds, answerable to no one—a replica of what is to come.

A century ago, Alexis de Tocqueville said that if America's freedoms were ever lost, it would be to a "servitude of the regular, quiet and gentle kind," a final Swedish whimper for the Home of the Brave.

If a conservative blocking force will form up in both houses, to sustain Mr. Bush's veto, we can keep the bureaucrats' hands off the children, and prevent the Swedenization of America for another generation.

WORKING FOR PEACE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. SMITH of Florida. Mr. Speaker, a cease-fire has taken hold in the Angolan civil war, promising an end to 14 years of bloodshed and violence that has resulted in untold suffering.

Now is the time for talking peace between the Government of Angola and the National Union for the Total Independence of Angola [UNITA]. Presiding over those talks will be President Mobutu Sese Seko of Zaire, who has been selected for that responsibility by his fellow African leaders because of his role in bringing together the two factions.

President Mobutu convened a summit late last week of 18 African leaders at Gbadolite, Zaire, to deal with the Angolan war. He also was able to bring together President Jose Eduardo dos Santos of Angola and Jonas Savimibi, leader of the UNITA for their first face-to-face meeting. With a handshake, the two antagonists sealed the cease-fire agreement, which Savimibi called a new beginning.

President Mobutu, who is one of America's oldest and most reliable friends in Africa, arrives today in Washington for the first official visit to President Bush by an African head of state.

Long a supporter of United States policies opposing the Cuban-backed Marxists in neighboring Angola, President Mobutu is to be commended for his leadership in ending the bloody civil war.

He has also been helpful in supporting other U.S. policy goals. Earlier this year he worked effectively behind the scenes to lobby other African leaders to oppose PLO membership in the World Health Organization. He showed courage in being the first African leader to reestablish formal diplomatic relations with Israel in 1982, and enjoys close ties with Israel in the fields of development, health care, and agriculture despite pressure from the Arab states.

Mr. Speaker, I rise to welcome President Mobutu to Washington and commend him for his leadership in ending the civil war in Angola and for being a friend of the United States.

TALL TALES IN THE CITY OF SKYSCRAPERS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. LAFALCE. Mr. Speaker, after 8 years of voodoo economics, all the data points to what a lot of Democrats and others were saying in the first place—supply side economics just cannot work.

The Journal of Commerce, Tuesday, in an insightful editorial explains the fallacies of economic data cited in the editorial pages of the Wall Street Journal.

Unfortunately, the Wall Street Journal committed itself to the philosophy of supply side economics in a rush of support for lower taxes no matter what the effect on the economy. Now, that influential newspaper has been unable to admit it was wrong in the face of irrefutable economic data.

I insert the text of this valuable Journal of Commerce analysis into the RECORD at this point.

[From the Journal of Commerce, June 27, 1989]

TALES OF INVESTMENT

The Wall Street Journal has a problem. After a decade of preaching that lower taxes are the key to inducing higher private investment, the evangel of supplyside economic policy can't allow poor results to shake its faith. In a remarkable editorial last Friday, it finally offered the offical supply-side explanation of why the statistics on investment were so unimpressive through the Reagan years: The statistics are incorrect.

The newspaper's argument deserves close analysis, because it is the first chapter in the revisionist history of the 1980s. If the Wall Street Journal is right, the "doom and gloom oracles" who warn that budget deficits are diverting savings from productive investment, endangering future living standards, must be wrong. The Reagan administration's policy of cutting taxes without cutting spending becomes benign, or even beneficial. Higher taxes would be harmful. Worries that future generations will live more poorly than their parents are just so much hot air.

The puzzle supply siders must solve is this: If supply-side policies have been so successful, why does private domestic investment account for a smaller proportion of the nation's total output in the 1980s than it did in the troubled and turbulent high-tax 1970s?

The first reason, The Wall Street Journal contends, is that the government's statistics are "slapdash" in defining investment. The data collectors label education as a consumption expenditure while calling a corporate airplane investment; a privately owned car is "consumption" no matter how much it is used for business, while a corporate car is "investment." The objection is true, but hardly enlightening. The government's definitions of "investment" and "consumption" haven't changed much over the years, so the definitional problems have always been around. They don't explain why net private domestic investment tumbled from 8.3% in 1978 to 5.3% in 1988.

The second supply-side explanation is that net investment is the wrong number to look at. The net investment figures, we are told, are way off base because of difficulties in figuring out how much of the new investment simply replaces worn out capital and how much represents an addition to the capital stock. Gross investment, by this reckoning, is a more accurate way of evaluating investment performance.

The argument about the superiority of gross to net investment figures was discussed earlier this year in the final report of President Reagan's Council of Economic Advisers. Mr. Reagan's economists, after examining the statisticians' procedures for measuring the decay of existing capital stock in great detail, were able to conclude only that "part of the trend in net investment may be related to problems in measuring depreciation." Even if that guess proves to be correct, focusing on gross rather than net investment offers little comfort to the adherents of supply-side doctrine. Gross private domestic investment was 15.6% of the Gross National Product in 1976, 17.2% in 1977, 18% in 1978. The figures of a decade later—15.7% in 1986 and 1987, 17% in 1988—reveal no sign of an investment boom.

Then there is the question of investment *quality.* Inflation and high tax rates in the 1970s, the supply siders claim, led to the wrong kind of investment. Rather than building factories and replacing machinery, investors were putting their money into hotels, shopping centers and other non-productive projects of value principally as tax shelters. Supply-side policies, The Wall Street Journal would have us believe, have moved the nation towards more productive investment, creating "a reverse Marshall Plan, with spending to replace depleted capital, a rebounding manufacturing center and high foreign investment."

Here, too, the facts belie the supply-side analysis. Investments to increase production actually have fallen since the supply siders took Washington by storm in 1981. From 1975 to 1979, net private investment in producers' durable equipment—the computers, machines and vehicles with which business produces wealth—averaged 1.9% of GNP. From 1985 through 1988, it was only 1.2% of GNP. Nor can supply siders rightly claim credit for the drop in "low-quality" investments: Net investment in non-residential structures such as hotels and shopping centers was strong during the early Reagan years, except for 1983; it has fallen sharply only since 1986, when the tax reform bill took the fun out of tax shelters.

Perhaps supply-side true believers can find a silver lining somewhere amid this disheartening date. Try as they might, even President Reagan's economic advisers were unable to identify a supply-side investment boom that would support higher levels of personal consumption in the years ahead. "It may be time," they concluded in their annual report, "to take steps to reallocate the investment mix and raise the level of U.S. non-residential business investment or accept a lower rate of growth in the standard of living than in competing countries."

THE COMMUNITY ENTERPRISE REVITALIZATION ACT OF 1989

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. RIDGE. Mr. Speaker, today I am introducing legislation to stimulate a true partnership for community development between private enterprise, private investment and all three levels of government. Recognizing the constraints of our budget deficit, this legislation will better enable government, Federal, State, and local, to facilitate private investment in distressed communities without traditional deep Federal subsidies.

The legislation has the support of 25 of my colleagues including the distinguished chairman of the Banking Committee and Housing and Community Development Subcommittee, Mr. GONZALEZ, as well as Mr. WYLIE and Mrs. ROUKEMA, the respective ranking members of the committee and subcommittee. Additionally, it has the support of the National League of Cities, the National Community Development Association, the National Congress of Community Development Organizations, and the International Downtown Association.

The Members of Congress and the organizations that support this legislation know that, with the demise of General Revenue Sharing and the Urban Development Action Grant Programs there is a massive unmet need for distressed communities to finance economic development opportunities, to rebuild infrastructure and to construct affordable housing.

This Congress and this President, however, are not about to reverse course and restore old programs or produce new subsidies for troubled communities. Those days, however sweet, are gone. What the Federal Government can and should do is to use its ability to access low cost funds from national financial markets for worthy community projects. And, it can do just that without being left holding a bag of project defaults costing millions of dollars.

The Federal Government and HUD have such a program, albeit limited, already on the books. This legislation expands on that program, makes it viable and makes it accessible for more communities.

Specifically, this legislation builds on the tested, successful Section 108 Loan Guarantee Program. The program works as follows: CDBG entitlement communities identify viable economic development and infrastructure projects in their communities and make application to HUD under the section 108 program. HUD approves the application, but HUD does not make the loan. What HUD does is guarantee the notes that are issued by the Metropolitan Cities and Counties and purchased by private investors. HUD, however, is protected from loss resulting from the guarantee because the community must pledge its CDBG grant is security. This security is the reason why no defaults have occurred in the 14-year history of the program. Simply put, this program enables communities with confidence in their future to borrow from private investors at the Federal Government guaranteed rate but still be disciplined by the CDBG Program. With private investors and local government security, the program requires no appropriation and no budget authority. The Federal Government facilitates the public-private partnership with little risk to itself.

Several drawbacks, however, have limited the use and the attractiveness of the section 108 program. This legislation would make the program more workable by: First, enabling

small cities and rural communities to access the program for the first time; second, giving preference to applications from enterprise zone communities; third, expanding the repayment period from 6 to up to 20 years providing fixed rate financing for longer range projects that are not possible under the current program; fourth, increasing the amount that can be financed from 3 to 5 times a community's CDBG allotment; and fifth, increasing community flexibility by adding housing construction as an eligible activity. Anticipating the increased demand that would accompany an improved program, we increase credit authority limits from $150 million in fiscal year 1990 to $300 million in fiscal year 1991 to $700 million in fiscal year 1992.

This legislation would divide the credit pool into two pools with 70 percent of the total being available to the larger cities and urban counties and 30 percent available to small cities and rural communities. State government would play a key role in assisting with applications from small cities and with providing security for their applications. In fact, this legislation would not preclude States from running their own Section 108 Loan Guarantee Program following HUD guidelines much like they run CDBG for small cities. Projects would be limited in size to $25 million for metro cities/urban counties and $5 million for small cities to prevent a concentration in Federal guarantees in one area. All projects would be required to meet the current HUD established low and moderate income test.

For cities with a critical shortage of affordable low- and moderate-income housing, they will be able to use section 108 to construct as well as to rehabilitate housing. It is illogical that we now limit the options of these communities who are willing to bear risk of default to finance housing that will reduce the number of homeless individuals and families on their streets. The needs will vary from city to city. The program must be flexible to address a city's unique needs.

Finally, this program should be viewed as a complement to the enterprise zone legislation authored by then Congressman, now Secretary Kemp. I am an original cosponsor of that legislation and, as a member of the Housing and Community Development Subcommittee, supported authorization language for enterprise zones that is already in place. But, without the Federal tax incentives, enterprise zones will not work. This legislation will give more communities a nudge to establish enterprise zones by giving preference to applications from communities with established enterprise zones. Additionally, this will ensure that communities most in need and with a plan for resurgence, get a lion's share of the section 108 program.

My colleagues, this legislation should be perceived as a first step in a more intelligent public-private partnership. Private investors from around the Nation will be investing in projects undertaken in distressed communities that cannot attract sufficient new investment. The Government doesn't subsidize projects. It facilitates projects that might otherwise be lost due to the lack of financing. It is not a transfer of Federal dollars. Instead, it is a transfer of low cost Federal borrowing rates and a method by which local communities access investors from across the Nation. This legislation deserves the support of the House and should become law during the 101st Congress. The communities in need cannot afford delay.

PERSONAL EXPLANATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. NEAL of Massachusetts. Mr. Speaker, when the House of Representatives voted on House Resolution 186 on June 27, 1989, I was not on the floor.

I have publicly expressed my concern over the recent Supreme Court decision in Texas versus Johnson which legitimized the burning of the American flag as a form of political protest. In my view, the flag is the single most revered symbol of our country, and any act to desecrate it dishonors those whose sacrifices have maintained our freedom. The condemnation of acts of desecration contained in House Resolution 186, as well as the measure's affirmation of the intention of the House to preserve the honor of the flag, have my full support. Had I been on the floor when the vote was taken on House Resolution 186, I would have voted "aye."

END DISCRIMINATION AGAINST THE MILITARY—SUPPORT H.R. 572, H.R. 2277, AND H.R. 2300

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. DORNAN of California. Mr. Speaker, as I stated in the June 15, 1989, and the June 27, 1989, CONGRESSIONAL RECORD, I introduced three key pieces of legislation which will restore fairness and equitable treatment to members of the U.S. Armed Forces.

H.R. 572, H.R. 2277, and H.R. 2300 would amend the Spouse Protection Act to make it more consistent with the existing pension plans, which Congress has established for members of the Foreign Service, the Central Intelligence Agency, and portions of the Civil Service retirement/survivors benefits.

As I stated, I believe these changes are long overdue to provide the Armed Forces members the protection afforded the other Government employees upon retirement. Retired pay is perhaps the No. 1 incentive for retention of our Armed Forces. Shouldn't they receive equal treatment with other Federal retirees?

Mr. Speaker, I would again like to share with my colleagues some of the many letters I received concerning this issue. Please take the time and review these letters and join with me in restoring fair and equitable treatment for our military retirees.

JUNE 8, 1989.

ROBERT K. DORNAN,
Washington, DC.

I'm contacting you because thousands of military personnel are being deprived of their civil rights because of the current treatment of laws on the shared retirement benefits by ex-spouses of military personnel. I will give you a few situations and then explain my problems with the laws.

1. A retired member that lives in a non-community property state and has never been to California was deprived of half of his disability pay when his wife moved to California and filed for divorce and then remarried.

2. A disabled retired member that lives in California but was a resident of a non-community property state during his military service is trying to live on half his disability pay because he is unable to work and his ex-wife (employed at $30,000 a year) has remarried and enjoys half of her-husbands disability pay plus her new husband's income.

3. A POW for many years returned to the United States to be divorced by his wife who had been living with another man for four years. During this period of time the wife was receiving 100% of his active duty pay. The court then awarded her 50% of his retirement pay.

4. A retiree's wife ran off with another man and in the divorce was awarded 50% of his retirement pay. When she died 2 years later, the California courts gave the new husband her 50% of the retiree's pay. This was later corrected by Federal legislation.

The list goes on and on. I feel that the Federal Government has a responsibility to protect the civil rights of these people, when the states are violating our rights as they have over the past 100 years. Because of expensive court costs, we are kept down by states such as California with their constantly changing decisions that require costly legal fees each time a Judge rules differently on a case. I realize that being a retired military member is not popular at this time. We are treated as second class citizens both in the communities and the courts. I don't feel that military retirement pay should be subject to state laws because it is paid to individuals who fought for their country, lived in the field, risked their lives, and endured hardships for their family and country. This is a very personal thing and a matter of pride with most ex-service members and should be for the Federal Government. We fought for this country and should be treated equally.

The rights of all service members' should be the same and not changed from week to week by the courts of our land. When I entered the service over 30 years ago, we were all treated the same and were guaranteed the same things. Now, after serving my time, I realize that my ex-spouse gets 45% of my disability pay and my 17 year old daughter gets 1/3 of what is left. They are both healthy and the ex-spouse is employed. Now they are trying to go back to court to get the 45% of the past 10 years disability pay, that they didn't get when they were receiving alimony and child support. This would give them over 100% of the disability pay. Do you realize that in the State of California they will probably get it. When can we have the same faith in our government they had in us to lay our lives on the line for them. Since my separation from the service, my entitlements were cut 12 times before I stopped counting.

I am appealing to you to assist me in setting aside the 1989 California court award giving 45% of my disability pay to my ex-spouse. The grounds for this are as follows:

Public law 97-252 does not permit a state court to order that a serviceman's disability

pay be split evenly between the husband and wife. The California Law is pre-empted by Federal Law in this case since FUSFSPA did not provide for an award of disability pay as community property. The State of California confused the terms "retired pay" or "retainer pay" with "disability pay" in past cases. However the Federal Register went to great length to define the terms in Vol. 48, No. 20, dated Friday, Jan. 28, 1983. The Federal Register defined retired pay as follows:

Retired pay: The gross entitlement due a member based on conditions of the retirement law, pay grade, years of service for basic pay, years of service for percentage multiplier, if applicable and date of retirement [transfer to the Fleet Reserve or Fleet Marine Corps Reserve]; also known as retainer pay. It does not include benefits paid to a member for disability under 10 U.S.C. Chapter 61.

In order to protect the serviceman's civil rights, Congress passed the Soldiers' and Sailors' Civil Relief Act (50 U.S.C.) of 1940 (SSCRA). The duration of protection of civil rights are from date of entering active service to date of discharge (50 U.S.C. app. Section 511). SSCRA protects servicemans' domicile and they don't lose it by virtue of entering the military service. It includes the following:

A. Federal protection of domicile: The service member neither gains or loses domicile solely by being assigned some place pursuant to military orders.

B. Nature of military compensation: Military income is deemed to be earned in the state of domicile.

C. Situs of personal property: Service member's personal property is deemed to be located in state of domicile.

On March 20, 1973, any and all pension benefits, disability pay and entitlements from the military were considered separate personal property of the military member and protected by law. Indiana's treatment of military pensions were that the pensions were not divisible as community property. Hiscox v. Hiscox, 385 N.E. 2d (Ind app. 1979): Mater v. Harter, 10B. Rptr. 272: and, Loenes v. Koenes. 478 N.E. 2d 1241 (Ind app. 1985).

I entered the military service as a resident of the State of Indiana Feb. 18, 1953 and remained a resident of that State. During the 50's I worked with nuclear materials and developed an extreme parathyroid condition. During the 60's and 70's I worked with nuclear testing and nuclear accidents. During this time I was overexposed to nuclear radiation many times and in the late 60's after working at a nuclear accident site for 30 days, I was not allowed to return to the states until I "cooled down". This caused many medical problems such as idiopathic hyper parathyroidism, kidney disorder, heart disease, degenerative bone disease and radiation sickness. Before my enlistment was up and because of extreme medical problems during the prior 15 months, the Air Force found me unfit for active duty because of physical disability of a permanent nature based upon accepted medical principles and was directed by the Secretary of the Air Force to discharge me from the service.

I was discharged from the service for medical reasons at the direction of the Secretary of the Air Force. I am being paid benefits for disability under 10 U.S.C. chapter 61. I do not consent to California's court jurisdiction over my disability benefits that were vested in my domicile state of Indiana. I consider it a violation of my civil rights for the State of California to have jurisdiction over my disability benefits. Also the reclassification of separate personal property into community property because of a change of domicile is unconstitutional because it is a deprivation of vested property rights.

When you consider future legislation please consider that there are means already in effect that take care of ex-spouses, such as spousal support, alimony etc. Keep your faith with the military and make sure that all new laws and amendments are plain and clear that the Federal Government will not allow the retirement benefits of military members to be considered community property, also that the retirement benefits are the separate property of the military member and is not subject to state courts jurisdiction. I pray that you realize what unfair and unjust actions have taken place in the past and that you will actively participate in legislation to stop these atrocities in the future. I thank you for your consideration and efforts to correct the unjustices of the past.

Thank you,

R.C. SCHERER,
Major U.S.A.F. Retired.

MAY 31, 1989.

Dr. JEROME P. GIDEON,
Senior Legislative Assistant, Office of the Hon. Robert K. Dornan, House of Representatives, Washington, DC.

DEAR JERRY: I enjoyed our telephone conversation last week regarding changes to the USFSPA and have enclosed a copy of the letter I sent to each member of the Armed Services Committees. The one to the House members differs only in that I ask for their support of Congressman Dornan's bills.

Please pass on to the Congressman our gratitude for his guts in taking up the issue for us—it's nice to know that somebody there actually supports our rights.

I also want to compliment you on your letter to the editor that appeared in the Times—very insightful. If there is anything I can do other than encourage others to join in the letter writing campaign, please let me know. Personnaly I feel the Mansell victory in the Supreme Court is a step in the right direction.

Sincerely,

KIMBERLEY K. POWER,
Captain, USAF, MSC.

MEMORIAL DAY 1989.

Hon. DAN COATS,
U.S. Senate, Washington, DC.

DEAR SENATOR COATS: After reading some of the Memorial Day tributes entered into the Congressional Record reflecting on the great sacrifices that military men and women have made for their country I decided to write to you to find out why nothing has been done to correct the egregious act of discrimination that is currently aimed at the military and military retirees.

In September of 1982 our Congress voted on and passed the Department of Defense Authorization Act of 1983. As a last miniute tie-on a rider which has since become known as the US Former Spouses Protective Act, was added to the bill without full approval of the Armed Services Committee and without benefit of any discussion on the floor. When the Authorization Act was passed this rider then became Public Law 97-252 and gave former spouses the rights to our future military retirements even though they may remarry, they may seek the divorce or they may act in ways that would be grounds for divorce. This retirement is in addition to any alimony they receive in community property states. Because of the wording of the law, this is not given on a case by case basis but unilaterally. For instance, a military person married to a working non-military person in many instances would lose half their retirement and gain none of the spouse's. Those of us with military spouses could conceivably spend the same number of years married to one another, but a different number of years in the service and end up with different percentages of the other's retirement. These are just a few of the inequities in the law as it currently stands. As an active duty woman I see this ruling as discriminatory against the military. In addition, as a supporter of equal rights I see it as a violation of the rights of service people and military retirees everywhere, both men and women. It is so unjust that our retirements are so callously given away without regard to the conduct of our spouses.

Without a doubt each case should be judged on its own merits. Had we chosen careers in the corporate world, rather than the military, our spouses would be subjected to relocations, etc. Yet corporate retirements are not treated as community property and subject to future division like our retirements are. Why should my husband be allowed to leave me to marry a younger woman and I be forced to pay him to do this (incidentally, my husband has not).

There are thousands of horror stories that have resulted from this. However, as an example I will show you in just one way how this law has had devastating results. I call to your attention the case of a former commander of mine, Colonel Darrold A. Stoebner.

He is being forced out of the military because of this ruling and the Air Force is losing an excellent physician and a fine commander. He was married for 23 years to a woman who was a mental patient for the entire marriage (this condition existed prior to their marriage but she had concealed it from him). She was absent from the home for several years. He alone was left to raise three small children during her absences. Because of her mental health problems he was unable to accept a residency in specialized medicine that would have increased his income and future earning potential. In addition he was forced to turn down assignments that could have led to promotion. A former general who had been his boss told me that the only thing that had held him back had been his wife. His wife asked him to retire for the sake of her mental health and he did try to preserve his marriage. While many others in his situation would have divorced long ago, he is the sort of person who truly believed in his wedding vows and stayed in a miserable situation because he believed it was the right thing to do. The day after his retirement she filed for divorce since she would get that guaranteed income. Within a week of the divorce she had remarried a man with whom she had a long term relationship. He is a government official making more money than the colonel and they own a home in Georgetown and one at the beach in North Carolina.

Without any help from his former wife and her current husband, he put all three of their children through top universities and one of his sons through medical school. He returned to active duty a year after his divorce because he was happy in his military career. Since he was no longer retired the

government stopped sending retirement checks to his ex-wife. She successfully sued him in Texas and the court has ordered him to pay her the $70,000 she would have gotten had he stayed retired and to continue to pay her even though he is on active duty and she has another husband to support her. As a result, he must now leave active duty since he cannot afford to continue serving his country. By the way, on several occasions she had already cleared out their bank accounts but this court ruling just managed to remove everything he had saved since the divorce. Some reward for being a good husband and a military member for all these years. I think this illustrates just how unfair the results of the law are. Surely, full consideration as to the effects on our military was not given when this law was rushed into passage. I wish to believe that our lawmakers who voted for the law as it is currently written were merely ignorant of the consequences down the road, and did not do it to be malicious or to erode our morale in the military.

It is a fact that over 50% of the marriages in this country end in divorce, a traumatic experience for all those involved. Yet the military is being singled out for extra punishment that is truly undeserving. I'm well aware of many of the horror stories of some of the former wives and many of these women do deserve to be taken care of. Again it must be done on a case by case basis so that those of us who actually dedicate our lives to the service of our countries are not unfairly penalized, while a good home life is important for every person, whether military or civilian, there is no place in our performance or promotion reports to rate our spouses just as civilian corporations do not have such ratings. I certainly agree that those assets earned while the couple lived together should be shared but not the future earnings that we will receive after the divorce. Was your intent to reward military spouses, allow them to remarry and benefit from two husbands or wives while some of us end up in abject poverty? I think not, yet that is happening today because the states are liberally interpreting your law.

Congressman Dornan is trying to remedy this by his bills H.R. 572, 2277 and 2300 which would stop these payments at remarriage of the former spouse and prohibit states from dividing the military retirement when the former spouse was not eligible. In addition it would make 20 years the baseline for division, so that every year over that would be money in the member's pocket. While it doesn't fix the whole situation, at least it is a start. Please start similar legislation in the Senate—if any of you have done anything to rectify this outrageous oversight, I'm not aware of it.

Such blatant discrimination against the military and military retirees is obscene and a violation of our equal rights. If you truly believe the law is fair as it stands today, then you should immediately start legislation to divide all pensions and retirements, including yours, the same way. If you do see the flaws in this legislation, then please support H.R. 572, 2277 and 2300 with concurrent legislation from the Senate.

Respectfully,

KIMBERLEY K. POWER,
Captain, USAF, MSC.

HONORING WALDO GIACOMINI

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mrs. BOXER. Mr. Speaker, I am here today to honor one of my constituents, Waldo Giacomini, who has served his community as the president of the Marin County Resource Conservation District Board for 30 years. He has always been dedicated to preserving agriculture in Marin County.

Waldo and his wife Rita have raised their four children on the largest dairy in Marin County. He coordinated with his neighbors and the USDA Soil Conservation Service to establish the Marin County Resource Conservation District which oversees the preservation of our beautiful coastal farmlands in Marin County.

While serving as the first and longest president of this organization he achieved outstanding accomplishments. He promoted and encouraged good management practices for soil erosion, and developed and aided the Marin County dairymen with plans and installation of dairy waste control systems to meet State guidelines.

In addition, he was instrumental in the publishing of the Marin County Soils Survey by the Soil Conservation Service, the Farmlands Mapping Program by the Department of Conservation, and the erosion control handbook "Groundwork."

He worked successfully and diligently to obtain State grants for the completion of soil erosion projects. Some of his primary successes were the Lagunitas Watershed project, the Walker Creek Watershed project, and the Stafford Lake project. Further, he negotiated and entered into a joint powers agreement with Southern Sonoma Resource Conservation District to do an overview of the Stemple Creek Watershed.

Waldo Giacomini has been an outstanding member of his community and has also served as a member in the Point Reyes Business Association, Sonoma Marin Dairymen Association, Knights of Columbus, Elks, Western United Dairymen, Marin Property Owners Association, Marin County Farm Bureau, Marin Agricultural Land Trust, Nicasio Native Sons, and SIRS.

On the occasion of his retirement as president of the Marin County Resource Conservation District, I am pleased ot honor Waldo Giacomini for his long record of public service.

SUPPORT FOR H.R. 145

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. LANTOS. Mr. Speaker, the House Public Works and Transportation Subcommittee on Aviation, under the fine leadership of our colleague, Chairman JAMES OBERSTAR of Minnesota, held hearings yesterday on legislation to repeal Federal Aviation Administration regulations which permit expanded use of foreign repair stations by U.S. carriers. I had the privilege to address the subcommittee on this issue and to introduce two experts on this subject from the San Francisco Peninsula, the area which I represent, who testifed in support of this legislation (H.R. 145). I would like to place in the official RECORD of the House of Representatives the statement which I made before the aviation subcommittee.

STATEMENT AND INTRODUCTION, PUBLIC WORKS SUBCOMMITTEE ON AVIATION, CONGRESSMAN TOM LANTOS, JUNE 27, 1989

Mr. Chairman, I congratulate you on being named chairman of this subcommittee, and I look forward to working with you in the future on this and other important issues affecting the aviation community. In addition, I commend you for scheduling today's hearing.

I would also like to commend my good friend and colleague from California, NORM MINETA, for his longstanding leadership in the House and commitment to issues affecting the aviation community. I strongly support his legislation (H.R. 145) which will terminate FAA amendments to the foreign repair station rules which permit expanded use of foreign repair stations. H.R. 145 would also prohibit foreign maintenance and repair of U.S. aircraft. I hope the Congress will move swiftly in enacting this bill. The FAA's decision (FAR 145) to permit expanded use of foreign repair stations raises serious questions of air passenger safety and the loss of American jobs.

Undoubtedly, the Government's primary responsibility to assure that maintenance standards are being met is best accomplished when the U.S. Government retains oversight over a domestic maintenance program as opposed to a system which is international. But in December of 1988, new Federal Aviation Administration regulations took effect that permit repairs and maintenance on U.S. airline aircraft to be conducted overseas. The new regulations now permit U.S. aircraft operated domestically to be completely maintained at foreign repair stations. The FAA's unilateral decision to permit U.S. aircraft to be routinely maintained abroad puts the jobs of thousands of trained American machinsts and mechanics at risk without any conceivable safety benefit to the American public. The Congress must oppose the FAA's effort to loosen airline maintenance practices by permitting wholesale maintenance of U.S. aircraft abroad. Clearly, a liberalization of these rules will have an adverse impact on safety and would be unfair to U.S. businesses and American workers.

Mr. Chairman, you will be hearing testimony today from a wide range of groups and people from around the country, all experts in their fields, with unique backgrounds and perspectives on a very important topic—the use of foreign repair stations by U.S. carriers. I would like to introduce two of these people, who have come to Washington from the San Francisco Peninsula, the area which I represent.

Mr. Chairman, I take great pride in introducing to you and the other Members of the Aviation Subcommittee, Mr. Wayne Gallimore and Dr. Peter Donohue. Wayne Gallimore is chairman of the flight safety committee of the International Association of Machinsts and Aerospace Workers District 141, Local Lodge 1781 in Burlingame, CA. Wayne has been a great asset to the IAMM. In addition, I would like to introduce Dr. Peter Donohue, director of labor studies

and a professor of economics at San Francisco State University, where I also taught economics.

Wayne Gallimore has extensive experience as a machinist and will testify on how the implementation of FAR 145 will affect those most individually affected—the machinists and workers who stand to lose their jobs and livelihood. Wayne will also address the safety consequences and implications of the FAA's ill-conceived rulemaking. Professor Peter Donohue has recently completed a report on the economic impact of the FAR 145 rule change and will present his findings to us. I applaud Professor Donahue on his report and I fully concur with its findings.

Mr. Chairman, let me express again my gratitude to you for scheduling today's hearing. We in Congress can best perform our duties only when we have all the facts. What better testimony can we receive than from those who are most intimately involved in the day-to-day safe operation of our nation's airliners?

Mr. Chairman, I look forward to hearing all of today's witnesses. After all the facts are in, clearly, the Congress will conclude that the FAR 145 must be repealed.

HONORING THE AMERICAN LEGION, MARYLAND DEPARTMENT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. CARDIN. Mr. Speaker, on July 12, 1989, the Maryland Department of the American Legion 71st Annual Convention will be held in Ocean City, MD. Formed in 1919, the American Legion has nearly 3 million members.

The American Legion helps us preserve the memories of the sacrifices that American soldiers have made in the duty of serving their country.

The American Legion helps us remember our history and appreciate the sacrifices and heroism of those who fought. It has been 14 years since the fall of Saigon; almost 36 years since the cease-fire was agreed to in Korea; more than 43 years since the end of World War II; and 71 years since World War I. The American soldiers who answered the call to arms during these wars were not looking to be heroes. But they became heroes.

They did not go to war to conquer other lands, or vanquish other peoples. They went because they loved their country. They loved their country enough to risk their lives to defend it and keep it free.

I urge my colleagues to join me in honoring the Maryland Department of the American Legion on the occasion of their 71st annual convention.

ARTURO MORALES-CARRION OF PUERTO RICO HONOR

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. FUSTER. Mr. Speaker, I rise today to pay tribute to a most distinguished son of Puerto Rico and a man who is no stranger to official Washington. I refer to Dr. Arturo Morales-Carrión, who died today. He was the executive director of the Puerto Rico Endowment for the Humanities and was honored last November by the Governor of Puerto Rico in recognition for his contributions as a historian, writer, educator, and public servant.

The Governor gave Dr. Morales-Carrión the Medal of the Order of the Quincentennial of the Discovery of the Americas-Encounter of Two Worlds. The medal was established by Executive order in 1985 to commemorate the discovery of the Americas and Puerto Rico (1493–1993). This is the first time a Puerto Rican has received the medal; previous winners have included King Juan Carlos of Spain and Costa Rican President Oscar Arias.

It was certainly an appropriate honor both to Dr. Morales-Carrión and to the Puerto Rico Endowment for the Humanities. The Endowment provides a number of valuable services to Puerto Rico, and through its efforts has come a greater understanding and appreciation of the Commonwealth and the Caribbean, its history and its culture.

Dr. Morales-Carrión himself had an impressive background, and I would like to share it with you some highlights of his exemplary life.

Arturo Morales-Carrión held a bachelor of arts degree in history and political science from the University of Puerto Rico (1935); a master of arts degree in Latin American affairs and government from the University of Texas (1936); and a doctoral degree in history and government from Columbia Univesity (1950), Dr: Morales-Carrión served as Under Secretary of State of the Commonwealth of Puerto Rico under the administration of the late Gov. Luis Muñoz-Marin from 1953 to 1961; Deputy Assistant Secretary of State for Inter-American Affairs under the administration of the late President John F. Kennedy from 1961 to 1964; Director for the Center for Puerto Rican Historical Research of the University of Puerto Rico from 1969 to 1973; president of the University of Puerto Rico from 1973 to 1977; chairman of the board of directors for the Center of Advanced Studies on Puerto Rico and the Caribbean and Executive Director of the Puerto Rico Endowment for the Humanities from 1977 to the present.

Dr. Morales-Carrión published several books and articles, among them, "Puerto Rico: A Political and Cultural History," "Auge y Decadencia de la Trata Negrera," "Testimonios de Una Gestión Universitaria." He received many honors and awards, among them, an honorary degree, doctor of law from the InterAmerican University of Puerto Rico in 1983; guest scholar, Wilson Center, Smithsonian Institution, Washington, DC in 1981; Order of Isabel la Católica from the Government of Spain in 1978; honorary degree, doctor of law, Temple University, Philadelphia in 1976; Institute of Puerto Rican Culture Literary Award for the book "Historia del Pueblo de Puerto Rico," in 1969; and the Hostos Medal from the Friends of Puerto Rico in New York in 1962. Dr. Morales-Carrión has taught and lectured at the University of Miami in Florida; the University of Puerto Rico, where he served as director of the history department; George Washington University in Washington, DC; Columbia University in New York City; and Harvard University in Boston, MA.

Arturo Morales-Carrión was truly a distinguished man of the Americas.

In closing I would like to quote what he said 2 years ago and which sums up better than anything I could say why we should honor this man of the Americas.

My life has been long, busy and rewarding. I have ranged far and wide in this world and my roots are deep in Puerto Rico. I descend from farmers who settled in the interior valley of Caguas at the end of the 18th century. One of my great grandfathers was one of the founders of Gurabo. All of them had a profound love of the land, a love I inherited. This land is my patria-pueblo, but as a humanist I have another patria, what Cicero called Humanitas.

I have learned from the Old Mediterranean World that nothing human should be alien to us. We all belong now to the global village and when my time is up I want to be remembered as a good villager from Puerto Rico free from the foul winds of racial hatred and prejudice."

STATE AUTHORITY TO REGULATE ALCOHOL BEVERAGES

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. BRYANT. Mr. Speaker, in the course of considering the many bills that come before it in every session, Congress occasionally needs a reminder that ours is a federal system of government, and that many powers are reserved or explicitly vested by the Constitution in the States.

That is why today I introduce a House concurrent resolution which reaffirms congressional faith and belief in the 21st Amendment to the Constitution which reserves to the States the responsibility for the importation and sale of alcohol beverages within that State's borders.

The above power derives from section 2 of the 21st amendment giving the State authority over such questions as whether there shall be prohibition in all or part of the State, Sunday sales, hours during which drinking establishments may operate, and other regulatory authority.

These powers of the State are, of course, subject to the constitutional powers of the Federal Government such as the power to regulate interstate commerce, to attach conditions to the spending of Federal moneys, and to assure equal protection of the laws.

In no way does this resolution seek to alter the legal and judicial consensus of the amendment. It merely restates and reaffirms State's authority and Congress' commitment to the principles of federalism.

BLM LANDS TRANSFER TO THE STATE OF MINNESOTA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. OBERSTAR. Mr. Speaker, I am pleased to join my Minnesota colleague, BRUCE VENTO, chairman of the National Parks and Public Lands Subcommittee, and other members of the Minnesota congressional delegation, in sponsoring legislation to allow the Bureau of Land Management to transfer small parcels of land to the State of Minnesota. If this legislation is enacted, the BLM plans to transfer approximately 850 parcels to the Minnesota Department of Natural Resources. These small parcels, primarily islands, are currently owned by the Federal Government. Federal land management agencies are not able to effectively manage these small, widely dispersed parcels. The Minnesota Department of Natural Resources, county, and local agencies have better resources to manage these lands effectively.

I support this legislation for two primary reasons: First, the Minnesota Department of Natural Resources is better suited to properly manage the small, widely scattered parcels of land than the Bureau of Land Management and other Federal agencies. Equally important, this legislation grants BLM greater administrative authority to resolve land title disputes equitably and to assist Minnesota landholders who find their title to lands clouded by Federal interests, surveying errors, and other oversights and misunderstandings.

The second major provision of the bill, enhancing the BLM's authority to resolve land title disputes, requires further explanation. This provision is of particular importance to landholders in my congressional district. Several landholders in my district have occupied parcels of land for many years, believing they hold title to those lands. Some have erected homes and cabins on those lands. Some had paid property taxes on those lands. These same property owners now find, much to their surprise, that the land they believed they owned is actually owned by the Federal Government, under the administration of the Bureau of Land Management.

Under current law, such landholders' only recourse is to seek remedy under the very complex and stringent process required by the Color of Title Act. Unfortunately, many landholders who have a reasonable claim are unable to qualify for transfer of title or other equitable resolution of title disputes under the stringent, time consuming and often expensive color of title process. Therefore, under current law, landholders who have occupied a parcel of land for many years, erected structures on that land and paid property taxes on that land may find themselves forced to vacate the land without compensation for their investments of time and money.

The bill I am cosponsoring today will grant the Bureau of Land Management broad flexibility to resolve legitimate claims of landholders in an equitable and expeditious manner. The bill grants BLM authority to sell land under its jurisdiction in Minnesota to holders of legitimate claims to that land, and to consider such factors as longevity of occupation of the land, payment of property taxes and value of structures erected on the land in discounting the price of sale of the land. This process would be far superior to the procedure in place under current law—more effective, more expeditious, and more equitable.

This new procedure to settle land title disputes will work properly only if affected landholders are aware of the clouded title and their options to resolve the problem. When I first reviewed this legislation, I was concerned that landholders with legitimate claims in remote areas might not be notified of their options in time to take advantage of the new title review process. Careful review of the bill and discussions with the Bureau of Land Management, the Minnesota Department of Natural Resources and the Parks and Public Lands Subcommittee have persuaded me that all parties involved are committed to making every possible effort to ensure that landholders with legitimate claims are aware of their land title situation and their options under the new legislation.

If the bill is enacted into law, affected landholders will have 6 months from the date of enactment to make their claim known to BLM. The transfer of the lands to Minnesota will be made at the end of the 6-month period. The BLM and the Minnesota DNR already know the occupation or landholder status of the vast majority of the parcels to be transferred to the State and have attempted to contact all affected landholders to notify them of their options. As a further safeguard against omission of legitimate claims from consideraton prior to the transfer, the bill requires that BLM make aggressive efforts to notify Minnesota residents of the status of the lands, of the intent to transfer those lands to the State, and of the options of landholders occupying those lands. The Bureau of Land Management plans to advertise in local and regional papers in Minnesota and make other efforts to ensure that landholders are properly notified of the impending transfer and are aware of the options of claimholders.

Officials of the Minnesota Department of Natural Resources have assured me they will not accept transfer of any lands whose title remains in dispute, clouded or unclear. Further, BLM is committed to resolving title disputes fairly and equitably before transferring lands to the State. This bill provides both impetus to discover and resolve title disputes and a mechanism to facilitate fair resolution of those disputes.

Despite all of the above safeguards, there remains a remote possibility that a landholder with a legitimate claim, acting in good faith, would somehow be unaware of clouded title to the land he or she occupies or would otherwise be unable to apply for fair resolution of a land title dispute before the land is transferred. Painful past experience has shown that, when dealing with land ownership issues, unanticipated claims may arise. Like any legislation, this bill cannot possibly anticipate all situations which may arise. Both the Bureau of Land Management and the Minnesota Department of Natural Resources have assured me that they will work together to attempt to resolve any legitimate land title claims which may arise after the transfer of lands to the State of Minnesota.

Based on my understanding of the bill as expressed above, and the cooperative attitude and assurances of the agencies involved, I am pleased to support this bill. I commend Chairman VENTO for crafting this bill to ensure better management of our public lands while facilitating equitable resolution of clouded land title disputes.

THE ABORTION ISSUE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. MATSUI. Mr. Speaker, in the next few days the Supreme Court is expected to hand down its decision in the Webster versus Reproductive Health Services case. The abortion issue is on the forefront of our Nation's agenda. The country is torn over this issue, but a majority of people are in favor of protecting a woman's right to an abortion. A recent poll reports that Californians are increasingly prochoice, and I support the position of my constituents on this issue. As a firm advocate of the prochoice position, I feel that if the Supreme Court's decision weakens the right to abortion as guaranteed in the 1973 landmark Roe versus Wade ruling, it will be an intolerable and unconstitutional infringement of fundamental rights. The States cannot be given the power to control the most personal decision any woman faces in her life.

Those in favor of the prolife position contend that the Supreme Court has the power to stop abortions. The reality is that if abortions are made illegal it will not eliminate the procedure, but will only worsen the conditions under which abortions are performed. According to an article which appeared on April 4 in the Sacramento Bee, in the decade prior to the legalization of abortion there were between 1.5 and 2 million illegal abortions in the United States per year. After the legalization of abortion, women did not suddenly embrace a new free sexual lifestyle or abandon other forms of birth control. Quite to the contrary, the per capita number of abortions per year went down after legalization. Regardless of whether the practice of abortion is made illegal, women will continue to be burdened by unwanted pregnancies. If abortions are illegal women will be forced to obtain abortions under unregulated conditions, without assurance of safety and often at risk of death.

Opponents of abortion label their position prolife. This rhetoric masks the opponents' total disregard for the quality of the life of the mother and the potential child she carries. A large number of women who seek an abortion do so because they are too poor to feed, clothe, and shelter themselves. These women realize that they cannot provide a healthy, happy home for a young child. The opponents of abortion suggest adoption as an alternative for abortion. Like abortion, it should be an alternative that women can choose if they feel it is appropriate. Planned Parenthood of Sacramento reports that less than 1 percent of teens who carry their pregnancy to term give

their child up for adoption because many young mothers feel that it is morally incorrect to give up for adoption. By preventing the expecting mother from being able to obtain an abortion if that is her personal choice, she may be forced into a situation which makes her life worse instead of enhancing it as parenthood should. The prochoice position looks to protect the quality of the human life by ensuring that women can choose to wait and bring children into loving and stable families ready for parenthood.

As a supporter of the prochoice position, I feel that public funding for abortions must be protected. Although an abortion is less expensive than raising a child, many women who want to terminate their pregnancy cannot afford the procedure. In Sacramento County government funding paid for 5,026 deliveries and 4,119 abortions in 1985. If Medi-Cal funding is eliminated it will deny a large proportion of our society what is rightfully guaranteed to them by the Constitution. Low-income women will become second class citizens who do not have the same constitutionally protected options available to other women.

Ultimately our goal should be to eliminate the tragedy of unwanted pregnancy. Therefore, I am a firm supporter of increasing the quality and quantity of sex education for both teens and adults. Unfortunately many teenagers are sexually active. These young people are often ignorant about birth control. In 1986 in Sacramento County there were 1,872 girls ages 10 to 19 who had babies. Planned Parenthood estimates that in 1986 there were close to 1,300 girls ages 10 to 19 who had abortions. We must promote abstinence as positive decision for our young people and work harder to develop better sex education curriculums in our schools. However, better education and contraceptives are not 100 percent effective, and therefore while abortion should not be considered a means of birth control, it should be an option available to all women facing unwanted pregnancies.

I would like to share two letters from my constituents expressing their views on abortion. It is in the spirit of these letters that I signed an Amicus brief in late February of this year for the Webster case supporting the maintenance of a woman's right to abortion. We cannot afford to take a step backward in history and force women to remain barefoot and pregnant. I urge my colleagues in Congress to stand behind the 1973 decision in Roe versus Wade which guarantees women the right to an abortion.

February 15, 1989.

U.S. Supreme Court, Washington, DC.

To THE HONORABLE JUSTICES OF THE U.S. SUPREME COURT: As a woman who faced the decision of an abortion, let me assure you that my decision was neither easy nor cavalier. I pondered this decision for 3 days (and nights; I walked the floor; I cried; I consulted a friend who is a priest (and I am not Catholic). Based on my situation—there was only one choice.

I was 24 years old, living with a man I intended to marry (we had been living together for 3 years), when I found out I was pregnant. (My birth control pills had failed me.) I was a full-time student; no job; and because the relationship was disentegrating—was also battered. When I found myself pregnant these issues had to be considered. How could I raise a child when I was not working (and no money of my own); it would have meant dropping out of school (and I had waited 4 years before going to college; and how could I bring a child into a household that was violent? Oh yes—why not put the child up for adoption? How could I endure 9 months of pregnancy being battered—no where to go—and hope that the fetus survived? Hoped that I would survive? And he had made it very clear that I was pregnant—I'd better take care of the situation.

So you see—the answer to why women choose abortion is never easy. And I don't believe I'm any different than the majority of women who make this choice. But that is the real issue—the right of choice. Not only the right to choose abortion—but the right to choose when or if to bear children; the right to choose adoption; the right to control over one's own body.

Don't force women to go backwards—back to the days of back alley abortions; back to the days of butchers; back to the days of dying because of their choice.

The opposition states that if Roe vs. Wade were overturned; if life were defined as beginning at conception—women would not suffer. Tell that to all the families who lost wives, daughters, sisters to back alley abortions. You will stop abortion—but have the decency to let us not only make our own choice—but let us (if we choose) have safe and legal abortions.

Sincerely

———— ————.

P.S.—I have no regrets over my choice—it only served to show me that no one has the right to criticize because unless they are the ones going through the situation, you can not possibly know why or how they arrived at their decision; but we must accept that they made the choice they felt was right for them.

———

February 6, 1989

To Whom It Concerns:

I had a legal abortion in 1981 when I was single and jobless. I went through the Planned Parenthood organization and felt they were very thorough with information regarding choices and followup prevention. The abortion was not physically or emotionally damaging to my life in any way. I am now a professional therapist and productive member of society which would have been quite impossible for me to achieve as a single parent.

I believe in legalized abortion because:

1. We are not able to take care of the lives which are already here.

2. There is no evidence that making something illegal for which there is evident need (healthy or not, i.e. drugs or alcohol) has ever really demonstrated a positive beneficial result.

3. All women should have the right to control their reproductive lives. The population against this are found to be very religious (many of them). They have no right to impose their religious views on anyone else.

I am glad to voice my opinion and participate in this effort.

THE INNOCENT LANDOWNER DEFENSE AMENDMENTS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. WELDON. Mr. Speaker, today I am introducing the Innocent Landowners Defense Amendments of 1989, legislation that will address a substantial deficiency in the Comprehensive Environmental Response Compensation and Liability Act [CERCLA], 42 U.S.C. 9601, et. seq. The legislation is designed to clarify an ambiguity in CERCLA which has had the real estate and environmental communities in a state of confusion since 1986 and, more importantly, has undermined an essential goal of the Superfund Act.

Under the current law, a purchaser of real estate is strictly, jointly and severally liable for the cleanup costs of contamination found on his property, unless he can establish, by a preponderance of the evidence, a third party defense under 42 U.S.C. 9607. In order to qualify for that defense, the purchaser must show that he was not in a contractual relationship with the party responsible for the contamination. Section 9601(35) defines the term contractual relationship and provides that in order to be excluded from that term, and thus eligible for the defense, one must conduct "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice in an effort to minimize liability."

This provision was intended to provide a narrow exemption from strict liability to innocent landowners as an incentive for them to investigate the environmental condition of real property prior to acquisition. The problem, however, is that there was no commercial or customary practice for conducting these investigations at the time this provision was enacted and even today no one in the real estate or environmental consulting industries knows exactly what is meant by all appropriate inquiry. The net result is that environmental investigations of real estate today lack any consistency, and in some cases, they are not completed at all.

An example of this deficiency is reflected in the guidelines recently published by the Federal Home Loan Bank Board for its members who loan funds on commercial real estate. One of the discoveries made by the Board was that many of the institutions lending funds on commercial real estate were not requiring or receiving a proper investigation of the environmental condition of the property prior to making loans. A similar phenomenon is found in the real estate lending industry in general. Many commercial banks, particularly on a regional basis, fail to require appropriate environmental investigations of real estate on which they loan money because of the lack of guidance on what constitutes all appropriate inquiry.

Unfortunately, it is not likely that this problem will resolve itself or that the industry will have the benefit of guidance on this legislation from other sources. The Environmental Protection Agency reviewed this issue in con-

nection with its long-awaited Guidance on Landowner Liability, which was published on June 6, 1989. However, the guidance document provides the industry with no assistance in this area and demonstrates a reluctance on the part of the EPA to provide guidance through regulation on this issue.

Allowing time for establishment of an industry standard has not been the answer either. The very nature of a broad based investigation of potential environmental hazards associated with real property requires varied professional expertise and experience. The industry that provides this service is an evolving hybrid of engineers and other earth science disciplines, attorneys and documents investigators and related consultants. Although this industry is changing to meet the need for this service, the varied nature of required skills has hindered the establishment of effective industry guidelines.

More importantly, the environment cannot afford to wait for the emergence of a clear standard that will encourage parties to investigate in each case. The solution to this difficult problem is an amendment to 42 U.S.C. 9601(35) which clarifies what is required by "all appropriate inquiry into the previous ownership and uses of the property," and provides the real estate and the environmental consulting communities with guidance as to how they can fulfill this important goal of Superfund.

The Innocent Landowner Defense Amendments of 1989 would amend 42 U.S.C. 9601(35) by clarifying what a real estate purchaser can do to meet the investigation requirement of that provision, and the bill would create a rebuttable presumption that a purchaser who follows the guidelines has satisfied this particular requirement of the defense. Since the Innocent Landowner Defense was enacted, many commentators in Government and the private sector have discussed an acceptable scope of environmental investigation in commercial real estate transactions. In an article written by two administrators of the EPA, one of whom coauthored the recent Guidance on Landowner Liability, the authors identified three areas which are essential to an environmental investigation and which are common to the observations of commentators in the private sector. These steps include:

Conduct a thorough review of the history of the site;

Review Federal, State, and local government records concerning the site; and

Based on these inquiries, conduct an environmental investigation of the property.

This bill sets out a similar scope of investigation and follows the current language of the Innocent Landowner Defense. The bill would require an investigation into three general areas regarding the environmental condition of real estate: (1) historical research into previous ownership and uses; (2) a comprehensive government records review at the Federal, State, and local level; and (3) a site investigation of the property and its improvements. Each of these elements has direct bearing on the environmental condition of the real estate and can be performed in the context of a commercial real estate transaction at a reasonable cost.

We have learned valuable lessons during this period of uncertainty under the current law. The few cases that address liability for those landowners who did not contribute to the contamination prior to the acquisition of the property make clear that researching previous ownership and uses of the property is essential to discovering potential environmental problems on the site. In that regard, the bill recommends a review of title records and a review of aerial photographs available from State and local government agencies. Title records are important because they are the only public record available everywhere and the only record that consistently documents ownership and certain uses from the earliest development of real estate. Historical aerial photographs can be of obvious use when available because they provide the proverbial picture in time of prior uses of the property.

The second area of inquiry recommended by the bill is reviewing government records at the Federal, State, and local level. As an example, EPA has spent a substantial amount of time, money, and resources investigating and documenting environmentally hazardous sites and activities that affect our health, well-being and the environment. Similarly, many States have instituted programs for public information regarding environmental hazards on real estate. These agencies maintain records on these sites and activities which may reveal problems that affect the environmental integrity of a property to be acquired. Federal and State agencies should be encouraged to make these records available and the real estate industry should be encouraged to take advantage of this resource when investigating properties.

The bill also recommends a site investigation of the property and its improvements, including any use, storage, treatment, and disposal of any hazardous materials on the property. This site investigation should be conducted by an environmental professional who is experienced at identifying obvious signs of environmental hazards on real property.

Consistent with the EPA Guidance on Landowner Liability, this bill would also require that parties document their investigations and maintain that documentation as proof that they satisfied all appropriate inquiry. If a purchaser looks at title, aerial photographs, government records and the like, he must maintain a compilation of these records together with a record of the site investigation. Without this compilation of information, the presumption of all appropriate inquiry is lost.

The foregoing scope of investigation is referred to as a phase I investigation because it assumes that the purchaser is not aware of any specific environmental hazard affecting the property prior to the investigation. This bill recommends a general, commonsense review of reasonably available information about previous ownership and uses, public records information and what can be discovered through a visual inspection. In this context, the bill would not require a more invasive investigation such as testing unless some indication of a release or threatened release is revealed through the phase I audit. However, if as a result of the forgoing investigation, evidence of a release of hazardous materials is discovered, the party must take prudent steps to confirm the absence of such a release or lose the presumption of all appropriate inquiry with respect to that problem.

The congressional intent regarding the current legislation clearly distinguishes between commercial transactions and private, residential transactions. The EPA Guidance on Landowner Liability and the case law addressing this issue have also realized that commercial transactions are held to a higher standard and that it is appropriate that parties to commercial transactions look before they buy or lend on commercial properties. Consistent with these authorities, the bill would create a recommended scope of investigation applicable only to commercial real estate transactions.

The bill also recognizes that commercial real estate purchasers may employ other forms of investigation based on the circumstances of the transaction and the property. The bill is not intended to be the exclusive means by which a person can establish that he made all appropriate inquiry. Rather, it is one means of satisfying that requirement, particularly for commercial transactions that might not include an investigation today because purchasers and lenders doubt the defense works when they use it. Similarly, since the standard of inquiry is not mandatory, but optional, it will not have retroactive effect or bind prior transactions that relied on another form of investigation.

The bill refers to environmental professionals as the persons who must conduct the investigation. The purpose of this language is simply to state the desire that the required tasks are conducted by professionals who are qualified according to industry standards. However, this provision is not intended to definitively identify characteristics or skills one must have to qualify as such a professional.

The bill refers to environmental professionals as the persons who must conduct the investigation. The purpose of this language is simply to state the desire that the required tasks are conducted by professionals who are qualified according to industry standards. However, this provision is not intended to definitively identify characteristics or skills one must have to qualify as such a professional.

Although the primary purpose of this legislation is to promote the goals of Superfund by encouraging parties to investigate the environmental condition of real estate, the bill will also provide the real estate industry with more certainty about environmental risks. Banks and other financial institutions that lend on or invest in real estate are subject to liability under Superfund. If a property they lend money on is contaminated, both the borrower and the collateral are subject to claims for the cleanup. If a lender forecloses, he also runs the risk of becoming an owner and thereby having legal liability for the cleanup.

By providing commercial real estate lenders with guidance as to what satisfies the investigation requirement of the innocent landowner defense, they will require these investigations in all real estate transactions, not just some of them. In return, the benefits of the innocent landowner defense will flow to lenders because it protects the lenders' primary sources of security: the borrowers repayment ability and the collateral. By clarifying the scope of

inquiry under the defense, lenders will have greater confidence in the financial security of their real estate transactions and the public will benefit from their vigilance toward environmentally sound properties.

Recent events demonstrate the need to strengthen our resolve under the environmental laws. Moreover, the well-publicized difficulties with enforcement efforts under Superfund demonstrate the need for the private sector to assume a greater role in these efforts. One of the major goals of the Superfund Act is to discourage the unabated transfer of contaminated real estate and promote cleanup of those properties before they are returned to commerce. My bill will advance that goal by encouraging the commercial real estate industry to look before they buy or finance on all properties, not just those with obvious problems.

Mr. Speaker, I am confident that the legislation offers a balanced approach to a very difficult problem. My bill creates no new exemption to Superfund, yet it very clearly spells out the rules of the game for the real estate and lending community. This is a technical correction to a complex law and it is good environmental legislation because it encourages the private sector to thoroughly examine property before buying it and thus helps discourage the transfer of contaminated properties.

UNION HIGH SCHOOL GIRLS STATE SOFTBALL CHAMPS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. RINALDO. Mr. Speaker, I rise today to congratulate the players, coaches, and managers of the Union, NJ, Girls High School softball team, which was recently crowned the Group IV State Champions.

It was a well-deserved and hard-earned title. Union's team beat the best in New Jersey in the regional and statewide playoffs, and finished its season with an outstanding record of 22 wins and only 3 losses against top-flight competition.

This is a team that practiced hard and played together with a winning spirit and attitude that has marked Union High School's remarkable record of success in sports. Their school and community are proud of their accomplishments. It was a championship season that they will remember with pride for the rest of their lives.

Members of the championship varsity team are Tricia Barber, Carrie Collins, Dina Cutrino, Sue Detjen, Andrea Labonia, Donna Milia, Karen Mollach, Anne Marie Morreale, Danielle Petkov, Pam Saunderson, Danielle Shanley, Andrea Stroz, and Laura Willoughby. Their managers are Kim Brandyberry and Jennifer Huether.

The Junior Varsity team members of this State championshp squad are Maria Berrios, Marcie Blank, Margie Blank, Cindy Bregman, Dana Carlo, Jennifer Collins, Melody Collins, Kristen Costa, Stephanie Gatto, Allison Heady, Michele Karabin, Christine Kastner, Kelly Padden, Nicole Petkov, Shannon Schmidt, and Christine Vega.

Behind every winning team is a good coaching staff, and Union's Girls High School team has an outstanding coaching staff in George Hopkins, Chris Flinn, Mike Riley, Steve Petela, and Dave Arminio.

Union Township salutes the 1989 New Jersey Group IV Girls High School champions. They are part of a proud tradition at Union High School.

DEFENDING OUR FLAG

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. DARDEN. Mr. Speaker, all of us are distressed that the sanctity of our Nation's flag as a symbol of freedom and opportunity is today endangered by the U.S. Supreme Court's ruling that people who burn or otherwise desecrate that flag may be protected as simply demonstrating their right to free speech.

I am honored to be among those Members of this body who support the enactment of a constitutional amendment outlawing flag desecration, and I look forward to the day when our flag will once again be secure from those who would dishonor it with physical abuse.

Mr. Speaker, millions of Americans have fought to defend our flag and the principles for which it stands. One of them was the father of Lewis Grizzard, the fine columnist for the Atlanta Journal-Constitution.

Recently, Mr. Grizzard—who is best known for the humor of his writing—took a decidedly serious turn in describing what that flag, and his father's sacrifices to defend it, mean to him.

I would like to include in the CONGRESSIONAL RECORD Lewis Grizzard's column from June 23, so that we will all be reminded once again of the great personal feeling that so many of our people have for the flag of the United States of America.

[From the Atlanta Journal, June 23, 1989]

MY FATHER FOUGHT FOR HIS COUNTRY, INTEGRITY OF FLAG

(By Lewis Grizzard)

My father died in 1970 at the age of 58. He was a veteran of World War II and Korea.

His army service record included a battlefield commission, the Bronze Star for valor and three Purple Hearts.

He had reached the rank of captain when the army deemed him unfit for further duty and denied him any benefits.

The years of combat left him a human wreckage. Some men can cope with fear, death and dying. Others can't. My father was in the latter category.

When he returned from Korea, he began to drink heavily. He cried a lot. He couldn't sleep for his nightmares. He lost his wife and son in 1953.

When he died 17 years later, penniless, I had to make all the funeral arrangements. An elderly brother and sister and I were all the family he had left.

What I wanted more than anything else was an American flag to drape over his coffin. I figured he deserved at least that.

He had fought under that flag, and he had fought for it.

HIS COUNTRY NEGLECTED HIM

I had to go out and buy a flag. I forget how or where I got it or how much it cost, but I got myself a flag.

I buried my father in his hometown of Snellville. The local chapter of the Veterans of Foreign Wars included a few of my dad's old friends and probably a few of his drinking buddies.

The VFW sent over a honor guard of sorts to the funeral. They all wore their VFW caps.

I held up pretty well during the first part of the funeral. I loved my father and was, and forever will be, proud of what he did for his country despite my opinion that his country didn't do all it could have for him.

At the funeral a man sang a song. The preacher said some words. At the grave site there was another prayer. When it was over, a couple of the guys from the VFW took the flag off my dad's coffin, folded it with great care, and then handed it to me.

Ninety percent of the tears I cried over my father's death came gushing out in the next three minutes.

A SYMBOL OF FREEDOM'S PRICE

I have a number of photographs of my father on the walls of my house. I have his Bronze Star and his Purple Hearts framed, and they hang on the wall, too.

I keep the flag that draped his coffin in the corner of the room I use for my office.

I can't explain the feeling I have for that flag. It symbolizes all that was good and great about my father, and it is a reminder that freedom can demand a harsh tariff.

Now, the Supreme Court of the United States has ruled it is not unlawful to burn the American flag. It says, by a 5-4 vote, the right to burn American flags comes under the right of free speech.

"People must be as free to burn the flag as they are to wave it," said some liberal fool from the Center of Constitutional Rights.

Why are we constantly bending to satisfy the pukeheads, in this country? If they want to burn a flag, let them go burn the Chinese flag, which is a symbol of oppression, the denial of basic human rights, and a government that spills the blood of its own people.

When somebody burns an American flag, he or she is also burning and desecrating the flag that sits in the corner of my office.

All I have left now is the right to hate trash like that kind of person.

My consolation is even the Supreme Court can't touch that.

FIRE SAFETY AT HOME DAY—CHANGE YOUR CLOCK, CHANGE YOUR BATTERIES

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. WALGREN. Mr. Speaker, today, I am introducing with my colleagues Representatives WELDON, BOEHLERT, BUECHNER, COSTELLO and CLAY, the "Fire Safety at Home Day—Change Your Clock Change Your Battery" resolution.

Last year, 234 House and 55 Senate Members joined in cosponsoring this simple but potentially life-saving piece of legislation. As a result of this support, President Reagan pro-

claimed October 30, 1988, as the first "Fire Safety at Home Day."

This autumn Americans, in jurisdictions on daylight savings time, will turn their clocks back 1 hour to standard time on Sunday, October 29, 1989. This resolution seeks to use this date and practice to remind Americans to take a minute to replace the old batteries in their smoke detectors with new batteries and assure they are functioning properly.

Despite the recognized effectiveness of smoke detectors in saving lives and property, many Americans distracted by their daily concerns become complacent and allow their smoke detectors to become inoperable. Statistics indicate that three out of four homes currently have at least one smoke detector. However, only 50 percent of these detectors are working. Fire safety experts tell us that had these detectors been properly working many of the 6,000 Americans who perished in home fires last year might still be alive.

I urge all my colleagues to join me in sponsoring this resolution. Let's make the inspection of our homes' smoke detectors and other fire safety devices a part of the fall ritual of returning to standard time.

THE INTEGRITY IN CAMPAIGN FINANCING ACT OF 1989

HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. JAMES. Mr. Speaker, I was elected to Congress because the people of the Fourth Congressional District believed that it was time for change—a time for reform. I've come to Washington committed to crafting, introducing, and passing bold reform legislation. I believe that I have already addressed two critical reform needs. House Concurrent Resolution 239 would bring new and innovative ideas and policies to Congress by limiting the length of terms Members may serve. H.R. 2143 is a sweeping ethics reform measure which would close the revolving door between Government and the private sector and help alleviate influence peddling, it would ban honoraria, and it would terminate the practice of members transferring unused campaign funds to private retirement accounts when they leave Congress. With the legislation I am introducing today, the integrity in Campaign Financing Reform Act of 1989, I am moving to reform the entire mechanism which drives the machine that perpetuates a permanent and unresponsive Congress.

Simply, this legislation will prohibit direct political action committee contributions to individual candidates campaigns. There is a perception in this country that PAC's are able to purchase the best Congress money can buy. This belief has contributed greatly to the American people's loss of faith in Congress. We must restore the people's belief in the Federal legislature. We can go a long way towards doing that by severing the connection between candidates and PAC's. It is not my desire to ban political action committees. In 1974, the last time campaign finance laws were overhauled, PAC's were established as a way to do away with kingmakers and get the grassroots more involved in the financial aspect of the political process. It's a solid concept that might have spun a little bit out of control. Under my legislation, PACs, which are legally described as a collection of individuals with shared political views and goals, would be prohibited from contributing to individual candidates, but would be allowed to contribute $62,500 annually to any political party of their choice. Political parties provide a clear delineation of political philosophies. The American people understand where the Republicans are coming from and they understand where the Democrats are coming from. The parties already have a great responsibility in selecting Presidential candidates; this measure would simply add an additional fiscal responsibility. To put in real dollar terms, PAC's can currently contribute $10,000 per candidate in each congressional race. If they maxed out on every incumbent in an election cycle, they could spend nearly $5 million. My legislation would cap them $125,000 per election cycle. Additionally, it gets the PAC's out of individual campaigns, it severs the perception that PAC's are buying elected officials, and it ensures a more equitable distribution of campaign monies. You certainly don't have to be told that PAC's spend almost every penny on incumbents. This has perpetuated the election for life aspect of Congress. My legislation will go a long way toward ending that.

The other major aspect of this legislation is the application of a consumer price indexing factor to the individual contribution levels proscribed by Federal law. In 1974, Congress established a $1,000 limit on individual contributions. Using inflation figures since that time, we've increased the limit to $2,500.

Under the specifics of this proposal foreign corporations would be prohibited from contributing to candidates or parties.

I also address, from an FEC standpoint, the outlawing of honoraria, including book royalties, and the closing of the loophole which allows members elected prior to 1980 to walk away with unused campaign funds.

Additionally, section 6 of this measure prohibits the use of compulsory union dues for political purposes. Unions should not be allowed to take dues required as a condition for employment and use that money for political purposes union members do not endorse. Thomas Jefferson said, and I couldn't agree more, "To compel a man to furnish contributions for the propagation of opinions which he disbelieves is sinful and tyrannical."

We must close that loophole.

There are other adjustments in contribution levels in this bill that are outlined in the handout I've given you.

Early in my tenure, I mailed questionnaires into my district. One of the questions was, "Do you think the system needs to be reformed to reduce the influence of PAC's and prohibit foreign nationals or corporations from contributing to campaigns?" Ninety-seven percent answered "yes." That is clear indication to me that this legislation is critically needed.

The intent of this legislation is simple. To eliminate the link between PAC's and candidates, to restore equity to the campaign financing mechanism, and to restore the American people's faith in the electoral process, and in Congress.

THE RESTORATION OF UKRAINIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. BONIOR. Mr. Speaker, June 30 represents an extremely important day in the hearts and minds of Ukrainians across the world. It represents the reestablishment of Ukrainian Independence on that day in 1941. In a larger sense, it represents the struggle of the Ukrainian people to assert their own cultural identity through centuries of repression.

Perhaps no other country suffered from the ravages of World War II more the Ukraine. Both the Soviets and the Nazis occupied and brutally repressed the Ukrainian people during this period.

The treacherous Molotov-Ribbentrop Pact between Nazi Germany and the Soviet Union place over 4 million Western Ukrainians under Soviet rule. In return, the Soviets helped supply the Nazi war effort. During the Soviet occupation, an estimated 400,000 Ukrainians were either jailed, deported or executed in Galicia.

The cruelty of the Soviets reached a peak during the Nazi invasion. An estimated 10,000 Ukrainian prisoners were systematically tortured and executed by the Soviets during the last week of their occupation.

Shortly after operation Barbarossa, the Nazi invasion of Soviet Russia and Ukraine, underground forces led by Stepan Bandera captured a radio station in Lviv and proclaimed Ukrainian independece over the airwaves. A provisional government was established with Yaroslav Stetzko as it Prime Minister. The Nazi response was both brutal and quick. Bandera and Stetzko were deported to the infamous Sachsenhausen Nazi concentration camp. Countless other Ukranian nationalists were either summarily executed or imprisoned.

Although the ensuing Nazi-Ukrainian war cost the lives of millions of Ukrainians, it was a key factor in the defeat of Hitler and the demise of the Third Reich. Freedom-loving people everywhere owe a tremendous debt to the heroism of the Ukrainian people and their sacrifice.

Sadly, the totalitarian oppression of the Ukrainian people did not end with the fall of Hitler. After years of armed resistance to Soviet occupation, Ukraine was forcible reincorporated into the Soviet Empire.

The Ukrainian people have suffered ever since under Soviet oppression. We cannot allow Glasnost to distract us from the fact that the Catholic church remains outlawed in Ukraine. Mr. Speaker, it is imperative that we do not let a few symbolic gestures overshadow the centuries-old struggle of the Ukrainian people for a national identity. I would to commend the Ukrainian-American community of southeastern Michigan for observing this important event. The continuing celebration of this event reaffirms the struggle.

RABBI CHARLES KROLOFF JUDAIC HERITAGE AWARD

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. RINALDO. Mr. Speaker, today I wish to pay a special tribute to one of New Jersey's most outstanding and dedicated religious leaders, Rabbi Charles Kroloff of Temple Emanu-El in Westfield, NJ. He recently was honored with the Judaic Heritage Award and the Community and Volunteer Service Award from B'nai B'rith International.

As president of the Association of Reform Zionists of America, Rabbi Kroloff has worked to promote the full acceptance of religious pluralism in Israel. It reflects Rabbi Kroloff's lifelong commitment to the Jewish religion and culture and to democratic institutions in this country and in Israel.

Rabbi Kroloff has promoted the idea and goals of religious pluralism through his teaching, education program, and in working with reformed American Hebrew congregations. He is an inspiring speaker and intellect as well as a Hebrew scholar. Rabbi Kroloff has extended the influence of his congregation in many ways, and has served as president of the Westfield Ministerium which includes members of different faiths.

Before receiving the Volunteer Service Award of B'nai B'rith International, Rabbi Kroloff demonstrated a strong commitment to its purpose of fostering racial and religious understanding and tolerance in American life.

He has won allies and friends for Israel and the cause of American Jews from a wider community—from the churches, women, labor, civil rights, education, urban affairs, and many other groups in society by demonstrating the interest of the Jewish community in the broader agenda of our Nation.

Rabbi Kroloff has been supportive of a secure Israel and of the right of Soviet Jews to emigrate or to live as proud Jews in the Soviet Union.

He was an advocate of family and religious values long before others began focusing public attention on the loss of those traditions that bind us together as Americans. He has resisted attempts to breach the wall of separation between church and state, not for the sake of Jews alone, but for a pluralism that serves the needs of all Americans.

In paying tribute to Rabbi Kroloff, it is approriate to cite a recent statement by Hyman Bookbinder, who is considered a living legend of American Jewry.

Speaking at the Founders Day Service of the Hebrew Union College, Hyman Bookbinder said these words that apply to Rabbi Kroloff:

I am proud that over the years we have defined our Jewishness, our Judaism, as a commitment to justice for all people, to peace for all people. Such a commitment to universal justice does not shortchange our Jewish interest; it is, in fact, the only way to protect such interest. There is no conflict between our great love and great hope for this blessed land and our deep feelings for Israel and for our Jewishness; not only are such feelings compatible, they are mutually reinforcing.

Rabbi Kroloff is a graduate of the Hebrew Union College of New York, as well as Yale University. His distinguished record includes serving as vice chairman of the Reformed Judaism Social Action Commission and chairman of the Joint National Task Force on Leadership Development. Rabbi Kroloff served on the Ethics Committee of the Central Conference of American Rabbis and is a director of the United Jewish Appeal.

He is a remarkable man who has touched the lives of many. Rabbi Kroloff's life has been devoted to spreading God's love and strengthening the ties of friendship between America and Israel. It is a life filled with hope, compassion, faith and justice, and I am proud to be able to call him my good friend.

HERITAGE OF THE PAST MUST BE SAVED

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1989

Mr. DARDEN. Mr. Speaker, every community in the United States has buildings and historic sites which give testimony to the social, industrial, and political fabric of our past. Sadly, in our rush to build an ever stronger and more prosperous Nation, we have often destroyed or greatly altered many such landmarks, sacrificing them to what we assure ourselves is necessary "progress."

Today, I am heartened by a new awareness among Americans of the need to preserve our past, and to encourage new generations to treasure these historic places for their role in the development of our communities and nation. My home community—Cobb County, GA—is among the most vibrant and fast-growing areas of the United States and, yet, people there also are more aware than ever of the need to protect and preserve the great homes, churches, and commercial structures of the past.

We are privileged to have as our Cobb County Commission chairman, Dr. Philip L. Secrist, a former history professor at Southern Tech with a keen interest in historic preservation. As the chief legislative officer of local government, he has made it his special mission to promote historic preservation efforts in Cobb.

Dr. Secrist recently outlined his views on this subject in an article he wrote for the Marietta Daily Journal. I would like to include that article in the CONGRESSIONAL RECORD, and encourage my colleagues to join Dr. Secrist in strongly supporting the historic preservation movement.

HERITAGE OF THE PAST MUST BE SAVED

(By Dr. Philip L. Secrist)

This summer we commemorate the 125th anniversary of the Battle of Kennesaw Mountain. We have in our community a 3,000 acre national park dedicated to the memory of that occasion and the sacrifices associated with it. Out of this, and scores of battles like it, that generation of Americans who experienced the Civil War forged a more perfect union.

Conflict is often the product of competing beliefs and convictions, sometimes destructive, always controversial, occasionally productive of new strengths. A stronger national union of states and the end to the institution of chattel slavery in this country was achieved as a direct result of the American Civil War.

Many conflicting forces are at work in our country today, and these forces will alter the physical face of our community and determine the course of its history. In Cobb County, change comes so quickly we seem to have little time to reflect on the extended impact it will exert on our personal lives and well being.

For instance, we are told to expect great population increases in Cobb County in the next few years. What price must we pay for absorbing double our present population in such a short span of time? Is the county to be substantially deforested to make room for this population growth? What hills will be leveled and lakes drained, or new lakes created? What skylines will change? What roads will have lanes added, curves straightened, grades reduced or new roads built, to improve, we're told, the flow of traffic.

We say this is progress, but at what price "progress?" What must we lose to make these gains that are said to go with urban growth? Is it really possible to enjoy a healthy economic growth experience and yet retain a measure of the poetry and grace of a life-pace rich in the substance and fullness of pleasant surroundings? Surroundings that reflect the enduring strengths of basic human values which have stood the test of time.

Each generation is the product of cumulative social and cultural forces producing specific historic experiences, which, past and present, have shaped each generation, and which are at work even now in our own. In short, we are substantially the product of past circumstances and present forces and pressures. How do we deal with this?

In a storm, we seek anchors to hold to—enduring and tested anchors. Certainly our religious faith is important. We also achieve a sense of inner peace and comfort in the certain and familiar—in a wooded hill or valley which convey a sense of peace and beauty or serves as a personal reminder of some perceived happier time.

A historic house or the ruins or remains of a long-ago military fort or grist mill convey the comfort of knowing the certainty of the outcome of past events, while at the same time, in our own lives, we cannot now know the conclusion to our daily experiences.

The lesson of history is "perspective"—the long vision. Thus we learn patience in dealing with our daily encounters; the lesson that today, or someday, "this too will pass!"

The tangible evidence of a historic event is important. As a wise man once said, each generation will not be judged so much by what it builds, but rather by what it does not destroy.

So we now find ourselves at a crossroads in Cobb County. What is the useful past? Which and what of the natural beauty of our hills and streams should be preserved? Cobb County was a battleground for nearly six weeks of military activities 125 years ago—a national experience, the American Civil War.

The events of the summer of 1864 seem remote in 1989, but what of the consequence of the human experiences at Fort Hood, Gilgal Church, Latimores Farm, Mannings Mill, the Green plantation, Pine Knob, Ruff's Mill—and Kennesaw Mountain? Why

should we be concerned about preserving the Cheney House on Powder Springs Road, where General Sherman planned the battle of Kennesaw Mountain, or marking the spot near Due West community where the Indiana brigate of future President Benjamin Harrison fought hard at Gilgal Church, or setting aside some ruins of military fortifications on the Kennesaw-Due West Road where Arthur MacArthur, the father of Douglas MacArthur, led his Wisconsin regiment in combat?

What purpose is served with such concerns? Why not forget it all! Is there usefulness in preserving tangible evidence of past events? I think so.

I know we must be concerned if we hope to preserve our identity as a united people consciously sharing the bond of our common historical past. It is a uniting and strengthening experience for a community to share in a sense of heritage. But while we share this common bond, we have the responsibility not to judge events of the historical past romantically, or judge by the values of the present. To do so is to deal ignorantly, unfairly, and arrogantly, with the past; to foolishly set aside the lessons to be learned, and to misjudge and misuse history and its symbols.

Case in point is the misuse of the symbol of the Confederate battle flag by lunatic fringe groups. The St. Andrews cross with its 13 stars became the best known of the confederate battle flags—it became a symbol of great human courage and sacrifice in a "Lost Cause." The popular inspiration of the times that produced this flag was concerned more with the constitutional question of the nature of the union than with the perpetuation of slavery.

All this has been forgotten by the bigots who display the flag at their public occasions and by those who in justified outrage have come to despise the Confederate battle flag as the symbol of racism. This is all so foolishly wrong! And it is a misuse and misunderstanding of our historical experience.

How sad it was the other day to see the small crowd and the absence of media interest on the occasion of the burial in Marietta of a Civil War soldier whose remains lay in their 1864 battlefield burial site until discovered by accident. It would appear that somehow the fate of this 19-year-old unknown Confederate soldier, honored in this recent graveside ceremony by so few people and the battle flag that draped his simple pine coffin, had become an embarrassment to the community in which he had given his last full measure of devotion.

Whether we like it or not, that historical event did happen. And whether we like it or not, the process of history and change is at work with us today.

Cobb County will complete its cycle of urban transition—this is certain, and there will be ample opportunity in the immediate years ahead for economic gain by the sensitive developer who is committed to quality work. Our county will confront the issues of urban land use alternatives, of development, of density, of transportation needs, of waste disposal and water supply—and at the same time consider the retention and preservation of the most desirable characteristics of our county's landscape and historical heritage.

As we seek in this critical time the necessary balance, we shall as individuals and as a community be required to make the difficult decisions that will record forever the historical statement of our personal and community values for future generations to see—and for history to judge.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 29, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 6

10:00 a.m.
Joint Economic
To hold hearings to examine prospects for the upcoming Paris Economic Summit, July 14-16.
2322 Rayburn Building

JULY 7

9:30 a.m.
Joint Economic
To hold hearings on the employment-unemployment situation for June.
2359 Rayburn Building

JULY 10

9:30 a.m.
Special on Special Impeachment Committee
To hold evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

1:00 p.m.
Armed Services
Manpower and Personnel Subcommittee
Closed business meeting, to mark up S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on manpower and personnel programs.
SR-232A

3:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
Closed business meeting, to mark up S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on readiness, sustainability and support programs.
SR-222

6:00
Armed Services
Defense Industry and Technology Subcommittee
Closed business meeting, to mark up S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on defense industry and technology programs.
SR-232A

JULY 11

8:30 a.m.
Armed Services
Conventional Force and Alliance Defense Subcommittee
Closed business meeting, to mark up S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on conventional forces and alliance defense programs.
SR-222

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

Governmental Affairs
To resume hearings on the recently released proceedings of the Surgeon General's Workshop on Drunk Driving.
SD-342

10:00 a.m.
Finance
To hold hearings to review proposals to address duplicate coverage under the Medicare Catastrophic Coverage Program
SD-215

Foreign Relations
Business meeting, to resume mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

10:30 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
Closed business meeting, to mark up S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on projection forces and regional defense programs.
SR-232A

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
Closed business meeting, to mark up S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on strategic forces and nuclear deterrence programs.
SR-232A

Foreign Relations
Business meeting, to continue mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

Conferees
On H.R. 1278, to reform, recapitalize, and consolidate the Federal deposit in-

surance system, and to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies.
2129 Rayburn Building

2:30 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, and on fossil energy research and development and the clean coal technology program.
SD-366

JULY 12

9:00 a.m.
Armed Services
Closed business meeting, to mark up S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.
SR-222
Commerce, Science, and Transportation
To hold hearings on the nomination of Janice Obuchowski, of Virginia, to be Assistant Secretary of Commerce for Communications and Information.
SR-253
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Environment and Public Works
Environmental Protection Subcommittee
Superfund, Ocean and Water Protection Subcommittee
To hold joint hearings on proposals to improve the environmental quality of marine and coastal waters, including S. 587, S. 588, S. 1178, and S. 1179.
SD-406

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 707, to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience.
SR-253
Foreign Relations
Business meeting, to continue mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

2:00 p.m.
Armed Services
Closed business meeting, to continue mark up of S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.
SR-222
Environment and Public Works
Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 106, setting forth the congressional budget for the U.S. Government for the fiscal years 1990, 1991, and 1992, and other pending business.
SD-406

JULY 13

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the current drought situation in the midwest.
SR-332
Armed Services
Closed business meeting, to continue mark up of S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.
SR-222
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on capabilities and concerns of the national sealift policy.
SR-253
Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342
Veterans' Affairs
Business meeting, to consider pending calendar business.
SR-418

10:00 a.m.
Energy and Natural Resources
To resume hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366
Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Armed Services
Closed business meeting, to continue mark up of S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.
SR-222
Special Impeachment Committee
To hold hearings on pretrial issues in matters relating to the impeachment of Judge Walter L. Nixon, Jr.
SD-628

JULY 14

9:00 a.m.
Armed Services
Closed business meeting, to continue mark up of S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.
SR-222
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

10:00 a.m.
Agriculture, Nutrition, and Forestry
Domestic and Foreign Marketing and Product Promotion Subcommittee
To hold hearings to review agricultural research and foreign marketing promotion.
SR-332
Energy and Natural Resources
To continue hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-366

2:00 p.m.
Armed Services
Closed business meeting, to continue mark up of S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.
SR-222

JULY 17

9:30 a.m.
Special Impeachment Committee
To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Environment and Public Works
To hold hearings on the nomination of Thomas D. Larson, of Pennsylvania, to be Administrator of the Federal Highway Administration, Department of Transportation.
SD-406

JULY 18

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on tuna management.
SR-253
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Governmental Affairs
To hold hearings on S. 244, to provide for the development and use of plastics derived from certain commodities, and to include such products in the General Services Administration inventory for supply to Federal agencies.
SD-342

JULY 19

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 999, relating to the broadcasting of certain material regarding candidates for Federal elective office.
SR-253
Governmental Affairs
To resume hearings on the recently released proceedings of the Surgeon General's Workshop on Drunk Driving.
SD-342

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 866, to establish the Calumet Copper Country National Historical Park in the State of Michigan, S. 931, to protect a segment of the

Genesee River in New York, H.R. 419, to provide for the addition of certain parcels to the Harry S. Truman National Historic Site in the State of Missouri, and H.R. 1529, to provide for the establishment of the White Haven National Historic Site in the State of Missouri.
SD-366

JULY 20

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Governmental Affairs
To hold hearings on provisions of S. 135, Hatch Act Reform Amendments of 1989.
SD-342

Veterans' Affairs
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.
SR-418

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 1109, authorizing funds through fiscal year 1995 for programs of the Carl D. Perkins Vocational Education Act.
SD-430

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 371, to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management.
SD-366

JULY 21

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

JULY 25

9:30 a.m.
Governmental Affairs
To hold hearings to review U.S. trade and technology issues.
SD-342

JULY 26

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1009, relating to the purchase of broadcasting time by candidates for public office.
SR-253

10:00 a.m.
Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

JULY 27

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1165, to provide for fair employment practices in the U.S. Senate and U.S. House of Representatives.
SD-342

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 1109, authorizing funds through fiscal year 1995 for programs of the Carl D. Perkins Vocational Education Act.
SD-430

POSTPONEMENTS

JULY 14

9:30 a.m.
Select Indian Affairs
To hold hearings on proposed amendments to the Indian Child Welfare Act (P.L. 95-608).
SD-485

JULY 18

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

JULY 20

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

JULY 21

9:30 a.m.
Select Indian Affairs
To hold hearings to establish a Tribal Judicial Resource Center.
SR-485

HOUSE OF REPRESENTATIVES—*Thursday, June 29, 1989*

The House met at 11 a.m.

The Chaplain, Rev. James Ford, D.D., offered the following prayer:

And we know that all things work together for good to them that love God, to them who are the called according to his purpose.—Romans 8:28.

We thank You, gracious God, for all Your promises, especially for the promise that in everything Your will can be accomplished and work together for our good and the good of those we seek to serve. We pray, O God, for the faith to believe, the hope to sense Your purpose, and the love that casts out fear. Bless all those, O God, who act for Your purposes by doing justice, loving mercy, and by walking humbly with You. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Indiana [Ms. LONG] lead the House in the Pledge of Allegiance.

Ms. LONG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESIGNATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON H.R. 1278, FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989

The SPEAKER laid before the House the following resignation as a conferee:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 1989.

The SPEAKER,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I wish to be excused as a conferee on the "Financial Institutions Reform, Recovery, and Enforcement Act of 1989" (H.R. 1278).

Thank you for your courtesy and consideration on this matter.

Sincerely,

HENRY J. HYDE,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Florida [Mr. JAMES] as an additional conferee on the bill, H.R. 1278, to fill the vacancy resulting from the resignation of the gentleman from Illinois [Mr. HYDE].

The Clerk will notify the Senate of the change in conferees.

APPOINTMENT AS MEMBER OF THE NATIONAL WOMEN'S BUSINESS COUNCIL

The SPEAKER laid before the House the following appointment as a member of the National Women's Business Council:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 1989.

Hon. JIM WRIGHT,
Speaker of the House,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 403(a)(3) of Public Law 100-533, I hereby appoint Ms. Marilu Meyer of Chicago, Illinois, to serve as a member of the National Women's Business Council.

Sincerely yours,

ROBERT H. MICHEL,
Republican Leader.

FURTHER APPOINTMENT AS MEMBERS OF THE NATIONAL WOMEN'S BUSINESS COUNCIL

The SPEAKER. Pursuant to section 403(a)(3) of Public Law 100-533, the Chair appoints the following individuals to the National Women's Business Council, on the part of the House:

Mrs. Esther Shapiro, Los Angeles, CA; and Ms. Gilliam Rudd, Washington, DC.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT, SATURDAY, JULY 1, 1989, TO FILE REPORT ON H.R. 2461, DEFENSE AUTHORIZATION BILL, 1990

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight Saturday, July 1, to file its report on H.R. 2461, the fiscal year 1990 defense authorization bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

INTERNATIONAL COOPERATION ACT OF 1989

The SPEAKER. Pursuant to House Resolution 179 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2655.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2655) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1990 and 1991, and for other purposes, with Mr. SKELTON of Missouri (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, June 28, 1989, title IX was open for amendment at any point.

Pursuant to the order of the House of Wednesday, June 28, 1989, amendments offered to section 707 that are otherwise in order pursuant to House Resolution 179 and the previous order of the House of Wednesday, June 21, 1989, may be offered notwithstanding that title VII has been passed in the reading of the bill for amendment.

Pursuant to the order of the House of Wednesday, June 28, 1989, debate on amendments offered to section 707 and all amendments thereto will be limited to 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs.

Subject to clause 6, rule XXIII, and the additional 30 minutes provided for section 707 amendments, there are 2 hours and 31 minutes of debate remaining on all amendments.

Are there any amendments to title IX?

PARLIAMENTARY INQUIRY

Mr. DORNAN of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DORNAN of California. Mr. Chairman, just to make a parliamenta-

ry inquiry so I am sure that we are protected later this afternoon, we are taking a break for the 213th anniversary of the Declaration of Independence and Fourth of July. Will we be able to make 1 minutes at the end of business today before we break on this long district work period?

The CHAIRMAN pro tempore. The Speaker advises that 1-minute speeches will be in order after the conclusion of this bill.

Mr. DORNAN of California. I thank the Chair.

□ 1110

EN BLOC AMENDMENTS OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer en bloc amendments.

The CHAIRMAN pro tempore (Mr. SKELTON). The Clerk will designate the en bloc amendments.

The text of the en bloc amendments is as follows:

En bloc amendments offered by Mr. FASCELL:

Page 515, after line 16, insert the following:

(e) CLARIFICATION OF AUTHORITIES GRANTED.—

(1) EARMARKINGS OF FUNDS NOT AFFECTED.—Nothing in this section supersedes any provision of this Act or the annual Foreign Operations, Export Financing, and Related Programs Appropriation Act that earmarks funds for a specific country, region, organization, or purpose.

(2) APPROPRIATION ACT LIMITATIONS NOT AFFECTED.—Nothing in this section supersedes any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriation Act that specifically refers to the assistance authorized by this section and establishes limitations with respect to such assistance.

(3) REPROGRAMMING REQUIREMENTS NOT AFFECTED.—Nothing in this section supersedes the requirements of section 4304 of the Foreign Assistance Act of 1961 or any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriation Act that requires prior notification to congressional committees of proposed reprogrammings of funds.

Page 515, after line 16, insert the following:

(f) LINKAGE OF TECHNOLOGY TRANSFERS TO PEOPLE'S REPUBLIC OF CHINA AND ITS LETHAL ASSISTANCE FOR THE KHMER ROUGE.—

(1) CONDEMNATION OF CHINESE ASSISTANCE TO KHMER ROUGE.—The United States condemns assistance provided by People's Republic of China to the National Army of Democratic Kampuchea.

(2) LINKAGE.—When considering requests for transfers of high technology to the People's Republic of China, the United States shall take into account the degree to which the People's Republic of China has reduced its assistance to the Khmer Rouge.

(3) SUPPORT FOR PUBLIC LAW 100-502.—The President should reiterate his support for Public Law 100-502, which calls for blocking the return to power of the Khmer Rouge.

(4) REPORT.—The President shall report to the Congress within 90 days after the date of enactment of this Act regarding the degree to which the People's Republic of China is decreasing its assistance to the Khmer Rouge.

Page 520, line 25, strike out "(a) AUTHORIZATION.—"; and page 521, strike out lines 4 through 19 (including paragraph (3) as added by the amendments offered en bloc by Mr. Fascell of Florida on June 21, 1989).

Page 525, after line 16, insert the following:

(a) FINDINGS.—The Congress finds that—

(1) there are still over 2,300 Americans unaccounted for in Southeast Asia;

(2) by not knowing the fates of their loved ones, the families of those unaccounted for in Southeast Asia have suffered tremendous hardship;

(3) the United States made a commitment that resolving the fates of Americans unaccounted for in Southeast Asia was a matter of the highest national priority; and

(4) the United States must reaffirm that commitment and fulfill its promise to the families of our missing Americans.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should—

(1) continue to give the highest national priority to accounting as fully as possible for Americans still missing in Southeast Asia and to negotiating the return of any Americans still held captive in Southeast Asia; and

(2) heighten public awareness of the Americans still missing in Southeast Asia through the dissemination of factual data, including access to records to primary next of kin concerning reported live sightings of Americans missing in Southeast Asia, to the extent that the disclosure of such records does not reveal sources and methods of intelligence collection.

Page 525, line 17, strike out "It is the" and insert in lieu thereof "(c) SUPPORT OF HUMANITARIAN PROJECTS IN LAOS.—It is the further".

Page 526, after line 24, insert the following:

SEC. 910. UNITED STATES POLICY TOWARD THE ONE-CHILD-PER-FAMILY PROGRAM AND FORCED ABORTION POLICIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—The Congress finds that—

(1) in 1979 the People's Republic of China adopted a one-child-per-family policy that purports to protect voluntary decisions by couples on matters relating to family planning but in reality relies on coercion, economic penalties, and forced abortions (often late in pregnancy) for refusal to comply;

(2) this one-child-per-family policy, implemented by the use of forced abortions and involuntary sterilizations, has been used against ethnic minorities and peoples, such as the Tibetans, by Chinese authorities in Tibet;

(3) as a direct result of this one-child-per-family policy, the incidence of female infanticide in the People's Republic of China has escalated, particularly among those living in rural areas who regard a male as vital to their economic well being and a source of financial security in retirement;

(4) the one-child-per-family policy of the People's Republic of China makes use of a repressive "birth quota" system that empowers family planning workers to dictate to couples if and when they may have the one child permitted under the policy;

(5) the People's Republic of China's family planning workers violate a woman's right to privacy by monitoring private details of a woman's life, including the onset of menstruation in order to track compliance with the one-child-per-family policy;

(6) numerous reports by social scientists and by journalists associated with the Washington Post, the New York Times, the Wall Street Journal, the Public Broadcasting System "Nova" series, the Columbia Broadcasting System's "Sixty Minutes" and other media, have documented pervasive reliance by local People's Republic of China officials on forced or coerced abortion in order to achieve birth quotas for specified areas;

(7) reports indicate that, as a result of the one-child-per-family policy, tens of millions of unborn children have been killed by abortion in the People's Republic of China;

(8) the policy of the Department of State for the 1984 International Conference on Population stated that, "Attempts to use abortion, involuntary sterilization, or other coercive measures in family planning must be shunned, whether exercised against families within a society or against nations within the family of man", and the United Nations Declaration of the Rights of the Child issued in 1959 calls for the legal protection of children before birth as well as after birth;

(9) at the Nuremberg war crimes trials, forced abortion was regarded as a "crime against humanity"; and

(10) while "official" People's Republic of China policy forbids infanticide, prosecution has been virtually nonexistent except in a few token cases.

(b) STATEMENT OF POLICY.—The Congress—

(1) strongly condemns the continued violations of internationally recognized human rights by the Government of the People's Republic of China, including—

(A) the one-child-per-family policy adopted in 1979 that relies on coercion, economic penalties, and forced abortions (often late in pregnancy) as a means of enforcing compliance;

(B) the continued use of a repressive "birth quota" system that empowers the authorities to dictate to couples if and when they may have a child; and

(C) the use of forced abortions and involuntary sterilizations of Tibetans by Chinese authorities in Tibet;

(2) affirms internationally recognized basic human rights, such as—

(A) the conclusion made by the 1981 United Nations Symposium on Population and Human Rights that compulsory abortion is a violation of human rights; and

(B) the declaration made at the Nuremberg war crimes trials that forced abortion be regarded as a "crime against humanity"; and

(3) asks that the President and the Department of State—

(A) raise the concerns expressed in this section with the Government of the People's Republic of China, and

(B) calls upon that Government to cease immediately this repressive policy.

Page 526, after line 24, insert the following:

SEC. 911. ASSISTANCE TO DISPLACED BURMESE STUDENTS ALONG THE THAI-BURMA BORDER.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law, $2,000,000 of the funds described in subsection (b) shall be used for humanitarian assistance for displaced Burmese students on both sides of the Thai-Burma border. Such assistance may include the provision of food, medicine, medical supplies, medical training, and clothing.

(b) FUNDS WHICH MAY BE USED.—The funds which are to be used pursuant to subsection (a) are any funds that are made available for fiscal year 1990—

(1) for development assistance, economic support assistance, or international disaster assistance under the Foreign Assistance Act of 1961, excluding funds that are earmarked for a specific country, region, organization, or purpose;

(2) to carry out title II of the Agricultural Trade Development and Assistance Act of 1961; or

(3) to carry out the Migration and Refugee Assistance Act of 1962.

(c) CERTAIN RESTRICTIONS NOT APPLICABLE.—Section 3262 of the Foreign Assistance Act of 1961 shall not apply with respect to the humanitarian assistance for displaced Burmese students provided for in this section.

(d) REPROGRAMMING REQUIREMENTS NOT AFFECTED.—Nothing in this section supersedes the requirements of section 4304 of the Foreign Assistance Act of 1961 or any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriation Act that requires prior notification to congressional committees of proposed reprogrammings of funds.

Page 526, after line 24, insert the following:

SEC. 912. ANNUAL CERTIFICATION REGARDING ARMS TRANSFERS BY THE PEOPLE'S REPUBLIC OF CHINA TO IRAN, IRAQ, LIBYA, AND SYRIA.

In any calendar year, sales may not be made to the People's Republic of China under the Defense Trade and Export Control Act, and licenses may not be issued under section 38 of that Act for the export to the People's Republic of China, of any item on the United States Munitions List unless the President has certified to the Congress that—

(1) no United States defense article or technology (including United States licensed technology) was used in—

(A) any cruise missile or ballistic missile,

(B) any advanced fighter aircraft, or

(C) any major component or technology for any such missile or aircraft,

that was transferred, directly or indirectly, to Iran, Iraq, Syria, or Libya by the People's Republic of China in the previous calendar year in contravention of the Arms Export Control Act or regulations issued under section 38 of that Act; and

(2) no chemical weapons, and no materials, equipment, or technology intended for use in a nuclear program, was transferred, directly or indirectly, to Iran, Iraq, Syria, or Libya by the People's Republic of China in the previous calendar year.

Page 527, line 7, immediately before the comma insert the following: "and for the development and implementation of long-range bilateral and multilateral reconstruction efforts for Afghanistan and the establishment of a broad-based freely-elected Afghan government".

Page 530, strike out line 15 and all that follows through line 7 on page 531 and insert in lieu thereof the following:

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) India and Nepal, building on the offer of negotiations that the Government of Nepal has made and India has apparently accepted, should schedule without delay a time and place for talks by the two governments to resolve, on an urgent basis, issues relating to trade and transit between the two countries, recognizing that an expeditious and amicable resolution is in their mutual self-interest;

(2) India, as a gesture of good will befitting a responsible regional power, should consider resuming the sale of petroleum products to Nepal and encourage the normal passage of people and goods into and out of Nepal; and

(3) the Secretary of State, or his designee, should provide regular briefings to the Congress regarding the effects of the Indian-Nepalese dispute on the two countries and on the interests of the United States with respect to both countries and in South Asia in general.

Page 535, after line 10, insert the following:

SEC. 925. REMOVAL OF MINES IN AFGHANISTAN.

(a) FINDINGS.—The Congress makes the following findings:

(1) Soviet military forces engaged in armed hostilities against the people of Afghanistan for over 9 years.

(2) The hostilities in Afghanistan have resulted in extensive loss of life and property and economic dislocation for large numbers of the Afghan people.

(3) During the course of the conflict in Afghanistan millions of explosive mines, made of both plastic and metal, where planted or scattered throughout the Afghanistan countryside, and those mines have injured or killed thousands of men, women, and children.

(4) Many of the mines the Soviet Union and the Afghan regime deployed in Afghanistan will remain active for many years, creating extreme obstacles for refugees in returning to Afghanistan and making use of their land.

(5) The millions of refugees now living in Pakistan burden that country's young democracy.

(6) One of the terms of the agreement governing the withdrawal of Soviet military forces from Afghanistan guarantees the safe passage and return of Afghan refugees to their homeland.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Soviet Union should continue to agree to abide by the letter and spirit of the agreement governing the withdrawal of its military forces from Afghanistan;

(2) the Soviet Union should make available all information regarding the location of all minefields as well as information regarding areas in which mines were scattered by means of artillery or aircraft, or other means, and this information should be widely disseminated by all available methods to the Afghan people both in Afghanistan and in refugee camps outside the country;

(3) the Soviet Union should provide generous support to the efforts of the United Nations to remove mines in Afghanistan and to continue to do so until such time as it has been established that all reasonable steps for the identification, location, and removal of mines have been taken;

(4) the Soviet Union should also provide generous and long-term support for United Nations efforts toward the reconstruction in Afghanistan including medical care and assistance to those Afghan people injured as a result of Soviet and Afghan Government placement of mines; and

(5) consistent with United States efforts to provide humanitarian assistance to civilians who have suffered as a result of the Soviet invasion of Afghanistan, the President should continue to provide assistance as he deems necessary in support of the international mine clearing effort.

Page 535, after line 10, insert the following:

SEC. 926. REGIONAL ACTIVITIES BY INDIA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Soviet Union remains the main external supplier of military equipment to India, and India has obtained sophisticated Soviet weaponry such as MiG-29 fighter bombers, Mi-29 Halo heavy lift helicopters, and Soviet built nuclear submarines. India and the Soviet Union also coproduce T-72 tanks and MiG-21 and MiG-27 fighters.

(2) India recently tested a medium-range missile that could be capable of carrying either conventional or nuclear warheads.

(3) India has not agreed to submit to international safeguard inspections on its nuclear activities.

(4) India continues to recognize and support the Communist Government of Afghanistan, despite that government's abysmal record on human rights and its complete lack of legitimacy among its own people.

(b) STATEMENT OF POLICY.—The Congress urges the Government of India—

(1) to end its support for the Communist Government of Afghanistan; and

(2) to agree to submit to international safeguard inspections of its nuclear activities and to become a party to the Treaty on the Non-Proliferation of Nuclear Weapons.

Page 535, after line 10, insert the following:

SEC. 927. UNITED STATES POLICY ON THE WAR IN AFGHANISTAN.

(a) FINDINGS.—The Congress finds that—

(1) nearly 10 years after the Soviet invasion of Afghanistan, and despite the February 1989 withdrawal of Soviet troops, a Soviet-installed regime that is unrepresentative of the Afghan people is still in place in Kabul; and

(2) the Soviets continue to provide massive quantities of military supplies to the Kabul regime, and have increased their arms shipments through a major airlift in recent months.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the United States should continue to encourage a political settlement that will bring an end to the fighting in Afghanistan without sacrificing the objectives of genuine Afghan self-determination, return of refugees, and the reemergence of an independent Afghanistan; and

(2) the United States should continue to provide effective military support to the Afghan resistance in order to enable them to respond to the massive Soviet resupply effort and to negotiate from a position of strength, thereby helping to ensure a political solution that meets the desires of a majority of the Afghan people.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] is recognized for 10 minutes.

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer, jointly with my colleague Mr. BROOMFIELD, an en bloc amendment concerning U.S. policy toward various Asian nations. The amendment includes:

First, language suggested by Mr. MRAZEK requiring congressional notification for any assistance provided to the Cambodian resistance;

Second, provisions offered by Mr. DORNAN of California linking United States technology transfer to China to a decrease in assistance from China to the Khmer Rouge forces and requiring certification of People's Republic of China arms transfers to Iran, Iraq, Libya, and Syria;

Third, Mr. SOLARZ' amendment deleting the transfer authority for funding for the multilateral assistance initiative for the Philippines;

Fourth, Mr. BROWN of Colorado's amendment maintaining full accounting for POW/MIA's as the highest national priority;

Fifth, Mr. SMITH of New Jersey's provision condemning Chinese family planning policies;

Sixth, a provision based on the amendment offered by Mr. ROHRABACHER which earmarks $2 million for fiscal year 1990 for assistance to displaced Burmese students on the Thai-Burmese border;

Seventh, language proposed by Mr. PORTER clarifying that assistance available for Afghanistan may be used for bilateral and multilateral reconstructions efforts and for the establishment of a broad-based freely elected Afghan Government;

Eighth, a sense of Congress provision offered by Mr. DURBIN calling on India and Nepal to begin urgent negotiations to resolve their serious trade and transit dispute;

Ninth, language derived from provisions offered by Mr. BUECHNER and Mr. RITTER calling on the Soviet Union to facilitate the removal of mines from Afghanistan and to provide medical assistance to those injured by mines and urging increased United States assistance as necessary for the international mine clearing effort;

Tenth, a sense of Congress provision proposed by Mr. HERGER calling on India to end its support of the current government in Afghanistan and urging India to sign the Nuclear Non-proliferation Treaty and comply with international safeguard provisions;

Eleventh, a provision derived from the amendment offered by Mr. GINGRICH and Mr. RITTER stating United States support for a political settlement which provides for self-determination for the Afghan people and for the return of refugees and urging continued effective United States military assistance to the Afghan resistance;

I would like to thank the chairman and ranking member of the Subcommittee on Asian and Pacific Affairs, Mr. SOLARZ and Mr. LEACH, as well as the authors of these various provisions, for their assistance in working out this en bloc amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Michigan [Mr. BROOMFIELD] is recognized for 10 minutes.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to indicate that I strongly support these en bloc amendments described by the chairman of the committee.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I wish to express my strong support for the en bloc amendments.

Mr. Chairman, as a founding member in 1977 and now as the chairman of the House POW/MIA Task Force, I rise in strong support of the amendment offered by Mr. BROWN of Colorado expressing the sense of Congress that the United States should continue to provide the highest national priority to achieving the fullest possible accounting of the 2,348 American servicemen still missing from the Vietnam war.

During his inauguration speech and at various times since then, President Bush has reaffirmed his commitment and priority to this important issue. Just last week at a Heritage Foundation conference Vice President QUAYLE reconfirmed this commitment. I believe it is very appropriate and important for Congress to do the same.

While it is true that following our withdrawal from Vietnam and throughout the 1970's, when we should have been doing the most about the POW/MIA issue, we were doing very little, that is emphatically not the case today. Since the beginning of the Reagan administration, the POW/MIA issue has received the full attention and priority it deserves. President Bush has continued with this responsible policy.

Although we have thus far been unable to prove with concrete, credible evidence that Americans are still detained against their will, the information available to us very much precludes ruling out that possibility. Actions to investigate live-sighting reports receive and will continue to receive the necessary priority and resources based on the assumption that at least some Americans are still held captive. Should any report prove true, we will take the action necessary to ensure the return of those involved.

The real obstacles to fullest possible accounting and the real answers to the numerous unresolved questions we still have about the fate of these Americans lie not in Washington, but in Hanoi. However, I believe further progress can be made so long as we provide the same solid determination and support we have already demonstrated.

I also support the amendment's provision calling for increased public awareness. A well-informed public armed with the facts is an important ally.

Mr. BROWN of California's amendment also reaffirms our support for current policy and law—which we enacted last year as part of the intelligence bill—providing primary next of kin with access to records concerning reported live sightings of Americans listed as MIA. The POW/MIA families have long suffered not knowing what happened to their loved one. We should continue to provide as much information as possible to them. We must continue to support these special families and remain steadfast with them.

I urge my colleagues to join me in strongly supporting the Brown amendment.

Mr. Chairman, I rise in support of the amendment offered by my California colleague Mr. HERGER expressing Congress' serious concern about India's continued procurement of increasingly sophisticated Soviet weapons.

Quietly, but assuredly, India has significantly increased its military might over the past decade. Today, India is one of the most powerful countries militarily outside of the NATO-Warsaw Pact Community, with over 1 million men under arms. Much of the buildup, which I contend goes beyond adequate defensive needs, is based on the procurement of top-line Soviet equipment.

Over the past few years, India has procured from the Soviet Union.

A nuclear-powered submarine—the first time the Soviets have released a nuke to a navy other than its own!

Six Soviet Kilo attack submarines—the Soviets have provided this to no other navy.

Three Soviet Kaskin destroyers, with 3 more on order;

Three Soviet Nanuchka missile corvettes, with eight more of this or similar vessels on order

Bear TU-142 long-range patrol bombers

Over 200 MIG-23/27 fighter-bombers

One reconnaissance squadron of MIG-25's

Some 40 MIG-29's delivered or on order—this is the Soviet's new front-line fighter. India may license produce this jet.

Indian pilots have flown and evaluated the new MIG-35 and India will probably procure a substantial number of these aircraft.

Too little time to note the hundreds of tanks, missiles, other jet fighters, other aircraft and frigates India procured from the Soviets.

While India is quick to point out that it has reduced its military budget this year, we should be aware that it has risen in massive proportions in years previous. Within the past 5 years

Indian defense spending has risen 150 percent—approaching 20 percent of the Nation's total budget.

Yet, poverty, disease and hunger are still serious problems in India. I support development assistance to India to help alleviate the suffering and raise the standard of living for these poor. Yet, I must ask, is it fair to the American taxpayer to provide this help when the Indian Government is using its resources to buy Soviet weapons beyond what is needed for an adequate legitimate defense?

I am also very concerned about the prospects for a conventional arms race in the region stimulated by India's military buildup, especially when the development needs of India and its neighbors are so great. From my review of arms purchases in the region, I have found that India, more often than not, is responsible for continuing regional military competition.

Yes, India also procures weapons from the West. That is of great concern to me, too for similar reasons. Why does India, for example, need 2 aircraft carriers? However, I find it most disturbing for the world's largest democracy to closely cooperate militarily and provide financial payments to the world's greatest and most dangerous police state—the Soviet Union.

Indo-American relations have recently improved as marked by the signing of a new high-technology transfer agreement. However, there are still issues of serious concern to us like India's military buildup and weapons procurement policy. As our super 301 determinations address the trade concerns we have with India, I believe this sense of Congress amendment sends an appropriate and measured signal to India about some of our other serious concerns.

I urge my colleagues to support this Herger amendment.

Mr. Chairman, I rise in strong support of Mr. BUECHNER'S amendment and urge my colleagues to do the same. While many in the United States believe the war in Afghanistan is over, the fact is that the Afghan people continue to struggle to obtain their freedom. Even after the Soviet withdrawal, the Afghans are still being victimized, on a daily basis, by the Soviet Union, and its puppet, the Kabul regime. As this amendment so clearly points out, the Soviets continue to insist that Afghans die because of the countless mines the Red army left behind. Thousands of Afghans are unable to return to their homeland because of the mines which litter their country. Those who do are often killed or maimed by the mines.

Despite the assurances given to us by Soviet Foreign Minister Shevardnadze that most of the mines exploded within days of being planted and the promises of Soviet Foreign Ministry spokesman Gerasimov that the Soviet Union was not engaged in a mine war on the Afghan people, the fact is that the countryside of Afghanistan is still littered with mines. Furthermore, U.S. intelligence information reports that the Soviets planted more mines as they withdrew from the war-torn nation of Afghanistan. Moreover, the Soviets continue to refuse to provide the United Nations or the Afghans with maps of their mine fields so that the clean up can begin. This is not only tragic for the people of Afghanistan, but it is outrageous that the Soviet Government would refuse to provide even the most minimal assistance to this country which continues to suffer because of the cruelty of the self-proclaimed moderate Soviet "Peristroika" regime. This amendment calls on the Soviets to provide "generous support" to the efforts by the U.N. to facilitate the removal of the mines. I agree with the amendment that the U.S.S.R. should pay for the rebuilding of this ravaged nation. In light of the suffering of the Afghans, this is the very least the Soviets could do.

Mine warfare in Afghanistan is not the result of a well planned military tactic. These mines were scattered in militarily insignificant regions of the countryside of Afghanistan to wage war on civilians and to kill or maim anyone—even children—who would happen to be so unfortunate as to walk where the Soviets indiscriminately planted their terror. This amendment places the responsibility for the suffering children who no longer have arms and legs, and the dead parents who were obliterated by a mine where the blame properly lies, with the Soviet Union. The amendment expresses the belief of this Congress that the Soviets are responsible for cleaning up the fields of Afghanistan which they polluted with mines which kill and maim. The Soviets should stand responsible in every way for the desecration they continue to bring to the Afghan people. As this amendment stands, they should take every appropriate step to return the country they so tragically spoiled to a place where farmers can plow their fields to feed their families without fear of death or dismemberment, where children can walk in a field without fear of losing a limb, and where refugees can return without the horror of the explosion of a Soviet mine to welcome them.

I urge my colleagues to support this amendment and to put the U.S. Congress on record as placing the blame for the tragedy of mine warfare in Afghanistan squarely where it belongs—on the Kremlin. Furthermore, I urge my colleagues to support this amendment to call on the Soviet Union, which has promised moderation and peacefulness, to take this opportunity to place actions with its words and to make right what they have so tragically done wrong—pay to clean up the mine fields its army laid in Afghanistan.

Mr. FASCELL. Mr. Chairman, I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I thank the chairman of the committee for yielding this time to me.

Mr. Chairman, I rise in strong support of this en bloc amendment, and I congratulate those members, especially chairman FASCELL and Mr. BROOMFIELD, for their diligent work in putting this package together.

As we consider the entire issue of sanctions against China, we really are placed on the horns of a dilemma. On the one hand, all Members from both sides of the aisle are united expressing our indignation and revulsion at the brutality and repression in China. We have to make clear to the leaders of that government that China cannot be considered a member in good standing of the international community. We cannot have business as usual.

On the other hand, we don't want to do something that hurts the Chinese people. They do not like their government any more than we like it. We have to be careful to make sure that the Chinese people know we share their aspirations and we support them in their struggle.

This en bloc package strikes a balance, as much as is humanly possible, between these two concerns.

The bulk of the sanctions contained in this package are aimed at the high profile, prestige—making projects that are dear to the Chinese Government, but which have a less immediate impact on the lives of the Chinese people.

I believe that this en bloc amendment, coupled with the actions already announced by the administration, represents a reasonable and appropriate response to the appalling repression in China.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH], a member of the Committee on Foreign Affairs.

Mr. SMITH of New Jersey. Mr. Chairman, today I am offering an amendment to state unequivocally that the United States Congress deplores the continuing use of coercion in the People's Republic of China's [PRC] population control program. My amendment also calls on the President and the State Department to raise our concerns about this repressive policy with the Government of the PRC and it urges that Government to cease these practices immediately.

It should be abundantly clear to all that the People's Republic of China, through its one child per family

policy, continues to employ systematic coercion and brutality in achieving population control. The same iron fist that brought the prodemocracy students to their knees in Tiananmen Square has, since 1979, been using forced abortion, coercive sterilization, and mandatory IUD insertion to control the masses. The simple fact of the matter is the people of China have no rights whatsoever concerning family planning matters.

The result of this cruel and inhumane assault on the family has been approximately 110 million children aborted since 1979—a number equal to the combined population of England and France—and most through coercion. The result has been millions of women and men sterilized under Government duress, compulsion or threat of punishment and still millions more women who have undergone mandatory IUD insertions.

In this exhaustive 1988 study on population trends in China, Judith Banister and Karen Hardee-Cleveland of the U.S. Bureau of the Census conclude: "Today, Chinese couples still are not given a choice about whether they practice family planning, how many children they have, when they have the allowed birth or births, whether or not to sign family planning contracts, or what form of birth control they will use."

And let's not kid ourselves that things are easing up in China as some apologists contend. The evidence suggests coercion is actually on the rise. Of course, the Communists in Beijing deny all of this. Just as they denied the massacre in Tiananmen Square and the killings and purges in Tibet. The big lie repeated often enough persuades the gullible and provides plausible cover for the apologist. We should not be fooled, however, nor can we be an accessory to these crimes.

The evidence is overwhelming that the Chinese Government is continuing to use forced abortion and other coercive measures to implement their restrictive "one child per couple" policy. On June 7, the United States Agency for International Development once again determined that the PRC's ongoing use of coercion rendered the United Nations Population Fund [UNFPA] ineligible for United States assistance. The UNFPA is heavily involved in supporting China's population program. AID has made such a determination every year now since 1985.

In a March 29, 1985 report to AID Administrator M. Peter McPherson, Assistant Administrator Richard Derham wrote:

> Based on the evidence available * * * there is "probable cause" to believe that coercion, sponsored by the Government, is prevalent in the PRC's family planning program * * * I further conclude that the UNFPA program cannot be disentangled from the pervasive coercion of the system and that even if it could, the shadow on the PRC program would pose difficulties. Hence, I conclude that the U.S. should take strong action to dissociate itself from the China program.—("Information Memorandum for the Administrator," March 29, 1985.)

On August 28, 1986, Administrator McPherson announced his determination that the UNFPA's involvement in China was in violation of the Kemp-Kasten amendment. This legislation states that no U.S. population assistance funds can be made available to any organization or program which supports or participates in the management of a program of coercive abortion or involuntary sterilization.

On August 13, 1987, AID officially declared that there had been no significant changes in the China/UNFPA Program to change the adverse judgments reached in 1985 and 1986. AID Assistant Administrator Richard E. Bissell said in an August 10, 1987, memo to Acting Administrator Jay Morris:

> The Chinese program remains systematically coercive . . . Chinese spokesmen at recent family planning conferences have stated that *births not covered by the plan must be strictly banned* and *prescribed penalties should be applied firmly and promptly until pregnancies outside the plan are terminated* * * * There is *no basis for changing the program* * * * Official statements clearly say that abortion and/or sterilization not freely chosen by couples is a publicly approved remedy for births outside the state plan. [All italic in the original.]

Mr. Bissell attached a memo titled, "Coercion in the Chinese Family Planning Program: June 1987 Update," which stated that AID's findings—

> * * * were derived from review of FBIS [Foreign Broadcast Information Service] reports and from a large number of cables, reports, memoranda, and other documents provided by the China desk, covering the period November 1986 through May 1987. This report avoids the citation of sources in most cases in order to protect sensitive materials. Additional information describing severe penalties is not included in this report because the sources are classified. China experts Judith Banister (Bureau of the Census) and Susan Greenhalgh (Population Council) informally reviewed the information and conclusions presented above and independently verified the accuracy of the information and conclusions in the report.

On May 27, 1988, AID Administrator Alan Woods announced that the boycott of UNFPA would be continued for fiscal year 1988, because a review of the China/UNFPA Program, conducted by the United States Census Bureau's Center for International Research, indicate that "significant changes that would warrant resumption of support have not occurred."

Mr. Chairman, in at least four cases within the past year, PRC nationals have been granted political asylum in the United States after they or their spouses were placed under duress to submit to abortions. The February 5, 1989, edition of the Washington Post reported on a decision by U.S. Immigration Judge Bernard J. Hornbach to grant political asylum to Yun Pan Lee. The Post reported that Lee was granted political asylum because "he would be persecuted by China's strict population-control policies if he were forced to return home."

On April 10, 1988, the Washington Post published an exposé by anthropologist Steven Mosher which revealed the length to which some Chinese Government officials will go to enforce the birth quota policy. Ping Hong, a Chinese woman who joined her husband in Phoenix 3 years ago, became pregnant with her second child in May 1987. She was warned to obtain an abortion in the United States immediately or return to China without delay to undergo an abortion.

When Ping Hong failed to respond to the abortion directive, she received a very blunt letter from the population control office at her place of employment in China. The letter read as follows:

> COMRADE PING HONG: Have you received our last express mail letter? Have you taken any action as a result?
>
> The factory officials are anxious to know whether or not you have done as ordered, since your actions affect the benefits of all employees in the factory as well as the factory's future. The punishment for this kind of violation (having a second child) is very severe.
>
> If you cannot have this abortion done abroad, then the factory director orders you to return to China immediately. Any further delays, and you will be punished according to the law.
>
> There is nothing ambiguous about our order! Make up your mind immediately!
>
> To your health.

Mr. Chairman, about 2 months ago I had the privilege of meeting Ping Hong and her young daughter. Fortunately, this was one case where a determined woman was able to evade the long arm of the totalitarian Chinese regime. Tragically, millions of others are unable to withstand the brutal tactics that are employed to enforce their compliance with a repressive and immoral policy.

The January 27, 1989, edition, of the Washington China Post carried a very disturbing report by Ge Hua, a mainland scholar. This article has been cited in a February 8, 1989, report by Tao-tai Hsia, chief of the Far Eastern Law Division of the Library of Congress. The author of the Washington China Post article says that "Killing live babies and wanton use of fetal organs for laboratory research are prevalent on the mainland." He states that in China, "all second pregnancies or above are considered as illegal and excessive pregnancies. They must be aborted." Pointing to the prevalence of late-term or full-term abortions, he writes that "many gynecologists and nurses on the mainland are forced to

kill the babies against their conscience. Sometimes they have to kill several tens of them in a day," he reports.

At the 1984 International Conference on Population, the U.S. Government stated that: "Attempts to use abortion, involuntary sterilization, or other coercive measures in family planning must be shunned, whether exercised against families within a society or against nations within the family of man." It is also important to remember that at the Nuremberg war crimes trials, forced abortion was regarded as a "crime against humanity."

Mr. Chairman, today the U.S. Congress has the opportunity to state unequivocally that forced abortion is indeed a "crime against humanity." We should make it clear that we strongly condemn the continued violations of internationally recognized human rights by the Government of the People's Republic of China.

History will not be kind to those who, in the midst of evil, stood by silently. Lincoln once said: "to sin by silence when they should protest makes cowards of men." The women of China and their babies desperately need our support. By adopting this amendment, we are making it clear that respect for fundamental human rights is an important element of international relations. If the Chinese Government wants to earn the respect of the American people, they can begin by demonstrating respect for the rights of their own people. Mr. Chairman, I urge support for my amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I thank my Republican leader on the Foreign Affairs Committee, and I congratulate him for all his good work. I also want to thank my former chairman for 6 of the best years I have spent in this House under his helmsmanship as a member of the Foreign Affairs Committee.

Some of the best work in this House on Foreign Affairs goes into these noncontroversial amendments that are accepted rashly by both sides and introduced en bloc, and very little time is spent speaking on them.

The amendment offered by the gentleman from New Jersey [Mr. SMITH] is so important. All of these amendments on both sides of the aisle are important. Two of mine were accepted, and I want to spend about 10 seconds on each.

There is a new section to require annual certification of Communist China's arms transfers—they are not only sales—to Iran and Iraq. They have killed one another for almost a decade. Libya, one of the leading terrorist nations, and Syria, which has done more evil work in terrorism than probably even Colonel Qadhafi's Libya, are the subject of these amendments. That certification is going to be very important to free people around the world.

My second amendment links United States technology transfers to communism, to their lethal aid to the Khmer Rhouge, the perpetrators of a genocide of 2 to 3 million people.

Mr. Chairman, I thank the gentleman for accepting them, and I thank the gentleman from Michigan [Mr. BROOMFIELD] for his good work.

Mr. BROOMFIELD. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. FASCELL] has already relinquished his time.

Mr. BROOMFIELD. Then I yield back the balance of my time, Mr. Chairman.

Mr. FASCELL. Mr. Chairman, I ask the indulgence of the chair for a second. At the time I yielded back my time, I did not realize there were other speakers.

The CHAIRMAN pro tempore. Without objection, the gentleman from Florida [Mr. FASCELL] may reinstate his time.

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. FASCELL] has 8 minutes remaining.

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I would like to engage in a colloquy with the distinguished gentleman from New York [Mr. SOLARZ], the chairman of the Subcommittee on Asian and Pacific Affairs.

Before engaging in this colloquy, let me mention that the gentlewoman from California [Mrs. BOXER] and I have noticed an amendment on Cambodia that we had intended to introduce before making a final decision about whether to go ahead with that amendment on Cambodia.

□ 1120

Mr. Chairman, I would like to ask the gentleman from New York [Mr. SOLARZ] if he could explain to me and to the other Members of the body procedurally the context of his language in the legislation as it now stands in the following respect:

Is there a dollar limit on the amount of money that can be authorized pursuant to this legislation to the noncommunist resistance in Cambodia, and what will the procedural framework be for the administration, if it wanted to exceed any particular limit or any particular level?

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. LEVINE of California. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman from California [Mr. LEVINE] for his inquiry, and I thank him even more for the interest which he has shown in the fate and future of the Cambodian people.

The answer to the question of the gentleman from California [Mr. LEVINE] is that there is no precise limitation in the legislation, but there is a precise limitation in the law.

We have authorized in this legislation aid to the non-Communist resistance forces in response to an administration request in the congressional presentation document which indicated that the administration wanted to provide the non-Communist resistance forces with $7 million for the next fiscal year.

Under the well-established procedures by which funds are provided in the foreign aid bill to countries, or organizations, or programs or movements requested by the administration, if the administration should decide that it wants to spend a single cent above and beyond the $7 million it has requested for the non-Communist resistance forces within the framework of the Foreign Assistance Act, it would be obligated to notify the Committee on Foreign Affairs and the Committee on Appropriations of its desire to reprogram moneys from other programs for the purpose of providing those additional funds to the NCR, and at that point, under well-established procedures written into law which have always been faithfully respected by the administration, the Committee on Foreign Affairs and the Committee on Appropriations would both have to affirmatively approve this request for any increase whatsoever in funding above the $7 million which has been requested.

As a consequence, Mr. Chairman, I can safely, and fairly and reliably report to the gentleman from California [Mr. LEVINE] and to the other Members of the House that this is not an open-ended authorization. This administration is not free to spend unlimited amounts of money on this program. It would have to notify the Committee on Appropriations and the Committee on Foreign Affairs, if it wanted to spend anything above the $7 million requested, and, if either committee objected to it, either committee, not the House as a whole, but either committee objected to it, then it could not go forward, and of course, if both committees approved, but, if the gentlewoman from California [Mrs. BOXER] or anybody else felt it should not go forward, legislation could be introduced, and it could be prevented.

Mr. LEVINE of California. Mr. Chairman, I am grateful to the gentleman from New York [Mr. SOLARZ] for those assurances which are very important as an assurance to summarize

and restate that, if a penny more than the $7 million is spent, either the Committee on Foreign Affairs, or the Committee on Appropriations or the House could ensure that that additional money is not spent.

Mr. SOLARZ. Mr. Chairman, will the gentleman from California [Mr. LEVINE] just yield on that point?

Mr. LEVINE of California. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I want to give the Members one other assurance, that if and when such a notification is received, and it may not be, I want to assure the Members that this will not be quietly approved in the still of the night without other Members knowing about it. I guarantee the Members that they will be notified. The gentlewoman from California [Mrs. BOXER] will be notified, every other Member who has expressed an interest, and we will have a hearing on it in order to obligate them to justify any such requests, if it should be forthcoming.

Mr. LEVINE of California. Mr. Chairman, these assurances are very helpful. Obviously the goal of all of us is to ensure that there be a non-Communist regime in Cambodia and that it not include the Khmer Rouge, and the reason that the gentlewoman from California [Mrs. BOXER] and I have intended to offer the amendment that we have before us today is because of our deep concern about this issue which we know is shared by the chairman of the subcommittee and the full committee that the United States do nothing inadvertently or not inadvertently to enhance the ability of the Khmer Rouge, that brutal, outrageous group of thugs, to return to power in Cambodia.

However, based on the assurances I have received today from the gentleman from New York, I will not offer my amendment.

Mr. FASCELL. Mr. Chairman, how much time do we have remaining on this amendment?

The CHAIRMAN. The gentleman from California [Mr. FASCELL] has 2 minutes remaining.

Mr. FASCELL. Mr. Chairman, I yield that time to the distinguished gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I thank the gentleman from Florida [Mr. FASCELL].

Mr. Chairman, I want to take this time to thank my friend and colleague, the gentleman from California [Mr. LEVINE], and I would like to engage my colleague, the gentleman from New York [Mr. SOLARZ] in a colloquy here.

First, Mr. Chairman, I want to thank the gentleman from New York [Mr. SOLARZ] for his reassurances which have been given to us on this floor which make me feel a lot better. I do not just speak for myself, nor does the gentleman from California [Mr. LEVINE], in our concern.

Mr. Chairman, within about 15 minutes we had about 25 signatures on our dear colleague on this particular issue. I think the gentleman is aware of that.

Many of us came to this body, having lived through years when we got involved in Southeast Asia in a way that no one really ever debated, and the gentleman from California [Mr. LEVINE] and I want to make sure that these issues get debated, and, frankly, to have 2 minutes to discuss it is unfortunate, but I am delighted even to have that much opportunity.

Mr. Chairman, our concern revolved around two things, the blank check, of which we were informed of today, certainly will not apply if the administration wishes to go beyond $7 million, and we will be watching that.

Second, our fear is that some of this aid could go to the very people who were probably the worst murderers in recent years, the Khmer Rouge, and I would like to ask the gentleman from New York [Mr. SOLARZ] on that point what assurances he can make to us that none of the $7 million could wind up in the hands of the Khmer Rouge.

Mr. SOLARZ. Mr. Chairman, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, this is a very good question. I share the concerns of the gentlewoman from California [Mrs. BOXER] entirely.

The response is that there is explicit language in the bill which prohibits any of our assistance, directly or indirectly, from going to the Khmer Rouge. We have assurances from the leadership of the NCR. They will do everything to make sure it does not happen. The administration plans to establish and implement procedures to make sure it does not happen. It has not happened for 10 years, but——

The CHAIRMAN. The time of the gentleman from Florida [Mr. FASCELL] has expired.

Mrs. BOXER. Mr. Chairman, I ask unanimous consent for 1 additional minute, 30 seconds, if I might.

The CHAIRMAN. The gentleman from Florida [Mr. FASCELL] has no time remaining.

Mrs. BOXER. Mr. Chairman, I asked unanimous consent for 30 seconds, if I might.

Mr. FASCELL. Mr. Chairman, I will have to object because I made that statement.

The CHAIRMAN. Objection is heard.

Mr. FASCELL. Mr. Chairman, if the gentlewoman from California [Mrs. BOXER] will stay right there until I get the next amendment up, I will try to give her the additional time.

Mr. BROOMFIELD. Mr. Chairman, I ask unanimous consent to regain the 3 minutes I yielded back, and I have a request for time.

The CHAIRMAN. The gentleman from Michigan [Mr. BROOMFIELD] reserved the 3 minutes.

Mr. FASCELL. Mr. Chairman, would the gentleman yield for a second?

If the gentleman from Michigan [Mr. BROOMFIELD] has no further requests for time, would he be kind enough to let the gentlewoman from California [Mrs. BOXER] complete her statement?

Mr. BROOMFIELD. Mr. Chairman, I yield 1 of my 3 remaining minutes to my good friend, the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I thank the gentleman from Michigan [Mr. BROOMFIELD] kindly.

Let me make the point to my colleagues, and then I will yield back whatever I have left, that we have seen photographs, we have seen photographs of Prince Sihanouk standing side by side with the leader of the Khmer Rouge, and that gives this gentlewoman, and the gentleman from California [Mr. LEVINE] and many Members in this House pause. We are concerned. They are a part of one coalition, and I would say to the gentleman that this is not going to be the end of this issue, as he knows. The gentleman from California [Mr. LEVINE] and I may very well introduce a separate bill stating that, until such time as Prince Sihanouk and his faction breaks off with the Khmer Rouge, no lethal aid should go to Prince Sihanouk, and I just want to put this House on notice that we will not be going away.

□ 1130

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. BUECHNER].

Mr. BUECHNER. Mr. Chairman, I rise today to support the amendment within the en bloc amendment expressing the sense of the Congress on the subject of the removal of millions of deadly unexploded mines which remain in Afghanistan. Although the tragedy of the war in Afghanistan no longer commands headlines it is far from over. Nor will it be even after the last shot fired and the last battle is fought. Scattered across the rugged Afghanistan countryside millions of unexploded mines continue to exact a toll in human pain and suffering. An estimated 30 million mines were deployed during this conflict—enough to kill every man, woman, and child 3 or 4 times over.

One must question the motivations of those who planted these mines. The Soviet Union has portrayed them as a consequence of the struggle against armed insurrection, a legitimate action in a conflict against insurgency. However, this is hardly the case. Rather it

is an example of terroristic tactics used by a nation intent on subjugating the Afghan people by means of war against innocents. Focusing the brunt of the attack not on legitimate combatants, they instead unleased their policies of terror on the children of Afghanistan. And make no mistake about it, a large portion of these mines were in fact directed at children as evidenced by their having been manufactured to look like toys—toys from the devils' playground designed to maim or kill innocent kids. With the estimated 4 million refugees already returning home, the problem will only get worse. The United Nations is assisting this effort but much remains to be done—and I believe my amendment is a good place to start.

My amendment expresses the sense of the Congress that the Soviet Union should accept its humanitarian responsibilities to the people of Afghanistan and immediately provide the aid and assistance necessary to help alleviate this serious problem. Absent this assistance the United Nations should continue its mine removal efforts and then take steps to recover the costs from the Soviet Union. Its intent is relatively straightforward, in effect saying, "You created this mess, you clean it up."

Please join me in supporting this amendment with the hope that pressure from the United States Congress will be instrumental in ending this nightmare for the Afghan people.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. BUECHNER. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, there is nothing more noble than America's commitment to helping brave people who are fighting for their freedom in desperate circumstances. This piece of legislation contains 2 million dollars' worth of humanitarian aid for young people who were students in Burma a year ago who rose up against the dictatorship in Rangoon and who just in very similar circumstances to what happened to the students in China faced tyranny and faced oppression and are now offering a democratic resistance. We can be very proud that we are helping these students with humanitarian aid.

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong opposition to the Levine-Boxer amendment on Cambodia, proposed to be offered. None of us want to see the Khmer Rouge come to power nor do we want any American aid to fall into the Khmer Rouge's hands. To claim otherwise is absolutely false. Furthermore, the provisions in H.R. 2655, as currently written, will help prevent the Khmer Rouge from returning to power much better than the Levine-Boxer amendment. In fact, the Levine-Boxer amendment will weaken the non-Communist resistance thereby increasing the power and capabilities of the Khmer Rouge.

The bill, as written: First, continues the President's authority to provide lethal and nonlethal assistance to the non-Communist resistance; second, grants the President the authority to furnish funds to provide nonmilitary training for Cambodians who might return to their country after a political settlement; third, grants the President the authority to provide assistance for the relief, rehabilitation, and reconstruction of Cambodia in the context of an internationally acceptable political settlement; and fourth, reinstates the statutory prohibition against United States assistance for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge of any of its members to conduct military or paramilitary operations. Clearly, this language prevents assistance that directly or indirectly helps the Khmer Rouge—contrary to misleading Dear Colleagues on the issue that have been circulated.

The bill as written does not provide lethal assistance to the non-Communist resistance. Supporters of the Levine-Boxer amendment are trying to make it appear that the bill does. The bill does provide the President with the option of providing such assistance. This is a responsible measure because it gives the administration the flexibility it needs to best meet the challenges presented by the Cambodian situation. For example, this option will give the non-Communist resistance additional leverage in negotiations on the future of Cambodia. Why unnecessarily take away an option like this one? To rule out the possibility of lethal assistance, we are signalling to the non-Communist resistance, the Khmer Rouge, and the Vietnamese that we really don't care about the fate of Cambodia.

While the non-Communist resistance is part of the coalition government which includes the Khmer Rouge, those with even a minimum knowledge of the situation know that this is a coalition on paper only created for the purposes of international public diplomacy and occupying a U.N. seat. And, the bill as written, does reiterate the current statutory prohibition against assistance that would benefit the Khmer Rouge.

The Khmer Rouge and its genocidal policies are a serious threat to the future of Cambodia. I believe that if the Khmer Rouge were to return to power, we would witness another barbaric killing fields. There is an alternative to the Khmer Rouge—the non-Communist resistance [NCR]. However, today the Khmer Rouge is significantly stronger than the NCR. Because the Vietnamese appear to be withdrawing, without additional support, the NCR will be unable to block a Khmer Rouge takeover. Is this what the Levine-Boxer amendment is meant to do?

It is significant to recognize that the current Cambodia provisions are the result of the hard work of our colleague, the chairman of the Asia-Pacific subcommittee, STEVE SOLARZ. Chairman SOLARZ is our resident-expert on Cambodia. I know, as a member of his subcommittee, that he would never approve of any provisions that could, in even the most remote way, benefit the Khmer Rouge. Yet, understanding the realities of the situation, Chairman SOLARZ recognizes that the option for lethal assistance must be left open if we are to really help bring democracy to Cambodia and keep the Khmer Rouge out of power. The administration also strongly supports the Cambodia language as written—it has wide bipartisan support.

Unfortunately, 20 years ago some of the same attitudes on providing lethal assistance to non-Communist forces in Cambodia prevailed. The same demand that we severely limit our options in light of progress being made toward a political settlement in Cambodia was raised. The result? A Khmer Rouge dictatorship and the butchering of millions of innocent Cambodians. We should learn from history and leave every option open. We must not allow the Khmer Rouge to rule again.

Again, the bill as written does not provide lethal aid, it provides the President with the option of providing it. He does not have to use that option. But, having the option is an important negotiating tool itself. The Levine-Boxer amendment would eliminate that option and that negotiating tool. That hurts and weakens the NCR and strengthens the Khmer Rouge.

I urge my colleagues to join me in opposing the Levine-Boxer amendment.

Mr. PORTER. Mr. Chairman, this amendment clarifies existing law and the authority of the President to expend funds already authorized to be appropriated toward the development and implementation of long-range bilateral and multilateral reconstruction efforts for Afghanistan and the establishment of a broad-based freely elected Afghan government.

Withdrawn Soviet troops left behind a country ravaged by 9 years of bloody and destructive war. The Kremlin's military strategy of bombing villages and burning farms has changed the face of Afghanistan's landscape.

Today, 50 percent of all farm and most of the critical irrigation system has been destroyed. Of the 22,000 villages existing in 1979, only 5,000 remain unscathed. In addition, Afghanistan faces the repatriation of close to half its prewar population, 7 million people, requiring extensive health and education efforts to prevent disease and starvation upon their return.

However, none of the refugees will return to their homes as long as the fighting continues inside Afghanistan. Only when the guns fall silent and the landmines are found and removed, and when there is a freely established, broad-based democratic government will these tragically displaced people go home.

And when that happens, Mr. Chairman, the United States, together with the rest of the developed world, must be ready to assist the Government and people of Afghanistan with the enormous task of putting their country and lives back together. United States military and humanitarian assistance to the Afghan freedom fighters helped pave the way for the withdrawal of Soviet troops. The development of a long-range bilateral and multilateral reconstruction plan will reassert the United States' dedication to the integrity of a free Afghanistan and the well-being of its people.

I urge Members to support this amendment.

Mr. DURBIN. Mr. Chairman, I rise on behalf of my amendment, now included in the en bloc amendment to title IX, regarding the current dispute between India and Nepal.

It has been nearly 3 months since treaties governing trade and transit between India and Nepal expired, and India closed 19 of 21 border crossings into Nepal, contributing to a disruption of trade between the two countries.

This virtual economic blockade has had a devastating impact of the tiny nation of Nepal. Since Nepal is a landlocked country that depends on India for 33 percent of her trade, the blockade has created widespread shortages of critical items such as fuel and medicine. News accounts have reported diabetes patients unable to obtain insulin. Residents of Kathmandu are limiting themselves to one meal a day to conserve fuel, and many cannot purchase basic commodities such as salt and sugar. Schools and factories have been forced to close, and electricity is being rationed.

The long-term damage to Nepal will be even worse. The Nepalese government now predicts that economic growth will drop from 5 to 1.5 percent for this year, and that inflation will rise from 8 to 20 percent. Development projects run by the World Bank, USAID, and private voluntary organizations such as CARE and Save the Children have been curtailed. Most disturbing of all is the rapid acceleration of deforestation as the Nepalese substitute wood fuel for kerosene—five times as much wood is being cut now as before the blockade.

The United States has a strong interest in seeing this situation reversed. We have 138 Peace Corps volunteers in Nepal whose well-being has been put at risk by the growing shortages and difficulties in transportation. The $12 million we will invest in development in Nepal this year is being wasted, as our projects grind to a health because of the lack of fuel and supplies.

Several colleagues and I introduced House Concurrent Resolution 115, which calls on India to end its economic blockade of Nepal and instead sit down to negotiate with Nepal. This resolution has attracted a bipartisan group of 60 cosponsors, and some of its language was incorporated in the bill we are now considering.

In part because of these efforts, India appears to have responded to Nepal's offer to negotiate. This report, if true, is welcome progress and hopefully will lead to a quick resolution of the differences between India and Nepal.

It is important, however, for the Congress to express its continuing concern over the situation in Nepal. My amendment updates and strengthens the language already adopted by the Foreign Affairs Committee. Specifically, my amendment urges India and Nepal to schedule without delay the time and place for talks to begin between the two governments. It also asks India, as a gesture of good will befitting a responsible regional power, to resume the sale of petroleum products to Nepal and encourage the normal passage of people and goods into and out of Nepal.

Mr. Chairman, the time has come to speak out on behalf of the Nepalese people, whose very future is at stake. I hope my fellow colleagues will vote for the en bloc amendment as a way of showing support for Nepal in this difficult time.

Mr. RITTER. Mr. Chairman, many of my colleagues may be aware that this month marks the 40th anniversary of the Allied airlift to Berlin. The Berlin airlift was an airlift to life—of food and provisions. But, at this very moment—in Kabul, Afghanistan—an equally massive Soviet airlift is occurring—an airlift of death, where 10,000 tons— weekly—of guns, mines, tanks, artillery, and armored personnel carriers dwarf the meager amount of food and supplies being sent.

Mr. Chairman, I think that most of my colleagues remember the recent visit by Prime Minister Benazir Bhutto of Pakistan to our Chamber here. I hope that my colleagues will recall and realize that the fledgling democracy, that Benazir Bhutto has thus far been able to foster, is strained by the millions of Afghan refugees that have not been able to return to their homeland.

Mr. Chairman, I would urge my colleagues to support Prime Minister Bhutto and the people of Pakistan and Afghanistan by supporting these amendments which my colleagues and I have worked together to offer on the Afghanistan situation.

Among other things these amendments would urge effective American support for the Afghan resistance in order to enable them to curtail the massive Soviet airlift of military equipment to the Kabul puppet regime. Further these amendments address the problem of the 30 million mines in Afghanistan by urging the Soviet Union to provide maps of the mine fields and support the U.N. mine clearing effort. In consistence with U.S. humanitarian efforts, it further urges the President of the United States to provide assistance, as he deems necessary, for the purpose of clearing mines in Afghanistan.

Mr. Chairman, these amendments are directly related to our foreign aid goals for the Afghan people. The millions of Soviet mines in Afghanistan and the massive Soviet airlift of military equipment will continue to render United States foreign assistance objectives to the Afghan people ineffective. These Soviet weapons and mines are paralyzing the return of the Afghan people to their homes, and rendering useless the agriculturally based economy of Afghanistan. The effect of assisting the Afghan people in stopping this airlift and in clearing up the mines in Afghanistan will be to expedite a peaceful, political settlement in Afghanistan, and to provide a safety valve to help relieve the great internal pressure the Afghan refugees are placing on Pakistan.

Mr. Chairman, the present regime in Afghanistan is not supported by the Afghan people. Najibullah, as chief of the secret police and as leader of the Afghan puppet-regime, is supported by a massive Soviet military and economic umbilical cord that allows him to impose his power on the Afghan people.

The United States should continue to encourage a political settlement that will bring an end to the fighting in Afghanistan, but the government of the Najibullah regime is an illegal construct that the majority of the Afghan people fear and detest.

Mr. Chairman, I think its important that we realize that although the Afghan people have defended their own country and freedoms, in many ways it can be said that they fought for America—denying a domination or cutoff of the vital oil routes of this volatile region.

Mr. Chairman, I urge my colleagues to support the people of Afghanistan and Pakistan by voting for these important amendments.

Mr. LANTOS. Mr. Chairman, I rise in strong support of the amendments which our distinguished chairman of the Foreign Affairs Committee, Mr. FASCELL, is proposing for inclusion in the foreign assistance legislation. One of the amendments which he proposes to include in this bill is an amendment that I introduced with our distinguished colleague, the ranking minority member of the Foreign Affairs Committee, Mr. BROOMFIELD of Michigan. Our amendment expresses the concern of the Congress regarding human rights violations against ethnic Albanians in Yugoslavia, and it is essentially the same language as House Concurent Resolution 152, which I introduced with Mr. BROOMFIELD.

It is highly significant that we are considering this legislaiton today—on June 28. According to estimates of Yugoslav news agencies, today more than 1 million Serbs will converge in the Yugoslav autonomous Province of Kosovo to commemorate the 600th anniversary of the Battle of Kosovo Polje of 1389, in which the Ottoman Turks sealed their rule over the Balkans.

Mr. Chairman, it is important that on this occasion, which has generated an outpouring of Serbian nationalism, that we remember the rights of ethnic Albanians, who constitute the vast majority of the population of the Province of Kosovo. Our amendment deals with the serious problems that have been taking place in Kosovo in recent months.

The Department of State's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards, including infringement upon and abrogation of the rights of assembly and fair trial, freedom of speech, and freedom of the press. The report indicates that these human rights violations tend to be targeted against certain ethnic groups and regions, most particularly against the ethnic Albanians in Kosovo.

Mr. Chairman, those human rights violations, in addition to recent Yugoslav Government actions to limit the social and political autonomy of the Province of Kosovo, precipitated a crisis in that region which resulted in a brutal police crackdown that led to the deaths of many civilians and police officers, the wounding of hundreds more, and the imprisonment of many others. These tragic events in Kosovo violate the high ideals of mutual equality, dignity, and brotherhood among Yugoslavia's nationalities which have been a guiding principle of Yugoslavia since 1945.

It is important that we in the Congress express our very serious concern regarding the actions of the Yugoslav Government for these repeated human rights violations and the brutal handling of the crisis in Kosovo. Yugoslavia should take steps to assure that further violence and bloodshed do not occur in Kosovo and that the provisions of the Helsinki Final Act be observed to assure full protection of the rights of the Albanian ethnic minority in Yugoslavia.

Mr. Chairman, it is important that we in the Congress speak out on these important human rights issues. I urge my colleagues to join us in supporting the inclusion of this amendment in the legislation we are now considering.

The CHAIRMAN. The question is on the en bloc amendments offered by the gentleman from Florida [Mr. FASCELL].

The en bloc amendments were agreed to.

EN BLOC AMENDMENTS OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, on behalf of the gentleman from Michigan [Mr. BROOMFIELD] and myself, I offer en bloc amendments.

The CHAIRMAN. The Clerk will designate the en bloc amendments.

The text of the en bloc amendments is as follows:

En bloc amendments offered by Mr. FASCELL: Page 526, add the following after line 24:

SEC. 910. PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—The Congress finds that—

(1) on June 4, 1989, the Government of the People's Republic of China ordered unprovoked, brutal, and indiscriminate assault on thousands of peaceful and unarmed demonstrators and onlookers in and around Tiananmen Square by units of the People's Liberation Army, which resulted in at least 700 deaths and massive injuries;

(2) the Chinese Government has executed at least 27 individuals who participated in prodemocracy demonstrations or who protested the brutal military assault against peaceful demonstrators;

(3) the Government of the People's Republic of China is engaging in widespread mass arrests in the aftermath of the June 4, 1989, military assault in Tiananmen Square, which have resulted in the arrests of thousands of students, workers, and other civilians so far;

(4) independent international human rights organizations, such as Amnesty International and Asia Watch, have documented daily incidences of arbitrary arrests, torture, and beating by police and military forces in the People's Republic of China;

(5) the Chinese Government has established telephone hotlines and other local communications networks for the express purpose of identifying and imprisoning prodemocracy supporters and political dissidents throughout the country;

(6) officials of the Chinese Government have grossly distorted the government's actions to suppress the prodemocracy movement, including by clandestinely disposing of the bodies of demonstrators without informing their families, and have consistently denied that the massacre in and around Tiananmen Square took place or that abuses of human rights have occurred;

(7) in an effort to conceal the truth about the Chinese Government's brutal suppression of the prodemocracy movement, foreign journalists have been expelled and Voice of America broadcasts are being jammed;

(8) in view of the widespread and continuing repression, noted Chinese intellectuals and advocates of peaceful democratic reform, Fang Lizhi and Li Shuxian, sought refuge at the United States Embassy in Beijing on June 3, 1989, and the United States exercised its prerogatives under long-standing practices of diplomatic missions by granting them refuge; and

(9) the President has condemned the actions of the leaders of the People's Republic of China against participants in the prodemocracy movement in China and has taken several concrete steps to respond to the repression of the movement, including—

(A) suspending all exports of items on the United States Munitions List, including arms and defense related equipment, to the People's Republic of China;

(B) suspending high level government-to-government contract between the United States and the People's Republic of China;

(C) extending the visas of nationals of the People's Republic of China currently in the United States;

(D) offering humanitarian and medical assistance to the injured through the Red Cross;

(E) instructing United States representatives to international financial institutions to seek delay in the consideration of loan requests that are made to those financial institutions and would benefit the People's Republic of China.

(F) suspending action on applications for the issuance by the Overseas Private Investment Corporation of new insurance and financing of investments in the People's Republic of China by United States investors;

(G) opposing the further liberalization of the guidelines of the group known as the Coordinating Committee regarding trade with the People's Republic of China;

(H) taking no further action to implement the agreement for cooperation between the United States and the People's Republic of China relating to the uses of nuclear energy, thereby foreclosing the issuance of new licenses; and

(I) suspending the license for the export of any United States manufactured satellites for launch on launch vehicles owned by the People's Republic of China, including the two Aussat satellites and the Asiasat satellite.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the President is to be commended for his clear articulation of United States condemnation of the actions of the Government of the People's Republic of China in the killing and persecution of the participants of the prodemocracy movement in the People's Republic of China, and for the responses and measures by the President against the People's Republic of China, which the Congress supports;

(2) the consultative approach that the President has used in coordinating with other countries the United States response to the atrocities committed by the leaders of the People's Republic of China should be supported;

(3) it is essential for the United States to speak in a bipartisan and unified voice in response to the events in the People's Republic of China, and that the President be given the necessary flexibility to respond to rapidly changing situations so that the long-term interests of the United States are not damaged;

(4) in this vein, the President should continue to emphasize to the leaders of the Government of the People's Republic of China that resumption of normal diplomatic and military relations between the United States and the People's Republic of China will depend directly on the Chinese Government's halting of executions of prodemocracy movement supporters, releasing those imprisoned for their political beliefs, and increasing respect for internationally recognized human rights;

(5) because human rights violations in a country as populous as the People's Republic of China may have serious implications for the stability of the Asia-Pacific region, the United Nations should, in order to further regional security and peace, condemn the violent repression, mass arrests, and executions of peaceful demonstrators by the Government of the People's Republic of China and urge the Chinese Government to enter into negotiations with representatives of the prodemocracy movement;

(6) United States policy toward the People's Republic of China should be explicitly linked with the situation in Tibet as well as elsewhere in that country, specifically as to whether—

(A) martial law is lifted in Lhasa and other parts of Tibet;

(B) Tibet is open to foreigners, including representatives of the international press and of international human rights organizations;

(c) Tibetan political prisoners are released; and

(D) the Government of the People's Republic of China is entering into negotiations with representatives of the Dalai Lama on a settlement of the Tibetan question;

(7) the guarantee of the People's Republic of China for "one country, two systems" in Hong Kong has little credibility in light of the ongoing brutal crackdown on prodemocratic forces in the People's Republic of China, and the President and the Secretary of State should convey to the People's Republic of China and the United Kingdom the strong reservations of the United States with respect to the absence of guarantees of free direct elections and human rights in the bilateral agreement which provides for the reversion of the administration of Hong Kong to the People's Republic of China in 1997;

(8) the United States should offer admission to the United States to any national of the People's Republic of China who is under threat of severe penalty as a result of participating in prodemocracy demonstrations; and

(9) the President should be commended for his courageous and appropriate action, in accordance with the Vienna Convention on Diplomatic Practices and customary international law, in swiftly providing temporary refuge to Fang Lizhi and Li Shuxian at the United States Embassy in Beijing, and the President should continue to provide refuge to those individuals to ensure their personal safety.

(c) SUSPENSIONS.—

(1) OVERSEAS PRIVATE INVESTMENT CORPORATION.—The Overseas Private Investment Corporation shall continue to suspend the issuance of any new insurance, reinsurance, guarantees, financing, or other financial support with respect to the People's Republic of China, unless the President makes a report under subsection (d) of this section.

(2) TRADE AND DEVELOPMENT AGENCY.—The President shall suspend the use of any funds made available to carry out the Foreign Assistance Act of 1961, for activities of the Trade and Development Agency with respect to the People's Republic of China, unless the President makes a report under subsection (d) of this section.

(3) MUNITIONS EXPORT LICENSES.—The issuance of licenses under section 38 of the Defense Trade and Export Control Act for the export to the People's Republic of China of any defense article on the United

States Munitions List, including helicopters and helicopter parts, shall, subject to subsection (e), continue to be suspended unless the President makes a report under subsection (d) of this section.

(4) CRIME CONTROL AND DETECTION INSTRUMENTS AND EQUIPMENT.—The issuance of any license under section 6(k) of the Export Administration Act of 1979 for the export to the People's Republic of China of any crime control or detection instruments or equipment shall be suspended, unless the President makes a report under subsection (d) of this section.

(5) EXPORT OF SATELLITES FOR LAUNCH BY THE PEOPLE'S REPUBLIC OF CHINA.—Any license for the export of a satellite of United States origin that is intended for launch from a launch vehicle owned by the People's Republic of China (specifically including the Hughes Aircraft Model HS-601 Spacecraft (commercial communications satellites) whose export is described in the certification transmitted to the Congress pursuant to section 36(c) of the Arms Export Control Act of September 12, 1988) shall continue to be suspended unless the President makes a report under subsection (d) of this section. Any license for such an export that was issued before the enactment of this Act shall also continue to be suspended unless the President makes a report under subsection (d) of this section.

(6) NUCLEAR COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.—(A) Any—

(i) application for a license under the Export Administration Act of 1979 for the export to the People's Republic of China for use in a nuclear production or utilization facility of any goods or technology which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be diverted for use in such a facility, for any nuclear explosive device, or for research on or development of any nuclear explosive device, shall be suspended,

(ii) application for a license for the export to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall be suspended,

(iii) approval for the transfer or retransfer to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall not be given, and

(iv) specific authorization for assistance in any activities with respect to the People's Republic of China relating to the use of nuclear energy under section 57 b.(2) of the Atomic Energy Act of 1954 shall not be given,

until—

(I) the President has certified to the Congress that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any non-nuclear weapons state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices;

(II) the President has made the certifications and submitted the report required by Public Law 99-183; and

(III) the President makes a report under subsection (d) of this section.

(B) For purposes of this paragraph, the term "Agreement" means the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy, done on June 23, 1985.

(7) LIBERALIZATION OF EXPORT CONTROLS.—The President shall negotiate with the governments participating in the group known as the Coordinating Committee to suspend, on a multilateral basis, any liberalization by the Coordinating Committee of controls on exports of goods and technology to the People's Republic of China under section 5 of the Export Administration Act of 1979, including—

(A) the implementation of bulk licenses for exports to the People's Republic of China; and

(B) the raising of the performance levels of goods or technology below which no authority or permission to export to the People's Republic of China would be required.

The President shall oppose any liberalization by the Coordinating Committee of controls which are described in subparagraph (B), until the end of the 6-month period beginning on the date of enactment of this Act, or until the President makes a report under subsection (d) of this section, whichever occurs first.

(d) TERMINATION OF SUSPENSIONS.—A report referred to in subsection (c) is a report by the President to the Congress—

(1) that the Government of the People's Republic of China has made progress on a program of political reform throughout the country, including Tibet, which includes—

(A) lifting of martial law;

(B) halting of executions and other reprisals against individuals for the nonviolent expression of their political beliefs;

(C) release of political prisoners;

(D) increased respect for internationally recognized human rights, including freedom of expression, the press, assembly, and association; and

(E) permitting a freer flow of information, including an end to the jamming of Voice of America and greater access for foreign journalists; or

(2) that it is in the national security interest of the United States to terminate a suspension under paragraph (1), (2), (3), (4), or (5), to terminate a suspension or disapproval under paragraph (6), or to terminate the opposition required by paragraph (7), as the case may be.

(e) APPLICABILITY OF SUBSECTION (c)(3).—The suspension set forth in subsection (c)(3) shall not apply to systems and components designed specifically for inclusion in civil products and controlled as defense articles only for purposes of export to a controlled country, unless the President determines that the intended recipient of such items is the military or security forces of the People's Republic of China.

(f) TASK FORCE ON STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA IN THE UNITED STATES.—

(1) ESTABLISHMENT.—There is established a task force to be known as the Task Force on Certain Nationals of the People's Republic of China in the United States (hereafter in this section referred to as the "Task Force"). The Task Force shall be composed of the Secretary of State (or his designee), who shall be the chair of the Task Force, and representatives of other relevant agencies, as determined by the Secretary of State.

(2) DUTIES AND RESPONSIBILITIES.—The Task Force shall carry out the following duties and responsibilities:

(A) Taking into consideration the situation in the People's Republic of China, the Task Force shall assess the specific needs and status of citizens of the People's Republic of China who were admitted under nonimmigrant visas to the United States.

(B) The Task Force shall formulate and recommend to the Congress and the President policies and programs to address the needs determined under subparagraph (A).

(C) The Task Force shall establish, directly or indirectly, a clearinghouse to provide those Chinese citizens described in subparagraph (A) and United States institutions of higher education with appropriate information, including—

(i) public and private sources of financial assistance available to such citizens;

(ii) information and assistance regarding visas and immigration status; and

(iii) such other information as the Task Force considers feasible and appropriate.

(3) REPORTS.—(A) Not later than 60 days after the date of enactment of this Act, the President shall submit to the Congress a report on the status and work of the Task Force.

(B) Not later than May 1, 1990, and every 90 days thereafter, the President shall submit to the appropriate committees of the Congress a report prepared by the Task Force, which shall include—

(i) recommendations under paragraph (2)(B); and

(ii) a comprehensive summary of the programs and activities of the Task Force.

(4) TERMINATION.—The Task Force shall cease to exist 2 years after the date of enactment of this Act.

Mr. FASCELL. Mr. Chairman, pursuant to the previous order of the House, the gentleman from Michigan [Mr. BROOMFIELD] and I have agreed to extend debate on the en bloc amendments now pending before us to 1 hour, to be equally divided between the gentleman from Michigan [Mr. BROOMFIELD] and myself.

The CHAIRMAN. The gentleman from Florida [Mr. FASCELL] will be recognized for 30 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, let me extend my appreciation to the distinguished gentleman from New York [Mr. SOLARZ], who is the chairman of the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, and who has worked so diligently along with the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD], and many others who are sponsors of a variety of amendments. We have all been shocked by the heartless and brutal attack on the unarmed students in Tiananmen Square. The American fascination with China, and the hope engendered by China's opening to the West, has been dashed by the horror of the so-called People's Liberation Army turning against the Chinese people. These events have demanded a concerted, unified, and bipartisan response.

In putting these en bloc amendments together, without their good will, their sincere and dedicated ef-

forts, it would not have been possible to speak with one voice. There was such a strong diversity of opinion, such a feeling of outrage with regard to the events of China, that we do not know where the end of a discussion with differences of opinion might have taken us.

What we have done here is a better course of action. It is wisdom for the United States to proceed in this manner, and I am delighted, therefore, to yield 10 minutes to the distinguished gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, I want to thank the distinguished chairman of the Foreign Affairs Committee very much for yielding this time to me.

The en bloc amendments we now have before us on China are in my judgment a tribute to the American legislative process at its best. It is the result of serious, detailed and arduous negotiations which has taken place over the course of the last week between Members on both sides of the aisle in an effort to forge a common position with respect to the ongoing developments in China. This amendment will enable the Congress of the United States, speaking with one voice and with the support of Members on both sides of the aisle, to make it very clear to the Chinese that if they want to resume a cooperative relationship with our country, there will have to be significant improvement in the human rights situation in China.

This en bloc amendment would not have been possible, Mr. Chairman, without the very strong encouragement and support of the chairman of the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL]. It clearly would not have been possible without the cooperation of the Arthur Vandenberg of this generation, the gentleman from Michigan [Mr. BROOMFIELD] who was, of course, in a rather difficult position, trying to reconcile the concerns of the White House on the one hand with those of our colleagues on the other. I want to commend the gentleman, not only for his legislative creativity, but for his political courage in terms of his willingness to support this legislation.

It also enjoyed the support of Members on both sides of the aisle who played a key role: my very good friend, the gentleman from Pennsylvania [Mr. YATRON], who is the chairman of the Subcommittee on Human Rights and International Organizations; the gentleman from Connecticut [Mr. GEJDENSON], the chairman of the Subcommittee on International Economic Policy and Trade, who also played a critical role in formulating this en bloc amendment; and my good friend, the gentleman from Nebraska [Mr. BEREUTER], as well.

Inspection of the amendment will reveal the truth of the old Chinese proverb, "Victory has a thousand fathers, but defeat is an only child." This amendment clearly has a thousand fathers.

The gentleman from New York [Mr. GILMAN] contributed language on Tibet and the munitions control list.

The gentleman from New York [Mr. SOLOMON] contributed language on the sale of satellites, nuclear cooperation, and human rights.

The gentlewoman from Maine [Ms. SNOWE] gave us language on Fang Lizhi.

The gentleman from Illinois [Mr. PORTER] contributed language on Hong Kong.

My very good friend, the gentleman from New York [Mr. WEISS] spearheaded the effort to include language on the Overseas Private Investment Corp.

The gentleman from California [Mr. LANTOS] gave us language, as did the gentleman from New York [Mr. GILMAN], on Tibet.

The gentleman from Massachusetts [Mr. MARKEY] insisted quite effectively on the inclusion of language with respect to the Nuclear Cooperation Agreement with Tibet.

The gentleman from Connecticut [Mr. GEJDENSON], ably assisted by the gentleman from California [Mr. LEVINE], successfully sought the inclusion of language in here which will have the effect of freezing any further liberalization of technology exports to China, not just by the United States, but by every country in Cocom for the next 6 months.

So, Mr. Chairman, I think it is a very important amendment. It codifies into law a series of measures already announced by the President of the United States over the course of the last 2 weeks. It makes the lifting of those sanctions or suspensions contingent on a report by the President that the People's Republic of China has embarked on a program of political reform that would include a cessation of the executions which are now underway, the release of political prisoners arrested because of their involvement in the prodemocracy demonstrations, the cessation of jamming of the broadcast of the Voice of America on which hundreds of millions of Chinese are dependent for whatever objective information they receive, and greater freedom of the press and freedom of expression in China itself, as well as the lifting of martial law.

□ 1140

It also includes, at the request of the gentleman from Michigan [Mr. BROOMFIELD] and our Republican friends, language which gives the President the right, if the national-security interests of the Nation compel it, to lift any of these suspensions. It is clearly the hope of the Congress that that will not be used or be necessary, and that the primary reliance will be put on the degree to which China has complied with the needed improvements in human rights which are called for in this legislation.

Mr. Chairman, I believe that our Nation is always most effective abroad when we are united at home, and I very much hope, even at this late date, that the President of the United States will find it possible to endorse this legislation. He has, in effect, assumed the position of the desk officer for China in the administration. He has characterized himself as the leading Sinologist in the administration. He spent time there. He knows China well. We respect his knowledge of that country. We respect his constitutional prerogatives as President. But we have responsibilities as well. Some of us have been to China also, and I think I speak for Members on both sides of the aisle when I say that it is the view of the House and of the American people that our relationship with China will necessarily be significantly influenced by the respect which they are prepared to show for some of the fundamental human rights of their own people.

There are some who have said that there is nothing we can do to affect the course of events in China. It may be true that, in the short term, there is not much we can do to affect the course of events in China, but over the near term and the long run, we may have an opportunity to exert some limited influence on the future of China.

Once the gerontocracy which has seized power in China passes from the scene, as they inevitably will in the next few years, a struggle for power will inevitably emerge in China between hard liners and moderates. It is essential for us to deprive the hard liners of the argument that they can engage in the massive repression of their own people without paying any price whatsoever for it in term of their relationship with the West.

It is equally important for us to strengthen the hand of moderates within the ruling circles in China who will be arguing that in order for China to advance into the modern age they need the trade and technology and assistance of the West, but unless they back off from the repressive actions on which they have embarked, they will not be able to get the kind of cooperation they need.

I think this amendment, in addition to expressing the outrage of the American people over the repression of the democracy movement in China, can also play a limited but constructive role in influencing in a positive direction the future course of events in China. I hope, therefore, that it will enjoy the overwhelming support of Members on both sides of the aisle as

a very important reaffirmation of fundamental American values.

The CHAIRMAN. The Committee will rise informally.

ENROLLED BILLS SIGNED

The SPEAKER pro tempore (Mr. JACOBS) assumed the chair.

The SPEAKER pro tempore. The Chair lays before the House the following enrolled bill:

S. 694. An act to extend title I of the Energy Policy and Conservation Act.

The SPEAKER pro tempore. The Committee will resume its sitting.

INTERNATIONAL COOPERATION ACT OF 1989

The Committee resumed its sitting.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset I want to compliment my good friend, the gentleman from Florida [Mr. FASCELL], the gentleman from New York [Mr. SOLARZ], the gentleman from Iowa [Mr. LEACH], and the gentleman from New York [Mr. GILMAN], and others who have worked on this en bloc amendment. I have to say that the gentleman from New York [Mr. SOLARZ] is right that this is an important piece of legislation, and I wholeheartedly support the amendment.

Mr. Chairman, I regret we were unable to get the backing of the administration on this en bloc amendment. We came very close to putting together a product they would not oppose.

However, I understand their position. I met with Secretary Baker this morning. He stated his reservations, and I respect his position.

The administration feels that this is a very delicate situation. I myself cannot remember a situation that was as volatile as this one. There is good reason to believe that the basic causes of the recent unrest will continue to have an impact on the domestic situation on China.

The President needs some flexibility in coming years as events in China play themselves out.

The prodemocracy movement is not dead, and the United States still retains some influence within the Chinese Government. President Bush knows a wide range of top level officials in China, and I would have to agree that he is as well placed as any American to influence the outcome of this difficult situation.

At the same time he had made it clear to the Chinese leadership by word and deed that America does not share their lack of respect for basic human rights.

Consider the actions he has taken: he has condemned the tactics of the Chinese leadership; he has suspended arms exports and high level government-to-government contacts; he has imposed restrictions on OPIC insurance; and he has extended the visas of Chinese nationals in the United States.

But the President has also kept the diplomatic door open. By keeping our Ambassador in Beijing, he's still able to exert influence within the Chinese Government.

It's a fast moving situation and President Bush has chosen wisely among his options.

The amendment recognizes that fact. It commends him for his condemnation of the killings and for his sanctions. It also recognizes the importance of giving the administration the ability to manage a flexible response to changing events.

And it recognizes the importance of speaking with one voice. When this Nation is unified, it succeeds. When it is divided, it fails.

As we all know, the President is responsible for the conduct of America's foreign policy. This amendment is not an attempt to undercut that responsibility. It simply recognizes that Congress has a role in stating broad policy directions.

The China situation is an inviting issue to demagogue. The fact that we haven't done so shows that Congress is capable of managing a bipartisan foreign policy not only on the easy issues, but on the difficult ones as well.

But the Chinese leadership should be aware that there is a very deep-seated revulsion in Congress about the barbarian tactics they have employed. And that there is not one person in this House who believes China's big lies about what happened in Beijing.

There's such a thing as decent human behavior. Acting like a decent human being is something incumbent on all of us—in every era, in every nation, in every culture, in every political system.

The amendment sends a strong message of China: America is not going to give you all kinds of economic benefits as long as you are slaughtering your young. If you want a share of economic prosperity, show us that you also share a commitment to basic human rights.

This is a balanced amendment. It commends the President and supports his policies. It does not tie the President's hands. It gives the President the flexibility he needs. But it also makes it clear that the Chinese cannot continue to terrorize their own people and hope to escape any consequences. This legislation ties progress on human rights to improved relations with the United States.

The alternative to this en bloc amendment would be a sting of individual amendments that would satisfy neither the administration's desire for a free hand nor the Congress desire to have some real affect on the outcome in China. We need a unified foreign policy, not a chaotic foreign policy.

□ 1150

I want to commend most sincerely my very good friend, the gentleman from Florida [Mr. FASCELL], chairman of the Foreign Affairs Committee; the gentleman from New York [Mr. SOLARZ], who has worked so hard on this, for their willingness to compromise and their work on shaping this amendment.

I would be remiss if I did not pay special tribute to the gentleman from Iowa [Mr. LEACH], the ranking member of the Subcommittee on Asian and Pacific Affairs, and the gentleman from New York [Mr. GILMAN], for their important work in drafting this amendment. This is an important piece of legislation, and I want to emphasize what the gentleman from New York, Mr. STEVE SOLARZ said, that I hope this amendment passes, and I hope we have a strong vote on both sides of the aisle.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding. I want to associate myself with the very fine remarks of the ranking member of the Foreign Affairs Committee. They are right in line, of course, and we all should be supporting this en bloc package.

I commend the committee chairman, the gentleman from Florida [Mr. FASCELL], for the excellent job the committee has done on this. It contains two of my amendments dealing with suspending all exports of satellite sales to China, and very strong language concerning the atrocious human rights violations that the gentleman from Michigan has spoken so eloquently about.

I hope that both sides of the aisle will unanimously adopt these en bloc amendments. It will send exactly the kind of message we need.

Again I thank the gentleman for yielding.

Mr. BROOMFIELD. I thank the gentleman from New York for his comments.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding and also want to commend the gentleman from Florida [Mr. FASCELL], the gentleman from Michigan [Mr. BROOMFIELD], the gentleman from New York [Mr. SOLARZ], the gentleman from Iowa [Mr. LEACH], and all others who worked so hard on this compro-

mise. I know it has not been easy for the gentleman from Michigan [Mr. BROOMFIELD], or many of us, but I think it is a very balanced, strong, good resolution and I hope it will be unanimously supported.

Mr. Chairman, I join my colleagues in supporting this amendment praising the President and in expressing my outrage about the situation in the People's Republic of China and in condemning the Communist Chinese Government's brutal suppression of the prodemocracy movement. Sadly, this is not the first time the Communists in China have used violence and bloodshed to enforce their will. Since seizing power in 1949, hundreds of thousands—some say millions—of innocent Chinese have been murdered by the Communists. I fully agree with you that the overwhelmingly brutal force used by the Chinese Army to squash the peaceful democratic movement is abhorrent. The false charges and sham tribunals used to convict student leaders and sentence them to death by firing squad are cruel and outrageous.

Congress, through resolutions I cosponsored and we passed, has joined the President and the rest of the Nation in condemning the Chinese Government's actions. The next step was taken by President Bush through invoking a set of targeted military, high technology, and financial sanctions. Our goal remains to pressure the Chinese Government, not hurt the Chinese people.

Despite these sanctions and other actions, like providing extensions to the visas of Chinese students here in the United States, the Communist Beijing government continues its bloody crackdown. Those involved in the prodemocracy movement are being sought out and severely punished. Some have been executed. These actions remind us of the mayhem and terror of earlier years, like the cultural revolution period.

Events in China do affect our national security and global stability. I inserted into Tuesday's—June 27—CONGRESSIONAL RECORD a very insightful commentary by former President Nixon—someone who knows both strategic issues and China well. I strongly urge my colleagues to review this article. The situation in China is a very emotional one crying out for action. It is also a very complex one that has ramifications beyond the Great Wall. While action against the PRC Government is warranted and needed, we must be cognizant of other strategic and national security factors and make sure that our actions compliment our strategic policy, not jeopardize it. I strongly believe there are additional measures—punitive sanctions—which are both responsible and responsive. Clearly, should the situation fail to improve or worsen, even more comprehensive sanctions should be seriously considered.

I am very encouraged that the key congressional leaders on this legislation—the elected party leadership, Chairmen FASCELL and SOLARZ, and Vice Chairman BROOMFIELD have been working very closely with the administration to come up with responsible and responsive measures to include in this foreign aid bill. It is critical for the United States to "speak loudly with one voice." I look forward to supporting bold bipartisan actions that will help make the price of continued repression by the Communist authorities too high to bear.

Mr. BROOMFIELD. I thank the gentleman from California for his comments.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the distinguished gentleman from Illinois [Mr. MICHEL], the minority leader.

Mr. MICHEL. Mr. Chairman, I appreciate the gentleman yielding and apologize for not having heard the earlier part of his dissertation here on the floor. I assume from the earlier conversations that we had over the last several days that his position would be consistent with my position of applauding the President for what he has done up to this point, and quite frankly being rather reluctant to go beyond that since I do have the utmost confidence in the President.

But I also recognize full well that in this House, as deliberative a body as it is, with men of different minds and feelings from time to time, it is very important that in foreign policy we do forge a bipartisan foreign policy. Yes, with the President's leadership, but certainly it has to have the support of a good body of Congress.

I would also join the gentleman in his accolades to those on the Democratic side of the aisle who have been so instrumental in helping forge the kind of language upon which we can all agree. That is the way it ought to be, and it does not come easy. To those of my colleagues who have been working behind closed doors with candles at night and all of the rest, arguing over a couple of words or a little phrase here or there, we applaud you for hanging in and sticking with it and coming to the floor with something that all of us can support with good conscience.

I thank the gentleman for yielding.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in strong support of the en bloc amendments and I commend the gentleman from Michigan [Mr. BROOMFIELD], our ranking minority member, and the gentleman from New York [Mr. SOLARZ], the chairman of the Asia and Pacific Subcommittee for working so hard together to bring before us this well balanced China sanction legislation.

In essence our omnibus China measure strongly states that: the United States continues to hold in high regard the ideals of nonviolent protest and political change; that Americans were shocked, saddened, and sickened by the barbaric slaughter in Tiananmen Square and Tibet; and, that we strongly support the efforts of those who are willing to risk their lives for the ideals of liberty, democracy, and human rights that we hold so dear.

A significant sanction in this measure in response to the violations of human rights calls for the cancellation and prohibition of arms sales to the PRC. We were in the process of selling avionics packages for their F–8's fighter jets, artillery radar, and naval missiles. Obviously the events in China necessitate a cancellation of these special contracts. These en bloc amendments codify what President Bush has called for.

For me and many of my colleagues here who have worked so hard on the Tibet issue this legislation it extremely important. It represents a welcome recognition of the central role Tibet must play in that our policy toward the PRC. The nonviolent human rights movement there must be supported just as strongly as the one by the Chinese themselves. A Chinese student who is a leader in the movement here in the United States very recently said that if the students do not recognize that the Tibetans are their brothers in this struggle then right from the start the effort to create a democracy in China will fail.

Most importantly this legislation reflects our belief that human rights and democracy, U.S. national security interests won't somehow magically follow economic reforms. And economic investments by Western private sector interests will never flourish in an atmosphere of oppression. If we want so badly the market that China represents, if we want her to be a positive force in the global community, if we have reason to depend on China in military terms and geopolitical strategies, then we must strongly condemn and act unequivocally against the repression.

The only China that will emerge from the continuation of the world's policy of turning its back on nonviolent protesters in China and Tibet is the ugly dinosaur we see now. It squashed thousands of Tibetan human rights protestors and now consumed its own offspring. The leaders in the PRC serve little value to the Western World's foreign policy goals or the noble call of the ancient Chinese culture.

China at present is at ground zero. Her best and brightest have been killed, arrested, or are in hiding. Her future hope depends on the education that we and other Western nations give to the thousands of students that are being harbored in the West. That education will begin with how our democracy, their temporary home, responds to the crisis in their country. These en bloc amendments will serve as a good first lesson and I urge our colleagues to support it.

Mr. BROOMFIELD. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. BROOMFIELD] has consumed 15 minutes.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. YATRON], chairman of the Subcommittee on Human Rights and International Organizations.

□ 1200

Mr. YATRON. Mr. Chairman, as a coauthor of this legislation I rise in strong support of the en bloc amendment. I would first like to commend Mr. FASCELL and Mr. BROOMFIELD for their bipartisan efforts in constructing this amendment. I also commend Mr. SOLARZ, Mr. LEACH, and Mr. WEISS for their contributions in crafting this legislation, as well as the other principle sponsors.

This en bloc takes into account the many concerns raised by Members regarding the killings that took place in the PRC and the stepped up repression against the Chinese people. The sanctions contained in this amendment will be repealed when the Chinese Government takes concrete steps to reverse the repressive measures imposed over the last few weeks.

Those concrete steps include suspending martial law, ending reprisals against prodemocracy participants, and releasing political prisoners.

Mr. Chairman, the rapprochement between Beijing and Washington initiated in the early seventies is commonly known as the process of normalization. Beijing's definition of normalization seems to exclude progress on human rights. However, U.S. relations with the international community are predicated on respect for human rights and individual liberties. That is how we define normalizing relations with other countries.

We must send a clear message to Beijing that the loss of private capital, skills, and technological know-how is the price it must pay for its disregard for human life. It is my hope that other governments will join the United States in using military and economic sanctions as a tool to influence change in China.

Mr. Chairman, this amendment appropriately commends President Bush for his leadership. His expertise with respect to China has enormously strengthened our policy response during this trying period in our bilateral relationship.

I urge my colleagues to vote for this amendment.

MODIFICATION OFFERED BY MR. DYMALLY TO THE EN BLOC AMENDMENT OFFERED BY MR. FASCELL

Mr. DYMALLY. Mr. Chairman, I ask unanimous consent that on line 6 of page 6 of the current amendment, after the word "arrests" there be inserted the words, "abuse of African students,".

Mr. BROOMFIELD. Mr. Chairman, reserving the right to object, we have no objection, and we certainly support the gentleman's efforts.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. Chairman, I thank the gentleman from Florida [Mr. FASCELL], the gentleman from New York [Mr. SOLARZ], and the gentleman from Michigan [Mr. BROOMFIELD] for their cooperation in permitting me to offer this modification.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I would like to extend my sincere appreciation to my distinguished chairman, the gentleman from Florida [Mr. FASCELL], indeed to the leadership on both sides of the aisle, the entire Committee on Foreign Affairs, for their efforts to fashion this bipartisan approach, the important United States policy toward the People's Republic of China.

I am also grateful for the leadership and cooperation of the distinguished chairman of the Subcommittee on Asian and Pacific Affairs, the gentleman from New York [Mr. SOLARZ].

I am pleased that the amendment which I have offered, cosponsored by Mr. SOLARZ and Mr. YATRON to suspend new OPIC coverage in China, has been incorporated in the en bloc amendment offered by the chairman.

The Overseas Private Investment Corporation, or OPIC, is a U.S. Government entity created by the Congress in 1969 to promote two important goals of American foreign policy: First, to encourage American investment in developing countries by offering U.S. Government insurance against the risk of political violence and expropriation; and second, to provide an economic benefit to those developing countries by promoting foreign investment there.

The amendment now under consideration recognizes that, with respect to both of these goals, new OPIC coverage in the People's Republic of China cannot be justified.

The events we have witnessed over the last few weeks—the brutal massacre in Tiananmen Square of students and other civilians engaged in peaceful assembly, presentation of petitions, hunger strikes, and the burning of Chinese flags, the audacity of the official government lies about this slaughter, and the systematic pattern of arrests and executions which followed—clearly make it impossible for the United States to provide guarantees against the risk of political violence in China.

Furthermore, OPIC insurance is intended to provide assistance to countries that are moving toward economic and political liberalization; not, as in the case with China, to countries that slaughter hundreds, perhaps thousands, of unarmed demonstrators in a public square. The current, hard-line Government of China does not deserve to be the beneficiary of our Nation's foreign assistance programs, and thus, OPIC activities in China should be suspended until the Chinese Government has embarked on a program of significant political reforms.

It should be pointed out to the Chinese leaders as well, that no matter what they say, business from this country and probaby from elsewhere in the world will not go into their country until, in fact, it is assured that the kind of acts by the Chinese Government which we have witnessed the past 6 weeks will not recur.

What we have provided in this en bloc amendment are clear guidelines of steps they must take in order to be dealt with as respectable members of the international community.

I urge its adoption.

Mr. LEACH of Iowa. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, no one in this country or abroad can harbor any illusions about the depth of outrage and concern of the people and Government of the United States at the brutal repression now under way in the People's Republic of China.

The success of American diplomacy has historically depended, and must continue to depend, on what George Kennan has trenchantly characterized as its "inherent honesty and openness of purpose and on the forthrightness with which it is carried out." Deprive us of these traits and we are deprived of our strongest armor and our most effective weapon.

In this context, the Chinese people must be made aware that Americans are unanimously supportive of the movement for democracy, for emancipation, for human freedom in the world's largest country.

Whereas the executive branch is primarily responsible for government-to-government relations, it is the Con-

gress that symbolizes people-to-people concerns and values. It is, therefore, altogether fitting and proper that the people's body of America should make it unequivocally clear to the people of China, our great distress about the butchery in Beijing and the brutal reimposition of Stalinist totalitarian control in China.

There are times in the history of all nation states when their fundamental character is revealed either by demonstrations of clemency and compassion or by dogmatic firmness and resolve. Given the unrefutable truth in the pictures being brought by televisions into every living room in the free world, no one can conceivably buy the "Goebbels" like assertion that it was the People's Liberation Army and the Communist authorities who were attacked by unarmed students. An army of the people does not turn on the people. Communist hard liners now ruling the Peoples' Republic of China must understand that the history of civilization teaches that killing by tyrants makes martyrs, and martyrdom cannot be slain.

Guns and bullets in the hands of an oppressive army can delay the fulfillment of aspirations, but they cannot kill the human dream.

In the strongest possible terms, this body has the responsibility to proclaim to our own citizens, to the world and in particular, to the Chinese leadership that students should not be executed for having the courage to peacefully express the values and philosophies they have learned. Hard-toiling workers should not be summarily arrested and shot for having the courage to express their rights. A legitimate People's Republic must be of, by and for the people, not of, by and for a narrow political gerontocracy.

This amendment that we have before us is the least we can do to express American values in the wake of one of the most tragic events of this decade.

I urge that the leadership of the gentleman from Florida [Mr. FASCELL], the gentleman from Michigan [Mr. BROOMFIELD], and the gentleman from New York [Mr. SOLARZ], be followed and this amendment adopted and supported at this time.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I would like to join with my colleagues in commending the gentleman from Florida, Chairman FASCELL, for his leadership in pulling the various Members and interests in this Congress together on a resolution that unifies our position and unifies the great strength of the American character.

It is clear there are economic opportunities in China and there are profits that can be made in China, but there are no profits so large and no markets so immense that we set aside the values that hold Americans together as a nation.

□ 1210

We have seen in these last weeks the Congress being the real leader in the American response to the Chinese massacre of its own students. The Members of the Congress and our colleagues in the Senate are leading the struggle for democracy, as we have so often in the past.

The Chinese people have gone through a watershed. The brave students in China, having given their lives, have earned for the Chinese people a new standard for democracy and freedom, a new standard by which their Government must treat them.

We have to recognize that there is no silver bullet. What we have before us today will not alter the Chinese Government's behavior overnight. There is no one simple act that will put an end to the bloodshed, the massacre, and the mock trials of the Chinese citizens, but this is the beginning of a long struggle.

In 1974, the Jackson-Vanik amendments passed the House and the Senate. The President signed into law, and through the dark days, when barely a thousand Jews were let out of the Soviet Union and Uzbeks and others were kept behind bars, this Congress remained steadfast in fighting for freedom.

I am heartened to see the European Community joining with us in objecting to multilateral assistance to the Chinese Government for economic programs. The subcommittee that I chair has moved and has incorporated in this bill legislation that will stop an increase in the technology transfer to China, not just for American corporations but for all corporations that come from countries in the Cocom organization. We will stop an increase in the level of technology in a multilateral manner, and I would call on the President to take leadership from the Congress and run with it.

We have had economic summits to strengthen the economic security of the West. We held military summits with our NATO allies to strengthen our military posture. It is time for the leaders of these great Western nations to hold summits on democracy, to bring the various leaders of our democratic friends and neighbors together to help foster democracy across the globe, to have not simply the United States or the Europeans or the Japanese make their individual statements for freedom and in support of the students of China and the people of China, but to do this as a Western world, to do it as westerners who have stood up economically and militarily to fight for freedom, to do so now to fight for freedom in its very essence as the Chinese people have struggled for their own freedom.

Our challenge will be to understand that this is not simply a 1-day activity, that what we do here today begins the struggle to fight for freedom, to help the Chinese people, to help the Chinese people in their own struggle, where they obviously are the key to success. This is a long struggle that we in the Congress are entering, with the great work of the subcommittee chairman, the gentleman from New York [Mr. SOLARZ], the chairman of the committee, the gentleman from Florida [Mr. FASCELL], and the gentleman from Michigan [Mr. BROOMFIELD]. We have engaged in this struggle, and I hope that we have the character and the strength of character to continue that struggle to its conclusion.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, many have believed that Chinese politics over the past few years have been mellowing vis-a-vis human rights and freedom, but many of us remember the 30 million people who were killed under Chairman Mao during the Cultural Revolution in the 1950's.

This is still a Communist regime, and Communist regimes around the world, when necessary, use the iron fist to maintain control. This regime is no different. They are ready, willing and able to crush anyone who wants freedom in that country. Its tyrannical control, and they are using it not only in China but in Tibet as well.

I do not know if many of our Members saw those pictures of the remains of a Chinese student who had been run over by a tank, but that is the way they treat their people when they want freedom. We as a Congress and as a nation must send a very strong signal to China that we are not going to stand idly by and watch these atrocities and tortures and human rights violations take place. I personally believe that we should do a lot more. But this is at least a step in the right direction, and I commend my colleagues on both sides of the aisle for this en bloc amendment.

As my colleague, the gentleman from Connecticut [Mr. GEJDENSON], just said, this should not be a 1-day event. We should keep the pressure on and let the Chinese Communists and all Communists around the world know that we are not going to close our eyes to their tyranny, to the way they treat their people, and to the human rights violations and tragedies that have befallen these people. We should push for freedom.

John F. Kennedy, when he was President, talked about this. He said

that we should go any place in the world and pay any price to help people get freedom. We should do that in China as well.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to compliment the chairman of the full committee, the chairman of the various subcommittees, especially the chairman of the subcommittee on Asian and Pacific Affairs, the distinguished gentleman from New York [Mr. SOLARZ], and the chairman of the Trade Subcommittee, the distinguished gentleman from Connecticut, as well as the ranking members, for their work in crafting this en bloc amendment.

Mr. Chairman, the savagery of the Chinese Government's attack against Chinese students and workers who were calling for democratic reform has clearly outraged the world and the American people. I think it is important to reflect on this tragedy and to remind the Chinese Government and our friends among the Chinese population that before the Tiananmen Square massacre Americans had for the most part come to think of China as a country that was on the path of reform, as a nation that was intent on increasing economic and political freedom for its people, and as a friend with which we would continue to develop business, political, and cultural ties.

But the butchery in Beijing, the swift executions, and the mass arrests and imprisonment of protestors have dealt a profound blow to the affection with which the American people had come to view the Government of the People's Republic of China.

As this affection has turned to horror, we have heard a very cautious response from our own Government which unfortunately, Mr. Chairman, might not have impressed adequately upon the Chinese Government the seriousness with which the American people view the behavior of the Chinese Government.

Yet I ask my colleagues and the American people have asked us, how is it possible to turn the other cheek when the Chinese Government is executing people simply because they want democracy, because they stood up for the very principles that are the heart of our own society and our own Government?

I frankly do not see how we can equivocate about a matter so central to our own fundamental beliefs and ideals.

I have an amendment to this bill, Mr. Chairman, which would suspend export licenses to the People's Republic of China for 6 months. It would prevent the Chinese from getting from us what they want the most—our technology. I believe this would be an appropriate step for the United States to take in view of the gravity of the Chinese regime's crimes.

Yet in light of the very strong action of the committee, I will strongly support the effforts of our committee's en bloc amendments to increase the cost to the Chinese of their gross human rights violations, and I particular applaud the sections of the en bloc amendments which restrict munitions export licenses, which limit nuclear cooperation with the People's Republic, and which suspend any liberization of export controls.

The CHAIRMAN. The time of the gentleman from California [Mr. LEVINE] has expired.

Mr. FASCELL. Mr. Chairman, I yield 1 additional minute to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, the restrictions in the en bloc amendment to which I am referring incorporate several aspects of my own, and I am very pleased that they received the full bipartisan support of the committee. I am also pleased that the Foreign Affairs Committee will soon take an in-depth look at the situation and recent events in China, and will review present and future United States options in response to the Chinese crisis.

Mr. Chairman, I strongly urge the committee to consider the sanctions in my amendment as an additional step if conditions do not improve in the People's Republic.

Mr. Chairman, in light of the strong en bloc amendments offered by the leadership of this committee, I will not offer the amendment that I had intended to offer at this time, and I stand in strong support of the en bloc amendments.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, let me join with those who have commended the committee chairman, the gentleman from Florida [Mr. FASCELL], the subcommittee chairman, the gentleman from New York [Mr. SOLARZ], and our ranking member, the gentleman from Michigan [Mr. BROOMFIELD], for all of their acts of support on these particular en bloc amendments.

We all marveled and warmed at the scenes of the young prodemocratic students in China raising the statue of liberty as their symbol. I hope we also recognize and warm to our responsibilities to now stand with these students in their time of trial and need.

□ 1230

As we witnessed the horror of China, I quickly recognized the need that we step forth and try to respond to those students, and I am delighted that section (f) of the amendment in front of us responds to those needs. There are some 39,000 Chinese students and scholars here in the United States today. Approximately 29,000 students are studying at accredited American colleges and universities, another 10,000 are visiting scholars and students at unaccredited universities. Many of them are J-1 visas, some are here on F-1 visas, but the reality is, if we only temporarily extend their visa, we give them no certainty of whether we will be there to help them in time of need financially, workwise, or otherwise. We give them no signal that this is going to be a long-term commitment, and none of us, and certainly can we expect none of them, are going to risk the possibilities of the torture and consequences that could be placed upon them if we changed our minds later on. They are not going to come forth and ask for that extension of their visas unless we send them some signal that we stand ready to permanently help them to stay here until real change occurs in China.

Mr. Chairman, that means a lot of things. As we contacted different Government agencies, frankly no one today can tell us what those things are going to be in American policy to give them the assistance financially, workwise, immigrationwise, or otherwise.

So, we have created in section (f) a task force headed up by the Secretary of State with the other governmental agencies to really look into and assess these specific needs and the status of the citizens that are here to recommend both to the Congress and to the President the programs and policy changes that are necessary to create, directly or indirectly, a clearinghouse that can work with our universities and to report back to us within 60 days so that we might move forward.

Mr. Speaker, I rise today in support of the en bloc amendment to title IX of H.R. 2655. Twenty-four days after the soldiers brutally massacred thousands of students and citizens in Beijing who were peacefully demonstrating to demand democracy, the fear that has swept across China is spreading to Chinese students attending schools in the United States.

As reports tell us of reprisals by the Chinese authorities against those who have called for democracy, many students studying here are unsure whether they can ever go home. The organizations that handle direct exchange programs and the college offices that deal with thousands of Chinese students who come here on their own seem uncertain and confused. According to a New York Times report, there are 29,000 Chinese students studying at accredited American colleges and universities—and more than 10,000 Chinese who are visiting scholars or students at unaccredited universities.

As the author of section 910, subsection (e) Task Force on Students From the People's Republic of China in the United States, I feel that the United States must provide an appropriate outlet to assist Chinese nationals in the United States. I feel that this task force will achieve this goal.

This task force will be chaired by the Secretary of State—or his designee—and representatives of other relevant agencies to be determined by the Secretary of State. The task force shall assess the specific needs and status of citizens of the PRC who were admitted under nonimmigrant visas to the United States and recommend to the Congress and President policies and programs to address these needs.

In addition the task force shall establish, directly or indirectly, a clearinghouse to provide such Chinese nationals and United States institutions of higher education with appropriate information, including—

First, public and private sources of financial assistance available to such nationals;

Second, information and assistance regarding visas and immigration status;

Third, other information the task force considers feasible and appropriate.

Not later than 60 days after the date of enactment of this act, the President shall submit to the Congress a report on the status and work of the task force. Beginning May 1, 1990, and every 90 days thereafter, the President shall submit to the appropriate committees of the Congress a report prepared by the task force that will include a comprehensive summary of the programs and activities of the task force.

We must continue to express our outrage at the bloody assaults on the student protesters, but also lend assistance to those Chinese students and exchange visitors in the United States whose futures here are in limbo. I encourage my colleagues to support this amendment.

Mr. FASCELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, I thank the gentleman from Florida [Mr. FASCELL] for yielding.

Mr. Chairman, as we approach the end of this debate on the en bloc amendment, I do want to put what we are about to do in its proper perspective. This amendment steers a very careful course between two extremes. It steers a course between those who, on the one hand, would like us to entirely sever our diplomatic and commercial relationship with China and those who, on the other hand, do not want us to take any action whatsoever with respect to China lest we disturb the sleep of Deng Xiaoping and perhaps drive the Chinese into the arms of the Soviet Union.

This amendment, in addition to codifying into law those measures already adopted by the President and establishing a standard of human rights which will have to be met if the sanctions embodied in the legislations are going to be lifted, also goes beyond the steps already taken by the President in five respects.

First, it suspended any additional Trade and Development Agency funding for the People's Republic of China, on the grounds that we should not be using taxpayers' money in light of the repression in China to facilitate increased American investment in that country.

Second, Mr. Chairman, it also prohibited the export to China of gray area nuclear equipment and technology. Third, it establishes a task force for the purpose of finding out ways to facilitate the ability of Chinese students whose visas expire to remain in the United States. Fourth, it establishes a 6-month freeze on any increase in the level of technology exports to China, not just by the United States, but by all of our Cocom partners. We have the ability to do this, given Cocom regulations which enable any one country to veto an increase in the level of technology which can be exported. Finally, it already goes beyond the steps taken by the President by prohibiting the exports to China, not just the munitions control equipment, but also of any crime control items on the grounds that we do not want to assist the Chinese secret police in their efforts to apprehend or incarcerate those involved in the democracy movement.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I now yield to the gentleman from Massachusetts [Mr. MARKEY], my good friend.

Mr. MARKEY. Mr. Chairman, my original amendment expresses a requirement that the President report to the Congress that he has received a commitment from China that it will not help another country develop nuclear explosive devices. The en bloc amendment refers only to an assurance in this regard.

Can the gentleman from New York [Mr. SOLARZ] explain to me the difference between these two terms?

Mr. SOLARZ. The gentleman from Massachusetts [Mr. MARKEY] poses an important question, and I can tell him there is no practical difference between an assurance and a commitment. What we seek in this amendment is a clear and unequivocal indication from China that it will not and does not support the proliferation of nuclear explosives, and we should be perfectly clear that United States law prohibits any nuclear trade with China if that country assists any other in developing nuclear explosives.

The Committee on Foreign Affairs wrote the bill which contains this restriction, and the committee continues its commitment to uphold the law and U.S. nonproliferation policy, and I want to pay tribute to the gentleman from Massachusetts [Mr. MARKEY] for pushing this to the front of our concern.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, I rise in support of the en bloc amendment which expresses the American people's strong sense of outrage over the Chinese Government's suppression and execution of the prodemocracy demonstrators. It imposes economic sanctions which I strongly support because it is the right thing to do and we cannot and should not do any less. At the same time, it gives the President flexibility in modifying them if conditions improve in China, or if he determines that it is in the national security interest to do so. This amendment is the product of close cooperation among Republicans and Democrats, and we have worked to incorporate the concerns of the administration to the extent possible.

This en bloc amendment includes a provision I drafted supporting the President's decision to grant temporary refuge to the noted Chinese intellectuals Fang Lizhi and Li Shuxian at the U.S. Embassy in Beijing. My provision also urges the President to continue to provide such refuge as long as necessary to protect their personal safety.

There is a long tradition within the international community of providing temporary refuge at diplomatic missions in compelling humanitarian cases. The practice is based on the inviolability of embassies guaranteed under international law. Article 22 of the Vienna Convention on Diplomatic Relations clearly states, "The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission."

In the days after the Chinese Government's brutal crackdown on unarmed prodemocracy demonstrators, events moved swiftly. In the 3 weeks since the massacre on Tiananmen Square hundreds of demonstrators and dissidents have been arrested, and at least 27 have been executed. This leaves no doubt about the personal danger Fang Lizhi would have faced if the President had not responded quickly to his request for sanctuary at the U.S. Embassy.

Only the diplomatic inviolability of our Embassy protects Fang Lizhi and Li Shuxian from similar arrest and possible execution on charges of treason and counterrevolutionary activity. The "treasonous crime" that Fang has been accused of is speaking out over the years in support of democracy and human rights and stating that others had the right to speak their own minds as well.

For three decades Fang Lizhi, a renowned Chinese scientist and intellec-

tual, has spoken out courageously for human dignity, democracy, and the rights of the individual. His support for democratization and peaceful change in China has sometimes brought him internal exile and sometimes prison.

However, during China's occasional periods of openness since 1949, particularly the period most recently and brutally ended by the Chinese Government, Fang rose to prominence in China. He has been respected around the world and within his own country for his advocacy of a modern China based on democratic principles and the rights of the governed.

Ultimately, the Government of China will have to accede to the demands of its own people who demonstrated so courageously their aspirations for democratic reforms and respect for fundamental human rights.

When the Chinese Government overcomes its present madness and returns to the path of reform, Fang Lizhi and Li Shuxian will be ready to resume their role in helping to build a modern, more democratic China. The President's swift humanitarian action to protect the safety of Fang Lizhi and Li Shuxian at this critical moment will help to make that possible.

I urge my colleagues to support the amendment.

□ 1230

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, this is an amendment that we can all applaud. I commend all the people who put so much time and energy and effort into this amendment.

What is happening in China is not only important for China, but it is also very important for us. The world's largest country, China, and ourselves have many things in common. Our people are industrious. They are hard working and family oriented, so this binds our countries together and will bid us in the future also.

These are dark days for China, but I am optimistic that out of the turmoil China will one day emerge, one of the strongest democracies in the world.

Arnold Toynbee, the great historian, wrote that if you want to find what a nation is going to be like in 20 years, take a look at their young people—especially at their dreams, their hopes, their aspirations—and in 20 years that is what their country will be like. There are people no more committed to democratic ideals and none more active in politics than are the young people of China today. So I think the future for China, although it may look very dark today, will turn out very well.

It is appropriate for us to speak out. It is appropriate for us to make our views known, and that is what this amendment does. That is why I feel it is a good amendment.

This democracy growing in China is not something transplanted. It is indigenous to those people. It is like a tree that grows from a seed, an indigenous not a transplanted tree, which is always the healthiest and the strongest. That is why I feel democracy will come to China, is coming, and will be one of the strongest in the world.

Mr. Chairman, I think this is a good amendment and I hope everyone will support it.

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I rise in support of this amendment. It is a good amendment. It is something that needs to be done.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank the chairman of the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], and the gentleman from New York [Mr. SOLARZ], the chairman of the Subcommittee on Asian and Pacific Affairs, for including my amendment in their en bloc amendments. The committee has done an excellent job crafting an amendment that sends a clear signal to the Government in China that we are willing to take concrete punitive steps in response to their unconscionable brutality.

My amendment deals with Hong Kong. That British Crown Colony is scheduled to revert to Chinese sovereignty in 1997. Since the 1984 bilateral agreement was signed between Great Britain and the PRC that provided for the transfer, the Chinese Government has systematically reneged on most guarantees for Hong Kong's future freedoms.

The massacre in Beijing and the ongoing arrests and assassinations of innocent people, continues to undermine all of the guarantees given to Hong Kong and Great Britain.

The people of Hong Kong are nervous. Millions demonstrated before and following the Tiananmen murders. The stock market fell more than 25 percent, and this year alone over 45,000 Hong Kong citizens will leave the territory.

My part of the en bloc amendment expresses the sense of Congress that China's guarantee to Hong Kong for a high degree of autonomy has no credibility and the United States must initiate an international effort to guarantee human rights and the development of democratic institutions in Hong Kong. It directs the President and the Secretary of State to tell the PRC and the United Kingdom our strong reservations with respect to the absence of guarantees of free direct elections and human rights in the proposed basic law now being drafted.

Hong Kong needs our help, Mr. Chairman, and the United States should stand firmly behind its 5.7 million people as they struggle to protect their future economic and personal freedoms.

Mr. BROOMFIELD. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

I just wanted to add my comment that in these en bloc amendments is an amendment proposed by the gentleman from New York [Mr. SOLOMON] having to do with exporting licenses to take American satellite technology and allow it to be placed on the Chinese Long March rocket at the very time that we are trying to encourage an infant industry of commercial expendable launch vehicles. That is clearly not in the interest of the United States and I applaud the gentleman for including the amendment of the gentleman from New York [Mr. SOLOMON] in these en bloc amendments.

Mr. BROOMFIELD. Mr. Chairman, I yield myself the remaining time to pay tribute to our new majority leader, the gentleman from Missouri [Mr. GEPHARDT]. He did a great deal to bring all the Members together to fashion this bipartisan compromise that we are considering. I want the gentleman from Missouri [Mr. GEPHARDT] to know we appreciate his hard work.

I am also very grateful to the gentleman from New York [Mr. SOLARZ] for all his work to make this successful.

Mr. FASCELL. Mr. Chairman, I yield the balance of the time to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I rise to speak in support of this set of amendments, which I feel have been well crafted and well put together on behalf of the entire House.

I want to commend the gentleman from New York [Mr. SOLARZ], the gentleman from Florida [Mr. FASCELL], the gentleman from Michigan [Mr. BROOMFIELD], and the members on both sides in the committee and off the committee who have worked so well together in the past few days to make a strong statement about the situation in China, not only in words, but in legislation.

A few days ago we took a march to the Embassy of the People's Republic of China here in Washington. It was a bipartisan march. We met with the Ambassador. We expressed our feelings and while we did not get a great

deal of satisfaction, at least we were able to say what we thought on behalf of the American people.

I am delighted today that we are sending a clear, undivided message to the leaders in China about what we hope will happen in China in the days ahead. I think it is important that the House lead on this issue.

I understand that the President and Secretary Baker may have a little different view of how to proceed. I respect their decision. I respect what they believe is the right way to go. But I think some part of this Government—and today it is the House—has to speak clearly on behalf of the American people and take more forceful action than the President and the Secretary of State have been willing to make to date.

I understand the feeling of some people that doing this, passing these amendments, may not change things. But I would urge Members to remember that that is what was said with regard to South Africa many, many times in the past few years. That is what has been said about Poland since 1981. That is what was said about the Philippines when they began to experience unrest. People said, "Don't act. Don't do anything."

That is what was said about Vietnam when they were sending refugees out to the sea.

The truth is that the action that America took in the cases, along with other nations around the world, did bring change. These amendments can bring change, and that is why this statement is so important.

We say today through these actions to the Government of China, "The whole world is watching you. Don't try to rewrite history. Return to the community of nations by ceasing the brutal repression of your own people. Stop the killing now."

A young Chinese American student from the University of Missouri wrote me last weekend and said that the blood of the Chinese students is fertilizing the tree of democracy. We endorse these words by our actions today.

□ 1240

I am proud that we stand in an undivided way and that we send a clear, unequivocal message to the Government of China, "Stop the killing now."

Mr. MARKEY. Mr. Chairman, I rise in support of the en bloc amendment on China, and in particular, in support of section (c)(6) of the amendment, which suspends all peaceful nuclear energy cooperation between the United States and the People's Republic of China.

This section is derived from a floor amendment which the distinguished gentleman from New York [Mr. SOLOMON] and I had originally prepared to offer to the bill. In discussions with the distinguished chairman of the Asia Subcommittee [Mr. SOLARZ] and the chairman of the full committee [Mr. FASCELL], we have worked out a compromise which I feel sends an important signal to China that it cannot expect peaceful nuclear energy cooperation to continue until China's crackdown on the prodemocracy movement ends and China provides the United States with stronger nuclear nonproliferation assurances.

I think that we are taking an important step here today in both reaffirming our Nation's commitment to democracy and human rights, but also in reaffirming our commitment to halting the spread of nuclear weapons. As the author of the original language from which section (c)(6) is derived, I would like to take a few minutes to explain the significance of the amendment's provisions on nuclear technology exports.

What this section of the en bloc amendment does is suspend all peaceful nuclear energy cooperation between the United States and the People's Republic of China. The section suspends all export licenses for nuclear technologies, nuclear materials, and nuclear components subject to the 1985 United States-China Nuclear Cooperation Agreement. It suspends any nuclear technology transfers outside of the agreement using the authority provided by section 57(b) of the Atomic Energy Act. It suspends exports of all so-called dual use nuclear-related equipment under section 309(c) of the Nuclear Nonproliferation Act.

These nuclear exports are suspended until three basic conditions are met.

First, the President would have to make the certification regarding ending martial law, halting executions, and other reprisals against the prodemocracy movement, releasing political prisoners, and increasing respect for human rights.

Second, the President would have to make the certifications regarding nonproliferation safeguards and Chinese nonproliferation policies and activities required under the 1985 congressional resolution approving the United States-China Nuclear Cooperation Agreement.

Third, the President has to certify that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any nonnuclear weapons state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices.

I believe that making each of these three certifications is vitally important before the United States permits peaceful nuclear cooperation with China to resume. Given the recent events in China, there is no justification for our Nation to continue to provide sensitive nuclear technologies to China, a country that has never signed the Nuclear Nonproliferation Act of 1968 and has repeatedly expressed its disdain for that agreement in both word and deed.

As many of you will recall, in 1985 the United States signed a Nuclear Cooperation Agreement with China. The agreement was controversial because it didn't contain a guaranty that safeguards would be maintained for all United States nuclear materials and equipment transferred to China and it did not give the United States a guaranty of prior approval of reprocessing, enrichment, or alteration of nuclear material, as required by law.

As my colleagues may know, for years there have been press reports, citing intelligence sources, indicating that China has been providing assistance to the Pakistani nuclear program. There have been reports that Pakistani officials traveled to China in 1983 to witness a nuclear test and receive weapons design information from China. Just 1 month ago, the press reported that China has been making arrangements for a Pakistani nuclear test at its Lop Nur testing ground. There have also been reports that China has shared nuclear technology with Iran, South Africa, Brazil, and Argentina—nations poised right on the nuclear threshold.

In addition, according to testimony earlier this year by CIA Director William Webster, "China is actively promoting the export of shorter-range ballistic missiles" and that China is a willing supplier of missile technology to countries like Iran.

That is the proliferation record of the country that we are talking about here. I think that record suggests we can no more trust a wink and a nod from the Chinese leadership on nuclear proliferation than we can trust their claims that a massacre never took place in Tiananmen Square. What we need are clear and unequivocal assurances from China that it is not and will not assist any other state in acquiring nuclear explosive devices or materials. In addition we need continued close monitoring by the United States intelligence community to see that China is living up to these commitments.

Back in 1985, Congress was concerned enough about China's nonproliferation record that we put conditions on the resolution approving the agreement. Ironically, these certifications were far weaker than those which we have traditionally required for nuclear exports to friendly Western countries like Great Britain and Sweden.

We did not demand international safeguards at all civilian nuclear facilities. We did not require a public, written statement of Chinese nonproliferation policy. We did not ask for an official Chinese interpretation of the agreement's language on consent rights. We did not ask for the Chinese interpretation of the agreement's language on the future applicability of United States export laws and regulations, but simply restated the United States position.

Nevertheless, in the 3½ years that have elapsed since Congress passed the approval resolution, neither President Reagan nor President Bush have been willing to make the required certifications or submit the report required under the law. Why do you think that is?

Could it be because we haven't received the nonproliferation assurances that we were seeking from Li Peng and his cronies in Beijing?

Could it be because the Chinese have continued their reckless proliferation policies?

Could it be because we still don't have agreement on the verification measures that would be needed to assure that U.S. supplied nuclear technology and nuclear materials are not diverted from peaceful to military purposes?

I think the likely answer to each of these questions is a resounding yes, and it is the lack of verification, the lack of clear and unequivocal nonproliferation commitments from China, the continuing evidence that China has not halted its nuclear cooperation with the Pakistanis, explains why those certifications haven't been made allowing nuclear exports to go forward.

Despite the lack of Presidential certifications, however, some very significant nuclear cooperation has taken place during the last 3½ years. The approval resolution we passed back in 1985 had some big loopholes: It affected only nuclear export licenses, and transfers of nuclear material, facilities, and components, which Reagan administration officials have testified the Chinese would have difficulty affording. It didn't affect transfers of nuclear technologies and assistance, such as technology transfers under CFR 810, and it didn't affect sensitive nuclear-related technologies on the Commerce Department's commodity control list.

More than a dozen technology transfers have been approved in the last 4 years and two are pending right now. In addition, it appears that exports of nuclear-sensitive dual use technologies have also been approved with the agreement itself formally going into effect. Those are loopholes big enough to fire a nuclear warhead through.

Section (c)(6) of the en bloc amendment closes the loopholes and assures that all significant forms of nuclear cooperation between the United States and China would be suspended until the political situation in China significantly improves and until the United States receives clear and unequivocal assurances that the Chinese Government has a commitment not to help Pakistan or any other nonweapons state in acquiring nuclear weapons.

In addition to the human rights and martial law certificates required in the en bloc amendment, section (c)(6) contains some important new nonproliferation language.

In place of the previous requirement in P.L. 99-183, which called on China to provide "additional information concerning its nuclear non-proliferation policies," section (c)(6) requires the President to certify to Congress that the People's Republic of China has provided:

clear and unequivocal assurances to the United States that it is not assisting and will not assist any non-nuclear weapons state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices.

In other words, what we are asking for is more than just information from the Chinese about their nonproliferation policies, what we are asking for are clear assurances that indicate that China has committed itself not to provide assistance to nonweapons states like Pakistan in acquiring nuclear weapons capabilities. That is what we are looking for.

We are not offering this language in the naive belief that those assurances can be trusted. Everyone should know now—if they didn't already—that the mere word of the Chinese leadership cannot be trusted by itself. So what we need to do is assure that United States intelligence sources continue to closely monitor those assurances to verify whether the Chinese are in fact not proliferating. If Chinese Government assurances prove to be no more reliable than claims by the Chinese leadership that no massacre ever occurred in Tiananmen Square, the amendment reaffirms that United States would suspend nuclear cooperation with China under the provisions of section 129 of the Atomic Energy Act.

It is time for us to take a stand. We can either stand on the side of the pro-democracy students who faced down the tanks on Tiananmen Square, or we can stand with those who ordered those tanks in to crush the Chinese people's aspirations for freedom and democracy.

Now is the time for us to make our voices heard. Now is the time for us to show some leadership and send a message to the people of China and the old men in control in Beijing. Now is the time to pass this amendment to halt all nuclear cooperation with China.

I urge support for the en bloc amendment.

Mr. BUSTAMANTE. Mr. Chairman, I rise today to speak in favor of en bloc amendment to title IX of H.R. 2655.

On June 4, 1989, the Government of the People's Republic of China massacred over 700 unarmed Chinese citizens in Tiananmen Square. Since then, more than 20 citizens have been executed and hundreds have been incarcerated for participating in the pro-democracy movement.

As the leader of the free world, I feel it is vital that we, the people of the United States, take a stand against such heinous acts. We must let the Chinese Government know that such brutality will not be tolerated by the world community.

Many words have been spoken to condemn the Chinese Government for what it did and for what it continues to do, but I believe more substantive measures must be taken. Therefore, I support the sanction provisions in this bill.

Mr. RITTER. Mr. Chairman, I urge my colleagues to support these amendments, en bloc, which address the current crisis in China. The situation in China today is very grave and disturbing. With passage of these amendments we will send a clear message of condemnation to the Chinese Government for its brutal actions.

Mr. Chairman, I urge my colleagues to join me in condemning China's recent acts of violence by supporting these amendments—particularly the provisions urging the U.N. General Assembly and the U.N. Security Council to condemn China for its recent actions.

Mr. Chairman, the propaganda, violent suppression, mass arrests, and brutal executions we see now in China have another, less apparent dimension—regional stability.

Regional peace in Asia, and world peace are threatened by the recent human rights violations in China. One-fifth of the world's population lies within the borders of the People's Republic of China. When the leaders of a powerful nation trample on the human rights of their people during times of international peace, these leaders are also more likely to provoke international hostilities. The recent brutal human rights violations in China have national security implications for countries of that region such as Korea, Tibet, Hong Kong, Vietnam, and Taiwan.

Because human rights in a country as populous as China may have serious implications for the stability of the Asia-Pacific region, the U.N. should act in condemning China and in urging the Chinese Government to enter into negotiations with the representatives of the pro-democratic movement.

Mr. Chairman, regional security and stability in East Asia are important U.S. concerns. The United States Government cannot shy away from being tough on the Chinese Government for their continued massive violation of human rights.

I urge my colleagues to support these amendments.

The CHAIRMAN. The question is on the en bloc amendments offered by the gentleman from Florida [Mr. FASCELL], as modified.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 14, as follows:

[Roll No. 124]

AYES—418

Ackerman	Clay	Fields
Akaka	Clement	Fish
Alexander	Clinger	Flake
Anderson	Coble	Flippo
Andrews	Coleman (MO)	Foglietta
Annunzio	Coleman (TX)	Ford (MI)
Anthony	Combest	Ford (TN)
Applegate	Conte	Frank
Archer	Conyers	Frenzel
Armey	Cooper	Frost
Aspin	Costello	Gallegly
Atkins	Coughlin	Gallo
AuCoin	Cox	Garcia
Baker	Coyne	Gaydos
Ballenger	Craig	Gejdenson
Barnard	Crane	Gekas
Bartlett	Crockett	Gephardt
Barton	Dannemeyer	Gibbons
Bateman	Darden	Gillmor
Bates	Davis	Gilman
Beilenson	de la Garza	Gingrich
Bennett	DeFazio	Glickman
Bereuter	DeLay	Gonzalez
Berman	Dellums	Goodling
Bevill	Derrick	Gordon
Bilbray	DeWine	Goss
Bilirakis	Dickinson	Gradison
Bliley	Dicks	Grandy
Boehlert	Dingell	Grant
Boggs	Dixon	Gray
Bonior	Donnelly	Green
Borski	Dorgan (ND)	Guarini
Bosco	Dornan (CA)	Gunderson
Boucher	Douglas	Hall (OH)
Boxer	Downey	Hall (TX)
Brennan	Dreier	Hamilton
Brooks	Duncan	Hammerschmidt
Broomfield	Durbin	Hancock
Browder	Dwyer	Hansen
Brown (CA)	Dymally	Harris
Brown (CO)	Dyson	Hastert
Bruce	Early	Hatcher
Buechner	Eckart	Hawkins
Bunning	Edwards (CA)	Hayes (IL)
Burton	Edwards (OK)	Hayes (LA)
Bustamante	Emerson	Hefley
Byron	Engel	Hefner
Callahan	English	Henry
Campbell (CA)	Erdreich	Herger
Campbell (CO)	Espy	Hertel
Cardin	Evans	Hiler
Carper	Fascell	Hoagland
Carr	Fawell	Hochbrueckner
Chandler	Fazio	Holloway
Clarke	Feighan	Hopkins

Horton	Molinari	Sensenbrenner
Houghton	Mollohan	Sharp
Hoyer	Montgomery	Shaw
Hubbard	Moody	Shays
Huckaby	Moorhead	Shumway
Hughes	Morella	Shuster
Hunter	Morrison (CT)	Sikorski
Hutto	Morrison (WA)	Sisisky
Hyde	Mrazek	Skaggs
Inhofe	Murphy	Skeen
Ireland	Murtha	Skelton
Jacobs	Myers	Slattery
James	Nagle	Slaughter (NY)
Jenkins	Natcher	Slaughter (VA)
Johnson (CT)	Neal (MA)	Smith (FL)
Johnson (SD)	Neal (NC)	Smith (MS)
Johnston	Nelson	Smith (NE)
Jones (GA)	Nielson	Smith (NJ)
Jones (NC)	Nowak	Smith (TX)
Jontz	Oakar	Smith (VT)
Kanjorski	Oberstar	Smith, Denny (OR)
Kasich	Obey	
Kastenmeier	Olin	Smith, Robert (NH)
Kennedy	Ortiz	
Kennelly	Owens (NY)	Smith, Robert (OR)
Kildee	Owens (UT)	
Kleczka	Packard	Snowe
Kolbe	Pallone	Solarz
Kolter	Panetta	Solomon
Kostmayer	Parker	Spence
Kyl	Parris	Spratt
LaFalce	Pashayan	Staggers
Lagomarsino	Patterson	Stallings
Lancaster	Paxon	Stangeland
Lantos	Payne (NJ)	Stark
Laughlin	Payne (VA)	Stearns
Leach (IA)	Pease	Stenholm
Leath (TX)	Pelosi	Stokes
Lehman (CA)	Penny	Studds
Lehman (FL)	Perkins	Stump
Leland	Petri	Sundquist
Lent	Pickett	Swift
Levin (MI)	Pickle	Synar
Levine (CA)	Porter	Tallon
Lewis (CA)	Poshard	Tanner
Lewis (FL)	Price	Tauke
Lewis (GA)	Pursell	Tauzin
Lightfoot	Quillen	Thomas (CA)
Lipinski	Rahall	Thomas (GA)
Livingston	Rangel	Thomas (WY)
Lloyd	Ravenel	Torres
Long	Ray	Torricelli
Lowery (CA)	Regula	Towns
Lowey (NY)	Rhodes	Traficant
Luken, Thomas	Richardson	Traxler
Lukens, Donald	Ridge	Udall
Machtley	Rinaldo	Unsoeld
Madigan	Ritter	Upton
Manton	Roberts	Valentine
Markey	Robinson	Vander Jagt
Marlenee	Roe	Vento
Martin (IL)	Rogers	Visclosky
Martin (NY)	Rohrabacher	Volkmer
Martinez	Rose	Vucanovich
Matsui	Rostenkowski	Walgren
Mavroules	Roth	Walker
Mazzoli	Roukema	Walsh
McCandless	Rowland (CT)	Waxman
McCloskey	Rowland (GA)	Weber
McCollum	Roybal	Weiss
McCrery	Russo	Weldon
McCurdy	Sabo	Wheat
McEwen	Saiki	Whittaker
McGrath	Sangmeister	Whitten
McHugh	Sarpalius	Williams
McMillan (NC)	Savage	Wise
McMillen (MD)	Sawyer	Wolf
McNulty	Saxton	Wolpe
Meyers	Schaefer	Wyden
Mfume	Scheuer	Wylie
Michel	Schiff	Yates
Miller (CA)	Schneider	Yatron
Miller (OH)	Schroeder	Young (AK)
Miller (WA)	Schuette	Young (FL)
Mineta	Schulze	
Moakley	Schumer	

NOES—0

NOT VOTING—14

Bentley	Florio	Smith (IA)
Bryant	Kaptur	Watkins
Chapman	McDade	Wilson
Collins	McDermott	Wright
Courter	Oxley	

□ 1259

Mr. HEFLEY changed his vote from "no" to "aye."

So the en bloc amendments, as modified, were agreed to.

The result of the vote was announced as above recorded.

□ 1300

The CHAIRMAN pro tempore (Mr. NAGLE). Are there other amendments to title IX?

AMENDMENT OFFERED BY MR. ROTH

Mr. ROTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROTH: Page 517, beginning in line 10, strike out ", including voluntary debt reduction programs under appropriate circumstances,"; beginning in line 19, strike out "and alleviate its debt service"; page 518, beginning in line 4, strike out ", including voluntary debt reduction programs,"; page 519, line 11, strike out ", and voluntary debt reduction programs,"; beginning in line 13, strike out "export growth and diversification,"; beginning in line 18, strike out "including promoting greater participation of the United States private sector in the development of the Philippines"; line 23, before the period insert ", except that assistance under this chapter may not include support for voluntary debt reduction programs"; and page 522, beginning in line 5, strike out ", and voluntary debt reduction programs,".

Page 521, strike out lines 2 through 19 and insert in lieu thereof the following:

$200,000,000 for fiscal year 1990 and $200,000,000 for fiscal year 1991.

"(b) USE OF SPECIAL AUTHORITIES PROHIBITED.—The authorities of sections 4101, 4102, and 4103 may not be used to make funds available for use under this chapter. The references to this chapter in sections 4102 and 4103 shall not be construed to supersede the limitation contained in the preceding sentence.

Mr. ROTH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ROTH. Mr. Chairman, today I am asking you to vote for the people who voted for you, the American taxpayer.

My amendment promotes democracy in the Philippines, and it leaves intact all the millions and millions and millions of dollars that this Congress is determined to give to the Philippines. But when you look at this bill, you will find chapter 2 of title 9 provides for something called the multilateral assistance initiative, and this would give more money to the Philippines than I believe is prudent or right.

Now this is not a frivolous amendment. The amendment deals with $1 billion, and if the Members of this body are concerned about waste and excessive burdens on our taxpayers, ask them to review this MAI legislation.

I must admit that the chairman, who drafted this legislation, my good friend from New York, is a master at legislative drafting. This thing has four tripwires before you get to the heart of it. But when you get there, what you find is that above and beyond all the money we are already giving, we are going to give an additional $1 billion. Now that is too much, I would think, for most Members of this body to swallow.

It should be enough, even for the dedicated foreign aid enthusiasts who want to give more and more.

The existing legislation authorizes $200 million for the first year of the MAI Program and $800 million for the following 4 years. My amendment cuts back the authorization to $200 million this year and $200 million next year, saving the American taxpayer $600 million. At the same time, the Philippines will still receive the administration's requested AID levels for fiscal years 1990-91.

Between 1983 and 1989 we have given over $2 billion to the Philippines. And next year we are doubling, over this year, what we are giving to the Philippines. This Congress is shoveling more money out of the back door than the hard-working taxpayer can bring in the front door. What my amendment is basically saying is let us save the taxpayers some $600 million.

The Philippine people are a nice people, and we want to be their friends and we are. But the American taxpayer has to be considered at some point too.

Now what I find a little amazing are the reasons some people are voting against this amendment.

Although the MAI will cost taxpayers an additional $1 billion over everything else we are giving, I heard one of the Members say, "Well, I have a lot of Filipinos in my district." Filipinos are nice people, but do you not have a lot of taxpayers too? And aren't the Filipinos in his district taxpayers as well?

Here's another reason, which appears in a crib sheet that is being sent around. It says, "Secretary Baker is going to personally go to the Far East on July 4," and needs this $1 billion authorization to be effective.

Now all of us here are concerned about junkets, but the Secretary of State has to have $1 billion to go to the Far East? Come on.

The Secretary of the Treasury says the MAI is important because it is going to help the Philippines pay off their national debt. Well, how about our own debt? We have got a national debt of $2.8 trillion. We are wringing our hands and our shirts to try to get our deficit this year down to $100 billion. Should we then turn right

around and add another billion dollars in foreign aid?

Here is another reason to vote against my amendment according to the cribsheet that's making the rounds: The Administration is now seeking a top-flight experienced statesman as a U.S. special representative to insure that the MAI works.

Think about it. This is a reason to vote against my amendment? Because we are trying to find somebody who is going to do a good job with this program? Well, there are a few people down at HUD who might take this job, because it will probably turn out to be the same kind of a program.

Under the existing legislation the Philippines will become the third largest recipient of foreign aid from the United States. And did you know that apart from our aid, the U.S. military presence in the Philippines contributes $500 million every year to the Philippine economy?

The U.S. Government employs some 68,000 Filipinos, the second largest employer in the Philippines. I mean how much more can we do?

The Philippines are awash in U.S. taxpayer dollars. There are $238 million in United States foreign aid committed to the Philippines that Manila cannot spend fast enough.

And listen to this: There is $4 billion in the pipeline from worldwide sources of foreign aid that has not yet been spent. Yet some of us are going to come in here and milk the taxpayer the way a dairy farmer in Wisconsin milks a dairy cow. It is just not fair.

This Congress is going to borrow another billion dollars and ship it overseas at the same time that we are cutting back on Medicare, we are cutting back on veterans health care, we are cutting back on farmers.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the last word, and I will yield the gentleman additional time. But before I do that, I want to say that in all honesty I oppose the amendment, although many of the points the gentleman from Wisconsin makes are valid and very compelling, that at this stage in the process to adopt this amendment probably would have an adverse effect on the negotiations going on.

Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman for yielding.

Mr. Chairman, at the same time we are going to transfer an additional $1 billion overseas we are cutting back on Medicare. Yesterday they cut back by $2 billion, for our own people.

Today we are going to add an additional $1 billion that we are shipping overseas.

Veterans health care is cut back, SDI is cut back, farmers are cut back, the drug program is cut back; everything domestically is being cut back. It is just not fair, it is not right. It is not fair to the American people for us to be doing that to them.

The Philippines are getting a ton of money, more money than they can utilize, and at the same time we are facing unprecedented national deficits.

You all know we are fighting to get this deficit down to $100 billion. We have an unbelievable national debt of $2.8 trillion.

□ 1310

Every one of the Members I bet will go back home and say we have to balance the budget. Well, how can Members do that? How can they go back home and tell their people we have huge deficits, and then come in here and spend an extra billion dollars in addition to the high levels in bilateral aid we're already giving. It is not fair to the people the Members represent. It is just not fair for Members to throw more taxpayer dollars to governments that, quite frankly, are ungrateful. The day will come when we rue this action.

I think it is about time we made some changes. I ask Members to take a look at this amendment. Do not spend a billion dollars. We should be cutting all of it out. My amendment is a reasonable compromise. It says $200 million this year, $200 million next year. Let Members see how this program moves along.

Mr. LAGOMARSINO. I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, I, too, want to voice my same concerns as my friend from California did about the negotiating process, about the fact that the Philippines certainly is another extraordinarily fragile democracy, and we have a tremendous vested interest in that entire part of the world, and specifically, the Philippines. However, nevertheless, it seems that the amendment that the gentleman is offering is extraordinarily balanced and that it simply says that rather than having a full 5-year package of $1 billion, what we are doing is we are having an opportunity to relook at the issue, after 2 years, and $400 million is expended.

I think in light of that, it is a very reasonable compromise as we deal with a very delicate issue. I support the gentleman in his amendment.

Mr. ROTH. Mr. Speaker, I thank the gentleman for his contribution very much, and I want to reiterate again that we are not touching the millions and millions and millions of dollars going to the Philippines. In fact, this aid is going to be double next year. We are not touching it. However, there is a provision in this bill that says we are going to get $1 billion of new money, and I am saying that is just too much. That is why I am cutting it back.

Mr. LAGOMARSINO. Mr. Chairman, reclaiming the balance of my time, I would like to repeat, in spite of my great respect and admiration for the gentleman from Wisconsin [Mr. ROTH], I oppose his amendment.

I think with the debate we had about what is happening in China and what is going on in that part of the world, now is not the time to be interfering with this arrangement that has been made and reached with other countries in the region.

Mr. Chairman, I rise in support of the Philippines multilateral aid initiative [MAI] as presently written in H.R. 2655 and in opposition to the amendments offered by Mr. ROTH of Wisconsin which will seriously undermine the benefits of the MAI and diminish its chances of success.

I strongly believe that the multilateral aid initiative is a creative and constructive program that will signficantly help shore up the Philippines' economy and thereby its democracy all at a relatively modest cost to the United States.

One of the most serious problems facing democracy in the Philippines today is inadequate economic growth and continuing poverty. Economic problems and the great disparity between rich and poor provide fertile breeding ground for Communist propaganda and inroads. The benefits from the MAI will certainly counter the appeals from the antidemocratic Communists, like the new people's army.

The Philippines is a very important strategic ally of the United States. The ties between the Filipino and American people are long and strong. We have fought together and died together for freedom and liberty. If democracy were to fail in the Philippines, it would have major negative repercussions throughout Asia's other fledgling democracies and the world. The future of our bases at Subic Bay and Clark Air Force Base would be jeopardized. These strategically located bases are a critical part of our national defense strategy and security in the Western Pacific and Indian Oceans. They would be extremely difficult to replace and only at great cost and loss of some present capabilities. I agree with my colleagues that our aid program to the Philippines is one of the largest. However, the Philippines is also one of our most important allies and closest friends.

The MAI is a multiyear, multinational public and private aid plan for the Philippines that would provide the capital, investment, and infrastructure necessary to bolster the Philippines economy. Directly linked to MAI assistance is economic policy reform in the Philippines such as deregulation of interisland shipping and strengthening of rural financial markets. In fact, the MAI has already paid divi-

dends by provoking bureaucratic shake-ups in the Philippines and instituting policies more supportive of private sector and free market growth.

Other uses of the MAI will be for: First, infrastructure—today, inadequate infrastructure—roads, communication facilities, energy resources—is a major obstacle to private sector growth; second, natural resource management to ensure environmentally and ecologically sound development; and third, support for investment in key economic development zones like southern Mindanao. This would include infrastructure and local market improvements.

As currently envisioned, the Philippines would receive $2 billion a year for the next 5 years in additional resources under the MAI. This would be in addition to the aid it is presently receiving from the international donor community including the United States. At least one-half of the $10 billion, at the rate of $1 billion per year, would be provided by the public sector—foreign governments including Japan, numerous European nations, ASEAN countries, and the multilateral development banks. The private sector will contribute the other $5 billion in the form of new investments, debt equity swaps, and other initiatives.

The U.S. Government, through our foreign aid appropriations, will contribute $1 billion over the next 5 years. Only $200 million is authorized to be spent in fiscal year 1990. This is special MAI funding above and beyond the regular $481 million requested for fiscal year 1990 and fiscal year 1991. Before any MAI funds can actually be obligated, the congressional committees of jurisdiction must be notified in advance and can block any amount or use of funds by invoking reprogramming type procedures set forth in this authorizing legislation. Clearly, there are tight controls on the program to ensure that American tax dollars are being properly and efficiently used.

It is important to note that nine-tenths of the MAI's funding does not come from U.S. foreign aid. Other economic powers like Japan, Europe, and ASEAN nations must share the burden. In fact, this legislation specifically prevents the release of the $200 million until the President determines that a "substantial majority" of the resources for the program have been provided by other countries.

As detailed in the "Dear Colleague" letter I signed along with Chairmen FASCELL and SOLARZ, and the ranking Republican Member of the Asia Subcommittee JIM LEACH, many of the arguments against the MAI are either misleading or better categorized as arguments against any major foreign aid program. The Roth amendments limit the U.S. commitment to the MAI to 2 years, raising legitimate concerns among Filipinos and the international donor community about the seriousness of our commitment. While other foreign donors will contribute four times more official assistance than we will, they look to the United States for leadership. A significant cut in our participation, as Mr. ROTH's proposal to slash $600 million does, undermines the incentive for others to increase their own assistance levels to the Philippines.

The Roth amendments would preclude using MAI funds for promoting greater United States private sector participation in the development of the Philippines. This is self-defeating as it undermines the opportunities for U.S. businesses and instead directs the growing Filipino market toward non-American investments and non-American goods and services. It is known that when we promote development in the Third World, these countries in turn become markets for U.S. products providing us with far greater returns on our investments. That helps, not hurts, American jobs and prosperity.

The bottom line is the Philippines needs substantial economic help today. The Communist threat taking advantage of current economic difficulties is real and will continue to grow. The price of ignoring this need is too high. The MAI is an innovative, cost-effective way to provide the Philippines with the infusion of economic resources and reforms it needs to build a sound economic foundation upon which democracy, positive social change, and growth can flourish.

The MAI is strongly endorsed by President Bush and has wide bipartisan support in both Houses of Congress. The MAI can work and can become a model of success if it is provided with the resources and flexibility needed to meet the many challenges of the Filipino economic environment. The present version of the MAI provides such ability, the Roth amendments do not.

I strongly urge my colleagues to join me in supporting the positive, worthy MAI program as presented in H.R. 2655 and oppose the Roth amendments.

Mr. TRAFICANT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to start out by commending the tenacity and the effort of the gentleman from Wisconsin [Mr. ROTH]. I believe he is right.

In fact, I am sitting here, I am really frosted! We have been talking for weeks now about more and more money and how we are going to send it overseas, and the strategic importance of that money. I am not going to question the brilliance and wisdom of our committee. We have a great chairman, Mr. FASCELL. Although when we talk about foreign aid, Members part ways with me.

Now we know in 1986, Corazon Aquino came over here, and most of the Members in the House wore something yellow. They had jackets, some even had pants, some had flowers of yellow and everybody was so excited about Corazon Aquino. I think she is a great lady and God bless her, but she had already received a half a billion dollars, $500 million from the taxpayers of Uncle Sam that year, and she was back to meet with President Reagan, she needed another supplemental appropriation of $200 million.

Now, Mr. Chairman, she made a speech here that now must be a record in American history, in the history of Congress. She got the biggest honorarium in the history of the United States of America. She got, I do not know, was it $200 million for a 30-minute speech or was it $100 million, when it was finally settled?

The point I am trying to make is we have water lines falling apart in New York. We have kids graduating from high school that cannot read. We have bridges in Pennsylvania and Ohio collapsing, killing people. We have people without jobs. We have factories moving overseas. America is in trouble. No one wants to listen. Well, I was one of the few in 1986 that said, "Mrs. Aquino, I think you got too much money then," and I tell you what, Mr. ROTH, you are right on. I think it is time somebody gets a hold of Congress and starts talking about a dire emergency program for America.

Now I am against this turkey. They have already received billions of dollars from America, and this would provide one more billion. Let me tell the Members the facts of it. Where is the commitment on the two bases? There is no agreement. The foreign minister over there, Mr. Manglapus, let me tell you what he said. In March 1988, he said, "America will have to pay billions of dollars if they want to keep those bases, because they are nothing more than a colonial power in our own homeland." Their foreign minister said if they "did not come up with the bucks, throw them out. We do not really want them anyway."

Now, we are going to finance their export of products to America? My people are being laid off. Hey, someone said yesterday, I believe it was the gentleman from Indiana [Mr. BURTON] said, "Enough is enough." And I will say to Members, he is right. Mr. ROTH is right. When are we going to stop this giveaway? My people need some help.

Who is listening about the people in Youngstown, OH? Who really cares? Who is talking about people in Brooklyn, Philadelphia? Los Angeles? Go ahead and smile, we are beginning to take a fly in our face and make it big enough where it is becoming an elephant that will eat the assets of Congress.

I am for the Roth amendment. I commend him and later on in this great debate Members will have an opportunity to help with the deficit of the United States of America to cut $1.12 billion from this giveaway program. If no one is listening, they should be. Support the Roth amendment.

Mr. SOLARZ. Mr. Chairman, I strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment. Let me try to put this in perspective for the Members of the House. We do, after all, have before us an amendment which would effectively gut one of the most important foreign policy initiatives of the Bush administration be reducing by 60 percent the authorized and requested level funding for the multilateral aid initiative for the Philippines.

The gentleman from Wisconsin, my very good friend [Mr. ROTH], the author of the amendment, has complained about the extent to which we would be providing a billion additional dollars to the Philippines. What he neglects to mention is the fact that this is a 5-year authorization in which we would be providing $200 million a year in additional assistance to the Philippines for 5 years rather than $1 billion in 1 year, all at once.

The gentleman from Wisconsin [Mr. ROTH] has also neglected to point out the fact that the overall level of funding in this bill before Members, which includes the full authorization for the MAI is within the budget resolution, and the President's foreign aid request. Furthermore, may I say to my very good friend from Wisconsin who appears concerned about what we might do a few years from now, that all we have before Members now is an authorization. It does not provide for an appropriation. The Committee on Appropriations and then the Congress as a whole is going to have to appropriate the money. If we come to the conclusion that it is not being wisely spent, or it is not being well spent, or it is not being productively spent, we do not have to appropriate the money. There will be hearings by the Committee on Appropriations and the Committee on Foreign Affairs, but the Congress could really retain control over this.

Furthermore, we have provided in the authorizing legislation that before any of the money can be spent, we have to be precisely notified what it will be spent for, so we have some additional control over it.

However, most importantly, what I think needs to be said is that this is not a unilateral American initiative. We are not just putting 1 billion additional dollars in the Philippines over 5 years by ourselves. This is part of a multilateral aid initiative which will include the participation of the European countries, of Japan, of several other Asian countries as well, in addition to the Asian Development Bank and other international financial institutions. My friend from Wisconsin and other Members of the House frequently complain very bitterly, about the unwillingness of third countries to share their proper part of the burden of our collective security. This multilateral initiative is a response to those concerns on burden sharing.

□ 1320

It is premised on the notion that while we have a significant stake in the survival of democracy in the Philippines and in preventing the triumph of Communist guerrillas in that country, we are not the only ones. So do other countries. Consequently, a limited amount of American assistance will be used to leverage a much greater amount of assistance from Japan, from the European countries, from the international financial institutions, and from other Asian countries as well.

If this amendment were to be adopted, cutting by 60 percent the authorized level of aid for the Philippines and the multilateral aid initiative for the next 5 years, it would pull the rug out from under our efforts to get other countries to increase their contributions to the Philippines. And indeed there could not be a worse time for this amendment to be considered and adopted than right now.

Next week Secretary of State Baker is making a special trip to Tokyo to represent the United States in a pledging conference designed to get the multilateral aid initiative to the Philippines off the ground. At that time all these other countries and international financial institutions will be asked to significantly increase the level of their aid to the Philippines. If the House of Representatives votes for the Roth amendment, cutting by 60 percent the level of aid requested by the administration, Secretary of State Baker will be humiliated before all the other countries that are there.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLARZ] has expired.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I thank my friend, the gentleman from Connecticut, very much for yielding.

So, Mr. Chairman, if this amendment is adopted now, it will embarrass and humiliate the Secretary of State and probably result in a dramatic reduction in the level of contributions made by the other countries who will say to Secretary Baker: "Why should we give more when the Congress is voting to give less?"

Finally, Mr. Chairman, we have just voted unanimously to condemn the suppression of democracy in China and to impose sanctions on the People's Republic of China because of the crackdown on the pro-democracy movement in that country. We now have an opportunity to decide whether we are going to support or walk away from democracy in the Philippines.

A lot of progress has been made by Mrs. Aquino in the last few years, ever since the triumph of people power in the Philippines.

But they face enormous problems. They have a $28 billion foreign debt, and they have a population where 60 percent of the people live below the poverty line. They have an entrenched Communist insurgency which still has the capacity to one day seize power in the Philippines. And if democracy were to fail in that country, it would be a serious strategic setback to the United States and a blow to the hopes and aspirations of hundreds of millions of people around the world who are encrouaged by the peaceful emergence of democracy in the Philippines.

In the final analysis, the survival of democracy in the Philippines will depend on Mrs. Aquino's ability to translate the promise of pluralism into a better life for the Filipino people. And this is given our enormous stake in the survival of democracy in the Philippines and the spread of democracy elsewhere. And may I say that if democracy fails in the Philippines, the chances are that our bases will go out there, because I rather doubt under those circumstances that we would be able to maintain our most important military facilities anywhere in the world outside of the continental United States.

So, Mr. Chairman, for all those reasons, if Members believe in demcoracy, if Members believe that we have a responsibility to support democracy, if Members believe in burden-sharing, if Members believe in supporting one of the most important foreign policy initiatives of the administration, I urge them to vote against the amendment that is now before us.

Mr. GEJDENSON. Mr. Chairman, I would say that the gentleman from New York [Mr. SOLARZ] has laid out the evidence as to why the well-intentioned amendment offered by my friend, the gentleman from Wisconsin [Mr. ROTH], makes no sense. But I think if we just look back at the loss of life by American servicemen and women in our attempt to establish democracy in Southeast Asia, we would realize that the cost here is a pittance compared to the tens of thousands of Americans who fell in an attempt to have democracy exist in Vietnam. But

here the Filipino people on their own are fighting for democracy.

I think the most important point the gentleman from New York [Mr. SOLARZ] made is that there is a direct link with the economic situation of the people and the viability of a democratic government. If we pull the rug out from the Philippines as we know it since Mrs. Acquino took power, a country that is striving for democracy at a time when democratic institutions are so fragile, let us hope that we are not the ones here on the floor trying to put the pieces together if the Philippines fall apart.

So I would hope that while this seems to be an easy vote over the long-term, it is a very dangerous vote and a very costly vote. The Philippines buy close to $2 billion of products from the United States, and when we add services to that, the figure will clearly exceed several billions of dollars. It is an important market for the United States. If the economy of the Philippines improves, it will be a greater market for American goods.

So I would hope that the chairman of the Subcommittee on Asian and Pacific Affairs would be listened to, and that my friends on the other side of this issue—and this is not a partisan issue—would rethink their position, because we ought not be in a position where we have to send troops to defend democracy in the Philippines. This is a far less expensive approach.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the gentleman from New York [Mr. SOLARZ] a couple of questions, but before I do, I want to preface my question by stating that I do not think the Philippine Islands have any better friends in the world than the United States. A lot of Americans died in the Philippine Islands to preserve democracy and freedom. A lot of Americans lost their limbs over there and fought over there.

While I have not been wounded, I was one who made the invasion at Lingayen Gulf against the Japanese on January 5, 1945. I spent a year and a half there. I have a great and abiding affection for the Filipino people.

But I am concerned that we must pay $435 million a year for those bases that we occupy there, and they want even more money. Those bases not only protect the Philippines, which we have a history of protecting with our blood, but they provide work and employment for thousands of Filipinos who otherwise might be trying to cut sugarcane while they have no place to export it.

So I do not think we as Americans have anything to apologize about in our relationship with and our support of the Philippines and democracy in the Philippines. And I must say that it is more than a little reassuring to hear the solicitude for democracy in the abstract argued for and advanced by some of the most articulate and liberal spokesmen in this body. The argument is for democracy in the Philippines and democracy in a lot of other places. I only wish their solicitude was not quite as selective, because I would like to hear the same commitment to democracy in Nicaragua, which is not very far from the Texas border.

Nonetheless, I do have some questions, and I would like to ask my friend, the gentleman from New York [Mr. SOLARZ], who has supplanted General MacArthur in terms of being a national hero to the Philippines, a few questions.

But I will ask the gentleman from New York [Mr. SOLARZ] does he believe that the best way to protect democracy and to keep the friendship of the Philippine people, is to send more billions over there? And I mean billions, because when we add it all up we are talking billions.

How do we get a commitment from them to reciprocate and say:

> Hey, we're your friends, too. We like your bases. We like Clark Field. It protects us. It protects Western civilization. We like Subic Bay. We like the base there. It provides employment for our people.

How do we elicit some gratitude? I know that is a naive hope in the world of diplomacy, because everyone asks: "What have you done for me lately?" But we have done a lot for the Philippines.

Mr. Chairman, I am sorely tempted to support the gentleman from Wisconsin [Mr. ROTH] simply because perhaps a move in the other direction will get a little more sympathetic understanding for us from the Philippines.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New York.

□ 1330

Mr. SOLARZ. Mr. Chairman, I thank the gentleman from Illinois [Mr. HYDE] for asking the question. It is a serious question. It is an entirely legitimate question.

I might begin by saying that in general one catches more flies with honey than with vinegar. I can say to the gentleman from Illinois [Mr. HYDE], my friend, that I was in the Philippines in April. I met with President Aquino. She made it clear that she hopes negotiations on the renewal of the base agreement will commence before the end of the year. I am very hopeful that we will be able to successfully conclude a new base agreement with the Philippines.

Mr. HYDE. I ask the gentleman from New York [Mr. SOLARZ], "Don't we pay enough? Should we pay more millions?"

Mr. SOLARZ. Mr. Chairman, I would hope that we could avoid having to pay any more than we are now. I believe, as does the gentleman from Illinois [Mr. HYDE] that the bases serve the interests of both of our countries.

However, Mr. Chairman, let me assure the gentleman from Illinois [Mr. HYDE] of one thing. There is enormous good will for the United States and the Philippines. There are some noisy people who make a profession of criticizing our country. We know they are there, as there are elsewhere in the world. But when one goes out into the countryside, the great majority of the people are friendly to the United States.

I have been told by no less authority than His Eminence, Cardinal Sin; that, if they had a referendum in the Philippines on whether or not to continue the bases, 85 percent of the people would probably vote to continue having the bases there—precisely for the reasons mentioned by the gentleman, that they do contribute to the security and the economic well-being of the Philippines.

Mr. BURTON of Indiana. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, the gentleman from New York [Mr. SOLARZ] indicated that he will get more flies with honey than he will with vinegar. Well, that is true most of the time, but I do not believe it is true in the area of foreign aid because, if my colleagues look at the foreign aid figures around the world, the countries we give an awful lot of money to seem to vote against us about 95 percent of the time at the United Nations, so I am not so sure that one really will get more flies with honey than they do with vinegar. So, maybe we need to send a message.

Mr. Chairman, I would like to go through some of the remarks the gentleman from New York [Mr. SOLARZ] made and try to answer them. He said this money is going to be spread over 5 years. The fact of the matter is it is $200 billion the first year, and $800 billion the second year, which can be spread over 4 years, and I submit to my colleagues that it is likely to be all spent the second year. Yes, this must be appropriated, but we want to kick it off track now before it gets to the appropriation process. We are cutting foreign aid all over the world, and yet right now we are going to give an additional $1 billion to the Philippines?

Mr. Chairman, this amendment will not affect military aid we are giving to the Philippines or any other economic aid. But it will cut the additional $1 billion down to $400 million.

My colleagues, one of the things that should be brought up in this debate is the attitude the Philippine Government has toward the United States. Do my colleagues know that they are not even taking care of our military cemeteries over there, or our monuments? That shows a disrespect

for this country at a time we are trying to help them, and I think that message needs to get through to the Philippine Government loud and clear.

Now let us take a look at the amendment of the gentleman from Wisconsin [Mr. ROTH] really quickly. It is going to be used, $1 billion in United States taxpayer funds will go for payments of Philippine debts at a time when we have a huge debt in this country. I would like to read just a little bit from the statement of the gentleman from Wisconsin [Mr. ROTH]. He says:

> But, if you agree with me that it is wrong for us to ship another billion dollars to the Philippines while we cut Medicare, SDI and the super collider, underfund veterans health care and the antidrug program, and then sneak through more taxes, then vote for the Roth amendment.

Mr. Chairman, I think most people would agree. It is wrong to cut those programs and send a billion dollars to another country so that can pay their debts. We have debts of our own.

He also says in this statement:

> But did they tell you that the Philippines have a $4 billion backlog of aid from sources around the world?

Now get that, a $4 billion backlog in aid from around the world including $200 million from us? It is just sitting there.

The truth is they have so much aid in the pipeline that it will take them 14 years to draw it down according to our own Government estimates.

Mr. Chairman, I think the amendment of the gentleman from Wisconsin [Mr. ROTH] makes a lot of sense. I think we ought to support it. We are trying to cut spending in this country. Here is a perfect area in which to do it, and the American taxpayers, I believe, will go right along with it.

Mr. SOLOMON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was not even going to speak on this amendment until our good friend, the gentleman from Connecticut [Mr. GEJDENSON] took the well and started again pontificating the way he does when he blocks all of our amendments, on this side of the aisle, concerning Nicaragua. So, maybe he needs a taste of his own medicine.

So, let me just say that 40 years ago, Everett Dirksen used to say on this floor: "You know, a million dollars here, a million there. Soon you're talking about real money."

When I came to this Congress over a decade ago, we had other people over here saying, "A hundred million dollars here, a hundred million dollars there; we're talking real money."

Now today: "A billion dollars here, a billion dollars there; now we're talking real money."

Mr. Chairman, I never saw money go out the window so fast in all my life.

The gentleman from New York [Mr. SOLARZ], our acting Secretary of State, took the floor and gave the best argument I have heard all day for the amendment of the gentleman from Wisconsin [Mr. ROTH], because he said, "Mr. ROTH, we're not talking about a billion dollars this year. We're talking about a billion dollars over 5 years." Yes, and it all can be spent in 2 years.

The gentleman from Florida [Mr. FASCELL], my good friend, and all of those good people know that therein lies the problem. We have turned this foreign aid bill into an entitlement program, and God knows we have enough problems now with entitlement programs in this country which are bankrupting the coffers.

Mr. Chairman, it would not be so bad if Mrs. Aquino and the Philippine Government were at least taking care of our monuments in the Philippines. Has anybody been there and seen where MacArthur landed when he saved the bacon of those Philippine people? These sites are going down the drain, and we are having to spend our own taxpayers' dollars to repair and maintain the monuments.

Mr. Chairman, this world is upside down. We should not be giving anybody 2 years' worth of aid.

Let us have 1-year foreign aid bills so we can hold people accountable. That is what we need to do in this Congress, and then we would be successful. Then we would have bilateral agreements with these countries. When they come hat in hand, at least they would not be bad-mouthing us at the United Nations every day and having their hand out here to take our money.

Mr. Chairman, I think we ought to pass the amendment of the gentleman from Wisconsin [Mr. ROTH]. It is the smartest thing we can do today.

Mr. COX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my friend, the gentleman from Wisconsin.

The fact is, Mr. Chairman, that the multi-lateral assistance initiative, as reported by the Committee, sends an additional $1 billion to the Philippines when there is already $4 billion allocated to this country which has not been spent. In fact, there is so much Philippine foreign aid already in the pipeline, our own A.I.D. mission estimates that it may take as many as 14 years to use it up. That estimate comes from our own A.I.D. mission.

President Reagan, whom I served in the White House, can count it as one of his proudest accomplishments that America assisted in the democratic transfer of power in the Philippines. And President Bush is absolutely right to count the Philippines among our most important strategic allies. The bases at Subic and Clark are vital to American power in the Pacific. That's why I support 100 percent of the provisions of military aid to the Philippines—and the Roth amendment leaves all such vital assistance intact.

What we must oppose, Mr. Chairman, is the outright government subsidy of Philippine business and Philippine debts contained in the foreign aid bill. It would make no sense for the American taxpayer to spread around government largesse of this kind to American business; it makes even less sense to put foreign business on the dole. We have a national debt of over $2 trillion. We will have a budget deficit for the upcoming fiscal year of almost $100 billion more—that is, if we're lucky.

I'm one who believes that if governments would just get out of the way, American industry can be competitive with industry anywhere in the world. That's why I oppose government subsidies at home, and protectionist trade barriers abroad. Certainly, Mr. Chairman, we can all agree it makes no sense to subsidize our foreign competition—but that is exactly what we would be doing with this foreign assistance bill, unless we pass the Roth amendment.

Mr. Chairman, over the years, the United States has generously provided its friends—and sometimes those who we can only hope might become our friends—hundreds of billions of dollars in foreign aid. And yet, if we look at the results, there is anything but a 1-to-1 correspondence between foreign aid recipients, and countries which have managed to improve their economy and become self-sufficient. Instead, it is those countries that have relied to a large extent on encouraging private investment who have succeeded in turning around their economies.

When it comes to foreign assistance, Mr. Chairman, we have got to consider the possibility that countries receiving U.S. aid in abundance may in fact be less likely to reach economic self-sufficiency—and that our foreign aid may be keeping such countries in a state of dependency.

In fact, as I read the Hamilton Report, prepared by the Foreign Affairs Committee, and the Woods Report, prepared by the Agency for International Development, that is exactly what I find likely to be the case with this proposed $1 billion of additional foreign aid to the Philippines.

A few years ago, I traveled to the Philippines with my father—who fought side-by-side with the Filipinos in World War II—and revisited with him the battle ruins on Corregidor where the cries of brave, dying American and allied soldiers still echo in the barracks. I learned there that there is a profound bond between the American people and the Filipinos. We ought to be proud to count the people of the Philippines as friends. We must

be steadfast in our support for their democracy.

But Mr. Chairman, we musn't confuse friendship and support for democracy with wasteful government subsidies of Philippine debts, exports, and business investments. This extra $1 billion for the Philippines is one of the best examples why we have a huge budget deficit in this country. And that, Mr. Chairman, is why I support the Roth amendment.

I urge my colleagues to support his amendment, to reduce this $1 billion to $400 million, and to deliver on the promise we have all made to our constituents—to work to cut our own massive budget deficit.

□ 1340

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in the strongest opposition to the amendment.

First of all, this is an administration request. I know that does not mean too much to some of the people over there, but it is an important request.

Second, it is part of, as the chairman of the subcommittee has pointed out, an international effort to help preserve an ally that is important to us in a national security sense, an economic sense and a political sense.

We have made this commitment over a long period of time and it should not be disbanded lightly.

Now, the argument I have heard sounds something like this: The United States really has no need for the Philippines. I mean, after all, the bases are just as much for them as they are for us, so if we lose them, we will do something else. I said the argument sounds like this to me. Maybe I do not hear too good.

Also, it sounded to me like, well, the United States has not really much place here with regard to this because we are spending too much money, anyway.

I just want to remind my colleagues that aside from the fact that this is an administration request within an overall policy concept as they see it, with which our committee agreed when we brought this bill to the floor, it is also within the budget agreement.

So I can understand, having been raised on a farm, having been a farm boy and also a city boy, I understand exactly how the gentleman from Wisconsin feels about his farmers and how the gentleman from Ohio feels about his urban people, because I have had the experience of representing both. I know the feeling, but that is not to say that the United States and the people in the United States do not likewise have real national security interests which are vital to farmers and city people and other people in this country.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. Not now, I say to the gentleman, later. As soon as I get a chance to finish the statement, I will be glad to have the gentleman ask me whatever he wants to ask me.

I know that the feeling is strong about trying to knockout these 2 years on this particular amount of money for the Philippines on the theory that we have so many domestic needs that perhaps something else ought to be done. That discussion is a valid discussion. It can be made on every bill on this floor, and I dare say I heard somebody in the debate say that that is exactly what they plan to do, and I suppose we will go through that.

It would seem to me after all the struggle we have had in this Congress with regard to an overall approach to the budget with the administration that once we got that agreement, we should do our best to sustain it.

So here we have legitimate international interests, national security, economic and political. Despite all our needs in this country, we cannot walk away from our responsibility in the world. We just cannot get off the planet and act like the rest of the world does not exist or that the United States does not have problems in this world and that what happens out there in the rest of the world affects every single American citizen.

The total amount of money that is spent on the American taxpayer's bill for the entire foreign aid program relative to the entire Federal budget might as well be less than 4 cents a person. You cannot even buy a single cigarette for that much money, and we are buying economic improvement, national security, humanitarian aid, political assistance, all around the world for our country, and yet we find people who simply want to because they have real needs here that need to be addressed, want to take it out of this package, when we have an overall balance which the Congress and this administration have agreed to and we have brought the House the administration's request.

Mr. Chairman, I would urge my colleagues not to vent their wrath on this amendment, and that was not intended to be a pun.

The CHAIRMAN. The time of the gentleman from Florida [Mr. FASCELL] has expired.

Mr. BURTON of Indiana. That is what I was afraid of.

Mr. FASCELL. We will get some more time.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I came into this debate and was listening to it, and I had several questions. The gentleman from Wisconsin [Mr. ROTH] has supplied me with the answers to these questions.

Looking at this, I rise in support of the Roth amendment. It appears to me that in 1989 we supplied $311 million of aid to the Philippines under the budget. In 1990, what is proposed even under the Roth amendment is $481 million, plus $200 million in multilateral aid, so that brings it to $681 million.

So I say to my colleagues here in the House that we are increasing it from the 1989 budget of $311 million with the multilateral aid up to $681 million; so by anyone's calculation, we are increasing it twice. It is an awful lot of money increase, even with the Roth amendment.

So I think at this point it is clear that we are being very aggressive under this proposal.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to my colleague, the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to make a couple points to the distinguished chairman of the Foreign Affairs Committee, for whom I have the highest respect.

If you put 4 cents per person for everybody in this country, you sure do not come up with $11 billion, so I do not know where the gentleman came up with that figure, but I have great respect for the chairman of the committee.

The other thing I would like to point out is that the gentleman talked about national security interests, and I agree that the Philippines play a very important role in our national security program. That is why I wanted to ask, have they given any commitment that they are going to let us keep Clark Air Base or Subic Bay? Because nobody in this body knows if we can keep those bases there.

□ 1350

They keep using those bases to get more money out of us, and it is in our national-security interest, but there has been no commitment, and we need to get that commitment from them posthaste.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I will just comment that I think the gentleman has been sending his message for the last 30 minutes. I think the message was received. I hope it is helpful.

Mr. RICHARDSON. Mr. Chairman, the multilateral assistance initiative [MAI] is an American-initiated international effort to provide the government of Corazon Aquino and the people of the Philippines sufficient resources to address their dire economic problems.

While the U.S. commitment of $200 million a year to the MAI will be only one-fifth the project total and not the largest contribution, American leadership on this matter is basic to its success and of critical importance.

We should seriously consider the timing of this important matter. The major donor nations to the MAI will be meeting from July 3 through 5 in Tokyo to coordinate their effort and to pledge their support to the Philippines and the MAI. A reduction in the American commitment from the $200 million level or a 5-year assessment would be interpreted by the world as U.S. repudiation of the MAI. Such a signal at this time could likely undermine the entire initiative.

The Aquino government is saddled with a $29 billion debt and an annual debt service of approximately $3.1 billion. In each year since 1986, the Philippines has paid over $1 billion in debt service to foreign creditors than it receives in assistance.

In a country where nearly 70 percent of the population lives in poverty and per capita income is less than $2 a day, the net transfer of capital out of the country is a significant impediment to sustained economic recovery.

The Roth amendment limits the U.S. commitment to the MAI to 2 years, instead of 5, and thus would raise serious concerns within the international donor community. Before sending such a signal, it should be considered that the international donor community will contribute four times more official assistance than will the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ROTH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 233, not voting 14, as follows:

[Roll No. 125]

AYES—185

Andrews	Darden	Hansen
Applegate	Davis	Harris
Archer	DeLay	Hastert
Armey	Derrick	Hatcher
Baker	DeWine	Hayes (IL)
Ballenger	Dickinson	Hayes (LA)
Barnard	Dornan (CA)	Hefley
Barton	Douglas	Hefner
Bateman	Dreier	Henry
Bereuter	Duncan	Herger
Bevill	Early	Hiler
Bilirakis	Emerson	Holloway
Bliley	English	Hopkins
Browder	Erdreich	Horton
Brown (CO)	Fawell	Hubbard
Buechner	Fields	Hughes
Bunning	Flippo	Hutto
Burton	Ford (MI)	Hyde
Callahan	Frenzel	Inhofe
Campbell (CO)	Gallegly	Ireland
Clement	Gaydos	Jacobs
Coble	Gekas	James
Coleman (MO)	Gibbons	Jenkins
Combest	Gingrich	Johnson (SD)
Conyers	Glickman	Jones (NC)
Cox	Goodling	Jontz
Craig	Grandy	Kanjorski
Crane	Hall (TX)	Kasich
Crockett	Hammerschmidt	Kleczka
Dannemeyer	Hancock	Kyl
Lent	Payne (VA)	Smith, Robert (NH)
Lewis (FL)	Perkins	Smith, Robert (OR)
Lightfoot	Petri	Solomon
Lloyd	Quillen	Spence
Lukens, Donald	Ravenel	Stallings
Marlenee	Rhodes	Stearns
Martin (IL)	Ridge	Stenholm
Martin (NY)	Ritter	Stump
Martinez	Roberts	Tallon
Mazzoli	Robinson	Tanner
McCandless	Rogers	Tauke
McCollum	Rohrabacher	Tauzin
McCrery	Roth	Thomas (GA)
McDade	Roukema	Thomas (WY)
McEwen	Rowland (CT)	Traficant
McMillan (NC)	Rowland (GA)	Traxler
McNulty	Russo	Upton
Montgomery	Schaefer	Valentine
Moorhead	Schiff	Vander Jagt
Murphy	Schroeder	Volkmer
Myers	Schulze	Vucanovich
Neal (NC)	Sensenbrenner	Walker
Nelson	Sharp	Watkins
Nielson	Shaw	Weldon
Obey	Shumway	Whittaker
Ortiz	Shuster	Wylie
Oxley	Skeen	Yatron
Packard	Skelton	Young (AK)
Parker	Slattery	Young (FL)
Parris	Slaughter (VA)	
Pashayan	Smith (MS)	
Patterson	Smith (NE)	
Paxon	Smith, Denny (OR)	

NOES—233

Ackerman	Espy	Lewis (CA)
Akaka	Evans	Lewis (GA)
Alexander	Fascell	Lipinski
Anderson	Fazio	Livingston
Annunzio	Feighan	Long
Anthony	Fish	Lowery (CA)
Aspin	Flake	Lowey (NY)
Atkins	Foglietta	Luken, Thomas
AuCoin	Ford (TN)	Machtley
Bartlett	Frank	Madigan
Bates	Frost	Manton
Beilenson	Gallo	Markey
Bennett	Garcia	Matsui
Berman	Gejdenson	Mavroules
Bilbray	Gephardt	McCloskey
Boehlert	Gillmor	McCurdy
Boggs	Gilman	McGrath
Bonior	Gonzalez	McHugh
Borski	Gordon	McMillen (MD)
Bosco	Goss	Meyers
Boucher	Gradison	Mfume
Boxer	Grant	Michel
Brennan	Gray	Miller (CA)
Brooks	Green	Miller (OH)
Broomfield	Guarini	Miller (WA)
Brown (CA)	Gunderson	Mineta
Bruce	Hall (OH)	Moakley
Bustamante	Hamilton	Molinari
Byron	Hawkins	Mollohan
Campbell (CA)	Hertel	Moody
Cardin	Hoagland	Morella
Carper	Hochbrueckner	Morrison (CT)
Carr	Houghton	Morrison (WA)
Chandler	Hoyer	Mrazek
Clarke	Huckaby	Murtha
Clay	Hunter	Nagle
Clinger	Johnson (CT)	Natcher
Coleman (TX)	Johnston	Neal (MA)
Conte	Jones (GA)	Nowak
Cooper	Kaptur	Oakar
Costello	Kastenmeier	Oberstar
Coughlin	Kennedy	Olin
Coyne	Kennelly	Owens (NY)
DeFazio	Kildee	Owens (UT)
Dellums	Kolbe	Pallone
Dicks	Kolter	Panetta
Dingell	Kostmayer	Payne (NJ)
Dixon	LaFalce	Pease
Donnelly	Lagomarsino	Pelosi
Dorgan (ND)	Lancaster	Penny
Downey	Lantos	Pickett
Durbin	Laughlin	Pickle
Dwyer	Leach (IA)	Porter
Dymally	Leath (TX)	Poshard
Dyson	Lehman (CA)	Price
Eckart	Lehman (FL)	Pursell
Edwards (CA)	Leland	Rahall
Edwards (OK)	Levin (MI)	Rangel
Engel	Levine (CA)	Ray
Regula	Skaggs	Towns
Richardson	Slaughter (NY)	Udall
Rinaldo	Smith (FL)	Unsoeld
Roe	Smith (NJ)	Vento
Rose	Smith (VT)	Visclosky
Rostenkowski	Snowe	Walgren
Roybal	Solarz	Walsh
Saiki	Spratt	Waxman
Sangmeister	Staggers	Weber
Sarpalius	Stangeland	Weiss
Sawyer	Stark	Wheat
Saxton	Stokes	Whitten
Scheuer	Studds	Williams
Schneider	Sundquist	Wise
Schuette	Swift	Wolf
Schumer	Synar	Wolpe
Shays	Thomas (CA)	Wyden
Sikorski	Torres	Yates
Sisisky	Torricelli	

NOT VOTING—14

Bentley	de la Garza	Smith (IA)
Bryant	Florio	Smith (TX)
Chapman	McDermott	Wilson
Collins	Sabo	Wright
Courter	Savage	

□ 1409

Messrs. GOSS, KASTENMEIER, ROSE, HUCKABY, and DWYER of New Jersey changed their votes from "aye" to "no."

Mr. ORTIZ and Mr. MARLENEE changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1410

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PORTER:

Page 526, after line 24, insert the following new section:

SEC. 910. CONCERNING HONG KONG.

It is the sense of the Congress that the President should take such actions as may be necessary under the Immigration and Nationality Act to permit increased immigration from Hong Kong to the United States.

Mr. MORRISON of Connecticut. Mr. Chairman, I reserve a point of order on the amendment.

Mr. PORTER. Mr. Chairman, this amendment seeks the increase of the United States immigration quota for Hong Kong. When Li Peng and Deng Xiaoing turned tanks and guns against their own people, they did irreparable harm to Hong Kong. In 1997 Hong Kong will come under the control of the People's Republic of China.

Before Great Britain agreed to relinquish sovereignty, it got from Deng a litany of guarantees, Mr. Chairman: the guarantee that capitalist Hong Kong will be free to exist in Communist China; the guarantee that Hong Kong people would administer Hong Kong; that Hong Kong would retain a high degree of autonomy; and that Hong Kong's legislative and judicial branches would be independent of the National People's Congress.

In drafting Hong Kong's post-1997 constitution, Deng and his cronies

have one by one reneged on these guarantees.

As it stands now, that constitution will not allow full direct election of a chief executive until at least 1997 and then only if Beijing okays it. It provides that all Hong Kong laws can be vetoed by the People's Republic of China and does not retain any true human rights guarantees.

The Beijing massacre laid bare, if they had not been already, all of the guarantees given to Hong Kong. Confidence in Hong Kong is at an all-time low in the future. The stock market dropped down 25 percent in 1 day. Forty-five thousand people left in 1987 and more are expected to leave this year, Mr. Chairman. Sixty thousand was the estimate before Tiananmen Square and probably it is twice that number after.

A total of 3.4 million of Hong Kong's nationals were born in Hong Kong, Mr. Chairman, and yet they cannot go to Great Britain.

This is how the United States can help Hong Kong: We can insure that unless China lives up to its guarantees, the people of Hong Kong will have not only the right but the ability to leave. If Deng's brand of government continues, he will have had nothing more than an empty purse.

Hopefully, of course, Hong Kong, the people of Hong Kong will be able to stay. But if they must leave, the United States should welcome them.

Hong Kong is an economic miracle, Mr. Chairman. The per capita earning is 29 times greater than that of the People's Republic of China. The people of Hong Kong are people of talent, people of great entrepreneurial skill.

They understand as perhaps no others can on Earth the difference between totalitatianism and freedom. Many of them are, in fact, refugees from the People's Republic of China. They are, in sum, the very kind of people we need in the United States.

This amendment asks the President to do all in his power under the law to increase Hong Kong's immigration quota to the United States.

My legislation, H.R. 2657, would raise the quota from 5,000 to 50,000 per year.

Mr. Chairman, the students of Beijing did their best; the butchers of Beijing crushed their aspirations.

Insofar as we can, our country should work to insure that their brethren in Hong Kong have the right to live in freedom.

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I thank the gentleman for yielding.

Mr. Chairman, I understand that the gentleman is willing to withdraw his amendment, and therefore I will not have to press my point of order regarding the germaneness of this amendment, but I certainly understand the gentleman's concern and as chairman of the Subcommittee on Immigration it is my intention that we will work with the gentleman's legislation in a prompt and expeditious manner, as well as other legislation in the immigration area relating to China as well as Hong Kong, in particular the legislation introduced by the gentlewoman from California which asks that we expand upon and improve the program that the President has announced for the People's Republic of China nationals who are here.

I would just caution all of us to recognize that in Hong Kong and in China itself and in Southeast Asia and in Latin America and in the Soviet Union there are literally millions of people around the world would like to live in the freedom that exists here in the United States. Balancing that desire against our ability to absorb refugees and immigrants is a difficult one. The committee is charged with that responsibility, the Committee on the Judiciary. Our Subcommittee on Immigration will do the very best we can by the gentleman's legislation. I think his raising the issue here today is an important part of the debate over the situation in China. Mr. Chairman, I thank the gentleman for it, and I hope that he will work with our subcommittee in resolving these issues.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word and I rise in order to engage in a colloquy with the chairman of the committee, the gentleman from Florida [Mr. FASCELL].

Mr. Chairman, I would like to clarify for the record that the earmark for child survival and health activities in H.R. 2655 establishes a floor on spending for these vital programs. It should also be clarified that funds for AIDS prevention and control may, and hopefully will, be used from sources of funding in the bill other than the earmarked funds for child survival and health.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Florida, the chairman of the full committee.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct. AID has authority to support all health activities over and above the amount earmarked in H.R. 2655 for such purposes.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for that clarification and yield back the balance of my time.

Mr. PORTER. Mr. Chairman, if there are no other Members seeking recognition on my amendment, I would ask unanimous consent to withdraw the amendment based upon the assurances of the gentleman from Connecticut [Mr. MORRISON].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there further amendments to title IX?

AMENDMENT OFFERED BY MR. HERGER

Mr. HERGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HERGER: Page 535, after line 10, insert the following new section:

SEC. 925. SUSPENSION OF FOREIGN ASSISTANCE TO INDIA.

(a) FINDINGS.—The Congress makes the following findings:

(1) Amnesty International has confirmed that in April 1989 a teenage Sikh girl was arrested by police in Laharka, held for three days, and repeatedly raped by a number of police officers.

(2) Such findings have been confirmed by the London Sunday Times and a local doctor, and were even acknowledged by the head of the Punjab Police.

(3) The Government of India has not taken any action against the officers suspected in this incident.

(4) Several Indian newspapers and magazines have reported on similar treatment of other women, including an incident in mid-April where an aged widow and her two daughters were beaten up and tortured by a police party headed by officers of the Beas police station in Butala Village.

(5) The Government of India has refused to allow Amnesty International to investigate such allegations.

(6) No other democratic nation refuses to allow Amnesty International access within its borders; even Nicaragua and Cuba have allowed Amnesty International to investigate human rights abuses.

(b) SENSE OF CONGRESS.—The Congress condemns the inaction by the Government of India relating to the incidents described in subsection (a).

(c) LIMITATION ON DEVELOPMENT ASSISTANCE.—Notwithstanding any other provision of law, none of the funds made available for fiscal years 1990 and 1991 under the Foreign Assistance Act of 1961 for development assistance which are allocated for India may be obligated or expended unless the President certifies to the Congress that—

(1) the individuals responsible for the incidents described in subsection (a) are identified, charged with the appropriate offenses, and imprisoned for their crimes;

(2) Amnesty International is allowed access to the Punjab to investigate the incidents described in subsection (a) and other charges of human rights abuses by the government; and

(3) the economic blockade of Nepal is lifted.

Mr. HERGER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1420

Mr. FASCELL. Mr. Chairman, how much time do we have remaining under the rule?

The CHAIRMAN. Under the rule, there are 17 minutes remaining.

Mr. FASCELL. I would say I believe this is the last amendment to this title. It would be our purpose to go to the next title, where I believe that all questions there have been resolved, and we could go to the next title that would be designated. We would then return, Mr. Chairman, to the reservation that we had with regard to section 707 of title VII. That would then move Members into the rest of the bill. I just wanted to remind my colleagues when the time expires.

Mr. BROOMFIELD. Except for the unanimous-consent request on the title VII matter, unless the amendments are printed in the RECORD: Members would then have 5 minutes, and we would be out of general debate time, am I correct, in 17 minutes?

The CHAIRMAN. The gentleman is correct.

Mr. FASCELL. I do not want to use up all of the gentleman's time on his own amendment.

Mr. HERGER. Mr. Chairman, I would like to reclaim my time.

Mr. Chairman, the proposed level of United States economic assistance to India for fiscal year 1990 is $110.4 million. The amendment I am offering would reduce that amount by just $25 million, striking the developmental assistance portion of the proposed aid. But yet it would not make reductions in the $85 million worth of Public Law 480 food aid programs.

Mr. Chairman, the reason I am offering this amendment is quite simple. India has a serious problem of officially tolerating human rights abuses against religious and ethnic minorities, and the Indian Government is presently doing nothing to correct this problem.

According to Amnesty International, thousands of Indian citizens from these minority groups, have been arrested and detained for up to 2 years without being charged with any criminal offense.

Furthermore, Amnesty International and the London Sunday Times allege female detainees have been raped by law enforcement personnel, with no action being taken against those who have committed these atrocities.

In one Indian province, according to Amnesty International, over a 16-year period, more than one women per week was raped in police custody.

Perhaps that is why India is the only democracy that has repeatedly refused to allow representatives of Amnesty International to investigate charges of human rights violations within their country.

In an era of high Federal deficits and restraints on Federal spending, I question whether sending an additional $25 million for development assistance to the Indian Government is an effective use of our tax dollars.

Moreover, the Indian Government has not shown itself to be a friend of the United States. For example, at the United Nations, India voted against the United States position 93 percent of the time in 1988, more so than either Cuba or the Soviet Union. At the United Nations, India refused to condemn the brutal Soviet invasion of Afghanistan, or the downing of Korean Air Lines flight 007, in which a Member of our own House of Representatives was killed.

Currently, India has an active nuclear weapons program, and is leasing a nuclear submarine from the Soviet Union. They have developed a missile capable of carrying nuclear warheads and have also provided financial assistance to the Communist government in Afghanistan.

India has been a bully to its neighbors as well—imposing a crippling economic blockade on Nepal—landing some 45,000 troops in Sri Lanka, and now refusing to remove them at the request of that nation's government.

Mr. Chairman, AID's 1990 congressional presentation notes that, and I quote "India's economy is thriving," and "India is on a new threshold of development" end quote. As the self-proclaimed world largest democracy, the Indian Government should be expected to eliminate the pattern of human rights abuses cited by Amnesty International in its August 1988 report. My amendment merely suggests that if it does not do so, the Indian Government should spend its own money, perhaps from the funds it now devotes to its nuclear weapons program, on the development projects under discussion today.

Mr. SOLARZ. Mr. Chairman, I rise in opposition to the amendment. I rise in strong opposition to the amendment.

It is based on factual inaccuracies. If it were adopted, it would have a chilling effect on our relationship with the world's most populous democracy. In addition, if this amendment were adopted, it would entirely eliminate 100 percent of our development assistance program in a country in which one-third of all the poor people of the world actually reside.

It would eliminate $6 million for child survival activities. It would eliminate $1 million for a vaccination program. It would eliminate forestry programs. It would eliminate irrigation programs.

Now, what is the justification for taking $25 million away from development assistance, in a country which is the most populous democracy in the world, with over 250 million people living below the poverty level? We are told it is because, according to this amendment, some woman was raped in Punjab and not until the authorities identify, incarcerate and imprison those responsible, they do not get any development assistance. What about due process, What if they cannot prove a case against the people? This is virtually unheard of.

The amendment would make our whole development assistance program to India contingent on what happened in one incident in Punjab? There are human rights abuses in the Punjab, but I did not hear the author of the amendment say 90 to 95 percent of them are due to Sikh extremists murdering not only Hindus, but Sikhs, as well.

I would like to defend a country that identifies with the democratic values. I will be happy to yield when my time expires to the gentleman. The amendment says our development assistance to India should be eliminated if they cease to blockade. There is no blockade. There are border crossings still open with Nepal through which 90 percent of the commerce between India and Nepal passed prior to the dispute. There is no comprehensive total embargo or blockage which is imposed by India against Nepal. In the last few years, first the Reagan administration and then the Bush administration has brought about a quiet but significant improvement in our relations with India. If this amendment is adopted, it is a slap in the face against India and it will have a chilling impact on our relationship. The author of the amendment says that India votes against the United States 93 percent of the time at the United Nations, so, therefore, we should cut out the development assistance program.

□ 1430

Let me warn my friends on the other side of the aisle who might be inclined to support this amendment that if that is the basis on which to cut off development assistance to India, what about Pakistan, which gets six times as much aid as India but which votes against us at the United Nations 88 percent of the time? We are giving $600 million a year to Pakistan. They vote against us 88 percent of the time.

I do not hear any of my friends on the other side of the aisle saying that, therefore, we should cut out our aid to Pakistan, which is one of the largest recipients of aid from the United States. And I agree with them, that we should not cut aid to Pakistan. It is an important country. But so is India, the most populous democracy in the world and it is beginning to work with us in a number of areas. Finally, the amendment says that because they do not

permit Amnesty International into the Punjab, they should not get our development assistance. The fact of the matter is that they do permit representatives of Indian human rights organizations to go to the Punjab. They have been to the Punjab, and they have reported on the Punjab. In fact, in the last few months there has been a significant improvement. The Government of India has released political prisoners. It has acceded to a number of Sikh requests. It is moving in the right direction. If in spite of that this amendment is adopted, the chances are that it will bring the progress in the Punjab to an end.

So, Mr. Chairman, I strongly urge the Members to vote against this strongly misguided amendment.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, they are friends of the United States of America? They are our friends, right Mr. SOLARZ?

They are one of the few nations that did not condemn them, the shooting down of 007, the Korean airline on which one of our colleagues was killed. Friends of ours, Mr. SOLARZ?

They did not condemn the Russian invasion of Afghanistan. I think they were one of the two or three countries in the world that did not. Our friends, Mr. SOLARZ?

They vote with us 6.7 percent of the time at the United Nations. That means that 92.3 percent of the time they do not vote with us. They are good friends of ours, Mr. SOLARZ?

They took $10.4 million of our money, Mr. SOLARZ, and gave it to Daniel Ortega when he went to India, and they support that nation. They support the government in Kabul.

Friends of ours, Mr. SOLARZ? I do not know what you have been reading.

The fact of the matter is that there have been atrocities in the Punjab perpetrated on the people up there by the Indian Government. In addition to that, they are helping build Mig-29 fighter planes in India in conjunction with the Soviet Union. They are building tanks with the Soviet Union in India. They are in bed with the Soviet Union up here Mr. SOLARZ. So when you say they are good friends of the United States, I think we should take that with a grain of salt, maybe with a whole box full of salt.

Mr. Chairman, let me just say very quickly that women have been raped and mistreated in the Punjab. People have been tortured in the Punjab. Sikhs have been tortured by the police authorities, by the government authorities in India. So there is a reason for this amendment.

Let us read what this amendment says. It says that we are going to hold off that aid until the individuals responsible for these incidents are brought to justice. What is wrong with that?

It says we are going to hold off this aid until Amnesty International can go in and investigate these alleged atrocities and human rights violations. What is wrong with that?

And it says we will hold off until the economic blockade of Nepal is lifted. What is wrong with that?

I think this is a very well thought out amendment. I think it is a good amendment, one that we should all embrace and support. I think we should set the record straight, and I believe we have done a little bit of that just now. India is a very close friend of the Soviet Union, and they are friends of ours only when they need our money.

Mr. WALSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Herger amendment. Having lived as a Peace Corps volunteer in Nepal for 2 years, I feel a special need to join in the voices who call for India to end the blockade of Nepal.

I was an agricultural extension agent and got a chance to travel throughout Nepal and India. The former is a tiny, landlocked nation. The latter a world power. While I was in India, visiting everywhere from Banares to Bombay, from Siliguiry to Srinagar, I grew to love and respect the language and culture that make India the vast and, to us sometimes, mysterious collection of people that it is.

In this case, though, there is no mystery. India is dead wrong. I ask that the government stop the blockade that is hurting their neighbor, Nepal, because I love and respect the Nepalese people and their culture, too.

There are few things I would claim to know better than others in this House. But when it comes to that part of the world, I must tell you I know perhaps as well as anyone here the hardship the Nepalese are experiencing because of this blockade.

Trucks carrying vital petroleum supplies are stopped at the border. The Nepalese are forced to use wood for basic fuel, and as a result their tropical rain forests are for the first time threatened. The people of Nepal exist at the mercy of the Indian Government. Schools are closed. Businesses are closed.

This is not only a regional issue. It is crucial to the rest of the world that India lift the blockade and resume the free flow of goods, to keep harmony in that part of the world and to show its good faith in dealing not only with Nepal, but with the United States as well.

The Treaty of Trade and Transit, which has expired after 29 years, was of mutual benefit to these countries.

I hope the roadways will be opened again soon.

Support the mission of Amnesty International, support the tropical rain forests, support the rights of the Nepalese to exist in harmony with a large, powerful neighbor—support the Herger amendment.

The CHAIRMAN pro tempore (Mr. JACOBS). The Chair will announce that of the 8-hour agreement, 2 whole minutes remain.

For what purpose does the gentleman from Ohio (Mr. DONALD E. "BUZ" LUKENS) rise?

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized for 2 minutes.

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, very briefly, I rise in strong support of the amendment offered by the gentleman from California [Mr. HERGER].

There are enough real problems that have risen now and that have been addressed now in India to raise very real questions about their sincerity in solving their human rights problems. We know that a human rights situation does exist. If there is any way to get the attention of the Indian Government, I think that is the quickest and most effective way.

I am not comfortable voting against our friends from India and that government. They have made great strides in many directions, but they have refused to allow internationally recognized organizations in to investigate the serious allegations against them in the areas of their treatment of ethnic groups.

So I rise in support of the efforts of the gentleman from California [Mr. HERGER] to bring the attention of the world to this serious question, and I hope that the Members of this body will rise in support of the amendment also.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. HERGER].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLARZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 212, not voting 16, as follows:

[Roll No. 126]

AYES—204

Andrews	Bartlett	Bliley
Applegate	Barton	Browder
Archer	Bateman	Brown (CO)
Armey	Bennett	Bunning
Baker	Bevill	Burton
Ballenger	Bilbray	Byron
Barnard	Bilirakis	Callahan

Campbell (CO)
Chandler
Clement
Coble
Coleman (MO)
Combest
Coughlin
Cox
Craig
Crane
Dannemeyer
Darden
Davis
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fazio
Fields
Flippo
Ford (MI)
Gallegly
Gaydos
Gekas
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (SD)
Jones (GA)
Jontz
Kasich
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leath (TX)
Lehman (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
McNulty
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Myers
Natcher
Neal (NC)
Nelson
Nielson
Oxley
Packard
Parker
Parris
Pashayan
Patterson
Paxon
Perkins
Pickle
Price
Pursell
Ravenel
Ray
Rhodes
Ritter
Roberts
Robinson
Roe
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sarpalius
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (MS)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Staggers
Stallings
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Traficant
Traxler
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Whitten
Williams
Wolf
Wylie
Young (FL)

NOES—212

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bates
Beilenson
Bereuter
Berman
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Buechner
Bustamante
Campbell (CA)
Cardin
Carper
Carr
Clarke
Clay
Clinger
Coleman (TX)
Conte
Conyers
Cooper
Costello
Coyne
Crockett
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dyson
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Feighan
Fish
Flake
Foglietta
Ford (TN)
Frank
Frenzel
Frost
Gallo
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Hoyer
Hughes
Jenkins
Johnson (CT)
Johnston
Jones (NC)
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Petri
Pickett
Porter
Poshard
Quillen
Rahall
Rangel
Regula
Richardson
Ridge
Rinaldo
Rohrabacher
Rose
Rostenkowski
Roybal
Sabo
Saiki
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schumer
Sharp
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (NJ)
Smith (VT)
Solarz
Spratt
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Udall
Unsoeld
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Wheat
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—16

Bentley
Bryant
Chapman
Collins
Courter
Douglas
Dymally
Florio
Garcia
Hawkins
Horton
McDermott
Smith (IA)
Wilson
Wright
Young (AK)

□ 1458

Messrs. MFUME, JOHNSTON of Florida, DE LA GARZA, SMITH of Vermont, and SHARP changed their votes from "aye" to "no."

Mr. JONES of Georgia, Ms. SNOWE, Mr. LEHMAN of California, and Mrs. BYRON changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to title IX?

If not, the Clerk will designate title X.

The text of title X is as follows:

TITLE X—AFRICA

CHAPTER 1—AFRICA FAMINE RECOVERY AND DEVELOPMENT

SEC. 1001. SHORT TITLE.

This chapter may be cited as the "Africa Famine Recovery and Development Act".

SEC. 1002. AFRICA FAMINE RECOVERY AND DEVELOPMENT.

Title VI of the Foreign Assistance Act of 1961, as amended by titles VII and IX of this Act, is further amended by adding at the end the following:

"CHAPTER 3—AFRICA FAMINE RECOVERY AND DEVELOPMENT

"SEC. 6301. LONG-TERM DEVELOPMENT ASSISTANCE FOR SUB-SAHARAN AFRICA.

"(a) AUTHORITY TO FURNISH ASSISTANCE.—The President is authorized to furnish project and program assistance for long-term development in sub-Saharan Africa.

"(b) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section shall be to help the poor majority of men and women in sub-Saharan Africa to participate in a process of long-term development through economic growth that is—

"(1) equitable, in that it enables the poor to increase their incomes and their access to productive resources and services so that they can satisfy their basic needs and lead lives of decency, dignity, and hope;

"(2) participatory, in that it enables the poor to contribute knowledge and other resources and to make and influence decisions that affect their lives;

"(3) environmentally sustainable, in that it maintains and restores the renewable natural resource base of the economy and wisely uses nonrenewable resources; and

"(4) self-reliant, in that it is based on indigenous institutions, private and public, local and national, that have the capacity (including the human resources and finances) to carry out development policies.

Assistance provided under this section should also, in a manner consistent with the preceding provisions of this subsection, encourage private sector development and promote individual initiatives and help to reduce the role of central governments in areas more appropriate for the private sector.

"(c) APPLICATION OF FOUR BASIC OBJECTIVES.—Except as otherwise provided in this section, assistance under this section shall be provided consistent with the policies expressed in section 1102.

"(d) PRIVATE VOLUNTARY ORGANIZATIONS.—

"(1) CONSULTATION TO ENSURE LOCAL PERSPECTIVES.—The administering agency shall take into account the local-level perspectives of the rural and urban poor in sub-Saharan Africa, including women, during the planning process for project and program assistance under this section. In order to gain that perspective, the administering agency shall, through specific mechanisms in each country assisted, consult closely with African, United States, and other private voluntary organizations which have demonstrated effectiveness in or commitment to the promotion of local, grassroots activities on behalf of long-term development in sub-Saharan Africa as described in subsection (b).

"(2) FUNDING FOR STRENGTHENING OF DEVELOPMENT EFFORTS.—In carrying out this section, the administering agency shall make available funds for a significant (relative to fiscal year 1989) long-term expansion and strengthening of development efforts by African, United States, and other private voluntary organizations which have demonstrated effectiveness in or a commitment to the promotion of local grassroots activities on behalf of long-term development in sub-Saharan Africa as described in subsection (b).

"(3) DEFINITION OF PRIVATE VOLUNTARY ORGANIZATION.—For purposes of this section, the term 'private voluntary organization' includes (in addition to entities traditionally considered to be private voluntary organizations) cooperatives, credit unions, trade unions, women's groups, higher education institutions, nonprofit development research institutions, other intermediaries, and indigenous local organizations, which are private and nonprofit.

"(e) LOCAL INVOLVEMENT IN PROJECT IMPLEMENTATION.—Local people, including women, shall be closely consulted and involved in all stages of the implementation of every

project under this section which has a local focus.

"(f) PARTICIPATION OF AFRICAN WOMEN.—The administering agency shall ensure that development activities assisted under this section incorporate a significant expansion of the participation (including decision-making) and integration of African women in each of the critical sectors described in subsection (h).

"(g) TYPES OF ASSISTANCE AUTHORIZED.—

"(1) PROJECTS AND PROGRAMS TO ADDRESS CRITICAL SECTORAL PRIORITIES.—Assistance under this section shall emphasize primarily projects and programs to address critical sectoral priorities for long-term development described in subsection (h).

"(2) REFORM OF NATIONAL ECONOMIC POLICIES.—

"(A) USE OF PROGRAM ASSISTANCE.—Assistance under this section may also include program assistance to promote reform of national economic policies to support the critical sectoral priorities for long-term development described in subsection (h).

"(B) EXAMPLES OF NATIONAL ECONOMIC POLICY REFORMS WHICH CAN BE SUPPORTED.—Assistance may be provided under subparagraph (A) to support such national economic policy reforms as correction of overvalued exchange rates, reduction of government budget deficits, raising of real prices of food crops, reform or privatization of inefficient parastatal enterprises, improved public management, and other reforms suggested in the consultation process pursuant to subsection (d)(1) which reflect the local-level perspective of the rural and urban poor in sub-Saharan Africa.

"(C) PROTECTION OF VULNERABLE GROUPS.—Assisted policy reforms shall also include provisions to protect vulnerable groups (especially poor, isolated, and female farmers and the urban poor) and long-term environmental interests from possible negative consequences of the reforms.

"(3) OTHER ASSISTANCE.—Funds made available to carry out this section shall be used almost exclusively for assistance in accordance with paragraphs (1) and (2). Limited amounts of assistance, however, may be furnished under this section to address other priorities for long-term development in sub-Saharan Africa as described in subsection (b) if, at least 15 days before funds are obligated for such assistance, the President notifies the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 4304.

"(h) CRITICAL SECTORAL PRIORITIES.—The critical sectoral priorities for long-term development as described in subsection (b) are the following:

"(1) AGRICULTURAL PRODUCTION AND NATURAL RESOURCES.—

"(A) AGRICULTURAL PRODUCTION.—Increasing agricultural production in ways which protect and restore the natural resource base, especially food production, through agricultural policy changes at the macroeconomic and sector levels, agricultural research (including participatory research directly involving small farmers) and extension, development and promotion of agriculture marketing activities, credit facilities, and appropriate production packages, and the construction and improvement of needed production-related infrastructure such as farm-to-market roads, small-scale irrigation, and rural electrification. Emphasis shall be given to promoting increased equity in rural income distribution, recognizing the role of small farmers (the majority of whom are women) and the farm family.

"(B) NATURAL RESOURCE BASE.—Maintaining and restoring the renewable natural resource base in ways which increase agricultural production, through the following:

"(i) Primary emphasis on small-scale, affordable, resource-conserving, low-risk local projects, using appropriate technologies (including traditional agricultural methods) suited to local environmental, resource, and climatic conditions, and featuring close consultation with and involvement of local people at all stages of project design and implementation. Emphasis shall be given to grants for African local government organizations, international or African nongovernmental organizations, and United States private voluntary organizations.

"(ii) Significant support for efforts at national and regional levels to provide technical and other support for projects of the kinds described in clause (i) and to strengthen the capacities of African countries to provide effective extension and other services in support of environmentally sustainable increases in food production.

"(iii) Significant support for special training and education efforts to improve the capacity of countries in sub-Saharan Africa to manage their own environments and natural resources.

"(2) HEALTH.—Improving health conditions, with special emphasis on meeting the health needs of mothers and children through the establishment of self-sustaining primary health care systems that give priority to preventive health.

"(3) VOLUNTARY POPULATION PLANNING.—Providing voluntary population planning, including increased access to voluntary family planning services, including encouragement of private, community, and local government initiatives.

"(4) EDUCATION.—Improving the relevance to production and the efficiency of education, with substantial attention given to improving basic literacy and numeracy, especially to those outside the formal educational system, and improving primary education.

"(5) INCOME-GENERATING OPPORTUNITIES.—Developing income-generating opportunities for the unemployed and underemployed in urban and rural areas. Off-farm employment opportunities in micro- and small-scale labor-intensive enterprises shall be emphasized.

"(i) MINIMUM LEVELS OF ASSISTANCE FOR CERTAIN CRITICAL SECTORS.—The following requirements apply with respect to fiscal years 1990, 1991, and 1992:

"(1) NATURAL RESOURCES.—The aggregate amount used for each 2 consecutive fiscal years for activities described in subsection (h)(1)(B), including identifiable components of agricultural production projects, shall not be less than 10 percent of the aggregate amount made available to carry out this section for those two fiscal years.

"(2) HEALTH.—The aggregate amount used for each 2 consecutive fiscal years for activities described in subsection (h)(2) shall not be less than 10 percent of the aggregate amount made available to carry out this section for those two fiscal years.

"(3) VOLUNTARY POPULATION PLANNING.—The aggregate amount used for each 2 consecutive fiscal years for activities described in subsection (h)(3) shall not be less than 10 percent of the aggregate amount made available to carry out this section for those two fiscal years.

"(j) IN-COUNTRY NATURAL RESOURCES AND ENVIRONMENTAL TRAINING.—The Administrator shall use not less than the following amounts of the funds made available to carry out this section for in-country natural resources and environmental training in sub-Saharan Africa:

"(1) For fiscal year 1990, the amount used for such training for fiscal year 1989.

"(2) For fiscal year 1991 and each fiscal year thereafter, not less than 4 percent of the funds made available for that fiscal year pursuant to subsection (i)(1) to carry out subsection (h)(1)(B).

Local currencies accruing under this Act or the Agricultural Trade Development and Assistance Act of 1954 may be used in carrying out this subsection in lieu of an equal amount of dollars.

"(k) EFFECTIVE USE OF ASSISTANCE.—Assistance provided under this section shall be concentrated in countries which will make the most effective use of such assistance in order to fulfill the purpose specified in subsection (b), especially those countries (including those of the Sahel region) having the greatest need for outside assistance. Assistance shall not be allocated for a project or program in a country where the relevant sector or national economic policies are clearly unfavorable to the sustainability or broadened impact of the assisted activity.

"(l) LOCAL CURRENCIES GENERATED UNDER OTHER AUTHORITIES.—Local currencies generated in sub-Saharan Africa under the economic support assistance program under title I of this Act or under section 106(b)(2), section 206, or title III of the Agricultural Trade Development and Assistance Act of 1954 that are to be used for development activities shall be used only for activities which would be eligible for assistance under this section.

"(m) DONOR COORDINATION MECHANISM.—Funds made available to carry out this section may be used to assist the governments of countries in sub-Saharan Africa to increase their capacity to participate effectively in donor coordination mechanisms at the country, regional, and sector levels.

"(n) POLICY ON USE OF FUNDS FOR PAYMENT OF OFFICIAL DEBT.—It shall be the policy of the United States that funds made available to carry out this section not be used to make payments with respect to any official debt owed to the United States Government, any foreign government, or any multilateral lending institution. Exceptions to this policy may be made—

"(1) only in certain instances where the recipient country's debt service is a significant barrier to development and where such payments would have a significant effect in leveraging additional flows of development finance; and

"(2) only after consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(o) RELATION TO OTHER AUTHORITIES.—The authority granted by this section to provide assistance for long-term development in sub-Saharan Africa is not intended to preclude the use of other authorities for that purpose. Centrally-funded programs which benefit sub-Saharan Africa shall continue to be funded under the development assistance program under title I.

"SEC. 6302. AUTHORIZATIONS OF APPROPRIATIONS FOR ASSISTANCE FOR SUB-SAHARAN AFRICA.

"(a) AUTHORIZATIONS.—There are authorized to be appropriated to the President to

carry out section 6301 $580,000,000 for fiscal year 1990, $610,000,000 for fiscal year 1991, $640,000,000 for fiscal year 1992, $670,000,000 for fiscal year 1993, and $700,000,000 for fiscal year 1994.

"(b) EXTENDED AVAILABILITY OF FUNDS.—It is the sense of the Congress that the authority of section 5302 should be used to extend the period of availability of the funds made available under this section whenever appropriate to improve the quality of assistance provided under section 6301.

"SEC. 6303. ORGANIZATIONAL CHANGES.

"(a) DEVELOPMENT OF PLAN.—

"(1) REQUIREMENT FOR PREPARATION OF PLAN.—The Administrator shall develop, in a timely manner, a plan for organizational changes within the administering agency in order to carry out section 6301 with maximum effectiveness.

"(2) SUBMISSION OF PLAN TO CONGRESS.—Before implementing that plan, the Administrator shall submit a copy of the plan to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(b) FUNDING FOR INCREASED AID ORGANIZATIONAL RESOURCES FOR SUB-SAHARAN AFRICA.—The Administrator may transfer up to 5 percent of the funds made available each fiscal year under section 6302 to the appropriations account for the operating expenses of the administering agency for use in increasing (above the level of resources available for fiscal year 1989) the organizational resources which the administering agency has available for development assistance activities for sub-Saharan Africa. These funds shall be in addition to amounts otherwise allocated to the administering agency's Bureau for Africa.".

SEC. 1003. REPORTS TO CONGRESS.

(a) ANNUAL CONGRESSIONAL PRESENTATION DOCUMENTS.—Section 4301 of the Foreign Assistance Act of 1961, as enacted by title IV of this Act, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting the following new subsection (d) after subsection (c):

"(d) AFRICA FAMINE RECOVERY AND DEVELOPMENT.—The documents submitted pursuant to subsection (a) shall include a description of the progress made during the previous fiscal year in carrying out chapter 3 of title VI, including, for each country and for sub-Saharan Africa as a whole, a brief description of—

"(1) the activities undertaken and the modes of assistance employed, including—

"(A) the amounts of funds obligated, and

"(B) the amounts of generated local currencies used by host governments for development activities in accordance with sections 5321 and 6301(l);

"(2) consultation to ensure local perspectives as described in section 6301(d)(1);

"(3) the assistance provided to private voluntary organizations pursuant to section 6301(d)(2), specifying the amounts obligated for such assistance and comparing these amounts with those provided for the previous fiscal year;

"(4) the consultation with and involvement of local people in the implementation of projects having a local focus;

"(5) the extent to which there has been a significant expansion of the participation and integration of African women in each of the critical sectors specified in section 6301(h);

"(6) program assistance provided to promote national economic policy reforms, including the amounts obligated and the specific criteria used for assistance for national economic policy reforms;

"(7) assistance for the critical sectoral priorities specified in section 6301(h), by sector, including the amounts obligated;

"(8) the concentration of assistance by country, and any decision not to allocate assistance because of unfavorable sector or national economic policies;

"(9) organizational changes undertaken pursuant to section 6303, and amounts obligated for these changes; and

"(10) assistance provided to the governments of countries in sub-Saharan Africa for donor coordination efforts, including the amounts obligated.".

(b) REPROGRAMMING NOTIFICATIONS.—Section 4304(d) of that Act, as enacted by title IV of this Act, is amended—

(1) by striking out "or" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof ", or"; and

(3) by adding at the end the following:

"(6) sections 6301 (relating to assistance for famine recovery and development in Africa).".

SEC. 1004. CONFORMING AMENDMENTS TO PUBLIC LAW 480.

(a) AMENDMENTS.—The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in section 106(b)(2), by inserting "or, in the case of sub-Saharan Africa, the objectives of paragraphs (1) through (3) of section 6301(h) of that Act," after "Foreign Assistance Act of 1961";

(2) in clause (A) of section 206(a)(3), by inserting "(or in the case of sub-Saharan Africa, paragraph (1) of section 6301(h) of that Act)" after "Foreign Assistance Act of 1961"; and

(3) in section 301(b), by inserting "or, in the case of sub-Saharan Africa, the objectives of paragraphs (1) through (3) of section 6301(h) of that Act," after "Foreign Assistance Act of 1961".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date specified in section 601.

SEC. 1005. AFRICAN DEVELOPMENT FOUNDATION.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the purposes of the African Development Foundation, as set forth in the African Development Foundation Act, which include supporting self-help activities at the local level, fostering effective participation, and encouraging the establishment and growth of indigenous development institutions which can respond to the requirements of the poor, are consistent with the purpose specified in section 6302(b) of the Foreign Assistance Act of 1961 (as enacted by section 1002 of this title).

(b) AUTHORIZATIONS OF APPROPRIATIONS.—Section 510 of the African Development Foundation Act is amended by striking out all of the first sentence that follows "purpose," and inserting in lieu thereof "$10,000,000 for fiscal year 1990 and $10,500,000 for fiscal year 1991.".

(c) COMPOSITION OF BOARD.—

(1) REQUIREMENT THAT THE BOARD BE BIPARTISAN.—Section 507(a) of the African Development Foundation Act is amended by adding at the end the following: "Members of the Board shall be appointed so that no more than 4 members of the Board are members of any one political party.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) does not affect an appointment made to the Board of the African Development Foundation before the date of enactment of this Act.

(d) EXPIRATION OF AUTHORITIES.—Section 511 of the African Development Foundation Act is repealed.

SEC. 1006. UNITED STATES TRADE RESTRICTIONS ON PRODUCTS FROM SUB-SAHARAN AFRICA.

It is the sense of the Congress that special efforts should be undertaken to reduce trade barriers and promote economic interchange between the United States and developing countries in sub-Saharan Africa.

CHAPTER 2—OTHER PROVISIONS RELATING TO SUB-SAHARAN AFRICA

SEC. 1021. ECONOMIC SUPPORT ASSISTANCE FOR SUB-SAHARAN AFRICA.

Of the amounts made available for economic support assistance under the Foreign Assistance Act of 1961, $53,000,000 for each of the fiscal years 1990 and 1991 shall be available only for sub-Saharan Africa.

SEC. 1022. SUPPORT FOR THE SOUTHERN AFRICA DEVELOPMENT COORDINATION CONFERENCE.

(a) ASSISTANCE FOR SADCC PROJECTS.—

(1) EARMARKING OF FUNDS.—Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $50,000,000 for fiscal year 1990 and not less than $50,000,000 for fiscal year 1991 shall be available only to assist sector projects supported by the Southern Africa Development Coordination Conference (SADCC) to enhance the economic development of the 9 member states forming that regional institution.

(2) USES OF FUNDS.—The amounts made available pursuant to this subsection each fiscal year shall be available for the following sectors: transportation; manpower development; agriculture and natural resources; energy (including the improved utilization of electrical power sources which already exist in the member states and offer the potential to swiftly reduce the dependence of those states on South Africa for electricity); and industrial development and trade (including private sector initiatives).

(3) WAIVER OF RESTRICTIONS.—Funds made available pursuant to this subsection may be used without regard to section 4209 of the Foreign Assistance Act of 1961 or any similar provision.

(b) SECURITY OF SADCC PROJECTS.—The Congress urges the President to use diplomatic means, including multilateral negotiations and cooperation with international organizations, to protect the security of projects supported by the Southern Africa Development Coordination Conference from external attack, and urges the Government of South Africa to respect the territorial integrity of these states and to refrain from direct or indirect military aggression across its borders.

SEC. 1023. ASSISTANCE FOR BURUNDI.

(a) CONSIDERATIONS IN FURNISHING ASSISTANCE.—For fiscal years 1990 and 1991, in determining whether to furnish assistance under the Foreign Assistance Act of 1961 to Burundi, the President shall take into account whether the Government of Burundi—

(1) is making substantial progress in advancing the internal reform of its military and civil administration and ensuring discipline and control in military and administrative interactions with people of Hutu ethnicity; and

(2) is making substantial progress in further reversing patterns of ethnic discrimination against the majority Hutu, through equality of access to economic opportunities and public services and through increased respect for internationally recognized human rights.

(b) NOTIFICATIONS TO CONGRESS.—At least 15 days before each obligation of funds for assistance for Burundi for fiscal year 1990 or 1991 under the Foreign Assistance Act of 1961, the President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 4304 of that Act.

SEC. 1024. ASSISTANCE FOR KENYA.

(a) STATEMENT OF POLICY.—The provision to Kenya of economic support assistance and foreign military financing under the Foreign Assistance Act of 1961 for fiscal years 1990 and 1991 shall bear a relation to significant steps by the Government of Kenya to increase respect for internationally recognized human rights in Kenya. Such steps should include—

(1) an end to intimidation and harassment of elements of Kenyan society that are critical of the Government's policies, especially the church, the press, and the legal community; and

(2) effective safeguards to ensure the independence of the judiciary and to guarantee due process and other rights for individuals imprisoned or otherwise detained by the Government.

(b) REPORT TO CONGRESS.—The Secretary of State shall, not later than February 1, 1990, and not later than February 1, 1991, report to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate on the actions the United States Government has taken to carry out subsection (a).

SEC. 1025. ASSISTANCE FOR LIBERIA.

(a) CONSIDERATIONS IN FURNISHING ASSISTANCE.—During fiscal years 1990 and 1991, in determining whether to furnish economic support assistance and foreign military financing under the Foreign Assistance Act of 1961 to Liberia, the President shall take into account whether the Government of Liberia—

(1) has demonstrated its commitment to economic reform, including taking steps to fundamentally change the current financial practice of making extra-budgetary expenditures, including steps to channel the revenues from such major sources as the Liberia Petroleum Refinery Corporation and the Forestry Development Authority through the normal budgetary process; and

(2) has taken significant steps to increase respect for internationally recognized human rights including—

(A) the removal of all restrictions on the right of political parties to operate freely;

(B) the lifting of restrictions on freedom of the press; and

(C) the restoration of an independent judiciary.

(b) NOTIFICATION REQUIREMENT.—At least 15 days before each obligation of funds described in subsection (c), the President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(c) ASSISTANCE SUBJECT TO NOTIFICATION REQUIREMENT.—Subsection (b) applies with respect to any obligation of funds for Liberia—

(1) for fiscal year 1990 or 1991 for economic support assistance or foreign military financing under the Foreign Assistance Act of 1961; or

(2) for any fiscal year before fiscal year 1990 for assistance under the authority of chapter 2 of part II of that Act (relating to grant military assistance) or chapter 4 of part II of that Act (relating to the economic support fund), as in effect before the effective date specified in section 601 of this Act.

SEC. 1026. ASSISTANCE FOR MOZAMBIQUE.

(a) STATEMENTS OF POLICY.—

(1) BILATERAL ACTIONS.—It shall be the policy of the United States—

(A) to continue and to expand its bilateral development assistance to Mozambique through appropriate private and public channels;

(B) to strengthen Mozambique's transport sector through United States assistance to the Southern Africa Development Coordination Conference;

(C) to identify additional opportunities in the health and other sectors in Mozambique for United States support of Mozambique's reconstruction; and

(D) to contribute to Mozambique's national reconciliation in ways which do not legitimate the heinous behavior of the Mozambique National Resistance (RENAMO) or subordinate Mozambique's sovereign interests to RENAMO's principal patron, South Africa.

(2) MULTILATERAL ACTIONS.—It shall be the policy of the United States to encourage international support for generous levels of emergency humanitarian aid (including food, medical care, shelter, and agricultural assistance) for the one third of Mozambique's population that is displaced or otherwise at-risk in that country, as well as the approximately 1,000,000 Mozambique refugees now located in neighboring countries.

(b) ACTIONS TO TERMINATE EXTERNAL ASSISTANCE TO RENAMO.—The United States shall use diplomatic and other means to condemn and achieve the immediate termination of South African and other external assistance to RENAMO, whose deplorable actions include the systematic murder of 100,000 or more civilians and noncombatants (including children), the systematic rape of civilian women, the abduction of thousands of civilians and the imposition of forced labor, the systematic torture of civilians (including physical mutilation), and the destruction of villages.

(c) ASSISTANCE.—

(1) RELATION TO HUMAN RIGHTS.—The provision to Mozambique of economic support assistance and foreign military financing under the Foreign Assistance Act of 1961 for fiscal years 1990 and 1991 shall bear a relation to significant steps by the Government of Mozambique to increase respect for internationally recognized human rights in Mozambique, and thereby raise hope for a political settlement to the conflict in that country. Such steps should include—

(A) limiting the detention powers of the state security forces (SNASP),

(B) ending extralegal floggings,

(C) ending the practice of holding detainees incommunicado or for prolonged periods without trial, and

(D) permitting peaceful opposition to Government policies.

(2) SADCC PROJECTS.—This subsection does not apply with respect to assistance made available pursuant to section 1022.

(d) REPORT TO CONGRESS.—The Secretary of State shall, not later than February 1, 1990, and not later than February 1, 1991, report to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate on the actions the United States Government has taken to carry out this section.

SEC. 1027. ASSISTANCE FOR SOMALIA.

(a) CONSIDERATIONS IN FURNISHING ASSISTANCE.—During fiscal years 1990 and 1991, in determining whether to furnish economic support assistance and foreign military financing under the Foreign Assistance Act of 1961 to Somalia, the President shall take into account whether the Government of Somalia has taken steps to increase respect for internationally recognized human rights that provide significant hope for political reconciliation and a political solution to the current conflict, including—

(1) the release of all political prisoners;

(2) effective restrictions on indiscriminate use of military force against civilians;

(3) meaningful dialogue with the opposition; and

(4) provision for the delivery of assistance under neutral international auspices to civilians affected by the conflict, regardless of their location or political affiliation.

(b) NOTIFICATION REQUIREMENT.—At least 15 days before each obligation of funds described in subsection (c), the President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(c) ASSISTANCE SUBJECT TO NOTIFICATION REQUIREMENT.—Subsection (b) applies with respect to any obligation of funds for Somalia—

(1) for fiscal year 1990 or 1991 for economic support assistance or foreign military financing under the Foreign Assistance Act of 1961; or

(2) for any fiscal year before fiscal year 1990 for assistance under the authority of chapter 2 of part II of that Act (relating to grant military assistance) or chapter 4 of part II of that Act (relating to the economic support fund), as in effect before the effective date specified in section 601 of this Act.

(d) FOOD ASSISTANCE.—Assistance under the Agricultural Trade Development and Assistance Act of 1954 for fiscal years 1990 and 1991 may be provided for refugees in Somalia only if—

(1) an impartial counting of eligible beneficiaries of food assistance by the United States and other donors has been completed;

(2) all beneficiaries of such food assistance are disarmed; and

(3) the amount of such food assistance does not significantly exceed the number of beneficiaries of the assistance.

(e) INTERNATIONAL DISASTER ASSISTANCE.—International disaster assistance provided by the United States for northern Somalia on account of the violence in 1988 shall directly benefit the victims of the violence,

with primary emphasis on the original inhabitants of the regions affected.

SEC. 1028. ASSISTANCE FOR SUDAN.

(a) STATEMENT OF POLICY.—The United States deplores the devastating, man-made famine in Sudan, which killed an estimated 250,000 people in 1988. This famine is primarily caused by the civil war between the Government of Sudan and the Sudanese People's Liberation Army (SPLA), in which both parties have used food as a weapon of war and have obstructed relief deliveries. In addition to massive death and suffering, starvation and warfare have also displaced between 2,000,000 and 3,000,000 southern Sudanese.

(b) CONSIDERATIONS IN FURNISHING ASSISTANCE.—During fiscal years 1990 and 1991, in determining whether to furnish economic support assistance and foreign military financing under the Foreign Assistance Act of 1961 to Sudan, the President shall take into account whether the Government of Sudan—

(1) has made substantial, demonstrable progress in the effective delivery of increased relief to displaced populations in areas which the Sudan Government controls; and

(2) has made good faith efforts to achieve significant progress in negotiations with the Sudan People's Liberation Army for a national peace accord which includes such steps as a cease-fire, a freeze on the implementation of Sharia law, and a constitutional convention.

(c) NOTIFICATION REQUIREMENT.—At least 15 days before each obligation of funds described in subsection (d), the President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(d) ASSISTANCE SUBJECT TO NOTIFICATION REQUIREMENT.—Subsection (c) applies with respect to any obligation of funds for Sudan—

(1) for fiscal year 1990 or 1991 for economic support assistance or foreign military financing under the Foreign Assistance Act of 1961; or

(2) for any fiscal year before fiscal year 1990 for assistance under the authority of chapter 2 of part II of that Act (relating to grant military assistance) or chapter 4 of part II of that Act (relating to the economic support fund), as in effect before the effective date specified in section 601 of this Act.

SEC. 1029. ASSISTANCE FOR ZAIRE.

(a) LIMITATION ON MILITARY ASSISTANCE.—Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961, not more than $3,000,000 for each of the fiscal years 1990 and 1991 may be made available for Zaire.

(b) ECONOMIC SUPPORT ASSISTANCE.—Economic support assistance may not be provided for Zaire for fiscal years 1990 and 1991 under the Foreign Assistance Act of 1961.

(c) DEVELOPMENT ASSISTANCE.—Any assistance for famine recovery and development in Africa, and any development assistance, that is furnished for Zaire for fiscal years 1990 and 1991 under the Foreign Assistance Act of 1961 shall be provided through private voluntary organizations to the maximum extent practicable.

SEC. 1030. AIDS IN AFRICA.

(a) FINDINGS.—The Congress finds that—

(1) the United States recognizes that the acquired immune deficiency syndrome (AIDS) is a serious problem in parts of Africa; and

(2) the humanitarian, social, political, and strategic implications of this crisis are potentially severe ones.

(b) ADDITIONAL FUNDS FOR RESEARCH AND TREATMENT OF AIDS.—The President is encouraged to use funds available for fiscal years 1990 and 1991 to provide funding at levels greater than those for previous fiscal years for the treatment of and research on AIDS in Africa.

CHAPTER 3—OTHER PROVISIONS RELATING TO AFRICA

SEC. 1041. FACTORS CONSIDERED IN FURNISHING ASSISTANCE TO COUNTRIES IN AFRICA.

(a) STATEMENT OF POLICY.—It is in the interest of the United States to encourage the promotion of human rights and political and economic freedom in all African countries. In furnishing United States assistance for fiscal years 1990 and 1991 to any country in Africa, the President should consider the country's record in human rights and in economic reform, and its friendship to the United States.

(b) DEFINITION.—For purposes of subsection (a), the term "United States assistance" means—

(1) assistance under the Foreign Assistance Act of 1961 or the Agricultural Trade Development and Assistance Act of 1954, other than emergency humanitarian assistance under either such Act; and

(2) sales under the Defense Trade and Export Control Act.

EN BLOC AMENDMENTS OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, pursuant to the unanimous consent request of yesterday, the gentleman from Michigan [Mr. BROOMFIELD] and I offer en bloc amendments.

The CHAIRMAN. The Clerk will designate the en bloc amendments.

The text of the en bloc amendments is as follows:

En bloc amendments offered by Mr. FASCELL:

Page 454, strike out lines 9 through 17 and insert in lieu thereof the following:

(b) PROHIBITION.—The United States shall not provide any assistance under the Foreign Assistance Act of 1961 or make any sale under the Defense Trade and Export Control Act to any country pursuant to an agreement or other arrangement, either formal or informal, under which that country provides funds, material, or military training for any military or paramilitary operations of persons or groups engaged in an insurgency against the Government of Nicaragua. This subsection does not apply with respect to assistance provided by that country for the voluntary reintegration or relocation of members of the Nicaraguan Resistance consistent with the Bipartisan Accord on Central America of March 24, 1989, or pursuant to a regional peace agreement. The President shall keep the Congress fully and currently informed of information available to the executive branch regarding assistance described in the first sentence of this subsection that is provided by other countries to the Nicaraguan Resistance.

□ 1500

Mr. FASCELL. Mr. Chairman, when we conclude on this amendment, we will then be back at title X. As far as I know, we have no amendments on title X except an en bloc amendment, one discussion that I know of. We will then be able to proceed through the other titles with no amendments until title XIV, and I want to remind my colleagues that all time for debate under the rule has expired. Therefore, those amendments in title XIV that were printed in the RECORD, if they are called up, would have 5 minutes per side. Is that correct?

The CHAIRMAN. The Chair will state the gentleman is correct, 5 minutes each side.

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me express my appreciation now to those who have worked so diligently yesterday, last night and today to resolve this matter with regard to section 7.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. HAMILTON], the chairman of the Subcommittee on Europe and the Middle East and second in command.

Mr. HAMILTON. Mr. Chairman, first, I should express my appreciation to the chairman, the gentleman from Florida [Mr. FASCELL], and the ranking Republican member of the committee, the gentleman from Michigan [Mr. BROOMFIELD], for their cooperation in bringing this compromise amendment forward. There are others, too, who deserve high praise for working out this genuine compromise. Those include the gentleman from Michigan [Mr. CROCKETT], who is the chairman of the Western Hemisphere Subcommittee, and his ranking member, the gentleman from California [Mr. LAGOMARSINO], and the gentleman from Connecticut [Mr. GEJDENSON], chairman of the Economic Policy and Trade Subcommittee, and it certainly includes members of the administration which were led by the Deputy Secretary of State, Larry Eagleburger.

The amendment that we present as a compromise provides that the United States shall not provide any assistance under the Foreign Assistance Act or under the Defense Trade and Export Control Act pursuant to any agreement or other arrangement, either formal or informal, and I am describing the amendment which is a substitute for the language in section 707 of the committee bill; the compromise provides that the United States shall not provide any assistance under the foreign aid bill or under the Arms Export Control Act to any country pursuant to an agreement or pursuant to an arrangement, formal or informal, under which that country would agree to provide funds or material or trading for military or paramilitary operations to the Contras in Nicara-

gua. It also has in it a provision which requires the President to keep the Congress currently and fully informed of any information the executive branch has pertaining to the transfer of this assistance.

I think the amendment strengthens current law. It provides a workable compromise which meets the legitimate concerns of the Congress about assistance that might be provided to the Contras through third countries, and it does provide a mechanism through the reporting requirements that will enable more effective oversight of any funds, material, or military training provided to the Contras in Nicaragua.

This amendment expands the current law to include all formal and informal arrangements or agreements.

As far as I am aware, this agreement has the support of all parties who have been involved. It has the support of leaders on both sides of the aisle, and it has the support of the Deputy Secretary of State, Lawrence Eagleburger, speaking on behalf of the administration.

I might say to Members that the agreement was worked out with considerable effort this morning.

Finally, let me just say that the effectiveness of this provision depends on cooperation between the executive branch and the Congress, and that certainly depends upon very thorough and careful oversight by the Congress.

I know that the chairman of the committee joins me in expressing our determination on our part to make this provision work.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take this time to thank the gentleman from Indiana for working out this compromise, not only with the leaders of the Congress here in the House, but also the Deputy Secretary of State, and I think everybody is in agreement.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO], one of the principal people on the Western Hemisphere Subcommittee.

Mr. LAGOMARSINO. Mr. Chairman, for those who believe that the bipartisan accord on Central America represented a new approach where the United States would speak with one voice on our foreign policy in Central America, it is vital that this compromise language be approved and that the spirit of the bipartisan accord be retained.

To try to prevent the U.S. Government from discussing U.S. policy with other governments is clearly unconstitutional, and if the language passed by the committee had remained in the bill, the President likely would have had no choice but to veto this foreign-aid authorization bill, and for those who are anxious to achieve a foreign aid bill in this Congress, it is imperative that this compromise language be adopted.

The purpose of the language placed in current law was to prohibit the United States from conditioning its aid to a recipient country on the basis of that country giving aid to the Contras. To take that one step further, and legislate that the executive cannot engage in so much as a discussion with an AID recipient about U.S. policy toward the Contras is clearly unconstitutional. It would also be in direct contradiction of the agreement worked out under the bipartisan accord on Central America.

I urge my colleagues to support this bipartisan compromise, and I join in commending the leaders of the Congress and the administration for achieving this settlement.

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I am happy to yield to the gentleman from Ohio.

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I rise today to oppose handcuffing the President from discussing the current situation in Nicaragua with other countries. Limiting the President's power goes against all of our principles as a free and democratic country. We must continue to tell the world about the economic and political destruction of the Communist regime in Nicaragua.

The history of the Sandinistas is one of fear and repression, they are truly an enemy of the people. Again and again the violent Marxist regime of Nicaragua has broken their promises to their people and to the world. Only 8 days after they signed the Guatemala peace agreement, the Sandinistas broke up two peaceful demonstrations using dogs, sticks, and electric cattle prods and arrested the leaders.

In another instance, the Sandinistas allowed Radio Catolica, the Catholic radio station, to reopen after years of government imposed silence. The Communists promptly told the church it would only be allowed to play music—not report the news. The Sandinistas allow change but not real change.

Nicaragua is a perfect example of the failure of communism with its stagnant economy, human rights abuses and fleeing refugees. Nicaragua's inflation rate has exceeded 1,000 percent. The Soviet newspaper Isvestia recently admitted that "the majority of the stalls at the large central market in Managua are empty. There is no rice, meat, poultry or eggs."

The Sandinistas claim they will reform. But why would they embrace democratic reforms which could ultimately bring them down? They will not. They will make promises but they will not keep them.

For this reason, I urge my colleagues not to limit the President's ability to discuss the problems in Central America with other countries. If the United States appear to lose the resolve to protect democracy then there is no hope for the Nicaraguan people.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I thank the distinguished chairman of the committee for yielding me this time.

Mr. Chairman, I have a question, and I do not know whether it should be directed to the manager of the bill or to someone on the minority side. Let me propound it and see if anybody would like to try to answer it.

I do not know if Members are aware of what is happening here. The language in the bill with respect to Nicaragua is being replaced by the amendment which is being offered by the gentleman from Florida, the chairman of the committee, and by the gentleman from Michigan [Mr. BROOMFIELD].

Let me read, if I may, to Members the language which is stricken by this gentleman, and my question will be to whomever would like to answer. I understand that the language I am about to read which is stricken by this amendment is unacceptable to the administration. Not only that, I am given to understand that it is so unacceptable to the administration that were it to remain in the bill, it would in and of itself justify a veto, and I understand that that has been conveyed to this committee at a very high level from the administration.

With that in mind, I would ask Members to listen to the language which is so unacceptable to the administration and which is stricken by this amendment, and I quote:

The United States shall make no agreement and shall enter into no understanding, either formal or informal, under which a recipient of United States economic or military assistance or a purchaser of United States military equipment shall provide assistance of any kind to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.

□ 1510

One might say this is nitpicking in a sense, that the language is not very much different from the language in the amendment which replaces it.

My question is, particularly given that, what is it in this language struck by the amendment which is so offensive to the administration that it would in and of itself bring down a veto upon the bill? Is there any Member who can answer that question?

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I think the problem with the language was that it was so broad and so all-encom-

passing that there was reasonable fear that if Honduras, and I am hypothesizing, were to provide transportation for Contras who wished to reintegrate themselves into Nicaragua, that might well be a violation of this law, it was so broadly drawn.

The purposes that were really intended, it seems to me, are satisfied by the compromise language worked out between both sides and the administration.

Mr. STUDDS. I thank the gentleman. Let me say to him I completely agree with him, the language does need one correction, and that is precisely to allow for the possibility of Honduras or some other nation engaging in relocation or resettlement pursuant to a peace accord. I have no problem with that part of the additional amendment whatsoever, and I think it is sound. However, that is not what was unacceptable to the administration, and it is precisely the language which is here that is rewritten by the first section of the amendment. I would have no question whatsoever if you simply sought to add that exception here, but what is it in the language which I cited for the need for that correction, which I grant to the gentleman, which is so inherently objectionable to the administration?

Mr. HYDE. If the gentleman will yield, I believe, and I am certainly not speaking for the administration, my understanding is, and from reading the language, that the administration would be very leery of negotiating with, talking about, reaching agreement with a country that on its own felt it incumbent to assist the democratic resistance in Nicaragua, and the mere fact of some colloquy between our country and their country might well impinge on the parameters of the language that was stricken. So it is ambiguous, it is vague. I just think they did not want to get into any marginal situations on the language which was ambiguous in that regard, and I think that presented to them a serious constitutional problem.

Mr. STUDDS. I appreciate the gentleman's response. Let me just finally observe that the language which is acceptable to the administration does indeed prohibit U.S. assistance to any country pursuant to an agreement or other arrangement, either formal or informal. That language is in the new amendment. The language which it replaces refers to no agreement and no understanding either formal or informal. I frankly do not see the difference, and I wonder if the gentleman can tell us wherein lies the difference, subtle though it is?

What worries me, frankly, and I guess this is obvious, is that if you and I, if you will accept for argument purposes, relatively rational and intelligent beings, find it difficult to differentiate between the language in the two versions, but somewhere someone in the administration feels as strongly as they do about it, then I wonder what we are missing.

Mr. HYDE. I understand the gentleman's concern and apprehension, and I will stipulate that we are both rational people beyond the purposes of our argument.

They just got the impression, and I felt the same way, that the language was so broad that it might have a chilling effect on talking to, or with the word understanding it is so broad that they prefer this language, and frankly, if you and I agree that it really accomplishes virtually the same thing that was intended by the sponsors, why who are we to argue?

Mr. STUDDS. I say to my good friend that I remain concerned, not the least for the reason the gentleman has been compelled both to stipulate and to hypothesize in response to my questions.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding and I think the key difference is that the provision in the bill, that is the committee bill, does not make clear that what we are talking about is about what is being forbidden is making U.S. assistance a quid pro quo for aid to the Contras.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. BROOMFIELD. Mr. Chairman, I would like to join Chairman FASCELL in expressing my strong support for the compromise language reached on Nicaragua. In particular, Mr. HAMILTON, Mr. HYDE, and Mr. LAGOMARSINO should be commended for their work in brokering this agreement.

The Pell language, which I might add is existing law, is preferable to this compromise agreement. However, this language is acceptable to the administration and indeed, essentially embodies the provisions of existing law. More importantly, enactment of this amendment removes a major impediment to administration support of this bill.

I would also like to say that I hope that the adoption of this amendment, along with the bipartisan accord enacted in March, signifies a new and lasting trust on Central America between the Congress and the administration.

I urge my colleagues to support this amendment offered by Chairman FASCELL and myself.

Mr. Chairman, I yield back the balance of my time.

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, I rise in support of the en bloc amendments.

I rise in strong support of the en bloc amendment on Africa. It's a well-crafted compromise that enjoys strong bipartisan support.

Mr. Chairman, a new wind seems to be blowing in Africa. Last week, for the first time, the Angolan Government and the UNITA rebels agreed to a cease-fire to end their bloody civil war. I hope that neighboring countries, like Sudan, Ethiopia and others with similar debilitating wars, will follow this historic example and negotiate for peace. I think this legislation furthers the prospects of peace in Africa.

A country that desperately needs such an agreement is Ethiopia. I share the concerns expressed in the amendment about human rights in Ethiopia but I want to point out that the Ethiopian Government recently made an unprecedented offer to negotiate with its rebels in the north. One of the two major groups, the Tigrayan People's Liberation Front, accepted the offer. This is a real breakthrough in the 20-year civil war. I hope these talks will start soon and will be as successful as those in Angola.

Mr. Chairman, I recently returned from East Africa and saw for myself the poverty and deprivation there—these countries need all the help we can give them. I strongly support the bill's long-term development assistance to sub-Saharan Africa and urge my colleagues to support the en bloc amendment on Africa.

Mr. FASCELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the en bloc amendments offered by the gentleman from Florida [Mr. FASCELL].

The en bloc amendments were agreed to.

EN BLOC AMENDMENTS OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer en bloc amendments.

The CHAIRMAN. The Clerk will designate the en bloc amendments.

The text of the en bloc amendments is as follows:

En bloc amendments offered by Mr. FASCELL: Page 567, after line 19, insert the following new section:

SEC. 1042. POLICY TOWARD SOUTH AFRICA.

It is the sense of the Congress that the United States should work toward the elimination of apartheid through a comprehensive policy to bring about a nonracial democracy in South Africa. This policy should include, among other measures, assistance to disadvantaged South Africans that does not support organizations or groups controlled and financed by the Government of South Africa. Such assistance may include the encouragement of private investment in firms owned by disadvantaged South Africans consistent with the Comprehensive Anti-Apartheid Act of 1986, scholarships, assistance to promote the participation of disadvantaged South Africans in trade unions and priate enterprise, and alternative education and community development programs. It is also the sense of the Congress that United States firms in South Africa should provide similar assistance. In addition, the President should seek the cooperation of United States allies in Western Europe and Japan to join in similar multilateral initiatives to aid disadvantaged South Africans.

Page 567, after line 19, insert the following:

SEC. 1042. SENSE OF CONGRESS CONCERNING ANGOLA.

(a) UNITED STATES POLICY.—It is the sense of the Congress that—

(1) the United States should continue to vigorously promote direct talks between the leaders of the Union for the Total Independence of Angola (UNITA) and the Movement for the Popular Liberation of Angola (MPLA) Government to achieve an agreement for a process of national reconciliation among Angolans;

(2) the United States should continue its policy of refusing to recognize a government in Angola and opposing credits to Angola by the International Monetary Fund and the International Bank for Reconstruction and Development until—

(A) there is an agreement on national reconciliation acceptable to both sides, or

(B) the President determines that there has been significant progress toward such an agreement and that modification of such policy would be in the best interests of the United States.

(b) COMMENDING PRESIDENT MOBUTU SESE SEKO OF ZAIRE.—

(1) The Congress makes the following findings:

(A) President Mobutu Sese Seko of Zaire organized and hosted a gathering of 18 African heads of state in Gbadolite, Zaire (the Gbadolite Summit) on June 22, 1989.

(B) Such gathering brought together President Jose Edouardo Dos Santos and Dr. Jonas Savimbi, leaders of two parties that have been in conflict in Angola for many years, and resulted in an agreement to a ceasefire and the launching of negotiations leading to national reconciliation in Angola.

(C) The Gbadolite Summit followed the Angola-Namibia Accords, signed in New York on December 22, 1988, which called for total Cuban troop withdrawal from Angola, withdrawal of South African forces from the region, and the implementation of United Nations Security Council Resolution 435 for the independence of Namibia.

(D) Following the signature of such Accords, many African leaders supported active diplomatic efforts to assure that the next step in the search for peace in southwestern Africa, national reconciliation in Angola, would move forward.

(E) The Gbadolite summit was the culmination of these intra-African negotiations in which President Mobutu played a key role.

(F) An African solution for an African problem is now well under way to fruition.

(G) President Mobutu will be in Washington for an official visit to the United States from June 28 through 30, 1989.

(H) President Mobutu, who for over a quarter century has been an effective partner with the United States in Africa, deserves the congratulations and support of the Government and people of the United States for his efforts.

(2) It is the sense of the Congress that—

(A) President Mobutu Sese Seko of Zaire deserves the heartfelt congratulations and the gratitude of the United States and the American people for arranging the Gbadolite summit to further the process leading to peace and stability in southwestern Africa;

(B) the efforts of President Jose Edouardo Dos Santos of Angola to forge a compromise with Dr. Savimbi have created a basis for peace and national reconciliation in Angola;

(C) Dr. Jonas Savimbi's efforts to bring national reconciliation to his nation of Angola have been rewarded with an opportunity for peace and the accomplishment of his long-sought objective, peace in the region; and

(D) the full implementation of the process agreed to at Gbadolite will lead to a peaceful, secure, and stable southern African region.

Page 561, after line 5, insert the following new paragraph:

(2) RELATION TO RECONCILIATION.—The provision to Mozambique of assistance under the Foreign Assistance Act of 1961 for fiscal years 1990 and 1991 shall bear a relation to a continuing commitment by the Government of Mozambique to talks, direct or indirect, with RENAMO aimed at a political solution to Mozambique's internal war that respects internationally-recognized human rights and promotes pluralism.

Page 561, line 6, strike "(2)" and insert "(3)".

Page 556, after line 4, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 1024. ECONOMIC SANCTIONS AGAINST ETHIOPIA.

(a) STATEMENT OF POLICY.—The Congress—

(1) condemns the pervasive, systematic abuse of human rights by the Government of Ethiopia, including the continued imprisonment of thousands of political prisoners and detainees and the numerous summary executions carried out in reprisal for the attempted coup of May, 1989;

(2) deplores the Government of Ethiopia's continued lack of demonstrated progress in negotiating a peaceful settlement to internal conflicts in the north and in effecting macroeconomic reforms;

(3) finds that without fundamental reform of the Ethiopian state or peaceful resolution of Ethiopia's internal wars, there will be no end to Ethiopia's deep social crisis, no prospects of a transition to stability, growth and liberty in Ethiopia, and minimal hope that the Horn of Africa will reverse the spread of devastating internal wars that have created massive human dislocations across the region;

(4) favors the resumption of United States assistance to Ethiopia for development and reconstruction, in the event there is clear progress in resolving Ethiopia's internal wars, improving human rights including the rights of all people to emigrate, travel, and observe religious holidays, and implementing economic reforms;

(5) urges the President and the Secretary of State to focus world pressure and opinion—

(A) upon the Government of Ethiopia to foreswear summary executions, release political prisoners, and reform Ethiopia's macroeconomic policies and facilitate family reunification and

(B) upon the Government of Ethiopia and its northern opposition to engage in meaningful negotiations that result in a pragmatic, enduring settlement; and

(6) urges the President and the Secretary of State to engage in direct, active discussions with the Soviet Union in order that the peaceful resolution of the crisis in Ethiopia becomes a high priority of both the United States and the Soviet Union, that external military flows to Ethiopia are reduced, and that the approach of the Soviet Union is consistent with that of the West,

(b) SANCTIONS.—The President is urged to use existing legal authorities to impose diplomatic and economic pressures upon the Government of Ethiopia if, after the enactment of this Act, the Government of Ethiopia fails to act in good faith to resolve its internal wars peacefully and to improve respect for internationally-recognized human rights.

(c) REPORTS TO CONGRESS.—Not more than 90 days after the date of enactment of this Act and at the end of each 90 day period thereafter, the President shall submit to Congress a report describing the actions of the Ethiopian Government during the preceding 90 days with regard to its internal wars, human rights, and economic reform. Each such report shall describe the response of the United States to progress, or lack of progress, by the Government of Ethiopia in these critical areas.

Page 566, after line 25, insert the following:

SEC. 1031. APPLICATION OF PROVISION TO EARMARKED FUNDS FOR SUB-SAHARAN AFRICA.

Section 5303 of the Foreign Assistance Act of 1961 shall not apply with respect to the funds described in sections 1021 and 1022 of this title.

Page 582, line 7, strike out "made available to" and insert in lieu thereof "of".

Page 556, after line 5, insert the following new subsection (a):

(a) FINDINGS.—The Congress makes the following findings:

(1) Friendship and longstanding interests bind the United States and Kenya.

(2) Kenya has a key role in promoting regional stability and addressing the humanitarian needs of the people of East Africa.

(3) The actions by the Government of Kenya in the past year to improve the human rights situation in Kenya have included the release of 16 political detainees, fewer political arrests and detentions, and progress in addressing the issue of police torture as demonstrated by President Moi's firing of several police officials in 1988, his public condemnation of the practice, and the conviction and imprisonment of 4 police officers.

(4) There continue to be important concerns regarding human rights abuses in Kenyan society.

Page 556, line 6, strike "(a)" and insert "(b)".

Page 556, line 21, strike "(b)" and insert "(c)".

Page 557, line 3, strike "(a)" and insert "(b)".

Page 588, after line 7, insert the following:

TITLE XV—OTHER PROVISIONS

SEC. 1501. CONSIDERATIONS IN PROVIDING MILITARY ASSISTANCE.

Before providing foreign military financing and international military education and training under the Foreign Assistance Act of 1961 for fiscal year 1990 or 1991 for any country, the President should take into account whether that country:

(1) receives from the Soviet Union more than three-quarters of the military assistance that it receives from foreign countries; or

(2) has more than 55 military personnel (serving in any capacity) from the Soviet Union, the German Democratic Republic, the Democratic People's Republic of Korea, Cuba, or any Soviet Bloc country.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the Burton amendment regarding our policy toward South Africa. I urge my colleagues to do likewise.

I oppose the brutal, discriminatory, and inhuman policies of the apartheid regime in South Africa. Apartheid denies the majority of South Africans their inherent rights to liberty, equality, and freedom strictly because of the

color of their skin. For this reason I am advocating the policy statement of the Burton amendment. I hope the day will arrive soon when South Africans, regardless of race, will be afforded the full rights to which they are entitled, and yet are excluded from enjoying by the immoral apartheid regime which continues to oppress them. With that as our goal, our Government should adopt the most effective means possible to enable black South Africans to accomplish the establishment of a truly democratic government in South Africa. The Burton amendment, which states that our Government should pursue a policy of economically empowering the black majority in South Africa, offers the black South Africans what they need, a peaceful tool to bring about social and economic changes and eventually, full freedom.

This is precisely what black South Africans desire. A Gallup poll conducted recently in South Africa reveals that among blacks in that country, 82 percent believe United States economic sanctions against their country is a bad idea. The poll also showed that even more black South Africans, 85 percent, believe disinvestment is a poor response to apartheid. I submit that these people know better than we do what is best for them in their struggle against apartheid. These polls clearly show that the blacks in South Africa want foreigners to invest in their country. The reasons should be obvious to everyone. If the United States places even harsher sanctions on South Africa, blacks, not whites, will be the first to suffer the resulting poverty.

In our efforts to help the South African black majority change their government we should keep in mind the following facts. If the United States disinvests or enacts further sanctions, black South Africans will have three choices: first, continue to suffer from apartheid and poverty; or second, rise up and violently overthrow the white dominated government; or third, flee the country and become refugees. If any of these three options take place, black South Africans will suffer most and many will die for the agenda of Americans who believe they know what is best for nonwhite South Africans; despite the wishes of the very people they want to help. None of these options are viable or acceptable. International pressures have proven to cause the Government to only close ranks and become further isolated and unresponsive. In fact, it is highly likely that United States economic sanctions only serve the corporate interests of South African, white-owned, businesses.

For these reasons, I support a policy of black economic empowerment as an important step in removing apartheid in South Africa. Positive economic engagement in South Africa, which employs blacks and gives them skills and education to change their future, offers hope of bringing peaceful systemic change to South Africa by enabling blacks to become something more than a powerless, poor majority. I urge my colleagues to support this amendment.

Mr. SOLOMON. Mr. Chairman, I would just note that the en bloc amendment on title X contains some language that I offered concerning Kenya. I appreciate the gentleman from Michigan, Mr. WOLPE'S willingness to work out a compromise on this point.

It was important that some positive language about Kenya be included in the bill because Kenya is an important and valued friend of the United States.

Kenya, moreover, continues to play a constructive role in supporting stability in east Africa and in addressing the humanitarian needs of people throughout the east Africa region.

And yes, there are some concerns about the human rights situation within Kenya that warrant our concern. But it is also important to keep this vital relationship between our two countries alive and growing.

A "yes" vote on the Solomon amendment in this en bloc package softened negative language singling out America's foremost ally in east Africa—Kenya.

During the course of the last year Kenya has taken a leading role in Africa in the areas of hunger alleviation, environmental protection, and peacemaking. Kenya has also made much progress in addressing the concerns of Congress with regard to human rights.

Kenya has been instrumental in facilitating the international effort to feed the starving people in southern Sudan. Kenya has cooperated fully with United States efforts in this regard, and has contributed thousands of tons of grain to the feeding operations.

Parallel with American efforts, President Moi is playing a leading role in peacemaking throughout Africa—in Angoia, Mozambique, and Ethiopia.

Most recently Kenya unilaterally banned trade in ivory and ivory products as a means to halt the extinction of the African elephant. Kenya is leading the way in the international effort to preserve the African elephant as part of its extensive environmental protection program.

There are now no political prisoners in Kenya. A year ago 11 detainees were held under Kenya's preservation of public security act. Four detainees were released last year. In June 1989 Kenya released all remaining detainees.

To eliminate police brutality, President Moi fired several police officials in 1988, and publicly condemned police brutality on several occasions. More importantly, in March 1989, four police officers were convicted of torture and murder in the case of a murder suspect. The police officers were sentenced to prison terms of 15 to 20 years, and the case was widely reported in the Kenyan press.

Last December Kenya reestablished diplomatic relations with Israel—taking the lead among African countries. Kenya's courageous step in this regard is particularly important in the face of the PLO effort to gain participation in U.N. agencies.

Mr. WOLPE. Mr. Chairman, I am pleased that we have included in an en bloc amendment compromises on four proposed amendments by my ranking minority member on the Africa Subcommittee, Congressman DAN BURTON.

Concerning South Africa, I strongly believe that an effective United States policy must contemplate diplomatic and economic pressures to raise the costs of apartheid to the South African regime. Yet I also believe that the United States should continue to assist disadvantaged South Africans in a way that is not complicit with apartheid structures and does not permit the evasion of United States sanctions law. The en bloc amendment modifies the proposed Burton amendment on United States policy in South Africa to make certain that these criteria for assistance, already found in the Comprehensive Anti-Apartheid Act and the Foreign Assistance Act, are followed scrupulously.

Concerning Angola, I am greatly encouraged by the latest developments in the region, including the recent meeting in Zaire between President Dos Santos of Angola and President Savimbi of the UNITA insurgency. This provides hope for a national reconciliation agreement that will end that tragic war. It is clear that it has been the withdrawal of external military forces—Cubans from the Angola side and South Africans from the UNITA side—that has provided a major impetus toward internal negotiations. In addition, African leaders, especially Presidents Mobutu of Zaire, Mugabe of Zimbabwe, Kaunda of Zambia, Sasso-Nugueso of Congo, Bongo of Gabon, and Houphouet-Boigny of Cote d'Ivoire, have effectively promoted national reconciliation. The en bloc amendment modifies the Burton amendment to pay special tribute to President Mobutu, who is now in this country on a state visit, for the key role he played in the Zaire summit. It also contains a sense of Congress that the United States could change its policy of nonrecognition of Angola and opposing aid to Angola by the IMF and World Bank if there is a national reconciliation agreement or the President determines that there has been significant progress toward such an agreement and the modification of existing policy would be in the best interests of the United States. I do not feel that the current U.S. policy of nonrecognition and opposition to multilateral aid has contributed to national reconciliation, I welcome the additional flexibility that this amendment provides on these issues.

Concerning Ethiopia, the en bloc amendment is based on the assumption that it is better to apply diplomatic and economic pressures upon the Ethiopian regime than to press for military assistance to opposition groups.This substitute for the original Burton amendment emphasizes scaling back external flows of military aid to Ethiopia—through urging active administration discussions with the Soviets—and upon raising United States diplomatic and economic pressure—including the threat of economic sanctions—upon Ethiopia to reform its state, improve human rights, and negotiate an end to its internal wars. If Ethiopia does make progress in these critical areas, the amendment encourages a resumption of assistance for development and reconstruction.

Concerning Mozambique, the en bloc amendment modifies the original Burton amendment by not insisting upon negotiations between the Government of Mozambique and RENAMO as a strict condition for United States assistance. That would associate us closely with a movement that engages in Khmer Rouge-style psychopathic violence. The substitute amendment instead stipulates that United States assistance should bear a

relation to the Government's continuing commitment to direct or indirect talks with RENAMO. This is the appropriate way of reinforcing the indirect discussions the Government has initiated with RENAMO in which the Government has signaled its willingness to introduce various reforms and pressed to clarify RENAMO's true goals and identify its leadership.

Concerning Kenya, in addition, we have reached a compromise with Congressman GERRY SOLOMON on Kenya which preserves the requirement that security assistance to Kenya be related to improvements in that country's human rights performance, but also incorporates reference to some specific positive steps that have recently occurred.

Finally, I am glad that, with the help of Chairman FASCELL, ranking minority member BILL BROOMFIELD, and my subcommittee ranking minority member DAN BURTON, we have been able, in this amendment, to protect a portion of the aid to sub-Saharan Africa, the poorest region of the world, from possible pro-rata cuts on earmarked accounts.

Mr. ENGEL. Mr. Chairman, I rise in strong support of the Wolpe amendment which addresses the United States relationship with Ethiopia. I commend the chairman of the subcommittee and the ranking Republican for forging this bipartisan expression of Congress for the need for drastic reforms by the current regime. This amendment represents a broad-based policy initiative which addresses the challenges for the United States in the Horn of Africa.

The amendment carefully lays out the series of reforms and policy changes which must take place if an improvement in United States-Ethiopian relations is to occur. The current leadership in Ethiopia has failed miserably in its internal and external policies, and it is vitally important that we communicate in the clearest possible terms the sentiment in this Congress that major reforms must take place.

There are indications that the Government is beginning to consider more realistic options for confronting the myriad problems it faces by opening discussions with at least one of the rebel groups which is engaged in the war against the Government. But this is just a first step, and the United States must apply firm pressure on the Ethiopian Government to implement a series of reforms and policy changes for there to be progress in restoring stability to the Horn of Africa.

Among the outstanding issues which must be addressed are resolution of the internal wars, greater respect for the human rights of the Ethiopian people, economic reforms, and reunification of Ethiopian Jews whose families are now divided.

This final point is one of deep personal concern to me. There are thousands of families which remains divided as a result of the 1984 exodus of Ethiopian Jews who fled Ethiopia and were airlifted to Israel at that time. Since then, the Ethiopian Government has refused to permit a formalized program of family reunification to take place. Family reunification is a fundamental, internationally recognized principle which must be respected, and it will be difficult, if not impossible, to pursue a more productive relationship between the United States and Ethiopia until this issue, and the other needed reforms take place.

This amendment offers the possibility for reintroduction of assistance to Ethiopia for development and reconstruction, but also offers the possibility of pressures if these major internal and foreign policy obstacles are not adquately addressed. I believe this amendment is carefully crafted and provides both carrots and sticks.

The Ethiopian Government is put on notice that it can make choices which will help determine the course of relations with the United States. If the Government promotes certain reforms and upholds internationally recognized principles, relations with the United States should improve. If not, the President is urged to use his authority to apply economic and political pressure on the Ethiopian Government to prod them to make greater reforms.

I call on my colleagues to support this balanced approach to addressing the concern of Congress on the future of United States-Ethiopian relations.

Mr. LELAND. Mr. Chairman, I want to voice my opposition to the provision in the en bloc amendment to title X of the foreign aid authorization bill which condemns Ethiopia for, among other things, various human rights violations, for its failure to negotiate an end to its civil war, and which recommends that the President impose economic sanctions against Ethiopia if that country does not resolve these problems.

Mr. Chairman, I am gravely concerned that this provision is counterproductive to the overtures President Mengistu has been making to end the war in his country and to improve the condition of human rights. I am afraid that we are sending a harmful signal to Ethiopia at this time.

I recently returned from Ethiopia and other countries in the Horn of Africa. While there, I had the opportunity to visit with President Mengistu and I know of his efforts to initiate peace negotiations. I also had the opportunity to observe first hand, Ethiopia's efforts, at great expense to its internal political stability not to mention the tremendous strain on its domestic food resources, to provide both refuge and food to the more than 800,000 Sudanese and Somalian refugees. In addition it was also playing a key role in the humanitarian assistance into the southern Sudan. There is no question that these efforts have resulted in the saving of many lives.

Ethiopia is at a very critical juncture in its political development. It sorely wants to upgrade its diplomatic relations with the United States and I believe now is the time to bring Ethiopia into our sphere of influence, not to castigate it with inflammatory language in this legislation.

Just last month, the Ethiopian Parliament adopted a peace plan that includes public negotiations with Eritrean insurgents in the presence of an international observer. Clearly, now is not the time to provide military assistance to resistance groups and thereby prolong the 28-year civil war. Nor is it the time to ignore the progress toward peace that has been made and continue to publicly condemn Ethiopia.

The CHAIRMAN. Under the rule, all time has expired.

The question is on the en bloc amendments offered by the gentleman from Florida [Mr. FASCELL].

The en bloc amendments were agreed to.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 565, line 24, and page 566, line 1, strike out "not more than $3,000,000" and insert in lieu thereof "at least $9,000,000".

Page 566, strike out lines 3 through 6.

Page 566, line 7, strike out "(c)" and insert in lieu thereof "(b)".

Mr. BURTON of Indiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Ohio.

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, I have strong reservations about the money earmarked for countries in Africa. Although these are some of the poorest countries in the world, I strongly believe there must be some changes made in the way we dispense aid to these countries. They are simply not held accountable for the economic chaos they have created. Yet, they are still handed money by the United States without any questions asked. Many of my colleagues have railed against the changes which I feel are for the better in El Salvador, but they say nothing about the brutal repression that is part of the daily life in many countries in Africa. While we strive for economic changes in many other parts of the world, we continue to turn a blind eye toward the economic basket cases of the African Continent.

Not only is Zaire a country seeking economic truth, but even today fails to see the link between economic freedom and democratic pluralism.

Ethiopia turned to the Communist economic system in 1974 and we have seen the death and destruction of those policies on their people. Burkina Faso, whose ruthless repression is well documented by Amnesty International, receives aid from the United States through African Development Fund.

Mr. Chairman, I urge my colleagues to take these comments to heart. There are problems in the way we give aid to these countries and I ask the Members of this body to give a close look at these problems in the future.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for his support.

Mr. Chairman, the amendment I am going to discuss I will withdraw in just

a moment, but I had an urgent reason to address the House, and that was the only way I could do it.

So, Mr. Chairman, we just received word a couple of days ago that in Ghana, the Government there has expelled a number of Protestant missionaries, and they closed down seven or eight churches, and these religious organizations have been contributing great assistance in the plight of the people in Ghana, and we certainly do not understand what the problem is.

The religious leaders for these various organizations have contacted us and indicated that they do not understand why their missionaries are being thrown out of the country.

We give Ghana about $25 million per year in economic assistance. I called the Ghanaian Ambassador and asked him to come to my office, because I am the ranking Republican on the Africa Subcommittee, to discuss this issue. He told me yesterday he would be in my office today to talk about this, but this morning, for some unknown reason, he had an emergency call from New York and had to leave the city.

He then said that he would have his deputy meet with me and Members of the Congress who are interested in this issue, and his deputy did not show up.

So I would like to take this opportunity to say that in conference there is a possibility that some action might be taken against Ghana. It may be that $5 million of their economic aid might be discussed as being cut because they will not at least talk to the United States about how these missionaries and these American churches are being treated.

All we want to do is to discuss this with Ghana, and I submit to my colleagues that if we are giving aid to countries like Ghana, they owe it to the United States of America, when Americans are being mistreated, especially missionaries who are doing a service there are being mistreated and expelled, they owe it to us to give us an explanation.

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With that, I respectfully ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Are there further amendments to title X?

If not, the Clerk will designate title XI.

The text of title XI is as follows:

TITLE XI—AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE

SEC. 1101. PRIVATE SECTOR DEVELOPMENT ACTIVITIES.

(a) PAYMENT TERMS FOR FOREIGN CURRENCIES FOR PRIVATE SECTOR DEVELOPMENT ACTIVITIES.—Section 106(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting before the period at the end thereof the following: ", except that at least 40 percent of the amount due on such payment shall be made within 120 days after the delivery of the commodities involved, an additional 25 percent of such amount shall be paid by the end of the 1-year period after the first payment is due, and the remaining amount shall be paid by the end of the 1-year period after the second payment is due.".

(b) USE OF CURRENCIES FOR ADMINISTRATIVE COSTS OF UNITED STATES.—Section 108 of the Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (f) the following:

"(g) Not to exceed 5 percent of the foreign currencies obtained for use under this section may be used to defray the costs to the United States Government of implementing this section.".

(c) COMPETITION WITH UNITED STATES PRODUCTS AND COMMODITIES.—

(1) SECTION 106 PROGRAM.—Section 106(b)(4)(B) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out the third sentence and inserting in lieu thereof the following: "Such proceeds shall not be used to directly support any project or activity that is specifically designed to increase exports of any agricultural, textile, or apparel commodity from a developing country if such exports (i) would be in direct competition with United States exports, and (ii) can reasonably be expected to cause substantial injury to United States exporters of the same or substantially similar commodity.".

(2) SECTION 108 PROGRAM.—Section 108(c)(5) of the Agricultural Trade Development and Assistance Act of 1954 is amended to read as follows:

"(5) No currency made available under this section may be used to directly support any project or activity that is specifically designed to increase exports of any agricultural, textile, or apparel commodity from a developing country if such exports (A) would be in direct competition with United States exports, and (B) can reasonably be expected to cause substantial injury to United States exporters of the same or substantially similar commodity.".

The CHAIRMAN. Are there amendments to title XI?

If not, the Clerk will designate title XII.

The text of title XII is as follows:

TITLE XII—PEACE CORPS

SEC. 1201. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $163,614,000 for the fiscal year 1990 and $170,322,000 for the fiscal year 1991.".

SEC. 1202. TECHNICAL PUBLICATIONS.

Section 15 of the Peace Corps Act is amended by adding at the end thereof the following:

"(e) Technical publications produced by the Peace Corps may be sold at cost in furtherance of the purposes of this Act. Up to $200,000 of the proceeds of such sales in each fiscal year may, to such extent as may be provided in advance in appropriations Acts, be credited to the currently applicable appropriation of the Peace Corps, notwithstanding section 3302(b) of title 31, United States Code.".

The CHAIRMAN. Are there amendments to title XII?

If not, the Clerk will designate title XIII.

The text of title XIII is as follows:

TITLE XIII—UNITED STATES COMMISSION ON SOUTHERN AFRICA

SEC. 1301. SHORT TITLE.

This title may be cited as the "United States Commission on Southern Africa Act".

SEC. 1302. FINDINGS.

The Congress finds that—

(1) apartheid in South Africa has resulted in great disparities between whites and nonwhites, particularly in education, health care, employment opportunities, and availability of housing;

(2)(A) education is not compulsory for blacks in South Africa;

(B) a June 1988 report in the Weekly Mail states that more than a million black children between the ages of 7 and 16 (21 percent of the school age population) were not attending school in South Africa; in 1988 more than 21,000 black pupils were not admitted to schools in South Africa, while more than 23,000 spaces were vacant at white state schools; and

(C) despite crowded conditions at black schools, where the average teacher to pupil ratio in 1987 was 1 teacher to 38 students, as compared to 1 teacher to 19 students in white schools, more than 1,000 primary and secondary school teachers were refused posts at black schools, as stated in a June 1988 report in the Weekly Mail;

(3) black South Africans have far fewer medical professionals and health care services available to them than whites: white South Africans have 1 physician for every 326 people, while black South Africans have one physician for every 3,400 people; there are only 20 black dentists and 70 black pharmacists for a black population of 25,000,000; segregation in state hospitals has resulted in overcrowding in black hospitals, yet white hospitals have empty beds; budgets for white hospitals are higher than for black hospitals even though black hospitals have 4 times as many patients as white hospitals;

(4) unemployment among nonwhites in South Africa is high: the 1987 official unemployment rates were 17.9 percent for blacks and 14 percent for mixed-race (coloured), not including the homelands, and unemployment specialists in the country agree that the actual unemployment rate for blacks is higher than the official rate;

(5) 13,000 white South Africans currently hold civil service positions in Namibia; when Namibia becomes free and independent, the Government of Namibia will need skilled personnel to fill the positions vacated by white South Africans;

(6) there is a key role for concerned United States citizens and businesses in the private sector to assist in enhancing the development of human resources in southern Africa; and

(7) there is a need for the United States to assist in the development of human resources in southern Africa in the public and private sector, in order to improve in general the living conditions of nonwhites in South Africa, and lay the foundation for effective leadership in a democratic post-apartheid society in South Africa and Namibia.

SEC. 1303. ESTABLISHMENT.

There is established the United States Commission on Southern Africa (hereafter in this title referred to as the "Commission"), which shall not be an agency or establishment of the Federal Government.

SEC. 1304. PURPOSE OF COMMISSION.

(a) IN GENERAL.—The purpose of the Commission is to solicit private sector funds to conduct programs to develop skilled personnel at various levels in the public and private sectors in South Africa and Namibia, particularly in middle management positions, by providing for the training of disadvantaged South Africans and Namibians, including refugees from South Africa in other countries, for positions in business and government in their respective countries, primarily in the fields of education, health care, law, and housing.

(b) AUTHORITIES.—In carrying out its purpose, the Commission may—

(1) establish, implement, and provide funds for human resource development programs for disadvantaged South Africans and Namibians, including educational and training programs in business and public administration, health care and the delivery of health care services, education, legal assistance, and housing; and

(2) provide scholarships and internships to disadvantaged South Africans and Namibians for appropriate study and training.

SEC. 1305. MEMBERSHIP; CHAIRPERSON.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members appointed from among persons who are not officers or employees of any government, as follows:

(1) 7 individuals appointed by the President, of whom not more than 4 shall be of the same political party.

(2) 1 individual appointed by the Speaker of the House of Representatives, and 1 individual appointed by the minority leader of the House of Representatives.

(3) 1 individual appointed by the majority leader of the Senate, and 1 individual appointed by the minority leader of the Senate.

A vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(b) CONTINUATION OF MEMBERSHIP.—If any member of the Commission becomes an officer or employee of a government, he or she may continue as such member for not longer than the 30-day period beginning on the date he or she becomes such an officer or employee.

(d) TERMS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), members of the Commission shall be appointed for terms of 4 years. No member may serve consecutive terms.

(2) STAGGERED TERMS.—Of the members of the Commission first appointed by the President, 5 shall be appointed for terms of 2 years, as designated by the President at the time of appointment.

(3) VACANCIES.—Any member appointed to fill a vacancy on the Commission occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his or her term until a successor has taken office.

(e) NON-FEDERAL CHARACTER AND PER DIEM.—Members of the Commission shall not, by reason of their membership on the Commission, be considered to be officers or employees of the United States. The members of the Commission shall receive no pay on account of their service on the Commission, except that, while away from their homes or regular places of business in performance of duties of the Commission, members of the Commission may be allowed travel and transportation expenses to the same extent as is authorized in section 5703 of title 5, United States Code, for employees serving intermittently in the Government service.

(f) CHAIRPERSON.—The Commission shall elect a chairperson from among its members. The chairperson shall serve for a term of 2 years.

(g) BYLAWS.—The Commission may adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of its business.

SEC. 1306. PRESIDENT AND STAFF OF COMMISSION.

(a) PRESIDENT OF THE COMMISSION.—The Commission shall appoint and fix the pay of the President of the Commission.

(b) STAFF.—Subject to such rules as may be prescribed by the Commission, the President of the Commission may—

(1) appoint and fix the pay of such personnel, and

(2) procure the services of such experts and consultants,

as the President of the Commission considers appropriate.

(c) NON-FEDERAL CHARACTER.—The President and staff of the Commission shall not be considered to be officers or employees of the United States by reason of their service on the Commission.

SEC. 1307. POWERS OF COMMISSION.

(a) GIFTS, BEQUESTS, AND DEVISES.—The Commission may solicit, accept, hold, administer, invest, and use gifts, bequests, and devises of money and property, both real and personal, in furtherance of the purposes of this title. Money and property accepted pursuant to this subsection, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating such money or property. Funds donated to and accepted by the Commission pursuant to this subsection are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds.

(b) AUTHORITY TO CONTRACT OUT.—In carrying out its purpose and activities, the Commission may enter into contracts with (to the extent that funds are available) and make grants to or obtain grants from State, local, and private agencies, organizations, institutions, and individuals.

SEC. 1308. REQUIREMENTS.

(a) USE OF FUNDS.—Funds made available by the Commission for programs in South Africa may not be used for programs conducted by or through organizations in South Africa which are financed or controlled by the Government of South Africa, such as the "homeland" and "urban council" authorities. Such funds may only be used for programs which in both their character and organizational sponsorship in South Africa clearly reflect the objective of a majority of South Africans for an end to the apartheid system of separate development. Nothing in this subsection shall be construed to prohibit programs which are consistent with this subsection and which award university scholarships to students who choose to attend a South African-supported university.

(b) FINANCIAL BENEFITS.—No part of the assets of the Commission shall inure to the benefit of any member of the Commission, any officer or employee of the Commission, or any other individual, except as salary or reasonable compensation for services.

(c) INDEPENDENT AUDITS.—

(1) AUDITS.—The accounts of the Commission shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Commission are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Commission and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) REPORT.—The report of each such independent audit shall be included in the annual report required by section 1309. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Commission's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Commission's income and expenses during the year, and a statement of the application of funds, together with the independent auditor's opinion of those statements.

(d) AUDITS BY COMPTROLLER GENERAL.—

(1) AUDITS.—The financial transactions of the Commission for each fiscal year may be audited by the Comptroller General of the United States in accordance with such principles and procedures and under such rules as may be prescribed by the Comptroller General. Any such audit shall be conducted at the place or places where accounts of the Commission are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Commission pertaining to its financial transactions and necessary to facilitate the audit; and they shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Commission shall remain in the possession and custody of the Commission.

(2) REPORTS.—A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General considers necessary to inform the Congress of the financial operations and condition of the Commission, together with such recommendations with respect thereto as the Comptroller General considers advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made contrary to the requirements of this title. A copy of each report shall be furnished to the President and to the Commission at the time the report is submitted to the Congress.

(e) RECORDS OF RECIPIENTS.—

(1) RECORDS.—The Commission shall ensure that each recipient of assistance pro-

vided through the Commission under this title keeps separate accounts with respect to such assistance and such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) ACCESS TO RECORDS.—The Commission shall ensure that it, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Commission under this title. The Comptroller General of the United States or any authorized representative of the Comptroller General shall also have access to such books, documents, papers, and records for such purpose.

SEC. 1309. REPORT.

The Commission shall transmit to each House of the Congress, not later than December 31 of each year, a report on its activities during the preceding fiscal year.

SEC. 1310. FUNDS FROM DEPARTMENT OF STATE.

The Secretary of State shall grant to the Commission, to carry out this title, $1,000,000 of funds made available to the Department of State for any purpose for fiscal year 1990.

The CHAIRMAN. Are there amendments to title XIII?

If not, the Clerk will designate title XIV.

The text of title XIV is as follows:

TITLE XIV—MISCELLANEOUS PROVISIONS

SEC. 1401. CERTAIN USES OF EXCESS FOREIGN CURRENCIES.

(a) AUTHORITY TO USE.—During fiscal year 1990, the Administrator for title I of the Foreign Assistance Act of 1961 may use, for the purposes described in subsection (b), such sums of foreign currencies described in subsection (c) as the Administrator may determine.

(b) PURPOSES FOR WHICH CURRENCY MAY BE USED.—Foreign currencies may be used under this section—

(1) for the same purposes for which assistance may be provided under title I of the Foreign Assistance Act of 1961, and

(2) for the support of any institution providing education for a significant number of United States nationals (who may include members of the United States Armed Forces or the Foreign Service or dependents of such members).

(c) CURRENCIES WHICH MAY BE USED.—The foreign currencies which may be used under this section are United States-owned excess foreign currencies that are in excess of amounts necessary for satisfaction of preexisting commitments to use such currencies for other purposes specified by law.

(d) WHERE CURRENCIES MAY BE USED.—Foreign currencies may be used under this section in the country where such currencies are held or in other foreign countries.

(e) NONAPPLICABILITY OF OTHER PROVISIONS OF LAW.—Foreign currencies may be used under this section notwithstanding section 1306 of title 31, United States Code, or any other provision of law.

(f) LIMITATION.—Foreign currency made available under this section may not be used in any Communist country listed pursuant to section 4201(d).

SEC. 1402. MINORITY SET-ASIDE.

(a) SET-ASIDE REQUIREMENT.—Except to the extent that the Administrator for title I of the Foreign Assistance Act of 1961 determines otherwise, not less than 10 percent of the aggregate amounts made available for each of the fiscal years 1990 and 1991 for development assistance and assistance for famine recovery and development in Africa shall be made available only for activities of United States organizations and individuals that are—

(1) business concerns owned and controlled by socially and economically disadvantaged individuals,

(2) historically black colleges and universities,

(3) colleges and universities having a student body in which more than 40 percent of the students are Hispanic American, and

(4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(b) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for famine recovery and development in Africa for fiscal years 1990 and 1991.

(2) CONTRACTS.—Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 percent of the dollar value of the contract be subcontracted to entities described in subsection (a), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) NOTICE OF PROPOSED CONTRACTS.—Each person with contracting authority who is attached to administering agency's headquarters in Washington, as well as all agency missions and regional offices, shall notify the agency's Office of Small and Disadvantaged Business Utilization at least 7 business days before advertising a contract in excess of $100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) PERFORMANCE EVALUATIONS OF MISSION DIRECTORS.—The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

(5) REPORTS TO CONGRESS.—The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year.

(6) REGULATIONS.—The Administrator shall issue interim regulations to carry out this section within 90 days after the date of the enactment of this Act and final regulations within 180 days after that date.

(c) DEFINITION.—As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 133(c)(5) of the International Development and Food Assistance Act of 1977, except that the term includes women.

SEC. 1403. REPORT ON COMPLIANCE WITH FOREIGN BOYCOTTS.

(a) POLICY.—

(1) IN GENERAL.—In accordance with other provisions of law, it is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any United States person.

(2) POLICY WITH RESPECT TO CERTAIN COUNTRIES.—It is further the policy of the United States to encourage the major trading nations of the world engaged in the export of goods or technology or other information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country or association of foreign countries against a country friendly to the United States or against any United States person.

(b) REPORTING REQUIREMENTS.—The Secretary of Commerce shall issue an annual report detailing the extent to which members of the General Agreement on Tariffs and Trade encourage actions, including the furnishing of information or entering into or implementing agreements, which have the effect of furthering or supporting boycotts fostered or imposed by any foreign country or association of foreign countries against a country friendly to the United States or against any United States person.

The CHAIRMAN. Are there amendments to title XIV?

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment duly printed in the RECORD.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON:

Page 588, after line 7, insert the following new Section:

"SEC. 1404. MINERAL IMPORTS FROM COMMUNIST COUNTRIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the vital national interests and security of the United States would be jeopardized if the nation became dependent on communist countries as the sources for essential minerals and metals.

(b) REPORTING REQUIREMENTS.—(1) Every year after enactment of this Act, when the annual foreign assistance request is presented to Congress, the President shall submit to the Committee on Foreign Affairs in the House of Representatives and the Committee on Foreign Relations in the Senate a report on the extent to which the United States is dependent on communist countries (as defined pursuant to Section 4201(d) of

the Foreign Assistance Act) as sources of supply and importation of—

(1) chromium,

(2) cobalt,

(3) manganese,

(4) platinum group metals,

(5) ferroalloys, and

(6) other strategic and critical materials (within the meaning of the Strategic and Critical Materials Stock Piling Act).

(2) The annual report submitted to Congress should also contain relevant information about what the United States is doing to reduce such dependence. The information may include such matters as stockpiling, conservation, the development of substitute materials, and the development of new and/or different deposits.".

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, this amendment is a slightly condensed version of one I offered to the Foreign Aid Bill in 1987, which was accepted at that time by the committee. It simply states the sense of Congress that a dependence by the United States on Communist countries as sources for essential minerals and metals could jeopardize our national security. And it calls for an annual report, at the time when the foreign aid proposals are presented to Congress, on the extent to which the Nation is dependent on Communist countries for these minerals.

And so I offer this amendment in the hope that it will provide a useful tool in our annual deliberations on foreign policy issues.

Mr. FASCELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I inquire of the gentleman from New York: Is this the dependency amendment?

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct; it is.

Mr. FASCELL. Mr. Chairman, we have examined this amendment, and we think it is a helpful amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer the Solomon amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 588, after line 7, add the following new Section:

"SEC. 1404. REDUCTION IN AUTHORIZED FUNDS.

Notwithstanding any other provision in this Act, the amounts authorized for activities under this Act are reduced by a further 5%."

The CHAIRMAN. Pursuant to rule XXIII, clause 6, the gentleman from New York [Mr. SOLOMON] controls the 5 minutes since he printed the amendment in the RECORD. The Chair now recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, the amendment was called up by our colleague, Mr. TRAFICANT. I yield to the gentleman for the purpose of debate.

Mr. TRAFICANT. Mr. Chairman, I have been here now going on my third term. I voted to cut education, at least I could have voted, and I have been castigated at times because they say, "Traficant, we have a great deficit and you don't want to make any cuts."

We had programs dealing with school lunch, child nutrition, senior citizens, infrastructure money for America, for our roads, for our bridges, and some people said, "Traficant, you are just a big spender, you don't want to make any cuts."

Today I am offering to the Congress an opportunity to cut $575 million in foreign aid money that is being targeted to go overseas.

Now it is not an easy vote. This amendment treats everybody the same. My amendment cuts everybody 5 percent. But while you wrestle with the politics and the pressure of it, keep in mind that America has had to do with less. We are now disciplined by a so-called Gramm-Rudman law because our deficits, budget deficits annually cannot be controlled. But we have a bill before us with a 7 percent real increase over last year. All we have targeted for this year for education is a 2-percent increase. I do not buy that.

Someone is going to have to make some cuts, and I will tell you what, I am not going to vote to cut Americans if we are going to continue to increase money for people overseas.

Maybe there is no one listening around here, but we have some senior citizens in this country who are eating dog food. I am not being dramatic. That is a fact. We have kids who are graduating from high school who cannot read. We are cutting back education programs in America.

I agree we have to bite the bullet, but I will tell you this, if we are going to bite the bullet for the funds that deal with American people, it should be a law that we cannot bite that bullet before we cut that foreign aid appropriation and authorization.

That is what I am here for.

I have lost an awful lot of jobs and I do not want to see my taxpayers' limited dollars which could best be used in my area going overseas.

Mr. APPLEGATE. Mr. Chairman, will the gentleman from New York yield?

Mr. SOLOMON. I yield to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Chairman, I rise to support the 5-percent cut. Mr. Chairman, I would have supported a 10-percent cut also.

Let me say this: Can you imagine here we are, the United States is $2.8 trillion, nearing $3 trillion in deficit, we are paying $175 billion interest on it each year. We have got $130 billion trade deficit. We are a debtor Nation to the tune of $550 billion.

We have good jobs, manufacturing jobs which have gone overseas. We have millions of people underemployed living on low wages. We have millions of people who are unemployed. We have people living at lower quality of life. We have 38 million people without health insurance. We have hundreds of thousands of homeless. We have communities who want to take care of their infrastructure, who need sewers, water, bridges. Yet here we are going to ask the American taxpayer to cough up more bucks to send over to help another country with their foreign military bases and their economy so that they can turn around and send it back into the United States to compete for our jobs. There is something wrong; it makes no sense, and I say this cut will only be a small nick in the foreign ship of money.

AMENDMENT OFFERED BY MR. FASCELL AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. TRAFICANT

Mr. FASCELL. Mr. Chairman, I rise in opposition to the Traficant amendment and I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL as a substitute for the amendment offered by Mr. TRAFICANT: At the end of the bill, insert the following:

TITLE XV—COMPLIANCE WITH BUDGET RESOLUTION

SEC. 1501. REDUCTION OF AGGREGATE AMOUNT AUTHORIZED TO BE APPROPRIATED BY THIS ACT.

Notwithstanding the specific authorizations of appropriations in the preceding provisions of this Act (including the amendments made by this Act), the aggregate amount appropriated for fiscal year 1990 pursuant to those authorizations may not exceed $11,236,407,000.

□ 1530

Mr. FASCELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes in opposition to the Traficant amendment.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TRAFICANT. Is there an opponent that could be recognized for this particular amendment?

The CHAIRMAN. The Chair will state that the substitute is not separately debatable.

The gentleman from Florida [Mr. FASCELL] is recognized for 5 minutes.

Mr. FASCELL. Mr. Chairman, this amendment would reduce the aggregate amount that may be appropriated pursuant to the authorization contained in the pending legislation, and this cut amounts to $328,557,000, and the bottom line of this amendment is, it brings it in conformity with the budget resolution and therefore, since they established both the ceiling and a floor for the 150 function, this cut represents a maximum amount that can be deducted from the bill without limiting the Committee on Appropriations' ability to remain consistently within the budget agreement.

We bring to the floor a bill which was consistent with the administration's request. This amendment now brings Members a bill, and I hope it will be supported unanimously. It only goes part way to the gentleman's purpose, who was the original sponsor of the basic amendment, but it goes a long way also. It brings this bill, now, in conformity with the budget agreement so that we have no questions with regard to the level of the authorization.

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD], the ranking Republican.

Mr. BROOMFIELD. Mr. Chairman, I want to join the chairman in urging my colleagues to support this amendment which would cut over $328 million from the overall price tag of this bill. This action is fully consistent with the bipartisan budget agreement and brings the funding authority levels provided by this bill into line with the amount allocated for the foreign aid appropriations measure.

The amounts authorized to be appropriated by this bill are, by and large, very close to the funding levels requested by the President. However, we all recognize the harsh budget environment in which we find ourselves, and the many demands placed on the Federal budget. I think Chairman FASCELL's approach is a reasonable one. It is important that we adequately fund those programs that support our foreign and national security policy goals and objectives. However, we must balance this need with the requirement to adhere to the Gramm-Rudman budget levels. This amendment results in the achievement of both of these objectives and I urge my colleagues to support this amendment.

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I think it is indicative of a very fair chairman to give his opponent time to speak on his amendment, when it is a limited time.

This would be an increase of $425 million over last year, and this is not across the board.

Now I want to say this in the House today, and I guess that maybe the House is a little silent at this point. I think we have real good friends and some people do not like to cut those friends. Some of those friends have real good strong arms, politically, and God bless them, they have to survive.

However, we have a massive defense budget, and we can provide some defense contractors for our friends. However, I think that Congress should make more of a cut in the foreign aid category.

Now, I am going to vote "No" on the substitute, and I am going to ask for a vote on the 5 percent across the board. Members can go ahead and do what they want to do.

I have great respect for a very fine chairman, and I thank the gentleman for giving the opponent time. I think it speaks for the gentleman.

Mr. FASCELL. Mr. Chairman, just to close my remarks with regard to this, just to say that this cut is a substantial cut. The purpose is to bring this bill within the context of the budget agreement or any entered into.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. FASCELL] as a substitute for the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 406, noes 12, not voting 14, as follows:

[Roll No. 127]

AYES—406

Ackerman	Barton	Boucher	Campbell (CO)	Hancock	Michel
Akaka	Bateman	Boxer	Cardin	Hansen	Miller (CA)
Alexander	Bates	Brennan	Carper	Harris	Miller (OH)
Anderson	Bellenson	Brooks	Carr	Hastert	Miller (WA)
Andrews	Bennett	Broomfield	Chandler	Hatcher	Mineta
Annunzio	Bereuter	Browder	Clarke	Hawkins	Moakley
Anthony	Berman	Brown (CA)	Clay	Hayes (IL)	Molinari
Archer	Bevill	Brown (CO)	Clement	Hayes (LA)	Mollohan
Armey	Bilbray	Bruce	Clinger	Hefley	Montgomery
Aspin	Bilirakis	Buechner	Coble	Hefner	Moody
Atkins	Bliley	Bunning	Coleman (MO)	Henry	Moorhead
AuCoin	Boehlert	Burton	Coleman (TX)	Herger	Morella
Baker	Boggs	Bustamante	Combest	Hertel	Morrison (CT)
Ballenger	Bonior	Byron	Conte	Hiler	Morrison (WA)
Barnard	Borski	Callahan	Conyers	Hoagland	Mrazek
Bartlett	Bosco	Campbell (CA)	Cooper	Hochbrueckner	Murtha
			Costello	Holloway	Myers
			Coughlin	Horton	Nagle
			Cox	Houghton	Natcher
			Coyne	Hoyer	Neal (MA)
			Craig	Hubbard	Neal (NC)
			Crane	Huckaby	Nelson
			Crockett	Hughes	Nielson
			Darden	Hunter	Nowak
			Davis	Hutto	Oakar
			de la Garza	Hyde	Oberstar
			DeFazio	Inhofe	Olin
			DeLay	Ireland	Ortiz
			Dellums	James	Owens (NY)
			Derrick	Jenkins	Owens (UT)
			DeWine	Johnson (CT)	Oxley
			Dickinson	Johnson (SD)	Packard
			Dicks	Johnston	Pallone
			Dingell	Jones (GA)	Panetta
			Dixon	Jontz	Parker
			Donnelly	Kanjorski	Parris
			Dorgan (ND)	Kaptur	Pashayan
			Dornan (CA)	Kasich	Patterson
			Douglas	Kennedy	Paxon
			Downey	Kennelly	Payne (NJ)
			Dreier	Kildee	Payne (VA)
			Duncan	Kleczka	Pease
			Durbin	Kolbe	Pelosi
			Dwyer	Kolter	Penny
			Dymally	Kostmayer	Perkins
			Dyson	Kyl	Petri
			Early	LaFalce	Pickett
			Eckart	Lagomarsino	Pickle
			Edwards (CA)	Lancaster	Porter
			Edwards (OK)	Lantos	Poshard
			Emerson	Laughlin	Price
			Engel	Leach (IA)	Pursell
			English	Leath (TX)	Quillen
			Erdreich	Lehman (CA)	Rangel
			Espy	Lehman (FL)	Ravenel
			Evans	Leland	Regula
			Fascell	Lent	Rhodes
			Fawell	Levin (MI)	Richardson
			Fazio	Levine (CA)	Ridge
			Feighan	Lewis (CA)	Rinaldo
			Fields	Lewis (FL)	Ritter
			Fish	Lewis (GA)	Roberts
			Flake	Lightfoot	Robinson
			Flippo	Lipinski	Roe
			Foglietta	Livingston	Rogers
			Ford (MI)	Lloyd	Rohrabacher
			Ford (TN)	Long	Rose
			Frank	Lowery (CA)	Rostenkowski
			Frenzel	Lowey (NY)	Roukema
			Frost	Luken, Thomas	Rowland (CT)
			Gallegly	Lukens, Donald	Rowland (GA)
			Gallo	Machtley	Roybal
			Gaydos	Madigan	Russo
			Gejdenson	Manton	Sabo
			Gekas	Markey	Saiki
			Gephardt	Marlenee	Sangmeister
			Gibbons	Martin (IL)	Sarpalius
			Gillmor	Martin (NY)	Savage
			Gilman	Martinez	Sawyer
			Gingrich	Matsui	Saxton
			Glickman	Mavroules	Schaefer
			Gonzalez	Mazzoli	Scheuer
			Goodling	McCandless	Schiff
			Gordon	McCloskey	Schneider
			Goss	McCollum	Schroeder
			Gradison	McCrery	Schuette
			Grandy	McCurdy	Schulze
			Grant	McDade	Schumer
			Gray	McEwen	Sensenbrenner
			Green	McGrath	Sharp
			Guarini	McHugh	Shaw
			Gunderson	McMillan (NC)	Shays
			Hall (OH)	McMillen (MD)	Shumway
			Hall (TX)	McNulty	Shuster
			Hamilton	Meyers	Sikorski
			Hammerschmidt	Mfume	Sisisky

Skaggs	Stark	Volkmer
Skeen	Stearns	Vucanovich
Skelton	Stenholm	Walgren
Slattery	Stokes	Walker
Slaughter (NY)	Studds	Walsh
Slaughter (VA)	Sundquist	Watkins
Smith (FL)	Synar	Waxman
Smith (MS)	Tallon	Weber
Smith (NE)	Tanner	Weiss
Smith (NJ)	Tauke	Weldon
Smith (TX)	Tauzin	Wheat
Smith (VT)	Thomas (CA)	Whittaker
Smith, Denny (OR)	Thomas (GA)	Whitten
	Thomas (WY)	Williams
Smith, Robert (NH)	Torres	Wise
	Torricelli	Wolf
Smith, Robert (OR)	Towns	Wolpe
	Traxler	Wyden
Snowe	Udall	Wylie
Solarz	Unsoeld	Yates
Spence	Upton	Yatron
Spratt	Valentine	Young (AK)
Staggers	Vander Jagt	Young (FL)
Stallings	Vento	
Stangeland	Visclosky	

NOES—12

Applegate	Jones (NC)	Roth
Dannemeyer	Kastenmeier	Solomon
Hopkins	Murphy	Stump
Jacobs	Rahall	Traficant

NOT VOTING—14

Bentley	Florio	Smith (IA)
Bryant	Garcia	Swift
Chapman	McDermott	Wilson
Collins	Obey	Wright
Courter	Ray	

□ 1554

Mr. APPLEGATE changed his vote from "aye" to "no."

Mr. OLIN and Mr. DYMALLY changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey: Page 588, after line 7, add the following:

SEC. 1404. UNITED STATES POLICY TOWARD SOCIALIST REPUBLIC OF ROMANIA.

(a) FINDINGS.—The Congress finds that—

(1) the Government of the Socialist Republic of Romania continues its flagrant abuse of the human rights of its citizens, including the freedom of religion, the freedom of speech and press, and the rights of ethnic minorities;

(2) Romanian President Nicolae Ceausescu has refused to renounce his plan for forced relocation of Romania's populations into "agro-industrial complexes", and has begun to obliterate as many as half of the country's 13,000 rural villages, thereby systematically destroying family homes, churches and synagogues, and private sources of food;

(3) the people of Romania continue to be harassed and arrested for their religious activities, and houses of worship have been destroyed by government authorities, such as the demolition on May 31, 1989, of the Comanesti Baptist Church near Bacau;

(4) Hungarian, German, and other ethnic minorities have been subjected to a campaign of forced assimilation, including severe restrictions on the use of their own languages in education and on other cultural expressions;

(5) President Ceausescu's economic policies have been formulated to greatly accelerate the repayment of Romania's foreign debt by raising Romania's level of exports and sharply curtailing imports, thereby causing severe shortages of basic food staples and items such as meat, fruit, and vegetables, and requiring the strict rationing of household energy; and

(6) the United States imports certain food products from Romania, such as boned pork, grape wine, and cheese.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should impose sanctions against all food and agricultural products of the Socialist Republic of Romania; and

(2) the President should consult with allied countries to develop a coordinated policy to impose sanctions against Romania, particularly sanctions against food and agricultural products of Romania.

Mr. SMITH of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I thank the gentleman from New Jersey [Mr. SMITH] for yielding.

Mr. Chairman, I just want to make a quick statement about where we are. We are on the last title, Mr. Chairman. We have three amendments. This is one of the three. I am not sure, but I believe the amendments have been worked out.

We would then, as I understand it, still have a possibility of a substitute that is not going to be offered, and we have a motion to recommit—excuse me; I am trying to find out—does the gentleman have four amendments?

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. He has four amendments on this side.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I thank the gentleman from New Jersey [Mr. SMITH] for yielding.

We have four amendments. We think they are worked out, I hope. We then would have a motion to recommit and final passage, and then we would be through with this.

Mr. SMITH of New Jersey. Mr. Chairman, the amendment I am offering today recognizes and deplores the ongoing violations of human rights by the Government of Romania against its citizenry, including its mistreatment of ethnic Hungarians.

The amendment expresses the sense of Congress that the United States should impose limited sanctions against Romanian exports—specifically food and agricultural products—and that the President should consult with our allies to develop a coordinated policy of sanctions.

While the sanctions suggested in the amendment constitute only a fraction of the commerce between the United States and Romania—about $15 million in 1988—it nevertheless, sends a clear, nonambiguous signal to the Ceausescu regime that his government's abuses against the people will not be tolerated, and must cease.

Romania's food exports, including pork, wine, and cheese, are targeted for banning precisely because Ceausescu has been exporting the very staples necessary to feed the Romanian people. Bucharest's obsession with the acquisition of hard currency to wipe out Romania's foreign debt has imposed severe food shortages and deprivation to the people. In what could—and should—be a land of plenty, Europe's grainery, if you will, is today a place of extreme scarcity.

In recent years, Mr. Chairman, the methodical repression by the Romanian Government—especially its ruthless secret police, the securitate—has become increasingly apparent to all including other Communist governments in the region.

In early March, Hungary took the unprecedented action in cosponsoring a Swedish resolution considered by the U.N. Human Rights Commission to authorize the appointment of a special rapporteur to investigate Romanian human rights abuses. The rapporteur's report is due during the 46th session of the U.N. Human Rights Conference in 1990.

A March 15, 1989, editorial in the New York Times criticizing Ceausescu began this way:

> East Europeans have taken to calling Romanian President Nicolae Ceausescu the Idi Amin of Communism. He has squandered billions on grandiose public works that don't work, and has left many of his people hungry and freezing in half-darkened homes.

Even the Soviet Union has criticized the Romanian Government. According to the Washington Post, October 6, 1988, Gorbachev personally warned Ceausescu concerning his government's behavior. The story, written by Michael Dobbs said in part:

> In an unusually blunt luncheon address, the Kremlin chief made it clear that he is disturbed by economic mismanagement and human rights violations in Romania. He

said that the failings of any socialist country could bring discredit on the entire Communist system.

Also of significance, and worth noting here, is the fact that the U.S.S.R., East Germany, and Bulgaria broke with customary Warsaw Pact solidarity and abstained from voting on the U.N. resolution calling for appointment of the rapporteur for Romania.

Clearly, Mr. Chairman, the human rights violations in Romania are legion and have been documented beyond any reasonable doubt by numerous NGO's, the United States State Department, and the Helsinki Commission, of which I am a member.

Other nations, Mr. Chairman, likewise, are expressing their concern over Romania's poor human rights performance. Great Britain, for example, has frozen all high-level government-to-government contacts. Germany has canceled economic meetings with Romania and scientific cooperation between the two countries and have frozen high-level contacts. The European Community has suspended talks regarding economic arrangements with Romania.

France, for its part, has recalled its ambassador in reaction to Ceausescu's retaliation against six prominent former Romanian leaders who criticized the government's policy. The six, including two former members of the Communist Party Politburo and a former minister of foreign affairs, said:

MR. PRESIDENT NICOLAE CEAUSESCU: At a time when the very idea of socialism, for which we have fought, is discredited by your policy, and when our country is being isolated in Europe, we have decided to speak up. We are perfectly aware that by doing so we are risking our liberty and even our life, but we feel duty-bound to appeal to you to reverse the present course before it is too late.

The international community is reproaching you for the non-observance of the Helsinki Final Act which you have signed yourself. Romanian citizens are reproaching you the non-observance of the Constitution on which you have sworn. Here are the facts:

(a) The whole plan for systematization of villages and the forced removal of peasants to three-story apartment blocks run against Article 36 of the Constitution which protects the right to personal property of a household, with annexes and the terrain on which they are situated.

(b) The decree forbidding Romanian citizens to have contact with foreigners has never been voted by the legislative body and never published, thus lacking legal power. And yet our citizens are threatened to be fired, harassed, arrested and sentenced on that basis.

(c) The civic center, the biggest multi-billion lei investment of Romania has no public budget and is being built against all existing laws regulating constructions and their financing. The cost of that immense building has tripled because of changes you are ordering every month in the interior and exterior of the building.

(d) Securitatea, which we created to defend the socialist order against exploiting classes, is now directed against workers demanding their rights, against old members of the party and honest intellectuals exercising their right to petition (Article 34) and freedom of speech (Article 28) guaranteed by the Constitution.

(e) Factories and institutions are ordered to force their employees to work on Sundays against Article 19 of the Constitution and the Labour Code.

(f) Mail is systematically violated and our telephone conversations cut-off against Article 34 guaranteeing their privacy. To sum-up, the constitution is virtually suspended and there is no legal system in force. You must admit, Mr. President, that a society can not function if the authorities, starting from the top, show disrespect for the law.

Planning no longer works in the Romanian economy. The meetings of the executive political committee are all past-oriented, exhorting the workers to make up for the unfulfilled plan of previous year, previous semester or previous month. An increasing number of factories lack raw materials, energy or markets.

Agricultural policy is also in disarray. Harsh administrative measures are directed against the peasants who, according to your own date, provide 40 percent of vegetables, 56 percent fruits, 60 percent milk and 44 percent meats, though they have only 12 percent of the arable land. But, of course, predominant in the villages is now the fear of being "systematized" with seven or eight thousand villages threatened to be razed. Above all economic, cultural and humanitarian objections of the civilized world to that program, a legitimate question arises: Why urbanize villages when you cannot ensure decent conditions of urban life in the cities, namely heating, lighting, transportation, not to mention food. A government which five winters in a row is unable to solve such vital problems for the population proves incompetent and inept to govern. Therefore, we are not pressing on you any demand in this respect.

The very fact that Germans, Hungarians and Jews are emigrating en masse shows that the policy of forced assimilation should be renounced.

Finally, we are deeply worried that Romania's international position and prestige is rapidly deteriorating. As you know, this is concretely shown by the decision of quite a few states to close their embassies in Bucharest. Most alarming, embassies of such European states as Norway, Denmark and Portugal have already left and others may follow. Our growing isolation affects not only diplomatic relations. We have lost the American clause for trade and as a result some of our textile factories have no orders. The E.E.C. is unwilling to extend its trade agreement with Romania, which will negatively affect other sectors of our economy.

You have always maintained that summit meetings are decisive in improving interstate relations. But how are you going to improve Romania's external relations when all the leaders of the non-communist nations of Europe refuse to meet with you. Romania is and remains a European country and as such must advance with the Helsinki process and not turn against it. You started changing the geography of the countryside, but you cannot remove Romania to Africa.

To stop the negative processes, both domestic and international, besetting our nation we appeal to you, as a first step, to take the following measures:

(a) To state categorically in unequivocal terms that you have renounced the plan of systematization of villages.

(b) To restore the constitutional guarantees regarding the rights of citizens. This will enable you to observe the decisions of the Vienna Conference on Human Rights.

(c) To put an end to food exports which are threatening the biological existence of our nation.

Once such measures were taken, we are prepared to participate in a constructive spirit in a dialogue with the government on the ways and means to overcome the present impasse.

Gheorghe Apostol, Former Member of Politburo and Chairman of Trade Unions; Alexandru Birladeanu, Former Member of Politburo and Chairman of Planning Committee; Cornel Manescu, Former Minister of Foreign Affairs and President of U.N. General Assembly; Constantin Privulescu, Founding Member of the Communist Party; I. Raceanu, Veteran of the Communist Party; Silviu Brucan, Former Acting Editor of "Scinteia."

Mr. Chairman, the latest assault on individual rights in Romania is Ceausescu's systematization program—a bizarre program with the goal of destroying up to half of Romania's approximately 13,000 villages and forcibly resettling their population into concrete-block "agro-industrial centers."

Because of government repression some 20,000 Romanian citizens have taken refuge in neighboring Hungary. A grave humanitarian problem has arisen in connection with these refugees: Many have left close family members—spouses, children, and parents—behind in Romania with little hope of family reunification in the near future. Other Romanian citizens have fled at great personal risk to Yugoslavia.

Romanian authorities have recently constructed a barbed-wire fence, fortified by deep ditches and a restricted border zone, on the border with Hungary, in an attempt to stem the tide of desperate refugees fleeing their homeland. In a highly unusual and welcome move, Soviet officials condemned the Romanians' construction of the fence last Friday.

In addition to unjustly imprisoned prisoners of conscience, many hundreds of Romanian citizens are in prison for attempting to cross the border illegally. A Baptist activist, Nestor Popescu, has been incarcerated in a psychiatric hospital since attempting to exercise his freedom of conscience and expression.

Mr. Chairman, the Romanian regime violates the rights of religious believers, national minority members, would-be emigrants, and all who seek to exercise their right to freedom of expression.

On May 31, authorities demolished the Comanesti Baptist Church in retaliation for so-called zoning violations

after arresting the pastor and two elders. The pastor was later released.

On June 20, authorities arrested human rights activist Eva Gyimesi for hoarding food and remains under house arrest. Recently, authorities brutally beat her good friend, the courageous and outspoken activist, Doina Cornea, who has been living under house arrest for several months.

I am also gravely concerned over the fate of several journalists, typesetters, and printers from the newspaper Romania Libera. They were detained in late January, accused of printing antiregime pamphlets. Their whereabouts and conditions are unknown.

Romania's repressive domestic policies are mirrored in its cynical approach to the international commitments it has undertaken. In January 1989, the regime signed onto the Vienna Concluding Document, then announced that it would abide only by those commitments it did not find objectionable. It rejected the U.N. Human Rights Commission resolution passed last March and has rejected the attempts of several C.S.C.E. member state representatives to use the new human dimension "mechanism" to raise several human rights cases.

In the face of Western criticism at two recent meetings held under the aegis of the 35-country conference on security and cooperation in Europe, Romania has returned to the timeworn and untenable defense of its abysmal record by claiming that "outsiders" have no right to "interfere" in a sovereign country's internal affairs.

This amendment deserves the support of the House, and sends a clear message to Romania to clean up its act.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I would like to express my support for the amendment sponsored by my good friend, Mr. SMITH of New Jersey.

While we have all been appalled by the recent tragic events in China, there have been equally tragic events taking place in Romania which deserve the Congress' condemnation.

The Government of Romania, despite moves toward democratization and freedom elsewhere in Eastern Europe, continues to violate the most basic human rights of its citizens.

The people of Romania suffer under religious persecution. Many have been imprisoned for their religious beliefs, and houses of worship have been demolished.

The Ceausescu regime's harsh economic policies include the elimination of many rural villages, and the sharp curtailment of exports, resulting in widespread shortages of basic goods and the destruction of family homes.

We here in the Congress should send a strong signal to Romania that the United States will not do business with them until there is an end to these cruel measures imposed on the Romanian people.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I am pleased to rise in strong support of this important amendment with regard to human rights abuses in Romania offered by the distinguished gentleman from New Jersey [Mr. SMITH] and I commend Mr. SMITH for his leadership in the struggle for the protection of human rights, both in Romania and around the world.

The continuing violations of human rights by the Government of Romania against its citizenry, necessitates the implementation of this amendment. Congress must make every effort to protect the most basic human rights including the right to one's religious beliefs, the right to emigrate, and the right to the freedom of expression. Romania's violation of these rights are extensive and well-documented by our State Department and by the Helsinki Commission.

Romanian President Nicolae Ceausescu's program of systemization, which would obliterate almost 13,000 rural villages and forcibly relocate the population into "agro-industrial complexes," is the latest infringement upon the individual rights of the Romanian people.

The United States has always been a leader in protecting the basic human rights of people around the world. We must join our fellow nations in expressing our concern over the Romanian's poor human rights record. This amendment expresses the sense of Congress that the United States should impose agricultural sanctions against Romania. We must also urge the President to coordinate with our allies a policy which would require Romanian authorities to respect the rights of her people. These sanctions are necessary, and we must act quickly to help the citizens of Romania who desperately need our assistance.

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Mr. DYMALLY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I am happy to yield to the gentleman from California.

Mr. DYMALLY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I join the gentleman from Michigan [Mr. CROCKETT] in praising the chairman of the committee and the ranking minority member for what I think is a very good bill.

Mr. Chairman, I am again requesting support for the foreign aid authorization, H.R. 2655, in its final passage. I commend to you for your consideration the following aspects of the bill:

I. CHAPTER 2 OF TITLE VI—THE CARIBBEAN REGIONAL DEVELOPMENT (MR. CROCKETT)

(a) Emphasis on promoting self-reliance with the specific involvement of the poor and women in development.

(b) Earmarking no less than $33,250,000 each fiscal year to be available only for the Eastern Caribbean and Belize.

(c) Insisting on specific action by the Government of Haiti in fostering and implementing a full and democratic society in which the Haitian people can prosper.

II. TITLE X—AFRICA (MR. WOLPE)

(a) The African Famine Recovery and Development Act—The critical role of women in development, the development of indigenous PVOs.

(b) An increase for FY 90 in Development Assistance at the expense of Economic Support Fund (See below).

	In millions
Development Assistance	580.0
African Development Foundation	10.0
Economic Support Fund	53.0
Military Assistance (equipment)	41.0
Military Training	11.2

(c) Rep. WOLPE's amendment to protect the $103 million earmarked for aid to sub-Saharan Africa from reductions, if reductions become necessary.

III. TITLE XIII—U.S. COMMISSION ON SOUTHERN AFRICA (MR. DYMALLY)

To establish a U.S. Commission on Southern Africa to solicit private funds to train middle management level South Africans and Namibians for positions in business and government.

IV. TITLE XIV—MISCELLANEOUS PROVISIONS

Section 1402—minority set-aside: Not less than 10 percent of the aggregate amounts available for fiscal years 1990 and 1991 for development assistance and assistance for famine recovery and development in Africa to be made available for activities of U.S. organizations and individuals that are minorities.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, we have examined this amendment. We agree with the gentleman from New Jersey and we are happy to accept the amendment.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I rise in support of this amendment which would express the sense of the Congress that the United States should impose sanctions on Romania to prohibit the importation to the United States of all food and agricultural products. The amendment further urges President Bush to consult the allies in Western Europe to develop a coordinated—and thus more effective—policy for sanctions on Romania.

The Romanian Government of President Nicolae Ceausescu gives no indication of ending its repressive poli-

cies—including systematic human rights violations and a plan to repay the Romanian debt on the backs of the Romanian people. By increasing exports and sharply curtailing imports, the Government that once presided over Eastern Europe's bread basket has imposed cronic food and household fuel shortages on the Romanian people.

Any internal opposition to President Ceausescu is considered a criminal offense and is treated accordingly.

Romanian dissident Doina Cornea has been beaten and placed under house arrest for releasing an open letter critical of Ceausescu's policies.

The fate of four Romanian journalists who attempted to publish criticism of Ceausescu is still not known.

Six former loyal Romanian officials, including Communist Party members, were suppressed in attempting to criticize Ceausescu and confined under house arrest.

On May 31, the Comanesti Baptist Church near the town of Bacau was bulldozed by the Government despite the appeals of its pastor and its congregation and even an unusual defense by Romania's normally quiet Baptist hierarchy. The church's leadership was arrested, but subsequently released. However, this congregation, like many others, remains under constant threat.

Romania apparently even erected a barbed-wire fence across its Hungarian border to try to prevent Romanian citizens, particularly ethnic Hungarians, from fleeing to Hungary. A campaign of forced assimilation toward Romania's Hungarian minority has caused the first mass exodus from one Communist country to another, Hungary, which reportedly happens to be tearing down its Iron Curtain with Austria.

The Romanian regime has systematically flouted its own international human rights commitments.

Witness the Romanian Government's statement after signing the Vienna Concluding Document last January that it would only selectively comply with the Helsinki accords document's human rights provisions.

One month later, the Romanian Government denounced the decision by the United Nations Human Rights Commission to establish a special rapporteur to investigate Romania's human rights conditions, and it has yet to indicate any forthcoming cooperation.

Not surprisingly, the official Romanian tune remained unchanged in Paris, where United States negotiators to the Helsinki followup Conference on the Human Dimension heard the Romanian delegate "reject categorically the totally baseless allegations regarding economic, social, and political realities" in their country.

Mr. Chairman, we have come very close to exhausting every diplomatic lever for achieving Romanian compliance with its own human rights commitments. Already the European Community has suspended talks over renewing a trade agreement with Romania.

The Smith amendment deplores human rights abuses in Romania and expresses the sense of Congress that the United States should impose limited sanctions aginst Romanian exports, specifically food and agricultural products.

Why take action against Romania now?

Bucharest's obsession with the acquisition of hard currency to wipe out Romania's foreign debt has imposed severe food shortages and deprivation to its people. Food is unnecessarily scarce in Romania.

Other countries have taken recent action against Romania. Great Britain has frozen all high-level government-to-government contacts. Germany has canceled economic meetings with Romania and scientific cooperation between the two countries. France has recalled its Ambassador. The European Community has suspended economic talks with Romania. The United Nations has appointed a special rapporteur to investigate Romanian human rights abuses. Hungary took the unprecedented action of cosponsoring the U.N. resolution while the rest of the Warsaw Pact broke with Romania and abstained from the vote. Soviet leader Gorbachev has publicly criticized and warned Ceausescu for human rights violations.

Ceausescu presses on with his program of systemization hoping to destroy nearly 13,000 villages and force cruel relocation of Romanian families.

Some 20,000 Romanian citizens have taken refuge in neighboring Hungary, leaving family members behind.

Romanian officials have recently constructed a barbed-wire fence, reminiscent of the Berlin Wall, to try to stop refugees.

Beatings, arrests, and harassment continue for anyone who questions Ceausescu. Even former Communist leaders have been placed under house arrest for their criticism of Ceausescu.

The United States cannot remain silent while so many others have spoken out against Romania's deplorable human rights record. Vote yes and vote in favor of improved human rights for Romanians.

I urge support of this amendment, which would be a sense of the Congress, and would represent a very, very small percentage of overall United States imports from Romania. This is an important and necessary signal to place pressure on the Romanian Government, and perhaps even to assist the Romanian people by working with the administration to embargo edible food products from Romania.

It is high time for the United States and its allies to take at least an initial step to stand with the Romanian people.

All in free world, let Romanian people know we care—Radio Free Europe.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I am happy to yield to the gentleman from Maryland, the chairman of the Helsinki Commission.

Mr. HOYER. Mr. Chairman, I thank the gentleman from New Jersey for yielding to me and congratulate him for introducing this amendment.

There is no doubt that Romania has shown itself to be the principal violator of the human rights of its citizens within the community of nations in Helsinki. I think this is a very appropriate amendment that sends a strong signal, and I certainly support the gentleman's amendment.

Mr. SMITH of New Jersey. Mr. Chairman, just one final comment. This amendment does send that clear signal to the Romanians, even those Communists in the East bloc countries, including Hungary, which have been criticizing the Romanian Government and Ceausescu. I think this is a worthy amendment and hope that my colleagues will suppport it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title XIV?

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 588, add the following after line 7;

SEC. 1404. UNITED NATIONS VOTE ON HUMAN RIGHTS ABUSES IN CUBA.

(a) STATEMENT OF POLICY.—The United States expresses its deepest displeasure and disappointment with those countries who voted against the United States and with Cuba at the United Nations Human Rights Commission in Geneva in March of 1989 on the resolution proposed by Panama to curb the United Nations investigation of human rights abuses in Cuba. This was a vote crucial to United States interests and reflected the attitudes of these countries with respect to human rights and friendship with the United States.

(b) LIST OF COUNTRIES.—The countries referred to in subsection (a) are Botswana, Bulgaria, the People's Republic of China, Colombia, Cuba, Cyprus, Ethiopia, the German Democratic Republic, India, Iraq, Mexico, Panama, Peru, Sri Lanka, the Ukranian Soviet Socialist Republic, the Union of Soviet Socialist Republics, and Yugoslavia.

(c) DEDUCTION OF FOREIGN ASSISTANCE.—Any foreign assistance otherwise authorized

to be made available under this Act for fiscal year 1990 for any country listed in subsection (b) shall be reduced by 50 percent.

Mr. BURTON of Indiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Chairman, over a year ago after a big fight in Geneva, the U.N. Human Rights Commission was given authority to investigate human rights abuses in Cuba, and for 1 year the investigation took place, but then on March 31, 1989, a day which will live in infamy in Geneva at the second Human Rights Commission after this took place, a Panamanian resolution meant to get Cuba off the hook for its human rights abuses was passed, against the efforts of the United States and its Ambassador, Armando Valladares, who spent 25 years in a Cuban prison.

It was very clear what was happening. A vote for Panama was a vote for Cuba. The countries who voted against us and against the Cuban people ought to pay for it, and that is the purpose of this amendment.

The purpose of the amendment, Mr. Chairman, very simply is to make those countries who voted against the human rights investigation of human right violations in Cuba pay for their lies to the United States. Many of them told us they were going to vote with us on the amendment and then reneged on it. So what this amendment does simply is it cuts the assistance to those countries by 50 percent during the fiscal year 1990 and 1991.

I understand the gentleman from Pennsylvania [Mr. YATRON] has a perfecting amendment to this.

I have discussed this with the chairman of the Foreign Affairs Committee and have told him that I would be happy to accept the amendment of the gentleman from Pennsylvania [Mr. YATRON] which would cut the 50-percent penalty, but would still send a message to these countries the countries of Botswana, Bulgaria, the People's Republic of China, Colombia, Cuba, Cyprus, Ethiopia, the German Democratic Republic, India, Iraq, Mexico, Panama, Peru, Sri Lanka, the Ukrainian Soviet Socialist Republic, and the U.S.S.R. in Yugoslavia.

It would send a message to many of them that we are concerned about their vote in the United Nations and that next year unless they change and are willing to investigate the human rights violations of Cuba, a cutoff or a reduction in foreign aid may take place.

Mr. BURTON of Indiana. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. YATRON TO THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. YATRON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. YATRON to the amendment offered by Mr. BURTON of Indiana: In the text proposed to be inserted by the amendment, strike out subsection (c).

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes in support of his amendment.

There was no objection.

Mr. YATRON. Mr. Chairman, I share the concern of the gentleman from Indiana about the U.N. Human Rights Commission vote on Cuba. Cuba is a repressive dictatorship and there was no substantive reason for the Commission to adopt the watered-down resolution sponsored by Panama.

Mr. Chairman, my subcommittee has had two human rights hearings on Cuba in the last few years and has worked on a bipartisan basis to focus international attention on the human rights abuses committed in Castro's Cuba.

The gentleman's amendment is well-intended, but would needlessly and adversely affect humanitarian programs in several impoverished nations. It would result in dramatic reductions in our programs to combat illicit narcotics trafficking in Columbia and Peru.

Further, it would cut the much needed assistance for displaced people in Cyprus. I would remind our colleagues that it was the Government of the Republic of Cyprus which allowed its territory to be used for overflights by the U.S. military to support our marines in Beirut when other countries in the region, including a NATO ally, would not. I think that kind of support for U.S. interests should be taken into account.

My amendment would retain the gentleman's policy statement and the country listing, but delete the provision mandating a 50-percent reduction in assistance. I urge my colleagues to support the amendment.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. YATRON. I yield to my colleague, the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I want to compliment my good friend, the gentleman from Pennsylvania [Mr. YATRON], the chairman of the Subcommittee on Human Rights and International Organizations of the Committee on Foreign Affairs.

Mr. Chairman, I support the Yatron amendment which deletes a section in the Burton amendment mandating a reduction in assistance to Cyprus and other countries.

I share the disappointment of my colleagues about the U.S. Human Rights Commission vote on Cuba. It is regrettable that nations which share our values often fail to vote with us in international organizations. Punishing these countries, however, sets a bad precedent. I believe it would be unwise for America to cut aid to nations which might honestly disagree with our Government's position on a number of issues. Our assistance to other nations is given for humanitarian reasons or for foregn policy purposes, Linking U.S. aid to a country's voting record is counterproductive.

I strongly oppose cutting United States assistance to Cyprus during this sensitive period in the ongoing peace talks concerning the future of that island. Mr. Denktash and President Vassiliou of the Republic of Cyprus will soon meet at the United Nations and make important decisons regarding the next phase of the intercommunal talks. We should do everything possible to show our support for these negotiations and not undermine them by cutting badly needed U.S. assistance.

While I share Congressman BURTON'S frustration with the voting records of many of our friends, I believe that cutting aid to these countries would ultimately undermine U.S. interests in those countries. We, not they, might suffer in the final analysis.

I urge your support of the Yatron amendment.

Mr. YATRON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. YATRON] to the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 588, after line 7, insert the following:

SEC. 1404. UNITED NATIONS GENERAL ASSEMBLY RESOLUTION CALLING ZIONISM A FORM OF RACISM.

It is the sense of the Congress that—

(1) when considering the furnishing of foreign assistance to any foreign country, the President should give serious consideration to whether that country has formally rejected the resolution adopted by the United Nations General Assembly on November 10, 1975, that calls Zionism a form of racism; and

(2) the United States should continue to reject that resolution and should urge all other countries, which have not done so, to join in formally rejecting that resolution.

Mr. BURTON of Indiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Chairman, on November 10, 1975, the U.N. General Assembly adopted a resolution calling Zionism a form of racism. Mr. Chairman, this blatant act of anti-Semitism is the most disgusting action ever taken by the United Nations.

My amendment simply states that when considering foreign assistance to any foreign country, it is the sense of Congress that the President should give serious consideration to whether that country has formally rejected the U.N. resolution calling Zionism a form of racism. The amendment also states that the United States should continue to reject the resolution and should urge all other countries, which have not done so, to join in formally rejecting that resolution.

We should expect no less from any country, especially countries that receive U.S. foreign assistance. We must continue to send a signal to the world that the United States of America takes any act of anti-Semitism very seriously. We must never acknowledge, abide by or acquiesce in this infamous act by the so-called United Nations.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise to express my support for the amendment offered by the distinguished gentleman from Indiana [Mr. BURTON] and I commend the gentleman for his fine work.

This resolution expresses the sense of Congress that the President should consider in his foreign aid certification criteria whether a particular nation has formally rejected the resolution adopted by the U.N. General Assembly on November 10, 1975, which labels Zionism a form of racism.

Mr. Chairman, we are all familiar with that biased, absurd resolution. We are all acutely aware of that resolution's own brand of racism. This is an appropriate way for the U.S. Congress to clearly express itself to all of its allies, and to once again make salient the ill-conceived and poorly executed attempt by some United Nations member-states, to express anti-Israeli sentiment and anti-Jewish sentiment. I urge the adoption of this resolution.

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Mr. Chairman, we are all familiar with that biased, absurd resolution, and we are acutely aware of that resolution's own brand of racism. I think this is an appropriate way for the Congress to clearly express our indignation.

Mr. Chairman, I commend the gentleman and thank him.

AMENDMENT OFFERED BY MR. BERMAN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BERMAN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BERMAN as a substitute for the amendment offered by Mr. BURTON of Indiana: It is the sense of Congress that the United States should continue to reject the resolution adopted by the U.N. General Assembly on November 10, 1975, that calls Zionism a form of racism, and should urge all other countries which have not done so to join in formally rejecting that resolution.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes in support of his substitute.

There was no objection.

Mr. BERMAN. Mr. Chairman, I rise in support of the substitute. I commend the gentleman from Indiana for bringing the issue of the resolution adopted by the United Nations back in 1975 to the attention of this body. We cannot remind ourselves too often of the horrendous nature and the sense of revulsion that I think most of us feel over the adoption of that resolution. That was surely one of the great black marks for the United Nations.

Many of those countries that supported that resolution which sought to deny the aspirations of Jewish people for a homeland were doing so under the coercion of oil and oil prices imposed by the chief proponents of that resolution.

Mr. Chairman, I would suggest that my resolution and the substitute, is more appropriate for the purposes of supporting the Israeli Government and its safety and security, and I would also suggest to my friend, the gentleman from Indiana [Mr. BURTON], that in furtherance of security for Israel, an aye vote on the foreign assistance bill is far more important than a hortatory resolution with respect to the question of that U.N. resolution, to suggest that a criterion for consideration of foreign assistance will be the renunciation of that resolution.

I join with the gentleman in hoping that countries muster up the courage to take the principled action and to renounce that resolution will defeat many of the efforts this Government and of the Israeli Government to develop diplomatic relationships with many of the countries to which the Arab oil embargo and a threat forced those countries to suspend diplomatic relations.

The resolution in its original form is not really in the best interests of Israeli security, the effort of the Israeli Government to broaden out and branch out and reestablish the relationships it had with so many countries in the Third World.

I believe that this resolution which accepts the gentleman's principles is a good substitute for it, and I would ask the gentleman to consider it.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I think that the gentleman makes a good point, and I accept his amendment.

Mr. BERMAN. I thank the gentleman very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BERMAN] as a substitute for the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended.

The amendment, as amended, was agreed to.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Utah is recognized for 5 minutes.

There was no objection.

Mr. Chairman, I do not intend to offer my amendment calling on Israel to reopen schools in the West Bank. After talking to many people involved in this issue I have decided that the timing of the amendment is such that it may upset delicate negotiations in the region.

It is not my desire to upset any possible prospects for peace. Rather, the amendment was intended to be a propeace, proeducation amendment that did not assess blame.

I would like to engage the gentleman from California [Mr. BERMAN] in a colloquy regarding an agreement we have reached which would allow me to offer the amendment during consideration of the Foreign Operations Appropriations bill. I would like to make it clear that this agreement does not mean that I have backed down from my position. I am very much interested in the reestablishment of a normal educational environment in the West Bank. I will be watching the situation very closely between now and the time the Foreign Operations Appropriations bill is brought to the Floor. Should the situation in the West Bank

not change sufficiently by that time, my understanding of the agreement is that I will be reserved the opportunity to address the school closure issue at that later date.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I was very interested in the amendment and wanted to be supportive of it. If the gentleman is going to withhold it until the appropriation bill comes up, I will support it at that time.

Mr. Chairman, I rise in support of the amendment offered by Mr. NIELSON because I am concerned that Israel's restriction on education in the occupied territories is creating a generation of illiterate Palestinian children who have nothing to contribute to the Middle East peace process.

As a strong supporter of Israel, I sympathize with the concerns of Israeli military officials who worry that the assembly of Palestine children in schools may at times pose a threat to local security. But why is it also illegal to teach lessons in small private settings and in homes? Why must Palestinian children now go underground just to learn their ABC's? To date, I have not heard a single argument which would convince me that this policy is in the best interest of either Palestinian children or the State of Israel.

Certainly, there is little mystery about the consequences of inadequate education for the Palestinian society, or any society for that matter. Many of us are trying to cope with the growing dropout and illiteracy rate in our backyards, right here in the land of educational opportunity for all. I ask my colleagues to consider what kind of immediate and long-term crises you would be facing if all the students in your district stayed out of school for 2 years? The shortage of skilled manpower we are beginning to suffer from here in the United States will seem miniscule to the problems the Palestine economy of tomorrow is now certain to experience. No civilized society can afford to take such large steps backward in its development; The Palestinian case is no exception.

Most of the children who now throw stones at soldiers would be in school during the day if they could be. Palestinian mothers in the occupied territories don't send their children to school so they can plot to undermine Israeli authority. They want to see their kids get a solid education. Palestinians take immense pride in the fact that they are among the best educated people of the Arab world.

The undereducated, idle, and angry youngsters who now pick up rocks instead of pencils, will continue to fuel the Palestinian uprising until they are given a less violent option. I can't think of a better diversion than education.

By encouraging education in the territories, Israel can avoid confrontation by keeping children off the streets, and more importantly, it can help ensure a generation of Palestinians who are educated enough to recognize the mutual benefits of peaceful coexistence with Israel. It is time for Israel to reevaluate this policy, for the sake of Palestinian children and for the sake of furthering Middle East peace prospects.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I am happy to yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I appreciate the gentleman yielding. The author of the amendment, the gentlewoman from Ohio, and I have had a number of discussions including discussions with the chairman of the Subcommittee on Foreign Operations. He has indicated to me that he has no objection to an amendment being proposed, and a discussion of this issue on the foreign operations bill when it reaches the House floor, provided that, and assuming that, the Republican leadership supports that kind of a discussion. He also made it clear that he is not committed to any particular language or proposal and would want the opportunity to review language of any amendment that he might be asked to support or vote on.

Ms. OAKAR. Mr. Chairman will the gentleman yield?

Mr. NIELSON of Utah. Mr. Chairman, I am happy to yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I want to thank the gentleman for yielding and, first of all, say that I think that the fact that he will withdraw the amendment and save it for another time is in the best interests of peace in that area. I want to compliment him on that, and I also want to confirm what the gentleman from California has said and hope that there will be a discussion on this in the spirit in which we all want to see peace in that area.

The CHAIRMAN. Are there further amendments to title XIV?

Mr. FASCELL. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. FASCELL. Mr. Chairman, I do not know of any more amendments, but before the Chair left the chair, I wanted to express appreciation of the House for the excellent job he has done.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I am happy to yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, for a moment I, too, want to join with the chairman, the gentleman from Florida [Mr. FASCELL], in paying tribute. The Chairman has handled this bill, I know, a number of times, and it has been a very difficult time. We on this side are very, very grateful for the way the gentleman conducted the entire process, and we thank him very much.

The CHAIRMAN. Are there further amendments to the bill?

Ms. LONG. Mr. Chairman, I reluctantly rise in opposition to H.R. 2655, the Foreign Aid Authorization Act. I know that my colleagues on the Foreign Affairs Committee worked hard on this legislation.

There are many positive portions of this measure including the aid to Israel and Egypt, Peace Corps funding, international narcotics control funding, and policies which promote human rights and democracy around the world.

But Mr. Chairman, this is not a bill just to aid Israel, nor is it a drug bill to fight the war on drugs. This is the foreign aid bill and it must be assessed in total with all of its good and bad points.

I have examined the bill and I cannot support it in its present form.

First of all, I am pleased that we were able to adopt the Fascell amendment to reduce the total funding in the bill. However, the legislation still increases funding over last year by nearly $400 million.

We have plenty of needs right here in the United States that are not being met due to the budget crunch. I came to Washington to reduce deficit spending, not increase it. I am not prepared to increase foreign aid, while simultaneously reducing domestic programs right here at home.

Second, the cargo preference provisions in the bill are very troubling. As a farmer, and a member of the House Agriculture Committee, I know the importance of keeping agricultural export costs to a minimum.

The provision which requires that 50 percent of the goods purchased by cash transfer recipient countries be carried on U.S. ships would be extremely detrimental to U.S. agriculture. They would erode the value of U.S. foreign aid and decrease exports, in particular agricultural exports.

The cargo preference provisions would make American exports more expensive because they would mandate that goods be exported in a costlier manner. According to the Agency for International Development [AID], the cost of shipping on U.S. vessels averages $58.79 per ton. The cost of shipping on foreign-flagged ships averages $33.17. I support a strong domestic shipping industry, but it makes no sense to increase the cost of exporting, especially at a time when our Nation is trying to deal with stubborn trade deficits and trying to improve our foreign trade position around the world.

Mr. Chairman, I hope that the authorization levels contained in the bill are scaled back, and I hope that the cargo preference provisions are stripped out in the Senate, or in the conference on the bill. At that time, I could support this important legislation.

Mr. FEIGHAN. Mr. Chairman, I rise in strong support of H.R. 2655, the International Development and Cooperation Act of 1989. I want to commend the chairman of our full committee, Mr. FASCELL, for his leadership in keeping us on schedule and allowing us to get to the floor in an expeditious manner. Again this year, the chairman has succeeded in forging a bipartisan

consensus on many of the tough issues that the committee faces. The true measure of that success came in the overwhelming bipartisan vote in favor of the bill when it came out of committee.

Foreign aid has never been a popular program. All too often, it is viewed as a giveaway for which the United States received little or nothing in return. That's just not true. In terms of protecting our national security; in terms of advancing economic opportunity and opening foreign markets; and in terms of providing leadership in solving international problems; foreign aid funds allow the United States to play a superpower role.

That type of influence is available to the United States at an investment of about 1 percent of the the Federal budget. The bill reported by the committee comes in $4 million less than the Bush administration's request.

In years past, the foreign aid bill has also been a battlefield for partisan disputes over American foreign policy. This year, the key word was cooperation. The result was true bipartisan compromise on some of the thorniest issues facing the committee. Perhaps not everyone will be satisfied with every aspect of the bill, but the committee has fashioned a bill that finds common ground on nearly all the major issues we face.

In the Middle East, the bill maintains the current AID package for Israel and Egypt in support of the Camp David accords. This commitment ensures that the United States remains engaged in assisting the parties in the region to pursue the road to a lasting peace in the Middle East. In Europe and the Far East, the bill provides needed aid to strategic base rights countries. And in Latin America and Africa, AID promotes economic development and expanded market opportunities for our export community. And in Asia, the bill sends a strong signal to the Chinese Govenment that the American people remain outraged by the brutal murder of more than 700 peaceful demonstrators in Tiananmen Square—by codifying President Bush's sanctions against China into law.

Foreign aid isn't a giveaway. It's our insurance policy. It's a small investment that allows us to maintain our commitments to our allies, to open markets abroad and to help others to help themselves. I urge my colleagues to make that investment and vote for H.R. 2655.

Mr. KASTENMEIER. Mr. Chairman, I would like to commend the Committee on Foreign Affairs for its support for those foreign aid programs which the committee believes will encourage broad-based, sustainable, participatory development, with particular emphasis on the poor. I am pleased by the committee's backing of child survival activities, efforts to alleviate poverty and improving the management of resources to promote environmentally and economically sustainable development. Our assistance for these overseas efforts represents our Nation's traditional values and the generosity of the American people, and I urge my colleagues to support those provisions of the International Cooperation Act which address the need to improve the human condition in poor, less developed countries.

I, however, have to differ with the overall thrust of the International Cooperation Act which places its greatest emphasis on security aid. Approximately 64 percent of the $11.5 billion authorized for each of the fiscal years 1990 and 1991 simply feeds the military in many foreign lands. This is not my idea of the values that our foreign aid program should reflect.

Mr. Chairman, in particular, I want to express my disappointment with the Committee's decision to continue military aid for El Salvador. For 9 years, there has been an ongoing civil war in El Salvador. Nearly 70,000 people, mostly civilians, have been killed and the human misery there continues. United States policy toward El Salvador is sterile and bankrupt, and giving the Salvadoran military $85 million for each of the fiscal years 1990 and 1991 promises more of the same. Nine years of a savage war have not brought peace to the Salvadoran people. If the conflict is to be ended, then all military aid must cease and the Salvadoran Government must be encouraged to participate in a negotiated political settlement. H.R. 2655 fails to accomplish this purpose.

Mr. Chairman, I will vote against H.R. 2655 and I urge my colleagues to reject this legislation.

Mr. GEPHARDT. Mr. Chairman, I would first like to commend the outstanding work of Chairman FASCELL and the members of the Foreign Affairs Committee for their months of tireless work in bringing this bill to the floor.

Since 1981, Congress has passed only two free-standing foreign aid bills. Our progress on this bill is a further sign that the House is back on track, addressing our Nation's most pressing problems.

We often speak of America's commitment to freedom and self-determination around the world. Foreign aid is one place where we put our money where our mouth is. It fulfills a basic humanitarian spirit in the American people to help those less fortunate than ourselves. It says that where there is poverty, disease, and hunger, America will be there to help ease the suffering.

I'm particularly pleased with our new commitment to the Multilateral Assistance Initiative in the Philippines—our renewed support for famine relief in Africa—and our expanded funding for Peace Corps, with the goal of reaching the level of 10,000 volunteers by the year 1992.

This bill also puts America squarely on the side of those promoting economic and political freedom around the world, applying a single standard to all countries, from China to El Salvador, from Kenya to Burma, from Nicaragua to Mozambique.

In this age of budget stringency and pressing problems here at home, some may ask if we can afford $11.5 billion for foreign aid. I believe we can't afford not to fund this program. This bill promotes goals that are vital to our political, economic, security, and environmental interests. By promoting prosperity in developing countries, we help create a secure and stable world, to the benefit of all nations. By supporting the forces of free enterprise, we expand our opportunities for our own exports and investment. By fostering sound environmental practices, we protect the world's fragile ecological balance.

Nowhere do our foreign and domestic interests merge more strongly than in the provisions relating to drugs.

The scourge of drugs begins abroad, and works its insidious way into America's inner cities and suburbs. To complement our other efforts at interdiction and enforcement here, this bill goes to the source of these drugs in foreign countries. We give the President every penny he asked for to assist antidrug efforts abroad—$155 million.

Then we go several major steps further, providing new weapons in the war on drugs. We renew overseas programs in last year's drug bill that the administration would have allowed to expire.

We start innovative new programs, including those which offer countries new assistance if they get tough on drugs.

We create a $14 million fund to finance development projects in countries that undertake programs to eliminate production of illegal drugs, especially cocaine.

We tell foreign officials that allow their countries to be used for money laundering, bribery, or trafficking: "You won't receive another penny of American aid until your clean up your act."

The Administration asked us to delay these measures until next September, when they unveil a new plan. Today, with this bill, we are saying that drugs don't take the summer off, and neither should we. We must attack this epidemic now.

On drugs—on human rights—on famine relief—and on promoting basic human needs, this bill uses the power of the purse to guide our foreign policy in the right direction.

It is an outstanding bill. It deserves our strongest support.

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in support of H.R. 2655, the Foreign Assistance Act authorization for fiscal 1990 and 1991.

This agreement was worked out as a result of the 1990 budget negotiations with the White House and the leaedership of the House and the Senate. While I was not a part of the negotiating process, I did vote in favor of the 1990 budget resolution (H. Con. Res. 106) when it came to the floor. As a result, I feel that I am now obligated to abide by the decisions of the negotiators, as ratified by both the House and Senate.

My decision to support passage of this bill can not, and should not, be construed by anyone as unqualified support for this package, or the concept of foreign aid. H.R. 2655 will authorize the expenditure of at least $23 billion in tax dollars over the next 2 years. This is not a responsibility that I take lightly.

The United States, as the leader of the free world, has an obligation to help her allies, and those countries that are striving for the freedoms that we currently enjoy. H.R. 2655 pro-

vides needed assistance to developing countries, as well as to good friends and allies such as Israel and Egypt.

The fiscal, economic and political realities of the day must force us to take another look at what we hope to achieve through foreign assistance packages. I have found over time that very few individuals, or countries, are successful at buying one's loyalty. In fact, it sometimes appears that the more money we send abroad, the more enemies we make. That's not the type of foreign policy that we want in this country.

As the elected representatives of the people of Wyoming to the House, I have an obligation to look out for their best interests. Wyoming has lost hundreds of jobs since the beginning of this decade, and unfair foreign competition has played a key role in these losses.

With limited tax dollars available, we have to become more responsible in how the Congress spends it. H.R. 2655 is, for the most part, a "done" deal as a result of the budget summit. In the future, I will look more closely at these bills to ensure that they are not only in the best interests of foreign governments and a small group of negotiators, but in the best interests of the people of Wyoming as well.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker, having resumed the chair, Mr. AuCoin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2655) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1990 and 1991, and for other purposes, pursuant to House Resolution 179, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

□ 1620

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEACH OF IOWA

Mr. LEACH of Iowa. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LEACH of Iowa. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LEACH of Iowa moves that the bill H.R. 2655 be recommitted to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendments:

Page 62, strike out the sentence beginning in line 12; and page 64, strike out lines 6 through 10.

The SPEAKER. The gentleman from Iowa [Mr. LEACH] will be recognized for 5 minutes and the gentleman from Florida [Mr. Fascell] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, on behalf of the minority, the gentleman from Nebraska [Mr. BEREUTER] and I are offering this motion to recommit.

What it does, quite simply, is strike the cargo preferences part of this bill. Frankly, we are not misled into thinking necessarily that we can get a majority vote. But we feel quite strongly that cargo preference is an issue that should be revisited and put in a larger context.

When this gentleman came to this body in the mid-1970's, he had the feeling that this Congress was an energetic, reform-oriented institution. The question today is whether this body is becoming increasingly a body susceptible to approve particularist interests against the national interest.

The goal of this bill in a very large context is simply to assist less privileged countries; and secondly, to enhance the exports of the United States of America. Cargo preference has the effect of increasing middleman fees, thus decreasing aid to the poorest of the poor, and decreasing American exports. It runs full square counter to the purposes of this bill.

There are growing frustrations in this body about the trade deficit with Japan. The "made in Japan" label has become a major American challenge.

But to thousands of midwestern farmers, to workers who man midwestern ports, to the poorest of the poor in Africa, to hunger and relief organizations around the world, to outside observers like the Grace Commission, cargo preference is a scandal "made in Congress."

What the minority party would like to do is ask this body to be serious about helping balance our trade as well as our budget.

We also would like this body to be honest about sticking with an agreement once made, in this case the one made between all the parties in the last Congress about cargo preference.

Most importantly, we believe it is time to stand up for the little guy over a few big shipping companies and a few powerful unions. It is time to return to our reform tradition. It is time to strike the cargo preference provisions in this particular statute.

I urge the majority party in particular to give this serious consideration.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The Chair would advise the gentleman from Iowa [Mr. LEACH] that it is necessary for the gentleman to use his 5 minutes. A reservation is not permitted under the rules.

Mr. LEACH of Iowa. Mr. Speaker, I yield back the balance of my time.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I want you hawks on this side of the aisle to listen to me. I am one of you. I want you to vote for a strong national defense.

Thirty years ago this country had 4,000 American bottom merchant marine ships, and we had huge surpluses in trade. Today we have 400 ships and we have huge trade deficits.

Why? I will tell my colleagues why. Look at the backward nations like China, which we have just finished talking about all day today. Twenty years ago China had 60, just 60 merchant marine ships. Today they have 1,200, three times as many as we have in America.

Do my colleagues want to know what happened to those 3,600 American ships? They were economically torpedoed to lay on the bottom of the ocean.

If we are going to turn around the trade in this country, we are not going to let these other industrialized nations subsidize their industries. We are going to go into the business ourselves. This is the way to do it.

China exports 70 percent of their goods on their bottoms to this country, putting our people out of work. Today is the day to keep cargo in here, and send the message to Japan and the rest of these countries that we are not going to take it anymore, we are not turning the other cheek.

Vote against this motion to recommit.

Mr. FASCELL. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, if this amendment seems familiar, if this debate seems familiar, it is because it is. Twice in this session, once in the last Congress Members have been called upon to vote for this same amendment. Now we ask Members to do so again as they did only 2 days ago by a wide margin, because the issue is simple: Do not ask the American people to send their foreign aid abroad so that it will be used for Argentine wheat or Cuban sugar or Japanese machine tools.

Our amendment is simple. If foreign aid is not spent in the recipient country, spend it in America.

Finally, and the gentleman from New York [Mr. SOLOMON] has said this well, we cannot be a strong nation, we cannot be a secure nation, we cannot have real national security without a merchant marine. Ours is in collapse.

I know that the ideal place to assure a strong national security and a merchant marine is not in the foreign aid bill, I agree. But the reality is this is our only choice.

What I ask is this: If American aid is to go to other nations, allow a portion of it to go on American ships so that the American flag stays on the high seas, available for national emergencies, available for national security available if America needs it.

Members have voted on that amendment three times in the last two Congresses. Please do so again.

Defeat the motion to recommit. Stand with the committee, stand with the bipartisan majority of this House. Defeat the motion to recommit, keep cargo preference, keep American aid flowing back into America.

The SPEAKER. The gentleman from Florida [Mr. FASCELL] has 1 minute remaining.

Mr. FASCELL. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent, since I was not in the Chamber when the debate began, to be given 2 minutes of the time that the gentleman from Iowa [Mr. LEACH] did not use.

The SPEAKER. Is there objection to the request for the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I appreciate being given this opportunity to speak on an issue that is very important to me and to the people living in my district and State.

The Torricelli amendment will be counterproductive for exports. It will be counterproductive for bulk exports of all kinds. It will be counterproductive for manufactured goods.

I want to make it quite clear to the Members of this body what they are voting on. If they vote to leave the Torricelli language in the legislation, they are voting for reduced exports from the United States. Cargo preference takes food directly out of the mouths of starving children, and in this instance we are expanding it beyond that point, however. We are expanding it beyond the Food for Peace Program. We are expanding it to an impact so that it affects every nation except those for which there is an exception in the legislation that receives cash transfers or ESF funds.

What does that even mean? It means that those countries have to buy as much in U.S. exports as they receive in ESF funds. That sounds fair, does it not?

But in reality, on the average, they are already importing from the United States 13 times as much as the ESF funds they receive. Those countries oftentimes, in fact generally, almost always import their grain, import the coal not through commercial channels, they do it through government agencies.

So a vote for the Leach motion to recommit will strike the Torricelli language. A vote for the Leach language is a vote for coal miners, despite what the union people might say. A vote for the Leach amendment is a vote for agriculture exports.

□ 1630

Make no mistake about it, that is the way it comes down. A vote against him means that the outside influences that are using their political action committees' money here are going to win. That is unfortunate for the American people.

The SPEAKER. The question is on the motion to recommit offered by the gentleman from Iowa [Mr. LEACH], which will be a 15-minute vote.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEACH of Iowa. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER. Pursuant to the provisions of clause 5, rule XI, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on passage of the bill.

The vote was taken by electronic device, and there were—ayes 162, noes 255, not voting 15, as follows:

[Roll No. 128]

AYES—162

Archer	Dorgan (ND)	Hopkins
Armey	Dornan (CA)	Houghton
Atkins	Douglas	Huckaby
Baker	Dreier	Hyde
Ballenger	Durbin	Ireland
Bartlett	Edwards (OK)	Jacobs
Barton	Emerson	Johnson (SD)
Bereuter	English	Jontz
Berman	Fawell	Kaptur
Bliley	Frenzel	Kasich
Boucher	Frost	Kastenmeier
Broomfield	Gallegly	Kleczka
Brown (CO)	Gekas	Kolbe
Bruce	Gillmor	Kyl
Buechner	Gingrich	LaFalce
Burton	Glickman	Lagomarsino
Campbell (CA)	Gradison	Leach (IA)
Carr	Grandy	Leath (TX)
Coble	Grant	Lewis (FL)
Coleman (MO)	Gunderson	Lightfoot
Combest	Hall (OH)	Long
Cooper	Hall (TX)	Lukens, Donald
Costello	Hamilton	Madigan
Cox	Hammerschmidt	Martin (IL)
Craig	Hancock	Mazzoli
Crane	Hansen	McCandless
Dannemeyer	Hastert	McCloskey
DeLay	Hatcher	McCurdy
DeWine	Henry	McEwen
Dickinson	Hiler	McHugh
McMillan (NC)	Rhodes	Stangeland
Meyers	Ritter	Stearns
Michel	Roberts	Stenholm
Montgomery	Robinson	Stump
Moody	Rogers	Synar
Moorhead	Rohrabacher	Tauke
Morrison (WA)	Roth	Thomas (CA)
Myers	Sabo	Thomas (WY)
Nielson	Schuette	Upton
Oberstar	Schulze	Valentine
Obey	Sensenbrenner	Vento
Oxley	Sharp	Visclosky
Panetta	Shuster	Volkmer
Parker	Sikorski	Vucanovich
Pashayan	Skeen	Walker
Paxon	Skelton	Walsh
Pease	Slattery	Watkins
Penny	Slaughter (VA)	Weber
Petri	Smith (NE)	Whittaker
Pickle	Smith (TX)	Whitten
Porter	Smith, Denny (OR)	Wolf
Poshard	Smith, Robert (OR)	Wolpe
Pursell	Stallings	Wylie
Ray		Young (FL)
Regula		

NOES—255

Ackerman	Fascell	Lowery (CA)
Akaka	Fazio	Lowey (NY)
Alexander	Feighan	Luken, Thomas
Anderson	Fields	Machtley
Andrews	Fish	Manton
Annunzio	Flake	Markey
Anthony	Flippo	Martin (NY)
Applegate	Foglietta	Martinez
Aspin	Ford (MI)	Matsui
AuCoin	Ford (TN)	Mavroules
Barnard	Frank	McCollum
Bateman	Gallo	McCrery
Bates	Gaydos	McDade
Beilenson	Gejdenson	McGrath
Bennett	Gephardt	McMillen (MD)
Bevill	Gibbons	McNulty
Bilbray	Gilman	Mfume
Bilirakis	Gonzalez	Miller (CA)
Boehlert	Goodling	Miller (OH)
Boggs	Gordon	Miller (WA)
Bonior	Goss	Mineta
Borski	Gray	Moakley
Bosco	Green	Molinari
Boxer	Guarini	Mollohan
Brennan	Harris	Morella
Brooks	Hawkins	Morrison (CT)
Browder	Hayes (IL)	Mrazek
Brown (CA)	Hayes (LA)	Murphy
Bunning	Hefley	Murtha
Bustamante	Hefner	Nagle
Byron	Herger	Natcher
Callahan	Hertel	Neal (MA)
Campbell (CO)	Hoagland	Neal (NC)
Cardin	Hochbrueckner	Nelson
Carper	Holloway	Nowak
Chandler	Horton	Oakar
Clarke	Hoyer	Olin
Clay	Hubbard	Ortiz
Clement	Hughes	Owens (NY)
Clinger	Hunter	Owens (UT)
Coleman (TX)	Hutto	Packard
Conte	Inhofe	Pallone
Conyers	James	Parris
Coughlin	Jenkins	Patterson
Coyne	Johnson (CT)	Payne (NJ)
Crockett	Johnston	Payne (VA)
Darden	Jones (GA)	Pelosi
Davis	Jones (NC)	Perkins
de la Garza	Kanjorski	Pickett
DeFazio	Kennedy	Price
Dellums	Kennelly	Quillen
Derrick	Kildee	Rahall
Dicks	Kolter	Rangel
Dingell	Kostmayer	Ravenel
Dixon	Lancaster	Richardson
Donnelly	Lantos	Ridge
Downey	Laughlin	Rinaldo
Duncan	Lehman (CA)	Roe
Dwyer	Lehman (FL)	Rose
Dymally	Leland	Rostenkowski
Dyson	Lent	Roukema
Early	Levin (MI)	Rowland (CT)
Eckart	Levine (CA)	Rowland (GA)
Edwards (CA)	Lewis (CA)	Russo
Engel	Lewis (GA)	Saiki
Erdreich	Lipinski	Sangmeister
Espy	Livingston	Savage
Evans	Lloyd	Sawyer

Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schumer
Shaw
Shays
Shumway
Sisisky
Skaggs
Slaughter (NY)
Smith (FL)
Smith (MS)
Smith (NJ)
Smith (VT)
Smith, Robert (NH)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stark
Stokes
Studds
Sundquist
Swift
Tallon
Tanner
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Vander Jagt
Walgren
Waxman
Weiss
Weldon
Wheat
Wise
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—15

Bentley
Bryant
Chapman
Collins
Courter
Florio
Garcia
Marlenee
McDermott
Roybal
Sarpalius
Smith (IA)
Williams
Wilson
Wright

□1650

Ms. SCHNEIDER and Messrs. FLAKE, VANDER JAGT, HUBBARD, and HUNTER changed their vote from "aye" to "no."

Messrs. PURSELL, PANETTA, PASHAYAN, OBERSTAR, and VENTO changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HUGHES). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FASCELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair reminds the Members that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas, 314, nays, 101, not voting 17, as follows:

[Roll No. 129]

YEAS—314

Ackerman
Akaka
Andrews
Annunzio
Anthony
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Bartlett
Bateman
Bates
Beilenson
Berman
Bilbray
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Clarke
Clay
Clement
Clinger
Coble
Coleman (TX)
Conte
Cooper
Costello
Coughlin
Cox
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Emerson
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hertel
Hiler
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Lowey (NY)
Lukens, Donald
Machtley
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (WA)
Mineta
Moakley
Molinari
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Nelson
Nowak
Oakar
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rangel
Ravenel
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Roe
Rohrabacher
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Sangmeister
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Smith (FL)
Smith (MS)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Snowe
Solarz
Spratt
Stallings
Stangeland
Stenholm
Stokes
Sundquist
Swift
Synar
Tallon
Tauke
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torricelli
Towns
Traxler
Udall
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walsh
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)

NAYS—101

Alexander
Applegate
Archer
Barnard
Barton
Bennett
Bereuter
Bevill
Bilirakis
Brooks
Coleman (MO)
Combest
Conyers
Craig
Crane
Dannemeyer
DeLay
Dickinson
Duncan
Early
Edwards (OK)
English
Fawell
Fields
Gaydos
Goodling
Gradison
Grandy
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hefner
Henry
Herger
Holloway
Hopkins
Hubbard
Huckaby
Jacobs
Jones (NC)
Kastenmeier
Kolter
Leach (IA)
Lewis (FL)
Lloyd
Long
Martin (IL)
Mazzoli
McCandless
Miller (CA)
Miller (OH)
Mollohan
Montgomery
Moorhead
Murphy
Myers
Neal (NC)
Nielson
Oberstar
Obey
Oxley
Packard
Pease
Penny
Perkins
Petri
Quillen
Rahall
Ray
Regula
Roberts
Rogers
Roth
Russo
Sabo
Sarpalius
Sensenbrenner
Shumway
Shuster
Sikorski
Slattery
Slaughter (VA)
Smith (NE)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Staggers
Stark
Stearns
Studds
Stump
Tanner
Tauzin
Traficant
Valentine
Walker
Watkins
Whittaker
Young (FL)

NOT VOTING—17

Anderson
Bentley
Bryant
Chapman
Collins
Courter
Florio
Garcia
Luken, Thomas
Marlenee
McDermott
Roybal
Smith (IA)
Torres
Williams
Wilson
Wright

□ 1659

The Clerk announced the following pair:

On this vote.

Mr. Chapman for, with Mr. Roybal against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1700

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr HUGHES). Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING CORRECTIONS IN ENGROSSMENT OF H.R. 2655, INTERNATIONAL COOPERATION ACT OF 1989

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill just passed, H.R. 2655, the Clerk be authorized to correct section numbers, cross references, punctuation, and grammatical and spelling errors, to correct the table of contents to reflect the provisions of the bill as passed, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE REPORT ON H.R. 315

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be permitted to file a report on H.R. 315 during the forthcoming recess.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 6 P.M. FRIDAY, JULY 7, 1989, TO FILE REPORT ON H.R. 1391, TV VIOLENCE ACT OF 1989

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until 6 p.m., Friday, July 7, 1989, to file a report on H.R. 1391, the TV Violence Act of 1989.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 6 P.M. FRIDAY, JULY 7, 1989, TO FILE REPORT ON H.R. 2022, RELATING TO REFUGEE STATUS OF SOVIET AND INDO-CHINESE REFUGEES

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until 6 p.m., Friday, July 7, 1989, to file a report on the bill, H.R. 2022, relating to refugee status of certain Soviet and Indo-Chinese refugees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON A BILL MAKING APPROPRIATIONS FOR DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES, 1990

Mr. YATES. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

Mr. REGULA reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ALAN WOODS

(Mr. FASCELL asked and was given permission to address the House for 1 minute.)

Mr. FASCELL. Mr. Speaker, I am sad to say that this morning the Honorable Alan Woods, Administrator of the Agency for International Development, died following a lengthy illness. His tenure as Administrator was marked by creativity, energy, and dedication to higher standards of public service.

Mr. Speaker, the United States will miss him as a dedicated public servant, and we on the Committee on Foreign Affairs will miss him also. We had the privilege of working with this man. He was a dedicated man, he was open-minded, he worked hard, and even in his last days when he was in extreme pain he spent hours with us working on this piece of legislation which this Congress has just passed, and in a way it is kind of a monument to his dedication to try to improve our national programs for developmental and security assistance.

Mr. Speaker, I extend my sympathies to Mrs. Woods and their two young children on behalf of the Committee on Foreign Affairs.

ALAN WOODS

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute.)

Mr. BROOMFIELD. Mr. Speaker, I wish to join the chairman in tribute to a valiant American—Alan Woods, the Administrator of the Agency for International Development—who died this morning after an extended and courageous battle against cancer. In many respects the foreign aid bill just passed is a product of Alan's dedication to development in Third World countries and advancing American values and interests throughout the poverty stricken region of the globe.

I send my deepest sympathy to his family—especially his wife and two children—this country will miss Alan's contributions. He had served his country at the Department of Defense, as Special Assistant to the U.S. Trade Representative and at the Agency for International Development. Alan Woods exemplified the best of what public service stands for.

ALAN WOODS

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, I simply want to say that I join with the other expressions of concern and regret at the death of Alan Woods.

Alan Woods in the finest sense of the word is a conservative. He believed in limited government. He believed in giving the private sector an opportunity to do a lot of the world's work. But he also tempered that belief with a strong compassion for human beings individually and collectively. He, I think, engendered a great deal of respect and affection on both sides of the aisle.

Mr. Speaker, Alan Woods showed a very rare ability to reach out and work with a great deal of respect with congressional staff. He cared very deeply about his wife and his children. I know that he talked to me about them at a State Department dinner just a few months ago. He talked at great length about his family. I know that they are suffering extreme pain right now.

Mr. Speaker, I want them to know that all of us who knew him share that pain and that grief, and I am also sure that those who today are working at AID feel a great sense of loss, and I want them to know that we share that sense of loss today.

DEATH OF ALAN WOODS, AID ADMINISTRATOR

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, I am saddened this afternoon to learn of the death earlier today of Alan Woods, the Administrator of the Agency for International Development. Alan died after a prolonged and courageous battle with cancer.

Mr. Speaker, Alan Woods was truly a dedicated public servant. While his tenure with AID was relatively short, about a year and a half, during that time he was anything but a caretaker administrator. He cared about the agency and about its role in a changed world economic and social circumstance. He cared enough about the agency to institute an in-depth study of the effectiveness of its programs entitled "Development and the National Interest."

In many respects the bill we just passed today, the Foreign Assistance Authorization Act, represents some of the fruits of that study, which is generally referred to as the "Woods Report." While the bill does not go as far in the direction of aiming our foreign assistance programs at basic economic development bottlenecks as Alan would have liked, it is a start.

Prior to his service at AID, Alan served in various public service positions, including Deputy U.S. Trade Representative, Assistant Secretary of Defense, Civilian Chief of Staff to the Secretary of Defense, Deputy Director for Presidential Personnel at the White House, Chief of Staff for the Governor of Missouri and Press Assistant for President Nixon. Alan also had a distinguished career in the private sector.

Mr. Speaker, we have lost an experienced and promising public servant. We send our sympathy and best wishes to his wife, Cameron, and his two young daughters.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I asked for this 1 minute for the purpose of inquiring of the distinguished majority leader the program for when we return.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Illinois [Mr. MICHEL].

Mr. Speaker, on Monday, July 10, the House will meet at noon, but it will be a pro forma session, and there will be no votes.

On Tuesday, July 11, the House will meet at noon, and there will be six bills on suspension:

H.R. 1312, Domestic Volunteer Service Act Amendments of 1989;

H.R. 2087, to transfer a certain program with respect to child abuse from title IV of Public Law 98-473 to the Child Abuse Prevention and Treatment Act;

H.R. 2088, to extend certain programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986;

H.R. 2653, export administration authorization;

H.R. 491, to establish a mining experimental program on critical minerals; and

H.R. 1705, Mining and Minerals Policy Act Amendments of 1989.

As normal, we will hold all votes until after the debate on all suspensions.

On Wednesday, July 12, the House will meet at 10 and take up the Department of the Interior appropriations for fiscal year 1990, subject to a rule, and that will continue on Thursday until completed, and then on Thursday, July 13, and Friday, if necessary, we will have H.R. 987, the Tongass Timber Reform Act, and H.R. 2022 to provide relief for certain Soviet and Indo-Chinese Refugees.

□ 1710

We will be meeting at 10 a.m. on Thursday and Friday, if necessary.

I would say to the minority leader that it is our hope and intention that we can complete this schedule by Thursday evening and therefore avoid a Friday session; however, if we have not finished the work by Thursday evening, we intend to be in on Friday.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman.

In a conversation I had earlier in the day with the Speaker making reference to our earlier conversation with respect to the program, the Speaker wanted to underscore, as I would surely and I am sure joined by the majority leader, that if we are successful in moving the program that week to be able to be off on Friday that in no case should Members think that should be the pattern for the balance of July, because quite frankly, it cannot be if we are going to complete our workload in time to get out for our August recess. Members are quite well aware of the number of appropriation bills that are languishing in the wind that will have to be taken care of.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I was wondering whether the leader would inquire whether the following Monday, that would be the second Monday after we return, we would have votes.

Mr. MICHEL. Well, the gentleman heard the question, and while I suspect there has not been a definite program scheduled or on the books as yet, under our overall agreement we were attempting, I think, to indicate to the Members that after what—3 o'clock, or did we change it to 4 or 4:30 on Mondays, in deference to those folks from the West Coast who have problems getting back with their planes the same day, that Members have got to really expect rollcall votes after the hour of 3 surely, and if possible maybe after 4.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, the gentleman is correct. Our intention is to have votes each Monday during the month of July after the Monday of the week after next, but we would hold votes until 4:30 so that Members from the farther western regions of the country would have a chance to get here.

We would also have votes each Friday up until about 3 o'clock.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I am hearing a rumor that there is going to be an attempt to make certain we finish all appropriation bills before we go home on the August recess.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, that is not just a rumor, that is a hoped for reality.

Mr. WALKER. Well, the thing I am concerned about is that we have one appropriation bill when we come back that week. I am told that we may have one appropriation bill the next week. The next week is reserved for the Defense Authorization bill. That would leave us 10 appropriation bills to do in four days at the beginning of August. That does not seem to me to be a schedule that is likely to be kept.

The question this gentleman has is: does that mean we go further into August in order to complete the schedule?

Mr. GEPHARDT. It is my belief that we will have more than one appropriation bill in the second week when we come back, and again I would urge the gentleman to remember that we will be meeting on Mondays and Fridays and there will probably be some late night votes as we go through these weeks. We believe that we can get all that business completed.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 12, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 12, 1989.

The SPEAKER pro tempore (Mr. HUGHES). Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS, AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES AUTHORIZED BY LAW OR BY THE HOUSE, NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, July 10, 1989, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

NATIONAL CHECKUP WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate Joint Resolution (S.J. Res. 95) to designate the week of September 10, 1989, through September 16, 1989, as "National Checkup Week", and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Idaho [Mr. STALLINGS], the chief sponsor of House Joint Resolution 227.

Mr. STALLINGS. Mr. Speaker, more than 34 million Americans are hospitalized each year. Another 34 million adults suffer from obesity; nearly 66 million are victims of heart disease; more than 60 million suffer from high blood pressure; and an estimated 25 percent of adult Americans are afflicted with levels of elevated blood cholesterol.

Too many Americans don't take their health seriously until it's too late. Regular medical checkups can help reduce the chances of serious illness and can help curb skyrocketing health care costs.

For these reasons, I introduced House Joint Resolution 227, a resolution designating the week of September 10-16 as "National Checkup Week."

Establishing "National Checkup Week" will enhance public awareness and encourage regular medical screening that may reveal serious medical conditions, such as high blood pressure, high cholesterol levels, breast cancer, to name just a few. Such screening ultimately can reduce the chances of a serious illness or premature death.

I would like to thank the many colleagues who joined me in cosponsoring this legislation, and I would especially like to thank Mr. SAWYER and Mr. RIDGE, chairman and ranking minority member of the Subcommittee on Census and Population, respectively, for their assistance in passing this resolution.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 95

Whereas more than 34,000,000 Americans are hospitalized each year;

Whereas nearly 66,000,000 Americans are afflicted with some form of heart of blood vessel disease;

Whereas approximately 34,000,000 Americans between the ages 24 and 74 suffer from obesity;

Whereas more than 60,000,000 Americans suffer from high blood pressure;

Whereas an estimated 25 percent of adult Americans have elevated blood cholesterol levels;

Whereas annual medical check-ups can decrease the number of hospitalizations, reduce the likelihood of a serious illness or premature death, and curb escalating health care costs; and

Whereas annual medical screening may reveal previously undetected high blood pressure, high blood cholesterol, cancer, and obesity-related ailments: Now, therefore be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 10 through September 16, 1989, is designated as "National Check-Up Week". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LITHUANIAN INDEPENDENCE DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 149) designating February 16, 1990, as "Lithuanian Independence Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to my friend and colleague, the gentleman from Illinois [Mr. RUSSO], the chief sponsor of this resolution.

Mr. RUSSO. Mr. Speaker, in its hundreds of years of existence, Lithuania has only enjoyed a short 22 years as an independent nation. After centuries of foreign domination, the people of Lithuania joined together and on February 16, 1918, proclaimed an independent Lithuanian state based on democratic principles.

After developing a governmental system similar to that of the United States, in August of 1922 the young nation adopted a permanent Constitution which accorded its citizens freedom of speech, religion, and communication. Recognized as a sovereign nation, Lithuania was admitted to the League of Nations and exchanged diplomatic representatives with other sovereign nations. With legislative power vested in a Parliament, and the executive authority in a President and Cabinet of Ministers, the Government made a number of drastic reforms.

Great emphasis was placed on improving agricultural production; the primary occupation of the Lithuanians. The institution of a land reform program dispersed the land more evenly among the citizens and resulted in Lithuania becoming a nation of small farmers. In addition, industrialization progressed remarkably. In 1913 there were only 151 industrial establishments with 6,603 employees. By 1939, there were over 16,000 enterprises employing over 33,000 workers.

A respected member of the international community, Lithuania made great strides in social legislation; doubling the number of grammar schools in only 9 years, enacting a labor control law, and introducing the 8-hour day. In addition, Lithuania experienced a cultural renaissance in music and literature which was inspired by its great national folklore.

But Lithuania's flourishing independence was short-lived. During World War II, Lithuania embraced a policy of absolute neutrality. A policy which was ignored, first by Germany and then by the Soviet Union. The Soviets demanded immediate formation of a friendly government through a Communist-controlled election. On August 3, 1940, this new government requested the incorporation of Lithuania into the Soviet Union and at this request, Lithuania was declared a constituent republic of the U.S.S.R. by the Supreme Soviet in Moscow.

Under the current Soviet puppet government, the people of Lithuania have suffered many hardships. A nation known for its social reforms and cultural renaissance was silenced. It is believed that between 1945 and 1951, 350,000 Lithuanians were arrested and deported to Siberia. Since their incorporation into the Soviet Union, the borders of Lithuania, Latvia, and Estonia, have been kept sealed, leaving these people to fight their battles against Soviet control in complete isolation.

The United States has recognized the independent Lithuanian Government since 1922, and it has never recognized that nation's incorporation into the Soviet Union. We continue to maintain diplomatic relations with the representative of the former independent Government. The United States has continually condemned the aggression and tyranny to which the Baltic States have fallen victim. We must assure the brave people of Lithuania that we have not forgotten.

In an August 1958 meeting, the Lithuanian World Congress adopted a unanimous resolution urging that "Lithuanians continue fiercely resisting the alien rule" of the Soviet Union and asserting that Lithuanians "have not accepted and never will accept Soviet slavery." Today, the fight still exists. Freedom fighters and nationalists are demanding economic and political self-determination from their Soviet masters. In the past, Congress has strongly supported the Lithuanian people's valiant struggle for independence. The official recognition of "Lithuanian Indpendence Day" is important to Americans as a tangible manifestation of our support for the Lithuanian people's aspirations for freedom.

□ 1720

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HUGHES). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 149

Whereas February 16, 1990, is the 72nd anniversary of the declaration of independence of Lithuania;

Whereas on February 16, 1918, the Council of Lithuania, the sole representative of the Lithuanian people, in conformity with the recognized right to national self determination, proclaimed the restoration of an independent and democratic Lithuania and ended all ties that formally subordinated Lithuania to other nations;

Whereas Lithuania was independent until 1940 when the Soviet Union took over the country;

Whereas the United States opposes tyranny and injustice in all forms and supports the cause of Lithuanian independence; and

Whereas the oppressed people currently living in Lithuania keep the flame of freedom forever burning in their hearts: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 16, 1990, is designated as "Lithuanian Independence Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL LITERACY DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 96) designating July 2, 1989, as "National Literacy Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the gentleman from New Jersey [Mr. PAYNE], who is the chief sponsor of this resolution.

Mr. PAYNE of New Jersey. Mr. Speaker, I want to thank the distinguished chairman of the House Committee on Post Office and Civil Service, my friend BILL FORD of Michigan, for his assistance in bringing this resolution to the floor today. I also want to express my appreciation to Congressman THOMAS SAWYER, chairman of the Subcommittee on Census and Population, and to my colleagues who have cosponsored this legislation.

House Joint Resolution 277 will designate this coming Sunday, July 2, as "National Literacy Day." Passage of this resolution will demonstrate congressional support for nationwide efforts to improve the plight of 27 million Americans who lack the basic skills to function in our society.

The date of July 2 is historically significant, because it was on that day 25 years ago that President Lyndon Baines Johnson signed the landmark Civil Rights Act of 1964. Our Nation has made great strides forward since that historic day, but too many of our citizens are still unable to fulfill their potential because of the scourge of illiteracy.

By showing our concern here in Congress, we will be helping local schools, libraries, and community organizations to promote literacy programs.

We know that illiteracy takes a terrible and painful toll, both in terms of its impact on individual lives and on our American society as a whole. The daily feelings of frustration and defeat that afflict those who cannot read signs, instructions, warning labels, or newspapers too often lead to escape through alcohol or drug abuse. At a time in our history when we are struggling to remain competitive in world markets, we cannot afford the loss of productivity that accompanies illiteracy. It has been estimated that the total cost of errors, accidents and missed opportunities in business has reached a staggering $225 billion annually.

Mr. Speaker, we are fortunate to have in our communities many dedicated volunteers and professionals who are working to remedy the problem of illiteracy. This is a chance to give them the recognition and encouragement they deserve.

Congress has approved this worthy resolution for the past 3 years. As we approach the Fourth of July, Independence Day, let us also offer the hope of independence to the millions of our fellow citizens who are trapped in the prison of illiteracy. I urge my colleagues to join me in voting for House Joint Resolution 277, to designate July 2 as "National Literacy Day."

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I yield to my colleague, the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I thank my colleague on the Subcommittee on Census and Population for yielding.

Mr. Speaker, I have some prepared remarks on National Literacy Day because of the strong support I have for the effort that the gentleman from New Jersey [Mr. PAYNE] has made in acquiring the sponsorship in the very short order necessary to bring House Joint Resolution 277 and its companion measure, Senate Joint Resolution 96, to the floor as "National Literacy Day."

I suspect that in the course of the last 3 years as this measure has been brought to the floor, however, we have seen an appreciation of literacy evolve and change from what once was as little as a couple of decades ago may have been viewed as a strict, stiff, academic issue into what today is generally regarded as a survival tool in a society in transition.

Just as this society is in transition, so is the definition of literacy. The truth of the matter is that when Lyndon Johnson signed that act just a couple of decades ago, the truth was that a man could have a good attitude and the capacity to use a set of tools and go off to work and expect to earn his family a decent living. Today, however, a man or a woman who does not have not only the capacity to read and write and calculate but a full range of higher order thinking skills, problem solving skills, a man or a woman who does not have that capacity does not have the skills necessary to be fully competitive in a terribly competitive world today.

Mr. Speaker, in short, what we mean by literacy today has become a moving target, a rapidly moving target, and one that demands the attention of everyone in this Congress and, in truth, everyone in this Nation.

I rise, as much as anything today, to say "thank you" to Senator LAUTENBERG and, especially, to say "thank you" to the gentleman from New Jersey [Mr. PAYNE] for his efforts to bring this measure before us today.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 96

Whereas literacy is a necessary tool for survival in our society;

Whereas thirty-five million Americans today read at a level which is less than necessary for full survival needs;

Whereas there are twenty-seven million adults in the United States who cannot read, whose resources are left untapped, and who are unable to offer their full contribution to society;

Whereas illiteracy is growing rapidly, as two million three-hundred thousand persons, including one million two-hundred thousand legal and illegal immigrants, one million high school dropouts, and one hundred thousand refugees, are added to the pool of illiterates annually;

Whereas the annual cost of illiteracy to the United States in terms of welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated at $225,000,000,000;

Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;

Whereas there is a direct correlation between the number of illiterate adults unable to perform at the standard necessary for available employment and the money allo-

cated to child welfare and unemployment compensation;

Whereas the percentage of illiterates in proportion to population size is higher for blacks and Hispanics, resulting in increased economic and social discrimination against these minorities;

Whereas the prison population represents the single highest concentration of adult illiteracy;

Whereas one million children in the United States between the ages of twelve and seventeen cannot read above a third grade level, 13 per centum of all seventeen-year-olds are functionally illiterate, and 15 per centum of graduates of urban high schools read at less than a six grade level;

Whereas 85 per centum of the juveniles who appear in criminal court are functionally illiterate;

Whereas the 47 per centum illiteracy rate among black youths is expected to increase 50 per centum by 1990;

Whereas one-half of all heads of households cannot read past the eighth grade level and one-third of all mothers on welfare are functionally illiterate.

Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have only been able to reach 5 per centum of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the problem and its detrimental effects on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is also necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterates in need of assistance: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2, 1989, is designated as "National Literacy Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DECADE OF THE BRAIN

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 174) to designate the decade beginning January 1, 1990, as the "Decade of the Brain," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the gentleman from Massachusetts [Mr. CONTE], the chief sponsor, who has spent considerable time on the floor both Tuesday and Wednesday and now finally Thursday in anticipation of this resolution.

□ 1730

Mr. CONTE. Mr. Speaker, I want to take this opportunity to thank my dear and beloved friend, the gentleman from Pennsylvania. He is absolutely right, and I have canceled all of my plans for tonight.

Mr. Speaker, I want to say a few words as the House declares the 1990's the "Decade of the Brain." Virtually the entire medical community supports this resolution. It has 246 cosponsors, and I hope it will enjoy unanimous support when we act on it today.

It will help focus attention on problems which cost our country dearly—in both hard cash and human suffering. Among these are mental illness; head injuries, epilepsy, drug abuse and addition, alcoholism, Alzheimer's disease, strokes, dystonia, brain-related problems requiring surgery, and many more. An NIMH study recently showed that more than 10 percent of American adults, at any one time, suffer from a mental disorder. The percentage of children is even higher.

Our scientists and our medical community are making tremendous strides in these and many related fields. Ninety percent of these advances have come in the last 10 years, and our progress during the Decade of the Brain will be even more spectacular.

Technological advances let us view the brain and even conduct surgery without a scalpel. Progress in genetics lets us identify the genes that cause certain schizophrenias. New discoveries on the effects of drugs on the brain contribute to treatment of addition and alcohol abuse.

Treatment is improving rapidly for people with head injury, dystonia, developmental disabilities, speech, hearing and other cognitive dysfunctions; inheritable disorders like Huntington's Disease; Parkinson's disease; and Alzheimer's.

The progress has been rewarded in the past 15 years by 15 Nobel Prizes in medicine or physiology. That underlines how exciting and how productive this time has been. The next 10 years, the Decade of the Brain, will be even better.

In the 1990's, with an aging population, with even more remarkable technological advances, with better insight into medicine and the physical processes of the brain, our attention will focus as never before on brain-related science and medicine. Designating the 1990's the Decade of the Brain will give well-deserved public attention to those scientists, doctors, nurses and technicians who serve us all so well, and I am happy to have had a hand in it.

Mr. Speaker, the field of research related to the brain is changing so fast that, today, I am able to point to real accomplishments in brain-related research in the short period of time since I first introduced my Decade of the Brain resolution 5 years ago. Let me share with my colleagues some of the results of our efforts to focus attention on the brain and brain-related research.

I am pleased to report that, at the National Institute of Neurological Disorders and Stroke and the National Institute of Mental Health—the two most involved agencies in the battle against brain-related disorders and diseases—several major accomplishments already have been achieved.

Most importantly, the two agencies were able to compile the first coordinated Federal report on the opportunities for research into the brain. As a result of the reports requested by the House Appropriations Committee 2 years ago, we have a blueprint of the needs and opportunities for brain-related research over the next 10 years.

What have we discovered already, and what are some of those future needs and opportunities?

At NINDS, we have evidence that many neurological disorders—affecting millions of Americans—could be prevented, cured, or alleviated if the opportunities we have in hand are fully investigated:

HEAD AND SPINAL INJURY

Each year, 500,000 Americans suffer head injuries severe enough to require admission to a hospital, and another 10,000 to 12,000 new victims are disabled by trauma to the spinal cord. Clinical studies have shown that much central nervous system damage can be prevented if improved patient care interventions are developed that would be available within 4 hours of the injury. Laboratory evidence also shows that damaged nerve cells can be stimulated to regenerate and function. These are critical findings which must be further studied.

BRAIN IMAGING

Brain imaging techniques such as PET and MRI are now indispensable tools for neuroscience research, responsible for much of what is known about brain activity and structure in diseases such as Alzheimer's disease, stroke, Parkinson's disease, brain tumors, and epilepsy. Increasingly, neurological scientists are expanding the scope of PET to study the higher cognitive functions of learning, thinking, and memory.

NEUROGENETICS

One-fourth of all genetic disorders affect the brain and nervous system. The boom in molecular genetics made possible the very exciting discovery of the genetic defect responsible for Duchenne's muscular dystrophy, and may lead to treatment—possibly a

cure—for the thousands of children and adults with this and other neuromuscular diseases. Neuroscientists are encouraged that this achievement could be replicated in many other neurological diseases with an increased commitment of resources.

EPILEPSY

Two million people in the United States have epilepsy. Steady progress has been made to find new drug treatments and to refine surgical therapies, but much more needs to be done to understand the various forms of epilepsy and discover more effective treatments.

STROKE

Although much has been learned about the causes and risk factors of stroke, stroke remains a major killer and crippler of hundreds of thousands of Americans each year. Recent studies show an alarming—and unexplained—rise in the incidence rate of new cases of stroke. Greater efforts are needed to identify other risk factors, develop preventive strategies, and evaluate surgical and medical treatments for stroke patients.

BASIC NEUROSCIENCE RESEARCH AND CLINICAL TRIALS

A steady commitment to basic neuroscience research has resulted in discoveries that can lead to therapies or preventive measures for many neurological and neuromuscular disorders. Additional studies in neurochemistry, neurogenetics, and other neurosciences are needed to identify the yet undiscovered secrets of the brain and the nervous system that will lead the way to further clinical advances. Vital to the transfer of laboratory results to the bedside, additional clinical trials are needed to gain the full benefit of long-term investments in basic neurosciences.

At NIMH, we have seen substantial progress in implementing the recommendations of the decade of the brain report, as follows:

CENTERS FOR NEUROSCIENCE AND SCHIZOPHRENIA

Since formulation of the Decade of the Brain Report to Congress, NIMH has initiated a program of Centers for Neuroscience and Schizophrenia. Four centers designed to integrate basic clinical neuroscience approaches to schizophrenia research are currently supported. These centers are at Yale University, University of Colorado Health Science Center, Maryland Psychiatric Research Center, Baltimore, and the University of California, Irvine.

NEUROSCIENCE WORKGROUP PROGRAM

These awards support innovative approaches to basic science questions on the frontier of mental health research. They were conceived as a mechanism to encourage the application of new fields of study and new technologies to mental health research problems—a mechanism that allows the continuous cross-fertilization of new ideas and techniques from multiple disciplines to generate novel scientific opportunities. The first Center for Neuroscience Research is currently being funded at New York University and at the Karolinska Institute in Stockholm, Sweden. A second center has been initiated at the University of Pennsylvania in collaboration with labs at Hershey, PA, Rockefeller University in New York, and the College of France in Paris, France.

RESEARCH ON CHILD AND ADOLESCENT MENTAL DISORDERS

Mental disorders affecting children and adolescents are among the highest priorities of the NIMH. These disorders include autism, attention deficit disorder and affective disorders and are estimated to affect as many as 15 percent of the children and adolescents in the United States. However, little is known about them and relatively little current research is being devoted to this growing problem. For this reason, the Director of NIMH asked the Institute of Medicine to undertake a major, comprehensive "Study of Child and Adolescent Mental Disorder Research." This study has very recently been completed, and provides specific programs and policy recommendations for a national initiative in child and adolescent mental disorders research training. It will provide the foundation for the NIMH, through the NAMHC, to develop a new "National Research Plan for Child and Adolescent Mental Disorders." The IOM's report includes numerous opportunities for neuroscience research including recent advances in identifying brain dysfunctions associated with such disorders as autism. The NIMH plan will address those opportunities.

Other topics currently under discussion and in the planning stages include the role of brain dysfunction in learning disorders, the usefulness of serial MRI in untreated multiple sclerosis patients, the role of MRI in clinical trials, clinical studies of treatment of subacute and chronic central nervous system injury resulting from stroke and trauma, and development of methods for treatment studies of vascular dementia. In addition, current plans include the integration of basic and clinical neuroscience to individual mental disorders, the application of experimental techniques and strategies from molecular biology to the field of mental health, and the use of advanced physical imaging in the study of mental illness.

I would like to thank the resolution's endorsers for all the work they did to help it along, the 248 Representatives who cosponsored it, and Senator DONALD RIEGLE of Michigan, who is the principal sponsor in the Senate. We have all worked hard to pass this resolution, and we all deserve applause.

I look forward to 10 years of progress during the 1990's, the Decade of the Brain.

Mr. Speaker, we look forward to having a big ceremony in the Rose Garden with President Bush, and because of the cooperation of the gentleman from Pennsylvania [Mr. RIDGE], I am going to invite him there.

Mr. RIDGE. Mr. Speaker, I am overwhelmed by the gentleman's generosity, and I look forward to that invitation and thank him for his contribution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HUGHES). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 174

Whereas it is estimated that fifty million Americans are affected each year by disorders and disabilities that involve the brain, including the major mental illnesses; inherited and degenerative diseases; stroke; epilepsy; addictive disorders; injury resulting from prenatal events, environmental neurotoxins and trauma; and speech, language, hearing and other cognitive disorders;

Whereas it is estimated that treatment, rehabilitation and related costs of disorders and disabilities that affect the brain represent a total economic burden of $305,000,000,000 annually;

Whereas the people of the Nation should be aware of the exciting research advances on the brain and of the availability of effective treatment of disorders and disabilities that affect the brain;

Whereas a technological revolution occurring in the brain sciences, resulting in such procedures as positron emission tomography and magnetic resonance imaging, permits clinical researchers to observe the living brain noninvasively and in exquisite detail, to define brain systems that are implicated in specific disorders and disabilities, to study complex neuropeptides and behavior as well as to begin to learn about the complex structures underlying memory;

Whereas scientific information on the brain is amassing at an enormous rate, and the field of computer and information sciences has reached a level of sophistication sufficient to handle neuroscience data in a manner that would be maximally useful to both basic researchers and clinicians dealing with brain function and dysfunction;

Whereas advances in mathematics, physics, computational science, and brain imaging technologies have made possible the initiation of significant work in imaging brain function and pathology, modeling neural networks and simulating their dynamic interactions;

Whereas comprehending the reality of the nervous system is still on the frontier of technological innovation requiring a comprehensive effort to decipher how individual neurons, by their collective action, give rise to human intelligence;

Whereas fundamental discoveries at the molecular and cellular levels of the organization of the brain are clarifying the role of

the brain in translating neurophysiologic events into behavior, thought, and emotion;

Whereas molecular biology and molecular genetics have yielded strategies effective in preventing several forms of severe mental retardation and are contributing to promising break-throughs in the study of inheritable neurological disorders, such as Huntington's disease, and mental disorders, such as affective illnesses;

Whereas the capacity to map the biochemical circuitry of neurotransmitters and neuromodulators will permit the rational design of potent medications possessing minimal adverse effects that will act on the discrete neurochemical deficits associated with such disorders as Parkinson's disease, schizophrenia and Alzheimer's disease;

Whereas the incidence of neurologic, psychiatric, psychological, and cognitive disorders and disabilities experienced by older persons will increase in the future as the number of older persons increases;

Whereas studies of the brain and central nervous system will contribute not only to the relief of neurologic, psychiatric, psychological, and cognitive disorders, but also to the management of fertility and infertility, cardiovascular disease, infectious and parasitic diseases, developmental disabilities and immunologic disorders, as well as to an understanding of behavioral factors that underlie the leading preventable causes of death in this Nation;

Whereas the central nervous and immune systems are both signalling systems which serve the entire organism, and there are direct connections between the nervous and immune systems, and whereas studies of the modulatory effects of each system on the other will enhance our understanding of diseases as diverse as the major psychiatric disorders, acquired immune deficiency syndrome, and autoimmune disorders;

Whereas recent discoveries have led to fundamental insights as to why people abuse drugs, how abused drugs affect brain function leading to addiction, and how some of these drugs cause permanent brain damage;

Whereas studies of the brain will contribute to the development of new treatments that will curtail the craving for drugs, break the addictive effects of drugs, prevent the brain-mediated "high" caused by certain abused drugs, and lessen the damage done to the developing minds of babies, who are the innocent victims of drug abuse;

Whereas treatment for persons with head injury, developmental disabilities, speech, hearing, and other cognitive functions is increasing in availability and effectiveness;

Whereas the study of the brain involves the multidisciplinary efforts of scientists from such diverse areas as physiology, biochemistry, psychology, psychiatry, molecular biology, anatomy, medicine, genetics, and many others working together toward the common goals of better understanding the structure of the brain and how it affects our development, health, and behavior;

Whereas the Nobel Prize for Medicine or Physiology has been awarded to fifteen neuroscientists within the past twenty-five years, an achievement that underscores the excitement and productivity of the study of the brain and central nervous system and its potential for contributing to the health of humanity;

Whereas the people of the Nation should be concerned with research into disorders and disabilities that affect the brain, and should recognize prevention and treatment of such disorders and disabilities as a health priority; and

Whereas the declaration of the Decade of the Brain will focus needed government attention on research, treatment, and rehabilitation in this area: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the decade beginning January 1, 1990, hereby is designated the "Decade of the Brain", and the President of the United States is authorized and requested to issue a proclamation calling upon all public officials and the people of the United States to observe such decade with appropriate programs and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAKE PRIDE IN THE FLAG DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the resolution (H. Res. 189) expressing the sense of the House of Representatives that individuals throughout the United States should observe Independence Day, July 4, 1989, as "Take Pride in the Flag Day," and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the gentleman from New Mexico [Mr. SKEEN] who is the chief sponsor of House Resolution 189.

Mr. SKEEN. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, today I am honored to stand before this House—the people's body—and report to my colleagues that the peoples representatives have spoken. A majority of the Members of this distinguished body have signed on in support of House Resolution 189, which expresses the sense of the House of Representatives that individuals throughout the United States should observe next Tuesday, July 4, 1989, Independence Day, as "Take Pride in the Flag Day."

With the help of the national offices and directors of the Veterans of Foreign Wars and the American Legion, we were able to convince a majority of this body to sign on to this important and timely resolution in less than 1 week.

We all know the importance Americans place in our flag. The flag is the symbol of the freedoms we enjoy and others revere throughout the world.

Kevin Giese placed two American flags on his lawn at home in Wisconsin with a sign that warns: "Do Not Burn."

Perhaps the true feelings of Americans on this subject can best be summed up by Mike Kukler of North Carolina, a retired Army sergeant major who publishes a newsletter for Vietnam vets, when he said:

> The flag is our country. When you grew up, you raised your hand and pledged allegiance to the flag. They call us to war to fight for our flag. Here we have our Supreme Court tell us it's OK to burn our flag. I don't understand it.

I must admit I don't understand it either. But this July 4 all Americans can show their pride in the flag by displaying it at public celebrations, fireworks shows, parades, and in homes during family gatherings.

I hope Americans will fly their flags on Independence Day to show respect and responsibility—and—anyone who may want to exercise the right to desecrate our flag—that those kinds of actions are considered wrong by responsible and patriotic Americans who believe in respect for the flag and the rights it represents.

The flag is the symbol of freedom our Nation has carried to battle in the many struggles our veterans engaged in over the past 200 years in the defense of the United States of America.

The flag is the symbol of liberty and a free nation which we pledge allegiance to at the beginning of most public events—including sessions of the House of Representatives.

Other people around the country note that millions have died in service to their flag and millions more are prepared to make peacetime sacrifices for their country and their flag.

I, and many of my colleagues in this distinguished body, believe there's an overwhelming majority of Americans who want to do something now to demonstrate their respect for the flag.

This resolution allows Americans throughout the Nation to wage a "positive protest" to the recent Supreme Court ruling on flag burning this July 4.

Frank Zelazo, A 58-year-old Korean war veteran was so outraged with the Supreme Court ruling that he held a quiet protest on his lawn last Friday by flying old glory with a hand printed sign, which read: "Try Burning This Flag."

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I yield to my friend and colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I thank my friend for yielding and compliment my colleague from New Mexico. Those were beautiful words, and I want to reemphasize what the gentleman said. I believe more flags will be flown this July 4 holiday than any time since 1945 when July 4 fell between May 8, the Victory in Europe Day, and the secession of fighting in mid-August with that beautiful ceremony on the deck of the U.S.S. *Missouri* on September 2. America was filled with a sense of mission then, and this Fourth of July is going

to accomplish I think the same thing because of one stupid, young Communist who thinks that he can inflict physical and mental harm which although we cannot quantify it, we know nevertheless it is there, and it is nonetheless real.

Last night, my colleagues, I found a poem that we all learned in grade school, "The Flag Goes By." The Congressional Library Service had sent me "Barbara Frietchie," and the very next poem I could only read half of it, and the second page was not there. So I would like to complete it today. It does not make any sense not to go back and complete the next 14 lines.

□ 1740

Mr. Speaker, the poem authored by Henry Holcomb Bennett is "The Flag Goes By."

The gentleman in the well, Mr. JACOBS, knows how good he was with this in grade school. Every time he got punished he had to memorize this.

Mr. Speaker, "The Flag Goes By," by Henry Holcomb Bennett:

THE FLAG GOES BY

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!

Blue and crimson and white it shines,
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by.

Sea-fights and land-fights, grim and great,
Fought to make and to save the State:
Weary marches and sinking ships;
Cheers of victory on dying lips;

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right and law,
Stately honor and reverend awe;

Sign of a nation, great and strong
To ward her people from foreign wrong:
Pride and glory and honor,—all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high:
Hats off!
The flag is passing by!

Happy Fourth of July, my colleagues, and thank you for that bipartisan tribute to the flag last night.

Mr. RIDGE. Mr. Speaker, continuing my reservation, I yield to my friend, the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, I just wondered if the author would consider amending his resolution to make every day "Take Pride in Flag Day." To designate only 1 day a year makes you wonder about the other 364, in a way, does it not?

Mr. SKEEN. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. RIDGE. I yield to the gentleman from New Mexico.

Mr. SKEEN. I thank the gentleman for yielding.

Mr. Speaker, I have no problem with that. I think that we all take pride every day.

Mr. JACOBS. Good.

Mr. SKEEN. But in light of what happened recently, I thought it was probably appropriate to use this particular Fourth of July on a one-time basis to say we particularly emphasize the respect and the pride that we have in the flag because I know commemoratives are sometimes a real burden to Members of this body. I understand that because we commemorate so many things. I did not want to be trite, but I did want it to be special and to give some special emphasis and special reflection on just how much we really think of the American flag every day but particularly on this particular 4th.

Mr. JACOBS. I was just thinking that because of the difficulties—and by the way I support amending the Constitution so as not to be a felony but a misdemeanor for disrespecting our flag, desecrating the flag. I do not have a problem with that at all. I think that ought to be the law of the land. But it seems to me, in view of this misfortune, rather than picking 1 day and in view of the fact that people respect it every day, maybe the resolution should ask that we respect it twice every day. This cuts it down to just 1 day, and it bothers me slightly.

Mr. SKEEN. I am not going to argue the mathematics of the gentleman, and I appreciate his contribution.

Mr. RIDGE. Continuing my reservation, Mr. Speaker, I just want to acknowledge that last night's special order on the flag was conceived and conducted by both Republicans and Democrats and that the sponsors of this resolution, although the resolution was introduced by a Republican colleague, was a bipartisan resolution, heavily endorsed by Members of both the Republican and Democratic Parties. Clearly the pride and affection and reverence which individual Members have and which the citizens whom we are privileged to represent in this body certainly maintain and feel toward the flag, equally has no political affiliation. As Americans we all revere and respect it.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio.

Mr. SAWYER. I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, I want to associate myself with the gentleman from Pennsylvania's comments. The work that has gone into this resolution by Representative SKEEN is no small amount of effort. It is reflective of the importance of the kind of work, the kind of communication all across a body as large and diverse and as complex as this House of Representatives can be. Sometimes working together, sometimes divided by tensions, but nonetheless bound together by the kind of common belief that we speak of today.

It is faith in those symbols that mean most to all of us, the kinds of symbols that represent everything that has been good about this Nation for 200 years.

The fact that the sponsor is able to execute the demands of commemorative resolution in the short span of time, 1 week, speaks not only to the quality of the effort that he has put into it, but in the commitment of the full range of his colleagues to the effort that he has made, and I thank him for it.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LAUGHLIN). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 189

Whereas the flag of the United States (the Stars and Stripes) came into being amid the strife of battle and became the standard by which a free people struggled to establish a great Nation;

Whereas the flag of the United States has carried the message of freedom to many parts of the world in battles for freedom during the past 2 centuries;

Whereas individuals in the United States, proud of the symobl of liberty and a free Nation, pledge allegiance to the flag at most public events;

Whereas the Federal Government has established and codified existing rules and customs pertaining to the display and use of the flag of the United States;

Whereas in recent days many individuals in the United States, in response to a recent decision of the United States Supreme Court affecting the flag, have demanded appropriate recognition and respect for the flag; and

Whereas 1989 is the 213th anniversary of the signing of the Declaration of Independence and the 201st anniversary of the ratification of the Constitution of the United States, which symbolize the liberties and freedoms of the Nation: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that individuals throughout the United States should observe Independence Day, July 4, 1989, as "Take Pride in the Flag Day" and should engage in appropriate programs and activities—

(1) to celebrate the 213th anniversary of the signing of the Declaration of Independence and the 201st anniversary of the ratification of the Constitution of the United States;

(2) to recognize the flag of the United States as a symbol of freedom throughout the world; and

(3) to display the flag in celebration and recognition of the liberty and freedom individuals in the United States have enjoyed for generations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL LAW ENFORCEMENT TRAINING WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 137) designating January 7, 1990, through January 13, 1990, as "National Law Enforcement Training Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I simply reserve the right to object in order to acknowledge the work of our colleague, the gentleman from Wisconsin, Mr. LES ASPIN, who is the chief sponsor of Senate Joint Resolution 137, and I do acknowledge his work.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 137

Whereas law enforcement training and sciences related to law enforcement are critical to the immediate and long-term safety and well-being of this Nation because law enforcement professionals provide service and protection to citizens in all sectors of society;

Whereas law enforcement training is a critical component of national efforts to protect the citizens of this Nation from violent crime, to combat the malignancy of illicit drugs, and to apprehend criminals who commit personal, property, and business crimes;

Whereas law enforcement training serves the hard working and law abiding citizens of this Nation;

Whereas it is essential that the citizens of this Nation be able to enjoy an inherent right of freedom from fear and learn of the significant contributions that law enforcement trainers have made to assure such right;

Whereas it is vital to build and maintain a highly trained and motivated law enforcement work force that is educated and trained in the skills of law enforcement and sciences related to law enforcement in order to take advantage of the opportunities that law enforcement provides;

Whereas it is in the national interest to stimulate and encourage the youth of this Nation to understand the significance of law enforcement training to the law enforcement profession and to the safety and security of all citizens;

Whereas it is in the national interest to encourage the youth of this Nation to appreciate the intellectual fascination of law enforcement training; and

Whereas it is in the national interest to make the youth of this Nation aware of career options available in law enforcement and disciplines related to law enforcement: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 7, 1990, through January 13, 1990, is designated as "National Law Enforcement Training Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate exhibits, ceremonies, and activities, including programs designed to heighten the awareness of all citizens, particularly the youth of this Nation, of the importance of law enforcement training and related disciplines.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolutions just considered and adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 27, 1989.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

Dear TOM: Enclosed is a letter I have sent to the Governor of Texas, giving official notification that I am resigning my seat in the United States House of Representatives for the 12th District of Texas, effective at the close of business Friday, June 30, 1989.

Best wishes.

Sincerely,

JIM WRIGHT.

The SPEAKER pro tempore. Without objection, the letter will be forwarded to the Governor of Texas and printed in the RECORD.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now receive 1-minute speeches.

SPIRIT WITH WHICH AMERICANS SHOULD APPROACH THE BIRTHDAY CELEBRATION NEXT WEEK

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, after giving a lot of thought, I have come to this conclusion: Protecting and defending our beloved flag by some people is best and easiest when it is politically profitable and physically safe.

Patriotism is not a matter of histrionics. It is an abiding thing, calm and steady on stormy seas as well as in the safety of the harbor.

It is with that spirit that I think Americans should approach this birthday celebration next week.

MILITARY BAND RECORDINGS

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I rise to announce that I plan to introduce a bill today, to amend title 10 of the United States Code, and permit recordings of military bands to be sold commercially.

I find it unpatriotic that an average American can not enjoy the musical brilliance of our military bands without seeing them here in Washington, or somewhere on tour. These bands have been referred to as the true ambassadors of our great nation. Their inspirational music deserves to be heard.

I have received letters from military music lovers all over the world asking why other nations allow commercial recordings of their service bands, yet the United States does not—when ours are so highly acclaimed. American military bands deserve their rightful place alongside those of Great Britain, Ireland, and other countries worldwide.

Mr. Speaker, I urge my colleagues to cosponsor this bill, for the satisfaction of music enthusiasts in American homes, and to enhance internationally the high reputation of the U.S. military bands.

COLD FUSION EXPERIMENTS

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, I rise this afternoon to report that experiments to duplicate the University of Utah's cold fusion research are proceeding favorably at a number of locations around this country and throughout the world.

The lastest public confirmation came this past week from the Los Alamos National Laboratory, where scientist Edmund Storms announced he had found significant amounts of tritium during his efforts to reproduce the experiments of Drs. Stanley Pons and Martin Fleischmann at the Unviersity of Utah. Last month, Dr. John Appleby, a chemist from Texas A&M University speaking to the Workshop

on Cold Fusion Phenonema at Los Alamos, said, "Tritium * * * can only be coming from fusion. That's the bottom line." Other successful experiments producing tritium have been reported in at least a dozen other laboratories around the world, and some experiments have also indicated a burst of neutron radiation, another telltale sign of fusion.

In a dramatic reversal of his earlier findings and his often critical statements about Pons and Fleischmann's research, Dr. Nathan Lewis of the California Institute of Technology recently revealed that his experiments, too, had produced "excess power."

The prospects for cold fusion are looking brighter and brighter and, yesterday, the University of Utah formally announced a collaborative agreement with General Electric on cold fusion research.

Drs. Pons and Fleischmann are presently in England at Southhampton University, working on a detailed scientific paper which should be released sometime in the next few months, and scaling up their experiments with larger devices and equipment.

I want to communicate to my colleagues that "cold" fusion is alive and well, being performed in increasingly larger jars in laboratories around the world. I have great confidence in Pons and Fleischmann as exceptionally able scientists and men of honesty and dedication. I believe they have discovered something so revolutionary it will yet have major implications for the pursuit of the clean energy that our polluted planet so desperately needs.

Few potentially revolutionary scientific discoveries have initially met with unreserved praise, and research into cold fusion is no exception. But, like Galileo, branded as a heretic and forced to recant his assertion that the Earth revolved around the Sun, Pons and Fleischmann may yet be able to say, "E pur si muove." And, yet, it does still move.

□ 1750

HOMOSEXUALITY

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANNEMEYER. Mr. Speaker, revelations about a male prostitution ring involving officials in the Federal Government shed new light on a very perplexing question of our day. How is it that over the course of this decade undeniably conservative administrations have been used to promote homosexuality.

Past wisdom blamed it on the strange bedfellows of politics. As if to say, "This democracy is a government of all the people." But current wisdom now suggests that the "strange bedfellow" answer should be taken more literally.

I urge President Bush to investigate this matter to its fullest and be totally honest with the American people in his findings. Maybe then we will discover why our national AIDS policy has been turned upside down, why the Federal Government insists on funding homoerotic art, and why such obvious planks of the homosexual agenda, like the "hate crimes bill," is allowed to maintain the cloak of civil rights rhetoric.

Mr. Speaker, Guide magazine is one of many publications serving homosexuality in America today. Guide is the self-proclaimed homosexual magazine of the Pacific Northwest.

In November 1987, Guide ran an illuminating article on the Machiavellian tactics of the homosexual movement in their desire to gain social legitimacy. "The first order of business," begin the authors of "The Overhauling of Straight America." "is desensitization of the American public concerning gays and gay rights."

The authors explain that,

To desensitize the public is to help it view homosexuality with indifference instead of with keen emotion. Ideally, we would have straights register differences in sexual preferences the way they register different tastes for ice cream or sports games.

And with the characteristic candor of a pathologically provincial mind, the authors scheme that,

At least in the beginning, we are seeking public desensitization and nothing more. We do not need and cannot expect a full "appreciation" or "understanding" of homosexuality from the average American. You can forget about trying to persuade the masses that homosexuality is a good thing. But if only you can get them to think that it is just another thing * * * then your battle for legal and social rights is virtually won.

This is the key to the politics of the homosexual movement: Attempt to delude the public into viewing homosexuality as an innocuous alternative lifestyle, hopefully to the point where it is viewed as simply being an abstract social question in the minds of most Americans. They are actually asking Americans to believe that a man can be a homosexual without ever committing sodomy or any other intimate physical act with the same sex.

WHAT HOMOSEXUALS DO

Militant homosexuals do not want you to know of the behavior that defines their existence. They do not want you to know that the average homosexual has homosexual sex two or three times per week.

That the average homosexual has 1,000 or more sexual partners in his lifetime.

That the average homosexual has only one sexual encounter per partner and never sees the partner again after the encounter.

That the average homosexual has experienced receptive anal penetration, or the insertion of one man's penis in another man's rectum.

And that the average homosexual's favorite activities include: Receiving oral sodomy, that is putting one man's penis in another man's mouth; performing anal penetration; and participating in mutual oral sodomy. [Source: homosexualities, Alan P. Bell and Martin S. Weinberg, (Simon and Schuster) 1979.]

Other activities peculiar to homosexuality include: Rimming, or one man using his tongue to lick the rectum of another man; golden showers, having one man or men urinate on another man or men; fisting or handballing, which has one man insert his hand and/or part of his arm into another man's rectum; and using what are euphemistically termed "toys" such as one man inserting dildoes, certain vegetables, or lightbulbs up another man's rectum. [Source: San Francisco AIDS Foundation, "Can We Talk".]

PUBLIC OPINION

Militant homosexuals cringe at the thought of what these graphic images mean in the minds of most Americans. Mind you, most Americans do not view homosexual sodomy in the same light as heterosexual intercourse or even the aberration of heterosexual sodomy. One of the most recent public opinion surveys on the subject found that 81 percent of the public believes that homosexual relations are wrong. [Source: National Opinion Research Center, General Social Survey, Annual.]

BIBLICAL FOUNDATIONS

A majority of Americans still base their moral values on the same book that commands us not to "lie with mankind, as with womankind" [Leviticus 18:22] and to "Be not deceived: Neither fornicators, nor idolators, nor adulterers, nor effeminate, nor abusers of themselves with mankind * * * shall inherit the kingdom of God." [1 Corinthians 6:9-10.] These Americans daily affirm the societal, if not intrinsic, value of the heterosexual ethic, or the traditional family. They are still the overwhelming majority in our society and our laws reflect this admitted bias.

THE CONSTITUTION AND MAJORITARIAN VALUES

I should take the time at this point to address this issue of bias in the form of majoritarian morality. We should all understand the significance of this American principle. All too often militant homosexuals will insist that one person's values should not be forced upon another person. And that just because a man and woman enjoy sexual intercourse does not mean that two men cannot equally enjoy sodomy, or that sexual intercourse and sodomy should not be equally valued. "Anyway," they will proclaim, "You can't legislative morality."

These are powerful arguments on their surface. The rhetoric is appealing to our libertarian senses. Afterall, this is America, a land where anyone can do as they wish provided they do no harm to another. These thoughts comprise the homosexual liturgy.

Unfortunately for the homosexual movement, these arguments are specious and totally void of historical and legal claims of jurisprudence. As recently as 1986 the U.S. Supreme Court ruled that "There is not fundamental right to commit homosexual sodomy." In the case of Bowers versus Hardwick (1986), the Court boldly reaffirmed society's right to enact moral statutes of this nature.

On the one hand, the Court, through the majority concurrence of Chief Justice Warren Burger, explained the historical precedent for such prohibitions of personal conduct. Justice Burger explained that such:

Proscriptions against sodomy have very ancient roots. Decisions of individuals relating to homosexual conduct have been subject to State intervention throughout the history of western civilization. Condemnation of those practices is firmly rooted in Judeo-Christian moral and ethical standards.

Homosexual sodomy was a capital crime under Roman law. During the English Reformation when ecclesiastical courts were transferred to the King's courts, the first English statute criminalizing sodomy was passed. [In Blackstone's Legal Commentaries, he] described "the infamous crime against nature" as an offense of "deeper malignity" than rape, an heinous act "the very mention of which is a disgrace to human nature," and "a crime not fit to be named."

The common law of England, including its prohibition of sodomy, became the received law of Georgia and the other colonies. In 1816 the Georgia Legislature passed the statute at issue here, and that statute has been continuously in force in one form or another since that time.

Justice Burger concluded his concurrence by adding that, "To hold that the act of homosexual sodomy is somehow protected as a fundamental right would be to cast aside millenia of moral teaching."

On the other hand, Justice White in drafting the majority opinion took up the issue of privacy or consensual acts and public morals. Justice White wrote that:

The right pressed upon us here has no [first amendment] support in the text of the Constitution, and it does not qualify for recognition under the prevailing principles for construing the fourteenth amendment. Its limits are also difficult to discern. Plainly enough, otherwise illegal conduct is not always immunized whenever it occurs in the home.

Victimless crimes, such as the possession and use of illegal drugs do not escape the law where they are committed at home . . . and if respondent's submission is limited to the voluntary sexual conduct between consenting adults, it would be difficult, except by fiat, to limit the claimed right of homosexual conduct while leaving exposed to prosecution adultery, incest, and other sexual crimes even though they are committed in the home. We are unwilling to start down that road.

The Justice continues:

Even if the conduct at issue here is not a fundamental right, respondent asserts that there must be a rational basis for the law and that there is none in this case other than the presumed belief of the majority of the electorate in Georgia that homosexual sodomy is immoral and unacceptable. This is said to be an inadequate rationale to support the law.

The law, however, is constantly based on notions of morality, and if all laws representing essentially moral choices are to be invalidated under the due process clause, the courts will be very busy indeed. Even respondent makes no such claim, but insists that majority sentiments about the morality of homosexuality should be declared inadequate. We do not agree, and are unpersuaded that the sodomy laws of some twenty-five states should be invalidated on this basis.

THE CIVIL RIGHTS DECEPTION

Lest we be deceived by the language of civil rights today as it relates to homosexuality, I would like to quote from Dr. David Pence, a sixties radical, civil rights marcher, anti-war protester, and now a practicing physcian. His insights pierce the homosexual armor:

The road to Selma did not lead to the right to sodomy * * * Homosexual behavior is a completely different category of activity which cannot be seriously considered even an analogue of race or gender. The freedom train has been hijacked * * *

By restoring its moral foundation, the civil rights movement will no longer serve the ideologies of the last twenty years but will fulfill the democratic promise of America's first two centuries.

THE CAUSES OF HOMOSEXUALITY

Of course, all the legal and historical precedents in the world would become starkly irrelevant were homosexuals to prove that their behavior was not simply a deviant personal choice or even a psychological orientation. But if they can prove that their behavior is genetic or hereditary or somehow show that it is physiologically determined, then homosexuals may legitimately say that they have no choice in the matter thereby providing impetus to add "sexuality" to the list of protected civil rights.

The genetic explanation of homosexuality is the one that many homosexuals prefer. Most often cited is a study published back in 1952 that analyzed the histories of 37 pairs of identical twins and 26 pairs of fraternal twins and reported that in 100 percent of the cases of indentical twins where homosexuality occurred, both were homosexual, while in the fraternal twins only 12 percent of the cases were both homosexual. (Source: "Comparative Twin Study on the Genetic Aspects of Homosexuality," F.J. Kallman, 1952.)

Subsequent researchers have not been able to replicate the same findings. So what conclusions are we to draw? One writer has surmised that,

No firm conclusion can be drawn from these studies. A higher concordance rate for homosexuality in twins is not necessarily due to genetic factors, but may result from factors such as intense indentification or specific practices related to twinships. (Source: "A General Psychiatric Approach to Sexual Deviation," Anthony Wakeling, 1979)

Others have chosen to focus on the effects of hormonal androgens and testosterone to make their case. None of these studies has provided the scientific fruits necessary to lay claim to a homosexual-from-birth principle.

I have found that homosexual activists are simply unwilling to acknowledge the complexity of their own sad plight. They want so desperately to believe they are normal and natural in what they do that they snatch at any theory that seems to support that idea, ignoring the enormous body of opinion among medical clinicians that tells a different and less satisfying tale.

A significant proportion of clinicians actively engaged in treating patients still believe that homosexuality is, in most cases, an abnormal condition and, in some cases, a serious mental disorder. Others in this category believe that it is no more than an alternative way of behaving, like left-handedness. But all reject the idea that homosexual behavior is inherited or instinctual.

THE CRASHING OF THE APA

Militant homosexuals knew that social progression in this environment of diagnostic ambiguity was tentative at best. They became restless and impatient to the point that the politics of diagnosis took a dramatic turn in 1973 when the movement was able to molest the senses of the American Psychiatric Association [APA] into removing homosexuality from the official list of mental illnesses.

I recently read a powerful narrative detailing this occasion. The event has provided fodder for the homosexual movement ever since. The author of the narrative, far from being a so-called homophobe, is an apologist for homosexuality and a political advocate of the movement. (Source: Homosexuality and American Psychiatry, Ronald Bayer.)

In brief, a group of homosexuals stormed the APA annual convention on successive years in the early seventies and, with deliberately disruptive tactics, actually forced the psychiatrists to accede to their demands and declare homosexuality a normal condition. In effect, the nature of medical opinion was altered by strong-arm tactics. If you doubt that homosexuality should have remained on the APA's list of mental illnesses, you have only to read this account of how it was removed.

After describing the growing tendency toward disruption and violence in homosexual activism, the author tells us that because the APA convention of 1970 was being held in San Francisco, the homosexual leadership decided to focus their attack on that particular organization. And as he puts it, "guerrilla theater tactics and more straightforward shouting matches characterized their presence."

Panel after panel at the 1970 convention was used by the homosexual to shout expletives and comments like, "where did you take your residence, Auschwitz?" Each successive annual convention brought more of the same until, by 1973, the association's all-important nomenclature committee determined that, "Homosexual behavior was not necessarily a sign of psychiatric disorder, and that the diagnostic manual should reflect that understanding."

Since the time homosexuality was removed from the official list of mental illnesses in 1973, pedophilia has also been stricken from the list, except when the adult who has intercourse with children feels "subjective distress." If the past is any indication of the future, in the next few years what we have known as child molesting will be officially termed a normal variant of human sexuality and its practitioners will successfully argue before a quaking group of psychiatrists that any mention of pedophilia in the profession's diagnostic manual would be cruel and discriminatory.

THE HEALTH OF HOMOSEXUALS

If legal grounds, historical grounds, moral grounds, and medical grounds do not provide enough reasons to quell the homo-hysteria that has been unleashed on the public over the last 30 years, perhaps the health reasons will.

Homosexuals are among the most unhealthy of demographic groups. Historically, their bowels have been full of the bulk of enteric diseases in America. Syphilis, gonorrhea, and hepititas B have been the mainstays of their viral menu. And, of course, AIDS has saturated and nearly decimated their ranks.

Homosexuals and their sympathetic media are quick to point out that exposure to venereal diseases, including AIDS have dramatically declined as a result of behavior modification. But as the voice of experience has told us, there are liars, damn liars, and statisticians.

I sincerely hope that homosexuals have modified their sexual behavior. However this hope and seeming statistical evidence belie common sense as well as conflicting evidence. We cannot fairly compare apples and oranges. Homosexual claims that venereal diseases have skyrocketed in the heterosexual community while declining among homosexuals misses the point entirely. The comparison that needs to be made is not among promiscuous or illicit heterosexual sex versus homosexual sodomy. We should begin to compare traditional heterosexual sex versus both promiscuous heterosexual sex and homosexual sodomy.

In other words, stack up the sex-related physical health of a man and woman who have come together in the bonds of a mutually faithful monogamous marriage versus the sex-related physical health of any other type of sexual relationship. Then, and only then, will we get a true picture what behavior is healthy and what behavior is unhealthy.

As it stands, statistical records allow homosexuals to compete medically with their promiscuous heterosexual counterparts. This is like two alcoholics competing for sobriety.

If common sense does not compel a reassessment of how we look at the health of the homosexual community, we are only left to revert to other conflicting studies. One study for instance examined the records of certain hospitals over a 2-year period and found that 3-4 percent of all cases of gonorrhea were among male homosexuals. The same group was accountable for nearly 60 percent of the cases of syphilis. And that of all admissions other than sexually transmitted diseases, homosexuals were accountable for 17 percent. Remember that homosexuals themselves claim they are only 10 percent of the population. In this study anyway, homosexuals represent a percentage of disease far beyond their actual numbers. (Source: "Changes in Sexual Behavior and Incidence of Gonorrhea," Lancet, April 25, 1987.)

Flying in the face of safe sex rhetoric are recordbreaking cases of AIDS in San Francisco. The 1988 monthly average number of AIDS cases reported in that city was 133. In March of 1989 the count was an astounding 193 new cases, only to be topped by an April figure of 207 new cases. The city's health services are now pushed to the limit in caring for the sick.

If it's not AIDS afflicting the homosexual community it will be other venereal diseases as previously mentioned along with the likes of gay bowel syndrome, a particularly vile grouping of infections attacking the intestinal tract, tuberculosis, and cytomegalovirus.

It is the onset of AIDS and the generally unhealthy lives of homosexuals that have given me insight to their enslaving pathology. They attack morality and virtue at every turn even though these positive characteristics can incite the very behaviors they need to stay healthy and alive. The unavoidable question to be posed is, why do homosexuals continue in their deleterious ways? Perhaps society will never come to a consensus on this question.

HOMOSEXUALS WELL-PLACED TO INFLUENCE SOCIETY

What can be discussed, however, is the fact that the homosexual movement refuses to be deterred in advancing their cause. Though comparatively few in number, homosexuals are well-placed in society to perpetuate their chosen behavior. Beyond the obvious fields of entertainment, literature, and certain creative occupations, they have systematically entered professional fields.

If homosexuals need bias within medicine, they can muster a group of homosexual physicians to add credibility.

If homosexuals need bias within public health, they can call on a legion of homosexual bureaucrats, clinicians, and researchers.

If homosexuals need bias within mental health, they will find a motherlode of homosexual psychiatrists at their disposal.

If homosexuals need bias within our legal structure, they can get the pro bono services of a number of homosexual legal firms and foundations.

If homosexuals need bias in the social sciences, academia provides an endless breeding ground for homosexual apologists.

If homosexuals need bias in the news media, the editorial boards of most of the major media outlets inevitably sprout a homosexual or two.

If homosexuals need bias in politics, they need look no further for policial cover than the conclaves of both political parties, especially the Democratic Party.

THE POLITICAL AGENDA

Their social agenda is clear: destigmatize, legitimize, and gain privilege. They say they seek equality, but the very nature of their existence only lends itself to contention as they move their way into the value system of middle America. They ask for something they can only achieve through despotism—forcing Americans to accept homosexual sodomy as they do their own heterosexuality. What begins as a call for equality will naturally lead to a call for privilege.

One activist incited a throng of homosexuals during a march on Washington by proclaiming that:

> We are no longer seeking just a right to privacy and a protection from wrong. We also have a right—as heterosexual Americans already have—to see government and society affirm our lives. . . (October 1987 rally)

At the Federal level of Government, the homosexual movement seeks to:

Amend all Federal civil rights acts, other legislation, and Government controls to prohibit discrimination in employment, housing, public accommodations, and public services.

Prohibit the military from excluding homosexuals entrance in the armed services.

Prohibit discrimination in the Federal civil services because of sexual orientation in hiring and promoting.

Encourage Federal funds to support sex education promoting homosexuality.

At the State level of government, they are asking for the:

Repeal of all laws governing the age of sexual consent.

Enactment of legislation so that child custody, adoption, visitation rights, and foster parenting shall not be denied because of sexual orientation or marital status.

Enactment of legislation prohibiting insurance companies from screening applicants based on their sexual orientation.

Repeal of all State sodomy laws.

The Democratic Party has wholly incorporated affirmative action policies into their national and State party platforms. Rule 5C of the National Democratic Party by-laws now reads that:

Each State party shall develop and submit party outreach programs for such groups identified [including lesbians and gay men] in their plans, including recruitment, education, and training in order to achieve full participation by such groups in the delegate selection process and at all levels of party affairs.

Seventy-three Members of the House of Representatives, 69 Democrats and 4 Republicans, have sponsored a bill to amend the 1964 Civil Rights Act to include sexual preference as a protected civil right. (See appendix A for list of Members.)

The political clout of the homosexual movement can be measured by their high ranking among prosperous political action committees. In 1987, the Human Rights Campaign Fund ranked ninth among independent PAC's taking in just over $1 million in contributions.

HOMOSEXUAL INFLUENCE IN AIDS POLICY

But this clout is nowhere more present or more intimidating than in the struggle to stop the spread of AIDS. The irony of their position, however, is that they oppose every public health strategy designed to impede the progress of the virus.

They are opposed to confidential reporting. They prefer to remain anonymous and unaccountable.

They are opposed to routine testing. They prefer to remain uninformed and, hence, psychologically protected.

They oppose legal restrictions on the knowing transmission of the virus. They prefer to pass the virus at will if they so choose.

They oppose proscriptions on blood donations. They prefer to be able to donate when and where they wish no matter the risks involved.

They are opposed to contact tracing. They prefer not to run the risk of being embarrassed or held accountable for wanton transmissions.

In sum, homosexuals oppose the very time-tested public health procedures that will save their lives. They prefer to protect their lifestyle rather than protect their lives. This pathology is why homosexuality was considered, and should still be considered, a mental illness. They remain a walking, public and mental health time-bomb.

HOPE FOR OVERCOMING HOMOSEXUALITY

But homosexuals are not left without hope for a better and healthier life. A majority of doctors and psychotherapists treat homosexuals every day to reverse this devastating pathology. These professionals are dedicated to the proposition that all homosexuals are able to be helped.

Many outreach programs exist to provide homosexuals and former homosexuals with support to change and remain changed in their behavior. Some are religious in nature and some are not. These groups include Regeneration in Baltimore, MD, White Stone Ministries in Boston, MA, Desert Stream in Santa Monica, CA, Life in New York City, Exodus International, headquartered in San Rafael, CA, and Beyond Rejection Ministries, in Orange County, CA. Each of these can provide help for homosexuals and/or victims of AIDS.

CLOSING COMMENTS

In closing, we have allowed the tactics of the militant homosexuals to confuse us with appeals to our sense of fairness, with false scientific data, with litigation in courts at every level, and with threats against the public order—all simultaneously. And instead of responding as a united people, we have either surrendered at the outset or else responded in one of several inappropriate ways.

We have tried to ignore the phenomenon in hopes that it will go away. It won't. We must either defeat militant homosexuality or it will defeat us. They have made it clear: we have no third choice.

Many opponents of homosexuality have resorted to name-calling and ridicule, confirming in the eyes of fair-minded people that we are as hard-hearted as homosexuals say we are. In taking this tactic, we deny the humanity of other children of God and forfeit our right to speak as the true keepers of our Judeo-Christian heritage.

We have also attempted to compromise our principles, reaffirming our opposition to homosexual conduct while arguing that under the Constitution we have no right to forbid them much of what they want. Such tactics, however, fail to recognize the essential soundness of our Constitution and its spiritual heritage. We do not have to concede a single point to the homosexual movement, so long as we retain our sense of charity and our capacity to love even those who want to destroy the social foundation of America.

Americans are extremely tolerant. We tend to ignore the consensual relationships of adults behind closed doors. However, when that behavior seeks to find the light of day, out among the public, then Americans become concerned. And it is on this point that homosexuals have at least my attention.

As long as I have the pleasure to serve in the U.S. Congress, I will continue to affirm the heterosexual ethic at every turn, with every subtly, with every bit of imagery I can conjure, with the help of good people across this Nation, as well as with the help of a majority of my colleagues in Congress, and also by the grace of God.

DISTRESS OVER ADMINISTRATION CONTACTS WITH PLO

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I rise today to express my dismay and annoyance with the report today that the Bush administration has apparently secretly expanded their contacts with the PLO, with the Ambassador, U.S. Ambassador to Tunisia, meeting at least twice in Tunis with the PLO second highest official, Salah Khalaf. State Department officials confirmed this today. Mr. Khalaf is also known as Abu Iyad, and indicted yesterday in Italy for selling PLO guns to the Red Brigade.

Mr. Speaker, actions speak louder than words, and since the time the PLO purported to recognized Israel's right to exist, they have committed no less than 8 terrorist attacks against the State of Israel. I certainly think that the plan that Prime Minister Shamir has put forward for the West Bank and Gaza certainly should be met with happiness, and I think that the PLO certainly has not yet accepted this. I think that they really ought to be called to task for it. We ought to make sure they do the things they say they are going to do, instead of secretly expanding contacts with them when all they have done in the Middle East is promote terrorism and speak out of both sides of their mouth.

INTRODUCTION OF INNOCENT LANDOWNER DEFENSE AMENDMENTS

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, an important part of the legislative process

is finetuning laws as so that people understand how to implement them. Today I introduced the Innocent Landowner Defense Amendments of 1989. Designed to make a technical correction to a very confusing provision in the superfund law.

When Congress passed the Sara amendments in 1986, it added a narrow exemption from the law's liability. This exemption, known as the innocent landowners defense, has been the subject of considerable debate in the real estate, lending, and environmental communities because no one seems to understand one of the conditions for the defense, a phrase requiring a purchaser of commercial real estate to do all appropriate inquiry into the previous uses of the property.

My legislation will address this problem by establishing three basic steps a purchaser should take to satisfy this condition.

I am confident the legislation is an evenhanded approach to a very difficult problem. It creates no new exemption from superfund liability. Instead it spells out the rules of the game to the real estate and lending communities and in the process helps to fulfill one of the basic mandates of the superfund law, stopping the transfer of contaminated property. For this reason, it is badly needed environmental legislation.

WHAT IS THE BUSH POSITION ON VRA'S?

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute.)

Mr. VISCLOSKY. Mr. Speaker, as the Representative of the largest steel-producing district in the United States, I rise to express my dismay that President Bush is unprepared to announce his position on the extension of the steel Voluntary Restraint Agreement [VRA] Program. This situation has been widely reported and was graphically illustrated in yesterday's Washington Post. I hope that President Bush will extend the VRA's for another 5 years. In any event, it is imperative that he announce immediately how he intends to extend the VRA Program, especially since he stated that he would support an extension during last year's election campaign.

September 30, 1989 is the termination date of the current VRA Program. Steel users have been and will continue to place orders for delivery during the last quarter of this year and early 1990. Until the administration announces the terms of a renewed VRA Program, contracts arranged for delivery after October 1, 1989 could circumvent the new import regulations. In the meantime, we can expect a possible surge in imports.

What will be the result of this activity? Looking back to what happened with the implementation of the 1984 VRA Program, it is likely that foregin steel producers affected by the VRA's will be permitted to ship all of the steel for which they have orders, regardless of the terms negotiated in the new agreements. More importantly, the contracts now being negotiated—which will result in higher levels of imports—will give the foreign steel producers unintended leverage in the negotiation of new VRA's and distort the intended purpose of the new VRA's. This unpalatable scenario can be avoided only by a timely announcement of the administration's position on VRA's.

More than 120 of my colleagues have joined me in urging the President to move quickly to fulfill his campaign pledge to extend the steel VRA program. I ask my other colleagues to join us. Acting swiftly on this important matter will enable the U.S. trade representative to negotiate the new VRA's, and permit a smooth and orderly transition to the new program. This would allow for minimal disruptions in the market, and ensure the continued progress of the U.S. steel industry.

THE ANNIVERSARY OF THE BECK DECISION

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, today marks the 1-year anniversary of the historic U.S. Supreme Court decision in the case of Beck versus the Communication Workers of America. The court declared that workers cannot be forced to contribute to political causes they do not support.

For years, American workers have been forced to contribute to political causes and candidates they oppose through compulsory union dues. Harry Beck objected to this practice and it took him 12 long years to get the courts to agree to protect his rights.

While I recognize that no one should get a free ride and benefit from labor management's bargaining representation by not paying their fair share of the cost, I believe that workers who pay either union dues or the substitute agency fee should have the right, if they so choose, to pay only that portion of the dues that cover collective bargaining costs—and not for political causes and other activities they do not support.

My bill, H.R. 2589, the Workers Political Rights Act of 1989, protects the political rights of the worker by requiring union administrators to notify each employee that they may pay a reduced agency fee, limited solely to costs associated with collective bargaining matters, instead of joining the union and paying the full union dues which may be used for political purposes.

An estimated $355 million was spent on political activities by union leaders without one penny of it appearing on any disclosure forms.

Clearly, this is constitutionally and morally wrong! And the American people know it's wrong!

While contributing to candidates and political causes that are in line with one's own beliefs is truly a basic American right, such political contributions should be voluntary. Let the worker know how his money is being used. Let the worker decided how to spend his own money. Support workers' political rights. Support H.R. 2589.

A TRIBUTE TO JIM WRIGHT

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, the largest attendance ever for the weekly House prayer breakfast was at this morning's meeting in the Members' dining room of the U.S. Capitol.

The Speaker—JIM WRIGHT, the longtime House Member, majority leader, and House Speaker.

JIM WRIGHT, whose outstanding service in this House for 34½ years comes to an end tomorrow, received two prolonged, standing ovations at the House prayer breakfast this morning.

As was expected, Speaker WRIGHT was tremendous in his 30-minute presentation.

Speaker WRIGHT quoted the words from Romans 8:28—"And we know that all things work together for good to them who love the Lord."

Believing those words and knowing JIM WRIGHT, I predict for our beloved colleague from the 12th District of Texas many years of happiness and success in JIM WRIGHT's life after Congress.

INTRODUCTION OF LEGISLATION TO ESTABLISH A WORLD WAR II VETERANS' MEMORIAL

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. KAPTUR. Mr. Speaker, today, I along with 72 of our colleagues am introducing legislation today to establish in Washington, DC, a World War II Veterans' Memorial. It is a modified version of H.R. 537 which would have established a World War II Veterans' Memorial and Museum.

Over the past year, I have spoken with many people—other Members, museum curators, the director of the Museum of American History—about H.R. 537. In those discussions, I have found a great deal of support for a World War II Veterans' Memorial but significant reservations expressed about building a permanent museum dedicated to World War II at a time of very limited Federal budgets.

I still firmly believe that a museum about World War II would be a wonderful way to teach future generations about the meaning of that war and the ideals of freedom and liberty for which our Nation fought. However, I understand the concerns of those who feel that we may not be able to afford at this time such an extensive endeavor as a new museum would represent.

This new bill will still authorize the establishment of a World War II Veterans' Memorial in our Nation's Capital. But it will simply express the sense of Congress that, during the 50th anniversary of World War II, in the years 1991 through 1995, the Federal Government, through the Smithsonian Institution, should encourage and promote appropriate exhibitions and commemorations in honor of our World War II veterans. It also encourages commemorations that reflect this Nation's participation in a conflict that reshaped the international geopolitical landscape as well as our Nation's economic, political, and cultural institutions.

The new bill will still be modeled after the authorizing legislation for the Korean Veterans' Memorial. It will direct the American Battle Monuments Commission to establish a World War II Veterans' Memorial and establish an advisory board to promote, encourage donations to, and recommend sites and design for the memorial as well as to report to Congress yearly on the progress of the memorial. It is still also my intention that this memorial be funded largely through private donations. Thus the bill creates a fund for collection and investment of this private money. The bill does, however, authorize appropriations as necessary for the initial start-up costs of the board and memorial. Last year, the Congressional Budget Office estimated the Government's cost of H.R. 537 at roughly $1 million a year so the measure without the museum element is likely to be less.

I hope that other Members of the House will join us in cosponsoring this legislation to provide the recognition that is long overdue to our World War II veterans.

ORIGINAL COSPONSORS

G.V. "SONNY" MONTGOMERY, CHARLES BENNETT, VIN WEBER, LANE EVANS, CLAUDE HARRIS, JIM JONTZ, JOHN ROWLAND, RON WYDEN, JOHN RHODES, FRANK HORTON, WALTER FAUNTROY, JOHN PORTER, NICK JOE RAHALL, BEN BLAZ, W.G. "BILL" HEFNER, MARGE ROUKEMA, JERRY COSTELLO, MERVYN DYMALLY, PETER DEFAZIO, DAVID MCCURDY, HOWARD WOLPE, GARY ACKERMAN, DAVID PRICE, ALBERT BUSTAMANTE, ROBERT LAGOMARSINO, JOHN MURTHA, BARBARA BOXER, EARL HUTTO, BRUCE MORRISON, WILLIAM CLINGER, ESTEBAN TORRES, MARY ROSE OAKAR, LEON PANETTA, E. KIKA, DE LA GARZA, CARDISS COLLINS, WILLIAM PAXON, TIM VALENTINE, CHET ATKINS, MIKE ANDREWS, CHARLES HAYES, JACK BUECHNER, ROBERT MATSUI, DANTE FASCELL, FLOYD SPENCE, FRANK MCCLOSKEY, JIM SAXTON, LAWRENCE SMITH, WILLIAM FORD, EDWARD ROYBAL, H. MARTIN LANCASTER, RON DE LUGO, WES WATKINS, GUS SAVAGE, WALTER JONES, BILL SARPALIUS, RICK BOUCHER, GUS YATRON, VIC FAZIO, DICK DURBIN, WILLIAM COYNE, JIM HAYES, PORTER GOSS, ROBERT C. SMITH (NH), BEN ERDREICH, HOWARD NIELSON, WILLIAM LIPINSKI, NANCY PELOSI, JAIME FUSTER, TOM BEVILL, CHARLES WILSON, DENNIS HERTEL, TOM LANTOS.

MEMORABLE POINTS FROM THE "OLD GLORY" VIGIL

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I have one final thought on our great colors, the national ensign, "Old Glory," our flag. In all of the vigil last night, the image that stayed with me throughout the day in a somewhat sleepy condition was the mental picture created by our Republican leader, BOB MICHEL, mentioning how in the early invasion days to liberate Europe from Nazi Germany our soldiers for identification purposes wore an American flag on their shoulders.

What suddenly hit me was the image of young American paratroopers from the 82d and 101st Airborne, those unfortunate enough to come down on or near a Panzer division that was going through maneuvers in the area just behind the beaches in Normandy, and some of them were machinegunned in trees and they died there hanging in those trees and were not cut down until American forces moved in from the beaches the next day.

It hit me that the first flags to fly over any piece of liberated or occupied Europe were the flags sewn to the combat fatigue jackets of those young paratroopers, their bodies swinging from those trees throughout the night, and then in the early morning hours, the light showing to the French people that were about to be liberated the fact that the Americans were finally here, that the invasion was taking place, and those flags were flying that were attached to the suits of those dead American heroes. That is an image that I will not forget from last night.

I hope that every American flies "Old Glory" proudly. I will see some of you on the "Phil Donahue Show" this morning, where I will meet America's prime Communist defending lawyer, Bill Kuntzler, probably our colleague, DON EDWARDS, who is not-hot-to-trot on an amendment to protect our flag. So we will go around a few on the merits. And probably there will be Joey Johnson, this young man who is probably going to stupidly dump communism in a few years and come to love his country again, if he ever did. I am sure that he is not aware that he has probably sold more American flags than any American since Abraham Lincoln.

A HAPPY FOURTH OF JULY EVERYBODY

The SPEAKER pro tempore (Mr. LAUGHLIN). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, I cut my 60 minutes down to 5 minutes because I do not intend to speak any longer until maybe sometime when we are back in session about our great American flag and this peculiar Supreme Court ruling. They are all honorable men, and there is one honorable woman over there, but they split on that decision 5 to 4 in a very strange way. I still, after reading the Justices' report on the majority over and over again, cannot see how the logic escaped them that, for a handful of insensitive cretins who hurt so many hundreds of thousands of people, they could come up with that decision. But we can do that when we get back and think back over a beautiful Fourth of July holiday, with hopefully everybody exercising as much safety as they can to protect their families. And to those who do not have families and intend to drink, I say, please exercise safety so we do not read these horrible stories of an American family wiped out by some thoughtless drunk.

What I want to do in these few moments is to talk about the unsung heroes in this beautiful Capitol building, the citadel of liberty, and all of its surrounding and support buildings, and I will name just a handful.

□ 1810

The staff, the support staff that publishes our CONGRESSIONAL RECORD, starting from the moment a word comes out of a Congressman or woman's mouth and is reported here at this table, to all of those downstairs who research and find the proper spelling for some obscure Asian or European village; they were there last

night looking for Ste-Mere-Eglise, a little French town where airborne soldiers fought, and some died the night before the June 6 invasion of 1944.

I had an idea that with all the help I do for my constituents to get them flags flown over this beautiful Capitol, and we have had a run on flags around here for this fourth of July, as I said in my 1 minute earlier, I am going to secure 17 flags, maybe more, if some more names turn up, and fly these flags over the Capitol on July 4 itself so that next July 4 all of these staffers that my colleagues see, our reporters and their whole team, will have a flag to fly at home next fourth of July that flew over the Capitol on Fourth of July of 1989.

So, reporters: Charles Gustafson, Susan Hanback, Tab Redling, Tony Tartaro, Katie Jane Teel, Judith Mazur, and, last, but not least, Chris Heil who tagged me with the moniker, "the Fighter with a Heart." All of the transcribers; we see them sometimes on the floor sometimes with great world leaders and the President during his state of the Union message. They are unsung heroes; God bless them for being so patient with us last night, and I will have a flag to present to every one of them when they come back.

Make that 18 flags, and let me throw in one person, took care of me up in New York on the 200th anniversary of George Washington's inaugural. It was a great day with President Bush up there helping us all realize what a great two centuries we have had since our first President was sworn in. Tim Keating in the back there, thanks for taking care of me. I am going to fly a flag for you over the Capitol.

Now for the transcribers down below, those we do not see but type our so-called words of wisdom all night: Tony Jackubosky, Pat Vasselo; forgive me if I wrecked that name, Pat; Karen Ilsemann, John Ulmer, Mary Wood, Barbara Wilmoth, Marian van den Berg.

The record clerks at the desk: Ed White, George Russell, Dick Creeger; some of these people have been here since I came here in 1977, and for all the unsung heroes in the cloakrooms, clerks at the rostrum, if they want to give me their names, I will fly a flag over the Capitol on July 4 for them and proudly present it to them so that they can have it until it wears out, and, if I am still here, I will get them a new one in the future.

Mr. Speaker, I say to all these people on our staff, "God bless all of you. Happy Fourth of July."

VOLUNTARY RESTRAINT AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of Utah. Mr. Speaker, the administration of the short supply provisions of the Voluntary Restraint Agreements [VRA] has become the focus of much of the debate over whether the Steel Import Stabilization Act of 1984 should be extended. Steel consumers have argued that short supply decisions have taken too long, particularly in 1986 and the early part of 1987. Steel producers are concerned that certain consumers, by filing inflated requests, have tried to use the short supply process as a means of undermining the import limits established by the VRA's.

The entire Utah congressional delegation supports extension of the VRA's for 5 years. We believe that after the flood of unfair imports which damaged the U.S. steel industry in the early 1980's was checked by the VRA's, the industry has made tremendous efforts to modernize and become competitive in the world market. Nowhere is this more evident than the case of Geneva Steel in Provo, UT. Under the VRA program, this mill, which employs 2,400 people, has become a nationally recognized success story and represents future for American steel and industrial competitiveness. Five more years of this program are necessary to allow modernization to be completed and to persuade our trading partners to enter into a workable and enforceable international agreement to eliminate the unfair trade practices which prevent free market forces from operating in international steel trade.

The problems that have arisen in the administration of the short supply provisions of the VRA's from the perspective of consumers should not be used as a means of weakening future VRA's. These problems can be dealt with through the legislative or regulatory process without destroying the effectiveness of the entire VRA program. For example, the problems of delays in decisionmaking on short supply requests has been addressed recently in a bill introduced by my colleague from Connecticut, Mrs. JOHNSON.

There are problems in the short supply process that must also be addressed from the steel producers' perspective. In particular, several steel consumers appear to have abused the short supply process by filing inflated requests as demonstrated by their failure to utilize the full amount of short supply authorized by the Department of Commerce, and their failure to purchase steel from bona fide domestic suppliers. In 1988, for example, Commerce authorized imports of 1.2 million tons of steel under the short supply process, but only 609,000 tons, or approximately 50 percent of that authorized, was actually imported. Moreover, in at least one instance, semifinished steel imported pursuant to short supply authorization was sold from inventory by a steel consumer. Ironically, many of the same consumers who have been guilty of these practices are the ones demanding "reform" of the short supply system.

The legislation I am introducing today seeks to redress the abuses that have resulted from attempts to circumvent the limits imposed by the VRA's through short supply requests. It provides disincentives to inflated requests and to efforts to create short supply by rejection of legitimate offers by domestic producers to supply steel products. The bill gives guidance to the Secretary of Commerce on the circumstances in which price may be taken into account in determining short supply. The bill requires verification of the domestic producers' costs and evidence that the prices offered by a domestic producer are substantially above market.

The bill also would cut off access to short supply for any product restricted under a bilateral VRA or an overall product ceiling, such as the semifinished quota, if there is a company-specific exemption in effect for that product. In 1984, Tuscaloosa Steel obtained exclusive access to additional imports of semifinished steel above the limit set for that product category. Several companies are now seeking such an exemption from import restraints for particular products under the future VRA's. In reality, these exemptions are short supply authorization made without the benefit of scrutiny by the Department of Commerce and without regard to market condition. I believe requests for product categories already subject to increase through this type of arrangement.

Mr. Speaker, the VRA's have given the U.S. industry some degree of the stability required for modernization to proceed. The program should be renewed for an additional 5 years in a manner which takes into account the needs of both producers and consumers and does not provide an unfair advantage to either group.

OUR FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, in response to the recent Supreme Court decision concerning the burning of the U.S. flag, I was proud to add my name as a cosponsor to House Joint Resolution 305, a bill to propose an amendment to the Constitution authorizing the Congress and the States to prohibit the act of desecration of the flag and to set criminal penalties for such action. I urge my colleagues in the House of Representatives to support this legislation to reaffirm our commitment to preserving the honor, glory, and integrity of this precious symbol of our Nation.

Our flag is very special to most Americans. On June 14, in a Flag Day ceremony held by the Village of Harwood Heights, located in the 11th Congressional District of Illinois which I am honored to represent, Village President Ray Willas gave a stirring and inspirational speech on the meaning of our Nation's flag. This speech, written by Lori Berg of his staff, truly captures the special and important significance our flag has for all of our citizens.

In light of the recent Supreme Court decision concerning the burning of the flag of the United States, I would like to share this Flag Day address with my colleagues in the House of Representatives. Village President Ray Willas' address serves as an appropriate reminder of what our flag, the symbol of the United States, means to most Americans.

The text of Mayor Willas' speech follows:

THE STAR SPANGLED BANNER

"Oh Say can you see by the Dawn's early light what so proudly we hailed at the twilight's last gleaming."

America's Flag in battle, America's Flag in victory. Francis Scott Key wrote the words that became our Country's national anthem. We try to remember these words at ball games. Yet no matter how difficult the song may be to sing, there is no doubt, that it is our Flag * * * our Star Spangled Banner, which is the symbol of our liberty, the symbol of our freedom.

Our country was founded with the idea of providing a harbor of liberty. A place for people to exist independent from the state. It is our constitution that guarantees those precious freedoms, but it is our flag which represents those freedoms.

No other symbol is as well recognized, as well understood as the United States Flag.

"Whose broad stripes and bright stars through the perilous night o'er the ramparts we watched were so galantly streaming."

13 red stripes, 13 white stripes. 50 stars. 50 bright stars. 50 states united into one country.

Today we see the Red, White and Blue everywhere. In our clothes, in our advertisements, wallpaper, bathing suits, floral arrangements. The Stars and Stripes have become our country's favorite advertising media campaign. It tells everyone that the product being sold is "All American".

But think too, of what those colors those stars, and those stripes represent for people from other lands. Think of our ancestors who came to this country, a foreign land. Dreams are meant to come true in America.

From the pilgrims seeking religious freedom, to the Irish immigrants seeking a new livelihood, to the Soviet refugees looking for a democratic form of government—America is the land where one does not just think of these privileges, one actually experiences these privileges.

Imagine for the moment, the emotion these people must feel when they see our Star Spangled Banner. Feel if you will, the pain each has endured to transplant their lives here. The languages may be foreign. The customs probably different. But each with one unifying goal; to be entitled to the rights promised by the Flag. The Broad Stripes and the Bright Stars.

"And the rockets red glare, the bombs bursting in air. Gave proof through the night that our Flag was still there."

While some may envy our freedoms, others constantly threaten them. Wars are fought in the name of God, in the name of the King, in the name of dictators. But to the men and women battling for the United States, it has been our Flag for which they are fighting. That is what we defend. Should terrorists trample our Flag, we will defend it. Should our enemies tear our Flag down, we will raise it again. We will fight without end to ensure that our Flag is still there, and will always be there.

"Oh say does that star spangled Banner yet wave, o'er the land of the free and the home of the brave."

Yes, the banner still waves. It waves on the moon, it waves on embassies across the globe. It waved 444 times for our hostages in Iran. It waives for every new citizen and it waves for every one of us.

The flag has, for 200 years now, waved for everyone seeking freedom. It calls out to everyone, inviting those who seek to come here and find.

Other countries may be blessed with fewer problems than we see today. They may not have the crime we experience, there may not be the homeless that there is here.

But the wonderful reason for our flag is that it encourages everyone, everywhere to be free, to be independent. To take our problems and find a solution.

Lets keep the Flag waving o'er the land of the Free and the home of the brave, for everyone here today and everyone to come.

POLISH AMERICAN HERITAGE MONTH OCTOBER 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. BORSKI] is recognized for 5 minutes.

Mr. BORSKI. Mr. Speaker, for the past several years, I have introduced legislation which designated October as Polish American Heritage Month. I am introducing a similar resolution today.

I would like to thank my colleagues and fellow Polish Americans, BILL LIPINSKI of Illinois and GERRY KLECZKA of Wisconsin, for the time and effort they spent in helping me gather support for this legislation. I appreciate their support.

Mr. Speaker, Polish American Heritage Month will focus attention on the great contributions that Poles and Polish Americans made to American history.

Poles fought beside Americans from the very beginning of our struggles for liberty. Their willingness to fight for freedom links Thaddeus Kosciuszko, who helped the Revolutionary Army win the Battle of Saratoga, with Lech Walesa and the many other Solidarity activists who continue to inspire us with their activities in Poland today.

Like many of the peoples who journeyed to America from dozens of different nations, the millions of Poles who immigrated to this country made important contributions to all aspects of American life. Throughout nearly three centuries of immigration, they have been leading businessmen, athletes, artists, and religious leaders. Poles continue to be leaders in all walks of American life today.

Polish American Heritage Month will establish a time to remember the history and values that Poles and Americans share. The history is rich and varied. It includes our most basic beliefs in liberty and freedom.

As a Polish American, I am proud to introduce this important joint resolution to designate October 1989, as "Polish American Heritage Month."

H.J. RES. 347

Joint resolution to designate October 1989 as "Polish American Heritage Month"

Whereas the first Polish immigrants to North America were among the settlers of Jamestown, Virginia, in the 17th century;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contributing to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas the Polish Constitution of May 3, 1791, was directly modeled on the Constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Americans of Polish descent and Americans sympathetic to the struggle of the Polish people to regain their freedom remain committed to a free and independent Polish nation;

Whereas Poles and Americans of Polish descent take great pride in and honor the achievements of the greatest son of Poland, His Holiness Pope John Paul II;

Whereas Poles and Americans of Polish descent take great pride in the achievements of Nobel Peace Prize laureate Lech Walesa and the Solidarity Labor Federation; and

Whereas the Polish American Congress is observing its 45th anniversary this year and is celebrating October 1989 as Polish American Heritage Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1989 is designated as "Polish American Heritage Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

COSPONSORS OF H.J. RES. 347

Representatives Ackerman, Akaka, Anderson, Andrews, Alexander, Annunzio, Applegate, Aspin, Atkins, Bates, Beilenson, Bentley, Bevill, Berman, Bliley, Boggs, Bonior, Bosco, Boucher, Boxer, Brooks, Broomfield, Browder, Brown, (CO), Bruce, Bryant, Bustamante, Cardin, Carper, Carr, Chapman, Clement, Clinger, Collins, Conyers, Courter, Costello, Coyne, Crockett, Darden, DeFazio, de la Garza, Dellums, de Lugo, DeWine, Dicks, Dingell, Dixon, Donnelly, Dornan, (CA), Durbin, Dwyer, (NJ), Dymally, Dyson, Early, Erdreich, Espy, Evans, Fascell, Fauntroy, Fawell, Fazio, Feighan, Flake, Flippo, Florio, Foglietta, Ford, (TN), Ford, (MI), Frank, Frenzel, Frost, Fuster, Garcia, Gonzalez, Guarini, Gaydos, Gephardt, Gilman, Goodling, Gordon, Gunderson, Gray, Hall, (OH), Hammerschmidt, Harris, Hastert, Hayes, (IL), Hayes, (LA), Hefner, Henry, Hertel, Hiler, Hoagland, Hochbrueckner, Horton, Hoyer, Hughes, Hutto, Jacobs, Jenkins, Johnson, (CT), Jones, (GA), Jones, (NC), Jontz, Kanjorski, Kaptur, Kasich, Kennelly, Kildee, Kleczka, Kolter, Kostmayer, Lancaster, Lagomarsino, Lantos, Laughlin, Lehman, (CA), Leland, Levin, (MI), Levine, (CA), Lewis, (GA), Lipinski, Lukens, Donald E., McCloskey, McDade, McGrath, McHugh, Manton, Martin, (NY), Martin, (IL), Martinez, Matsui, Mavroules, McMillen, (MD), Meyers, (KS), Mfume, Miller, (CA), Mineta, Moakley, Mollohan, Moody, Morrison, (CT), Mrazek, Murphy, Murtha, Nagle, Neal, (MA), Nelson, (FL), Nowak, Oakar, Oberstar, Olin, Ortiz, Owens, (NY), Packard, Pallone, Pannetta, Parker, Paxon, Pelosi, Perkins, Pickett, Pickle, Porter, Rahall, Rangel, Richardson, Rinaldo, Roe, Rostenkowski, Rowland, (CT), Roybal, Russo, Sabo, Sangmeister, Savage, Sawyer, Scheuer, Schumer, Sharp, Sikorski, Sisisky, Skaggs, Skelton, Slaughter, (NY), Solarz, Smith, (FL), Staggers, Stallings, Stark, Stokes, Studds, Sundquist, Synar, Tallon, Thomas, (GA), Torricelli, Towns, Traficant, Traxler, Vander Jagt, Vento, Visclosky, Volkmer, Walgren, Walsh, Waxman, Weiss, Wilson, Wheat,

Wolfe, Wolpe, Wyden, Wylie, Yates, Yatron, Young, (AK), and Buechner.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 60 minutes.

[Mr. MCEWEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 60 minutes.

[Mr. SKELTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

A NOBEL PRIZE FOR THE ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, along with 10 cosponsors I am today introducing a resolution calling upon the Nobel Commission to consider awarding a Nobel prize for achievements in preservation of the world's environment.

The sorry condition of our global environment is a major concern for all peoples in the world today. Problems such as the greenhouse effect, ozone depletion, and oilspills, scream at us from the headlines of our daily newspapers. Some of these problems are confined to local regions of a single country; others affect nations as a whole. Most have profound international consequences. Oil spilled on the beaches of Alaska disturbs the food web throughout the Pacific Ocean. Radiation from an explosion at Chernobyl contaminates dairy products throughout northern Europe. Freon lost from a referigerator in Washington, DC, contributes to the loss of ozone in our atmosphere.

Awarding a Nobel prize would provide a fitting tribute to those who are working to help preserve our global environment. Such a prestigious award might also serve to motivate scientists, politicians, and individuals worldwide to devote more of their energies toward improving our understanding of, and sense of responsibility to, the environment.

The resolution I am introducing today is identical to that introduced in the Senate by Senator GORE. The idea of a Nobel prize for the environment emerged from a conference held by time magazine in 1988, prior to its decision to choose Earth as "Planet of the Year."

Mr. Speaker, I urge my colleagues to join me in cosponsoring this important resolution and to assist in its rapid passage through this body.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HYDE (at the request of Mr. MICHEL), from July 11.

Mr. CHAPMAN (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. MCDERMOTT (at the request of Mr. GEPHARDT), on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 5 minutes, today.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. HUBBARD) to revise and extend their remarks and include extraneous material:)

Mr. HUBBARD, for 5 minutes, today.

Mr. OWENS of Utah, for 5 minutes, today.

Mr. BORSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SMITH of Florida, for 5 minutes, today.

Mr. SKELTON, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, on July 10.

Mr. SWIFT, for 60 minutes, on July 18.

Mr. SWIFT, for 60 minutes, on July 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MARKEY, and include extraneous material preceding vote on Fascell en bloc amedment regarding China to H.R. 2655 in Committee on the Whole today.

Mr. RITTER, on en bloc amendments on H.R. 2655, in Committee of the Whole, today.

(The following Members (at the request of Mr. DORNAN of California) and to include extraneous matter:)

Mr. HEFLEY.
Mr. SCHAEFER.
Mr. ROHRABACHER.
Mr. WOLF.
Mr. SMITH of New Jersey.
Mrs. VUCANOVICH.
Mr. MILLER of Washington.
Mr. HYDE in two instances.
Mr. VANDER JAGT.
Mr. SOLOMON.
Mr. BLILEY.
Mr. MCEWEN.
Mr. SCHUETTE.
Mr. GOSS.
Mr. ROTH.
Mr. HUNTER.
Mr. CRANE in two instances.
Mr. OXLEY.
Mr. LAGOMARSINO in two instances.
Mr. GRANDY.
Mr. LOWERY of California.
Mr. SMITH of Mississippi.
Mr. COBLE.
Mr. MCCANDLESS.
Mr. CRAIG.
Mr. COURTER.
Mr. PAXON.

(The following Members (at the request of Mr. HUBBARD) and to include extraneous matter:)

Mr. KANJORSKI in five instances.
Mr. RICHARDSON in two instances.
Mr. LELAND in two instances.
Mr. SKELTON in two instances.
Mr. LEHMAN of California.
Mr. BONIOR in two instances.
Mr. TALLON in two instances.
Mr. BOUCHER.
Mr. BOGGS.
Mr. CLAY.
Mr. RAHALL.
Mr. DORGAN of North Dakota.
Mr. RUSSO.
Mr. GLICKMAN in two instances.
Mr. STOKES.
Mr. TOWNS.
Mr. KOSTMAYER.
Mr. HAMILTON.
Mr. STALLINGS.
Mr. MURTHA.
Mr. DINGELL.
Mr. LANTOS in two instances.
Mrs. BYRON.
Mrs. BOXER.
Mr. HAYES of Illinois
Mr. SMITH of Florida.
Mr. DOWNEY.
Mr. DERRICK.
Mr. HUBBARD.
Mr. BILBRAY.
Mr. CARR.
Mr. LEHMAN of Florida.
Mr. ROSTENKOWSKI in two instances.
Ms. PELOSI in two instances.
Mr. RICHARDSON.
Mr. HOYER.
Mr. SOLARZ.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2119. An act to authorize the exchange of certain Federal public land in Madison County, IL.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 694. An act to extend title I of the Energy Policy and Conservation Act.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for

his approval, bills and joint resolutions of the House of the following titles:

On June 28, 1989:

H.J. Res. 132. Joint resolution to designate the second Sunday in October of 1989 as "National Children's Day;"

H.J. Res. 276. Joint resolution designating September 14, 1989, as "National D.A.R.E. Day;"

H.J. Res. 298. Joint resolution designating July 14, 1989, as "National Day To Commemorate the Bastille Day Bicentennial;"

H.J. Res. 923. An act to redesignate the Federal hydropower generating facilities located at Dam B on the Neches River at Town Bluff, TX, as the "Robert Douglas Willis Hydropower Project;" and

H.J. Res. 2402. An act making supplemental appropriations for the Department of Veterans Affairs for the fiscal year ending September 30, 1989, and for other purposes.

ADJOURNMENT TO MONDAY, JULY 10, 1989

Mr. McEWEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. LAUGHLIN). Pursuant to the provisions of Senate Concurrent Resolution 50, 101st Congress, the House stands adjourned until 12 noon, Monday, July 10, 1989.

Thereupon (at 6 o'clock and 15 minutes p.m.), pursuant to Senate Concurrent Resolution 50, the House adjourned until Monday, July 10, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1386. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of June 1, 1989, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 101-77); to the Committee on Appropriations and ordered to be printed.

1387 A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original reports of political contributions by Luigi R. Einaudi, the Permanent Representative-designate to the OAS; by Warren A. Lavorel, United States Coordinator-designate for Multilateral Trade Negotiations; and by Richard W. Boehm, Ambassador Extraordinary and Plenipotentiary-designate to the Sultanate of Oman, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 987. A bill to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes; with an amendment (Rept. 101-84, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Post Office and Civil Service. Report of the Committee on Post Office and Civil Service pursuant to section 302(b) of the Congressional Budget Act of 1974 (Rept. 101-117). Referred to the Committee of the Whole House on the State of the Union

Mr. CONYERS: Committee on Government Operations. PCB's: EPA must strengthen regulations, improve enforcement and prevent criminal activity (Rept. 101-118). Referred to the Committee of the Whole House on the State of the Union.

Mr. YATES: Committee on Appropriations. H.R. 2788. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes (Rept. 101-120). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1668. A bill to authorize appropriations for certain ocean and coastal programs of the National Oceanic and Atmospheric Administration; with an amendment; referred to the Committees on Foreign Affairs; Interior and Insular Affairs; Public Works and Transportation; and Science, Space and Technology for a period ending not later than August 4, 1989, for consideration of such provisions of the amendment as fall within the jurisdiction of those committees pursuant to clause 1 (i), (l), (p), and (r), rule X, respectively (Rept. 101-119, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 2789. A bill to establish an employment program to make grants available to the States to provide employment to physically and mentally impaired individuals, and for other purposes; to the Committee on Education and Labor.

By Mr. BENNETT (for himself, Mr. HUTTO, Mr. MCCOLLUM, and Mr. JOHNSTON of Florida);

H.R. 2790. A bill to authorize the Secretary of the Interior to study certain lands for potential inclusion in the National Park System, the National Wild and Scenic Rivers System, or the National Forest System, and for other purposes; jointly, to the Committees on Public Works and Transportation, Interior and Insular Affairs, and Agriculture.

By Mr. BOUCHER:

H.R. 2791. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to encourage the remining and reclamation of abandoned mined lands by active mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRENNAN:

H.R. 2792. A bill to authorize appropriations to reimburse State and local police and sheriff's departments in the State of Maine for certain security-related expenses arising out of visits by the President; to the Committee on the Judiciary.

By Mr. BROWN of California (for himself, Mr. VALENTINE, Mr. LEWIS of Florida, Mr. AKAKA, and Mr. SCHEUER):

H.R. 2793. A bill to establish a hydrogen research and development program; to the Committee on Science, Space, and Technology.

By Mr. CLAY:

H.R. 2794. A bill to make technical corrections and other miscellaneous amendments to the Employee Retirement Income Security Act of 1974 and related provisions of the Internal Revenue Code of 1986; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. DORGAN of North Dakota (for himself and Mr. HAMILTON):

H.R. 2795. A bill to modernize the Federal Reserve System and to provide for prompt disclosure of certain decisions of the Federal Open Market Committee; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DORGAN of North Dakota (for himself and Mr. BROWN of Colorado):

H.R. 2796. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of interest income and rental expense in connection with safe harbor leases involving rural electric cooperatives; to the Committee on Ways and Means.

By Mr. DORNAN of California:

H.R. 2797. A bill to impose an embargo on trade with Syria; jointly, to the Committees on Ways and Means; Foreign Affairs; and Banking Finance and Urban Affairs.

By Mr. DORNAN of California (for himself and Mr. FRANK):

H.R. 2798. A bill to establish a Police Corps Program; to the Committee on the Judiciary.

By Mr. ESPY (for himself and Mr. STENHOLM):

H.R. 2799. A bill to amend the Agricultural Act of 1949 to allow the planting of alternate crops on permitted acreage for the 1990 crop year; to the Committee on Agriculture.

By Mr. SHAW (for himself, Mr. DANNEMEYER, Mr. WELDON, Mr. DELAY, Mr. DORNAN of California, Mr. LAUGHLIN, Mr. HUBBARD, Ms. KAPTUR, and Mr. VISCLOSKY):

H.R. 2800. A bill to amend title 10 and 14, United States Code, to permit recordings of military bands to be sold commercially; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

By Mr. FAWELL (for himself, Mrs. MEYERS of Kansas, Mrs. COLLINS, Mr. MADIGAN, Mr. HALL of Ohio, Mr. PETRI, Mr. SWIFT, Ms. KAPTUR, Mrs. MARTIN of Illinois, and Mr. LAGOMARSINO):

H.R. 2801. A bill to amend title II of the Social Security act to permit a State to exclude from coverage (by a modification or additional modification of the applicable State agreement under section 218 of that act) any service performed by election officials or election workers in cases where the remuneration paid for such service is less than $100 in a calendar quarter of $300 in a calendar year (rather than only where such

remuneration is less than $100 in a calendar year as presently permitted); to the Committee on Ways and Means.

By Mr. FORD of Michigan:

H.R. 2802. A bill to amend title 39, United States Code, and associated provisions of other laws, to make technical and perfecting corrections, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GOODLING (for himself, Mr. GUNDERSON, Mr. HENRY, AND MR. SMITH of Vermont):

H.R. 2803. A bill to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, to establish the Youth Opportunities Unlimited Program, and for other purposes; to the Committee on Education and Labor.

By Mr. GRANDY (for himself, Mr. MADIGAN, Mr. LIGHTFOOT, Mr. JOHNSON of South Dakota, Mr. OLIN, Mr. JONTZ, and Mr. ESPY):

H.R. 2804. A bill to amend the Internal Revenue Code of 1986 to extend for 3 years the exemption from the termination of small issue bonds for farm property and manufacturing facilities located in rural areas; to the Committee on Ways and Means.

By Mr. GREEN:

H.R. 2805. A bill to amend title 18, United States Code, to require that persons comply with State and local firearms licensing laws before receiving a Federal license to deal in firearms; to the Committee on the Judiciary.

By Mr. HUGHES (for himself, Mr. MCCOLLUM, Mr. BOUCHER, Mr. SMITH of Mississippi):

H.R. 2806. A bill to amend section 511 of the Controlled Substances Act to make technical, clarifying, and administrative amendments, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Ms. KAPTUR:

H.R. 2807. A bill to provide for the establishment of a memorial on Federal land within the District of Columbia to honor members of the Armed Forces who served in World War II, and to express the sense of Congress concerning U.S. participation in that conflict; jointly, to the Committees on House Administration and Veterans' Affairs.

By Mr. KOSTMAYER:

H.R. 2808. A bill to amend the Toxic Substances Control Act to require schools to test for radon contamination; to the Committee on Energy and Commerce.

By Mr. LEHMAN of California:

H.R. 2809. A bill to provide for the transfer of certain lands to the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LELAND:

H.R. 2810. A bill to amend title 39, United States Code, to require the United States Postal Service to make space available in post offices for State voter registration authorities to place voter registration forms, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2811. A bill to amend title 39, United States Code, to provide that the United States Postal Service give voter registration forms along with change-of-address forms, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LELAND (for himself and Mrs. MORELLA):

H.R. 2812. A bill to amend title 5, United States Code, to establish a pay schedule, to revise the rates of pay for Federal Fire Service personnel, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. MEYERS of Kansas:

H.R. 2813. A bill to improve the information available to emergency response personnel in the field, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. MONTGOMERY (by request):

H.R. 2814. A bill to amend title 10, United States Code, to authorize transportation on military aircraft to be provided to former members of the Armed Forces who are totally disabled as the result of a service-connected disability in the same manner and to the same extent as such transportation is provided to retired members of the Armed Forces; to the Committee on Armed Services.

H.R. 2815. A bill to provide military commissary and exchange privileges to the surviving spouses of veterans dying from a service-connected disability; to the Committee on Armed Services.

H.R. 2816. A bill to authorize the award of the Purple Heart to former prisoners of war of World War I, World War II, and the Korean war for injuries received during captivity; to the Committee on Armed Services.

H.R. 2817. A bill to amend title 38, United States Code, to revise the formula for the payment of dependency and indemnity compensation [DIC] to the surviving spouses of veterans who die on active duty or from service-connected disaiblities; to the Committee on Veterans' Affairs.

H.R. 2818. A bill to amend title 38, United States Code, to extend from 1 year to 3 years the period after separation from service during which the conditions of Hodgkin's disease and leukemia occurring in a veteran shall be presumed to be service-connected; to the Committee on Veterans' Affairs.

H.R. 2819. A bill to amend title 38, United States Code, to extend from 1 year to 2 years the period during which veterans with service-connected disabilities may apply for national service life insurance; to the Committee on Veterans' Affairs.

H.R. 2820. A bill to amend title 38, United States Code, to extend educational assistance benefits to dependents of veterans with a service-connected disability of 80 percent or more; to the Committee on Veterans' Affairs.

H.R. 2821. A bill to amend title 38, United States Code, to provide certain additional protection from reduction for the disability ratings of veterans with service-connected disabilities rated total for not less than 10 years; to the Committee on Veterans' Affairs.

H.R. 2822. A bill to amend chapter 42 of title 38, United States Code, with respect to the definition of disabled veteran; to the Committee on Veterans' Affairs.

H.R. 2823. A bill to amend title 38, United States Code, to provide that recipients of the Purple Heart award be considered compensably disabled veterans for purpose of veterans' preference in Federal civil service; to the Committee on Veterans' Affairs.

H.R. 2824. A bill to amend title 38, United States Code, to repeal the requirement that a chronic disease becoming manifest in a veteran within 1 year of the veteran's discharge from military service must be at least 10 percent disabling in order to be presumed to be service connected for purposes of veterans' benefits; to the Committee on Veterans' Affairs.

H.R. 2825. A bill to amend title 38, United States Code, to provide that former prisoners of war are eligible for reimbursement for emergency medical expenses on the same basis as veterans with total permanent service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 2826. A bill to amend title 38 of the United States Code to permit certain eligible veterans to purchase up to $20,000 of national service life insurance; to the Committee on Veterans' Affairs.

H.R. 2827. A bill to amend title 38, United States Code, with respect to the implementation of section 2014 of such title; to the Committee on Veterans' Affairs.

H.R. 2828. A bill to amend title 38, United States Code, to extend from 60 days to 120 days the period between notice and effective date for certain reductions and discontinuations of Department of Veterans Affairs monetary benefits; to the Committee on Veterans' Affairs.

H.R. 2829. A bill to amend section 110 of title 38, United States Code, to liberalize the standard for preservation of disability evaluations for compensation purposes; to the Committee on Veterans' Affairs.

H.R. 2830. A bill to amend title 38, United States Code, to provide for an increase in the amount of dependency and indemnity compensation paid to dependent parents of deceased veterans in the case of parents who are permanently housebound; to the Committee on Veterans' Affairs.

H.R. 2831. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make direct low-interest loans to veterans eligible for specially adapted housing assistance; to the Committee on Veterans' Affairs.

H.R. 2832. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide mortgage protection life insurance to certain veterans unable to acquire commercial mortgage protection life insurance because of service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 2833. A bill to amend title 38, United States Code, to eliminate the delimiting date for spouses and surviving spouses eligible for benefits under chapter 35; to the Committee on Veterans' Affairs.

By Mr. OWENS of Utah.

H.R. 2834. A bill to enhance the operation of the Steel Import Stabilization Act; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 2835. A bill to provide for the relocation of certain facilities at the Gateway National Recreation Area, Sandy Hook, NJ, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RICHARDSON:

H.R. 2836. A bill to postpone the effective date of certain financial syndication rules of the Federal Communications Commission pending the outcome of litigation concerning the legal authority for such rules; to the Committee on Energy and Commerce.

By Mr. SLATTERY (for himself, Mr. EVANS, and Mr. ROBINSON):

H.R. 2837. A bill to amend title 38, United States Code, to extend chapter 34 of such title for certain veterans; to the Committee on Veterans' Affairs.

By Mr. SMITH of Florida (for himself and Mr. LEWIS of Florida):

H.R. 2838. A bill to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Vermont:

H.R. 2839. A bill to amend the Age Discrimination in Employment Act of 1967 to clearly express the fact that appointed judges are protected under such act; to the Committee on Education and Labor.

By Mr. STUDDS:

H.R. 2840. A bill to reauthorize the Coastal Barrier Resources Act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. JONES of North Carolina, and Mr. YOUNG of Alaska):

H.R. 2841. A bill to authorize the Fishermen's Protective Act of 1967 for fiscal year 1990; to the Committee on Merchant Marine and Fisheries.

H.R. 2842. A bill to authorize appropriations to carry out the Atlantic Tunas Convention Act of 1975 through fiscal year 1992, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL (for himself and Mr. KOLBE):

H.R. 2843. A bill to establish the Kino Missions National Monument in the State of Arizona; to the Committee on Interior and Insular Affairs.

By Mr. VENTO:

H.R. 2844. A bill to improve the ability of the Secretary of the Interior to properly manage certain resources of the National Park System; to the Committee on Interior and Insular Affairs.

By Mr. WYDEN (for himself, Mr. RINALDO, and Mr. HOCHBRUECKNER):

H.R. 2845. A bill to amend the Solid Waste Disposal Act to promote recycling and other resource conservation; to the Committee on Energy and Commerce.

By Mr. BORSKI (for himself, Mr. ACKERMAN, Mr. AKAKA, Mr. ANDERSON, Mr. ANDREWS, Mr. ALEXANDER, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. ASPIN, Mr. ATKINS, Mr. BATES, Mr. BEILENSON, Mrs. BENTLEY, Mr. BEVILL, Mr. BERMAN, Mr. BLILEY, Mrs. BOGGS, Mr. BONIOR, Mr. BOSCO, Mr. BOUCHER, Mrs. BOXER, Mr. BROOKS, Mr. BROOMFIELD, Mr. BROWDER, Mr. BROWN of Colorado, Mr. BRUCE, Mr. BRYANT, Mr. BUSTAMANTE, Mr. CARDIN, Mr. CARPER, Mr. CARR, Mr. CHAPMAN, Mr. CLEMENT, Mr. CLINGER, Mrs. COLLINS, Mr. CONYERS, Mr. COURTER, Mr. COSTELLO, Mr. COYNE, Mr. CROCKETT, Mr. DARDEN, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DE LUGO, Mr. DEWINE, Mr. DICKS, Mr. DINGELL, Mr. DIXON, Mr. DONNELLY, Mr. DORNAN of California, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EARLY, Mr. ERDREICH, Mr. ESPY, Mr. EVANS, Mr. FASCELL, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FLAKE, Mr. FLIPPO, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. FUSTER, Mr. GARCIA, Mr. GONZALEZ, Mr. GUARINI, Mr. GAYDOS, Mr. GEPHARDT, Mr. GILMAN, Mr. GOODLING, Mr. GORDON, Mr. GUNDERSON, Mr. GRAY, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HARRIS, Mr. HASTERT, Mr. HAYES of Illinios, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HENRY, Mr. HERTEL, Mr. HILER, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mr. JACOBS, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. JONES of Georgia, Mr. JONES of North Carolina, Mr. JONTZ, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASICH, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. KOLTER, Mr. KOSTMAYER, Mr. LANCASTER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LAUGHLIN, Mr. LEHMAN of California, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. DONALD E. "BUZ" LUKENS, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCGRATH, Mr. MCHUGH, Mr. MANTON, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MCMILLEN of Maryland, Mrs. MEYERS of Kansas, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. NAGLE, Mr. NEAL of Massachusetts, Mr. NELSON of Florida, Mr. NOWAK, Ms. OAKAR, Mr. OBERSTAR, Mr. OLIN, Mr. ORTIZ, Mr. OWENS of New York, Mr. PACKARD, Mr. PALLONE, Mr. PANETTA, Mr. PARKER, Mr. PAXON, Ms. PELOSI, Mr. PERKINS, Mr. PICKETT, Mr. PICKLE, Mr. PORTER, Mr. RAHALL, Mr. RANGEL, Mr. RICHARDSON, Mr. RINALDO, Mr. ROE, Mr. ROSTENKOWSKI, Mr. ROWLAND of Connecticut, Mr. ROYBAL, Mr. RUSSO, Mr. SABO, Mr. SANGMEISTER, Mr. SAVAGE, Mr. SAWYER, Mr. SCHEUER, Mr. SCHUMER, Mr. SHARP, Mr. SIKORSKI, Mr. SISISKY, Mr. SKAGGS, Mr. SKELTON, Ms. SLAUGHTER of New York, Mr. SOLARZ, Mr. SMITH of Florida, Mr. STAGGERS, Mr. STALLINGS, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. SUNDQUIST, Mr. SYNAR, Mr. TALLON, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. VANDER JAGT, Mr. VENTO, Mr. VISCLOSKY, Mr. VOLKMER, Mr. WALGREN, Mr. WALSH, Mr. WAXMAN, Mr. WEISS, Mr. WILSON, Mr. WHEAT, Mr. WOLF, Mr. WOLPE, Mr. WYDEN, Mr. WYLIE, Mr. YATES, Mr. YATRON, Mr. YOUNG of Alaska, and Mr. BUECHNER):

H.J. Res. 347. Joint resolution to designate October 1989 as "Polish American Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr. SANGMEISTER (for himself, Mr. MONTGOMERY, Mr. LIPINSKI, and Mr. BEVILL):

H.J. Res. 348. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. SPENCE:

H.J. Res. 349. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States; to the Committee the Judiciary.

By Mr. MICHEL (for himself and Mr. MONTGOMERY):

H.J. Res. 350. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.J. Res. 351. Joint Resolution proposing an amendment to the Constitution of the United States to prohibit the act of desecration of the flag of the United States; to the Committee on the Judiciary.

H.J. Res. 352. Joint resolution designating September 15, 1989, as "National Telephone Operators Recognition Day"; to the Committee on Post Office and Civil Service.

By Ms. SNOWE:

H. Con. Res. 163. Concurrent resolution to commend the President's decision to grant temporary refuge to Chinese intellectuals and human rights activists Fang Lizhi and Li Shuxian; to the Committee on Foreign Affairs.

By Mr. BROWN of California (for himself, Mr. OLIN, Mr. HOCHBRUECKNER, Ms. SCHNEIDER, Mr. SCHEUER, Mrs. MORELLA, Mr. EDWARDS of California, Mr. BERMAN, Mr. BATES, Mr. WOLPE, and Mr. WYDEN):

H. Res. 193. Resolution to urge the Nobel Commission to consider awarding Nobel Prize recognition for achievements in preservation of the world environment; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. STENHOLM introduced a bill (H.R. 2846) for the relief of Elizabeth M. Hill; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. SAXTON.

H.R. 13: Mr. MOODY.

H.R. 47: Mr. HAMILTON, Mr. SCHUETTE, and Mr. DONALD E. LUKENS.

H.R. 118: Mr. SCHUETTE, Mr. BROWN of California, Mr. HAWKINS, and Mr. LANTOS.

H.R. 160: Mr. ACKERMAN, Mr. GOODLING, and Mr. KANJORSKI.

H.R. 237: Mr. MATSUI, Ms. KAPTUR, Mr. VALENTINE, Mr. ATKINS, Mrs. COLLINS, Mr. KANJORSKI, Mr. HUGHES, Mr. DYMALLY, Ms. PELOSI, Mr. LEWIS of Georgia, and Mr. BUSTAMANTE.

H.R. 488: Mr. RIDGE.

H.R. 500: Mr. RINALDO.

H.R. 526: Mr. BRYANT.

H.R. 557: Mr. HOLLOWAY.

H.R. 570: Mr. HOYER.

H.R. 598: Mrs. COLLINS, Mr. YOUNG of Florida, Mr. OWENS of Utah, and Mr. EVANS.

H.R. 634: Mr. HERTEL.

H.R. 642: Mr. ORTIZ, Mr. COMBEST, Mr. RAVENEL, Mr. LEATH of Texas, Mr. APPLEGATE, Mr. MORRISON of Connecticut, Mr. SMITH of Texas, Mr. HEFNER, Mr. SCHUETTE, and Mr. QUILLEN.

H.R. 671: Mr. HYDE.

H.R. 672: Mr. ATKINS, Mr. OWENS of New York, and Mr. MCDERMOTT.

H.R. 683: Mr. DYMALLY, Mr. FORD of Tennessee, Mr. FUSTER, Mr. GORDON, Mr. LANTOS, Mr. MATSUI, Mr. SKELTON, Mr. WALSH, and Mr. SLATTERY.

H.R. 725: Mr. SANGMEISTER.

H.R. 844: Mr. HUNTER, Mr. HALL of Texas, and Mr. DEFAZIO.

H.R. 860: Mr. NIELSON of Utah, Mrs. MEYERS of Kansas, and Mr. WALSH.

H.R. 864: Ms. SLAUGHTER of New York and Mr. HOLLOWAY.

H.R. 929: Mr. SHAYS, Mr. ROE, and Mr. MORRISON of Connecticut.

H.R. 931: Mr. GILMAN and Ms. PELOSI.

H.R. 966: Mrs. BOXER and Mr. STARK.

H.R. 1036: Mr. MCNULTY, Mr. WALSH, Mrs. BENTLEY, Mrs. PATTERSON, Mr. KOLTER, Mr. BRYANT, Ms. SCHNEIDER, and Mr. JONTZ.

H.R. 1056: Mr. ROBINSON, Mr. HAMILTON, Mr. KOLTER, Mr. JOHNSTON of Florida, Mr. BRYANT, Mr. SMITH of Florida, Mr. LEWIS of Georgia, Mr. BROWN of California, Mr. COURTER, Mr. MILLER of Washington, Mrs. UNSOELD, and Mr. MRAZEK.

H.R. 1087: Mr. PRICE, Mr. TALLON, Mr. ESPY, Mr. HENRY, Mrs. MARTIN of Illinois, Mr. WYDEN, Mr. ROBINSON, Mr. BUECHNER, Mr. MARTIN of New York, Mr. MATSUI, Ms. SLAUGHTER of New York, and Mrs. BOXER.

H.R. 1100: Mr. BUECHNER.

H.R. 1193: Mrs. SMITH of Nebraska, Mr. MONTGOMERY, Mr. EVANS, Mr. RAVENEL, Mr. STANGELAND, Mr. KASTENMEIER, Mr. HEFNER, Mr. WEBER, Mr. MCCLOSKEY, and Mr. STAGGERS.

H.R. 1236: Mr. WISE, Mr. FAUNTROY, Mr. GEJDENSON, Mr. TAUZIN, Mr. COLEMAN of Texas, Mr. TRAXLER, Mr. MCNULTY, Mr. OWENS of Utah, Mr. MARKEY, and Mr. BONIOR.

H.R. 1356: Mr. UDALL, Mr. KOLTER, Mrs. SAIKI, and Mr. SCHEUER.

H.R. 1465: Mr. RINALDO, Mr. DICKS, Mr. DIXON, Mr. SHUMWAY, and Mr. WALSH.

H.R. 1532: Mr. ROE.

H.R. 1574: Mrs. BOXER and Mr. KENNEDY.

H.R. 1652: Mr. SAXTON.

H.R. 1675: Mr. YOUNG of Florida and Mr. HUCKABY.

H.R. 1725: Mr. CROCKETT.

H.R. 1804: Mr. PAYNE of New Jersey, Mr. DAVIS, Mr. ACKERMAN, Mr. CARPER, Mr. BERMAN, Mr. SPRATT, Mr. BEILENSON, Mr. CLEMENT, Mr. WISE, and Mr. GORDON.

H.R. 1811: Mr. RAVENEL.

H.R. 1854: Mrs. COLLINS.

H.R. 1860: Mr. FORD of Michigan, Mr. KOSTMAYER, Mrs. UNSOELD, and Mr. FISH.

H.R. 2022: Mr. PALLONE, Mr. SUNDQUIST, and Mr. HUBBARD.

H.R. 2037, Mr. HANCOCK, Mr. ROGERS, Mr. MILLER of California, Mr. NIELSON of Utah, Mr. DE LA GARZA, Mr. SCHAEFER, Mr. ROYBAL, Mr. RAY, Mr. BRYANT, Mr. SMITH of Mississippi, Mr. COMBEST, Mr. SIKORSKI, Mrs. BYRON, Mr. LIGHTFOOT, Mr. OWENS of Utah, Mr. WISE, Mr. PAYNE of Virginia, Mr. KOLBE, Mr. BRUCE, Mr. MONTGOMERY, Mr. MYERS of Indiana, Mr. MOAKLEY, Mr. RINALDO, Mr. KASICH, Mr. ROBINSON, Mr. MURPHY, Mr. TALLON, Mr. YATRON, Mr. BATEMAN, Mr. DE LUGO, Mr. SLATTERY, Mr. BLAZ, Mr. BEVILL, Mr. AKAKA, Mr. BILIRAKIS, Mr. HAYES of Illinois, Mr. JOHNSON of South Dakota, Mr. BROOKS, Mr. MCNULTY, Mr. DREIER of California, Mr. CLARKE, Mr. HARRIS, Mr. MURTHA, Mr. HOCHBRUECKNER, Mr. PAYNE of New Jersey, Mr. FASCELL, Mr. MORRISON of Connecticut, and Mr. COX.

H.R. 2050: Mr. HARRIS.

H.R. 2121: Mr. COYNE, Mr. JENKINS, Mr. NATCHER, and Mr. CHANDLER.

H.R. 2138: Mr. HAWKINS, Mr. SMITH of Florida, and Mr. WISE.

H.R. 2144: Mr. MOODY.

H.R. 2168: Mr. DE LUGO, Mr. HAMILTON, Mr. BRYANT, Ms. PELOSI, Mr. JACOBS, Mr. BEILENSON, Mr. HAYES of Illinois, Mr. BOEHLERT, Mr. WYDEN, Mr. OWENS of New York, Mr. DELLUMS, Mr. WEISS, and Mr. MILLER of Washington.

H.R. 2174: Mrs. BOGGS and Mr. SABO.

H.R. 2190: Mr. AUCOIN, Mr. DYMALLY, Mr. ENGLISH, Mr. GILMAN, Mr. HUGHES, Mr. LAUGHLIN, Mr. THOMAS A. LUKEN, Mr. ROE, Mr. SMITH of Vermont, Mr. SOLARZ, Mr. UDALL, Mr. WEISS, and Mr. MCCURDY.

H.R. 2209: Mr. PETRI.

H.R. 2216: Mr. PORTER.

H.R. 2222: Mr. MURPHY, Mrs. MORELLA, and Mr. MARTINEZ.

H.R. 2223: Mr. PALLONE.

H.R. 2228: Mr. LELAND.

H.R. 2265: Mr. BEILENSON.

H.R. 2274: Mr. HORTON, Mr. UPTON, and Mr. ECKART.

H.R. 2283: Mr. WALSH, Mr. SCHIFF, Mrs. BYRON, Mr. ACKERMAN, Mr. EDWARDS of Oklahoma, Mr. FEIGHAN, and Mr. SKAGGS.

H.R. 2294: Mr. PENNY, Mr. KOLTER, Mr. SARPALIUS, Mr. TALLON, Mr. GUNDERSON, Mr. MCEWEN, Mr. CHAPMAN, Mr. OLIN, Mr. EMERSON, Mr. WALSH, Mr. ROBINSON, and Mr. LANCASTER.

H.R. 2302: Mr. HUBBARD and Mr. YATRON.

H.R. 2303: Mr. HUBBARD and Mr. OXLEY.

H.R. 2351: Mr. KILDEE, Mrs. JOHNSON of Connecticut, Mrs. MEYERS of Kansas, Ms. KAPTUR, Mr. ECKART, Mr. UPTON, Mr. EDWARDS of Oklahoma, Mrs. BOXER, and Ms. PELOSI.

H.R. 2353: Mr. RIDGE.

H.R. 2360: Mrs. BENTLEY, Mr. ROGERS, and Mr. WALSH.

H.R. 2380: Mrs. MARTIN of Illinois and Mrs. SCHROEDER.

H.R. 2388: Mr. WALSH, Mr. HARRIS, and Mr. WATKINS.

H.R. 2418: Mr. HILER and Mr. VISCLOSKY.

H.R. 2493: Mr. MORRISON of Connecticut and Mr. DYMALLY.

H.R. 2525: Ms. PELOSI, Mr. FAUNTROY, Mr. JONTZ, and Mr. SCHEUER.

H.R. 2543: Mr. VALENTINE.

H.R. 2547: Mr. WOLPE.

H.R. 2549: Mr. LAGOMARSINO, Mr. DWYER of New Jersey, Mr. FROST, and Mr. DYMALLY.

H.R. 2561: Mr. WALSH, Mr. COURTER, Mr. BROWN of California, Mr. SMITH of Florida, and Mr. KANJORSKI.

H.R. 2584: Mr. WHEAT, Mr. RANGEL, and Mr. WALSH.

H.R. 2596: Mr. WEISS, Mr. BALLENGER, Mr. BATES, Mr. KOSTMAYER, Mr. ECKART, Mrs. BOXER, Mr. SMITH of Florida, and Mrs. BENTLEY.

H.R. 2614: Mr. MILLER of Ohio, and Mr. DYMALLY.

H.R. 2615: Ms. PELOSI, Mr. STOKES, Mr. CAMPBELL of Colorado Mr. JONTZ, and Mr. FALEOMAVAEGA.

H.R. 2665: Mr. FAUNTROY, Mr. BEVILL, Mr. MORRISON of Connecticut, Mr. JONTZ, Mr. SABO, Mr. WEISS, Mr. OWENS of New York, Mrs. COLLINS, Mr. ATKINS, Mr. MCDERMOTT, Mr. GAYDOS, Mr. DELLUMS, Mr. MURPHY, and Mr. HAYES of Illinois.

H.R. 2674: Mr. WALKER.

H.R. 2681: Mr. SAXTON, Mr. OWENS of New York, and Mr. LANCASTER.

H.R. 2682: Mr. SMITH of New Hampshire, Mr. RINALDO, Mr. OXLEY, Mr. QUILLEN, and Mr. HASTERT.

H.R. 2687: Mr. HUBBARD.

H.R. 2699: Mr. ROYBAL and Mr. DOUGLAS.

H.R. 2700: Mr. ROWLAND of Connecticut, Mr. UPTON, Mr. HUBBARD, and Mr. GEPHARDT.

H.R. 2712: Mr. HOLLOWAY, Mr. CLINGER, Mr. WHITTAKER, Mr. GUARINI, Mr. MOODY, Mr. DURBIN, Mr. TORRICELLI, Mr. GLICKMAN, Mr. ROSE, Mr. SCHIFF, Mr. HYDE, Mr. SMITH of Florida, Mr. SYNAR, Mr. DWYER of New Jersey, Mr. SCHAEFER, Mr. WYDEN, Mr. PICKLE, Mr. DORGAN of North Dakota, Mr. SMITH of New Hampshire, and Mr. SMITH of Vermont.

H.R. 2718: Mr. FORD of Michigan and, Mr. RIDGE.

H.R. 2732: Mrs. MARTIN of Illinois and Mr. COUGHLIN.

H.R. 2770: Mr. ROHRABACHER and Mr. SMITH of New Hampshire.

H.R. 2787: Mr. WISE.

H.J. Res. 54: Mrs. SCHROEDER and Mr. MFUME.

H.J. Res. 104: Mr. ASPIN, Mr. MCEWEN, Mr. HOYER, Mr. PAYNE, of New Jersey, Mr. RUSSO, Mr. BUNNING, and Mr. TALLON.

H.J. Res. 130: Mr. DYSON, Mr. SMITH of New Jersey, Mr. WATKINS, Mrs. MEYERS of Kansas, Mr. VANDER JAGT, Mr. COSTELLO, Mr. HEFNER, Mr. APPLEGATE, Mr. DONNELLY, Mr. BUNNING, Mr. ENGLISH, Mr. EMERSON, Mr. FRANK, Mr. HAYES of Louisiana, Mr. CLARKE, Mr. FEIGHAN, Mr. BOEHLERT, Mr. DANNEMEYER, Mr. DONALD E. LUKENS, Mr. YATRON, Mr. DYMALLY, Mr. SCHAEFER, Mr. KOLTER, Mr. MURPHY, Mr. MARTIN of New York, Mr. AUCOIN, Mrs. BOXER, Mr. MCGRATH, and Mr. HUTTO.

H.J. Res. 160: Mr. CROCKETT and Mr. GEJDENSON.

H.J. Res. 163: Mr. SPRATT, Mr. STOKES, Mr. TOWNS, Mr. WHEAT, Mr. DE LA GARZA, Mr. WOLPE, Mr. LEVINE of California, Mr. KANJORSKI, Mr. NIELSON of Utah, Mr. CONTE, Mr. RINALDO, Mrs. JOHNSON of Connecticut, Mr. DERRICK, Mr. CARR, and Mr. PAYNE of New Jersey.

H.J. Res. 178: Mr. ANDERSON, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. BAKER, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BENNETT, Mr. BEREUTER, Mr. BERMAN, Mr. BOEHLERT, Mrs. BOXER, Mr. BROOMFIELD, Mr. BUECHNER, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CLINGER, Mr. COBLE, Mr. CONTE, Mr. COX, Mr. CRAIG, Mr. DANNEMEYER, Mr. DAVIS, Mr. DE LA GARZA, Mr. DICKS, Mr. DORNAN of California, Mr. DOUGLAS, Mr. DUNCAN, Mr. EDWARDS of California, Mr. FAZIO, Mr. FISH, Mr. FLIPPO, Mr. FRENZEL, Mr. GALLEGLY, Mr. GALLO, Mr. GARCIA, Mr. GIBBONS, Mr. GINGRICH, Mr. GOSS, Mr. HOPKINS, Mr. HOUGHTON, Mr. HOYER, Mr. HUBBARD, Mr. HUNTER, Mr. INHOFE, Mr. GRANDY, Mr. GRANT, Mr. GREEN, Mr. GUNDERSON, Mr. HAMMERSCHMIDT, Mr. HASTERT, Mr. HERGER, Mr. IRELAND, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mr. KOSTMAYER, Mr. LEACH of Iowa, Mr. LENT, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. DONALD E. LUKENS, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCHUGH, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. MAVROULES, Mr. MICHEL, Mr. MILLER of Ohio, Mr. MILLER of Washington, Mr. MOLINARI, Mr. MOORHEAD, Mrs. MORELLA, Mr. NATCHER, Mr. NEAL of North Carolina, Mr. NELSON of Florida, Ms. OAKAR, Mr. OXLEY, Mr. PACKARD, Mr. PARRIS, Mr. PASHAYAN, Ms. PELOSI, Mr. PORTER, Mr. PURSELL, Mr. QUILLEN, Mr. RANGEL, Mr. REGULA, Mr. RICHARDSON, Mr. RIDGE, Mr. RITTER, Mr. ROBERTS, Mr. ROBINSON, Mr. ROGERS, Mr. ROHRABACHER, Mr. ROTH, Mrs. SAIKI, Mr. SCHULZE, Mr. SHAW, Mr. SHUMWAY, Mr. SKEEN, Mr. SLAUGHTER of Virginia, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SMITH of Texas, Mr. SMITH of Mississippi, Mr. SMITH of Florida, Mr. SMITH of Vermont, Mr. SMITH of New Hampshire, Mr. ROBERT F. SMITH, Ms. SNOWE, Mr. STANGELAND, Mr. STENHOLM, Mr. SUNDQUIST, Mr. THOMAS of California, Mr. THOMAS of Wyoming, Mr. TORRES, Mr. UPTON, Mr. VENTO, Mrs. VUCANOVICH, Mr. WAXMAN, Mr. WEBER, Mr. WHITTAKER, Mr. WOLF, Mr. WOLPE, Mr. WYLIE, Mr. YATRON, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, and Mr. EDWARDS of Oklahoma.

H.J. Res. 212: Mr. COX.

H.J. Res. 221: Mr. CAMPBELL of Colorado, Mr. BUECHNER, Mr. RHODES, and Mr. ROWLAND of Connecticut.

H.J. Res. 257: Mr. WALGREN, Mrs. PATTERSON, Mr. SKAGGS, Mr. SMITH of Mississippi, Mr. EMERSON, Mr. GEJDENSON, Mr. GALLO, and Mr. ROBERTS.

H.J. Res. 260: Mr. ASPIN.

H.J. Res. 265: Mr. MICHEL, Mrs. BOXER, Mr. IRELAND, Mr. CROCKETT, Mr. SMITH of Mississippi, Mr. VANDER JAGT, Mr. SMITH of New Hampshire, Mr. ROSE, Mr. ASPIN, Mr. BATES, Mr. VENTO, Ms. KAPTUR, Mr. STARK, Mr. CARDIN, Mr. HERTEL, Mr. SAVAGE, Mr. PORTER, Mr. GALLEGLY, Mr. MCCRERY, Mr. LANTOS, Mr. TAUKE, Mr. KENNEDY, Mr. DONNELLY, Mr. DIXON, Mr. NATCHER, Mr. MAVROULES, Mr. UPTON, Mr. OBERSTAR, Mr. ESPY, Mr. DEFAZIO, Mr. RAVENEL, Mr. LEVINE of California, Mr. MCDERMOTT, Mr. MARTIN of New York, and Mr. CONYERS.

H.J. Res. 275: Mr. RANGEL, Mr. STENHOLM, Mr. MCCRERY, Ms. KAPTUR, Mr. COBLE, Mr. ROHRABACHER, Mr. RICHARDSON, Mr. HAYES of Illinois, Mr. LELAND, Mr. IRELAND, Mr. ROBERT F. SMITH, Mr. LEWIS of California, Mr. PASHAYAN, Mr. LAFALCE, Mr. BENNETT, Mr. MAZZOLI, Mr. TRAXLER, and Mr. OLIN.

H.J. Res. 278: Mr. GILMAN, Mr. EDWARDS of Oklahoma, Mr. DAVIS, Mr. SCHAEFER, Mr. COSTELLO, Mr. HORTON, Mr. GARCIA, Mr. OWENS of New York, Mr. MATSUI, Mr. MAVROULES, Mr. HOCHBRUECKNER, Mr. ENGLISH, Mr. HENRY, Mr. DWYER of New Jersey, Mr. JONTZ, Mr. HANCOCK, Mr. WALSH, Mr. PACKARD, Mr. THOMAS A. LUKEN, Mrs. MEYERS of Kansas, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. ROBERTS, Mrs. PATTERSON, Mr. SKEEN, and Mr. MINETA.

H.J. Res. 284: Mr. BARNARD, Mr. EMERSON, Mr. ANTHONY, Mr. WALGREN, Mr. KOSTMAYER, Mr. PARRIS, Mr. MATSUI, Mr. BUNNING, Mr. SMITH of Florida, Mr. LANTOS, Mr. DORNAN of California, Mr. GEJDENSON, Mr. JONTZ, Mr. ERDREICH, Mr. GARCIA, Mr. WILSON, Mr. RINALDO, and Mr. FUSTER.

H.J. Res. 289: Mr. HORTON, Mr. OLIN, Mr. FUSTER, Mr. BLILEY, Mr. DYMALLY, Mr. MFUME, Mr. ESPY, Mr. KOLTER, Ms. KAPTUR, Mr. STOKES, Mrs. COLLINS, Mr. FLORIO, Mr. WALSH, Mr. RANGEL, Mr. SHAYS, Mr. COSTELLO, Mr. LAFALCE, Mr. EVANS, Mr. FAZIO, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Ms. Pelosi, and Mr. HAWKINS.

H.J. Res. 290: Mr. SMITH of Florida, Mr. SISISKY, Mr. IRELAND, Mr. ANNUNZIO, Mr. GEKAS, Mr. CLARKE, Mr. MCDADE, Mr. HAYES of Louisiana, Mr. BATEMAN, Mr. PALLONE, Mr. PICKETT, Mr. NOWAK, Mr. PASHAYAN, Mr. DERRICK, Mr. HORTON, Mr. THOMAS A. LUKEN, Mr. MATSUI, Mr. SKAGGS, Mr. GORDON, Mr. APPLEGATE, Mr. BLILEY, Mr. EMERSON, Mr. FUSTER, Mr. ERDREICH, Mr. RICHARDSON, Mr. LAGOMARSINO, Mr. RANGEL, Mr. STANGELAND, Mr. FAUNTROY, Mr. VENTO, Mr. SAWYER, Mr. DELLUMS, Mr. RAVENEL, Mrs. COLLINS, Mr. ROGERS, Mr. SHAW, Mr. FALEOMAVAEGA, and Mr. DYMALLY.

H.J. Res. 292: Mr. HORTON, Mr. KOLTER, Mr. SMITH of Florida, Mr. ANNUNZIO, Mr. FAUNTROY, Mr. AKAKA, Mr. BLILEY, Mr. BROWN of California, Mr. DICKS, Mr. DYMALLY, Mr. DWYER of New Jersey, Mr. LEHMAN of California, Mr. FUSTER, Mr. ACKERMAN, Mr. SCHEUER, Mr. COLEMAN of Texas, Mr. HUGHES, Mrs. MEYERS of Kansas, Mr. DONALD E. LUKENS, Mr. STOKES, Mr. LEVIN of Michigan, Mr. ASPIN, Mr. SAXTON, Mrs. BENTLEY, Mr. WEBER, Mr. HENRY, Mr. SIKORSKI, Mr. LIPINSKI, Mr. BERMAN, Mrs. MORELLA, Mr. WEISS, Mrs. COLLINS, and Mr. WALSH.

H.J. Res. 293: Mr. COSTELLO, Mr. SMITH of Florida, Mr. WYDEN, Mr. BLILEY, Mr. DONALD E. LUKENS, Mr. SCHIFF, Mr. MANTON, Mr. MCDADE, Mr. MAZZOLI, Mr. RAVENEL, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. WALSH, Mr. HORTON, Mr. GEKAS, Mr. FAUNTROY, Ms. KAPTUR, Mr. RANGEL, Mr. KOLTER, Mr. MATSUI, Mr. DERRICK, Mr. MRAZEK, Mr. FEIGHAN, Mrs. PATTERSON, Mr. JONTZ, Mr. FASCELL, Mrs. COLLINS, Mr. LANCASTER, Mr. PARRIS, and Mr. HANCOCK.

H.J. Res. 303: Mr. PAXON, Mr. CALLAHAN, Mr. APPLEGATE, Mr. GRANT, Mr. SOLOMON, Mr. FIELDS, Mr. MILLER of Ohio, Mr. GEKAS, Mr. BEVILL, Mr. SCHUETTE, Mr. HORTON, Mr. RITTER, Mr. RHODES, Mr. WATKINS, Mrs. BENTLEY, Mr. HUTTO, and Mr. HERGER.

H.J. Res. 305: Mrs. BENTLEY, Mr. ROE, Mr. PERKINS, Mr. HUCKABY, Mr. LEATH of Texas, Mr. HOLLOWAY, Mr. CLARKE, Mr. EMERSON, Mr. TAUZIN, Mr. FEIGHAN, Mr. PAXON, Mr. WILSON, Mr. ANNUNZIO, Mr. CAMPBELL of Colorado, Mr. MCGRATH, Mr. HORTON, Mr. SUNDQUIST, Mr. WYLIE, and Mr. GALLEGLY.

H.J. Res. 314: Mr. JACOBS, Mr. KOLTER, Mr. MONTGOMERY, Mr. HANSEN, Mr. SKEEN, Mr. WHITTAKER, Mr. DANNEMEYER, Mr. HUCKABY, and Mr. HOLLOWAY.

H.J. Res. 318: Mr. CAMPBELL of Colorado, Mr. MCGRATH, Mr. LOWERY of California, Mr. MARLENEE, Mr. RAVENEL, Mr. SMITH of Texas, Mr. INHOFE, Mr. MILLER of Ohio, Mr. GALLEGLY, and Mr. WYLIE.

H.J. Res. 321: Mr. HOLLOWAY, Mr. PAXON, and Mr. BATES.

H.J. Res. 325: Mr. HOLLOWAY, Mr. PAXON, and Mr. WYLIE.

H.J. Res. 329: Mr. HOLLOWAY, Mr. EMERSON, Mr. PAXON, and Mr. WYLIE.

H.J. Res. 330: Mr. BUNNING, Mrs. BENTLEY, Mr. SPENCE, Mr. DANNEMEYER, Mr. SOLOMON, Mr. HUCKABY, Mr. HOLLOWAY, Mr. EMERSON, Mr. TAUZIN, Mr. MARTIN of New York, Mr. PAXON, Mr. MCGRATH, Mr. VALENTINE, Mr. HARRIS, Mr. MONTGOMERY, Mr. PARKER, Mr. STENHOLM, Mr. RAY, Mr. PAYNE of Virginia, Mr. ROWLAND of Georgia, Mrs. PATTERSON, Mr. OLIN, and Mr. BROWDER.

H.J. Res. 331: Mr. WYLIE.

H.J. Res. 335: Mr. WYLIE and Mr. PAXON.

H.J. Res. 336: Mr. EMERSON and Mr. HOLLOWAY.

H.J. Res. 337: Mr. COURTER, Mr. GALLO, Mr. BLAZ, Mr. HUNTER, Mr. LEWIS of Florida, Mr. SCHAEFER, Mr. LIGHTFOOT, Mr. OLIN, Mr. PURSELL, Mr. MADIGAN, Mr. GRANDY, Mr. NIELSON of Utah, Mr. FIELDS, Mr. HOCHBRUECKNER, Mr. BILIRAKIS, Mr. HERGER, Mr. LENT, Mr. ROHRABACHER, Mr. STANGELAND, Mr. TRAFICANT, Mr. YATRON, Mr. HARRIS, Mr. GIBBONS, Mr. SISISKY, Mr. SKELTON, Mr. BENNETT, Mr. MCNULTY, Mr. HUTTO, Ms. SLAUGHTER of New York, Mr. BARNARD, Mr. RITTER, Mr. TAUZIN, Mr. STUMP, Mr. BATEMAN, Mr. ROWLAND of Georgia, Mr. DYSON, Mr. ROWLAND of Connecticut, Mr. HUCKABY, Mr. STENHOLM, Mr. LIVINGSTON, Mr. GEKAS, Mr. HALL of Texas, Mr. ARMEY, Mrs. MARTIN of Illinois, Mr. CALLAHAN, Mr. MCCOLLUM, Mr. MCCANDLESS, and Mr. DICKINSON.

H. Con. Res. 6: Mr. PALLONE.

H. Con. Res. 134: Mrs. MARTIN of Illinois, Mr. HUGHES, Mr. PORTER, and Mr. WAXMAN.

H. Con. Res. 138: Mr. GUARINI, Mr. SMITH of Florida, Mr. POSHARD, Mr. ATKINS, and Mr. MCNULTY.

H. Con. Res. 152: Mr. LAGOMARSINO, Mr. ATKINS, Mr. FAZIO, and Mr. RANGEL.

H. Res. 172: Mr. EDWARDS of California, Mr. ENGLISH, Mr. BROWN of Colorado, and Mr. MILLER of California.

H. Res. 176: Mr. LIVINGSTON.

H. Res. 184: Mr. TAUZIN, Mr. PAXON, Mr. MCGRATH, Mr. GALLEGLY, and Mr. LAGOMARSINO.

H. Res. 185: Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. MACHTLEY, Mr. COX, Mr. PACKARD, Mr. LEATH of Texas, Mr. HUCKABY, Mr. TAUZIN, Mr. WILSON, and Mr. LAGOMARSINO.

H. Res. 188: Mr. PAXON.

H. Res. 189: Mrs. LLOYD, Mr. MORRISON of Connecticut, Mr. SANGMEISTER, Mr. STEARNS, and Mr. WYLIE.

H. Res. 191: Mr. ROHRABACHER and Mr. SMITH of New Hampshire.

EXTENSIONS OF REMARKS

MARKING THE BIRTHDAY OF INVENTOR NIKOLA TESLA

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. HEFLEY. Mr. Speaker, July 10 marks the 133d anniversary of the birth of Nikola Tesla, a native of Yugoslavia who traveled to this country in 1884 and discovered the rotating magnetic field, considered the basis of most alternating-current machinery.

Tesla's vision and achievements earn him a stature the world has eagerly bestowed on Thomas Edison and George Westinghouse, two of his contemporaries. Yet he remains relatively unknown despite the fact his research did much to create the world we live in today.

Tesla was no stranger to my hometown of Colorado Springs. Along one side of Prospect Park there's a plaque marking the place where, in 1899 and 1900, Tesla conducted some of his most spectacular experiments. Those experiments were recounted by author Harry L. Goldman in the March 1971 edition of the American West: The Magazine of Western History. I commend that article to my colleagues for their attention.

[From the American West: The Magazine of Western History, March 1971]

NIKOLA TESLA'S BOLD ADVENTURE

(By Harry L. Goldman)

On the afternoon of May 17, 1899, inventor Nikola Tesla stepped from the train at Colorado Springs obsessed with electrifying the earth. The elite of Little London turned out to welcome the stranger from New York City and they were not disappointed—Tesla was a striking figure. His tall slenderness, wavy black hair, piercing gray eyes, and European mannerisms never failed to capture the emotions of those about him.

Of the several dignitaries who made it their business to be on hand, few were able to comprehend the significance of Tesla's visit. It was not long before the electrical wizard was able to give his audience a traumatic demonstration of his purpose.

Of the thousands who reached these shores in 1884, destiny marked Nikola Tesla, an immigrant from Yugoslavia, as one who would soon stand out from the crowd. Within a span of fifteen years, the ambitious inventor bestowed upon his adopted country a prodigious number of scientific achievements and accomplishments.

He not only gave us our present system of alternating-current power transmission, but also the invaluable a.c. motor, ideas and apparatus for industrial induction heating and welding, diathermy, with its medical applications, synchronous time mechanisms, gaseous tube lighting as in neon and fluorescent bulbs, as well as X-ray apparatus and techniques for their employment. Furthermore, Tesla established a considerable amount of the groundwork for radio communications and related fields including the science of radio-guided missiles.

At the turn of the century, when colleagues were directing their attention to moderate distance code communications, Tesla was feverishly anticipating a method of broadcasting music, speech, pictures, and newspapers to all parts of the globe. According to the inventor, his "World System" of communications would not only interconnect telegraph, telephone, and stock ticker services, but would also provide the benefits of safe and accurate navigation without the aid of compasses. Clocks throughout the world would require little attention as their operation could be radio-controlled from a master station. In addition, he claimed that it would provide personal telephone communications between parties, regardless of distance, with an incredible device small enough to be carried in one's pocket.

As though this were not enough, Tesla's World System was to incorporate the transmission of electric power without the aid of wires. Swaggering in his own inimitable manner of grandeur, the inventor predicted the feasibility of running the street cars of London and lighting the lamps of Paris by the power generated from Niagara. The implications of such a reality fermented a passion which bordered on the threshold of physical pain. "Humanity will be like an ant heap stirred up with a stick," cried the impetuous Tesla. "See the excitement coming!"

Tesla's New York experiments had become restricted by the physical limitations of his Houston Street laboratory. The four-million volt lightning-like discharges produced by his electrical transformers struck ceilings and walls. It was impossible for him to apply practical tests to his wireless transmission theory without accommodations more in proportion to the enormity of his imagination.

Evidently, Tesla's fame and stories of his scientific achievements had preceded him in his journey to the West. His arrival created quite a stir in that bustling community known "for its cosmopolite and high bred people" as well as "its reputation of always doing the right thing at the right time." Noting Tesla's arrival, the Colorado Springs *Gazette* (May 28) declared. "This week has been noticeable for the presence of distinguished personages in Colorado Springs. Tesla, the electrician, second only to Edison, if indeed to anyone, is establishing his scientific headquarters here and will settle the question of wireless telegraphy in the weeks to come." News reporters badgered the inventor with questions about his scientific achievements and for information pertinent to his presence in Colorado Springs.

Tesla satisfied their curiosity by informing them that he proposed "to send a message from Pike's Peak to Paris." (This was more than two years prior to Marconi's famed transatlantic transmission.) The natives were well aware of a United States Signal Service (Weather Bureau) telegraph station at the summit of their famous mountain but Tesla's utterances were something else. The inventor further explained, "I will investigate electrical disturbances in the earth. There are great laws, which I want to discover, and principles to command."

Tesla took a room at the Alta Vista Hotel with a view of the majestic Peak, affording him an opportunity for enjoying his favorite pastime, watching nature's lofty thunderbolts. Furthermore, he liked Room 207 because its number was divisible by three. Tesla's habit of carrying out experiments and repeated acts in numbers divisible by three was but one of the many phobias that haunted the inventor throughout his life.

Armed with a loan of $30,000 from John Jacob Astor, $10,000 from M. Crawford, a drygoods merchant, and the unending influence of his lawyer friend, Leonard E. Curtis. Tesla became fervently committed to a regimented schedule. He contracted for the construction of an experimental laboratory of his own design. In mid-July, a structure of awe and mystery stood isolated on the prairie pasture east of the Colorado School for the Deaf and Blind. It was a huge barn-like construction approximately 100 feet square and braced on three sides. Above its sloping roof was an 80-foot tower through which there extended a 200-foot mast topped by a one-meter copper sphere. The forbidding omen hovering over the area was augmented by a fence with notices written in large black letters warning, "Keep Out—Great Danger!"

The major part of the interior was taken up with a variety of Tesla innovations. The electrical wizard was pioneering virgin fields and his apparatus, yet untried and exhibiting all the characteristics peculiar to an H.G. Wells's fantasy, had to be constructed by highly trained technicians and shipped from the east. High-voltage transformers, dynamos, resonant-tuning devices, capacitor-discharge apparatus, oil-insulated capacitors (a Tesla invention), and a large metered control panel were among the items neatly spaced about the hall.

At one end of the laboratory was the secondary coil of a giant Tesla transformer, which the inventor termed a "magnifying transmitter." Its primary coil (buried underneath the floor) was fifty-one feet in diameter and wound with heavy copper bars.

In the center of the secondary was another coil with a diameter of ten feet. It carried 100 turns of wire and served to function as an extension of the secondary. The 200-foot mast extended up through the center and supported a large copper cable, which connected to the one-meter copper sphere. Using these devices, Tesla intended to determine if the earth possessed an electrical charge (it does) and to institute experiments that would alter its magnitude (he did). Who but Tesla would be so bold as to undertake a scientific investigation of such proportions?

The mystified citizens of Colorado Springs kept a safe distance from the odd-looking structure. Passersby, such as those using the trolley line on Nob Hill, were amazed by its precocious appearance and would stare in unison with similar sorts of ungainly expressons. Herdsmen moving their animals out to pasture went about their work unable to conceal their contemplations.

Those whose curiosity led them to trespass the bounds of the property reported seeing strange blue flickering lights emanat-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ing from the enigmatic gadgets within the laboratory. Said one eyewitness, "Through this mass of intricate and dangerous mechanism, Mr. Tesla walks as fearlessly as if on the streets of the city." A reporter who had managed a peek through the windows was startled to find a Tesla employee standing at his side. "Your life is in peril," he said, "and you would be a great deal safer if you would remove yourself from the vicinity." Tesla was extremely secretive about his work and always maintained a strict security. In order to discourage the overly curious, he publicly announced, "I have an instrument at my station which is capable of killing thirty thousand people in an instant."

There were, however, a few residents who were allowed the privilege of infringing upon the sancity of Telsa's Olympus. In the book, *The Life of Nikola Tesla*, authors Hunt and Draper mention Fred Stevens, a photographer, and Richard Gregg, an errand boy.

Nonetheless, it is doubtful whether anyone on either side of the Missisippi ever viewed a creation similar to the likes of Tesla's experimental station, and it is no wonder that the sight prompted one writer to say, "Mr. Tesla is a great scientist but a poor architect."

By mid-summer of 1899, Tesla was able to utilize his Colorado experimental station for preliminary investigations of his wireless telegraphy theories. He was extremely pleased with this western state as the site for his experiments. Aside from the pleasantness of its natural beauty, the rarefied air provided exceptional opportunities for the study of high potential electrical phenomena. "No better opportunities for such observations as I intended to make could be found anywhere," said Tesla. "Colorado is a country famous for the natural displays of electric force. In that dry and rarefield atmosphere the sun's rays heat the objects with fierce intensity. I raised steam to a dangerous pressure, in barrels filled with concentrated salt solution, and the tin-foil coatings of some of my elevated terminals shriveled up in the fiery blaze.

"An experimental high-tension transformer, carelessly exposed to the rays of the setting sun, had most of its insulating compound melted out and was rendered useless. Aided by the dryness and rarefaction of the air, the water evaporates as in a boiler, and static electricity is developed in abundance.

"Lightning discharges are, accordingly, very frequent and sometimes of inconceivable violence. On one occasion approximately twelve thousand discharges occurred in two hours, and all in a radius of certainly less than fifty kilometers from the laboratory. Many of them resembled gigantic trees of fire with the trunks up or down. I never saw fire balls, but as a compensation for my disappointment, I succeeded later in determining the mode of their formation and producing them artificially."

On one occasion, a fierce lightning bolt nearly demolished Tesla's station even though the actual strike occurred at a great distance. Reported Tesla, "A heavy cloud had gathered over Pike's Peak range and suddenly lightning struck at a point just ten miles away. I timed the flash instantly and, upon making a quick computation, told my assistants that the tidal wave would arrive in 48.5 seconds.

"Exactly with the lapse of this time interval a terrific blow struck the building, which might have been thrown off the foundation had it not been strongly braced. All the windows on one side and a door were demolished and much damage done in the interior. Taking into account the energy of the electric discharge and its duration, as well as that of an explosion, I estimated that the concussion was about the equivalent to the ignition of twelve tons of dynamite."

It was during a violent Colorado electrical storm that Tesla came to make one of his most astounding scientific discoveries. After carefully adjusting his delicate measuring instruments, the inventor noted an unusual reaction to the earth's electrical activity. "No doubt whatever remained," said Tesla. "I was observing stationary (standing) waves. . . Impossible as it seemed, this planet, despite its vast extent behaved like a conductor of limited dimensions. The tremendous significance of this fact in the transmission of energy by my system had already become quite clear to me. Not only was it practicable to send telegraphic messages to any distance without wires, as I recognized long ago, but also to impress upon the entire globe the faint modulations of the human voice, far more still, to transmit power, in unlimited amounts to any terrestrial distance and almost without loss."

Tesla later suggested the employment of standing waves as a means of detecting moving objects at great distances. "By their use . . . we may determine the relative position or course of moving object, such as a vessel at sea, the distance traversed by the same, or its speed." It wasn't until just before World War II, some forty-one years later, that radar—as foretold by Tesla—became a reality.

As a result of his investigations, Tesla concluded that the earth was not only electrified, but that it was charged to an extreme potential. Accordingly, if it were possible to increase the magnitude of the earth's electric charge by artificial means, it might also be possible to withdraw the applied energy anywhere on the globe. Basically, this meant that Tesla's "system" was to provide the benefits of electricity not only to the highly populated continents, but even to the most remote civilized outposts whether on land or at sea.

To accomplish this, however, would require the development of transmitting and receiving apparatus unlike any devices heretofore conceived. It was to this purpose that the electrical wizard dedicated his tireless efforts. At the end of the summer of 1899, the equipment stood ready, in statuelike silence, awaiting the highest man-made voltage experiment in history. Tesla was about to cross a new frontier—one far beyond that which anyone else had reached.

During the initial test, the mute electrical machinery suddenly transformed into lifelike fire-spitting demons. Power transformers supplying the heavy currents hummed a dissonant sixty-cycle tune. The floor beams vibrated a cacophonic reply. Spheres of the capacitor-discharge circuit became bridged by a machine-gun series of wrist-thick blinding flashes. The huge secondary of Tesla's transformer was crowned by an electrical fire of long finger-like streamers. A halo of harassing brush discharges enveloped the entire surface of the main switch panel.

Evidently, stray high-frequency currents had found a return path into the Colorado Springs Electric Company's facilities. Unknown to Tesla, the reaction was playing havoc with their generators and transmission lines. Lightning insulators within a dozen miles became short-circuited and glowed with purplish arcs.

The awesome discharges, thundering roar, and the production of choking quantities of pungent ozone portrayed an impression of impending doom. Waving his arms wildly, Tesla screamed an abrupt order to assistants to halt the experiment. Pandemonium gave way to a frightening silence.

Following an inspection of the apparatus and the making of critical adjustments, the inventor issued instructions for a continuation of the test. This time, however, he would take a position outside from where he could observe the copper sphere high above the roof. Standing alone some three hundred feet from the building, the wizard signaled a resumption of the experiment. He presented a bewildering sight. His inch-thick rubber heels, tight fitting cutaway coat, and black derby hat made him appear to be seven feet tall.

As before, the high-voltage equipment gave an immediate response. Full-fledged lightning bolts over 135 feet in length erupted from the copper sphere. Leaping about in unpredictable fashion, one leader followed the mast downward into the laboratory; another hit the 80-foot framework which was giving support to the 200-foot pole, while others were seen as wriggling streaks clawing at the sky above.

Nearby, in the village of Colorado Springs, the natives, could hardly ignore the electircal wizard's scientific mischief. The thundering roar of his man-made lightning bolts could be heard as far away as Cripple Creek. People walking along the streets experienced the unpleasantness of sparks jumping between their feet and the ground. An electrical flame leaped from a tap when anyone reached for a drink of water.

So great was the power being thrown out by Tesla's "magnifying transmitter" that lights bulbs within one hundred feet of the station glowed regardless of whether they were connected to any circuit and all the electrical equipment of a nearby fuel company ceased to function.

When Tesla's experiments utilized undamped waves (no streamers emitting from the copper sphere), horses at the livery stable suddenly bolted and kicked free of their stalls. Even the insects felt the effects of the electrical barrage. Butterfiles became electrified and helplessly swirled in circles—their wings spouting blue halos of "St. Elmo's Fire." One graphic account about the destruction of the main generator at the Colorado Springs Electric Company powerhouse.

Aside from what has been mentioned, little is known of the technical achievements of Tesla's Colorado adventure. The inventor claimed to have demonstrated the practical application of his theory in an experiment which lighted two hundred earth-connected incandescent lamps twenty-six miles from the laboratory. Unfortunately, no photographic record of this event has ever been published and there has been no indication as to the location of the receiving station.

Encouraged by the fruits of his labors, Tesla left Colorado on January 13, 1900, and returned to New York with plans for establishing a world radio broadcasting station (this was two decades prior to the advent of world communications). He obtained $150,000 from J.P. Morgan and began construction of a plant at Shoreham, Long Island. It consisted of a brick building to house the transmitting equipment and a massive 187-foot octagonal tower capped by a sixty-eight foot metal-framed dome weighing nearly sixty tons.

The plant was never put into operation. Construction problems proved more costly

than had been anticipated. And when rumors began circulating debasing the project as a fairy tale, Wall Street turned its back on Tesla's enterprise, a stroke that defeated one of the most unbelievable schemes in the history of human advancement.

Tesla's Colorado station came to an equally inglorious end. It remained intact for several years but eventually was torn down and its contents sold as payment in a suit for unpaid bills and employees' wages. Few references to Colorado history mention its existence and the omission makes it appear as though Tesla's bold adventure was nothing more than a passing dream.

THE AMERICAN FLAG BELONGS TO ALL AMERICANS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. SKELTON. Mr. Speaker, I was sorely distressed when the Supreme Court struck down the Texas law which said it was a crime to burn an American flag. This Court opinion extended the freedom of speech clause of the first amendment far beyond the intent of the authors of our Bill of Rights.

Millions of men and women have served our country under the Stars and Stripes, and hundreds of thousands have made the supreme sacrifice under its colors.

The sight of our flag rippling in the wind has served as encouragement and a symbol of freedom throughout the world. Were the U.S. Capitol to be defaced or the statue of George Washington to be damaged, that crime certainly would have been upheld. The American flag belongs to all of us, just like our Nation's Capitol and the statue of our first President. Thus, a constitutional amendment to change this ruling is in order, and I support such an amendment allowing a law to stand that makes it a crime to desecrate Old Glory.

THE POSTAL SERVICE VOTER REGISTRATION FACILITATION ACTS OF 1989

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. LELAND. Mr. Speaker, I am introducing two bills which shall comprise the Postal Service Voter Registration Facilitation Acts of 1989, to expand the role of the Federal Government in efforts to increase voter registration, and therefore, voter turnout. The first bill provides that the U.S. Postal Service shall make available space at post offices for State voter registration authorities to place voter registration forms for the public. The second bill provides that a voter registration form be given to each postal patron to whom a change-of-address form is given.

The United States chronically experiences one of the lowest records of voter participation among the industrialized countries. The national voter turnout has been steadily declining since 1964, in both Presidential and non-Presidental election years. In 1986, a non-Presidential election year, 36.41 percent of the national voting age population voted. In 1988, a Presidential election year, 50.15 percent of the national voting age population voted. These figures are distressing. It is important to consider that we live in a democracy, wherby, the American population is represented by the people votes. If half, and sometimes more than half of the people do not vote, then the meaning of our mandate is called into question.

A valid argument, frequently used, is that some people, by not voting, exercise their right to free choice. In order for this argument to be meaningful, every individual, who does not vote, must at least be registered. This would clarify whether these people are in fact choosing not to vote, or whether they are simply unable to register. The fact is that voter registration has remained steady at about 70 percent of the voting age population. This percentage is unsatisfactory. The Federal Government must pursue this problem and implement measures which strive to achieve voter registration as close to 100 percent as possible.

Voter registration should be facilitated in order to insure that each and every individual of voting age has a reasonable opportunity to register. This can be accomplished effectively by making voter registration forms available at U.S. Post Offices, which can be found in every town and corner of our great Nation. There are between 30,000 and 40,000 post offices in the United States. The public could easily locate the post office which is in his or her area.

A second reason for establishing the post office as a location for voter registration forms, is consistency. Much of the confusion and frustration, which some people may experience can be resolved by informing everyone that the forms may be obtained at the post office. Campaigning to increase voter registration must be undertaken on a national level.

The Federal Government must undertake a more active role in facilitating voter registration. It is the responsibility of the National Government to protect and uphold democracy. Significant voter turnout is a fundamental aspect of an effective, and legitimate democracy. The desire for high voter participation should be a long-term bipartisan effort. We must strive to cure the illness, apathy, which has plagued our Nation for far too long.

DISGUST WITH THE HIGH COURT'S RULING

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. RICHARDSON. Mr. Speaker, while many of us have spoken at great length about our outrage at the decision reached by the Supreme Court to allow our flag to be burned, we are now just beginning to hear from the people we represent. Our constituents feel the same outrage. I would like to share with my colleagues a radio editorial which was recently aired by Alamogordo, NM, radio station KPSA. I fully concur with KPSA President Bob Flottee and his disgust with the High Court's ruling.

The editorial follows:

In a recent decision the Supreme Court ruled five to four to limit the States power to outlaw the desecration of the American flag. In doing so they threw out the conviction of a man who burned a flag during a demonstration at the 1984 Republican National Convention. The burning of our American flag is now a constitutionally protected form of expression. One has to wonder if the authors of our Constitution really intended to protect the rights of freedom of expression for those who would publicly desecrate such an honored symbol of our freedom and national unity. We believe that the authors of our Constitution would be disgusted by the recent Supreme Court decision. However, the Supreme Court has ruled that the Constitution does indeed guarantee such freedoms. We can, however, take solace in the fact that we live in a country where even those who take part in such a public display, need not fear reprisals from armed troops and tanks. Our system of government is one of the greatest experiments of all time. Never before has a democratic form of government been tempered with such concern for the right of the individual. While there are many decisions that we do not agree with, it must be remembered that in this country the rights of the individual are respected and protected. America is still the greatest country in the world and I couldn't image living anywhere else. If you wish to accuse que-pasa radio of flag waving, that is fine. Because at que-pasa we wave the American flag with pride.

THE FEDERAL RESERVE REFORM ACT OF 1989

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, today I and Congressman HAMILTON are introducing legislation to begin democratizing the process by which monetary policy is made in our country. This legislation will make monetary policy more responsive to the interests of the American people.

The Federal Reserve Board develops this country's monetary policy. Decisions by the Fed have a significant impact on every farmhouse, business, and family in America. Interest rates rise and fall with the Fed's decisions—inflation, productivity, and economic growth, are all heavily influenced by the actions of the Federal Reserve Board.

While the Fed's influence is immense, its responsiveness to the public is minimal. The architects of our Government's fiscal policy—the administration and Congress—have no direct impact on, or even knowledge of, the decisions made by the Fed. As a result, coordination of our fiscal and monetary policies is usually only accidental.

The lawmakers who wrote the original Federal Reserve Act of 1913 tried to ensure that the Fed would never become what, in fact, it has become—a powerful, central bank accountable to no one.

Our democracy is supposed to be governed by the will of the people. It's time to make some changes so that our monetary policy works within that democratic framework. The Fed must be made more responsive to those it is supposed to serve, and not be allowed to continue in its cloak of secrecy. The Fed's constituency should be all Americans and not just big banks.

The Federal Reserve Reform Act of 1989 moves in the direction of democratizing the Fed by taking the following steps:

First. The Secretary of the Treasury would become a voting member of the Federal Open Market Committee.

Second. The term of the Fed's chairman would parallel that of the President.

Third. The General Accounting Office would be required to conduct an annual financial audit of the Federal Reserve System.

Fourth. It would require the Federal Reserve's budget to be published in the budget of the U.S. Government, for the current year and 2 succeeding years.

Fifth. Monetary policy decisions would be announced on the day they are made.

These are modest steps in trying to open up the process to make the Federal Reserve Board a meaningful player in our democratic system. I urge my colleagues to cosponsor the Federal Reserve Reform Act of 1989.

The full text of the bill follows:

H.R. —

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reserve Reform Act of 1989".

SEC. 2. PLACING THE SECRETARY OF THE TREASURY ON THE FOMC.

The first sentence of section 12A(a) of the Federal Reserve Act (12 U.S.C. 263(a)) is amended by inserting ", the Secretary of the Treasury," after "Board of Governors of the Federal Reserve System".

SEC. 3. APPOINTMENT OF THE CHAIRMAN AND VICE CHAIRMAN.

(a) APPOINTMENT OF THE CHAIRMAN AND VICE CHAIRMAN.—The second paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242) is amended by striking out the third sentence and inserting in lieu thereof the following: "The President shall appoint, by and with the advice and consent of the Senate, one member of the Board to serve as Chairman. The term of such member as Chairman shall expire on January 31 of the first calendar year beginning after the end of the term of the President who appointed such member as Chairman. If a member appointed as Chairman does not complete the term of such office as established in the preceding sentence, the President shall appoint, by and with the advice and consent of the Senate, another member to complete the unexpired portion of such term. The President shall also appoint, by and with the advice and consent of the Senate, one member of the Board to serve as Vice Chairman for a term of four years. The Chairman and the Vice Chairman may each serve after the end of their respective terms until a successor has taken office.".

(b) PERFORMANCE OF DUTIES.—The second paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242) is amended by inserting the following new sentences before the sentence which prior to the amendment made by subsection (a) of this section was the fourth sentence of such paragraph: "In the event of the absence or unavailability of the Chairman, the Vice Chairman or (in the Vice Chairman's absence) another member of the Board may be designated by the Chairman to perform the duties of the office of the Chairman. If a vacancy occurs in the office of the Chairman, the Vice Chairman shall perform the duties of the Chairman until a successor takes office. If a vacancy occurs in the office of the Vice Chairman while the office of the Chairman is vacant, the member of the Board with the most years of service on the Board shall perform the duties of the Chairman until a successor takes office.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) CURRENT CHAIRMAN TO COMPLETE TERM.—Notwithstanding the amendment made by subsection

(a), any member who holds the office of Chairman on the date of the enactment of this Act shall continue in such office during the remainder of the term to which such member was appointed.

SEC. 4. DISCLOSURE OF INTERMEDIATE TARGETS.

Section 12A(b) of the Federal Reserve Act (12 U.S.C. 263(b)) is amended by adding at the end thereof the following new sentences: "Notwithstanding any other provision of law, each change, of any nature whatsoever, in the intermediate targets for monetary policy which is adopted by the Committee shall be disclosed to the public on the date on which such changes is adopted. For purposes of this subsection, the term 'intermediate targets' means any policy objectives regarding monetary aggregates, credit aggregates, prices, interest rates, or bank reserves.".

SEC. 5. AUDIT OF FINANCIAL TRANSACTIONS BY COMPTROLLER GENERAL.

Subsection (b) of section 714 of title 31, United States Code (relating to audits by the Comptroller General) is amended—

(1) by inserting "and" after the semicolon at the end of paragraph (1);

(2) by striking out paragraphs (2) and (3); and

(3) by amending paragraph (4) to read as follows:

"(2) memoranda, letters, or other written communications between or among members of the Board of Governors of the Federal Reserve System or officers or employees of the Federal Reserve System relating to any transaction described in paragraph (1).".

SEC. 6. BOARD SUBJECT TO BUDGET PROCESS.

Section 1105 of title 31, United States Code (relating to budget contents and submission to Congress) is amended by adding at the end thereof the following new subsection:

"(g) FEDERAL RESERVE BOARD BUDGET TREATMENT.—Estimated expenditures and proposed appropriations for the Board of Governors of the Federal Reserve System and all Federal Reserve Banks for the current year and the 2 succeeding years to be included in each budget under subsection (a)(5) and estimated under subsection (a)(6) shall be submitted to the President before October 16 of each year and included in the budget by the President without change.".

WARDS COVE PACKING CO. VERSUS ATONIO—STATISTICS SPEAK, BUT THE COURT NO LONGER LISTENS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. CLAY. Mr. Speaker, on June 5, 1989, the Supreme Court took three giant steps backwards in the battle against race discrimination in employment. Wards Cove Packing Company versus Frank Atonio. Chief Justice Rehnquist—elevated by President Reagan—Justices O'Connor, Scalia, and Kennedy—appointed by President Reagan—joined an opinion delivered by Justice White holding that when Alaska salmon canneries hired Eskimo and Filipino workers for low paying cannery jobs on the cannery lines, and white employees for the higher paying noncannery jobs—some skilled, and some not skilled and then assigned the white and non-white workers to segregated dormitories and mess halls, there was no violation of the law, not even a violation of the goals of the Civil Rights Act we enacted in 1964. The Reagan struggle to pack the court with conservative ideologues is finally manifest.

Title VII of the Civil Rights Act makes it an unfair employment practice for an employer or a union to discriminate against any individual with respect to employment conditions because of such individual's race, color, religion, sex, or national origin. It also prohibits the segregation or classification of employees or applicants for employment in anyway which might affect their status as employees. Stratification by race, color, and national origin, as in the salmon cannery case, seems well within these prohibitions.

The bare bones of our statute were fleshed out by the 1971 Griggs versus Duke Power Co. decision written by then-Chief Justice Burger for a unanimous Court. The facts there were straightforward, and much like those in the salmon cannery case.

Prior to our 1964 law, the Duke Power Co. segregated its labor force: Laborers were black, all better paid positions were reserved for whites. After our 1964 law became effective, the Duke Power Co. adopted a requirement that all employees above the rank of laborer must have a high school diploma or score well on a standardized test. The impact fell heavily upon the blacks, disparately so. At that time in North Carolina, 34 percent of white males had completed high school, but only 12 percent of black males had done so.

Black laborers at the power company were denied promotion to a coal haulers position for lack of a high school diploma. They sued, alleging employment discrimination. They lost in the lower courts because they failed to prove an intent to discriminate. The Supreme Court reversed. Its landmark decision stressed that the object of our 1964 Act was to "remove built-in headwinds for minority groups that are unrelated to measuring job capability." Chief Justcie Burger went on to hold that when, as in the salmon cannery case, statistics disclose a racial disparity, the employer's

intent is of no consequence because, under the Act:

Practices, procedures, or tests neutral on their face, and even neutral in terms of intent, cannot be maintained if they operate to freeze the status quo of prior disciminatory employment practices.

Thus, when statistics indicate that a given employment practice, such as the requirement for a high school diploma, has a disparate impact on an identifiable group of employees, the employer must prove that the requirement is job related. As Chief Justice Burger wrote:

Congress has placed on the employer a burden of showing that any given requirement must have a manifest relationship to the employment in question.

In short, tests must measure the person for the job, not the person in the abstract.

The burden we and the courts have imposed on the employer is a heavy one and, even if met, will not carry the day if the employees then can demonstrate that "other tests or selection devices, without a similar undesirable racial effect, would also serve the employer's legitimate hiring interests." *Albermarle Paper Co.* v. *Moody,* 422 U.S. 405 (1975).

Such was the law of "disparate impact" until this week's decision in the salmon cannery case by the Reagan appointees, which Justice Stevens called their "latest sojourn into judicial activism."

Salmon canneries are located in remote, sparsely populated areas of Alaska. The work is seasonal and intense. The employers recruit workers for the unskilled cannery line jobs from nearby native villages, and through a hiring hall agreement with a union composed largely of Filipino workers. The union dispatches the workers to Alaska.

For the noncannery positions, the companies in Portland and Seattle rely on informal word-of-mouth recruitment by predominantly white superintendents and foremen. Coupled with nepotistic hiring, the discriminatory impact is obvious. Nepotism is giving preference to relatives, and where those doing the hiring are white, the practice necessarily has an adverse impact on nonwhites.

The cannery line nonwhite employees who filed the suit in this case alleged that the racial stratification which permeated the cannery camps in Alaska resulted from a combination of a variety of employment practices: Nepotism, a rehire preference, a refusal to promote from within, separate hiring channels, and so on. They prevailed in the court of appeals, but not in the Supreme Court.

That Court held that the glaring imbalance among the cannery line employees and those who worked in other jobs did not suffice to make out even a prima facie case under our employment discrimination law.

The statistical proof did not suffice according to Justice White, because otherwise:

Any employer who had a segment of his work force that was racially imbalanced, could be hauled into court and forced to engage in the expensive and time-consuming task of defending the 'business necessity' of the methods used to select the other members of his work force.

Some critics of this opinion will say that that's what the law is all about. Chief Justice Burger said so in the Duke Power Co. decision back in 1987, and hundreds of courts have repeated this refrain ever since.

Statistical proof may still make out a prima facie case, wrote Justice White, but the proper comparison is between the racial composition of the at issue jobs and the racial composition of the qualified population in the relevant labor market. He emphasized that the court of appeals had erred in holding that the relevant labor market consisted of those employed as cannery workers. It was not limited to those in the union who had sojourned to Alaska year after year on cannery line jobs, and/or to those in the native villages who habitually worked on cannery line jobs. But Justice White did not tell us what the relevant labor market was. The trial court had indicated that the relevant labor market included the general population of all those living in Alaska, the Pacific Northwest and California, and the cannery companies so argued before the Supreme Court. If they are right—and the Supreme Court did not disagree with this notion—job stratification on race, color, sex, religion, or national origin might well go unchecked.

Justice Stevens in dissent points out that "an undisputed requirement for employment is availability for seasonal employment in the far reaches of Alaska," and "there is no way of knowing what portion of the general population in Alaska, California, and the Pacific Northwest would accept this type of employment." In contrast, "comparing racial compositions within the work force identifies a pool of workers willing to work during the relevant times and familiar with the workings of the industry." "Surely," Justice Stevens concluded, "this is more probative than the untailored general population statistics on which" the employer focuses.

In addition to this general holding that one cannot prove discrimination by proving job stratification based on race, color, and national origin, the Court ruled on two other issues which would arise on remand.

The first was the question of causation. It is elementary that a plaintiff cannot recover on proof of injury alone; the plaintiff must connect the injury to the defendant and the causal link must have substance. As indicated, the Court held that the plaintiff in a disparate impact case does not make a case "simply by showing that 'at the bottom line' there is a racial imbalance in the work force." Under the new decision, plaintiffs must demonstrate that the disparity they complain of is the result of one or more of the employment practices they attack; "specifically showing that each challenged practice has a significantly disparate impact on employment opportunities."

The Court, anticipating disagreement, denied that this specific causation requirement is unduly burdensome on title VII plaintiffs. But how could it be otherwise? Justice Stevens in dissent wrote that requiring employees or applicants for employment "to isolate and identify the specific employment practice responsible for any observed disparties is unwarranted," and that "proof of numerous questionable employment practices ought to fortify an employee's assertion that the practices caused racial disparities."

This requirement of causation, and proof requirement is sure to complicate beyond end the burden on those who would end job discrimination. Many otherwise valid law suits will now die aborning.

Finally, in like vein and with like consequences, the Court held that the burden was on the employee to prove that there was no business justification for the employment practice which caused the discrimination; as well as the burden to present alternatives to that practice. The Court even cautioned the lower courts to ease off on this issue, because "courts are generally less competent that employers to restructure business practices" and consequently, "the judiciary should proceed with care before mandating that an employer must adopt a plaintiff's alternate selection or hiring practice in response to title VII suit."

Why impose on employees and applicants for employment the burden of proving that an employment requirement—a high school diploma, et cetra lacks business justification? Information about the history and purpose and consequences of employment practices, procedures and tests is uniquely in the possession of the employer. That is why the courts, until now, have required the employer to justify the practice causing racial or gender imbalance; an "affirmative defense" and it is known in the law. This third giant step backwards can only result in discriminatory employment practices holding sway because plaintiffs can't prove in court what all others can observe and abhor.

Justice Blackman joined the Stevens dissent, but was impelled to add 31 lines of his own. He compared the salmon cannery industry to a plantation economy with "a total residential and work environment organized on principles of racial stratification and segregation"; and he wondered aloud "whether the majority still believes that race discrimination—or more accurately, race discrimination against nonwhites—is a problem in our society, or even remembers that it ever was." Justices Brennan and Marshall signed onto this remorse.

ON TRADE WITH THE SOVIETS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. HYDE. Mr. Speaker, Soviet President Gorbachev's "perestroika" and "glasnost" have triggered debate over expanding trade and commercial ties with the Soviet Union. However, in anticipation of possible changes in the direction of Soviet policy, NATO governments should not fail to consider the security risk increased trade with the Soviets may mean to the West.

Today, I would like to submit the first half of an analysis of the risks of an enlarged trade relationship between NATO countries and the Soviet Union. The author is David G. Wigg, Deputy Assistant Secretary for Policy Analysis at the Department of Defense. This paper was presented at the February 1989 National Forum Foundation Conference entitled "Exporting Freedom: American Internationalism in

the Era of Glasnost." Wigg recommends that any alternations in NATO's economic relationship with the USSR be embarked upon with NATO's overall strategic goals in mind.

CONSIDERING NATIONAL SECURITY IN EAST-WEST TRADE POLICY

INTRODUCTION

Until very recently, Moscow's Communist Elite have been ruling the Soviet Union as though they were a huge mafia, but with the important added governmental advantage of diplomatic privilege. Historical malevolence toward the Soviet population, single-minded preoccupation with weapons competition and policies aimed at regional and global aggression lend credence to this view of the Soviet Leadership (as does Kremlin intrigue). It also might account for the remarkably careless, wasteful civilian economic policies and practices that have brought Moscow to the brink of societal disaster.

For seven decades, successive Soviet leaders have perpetuated ideologically-driven, militarily-focused economic and investment policies in Moscow's determination to build the worlds most powerful military force as the principal tool of its foreign policy. Unfortunately for Moscow, economic strength in this world is relative, and the Industrial West sustained a superior economic performance, which left the Soviet Leadership constantly struggling to acquire and absorb superior Western technological change fast enough to keep Moscow from falling too far behind the West's rapidly advancing industrial development.

Soviet attempts to catch up with (let alone surpass) the West have failed. The final East-West battle of the economic portion of the Cold War, initiated by Stalin at the end of World War II and perpetuated by Khrushchev and Brezhnev is over—NATO has won. The West has been far ahead for over thirty years, but the disparity, coupled with East-West hostility, had become such a liability by the mid-1980's that Gorbachev was forced to throw in the towel. Because of the inherent superiority of democratic capitalism, in Soviets will, for the foreseeable future, remain relatively backward and heavily dependent on the West for essential technological inputs and "bright ideas".

The appearance of a "Gorbachev type" was inevitable. Under long-term, East-West competitive stress, the pre-1985 brand of Soviet decisionmaking was untenable and would have led to the further weakening and eventual collapse of the economy. Assuming continued Western economic dynamism, Moscow's failure to respond vigorously (and successfully) to its economic crisis would lead eventually to the decline and dismemberment of the Soviet empire. Thus, Stalin's post World War II dilemma—how to develop and modernize under the Soviet prescription while carrying on an adversarial relationship with the West and yet function proactively around the world to expand Soviet influence—had, by the mid-1980's evolved into Gorbachev's distress.

In spite of this good strategic economic news, certain circumstances and poor NATO policies are converging to the West's potential disadvantage. My comments today will address what I consider to be wrong-headed East-West economic policies, their potential cost to NATO if left unaddressed and some corrective suggestions.

NATO'S FLAWED POLICIES AND UNACCEPTABLE RISKS

In the excitement over Perestroika and Glasnost, some NATO government officials seem to have lost sight of the underlying fundamentals of the East-West relationship that argue for a far more conservative approach to both strategic and commercial dealings with Moscow. Many argue that the "new" Soviet outlook represents a major shift and that Moscow's strategic/foreign policy goals have changed from global aggression and the use of brute force to achieve its aims to inward-looking reforms and "refined" foreign policy, emphasizing international cooperation. If Soviet strategic goals have indeed changes, I submit it is due, not to a religious conversion, but to the fact that NATO has removed Moscow's historical ambitions of global domination from the realm of the possible.

ECONOMIC STRENGTH EQUALS SECURITY

It is indeed ironic that we accomplished this unprecedented feat by merely doing what comes naturally—pursuing democratic capitalism. Western economic progress has become a massive juggernaut advancing inexorably on Comecon inferiority and greatly complicating Moscow's attempts to retain military parity—only achieved by stealing the West's technical genius that Comecon could not duplicate and by squandering resources on relatively massive quantities of military hardware to compensate for its remaining technological inferiority. If Gorbachev had not reached out to the West, the Soviet economy would have eventually been (and, in any case, may yet be) relegated to history's trash heap of economic inferiority, technological backwardness and resource exhaustion. Thus, the development of the industrial West's economic strength has served not only to bring unparalleled prosperity, it has also served as NATO's first line of defense against Soviet-Bloc aggression.

A key (and currently debated) element of the Soviet and Western policy debate over Perestroika is whether and how the Soviets might achieve rouble convertibility. Currency convertibility (particularly its acceptance as a store of value) is the ultimate mark of a country's economic prowess in the global economy. It is accorded to those currencies judged by world financial markets to be most in demand, and hence from the most competitive, durable and stable economies. As with NATO's relative industrial strength, the lack of currency convertibility in the Soviet Bloc has served as one of the West's most potent (if inadvertent) defenses against the spread of the Soviet empire and other Soviet activities inimical to Western interests, by raising the opportunity costs of all Soviet hard currency spending decisions. For example, the negative strategic impact on the Soviets of the fall in the world price of one commodity—oil—and the convertible (hard) currency losses resulting therefrom has, in my view, been greater than the effects since 1980 of all NATO's diplomatic and military policies combined. In sum, the relatively more successful economic development of the Western community of nations that has left the dangerously aggressive Soviets "on the outside looking in" and locked in a debilitating resource-wasting economic system with a non-convertible currency, has served us well as a crucial (if de facto) element of NATO's security. In that regard, Western economic institutions (the World Bank, IMF, GATT, etc.) and the global cooperation embodied therein, are integral elements of the West's economic strength and their essential cohesion must be carefully preserved. Soviet membership in such organizations should not be considered cost-free to be traded in return for human rights or other concessions. The West has ample experience with the disruption that a determined Soviet presence can create in international organizations. Potential damage to Western security interests could be severe in introducing a hostile, economically indigestible and politically adventurous actor into global economic councils.

Since we are doing so well in the East-West economic competition and since it is too early to gauge the extent of Moscow's purported change of heart, why pursue policies that unilaterally weaken Western security and result in lessening the very pressures on the Soviet system that have broght them near the brink of rethinking fundamental allocational ("guns versus butter"—choices? Let's look at some of the existing and still-formative NATO policies in this area and see if we can answer that question.

FACTS AND POLICIES AT ODDS

One of the most divisive issues swirling around the East-West relationship these days has to do with the Western response to Gorbachev's siren-song for expanded trade and commercial ties. I say "siren-song" because Western businessmen have heard and responded to the same "tune" in virtually every decade since the Bolshevik revolution—much to NATO's cumulative disadvantage. The most powerful people in the various NATO governments (including ours) have stated repeatedly that "non-strategic" trade with the Soviets is harmless and is in our interest. We might recognize this description of the covergence of our strategic and business interests as the "eighties" East-West version of a statement made in 1953 by Charles Wilson, Eisenhower's Defense Secretary that ". . . what's good for General Motors is good for the United States".

Unfortunately, where East-West trade as presently conducted is concerned, what may be good for business is harmful to the U.S. and the Alliance. This is so because the phrase "non-strategic East-West trade" is an oxymoron—a statement I will clarify in discussing four concerns: the costs/benefits of the trade and the role of Western business, the importance of the NATO economies of the trade and the management of the trading relationship by diplomatic and trade promotion organs within the NATO governments.

We have already determined that the Soviets have had a longstanding dependence on NATO's (and particularly U.S.) strategic technologies that they must buy or steal. From the time of the Czars the West has played a crucial role in periodically "jumpstarting" the Soviet industrial base. Since "turn-key" plants, legally and illegally making everything from cigarettes to silicon chips which have, in turn, served as prototypes for indigenous production of tens of thousands more.

From what is known of the Soviet dependence on Western knowhow and equipment, one can legitimately question whether there is any such thing as original Soviet technology, even after 70 years of development (note Gorbachev prowling the West with "jumper-cables" in hand). We have only to look at successive weapons systems rolling off Soviet production lines to realize how much copying or "informed" weapons-counterdevelopment is taking place. When Abel Agenbagyan, one of the architects of perestroika was here with Gorbachev in December 1987, he admitted to Senator Proxmire that the Soviets rely on acquisition of NATO technologies, but he said they don't

like it and plan to kick the habit. We cannot blame them; who would want to rely on stealing the ideas of one's adversaries in order to sustain an empire. But that is not NATO's problem.

PILLARS OF NATIONAL POLICY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. BENNETT. Mr. Speaker, recently my good friend Gilvin M. Slonim, president of the Oceanic Educational Foundation spoke to the student body of Hampden-Sydney College on the subject "World Ocean—The Human Stake". He outlined the maritime challenges that face our Nation and said:

Not a single ship is under construction in 1988 in U.S. shipyards. The competitive incentives to the American Waterborne Industry have been withdrawn. In the absence of U.S. understanding, the Soviets have leapfrogged our Merchant Marine, now committed to terminal decline. This high seas disaster is dramatized by realization that the enterprise which provided America's peak in competitive performance languishes now. This comes at a time when the Nation recognizes the urgency to regain its competitive drives.

He went on to outline pillars of national policy in the following discourse of wisdom filled comments:

Derived from the Preamble of the Constitution, the Pillars of National Policy outline the tenets of U.S. purpose and stature. They provide a guide for long-range, global, coherent and comprehensive National Policy formulation. In turn, the Pillars clarify the process and aims toward charting the full-span of societal enterprise toward synergystic achievement of the Nation's potential. The Pillars, as a foundation for forming policy, afford focus, direction and motivation through which a well orchestrated process seeks the long-view objectives which it forges. Their provision for global uses of the sea brings U.S. purposes to bear globally in meeting the modern world's dictates while seeking its national interests, and reinforcing its leadership of the West. Pursuant to the dictates of the Pillars, the undergirding of policy through forging a consensus as to "wherein the national interest reposes" becomes the first order in forming coherent National Policy.

My emphasis tonight has been upon a rarely discussed dimension of understanding—your "Human Stake" in the world ocean. This perspective of the "Humanities," just as the critical need for the vision of coherent policy, continues to escape American Education. Yet, its fascination is powerful; its potential for people overwhelming. To the degree that the minds of our youth are lured seaward in quest of both rewarding professions and policy, a fulfilling future of contribution can be assured; the national interest will be well served. How clear the imperative then that we draw upon the liberal arts colleges which gave the Nation its "greatest scientists." For their balanced intellectual drives, their breadth and balance of curricula appear mandatory to harness the sea's promise. With the Nation now witnessing an emerging renaissance—a "Blue Revolution," if you will, I find the challenge of Hampden-Sydney intensely compelling.

Athelstan Spilhaus, whose fertile mind conceived the Sea Grant College, and incidentally, now a Commonwealth Laureate, aimed, "to draw upon the local intellectual strength of the great American Universities." Despite the designation of some twenty Sea Grant Colleges, the program has fallen short for want of focus beyond Marine Science. America's technological turn to the sea also failed for the lack of an educational process which drew upon the broadened intellectual strength of the American Liberal Arts colleges, with curricula enriched through generalist as well as scientific excellence. Certainly, Hampden-Syndney, in the forefront of American college leadership, stimulated by the dynamic Tidewater Oceanic complex, can lead the way to the new world unfolding; new levels of achievement; new levels of human self-realization.

Just as Matthew Fountain Maury, a fellow Virginian, fathered physical oceanography with 19th Century sailing ships—his "temples of science," the timing is right to marshall liberal arts centers as cathedrals of oceanic learning. What a propitious moment to prod for oceanic understanding—and global policy as we stand poised to round the "Sea-Buoy" of the 21st Century.

THE CARDINAL PILLARS OF NATIONAL POLICY

WORLDWIDE SAFETY OF CITIZENS

Provide for: The safety and well being of U.S. citizens whenever and wherever threats may be posed, as the Nation's primary responsibility, along with that of insuring the security of the Republic.

STRATEGIC FLEXIBILITY

Place premium upon: Readiness, freedom of movement, strength, determination, will and the presence of stabilizing power, across the spectrum of contingencies, wherever threats may occur as the cornerstone of policy.

FOREIGN AFFAIRS

Maintain: The continuity of diplomatic relations worldwide to advance American interest pursuant to the aims and aspirations of its National policy, the democratic ideals of the Nation in defense of freedom and the pursuit of peace throughout the world.

TECHNOLOGICAL PREEMINENCE

Conduct: Resolute research and development, the technological innovation to gain and sustain modernity & leadership in world technology.

ECONOMIC VIABILITY—PROSPERITY

Regain: Competitive drives in world marketplace; trade and trade carrying; pride in preeminent product and workmanship to sustain global economy of productivity, profitability and prosperity.

MARITIME VIBRANCY

Maintain: Commercial foundation for infusion of seafaring thought (policy pattern) within mainstream; for vitality of economy; for regaining U.S. competitive drives; for logistical support for all Armed Forces—for global-trading-partner-complex contribution to global stability.

EDUCATIONAL EXCELLENCE AND CURRICULAR BALANCE

Regain: Educational excellence and generalist-scientific, land-sea curricular balance. Knowledge, the sine qua non of policy, requires educational reinforcement toward conceptual competence, acumen in the policy process. Balance is mandatory to gain liberal educational contribution for forming policy; for the Nation to understand the sea, to use the sea to optimum advantage—policy competence, and student motivation dictates multidisciplinary educational development, contrary to the super-specialized direction of U.S. education in the 20th Century.

GLOBAL ENVIRONMENTAL INTEGRITY

Establish through: Vigorous global research, legislation, education, citizen motivation and allied cooperation comprehensive policy, plans program and leadership to insure world-wide integrity of the environment. Create environmental safeguards based upon well documented scientific research results to sustain integrity, and to restore such environmental degradation created through meeting human needs, and the enhancement of quality of life.

RESOURCE SELF-SUFFICIENCY

Assure: Vigorous research and development measures to gain availability of critical resources; oil, cobalt, manganese, food, water, and the like, within friendly control. To this end, dramatic new sources of minerals, energy and food within the oceanic environment enable stepped up potential for vigorous development through oceanic frontier negotiation.

CONTROL OF TERRORISM

Provide: Policy motivation, the finest intelligence available, the closest allied cooperation, the means for swift decision, prompt, positive anticipatory action to curb and control terrorism worldwide. Neither national policy, nor actions to control terrorism, can be formulated without reliable information. Positive policy and intelligence vital to the Nation's global control of terrorism.

The Pillars of National Policy, manifestly, chart a constructive course to future prosperity as well as security, an elevation of quality of life. The skeletal structure blueprints a policy process to guide the Nation. In this sense, the oceanic impetus signals the need for clearer perception of the options, the opportunities, the objectives, as well as, the problems likely to be encountered. With the expanded horizons the ocean affords, full vision of its human stake through education, reserach and at-sea experience is seen. Critical, therefore, is the determination as to whether the U.S. will recognize the new need to pursue its destiny, or rather, will it cling to its traditional reaction to crises, whether military, political or economic. Will reason prevail in forming the policy process its national interest so clearly defines? After inept reaction to Ayatollah Khoumeini, in Iran, Qaddafi, in Libya, Ortega, in Nicaragua and Noriega, in the Panamaninan debacle, the need for change need not be belabored. Nor for policy! Obviously, we have had to make momentous decisions of policy before we have mastered the art of forming public policy. The challenge is new; the opportunities manifold; the need pressing.

INTRODUCTION OF THE NATIONAL AVIATION POLICY RESOLUTION

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. GLICKMAN. Mr. Speaker, today, I am pleased to join my colleague from Pennsylvania, Congressman BILL CLINGER, in introducing a resolution calling for the development of a new and comprehensive national aviation policy.

This resolution encourages President Bush to formally consider the views of all segments of the aviation community in order to formulate and submit to Congress a detailed plan for the implementation of a national aviation policy.

As both the founder of the Congressional Aviation Forum as well as the senior member of the House Transportation, Aviation, and Materials Subcommittee, I have seen first hand our air transportation system become stretched beyond its limits. Unless steps are taken immediately to cure existing problems and to prepare for the future, congestion and delays will increase in our metropolitan areas and aviation services will deteriorate nationwide.

Further, these difficulties are compounding the problem of access to the Nation's aviation system by individuals and businesses in many smaller communities around this Nation, who, without a national focused solution, will become relegated to second-class status. People in rural communities deserve better, and should be entitled to efficiently gain access to the national air transportation system. Moreover, without a clear, concise policy directive, the historical safety of our air transportation system will continue to plummet.

The resolution calling for a national aviation policy is supported by a broad and diverse coalition of organizations, businesses, and individuals representing citizens and interests which depend on the national air transportation system. It is time to stop using band-aid approaches as quick-fix solutions to our air transportation problems. This bipartisan effort will serve as an opportunity to focus and highlight the debate which is already take place. I urge my colleagues to join Mr. CLINGER, myself, and the 60 original cosponsors and support this resolution.

A TRIBUTE TO CONGRESSMAN MERVYN M. DYMALLY

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. FALEOMAVAEGA. Mr. Speaker, as a result of the historic movements in the direction of peace resulting from the Gbadolite Summit on June 22, 1989, it is timely to bring to the attention of this Body, the efforts of one of our colleagues, an unsung hero, without whose efforts, I dare say these achievements might not have been possible.

I refer specifically to the quiet diplomacy of Congressman MERVYN M. DYMALLY of California, now chairman of the Subcommittee on International Operations.

At the Gbadolite Summit, which set the stage for national reconciliation and hopefully eventual peace in Angola and Southern Africa, 20 African nations, including 18 heads of state, were in attendance.

Mr. DYMALLY, in keeping with his basic philosophy, believes in the importance of quiet diplomacy in opening up a meaningful dialogue and maintaining contacts with leaders abroad including African leaders.

It is of significance, therefore, that over the past 3 years, in his role as chairman of the Congressional Black Caucus and this year, as chairman of the Subcommittee on International Operations and member of the Subcommittee on Africa, Mr. DYMALLY in striving for peace in Africa, has travelled and personally interacted with most of the leaders of the nations that participated in the Gbadolite Summit.

More specifically within the above referenced time period Mr. DYMALLY visited at least 19 African countries, including Ethiopia, Angola, Zaire, Gabon, Ivory Coast, Uganda, Tanzania, Mozambique, Egypt, Morocco, Malawi, South Africa, Ghana, Liberia, Nigeria, Kenya, Zambia, Zimbabwe, and Senegal. In the process, Mr. DYMALLY has conferred frequently and in person with Presidents Mobutu of Zaire, dos Santos of Angola, and Presidents Traore of Mali and Kaunda of Zambia, the present and immediate past chairman respectively of the Organization for African Unity. He was a special guest of President Kaunda and official observer at the 1987 OAU Conference. Additionally, he has been consistently briefed on the Angolan situation by personal visits from U.N. embassy officials from Angola. Most of the Ambassadors of the African nations here in the Washington, DC area are known to confer with Mr. DYMALLY on the Hill.

Both Mr. Crocker, the immediate past Assistant Secretary of State for African Affairs, and Mr. Cohen, the present one, have noted how useful and constructive these inputs of Mr. DYMALLY have been in helping to pave the way for peace in Africa.

Mr. Speaker, when the record is written about the presence of a glowing light of peace in South Africa, due notice must be taken of the fact that our colleague, Congressman MERVYN M. DYMALLY, played a great role in lighting that candle when it was dark.

JAPAN BASHING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. CRANE. Mr. Speaker, by singling out Japan under super 301, we have placed our relationship with that country in a very precarious position. Demanding Japan to engage in free trade when we cannot bring ourselves to do likewise will hurt rather than help our situation over the long term. Already the United States has experienced a great deal of animosity on the part of the Japanese for placing them on the super 301 hit list. Leading ruling party leader, Ryutaro Hashimoto is on record saying, "We don't like to negotiate with a pistol pointed at us." Also, at the time of the announcement, then Foreign Minister Sousuke Uno stated:

I strongly regret the lack of fairness because the U.S. has unilaterally made such a decision on the trade practices of other countries including Japan, despite the fact that the U.S. itself maintains import restrictive measures and practices to a considerable degree * * * Japan and the United States, as the two major economic powers of the world, share the responsibility to cooperate in order to realize and maintain noninflationary sustained growth of the world economy.

Rather than attempt to negotiate trade barriers unilaterally and face the wrath of our trading partners, we would have been wise to explore solutions which would not only benefit ourselves, but others as well.

I recommend the following article, "On Glass Houses and Japan-Bashing," which appeared in the June 21 edition of the New York Times, to my colleagues as must reading. This article does a fine job of explaining why naming Japan as a priority country was a dangerous move, and highlights some of the major problems we can expect to incur as a result of our action. Moreover, the author offers two recommendations that could have prevented such an unfortunate outcome—which I, by the way, suggested continually in the Trade Subcommittee during markup of the trade bill.

[From the New York Times, June 21, 1989]

ON GLASS HOUSES AND JAPAN-BASHING

(By Raymond Vernon)

CAMBRIDGE, MASS.—It is a cardinal principle of love and war that you don't start anything you can't finish. By naming Japan as one of three countries that the Administration regards as unfair in its trade policies, the U.S. Government has blatantly violated that basic tenet. More's the pity since there are better ways of resolving trade disputes.

The Japanese and U.S. economies have become deeply intertwined over the past decade. Indeed, with hundreds of billions of dollars of Japan's assets in the U.S., each country has a hand on the other's throat. Threatening Japan in the press makes no more sense than threatening a first strike in nuclear politics.

When President Bush placed Japan on a list of countries accused of unfair practices, he was simply fulfilling the requirements of the 1988 Trade Act. But his public action was offensive in terms of international norms and unacceptable to any self-respecting sovereign state.

The heroic efforts of Carla Hills, the U.S. Trade Representative, to take the sting out of the labeling of Japan deserves this year's Nobel Peace prize. But it cannot be expected to succeed.

Apart from the style of its rebuff, the U.S. enters the dispute with dirty fingernails and soiled hands, a fact of which Japanese officials are acutely aware. U.S. breaches of its own trade commitments to Japan began in 1957, when it cowed Japan into applying a so-called voluntary restraint on the country's exports of textiles. Since then, the U.S. has engaged in steady trickle of such viola-

tions, including the restraints it has obliged Japan to impose on the export of automobiles and steel to the U.S.

The history of Japan's trading practices is nothing for that country to brag about, as scores of U.S. studies have pointed out. But the flow of stories in the U.S. media painting a picture of a wily and unreliable adversary has left a grossly distorted image of who has done what to whom.

No matter. The next steps in this exchange are easy to picture.

Already Administration officials have been taken aback by the angry public reaction in Japan—a reaction they ought to have expected. Sensing the risks of a downward spiral of destructive actions and responses, they will now try to take the sting out of their announcement in order to repair relations.

They will remind themselves and the rest of the world that Japan's official trade restrictions are among the lowest in the world. They will admit that the remaining problems of penetrating the Japanese market are no longer governmental restrictions but are more subtle and structural—problems beyond the easy reach of governments. In the end, the two countries will cover up the spat.

But the long-term loss will be substantial. The two countries will find it harder to work together to solve many of the problems in which they have a shared interest—improving conditions for the sale of services in world markets, keeping the European market open to outsiders and maintaining an adequate defense presence in Asia.

Could this sorry episode, with its unfortunate outcome, have been avoided?

What is missing in the U.S. relationship with Japan is a mechanism for addressing disputes over economic issues in a less abrasive and more effective way. Japan is attempting to use complaint procedures of the General Agreement on Tariffs and Trade to counter U.S. actions, but the findings of GATT Panels cuts little ice with the Congress.

Perhaps the bilateral trade agreement recently concluded with Canada offers a better way. In this treaty, Congress agreed to some remarkable and unprecedented changes in the handling of trade disputes.

Compulsory arbitration is to be used on a wide range of disagreements. And in some cases, binational courts are to be allowed to decide whether the two governments are carrying out their respective laws. These courts will consist of two judges appointed by the U.S., two by Canada and one chosen by the other four. They will have all the powers of an appeals court in their respective countries.

The time is ripe to consider thinking of extending this approach for the settlement of disputes with Japan as well.

RESCUE REVISITED 14 YEARS LATER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. TOWNS. Mr. Speaker, it is my great pleasure to rise today to bring you good news.

Fourteen years ago, Marvin Bunch, a fireman saved Lisa Greene, a 3-year-old child from certain death in an east New York City apartment building which had become engulfed in flames. The child survived and the fireman was praised as a hero by local media.

Usually the story ends here. However, in this instance, the story was revived 14 years later by the young woman who refused to forget the man responsible for her rescue. The pair was reunited to celebrate Ms. Greene's graduation from the Thomas Jefferson High School in Brooklyn, NY through the efforts of friends, family and the New York City Fire Department.

I commend to your attention a news article appearing in the New York Daily News on June 26, 1989, commemorating this heartwarming event.

RESCUE REVISITED FOURTEEN YEARS LATER

(By Vincent Lee and Robert Gearty)

Forget for a minute about crack and crime and pilfered Regents tests and raise a cheer to a Brooklyn teenager who graduates from high school today happy to be alive and happy to be celebrating with the man who saved her life 14 years ago.

Raise a cheer to Lisa Greene, 18, who graduates from Thomas Jefferson High School in Brooklyn.

And raise a cheer to Marvin Bunch, a firefighter, who made it all possible when he pulled Greene from a fire in 1975.

SHE REMEMBERED

When Greene receives her diploma, Bunch will be there as Greene's special guest.

"I'm honored to be her guest," said a smiling Bunch, who has come all the way from Las Vegas to be with Greene.

It's a reunion of sorts for Greene and Bunch, who have not seen each other since Bunch rescued her.

"I've always really wanted to thank him personally and I wanted to show him that it was really worthwhile saving my life," said Greene. "I never really met him, but I have a future—I'm going to college—and it is all because of him."

Greene had been thinking about Bunch for a long time and felt it would be nice if he could come to her graduation.

Two months ago, Greene's mother, Theresa Greene, wrote to the Fire Department asking help in locating Bunch.

THEY FOUND HIM

Community relations specialist Anita Hinds found out that Bunch had retired as a captain in 1978 after being on the force for 28 years and moved to Las Vegas, where he is a part-time ranch hand.

Bunch, 60, didn't hesitate in accepting Greene's invitation when he received it by mail.

Bunch said he remembered the Jan. 19, 1975, incident well.

He said firefighters were called to an apartment on Ashford St, East New York, where three small children were reported trapped in a bedroom.

Bunch, then a lieutenant, and two other firefighters entered the apartment. Bunch groped through the thick smoke.

"I stepped and my leg hit something soft," he said. "I reached down and I felt someone's arm. Then I felt a leg."

Bunch realized it was a small child.

"I picked the child up," he said. "I couldn't see anything because of the smoke but somehow I managed to get to the door and I went down the stairs to the front door, where I handed this little bundle over to another firefighter."

TWO OTHERS SAVED

Greene's younger sisters, Rebecca, then 1, and Trina, 2, also were rescued.

Lisa was in Brookdale Hospital for three months recovering from her injuries.

She is thrilled that her mother and two sisters will be at the graduation.

She's also thrilled that her personal hero will also be there.

THE SOLOMON AMENDMENT IS WORKING

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. SOLOMON. Mr. Speaker, in 1982 I introduced legislation conditioning Federal higher education assistance to the requirement to register with the Selective Service System. The legislation, which was overwhelmingly approved by the Congress and upheld by the U.S. Supreme Court, made it clear to all young men in this country that if you expect the benefits of this great country you must face up to the responsibilities of citizenship.

This same message, of conditioning Government benefits to the responsibilities of citizenship, will be repeated next month, when I offer an amendment to the Department of Transportation appropriations to deny Federal highway funds to States which do not require drug tests for driver's licenses applicants.

Mr. Speaker, today I wish to insert a recent letter to Paul Knapp, the general counsel of the Selective Service System from George Terwilliger, U.S. attorney, District of Vermont regarding a young man who failed to register with Selective Service and yet illegally obtained Federal higher education grants. He has been placed on probation for 18 months and is required to pay back to the Government all of the $5,000 in education grants which he received.

Over 99 percent of the young men in this great country have fulfilled their duty and registered with Selective Service. A 99 percent success rate says it all about the people who carry out the Selective Service mission and it says it all about the level of patriotism in America today.

U.S. ATTORNEY,
DISTRICT OF VERMONT,
Burlington, VT, June 20, 1989.

Re *United States* v. *Carl Veilleux,* Criminal No. 89-58M.

PAUL J. KNAPP,
Assistant General Counsel, Selective Service System, National Headquarters, Washington, DC.

DEAR MR. KNAPP: Please be advised that on June 18, 1989, Carl N. Veilleux entered a plea of guilty to a one-count information charging him with a violation of 20 U.S.C. §1097—student loan fraud. As part of the agreement in this matter, defendant Veilleux agreed to register with the Selective Service System on or before June 29, 1989. He further agreed to make restitution to the United States of America in the amount of $5,088.00, an amount representing student assistance grants fraudulently obtained. On June 19, 1989, United States

Magistrate Jerome J. Niedermeier sentenced Veilleux to a suspended sentence, placed him on an eighteen month period of probation, and made an express condition of probation that he make restitution to the United States in the amount of $5,088.00.

Should you have any questions in this regard, please do not hesitate to contact the undersigned Assistant United States Attorney.

Sincerely yours,

GEORGE J. TERWILLIGER III,
United States Attorney.
JOHN M. CONROY,
Assistant U.S. Attorney.

STATEMENT OF COMMITMENT TO FREEDOM AND DEMOCRACY

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mrs. BOXER. Mr. Speaker, the following is an address by Chai Ling, who was the leader of the Chinese student movement. It is a moving and courageous statement of commitment to freedom and democracy and to the country they love and hoped to change. I commend it to my colleagues and Americans everywhere.

Translation of the full transcript of a tape made by Chai Ling, leader of the student movement on June 8 as published in a Hong Kong paper: Overseas Chinese Economic Journal. Chai Ling was sobbing as she was doing the recording.

June 8, 1989, 4 p.m. I am Chai Ling, Supreme Commander of Defense of Tiananmen, I'm still alive.

On the evening of June 3, between 8, 9, and 10, the situation got worse and worse. News of people being beaten to death kept coming in, more than ten times. Our Command issued a statement, our only slogan: Down with Li Peng government.

At 9 p.m. sharp, all the students at Tiananmen stood up, raised our right hands and swore, "I pledge that for the cause of developing democracy in our motherland, for the prosperity of our country, to prevent a small group of conspirators from undermining our great motherland, to prevent our one billion population from white terror, I pledge our young lives to the defense of Tiananmen, to defend the republic. Our heads may be cut off, our blood may be shed but we will not allow the loss of people's square. We will defend to the last with our lives."

After 10 p.m., our command told everybody that since April, when the movement was mainly that of a patriotic student movement, and into May when the movement turned into a people's movement, our principle has always been peaceful demonstration. The highest principle of our struggle is peace. A lot of fellow students, workers, citizens of Beijing came to our command post and said that was not the way to conduct the struggle, you should take up arms and some of us were quite agitated. Our command said to them, we are here for peaceful demonstration, the highest principle of peace is to sacrifice ourselves. That's how we were, we linked hands, shoulder to shoulder, we came out of our tents, we were singing the Internationale and we sat on the steps of the monument, peacefully. With our peaceful eyes, we awaited the arrival of butchers, we knew we were conducting a war between love and hate, not a war between arms and violence. We all knew that this democratic peaceful movement has peace as our highest principle and we didn't want it to end with fellow students using sticks and bottles to fight those armed with bayonets, tanks, the soldiers who had lost their senses, that would be the greatest targedy of our movement.

We were just sitting there quietly, waiting to sacrifice ourselves. Then our loudspeakers played "Descendants of Dragon", fellow students were singing along with tears in their eyes, we were holding on to each other, we held hands. Each of us knew the end was here, the time to sacrifice our lives for our people was here.

There was a young student, he was 15 and he wrote his last testimony. I can't remember his exact words, I only remembered one thing he said to me. He said, "Life is strange, there is only a fine line between life and death, sometimes I see a worm crawling along, when it moves a little, it will get trampled on and will never move again." He was only 15 and he thought about death. Republic, please remember, this child fought for you.

Between 2 and 3 am, we had to abandon the public address system at the bottom of the steps and moved up to the one on the monument itself. Those of us in command went around the monument to comfort our fellow students and to mobilize them. We were just sitting there. Some said, the first row was most determined, fellow students in the back row said they are just as determined, if the first row got attacked we would not run away. I told them a very old story. "There was an ant hill with one billion ants. One day the hill was on fire, the ants realized that they must get through the fire if they were to be saved. So some of the ants held together and rolled towards the fire, those on the outer edge were burned to death but the rest of the ants lived. Fellow students, we are on the square, we are standing on the outer edge of our people." Each of us understood that only through our sacrifice could we save the republic. We sang the Internationale.

Later, several compatriots, He Dejian and others on hunger strike said they couldn't bear it. They said, "Kids, don't sacrifice yourselves here?" But we students were very determined. Some went to seek out the army to negotiate, to find someone who was responsible for "cleaning up the square" and offer to leave the square peacefully if our safety were guaranteed.

At this time, our command were soliciting the opinion of students whether to stay or to leave. It was decided that we should leave. But while we were preparing to retreat, those butchers did not keep their words. The soldiers in helmets and with bayonets came charging up the monument, before we could announce our decision to retreat. They destroyed our speaker system and defaced the monument. It's people monument, how could they shoot at the monument.

The rest of the students were retreating, we were crying, fighting. Some citizens told us not to cry, we said we'll be back, because this is the people's square. But we learned later that some students still believe the government and soldiers would not hurt them, they thought the worst case would be to be forcibly taken away. They were too tired and were sleeping in tents, the tanks made meat pies out of them.

Some said two hundred or so students had died. Some said over four thousand died in the square. The actual figure I still don't know, but those on the outer edge, those belonging to the autonomous workers union were all dead, they had at least twenty to thirty people. I heard when students were retreating, soldiers in tanks and APC's put abandoned tents, clothes and students' bodies together, poured gasoline over them and set them on fire. They then washed the grounds and not a trace of evidence was left. The symbol of our democratic movement—the goddess of liberty was ran over by a tank and broke up into small pieces. We linked hands, went round Chairman Mao's Memorial Hall towards the west and saw about 30,000 armed soldiers, many students cried "Dogs, fascists".

The soldiers were heading towards Tiananmen. We passed Liubuko, members of our command were in the front row. On the afternoon of June 3, Liubuko was the site of one of the first bloody battles, debris, trash cans, burned out were everywhere. We went from Liubuko to Chang An Blvd. We saw burned out vehicles and broken cobble stones, obviously a fierce and bloody battle was fought there but there was not one body around. We learned later that the facists were mowing people down with machine guns, the soldiers coming from the back would pick up the bodies and put them on buses or trolleys. Some of them might still be alive when picked up and must had suffocated to death among all the bodies. These fascist covered their crimes well.

We were marching back to the Square. The citizens of Beijing tried to turn us away. "Kids, do you know they have machine guns set up? Don't sacrifice yourselves!" We then left through Xidan to retreat to our campus. On the way, we saw a mother crying out loud, her kid was dead. I could see from the body that it was killed by soldiers and laying on the street. I continually received reports that people got shot. These citizens didn't commit any crime, they didn't even shout slogans.

A friend of mine told me, he was trying to stop tanks in Chang An Blvd around 2 am. He saw with his own eyes, a girl not very tall, with her left hand on her hip and her right hand waving and stood in front of a tank. She was ran over and became a meat pie. He was holding a fellow student each with his left and right hands. His friend on his right was shot and fell, then his friend on his left was also shot and fell. He was lucky to be alive. On the way back, we saw mothers looking for their kids, wives looking for their husbands and teachers looking for their students.

The machines guns all round had banners on them, "Support the correct decision of the Party Central Committee". Students were greatly angered by these banners and tore them down. The radio were saying the army was in Beijing to take care of the rioters, to maintain the order of the capital. I think I'm most qualified to say that students were not rioters. Every Chinese with conscious, put your hand on your heart, think about it, the kids were holding hands, sitting by the monument and waited for the arrival of butchers. Are these rioters. If they are rioters, would they be sitting there quietly?

How far has fascism gone? Shamelessly, against their own conscious and they telling the biggest lies. If the soldiers who mowed down innocent people are animals then what are those lying in front of cameras?

As we were leaving the Square and on Chang An Blvd, a tank was charging our way. It fired tear gas. It ran over students,

over their legs, their heads. Many could not die in one piece, who are the rioters.

It was like this, our fellow students leading in front, we maintained our pace, it was like this.

Fellow students were wearing masks, the tear gas made our throats really sore and painful. For those who have already sacrificed their lives, what would bring them back. They would forever echo on Chang An Blvd.

Those of us who walked back from Tiananmen, those who were still alive came back to Beijing University. There were many students from other campus and other cities, we had prepared beds for them.

We were in deep sorrow. We were alive. But there were many more who stayed at the Square, stayed on Chang An Blvd. They'll never come back, never. Some of them were young, very young, they'll never be back. Afterwards, we got information related to June 3. At 10 p.m., Li Peng gave three orders. First, the soldiers could shoot. Second, the army must move with all haste and they must win. By the morning of June 4, they must totally recover the Square. Third, the leaders and organizers of the movement are to be killed at will.

Compatriots! The ruthless and insane 'puppet' government are still moving the army around. A massacre is going on in Beijing, perhaps a massacre is also going on in other parts of the country. But compatriots, the darker it gets, the sooner will dawn arrive. When the fascists are pursuing senseless crack down, then a real people's and democratic republic is to be borne.

A critical life and death situation has arrived for our country. Compatriots, every citizen who has conscious, every Chinese, awake! The final victory belongs to civilians. The 'puppet' Central Committee leadership of Yang, Li, Wang and Bo is not far from destruction.

Down with Fascism.
Down with Military Rule.
People will triumph.
Long live the republic.

HYDROGEN RESEARCH AND DEVELOPMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. BROWN of California. Mr. Speaker, today I am introducing a bill I offered in both the 99th and 100th Congresses. This measure is a continuation of my commitment to advance the research and development of the fuel source of the future: hydrogen. My bill, the Hydrogen Research and Development Act, is a vital part of the preparations for the post-petroleum era. Joining me as cosponsors of this measure are Congressmen TIM VALENTINE, TOM LEWIS, DANIEL AKAKA, and JAMES SCHEUER.

Interest in alternative energy sources declined dramatically in the 1980's as the Arab oil embargo of a decade ago gave way to an oil glut and low gas prices. However, this energy abundance created a false sense of security. Circumstances are quickly developing which could place the United States in a vulnerable position in the world energy market. Oil imports are increasing steadily as domestic energy production declines.

Hydrogen could be the energy alternative of the future for several key reasons. Hydrogen is one of the most abundant elements on Earth. It burns clean, producing only water vapor, and, it burns efficiently, providing more than twice as much energy per pound as compared with conventional fuels. My legislation calls for a focused national program on hydrogen R&D, and provides solid funding to implement the program.

One of the most promising near-term applications of hydrogen is its use as a fuel in aircraft. Hydrogen is already the preferred fuel for launching rockets into space. Hydrogen fuel is an important element of the National Aero-Space Plane [NASP] program. The NASP program, run jointly by NASA and the Department of Defense, will culminate in the construction of a hydrogen fueled aircraft which will not only fly at hypersonic speeds, but will also be able to rocket into low-Earth orbit. Europe and the Soviet Union are also aggressively developing hydrogen aircraft technology.

Hydrogen is ideal for use in fuel cells. Fuel cell technology combines a hydrogen-rich gas with air, and converts the chemical energy of this mixture directly into electricity—with no intermediate combustion step. Because fuel cells transform fuel directly to electricity without an intermediate conversion to heat, less waste heat is produced and very high conversion efficiencies—in the range of 40 to 60 percent—are achieved.

Another promising application of hydrogen is its use as an electric storage medium. Virtually all forms of energy, such as coal, nuclear, or natural gas, could take advantage of hydrogen for transporting energy over long distances. After 300 to 400 miles, hydrogen as a storage medium becomes increasingly cheaper than transmission through electric wires. This could allow for nuclear reactors, as one example, to be located great distances from the populated areas they serve.

Arguably, environmental concerns are the most important reason for developing alternative energy sources. We cannot indefinitely mine or drill for the world's limited fossil fuel reserves. Evidence is mounting which indicates that so-called greenhouse gases from fossil fuel combustion are causing global climate change. The emission of chlorofluorocarbons is causing the destruction of the Earth's protective ozone layer. The recent oil spills at Prince Williams Sound, Narraganset Bay, and Galveston, however, remind us that the environmental impact of oil goes beyond harmful emissions. If we are ever going to take responsibility for the environment, then we will have to dramatically change the manner by which we generate energy for our society. The dream of hydrogen economy includes using renewable energy sources to produce clean-burning hydrogen fuel.

Before hydrogen can be used broadly, it must overcome stumbling blocks relating to production. Hydrogen does not occur naturally; therefore, it must be manufactured synthetically. Electrolysis, the traditional means of producing hydrogen directly, is too costly with coventional electrical production. However, new ideas in such areas as biotechnology, photochemical generation, and coal gasification, point to potential technological breakthroughs that may dramatically change the economics of hydrogen production. Considering this challenge, it is vital that Federal commitment improve significantly in order to advance hydrogen research and development. Current Federal hydrogen programs are funded principally through the Department of Energy at a level of about $3 million—this can hardly be considered a comprehensive effort. Although the work being done is relevant, the Nation lacks a coordinated effort for hydrogen research and development.

As in so many areas of enormous economic potential, hydrogen fuel is being aggressively pursued by other nations which recognize the significant contribution hydrogen can make to their economies. Hydrogen research programs are presently underway in some 17 countries including Germany, Japan, China, Switzerland, France, the United Arab Emerites, Egypt, the Soviet Union, and Israel. If the United States is not careful it may be buying hydrogen technology and infrastructure elements from abroad. In our competitiveness-conscious society, the current U.S. hydogen effort stands as yet another example of shortsighted Federal policies which could have a harmful economic impact.

The bill I offer today is nearly identical to a measure introduced by Senator MATSUNAGA. This bill requires that a comprehensive management plan be prepared for hydrogen research and development and authorizes $155 million for implementation of that plan. The funding would be divided between the Department of Energy, $55 million, and NASA, $100 million, over a 5-year period—only $13 million would be authorized for fiscal year 1990. In addition, the bill would create two advisory panels to oversee the progress of hydrogen R&D, make recommendations, and provide necessary reports to Congress.

Mr. Speaker, I request that a summary of the Hydrogen Research and Development Act be printed in the RECORD following my statement. I strongly urge my colleagues to review this legislation, and join me as a cosponsor of this bill.

BILL DIGEST OF THE HYDROGEN RESEARCH AND DEVELOPMENT ACT

TITLE I: HYDROGEN PRODUCTION AND UTILIZATION

This title directs the Secretary of Energy to prepare and submit to specified Congressional committees a comprehensive program management plan for a research and development program designed to permit the development of a domestic hydrogen fuel production capability within the shortest practicable time. It requires the Secretary to send the Congress annual reports which include any necessary plan modifications.

It directs the Secretary to establish such a program within the Department of Energy. Requires that the areas to be addressed in the program to include production, liquefaction, transmission, distribution, storage, and utilization. It requires priority to be given to production techniques that use renewable energy sources as their primary energy sources.

It requires the Secretary to establish a technology transfer program to accelerate the application of hydrogen energy.

It requires the Secretary to prepare a comprehensive technology application plan which shall include: (1) necessary research

and development activities needed before initiation of large-scale hydrogen production; (2) assessment of appropriateness of a large-scale demonstration; and (3) an implementation schedule including budget and management resource requirements.

It requires the Secretary to consult with other federal agencies and departments in carrying out this program.

It requires the establishment of a Hydrogen Technical Advisory Panel to advise the Secretary on the conduct of the hydrogen program. Requires the Panel to submit an annual report on the program to the Energy Research Advisory Board which shall subsequently report to the Secretary.

It authorizes $3 million in FY 90 and $52 million in the remaining four years for this title.

TITLE II: HYDROGEN-FUELED AIRCRAFT RESEARCH AND DEVELOPMENT

This title directs the Administrator of the National Aeronautics and Space Administration (NASA) to prepare and submit to specified Congressional committees a comprehensive program management plan for a research, development and demonstration program for the development of a domestic hydrogen-fueled aircraft capability within the shortest practicable time. It requires the Administrator to transmit to the Congress annual reports which include any necessary modifications with respect to this plan.

It requires the Administrator to establish such a program within NASA and to prepare and transmit to the Congress a 5-year comprehensive flight demonstration plan which shall confirm the technical feasibility, economic viability, and safety of liquid hydrogen as a fuel for commercial transport aircraft.

It requires the Administrator to incorporate the goals, directions, and activities of the National Aero-Space Plane Program (NASP) in the program and plan.

It provides that the research and development program under this title shall include the development of the systems associated with the production, transportation, storage, and handling of liquid hydrogen for commercial aircraft application.

It provides that the Administrator shall consult with other federal agencies and departments in carrying out the program.

It establishes a Hydrogen-Fueled Aircraft Advisory committee to advise the Administrator on the programs established by this title. Requires the Committee to report annually to the Administrator on its activities and on the status of such programs.

It authorizes $10 million in FY 90 and $90 million in remaining four years to carry out this title.

TRIBUTE TO AVIS GREEN TUCKER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. SKELTON. Mr. Speaker, recently, the University of Missouri awarded an honorary degree to Avis Green Tucker, a Mizzou alumnus who is editor and publisher of the Daily Star-Journal in Warrensburg, MO. Mrs. Tucker is the first woman to serve as president of the Board of Curators. She is also chairwoman of Missouri's Coordinating Board for Higher Education.

Through the years Mrs. Tucker has made outstanding contributions to Missouri in the fields of journalism and education. I am proud to represent her, and I take this opportunity to share the news of this honor for Mrs. Tucker with the members of this body.

PROPER TAX TREATMENT FOR RURAL ELECTRIC COOPERATIVES

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing for myself and my distinguished colleague, Mr. BROWN of Colorado, legislation that would clarify section 277 of the Internal Revenue Code as it relates to the accounting for "safe harbor" leases.

Under the Economic Recovery Act of 1981, financially distressed companies were allowed to enter into safe harbor lease transactions in accordance with I.R.C. section 168(f)(8). These transactions were designed to allow corporations and cooperatives that could not use their investment and energy tax credits and accelerated depreciation deductions to sell these tax benefits to those profitable corporations that could use them. Although subsequently repealed, safe harbor leasing benefited numerous rural electric cooperatives who had entered into lease transactions.

A safe harbor lease transaction generally involves one party—the seller/lessor—who sells an asset to a second party—buyer/lessee—and then leases the asset back. The sale takes place at cost with the buyer paying a down payment and giving a note of equal payments for the balance. While the sales transaction was not in and of itself a taxable event, the seller/lessee would realize income as payments were made on the note. However, the seller/lessee also agrees to rent back the asset for payments equal to the note payments, thereby providing a deduction for the rent. Therefore, when enacted, the safe harbor provisions clearly reflected a legislative intent that the seller/lessee's interest income under the note would be offset by the rental expense on the seller/lessee's tax return—a simple wash.

An unintended tax problem has arisen for rural electric cooperatives that entered into these safe harbor lease arrangements. Section 277 of the Internal Revenue Code currently requires a cooperative to segregate its member and nonmember income and to allocate expenses in a similar manner. Thus, cooperatives are effectively treated as if they were two separate businesses. In this context, an electric cooperative could have sales to its members at a loss, yet still pay tax if it makes a profit on sales to nonmembers.

Recently, the IRS has taken a position contrary to the legislative intent, by expanding the scope fo section 277 to include cooperative safe harbor leases transactions. Instead of matching the rental expenses associated with lease transactions against interest income, the IRS now requires that the rent deduction must be allocated between member and nonmember income. This mismatching of the lease deduction and lease income creates a distortion. And again, since section 277 requires cooperatives to segregate member and nonmember business, a cooperative cannot offset its member losses with nonmember interest income. As a result, a cooperative could be subject to tax bills much larger than ever intended even when it has actually incurred a loss in its taxable year.

First, when Congress enacted the safe harbor provisions, it neither contemplated nor intended section 277 to subject cooperatives to the kind of substantial and long-term tax liability which may result under the present IRS interpretation of the provision. In fact, the provisions were intended to help distressed corporations work out their financial troubles. Second, the Service position unfairly targets and discriminates against cooperatives. Other entities that used safe harbor leasing provisions have not been forced to modify their accounting rules or otherwise to return lease benefits.

This legislation simply would amend IRS Code Section 277 to clarify that any ongoing income and deductions, generated by a safe harbor lease transaction and reported by a electric cooperative, may be used to offset each other. It's unfair to change the rules in the middle of the game, especially where the rule change would inexplicably target only our rural electric cooperatives. Failure to clarify this issue will place our rural electric cooperatives at a competitive disadvantage and likely lead to increased utility costs for rural Americans.

I urge you to support this bill to provide equitable tax treatment for our rural electric cooperatives.

The full text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SAFE HARBOR LEASES INVOLVING RURAL ELECTRIC COOPERATIVES.

In the case of a rural electric cooperative described in section 1381(a)(2)(C) of the Internal Revenue Code of 1986, any interest income in connection with a transaction involving qualified leased property which was treated as a lease under section 168(i) of such Code (as in effect before the amendments made by the Tax Reform Act of 1986) or any corresponding prior provision of law shall be offset by any rental expense in connection with such transaction before allocation of such income or expense to members and nonmembers of such cooperatives for purposes of such Code.

LABOR LEADER'S STAR ON RISE WITH AID OF ORGANIZATIONAL COUP

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. CLAY. Mr. Speaker, I was very happy to read the fine article in the St. Louis Post-Dispatch about one of our community's leading citizens, Mr. William Stodghill. Mr. Stodghill

has dedicated his career to improving the quality of life for working people. His efforts to achieve more effective union organization have earned him the highest respect of his peers. I commend William Stodghill for his tremendous achievements in behalf of working men and women and his dedication to the St. Louis community. It is with pleasure that I share the following article with my colleagues in Congress:

[From the St. Louis Post-Dispatch, June 16, 1989]

LABOR LEADER'S STAR ON RISE WITH AID OF ORGANIZATIONAL COUP

(By Philip Dine)

A shack. Boxing gloves. A union card. A jail cell.

Those are some of the elements that shaped William Stodghill, who was reared in the slums of Detroit and found a home in the union movement.

He rose through the powerful labor organizations in Detroit, came to St. Louis 12 years ago to straighten out a troubled local in the Service Employees International Union and was made a vice president of the international.

Stodghill scored one of his biggest triumphs a few days ago when 51,000 members of a national hospital union joined the Service Employees International Union, making it the largest health care union in the country.

Stodghill runs the union's National Health Care Division, as well as heading service employees Local 50 here.

At the local level in Detroit in the 1970s, Stodghill was considered one of the top union organizers and negotiators in the country.

Now, only 49, he is seen by many as a growing force in the national labor movement.

"I just think he's one of the bright stars," said Tom Turner, secretary-treasurer of the Michigan AFL-CIO.

"He has come a long way in a short period of time, and I think he is going much further. Stodghill can go as far as he aspires to go."

Stodghill was trying to organize the large Ford Hospital in Detroit in 1973 when his handbilling activity led to a scuffle with hospital guards and their German shepherd dogs.

Stodghill was arrested and jailed on charges of assault, which were later dismissed. It was one of several arrests for his labor activities.

"I consider going to jail for fighting for workers the highest badge of honor one can carry. That, to me, shows your commitment," he said.

If this reveals Stodghill's militant bent, there is also a conservative, self-reliant side.

"If you have a commitment and a belief, you can move beyond the slums," he says. "You can shake that. I don't say everyone can shake that, but those who try hard will."

Both aspects stem from his upbringing. He and his two brothers grew up in a shack with no bathtub and little to eat. His father, a laid-off Chrysler worker and a member of the United Auto Workers, repaired cars to support the family.

"My family stressed that we should be about helping each other, that we had no time to be jealous or that kind of thing, and that if we saw anybody going up the ladder we should help them," Stodghill said.

There was also a sense of individual responsibility.

"My father would never, ever get on welfare. He had a pride about himself that he would never take handouts. I think that's where I got some of my inner strength," he said.

The children learned the lessons. One brother, Ron, got a doctorate in education and is superintendent of schools in Wellston; the other brother, Richard, is a 32-year UAW member in Detroit.

Bill Stodghill, who played high school football, basketball and baseball, worked as a janitor in a state hospital before being elected union steward in 1958 as a hospital food service worker.

After two years as an Army paratrooper, where he rose to sergeant and was a heavyweight boxer, Stodghill was hired by Local 79 of the Service Employees International Union. There, he gained a reputation as a top organizer and negotiator.

Flora Walker, of the American Federation of State, County and Municipal Employees competed with Stodghill in 1967, when each tried to organize workers at Detroit Memorial Hospital.

"That's a hardball kind of situation," Walker said. "But with Bill, he always gave me respect.

"I consider Bill one of the ultimate union people that I've ever met. When things were down, he could always say something that kept you going, gave you hope."

Some who worked with or against Stodghill say that his intensity could make him abrasive and insensitive.

Stodghill acknowledges that he sometimes got "overwhelmed with what I was doing and kind of rubbed people the wrong way . . ."

In Detroit, as later in St. Louis, Stodghill's activities went beyond the labor realm. He helped found the A. Philip Randolph Institute to get blacks more involved in the labor movement; helped start the Detroit branches of Jesse Jackson's Operation PUSH; and was instrumental in the passage of legislation in Michigan for statewide voter registration by postcard.

Stodghill arrived in St. Louis in 1977, after being asked by the Service Employees International Union to help revive Local 50, which suffered from internal strife among its officers.

The local's membership has tripled to 12,000, making it one of the strongest unions here. Members include public employees, janitors and health-care workers in Missouri and Southern Illinois.

Stodghill, whose salary is $35,000, oversees 15 employees and a $1.3 million operating budget. He takes pride in the local's efficient administration.

"He really turned that union around, with his organizing activities. He breathed life into the union," said Robert Kelley, president of the St. Louis Labor Council, AFL-CIO. Stodghill is on the council's executive board.

A powerfully built man at 6 feet 1 inch tall and 197 pounds, Stodghill has not shied from controversy here. In the last year, he has led a one-day walkout of the 40 City Hall workers in East St. Louis over heating problems and a six-week strike of 45 area window cleaners against four cleaning firms over wages.

In 1982, when President Ronald Reagan spoke at the Sheraton Hotel here, Stodghill organized a rally of 1,500 to protest federal budget cuts.

He has set up an educational program for Local 50 members, a credit union, a scholarship program and a summer camp in southeast Missouri where 40 children of members spend a week each summer at no cost.

He now hopes to organize area nurses. "I've asked for an audience before their group," he said.

Rep. William L. Clay, D-Mo., a member of Local 50, calls Stodghill a "very dynamic leader, not just a labor leader but a community leader as well."

Local 50's membership is evenly divided between whites and blacks. Stodghill is on the executive board of the National Association for the Advancement of Colored People and works against apartheid in South Africa. But he resists anything that would divide union members along racial lines.

"I'm first and foremost a trade unionist," he said. "We as employees or workers must unite in order that all can share in the good life, and we cannot do that by being divided."

If Stodghill has learned to work more harmoniously with people, his intensity has not changed. He works from 6:30 a.m. until 8:30 p.m. seven days a week, without breakfast or lunch.

Stodghill does not just share the goals of the labor movement; he has assimilated its lore. Telelphone callers to his office hear rousing, old-time union songs about how "solidarity forever" can "break the haughty power of the bosses."

After a decade here, he says the labor movement in Missouri and Southern Illinois is "one of the best labor movements anywhere in the United States. We have a unity here I haven't seen anywhere else."

Stodghill has a rising national profile, as one of 12 international vice presidents of the Service Employees International Union and head of the union's key Health Care Division.

With 925,000 members, the Service Employees union is the fifth-largest union in the AFL-CIO and is the fastest growing, partly because of gains among health-care workers.

The president of the Service Employees International Union, John J. Sweeney, has called on Stodghill to rally workers in major strikes from Beaumont, Texas, to Albany, N.Y.

"He's especially good at communicating to the membership," Sweeney said. "He relates to them; they relate to him. His background certainly has had an influence on him. He's never lost the touch, the relationship, that's so important."

Stodghill helps lead the union national Justice for Janitors campaign, which seeks to draw public attention to the low wages and poor working conditions many janitors face.

Stodghill says he has no aspirations beyond his current job. He says he never even expected to head a local union, but only wanted to be a good labor organizer and negotiator.

"I'm satisfed with trying to help those people on the lower rung of the economic ladder," he said.

"I consider my self a missionary on behalf of working people.

TRADE WITH THE SOVIETS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. HYDE. Mr. Speaker, today, I would like to submit the second half of an analysis of national security risks implicit in the expansion of the trade relationship between the Soviet Union and Western nations. The author, David Wigg, Deputy Assistant Secretary for Policy Analysis at the Department of Defense, examines the costs/benefits of trade with the U.S.S.R. and the role of Western business, the impact of this East/West trade upon NATO economies and the management of the trading relationship by diplomatic and trade promotion organs within the NATO governments.

CONSIDERING NATIONAL SECURITY IN EAST-WEST TRADE POLICY—PART 2

NATO'S PROBLEM

Our problem is that the Soviets so abuse their economic and other ties to the West in order to conduct technology theft, promote illegal trade diversions and practice espionage, as to render the interaction clearly not in NATO's interest. The East-Bloc trading relationships with the NATO business community serve as a key platform for these illicit activities. Soviet Bloc intelligence activities in the West, including those of the KGB, GRU and the East European services are on the rise across-the-board, with a top priority focus on covert acquisition of militarily-relevant technologies. To those who argue for expanded "non-strategic" trade, I ask what kind of modus vivendi can be constructed when, on the one hand Western businessmen are attempting to conduct business, while their Soviet Bloc counterparts are using the access provided by the business process to conduct covert operations targetting sensitive technologies and to promote trade diversion?

President Bush has said, "The competitive strategies approach to defense (stand-off weapons, remotely piloted vehicles, stealth systems, etc.) is designed to get us to think smart and to rely upon our advantages in new technologies. This initiative will help give us the conventional improvements we need without busting the budget". Unfortunately, the realities of East-West trading and other relationships may prevent the full benefits of competitive strategies from being realized. How valuable will the development and procurement of these breakthrough technologies be to NATO if the Warsaw Pact acquires and develops the same technologies and fields similar weapons with a minimal lag? As Richard Perle has pointed out in Congressional testimony, virtually every major Soviet weapons system incorporates US, Japanese, German, French and British technology to various degrees—in many cases, decisively.

The Soviet Bloc has spent decades building their remarkably effective networks for trade diversions and theft by espionage. This, combined with the growth in Western industrial capacity has made it impossible to stop technology loss, but sharply reducing it must, once again, become our top priority if the President's words are to become a reality. What of NATO's efforts to plug the technology leaks? Despite the heroic efforts of my two colleagues on this panel, COCOM is hardly the panacea for protecting NATO's sensitive technologies that the trade proponents claim it to be.

Hundreds of businesses throughout North America, Europe, Japan and elsewhere, ignore COCOM restrictions and ship sensitive technologies to the East-Bloc, thereby undermining NATO's technological lead in weapons. The same mentality that engages in the selling of proscribed chemical, biological and nuclear weapons technologies to unstable Third World governments is behind illegal sales to Warsaw-Pact customers, arguably with more damaging result.

To answer the rhetorical question above concerning the cost of losing military technologies, a technology-loss estimate must take into account the discount factor against NATO defense spending (about $450 billion at the moment) commensurate with the relative degradation of NATO weapons due to resulting qualitative Soviet gains. I estimate the annual dollar cost to NATO of technology loss (exclusive of national security loss for which no measure exists except the outcome of war) to range from $15 billion to $40 billion, depending on the technologies and weapon systems compromised in any particular year.

With those numbers in mind, we might ask just how important is NATO's trade with the Soviet Union? Perhaps the export numbers are large enough to mitigate the financial costs of Soviet abuses. It also might explain the massive amount of press "ink" devoted to the subject, not to mention the preoccupation with East-West economics of NATO governments' trade promotion and foreign policy agencies.

In 1987, NATO's exports to the world totaled $1.32 trillion.[1] That same year NATO exports to the USSR totaled $12.9 billion or 0.9% of total NATO exports—a sufficiently small number that it could be considered statistically insignificant.[2] It gets worse: If we assume that the overall net profitability resulting from exporting to Moscow averages a reasonable twelve percent of sales for all of the NATO commercial interests concerned, it amounts to around $1.5 billion or one-tenth of my low estimate for the annual cost of technology loss and one twenty-sixth of the high estimate—hardly an impressive cost-benefit outcome for the national interest.[3]

In considering these remarkably high negatives associated with East-West economic interaction, we could ask: *Cuibono,* or who benefits other than the Soviets? The principal Western beneficiaries appear to be the few firms that comprise the tiny sliver of the Western business community involved in the trade. We are familiar with the names of those businessmen who are most heavily engaged in trade with the Soviets. They have been providing advice to key Executive and Congressional managers for years with respect to what is best for our national interest vis-a-vis the Soviets. Their views are taken very seriously and often are incorporated into US and NATO policies.

Can we trust the business community to distinguish between their personal financial gain and our security interests and to display objectivity? In a recent article, George F. Kennan writes: "Never were American relations with Russia at a lower ebb than in the first 16 years after the Bolshevik seizure of power in 1917. Americans were deeply shocked by the violence of the revolution, by the fanaticism and cruelty of the new rules, by their refusal to recognize the debts and claims arising [out of World War I], and above all by [their brazen] world-revolutionary propaganda . . . and [their efforts] to promote Communist seizures of power in other countries."[4] It turns out that some Americans didn't share the revulsion and concern over Soviet behavior described by Kennan. In fact, Stalin's first Five-year Plan might have failed if not for the assistance of International General Electric, Ford, Radio Corporation of America, Standard Oil and other U.S. companies who were heavily involved in building the Soviet industrial base well before U.S. recognition of the Soviet Union in 1933. In 1930, roughly 25 percent of all Soviet imports were from the US and in 1931, U.S. manufacturers' short-term credit was the second largest credit source available to Moscow.

In the decades since then, a small core of business interests scattered throughout the industrial West have maintained close (and presumably profitable) dealings with the Soviets irrespective of the East-West political temperature—in some cases to the detriment of Western security. On the other side of the ledger, the high costs of East-West economic interaction are borne by each and every NATO taxpayer, who de facto underwrite the activities and profits accruing to those few Western businesses involved, by shouldering the tens-of-billions of dollars in additional taxes for defense.

In sum, we have shown that NATO trade with the Soviet Union is statistically insignificant as a share of our global trade and yet because of Soviet Bloc abuse of the East-West trading relationship, it represents a huge financial and security burden to NATO taxpayers while benefiting a mere handful of businessmen—some of whom are honest but dangerously apolitical and some who are not even honest. It is imperative that NATO begin to reverse the high negatives in the East-West relationship. Soviet compliance with the longstanding human rights demands of the West—while of vital importance—is not sufficient to serve as a fulcrum for NATO decisions regarding expansion of East-West economic relations; nor should the Soviet withdrawal from Afghanistan affect our technology control regime.

POLICY RECOMMENDATIONS FOR 1989 AND BEYOND

It is, indeed, unfortunate that the gulf between public perceptions and East-West realities is such that pursuit of sound policies in the areas described above would likely be seen by many as a return to "Cold-War" measures, and thus, unpopular. Skepticism among the press and the effects of long-term Soviet disinformation programs and Gorbachev's appeal, particularly on European public opinion, allow for little chance of implementing such policies. That said, I would nonetheless recommend the following steps to begin to rationalize our relations with the Soviet Bloc:

Because the strength and cohesion of the NATO economies is a vital element in the preservation of Western security, and based on the concerns I have raised earlier, we must not take the passive stance that so-called "non-strategic trade" and other forms

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[1] "Trade Patterns of the West, 1987," IRR No. 194-December 6, 1988, U.S. Department of State, Bureau of Intelligence and Research.

[2] Ibid.

[3] Even if we assume significantly lower loss estimates it doesn't change the essential conclusion—that for the taxpayer, trade with the Soviets is a losing proposition.

[4] "After the Cold War," The New York Times magazine, Sunday, February 5, 1989.

of intensified economic interaction with the East Bloc can proceed at random. Nor do we need to undertake economic warfare and press our leverage in attempts to "extract" concessions from Moscow. There is a middle road. Before we move further in introducing Moscow into the fabric of the Western economic system, the NATO governments should demand a meeting with their East-Bloc counterparts, and after carefully explaining why the present modus vivendi for economic interaction is unacceptable, the NATO reps should make it clear that we cannot in good conscience continue to do business with the East under the present rules; either we change the rules or we don't do business. We should tell Moscow that we are prepared to wait patiently, putting all projects and technology transfers on hold, until we observe movement toward the reduction and eventual elimination of Soviet activities that are harmful to our security. Simply put, the Soviets can—at their initiative—develop "transparent mileposts" of structural and behavioral change that we can confirm as irreversible (sharply reduce the numbers of KGB and GRU agents in the West engaged in technology theft and other harmful activities, reduce aggressive microwave intercept programs, silence the disinformation and anti-NATO propaganda and halt the huge, destabilizing Active Measures assault on Western societies). The rationale for this approach is simple: if Moscow wants the same trading relationship with the US as that enjoyed by France or the UK, for example, than its overall relationship to Washington should likewise parallel the benign, friendly nature of our Western partners. Economically embracing someone intent on your destruction or on undermining your effectiveness is a recipe for disaster (or at least higher defense spending). After all, it would be far cheaper for NATO taxpayers to compensate every firm for profits foregone from suspended trade with the East than to continue to subsidize the trickle of business done under present rules through taxes for higher defense spending.

Regarding technology controls, the COCOM members need to rethink the basis for the technology protection regime, and agree on a more aggressive system for protecting the new conventional technologies that are the wave of the future. The hundreds of firms now violating the accord must be stopped!

With regard to untied lending to Soviet Bloc borrowers, NATO governments need to develop sound, all-source estimates of the hard currency costs to Moscow of funding its "empire", with the focus on those activities inimical to NATO interests. Such analysis does not presently exist. This information will enhance policy judgments concerning the efficacy of assisting the Soviets in their drive toward rouble convertibility and lending untied funds to Comecon borrowers and their impact on the cost/benefit equation (which, I presume, would only enlarge the negatives).

Perhaps a somewhat uniquely-U.S. priority should be to keep the policymaking activities concerning East-West economic security matters within the confines of the overt Cabinet structure. Over the past eighteen months, there has been a tendency for US policy in this area to be made by a small group of individuals without full participation of the Security Community. The broadest possible Cabinet participation and full adherence to process is needed to develop balanced East-West policy, truly reflective of the national interest.

The East-West trade policy portfolio should not be overly concentrated in the foreign policy/trade promotion agencies where it tends to be used to score short-term portfolio successes—and particularly as a "sweetener" in connection with Western diplomatic pursuits. The Security Community should have an equal voice. In this regard, NATO taxpayers might logically expect their trade and trade promotion agencies to spend an amount of public time and resources on promoting and facilitating East-West trade that is commensurate with its contribution to our economies (by last count, statistically insignificant at best).

Finally, the business community should be challenged to justify the overall cost to NATO taxpayers of their relatively marginal business dealings with the Soviet Bloc, the existence of which provides the East the platform from which to acquire sensitive NATO technologies. From the public interest viewpoint, in these days of "no new taxes," tight budgets and a squeeze on Defense, trade with the Soviet Bloc under present rules is not a paying proposition.

VICTORY AT MIDWAY, NATIONAL TRIBUTE IS IN ORDER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. BENNETT. Mr. Speaker, Gilven Slonim, president of the Oceanic Educational Foundation recently shared with me the following paper "Victory at Midway," which I am happy to include in the RECORD as a tribute to Adm. Raymond Spruance and those who shared with him, under his leadership, the spectacular victory at Midway, now almost a half century ago.

VICTORY AT MIDWAY

Fifty years, though but a fleeting moment in history, affords a good measure of how well a man's contribution to his society stands the test of time.

Raymond Spruance emerged from the Battle of Midway as one of America's top-flight leaders, one who could prosecute a significant area within the global area in which the freedoms of all mankind were at risk. Henceforth, he would shoulder an ever increasing burden on behalf of his nation at the point of combat. Indeed it was for these very moments that he had disciplined his mind and body, including the conquest of fear. His victories are legendary. Each is tipped with hardship, and each indelibly marks our nation's performance in war and our nation's future well being.

This was the Spruance who led his armadas into battle confidently and courageously, a soft spoken man with character of steel and a dogged persistence that was always ingenious. The thousands of American seafarers in his mighty Fifth Fleet were ever ready to respond instantly to his direction to engage and vanquish a treacherous enemy on, over and under the seas of the Pacific. In each instance history has proved his decisions sound. His consummate performance in battle at sea was always against a backdrop of sensitivity to the humane issues of peace, and to the people of America.

Yet, paradoxically, the true measure of this man's greatness seems to elude historical chronicles, and the grasp of his nation's citizens. Though indifferent himself to public acclaim, it is time that we accord this naval hero his just due, in the form of a National Tribute on the 50th Anniversary of the Victory at Midway in 1992. After all, this man stemmed and turned the tide of Japanese naval supremacy in the Pacific.

Whether it has been so acclaimed or not, Midway stands in all-time history with the Battle of Salamis as a crushing defeat given to a vastly superior fleet, with comparable significances to the very foundations of the Western World.

A start has been made. In Washington, in 1987, the 45th anniversary of the Battle of Midway was observed with considerable interest and excitement. At the observance, Gene Wolfe, a veteran of the Pacific naval war, in a poetic tribute perhaps captured the depth of the man in the lines:

On looking back . . .
Americans may find names
Better known than Raymond Spruance;
They will find no better man.

Also, a personal biography of Raymond Ames Spruance is already under way by a man who was his Special Intelligence Officer during the years of battle. The biography is scheduled to coincide with the Nation's tribute in 1992.

The point is that now is the time to set in motion plans for a 1992 national observance of the Battle of Midway, and with it to bring the contribution of Raymond Spruance to the understanding of American citizens. For in truth Spruance in his vision and depth of societal wisdom was an early embodiment of what must become 21st Century values. It is knowledge of the sterling qualities of people such as Spruance that will motivate the American people toward a national policy consensus, and in the direction of those unprecedented potentials President Bush has assigned to the "New American Century."

Mr. Speaker, I also include an editorial comment of the Washington Daily News, shortly after the death of Admiral Spruance.

ADMIRAL SPRUANCE

Millions of Americans who never knew him probably owe their freedom to Adm. Raymond Ames Spruance.

If America had not turned the Japanese tide at Midway, it might never have had the opportunity to gather its strength and defeat its enemies on both sides of the earth. Tyranny might have engulfed the world. And had it not been for stern, razor-sharp Adm. Spruance, the United States might never have won at Midway.

His death recently in Pebble Beach, Calif., at age 83, removed another of the diminishing list of stout-hearted men who led us thru the trying years of World War II. A midshipman in the Naval Academy at 17, Adm. Spruance graduated in the upper third of his class and, at 57, became its youngest four-star admiral. He was in the thick of most of the big ones in World War II—Kwajalein, Tarawa, Roi-Namur, Saipan. He wound up his career as ambassador to the Philippines.

"Nothing you can say about him would be praise enough," said his old boss, the late Adm. Chester Nimitz.

Adm. Spruance was one of a disappearing breed, a patriot whose loyalty to his country came ahead of all else. We could all learn from his life's story.

PERSONAL EXPLANATION

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. GLICKMAN. Mr. Speaker, I regret that, due to an out-of-town family commitment, I was absent for several votes in the House yesterday afternoon. I would like to state my position on those votes for the RECORD.

Roll No. 115, "No."
Roll No. 117, "Aye."
Roll No. 118, "Aye."
Roll No. 119, "No."
Roll No. 120, "Aye."
Roll No. 121, "No."

CHINA CRISES

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to draw my colleagues attention to two articles that I think is worth their time to read, relative to the political developments and crisis in the People's Republic of China.

Mr. Speaker as I have always said since becoming a Member of this great institution 6 months ago that our country does not have a clearly defined policy not only in China but throughout Asia and the Pacific. Another serious development also apparent with the China crisis is the ineffective intelligence network system, as confirmed by our own President, who also served as Director of the CIA.

The articles follow:

[From the Christian Science Monitor, June 13, 1989]

CHINA CRISIS WITHERS THE STRATEGIC LANDSCAPE

(By William T. Tew)

The fate of China's pro-democracy movement has understandably captured the attention of the outside world. Endorsing the aspirations of Chinese reformers, President Bush has offered an initial American policy response marked by wisdom and restraint.

Most notably, he has argued that the fate of Asia's largest nation must finally rest in the hands of those leaders who can best come to terms with the demands of their people.

The administration has thus far been less forthcoming, however, in specifying how China's political crisis will affect both the strategic interests of the United States and international security. It is not too soon for American policy planners to weigh how a possible more hostile Chinese leadership could exacerbate regional tensions and complicate efforts to create a more stable international order.

The most immediate concern is who now controls China's nuclear forces and what safeguards are in place to ensure that they remain instruments of deterrence instead of lethal bargaining chips used by one or more domestic political factions.

There is little consensus in the West on what China's nuclear doctrine really is or on how the Strategic Rocket Forces, the major nuclear element of the People's Liberation Army, implement nuclear command and control.

The ultimate authority for managing China's nuclear deterrence posture rests with the Central Military Commission under the chairmanship of Deng Xiaoping and the day-to-day management of its vice-chairman, Yang Shangkun. The unsettling reality is, however, that the prospect of a unified strategic command-and-control system remains clouded.

This situation raises serious questions about whose finger is on China's nuclear trigger. It also points to the dangers of what is an increasingly fine line between political authority and anarchy in Beijing: Are the military authorities who orchestrated the massacre in Tiananmen Square just as prone to use nuclear weapons in any pending civil war in which their power could be threatened by entire armies instead of mere students?

The ambiguity of nuclear-deterrence strategy and management in China should prompt immediate demands from outside powers for assurance that China has its nuclear forces under control. Once some form of political order is restored, moreover, China should be strongly encouraged to join international efforts to implement stronger arms control agreements and confidence-building measures.

China's political crisis also has lasting implications for security problems in the Asia-Pacific region. From the time President Nixon began the process of Sino-American normalization, successive US leaders have regarded China as a strategic counterweight to Soviet military power in the Far East. By cutting off military relations with the Chinese, however, President Bush has strongly signaled that Washington will now rely more on its traditional regional security partners, including Japan, South Korea, and the Philippines.

Yet almost every US ally in this region is undergoing a domestic political crisis that could ultimately impede defense ties with Washington. While the US was certainly correct to oppose those who sifle democratic force in China, the geopolitical penalties of severing *all* military relations with China may be excessive.

US pragmatism also applies to China's continuing role in Indochina. China, along with the USSR, has been an integral player in efforts by the non-communist Association of Southeast Asian Nations (ASEAN) to forge a political settlement in Cambodia. China remains the most important key to any such settlement. It is the leading supporter of the Khmer Rouge, the most powerful and certainly least acceptable resistance faction contending for power in Cambodia. Without China's backing for some type of international guarantee for a peaceful transition of power, hopes for a more stable regional order in Southeast Asia would appear to be dim.

An unstable China also reduces prospects for sustaining a regional environment conducive to peaceful political change and continued economic development. For all the concern US officials and legislators have expressed about growing trade imbalances with the Asia-Pacific's newly industrialized countries, these commercial success stories remain politically vulnerable.

Hong Kong's very economic viability may be at stake in what now happens in Beijing, some eight years before that British crown colony's scheduled reversion to Chinese control. A more repressive Chinese regime will only drive what is left of Hong Kong's skilled labor force and management talent to safer havens. It could also reverse what has until now been a gradual easing of tensions with Taiwan's Nationalist government, itself under rising pressure to become more democratic.

Even Japan's uncertain domestic political climate and its concerns about the continued U.S. willingness or ability to patrol the Asian-Pacific's sea lanes can be related to unfolding events in China. If Tokyo concludes that a Chinese government preoccupied with domestic strife is unable to deter what Japan still sees as a critical Soviet regional military threat, while Washington simultaneously moves to reduce its worldwide presence, it could move more rapidly toward extensive rearmament, thereby actualizing a nightmare long disturbing to both the Chinese and Southeast Asian leaderships.

President Bush recently fashioned an enlightened yet pragmatic approach to European security. The same blend of circumspection and foresight should now be applied in structuring U.S. policies toward the Asia-Pacific at a time when the region's most culturally dominant and militarily powerful nation may be entering a phase of prolonged isolation and weakness. If Washington fails to clearly identify its strategic interests in that region, it cannot expect to influence the forces of change in Asia to the degree it may desire.

[From the U.S. News & World Report, June 26, 1989]

THE CIA'S CHINESE PUZZLE

How good has U.S. intelligence been during the crisis in China? Not good at all, according to an expert named George Bush, who has served both as U.S. envoy to Beijing and CIA director. White House sources say the President is appalled at the quality of intelligence on China. The worst example: On the day before Deng Xiaoping emerged from seclusion and appeared on TV looking in reasonably good health, the White House was told that the 84-year-old Chinese leader was so ill he had lapsed into a coma. That sort of misjudgment underscores why Bush, according to intelligence sources, intends to replace William Webster as CIA chief by the end of the year. The President is said to believe that the agency, still trying to regain its balance after the Iran-Contra excesses, needs more-vigorous leadership. Counters a CIA spokesperson: "The report does not deserve comment."

UNFAIR TRADE PRACTICES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. CRANE. Mr. Speaker, last month the Economist carried a very informative article highlighting a number of our Nation's unfair trade practices which I would like to share with my colleagues. I believe it is especially noteworthy in light of the USTR's recent announcement targeting Japan, Brazil, and India for investigations of unfair trade practices under the Super 301 provision of the new trade law.

According to the Economist, almost 40 percent of Japan's exports to the United States enter under a tariff or some other form of protection. Additionally, it is stated that while

Japan operates 13 voluntary restraint agreements, the United States weighs in at 62. It fascinates me, to say the least, that we would label Japan as an unfair trading partner, when we engage in such blatant protectionist practices ourselves. I am fearful that we will be made to pay for our hypocrisy over time.

I urge my colleagues to take a close look at the following piece from the May 6 edition of the Economist.

MOTE AND BEAM

The American economy is the most open in the world. So claimed Mr. Joshua Bolten, general counsel to the United States trade representative, Mrs. Carla Hills, when he briefed journalists on the USTR's list of foreign trade barriers. That list will be the basis for deciding by May 30th which countries to name as priority targets for negotiation and, if that fails, for unilateral punishment.

Yet America is no blushing virgin when it comes to trade barriers. Around 40% of Japan's exports to America enter under a tariff or some other form of protection. An International Monetary Fund study last year concluded that non-tariff barriers against cars, textiles and steel were equivalent to a 25% tariff, a level not seen since the second world war. America operates 62 "voluntary" restraints on imports, compared to Japan's 13. Another study reports that the proportion of America's imports subject to non-tariff barriers rose by 23% during the 1980s. The figure for Japan went down.

This week the European Community published its own list of nearly 40 American trade barriers. It makes an instructive comparison with the USTR's list. The EEC criticises the United States government's "Buy America" policy. The Americans shout equally loudly about the European and Japanese equivalents. Both sides complain in similar terms about inadequate protection for foreign intellectual property rights.

Other tit-for-tat grumbles:

The USTR reckons that American motor-component manufacturers are unfairly excluded from the Japanese market. Yet America's allegedly voluntary restraint agreement against Japanese cars may have reduced imports by $6 billion in 1986.

America and Europe use almost identical language to object to "unfair" labelling and testing standards that keep out competition in each other's telecommunications market. America is threatening retaliatory action against both Japan and the EEC over telecommunications.

The American fisheries industry complains of Japanese quotas on mackerel, herring and cod. Meanwhile US protection of the merchant-marine industry costs other countries over $7 billion a year.

The USTR report waxes lyrical on the inequities of other countries' barriers to agricultural products like rice and wheat. Yet American protection of its tiny sugar industry costs mostly poor Caribbean countries some $1 billion a year in lost exports.

In sum, America's trade barriers may reduce imports by more than other countries' barriers reduce America's exports. A 1986 study by the Institute of International Economics concluded that 31 American trade barriers were reducing imports by nearly $50 billion. Half of that was accounted for by a single restriction: the multi-fibre arrangement that restricts textile imports. The total would probably be higher today as new barriers have been erected against semi-conductors, machine tools and softwood products. Even fervent protectionists would hesitate to suggest that foreign trade barriers are costing America $50 billion a year.

All figures about the "cost" of individual trade barriers are wild estimates. Furthermore, protection has ramifications beyond the goods and services immediately affected. Efforts to restrict steel or car imports may have little net effect on the trade deficit because they raise the prices of the imports that are allowed. They also push up costs in exporting industries. If they push up the exchange rate, that can increase other imports and reduce other exports.

Deciding what constitutes an unfair trade barrier is inherently subjective, especially when (as with Japan) it degenerates into claims about social structure or culture. Battles to remove such barriers can quickly turn into a war that damages both sides—and has the further effect of shutting out third countries. Hence the invention, largely by America, of the General Agreement on Tariffs and Trade, which emphasises multilateral negotiation under a neutral umpire. It would be sad if the pressure generated by America's big trade deficit, which is caused by bad economic policy not by trade barriers, led GATT's chief god-parent to become its undertaker.

RESPONDING TO THE DRIFTNET THREAT

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. MILLER of Washington. Mr. Speaker, today the Department of Commerce took a major step to protect our salmon fisheries and the ocean's environment. Under terms of the Driftnet Protection Act of 1987, South Korea and Taiwan have yet to reach agreements with our Government to regulate these fisheries. Congress passed this law to help protect our salmon from ocean-going pirates like those from Taiwan caught twice last month.

Mr. Speaker, certification is not the answer. It is the signal that the United States is serious about controlling driftnet fishing. The next step could be sanctions against Taiwan and South Korea restricting the import of fish products to our Nation. But Mr. Speaker, the next step should be an agreement that protects our salmon and protects the sensitive ocean eco-system from vessels which strip mine and ocean.

The United States and Japan have reached an agreement, which I think takes a small step toward meeting those twin goals. It does not go as far as I wanted. I had hoped that our negotiators would have convinced the Japanese that they should have expanded the number of observers. I would have preferred that transponders be placed on all drift net vessels. I would have preferred that the fishing zone not be expanded. And I would have preferred a multi-year agreement. With Japan, we got promises of future action. Mr. Speaker, I first proposed using transponders over a year ago because finding these fishing vessels should not be a game of hide and seek. Based on the tentative promise of action, we are waiting for next year to see it implemented.

Mr. Speaker, the decision to certify Taiwan and South Korea is important, because it sends a signal that we are serious. In 60 days, the President must decide if sanctions are in order. I hope that before he reaches that critical decision, acceptable agreements can be developed.

What would I consider an acceptable agreement? Let me be clear: First, there must be transponders to help track these vessels. The technology exists, now we need the will to put that technology to work. Second, there must be a scientifically valid number of observers to monitor the actual harvests from these driftnets. With nets stretching 30 or even 40 miles in length, all living creatures caught in these vast loops of nets are caught. How many salmon are caught? How many seabirds and marine mammals are killed? How many fish are swept up only to be discarded? We need to know. Third, Mr. Speaker, the zones should not be expanded. Proposals to move the area further north will endanger more of our salmon and will not provide more squid. Finally, we need a multi-year framework. This problem cannot be solved in 1 year. It will take many years of careful monitoring to teach the foreign driftnet fleets that they must live within international regulation.

What should our Government be doing? I have written to Secretary of Commerce Mosbacher urging him to meet with fishermen in Washington State and Alaska this fall, after the season, to hear firsthand the threat. I know he is interested in developing a solution to this problem. He should hear from the affected U.S. citizens. Second, I encourage him to stay on top of the subject. Our Government needs a multi-year action plan. That plan should include protecting the whole North Pacific from illegal fishing activities. If we develop a long-term plan, that fishery can support American business for decades to come. If we develop a multi-year plan, we will have the baseline information to know how that sensitive eco-system is being harmed. Setting an agenda and keeping the bureaucracy on target requires leadership from the Secretary of Commerce.

I also encourage the Secretary of Commerce to work with the Secretary of State to continue to press our case in all meetings with Japan, South Korea, and Taiwan. The Secretaries of Commerce and State should put this item on their agendas. This is not a parochial issue of concern just to fishermen from the Pacific Northwest; it is about protecting the oceans. International leaders have called the oceans the common legacy of mankind. There can be no higher calling than protecting that common legacy.

Mr. Speaker, certification of Taiwan and South Korea is only one step toward protecting our oceans and our salmon. The time has come to regulate driftnets.

Thank you.

CALAVERAS BIG TREES

HON. RICHARD H. LEHMAN

OF CALIFORINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. LEHMAN of California. Mr. Speaker, today I am introducing legislation to complete a project Congress began in 1909—protection of Calaveras big trees. Inspired by the conservation policies of Theodore Roosevelt and a group called the California Club, in 1909 Congress enacted legislation to authorize the Calaveras Big Trees National Forest in California.

The act empowered the Secretary of Agriculture to acquire land on both sides of the North Fork of the Stanislaus River to protect majestic groves of big trees—especially giant sequoias—and to promote their reproduction. The 1909 act was not implemented by the U.S. Government until 1953 when the Calaveras Big Trees National Forest was carved from private land in the area. The new national forest, with only 379 acres, became the smallest national forest in the Nation, and its management was delegated to the nearby Stanislaus National Forest.

In the intervening years between congressional recognition of the big trees area and its actual creation as a national forest, California State officials—worried by federal inaction—moved at a faster pace to protect the Calaveras big trees. These Californians enlisted the help of Frederick Law Olmsted, Jr. Olmsted visited the Calaveras groves in 1928 and included them in a list of potential sites which were the foundation of the California State Park System. In the 1930's and 1940's California acquired land on both sides of the North Fork of the Stanislaus River. This land became known as the Calaveras Big Trees State Park.

Today, the 379 acres of the Calaveras Big Trees National Forest lies between the north and south groves of the 6,000-acre Calaveras Big Trees State Park. Although both the state and Federal land is set aside for the protection of big trees, because of the size and location of the Federal parcel, the U.S. Forest Service can provide custodial care only—with no recreation or resource management, no trails and no ranger assigned to actively manage the big trees on an ongoing basis. As a result, the sugar pine, ponderosa, and sequoia big trees in the Calaveras National Forest are fast succumbing to an encroaching understory of white fir trees. If this situation remains unchanged, all nonfir species will eventually decline.

The bill I am introducing today directs the U.S. Forest Service to transfer the Calaveras Big Trees National Forest to the State of California for inclusion in the Calaveras Big Trees State Park and for that purpose only. The objectives of my legislation are simple:

First, to provide permanent protection for sugar pine, ponderosa pine, and giant sequoia trees which are known generally as the Calaveras Big Trees;

Second, to unify the big trees area to enhance natural resource management and protection; and

Third, to increase visitor access to an enjoyment of the entire Calaveras big trees area through more intensive and active State management.

Mr. Speaker, this is a small bill which will have long-lasting benefits. If you take a walk through the Calaveras Big Trees State Park, you will find serenity and a natural haven from our busy, crowded world. To see the big trees, it will be necessary to get out of your car and go back in time. You will see the descendants of the Calaveras big trees which lived 180 million years ago. You will see the stump of 1,000-year-old tree which is 13 feet in diameter, standing as a reminder of man's willingness to dismantle one of the largest living things on earth.

Mr. Speaker, transfer of 379 acres from the national forest to the California State Park System will protect untouched stands of sugar pine, ponderosa, and giant sequoia trees and will further the enjoyment of visitors to the Calaveras big trees State park. We have a unique opportunity to leave this small, but important legacy to future generations. The conflicts will be few. The benefits will be many.

OUR FLAG DESERVES SPECIAL TREATMENT UNDER THE CONSTITUTION

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mrs. VUCANOVICH. Mr. Speaker, I rise today to address the Texas versus Johnson Supreme Court decision which permits the desecration of the American flag as a form of free speech.

My district, In Nevada, is comprised of many outspoken and courageous Americans, especially veterans—men and women who have fought for the betterment and protection of America and American values. Many Nevadans have written to me, expressing their outrage at this decision. I am appalled at the decision which permits the burning and ultimate desecration of our flag.

Our Nation was forged out of a common commitment to freedom—a commitment held dear by men and women of disparate backgrounds. This common bond remains as one of the testimonies to the enduring strength of our Nation.

And yet, the only tangible symbol of this strength, our American flag, is legally subject to permissible desecration. However well-intentioned the logic and reasoning of this decision, I can only speak with my heart and say how much I deplore the decision.

How many of you were moved, while hearing Senator JOHN MCCAIN at the Republican National Convention last summer, tell us the story of his experience as prisoner of war in Vietnam with Mike Christian, a young man from Alabama, who pieced together an American flag out of strips of red, white, and blue cloth. JOHN MCCAIN and Mike Christian were held captive with a group of other Americans in one room. Each day, Mike Christian would add a little more to the flag. They would say the Pledge of Allegiance to their tattered flag every day and then hide it away, knowing, full well, that exposure of the flag would mean certain punishment. Mike Christian was punished, beaten severely. But, after his fellow prisoners of war nursed him back to health, he continued to piece together the flag.

These men weren't much different from men and women who fought for freedom in our country 200 years ago. Men and women of liberty challenge us to remember the mission of our country, no matter what age they may find themselves in. Although they may have vastly different heritages, they have a common heritage in the American flag—a heritage which knows no time—a heritage which is sealed by a common love for our country and for one another.

JOHN MCCAIN and Mike Christian and their group of great Americans may have been prisoners of war, but their mutual love of country surely sustained them with every added strip of cloth which was their flag.

How do you tell Senator MCCAIN and Mike Christian that their meticulously created flag can be burned by legal decree of the Supreme Court, as an expression of freed speech? Unquestionably these men of unmatched heroic fiber can withstand the awful affront of a burning flag.

How would I tell my father, were he alive today, that the country he served so proudly, as a brigadier general, now permits the desecration of the flag in the name of free speech? And how do I explain the decision to my brother, a West Point graduate and a captain, who has spent a lifetime serving his country? What would I say to my mother, who moved us from base to base, unbegrudgingly, because our country called my father to move to another base. Her abiding faith and pride in her family's service to our country sustains me to this day. Love of country, for me as a child, and, for me as a Congresswoman, has always been and continues to be a family affair.

My family, like many American families, gave their all to support our father and our brother, and the country they loved so well. A burning flag does not shake our faith and love for our country one iota. We can endure it. But many Americans like my father, my brother, JOHN MCCAIN, and Mike Christian have endured much more for the American cause. But sometimes, a slap in the face from your family of America, is harder to endure than the unspeakable trials of war. The prison cell in Vietnam, where commitment was a cornerstone, is more comforting than the Supreme Court decision.

I have cosponsored several bills which would offer the people of Nevada, and the people of this country, an opportunity to vote, up or down, on the Supreme Court's decision through the constitutional amendment process. Surely, the elimination of the burning of the flag as an expression of speech does not jeopardize the intent of the drafters of the first amendment.

Many methods of speech remain available to those who do not agree with our Government. The flag holds a special place in our Nation's history and deserves special treatment under the Constitution.

SUPREME COURT DECISION ON CIVIL RIGHTS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. DYMALLY. Mr. Speaker, while the Members of Congress express their outrage at the recent Supreme Court decision on the U.S. flag, I want to bring to your attention the real damage the Supreme Court has done to all Americans with its recent decisions on civil rights issues.

The following memo was prepared By Representative JOHN CONYERS, chairman of the Committee on Government Operations, and a member of the Committee on the Judiciary.

Mr. CONYER'S memorandum:

SUPREME COURT DECISIONS ON CIVIL RIGHTS

Martin v. Wilks—June 12, 1989.

White firefighters sued the city of Birmingham, Alabama and the Jefferson County Personnel Board, in District Court, alleging that, because of their race, they were being denied promotions in favor of less qualified blacks in violation of federal law. Consent decrees, which included goals for hiring blacks as firefighters and for promoting them, had been entered previously by the city and the Board as a result of actions that had been brought by black individuals and the NAACP. The District Court held that respondents were precluded from challenging employment decisions taken pursuant to the consent decrees, even though they had not been parties to the proceedings in which the decrees were entered.

By a 5-4 vote, the Supreme Court held that the respondents are not precluded from challenging the employment decisions taken pursuant to the consent decrees.

The impact of the decision is that it eases the way for white males to challenge court approved affirmative-action plans.

Patterson v. McLean Credit Union—June 15, 1989.

A black woman who was hired by the McLean Credit Union as a teller and a file coordinator for 10 years was laid off. She brought action in the District Court under 42 U.S.C. 1981, alleging that respondent had harassed her, failed to promote her to accounting clerk, and then discharged her, all because of her race. The District Court determined that a claim for racial harassment is not actionable under 1981. Also, the court said that the woman had to prove she was better qualified than the white employee who allegedly had received the promotion, in order to win her promotion-discrimination claim.

The Supreme Court agreed with its decision in *Runyan v. McCrary*, 47 U.S.C. 160, that 1981 prohibits racial discrimination in the making and enforcing of private contracts. But, it narrowed its scope. The Court claimed that 1981 does not apply to conduct which occurs after the formation of a contract and doesn't interfere with contract obligations, which includes breach of the contract's terms as well as imposition of discriminating working conditions. The Court declared that the District Court erred when it said Patterson had to prove that she was better qualified for the promotion. For, under 1981, a plaintiff must only prove purposeful discrimination, in order to prevail.

Wards Cove v. Atonio—June 5, 1989.

A group of nonwhite salmon cannery workers filed suit under Title VII alleging that their employer's hiring and promotion practices were discriminatory. They claimed these practices had set up a sort of racial stratification within the work force. This was evidenced by the fact that the unskilled "cannery jobs" were filled by nonwhites and the "noncannery jobs", most of which are classified as skilled positions and pay more than the cannery positions, are filled by white workers. The District Court rejected the cannery workers claim based on the fact that there was an overrepresentation of nonwhite works in the cannery job due to a hiring hall agreement with a predominately nonwhite union. The Court of Appeals reversed the decision, holding that the cannery workers had a prima facie case of disparate impact in hiring for both types of jobs. This was concluded based on statistics showing a high percentage of nonwhite workers in cannery jobs and a low percentage of such workers in noncannery jobs. They also decided that once disparate impact caused by employment practices has been proven, the burden is shifted to the employer to prove the practices are of a business necessity.

The Supreme Court overturned the Court of Appeals decision and ruled that the mere comparison of the percentage of the cannery workers who are nonwhite and the percentage of noncannery workers who are nonwhite is not proof enough to make a prima facie disparate-impact case. It further placed the burden of proof on the plaintiffs, in such a case, to show discrimination in hiring and promotion practices. And it made it harder to use statistics to prove discrimination under Title VII. And the Court relieved employers from the burden of justifying that their hiring and promotion practices are of a business necessity.

The case was sent back the lower courts. The plaintiffs must show on some other basis that the underrepresentation of minority groups in the most desirable jobs violated Title VII. The plaintiffs must demonstrate that the statistical disparity complained of is the result of 1 or more of the employment practices, specifically showing that each challenged practice has a significantly disparate impact on employment opportunities for whites and nonwhites.

Will v. Michigan—June 15, 1989.

Will filed suit under 42 U.S.C. 1983 alleging that the Michigan Department of State Police and the Director of State Police had denied him a promotion for an improper reason. The state court ruled in favor of Will, finding that both respondents were considered "persons" under 1983, which provides that any person who deprives an individual of his or her constitutional rights under color of state law shall be liable to that individual. The State Court of Appeals overturned the decision and said the State is not a person under 1983, but didn't immune the Director. The State Supreme Court agreed that the state is not a person under 1983 as well as held that a State Official acting in his or her official capacity also is not such a person.

The Supreme Court declared that neither states nor state officials acting in their official capacities are "persons" within meaning of 1983.

Lorance v. AT&T Technologies—June 12, 1989.

AT&T Technologies had set up collective bargaining agreements before 1979, which determined a worker's seniority on the basis of years of plantwide service, and plantwide seniority was transferable upon promotion to a more skilled "tester" position. In 1979, a new agreement changed this seniority rule and declared that seniority in "tester" jobs is dependent upon the amount of time spent as a tester. In 1982 petitioners—women employees who were promoted ot tester position between 1978 and 1980—received demotions that they would not have sustained had the former seniority system remained in place. In 1983 they brought action in the District Court alleging that AT&T had violated Title VII by adopting the new seniority system with the purpose and effect of protecting incumbent testers—jobs traditionally dominated by men—from female employees who had greater plantwide seniority and who were becoming testers in increasing numbers. Summary judgement was granted and affirmed by the Court of Appeals on the ground that the charges had not been filed within the required period "after the alleged unfair labor practice occurred," 706(e) of Title VII, 42 U.S.C. 2000e-5(e).

The Supreme Court affirmed.

Richmond v. Croson—January 23, 1989.

The city of Richmond, Va adopted a Minority Business Utilization Plan requiring prime contractors awarded city construction contracts to subcontract at least 30% of the dollar amount of each contract to one or more Minority Business Enterprises, which the Plan defined to include a business from anywhere in the country at least 51% of which is owned and controlled by black, Spanish-speaking, Oriental, Indian, Eskimo, or Aleut citizens. Pursuant to the Plan, the city adopted rules requiring individualized consideration of each bid or request for a waiver of the 30% set-aside, and providing that a waiver could be granted only upon proof that sufficient qualified minority businesses were unavailable or unwilling to participate. After the Croson Co., the sole bidder on a city contract, was denied a waiver and lost its contract, it brought suit under 42 U.S.C. 1983, alleging that the Plan was unconstitutional under the 14th Amendment's Equal Protection Clause. The Federal District Court upheld the Plan and the Court of Appeals affirmed. On the respondents petition for certiorari in this case, the Supreme Court vacated and remanded for further consideration. On remand, the Court of Appeals held that the city's Plan violated both prongs of strict scrutiny, in that (1) the Plan was not justified by a compelling governmental interest, since the record revealed no prior discrimination by the city itself in awarding contracts, and (2) the 30% set-aside was not narrowly tailored to accomplish a remedial purpose.

The Supreme Court affirmed the judgment.

Jett v. Dallas—June 22, 1989.

Norman Jett, a white male, was employed by the Dallas Independent School District (DISD) as a teacher, athletic director, and head football coach at South Oak Cliff High School, a predominantly black school. After repeated clashes with the school's principal Todd over school policies and Jett's handling of the school's football program, Todd recommended that Jett be relieved of his duties as athletic director and coach. The DISD's Superintendent Wright affirmed Todd's recommendation and resigned Jett to a teaching position in another school, where he had no coaching duties. Jett brought action in the District Court alleging that Todd's recommendation was racially motivated, and that DISD, acting through Todd and Wright, had discriminat-

ed against him on the basis of race in violation of 42 U.S.C. 1981 and 1983 and the Equal Protection Clause. The District Court upheld a jury verdict in Jett's favor. The Court of Appeals reversed in part and remanded, finding that the District Court's jury instruction's as to the DISD's liability under 1983 were deficient, since (1) they did not make clear that, under *Monell v. New York City Dept. of Social Services*, 436 U.S. 658, such liability could be predicated on the actions of Todd or Wright only if those officials had been delegated policymaking authority or acted pursuant to a well settled custom that represented official policy; and (2) even if Wright could be considered a policymaker for purposes of the transfer of personnel, the jury made no finding that his decision to transfer Jett was either improperly motivated or consciously indifferent to the improper motivations of Todd. The Court of Appeals rejected the District Court's conclusion that the DISD's 1981 liability for Todd's actions could be predicated on a respondent superior theory, noting that *Monell* had held that Congress did not intend that municipalities be subject to vicarious liability under 1983 for the federal constitutional or statutory violations of their employees, and declaring that to impose such liability for only certain wrongs based on 1981 apparently would contravene the congressional intent behind 1983.

The Supreme Court affirmed the judgment to the extent it holds that the school district may not be held for its employees' violation of the rights enumerated in 1981 under a theory of respondent superior. We remand the case to the Court of Appeals for it to determine where final policymaking authority as to employee transfers lay in light of the principles enunciated by the plurality opinion in *Praprotnik*.

RIGHT IS RIGHT

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. VANDER JAGT. Mr. Speaker, today, as President George Bush asked the Congress to do, I am introducing an amendment to the Constitution which will make it illegal to burn or otherwise desecrate the flag of the United States.

I am saddened that it is necessary to introduce this amendment; indeed I believe that the Constitution should only be amended with great care. However, the recent U.S. Supreme Court decision which declares that the U.S. flag may be publicly burned or otherwise mutilated cannot go unanswered.

For over 200 years, the American flag has been more than just a symbol of our Nation, it has been a part of our national unity, part of what holds us together as a people.

Unlike other symbols which we hold dear, the American flag is something special. It is the American flag that stands guard over our government buildings, our schools, our offices. It is the American flag that our athletes proudly march behind as they enter international competitions. It is the American flag that our young men and women so bravely defend on battlefields around the world. And it is the American flag which covers the bodies of the brave soldiers killed while defending the Stars and Stripes.

Just as the spectators in the courtroom wept when the U.S. Supreme Court announced its verdict, all of America must grieve at the thought of Old Glory burning simply to make a political statement.

As the Justices who opposed the Court's ruling said in their dissenting opinion, how can our Government ask servicemen and women to fight and die in foreign lands for our flag, if we are not willing to defend it here at home?

I am deeply disturbed that some liberal Democrats see no need to amend the Constitution, figuring that this firestorm will play itself out and the Nation will soon turn its attention to other matters.

There is no doubt that all Members of Congress have a deep respect for the U.S. flag; but it is shocking that anyone in the Democrat majority would appear to be defending the right to publicly burn our flag.

Liberals, like the ACLU, cry out that burning the flag is just exercising free speech. Try telling that to the mother who lost a son fighting for that flag on Omaha Beach. Try telling that to the family who lost a brother at Midway or Iwo Jima.

When the battle of Iwo Jima was finished, over 6,000 Americans lay dead. And when the U.S. Marines reached the top of Mount Suribachi on that tiny island, they raised high a piece of pipe from which fluttered the U.S. flag.

In Korea, when our troops landed at Inchon, within an hour they raised high our flag. And in Vietnam, thousands of our boys fought through the jungles for their country and for their flag.

It was during the Vietnam war that the Federal law against burning the flag was passed by Congress. You cannot ask a soldier to die abroad for something you are not willing to protect here at home.

Unfortunately, apparently the liberal Democrats don't seem to understand the deep meaning that the flag has for millions of Americans. The most liberal believe that it is more important to allow people to burn our flag than it is to protect this sacred symbol. Other liberal Democrats say simply—well, we'll have to pass a law. We have passed a law—there was a Federal law prohibiting the burning of the flag and 48 of our States have laws prohibiting the burning of the flag. It is those laws that the U.S. Supreme Court has struck down. The only recourse is for a constitutional amendment.

And while we must always guard an American's right to free speech, it is one thing to speak about your beliefs and quite another to burn a symbol as sacred as the American flag. Talking is one thing, physical abuse and acts of violence are another. It is sad to imagine that it is now illegal for many people to burn a pile of leaves in their back yards, but legal to burn the American flag.

In order to pass a constitutional amendment, I am confident the voters of this Nation will elect men and women to the Congress of the United States who will actively work for the passage of such an amendment.

There has never been a more clear or graphic example of the need to elect people to the Congress of the United States who believe in conservative values. If we cannot elect a Congress that will protect our flag, then what is next?

So far this year the House of Representatives has been shamed by a disgraced Speaker of the House who was forced to resign for wrongdoing, and by the resignation of the number three Democratic leader in the House for financial misconduct. Now, we have Democratic leaders saying there is no need for a constitutional amendment to protect our flag. Clearly, something is wrong with the Congress and it is up to the American people to throw out Congressmen who condone such activity.

I am dedicated to working to enact a constitutional amendment to protect our flag, and I hope that millions of Americans will join with President Bush and our fellow Republicans, conservatives, and concerned Democrats in this effort.

PRIVATIZATION 1989

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. ROHRABACHER. Mr. Speaker, the time has come for us to seriously advance the idea of privatization. Governments throughout the world have begun to shift responsibilities from the public sector to the private sector. The Reason Foundation recently released a report entitled "Privatization 1989." It is a critical and meaningful document and I asked that a section of it be read into the RECORD.

The article follows:

PRIVATIZATION 1989: THIRD ANNUAL REPORT ON PRIVATIZATION

I. INTRODUCTION

Futurist John Naisbitt sees privatization as a worldwide trend. "Socialism and the welfare state will wither as countries begin to privatize services formerly supplied by governments," he said last November. "Debate about selling the United States Postal Service will intensify." Naisbitt Group Executive Vice President Marilyn Block predicts that 1989 will see privatization beginning to be applied to public schooling.

Although President Bush did not make privatization a campaign issue, he did say in his State of the Union address that he would pursue private-sector alternatives to state-supported services. He made explicit his belief that the private sector can do certain things better than the public sector.

Forecasters expect that budget pressures will lead to continued shifts of functions from the federal government to the private sector during the coming four years. Even the Kiplinger Washington Letter of November 4, 1988, predicted that "Government will step up privatization of commercial activities in '89. Thousands of such jobs will be let to private firms because it's cheaper."

Another sign of the times was the election last summer of Philadelphia Mayor Wilson Goode as cochairman of the Privatization Council, a national trade association. Democrat Goode's cochair is Prescott Bush, the President's brother. Their cochairmanship of the leading privatization trade organization symbolizes the growing bipartisan

appeal of utilizing the private sector to provide governmental services.

Privatization continues to seep into this country's popular culture. Harper's magazine did a satirical piece on privatizing the U.S. military that inspired several similar pieces by other journals. In addition, NBC's popular TV show "L.A. Law" showed a private court as a low-cost, effective alternative to the civil court system.

It's no surprise that privatization has become a household word. The number of news articles mentioning privatization, as measured by the Reason Foundation's clipping services, increased from 2,195 in 1987 to 3,838 in 1988—an increase of 75 percent. Much of that increase was due to publicity attending the work of the President's Commission on Privatization, which issued its report last March. But it was also due to the continued nationwide and worldwide trend toward shifting functions from the public sector to the private sector.

This trend is amply documented in this third annual report on privatization.

II. SUMMARY AND OVERVIEW

Privatization: A worldwide trend

Governments around the world continued to shift functions and responsibilities to the private sector in 1988. A hefty $43 billion worth of such sales took place during 1988. That brought the cumulative total, worldwide, to $160 billion over the past five years—a tremendous shift of resources and control. Britain and Japan continued to be the leading sellers, with British Steel and Nippon Telephone & Telegraph as the largest of 1988's share-offerings.

Selling state-owned enterprises is increasingly important in the Third World, as well. Nigeria issued a Privatization and Commercialization Decree that will result in the sale of 67 firms, including 12 banks, Nigeria's electric power authority, and various other state-owned industries. Chile plans to sell the government pension fund, and has already sold $1 billion in state firms since 1985, leaving only 20 of 500 companies in state hands.

But asset sales alone do not measure the full extent of privatization. Build-Operate-Transfer (B-O-T) agreements have become increasingly popular. An agreement whereby a private company agrees to build and operate a public facility for a set period of time (with the title reverting to the government when the agreement expires), B-O-Ts have been particularly useful in developing major new infrastructure.

Among the major B-O-T projects under way in 1988 were a 181-mile private tollway in China, a major power plant and rail transit system in Turkey, a new harbor tunnel in Sydney, Australia, and power plants in the Philippines. (The world's largest infrastucture project—the Channel Tunnel between Britain and France—is not a B-O-T project, in that title will remain with its private owners, Eurotunnel.)

Many other governments especially in the Third World, are taking steps to liberalize their economies, so that private enterprise can play a greater role. For example, Morocco has divested its state agricultural marketing/export agency. Tunisian President Ben Ali, while pledging to privatize 100 state enterprises, has also begun deregulating parts of the economy.

One of the most dramatic swings towards the private sector is occurring in the communist world. The Soviet Union has now joined China in allowing farmers to lease land from the state and purchase their own trucks, tactors, and other equipment. Both have now launched programs whereby individuals can purchase their house or apartment from the state.

Communist countries are also permitting private businesses to start up, generally in the guise of "co-operatives." Hundreds of co-ops have started up in the Soviet Union in the past year, though they are severely limited in their access to materials and equipment and may use only their own "members" as workers. Poland and Hungary have gone further. Some 23,000 co-ops have been authorized in Poland, and they are now permitted to hire up to 50 workers per shift. Hungary is dispensing with the co-op disguise, allowing "limited companies" which can employ up to 500 people. The Budapest stock market has reopened, and as of January 1, 1989, anyone may legally purchase shares. Poland has authorized limited share-ownership, as well.

Perhaps the most significant development in the Soviet Union is the breaking up of some collective farms and the leasing out of farm lands to individuals, families, and small groups. One-fifth of the country's 50,000 farms have begun leasing land and equipment to individuals and families over the past two years.

Washington brings up the rear

Overseas, governments of all political complexions are selling off state-owned assets and enterprises, but the United States is virtually alone in having no serious national commitment to privatization. During the entire eight years of the Reagan administration, the only large federal enterprise to be sold off was Conrail (sold in 1987 in a public stock offering for $1.6 billion). During 1988 the government also reached an agreement to sell the Great Plains Coal Gasification plant for $600 million, spread out over the next 21 years. In addition, $4.6 billion was realized from the sale of federal loan assets during 1987-88.

The President's Commission on Privatization set forth an agenda for privatization at the federal level, in its March 1988 report. It recommended that the government sell Amtrak, the Postal Service, and the Naval Petroleum Reserves, as well as continuing to sell federal loan assets. Its other recommendations concerned increased use of vouchers (in housing and education) and contracting-out of services.

While ambitious compared with the Reagan administration's record, this agenda pales in contrast to what is going on overseas. In response, a group of 10 think tanks led by the Reason Foundation formed an ad-hoc Privatization Task Force, which issued a more sweeping privatization agenda in July 1988. It identified some $316 billion in potential revenue from the sale of federal assets and enterprises, including federal commercial timber lands, Amtrak, electricity operations, postal service, airports, and air traffic control. While at first glance, these appear to be fairly radical proposals, in fact they are quite consistent with privatization activities currently under way in other countries:

Passenger Railroads: Amtrak is assumed to be unsaleable because it loses large sums of money. But two major money-losing passenger railroads—Japan National Railways and British Rail—are now in the process of being privatized. JNR has already been broken up into smaller companies and had part of its huge debt written off; for 1988 the six railroad spin-off companies all turned in profits. British Rail's privatization mode is currently under study.

Electricity Operations: While the Tennessee Valley Authority and the five Power Marketing Administrations are considered political sacred cows, comparable electricity operations elsewhere are routinely being divested to the private sector. One of the primary examples is Britain's Central Electricity Generating Board, which is being broken up into two generating companies and a national transmission grid, all of which will be sold during 1990-91. Among the other countries selling or planning to sell electric power operations are Argentina, Austria, Chile, Finland, Israel, Nigeria, the Philippines, and South Africa.

Postal Services: Although no government has yet sold its postal service, many have broken up their state-owned post-and-telecommunications monopoly and sold off the telecoms portion. Among those which have done (or announced plans to do) this are Britain, Finland, Israel, the Netherlands, New Zealand, South Africa, and South Korea. Japan is considering privatizing its Postal Savings System (the world's largest taker of deposits), and Britain and the Netherlands are considering similar moves. And both the Netherlands and New Zealand are discussing the possible sale of the postal service itself.

Airports and Air Traffic Control: Proposals to sell the FAA's air traffic control system and the federally owned airports (Dulles International and Washington National) have received only lukewarm consideration. Yet Britain privatized British Airports Authority (operator of Heathrow, Gatwick and others) in 1987, and among the other countries planning privatization of at least some major commerical airports are Belgium, Canada, Denmark, Japan, and New Zealand. The latter has "corporatized" its air traffic control system, making it entirely user-fee-funded as of 1987, and is considering privatizing it. And Britain's ATC system has been decentralized, with airports taking over responsibility for control towers and local ATC services, some of which are now contracted out to private firms.

These examples illustrate that the potential of privatization in the federal government is far greater than is generally realized. Hundreds of billions of dollars could be realized by the sale of the kinds of federal enterprises which are routine objects of privatization overseas.

State and local governments continue privatizing

Public works, public utilities, and public support activities are increasingly being contracted out at the local level, according to a 1988 study by the International City Management Association.

Democrats and Republicans alike are embracing privatization at the state and local levels as a viable alternative to either cutting services or raising taxes. Among the big-city mayors who have championed at least some privatization initiatives are Tom Bradley (Los Angeles transit and Coliseum), Wilson Goode (Philadelphia refuse collection), Kathy Whitmire (various Houston services), Kenneth Gibson (numerous Newark services), and Terry Goddard (Phoenix public-works services). When it comes to getting the most for the taxpayer's dollar, privatization has now become a mainstream tool of good government.

One of 1988's other notable trends was the continued move toward Build-Operate-Transfer as a means of obtaining new infrastructure. Nearly all of the 65 currently operating resource-recovery (waste-to-energy)

plants are privately funded and/or operated. A growing number of cities and counties are tapping the private sector to obtain new water-supply and sewage-treatment facilities.

National concern over decaying highways and bridges is leading to a resurgence of interest in toll roads. A national conference in November 1988 highlighted the growing number of new public toll-road projects, especially in Colorado, Florida, and Texas—as well as the first such projects in California (in fast-growing Orange County). In a major shift of federal policy, the highway bill approved by Congress in January 1988 offered federal assistance for nine toll road projects—touching off feverish competition among states. The Federal Highway Administration received applications from all over the country. Several projects for private toll roads, on the B-O-T model, are moving forward, particularly the proposed extension of the Dulles Toll Road in Virginia. The first new private toll bridge in over 40 years, opened last June connecting Fargo, North Dakota with Moorhead, Minnesota.

Prison privatization continued to grow in 1988, as well. The greatest activity took place in Texas, where the state contracted for the private construction and operation of four 500-bed minimum-security prisons. All four will be built by Houston-based Becon Corporation; two will then be operated by Wackenhut and two by Corrections Corporation of America. Texas also holds the record for the largest existing prison whose operation has been contracted out. Wackenhut has renovated and now operates the 619-bed Central Texas Correctional Facility for parole violators, in San Antonio.

Another 1988 milestone was the first privatization of a major public housing project. The 464-unit Kenilworth-Parkside project in Washington, DC, was sold by the District government (for $1.00) to the Kenilworth-Parkside Resident Management Corporation. KPRM Corporation has been managing the project successfully since 1982. After a $23-million federally funded renovation is completed in 1990, tenants will be able to purchase a share of the management company for $10,000, which will entitle them to own their own unit. The Department of House & Urban Development under Secretary Jack Kemp sees this project as a model for privatizing other public housing projects by means of tenant management corporations.

AMENDMENTS TO THE FEDERAL RESERVE ACT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. HAMILTON. Mr. Speaker, today I am joining my colleague Representative BYRON DORGAN as cosponsor of a bill to amend the Federal Reserve Act.

The purpose of this bill is to make the internal workings of the Federal Reserve System more accessible to Congress and the public and to improve the coordination of monetary and fiscal policy.

The bill would make a number of changes in the current structure and procedures of the Federal Reserve System:

It would make the Secretary of the Treasury a member of the Federal Open Market Committee, the arm of the Fed that actually sets monetary policy. Currently, the FOMC consists of the 7 members of the Board of Governors, the president of the New York Fed, and 4 of the other 11 Federal Reserve Bank presidents who serve on a rotating basis.

It would make the term of office for the chairman of the Board of Governors coterminous with the term of office of the President of the United States. The term of the current chairman of the Board of Governors, Alan Greenspan, will expire in 1991, during President Bush's third year in office.

It would require that the Fed disclose immediately its policy decisions and any change in the targets of monetary policy. Currently, the Fed waits 6 weeks before releasing information on its monetary policy decisions.

It would permit the Comptroller General to conduct more thorough audits of Federal Reserve operations than can now be conducted.

It would require the Federal Reserve's budget to be published in the budget of the U.S. Government, for the current year and two succeeding years.

The Federal Reserve is currently faced with the very difficult task of trying to slow the economy and prevent inflation from accelerating without causing a recession. It is also trying to bring the dollar to a level where American industry will be competitive in world markets. These are complex goals that the Federal Reserve will not be able to achieve without appropriate help from Congress, the President and the private sector.

This bill is an attempt to strengthen the Fed's ability to conduct monetary policy by improving the structure and procedures of the Federal Reserve, and it deserves a fair hearing. Allowing the Secretary of the Treasury to paricipate in the deliberations of the Federal Open Market Committee, the policymaking arm of the Federal Reserve, and making the term of the Fed chairman coterminous with that of the President will make it easier for the Federal Reserve and the Government to coordinate economic policy.

The bill will also give Congress and the public greater access to information on Federal Reserve policies and the day-to-day operations of the Federal Reserve. Immediate release of policy decisions will increase the efficiency of U.S. capital markets and reduce the uncertainty of investment decisions, since all investors large and small would be given equal and timely information about the goals and policies of the Federal Reserve. GAO audits and publication of th Fed's budget in the annual Budget of the U.S. Government will shed more light on how the Federal Reserve spends money. During the 99th and 100th Congresses, I introduced legislation that would require publication of the Fed's budget for the current year and projections for the two succeeding years, and the bill that Congresman DORGAN and I are introducing today also adopts that approach.

It is our hope that the bill will focus the attention of Congress and the public on how the structure and procedures of the Federal Reserve can be improved. It deserves serious study and I am pleased to be a cosponsor.

INTRODUCTION OF NEW CROSS FLORIDA BARGE CANAL LEGISLATION

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. BENNETT. Mr. Speaker, I am today introducing legislation, along with my fellow Florida colleagues, EARL HUTTO, BILL MCCOLLUM, and HARRY JOHNSON, to study the area of the new deauthorized Cross Florida Barge Canal for possible inclusion in the National Park System, the Wild and Scenic River System, or the National Forest System. This legislation is in response to a State of Florida request to dispose of the canal land as it sees fit, with a minimal of restrictions. The State's plan is unacceptable because it would allow the land to be sold at the State's will to private concerns, which could result in degradation of those important, environmentally sensitive lands.

Under my bill, which amends the 1986 Water Resources Act, that served to deauthorize the canal, the Department of the Interior, rather than the Corps of Engineers, would provide the needed study—within 6 months—and management plan. With that in hand, hopefully the State will proceed to cooperate with the Federal Government to achieve the environmental protection of these lands. I submit for the CONGRESSIONAL RECORD a copy of my bill along with a copy of the portion of the 1986 act that served to deauthorize the canal.

My bill provides for a real environmental program in that area, and I look forward to early hearings on this in the Committee on Interior.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CROSS FLORIDA NATIONAL CONSERVATION AREA.

(a) STUDY BY NATIONAL PARK SERVICE.—Section 1114(e)(1) of Public Law 99-662 is amended to read as follows:

"(1) The Secretary of the Interior shall conduct a study to determine the eligibility of lands and waters within the Cross Florida National Conservation Area for inclusion within the national park system, the national wild and scenic rivers system, or the national forest system, or any combination of the foregoing. The study shall contain a comprehensive plan for the management of such lands and waters as components of one or more of such national systems. The study under this section shall be carried out in consultation with the State of Florida, the Secretary of Agriculture, the Fish and Wildlife service, and the Secretary of the Army and shall be submitted to the Congress within 6 months after the enactment of this Act.

(b) MANAGEMENT AUTHORITY.—Section 1114(e)(3) of Public Law 99-662 is amended to read as follows:

"(3) The plan submitted under this subsection shall assign management authorities with respect to the conservation area among the National Park Service, the United States Forest Service, and the United States Fish and Wildlife Service.".

(c) ADMINISTRATION JURISDICTION.—Section 1114(e)(5) of Public Law 99-662 is amended to read as follows:

"(5) Immediately upon his acquisition of the lands referred to in subsection (g), the Secretary of the Army shall transfer such lands, together with any other lands within the conservation area which are under the administrative jurisdiction of the Secretary of the Army, to the administrative jurisdiction of the Secretary of the Interior, or to such other agencies as are designated for such purposes pursuant to the study under this subsection.".

(d) CONFORMING AMENDMENTS.—Paragraph (6) and (7) of Public Law 99-662 are each amended by inserting "of the Interior" after "Secretary" in each place such term appears.

1986 WATER RESOURCES ACT

(a)(1) For the multiple purposes of preserving, enhancing, interpreting, and managing the water and related land resources of an area containing unique cultural, fish and wildlife, scenic, and recreational values and for the benefit and enjoyment of present and future generations and the development of outdoor recreation, there is hereby established the Cross Florida National Conservation Area (hereinafter in this section referred to as the "Conservation Area").

(2) The Conservation Area shall consist of all lands and interests in lands held by the Secretary for the high-level barge canal project from the Saint Johns River across the State of Florida to the Gulf of Mexico, authorized by the Act of July 23, 1942 (56 Stat. 703) (hereinafter in this section referred to as the "barge canal project"), all lands and interests in lands held by the State of Florida or the Canal Authority of such State for such project, and all lands and interests in lands held by such State or such Canal Authority and acquired pursuant to section 104 of the River and Harbor Act of 1960.

(3) Within the Conservation Area there is hereby designated the Conservation Management Area which shall consist of all lands and interests in lands held by the Secretary within that portion of the barge canal project that is located between the Eureka Lock and Dam and the Inglis Lock and Dam (exclusive of such structures), plus all lands and interests in lands held by the Canal Authority of the State of Florida between such structures and all lands and interests in lands held by such State of Canal Authority and acquired pursuant to section 104 of the River and Harbor Act of 1960.

(b) Those portions of the barge canal project located between the Gulf of Mexico and the Inglis project structures and located between the Atlantic Ocean and the Eureka Lock and Dam, inclusive, shall be operated and maintained by the Secretary for the purposes of navigation, recreation, and fish and wildlife enhancement and for the benefit of the economy of the region.

(c) In order to further the purposes set forth in paragraph (a)(1) of this section, that portion of the barge canal project located between the Eureka Lock and Dam and the Inglis Lock and Dam (exclusive of such structures) is not authorized for the purposes described in the Act of July 23, 1942 (56 Stat. 703) after the date this subsection becomes effective.

(d) The State of Florida shall retain jurisdiction and responsibility over water resources planning, development, and control of the surface and ground waters pertaining to lands cited in subsections (b) and (c) of this section, except to the extent that any uses of such water resources would be inconsistent with the purposes of this section.

(e)(1) Not later than one year after the date of the enactment of this Act, the Secretary, in consultation with the United States Forest Service, the United States Fish and Wildlife Service, and the State of Florida, shall develop and transmit to Congress a comprehensive management plan for lands (including water areas) located within the Conservation Management Area.

(2) Such plan shall, at a minimum, provide for—

(A) enhancement of the environment;

(B) conservation and development of natural resources;

(C) conservation and preservation of fish and wildlife;

(D) preservation of scenic and enhancing recreational values;

(E) a procedure for the prompt consideration of applications for easements across Conservation Management Area lands, when such easements are requested by local or State governmental jurisdictions or by a regulated public utility for a public purpose; and

(F) preservation and enhancement of water resources and water quality, including groundwater.

(3) Such plan shall establish, among the Secretary, the Forest Service, the Fish and Wildlife Service, and the State of Florida, the responsibilities for implementation of such plan.

(4) Until transmittal of such plan to Congress, the Secretary shall operate, maintain, and manage the lands and facilities held by the Secretary under the terms of subsection (c).

(5) Upon submission of such plan to Congress, the Secretary and other agencies, pursuant to the agreement under paragraph (3) of this subsection, are authorized to implement such plan.

(6) The Secretary shall transmit recommendations for protecting and enhancing the values of the Conservation Area to Congress together with such plan.

(7) The Secretary shall consult and cooperate with other departments and agencies of the United States and the State of Florida in the development of measures and programs to protect and enhance water resources and water quality with the Conservation Area.

(f) The Secretary shall operate the Rodman Dam, authorized by the Act of July 23, 1942 (56 Stat. 703), in a manner which will assure the continuation of the reservoir known as Lake Ocklawaha. The Secretary shall not operate the Eureka Lock and Dam in a manner which would create a reservoir on lands not flooded on January 1, 1984.

(g)(1) As soon as possible, the Secretary shall acquire, for the sum of $32,000,000, all lands and interests in lands held on the date of the enactment of this Act by the Canal Authority of the State of Florida for the purposes of the barge canal project. In the event the sums available to the Secretary in any fiscal year are insufficient to purchase all such lands and interests, the State of Florida shall transfer to the Secretary that percentage of the total number of acres to be transferred that is proportionate to the sums received by the State compared with $32,000,000.

(2) From amounts received under paragraph (1) of this subsection, the Canal Authority shall forthwith make payments to the Florida counties of Duval, Clay, Putnam, Marion, Levy, and Citrus. Such payments shall, in the aggregate, be equal to $32,000,000. The amount of payment under this paragraph to each such county shall be determined by multiplying such aggregate amount by the amount of ad valorem taxes paid to the Cross Florida Canal Navigation District by such county and dividing such product by the amount of such taxes paid by all such counties.

(3) As soon as possible, the State of Florida shall transfer to the Secretary all lands and interests in lands held by the State of Florida or the Canal Authority of such State and acquired pursuant to section 104 of the river and Harbor Act of 1960.

(b) Subsection (c) shall become effective—

(1) 90 days after the Governor of Florida has certified to the Secretary that the State has met the conditions set out in subsection (i) of this section, unless the Secretary determines within such period that the State has failed to comply with such conditions; or

(2) on the date of the final order in a declaratory judgment action, brought by the State of Florida in a Federal District Court within Florida, finding that the State has met the conditions.

(i) Subsection (c) shall not become effective until the State of Florida enacts a law or laws which assure that—

(1) on and after the date on which construction of the portion of the barge canal project referred to in subsection (c) is no longer authorized, all lands and interests in lands held for the project by the State of Florida or the Canal Authority of such State will continue to be held by such State or canal authority pending transfer to the Secretary, as provided in this section; and

(2) on and after such date, all lands and interests in lands held by the State of Florida or the Canal Authority of such State and acquired pursuant to section 104 of the River and Harbor Act of 1960 will continue to be held by such State or Canal Authority, pending transfer to the Secretary as provided in this section;

(3) on and after such date, the State of Florida will never transfer to any person (except the Federal Government) any lands owned by such State or the Canal Authority of such State (except existing State roads, highways, and bridges and related rights-of-way, which may be transferred to a county or other local government) and contained within the expanded boundary of the Ocala National Forest as proposed and shown on the map dated July 1978, on file with the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia; and

(4) the State of Florida enacts a law which assures that, on and after such date, the interests in the lands described in paragraph (1) held by the State of Florida are sufficient to carry out the purposes of this section.

A CONGRESSIONAL SALUTE TO DEWEY H. SMITH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. ANDERSON. Mr. Speaker, I rise today and pay tribute to an outstanding individual

and a tireless public servant. Dewey H. Smith will be honored June 30, 1989, as he completes his term as president of the Greater Lakewood Chamber of Commerce. This occasion gives me the opportunity to express my sincere appreciation for his many years of hard work and unending commitment to the betterment of the greater Lakewood area.

Dewey Smith, born in Decatur, GA, attended Rollins College and Long Beach State University in my own congressional district. He has also served his country in the military, having been in the Navy from 1952 to 1955.

Dewey is currently manager of community relations at Douglas Aircraft Co., a division of McDonnell Douglas Corp. in Long Beach, CA, a position he has held since 1985. While with McDonnell Douglas since 1962, he has held several positions. These include producer-director of documentary films for Douglas in Santa Monica, and also administrator for the film and TV communications department of the aircraft division. In this later position, he produced and supervised the production of all documentary films for the aircraft division. He was manager of photographic and audio visual services, as well as manager of product promotion and marketing communications.

Dewey's positions as producer-director of documentary films for Douglas in Santa Monica, and as supervisor of photography for the high altitude nuclear tests at Johnston Island are testament to his photographic skill. This is further born out by his more than 6 years at Cape Canaveral, as photographic coordinator for Douglas, and also as coordinator and supervisor with several companies while there at the Cape.

In addition to his professional achievements, Dewey has a record of untiring public service. Along with the Greater Lakewood Chamber of Commerce, he is president of the Douglas Historical Foundation, the McDonnell Douglas Project Love Foundation, the Long Beach Industry Education Council, and the National Conference of Christians and Jews. He is also the past president of the Douglas Aircraft Company Management Club, the executive vice president of the Los Angeles USO, vice chairman of the Long Beach Chamber of Commerce, and served on the advisory board of AIESEC in Long Beach, and on the board of Governors of the Doctors Hospital of Lakewood.

And, if you can believe that he still has time, Dewey also sits on the board of directors of the Long Beach Conservation Corps, St. Mary's Foundation board, American Cancer Society, Cities in Schools, the Boy Scouts of America, and DARE. He even is chairman of the Lakewood community fair/chili cook-off, one of my favorite events in the area.

And, somehow in his busy schedule, Dewey found time to marry the former Joan Page in 1985. His family now includes his stepchildren, Cinde Brown, Tami Sacks, and Gordie Page.

My wife, Lee, joins me in extending our congratulations to Dewey H. Smith, and his lovely wife and family. He is truly a remarkable individual who has devoted his talents and energies to enriching the lives of so many others. On behalf of the greater Lakewood area, we wish Dewey, his wife and their children, all the best in the years to come.

FLAG DECISION A SLAP IN THE FACE OF AMERICAN CITIZENS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to join President Bush and many of my colleagues in calling for an amendment to the Constitution of the United States, that will prohibit the desecration of the flag of the United States. I have introduced legislation, House Joint Resolution 336, which will prohibit any individual from publicly mutilating, defacing, defiling, or in any other way desecrating the flag of the United States. My legislation will afford the people of this country the opportunity to restore the flag to its unique position as a symbol of our Nation and the values it stands for.

Mr. Speaker, we are all aware that the Supreme Court ruled last week, by a bare 5–4 majority, that the burning of our flag as a political protest should be protected as a form of free speech. Mr. Speaker, I find this ruling to be most unfortunate and an erroneous interpretation of what our forefathers, and we as a people, define as free speech. Supreme Court Chief Justice William Rehnquist said in his dissenting opinion: "Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people." Undoubtedly, the public outrage sparked during the past week by the Court's decision, marks the fact that the decision is offensive to the majority of the people.

Mr. Speaker, I believe that the ruling serves as a slap in the face to the millions of American citizens who have fought to protect and support the flag and all that it stands for, be that on a battlefield, or on a playing field at the Olympics.

Mr. Speaker, here in our Nation's Capital we are surrounded by numerous memorials dedicated to those brave men who gave up their lives in defense of freedom and democracy. For these fallen heroes, the American flag was a unique symbol of the values which they sacrificed their lives to preserve. It is a sad day indeed when those who continue to benefit from the actions of such heroes should now claim a right to publicly burn and desecrate with contempt our flag.

Mr. Speaker, this decision is an outrage, especially to those women whose only emblem of their son's or husband's supreme sacrifice may be a neatly folded flag, presented to them at their loved one's funeral.

My colleagues, if you look out from the Capitol toward the Mall, you can see thousands of people visiting the Smithsonian Institution daily, to view the inventions and triumphs that make our Nation great. One of the largest attractions is indeed the Star-Spangled Banner, the flag which inspired Francis Scott Key to write our national anthem, an image of a banner resilient in the face of flame.

This is not a partisan issue, Mr. Speaker, rather, it is an American issue. We, as representatives of the people of this Nation, should not allow this decision to serve as a detrimental blow, as well as an embarrassment, to our constituents' pride and patriotism.

How can we expect the United States of America to remain an example of freedom, unity, and loyalty to the entire world when our flag, the symbol that has served as a common denominator through our Nation's hardest times, is allowed, by law, to be publicly reduced to ashes?

Mr. Speaker, one of the first things our children learn as they enter grade school is reverence for the flag of the United States. They learn the Pledge of Allegiance, and the significance of the Stars and Stripes, as well as the story of Betsy Ross. I ask you how public displays of flag burning will affect their view of our country? Is this the type of idea we want to instill in our young people?

Mr. Speaker, I would urge all of my colleagues to please consider supporting House Joint Resolution 336, and every other effort to overturn this tragic decision by the Supreme Court. I will not be satisfied until the flag of the United States regains the respect and protection which it so clearly deserves.

VOICE OF DEMOCRACY BROADCAST SCRIPTWRITING CONTEST WINNER FROM RAYNE, LA

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. HAYES of Louisiana. Mr. Speaker, today, it is my honor and privilege to present to the House an essay written by a constituent of mine, Reneé Desiree Brown. Miss Brown was one of 250,000 secondary school students who participated in the Veterans of Foreign Wars of the United States and its Ladies Auxiliary annual broadcast scriptwriting contest. I believe that once you hear Miss Brown's essay you too will understand why she was chosen as the contestant winner for the State of Louisiana. I believe that such programs as the Voice of Democracy present an excellent opportunity for our youth to become involved in both recognizing and developing solutions to America's problems.

PREPARING FOR AMERICA'S FUTURE

(By Reneé D. Brown)

As the sun slowly peaks over the horizon a squirrel climbs an oak tree to collect acorns for winter. Across the globe a family in Japan sits together reading to their children. In Iran children fall asleep to the sound of artillery—no future in sight. Here in America a child when waking finds no parent, coming home from school again—no one. Notice: the squirrel stored acorns—nothing else. The Japanese family sat together. The Iranian children had no clothes or food but did know the true meaning of life—and death. Our children have abundant acorns, but they still hunger.

Out of a third story window a graying businessman stares—dreaming of what is beyond the horizon. Just out of sight on the street below lay homeless hungry children. Through the successful man's mind run the projections of America's tomorrow. He hears of children—roaming the streets looking for a good time. Yet, he is so high up he

cannot see them—cannot look into the eyes—cannot feel the desire—cannot hear the cry of confusion. In his preparation for the future he reads the statistics, not the children. Staring ahead to the future is not the answer but the dilemma. For that mans and our dreams to be fulfilled we must wake up, face the unpleasantness that is there—and see the children. They hold our destiny—what footsteps should a child follow in present day America?

They see a nation not ready to begin preparation for tomorrow. We must first decide what we wish to be. Will we continue striving to be the number one world power through pointing guns or the first nation with the courage to reroute money going to build arms and build our children instead?

Second, every strong civilization since the beginning of time, including our own, trusted and thanked God. Who leads America now? With no prayer anywhere—how hypercritical is it to even suggest "In God We Trust". The setting of morals cannot be recited as laws for the entire nation, instead the return of family, and faith must begin in each individual home.

Third, leaders. Where are they? Our children have seen a mini-war of name-calling throughout, not a horse race, but the presidential race. Who do the candidates favor? Hispanics? Women? Abortionists? Blacks? Hey, are these not all Americans? Why focus on international affairs? We hear war games daily—not at the local video arcade—but on the 6 o'clock news. We cannot yell PEACE loudly in election year, then sell arms to warring nations when times get tough. The future is an unknown world limited only by ourselves. Let's put no limits on our young, but show truth and honesty through our leaders actions today. Covering up the past and hiding from the press must stop on the local, state, and national level. Role models may be the link missing in the chain connecting us to our tomorrow.

Fourth, unity. High above the clouds in an airplane you will see everything learned in geography is not correct. When you leave one state and go into the next there is no line. There are borders separating houses, but no border between states. Therefore, there can be no Texans, or New Yorkers, or Californians—only American. Unity among our states will be the initial step in uniting the entire globe, and spur the realization that every human, regardless of nationality, faces problems that know no boundaries.

As the sun lowers, the squirrel snuggles comfortably in his nest. He fears no storm, no winter, for he has sufficient and appropriate acorns. Let's learn from the squirrel—he did not store flowers for luxury, rocks for defense, nor did he fret whether the sun would rise tomorrow, he completed today. To prepare for the future we must mend the injuries of the present and past, face our fears, with fear there comes courage and, with that courage, bound together, press into tomorrow. The voice of Democracy should not cry out words to tickle the ears and send chills down America's spine, but show truth, that is democracy. As individual children with our own abilities, alone, we cannot hope to succeed, with the nation bound todgether as one behind us, we cannot fail. If I have caused one person to stop one moment to reflect the memory of a child, and realize in the gleam found in those eyes you see tomorrow, and you now see that gleam must not fade, I have succeeded.

A RESUME OF THE VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

The program was started 41 years ago with the endorsement of the United States Office of Education and, National Association of Broadcasters, Electronic Industries Association and State Association of Broadcasters. Starting in 1958-59, the program was conducted in cooperation with the Veterans of Foreign Wars with the broadcasters still serving as sponsors.

In 1961-62, the Veterans of Foreign Wars assumed sole sponsorship responsibility. At that time, the National scholarship award consisted of a single $1,500 scholarship for the first place national winner.

During the past 28 years under VFW sponsorship, the annual national scholarships have been increased to nine, totaling $42,500 with the first place winner currently receiving a $16,000 scholarship to the college of their choice. Student participation has tripled and school participations has doubled.

This past year more than one-quarter million students participated. Over 6,000 schools participated, over 4,000 VFW Posts and 3,700 Ladies Auxiliaries sponsored the program and over 2,000 radio and TV stations cooperated.

The total monetary value of scholarships and awards provided by VFW Posts, Auxiliaries, Districts and Departments amounted to over one million dollars last year. This is in addition to the $42,500 in national scholarships and an annual budget at the national level in excess of $150,000 to conduct the Voice of Democracy Program.

During the 28 years of sponsorship by the VFW, over six million students have participated and awards totaling more than six million have been given to winners at all levels in scholarships, savings bonds, etc.

OUTLAW FLAG BURNING

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. TALLON. Mr. Speaker, so much has been said about the greatest symbol of our Nation and our freedoms—the U.S. flag. I am as proud as every American to see our flag fly proudly over every town and city in our country.

I have an editorial that reflects well my feelings on the American flag and the recent Supreme Court decision to permit the burning of the flag. I would like to express my gratitude to Mr. Don Gordon of the Florence Morning News for putting in writing what so many of us feel.

[From the Florence Morning News, June 29, 1989]

OUTLAW FLAG BURNING

Americans are free to criticize their government in the strongest terms, to denounce public officials by name, to picket in front of the White House, City Hall or anywhere else and to participate fully in a political process by which change in public policy might be wrought.

In short, little is denied citizens in the way of freedom of expression. The Constitution guarantees this, for which we can all be thankful.

But for some, that is not enough. Contempt for country runs so hot in a few of our citizens that they believe they must make an ultimate demonstration of that contempt. So they choose the American Flag as the target. They trample it, they wear it on the seat of their pants and they burn it.

And now five members of the U.S Supreme Court say this activity must be allowed as an exercise of free speech, despite many state laws to the contrary.

To say that opinion did not play well across the land is an understatement of the first order. It was not popular in Florence, South Carolina, and apparently it was not popular anywhere else.

Should that make a difference? Should the law of the land be a matter of popular consensus? In some cases, yes. In this case, yes. The majority controlling in the present instance is of nine individuals. But ultimately, if we are to have truly representative government and if the law is to have the respect it deserves, it must be supported by most of the people who have to live by it. The "law" as enunciated by the 5-4 Supreme Court decision clearly does not meet that test.

If the vast majority of Americans do not believe anyone should have the right to desecrate the American Flag—can there be any doubt on that point?—then that's the way it ought to be. President Bush had it right when he called the flag "a unique national symbol." Setting it apart from all other avenues of expression would not, in the opinion of this newspaper, do violence to the First Amendment or to the rights of those in our midst who have something to say.

Conversely, failure to allow the flag special protective status is an affront against the American people as a whole. Burning the flag is different from speech. The flag is tangible; it represents values and a way of life that are precious to most Americans. Its desecration is an outrage. In a real sense, it hurts in a way that spoken or written words cannot.

Let us not confuse flag-burners with mere political dissenters, citizens with grievances against government or with reformers who hope to make society better.

The flag does not represent government; it stands for the Republic and those who stomp on it are demonstrating their hatred for country and a contempt for the sacrifices that were necessary to keep it free.

Those individuals remain perfectly free under the First Amendment to spray their verbal venom in any public square they choose. They would lose nothing in terms of freedom of expression if they had to stop short of abusing the flag.

For that reason, we support the president in his call for a constitutional amendment to outlaw flag desecration.

While that course may seem extreme, it is the only one open if the law of the land is to be truly reflective of the national consensus.

UNITED STATES INSTITUTE OF PEACE ESSAY CONTEST WINNER MISS LISA C. ORR OF MORGANTOWN, WV

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. RAHALL. Mr. Speaker, when the Honorable Jennings Randolph retired in 1984, he had represented the great State of West Virginia since 1933, first in the House of Representatives and then the U.S. Senate, for a total of 51 years.

Beginning in 1945, then Representative Jennings Randolph introduced legislation to create a cabinet level Department of Peace. He did so at the same time that the United Nations was chartered in San Francisco in that same year.

While he believed in the creation of the UN, and had faith in its future usefulness in allowing nations to come together to debate and discuss their differences in an effort to avoid future confrontations and conflicts around the globe, he was not at all certain that establishing the United Nations was all we needed to do to assure there would not be another "Great War."

Why? Because in 1945, at the end of World War II, even though the United Nations was established with great fanfare, good intentions, and hope for the future, the United States still had a Department of War. Later, in 1948, it became the Department of Defense. But that was then, and in all the ensuing years of Jennings Randolph's career in the Congress, he tenaciously continued to introduce legislation to create a "peace arm" of the United States Government.

In 1948, in the wee hours of the morning while he stood watch from a small room in the Nation's Capitol, where nearby a Senate-House conference was in session, Senator Jennings Randolph witnessed the authorization for the establishment of the United States Institute of Peace adopted at last, as an amendment to, of all things, the Department of Defense authorization bill.

Today, Senator Randolph serves proudly as the Peace Institute's senior advisor and, even though he is no longer taking an active part in the institute's work, there is nothing that pleases him more than the institute's conduct of the annual peace essay contest among high school students throughout the Nation.

During the month of June of this year, the Peace Institute's Second Annual National Peace Essay contest winners were brought forth from their communities to represent their States, to be feted in Washington, DC., to visit the institute and meet its officials and scholars, to meet one another, to discuss among themselves their winning essays, and to visit the seat of the Capital of the greatest free Nation in the world, the United States of America.

Briefly, I would like to describe the institute's essay contest. Each participant is asked to write an essay of no more than 1,500 words on the topic provided by the institute. To become contestants, each participant must first publish their entries in official high school publications, which allows them to share their ideas with their peers, as as well as the Institute.

There are more than 150 college scholarship awards for State and national winners of the contest each year.

Each essay winner is presented with a "Year Book" which contains all of the winning essays nationwide, and I highly recommend it to my colleagues, so that you will get the feel for what your young constituents think about, and what they believe to be true with regard to this country's peace-keeping efforts. For information concerning your state winner, Members of Congress may contact the Essay Project Director at the Institute, Ms. Nan Kyle, by calling her at 457-1700, or write to her in care of the U.S. Institute of Peace, 1550 M Street, NW., Suite 700, Washington, DC. You may order the yearbook for the 1988-89 essay contest, or simply ask for a copy of the essay by the winning contestant from your State. I believe you will be pleased with the work of your young constituents, and you may wish to congratulate them for their efforts.

This year, the students were asked to write on the topic of the 1975 Helsinki accords, signed by 35 nations, including the United States and the Soviet Union. This document asserts the principle that universal respect for human rights, fundamental freedoms, and self-determination is crucial for the development of friendly relations and cooperation among all states of the world.

Within this context, entrants were asked to analyze the significance of the Helsinki accords as a step toward world peace.

This year's winner from West Virginia was Ms. Lisa C. Orr of Morgantown High School, Morgantown, WV. The topic of her essay was: "The Helsinki Agreement: Accordance or Dissonance?"

I wish to take this opportunity to congratulate Lisa on her winning essay, and to ask unanimous consent that it be reprinted immediately hereafter in the CONGRESSIONAL RECORD.

THE HELSINKI AGREEMENT: ACCORDANCE OR DISSONANCE?

The "Helsinki Accords," a mutual agreement for peace and cooperation in Europe signed by 35 nations in 1975, delineates many positive ideas for the world such as peace, security, and cooperation. Unfortunately, because of unrealistic and unenforceable restraints on military action and occupation as well as unclear definition of those terms, it is easily ignored and hopelessly unenforceable by the participating states. Due to heightening tensions among world powers following the signing of the "Accords," most noticeably those between the United States and the Soviet Union, the "Helsinki Accords" were not a step towards world peace.

In July of 1975, the "Helsinki Accords" were signed and put into effect by the participating states at the Conference on Security and Co-operation in Europe. Less than a year later the Soviets made their first breach of the agreement by invading Afghanistan. In that single incident the USSR violated at least three articles of the "Accords."

In the article title "Refraining from the threat or use of force," it states that "the participating states will refrain in their mutual relations, as well as their international relations in general, from the threat or use of force. . . ." Soviet action clearly contradicts this idea—the Soviets had little or no intention of living up to their part of the bargain. "Peaceful settlement of disputes"—the second "ignored" resolution—discusses using peaceful solutions to resolve disputes following the guidelines of the United Nations. Lastly, the article titled "Territorial integrity of States" without question shows the "Accords" position on military occupation: ". . . No such occupation or acquisition will be recognized as legal."

How do the Soviets combat these accusations? Strangely enough by using the same fiction used by the U.S. during the Vietnam War. The USSR claims that their presence in Afghanistan was welcomed—that they were invited into the country just as the U.S. was invited into Vietnam. The only relevant difference between the situations is that the U.S. had no prior interest in Vietnam, a country thousands of miles away. The USSR, on the other hand, historically has had a significant influence on the Afghans and interest in the country because of the proximity of the two nations. The recent decision of the USSR to pull out of Afghanistan, and the U.S. pullout of Vietnam, show the weakness of this argument. The situation in that area of the world has not improved because of Soviet occupation, the people of Afghanistan want the Soviets out—the fairy tale invitation was revoked, their welcome worn out.

The Soviets also have reputedly implemented a political strategy called "divide et impera." This divide and conquer policy is used to "sow discord among the allies as well as within each allied country by inflaming antagonisms and arousing mutual suspicions, using for their purpose political, military and economic inducements or punishments, as the situation requires," according to Richard Pipes, author of "Survival is Not Enough: Soviet Realities and America's Future." Mr. Pipes goes on to say that the USSR pressures the West into mutual agreements accords, such as those signed at Helsinki, to create the illusion that "It shares with the U.S. responsibility for safeguarding the peace and integrity of the Continent [Europe] as a whole, thereby undermining NATO and pushing Western Europe towards neutralism." If these ideas did influence the Conference at Helsinki, the original concept of the "Accords" was heartlessly and purposely overshadowed by the USSR's prior intention.

Whether or not the USSR still practices this policy is still under debate. Although Gorbachev gives the impression that Soviet and Communist party attitudes are changing, those remaining skeptical of the USSR point out the incident in which Gorbachev ignored the tenth anniversary of the "Helsinki Accords." The "Helsinki Accords" have many provisions concerning the development and exchange of information, yet nothing contradicted these resolutions more than the jamming of BBC broadcasts. This situation gave Gorbachev a perfect opportunity for a liberal gesture displaying his commitment to the "Accords," but he declined—continuing the annoyance for people both inside the Soviet Union and out because of the noise interference in other shortwave broadcasts. Moreover, the special transmitters that do the job cost the USSR an enormous amount of money. Although the jamming has been lifted now, twelve years after the signing of the "Accords" and three years after its tenth anniversary, this

"policy of paranoia" was yet another shortcoming of the Soviets and the Helsinki Agreement.

The question surrounding the Olympic Games of 1980 also present evidence of the downfalls of the Helsinki agreement. In 1980, President Carter boycotted the games in protest of the Soviet invasion of Afghanistan mentioned earlier. This in itself was not a step towards world peace, but because it was to show disapproval of a greater wrong one must examine which nation was really the cause of discord. It seems obvious that the Soviet Union was at greater fault than the United States because their original actions were those that initiated the difficulties.

Because of these discrepancies, the Accords cause innumerable disagreements in interpretation when applied to the touchiest areas of foreign policy. Perhaps agreements such as these should be restricted in some manner to keep them from inflaming the very tensions that they were created to relieve. It is unfortunate that this type of agreement isn't more effective, but like the League of Nations, it failed due to lack of ability to enforce—individual participating states can't be expected to play babysitter for one another.

Communication is the key to understanding and peace, but agreements such as those made at Helsinki are simply ineffective in many areas—their compliance can only be strongly urged. The conference itself was important—differences were aired, ideas discussed, and compromises contemplated, but in the struggle to create a concrete document to show the world its success the participating super powers compromised past their independent, preconceived, and self-imposed boundaries—allowing breaches and discord once again.

MUSIC, FAITH HELP BATTLE ADVERSITY

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. TANNER. Mr. Speaker, I rise today to insert the attached newspaper clipping from the May 22 edition of the Union City Daily Leader in the CONGRESSIONAL RECORD.

This article is about an extraordinary young woman in my congressional district, Mrs. Telia Hall, who has overcome personal adversity and turned her life into a new direction to benefit her fellowman. Mrs. Hall was a licensed practical nurse until she was diagnosed with multiple sclerosis in 1987. She truly loved her profession—an area in which she could use her abilities to help those in need.

It was a blow to her to have to give up the nursing profession she dearly loved. However, Telia did not sit around and feel sorry for herself. She began directing her energies into songwriting. She has written a song dedicated to the nursing profession and is in the process of writing more songs in praise to God.

Mrs. Hall is an example to us all and I want to share her story with my colleagues.

MUSIC, FAITH HELP BATTLE ADVERSITY

(By Chris Hatley)

A hand-crafted angel stands gracefully on the piano as 30-year-old Mrs. Telia Hall softly sings her tribute to nurses everywhere.

"Let temperance and meekness operate completely in you; Look unto God for wisdom to flow through you," Mrs. Hall sings.

Just as Mrs. Hall, herself a former licensed practical nurse, asks nurses to look to God for guidance, she has also turned to God for the words to her song, "Angels of Mercy."

Mrs. Hall, who lives near Woodland Mills with her husband, was forced to leave her beloved nursing profession when it was discovered she suffers from multiple sclerosis. She learned in 1987 that she has MS, a degenerative disease of the central nervous system that results in the hardening of tissue.

Mrs. Hall, who tires easily and often suffers from muscle soreness, misses nursing a great deal, but now devotes much of her time to singing, playing piano and writing songs.

"I prayed about it," says Mrs. Hall, who has always enjoyed singing. "The Lord began to give me this song about nurses and what is expected of them.

"I want to dedicate this song to all the nurses in the area," the singer says, noting that May 2 marked the observance of National Nurses Day. "When you write songs, it's a God given talent. That's the way I think about it."

With the help of Union City attorney John Warner, Mrs. Hall's musical tribute to nursing has been copyrighted through the Library of Congress in Washington, DC.

"He (Warner) was real encouraging. He told me I ought to frame my certificates from all my songs I have copyrighted," Mrs. Hall says.

With one song completed, Mrs. Hall is working on her second, a gospel tune entitled "Rejoice in the Lord." She says four friends, Ken and Debbie Asher of the group Harmony and Wayne and Judy Posey, encouraged her to pursue her musical interests.

"He (Ken Asher) felt there would be some interest in my music," Mrs. Hall says. "You have to have a little bit of encouragement.

"Once you have your whole life completely changed, your self-esteem is really low. I've been trying to build my confidence. I purposed in my heart, through the help of the Lord, that I was going to share a part of my life," she adds.

Mrs. Hall says she looks to God for strength.

"Prayer has become a special part of my everyday routine," she says. "A lot of times I've been given words or tunes while praying."

Mrs. Hall's husband, Mike, who works the second shift at Goodyear, is also very supportive.

"He encourages me," Mrs. Hall says. "But with him working second shift, I've had to learn to be independent."

Mrs. Hall says she sometimes suffers muscle spasms, "but I've come a long way."

She uses a walker, but says optimistically, "For me to walk, that's a big accomplishment."

"I have a lot to be thankful for. I don't take anything for granted," she says. "Every day's a battle. But when you stop and look, there's always somebody worse off than you are. Just look to the Lord and go wherever he leads you.

"I sing, I write songs, I play piano. The doctors told me I'd never do any of that. My speech therapist is astonished.

"I'm a miracle," Mrs. Hall adds with an angelic smile.

ALCOHOL- AND DRUG-FREE GRADUATION PARTIES A SUCCESS AT AREA HIGH SCHOOLS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. WOLF. Mr. Speaker, I want to bring to the attention of the House all the individuals in northern Virginia who have participated and contributed to the overwhelming success of all-night graduation parties, free of alcohol and drugs, held in area schools.

Area parents, business leaders, teachers, principals, students, and community leaders have for the third year ensured the success of these all-night graduation parties through contributions, prizes, and extensive planning.

I commend the students, parent coordinators, and everyone who in some way participated in or planned the high school all-night graduation parties. The student representatives and their high schools are: Stephanie Aungst, Annandale; Brian Solan, Bishop O'Connell; Kim Lawrence, Broad Run; Michelle Cyran, Chantilly; Diane Pham, Edison; Tracy Wilcox, Fairfax; Cynthia Southworth, Falls Church; Deanna Byrd, George Mason; Sean Gray, Hayfield; Christine Ellington, Herndon; Rachel Collins, Lake Braddock; Karen Schaben, Langley; Kerri Griffith, Lee; Sandra Moles, Loudoun County; Scott Crane, Loudoun Valley; Cindy Meadows, Madison; Lawrence Frye, Marshall; Kristine Fissell, McLean; Brad Williamson, Mount Vernon; Steve Finch, Oakton; Joe Harris, Osbourne Park; Mark Macislinski, Parkview; Priscilla Demeo, Paul VI; Rebecca Klein, Robinson; Courtney Tolman, South Lakes; Judy Tallant, J.E.B. Stuart; Rachel Webb, T.C. Williams; Douglas Beasley, Thomas Jefferson; Teresa Thomas, Wakefield; Stephanie Shank, Washington and Lee; Robert Johnson, West Potomac; Anne Seinwall, West Springfield; Andrew Stanley, Woodbridge; J.R. Myers, Woodson; and Steve Torregrova, Yorktown.

I also congratulate and recognize the parent coordinators who have contributed so overwhelmingly to the success of these parties. The parent coordinators are: Charlene Foley, coordinator of area parents; Marilyn Weigel, Annandale High; Al Birch, Claudia Gillen, and Barbara Fischi, Bishop O'Connel High; Holly Henrickson and Wayne Griffith, Broad Run High; Jamie McKeever and Hilary Panning, Chantilly High; Lee Rhoads and Ruth Ann Thrift, Edison High; Janice Miller, Fairfax High; Margie Dugan, Falls Church High; Cricket Moore and George Thoms, George Mason High; Betty Vickers and Donna Grigsby, Hayfield High; Bill Torpey, Herndon High; Judy and Bill Paseur, Lake Braddock High; Jane Pope, Langley High; Kathy Cahill, Lee High; Tom Horne and Kenneth Culbert, Loudoun County High; Susan Williams and Gerald Shipp, Loudoun Valley High; Louise Heidner and Doty Lawter, Madison High; Barbara Brooks, Marshall High; Joan Durman, McLean High, Hope Wilson, Paula Johnson and Ann

Ojalehto, Mount Vernon High; Kathy Jones, Oakton High; Rick Van Winkle, Osbourne Park High; Richard Bonieske, Julia Stewart and Carlene McCarty, Parkview High; Father Donald Heet and Louise Saylor, Paul VI; Mary and D'Arcy Roper, William Jackson, and Mimi Doan, Robinson High; Sharon Murphy, South Lakes High; T.J. Glauthier, J.E.B. Stuart High; Judy Felt and John Porter, T.C. Williams High; Janet Harfood and Norren McCafferty, Thomas Jefferson High; Marie Shiels Ojouadi, Cachita Mitchell and Barbara Phillips, Wakefield High; Sue Harrison and Dr. William Sharbaugh, Washington and Lee High; Mary Tueting and Alice Sontag, West Potomac High; Claudia Kiely, West Springfield; Chuck Milheiser, Woodbridge High; Karen Mumford, Woodson High; and Martha Smith and Mark Frankel, Yorktown High.

The alcohol- and drug-free graduation parties these individuals participated in are model efforts in the battle against drugs. These parties serve not only to provide safe and memorable graduation celebrations, they show that we can all have a great time without using alcohol or other substances in social situations. When one life is saved, or one serious injury avoided through participation in these parties, then these seniors know they have succeeded.

Northern Virginia has started a very positive tradition and I am proud to have been a part of the all-night graduation parties both this and last year. This year's graduation celebrations have ended safely and I congratulate all those who attended and planned these parties.

1990 FARM BILL

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. ROTH. Mr. Speaker, recently I testified before the House Agriculture Committee on a most important issue to Wisconsin farmer—the 1990 farm bill. I want to briefly share with my colleagues a summary of my remarks before the committee.

June is National Dairy Month, and it is appropriate that at today's hearing we discuss several of the issues confronting the future success of the dairy industry. In my view, there are three key issues:

First, reform of the milk marketing order system to ensure regional equality,

Second, continuing programs to encourage farm exports, and

Third, maintaining a market-oriented dairy price support program.

Recently, I held a meeting with 25 members of my agriculture advisory committee to discuss their views on current farm policy. The No. 1 issue of concern to these farmers was the milk marketing order system. Specifically, my farm advisers endorsed the goal of regional equality and fairness in calculating the milk marketing orders.

I. MILK MARKETING ORDER REFORM

Milk marketing orders were established in 1933 to safeguard dairy farmers and consumers from great swings in milk supplies and prices. This was a good approach at that time, since milk was an extremely perishable, bulky commodity, and preservation technologies were primitive.

Today, everything has changed in the dairy industry. Refrigeration technology and pasteurization techniques have improved the shelf life of milk. There is no need to give certain regions of the country incentives to produce more milk. Today, all areas of the country can produce low-cost milk.

Under the current milk marketing order system, farmers in Wisconsin receive the Minnesota-Wisconsin base price which is calculated at Eau Claire, WI. Transportation differentials are then factored in. Consequently, the further a dairy farmer is located from Eau Claire, the higher price he received for his milk.

Wisconsin farmers have a tough time rationalizing how a producer in southeastern Florida can receive upward of $3 per hundredweight more for his milk than a farmer in the upper Midwest. Granted, production costs are higher in the South, but certainly not by $3 per hundredweight.

As a first step toward eliminating the inadequacies of the milk marketing order system, I introduced H.R. 501, the Milk Marketing Reform Act of 1989. The goal of my legislation is to simply bring market competition and equality among the regions back into the milk marketing order system. My bill would require the USDA to designate four to eight regional basing points or natural collection points where the price of milk may be calculated.

Under my bill, the national price paid for milk will be the same at each of the base points. New transportation differentials will be created within the regions to reflect more accurately the costs of moving milk to and from the region's base point.

As the dairy industry enters the 1990's, the impetus should be on allowing the price of milk to be governed by fair market forces. Restrictions on the transportation of milk in any form between the regions should be lifted and all regions of the country should be brought into the milk order system. If an area of the country is going to take advantage of the Federal dairy programs, then participation in the order system should be mandatory.

The milk marketing order system was created during the New Deal era and I believe it's time dairy marketing was brought up to date.

II. FARM EXPORTS

When Congress considered the 1985 farm bill, special attention was devoted to expanding farm exports. It is the export provisions of the 1985 farm bill that have helped fuel the farm recovery of the past few years. After farm export levels plunged to a low of $26.3 billion in 1986, the past 2 years have witnessed a steady rebound. Farm export sales reached $35.5 billion in 1988 and the Department of Agriculture predicts that farm exports will top $37 billion in 1989.

The export programs of the 1985 farm bill have helped the United States compete in international markets, and I strongly encourage reauthorization of these important programs, specifically the export enhancement program [EEP] and the targeted export assistance program [TEA]. These two programs have helped recapture old markets and open many new markets that have traditionally been closed to U.S. agriculture products.

III. DAIRY PRICE SUPPORTS

Finally, I would like to express my support for the continuation of a market-oriented dairy price support program. The National Dairy Commission, an 18-member commission set up by the 1985 farm bill, issued its recommendations last year. The message—the dairy industry should first and foremost rely on price to balance the market.

Wisconsin dairy farmers simply want a fair return for their product. They can compete favorably with other regions of the country and in international markets. If changes are made to realistically reform the milk marketing order system and the emphasis on exports continues, then Wisconsin farmers will receive an equitable market price for their product.

Wisconsin farmers have been through tough times in the 1980's with the depressed land prices and last year's drought. But, they're ready for the challenge of the 1990's and only ask for the chance to compete fairly and equitably. It is time for a truly national dairy policy and I urge the members of the committee to support this goal.

RECOGNITION OF COL. FRANK S. DULING

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. BLILEY. Mr. Speaker, Col. Frank S. Duling, the city of Richmond's 11th police chief, will retire on July 15, 1989, from the position he has held for 21 years.

I have known Frank Duling since before I became involved in politics. Then, as mayor, the colonel and I worked closely together for the safety and betterment of the citizens of the city of Richmond.

The chief and his family have always held fighting crime as a matter of grave, personal concern. His father, Frank S. Duling, Sr., was a policeman until he was killed in a car wreck and his two uncles, Capt. Dan Duling and Detective Sgt. Thomas M. Duling, were officers of the Richmond Police Department.

Colonel Duling joined the police department in 1944. He began his career as a patrolman and he worked his way up the ranks, step-by-step, by volunteering to do jobs his fellow police members were not interested in doing. In the 1960's, he first earned his lifelong reputation as an "honest cop." He headed a probe on gambling. Colonel Duling has never tolerated any compromise with crime within the bureau.

Frank Duling will leave some awfully big shoes to fill. I wish him good success, a long life, and a very pleasant retirement. I thank him for his many years of dedication and service to the city of Richmond and its citizens.

NICARAGUA: SUPREME ELECTORAL COUNCIL

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. GOSS. Mr. Speaker, the Tesoro Beach accord signed by the Central American presidents in El Salvador on February 14, 1989, provided that the "Government of Nicaragua will form a Supreme Electoral Council with balanced participation of representatives from opposition political parties."

The electoral reform law passed on April 23 by the Sandinista government set forth the terms by which the members of the Supreme Electoral Council [SEC] would be selected. Under that law, lists of names would be recommended by various political parties for two of the members of the SEC and submitted to the President of Nicaragua, Daniel Ortega. President Ortega would select candidates from those two lists and would also compile lists for the other three members—the two government members and the independent, "notable" person. One of the lists to be proposed by political parties had to represent non-Government parties of the National Assembly which participated in the 1984 elections. That list contained the names of candidates who consistently voted with and supported the Sandinista government. So, in fact, only one list of candidates truly represented the opposition parties in Nicaragua.

The five lists of three candidates, each compiled by Ortega, would be sent to the National Assembly, dominated by the Sandinista party, where the five members of the SEC and their alternates would be chosen.

With the publication of the electoral reform law, the opposition parties criticized the government for failing to provide the "important democratic conditions * * * necessary to inspire confidence in the elections and to guarantee that they will be free."

Specifically on the SEC, the opposition stated on April 25: "The electoral reforms maintain the executive branch's control over the Supreme Electoral Council and other electoral bodies, clearly failing to comply with the El Salvador agreements. * * * The subordination of the electoral branch to the executive branch leaves the opposition defenseless and unable to participate in a true exercise of democracy because the conditions required to hold free, just, and honest elections are nonexistent."

On May 10, 12 of the opposition parties in Nicaragua sent a letter to Sergio Ramirez, acting president in the absence of Ortega, criticizing the laws regulating the selection of the SEC. Their letter stated, "Electoral Law amendments promulgated on April 23, 1989, were unilaterally approved by the government, which scorned the opposition's demands and violated the Tesoro Beach commitments. * * * That balanced representation by opposition parties was not guaranteed in the amendments that were approved and made public. The government not only assigned to itself three of the five magistrate seats, but legally assigned a fourth magistrate seat to a political organization which includes among its membership some individuals subordinate to the Sandinista National Liberation Front [FSLN], leaving the opposition the chance to have only one of the five magistrate seats."

SELECTION OF SUPREME ELECTORAL COUNCIL

On June 7, the National Assembly selected the five members of the Supreme Electoral Council:

One. Dr. Mariano Fiallos, president of the SEC—Sandinista representative and president of the SEC for the discredited 1984 elections.

Two. Leonel Arguello Ramirez, president of the Nicaraguan Insurance and Reinsurance Institute—Sandinista representative.

Three. Dr. Rodolfo Sandino Arguello, "notable" person—selected by Ortega as candidate for this position. Dean of the University of Central America's law school and member of the SEC under Somoza. The opposition tried to get Sandino named as the president of the SEC but the National Assembly chose Fiallos.

Four. Dr. Aman Sandino Munoz, member of the Conservative Democratic Party—consistently votes with the Sandinista in the National Assembly.

Five. Guillermo Selva Arguello, member of the Independent Liberal Party—only true opposition member of SEC.

On June 14, the National Opposition Union [UNO] stated its opposition to the membership of the Supreme Electoral Council:

"The integration of the CSE [SEC], verified by the ruling FSLN wing of the National Assembly, does not establish the balance to which President Ortega committed himself in a document signed by the Central American presidents in El Salvador. On the contrary, a majority of four to one, favorable to the ruling party, will be capable of endorsing any irregularity or fraud to benefit that party."

UNO also stated, "Concerning the reelected president of the CSE, we reject that reelection, because it is no guarantee of purity for the coming elections. We base our objection on the many cases of fraud that the CSE, directed by the reelected president allowed in the 1984 elections. * * * Concerning the election of a notable person who does not belong to any political party, as a guarantee of impartiality, the FSLN majority elected a person who leans toward the FSLN, not heeding the commitment acquired with the Venezuelan Electoral Commission, which stipulated that the notable person should be selected by common accord between the government and the opposition."

THE HIGH SEAS INTERCEPTION OF SALMON

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mrs. UNSOELD. Mr. Speaker, the illegal high seas interception of U.S. salmon by driftnet fleets from Taiwan, South Korea, and Japan is the most explosive issue now facing North Pacific fisheries. Our fishermen and scientists tell us that these foreign fleets are stealing an estimated $21 million worth of U.S. salmon annually and, at the same time, indiscriminately killing thousands of seals, dolphines and porpoises and tens of thousands of marine birds every year.

Beginning around 1980, the U.S. fishing industry became aware that hundreds of foreign driftnet vessels were plying the North Pacific under the guise of fishing for squid. The boats use lightweight monofilament nets—20, even 30 miles long, to scoop salmon from hugh sections of the North Pacific. Picture in your mind 20–25,000 miles of net sweeping the ocean bare on any given day.

In 1987, Congress recognized the destructive nature of the foreign driftnet fleets and the impact that they are having on our resources by drafting the Driftnet Impact Monitoring, Assessment, and Control Act. Under this law, the President has the authority to embargo fishery products from nations who fail to enter into monitoring and enforcement agreements by today, June 29, 1989.

Just last Friday, the U.S. Commerce Department notified us that the State Department has reached agreement with the Government of Japan. While this sends a positive signal that the Japanese are finally willing to work with the United States in developing information on the effects of their high-seas fishery on U.S. resources, I am deeply disappointed with its provisions. I believe that with this agreement our resources and our fishermen who depend upon them will continue to be at risk.

With the Secretary of Commerce accepting this accord, we still have no driftnet agreements with Taiwan and South Korea. Under terms of the Driftnet Act, Secretary Mosbacher must now certify this to the President. The President will have 60 days to determine what, if any, sanctions he will impose.

Mr. President, you must use your full authority. We must get tough with countries that continue to plunder our salmon and slaughter the world's marine life.

At the same time, we should be working with other nations to outlaw this outrageous technology. In a recent meeting with Prime Minister Robert Hawk, I learned that Australia is deeply concerned about depleting of tuna stocks and broader ecological damage from the foreign driftnet fleets in the South Pacific.

International measures are urgently needed. The Soviet Union, Canada, Australia, New Zealand, and virtually every other nation of the South Pacific have all expressed grave concerns over effects of these horrendous driftnet fisheries.

We must now join with these other countries to ban these ecologically destructive fishing techniques. If we fail to act now, our children may only know of this Earth's rich ocean resources and abundant marine life in the history books. We must eliminate these instruments of death. We must ban these outrageous driftnets.

IN SUPPORT OF CHINESE STUDENTS IN THE UNITED STATES

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. SCHAEFER. Mr. Speaker, the recent events in China have been a slap in the face of the democracies of the world. As we learn more of what took place in Tiananmen Square and throughout China, it seems that the Chinese Government ecouraged the democratic rallies for the sole purpose of luring prodemocracy sympathizers into a death trap. The violence that followed, and is continuing even now, is a blatant effort to purge the democratic roots from Chinese society. We may never know the true extent of the violence taking place.

Caught in the middle of this struggle are thousands of Chinese students here in the United States. While many students want to return home, most would face persecution, possibly death, if they were to return to China.

It is for this reason that I want to express my support for H.R. 2712, which would allow Chinese students to remain in the United States if they desire. The legislation will accomplish this in two ways: by allowing Chinese students to switch their visa status within nonimmigrant visa categories, and by waiving the student visa's return residency requirement for Chinese nationals. Most of these nationals are currently here with restrictive student visas requiring a 2-year return to China when their visas expire. To maintain this return requirement will mean certain death for a number of these students.

Our Nation was founded on the belief that people are born with certain inalienable rights. We cannot sit by while these rights are being crushed by others. President Bush has announced a series of economic sanctions. I was pleased to see that many European nations are following our lead in this area. H.R. 2712 is a sanction as well—allowing China's best and brightest to remain in this country, rather than allowing them to be used by the Government of the People's Republic of China. Stronger actions are needed, however. One of the most frustrating things about the current situation is our inability to directly help the Chinese people in their struggle.

This is the essence of H.R. 2712. It gives us a chance to assist a people struggling for democracy. Through H.R. 2712, we can help some of those who have put their lives on the line for this ideal. We can ensure that the fire of democracy remains alive in the hearts of the Chinese people.

CONGRESSIONAL CALL TO CONSCIENCE FOR SOVIET JEWRY

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. SCHUETTE. Mr. Speaker, I rise today to bring to the attention of my colleagues the continuing struggle of Soviet Jews, in the hopes that we all may help them to achieve the freedom of speech and mobility we as Americans already possess. I am honored to participate in this "Call to Conscience," and I appreciate and admire those who have also expressed their concern to me about Soviet Jews in letters, telephone calls, and on the floor of the House of Representatives.

We are witnessing now some important changes in the Soviet Union. Soviet citizens are participating in the freest elections they have ever seen, for the first time choosing delegates to represent them before their leaders. With President Mikhail Gorbachev's policy of glasnost, Soviets are allowed to express their opinions in a limited sense about the Government and its policies without fear of political or personal prosecution. While these accomplishments deserve some acknowledgement, the continued presence of silent restraints remind us all of the ghosts haunting Soviet history and looming over its future.

The absence of free emigration is still an alarming problem in the Soviet Union, particularly for Soviet Jews. For years these people have been restricted and harassed, unable to express and practice their sacred religion or leave the country in order to o so. Yet they remain ever hopeful that one day, they may live in a land where freedom is a way of life and not just a slogan at the foot of a monument. They are optimistic that one day, they may join family and friends who have already been blessed with liberty.

All of us in this Chamber have heard from families with relatives still in the Soviet Union. We have all had the opportunity to sign letters expressing our anger and dismay that such confinement still exists, even in this age of change and openness. I commend those in this body who have taken action in support of those wishing to emigrate, and I urge my colleagues to continue in these efforts.

In this body, we serve as voices of the American people. We also represent and act as the guardians of freedom around the world. As Members of Congress, then, we must take it upon ourselves to hear those in the world whose own governments do not listen. I am grateful and proud to participate in this Call to Conscience on behalf of Soviet Jews, and I urge my colleagues to join with us in this just and important cause.

TRIBUTE TO IDAHO VOLUNTEERS

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. STALLINGS. Mr. Speaker, today I would like to pay tribute to three of my constituents who have been recognized by the Department of Energy for outstanding volunteer service to their communities.

Mr. Ignacio Resendez and Mr. Michael Hargreaves, both employees of DOE's Idaho Falls Operations Office, and Mr. Ronald A. Meeks, of DOE's Idaho Falls Office of Investigations, have been selected in the Department's nationwide program to honor extraordinary community service provided by DOE employees.

I agree with Secretary of Energy James D. Watkins who calls these gentlemen "unsung heroes" in the Department and in our country who are bringing a new spirit of compassionate activism to work in our Nation.

Mr. Resendez is a native of San Antonio, TX. He is currently the chief counsel for the Idaho Operations Office. He has an extensive history of volunteer service. Since the civil rights legislation of the mid-sixties, he has worked hard for minorities. He has helped in education and health care areas and has served as a role model for young Hispanics. He has been active in interpreting church services, making presentations at seminars and filling other similar needs.

He also is dedicated to community youth programs, such as soccer and basketball programs.

Last year, Mr. Resendez was chairman of the Idaho Falls and Surrounding Area Combined Federal Campaign, supporting the United Way. Because of his leadership and dedication to this project, the total amount pledged was 12.5 percent over the previous year's campaign.

Probably the best example of his life of giving was last Christmas when a group of DOE employees wanted to make sure that those less fortunate could derive a measure of pleasure from the holiday season. Mr. Resendez took the lead, rented a Santa Claus suit and played Santa Claus for residents of Quinton Manor, a home for handicapped adults.

Mr. Hargreaves, a native of the Intermountain West, is chief of Federal personnel at INEL. he has been actively involved in supporting local programs for the handicapped. He has spent many hours helping them develop their training programs for clerical and records management. His goal was to make the training such that the graduates could effectively enter the work force. He also developed a program to help clients meet the transition of moving into the employer's permanent workforce.

Because of his commitment to the Development Workshop, an Idaho Falls, ID, sheltered workshop, he was the first awardee of the William S. and Ida T. Holden Award for Service, the highest award the workshop gives for community service. But one of his greatest rewards has been seeing the impact his commitment has had on his own family. This year his daughter was the recipient of recognition by the Governor of Idaho for her essay on employment of the handicapped.

Mr. Meeks is a criminal investigator in DOE's Idaho Falls Office of Investigations. He is currently the assistant district commissioner of the Eagle Rock District, Teton Peaks Council, of the Boy Scouts of America. He voluntarily coordinates the Scouting activities of his church on a year-round basis.

Mr. Meeks also is a coach for the Grid Kids football program and spends about 10 hours a week teaching football fundamentals to elementary school students.

As a member of his church, he also provides time each month to assist or provide

welfare services to the needy families in the church.

Mr. Speaker, each of us recognizes the important role volunteers play in communities throughout the Nation. I sincerely salute these three residents of my district who have decided to make a difference in their community.

BESSEMER BOROUGH DIAMOND JUBILEE

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. KOLTER. Mr. Speaker, I rise today to celebrate and congratulate the borough of Bessemer in my Fourth District of Pennsylvania on the significant occasion of the borough's 75th anniversary of its incorporation on July 11, 1913.

This diamond jubilee recognizes the unique history and proud contributions of Bessemer Borough in the great industrial scheme of history of western Pennsylvania and the Nation.

From prosperous farm country times of the 1800's, a new industry emerged in Bessemer in 1887 when blast furnace operators from Youngstown, OH, discovered limestone in Bessemer's locale and opened quarries there to supply the blast furnaces of the Youngstown steel mills.

These men founded the Bessemer Limestone Co., taking the name "Bessemer" from Sir Henry Bessemer, an English inventor who discovered the process of using limestone in the smelting procedure to manufacture steel.

Workers for the new company arrived from Sweden, Finland, and Austria and settled in the limestone company's housing, while Italians settled in nearby Hillsville and later moved to the town of Bessemer, which kept the company name.

The Bessemer area, which was once part of North Beaver Township in the most western section of Lawrence County, PA, became Bessemer Borough with the first official organizational council meeting on July 11, 1913.

In the last 25 years the borough government has successfully completed several recreational and community projects, including parks, a new fire hall and borough maintenance building, a larger community library, a new water well, and the reconstruction of State Route 317, the borough's main thoroughfare.

This year, Bessemer Borough is culminating its diamond jubilee festivities Saturday, July 8, with a parade, program, and fireworks display.

Mr. Speaker, fellow Members of the U.S. House of Representatives, I rise today to tip my hat and the symbolic hat of this great Nation to Bessemer Borough on behalf of 75 years of hard work and progress in the industrial tradition of America. I salute the good people of Bessemer and their constructive history, and that is why I honor them and this milestone today.

FILIPINO INDEPENDENCE DAY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. HUNTER. Mr. Speaker, as we pause in our pleasant routine to celebrate the Fourth of July 1989, we might ask ourselves, how fares the Nation? We may recall America's Founding Fathers concluding the Declaration of Independence with "And for the support of this Declaration of Independence reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

The distinguished biographer, William Manchester, comments on the American spirit he witnessed in his World War II Marine unit, and as he observed it 35 years later when writing "Goodby Darkness." He recounts Robert Sherrod's words of the marine wading ashore in chest-high water against machinegun fire disdainful of death—"black dots of men, holding their weapons high above their heads, moving at a snail's pace, never faltering."

"Today's children are baffled by our acquiescence then in what, to them, appears to have been a monstrous conspiracy against our lives," writes Mr. Manchester. "They are bewildered by those waves of relentless young men who patiently plodded on and on toward Betio's beach while their comrades were keeling over on all sides. They ask: Why? They are convinced that they couldn't do it. And they are right. The United States was a different country then.

"The bastion of social stability was the family. Children were guided, not by radar beams picking up trends and directions from other children, but by gyroscopes built into their superego at home. Parents had a tremendous influence on them—Sheathed in obedience, reinforced by Marine Corps pride and the conviction that the war was just, the men wearing green camouflaged helmets could outfight the Japanese and they did it again and again.

"You also needed nationalism, the absolute conviction that the United States was the envy of all other nations, a country which had never done anything infamous, in which nothing was insuperable, whose ingenuity could solve anything by inventing something. You felt sure that all lands, given our democracy and our know-how, could shine as radiantly as we did. Esteem was personal too—Late the rules would change. But we didn't know that then."

World War II demonstrated the purity of America's dealings with other peoples in the Pacific. Even before World War II, when China appealed for help against the invading Japanese, President Roosevelt permitted American pilots in the Marine Corps, Navy, and Army to resign and form the American Volunteer Group under the command of Gen. Claire Chennault. This group earned the unequivocal friendship of the Chinese, so that downed American fliers were hidden, protected, and returned even at the cost of Japanese massacres of entire villages. General Chennault depended on an efficient early-warning network of Chinese across the eastern part of that great country. His fliers were the forerunners of Americans who instilled great friendship for America in the Chinese people, which was erased only by the Communist take-over of that country.

In the Marianas, the Marshalls, and in the most populous island group, the Philippines, America's friendship and considerate treatment of the islanders were repaid by intense loyalty to America during the Japanese occupation of the islands. In the Philippines, more than 40 percent of the Filipino and American prisoners who were captured by the Japanese were slaughtered on the Bataan Death March or died from starvation or disease in the prison camps. The few Americans who escaped fought with Filipino guerrillas against the Japanese throughout the occupation—a period when it seemed the United States would never return.

Gen. Douglas MacArthur pledged "I shall return" and he did, bringing an American attack force to the beaches of Leyte on October 20, 1944, and leading a conquest of that island and the others, culminating in the Japanese surrender in September 1945. To my knowledge, no American was ever betrayed to the Japanese during the dark years of Japanese oppression in the Philippines. When American troops landed on Leyte, Commander Chick Parsons, organizer of the Filipino guerrilla resistance, completed his mission there and left the island. Although he had been in company with Filipinos on several occasions when stopped by Japanese patrols, and had a $10,000 price on his head, the Filipinos always protected him. This was true of other legendary Americans who fought with Filipino guerrilla units on various Philippine Islands during World War II, such as Col. T.V. Hanson, Col. Ed Ramsey, Lt. I.F. Richardson, Lt. Don Jameson, and others.

In addition to fighting the Japanese throughout the occupation, the Filipino guerrillas furnished intelligence information to American forces before and during the retaking of the Philippines. George Bush participated in the Battle of Manica Bay as a young naval aviator. When General MacArthur waded ashore on Leyte, he had with him President Sergio Osmena and Lt. Carlos Romulo. By October 23, American forces had captured Tacloban, the capital of Leyte, although artillery and air attacks on the city continued for some time.

General MacArthur relates in this *Reminiscences* that, "I called the president (Osmena) to the wrecked and devastated capitol building 3 days after the landing, 'On behalf of my government,' I said then, 'I restore to you a constitutional administration by countrymen of your confidence and choice. As our forces advance, I shall in like manner restore the other Philippine cities and provinces throughout the entire land.' "

As fast as we freed an area, wrote General MacArthur, it was turned over to civilian administration. There was never an American military government of the Philippines during the war years.

One of the main reasons for Filipino loyalty to the United States was the conduct of Gen. Douglas MacArthur. The Philippine government awarded him the Medal of Valor, and in making the presentation, President Osmena

said, "America and General MacArthur are one. He is the singular representative of the highest and best in the American ideal of freedom and democracy. He embodies the noblest in the American character and integrity of soul. In the building of the greater democratic Philippines, he will surely serve as the inspiration of our people. His name will be ever remembered by the Filipinos."

On July 4, 1946, the United States extended to the Philippines full sovereignty. The ward friendship between Americans and Filipinos lasts to this day. Many Filipinos enlist in the U.S. armed services and become American citizens. They and those from the other Pacific islands who come to the United States are a valuable addition to America. Today, our major source of immigration is not Europe, as it was in the past. It is the area to the south and the west of us—Mexico, Central and South America, the islands of the Pacific, and Southeast Asia.

These refugees who come to America, as well as those in orderly departure programs from China, Taiwan, Korea, Japan, and other Pacific nations, are the new and vital Americans who perhaps appreciate more than some native Americans what the freedom and opportunity of America means. They reinvigorate us with a love of family, respect for elders, the work ethic, appreciation of education, and loyalty to employers that may have diminished in some Americans who have been here for generations. And so, on this Fourth of July 1989, let us celebrate our new infusion of immigration, with its respect for family, freedom, opportunity, and country. With this as stimulus, let us restore nationwide our earlier virtues that made us the ideal of the world. And let us continue to extend to those peoples yearning for freedom around the world not only example, but concrete help in achieving that freedom.

PETER KOSTMAYER AND POPULATION

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. SOLARZ. Mr. Speaker, earlier this month the Atlanta Constitution printed an oped piece which described the recent debate in the House Foreign Affairs Committee on international family planning and population programs. The article recounts the latest effort of our colleague, PETER KOSTMAYER, to ensure that adequate family planning assistance is available to the developing world, where more than 90 percent of global population growth occurs.

Congressman KOSTMAYER has been one of the House of Representatives' leading advocates of international family planning for many years, and I commend him for his tireless and effective work on this issue.

I ask that the article from the Atlanta Constitution be printed in the RECORD at this point and recommend it to my colleagues.

[From the Atlanta Constitution, June 1, 1989]

LEGISLATIVE LEGERDEMAIN TESTS BUSH ON POPULATION

(By Werner Fornos)

WASHINGTON.—The recent attempt to eliminate functional accounts from the U.S. foreign-aid program provides fascinating insights into the innate bizareness of the legislative process.

Congress employs these accounts to clarify its intentions to the executive branch, which has been known to stray from the purpose for which the law was written.

For instance, Congress expects the Agency for International Development to spend a portion of its allotted funds on population and family-planning assistance to Third World countries, where more than 90 percent of global population growth occurs.

Washington lawmakers deemed population aid sufficiently important to put it down in black and white as a functional account in the foreign-aid authorization bill.

The very notion of functional accounts conjures up the ultimate nightmare of the federal bureaucrat, spending authorizations cluttered by congressionally-mandated specificities.

Along comes the House of Representatives Task Force on Foreign Assistance with a bill aimed at streamlining the authorization process by unloading such excess baggage as earmarks and functional accounts.

Although there are only some half-dozen functional accounts in the Foreign Assistance Act, the task force sought to nip potential proliferation in the bud by abolishing them all.

The loudest hue and cry rose from advocates of population assistance on the House Foreign Affairs Committee, which reviewed the measure. Most, if not all, of these supporters of population aid are also proponents of expediting foreign aid.

For that matter, the co-authors of the task force bill—Reps. Lee Hamilton (D-Ind.) and Ben Gilman (R-N.Y.)—and an avid promoter of their efforts, Rep. Dante Fascell (D-Fla.), chairman of the committee, consistently and staunchly favor international population assistance.

The task force measure, a document of well over 300 pages, came before the committee last week, at which time the arguments for eliminating functional accounts were presented.

However, Rep. Pete Kostmayer (D-Penn.), an outspoken champion of population aid, offered an amendment calling for retaining such assistance in a functional account.

Mr. Kostmayer asserts that population and family-planning aid is a controversial area of the foreign humanitarian program, "one that is often discussed in the shadow of an emotional domestic debate." He expresses concern that funds Congress intends for this purpose require the protection of a functional account to avoid being diverted to "politically safer and seemingly more immediate needs."

The Foreign Affairs Committee overwhelmingly approved his amendment.

Before Mr. Kostmayer and his supportive colleagues can be written off as hopeless Malthusian paranoids, it should be noted that the Reagan administration succeeded in severing all U.S. support for the United Nations Population Fund and sharply reducing our contributions to the International Planned Parenthood Federation.

Moreover, the Bush administration has given every indication that it intends to continue the Reagan administration's policies in this area. In a recent report, "Development and the National Interest," the administration views rapid population growth as a perception rather than a problem.

When it deigns to mention population at all, the report does so in such terms as "Improved health has affected population growth in virtually every developing country. The population 'problem' actually reflects the progress made in keeping people alive throughout the world."

It is a well-known fact that advances in medical science have considerably extended human longevity. But it is also true that, despite perhaps equally important progress in contraceptive technology, Third World women average nearly five children during their reproductive lifetimes compared with less than two for women in the industrialized world.

Furthermore, the World Fertility Survey has reported evidence that fully 50 percent of reproductive-age developing world women need and want to control their fertility but lack access to family planning.

Capitol Hill sources claim the Bush administration has made the House Task Force Foreign Assistance bill a major legislative priority.

A floor fight on an issue already decisively approved by a committee is frequently an exercise in futility. But in this case, the administration could have three key allies—Messrs. Hamilton and Gilman, two of the most respected members of the committee, as well as committee Chairman Fascell, one of the most powerful members of Congress.

How far the Bush administration is willing to extend itself on the matter of functional accounts may well be the most revealing sign yet of the depth and breadth of its commitment to global population stability.

THE VENERATION AND PROTECTION OF THE FLAG

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. DYSON. Mr. Speaker, on a September night back in 1813, a young man from a town called Upper Marlboro, in my home State of Maryland, prayed alone in the gallows of a British frigate for the fate of the newly founded nation of the United States of America. It was the War of 1812 and this young soldier, William Beanes, had been captured and detained on board the enemy's ship in the Chesapeake Bay—a ship that was about to launch a surprise attack on Baltimore's Fort McHenry.

Old Glory flew high over Fort McHenry at the twilight's last gleaming that night when the brutal British bombardment began. But the smoke of the battle soon obscured its broad stripes and bright stars. Those Americans on the frigate that night, with their hearts back on the American shore under that proud flag, searched vainly for Old Glory in the rocket's red glare.

One of those trapped and frantic Americans was the lawyer hired to negotiate the release of William Beanes. The lawyer had come to the ship to free the young soldier but was then detained himself as the battle commenced. That lawyer's name was Francis Scott Key.

The euphoria of the moment when Key first spotted the American flag, "catching the gleam of the morning's first beam," will be forever cherished in our National Anthem. "The Star-Spangled Banner" is the country's greatest testament to the American Flag and the courage for which it stands.

Mr. Speaker, there have been too many brave Americans like William Beanes and Francis Scott Key, too many men and women who have left their homes and families to defend the freedoms we enjoy as Americans, too many great American patriots, Mr. Speaker, have sacrificed their lives for the veneration and preservation of this flag to allow it to be profaned.

As we are all aware, the Supreme Court made a decision last week to allow the profanation of our national flag. I feel strongly that the Court erred in its decision and that the flag must be protected from desecration.

To this end, I am introducing legislation to amend the United States Constitution to prohibit the desecration of the flag. I urge everyone to join me in preserving our Nation's most cherished emblem.

H.J. RES. —

Whereas there is no greater, more beautiful, or instantly recognizable symbol of the Nation and its ideals, traditions, and values than the flag of the United States;

Whereas the flag is emblematic of the rights and freedoms articulated in the Constitution of the United States and cherished by the people throughout the country;

Whereas the stars and stripes attest to the bravery of individuals who dedicated their lives to founding the Nation;

Whereas the individuals who have fought and died under the flag did so to ensure that the Nation would survive and that a government of the people, by the people, and for the people would endure;

Whereas the flag flies free today because of the sacrifices of countless patriots who held ideals of the Nation in higher esteem than individual accomplishments;

Whereas the birth of the Nation and the fight for liberty have become forever tied to the flag and its survival;

Whereas the flag represents the United States to other countries and carries a message of hope to the afflicted, of opportunity to the oppressed, and of peace to all people;

Whereas the colors of the flag signify the qualities of the human spirit that Americans cherish: red for courage, white for pure ideals, and blue for justice;

Whereas the flag has accompanied brave Americans throughout a proud history, from Yorktown to the North Pole, to Iwo Jima, and even to the moon; and

Whereas the flag stands for the land, the people, the government, and the ideals of the United States, and it merits deference, veneration, and protection under the laws of the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE

"The Congress may by law prohibit the act of desecration of the flag of the United States and set criminal penalties for that act."

THE OMEGA BOY'S CLUB OF SAN FRANCISCO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Ms. PELOSI. Mr. Speaker, it is with great pride that I rise to pay tribute to the Omega Boys Club of San Francisco. Every day the news is filled with horror stories about the drug abuse problem in our Nation and its effect on the youth of our country. In the face of this tragedy, it is heartening to find a group of young people who have organized to fight the drug problem in their own lives and in their own community.

On Friday, July 14, Omi-Neighbors In Action will present its good neighbor award to these impressive recipients. Omi-NIA is nationally recognized for the creative way it has dealt with the drug problem at the local level and its acknowledgement of the Omega boys is an example of this approach. I join with Omi-NIA congratulating the Omegas for a job well done.

The Omega Boys Club of San Francisco is an organization for youth that emphasizes academic achievement and non-involvement with drugs. The club was founded in March of 1987 by two San Francisco unified school district employees, Joe Marshall and Jack Jacqua, and has grown from its initial 15 members to its current number of 80 youths, all of whom aspire to the club's principles of brotherhood, scholarship, perseverance, and uplift.

The Omega Boys Club requires its members to maintain the highest standards in their academic and social lives. In particular it asks club participants not to use or sell drugs and to concentrate instead on academic achievement. The club's directors monitor members academic and social progress and offer counseling and support. Last year, 16 of the club's members were awarded college scholarships; this fall, 21 will have achieved the same success.

The Omega Boys Club runs weekly study hall/tutorials in five areas of San Francisco and the boys club parents prepare hot meals which are served at the end of these tutorials. In recognition of the uniqueness and success of their approach, the Omega Boy's Club is the first youth organization to have been asked to do peer counseling and outreach in San Francisco's juvenile detention centers.

Mr. Speaker, the Omega Boy's Club has been honored at both the local and national level for its important work in the "war on drugs." I ask my colleagues to join with the Omi-Neighbors In Action in recognizing the achievement of these young people in motivating their peers to do their best in life and to find satisfaction in academic and social achievement.

OPEN SPACE AROUND CITIES IS SHRINKING

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. UDALL. Mr. Speaker, on Monday, June 26, 1989, I read with great interest an op ed column in the Philadelphia Inquirer written by my friend and colleague, PETER KOSTMAYER of Pennsylvania, on the issue of open space and farmland preservation.

Representative KOSTMAYER, chairman of the Subcommittee on General Oversight and Investigations of the House Interior Committee, has made the loss of open space in America a top priority on his panel's agenda. "Open Space: America's Landscape in the 21st Century" on May 18th was the initial hearing in a series to be held on this significant subject.

Mr. KOSTMAYER presents the hazards of unplanned growth policies that may adversely affect future generations. He underlines the dangers we face of losing those natural and historic qualities of our land that we Americans truly admire.

I would like to share with my colleagues Mr. KOSTMAYER'S article "Open Space Around Cities Is Shrinking" which shows great foresight in his thinking regarding our natural environment.

[From the Philadelphia Inquirer, June 26, 1989]

OPEN SPACE AROUND CITIES IS SHRINKING

(By Peter H. Kostmayer)

West Chester, Washington Crossing, Malvern, Newtown, Exton, Lionville. Until about 30 years ago, the rural areas near Philadelphia looked much as they had in the early part of our country's history. Farms, forests, meadows, village squares surrounded by stone dwellings—these hallmarks of the Pennsylvania landscape were largely unchanged for nearly three centuries.

Today, we are in danger of losing these natural, cultural and historical qualities that help define our region. Suburban Philadelphia is in the throes of a development binge that is devouring our remaining open space, farms and historic buildings—transforming our countryside into a series of lookalike malls, shopping centers and housing developments. Development is destroying everything from apple orchards to Revolution-era farmhouses.

The statistics are alarming. According to a Penn State University study, Pennsylvania each year loses 70,000 acres of farmland to development. Since 1960, my congressional district in Bucks and eastern Montgomery Counties has lost 73 percent of its farms.

In New Jersey, 830,000 acres of farmland, nearly half the state's total, were destroyed by development between 1950 and 1985—an average loss of 24,000 acres per year. During 1985 and 1986, moreover that rate of loss almost doubled with an additional 90,000 acres being converted. If this trend continues, the Garden State will have no farmland at all by 2010.

Across the country, we have lost between 70 million and 100 million acres of open space to development since World War II

with much of this loss coming in the highly populated Boston to Washington corridor.

As a nation, we have for the most part neglected to examine the haphazard way in which America handles growth—we have failed to ask, let alone answer, the question of how we should balance our genuine need for economic development and growth with the equally important task of preserving and protecting our country's natural and historic legacy.

While the federal government continues to play a major role in protecting parks, forests and wilderness areas, the task of managing growth in our cities, towns and rural communities has fallen largely to local governments.

On May 18, the House Interior Subcommittee on Oversight and Investigations, which I chair, held the first in a series of hearings to examine the scope of the overdevelopment phenomenon and to determine what should be done to influence the way our country grows.

A single day's drive through our congested suburban landscape demonstrates that the traditional fragmented and strictly local approach to controlling development has failed. Created to serve rural populations, many local governments are increasingly incapable of dealing with development pressures and are ill-prepared to provide the service and infrastructure required by an expending populace.

A "quiet revolution" is taking place in such states as New Jersey, Florida, Oregon, Vermont, Hawaii, Maine and Georgia, all of which have recently undertaken statewide growth management programs in an effort to battle haphazard development by instituting planning requirements on a widerscale. In many communities, local conservation groups have taken it upon themselves to work with developers to promote environmentally sensitive construction, which respects local historic and natural resources and preserves them for the future.

By themselves, however, these local and state actions are not enough. The time has come to reassess our national policies toward development. For most of our history, it has been our policy to promote growth on every front.

Beginning with the Homestead Act of 1862 and the Mining Act of 1872 and continuing with scores of statutes enacted over most of the next century, the federal government has provided economic incentives for development. That policy continues through such programs as federal flood insurance, highway development funds and grants for other infrastructure improvements.

These federal policies often serve to encourage suburban sprawl at the expense of America's great cities, including Philadelphia. Major infusions of federal aid for those cities then become necessary precisely because so many middle-class families have relocated to new suburban areas.

It is time to take a second look at the impact of these policies. We should consider tying some of this federal development aid to sound growth-management principles carried out at the local level.

We need a new ethic in this country that acknowledges the value of preserving a "national landscape." Such an approach is already at work in many parts of Europe. Britain protects the area around London with a "Greenbelt" where development is strictly limited. France and the Netherlands have put in place comprehensive national farmland preservation programs.

The stakes are high. Studies show that Americans desire recreational opportunities in open space areas close to home—precisely the areas currently being paved over without so much as a second thought. The more we continue to develop without planning, the fewer will be our opportunities to preserve a livable environment.

Imagine Philadelphia without its 8,700-acre Fairmount Park or New York had planners not set aside room for Central Park. Then imagine trying in 1989 to buy 8,700 acres in Philadelphia or 843 acres in the middle of Manhattan Island for open space. If we fail today to preserve green areas in our rapidly developing suburbs, clearly we won't be given a second chance.

Americans have always drawn strength and inspiration from our country's open landscape and natural beauty. We celebrate our frontier history and make heroes of our mountain men and pioneer women.

America's greatest leaders all recognized that when we degrade our natural beauty and fail to protect our environment, we diminish both our natural resource base and the American spirit. It should be clear to any thoughtful observer that we cannot continue mindless development without risking much of what we have come to love in our country.

OAK WILT: THE REAL THREAT TO THE SURVIVAL OF OAKS

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. PICKLE. Mr. Speaker, earlier this month a 600-year-old historic oak tree in my city of Austin, TX, was given a heavy dose of a powerful herbicide in an act of malicious and criminal mischief, endangering its survival. Since then the tree known as the Treaty Oak has become a focus of national attention and concern.

Legend has it that Stephen F. Austin, the father of Texas, signed a treaty with the Indians under the 50-foot tree's branches. While the story appears to have some foundation in fact, the Treaty Oak is a cherished landmark in the city of Austin.

State and national experts have developed a plan to help the tree in its struggle against the effects of the herbicide which was deposited in the roots, and I am pleased to report that experts who have examined the tree this week are encouraged that it has withstood the poison so well, although it will probably take a year or two to know for sure if the tree will survive because of the potential for delayed stress.

The outpouring of public concern over the fate of this legendary oak is certainly gratifying, and I want to associate myself with those who have deplored the senseless act of vandalism which has threatened its survival.

However, oak trees in my State face a threat much greater than that posed by random incidents of vandalism. The survival of Texas oaks is in serious jeopardy because of an infestation that threatens both our national and private oak forests, yet which is largely overlooked as a funding priority.

I am speaking of the epidemic spread of the fungal disease known as "oak wilt", which has already killed over 10,000 trees in my district around Austin, TX, and wiped out literally hundreds of thousands of live oaks, red oaks, and Spanish oaks in 36 counties of my State. you can travel for miles through some parts of central Texas without seeing a healthy oak tree, and there are parts of the State where this is the dominant species—and just about the only shade we've got. It is impossible to exaggerate the impact this disease is having—it is changing the landscape of the Southwest.

Now, the Federal Government has provided matching funds for oak wilt suppression programs through the Cooperative Pest Suppression Fund of the U.S. Forest Service's division of State and Private Forestry. As this subcommittee well knows, this program must also fund suppression of the Gypsy Moth, the Southern Pine Beetle, and the Spruce Budworm.

These funds are absolutely crucial to State and local efforts to control and halt the spread of oak wilt, yet the administration's budget proposed to reduce the revenue available to the States from $42.6 million in fiscal year 1989 to only $8 million in fiscal year 1990. Given existing priorities, it appears to me that such a cut would eliminate funding for oak wilt suppression.

This proposed reduction reflects a shortsighted approach on the part of the administration, which is essentially "If the infestation isn't on Federal land, it's not our problem." Well, the oak wilt fungus does not recognize the sanctity of our Federal forests any more than it observes local or State boundaries. If States and local government cannot provide matching funds to assist private landowners, the fungus that destroys oak trees on private land today will be wiping out Federal forests tommorrow.

My State Forest Service advises me that funds for cooperative suppression programs are just half of what they were 10 years ago. In my view, that kind of reduction is simply "penny wise and pound foolish," because it is going to cost a lot more to confront this problem when it becomes more severe than it is to deal with it now.

Let me give you just one example. There is a quiet, shady residential area in Austin known as Walnut Creek which is rich with native Texas oaks. Some 10 years ago, the oak wilt fungus began to infect those trees, but people weren't aware of the severity of the problem and cooperative suppression funds weren't available.

Now, the owners of 170 individual pieces of property have signed an application for an $80,000 suppression program. They are willing to put up $40,000 of their own money in order to save their neighborhood. If we had addressed the problem 10 years ago, it would have affected only one-tenth the property and cost only one-tenth the money. Clearly, we can pay now to save our trees, or pay later to remove the dead ones later—at a much higher cost.

Private property owners in Austin have spent or agreed to spend $125,000 of their own money this fiscal year to stop the disease. To help property owners, who don't have the financial resources to make that kind

of commitment, neighborhood groups came up with an imaginative fundraiser that has become an annual event focusing public attention on the problem. In 1988, the Live Oak Festival raised over $10,000.

The continuation of Federal support for cooperative pest suppression efforts is essential to fighting oak wilt, but it is not the sole solution. I also asked the Interior Subcommittee to allocate research funding specifically for oak wilt studies, provide cooperative funding for reforesting efforts, and revise the administrative funding formulas to recognize State expenditures for oak wilt suppression.

I understand that the subcommittee authorized $13 million for the suppression program and $106,000 in research funding earmarked for oak wilt studies. This represents a significant increase over the administration's request, and I applaud the subcommittee for giving this issue the high priority which it deserves. This is an important step forward, and I hope that the full committee will agree with the subcommittee and that we will fully fund these important programs.

Oak wilt is now spreading through my State, wiping out thousands of centuries-old oaks that are a living treasure to its residents. I was recently honored by the International Society of Arboriculture for my efforts to combat the spread of oak wilt, and I greatly appreciate that honor. But it is not a Texas problem.

Allowed to spread unchecked, it is only a matter of time before this killer will threaten hundreds of thousands of native trees. It is just too important a priority to be left begging for funds, and I hope that the subcommittee will give careful consideration to this criticial need.

ARIAS' FAREWELL TO WRIGHT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. BONIOR. Mr. Speaker, I would like to share with my colleagues an eloquent farewell letter from Oscar Arias Sanchez, President of Costa Rica, to JIM WRIGHT.

Arias praises WRIGHT for his vision and courage in bringing peace to Central America, and expresses his personal gratitude. The letter from Arias is printed below.

Speaker WRIGHT, today as you leave for Fort Worth, my colleagues and I join President Arias in expressing our heartfelt appreciation for all you have done for peace in Central America.

THE LIBRARY OF CONGRESS,
Washington, DC, June 6, 1989.

[Translation-Spanish]

Mr. JIM WRIGHT,
Longworth Building, U.S. House of Representatives, Washington, DC.

DEAR MR. WRIGHT: Your farewell speech on the floor of the House of Representatives confirms for me two of your greatest virtues: your sincerity and your patriotism. I congratulate you for that decision so honest and in keeping with the dignity of the high office in which you served with intelligence and passion. I believe that part of the ordeal to which your adversaries subjected you in recent months was a way of getting back at you for your support of the effort to terminate the violence between brothers which is covering Central America in blood. Those opposed to peace will not forgive you for the fact that thanks to your vision and your deep commitment to the highest ideals of justice, peace, and process, the Esquipulas II process finally moved forward and is showing visible results for 28 million Central Americans.

The Wright-Reagan Plan, the bipartisan agreement between the Congress and the Executive, and finally the change in policy of the Bush Administration toward Central America, are a testimony and confirmation that you were not mistaken. In truth, you did more for us Central Americans than many of those who here call themselves standard bearers of freedom. I feel that it has been a privilege to know you. Count me among your friends.

Cordially,

OSCAR ARIAS SANCHEZ.

RECTIFYING THE "NOTCH YEARS"

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. HUBBARD. Mr. Speaker, I would like to share with my colleagues in the U.S. House of Representatives a letter President George Bush has received from Mrs. Martin (Faye) Wells of Murray, KY.

As my colleagues can see, Faye Wells' parents, John Ralph and Cova Mildred Clark, are victims of the "notch years." To quote Mrs. Wells, "the Congress has the moral obligation to restore it (social security) to them." I share Mrs. Wells' views and encourage my colleagues to work with me toward rectifying this unfair situation which involves Mr. and Mrs. Clark and millions of other Americans born between 1917–21.

I encourage my colleagues to read Mrs. Wells' letter.

JUNE 19, 1989.

President GEORGE BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: You are receiving this letter because I honestly believe you will read it and do what you can.

I am writing on behalf of my parents, John Ralph and Cova Mildred Clark. They farmed the first 15 years of their married life, with the exception of Dad's tour of duty in the Army (No benefits involved.) Then, Dad worked at a sawmill, and Mom worked at a garment factory (no retirement benefits) to supplement their farm income and to educate their two children. Dad finally had the chance to work in a stove plant, but it closed down and moved when he had only 10 years of service and a tiny retirement benefit.

Mom was born in 1918 and Dad was born in 1919, both in the infamous "notch years." They retired at age 65, yet they had to retire at almost one half of what they had planned for, simply because of the changes enacted by Congress to "save" Social Security. The people born in 1922 and thereafter receive less than those born in the "notch years", but they have had at least a five year interval to prepare for the decreased amounts they will receive at retirement. Those individuals born during the "notch years" had no warning and no time to prepare. Instead, they were forced to retire with a little more than one half of what they had planned on for years.

Since Mom and Dad's retirement some five years ago, they have managed to continue to be the dependable, patriotic, honest, bill-paying, law-abiding, tax-paying, God-loving people they have always been. Yet, during that time, Mom developed Lukemia and Dad has had four surgeries, one of which was open-heart bypass. I've watched them dip into what little savings they have to meet their obligations and maintain their dignity. They've never received one cent of welfare! They deserve better than this, because they've earned better than this!

Now that social security is "secure", they and all individuals born during the "notch years" have every right to have their social security restored to the amount they are entitled to receive—to the amount of all of the individuals born before 1917. The Congress took this from them, and now, the Congress has the moral obligation to restore it to them. Otherwise, their rights are being violated! We pour billions and billions of dollars into "giving" substantial amounts of money to people who do not or will not work. Yet we expect those people who have worked all of their lives to live on a little more than half of what they have rightfully earned! It's a disgrace! They took care of us in years past, and the very least we can do for them is to restore to them what they were originally and are morally entitled to receive. Don't you agree, Mr. President?

With warm regards,

Mrs. FAYE C. WELLS.

1989 ARTISTIC DISCOVERY COMPETITION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. STOKES. Mr. Speaker, decorating the tunnel leading to the U.S. Capitol Building is a collection of 255 paintings, prints, and drawings from nearly every State, territory, and the District of Columbia. This exhibit represents the culmination of the eighth annual nationwide Congressional Art Competition, "An Artistic Discovery 1989." This competition, sponsored by the Congressional Art Caucus and Members of Congress, offers Members and the public the opportunity to experience and encourage the budding artistic talents of American youths.

I am proud to report that "An Artistic Discovery 1989" includes prize winning artwork from Ben Johnson, a Lincoln West High School student from within my congressional district. This year, more than 130 entries were received from 13 high schools in the 21st District. I am delighted to welcome Ben to Washington today for the opening ceremonies where his winning entry, "Skyline With Bridges," will join other artwork in a special display area.

I would also like to take this opportunity to thank the high school principals, art instructors, and organizations throughout my con-

gressional district for their support of this important effort. Their continuing involvement helped make "An Artistic Discovery 1989" a great success.

Mr. Speaker, I encourage my colleagues and visitors to take the opportunity to view the most impressive talents of young American artists. I have included a listing of the students from my congressional district who participated in "An Artistic Discovery 1989."

"AN ARTISTIC DISCOVERY 1989"
COMPETITION: 21ST CONGRESSIONAL DISTRICT

1. Bedford High School: Barry Gott, Halle Guffey, Milon Hutchinson, Ernest Jolly, and Julie Presby.
2. Bellefaire School: John Hynes, Greg Petusky, Daniel Pitcher, Allison Seltzar, and Alden Stewart.
3. Cleveland Heights High School: Brian Amin, Chris Baldini, Hallie Braverman, Tina Brugnoletti, Christopher Cook, Shay Lawanda Davis, Yasha Davis, Joyce M. Ehrlinger, Rachel Freer, Patrina Hollowell, Leon Jones, Beata Marks, Dannielle Merriman, Sam Rose, Nicole Skettle, Lesley Story, Nicole Tubbs, Kevin Wasserman, Nicole Winbush.
4. Cleveland School of the Arts: Rayshawn Hunt.
5. Collinwood High School: Bennie De Loach, Gail Melton, Roderick Stewart, Terry Turk, Rachel Winfield, Christoper Young.
6. East High School: Lasander Reese, Juane Small, Del Mario Watts.
7. John Adams High School: Tracy Brown, Jennifer Burrows, Michael Camper, Stephanie Chesnut, Kimberly Hicks, Derrick Jenkins, Jesse Jordan, Marie Lassiter, Anthony Long, Sabrina Paige, Clarrissa Schwandt, Michelle Sheppard, Jaydoyle L. Walker.
8. John Hay High School: Nicole Bridget, Nicole Petty, Jennifer Prell, Terrance White.
9. Lincoln West High School: Ronald Ivy, Ben Johnson, Chris Maragh, Dodd Sinkfield, LaShawn Thomas.
10. Lutheran East High School: Aaron Koonce, Samm White.
11. Shaker Heights High School: Lynn Boyd, Coleman Burditt, Monica Gonzalez, Chad Hursh, Brett Hurst, Allison Proper, Kathryn Thompson, Gail Weiner.
12. South High School: David Collins, Herman Duncan, Donna Kent, John Lampley Jr., Mark Moore, Randy Pritchett, Kevin A. Reeder, Toy Robinson.
13. Warrensville Heights High School: Reginald Delk, Fred Dixon, Deyampert Giles, Robert King, Julius Nichols, Travis Smith.

THE KINO MISSIONS NATIONAL MONUMENT ACT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. UDALL. Mr. Speaker, today I am happy to introduce legislation that will add two important archaeological sites to the existing Tumacacori National Monument in Arizona. These additions will add immeasurably to our knowledge, understanding, and enjoyment of a fascinating period of American history—the Spanish exploration and occupation of what is now the American Southwest.

Both sides are associated with Father Eusebio Francisco Kino, a pioneer explorer and settler who established a line of missions on the Spanish frontier in what is now northern Mexico and southern Arizona until his death in 1711.

The first addition would encompass the ruins of Los Santos Angeles de Guevavi, which was the first mission established in Arizona. It was probably founded in the 1690's and the first resident missionary arrived in 1701. By the end of the 18th century it had been abandoned, and is thus unimpaired by continuous occupation and reconstruction. It is a real treasure of archaeological information about the early Pima Indians and their relationship with the first Spanish missionaries.

Recently, the Archaeological Conservancy in Santa Fe, NM, acquired the 7-acre property from Mr. Ralph Wingfield. For many years, Mr. Wingfield cared for the remains of the old mission, which is located on his ranch along the Santa Cruz River 15 miles south of Tumacacori. After trying for years to interest historical societies, churches, and governments in protecting the mission site, Mr. Wingfield recently reached agreement with the Archaeological Conservancy for transfer of ownership and management. The conservancy is anxious to cooperate with the National Park Service.

The second site contains the Kino visita and rancheria ruins of Calabassas. It, too, is rich in archaeological information and has been little disturbed by modern development. Calabassas was acquired by the Archaeological Conservancy several years ago and it, too, will be turned over to the Park Service.

The incorporation of these three sites into a single monument will do a great deal to advance our understanding of the powerful role of Father Kino and the Spanish settlement on the history of America. I think it appropriate that the monument be renamed in his honor. I do recognize, however, that there is some controversy over the redesignation of the monument and am open to arguments about whether this is appropriate. I look forward to hearings on the bill to determine whether the name change is the appropriate way to go.

Mr. Speaker, I believe that this legislation will have the support of the administration and everyone else interested in the preservation and interpretation of our diverse cultural history.

TRIBUTE TO CAPTAIN DIARMUID PHILPOTT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a truly outstanding member of the San Francisco Police Department, Capt. Diarmuid Philpott of the Ingleside Police Station. By his tireless efforts to improve police community relations and through his work with the young people, Captain Philpott has made a major contribution to the local "war on drugs" and to the safety of the community to which he is assigned.

On Friday, July 14, OMI-Neighbors in Action will present its good neighbor award to this impressive recipient. OMI-NIA is nationally recognized for the creative way it has dealt with the drug problem at the local level and its acknowledgment of the work of Captain Philpott is an example of this approach. I join with OMI-NIA congratulating the captain for a job well done.

Captain Philpott was instrumental in the creation of several important programs for the youth of his community. At Oceanview Park, under his guidance, a Police Athletic League [PAL] Program was instituted which involved both patroling the park facility and neighboring area to get rid of drug dealers as well as involving the police in the recreational programs at the park so that the young people could get to know the police in other ways than law enforcement. This program is the only one of its kind in San Francisco and it has already made a difference in the lives of the residents, young and old.

Another unique opportunity for young people which the captain engineered for his community is the San Francisco conservation corps "youth in action" program. The 40 neighborhood youth who have been employed as corpsmembers will learn about issues that are critical to the well-being of their community and environment. In addition to the work experience on neighborhood improvement projects, these young people will meet with community and city leaders, teach younger children what they have learned and experience a challenge to their old ways of thinking.

The work of Captain Philpott does not stop with youth. He has assisted in the formation of over 40 block clubs, groups of neighbors who watch out for one another. He attends the steering committee meetings of the OMI-Neighbors in Action and participates in the neighborhood mayoral task force. Captain Philpott performs all these activities in addition to his regular responsibilities as the captain of Ingleside Station. His neighbors believe they have in him a real friend who keeps their welfare uppermost in his mind and heart.

Mr. Speaker, I ask my colleagues to join with me and the OMI-Neighbors in Action as we recognize the achievement of a dedicated and effective community servant, Capt. Diarmuid Philpott.

TRIBUTE TO RETIRING ACADEMY OF MOTION PICTURE ARTS AND SCIENCES EXECUTIVE DIRECTOR JAMES M. ROBERTS

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. WAXMAN. Mr. Speaker, virtually every American alive today has been deeply affected by a movie. The people who create motion

pictures hold a special place in our society. As executive director for the Academy of Motion Picture Arts and Sciences for the last 18 years, Mr. James M. Roberts has had a distinct influence on the movie industry and on American life.

Mr. Roberts will retire from the Academy this July. We would like to mark the occasion of Mr. Roberts' retirement by recognizing his many noteworthy accomplishments.

Mr. Roberts is a native of Canada. He joined the Royal Canadian Air Force at the age of 19 where he became a fighter pilot. While in the military, he met and married Thelma Williams. Mr. Roberts later earned a Bachelor of Commerce degree from the University of Toronto. After graduation, the couple moved to Los Angeles where Mr. Roberts found a job as a bank auditor.

In 1954, Mr. Roberts was named controller of the Academy. In 1971, he became assistant executive director and then, later that year, he was selected to become executive director of the Academy. Mr. Roberts was also appointed executive secretary of the Academy Foundation, a non-profit educational foundation.

The Academy clearly flourished under Mr. Roberts' expert leadership. Under his direction, the Academy's staff and activities more than tripled. The Academy's library became the most important film research center in the world. To accommodate the organization's changes and growth, Mr. Roberts led the Academy through a move into a seven-story specially designed headquarters in Beverly Hills.

Mr. Speaker, we would like to salute James M. Roberts for his many distinguished contributions to the film community. We wish him and Thelma the best of luck in their retirement years and hope they enjoy their well-earned time off.

THE MISCELLANEOUS ERISA AMENDMENTS ACT OF 1989

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mrs. ROUKEMA. Mr. Speaker, today the chairman of the Subcommittee on Labor Management Relations, Representative WILLIAM L. CLAY, and I are introducing legislation which makes needed technical corrections and several other changes to the Employee Retirement Income Security Act of 1974 [ERISA]. The legislation reflects many of the provisions of H.R. 4845 as adopted by the Committee on Education and Labor last August.

With the enactment of these changes, I would hope that we could draw to a close the past decade of rapid-fire tax law and revenue-driven changes which the pension plan community states has caused an era of uncertainty in employee benefits planning.

By creating a more certain legislative environment, we may well induce more employers to consider installing pension plans and improve the pension coverage ratio which has remained stagnant at around one-half of the work force.

Several of the changes in the bill relate to the health care continuation coverage provisions adopted under the Consolidated Budget Reconciliation Act of 1985 [COBRA]. The many complexities connected with COBRA continuation coverage make these rules deserving of further oversight and scrutiny by the Congress.

The legislation introduced today will also restore the principle written into ERISA and reaffirmed in the 1980 amendments, the Multiemployer Pension Plan Amendment Act, that the special nature of jointly administered Taft-Hartley multiemployer pension plans require separate treatment from single-employer plans in connection with plan funding rules. For example, the 150 percent cap on the full funding limitation added in the 1987 Budget Reconciliation Act will cause instability in both the funding and the collective bargaining aspects of multiemployer plans. By restoring the full-funding limitation under prior law, the legislation would avoid punitive action on employers who have already agreed to negotiated multiemployer pension plan contributions.

Also in connection with the 150 percent cap on the full-funding limit as applied to single-employer pension plans, I look forward to receiving the results of studies by the ERISA agencies and any recommendations they may have for avoiding any possible adverse consequences on plan establishment or solvency because of the imposition of this new cap.

The computation of the full-funding limitation included under the Omnibus Budget Reconciliation Act of 1987 [OMBRA 1987], for single-employer pension plans has also created another potential inconsistency with the newly required PBGC variable rate premium structure. To avoid the possibility of imposing a variable rate premium on employers maintaining full-funded plans, the legislation would exempt such plans from the variable portion of the PBGC premium.

Clearly, these and other anomalies which have crept into ERISA and the tax code need correcting, and the many provisions of this bill are deserving of bipartisan scrutiny and consideration.

CHINESE GOVERNMENT EXECUTES STUDENT WHO CONFRONTED TANKS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. LANTOS. Mr. Speaker, as the world anxiously watched the unfolding drama of the Chinese students' quest for freedom and democracy, one haunting image stands out as symbolic of the courageous plight of these students—the brave student who stood unarmed in front of a long line of army tanks and turned them back. This hero was identified as Wang Wei Lin.

He, like many of those courageous students and workers who fought against the brutal military forces, apparently died at the hands of the Chinese Government. The South China Morning Post, a Hong Kong newspaper, reported on June 18 that Wang Wei Lin was feared executed by Chinese authorities:

Using his body of flesh and blood, Wang Wei Lin, a 19-year-old student who blocked a convoy of tanks near Tiananmen Square, is feared to be already executed.

The London Weekly Express reports Wang Wei Lin, a factory worker's son, has already been arrested by the secret police. All over the world, hundreds of millions of viewers saw Wang Wei Lin on the second day of the Tiananmen bloodbath. Using his body of flesh and blood stopping 20 tanks while shouting, "Turn Back! Do not kill my compatriots!"

Express Mail reports Wang was arrested three kilometers from where he stopped the tanks. He was accused of being a counter-revolutionary, traitor, political hoodlum, and also attempting to disrupt the People's Liberation Army.

During a government broadcast against the pro-democracy movement by a state-controlled TV station, Wang's friend identified him among a parade of dissidents. Wang's hair was shaven. In China, only the accused prisoners have their heads shaved. Wang's friend says that he thinks that he has already been executed.

He also said, "He is a hero. If Wang is publicly executed, he would become a martyr. His execution would draw protests from the whole world." Unconfirmed sources said that the commanding officer of the column of tanks was demoted and reprimanded—Because of Wang Wei Lin, the People's Liberation Army lost face in front of the whole world.

Mr. Speaker, I would like to pay tribute to Wang Wei Lin and to the other brave Chinese students and workers who died in China in the struggle for freedom and democratic reforms in their homeland. These young people indicated the unwavering and irrevocable commitment to liberty and human rights by placing their lives on the line for these values.

I invite my colleagues to join me today in honoring and paying tribute to Wang Wei Lin and those who participated with him in the struggle for the democratic future of China.

FOREIGN ADOPTION LEGISLATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. LEHMAN of Florida. Mr. Speaker, earlier this year Congressman BARNEY FRANK and I introduced H.R. 1686, which seeks to clarify the conditions permitting the immigration of certain adopted children.

When the Immigration Reform and Control Act was enacted in 1986, it included an amendment offered by Congressman FRANK pertaining to the right of a natural father of an illegitimate child to petition for immigration on that child's behalf. What was intended to be an expansion of the right to petition was subsequently used by the Immigration and Naturalization Service to narrow the definition of an orphan in immigration law.

The Frank amendment dealt with section 101(b)(1)(D) of the Immigration and Nationality Act of 1952 [INA]. In a March 1987 memorandum, the INS reasoned that extending such a right to an American natural father under that

section meant that foreign natural fathers of illegitimate children should be considered under section 101(b)(1)(F) of the INA. Such an interpretation effectively changed the definition of an orphan. Previously, the mother of an illegitimate child was considered the sole parent and could relinquish her child to be adopted. The child was then allowed to immigrate to the United States to be with his or her adoptive American family. INS determined that a natural father who has or had a bona fide relationship with the child was also a parent. Therefore the child had two parents and was no longer an orphan under U.S. immigration law.

This matter came to my attention last year when three Florida families were in the process of adopting children in the Dominican Republic and were prohibited by INS from bringing the children home because of the new interpretation of the law. We were finally able to prevail upon INS to grant the children humanitarian parole because they had already been placed in foster care and had no homes to which they could return. A legislative solution, however, is required to ensure that congressional intent is followed and that such children are never again prevented from joining their loving American families.

During consideration last year of the Commerce, State, Justice, and Judiciary appropriations bill for fiscal year 1989, former Senator Lawton Chiles of Florida was able to include language to permit U.S. families to adopt foreign illegitimate children who may have had at some time a bona fide relationship with their natural fathers. The Chiles language was amended in conference to state that the term "parent" in section 101(b)(1)(F) does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption.

Mr. Speaker, because the current language will expire with the fiscal year, it is imperative that we make the necessary permanent legislative change. Congressman FRANK'S bill, H.R. 1686, should solve this problem once and for all. Countless Americans who wish to form their families through adoption will benefit from this legislation, and the rights of the natural parents will not be endangered. The bill will eliminate any uncertainty about the eligibility of such children and restore the application of our immigration law concerning orphans to its pre-1986 status.

CALL TO CONSCIENCE FOR SOVIET JEWRY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. LEVIN of Michigan. Mr. Speaker, I would like to join many of my colleagues in expressing support for the removal of all restrictions on the emigration of Soviet Jews.

The Soviet Union has made undeniable progress recently in opening the door to emigration. If current trends continue, more Jews will be allowed to emigrate this year than in any year since 1979. This is one of the most positive achievements of glasnost.

However, many unreasonable barriers to emigration remain. I would like to call attention to one justification that is still given by the Soviet authorities as grounds for the denial of permission to emigrate—the supposed knowledge of "state secrets" on the part of the applicant.

There are hundreds of outstanding refusnik cases where such knowledge is supposedly the only barrier to the emigration of an individual or an entire family. However, in many of these cases, the access to alleged state secrets occurred years ago, sometimes as many as 25-years.

I would like to call attention to one specific case. Vladimir Raiz of Vilnius and his wife Karmela have been refusniks for 14 years; their emigration has been blocked due to Mr. Raiz's alleged access to classified information during his employment in the Ministry of Radio Industry over 20 years ago. On May 3, Mr. Raiz was informed by a high official in this ministry that he was no longer considered to be a security risk. Now deprived even of this flimsy justification, the local authorities continue to deny Mr. and Mrs. Raiz the right to emigrate. There can be no further justification for this refusal.

The conflict in this case between the Ministry of Radio Industry and the emigration authorities makes perfectly plain the misuse of the state secrets justification for the denial of emigration. We have entered an era of new openness in relations between our country and the Soviet Union. Our military delegations have been given leave to inspect top-secret Soviet military installations. Does the denial of emigration based on 20-year-old alleged secrets mesh with this new openness? The state secrets policy is a remnant of a period of Soviet history that belongs firmly in the past. It contradicts glasnost.

I call on the Soviet Union to begin immediately a fair review of all existing and new emigration applications that are denied for this reason. This should be one of the first steps toward the codification of a new policy on the emigration of Soviet Jews—one that will result in the free emigration of this group, which has suffered for too long.

FLORIDA SEMINOLE INDIAN ACT OF 1989

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. SMITH of Florida. Mr. Speaker, I am introducing today legislation along with my colleague and fellow Floridian, Mr. LEWIS, on behalf of the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and the Independent Seminole Indians of Florida with respect to a dispute that has arisen between the Seminole Tribes of Florida and the Oklahoma Seminole Nation over the funds awarded to both the Oklahoma and Florida groups by the Indian Claims Commission.

In 1976, the Commission awarded a $16 million judgment in favor of the Seminole Nation as it existed in Florida on September 18, 1823. The claim was based upon the fact that the Seminoles had received unconscionably low consideration for a large land cession that had been made in 1823. In the early 19th century, a large number of Seminole Indians were moved by the U.S. Government to Oklahoma while an unknown number of Seminoles hid out in the Everglades and remained in Florida. The descendants of these people now make up the Oklahoma and Florida Seminole groups.

Members of the Oklahoma delegation to Congress have proposed legislation that would divide the award based solely on population, strongly favoring the Oklahoma Seminoles by giving them approximately 75 percent of the award, which has now grown, with accumulated interest, to approximately $45 million. In my opinion the proposed Oklahoma bill is highly inequitable.

The Oklahoma proposal would divide the judgment between the Oklahoma and Florida groups based upon population figures arbitrarily developed in 1977 by the Bureau of Indian Affairs from a 1906 census and 1914 census. This approach totally ignores the different history of the Oklahoma and Florida Seminoles and the actual history of the claims litigation.

The Oklahoma Seminoles received very substantial consideration in the form of 265,000 acres of land and over $7 million in treaty payments under the treaties which gave rise to the claims. The Florida Seminoles were almost totally ignored until the 1930's.

Eventually the lands the Oklahoma Seminoles received were allotted to individuals. Many of these allotments were sold so that individual members of the Oklahoma group also received additional significant compensation late in the 19th century. Many others retained their allotments and their descendants continued to enjoy the benefit from this ownership, including royalties from oil and gas production.

In addition, I am advised that because of the benefits received by the Oklahoma group, which were not shared at all by the Florida Seminoles, the judgment received was significantly reduced. In summary, the Seminoles who remained in Florida shared none of the benefits afforded the Oklahoma Seminoles under the Seminole Treaties, but suffered an offset against the claims because of benefits received by the Oklahoma group alone.

Because of these factors and others, I believe that there are very strong reasons supporting the 50-50 split that is proposed in my bill—factors at least as strong as those which support the Oklahoma proposal.

It seems very clear to me that Congress is not really in a position to make the detailed judgment as to what the precise split should be between the Oklahoma and Florida groups. Incidentally, I am advised that there is no dispute as to the division of the Florida share between the Seminole Tribe of Florida, the Miccosukee Tribe and the Independent Seminoles and my bill specifies a precise division of the Florida share.

If legislation proves ultimately necessary, then I believe the appropriate recourse would be to refer the matter to the U.S. Claims Court

for necessary factfinding under the legislative reference procedure. If such a reference is made, Congress should request detailed findings on all relevant circumstances—not just population. I am reluctant to propose that solution now before the parties have had one final chance to resolve their differences. If negotiation continues to prove fruitless, I am prepared, at an appropriate time, to introduce the necessary resolution for a legislative reference.

If meaningful negotiations do resume, I think Congress should make it clear that it expects the Bureau of Indian Affairs to play a neutral and constructive role. Mr. Speaker, I am disturbed by reports that last year Assistant Secretary for Indian Affairs Ross Swimmer took a very strong position in favor of the Oklahoma Seminoles and reportedly functioned more as an advocate for their position than as an arbiter. I am even more disturbed by the report that Mr. Swimmer agreed, in March of this year upon his departure from the BIA, to represent the Oklahoma group, with a possibility of a very substantial contingency fee, within days after his term as Assistant Secretary of the Interior concluded, and despite the fact that he was substantially involved in BIA's activities on this matter when he served as Assistant Secretary.

I am pleased that my colleague Mr. Tom Lewis is joining me as the original sponsor of this bill. We hope that our colleagues will see this bill as a fair distribution and join us in supporting this legislation when Congress returns from the Independence Day district work period.

PROPOSED LEGISLATION TO PREVENT DISRUPTION ON CABLE TV

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. RICHARDSON. Mr. Speaker, today, I am submitting legislation which will hopefully prevent a major disruption to some of the most popular programming enjoyed by cable television viewers. I know that we in Congress are well aware of the public outcry that can result from such a disruption, particularly when it involves sports programming.

Federal Communications Commission rules, scheduled to go into effect in less than 6 months, pose a great threat to cable television consumers throughout the country. If the Commission's rules go through, consumers are faced with bewildering program changes, or even worse, the loss of favorite programming that may not be available elsewhere.

This legislation is designed to ease the burden of transition that may be required under the Federal Communications Commission's syndicated exclusivity rule. This rule would require blackouts of syndicated television programs on cable television in markets where a local broadcast station also has that show. This rule will have a profound negative effect on the so-called cable superstations, and smaller regional stations that are extremely popular with viewers. No one likes blackouts. Cable systems may be encouraged to drop some superstations, causing a viewer uproar like the one that occurred here locally last year that eventually became so vociferous that the system had to return the station. As a matter of fact, 20 Members of Congress even signed a letter to that cable company asking for the return of that station, which brings popular Chicago Cubs baseball to the Washington area.

This type of cable consumer outrage could occur on a national level if syndicated exclusivity is put into effect without the transition relief that is contained in my legislation. Blackouts are scheduled to take effect very shortly after the legality of the syndicated exclusivity rule is decided by the courts. Virtually every cable system has three or four distant signals.

The Commission rule has been challenged in the United States Court of Appeals for the District of Columbia on a number of grounds. Syndicated exclusivity will be the most sweeping change in the history of cable television programming and will essentially change copyright law, jurisidiction over which does not reside in the Commission. The rule is also being challenged for its lack of findings based on public interest need. Commissioner Patricia Diaz Dennis stated that many of the reasons used to support the rule are, "unconvincing, wrong, or both."

Setting aside the merits of the legal challenge to the Commission's rule, there is still quite a problem that stems from this case. It's outcome will not be decided until the end of this year—yet cable system blackout compliance is required by the FCC syndicated exclusivity rules on January 1, 1990.

With 6 months remaining until blackouts begin, already there are reports of widespread confusion and misunderstanding concerning syndicated exclusivity rules within both the cable and broadcast industries. Sound public policy dictates that the cable industry have a reasonable transition period that begins at the time when the process of judicial review is completed, and all uncertainty about the legality of the rule has been removed.

After all, the intent of the rule is not to limit the diversity and availability of cable television programming, but to require program changes where syndicated exclusivity poses a problem. By delaying implementation of the FCC rule by one year, my bill does not undermine the intent of the rule, but simply prevents it from creating serious problems for the consumer and possibly eliminating popular programming.

INTRODUCTION OF THE AGGIE BOND EXTENSION ACT

HON. FRED GRANDY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. GRANDY. Mr. Speaker, I rise today to introduce legislation to extend by 3 years the sunset date on the Federal tax exemption of small issue private activity bonds for first-time farmers, commonly called Aggie bonds, and for manufacturing facilities in rural areas. Under current law, these programs are due to sunset at the end of this year. Joining me in this effort are Congressmen MADIGAN, LIGHTFOOT, JOHNSON of South Dakota, JONTZ, OLIN, and ESPY.

Mr. Speaker, if I have one complaint about present agricultural policy, it is that we have not done enough to assist our next generation of family farmers. Where FmHA and the FCS have failed to provide the crucial financing necessary for young, and not so young, people who have a sincere interest in beginning to farm, the Aggie bond programs have impressively helped to fill the gap. This legislation will help preserve this vital source of help and hope.

I, along with 15 of my fellow Members, recently signed a letter to House Ways and Means Committee Chairman ROSTENKOWSKI which was circulated by my fellow Iowan DAVE NAGLE. That letter expressed our desire to have the Ways and Means Committee consider extending the sunset date on the Aggie bond provision. Congressman HATCHER has introduced House Concurrent Resolution 156, which myself and 46 other Members have cosponsored. This concurrent resolution expresses the sense of the Congress that the existing authority to issue tax-exempt small issue bonds should be extended 1 year.

This proposed legislation goes one step further in providing the Ways and Means Committee with something concrete to work with and to contemplate attaching to other bills which they will be considering in the coming weeks and months. Of the 11 tax provisions expiring in 1989, the cost of extending the Aggie bonds provision is the lowest of them all. It is estimated that allowing the issuance of tax-exempt bonds for first-time farmers and manufacturing facilities in rural areas in fiscal year 1990 would result in the loss of only $7 million in potential Federal tax revenue. At the same time, these same bonds could underwrite approximately $3 billion in economic activity.

The National Council of State Agricultural Finance Programs [NCOSAFP], organized in 1984, reports that over 3,905 loans have been extended by State agricultural bond authorities in 23 States for a total amount of over $410 million. In surveys conducted by that group it was found that 77 percent of the recipients of Aggie bond-generated loans used them to make their first land purchase and 66 percent of the recipients indicated they could not have made the purchases in question if it hadn't been for the tax-exempt bond-based loans. The program also provides a boost to rural financial institutions as most banks that use the program are under $100 million in total assets and only 23 percent of them are members of multibank holding companies.

In my home State of Iowa, the Individual Agricultural Development Bond Program [IADBP], more commonly known as Iowa's Beginning Farmer Program, has approved 890 loans for a total of $79.5 million since its inception in the summer of 1981. Of these approvals, 630 bonds have been issued in the amount of $50 million.

Bond authority organizations in 30 States have issued small issue bonds related to manufacturing facilities in a total amount of approximately $2.8 billion. This low cost tax pro-

vision is a vital source of funding for projects across the country in both urban and rural areas. It is my hope that the existing private activity bond program for manufacturing facilities and first-time farmers is extended; that is why I have cosponsored Representative HATCHER's concurrent resolution. The legislation I introduce today, however, would alter the current program by focusing bonds for manufacturing facilities on facilities located in rural areas. I do this in order to recognize the valuable tool this tax-exempt bond program is for rural development.

Mr. Speaker, I fear that if these particular tax provisions are allowed to expire at the end of 1989, we will be shutting off a vital source of financing for future generations of family farmers and entrepreneurs at a time when so few sources are available. Entry into farming and business is almost totally dependent upon accessible and affordable credit. I urge my colleagues to join me and the cosponsors of this bill by supporting this effort to help America's beginning farmers and entrepreneurs. Thank you.

The text of the bill follows:

H.R. —

AGGIE AND RURAL MANUFACTURING BOND EXTENSION ACT OF 1989

SECTION 1. 3-YEAR EXTENSION OF EXEMPTION FROM SMALL ISSUE BOND TERMINATION FOR FARMING PROPERTY AND RURAL MANUFACTURING PROPERTY.

(a) IN GENERAL.—Subparagraph (B) of section 144(a)(12) of the Internal Revenue Code of 1986 (relating to termination of qualified small issue bonds) is amended—

(1) in clause (i) by inserting before the comma "which, as of the date the financing is provided, is located in an area which the Secretary of Agriculture determines is a rural area", and

(2) by striking "1989" and inserting "1992".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after December 31, 1989.

TRIBUTE TO AMBASSADOR THEODORE GILDRED

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. LOWERY of California. Mr. Speaker, I ask that the following editorial from the Buenos Aires Herald be entered in the CONGRESSIONAL RECORD. The article from the major Argentine newspaper pays tribute to the former United States Ambassador to Argentina, Theodore Gildred.

It is with great pleasure that I call my colleagues' attention to the exemplary and outstanding performance of our retiring Ambassador to Argentina, Theodore Gildred. Ambassador Gildred is returing to his home in San Diego to tend to his business and for a well-deserved rest after 3 years of active and effective service in Buenos Aires.

United States relations with Argentina, previously unstable at best, hit a record low in the period following the Malvinas—Falkland Islands—War. It was Ambassador Gildred who ably promoted United States interests in the uncertain period following the return of democracy to Argentina. It is beyond doubt that the rapid establishment of a strong bilateral rapport and the mitigation of our differences with Argentina were greatly facilitated by the diplomatic skill of Ambassador Gildred. United States relations with Argentina have rarely been so good.

Despite the many difficult problems confronting the United States and Argentina, Ambassador Gildred departs as an immensely popular man in that country. His contribution to the improvement of bilateral relations is greatly appreciated and his presence there will be sorely missed.

President Bush recognizes Ambassador Gildred's abilities and has asked him to consider another diplomatic assignment in the future. In response, Ted Gildred stated his willingness to serve his country again.

In the meantime, I and all of his friends in San Diego are proud of his accomplishments and happy to have him home. We thank him for his work as Ambassador to Argentina and hope he will consider returning to diplomatic service.

[From the Buenos Aires Herald, May 28, 1989]

BUILDING BRIDGES

(By Ronald Hansen, Editor)

In the next couple of days the current US ambassador to Argentina will be returning home after completing his tour of duty in this country, an event about which much has been said in the press. What is not so easily understood about the time Theodore Gildred spent as chief of the US mission in this country is just how complex a posting it was when he first took it on and, perhaps more importantly, how much has been achieved since that happened. Much of the credit must be given to Ambassador Gildred himself, who, with a diplomatic skill belying his inexperience in the field, both ably and actively participated in all manner of events around the country, making him arguably the best-known US ambassador ever to serve in Buenos Aires who, unlike some of whose predecessors, departs as an immednsely popular man in this country.

In the aftermath of the tragic Malvinas War and following the repeated clashes between the last military government and the US administration, bilateral relations hit an all-time low, an unfortunate situation which was further compounded by a whole range of matters such as the extremist anti-Americanism found within some local political circles, the foreign debt crisis and a sometimes less than clear support for the democratic regimes of the world coming out of Washington. With the return of democracy to Argentina a whole new range of opportunities opened up, a situation which created an enormous amount of uncertainty in both countries about the future. Common ground was rapidly established and both countries were able to iron out most existing differences and, in hindsight, it must be said that the current relationship with the United States has rarely been so good.

It is always hard to define just how much of a good understanding between governments is a result of correct policies being carried out and how much flows from the rapport established between those representing each side. Nevertheless, there can be little doubt that both Argentina and Washngton have taken substantial steps towards dovetailing their policies towards one another, a course of action which, it is hoped, will continue, despite the respective recent changes of government. Enormous difficulties still exist, mainly the unresolved problem of the foreign debt, and in days to come representatives of both countries will have to thrash out mutually acceptable, meaningful solutions to these outstanding problems. It is to be hoped that when doing so, they will find that the good work carried out by Gildred will serve as a solid basis for the building of a new era in US-Argentine relations. It would be the best tribute possible to one man's contribution to the better understanding between the peoples of both countries.

FOR UPHOLDING ROE VERSUS WADE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. LEVINE of California. Mr. Speaker, the Supreme Court will soon be releasing its decision on Webster versus Reproductive Health Services. The decision in this case could severely limit or even overturn Roe versus Wade, and send women back to the nightmare of illegal—and often fatal—back alley abortions.

I am submitting for the RECORD a letter from a constituent of mine who, after being raped in 1962, was forced to undergo an illegal and highly dangerous abortion. Fortunately, she survived to speak out for the thousands of women who died. I urge the Supreme Court to listen to the voices of millions of women before making any decision to take away or limit this important, personal choice.

LOS ANGELES, CA, *March 19, 1989.*

Congressman MEL LEVINE,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN LEVINE: I am writing to you regarding possible up-coming challenges to the Roe v. Wade decision. I am encouraging you to defend the Law of the Land, as provided by this Supreme Court decision providing for the on-going right for women to make decisions about their own bodies.

In 1962, living in the Mid-West, I was a married woman, and was raped by a stranger. My personal physician and my personal gynecologist both told me that they were helpless in the face of the law, and there was nothing they, nor I, could do about this pregnancy, except to accept it. That felt like being raped for the second time.

After the illegal abortion, performed by a back-alley "doctor," I spent several days in a hospital with high fever, infection, and had to undergo surgery. All of this should be unnecessary.

Please, allow women to decide what happens to their own bodies, and allow the Roe v. Wade decision to stand.

With concern,

ELIZABETH COHEN.

WE, THE PEOPLE

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. SANGMEISTER. Mr. Speaker, I would like to insert in the RECORD the remarks I will make to the citizens of Will County at the Memorial Stadium in Joliet, IL, on July 4, 1989.

WE, THE PEOPLE

It is with great pleasure that I join you, and all Americans, in celebrating the birth of our Nation, Independence Day.

In the immortal words of Lincoln's Gettysburg Address, we find the reason why all Americans should celebrate July 4th as a National Holiday. "Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal." And it was another famous American, Daniel Webster, who in 1830 described our democracy as "the people's government, made for the people, made by the people and answerable to the people." It is most appropriate, therefore, that once every year we, as a nation, take time to remember the birthday of this great republic and to remind ourselves and our children of why this nation was born.

It was sheer boldness (and some would say even madness) for 56 representatives of 12 colonies to sign the Declaration of Independence on that July 4 in 1776. They were like Little David, facing the Giant Goliath, their Goliath being England! They were in essence, telling a powerful King George III that since his government was tyrannical, "* * * it [was] the right of the people to alter or to abolish it, and to institute a new government." And as if to underscore that they knew the possible dire consequences of their actions, they added as a conclusion: "* * * for the support of this declaration, * * * we mutually pledge to each other our lives, our fortunes, and our sacred honor."

It is indeed fitting that we remember these heroes: John Hancock, John Adams, Benjamin Franklin, and Thomas Jefferson, among others. Yet, who were these revolutionaries? Professor Waldo Braden describes them thus: "They were mainly farmers, planters, merchants and lawyers. Some were rich. Many were self-made men who had to work hard for what they had; one had actually been a bond servant." Of the original 56, more than half paid dearly. They lost homes and property, were taken prisoner, lost sons and their own lives. They lost much, but never their sacred honor.

Shakespeare once asked, "What's in a name?" The names that fill the proud pages of our history ring like the liberty bell: Concord, "where the embattled farmers stood and fired the shot heard 'round the world", Valley Forge, where Washington's ill-clad soldiers left bloody footprints in the snow; Bunker Hill and Yorktown, sacred to our memory; Independence Hall, where the Declaration of Independence was adopted and the Constitution drafted; Patrick Henry, who demanded liberty or death; Nathan Hale, who regretted he had but one life to give. And during the terrible years of the civil war, there were the names of Grant and Lee, of Gettysburg, and Chancellorsville, and Abraham Lincoln, who wept that the union was being rent asunder.

Unhappily, many of the names that remind us of the gift of freedom are a litany of battles: Verdun, Bastogne, Normandy, Iwo Jima, Guadalcanal, Heartbreak Ridge, and Pork Chop Hill. What's in a name? For an American, a stark reminder of the price of loving freedom and honor above life itself.

* * * * *

When we watch the accounts of anti-American demonstrations in foreign countries on TV, what is the first thing we see? The burning of the American flag, an act of contempt toward the democracy and freedom in America which it symbolizes. We are outraged, and rightfully so. Should we be less outraged when it happens right here at home? The answer is no. And I believe that those who endangered their lives by courageously and boldly signing our Declaration of Independence would weep if they were here today to witness the desecration of our beloved flag which is taking place under the protection of the first amendment to that Constitution.

But is it only with picnics, parades, and fireworks that we remember each July 4? During the height of the Nazi threat, President Franklin Roosevelt reminded all citizens that, "It is simple—I could say simple-minded—for us Americans to wave the flag, to reassert our belief in the cause of freedom—and to let it go at that." He was reminding us that our vision of freedom must embrace the whole world. It was the same sentiment that John F. Kennedy expressed when he said that we should "* * * regard any threat to the peace or freedom of one as a threat to the peace and freedom of all."

Today, we hear repeated the phrase "people power." Initially, that concept was a tribute to the brave people of the Philippines, who confronted soldiers and tanks with flowers and won their freedom from a tyrant. In recent months, the students of China reflected "people power" in Tiananmen Square, and the world applauded their courage. But freedom is never cheap; it is purchased with the blood of martyrs. The butchers of Beijing may have temporarily crushed a people's peaceful demonstration with brute force, but they forget that no army is stronger than an idea whose time has come. That for one, brief, shining moment, a replica of our Lady Liberty and cries of "freedom and democracy" were present in the very heart of Communist China and should remain a symbol that freedom is both contagious and fragile. It was Thomas Jefferson, who warned that, "the price of freedom is eternal vigilance."

As Americans, it is our duty to hold high the torch of liberty to the world. We work with head and heart and hands to keep the original American dream alive. We are legion, and we are diverse, but we are Americans, all. We are the judges and the lawyers whose duty is "to establish justice." We are the law-enforcement officers and the firefighters who "ensure domestic tranquility." We are the teachers who touch eternity and the students who ask for truth. We are the children who trust that they will continue to live in America, the beautiful. We are the doctors and nurses and health-care professionals who "promote the general welfare." We are the National Guard and the conventional armed forces who protect this land "from sea to shining sea." We are the journalists who expose corruption even in the highest places. We, the people, are workers; we build the skyscrapers, the homes, the roads and bridges. We are the farmers who put bread on our tables, here and abroad. We are the scientists and the inventors; and we walked on the moon! We are the musicians and the poets who sing of "the blessings of liberty." We, the people, inspire; we are the ministers, the priests, and the rabbi's who teach the glory of goodness and the shame of evil. We are the elected officials who represent us and make the laws "for ourselves and our posterity."

A melting pot of different colors, creeds, and classes, we awaken to an alarm clock and go to our work because, to paraphrase Robert Frost, "we have promises to keep and miles to go before we sleep." We endure, but we will survive because, as the great novelist William Faulkner put it, "we alone, of all creatures, are capable of pity and compassion and sacrifice."

As a people, we were not defeated by Pearl Harbor or Watergate or Irangate, and we will survive and ultimately defeat the scourges of drugs, AIDS, pollution, discrimination, and corruption. But, we must be ever vigilant against the abuse and arrogance of power, whether it be on Wall Street or on Main Street—whether it be by big business or by big government. To fail in our vigilance would mean the death of "people power."

And so, on this July 4, 1989, let us, as a united people, "highly resolve that this Nation under God shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth." For this noble cause, let us, too, as did our forefathers, "pledge our lives, our fortunes, and our sacred honor."

THE QUIET ONES

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. McCANDLESS. Mr. Speaker, on July 27, 1989, The Quiet Ones, an organization of Korean war veterans headquartered in Palm Desert, CA, will hold its first annual Remembrance Day Memorial Service in Riverside, CA. Unfortunately, since the House will be in session, I will be unable to attend this important commemoration in the 37th Congressional District—the district I have the honor to represent in the Congress.

I am glad to see that those who served and died, 54,246 courageous Americans, are finally beginning to receive the national attention and appreciation they have deserved for 36 years. Public remembrances, and eventually, the Korean War Memorial here in Washington, will help serve as a country's thanks for the valiant fight for freedom we took part in from 1950 until 1953.

As a member of the Marine Corps Reserve who served in the Korean theater, I am proud of my fellow Americans who served there, and proud of the role we played in holding the line of freedom.

I commend The Quiet Ones for their efforts and dedication in helping to raise the national consciousness about America's stand for democracy in Korea.

TRIBUTE TO HARRY SILSBY BROWN, M.D.

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute to Dr. Harry Silsby Brown, founder and chairman of the board of Surgical Eye Expeditions International [S.E.E.], who in this capacity has been a driving force in the organization's goal of relentlessly reducing surgically correctable blindness throughout the world.

Dr. Brown is a graduate of the George Washington School of Medicine, and the Jules Stein Eye Institute. He is currently a fellow of the American College of Surgeons, and an employee of the Santa Barbara Medical Foundation Clinic. Dr. Brown has donated 15 years of selfless service to the disadvantaged, blind, and visually impaired through Surgical Eye Expeditions International.

Through Dr. Brown's leadership as chairman of the board of S.E.E., hundreds of opthalmologists, nurses, technicians, pilots, and support personnel throughout the world have been inspired to donate their time, professional skill, and personal resources to bring sight to those who would otherwise live in darkness.

Dr. Brown, architect of S.E.E.'s global sight-saving services and proud U.S. patriot, has served in the spirit of voluntarism as an international ambassador of good will. Therefore, I ask the House to join me in paying tribute to Dr. Harry Silsby Brown for his commitment to bringing sight to the lives of the curable blind, and extend our best wishes for continued success in his future endeavors.

FEDERAL FIRE SERVICE PAY SCHEDULE ACT OF 1989

HON. MICKEY LELAND

OF TEXAS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. LELAND. Mr. Speaker, Mrs. MORELLA and I introduce today a bill to establish a pay schedule for Federal firefighters which would be separate from the general schedule and to revise the rates of pay for Federal firefighters.

The general schedule was designed to cover a wide range of employees and occupations and assumes that all such employees work a standard 40-hour, 5-day workweek. As it is designed, the general schedule cannot fairly and adequately compensate Federal firefighters who work, on the average, a 72-hour workweek and perform highly skilled and, sometimes, hazardous functions which are unique within the Federal workforce.

Because of the inequities in pay and overtime computation which Federal firefighters experience under the general schedule, it has become increasingly difficult to recruit and keep trained firefighters. The compensation and opportunities for career advancement offered by State and municipal fire departments is generally more attractive than the current compensation offered by the Federal Government.

The pay schedule and overtime provisions in the bill accurately reflect the nature of the duties and responsibilities of Federal firefighters at every level of the Federal fire service. Also, careers in the Federal fire service will be more attractive to competent and well-trained firefighters.

A RICH SYMBOL IN A SYMBOL-POOR WORLD

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. DOWNEY. Mr. Speaker, on June 21, 1989 the Supreme Court handed down its decision in the Texas versus Johnson flag burning case. Like so many other citizens of this great country I was dismayed by the Court's decision. In condoning the desecration of the flag the Court has denied protection to the United States' most powerful and endearing symbol.

This decision comes at a time when we as a nation need the strength that comes from our flag and all that it symbolizes. It is a symbol for the Nation, a rallying point in times of trouble, and a unifying force in times of peace. More than any other national symbol, the flag reminds us of the ideals that were voiced by our Founding Fathers. It emboldens and stirs our hearts. It has moved a nation to accomplish great deeds in times of adversity. It reminds us of what we have been, what we are, and what we can become.

Yet the flag is more than a symbol for ideas and ideals. It is a symbol of actions and deeds. Who is not moved by the sight of the Marines struggling to hold the flag aloft at the Iwo Jima Memorial? Or by the flags which mark the final resting places of those who made the ultimate sacrifice for the flag and the country it represents? One of the most moving sights that I have ever witnessed has been the sight of over 250,000 flag-marked graves at Pine Lawn Cemetery in Lindenhurst, NY. I cannot fathom what that sight means to those who visit loved ones there. No words can express the emotion of seeing the flag at half staff or draped upon the casket of honored dead. The flag has been there when we as a nation witnessed brave astronauts expand the frontiers of science and discovery, and tragically, when those efforts cost them their lives.

For these reasons and so many more the flag instills passion in the hearts of Americans. I am proud that one of the privileges of being a Member of Congress allows me to distribute flags to my constituents. Over the 14 years that I have been in Congress I have had thousands of flags flown over the Capitol for constituents. I am happy to note that I receive more requests every year. I have also chosen to display the flag both inside and outside my office because of my intense pride in the principles that it represents.

The flag is a living symbol of our Nation and its aspirations and ideals. It is a testament to the unity of our Nation despite political and geographical differences. It represents the ideas which forged a nation and the ideals of the men and women who have led that Nation to greatness. It is a sacred symbol of the deeds and actions of those who gave their lives so that we may continue to enjoy the privileges of the Nation that it stands for. For all that our flag represents we cannot allow it to be desecrated. I pledge myself to do all that I can to preserve the honor and integrity of our flag.

RULE ON H.R. 1594, TO EXTEND MOST-FAVORED-NATION STATUS [MFN] FOR HUNGARY FOR FIVE YEARS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the rules of the Democratic caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of H.R. 1594, to extend most-favored-nation status [MFN] for Hungary for 5 years.

RECYCLING PROMOTION ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. WYDEN. Mr. Speaker, today I am introducting a bill to promote recycling in this country. Solid waste is a big problem. Every Member of this House represents hundreds of thousands of people who have garbage. Any wise strategy to deal with that garbage has to include recycling. The bill I am introducing today, with Mr. RINALDO and Mr. HOCKBRUECKNER, offers the foundation of a sound, coordinated, and flexible Federal program to promote recycling.

First, it will promote markets for goods with recycled content. What good is that? Isn't recycling about sorting your trash and returning your bottles to the grocery store? I'm from Oregon, where we do sort our trash and return our bottles, and we think that's important. But unless we have something to do with the paper and the bottles and the plastic, separating it out is an empty exercise. It will end up in the landfill anyway.

So this bill will promote markets for recycled products. It directs the Commerce Department to gather information on use of recovered material, to coordinate recycling related business-promoting efforts at EPA, SBA, DOE, and other agencies, and to promote innovative uses of recycled material. It encourages Federal agencies to "Buy Recycled" though an overhaul of our cumbersome and sometimes

confusing existing law on Federal purchase of recycled goods. And it directs Federal agencies to weed out regulatory restrictions that hamper recycling.

Second, this bill will encourage sound solid waste planning on the State and local level. It directs EPA to work with the States to gather inventory data on the waste we generate and the options we have to deal with it. It sets new guidelines for responsible planning for the States, and rewards the States that comply by allowing them to refuse to accept garbage from States that don't have a responsible solid waste plan.

Third, this bill will lay down new standards for consumer packaging. It will allow EPA to stop the use of materials like toxic inks that make packaging difficult to recycle. It will promote wise consumer choice by establishing standards for the use of terms like "recycled" and "recyclable" and requiring packaging that can't be reclaimed to bear an "unrecyclable" label. And it will establish a system for coding of plastic containers to make their recycling more practical.

Fourth, this bill will allow EPA to single out items for special treatment if they need to be separated from the normal waste stream for safe recovery or disposal. An example is car batteries. Consumers will be able to return these to stores where retailers or distributors can channel them to safe recyclers. It's a system that may be put to work for a variety of consumer goods, from tires to old insecticide containers. And it will allow the market to reflect the true costs of disposal of these items.

Finally, the bill has a special incentive for Federal agencies to recycle. It gives their budgets credit for any money they earn by selling separated paper or other garbage. That's money that now goes straight back into the general Treasury pot.

This bill is not a complete answer to our solid waste problems. In the recycling area alone, there are many promising legislative ideas already before this body—including in the bill authored by one of my cosponsors, Mr. HOCKBRUECKNER. But my bill does offer some new ideas I think many can support.

Sometimes in our rush to progress, we have been more clever than wise. We have built both great cities and great piles of trash.

These days of limited budgets and not-in-my-backyard politics demand that we be both clever and wise: Clever, to do more with limited finances, and wise, to find acceptable solutions to protect our environment. That is a tall order, but it is in that spirit that I offer this bill. I hope that for a small investment of Federal effort, it will return a great environmental return.

TRIBUTE TO LEE RIGGAN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute to Mr. Lee Riggan, executive director of the Ventura-Oxnard Commission on human Concerns, who recently received the 1989 Ventura County Commission on Human Concerns Angel Award.

Mr. Riggan graduated from California State University, Northridge, with both a bachelors degree and a masters degree. In 1976, he joined the commission on human concerns, a nonprofit agency which is a major source of assistance to Ventura County's poor. The commission on human concerns is instrumental in providing food, homeless service, legal assistance, and affordable housing to those in need.

Mr. Riggan has since served this organization in various positions: community developer, Nutrition Outreach Program coordinator, senior program developer and analyst, acting director of planning and community development, and currently executive director.

Mr. Riggan's commitment to the commission on human concerns has proved to be invaluable. Therefore, I ask the House to join me in paying tribute to Mr. Lee Riggan for his dedication to the betterment of mankind.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. OXLEY. Mr. Speaker, due to the Findlay, OH, "Rally Around the Flag," I was unavoidably absent missing one rollcall vote this morning. Had I been present, I would have voted "yea" on rollcall 128.

PARIS HUMAN RIGHTS MEETING CONCLUDES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. HOYER. Mr. Speaker, on June 23, the 35 States participating in the Conference on Security and Cooperation in Europe [CSCE] completed in Paris the first of three 4-week meetings on what has been called the Conference on the Human Dimension of CSCE or the CDH. The meeting, mandated by the Vienna Concluding Document, examined a wide range of human rights and humanitarian issues within the context of the Helsinki process.

The head of the U.S. delegation to the meeting, Ambassador Morris Abram, was instrumental in pursuing the U.S. objectives in seeking full implementation of the human rights and human contacts provisions of the Helsinki accords. He was a skilled negotiator and orator who won the respect of many of the representatives of the 35 nations gathered. Ambassador Abram, by the way, will become our representative to the United Nations in Geneva, Switzerland, and I wish him much success with his new responsibilities there.

In addition, there was a strong presence in Paris of nongovernmental organizations and private citizens concerned with human rights—from both East and West. These groups and individuals, as well as public members on the U.S. delegation, provided much substantive information on compliance with CSCE human rights commitments, as well as support for the CSCE process.

The Commission on Security and Cooperation in Europe, on which I serve as cochairman, also played an active part in the U.S. effort at the Paris CDH Meeting. Prior to the opening of the Paris meeting, the Helsinki Commission held a hearing on human rights trends in the U.S.S.R. The proceedings from that hearing helped form many of the themes that were discussed by the U.S. delegation during the Paris meeting. Senator DENNIS DECONCINI, the Commission's outstanding chairman, had the opportunity to attend the opening session of the meeting, where he also held a bilateral meeting with representatives from the Soviet delegation.

In addition, I, along with my colleagues BEN CARDIN and DENNIS ECKART traveled to Paris near the end of the meeting, at which time I introduced a U.S. proposal during a plenary session calling for free elections and the establishment of multiple political parties within all the signatory countries. This proposal, Mr. Speaker, represents a long-term Western goal: democracy in the Soviet Union and Eastern Europe, government based on the will of the people. As we have seen during the past year, the citizens of the Soviet Union and Eastern Europe long to exercise their right to determine their own future, a right which has for so long been denied them. It is time for free elections and political pluralism in these countries, and the Paris meeting set the stage for realizing these goals.

The Paris meeting achieved a number of positive results. There was a thorough review of the implementation of commitments undertaken by the participating States when they adopted the Vienna Concluding Document in January 1989. During this review, progress in implementation was acknowledged, as it should be. However, continued Soviet and East European violations of the rights of national minorities and religious believers and restrictions on the rights of free assembly, association, and expression, as well as noncompliance with human contacts provisions, were also given considerable attention.

The brutal treatment of the Turkish minority in Bulgaria during the course of the meeting, including mass expulsions from that country, was condemned by many of the delegations, as was the continued existence of the Berlin Wall. Romania was criticized heavily and repeatedly for denying even the most basic rights to its citizens. Even the Soviet Union joined in criticizing the announcement that the Romanians had begun construction of a barbed wire fence along its borders with Hungary. Outstanding Soviet family reunification cases were raised, as was the denial of self-determination to the Baltic peoples. Czechoslovakia was criticized for harassing, detaining, and imprisoning human rights activists, however, the criticism apparently fell upon deaf ears as we have learned today that Frantisek Starek, a Czechoslovak underground publisher was sentenced to a 2½-year jail term for his alleged dissident activities.

The United States was criticized as well, in particular for denying visas to official Soviet trade union members and for not ratifying the International Covenants on Human Rights. The above actions by the signatory States typify how far we have come, yet what distance remains in obtaining full implementation of the provisions of these documents.

In Paris, there was also an in-depth discussion of the human dimension mechanism described in the Vienna Concluding Document, which provides for continuing dialog on individual cases or broader human rights issues between East and West. Romania was strongly criticized for its refusal to work with other States within the framework of the mechanism, and Western countries expressed a desire to see future use of the mechanism lead to actual improvements in CSCE implementation.

The Paris meeting ended without adopting a concluding document. The United States and others questioned the need for one from the very beginning, since the meeting took place so soon after the adoption of the Vienna Concluding Document and while significant violations of that document were still taking place.

The Commission believes, Mr. Speaker, that the Paris meeting advanced our overall goal of fostering greater respect for human rights and fundamental freedoms in the Soviet Union and Eastern Europe. While the Paris CDH Meeting was useful its success ultimately depends on the extent to which it will lead to improved compliance with CSCE provisions. As the Commission prepares for the next CDH meeting in Copenhagen, we will look for improved Soviet and East European compliance with the Helsinki Final Act and the Vienna and Madrid Concluding Documents. In particular, we expect the Soviet Union and others to live up to their commitment to find solutions to all outstanding human contacts cases within 6 months of the conclusion of the Vienna meeting. This deadline is set for mid-July. We will also continue to press for greater use of, and better response to, the human dimension mechanism, which can point to places where improvement is so desperately needed.

LET'S FIGHT CRIMINALS, NOT HONEST CITIZENS

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. CRAIG. Mr. Speaker, I am pleased that the President's crime package contains many reforms I have long supported, including an enforceable Federal death penalty and tougher, mandatory penalties for violent crime.

However, there are two provisions that have no place in a crime control measure like this, and I urge my colleagues to join with me in working to remove them from the package.

The domestic assembly provisions of the bill could allow the Secretary of the Treasury to ban domestic manufacture of some firearms that are widely used by law-abiding citizens today. The section of the bill restricting gun clips and magazines is not only impractical and unworkable, but the kind of registration it contemplates has been considered and rejected by Congress.

These provisions do nothing to stop criminal violence, nothing to strengthen the hand of law enforcement and nothing to make this country a safer place to live. Instead, they create new problems for law-abiding citizens, new burdens for our police and prosecutors, and new restrictions on constitutional rights.

I'm happy to join the President's fight against criminals—not against honest citizens.

TRIBUTE TO ALAN M. KRANOWITZ

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. SCHUETTE. Mr. Speaker, in my three terms in the U.S. House of Representatives, I have met many dedicated and talented individuals.

Some however stand out. One of these standouts is Alan M. Kranowitz, an individual who I am proud to call my friend.

I first met Alan in December 1984, shortly after being elected to the 99th Congress. At this time, Alan was working with our former colleague Tim Loeffler. In these early days and weeks in the House of Representatives, Alan provided me with guidance and counsel ranging from the idiosyncracies of the legislative process to office personnel matters. I was most fortunate to come to know a seasoned professional like Alan in my first few months in office.

My friend Alan Kranowitz has spent a majority of his adult life in public service working with such distinguished Members of the House of Representatives such as Tom Loeffler, BOB MICHEL, Dick Cheney, and Senator THOMAS J. DODD as well.

Certainly President Reagan and President Ford were well served by Alan's various responsibilities in the White House during his tours of duty at the other end of Pennsylvania Avenue. This institution and the Executive Branch miss his prowess, knowledge, and insight. When Alan Kranowitz left government this past March to enter the private sector, the public sector lost a vital and keenly sensitive man.

But, his family—his lovely wife Carol and his two fine sons David and Jeremy, will enjoy more time with their father and husband.

I for one miss his presence and advice. But, I am fortunate nevertheless in having had the opportunity to work with him. Moreover, the friendship that he and his family have provided me will remain always.

SMALL ISSUE DEVELOPMENT BOND PROGRAM

HON. CHARLES HATCHER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. HATCHER. Mr. Speaker, last week I introduced a resolution calling for a 1-year extension of the Small Issue Development Bond [SIDB] Program. I believe that this program is the most effective Federal tool for assisting economic development efforts at the local level. State and local governments issue these tax-exempt bonds, and they are used to finance the construction of new manufacturing plants or expand existing businesses. Small issue bonds enable small- and medium-sized businesses to obtain capital at rates competitive with those charged to large corporations.

Our colleagues on the Ways and Means Committee are scheduled to consider expiring tax provisions on July 11 when we return from the July 4 recess. It is imperative that extension of this expiring tax provision be included in any 1989 tax legislation. Of all the tax provisions expiring at the end of 1989, the Small Issue Development Bond Program is the least expensive. Extension of this program represents a Federal revenue loss of only $7 million during fiscal year 1990.

Mr. Speaker, we have seen many economic development programs eliminated or severely curtailed in recent years. The SIDB Program is a cost-effective means for stimulating job creation and economic growth in both rural and urban areas. Over 55 of my colleagues in both parties have joined me in cosponsoring this resolution, and I ask for the support of the rest of my colleagues in my effort to see an extension of this program included in 1989 tax legislation.

A TRIBUTE TO RICK AZAR

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. PAXON. Mr. Speaker, today I rise to pay tribute to an outstanding gentleman who has been a household name in western New York for three decades.

On Friday, Rick Azar will retire as sports director and anchor of WKBW-TV, the ABC affiliate in Buffalo, NY.

For the past 24 years, thousands of Buffalonians have tuned in to Eyewitness News every evening to get their report of the day's events from the longest running anchor team in American broadcast history.

I rise today not only to commend Rick Azar for his many years of professional accomplishment but to also pay tribute to Rick as a lifelong western New Yorker, a graduate, like me, of St. Joe's High School and Canisius College, and above all, a committed family man who has been deeply committed to improving the quality of life in his home town.

And, most importantly Rick, . . . anyone who has had to sit next to Irv Weinstein every night for the past 24 years certainly deserves high praise from the U.S. Congress!

Mr. Speaker, I ask my colleagues to join me in congratulating Rick Azar and wishing him continued health and happiness in his retirement.

NATIONAL LAW ENFORCEMENT TRAINING WEEK

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. ASPIN. Mr. Speaker, as of today, 345 of my colleagues have cosponsored House Joint Resolution 273, a bill I introduced on May 18, 1989, declaring January 7, 1990 through January 13, 1990, as "National Law Enforcement Training Week."

We all know the difficulty and hard work that goes into passing laws but we can only imagine the difficulty, hard work, and danger that goes into enforcing those laws. The dangers of law enforcement are evidenced by the fact that in the last 10 years 1,525 police officers have been killed, 204,584 have been injured and 590,822 have been assaulted. An even more frightening statistic is that every 57 hours another American law enforcement officer is killed in the line of duty. Over the past 10 years the importance of law enforcement training has increased by incomprehensible measures as crime wars continue to rage. Drug kingpins and their cohorts are defending their crack with semiautomatic weapons and it is imperative that we give our law enforcement officers more than a fighting chance. Law enforcement training is our law enforcement professionals' tool against today's savage crimes. It teaches officers survival techniques so they can combat criminals in every possible setting and situation giving the officers a greater chance of coming out on top. The time has come for Congress to recognize and encourage the important role law enforcement trainers play in protecting our law officers so that they can continue to protect themselves as well as the law-abiding citizens of our country.

"Law Enforcement Training Week" would pay tribute to professionals, as well as emphasize the importance of the profession. Because law enforcement trainers are out of the public eye, they are rarely noticed and House Joint Resolution 273 would give them the attention they have earned and that they heartily deserve.

On June 9, 1989, the Senate passed Senate Joint Resolution 137, the companion bill to House Joint Resolution 273 by voice vote. Today I urge all of my colleagues in the House to join me in voting for this most important commemorative, House Joint Resolution 273, "Law Enforcement Training Week."

JUSTICE DEPARTMENT GUN CONTROL STUDY

HON. TOMMY F. ROBINSON

OF ASKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. ROBINSON. Mr. Speaker, during consideration of the Anti-Drug Abuse Act in the last Congress, we passed a measure introduced by Representative BILL MCCOLLUM, which directed the Department of Justice to conduct a study and to produce a list of options to prohibit ineligible persons from purchasing guns. On Monday that study was published in the Federal Register, and I am greatly disturbed by what is known as option B–2.

Under option B–2 the Justice Department would require that all Americans be issued a smart card. It is a standard identification card, like a driver's license, that would be electronically encoded with identification information such as fingerprints and prior police record. The smart cards would be updated with any information that would disqualify someone from purchasing a gun. The cards would be run through a reader at the gun shop to identify the buyer and inform the dealer if the buyer is eligible to purchase the weapon or not.

This concept is so radically different from anything we have had in the past that cost estimates are impossible. Every citizen would have to be issued a card, criminal justice agencies would need to be provided with the facilities to update these cards, gun dealers would have to be provided with readers for the cards, and a biometric data base for the Nation's entire population would have to be developed.

A national identification policy will be resisted by many people and rightfully so. National identification systems are Government attempts to control our lives and movements. This is the way of Stalin's Russia and Hitler's Germany. This is the way of minority rule in South Africa and their pass laws. Big Brother is coming to life. This is not the American way. What will be next—video cameras in our homes to make sure we do not mistreat our families. This policy is a ridiculous invasion of our privacy.

We must not let this policy go into effect but must search for other means to keep guns out of the hands of felons. We should get tough with those members of our society who use firearms to break the law and enforce the laws we already have which increase the penalties for crimes where a firearm is used. We should establish the death penalty for police killers and prosecute felons who are found to be in possession of a firearm. Let's get tough with those that break the law, and stop invading the privacy of law-abiding citizens.

ZAIRE AND TULANE UNIVERSITY: PIONEERING PARTNERS FOR HEALTH

HON. LINDY (MRS. HALE) BOGGS

OF LOUSIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mrs. BOGGS. Mr. Speaker, while President Mobutu Sese Seko of Zaire is making an official visit to Washington as a guest of President Bush, I would like to take this opportunity to acknowledge the achievements and contributions of Tulane University's School of Public Health and Tropical Medicine in Zaire.

Tulane University with the assistance of the Government of Zaire and the United States Agency of International Development, has created the School of Public Health at the University of Kinshasa with the first class having graduated in 1987. The major objective of the project is to develop a fully accredited school of public health around the Department of Public Health in the University of Kinshasa Medical School, the primary Zairian training facility for medical personnel. The program enrolled 25 health professionals in its master's degree program in 1986, 23 in 1987, and 19 in 1988. Regular course offerings and continuing education courses include microcomputer technology, health and management information systems, planning, management and administration, applied research, statistics and epidemiology, demography, family and community health, and health education.

The Zaire School of Public Health's mission is to prepare a cadre of public health practitioners for leadership roles in Zaire and the Central African region. This need has long been established, and the situation is especially pressing in Zaire. Through the efforts of Tulane, the United States Agency for International Development, the University of Kinshasa, and the Government of Zaire, positive steps have been taken to achieve the World Health Organization's primary health care goal of "health for all by the year 2000."

Zaire is thought to have one of the highest rates of AIDS infection in the world. As such, AIDS research is a primary concern of the Zairian Government. Research efforts in the School of Public Health focus on applied investigations related to AIDS and child survival issues. Specialized facilities within the school include one of the largest public health libraries in French-speaking Africa, a modern microcomputer laboratory, public health laboratories for medical diagnosis, clinics and hospital services.

Tulane University is also working with the Centers of Disease Control to collect data on AIDS in Zaire. A $1 million contract with the U.S.A.I.D. will fund a program directed by Tulane which will introduce modern birth control practices in rural villages that are virtually isolated from modern medical facilities.

I am delighted to inform my colleagues of efforts being made in my home State which improve the quality of life everywhere. Tulane's involvement in Africa has grown steadily since the mid-1970's. In addition to its family planning and public health projects in Zaire, Tulane projects in Africa include developing inter-institutional linkages in Senegal, schistosomiasis research in Cameroon, a famine early warning system in six Sahelian countries (Mauritania, Mali, Burkina Faso, Niger, Chad and Sudan), policy and institutional reform in the health sector of Niger, health and information planning in Kenya, and food nutrition surveillance in Madagascar. Largely funded by the Agency for International Development, these projects represent significant economic gains in these developing nations.

I commend the efforts of Tulane University to develop innovative programs in the public health sector. The new Zaire School of Public Health provides a long-needed institutional foundation for state of the art training and research for a large region of the African continent.

HONORING CHRISTINA CHALUPA

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. RUSSO. Mr. Speaker, remembering and understanding history is one of the most important ingredients for securing a bright future. Today I pay tribute to someone who has shown an understanding of the importance of history. Christina Chalupa participated in a map contest at school celebrating the bicentennial of our Constitution which required students to design a map illustrating important aspects of early America. I am sure I join her teachers at the high school for agricultural science in the third District of Illinois in showing appreciation for her outstanding research in the commerce, navigation, and agriculture of early America. I wish to congratulate her for winning that competition and encourage her to continue her interest in and dedication to understanding the history of our country.

URGENT FUNDING NEEDED FOR MAINE STATE AND LOCAL LAW ENFORCEMENT AGENCIES FOR PRESIDENTIAL SECURITY

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. BRENNAN. Mr. Speaker, I am introducing legislation today calling for $160,000 to go to the State and local law enforcement agencies for the payment of additional necessary security services for President Bush during his visits to his Kennebunkport residence. These funds would be provided annually from fiscal years 1990 through 1993, or until the end of President Bush's term in the White House.

It is a great honor and privilege to have the President of the United States as a resident of the State of Maine. State, county, and local law enforcement officials are very proud to help meet the security needs of the President. However, the increased responsibility has placed a heavy financial burden on these departments, especially the smaller departments, which are already hard pressed for funds.

I believe it is only right that the Federal Government help these small local police departments with this assistance.

MSGR. JOHN B. GOLLAS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. MURTHA. Mr. Speaker, I would like to recognize an individual who has given many years of service and devotion to the Johnstown, PA area. Msgr. John B. Gollas recently retired as pastor at St. Stephen's Church in Johnstown. His love and caring for the many individuals who have attended St. Stephen's has brought light into the lives of these people. Many of the parishioners of St. Stephen's have lived through the tough times that Johnstown has experienced, whether it was the disastrous 1977 flood or the severe economic downturns that our area has experienced. But Msgr. Gollas' faith and efforts have aided and comforted families not only in these difficult times, but also through many happy and joyous occasions.

Msgr. Gollas became assistant pastor at St. Stephen's in 1947, served there in that capacity through 1953, and returned to St. Stephen's as pastor in 1967. I am sure that his new status as pastor emeritus will keep him active in our community, but will also give him time to enjoy his retirement. If anyone has earned the opportunity to relax after so many years of service to his community, it is Msgr. Gollas. I wish him well, and thank him on behalf of the people of our area for his work in bettering the lives of all of us.

A TRIBUTE TO MICHAEL "CHUB" DRAKULICH

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. BILBRAY. Mr. Speaker, I rise today to honor an outstanding citizen of Las Vegas, Michael "Chub" Drakulich. He is retiring after becoming the University of Nevada, Las Vegas' first athletic director in 1958. Chub built the foundation for what has become one of the most competitive intercollegiate athletic programs in the country. He is truly deserving of recognition.

Chub first joined UNLV in 1958 after being lured away from Rancho High School. Without a gym and only a $10,000 budget, he was asked to start a basketball program. His team, perhaps as a sign of the future, only got better. In 1963, however, Chub stepped down as head basketball coach and devoted his time to the school's newly formed baseball program. Soon other sports followed—cross country, track, golf, and football.

In 1973, Chub culminated his 15 years as athletic director, but continued at UNLV as golf coach and instructor in the physical education department.

During the early years of UNLV, many people had a vision that some day it would become a major university. Chub Drakulich was one of them. This man, who was my own teacher and coach, worked very hard to help realize this vision and make UNLV what it is today.

Mr. Speaker, I urge my colleagues to join me today in honoring Mr. Chub Drakulich. His contributions to UNLV as its first athletic director, basketball and baseball coach have earned him respect and recognition throughout the State as one of Nevada's finest citizens.

DEPARTMENT OF ENERGY RECOGNIZES LUCY KNOWLES

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. DERRICK. Mr. Speaker, I'm sure all of my colleagues are aware of President Bush's call for promotion of volunteer activities through a "Points of Light Foundation." In view of this call, I am pleased to announce that Ms. Lucy Knowles has been recognized by the Department of Energy as an exceptional employee for her outstanding volunteer service in the Aiken community.

An attorney at the Savannah River Site's office of chief counsel, Ms. Knowles serves as president of the Family Counseling Service of Aiken. She also volunteers as a community arbitrator for the second judicial circuit solicitor's office.

In her position as community arbitrator, Ms. Knowles guides first-time juvenile offenders through an innovative program that includes the child, the family, the victim, and the law enforcement officer. In addition, Ms. Knowles has provided free legal services to abused women. I am well aware of the work that Ms. Knowles has done for the Aiken community. Her dedication to civic affairs is an inspiration to us all.

It is through volunteers such as Ms. Knowles that Americans are recovering one of their greatest assets: families. I salute her for her efforts.

MISSISSIPPI DEEP SEA FISHING RODEO PAYS TRIBUTE TO AMERICAN POW'S, MIA'S

HON. LARKIN I. SMITH

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. SMITH of Mississippi. Mr. Speaker, I want to call attention to a model of community spirit and achievement, and to a special tribute to our American former prisoners of war and our men still classified as missing in action.

The model of community achievement is the Mississippi Deep Sea Fishing Rodeo. Since its creation in 1947, through the cooperative efforts of citizens of Gulfport, MS, and their neighbors on the Mississippi gulf coast, this rodeo has grown to become known as the world's largest fishing rodeo. This annual event is truly a highlight for the Mississippi gulf coast and the Southeastern United States.

This year, I am proud to report, the rodeo is dedicated to our former prisoners of war and MIA's. These veterans have truly tasted the bitter absence of freedom that they have fought to preserve for all of us.

Let us join with those patriotic citizens who will celebrate the 41st annual Mississippi Deep Sea Fishing Rodeo on June 30 through Independence Day, July 4th, in this fitting tribute and expression of appreciation for these

veterans who have served their country with tremendous sacrifice.

TRIBUTE TO B.F. "BEN" WHITTINGTON

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mrs. BYRON. Mr. Speaker, it has been brought to my attention that for nearly 40 years, Mr. B.F. "Ben" Whittington of Brunswick, MD, has been a bright spot in the working day of many Washington bureaucrats, including congressional staff. As a conductor and trainman on the MARC commuter system, Ben has faithfully and cheerfully greeted his supporters and lifted their spirits as they begin and end their workday in the Nation's Capital. Although not himself an expert in Government matters, Ben has the unique ability to understand complex issues of foreign and domestic affairs, and to simplify problems in a down-home style of his own that intrigues his passengers. Ben was never content to be just a ticket "puncher"; he envisioned and successfully accomplished a much broader mission, that of bringing laughter and friendship to his passengers.

I am proud to have Ben as one of my constituents, and join with his many friends and admirers in wishing him a healthy and peaceful retirement.

TRIBUTE TO JAMES O'CONNOR

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. COBLE. Mr. Speaker, the men and women who comprise the police departments around our Nation perform acts of heroism on a daily basis. For the most part, they go about their tasks with little notice or gratitude. Every now and then, however, police officers go beyond the call of duty and show all of us why we should be thankful that these men and women are willing to serve our communities.

A police officer from the High Point, NC, Police Department recently performed a feat of true courage, and I would like to share his story with you. His name is James O'Connor, and on June 7, 1989, Officer O'Connor saved a woman's life. The disturbed woman was trying to kill herself, but thanks to his valiant efforts, the woman is alive today.

O'Connor was driving his patrol car down Main Street in High Point about 8:40 p.m. on Wednesday, June 7, when he noticed a woman standing on the bridge sidewalk with her head bowed. He circled his patrol car and was approaching the woman again when three teen-age boys told him they thought she was going to leap from the bridge. As he got out of his car, the woman climbed over the safety railing, facing Main Street with her back to the railroad tracks.

As a train roared by, the woman began to jump, and Officer O'Connor grabbed her. He was only able to grab her hair and her right arm, and he slipped more than halfway over the safety railing himself. As she struggled to get away from him, Officer O'Connor managed to hook his leg through the railing. They hung over the railing with the train passing below until the three teenagers assisted Officer O'Connor in pulling the woman to safety. He told the High Point Enterprise, "I don't know why I grabbed her. But when I grabbed her, I knew I had to pull her up. It's just the type of thing that happens. There's no planning for it, you have to act."

The true acts of courage require no planning. You either act or you don't. In Officer Jim O'Connor's case, he acted quickly and without thought to his own safety. He saved a troubled person who wanted to end her life, and he did so by risking his own. I do not know Officer O'Connor personally, but I am sure he would not classify himself as a hero. In my mind, however, he is a true American hero.

Perhaps the most unsung heroes in this tale were the three teenagers who aided Officer O'Connor in his daring act. During the commotion that followed this incident, they quietly slipped away. We don't know their names, but we are proud that they call High Point, NC, home. Thanks to them and Officer Jim O'Connor a troubled young woman will get a second chance.

PERSONAL EXPLANATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. GOODLING. Mr. Speaker, I was unable to participate in business on the floor of the House of Representatives on June 27 and 28, 1989, for medical reasons. Had I been present, however, I would have voted in the following manner on these rollcall votes:

Vote No. 109, "nay."
Vote No. 112, "nay."
Vote No. 113, "yea."
Vote No. 114, "nay."
Vote No. 115, "yea."
Vote No. 117, "nay."
Vote No. 118, "nay."
Vote No. 119, "yea."
Vote No. 120, "yea."
Vote No. 121, "yea."
Vote No. 122, "nay."
Vote No. 123, "yea."

LEFFERTS HUTTON'S LEGACY

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. KOSTMAYER. Mr. Speaker, from the time I ran for Congress more than a dozen years ago, and in every election since, my constituents have urged me to do everything I could to preserve our Nation's heritage of open space, clean air, and pure water.

Over the years, no voice was more consistent or stronger in expressing that view than that of my good friend, Lefferts Hutton. Long before I came along, indeed long before most Americans had given the issue much thought, Leff was a nationally recognized pioneer in the environmental protection movement stressing the dangers of our throwaway society and promoting alternatives to many of our careless and polluting methods of industrial production and waste disposal.

Among the enormous number of environmental projects he undertook along with his wife Ginny, Leff in 1968 founded the Hutton Recycling Center, a volunteer recycling program and environmental information service. In 1977, both Leff and Ginny were selected by the U.S. Environmental Protection Agency to be part of the U.N. Environmental Program's International Referral System. The referral service was set up to handle inquiries on environmental problems around the world. Throughout the years, the Huttons worked in almost every State and in Canada to promote recycling centers and environmental education.

Somehow, Leff also found time to serve as chairman of the Bucks County Audubon Society's recycling committee from 1970 to 1978, to serve as a proud member of the U.S. Army Reserve from 1942 to 1972, during which time he saw 5 years of active duty, and to work as an executive in the Goodall Rubber Co., of Trenton, NJ until his retirement in 1978.

It is with great sadness that I rise today to acknowledge the passing of Leff Hutton and to thank him for his service to the citizens of Bucks County, the citizens of the United States and the people of the World. Leff was a man who was ahead of his time, and it is sad that only now are we in Congress beginning to tackle the environmental problems that Leff battled for some many years.

I will miss Leff, his friendship, and his wise counsel, and I know many Members of Congress join me in expressing sympathies to Ginny as well as all Leff's family.

A TRIBUTE TO MISS BRIDGET ASAY AND MISS JAMIE HUBBARD

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. COURTER. Mr. Speaker, today I would like to recognize two outstanding, dedicated, and extremely able interns who have successfully completed their internships in my Washington congressional office.

Miss Bridget Asay of Toms River, NJ, and Miss Jamie Hubbard of Basking Ridge, NJ, have both been of assistance to myself and my staff in helping to serve the people of the 12th Congressional District of New Jersey. It was my pleasure to have Miss Asay and Miss Hubbard in my office, and I hope that they were able to derive not only an educational benefit but a level of personal satisfaction from their internships.

Miss Asay is currently a student at Harvard University, and Miss Hubbard attends high school in Basking Ridge. I wish both of them continued success in their studies, and I also

want to extend my sincere wishes to Bridget and Jamie for a successful, happy, and healthy future.

HYDRILLA-GRASS CARP PROGRAM

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. HUNTER. Mr. Speaker, it is my distinct pleasure to congratulate the members of the Imperial Irrigation District Hydrilla/Grass Carp Program. On June 7, 1989, they were honored by the U.S. Department of Agriculture with a Distinguished Service Award. The program participants who received the award include Dr. Randall K. Stoker, program director, Neal R. Hagstram and Michael D. Remington, biologists, J. Robert Wilson, water department manager, and Claude Finnell, former Imperial County Agricultural Commissioner.

Their work is of great importance because they have been able to successfully control the hydrilla aquatic weed problem that restricts the State's water flow in irrigation and drainage channels.

Hydrilla was first found in the All-American Canal in 1977 and since then it has become the IID's most serious water weed problem ever. Its high growth rate necessitates the constant removal of the weed. Mechanical methods proved expensive and temporary, while chemical means were found to be harmful to the environment and the drinking water.

In 1985, after 3 years of research, the district team introduced a sterile grass carp that would not endanger the native fish populations, yet would consume the hydrilla weed and eradicate the problem. The high stocking rate of fish resulted in a 95-percent removal of all hydrilla in the IID's water delivery system.

The program has been so successful, it is now being used in the northern Mexico irrigation system, and several irrigation districts in the United States have expressed an interest in developing a similar program.

Once again, Mr. Speaker, I would like to commend the award winners for their outstanding achievements in finding creative solutions to the conservation of our vital resources.

OPENING OF AN ARTISTIC DISCOVERY: THE CONGRESSIONAL ARTS COMPETITION

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. CARR. Mr. Speaker, I rise today to bring to the attention of my colleagues the opening of "An Artistic Discovery," the Congressional Arts Caucus' national art exhibition and awards ceremony for high school artists. Today's opening is unique for several reasons, and I believe the key to its uniqueness lies in its title—specifically, in the word "discovery."

To "discover," according to Webster's, means "to obtain sight or knowledge of for the first time," and also, "to make known or visible." Accordingly, today's festivities are the result of a long and concerted effort, on the part of 255 Members of Congress and their staff, to obtain knowledge of their districts' most outstanding young artists, and to make their artwork visible to the Capital and to the Nation. In implementing this arts competition, we Members of Congress have gained new insight into the hearts and minds of America's youth. And inviting the young artists here to Capitol Hill, we hope they will learn a little more about the people who will be admiring their artwork during the months to come. So, on one level, this celebration represents a dialog of discovery between and among legislators and artists. I think we can learn a lot from each other.

This process of discovery, however, was set into motion even before the Congressional Arts Competition got underway. Ample credit must also be given to the winners' parents and teachers, who recognized the talents their students or children possess, and encouraged them to share their special gifts with the rest of us. In many other nations, institutions like school and family—not to mention government—are far too frequently associated with the active discouragement of self-expression. By contrast, the support of the parents and teachers here today has enabled families and schools to function as places of discovery: places where self-expression is encouraged, creativity nurtured, artistic vision allowed to flourish.

This artistic vision is the final, and certainly the most important, element of discovery involved in today's festivities. As you look upon the artwork of these students, new worlds will begin to unfold your eyes. Innovative choices of subject matter, bold juxtapositions of color and line, imaginative explorations of various media—these are the predominant characteristics of the winning artwork. Such boldness, innovation, and vision, moreover, are the qualities of leadership. As their presence on Capitol Hill suggests, today's young artists are tomorrow's leaders. With their talent and imagination, the young men and women here today have the potential to shape the future: to obtain sight of new territory, and to make this territory visible to the rest of us. For this reason, these young artists deserve our ongoing attention, support, and respect. By continuing to foster a spirit of artistic discovery in our young people, we stand only to gain—as individuals, and as a nation.

UKRAINIAN INDEPENDENCE DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. DINGELL. Mr. Speaker, on June 30 of this year, the Ukrainian Cultural Center of Warren, MI, will be honoring the Restoration of Ukrainian Independence, which took place on June 20, 1941. Today I would like to commemorate this most significant day in Ukrainian history. All Ukrainians also remember that on January 22, 1918, the Ukrainians originally declared to the world their liberty and independence.

Although, by 1921, the people of the Ukraine were the subjects of a violent invasion by the Soviet Red Army, their brief rendezvous with independence is recognized as a symbol to all of their persistence and dedication to freedom.

The history of the Ukrainians is one of repression. They have long been denied even the most basic freedoms that we, as Americans, all too often take for granted.

Ever since the brutal occupation of their beloved homeland 68 years ago, then again 23 years ago, Ukrainians worldwide have gathered annually to rejoice in their short-lived triumph, hopeful that it will come again.

Today, I propose that we honor them, for their endless sufferance, their dignity, their contributions to humankind of rich heritage and passionate traditions, and, most of all, for their message of hope and faith that someday, God willing, freedom will once again reign over their peaceful territory.

REMINING AND RECLAMATION OF ABANDONED MINE LANDS

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1989

Mr. BOUCHER. Mr. Speaker, after many months of careful consideration and negotiations, I rise today to introduce legislation to encourage the reclamation of abandoned, previously mined coal lands. This is one of the pleasant instances where the environmental community and the coal industry agree that a change in the law is needed. While some aspects of the legislation will require further refinement in the effort to achieve complete agreement among the interested parties, the bill which I offer today provides a framework within which millions of acres of orphaned coal lands can be reclaimed.

We estimate that there are 13 million acres of abandoned mined land, which was mined and abandoned without reclamation prior to 1977, the year in which the Surface Mining Control and Reclamation Act [SMCRA] was enacted. Over its life, the Abandoned Mine Land [AML] fund, established by SMCRA to restore orphaned lands, will collect $3 billion, only one-tenth of the money necessary to relaim all of the abandoned mine lands. To date, only about 56,000 acres have been reclaimed. The current and future anticipated size of the fund is woefully inadequate to meet the existing orphaned land reclamation needs.

My bill would leverage the fund by providing financial incentives to operators so that in the process of remining, an appropriate degree of reclamation will occur. Last year I established a working group of industry and environmental representatives and State and Federal regulators. We agreed on both the general need for legislation and the kind of incentives that would be necessary to encourage remining. But we did not have time to complete our work before the 100th Congress adjourned.

Today's legislation is offered with the interest of rekindling these discussions which I believe can result in the passage of a remining initiative this year.

This measure includes a menu of financial incentives from which a mining operator may select a sufficient number to allow remining to take place. They are a waiver of the AML fees operators pay when coal is remined; some alternative form of bonding which will relieve operators of the burden of paying expensive bond premiums; a bonding credit pool that enables remining operators to obtain bonding credits which may be applied to virgin sites, and as a last resort, direct financial payments.

The bill also terminates the liability of remining operators for conditions that exist on the site when the remining operator enters. In essence, we will not continue to hold the remining operator responsible for damage caused by the original operator. The operator, however, may not allow conditions on the site to worsen.

And, under the bill, the operator may use soil from a first cut to cover toxic materials on an adjacent already mined area. In these instances, the operator will receive relief from the requirement that the first cut highwall be remined to the appropriate original contour. He must, however, use all spoil not needed for toxic material covering for highwall elimination.

The operator will select a mix of these incentives and propose a package along with the permit application. Incentives will be awarded only to the extent necessary to encourage the remining activity.

The remining permit itself would be issued only by the State regulatory authority. If the operator is seeking remining incentives, joint approval of the incentives part only by the State authority and the Office of Surface Mining will be required.

I have included a procedure to facilitate the review, which I intend to be conducted simultaneously by the State and OSM. This review will have a two step process. Within 60 days of the request, the operator will be given an advisory opinion by the State regulatory agency and OSM that the site (a) is likely to qualify, (b) may qualify, or (c) will not qualify. This opinion can be obtained with very little investment on the part of the operator. If the opinion is favorable, then a full permit application and application for incentives can be made.

OSM will be required to develop a formula for determining the cost to the AML fund of each incentive. Then, if more applications for incentives are received than moneys appropriated to the fund in a given year can justify, a priority of projects will be constructed.

The passage of this legislation is needed to assure the reclamation of abandoned surface mined lands nationwide. I look forward to the Subcommittee on Mining and Natural Resources' hearing on this bill so that we may continue our dialog among the members of the mining and the environmental communities. Mr. Speaker, I ask that the text of the bill be printed in the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDING.

Section 101 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 120) is amended by redesignating paragraphs (i) through (k) as paragraphs (j) through (l) and by inserting after paragraph (h) the following new paragraph:

"(i) surface coal mining operations can achieve the reclamation of abandoned mined lands, the remining of which should be encouraged to maximize recovery of remaining coal resources and to maximize reclamation of abandoned mined lands in the process.".

SEC. 2. PURPOSES.

Section 102 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1202) is amended by redesignating paragraphs (i) through (m) as paragraphs (j) through (n) and by inserting after paragraph (h) the following new paragraph:

"(i) encourage the reclamation of abandoned mined lands by active surface coal mine operators;".

SEC. 3. OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.

Section 201(c) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1211) is amended by redesignating paragraphs (5) through (13) as paragraphs (6) through (14) and by inserting after paragraph (4) the following new paragraph:

"(5) administer the programs authorized by this Act to promote the reclamation of abandoned mined lands by qualified surface coal mining operators;".

SEC. 4. USE OF MONEYS IN ABANDONED MINE RECLAMATION FUND.

Section 401(c) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) is amended by redesignating paragraphs (8) through (10) as paragraphs (9) through (11) and inserting after paragraph (7) the following new paragraph:

"(8) to carry out the purposes and programs of title X;".

SEC. 5. RECLAMATION FEE.

Section 402(a) of the Surface Mining control and Reclamation Act of 1977 (30 U.S.C. 1232) is amended by deleting the period at the end of the subsection, inserting a colon, and adding the following at the end of the section: *"Provided, however,* That the Secretary in the interest of conserving natural resources and promoting reclamation of unreclaimed areas, and for furtherance of the purposes of this Act, shall have the authority by regulation to waive or reduce the reclamation fee imposed under this section for qualified persons engaged in remining activities approved pursuant to title X.".

SEC. 6. REMINING OF PREVIOUSLY MINED AREAS.

"(a) NEW TITLE.—The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) is amended by adding at the end thereof a new title as follows:

"TITLE X—REMINING OF PREVIOUSLY MINED AREAS

"SEC. 1001. COMPLIANCE WITH TITLE V.

"Any person who plans to mine a previously mined area shall comply with all standards, requirements and procedures set forth in title V, except as set forth in this title.

"SEC. 1002. DEFINITIONS

"As used in this title:

"(1) The term 'previously mined area' means any area disturbed by coal mining activity prior to August 3, 1977.

"(2) The term 'qualified applicant' means an applicant for environmental or financial incentives under this title who has been determined by the Director of the Office to have an outstanding record of mining and reclamation of mined land in the United States, according to standards developed by that office.

"SEC. 1003. ELIGIBILITY.

"(a) IN GENERAL.—Only the qualified applicants, as defined in this title, may be eligible for the remining incentives authorized under this title. The Secretary, by regulation, shall establish standards and procedures for determining eligibity.

"(b) MOUNTAIN TOP REMOVAL.—No application can be approved or any incentive awarded under this title for any project which uses in whole or in part mountain top removal as a method of extraction.

"SEC. 1004. APPLICATION REQUIREMENTS.

"(a) INCENTIVES.—A qualified applicant who plans to mine a previously mined area may submit as part of the permit application required by section 510 a request for specific environmental incentives or financial incentives or both, at the applicant's option.

"(b) FINANCIAL INCENTIVES.—

"(1) INCENTIVES AVAILABLE.—If an applicant submits an application for financial incentives to remine a previously mined area, the applicant may select one or more of the following incentives: (A) bond guarantee, (B) bond credits, (C) direct financial payment, or (D) waiver of the AML fee for coal produced in remining the previously mined area.

"(2) STATEMENT BY APPLICANT..—The applicant shall state why an incentive, and the level of incentive, sought is necessary to cause the remining to occur, and shall provide adequate documentation to support the request.

"(c) ENVIRONMENTAL INCENTIVES.—

"(1) INCENTIVES AVAILABLE.—Any qualified applicant who seeks an environmental incentive to remine a previously mined area may select one or both of the following incentives: (A) termination of liability and (B) disposal of spoil in adjacent toxic areas. The termination of liability provision shall be available only in circumstances where the applicant anticipates mining a previously mined area on which he will encounter toxic-producing materials or produce acid discharge.

"(2) TERMINATION OF LIABILITY.—If a qualified applicant seeks to terminate liability for his remining activities under this title, and that application is approved, each of the following conditions shall apply:

"(A) Liability for any and all actions taken during the mining or reclamation process and for the consequences or effects of the remining activity shall terminate only when the Director of the Office and the State regulatory authority determine that the person has complied with all requirements of the approved permit and mining and reclamation plan required by the Act, implementing regulations, and approved State program.

"(B) Only when the Director of the Office and the State regulatory authority determine that the operator has complied with the permit and mining and reclamation plan requirements, can the Director of the Office and the State regulatory authority terminate the person's liability for the site. When liability of the permittee is terminated, the fund shall assume responsibility for the site, including liability for claims by affected third parties under this Act or other law. Once the fund assumes responsibility for the site, the Director of the Office shall consider further reclamation of the site under normal AML priorities, except that,

in no case, may the Director of the Office allow the environmental conditions on or off site to worsen, or fall below conditions existing prior to the remining activity approved under this title.

"(C) The Secretary shall promulgate any regulations necessary to implement and administer this provision.

"(d) SUBMISSION OF APPLICATION FOR INCENTIVES.—The applicant shall submit an application for financial or environmental incentives, or both, to both the Office of Surface Mining and the State regulatory authority, and the concurrence of both shall be required for approval of any incentive under this title. Nothing contained in this section shall be construed to require approval by the Director of the Office of the permit application, as distinct from the application for incentives.

"(e) REVIEW PROCEDURE.—The Director of the Office shall establish by regulation an efficient and prompt procedure for reviewing applications under this title and for rendering a decision approving, modifying, or rejecting such applications. These procedures shall provide for the following 2-state review process:

"(1) A qualified applicant may request a preliminary determination by the Director of the Office and the State regulatory authority that the proposed remining activity is in a 'previously mined area' and therefore eligible for incentives under this title, and a preliminary determination that the proposed project will (A) not qualify; (B) may qualify; or (C) is likely to qualify for incentives. This decision, which is advisory in nature, shall be made within 60 days of submission of the request to the Office and the State regulatory authority of the proposed project and other competing projects under this title and shall be made upon consideration of its priority.

"(2) Upon receipt of the preliminary determination, or at any time if no preliminary determination is sought, a qualified person may submit an application for incentives, along with a permit application which complies with all title V procedures and meets all title V requirements. Review and processing of the application for incentives shall proceed simultaneously with the processing of the title V permit application; however, any financial and environmental incentives sought under this title shall be granted only upon the approval of both the Director of the Office and the State regulatory authority.

"SEC. 1005. APPROVAL STANDARDS.

"(a) APPROVAL OR DISAPPROVAL OR MODIFICATION.—The Director of the Office and the State shall, following public participation and other procedures established by regulation, approve, disapprove, or modify an incentive proposed by the applicant. The Director of the Office and the State regulatory authority may require any additional information they deem necessary to render a decision on the application, or discuss with the qualified applicant the level or nature of any requested incentive.

"(b) STANDARD.—The applications for financial or environmental incentives under this title shall be evaluated and approved by the Director of the Office and the State regulatory authority based on their determination that the proposed project will result in significant environmental benefit with the least possible cost or exposure to the fund. As a condition for the award of incentives under this title, the Director of the Office and the State regulatory authority shall have first determined that the proposed project would not proceed without the approval level of incentive.

"(c) RANKING.—If more applications from qualified applicants for remining incentives are received in a fiscal year than can be approved under the appropriated level of expenditure for that year, the Director of the Office shall rank the projects and approve for incentives those that provide the most environmental benefit with the least cost or liability to the fund.

"SEC. 1006. ESTABLISHMENT OF FORMULA TO DETERMINE EXPOSURE OF AML FUND.

"The Secretary shall establish by regulation a formula for determining the cost or exposure to the fund for each financial and environmental incentive, and shall apply that formula to each remining application submitted under this title. The Secretary shall provide to Congress quarterly a report which lists each project approved, all pending applications, any liability and costs incurred on the part of the fund for approved projects, and the requested incentives for pending applications.

"SEC. 1007. ENVIRONMENTAL INCENTIVES.

"(a) TERMINATION OF LIABILITY.—In cases where the applicant proposes a termination of liability for a mining operation, the applicant shall in his section 508 mining and reclamation plan and in his permit application specify the steps that he plans to take in the handling of toxic materials and acid water, in assuring revegetation of the site and in returning the land to a viable post-mining land use in accordance with title V requirements. The applicant shall further specify how he plans to meet the requirements of the Federal Water Pollution Control Act.

"(b) USE OF SPOIL.—In cases where the applicant proposes to use spoil generated by the remaining operation to cover toxic materials on adjacent areas, and not enough spoil exists or will be generated to cover the adjacent toxic materials and to eliminate the highwall on the previously mined area and return the mined land to approximate original contour, the applicant shall submit documentation of the existence of toxic materials in adjacent areas, and his plan for utilizing spoil created by the remaining operation to cover toxic materials. The toxic materials shall be covered with no more spoil than is necessary to eliminate the toxic-related problems, and the applicant shall use the remainder of the spoil to backfill the highwall to the maximum extent possible.

"SEC. 1008. EXTRACTION OF COAL IN AML PROJECTS.

"(a) PROPOSAL TO RECLAIM.—Any qualified person may submit to the Office a proposal to extract coal during reclamation of a 'previously mined area' within the purview of title IV of this Act.

"(b) APPROVAL.—The Director of the Office may approve the application if it meets applicable title IV standards; except that in no case shall the value of the coal extracted exceed 10 percent of the cost of the estimated reclamation project. In cases in which coal extraction is projected to exceed 10 percent of the estimated cost of reclamation, the applicant must submit a title V permit application and otherwise meet all title V standards and requirements.

"(c) STANDARDS UNDER TITLE IV.—Any project approved under this section shall be subject to the standards and requirements normally applicable to title IV projects.

"SEC. 1009. RESEARCH ON REMINING EQUIPMENT.

"Not more than $2,000,000 for a fiscal year may be made available from the Abandoned Mine Reclamation Fund for research on remining equipment.

"SEC. 1010. REGULATIONS.

"The Secretary shall promulgate such regulations as are necessary and proper to administer the provisions contained in this title.".

(b) TABLE OF CONTENTS.—The table of contents contained in the first section of the Surface Mining Control and Reclamation Act of 1977 is amended by adding the following items at the end thereof:

"Sec. 1001. Compliance with title V.
"Sec. 1002. Definitions.
"Sec. 1003. Eligibility.
"Sec. 1004. Application requirements.
"Sec. 1005. Approval standards.
"Sec. 1006. Establishment of formula to determine exposure of AML fund.
"Sec. 1007. Environmental incentives.
"Sec. 1008. Extraction of coal in AML projects.
"Sec. 1009. Research on remining equipment.
"Sec. 1010. Regulations.

HOUSE OF REPRESENTATIVES—*Monday, July 10, 1989*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, as You have promised Your peace to every person, a peace that passes all our human understanding, we pray that Your assurance and comfort will live in all the relationships of life—in our homes, in our communities, our Nation, and in all the world. May we direct our hearts to seek new ties of affection and a new spirit to the commitment of peace so that we may live with each other as friends and neighbors in the bonds of respect and dignity. This is our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Pennsylvania [Mr. SCHULZE] will please come forward and lead the House in the Pledge of Allegiance.

Mr. SCHULZE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled Senate joint resolution on Friday, June 30, 1989:

S.J. Res. 96. Joint resolution designating July 2, 1989, as "National Literacy Day."

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Veterans' Affairs, which was read and referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, June 20, 1989.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On May 18, 1989, I forwarded to you the major construction resolution of the Committee on Veterans' Affairs for fiscal year 1990. This resolution is required by section 5004, title 38, United States Code.

The Secretary of Veterans' Affairs, on June 6, 1989, requested that the committee authorize a lease prospectus for the relocation and consolidation of satellite outpatient clinic functions in Boston, MA.

In accordance with this request and pursuant to section 5004 of Title 38, United States Code, the full committee today approved the addition of this lease prospectus to the May 18, 1989 resolution transmitted to you. There is, therefore, attached a copy of the resolution of the Committee on Veterans' Affairs, the estimated cost in fiscal year 1990, and the lease prospectus.

Sincerely yours,

G.V. (SONNY) MONTGOMERY,
Chairman.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and referred to the Committee on Appropriations:

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on June 22, 1989:

11(b) RESOLUTIONS

Council Bluffs, Iowa—Omaha, NB area
Prince Georges County, MD
Nashville, Davidson County, TN
Macomb County, MI
Hollywood, FL

CONSTRUCTION

Veterans' Administration, Philadelphia, PA
Federal Building, Asheville, NC
National Oceanic and Atmospheric Administration, Boulder, CO
Federal Building, Long Beach, CA (amended)
Federal Building, Paterson, NJ (amended)
Border Station, Skagway, AK
U.S. Courthouse, Kansas City, KS

LEASE-PURCHASE CONSTRUCTION

Internal Revenue Service Center, Memphis, TN (amended)
Internal Revenue Service, Chamblee, GA
Health Care Financing Administration, Woodlawn/Baltimore, MD

SITE ACQUISITION AND DESIGN

Moss Federal Building, Sacramento, CA
Courthouse, Alexandria, VA

REPAIR AND ALTERATION

Sisk Federal Building, Fresno, CA
U.S. Courthouse, Los Angeles, CA
Federal Building, Los Angeles, CA
Rogers Federal Building/Courthouse, Denver, CA
Denver Federal Center, Building 810, Lakewood, CA
General Services Administration Headquarters, Washington, DC
Housing and Urban Development Building, Washington, DC
Old Executive Office Building, Washington, DC
Cramer Federal Building, St. Petersburg, FL
Federal Building/Courthouse, Macon, GA
Dirksen Building, Chicago, IL
Federal Building, 536 Clark Street (amended)
Federal Building/Courthouse, Danville, IL
Kennedy Federal Building, Boston, MA
Federal Building/Courthouse, Detroit, MI
Army Publications Center, Overland, MO
Federal Records Center, Overland, MO
Byrne Courthouse, Philadelphia, PA
Nix Federal Building, Philadelphia, PA (amended)
Green Federal Building, Philadelphia, PA
Solomon Federal Building, Chattanooga, TN
Federal Building, Jackson, TN
Federal Executive Institute, Charlottesville, VA
Automatic Sprinkler Systems, various buildings
Prospectus for design fiscal year 1990
Prospectus for design for U.S. Courts

BORDER STATIONS

Construction
Los Indios, TX
Repair and Alteration
Nogales, AZ (East)
Nogales, AZ (West)
Calexico, CA
San Ysidro/Otay Mesa, CA
Otay Mesa, CA (commercial lot)
Eagle Pass, TX
El Paso, TX

LEASES

Veterans' Administration, Washington, DC
Corps of Engineers, Baltimore, MD (modified)
John F. Kennedy Federal Building, Swing Space, Boston, MA
Internal Revenue Service, Brooklyn, NY (amended)
Internal Revenue Service, New York, NY (amended)
Internal Revenue Service Center, Philadelphia, PA
Navy Facilities Engineering Command, Philadelphia, PA

The original and one copy of the authorizing resolution is enclosed.

Sincerely,

GLENN M. ANDERSON,
Chairman.

LEGISLATION TO PROVIDE CAPITAL GAINS TAX REDUCTION FOR ALL HOMEOWNERS

(Mr. SCHULZE asked and was given permission to address the House for 1 minute.)

Mr. SCHULZE. Mr. Speaker, practically the only people who pay tax when selling a home are those who go through divorce, illness, job loss, or some other catastrophic situation. Most taxpayers take advantage of rolling over their sale proceeds, tax free, into a new and larger home. In fact, this distorts the housing market and encourages the building of larger homes at the expense of smaller, starter homes.

Legislation I have introduced to eliminate taxing the sale of a principal residence will alleviate this market distortion, simplify recordkeeping for millions of Americans, and see to it that those who go through divorce, illness, or old age are not robbed of their hard work and investment in their homes by taxes.

I urge the American people to support my legislation to eliminate taxing the proceeds from the sale of a principal residence. Mr. Speaker, any capital gains solution should include such a provision to ensure that all American taxpayers can participate in a reduction of capital gains tax rates.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHULZE) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS of Oklahoma, for 60 minutes, on July 11.

Mr. PORTER, for 60 minutes, on July 11.

(The following Members (at the request of Mr. MURTHA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SKELTON, for 60 minutes, today.

Mr. WYDEN, for 60 minutes, today.

Mr. MONTGOMERY, for 5 minutes, each day on July 11 and 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SCHULZE) and to include extraneous matter:)

Mr. MACHTLEY in four instances.

Mr. SCHUETTE.

(The following Members (at the request of Mr. MURTHA) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. DE LA GARZA in 10 instances.

Mr. HAYES of Illinois.

Mr. KANJORSKI in three instances.

Mr. BEILENSON.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 96. Joint resolution designating July 2, 1989, as "National Literacy Day."

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On June 29, 1989:

H.R. 2119. An act to authorize the exchange of certain Federal public land in Madison, IL.

ADJOURNMENT

Mr. MURTHA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 11, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2, of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1388. A letter from the Chairman and President, Federal Agricultural Mortgage Corporation, transmitting a report on the credit underwriting, loan repayment and security appraisal standards of the Federal Agricultural Mortgage Corporation (Farmer Mac); to the Committee on Agriculture.

1389. A communication from the President of the United States, transmitting amendments to the request for appropriations for fiscal year 1990, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-78); to the Committee on Appropriations and ordered to be printed.

1390. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Switzerland for defense articles estimated to cost $50 million or more (Transmittal No. 89-30), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

1391. A letter from the Acting Assistant Secretary of the Army for Manpower and Reserve Affairs; transmitting a draft of proposed legislation to permit a Secretary of a military department concerned to expeditiously correct military records regarding the promotion and pay of enlisted members of the Armed Forces; to the Committee on Armed Services.

1392. A communications from the President of the United States, transmitting a report submitted by the Secretary of Defense on the defense management review (H. Doc. No. 101-81); to the Committee on Armed Services and ordered to be printed July 10.

1393. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-47, "District of Columbia Income and Franchise Tax Conformity Amendment Act of 1989," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1394. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-48, "Toll Telecommunication Service Tax Act of 1989," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1395. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-54, "District of Columbia Solid Waste Regulations Amendment Act of 1989," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1396. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-52, "Public Utilities Temporary Act of 1989," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1397. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-50, "Pilgrim Rest Baptist Church Equitable Real Property Tax Relief Act of 1989," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1398. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-51, "Good Time Credits Temporary Amendment Act of 1989," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1399. A letter from the Mayor of the District of Columbia, transmitting the actuaries review of three benefit changes to the police officers and firefighters and judges retirement programs, pursuant to D.C. Code section 1-722(d)(1); to the Committee on the District of Columbia.

1400. A letter from the Secretary of Education, transmitting a copy of final regulations—early intervention programs for infants and toddlers with handicaps, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1401. A letter from the Secretary of Education, transmitting a copy of the final priority, required activities, and selection criteria for a high technology competition under the Cooperative Demonstration Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1402. A letter from the Secretary of Education, transmitting a copy of final regulations for the Robert C. Byrd Honors Scholarship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1403. A letter from the National Director, Congressional Award Board, transmitting the third quarterly report of the Congressional Award, pursuant to 2 U.S.C. 802(e); to the Committee on Education and Labor.

1404. A letter from the Secretary of Education, transmitting a copy of the notice of final priorities for fiscal year 1989 and

1990—Rehabilitation Training Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1405. A letter from the Secretary of Education, transmitting a draft of proposed legislation to amend the Higher Education Act of 1965, to reduce student loan defaults, to achieve greater accountability in Federal student assistance programs, to minimize the potential for waste, fraud, and abuse, and for other purposes; to the Committee on Education and Labor.

1406. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the Corporation's assessment of the needs of minority and diverse audiences in the area of public broadcasting, pursuant to Public Law 100-626, section 9(a) (102 Stat. 3211); to the Committee on Energy and Commerce.

1407. A letter from the Secretary, Interstate Commerce Commission, transmitting notice that the Commission has extended the time period for issuing a decision in No. 40068, *Shenango Incorporated, et al.* v. *Pittsburgh, Chartiers and Youghiogheny Railway Company,* to September 30, 1989, pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

1408. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Switzerland for defense articles and services (Transmittal No. 89-30), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1409. A letter from the Director, Agency for International Development, transmitting the Agency's 1989 annual report on title XII—famine prevention and freedom from hunger, pursuant to 22 U.S.C. 2220e; to the Committee on Foreign Affairs.

1410. A letter from the Assistant Secretary of State, Legislative and Affairs, transmitting notification of a proposed agreement for the assembly, inspection and test services on the S-70B-2 military helicopters for the Royal Australian Navy (Transmittal No. MC-14-89), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

1411. A letter from the Under Secretary of State for Security Assistance, Science and Technology, transmitting the eighth report on the activities of the multinational force and observers [MFO] and certain financial information concerning U.S. Government participation in that organization, pursuant to 22 U.S.C. 3422(a)(2)(A); to the Committee on Foreign Affairs.

1412. A letter from the Director, Defense Security Assistance Agency, transmitting an addendum to the listing of all outstanding letters of offer to sell any major defense equipment for $1 million or more; an addendum to the listing of all letters of offer for major defense equipment valued at $1 million or more that were accepted as of March 31, 1989, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1413. A letter from the Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Keith Lapham Brown, of Colorado, Ambassador Extraordinary and Plenipotentiary-designate to Denmark, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1414. A letter from the Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by William Andreas Brown, of New Hampshire, Ambassador Extraordinary and Plenipotentiary-designate to Israel, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1415. A letter from the Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Julia Chang Bloch, of the District of Columbia, Ambassador Extraordinary and Plenipotentiary-designate to the Kingdom of Nepal, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1416. A letter from the Director, Agency for International Development, transmitting his determination that continuation of support for certain programs with the Government of Liberia is in the national interest of the United States; to the Committee on Foreign Affairs.

1417. A letter from the Director, Arms Control and Disarmament Agency, transmitting a report on studies relating to arms control and disarmament issues concluded during 1988 by Government agencies or for Government agencies by private institutions or persons, pursuant to Public Law 100-213, section 4 (101 Stat. 1445); to the Committee on Foreign Affairs.

1418. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of General Accounting Office reports issued or released in May 1989, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1419. A letter from LeBoeuf, Lamb, Leiby & MacRae, transmitting the 1988 annual report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, a federally chartered corporation, pursuant to Public Law 88-376, section 14(b) (78 Stat. 323); to the Committee on the Judiciary.

1420. A letter from the Chairman, Merit Systems Protection Board, transmitting the ninth annual report of the Board's case decisions during fiscal year 1988, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Post Office and Civil Service.

1421. A communication from the President of the United States, transmitting a draft of proposed legislation to increase the annual salaries of executive personnel and for other purposes (H. Doc. No. 101-79); to the Committee on Post Office and Civil Service and ordered to be printed.

1422. A letter from the Deputy Assistant Secretary of Defense for Resource Management and Support, transmitting a report concerning the payment of a defense attache death gratuity to the survivors of a member who, while on active duty outside the United States, dies as a result of hostile or terrorist activities, pursuant to Public Law 100-453, section 704(c) (102 Stat. 1913); jointly, to the Committee on Armed Services and the Permanent Select Committee on Intelligence.

1423. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a draft of proposed legislation to amend provisions of title 39 of the United States Code to authorize establishment of branch post offices at certain U.S. diplomatic missions abroad; jointly, to the Committees on Post Office and Civil Service and Foreign Affairs.

1424. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend sections 5315 and 5316 of title 5, United States Code, to raise the position of chief counsel for the Internal Revenue Service, Department of the Treasury, from level V to level IV of the Executive Schedule; jointly, to the Committees on Ways and Means and Post Office and Civil Service.

1425. A communication from the President of the United States, transmitting a draft of proposed legislation to amend the Government-Wide Ethics Act of 1989 to prohibit the acceptance of honoraria by Members of Congress (H. Doc. No. 101-80); jointly to the Committees on House Administration, the Judiciary, and Post Office and Civil Service and ordered to be printed.

1426. A letter from the Secretary, Department of Health and Human Services, transmitting the annual report of the Indian Health Care Improvement Act covering the major activities and accomplishments of the Indian Health Service during fiscal year 1987, pursuant to 25 U.S.C. 1671; jointly, to the Committees on Interior and Insular Affairs, Energy and Commerce, and Ways and Means.

1427. A letter from the Director of Central Intelligence, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1990 and 1991 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency retirement and disability system, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Permanent Committee on Intelligence; Armed Services; the Judiciary; Ways and Means; and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted June 30, 1989]

Mr. ASPIN: Committee on Armed Services. H.R. 1495. A bill to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency, and for other purposes; with amendment, (Rept. 101-72, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on June 29, 1989, the following report was filed on July 1, 1989]

Mr. ASPIN: Committee on Armed Services. H.R. 2461. A bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes; with amendments (Rept. 101-121). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on June 29, 1989, the following report was filed on July 6, 1989]

Mr. BROOKS: Committee on the Judiciary. H.R. 2022. A bill to establish certain categories of nationals of the Soviet Union and nationals of Indochina presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Indochinese parolees. (Rept. 101-122). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on June 29, 1989, the following report was filed on July 7, 1989]

Mr. BROOKS: Committee on the Judiciary. H.R. 1391. A bill to exempt from the antitrust laws certain activities relating to alleviating the negative impact of violence in telecast materials; with an amendment (Rept. 101-123). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SIKORSKI:

H.R. 2847. A bill to extend by 1 year a program under which the Government is allowed to accept the voluntary services of private sector executives; to the Committee on Post Office and Civil Service.

By Mr. WISE:

H.R. 2848. A bill to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the act for existing agency matching programs; to the Committee on Government Operations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

164. By the SPEAKER: Memorial of the Legislature of the State of Nevada, relative to a National Guard Training Center at Hawthorne, NV; to the Committee on Armed Services.

165. Also, memorial of the Legislature of the State of Florida, relative to a national pension system for public school teachers; to the Committee on Education and Labor.

166. Also, memorial of the Legislature of the State of Washington, relative to Federal student loan applications; to the Committee on Education and Labor.

167. Also, memorial of the Legislature of the State of Nevada, relative to the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Energy and Commerce.

168. Also, memorial of the Legislature of the State of Louisiana, relative to the "Average Wholesale Price" for pharmacy provider reimbursement in the Medicaid Program; to the Committee on Energy and Commerce.

169. Also, memorial of the Legislature of the State of California, relative to Armenians in Soviet Azerbaijan; to the Committee on Foreign Affairs.

170. Also, memorial of the Legislature of the State of California, relative to the People's Republic of China; to the Committee on Foreign Affairs.

171. Also, memorial of the Legislature of the State of Nevada, relative to interregional transfer of water; to the Committee on Interior and Insular Affairs.

172. Also, memorial of the Legislature of the State of California, relative to coastal resources; to the Committee on Interior and Insular Affairs.

173. Also, memorial of the Legislature of the State of California, relative to reparations for Japanese-Americans; to the Committee on the Judiciary.

174. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to desecration of the American flag; to the Committee on the Judiciary.

175. Also, memorial of the Legislature of the State of Louisiana, relative to desecration of the American flag; to the Committee on the Judiciary.

176. Also, memorial of the Legislature of the State of Florida, relative to desecration of the American flag; to the Committee on the Judiciary.

177. Also, memorial of the Legislature of the State of Nevada, relative to expunging a certain call for a constitutional convention from the records of the assembly; to the Committee on the Judiciary.

178. Also, memorial of the Legislature of the State of Maine, relative to a national minimum carapace size for lobsters; to the Committee on Merchant Marine and Fisheries.

179. Also, memorial of the Legislature of the State of Florida, relative to the week of July 4, 1989, as "Buy American Week"; to the Committee on Post Office and Civil Service.

180. Also, memorial of the Legislature of the State of California, relative to the Sanitation District of Los Angeles County; to the Committee on Public Works and Transportation.

181. Also, memorial of the Legislature of the State of California, relative to veterans' educational benefits; to the Committee on Veterans' Affairs.

182. Also, memorial of the Legislature of the State of Michigan, relative to tax-free status of State and local government bonds; to the Committee on Ways and Means.

183. Also, memorial of the Legislature of the State of Louisiana, relative to a credit against Federal income tax liability for those persons awarded a high school equivalency diploma; to the Committee on Ways and Means.

184. Also, memorial of the Legislature of the State of Louisiana, relative to the Federal income tax exemption for dependent children; to the Committee on Ways and Means.

185. Also, memorial of the Senate of the State of Illinois, relative to coal production and rail transportation; jointly, to the Committees on Public Works and Transportation and Interior and Insular Affairs.

186. Also, memorial of the Senate of the State of Louisiana, relative to Louisiana's disappearing wetland habitat; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

187. Also, memorial of the Legislature of the State of Florida, relative to the Catastrophic Medicare Act of 1988; jointly, to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 505: Mr. WELDON and Mr. QUILLEN.

H.R. 563: Mr. BEVILL and Ms. SLAUGHTER of New York.

H.R. 586: Mr. KOSTMAYER.

H.R. 857: Mr. KASTENMEIER.

H.R. 973: Ms. OAKAR.

H.R. 1193: Mr. FLIPPO, Mr. HORTON, Mr. FAUNTROY, Mr. THOMAS of Wyoming, Mr. GUNDERSON, Mr. STALLINGS, and Mr. ENGLISH.

H.R. 1200: Mr. NIELSON of Utah, Mr. OWENS of Utah, Mr. SMITH of Mississippi, Mr. SAWYER, Mr. SENSENBRENNER, Mr. PAYNE of New Jersey, Mr. HALL of Ohio, Mr. TORRICELLI, Mr. OXLEY, Mr. FEIGHAN, Mr. SPRATT, Mr. DYMALLY, Mr. NELSON of Florida, and Mr. SUNDQUIST.

H.R. 1304: Mr. PALLONE.

H.R. 1416: Mr. EMERSON, Mr. MCNULTY, Mr. PASHAYAN, Mr. GILMAN, Mr. HANCOCK, Mr. FOGLIETTA, Mr. BALLENGER, Mr. KOSTMAYER, Mr. MACHTLEY, Mr. DE LUGO, Mr. SIKORSKI, Mr. DREIER of California, Mr. UPTON, Mr. SMITH of Vermont, Mr. TAUKE, Mr. HAYES of Louisiana, Mr. RINALDO, Mr. BEREUTER, Mr. MARTIN of New York, Mr. HEFNER, Mr. BATEMAN, Mr. CAMPBELL of Colorado, Mr. TORRES, Mr. BRYANT, and Mr. MOLLOHAN.

H.R. 1466: Mr. KYL.

H.R. 1666: Mr. THOMAS A. LUKEN.

H.R. 2008: Mr. STEARNS, Mr. HANSEN, and Mr. SUNDQUIST.

H.R. 2041: Mr. BATES, Mr. BUSTAMANTE, Mr. JAMES, Mr. MATSUI, Mr. CHAPMAN, Mr. IRELAND, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. ROE, Mr. HANCOCK, Mr. PAXON, Mr. NELSON of Florida, Mr. MARTINEZ, and Mr. MARLENEE.

H.R. 2121: Mr. SLATTERY, Mr. STENHOLM, and Mr. WYLIE.

H.R. 2126: Mr. FROST.

H.R. 2353: Mr. NAGLE.

H.R. 2405: Mr. BEILENSON.

H.R. 2561: Mr. SMITH of Vermont and Mr. WOLPE.

H.R. 2596: Mr. FAWELL, Mr. MCGRATH, Mr. MOORHEAD, and Mr. MARKEY.

H.R. 2637: Mr. MARTIN of New York, Mr. BUECHNER, Mr. WHITTAKER, Mr. SKEEN, Mr. WALSH, and Mr. MADIGAN.

H.R. 2708: Mr. ROE, Mr. DE LUGO, Mr. SWIFT, Mr. SYNAR, Mr. WYDEN, Mr. SIKORSKI, Mr. WALGREN, Mr. MARKEY, Mr. COOPER, and Mr. FOGLIETTA.

H.R. 2732: Mrs. PATTERSON.

H.R. 2772: Mr. MATSUI and Mr. MRAZEK.

H.R. 2807: Mr. MONTGOMERY, Mr. BENNETT, Mr. WEBER, Mr. EVANS, Mr. HARRIS, Mr. JONTZ, Mr. ROWLAND of Connecticut, Mr. WYDEN, Mr. RHODES, Mr. HORTON, Mr. FAUNTROY, Mr. PORTER, Mr. RAHALL, Mr. BLAZ, Mr. HEFNER, Mrs. ROUKEMA, Mr. COSTELLO, Mr. DYMALLY, Mr. DEFAZIO, Mr. MCCURDY, Mr. WOLPE, Mr. ACKERMAN, Mr. PRICE, Mr. BUSTAMANTE, Mr. LAGOMARSINO, Mr. MURTHA, Mrs. BOXER, Mr. HUTTO, Mr. MORRISON of Connecticut, Mr. CLINGER, Mr. TORRES, Ms. OAKAR, Mr. PANETTA, Mr. DE LA GARZA, Mrs. COLLINS, Mr. PAXON, Mr. VALENTINE, Mr. ATKINS, Mr. ANDREWS, Mr. HAYES of Illinois, Mr. BUECHNER, Mr. MATSUI, Mr. FASCELL, Mr. SPENCE, Mr. MCCLOSKEY, Mr. SAXTON, Mr. SMITH of Florida, Mr. FORD of Michigan, Mr. ROYBAL, Mr. LANCASTER, Mr. DE LUGO, Mr. WATKINS, Mr. SAVAGE, Mr. JONES of North Carolina, Mr. SARPALIUS, Mr. BOUCHER, Mr. YATRON, Mr. FAZIO, Mr. DURBIN, Mr. COYNE, Mr. HAYES of Louisiana, Mr. GOSS, Mr. SMITH of New Hampshire, Mr. ERDREICH, Mr. NIELSON of Utah, Mr. LIPINSKI, Ms. PELOSI, Mr. FUSTER, Mr. BEVILL, Mr. WILSON, Mr. HERTEL, and Mr. LANTOS.

H.J. Res. 127: Mr. MCCLOSKEY.

H.J. Res. 228: Mr. ASPIN, Mr. MCEWEN, and Mr. EDWARDS of Oklahoma.

H.J. Res. 302: Mr. PACKARD, Mr. SPENCE, Mr. LEATH of Texas, Mr. RAVENEL, Mr. BATEMAN, Mr. DORNAN of California, Mr. LOWERY of California, Mr. HUTTO, Mr. BEVILL, Mr. SKEEN, Mr. RHODES, Mr. SHUMWAY, Mr. KOLTER, Mr. HANSEN, Mr. HUCKABY, Mr. WILSON, Mr. FIELDS, Mr. WYLIE, Mr. HOLLOWAY, Mr. TAUZIN, Mr. BOEHLERT, and Mr. MCGRATH.

H.J. Res. 314: Mr. TAUZIN, Mr. PAXON, Mr. HORTON, Mr. LAGOMARSINO, Mr. PAYNE of Virginia, and Mr. HUTTO.

H. Res. 170: Mr. FROST, Mr. HATCHER, and Mr. HAYES of Illinois.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

52. By the SPEAKER: Petition of residents of Reading, PA, and Berks County, relative to the Paris Air Show; to the Committee on Government Operations.

53. Also, petition of the City of Deerfield Beach, Broward County, FL, relative to the offshore drilling and mining; to the Committee on Interior and Insular Affairs.

54. Also, petition of the Governor's Advisory Council on Aging, Phoenix, AZ, relative to the death of the Honorable Claude Pepper; to the Committee on Post Office and Civil Service.

55. Also, petition of the Calhoun County Commissioners Court, Port Lavaca, TX, relative to the Tax Reform Act of 1986; to the Committee on Ways and Means.

56. Also, petition of the Oswego County Legislature, Oswego, NY, relative to the State and local small issue bonds; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

MAGEE INDUSTRIAL ENTERPRISES CELEBRATES 100 YEARS OF EXEMPLARY SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Magee Industrial Enterprises, a family owned company located in Bloomsburg, PA. This year Magee Industrial Enterprises is celebrating its 100th year as a vital member of the business community.

The greatness of this country is due in part to our strong belief in the principles of free enterprise and the spirit of entrepreneurship. Magee Industrial Enterprises, founded 100 years ago by James Magee II, is an excellent example of how one man's dream of success can, through perseverance and hard work, become a reality.

In 1889 James Magee II was living in Philadelphia and working with a carpet manufacturing firm when he decided that he became anxious to start his own company. He moved to the small town of Bloomsburg with this carpet manufacturing equipment and organized James Magee and Co.

Like many businesses, James Magee and Co. faced some very difficult times. In less than 2 years, the company went out of business. In 1981 a second attempt was made and the Bloomsburg Carpet Works was formed. Unfortunately, this enterprise was also unsuccessful and went bankrupt after 5 years. The founders were determined to make their company work. Later that same year, the Magee Carpet Works was formed. The company operated under this name for 5 years until the Magee Carpet Co. was founded in 1901.

The Magee Carpet Co. established itself as a pioneer in new carpet technology. The company was one of the first to use ingrain power looms to produce worsted wools, blue ribbon velvets, scarlet ribbon tapestries, jewel ingrains, and art squares. In addition, the Magee Carpet Co. developed and built the "barnone," a loom that produces seamless rugs.

Magee Carpet Co. began manufacturing carpets for a Midwest company that built horse-drawn buggies. This was the beginning of the Magee's automotive carpet production which continues to constitute a major portion of Magee Industrial Enterprises' business.

During World War I and II, the Magee Carpet Co. helped in the war effort by devoting their production facilities to the manufacturing of cotton canvasses and blankets for the military. In 1943 the company was presented with the Army/Navy "E" award for excellence in appreciation for high quality production of materials for the war effort.

The Magee Carpet Co. enjoyed years of growth and development. In the 1950's the company expended its product line and began manufacturing commercial carpets. In 1967 the Magee Carpet Co. became Magee Industrial Enterprises, Incorporated, a holding company of the Magee family.

Today, Magee Industrial Enterprises [MIE] incorporates a number of divisions including the Magee Carpet Co., the Hotel Magee, Magee Glanz Distribution, Bloom Radio WHLM, MIE Hospitality, and a franchise of Arthur Treacher's Fish & Chips.

Magee Industrial Enterprises has experienced many successes as well as many failures during its first 100 years. Because of a great deal of perseverance and determination, the company and the Magee family have survived to become a vital and contributing member of the Bloomsburg community. The company has maintained a standard of excellence and continues to provide quality products and service to its customers and to the community.

I take great pleasure in honoring the Magee family and Magee Industrial Enterprises for the number of years they have devoted to the betterment of the Bloomsburg area. Family owned and run businesses have formed the backbone of our great nation and continue to offer service based on quality and pride. I am sure that my colleagues in the House of Representatives will join me in congratulating the Magee family and all of the employees at Magee on the 100th anniversary of Magee Industrial Enterprises, Inc. and in wishing them many more years of success.

NATHAN BISHOP MIDDLE SCHOOL RECEIVES AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Nathan Bishop Middle School, in Providence, RI, for being chosen the 1989 School of the Year for having the most outstanding junior high school energy education program in the Nation by the national energy education development project.

The students involved in this year's program focused on the question, "Should we build a coal-burning powerplant?" The students then gathered information from literature on coal, air pollution, acid rain, and pollution control devices. They made visits to a local powerplant and to an urban environmental laboratory. Guest speakers from the Rhode Island Lung Association and from the company that planned to build the power plant were invited to speak to the students.

As a result of their extensive study, students became more aware of the need for additional sources of energy, and the environmental effects and economic impact of energy production.

I commend the students for their meticulous research and interest in such an important project and I thank the teachers for their tremendous dedication and encouragement.

THE TIANANMEN SQUARE FOUNDATION

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. LOWERY of California. Mr. Speaker, on June 4, the cause of democracy suffered a tragic setback with the Chinese Government's brutal attack of the students in Tiananmen Square. The Goddess of Democracy statue, symbol of the Chinese democratic movement, was destroyed by the Chinese Army during the relentless crackdown on the peaceful demonstrators.

To keep the torches of democracy burning, the Tiananmen Square Foundation, consisting of Chinese students at the University of California at San Diego, is working in conjunction with David Frisk, an artist and woodcarver, to fashion a 29-foot replica of the statue. The design is based on photographs taken by the press and is being constructed in two pieces. Due to the merciless nature of the crackdown in China, the names of the students involved are being withheld for fear of retribution by the Government of the People's Republic of China.

The Tiananmen Square Foundation displayed the statue at the Del Mar Fair in California and is hoping to send it to Washington DC, and to France for Bastille Day on July 14. The cost of the students objective is $100,000, of which $30,000 has been raised.

Mr. Speaker, I would like to commend the noble efforts of the Tiananmen Square Foundation which serve to remind us not only of the valiant struggle for democracy in China, but also of the fact that our own Nation was itself born in a revolution for freedom and democracy. In closing, I ask my colleagues and all Americans to support the Tiananmen Square Foundation and, in so doing, help to promote the same ideals upon which this Nation was founded.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN RECOGNITION OF CONNIE BINSFELD AND THE DEDICATION OF THE KIRTLAND COLLEGE CAREGIVERS RESOURCE AREA IN HER HONOR

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. SCHUETTE. Mr. Speaker, I rise today in tribute to the Honorable Connie Binsfeld for her outstanding work in the State Legislature of Michigan. Her hard work and efforts for those in need of assistance warrants congratulations from all of us. Connie has always been active, and since her entry into public service, first as a State representative, and recently as a State senator, Connie has continually distinguished herself. It is indeed a tribute to her that she was the first woman ever to serve in both the State house and the State senate.

A notable example of Connie's contributions and the assistance she has provided to others in her support for the Caregivers Resource Room at Kirtland Community College. Connie sponsored legislation that made this room possible, and in tribute to her efforts the room is being named after her. Her support for the Caregivers Resource Room is just another example of her caring.

The key function of this information center will be to allow people to remain independent while still having assistance readily available to them. The Connie Binsfeld Caregivers Resource Room will also provide those taking care of others the ability to find important assistance or answers to problems or questions they might be having. As our population's age continues to grow, our Nation is faced with many challenges in caring for it's elderly population. Through Connie's hard work and dedication we will be better able to meet these challenges.

Mr. Speaker, I ask that you join me in saluting Connie Binsfeld, not only for her hard work that made this program possible, but for her lifelong commitment to helping others. Her dedication and devotion to programs such as these are truly noteworthy and should be applauded.

THE AMARILLO MEDICAL CENTER

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. SARPALIUS. Mr. Speaker, I have just returned from a week-long visit to my district. While I was there, I had a chance to discuss with many people about the issues that concern them most. One issue that kept coming up over and over again was the need for quality medical care throughout our district.

The issue is especially important to those living in rural areas. We are fortunate to have excellent health care facilities in many parts of the district. One shining example is the Amarillo Medical Center Complex that serves much of the Panhandle and northwest Texas.

The complex is surely one of the premier rural health care centers in the world. In fewer than four decades the complex has grown dramatically in size and reputation. On its 450-acre campus, there are four acute care facilities, five long-term health care facilities, three education and research facilities, five health-related facilities and two patient care, research and evaluation facilities.

The complex is more than just buildings, of course. It is a dynamic environment that provides education and training for physicians and health care professionals, support services for health research, and through the acute care and long-term care facilities, affordable, accessible high quality patient care.

Within the complex there are also important Texas A&M University facilities performing agricultural research and veterinary diagnostic programs that contribute enormously to the panhandle region's farming and ranching community.

It is very important to note the economic impact of the Amarillo Medical Center Complex in northwest Texas. Nearly 4,000 people are employed at the medical center with an annual payroll in excess of $85 million. The facilities at the medical center have a combined operating budget of more than $169 million.

Mr. Speaker, while I am proud and excited about what the Amarillo Medical Center Complex is doing today, I am even more enthusiastic about the future. There is a progressive, forward-looking attitude evident there.

Important research is ongoing and they want to do more. Patient care is outstanding and they want to make it better. Education and training are top notch yet they strive for an even higher standard of excellence. The Amarillo Medical Center Complex is a leader in rural health care now and promises to expand their leadership in the decade ahead.

SOUTH AFRICA OPPOSES INTERNATIONAL BAN ON IVORY TRADE

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. BEILENSON. Mr. Speaker, I would like to express my disappointment and regret that the Government of South Africa has announced that it will oppose an international ban on trade in ivory. This decision will severely impair our efforts to prevent the extinction of one of the most appealing and best-loved creatures in the world, the African elephant.

As many of our colleagues are aware, the African elephant has suffered a devastating decline over the last decade due to a growing and increasingly lucrative worldwide ivory trade. Although the ivory trade is ostensibly controlled, it is estimated that up to 90 percent of the ivory that leaves Africa is poached. Recent evidence from the Ivory Trade Review Group, commissioned by the International Union for the Conservation of Nature, shows that if the current rate of killing continues, the elephant will be extinct in as little as 15 years.

In response to this crisis, several African nations, including Kenya and Tanzania, whose elephant populations have been decimated by poachers in the last year, have called on the international community to declare a halt to the ivory trade. The United States, which I am very proud to note has played a leadership role in this issue, has joined with the countries of the European Economic Community in pledging to honor the ban, and the United States delegation to the Convention on International Trade in Endangered Species [CITES] will work to achieve unanimous participation among the CITES parties when they next meet this October.

It is absolutely essential, however, that all ivory importing and exporting nations participate in the ban; the continued existence of even a small legal source of ivory will result in a vast illegal and perhaps totally uncontrollable illegal trade, rendering all elephant populations vulnerable to poaching.

The chief research officer of the National Parks of South Africa says his country will lose $4 million in revenue if they participate in the ban, and claims that "there is no evidence that a ban is going to save the elephant." But if the ivory trade is permitted to continue at its present rate, even South Africa's well-managed and protected herds will not be safe from poachers. And, ultimately, we will all suffer the permanent loss of a truly unique and magnificent species.

Mr. Speaker, I urge my colleagues to join with me in calling on the Government of South Africa to reverse its decision on this very important issue, and to commit itself to preserving the African elephant for future generations.

WALTER DEAN HONORED BY SALVATION ARMY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mr. Walter Dean, a very special Salvation Army volunteer.

At the age of 77, Mr. Dean offers his services and his expertise to a Salvation Army food pantry in Wilkes-Barre, PA. He has put his knowledge of the food business to work and has managed to dramatically reduce the food costs for the Salvation Army.

The former owner of the Wyoming Valley Beef Co., Walter Dean utilizes what he has learned from his years in the food business to help provide food to families who are in need of assistance.

Mr. Dean visits local food distributors and works to get the best quality products for the lowest price for the Salvation Army, and serves as a purchasing agent for the organization. He believes that the Salvation Army provides an important community service and that people who truly need assistance should not go hungry.

Although Mr. Dean is a modest man who does not like to take credit for his work, the Salvation Army showed their appreciation by

honoring him at their annual meeting on May 15 of this year.

I take great pleasure in congratulating Mr. Walter Dean for receiving such an honor from the Salvation Army. He has unselfishly given both his time and talent to this organization.

I know that my colleagues will agree that Walter Dean deserves to be commended for the outstanding work he has done for the Salvation Army and join me in honoring him. There are a limited number of individuals in this world who decide to use their abilities and knowledge to help others. Mr. Walter Dean is undoubtedly one of those very special people.

A TRIBUTE TO MARY J. CLARKE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. MACHTLEY. Mr. Speaker, today it is my distinct pleasure to honor Ms. Mary J. Clarke, a teacher for blind children in Rhode Island for 40 years. I take this opportunity to recognize Ms. Clarke of Pawtucket, RI, upon her retirement.

As a teacher, Ms. Clarke has left her indelible mark on two generations of blind students. For 40 years, she has consistently demonstrated skills beyond those normally demanded of a teacher. Her compassion and understanding has given her students confidence in their ability to succeed. She has inculcated in her students a sense of uniqueness as a positive characteristic which makes the world meaningful to them.

I am inspired by Mary's charisma and her ability to teach her students to succeed beyond their disability. I commend Mary for offering her students the highest quality education. Her selfless work is a credit to herself and to her students. She will doubtlessly be missed as a teacher.

AMENDING TAX LAW AFFECTING REAL ESTATE

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. AuCOIN. Mr. Speaker, today I am pleased to introduce legislation repealing a provision in the tax law that has had a detrimental impact on the real estate and homebuilding industries.

Under the Tax Reform Act of 1986, rental real estate businesses are automatically deemed to be engaging in passive activities, even if the taxpayer is actively involved in the operations of the business. Generally speaking, this means that losses from these so-called passive activities cannot be used to offset income from other sources such as salaries, interest, dividends, and active businesses. The only exception where such losses may be deducted is when a taxpayer has an adjusted gross income of less than $100,000—and in those cases he or she can only deduct up to $25,000 in losses from rental real estate business in which they actively participate.

The inability to deduct cash losses is especially burdensome to rental real estate owners. Far too often, many of them are placed in a negative economic situation because their rental income from the property is less than their legitimate, ongoing expenses of owning and operating the property. In these situations, the owners must fund the difference between the income they receive and the expenses of maintaining the property with their own cash. Before January 1, 1987, that negative cash flow was fully deductible.

Everyone knows that the availability of rental real estate is a real problem these days. Multifamily housing production is expected to fall to 398,000 units in 1988, the lowest figure since 1981. Of course, we cannot attribute the loss of this deduction as being the sole cause of this problem. However, it surely has to be a contributing factor. Clearly, owners are being discouraged from undertaking the risk associated with redevelopment and rehabilitation of existing projects. Meanwhile, rents are being increased on many properties. And the one who is really getting squeezed is the renter.

To help correct this ominous trend, I am introducing today legislation that would allow active real estate owners or managers to deduct any cash out of pocket expenses against their income. Such expenses would include things like mortgage interest payments and utility expenses to the extent they exceed rental income from the property. My bill would also be retroactive to January 1, 1989.

I urge my colleagues to support this legislation.

H.R. —

A bill to amend the Internal Revenue Code of 1986 to provide that the passive loss limitation shall not apply to deductions allowable for cash out-of-pocket expenses for taxes, interest, and trade or business expenses in connection with rental real estate activities in which the taxpayer actively or materially participates

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PASSIVE LOSS LIMITATION NOT TO APPLY TO CERTAIN DEDUCTIONS ALLOWABLE IN CONNECTION WITH RENTAL REAL ESTATE ACTIVITIES.

(a) IN GENERAL.—Subsection (e) of section 469 of the Internal Revenue Code of 1986 (relating to passive activity losses and credits limited) is amended by adding at the end thereof the following new paragraph:

"(5) SPECIAL RULES FOR DEDUCTIONS ALLOWABLE FOR TAXES, INTEREST, AND TRADE OR BUSINESS EXPENSES WITH RESPECT TO RENTAL REAL ESTATE ACTIVITIES IN WHICH TAXPAYER ACTIVELY OR MATERIALLY PARTICIPATES.—

"(A) IN GENERAL.—Subsection (a) shall not apply to any amount allowable as a deduction under section 162, 163, or 164 (determined without regard to this section) for amounts paid during the taxable year with respect to qualified rental real estate activities of the taxpayer.

"(B) APPLICATION OF SECTION TO OTHER DEDUCTIONS.—The income from qualified rental real estate activities of the taxpayer shall be reduced (but not below zero) by the amount to which subsection (a) does not apply by reason of subparagraph (A) for purpose of determining whether subsection (a) applies to other deductions with respect to such activities.

"(C) QUALIFIED RENTAL REAL ESTATE ACTIVITY.—For purposes of this paragraph, the term 'qualified real estate activity' means any rental real estate activity with respect to which during the taxable year the taxpayer—

"(i) actively participates (within the meaning of subsection (i)(6), or

"(ii) materially participates (within the meaning of subsection (h))."

(b) TECHNICAL AMENDMENT.—Paragraph (4) of section 469(j) of such Code is amended by striking "and the passive activity credit (and the $25,000 amount under subsection (i))" and inserting ", the passive activity credit, the $25,000 amount under subsection (i), and the amount to which subsection (a) does not apply by reason of subsection (e)(5)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on January 1, 1989.

OUTRAGED OVER FLAG BURNING

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. HUBBARD. Mr. Speaker, I would like to share with my colleagues in the U.S. House of Representatives an excellent letter I recently received from Earle T. Shoup, an outstanding, highly respected attorney in Paducah, KY.

As my colleagues can see, Mr. Shoup is shocked by the June 21, 1989, decision by the U.S. Supreme Court allowing the burning of the American flag as a form of political protest in conjunction with an individual's constitutional right to free-speech guarantees. I too share in Mr. Shoup's outrage over the Supreme Court's decision. Millions of Americans across the United States are outraged also.

I have introduced House Resolution 188 in the U.S. House of Representatives condemning all actions intended to desecrate the American flag and urging the American people to continue to display proudly the flag of the United States as a symbol of our Nation and the values for which it stands.

I urge my colleagues to read Mr. Shoup's letter.

PADUCAH, KY,
June 22, 1989.

DEAR CONGRESSMAN HUBBARD: Oh say does that Star-Spangled Banner yet wave?

Not since yesterday. It now lies on the ground, smoldering at the feet of an individual who is so rotten-core and so low as to lose his right to standing room in this country of mine.

I cannot believe that it was my Supreme Court which upheld his constitutional "right" in that respect.

Does my Constitution provide and protect any such "right"? God forbid!

Is it my flag that is allowed to suffer such indignity? This is the flag that was the emblem of the Creation of our ancestors; a native land; a government of, by and for the people; a heritage for which millions have fought, bled and died so that we may enjoy life to the fullest. And now they (the five)

want to convert that flag into a gasoline-soaked rag in order that some worthless exhibitionist may demonstrate his feelings about our cherished land.

Is the Court so calloused and mechanical that it refuses to recognize the heritage that is being destroyed? Oh the five used honey-coated language in almost apologetic fashion in paying lip service to the deeper objects of their carnage, but the damage has been done.

Do we dare hope that public opinion will cause two of the Justices to change their minds on rehearing? (Surely there will be a petition for rehearing.)

Lacking any such result, let us hope that, in demonstrating our shock, consternation and displeasure at this national slap in the face, it will be Kentuckians who will rush to the forefront with a proposal for a Constitutional amendment appropriate to the occasion, making the descration or destruction of our flag or seals or other emblems of our government and its several departments a high crime subject to severe penalties, and granting to the individual States the right to adopt corresponding measures respecting their own flags, seals and emblems.

It is time to take a stand and to recall from our abusers the so-called "rights" they have flaunted in our faces far too long. I hope and trust that all of you will agree.

Respectfully,

EARLE T. SHOUP.

GLENDORA RESIDENTS HELP THE NEEDY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues the efforts of two extraordinary citizens, Arnold and Dorothy Caslin, of Glendora, NJ. Their efforts have been instrumental in helping those in need and in demonstrating their compassion and concern for their neighbors. Their efforts range from volunteering their time to several neighboring nursing and veterans' homes to helping at dinner parties and raising donations. The Caslins have gained the admiration and respect of not only those whom they help, but those whom they serve. Their frequent visits to the homes have become a cherished occasion for the inhabitants, making their lives much more enjoyable and meaningful.

Mr. Speaker, I raise attention to these individuals today to show that volunteering for needy causes is continuously needed in this Nation. With the many problems plaguing our society, numerous individuals have become dependent on services which help them deal with their hardships and brighten their futures. Without the dedication of people such as the Caslins, institutions which help the less fortunate would diminish.

I salute Arnold and Dorothy Caslin and those like them around this Nation. Their efforts continue to help the lives of the needy and enrich our society. I hope others will follow in the Caslins' footsteps and devote their time to the improvement of our Nation.

Mr. Speaker, I would like to share with my colleagues the following article on the Caslins:

"We don't do what we do to be recognized," said Dorothy Caslin, 50, of Glendora. "We do it because we want to."

What Caslin and her husband, Arnold, 62, want to do is donate their time to the Veterans' Memorial Home in Vineland, and their 20 years of service there has not gone unrecognized. The Caslins were honored last month with a plaque from the governor and a certificate commending their efforts from Gloucester Township.

Arnold Caslin is one of the organizers of the Amvets veterans' group in Pleasantville, and the couple found it natural to spend time at the veterans' home in Vineland. "We do a little bit of everything," Dorothy Caslin said. "We do spaghetti dinners, Christmas and Easter parties, picnics—anything and everything. We get food donations, and monthly we have cake and ice cream parties, help with barbecues and entertainments.

"When we were first married, my husband had hepatitis. Everyone helped us then, and the way we feel is, if we can't help others what's the use of being around?

"When you see [patients'] reactions, it's more than satisfying. We enjoy doing this."

Her husband, a truck driver for Crown Cork and Seal in Philadelphia, is a past state commander for the Amvets. His wife is a past president of the state Amvets Auxiliary.

And in addition to volunteering at the veterans' home, the couple donate time and energy to a nursing home in Washington Township.

The couple have six children, seven grandchildren and five great-grandchildren, and already the tradition of service is being passed on. "A couple of our grandkids come with us sometimes to the [veterans' and nursing] homes, and I have a 3-year-old great-granddaughter who loves it, and they love her," Dorothy Caslin said.

RIGHTING THE MISTREATMENT TO THE FLORIDA SEMINOLES

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. LEWIS of Florida. Mr. Speaker, I am pleased to be an original cosponsor of legislation on behalf of the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, and the Independent Seminole Indians of Florida in regards to their dispute with the Seminole Nation of Oklahoma over the funds awarded to the entire Seminole Tribe.

In 1976 the Indian Tribes Commission awarded the Seminole Indian Tribe $16 million for land taken by the Federal Government in violation of an 1823 treaty. The claim has been held in a trust pending settlement and has since accrued interest which brings the total current amount of the award to approximately $45 million.

This land was taken by the U.S. Government, and a large number of the Seminole Indians were forcibly moved to Oklahoma. This has caused a dispute between the two tribes on how to divide the claim fairly and equitably. The Oklahoma Seminoles have benefited from the land in that State, and as a result, the judgment awarded was lower than it should have been. Consequently, the Seminole Tribe of Florida was hurt in the initial judgment and once again stands to lose due to the distribution formula proposed by the Oklahoma Seminoles.

Members of the Oklahoma delegation in Congress have proposed legislation that would divide the award based solely on population, favoring the Oklahoma Seminoles by giving them 75 percent of the money. I believe, however, that the division of judgment should be decided by the Bureau of Indian Affairs and the involved parties. Congress has no information or records to make such a determination. But if Congress is to legislate a division of the judgment, it must do so in a manner which is fair to all parties involved.

The Seminole Nation of Oklahoma proposes basing the split on 1851 land claims of Seminole Tribe members. However, there are no precise records on such claims because only rough estimates were made at the time. There is no way for anyone to accurately determine Seminole land claims in 1851. In addition, the proposed 75–25 division does not reflect the three separate Indian Seminole groups within Florida—the Miccosukee Tribe of Indians of Florida, the Independent Seminole Indians of Florida, and the Seminole Tribe of Florida.

Although these types of divisions are often based on population figures, in the case of the Seminole Indians, this will result in an injustice. A just decision needs to take into account the difference in treatment the two tribes have received from the Federal Government.

The bill that my colleague from Florida, Mr. SMITH, and I have introduced provides for a more equitable split, dividing the award equally between the two Indian Nations. This bill is fair to all parties concerned because it reflects the benefits and treatment the two tribes have received from the Federal Government. I urge all of my colleagues in the House to finally put this matter to rest by supporting this legislation. The U.S. Government's mistreatment of the Florida Seminoles dates back to the 1851 land claims and is continued today by our own Bureau of Indian Affairs—a bureau supposedly created to protect the interests of Native Americans. Our proposed 50–50 division represents a major opportunity for the U.S. Government to rectify past wrongs.

I urge early consideration of this legislation. I know my other Florida colleagues will be joining us in supporting this legislation, which will soon be complemented by similar legislation in the Senate.

PLYMOUTH, PA: HOME OF ANTHRACITE COAL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to call attention to the Abijah Smith & Co. plaque, dedicated on the fourth of June, in honor of Abijah Smith, proprietor of the first commercially successful anthracite coal mine in the United States.

The State historical marker rests on the land of the 109th Armory in Plymouth, PA, beside the mountain where Abijah Smith established his company in 1807.

The plaque reads:

Abijah Smith & Company. Established 1807 by Abijah Smith, who had bought 75 acres here on Ransom Creek and was later joined by his brother John. Their shipments of coal by ark down the Susquehanna, began in 1807, continued for 20 years. The company was, in 1818, the first to extract Pennsylvania coal by powder blasting. In the same family almost 70 years, it was considered the first commercially successful U.S. anthracite firm.

I was proud and honored to have participated in the dedication ceremony, and I share the community's pride in the region's coal roots. As I stated in my address to the nearly 100 people in attendance, it is important for residents to trace the roots of the area's coal industry, which fueled the world's industrial revolution.

Major political, cultural, and industrial changes were all the result of coal mining. In Plymouth, PA, the humble beginnings of anthracite coal have changed the course of human events.

The mining of anthracite coal is credited with changing the course of history. Now the Borough of Plymouth can rightfully be credited as the site where anthracite coal was first successfully mined commercially. I know that my colleagues in the House of Representatives will join me in paying homage to pioneer anthracite coal merchant Abijah Smith.

A TRIBUTE TO LINCOLN JUNIOR-SENIOR HIGH SCHOOL

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. MACHTLEY. Mr. Speaker, today it is my distinct pleasure to honor the students, teachers, administrators, and community of Lincoln Junior-Senior High School which was named a blue-ribbon school by the U.S. Department of Education.

Being named a blue ribbon school is a distinction which recognizes the community at Lincoln Junior-Senior High School for their high standards in secondary school education. This honor distinguishes Lincoln Junior-Senior High as an exemplary school in preparing its students for the future. Lincoln boasts one of the lowest dropout rates in the State of Rhode Island.

I am especially proud to recognize the school for its roles as an educational institution during a time when quality education is the primary need of our Nation. Schools like Lincoln Junior-Senior High provide a guarantee for the future of our Nation by instilling our students with the qualities needed to become productive citizens.

THE VALEDICTORIANS OF THE FIRST CONGRESSIONAL DISTRICT'S HIGH SCHOOL CLASSES OF 1989

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. HAYES of Illinois. Mr. Speaker, distinguished Members of Congress, I rise today to acknowledge the considerable academic achievements of 17 young people from Chicago public high schools which serve the First Congressional District of Illinois. These young men and women have earned the distinction of being valedictorians of their graduating classes.

As the Representative of one of our country's most economically depressed districts, I find it laudable that these young people, and hundreds of their outstanding classmates, have posted excellent scholastic records throughout their high school careers. They truly represent the greatest resources our community and Nation possess. They are our brightest hope for the future, and they deserve to be honored as champions.

The valedictorians of the First Congressional District's high school classes of 1989 are: Alicia Boone of Hyde Park Career Academy; Ramona Briscoe of Martin Luther King High School; Wilson Buckley of George H. Corliss High School; Darryl Burley of Emil G. Hirsch High School; Terrace Crowder of South Shore High School; Persephone Ferguson of Kenwood Academy; Kendall Franklin of Percy L. Julian High School; Zorina Miller of Paul L. Dunbar Vocational High School; Natalia Perry of Wendell Phillips High School; Faylesha Porter of Chicago Vocational High School; Mattie Rucker of Neal F. Simeon Vocational High School; Salvador Sanchez, Jr. of Edward Tilden High School; Shavette Scott of John M. Harlan High School; Louise Tatum of Englewood High school; Sharon Thomas of Paul Robeson High School; Da Shayne Walker of Jean Baptiste Pointe DuSable High School; and Nitorshi Wilson of Edward Tilden High School.

Unfortunately, accomplishments like those of the forenamed students generally go unheralded by our news media which seem to concentrate more on negative aspects of life among youth in inner city areas. It is far more common to find media reports of the exploits of young people who are involved in drugs, gangs and other criminal or antisocial activity than it is to find accounts of the efforts of young people like those I honor today; young people who are preparing themselves to become tomorrow's leaders.

For this reason, I applaud Mr. Ellsworth E. Hasbrouck, Jr., president of Family Health Network, Inc., a not-for-profit medical group practice located in my district. Mr. Hasbrouck believes that our business leaders must do all that they can to recognize and encourage positive contributions made by our youth. On Friday, June 23, 1989, he joined with me at Chicago's DuSable Museum of African American History and Culture for a salute honoring the First Congressional District's distinguished young scholars.

I know that my colleagues in the U.S. House of Representatives share my wishes for continued success for the valedictorians of the First Congressional District's high school classes of 1989, and I hope that the Members of this august assembly will join me in working to create a society wherein they will be allowed the freedom to develop to their fullest potential.

THE PRIVATE SECTOR AND UNITED STATES-SOVIET COOPERATION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. LEVINE of California. Mr. Speaker, I would like to bring a novel collaborative effort between American and Soviet citizens to the attention of my colleagues in the House, and congratulate Harold Willens and Wesley Bilson on their leadership in this successful project.

As the following Los Angeles Times article describes in greater detail, Willens and Bilson have offered their business expertise to help streamline the manufacturing processes of Soviet consumer enterprises. By encouraging entrepreneurship, and encouraging the Soviet Government to expend a greater portion of its energies on consumer-oriented production rather than on its vast military machine, they hope to lessen the tensions that exist between our two countries. Even though the projects have only been underway for a year, they have already had an impact on Soviet citizens' views of entrepreneurship.

Mr. Speaker, I request that the text of the Los Angeles Times article be printed in the CONGRESSIONAL RECORD at this point, and ask that my colleagues join me in commending Harold Willens and Wesley Bilson for their efforts to foster peace and understanding among the Americans and Soviets.

[From the Los Angeles Times, June 26, 1989]

CAPITALISTS SHOW SOVIETS HOW TO DO IT

(By Jonathan Peterson)

A Soviet colonel spoke into the microphone as the capitalists from Los Angeles looked on, surely the strangest of visitors to an army base 60 miles southwest of Leningrad.

Before him, Soviet journalists took pictures. Behind him, the Americans stood proudly. All around was the heady feeling of long-frozen attitudes thawing into something new and unknown.

"I could not have ever imagined," Col. Victor Makarov was saying as the March wind blustered, "that I would witness what is taking place here today."

In part, he meant his base's imminent transformation into a children's clothing factory. But that conversion—one of 300 under way in the Soviet Union—was not the oddest thing going on that windy day in Kingisepp.

CALIFORNIA CHUTZPAH

The real twist was the role of Wesley Bilson and Harold Willens, two self-described "card-carrying capitalists" from

Southern California, embarked on a quest that seemed to combine quixotic idealism, careful calculation and more than a little chutzpah.

In an open letter to Soviet newspaper readers late last year, the wealthy entrepreneurs had offered Western-style consulting help, free of charge, to struggling consumer enterprises. Americans, they declared, have a vital self-interest in President Mikhail S. Gorbachev's wish to steer his economy onto a more peaceful path.

"This historic economic restructuring can go a long way toward reducing—perhaps even eliminating—all possibility of military conflict between our two countries," Willens predicted a the time.

DRAMATIC RESPONSE

The dramatic gesture paid off. Thousands of Soviets—from factory managers to physcians to ordinary citizens—poured out their wishes by the mail load. Totally outside the bounds of normal diplomacy, a citizen's collaboration was forming.

And what a strange collaboration it was, drawing in an unlikely cast of characters ranging from veteran U.S. peace activists and retired industrialists to Soviet journalists and workers at a Moscow bra factory.

There was Sophia Lansky, a Soviet emigre and actress who had worked in Hollywood (once teaching "a French actor playing a Russian villian how to speak English with a Russian accent in a Rambo movie"), who was so moved by the effort that she signed on as project director and interpreter.

There was Harry Froehlich, 68, a third-generation brassiere manufacturer who lives in Pacific Palisades, recruited to help a Moscow factory. ("I said, 'Moscow in January? You've got to be kidding,'" he recalled of his first meeting with Bilson. But days after his retirement, Froehlich was en route to the Soviet Union.)

And there was Ilya Baskin, the 32-year-old chief of Leningrad's Garant cooperative (a Soviet-style private firm), who proved so enterprising and energetic about taking over the Kingisepp base that Willens dubbed him Horatio Algersky.

For the Americans, the mission would provide a rare close-up of the hard realities that make up of every day Soviet life-realities that even Yankee know-how would not be able to budge. For the Soviets, it promised an expected source of expertise—and hope—at a time when household shortages and economic malaise seemed stubborn as ever.

"I'm dealing with people that want that tube of toothpaste from me," Bilson mused at one point. "They're embarrassed, but they want it."

By early 1989, Willens and Bilson had committed themselves to three projects: a Leningrad apparel cooperative that wished to take over the Kingisepp base, a brassiere manufacturer in Moscow and a clothing factory in Moldavia. Each faced the stifling edicts of bureaucrats in matters ranging from price tags to allowable materials to time for tasks on the factory floor.

CHAMPIONED BY MAGAZINE

American enterprise would challenge Communist bureaucracy as never before. Editors from the influential Soviet weekly Arguments and Facts, sensing not just a good story but a chance to help Gorbachev by publicizing consumer gains, became champions of the capitalists' effort.

In a series of trips, letters and telephone calls, the Americans personally lobbied Soviet bureaucrats to ease restrictions. The interviewed Soviet consumers and workers. And they linked Soviet managers and U.S. experts in relationships that continue today.

By early this year, the mission had been featured in Soviet newspapers, television and radio. Bilson's name was familiar to many ordinary Muscovites (some even asked for his autograph).

And there were unplanned victories. Last month, the city of Odessa granted a local military base to a clothing cooperative that one of the Americans had visited.

While it's hard to predict what the lasting benefits will be, on that spring day in Kingisepp near the Gulf of Finland, it became obvious that the unique effort had at least been noticed at the highest levels. In a message read by Arguments and Facts Editor Vladislav A. Starkov, Raisa Gorbachev sent her "warmest wishes."

Could it really make a difference? Bilson, who had logged many thousands of miles and uncounted hours trying to ensure that the grass-roots effort will indeed succeed, concedes the answer is not yet in. "What we're doing may be a drop in the bucket—or it may be extremely significant," he said. "Nobody knows right now."

The Beverly Hills Tennis Club might seem an odd place to worry about the future of the world. But for years, Willens has found it a convenient spot to do just that.

Members sometimes tease the Brentwood resident that he is the "man of La Mancha" because of his frequent tilting at the windmills of government policy. "What do you mean, 'My country right or wrong?'" Willens likes to ask. "My job is to make my country right when its leaders are wrong."

In the 1960s, he rallied business executives against the Vietnam War in a campaign that gained national attention. Later, he served as chairman of California's nuclear freeze initiative, plotting tactics, recruiting a prestigious advisory panel and pressing friends to donate cash.

"All that, I conceptualized—then I broke my ass making it happen," he recalled one morning over iced tea by the tennis club's pool.

Willens was born in the Soviet Union; his family emigrated to New York when he was 8, after the Bolshevik Revolution.

But those memories have faded and he points elsewhere for clues to his obsessive campaign against the arms race; witnessing the devastation of Hiroshima and Nagasaki as a U.S. Marine intelligence officer, weeks after they were bombed in World War II.

Years later, after he had gotten rich through real estate and textile machinery ventures in Los Angeles, he vowed "to do anything I could to prevent what I saw as an increasingly inevitable [nuclear] threat to destroy everything I cared about, because of governmental stupidity."

Today the Democratic peace activist is gray-haired, his sense of balance a tad shaky due to spinal problems, the daily tennis games a thing of the past. But he remains "nearly obsessed" with the nuclear arms race and other, less dramatic, threats to the environment.

FINDS IDEAL PARTNER

In that concern, the impatient, ever-pressing older man long ago found a complementary partner in Bilson, an upbeat Pacific Palisades resident who shares Willens' intensely personal approach to world peace. Bilson, a Republican who gained wealth through hospital investments, has pressed tirelessly for the Soviet initiative, using his office as home base and taking three trips there so far this year.

Each use terms from the business world in describing the current initiative: "If we're going to have a global partnership, who should be the general partners but the Soviet Union and the United States?" the younger man asked recently.

For that matter—to borrow a phrase from Bilson—why leave it up to "the cowards in Washington?" Last summer, the two entrepreneurs decided not to wait.

At an informal meeting between Americans and Soviet officials at the Colorado home of "Megatrends" author John Naisbitt, they popped the question: What if two capitalists were to offer Soviet consumer enterprises consulting aid with no strings attached?

The free Western expertise, they maintained, might help a Soviet factory produce more plentiful, attractive products. And just maybe, the value of an "enterpreneurship-transfer" could be broader: With favorable publicity, public opinion might strengthen Gorbachev's economic reforms.

And that, the Americans reflected, could enhance security for citizens of both countries. The Soviets, including members of the Communist Party Central Committee, were intrigued.

STEREOTYPICAL BUSINESSMAN

"We have the stereotype of an American businessman who is very effective, very energetic, but whose only purpose is to make money—and the more the better," noted Alexander Meschersky, Arguments and Facts' deputy editor-in-chief, in a telephone interview from Moscow.

So such cooperative behavior by American capitalists, he added in a refined, vaguely British accent, was "rather unexpected."

In November, the Americans' letter appeared in Arguments and Facts, a newspaper with a circulation of 20 million sympathetic to Gorbachev. The offer hit a nerve: The newspaper was deluged with more than 3,000 written pleas from all over the nation.

Readers asked for medical equipment, aid in building factories, even help in expanding an orphanage. Many of the writers wanted to meet the Americans.

OVERWHELMING REACTION

"The reaction surprised us—because it was overwhelming," Meshchersky recalled.

Weeks after the letter appeared, Bilson visited the Soviet Union, hosted by the editors of Arguments and Facts and the influential Znaniye scholarly society. By the time he returned 11 days later, he had found the three potential showcases for U.S. help.

Baskin's Garant cooperative in Leningrad—then awaiting a decision on whether it would get the army base—wished to send an employee to America to learn U.S. management techniques and also sought aid in getting equipment.

"The final goal is to increase the production of children's clothing in the Soviet Union," Baskin said recently in a telephone interview from his apartment in Leningrad.

MAKER OF INFERIOR BRAS

An influential Soviet economist, Abel Aganbegyan, had pointed Bilson toward Moscow's 2,000-employee Cheryomushki factory that made bras considered inferior by Soviet women. And in Moldavia, near the Romanian border, a clothing factory sought help in enhancing style and quality.

Could two unappointed citizen-diplomats from America make even a ripple in a

system that seemed to squelch enterprise at every turn?

As Willens saw it, the problem would be tackled through leverage—a series of carefully conceived steps used for maximum effect with the help of Soviet publicity. Citizens of both superpowers, he believed, might finally see the crying need to work together. Inclined to jot down his thoughts, Willens wrote: "It is a moment in history when altruism and self-interest do intersect."

But nobody promised it would be easy. Repeatedly, the bureaucracy stalled changes in factory practice the Americans advised, permission for Soviets to visit America, permission for Americans to visit the Soviet Union, even travel within the sprawling country.

On one occasion, a zealous customs agent in Moscow confiscated a fax machine that was in the Americans' luggage, apparently uncertain of its use. Froehlich, who was carrying the machine, a gift for the editors of Arguments and Facts, was nonplussed: "How do you explain to a Russian customs agent that it's a fax machine?"

Indeed, that task was beyond even the friendly Soviet newspaper editors who sported pins proclaiming, "We Love Wesley Bilson" and "Welcome Comrade Bilson." Authorities held the fax hostage over the weekend.

STARTING TO PAY OFF

But despite the nation's rigid bureaucracy, America's citizen-diplomats now claim that their flurry of visits, telephone calls and letters this year has begun to pay off.

Unlike the conversion of the military base outside Leningrad, for instance, the decision in Odessa—benefiting a cooperative that made children's costumes—was totally unforeseen. Local officials in the city, which is Lansky's hometown, made their decision after she had paid them a visit.

"It's a continuation of what happened in Leningrad," said Lansky, 34, a tall redhead who left Odessa for Israel in 1973. "Now, it's like a wave. . . . I'm happy; I'm proud."

Like others drawn to the Americans' unusual quest, Lansky found a deeply personal meaning in the mission's peaceful theme. Once, while she was performing for Israeli children in a bomb shelter near the Lebanese border, a Soviet-made missile exploded nearby.

"I had my personal confrontation with Soviet weapons," she said. "I want to prevent it in the future."

At the former military barracks in Kingisepp, plans for the layout of a large new factory have proceeded with advice from Froehlich.

RESULTS WILL TAKE TIME

"It will take people a year or two to see how wonderful this initiative is," Baskin said, "because they don't see results yet. Nothing of this sort has ever been done."

Similarly, the U.S. efforts have sparked a glimmer of progress for the Moscow bra factory, which had been forbidden to import fabrics. Froehlich—whose father and grandfather manufactured corsets in Germany and Switzerland—recalled that the coarse Soviet products "reminded me of the kinds of garments we made 50 years ago."

Earlier this year, in a Western-style "focus group" with 17 female employees of Arguments and Facts, the consumer verdict was obvious: Each of the Soviet women acknowledged wearing a foreign brassiere. What's more, "Only 50% of them believed the Moscow factory could produce a bra as good as the foreign ones," Bilson said.

But after meeting with Bilson and an editor of Arguments and Facts, a Soviet bureaucrat cracked open a door: He agreed to let the Americans import enough quality fabric—at Soviet expense—for the factory to show what it's capable of.

In late May, Froehlich inspected the first sample of the Soviet bras made with American fabrics. "I must tell you, they look fabulous," he said excitedly.

The venture also has spawned promising new relationships between Americans and Soviets. To cite one: a proposed 2,000-square-foot retail clothing store in Leningrad to be set up with help from American students.

The experiment would be a sort of joint venture between the Fashion Institute of Design and Merchandising in Los Angeles and the Leningrad Textile Institute, which proposed such exchanges during one of the Americans' trips.

"We'd like to see it [the store] open by early spring next year," said Tonian Hohberg, president of the Los Angeles design school. "There's no doubt in my mind that they're very anxious to get it started."

For all the excitement, it is not clear how far such efforts can ripple through a Soviet system that still discourages initiative and turns Western economics topsy-turvy.

"Maybe the people at Arguments and Facts, the brassiere factory, the people on the Western side all feel wonderful about what they do," said Kent Osband, an economist at the RAND Corp. "But are they really getting at the essence of the system?"

Osband and a second Soviet specialist, however, agreed that some benefits might come of the novel effort, especially any transfer of entrepreneurial skills and attitudes.

"In particular, what I like is building up small enterprises or ones that can get out from under the state," said Henry Rowen, a Stanford University specialist on the Soviet economy. "It's what we should be favoring."

For his part, Willens already describes the quest as a "teeny hunk of history," based on gains so far and on the new U.S.-Soviet relationships that are blossoming.

Certainly, the adventure has captured the imagination of many Soviets, a point highlighted by the fax machine flap. As Bilson and Froehlich tell it, when told who owned the gadget, a stunned Soviet customs agent blurted out: "This machine belongs to Wesley Bilson? I wrote a letter to him."

RICHARD F. COTE HONORED

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1989

Mr. MACHTLEY. Mr. Speaker, today it is my distinct pleasure to honor Richard F. Cote of Portsmouth, RI. Mr. Cote has been named "Teacher of the Year" by the Rhode Island Technology Education Association and the Hall Institute of Technology.

For over 20 years Mr. Cote has been a fine and dedicated teacher of industrial technology in the Middletown school system. He is presently a drafting teacher at Middletown High School. Besides being a fine teacher, Mr. Cote is also an accomplished professional. It is my pleasure to commend Mr. Cote for his award.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, July 11, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 12

9:00 a.m.

Armed Services

Closed business meeting, to mark up S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.

SR-222

Commerce, Science, and Transportation

To hold hearings on the nomination of Janice Obuchowski, of Virginia, to be Assistant Secretary of Commerce for Communications and Information.

SR-253

Labor and Human Resources

Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 106, setting forth the congressional budget for the U.S. Government for the fiscal years 1990, 1991, and 1992, S. 933, "Americans with Disabilities Act", S. 768, "Basic Health Benefits for All Americans Act", S. 975, "Non-Traditional Employment for Women Act", S. 685, "Employee Pension Protection Act", and pending nominations.

SD-430

Special Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.

Energy and Natural Resources

To hold hearings to consider the nominations of Martin Lewis Allday, of Texas, to be Solicitor of the Department of the Interior, Lou Gallegos, of New Mexico, to be an Assistant Secretary of the Interior, Stella Garcia

Guerra, of Texas, to be an Assistant Secretary of the Interior, and Constance Bastine Harriman, of Maryland, to be Assistant Secretary of Fish and Wildlife, and Parks, Department of the Interior.
SD-366

Environment and Public Works
Environmental Protection Subcommittee
Superfund, Ocean and Water Protection Subcommittee
To hold joint hearings on proposals to improve the environmental quality of marine and coastal waters, including S. 587, S. 588, S. 1178, and S. 1179.
SD-406

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 707 and S. 1215, bills to require the Federal Communications Commission to reinstate restrictions on advertising during children's television and to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience.
SR-253

Foreign Relations
Business meeting, to continue mark up of proposed legislation authorizing funds for fiscal year 1990 for foreign assistance programs.
SD-419

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1271, to change the fee schedule of the Copyright Office, and to make certain technical amendments and S. 1272, to reduce the number of Commissioners on the Copyright Royalty Tribunal, to provide for lapsed terms of such Commissioners.
SD-226

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Armed Services
Closed business meeting, to continue markup of S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.
SR-222

Environment and Public Works
Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by House Concurrent Resolution 106, setting forth the congressional budget for the U.S. Government for the fiscal years 1990, 1991, and 1992, and other pending business.
SD-406

Judiciary
Courts and Administrative Practice Subcommittee
Business meeting, to mark up S. 84, to provide Federal debt collection procedures, S. 396, to provide protection for the operation of interest rate and currency swap agreements when one of the parties files for bankruptcy relief, and S. 594, to establish an independent Administrative Law Judge Corps.
SD-226

Select on Intelligence
Closed business meeting, to consider proposed legislation authorizing funds for fiscal years 1990 and 1991 for the intelligence community.
SH-219

JULY 13

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the current drought situation in the midwest.
SR-332

Armed Services
Closed business meeting, to continue markup of S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.
SR-222

Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Francis A. Keating II, of Oklahoma, to be General Counsel, Department of Housing and Urban Development.
SD-538

Veterans' Affairs
Business meeting, to consider pending calendar business.
SR-418

Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to consider the nomination of Francis A. Keating II, of Oklahoma, to be General Counsel, Department of Housing and Urban Development.
SD-538

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on capabilities and concerns of the national sealift policy.
SR-253

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on the recent oil spills in the coastal waters of Rhode Island, the Delaware River and the Houston Ship Channel.
SD-406

Governmental Affairs
Business meeting, to mark up S. 303, to establish a framework for the conduct of negotiated rulemaking by Federal agencies, H.R. 1502, to authorize funds for additional officers and members of the Metropolitan Police Department of the District of Columbia, S. 253, to establish a coordinated National Nutrition Monitoring and Related Research Program, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by House Concurrent Resolution 106, setting forth the congressional budget for the U.S. Government for the fiscal years 1990, 1991, and 1992, and other pending committee business.
SD-342

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on financial services in the 1990's.
SD-538

Energy and Natural Resources
To resume hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-106

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up S. 695, "Educational Excellence Act of 1989" and the proposed "Library Services and Construction Act Amendments of 1989".
SD-430

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Armed Services
Closed business meeting, to continue mark up of S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.
SR-222

Foreign Relations
To hold hearings on international aspects of oil spill prevention, cleanup and compensation.
SD-419

Judiciary
Constitution Subcommittee
To resume hearings on proposed legislation authorizing funds for the U.S. Commission on Civil Rights.
SD-226

Select on Intelligence
Closed business meeting, to consider proposed legislation authorizing funds for fiscal years 1990 and 1991 for the intelligence community.
SH-219

Special Impeachment Committee
To hold hearings on pretrial issues in matters relating to the impeachment of Judge Walter L. Nixon, Jr.
SD-628

Conferees
On H.R. 1278, to reform, recapitalize, and consolidate the Federal deposit insurance system, and to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies.
2129 Rayburn Building

JULY 14

9:00 a.m.
Armed Services
Closed business meeting, to continue mark up of S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.
SR-222

Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine airline debt and takeover issues.
SR-253

10:00 a.m.
Agriculture, Nutrition, and Forestry
Domestic and Foreign Marketing and Product Promotion Subcommittee
To hold hearings to review agricultural research and foreign marketing promotion.
SR-332

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, to provide for a revitalized national housing policy, focusing on community and economic development provisions.
SD-538

Energy and Natural Resources
To continue hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-106

Conferees
On H.R. 1278, to reform, recapitalize, and consolidate the Federal deposit insurance system, and to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies.
2129 Rayburn Building

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Armed Services
Closed business meeting, to continue mark up of S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.
SR-222

JULY 17

9:30 a.m.
Special Impeachment Committee
To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Environment and Public Works
To hold hearings on the nomination of Thomas D. Larson, of Pennsylvania, to be Administrator of the Federal Highway Administration, Department of Transportation.
SD-406

JULY 18

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on Tuna management.
SR-253

Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, to provide for a revitalized national housing policy.
SD-538

Energy and Natural Resources
To hold hearings on the nominations of Stephen A. Wakefield, of Texas, to be General Counsel of the Department of Energy, J. Michael Davis, of Colorado, to be an Assistant Secretary of Energy for Conservation and Renewable Energy, John J. Easton, Jr., of Vermont, to be an Assistant Secretary of Energy for International Affairs and Energy Emergencies, and Jacqueline Knox Brown, of the District of Columbia, to be an Assistant Secretary of Energy for Congressional and Intergovernmental Affairs.
SD-366

Governmental Affairs
To hold hearings on S. 244, to provide for the development and use of plastics derived from certain commodities, and to include such products in the General Services Administration inventory for supply to Federal agencies.
SD-342

2:00 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

JULY 19

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 999, relating to the broadcasting of certain material regarding candidates for Federal elective office.
SR-253

Governmental Affairs
To resume hearings on the recently released proceedings of the Surgeon General's Workshop on Drunk Driving.
SD-342

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the implementation of the Defense Production Act of 1950 and competitiveness.
SD-538

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 946, to reorganize the functions of the Nuclear Regulatory Commission to promote more effective regulation of atomic energy for peaceful purposes.
SD-406

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the comparative assessment of the U.S. Space Program.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 866, to establish the Calumet Copper Country National Historical Park in the State of Michigan, S. 931, to protect a segment of the Genesee Park in New York, H.R. 419, to provide for the addition of certain parcels to the Harry S. Truman National Historic Site in the State of Missouri, and H.R. 1529, to provide for the establishment of the White Haven National Historic Site in the State of Missouri.
SD-366

JULY 20

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Governmental Affairs
To holding hearings on provisions of S. 135, Hatch Act Reform Amendments of 1989.
SD-342

Veterans' Affairs
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.
SR-418

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 1109, authorizing funds through fiscal year 1995 for programs of the Carl D. Perkins Vocational Education Act.
SD-430

1:00 p.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, to provide for a revitalized national housing policy, focusing on drugs in federally assisted housing.
SD-538

1:30 p.m.
Special Impeaching Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 371, to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management.
SD-366

JULY 21

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of D. Allan Bromley, of Connecticut, to be Director of the Office of Science and Technology Policy.
SR-253

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

JULY 24

9:30 a.m.
Special Impeachment Committee
To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

JULY 25

8:30 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Governmental Affairs
To hold hearings to review U.S. trade and technology issues.
SD-342

2:00 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

JULY 26

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1009, relating to the purchase of broadcasting time by candidates for public office.
SR-253
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

10:00 a.m.
Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

1:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 1067, to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.
SR-253
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

JULY 27

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1165, to provide for fair employment practices in the U.S. Senate and U.S. House of Representatives.
SD-342

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 1109, authorizing funds through fiscal year 1995 for programs of the Carl D. Perkins Vocational Education Act.
SD-430

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

JULY 31

9:30 a.m.
Special Impeachment Committee
To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

AUGUST 1

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

AUGUST 2

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

AUGUST 3

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

AUGUST 4

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

CANCELLATIONS

JULY 11

9:30 a.m.
Governmental Affairs
To resume hearings on the recently released proceedings of the Surgeon General's Workshop on Drunk Driving.
SD-342

POSTPONEMENTS

JULY 14

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed amendments to the Indian Child Welfare Act (Public Law 95-608).
SR-485

JULY 18

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

JULY 20

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

JULY 21

9:30 a.m.
Select on Indian Affairs
To hold hearings to establish a Tribal Judicial Resource Center.
SR-485

HOUSE OF REPRESENTATIVES—*Tuesday, July 11, 1989*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O gracious God, to so open our hearts in prayer that we may hear Your still, small voice speaking in the quiet of our meditation. May not the rush of events and the ever present needs of today cause us to put aside those moments when we can be honest with ourselves, can see in our own lives our weaknesses and strengths, our hopes, our wishes, our oneness with Your spirit. May we hear Your voice, O God, calling us to the quiet assurance that You know us and love us and are with us all our days. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentlewoman from Colorado [Mrs. SCHROEDER] will please come forward and lead the House in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REINTRODUCTION OF FEDERAL EMPLOYEES FAMILY BUILDING ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, millions of Americans build families through adoption and the use of infertility treatments. Many of these people are Federal employees, whose health insurance plans cover the costs of pregnancy and childbirth, but not of adoption or infertility treatments. This is an inequitable arrangement: It discriminates against those people who are unable to conceive a child naturally but who yearn to have a family.

To that end, I am reintroducing the Federal Employees Family Building Act, which would require that all insurance carriers in the Federal Employee Health Benefits Program [FEHBP] that cover obstetric care also cover infertility treatments and adoption-related medical expenses.

Infertility more often affects black, older, and less educated people, but it is white, younger and more educated people who seek treatment, in great part because of the cost. For example, in vitro fertilization [IVF] costs about $4,000 to $6,000 for one treatment cycle. IVF patients usually undertake two cycles, with many giving up after that, without a successful pregnancy, because it is too expensive to continue trying.

There are similar barriers to the fair treatment of adoption in FEHBP. Under some adoption arrangements, the adoptive parents assume responsibility for the biological mother's pregnancy and childbirth expenses. They may also be responsible for medical care for the child before the adoption becomes final. In either case, their health insurance doesn't usually cover the expenses.

It is time we acknowledge that there are different ways to build a family, and that we stop discriminating against alternatives to natural, biological parenthood. The Federal Employees Family Building Act is a step in the right direction.

A PROPOSAL TO PROTECT THE FLAG WITHOUT CONSTITUTIONAL AMENDMENT

(Mr. PETRI asked and was given permission to address the House for 1 minute.)

Mr. PETRI. Mr. Speaker, I would like to invite my colleagues to consider an op-ed piece in the July 3 New York Times by Harvard law Professor, Lawrence Tribe. Professor Tribe notes that, properly understood, the Supreme Court's ruling on flag burnings upheld no right to desecrate the flag, even in political protest, but merely required that Government protection of the flag be separated from Government suppression of detested views.

In a little noted passage of the decision, the Court majority observed that the case would have been altogether different if the State had acted against flag burnings on the simple ground that we should not allow the physical mistreatment of an object that the majority of people have chosen by law to protect.

In other words, our aim in protecting the flag is to protect a hallowed object. That aim is distinct from the issue of free speech. All we need to do is to protect the flag in all circumstances, regardless of the motives for its abuse.

To do that, we do not need a constitutional amendment. We can provide appropriate protection by statute, and do so constitutionally. This is the route we should take.

Accordingly, Mr. Speaker, I invite all of my colleagues who are against flag desecration and for free speech to cosponsor my bill, H.R. 2778. This bill will protect the flag, and it will pass constitutional muster.

THE REAL MEANING OF "BUY AMERICAN"

(Mr. MARTINEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, when Members of Congress have had to exhibit their preference on where to spend U.S. taxpayer dollars for the procurement of defense commodities, most have veoted—"Buy American."

GTE was selected for a U.S. defense contract based on an agreement to spend 76 percent of the moneys allocated by Congress on U.S. content. To make congressional intent evident to GTE, the contract stipulates that the 76 percent U.S. content must consist of American owned industry with American workers. Foreign owned manufacturers with American workers do not qualify as U.S. content.

The Army and GTE are now saying all that matters is product quality. The current manufacturer, Navcom, an American owned and operated company, maintains all delivery schedules with a quality product.

Why then should the Army and GTE approve of the transfer of contract work from Navcom, to a French owned manufacturer. It appears the French company Thomson, is agitated because they were unable to buy out Navcom, and the Army and GTE aid and abet their vendetta by supporting this move. Is this simply an abdication of responsibility, or is it a deliberate circumvention of congressional intent?

VANDALISM AT REVOLUTIONARY WAR MONUMENTS IN NORTH CAROLINA

(Mr. COBLE asked and was given permission to address the House for 1 minute.)

Mr. COBLE. Mr. Speaker, on the 4th of July in Greensboro, NC, an act of inexcusable vandalism occurred. On

the day we celebrate our independence, some rather sick people severely damaged monuments at the Guilford Courthouse National Military Park. They spray painted obscene slogans and hacked away at six statues in the park. The most severely damaged was the base of the monument of Nathanael Greene, the commanding general of Southern troops during the Revolutionary War.

It seems that our national symbols are under attack these days. First, the Supreme Court says it is lawful to burn the American flag. Then, some sick individuals try to destroy a monument to our beginnings as a Nation. For 74 years, the statue of General Greene has honored the hero of a key Revolutionary War battle and the city of Greensboro's namesake. Today, his statue and five others are damaged.

The National Park Service says it will require hundreds of thousands of dollars to repair the work of these vandals. But we will make the repairs. Fundraising efforts have begun already in the Sixth District. I urge the people of North Carolina and the entire Nation to support our efforts to restore this treasure to its original beauty.

In 1990, we will celebrate the 75th anniversary of the Guilford Courthouse National Military Park. Let's work together to see that this symbol of our struggle for freedom is properly restored.

□ 1210

CRIME BILL 1

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute.)

Mr. MOORHEAD. Mr. Speaker, fear of crime continues to be a problem of significance for the people of this country. George Gallup reported in March of this year that four out of every ten Americans are afraid to walk alone in their neighborhood at night. One in every ten feels insecure in his own home at night. When asked whether the crime problem in this country was improving or getting worse, 86 percent of respondents in a poll done for Time and CNN in February of this year said they thought it was getting worse. Fifty-seven percent said that being a victim was something they personally worried about, and over half also said that they did not feel adequately protected by the police from being a victim of crime.

Mr. Speaker, this is indeed a war. The Republican omnibus anticrime bill, introduced last week, will provide us with much of what we need to win it. It increases penalties for crimes committed with firearms. It enacts a constitutionally sound death penalty provision for the most horrible crimes. It proposes making drug testing a mandatory condition of Federal parole. It contains several provisions designed to reduce prison overcrowding. Exclusionary rule reform and habeas corpus reform are included among its provisions.

Mr. Speaker, I urge you to do everything you can to make sure that this bill gets to the floor without undue delay so that we might have the opportunity for full debate and amendment.

A BIPARTISAN EFFORT—ENACTING LEGISLATION OR AMENDING CONSTITUTION TO PREVENT DESECRATION OF OUR FLAG

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I have in my hands a petition from the 17th District of Texas numbering some 50 to 60,000. Anybody that would like to count it can authenticate it.

Mr. Speaker, let me say I am not going to put this in the RECORD because of the cost that would be involved, but basically this says:

> We, the undersigned, citizens of the United States of America, are appalled at the Supreme Court ruling upholding an individual's right to deface the American flag. It is our desire and demand that the Congress of the United States enact legislation preventing any form of desecration toward our flag.

I was very glad to hear my colleague, the gentleman from Wisconsin [Mr. PETRI] earlier suggest that there might probably be a better way than amending the Constitution to do so. If there is, this Member, too, would support it. If there is not, then I think an amendment to the Constitution would be very appropriate.

Mr. Speaker, the people of America feel very deeply about the American flag. This represents but a small portion of the number of citizens that are going to be forthcoming to my office, and I suspect to many of the rest of the offices.

My colleagues, I commend our Speaker for agreeing to move quickly on resolving this issue and showing and proving that this is entirely a bipartisan effort to deal with the problem.

I have spoken many times to classes of high schools around my district in which I point out that my freedom to swing my arm ceases when it contacts my brother's nose. Mr. Speaker, the five-four decision of the Supreme Court has contacted millions upon millions and hundreds of millions of American noses. They want us to act.

Mr. Speaker, we appreciate this prompt consideration.

The SPEAKER. The Chair wishes to advise our guests in the gallery that House rules prohibit signs of approval or disapproval with respect to anything said in debate. We welcome our guests here today, and we appreciate their cooperation in remaining within the rules of the House.

IT'S TIME TO END THE NATIONAL SCANDAL OF ABORTION ON DEMAND

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, in the not too distant future, I truly believe that historians will regard America's unseemly abortion culture with an odd mix of curiosity, sorrow, incredulity, and contempt.

They will wonder how a society that paid so much attention to civil rights at home and human rights abroad could have allowed—even promoted—the violent destruction of over 24 million children under the guise of preserving the right to privacy.

They will weigh the fashionable cliches, slogans, and euphemisms of our day proffered by the abortion lobby against the brutal reality of abortion—literally dismemberment of the baby and poison shots—and wonder how an ostensibly sane, compassionate society could have been so thoroughly fooled.

Moral equivalencies and comparisons to the institution of slavery are inevitable.

Perhaps most troubling, however, will be the memory of the legion of talented leaders in the fields of medicine, religion, law, academics, and especially in politics who should have known better, but who blinked when it counted most preferring instead the luxury of personal opposition without public duty or responsibility.

Mr. Speaker, I believe it's time the national scandal of abortion on demand came to an end. For the sake not just of the unborn—but their mothers as well.

In my view, the Supreme Court's decision in Webster handed down last Monday was a start. A new day has dawned. Hope has been revived.

The upholding of the Missouri antiabortion statute by the U.S. Supreme Court was a significant victory for unborn children and will likely result in the saving of many children who otherwise would have been aborted. It seems clear to me that the majority decision permits the states to further disentangle and disassociate public funds and assets from the destruction of unborn babies and is likely to lead to enactment of State laws along the lines deemed permissible by the court.

The Legislatures on the State and Federal level are thus invited to reassert protections for the unborn and

move to end the National Scandal of Abortion on Demand.

WHY I DISAGREE WITH $100 MILLION FOR POLAND

(Mr. TRAFICANT asked and was given premission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, times have certainly changed. Santa Claus used to make his rounds in December. Now old Santa just drops in at any moment, in Air Force One no less. He has abandoned all the reindeer.

Mr. Speaker, I am not taking off on the President. Overall President Bush is doing a good job, but I disagree with $100 million for Poland, and here is why.

The President said, and I quote, "Poland has a huge debt crisis." Did anyone ever remind the President or Congress that we are the world's greatest debtor?

Mr. Speaker, maybe it is time we start putting a hundred million dollars back into old Uncle Sam because the sad truth is America has become the automatic teller machine. A foreign country simply comes over, slips in their American Express card, and we give them cash.

I think it is time we take care of our own country, and that hundred million dollars would be better served in Ohio and Pennsylvania that lost an awful lot of steel jobs, and no one is really giving us a break.

THE UNITED STATES HAS A RESPONSIBILITY TO SUPPORT FREEDOM IN POLAND

Mr. DREIER of California asked and was given permission to address the House and to revise and extend his remarks.)

(Mr. DREIER of California. Mr. Speaker, a week ago yesterday we celebrated the 213th birthday of our independence; this Friday, the historic bicentennial of the storming of the Bastille, that medieval fortress, and now here we are between those two very important dates with President Bush standing at the Lenin shipyard in Gdansk saying, "The dream of Poland is alive." He said that just 4 hours ago.

Mr. Speaker, while the gentleman from Ohio [Mr. TRAFICANT], my friend, is very concerned about our use of United States tax dollars in countries abroad, I have to say that we are living at one of the most critical times imaginable, and I take my hat off and congratulate President Bush for his spectacular performance in Poland and what soon will be taking place, of course, in Hungary, and then at the economic summit later this week.

My colleagues, we are living at a time when freedom is on the march. The United States of America has a responsibility to support that cause.

WE MAKE A START

(Mr. WHITTEN asked and was given permission to address the House for 1 minute.)

Mr. WHITTEN. Mr. Speaker, on June 30, the day after Congress recessed for the week of July 4, the President signed H.R. 2402, the dire emergency supplemental, which we had passed by a vote of 318 to 6 and the Senate passed by voice vote.

The President made no comment, but earlier he was quoted as being ready to veto any bill which increased funds for drug control. In addition, the local press has had little to say about the bill being signed.

Mr. Speaker, this action was monumental, for among other provisions, it makes a concrete start to support law enforcement officials at the local level and to regain some control over the terrible drug situation which, if not controlled, will wreck this country. In some parts of most cities, it is unsafe to be on the streets at night, or even in the daytime and in many rural sections as well.

According to reports, in many areas some arrests are not made for there is no place to put prisoners. According to the press, Washington, DC, has sent prisoners as far as the west coast for confinement. Some judges are dismissing charges, and are actually releasing prisoners because of a shortage of prisons and jails.

The bill, now the law, Public Law 101-45, provides $75,000,000, "to strengthen Federal domestic drug law enforcement at the local level for additional assistant U.S. attorneys, deputy U.S. marshals and other agents, including necessary equipment and supplies, initiate plans to acquire available military facilities for use as prisons or Civilian Conservation Corps type use for drug offenders; speed up planning for not less than three prisons in areas where most needed; and to expedite the purchase of automatic data processing equipment to improve the exchange of information, * * * [and] for 'Fees of jurors and commissioners' to strengthen drug law enforcement at the local level,".

As chairman of the House conferees, it was my proposal which the conferees accepted by unanimous vote. Mr. Speaker, I am indeed glad that we made this start, for despite our many efforts, the use of drugs threatens our Nation.

The administration is committed to producing a plan by September 1. It is to be hoped that it will include authority to cut across jurisdictions now divided between 41 departments and agencies. All we do is helpful, but to gain control of the drug problem we must have this authority.

The bill also includes provisions for:

Veterans programs	$1,193,818,000
Law enforcement at the local level	75,000,000
Guaranteed student loans	892,428,000
Forest fire restoration	341,669,000
Payments to States for foster care and adoption services	423,345,000
Food stamps	224,624,000
Trade adjustment assistance	90,648,000
Migration and refugee assistance	125,000,000
International peacekeeping assistance	125,000,000
Essential air services	6,600,000

And many other important programs.

These funds became necessary because of the last minute demand last year for a further cut of $1.9 billion in outlays by our colleagues on the other side of the Capitol. A supplemental was anticipated at that time.

□ 1220

UNDERMINING OUR ABILITY TO FIGHT DRUGS IN PUBLIC HOUSING

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, we have heard a lot of talk just a speaker ago from the Appropriations Committee about fighting drugs. What the appropriators have failed to tell us was about a provision in the supplemental that significantly undermines our ability to fight drugs in public housing.

The chairman of the New York Housing Authority said this about that provision:

> The practical application of this provision is a nightmare that impedes the efforts of public housing authorities to remove drug dealers who threaten the lives of our residents and staff," said Emanuel Popolizio, chairman of the New York City Housing Authority.

Secretary Kemp, writing about this provision, has said:

> The new law will make it harder for a housing authority to evict a tenant for drug-related criminal activity than for non-payment of rent or other violations of the tenant lease.

He went on to say:

> It appears to preclude expeditious eviction of individuals who are directly engaged in criminal activity.

Mr. Speaker, it is not enough to talk tough about drugs. It is not enough to talk about throwing money at the drug problem. It is time to get tough. We should be throwing drug dealers out of public housing, not protecting them the way we did with one provision of the supplemental appropriations bill.

WHAT IS A CIVIL LIBERTARIAN?

(Mr. FRANK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK. Mr. Speaker, people have been too pessimistic about the level of support for civil liberties in America. We have recently seen an infusion of new ardent advocates, particularly for the rights of those accused of crime. For instance, former Attorney General Meese once said that almost everybody who was accused was guilty and that the Civil Liberties Union was a criminal's lobby, but there has been an evolution on the part of many of my very conservative friends.

I recently read the opinion that two Reagan appointees to the circuit court rendered on behalf of Mr. Nofziger. They gave that statute a workout to be able to get the charges dismissed against Mr. Nofziger that would have put a strain on any force of civil liberty lawyers.

Similarly, when Oliver North was being sentenced, some of my colleagues decided that really prison was a very inappropriate place for him. I agreed in that case.

So, Mr. Speaker, while we may be worried about our lack of civil liberties enthusiasm in one area, we should understand that we have got a whole new set of recruits. In Washington today, a civil libertarian is probably a conservative whose friends have been arrested.

SUPPORT BUSH ADMINISTRATION'S OMNIBUS CRIME BILL

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I am here today to call your attention to the problem of crime facing our Nation. We have thrown money at it before and the problem has only gotten worse. The elderly increasingly feel frightened about leaving their homes and our children must live with crime daily in their schools.

The Bush administration has come up with a reasoned, practical approach to this problem with its omnibus crime bill. I am thus strongly urging my colleagues, on both sides of the aisle, to support the President's bill so that we can get it on the floor as soon as possible to refine it and put it to work as law.

We need to take charge now and show once and for all that crime does not pay! We need to teach our younger generations that they must not participate in criminal acts. We need to get tough on crime and this bill is the answer.

I thank the Speaker and other Members for this time, and now I strongly urge that we all take time for major considerations to this bill.

BIGGEST ISSUE BACK HOME IS STILL THE ECONOMY

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, I went home over the July 4 weekend, as I always do, and traveled my 11 counties, and still the biggest issue that my people are concerned about is the economy and jobs.

They are obviously concerned about what the Supreme Court has done on abortions and on the flag. They are worried about China. They are worried about various benefits. But they are asking, "What about the economy? Where is my job?"

They want to know about why we are sending all this money over to these other countries through foreign aid. We just passed a foreign aid bill for over $12 billion, and now President Bush is over there with his mobile candy store.

They want to know why we are giving it away, why we continue to condone these unfair trading practices, why we are losing our manufacturing jobs that are good jobs and pay good money, that give them a better quality of life.

Why do we not do something about getting higher earnings, a better minimum wage to pay for food, clothing, and housing.

And what are we doing about looking to the future when the European Common Market is going to be exercising its strength in 1992? Are we going to be able to face that?

It is issues of the pocketbook, of health, the quality of life, and while we are helping others I think we had better take a look at our own people. Let us take care of the American taxpayer for a change.

POLAND AND HUNGARY NEED FREEDOM, NOT MORE LOANS

(Mr. MCEWEN asked and was given permission to address the House for 1 minute.)

Mr. MCEWEN. Mr. Speaker, free men and women cheered this morning as the President of the United States spoke in Gdansk, Poland, about the benefits and privileges of liberty.

Mr. Speaker, Poland does not need more loans. Hungary does not need greater loans. What those people need is freedom.

The United States of America is the richest nation on Earth. More than half of all the goods created, more than half of all the wealth in the history of man has been created in this one country, not because we are brighter than anyone else, not because we work harder than anyone else, but because America is the freest.

The President was correct to tell the Polish Government that as they open up free markets, they will then have greater standards of living, not to listen to the Keynesians, the Department of the Treasury or the IMF or the World Bank, because Eastern Europe does not need more loans and more debt and more interest, like the World Bank did to Latin America. All Eastern Europe needs is democracy and freedom. The American model will work there.

□ 1230

SEIZE THE OFFENSIVE ON DRUGS AND CRIME

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, with the recent introduction of the administration's comprehensive crime bill, I would like to take this opportunity to issue a challenge to my distinguished colleagues on both sides of the aisle.

It has become increasingly apparent that the war on drugs and crime cannot be fairly characterized as such. What we are currently waging is, at best, a public relations campaign. The administration continues to be obsessed with guns rather than dangerous felons. The test-case city of the District of Columbia is a wild boar out of control. The war on drugs, in my opinion, has not even begun. We need to reduce the bureaucratic mire of 30-plus congressional committees overseeing the work of the Drug Czar into one single oversight committee. The lines of command need to be clearly drawn and the battle plans must be laid.

With the introduction of the administration's recent comprehensive crime bill, Congress has the authority to seize the offensive and to declare a sunset for the end of this war on drugs and crime. I urge my fellow soldiers not to grow weary but to put on the full armor of battle. If we are serious about the scourge of drugs and crime in our Nation, we would be advised to adopt General MacArthur's admonition to Congress in 1951 when he stated, "in war, there is no substitute for victory."

COAST GUARD COCAINE SEIZURE

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I would like to take one moment this afternoon to shine a ray of light onto the

otherwise dark picture of our drug epidemic going across the Nation and our war on that epidemic.

On July 7 the U.S. Coast Guard made the largest cocaine seizure of the year when it stopped 3,359 pounds of cocaine from entering the United States. I have been told that this would be enough cocaine to feed the habit of an entire nation for a full week.

Crew members of the Coast Guard cutter *Shearwater* stopped a Panamanian-flag cement freighter and requested permission to board. Once denied permission by Gen. Manuel Noriega, they contacted the exiled Panamanian Delvalle government now recognized by the United States. Their persistence paid off. This radioed permission was made possible by a provision of the 1986 drug bill which incorporated H.R. 2132, a bill that I had filed earlier from an idea that I obtained from the U.S. Coast Guard in Miami Beach.

When it seems like our war against drugs is a futile effort, it is encouraging to see that we employ our resources and persist where we can make a difference. We must commend the vigilance, creativity, and hard work of the U.S. Coast Guard, Customs, and the State Department officials who are standing ready to use the tough new laws that we have put on the books.

During debate in 1986 and even again in 1988 under the omnibus drug bill, some of my colleagues in the House said that interdiction did not work and is a losing battle.

I am here to tell my colleagues this afternoon that interdiction does work. It has worked, and it is working. Let us not give up the fight.

OPEN THE MARKETPLACE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. "Let the market place decide," or so we have been told by those who champion free trade.

But the marketplace cannot always decide on a fair basis.

T. Boone Pickens purchased 20 percent of Koita, a Japanese company that provides lights for Japanese automobiles. Since his purchase, Japanese management does not return his telephone calls, let alone let him join the company's board of directors.

But in the United States marketplace, Japanese shoppers bring their wish list and buy a microchip company here, a manufacturing company there. The Japanese buy to their heart's content no matter what the consequences to the United States.

For example, Bridgestone bought Firestone, a $4 billion per year tire manufacturer. That was not enough. They are now buying the individual Firestone dealerships, and if the Firestone dealer will not sell, a competing shop is setup around the corner to undermine them and force them out of business, where the independent tire dealer can quote a price for $35, and that Bridgestone is promoting at $56.75, and because of their money, they can advertise and say what a great deal it is no matter what the price that the independent can do and no matter what the profit is.

In Italy and other countries, tires cost a fortune. Monopolies and cartels can have that effect.

We should not permit the Japanese to duplicate in the tire field their dominance in the microchip and TV industries.

We should learn from what happened to T. Boone Pickens. Before we sell, we must insure we can buy. The marketplace can only decide when it is open for business.

AMENDMENT TO GIVE SECRETARY KEMP POWER TO PURSUE DRUG DEALERS AND USERS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I was very surprised to read in this morning's New York Times that in the supplemental bill which we passed several weeks ago there was apparently a provision that was snuck into the bill which crippled Secretary Jack Kemp's efforts on fighting drug dealers and drug users in public housing.

As Emanuel Popolizio, chairman of the New York City Housing Authority, said:

> The practical application of this provision is a nightmare that impedes the efforts of public housing authorities to remove drug dealers who threaten the lives of our residents and staff.

It is clear that virtually no Members of this body understood this provision had been buried within the supplemental. I hope when the housing appropriations bill comes to the floor that the leadership will make in order an amendment to take this provision out and to give Secretary Kemp the power to continue to pursue drug dealers and drug users in public housing.

Mr. Speaker, I can certainly say for the Republican side that it is our expectation the rule will make in order that kind of a clear up-or-down vote whether or not Secretary Kemp should be able to fight against drug dealers and drug users in public housing.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote of the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules.

□ 1240

MEXICAN DEBT

Mr. FAUNTROY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 86) expressing the sense of the Congress that the President should encourage the private creditors of Mexico to take certain actions to reduce Mexico's debt and debt-service cost, as amended.

The Clerk read as follows:

H. CON. RES. 86

Whereas the United States and Mexico are bound by friendly relations and historical ties which involve economic interdependence, extensive trade flows, and mutual security concerns;

Whereas the Government and citizens of Mexico are burdened with outstanding foreign debt obligations, both publicly and privately held, of nearly $100,000,000,000;

Whereas the Government of Mexico has taken extraordinary steps in an effort to remain current on its repayment of its debt-service cost;

Whereas these steps have included reducing the public sector deficit, liberalizing bilateral trading relations with the United States, and otherwise seeking to comply with the lending requirements enumerated by the International Monetary Fund and other multilateral lending institutions;

Whereas the policy of the United States with respect to the indebtedness of Mexico and other developing countries has undergone a change in emphasis;

Whereas such policy once encouraged new lending to permit such countries to make payments on their existing debt, but now encourages private commercial banks in the United States to reduce the level of debt and debt-service cost under the terms of the Brady approach;

Whereas the extent of the reduction of debt and debt-service must be substantial enough to redress the social hardships attributable to Mexico's efforts to make debt-service cost payments;

Whereas there is an urgency in the case of Mexico's debt which necessitates the timely implementation of the Brady approach;

Whereas a fortuitous economic climate for substantial debt reduction presently exists;

Whereas the safety and soundness of the financial sector of the United States economy is linked to sound management and reduction of the debt burden of Mexico and other highly indebted developing countries;

Whereas export trade opportunities for the manufacturing and agricultural sectors of the United States economy would be enhanced by a reduction in the debt and debt

servicing burden of Mexico and other highly indebted developing countries; and

Whereas the international economic system is jeopardized by a breakdown in the standard contractual obligation between debtors and creditors: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the initiative of President Bush and Secretary Brady to encourage restructuring of the debt owed by debt-distressed developing countries to private banks is to be commended and it is the sense of the Congress that the President should strongly encourage—

(1) the major private creditors of Mexico in the United States and throughout the world to provide for a reduction of Mexico's debt and debt-service cost in such an amount and under such terms as will permit Mexico to achieve a sufficiently positive rate of economic growth to ensure the maintenance of social and economic stability while continuing to adopt and expand upon sensible, free-market oriented policies whereby economic growth can be advanced and private sector lending expanded; and

(2) United States banking regulators to require commercial banks to establish prudent reserves for impaired foreign debt.

The SPEAKER. Is a second demanded?

Mr. LEACH of Iowa. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from the District of Columbia [Mr. FAUNTROY] will be recognized for 20 minutes and the gentleman from Iowa [Mr. LEACH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, which was originally introduced by my friend from Texas, RON COLEMAN, expresses the sense of the Congress that the President should encourage the private creditors of Mexico to participate in the Brady Third World debt initiative and reduce Mexico's debt burden. The resolution has bipartisan support and deserves the positive consideration of the Congress.

Mr. Speaker, it is my belief that we are in a critical period in the life of the Brady debt initiative. Notwithstanding the shortcomings that have been catalogued with respect to Secretary Brady's proposals, it clearly puts the emphasis on the need for debt and debt service reduction. This is exactly where the emphasis must be.

Countries which are successfully undertaking economic reform programs, such as Mexico, must be assured of adequate levels of debt reduction. Members should keep in mind, for example, that Mexico's efforts at cutting its budget deficit to date are the equivalent of carrying out three Gramm-Rudman's. We should keep in perspective when we talk about the need for reform in these countries, that the level of sacrifice already borne by the people of Mexico and elsewhere is great. More economic improvements need to be made but substantial debt reduction is the only way to provide the political and economic capital necessary to continue the reform process. Not to provide relief soon is to play with fire.

Alleviating the debt burden of such countries requires the highest level of political commitment and guts within the debtor countries to carry out painful reform. But the solution to the debt problem also requires a political commitment at the highest levels of our Government as well as other creditor countries.

Frankly, it is very much in the long-term interests of the commercial banks to seek an end to the present reality of countries constantly faced with an inability to service their debt. It is certainly in the interest of our manufacturing and agricultural sectors to see the largest potential buyers of U.S. products, the developing countries, able to afford to buy them again. In fact, it is estimated that a minimum of 650,000 U.S. job have been lost during the 1980's as a result of a 31-percent decline in real exports to Latin America alone. Another 1 million U.S. jobs did not materialize because trade with the developing world contracted rather than grew. In the case of Mexico alone, 300,000 jobs were lost due to the lost export sales. Thus, the debt crisis has contributed substantially to our chronic trade deficit through this decline in exports. American farmers and workers cannot endure the finger in the dike approach to the debt problem.

The resolution before the House today sends a strong message on the importance of reaching an accommodation between Mexico and its creditors. It is supportive of the debt strategy outlined by the Bush administration. But the political commitment to seeing the Brady strategy bear fruit must not falter. With the Paris Economic Summit almost upon us, this resolution can assist the President in gaining continued cooperation among our allies. Only with such multilateral cooperation can the debt strategy hope to succeed.

House Congressional Resolution 86 was ordered reported by the House Banking Committee on the strength of an overwhelming bipartisan vote. I believe this resolution is a needed and worthwhile effort. I urge its adoption.

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, earlier this year Secretary Brady announced a new approach to the developing country debt problem. The new approach was significant in that it was the first time the U.S. Treasury officially recognized the unfortunate reality that some developing nations are unlikely to be able to fully pay back their debts and that some sort of debt reduction will be necessary in order to ensure economic growth in the developing world and to avoid a collapse of the international banking system. The Brady initiative calls for banks in return for certain international guarantees to voluntarily reduce their debt to a number of highly indebted countries which have in place viable economic reform programs.

Given its model debtor status and its success in taming inflation and reforming its economy, Mexico is the first country to negotiate with its commercial creditors under the Brady initiative. While its policies could still be improved by dropping restrictions on foreign investment in certain industries such as banking, Mexico has gone a long way to reform its economy and to take the tough steps necessary for economic growth.

To facilitate negotiations between Mexico and its creditors and restore Mexico's growth prospects, the Japanese have pledged $2 billion and the IMF and the World Bank $4 billion. The Mexican Government has also announced its intention to use $1 billion of its own reserves to purchase back debt at a discount.

While House Concurrent Resolution 86 is of a nonbinding nature, it is important because it represents the first congressional statement on Secretary Brady's bold debt-reduction initiative.

This resolution would do three things. First, it would urge United States commercial banks in their negotiations with Mexico to provide forthcoming debt relief. As has been mentioned, the negotiations between Mexico and its foreign commercial creditors are at a critical stage in providing for a reduction of Mexico's $54 billion external commercial debt. The role Congress can play is limited given that the actors here are a sovereign government and private banks, of which more than two-thirds are non-American. But what Congress can do is go on record in support of the Brady initiative and reflect deep concern for the plight of the poor in the developing world. It is all too clear that unless the economic problems of our neighbors to the South are addressed the prospect of instability, violence, illegal migrations of people, as well as expensive military options are on the near horizon. It is time for compassion, not curmudgeon by demands for repayment of unrealistic levels of debt. The children of the Third World must be given economic hope and not debtors' chains.

Second, this resolution commends the President and Secretary Brady for their debt-reduction initiative. Under the leadership of Secretary Brady this

initiative has been approved by other industrialized countries, many of the developing countries and by the International Monetary Fund and the World Bank. Only Congress has not yet officially sanctioned the Brady proposal.

Third, it would call upon the regulators to quit maintaining the fiction that troubled debt from the developing world held by U.S. commercial banks has been adequately reserved against. The resolution insists that the regulators require commercial banks to fully reserve against such impaired loans, thereby protecting our financial system and the taxpayers and also prodding United States banks to participate fully in debt negotiations with countries such as Mexico.

The developing country debt problem threatens the international financial system and complicates our foreign policy. There is no easy solution to the problem. It took many years to create this current debt situation, and it will take many years to work it out on a thoughtful case-by-case basis. To the credit of the administration, it has come forward with a proposal to facilitate debt reduction workouts which, if successful, will provide voluntary debt relief to developing countries and stability to the international financial system, with minimum U.S. taxpayer liability. This resolution is designed to show Congress' support for successful implementation of the administration's initiative in the case of our close neighbor Mexico. It deserves support of this body. Finally, Mr. Speaker, I would like to particularly commend the leadership of Mr. FAUNTROY and Mr. COLEMAN on this issue. It is quite impressive.

Mr. Speaker, I reserve the balance of my time.

□ 1250

Mr. FAUNTROY. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ], who launched his first act in holding hearings on the Third World debt on January 5, as soon as we got here.

Mr. GONZALEZ. I thank the gentleman from the District of Columbia, for yielding time to me.

Mr. Speaker, we are here to consider House Concurrent Resolution 86 which expresses a sense of Congress that the President of the United States should encourage the private creditors of Mexico to take certain actions to reduce Mexico's debt and debt-service costs.

First, I would like to commend Mr. COLEMAN of Texas for his efforts in introducing this important resolution. The fact that House Concurrent Resolution 86 received overwhelming bipartisan support during the House Banking Committee's consideration proves that it is a timely and well conceived resolution. I would also like to thank Mr. FAUNTROY and his subcommittee for their diligence in taking up and unanimously passing this resolution.

I cosponsored House Concurrent Resolution 86 because I believe that Mexico is worthy of debt relief. Mexico has made a number of positive steps toward reforming its economy. Under President Salinas, Mexico reduced its public sector deficit, liberalized bilateral trading relations with the United States, privatized or liquidated many State-owned enterprises, drastically reduced inflation, made a major effort to eradicate drug trafficking, and has arrested several prominent drug lords. Mexico deserves credit for these positive developments.

The Brady plan relies on the commercial banks to voluntarily reduce the debt and debt-service burden of worthy debtor nations. Without this cooperation the Brady plan will fail, and our future relations with many of the fragile democracies of Latin America, Central America, the Philippines, and others may be irreversibly damaged. If commercial banks remain reluctant to provide Mexico and other worthy debtor nations with meaningful levels of debt and debt-service relief, then the Banking Committee will find it necessary to revise the voluntary nature of the Brady plan.

The President and his Treasury Secretary, Nicholas Brady are the author of a substantive, positive shift in U.S. policy toward debtor nations. The Brady plan is a step in the right direction in that it is based on debt relief. If the plan works, it has the potential for taking a giant step toward lowering the debt burden of worthy developing countries. This would be a truly monumental achievement for President Bush and Secretary Brady. In order for the plan to work, the President needs to coerce the reluctant commercial bankers to provide meaningful debt and debt-service relief to worthy debtors, thus fulfilling their responsibilities as called for under the Brady plan. This resolution merely asks the President to support his own Treasury Secretary's LDC debt plan.

The lives and futures of millions of human beings are at stake. I urge my colleagues to immediately pass House Concurrent Resolution 86.

Mr. LEACH of Iowa. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. FAUNTROY. Mr. Speaker, I yield 4 minutes to the distinguished sponsor of this legislation, the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Speaker, I want to thank the gentleman from the District of Columbia [Mr. FAUNTROY], the distinguished Delegate, as well as of course the gentleman from Iowa [Mr. LEACH] for his hard work on this resolution.

Mr. Speaker, I also want to express my appreciation to Chairman GONZALEZ and to the Banking Committee's ranking minority member, Mr. WYLIE, for arranging consideration of this resolution at such a critical point in the negotiations involving Mexico and the debt issue.

I introduced House Concurrent Resolution 86 on April 5, 3 weeks after the announcement of the Brady plan. In subsequent consideration of the resolution, the Committee on Banking and the House as a whole have concluded that the initiatives undertaken by Secretary Brady have been beneficial. It is clear that the shift in emphasis stressed by Mr. Brady and by Under Secretary David Mulford has provided an outline for the banks not just to protect their shareholders—but also to acknowledge a foreign policy concern as important as any other in the United States today—our interest in an economically independent and politically sound Mexico.

Some participants have expressed frustration that these negotiations have become, as they put it, "politicized." Well, of course they have. This Congress would be remiss not to go on record on this issue when a neighbor with which we share a 2,000-mile-long common border has seen its average citizen's standard of living cut by 40 percent in 6 years, or when over 60 percent of its export earnings are consumed by debt-service costs.

Continued political stability in Mexico depends on debt reduction. There is simply no debate on that point. The news which has trickled out of the meetings between the banks and the Government of Mexico over the weekend is encouraging. My guess is that the progress in these negotiations and the presentation of a number of concrete "options" have been driven by this week's economic summit in Paris. The agreements announced so far are also incomplete. There is less here than meets the eye.

In the wake of the departure from the Baker plan, which focused exclusively on new lending to debtor nations, many scholars, regulators, and elected officials in this country have articulated a number of alternative plans for coping with the private sector debt of the developing countries. These range from the creation of a mixed public- and private-sector insurance fund to the creation of a debt management facility to a much wider application of debt-for-equity swaps. This resolution does not propose any solution as comprehensive as those.

But I want it to be very clear that this resolution does propose to place the burden of debt reduction on the creditor banks—and not on the taxpayers of the United States. It bothers

me that the banks which have supposedly been engaged in these difficult negotiations for nearly 3 months have waited so intractably for guarantees from the World Bank and the International Monetary Fund before getting down to brass tacks. During the same period, the Mexican Government has undertaken extremely significant economic reforms, reforms that are unprecedented in the 60 years since that country's revolution. Mexico has completely rewritten its regulations regarding foreign investment—something we said we wanted.

It has renegotiated a painful wage and price freeze "pact" for another 8 months—at considerable political cost. Last week, its governing political party admitted that Mexico's system of government is irrevocably pluralistic when the PAN won a gubernatorial contest in northern Baja California.

It is tempting to claim that these negotiations are a drama and that the banks are the villians—British banks, French banks, and American banks. That is not what this resolution says. It says what the financial markets have been saying for over 2 years—that the volume of Mexico's debt exceeds what it can repay, no matter what policies it adopts, no matter what the price of oil or the prevailing cost of funds—and no matter what suffering its people are forced to accept. It also says that our own banking system must have a basis for calculating the discounts on outstanding debt—and that we as taxpayers have a right to know the extent to which those who have profited from loans to Mexico in the past are prepared now to write them down as losses. We need to insist on these points.

I thank again the chairman, for his work in strengthening this resolution and for bringing it to the floor today.

Mr. FAUNTROY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I congratulate the chairman of the subcommittee, the gentleman from the District of Columbia [Mr. FAUNTROY] for bringing this resolution forward, and I also thank the chairman of the full committee, the gentleman from Texas [Mr. GONZALEZ] for supporting it, and also the sponsors.

Mr. Speaker, we have heard a great deal in the past few years about threats to America's legitimate interests in Latin America. In particular, we have been worried about the chances of the antidemocratic left coming to power, people who do not respect democracy or human rights or who are adverse to American interests. Among the many reasons for passing this resolution and pushing forward with the policy it embodies is that the best hope the anti-American democratic left has of coming to power in Latin America is the debt situation. That is, of course, not the only reason for the banks to give debt relief.

□ 1300

The primary one is humanitarian. Innocent young people and others are going without the basic necessities of life because of this crushing debt burden, and we can argue whose fault it was, but we do know this: The banks today—and we have this certified to Members by the American banking regulators—could afford to be realistic, and we are not trying to take money away from them but saying they made some business decisions which turned out not to be as profitable as they thought. They make some money off them, but not as much as they thought. By their failure to recognize reality, they are imposing misery on innocent people and endangering the legitimate foreign interests of this country.

I have worked in the past with some of our large financial institutions, the banks, to help make this a more competitive country, and will continue to do so. I urge them to think seriously about the consequences of their failing to act the way this resolution urges them to act. There has to be a degree of mutual trust and cooperation between those banks and those members on the Committee on Banking, Finance and Urban Affairs. This resolution says, in the interests of humanity, in the interests of this country's foreign policy, please do your part.

Mr. FAUNTROY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, the Third World Debt crisis is a ticking time bomb. Explosions have already occurred in Argentina and Venezuela. And Mexico, our closest neighbor to the south, could be next. The only way to defuse this situation is by forgiving some or all of the debt.

The President has played lipservice to this solution by adopting a policy of voluntary debt reduction—the Brady plan. But the plan has no teeth. Instead of offering real incentives to the banks to offer debt relief. The President has used talk. Remarkably, he believes he can persuade the banks that it is their patriotic duty to forgive billions of dollars of loans. Unfortunately, the banks pledge their allegiance to the bottom line.

The clearest evidence of this are the current negotiations between the banks and Mexico.

After 4 long months of negotiation, Mexico and its bank creditors have announced that they are close to an agreement to reduce Mexico's foreign debt.

But we should not let the sound of popping corks fool us—it's much to soon to celebrate. Not surprisingly, the preliminary indications are that this is not shaping up to be a debt relief agreement at all. Instead, most of the banks are rumored to favor new lending over debt relief. If that happens Mexico will buy some time—but the bomb will still be ticking.

In order to achieve real debt relief for Mexico, the President must offer real incentives to the banks and impose tough regulatory sanctions against those banks that hold out. Presidential persuasion, even in good faith, is a formula for disaster.

Frankly, we have talked long enough. It's time to put money on the table.

Mr. LEACH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding time to me, but I am not going to speak in favor of this particular legislation.

I do not like to throw a discordant note into this debate, but I think it is important to point out that there are other views around the country than the view of, "Let us forgive all the billions of dollars owed us."

I have serious questions, such as who will really pay for this? I feel the American taxpayers will ultimately get the bill, and he is already paying enough. To use an example close to home, right here in this floor on February 6, President Bush came before Congress and said, "In 45 days I want legislation to help cure the problem we have with our S&L's." How many days has it been now? Five months, and today, hopefully, we are going to start the conference. But the taxpayer is at risk because of the delay.

Now, the cure for the debt problems in Latin America, Asia, Africa and Eastern Europe is not to just forgive their debt. The problems are the economics of those countries. They do not give their people incentives to real economic productivity and growth.

We could forgive all the debt. We could put all the debt on the shoulders of our American taxpayer and even that would not solve the problem in these failing economies.

My point can be illustrated by Poland. The President yesterday told the Polish people, and the Polish Government, that we will forgive about $1 billion that is owed to Americans. We will give them a grace period, for an additional $4 billion. However, that is not going to mean anything to the Polish people unless they change the basic structure of their economy. There is no secret to it. As long as they do not do that, the job will not be done.

My second question is why this House and some in our Government, have been encouraging our banks to make foreign loans. Going back to the 1970's, our government has always given encouragement to foreign loans.

The Western banks responded and loaned the Polish Government $40 billion. Did it help the Polish people? I argue that it did not. It put more and more of a burden on the shoulders of the Polish people, that they have to bear today.

The same is true in Mexico. The same is true in Argentina and all the other debt-ridden countries. If we are going to help get the job done, they have to restructure. We can help them but we cannot do the job for them. They have to do that themselves. We can give some direction and a little help, but not more than that.

Mr. Speaker, I am happy to yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Speaker, I only wanted to point out this kind of debt we are talking about is not debt to the U.S. Government. The debt we are referring to in this resolution, specifically, deals with, as the gentleman from Iowa [Mr. LEACH] and as the gentleman from the District of Columbia [Mr. FAUNTROY] pointed out, with those private lending institutions, the commercial banks.

I agree with the gentleman, and in fact, I accept many of his statements and endorse them. I would only say to him that is exactly what this resolution tries to prevent. If we rely solely on the IMF, then, indeed, the U.S. taxpayer is continuing to put money into that particular facility for the purpose of helping developing countries. I say enough is enough of that.

I agree with the gentleman, and it is time.

Mr. ROTH. Mr. Speaker, I take back the balance of my time as I know the gentleman would like me to respond.

The gentleman is one of the most intelligent Members of this House, and he realizes that if we have debt forgiveness, the banks are not going to lose a dime in the end. I know some people on that side of the aisle say, "let the big, bad banks take the bath." They will not, because they will go to IMF, the World Bank, make sure the debt is subsidized directly or indirectly, and get their money out. In the end, the American taxpayer is left holding the bag. I do not want to see that.

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

I would like to respond briefly to the gentleman from Wisconsin [Mr. ROTH] who has raised some very valid and fair issues. We all have to recognize that this is an incredibly troubling circumstance. The fact of the matter is, it is always a bit easy for Congress to call on other institutions to reduce debt. On the other hand, where there is some quid pro quo, it is precisely through governmental intervention that American banks will gain the opportunity to increase the strength of their remaining debt through international guarantees. Such guarantees do implicitly involve some indirect taxpayer liability, if not direct liability.

I think we should be very clear in understanding that, under the current system, the large levels of debt being maintained are not being paid back by foreign countries. Rather, they are being paid back by the U.S. taxpayer, through foreign aid, through contributions to the World Bank and the IMF. What the Brady initiative is designed to do is to very appropriately suggest that taxpayer liability has to be stemmed, and there must be private sector accountability maintained.

In this regard, it is true that some in American politics do encourage American commercial banks to lend abroad. However, basically speaking, in our form of government those that make private commercial decisions have to be held accountable for them. There is also a major distinction between modest levels of encouragement and outright direction. Some banks chose to lend, some did not. It is quite clear that individual decisions were taken.

In addition, there were many in American politics who suggested that increasing levels of foreign lending by money-center banks was inappropriate. In the House of Representatives Committee on Banking, Finance and Urban Affairs, as early as 1978, hearings were held on bills to try to increase restraints on banks lending as forthcomingly as they were. Very interestingly, the banking response was that efforts to increase capital ratios or proposed reserve requirements were inappropriate because sovereign governments ostensibly could not go bankrupt.

□ 1310

Between 1979 and 1982, after virtually all in American politics had turned in the direction of doubting the credibility of increased foreign lending, banks had doubled their lendings to LDC's. I think they have to be held accountable for their decisions, and it is time for Congress to say that the U.S. taxpayer is not in the position of wanting to support the shareholders and officers of commercial institutions that make free decisions of a free nature.

So all I would suggest is that the Brady initiative is designed to hold accountable the private sector and at the same time protect to the maximum degree possible that very same private sector with minimal taxpayer liabilities. It does so by creating a different system of debt reduction coupled with prudential guarantees that, among other things, involve serious participation from our allies such as the Japanese. Without the Brady initiative, that kind of participation could not be garnered.

So I would urge my colleagues to take very seriously the words of the gentleman from Wisconsin [Mr. ROTH] and to take very seriously the concerns he has raised, but still to vote in the direction of support for the administration and its efforts in this regard.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FAUNTROY. Mr. Speaker, may I inquire as to how much time remains on my side?

The SPEAKER pro tempore (Mr. WILLIAMS). The gentleman from the District of Columbia [Mr. FAUNTROY] has 4 minutes remaining.

Mr. FAUNTROY. Mr. Speaker, I yield 2 of those minutes to the distinguished gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I rise in strong support of the resolution introduced by my colleague from Texas [Mr. COLEMAN]. We are considering this at an important time—the Brady plan negotiations between Mexico and its creditors seem to be coming to a conclusion.

All of us hope that these negotiations result in substantial debt reduction so that Mexico can once again invest in its own economic growth. If this is the result, then the official guarantees offered by the Brady plan will never have to be used.

The time has come for a real breakthrough in the Third World debt crisis which has seen the debtor nations send billions of dollars annually to the United States and other industrialized nations in repayments since 1982. These trends cannot continue, as riots in the streets of newly formed democracies illustrate so graphically.

Moreover, Mexico is particularly deserving. That nation has made great strides in creating a true market economy, following policy prescriptions that the United States and world financial institutions have long advocated.

Thus, I support this resolution calling for enough debt reduction to ensure sustainable economic growth for our neighbor to the south. This is especially true because the Mexican deal is going to be the model for future implementation of the Brady plan.

By trading risky assets for guaranteed assets, and making economic growth possible at the same time, debt reduction in the context of the Brady plan also has the salutory effect of improving the soundness of our banks.

I believe that the choices before the commercial banks are clear—either participate in a meaningful way in the credit enhancement features of the Brady proposal or be prepared to set aside substantially greater reserves against these risky exposures as called for in legislation introduced recently by both Chairman FAUNTROY and myself.

Mr. FAUNTROY. Mr. Speaker, I yield my remaining time, 2 minutes, to the distinguished gentleman from California [Mr. BATES].

Mr. BATES. Mr. Speaker, I thank the gentleman for yielding me this time, and let me state that I want to associate myself with the concurrent resolution of the gentleman from Texas [Mr. COLEMAN], with the subcommittee, and certainly with the remarks of the gentleman from New York [Mr. LAFALCE], which I think go to the point.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 86. At the present time, it is essential that creditor banks make a firm commitment to reduce Mexico's debt.

I represent a portion of San Diego County which spans several communities residing along the United States-Mexico border. Because the San Diego-Tijuana corridor is the most heavily traveled in North America, with over 55 million per year crossing the border, my constituents and I have witnessed the real effects of Mexico's debt crisis. The debt's stranglehold on economic growth in Mexico has frustrated the efforts of hard-working individuals and has caused the flight of capital and labor to other countries. Only a united effort between our Nation and Mexico on both the local and national level will permit each of us to grow and prosper.

Last week, the Mexican Ambassador to the United States, Gustavo Petricioli, came to San Diego as my guest to gain a local perspective on United States-Mexican relations. He met with many individuals directly involved in the debt problem, and recognized the need to confront the debt issue as a beginning for future positive relations between our countries. I share his views, and envision a resolution of the debt question plus an opening of trade as the first steps toward a North American economic alliance in the future between our Nation, Mexico, and Canada.

During the past decade, the Government of Mexico has become known throughout the world as the model debtor nation. It has kept up with debt repayments while initiating numerous economic reforms. These reforms have had the equivalent effect of several Gramm-Rudmans, through budget reductions, competitiveness-enhancing measures, and export promotion. About 700 of Mexico's more than 1,000 state-owned companies have been sold to the private sector or closed. Finally, inflation has been reduced from 159 percent in 1987 to 20 percent today.

These reforms have not been implemented without hardships. During the past 6 years, Mexico has suffered very low economic growth. This is largely due to foreign and domestic debt repayments costing about 60 percent of the Mexican budget. Average annual wages have also dropped, resulting in massive emigration to the already swollen cities and to the United States.

Despite the ongoing struggle to overcome these problems, the Mexican Government recently reaffirmed its commitment to economic reform. On May 31 of this year, Mexican President Carlos Salinas announced a 6-year development plan which includes further disciplinary measures to reduce the fiscal deficit by almost 9 percent in the next 2 years. The plan also includes programs to decentralize and modernize Mexican agriculture, and to reform the political system. We have already witnessed a watershed example of political reform with last week's gubernatorial victory of an opposition party member in Baja California.

International bodies are recognizing these efforts of the Mexican Government to repay its debt and reform its economy. They also understand that further economic hardships could threaten the stability and well-being of Mexico. Taking the first step, the International Monetary Fund recently agreed to provide $3.6 billion in loans to promote debt repayment and economic progress by Mexico—an unprecedented display of confidence in this country's future.

Immediately following the IMF loan agreement, the Paris Club Nations—the world's 14 most industrialized countries—postponed repayment of $2.6 billion in debt and interest payments that Mexico had been scheduled to make over the next 3 years.

Finally, our Government's proposal, the "Brady Plan," demonstrates confidence in Mexico. It calls on commercial banks to forgive a portion of their loans to countries which have undertaken macroeconomic reforms—such as Mexico—in return for guarantees on the remainder of their loans. Our Government should make further efforts to assist Mexico by reducing the debt it owes to the United States Treasury, in exchange for commitments by Mexico to promote development in critical areas such as the United States-Mexico border region. As a first step, however, the "Brady Plan" is a strong example of our commitment to Mexico's progress.

Through these actions, our Government, the IMF, and the Paris Club group have expressed strong support for Mexico. We have endorsed its efforts to maintain its debt repayments while enforcing stringent economic reforms. We must now encourage the private creditors of Mexico—some 500 commerical banks—to work with Mexico toward our common goal.

By reducing a portion of Mexico's debt, the commercial banks will promote economic growth in that country and will receive guarantees on payment of the remaining debt. They will also enhance the possibility of further stability and prosperity in a nation which will soon reach 100 million inhabitants. Finally, they will join in the chorus of support and confidence that our Government and other bodies have demonstrated toward Mexico.

Mr. Speaker, in conclusion I would like to commend the gentleman from Texas [Mr. COLEMAN] for introducing this legislation and the gentleman from the District of Columbia [Mr. FAUNTROY] for seeing it swiftly through committee. We must convince the commercial banks of the imperative to take united action in regard to the Mexican debt, and the passage of House Concurrent Resolution 86 will clearly and emphatically send this message to them.

Mr. KOLBE. Mr. Speaker, I rise today in support of the resolution offered by my colleague from Texas expressing the sense of this body that the President should encourage the private creditors of Mexico to negotiate a solution that would reduce the debt and debt service costs by July 15, 1989.

In the last several years a quiet revolution has been occurring along our southern border, a revolution of great economic and political significance to Mexico and to the United States and our relationship with Mexico.

Under the administration of President De la Madrid, and now under President Salinas, Mexico has undertaken sweeping economic reforms which have changed its economy from an inward-looking, state-run economy, to an outward-looking, market-oriented economy. These reforms have been based on a policy to move Mexico away from import substitution and reliance on oil, to an export driven economy. To this end, Mexico has joined the GATT, entered into a bilateral agreement with the United States establishing a framework for addressing trade disputes, has reduced tariffs and duties across the board, has eliminated burdensome import licensing requirements, and have sold off or closed hundreds of State-run enterprises. Most recently, Mexico announced major reforms of its laws on foreign investment, opening whole new sectors to investment in the future, and is working on reforms of the protections provided for intellectual property.

At the same time these dramatic economic reforms have taken place, Mexico has undergone a political opening. In the elections that brought Carlos Salinas de Gortari to the Presidency, opposition parties gained greater inroads than at any time in the 60 year history of PRI dominance. And this past week saw an historic opening when the chief opposition party, the PAN won the governorship in Baja Norte.

Despite these exciting reforms, Mexico has significant continuing economic problems that threaten to undermine recent advances. The most immediate and pressing problem for our bilateral relations is the question of debt and the need for capital to continue development within Mexico. Mexico's foreign debt reached $107.6 billion at the end of last year—nearly 75 percent of Mexico's Gross Domestic Prod-

uct. Clearly, Mexico can no longer sustain this burden without some relief.

In a very real sense, the debt question facing Mexico is the base on which all the changes and reforms in Mexico that I have mentioned rest. President Salinas must find a way to resolve the debt question in a way that maintains confidence of investors and eases the crushing burden on the average Mexican. If this can be accomplished, both the economic and political reforms can continue.

The U.S. role in this effort must be one of facilitator. Our policy must be to encourage private creditors and financial institutions to become creative in their approach toward helping Mexico address their debt problems. To further support this position, we in Congress must send a strong signal to the financial community of the great importance we attach to United States-Mexico relations, and the importance that a swift and equitable solution to Mexico's debt problem will play in maintaining this relationship.

The resolution offered today sends this signal. I commend my colleague from Texas for bringing this before the House and urge my colleagues to support passage of this House Concurrent Resolution 86.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from the District of Columbia [Mr. FAUNTROY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 86, as amended.

The question was taken.

Mr. NEAL of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. FAUNTROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on House Concurrent Resolution 86, the concurrent resolution on which the vote has been postponed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the District of Columbia?

There was no objection.

EXPORT ADMINISTRATION ACT OF 1979 AUTHORIZATION

Mr. GEJDENSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2653) to authorize appropriations for fiscal year 1990 to carry out the Export Administration Act of 1979.

The Clerk read as follows:

H.R. 2653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 18(b) of the Export Administration Act of 1979 (50 U.S.C. App. 2417(b)) is amended to read as follows:

"(b) AUTHORIZATION.—There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

"(1) $46,684,000 for fiscal year 1990, of which $15,334,000 shall be available only for enforcement, $3,500,000 shall be available only for foreign availability assessments under subsections (f) and (h)(6) of section 5, $1,500,000 shall be available only for regional export control assistance centers to be located in the Northern California, Portland/Seattle, and Boston areas, $150,000 shall be available only for a representative of the Department of Commerce to the group known as the Coordinating Committee, and $26,200,000 shall be available for all other activities under this Act; and

"(2) such additional amounts for fiscal year 1990 as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall take effect on October 1, 1989.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Connecticut [Mr. GEJDENSON] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. ROTH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. GEJDENSON. Mr. Speaker, today the House considers H.R. 2653, a bill to authorize appropriations for fiscal year 1990 to carry out the Export Administration Act.

This legislation, introduced by myself and the distinguished ranking minority member of the subcommittee on international economic policy and trade, Mr. ROTH, was reported by the trade subcommittee on April 12, and by the full Foreign Affairs Committee on June 15.

H.R. 2653 is a simple authorization of appropriations of $46,684,000 in fiscal year 1990 for the Bureau of Export Administration of the Department of Commerce. While the termination date for authorities under the Export Administration Act is September 30, 1990, appropriations are available only through September 30 of this year.

The Export Administration Act is the basic authority for controlling the export from the United States to our potential adversaries of commercial, dual-use goods and technology that would make a significant contribution to military capabilities if diverted to military application. It is a critical foreign policy and national security authority of the President, which is carried out by the Bureau of Export Administration within the Department of Commerce.

H.R. 2653 makes no changes in these basic statutory authorities.

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the statement given by the chairman of our subcommittee, and I associate myself with his remarks. I would like to join with him in supporting this legislation.

The committee is asking for a $4.4-million increase, and the reason for that is the new responsibilites in the 1988 Omnibus Trade Act.

□ 1320

The purpose of the increase is to enable the recently established Bureau of Export Administration to fully implement the provisions of the 1988 trade bill and to fund programs postponed due to the cost of the new bureau. This bill also establishes regional export assistance centers in the areas of the highest concentration of export licenses.

Mr. Speaker, I share the chairman's concerns on the pace at which the executive branch is implementing the provisions of the 1988 Omnibus Trade Act. The idea behind many of those provisions was to give American exporters a fair chance to compete in the global market while at the same time keeping advanced technologies away from our strategic adversaries.

We must give our businessmen the tools they need to export, and this is going to help us do that.

I urge my colleagues to support this measure.

Mr. Speaker, I yield 5 minutes to the very distinguished gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I rise in support of H.R. 2653, the Export Administration authorization bill. Last session, Mr. Speaker, as part of the omnibus trade bill, we made substantial improvements in the Export Administration Act. Today, we provide the authorizations to fund those improvements.

We live in a global marketplace. Trade is the life blood of the economy of my State and my district. Trade in Washington State ranges from agricultural products like wheat to the most modern commercial airliners. From paper to computer software. As we began to export more sophisticated products, the maze of Government regulations companies had to navigate grew to a point where our own bureaucracy was one of our worst trade barriers. Last year's omnibus trade bill changed that by making it easier for the exporters of technology to get their products out of this country

without endangering national security. Many of us, including the chairman, the ranking member, and most especially the past chairman, our former colleague, Don Bonker, worked very hard on that effort.

Mr. Speaker, this bill authorizes $42 million to help our exports enter new markets and cut through redtape. It recognizes the fact that small and medium-sized companies need help, but cannot afford to travel to Washington, DC. This bill earmarks $1.5 million for creation of three export assistance centers one of those centers, Mr. Speaker, will be located in either Seattle or Portland. These centers, Mr. Speaker, are being located in the areas which have the highest concentration of export licenses. These centers will help our exporters get their products into the international marketplace where they belong.

Last session, I sponsored three amendments to the omnibus trade bill to make it easier for exporters of high technology goods, including medical equipment, to export their products. The Department of Commerce has made it easier for many American companies to export. But the Department can do more. These centers are a positive step. Completing the regulations necessary for decontrolling medical equipment mandated by Congress would be another positive step.

I want to thank Chairman GEJDENSON and our ranking Republican Congressman ROTH, for their leadership on this bill. I urge my colleagues to support it. I urge the Senate to act quickly on this bill. H.R. 2653 is an important part of our effort to reduce this Nation's trade deficit.

Mr. GEJDENSON. Mr. Speaker, I would like to commend the gentleman from Washington [Mr. MILLER] who is one of the stalwarts on the committee. He has done an incredible amount of work to help us prepare this and other products of the bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, I rise in support of H.R. 2653, the bill reauthorizing the Bureau of Export Administration.

I'd like to first take this time to commend the Bureau for the outstanding progress it has made over the years in the processing of high technology export licenses. For years, I had been very critical of the inordinate delays, the lost licenses, and the unanswered phone calls experienced by Oregon's high technology community. It seemed that every other day I had another complaint from an exporter who was only trying to get into the international marketplace as fast as their competition.

But, in the last few years, the Bureau has done a dramatic turnaround. Efficiency is now the watchword of the day at BXA. And I'd like to publicly say that much of the credit of this improvement goes to the former Undersecretary, Paul Freedenberg and his worthy staff. Having said that, I'd like to raise one issue that is still causing me heartburn.

This year's Commerce appropriations bill directs the Secretary of Commerce to establish an export assistance center in Portland, OR to service our growing high technology industry. The area that is now called "Silicon Forest" is generally made up of about 250 small, startup companies that need assistance in just getting in to the export license system. This is a particular problem because of the recently-enacted export control reforms in the Omnibus Trade bill.

The problem is that the Secretary has chosen to ignore the Congress' directive. Instead, he has told me that he wants to study this issue.

I can guarantee you that this is one fight that I'm not going to give up, and we might have to include language in the appropriations bill requiring Commerce to establish this office in Portland. Meanwhile, however, the bill before us today specifically authorizes the establishment of an export assistance center to service the Northwest. In doing so, it recognizes the need to have experts in the field, particularly on the west coast where time differences and traveling costs put our exporters at a disadvantage with their east coast counterparts.

So I'd like to thank the Chairman of the subcommittee, my good friend from Connecticut, for reasserting the creation of this much-needed office in Portland.

Mr. GEJDENSON. Mr. Speaker, I thank the gentleman from Oregon [Mr. AUCOIN] for his comments.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I rise today in support of H.R. 2653, the Bureau of Export Administration authorization bill. In particular, I am pleased that the Subcommittee on International Economic Policy and Trade as well as the full Foreign Affairs Committee have included in the bill an authorization for funding for regional export control assistance centers in northern California, the upper Northwest, and the Boston area.

One of the major obstacles our high tech companies face in trying to ship their products overseas is the often complicated and cumbersome application process used to obtain required export control licenses. The Bureau of Export Administration has made great strides in the last couple of years in making the license application process more accessible to our exporters. A key part of this effort has been the establishment of a regional assistance center in Newport Beach, CA, which has become an invaluable resource for the southern California exporting community.

In approving H.R. 2653, the members of the Foreign Affairs Committee have recognized that this type of facility is needed in other high technology centers in our country, including Silicon Valley. New export assistance offices would give exporters in these high tech regions a much needed source of assistance with the export license application process.

I commend the committee for drafting a bill which addresses the need for the Federal Government to do its best to support our high technology companies as they compete in the international marketplace. I especially would like to take this opportunity to recognize the chairman of the subcommittee, the gentleman from Connecticut, SAM GEJDENSON and the gentleman from California, MEL LEVINE, a member of the subcommittee, for their excellent work on this issue, and I urge my colleagues to support H.R. 2653.

Mr. GEJDENSON. Mr. Speaker, I just say again that I appreciate the great cooperation we have had from the gentleman from Wisconsin [Mr. ROTH] and all the members of the committee on this important legislation that impacts the trade position of the United States.

Mr. LEVINE of California. Mr. Speaker, one of the greatest challenges facing our Nation today is reducing our massive trade deficit. I am among those who strongly believe that the way to correct this imbalance is to increase exports, rather than to erect protectionist barriers.

While we need to support and encourage all U.S. exports, we must make a particular effort to insure that our high technology exports receive governmental support and are not needlessly hindered by export control regulations required for our national security. High technology exports keep highly skilled and high-paying jobs in the United States, and provide the base for future development that will keep the United States a world technological leader. The most effective way of insuring that export control applications receive speedy processing and that high technology exporters have access to the licensing information they need is to establish export assistance offices in key locations around the country.

The bill before us today authorizes the establishment of such assistance offices in Boston, Portland/Seattle, and northern California. While I believe all these proposed offices are justified and would make a substantial contribution to our export promotion efforts, I would like to speak briefly to the situation in California, with which I am most familiar.

Shortly after the southern California BXA field office opened last year, it was receiving over 100 inquiries a day from businesses and exporters. In February of this year, that office recorded 325 calls a day, a substantial per-

centage of which come from northern California.

Northern California, as one of the major national centers of high technology manufacturing, currently generates the largest number of largest dollar value of export license applications of any region in the country. In terms of dollars, northern California produces one quarter of all licensed trade in the United States. Silicon Valley high technology exporters need the assistance a regional office would provide.

I thank my colleagues on the International Economic Policy and Trade Subcommittee, and in particular Chairman GEJDENSON, for their unanimous support for a northern California field office.

If we are to improve the national trade picture, we must do all we can to expedite licensing procedures for U.S. firms. I urge all my colleagues to lend their strong support to this legislation.

Mr. MINETA. Mr. Speaker, I rise in strong support of this bill to authorize the fiscal year 1990 program for the Department of Commerce's Bureau of Export Administration.

In doing so, I would like to commend the distinguished chairman of the Subcommittee on International Economic Policy and Trade, the gentleman from Connecticut [Mr. GEJDENSON], as well as the distinguished ranking minority member, the gentleman from Wisconsin [Mr. ROTH], for their leadership on this bill.

I believe that the various provisions of this bill will help strengthen the Bureau of Export Administration [BXA], a vital office within the Department of Commerce. This office has important responsibilities in the area of promoting and managing our country's exports, and is in the front lines of our efforts to improve our overall trade situation. BXA has made great strides over the last couple of years in terms of improving and streamlining its operations, and this bill will help BXA continue along that path.

The role of the Bureau of Export Administration is particularly crucial to our country's high technology companies, and the efficient operation of this office is essential if we are to see increased exports of U.S. high technology products. In the interests of those high technology exporters, I am particularly pleased to note that this bill contains a provision to establish several regional export assistance centers, whose purpose it would be to provide local assistance to high tech companies who are attempting to cope with the bureaucratic burdens of a complex and often frustrating export licensing system.

The amount of money involved in establishing these regional offices is small, certainly in comparsion to many Government programs. But it would be hard to overstate their importance to high tech exporters, especially to the small and medium-sized high tech companies that make up so much of the U.S. high-technology industrial base.

The case for establishing a regional export assistance center in northern California, for instance, as the bill would do, is compelling. Northern California's Silicon Valley is the headquarters of the America's electronics industry, an industry that generates more manufacturing jobs than other industry in our country. Last year, Silicon Valley's and northern California's high tech companies accounted for nearly 27 billion dollars' worth of licensed exports—one quarter of the total for the entire country. In doing so, northern California's high tech exporters filed over 15,000 export license applications—more than the total applications of 35 entire States combined.

These kinds of statistics are the reason why earlier this year I joined my colleagues from northern California, Mr. EDWARDS and Mr. PANETTA, in authoring the Northern California High Technology Export Assistance Act of 1989, which designated northern California as a priority site for an export assistance office.

Obviously, given northern California's concentration of high technology exporters and the importance of those exports to our country's overall economic strength, it only makes sense to have a few trained Export Administration personnel available locally to assist these companies in complying with high technology export control laws. This bill we are considering today does just that. Furthermore, it does so for only a very modest amount of money, funds that will likely be more than made up for through increased exports and the resulting tax revenues.

For this reason and others, I am proud to support H.R. 2653. As I do so, I would also like to recognize the leadership on this issue of another member of the subcommittee, my distinguished colleague and good friend from California, Mr. LEVINE. The gentleman from California is a well known advocate for our country's high technology interests, and has been instrumental in supporting the provision to establish regional export assistance offices.

I urge all of my colleagues to cast a vote for America's high tech industries and trade competitiveness by supporting this bill.

Mr. ENGEL. Mr. Speaker, I rise in support of H.R. 2653, the Export Administration Act. As a member of the Foreign Affairs Subcommittee on International Economic Policy and Trade, I voted for this bill in committee and urge its adoption on the House floor today.

Many important elements of America's trade policy are administered through the Bureau of Export Administration. In an era of continued deficits in the balance of payments, it is imperative that the American agencies charged with export promotion be adequately funded. The legislation on the floor today authorizes $45.7 million in fiscal year 1990 for export control and promotion functions of the Commerce Department. I am pleased that the House has brought this important legislation to the floor today.

In addition to the export promotion responsibilities, the Export Administration also contains the office of Antiboycott Compliance. This Office performs important functions in enforcing the antiboycott laws which are on the books as a result of the longstanding policy of Arab countries to blacklist Israel in the international business market. This Congress has wisely legislated strict prohibitions against such activity as part of the Export Administration Act Amendments of 1977. These amendments were designed to prohibit compliance with or participation in the secondary or tertiary forms of the boycott of Israel by Americans or persons doing business in the United States.

Mr. Speaker, I stand in strong support of H.R. 2653, in favor of full funding for the operations of the office of Antiboycott Compliance, and a policy of strict enforcement of the U.S. antiboycott laws. Until such time as the Central Boycott Office in Damascus, Syria, is dismantled and the Arab boycott against Israel unequivocally renounced, I will work to ensure that the Office of Antiboycott Compliance is fully funded and actively pursue the enforcement of antiboycott laws. No compromise in enforcement or weakening of these laws can be tolerated. That would send the wrong message to those who continually try to undermine Israel's security through any means possible. In 1989, it is time for the Arab world to realize that their tired approach which emphasize rejection over reconciliation is exhausted.

Mr. GEJDENSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROTH. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WILLIAMS). The question is on the motion offered by the gentleman from Connecticut [Mr. GEJDENSON] that the House suspend the rules and pass the bill, H.R. 2653.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

□ 1330

GENERAL LEAVE

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2653, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ESTABLISHING AN EXPERIMENTAL PROGRAM ON CRITICAL MINERALS

Mr. CAMPBELL of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 491) to establish a mining experimental program on critical minerals and for other purposes, as amended.

The Clerk read as follows:

H.R. 491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRITICAL MINERALS MINING EXPERIMENTAL PROGRAM.

(a) The Secretary of the Interior shall establish a mining experimental program on critical minerals as provided by this Act. The program shall be administered by the Director of the Bureau of Mines.

(b) The purpose of the program established by this Act shall be, within a three-year period, to develop mining, mineral processing, and such other technologies as

will be capable of substantially reducing the dependency of the United States on critical minerals produced in the Republic of South Africa and the Soviet Union. Such a program shall include, but not be limited to, the development of each of the following—

(1) Improved extractive and processing technologies of domestic onshore and offshore deposits of those critical minerals listed in subsection (c), including recovering such minerals of a byproduct through processing other minerals.

(2) Substitute materials, including metals and nonmetals, to those critical minerals listed in subsection (c).

(3) Technologies for recovering those critical minerals listed in subsection (c) through recycling domestically available waste and scrap metals and other materials, products, and commodities bearing such minerals.

(c) The program established by this Act shall place priority on, but shall not necessarily be limited to, each of the following critical minerals—

(1) Chromite ore including chromium and ferrochromium.

(2) Manganese ore including ferromanganese.

(3) Platinum group metals including platinum, paladium, iridium, osmium, rhodium and ruthenium.

(4) Vanadium ore including ferrovanadium and vanadium pentoxide.

(5) Cobalt metal and oxide.

(d) The program authorized by this Act shall be established as a separate program within the Bureau of Mines, except that it may draw upon existing research, personnel, and other assistance available within the Bureau of Mines.

(e) The Director of the Bureau of Mines shall take such actions as necessary to facilitate the transfer of technologies developed under this Act to the private sector for commercial application.

(f) The Secretary of the Interior shall submit to the President and the Congress an annual report detailing the progress made in the program established by this Act. Such report shall include information on the—

(1) Status of technology development pursuant to the categories listed in subsection (b) for each critical mineral.

(2) Extent of critical mineral dependency reduction that may be made through the implementation of technologies developed under the program.

(3) Application, utilization, and commercialization of technologies developed under the program.

(4) Restraints, if any, to the widespread adoption of such technologies.

(g)(1)(A) As part of the program set forth in subsection (b)(1), the Director of the Bureau of Mines is authorized and directed to enter into such arrangements as may be necessary with the West Virginia Geological and Economic Survey to conduct a joint mining experimental project in the State of West Virginia to demonstrate the efficacy of extracting and processing metallurgical-grade nodular and siliceous manganese deposits for the purpose of determining the economic and strategic resource importance of such deposits. The project shall be completed prior to September 30, 1992.

(B) The project referred to in subparagraph (A) shall consist of, but not necessarily be limited to:

(i) pre-field work studies, including a literature review, data collection, soil mapping, and aerial and satellite imagery;

(ii) field studies, including detailed mapping of manganese target areas, selective manganese sampling by portable auger, and manganese deposit depth evaluation by seismic exploration;

(iii) laboratory analyses, including ore grade determinations; and

(iv) bulk sampling of manganese ores and a pilot milling test involving the separation and beneficiation of such ores.

(C) Not later than six months after the completion of the project referred to in subparagraph (A), the Director of the Bureau of Mines shall submit a report to Congress, together with any comments submitted by the West Virginia Geological and Economic Survey, detailing the results of such project.

(2)(A) The Director of the Bureau of Mines is authorized and directed to enter into such arrangements as may be necessary with the Idaho Geological Survey to conduct a joint mining experimental project in the State of Idaho to demonstrate the efficacy of extracting and processing black sands from alluvial placer deposits for yttrium and rare earth elements. The project shall be completed prior to September 30, 1992.

(B) The project referred to in subparagraph (A) shall consist of, but not necessarily be limited to:

(i) pre-field work studies, including a literature review, necessary to define drilling targets;

(ii) field studies, including drilling of placer deposits by reverse circulation methods or other appropriate means, sampling, beneficiation and evaluation of the heavy minerals therein;

(iii) laboratory analyses, including microprobe analysis of the euxenite, monazite, allantie, columbite, or other yttrium or rare earth element-bearing minerals; and

(iv) metallurgical studies of methods for economic separation of the yttrium and various rare earth elements from the black sand concentrate minerals.

(C) Not later than six months after the completion of the project referred to in subparagraph (A), the Director of the Bureau of Mines shall submit a report to Congress, together with any comments submitted by the Idaho Geological Survey, detailing the results of such project.

(3) (A) The Director of the Bureau of Mines is authorized and directed to enter into such arrangements as may be necessary with the Mackay School of Mines' Center for Strategic Materials Research and Policy Study to conduct a joint experimental project in the State of Nevada to determine the genesis of platinum-group metals associated with hydrothermal ore deposits and their distribution in Nevada. The project shall be completed prior to September 30, 1992.

(B) The project referred to in subparagraph (A) shall consist of, but not necessarily be limited to:

(i) field sampling of outcrops, mine dumps, and available drill core from known occurrences of hydrothermal platinum-group metal deposits and areas geologically favorable for occurrence;

(ii) development of a data base to include:

(a) registration of sample and study sites to a common base map;

(b) co-registration of geochemical, geophysical and geologic map data; and

(c) co-registration of Landsat Thermatic Mapper data for computer analysis of possible structural controls or unique spectral signatures of hydrothermal platinum-group metal deposits; and

(iii) laboratory experiments simulating natural hydrothermal conditions to help construct a genetic model for the formation of such deposits to guide future exploration.

(C) Not later than six months after the completion of the project referred to in subparagraph (A), the Director of the Bureau of Mines shall submit a report to Congress, together with any comments submitted by the Mackay School of Mines' Center for Strategic Materials Research and Policy Study, detailing the results of such project.

(h) As used in this Act—

(1) The term "critical minerals" means those minerals, including materials and metals, not presently found or produced domestically in sufficient quantities to satisfy the major portion of current and projected demand upon which the United States, due to lack of availability of supplies from other sources, is dependent on supplying its essential defense and commercial requirements from minerals produced in the Republic of South Africa and the Soviet Union.

(2) The term "produced in the Republic of South Africa" means those critical minerals produced in the territorial boundaries of the Republic of South Africa and exported to the United States, and those critical minerals produced in sovereign nations adjacent to the Republic of South Africa but which can only be exported to the United States through the Republic of South Africa.

(i) There are authorized to be appropriated to carry out the purposes of this Act $5,000,000 for the fiscal year ending September 30, 1990; $10,000,000 for the fiscal year ending September 30, 1991; and, $15,000,000 for the fiscal year ending September 30, 1992.

The SPEAKER pro tempore. Is a second demanded?

Mr. CRAIG. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. CAMPBELL] will be recognized for 20 minutes, and the gentleman from Idaho [Mr. CRAIG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. CAMPBELL].

GENERAL LEAVE

Mr. CAMPBELL of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 491, the bill now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. CAMPBELL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation seeks to establish an intensive 3-year program within the Bureau of Mines aimed at reducing the dangerous dependency this country has developed on critical minerals from South Africa and, to some extent, the Soviet Union.

Under the program envisioned by the bill, the Bureau would dedicate itself toward devising improvements in

domestic mineral extractive technologies, the development of substitute materials, and advances in recycling techniques for the critical minerals chromium, cobalt, manganese, platinum group metals, and vanadium.

In addition, three mining experimental projects relating to the demonstration of techniques to make more viable our domestic resources of manganese, rare earths, and platinum group metals would be undertaken.

The bill also directs the Secretary of the Interior to submit an annual report to the President and the Congress detailing the status of the mining experimental program, the extent of reduction of mineral import dependency as a result of the program, and the commercial application of technologies developed under the program.

Finally, H.R. 491 authorizes $5 million for fiscal year 1990, $10 million for fiscal year 1991, and $15 million for fiscal year 1992.

Mr. Speaker, the threat posed by our dependency on politically volatile or otherwise unreliable countries for these critical minerals must not be underestimated.

These minerals, which we all take for granted, are essential for a proper and economic functioning of our industrial and defense sectors and this is a matter of the highest priority.

For example, there would be no stainless steel without chromium. It is chromium which puts the "stainless" in stainless steel and makes it resistant to corrosion and oxidation.

Moreover, there would be no steel whatsoever without manganese.

Without vanadium, who could exist in a modern society? It is, after all, vanadium which allows for the type of high-strength structural steels necessary for bridges and high-rise buildings.

And, the air in our cities would be much worse without platinum group metals, which are used extensively in automobile catalytic converters.

Yet, as an example, the United States is 100 percent dependent on imports for manganese, with no currently known substitute materials for many of the applications for these minerals.

I think that we can all agree that there are national security implications associated with the over-reliance on any essential commodity from any foreign country, be it crude oil flowing through the Persian Gulf or chromium from South Africa.

However, with the dedication of spirit and resources that have allowed this Nation, time and time again, to devise new technologies to meet almost every challenge, I do believe that we can move toward a much more secure critical mineral posture under the program envisioned by this bill.

I do want to commend the gentleman from Idaho [LARRY CRAIG], and the gentlelady from Nevada [BARBARA VUCANOVICH], for their work on behalf of H.R. 491.

I urge my colleagues to support the legislation, and reserve the balance of my time.

Mr. CRAIG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the H.R. 491, and associate myself with the remarks of my colleague, the gentleman from Colorado, who is a member with me of the Subcommittee on Mining and Natural Resources of the Committee on Interior and Insular Affairs.

As my colleague has said, H.R. 491 is a bill to establish a mining experimental program on critical minerals.

Our country depends almost exclusively on foreign sources for critical minerals. The United States Bureau of Mines reports that, 95 percent of world production of the platinum group metals comes from the Soviet Union and South Africa, 59 percent of the United States vanadium needs come from South Africa.

These minerals and the other critical minerals addressed in this bill are crucial to this Nation's defense and economic well-being, as has been obvious by the comments I have just made, and certainly the comments of my colleague, the gentleman from Colorado.

Critical and strategic minerals are essential for producing high-temperature tolerant metals for use in jet and rocket engines and turbines. Without platinum group metals there would be no catalytic converters in our automobiles and our Nation's air quality would deteriorate. Rare earth minerals must be available if we are to develop the science of super-conductivity.

As we all know, the future availability of these critical minerals from countries such as South Africa and the Soviet Union is not certain. It would be unwise to have no alternative sources of these minerals in the event our relationship with these countries deteriorated.

For this reason, it is important that we pass H.R. 491 into law. This legislation would direct the Bureau of Mines, within the Department of the Interior, to undertake a 3-year program to reduce this Nation's dependence for critical minerals on South Africa and the Soviet Union by emphasizing research to improve extractive and processing technologies; developing substitute materials; and improving scrap recycling. Direction in this legislation will allow innovative programs to be developed in the areas of rare earth minerals, platinum group metals, and manganese.

My support of this bill in no way indicates support for a South African sanctions bill. With or without sanctions imposed on the Government of South Africa, it is important that this legislation be passed.

Mr. Speaker, I urge passage of H.R. 491.

Mr. Speaker, I yield such time as she may consume to my colleague, the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 491, a bill to establish a mining experimental program on critical minerals.

Our Nation has an extremely unhealthy dependency upon foreign sources for many minerals critical to our industrial base. Among these are the platinum group metals, cobalt, chromium, vanadium, and manganese for which we must rely upon the Soviet Union and the Republic of South Africa to satisfy all but a small fraction of our domestic demand.

For these minerals, and other critical and strategic minerals upon which we are import dependent, substitutes or recycling technology must be developed to stretch our existing supply of these minerals. Further research into economically extracting the low-grade domestic deposits already known—and the yet-to-be discovered deposits within our borders—is crucial in striving for our strategic goal: Self-sufficiency in minerals critical to our Nation. Recognition and evaluation of new thought provoking geologic models of ore deposition is essential if we are to wean ourselves from significant dependency on unfriendly or unstable foreign sources of supply.

My colleague, the gentleman from Idaho, has briefly stated some uses to which critical minerals are put today. I echo his concerns and urge passage of H.R. 491 to direct the Bureau of Mines, within the Department of the Interior, to undertake a 3 year program to reduce our critical mineral dependency on South Africa and the Soviet Union by conducting and emphasizing research to improve extractive and processing technologies; developing substitute materials; and improving scrap recycling. This legislation will mandate that innovative experimental programs be developed in the areas of rare earth minerals, platinum group metals, and manganese, as well as other minerals.

Mr. Speaker, the country needs this legislation so we can begin down the road to self-sufficiency in these critical minerals.

Mr. Speaker, I urge passage of H.R. 941.

□ 1340

Mr. CRAIG. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CAMPBELL of Colorado. Mr. Speaker, I urge the passage of H.R. 491, as amended.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WILLIAMS). The question is on the motion offered by the gentleman from Colorado [Mr. CAMPBELL] that the House suspend the rules and pass the bill, H.R. 491, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MINING AND MINERALS POLICY ACT AMENDMENTS OF 1989

Mr. CAMPBELL of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1705) to amend the Mining and Minerals Policy Act of 1970, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mining and Minerals Policy Act Amendments of 1989".

SEC. 2. POLICY ADDITIONS.

The Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by adding the following new section at the end thereof:

"SEC. 3. NATIONAL INTERESTS.

"(a) FURTHERANCE OF POLICY GOALS.—In order to further the policy goals established by this Act, the Congress declares that—

"(1) the national security and economic interests of the United States is not served by Federal entity assistance to foreign mining ventures which may lead to the displacement of domestic coal and other mineral production and the markets for such coal and other minerals in both the United States and abroad, and

"(2) it is in the national interest that the United States accelerate Federal entity efforts to reduce the dependency of the United States on foreign sources of minerals, especially critical minerals.".

(b) FEDERAL ENTITY RESPONSIBILITIES.—For purposes of this section, it shall be the responsibility of all Federal entities to carry out the national interests described in paragraphs (1) and (2) of subsection (a) when exercising authority under such programs as may be authorized by laws other than this Act.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "Federal entity" means any agency or instrumentality of the United States.

(2) The term "critical minerals" means those metallic minerals which are essential to the defense, industrial and civilian requirements of the United States and for which there are inadequate domestic deposits of such minerals to meet such requirements.

(3) The term "assistance" means assistance of any kind that is authorized to be provided under Federal law for purposes of aiding a foreign country—

(A) to explore for, or to produce or transport, minerals, except for critical minerals, within that country, or

(B) to export minerals, except for critical minerals, produced in that country to other nations. Such term includes, but is not limited to, each of the following:

(i) Financial and technical assistance to carry out mineral feasibility studies and assessments.

(ii) Technical advice and training services related to mineral extraction and processing.

(iii) Export credits.

(iv) Any subsidy, guarantee, loan, grant, or other form of financial assistance for the production or transportation of minerals.

The SPEAKER pro tempore. Is a second demanded?

Mr. CRAIG. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. CAMPBELL] will be recognized for 20 minutes, and the gentleman from Idaho [Mr. CRAIG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. CAMPBELL].

GENERAL LEAVE

Mr. CAMPBELL of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1705, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. CAMPBELL of Colorado. Mr. Speaker, I yield myself such time as I many consume.

Mr. Speaker, H.R. 1705 seeks to amend the Mining and Minerals Policy Act of 1970 with a section containing two new policy initiatives.

Currently, the Policy Act basically states that it is in the national interest to maintain a viable mining industry. That it is in the national interest to promote the wise use of our mineral wealth. And, that it is in the national interest to ensure the reclamation of mined lands.

It is, in effect, the bedrock of mining policy in this Nation.

However, the current policy does not address two rather critical factors having a major effect on domestic mining and our society's need for this industry, and for a broad range of minerals.

Mining, as with most industries, cannot be viewed in a vacuum and the actions taken by the Federal Government both here and abroad can have tremendous consequences on the extractive industries.

As such, this legislation states that the national security and economic interests of the United States are not served by Federal Government assistance to foreign mining activities in instances where that assistance may lead to the displacement of domestic mineral production and the markets for these minerals in both the United States and abroad.

The second policy addition states that the national interest is served by accelerating Federal Government efforts to reduce the dependence of the United States on foreign sources of minerals, especially critical minerals.

This policy basically reaffirms the intent of the critical minerals bill just passed by the House, as well as those initiatives found in the Strategic and Critical Materials Stockpiling Act and the Anti-Apartheid Act.

Few people can dispute the validity of these proposed national policies. However, at question, is whether a policy statement in of itself is sufficient enough to cause the reduction of this country on foreign sources of minerals.

The gentleman from Idaho [Mr. CRAIG], as well as the gentleman from Alaska [Mr. YOUNG], raised this very point during Committee consideration of this measure. They ask: What good is a new policy when public lands are continuously withdrawn from mining?

I would simply say to these gentlemen that I understand their concern. There is no free ride when it comes to energy and mineral security. In order to maintain our standard of living, and our defensive posture, we must insure the viability of the extractive industries in this country

As such, let us make this a policy. Let us look to the future, as any good government should, and set into place the basic philosophy by which we can take further actions.

I urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CRAIG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1705 would amend the Mining and Minerals Policy Act of 1970 to make it the policy of the United States to develop the mineral resources of our Nation rather than those of foreign countries. Such a policy would be in the national interest.

I hope the Congress will remember this as it considers putting public lands into wilderness designation or any other special designation that bars mineral exploration on the public lands. One-third of the land mass of the United States is federally owned, and the mineral potential of these

lands is not well understood. We must carefully consider the consequences of putting Federal land in special designations that preclude mineral exploration and development.

Mr. Speaker, those of us from Western States are reminded of that on a daily basis. Last week the gentleman from West Virginia [Mr. RAHALL], chairman of the Subcommittee on Mining and Natural Resources, and I were in northern Nevada with our colleague, the gentlewoman from Nevada [Mrs. VUCANOVICH], to look at the new gold-mining operations that are going on in that State at this moment that are flourishing to the point that I think one could say a modern-day gold rush is under way in that State.

If 10 years ago the land that we were on last week had been before the Committee on Interior and Insular Affairs for the possible designation of wilderness and if 10 years ago I or any other member of that committee had asked U.S. Geological Survey or the Bureau of Mines whether there is any known mineralization for which this land ought not be locked up but reserved for the purposes of its production, the responsible answer would have been no. But in that 10-to-15-year period, technologies changed, understanding of the mineral natures of that particular land changed, and today hundreds of millions of dollars a year and thousands of jobs are being created in a mining industry in the State of Nevada where 15 years ago none existed or where it was even believed 15 years ago none would exist.

Mr. Speaker, that is why it is so important that this country understands what it does and it understands that where there may today not be something, tomorrow, based on technology, our own innovativeness, our ability to learn, adapt, adjust, and change might ultimately produce a thriving industry beneficial to this country and to our economic base.

That is clearly the case in northern Nevada today, as I think it will be the case in other Western States as we refine our ability to refine and as technology leads us further in our search for some of these critical minerals and metals.

We must be careful in considering the consequences of putting our Federal lands under further restrictive designations that would simply preclude the exploration and the development for mineral and metal purposes, and that is the purpose of H.R. 1705, certainly, to encourage a systematic policy for the United States for the development of these resources.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CAMPBELL of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. CAMPBELL] that the House suspend the rules and pass the bill, H.R. 1705, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1989

Mr. OWENS of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1312) to amend the Domestic Volunteer Service Act to extend through the fiscal year 1992 certain authorities contained in such Act relating to national volunteer antipoverty programs, as amended.

The Clerk read as follows:

H.R. 1312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Domestic Volunteer Service Act Amendments of 1989".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS
Sec. 101. Selection and assignment of volunteers.
Sec. 102. Terms and periods of service.
Sec. 103. Support services.
Sec. 104. Vista literacy corps.
Sec. 105. Duration of assistance.
TITLE II—SERVICE-LEARNING PROGRAMS
Sec. 201. Change in general reference to programs.
TITLE III—SPECIAL VOLUNTEER PROGRAMS
Sec. 301. Authority to establish and operate programs.
Sec. 302. Technical and financial assistance for improvement of volunteer programs.
Sec. 303. Special initiatives.
TITLE IV—OLDER AMERICAN VOLUNTEER PROGRAMS AMENDMENTS
Sec. 401. Statement of purposes.
Sec. 402. Increase in stipend or allowance.
Sec. 403. Volunteers serving without stipends.
Sec. 404. Projects of national significance.
Sec. 405. Promotion of programs.
Sec. 406. Administrative costs.
Sec. 407. Technical amendments to title II of the Domestic Volunteer Service Act of 1973.
Sec. 408. Amendments relating to partnership agreements addressing the needs of the poor.
TITLE V—ADMINISTRATION AND COORDINATION
Sec. 501. Administrative organization.
Sec. 502. Reports.
Sec. 503. Evaluation.
Sec. 504. Definitions.
TITLE VI—AUTHORIZATION OF APPROPRIATIONS
Sec. 601. National volunteer antipoverty programs authorization.
Sec. 602. Older American Volunteer Programs.
Sec. 603. Administration and coordination.
TITLE VII—TECHNICAL AMENDMENTS TO OTHER LAWS
Sec. 701. Technical amendments to the Anti-Drug Abuse Act of 1988.
Sec. 702. Technical amendment to the Juvenile Justice and Delinquency Prevention Act of 1974.
Sec. 703. Technical amendments to the Runaway and Homeless Youth Act.
Sec. 704. Technical amendments to the Missing Children's Assistance Act.
TITLE VIII—GENERAL PROVISIONS
Sec. 801. Effective date; application of amendments.

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 101. SELECTION AND ASSIGNMENT OF VOLUNTEERS.

(a) IN GENERAL.—Section 103 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4953) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (g) through (j), respectively; and

(3) by inserting after subsection (a) the following subsections:

"(b)(1) The Director shall select volunteers for service under this part from among qualified individuals submitting an application for such service at such time, in such form, and containing such information as may be necessary for the Director to evaluate the suitability of each individual for such service and to determine, in accordance with paragraph (4), the most appropriate assignment for each such volunteer.

"(2) An application submitted under paragraph (1) shall—

"(A) indicate the period of time in which the applicant is available to serve as a volunteer under this part;

"(B) describe the applicant's previous education, training, military and work experience, and any other relevant skills or interests; and

"(C)(i) specify the particular project or program to which the applicant prefers to be assigned; or

"(ii)(I) specify the State or geographic region in which the applicant prefers to be assigned; and

"(II) specify the type of project or program to which the applicant prefers to be assigned.

"(3) The Director shall approve the application of each individual who applies in conformance with the provisions of this subsection and who, on the basis of the information provided in the application, is determined to be qualified to serve as a volunteer under this part.

"(4)(A) The Director shall provide for the assignment of each applicant approved as a volunteer under this part to a project or program which is, to the maximum extent practicable, consistent with such applicant's abilities, experiences, and preferences as set forth in the application under paragraph (1) and with the needs and preferences of projects or programs approved for the assignment of such volunteers.

"(B) In carrying out subparagraph (A), the Director shall utilize the information system established under paragraph (5)(A)(ii).

"(C) No volunteer under this part shall be assigned to any project or program without its express approval and consent.

"(D) The Director, wherever feasible and appropriate, shall assign low-income community volunteers to serve in their home communities in teams with nationally recruited specialist volunteers. The Director shall make efforts to assign volunteers to serve in their home or nearby communities and shall make national efforts to attract other individuals to serve in the VISTA program. The Director shall also, in the assignment of volunteers, recognize that the community-identified needs which cannot be met in the local area, and the individual desires of VISTA volunteers in regard to placement in the various geographic areas of the Nation, should be taken into consideration.

"(5)(A) The Director shall establish and maintain within the national headquarters of the ACTION Agency a volunteer placement office. Such office shall—

"(i) be the central location to which interested individuals may submit applications to serve as volunteers under this part; and

"(ii) develop, operate, and maintain a current and comprehensive central information system which shall, upon request, promptly provide information—

"(I) to individuals, with respect to specific opportunities for service as a volunteer with approved projects or programs to which no volunteer has been assigned; and

"(II) to approved projects or programs, with respect to the availability of individuals whose applications for service as a volunteer have been approved and who are awaiting an assignment with a specific project or program.

"(B) The Director shall ensure that applications to serve as volunteers under this part are available to the public upon request to the ACTION Agency (including any State or regional offices of the Agency) and that individuals making such requests are informed of the manner in which the applications are required to be submitted.

"(c)(1) The Director shall nationally undertake activities directed at national, regional, and local levels to recruit individuals to serve as volunteers under this part, to publicize the activities and accomplishments of the program under this part, and to inform the public of the opportunities such program provides for volunteer service to Americans from all walks of life, age groups, economic levels, and geographic areas.

"(2) Activities under paragraph (1) shall include (but need not be limited to)—

"(A) maintaining and publicizing a national toll-free telephone number through which callers may obtain information about opportunities for service as a volunteer under this part and through which callers may request, and shall be sent upon request, an application for such service;

"(B) public service announcements through radio, television, and the print media;

"(C) advertising through the print media, direct mail, and other means;

"(D) disseminating information about opportunities for service as a volunteer under this part to institutions of higher education and other educational institutions (including libraries), professional associations, community-based agencies, youth service and volunteer organizations, business organizations and labor unions, senior citizens organizations, and other institutions and organizations from or through which potential volunteers may be recruited;

"(E) disseminating such information through presentations made personally by personnel of the ACTION Agency (or other designees of the Director) to students and faculty at institutions of higher education and to other entities described in subparagraph (D), including presentations made at the facilities of such entities and made at any conventions or other meetings of such entities;

"(F) publicizing the student loan deferment and forgiveness opportunities available to volunteers under this part under parts B and E of title IV of the Higher Education Act of 1965; and

"(G) providing, upon request, technical assistance with the recruitment of volunteers under this part to programs and projects receiving assistance under this part.

"(3) The Director shall consult with the Director of the Peace Corps to seek to coordinate the recruitment and public awareness activities carried out under this subsection, particularly activities described in paragraph (2)(E), with those of the Peace Corps and seek to develop joint procedures and activities for the recruitment of volunteers to serve under this part.

"(4) In designing and implementing activities authorized under this section (and particularly activities described in paragraph (2)(E)), the Director shall seek to involve persons who have formerly served as volunteers under this part to assist in the dissemination of information concerning the program under this part. The Director may reimburse the costs incurred by such former volunteers for such participation, including expenses incurred for travel.

"(5) At the start of each fiscal year, the Director shall develop an annual plan for the recruitment of volunteers under this part. The plan shall—

"(A) describe in detail (including the cost) the recruitment and public awareness activities carried out under this subsection during the preceding fiscal year and evaluate the effectiveness of such activities;

"(B) identify goals and objectives for the recruitment of volunteers under this part during the current fiscal year, including specific goals and objectives for the recruitment of individuals 55 years of age and older, individuals between 18 and 25 years of age (inclusive), recent graduates of institutions of higher education, and special skilled volunteers; and

"(C) describe in detail (including the expected cost) the recruitment and public awareness activities which shall be undertaken throughout the year to achieve the goals and objectives specified in subparagraph (B).

"(6) For the purpose of carrying out this subsection, the Director shall obligate 1 percent, or $300,000, whichever is less, of the amounts appropriated each fiscal year under section 501(a).

"(d)(1) The Director shall, at a minimum, designate one employee of the ACTION Agency in each region of the United States whose duties and responsibilities shall only be to assist with carrying out the functions described in subsections (b) and (c).

"(2) The Director shall ensure that sufficient personnel of the ACTION Agency are assigned (at the national, regional, and State levels, as may be appropriate) to carry out the functions described in subsections (b) and (c) to enable the ACTION Agency to perform such functions in a timely and effective manner.

"(e) The Director shall ensure that not less than 20 percent of all volunteers under this part are 55 years of age or older.

"(f) If any applicant under this part who is recruited locally becomes unavailable for service prior to the commencement of service, the recipient of the project grant or contract may replace such applicant with another qualified applicant approved by the Director.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) is amended—

(1) in section 102—

(A) by striking subsections (b) and (c); and

(B) by striking the subsection designation in subsection (a); and

(2) in section 103—

(A) in the heading for such section, by inserting "SELECTION AND" before "ASSIGNMENT";

(B) in subsection (a), in the matter preceding paragraph (1), by striking "The Director" and all that follows through "work—" and inserting the following: "The Director, upon application by public or nonprofit private organizations, may assign volunteers selected under subsection (b) to work in appropriate projects and programs, including work—"; and

(C) in subsection (i), as redesignated by subsection (a)(2) of this section, by striking "subsection (d)," and inserting "subsection (h),".

SEC. 102. TERMS AND PERIODS OF SERVICE.

(a) OATH OF OFFICE.—Section 104(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4954(c)) is amended by striking "in section 5(j)" and all that follows through "2504(j))," and inserting the following: "for persons appointed to any office of honor or profit by section 3331 of title 5, United States Code, and swear (or affirm) that he does not advocate the overthrow of our constitutional form of government in the United States, and that he is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates,".

(b) TEMPORARY AUTHORITY FOR EXTENSIONS OF PERIOD OF SERVICE.—

(1) IN GENERAL.—Notwithstanding the limitation established in section 104(b) of the Domestic Volunteer Service Act of 1973 for the maximum period of service as a volunteer under part A of title I of such Act, the Director of the ACTION Agency may, subject to paragraphs (2) and (3), extend beyond such maximum the period of service for such a volunteer in any case in which—

(A) the extension is requested by the project or program to which the volunteer involved is assigned; and

(B) such Director determines that the extension is appropriate with respect to meeting the goals of the project or program.

(2) LIMITATIONS ON EXTENSIONS.—With respect to extensions under paragraph (1) for volunteers described in such paragraph—

(A) such an extension may be for not more than 1 year;

(B) not more than 2 such extensions may be made for any such volunteer; and

(C) not more than 1 percent of the total number of such volunteers serving for the fiscal year involved may receive such extensions.

(3) DURATION OF AUTHORITY.—The authority established in paragraph (1) shall be ef-

fective only for fiscal years 1990 through 1993.

SEC. 103. SUPPORT SERVICES.

Section 105(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955(b)) is amended—

(1) by striking "places of training)," and inserting "places of training and to and from locations to which volunteers are assigned at the start and end of service),"; and

(2)(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end the following new paragraphs:

"(2)(A) The total of allowances for subsistence under paragraph (1) to any volunteer under this part for any fiscal year shall be in an amount which is not less than an amount equal to 95 percent of the poverty line for a single individual.

"(B) If allowances for subsistence under paragraph (1) are provided through other than cash payments, the Director shall, in calculating the minimum such allowances for purposes of compliance with subparagraph (A), determine the fair market value of the allowances so provided.

"(3) In providing allowances and support under paragraph (1), the Director shall seek to ensure that the allowances and support are adjusted to reflect the differences between localities in the costs of living so that, with respect to the allowances and support, there is economic parity among all volunteers under this part. In determining the amount and extent of such adjustments, the Director shall seek to consult with persons serving as volunteers under this part, with sponsoring organizations, and with any regional or State offices of the ACTION Agency.".

SEC. 104. VISTA LITERACY CORPS.

Section 109 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4959) is amended by adding at the end the following new subsection:

"(h)(1) Subject to paragraph (2), with respect to any individual providing volunteer services in the program under this section regarding literacy, the Director may, with the written consent of the individual, assign the individual to serve in the general program under this part regarding literacy.

"(2) To the extent practicable, the Director shall ensure that, for the purpose of replacing any individual assigned under paragraph (1), a volunteer under this section is assigned to the project or program involved.".

SEC. 105. DURATION OF ASSISTANCE.

(a) IN GENERAL.—Part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) is amended by adding at the end the following new section:

"DURATION OF ASSISTANCE

"SEC. 110. (a) No assistance under this part shall be denied to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has previously received under this part.

"(b) Each application for the renewal of assistance under this part to any project or program shall be considered on an individualized, case-by-case basis, taking into account the extent to which the sponsoring organization has made good faith efforts to achieve the goals agreed on in its application for such assistance and any extenuating circumstance beyond the control of the sponsoring organization that may have prevented, delayed, or otherwise impaired the achievement of such goals.

"(c) Each application for assistance under this part to a new project or program submitted by a public or private nonprofit organization that has previously received such assistance shall be considered (so long as such new project or program is clearly distinct from activities for which the organization has previously received assistance) on an equal basis with all other applications for such assistance and without regard for the fact that the organization has previously received such assistance.

"(d) With respect to any considerations that relate to the duration of assistance under this part and that are applied by the Director in the case of a request for a renewal of such assistance, the Director may not apply any such considerations against any entity—

"(1) functioning as an intermediary between the Director and organizations originating such requests and ultimately receiving such assistance; and

"(2) utilized by such organizations to prepare and submit to the Director applications for such assistance and to perform other administrative functions and services associated with applying for and receiving such assistance.

"(e) All eligible public and private nonprofit organizations shall be able to apply for assistance under this part.

"(f) The Director shall ensure that the language of each of subsections (a) through (e) is included verbatim—

"(1) in applications developed by the Director for making requests for the provision of assistance under this part to projects or programs; and

"(2) in any regulations or guidelines issued for the program under this part.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The first section of the Domestic Volunteer Service Act of 1973 is amended in the table of contents by adding after the item relating to section 109 the following new item:

"Sec. 110. Duration of assistance.".

TITLE II—SERVICE-LEARNING PROGRAMS

SEC. 201. CHANGE IN GENERAL REFERENCE TO PROGRAMS.

(a) IN GENERAL.—Part B of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4971 et seq.) is amended—

(1) by amending the heading for such part to read as follows:

"PART B—STUDENT COMMUNITY SERVICE PROGRAMS";

(2) in section 111(a), in the first sentence, by inserting "and community service" after "service-learning"; and

(3) in section 114—

(A) by amending the heading to read as follows: "STUDENT COMMUNITY SERVICE PROGRAMS"; and

(B) in subsection (a), in the first sentence, by inserting "community service and" after "to participate in".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The first section of the Domestic Volunteer Service Act of 1973 is amended in the table of contents—

(1) in the item relating to the heading for part B, by striking "SERVICE-LEARNING PROGRAMS" and inserting "STUDENT COMMUNITY SERVICE PROGRAMS"; and

(2) in the item relating to section 114, by striking "Special service-learning programs" and inserting "Student community service programs".

TITLE III—SPECIAL VOLUNTEER PROGRAMS

SEC. 301. AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS.

(a) LIMITATION ON AMOUNT OF GRANTS AND CONTRACTS.—Section 122(d) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4992(d)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) After the date of the enactment of the Domestic Volunteer Service Act Amendments of 1989, no grant or contract exceeding $250,000 shall be made under this part.".

(b) PROHIBITION AGAINST USE OF FUNDS FOR CERTAIN STATE OFFICES.—Section 122 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4992) is amended by adding at the end the following new subsection:

"(e) None of the amounts made available under section 501(c) for fiscal year 1990 or subsequent fiscal years may be expended for the purpose of establishing or operating any State office with respect to volunteerism.".

SEC. 302. TECHNICAL AND FINANCIAL ASSISTANCE FOR IMPROVEMENT OF VOLUNTEER PROGRAMS.

Section 123 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4993) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end the following new subsection:

"(b)(1) The Director shall provide assistance for identification, development, and dissemination of effective literacy materials and programs by grant or contract to public and private nonprofit organizations whose principal purpose is the combating of illiteracy and its associated problems. The Director shall consult with and annually submit summaries of exemplary projects based on project reports to the national clearinghouse on literacy education, as designated under section 372(d)(2) of the Adult Education Act.

"(2) Emphasis under grants or contracts under paragraph (1) shall be—

"(A) broadly disseminating information relating to training and technical assistance for the use of volunteers in projects or programs providing literacy services in poor urban and rural areas, including English-language literacy services for limited-English proficient individuals; or

"(B) developing new and innovative solutions to illiteracy problems that involve the more effective and extensive use of volunteers in such projects or programs.".

SEC. 303. SPECIAL INITIATIVES.

Section 124 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4994) is amended—

(1) by amending the heading to read as follows:

"DRUG ABUSE EDUCATION AND PREVENTION SERVICES AND ACTIVITIES";

(2) in subsection (a), by striking "public service announcements,";

(3) in subsection (b), by striking paragraph (3) and redesignating paragraph (4) as paragraph (3); and

(4) by adding at the end the following new subsections:

"(c) In awarding grants and contracts under this section, the Director shall give priority to projects that serve communities, including those in rural areas, which have not previously received assistance under this

part for the purposes of drug abuse education and prevention.

"(d) The Director shall provide for the evaluation of activities and projects conducted with financial assistance received under this section. Applications for grants under this section in excess of $10,000 shall include a description of the methods to be used in evaluating the impact such activities and programs have on the drug abuse problem within the communities in which such activities and projects are carried out.".

TITLE IV—OLDER AMERICAN VOLUNTEER PROGRAMS AMENDMENTS

SEC. 401. STATEMENT OF PURPOSES.

(a) STATEMENT OF PURPOSES.—Title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001-5024) is amended by inserting after the heading for such title the following:

"STATEMENT OF PURPOSES

"SEC. 200. (a) This title provides for Older American Volunteer Programs comprised of the retired senior volunteer program, the foster grandparent program, and the senior companion program. These programs empower older individuals to contribute to their communities through volunteer service, enhance the lives of the volunteers and those whom they serve, and provide communities with valuable services.

"(b) The purpose of part A, the retired senior volunteer program, is to utilize the vast talents of older individuals willing to share their experiences, abilities, and skills in responding to a wide variety of community needs.

"(c) The purpose of part B, the foster grandparent program, is to afford low-income older individuals an opportunity to provide supportive, individualized services to children with exceptional or special needs.

"(d) The purpose of part C, the senior companion program, is to afford low-income older individuals the opportunity to provide personal assistance and companionship to other older individuals through volunteer service.".

(b) CONFORMING AMENDMENT.—The table of contents of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) is amended by inserting after the matter relating to the heading of title II the following:

"Sec. 200. Statement of purposes.".

SEC. 402. INCREASE IN STIPEND OR ALLOWANCE.

The last sentence of section 211(d) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5011(d)) is amended—

(1) by inserting "until fiscal year 1991, $2.35 per hour in fiscal year 1991, and $2.50 per hour after fiscal year 1991" after "$2.20 per hour" the first place it appears;

(2) by striking "no increase in the stipend or allowance shall be made pursuant" and inserting "such stipend or allowance shall not be increased as a result of an amendment made"; and

(3) by striking "$2.20 per hour" the second place it appears and inserting "the minimum hourly rate specified in this sentence".

SEC. 403. VOLUNTEERS SERVING WITHOUT STIPENDS.

Section 211(f) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5011(f)) is amended—

(1) in paragraph (1)(C) by inserting "unless such individuals have been referred previously for possible placement as volunteers under part A and such placement did not occur" before the period at the end; and

(2) in paragraph (3)—

(A) by inserting "take into consideration or" after "may not";

(B) in subparagraph (A) by inserting "or recruit" after "accept"; and

(C) by adding at the end of paragraph (3) the following:

"The Director may not coerce any applicant for, or recipient of, such grant or contract to engage in conduct described in subparagraph (A) or (B).".

SEC. 404. PROJECTS OF NATIONAL SIGNIFICANCE.

(a) RETIRED SENIOR VOLUNTEER PROGRAM.—Section 201(a) of the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5001(a)) is amended—

(1) by striking "programs" and inserting "projects";

(2) by striking "program" each place it appears and inserting "project";

(3) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(4) by inserting "(1)" after "(a)"; and

(5) by adding at the end the following:

"(2) The Director is authorized to make grants or contracts under paragraph (1) for projects to provide services to increase literacy, services to provide child care to children before and after school, and services to provide respite care to families caring for frail elderly individuals.".

(b) FOSTER GRANDPARENT PROGRAM.—Section 211(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5011(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) The Director is authorized to make grants or contracts under paragraph (1) for projects to provide services to children with special needs while they attend day care programs.".

(c) SENIOR COMPANION PROGRAM.—Section 213(c)(1) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5013(c)(1)) is amended—

(1) by inserting "under subsection (a)" after "contracts";

(2) by inserting "individuals" after "elderly" each place it appears;

(3) by inserting "(A)" after "(c)(1)"; and

(4) by adding at the end the following:

"(B) The Director is authorized to make grants or contracts under subsection (a) for projects to provide respite care to families caring for frail elderly individuals.".

SEC. 405. PROMOTION OF PROGRAMS.

(a) DUTIES OF DIRECTOR.—Section 221 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5021) is amended—

(1) by amending the heading to read as follows:

"PROMOTION OF OLDER AMERICAN VOLUNTEER PROGRAMS";

(2) by inserting "(a)" after "SEC. 221."; and

(3) by adding at the end the following:

"(b) In carrying out this title, the Director shall encourage and facilitate the efforts of private organizations to promote the programs established in parts A, B, and C of this title and the involvement of older persons as volunteers in such programs.

"(c) The Director shall take appropriate steps to ensure that special efforts are made to publicize the programs established in parts A, B, and C, in order to facilitate recruitment efforts, to encourage greater participation of volunteers, and to emphasize the value of volunteering to the health and well-being of such volunteers and to their communities. Such steps shall include informing recipients of grants and contracts under this title of all informational materials available from the Director.

"(d)(1) Except as provided in paragraph (2), the Director shall expend $83,000 to carry out subsection (c) for each fiscal year.

"(2) To carry out subsection (c) for each fiscal year, the Director shall expend not less than $250,000 or two-tenths of 1 percent of the amount appropriated to carry out this title for such fiscal year, whichever is less, if the amount appropriated to carry out this title for such fiscal year exceeds by not less than $167,000 the amount appropriated to carry out this title for fiscal year 1989.".

(b) CONFORMING AMENDMENT.—The table of contents of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) is amended by amending the item relating to section 221 to read as follows:

"Sec. 221. Promotion of Older American Volunteer Programs.".

SEC. 406. ADMINISTRATIVE COSTS.

(a) ADJUSTMENT TO FEDERAL FINANCIAL ASSISTANCE.—Part D of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5021-5024) is amended by adding at the end the following:

"ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE

"SEC. 225. (a)(1) In determining the amount of Federal financial assistance to be provided under this title to applicants, the Director shall take into consideration the impact of changes in the Consumer Price Index For All Urban Consumers on the administrative costs of operating the projects for which such assistance will be provided and shall to the fullest extent practicable make appropriate adjustments in such amounts to ensure the effective administration of such projects.

"(2) The Director shall take reasonable actions to inform applicants for such assistance that such adjustments may be available.

"(b)(1) The Director shall submit annually, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report on the extent to which adjustments are made under subsection (a).

"(2) With respect to each of parts A, B, and C of this title, such report shall include—

"(A) a summary of the number of and purposes for which such adjustments are requested by the recipients of grants and contracts under parts A, B, and C, respectively;

"(B) a description of the extent to which such requests are accommodated; and

"(C) a statement explaining the decisions made by the Director with respect to the requested adjustments.".

(b) CONFORMING AMENDMENT.—The table of contents of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) is amended by inserting after the item relating to section 224 the following:

"Sec. 225. Adjustment to Federal financial assistance.".

SEC. 407. TECHNICAL AMENDMENTS TO TITLE II OF THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) is amended—

(1) in the heading of title II by striking "NATIONAL";

(2) in the heading of part B of such title by striking "AND OLDER AMERICAN COMMUNITY SERVICE PROGRAMS";

(3) in section 212(b) by striking "a community action agency" and all that follows

through the period, and inserting "an eligible entity as defined in section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1).";

(4) in section 224 by striking "programs" and inserting "projects";

(5) in the heading of section 502 by striking "NATIONAL"; and

(6) in the table of contents—

(A) in the matter relating to the heading of title II by striking "NATIONAL";

(B) in the matter relating to the heading of part B of title II by striking "AND OLDER AMERICAN COMMUNITY SERVICE PROGRAMS"; and

(C) in the item relating to section 502 by striking "National".

SEC. 408. AMENDMENTS RELATING TO PARTNERSHIP AGREEMENTS ADDRESSING THE NEEDS OF THE POOR.

(a) GENERAL AUTHORITY.—Section 408(a)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(a)(1)) is amended—

(1) by striking "provide for the self-sufficiency of the Nation's poor" and inserting the following: "stimulate the development of new approaches to provide for greater self-sufficiency of the poor, to test and evaluate such new approaches, to disseminate project results and evaluation findings so that such approaches can be replicated, and to strengthen the integration, coordination, and redirection of activities to promote maximum self-sufficiency among the Nation's poor";

(2) in subparagraph (B) by striking "or" at the end;

(3) in subparagraph (C) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(D) contain an assurance that the applicant will obtain an independent, methodologically sound evaluation of the effectiveness of the activities carried out with such grant and will submit such evaluation to the Secretary.".

(b) LIMITATIONS.—(1) Section 408(b)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(b)(1)) is amended—

(A) by striking "Grants" and inserting "(A) Subject to subparagraph (B), grants";

(B) by striking "new" each place it appears; and

(C) by adding at the end the following:

"(B) After the first fiscal year in which an eligible entity receives a grant under this section to carry out a program, the amount of any subsequent grant made under this section to such entity to carry out such program may not exceed 80 percent of the amount of the grant previously received under this section to carry out such program.".

(2) Section 408(b)(3) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(b)(3)) is amended—

(A) by inserting "in each fiscal year" after "one grant";

(B) by striking "$250,000" and inserting "$350,000"; and

(C) by adding at the end the following: "Not more than 2 grants may be made under this section to an eligible entity to carry out a particular program.".

(c) DISSEMINATION OF RESULTS.—Section 408(c) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(c)) is amended to read as follows:

"(c) DISSEMINATION OF RESULTS.—As soon as practicable, but not later than 180 days after the end of the fiscal year in which a recipient of a grant under this section completes the expenditure of such grant, the Secretary shall prepare and make available to each State and each eligible entity a description of the program carried out with such grant, any relevant information developed and results achieved, and a summary of the evaluation of such program received under subsection (a)(1)(D), so as to provide a model for innovative programs to other eligible entities.".

(d) DEFINITION.—Section 408(d)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(d)(1)) is amended by inserting before the semicolon the following: ", except that such term includes an organization that serves migrant and seasonal farmworkers and that receives a grant under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) in the fiscal year preceding the fiscal year in which such organization requests a grant under this section".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408(e) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(e)) is amended—

(1) by striking "is" and inserting "are";

(2) by striking "each of the fiscal years 1987, 1988, and" and inserting "fiscal year"; and

(3) by inserting "and $7,500,000 for fiscal year 1990" after "1989".

(f) REPORT TO CONGRESS.—Section 408 of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b) is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following:

"(d) REPLICATION OF PROGRAMS.—(1) The Secretary shall identify annually programs for which grants are made under this section that demonstrate a significant potential for dealing with particularly critical needs or problems of the poor which are common to a number of communities.

"(2) Not less than 10 percent, and not more than 30 percent, of the funds appropriated for each fiscal year to carry out this section shall be available to make grants under this section to replicate in additional geographical areas programs identified under paragraph (1).

"(e) REPORT TO CONGRESS.—The Secretary shall submit annually, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report containing—

"(1) a description of—

"(A) programs for which grants are made under this section in the then most recently completed fiscal year; and

"(B) the evaluations received under subsection (a)(1)(D) in such fiscal year; and

"(2) a description of the methods used by the Secretary to comply with subsection (c);

"(3) recommendations of the Secretary regarding the suitability of carrying out such programs with funds made available under other Federal laws; and

"(4) a description of each program identified under subsection (d)(1) or replicated under subsection (d)(2), and an identification of the geographical location in which such program was carried out.".

TITLE V—ADMINISTRATION AND COORDINATION

SEC. 501. ADMINISTRATIVE ORGANIZATION.

Section 401 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041) is amended by adding at the end the following: "There shall also be in such agency three individuals who shall report directly to the Assistant Director who is primarily responsible for the Older American Volunteer Programs under title II of this Act. Each of such individuals shall be primarily responsible for part A, B, or C of such title.".

SEC. 502. REPORTS.

Section 407 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5047) is amended to read as follows:

"REPORTS

"SEC. 407. Not later than 60 days after the start of each fiscal year, the Director shall prepare and submit to the appropriate committees of the Congress a report which shall include—

"(1) the annual recruitment plan developed under section 103(c)(5);

"(2) a description of the activities carried out under section 103(b) during the preceding fiscal year, including a specification of the total number of—

"(A) individuals who applied for service as a volunteer under this part;

"(B) applicants approved for such service;

"(C) approved applicants provided an assignment as a volunteer under section 103(b); and

"(D) volunteers assigned to projects and programs which were outside their original home communities;

"(3)(A) a description of efforts undertaken by the Director during the preceding fiscal year to involve persons who have formerly served as volunteers under this part in the activities authorized under section 103(c); and

"(B) a specification of the number of, and the manner in which, such persons were so involved; and

"(4) a specification of the number and location of employees of the ACTION Agency designated by the Director to assist in carrying out the duties described in subsections (b) and (c) of section 103 during the preceding fiscal year.".

SEC. 503. EVALUATION.

Section 416(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5056(a)) is amended in the first sentence by inserting after "this Act," the following: "including the VISTA Literacy Corps, which shall be evaluated as a separate program at least once every three years,".

SEC. 504. DEFINITIONS.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended:

(1) in paragraph (4), by striking "and" after the semicolon at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(6) the term 'poverty line for a single individual' means such poverty line as established by the Director of the Office of Management and Budget and revised in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.".

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

SEC. 601. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION.

(a) VOLUNTEERS IN SERVICE TO AMERICA.—

(1) IN GENERAL.—Section 501(a)(1) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081(a)(1)) is amended by striking "and" after "1988," and inserting before the period the following: ", $29,747,000 for fiscal year 1990, $31,400,000 for fiscal year 1991,

$33,746,000 for fiscal year 1992, and $36,228,000 for fiscal year 1993".

(2) VISTA LITERACY CORPS.—

(A) Section 501(a)(2) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081(a)(2)) is amended by striking "and" after "1988," and inserting before the period the following: ", $5,250,000 for fiscal year 1990, $5,513,000 for fiscal year 1991, $5,789,000 for fiscal year 1992, and $6,078,000 for fiscal year 1993".

(B) Section 501(a)(3) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081(a)(3)) is amended by striking "and" after "1988," and inserting before the period the following: ", 1990, 1991, 1992, and 1993".

(b) SERVICE-LEARNING PROGRAMS.—Section 501(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081(b)) is amended by inserting before the period the following: ", and $1,352,000 for each of the fiscal years 1990 through 1993".

(c) SPECIAL VOLUNTEER PROGRAMS.—Section 501(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081(c)) is amended in the first sentence by inserting before the period the following: ", and $1,000,000 for each of the fiscal years 1990 through 1993".

(d) YEARS OF VOLUNTEER SERVICE.—Section 501(d)(1) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081(d)(1)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) 2,800 years of volunteer service in fiscal year 1990;

"(E) 3,000 years of volunteer service in fiscal year 1991;

"(F) 3,100 years of volunteer service in fiscal year 1992; and

"(G) 3,200 years of volunteer service in fiscal year 1993.".

(e) REQUIREMENT WITH RESPECT TO ALLOWANCES FOR SUBSISTENCE.—Section 501(d) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081(d)) is amended by adding at the end the following new paragraph:

"(4)(A) In applying criteria with respect to meeting the number of years of volunteer service under paragraph (1) for a fiscal year, the Director may not exclude the costs of complying with section 105(b)(2) for each volunteer under this part.

"(B) The minimum level of allowances for subsistence required under section 105(b)(2) to be provided to each volunteer under this part may not be reduced or limited in order to provide for the increase in the number of years of volunteer service specified in paragraph (1) for each of the fiscal years 1990 through 1993.".

SEC. 602. OLDER AMERICAN VOLUNTEER PROGRAMS.

(a) RETIRED SENIOR VOLUNTEER PROGRAM.—Section 502(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(a)) is amended—

(1) by striking "$31,100,000" and all that follows through "1988, and"; and

(2) by inserting after "1989" the following: ", $38,000,000 for fiscal year 1990, $41,000,000 for fiscal year 1991, $44,000,000 for fiscal year 1992, and $48,000,000 for fiscal year 1993,".

(b) FOSTER GRANDPARENT PROGRAM.—Section 502(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(b)) is amended—

(1) by striking "$58,700,000" and all that follows through "1988, and"; and

(2) by inserting after "1989" the following: ", $69,000,000 for fiscal year 1990, $78,000,000 for fiscal year 1991, $88,000,000 for fiscal year 1992, and $95,000,000 for fiscal year 1993,".

(c) SENIOR COMPANION PROGRAM.—Section 502(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(c)) is amended—

(1) by striking "$28,600,000" and all that follows through "1988, and"; and

(2) by inserting after "1989" the following: ", $33,000,000 for fiscal year 1990, $38,000,000 for fiscal year 1991, $43,000,000 for fiscal year 1992, and $47,000,000 for fiscal year 1993,".

SEC. 603. ADMINISTRATION AND COORDINATION.

Section 504 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5084) is amended by adding at the end the following new sentence: "For each of the fiscal years 1990 through 1993, there is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, an amount not more than 19 percent of the total amount appropriated under sections 501 and 502 of this Act.".

TITLE VII—TECHNICAL AMENDMENTS TO OTHER LAWS

SEC. 701. TECHNICAL AMENDMENTS TO THE ANTI-DRUG ABUSE ACT OF 1988.

(a) DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.—Section 3503(2) of the Anti-Drug Abuse Act of 1988 (102 Stat. 4255) is amended by striking "that it has" and inserting "have".

(b) PROGRAM FOR RUNAWAY AND HOMELESS YOUTH.—Section 3515 of the Anti-Drug Abuse Act of 1988 (102 Stat. 4257) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B) by inserting "stating" after "(B)"; and

(B) in subparagraph (C) by striking "a description of" and inserting "describing"; and

(2) in subsection (c) by striking "Administrator" and inserting "such officer".

(c) EVALUATION.—(1) Section 3522 of the Anti-Drug Abuse Act of 1988 (102 Stat. 4260) is amended—

(A) in subsection (a)—

(i) by striking ", acting through the Administrator,"; and

(ii) by striking "(as defined in section 3601(6))"; and

(B) in subsection (b) by striking "Administrator" and inserting "Secretary".

(2) Section 3601 of the Anti-Drug Abuse Act of 1988 (102 Stat. 4260) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (13) as paragraphs (1) through (12), respectively.

(d) REPORTS.—Section 7296(b) of the Anti-Drug Abuse Act of 1988 (102 Stat. 4463) is amended—

(1) in paragraph (2) by striking "section 7274(b)(1)" and inserting "section 7253(b)(1)"; and

(2) by amending paragraph (3) to read as follows:

"(3) Notwithstanding the 180-day period provided in—

"(A) section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974, as added by section 7255,

"(B) section 361 of the Runaway and Homeless Youth Act, as so redesignated by section 7273(e)(2) and amended by section 7274, and

"(C) section 404(a)(5) of the Missing Children's Assistance Act, as amended by section 7285(a)(3),

the reports required by such sections 207, 361, and 404(a)(5) to be submitted with respect to fiscal year 1988 shall be submitted not later than August 1, 1989.".

(e) CLERICAL AMENDMENTS.—(1) Section 7265(a)(4) of the Anti-Drug Abuse Act of 1988 (102 Stat. 4448) is amended by inserting "after 'fiscal years' " before ", and".

(2) Section 7280(2) of the Anti-Drug Abuse Act of 1988 (102 Stat. 4459) is amended by inserting "after 'fiscal years' " before the comma at the end.

(3) Section 7289(3) of the Anti-Drug Abuse Act of 1988 (102 Stat. 4461) is amended by inserting "after 'fiscal years' " before the period at the end.

SEC. 702. TECHNICAL AMENDMENT TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 291(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)(1)) is amended by striking "is authorized" and inserting "are authorized".

SEC. 703. TECHNICAL AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 361(a) by striking "report to the Congress" and inserting "submit a report, to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate,";

(2) in section 361(b) by striking "The Secretary shall annually report to the Congress" and inserting "Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report, to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate,"; and

(3) in section 366(a)(1) by striking "is authorized" and inserting "are authorized".

SEC. 704. TECHNICAL AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT.

The Missing Children's Assistance Act (42 U.S.C. 5771-5778) is amended—

(1) in section 401—

(A) by inserting open quotation marks after "as the"; and

(B) by inserting close quotation marks after "Act";

(2) in section 404—

(A) in subsection (a)(5)(C) by striking the comma at the end and inserting a semicolon; and

(B) in subsection (b)(2)(A) by inserting "to" after "(A)"; and

(3) in section 405(a)(9) by striking "clearinghouse" and inserting "clearinghouses".

TITLE VIII—GENERAL PROVISIONS

SEC. 801. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by titles I through VI shall not apply with respect to funds appropriated for any fiscal year ending, and grants and contracts made, before October 1, 1989.

The SPEAKER pro tempore. Is a second demanded?

Mr. BARTLETT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. OWENS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. BARTLETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. OWENS].

□ 1350

Mr. OWENS of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the passage of H.R. 1312, the Domestic Volunteer Service Act Amendments of 1989.

This year marks the 25th anniversary of the Volunteers in service to America—or VISTA—program. VISTA is the Federal Government's only full-time domestic volunteer service program. First proposed by President Kennedy as a "National Service Corps" which would mobilize Americans to fight poverty here at home much as the Peace Corps fought poverty abroad, the VISTA Program was later revived by President Johnson and incorporated in the "war on poverty" proposals which were enacted in the Economic Opportunity Act of 1964. VISTA's serve for one year, working full-time with public and private nonprofit agencies to establish and expand programs to alleviate poverty-related problems. VISTA volunteers received a modest subsistence allowance while in service and are expected to live among the same low-income people they serve.

During the last quarter century, over 100,000 Americans from all walks of life, ages, economic levels, and geographic areas have served as VISTA volunteers. Their achievements have been extraordinary. VISTA's have helped create job training programs, health clinics, battered women's shelters, food pantries, homeless shelters and permanent low-income housing, literacy programs and legal services centers. They have worked with native Americans, migrant farmworkers, people with disabilities, immigrants, the very young and the very old, and other disadvantaged Americans to help enable them to become more self-reliant. Each VISTA volunteer costs the Federal Government about $8,000 but each VISTA project mobilizes a median of $54,600 in new funds and services that otherwise would not have been available. VISTA, in other words, more than pays for itself.

Despite its proven effectiveness, VISTA has never had an easy time in Washington and on several occasions in the past has only narrowly escaped outright elimination. Today, fortunately, the program has entered a period of relative stability and enjoys bipartisan support.

Even so, great problems remain.

VISTA's budget still has not recovered from its difficulties during the Reagan administration. Today, VISTA is able to support just 2,600 volunteers at about 600 projects across the country. In 1980, by contrast, there were 4,208 volunteers serving with 2,000 projects.

Recruitment efforts in recent years have been a disaster. During subcommittee hearings we heard about many talented young Americans—including the son of the first Office of Economic Opportunity Director Sargent Shriver—who tried to sign up as VISTA volunteers but were unable to—not because there were not vacancies, but because the ACTION Agency's recruitment procedures are so convoluted and confusing. As Mr. Shriver put it, "Today, you need the skills of a Houdini to find out that there is such a program as VISTA, and then, when you get out of that straitjacket, there's no one around to applaud."

VISTA has become a well-kept secret, little known even to the most passionate supporters and advocates of voluntarism. At a time of great interest in national service, precious little attention has been paid to VISTA in the emerging debate. I have given up trying to keep track of how many times I have heard someone call for the creation of a "domestic peace corps" in the last year. Many believe VISTA was abolished long ago; many others seem not to know it ever existed in the first palce.

The amendments made by H.R. 1312 represent a bipartisan effort to try to resolve these and other management problems which have plagued VISTA for so long.

Funding is authorized to support an increase of 700 VISTA volunteers over the next 4 years. By 1993, there should be 3,200 volunteers deployed in the field. This is far fewer volunteers than 10 years ago and is certainly less than what is needed to address the staggering poverty in the Nation, but it does still represent a great step forward.

H.R. 1312 also requires the ACTION Agency to establish a comprehensive program of national recruitment. A national placement office is created to provide a direct, central point of access for information and assistance for persons interested in serving as VISTA's outside their home communities. Personnel in each ACTION regional office would be assigned to work on volunteer recruitment in their areas. A full range of public awareness activities would be carried out—including direct mail, public service announcements, and onsite visits to college campuses—at a cost of at least 1 percent of VISTA's annual appropriation or $300,000. Special emphasis would be placed on recruiting graduating college seniors to reverse the dramatic decline in the involvement of youth that has occurred during the Reagan administration. This group is also the one that experts have advised us is the most cost-effective to target with ACTION's limited recruitment dollars. To save scarce resources, this recruitment and public awareness campaign must, if possible, be coordinated with similar activities undertaken by the Peace Corps. ACTION is also required to seek to involve former VISTA volunteers in its recruitment activities.

H.R. 1312 also increases the subsistence allowance paid to volunteers while in service. Prior to the Reagan administration, the allowance was traditionally set at or slightly above poverty level; in recent years, however, the value of allowance has dropped far below poverty, hampering the efforts of VISTA sponsors to recruit their volunteers. One project in Boston, for example, interviewed 80 people before finding one who could afford to serve as a VISTA. The legislation sets the subsistence allowance at 95 percent of the official poverty level for a single individual and requires the Director to make additional adjustments to reflect local and regional differences in the cost of living.

The bill also corrects a problem that our colleague from Wisconsin, JIM MOODY, brought to our attention during consideration of H.R. 1312—the agency's arbitrary termination of VISTA "umbrella" sponsors and its insistence that projects be defunded after 4 years. H.R. 1312 bars ACTION from basing its renewal decisions solely on the basis of the number of years a project has been funded, requiring that these decisions be made on an individualized, case-by-case basis, taking into account any extenuating circumstances which may have prevented a sponsor from attaining its goals. The bill also precludes ACTION from terminating assistance to any "umbrella" sponsor on the basis of the number of years it has been funded. These sponsors assume chief administrative responsibility for the VISTA Program, but do not actually use the services of the VISTA's themselves, assigning them instead to affiliated organizations in the community. For this reason, the duration of assistance is not an appropriate factor to consider in evaluating their renewal applications. I want to extend my appreciation to Mr. MOODY for bringing this issue to the subcommittee's attention and for his hard work in helping to resolve it.

Although H.R. 1312 may not correct every problem in the VISTA Program and the ACTION Agency and does not go as far as some of us on the majority side would have liked, it does represent a bipartisan effort to resolve the most grievous problems in the program. I commend Mr. BARTLETT for his contributions to this legislation and

for his cooperation in making it a truly bipartisan initiative.

I urge my colleagues to support H.R. 1312. With these amendments, we can help assure that VISTA will reclaim its original promise and experience a rebirth of energy, commitment, and purpose as it moves into its next quarter century of service to the Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTLETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1312 which reauthorizes the VISTA and Older American Volunteer Programs for 4 years. I want to thank the chairmen of the subcommittees, Mr. OWENS and Mr. KILDEE, for negotiating a bipartisan bill that was unanimously reported from our committee. This may be the first time that the VISTA reauthorization has come before this House with bipartisan support and I believe that is a remarkable accomplishment.

This legislation is part of the kinder, gentler nation for the 1990's because these two volunteer programs are designed to help neighbors help neighbors and the VISTA Program particularly focuses on helping low-income people become self-sufficient. VISTA volunteers live and work among the poor and serve in urban areas, rural areas and on Indian reservations. VISTA volunteers focus on the problems of hunger, homelessness, illiteracy, unemployment, drug and alcohol abuse, domestic violence, child abuse, and neighborhood revitalization.

I am supporting the authorization levels for VISTA which are set at current service rates over the 1989 authorization. This authorization level is a compromise. I know many of my colleagues on the committee supported much higher authorization levels and I wanted to keep the authorization more in line with appropriations levels. I think these levels reflect a reasonable compromise between those two positions.

□ 1400

One of the areas where H.R. 1312 makes improvements in the current VISTA Program is the increase in the subsistence allowance. VISTA volunteers receive a basic subsistence allowance to cover housing, food and incidentals. H.R. 1312 requires that the subsistence allowance be equal to at least 95 percent of the poverty line for a single individual and that the Director must fund the subsistence allowance first as a priority before adding new VISTA volunteers.

This change then successfully modifies the longstanding point of contention that is the service year funding floor which had been in prior VISTA authorizations.

As I visited with VISTA volunteers in Texas, many of them noted that the low level of the subsistance allowance was the single most important issue for them, and for the success of VISTA service to their neighborhoods. Based on these discussions and on testimony before the subcommittee, I believe VISTA lost many qualified individuals who wanted to serve as volunteers because the subsistence allowance was too far below the poverty line.

The language in H.R. 1312 will give each VISTA volunteer an 11.5 percent increase in the subsistence allowance and ensure that no volunteer will receive less than 95 percent of the poverty line. In 1990, it is estimated that the national poverty level will be appoximately $6,205 annually or $517 per month. While this amount may not seem like very much to most of us, the VISTA Program requires that its volunteers "live among and at the economic level of the people served." The increased subsistence allowance will now achieve that mandate and, in turn encourage more people to serve in the VISTA Program.

Another important and good legislative addition to the VISTA reauthorization is the creation of a placement office at the national ACTION headquarters which will allow the Director to match qualified VISTA volunteers with projects and match projects with qualified volunteers. This office will assist prospective VISTA volunteers to find projects that they are interested in working for while maintaining, and this is quite critical, that the final approval for hiring that volunteer lies with the local project, alone.

Too many times over the last several years we have seen VISTA volunteers unable to match up with VISTA projects and vice versa. I think the creation of a placement office will maintain the concept of local volunteers, while also providing a productive match between the volunteer and the project. In addition, I believe the public awareness campaign that is established by this bill should encourage more people to serve as VISTA volunteers.

Three other modest changes in the bill as introduced in the subcommittee include first the deletion of the proposed 20-percent age quota for 18-to-24-year-olds; second, the elimination of the minimum 1-percent public awareness expenditure, replacing it with a $300,000 per year cap; and third, a VISTA literacy corps volunteer can now under this legislation serve as a regular VISTA in a literacy program if he or she wants. The Director must make every effort possible to fill the VISTA literacy corps slot.

Finally, I would like to announce that the administration is not opposing this bill. While they do have concerns, as do I, about the administrative support authorization level and the higher authorization levels, they have worked with us to craft this bipartisan bill. It is a good bill and it deserves our support, and I urge my colleagues to support passage of this reauthorization.

Mr. COLEMAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Speaker, I rise in support of H.R. 1312 and commend those who have crafted this bill. I want to point out one of the things which I think makes an extremely important contribution and that contains a lot of sense, and that is to utilize the retired senior volunteer program volunteers in aiding and recruiting these individuals to provide child care where necessary for community-based child-care centers.

I think it is a combination of needs, when coming together can solve a great need, when people who are in their senior years who have had the opportunity to raise their own children and sometimes grandchildren, who have time, want to volunteer. We also have needs of young marrieds and people who have youngsters who need to be looked after during the day. What a great combination when we can provide the volunteers to help solve that problem.

We want to encourage our RSVP volunteers to do this where appropriate. I am glad some of the language which I put into the bill is contained there in a bill which I introduced and is recognized as a solid commitment to this area.

I commend the people who are handling the bill for including that in this particular proposal.

Mr. BARTLETT. Mr. Speaker, the gentleman from Missouri has provided exemplary and extraordinary service in helping to draft this bill in the strong form that is before us today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OWENS of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. KILDEE], the chairman of the Subcommittee on Human Resources of the Committee on Education and Labor.

Mr. KILDEE. Mr. Speaker, I thought for a moment that we were going to have an Erlenborn amendment when I looked at the other side of the aisle.

Mr. Speaker, I rise in support of the bill, H.R. 1312.

H.R. 1312 would reauthorize the Domestic Volunteer Service Act through 1993 and the demonstration partner-

ship agreements addressing the needs of the poor for 1990.

It also makes technical corrections to the Juvenile Justice and Delinquency Prevention Act and related matters.

I would like to call particular attention to title II of the Domestic Volunteer Service Act, the Older American Volunteer Programs, and the Demonstration Partnership Program, which fall under the jurisdiction of the Human Resources Subcommittee which I chair.

There are three distinct Older American Volunteer Programs: the Retired Senior Volunteer Program [RSVP]; the Foster Grandparent Program; and the Senior Companion Program. Together, these programs make up the largest component in the ACTION agency. In 1989 the Older American Volunteer Programs comprised 67 percent of action funding and supported the majority of ACTION's volunteer strength.

Older American volunteers are 60 years of age or older and serve their communities through a wide variety of part-time volunteer services.

The benefits of this program are twofold. Volunteers are provided a means of sharing their experience and enthusiasm while communities benefit from their involvement in such areas as:

Youth counseling, crime prevention, housing rehabilitation, and in-home care for the disabled, in the case of RSVP volunteers;

Individualized supportive services provided by foster grandparents to children with physical, mental and emotional, or social disabilities; and

Personal assistance and peer support provided to the elderly by senior companion volunteers.

H.R. 1312 makes several changes designed to strengthen and improve the Older American Volunteer Programs. Key among these are provisions to:

Increase the stipend paid to low-income foster grandparent and senior companion volunteers from $2.20 per hour to $2.35 per hour in 1991 and to $2.50 per hour in 1992; and

Authorize funds for "programs of national significance" grants to expand volunteer activities in specific areas of great need where OAVP volunteers can be particularly effective. These grants will enable additional opportunities for:

RSVP volunteers to serve in literacy programs;

Foster grandparents to assist children with special needs in day care programs; and

Senior companions to provide respite care to families caring for a frail elderly individual.

H.R. 1312 also reauthorizes the demonstration partnership agreements addressing the needs of the poor.

The Demonstration Partnership Program was first established in 1986. It is designed to complement the Community Services Block Grant Program by developing and implementing new and innovative approaches to dealing with the particularly critical needs of the poor common in a number of communities.

H.R. 1312 reauthorizes the program for 1 year and makes several changes, including—

Increasing the maximum grant size;

Permitting projects to compete for additional grants once one demonstration has been completed;

Expanding eligibility to include migrant and seasonal farmworkers; and

Earmarking funds for the replication of successful demonstration projects in other geographical areas.

My colleagues have often heard me say that the role of Government is to promote, protect, defend, and enhance human dignity.

These programs truly satisfy this requirement.

Mr. Speaker, the House of Representatives is very fortunate to have a number of Members on both sides of the aisle who are sensitive to the needs of our vulnerable citizens.

Every member of the Subcommittee on Human Resources was an original cosponsor of the legislation to reauthorize these valuable programs. The bill has benefited from the input of these Members, and reflects a great deal of consultation and cooperation.

I would like to thank those Members who have been working with us to develop a strong reauthorization bill, particularly Mr. TAUKE and Mr. BARTLETT, and I urge all of my colleagues to support it.

Mr. GOODLING. Mr. Speaker, I am pleased to support H.R. 1312, a bill to reauthorize the Domestic Volunteer Service Act for 4 additional years.

One section of this legislation reauthorizes the three programs which constitute the National Older American Volunteer Programs—the Retired Senior Volunteer Program, the Senior Companion Program and the Foster Grandparent Program. These programs provide valuable volunteer services to some of our Nation's neediest citizens.

I am especially pleased to note that H.R. 1312 provides volunteers in the Senior Companion and Foster Grandparent Programs stipend increases in 1991 and 1992. It has been 6 years since their last increase and I certainly believe they deserve a stipend increase for all of their volunteer efforts.

I am also pleased that the bill retains a section of current law which permits low-income seniors who do not meet the eligibility criteria to continue to serve as Foster Grandparents and Senior Companions. While there may not be a large number of nonstipended volunteers in these programs, their presence is important.

These caring volunteers fill in when a normal volunteer is ill or otherwise unable to perform the volunteer services. In addition, some of the nonstipend volunteers are merely former stipended volunteers who are continuing to work with a child or a homebound senior citizen after they no longer meet the criteria necessary to be considered a stipended volunteer. These volunteers have developed a relationship with the children and senior citizens they are helping and the interruption of these relationships could have a harmful affect on those individuals we are seeking to help under the provisions of this law. Therefore, I believe it is important that this section of the law has been retained.

In my congressional district I have a Retired Senior Volunteer Program [RSVP]. The volunteers do a good job. In one project, they work with senior citizens in a county nursing home, providing them with companionship they might otherwise miss without family and friends to visit them.

Mr. Speaker, H.R. 1312 also reauthorizes the VISTA Program, the VISTA Literacy Corps, and the Student Community Service Program. These are all important programs utilizing volunteers from all walks of life to eliminate and alleviate poverty and poverty-related problems in the United States.

I wish to commend my colleagues on the Education and Labor Committee for their bipartisan efforts to ensure these programs will continue and I urge my colleagues to support this legislation.

Mr. TAUKE. Mr. Speaker, H.R. 1312 includes a 4-year extension of the Older American Volunteer Programs, title II of the Domestic Volunteer Service Act of 1973. These provisions of H.R. 1312 reflect bipartisan agreements, which were developed under the able leadership of the gentleman from Michigan [Mr. KILDEE], who chairs the Education and Labor Committee's Subcommittee on Human Resources.

The Older American Volunteer Programs which include the Foster Grandparent Program, the Retired Senior Volunteer Program [RSVP], and the Senior Companion Program, empower older individuals to contribute to their communities through volunteer service, enhance the lives of the volunteers and those whom they serve, and provide communities with valuable services. Each program offers special opportunities for the older individuals that participate in them.

H.R. 1312 merits the support of this body. While this bill does not make major changes in the overall thrust or operation of the Older American Volunteer Programs, I believe that the fine-tuning and updating included in this bill will improve the administration and effectiveness of these programs.

H.R. 1312 increases the stipend for Foster Grandparent and Senior Companion volunteers from $2.20 per hour to $2.50 per hour by fiscal year 1992. Two important aspects of this stipend increase should be noted. First, the stipend can not be increased if such an increase would not result in fewer volunteers being able to participate in the programs.

Second, the initial increase from $2.20 per hour to $2.35 per hour is not effective until fiscal year 1991. This 1-year delay will allow Congress to accommodate the additional expense during the budget and appropriations process and will provide amply lead time for State and locally supported Foster Grandparent and Senior Companion Programs to plan

for corresponding increases in the non-federally funded projects.

In addition, H.R. 1312, extends for 1 year the Demonstration Partnership Program, which authorizes grants primarily to community action agencies to develop unique and innovative approaches to alleviating dependency of the poor on public assistance programs.

The limited, 1-year, extension of this program should not be interpreted as uncertainty about its longer term merits. This program can make valuable contributions toward promoting self-sufficiency among the poor, and we fully anticipate extending the program again next year when legislation reauthorizing the Community Services Block Grant is considered.

Because the Demonstration Partnership Program is a relatively new program, some changes are made by this legislation to ensure the most effective use of funds. For instance, greater emphasis is placed on the evaluation of projects and on the dissemination of the results in order to facilitate replication of successful approaches to reducing dependency by other community action agencies.

Again, the Older American Volunteer Programs and the Demonstration Partnership Program reauthorizations are the product of a bipartisan effort. I encourage you to support H.R. 1312.

Mr. OWENS of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1312, the bill presently under consideration.

The SPEAKER pro tempore (Mr. WILLIAMS). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. OWENS] that the House suspend the rules and pass the bill, H.R. 1312, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to revise and extend the programs of the Domestic Volunteer Service Act of 1973.".

A motion to reconsider was laid on the table.

CHILD ABUSE PREVENTION CHALLENGE GRANTS REAUTHORIZATION ACT OF 1989

Mr. OWENS of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2087) to transfer a certain program with respect to child abuse from title IV of Public Law 98-473 to the Child Abuse Prevention and Treatment Act, and for other purposes, as amended.

□ 1410

The Clerk read as follows:

H.R. 2087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Abuse Prevention Challenge Grants Reauthorization Act of 1989".

SEC. 2. TRANSFER OF CERTAIN PROGRAM TO CHILD ABUSE PREVENTION AND TREATMENT ACT.

(a) IN GENERAL.—Sections 402 through 409 of title IV of Public Law 98-473 (98 Stat. 2197 et seq.) are—

(1) transferred to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.);

(2) redesignated as sections 201 through 208, respectively; and

(3) in the appropriate sequence, inserted after section 15 of the Child Abuse Prevention and Treatment Act.

(b) AVAILABILITY OF APPROPRIATIONS.—With respect to amounts made available in appropriation Acts for carrying out the program transferred by subsection (a) to the Child Abuse Prevention and Treatment Act, the transfer of such program may not be construed to affect the availability of such amounts for carrying out such program.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS TO CHILD ABUSE PREVENTION AND TREATMENT ACT.

(a) IN GENERAL.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by section 2 of this Act, is further amended—

(1) by redesignating sections 2 through 15 as sections 101 through 114, respectively;

(2) by inserting before section 101 (as so redesignated) the following new heading:

"TITLE I—GENERAL PROGRAM";

and

(3) by inserting before section 201 the following new heading:

"TITLE II—GRANTS WITH RESPECT TO ENCOURAGING STATES TO MAINTAIN CERTAIN FUNDING MECHANISMS".

(b) CROSS-REFERENCES IN TITLE I.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the preceding provisions of this Act, is further amended—

(1) in section 102—

(A) in subsection (c)(1)(A), by striking "section 4" and inserting "section 103";

(B) in subsection (e), by striking "section 4(f)" and inserting "section 103(f)"; and

(C) in subsection (f)(2)(E), by striking "sections 6 and 7" and inserting "sections 105 and 106";

(2) in section 104(b)—

(A) in paragraph (1), by striking "section 6(b)" and inserting "section 105(b)"; and

(B) in paragraph (2)(B), by striking "section 105(a)(1)" and inserting "section 105(a)(1) of the Child Abuse Prevention, Adoption, and Family Services Act of 1988";

(3) in section 105—

(A) in subsection (a)(2)(A), by striking "section 7" and inserting "section 106"; and

(B) in subsection (b)(3), by striking "section 5" and "section 10" and inserting "section 104" and "section 109", respectively;

(4) in section 108—

(A) in subsection (a)(1), by striking "section 8(b)(10)" and inserting "section 107(b)(10)"; and

(B) in subsection (b), by striking "this Act" and inserting "this title";

(5) in section 109(b)(1), by striking "sections 8(b)" and all that follows and inserting the following: "sections 107(b) and 107(e) or receive a waver under section 107(c);";

(6) in section 112(b)—

(A) in paragraph (1), by striking "section 10" and inserting "section 109"; and

(B) in paragraph (2), by striking "section 9" and inserting "section 108";

(7) in section 113—

(A) in the matter preceding paragraph (1), by striking "this Act" and inserting "this title";

(B) in paragraph (1), by striking "section 3" and inserting "section 102";

(C) in paragraph (2), by striking "section 2" and inserting "section 101"; and

(D) in paragraph (9), by striking "section 4" and inserting "section 103"; and

(8) in section 114—

(A) in subsection (a)—

(i) in the first sentence, by striking "this Act" and inserting "this title"; and

(ii) in the second sentence—

(I) by striking "sections 5, 6, and 7" and inserting "sections 104, 105, and 106";

(II) by striking "sections 8(a) and 9 of this Act" and inserting "sections 107(a) and 108";

(III) by striking "section 7(a) of this Act" and inserting "section 106(a)"; and

(IV) by striking "section 8(f) of this Act" and inserting "section 107(f)"; and

(B) in subsection (b), by striking "this Act" and inserting "this title".

(c) CROSS-REFERENCES IN TITLE II.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the preceding provisions of this Act, is further amended—

(1) in title II, by striking "sections 402 to 409" each place such term appears and inserting "this title";

(2) in section 205(b)(1)(A)—

(A) by striking "section 2" and all that follows through "Treatment Act" and inserting "section 101"; and

(B) by striking "section 5" and inserting "section 204"; and

(3) in section 208, by striking "section 6(b)(1)(C)" and inserting "section 205(b)(1)(C)".

(d) TABLE OF CONTENTS.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as otherwise amended by this Act, is amended in section 1(b), in the table of contents—

(1) by redesignating the items relating to sections 2 through 15 as items relating to sections 101 through 114, respectively;

(2) by inserting after the item relating to section 1 the following new item relating to title I:

"TITLE I—GENERAL PROGRAM";

and

(3) by adding at the end the following new items:

"TITLE II—GRANTS WITH RESPECT TO ENCOURAGING STATES TO MAINTAIN CERTAIN FUNDING MECHANISMS

"Sec. 201. Findings and purpose.
"Sec. 202. Definitions.
"Sec. 203. Grants authorized.
"Sec. 204. State eligibility.
"Sec. 205. Limitations.
"Sec. 206. Withholding.
"Sec. 207. Audit.

"Sec. 208. Report.".

SEC. 4. STYLISTIC MODIFICATION OF TRANSFERRED PROGRAM.

(a) SECTION 201.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the preceding provisions of this Act, is amended in section 201—

(1) by striking all that follows through "The Congress finds that—" in subsection (a) and inserting the following:

"SEC. 201. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—"; and

(2) in subsection (b), by inserting "PURPOSE.—" after the subsection designation.

(b) SECTION 202.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the preceding provisions of this Act, is amended in section 202 by striking the section heading and all that follows through "As used" and inserting the following:

"SEC. 202. DEFINITIONS.

"As used".

(c) SECTION 203.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the preceding provisions of this Act, is amended in section 203—

(1) by striking the section heading and all that follows through "The Secretary" in subsection (a) and inserting the following:

"SEC. 203. GRANTS AUTHORIZED.

"(a) IN GENERAL.—The Secretary";

(2) in subsection (b), by inserting "PAYMENTS.—" after the subsection designation; and

(3) in subsection (c), by inserting "AUTHORIZATION OF APPROPRIATIONS.—" after the subsection designation.

(d) SECTION 204.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the preceding provisions of this Act, is amended in section 204 by striking the section heading and all that follows through "Any State" in the matter preceding paragraph (1) and inserting the following:

"SEC. 204. STATE ELIGIBILITY.

"Any State".

(e) SECTION 205.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the preceding provisions of this Act, is amended in section 205—

(1) by striking the section heading and all that follows through "Any grant" in subsection (a)(1) and inserting the following:

"SEC. 205. LIMITATIONS.

"(a) AMOUNT OF GRANT.—

"(1) IN GENERAL.—Any grant";

(2) in subsection (a)—

(A) in paragraph (1), by moving subparagraphs (A) and (B) two ems to the right so that the left margins of such paragraphs are indented 6 ems; and

(B) in paragraph (2), by striking all that follows through "paragraph (1)" and inserting the following:

"(2) DEFINITION.—For purposes of paragraph (1)(B)"; and

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking all that follows through "No grant" in the matter preceding subparagraph (A) and inserting the following:

"(b) APPLICATION.—

"(1) REQUIREMENTS.—No grant"; and

(ii) by moving subparagraphs (A) through (C) two ems to the right so that the left margins of such paragraphs are indented 6 ems; and

(B) in paragraph (2), by striking all that follows through "The Secretary" and inserting the following:

"(2) APPROVAL.—The Secretary".

(f) SECTION 206.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the preceding provisions of this Act, is amended in section 206 by striking the section heading and all that follows through "Whenever the Secretary" and inserting the following:

"SEC. 206. WITHHOLDING.

"Whenever the Secretary".

(g) SECTION 207.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the preceding provisions of this Act, is amended in section 207 by striking the section heading and all that follows through "The Comptroller General" and inserting the following:

"SEC. 207. AUDIT.

"The Comptroller General".

(h) SECTION 208.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the preceding provisions of this Act, is amended in section 208 by striking the section heading and all that follows through "The Secretary" and inserting the following:

"SEC. 208. REPORT.

"The Secretary".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR TRANSFERRED PROGRAM.

The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the preceding provisions of this Act, is amended in section 203(c) by striking "There is authorized" and all that follows and inserting the following: "For the purpose of carrying out this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1989 through 1991.".

SEC. 6. AUTHORITY, WITH RESPECT TO TRANSFERRED PROGRAM, OF NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the preceding provisions of this Act, is amended in section 104(b)—

(1) by striking "and" after the semicolon at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2)(D) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) directly or through contract, identify effective programs carried out by the States pursuant to title II and provide technical assistance to the States in the implementation of such programs.".

SEC. 7. STUDY OF TRANSFERRED PROGRAM BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—With respect to the program transferred by section 2(a) to the Child Abuse Prevention and Treatment Act, the Comptroller General of the United States shall conduct a study of the trust funds or other funding mechanisms established by the States pursuant to the program for the purpose of determining, for each State with such a funding mechanism—

(1) whether the amounts provided by the Federal Government under the program are the only Federal funds received by the State for child abuse prevention activities;

(2) if Federal funds received under the program are not the only Federal funds received by the State for such activities, whether receiving the Federal funds under multiple programs constituted an unnecessary administrative burden for the State, and if so, a description of the nature of the burden;

(3) the extent to which, in the fund, amounts received by the State from the Federal Government under the program, together with State funds contributed pursuant to the program, are commingled with other Federal and State funds, including a specification of the total amount contributed by the State to the fund and the percentage constituted by such amount; and

(4) the amount expended by the State from the fund for each of the activities authorized in the eligibility provisions of the program, the percentage of the fund constituted by each such amount, and the policies underlying the allocation among such activities of amounts in the fund.

(b) REPORT.—The Comptroller General of the United States shall, not later than September 30, 1990, complete the study required in subsection (a) and submit to the Congress a report describing the findings made as a result of the study.

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect October 1, 1989, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore (Mr. WILLIAMS). Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. OWENS] will be recognized for 20 minutes and the gentleman from Texas [Mr. BARTLETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Speaker, I yield myself such time as I may consume.

Today, we have an opportunity to address the tragedy of child abuse in this country. I have spoken on many occasions about this escalating problem. The statistics are simply beyond imagination: 2.2 million reports were filed in 1988; a total of 1,255 children dead in 1988 as a result of maltreatment.

H.R. 2087, the Child Abuse Challenge Grants Reauthorization Act of 1989 continues to enable the States to maintain educational efforts designed to prevent the horror of abuse and neglect. This program represents a challenge not only to the States but to all of us, including the administration, to do more to prevent the abuse of our children. If we are truly going to be a "kinder and gentler" Nation, we must begin with the compassionate treatment of the youngest and most vulnerable members of our society. Everyone can play a role, but it is crucial that the Federal Government lead the way.

The original legislation was enacted in 1984 to encourage States to adopt child abuse prevention funding programs, such as the children's trust funds, and to help States maintain existing programs. These prevention programs are State government entities which help communities assume responsibility for the prevention of child abuse by providing needed expertise and funding. Revenue for the programs is generated from a variety of

sources: State income tax checkoffs; surcharges on marriage licenses and birth certificates; as well as private donations and State appropriations. Since the establishment of the first children's trust fund in the State of Kansas in 1980, 49 States have set up specially designated child abuse prevention funds eligible for Federal challenge grants. Under the Federal challenge grant law, States are provided a match of one Federal dollar for every four State dollars designated for child abuse prevention.

Since the enactment of the Federal law, appropriations have never been adequate to fully meet the match. Despite the relatively low level of funding for this program, the Federal challenge funds have been an important form of assistance to States to expand their services and to develop innovative programs. Information provided at the April 6, 1989, hearing before the Subcommittee on Select Education indicated that Federal funds have allowed States to provide more services in a greater number of communities than would have been possible with State revenues alone. Each year, State prevention funds are unable to support thousands of qualified programs due to lack of money. On the average, States are unable to fund more than half of the grant applications they receive; in some States the funded grantees run as low as 8 percent of the eligible applicants. Fluctuations in State economies have dictated cuts in State spending. Child abuse prevention money can be a target for budget reductions. As a matter of fact, State spending on children's trust funds in my home State of New York and in Louisiana has been threatened. This predicament points to the need for expanded State support as well as sustained Federal support through the challenge grant program reauthorized by H.R. 2087.

I want to thank the ranking member of the Subcommittee on Select Education for his work on the bill, as well as thank my other subcommittee colleagues.

We have before us today a vehicle that sends a message to the States that the Federal Government continues to be committed to leading national efforts in the areas of child abuse prevention. I urge that my colleagues support the passage of this bill by unanimous vote.

Mr. BARTLETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering H.R. 2087, the reauthorization of the Child Abuse Challenge Grant Act which has been successful in establishing child abuse trust funds and other funding mechanisms in 48 States to support child abuse and neglect prevention activities. While I am supporting this reauthorization, I do share the concerns of many, that in many States this Challenged Grant Program has accomplished its mission. I did offer an amendment in committee to require the General Accounting Office to conduct a study of this program to determine whether this legislation has a continued purpose or whether we ought to shift these funds into a different and related mission since the Challenge Grant Program may well seem to have accomplished its original goal.

I would encourage the Committee on Appropriations in considering appropriation levels for this legislation to consider these accomplishments already made.

The Child Abuse Challenge Grant Program was established in the 1985 continuing resolution, Public Law 98-473, to encourage States to establish and maintain trust funds or other funding mechanisms to support child abuse and neglect prevention activities. States are eligible to apply for these grants if the State has established and maintained one of these funding mechanisms to prevent child abuse. Activities funded by these grants include providing educational and public information seminars to develop public awareness of the problem, encouraging professional persons to recognize and deal with child abuse and neglect, and encouraging the development of community prevention programs. Members of the House should be aware that the administration is not supporting this reauthorization because they believe the Federal program has accomplished its goal. Forty-eight States have established trust funds or other funding mechanisms for child abuse prevention activities. While I understand the administration's concerns, I believe the GAO study will provide the Congress with the necessary data on how States spend the Federal dollar so that in fiscal year 1991 when the Child Abuse and Neglect Prevention Act is considered, we can ensure that the Federal dollar is spent wisely and efficiently on child abuse prevention activities.

I, therefore, urge my colleagues to support this bill.

Mr. SLATTERY. Mr. Speaker, I rise to support legislation to reauthorize the Federal Child Abuse Prevention Challenge Grants Program.

Child abuse and family violence continue to plague families and communities across the United States.

Since 1981, the number of children reported abused or neglected has increased by more than 90 percent.

In 1986 alone, there were 2.2 million reports of child abuse and neglect nationwide.

Reducing child abuse and violence must be a national priority. Protecting our children, some of the most vulnerable of all Americans, must be done with the same uncompromising resolve Congress has put toward other law enforcement efforts.

I am proud to say that Kansas was the first State to create a trust fund for the prevention of abuse, neglect, and family violence.

Since it began in 1980, the Kansas child abuse trust fund has provided financial and technical assistance to support hundreds of community-based abuse prevention and education programs across the State. Thirty two new community and local programs will receive funding from the Kansas trust fund this year.

Kansas' child abuse trust fund matches State and local dollars with Federal challenge grant funds. These combined resources assist communities in providing sexual abuse prevention services for school children, sponsoring parent education sessions, and developing domestic violence programs for at-risk families.

New programs are given 4 years to become self sustaining through private donations and contributions. In many cases, Federal funds are the only Government moneys these programs receive to assist local efforts to combat child abuse and neglect.

The 85 percent success rate of new child abuse programs in Kansas stands as testimony that the Federal Government is getting a remarkable return on the $5 million it commits in funds to the Federal Child Abuse Prevention Challenge Grants Program.

To date, 48 States have established similar trust funds. And many have used Kansas' program as a model for theirs.

Congress has an opportunity to invest in the youth of America and provide them with an opportunity to find peace and happiness in a world that in many cases has brutally mistreated them.

We must continue to support State and local efforts to end the abuse and neglect of children and to halt domestic violence in American homes.

The Federal Challenge Grants Program provides critical assistance to States and is an effective incentive that encourages community action that addresses all aspects of family violence.

In the words of a famous Kansan and renowned humanitarian, Dr. Karl Menninger:

If we don't find a way to prevent the painful abandonment, abuse, and exploitation of children, we will spend the rest of our lives building mental hospitals and prisons.

Mr. Speaker, I urge my colleagues to support this legislation and send a message of hope to the abused and neglected children of our country.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 2087, a measure to transfer a certain child abuse program to the Child Abuse Prevention and Treatment Act, and I commend the distinguished gentleman from New York [Mr. OWENS] for bringing this measure to the floor.

In 1989, approximately $4.8 million in Federal grants was spent on the State level to support some 1,200 programs designed to combat child abuse. Though the National Center on Child Abuse and Neglect [NCCAN] has provided technical assistance and grants to these programs, the reported cases of child

abuse rose by 55 percent between 1981 and 1985, and child-abuse fatalities continue to rise today.

H.R. 2087 will incorporate child-abuse challenge grants into the Child Abuse Prevention and Treatment Act, directing the NCCAN to identify effective state child-abuse prevention programs. This measure aims to improve the current approach to combating child abuse by increasing the NCCAN's review and examination of Federal and non-Federal funds available for child-abuse prevention programs.

Mr. Speaker, child abuse remains a pressing problem in our society. We are faced with a rising rate of child abuse. Clearly more action is needed to prevent this atrocity. Accordingly, I urge my colleagues to join in support of H.R. 2087.

Mr. OWENS of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARTLETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. OWENS] that the House suspend the rules and pass the bill, H.R. 2087.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2087, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CHILDREN WITH DISABILITIES TEMPORARY CARE REAUTHORIZATION ACT OF 1989

Mr. OWENS of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2088) to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986.

The Clerk read as follows:

H.R. 2088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children With Disabilities Temporary Care Reauthorization Act of 1989".

SEC. 2. REFERENCES TO CHILDREN WITH DISABILITIES.

The Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117) is amended—

(1) in section 203, in the first sentence, by striking "handicapped children" and inserting "children with disabilities"; and

(2) in section 205—

(A) in subsection (a)(2)(C), by striking "working with handicapped" and all that follows through "families" and inserting the following: "working with children with disabilities, with chronically ill children, and with the families of such children,"; and

(B) in subsection (d)(2), by striking "the term" and all that follows through "such term in" and inserting the following: "the term 'children with disabilities' has the meaning given the term 'handicapped children' in".

SEC. 3. STATE INTERAGENCY COORDINATION.

Section 205(a)(1) of the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117) is amended—

(1)(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(B) in clause (iii) (as so redesignated), by striking "and" after the semicolon at the end;

(C) in clause (iv) (as so redesignated), by striking the period at the end and inserting "; and"; and

(D) by inserting after such clause (iv) the following new clause:

"(v) with respect to State agencies described in subparagraph (B), provide documentation of a commitment by all such agencies to develop a State plan for coordination among the agencies in carrying out programs and activities provided by the State pursuant to a grant under section 203."; and

(2)(A) by inserting "(A)" after "(1)"; and

(B) by adding at the end the following new subparagraph:

"(B) State agencies referred to in subparagraph (A)(v) are State agencies responsible for providing services to children with disabilities or with chronic or terminal illnesses, or responsible for financing services for such children, or both, including State agencies responsible for carrying out State programs that—

"(i) receive Federal financial assistance; and

"(ii) relate to social services, maternal and child health, comprehensive health and mental health, medical assistance and infants, or toddlers and families.".

SEC. 4. REPORTS.

Section 205(c) of the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117) is amended by amending the second sentence to read as follows: "Such report shall include—

"(1)(A) information concerning costs, the number of participants, impact on family stability, the incidence of abuse and neglect, the types, amounts, and costs of various services provided, demographic data on recipients of services, and such other information as the Secretary may require; and

"(B) with respect to services provided by the States pursuant to section 203, information concerning the number of families receiving services and documentation of parental satisfaction with the services provided;

"(2) a specification of the amount and source of public funds, and of private funds, expended in the State for temporary child-care for children with disabilities or with chronic or terminal illnesses; and

"(3) a State strategy for expanding the availability in the State of temporary child-care, and other family support, for families of children with disabilities or with chronic or terminal illnesses, which strategy specifies the manner in which the State intends to expend any Federal financial assistance available to the State for such purpose, including any such assistance provided to the State for programs described in section 205(a)(1)(B).".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 206 of the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117) is amended—

(1) in the first sentence, by inserting before the period the following: ", and $20,000,000 for each of the fiscal years 1990 and 1991"; and

(2) in the second sentence, by striking "Such sums" and inserting "Amounts appropriated under the preceding sentence".

SEC. 6. REVISION OF SHORT TITLE.

Section 201 of the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117) is amended by striking "This title" and all that follows and inserting the following: "This title may be cited as the 'Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986'.".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1989, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. OWENS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. BARTLETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. H.R. 2088, the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1989, represents an important step forward in our recognition that support services for parents need to be improved if we are really concerned about helping to preserve and strengthen the American family. This legislation provides key leadership to the States in their continued efforts to improve their services for children with special needs. The bill is strengthened by the addition of more specific evaluation requirements, as well as directives to improve State coordination of respite care services.

The subcommittee heard testimony concerning a survey of respite care users which revealed that over 30 percent of families would not have been able to cope if respite care had not been available. As medical science makes it possible for increasing numbers of children with disabilities or chronic illnesses to live at home, the need for these services then becomes even more apparent.

This is a program which saves the Federal Government money. It eliminates huge expenditures in unnecessary institutionalization. These demonstration funds have allowed States to move in the right direction: States are finding that the need for respite services is as great or greater than expected; States are serving populations previously not served by respite care programs; and States report that the crisis nursery grants are creating ways to respond to parents under stress before damage is done and before removal of children from the home becomes necessary.

I want to thank Mr. BARTLETT, the ranking member on the Subcommittee for Select Education, for his humane understanding of the need to increase this important program that helps to preserve families under increased stress. I would also like to recognize the leadership of both Mr. BARTLETT and Mr. GOODLING, the ranking member of the Committee on Education and Labor, in supporting the bill. Mr. MILLER of California deserves special recognition for helping to craft the original legislation and for contributing to the bill we are voting on today.

I urge that my colleagues support the passage of this bill by unanimous vote.

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Mr. Speaker, I reserve the balance of my time.

Mr. BARTLETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2088, the Temporary Child Care for Handicapped Children and Crisis Nurseries Act.

Mr. Speaker, I very much appreciate the leadership which has been shown on this subject and on the legislation by my colleague, the chairman of the subcommittee, the gentleman from New York [Mr. OWENS].

Mr. Speaker, respite is a needed service for parents and families of children with disabilities, and it is a program that will ultimately save the taxpayer millions of dollars. However, unlike the child abuse challenge grants and the VISTA Program, networks for respite care in this country are not well established. They are in their infancy stages.

Respite care is a function that provides parents with severely handicapped children an occasional respite from the needs of those children. This gives parents a chance to be by themselves, spend time with each other and their other children, or just go to dinner or to a movie.

It is a needed service as increasing numbers of severely and multiple handicapped children live at home with their families. Providing that need is good for the parents; good for the family; good for other siblings; and good for the handicapped children themselves. It is also good for the taxpayers.

Respite care is not a program that depends on the Federal dollar for the bulk of its funding. The parents themselves pay for the service typically on an income adjusted or means tested basis. In addition, nonprofit groups pay for an even larger portion of the service as do State and local governments. The Federal dollar provides the network of seed money needed to ensure that respite care is available.

The issue is not the payment of respite care or the funding of it by parents. The issue is its availability. If respite care is not available at all, many families may take the other alternative of placing their child in a taxpayer-provided out-of-home permanent residential setting. This has negative consequences for the parents, for the child, for the other siblings, and for the taxpayer.

While the administration supports the providing respite care to disabled and seriously ill children, they do not believe that extending this program at such a high level is necessary. In fact, the President's fiscal year 1990 budget proposal recommended funding for this program. While the authorization level of $20 million in fiscal year 1990 and fiscal year 1991 is a dramatic increase, the cost for providing the only other alternative, out-of-home residential placement, is approximately $3.38 billion annually. If we increase this reauthorization to $20 million, we avoid increasing those already large costs associated with out-of-home residential placement while continuing to increase the network of respite care services.

I believe our choice is clear. We can spend a small amount of money, in this case $20 million, for a network of respite care services, or we can continue to watch the $3.38 billion out-of-home residential care cost increase. I think $20 million is a small investment to keep children with disabilities at home and in the community.

I urge my colleagues to support passage of H.R. 2088.

Mr. OWENS of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, first of all, I want to begin by thanking my colleagues on the Education and Labor Committee for all the time and effort they put in on behalf of this legislation, with a special thanks to the subcommittee chairman, the gentleman from New York [Mr. OWENS], for his work in bringing this bill to the floor, and with thanks also to the gentleman from Texas [Mr. BARTLETT] for all of his help.

The gentleman from Texas [Mr. BARTLETT] and the gentleman from New York [Mr. OWENS] have already made the case that this is clearly one of those cases where we have the ability to spend some money on behalf of families that have already made huge sacrifices to take care of their own children under the most difficult of circumstances and by being able to invest this small amount of money forgo the incredible costs that would be necessary to take care of these children out of their own homes.

I had the honor of holding hearings a number of years ago with our former colleague, Senator Claude Pepper, and we listened to families, most of which had already made huge economic sacrifices to take care of their children that were born with disabilities, children that had become critically ill or terminally ill because of accidents, many children that had been hurt while riding bicycles or motorcycles and that now had no ability to function for themselves. These were families that had given up their jobs or had given up the salaries of one or more members of the family, or moved to smaller homes to take care of their own, to take care of their children in their homes where they could provide them the love and the care that they needed as a member of that family. But all too often what we saw was that there was no relief for those families. There was no way to get out of the house, to take a walk in the park, to get your hair done, to go shopping, to take care of your other children, to go to a movie, or to do the kinds of things we all associate with normal family life, because very often these children required 24-hour care.

In some instances, in my own State where respite care is provided, there were also problems. I remember one of the witnesses used almost 2 months of her respite care time that she was allowed under State law just to come to testify to the committee and say that she needed respite care and that other families like hers needed it.

So, Mr. Speaker, I want to commend my colleagues on the Education and Labor Committee and urge the passage of this legislation. Again, I thank the subcommittee chairman, the gentleman from New York [Mr. OWENS], and the staff of the subcommittee for the time they spent in helping to continue the development of this legislation. I would hope that we would all vote for this legislation and this investment in these families that have already given so much to maintain the integrity of their families and the love of their families under very difficult circumstances.

Mr. Speaker, I rise in support of H.R. 2088, the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act, and urge continuation of two important child care dem-

onstration programs: Temporary child care for disabled and chronically ill children, and crisis nurseries to provide short-term child care for young children who are potential victims of child abuse and neglect.

I want to commend Mr. OWENS and Mr. BARTLETT for their continuous leadership and commitment to this issue, and for the action taken in previous years to extend these child care programs, which are among the most successful and cost-effective child abuse prevention strategies in operation.

The legislation we are considering today will enable more States and communities to participate, and by strengthening the evaluation requirements, will provide the basis for determining in a more careful way, the promise of such an approach to alleviating family stress that can undermine family stability and even lead to child abuse.

These programs were first authorized as title II of the Children's Justice Act in August of 1986, and appropriations were approved for fiscal year 1988. The Department of Health and Human Services did not release the funds, however, until the very end of the fiscal year.

We've been waiting for almost 3 years now to see these proven abuse prevention programs approved, funded, and implemented. While we were waiting, the number of child abuse victims, including children who died as a result of abuse, has continued to escalate.

Families with a disabled child are at even higher risk for abuse, especially when social and family supports are absent, which is all too frequently the case.

The Select Committee on Children, Youth, and Families has documented that the overburdened social services system is contributing to the escalating child abuse tragedy. Now more than ever, families need support to prevent abuse before it occurs.

Cost-Benefits of Respite Care:

Respite care is an investment that can reduce family stress and the abuse that may result. In addition, respite services have been shown to prevent more costly institutionalization.

New findings from a nationwide survey of parents with disabled family members reaffirm those statements—that a primary reason families use respite is to relieve emotional stress and that for most of them, respite allows them to continue to care for their disabled family member at home.

Crisis nursery services can also save money by avoiding foster care or institutional placements. In California, it has been estimated that an average investment of $400 per month in crisis nursery child care can prevent an expenditure as high as $4,800 per month per child for an institutional placement.

Select Committee Survey Findings:

We have waited so long to see these programs put into place. Families have been waiting far longer. In our eagerness and concern to see how States are progressing, I asked Select Committee staff to survey the 28 States that recently received fiscal year 1988 Temporary Child Care/Crisis Nursery funds.

We were delighted to learn of the considerable excitement and creativity with which States are approaching these programs. Most have taken or are planning to take innovative approaches to working with particularly underserved children and families. Nevertheless, most striking was the States' overwhelming sentiment that the resources made available through these two programs will be able to fill only a fraction of the enormous need.

States are finding that the need for respite services for families of disabled, chronically ill and emotionally disabled children is as great or greater than expected.

Consistent with the provisions of the act, many States are serving populations previously not served by respite care programs, including chronically ill or severely emotionally disturbed children, very young children, or families in isolated rural areas.

States report that the crisis nursery grants are creating ways to respond to parents under stress before damage is done and before removal of children from the home becomes necessary. But they also report that the need is overwhelming, especially for special populations.

Future Funding Needs:

In a few of the States, the intent of the legislation—to more significantly involve States in funding respite care or crisis nurseries on their own—may be taking hold, but in others, current resources may simply be too limited.

However, since most of the temporary child care or crisis nursery programs are targeted to limited areas of a State—only two have statewide programs—large segments within States are left with no services whatsoever.

For many States more time is needed to demonstrate need and/or effectiveness of the programs.

Conclusion:

What we have now are very promising beginnings, but millions of families still receive no respite services.

Evident from the preliminary findings of the General Accounting Office's national respite care study requested by the Subcommittee on Select Education and the Select Committee on Children, Youth, and Families was the minimal involvement of the Federal Government. We can do more by providing incentives to expand the critically short supply of respite care.

I urge my colleagues to support the reauthorization of the Temporary Child Care for Children with Disabilities and Crisis Nursery demonstration programs. By extending the resources to build on the best of the already initiated programs, States will have a better basis on which to determine the need, demonstrate the impact these services have on saving lives and dollars too, and enable families who had remained unserved because of limited resources to participate in the benefits of respite care.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 2088, a measure to extend certain programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986, and I would like to commend the distinguished gentleman from New York [Mr. OWENS] for his unceasing efforts on behalf of the victims of child abuse and disabled children.

H.R. 2088 would authorize $20 million for each of fiscal years 1990-1991 to extend temporary care to children with disabilities as originally established in Public Law 99-401. In addition to this appropriation, H.R. 2088 requires States to develop a State plan to coordinate care providers and a strategy for expanding care to children with terminal or chronic illness. Further, this measure would establish strict oversight of State grant recipients by mandating their documentation of the number of families served and of family satisfaction with their program.

Studies have found a decisive link between child abuse/parental neglect and pressures of caring for children with disabilities. This measure, therefore, provides twofold results. It provides desperately needed nursery care for disabled and seriously ill children; and, at the same time, it will provide respite care to relieve parents who may otherwise become overburdened by the pressures of caring for their disabled or ill child.

Accordingly, Mr. Speaker, I urge my colleagues to recognize the horrifying frequency of the acts of child abuse and the contribution to that frequency caused by lack of proper support to those families with disabled children. Accordingly, I support H.R. 2088 and urge my colleagues to vote in favor of the resolution.

Mr. BARTLETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OWENS of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WILLIAMS). The question is on the motion offered by the gentleman from New York [Mr. OWENS] that the House suspend the rules and pass the bill, H.R. 2088.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2088, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on the motion on which further proceedings were postponed.

MEXICAN DEBT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to

the concurrent resolution, House Concurrent Resolution 86, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the District of Columbia [Mr. FAUNTROY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 86, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 331, nays 77, answered "present" 2, not voting 21, as follows:

[Roll No. 130]

YEAS—331

Ackerman	Dwyer	Kennedy
Akaka	Dymally	Kennelly
Alexander	Dyson	Kildee
Anderson	Early	Kleczka
Andrews	Eckart	Kolbe
Aspin	Edwards (CA)	Kolter
Atkins	Engel	Kostmayer
AuCoin	English	LaFalce
Ballenger	Evans	Lagomarsino
Bartlett	Fascell	Lancaster
Barton	Fawell	Lantos
Bateman	Fazio	Laughlin
Bates	Feighan	Leach (IA)
Beilenson	Fields	Leath (TX)
Bennett	Fish	Lehman (CA)
Berman	Flake	Lehman (FL)
Bevill	Foglietta	Lent
Bilbray	Ford (MI)	Levin (MI)
Bliley	Ford (TN)	Levine (CA)
Boehlert	Frank	Lewis (CA)
Boggs	Frenzel	Lewis (GA)
Bonior	Frost	Lightfoot
Borski	Gallegly	Lipinski
Boucher	Gallo	Lloyd
Boxer	Gaydos	Long
Brennan	Gejdenson	Lowery (CA)
Brooks	Gekas	Lowey (NY)
Brown (CA)	Gephardt	Luken, Thomas
Bruce	Gillmor	Lukens, Donald
Bryant	Gilman	Machtley
Buechner	Gingrich	Madigan
Bustamante	Glickman	Manton
Byron	Gonzalez	Markey
Callahan	Goodling	Martin (IL)
Campbell (CA)	Gordon	Martin (NY)
Campbell (CO)	Goss	Martinez
Cardin	Gradison	Matsui
Carper	Grandy	Mavroules
Chandler	Gray	McCloskey
Chapman	Green	McCollum
Clarke	Guarini	McCrery
Clay	Gunderson	McCurdy
Clement	Hall (OH)	McDade
Clinger	Hall (TX)	McDermott
Coleman (MO)	Hamilton	McEwen
Coleman (TX)	Hansen	McGrath
Conte	Hastert	McHugh
Conyers	Hatcher	McMillen (MD)
Cooper	Hayes (IL)	McNulty
Costello	Hefner	Meyers
Coughlin	Henry	Mfume
Cox	Hiler	Michel
Coyne	Hoagland	Miller (CA)
Crockett	Hochbrueckner	Miller (OH)
Darden	Horton	Miller (WA)
Davis	Houghton	Mineta
de la Garza	Hoyer	Moakley
DeFazio	Huckaby	Mollohan
DeLay	Hughes	Montgomery
Dellums	Hunter	Moody
DeWine	Hutto	Morella
Dickinson	James	Morrison (CT)
Dicks	Johnson (CT)	Morrison (WA)
Dingell	Johnson (SD)	Mrazek
Dixon	Johnston	Murphy
Donnelly	Jones (GA)	Murtha
Dorgan (ND)	Jones (NC)	Myers
Dornan (CA)	Jontz	Nagle
Douglas	Kanjorski	Natcher
Downey	Kaptur	Neal (MA)
Duncan	Kasich	Nowak
Durbin	Kastenmeier	Oakar
Oberstar	Rowland (GA)	Stenholm
Obey	Roybal	Stokes
Olin	Sabo	Studds
Ortiz	Sangmeister	Swift
Owens (NY)	Sarpalius	Synar
Oxley	Savage	Tauke
Pallone	Sawyer	Thomas (CA)
Panetta	Saxton	Thomas (WY)
Parker	Schaefer	Torres
Parris	Scheuer	Torricelli
Pashayan	Schneider	Towns
Patterson	Schroeder	Traficant
Paxon	Schulze	Traxler
Payne (NJ)	Schumer	Udall
Payne (VA)	Sharp	Unsoeld
Pease	Shays	Upton
Penny	Sikorski	Vander Jagt
Perkins	Sisisky	Vento
Pickett	Skaggs	Visclosky
Pickle	Skeen	Volkmer
Porter	Skelton	Vucanovich
Poshard	Slattery	Walsh
Quillen	Slaughter (NY)	Waxman
Rahall	Slaughter (VA)	Weber
Rangel	Smith (IA)	Weiss
Regula	Smith (MS)	Weldon
Rhodes	Smith (NE)	Wheat
Richardson	Smith (NJ)	Whittaker
Ridge	Smith (TX)	Whitten
Rinaldo	Smith (VT)	Williams
Ritter	Smith, Robert (OR)	Wilson
Roberts	Snowe	Wise
Robinson	Solarz	Wolf
Roe	Spratt	Wolpe
Rogers	Staggers	Wyden
Rohrabacher	Stallings	Wylie
Rose	Stangeland	Yates
Rostenkowski	Stearns	Yatron
Roukema		

NAYS—77

Annunzio	Grant	Packard
Anthony	Hammerschmidt	Petri
Applegate	Hancock	Pursell
Archer	Harris	Ray
Armey	Hayes (LA)	Russo
Baker	Hefley	Saiki
Barnard	Herger	Schiff
Bentley	Holloway	Sensenbrenner
Bilirakis	Hopkins	Shaw
Broomfield	Hubbard	Shumway
Browder	Inhofe	Shuster
Brown (CO)	Ireland	Smith, Robert (NH)
Bunning	Jacobs	Solomon
Burton	Jenkins	Spence
Carr	Kyl	Stark
Coble	Lewis (FL)	Stump
Combest	Livingston	Sundquist
Craig	Marlenee	Tanner
Dannemeyer	Mazzoli	Tauzin
Derrick	McCandless	Thomas (GA)
Dreier	McMillan (NC)	Valentine
Edwards (OK)	Molinari	Walgren
Emerson	Moorhead	Walker
Erdreich	Neal (NC)	Watkins
Flippo	Nelson	Young (FL)
Gibbons	Nielson	

ANSWERED "PRESENT"—2

Crane	Leland

NOT VOTING—21

Bereuter	Hertel	Schuette
Bosco	Hyde	Smith (FL)
Collins	Owens (UT)	Smith, Denny (OR)
Courter	Pelosi	Tallon
Espy	Price	Young (AK)
Florio	Ravenel	
Garcia	Roth	
Hawkins	Rowland (CT)	

□ 1455

The Clerk announced the following pair:

On this vote:

Mr. Hawkins and Mr. Denny Smith for, with Mr. Roth against.

Messrs. SENSENBRENNER, COBLE, SMITH of New Hampshire, McMILLAN of North Carolina, MOORHEAD, BROOMFIELD, HERGER, HAYES of Louisiana, WALGREN, HARRIS, RAY, THOMAS of Georgia, TANNER, BROWDER, FLIPPO, SHAW, DERRICK, NELSON of Florida, BILIRAKIS, VALENTINE, SUNDQUIST, INHOFE, DANNEMEYER, CRAIG, PURSELL, EMERSON, GRANT, and JENKINS changed their vote from "yea" to "nay."

Messrs. FIELDS, COX, HEFNER, and ROHRABACHER changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1450

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2788, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION, 1990

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-129) on the resolution (H. Res. 194) waiving certain points of order against consideration of the bill (H.R 2788) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2022, TO PROVIDE RELIEF FOR CERTAIN SOVIET AND INDOCHINESE REFUGEES

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-130) on the resolution (H. Res. 195) providing for the consideration of the bill (H.R. 2022) to establish certain categories of nationals of the Soviet Union and nationals of Indochina presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Indochina parolees, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 987, TONGASS TIMBER REFORM ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-131) on the resolution (H. Res. 196) providing for the consideration of the bill (H.R. 987) to amend the Alaska National Interest

Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMPUTER MATCHING AND PRIVACY PROTECTION ACT AMENDMENTS OF 1989

Mr. WISE. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be discharged from further consideration of the bill (H.R. 2848) to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the act for existing agency matching programs, and ask for its immediate consideration.

The Clerk read the title of the bill.

□ 1500

The SPEAKER pro tempore (Mr. WILLIAMS). Is there objection to the request of the gentleman from West Virginia?

Mr. McCANDLESS. Mr. Speaker, reserving the right to object, I do not object, but I yield to the gentleman from West Virginia [Mr. WISE] for an explanation of the legislation.

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding. Last year, the Congress passed the Computer Matching and Privacy Protection Act of 1988. This act regulates the use of computer matching conducted by Federal agencies or using Federal records.

We provided that the principal parts of the Act would take effect 9 months after the date of enactment. We estimated—and OMB agreed—that 9 months would be enough time for the agencies to comply with the new requirements. The effective date is July 19, 1989. That original estimate was optimistic. OMB took longer than it should have to issue implementing regulations required by the Act. Part of the delay was due to the presidential transition.

It is apparent now that more time is needed for agencies to comply with the Computer Matching Act. OMB has asked for an extension until the end of the year. That is what H.R. 2848 does. It extends the effective date for existing agency matching programs until December 31, 1989. Newly proposed matching programs will have to comply with the original effective date.

I am not aware of any opposition to the extension. It has been requested by OMB; it is supported by other Federal agencies and by several States. The chairman and ranking minority members of the Government Operations Committee support the bill. I am advised that the Senate will act later this week if the bill passes the House.

Mr. McCANDLESS. Mr. Speaker, further reserving the right to object, I believe the gentleman from West Virginia [Mr. WISE], chairman of the subcommittee, has adequately explained this measure to the House. The minority is in concurrence and recommends approval.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objeciton.

The Clerk read the bill, as follows:

H.R. 2848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Matching and Privacy Protection Act Amendments of 1989".

SEC. 2. EFFECTIVE DATE DELAYED FOR EXISTING AGENCY MATCHING PROGRAMS.

(a) IN GENERAL.—Section 10 of the Computer Matching and Privacy Protection Act of 1988 (5 U.S.C. 522a note) is amended by adding at the end the following new subsection:

"(c) EFFECTIVE DATE DELAYED FOR EXISTING PROGRAMS.—In the case of any matching program (as defined in section 552a(a)(8) of title 5, United States Code, as added by section 5 of this Act) in operation before June 1, 1989, the amendments made by this Act (other than the amendments described in subsection (b)) shall take effect January 1, 1990, if—

"(1) such matching program is identified by an agency as being in operation before June 1, 1989; and

"(2) such identification is—

"(A) submitted by the agency to the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and the Office of Management and Budget before August 1, 1989, in a report which contains a schedule showing the dates on which the agency expects to have such matching program in compliance with the amendments made by this Act, and

"(B) published by the Office of Management and Budget in the Federal Register, before September 15, 1989.".

(b) CONFORMING AMENDMENT.—Section 10(a) of such Act is amended by striking "Except as provided in subsection (b)" and inserting "Except as provided in subsections (b) and (c)".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

URBAN MASS TRANSPORTATION TURNS 25

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, I would like to share a very important milestone with my colleagues today. July 9 was the 25th anniversary of the signing of the Urban Mass Transportation Act of 1964 by then President Lyndon Johnson. This legislation was the first in a series of acts which have contributed greatly to the continued economic vitality and mobility of our cities and their suburbs, and which have also provided much needed transit services to our rural communities.

For example, Federal programs helped modernize transit fleets across the country, including the purchase of more than 77,000 buses, railcars, and trolleys. UMTA programs have also helped stabilize fares, which greatly contributed to our national boom in transit ridership. Since 1972, transit ridership in the United States has grown by more than 25 percent and remember, those who continue to drive should be grateful to transit riders for reducing the congestion which they must face. Some of our cities—such as Los Angeles, San Francisco, Chicago, and New York simply could not function without their transit fleets, since 45 to 80 percent of trips to their central business districts are taken on transit vehicles. Increased transit usage will also be absolutely essential to the attainment of clean air goals by many of our cities.

Mr. Speaker, in 1988 the transit industry provided almost 9 billion passenger trips in cities and rural communities across America. I am hopeful that my colleagues will join me in saluting the hardworking men and women who serve these passengers, and urge them to keep up the good work!

At this time I will place in the RECORD some background material regarding my comments.

THE NATIONAL COMMITMENT TO PUBLIC TRANSPORTATION

THE NEXT 25 YEARS

Transit facts

With the enactment of the Urban Mass Transportation Act of 1964, our nation, through policies and direct investment, committed itself to the provision of safe, reliable public transportation services. July 1989 marks the 25th anniversary of this important commitment, and provides an appropriate time to consider the shape and direction of national transit policy for the next 25 years.

The period from 1964 through recent years has been a time of transition:

The transit industry, in 1964, included many failing private companies; today it is essentially a vital public sector service.

The emergence of public transportation has been supported by a maturing partnership of federal, state and local governments, private interests and passengers.

In 1987, some $16.7 billion was invested in transit: 34 percent from fares and other private sources, 27 percent by local governments, 20 percent by states and 19 percent by the U.S.

Since 1981, investment shares from state and local governments, fares and the private sector have increased; the federal percentage has declined by nearly 30 percent.

The original goals of the federal program largely have been achieved. For example:

Essential recapitalization and reinvestment have been carried out through the purchase of more than 77,400 buses, rail cars, trolleys and vans.

Rapidly declining post-war ridership stabilized in 1972 and has increased more than 25 percent since. In densely-populated urban areas—such as New York and Chicago—as many as 80 percent of people traveling to central business districts use transit.

In the most rapidly-growing cities across the country, the percentage of work trips made on transit has increased up to 100 percent since 1970.

Sky-rocketing fares were stabilized through the period to reverse the downward trend in ridership.

The successful transition that we celebrate has been increasingly complicated. New goals, expectations and requirements have been placed upon a fragile, emergent public industry. Transit now performs social service functions, in used as a key economic development tool, has emerged as a critical factor in air quality improvement, energy efficiency, and a host of other often-competing purposes that vary widely from community to community.

The challenge to transit managers is to balance legitimate, competing public goals and external forces. In the process, the result frequently is restricted revenues, increased costs and even restrained ridership. Transit managers have, however, been equal to the task.

There have been marked improvements in transit efficiency. Between 1980-84, the cost per vehicle mile of service dropped 1.4 percent, after adjusting for inflation.

Transit labor costs are under control. Between 1980-84, the growth rate of transit compensation was 4.8 percent less than in comparable industries.

Despite the difficulties inherent in this initial transition period, transit has succeeded and is on the brink of a new era in the U.S. Restoration of the long-standing national commitment to public transportation over the next two years provides the opportunity to bring an array of resources to bear on current and emerging problems: the current capability to provide nearly nine billion passenger rides a year, as we did in 1988; the nearly 92,000 bus, rail and other vehicles that are in scheduled service; 275,000 highly skilled, dedicated employees.

Looking ahead, there is a need for substantial change in national policies and programs to allow public transportation to achieve its greatest potential.

Having emerged from an era of fundamental change, transit is eager to explore the new frontier of change that will make it even more effective in serving the multitude of goals to which expanded transit services must contribute in the future.

THE CASE FOR TRANSIT

BUSINESS AND ECONOMIC BENEFITS

Transit is a $15 billion a year business.

Each year, the transit industry spends about $10 billion to purchase fuels, insurance, vehicle parts and to provide jobs and income to hundreds of thousands of employees operating over 1,000 transit systems.

Every $100 million spent on transit operations generates $300 million in total business revenue and more than 9,600 jobs.

About $5 billion per year is spent on various types of capital projects. These capital projects generate revenue for industries selling goods and services to transit and to other sectors of the nation's economy.

Every $100 million spent on capital projects results in a $327 million increase in business revenue and supports nearly 8,000 jobs.

In New York, MTA's Capital Improvement Program is providing more than 140,000 jobs in the metropolitan area, reducing the unemployment rate in the area's construction industry alone by approximately 25%.

In Atlanta during construction years 1974-1984, MARTA generated 85,116 jobs through direct and indirect employment in the metro area.

In Washington, D.C., Metro-related jobs accounted for 30% of the region's employment increases during its four year construction period. This increased to 35% in the four year period (1976-80) after Metro opened.

Transit systems, both bus and rail, attract new businesses, and encourage reinvestment by supporting established travel patterns and by providing a reliable and convenient mode of travel for employees and patrons.

One firm in San Antonio stated that its move to the area was primarily the result of the willingness of the local transit agency to provide service to the plant.

Georgia Pacific moved its world headquarters to Atlanta, erecting a 50-story building adjacent to the MARTA Peachtree Center Station. Southern Bell built its 50-story regional headquarters above the MARTA North Avenue Station.

Employers who provide free transit passes or who subsidize transit usage experience huge savings in the cost of parking spaces.

Exclusive of land costs, an underground parking space costs $13,000 to $15,000 to construct, above ground costs $7,000 to $9,000 per space while surface space averages about $3,000 per space.

One firm in Bridgeport, Connecticut tripled bus use among its downtown employees when it began to offer free transit.

Large percentages of downtown employees use transit to get to their jobs: Philadelphia, 64%; Atlanta, 40%; New York City, 80%; Cleveland, 50%; Chicago, 80% and Toronto, 80%.

Rail development stimulates construction and business development.

Since Metrorail service in Alexandria, Va. began in December 1983, the price of a square foot of nearby commercial land has jumped 600%.

A major department store in Washington, D.C. paid $500,000 for a knock-out panel to provide direct connection between its building and the Metro Center Station. The store experienced an initial 54% increase in retail sales volume and has realized substantial increases in sales each time the Metro system has expanded.

A City council study in Washington, D.C. concluded that Metrorail stimulated $970 million worth of private development. Another $5 billion worth of investment is anticipated with completion of the system.

Dade County, Florida expects to receive $5 million in connector fees from the downtown component of the Metrorail System.

Two-thirds of some 26 developers surveyed in San Francisco said that BART had been an important consideration in decision-making. A total of $1.4 billion in new building has been credited to BART through 1980.

Development which integrates transit with new private construction projects greatly reduces the cost of city services in the areas of public works, public safety and general services.

Bus services and facilities stimulate business as well.

Brockton, Massachusetts' new bus transfer center is credited with helping to generate over $14 million in private investments.

Jacksonville, Florida's downtown retailers successfully petitioned the mayor after 25% of the local bus routes were moved three to four blocks away from the CBD. Retail sales dropped by nine percent over a five month period. The old bus routes were restored.

The mayor of Portland, Oregon reported a 50% increased rate of employment and office space since the city initiated plans to limit automobiles in the downtown area and improve the transit system. The downtown occupancy rate is over 95% and some 1.5 million square feet of new office space is under construction.

According to the Greater Philadelphia Chamber of Commerce, a 1977 strike which shut down public transportation in Philadelphia for 44 days produced a total economic loss to the region of $94.6 million. $32.7 million of this loss came solely from retail sales.

In 1981, during a 19 day strike, the economic loss was estimated by the Chamber at $35.8 million.

The New York City transit strike in 1980 cost in excess of $100 million per day in lost business activity, wages and tax revenues.

URBAN MASS TRANSPORTATION TURNS 25

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, Sunday was the 25th anniversary of the signing of the Urban Mass Transportation Act of 1964 by then-President Lyndon Johnson. The programs resulting from this act, which are now under the Urban Mass Transportation Administration, have been a tremendous success in stabilizing transit fares and increasing ridership nationally. They will become increasingly important as we struggle with the social and economic costs of poor air quality and increased traffic congestion.

Last year, an additional 28 American cities joined the list of communities which failed to meet Federal clean air standards for ozone, caused principally by automobile tailpipe emissions. Unfortunately, we can no longer assure better air quality by further reducing tailpipe emissions, since projected increases in automobile travel will more than offset these tailpipe reductions. Instead, we must focus on increased shared ride commuting. For this reason, virtually every clean air attainment plan in this country assumes a significant increased role for transit in achieving Federal clean air goals. Every commuter taking mass transit rather than driving reduces his or her contribution to air pollution by more than 75 percent.

Increased transit ridership will also figure significantly in any solution to this country's growing traffic congestion, which is a significant drain on

our economy. In fact, the Federal Highway Administration estimates that freeway delays will cost America $50 billion every year by the year 2005. As chair of the Subcommittee on Surface Transportation, I will be scheduling hearings this fall on the future of transit programs. I believe that as we formulate programs to deal with our increasing traffic congestion, we must give great weight to the tremendous success and progress demonstrated by the transit industry over the past 25 years.

On this important anniversary, I would like to especially congratulate the hard-working men and women across America who operate the buses and railcars of our transit systems, as well as the mechanics who repair them. I know that my colleagues join me in thanking you for a job well done.

Mr. Speaker, I will place some background information regarding my remarks in the RECORD at this point.

[From the American Public Transit Association]

AIR QUALITY ISSUES

WHY PUBLIC TRANSPORTATION IS THE CLEAN AIR ALTERNATIVE TO THE COMMUTER AUTOMOBILE

Urban air quality in the United States is getting worse. In more and more areas, it threatens our health, limits our mobility and degrades the livability of cities.

The Congress and the Bush Administration have proposed plans to amend the nation's Clean Air Act in an effort to improve the air we breathe. The issue will be at the top of the federal policy agenda in the months ahead.

ANY SUCCESSFUL EFFORT TO IMPROVE URBAN AIR QUALITY MUST INCLUDE THE GOAL OF REDUCING TRANSPORTATION-RELATED EMISSIONS

Facts;

96 U.S. cities and other areas failed to meet federal clean air standards for ozone last year, 28 more than in 1987. Ozone is the harmful by-product that occurs when sunlight reacts with hydrocarbons and nitrogen compounds from vehicle exhaust emissions and other sources of pollution.

There is growing concern and attention to the threat of the greenhouse effect of global warming which begins with the release into the atmosphere of pollutants such as carbon dioxide (CO_2) from automobiles and other sources.

The U.S. produces one quarter of the world's total of CO_2, the most significant greenhouse gas. Thirty-one percent of CO_2 in the U.S. comes from mobile sources.

The transportation sector is where CO_2 emissions are growing the most, as vehicle miles of travel continue to increase.

Reduced tailpipe emission standards alone will not assure better air quality. This is because cleaner emissions will be outweighed by projected increases in the number of cars on the road and the miles they travel.

WHAT IS NEEDED IS A NATIONAL STRATEGY TO SERVE MOBILITY NEEDS WITHOUT EXPANSION OF VEHICLE MILES OF TRAVEL (VMTS) AND THE EMISSIONS THAT RESULT.

Such a strategy must include a stronger effort to link air quality and transportation plans and a new national commitment to alternatives to the single-occupant automobile. The key is more investment in the use of mass transit and other forms of high-occupancy, shared-ride services.

TRANSIT POLLUTES LESS

Each time the typical commuter uses mass transit, instead of driving to work, air pollution is reduced.

Riding transit instead of driving cuts: Hydrocarbon emissions by 90 percent; carbon monoxide by more than 75 percent; nitrogen oxides by up to 70 percent; particulate matter (soot) by up to 90 percent for rail travel.

POLLUTION BY MODE OF TRAVEL

[Measured in grams per passenger-mile for typical work commutes]

Mode	Hydrocarbons (HC)	Carbon monoxide (CO)	Nitrogen oxides (NO_x)	Particulates (soot)
Rail transit	0.01	0.02	0.47	0.03
Transit bus	.20	3.05	1.54	.33
Vanpool	.36	2.42	.38	.05
Carpool	.70	5.02	.69	.14
Commuter automobile	1.82	13.10	1.79	.37

Source: American Public Transit Association, June 1989 based on national average vehicle occupancy rates.

Transit's emission-cutting capability results from the large number of people carried per vehicle.

A typical transit bus in the U.S. carries 17 passengers during rush hour; a heavy rail car typically holds 37 people. In many cities, the average passenger loads are much higher.

In contrast, the average passenger load of a commuter automobile is only 1.2 persons.

Clearly, any effort to reduce emissions and improve urban air quality must include a clear strategy to encourage investment in and use of high-capacity, shared-ride transportation services.

GRIDLOCK CAUSES AND CURES

A FACT SHEET ON ENSURING MOBILITY WITH MASS TRANSIT AND OTHER SHARED-RIDE SERVICES

What is Gridlock?

In simple terms, traffic congestion—or gridlock—occurs when there are more people who want to use a given road or highway during a specific time of day than the facility can handle. Gridlock results in lost productivity, excessive fuel consumption, poor air quality that affects personal health and the livability of our cities, sprawling development, deterioration of natural resources and unhappy, stressed motorists. America's reliance on the single-occupant vehicle and the scarcity of suitable transportation alternatives lie at the heart of the problem.

What Causes Traffic Congestion?

Congestion is a complex problem, influenced by many factors. The most important is the dominance of single-occupant autos competing for inadequate space.

Some other major factors are:

More people are living, working and traveling in metropolitan areas; more than 75% of the nation's citizens live in metropolitan areas.

Growth in the number and use of automobiles—the annual number of passenger car registrations in the U.S. has more than doubled since 1960, from 62 million to 139 million; U.S. motor vehicle travel reached 1.9 trillion miles in 1987, an increase of 27% from 1977; the number of vehicles per worker went from 0.9 in 1960 to 1.3 in 1980.

Central business districts remain the largest single travel destination, although more people are traveling to and from locations dispersed throughout metropolitan regions. In cities and suburbs road systems are frequently overwhelmed. Among the 34 largest U.S. metropolitan areas, suburb-to-suburb commuting grew by more than 32% between 1970 and 1980 while work trips oriented to central business districts still grew 17%; in 1980, 56% of all office space was located in urban centers, 43% in suburbs. By 1986, the situation was reversed—60% in suburbs and 40% in cities; between 1960 and 1980 the share of work trips which began and ended in the suburbs increased from 30% to nearly 42% within U.S. metropolitan areas over 250,000 population.

Some other factors which contribute to gridlock are—plentiful employee-subsidized or free parking, in central cities and in job centers in the suburbs; unwise land use policies which fail to include or accommodate transit services; artificially low gasoline prices.

What Does Gridlock Cost?

The direct and hidden costs are enormous and growing:

A 1986 Federal Highway Administration study estimated that urban freeway delay would cost America $50 billion a year by 2005.

In California alone, more than 300,000 work hours are lost each day, at a cost of over $2 million.

The average solo commuter works ten weeks a year just to pay for the privilege of driving alone; approximately $2,000 per person could be saved each year by ridesharing.

What Does the Future Hold—Will it Get Worse?

In a word, yes.

Total vehicle miles traveled (VMTs) currently are increasing at a rate of 2.5% each year nationwide; 4-6% in many faster-growing communities.

Urban freeway congestion is expected to increase over 400% by the year 2005; it is expected to increase more than 1,000% in areas of less than 1 million in population.

At this rate of growth, over the next 32 years we will add as much new traffic to our road system as we added in the past 32 years—with questionable will and ability to double our road system.

What Can We Do About Congestion?

We must focus on the management of our mobility with a strategy that includes more and better transit and other shared-ride services.

We must consider options other than the single-occupant automobile. On most congested highways, there are only seven occupants for every six automobiles. Persuading just one of those solo drivers to rideshare or take transit will reduce traffic volume by 10-15%, often enough to reduce congestion.

We must learn to manage demand rather than increase supply. We must accommodate increasing *passenger* travel but without increasing *vehicle* travel to the same degree.

Land use policies must encourage and accommodate transit use. Future development must make travel options other than the single-occupant vehicle attractive and workable.

Tax laws must put transit on a par with employer-subsidized free parking. Currently, employers can underwrite a limit of $15 per month in employee transit fares; any more than that means employees must pay federal income tax on the entire amount of subsidy. Meanwhile, employer-provided

parking benefits are wholly tax free. Transit users deserve equal—if not preferential—tax treatment;

We must make available a broader array of innovative transit alternatives, including a full-range of shared-ride, high-occupancy services. Bus and rail systems, carpools, vanpools, and high-occupancy vehicle (HOV) lanes all must be expanded.

New investment in or transportation infrastructure must begin now. Federal transportation investment must be at least doubled to $40-$45 billion annually in order to maintain, upgrade and adapt current and new systems and services to meet existing and future travel demand.

We must consider changes in our personal behavior and our concepts of personal mobility. The single-occupant vehicle should no longer be the first and only travel option.

In summary, as increasing highway congestion threatens to spread gridlock, we must focus on the urgent need to manage mobility more wisely. What is needed is a new national commitment to alternatives to the use of the single-occupant automobile, and more investment in and use of mass transit and other high-occupancy, shared-ride services.

KENNEALLY LEAVING AIR FORCE DEPARTMENT AFTER 6½ YEARS OF DISTINGUISHED SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise to commend one of our Nation's most outstanding and dedicated senior Government executives as he leaves the Department of the Air Force after 6½ years of service.

Mr. Kenneally was born June 12, 1946, in Boston. He joined the Armed Forces at age 17. He attended helicopter flight training in 1967 and served in Vietnam in 1967–68 as an aircraft commander and fire team leader for helicopter gunships. Upon return to the United States, he served as an instructor pilot at the Army's helicopter flight school until 1970.

Mr. Kenneally then earned a bachelor's degree in economics with honors in 1972, and a master's degree in public administration in 1974, both from San Diego State University; and a master's degree in business administration from Marymount University in 1988. He has also completed the Harvard University School for Senior Executives, National Defense University's national security management course, Defense Systems Management College's course for general/flag officers and the Army War College. He is also a commercial rated pilot in both fixed- and rotary-winged aircraft.

In July 1972, Mr. Kenneally became Associate Deputy Administrator for the Veterans' Administration, responsible for labor relations and equal opportunity matters for more than 240,000 Government employees. In May 1983, he became Deputy Assistant Secretary of the Air Force (Reserve Affairs), providing outstanding management and policy oversight on a range of complex issues affecting our Nation's Air Reserve Forces—the Air National Guard, Air Force Reserve, and Civil Air Patrol.

As Deputy Assistant Secretary, Mr. Kenneally was the primary adviser throughout Government on Air Reserve Forces programs and policies. He served longer in this capacity than any of 14 predecessors dating back to 1951, and in each of his 6 full years in office he vastly exceeded his designated goals and objectives. No civilian serving in Government during the 1980's did more than he to advance the cause of the Air Reserve Forces and our Nation's total force policy.

Mr. Kenneally's military decorations include the Distinguished Flying Cross, Bronze Star with "V" device, the Meritorious Service Medal, the Air Medal, and the Army Commendation Medal. He holds the Order of California, the State's highest award for public service, and the highest award of the D.C. National Guard, the D.C. Distinguished Service Medal. For work on behalf of the North Atlantic Treaty Organization, he was invested as a Knight of the Sovereign Military Order of Malta by the Italian Cavalry Association and presented the Award of Knight Commander with Crossed Swords.

Mr. Kenneally's civic affiliations include service on numerous boards and commissions as well as life memberships in the Combat Pilots Association, the Reserve Officers Association, the Air Force Association, and the National Guard Associations of both the United States and the State of California. He is a former member of the San Diego Police Reserve, the Honorary Deputy Sheriffs of San Diego County, and the San Diego Chamber of Commerce.

Mr. Kenneally is married to the former Lois Maull of Morehead City, NC.

Mr. Speaker, I ask to enter into the record our commendation and sincere appreciation to Mr. Dennis M. Kenneally for his positively superior contributions and dedicated service to the Department of the Air Force, the Congress, his Commander in Chief, and the Nation. He is truly a patriot and an outstanding American.

FIFTEEN YEARS AGO: THE SAVING OF OUR CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, the next 4 weeks mark the 15th anniversary of a series of events that saved our Constitution.

July and August of 1974 are among the most precious in our Nation's history. They were weeks in which we showed the world that even in a time of international tension, the people of the United States, through their elected Representatives in this Chamber, could and would uphold our Constitution.

The events involved the work of the Watergate Committees, the hearings and impeachments votes of the House Judiciary Committee, and the resignation of Richard Nixon for massive violations of the Constitution and the rights of the people.

It is said that those who fail to remember history are condemned to repeat it.

Maybe because we have not remembered the lessons of the summer of 1974 well enough, we have already repeated it in the Iran-Contra lies and violations of the Constitution. It may be that, unlike Watergate, the people responsible for violating the Constitution in the Iran-Contra affair have escaped punishment. If so, I fear for the future, since the lesson of Iran-Contra may be that Constitutional crime pays.

It is important to remember Watergate, because in the summer of 1974, we showed we knew how to protect the liberties of the people.

Mr. Speaker, today marks the 15th anniversary of the release of the House Judiciary Committee's 4,133 page record of evidence about the Watergate break-in. Today is the 15th anniversary of the beginning of the end of the crimes of Richard Nixon and the thugs who surrounded him in the White House.

There were several key findings by the committee that led them to conclude that Richard M. Nixon, then President of the United States of America, had in fact established a pattern of improper behavior through which he was able to use the office of the President and the powers vested within to serve his own personal interests regardless of the legality of such actions.

As evidence the following ought to be noted:

On April 5, 1973, under orders from Nixon, John Erlichman offered the job of FBI Director to Judge Matthew Bryne, who was at the time presiding over the Ellsberg trial. This was an offer to try and directly affect the outcome of the Ellsberg trial and Bryne refused to accept this bribe.

On April 18, 1973, the President ordered the Department of Justice not to investigate the break-in at the office of Daniel Ellsberg's psychiatrist's office claiming that the break-in, perpetrated by Howard Hunt and G. Gordon Liddy, was a matter of national security. In fact the break-in was directly tied to a pattern of crimes against critics of President Nixon and the war in Southeast Asia.

On April 30, 1973, Nixon lied to the American public when he pledged to do all in his power to see to it that those guilty of any misconduct within the White House or his reelection campaign committee would be brought to justice. On Saturday, October 20, 1973, two Federal Bureau of Investigation agents walked into the office of then Watergate Special Prosecutor Archibald Cox and closed the investigation. The agent's orders came from Nixon himself and the event is now known as the Saturday Night Massacre. Nixon fired Cox in an attempt to end the investigation of the Watergate break-in.

All of these events and many more were documented for the first time in the House Judiciary Committee report released on this day in 1974. This report documents the improprieties committed by Nixon and his associates and demonstrates the abuse and violations of the oath of office. The release of this report led directly to the impeachment proceedings that were to begin 2 weeks later.

WITHHOLDING FOR AGRICULTURAL EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I am today introducing legislation to require income tax withholding for agricultural employees. I believe this reform would benefit both workers and the Federal Government without causing undue inconvenience or cost for employers.

Under current law, most employees have a proportional amount of their paychecks withheld in order to assist them in paying their income tax. This permits the Government to make use of the tax they owe, and it enables the individual employee to avoid a large, and possibly unmanageable, payment to the Internal Revenue Service every April. This method of tax collection has worked efficiently and has benefited employees, employers, and the Government for several decades.

Agricultural employees were originally exempted from withholding for good reason. The migratory nature of their work, along with the scattered and very low pay they received, made withholding unnecessary and inefficient. It also posed an additional paperwork burden for employers. Thus, it made little sense to go through the process of withholding for individuals who, most likely, would not owe taxes at the end of the year.

Today, however, this situation has changed significantly. The rapid rate of inflation, increased wages and immigration law reform have pushed farm employees into higher tax brackets. They now face the reality of owing the Government, a potentially substantial amount that must be paid at one time, by April 15. If they are to avoid this tremendous financial burden, the Federal Government will have to treat agricultural employees like other workers and have income withheld from their paychecks throughout the year.

Withholding for agricultural employees would provide important benefits for the Nation as well. The more difficult it is for people to pay their taxes, the less likely it is that they will comply with the law. Unfortunately, statistics compiled by the Treasury estimates that $1.3 billion of income goes unreported by farm employees annually.

Given these figures, it is not surprising that the Joint Committee on Taxation estimates that my legislation would increase revenues by more than $400 million over a 5-year period. With our efforts currently concentrated on reducing budget deficits, we cannot simply throw away this legitimate revenue.

My bill is designed to affect only those farm employees for whom the FICA tax is already withheld by their employers. Thus, it would not impose an unreasonable paperwork burden on farmers, since they would not have to initiate withholding for any worker for whom they were not already withholding income.

I believe this bill is a sound practical approach to a significant problem, and I would strongly urge my colleagues to join me in supporting it.

The following is a text of my bill:

H.R. 2859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (2) of section 3401(a) of the Internal Revenue Code of 1986 (defining wages for purposes of income tax withholding) is amended to read as follows:

"(2)(A) in any medium other than cash for agricultural labor; or

"(B) in cash for agricultural labor unless—

"(i) the cash remuneration paid in the calendar year by the employer to the employee for such labor is $150 or more, or

"(ii) the employer's expenditures for agricultural labor in such year equal or exceed $2,500;

except that clause (ii) shall not apply in determining whether remuneration paid to an employee constitutes 'wages' under this section if such employee (I) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (II) commutes daily from his permanent residence to the farm on which he is so employed, and (III) has been employed in agriculture less than 13 weeks during the preceding calendar year; or".

(b) Section 3401 of such Code is amended by adding at the end thereof the following new subsection:

"(h) AGRICULTURAL LABOR.—For purposes of subsection (a)(2), the term 'agricultural labor' has the meaning given such term by section 3121(g)."

(c) The amendments made by this Act shall apply to remuneration paid on or after the 1st day of the 1st calendar year beginning after the date of the enactment of this Act.

OUR FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, it was just week before last that a number of Members on both sides of the aisle stayed here all night to talk about the American flag.

Over the past 10 days or so, there has been a great deal of debate in this country.

Many people argue the fact that we now have the right to burn the flag, based on the Supreme Court decision, is a very important symbol. I happen to disagree with those who subscribe to that.

Mr. Speaker, over this break I had the opportunity to visit my family and some supporters in the midwestern part of the country, in Kansas City, MO. During that time there was an editorial which was carried on television. I talked about this editorial with my colleague, the gentlewoman from Kansas [Mrs. MEYERS], as we were flying out here last night, and she very much agrees with me.

Mr. Speaker, I would like to share this editorial which was carried on July 1, 3, and 4 on KCTV, Channel 5 in Kansas City, MO, by the vice president and general manager, Mr. John C. Rose. This editorial reads as follows:

The Supreme Court was absolutely wrong in its ruling on the American flag.

No one should be allowed to deface the flag under any circumstances.

Those who agree with the court's ruling say it is a victory for free speech. Well, we believe in free speech and the right to express political dissent. But, the American flag is a symbol and constant reminder that we have those rights and to allow people to destroy our flag is a symbolic taking away of those rights.

A line has to be drawn somewhere and we think allowing people to desecrate the American flag is too much and the Supreme Court went too far.

Please take a minute to write us with your thoughts. Or, better yet, write your congressmen. Ask them to support new legislation to protect our flag. We have a right to protect our symbol of freedom.

Mr. Speaker, the President of the United States, and I mentioned this earlier when we convened this morning, has done a spectacular job of representing the cause of freedom in Poland when he delivered that very eloquent address at the Lenin Shipyard in Gdansk standing next to Lech Walenska. Mr. Speaker, it is apparent that the Stars and Stripes are very clearly a symbol not just to Americans, but to the people who are associated with the Solidarity movement.

□ 1510

That is why I hope very much we will be able to move expeditiously on the amendment which the President of the United States has called for, which my Democratic colleague, the gentleman from Kentucky [Mr. HUBBARD] and the gentleman from Mississippi [Mr. MONTGOMERY] and others are supporting and get it to the House floor so that we can put this amendment to the Constitution and have what will clearly be a great celebration.

UPDATE ON COMMEMORATION OF 600TH ANNIVERSARY OF BATTLE OF KOSOVO

The SPEAKER pro tempore (Mr. WILLIAMS). Under previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, as I announced to this House in my special order on June 20, 1989, I spent the week of June 25 through July 1 in Yugoslavia, in the Republic of Serbia, to be the guest of His Holiness Patriarch German for the commemoration of the 600th anniversary of the Battle of Kosovo.

During my absence, Mr. Speaker, the House considered and passed H.R. 2655, the 1990 foreign aid bill. I must rise today to take strong exception to one of the en bloc amendments that was added to the bill on the floor of this House.

The section to which I refer is section 862, human rights in Yugoslavia. This section is not only factually in-

correct but will go a long way toward destabilizing good relations with a country that is very important to the United States in the Balkans.

Yugoslavia is a nonaligned Communist nation which is known for its remarkable openness for being a Communist country. I saw ample evidence of this during my stay in that country. On many occasions I left my Government escort to wander on the streets and talk to the people.

What I found would be unheard of in any other Iron Curtain country. People on the street are not afraid to talk openly and express their thoughts on the political situation in their country.

Churches throughout the country are not only open but full as well, and the Bible can be bought in numerous stores and even from sidewalk vendors on the street.

While there can be no doubt that Yugoslavia still has a long way to go, there is ample evidence that the country is moving in the right direction with noticeable speed.

I have visited Yugoslavia on several occasions over the past 18 years, and the difference is remarkable.

I would now like to focus on the amendment that was inserted to the foreign aid bill, section 862.

In part (a) of this seciton, the Congress finds that human rights abuses in Yugoslavia are being targeted at ethnic Albanians living in the Kosovo province, and references a government crackdown earlier this year that led to quote, numerous deaths and injuries.

I have just returned from Kosovo, Mr. Speaker, and I have seen what is happening there. I will now present my findings to this Congress.

The Province of Kosovo is a semiautonomous part of the Socialist Republic of Serbia. Kosovo is a province with a majority of ethnic Albanian residents and a minority of Serbs living in it. Several historical factors have brought this situation about.

Kosovo also happens to have special significance to Serbians. Since June 28, 1389, it is sacred ground as far as the Serbians are concerned and to prove it, more than 2 million—and CNN Television said 3 million—Serbs turned out 2 weeks ago to observe the 600th anniversary of the Battle of Kosovo. That was when the Ottoman Turks defeated the Serbian hero Lazar in battle at that site.

The Government of Yugoslavia, after World War II, more specifically Marshall Tito, engaged in an all out effort to bring Albanian settlers into the traditional homeland of Serbia to keep that province from ever being able to unite itself to be able to demand greater independence from the newly created nation.

Serbians, who fought on the side of democracy in World War II, were told they could not return to their ancestral homeland after the war because ethnic Albanians from Albania were being settled in their homes and on their lands.

I think it is vital to point out here that Albania was part of the Axis during World War II and even today allows no travel in or out of that small Communist land.

I know a Greek restaurant owner who lives in my district who has a mother living there who cannot go there to see his mother because of the restrictions of that country.

Now while the Serbs were being prevented under law, under edict laid down by Tito from returning from Kosovo, the Albanian birth rate there skyrocketed with 10 to 12 births per family, more than 4 times that of the Serbs remaining in the region and thus, naturally leading to an Albanian majority in Kosovo.

In the 1970's Albanian separatists, demanding the right to separate Kosovo from Serbia and join the Albanian nation, began inciting the people to acts of terror, which led to the riots in Kosovo in 1981.

In the years since 1981, ethnic Albanians have engaged in a campaign of sheer terror, causing the remaining Serbians to flee from Kosovo. It is estimated that more than 100,000 have done so in the past 8 years.

Because of these events, Serbians in Kosovo are now fewer than one-fourth of the population, while ethnic Albanians now account for three-quarters of the population.

What tactics, Mr. Speaker, could have been used to force the Serbs to flee their homeland, where hundreds of churches and monasteries dating back to the ninth century testify to their heritage?

Terrorism, Mr. Speaker. The ethnic Albanians have burned and desecrated Serbian Orthodox churches and monasteries, some dating back at least six centuries, in an attempt to destroy everything Serbian in the region. Children and nuns have been raped. Priests have been murdered. Village wells and farm animals have been poisoned.

What is occurring in Kosovo is nothing less than terrorism against the Serbian people.

Earlier this year the Serbian Government, able to watch this carnage no more, amended its Constitution to restrict some of the broad autonomy the Kosovo province once had. The changes were made lawfully in response to a very vital need in Kosovo for someone to take control of the situation.

What was the result, Mr. Speaker. The ethnic Albanians in Kosovo began to riot. They sensed that their ability to drive the people of Serbian origin from Kosovo was coming to an end.

I would like to point out that more than half of the police force in that area is composed of Albanians, not Serbians.

In discussions with the American Ambassador and his staff in Yugoslavia, the only concrete human rights violations against Albanians that he could cite was the arrest of 4 or 5—some say 12—political prisoners for terrorist and separatist activities.

Mr. Speaker, I have urged the Government of Serbia that any trials should take place publicly so that the case against those arrested can be seen by everybody in the world, and if they are found guilty or innocent, the world will see that the trial was fair.

□ 1520

During my visit through Kosovo, where Albanians are a majority, I saw no evidence of any political repression against Albanians, or the existence of a police state as the authors of this amendment would have us believe.

To the contrary, I saw much new home construction, individual homes and communities. This means people are thriving, that they are free, that they are able to afford this housing. The new President of Serbia pointed out that they were opening a new textile factory right in the heart of Kosovo that would employ 2,000 persons, thus providing employment for the people in that area. That was opened about a week ago. Furthermore, more than half of the police force in that area, more than half, are Albanians. So if there is a police state, they are doing it against their own, but it is not happening.

Therefore, Mr. Speaker, the Kosovo province is one of only two such provinces in the entire nation that has had a great deal of autonomy. Such autonomy would not have been restricted had it not been for the unchecked activities of terrorists and separatists in the province, who threaten what this very amendment purports to protect, and I quote, "the United States continues to support the independence, unity and territorial integrity of Yugoslavia."

While we were in the Kosovo province, Mr. Speaker, one of our delegation met a farmer and his wife, Serbians, who were forced to stop sending their children to school because they were being harassed by the ethnic Albanians. This story is not the exception, Mr. Speaker, it is the rule.

I urge this Congress to remove this provision from H.R. 2655, and I intend to fight every step of the way to see that that is done. If my colleagues are concerned about the situation in Yugoslavia, then I urge them to join me on a trip to that country to see for themselves what the truth is.

As a member of the Executive Board of the Congressional Human Rights Caucus, I am concerned about human rights violations around the globe.

There are human rights violations in Kosovo, Mr. Speaker, but they are being perpetrated against the Serbian people, not the ethnic Albanians. This is a clear case of the people who scream the loudest being heard, right or wrong.

I urge this Congress to act now to remove section 862 from the foreign aid bill and take the time needed to study this issue. I welcome hearings on the subject, and public debate, and then Mr. Speaker, the truth will surely be known.

I urge this House not to get involved in a matter where it has not done its homework, first get the facts straight, all the facts.

Section 862 of the foreign aid bill refers to a crisis precipitated by this constitutional amendment. Mr. Speaker, the crisis has been going on for decades, and it is being perpetrated against the Serbian people.

Section 862 says that the human rights violations against the Albanians constitute a violation of the high ideals of brotherhood among all nations and nationalities in Yugoslavia.

It disturbs me, Mr. Speaker, that this House has placed into this bill findings on a situation in Yugoslavia about which the author of this amendment has very little knowledge.

The ethnic Albanians have always had and continue to have a very unique and protected position in Yugoslavia. Many ethnic Albanians hold high positions in the government, including many of the nation's ambassadorial positions, As recent as a year ago, an ethnic Albanian was vice president of Yugoslavia itself.

SENIOR CITIZENS' AGENDA

The SPEAKER pro tempore (Mr. DARDEN). Under a previous order of the House, the gentleman from Oregon [Mr. WYDEN] is recognized for 60 minutes.

Mr. WYDEN. Mr. Speaker, I am not planning to take the full 60 minutes, but I did want to begin a discussion that I hope will take place in the House over the next few months about the agenda for senior citizens in this country, particularly after the death of a Member who had tremendous respect on both sides of the aisle, Claude Pepper.

Across this country we are hearing senior citizens at our town hall meetings and forums, Grange halls, and the like, in effect, saying who is going to replace Claude Pepper? How is the tremendous work that Senator Pepper did going to get done?

Like many Members, I am answering that no one is going to replace Mr. Pepper, that that would be impossible, that the contribution that he made was so extraordinary that it is not going to be possible to fill his shoes, but that much can be done to pick up on what was the agenda of Senator Pepper, and that is what I want to talk about today.

I think in the days and months ahead, we ought to have debate on the floor of the House on the senior citizens' needs and to pick up on his agenda, and I hope today, beginning by discussing Medicare and Social Security, and then moving on to the discussion of other programs in the future that we can have this discussion. I met Senator Pepper well before I came to the Congress. I was codirector of the Oregon Panthers at the time, and we were working on the effort of trying to stop some of the problems that Social Security were having with insurance policies that were sold to supplement their Medicare, and as incredible as it seems, many senior citizens who have 8, 10, 12 of these insurance policies, a lot of them were not worth the paper they were written on, and yet people would be buying them rather than spending their needed funds on fuel and food and necessities.

Under Senator Pepper's leadership, a number of reforms were enacted, but one of the things that we learned through the Subcommittee on General Oversight and Investigations, chaired by the gentleman from Michigan [Mr. DINGELL], not long ago, is that there is still a lot of problems with these private insurance supplements. Certainly, there are many reputable companies and many reputable agents in this Nation, but there still are, unfortunately, a number of policies being sold that are exploited, that are taking advantage of the elderly, that are essentially duplicative of what their Medicare would cover, which have very low loss ratios, which means they pay very little out on a premium dollar. I am very hopeful that at the very least, in the days ahead, we can see bipartisan support develop in this Congress, working closely with consumer groups and with the many good insurance companies in this country to eliminate some of these problems.

As incredible as it seems, a fight that Senator Pepper began well over a decade ago is still not resolved today. Things are better, but there are still a lot of older people being exploited, and just an example of one of the things we need to pick up on.

□ 1530

Mr. Speaker, I do think that when we start the discussion about going after Senator Pepper's agenda, we would have to begin with medical costs and the Medicare program itself. It is the fastest growing program in American Government today. We are going to spend over $80 billion on Medicare, and yet at present it does not cover many of the great needs that older people have such as long-term care.

All the Members are aware of this tragedy. We see older people scrimp and save all their lives, then suddenly they have to go into a nursing home, and everything they have worked for all their lives is gone in a matter of months.

Senator Pepper had made it a special priority to speak for the development of a long-term care policy. One of the things I hope we will do in this Congress is to pick up on his identification of home health care as a top priority while we develop a long-term care policy. We know that on any single day in this country there are a lot of older people who are receiving institutional care who would not be there but for the fact that there are no funds for home health care programs.

In this session we have a good opportunity in the budget reconciliation process to make a start at turning this around with frail elderly legislation that has been sponsored by many Members. The States at their option would be given the alternative of using money that has been earmarked for institutional care. As for Medicaid dollars earmarked for institutional care, they would have the option of using it for home health care in community based programs. Right now, for the State to do that, it would be very, very difficult. They would have to get a waiver from the Federal Government. My State has spent hundreds and hundreds of hours trying to fill out forms and go through the paperwork. So I would hope that at the very least, as the next step in developing long-term health care policy in this country, we would make it possible for the State to have the option to use Medicaid dollars that have been earmarked for institutional care and take those dollars to care for older people at home, where many of them say they would be happier and where in most cases the care is cheaper.

But I do think we need systematic reform of the Medicare Program. Home health care is certainly a key component. In one sense, it is not health care at all; it is essentially sick care. We see older people who get very, very ill and who will need hospital care under part A of the Medicare Program, the program that covers hospital benefits. Checks are written from that program. They move from the insurance area to the hospital to pay for very large hospital bills, but while part A of the Medicare Program pays these huge checks for hospital benefits, part B pays nothing at all for preventive health service for older people, and very often that is the key to keeping them well and preventing them from having to incur very serious medical bills.

I think it is a major defect in the Medicare Program that the services

are so stacked away from prevention and do not emphasize that as an alternative to keep people out of the hospital. Again, in the budget process, I think we are going to try to take a baby step toward turning this around, at the very least trying to get some information out about preventive health benefits and possibly try to assist older people, in effect developing their own preventive personal health history and then sharing it with their physcians who could follow it up with them.

But the fact of the matter is, Mr. Speaker, that in almost every community in this country there are preventive health services that are available. A senior citizens center may have a blood pressure monitoring program or a hospital may have a nutrition counseling program, but they have never pulled them together in any integrated way so that we could say for the first time that Medicare, instead of being just a sick care program, as it is today, emphasizing acute care and institutional care, could one day be a preventive program where millions of older people would have an opportunity to stay home, to contribute to our society, to work if they chose to, and to live longer and healthier lives.

A third area that I would hope we could attack in this session of Congress, Mr. Speaker, is to change the way some of the reimbursement systems work that are escalating the costs of Medicare so dramatically and that also are not helping the effort to put a focus on primary and preventive care.

We do have an opportunity to do this as we look to physician payment reform. The way the system has worked today is essentially that it is based on history. It is based on historical practices; it is not based today on how long it would take to work with an individual or how difficult the procedure is. It again is a system that does not encourage the kind of primary and preventive focus that we would like, and I am very hopeful that in this session of Congress we can institute significant physician payment reform, reform that is fair to all physicians but which does look beyond history as a way of making these payments. It ought to focus more in primary care and preventive care, and it should make certain that there is a fair balance for serving particularly low-income people in urban areas and also those in rural areas where there is a disproportionately large number of frail elderly who will very often need heavy care.

But I think there are other reforms that need to be made in the way of health care providers, and I am hopeful that we will be able to open up the Medicare Program to additional providers which in many instances can offer important health services in a way that will hold health care costs down over the long-term. I think there are opportunities, for example, for nurses and for social workers to play a broader role in our health care system. Certain psychologists and physician assistants can play a bigger role. But at present many of these providers have been kept out of the Medicare Program, as a matter of fact, I think, for turf reasons because one provider or another may be opposed to it. But when dollars are so scarce and when we are trying to build a stronger and better system, I would suggest that we open the Medicare Program up to more choices and to more alternatives.

That really leads me to my last point with respect to the Medicare Program itself. Even if we were to not spend another dollar in the major Federal program in the health field that we have, the program for the elderly, we are going to spend over $80 billion for Medicare this year. I am not convinced that we are getting our money's worth. It seems that there is a great deal of duplication still between what Medicare offers, what private businesses are offering their retirees, and what other supplemental progams that older persons might have are offering. We need to make a beginning at coordinating these various kinds of programs so that we can get more for our scarce health dollar. One of the best ways to do that is to begin a debate on the floor of the House in terms of proposals that will allow us to better cooordinate the Federal health dollars that are spent under Medicare with private insurance dollars that are spent with supplemental insurance and then with those dollars spent with private business. Right now the evidence indicates that there is significant duplication, and I would hope that we would look at coordinating those benefits and those services, many of them paid by tax dollars.

Mr. Speaker, health care, of course, is right now the top single concern of older people, simply because it is gobbling up everything in sight and the health care cost-of-living index is growing far faster than any other. But there is one other program, one that all the Members are aware of, that we also, I think, ought to look to in this session to see how it might be stengthened.

□ 1540

That is the Social Security Program, Mr. Speaker, a program that serves 38 million elderly disabled, those who are survivors and served them very well. But I think there are a number of ways that it can serve the elderly even better, and I would like to suggest just several.

One, and a particular cause championed by Senator Pepper, is the idea of letting older people earn more without having to give up their Social Security. This is particularly important for elderly people who are in their middle and late sixties, and I would briefly like to describe to the Members what I think this debate is all about.

Very often the question of letting older people earn more and changing what is known as the earnings test is perceived as something that would help the very well-to-do. It would be in some way an extra benefit to them, and they really do not need it.

That is not at all the case, Mr. Speaker. Very often the older worker, who needs to have the opportunity to earn additional income, is perhaps a secretary, possibly a store clerk, someone who really is faced with very, very serious problems and just making ends meet. If on top of it they have a spouse who has large medical bills, large medical bills not covered by the Medicare Program, as I suggested, they will very much face hardships.

So, Mr. Speaker, I would hope that that part of the Pepper agenda that would change the earnings ceiling so that older people could earn more, particularly those who would be very hard pressed without that opportunity, I hope that we will be able to knock out that legislation in this session.

There are other Social Security issues that I think are important. One that I think ought to be a priority is the Social Security trust fund surplus. Right now we are seeing those surpluses essentially being used to hide the true extent of the Federal budget deficit. This year alone we are expected to take over $60 billion from the Social Security trust fund in order to pay other bills of the Federal Government. I just think that it would be important for this body to really consider the implications of what it means to use those Social Security surpluses in effect to pay the other bills of the Federal Government.

I think there is a great deal of merit to the idea of taking Social Security off budget, in effect ensuring that those Social Security surplus funds are used for all time for the purpose for which they were intended, and I think, as we do that, we should also look to the notion of making Social Security an independent agency.

Mr. Speaker, perhaps more than any other concern I hear about at home, I think that older people and younger people are concerned that in Washington there is politics being played with Social Security, that every time there is a big budget need, somehow everybody looks at the Social Security Program. Well, the Social Security Program did not cause the general fund deficit. It is paid for by payroll taxes, big whopper payroll taxes.

Mr. Speaker, I think that two reforms that we should look at very carefully in this session are: First, moving the Social Security Program

off budget to ensure that its surpluses do not go for purposes other than what it was raised for; and, second, to make Social Security an independent agency. If those two initiatives were enacted, plus we were to pass the legislation to allow older people to earn more, as proposed by Senator Pepper and many of our colleagues, frankly, on both sides of the aisle, I think that it would be a very solid set of next steps in the Social Security Program specifically.

So, Mr. Speaker, that is a start with respect to the debate involving how we follow up on the tremendous contribution that was made by Senator Pepper. Certainly the Medicare Program and the Social Security Program that he championed is an ideal way to begin, but, in closing, I would also like to commend our colleagues to one other idea that was expressed very well by Senator Pepper in a May 17, 1989, letter that he sent to colleagues. It was described as the Pepper package for keeping America's families together, and it had a number of really outstanding ideas, ideas that would allow us to address the needs of older people who fight guardianships. That is the Pepper legislation, H.R. 1702, and I was very pleased with the legislation to deal with fraud.

Mr. Speaker, the evidence is that we are spending at least $5 billion a year at the very least on health care fraud. I think the problem of health care fraud has gotten worse in recent years because, as reimbursements have gone down, as we have seen health care move away from something that was a profession and particularly focused on being an advocate for the patients and more toward the business, we have seen an awful lot of what I call health care speculators and exploiters move into the field.

I think the Federal Trade Commission, for example, ought to be doing more. They have been in a deep regulatory slumber for some time in the face of these health care frauds, but I think one way that this body could move would be to pick up on the legislation that Senator Pepper introduced, the Fraud Victims Restitution Act.

Mr. Speaker, that, I hope, will serve as a start of this debate. As I said at the beginning of my remarks, there are a number of programs that Senator Pepper championed in particular, Medicare and Social Security. The Pepper package, as well, gives us a very good outline on where to go from here.

However, Mr. Speaker, I am of the view that Claude Pepper made an extraordinary contribution to our country, a contribution that is not going to be duplicated, but that we have to pick up on his challenge, that we have to pick up on his ideas, ideas like home health care, and strengthening the retirement programs, and carry forward on his work. It is work that is going to be bipartisan. There is nothing partisan about the issues that I have been talking about in being strong advocates for the country's elderly, and in the days and months ahead I hope to come on the floor with other ideas and other proposals to move forward with this agenda because I think it is one of the best ways in which we can honor our colleague and also do some of the most important work possible for our country, and that is to recognize the contribution of the seniors.

TRIBUTE TO JACK KEMP, SECRETARY OF HUD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. WEBER] is recognized for 60 minutes.

Mr. WEBER. Mr. Speaker, in his 18 years in the Congress of the United States, the House of Representatives of the United States, our former colleague, the gentleman from New York, Mr. Kemp, rose to become one of the great Republican leaders and one of the great congressional leaders of our time in my judgment. In our party he was known as a man of ideas and, perhaps more importantly, as a man, a leader who tried to broaden the appeal of the Republican Party to constituencies that were not traditionally part of our base. He was always known as a leader who promoted policies and ideas as opposed to narrow political tactics to broaden his appeal and the appeal of his party and took every opportunity to build the theme of economic growth and opportunity as a way of helping his party, the Republican Party, to appeal to traditional constituencies that may be associated with the other party.

□ 1550

Mr. Speaker, now our former colleague, Jack Kemp, has a very difficult assignment at the Department of Housing and Urban Development where he is President Bush's Secretary, unanimously confirmed by the U.S. Senate and, of course, we are all aware of the great difficulties that have been uncovered in this Department, which I think he is attacking admirably; but it is important to know that in that position, Secretary Kemp has achieved broad and widespread bipartisan support for his efforts to attack the problems of inner-city residents, poor people, and minorities, in unique ways and in previously untested ways.

The purpose of my special order today is to pay tribute to our former colleague, Mr. Kemp, and to draw the attention of the body and the country to a very important speech that Secretary Kemp delivered on July 10, just yesterday, at the 80th annual convention of the National Association for the Advancement of Colored People, a speech delivered at the COBO Convention Center in Detroit, MI, and with the forbearance of the Speaker, I would like to simply use my special order to read into the RECORD today the remarks of the Honorable Jack Kemp at the NAACP convention, July 10, 1989.

REMARKS BY JACK KEMP, SECRETARY OF HUD

Ladies and gentlemen, I'm honored and thrilled to be here with you at the annual NAACP convention. On this eightieth birthday of your founding, I'm proud to share the dais with your fellow warriors in the continuing battle for civil rights. I'm proud to share this moment with you and with Mrs. Amenda Wilkins, with your Chairman of the Board, Dr. William Gibson; with Nathaniel Colley, who chairs your Special Contributions Fund; with Mrs. Enolia McMillan, President of the National Board; with your Vice Chairman, Rev. Edward Hailes, with Mrs. Myrlie Evers, who is presiding; with Hazel Dukes of the New York State NAACP and Dan Acker of the Buffalo NAACP; with Althea Simmons, Director of the NAACP's Washington Bureau, and of course, with your Executive Director, Dr. Benjamin L. Hooks.

I want to thank Ben Hooks for that warm and generous introduction. I want to thank him, too, for the unstinting leadership he has delivered your organization . . . and our country . . . in the march for liberty and justice.

Thirty-two years ago this month I came to Detroit as the 17th round draft choice. It's good to be back.

And frankly, folks, if it wasn't for Ben Hooks . . . without his early support . . . Ben, I might not be Secretary of HUD. When people were wondering what kind of a Secretary I might be, he said I was a liberal with a big "L" on relations between the races. And, Ben, I won't let you down!

A few days ago, Ben came by my office to talk about a national compaign styled somewhat after the "clean-up, paint-up, fix-up" programs common to many local communities. He mentioned that the Detroit Baptist Council has such a program, that the Baltimore Afro-American newspaper has such a program, and that in Charlotte, North Carolina, there is a massive clean-up program with hundreds of citizens clearing the shoulders of the expressway—a major campaign for cleanliness.

Well, I agreed that we should start working with Ben Hooks and the NAACP to make this a national project, and right now, I am announcing that the planning for this program will start immediately. Through this and similar efforts, religious groups, civic groups, labor unions, old, young, teenagers, and all kinds of community organizations can be involved in a massive effort to make our neighorhoods more liveable. I want HUD to work with them and with you to do it. Let's start with those 15,000 abandoned houses in Detroit; and let's get GM, Ford, Chrysler, and Labor to work with us.

On the day President Bush nominated me, I was proud to choose as my motto the beautiful words Martin Luther King expressed upon receiving the Nobel Peace Prize. He said he had ". . . an abiding faith in America and an audacious faith in the future of mankind." I, too, have that audacious faith in the future of mankind.

What a thrill it was the other day to sit next to Ben Hooks at the White House, as

President Bush and distinguished civil rights leaders and Members of Congress celebrated the 25th anniversary of the civil Rights Act of 1964, a milestone on the road to freedom and justice. You helped lay that milestone. Vernon Jordan, John Jacob, John Lewis, Joseph Lowery, Jesse Jackson, Floyd McKissick, and Martin Luther King III were there, too; and what an honor it was to meet the great lady of inspiration, Rosa Parks, in the East Room ceremony.

I couldn't help thinking that the modern civil rights movement really started in earnest nine years before the '64 Act. It started on Cleveland Avenue in Montgomery, Alabama, on December 1, 1955 when a local official of the NAACP, Rosa Parks, said she just wasn't about to move to the back of that bus. That was a profoundly courageous thing she did, and it helped inspire sweeping changes in the South and throughout America.

Ben, I've always admired the wisdom of your thought, the eloquent clarity of your ideas—as so well expressed in the words I read in last month's issue of Crisis. You wrote: "America can only be great if she extends to all of her citizens a chance to make a difference, an opportunity to make a significant contribution to the collective good . . ."

Those words crystallize our challenge! A chance to make a difference. An opportunity to contribute to the collective good.

This is the American quest. In one simple, yet profound, statement, Ben Hooks has captured its meaning. He has defined our quest . . . our common objective.

The objective has been ennobled by the lives of patriots and martyrs, by students and workers, by black and white. It has been bought dearly by the sacrifices of those who came before us.

Martin Luther King, writing from Birmingham jail, personified those sacrifices. He said the civil rights protesters "were in reality standing up for what is best in the Judaeo-Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence."

Ladies and Gentleman, they sacrificed so we might succeed. The road we travel to basic human rights, to dignity and justice, has been carved through the wilderness of ignorance and bigotry, of racism and prejudice. Our way was cleared by the sweat and blood of our ancestors. And by so many people in this room. The road we follow was laid out by Thomas Jefferson and Crispus Attucks, by Abraham Lincoln, and Frederick Douglass, by Hubert Humphrey and Martin Luther King. It was paved and advanced by DuBois and White and Wilkins.

We're following that same road today . . . Ben, you, me. Men and women of good will everywhere. It's never an easy journey, but we'll keep on going until we reach our destination . . . until we reach that blessed America so many have struggled, fought, and died for.

We're going to keep on that road. We dare not leave it. For the road to freedom and justice is not yet complete. Our job is to complete it . . . not just for ourselves . . . but for those who come after us—for your children and mine.

Finishing that job . . . traveling and advancing that road . . . that is our greatest challenge. For this is the Glory Road . . . the road that leads to a truly great America in which none are left out . . . no one is left behind . . . and all have a chance to contribute. We're going to meet that challenge . . . we're going to complete this Glory Road . . . by shaping an America that offers each of us . . . every man, woman, and child . . . the freedom to reach the outermost limits of our capabilities.

This is a momentous time in our Nation's history. It's our chance to take what our forefathers knew America could become . . . to take that idea, that dream, that promise . . . and transform the promise into reality for all.

We can do it. We must do it. We must extend that road into every ghetto and barrio, into every impoverished corner in urban and rural America. We can open that road to those left out or left behind. We can clear the way so they, too, may follow that road to hope and dreams, to self-determination, to opportunity, homeownership, and economic independence.

Ladies and gentlemen, I'm a believer. I believe we can build that Glory Road. I believe that, working together, we will build it.

We can build it because we know the way. It's clearly laid out for us. America's Glory Road has been well-marked by the signposts of history.

Just think. Two hundred and thirteen years ago last week, Thomas Jefferson wrote the immortal words: "We hold these truths to be self-evident: that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness . . ."

Some people thought those words were written for white folks. But they were written for all folks. Some thought they were written just for Americans. But they were written for all people. Some thought they were written for one moment in history. But they were written for all time.

Those words inspired not only the students in Selma, but the students in Beijing. Not only factory workers in America, but factory workers in Poland. They inspired not only the struggle for civil rights for blacks in America, but the fight for democracy and human rights for blacks in South Africa.

Those words have guided our country throughout the course of its history. We accept them not simply as an ideal, but as a worthy and realistic goal; recognizing, all the same, that it is a goal we have yet to achieve in full for all our people.

More than a century and a quarter ago, Abraham Lincoln engaged in a magnificent debate with the "Little Giant," Senator Stephen Douglas. In what became known as the "Peoria speech," Lincoln said:

"I cannot but hate slavery. I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our American example of its just influence in the world; enables the enemies of free institutions, with plausibility, to taunt us as hypocrites; causes the real friends of freedom to doubt our sincerity; and especially because it forces so many good men among ourselves into an open war with the very fundamental principles of civil liberty, criticizing the Declaration of Independence, and insisting that there is no right principle of action but self-interest . . . I object to it because it assumes that there can be moral right in the enslaving of one man by another . . . we began by declaring that all men are created equal; but now, from the beginning, we have run down to the other declaration, that for some men to enslave others is a 'sacred right of self-government.' These principles cannot stand together. They are as opposite as God and Mammon."

Lincoln's eloquence . . . his thorough understanding of the fundamental moral imperative underlying the issue . . . was formidable. And, do you know what Douglas did? He capitulated. He begged for a truce, saying: "Lincoln, you understand this question of prohibiting slavery . . . better than all the opposition in the Senate of the United States. I cannot make anything by debating it with you."

Freedom. An inalienable right. An idea so powerful that the "Little Giant" was forced to concede the issue and begged for a truce.

In the nineteenth century, a house divided against itself, half free and half slave, could not stand. And today we cannot allow our nation to stand divided between prosperity and poverty. How can we tell the world that democracy and freedom works, if we can't make it work for those left out and left behind in America?

Freedom and justice are never easily won.

That's why we needed the NAACP eighty years ago. And that's why we need the NAACP today: to make America live up to itself. Through your efforts, our country has made great strides in basic human rights.

You helped pass the Voting Rights Act, the Civil Rights Act. You helped abolish municipal housing segregation ordinances. And you brought an end to school segregation.

The NAACP successfully pushed for the Open Housing Act and other fair housing laws, including the one passed last year. I want to thank Ben Hooks and Althea Simmons, the Director of the NAACP's Washington bureau, who worked so hard to get it passed. I have the duty and the privilege of administering those laws and, only a few days ago, I brought the first charge of racial discrimination under the Fair Housing Amendments Act of 1988.

I want you to know that President Bush will not tolerate housing discrimination. And neither will I.

The boycotts, the sit-ins, the marches, the legal challenges . . . all punctuated a message of moral outrage—a message that became a testament of fierce commitment to freedom and justice. You were there then and you are here now, continuing the struggle.

I wasn't there, but I wish I had been.

The 1950's and 60's were an awesome period of expanding civil and human rights in American history—a time of powerful and necessary changes in the law. It was the dramatic high point of Chapter One in the struggle for civil rights.

Chapter One was written by those who led the fight for basic human rights, for legal rights, voting rights. It was written by Rosa Parks, Martin Luther King, Jr., and Whitney Young. It was written by Andy Young, Morris Abram, Ella Baker, and John Lewis. It was written by Fred Shuttlesworth and Ralph Abernathy, by Thurgood Marshall and Roy Wilkins. By Vernon Jordan, John Jacob, Dr. Leon Sullivan, Ben Hooks . . . and so many of you here.

Chapter One is a proud part of our country's history . . . a chapter of commitment and sacrifice, of determination to achieve justice and equality for all our people. But, Chapter One would not have been possible without the work begun 80 years ago by the NAACP. The relentless drive for freedom and justice has lived within us for as long as history can recall; but this chapter was largely written by those who joined forces

in 1909 to forge an alliance against racism . . . and by all of you who followed in their footsteps.

Chapter One was about freedom and justice, about removing legal barriers, about full rights for each and every one of us as American citizens.

And, I must give credit to some great leaders of the Democratic Party who were marching at the head of the civil rights revolution in the '60s when many in the party of Lincoln were nowhere to be found. But I'd be remiss not to say that the Republican Party's roots were not dug by Herbert Hoover. The Republican Party began as a great civil rights movement in the 1850s that included breakaway Democrats, antislavery Whigs, abolitionists and Free-soilers. Abe Lincoln called it the Republican Party to remind folks that it was an extension of Thomas Jefferson's old Democratic/Republican Party. As Tony Brown's Journal has recalled, the radical Republicans were the best friends blacks had during Reconstruction, and I hope a modern-day radical Republican Party competes effectively for the minority vote.

President Bush and I look forward to the day when both major political parties compete for the votes of African-Americans. We must remind people that the entire civil rights revolution is the continuing saga of the first American Revolution.

And now, at the dawn of a new millennium, we are engaged in a new chapter of this ongoing revolution, for as you in the NAACP have said so well, "The Struggle Continues."

Let us dedicate this chapter to realizing the dream of homeownership . . . of opportunity . . . of prosperity . . . for everyone. That's what HOPE spells.

This chapter is about economic prosperity, about jobs for everyone and growth and a bigger pie and more seats at the table.

And this chapter is about more than that. Not only about a chance to drive a truck, but a chance to own the truck . . . not just a chance to have a job, but a chance to own the company . . . not only a chance to live in decent and drug-free public housing but a chance to homestead and manage and, ultimately, own the housing.

And, as we move into Chapter Two, we need to know how far we have come so we may appreciate how far we have yet to go.

It's a good sign that some forty percent of black American households are considered middle income, a category that has grown by more than 25 percent during the recent economic expansion. The receipts of black American businesses have been growing at an average rate of eight percent every year since 1982. Over 2.5 million new jobs have been filled by black Americans in the last five to six years.

Yet, clearly, this is not enough. It only serves to remind us how far we have to go. Over half a century ago, Franklin D. Roosevelt saw one-third of a nation ill-clad, ill-housed, and ill-fed. By 1987, the GNP had increased eightfold; and still—56 years after FDR's statement—one-third of black Americans remained below the official poverty line . . . ill-clad, ill-housed, ill-fed.

According to the Good Shepherd (Matt. 25:40) those who "inherit the kingdom" are those who feed, clothe, and house "the least of these my brothers."

Well, our American economic growth has not yet reached the least of our brothers and sisters. We must reach the least, the lost, and the last . . . that's what we must do in Chapter Two. As my Chief of Staff, Wendell Gunn, says, "We've got the ticket. After 200 years we can finally get on the train. Now let's get the train moving."

That's what President Bush wants to do and wants me to do at HUD. We want to get the train of growth in jobs and opportunity for decent and affordable housing moving through Watts and Boyle Heights, through Newark and Bed-Stuy, through Liberty City and Vine City, through Overtown and Motown . . . through every place where the least, the lost, and the last need to get on that train.

That's why I'm proud to be in the President's Cabinet, because he wants to create an "opportunity society . . . an economy," he said, "that's thriving and creating jobs; cities that are filled with enterprise and offer residents a good life and a good living; neighborhoods that are vibrant and safe, with affordable houses going up; old ones being restored."

President Bush said, "it means giving people—working people, poor people, all our citizens—control over their own lives. And it means a commitment to civil rights and economic opportunity for every American."

I'm proud to accept that mission because those are exactly my goals, as well. And I want you to know that even though the President is in Poland today . . . he is here because I'm here to say it for him.

And I promise you what I promised him. We are going to reform HUD from top to bottom. We are going to make our programs work for the people in need, not those motivated by greed.

Saturday night, I had the honor to speak to the League of United Latin American Citizens, LULAC. I shared a story with them that I'd like to share with you. This is a lesson I learned from Luis Munoz Marin, the great Governor of Puerto Rico, the leader of the Popular Democratic Party, and the originator of Operation Bootstrap. When his political party was out of power, he used to talk about the need to redistribute wealth among the people, to slice the loaf so everyone gets a piece in the name of social justice. But, when he became Governor of Puerto Rico, he soon realized that if all he had to distribute was the same loaf of bread, the slices would get pretty thin before too long. He realized what he needed weren't just better ways to slice that one loaf, what was really needed was to create new bakeries.

That's what we must do—create more bakeries in the ghettoes and barrios all over America.

We can start by passing enterprise zones now, so we can begin the process of "greenlining" the inner city areas for entrepreneurship and jobs . . . areas that have been "red-lined" for despair. Enterprise zones can help unleash the creative energies of minority entrepreneurs in the urban areas of America to create opportunity for those that have been left behind. I will work closely with the Congress to ensure its passage so we can replace pockets of poverty with jobs and opportunity.

In 1929, on the eve of the Great Depression, blacks owned 65,000 businesses nationwide. I am struck by the number—65,000 black owned businesses—because, as John Jacob tells us in "The State of Black America 1989", there were just 301,000 black-owned businesses in 1982.

As I told Coretta and Dexter King at Paschal's Restaurant in Atlanta—on the day after my swearing-in—we must commit America to doubling or tripling that number by the middle of the next decade.

Enterprise zones will be of little help in doing that if there is no capital available to invest in new businesses in the zones. The people who cannot afford high capital gains taxes are not the rich, ladies and gentlemen. Capital gains taxes have their most important effect on people's power to find "seed corn" to start up new businesses.

Publisher John Johnson, a true entrepreneur, just wrote a deeply inspiring book called "Succeeding Against the Odds." The seed capital he needed to begin publishing in 1942 amounted to just 500 dollars—so near, yet so far. Unable to get a loan from Chicago's biggest bank, his only solution came from his mom who put up her new furniture as collateral for a 500 dollar loan from a small thrift. So risky was that venture that Mrs. Johnson prayed and cried for days before she felt she could take the chance on losing every piece of furniture she had.

Not every potential entrepreneur is lucky enough to have a mom with even 500 dollars of furniture to put up. But somebody has to invest the seed corn when an idea-rich but money-poor man or woman in a ghetto or barrio wants to imitate the John Johnsons and Mr. Paschals by putting their dreams to work. And that somebody should not be stopped because the capital gains tax is too high to make the risk worth taking.

In his book John Johnson says of success in business, "Can it be done again?" "Yes," he says, "it can be done again. I could do it again. So could you. So could any man or woman who comes up with an idea that provides a service no one else is meeting and who is willing to subordinate everything to the idea and the dream."

If we are ever going to turn the page—if we are ever going to begin Chapter Two in earnest—if we are serious about unlocking the door to opportunity—we have to unlock the seed capital for black and hispanic and minority and women's enterprises. We must convince Congress to cut the capital gains tax to fifteen percent nationwide and to eliminate it in our rural and urban enterprise zones.

We can also help entrepreneurs with another incentive. I strongly support Congressman Charlie Rangel's proposal to give investors an upfront tax deduction for the first $100,000 they put into enterprise zone businesses.

There is more we can do. We need to increase the earned income tax credit to hold down the enormous effective marginal tax rates on the poor just struggling to get on the first rung of that ladder of opportunity. The supplemental earned income tax credit would give eligible families a credit to supplement their earnings. There should be no tax on workers' wages up to 160 or 170 percent of the poverty level.

As you can see, I favor using the tax code to achieve socially desirable goals . . . and what's more socially desirable than jobs and adequate, decent, and affordable housing for low-income Americans? I think the low-income housing tax credit fits that "desirable" criterion. It expires this year; but I'm pleased that it has bipartisan support, and I'm working with Congressman Rangel and Senator Mitchell to extend it and make it work better for low-income people and low-income communities.

And, there's another extremely valuable tool available right now, the Community Reinvestment Act. In March 1978 the Comptroller's office approved the first nonprofit Community Development Corporation, dedicated to the "revitalization of

inner-city residential neighborhoods." Today, more than 130 banks are investing in communities sponsoring low- and moderate-income housing.

This month, the Comptroller will make public all information on all lending decisions which involve CRA-related conditional approvals, denials and CRA protests. This will enable the public—you—to help the Comptroller's office scrutinize bank practices to insure that the Community Reinvestment Act is being complied with. I strongly support this Act and all efforts to end, once and for all, the disgrace of redlining in America. We must encourage the flow of seed capital and lending to develop our low-income communities and to produce low-income housing. We want to encourage investment by banks and thrifts and pension plans—profit and non-profit—with Federal, State and local support.

These are some of the ideas we're working on at HUD and within the Administration to extend jobs, opportunity and hope to every American. But those are not the only ideas. I've had a look at your plan for the year 2000 and beyond, and it calls for:

Developing and implementing programs to increase black homeownership and home retention among blacks;

Increasing black family wealth from its presently disproportionate low level;

Increasing black self-employment;

Ensuring that substantial numbers of blacks are employed in growth industries and occupations; . . . and there are other proposals.

I have one problem with this plan. Why wait for the year 2000? I want to start now.

I want to help the NAACP integrate the economy. I want to help every man, woman, and child share the American Dream.

Ladies and gentleman, I have to tell you something.

I wasn't there when Rosa Parks integrated the buses. I wasn't there when the students integrated the lunch counters. I wasn't there when the schools were integrated. I wasn't there at the Lincoln Memorial, when Dr. King spoke of "the dream."

But I'm here now.

Let's get started!

□ 1610

Mr. Speaker, that concludes the remarks given by our former colleague, Secretary of Housing and Urban Development, Jack Kemp, yesterday at the NAACP convention in Detroit.

I am glad to yield to my colleague for 10 years with the Secretary, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I want to thank my friend from Minnesota for reading Secretary Kemp's dramatic speech into the RECORD. It is clear from the message he is delivering why the press reported this morning that he got repeated standing ovations and that he was broken into a number of occasions by applause.

Those of us who are developing and working to develop a caring, humanitarian, reform Republican Party look to Jack Kemp in his new job as we looked to him on the House floor for leadership in this direction. I think there is an important message both in our willingness to work using the tax code and to encourage people to work using tax laws rather than building in more bureaucracies and more structures to deliver welfare.

Second, Jack Kemp really represents the drive to empower American citizens so that poor Americans become citizens rather than clients, so that they have real choice and a real opportunity once again.

I noticed just last week that the Wall Street Journal had a rather long article on the extraordinary changes that are beginning to happen in rehabilitating public housing and giving people who are living in public housing real control over their lives. I think it is very, very important we in the Congress strengthen and reinforce Secretary Kemp in his efforts to bring a new breath of freedom, and a new breath of opportunity, and new breath of hope to the public housing projects of America.

So I just wanted to thank the gentleman from Minnesota for putting this into the RECORD, and want to thank Jack Kemp for having delivered this kind of decisive leadership speech. It is part of what I think George Bush means when he talks about a kinder and gentler America, and it is a strong step in the right direction.

Mr. WEBER. I thank the gentleman from Georgia for his contribution.

I just want to put in perspective before I close a little bit about the contribution Jack Kemp has made and is making. Many of us feel that over the last 10 years what has been accomplished in this country was a strengthening of the macroeconomy, if you will.

When I first came to Congress in 1980 the issue was stagflation, an economy that was not creating new jobs and inflation rising and sort of a sign of the limitations of America. That has been shattered by the last 10 years, and we are now in the longest period of economic growth in the 20th century.

That is where Jack Kemp spent about the first half of his public career or maybe more pursuing, reductions in tax rates across the board, and monetary policies and fiscal policies that would encourage economic growth and get the economic train moving.

But that was a macro level, and what we now find after 8 or 9 years of pursuing those policies is that that economic growth which has succeeded at the macro level has not reached into every corner of America, every neighborhood, has not touched every man, women, and child in this country regardless of circumstances. The next phase of the battle in which Jack Kemp is appropriately now leading us again is towards specific policies that reach towards those people who have been left behind, the homeless, the unemployed, minorities, women, others who have not fully benefited from the restoration of the macroeconomy through the policies of the last 8 to 10 years.

It is important to note that several of those policies that Jack Kemp has outlined, specifically the reduction in the capital gains tax, enterprise zones, and the expansion of the earned income tax credits are actively under consideration by this Congress right now, and are priorities of both President Bush and the House Republican Conference. Other policies that Secretary Kemp is pursuing I think are going to be moved to the front burner very soon, such as the war on drugs in public housing, and tenant ownership, and management of public housing projects.

But at every stage it cannot be understated the tremendous contribution that one person, Jack Kemp, has made to the battle to secure economic as well as civil equality for all citizens. When Jack Kemp left the Congress, many of us, as is our custom, took out special orders, such as I am doing now, to commend him for the contribution that he had made while he was in the Congress, and I harken back to the words of our colleague, the gentleman from Illinois, Mr. HENRY HYDE, who described Jack Kemp in words that I think are important, especially since they came from a man such as HENRY HYDE who chooses his words carefully and understands what they mean. He described Jack Kemp's contribution to the Congress of the United States as being "a vital force for good." I do not think one can have a higher compliment than from someone like the gentleman from Illinois, Mr. HENRY HYDE, than to be called a vital force for good. It is tremendously encouraging to all of us as Americans that Jack Kemp is continuing to be that vital force for good in our country and our world in this new position as Secretary of Housing and Urban Development.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BEREUTER (at the request of Mr. MICHEL) for today, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of Texas) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 5 minutes, today.

Mr. WEBER, for 60 minutes, today.

(The following Members (at the request of Mr. WATKINS) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today, and 5 minutes, July 13.

Mr. SOLARZ, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. WYDEN, for 60 minutes, today.

Mr. HUTTO, for 10 minutes, today.

Mr. SKELTON, for 60 minutes, today.

Mr. PANETTA, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SMITH of Texas) and to include extraneous matter:)

Mr. BROOMFIELD in two instances.

Mr. SAXTON.

Mr. MOORHEAD.

Mr. HOPKINS.

Mr. VANDER JAGT.

Mr. ARCHER.

Mr. PORTER.

Mr. GALLO.

Mr. MICHEL in two instances.

Ms. SNOWE.

Mr. ROHRABACHER.

(The following Members (at the request of Mr. WATKINS) and to include extraneous matter:)

Mr. NELSON of Florida.

Mr. FRANK.

Mr. HAMILTON.

Mrs. SCHROEDER.

Mr. MATSUI.

Mr. STARK in two instances.

Mr. BATES.

Mr. HUBBARD.

Mr. LEHMAN of Florida.

Mr. DWYER of New Jersey.

Mr. LANTOS.

Mr. HOCHBRUECKNER.

Mr. BILBRAY.

Mr. LEHMAN of California.

ADJOURNMENT

Mr. WEBER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p.m.) the House adjourned until tomorrow, Wednesday, July 12, 1989, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1428. A letter from the Director, Office of Management and Budget, transmitting a Soil Conservation Service plan for the Whites Creek Watershed, Mississippi, pursuant to 16 U.S.C. 1005; to the Committee on Agriculture.

1429. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed letter(s) of offer and acceptance [LAO] to Pakistan for Defense articles estimated to cost $50 million or more, pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

1430. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-49, "Nazareth Baptist Church Equitable Real Property Tax Relief Act of 1989," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1431. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-53, "Interstate Compact on the Placement of Children Authorization Act of 1989," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1432. A letter from the Secretary, Interstate Commerce Commission, transmitting notice of a delay in the final decision in Finance Docket No. 31393, "Brandywine Valley Railroad Co.—Purchase—CSX Transportation, Inc. (Brandywine)," pursuant to 49 U.S.C. 11345(e); to the Committee on Energy and Commerce.

1433. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Pakistan for defense articles and services (transmittal No. 89-28), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1434. A letter from the vice president, Farm Credit Bank of Texas, transmitting the annual report and financial statement for the subject pension plan for the year ended December 31, 1988, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1435. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1436. A letter from the Acting Chairman, National Transportation Safety Board, transmitting a report on the Board's own rules for reporting of public use aircraft accidents and incidents to the Safety Board, pursuant to 49 U.S.C. app. 1903 nt.; to the Committee on Public Works and Transportation.

1437. A letter from the Secretary of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, sections 5002(d), 5004(a)(3)(A), and 5009(i)(2) United States Code, to raise the Department of Veterans Affairs minor construction cost limitation from $2 million to $3 million and for other purposes; to the Committee on Veterans' Affairs.

1438. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the use of the Emergency Assistance and AFDC Programs to provide shelter to families, pursuant to Public Law 100-628, section 902(b) (102 Stat. 3257, 3795); jointly, to the Committee on Banking, Finance and Urban Affairs and Ways and Means.

1439. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a draft of proposed legislation to amend provisions of title 5 of the United States Code relating to allowances for employees of the U.S. Government serving abroad and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committee on Foreign Affairs and Post Office and Civil Service.

1440. A letter from the Secretary of Commerce, transmitting a report on the Great Lakes' ecosystem research needs for the 1990's, pursuant to 33 U.S.C. 1251; jointly, to the Committee on Public Works and Transportation and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. CONYERS: Committee on Government Operations. Fire and explosion in Kansas City: Lack of information about hazardous materials jeopardizes firefighters (Rept. 101-124). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEJDENSON: Committee on Foreign Affairs. H.R. 2653. A bill to authorize appropriations for fiscal year 1990 to carry out the Export Administration Act of 1979 (Rept. 101-125). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 491. A bill to establish a mining experimental program on critical minerals, and for other purposes; with amendments (Rept. 101-126). Referred to the Committee of the Whole House of the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1705. A bill to amend the Mining and Minerals Policy Act of 1970, and for other purposes; with amendments (Rept. 101-127). Referred to the Committee of the Whole House of the State of the Union.

Mr. ASPIN: Committee on Armed Services. Report on allocation of budget totals for fiscal year 1989 submitted pursuant to section 302(b) of the Congressional Budget and Impoundment Control Act of 1974, as amended (Rept. 101-128). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 194. Resolution waving certain points of order against consideration of H.R. 2788, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes (Rept. 101-129). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 195. Resolution providing for the consideration of H.R. 2022, a bill to establish certain categories of nationals of the Soviet Union and nationals of Indochina presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Indochinese parolees (Rept. 101-130). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 196. Resolution providing for the consideration of H.R. 987, a bill to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilder-

ness, and for other purposes (Rept. 101-131). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 828. A bill to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993; with amendments (Rept. 101-132). Referred to the Committee on the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1484. A bill to establish a National Park System Review Board, and for other purposes; with an amendment (Rept. 101-133). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DARDEN:

H.R. 2849. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. SHAYS, Mr. KLECZKA, Mr. FRANK, Mr. MARTINEZ, and Mr. WEISS):

H.R. 2850. A bill to amend section 235 of the National Housing Act to provide for the refinancing of mortgages, loans, and advances of credit for which assistance payments are provided under the lower income home ownership program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DORGAN of North Dakota:

H.R. 2851. A bill to amend title XVIII of the Social Security Act to improve access of medicare beneficiaries to extended care services and home health services after hospitalization; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GEJDENSON (for himself and Mr. MAVROULES):

H.R. 2852. A bill to provide Federal assistance for economic development, economic stabilization, and job training in areas heavily dependent on defense contracts and military installations or in areas that have been affected by the termination of a major defense contract or the closure of a military installation; jointly, to the Committees on Armed Services; Education and Labor; and Banking, Finance and Urban Affairs.

By Mr. HOCHBRUECKNER (for himself, Mr. ACKERMAN, Mr. ATKINS, Mr. BROWN of California, Mr. BRYANT, Mrs. COLLINS, Mr. DELLUMS, Mr. DOUGLAS, Mr. DOWNEY, Mr. GIBBONS, Mr. HAWKINS, Mr. HENRY, Mr. HUGHES, Mr. LIPINSKI, Mr. MATSUI, Mr. MCNULTY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. NEAL of North Carolina, Mr. PALLONE, Mr. SCHEUER, and Mr. SIKORSKI):

H.R. 2853. A bill to amend the Solid Waste Disposal Act to require the recycling of used lead-acid batteries, and to require a study by the Administrator of the Environmental Protection Agency on the disposal of used household dry-cell batteries; to the Committee on Energy and Commerce.

By Mr. MCCURDY:

H.R. 2854. A bill to authorize the exercise of State jurisdiction over a portion of Indian country located in Comanche County, OK, for certain purposes; to the Committee on Interior and Insular Affairs.

By Mr. HUGHES:

H.R. 2855. A bill to amend section 700 of title 18, United States Code, with respect to flag desecration; to the Committee on the Judiciary.

By Mrs. MARTIN of Illinois:

H.R. 2856. A bill to exclude from amounts taken into account in determining annual income for purposes of certain programs administered by the Secretary of Veterans Affairs the amount of wages paid for certain service by workers temporarily employed by the Bureau of the Census in positions established for purposes relating to the 1990 decennial census; to the Committee on Veterans' Affairs.

H.R. 2857. A bill to exclude from earnings taken into account in determining excess earnings for purposes of the earnings test under title II of the Social Security Act wages paid for certain service by workers temporarily employed by the Bureau of the Census in positions established for purposes relating to the 1990 decennial census; to the Committee on Ways and Means.

By Mr. MRAZEK (for himself, Mr. PENNY, Mr. SKEEN, Mr. GUNDERSON, Mr. UPTON, and Mr. HOCHBRUECKNER):

H.R. 2858. A bill to provide Federal funds for State professional medical liability programs that comply with certain Federal standards, and for other purposes; jointly, to the Committee on the Judiciary and Energy and Commerce.

By Mr. PANETTA:

H.R. 2859. A bill to amend the Internal Revenue Code of 1986 to provide that agricultural labor which is subject to Federal Insurance Contribution Act tax withholdings shall also be subject to withholding for income tax purposes; to the Committee on Ways and Means.

By Mrs. SCHROEDER:

H.R. 2860. A bill to amend title 5, United States Code, to provide that any carrier offering obstetrical benefits under the Health Benefits Program for Federal employees must also provide benefits relating to certain "family-building procedures," and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Florida (for himself, Mr. FASCELL, Mr. JOHNSTON of Florida, Mr. LEHMAN of Florida, Mr. LEWIS of Florida, Mr. NELSON of Florida, and Mr. SHAW):

H.R. 2861. A bill to amend title 28, United States Code, to provide for the appointment of an additional district judge for the southern district of Florida; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 2862. A bill to provide for the distribution of a flag of the United States to each individual naturalized as a citizen of the United States; to the Committee on the Judiciary.

By Mr. GILMAN:

H.J. Res. 353. Joint resolution amending the joint resolution entitled "A joint resolution providing for the designation of the third week of July as Captive Nations Week"; to the Committee on Post Office and Civil Service.

By Mr. DWYER of New Jersey:

H.J. Res. 354. Joint resolution designating August 7 through 13, 1989, as "National Headache and Jaw Joint Injuries Week"; to the Committee on Post Office and Civil Service.

By Mr. RAHALL:

H.J. Res. 355. Joint resolution designating August 28, 1989, as "Railway Mail Service Day"; to the Committee on Post Office and Civil Service.

By Mr. TORRICELLI:

H.J. Res. 356. Joint resolution designating August 14, 1989, as "America-Pakistan Day"; to the Committee on Post Office and Civil Service.

By Mr. HOPKINS:

H. Con. Res. 164. Concurrent resolution to commemorate the 50th anniversary of the airborne units of the U.S. Armed Forces; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

188. By the SPEAKER: Memorial of the Senate of the State of New Hampshire, relative to flag desecration; to the Committee on the Judiciary.

189. Also, memorial of the Legislature of the State of Texas, relative to the Catastrophic Coverage Act; to the Committee on Ways and Means.

190. Also, memorial of the Legislature of the State of Texas, relative to the legal speed limit on divided four-lane highways; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES:

H.R. 2863. A bill for the relief of Michael Wu; to the Committee on the Judiciary.

By Mr. MATSUI:

H.R. 2864. A bill regarding the reliquidation of a certain extracorporeal shock wave lithotripter; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 2865. A bill to permit issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel the *Karlissa*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. WILLIAMS.

H.R. 19: Mr. HOLLOWAY.

H.R. 41: Mr. DELLUMS, Mr. NAGLE, and Mr. FEIGHAN.

H.R. 46: Mr. DYMALLY.

H.R. 60: Mr. PACKARD, Mr. DAVIS, Mr. ROE, Mr. TAUZIN, Mr. GINGRICH, Mr. HALL of Texas, Mr. GUNDERSON, Mr. DERRICK, Mr. WYLIE, Mr. JONES of North Carolina, Mr. EDWARDS of Oklahoma, Mr. BUECHNER, Mr. BOUCHER, Mr. MONTGOMERY, and Mrs. BYRON.

H.R. 61: Mr. HUNTER and Mr. BARTLETT.

H.R. 63: Mr. INHOFE, Mr. HOLLOWAY, Mr. HARRIS, and Mr. COX.

H.R. 98: Mr. DYMALLY, Mr. RICHARDSON, Mr. HORTON, Mr. PARRIS, Mr. MONTGOMERY, Mr. LIGHTFOOT, Mr. CROCKETT, Mr. VENTO, Mr. FOGLIETTA, Mrs. VUCANOVICH, Mr. MAV-

ROULES, Mr. LEWIS of California, Mr. MURPHY, Mr. AKAKA, Mrs. SAIKI, Mr. BENNETT, Mr. FALEOMAVAEGA, Mr. MARTIN of New York, Mrs. UNSOELD, and Mr. GALLEGLY.

H.R. 110: Mr. ROBINSON.

H.R. 118: Mr. GORDON.

H.R. 145: Mr. JOHNSON of South Dakota and Mr. PRICE.

H.R. 201: Mr. JONES of North Carolina and Mr. WOLPE.

H.R. 211: Mr. TAUZIN.

H.R. 212: Mr. LANTOS.

H.R. 215: Mr. WAXMAN, Mr. AUCOIN, Mr. ENGLISH, Mr. HAYES of Illinois, Mr. BURTON of Indiana, Mr. LAGOMARSINO, Mrs. LLOYD, Mr. EDWARDS of Oklahoma, Mr. STARK, Mr. KENNEDY, Mr. BUSTAMANTE, and Mr. AKAKA.

H.R. 216: Mr. LANTOS.

H.R. 315: Mr. OWENS of New York, Mr. CROCKETT, Mr. ESPY, and Mr. WEISS.

H.R. 361: Mr. FLAKE.

H.R. 373: Mr. HYDE, Mr. LEWIS of Georgia, Mr. MATSUI, Mr. CLEMENT, Mr. LEVIN of Michigan, Mrs. SAIKI, Mr. GEJDENSON, Mr. JONTZ, and Mrs. LOWEY of New York.

H.R. 422: Mr. BEREUTER and Mr. BATEMAN.

H.R. 446: Mr. MARLENEE.

H.R. 500: Mr. LANTOS.

H.R. 534: Mr. MCGRATH, Mr. BORSKI, Mr. VENTO, and Mrs. LOWEY of New York.

H.R. 567: Mr. RIDGE and Mr. ROYBAL.

H.R. 584: Mr. WISE, Mr. SMITH of Florida, Mr. WALSH, Mr. SARPALIUS, Mr. NEAL of North Carolina, and Mr. DWYER of New Jersey.

H.R. 633: Mr. COX and Mr. DICKS.

H.R. 634: Mr. ROBERT F. SMITH and Mr. SOLARZ.

H.R. 638: Mr. SWIFT, Mr. FIELDS, Mr. MARKEY, Mr. WAXMAN, Mr. BRYANT, and Mr. WHEAT.

H.R. 658: Mr. BOUCHER.

H.R. 664: Mr. ROHRABACHER, Mr. DORNAN of California, and Mr. BOUCHER.

H.R. 694: Mr. HERGER.

H.R. 745: Mr. ROE, Mr. BEILENSON, Mrs. COLLINS, Mrs. LLOYD, Ms. KAPTUR, Mr. JONTZ, Mr. LEWIS of Georgia, and Mr. FOGLIETTA.

H.R. 780: Mr. LEHMAN of Florida, Mr. HAYES of Illinois, Mr. DOWNEY, Mr. SOLARZ, Mr. FOGLIETTA, and Mr. CLAY.

H.R. 844: Mr. THOMAS of Wyoming and Mr. NIELSON of Utah.

H.R. 911: Mr. BARTON of Texas, Mr. BOEHLERT, Mr. BURTON of Indiana, Mr. DANNEMEYER, Mr. DELAY, Mr. FAWELL, Mr. GALLO, Mr. GILMAN, Mr. GREEN, Mr. HASTERT, Mr. KOLBE, Mr. LEACH of Iowa, Mr. LENT, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. MCGRATH, Mr. MCMILLAN of North Carolina, Mr. MURTHA, Mr. MYERS of Indiana, Mr. OXLEY, Mr. REGULA, Mr. ROTH, Mr. SHUMWAY, Mr. SLAUGHTER of Virginia, Mr. DENNY SMITH, Mr. STENHOLM, Mr. STUMP, Mr. SUNDQUIST, Mr. WHITTAKER, Mr. YATES, and Mr. YOUNG of Alaska.

H.R. 979: Mrs. JOHNSON of Connecticut and Mr. SAXTON.

H.R. 982: Mr. PACKARD.

H.R. 993: Mr. CONYERS and Mr. VENTO.

H.R. 995: Mr. CONTE, Mr. VISCLOSKY, and Mr. CLEMENT.

H.R. 1041: Mr. PAYNE of New Jersey.

H.R. 1043: Mr. STUMP.

H.R. 1051: Mr. CAMPBELL of California and Mr. FAWELL.

H.R. 1056: Mr. JENKINS, Mr. STOKES, Mr. FORD of Tennessee, Mr. CLAY, Mr. ROWLAND of Georgia, and Mr. BRENNAN.

H.R. 1068: Mr. FAZIO, Mr. FOGLIETTA, and Mr. BENNETT.

H.R. 1072: Mr. STARK, Mr. ACKERMAN, Mr. WILSON, Mr. SMITH of Mississippi, Mr. SKEEN, Mr. LIPINSKI, Mr. BROWN of California, Mr. KOLBE, Mrs. COLLINS, Mr. ROE, Mr. BRYANT, Mr. PANETTA, Mr. PARKER, and Mr. MCCRERY.

H.R. 1074: Mrs. LOWEY of New York and Mr. STALLINGS.

H.R. 1078: Mr. PRICE, Mr. WALSH, Mr. BLAZ, Ms. SLAUGHTER of New York, Mr. FORD of Tennessee, Mr. SMITH of Vermont, Mr. TOWNS, and Mr. BENNETT.

H.R. 1083: Mr. WEBER, Mrs. MORELLA, Mr. KASICH, Mr. SMITH of Florida, Mr. DE LA GARZA, Mr. STALLINGS, Mr. FISH, Mr. CLEMENT, Mr. LOWERY of California, Mr. HAWKINS, Mr. DAVIS, Mr. ESPY, Mr. BONIOR, and Mr. BUECHNER.

H.R. 1095: Mr. GORDON, Mr. JONTZ, Mr. PURSELL, Mr. SABO, and Mr. WYLIE.

H.R. 1175: Mr. RAHALL, Mr. TAUKE, Mrs. COLLINS, Mr. STALLINGS, Mr. ERDREICH, Mr. JACOBS, and Mr. WOLPE.

H.R. 1176: Mr. ESPY, Mr. BOUCHER, Mr. GRANDY, and Mr. AKAKA.

H.R. 1180: Mr. YATES.

H.R. 1190. Mr. WALGREN.

H.R. 1235: Mr. ROYBAL.

H.R. 1280: Mr. SWIFT.

H.R. 1287: Mr. ARCHER, Mr. FRENZEL, Mr. MCGRATH, and Mr. SUNDQUIST.

H.R. 1292: Mr. SABO, Mr. BATES, Mr. PORTER, Mr. HORTON, Mr. FAZIO, Mr. ACKERMAN, and Mr. CAMPBELL of Colorado.

H.R. 1306: Mr. RANGEL and Mr. ENGEL.

H.R. 1307: Mr. CLEMENT, Mr. FAZIO, Mr. BUSTAMANTE, Mr. JAMES, Mr. MARLENEE, and Mr. MCDADE.

H.R. 1375: Mr. UPTON and Mr. VENTO.

H.R. 1409: Mr. EVANS, Mr. WISE, and Mr. CROCKETT.

H.R. 1453: Ms. Pelosi, Mr. ATKINS, Mr. ECKART, Mr. ENGEL, Mr. RAHALL, Mr. MOLLOHAN, Mr. EDWARDS of California, and Mr. ESPY.

H.R. 1461: Mr. BAKER, Mr. INHOFE, Mr. CARPER, Mr. UPTON, and Mr. ROE.

H.R. 1530: Mr. DYMALLY, Mr. SCHUMER, Mr. HAWKINS, Mr. DWYER of New Jersey, Mr. JONTZ, Mrs. COLLINS, Mr. EDWARDS of California, Mr. GRAY, Mr. ATKINS, Mr. TRAFICANT, Mr. OWENS of New York, Mr. WOLPE, Mr. DELLUMS, Mr. NEAL of North Carolina, and Mr. ECKART.

H.R. 1545: Mr. ANTHONY and Mr. ANNUNZIO.

H.R. 1583: Mr. GRANDY, Mr. LAGOMARSINO, and Mr. EDWARDS of Oklahoma.

H.R. 1601: Mr. BARNARD.

H.R. 1643: Mr. ROE.

H.R. 1686: Mr. KASTENMEIER.

H.R. 1748: Mr. CAMPBELL of California and Mr. FAWELL.

H.R. 1751: Mr. CAMPBELL of California and Mr. FAWELL.

H.R. 1752: Mr. CAMPBELL of California and Mr. FAWELL.

H.R. 1854: Mr. CLAY.

H.R. 1860: Mr. YATRON, Mr. DICKS, Mrs. SCHROEDER, Mr. ACKERMAN, Mr. TOWNS, Mr. FAUNTROY, and Mr. YOUNG of Alaska.

H.R. 1872: Mr. ANDREWS.

H.R. 2051: Mr. TOWNS.

H.R. 2065: Mrs. SAIKI.

H.R. 2080: Mr. VENTO.

H.R. 2096: Mr. CLAY.

H.R. 2192: Mr. INHOFE, Mr. MARTINEZ, and Mr. PACKARD.

H.R. 2195: Mr. MACHTLEY.

H.R. 2222: Mr. VALENTINE, Mr. FUSTER, and Mr. LANTOS.

H.R. 2228: Mr. FISH.

H.R. 2237: Mr. RANGEL, Mr. HANSEN, Mr. LANCASTER, Mr. QUILLEN, Mr. MARTINEZ, and Mr. WALSH.

H.R. 2257: Mr. LANCASTER.

H.R. 2265: Mr. EDWARDS of California and Mr. DELLUMS.

H.R. 2269: Mr. ARMEY, Mr. ENGLISH, and Mr. BRUCE.

H.R. 2290: Mr. BEILENSON, Mr. PANETTA, Mr. YATES, Mr. ROE, and Mrs. MARTIN of Illinois.

H.R. 2331: Ms. SNOWE, Mr. DONNELLY, and Mr. CHANDLER.

H.R. 2336: Mr. MURTHA, Mr. WALKER, Mr. PENNY, Mr. TOWNS, Mr. DANNEMEYER, and Mr. MARTIN of New York.

H.R. 2348: Mr. HOUGHTON, Mr. ROBINSON, and Mr. HERGER.

H.R. 2349: Mr. UPTON.

H.R. 2359: Mr. DONALD E. LUKENS and Mr. HERGER.

H.R. 2360: Mr. ESPY, Mr. HANCOCK, Mr. DE LA GARZA, and Mr. EMERSON.

H.R. 2378: Mr. BOUCHER, Mr. BRYANT, Mr. CARDIN, Mr. DANNEMEYER, Mr. FASCELL, Mr. HENRY, Mr. LAGOMARSINO, Mr. MRAZEK, Mr. PETRI, and Mr. SMITH of Texas.

H.R. 2403: Mr. RUSSO, Mr. LELAND, Mr. FLAKE, Mr. PALLONE, Mr. LAFALCE, Mr. CONTE, Mr. SWIFT, Mr. ANNUNZIO, Mr. DWYER of New Jersey, Ms. KAPTUR, Mr. SANGMEISTER, Mr. FORD of Tennessee, Mr. JONES of Georgia, Mr. ROSE, and Mr. MAZZOLI.

H.R. 2470: Mr. WOLPE.

H.R. 2503: Mr. EDWARDS of California.

H.R. 2504: Mr. FORD of Michigan.

H.R. 2522: Mr. WISE.

H.R. 2532: Mr. CARPER, Mr. SMITH of New Jersey, Mr. GARCIA, Mr. HOCHBRUECKNER, Mr. FAUNTROY, Mr. WOLPE, Mr. WHEAT, Mr. HAYES of Illinois, Mr. RANGEL, Ms. PELOSI, and Mr. ACKERMAN.

H.R. 2542: Mr. SAVAGE.

H.R. 2545: Mr. RANGEL and Mr. HORTON.

H.R. 2561: Mr. LEWIS of Florida and Mr. ECKART.

H.R. 2578: Mr. ROHRABACHER, Mr. FAUNTROY, Mr. SCHEUER, Mr. DELLUMS, and Mr. TOWNS.

H.R. 2584: Mr. ACKERMAN, Mr. FOGLIETTA, and Mr. KLECZKA.

H.R. 2606: Mr. DEFAZIO.

H.R. 2609: Mr. PAYNE of New Jersey, Mr. STANGELAND, Mr. LIPINSKI, Mr. LEWIS of Georgia, and Mr. OWENS of Utah.

H.R. 2613: Mrs. UNSOELD, Mr. NEAL of North Carolina, Mr. FROST, Mr. RITTER, Mr. FAUNTROY, Mr. INHOFE, and Mr. FAZIO.

H.R. 2620: Mr. PARKER, Mr. HAYES of Louisiana, Mr. GOSS, Mr. ESPY, Mr. LIVINGSTON, Mr. GARCIA, Mr. ROE, Mr. DYMALLY, Mr. BAKER, Mr. PAXON, Mr. WALSH, Mr. HUTTO, Mr. MONTGOMERY, Mr. NELSON of Florida, Mr. LIPINSKI, Mr. SMITH of Vermont, Mr. ATKINS, Mr. FLIPPO, Mr. RAVENEL, and Mr. MCCRERY.

H.R. 2622: Mr. HYDE, Mr. MRAZEK, Mr. ERDREICH, Mr. TOWNS, Ms. KAPTUR, Mr. STAGGERS, Mr. LEWIS of Florida, Mrs. SAIKI, Mr. FRANK, Mr. DWYER of New Jersey, and Mr. ENGLISH.

H.R. 2630: Mr. MCEWEN and Mr. ENGLISH.

H.R. 2642: Mr. DICKINSON, Mr. ROWLAND of Georgia, Mr. BILIRAKIS, Mr. BOUCHER, Mr. BENNETT, and Mr. SUNDQUIST.

H.R. 2648: Mr. ATKINS, Mr. BRYANT, Mrs. COLLINS, Mr. HAYES of Illinois, Mr. JONTZ, Mr. FRANK, Mr. HUGHES, Mr. LIPINSKI, Mr. PALLONE, Mr. PANETTA, Mr. WEISS, Mr. SHAYS, Mr. WISE, Mr. DELLUMS, and Mr. DEFAZIO.

H.R. 2677: Mr. DYMALLY, Mr. OWENS of New York, Mrs. COLLINS, Mr. WALSH, Mr. MCDERMOTT, and Mrs. JOHNSON of Connecticut.

H.R. 2693: Mr. WALSH, Mr. LAGOMARSINO, Mr. FAZIO, Mr. ROE, and Mr. SMITH of Mississippi.

H.R. 2699: Mr. FUSTER, Mr. HAYES of Illinois, Mr. GORDON, Mr. DE LUGO, and Mr. MARTINEZ.

H.R. 2700: Mr. DE LUGO, Mrs. MARTIN of Illinois, Mr. HEFNER, and Mr. SCHUETTE.

H.R. 2715: Mr. RANGEL, Mr. FROST, Mr. STARK, Mr. SOLARZ, Mr. DONNELLY, Mr. LANCASTER, Mr. LEWIS of Georgia, Mr. DWYER of New Jersey, Ms. PELOSI, Mr. ATKINS, Mr. ROE, Mr. BRYANT, and Mr. RAHALL.

H.R. 2755: Mr. BEREUTER, Mr. WYDEN, Mrs. LLOYD, Mr. STARK, Mr. VENTO, and Mr. MORRISON of Washington.

H.R. 2766: Mr. HAYES of Illinois, Mr. DELLUMS, and Mr. MARTINEZ.

H.R. 2778: Mr. LIPINSKI, Mr. RAVENEL, Mr. SPENCE, Mr. NEAL of Massachusetts, Mr. ERDREICH, Mrs. JOHNSON of Connecticut, Mr. ATKINS, Mr. GALLEGLY, and Mr. MARTIN of New York.

H.R. 2782: Mr. FUSTER, Mr. PORTER, Mr. WALSH, Mrs. BOXER, Mr. ATKINS, Mr. TALLON, Mr. OBERSTAR, and Mr. ENGEL.

H.R. 2800: Mr. HORTON, Mr. GRANT, Mr. RAVENEL, Mr. HAYES of Louisiana, Mr. FUSTER, and Mr. AUCOIN.

H.R. 2837: Mr. ANDREWS, Mr. MORRISON of Connecticut, and Mr. JONTZ.

H.J. Res. 54: Mr. COYNE and Mr. MCDERMOTT.

H.J. Res. 95: Mr. ASPIN, Mr. COSTELLO, Mr. OWENS of New York, Mr. PAYNE of New Jersey, and Mr. STOKES.

H.J. Res. 104: Mr. RHODES, Mr. WAXMAN, Mrs. BYRON, Mr. MCMILLEN of Maryland, Mr. CARDIN, and Mr. FLAKE.

H.J. Res. 110: Mr. LOWERY of California, Mr. STANGELAND, and Mr. BROWN of Colorado.

H.J. Res. 115: Mr. FAZIO, Mr. LEVIN of Michigan, Mr. ESPY, Mr. CLEMENT, Mr. HANCOCK, Mr. YOUNG of Florida, Mr. FALEOMAVAEGA, Mr. BEVILL, Mr. WOLF, Mr. MONTGOMERY, Mr. ATKINS, Mr. RANGEL, Mrs. PATTERSON, Mr. MCGRATH, Mr. DORNAN of California, and Mr. RICHARDSON.

H.J. Res. 127: Mrs. UNSOELD and Mr. LANCASTER.

H.J. Res. 138: Mrs. JOHNSON of Connecticut, Mr. EMERSON, Mr. GUARINI, and Mr. YATES.

H.J. Res. 156: Mr. SMITH of New Jersey.

H.J. Res. 178: Mr. LANTOS, Mr. WEISS, Mr. FORD of Michigan, Mr. ERDREICH, Mrs. KENNELLY, Mr. HAYES of Louisiana, and Mr. SCHUETTE.

H.J. Res. 199: Mr. MCDADE, Mr. SENSENBRENNER, Mr. OXLEY, Mr. WALGREN, and Mr. HANCOCK.

H.J. Res. 204: Mr. VALENTINE, Mr. RAVENEL, Mr. FRANK, Mr. BAKER, Mr. QUILLEN, Mr. HALL of Ohio, Mr. MAVROULES, Mr. STALLINGS, Mr. FAUNTROY, and Mr. CLINGER.

H.J. Res. 231: Mr. SMITH of Mississippi, Mrs. LOWEY of New York, Mr. FEIGHAN, Mr. DIXON, Mr. ESPY, Mr. BOUCHER, Mr. DEFAZIO, Mr. GONZALEZ, Mr. KOLTER, Mr. LEVIN of Michigan, Mr. MAZZOLI, and Mr. ERDREICH.

H.J. Res. 253: Mr. BUNNING, Mr. SMITH of Florida, Mr. GALLEGLY, Mr. SCHUETTE, Mr. DE LA GARZA, Mr. CHAPMAN, Mr. JONTZ, Mr. MYERS of Indiana, Mr. MOORHEAD, Mr. ROWLAND of Connecticut, and Mr. ROE.

H.J. Res. 256: Mr. OWENS of Utah, Mr. MOAKLEY, Mr. TOWNS, Mrs. MEYERS of Kansas, Mr. BURTON of Indiana, and Mr. FRANK.

H.J. Res. 257: Mr. DAVIS, Mr. LANTOS, Mr. PRICE, Mr. STALLINGS, Mr. MARTIN of New York, Mr. MARKEY, Mr. MCDADE, Mr. OWENS of Utah, Mr. DORGAN of North Dakota, and Mr. TAUKE.

H.J. Res. 260: Mr. SHUMWAY.

H.J. Res. 265: Mrs. MORELLA, Mrs. VUCANOVICH, Ms. OAKAR, Mr. COYNE, Mr. LELAND, Mr. SWIFT, Mr. GILMAN, Mr. SOLOMON, Mr. BEREUTER, Mr. BROOMFIELD, Mr. DREIER of California, Mr. RITTER, Mr. LEWIS of California, Mr. MOLINARI, Mr. RANGEL, Mr. GUARINI, Mr. LEWIS of Florida, Mr. WOLF, Mr. SLAUGHTER of Virginia, Mr. MCCOLLUM, Mr. WEBER, Mr. SCHULZE, Mr. EDWARDS of Oklahoma, Mr. MILLER of Ohio, Mr. CRAIG, Mr. LOWERY of California, Mrs. SMITH of Nebraska, Mr. BUNNING, Mr. MONTGOMERY, Mr. HYDE, Mr. SKEEN, Mr. SCHEUER, Mr. RAY, Ms. SNOWE, Mr. DUNCAN, Mr. ENGEL, Mr. BROOKS, Mr. MORRISON of Connecticut, Mr. JENKINS, Mr. COSTELLO, Mr. MYERS of Indiana, Mr. NIELSON of Utah, Mr. BUSTAMANTE, Mr. WHITTEN, and Mr. MCDADE.

H.J. Res. 282: Mr. GUARINI, Mr. MURPHY, Mr. OWENS of Utah, Mrs. MORELLA, Mr. RAVENEL, Mr. SPRATT, Ms. OAKAR, Mr. SMITH of New Hampshire, Mr. TALLON, Mr. TOWNS, Mr. UPTON, Mr. STUDDS, Mr. TAUZIN, Mr. ROYBAL, Mr. ROWLAND of Connecticut, Mr. SKELTON, Mr. TAUKE, Mr. ROWLAND of Georgia, Mr. BOSCO, Mr. FLAKE, Mr. CONYERS, Mr. CHANDLER, Mr. INHOFE, Mr. COYNE, Mr. HAYES of Illinois, Mr. MFUME, Mr. PASHAYAN, Mr. DONNELLY, Mr. SAWYER, Mr. GEPHARDT, Mr. SAXTON, Mr. STAGGERS, Mrs. JOHNSON of Connecticut, Mr. SCHUMER, Mr. WALGREN, and Mr. KASTENMEIER.

H.J. Res. 286: Mr. ESPY, Mr. MATSUI, Mr. WALGREN, Mr. BROWDER, Mr. SAVAGE, Mr. WOLF, Mrs. COLLINS, Mr. HORTON, Mr. BERMAN, Mr. LEHMAN of Florida, Mr. GRAY, Mr. MOAKLEY, Mr. ACKERMAN, Mr. DYMALLY, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. AUCOIN, Mr. MCGRATH, Mrs. BOXER, and Mr. BLILEY.

H.J. Res. 304: Mr. BAKER, Mr. BALLENGER, Mr. BARNARD, Mr. BEVILL, Mr. BILIRAKIS, Mr. BLILEY, Mrs. BYRON, Mr. CALLAHAN, Mr. COBLE, Mr. CRANE, Mr. DANNEMEYER, Mr. EMERSON, Mr. FIELDS, Mr. GAYDOS, Mr. GINGRICH, Mr. GRANDY, Mr. HORTON, Mr. HUCKABY, Mr. HUTTO, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LEATH of Texas, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mrs. LLOYD, Mr. DONALD E. LUKENS, Mr. MCCRERY, Mr. MCGRATH, Mrs. MEYERS of Kansas, Mr. MURTHA, Mr. NIELSON of Utah, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. RAVENEL, Mr. RHODES, Mr. ROGERS, Mr. ROTH, Mr. SAXTON, Mr. SCHAEFER, Mr. SCHUETTE, Mr. SKEEN, Mr. SMITH of New Hampshire, Mr. SUNDQUIST, Mr. TAUZIN, Mrs. VUCANOVICH, Mr. WALKER, and Mr. WYLIE.

H.J. Res. 318: Mr. HASTERT, Mr. DANNEMEYER, Mr. HORTON, Mr. HUCKABY, Mr. HUNTER, Mr. HOLLOWAY, Mr. TAUZIN, Mr. PAXON, Mr. HERGER, Mr. LAGOMARSINO, Mr. WATKINS, Mr. GRANDY, Mr. ROWLAND of Connecticut, and Mr. SMITH of New Hampshire.

H.J. Res. 323: Mr. BLILEY, Mr. STANGELAND, Mr. PURSELL, Mr. LENT, Mr. SUNDQUIST, Mr. PACKARD, Mr. SKELTON, Mr. RAVENEL, Mr. GOSS, Mr. GINGRICH, Mrs. MEYERS of Kansas, Mr. LOWERY of California, Mr. BURTON of Indiana, Mr. DORNAN of California, Mr. MARTIN of New York, Mr. SKEEN, Mr. INHOFE, Mr. ROWLAND of Georgia, Mr. WHITTAKER, Mr. ROGERS, Mr. SAXTON, Mr. ROBERTS, Mr. DANNEMEYER, Mr. HOLLOWAY, Mr. TAUZIN, Mr. PAXON, Mr. MCGRATH, Mr. GALLEGLY, Mr. LAGOMARSINO, Mr. PAYNE of Virginia, and Mrs. VUCANOVICH.

H.J. Res. 333: Mr. HOLLOWAY, Mr. PAXON, Mr. KASICH, Mr. SPENCE, Mr. LEATH of Texas, Mr. GALLEGLY, Mr. PARKER, Mrs. BENTLEY, Mr. MCGRATH, Mr. LAGOMARSINO, and Mr. HUTTO.

H.J. Res. 347: Mr. REGULA, Mr. YOUNG of Florida, Mr. ENGEL, and Mr. GREEN.

H.J. Res. 350: Mr. APPLEGATE, Mr. HARRIS, Mr. THOMAS of Georgia, Mr. LEATH of Texas, Mr. RAHALL, Mr. HEFNER, Mr. VALENTINE, Mr. RAY, Mr. CAMPBELL of Colorado, Mr. HUTTO, Mr. ROWLAND of Georgia, Mr. TAUZIN, Mr. STENHOLM, Mr. SOLOMON, Mr. SCHUETTE, Mr. WATKINS, Mr. PARKER, Mr. RINALDO, Mr. PAXON, Mr. MOORHEAD, Mr. HUNTER, Mr. MAZZOLI, Mr. BUECHNER, Mr. TAUKE, Mr. COUGHLIN, Mr. DUNCAN, Ms. SNOWE, Mrs. ROUKEMA, Mr. BEREUTER, Mr. SMITH of Texas, Mrs. MEYERS of Kansas, Mr. BEVILL, Mr. LEWIS of Florida, Mr. NATCHER, Mr. DYSON, Mr. SARPALIUS, Mr. JOHNSON of South Dakota, Mr. WEBER, Mr. GRANDY, Mr. MARTIN of New York, Mr. WALSH, Mr. GALLEGLY, Mr. TRAFICANT, Mr. SKELTON, Mr. MURPHY, Mr. ROE, Mr. YATRON, Mr. HILER, Mr. VANDER JAGT, Mr. MACHTLEY, Mr. CRAIG, Mr. ROGERS, Mr. GINGRICH, Mrs. SMITH of Nebraska, Mr. CALLAHAN, Mr. COMBEST, Mr. SKEEN, Mr. GALLO, Mr. DELAY, Mr. OXLEY, Mr. SENSENBRENNER, Mr. WOLF, Mr. ROTH, Mr. WYLIE, Mr. ARCHER, Mr. HOLLOWAY, Mr. HANCOCK, Mr. DANNEMEYER, Mrs. MARTIN of Illinois, Mr. CAMPBELL of California, Mr. CLINGER, Mr. REGULA, Mr. SAXTON, Mr. BURTON of Indiana, Mr. WALKER, and Mr. BROWN of Colorado.

H. Con. Res. 30: Mr. ESPY.

H. Con. Res. 47: Mr. NIELSON of Utah.

H. Con. Res. 79: Mr. GINGRICH and Mr. EDWARDS of Oklahoma.

H. Con. Res. 127: Mrs. VUCANOVICH and Mr. HASTERT.

H. Con. Res. 140: Mrs. SMITH of Nebraska, Mr. SCHUETTE, Mr. EMERSON, Mr. WALSH, Mrs. MARTIN of Illinois, Mr. HATCHER, Mr. KOLTER, Mrs. VUCANOVICH, Mr. SLATTERY, Mr. TAUKE, Mr. TOWNS, and Mr. KILDEE.

H. Con. Res. 149: Mr. LAGOMARSINO, Mr. KENNEDY, Mr. ATKINS, Ms. PELOSI, Mrs. LOWEY of New York, Mr. AUCOIN, Mr. GREEN, Mr. MILLER of California, Mr. MAZZOLI, Mr. PAYNE of New Jersey, Mr. HAYES of Louisiana, Mr. WILSON, Mr. WHEAT, Mr. FLIPPO, Mr. LANTOS, Mr. DERRICK, Mr. LELAND, Mr. HOCHBRUECKNER, Mr. DYSON, Mr. TRAXLER, Mr. FROST, Mr. BUSTAMANTE, Mr. BORSKI, Ms. KAPTUR, Mrs. BOXER, Mr. EMERSON, Mr. SHAYS, Mr. HUTTO, Mr. CONTE, Mr. QUILLEN, Mr. MATSUI, and Mr. SOLARZ.

H. Con. Res. 152: Mr. PAXON, Mr. ROWLAND of Connecticut, and Mr. ENGEL.

H. Res. 140: Mr. WOLPE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

57. The SPEAKER presented a petition of residents of the 17th District of Texas, relative to the enactment of legislation to prevent desecration of the American flag; which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, July 11, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *God is light, and in Him is no darkness at all.*—1 John 1:5.

Eternal God, perfect in truth, justice, holiness and love—whose "life is the light of men"—let the light of Your infinite perfection penetrate our hearts and pervade our environment. Let it illuminate our petty frauds and foibles, exposing false motives, pride, selfishness, greed, lust, envy. Help us to see ourselves as Thou dost see us in our trivial charades and facades. Purge us of all that is contrary to Your perfection. Let the light of Your truth condemn our lies—the light of justice condemn our inequities—the light of holiness our evil thoughts and words and ways. Liberate us from the tiny tyrannies which immobilize our desire and determination to fulfill our mandate as leaders and which deprive the people of the best our political process promises.

In His name who is the Light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 11, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the time for the two leaders, there be a period for morning business not to extend beyond 9 o'clock, with Senators permitted to speak therein for up to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess today from 12 noon to 2:15 p.m. to accommodate the party conferences.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, when morning business closes at 9 o'clock this morning, the Senate will go into the nomination of former Senator Chic Hecht to be Ambassador to The Bahamas. The vote will occur not later than 7 p.m. today.

Once the Senate completes its debate on the Hecht nomination, it is my intention to proceed to Calendar No. 130—that is S. 358, the legal immigration bill—and upon disposition of that matter, to proceed to Calendar No. 134, S. 1248, the refugee assistance authorization bill.

RESERVATION OF LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I also reserve the leader time for the distinguished Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now conduct morning business.

Mr. SANFORD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from North Carolina [Mr. SANFORD].

DO WE NEED ANOTHER ECONOMIC COMMISSION?

Mr. SANFORD. Mr. President, earlier this year the report of the National Economic Commission to the President and Congress was released without fanfare. The National Economic Commission was authorized by Congress, appointed by the President and congressional leaders in the House and Senate, Democrats and Republicans, and paid for by the taxpayers. The expectation was that these leaders would rise above partisan politics, and give the Nation an honest solution. They did not.

I was disappointed that a real solution was not proposed. A lot of us were disappointed, including members of the National Economic Commission. There was a very good minority report filed, but the majority report was a flop.

I was especially disappointed that after 11 months of deliberation, 11 months of carefully examining our current fiscal situation, that this Commission believes that Gramm-Rudman-Hollings is working. I am disturbed that this report called the Gamm-Rudman-Hollings deficit reduction targets "appropriate goals for budget policy over the next several years." That is nonsense, and everybody in Congress knows that it is.

The report continues to say: "These goals, if realized, * * * should result in a Federal deficit that continues to decline significantly." Anyone who has studied the budget 2 hours, let alone 11 months, knows this is a blatantly false and misleading statement. In short, this report of the majority is a copout. We should be disappointed that these distinguished leaders have shown not the least bit of political courage. They crumpled when challenged to lead. Even under Gramm-Rudman-Hollings calculations, our deficits are increasing.

Mr. President, we are not on the right track with Gramm-Rudman as the report of the National Economic Commission suggests. Our annual increases in the debt continue to climb. And furthermore, Gramm-Rudman-Hollings suggests that we are home free once we eliminate annual deficits.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

That procedure, Gramm-Rudman-Hollings, is not eliminating annual deficits; it is simply covering them up. Gramm-Rudman-Hollings does not even recognize the constantly climbing national debt.

Last month I voted for the fiscal year 1990 budget resolution that was approved by the House and Senate. I felt it was important to support new Budget Committee chairmen in both the House and Senate. I thought it was important to support the new leadership in the Senate. I thought it was important to support a new President in the White House in his first effort to produce a budget. And finally, I thought it was important to support the bipartisan spirit and early participation of the President that developed this year in trying to resolve our problems, and besides, we had to have a budget, even one that covered up the deficit and debt, just to keep the Government going.

But the fact is, we are not better off with this budget resolution. We are not making any progress toward eliminating our annual deficits and reducing the Federal debt to a more manageable level. And we continue to use, some feel abuse, the Social Security Program in the process. Under this resolution we will increase our Federal debt by at least $264 billion. That is the unvarnished deficit—$264 billion. My guess is that our bottom line figure—our real deficit, the increase in the Federal debt—will exceed $264 billion in fiscal year 1990. We cannot afford to continue this deceit.

Do we need yet another economic commission to solve our problems, or can we manage this through budget reform and future budget resolutions? I would hope we could manage with the latter, and I think before summer's end we should have a better idea.

Mr. President, it is my hope that we can solve our problems through budget reform and budget debate in the House and Senate, working with the President. However, if we cannot, the new commission suggested by Mr. Zuckerman certainly deserves consideration.

Mr. President, I ask unanimous consent that an editorial from U.S. News & World Report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIVIDED WE FAIL

(By Mortimer B. Zuckerman)

The chief executive fiddles with the figures, in connivance with the auditors, to make 2 and 2 equal 5. He ignores a money-losing operation, concealing its losses until after the annual meeting, then siphoning money to this ailing division and hiding the transaction in financial terms by handling it off the budget. He assumes outlandish sales, then sells off capital assets to produce the revenue as if this were the equivalent of earned income. And worst of all, he risks the future of the company and the welfare of its employees by refusing to make the necessary investment in plant, equipment, R&D and worker training to be competitive in the marketplace.

Is there actually a business so craven and shortsighted? There is. It's called the United States government, and it is up to its neck in precisely these kinds of shenanigans in its mismanagement of the nation's fiscal policies—most recently illustrated by the agreement between Congress and the President on the federal budget.

Both sides proclaim that the 1990 budget meets the Gramm-Rudman deficit target of $100 billion. It does, if you believe in gremlins. The financial tricks are staggering, even by Washington standards. Some $2.2 billion is removed from the deficit by moving the Post Office subsidy off budget, as if spending the money in a different account is not the same as spending the money. Nearly $1 billion of farm subsidies for next year is put forward by one day, slipping it into fiscal 1989 in order to make fiscal 1990 look better. The budget projects selling $6 billion of federal assets and raising over $5 billion in taxes, but nobody has a clue as to which taxes. Underlying it all is a fault of seismic proportion—the simultaneous assumptions that the economy will grow faster than anyone thinks and, paradoxically, that interest rates will drop by 40 percent despite the high level of economic growth.

When the smoke finally clears, the Bush budget will break the Gramm-Rudman ceiling by at least $23 billion, according to the Congressional Budget Office, and by at least twice that amount based on most Wall Street calculations. Once again, the folks who ritually condemn deficits—and in the 1980s, the list includes leaders of both parties—will have avoided making any of the hard choices about either spending or taxes. They know that federal deficits have absorbed roughly three quarters of the net savings of Americans through the 1980s, depriving the economy of the capital necessary to make the investment we need to compete in a tougher world. And they know we cannot grow our way out of this fiscal crisis. Why do they fail to act?

Because they also understand contemporary American politics. For most of the last 35 years, with the Republicans in the White House and the Democrats in control of at least the House of Representatives, the two parties have fought each other in the interests of their partisan goals. Far too often, the result has been gridlock.

In critical times, we need to find a way to get around the paralysis of political competition. The independent commission of distinguished leaders is one possible answer. Yes, the independent commission is something of a cop-out. But so what, if it achieves results? By definition, such commissions are controlled by people who do not face the voters and who thus provide political cover to those who do. Many European nations use multiparty commissions to deal with the major issues, and we in America are going to have to develop similar institutions to make coalition government work.

The National Economic Commission was set up to deal with the fiscal crisis, but it ran afoul of the 1988 presidential politics. Still, the fundamental idea is sensible, providing leaders of both parties pledged to support the commission's recommendations. Who might serve? Well, for a start, let's try Paul Volcker, former chairman of the Federal Reserve, and Howard Baker, former chief of staff to President Reagan, as co-chairs. Add Alice Rivlin, the former head of the Congressional Budget Office, Lane Kirkland, president of the AFL-CIO, Bob Dole and George Mitchell from the Senate and Tom Foley and Bob Michel from the House.

Commission building is a game anyone can play. Deficit deception is a game in which only the American people are the losers.

FLAG BURNING

Mr. SANFORD. Mr. President, I would like to address the President of the United States. Mr. President, I hope you will decide not to ask the Congress to amend the Constitution to stop flag burning, because that means we will have to amend the Bill of Rights. For more than 200 years we have never tinkered with the Bill of Rights.

Mr. President, we love you, we love America, we love the flag, but we love the Bill of Rights.

The Bill of Rights is the foremost document of freedom in the world. It is the shining light that keeps alive the dreams of the oppressed people of the world.

In this moment of justified anger about flag burning, we must not seek an answer by doing something we have never before done. We must not change the Bill of Rights.

There is no document like it in the world. It has become a sacred trust for all the world. We must not change the Bill of Rights.

Mr. President, please seek another solution. We must not change the Bill of Rights.

I ask unanimous consent that certain editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Raleigh News and Observer, July 2, 1989]

NO REASON EXISTS TO TINKER WITH CONSTITUTION

(By Claude Sitton)

On Tuesday we celebrate the declaration that led to American independence, and that's as it should be. But we also should celebrate those rights that enabled us to keep that independence once it had been won. That is so because the most precious of those rights—that which keeps government from gagging those who would speak out against its abuses—is being tampered with, and for no good reason.

We have lived with the First Amendment as it was written for more than 200 years. Now, because one scruffy demonstrator burned a flag in a fit of protest and the Supreme Court held its nose and ruled the act within the bounds of law if not those of good taste and patriotism, these two centuries of testimony to the amendment's worth no longer suffice.

How can this be? One answer lies in the plight of a Republican president cursed by an Iran-contra scandal that will not down,

shamed by the exposure of wholesale influence peddling in the administration of which he was a part and plagued by the tyrannical acts of a Chinese runt who won't return the presidential phone call. What better way to divert the public from his predicament than to shout that Old Glory is under threat?

Old dogs don't learn new tricks. They just find new ways to play the old ones. And since the phony flap over the Pledge of Allegiance gave the Bush campaign such a good run up the gutter last year, why not conjure up another romp through the fevered swamps of jingoism?

Then there's the Democratic Congress, embarrassed by the ethical transgressions of some members, beset by factional strife and scared stiff of the ultra-conservative ayatollah among its membership. The dispute over the Supreme Court's decision give both Democratic and Republican members an irresistible opportunity to shore up their right flank with a cheap shot at the justices. And few senators and congressmen have the courage to pass it up.

No question, disrespect for the flag is deplorable. However, that which I see comes from residents who subject it to the vagaries of the weather and forget to lower it at sundown, men who flaunt it in their buttonholes and juveniles who wear it on their backsides.

I've never burned a flag and don't intend to. The closest I've come to seeing that occur happened when a Japanese Zero raked the mast of my LST with tracer fire while the ship was landing troops on a Leyte beach in the Philippines in World War II. In my book, flag-burners deserve about the same respect as pandering politicians who wave it to whip up the emotions of the mob for partisan purposes.

Nevertheless, given the "kinder, gentler" mood with which George Bush has blessed this country, these demagogues may well succeed in passing a constitutional amendment for ratification by state legislatures. Our ayatollahs no doubt are panting over the prospect this offers for posturing as defenders of the flag and portraying opponents as traitors. This, don't forget, is a time and place when Richard Nixon can serve as a money-magnet for a Tar Heel GOP fund-raiser, which raises the question of why the Republicans didn't just pass up the old Watergate coverup artist and raffle off a few HUD contracts?

Other than the politicians, about the only groups that can hope to profit from flag frenzy are the world exporters of junk and their American middlemen. No doubt Tokyo's entrepreneurs will dream of the old days. It was their factories that once supplied us with miniature flags and other patriotic trinkets instead of the Nissans and Toyotas that have put Detroit iron out to rust.

This dispute in no way pits right against left. After all, the Supreme Court's Scalia and Kennedy, the Senate's Humphrey and columnist Kilpatrick are hardly liberal pussycats and to a man they say the court's decision is constitutional. Instead, it arrays defenders of the Constitution against those who would let one demonstrator's insult to the Republican Party and his flag deceive us into carving up one of our highest statements of democratic principle.

That principle is embraced in the First Amendment, which provides that: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievance."

True patriotism, then, calls on us not only to celebrate the declaration of our independence next Tuesday and the rights that enabled us to keep it secure but also to consider what is needed now to protect those rights from the flag-wavers who would do them harm.

[From the Charlotte Observer, June 23, 1989]

FLAG-BURNING AND EXECUTIONS

EVENTS IN CHINA HELP PUT COURT DECISION IN PERSPECTIVE

On Wednesday the government of China carried out the first three death sentences against people involved in the demonstrations for democracy that were brutally crushed in Beijing more than two weeks ago. On the same day, the U.S. Supreme Court ruled that the Constitution protects an American's right to burn the American flag as an expression of protest.

There could hardly be a starker illustration of the most fundamental meaning of freedom under law than the juxtaposition of those two events.

The Chinese executed three workers convicted of torching a train that had plowed through a barricade and killed six of their fellow demonstrators. But in the larger context of events in Beijing in recent weeks, that is hardly more than a technicality. Does anyone doubt that their real crime was their involvement in the protests, or that the government's real purpose in the flood of executions this week is to warn other citizens of the dangers of participating in the demonstrations? And the rush from arrest to execution was so swift that it mocked any meaningful concept of justice.

Meanwhile, a lot of Americans are deeply offended by flag-burning, and they ought to be. The flag represents so much struggle, so much sacrifice, so much hope, and most of all, so much freedom, that we ought to cherish it and be offended by its desecration.

The fact that the high court decision came on a 5-4 vote demonstrated just how emotional an issue it is. The case was not a difficult call intellectually. Part of what makes the flag so dear is that it symbolizes freedom of expression. So, while we are offended by any desecration of the flag, the greater desecration would be if that freedom of expression were denied in the case of flag-burning.

Yet four of the nine justices disagreed. In their dissents they quoted patriotic poetry, and one dissenting justice's voice was described as quaking with emotion as he read. While he was speaking for a court minority, he might well have been speaking for a majority of American citizens.

Perhaps the brutal crushing of demonstrations for democracy in China and the continuing oppression and execution of protesters there will help Americans understand and appreciate the court's controversial decision. It protects everyone's freedom to protest against the government, even by means that many people find offensive. That is perhaps the most meaningful freedom of all. Anything that denies it in the case of one form of expression threatens it in the case of every other form of expression.

[From the Raleigh News and Observer, June 29, 1989]

OTHER FLAMES TO FAN

The last flag-burning most Americans witnessed came over the airwaves in the Vietnam war protests of the 1970s. Even in those turbulent and torn times, it was a despicable act. It accomplished nothing and drew attention not to a cause, but to the shabby individuals involved on its fringes.

The American flag is not a symbol of war. It flies not just over military installations or political conventions, but in front of homes on Main Street, and at places like Arlington National Cemetery, where it represents the nation for which the brave made the ultimate sacrifice.

The flag is not partisan—liberals fly it with the same verve as conservatives, Republicans with the same goose bumps as Democrats.

But President Bush's call for a constitutional amendment that would prohibit desecration of the flag threatens to make Old Glory a purely political issue. It already has prompted much windy rhetoric from Capitol Hill, where members of Congress are stumbling over each other to get to the podiums for some stem-winding oratory on their close personal relationships with the flag.

In the meantime, the nation's business—cleaning the environment, improving education, nuclear arms reduction, dealing with the Soviet Union, responding to the trouble in China—gets stalled as attention wanders to a sure-fire campaign winner, standing up for the Stars and Stripes.

The emotion attached to the flag is pure and strong. Those who fought for this country, were wounded, or lost loved ones in defense of democracy—and for that matter, all Americans—have every right to wave it, defend it and let their anger be known when the symbol is abused. But those who would legislate respect for the flag underestimate it.

A conservative U.S. Supreme Court does not. It ruled that the First Amendment to the Constitution protects the rights of those who would burn the flag, just as it protects the freedoms of those from different cuts of cloth—racial, religious and ethnic—who make up the patchwork that is America.

President Bush can get on to other, tougher chores and accomplish more for the nation than leading the charge up Patriotic Hill. He needn't worry about Old Glory. She can take care of herself. Be it at full mast, half mast, torn, tattered or singed, it is still the flag, stronger and more enduring than any bum who would defile it.

[From the Raleigh News and Observer, July 4, 1989]

FREEDOM'S FOURTH, FOREVER

America marks the 213th anniversary of independence with fried chicken, apple cider, brass bands, family reunions, fireworks and, undoubtedly, a departed and perplexed Betsy Ross wondering what in the world is going on with the red, white and blue descendants of her hand-sewn creation.

The Fourth of July celebrates the Declaration of Independence, this nation's birth certificate. More important to the independence of contemporary Americans are the freedoms embraced by the precious Bill of Rights, which The News and Observer traditionally honors by reprinting on this page.

Tumult around the world shows just how important those rights are—to good govern-

ment, and to the hearts of freedom-lovers everywhere. The Soviet Union wrestles uncomfortably with democracy, with Mikhail Gorbachev finding it a raucous process. China learns the costs of suppression as its image grows tarnished, and the families of those killed in the battles there learn the costs of freedom in a far more devastating way.

Why do they argue, why do they fight—these peoples who were so long complacent with a way of life? Because they have tasted freedom—little freedoms granted them by a begrudging leadership out of fear of revolt or economic collapse. And once there is a taste, nothing else is quite as satisfying.

The uprisings abroad ought to rekindle American patriotism, and shake the cobwebs off rights too often taken for granted. The Soviets and the Chinese want a voice; Americans have had it for over 200 years. Peoples around the world seek the right to vote; Americans have it, but exercise it haphazardly. In other countries, there is little freedom to work for a fair wage and spend the earnings as one wishes; Americans do it every day.

On this grand old day, America finds itself astir over the grand old flag. The Supreme Court has said that flag means freedom—even when that freedom is abused by some to burn Old Glory.

The argument has boiled to the point where President Bush pushes to make burning of the flag unconstitutional, where members of Congress threaten to trample one another en route to the bandwagon. It is a peculiar dispute, for in all the parades today, in all the marches, at all the fireworks displays, few if any flags will burn. And Southerners, in particular, cannot help but note the long-standing practice among some self-appointed patriots of burning another potent symbol—the cross.

Instead of worrying about the red, white and blue, which will endure petty insults, Americans could better spend time thinking about the Chinese and the Soviets and the repressed peoples of the Third World, who think not, dream not, of symbols, but of freedom itself. They yearn to breathe free, just as Americans did before they broke the yoke of a king.

America should share that yearning still, celebrate it, contemplate it and appreciate it. Think of that, then, at today's parade or at the family picnic. Aunt Martha's chicken may have some gristle, Grandma's rice may be sticky, and the cake may be a little dry. But freedom always tastes sweet.

[From the Winston-Salem Journal, June 29, 1989]

AMENDMENT IS WORSE—BURNING FLAG A BAD IDEA

There is a difference, one that appears to be lost on many Americans, between impassioned condemnation of the act of burning the American flag and calling for a constitutional amendment to prohibit that act.

Most Americans would never dream of burning the flag, and bristle at the notion that it is constitutionally condoned. Burning the flag is thumbing your nose at the country. Maybe it isn't flawless, but what better place is there on the face of the earth than the good, old United States of America? Most Americans would quickly answer, "None!"

But one of the reasons that the United States is so treasured by its citizens—indeed, the primary reason—is that power flows from the governed to the governors and not the other way. The individual is not a servant of the state; the states serve the people. That makes the individual special. That makes you special.

To accommodate this individuality, the United States has devised laws that are broadly tolerant of differences between individuals and permit free expression of those differences. Americans can disagree openly with their government, without fear of reprisal from the state.

It is to be hoped, of course, that such disagreement will be civil, reasoned, even constructive. But faced with My Lai, Watergate and a host of other scandals that seem to deny what most people believe the American flag stands for, it is not inconceivable that a flag burning in protest of what is seen as anti-American behavior in government could be understood as a patriotic act. That doesn't mean it is a patriotic act, but the intention may be.

Would you criticize an American during the Revolution for burning a British flag? How about just before the hostilities were declared?

What is sacred here is an ideal, not a piece of cloth. When we lose sight of the ideal, as it is embedded in the Bill of Rights and the words from the Gettysburg Address about "government of the people, by the people and for the people," the piece of cloth may remind us. But it may also symbolize, for some, the losing sight.

A constitutional amendment prohibiting the burning of the flag is a bad idea. Just because burning the flag is a bad idea doesn't mean there ought to be a constitutional amendment prohibiting it. Such an amendment would diminish the value of the flag as symbol of the American ideal and probably would do little, if anything to protect the flag from occasional burning.

One suspects that among the most vehement supporters of an amendment forbidding flag burning would be members of the Ku Klux Klan. Most of them would miss the irony in the comparison between a burning flag and a burning cross.

Mr. SANFORD. I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Missouri [Mr. BOND].

MICHAEL ALAN WOODS

Mr. BOND. Mr. President, I rise today to pay tribute to a dedicated public servant and a very good friend, Michael Alan Woods. His loss is one which his family and friends feel most deeply. In addition, all of us who have followed his career in public service recognize that this country has lost an outstanding public servant who had the potential to contribute so much more to his nation and to less fortunate people throughout the world, whom he was dedicated to serving.

Most recently, Alan has served as Administrator of the Agency for International Development. At the age of 43 he had already established a long record of public service.

Alan grew up in Mexico, MO, where he graduated from Mexico High School. It was there I got to know Alan as we played tennis together and talked.

As I recall, Alan did not have a great deal of natural tennis ability but he had the desire. As he told my distinguished senior colleague, Senator DANFORTH, he believed that playing tennis would give him an opportunity to see the world; our town tennis team traveled to places like Moberly, Marshall, Columbia, and Jefferson City, MO. But as Senator DANFORTH said at the memorial service for Alan, his horizons soon expanded beyond central Missouri.

When he went on to higher education at Park College near Kansas City, MO, his hard work enabled him to play No. 3 on the college tennis team. Before he graduated from college, his interest in and commitment to public service led him to take a position with Congressman Bob Ellsworth, of Kansas. His horizons continued to broaden and he moved to Washington, where he graduated from American University.

In 1968 he served as press aide to Richard Nixon during the 1968 Presidential campaign and was appointed by President Nixon as Assistant Press Secretary.

In 1970 he came home to Missouri to run my successful campaign for State Auditor and then returned to Washington to serve as vice president of Bradley Woods and Co., a political and economic research firm.

After the 1972 election, he came back to Missouri once again to serve as my chief of staff in the Governor's office in 1973 and 1974. In 1974 he went back to Washington to serve as Deputy Director of the Personnel Office in the White House of President Ford. In 1975 he moved to the Pentagon to serve as civilian chief of staff and senior adviser to the Secretary and was confirmed in 1976 as Assistant Secretary of Defense.

With the change of administration in 1977, he again entered the private sector as Vice President of DJA International, where he was responsible for defense and civilian aerospace activities. He was also briefly vice president for technology at Sears World Trade, where he took the highly unusual step of recommending that the company abolish his particular division and thereby his job. He served thereafter as President of International Services Corp., a consulting and international marketing firm. In the fall of 1985, he was nominated by President Reagan and confirmed by the Senate as Deputy U.S. Trade Representative where he was responsible for sectoral trade negotiations affecting manufacturing, agriculture and service industries. At the USTR he was the lead negotiator with Canada on lumber and also on United States market access to Portugal and Spain.

In the fall of 1987 he was nominated by President Reagan and confirmed for the position of Administrator at AID where he promoted market-ori-

ented economic policies, believing they and free and open trade held the key to progress in developing countries.

In June of last year when he returned from a trip abroad he learned that he had contracted cancer of the colon which had spread to the liver, but despite the physical pain and trauma of his illness, he remained committed to his mission of improving U.S. foreign aid programs. In November of 1988, President-elect George Bush asked him to continue in his position at AID.

Earlier this year, under his direction, AID released a report, "Development in the National Interests: U.S. Economic Assistance into the 21st Century." That report argued that what can be accomplished with foreign aid is limited when recipient countries pursue inappropriate economic policies. Despite the progress of the disease he continued to urge concentrating U.S. aid assistance on sustainable development, making that appeal in one of his last appearances at Park College, where he served on the board of trustees and was awarded an honorary doctor of law degree. He argued that aid should be a temporary bridge to private support and self-sustained growth.

Throughout his distinguished career, Alan remained devoted to his hometown of Mexico which this January gave him the Mexico Area Chamber of Commerce Ambassador Award, for the Mexican who brought great statewide and national credit to the Mexico area.

During the times I talked with him in his last year, he rarely mentioned his illness but talked about the challenges of helping and serving others.

When it appeared that the treatments being provided him at NIH were not succeeding in countering his illness, he pursued a nontraditional treatment with a doctor in New York in whom he had great trust. It is typical in my view of Alan that this spring he was expressing his greatest enthusiasm and excitement that his doctor had discovered a new and better means of treating AIDS. He was greatly encouraged by the hope that the suffering of others could be alleviated by this breakthrough.

Alan loved people and was a devoted and loyal friend. During the course of his final illness, he and his family received great comfort from the many friends from all walks of life who showed their friendship and support.

President Bush called Alan "a personal and professional friend who served his country with compassion and distinction. Alan was committed to focusing AID's work on promoting growth in developing countries. He cared deeply for those people around the world who needed our help."

That statement clearly captures the essence of Alan Woods' life and service.

A former colleague, good friend, and now nationally syndicated columnist Ken Adelman wrote:

> In an age of scandal mongering, with Washington awash with slurs of skullduggery, Alan stands as a shining symbol of what is right about those who serve.

Adelman stated that the story of Alan Woods shows that America is great since those who serve are generally good. He closed his tribute to Alan with a quote from elegy for a man:

> Leave nothing to repent, richly did he live, prodigal of life he spent all that life could give.

Also as a tribute to Alan, Carol Adelman succeeded in dedicating the July 2 meeting of the Philippines Consultative Group in Tokyo to the ideas and ideals for which Alan gave the last full measure of his devotion. She summed up Alan's life with two quotes:

> "Nothing great was ever achieved without enthusiasm," wrote Ralph Waldo Emerson. Though short, Alan's life was filled with enthusiasm, as he lived for ideas. "Ideas," said John Stuart Mill, "are one of the chief elements of social power since what men think determines how they act."

His hometown newspaper, the Mexico Ledger, said:

> Few individuals feel the call to public service as strongly as Alan Woods did. Fewer still are capable of sustaining Mr. Woods' high level of service to their country.
>
> That is one of the many tragedies surrounding Mr. Woods' death Thursday after a long battle with cancer. * * *
>
> Alan Woods accomplished so much in his 43 years. His future was full of promise for still more contributions to his Nation.
>
> The measure of a man's life is sometimes taken by the sense of loss at his passing.
>
> Alan Woods loss is felt so deeply because he had made his life so meaningful.

In his honor his many friends in Mexico have established the Alan Woods Memorial Scholarship for International Affairs. It is our hope that the scholarship fund will encourage students who come from Alan's hometown to show the same concern and commitment for a world community which Alan exhibited. Also, his beloved Park College is establishing a new Alan Woods International Business Management Program. This program will focus on foreign languages and an understanding and appreciation of the cultures in other countries. I can think of no finer tribute than to honor his memory by providing opportunity for future generations of students who study and learn the area of service to which Alan was so dedicated.

Our sorrow over his passing and tremendous loss his young family has experienced cannot be lessened. Our hearts, our prayers, and our friendship go out to his lovely wife, Cameron Derby Woods, who served this body in the Sergeant of Arms office, and to his young daughters, Alexandra and Caroline, and to his parents, Darlene and Donald "Smokey" Woods, of Mexico, MO.

For all of Alan's many friends, his example of friendship and service will live in our hearts forever. As a friend he was always there when we needed him and he was always ready to put his own self-interest second to the needs of others. He believed passionately in the goals of public service he pursued and he never let his travail interfere with his pursuit of noble objectives.

I ask unanimous consent to have printed in the RECORD tributes of Alan Woods.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO ALAN WOODS

(By Carol Adelman, Philippines Consultative Group Meeting, Tokyo, July 2, 1989)

Before we begin the formal sessions of this Consultative Group Meeting, I would like to say a few words about my good friend, Alan Woods.

Alan died last Thursday. He had battled cancer ferociously but he died peacefully.

He was born and raised in Mexico, Missouri—a very small town in America's Midwest. Who knows what took him to the East Coast to enter the fast track of politics, government, and business. His mother told me last week that when he left, she knew Alan was on his way to a different life for good.

He had an amazing varied career: politics, public relations, business, defense, trade, foreign aid. He did a lot of things well. But it was to government and public policy that Alan gave his most time and attention.

In contrast to his predecessors, Alan worked to change systems. James Baldwin said, "The world is before you, and you need not take it or leave it as it was when you came in." And this he did with his dedication and work to overhaul the Foreign Assistance Act of 1961. He worked to reorient foreign aid to support sustainable development through broad-based economic growth. His report, "Development and the National Interest," lays down a marker for the international donor community to look carefully, as he did, at the experience of those countries that have developed through the right policies and free institutions, not simply large foreign aid transfers.

"Nothing great was ever achieved without enthusiasm," wrote Ralph Waldo Emerson. Though short, Alan's life was filled with enthusiasm, as he lived for ideas. "Ideas," said John Stuart Mill, "are one of the chief elements of social power since what men think determines how they act."

As all of you know, Alan was committed to those same ideas we have been discussing together here in our partnership for development and democracy in the Philippines. I hope you will join with me in dedicating this Consultative Group Meeting to the ideas and ideals for which Alan gave the last full measure of his devotion.

[From the Washington Times, July 6, 1989]

A SHINING EXAMPLE OF SERVICE

(By Ken Adelman)

The story line is frightfully familiar: A gifted youth leaves small-town America to

serve his country, only to be struck down in his prime.

Still, the story of M. Alan Woods—head of our huge overseas development program, who died last Thursday of cancer—shows again how America is great since those who serve are generally good.

In an age of scandal-mongering, with Washington awash with slurs of skulduggery, Alan stands as a shining symbol of what's right about those who serve.

For above all, Alan Woods was a good person. He had to be, hailing from the minitown of Mexico, Mo., and reared on old-fashioned values. As a colleague wrote upon his death, "Alan Woods loved America. He loved to watch the Color Guard of the U.S. Armed Forces present arms and to hear the Marine Band play."

After completing a few years at Park College, Alan headed for Washington, D.C. He told the hometown folks he was off for one semester at The American University. But his father knew better.

Alan took to Washington like a duck takes to water. He took his first dip in politics, after graduating from The American University, as press aide to Richard M. Nixon during his 1968 campaign. Funds were scarce at first, so Alan slept nights in the bathtub of the candidate's New York apartment.

Hardship turned into glory as Alan entered the White House press office to handle press for foreign presidential trips.

As Alan moved up, he never puffed up. He stayed the Man from Mexico, Mo., through key posts, one as the youngest assistant secretary of defense in history. That's when he and I first worked together, under remarkably capable, though hard-driving Defense Secretary Donald Rumsfeld.

And that's when I observed Alan's keen judgment, incredible integrity and can-do spirit. His cheerfulness was infectious, his competence staggering for a 30-year-old. Alan's ego never got in the way of solving any problem pitched his way.

After returning to Missouri to run two successful compaigns and the governor's office for now-Sen. "Kit" Bond, Alan headed back to Washington. President Ronald Reagan wisely chose him as deputy U.S. trade negotiator and then administrator of the Agency for International Development.

President George Bush wisely asked Mr. Woods to stay in charge of the $6 billion foreign aid program, to which he gave the last full measure of his devotion.

He again remained the Man from Missouri with its "show me" approach. He searched to learn and then to teach, not what made poverty but made prosperity.

The result was his historic contribution, the Woods Report, laden with facts and figures to distinguish development from welfare. As Mr. Woods explained, the United States "needs to concentrate our scarce foreign aid resources on sustainable development—not just the giving of aid. Government-to-government aid should be a transitory bridge to private flows and self-sustained growth."

Typically Woodsian, he did not rest on the laurels of that widely acclaimed report. Ideas have consequences. Path-breaking intellectual work beckons action. So Alan embarked on a rewrite of the aid legislation, which has grown topsy-turvy over the years to become a themeless pudding.

No greater legacy could be bestowed than to have the Woods Act implement the Woods Report. This Alan could not achieve since he then took on a tougher challenge.

One day I visited Alan when he was hospitalized for colon problems. He was cheerful as ever. As I began to leave, he mentioned that tests he just received showed some signs of cancer.

I was bowled over. Alan wasn't. It was another thing to fix, another battle to wage, another job to do. Grit, not remorse, filled his face.

Strangely, Alan's life seems complete, even though he was only 43 when he left. For he lived two years for every one he was given. "Be life long or short, its completeness depends on what it was lived for," Longfellow wrote.

For us, the pain of losing a friend who had a vibrant wife and two little girls, a toddler and a 2-year-old, stings. But Alan still lives on Earth in the acts of goodness he performed and in the hearts of those who cherish his memory.

In short, Alan still lives on Earth in ways that really count. As his hometown paper, the Mexico (Missouri) Ledger, editorialized, "Alan Woods' loss is felt so deeply because he had made his life so meaningful."

There's no better way to leave Alan than to quote "Elegy For a Man":

Leave nothing to repent
Richly did he live.
Prodigal of life, he spent
All that life could give.

[From the Mexico (MO) Ledger, June 30, 1989]

ALAN WOODS DID MUCH IN HIS 43 YEARS

Few individuals feel the call to public service as strongly as Alan Woods did. Fewer still are capable of sustaining Mr. Woods' high level of service to their country.

That is one of the many tragedies surrounding Mr. Woods' death Thursday after a long battle with cancer.

His resume was impressive: a congressional assistant, assistant press secretary to President Nixon, chief of staff to then-Gov. Christopher Bond, assistant secretary of defense, vice president for technology of Sears World Trade, deputy U.S. trade representatives and director of the Agency for International Development (AID).

But more impressive than his resume was the consistent quality of contributions he made at each level he served.

In Missouri government, he was a key figure in implementation of the state's reorganization efforts. As vice president of Sears, he had the courage to recommend the elimination of his own job. As deputy U.S. trade representative, he was a strong advocate of open trade policies. As administrator of AID, he was pressing Congress to revamp the law governing foreign assistance, urging that U.S. aid be considered a "temporary bridge" toward self-sustainable growth in recipient nations.

Along the way, at every post, Mr. Woods expressed pride in his hometown, Mexico, Mo. And behind the scenes he played a quite, but important, role in assuring his hometown would continue to grow and prosper.

He had many special skills; however, one was his hallmark. He was a dedicated Republican, but master of the art of bipartisanship. As one of his associates said, he had a "very likeable way of disagreeing without being disagreeable."

Alan Woods accomplished so much in his 43 years. His future was full of promise for still more contributions to his nation.

The measure of a man's life is sometimes taken by the sense of loss at his passing.

Alan Woods' loss is felt so deeply because he had made his life so meaningful.

Mr. BOND. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. HARKIN. I thank the Chair.

(The remarks of Mr. HARKIN pertaining to the introduction of S. 1282 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RURAL HEALTH CARE

Mr. HATCH. Mr. President, I would like to share with the Senate several articles that appeared recently in the Salt Lake Tribune. These articles provide a summary of the challenges that are facing rural hospitals and care givers. There are also examples of innovation and dedicated service.

I hope placing these articles into the RECORD will generate a heightened awareness of the challenges that are facing health care delivery services in rural areas. There is a real threat facing those who live in rural areas, predominately the elderly and disadvantaged residents.

I ask unanimous consent that the articles be printed in full in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Salt Lake Tribune]

LIFEFLIGHT PLANE HELPS S. UTAH

(By Anne Palmer)

ST. GEORGE.—The sound of a helicopter flying low overhead signals a bad accident on the Wasatch Front, and the racket is sometimes a nuisance.

But consider living in Pioche, Nev., or having an accident on Lake Powell, where residents haven't had the luxury of that nuisance. Until this month, when a fixed-wing air ambulance was acquired by Dixie Medical Center, a bad accident in southern regions meant a long ambulance ride over rough highways to St. George.

Officials at Dixie Medical Center expect that situation to be remedied with the dedication of a Cessna 441 Conquest II capable of landing on short, hot runways, at high elevations. A flight team will be available at all hours.

The ambulance's first flight was May 3, and since then, nine emergency transports have been made. Hospital officials expect three or four emergency flights each week. They estimate that half those transports will be bringing patients from outlying areas to Dixie and half will be taking patients from Dixie to Northern Utah facilities for

neurological, neonatal or specialized cardiac care.

"This is a new thing for rural care, and with all the bad things that have been snowballing in rural medicine, this is incredible," said Lifeflight coordinator Kim Jensen.

Dr. Steven Van Norman, director of emergency services, maintains the new capabilities will dramatically improve pre-hospital trauma care, speeding transport to Dixie and reducing by half the time it takes to get a critically injured patient to a tertiary care center. Lifeflight will serve communities in southern Utah, eastern Nevada and northern Arizona in a 2,000-mile region.

The service will be integrated with the expert Lifeflight network based at LDS Hospital. Both are Intermountain Health Care facilities.

Need for the service is obvious, said Dr. Van Norman.

"A CT scan costs $1 million, and at that price there's a limit on how much of that technology you can provide. One way to give people better health care is instead of taking technology to them, to have a way of bringing patients to the technology in their time of need. That's why having a fixed-wing air ambulance service is so important to a place like St. George," he said.

"When somebody is involved in a car accident and has a head injury, we'll be able to get him to a scanner while we can still do something about it."

With Lake Powell, Zion National Park, and other popular recreation areas nearby, bad accidents are not uncommon.

Before Lifeflight, communities were without emergency service while crews traveled long distances to outlying areas. "One rural problem is you don't have a lot of highly trained people. If you pull EMTs out for a four- or five-hour road-trip transport, that community is left uncovered. You can still protect it with flights," said Dr. Van Norman.

"We've had real sick people come in from Kanab before, and that's a 1½-hour drive. It's an 18-minute plane ride," said Mr. Jensen.

[From the Salt Lake Tribune]

RURAL PHYSICIAN ASSISTANT GAINS NATIONAL RECOGNITION

(By Anne Palmer)

BICKNELL, WAYNE COUNTY.—Elmo Taylor, the man who for eight years has provided medical care in a community where no doctor is willing to work, has just been named the rural physician assistant of the year for the United States by the American Academy of Physician Assistants.

Most of the patients who come from nine surrounding communities to see him probably don't know that, because Elmo M. Taylor, P.A., is not one to brag. He doesn't show off or take much credit, he just works all the time and occasionally wonders why he's not out catching trout.

"I'd like to get out with my family more. Sometimes I sit looking at Boulder Mountain and wonder why I'm not up there fishing instead of in here seeing patients," he said, gazing out the window of the Wayne County Medical Clinic just outside of Capitol Reef National Park.

He doesn't get out there much because there has been no one to cover for him if he did. When he can persuade another physician assistant or nurse practitioner to cover long enough to take a real vacation, he takes courses to update his medical skills.

"I'm on call 24 hours a day, seven days a week," said the Loa resident, who out of all the physician assistants in the country—most of whom work in medically underserved areas—was singled out this year for recognition.

I wish we had 50 Elmo Taylors, because we could use them," remarked Jim Przybilla, manpower and marketing specialists for the state bureau of local and rural health systems.

Mr. Taylor staffs one of three federally funded community health centers in rural Utah and is representative of the many physician assistants who are the sole providers in rural Utah communities. Under the Public Health Service Act, community centers were established in areas where populations cannot sustain private medical practices. Because many clients of the clinics are low income, fees for services are established based on patients' ability to pay.

"I guess this is the closest thing to being an old-time country doctor, working out of his bag, kind of thing. There's a lot of job satisfaction working with people here, and that makes the job easier," said Mr. Taylor.

"That's one of the biggest problems in a rural setting—finding coverage. But that goes with the job. A lot is said about burnout. There's been times when you get a little discouraged, but it's never as bad here as in the Army," he acknowledged.

Like many physician assistants, Elmo Taylor's medical education began while he served as a field medic for a year in Vietnam. After his stint in the Army, he enrolled in the University of Utah's physician assistant program.

Physician assistants work under the distant supervision of neighboring physicians who consult on cases, review medical charts and oversee drug prescriptions. Mr. Taylor's preceptor and the Physician Director of the Wayne County Medical Clinic is Richfield physician Randy L. Rogers.

"One of the main things that attracted me to the P.A. program was that it was dedicated to providing health care in rural areas. I wanted to work in a rural area," explained Mr. Taylor, who was raised in St. George, which compared to his 2,100-person community is virtually metropolitan.

"There are times when it's hard living out here. It's frustrating to have to go all the way to Richfield to buy a pair of shoes and not finding what you want. There are a lot of pluses and a lot of concessions that have to be made," he observed.

[From the Salt Lake Tribune]

UNIVERSITY OF UTAH MEDICAL SCHOOL GRADUATE LOVES LIFE AS A COUNTRY DOCTOR

(By Anne Palmer)

PAROWAN, IRON COUNTY.—Until she took a job running the Iron County Medical Clinic, Ellen F. Gardner ran race horses.

"I kept getting thrown off on my head. That must have been it because after eight years of training race horses I started missing the neurosciences," she laughed.

The falls don't appear to have hurt her any, and when she's not seeing patients Dr. Gardiner still enjoys equestrian work. But sometime during the course of medical school she concluded that she was best suited to working with people, and she decided to become a family physician in a rural medicine practice.

When she completed her residency training last June, Dr. Gardiner decided to join her sheep-herder husband in Paragonah and reopen the Iron County Medical Clinic. It had been five years since the last doctor left town.

Last August the clinic was established in the cheapest location Dr. Gardner could find—right next door to the Justice of the Peace in the Iron County Courthouse. For the residents of Parowan, Paragonah and Beaver who now count on her for their medical care, it's a good thing Ellen Gardner was hard headed.

In medical school at the University of Utah, she resisted those who tried to discourage her from becoming a family practitioner.

"There's a lot of pressure against going in family medicine in medical school," she noted.

"If you decide to go into family medicine, you're the stupid one because you're not specializing. You're not the smartest one in any field. We took terrible abuse in the obstetrics program although I've heard family practice residents score the highest on their board exams. Still, you always feel like the stupid one," she recalled of her recent education.

Dr. Gardner maintains the educational system also is stacked against students from rural areas, the people who are most likely to become rural doctors.

"Unfortunately, it's so competitive to get into medical school you need straight A's, and farm kids aren't going to have those kind of grades. You can't afford the time it takes to be a bookworm when you have chores to do," said Dr. Gardner, who grew up in any thing but a small town—Dallas, Texas.

She chose to go into a rural practice for the same reason nearly all country doctors do—she likes the people she sees and she likes the lifestyle.

"I love living in a rural area. The people here are so honest. I really like them. They're so unpretentious. And there's a subtle sense of humor. I guess you could find that anywhere, but I think there's a higher percentage of people like that in the country," she smiled.

Dr. Gardner sees between 10 and 20 patients a day, a heavy load by most physicians' standards. Although she is on call 24 hours a day and every day of the week, so far she hasn't minded.

Her patients, for the most part, are older people. "I see a lot of congestive heart failure, chronic high blood pressure and cancer screening. I see losts of skin cancers. And diabetes. I had one man in here this week and I had to get him started with insulin injections. They come in here with their blood sugar sky high and wonder why they don't feel so well," she laughed.

Also, because farming and ranching are the main source of employment in the area, she sees a lot of people who have had farming accidents.

One thing she does not do is deliver babies. Like more and more of the family physicians in rural Utah, she foregoes obstetrical practice because it is guaranteed to impinge on two necessities—money and sleep. She can't afford the costly malpractice insurance or spare the late night and early morning hours obstetricians must be available.

She refers maternity patients and those who require the care of specialists to Valley View Hospital in Cedar City, a facility owned by Intermountain Health Care, the corporation that also pays her salary.

"IHC is helping me get started. They pay my salary and [her assistant] Sandra's. I couldn't have set up a practice after accumulating bills in medical school. Medicare pays almost nothing back, and most of the

people don't have any other insurance," she explained.

Because so many patients who come form surrounding communities have no insurance, and Medicare reimburses physicians in rural areas at a lower rate than urban doctors, her practice is very different from those most of her classmates entered.

"In other programs, they teach you to be heavily reliant on running tests and consulting other doctors. People just can't afford to go down to Cedar and get several hundred tests done and maybe get on some trials for new medications. We just try to do the best we can with what we've got," Dr. Gardner said.

"A lot of students perfer to be in a major center where they see new things all the time and can always get a second opinion. That's the advantage of being at a big center, but I find it frustrating," shrugged the soft-spoken Texan.

[From the Salt Lake Tribune]

SMALL TOWNS CREATE NURSES BY MAIL

(By Anne Palmer)

The shortage of nurses is severe nationwide, and in the competition to fill vacancies, small-town hospitals are at the greatest disadvantage.

After learning the hard way that students who leave home to attend nursing school on the Wasatch Front rarely return, rural Utah hospitals developed innovative ways of bringing nursing education to their towns.

At Sevier Valley Hospital in Richfield, five licensed practical nurses have just completed a correspondence course to upgrade their degrees and gain skills necessary to become registered nurses. At Dixie Medical Center in St. George, nurses are being taught new skills by working on a hands-on computer system.

The chance to become a registered nurse by mail appealed to some of Sevier Valley's employees because it gave them a chance to learn more complex skills without abandoning their jobs or families. When the correspondence program was proposed, it was the only opportunity in town.

Two of the hospital's practical nurses completed the correspondence program with success years ago, and the hospital concluded it was worthwhile to pay the students' tuition.

"One of the struggles in a rural community is that educational opportunities just aren't available. Our hospital has a tuition reimbursement policy, but so what? It doesn't do any good without educational opportunities," said hospital administrator Ken Armstrong. While hospital officials realized that taking college courses in addition to working full-time and caring for patients and families would be stressful for the nurses, they felt the correspondence course was the most viable option for improving patient care.

"We'd love to hire registered nurses from somewhere else, but they just don't exist. The fact is, we can't recruit them into the area. There is nothing here to attract single women, and it's difficult for spouses to find employment. We can spend all the money in the world on recruiting and not bring any nurses into the area," he lamented.

The nurses who accepted the challenge—Leslie Abraham Marilyn Kasiske, Sharon Taylor, Terri Huddleston, and Joan Anderson, agreed that the course work was the greatest academic challenge of their lives. It required that they study independently for about three hours a day, and meet together for more studying and classes one day a week while each maintained her four, 12-hour shifts each week at the hospital.

"I've had to just tell myself that this is my time to be selfish and that ultimately my family will benefit from this," remarked Ms. Abraham. "It's been difficult, but they understand."

"I don't feel quite so guilty as if I had to go away because I can spend more time with my family than if I went off for weeks at a time," said Ms. Kasiske.

Diplomas by correspondence, a program initiated by the New York Regents, "allows us to take the best of our LPNs, our best employees and help them grow. One real advantage is we're dealing with people we know—people we would want to have as registered nurses in our hospital. There's no inherent risk because you know that person's credibility. That's something you can't establish from an interview or by checking on a prospective employee's credentials," Mr. Armstrong observed.

Doing the course together was the only way it could have been done, the nurses agreed.

"There's been a lot of blood, sweat and tears in it for them. It is not easy to do," said Mr. Armstrong.

Less demanding are the interactive video programs being used in St. George with which nurses are learning new skills. College programs offer nursing course work in the area, but Dixie Medical Center Director of Nurse Training, Michelle Hinton, pushed for a sophisticated computer system, which could provide other learning opportunities.

"We got a grant through Intermountain Health Care to develop ideas to improve patient care. My premise, since nursing education was a high priority here, was that if nurses had the continuing medical education they needed they would be more confident and competent," Ms. Hinton said. She believes computerized programs are superior to classroom instruction because the necessary interaction forces nurses to make critical decisions.

On one program, nurses listen to various heart beats and make assessments based on their knowledge of anatomy and physiology. Another simulates emergency room conditions and asks nurses to make decisions about the care of an accident victim with broken bones and internal injuries.

The first mandatory video course at the hospital was on medication errors.

"Working on the computer, problem-solving, is fun," said Ms. Hinton. "And with the traditional method of learning, classroom instruction, you don't know if the students retain information. With interactive video they can practice without any harm coming to anyone," said Ms. Hinton.

Nurses can work on the machines during breaks at workstations located in three of the hospital's units and in the hospital library. Hospital auxiliary members raised $22,000 to purchase a laser disc, which, in conjunction with a mannequin equipped with sensors, is being used to teach cardiopulmonary resuscitation in the community. It's the new, high tech version of Recussi Annie.

[From the Salt Lake Tribune, May 21, 1989]

RURAL HOSPITALS GASP FOR LIFE IN SEA OF RED INK

(By Anne Palmer)

Rural hospitals across the United States are closing, and Utah facilities are not immune.

Only three of Utah's 18 rural hospitals managed to turn profits in 1987, according to figures released this week to legislators by the State Health Department. The hospitals that were in the red each have fewer than 50 beds and suffered a combined net loss of more than $2 million.

Last year more than 40 rural hospitals in the United States went out of business, and since 1980 a total of 206 have shut their doors. Utah has had two hospital closures, Summit County Hospital and Carbon County Hospital.

When county hospitals close, communities also lose physicians and providers of emergency care. Residents must seek care elsewhere, and that generally means traveling 50 miles. In the small towns where Utah's small hospitals exist, hospitals are the second- or third-largest employers. Their demise could be economically devastating.

The majority of rural Utah hospitals are owned and operated by the Salt Lake City-based Intermountain Health Care Corp., which has subsidized losses in rural areas and rationalized outlays through referrals to its larger hospitals. But the company has had to streamline operations, and, with no end in sight to the losses that increase annually, officials openly wonder how long IHC can continue to support faltering facilities.

Hard times have not only befallen hospitals. Rural economies have been undermined in the 80s by downturns in mining, agriculture and manufacturing. As a result, young people are moving away from small towns to pursue better opportunities, while mostly elderly people remain in Utah's remote area.

That sounds like an opportunity on which hospitals could capitalize, but serving the aged has been anything but profitable.

Medicare pays the bills of the elderly, who comprise at least 40 percent of rural hospital patients. Under Medicare's Prospective Payment System, rural hospitals have received payments averaging 40 percent less than urban hospitals. The payment formula, rural representatives contend, was erroneously based on the belief that health care is more economical in remote areas. Payments covered only 60 percent of the costs. That—primarily—is why the million dollar deficits have accumulated.

The nation's rural hospitals banded together in February to file a lawsuit against the Department of Health and Human Services alleging that rural hospitals are forced to be subsidized by more prosperous urban facilities.

Meanwhile, members of the Utah Legislature's Interim Health Committee don't know whether or how to ensure that distant medical facilities thrive. This year the legislature secured funds for Weber State College's nursing outreach program to bring nursing classes to rural areas.

New state proposals include the provision of medical insurance for those without it so hospitals can cut losses from charity care.

Dr. Kim Bateman of Ephraim, San Pete County, suggested that lawmakers consider the effects on rural medical-care providers before imposing fees for medical technician licensing and equipment inspections.

"We need better reimbursement, and the state could help keep us afloat by raising payments for long-term care," argued Dr. Bateman, who noted that many small hospitals responded to dropping occupancy rates by converting acute-care units into long-term nursing facilities.

"In order to keep our patients from going to the big cities, we need better recruitment of family practitioners, and physicians with

various specialties. The state could help by providing grants to low-income areas," he added.

The struggles of rural hospitals are increasingly cited as the major problem confronting rural communities. The issue was prominent in the 1988 presidential campaign, but states have been slow to react.

"This isn't just a rural issue," noted Robert Sherwood, director of the bureau of local and rural health systems for the State Health Department.

"If you have ever traveled to St. George or Monument Valley, if you've ever been to Lake Powell or to one of the state or national parks, you're involved in rural health care. Half the emergency-room patients at rural hospitals are people from outside the primary service areas—tourists," said Mr. Sherwood.

He said that the increasing cost of business and the diminishing ability of patients to pay for care make the closure of rural hospitals in Utah very possible.

TRIBUTE TO THE CHILTON COUNTY PEACH GROWERS

Mr. HEFLIN. Mr. President, I am delighted to rise, today, to congratulate the peach growers of Chilton County for being the No. 1 peach-producing county in Alabama. These fine citizens grow some of the best peaches I have ever tasted and have become a major part of Chilton County's history.

Every year, for the past 42 years, the citizens of Chilton County have held their annual peach festival. This year's festival includes many events that will start July 11 and run through July 15. They will hold a parade, feature a peach queen, and honor the peach growers of Chilton County. In addition, the festival has wonderful food, music, arts and crafts, and a peach auction. The peach auction will sell peaches entered in the "Best Peaches Contest." These peaches taste heavenly, and some of them have sold for as high as $2,000 a basket.

This celebration will also include a Civil War reenactment, a talent contest, and entertainment at the Central Alabama Music Park. These events will be spread out all over the county so every citizen will have a chance to participate in the celebration. The citizens of Chilton County work very hard to make their Peach Festival a grand event. The Clanton Jaycees sponsor the festival and the peach growers and other citizens work together to coordinate the week's events.

I am proud to represent the people of Chilton County in the U.S. Senate. I know they are proud of their Peach Festival because I have been there in past years and it is truly one of the best celebrations I have ever attended. I hope this year's festival will be bigger and better than any festival in past years. The people of Chilton County are fine citizens who take great pride in Alabama and our Nation. I wish them the best of luck.

IMPROVING EDUCATION

Mr. HEFLIN. Mr. President, I rise to bring to the attention of the Senate and all readers of the CONGRESSIONAL RECORD an outstanding paper which has been written entitled "Bringing American Education Into the Technological Age."

This paper has been written by Dr. Brandon B. Sparkman of Guntersville, AL. Dr. Sparkman has been an outstanding educator in the South for a number of years. He served as superintendent of schools in Jackson public schools, in Jackson, MS. He served as superintendent of schools of Richland County School District 1 of Columbia, SC. He served as superintendent of schools of Guntersville city schools in Guntersville, AL, as an adjunct professor of education at Auburn University, and has served as a liaison to public school administrators at the University of Alabama's College of Education.

I have known Dr. Sparkman for many years when he served first as a principal in my hometown of Tuscumbia, AL, and then served as assistant superintendent of the Tuscumbia public schools when I was serving on the Tuscumbia City Board of Education. He has written, in may judgment, a very innovative and thoughtful article on bringing American education into the technological age. I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

BRINGING AMERICAN EDUCATION INTO THE TECHNOLOGICAL AGE

(By Brandon B. Sparkman)

It has been said that no state or nation has ever made significant economic progress without first improving its system of education.

In 1986 the national governors education, chaired by Lamar Alexander, Governor of Tennessee, published a report entitled Time for Results. The report said, "Better schools mean better jobs. To meet stiff competition from workers in the rest of the world, we must educate ourselves and our children as we never have before."

In February of 1987, two prominent natinal political leaders addressed general assemblies of the American Association of School Administrators' National Convention. The first of these speakers was The Honorable George Bush, then Vice-President—a Republican, a conservative. Mr. Bush said "The quality of education that a nation provides for its citizens determines the direction and the future of that nation." The other speaker, The Honorable Thomas P. "Tip" O'Neal, then Speaker of the House—a Democrat, a liberal—said, "Education is the key to maintaining and improving our nation's standard of living in this highly competitive economic world."

The above statements appear to indicate a consensus among governors and national political leaders of the two parties, with varying philosophies, that the economic future of the nation depends upon the quality of education. In other words, the power brokers in government said that they were committed to achieving and maintaining the best education program possible. These kinds of statements, although commendable, are not new. Many political leaders over the past two decades have made similar statements and commitments.

But what has happened to public education?

Has the espoused support been present?

What is the current state of education in America?

An article entitled "U.S. Math Woes, Boring Curricula Creating a Nation of Underachivers," published in most major newspapers of this country, some two years ago, is an example of the criticism that the public schools have received during the last two decades. Another article, "Our Teens Outclassed in Math and Science," appearing on the front page of USA Today, February 1, 1989, again reported research which indicates the decline in quality of American education as compared to that of other nations of the world.

[Graphs and charts not reproducible in RECORD.]

The downward trend in achievement test scores, grades nine through twelve from 1962 through 1983 lends further credibility to the argument relative to the deterioration of American Education. However, scores on the Iowa Test of Basic Skills for primary grades have been improving continuously during the last three decades; but this trend began prior to the decline in pupil/teacher ratio. Note carefully the rate of decline in achievement shown by figures 1-3. This information will be used as a point of reference later.

Still another factor indicative of the condition of education is a statement found in the October, 1986 issue of Educational Leadership which says that, "Fewer able university students are now considering teaching as a career. Schools of education have had drastic declines in students preparing for teaching and in the quality of students entering their programs." [1] This statement too will be used as a point of reference later.

The dropout rate among public school students is also a serious problem. In figure 4, one can see the lack of improvement in the high school completion rate among white students from 1974-1986. Even though there has been some steady improvement in the completion rate among blacks since 1974, the percentage of those graduating from high school is still woefully low. Then when one examines the completion rate among Hispanics, in view of the educational requirements for workers of the future, as well as the necessity of integrating minorities into the work force, it becomes obvious that real problems exist with the present system of public education.

The critical role of education in sustaining and/or improving the quality of life in America over the next decade is shown by excerpts from a study conducted by the Hudson Institute entitled Workforce 2000.

[1] Alfred Bork, "Let's Test The Power Of Interactive Technology," *Educational Leadership*, March 1986, Pp. 36-7.

According to this report, the workforce will grow slowly, and become older, more female, and more disadvantaged. Also, by the turn of the century, new jobs in service industries will require much higher levels of skill than the jobs of today. The report further states that policy makers must find ways to accelerate productivity in service industries; maintain the dynamism of a work force that is rapidly growing older; reconcile the conflicting needs of women, work, and families; integrate black and Hispanic workers fully into the economy; and improve the education level of all workers. The report continues by stating, "If the economy is to grow rapidly, and American companies are to reassert their world leadership, the educational standards that have been established in the nation's schools must be raised dramatically. From an economic standpoint, higher standards in the schools are the equivalent of competitiveness internationally." [2]

What Has Caused Education To Decline in Quality?

Four major factors seem to have contributed heavily to the current condition of education. The first of these is attributable to Congress, the courts, and society. In order to understand the impact of these forces, one needs only a glimpse of the undue burdens that have been placed upon public education—such factors as the burdens of social transition, the disintegration of families, the excessive use of drugs, demands for individual rights and freedom, legislative and judicial mandates, legal involvement, latchkey problems, erosion of authority, demands for schools to assume non-academic responsibilities, and condemnation by politicians and the general public—these and other problems have played havoc with the schools. As a matter of fact, it may be fitting that public school educators be commended for keeping the schools alive with all of the hardships they have undergone in recent years. Perhaps no other institution could have withstood all of these problems and still survived.

The second factor that has kept education from progressing as it should have is the fact that it is a function of the states. As such, there is no national coordination. There is no singleness of direction. There is great diversity among the states, and even a lot of latitude is given local school districts. In other words, there is no singleness of mind for improving education. Everything is fragmented because of the way that public education is organized in this country.

A third problem for public schools is that education is funded from the public coffers. Anytime people are required to vote to take money from their pockets to fund an agency, the chances aren't very great that that agency will ever be overfunded.

A fourth problem relates to the perceptions which people have about how to improve education. There seems to be general agreement that education can be improved through four basic approaches: (1) community involvement, (2) an abundance of materials, (3) better teachers, and (4) lower pupil/teacher ratios.

Most people will readily agree that community involvement is one of the keys to having better schools. Research is clear that the more closely people are involved with the schools, the more confidence they have in the schools and the more likely they are to vote additional taxes upon themselves for school improvements. When one thinks in terms of the fact that only slightly more than one-fourth of families in this country have children in public schools, it is obvious that there must be greater community involvement; otherwise, people will not vote the necessary monies for improving education.

The necessity of an abundance of materials as a means of improving schools is probably overplayed. Certainly, adequate materials are necessary for doing an outstanding job of teaching. However, the lack of materials is sometimes used as an excuse for doing a poor job; when, in fact, a wealth of materials have been purchased but are seldom or never used.

Obviously, better teachers provide better education. However, as already stated, fewer students with high abilities are preparing to teach. If more capable people are to be attracted into the teaching profession, then significantly higher salaries must be paid teachers—salaries some 50, 75, or even 100 percent higher than is presently paid in most states. Teachers' salaries must be highly competitive with business and industry positions that require a college degree.

The fourth generally accepted approach to improving education—lowering of pupil/teacher ratio—on the surface appears to be a very logical approach. However, research indicates not only that it is an ineffective means of increasing achievement, but that it may even be counterproductive. When there is already a shortage of highly capable people entering the teaching profession, increasing the demand for more teachers through lowering pupil/teacher ratios results in the attraction of larger numbers of people with lesser capabilities into teaching. Instead of improving the quality of teaching, it would likely result in less effective teaching. Also, decreasing the pupil/teacher ratio consumes funds which otherwise could be used for raising salaries, thus attracting better teachers.

If lowering the pupil/teacher ratio would result in increased student achievement, then achievement in American schools would be much higher today than it was in 1955. But such is not the case. Some people might argue that the real causes of lower achievement are factors mentioned previously—the undue burdens placed upon public education—and that pupil/teacher ratios must continue to be reduced in order to overcome the burdens. But those burdens are apt to continue to plague the schools, and further reductions are likely to have the same effect in the future that they have had in the past.

An examination of figure 6, which shows the relationship between achievement and class size, indicates the lack of cost effectiveness of lowering pupil/teacher ratios as a means of improving achievement. The chart projects that to increase achievement by ten percentile points, it is necessary to lower the pupil/teacher ratio from approximately 40 students per teacher to roughly 12.5 students per teacher. To gain 10 additional percentile points in achievement, the pupil/teacher ratio would have to be further reduced to approximately seven students per teacher—an unaffordable level. One can discern from this research that "attracting more able people into teaching" and "lowering the pupil/teacher ratio" are in direct conflict with each other. The approach of lowering the number of students per teacher appears to compound the problem of teacher incompetence and perhaps assures lower student achievement in schools. It also decreases the likelihood of raising salaries significantly: a means of attracting better teachers into the field of education.

What then is the solution?

A major part of the solution lies in greater and more effective use of technology. The word "technology" is not a new term in most fields of endeavor. Many industries use computers, automation, and robots extensively to build better products more efficiently. Because of advances in the field of agriculture, approximately 3 percent of the people feed the rest of the nation and still produce surpluses that cause national problems. Recent advancements in medicine such as organ transplants, microsurgery, artificial organs, life support machines, and the conquering of life-threatening diseases are almost incomprehensible. Genetic research and engineering hold both unbelievable promises and danger. In space research, it is only a matter of time until space labs will be used routinely for scientific, industrial, and military purposes.

A person who has been removed from any of the above fields for a period of 50 years would be completely lost should he try to reenter the same field today. But not so in teaching. A teacher who had been removed from his field for a period of 50 years would hardly miss a beat should he return today. Sure, there have been minor changes. Better facilities, more and better equipment (including computers), different and more attractive materials, and new "jargon" have been added. But nothing has revolutionized education and made it dramatically more effective than in the past.

Can this nation afford to let public education remain in the dark ages forever? The obvious answer is a resounding "No."

Most of the tools for launching education into the technological age are presently available in this country. The knowledge, the hardware, and a small amount of software presently exist. Through careful governmental planning, coordination, allocation of funds, and limited support from certain businesses and industries that would profit from a better system of education, the necessary additional software for catapulting education into the technological age could be developed in a relatively short period of time.

In order to visualize this new approach to teaching, think in terms of the visual clarity of television, the sound qualities of stereo, and the speed and capacity of the computer. By tying these features together, you have what is known as interactive video—a process already in use on a limited scale in the private sector and now is slowy moving into the education arena. The laser videodisc machine, with speed similar to that of the computer in finding information, and with a storage capacity that allows large amounts of information to be placed on a single disk, is a practical vehicle for dispensing information to students.

Imagine American history being taught through this medium. The instructor could be one of the nation's best lecturers with every teaching aid imaginable. The course need not be boring, because short film clips covering almost any phase of American history could be inserted to make the subject come alive. One could see a facsimile of the Pilgrims reaching the eastern seacoast, the first Continental Congress in session, the battle of Gettysburg in progress, or a wagon train moving into virgin western territory.

[2] William B. Johnston, *Workforce 2000: Work and Workers for the 21st Century*, Executive Summary, Hudson Institute, 1987.

Think of learning biology or physiology through a medium whereby many interior bodily functions could be observed. For example, a study of the heart could include observations of the human heart as it beats rhythmically, the open heart as a surgeon repairs it, and the veins and arteries that connect to the heart. Time-lapse photography, as well as still pictures and professional laboratory settings could become a part of biology lessons.

Opportunities for exploring the arts through interactive video are limited only by the imagination. Many of the great paintings and other masterpieces of the ages could be viewed and discussed almost as if the patient were actually at the museum where the pieces are located. Art experiences, that are now achieved by few if any, could be achieved by every student in the public schools of this nation.

The initial use of dangerous machinery in vocational education shops could be accomplished, with no exposure to danger, through simulation via interactive video.

Entire classes could view lessons on large monitors, then students could move to their interactive video terminals where they would answer questions about the lesson. Any concept not thoroughly understood could be swiftly reviewed by examining that particular segment of the lesson until proper answers could be given to the questions. Such a program of instruction would cater to students of all abilities—slow, signficant, average. Also, instruction on any given subject could be completely individualized by using this medium.

Advanced courses of almost any kind could be made available even in small schools located in the most remote areas of America.

Computerized systems of instructional management are presently in use in many public schools. Normally, they are used to manage reading and mathematics instruction, but could be expanded to cover other areas of learning. These programs can monitor the learning of individuals, of classes, of schools and of school districts. They can analyze curricular strengths and weaknesses, effectiveness of instructional material, and can match materials and methods to the learning style of individual pupils. Management reports can give administrators quick information needed in order to reallocate funds and to get more appropriate curricular materials. They can indicate mastery and non-mastery. They can assign work, specify materials to use; and they can administer mastery tests, score the tests and record the scores. Additionally these computerized management systems can prepare reports for sending home to parents. Using the approach described, these reports could be far more specific than is possible when done manually.

But aren't teachers needed? Of course they are. Education is not a mechanistic process. Education is very personal, requiring human interaction, explanations, feelings and emotions. But education can be more interesting, more challenging, and more personalized through the use of technology. This process would allow teachers to devote more time to personal interaction with students and to discuss concepts and issues in greater depth than is possible under the present system of teaching. Furthermore, variety in instructional procedure is needed. While the use of interactive video can be stimulating, it could also become deadly boring to some students if used excessively or if only one approach to learning through this medium is available.

The scheme described above calls for the smallest classes at the primary level and progressively larger classes as students mature and advance through the grades. The professional staff could have differentiated job assignments. This redistribution and specialization of staff would not result in loss of jobs, but neither would it require additional staff in the future without a large increase in pupil population.

Staff differentiation could bring about opportunities for stimulation and promotions, thus becoming a motivational and staff retention factor.

What is the state of development of interactive video in education?

A number of corporations have been and are still in the process of producing interactive video software and hardware. Prescription Learning boasts that they were among the first, if not the first, to market interactive video software. Hoffman Educational Systems, as far back as two years ago, was excited about their production of interactive video software. At that time Hoffman had produced programs which taught twenty-four basic reading skills, and the staff anticipated rapid expansion of coverage of materials. ISC Educational Systems more recently has produced an interactive video software package for teaching math skills to young adults, which perhaps could be used at the junior high and high school levels. However, it was designed primarily for adults who have dropped out of school and are enrolled in Adult Basic Education programs.

IBM is certainly one of the leaders in the development of hardware designed for interactive video use. They also market some software packages such as "Writing to Read" for use with kindergarten and first grade students and "Pals", a program for adults. Their touch-screen computer lends itself unusually well to interactive video learning. Other companies are producing excellent hardware and software.

Perhaps the most exciting approach to developing software is the grass roots involvement used by the Texas Learning Technology Group. A brainchild of Dr. Orby Holden, Executive Director of the Texas Association of School Boards, and some of his staff, this program covers physical science for 8th, 9th, and 10th grade students.

While the Texas School Board Association initiated the idea of developing the course software, they worked with the Texas Education Agency, the legislature (to some extent), with twelve school districts, and several private companies. All of their initial design work involved teachers and administrators in the public schools. They presented every design and content idea to veteran educators and got input from them from the very beginning of the project. This involvement has made their program much more successful than many others. It is now a "cutting edge" program in education.

They question might be raised, "Well, if private enterprise is involved in developing solfware and hardware, and have some good programs available; and if the state of Texas is involved (and perhaps over states) in developing software packages, why should the political arena get involved? Why not wait and let them do it?" The present approach is too fragmented. One company may be developing limited materials in reading; another, limited materials in math; another, limited materials in vocational education. Bits and pieces can be purchased, but there is no total program.

Additionally, the process is too slow. At the rate that the Texas project is moving in developing interactive video driven instructional courses, another fifty or one hundred years will be required to provide interactive video programs covering most applicable subjects. There is no way that this nation can prosper if it continues to wait while bits and pieces are put together. There needs to be a comprehensive, planned approach to program development.

A third problem is that programs that are presently available have a single design. In other words, they are designed to be used a specific way with specific hardware. These programs must be used that way in order for a school to participate. The single design causes the majority of school districts to be excluded from participation.

The final noted problem with the present approach is that it is too costly. That is the primary reason that so many school district are being excluded. They cannot afford the single design programs that are available at this time.

PROPOSAL FOR BRINGING AMERICAN EDUCATION INTO THE TECHNOLOGICAL AGE

The proposed approach to developing programs for bringing education into the technological age is a modification of the Texas model. The grass roots involvement aspect needs to be expanded. It is unlikely that any state, working alone, can accomplish the task of providing quality interactive video programs, covering all appropriate subject areas, within an acceptable period of time. A multi-state consortium will be required for this voluminous task. A key ingredient to success of such a project will be a coordinating council or board that works harmoniously in planning, coordinating, and directing the total program, setting one direction and providing one plan with flexibility tolerances.

Secondly, at the federal level, the Department of Education needs to be involved. If the Secretary of Education cannot, or is unwilling to, provide the leadership and the singleness of direction, then certainly the federal government needs to be involved with the multi-state consortium, or at least support it strongly, both in concept and cost.

Thirdly, private enterprise needs to be involved to a much greater extent than in the Texas model. Beyond a doubt, business and industry will participate eagerly. Already, hundreds of millions are being spent by these firms in efforts to improve education. A plan with singleness of purpose that will dramatically improve the quality of education in American public schools will attract much greater participation. Needed also is greater involvement of the public schools in design, development, staff training, and use of the program.

Thinking is terms of the Texas model, modifications should be made to incorporate alternative designs. A single design that excludes most school districts from participation is unacceptable. In reality, there is a difference in the wealth of school districts; therefore, the design must be such that every school district can participate at some level. Multiple designs can be accomplished, using a single video for each course, but varying procedures, and using a variety of branching techniques.

PROPOSED DESIGNS

Having been shown to be an effective teaching tool, one of the designs should be "video only" with level one interaction. Most school districts can afford a laser videodisc player and monitor for many, or all, or its classrooms. The least expensive pro-

gram design will allow even the poorest school districts to participate in quality programs.

The second level of the design could be "video, plus separate computer." Computers are presently found in significant numbers in most school districts. This design would allow the video to be viewed and students then moved to existing computers where they would respond to the video lesson. This low-level interaction between video and computer is effective and comparatively inexpensive, both in terms of development and in acquisition by a school district. Part of the instructional management system, described earlier in this paper, could be incorporated into the design for use by districts that are ready for this component.

A third design could be "video interacting with computer." This approach, similar to the Texes model, would utilize the laser videodisc player tied to the touch screen (or other appropriate) computer. This arrangement allows students to interact directly with the program.

A fourth model could be the same as the previous design, except that districts that have sufficient funds would have "multiple interactive video sets" in the same classroom rather than just a single set. In this setting, sufficient sets would be available to allow a maximum of four students to work at each station.

A fifth design would divide the program into "modules." This arrangement would allow an outstanding teacher who enjoys teaching certain topics to handle those topics independently. Other topics that are more effectively taught through interactive video could be taught using that medium.

A sixth design would include multiple sets of "interactive video plus the management component" described earlier. This design would be expensive, but would be highly effective, and especially so with advanced learners.

The final proposed design would be a "home component." Indescribable now, this segment will be vital in the future and should be included in the overall plan for use of interactive video in teaching and learning.

Will the proposed model be effective?

Research shows that video with level one interaction (without computer) is an effective teaching tool. The Tennessee Valley Authority (TVA) has been active in supporting the use of laser videodisc interactive programs in schools and in having its effectiveness evaluated. A comprehensive study conducted by Vanderbilt Universtity in four districts in three states concluded that "using laser videodiscs to carry the practices of master teachers into the classroom can pay off in substantially improved student learning." Overall, the videodisc series, "Mastering Fractions" (for grades 5-12) produced 'significantly' higher learning gains than those attained with traditional instruction. . . . 'Average ability' students who recieved the videodisc instruction performed 33 percent better on post-tests than similar students in controlled classes who were taught by traditional methods. 'High ability' students using the videodisc program performed 13 percent better than the control groups. Conclusion of the study was that videodiscs provide educators with the ability to capture high quality interactive instructional sequences that can be easily transported from classroom to classroom without the resultant degradation in the quality of instruction.[3]

There is much evidence that integrated computer learning systems, (without video) which use computer assisted instruction for teaching well defined, sequential programs, are highly effective. For example, in Indian River County School District in Florida, potential dropouts, and dropouts who have been retrieved, are now using the WICAT integrated computer learning system. A teacher in that district stated that she teaches 150 students per day who are potential dropouts or retrievals. These students are the slow learners, the troublemakers, the kids who nobody wants to teach, and those not expected to achieve much regardless of the method of teaching. This teacher insisted that she had not had a single discipline problem in her class since she started using the WICAT system. Further, she stated that the students achieve at an acceptable level and pass the Florida graduation examination and the GED. Seventy-two percent stay in school.

In Escambia County, Florida, where the same program is being used, the superintendent stated that, of the 385 "at-risk" students being taught through this method, as of March 1, only three students had dropped out of school during the 1988-89 school year.

Evaluation of the phsycial science, interactive video program in Texas, indicates a very significant increase in achievement among low achieving students involved in the program. Among average learners, there is a signficant increase in achievement. For high achievers, there is no significant increase. However, with the development of Level 6 and Level 7 designs, one can project that high achieving students will show very significant increases in achievement.

Another indication of the effectiveness of the interactive video technological approach to teaching is that students, during their waking hours when not in school, are generally entertained by technology. In other words, movies, television, video games, stereos, etc. are in constant use. When these same students go into the classroom, teachers are at a tremendous disadvantage in attempting to attract and maintain their attention due to the lack of technology in schools. The traditional methods of teaching, although not bad within themselves, are no longer effective in holding the attention of students to the point that they master the subjects being taught.

The argument of whether technology will ever replace traditional methods of teaching, and the argument of yesteryear of whether the automobile would ever replace the horse and buggy seem comparable. There was nothing wrong with the horse and buggy. But the times had changed. The horse and buggy could no longer meet the damands of society for faster and more efficient transportation. Therefore, it was absolutely essential that the automobile replace the horse and buggy. A similar condition exists today in education. Traditional methods of teaching have been effective in past years, but the times have changed and no longer can traditional methods of teaching meet the demands of society in educating American citizens. This situation does not mean that teachers nor methods are necessarily bad. They have served the nation well. The fact is that traditional methods of teaching cannot meet the requirements of today in this nation.

Teachers, when using traditional methods, are probably about as effective as can be expected. That is not to indicate that every teacher is doing the best job that he or she could possibly do. But looking at the whole picture, maybe one cannot expect greater results from the present teaching force, using present methods, than is being obtained.

One might contend that the Japanese, Koreans, and certain other nations that appear to have superior systems of education, still use traditional methods. It is true that traditional methods of teaching in those nations appear to work rather well, However, the variables that make the difference appears to be family stability, and acceptance of parental responsibility for children's education. These factors are problem areas in America and are unlikely to be reversed in the near future; therefore, methods must be incorporated into teaching which tend to negate the weakness caused by this massive parental abandonment of personal commitment to a solid education for their children.

There appears to be an absolute necessity for taking a vastly different approach to teaching, whereby the latest technology is brought into use in classrooms across the nation as rapidly as possible. Furthermore, there is an urgent need to increase salaries of educational personnel to the point of attracting the finest minds of America into teacher training programs, and those with the greatest capability into teaching. Once these two goals have been accomplished, America can again be a world leader in educating its citizens.

Can The Nation Finance This Program?

Since education is considered a function of state, the cost of its improvement will be borne, in large part by the states. Evidence that states are able to provide a significant amount for financing improvements can be seen by examining a trend that is occurring in states such as Indiana and Alabama, where legislation has been enacted to force significantly lower pupil/teacher ratios. The additional cost of salaries alone for these mandates is staggering. But when one understands that such action also requires additional fringe benefits, classrooms, furniture, equipment, supplies, insurance, utilities, maintenance, and janitorial services, it is evident that states could just as easily provide more cost-effective ways of improving schools, if they had sound direction.

The federal government should involve itself in helping finance this effective approach to teaching. Presently, money is being scattered around in small amounts for program improvement, many of which are doing little to add to the effectiveness of education. If there were a singleness of direction, a significant amount of federal funds that are already being spent for education could be focused on providing interactive video instructional programs.

Local school districts, instead of buying more furniture and equipment for those additional classrooms that are being built to lower pupil-teacher ratios, could purchase hardware and software for use in the new instructional program. Also, if it were evident that a concerted, joint effort would be launched with assurances of dramatic improvement in education, people would vote more taxes upon themselves in order to accomplish this purpose.

[3] George Peabody College, Vanderbilt University, "An Evaluation of the Mastering Fractions Level One Instructional Videodisc Program," June 30, 1986.

Finally, private enterprise, which would benefit so much from a greatly improved system of education, would be willing to invest generously in this project.

Certainly, great efforts to improve education have been made throughout the nation. However, in almost every case the approach has been of the "bandaid" type—helping a little but not curing. The suggestions have been, "fix this little thing", "change this philosophy", "add this course", "give more choices"—not the kinds of action that result in major improvements. The only consistent effort to improve education at the national, state, and local levels has been to criticize. Certainly there is room for criticism of public education. But, if criticism would solve the problems of the schools, America's system of education would now be "head and shoulders" above that of every nation of the world. Obviously, criticism is not the solution. The solution requires new directions, singleness of mind, and cooperative attitudes. A major part of the solution lies in catapulting American education into the technological age.

This achievement will require leadership and statesmanship. It will require placing America's interest ahead of personal interest. The leadership may come from the President, the Secretary of Education, a governor, a group of governors; but selfishness, ulterior motives, and political gain must be forgotten. The question is, who will provide that leadership? Who will step forward?

NEAL R. SONNETT

Mr. HEFLIN. Mr. President, I know you, as a Senator from Florida, would join with me in giving praise to an outstanding Florida lawyer, Neal R. Sonnett, who recently received the Florida Bar Foundation's Medal of Honor Award.

I have known Neal Sonnett for a number of years and have always had high regard for his abilities. He is serving now as the president of the National Association of Criminal Defense Lawyers Association.

I ask unanimous consent that the language of the Florida Bar Foundation's Medal of Honor Award to Neal Sonnett be printed in the CONGRESSIONAL RECORD along with articles from the Florida Bar News pertaining to this award and pertaining to the Florida Bar Foundation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FLORIDA BAR FOUNDATION MEDAL OF HONOR AWARD PRESENTED TO NEAL R. SONNETT

For his dedicated service in improving the administration of the criminal justice system and in protecting individual rights precious to our American Constitutional form of government. From his appointment following graduation from law school as an Assistant United States Attorney and then Chief of the Criminal Division for the Southern District of Florida, to a private practice in criminal law, Neal Sonnett has, by his example, brought renewed respect and appreciation for his profession and the crucial role of the lawyer as advocate and protector of rights. In leadership posts at the national, state and local levels, he has given unstintingly of his time and talents in pursuit of excellence within the organized bar. His unimpeachable credentials and sense of fair play have led government leaders to call on him in times of community crisis, confident in his ability and desire to seek justice, fair and impartial, for all segments of society. Sensitive to the plight of the impoverished and unpopular, Sonnett has given thousands of hours in pro bono service to immigrants reaching our shores, steadfast in his resolve that even the least among us is granted the full benefit of our nation's laws. Not afraid of controversy, he successfully led the struggle against those who would label expediency justice, and in doing so, has preserved the rights of us all. Top in his chosen field, civic and charitable leader, family man. Neal Sonnett exemplifies the highest ideals of the legal profession he so loves.

JUNE 1989.

[From the Florida Bar News, Mar. 1, 1989]

BAR FOUNDATION INVITES MEDAL OF HONOR NOMINEES

March 31 is the deadline for submission of nominees for The Florida Bar Foundation's 1989 medal of honor awards, Awards Chairman William O.E. Henry said.

The Foundation has two categories for the medal of honor award. A nominee for the first category must be a member of The Florida Bar who has demonstrated dedication to the objectives of the Bar: "To inculcate in its members the principles of duty and service to the public, to improve the administration of justice, and to advance the science of jurisprudence. . . ."

Nominees for this category also must be Florida residents who are actively engaged in a profession relative to the practice of law including, but not limited to, practicing lawyers, judges or teachers in the legal field. Past recipients in this category are Richard T. Earle, Jr., Tobias Simon, Rubin O.D. Askew, Chesterfield H. Smith, Wm. Reece Smith, Jr., Arthur J. England, Jr., Florida Supreme Court Justice Ben F. Overton, Mark Hulsey, Russell E. Carlisle, Talbot (Sandy) D'Alemberte, and in 1988, James C. Rinaman, Jr.

Nominees are also requested for a second medal of honor award which recognizes the achievement of nonlawyers or lawyers not actively engaged in the practice of law. Nominees must have made an outstanding contribution to the improvement of the administration of justice in Florida through research, writing, or other deeds of such character and quality that, in the judgment of the Foundation, warrant the highest award that can be bestowed by the Foundation.

Nominees in this category also must be Florida residents and may be members of The Florida Bar. Past recipients in this category are Robert A. Rosof for establishing a rehabilitation program for juvenile offenders, William C. Clark for his service on the Judicial Qualifications Commission, Lucy Batchelor for her years of dedicated work in the correctional system, St. Petersburg Times writer Martin A. Dyckman for coverage of legal issues and support for open government, Sylvia Alberdi for leadership as staff director of the Florida Senate's Civil Judiciary Committee, and the Rev. A. Leon Lowry, Sr., who was honored for his leadership in promoting civil rights through constructive change.

In 1988, the nonlawyer award was presented to Sr. Catherine Gorman of the Office of Farmworker Ministry in Apopka, for her work in securing the legal rights of migrant farmworkers.

The medal of honor awards will be presented at the annual dinner of the Foundation during the Bar convention at Marriott's World Center in Orlando on June 15.

Nominations should list the specific achievements which would qualify an individual to receive a medal of honor and should include a brief biographical sketch of the nominee. Nomination forms are available from the Foundation. Nominations should be sent to: The Florida Bar Foundation, Medal of Honor Awards Programs, 880 North Orange Avenue, Suite 102, Orlando, Florida 32801-1023. For more information, call (800) 541-2195 or (407) 843-0045.

[From the Florida Bar Journal, September 1988]

THE FLORIDA BAR FOUNDATION

Although The Florida Bar Foundation is an organization independent of The Florida Bar, much effort and cooperation have been given by Florida Bar leadership in the development of an effective Foundation since its creation in 1956. The ultimate goal is to foster law-related public interest programs throughout the state, such as providing greater legal aid to the poor, funding student loan and scholarship programs, and improving the administration of justice.

The Foundation's most conspicuous activity of late has been its administration of Florida's nationally acclaimed Interest on Trust Accounts (IOTA) program. In less than seven years of operation, IOTA has generated over $14.8 million in public interest grants distributed in the name of Florida's legal profession for legal aid to the poor, law student loans and scholarships and improvements in the administration of justice. The IOTA program—the first of its kind in the United States—has been a model for similar programs now in operation in nearly all the states in this country.

In addition to its educational and charitable activities, The Florida Bar Foundation periodically awards its medal of honor to an attorney and a nonlawyer citizen in recognition of outstanding contributions toward improving the administration of justice in Florida. The medal of honor is the highest award that can be bestowed upon a lawyer or layperson by the legal profession in Florida.

The Florida Bar Foundation presents a unique opportunity for Bar members to broaden their involvement in law-related public service. Membership in the Foundation is automatic via any attorney's involvement in the IOTA program, or by becoming a contributing member or fellow of The Florida Bar Foundation. For further information regarding joining the Foundation and about IOTA grants contact: The Florida Bar Foundation, Inc., Suite 102, 880 North Orange Avenue, Orlando, Florida 32801, telephone (305) 843-0045, or (800) 541-2195.

THE 1689 BRITISH REVOLUTION

Mr. MOYNIHAN. Mr. President, the current issue of U.S. News & World Report, that most exemplary periodical of chroniclers and precise observers, notes that this year, 1989, is not simply the bicentennial of The French Revolution. Of course, the anniversary of the French Revolution is being celebrated this week in Paris, and our

President will attend and have dinner with representatives of the avant-elite.

But, 1989 also marks the tricentennial of a much larger event for our Nation and possibly for the world. This event is the Glorious Revolution of 1689 in which William and Mary came to power in Britain. In this revolution, the rights of British citizens and the division of powers within the government were first established in the world. And, they were established step by step, in a very pragmatic, problem-solving kind of way.

The constitution established in this revolution was not only the predecessor of our own, but of so many societies which found ways to establish stable governments and enduring ones. Michael Barone, author of the piece in U.S. News & World Report on this subject, certainly sees the irony in our being all enthusiastic about a revolution whose regimes lasted an average of 18 months as they inexorably made their way to a military dictatorship 6 years later. Whereas, in Britain in 1689 a system of government was established, the arrangements for which have lasted almost two centuries. In fact, this system of government has remained unchanged in even social and political terms, much less constitutional ones. Of course, the British constitution has endured for three centuries just as ours has done for two.

Mr. President, it is always a pleasure to have the opportunity on the Senate floor to acknowledge the work of Michael Barone, whose Almanac of American Politics is as indispensable to us here as is the Congressional Directory.

I ask unanimous consent that his article be included in the RECORD at this point.

There being no objection, the article ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, July 17, 1989]

THE OTHER, FORGOTTEN REVOLUTION

(By Michael Barone)

As we remember the 200th anniversary of a revolution that produced so much bloodshed and became the inspiration for so many tyrannies, the 300th anniversary of the revolution to which we owe many of our liberties and free institutions has passed almost forgotten. This Glorious Revolution that culminated in 1689 happened not in France but in England, it produced not a republic and a reign of terror but a Dutch King who expanded the rights of Englishmen, and it is remembered today most vividly not in the countries whose liberties it did so much to secure—Britain, the United States, and the British Commonwealth nations—but in the one place where its legacy is a tragic one, Northern Ireland.

On its face, the Glorious Revolution does not sound very glorious nor does it seem much of a revolution. It was not the downtrodden masses but the most prominent members of the House of Lords, bishops of the Church of England and merchants of the City of London who wanted to get rid of King James II, a Roman Catholic, after his second wife gave birth to a son who would produce a Catholic dynasty. They called on William of Orange, the Stadholder of the Netherlands and husband of James's daughter Mary; in 1688, William, a lifelong enemy of the Catholic King Louis XIV of France, assembled an army and navy and made the only successful cross-channel invasion between that of William the Conqueror in 1066 and Dwight D. Eisenhower in 1944.

To legitimize what amounted to a military takeover, William called for new parliamentary elections, and in the early months of 1689 he and Parliament agreed on what amounted to a set of political deals that produced some of our greatest freedoms. Parliament passed and William approved a Declaration of Rights limiting royal power, an ancestor of our Bill of Rights. Parliament limited grants of money to the King to a single year, the origin of our annual appropriations process. It required that elections be held every three years, the beginning of today's regular terms of office. It passed a Toleration Act for Dissenting Protestants (but not for Catholics or Jews), an early grant of religious freedom in a Europe torn by religious wars.

Over the next several years, Whigs and Tories vigorously debated issues in Parliament and even criticized the King; at a time when the opponents of many rulers were put to death, the English were coming to accept the idea of the legitimacy of political opposition. Other innovations stemmed from William's reign. As he pursued his wars against Louis XIV, Parliament voted him a standing army but kept careful watch over it each year. He also persuaded Parliament to establish the Bank of England, the first officially sanctioned central bank, which helped finance a vast increase in England's trade and economic growth. And the Glorious Revolution inspired John Locke's theory that government derives its powers from a contract with the people, a theory that informs our Declaration of Independence and Constitution.

If King William is not much remembered today, he was not much loved in his own time, either. He was by all accounts a cold fish—short and skinny, with a curved nose and a "pensive, severe, and solemn aspect," according to his great admirer, the 19th-century historian Thomas Macaulay. Orphaned at 10, held a virtual prisoner by his family's political enemies, very much aware that his grandfather King Charles I of England had been beheaded and that his immediate predecessor as ruler in Holland, Jan de Witt, had been torn limb from limb by a mob, he was not given to trusting many people aside from his wife and a few Dutch cronies (whom he made dukes in England). He would not have been an attractive media candidate in an era when politicians and celebrities are expected to lay bare their personalities.

King William helped to make this a kinder and gentler world, but not without fighting a few battles and breaking the rules of dynastic succession. And he is not a hero to everyone. His victory at the Battle of the Boyne in July, 1690, almost exactly 100 years before the storming of the Bastille, is celebrated lustily to this day by the Protestants of Northern Ireland, while Irish Catholics remember William as the man who established the Protestant Ascendancy. Irish politics is still bedeviled by the 17th-century religious hatreds that William helped to exorcise in Britain and its American colonies.

William and Mary had no children and died young. Not much was named for them in Britain and America, except for the College of William and Mary in Williamsburg, VA., and the Orange counties of Virginia, North Carolina and New York. The Glorious Revolution, celebrated by Whig historians like Macaulay as the beginnings of our liberties, came to be forgotten by intellectuals who followed the stars of Marx and other admirers of the French Revolution. Those revolutionaries tried to impose their logic on the world, often with terrible results. William III, scrambling to justify a revolution that was popular but against the rules, sacrificed power to win legitimacy, and succeeded. While the French are celebrating their declarations of rights and tiptoeing around the guillotined corpses of their revolutionaries' victims, it is worthwhile, in a world turning increasingly toward representative government and market capitalism, to celebrate the revolution that, for all its ambiguities and oddities, seems increasingly glorious on its 300th anniversary.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I note once again the captivity in Beirut of our own Terry Anderson.

Today marks the 1,578th day that Terry Anderson has been held in captivity in Beirut.

On March 17, 1987, a report appeared in the Los Angeles Times in which Terry Anderson's colleague and friend, Robert Fisk, commented on Anderson's captivity as such: "I don't think anyone ever dreamed it would last 2 years."

Mr. President, I take this opportunity to inform my colleagues that it is now over 4 years that Terry Anderson has been held hostage.

I ask unanimous consent that the Los Angeles Times report be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Mar. 17, 1987]

HOSTAGES' MILESTONES PASSING QUIETLY IN BEIRUT

(By Charles P. Wallace)

BEIRUT.—Lebanon is passing two milestones this week, but what with Syrian troops occupying West Beirut, Christian and Muslim politicians wrangling over a political settlement and a sinking economy, the events are going almost unnoticed.

It was on an overcast morning two years ago Monday that Terry A. Anderson, chief Middle East correspondent of the Associated Press, finished a tennis game in West Beirut and was on his way home for a shower when gunmen bundled him into the back of a green Mercedes-Benz and sped off.

And it was eight weeks ago today that Anglican Church envoy Terry Waite disappeared while on his mission to gain the release of foreign hostages in Lebanon.

Anderson, from Ohio and now 39 years old, has become the longest-held foreign hostage in Lebanon, with no prospect in sight for his imminent release.

Waite, the personal envoy of the Archbishop of Canterbury, traveled to Lebanon in January in hope of freeing Anderson and another American, Thomas Sutherland, 55, the dean of agriculture of the American University of Beirut, who was abducted in June 1985.

Waite dropped from sight while on his way to meet with the kidnapers, members of a fundamentalist Shia Muslim band of terrorists calling themselves Islamic Jihad, or Islamic Holy War.

There are reports that during his travels he was taken into custody by another group of Shia extremists known as Hezbollah (Party of God)—which, like Islamic Jihad, is believed to be loyal to Iran. Walid Jumblatt, the Druze warlord who was nominally in charge of Waite's security, was moved to remark later that "God's envoy is being held by God's people."

On Monday, the official Iranian news agency said that the Speaker of the Iranian Parliament, Hashemi Rafsanjani, has promised to help the Archbishop of Canterbury, Robert A. K. Runcie, find Waite. According to the agency, Rafsanjani was responding to a letter in which Runcie pledged to try to locate at least one Iranian believed seized by Christian militiamen in Lebanon.

Those holding Anderson and Sutherland have repeatedly demanded that 17 Arab extremists, jailed in Kuwait for car-bomb attacks in December 1983, be released as the price for freeing their captives.

However, events have shown that the hostages' predicament is also inextricably linked to factors such as the long-running Iran-Iraq War and the possibility of a power struggle in Tehran, the Iranian capital.

President Reagan has acknowledged that his Administration sold arms to Iran in hopes of obtaining the release of all the American hostages in Lebanon, of whom there are now eight.

At one point, Lt. Col. Oliver L. North, the now-dismissed National Security Council aide, traveled to Tehran in the apparent hope of closing a deal for the release, but the purported agreement collapsed after David R. Jacobsen, a hospital administrator at the American University, was released last November.

Anderson had been allowed to send out letters to his family, and he made a poignant videotaped appeal to Reagan last October to step up his efforts on the hostages' behalf.

"To a considerable extent, those of us who live here in Beirut feel helpless to help Terry," said Robert Fisk, Middle East correspondent for the Times of London, who was a close friend of the missing journalist and who has worked to help free him.

Fisk noted that although the State Department recently warned Americans to stay away from Lebanon, Anderson was kidnaped at a time when Beirut was still considered a relatively safe place for journalists.

"I don't think anyone ever dreamed it [Anderson's captivity] would last two years," Fisk said. "I remember when he sent the letter to his family in October, 1985, saying he hoped to be home by Christmas. And now we're in 1987."

Anderson has two children, including a baby daughter who was born while he was in captivity and whom he has seen, according to his statements, only on a special television broadcast.

On Friday, a State Department spokesman in Washington called on the kidnapers to release their hostages, whom he described as "the innocent victims of a cruel and cynical act of terrorism."

On Monday, about 250 friends, colleagues, and relatives of Anderson, Sutherland and the other American hostages gathered in Valley Forge, Pa, for a prayer breakfast sponsored by the American Baptist Church, wire services reported. Among those attending was a former hostage, Father Lawrence M. Jenco.

Most Arab and Western analysts here agree that the fate of Anderson and the other hostages has become mired in the tangled Washington scandal over the clandestine sale of arms to Iran and the diversion of profits to the U.S. backed Nicaraguan guerrillas.

At least two freed hostages—Jacobsen and Jenco—may have been released as a result of U.S. arms shipments to Iran. The arms included anti-tank missiles and spare parts for anti-aircraft missiles.

Having used hostages to obtain American arms in the past, it was argued, Iran may hold out for at least a partial settlement of its other claims against Washington before exerting pressure on its followers in Lebanon to free their remaining hostages. A total of 26 foreigners are believed to be in the hands of various Lebanese terrorist factions.

For the extremist groups involved, the hostages may also be regarded as protection against attacks, which makes it difficult to persuade the captors to surrender all their prisoners.

Three weeks ago, Syria sent more than 7,000 troops into West Beirut, and they cleared battling militia forces from the streets of the predominantly Muslim sector of the city.

However, the Syrians have not moved against the southern suburbs, where Hezbollah is believed to have substantial armed strength.

The suburbs are believed to be the most likely place that foreign hostages are being held by the pro-Iranian Shia groups. Some analysts believe that by continuing to hold hostages there, groups such as Hezbollah will feel safer against a Syrian move, but other diplomats here believe that such considerations will not count for much in Syrian calculations.

The analysts noted that no group has claimed responsibility for kidnaping Waite.

According to one theory, Waite was taken prisoner because of a factional dispute within Hezbollah, with one of the factions seizing him in order to discourage further negotiations over the hostages.

In addition to Sutherland, who is from Fort Collins, Colo., and Anderson, the Americans believed held in Lebanon are Frank H. Reed, 53 of Malden, Mass., director of a private school in West Beirut; Joseph J. Cicippio, 56, of Valley Forge, Pa., acting controller of the American University; Edward A. Tracy, 56, of Rutland, Vt., an illustrator and book salesman; Alann Steen, 48, of Boston, a journalism professor at Beirut University College; Jesse Turner, 39, assistant instructor of mathematics and computer sciences at Beirut University College, and Robert Polhill, 53, assistant professor of business studies at Beirut University College.

SENATOR CHARLES ROBB SPEAKS TO THE AIPAC CONFERENCE

Mr. HEFLIN. Mr. President, I rise today to introduce into the RECORD, a speech made by my distinguished colleague from Virginia, Senator CHARLES ROBB, before the recent AIPAC Policy Conference. As you can tell from his remarks, Senator ROBB remains deeply committed to the cause of peace in the Middle East. He is truly a good friend to Israel and a strong advocate of peace. I hope that each of you will carefully review his timely speech.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR CHARLES S. ROBB, AIPAC POLICY CONFERENCE, MAY 22, 1989

This is the first AIPAC Policy Conference without Sy Kenan. His energy and enthusiasm are sorely missed. But his spirit, his devotion to Israel and his love of America live on in this room.

Largely because of Sy's efforts, this conference has attracted as speakers many of the most distinguished leaders in American political life. It has been the occasion of some inspired and inspiring oratory and some memorable one-liners. I may deviate somewhat from tradition, because I come to you tonight with a serious purpose in mind. I come also as a deeply caring friend of Israel, and as one who is truly committed to the cause of peace and the advancement of freedom, in the Middle East and around the world.

I come, too, with many fond memories of my own visits to Israel: vivid recollections of the strength of character and purpose etched in the face of Golda Meir as we had tea in her Tel Aviv apartment; of the excitement, the vibrancy and the heady atmosphere all Israelis experienced right after Entebbe; of Massada, the ancient world's greatest monument to moral courage and physical bravery; memories, too, of the costs of security that sustain modern Israel—the stark terrain of no man's land on the Golan; and Yad Vashem, which no words can describe.

In May of 1983, when I was serving as Governor of Virginia, I had the honor, of speaking at the first meeting that AIPAC ever held in Virginia. I observed then that in a period of hard times for Israel, AIPAC did an outstanding job of keeping Israel's friends in this country informed of developments in the Middle East and abreast of Israel's policies. In my own state of Virginia, I led a Governor's mission, which set the stage for the Virgina-Israel Commission.

Today the times are no easier for Israel, and your contribution is no less vital. Those of us who are committed to Israel's well-being remain indebted to AIPAC for the keep insight you provide into developments in the region and for the determined manner in which you present Israel's cause to the American people.

Tonight, let me reaffirm my conviction that the state of Israel is not only unique in the history of civilization, but also unique as an ally of the United States of America. Israel means so much to America because in Israel's existence our own experience is reflected. Americans built a democratic society composed of people from many lands, who shared common dreams, who conquered a hostile environment, opened up a wilderness and made the desert bloom. Within the lifetime of most of us here tonight, Israelis have repeated that miracle.

Founded, like America, against unbelievable odds, Israel had to fight, as we did, for

independence. Again and again during her short life Israel has been forced to defend her freedom—and her very survival. 1948, 1956, 1967, 1970 and 1973 are etched in memory as dates when her very existence was in jeopardy. Despite war and threat of war and continual acts of terrorism, Israelis have never ceased to cherish their freedom or lacked the courage to insist on their independence.

We see in Israel much of the richness and diversity that we see in America—from its capital, Jerusalem, the city of lights, to the Eucalyptus groves of the north, to the spirited discussion in the cafes of Tel Aviv, to the individualistic spirit of the kibbutzim. From ancient Jewish teachings grew the moral and ethical foundation of modern civilization. Modern Israel has given much to the world, too: the Israel Philharmonic, Novel Prize winner S. Y. Agnon and the medical miracles of the Weitzman Institute are just a few that come to mind—all this from a country the size of Massachusetts, with a population approximately that of Philadelphia's.

Vision, courage, spirit and diversity—these are the qualities that make America great, and they are the qualities that underlie my affection for Israel.

Yet just as our hearts are joined, so are our destinies. Twice in this century the world has been engulfed by war. From the Second World War, the war against the most insidious and evil engineers ever to figure in the long and dark calculus of planned inhumanity, rose the indomitable spirit of the Jewish people, saying with one voice, "never again." So also did the American people say, "never again." Never again shall we turn our back on those who yearn for freedom; never again shall we fail to fulfill our role as the defender of democracy, or as the champion of those against whom a brutal regime organizes hatred and prejudice into a political program of terror and mass murder.

And so a newly reborn state of Israel and an America roused from isolationist slumber became partners in the cause of peace, our futures intertwined by the common understanding that the fate of the globe lies with those who stand up in defense of freedom.

Partners in the cause of freedom, America and Israel share another purpose, a conviction that the Holocaust, which in horror overwhelms the imagination, must never be permitted to lapse from the civilized consciousness. And the victims who perished in this longest night of barbarism, the millions of innocents whose deaths diminished all life, must remain for all of us precious in memory, vivid in image. In their loss, we and the world are forever impoverished; in them and through them we must know that we are all the children of Auschwitz.

Democracies—and friends—stick together, in good times and bad. So let no man doubt this nation's unwavering resolve to preserve, protect and promote the security, the health and the prosperity of our sister in spirit, our partner in peace and our special friend, Israel.

I frequently describe myself as a Scoop Jackson Democrat. Scoop made a speech at this very conference, in which he said, "In their frustration at the seemingly intractable conflict in the Middle East there are those who are tempted to fashion a piece of paper into a paper peace. To yield to such temptation would be a mistake of historic proportions."

I'd like to talk to you about that temptation—which is just as enticing to some today as it was in 1975—but before I do, I'd like to reflect on that quotation as it applies to the world at large.

From Woodrow Wilson's Fourteen Points, to Franklin Roosevelt's Four Freedoms, to Harry Truman's creation of the NATO alliance and his recognition of the state of Israel, to John Kennedy's pledge to assure the survival and the success of liberty, this nation has been energetically engaged in the worldwide struggle for peace.

We believe that at the core of peaceful and prosperous societies lies an abiding faith in individual liberty. Our goal, then, is not just peace, but peace with freedom.

The quest for true peace, a climate of good will beyond the silent hostilities of an armed truce, is never easy. Freedom has a price. It requires firm knowledge of region and history, the instinct to follow a true moral compass, steady nerves that sustain a clear vision of the future, and most importantly, the ability to transmit to all, friend and foe alike, our unhesitating resolve to apply the force of the greatest and most powerful nation ever on Earth, to defend and support our principles. Otherwise, the peace we seek may end up being just a piece of paper.

Standing up to threats to democracy is very much a part of our tradition—of the tradition of Scoop Jackson and Hubert Humphrey. America must always draw a bright line between those who fight to enlarge the scope of democracy and freedom and those who seek to shrink it. And we must work with those who share our vision. That's why I support enhanced strategic cooperation with Israel, and that's why we both should move to complete the prepositioning of U.S. equipment and material in Israel for use in a crisis.

Just as Israel must never feel guilty about her strength, the United States must never apologize for her power. America must never shrink from the responsibility of being the leader of the free world.

In the period between the time I left the Governor's office and came to the Senate I had the invaluable experience of traveling, as a private citizen, to every continent and most of the world's trouble spots. In meetings with leaders of countries large and small, I came away with a new appreciation for the challenges and responsibilities the U.S. faces in exercising leadership and promoting peace.

With my assignment to the Foreign Relations Committee of the United States Senate and of its Subcommittee on Near Eastern Affairs, I'm having the opportunity to put the lessons of history and the insights gained on those trips to use in the cause of the quest for peace in the Middle East.

In any discussion of peace in the Middle East, however, there are two fundamental points which are often used by Israel's enemies to obscure serious dialogue.

First, in the corridors of the United Nations, in the capitals of some Third World countries and, unfortunately, even in some parlors here at home, there continues to be discussion of Israel's right to exist. That is simply not acceptable.

Israel, the resurrection of a 4,000 year old state, the culmination of the Zionist dream, and the best hope of preventing another Holocaust in the Diaspora, just celebrated its 41st year of independence. It's the 58th oldest state of the United Nations' 159 members. We can never compromise on Israel's right to exist, and could give Israel no better anniversary present than to insist that such Orwellian propaganda is abolished in the councils of the world. That's why last week I voted with the majority of my colleagues on the Foreign Relations Committee to establish an U.S. policy the withholding of funding from any international organization that rejects Israel's membership or accepts the PLO in membership—with no exceptions.

Second, let's be clear about what we mean when we say, "peace in the Middle East." The phrase has become code, having little to do with true peace in the region. Survey the landscape, and you find little in the way of peace. Virtually every state has been in conflict—in border disputes, subversion or full-scale war.

Iran and Iraq have declared a state of truce following a ten year conflict that claimed a million lives, saw waves of children being sent into combat, and in an ominous new trend, the use of deadly poison gas, both in contravention of every civil and moral convention.

Lebanon, once a thriving country referred to as the Switzerland of the Middle East has become a battleground in a seemingly neverending civil war between Arab factions that has claimed more than 100,000 lives.

In Syria, anywhere from ten to thirty thousand Sunnis—men, women and children—were wiped out in a week by the Assad regime in the ancient town of Hamma. So closed is this society that to this day we don't even know the number of the massacred.

Elsewhere, Islamic fundamentalism threatens to sweep the region and topple moderate Arab states.

The list goes on with melancholy regularity. No part of the region is immune. And what is most striking is that up to this point I have not even mentioned the Arab-Israeli conflict.

But it is clear that if the Arab League were to cease its hostilities and recognize Israel tomorrow—as it should, and if it were to exchange ambassadors and resume trade with Israel next week—as it should, those of us who search for "peace in the Middle East" would still have much to do.

These are difficult times for Israel. They are no less difficult for those of us who are committed to Israel. The almost nightly sight on the news of Israeli troops in the West Bank and Gaza causes real pain for those of us who hope, along with Israel, that peace can be brought to the territories without jeopardizing Israel's future.

But it is painful, too, to know what television does not show. It doesn't show the PLO paying demonstrators. The nightly news doesn't document the stipends paid to those who are imprisoned. Nor does it show the Palestinian moderates assassinated by the PLO because the wanted dialogue with Israel.

The world doesn't see that there is a calcuated campaign to create an atmosphere in which real negotiation is useless, if not impossible. Golda Meir expressed the pain we feel when she said, "We can forgive the Arabs for killing Jews, but we can't forgive Arabs for making Jews kill others."

Prime Minister Shamir's peace initiative and plan for elections in the West Bank and Gaza is a first step for peace, an important, positive step in the right direction. A number of us on the Foreign Relations Committee and other Members have recently met with the Prime Minister, and with King Hussein and President Mubarek as well. To each of them we expressed our feeling that this initiative marks the beginning

of a crucial process that could well pave the way for true progress in the conflict.

Now it's time for Arab Palestinians to reciprocate. Intifada Pamphlets 35 and 39, which called for the use of knives and molotov cocktails against the "Zionist enemies" is not an acceptable response. Nor is Arafat's call for the assassination of Bethlehem mayor Elias Freij, who had proposed a truce in the uprising. And continuing to allow a new generation to be lost to terrorism, as was demonstrated only yesterday by new pamphlets justifying assassination of moderate Palestinians and calling for a step-up in violence, does not advance the cause of peace.

As one more moderate Palestinian has said, "It will be a real tragedy if the Palestinian leadership does not seize this opportunity to launch a clear-cut peace initiative that is as daring and imaginative as the uprising itself."

Arab Palestinians have to start building cooperative links with their Jewish and Jordanian neighbors. I'd like to envision a generation of Arab Palestinians who translate stone throwing into positive political action, a new generation of Palestinians, who don't fear PLO assassins, cynical Arab leaders and exploitative Arab regimes, a new generation that knows that its fate—and the prospects for peace—are no longer in the hands of outsiders, but lie in direct negotiations.

Today, there are outsiders involved. Yassir Arafat and the PLO have injected themselves into the peace process.

None of us in the civilized world can forget the massacre of schoolchildren at Ma'alat, of Olympic athletes at Munich, the hijacking of the Achille Lauro, the cowardly murder of Leon Klinghoffer or the cold-blooded Rome Airport attack.

If Arafat has truly forsworn terrorism as a form of political expression, he's going to have to prove that he can deliver on promises he may make on behalf of the Palestinians.

What can we make of his claim that the PLO recognizes Israel, while at the same time constituent factions of the PLO, not to mention his senior political advisors, call for her destruction.

And peace declared at a press conference does not even carry the value of an unsigned paper peace. It matters not that the chairman of *Al Fatah* announce in Stockholm that the 1964 Palestinian Charter is "superseded" and then dashes off to Paris to say that it is "caduque."

At a minimum Arafat must convene the PNC to declare that Article 19 of its charter is "*larin wa-batil*," null and void in Arabic, and then take that message to his Arab partners in the capitals of the Arab World—in Arabic.

We reserve no place at the peace table for dissemblers, posturers or hypocrites. If Yassir Arafat wants to come to the table, he will have to demonstrate that he can deliver. As of now, he is not even at the threshold.

In the East-West area, our relations with the Soviet Union are warming and it has expressed a desire to play a role in the Middle East. It is tempting to believe that it wants real peace in the region. But despite *glasnost* and its "new thinking," the Soviets have yet to prove they want more than a paper peace.

Mr. Gorbachev can start by reestablishing relations with Israel broken off in 1967. If he truly desires Middle East peace, he should pledge that never again will there be the sight of Cuban troops fighting Israelis in the Golan Heights. The Soviets should stop selling SU-24 aircraft to Libya, as they did only weeks ago. The Soviet Union should withdraw the 4,000 or so advisors it has stationed in Syria, along with the 150 SAM installations that are aimed at Tel Aviv, Jerusalem and Haifa.

The Kremlin should also exercise its leverage over Syria, as well as Libya and Iraq, to see that they forswear chemical and biological weapons, and condemn them if they don't. Equally ominous is Iraq's attempt to yet again develop a nuclear capability. The Soviets could play a role there, too.

To be sure, the Soviet Union has initiated active diplomatic efforts in the region, but activity should never be confused with peacemaking.

Some say that in the missile age, surrounded by a hostile Arab world, Israel can't have secure borders. But I'm reminded here that David Ben-Gurion kept a map on his desk of the Middle East from Morocco to the Persian Gulf—the same map that's found throughout the Arab world today. On it, Israel is identified as "Occupied Palestine." Ben-Gurion looked at this map every day, and whenever he was asked how he could stand it, he declared: "There are only two permanents in politics: history and geography." To which he added, "That gives us a draw."

At times, democracies question themselves, perhaps too harshly. But democracies hold themselves to higher standards. Israel and the United States must never forget that people the world over—not just in China and the Soviet Union—aspire to our political values.

I am confident that Israel and the United States will never yield to the temptations of a paper peace in the Middle East. To us, the flowering of a strong, safe and democratic Israel is sweeter, the goal of true peace in the Middle East is more enticing.

For peace is all that we ask, a peace in which all countries in that troubled part of the world will beat their swords into ploughshares and spears into pruning hooks; a peace that will enable the desert to rejoice and blossom as the rose. When the wicked cease from troubling and the weary be at rest, then all of us, here, there and everywhere, will be able to say to each other, with faith and confidence, in our coming and in our going, Shalom, Peace; Peace be with you, now and forever.

I hope all of us live to see that day.

Thank you.

PRESIDENT BUSH ANNOUNCES COMPETITIVE ELECTION ACT OF 1989

Mr. DOLE. Mr. President, for the first time since 1977, the President of the United States has taken an active interest in the campaign finance reform debate. On June 29, George Bush unveiled a comprehensive reform package designed to curtail the influence of special interests, strengthen political parties, reduce incumbent advantages, increase the level of competition in the congressional races, and put the election process back in the hands of the American people.

REDUCING THE INFLUENCE OF SPECIAL INTERESTS

A lot of Americans are disgusted with a political system that appears to cater to the special interests. President Bush has decided to deal with this issue directly by banning political action committees [PAC's] sponsored by corporations, labor unions and trade associations, and increasing disclosure requirements on so-called soft money contributions and independent expenditures.

For the so-called ideological PAC's that are protected under the first amendment's freedom of association, the President would slash the contribution limits from $5,000 per candidate per election to $2,500 per candidate per election.

In addition to limiting the role of PAC's, President Bush would increase disclosure requirements on all contributions and expenditures that are intended to influence elections but are not controlled by the candidates themselves. Full disclosure of all soft money contributions and expenditures by political parties, labor unions, PAC's and corporations for all Federal elections is a significant part of this package. Increased notice and disclosure requirements on so-called independent expenditures are also important.

The first amendment guarantees each American the right to freedom of speech. The Supreme Court held in the case of Buckley versus Valeo that political expenditures are a form of political speech. But, if we are genuinely concerned about the level of money in the political system, we need to know where the dollars come from and how they are being spent. Under these circumstances, disclosure is the best solution.

Although the primary focus of the President's package is on congressional elections, I am pleased that most of the so-called special interest provisions would also apply to Presidential races.

STRENGTHENING POLITICAL PARTIES

Experts have divergent views on the issue of campaign finance reform, but most academics agree that strengthening political parties would improve the current campaign financing system. Larry Sabato at the University of Virginia, Herbert Alexander at the University of Southern California, and Ross Baker at Rutgers University are prominent examples.

President Bush and a vast majority of my colleagues on this side of the aisle agree with the experts on this issue. We believe that, by giving a candidate a nest egg free of special interest obligations, political parties could enable candidates to spend less time raising money and more time discussing the issues.

DEMOCRATIC REACTION

The Democratic reaction to the President's proposal has been extremely partisan. The distinguished majority leader characterized the Bush proposal as having and I quote:

Little to do with campaign finance reform. * * * It was obviously crafted with one objective—to help Republicans.

Ron Brown, the Democratic Committee chairman, dismissed the President's plan before it was even announced. He said, and I quote:

The President's campaign finance bill ought to be labelled the fat cat protection act of 1989. * * * [George Bush] wants to make it easier to give Republican candidates access to big money contributors.

If the campaign finance reform debate in the 100th Congress taught us anything, it showed us that gut-level partisan reactions will lead to a stalemate in the Senate. I suggest that Ron Brown take some time to read through the President's plan. It does not favor the wealthy; it does not change the $1,000 individual contribution limit; it does not favor the special interests, and it does not rely on the taxpayers to pick up the tab for reform.

In my view, the real fat cats are House and Senate incumbents.

THE REAL FAT CATS

It is no secret that incumbents enjoy a number of advantages over challengers. PAC dollars, free media coverage, professional staff, and a multimillion-dollar franking privilege are obvious examples. The major reason for the dispute over spending limits is that they favor incumbents. It's that simple.

As the majority party in Congress, the Democrats have an interest in protecting incumbency, while Republicans are more concerned about guaranteeing that challengers have access to the political process. I, for one, do not want a permanent Democratic majority running the Congress, nor do I want the American taxpayers picking up the tab for "reform."

President Bush's plan directly addresses a number of the most regregious incumbent advantages. It prevents incumbents from building up a war chest by rolling over excess campaign funds; it prohibits Members of Congress from using excess campaign funds for personal use; and it places limits on unsolicited mass mailings by incumbents prior to an election.

GERRYMANDERING

In my view, redistricting is one of the most important elements in President Bush's plan. This issue must be addressed as part of any meaningful campaign finance reform package.

Politicians should not be allowed to manipulate congressional district boundaries in an effort to maintain a partisan advantage. President Bush agrees. His plan features a nonpartisan Federal standard for congressional districts that would go a long way toward making congressional races fair and competitive.

CONCLUSION

Mr. President, over the past 2 years, the Senate found itself locked in a partisan logjam on the issue of campaign finance reform. It will clearly take a bipartisan effort to produce real, fair reform. My hope is that President Bush's proposals will give each Senator an incentive to reevaluate his or her position on this issue.

I look forward to working with the President, the distinguished majority leader, and my colleagues in the House and Senate on both sides of the aisle to produce a meaningful campaign finance reform proposal. One that is fair to Democrats and Republicans, to incumbents and challengers alike.

I ask unanimous consent that a fact-sheet of the major provisions in the President's plan be included in the RECORD immediately following my remarks. It is my understanding that the White House is currently drafting legislative language that should be completed before the Senate takes its August recess.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FACT SHEET—PRESIDENT BUSH'S CAMPAIGN FINANCE PROPOSALS

Today the President announced a comprehensive campaign finance proposal designed to lessen the power of special economic interests and restore competition to American Congressional elections. The package reflects the President's strong commitment to increasing the roles of individuals and the political parties in the electoral process. It is also designed to reform the system of campaign finance under which in the 1980s House incumbents have a 97.7 percent reelection rate and Senate incumbents an 85 percent reelection rate. The proposals follow general themes first articulated by the President in his April 12 speech to the American Society of Newspaper Editors:

Eliminating political action committees (PACS) supported by corporations, unions or trade associations, and prohibiting such entities from paying for the overhead or administrative costs of any independent PAC.

Strengthening political parties by increasing the amounts they can spend on behalf of congressional candidates. This source of funds would permit legislators to spend less time fundraising, would ensure that challengers have greater resources with which to challenge incumbents, and would further limit the role of special economic interests in elections.

Addressing the problem of the "permanent Congress" by reforms designed to reduce the unwarranted advantages of incumbency. Specifically, the proposals would prohibit the personal use of excess campaign funds, drastically reduce Congressional mailings under the frank, ban the rollover of campaign funds from one election cycle to the next, and legislate fair neutral criteria for the redistriction of Congressional lines that will follow the 1990 census.

Fully disclosing all soft money spent by the political parties and all labor unions, corporations and trade associations to influence a federal election.

A more detailed description of the President's campaign finance reform package follows:

1. CONTRIBUTION LIMITS

Curtailing Political Action Committees (PAC's)

The proposal calls for the elimination of PAC's sponsored by corporations, unions and trade associations. The bulk of PAC contributions come from these corporate, union or trade association PACs: they accounted for nearly 90% of the approximately $160 million contributed by PAC's in the 1987-1988 election cycle.

Contribution limits for the remaining PAC's, i.e., those not sponsored by corporations, unions or trade associations (the so-called "non-connected" or independent PACs) would be reduced from $5,000 to $2,500 per candidate per election. It appears that freedom of association guarantees under the First Amendment make it impossible to eliminate these independent PACs.

Corporations, unions and trade associations would also be prohibited from using Treasury funds for non-connected PAC administrative or overhead costs, including corporate or union subsidies for payroll deductions to fund a PAC.

PAC contributions to national and state political parties would stay the same ($15,000 per year). The remaining independent PACs would also be able to continue funding such participatory activities as voter registration and get-out-the-vote programs, which would become fully reportable.

The proposal would codify the Beck Supreme Court decision, holding that union members cannot be forced to have mandatory union dues go to political causes or organizations they do not support.

"Leadership PAC's," including those associated with Presidential candidacies, would be curtailed by limiting federal candidates and elected officials to one fundraising committee, and by prohibiting transfers between fundraising committees.

All but political party committees would be prohibited from bundling, the practice where an organization or its officials solicit contributions from its employees or members at a central location, "bundles" them and sends them to a candidate without affecting the organization's contribution limits.

Independent expenditures would be subject to additional notice requirements. Any advertisement or other political communication paid for by independent expenditures would have to include additional disclosure throughout, identifying the person or organization funding it and stating that it is not authorized by any candidate.

Strengthening Political Parties

The proposal increases to $.05 from $.02 times the voting age population the coordinated expenditure limits that parties may spend on behalf of federal candidates (ranges now from $92,000 to about $1.5 million depending on population for a Senate race, about $46,000 for a House race). This would allow a larger percentage of contributions to a candidate to come from political parties.

2. REFORMING UNFAIR ADVANTAGES

Limiting the Use of Excess Campaign Funds

The rollover of excess campaign funds into the next election cycle would be prohibited by requiring that all campaign treasuries be zeroed out by January 31 following the election. All excess campaign funds would have to go to: national or state party committees; the National Debt Retirement Account of the United States Treasury; or

all campaign contributors as pro-rata refunds.

Presidential candidates would also be prohibited from using excess campaign funds from previous races to fund their presidential efforts.

The proposal bans the conversion of excess campaign funds for personal use. With regard to the Congress, this would apply as follows:

House—House members who are grandfathered could no longer convert the funds to personal use.

Senate—Senators would be precluded from supplementing official accounts with their own excess campaign funds.

Limiting the Use of the Frank

The proposal bans the use of the frank for unsolicited mass mailings.

Quarterly filings would be required by all Members of Congress regarding the amounts spent on franked mail. The reports would be due within 30 days of the close of the quarter.

Fairness in Redistricting

The proposal calls for the end of Gerrymandering through the promulgation of criteria for fair redistricting in federal elections. Such criteria will include requiring district lines to adhere to compactness standards and follow established community boundaries.

The legislation will emphasize the need for congressional and state legislative plans to follow the provisions of the Voting Rights Act.

3. SOFT MONEY DISCLOSURE

Full disclosure of all "soft money" contributions and expenditures by political party committees would be required under the proposal.

Labor unions, corporations and trade associations would have to disclose all money spent to influence a federal election, including voter registration and get-out-the-vote activities, as well as any communications which advocate the election or defeat of any federal candidates.

The proposal also calls for the adoption of realistic allocation guidelines to attribute the cost of party activities proportionately to federal candidates. This will assure that "non-federal" dollars are not used to support "federal" candidates.

THE DEATH OF WILLIAM J. GREER

Mr. THURMOND. Mr. President, I rise today to mark the passing of a fine man and great South Carolinian, Mr. William J. Greer of Greenville, SC. Jack Greer was a prominent and successful businessman who contributed greatly to the State's economy, and he never lost sight of his strong commitment to civic responsibility.

Mr. Greer was born in Honea Path, SC, and later moved to Greenville where he attended Parker High School. He worked hard all of his life, beginning at the age of 14 when he was employed as a part-time mill sweeper. Mr. Greer's hard work ethic paid off, and he went on to become the founder of Texize Chemicals and Intex Products which are now sold under the Dow brands name.

The Texize Co. grew from its inception as a five-man operation with $60,000 in annual sales to a household name all over the country. After World War II, when texitle chemicals were a scarcity, Greer started his company to manufacture the chemicals necessary for textile mills. In 1971, Greer founded another company, Intex Products, to supply specialty chemicals for the industrial, institutional and textile industries.

Jack Greer was the model of the American spirit of entrepreneurship—through hard work and dedication, coupled with an astute business sense, we achieved great success.

Mr. Greer was best known as a business magnate, but he was also a committed civic leader. He was chairman of the board of the Boys Home of the South located in Belton, SC, and also served as chairman of commissioners of the State Ethics Commission. He was a founder of the Strom Thurmond Institute at Clemson University and a member of the Clemson University Board of Visitors. I will always be grateful for the fine work he did in connection with the university.

I would like to extend my most sincere condolences to Mr. Greer's lovely wife, Sylvia Lingo Greer, and the rest of the Greer children: his sons, Richard E. Greer and Tommy D. Greer; his daughters Mrs. Paul Storey, Mrs. John Thurnton and Mrs. Randy Bell; and his stepdaughters, Mrs. David Brisben and Mrs. James Hines. Richard Greer is the able head of the South Carolina State Development Board; in this position, he has continued in the Greer tradition of excellence and I commend him on the fine work that he is doing.

The debt of gratitude that we feel for him as friends, South Carolinians and Americans is abiding and strong. We will remember and appreciate Mr. Greer for many, many years to come.

ACT FOR BETTER CHILD CARE SERVICES

Mr. PRESSLER. Mr. President, the Senate now has considered and approved S. 5, the Act for Better Child Care Services. After carefully reviewing the ABC bill and its potential impact on my home State of South Dakota, I could make no other decision than to vote against the ABC proposal and for the administration's child care tax credit package. The ABC legislation, although amended in various respects during debate, contains serious flaws. This fact did not go unnoticed by hundreds of discerning South Dakota citizens, who contacted me to voice their strong opposition to the ABC proposal.

Our Nation's parents should receive child care assistance, but creating a new and extensive bureaucratic structure to deliver assistance to a relatively small number of families is not the answer. The Senate Labor and Human Resources Committee's own report on ABC states that approximately 18 million American children would be eligible for ABC funds if the bill becomes law. However, only 500,000 children actually would receive assistance under ABC's funding level. I fear that residents in the rural areas of South Dakota would lose out in a fierce competition for ABC dollars.

The likely ABC impact on America's church-based child care centers is another reason I opposed the bill. The constitutional questions raised by S. 5 have not been settled, no matter how many times ABC advocates say they have been. Churches that host child care programs will face expensive, time-consuming litigation because of this legislation. I, for one, do not want to see churches forced to use scarce resources on lawsuits, nor parents compelled to choose between placing their little ones in church-run care programs and receiving Federal assistance.

In conclusion, I remain very troubled by the Senate's passage of S. 5. Most assuredly, the Government has a role to play in increasing the affordability and availability of child care in the United States, but ABC will not accomplish these objectives. Instead, parental choice will be reduced, another complicated and expensive bureaucracy will arise, and churches will be mired in a legal mess. American families deserve better than to be served this platter of problems. If S. 5 becomes law, this is exactly what they will get.

SANCTIONS ON COMMUNIST CHINA

Mr. HELMS. Through the years I have had differences of opinion with the labor union leaders regarding the question of how to raise the living standards of the American working family, but there has never been the slightest doubt in my mind that either Lane Kirkland or his predecessor, the late George Meany, was unaware of the brutal effects of communism on workers.

Last month, speaking of the bloody repression in Red China, Lane Kirkland said: "These acts of repression confirm the nature of Communist dictatorship as essentially tyrannical and immoral."

Mr. Kirkland is right, mass killings, slave labor, the kind of thought control once called brain washing, spies who turn in their family members to the secret police—this is what keeps communism in power.

How, then, does the leading nation of the free world respond to the latest outrage by the Chinese Communist leadership?

Mr. President, the U.S. Congress should pass sanctions legislation—for several reasons:

First, the United States must demonstrate its revulsion at the brutal oppression imposed on those freedom-loving Chinese students whose aspirations—and in many cases, whose bodies and lives—were crushed in the Communist crackdown on June 3 and 4.

Second, we have an obligation to those who yearn for liberty in China, and in other countries suffering under the tyranny of communism. If we do nothing, we will be aiding their enemies—the unrepentant Stalinists in Cuba, Vietnam, Nicaragua, and Eastern Europe who will conclude that after the killings stop, there will be a short period of complaints from the West, followed by oppressive business-as-usual.

Third, we should be responsive to the surviving democracy leaders and those who aspire for democracy within Red China who plead for our support. The prodemocracy forces in Red China have paid the price of liberty. They have earned, they deserve, they must have our support.

President Bush has made an excellent start. The House has made a significant contribution. But there is much more that we can do and must do in Congress.

Multilateral bank loans should be cut off—the West must not continue to finance Communist dictatorship in China.

If we are going to ask United States businessmen to reduce their activities in Communist China, we must to ensure that businessmen from other free world countries do not take commercial advantage of our sanctions and prohibitions.

We must look very closely at civilian aircraft sales. Questions cry out for answers: Did the Chinese Red Army use civilian airlines to move troops to Beijing in May? Could U.S.-produced aircraft be used in the future to move troops on another mission to suppress prodemocracy demonstrators?

The Chinese students have expressed a well-founded fear that the Chinese KGB will come to the United States disguised as diplomats on an intimidation mission. We must prevent that and deny them visas into this country.

After the invasion of Afghanistan, the free world boycotted Soviet national day. We must have a similar response to events in China. Two major holidays are coming up, Army Day on August 1, and the 40th anniversary of the founding of the Communist Chinese regime on October 1.

Mr. President, I cannot claim that these sanctions, combined with those of the other body, will bring communism in China to its knees. That will be a long, hard struggle.

But the consequences of failing to act are obvious. How will future generations of Americans and Chinese, judge the 101st Congress if we are too timid to support democracy in China? Will it be said that the Congress stood up to be counted when democracy was threatened? It is a matter of honor. It is a matter of principle. We must not default.

KASTEN SPEECH IN THE SOVIET UNION

Mr. DOLE. Mr. President, last month, our distinguished colleague from Wisconsin, Senator KASTEN, visited the Soviet Union. While there, he delivered an insightful and thought-provoking address on American democracy, and the lessons of our democratic experience for the world—including the Soviet Union.

Senator KASTEN's message couldn't have been more timely for his audience of Soviet intellectuals and students. His message is also a timelessly valuable one for all Americans.

I ask unanimous consent that the full text of Senator KASTEN's address be printed in the RECORD, and I commend it to all Senators.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS: THE AMERICAN POLITICAL SYSTEM: HOW IT WORKS—AND WHY

(By Sen. Robert W. Kasten, Jr.)

Thank you very much. I come before you as a member of the United States Senate, which is one of the two bodies that together make up the Congress, the national legislature of the United States.

I also come before you as an American politican, a member of the Republican Party currently headed by President George Bush.

As a legislator and as a politician, I have had occasion for many years now to reflect on the principles and practices of the American form of government. And I am very grateful for this opportunity to share with an audience of Soviet students and intellectuals both my understanding of the philosophical foundations of our system of government, and my appreciation of how that system works in practice to improve the lives of the American people.

The people of the State of Wisconsin elected me to represent their interests in our national capital of Washington, D.C. In maintaining contact with those I represent, I have frequently addressed groups of young people in these or similar words: "The kind of America we have depends on your efforts. It's up to you to build the America of the future."

In America, these sentiments are so commonplace that they have almost lost their meaning. It's taken for granted that the role of young people is to build up their country in their own image, so that they can spend their adulthood in a society of their own creation.

Here in the Soviet Union, those same words have a dramatically different meaning. To call on the young people of Russia to build their own national future is a challenge fraught with immense promise and immense peril. But that is what is happening now, as a result of the unprecedented reform movement led by President Gorbachev.

The Gorbachev reforms—political glasnost and economic perestroika—have confronted the young people of Russia with fundamental choices about the kind of Russia they want to inherit, and the kind of Russia they want to bequeath to their children.

I think President, Gorbachev discovered the correct path when he called for a Russia reintegrated into Europe, and a Soviet Union reintegrated into the global community of nations.

Many in the Communist Party media will try to scare you about America's intentions in Europe. They will try to convince you that America seeks a hegemony in Europe, and is therefore threatened by a new European Russia. But the truth is the opposite: America welcomes Russia back into its European heritage, because only through rediscovery of that heritage can the liberty and prosperity of the Soviet peoples, and a future of peace and security for all nations, be assured.

Let us work to build President Gorbachev's European House, even as the peoples of Poland and Hungary are building it today—a European House founded on a bedrock of respect for human rights, political and economic pluralism, and the dignity of all men and women.

What the peoples of Poland and Hungary are recovering is the tradition of Western political philosophy, of free and enlightened discussion about the structure of the state, the society, and the government.

This dialogue is almost 2500 years old. It began when the Greek philosopher Plato remarked that men can satisfy their material and spiritual needs much more readily in the context of a unified political organization. Plato said that the division of labor and the unity of the state are the foundations of a successful social order.

The weaknesses of Plato's approach were exposed by his student Aristotle. Aristotle believed that a unitary state founded on a strict class system could not do justice to human nature. He argued against Plato that "the nature of a state is to be a plurality"—and that a state without pluralism would cease to be a state at all. It would, argued Aristotle, degenerate into a society in which free choice, happiness, and virtue were no longer the objects of the social order.

And Aristotle believed that any system that sacrificed the proper goal of man—the happiness that results from active participation in building a society of free people—to a desire for efficiency and social conformity was fundamentally unworthy of man.

Aristotle's contribution—what one might call the "Great Leap Forward" of Western thought—was to recognize that the happiness and freedom of the human person are the goals which all good governments strive to accomplish.

The last 25 centuries of Western history have been a debate on these competing visions of the political order. And I am an active participant in a political system which arose from one particular historic response to this debate.

In the late 18th century, my country, America, was a colony being exploited by an imperialist power, Britain. The exploitation had been under way for over a century and a half, and the colonists were finding it increasingly difficult to reconcile the denial of political and economic rights to the colonists with the traditional system of liberties enjoyed by British subjects.

By 1776, the residents of British America had become very angry at the concentration

of power in the hands of the British Sovereign, King George III. They appealed to the higher authority of those traditional British liberties as a justification for an apparently radical step: outright rebellion against Britain.

The rights they were being denied—among them the rights to life, liberty, and the free pursuit of happiness—were held sacred by British tradition. More than that—they were understood to be part of the human person himself, ordained by nature and nature's God. This philosophical system was the foundation for the successful revolution of the American colonies, as well as for the establishment of the Constitution by which today's American government is organized and controlled.

After the Revolution, America for a brief time was a loose Confederation of states. The weakness of the central government during this period prompted Americans to draft a new system of government organization—a new Constitution.

In 1787, the several states which made up the American Confederation sent delegates to a national convention in Philadelphia. The purpose of this convention was to establish a system of government for the newly-liberated colonies which would avoid the extreme centralization and denial of rights which marred the British administration, while at the same time possessing adequate power to meet the needs of the new nation in a democratic-pluralist way.

As one contemporary commentator, Alexander Hamilton, phrased it, the question the convention had to confront was this: "(Are) societies of men . . . really capable . . . of establishing good government from reflection and choice, or (are they) forever destined to depend for their political constitutions on accident and force"?

The answer that emerged from the convention was that men and women are indeed capable of constructing a good government based on reason, and that they could devise a system that took sufficient account of all factions and interests while denying the rights and legitimacy of none.

The 1787 Constitution recognized, in the words of one of its chief architects, James Madison, that "(t)he latent cause of faction are . . . sown in the nature of man; . . . (and that therefore) the causes of faction cannot be removed." The only solution, Madison concluded, was to control the effects of faction.

And indeed, controlling the effects of faction was the chief project—and the most signal accomplishment—of the new Constitution. The Constitution provided for a complex series of limitations on government, each of which was designed to lessen the likelihood that any one faction could arrogate to itself the power to oppress the others.

Some argued that all of these factions would irreparably weaken the government, and that it might be better to limit liberties in order to decrease the factional conflict and thus provide for a stronger government. The new government, after all, had a lot of serious problems to confront; why strangle it in its crib with a lot of unnecessary restrictions?

The crafters of the Constitution, led by Madison, argued against this understanding of the restrictions they were imposing on the new government. They believed that the special genius of the system they had devised was that it transformed faction from a source of weakness into a source of strength.

Instead of curtailing liberties in order to make the government strong, the Constitution divided and limited the power of the government so that no faction could hijack all of the power even if it controlled part of the government. It didn't make the government weaker; it made all of the several factions weaker as they each sought to divert government to their particular economic, regional, or ideological ends.

So the end result of allowing and even encouraging all these different individuals and factions to contend was the strengthening of the new government. This was the intention of the writers of the Constitution two hundred years ago; and—as I can testify as a day-to-day participant in that Constitutional system—this is pretty much how it works in practice today.

I'd like now to describe briefly how that Constitutional system works, my own role in it, and how my role interacts with the roles of others.

At the core of the American democratic system is the separation of powers. Madison observed in the debates over the approval of the Constitution that the absence of this separation is the very definition of tyranny. If the same person or group is entitled to write the laws, enforce the laws, and interpret the laws, the necessary result will be an anti-democratic concentration of power in this person or group, and the consequent erosion of the rights and liberties of other citizens.

The legislative function in the United States is exercised by the Congress, which comprises two popularly-elected branches. The Senate, of which I am a member, has two members from each of the 50 American states. The entire population of a state votes on candidates running for election to the Senate. Senators are elected for six-year terms.

The House of Representatives has 435 members, and these are distributed among the 50 states according to population. For example, my own state of Wisconsin sends 9 members to the House; the largest state, California, sends 45; and the very smallest states send only one each. To win a seat in this body, a candidate must contest and win an election in one of the geographic districts in his state. For example, before being elected to the Senate, I served as member of the House of Representatives for one of the nine geographic districts in Wisconsin. Members of the House are elected for two-year terms.

Because members of these two chambers of the legislature are directly elected by popular vote, they are sometimes controlled by different political parties. For much of this decade, the Senate was controlled by a majority from the Republican Party, while the House has been controlled by a majority from the Democratic Party.

The choice about which party will control the House and the Senate is thus made by individual men and women at the local level all over America, when they go to the ballot box and decide which candidate will best represent their interests and values. And it's not unusual for voters to split their ballots—many citizens in Wisconsin voted for me, a member of the Republican Party, in the election for the Senate, while at the same time voting for a member of the Democratic Party in the elections for the House of Representatives.

That's how the people who write America's laws are chosen.

The executive power in America is vested in the President, who is elected for a four-year term. Presidential elections, while occuring on the same day as elections to the Congress, are independent of them and involve a more complex process. Rather than amassing a numerical majority of voters nationwide, a Presidential candidate must win a majority in each of as many states as all together make up a majority of the American population.

Nonetheless, because no candidate in the last 101 years has been elected without also receiving the most votes from the American people, the Presidential elections are widely perceived as being just as fair and democratic as those for Congress.

Voters can split their ballots here as well—voting for a Republican for President and voting for Democrats to serve in Congress. Today, America has a Republican President, George Bush, and Democratic majorities in both the House and the Senate.

So in trying to represent the people of Wisconsin in the national capital, I have to work with another Senator from Wisconsin (who is currently of the opposite party), a nine-member delegation from Wisconsin to the House of Representatives (of which 4 are of my party and 5 are of the other party) and a President (who is of my party).

Together with all the other Senators and members of the House, these are the people who will decide on the national policies affecting Wisconsin and the other 49 states.

The judicial power in America is also independent. The federal judges charged with interpreting the Constitution and enforcing national laws are appointed by the President, but they must be approved by a majority of the Senate. These judges have life tenure.

As if this weren't enough, there is yet another layer of safeguards to protect the liberty of Americans: the system of federalism. Each of the 50 states has its own popularly elected Governor and legislature and makes its own laws. These state governments, because they are closest to the needs and concerns of their people, have been dynamic innovators in government policy—and much of what is best in our national laws was enacted as a result of its proven success in one or a number of the states.

Constitutional rights and liberties are another essential component of the American political system. That a Congress or a President is elected democratically does not entitle it to infringe on the rights of individuals and minorities. The Constitution's Bill of Rights prohibits the making of any laws that would violate the people's right to freedom of speech, freedom of religion, or any other basic human rights.

Central to the economic rights recognized by our Constitution is the provision which holds that "No person shall . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

This provision ought to make clear just how central the individual is to the American system. Just as the individual, as a human being endowed with basic human rights and dignity, has his civil rights protected, so also the individual, as source of economic innovation and creativity, has his property rights protected.

In each case, what is at stake is the dignity of the human person; and, in each case, the American government has no power to infringe upon it.

The Constitution can be amended by common consent of the legislatures of

three-fourths of the states to a particular amendment, which can be proposed either by a two-thirds vote of both houses of the Congress, or by a Convention called by two-thirds of the state legislatures.

By making the amendment process this complex and difficult, the creators of our Constitution ensured that it would not be amended for frivolous and demeaning purposes, or be turned into a tool for the satisfaction of transient passions. And in fact, there have been only 26 amendments in the last 200 years.

As I have just described it, the American political system sounds as if it might be too complicated to work effectively. Does it in fact work?

It is my belief, based on almost twenty years of experience in American politics, that the system works. The dictum of Prime Minister Churchill of Great Britain, to the effect that democracy is the worst possible form of government except all the other forms that have ever been tried, is true.

To those of us trying to work within the system to promote the interests of the voters of our states, the system is often irritating. It is even sometimes infuriating. But in the last analysis, when it comes to meeting the human needs and protecting the human rights of all the American people, the American system works very well.

Just as the crafters of the Constitution intended, the fragmenting of power has proved a source of great strength for our country. Our Constitutional system sometimes fails to prevent bad things from happening, but it usually keeps them from becoming much worse than they already are. In short, the system functions as a self-correcting mechanism—just as its founders had intended.

The environment will provide one example of how our democracy works. Nothing is more important to ensuring high standards of living over the long term than prompt action to keep the world's air and water clean and healthy.

Over the last two decades, numerous organizations of private citizens have been formed in America to publicize the environmental problem and to suggest solutions to it. These citizens are voters—and their needs must be respected by all participants in the political process.

The environment was a major issue in last year's U.S. Presidential election. One of the most effective campaign strategies employed by the winning candidate, George Bush, was to charge his opponent, Michael Dukakis, with having presided over the environmental devastation of Boston Harbor.

The Bush strategy was to ask the American people to decide whether a man who had been inadequately sensitive to the needs of the environment when he was serving as Governor of one of the 50 states could be trusted to help set environmental policy for the nation as a whole.

These issues were debated publicly, and Bush was elected. Last week, the new President was busy touring America to gather support for the environmental policies he is planning to propose to the Congress.

That's the way environmental policy is made in America. In a non-democratic society, however, the formation of pressure groups—like the ones using political activism to help save the American environment—is discouraged. Also, in a centrally-planned state economy, there is a tendency to subordinate everything—including the health of the land and its people—to meeting the short-term targets set by five-year plans.

I suspect that this is the reason Russia's environment is in much greater peril than ours. Soviet biologist Alexei Yablokov says that a full 20 percent of the Soviet population lives in ecological "disaster" zones, and another 35-to-40 percent in what he calls ecologically "unfavorable areas."

Dr. Feordor Morgun, Chairman of the U.S.S.R. State Committee for Nature Conservation, warns that 102 Soviet cities, with a total population of 50 million, frequently have concentrations of air pollution of "ten times the permitted level."

And Marat Khabibullov, a researcher at Kazan State University who is currently a visiting professor at the University in Madison, Wisconsin, tells us that the Arab Sea may dry up by the year 2010; that an estimated 2.5 million acres of cropland are abandoned each year in Soviet Central Asia due to soil erosion; and that infant deaths are on the rise in the Soviet Union.

Please don't misunderstand me. I'm not pointing these things out in order to attack the Soviet Union. I'm just trying to show that the U.S. and the U.S.S.R have similar problems only because of our broad democracy, in which many diverse individuals and groups participate.

And so we return to the problem as old as Western civilization, the problem with which the people of the Soviet Union are grappling today: How can we organize a just society? The framers of the American Constitution—the oldest surviving democratic constitution in the world—expressed the task in the following words: "A good government implies two things: first, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which the object can best be attained.

I hope that I have been able to set forward in a helpful way the means which my own country has used over the last two hundred years to promote the happiness of our people. Other democracies have sought the same goal, but with somewhat different means, different structures of government organization.

In Great Britain, for example, the executive power is held by members of the popularly elected legislature. Prime Minister Margaret Thatcher, as parliamentary leader of the majority Conservative Party, makes the executive decisions that in the United States are made by the President.

The British system thus gives great power to the majority party in the legislature. If a party wins a majority in this unicameral legislature, it has the right to enact its policies into law with very few restrictions. Its actions, of course, will be judged by the public at the next elections.

America's separation of powers makes it much more difficult for any particular party to enact its policies into law. But I think that what America loses by lacking this strong consolidation of power, it more than makes up by giving minority parties and minority interests an opportunity to promote their programs.

The empowering of minority groups can of course be taken to extremes, with the result that the political system is completely fragmented and reduced to impotence. I think the state of Israel is in a situation close of this. In Israel, the balance of power is often held by minority splinter parties and religious parties, which exercise political power far out of proportion to the number of people they represent.

The key to a successful representative government is ensuring the rights of the minority while at the same time providing for the enactment of the will of the minority. I think Israel may lean too far in the first direction, toward the minority, and Britain too far in the second direction, toward the majority.

These structures, then, are important. Democracies do better or worse according to how well their structures provide for the political rights of all their citizens.

But the spirit is the same—the spirit of human rights and of democracy. Where this spirit lives, there is a hope of happiness for the people.

President Gorbachev says that faithfulness to Leninist principles requires the democratization of the Soviet Union, that a true Leninist socialism must be based on the grassroots democratic activism of the local soviets and the work collectives.

But Lenin himself wrote in his seminal work The State and Revolution that when he spoke of democracy, what he meant was "an organization for the systematic use of violence by one class against the other, by one section of the population against another."

That's not what we mean by "democracy" in America. That's not what President Lyndon Johnson meant when, in 1965, he asked the U.S. Congress to pass a law that would finally allow the black men and women of America the right to participate fully in democracy.

For centuries, despite the reverence of the American people for the principles of equality and human rights, the black people in America were denied equal treatment under the laws, and they were denied basic human rights. Before 1863, there was outright slavery; after 1863, there were assertively racist white majorities in a number of American states.

This situation was a standing reproach to the ideals of our country. For many years, many Americans, black and white alike, worked peacefully to assemble an effective majority for black rights. And it was in the name of this majority that President Johnson addressed the Congress on March 15, 1965, in the following words:

"This was the first nation in the history of the world to be founded with a purpose. The great phrases of that purpose still sound in every American heart, North and South: 'All men are created equal'—'government by consent of the governed'—'give me liberty or give me death.' Those are not just clever words. Those are not just empty theories. In their name Americans have fought and died for two centuries, and tonight around the world they stand there as guardians of our liberty, risking their lives.

"Those words are a promise to every citizen that he shall share in the dignity of man. This dignity cannot be found in a man's possessions. It cannot be found in his power or in his position. It really rests on his right to be treated as a man equal in opportunity to all others."

On that day in 1965, President Johnson was speaking to the best part of the spirit of all Americans. He was expressing what Americans in the noblest depth of their heart mean by democracy—not a system of violence, but a system of peaceful change; not a system of retribution against enemies, but a system of cooperation and respect for differences; not a system of class hatred or race hatred, but a system that recognizes the inestimable value of all human beings.

On that same day in 1965, Americans could listen to folk singer Bob Dylan on their radios: "Come, mothers and fathers,

throughout the land,/ And don't criticize what you can't understand./ Your sons and your daughters are beyond your command,/ Your old road is rapidly aging./ Please get out of the new one if you can't lend your hand—/ For the times, they are a-changing."

And, today, the times are changing here in the Soviet Union. What will become of this union of great nations? Can true democracy be built on a Leninist foundation? Can the slumbering giant of the Russian spirit be reawakened for active service to the world community?

The answers to these questions are written in the hearts of the young people of this country, the first adults of the 21st century. And I find in those hearts much cause for optimism—because they are the hearts of brothers and sisters, men and women who know the good that is in man if only he is allowed to be free.

So let me ask, along with the great Russian writer Nikolai Gogol: "Whither art thou soaring away to, then, Russia? Give me thy answer! But Russia gives none. With a wondrous ringing does the jingle bell trill; the air, rent to shreds, thunders and turns to wind; all things on earth fly past and, eyeing it askance, all the other peoples and nations stand aside and give it the right of way."

You have it within your power to make this land a wonder of the world, a marvel for all mankind. This is your challenge, and the hope of lovers of freedom all over the world.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to consider the nomination of Chic Hecht to be Ambassador Extraordinary and Plenipotentiary to the Commonwealth of The Bahamas.

DEPARTMENT OF STATE

NOMINATION OF CHIC HECHT, OF NEVADA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Chic Hecht, of Nevada, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, today, we are considering the nomination of former Senator Chic Hecht for the post as Ambassador to The Bahamas. Senator Hecht appeared before the Committee on Foreign Relations on May 19 for his confirmation hearing chaired by Senator DODD, chairman of the Subcommittee on Western Hemisphere and Peace Corps Affairs. On June 8, Senator Hecht was favorably reported by the committee.

In today's world, The Bahamas is much more important to the United States than its small size and its stature in the world may indicate. It is a major transshipment point for significant amounts of cocaine and marijuana entering the United States. It is for this reason that in the past few years, many in the Senate have expressed concern about the nature of the Bahamian Government's policy on narcotics trafficking as well as the charges of official corruption within the Government. The administration has certified that the Government of The Bahamas is fully cooperating with United States' antinarcotics efforts and cited various examples.

During his hearing, Senator Hecht was made well aware of the concerns about the narcotics and corruption issues by the Senators in attendance. Senator Hecht pledged to continue pressing the Government of The Bahamas for genuine cooperation in combating international narcotics trafficking.

I congratulate Senator GRAHAM for underlining the importance of the post of Ambassador to The Bahamas by moving for this floor discussion. It will serve as a reminder to all concerned that we in the United States remain very interested in the type of action that the Government of The Bahamas takes on the narcotics front and expect our representatives in The Bahamas to push for cooperation to its fullest extent.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Thank you, Mr. President, Mr. President, at this point, I would like to make some introductory comments about the nomination of Senator Chic Hecht as Ambassador from the United States to the Commonwealth of The Bahamas focusing particularly on the following points.

First, we use the term "war on drugs," but this is a very special type of war. It is a war that will not have Waterloo-type victories or defeats. It is a war in which there will be a series of important skirmishes, and our ability to collectively manage and emerge victorious from those series of skirmishes will determine the end result of this war on drugs.

Second is that one of the most important series of these skirmishes will be those that are waged outside the continental United States. Most of the drugs consumed in this country are produced outside the United States. There are important corridors of transshipment from the source countries to the United States, and dealing effectively with those source and transport countries will be an important part of our strategy for victory in the war on drugs.

Third is that not only will a country like The Bahamas be judged by its action, even more important to us, the United States of America is going to be judged by our collective action. I believe that just as individuals can only fundamentally change themselves that nations can only fundamentally change and set directions for themselves. So the type of actions, the symbolism of our actions, the anticipated response to our actions by our foreign allies and our foreign foes are an important part of our strategy for victory in the war on drugs.

Fourth, The Bahamas is an important component of that international dimension to the war on drugs.

And finally, the United States Ambassador to The Bahamas serves in a unique position because of the combination of the importance of The Bahamas as a transshipment point, the scale of The Bahamas as a nation, the small population and economic base and, therefore, the necessity of close cooperation between the Commonwealth of The Bahamas, a sovereign government, and various United States agencies which are providing a substantial amount of the complement to the Bahamian efforts to have an effective defense against drugs from that very important country.

Those are some of the issues that are at stake today as we debate an ambassadorial appointment which, in previous years, might have been considered to be one of the easiest, least controversial, frankly, least demanding ambassadorial post that the United States could assign one of its citizens to fill.

Mr. President, to return to those introductory points, I do not need to belabor the President or the Members of the Senate or the people of the United States with the high priority which is placed upon the United States success in grappling with and overcoming the scourge of drugs which today besets virtually every community in this Nation. In poll after poll—most recently, a Gallup poll and a Hart poll, the issue of drug rates consistently is the top concern of the citizens of this country. This is not a regional issue; it is not a class issue; it is an issue of deep national concern growing out of our recognition as a people of the consequences of surrender in the war on drugs to the future of our Nation.

It is an issue, Mr. President, in which we, as political figures, have spoken at great length and occasional eloquence. The President, Members of the Senate, Members of the Congress, Governors, other State and local offi-

cials have all spoken out about the importance of victory in the war on drugs. What we are about today, Mr. President, is a question of whether we are prepared to back up our words with definitive action. If you ask the question, will the assignment of an Ambassador to the Commonwealth of The Bahamas be the critical element in victory or defeat in terms of our war on drugs, the answer is no. But frankly, there is no other single action that would be pivotal in victory or defeat. It is much like asking the question, Would the decision of the assignment of the commanding officer to the North African front during World War II in and of itself have made the difference in the victory of the allies over Adolf Hitler? The answer is probably not, but the fact that we were able to turn the tide in that theater set in motion and reinforced actions elsewhere which cumulatively did lead to allied victory. This is an important decision. I suggest that this decision is almost as important to the war on drugs as to the decision to who we assigned to be our commander in chief in North Africa in World War II.

Mr. President, what we are doing here today is also going to be an important symbol around the world and particularly around this region of the world which has been so important—the Caribbean, Latin America. Let me ask you, Mr. President, to put yourself in the position of a political figure in, let us say, Colombia. Colombia has been a country which for the last decade has been in a very real hot war with the drug cartel. We read within the past few days that the Governor of the State of Medellin was murdered as part of that hot war against drugs in Colombia, murdered because he had been vocal and an effective leader in that nation's effort to turn an enormous tide of drugs which face and threaten the very sovereignty of the nation of Colombia.

If you are a political figure in Colombia looking to the United States for not only fiscal and physical but also spiritual and leadership support in this war on drugs, what kind of signal are we sending in terms of the decisions that we make here, including the decision to confirm the Ambassador to the Commonwealth of The Bahamas? I suggest that we need to send a consistent set of statements of our seriousness, of our willingness to commit not only resources but the best American citizens that we have in the critical battleground against the war on drugs. To do less is to tell our allies that we are less than fully committed to victory, a statement that I do not believe we can tolerate.

Mr. President, I would like to turn now to the specific issue of the importance of The Bahamas within this region in our war on drugs. The Bahamas have been, for most of this decade, the major drug transport center between Latin America and the United States of America. I believe it would be fair to characterize The Bahamas as the most important country to the United States in terms of our war on drugs, other than those which are the direct source of the drugs themselves. It has been estimated that over the last decade The Bahamas has represented as high as 70 percent—70 percent—of the cocaine into the United States was transported through the Commonwealth of The Bahamas.

Mr. President, this is a map of the Commonwealth of The Bahamas. The Commonwealth of The Bahamas consists of approximately 700 islands. They stretch from near the coast of Florida almost to the Island of Hispaniola. They consist of a land mass which is approximately the size of the State of Connecticut plus the State of New Jersey combined. The State of Connecticut and the State of New Jersey combined would represent the land mass of the Commonwealth of The Bahamas.

The Bahamas has a population of 250,000 people, of which approximately half live on the single island of New Providence, the island of the capital of Nassau; the other 125,000 in the remaining some 700 small islands. The Bahamas is a country which by our standards is relatively poor; buy the region's standards is one of the more prosperous countries in the Caribbean.

The Bahamas has made a significant commitment to the war on drugs. While there may be some differences based on accounting method and cost assignment, the Bahamian Government calculates that approximately 12 to 14 percent of its total national budget has been committed to drug-related activities. The Bahamian Government estimates it spends over 15 percent of its total national budget on drug education and treatment, so its efforts between enforcement and treatment represent well over 25 percent of its national budget.

Mr. President, not only is The Bahamas a significant center for cocaine importation, it has also been a major area for importation of other drugs. In 1988, the Coast Guard seized in Bahamian territorial waters almost 48.2 metric tons of marijuana, and in 1988 a joint United States-Bahamian interdiction effort netted an additional 13.2 tons of marijuana in Bahamian territorial waters. So for a variety of serious law enforcement issues, for a variety of drugs which are causing major problems in the streets of the United States of America, The Bahamas is a significant transport center.

The Bahamas also, Mr. President, has unfortunately become a major source of internal drug addiction.

On June 21, our colleague, Senator MOYNIHAN, submitted for the RECORD a statement on drug addiction in The Bahamas, pointing out that as early as the beginning years of this decade The Bahamas became an early indicator of the consequence to a society of massive use of drugs.

I had the opportunity recently to visit in The Bahamas with Dr. David Allen, who is the head of the Bahamian National Drug Council. Dr. Allen pointed out that one of the first places in the world to identify extensive uses of crack was The Bahamas, and that occurred approximately 5 years ago. And now, 5 years later, The Bahamas is one of the first countries to have a pool of its citizens who have become chronic crack-addicted individuals, with a whole host of very serious physical and emotional and antisocial problems.

In many ways this is an unfortunate harbinger of what we can anticipate in our own country as we reach the milestone of 5 years after large-scale addiction to crack. So we have a concern about The Bahamas because of its enforcement issues, we have a concern because of its high level of addiction and what that means to a friendly, allied nation and the model that that may perceive within our own country.

Mr. President, I cannot underscore the importance of this small commonwealth in terms of our overall national seriousness of commitment to win the war on drugs.

Let me turn next to the special importance of the Ambassador to The Bahamas. Because of the geographic circumstances of large size, many small islands, proximity to the United States, and the demographic factors of relatively small population and the economic limitations of The Bahamas, the reality is that any effective action that is going to take place there must be a cooperative one between the sovereignty of The Bahamas and the resources of the United States of America. In that situation the Ambassador plays more than just the traditional diplomatic role. The Ambassador becomes almost an operational officer, coordinatiing specific drug-related initiatives between the Bahamian Government and various United States agencies.

We currently have a series of United States operational centers throughout The Bahamas with others in planning. I spoke earlier this year with the immediate past Ambassador to The Bahamas, Mrs. Carol Hallett. She told me that 95 percent of her time as Ambassador to The Bahamas was spent in drug-related activities, much of it in the coordination of joint operations.

Mr. President, we need to have in that critical position of Ambassador to The Bahamas not only someone who has the requisite background in diplomacy and foreign policy, but we also need to have someone who can give to

the citizens of this country, to the citizens of The Bahamas, and to the citizens of the world who are looking to the United States for leadership, confidence in his or her ability to lead an effective effort against drugs in this most important country.

Mr. President, we have had such a person in Ambassador Hallett, who has been very well recieved. I understand that when she departed The Bahamas at the conclusion of her service, many citizens without invitation or prompting came to wish her Godspeed as she left, as an expression of their collective and individual appreciation for the efforts that she had made—a very rare demonstration of citizen support for the Ambassador of a foreign country in The Bahamas.

Mrs. Hallett was a strong advocate for this country and for The Bahamas, giving a primacy to the war on drugs. She spoke out frequently and with strength and effectiveness, urging the Bahamian Government to take those actions necessary to pursue effective antidrug efforts. She also was a symbol of the U.S. commitment to being a full partner in that effort. Mrs. Hallett, Mr. President, would be the kind of individual I think we should look to for the continued leadership of the United States in the Commonwealth of The Bahamas.

Mr. President, it is difficult to speak in opposition to the confirmation of a former colleague. The nominee is someone that those of us who had an opportunity to serve with him knew and liked. I would strongly place myself in that category. I had the opportunity to spend many pleasant occasions with the nominee. We are in the unique circumstance, Mr. President, with the exception of yourself and a few others who have only recently arrived, to probably be the most informed jury that could be convened on this nomination. There is no group of Americans that knows this nominee better than those of us who have served with him in the Senate, and so we stand in a unique position to evaluate whether he has the requisite qualities of diplomatic and foreign policy experience, and particularly our confidence that he can serve in this operational role in the war on drugs that would warrant our confirming his nomination.

I suggest, Mr. President, that we know him better than the President of the United States, who nominated him, or the Secretary of State, who no doubt recommended his nomination to this position.

Therefore, we cannot escape the responsibility for making this very important judgment for our Nation, and for the people of America.

I regretfully come to the conclusion that this individual does not meet the standards that I believe our Nation should set, that he does not send to the world the statement of our commitment to victory in the war on drugs, and that he does not by his appointment and by his confirmation signal our seriousness of intention. I believe the time has come, has long come and gone, when we cannot continue to wage this war with words alone. We must do it with actions—the action that we have before us today as to whether the United States Senate will confirm this nominee to the position of Ambassador to the Commonwealth of The Bahamas.

In my opinion, Mr. President, he does not deserve nor does our Nation deserve to be represented by him in The Bahamas. Therefore, I shall vote no.

Thank you.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent to proceed as in morning business for not more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1283 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BREAUX. Mr. President, may I ask what is the pending business before the Senate?

The PRESIDING OFFICER (Mr. ADAMS). The pending business is an executive session to consider the nomination of Chic Hecht, of Nevada, to be Ambassador to The Bahamas.

Mr. BREAUX. Mr. President, for most Americans the Bahamas conjures up the image of miles of white sandy beaches, gorgeous sunsets, and romantic getaways. However, the Bahamas has also become well known to the U.S. Drug Enforcement Administration and the U.S. Customs Service for covert airstrips, money laundering, and as an offshore haven for narcotics traffickers.

The Bahamas comprises more than 700 islands and cays, scattered over 100,000 square miles of the Atlantic. According to the State Department's Bureau of International Narcotics matters, there are at least 73 airstrips and 110 small boat marinas in the country. Controlling these facilities is an impossible job for the 1,600 police and 750 members of the defense forces.

Although the Bahamian Government has become increasingly cooperative with U.S. authorities in the war of illegal drugs, the volume of drugs which transit the Bahamas continues to grow. Recent reports estimate that between 50 and 60 percent of the cocaine and marijuana entering the United States either transits Bahamian territory, or is transhipped through the Bahamas. In addition, lingering suspicions remain about the alleged involvement of Bahamian Government officials in the drug trade. A member of the Bahamian Parliament was indicted by the United States on March 29 of this year for laundering illegal drug money. There are also allegations that the Prime Minister of the Bahamas, Lynden Pindling, has ties to drug dealers, and that he has been the recipient of more than $3.5 million in payoffs from traffickers.

Traditionally, many ambassadorships have been reserved for close supporters of the President, or as a political consolation prize to a defeated candidate. However, given the Bahamas role as the single largest transit point on the drug highway into the United States, prudence dictates that the President reevaluate the criteria necessary in selecting an American Ambassador.

Mr. President, I cannot support President Bush's selection of former Senator Chic Hecht to be our Ambassador to the Bahamas. I do not oppose his nomination on partisan or personal grounds. The President certainly has the right to nominate a qualified Republican who was a political supporter. I support that right. I am, however, motivated by a deep concern that this country's representative to the Bahamas must be prepared to take a lead in pressing America's war on drug traffickers; and that he send the right message to the world that it is not going to be business as usual when it comes to drugs.

During interviews prior to hearings before the Committee on Foreign Relations, Mr. Hecht was asked why he felt that he was qualified for the post of Ambassador. He replied, "I am sure that I will feel at home in the Bahamas. I've been involved in gambling in Nevada, and I've been involved in banking for 25 years. * * * Also, I understand it is a nice life style. I love golf and they have a lot of nice golf courses and good fishing."

I would hope that Mr. Hecht's statements are not an adequate description of the qualifications for serving as Ambassador to any country. They are especially inadequate as qualifications to assume the job in light of the current situation in the Bahamas. We need an Ambassador willing to serve on the front lines of the drug war, not on the back nine of Paradise Island's golf course. We need an Ambassador capa-

ble of coordinating drug interdiction efforts by the DEA, the Customs Service, and the Bahamian police, not a person familiar with gambling. We need an Ambassador who will help to halt the flow of drugs that is killing America's children and turning our cities into war zones, not someone who looks forward to fishing as part of his job description. In short, Mr. President, this assignment cannot be a vacation trip. It is a front line assignment in this Nation's war on drugs.

President Bush came into office promising to broaden and strengthen America's efforts to halt the flow of drugs into this country. I support him in that effort. However, the President's choice of Mr. Hecht would send the wrong signal to the entire world regarding America's commitment to fighting drugs, and be incompatible with our international efforts to stop the free flow of drugs into America. The region and, indeed, the hemisphere will watch the appointment carefully to determine how serious we really are in stopping the flow of drugs into this country. America, Mr. President, deserves the best nominee our President can find. Unfortunately, Chic Hecht is not that man. For these reasons, Mr. President, I urge my colleagues to reject the nomination of Mr. Hecht as Ambassador to The Bahamas.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate resume consideration of Senator Hecht's nomination at 5 p.m. today, and that there be 40 minutes for debate under the control of Senator GRAHAM and 20 minutes for debate under the control of Senator DOLE or his designee.

I further ask unanimous consent that the vote on the nomination occur at 6 p.m. today.

I further ask unanimous consent that at 2:15 p.m. today the Senate return to legislative session to begin consideration of S. 358, the legal immigration bill.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object—I am not objecting, but I seek one clarification. As I understand we will stay on the Hecht nomination until noon today or whenever it is, 12:30, whenever we recess?

Mr. MITCHELL. Until noon. We will recess from noon to 2:15 and then go to the legal immigration bill and come back to Hecht at 5 for 1-hour debate until 6 and vote.

Mr. DOLE. So anybody wishing to make statements on former Senator Hecht can do so now?

Mr. MITCHELL. Between now and noon.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is or ordered.

Mr. MITCHELL. I thank my distinguished Republican colleague.

Mr. REID. Mr. President, we have all just returned from town hall meetings, meeting with constituents, in our home States.

At the town hall meetings I held in Nevada, invariably, at every town hall meeting the question was asked of this Democratic Senator: What do you think of President Bush?

I proceeded to say that I thought that President Bush to this point had done some outstanding things in a way that was nonconfrontational; really not very dramatic but I thought good and effective.

For instance, we have a budget earlier than we have ever had one. The budget is done. It is ready. It has been for several months. And it was done without the confrontational "Congress is a bad guy, the President is a bad guy," clashing; which characterized previous sessions.

In addition to the work on the budget, which was done quietly, we were also pleasantly surprised one day to view the press conference where the Secretary of State announced with congressional leaders that the Contra aid issue had been put to bed. This issue had been dividing the country and the Congress for years. Again, President Bush, through his delegated authorities, worked with the Members of the Congress and quietly, behind the scenes, worked out a compromise on that troublesome issue.

On the savings and loan issue, the President again showed his nonconfrontational leadership. President Bush went to Camp David and called in his staff, experts from around the country, and announced, after much study and debate at Camp David, that he had what he believed was a solution to the savings and loan crisis.

He announced to the Members of Congress: "This is the best I can do. If you can come up with something better, do so."

It was an issue that should have been resolved years ago, but we did not have that leadership, in my opinion, at the executive level to accomplish that. It was done through the efforts of President Bush.

I think that it is important to note that these matters were done in a way that was not divisive, in a way that brought about a feeling of collegiality between the Members of Congress and with the executive branch of Government. I recognize, that there are going to be many things that I will disagree with the President about, but I think we must give credit where credit is due. I think everyone will agree that the work done on the savings and loan bill, the Contra aid issue, and the budget situation certainly point toward expectations that this President can do an admirable job.

The reason I mention this in debate on the nomination before us is that the President has held out his hand to cooperate with the Congress, and on the issues I have mentioned this cooperation has been successful. This spirit of cooperation deserves our support. It is in this spirit that the President has nominated Chic Hecht to be an ambassador and has asked us to confirm that nomination. I believe we should support the President's nomination, and I feel confident that the new ambassador will fulfill the President's high expectations. The nomination of Senator Hecht is something that the President has put forward in a cooperative spirit. And, more importantly, he has given us someone that we should confirm and confirm quickly. I am glad it is before the Senate. I am glad that we are going to be able to have this matter resolved today.

I served with Senator Hecht in the Nevada State Legislature. I served as a member of the assembly and he served as a member of the senate. I later became president of the senate as the Lieutenant Governor of the State of Nevada when he was in the senate. I know Senator Hecht. He served from 1966 to 1974 in the State Senate of Nevada; at that time 1 of only 20 senators in the entire State. As most of my colleagues know, he, served here as a U.S. Senator from the State of Nevada from 1982 to 1988.

Senator Hecht was well known prior to seeking elective office in the State of Nevada. He was a businessman since the early 1950's. I knew Senator Hecht, knew his father, used to go into their establishments. He contributed vitally to Nevada's economy when it was sputtering. He contributed not only in the retail merchandising business but he branched out. He was one of the founders of a Nevada bank, a bank that has since been acquired by an outside banking conglomerate. That is a bank that developed into Nevada's home State bank, and he was one of the moving forces behind that.

We have heard a lot about the drug trafficking situation in The Bahamas. I think it most be stressed that Senator Hecht served as an undercover Army intelligence officer, not only served in the Army intelligence but served behind the Iron Curtain for a period of time, 1951 through 1953. His activities have been recognized to the effect that he was installed in the Army Intelligence Hall of Fame. So here is a man who does have experience in sensitive military matters.

I think it is important that the details of covert operations are something that he is familiar with. His service on the Senate Intelligence Committee could be valuable in this regard.

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We also know the Ambassador does not work alone in his activities as Ambassador; we know that in The Bahamas there is a heavy presence of the Drug Enforcement Administration. They have had a great deal of experience in The Bahamas working on drug trafficking. They will continue to have some of their most experienced officers there.

The second in command under Senator Hecht is someone who has experience, as represented by Secretary of State Baker. The personnel that we have there certainly are well trained and include officers of the Coast Guard, in addition to the Drug Enforcement Administration. I am sure that this team will welcome the addition of Senator Hecht.

There has been a lot said about some of Senator Hecht's statements regarding his appointment as Ambassador to The Bahamas. People have picked up on the fact that he said he likes to play golf and that he has had experience in gambling. Those of us who know Senator Hecht knows that his statement about golfing was in jest. He knew when he was making that statement what his qualifications were. We know what his qualifications are; but certainly here is a man who is familiar with the problems in The Bahamas. It certainly goes without saying that they do have legalized gambling there and certainly is familiarity with that will make him more comfortable with the leaders of that nation.

I do not think that we can set aside and not talk about his experience in banking. Not only did he serve 6 years in the U.S. Senate as a member of the Banking Committee, but he also owned a bank, and we know that one way that the drug traffickers try to avoid the law, try to spend their money, is by laundering money in banks. His experience there will be very important.

But of all the qualifications of Senator Hecht, and I say this as someone who served in the U.S. Senate with him, the greatest qualification he has is not the fact that he served in the U.S. military, in the Intelligence Corps, or his service in the U.S. Senate on the Banking Committee and the Intelligence Committee, or that he served in other elective offices including the State Senate of Nevada, but as far as I am concerned, we must look at this man in the sense that he wants to give his life to public service. He does not need the job to be Ambassador to The Bahamas. Senator Hecht is a wealthy man. He could do, as far as monetary things are concerned, anything he wanted in life, but he has decided to devote his life to public service. That is why he served in the State Senate in Nevada and the U.S. Senate. I think it speaks well of that man that he wants to serve in the ambassadorial corps of this country.

Mr. President, it gives me great pleasure to speak on behalf of Senator Chic Hecht, a former Senator from the State of Nevada. I recommend to my colleagues that they vote in the affirmative this evening at 6 o'clock when the name of Chic Hecht is put forward to be the United States Ambassador to The Bahamas.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. REID. The Senator yields the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Parliamentary inquiry. How is the time controlled?

The PRESIDING OFFICER. The time is not under control at this point. There is a unanimous-consent agreement that we will continue on the Hecht nomination until 12 noon, and following the recess there will be debate from 5 p.m. to 6 p.m., and vote at 6 p.m., and from 2:15 p.m. to 5 p.m. we will be on S. 358.

Mr. SYMMS. Mr. President, I rise to speak with respect to the nomination of Chic Hecht to become the Ambassador to The Bahamas. Mr. President, I am proud and pleased that President Bush has chosen this very distinguished American for this important post. The Bahamas are very critical and very important to us because of their strategic location in the Caribbean Basin.

Most of our imports and exports come through the Caribbean. Moreover, The Bahamas has been very important with respect to drugs and drug trafficking. I know of no Senator who would be more qualified to be Ambassador to The Bahamas than Senator Hecht, and I am somewhat astounded to find that some of our colleagues question whether he is qualified for this post or not. Senator Hecht has a magnificent record in the private sector as a successful businessman and an equally impressive record in the Government.

His colleague from Nevada just mentioned that he was one of the founders of the Nevada State Bank. Through his leadership, Chic Hecht turned the Nevada State Bank into one of the bigger, more profitable banks in the State of Nevada.

In discussing with Chic about how you run a bank, he said, "Oftentimes people make things too complicated." He said, "It is very simple, you buy money at one price and sell at another price. If you have a little bit left over in the operation, you make a profit. Otherwise you lose money." I think that speaks very clearly of this distinguished American who has a subtle commonsense way to view problems.

While he served here in the Senate, I remember the Wall Street Journal wrote a very critical article of our colleague. For a newspaper that claims to be a business journal to write such a critical article about Chic Hecht, who was the only Senator on the U.S. Senate Banking Committee that had ever owned and operated a bank, was a complete injustice to the Senator's integrity and hurt that newspaper's journalistic credibility.

Not only did that newspaper fail to mention his banking expertise, they also failed to mention he was the only Senator on the Senate Intelligence Committee who ever served behind the Iron Curtain in East Berlin as an agent for the United States of America during the early fifties. He is the only Member of the Senate to do that and the only Member of the Senate, to my knowledge, who is in the Intelligence Hall of Fame. I did write a letter to that newspaper on that issue.

There is another thing about Senator Hecht that many of my colleagues may not know. In the spring of 1985 I had the opportunity to visit Israel. While I attended a meeting at Hebrew University in Jerusalem, my guide from the Foreign Service said, "Senator SYMMS, this synagogue is the Hecht synagogue." He said, "Senator Hecht, and his father and brother made it possible for us to have this synagogue. He paid for it." Senator Hecht is a man very generous, very unselfish, but very unassuming. Some people come to the Senate and become show horses and some people come here and become work horses. I think Chic Hecht has been and will always be a work horse. He did the best he could for the State of Nevada and for America as a U.S. Senator, and I was very proud to have served with him in the Senate and very proud to have him as a friend. I strongly urge Members to support his nomination.

Mr. President, a few points about Senator Hecht that I think should be part of the record. He was involved, as I mentioned, in banking and a variety of other businesses in Nevada before he came to the Senate. He was in the clothing business. He had the Chic Hecht Clothing Store. He was a partner in the Holiday Inn in Lake Havasu, AZ. He was a member of the Nevada State Senate from 1966 to 1974.

As I mentioned, he was trained as an intelligence agent and served undercover in East Berlin from 1951 to 1953. For his work in Army intelligence, he was inducted into the Army Intelligence Hall of Fame, and for 4 years he served on the Senate Select Committee on Intelligence. He received a B.S. from St. Louis University in 1949, and his broad experience in both government and business qualifies him to be an excellent candidate for the United States Ambassador to the Commonwealth of The Bahamas.

Mr. President, I am pleased that finally the holds have been released against Senator Hecht. In my opinion, he should have been approved on a moment's notice when the President sent his name over here. There was no reason why he should not have been, other than any Senator's right, of course, and I would impugn no Senator's right to hold up a nomination, but I think it is somewhat unusual that for this important post the nomination of this very good and capable, honest man, with great integrity and great common sense, has taken this long to get to the floor for approval so the President can have an Ambassador he wants. I think Senator Hecht is certainly capable and qualified and will acquit himself with great distinction as the United States Ambassador to The Bahamas.

I look forward to the opportunity to cast my vote in the affirmative for Senator Hecht. I hope that all of my colleagues will vote for him so that he will go to that post knowing that he has the support of his former colleagues to carry out the wishes of the President of the United States, whose responsibility it is to conduct the foreign policy of the United States of America.

Mr. President, I see the distinguished Senator from North Carolina is on the floor. So I yield the floor at this time.

The PRESIDING OFFICER. The Senator has yielded the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me.

Is the Senator from North Carolina correct in his understanding that the pending business is the nomination of Ambassador Hecht?

The PRESIDING OFFICER. The Senator is correct. The Senate is in executive session considering the nomination of former Senator Hecht as Ambassador to The Bahamas.

Mr. HELMS. I thank the Chair.

Am I further correct in my understanding that the previous arrangement as to the debate on this nomination has been changed so that it runs until 12?

The PRESIDING OFFICER. The present order of the Chair is that the debate on the nomination of the former Senator from Nevada will continue from now until 12 noon. Then at 5 p.m. this afternoon the Senate will go into executive session again. Forty minutes of time is allocated to the Senator from Florida, and 20 minutes to the majority leader and minority leader, or their designees, on the nomination. During the period of time from 2:15 until 5 o'clock the Senate will return to legislative business, and will be considering the immigration bill, S. 358.

Mr. HELMS. The Chair is most gracious. I appreciate his making that clear for the record.

Mr. President, it is a distinct pleasure to stand here this morning and endorse and support the nomination of Chic Hecht to be Ambassador to The Bahamas.

Chic is a remarkable man. He is probably one of the brightest men to serve in this Senate. He also has had to run the traps with the news media and its misrepresentation and distortion. But he was a good Senator. He is a good American. And he is an able American. He is uniquely qualified to bring honor to this country as the President's representative to an important neighbor, specifically The Bahamas.

I agree with the comments that have been made here this morning that The Bahamas has a unique importance not only to the United States, but also to the entire region. It is for that reason that President Bush is to be commended for recommending and nominating Chic Hecht to represent this country in The Bahamas.

Chic has the kind of experience in foreign affairs which is seldom seen. He has a distinguished military record which focused on intelligence work behind the Iron Curtain in Eastern Europe. So he knows the machinations of communism and how the Communists operate. Anybody who cares at all about what happens in Central America is bound to be wondering what happened to the Monroe Doctrine when one considers the inroads made by the Communists by deceit and otherwise during the past decade or longer.

Chic Hecht chose to serve on the Senate Select Committee on Intelligence during his tenure in the Senate. I think the record is clear that he rendered invaluable service. Chic Hecht was recently inducted into the Army Intelligence Hall of Frame.

So here we have a distinguished former Senator who ought to have been on the job in The Bahamas a long time ago. I thank the Lord that finally we are getting around to confirming this great American and sending him on his way to do the job to which President Bush nominated him.

But what about Chic Hecht's career otherwise? He has had extensive experience in banking, in business, and this makes him uniquely qualified to serve in The Bahamas.

As Senators have heard on this floor many times, money laundering in the banks in The Bahamas has played a significant role in facilitating the international narcotics trade. So what do we have in terms of the Ambassador nominated by George Bush? You have a man who understands communism, and a man who understands that the Communists are exploiting drug trafficking internationally. You have a man who has a distinguished career in intelligence work. You have a man who has been a total success in banking and in business in general. It is small wonder that George Bush, our friend, chose former Senator Chic Hecht to represent this country as Ambassador to The Bahamas.

While he was in the Senate, Chic served on the Banking Committee. He served there with distinction. Former Senator Hecht has noted that the lifestyle of the Commonwealth of The Bahamas is similar to the lifestyle of his home town of Las Vegas, NV. The press twisted that around. They made fun of it. But they did not persuade anybody who knows Chic Hecht. Both The Bahamas and Las Vegas have developed an extensive economy based on attracting thousands of tourists to spend a period of relaxation and entertainment in their respective attractions, The Bahamas and Las Vegas. Both The Bahamas and Las Vegas have parlayed their climates and their leisure communities and their famous golf courses, their hotels, and yes, their casinos, into multimillion-dollar tourist industries. That was what Chic Hecht was talking about. Frankly he was correct. This was not something to be twisted and misrepresented, and hee-hawed by callous representatives of the news media.

But around this place, if you are a conservative, you learn to endure that sort of thing, and in the latter stages you see the humor of certain journalistic pygmies taking potshots at decent, respectable, honorable people. Chic Hecht is a good choice for this job. As a businessman and as a banker in Nevada, he is intimately familiar with so many problems facing The Bahamas. He has been involved both in retailing and the resort business and in banking and department stores. His experience in the hotel industry alone makes him uniquely qualified to appreciate the challenges and opportunities and the needs of the Bahamian economy.

If anybody gets the idea that I strongly favor the nomination of Chic Hecht, that is correct. He is my friend. He served well in the Senate, and he will relate effectively to the needs and the relationship between the United States and The Bahamas. He will carry to The Bahamas the policies of the United States, because he understands the policies and principles of the United States.

My prediction is, Mr. President, that Ambassador Hecht will provide invaluable assistance to American businesses in their operations and investments in The Bahamas, and they are considerable.

Chic Hecht served the Senate from 1983 through 1988. During that time he gained the respect and admiration and friendship of his colleagues. But

the most important trait, as far as I am concerned, is that Chic Hecht has courage to stand by his convictions. He worked hard to serve his constituents in Nevada.

I recall, shortly after his coming to the Senate, Chic and I were on this floor during one of our Saturday sessions, and there was much grumbling by Senators that we were being imposed upon to come here and do a little work on Saturday. Chic turned to me and said, "Jesse, what is going on? I do not know what all this griping is all about. I never had a Saturday off before I came to the U.S. Senate." He meant it.

So, Mr. President, Ambassador Chic Hecht—and I like the ring of that—will have the courage of his convictions. He will take his convictions and his penchant for hard work to The Bahamas, and this is fortunate both for the United States and for The Bahamas. I predict that time will prove that we have rarely seen the equal of Chic Hecht in the diplomatic field.

Of course, as has been mentioned here time and time again, The Bahamas is a critical post at this point, and that is why it is a great prospect to have Chic Hecht in that job. The State Department has estimated that more than half of all of the marijuana and cocaine coming into the United States transits Bahamian territory, or is transshipped in The Bahamas. As I mentioned previously, a great deal of the money laundering necessary for this drug trafficking is taking place in and at banks in The Bahamas.

Unfortunately, the role of The Bahamas in drug trafficking is a significant one. A variety of high level Bahamian Government officials, including the Prime Minister of The Bahamas, have been associated with drug traffickers or implicated in drug trafficking. Two of the Prime Minister's closest associates were indicted in the United States during the past year for drug trafficking.

The growing flow of narcotics into the United States poses one of the greatest threats to our young people and to our society. I thank the Lord that the United States will have an ambassador on the job shortly in The Bahamas who will have the courage to make it clear to that government the seriousness with which the United States views that government's role in drug trafficking.

During his confirmation hearing before the Senate Foreign Relations Committee, of which I am privileged to serve as ranking member, Senator Hecht was asked about his votes to decertify The Bahamas for not cooperating fully in suppressing drug trafficking, and thereby cut its United States foreign aid.

Chic Hecht, with his customary, typical candor, responded that as Ambassador, he would welcome votes by the Senate to decertify The Bahamas. Such votes, he told the committee, would make his job easier, because such votes would underscore the depth of concern in the United States by the United States, regarding the role played by The Bahamas in drug trafficking.

Mr. President, it is this kind of attitude which assures that America's interests are best served in our dealings with foreign countries. If it were more prevalent down at Foggy Bottom, I venture to say, our Nation's interests overseas would be advanced to a far greater extent than they are today. I add, parenthetically, that the distinguished Secretary of State, Mr. Baker, is fully in accord with that. Thus far, he has cooperated and coordinated efforts to achieve that sort of thing.

Mr. President, as Ambassador to The Bahamas, Chic Hecht will serve our country and our President and our people well. As I hope I have made clear in these remarks, I am enthusiastic in my support of Chic Hecht's confirmation, and I wish him and his dear wife well as they proceed.

DESECRATION OF MONUMENTS IN GREENSBORO, NC

Mr. HELMS. Mr. President, on July 4, the most famous symbol of the city of Greensboro, NC, the 74-year-old equestrian memorial to Gen. Nathaniel Greene at Guilford Courthouse National Military Park, was wantonly and maliciously vandalized. Five other monuments in the park were likewise desecrated. This happened on, of all days, Independence Day.

Shortly after the park closed on Independence Day, the Nathaniel Greene monument, which by the way is the largest bronze statue in my State, was attacked. Some mindless thug, or maybe there were more than one, took a pickax to the granite base of the Nathaniel Greene memorial. When park rangers arrived the next day they found thousands of granite chips strewn around that lovely park. The hooligans had also sprayed paint on the monument and removed many of the bronze letters from the stone tablets.

The National Park Service estimates that repairs to the Gen. Nathaniel Greene statue may cost as much as $250,000.

Guilford Courthouse National Military Park is not merely a special place for North Carolinians. It is a lasting memorial to all Americans who sacrificed everything they had in the struggle for this country's independence and for the freedom of our people. It is a simple, but impressive tribute, to the men whose efforts started Lord Charles Cornwallis' army on its long death march toward Yorktown.

Historically, it is worthy to mention that in October 1780, George Washington appointed one of his most trusted subordinates, Nathaniel Greene, to take command of the American army in the South. Prior to General Greene's assumption of command, Colonial troops had suffered setback after setback at the hands of King George's redcoats.

Upon reaching North Carolina General Greene quickly reorganized the army and restored its flagging morale. Even though he faced a much larger British force, General Greene daringly divided his troops, sending half of his army to strike the British at Cowpens, SC, in January 1781, and there the Americans won a stunning victory over the Redcoats. The British commander, Lord Cornwallis, sought to avenge this defeat by following the Americans to the North, but that was a bad decision on the part of the overconfident General because he did not realize that General Greene, was, in fact, luring the British into the North Carolina wilderness. That was the undoing of the Redcoats.

So on March 15, 1781, General Greene and his forces attacked Cornwallis at Guilford Courthouse. Both sides suffered heavy losses. Tactically, Cornwallis' regulars held the field while the Americans withdrew, but it was a meaningless victory for the Redcoats and for General Cornwallis, because the battles in the two Carolinas had cost Cornwallis more than one-fourth of his men, cost him the flower of the British Army in the South, and they were sorely missed as Lord Charles Cornwallis moved toward his last battle at Yorktown a few months later.

Mr. President, the battle at Guilford Courthouse marked the beginning of the end of British rule in the Colonies. The celebration of American freedom is why the restoration of the Guilford Courthouse Battlefield Park is imperative.

There is something heartwarming about the aftermath of the tragedy in Greensboro on July 4, because North Carolinians in their typical fashion have responded to the emergency facing the battlefield. Civic leaders and radio and television stations, private citizens and young people, are collecting thousands of dollars to return these monuments and this part to their former glory.

It is difficult for me to try to describe the feeling of pride that I am experiencing as I review the actions of so many of my fellow North Carolinians who have taken such pride in their community and their country.

In the days following the Supreme Court's blow to American patriotism, the fact is that countless men and women in my State have expressed their deep feeling about their Nation and the principles for which America stands.

I am proud of my State, and I am proud of my people and their response to this crisis.

Mr. President, it remains to be seen whether an emergency appropriation will be needed to repair the park's monuments. I am ready to offer my help. However, I am proud to say the people of North Carolina are already winning this latest battle at Guilford Courthouse.

My message to them, if I may use a colloqualism, is hang in there.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, there is in a sense nothing more difficult for a Member of this body than to oppose the nomination of a former colleague to some other position, whether it is ambassador or any other official position.

I do not take this task lightly. I rise because I believe there is a much broader issue involved here, an issue which I think was addressed most eloquently by the very able and distinguished senior Senator from Florida [Mr. GRAHAM] earlier in the debate. He spoke of the importance of The Bahamas to America's interests; the very difficult and complicated problems that were involved in our relationship with The Bahamas; and in light of that the necessity to send the very best person we can find to be our representative on the scene, dealing with those complex issues.

Obviously, the most important of them is the drug issue. We have talked about mounting a war against drugs. Well, in order to do such a thing, we must undertake a whole host of actions, not the least of which is to make very clear how serious we are about that fight.

Unfortunately, the administration, not only in this instance but in other instances with which I am acquainted as well, is treating these ambassadorships simply as political throwaways. It has been argued that there is a time-tested tradition of treating the posts in this manner. Perhaps that is true. But the extent to which this practice is now being carried, it seems to me, ought to lead Members of this body to now say, "Stop. We have had enough. We must approach this from the point of view of the national interest. We think that the question of who serves as ambassador is important in terms of advancing our Nation's interests, and ambassadorships can no longer be simply treated as political rewards."

We have had nominees before the Senate Foreign Relations Committee who were being nominated, obviously, only because they have been very large and significant contributors to political campaigns. I am not making the argument that all ambassadors ought to come out of the career foreign service, although I do believe a larger percentage of our ambassadors should be chosen from the career service than has recently been the case. Currently almost 40 percent of our ambassadors are political appointees, a significant increase in the percentage from the past.

Moreover, I would add that on occasion we have had ambassadors chosen from outside of the career service who have been distinguished and able ambassadors. Arthur Burns went to West Germany; former majority leader Mansfield went to Japan; David Bruce went to London. All of them carried out their responsibilities with great skill and distinction.

The real question before us is whether we are going to be serious about these posts. I submit to you that our interests are such and the difficulty of advancing them are such that we must begin treating these ambassadorial positions in a more responsible and careful manner.

In this regard, I want to commend the able Senator from Florida for raising this issue with respect to the nomination that is now before us. We have very important interests in The Bahamas. It is not simply a vacation resort which does not have serious matters connected with it. The question of drug smuggling has been of grave concern to the Congress, to the executive branch, and certainly to the American people.

In recent years, we have been called upon in this body to determine whether The Bahamian Government's efforts with respect to narcotics interdiction and eradication are sufficient to allow the continuation of United States foreign aid. There is a provision now in the law that ties portions of a nation's foreign aid package to its efforts to stem the drug trade. More specifically, the issue that was debated on the Senate floor was whether the certification submitted by the President to us stating that a country's efforts were sufficient was in fact, justified. That question has been put to a vote in successive Congresses here. Clearly, this is a matter of prime importance in our dealings with The Bahamas.

A recent editorial in the Miami Herald on this nomination pointed out this fact and discussed in detail this very issue of the smuggling of drugs through The Bahamas into the United States.

I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. SARBANES. In terms of our combined efforts to halt drug trafficking, the ambassadorial post can be an extremely critical one. The development of modern communications does not render the Ambassador irrelevant. Having a qualified, competent ambassador on the scene, particularly when we are encouraging a nation to become more vigorous in its drug fighting efforts, can be extremely important.

Second, of course, we have an important trade relationship with The Bahamas. Seventy percent of Bahamian imports come from the United States and 62 percent of their exports go to the United States. Their participation in the Caribbean Basin Initiative is a central issue in bilateral ties and we clearly have strong economic interests there.

Finally, there is the broader issue of U.S. policy in the Caribbean. It is a critical, but often neglected, component of our relationship with Latin America as a whole. Because the stability and economic vitality of our allies in that area are at issue, we need to place a greater premium, a higher value, on these relationships.

I regret to say that this nomination is only one in a pattern of appointments about which legitimate questions may be raised. We have, for example, nominees pending before the Senate Foreign Relations Committee to assume important posts in Spain, Australia, and New Zealand. Looking through their résumés, it is clear that the only reason they have been nominated is because they have been large political contributors or fundraisers. In fact, in the certificate of demonstrated competence which the State Department is supposed to submit with the nomination papers, cited as a reason for making the nomination is that the person had made large political contributions. This, in fact, is in direct conflict with the Foreign Service Act of 1980 which provides that political contributions are not to be a factor in making nominations. Despite this clear statutory requirement, the certificate of demonstrated competence filed for one of the nominees now pending before the committee includes detailed information about the nominee's political contributions and activities. This gives some sense of the degree to which this process has deteriorated.

As another example, the Foreign Relations Committee sends nominees a questionnaire to fill out. In that questionnaire, following a number of questions about experience and background and so forth, is a question

which reads: "Are there any factors, other than the information provided above, which particularly qualify you for the position to which you have been nominated?"

One nominee, in this case the one to Australia, wrote in response to that question: "I have been known as a coalition builder, able to organize my colleagues and peers to action in support of worthy civic, charitable, and political causes."

Another nominee, in this instance to be Ambassador to Spain, responded to that question as follows: "I am known as a coalition builder. I am able to organize my colleagues and peers to action in support of worthwhile civic, charitable, and political causes."

Mr. President, I did not make a mistake. I did not accidentally read the answer of the previous person a second time. Virtually identical answers were given by two separate, ostensibly independent, nominees for these ambassadorial positions.

One is obviously led to wonder.

The Washington Post, in an editorial on this very point, said, and I quote:

Modular testimony. Pre-fab (by someone else) self-description. It doesn't inspire a whole lot of confidence. Can the would-be ambassadors be trusted to enter into dialogue with their host governments if they, apparently, cannot be trusted to write a few lines on their own qualifications?

At some point, we are going to have to get serious about America's national interests. The challenges confronting us around the world—the shift in relative strengths among our allies with the emergence of other strong economies, the various issues presented in the security field by the emergence of General Secretary Gorbachev in the Soviet Union, the growing pressures in Third World countries—require the United States to say we must start doing better.

There is a tendency when assessing these nominees to say: Well, they will not do any harm as ambassadors. Are issues of any consequence really at stake? If there is anything truly important, it will be taken care of directly by Washington, by the Secretary or the Under Secretary or the Deputy Secretary. Perhaps this person will not make a major, positive impact on relations, but nothing bad will happen.

I submit to you, we are beyond the point of viewing this question in such terms. We need to ask the question about lost opportunities by failing to send highly experienced, fully qualified, first-rate people to these ambassadorial posts. The challenges facing our Nation, the complexity of our interests at stake are such that we can no longer afford to simply treat these positions as a political reward. To say that it does not matter, or that nothing important happens with respect to that country is, of course, not true. With every country there are important issues; with some they are potentially more important or more difficult than with others. And with every country there is the question of how the United States rates their significance, which is reflected, of course, in the choices that we make in terms of ambassadors.

I join the distinguished Senator from Florida not so much out of a personal view about our former colleague, with whom I was pleased to serve, but out of the broader principle at stake. We must move to a higher standard in considering these ambassadorial nominations. Otherwise we will simply hurt our own national interests.

Other nations that are serious about their role in the world do not treat ambassadorial posts in the same way. The Soviet Union does not treat these posts this way. The Western European countries do not treat these posts in this way. Japan does not treat these posts in this way. And we are engaged in significant security and economic competition with some or all of those nations. It is time for the United States to cease treating these posts in such a careless manner as well.

I commend the able Senator from Florida for his efforts. It is never easy to take this type of stand, given the personal contacts which exist here. But I think the broader question, the broader principle is one that needs to be asserted, and I am pleased to join with him in his effort.

Mr. President, I yield the floor.

[EXHIBIT 1]

[From the Miami Herald, June 29, 1989]

REJECT "CHIC" HECHT AS AMBASSADOR TO BAHAMAS

Surely the Bahamas deserves better. The job of U.S. ambassador to Florida's closest neighbor shouldn't be a consolation prize for a Republican loyalist ousted by voters. Especially for a Republican loyalist who has demonstrated no ability and experience for the job.

The post is important because of the Bahamas' strategic location in the jet stream of U.S.-bound drugs and illegal aliens. At one point, drug smugglers were so blatant that they controlled one Bahamian resort as a trans-shipment point. Associates of Bahamian Prime Minister Lynden Pindling were implicated as conspirators.

One, Nigel Bowe, has yet to be sent to the United States on a 1985 indictment despite an extradition treaty. He is charged with supervising shipments of cocaine from Colombia and protecting smugglers from the police. Recently, through patient diplomacy, the United States has won more assistance from the Bahamas government for cooperative investigations.

The United States and the Bahamas also have a strong trading partnership. Last year the Bahamas bought $725 million in U.S. goods, 70 percent of its imports, and sent to the United States products valued at $238 million, 62 percent of its exports. The Bahamas participates in the Caribbean Basin Initiative (CBI), which gives those nations trade preferences to build their economies. Key legislation broadening and extending the CBI is pending.

Into those issues, the Bush Administration proposes thrusting one Jacob "Chic" Hecht. Mr. Hecht, a clothier, won a Senate term in 1982 in Nevada after the Republicans targeted veteran Howard Cannon, tainted by a bribery scandal. But Mr. Hecht was laughed out of the seat after one term. Senate aides picked him as the least-effective senator. His verbal gaffes—among them: Nevada shouldn't be a "nuclear suppository"—were widely reported.

Now he says that he'll be at home in the Bahamas because "I've been involved in gambling in Nevada, and I've been involved in banking for 25 years. . . . I love golf, and they have a lot of nice golf courses."

In another era and another place, a nice guy ambassador conducting a little diplomacy on the golf course would be OK. Not now. Florida's Sen. Bob Graham is urging his colleagues to step beyond senatorial courtesy to an ousted comrade and reject this nomination. And well they should.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I listened with interest to the remarks of our colleague from Maryland. I did not hear all that he had to say, but much of what he had to say I think was valid. He made some very good points indeed. However, none of them applies to the nominee whose nomination is now before the Senate, our former colleague, Senator Chic Hecht.

Chic Hecht is hardly a stranger to this body. Ninety of us, 90 of the 100 Senators who serve in this body know Chic Hecht personally. He is not a stranger to us.

We are not talking now about some fat cat contributor. We are not talking about some stranger. We are not talking about some political hack. We are talking about some political hack. We are talking about someone we know on a personal level and someone we have known for as much as 6 years as a colleague in the Senate, in some cases for even longer periods. We are talking about someone we know very well indeed.

Just who is this man we know, Chic Hecht? First of all, he is a gentleman. I think every Member would agree. One of the foremost gentlemen in the Congress, in fact. A real, true gentleman. He is a man of integrity and a man of intelligence and a man of background far beyond politics. He is a man of background, substantial, successful background in business and several phases of business before he came to this body.

So, this is a unique candidate, it seems to me, a unique nominee, and one who is uniquely well qualified in the sense of a business background with special aspects that pertain to the primary industries in The Bahamas, and I will get to that in just a moment. He is a man of business background and political and Government background as well: A well-rounded, well-suited candidate for this post.

The Bahamas, obviously, is a country that is important to the United

States for several reasons which I will go into in some detail. The person who fills our post of Ambassador in that country should be one who is very capable and well respected. Appropriately, President Bush has nominated a former army intelligence officer, a member of the Army Intelligence Hall of Fame, incidentally—and that is a very select group. I think there are perhaps 100 or 200 in the history of the Army who have qualified for the Army Intelligence Hall of Fame. He is an exceptionally successful businessman in several fields of business, a former State Senator and a former U.S. Senator.

The concern, as I understand it, expressed by those few Senators who have some discomfort in this matter, is the severe problem of drug interdiction that presents itself to us with respect to The Bahamas. And on that score, let me observe that there is no Member of this body who has been more assiduous in his criticism of the Bahamian drug problem than the junior Senator from Massachusetts [Mr. KERRY]. Senator KERRY is, of course, a member of the Foreign Relations Committee, and he apparently was satisfied with regard to Senator Hecht's commitment and ability in the area of drug cooperation with The Bahamas during the hearings on this nomination before the Foreign Relations Committee.

I will quote from an exchange in the committee between Senator KERRY and Senator Hecht.

Senator KERRY. As you know, we recently had a certification struggle here over the question about the Bahamas, and I know you have probably been asked this somewhat, but I want to make sure I do.

There are some serious issues that have been raised again and again about corruption within the Bahamas. The State Department narcotics control report itself referred to continued corruption problems there. And I just want to make certain or I would like to ask you for your observation on that as you contemplate beginning a tour as ambassador there, which you no doubt will.

Do you think that you are in a position and are you prepared to be able to press those issues that are attached to those questions of corruption?

Senator HECHT. Absolutely, Senator. Absolutely, and that is probably going to be one of the most pressing questions and most pressing objectives I have down there.

Senator KERRY voted to report the nomination favorably to the floor of the Senate as did every member of the Foreign Relations Committee, several of whom extensively questioned Senator Hecht about the drug problem. The committee reported the nomination unanimously.

Senator Hecht, before he began his service as a Member of the Senate, was a banker. One of the most principal industries in The Bahamas is banking. Senator Hecht took over a foundering bank in Nevada, his home State, rebuilt it, and today it is one of the most thriving banks in the Nation. So he knows the banking industry very well on a firsthand basis. Banking is an important industry in The Bahamas.

Tourism is obviously an important industry in The Bahamas. Senator Hecht owned and operated several hotels. He knows something about the tourist industry. He knows a great deal, probably more than any one of us for sure, about the tourist industry. And his background in intelligence will serve him well in that all-important effort to cut the flow of drugs which come through The Bahamas form elsewhere around the world and into the United States. Indeed, Senator Hecht has already been briefed by Drug Enforcement Agency officials on our efforts in that country. It is my understanding that the Drug Enforcement Agency officials most involved with drug interdiction efforts in the Caribbean Basin enthusiastically look forward to the prospect of Senator Hecht's serving in Nassau.

Mr. President, I ask unanimous consent that the transcript of the Foreign Relations Committee hearing on the Hecht nomination be included in this debate in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. CHIC HECHT, AMBASSADOR NOMINEE TO THE COMMONWEALTH OF THE BAHAMAS

Senator HECHT. Senator Dodd, than you very much, and all my former fellow Senators, thank you for those very, very kind words.

First of all, If I may take just a moment and introduce my family who has come in with me. The ambassadorship is somewhat of a family affair, and my wife and I have just finished ambassadorial school. Here is my wife, Gall, Leslie, lori, son-in-law, Darryl, and my cousin Alan.

Senator DODD. Anyone not related to Chic Hecht? [Laughter.]

I might think you were an Irish Catholic with that size family.

Being Irish Catholic I can say that.

Senator HECHT. Orthodox Jews have a lot of kids, too.

Senator DODD. Do I have learned.

Senator HECHT. Mr. Chairman, I am deeply honored to appear before you today as President Reagan's nominee to be the United States Ambassador to the Bahamas.

I wish to express my sincere appreciation to the President for having nominated me for this position. If confirmed by the Senate, I plan to take up my new responsibilities as quickly as possible.

I believe my varied background of public and private sector experience qualifies me for this assignment. I am privileged to have worked with you as a member of this distinguished body. What better preparation can there be for representing the U.S. government abroad than serving as a member of that government at home?

During my service in the Senate membership on the Select Committee on Intelligence provided a unique vantage point to observe the conduct of U.S. foreign policy abroad. Likewise, of particular advantage to my assignment to the Bahamas will be my experience as a banker and a former member of the Senate Banking, Housing, and Urban Affairs Committee.

After tourism, the banking and financial sector is the second pillar of the Bahamian economy. My private sector management experience in banking and retail meerchandising as well as past directorship of the Las Vegas Chamber of Commerce will serve me in good stead in managing our U.S. embassy in Nassau and working to advance U.S. interests in the Bahamas.

The United States and the Commonwealth of the Bahamas enjoy a good bilateral relationship. Our two nations and governments are bound together by deep and broad ties. Politically we share a commitment to democracy and democratic institutions.

Economically the U.S. is the Bahamas' major trading partner. The Bahamas is a member of the Caribbean Basin Initiative.

The U.S. and the Bahamas also have many cultural and family ties as large numbers of our citizens travel back and forth each year. Of the more than three million visitors to the Bahamas in 1988, 90 percent were American citizens.

In 1992 we will celebrate the quincentennial of Christopher Columbus' first landing in the new world, believed by many scholars to have been in the Bahamas.

Most importantly, our two governments are together engaged in a struggle of vital importance to both our countries.

Drug abuse is a scourge which threatens the very fabric of our societies and the peace and stability of our region. Although the Bahamas is not a drug producing country, its scattered islands and close proximity to the U.S. make it an ideal location for narcotics trafficking. Experts estimate that a significant portion of cocaine and marijuana entering the U.S. transits the Bahamas.

The government of the Commonwealth of the Bahamas is firmly committed to the war on drugs. Through Operation Bahamas and Turks and Caicos otherwise known as OPBAT, Bahamian and American personnel work closely together in daily narcotics interdiction operations.

U.S. and Bahamian law enforcement agencies are conducting joint undercover narcotics investigations. The Bahamian government has established three special courts to prosecute drug cases. The U.S. and Bahamas have signed a bilateral narcotics agreement in accordance with the Chiles amendment.

A U.S.-Bahamas mutual legal assistance treaty is presently awaiting advise and consent of the Senate. Negotiations for a new extradition treaty have been going well.

In recognition of the Bahamian anti-narcotics cooperation, the President certified to the Congress with explanation that the Bahamas was cooperating fully in the war on drugs. We are delighted that the Congress upheld the President's certification.

My assignment to the Bahamas is a challenge and an opportunity. It has been a long time since my wife and I visited the Bahamas. We are eagar to return. I look forward to the opportunity to represent the views of the United States and continue the warm, close relationship which we have long enjoyed with the Bahamian government and its people.

Mr. Chairman, I would like to thank you and the committee for receiving me today, and I will be happy to respond to your questions.

Senator McConnell, it is nice to see you. Thank you for coming out.

Senator MCCONNELL. Thank you and congratulations on your nomination.

Senator DODD. Thank you, Senator, and again, we congratulate you on this nomination.

I wonder if you might briefly characterize the current state of U.S.-Bahamian relationships, particularly in light of the recent indictment of an associate of the Prime Minister of the Bahamas, Prime Minister Pindling. There have been serious allegations about drug corruption against the Prime Minister, and those allegations have affected U.S.-Bahamian relations.

As you know, Senator Kerry of Massachusetts had offered a resolution of disapproval against the certification that we were achieving full cooperation with the Bahamian government in the area of narcotics interdiction and related problems. That resolution was defeated on the floor of the Senate as you know as well.

But, nonetheless, this has been a constant source of friction, and the allegations in the indictment recently of a very close associate of Mr. Pindling raised additional questions in the minds of many people. In light of that, I wonder if you might just briefly describe how you see U.S.-Bahamian relations as you look forward to the post as U.S. ambassador in that country.

Senator HECHT. Well, in my position representing the President of the United States and Secretary of State, certainly this is going to be one of the main objectives is to get these people that have been implicated in drug trafficking to the courts.

I will be working with the Justice Department and, Senator, there have been two special people who have had close ties with the Prime Minister who are under indictment, and I will work with the Justice Department in every which way to bring them to trial.

Senator DODD. As you know, a State Department report in 1988 claimed that the Bahamian government or characterized it by calling it "almost systematic corruption in the country."

Do you think that characterization in 1989 is accurate or do you think that was overstated?

Senator HECHT. Senator, from the briefings that I have had in the State Department—I have not been down there for several years—the cooperation is better today than it was a year ago. However, in no way will any of us tolerate corruption.

Senator DODD. Do you consider that to be the single most important priority for the United States in its relationship with the Bahamas at this point?

Senator HECHT. Yes, because it has been alleged that 50 percent—50-60 percent of the narcotics entering the United States of America comes by way of the Bahamas. Yes, I think that is one of the major problems I will be facing.

The Bahamian government also has lax banking laws, and something like 350 banks down there, and we have to tighten up our security on drug laundering which all will tie in together.

Senator DODD. In answering the issue of the Caribbean Basin Initiative, which, of course, is an extremely important program, the Bahamas was designated as a beneficiary of the CBI in 1985, as you know.

To what extent has the Bahamas benefitted from the participation in the CBI program and are the Bahamas doing everything it can to take advantage of the Caribbean Basin Initiative, in your opinion?

And, would you further characterize how the Bahamian government views current legislation before the United States Congress to expand and indefinitely extend the CBI in their region?

Senator HECHT. Because of the high per capita income of the Bahamas in relationship to the rest of the country, the Caribbean Basin Initiative, they have not profited as much.

They do not have a great deal of agriculture. Their main industry is tourism. The number two industry is banking. So, they have not been as large a recipient as the other countries.

Senator DODD. Would you anticipate—do you support or does the administration support, are you prepared to say so this morning, the continuation, the indefinite extension of CBI?

Senator HECHT. Yes.

Senator DODD. Senator Lugar.

Senator HECHT. Excuse me, may I say hello to Senator Simon.

Senator SIMON. Good morning.

Senator LUGAR. Thank you, Mr. Chairman.

Senator Hecht, what plans do you have or have you thought through a strategy of enhancing business with the Bahamas; that is, economic opportunities there and more opportunities for Americans through that enhanced trade?

Senator HECHT. For the Bahamas, we are the biggest trading partner, something just under $900 million a year. And certainly I want to continue that and build on that because that is what we are trying to do is build up trade with other countries.

Now, tourism, as I mentioned before, just like banking, tourism is their number one industry. Banking is their number two industry and having been in both tourism for 40 years and banking for 25 years, I feel that I can help build on that.

Senator LUGAR. Thank you very much. I have no further questions, Mr. Chairman.

Senator DODD. Senator Sanford and then we will come to Senator Simon.

Senator SANFORD. As I said earlier, I am delighted to see you back in these halls.

Senator HECHT. Thank you, Senator. Thank you very much.

Senator SANFORD. The Bahamas was designated beneficiary of the Caribbean Basin Initiative in 1985. Have you given any thought to what extent the Bahamas benefitted from its participation and whether or not it took full advantage?

Senator HECHT. Senator, because, as I mentioned earlier, the economy and very little agriculture, certainly not much textiles or things like that, because their industry is tourism and banking, they have not taken part as much as the other countries.

Senator SANFORD. Do you have any idea what the Bahamian government thinks about the current legislation to expand indefinitely the CBI?

Senator HECHT. No, sir, I have not been in contact with the Bahamian government.

Senator SANFORD. Do you think that the Bahamas would benefit from the passage of this legislation which essentially just extends CBI?

Senator HECHT. Absolutely, sir.

Senator SANFORD. Now, you made two statements about banking. One, that they have got a tremendous number of banks. Some of them are apparently doing things that impede our efforts to control the drug problem.

And, on the other hand, you speak of it in terms that seem to be very positive, that this is their second largest economic base.

What should our attitude be toward banking as it affects this country both in their activities and, I assume, in the ownership of a great many of the banks, which is apparently related or by United States banks? Should we in any way have a policy toward their banking practices?

Senator HECHT. Senator, thank you. They have adopted a policy that any cash transaction over $100,000 has to be reported.

However, some of the major banks, American, British, have adopted a policy of know your customer. Some customers can come in and $1,000 might be over what they would normally deposit in their account. And they are working with the drug enforcement agencies on that.

Senator SANFORD. Who is "they"? The banks or the government?

Senator HECHT. The banks because they have adopted that policy of know your customer, which is the cardinal rule of banking. Sometimes people deviate, and that is when they get in trouble.

In America we have a $10,000 reporting. Perhaps we should talk to them about that on any cash transaction.

I think we should encourage the major American banks, we should encourage the major foreign banks. But there are, I understand, many banks with only a plaque on the door which was set up just to launder money, and these should be discouraged.

Senator SANFORD. Mr. Chairman, thank you.

Senator DODD. Senator Mack.

Senator MACK. Thank you, Senator Dodd.

Chic, I just want to concentrate on the drug issue in the Bahamas. You mentioned in one of your responses that 50-60 percent of the drugs in this country end up here by traveling through——

Senator HECHT. That has been alleged, and that has been in many of my briefing papers, that different individuals have told me that, Senator.

Senator MACK. Assuming that that is a correct statement, 50-60 percent, that is an incredibly significant number. Those of us from Florida, obviously, are very concerned because of the close proximity. And we just recently had a vote on the floor of the Senate where the Senate voted not to decertify the Bahamas.

I would suggest that there will be continued pressure to decertify the Bahamas, even though we have heard over and over and over again from many sources that the Bahamian government is cooperating with us in every endeavor. Basically anything that we ask them to do that they have been very responsive.

I just wonder how you are going to be able to reconcile the pressure to decertify to make the comments continually that the support that, in fact, we are receiving from the Bahamian government. I would just give you an opportunity to talk about that potential problem and get your thoughts on it.

Senator HECHT. Senator, I would welcome that type of pressure because that type of pressure will allow me, then, to go to the Bahamian government and say the United States Senate in their wisdom is not satisfied with what you have done, and you must do this, this, and that. And so that would give me a tremendous push to go back. If you do not have any opposition, then the job would be tougher.

No, I certainly welcome that.

Senator MACK. In your briefings was it suggested as to what some of the additional actions on the part of—the Bahamian government might take to try to reduce that 50-60 percent?

Senator HECHT. Yes, they have asked for more planes, more personnel from America, and more continued cooperation. As you know, there are hundreds and hundreds of islands there, and it is hard with their limited resources.

Now, we are talking about a country approximately 250,000 people, so they do not have the resources. They have come to America, to the United States of America, and asked the drug enforcement to help them to cooperate.

Now, if we find that this cooperation is not forthcoming, then certainly I can go back and say the United States Senate is not in any way—they do not feel that you have done enough on this.

I welcome this opposition from the United States Senate.

Senator MACK. Thank you.

Senator DODD. Senator Simon.

Senator SIMON. Thank you. It is good to welcome an old colleague here.

Senator HECHT. Thank you, Senator. It is nice to be here. Thank you very much.

Senator SIMON. Let me give you my frank reaction. When I first heard that—Chic Hecht has always been a very likable person who is an outgoing diplomat, has some of the skills in that area.

I would have to say also, candidly, your record in the area of civil rights was not a strong one in the United States Senate. You are going to have to be dealing with a population that is overwhelmingly a black population. Have you reflected on that and how you will be moving in that area?

Senator HECHT. Well, Senator, I do not think my reputation in the United States Senate has been anti-civil rights. I think I have always been pro-civil rights. And being a minority person myself, I do not see a problem at all.

Senator SIMON. I guess I would just urge you—and I am going to be voting for you——

Senator HECHT. Thank you very much.

Senator SIMON. I would just urge you to reflect on what you can be doing to help bridge any problems that my come around. I appreciate your being here.

Senator HECHT. Thank you, and perhaps in the time I am in Washinton, maybe we will get a little time to spend together and I can get your thoughts and reflections. Thank you.

Senator SIMON. Thank you, Mr. Chairman.

Senator DODD. Senator Kerry.

Senator KERRY. Thank you very much. I am also delighted to welcome my friend Senator Hecht back. He and I enjoy a special relationship, and I am glad to see his family here.

Senator HECHT. Senator, you have three of your greatest admirers. There is no one on this earth that admires you like my wife and my two daughters.

Senator Dodd, may I just mention for the benefit of the people in the audience who might not know the story, it was Senator Kerry who absolutely saved my life when I was choking.

Senator DODD. He tells us that all the time. [Laughter.]

Senator HECHT. There is no question. Senator, there was a doctor not too far away and said had I lived another minute, I would not have wanted to be alive. And so from the bottom of my heart and my family's heart, we will forever be grateful and every Christmas, just like last Christmas, you will receive a phone call from me saying thank you very much, Senator Kerry.

Senator KERRY. I am not sure I would not rather receive a check. I am running for reelection this year. But I appreciate it.

Senator HECHT. That is not out of the realm of possibility.

Senator KERRY. Oh, no, now it is. It absolutely is.

Senator HECHT. Okay, it is.

Senator KERRY. But I am thrilled, obviously, and I appreciate your comments.

Let me ask you, if I can, just two quick questions. As you know, we recently had a certification struggle here over the question about the Bahamas, and I know you have probably been asked this somewhat, but I want to make sure I do.

There are some serious issues that have been raised again and again about corruption within the Bahamas. The State Department narcotics control report itself referred to continue corruption problems there. And I just want to make certain or I would like to ask you for your observation on that as you contemplate beginning a tour as ambassador there, which you not doubt will.

Do you think that you are in a position and are you prepared to be able to press those issues that are attached to those questions of corruption?

Senator HECHT. Absolutely, Senator. Absolutely, and that is probably going to be one of the most pressing questions and most pressing objectives I have down there.

You know, I think the world of Senator Helms and when Senator Helms and Senator Kerry join together in a resolution, it means a lot to me.

I think you are absolutely right and, quite frankly, the more pressure you apply, I think the easier my job is going to be because I can to to the Bahamian government and say you have to do this, this, and this. Otherwise, the resolution is going to pass the next time decertifying you.

And, for the record, I agreed with you last year and voted with you.

Senator KERRY. I do know that, and I thank you for that.

And the last question, with respect to the extradition, we have been seeking the extradition of Nigel Bowe for some period of time. And last year the State Department report referred to that as an extradition that has been held up on specious legal grounds. This year the "specious" was left out, but the notations as to the continued holdup was still observed.

And it is my hope, and I merely comment on this, that you will press also with them the urgency of reciprocating with respect to those kinds of requests in order to prove that they are truly cooperating fully.

Senator HECHT. You have my word on that. I agree with you wholeheartedly.

Senator KERRY. I thank you, and I wish you well.

Senator HECHT. Thank you very much.

Senator DODD. Thank you, Senator Kerry. Any additional questions by our colleagues?

Senator, let me just lastly, if I can. As you know, the Office of Government Ethics develops rules and regulations designed to prevent conflicts of interests by officers and employees of all agencies. A copy of your financial disclosure report that you filed with the office was provided to the committee and, for the purpose of the record, do you have any personal financial holdings which might create a potential conflict of interest?

Senator HECHT. Absolutely not, and everything I own is in a blind trust. During the entire time I was a Senator I never bought one stock, one bond, or one piece of property because someone could always say I had information others did not have.

I plan to continue that policy, and certainly anything pertaining to the area which I am—not just the country but the entire area—I will have no financial dealings at all.

Senator DODD. Have you been asked or advised by the White House Counsel or Department of State to divest yourself of any of your financial holdings?

Senator HECHT. The bulk of my financial holdings are in real estate in Nevada and government securities.

Senator DODD. They have not asked you to divest anything?

Senator HECHT. No, absolutely not.

Senator DODD. And do you intend to rescue yourself from any matter in which may have a direct or indirect financial interest?

Senator HECHT. Absolutely, absolutely, but I see no conflict.

Senator DODD. Those are questions that we are required to ask of each of our nominees.

Again, congratulations on your nomination. And you correctly point out these ambassadorial positions are family affairs in the sense with your lovely wife, who no doubt will be accompanying you and the family members going down. The Bahamas is a beautiful country, and we have had a close relationship over the years.

Senator Kerry and others have pointed out the important issue of improving our relationships, particularly with regard to the narcotics question, and that will be a challenge for you in the coming couple of years.

You should know that all of us here are prepared to help in that regard, and we look forward to working with you on that question and relying on your advice as we proceed with matters that will come before this committee relating to the Bahamas and those important questions.

So, on behalf of the committee I thank you for appearing before us today. I wish you and your family very well, and I can only tell you that we will deal with this matter as soon as there is a business meeting. I believe it will be the first week in June when we come back from the Senate recess.

If there are any additional questions, of course, our colleagues can submit them in writing. We would ask you to respond to them prior to the business meeting of this committee.

Senator HECHT. Thank you very much, Senator, and thank all of you for coming out today on a break. Having been in this body, I understand what that means.

And I certainly appreciate this turnout because this hearing came up very fast for me and I was in Nevada last week.

I have asked the State Department to make myself available to each one of you if you have any questions, and I would like to meet with you if possible to pick your expertise and your brains on this because I know a lot of you have spent a tremendous amount of time and are very, very knowledgeable, and I would like to pick your brains.

Thank you very much.

Senator DODD. Thank you.

Our next nominee, Mr. Aaronson, has already been introduced by our two colleagues, Senator Nunn of Georgia, and Senator John McCain.

Mr. Aaronson, we welcome you again to the committee and congratulate you on your nomination, and we would ask if you have any opening statement you care to make at this point.

Mr. HUMPHREY. I just do not know where this concern is coming from. I am sure those few Senators who have a concern are sincere, but it seems to me a misplaced concern. This is a very well-rounded candidate. It is not one of those types whom Senator SARBANES rightly criticizes. This is an entirely different kind of nominee, one who is eminently qualified, and I am sure will be confirmed by a very, very substantial vote today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, today I rise in strong support of the nomination of former Senator Chic Hecht to be the Ambassador to the Commonwealth of the Bahamas. Last month, Senator Hecht received a unanimous vote from the Senate Foreign Relations Committee for this appointment.

Senator Hecht has extensive experience in Government and business. He ably represented Nevada in the U.S. Senate from 1982 to 1989. In the 98th Congress, he chaired the Committee on Banking, Housing, and Urban Development Subcommittee on Insurance. He also chaired the Subcommittee on Housing in the 99th Congress. While in the Senate, Senator Hecht served on the Select Committee on Intelligence. This experience, together with a background in intelligence, which began while he was a special agent in the U.S. Army Intelligence Corps, has equipped him well for assuming a leadership position and providing guidance in confronting the drug problem emanating in the Bahamas. Because of his experience, dedication and service, Senator Hecht was recently inducted into the Army Intelligence Hall of Fame.

On the State level, Senator Hecht served in the Nevada Senate for 8 years, becoming the first Republican to win a State senate seat in predominantly Democratic Clark County—Las Vegas—in more than 25 years. He was senate minority leader under Gov. Paul Laxalt.

Senator Hecht participated for nearly 30 years in the Nevada business community as a leading merchant and banker.

In closing, Senator Hecht's legislative background and his extensive business experience has equipped him well to ably represent the United States as Ambassador to the Commonwealth of The Bahamas. He is a man of ability and integrity, and I hope that his nomination will be swiftly approved.

Mr. President, I yield the floor.

Mr. HEFLIN. Mr. President, I also advocate the confirmation of former Senator Chic Hecht of the ambassadorship for which he has been nominated.

I have known Chic Hecht here in the Senate. I think he will make a very competent Ambassador and, in my judgment, his nomination should be confirmed by the Senate.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. The hour of noon having arrived, under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12 noon, recessed until 2:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DASCHLE].

IMMIGRATION ACT OF 1989

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 358, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 358) to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—IMMIGRATION ACT OF 1989

SEC. 101. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Immigration Act of 1989".

(b) REFERENCES IN ACT.—Except as specifically provided in this title, whenever in this title an amendment or repeal is expressed as an amendment to, or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—IMMIGRATION ACT OF 1989
Sec. 101. Short title; references in title.
Sec. 102. National level of immigration.
Sec. 103. Preference system for admission of immigrants.
Sec. 104. Deterring immigration-related entrepreneurship fraud.
Sec. 105. Miscellaneous conforming and technical changes.
Sec. 106. User fees.
Sec. 107. Commission on Legal Immigration Reform.
Sec. 108. Effective dates and transition.
TITLE II—NATURALIZATION AMENDMENTS OF 1989
Sec. 201. Short title; references in title.
Sec. 202. Administrative naturalization.
Sec. 203. Substituting 3 months residence in INS district or State for 6 months residence in a State.
Sec. 204. Public education regarding naturalization benefits.
Sec. 205. Naturalization of natives of the Philippines through active-duty service in the Armed Forces during World War II.
Sec. 206. Conforming amendments.
Sec. 207. Effective dates and savings provisions.

SEC. 102. NATIONAL LEVEL OF IMMIGRATION.

(a) WORLDWIDE LEVEL OF IMMIGRATION.—(1) Section 201 (8 U.S.C. 1151) is amended to read as follows:

"WORLDWIDE LEVEL OF IMMIGRATION

"SEC. 201. (a) IN GENERAL.—Exclusive of aliens described in subsection (b), aliens born in a foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence are limited to—

"(1) family connection immigrants described in section 203(a) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(a)) in a number not to exceed in any fiscal year the number specified in subsection (c) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year; and

"(2) independent immigrants described in section 203(b) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(b)), in a number not to exceed in any fiscal year the number specified in subsection (d) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year.

"(b) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—The following aliens are not subject to the worldwide levels or numerical limitations of subsection (a):

"(1)(A) Special immigrants described in subparagraph (A) or (B) of section 101(a)(27).

"(B) Aliens who are admitted under section 207(c) pursuant to a numerical limitation established under section 207(b).

"(C) Aliens whose status is adjusted to permanent residence under section 210, 210A, or 245A.

"(D) Aliens provided permanent resident status under section 249.

"(2)(A)(i) Aliens who are immediate relatives. For purposes of this clause, the term 'immediate relatives' means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age.

"(ii) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative.

"(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.

"(C) Aliens who are admitted under section 207(c) pursuant to a numerical limitation established under section 207(a) and aliens who are granted asylum under section 208.

"(c) WORLDWIDE LEVEL OF FAMILY CONNECTION IMMIGRANTS.—(1) The worldwide level of family connection immigrants under this subsection for a fiscal year is equal to—

"(A) 480,000, minus

"(B) the number computed under paragraph (2), plus

"(C) the number (if any) computed under paragraph (3).

"(2) The number computed under this paragraph for a fiscal year is the sum of the number of aliens described in subparagraph (A) and (B) of subsection (b)(2) who were issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the previous fiscal year.

"(3) The number computed under this paragraph for a fiscal year (beginning with fiscal year 1992) is the difference (if any) between the maximum number of visas which may be issued under subsection (a)(2) (relating to independent immigrants) during the previous fiscal year and the number of visas issued under that subsection during that year.

"(d) WORLDWIDE LEVEL OF INDEPENDENT IMMIGRANTS.—(1) The worldwide level on independent immigrants under this subsection for a fiscal year is equal to—

"(A) 120,000, plus

"(B) the number computed under paragraph (2).

"(2) The number computed under this paragraph for a fiscal year (beginning with fiscal year 1992) is the difference (if any) between the maximum number of visas which may be issued under subsection (a)(1) (relating to family connection immigrants) during the previous fiscal year and the number of visas issued under that subsection during that year.

"(e) REPORT ON, AND REVISION OF, WORLDWIDE LEVEL OF IMMIGRATION.—(1) In January before the beginning of fiscal year 1994 (and in January before each succeeding fiscal year thereafter), the Attorney General, in consultation with the Secretary of Labor, the Secretary of State, the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency, and the Secretary of Housing and Urban Development, shall prepare and transmit to the President and to the Judiciary Committees of the Senate and of the House of Representatives a report discussing the effect of immigration on the United States. The report shall consider—

"(A) the requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members;

"(B) the impact of immigration on labor needs, employment, and other economic and domestic conditions in the United States;

"(C) the impact of immigration with respect to demographic and fertility rates and resources and environmental factors; and

"(D) the impact of immigration on the foreign policy and national security interests of the United States.

The report for fiscal year 1994 (and each third fiscal year thereafter) shall include a discussion, based upon such considerations, of the need (if any) to revise the number specified in subsection (c)(1)(A) or the number specified in subsection (d)(1)(A) for any fiscal year of the 3-fiscal-year period beginning with the first fiscal year following transmittal of the report. The Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives shall hold hearings on the findings of the latest such report.

"(2) In March before the beginning of fiscal year 1994 (and of each third fiscal year thereafter), the President shall, after considering the corresponding report transmitted under paragraph (1) and after soliciting the views of members of the Committees on the Judiciary of the House of Representatives and of the Senate, determine whether or not the number specified in subsection (c)(1)(A) or the number specified in subsection (d)(1)(A) should be changed for any fiscal year of the 3-fiscal-year period beginning with the next following fiscal year, and, if so, which number or numbers should apply instead of the number specified in the respective subsection for the fiscal years of that period. The President shall transmit such determination to the Congress by not later than March 31 before the fiscal year involved and shall deliver such determination to both Houses of Congress on the same day and while each House is in session.

"(3)(A) Notwithstanding the provisions of subsections (c)(1)(A) and (d)(1)(A), if the number transmitted in a determination of the President with respect to subsection (c)(1)(A) or subsection (d)(1)(A) for a fiscal year or years of a 3-fiscal-year period—

"(i) is not less than 95 percent, nor more than 105 percent, of the number specified in that respective subsection, unless the Congress, by not later than August 31 following the date of the transmittal, enacts a joint resolution the substance of which disapproves the change with respect to the number for that respective subsection for that fiscal year or years, the number so transmitted shall take effect and apply, instead of the number specified in that respective subsection, during that period; or

"(ii) is less than 95 percent, or more than 105 percent, of the number specified in that respective subsection, if the Congress, by not later than August 31 following the date of the transmittal, enacts a joint resolution the substance of which approves the change with respect to the number specified in that respective subsection for that fiscal year or years, the number so transmitted shall take effect and apply, instead of the number specified in that respective subsection, during that period.

"(B) For purposes of this paragraph, a number transmitted by the President under paragraph (2) which takes effect and applies under this paragraph with respect to subsection (c)(1)(A) or (d)(1)(A) with respect to a fiscal year or fiscal years shall be deemed to be the number specified in that same subsection for that period, and that number shall be deemed to be the number specified in that same subsection thereafter unless changed pursuant to this subsection.

"(4) Paragraphs (5), (6), and (7) are enacted—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each respective House, but applicable only with respect to the procedure to be followed in the case of joint resolutions described in paragraph (5), and supersede the other rules only to the extent that such paragraphs are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change such rules at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(5) For purposes of this subsection, the term 'joint resolution', with respect to a change in number transmitted by the President under paragraph (2) for the fiscal years of a three-fiscal-year period, in the case described—

"(A) in paragraph (3)(A)(i), means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: 'That Congress, pursuant to subsection (e)(3)(A)(i) of section 201 of the Immigration and Nationality Act, disapproves the change proposed by the President in the number specified under subsection of that section for the fiscal year [or years] transmitted to the Congress by the President on ', the blank spaces therein to be filled appropriately; or

"(B) in paragraph (3)(A)(ii), means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: 'That Congress, pursuant to subsection (e)(3)(A)(ii) of section 201 of the Immigration and Nationality Act, approves the change proposed by the President in the number specified under subsection of that section for the fiscal year [or years] transmitted to the Congress by the President on ', the blank spaces therein to be filled appropriately.

"(6)(A) No later than the first day of session following the day on which a determination is transmitted to the House of Representatives and to the Senate under paragraph (2), which determination provides for a change in a number specified in subsection (c)(1)(A) or (d)(1)(A) for a fiscal year, a joint resolution (as defined in paragraph (5)) with respect to each such change shall be introduced (by request) in each House by the chairman of the Committee on the Judiciary of that House, or by a Member or Members of the House designated by such chairman.

"(B)(i) Each joint resolution introduced in a House shall be referred to the Committee on the Judiciary of the respective House. The committees shall make their recommendations to the respective House not later than June 15 following the date of introduction.

"(ii) If the Committee has not reported such a joint resolution with respect to a change by such date, it is in order to move to discharge the Committee from further consideration of the joint resolution, except that no motion to discharge shall be in order after the Committee has reported a joint resolution with respect to the same change.

"(iii) A motion to discharge under clause (ii) may be made only by a Member favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, in the Senate by the majority leader and the minority leader or their designees and in the House of Representatives by the chairman of the Committee on the Judiciary and the ranking minority member of such committee or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(C)(i) When the Committee has reported, or been discharged from consideration of, a joint resolution, a motion to proceed to the consideration of the joint resolution shall be highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

"(ii) Debate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided in the Senate between, and controlled by, the majority leader and the minority leader or their designees and to be equally divided in the House of Representatives between individuals favoring and individuals opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which a joint resolution is passed or rejected shall not be in order.

"(iii) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

"(iv) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

"(D) If, prior to the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same change transmitted by the President in a number specified under a subsection for a fiscal year, then—

"(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the resolution of the other House.".

(2) The item in the table of contents relating to section 201 is amended to read as follows:

"Sec. 201. Worldwide level of immigration.".

(b) PER COUNTRY IMMIGRATION LEVELS.—Section 202 (8 U.S.C. 1152) is amended—

(1) in subsection (a)—

(A) by striking "(a) No person" and inserting "(a)(1) Except as specifically provided in paragraph (2) and in section 101(a)(27), 201(b) (2)(A)(i), and 203, no person",

(B) by striking ", except as specifically" and all that follows through "following fiscal year", and

(C) by adding at the end the following new paragraph:

"(2)(A) Subject to subparagraphs (B) and (C), the total number of immigrant visas made available to natives of any single foreign state or dependent area under subsection (c) of section 201 (relating to family connection immigrants) in any fiscal year may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such subsection in that fiscal year.

"(B) If for fiscal year 1991 or a succeeding fiscal year the number of aliens described in subparagraph (A) or (B) of section 201(b)(2) (relating to immediate relatives and similar individuals) who are natives of a particular foreign state or dependent area and who are issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the fiscal year exceeds the greater of—

"(i) the numerical level computed under subparagraph (A) for that state for that fiscal year, or

"(ii) the level of such immigration of natives of that foreign state in fiscal year 1989 or fiscal year 1990 (whichever is greater),

then the numerical level applicable to that foreign state or dependent area in the following fiscal year under subparagraph (A) shall be reduced by the amount of such excess, except that such reduction shall not exceed one-half of the numerical level otherwise provided without regard to this subparagraph.

"(C) If, because of the application of subparagraph (A) with respect to one or more foreign states, the number of visas available under section 201(c) for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, subparagraph (A) shall not apply to visas made available to such states or areas during the remainder of such calendar quarter.

"(3)(A) Subject to subparagraph (B), the total number of immigrant visas made available to natives of any single foreign state or dependent area under subsection (d) of section 201 (relating to independent immigrants) in any fiscal year may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such subsection in the fiscal year.

"(B) If, because of the application of subparagraph (A) with respect to one or more foreign states or dependent areas, the number of visas available under section 201(d) for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, subparagraph (A) shall not apply to visas made available to such states or areas during the remainder of such calendar quarter.";

(2) in subsection (b), by striking "the numerical limitation set forth in the proviso to subsection (a) of this section" each place it appears and inserting "a numerical level established under subsection (a)";

(3) in subsection (c)—

(A) by striking "other than" and all that follows through "section 201(b)" and inserting "other than a special immigrant, as defined in section 101(a)(27), or an alien described in section 201(b)(2)(A)(i)", and

(B) by striking "section 202(a)" and all that follows through the end and inserting "subsection (a)(1), to the foreign state"; and

(4) Section 202(e) is amended to read as follows:

"(e) Whenever the maximum number of visas have been made available under subsection (a)(2) to natives of any single foreign state or to any dependent area, then in the next following fiscal year a number of visas, not to exceed the number specified in subsection (a)(2) for a foreign state or a dependent area, as the case may be, shall be made available and allocated for such state or such area for the same classes of aliens described in, and the same percentages specified in, paragraphs (1) through (4) of section 203(a).".

SEC. 103. PREFERENCE SYSTEM FOR ADMISSION OF IMMIGRANTS.

(a) IN GENERAL.—(1) Section 203 (8 U.S.C. 1153) is amended to read as follows:

"ALLOCATION OF IMMIGRANT VISAS

"SEC. 203. (a) PREFERENCE ALLOCATION FOR FAMILY CONNECTION IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family connection immigrants shall be allotted visas as follows:

"(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed 9 percent of such worldwide level, plus any visas not required for the class specified in paragraph (4).

"(2) SPOUSES AND UNMARRIED SONS AND UNMARRIED DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are—

"(A) the spouses of aliens lawfully admitted for permanent residence, or

"(B) the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, if the sons or daughters—

"(i) are under 26 years of age as of the date of the petition for such preference, or

"(ii)(I) as of the date of the enactment of the Immigration Act of 1989, had a petition filed on their behalf for preference status under section 203(a)(2) (as in effect on such date) by reason of such relationship and such petition was subsequently approved, and

"(II) continue to qualify under the terms of section 203(a)(2) of this Act as in effect on the day before such date,

shall be allocated visas in a number not to exceed 57 percent of such worldwide level, plus any visas not required for the class specified in paragraph (1).

"(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed 9 percent of such worldwide level, plus any visas not required for the classes specified in paragraphs (1) and (2).

"(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed 25 percent of such worldwide level, plus any visas not required for the classes specified in paragraphs (2) or (3).

"(b) PREFERENCE ALLOCATION FOR INDEPENDENT IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(d) for independent immigrants in a fiscal year shall be allocated visas as follows:

"(1) SPECIAL IMMIGRANTS.—Visas shall be made available, in a number not to exceed 5 percent of such worldwide level, to qualified special immigrants described in section 101(a)(27) (other than those described in subparagraph (A) or (B) thereof).

"(2) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—(A) Visas shall be made available next, in a number not to exceed 23 percent of such worldwide level to qualified immigrants who are members of the professions holding advanced degrees or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

"(B) The Attorney General may, when he deems it to be in the national interest, waive the requirement of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

"(C) In determining under subparagraph (A) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

"(3) SKILLED WORKERS.—(A) Visas shall be made available next, in a number not to

exceed 23 percent of such worldwide level, to the following two classes of aliens:

"(i) Qualified immigrants who are capable, at the time of petitioning, of performing skilled labor (requiring at least 2 years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States.

"(ii) Qualified immigrants who hold baccalaureate degrees and who are members of the professions.

"(B) An immigrant visa may not be issued to an immigrant under subparagraph (A) until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14).

"(4) EMPLOYMENT CREATION.—Visas shall be made available next, in a number not to exceed 4 percent of such worldwide level, to any qualified immigrant who is seeking to enter the United States for the purpose of engaging in a new commercial enterprise which the alien has established and in which such alien has invested or, is actively in the process of investing, capital, in an amount not less than $1,000,000, and which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence (other than the spouse, sons, or daughters of such immigrant). The Attorney General, in consultation with the Secretary of Labor and the Secretary of State, may prescribe regulations increasing the dollar amount of the investment necessary for the issuance of a visa under this paragraph.

"(5) SELECTED IMMIGRANTS.—(A) Visas authorized in any fiscal year under section 201(d), less those required for issuance to the classes specified in paragraphs (1), (2), (3), and (4), shall be made available to qualified immigrants who attain a score of not less than 45 points, based on the point assessment system described in subparagraph (B).

"(B) The point assessment system referred to in subparagraph (A) shall accord points based on criteria as follows:

"(i) AGE (10 POINTS).—For an alien who (as of the date of filing a petition) is—

"(I) at least 21 years of age but has not attained 36 years of age, 10 points; or

"(II) at least 36 years of age, but has not attained 45 years of age, 5 points.

"(ii) EDUCATION (25 POINTS).—For an alien who (as of the date of filing a petition)—

"(I) has completed successfully grade school through high school or its educational equivalent (as determined by the Secretary of Education), 10 points;

"(II) has been awarded a bachelors' degree or its equivalent (as determined by the Secretary of Education), 10 additional points; and

"(III) has been awarded a graduate degree, an additional number of points (up to 5 additional points) to be determined by the Secretary of Education based on the level of the degree.

"(iii) OCCUPATIONAL DEMAND (20 POINTS).—For an alien who is in an occupation for which the Secretary of Labor determines (before the fiscal year involved)—

"(I) there will be increased demand in the United States for individuals in the occupation in the fiscal year, 10 points, and

"(II) there is a present or there will be a future shortage of individuals in the United States to meet the need in the occupation in the United States in the fiscal year, 5 or 10 points.

"(iv) OCCUPATIONAL TRAINING AND WORK EXPERIENCE (20 POINTS).—To the extent the alien has additional training, work experience, or both, as determined by the Secretary of Labor, in the occupation described in clause (iv), 10 or 20 points, such points multiplied by the number of points awarded under clause (iv) divided by 20.

"(C) The point assessment system described in subparagraph (B) shall be established by regulation by the Secretary of State in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education.

"(c) TREATMENT OF FAMILY MEMBERS.—A spouse or child as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a) or (b) (except for subsection (b)(5)) be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join, his spouse or parent.

"(d) ORDER OF CONSIDERATION.—(1) Immigrant visas made available under subsection (a) or (b) (other than paragraph (5)) or under section 201(a)(3) shall be issued to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General (or in the case of special immigrants under section 101(a)(27)(D), with the Secretary of State) as provided in section 204(a).

"(2) Of the immigrant visa numbers made available under subsection (b)(5) (relating to selected immigrants) in a fiscal year—

"(A) 20 percent of such numbers shall be issued to eligible qualified immigrants who attain a score of at least 65 points on the assessment system described in subsection (b)(5)(B) with respect to petitions filed for the fiscal year involved, to be chosen in the random order described in clause (B); and

"(B) 80 percent of such numbers shall be issued to eligible qualified immigrants with a qualifying score on such system strictly in a random order established by the Secretary of State for the fiscal year involved.

"(3) Waiting lists of applicants for visas under this section shall be maintained in accordance with regulations prescribed by the Secretary of State.

"(e) PRESUMPTION.—Every immigrant shall be presumed not to be described in subsection (a) or (b) of this section, section 101(a)(27), or section 201(b)(2), until the immigrant establishes to the satisfaction of the consular officer and the immigration officer that the immigrant is so described. In the case of any alien claiming in his application for an immigrant visa to be described in section 201(b)(1) or in subsection (a) or (b) of this subsection, the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

"(f) LISTS.—For purposes of carrying out his responsibilities in the orderly administration of this section, the Secretary of State may make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories under subsections (a) and (b), and to rely upon such estimates in authorizing the issuance of visas. The Secretary of State shall terminate the registration of any alien who fails to apply for an immigrant visa within one year following notification to him of the availability of such visa, but the Secretary shall reinstate the registration of any such alien who establishes within 2 years following the date of notification of the availability of such visa that such failure to apply was due to circumstances beyond his control.".

(2) Nothing in this subsection may be construed as continuing the availability of visas under section 203(a)(7), as in effect before the date of enactment of this Act.

(b) CHANGES IN PETITIONING PROCEDURE.—Section 204(a) (8 U.S.C. 1154(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3), and

(2) by striking "(a)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(a)(1)(A) Any citizen of the United States claiming that an alien is entitled to classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a) or to an immediate relative status under section 201(b)(2)(A)(i) may file a petition with the Attorney General for such classification.

"(B) Any alien lawfully admitted for permanent residence claiming that an alien is entitled to a classification by reason of the relationship described in section 203(a)(2) may file a petition with the Attorney General for such classification. An alien may be classified as an alien described in paragraphs (2), (3), or (4) of section 203(a) with respect to a specific fiscal year on the basis of a petition filed in a previous fiscal year only if the alien has filed with the Attorney General a notice of continuing intent to be admitted to the United States as an immigrant under such section within the 2 fiscal years immediately previous to the specific fiscal year involved.

"(C)(i) Any alien (other than a special immigrant under section 101(a)(27)(D)) desiring to be classified under section 203(b)(1) (or any person on behalf of such an alien) (relating to special immigrants) may file a petition with the Attorney General for such classification.

"(ii) Aliens claiming status as a special immigrant under section 101(a)(27)(D) may file a petition only with the Secretary of State and only after notification by the Secretary that such status has been recommended and approved pursuant to such section.

"(D) Any alien desiring to be classified under section 203(b)(2) (or any person on behalf of such an alien) (relating to professionals) may file a petition with the Attorney General for such classification.

"(E) Any person desiring and intending to employ within the United States an alien entitled to classification under paragraph (2) or (3) of section 203(b) (relating to professionals and skilled workers) may file a petition with the Attorney General for such classification.

"(F) Any alien desiring to be classified under section 203(b)(4) (relating to employment creation) may file a petition with the Secretary of State for such classification.

"(G)(i) Any alien desiring to be provided an immigrant visa under section 203(b)(5) (relating to selected immigrants) may file a petition at the place and time determined by the Secretary of State by regulation. While the place of filing may be designated inside the United States, the petitioner shall be physically outside the United States when submitting the petition. Only one such petition may be filed by an alien with respect to any petitioning period established. If more than one petition is submitted all such petitions submitted for such period by the alien shall be voided.

"(ii)(I) The Secretary of State may designate a period for the filing of petitions with respect to visas which may be issued under section 203(b)(5) during either of the next

two fiscal years beginning after the close of such period.

"(II) Aliens who qualify, through random selection, for a visa under section 203(b)(5) shall remain eligible to receive such visa only through the end of the specific fiscal year for which they were selected.

"(III) The Secretary of State shall prescribe such regulations as may be necessary to carry out this clause.

"(iii) A petition or registration under this subparagraph shall be in such form as the Secretary of State may by regulation prescribe and shall contain such information and be supported by such documentary evidence as the Secretary of State may require.

"(iv) The petition under this subparagraph shall include a certification in writing at the time of filing a petition that all information contained within the petition is true and correct to the best of the petitioner's knowledge, and any willful misrepresentation of the facts or statements included in the petition shall be deemed a violation of section 212(a)(19).

"(2) On or after October 1, 1990, an alien who—

"(A) previous to being admitted as, or otherwise provided the status of, an alien lawfully admitted for permanent residence was married to an individual, and

"(B) is so admitted, or provided such status, as a child or as the unmarried son or unmarried daughter of a citizen of the United States or of an alien lawfully admitted for permanent residence,

may not file a petition under this section on behalf of any alien to whom the alien was married previous to being so admitted or provided such status.".

(c) REVISION OF LABOR CERTIFICATION.—(1) Paragraph (14) of section 212(a) (8 U.S.C. 1182(a)) is amended to read as follows:

"(14) Aliens seeking to enter the United States to perform skilled labor unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that (A) there are not sufficient qualified workers (or equally qualified workers in the case of aliens who are members of the teaching profession or who have exceptional ability in the sciences or arts) available in the United States in the positions in which the aliens will be employed; and (B) the employment of aliens in such positions will not adversely affect the wages and working conditions of workers in the United States. The Secretary of Labor may, in his discretion, substitute for the determination and certification described in clause (A) of the preceding sentence a determination and certification that there are not sufficient workers who are able, willing, qualified (or equally qualified in the case of aliens who are members of the teaching profession or who have exceptional ability in the sciences or the arts), and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled labor. In making either determination under this paragraph, the Secretary of Labor may use labor market information without regard to the specific job opportunity for which certification is requested, but if such determination is adverse, the Secretary of Labor shall make a certification with regard to the specific job opportunity if the employer submits evidence that such specific certification would result in a different determination. An alien on behalf of whom a certification is sought must have an offer of employment from an employer in the United States. The exclusion of aliens under this paragraph shall apply to immigrants seeking admission under paragraph (2) or (3) of section 203(b), except that this paragraph shall not apply to any alien for whom a waiver has been granted under section 203(b)(2)(B);".

(2) The Secretary of Labor shall conduct a comprehensive study to determine whether the process of obtaining an immigrant labor certification under section 212(a)(14) of the Immigration and Nationality Act, as amended by this title, has been simplified or otherwise expedited. In conducting this study, the Secretary shall hold public hearings. Not later than March 31, 1993, the Secretary of Labor shall prepare and transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing the findings of such study and including any recommendations of other relevant agencies of the Federal Government with respect to such findings.

SEC. 104. DETERRING IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.

(a) CONDITIONAL BASIS FOR PERMANENT RESIDENT STATUS BASED ON ESTABLISHMENT OF COMMERCIAL ENTERPRISES.—Chapter 2 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

"CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, AND CHILDREN

"SEC. 218. (a) IN GENERAL.—

"(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of this Act, an alien entrepreneur (as defined in subsection (f)(1)), spouse, and child (as defined in subsection (f)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

"(2) NOTICE OF REQUIREMENTS.—

"(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien entrepreneur, spouse, or child obtains permanent resident status on a conditional basis under paragraph (1), the Attorney General shall provide for notice to such an entrepreneur, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

"(B) AT TIME OF REQUIRED PETITION.—In addition, the Attorney General shall attempt to provide notice to such an entrepreneur, spouse, or child, at or about the beginning of the 90-day period described in subsection (d)(2)(A), of the requirements of subsection (c)(1).

"(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Attorney General to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such an entrepreneur, spouse, or child.

"(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—

"(1) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if the Attorney General determines, before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

"(A) the establishment of the commercial enterprise was intended solely as a means of evading the immigration laws of the United States,

"(B)(i) a commercial enterprise was not established by the alien;

"(ii) the alien did not invest or was not actively in the process of investing the requisite capital; or

"(iii) the alien was not sustaining the actions described in clause (A) or (B) throughout the period of the alien's residence in the United States, or

"(C) the alien was otherwise not conforming to the requirements of section 203(b)(4), then the Attorney General shall so notify the alien involved and, subject to paragraph (2), shall terminate the permanent resident status of the alien involved as of the date of the determination.

"(2) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that a condition described in paragraph (1) is met.

"(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

"(1) IN GENERAL.—In order for the conditional basis established under subsection (a) for an alien entrepreneur, spouse, or child to be removed—

"(A) the alien entrepreneur must submit to the Attorney General, during the period described in subsection (d)(2), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in subsection (d)(1), and

"(B) in accordance with subsection (d)(3), the alien entrepreneur must appear for a personal interview before an officer or employee of the Service respecting the facts and information described in subsection (d)(1).

"(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTERVIEW.—

"(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

"(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A), or

"(ii) unless there is good cause shown, the alien entrepreneur fails to appear at the interview described in paragraph (1)(B),

the Attorney General shall terminate the permanent resident status of the alien as of the second anniversary of the alien's lawful admission for permanent residence.

"(B) HEARING IN DEPORTATION PROCEEDING.—In any deportation proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

"(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

"(A) IN GENERAL.—If—

"(i) a petition is filed in accordance with the provisions of paragraph (1)(A), and

"(ii) the alien entrepreneur appears at the interview described in paragraph (1)(B),

the Attorney General shall make a determination, within 90 days of the date of the interview, as to whether the facts and information described in subsection (d)(1) and alleged in the petition are true with respect to the qualifying commercial enterprise.

"(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Attorney General determines that such facts and information are true, the Attorney General shall so notify the alien involved and shall remove the conditional basis of the alien's

status effective as of the second anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(C) TERMINATION IF ADVERSE DETERMINATION.—If the Attorney General determines that such facts and information are not true, the Attorney General shall so notify the alien involved and, subject to subparagraph (D), shall terminate the permanent resident status of an alien entrepreneur, spouse, or child as of the date of the determination.

"(D) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true with respect to the qualifying commercial enterprise.

"(d) DETAILS OF PETITION AND INTERVIEW.—

"(1) CONTENTS OF PETITION.—Each petition under subsection (c)(1)(A) shall contain facts and information demonstrating that—

"(A) a commercial enterprise was established by the alien;

"(B) the alien invested or was actively in the process of investing the requisite capital; and

"(C) the alien sustained the actions described in clauses (A) and (B) throughout the period of the alien's residence in the United States.

"(2) PERIOD FOR FILING PETITION.—

"(A) 90-DAY PERIOD BEFORE SECOND ANNIVERSARY.—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed during the 90-day period before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(B) DATE PETITIONS FOR GOOD CAUSE.—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Attorney General good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

"(C) FILING OF PETITIONS DURING DEPORTATION.—In the case of an alien who is the subject of deportation hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Attorney General may stay such deportation proceedings against an alien pending the filing of the petition under subparagraph (B).

"(3) PERSONAL INTERVIEW.—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of the Service, designated by the Attorney General, which is convenient to the parties involved. The Attorney General, in the Attorney General's discretion, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

"(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence.

"(f) DEFINITIONS.—In this section:

"(1) The term 'alien entrepreneur' means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(4).

"(2) The term 'spouse' and the term 'child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien entrepreneur.".

(b) ADDITIONAL GROUND FOR DEPORTATION.—Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended by inserting before the semicolon at the end thereof the following: ", or (C) is an alien with permanent resident status on a conditional basis under section 218 and has such status terminated under such section".

(c) CRIMINAL PENALTY FOR IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.—Section 275 of such Act (8 U.S.C. 1325) is amended by adding at the end thereof the following new subsection:

"(c) Any individual who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than $250,000, or both.".

(d) LIMITATION ON ADJUSTMENT OF STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(f) The Attorney General may not adjust, under subsection (a), the status of an alien lawfully admitted to the United States for permanent residence on a conditional basis under section 218.".

(e) CONFORMING AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 217 the following new item:

"Sec. 218. Conditional permanent resident status for certain alien entrepreneurs, spouses, and children.".

SEC. 105. MISCELLANEOUS CONFORMING AND TECHNICAL CHANGES.

(a) Sections 101(b)(1)(F), 202(a), 202(c), 204(b), 204(e), 216(g)(1)(A), 222(a), 244(d), 245(c)(2), and 245(c)(5) (8 U.S.C. 1101(b)(1)(F), 1152(a), 1152(c), 1154(a)(1), 1154(b), 1154(e), 1186a(g)(1)(A), 1202(a), 1254(d), 1255(c)(2), 1255(c)(5)) are each amended by striking "201(b)" each place it appears and inserting "201(b)(2)(A)(i)".

(b) Section 204 (8 U.S.C. 1154) is amended—

(1) in subsection (b)—

(A) by striking "section 203(a) (3) or (6)" and inserting "section 203(b)(3)",

(B) by striking "section 201(b)" and inserting "section 201(b)(2)(A)(i)",

(C) by striking "a preference status under section 203(a)" and inserting "preference under subsection (a) or (b) of section 203",

(D) by inserting "(and, in the case described in section 203(b)(5), specify the point score on the assessment system)" after "approve the petition", and

(E) by striking "The Secretary of State" and inserting "Subject to section 203(b)(5), the Secretary of State";

(2) in subsection (e)—

(A) by striking "preference immigrant under section 203(a)" and inserting "immigrant under subsection (a), (b), or (c) of section 203", and

(B) by striking "section 201(b)" and inserting "section 201(f)";

(3) by striking subsection (f);

(4) by redesignating subsections (g) and (h) as (f) and (g), respectively;

(5) in subsection (f)(1), as redesignated by paragraph (4), by inserting "(as in effect before the date of the enactment of the Immigration Act of 1989)" after "203(a)(4)"; and

(6) in subsection (g), as redesignated by paragraph (4), by striking "preference status" and inserting "status under section 203(a)(2)".

(c) Section 212(a)(32) (8 U.S.C. 1182(a)(32)) is amended by striking "203(a)(3) and (6) and to nonpreference immigrant aliens described in section 203(a)(7)" and inserting "203(b)(2), (3), and (5)".

(d) Section 244(d) (8 U.S.C. 1254(d)) is amended by striking "201(a) or 202(a)" and inserting "201(c) or 202(a)(2)(A)".

(e) Section 245 (8 U.S.C. 1255) is amended—

(1) in subsection (b), by striking "203(a)" and inserting "203", and

(2) in subsection (c), by redesignating clause (5) as clause (4) and by inserting before the period at the end the following: ", or (5) an alien who is applying for adjustment of status to preference status under section 203(b)(5)".

(f)(1) Section 3304(a)(14)(A) of the Internal Revenue Code of 1986 is amended by striking "section 203(a)(7) or".

(2) Section 1614(a)(1)(B) of the Social Security Act is amended by striking "section 203(a)(7) or".

(g) Section 2(c)(4) of the Virgin Islands Nonimmigrant Alien Adjustment Act of 1982 (Public Law 97-271) is amended by inserting before the period at the end the following: "(as in effect before October 1, 1990) or by reason of the relationship described in section 203(a)(2)(B), 203(a)(3), or 201(b)(2)(A)(i), respectively, of such Act (as in effect on or after such date)".

SEC. 106. USER FEES.

Section 286 (8 U.S.C. 1356) is amended by adding at the end thereof the following new subsections:

"(q) VISA FEES FOR IMMIGRANTS.—The Secretary of State shall provide for a schedule of fees to be charged for the filing of a petition for any and all immigrant categories under sections 201(a)(3), 201(b)(2)(A)(i), and 203 (a) and (b). The fees established under this subsection shall be sufficient to cover administrative and other expenses incurred in connection with the processing of petitions for any and all immigrant categories filed under sections 201(a)(3), 201(b)(2)(A)(i), and 203 (a) and (b).

"(r) CREDITABLE FEES.—Notwithstanding sections 1 and 2 of the Act of June 4, 1920, as amended (41 Stat. 750; 22 U.S.C. 214) or any other provision of law, up to $20,000,000 in fees collected by consular officers for issuance of visas and for execution of applications for visas shall be credited to a Department of State account which shall be available only for the payment of the expenses of research, development, equipment, and automation of visa and passport functions, including related software. Each fiscal year thereafter additional amounts of such consular fees may be credited to such account, except that not more than $20,000,000 of such fees may be available for such purposes in any one fiscal year.".

SEC. 107. COMMISSION ON LEGAL IMMIGRATION REFORM.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) Effective February 1, 1991, there is established a Commission on Legal Immigration Reform (hereafter in this section referred to as the "Commission") which

shall be composed of 9 members to be appointed as follows:

(A) One member who shall serve as Chairman, to be appointed by the President.

(B) Two members to be appointed by the Speaker of the House of Representatives who shall select such members from a list of nominees provided by the Chairman of the Judiciary Subcommittee on Immigration, Refugees, and International Law of the House of Representatives.

(C) Two members to be appointed by the Minority Leader of the House of Representatives who shall select such members from a list of nominees provided by the ranking minority member of the Judiciary Subcommittee on Immigration, Refugees, and International Law of the House of Representatives.

(D) Two members to be appointed by the Majority Leader of the Senate who shall select such members from a list of nominees provided by the Chairman of the Judiciary Subcommittee on Immigration and Refugees Affairs of the Senate.

(E) Two members to be appointed by the Minority Leader of the Senate who shall select such members from a list of nominees provided by the Chairman of the Judiciary Subcommittee on Immigration and Refugee Affairs of the Senate.

(2) Appointments to the Commission shall be made during the 45-day period beginning on February 1, 1991. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(3) Members shall be appointed to serve for the life of the Commission.

(b) FUNCTIONS OF COMMISSION.—The Commission shall—

(1) review and evaluate the impact of the amendments made by this Act, in accordance with subsection (c); and

(2) transmit to the President and the Congress—

(A) not later than February 1, 1992, a first interim report describing the progress made in carrying out paragraph (1);

(B) not later than February 1, 1993, a second interim report describing the progress made in carrying out paragraph (1) since transmittal of the report described in clause (A); and

(C) not later than February 1, 1994, a final report setting forth the Commission's findings and recommendations, including such recommendations for additional changes that should be made with respect to legal immigration into the United States as the Commission deems appropriate.

(c) PARTICULAR CONSIDERATIONS.—In particular, the Commission shall consider—

(1) the requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members and the impact which the establishment of a worldwide ceiling under section 201(c) has upon the availability and priority of family preference visas;

(2) the impact of immigration and the implementation of the independent immigrant category established in section 201(d) on labor needs, employment, and other economic and domestic conditions in the United States;

(3) the impact of immigration with respect to demographic factors and natural resources; and

(4) the impact of immigration on the foreign policy and national security interests of the United States.

(d) COMPENSATION OF MEMBERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, pay at the minimum annual rate of basic pay in effect for grade GS-18 of the General Schedule. Each member of the Commission who is such an officer or employee shall serve without additional pay.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(e) MEETINGS, STAFF, AND AUTHORITY OF COMMISSION.—The provisions of subsections (e) through (g) of section 304 of the Immigration Reform and Control Act of 1986 shall apply to the Commission in the same manner as they apply to the Commission established under such section, except that paragraph (2) of subsection (e) shall not apply.

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be effective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

(g) TERMINATION DATE.—The Commission shall terminate on the date on which a final report is required to be transmitted under subsection (b)(2), except that the Commission may continue to function until October 1, 1994, for the purpose of concluding its activities, including providing testimony to standing committees of Congress concerning its final report under this section and disseminating that report.

SEC. 108. EFFECTIVE DATES AND TRANSITION.

(a) IN GENERAL.—The amendments made by this title shall take effect on October 1, 1990, and shall apply to immigrant visa numbers issued for fiscal years beginning with fiscal year 1991; except that the amendments made by section 3(b) (relating to immigrant visa petitioning process) shall take effect on the date of the enactment of this Act and apply to immigrant visa numbers issued for fiscal years beginning with fiscal year 1991.

(b) GENERAL TRANSITION.—In the case of a petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1990, for preference status under section 203(a)(3) or section 203(a)(6) of such Act (as in effect before such date), such petition shall be deemed as of October 1, 1990, to be a petition for the status described in section 203(b)(2) or 203(b)(3) of such Act (as amended by this title), as elected by the petitioner, and the priority date for such petition shall remain in effect, except that petitions filed before such date for preference status on the basis of unskilled labor under section 203(a)(6) of such Act (as in effect before such date) shall be deemed as of such date to be petitions for the status described in section 203(b)(3) of such Act (as amended by this title).

(c) ADMISSIBILITY STANDARDS.—When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1990, makes application for admission, the immigrant's admissibility under paragraphs (20) and (21) of section 212(a) of the Immigration and Nationality Act shall be determined under the provisions of law in effect on the date of the issuance of such visa.

(d) CONSTRUCTION.—Nothing in this title shall be construed as affecting the provisions of section 19 of Public Law 97-116, section 2(c)(1) of Public Law 97-271, or section 202(e) of Public Law 99-603.

TITLE II—NATURALIZATION AMENDMENTS OF 1989

SEC. 201. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Naturalization Amendments of 1989".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this title, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act.

SEC. 202. ADMINISTRATIVE NATURALIZATION.

Section 310 (8 U.S.C. 1421) is amended to read as follows:

"NATURALIZATION AUTHORITY

"SEC. 310. (a) AUTHORITY IN ATTORNEY GENERAL.—The original authority to naturalize persons as citizens of the United States is conferred solely upon the Attorney General.

"(b) ADMINISTRATION OF OATHS.—An applicant for naturalization may choose to have the oath of allegiance under section 337(a) administered by the Attorney General or by any district court of the United States for any State or by any court of record in any State having a seal, a clerk, and jurisdiction in actions in law or equity, or law and equity, in which the amount in controversy is unlimited. The jurisdiction of all courts specified in this subsection to administer the oath of allegiance shall extend only to persons resident within the respective jurisdiction of such courts.

"(c) APPEAL TO BIA; JUDICIAL REVIEW.—(1) A person whose application for naturalization under this title is denied, after a hearing before an immigration officer under section 336(a), may seek review of such denial before the Board of Immigration Appeals (established by the Attorney General under part 3 of title 8, Code of Federal Regulations). The decision of such Board is reviewable by the United States district court for the district in which such person resides. Such review of the district court shall be de novo, and the district court shall make its own findings of fact and conclusions of law and shall, at the request of the petitioner, conduct a hearing de novo on the application.

"(2) The district court shall issue an order authorizing the naturalization of a person in accordance with this title only after determining, upon review of the denial of that person's application for naturalization, that such denial was wrongfully made as a matter of fact or of law.

"(d) SOLE PROCEDURE.—A person may only be naturalized as a citizen of the United States in the manner and under the conditions prescribed in this title and not otherwise.".

SEC. 203. SUBSTITUTING 3 MONTHS RESIDENCE IN INS DISTRICT OR STATE FOR 6 MONTHS RESIDENCE IN A STATE.

Section 316(a)(1) (8 U.S.C. 1427(a)(1)) is amended by striking "and who has resided within the State in which the petitioner filed the petition for at least six months" and inserting "and who has resided within the State or within the district of the Service in the United States in which the applicant

filed the application for at least three months".

SEC. 204. PUBLIC EDUCATION REGARDING NATURALIZATION BENEFITS.

(a) IN GENERAL.—Section 332 (8 U.S.C. 1443) is amended by adding at the end thereof the following new subsection:

"(h) The Attorney General shall broadly disseminate information respecting the benefits which persons may receive under this title and the requirements to obtain such benefits. In carrying out this subsection, the Attorney General shall seek the assistance of appropriate community groups, private voluntary agencies, and other relevant organizations, and the Attorney General is authorized to make grants to, and enter into contracts with, such organizations for such purposes.".

(b) ALLOCATION OF FUNDS.—(1) Section 404 (8 U.S.C. 1101, note) is amended by adding at the end thereof the following new subsection:

"(c) Of the amounts authorized to be appropriated by section 404 to carry out this Act for a fiscal year, $1,000,000 shall be available only to carry out section 332(h) for such fiscal year.".

(2) The amendment made by paragraph (1) shall take effect on October 1, 1989.

SEC. 205. NATURALIZATION OF NATIVES OF THE PHILIPPINES THROUGH ACTIVE-DUTY SERVICE IN THE ARMED FORCES DURING WORLD WAR II.

Section 329 (8 U.S.C. 1440) is amended—

(1) in subsection (a), by striking "Any" and inserting "Except as provided in subsection (e), any"; and

(2) by adding at the end thereof the following new subsection:

"(d) Paragraphs (1) and (2) of subsection (a) shall not apply to the naturalization of any person—

"(1) who was born in the Philippines or who was otherwise a noncitizen national of the United States residing in the Philippines before the service described in paragraph (2);

"(2) who served honorably in an active-duty status in the military, air, or naval forces of the United States at any time during the period beginning September 1, 1939, and ending December 31, 1946;

"(3) who is otherwise eligible for naturalization under this section; and

"(4) who applies for naturalization not later than one year after the date of enactment of the Naturalization Amendments of 1989.".

SEC. 206. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS TO SECTION 310 REVISION.—(1) The item in the table of contents relating to section 310 is amended to read as follows:

"Sec. 310. Naturalization authority.".

(2) Section 101(a)(36) (8 U.S.C. 1101(a)(36)) is amended by striking "(except as used in section 310(a) of title III)".

(b) CONFORMING AMENDMENTS TO CHANGE IN RESIDENCE REQUIREMENT.—(1) Section 319 (8 U.S.C. 1430) is amended—

(A) in subsection (a), by striking "has resided within the State in which he filed his petition for at least six months" and inserting "has resided within the State or the district of the Service in the United States in which the applicant filed his application for at least three months",

(B) in subsections (b) and (d), by striking "within the jurisdiction of the naturalization court" and inserting "within a State or a district of the Service in the United States", and

(C) in subsection (c), is amended by striking "within the jurisdiction of the court" and inserting "district of the Service in the United States".

(2) Section 322(c) (8 U.S.C. 1433(c)) is amended by striking "any State or within the jurisdiction of the naturalization court" and inserting "within a State or a district of the Service in the United States".

(3) Section 324(a)(1) (8 U.S.C. 1435(a)(1)) is amended by inserting "or district of the Service in the United States" after "State".

(4) Section 328 (8 U.S.C. 1439) is amended—

(A) in subsection (a)—

(i) by inserting "or district of the Service in the United States" after "State", and

(ii) by striking "for at least six months" and inserting "for at least three months";

(B) in subsection (b)(1), by striking "within the jurisdiction of the court" and inserting "within a State or district of the Service in the United States"; and

(C) in subsection (c), by inserting "or district of the Service in the United States" after "State".

(5) Section 329(b) (8 U.S.C. 1440(b)) is amended—

(A) in paragraph (2)—

(i) by inserting "or district of the Service in the United States" after "State", and

(ii) by inserting "and" at the end of paragraph (2);

(B) by striking paragraph (3), and

(C) by redesignating paragraph (4) as paragraph (3).

(c) SUBSTITUTION OF APPLICATION FOR NATURALIZATION FOR PETITION FOR NATURALIZATION.—The text of the following provisions is amended by striking "a petition", "petition", "petitions", "a petitioner", "petitioner", "petitioner's", "petitioning", and "petitioned" each place it appears and inserting "an application", "application", "applications" or "applies" (as the case may be), "an applicant", "applicant", "applicant's", "applying", and "applied", respectively:

(1) Section 313(c) (8 U.S.C. 1424(c)).

(2) Section 316 (8 U.S.C. 1427).

(3) Section 317 (8 U.S.C. 1428).

(4) Section 318 (8 U.S.C. 1429).

(5) Section 319 (a) and (c) (8 U.S.C. 1430 (a), (c)).

(6) Section 322(a) (8 U.S.C. 1433).

(7) Section 324 (8 U.S.C. 324(a)).

(8) Section 325 (8 U.S.C. 1436).

(9) Section 326 (8 U.S.C. 1437).

(10) Section 328 (8 U.S.C. 1439).

(11) Section 329 (8 U.S.C. 1440), other than subsection (d).

(12) Section 330(a)(1) (8 U.S.C. 1441(a)(1)).

(13) Section 331 (8 U.S.C. 1442), other than subsection (d).

(14) Section 333(a) (8 U.S.C. 1444(a)).

(15) Section 334 (8 U.S.C. 1445).

(16) Section 335 (8 U.S.C. 1446).

(17) Section 336 (8 U.S.C. 1447).

(18) Section 337 (8 U.S.C. 1448).

(19) Section 338 (8 U.S.C. 1449).

(20) Section 344 (8 U.S.C. 1455).

(21) Section 1429 of title 18, United States Code.

(d) SUBSTITUTING APPROPRIATE ADMINISTRATIVE AUTHORITY FOR NATURALIZATION COURT.—(1) Section 316 (8 U.S.C. 1427) is amended—

(A) in subsection (b), by striking "court" each place it appears and inserting "or the Attorney General",

(B) in subsection (b), by striking "date of final hearing" and inserting "date of any hearing under section 336(a)",

(C) in subsection (e), by striking "the court" and inserting "the Attorney General",

(D) in subsection (g)(1), by striking "within the jurisdiction of the court" and inserting "within a particular State or district of the Service in the United States", and

(E) in subsection (g)(2), by amending the first sentence to read as follows: "An applicant for naturalization under this subsection may be administered the oath of allegiance under section 337(a) by any district court of the United States, without regard to the residence of the applicant.".

(2) The second sentence of section 317 (8 U.S.C. 1428) is amended by striking "and the naturalization court".

(3) The third sentence of section 318 (8 U.S.C. 1429) is amended—

(A) by striking "finally heard by a naturalization court" and inserting "considered by the Attorney General", and

(B) by striking "upon the naturalization court" and inserting "upon the Attorney General".

(4) Section 319 (8 U.S.C. 1430) is amended—

(A) in subsection (b)(3), by striking "naturalization court" and inserting "Attorney General", and

(B) in subsection (c)(5), by striking "naturalization court" and inserting "Attorney General".

(5) Section 322(c)(2)(C) (8 U.S.C. 1433(c)(2)(C)) is amended by striking "naturalization court" the first place it appears and inserting "the Attorney General".

(6) Section 324 (8 U.S.C. 1435) is amended—

(A) in subsection (a)—

(i) by inserting "and" at the end of paragraph (1),

(ii) by striking the semicolon at the end of paragraph (2) and inserting a period, and

(iii) by striking paragraphs (3) and (4);

(B) in subsection (b), by striking "naturalization court" and inserting "Attorney General"; and

(C) in subsection (c)—

(i) in paragraph (2), by striking "the judge or clerk of a naturalization court" and inserting "the Attorney General or the judge or clerk of a court described in section 310(b)", and

(ii) in paragraph (3), by striking "or naturalization court" each place it appears and inserting "court, or the Attorney General".

(7) Section 327(a) (8 U.S.C. 1438(a)) is amended—

(A) by striking "any naturalization court specified in section 310(a) of this title" and inserting "the Attorney General or before a court described in section 310(b)"; and

(B) by inserting "and by the Attorney General to the Secretary of State" after "Department of Justice".

(8) Section 328(c) (8 U.S.C. 1439(c)) is amended by striking "the final hearing" and inserting "any hearing".

(9) Section 331(b) (8 U.S.C. 1442(b)) is amended by striking "called for a hearing" and all that follows through "to be continued" and inserting "considered or heard except after 90 days' notice to the Attorney General regarding the application, and the Attorney General's objection to such consideration shall cause the application to be continued".

(10) Section 332(a) (8 U.S.C. 1443(a)) is amended—

(A) by striking "for the purpose" and all that follows through "naturalization courts" in the first sentence, and

(B) by striking the second sentence.

(11) Section 333(a) (8 U.S.C. 1444(a)) is amended by striking "clerk of the court" and inserting "Attorney General".

(12) Section 334 (8 U.S.C. 1445) is amended—

(A) by amending the heading to read as follows:

"APPLICATION FOR NATURALIZATION; DECLARATION OF INTENTION";

(B) in subsection (a)—

(i) by striking "in the office of the clerk of a naturalization court" and inserting "with the Attorney General",

(ii) by striking "upon the hearing of such petition" and inserting "under this title";

(C) in subsection (b)—

(i) by striking "(1)",

(ii) by striking "and (2)" and all that follows through "Attorney General", and

(iii) by striking "petition for";

(D) by amending subsections (c) through (e) to read as follows:

"(c) Hearings under section 336(a) on applications for naturalization shall be held at regular intervals, to be fixed by the Attorney General.

"(d) Except as provided in subsection (e), an application for naturalization shall be filed in person in an office of the Attorney General.

"(e) A person may file an application for naturalization other than in an office of the Attorney General, and an oath of allegiance may be administered other than in a public ceremony before the Attorney General or a court, if the Attorney General determines that the person has an illness or other disability which—

"(1) is of a permanent nature and is sufficiently serious to prevent the person's personal appearance, or

"(2) is of a nature which so incapacitates the person as to prevent him from personally appearing."; and

(E) by striking the first sentence of subsection (f) and inserting the following: "An alien who has attained the age of 18 years of age and who is residing in the United States pursuant to a lawful admission for permanent residence may file with the Attorney General a declaration of intention to become a citizen of the United States. Such a declaration shall be filed in duplicate and in a form prescribed by the Attorney General and shall be accompanied by an application prescribed and approved by the Attorney General.".

(13) Section 335 (8 U.S.C. 1146) is amended—

(A) by amending the heading to read as follows:

"INVESTIGATION OF APPLICANTS; EXAMINATION OF APPLICATIONS";

(B) in subsection (a), by striking "At any time" and all that follows through "336(a)" and inserting "Before a person may be naturalized";

(C) in subsection (b)—

(i) by striking "preliminary" each place it appears,

(ii) in the first sentence, by striking "to any naturalization court" and all that follows through "to such court",

(iii) by striking "any court exercising naturalization jurisdiction as specified in section 310 of this title" in the second sentence and inserting "any district court of the United States"; and

(iv) by striking "final hearing conducted by a naturalization court designated in section 310 of this title" in the third sentence and inserting "hearing conducted by an immigration officer under section 336(a)";

(D) in subsection (c)—

(i) by striking "preliminary" each place it appears, and

(ii) by striking "recommendation" and inserting "determination"; and

(E) by amending subsections (d) through (f) to read as follows:

"(d) The employee designated to conduct any such examination shall submit to the Attorney General a determination as to whether the application be granted, denied, or continued, with reasons therefor.

"(e) After an application for naturalization has been filed with the Attorney General, the applicant shall not be permitted to withdraw his application, except with the consent of the Attorney General. In cases where the Attorney General does not consent to the withdrawal of the application, the application shall be determined on its merits and a final determination made accordingly. In cases where the applicant fails to prosecute his application, the application shall be decided on the merits unless the Attorney General dismisses it for lack of prosecution.

"(f) An applicant for naturalization who moves from the district of the Service in the United States in which the application is pending may, at any time thereafter, request the Service to transfer the application to any district of the Service in the United States which may act on the application. The transfer shall not be made without the consent of the Attorney General. In the case of such a transfer, the proceedings on the application shall continue as though the application had originally been filed in the district of the Service to which the application is transferred.".

(14) Section 336 (8 U.S.C. 1447) is amended—

(A) by amending the heading to read as follows:

"HEARINGS ON DENIALS OF APPLICATIONS FOR NATURALIZATION";

(B) by amending subsections (a) and (b) to read as follows:

"(a) If, after an examination under section 335, an application for naturalization is denied or continued, the applicant may request a hearing before an immigration officer.

"(b) Where there has been a failure to make a determination under section 335 on an application or a failure to have a hearing under subsection (a) on a denial or continuance of an application, the Board of Immigration Appeals (established by the Attorney General under part 3 of title 8, Code of Federal Regulations) may, in its discretion, and shall, at the request of the applicant in extraordinary circumstances, require such a determination or hearing.";

(C) in subsection (c), by striking "court" and inserting "immigration officer";

(D) in subsection (d)—

(i) by striking "clerk of the court" and all that follows through "naturalization" and inserting "immigration officer shall, if the applicant requests it at the time of filing the request for the hearing",

(ii) by striking "final" each place it appears, and

(iii) by adding at the end the following: "Such subpenas may be enforced in the same manner as subpenas under section 335(b) may be enforced."; and

(E) in subsection (e)—

(i) by striking "naturalization of any person," and inserting "administration by a court of the oath of allegiance under section 337(a)", and

(ii) by striking "included in the petition for naturalization of such persons" and inserting "included in an appropriate petition to the court".

(15) Section 337 (8 U.S.C. 1448) is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking "in open court" and inserting "in a public ceremony before the Attorney General or a court with jurisdiction under section 310(b)",

(ii) in the second and fourth sentences, by striking "naturalization court" each place it appears and inserting "Attorney General", and

(iii) in the fourth sentence, by striking "the court" and inserting "the Attorney General";

(B) in subsection (b)—

(i) by striking "in open court in the court in which the petition for naturalization is made" and inserting "in the same public ceremony in which the oath of allegiance is administered", and

(ii) by striking "in the court" after "recorded";

(C) in subsection (c)—

(i) by striking "being in open court" and inserting "attending a public ceremony", and

(ii) by striking "a judge of the court at such place as may be designated by the court" and inserting "at such place as the Attorney General may designate under section 334(e)"; and

(D) by adding at the end the following new subsection:

"(d) The Attorney General shall prescribe rules and procedures to ensure that the public ceremonies conducted by the Attorney General for the administration of oaths of allegiance under this section are in keeping with the dignity of the occasion.".

(16) Section 338 (8 U.S.C. 1449) is amended—

(A) by striking "by a naturalization court",

(B) by striking "the clerk of such court" and inserting "the Attorney General",

(C) by striking "title, venue, and location of the naturalization court" and inserting "location of the district office of the Service in which the application was filed and the title, authority, and location of the official or court administering the oath of allegiance",

(D) by striking "the court" and inserting "the Attorney General", and

(E) by striking "of the clerk of the naturalization court; and seal of the court" and inserting "of an immigration officer; and the seal of the Department of Justice".

(17) Section 339 (8 U.S.C. 1450) is amended to read as follows:

"FUNCTIONS AND DUTIES OF CLERKS AND RECORDS OF DECLARATIONS OF INTENTION AND APPLICATIONS FOR NATURALIZATION

"SEC. 339. (a) The clerk of each court that administers oaths of allegiance under section 337 shall—

"(1) issue to each person to whom such an oath is administered a document evidencing that such an oath was administered,

"(2) forward to the Attorney General information concerning each person to whom such an oath is administered by the court, within 30 days after the close of the month in which the oath was administered,

"(3) make and keep on file evidence for each such document issued, and

"(4) forward to the Attorney General certified copies of such other proceedings and orders instituted in or issued out of the court affecting or relating to the naturalization of persons as may be required from time to time by the Attorney General.

"(b) Each district office of the Service in the United States shall maintain, in chronological order, indexed, and consecutively numbered, as part of its permanent records,

all declarations of intention and applications for naturalization filed with the office.".

(18) Section 340 (8 U.S.C. 1451) is amended in the first sentence of subsection (a), by striking "in any court specified in subsection (a) of section 310 of this title" and inserting "in any district court of the United States",

(19) Section 344 (8 U.S.C. 1455) is amended—

(A) in subsection (a)—

(i) by striking "The clerk of the court" and inserting "The Attorney General",

(ii) in paragraph (1), by striking "final", and

(iii) in paragraph (1), by striking "the naturalization court" and inserting "the Attorney General";

(B) by striking subsections (c), (d), (e), and (f);

(C) in subsection (g)—

(i) by striking ", and all fees paid over to the Attorney General by clerks of courts under the provisions of this title,", and

(ii) by striking "or by the clerks of the courts";

(D) in subsection (h)—

(i) by striking "no clerk of a United States court shall" and inserting "the Attorney General may not",

(ii) by striking ", and no clerk of any State court" and all that follows through "charged or collected", and

(iii) by striking the second sentence;

(E) in subsection (i), by striking "clerk of court", "from the clerk,", "such clerk", and "by the clerk" and inserting "Attorney General", "from the Attorney General,", "the Attorney General", and "by the Attorney General", respectively; and

(F) by redesignating subsections (g), (h), and (i) as subsections (c), (d), and (e), respectively.

(20) Section 348 (8 U.S.C. 1459) is amended—

(A) by striking subsection (b); and

(B) by striking "(a)," in subsection (a).

(e) STRIKING MISCELLANEOUS MATERIAL.—Section 316 (8 U.S.C. 1427) is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(3) Section 331 (8 U.S.C. 1442) is amended by striking the second sentence of subsection (d).

(f) CORRECTIONS OF TABLE OF CONTENTS.—(1) The items in the table of contents relating to sections 334 through 336 are amended to read as follows:

"Sec. 334. Application for naturalization; declaration of intention.
"Sec. 335. Investigation of applicants; examination of applications.
"Sec. 336. Hearings on denials of applications for naturalization.".

(2) The item in the table of contents relating to section 339 is amended to read as follows:

"Sec. 339. Functions and duties of clerks and records of declarations of intention and applications for naturalization.".

SEC. 207. EFFECTIVE DATES AND SAVINGS PROVISIONS.

(a) EFFECTIVE DATE.—

(1) NO NEW COURT PETITIONS AFTER EFFECTIVE DATE.—No court shall have jurisdiction, under section 310(a) of the Immigration and Nationality Act, to naturalize a person unless a petition for naturalization with respect to that person has been filed with the court before the effective date (as defined in paragraph (3)).

(2) TREATMENT OF CURRENT COURT PETITIONS.—

(A) CONTINUATION OF CURRENT RULES.—Except as provided in subparagraph (B), any petition for naturalization which may be pending in a court on the effective date shall be heard and determined in accordance with the requirements of law in effect when the petition was filed.

(B) PERMITTING WITHDRAWAL AND CONSIDERATION OF APPLICATION UNDER NEW RULES.—In the case of any petition for naturalization which may be pending in any court on the date of the enactment of this Act, the petitioner may withdraw such petition and have the petitioner's application for naturalization considered under the amendments made by this title.

(3) EFFECTIVE DATE DEFINED.—As used in this section, the term "effective date" means the first day of the fourth month beginning after the date of the enactment of this Act.

(4) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this title are effective as of the date of the enactment of this Act.

(b) INTERIM, FINAL REGULATIONS.—The Attorney General shall prescribe regulations (on an interim, final basis or otherwise) to implement, on a timely basis, the amendments made by this title.

(c) CONTINUING DUTIES.—The amendments to section 339 of the Immigration and Nationality Act (relating to functions and duties of clerks) shall not apply to functions and duties respecting petitions filed before the effective date.

(d) GENERAL SAVINGS PROVISIONS.—(1) Nothing contained in this title, unless otherwise specifically provided, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization, certification of citizenship, or other document or proceeding which is valid as of the effective date; or to affect any prosecution, suit, action, or proceedings, civil or criminal, brought, or any status, condition, right in process of acquisition, act, thing, liability, obligation, or matter, civil or criminal, done or existing, as of the effective date.

(2) As to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters, the provisions of law repealed by this title are, unless otherwise specifically provided, hereby continued in force and effect.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 1285 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FOWLER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3:30 P.M.

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 3:30 p.m.

The PRESIDING OFFICER. Hearing no objection, the Senate will stand in recess until 3:30 p.m.

There being no objection, at 2:43 p.m. the Senate recessed until 3:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BREAUX].

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is the consideration of the bill S. 358.

Mr. KENNEDY. Thank you very much, Mr. President.

Mr. President, the Senate resumes debate today on a bill it has reviewed before—a bill to bring long needed reform to our Nation's immigration laws. And, once again, I am pleased to be joined in this effort with my colleague from Wyoming, Senator SIMPSON, whose longstanding leadership on immigration issues is recognized by everyone in this body.

As we prepare to grapple again with the controversial issue of immigration, I would like to say to our colleagues who may be asking why additional immigration legislation is needed so soon after the major reforms we enacted in 1986.

The answer is that Congress dealt in 1986 with only half the problems, which some call the easier half—the question of illegal immigrants—not the system by which we admit legal immigrants, which has not changed since 1965.

As we all know, the issues surrounding legal immigration stir deep emotions and strong political passions. They touch the heart of what America is, how we all became Americans, and who the future Americans will be.

Over the past several years, Senator SIMPSON and I have worked to fashion a compromise immigration bill that we believe reflects a consensus on what needs to be done to bring some long-overdue reforms to our immigration system.

As reported from the Judiciary Committee, S. 358 the "Immigration Act of 1989," carries forward all of the essential reforms supported by the Senate last year when, by a vote of 88 to 4, it adopted our original immigration bill. Our goal then, and now, is to modify our current immigration system—which has not changed in 28 years—so that it will more faithfully serve the national interest, be more flexible and open to immigrants from nations which are now short-changed by current law.

Mr. President, the provisions of our compromise bill will accomplish these

objectives while also maintaining the priority we have traditionally given to those with family connections in the United States—and will do so without departing from any of the basic goals on fairness established in the 1965 reforms.

Our compromise bill will create two separate immigration visa preference systems: one for close family members, another for independent immigrants. This two-track system was first recommended in 1981 by the Select Commission on Immigration and Refugee Policy. At least 54,000 visas will be added to the independent category, and they will be made available to users of the present immigration system and to earlier sources of immigration to the United States. By redressing some of the imbalances in immigration which have inadvertently developed in recent years, we will again open our doors to those who no longer have immediate family ties in the United States. By placing more emphasis on the particular skills and qualities that these independent immigrants possess, we will bring our present immigration laws more in line with our historic immigration policy.

Equally important, however, is that these reforms will be achieved without taking a single number from, or reducing in any way, our traditional priority toward family reunification. The visas currently reserved for family members of recent immigrants, as established in the 1965 reforms, will not be reduced. Our compromise bill will add visas; it does not subtract visas.

By adding over 224,000 additional visas over the next 3 years, our bill doubles the number available for the more immediate, closer relationship of spouses and minor children of permanent residents in the second preference category—a preference which is growing worldwide and is already backlogged. Further, our compromise bill leaves absolutely unchanged the current fifth preference for brothers and sisters of U.S. citizens.

In short, the pending bill not only carries forward and increases the present emphasis on family reunification, it also opens new opportunities for new immigrants with needed skills. It does so by increasing our annual immigration quota by 21 percent. If adopted, we believe this will be a major step forward in implementing the long-term reforms which the Congress has wrestled with for nearly a decade.

Mr. President, to clarify some recent questions and expressions of concern over this legislation, let me review briefly what our bill does, and does not, do.

The bill does the following:

First, it adds a reasonable number of new immigration opportunities—over 100,000 more each year—to open our system to new immigrants with needed skills, as well as to deal with growing backlogs in the close family category of spouses and small children of permanent residents, second preference.

Second, it creates a new national level of immigration which is 20 percent higher than current law, not to reduce the current immigrant flow, but to better manage it and reflect our changing immigration needs; by establishing an annual level, with the statutory requirement that it must be reviewed every 3 years, we will enhance our ability to promote immigration that is in the national interest.

At the outset, Mr. President, I want to stress that one of the important issues which this legislation addresses is in response to the adjustment of the status of the nearly 3 million individuals who, under the immigration bill of 1986, adjusted their status under the amnesty provisions. Now we find out that more and more of those individuals are trying to be reunified with members of their families. Without expanding the second preference, we are going to find that immediate members of their families will be delayed many years—8, 10, 12 years, perhaps even more—depending upon where the new applications come from, and the nature of their relationship.

That is one of the very important and compelling reasons for this legislation if we are going to be true to our historic concern over the reunifications of families.

The second element which I have just mentioned is really the requirement that we as an institution are going to be forced to revisit the issue of legal immigration at least every 3 years. This is something that basically has not been done in the past. There have only been three general immigration bills in the entire history of this country, despite a number of inequities, unfairness, and incidents of discrimination which have plagued our immigration system.

I think one of the very important aspects of this legislation is the requirement that Congress, under expedited procedures, must revisit these issues every 3 years, and will require the Congress to address in a serious way the changing immigration demands that we will likely face in the future.

Third, it creates a new category for independent immigrants to provide visas for those with skills and talents in short supply, and for those from nations who no longer have family ties in this country.

Fourth, it recognizes future U.S. labor needs especially for skilled professionals, as documented in the Department of Labor's study, "Workforce 2000," by adding additional opportunities for immigrants qualifying in these fields.

We also streamline in a very important and significant fashion the way individuals with special skills are going to be gaining entrance. Previously that has involved a long, costly procedure, both for the potential employer as well as for the employee. And we are basically streamlining the labor certification process.

Fifth, Mr. President, it increases business-sponsored visas and separates the current third and sixth preference for professional and skilled workers sought by U.S. employers, and this, I believe, is an important addition. We are considering, particularly in the sixth preference, giving a higher preference for those with skills needed in the United States.

Sixth, it creates a new point system for 54,000 new immigrants, along the lines of the Canadian-Australian system, for those with skills, experience, and education needed to immediately contribute to our Nation's economy, eliminating individual labor certification, but recognizing the national labor market conditions and needs.

Finally, Mr. President, to answer the question of many, this is what our bill does not do:

It does not cut family reunification, since additional numbers are provided to the family category, doubling the visas available for spouses and children of permanent residents, the second preference, and maintaining without change the numbers for brothers and sisters of U.S. citizens, the fifth preference. We will hear over the course of the debate whether we should have provided a faster track for those younger brothers or sisters who had not married, to give some advantage to younger children to be reunified with their family. That was an issue that was considered by the Select Commission a number of years ago.

We have had different views expressed on the floor of the U.S. Senate on these questions. In this bill we have come to a compromise to give some greater preference to the small children of permanent residents and move them along in a more rapid way. I think a strong case can be made for that. I think a case can also be made not to alter or change the fifth preference. After a good deal of consideration, we have retained the current fifth preference system. So this legislation does not cut family reunification. And it maintains the current fifth preference.

This legislation does not restrict future growth of immigration through the imposition of a cap. Since procedures are provided to review and adjust the level every 3 years, the President and a specially created, independent commission must review the effects of immigration on our country and recommend changes in the national level of immigration, and Congress may act expeditiously to deal with those changes under special parlia-

mentary procedures established by the statute.

We have attempted in this legislation to do what very few of our committees do, and that is to put in a modified sunset provision, to require the Senate and Congress to revisit this issue. We think that is appropriate, because we have seen immigration patterns change, and it has been a historical fact that this institution, as an institution, has not been willing to come to grips with immigration issues very often. We felt, given our experience in this area over a number of years, that it was important to assure that this institution will more consistently revisit and reexaming immigration problems.

Mr. President, this bill does not reduce the flexibility to meet changing immigration requirements, since no number, no level, no category of immigration will be allowed to become frozen in law and remain unchanged from decade to decade, as has been the case historically. These are the goals we believe our bill accomplishes and which we hope will earn, once again, the support of the Senate.

We must pick up where Congress left off in 1986 and finally address the unfinished agenda of immigration—the reform of our legal immigration system. Our bill preserves the immigration rights of those who have close family connections in this country, while stimulating immigration from the earlier sources of immigration to our country that contributed so much to America in the past.

Mr. President, these reforms are long overdue. I urge the Senate to accept them. I am grateful to Senator SIMPSON for his bipartisan cooperation and support in developing this legislation. From the earliest days of our history, America has been a beacon of hope and opportunity to people in other lands. We are proud of our immigrant heritage, and we must do all that we can to preserve that heritage and to build upon it and to strengthen it for the future.

Mr. President, I hope that with the successful conclusion of this bill's reform of legal immigration, we will have responded to the recommendations of the Select Commission, which was established in 1979, and recognize that we as an institution have not addressed both the illegal and legal immigration issues for far too long. Our bill will also respond to the more immediate crisis which this country is going to face, and that is with the adjustment of status of those that have taken advantage of the amnesty provisions, to expedite the reunification of the families in the second preference. It will also respond to some of the unintended consequences of the 1965 act, where a number of countries around the world who had individuals come to this country, participate in its development and in its evolution, but who are now shutout.

We suppose that if Senator SIMPSON were to fashion a bill, his legislation would be a good deal different from the legislation which we are jointly proposing today. If I were to fashion a bill, mine would be different as well.

What we do recognize is the need to compromise. This bill really represents the best judgment of those who served on the Select Commission a number of years ago, and responds to what our committee has studied, and reviewed in recent years.

I think we have a sound piece of legislation here. It is one which I am honored to cosponsor with the Senator from Wyoming, and with which I have welcomed the opportunity to work with him over a number of years in developing these issues.

I hope that the Senate will again support this bill, and we will welcome the opportunity to respond to any questions from our colleagues.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized.

Mr. SIMPSON. Mr. President, I stand here today on this side of the aisle, as I have done for nearly 10 years now with my friend from Massachusetts [Mr. KENNEDY]. I am very pleased to join with him, as my subcommittee chairman, in again cosponsoring the Immigration Act.

Indeed, as Senator KENNEDY has mentioned, we made a dual promise when we became involved in this together. I chaired this subcommittee with the great assistance of Senator KENNEDY as the ranking member for several years, until power was usurped from us. Then I sank back into the ranking minority position. You can legislate from either level there, but it is more fun as chairman.

Mr. President, I think that few people are aware that Senator KENNEDY has been working on these issues for 27 years.

Senator KENNEDY came to this Chamber the same year my father came to this Chamber and, yet, he and I are the same age. He has worked on this issue in a singular manner, often times without assistance from either side of the aisle, as he has placed upon the books the 1965 amendments to the Immigration Act. Those are the amendments that we are now readdressing and fine tuning. There are some unintended consequences. Some countries were adversely affected, as the phrase is used. But in any event, it was Senator KENNEDY that was involved.

It was Senator KENNEDY that put the Refugee Act of 1980 on the books. It was Senator KENNEDY and myself and Senators MATHIAS and DECONCINI who served on the Select Commission on Immigration and Refugee Policy. I was appointed to that Commission by President Carter. I asked him one time why he would do such a thing to a freshman Republican.

He said because, you are a freshman, you are going to have the job. President Carter supported me fully in our work as we created a large body of material which slowly we are placing on the statute books—in the Immigration Reform and Control Act of 1986, and in the proposal we passed last year which I think now has matured even more.

Indeed, there are some things in this bill that are painful to me, and there are some things that perhaps are painful to Senator KENNEDY and, yet, that is what legislating is about. It is about informing yourself, and educating yourself, and compromising an issue without compromising yourself. I have done that and so has Senator KENNEDY.

Senator SIMON is the third member of the subcommittee. It is an interesting subcommittee. There are only three members: Senator KENNEDY, Senator SIMON, and myself. In the process of trying to present to our colleagues a bill which we hope will be accepted, obviously the three of us, with our philosophies and our intentions, had to accommodate each other. I think we have done so in a very civil way.

Senator KENNEDY has told you in great detail what the legislation would do. I would emphasize the three most important goals for me are to see that we set a generous, reasonable, fair, and flexible national level of immigration. That level we set is 22 percent above current immigration levels, even though in every poll we see and in the mail that comes to me the American public's apparent desire is to admit the current number or even less when we talk about legal immigration.

So we have been quite generous to come up with a 22-percent increase above existing levels. This level is to be reviewed and adjusted with relative ease every 3 years by the President and by the Congress. I think that is critically important. It is our job to do this. It is a very tough job. No one wants to address it. There is no issue like it. It is filled with emotion, fear, guilt, and racism and traditions of the Statue of Liberty and traditions of our classic immigration heritage. We are a nation of immigrants. Senator KENNEDY's roots are in Ireland. Mine are in England, Ireland, and Holland. There is not one of us who is not a child of immigrants, a grandchild of immigrants, a great grandchild of immigrants—immigrants, or descendents of immigrants. That is the uniqueness of our country.

I think a national level of immigration is very important for us to predict, our future demographic profile, our future population size, our future

housing and social services needs, and our environmental needs which are very critical. What is the ideal population of the United States? It was interesting in our work on the Select Commission that we had difficulty in funding studies on what the population of the United States might or should be with regard to the carrying capacity of this remarkable land. No one chose to address that. There are a host of other factors that any prudent government should attempt to predict, and I hope that setting a national level of immigration and reviewing it continually, and addressing it on the level of the Presidency and the Congress will force us to do what we should do in that area.

The second thing the bill does is to increase the number and proportion of visas that are awarded to immigrants that have certain skills and abilities that are very much needed in our country. These immigrants would either come to work for specific U.S. employers or they would come here because their skills would contribute to the national economy. I hope our colleagues will listen to this debate and remember that we are not talking about illegal immigration, we are not talking about refugees, we are not talking about extended voluntary departees, we are not talking about humanitarian parolees. We are talking about legal immigrants' immigration.

Only 5 percent of all immigrants coming to this country are now admitted because of their special skills or abilities. This bill would raise that figure to 20 percent while concurrently increasing family-based immigration. We are not reducing it. That is not an appropriate explanation or comment about this bill. We are not reducing family-connection immigration. But we have seen a situation arise where currently 85 percent of all immigrants to our country come from only two regions of the world. I think we should diversify our immigration flows by an appropriate degree, and this bill will do just that.

Finally, I think the bill will open up some remarkable new opportunities to immigrants from countries that do not send us many immigrants today—those countries we describe as being adversely affected. In 1986 we opened a type of lottery system, if you will, for those people and literally millions applied for those very limited visas. But it is not a good way to do business. It is ad hoc legislation. We ought to do our business through changes in the immigration law, Immigration Nationality Act, and not through a piecemeal process of trying to reach the 34 or 36 nations that are adversely affected. Let us do that by legislating and not by some patchwork effort.

Finally, at some course in the debate will come an issue which should not be in any way looked upon as being racist or exclusionary or harsh, and the concerns that are set aside for a point system. Fifty-five thousand numbers out of the overall level of 600,000. This is a category that has been used in Canada and in Australia where points are given for certain abilities and skills, and in Australia and Canada a certain number of points are issued for those who have a proficiency in English.

In the debate in the Judiciary Committee, which is always very spirited, there were several who addressed the issue of points for English. My guest grandparents did not know English when they came and many of us can state that, too, when we discuss our immigrant heritage. But the issue is, and I hope you will keep it in mind when it does come before the body, and it will come in one way or another, that when we are talking about this English proficiency, we are speaking of it in the context of the point system only which has to do with only 9 percent of the numbers in this bill. I want all of our colleagues to know, if an English amendment is offered, that we are talking about an aspect or a qualification which applies only to 9 percent of the immigration under this bill. I just wanted to share that with my colleagues.

Mr. President, the bill, as Senator KENNEDY has observed, follows many of the recommendations of the Select Commission on Immigration and Refugee Policy. The bill passed the Senate last year by a vote of 88 to 4. It was not taken up by the House. I feel quite assured that it will be this time.

We have new judiciary personnel in the House, both Democrat and Republican. I think they realize the importance of dealing with legal immigration. There is a new chairman of the subcommittee, Mr. BRUCE MORRISON, and a new ranking member from Texas, Mr. LAMAR SMITH, and I have visited with both of them.

We have a new judiciary chairman, JACK BROOKS, who knows the issue well, being also from the State of Texas. There is HAMILTON FISH, the ranking member. There is Congressman SCHUMER, who has worked diligently with me and with Senator KENNEDY on issues of illegal immigration, and it was he who characterized what we should be doing in legal immigration as getting back to the classic immigrant definition. I like that phrase—the classic immigrant. The players are all there.

I hope that our colleagues will support the legislation. I encourage our House colleagues to move in this Congress on the important issue of legal immigration reform, the second part of a package started some 8 to 10 years ago, under the Immigration Act of 1986.

I submit it to you with my colleague from Massachusetts. I think this is a measure which is truly in the national interest, and that is what any immigration reform legislation should be about—what is in our national interest, not in the interest of other countries, although we listen to them and try very clearly to be sensitive to what they are saying. It is important to understand that as we consider immigration or refugee policy or any kind of policy in the movement of human beings is that it is not just the fact that people around the world are ready to come, but that we must have a rational system of receiving them. We must do that in a humane and generous manner and we must have order. I think this bill gives us that order and is in our national interest.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I neglected to comment on the excellent work that has been done on our Subcommittee on Immigration by the Senator from Illinois. He has really mastered the intricacies of this legislation. He has been an extremely active member of the subcommittee, and has had a major impact upon this legislation.

I recognize as we move into the opening presentation on this legislation his very significant, useful, and important assistance in the development of this bill.

The PRESIDING OFFICER. The Senator from Illinois, Senator SIMON, is recognized.

Mr. SIMON. Mr. President, I thank my colleague from Massachusetts. He exaggerates, I regret to say, when he says I have mastered the intricacies of immigration law, because it is a complicated area.

Perhaps there is no other subcommittee in the U.S. Senate that has only three members, Senator SIMPSON, Senator KENNEDY, and me.

Let me pay tribute to my two senior colleagues who have really worked in an area where there is no political mileage. It is just a very, very difficult area where you have to serve the country.

What has emerged is a compromise. It is not just exactly as I would like to see it. It is not just exactly as Senator KENNEDY would like to see it. It is not just exactly as Senator SIMPSON would like to see it. But it is, I think, a reasonable compromise.

For example, I feel very uneasy in having a cap on immigration numbers. It is the first time in the Nation's history that we have had a cap on actual numbers. But I accepted that as part of the overall compromise and I think a reasonable part of the overall compromise.

Family reunification is more of a priority for me, particularly the fifth preference, than for Senator SIMPSON,

and he somewhat reluctantly accepted that part on my part.

I think overall what we have is a package that is a good package for this country. I think Senator SIMPSON put it well when he said that is the real question. The question is not whether we are serving some other country well; the question is whether we are serving the United States of America well.

This is one of those bills that really has to look internally at this country and say what have we achieved here?

I think it is a reasonable compromise. I will speak in more detail as we have various amendments come up. I hope this measure can pass pretty much as it is without too substantial a change.

Again, I applaud my colleagues and appreciate their leadership on this matter.

Mr. President, if there is no other Member who seeks the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, just for the information of the membership, we will be considering a joint leadership proposal with regard to Chinese students on the floor as a freestanding amendment in a short period of time.

The Senate then goes back at 5 o'clock, as I understand it, under a consent agreement, to consider the nomination of Ambassador Hecht.

It is the intention of both Senator SIMPSON and myself to then consider an amendment to be offered by Senator HELMS, which will be in the nature of a substitute, on which we will offer a time limitation of 1 hour to be evenly divided and to begin that debate this evening and to retain a certain percentage of the time, perhaps a half an hour, which will be evenly divided tomorrow, then hopefully get a vote on that sometime midmorning, and then to move on to consideration of the other amendments.

So we will be looking forward to discussing the other amendments and debating those amendments or responding to questions. We have probably a half dozen different amendments which have been proposed. We are prepared now to work out time agreements with the membership on those amendments.

Given what both leaders have outlined as a very considerable schedule, we hope that we could, with the cooperation of our colleagues, conclude this legislation sometime in the late afternoon or early evening tomorrow. That is basically where we are in terms of the consideration of this legislation and the way that we would like to proceed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 1288 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 239

(Purpose: To adjust to lawful temporary resident status certain nationals of the People's Republic of China)

Mr. MITCHELL. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for himself, Mr. DOLE, Mr. LEVIN, Mr. PELL, Mr. REID, Mr. SHELBY, Mr. RIEGLE, Mr. BINGAMAN, Mr. DODD, Mr. DIXON, Mr. BRYAN, Mr. D'AMATO, Mr. KOHL, Mr. GRAMM, Mr. GRASSLEY, Mr. CONRAD, Mr. GORE, Mr. ADAMS, Mr. KERRY, Mr. LEAHY, Mr. BRADLEY, and Mr. HELMS, proposes an amendment numbered 239.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 148, after line 17, add the following new title:

TITLE III—STATUS OF STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA

SEC. 301. SHORT TITLE.

This title may be cited as the "Emergency Chinese Immigration Relief Act of 1989".

SEC. 302. ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

The Immigration and Nationality Act is amended by inserting after section 245A the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA

"SEC. 245B. (a) WAIVER OF FOREIGN RESIDENCE REQUIREMENT FOR "J" NONIMMIGRANTS.—Notwithstanding the provisions of section 212(e) of the Immigration and Nationality Act, persons who are nationals of the People's Republic of China may apply for adjustment of status to that of an alien lawfully admitted for permanent residence or for a change to another nonimmigrant status if such national—

"(1) was admitted to the United States as a nonimmigrant under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)), and

"(2) has been continuously resident in the United States since June 5, 1989.

"(b) PRESUMPTION OF CONTINUOUS RESIDENCE FOR CERTAIN PRC NATIONALS.—(1) For purposes of adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1225) and change of status under section 248 of such Act (8 U.S.C. 1228), in the case of any alien who is a national of the People's Republic of China—

"(1) who, as of June 5, 1989, was present in the United States in the lawful status of a nonimmigrant, or

"(2) who was present in the United States before June 5, 1989, but who, as of that date was not present in the United States because of a brief, casual, and innocent trip abroad,

such an alien shall be considered as having continued to maintain lawful status as such a nonimmigrant (and to have maintained continuously a lawful status) for the period described in subsection (e).

"(c) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with existing regulations, permit an alien described in paragraph (1) or (2) of subsection (b) to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to continue residence in the United States.

"(d) EMPLOYMENT AUTHORIZATION.—Any national of the People's Republic of China who applies for adjustment of status or change of nonimmigrant status under the terms of this section shall be granted authorization to engage in employment in the United States and shall be provided with an employment authorization document or other appropriate work permit.

"(e) DURATION OF STATUS.—(1) Subject to paragraph (2), nationals of the People's Republic of China described in paragraph (1) or (2) of subsection (b) shall have their departure from the United States deferred until June 5, 1992, or until there has been an adjustment or change of status under subsection (a) or (b).

"(2) On or after June 5, 1990, the Attorney General may terminate the status accorded under this subsection 60 days following the date that the President determines and so certifies to the Congress that conditions in the People's Republic of China permit such aliens to return to that country in safety."

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, this amendment is offered by myself and the distinguished Republican leader, and following discussions with him and the managers of the bill, I now ask unanimous consent that the time between now and 5 p.m. be used for debate on this amendment and that at 5 p.m. there be a vote on this amendment.

I further ask unanimous consent that no amendments or motions be in order in relation to the amendment and that the Senate vote on the amendment, without any intervening action, at the conclusion of yielding back of the time.

I further ask unanimous consent that on completion of the vote on this matter, the Senate return to executive session to consider further the nomination of former Senator Chic Hecht to be Ambassador to The Bahamas, and that the time for debate on that matter be as set forth in the existing order.

Mr. President, before the Chair acts on that request, I would like to clarify that under the existing order there is 1 hour of debate on the Hecht nomination, 40 minutes under the designation of Senator GRAHAM, 20 minutes to Senator DOLE or his designee. This means that if all the time were used, a vote would occur at 6:15, as opposed to the 6 p.m. now under the order. It is not certain that all the time will be used, so that the vote will occur now at the latest at 6:15, possibly sooner, if the time is not used and yielded back.

The PRESIDING OFFICER. Is there objection to the request?

Mr. MITCHELL. Mr. President, I will add to the request and then will withhold for a moment, pending clearance by the distinguished Republican leader.

I further ask unanimous consent that Senator HELMS be recognized to offer a substitute amendment, upon the disposition of the Mitchell-Dole amendment, and that there be an hour for debate, equally divided between Senators HELMS and KENNEDY.

I further ask unanimous consent that the Senate vote in relation to the Helms amendment, without any intervening action, at the conclusion of yielding back of time.

I further ask unanimous consent that if the Helms amendment is agreed to, that the committee substitute, as amended, be considered, agreed to as original text for purposes of further amendment.

Mr. President, it is my expectation that the vote on the Helms amendment would come tomorrow morning.

I would hope that debate would commence this evening. It is my intention to have the Senate come in at 10:30 tomorrow and be back on the bill at 11.

The PRESIDING OFFICER. The Chair would inquire of the majority leader, the request is that immediately after the vote on the Mitchell-Dole amendment, the Senate would consider the nomination of Chic Hecht to be Ambassador to The Bahamas and then pursuant to that, the amendment of the Senator from North Carolina [Mr. HELMS] would be in order; is that the request?

Mr. MITCHELL. If I may clarify the request, Mr. President. It is my request that the Senate now consider the Mitchell-Dole amendment, and I will amend the initial request by requesting that it be under a 10-minute time limit equally divided between myself and Senator DOLE; that on the expiration or yielding back of that time, the Senate vote on the Mitchell-Dole amendment; and that immediately thereafter, the Senate return to executive session to consider the Hecht nomination. Under the previous order, there is 1 hour of debate divided 40 minutes under the control of Senator GRAHAM and 20 minutes under the control of Senator DOLE; following the yielding back of that time, the vote would occur on the Hecht appointment. Immediately thereafter, the Senate would return to legislative session to again consider the pending bill and, at that point, Senator HELMS be recognized to offer a substitute amendment. There is an 1-hour time limit on that equally divided, and I am suggesting that 30 minutes of that debate occur this evening, and that when the Senate returns to this bill at 11 o'clock tomorrow morning, the remaining 30 minutes be used and the vote on the Helms amendment occur at 11:30 tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I have no objection, I would like to agree with the request, but I am trying to locate one Member who has a problem moving the vote from 6 to 6:15. I wonder if the majority leader might agree we shrink the time proportionately on each side on the Hecht nomination debate. Instead of an hour, maybe reduce that to 40 minutes, 30 on that side and 10 on this side and still have the vote at 6?

Mr. MITCHELL. I am advised that that would be acceptable to Senator GRAHAM. I amend the request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request as amended by the majority leader? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, with respect to the amendment now pending offered by myself and Senator DOLE, yesterday I met with a group of Chinese students who expressed their deep concern and their reservations about the deferred departure program which the administration has instituted to assist those Chinese students residing in the United States.

Their chief concern is focused on the fact that the current program presents serious problems for resident Chinese students and scholars in that it requires them to indicate an unwillingness to return to China. According to the students such a statement brands them as traitors in the eyes of their Government and provides a means for Chinese officials to track down and pressure students who do not choose to return to China at this time.

The students were also concerned that if they elect to take advantage of the deferred departure program, they are only protected for 1 year until June 5, 1990. They are fearful that after that period they could be forced to return to China even at a time when the climate there may still be particularly dangerous for students and intellectuals. Under existing law, if they voluntarily or involuntarily return to China, they then must remain there in residence and wait 2 years before they can return to the United States.

Mr. President, there are approximately 40,000 Chinese students now in the United States. Since the massacre in Tiananmen Square thousands of these students have courageously spoken out and demonstrated in support of prodemocracy forces in China. In view of the Chinese Government's widespread persecution of prodemocracy students, these students would be in imminent danger if they were forced to return to China. Because of the existing situation in China the students need legislative action which will waive the 2-year foreign residency requirement, allow them to remain in legal status while they are in the deferred departure program or in the process of requesting a change or adjustment in their residence status.

Mr. President, for over a half-century the world has looked to the United States as the beacon of freedom, the voice of self-government and self-determination, as a refuge for the oppressed and persecuted. I believe we should respond generously to this request by the Chinese students who are living among us and bravely standing up for freedom and democracy in their homeland. Accordingly, we offer this amendment to S. 358, the Immigration Act of 1989, which addresses the important concerns of the students while at the same time taking due consideration of our own immigration laws and procedures. I hope my colleagues on both sides of the aisle will support this action to assist these brave young men and women who are living and studying in our country, learning not only about our technical skills but also about the fundamental democratic principles which make American democracy the symbol that it has been for the past two centuries.

Mr. President, I yield to the distinguished Republican leader.

Mr. DOLE. I thank the majority leader, and I am pleased to join the majority leader in this leadership amendment.

In my view, this amendment is very much in the spirit of the actions already taken by President Bush. It represents a reaffirmation of the basic policy position he has taken, and which is supported by the vast majority of the American people: that we should not arbitrarily send home to a very uncertain fate the thousands of Chinese students now studying in the United States.

The amendment does take one additional small step, in response to the le-

gitimate concern expressed by many of the Chinese students—that we should not put them in greater jeopardy than they already are, by forcing them into a public expression of their dissent over the actions of their Government, through application for some kind of deferred departure. In effect, it grants them the right to stay in this country for at least 1 more year, even if their visas expire in the interim—without making specific application to do so.

But this legislation also responds to this real need in a responsible way, that will not do violence to very important principles and policies of our immigration law. It does not open the gates to automatic citizenship for anyone.

The amendment will open up no new channels to conversion to permanent resident alien status; that is, to U.S. citizenship. The Chinese students who came here did so as nonimmigrants; they were admitted on the basis of the criteria that apply to nonimmigrants, and to me it makes no real sense to respond to their plight simply by converting them to immigrant status, assuming there is an effective alternative available.

This amendment waives only a single eligibility requirement for applying for immigrant status—the requirement that someone here on a nonimmigrant visa return to their homeland for 2 years, before seeking to change to a PRA status. Clearly, imposing that requirement on Chinese students now would be to put in their path a near-insurmountable obstacle.

In sum, this is a well-crafted amendment. It reflects the best in America's tradition of providing safehaven for those truly in danger. But it does so in a way consistent with our very real foreign policy and immigration policy interests.

I hope all Senators will join in passing this amendment overwhelmingly.

Mr. President, I join my colleagues, and I hope there will be a record vote on this amendment. I believe the amendment is well crafted. I think it does express the concern and does express the hope of most Americans who understand that these Chinese students are truly in danger, but it does so in a way consistent with our very real foreign policy and immigration policy interests.

I hope that all Senators will join in agreeing to this amendment overwhelmingly. We have discussed this amendment with the administration. I think it is fair to say the administration may have some slight reservations, but I think generally they are supportive of the principle because it does, in effect, codify President Bush's previous statements.

Mr. MITCHELL. Mr. President, I yield 1 minute to the Senator from Massachusetts and 40 seconds to the Senator from Illinois.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this builds upon the recommendations of the Attorney General which would have provided a 1-year period of grace marking from June of this year to June of the following year. This adds 2 years.

It also deals with some of the hindrances which do exist in the immigration law for adjusting the status, particularly among the students, and is absolutely essential. We cannot expect students to return to China and then come back here at a delayed time.

So, Mr. President, I commend the leaders for this proposal. We will certainly welcome the opportunity to work with our colleagues in the House and make sure that this becomes a part of the law.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 40 seconds.

Mr. SIMON. Mr. President, I join in commending the leadership for this amendment.

I have had the privilege of meeting with a number of Chinese students. I think it is absolutely vital that we move in this direction.

I might add I will have an amendment a little later on dealing with the Hong Kong situation which also is pressing to increase the quota there temporarily.

This is clearly moving in a direction to help some people who may very well desperately need that help. I hope it will get a resounding vote here in the Senate.

Mr. DOLE. Mr. President, I have 2 minutes and 12 seconds remaining.

I yield 1 minute and 12 seconds to the Senator from Wyoming [Mr. SIMPSON] and 1 minute to the Senator from Alaska [Mr. MURKOWSKI].

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute and 12 seconds.

Mr. SIMPSON. Mr. President, I appreciate the fine bipartisan work of Senators MITCHELL and DOLE, our leaders, and many other Members, who have provided their help in developing this language. This issue is an important one for these Chinese students.

I visited with several of them just this weekend at the University of Wyoming.

I feel this amendment can be read as being consistent with the Bush administration's policy of ensuring that Chinese nationals who fear their return to China will receive our protection until a safe return is possible.

We want to remember that we have been very generous. The administrations' Deferral of Enforced Departure Program is generous. We will continue to be generous, and we will continue to revisit the situation of students in China regularly. I would hope that we would review this continually, every 3 to 6 months.

We do not want to jeopardize our Student Exchange Program, and I have always believed that case-by-case adjudication was preferable to "blanket treatment."

I will not object to the proposal. I do think we must be deliberate, we do not want to move too swiftly, and we must follow conditions in China carefully and regularly.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 1 minute.

Mr. MURKOWSKI. I thank the Chair and I thank my colleagues.

I certainly support the Mitchell-Dole amendment.

Having met with a number of Chinese students at the University of Alaska, in both Anchorage and Fairbanks, Alaska/Pacific University, I heard first hand their concern of the reality that suddenly their very existence in this country is at question. That will be laid to rest by the amendment before us and, of course, their concerns, those who are graduating, whether they can go out in the work force.

It is my intention, Mr. President, to introduce at a later time a freestanding amendment to establish a task force on students from the PRC who are in the United States. It would be the purpose of that task to address the continuing situation as things progress with the PRC and their presence in this country being resolved from the standpoint of a number of things clearing information and other material.

Mr. KOHL. Mr. President, I am pleased to support the Emergency Chinese Immigration Relief Act. It will provide our Chinese guests with the breathing room they need to assess the situation at home. It will allow them to remain in the United States until conditions in China improve.

The amendment does three important things. First, it waives the 2-year foreign residency requirement for holders of "J" visas. This was of particular concern to Chinese students. They wanted the opportunity to apply for other visas, or permanent residency, without first going home for 2 years. Our amendment accomplishes this goal.

Second, the amendment allows Chinese nationals in this country to remain in legal status. This means they can get in line for better visas or permanent residency. They do not have to register for protection. Legal status is automatic.

Finally, this amendment establishes a presumption that students can

remain here until June 1992. Their departure is deferred for that period, unless the President certifies to Congress that it is safe for them to return.

Mr. President, this measure is effective and comprehensive. I am pleased that it has received so much support from both sides of the aisle. It is truly a bipartisan proposal.

The amendment is really a safe harbor for our guests. It is not a grant of asylum or an amnesty. Instead, it provides needed relief while respecting our present immigration policy.

I should point out that this amendment is very similar to S. 1218, a bill that I introduced with Senator CRANSTON. In fact, this amendment goes somewhat further than S. 1218 because recent events in China have been so horrible.

In sum, this amendment is a humanitarian gesture. And I hope it will send a strong message to the government in Beijing: We will not tolerate the slaughter of students in the streets. Brute force will not deter the forces of democracy.

They will thrive and they will prevail. In the meantime, we have an obligation to help the Chinese students in our midst.

I want to thank Senators MITCHELL and DOLE for working so well with all of us to help the Chinese. I also appreciate the leadership and the contributions of Senators KENNEDY, SIMPSON, SIMON, and GORTON, as well as Senator DIXON.

Thank you, Mr. President.

Mr. D'AMATO. Mr. President, over the last several weeks a number of Senators have labored to develop a measure that will come to the aid of thousands of Chinese students and scholars who were in the United States on that fateful day in June when tanks rolled through Tiananmen Square.

I am gratified to see that we are heeding the calls of the students and am pleased to support this compromise amendment. As many of my colleagues are aware, the students are in a precarious position. Students who are in the United States under what are called "J" visas face having to return to China during a period of unrest and repression, for a period of 2 years.

The need for a solution is thus clear. There is little doubt that many, if not most, of these students and scholars would be persecuted if they returned home. Since the massacre in Tiananmen Square, I have received communications from literally thousands of students detailing their fears and frustrations. This measure will address their fears in a fair and effective manner without trampling the delicate balance achieved by our immigration laws.

I am pleased to have taken part in finding a measured remedy for a most difficult situation. I urge my colleagues to join us in adopting this amendment.

Mr. DIXON. Mr. President, I am most pleased at the compromise amendment offered by the majority and minority leader dealing with the Chinese students. I think we have a good bill. It is very similar to my bill, S. 1222, which Senators SIMON, ADAMS, DODD, and BRADLEY cosponsored, and was the companion bill to Congresswoman NANCY PELOSI's bill in the House.

This amendment is the result of hours of work and negotiation between representatives from both sides of the aisle. I would like to recognize the outstanding work of my colleagues, Senators MITCHELL, DOLE, KENNEDY, SIMPSON, SIMON, KOHL, GORTON, COHEN, CRANSTON, D'AMATO, and their staffs. We can all take great pride in the fine bill crafted and introduced today.

The bill does the following: It allows Chinese students who were in the United States on nonimmigrant visas greater breathing room. They can remain in the United States within legal status through June 5, 1992, unless the Attorney General and the President certify to Congress at any point after June 5, 1990, that the situation in China is safe for the Chinese student's return. The 2-year foreign residency requirement for J-1 visa holders would be waived and those individuals would be able to apply for status adjustment to another nonimmigrant category or for permanent residence.

This amendment also allows all Chinese students in the United States on other nonimmigrant visas to be considered as remaining in legal status as long as the deferred enforced departure status continues.

It covers those Chinese students who have come to the United States under nonimmigrant visas but who may have been out of the country. Work authorization and authorization to travel abroad are also included in the package.

In sum, Mr. President, this bill works. It is sound. It recognizes the needs of the Chinese students and addresses them reasonably. We are not creating a new immigrant class, or automatically allowing all Chinese students to stay. We are providing breathing space, a cooling off period, in order to allow the Chinese students and the United States to assess the changing situation in China.

I will always remember the image of the Chinese student halting a convoy of tanks in Tiananmen Square by the simple, eloquent act of standing silently in front of them. What courage. What resolve. He did not back down in his resolve to end the brutal madness, and so will I not back down from my commitment to stand with them in their pursuit of democratization. The fresh breeze of freedom must replace the stench of brutality and intimidation in China.

It is our duty to stand for those who stand for democracy. I believe this amendment has done so.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The majority leader controls 10 seconds.

Mr. MITCHELL. I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. BOSCHWITZ] and the Senator from Utah [Mr. HATCH] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—97

Adams	Garn	Metzenbaum
Armstrong	Glenn	Mikulski
Baucus	Gore	Mitchell
Bentsen	Gorton	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Nickles
Bond	Grassley	Nunn
Boren	Harkin	Packwood
Bradley	Hatfield	Pell
Breaux	Heflin	Pressler
Bryan	Heinz	Pryor
Bumpers	Helms	Reid
Burdick	Hollings	Riegle
Burns	Humphrey	Robb
Byrd	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Exon	McCain	Wirth
Ford	McClure	
Fowler	McConnell	

NAYS—0

NOT VOTING—3

Boschwitz	Hatch	Matsunaga

So the amendment (No. 239) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 239, AS MODIFIED

Mr. MITCHELL. Mr. President, I have cleared this with the distinguished Republican leader and I now ask unanimous consent that Senate amendment No. 239, the Mitchell-Dole amendment on Chinese students, be modified to reflect the change I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 239), as modified, is as follows:

TITLE III—STATUS OF STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA

SEC. 301. SHORT TITLE.

This title may be cited as the "Emergency Chinese Immigration Relief Act of 1989".

SEC. 302. ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

The Immigration and Nationality Act is amended by inserting after section 245A the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA

"SEC. 245B. (a) WAIVER OF FOREIGN RESIDENCE REQUIREMENT FOR "J" NONIMMIGRANTS.—Notwithstanding the provisions of section 212(e) of the Immigration and Nationality Act, persons who are nationals of the People's Republic of China may apply for adjustment of status to that of an alien lawfully admitted for permanent residence or for a change to another nonimmigrant status if such national—

"(1) was admitted to the United States as a nonimmigrant under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)), and

"(2) has been continuously resident in the United States since June 6, 1989.

"(b) PRESUMPTION OF CONTINUOUS RESIDENCE FOR CERTAIN PRC NATIONALS.—(1) For purposes of adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1225) and change of status under section 248 of such Act (8 U.S.C. 1228), in the case of any alien who is a national of the People's Republic of China and is present in the United States under section 101(a)(15) (F), (J), and (M), as well as their immediate family.

"(1) Who, as of June 5, 1989, was present in the United States in the lawful status of a nonimmigrant, or

"(2) who was present in the United States before June 5, 1989, but who, as of that date was not present in the United States because of a brief, casual, and innocent trip abroad.

such an alien shall be considerd as having continued to maintain lawful status as such a nonimmigrant (and to have maintained continuously a lawful status) for the period described in subsection (e).

"(c) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with existing regulations, permit an alien described in paragraph (1) or (2) of subsection (b) to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to continue residence in the United States.

"(d) EMPLOYMENT AUTHORIZATION.—Any national of the People's Republic of China who applies for adjustment of status or change of nonimmigrant status under the terms of this section shall be granted authorization to engage in employment in the United States and shall be provided with an employment authorization document or other appropriate work permit.

"(e) DURATION OF STATUS.—(1) Subject to paragraph (2), nationals of the People's Republic of China described in paragraph (1) or (2) of subsection (b) shall have their departure from the United States deferred until June 5, 1992, or until there has been an adjustment or change of status under subsection (a) or (b).

"(2) On or after June 5, 1990, the Attorney General may terminate the status accorded under this subsection 60 days following the date that the President determines and so certifies to the Congress that conditions in the People's Republic of China permit such aliens to return to that country in safety."

EXECUTIVE SESSION

NOMINATION OF CHIC HECHT, OF NEVADA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER. Under the previous order the Senate shall return to executive session to further consider the nomination of the Honorable Chic Hecht of Nevada to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas. The time for debate is to be controlled with 10 minutes controlled by the Republican leader's designee and 30 minutes controlled by the Senator from Florida [Mr. GRAHAM].

Who yields time? The Senator from Florida.

Mr. GRAHAM. Mr. President, the Senator from Wisconsin had requested time to make a statement not on this issue but, rather, on the amendment on which we have just voted, so I would ask unanimous consent that the Senator from Wisconsin, in morning business or in legitimate business, be given that opportunity.

Mr. WARNER. Mr. President, I do not wish to object, but I have been waiting to make a statement on the issue now before the Senate, namely, the nomination of our former colleague. Would the Senator indulge me for 1 minute to address the nomination which I understand is the pending business?

Mr. GRAHAM. That is the pending business. Senator DOLE controls the time.

Mr. DOLE. Mr. President, as I understand it there are 30 minutes on that side, 10 minutes on this side. The vote will come at 6 o'clock and any other requests would have to come out of that time. I would yield 1½ minutes to the Senator from Virginia.

The PRESIDING OFFICER. If I might, the Senator from Florida had the floor and sought recognition and has the floor, so it would be dependent on his decision to give up the floor.

Mr. GRAHAM. Mr. President, I will yield the floor to the distinguished minority leader for purposes of controlling his 10 minutes.

Mr. DOLE. I yield 1½ minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 1½ minutes.

Mr. WARNER. Mr. President, I thank the distinguished Republican leader and I thank the Senator from Florida and the Senator from Wisconsin for their indulgence.

I simply wanted to add my strong endorsement to the President's nomination to the Senate; that our former colleague, the Senator from Nevada, Mr. Hecht, be accorded the privilege and rank of Ambassador of the United States.

I served with him, as many of us did here in this Chamber, for some several years and, in particular, I would like to address my work with him on the Select Committee on Intelligence of the U.S. Senate. As the Senate recalls, Senator Hecht served in the U.S. Army from 1951 to 1953 in the U.S. Army Intelligence Branch and that knowledge enabled him to go on to service on our committee, the Intelligence Committee, and make considerable contributions. His attendance record was one of the best. He always studied the material before the meeting began and, when he spoke, members listened and listened with care.

So, I wanted to acknowledge that I think he is eminently qualified; that he will bring to bear on this important post considerable breadth of knowledge and it is my hope that the Senate will accord him advice and consent as sought by the President.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Republican leader yields 2 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished Republican leader for yielding.

Mr. President, I rise in support of the nomination of Chic Hecht to be Ambassador to The Bahamas. Chic Hecht is an outstanding American. He served his Nation as an intelligence officer behind the Iron Curtain. For

that work he was elected by fellow intelligence officers nationwide to the Intelligence Hall of Fame. He came back home, went into the dry goods business, worked hard in that business, practiced the ancient art of American business and free enterprise, became wealthy, borrowed moneys from banks until they ended up selling him the bank. He was so successful in these areas that I had an opportunity to sit next to someone on the Banking Committee who actually knew something about commercial banking. He was elected by his fellow citizens to the U.S. Senate from Nevada. He served for 6 years with great distinction.

Mr. President, that is a record of the kind of people that we need representing the United States around the world. And I cannot believe that there can be any question that Chic Hecht ought to be confirmed to be Ambassador to The Bahamas.

If serving your Nation behind the Iron Curtain, if being in business and being successful, if being elected by your fellow citizens to the U.S. Senate, and if serving with distinction for 6 years does not qualify somebody to be Ambassador to The Bahamas, I do not know what qualifications we are seeking.

So I think, quite frankly, it is a little unreasonable that we are here debating this issue. I think Chic Hecht would have been confirmed unanimously. I am happy to add my voice to his support. I intend to vote for him—I am sure he will do an outstanding job—and I urge my colleagues to do the same.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I yield to myself such time as is necessary.

Mr. President, this is a difficult issue. It is not easy to stand on the Senate floor and suggest that it is inappropriate for the U.S. Senate to confirm any individual who has been recommended by the President of the United States for an important position of national service. It is even more difficult to do so when that individual is a friend and former colleague and Member of this body.

But, Mr. President, we have heard many of the words and eloquent rhetoric about the importance of the war on drugs and our Nation waging that war through to victory. This is not going to be a war like the Napoleanic war, or like World War II in which there will be a few climactic battles that will determine the end result. Rather, this is a war which will be fought in a whole series of individual minor skirmishes, and the cumulative effect of those minor skirmishes will be either victory or defeat.

There is no question that this is an issue of deep concern to the people of this Nation. A Gallup poll commissioned by the Times Mirror Group released in March of this year said, "Drug abuse is seen as the most important problem facing the country today followed by the Federal budget deficit."

In early May the Hart Research Group surveyed 1,500 voters across the land. The pollster read a list of 11 issues and asked voters to say what worried them the most. Sixty-four percent of those 1,500 Americans said drugs was their top concern. Out of all the issues on the list, the drug threat was rated No. 1. The Hart poll in May confirmed the finding of the Gallup poll in March that Americans view drugs as the top issue facing this Nation.

Mr. President, while the American people recognize the primacy of this issue, and while we have recognized it in words—and I submit as an example of those words a statement which was issued by the Republican National Senatorial Committee which captured that feeling urging that those who it solicited for support render support because this liberal Democratic Congress has been all talk and no action when it comes to putting the international drug dealers behind bars.

Those are the kind of strong words that we have heard, that we have ourselves uttered or written on this issue. Yet, Mr. President, the fact is that we are losing the war on drugs because we have been unwilling to back those words with effective action.

Mr. President, I submit for the RECORD as an example of one area of that loss an article from the May 27 Washington Post entitled "U.S. Suffering Setbacks in Latin Drug Offensive" which details the fact that the United States is losing the war on drugs as it is being waged in Latin America.

I ask unanimous consent that be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit No. 1.]

Mr. GRAHAM. Mr. President, what we are doing today is not only an act, the confirmation of an ambassadorial nomination, but it is also a symbol. It is a symbol which communicates to several important audiences. One of those audiences is the people of The Bahamas. We are asking this relatively small population, a nation of 250,000 people, spread out over 700 islands which are the size of the States of New Jersey and Connecticut combined, we are asking this nation which is spending over 25 percent of its national budget on drug enforcement, drug treatment and drug education, we are asking this nation to redouble its efforts to join in even stronger partnership with the United States.

We currently have a series of joint operations with the Bahamian Government from the northernmost to the southernmost islands of the Bahama Islands. We are communicating to the people of the Government of The Bahamas the seriousness of our commitment to effectively wage the war on drugs with this nomination.

We are also communicating, Mr. President, to other nations in the region—nations which have been racked by violence, by a threat to the very sovereignty of the nation itself as in countries such as Colombia, Panama, and other threatened nations in this region—the seriousness of our intention.

But one concern that I have had in this debate today is that the discussion about who we are communicating to has all been directed at other people—that we want to send a message to The Bahamas that we are serious and we expect them to cooperate, that we want to send a message to other nations in Latin America and the Caribbean that we are serious and we want them to cooperate.

We are also sending a message to ourselves, to the people of the United States of America, as to how serious we are on this issue. We are sending it collectively and individually.

Two weeks ago I was on Grand Exuma Island in The Bahamas where I met with a group of DEA agents, agents who daily face personal threats against their lives because they are disrupting what has been a very profitable drug operation on that island.

We are sending a statement to those young men and women at that level of support that they can expect the degree of dignity, the degree of seriousness of purpose by which this Nation is prepared to back up their willingness to place their lives on the line in order to win the war on drugs.

Mr. President, this war on drugs has many battlefields. The Bahamas is one of the most important. I have a map which indicates the major flow of drugs from Latin America into the United States of America. One of the salient aspects of this map is how dark the lines get over The Bahamas. The reason for those dark lines is that at times in the past as much as 70 percent of the cocaine which has come into the United States has come in through The Bahamas.

What is wrong about this map is that it no longer reflects the reality of the drug trade. This map was done at a time when the typical pattern was large amounts of drugs flown into a particular island in The Bahamas, stored on that island, and then later transshipped into the United States.

In large part, because of effective cooperation between the United States and the Bahamian Government, that pattern of drug distribution has been disrupted.

What has happened is a new form of drug trade shipment has occurred, and that is now taking the form of flights over the island of Cuba to sites in the vicinity of the Florida Keys and the southeast and southwest Florida coast, where drugs are then dropped into the ocean, picked up by small boats and taken immediately into the United States.

What is the relevance of the observation of a change in history of drug trafficking? The relevance is that we are dealing with a very innovative, mobile, highly financed adversary in our war on drugs. The significance is that The Bahamas continue to be a major battleground of this war on drugs. The significance is that the United States depends, in large part, on the effectiveness of our Ambassador and our ability to wage a winning war on drugs in The Bahamas.

Mr. President, The Bahamas have been an increasingly positive partner of the United States efforts. We recently voted on a proposal to decertify The Bahamas. The President and the Secretary of State urged that we not decertify The Bahamas because of the level of their cooperation. This Senate agreed with that recommendation. We did not do so.

We have seen The Bahamas become the first nation in the world, first nation in the world to ratify the new United Nations convention on drugs. We have seen The Bahamas become a leader in efforts to assist the United States in enlightened drug treatment policy. Unfortunately, The Bahamas has become an area of the world with an unusually high level of drug addiction, due to the early introduction of crack into that country.

Mr. President, in some of the early debate, a question was raised about the importance of the Ambassador to The Bahamas, that it is just a figurehead position, that whatever the Ambassador's strengths or weaknesses, they will be offset by an effective staff of professionals who will provide the necessary continuity, the necessary relationship with the Bahamian Government.

Mr. President, I want to offer for the RECORD and ask unanimous consent that this article appear immediately after my remarks, a report from the Tribune, a paper from The Bahamas. This editorial was written July 7 of this year, under the heading, "Not A Laughing Matter." It discusses the nominee that the President has submitted for confirmation as Ambassador to The Bahamas. Let me just read the first few sentences of this editorial as an example of the kind of model that we should have for an Ambassador in a country as important to the United States drug effort as The Bahamas. "Whoever comes after Carol Boyd Hallett as American Ambassador to The Bahamas will have to be outstanding, because comparisons will inevitably be made.

For almost 3 years that she headed the U.S. Embassy in The Bahamas, Mrs. Hallett captured the minds and hearts of the Bahamian people. She will never be forgotten. In the Tribune's files on American Ambassadors stationed in The Bahamas her file is the thickest because she was the most active in the community, and she accomplished the most. She earned a new respect for her country.

And it is because she did so much, because she gave a new dimension to the American image in The Bahamas that her successor will have to be very carefully chosen, or all of her efforts will have been in vain."

That is a statement by a leading opinion voice from The Bahamas of our most recent Ambassador. Carol Hallett did make a difference. She helped energize both our Nation and The Bahamas in an effective partnership against drugs. It is in large part, because of her efforts, that the drug cartel has had to find a new way to bring their illicit product into the United States.

Mr. President, earlier today our colleague, Senator SARBANES, talked about the fact that the United States was going to have to take a new approach to its ambassadorial appointments; that the old way of doing this was no longer acceptable. I could not agree more. We have seen that our adversaries—particularly the Soviet Union—have shifted their emphasis on ambassadorial characteristics in this hemisphere, that the new ambassadors that the Soviet Union is appointing in Latin America and the Caribbean are people who have special cultural and linguistic skills, who are effective in dealing with the people, in representing the commercial, as well as the diplomatic interests of their country.

If the Soviet Union has seen the importance of Latin America and the Caribbean and the Soviet Union has changed the standards by which it is appointing its ambassadors to these countries, why, Mr. President, is it not even more apparent to the United States of America, as the closest friend of these countries, that we need to respond with a new seriousness and a new criteria for who will represent us in these countries.

Mr. President, I regret to say that I do not believe that the current nominee meets the standards that Mrs. Hallett so admirably provided for the United States for the last 3 years in this critically important country. I believe, as do the editorial writers for a number of newspapers, who have pointed out these deficiencies, that we will make a serious error if we comfirm this appointment.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD, following my remarks, editorials from the Miami Herald, Orlando Sentinel, and St. Petersburg Times commenting on the adequacy of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, in the final analysis, however, we are the ones who are going to be judged. We do not have to read any editorials. We do not have to refer to resumes of past activities, or we do not have to be persuaded by second or third parties, as to the match of the skills of this nominee and the challenge of service as ambassador in the Bahamas. There is no group of Americans better prepared to make this assessment than the 90 Members of the U.S. Senate who have served with Senator Hecht.

I believe that there are many positions in which Senator Hecht could serve this Nation with great distinction. I consider him to be a friend, and I appreciate the service we had as colleagues. But as I told Senator Hecht, I do not believe that the Bahamas are a place in which his particular background and his skills and his previous talents could best serve this Nation. I believe that we need to have an individual who has not only diplomatic and foreign service background, but also who can serve as a key operational officer in the United States' war on drugs.

We are not going to have very many opportunities to convert our words of opposition to drugs into tangible action that may actually make a difference, as to whether this Nation will begin to gain the offensive in this effort to rid ourselves of the scourge of drugs. Today we have one of those oppportunities.

Mr. President, Members of the Senate, I urge you to exercise that opportunity by voting no on this nominee, and by so doing indicate that in this U.S. Senate, there is a serious purpose about this war on drugs and that we are committed at each opportunity, when we are given the chance to do so, to make a positive contribution toward American victory. Thank you, Mr. President.

EXHIBIT 1

[From the Washington Post, May 27, 1989]

U.S. SUFFERING SETBACKS IN LATIN DRUG OFFENSIVE

(By Michael Isikoff)

The Drug Enforcement Administration agent and five State Department contract employees who were killed in a plane crash in Peru May 13 had a particularly compelling reason to be on the flight.

Weeks earlier, DEA agents in the Upper Huallaga Valley, the world's prime coca growing region, were instructed to return to

Lima every night for their own safety. Maoist guerrillas aligned with drug traffickers have gunned down 10 policemen in the area this month.

The escalating violence in Peru is the most dramatic example of what many believe is a near breakdown of U.S. antidrug policy throughout Latin America. In recent months, while the Bush administration has increased its rhetorical attack on the drug problem at home, U.S. efforts to control the traffic at its source have suffered crushing setbacks, posing the risk of ever greater shipments of cocaine to the United States and Europe, according to U.S. officials and foreign policy analysts.

"It seems to me we're at the point where our policy has run into the sand," said Gregory Treverton, a senior fellow of the Council on Foreign Relations who studies antinarcotics issues. "It has come to the point . . . where we have to realize that the emperor has no clothes."

According to new government estimates, coca production in Latin America has soared to unprecedented levels, enough to produce more than 1 million pounds of cocaine this year, or nearly twice that during the mid-1980s. Colombian traffickers have begun planting in Amazon jungles of Brazil that are virtually beyond detection, according to recent State Department reports. U.S.-financed programs to manually uproot the coca crop have slowed in Bolivia and come to a halt in Peru.

Meanwhile, fading hopes for air-dropping deadly herbicides in the Upper Huallaga—once a linchpin of U.S. strategy—appear to have dimmed further as a result of the recent opposition of embattled Peruvian President Alan Garcia.

"It's a mess," said John Walters, chief of staff to national drug policy Director William J. Bennett, when asked to assess developments in Peru.

The consequence of these failures, some analysts warn, could be a new wave of cheap cocaine dumped onto the world market by the powerful Colombian drug cartels that control most of the Latin traffic. But critics charge that, at least so far, the dimensions of the problem have not been addressed by senior Bush administration officials.

During his campaign last year, President Bush laid out an ambitious antidrug agenda that included the creation of an "international strike force" to hit drug traffickers, the convening of a hemispheric summit and other measures to embolden Latin governments fighting the drug cartels.

Yet, four months into the administration, nothing has been said publicly on the issue. Meanwhile, a policy debate has raged behind the scenes. U.S. Ambassador to Bolivia Robert Gelbard has urged new "rules of engagement" that would permit U.S. Army Special Forces units to join antinarcotics patrols in that country, according to administration officials.

Others have urged even more drastic action, including covert operations against the cartels and "neutralization" of their leaders. But some State Department and DEA officials, including DEA Administrator John C. Lawn, fear any show of muscle would only trigger a backlash that would play into the hands of leftists and traffickers.

"You're talking about sovereignty issues—here you would have a foreign government bringing military forces," said Lawn, who has argued for a continuation of current DEA operations. "We would have a substantially negative impact."

The result, some critics said, is a policy drift underscored last week when the State Department failed to meet a deadline in the 1988 Antidrug Abuse Act to produce a comprehensive strategy for attacking the Latin cocaine trade.

Rep. Stephen J. Solarz (D-N.Y.), who sponsored the amendment, called the failure "scandalous," saying "a kind of hopelessness" seemed to pervade U.S. policymakers on the issue.

"If intercontinental ballistic missiles were being fired at American cities from Peru and Bolivia, surely our government would have devised a plan to knock out the enemy," Solarz said. "Why, then should we treat the threat posed by the international cocaine cartels so lightly?"

Spokeswoman Catherine Shaw said the State Department has been working with Bennett on an even broader antidrug strategy that is not due until September. But administration sources said that the gravity of the problem has prompted the National Security Council to undertake a more accelerated review that is scheduled to be completed next month.

The NSC review is examining a wide range of options that include military action, an expanded role for U.S. intelligence agencies, and new economic and military aid to the region, administration sources said.

In the meantime, some officials said, the situation on the ground has gone from bad to worse. The greatest concern is in the Upper Huallaga—a 150-mile long tropical region where the Sendero Luminoso ("Shining Path") guerrillas have been gaining in a bloody insurgency that has claimed over 14,000 lives in the past eight years.

Peruvian sources said large parts of the valley are under the control of the Senderos, a band of Maoists who have depicted themselves as protectors of coca-growing peasants and have forged a loose alliance with drug traffickers working for Colombian cartels.

"The valley is heating up and the Shining Path are getting stronger and stronger," said Jose Gonzales, a Lima-based political analyst said last week.

By some estimates, as much as 200,000 acres of coca are cultivated in the Upper Huallaga, making it the source of more than half the cocaine that is flooding the streets of U.S. cities. But U.S. sources said Peruvian army troops in the valley rarely leave their garrisons for fear of encountering the guerrillas. As many as 40 workers for CORAH, the Peruvian Coca Reduction Agency, have been murdered since a U.S.-financed program to manually destroy coca plants began three years ago.

The program was suspended in February, as was a separate DEA initiative—dudded "Snowcap"—in which DEA agents accompanied Peruvian police in paramilitary strikes on the drug traffickers. U.S. officials said the operations were too dangerous until a new, more secure military base could be built to house the DEA agents.

Now, the only government presence in the valley are occasional police convoys that U.S. officials said have become virtual sitting ducks. On May 16, guerrilla forces armed with automatic weapons ambushed a 60-man police column, killing four and wounding seven. "This has been happening with some regularity," one U.S. official said.

It was in this atmosphere that a U.S.-owned Cessna aircraft carrying DEA agent Rick Finley, five State Department contract employees and three Peruvians, including the chief of CORAH, crashed into a mountain on its way back to Lima from the Upper Huallaga Valley May 13.

U.S. and Peruvian officials have said there was no evidence of sabotage, but U.S. officials are conducting a full investigation. "I discount absolutely nothing," Terrance Burke, deputy assistant administrator of DEA for operations, said last week.

But perhaps the crowning blow to U.S. efforts in the region occurred when President Garcia returned from a tour of the Upper Huallaga Valley earlier this month and, in an unusually strong statement, said the government "will never allow massive eradication" by herbicides on the region's coca crop.

The comment seemed to contradict earlier steps by Garcia's government to begin aerial testing of "Spike," the weed-killing herbicide U.S. officials believe offers the only hope for eliminating the coca crop.

Peruvian officials now are too fearful to go forward with the program, political analyst Gonzales said. "They realize if they go ahead with eradication it will only create increasing power for the Shining Path," he said.

U.S. officials said matters have gone only slightly better elsewhere. Despite a new eradication law passed last year, Bolivia's coca agency has destroyed barely 1,500 of that country's 192,000 acres of coca crop this year, less than half of what the United States had set as a "benchmark" for progress.

One reason for the slow pace, U.S. officials said, is that DEA agents working with Bolivian anti-narcotics police have failed to disrupt the coca trade in the Chapare, Bolivia's prime coca-growing region. Prices offered by drug traffickers for the crop are so high—more than $60 per hundredweight—that it is not economical for peasants to grow anything else, officials said.

Earlier this week, conditions in Bolivia grew even more troublesome when two American Morman missionaries were killed by a radical leftist group vowing revenge against "Yankee invaders who come to massacre our fellow farmers."

But some U.S. officials see sporadic glimmers of hope. Lawn contended that one of the reasons for the escalating attacks in Peru is that antidrug operations have hurt the traffickers. In Colombia earlier this year. U.S. trained antinarcotics police discovered a large complex of jungle laboratories that may have been the largest cocaine complex ever found. And in Mexico, after years of searching, federal police recently arrested Felix Gallardo, the most notorious of that country's drug traffickers.

But few outside analysts believe such steps can make a difference given current production levels.

The setbacks have caused some critics to question anew whether there are any useful steps the United States can take given the enormity of production levels. "My guess is you could cut supply [of coca] in half and not have a dramatic effect on cocaine supplies in the U.S.," analyst Treverton said. "This whole emphasis on supply is a loser."

EXHIBIT 2

[From the Tribune Ltd., July 7, 1989]

NOT A LAUGHING MATTER

Whoever comes after Carol Boyd Hallett as American ambassador to The Bahamas will have to be outstanding because comparisons will inevitably be made.

For the almost three years that she headed the U.S. Embassy in The Bahamas

Mrs. Hallett captured the minds and hearts of the Bahamian people. She will never be forgotten. In The Tribune's files on American ambassadors stationed in The Bahamas, her file is the thickest because she was the most active in the community and she accomplished the most. She earned a new respect for her country.

And it is because she did so much; because she gave a new dimension to the American image in The Bahamas that her successor will have to be very carefully chosen—or all her efforts will have been in vain.

Sixty-year-old Chic Hecht of Las Vegas, Nevada, has been nominated for the post. However, if the press reports are to be believed, Mr. Hecht was not nominated because he was considered the right man to carry on Carol Boyd Hallett's work, but because he had friends in the right places.

Apparently after losing his seat for a second term in the United States Senate, Mr. Hecht was out job hunting. He learned that the post of Ambassador to The Bahamas was open. According to one American newspaper he "saw a job he wanted and nominated himself for it."

"I knew about the post and I did ask for it. It's been offered and I accepted it," he said.

According to the Washington Post "Bush adminstration officials said (Paul) Laxalt lobbied for Hecht but that the crucial push came from Senate Minority Leader Robert J. Dole (R-Kan.), who made it clear that a Republican administration 'simply had to take care of a member of the club.'"

If this is true and if this is all the thought that has gone into Mr. Hecht's appointment, then the Bush administration is indeed insulting this country and undermining the accomplishments of its last ambassador."

Mr. Hecht's nomination will come under scrutiny on the floor of the Senate on Tuesday when Senator Bob Graham (formerly governor of Florida) has vowed to oppose it.

"The Bahamas," said Senator Graham, "are very important in our war on drugs. This neighboring nation is one of the most—if not the most—important nonsource countries in the world when it comes to interdicting the flow of drugs to the United States.

"Our Ambassador to The Bahamas," he said, "plays a vital, operational role in the war on drugs. Our current Ambassador (Hallett) says she spends most of her time dealing with drug related matters. The United States should send an Ambassador with proven skills in managing complicated international issues of law enforcement and diplomacy.

"If we send a top rate ambassador, that sends a positive signal that we're serious about the war on drugs. If we do otherwise, that sends a signal that we're not serious," Mr. Graham said.

Not only will it send a signal that the United States is not serious, but it will suggest that it considers the whole thing one grand laughing matter. Again, if press reports are to be believed, Mr. Hecht has a way with words that tickles the natural wit in all journalists. In other words he can apparently be counted on to make "good copy."

Despite the fact that he has been a merchant and a banker and spent two years in the U.S. Intelligence Corps (1951-53), his reputation for malapropisms is his undoing. For example, one of the favourite stories after he took his seat in the Senate in 1982. He vowed at that time that if a proposed nuclear-waste repository appeared likely to pose a danger, there would be no 'nuclear suppository' in Nevada.

Reporters seem to find his words good for a laugh—and so probably will The Tribune if he lives up to his reputation—but the serious and delicate problems facing The Bahamas and United States today are no laughing matter—and malapropisms should not be allowed to cloud the issues.

No one doubts Mr. Hecht's seriousness about the drug war or his determination to carry on the fight against it, but if he says the wrong thing at the wrong time, he could unwittingly torpedo many well laid plans. It is understood that Mr. Hecht is so against drug trafficking that during the period he was in the Senate he voted at least once for The Bahamas to be decertified.

But whereas Mrs. Hallett came here with a declared mission—to eliminate drug smugglers who are using The Bahamas as a stepping-stone for their trade to the United States—Mr. Hecht seems more concerned about the attractive lifestyle he can find here– gambling, golf and fishing.

In April Mr. Hecht was quoted as saying, "I am sure I will feel at home in The Bahamas. I've been involved in gambling in Nevada, and I've been involved in banking for 25 years . . . Also, I understand it is a nice lifestyle. I love golf and they have a lot of nice golf courses and good fishing."

"Those sentiments concern Senator Graham," his spokesman told The Tribune from the Senator's Washington office yesterday.

Those sentiments indeed concern many persons here because the so-called Bahamas "lifestyle" is fast disappearing due to the new value system—"everyone can be millionaires"—and the rise in crime. This was the legacy left by the Medellin cartel—such as Joe Lehder at Norman's Cay—and those in The Bahamas who either helped or allowed them to use our archipelago as a gateway to the United States.

This whole area—Florida included—has a vested interest in the United States' new appointment to the Embassy here. No one wants some U.S. Senator's friend who is going to be the "ambassador" to one of The Bahamas' many lovely golf courses. We all want an ambassador who is aware, dedicated and determined to help The Bahamas weed out drugs and corruption—and then, maybe, we can all join the new ambassador in enjoying the "lifestyle" for which these islands were once famous.

EXHIBIT 3

[From the Miami Herald, June 29, 1989]

REJECT "CHICK" HECHT AS AMBASSADOR TO BAHAMAS

Surely The Bahamas deserves better. The job of U.S. ambassador to Florida's closest neighbor shouldn't be a consolation prize for a Republican loyalist ousted by voters. Especially for a Republican loyalist who has demonstrated no ability and experience for the job.

The post is important because of The Bahamas' strategic location in the jet stream of U.S.-bound drugs and illegal aliens. At one point, drug smugglers were so blatant that they controlled one Bahamian resort as a trans-shipment point. Associates of Bahamian Prime Minister Lynden Pindling were implicated as conspirators.

One, Nigel Bowe, has yet to be sent to the United States on a 1985 indictment despite an extradition treaty. He is charged with supervising shipments of cocaine from Colombia and protecting smugglers from the police. Recently, through patient diplomacy, the United States has won more assistance from The Bahamas government for cooperative investigations.

The United States and The Bahamas also have a strong trading partnership. Last year The Bahamas bought $725 million in U.S. goods, 70 percent of its imports, and sent to the United States products valued at $238 million, 62 percent of its exports. The Bahamas participates in the Caribbean Basin Initiative (CBI), which gives those nations trade preferences to build their economies. Key legislation broadening and extending the CBI is pending.

Into those issues, the Bush Administration proposes thrusting one Jacob "Chic" Hecht. Mr. Hecht, a clothier, won a Senate term in 1982 in Nevada after the Republicans targeted veteran Howard Cannon, tainted by a bribery scandal. But Mr. Hecht was laughed out of the seat after one term. Senate aides picked him as the least-effective senator. His verbal gaffes—among them: Nevada shouldn't be a "nuclear suppository"—were widely reported.

Now he says that he'll be at home in The Bahamas because "I've been involved in gambling in Nevada, and I've been involved in banking for 25 years. . . . I love golf, and they have a lot of nice golf courses."

In another era and another place, a nice-guy ambassador conducting a little diplomacy on the golf course would be OK. Not now. Florida's Sen. Bob Graham is urging his colleagues to step beyond senatorial courtesy to an ousted comrade and reject this nomination. And well they should.

[From the Orlando Sentinel, July 3, 1989]

KNOW-NOTHING U.S. DIPLOMATS

Sen. Bob Graham is right to protest the nomination of Chic Hecht as U.S. ambassador to the Bahamas.

Not that Mr. Hecht is alone in deserving to be singled out. He has plenty of company in other White House picks for ambassadorships. Indeed, it will be a race to see who commits the first gaffe.

The point is that putting inexperienced people in these top posts does the United States a disservice.

Consider Peter Secchia, whom President Bush has nominated to be ambassador to Italy. He brings a knowledge of lumber which, though honorable, is no boon to diplomacy.

But Mr. Secchia's better-known "talent" seems to be turning profane and sexist phrases, punctuated by crude hand gestures. That qualifies him to cope with Roman traffic, but little more.

Mr. Secchia has promised to clean up his behavior if he's approved, but who wants to risk diplomatic relations on the basis of an unconvincing commitment from a blowhard who once opined, "I saw the new Italian navy. Its boats have glass bottoms so they can see the old Italian navy."

He represents, in short, perpetual potential for embarrassment.

Back in the Bahamas, there's a more pressing reason to have a top-notch ambassador: the battle against drugs.

Clearly, the ambassador needs to be someone familiar with such critical issues, not someone who thinks of the islands in terms of gambling and golf—some of Mr. Hecht's stated interests.

Also, as Mr. Graham says, if the United States appoints an ambassador who's unqualified, "that sends a signal that we're not serious" about fighting drugs.

Mr. Bush has the option to nominate whomever he wishes. After all, the job of ambassador is considered a reward for political support.

But surely there are more impressive resumes among the Republican faithful.

[From the St. Petersburg Times, July 10, 1989]

KEEP HECHT AT HOME

Sen. Bob Graham is absolutely right. Someone who thinks gambling, golf and fishing are the most important things about the Bahamas has no business being the U.S. ambassador there. That's why Graham is trying to defeat the confirmation of former Sen. Chic Hecht of Nevada, on which the Senate will vote Tuesday. Here's wishing Graham luck.

The Congressional Black Caucus has advanced other good reasons for rejecting Hecht. As a Senator, he voted against the Martin Luther King holiday and against strong South African sanctions—hardly the kind of record that would commend him to a nation whose population is 90 percent black.

Ambassadorial portfolios should not be treated as consolation prizes for defeated politicians. Let George Bush find some other reward for Hecht, if he must, but let the Senate insist on an ambassador to the Bahamas who understands that the most important issue on his agenda will be drugs.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes.

Mr. CHAFEE. Mr. President, I rise to say I am delighted to support the nomination of our former colleague Chic Hecht to be the United States Ambassador to The Bahamas.

We all knew Chic Hecht. I had the privilege of knowing him his entire time here in the Senate, and I found him an able, worthy colleague that I greatly enjoyed working with on a variety of issues.

Now, Mr. President, as has been previously cited, this is an important time in the relationship between the United States and The Bahamas. In the past few years our countries have worked closely together in a series of matters, of course, particularly in a strategy to combat the drug trade.

Through its geographic location, The Bahamas is an area that became involved with drug trafficking. Just because the flight routes, the routes that go actually right across The Bahamas, in addition to the abundance of Islands that are there that constitute The Bahamas, many unoccupied with small strips that are available for airplanes to land on, thus it became a natural place for drug trafficking to take place.

Our Nation and the Bahamian Government have worked closely together to try to do something about this drug traffic. This cooperation is absolutely vital, Mr. President, to the interests of both countries as we strive to eliminate this illegal drug trafficking from both our landscapes. I am confident that our former colleague, Senator Hecht, will do a fine job in fostering and strengthening this joint effort. I wish him well in his new post, and I support his nomination with enthusiasm. I thank the Chair, and I thank our distinguished leader.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Republican leader has 4 minutes left.

Mr. DOLE. Mr. President, it is a real personal pleasure to urge Senate advice and consent to the nomination of Chic Hecht as Ambassador to The Bahamas.

We all know Chic Hecht well. He served with us in the Senate for 6 years—doing outstanding work on the Banking, Energy, and Intelligence Committees. Among the causes he championed was a strong national defense and a more capable national intelligence community.

Prior to his tenure here, Chic served 8 years in the Nevada State Senate—including performing with distinction in a job I personally know to be one of the toughest around, minority leader. Before entering the political arena, he was a very successful businessman in Las Vegas.

He also happens to be one the nicest and finest men I have come into contact with in this body.

The President has designated Chic Hecht as Ambassador to The Bahamas, and he will do a fine job. The issues he will deal with—narcotics, economic development, trade—are issues on which he has worked, and which he knows well.

Chic Hecht is concerned about drugs—he understands the tragedy and he recognizes the threat. That is one of the reasons why I am confident Chic will get the job done in The Bahamas. When he was in this body, Senator Hecht was actively involved in the push for tougher and tougher measures for drug dealers, the traffickers, and the users.

Oh, he was not a headline hunting Senator. He was not holding press conferences and patting himself on the back. But he was doing what he was supposed to be doing—working hard and making a difference.

I know, because this Senator worked with Senator Hecht. I know the man, and I know what he accomplished in this body. I do not have to rely on someone else's account; some rumor, some wisecrack, or some reporter.

So if anyone has the mistaken notion that Chic Hecht somehow will not be up to the drug challenge, I say take another look—look at the record, not some hatchet job in a newspaper.

I congratulate Chic and his fine family—his wife Gail, and his two children, Lori and Leslie—on the well-deserved honor the President has bestowed on them, and I urge unanimous Senate confirmation of this nomination.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM. Mr. President, how much time remains?

The PRESIDING OFFICER. There is no time remaining on the Republican side, and the Senator from Florida controls 8 minutes.

Mr. GRAHAM. Mr. President, I yield 3 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. I thank the President and the distinguished Senator from Florida for yielding.

The question before the Senate, Mr. President, is the confirmation of an Ambassador to an area that has become more and more critically important to the United States as we try and attempt to find out how to reduce the seemingly unfettered export of drugs into this country that are killing our citizens. There is no question, as the Senator from Florida pointed out, that something like 50 to 60 percent of cocaine and marijuana traffic that is entering into the United States is finding its way through the Bahamian Islands. That is an incredible statistic.

Who we appoint as Ambassador is a message to the rest of the world, to the Bahamian Government, to drug traffickers around the world as to how serious we are going to be in trying to stem the flow of drugs coming from that country.

I have absolutely no problem with the President appointing a Republican. Democrats for years in our administration have always generally appointed Democrats. There is no problem with that. I have no problem whatsoever. It is the right of the President. The right of the President also includes the right to appoint a candidate who ran for office who was not successful. I support that right.

The question here, however, is the qualifications of this particular individual to serve this particular assignment in this especially difficult time. We can say that some of the statements by the nominee were not in keeping with what he should say, but I have not seen any report that he has said, "I did not say it," or "I did not mean to say it," or "I was misinterpreted." The facts, as I have read them, clearly indicate that the former Senator, Senator Hecht, said when asked about his qualifications to serve as Ambassador, he was quoted along the lines as saying, "Well, they have nice fishing and I like to fish; they have gambling and I know something about gambling and it is a nice assignment."

Mr. President, in these critical times, the appointment of Ambassador is not a vacation trip. The person who will serve as our Ambassador will be serving on the frontline of the battle in the war against drugs, not on the background of a golf course. I think what we are doing in voting on this ambassadorship is to send a signal to everyone that when it comes to drugs, it is not going to be business as usual. There are going to be different standards. There are going to be higher standards. This person is our representative to the rest of the world and our representative to that country. I simply think we can do better.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I congratulate President Bush on his selection of former Senator Chic Hecht as United States Ambassador to the Commonwealth of The Bahamas, and I am pleased to express my support and vote for his nomination today.

Chic Hecht is qualified for the position of the United States Ambassador to the Commonwealth of The Bahamas. He is an experienced legislator on both the Federal and State levels, serving as our colleague in the U.S. Senate from 1983 to 1989 and as a Nevada State senator from 1966 to 1974. In addition to serving his country in this capacity, he also has been a successful businessman. He was owner and operator of two Las Vegas women's apparel stores, and major owner and director of Nevada State Bank.

Chic Hecht's qualifications extend well beyond these I have mentioned. After receiving his B.S. from St. Louis University in 1949, he served in the United States Army between 1951 and 1953 during the Korean war and was inducted into the Army Intelligence Hall of Fame. He also holds membership in the Junior Chamber of Commerce, the American Legion, the Eagle Scout Society, and the American Bankers Association.

Beyond this background, I came to know Senator Hecht very well during our work together in the Senate for 6 years. He is very able, dedicated, and experienced in government and public affairs. I believe he has much to offer his country and is well qualified for a key position in a country which is very important to the United States.

Mr. President, as discussed extensively in "Drugs, Law Enforcement and Policy," a report prepared by the Senate Foreign Relations Subcommittee on Terrorism, Narcotics and International Operations in December 1988, The Bahamas is a major source for the transit of illegal narcotics. That country's problems of drugs and corruption are endemic and entrenched. The U.S. Department of State also reported in its March 1989 "International Narcotics Control Strategy Report" that "U.S. law enforcement agencies estimate that The Bahamas are a major transit point for a significant portion of cocaine and marijuana entering the United States." The report also found that "the hijacking of narcotics shipments continues and the level of violent crime continues to rise" in The Bahamas.

Nevertheless, on February 28, 1989, the President issued Presidential Determination No. 89-11 on "Certifications for Narcotics Source and Transit Countries." The President certified that The Bahamas and 16 other "major narcotics producing and/or major narcotics transit countries cooperated fully with the United States, or have taken adequate steps on their own, to control narcotics production, trafficking, and money laundering," and thus should receive U.S. foreign aid.

The Presidential determination included a specific statement of explanation for The Bahamas as an appendix. Many Senators, including this Senator, disagreed with the certification and believed that the United States should not provide The Bahamas with foreign assistance moneys until that country does more to fight the war on drugs. On May 10, 1989, the full Senate considered Senate Joint Resolution 100 to disapprove the Presidential certification of The Bahamas. While I supported this joint resolution of disapproval, it failed by a vote of 40-57. Nevertheless, it is clear that many in the Senate concluded that The Bahamas simply is not doing enough to stem the flow of illegal narcotics.

I believe the new United States Ambassador to The Bahamas should take an active role with local government officials to address this serious problem. In addition, the new U.S. Ambassador also should ensure that the foreign assistance provided is effectively used in this effort. Based on my personal knowledge of former Senator Hecht and the duties of our Ambassador to The Bahamas, I believe he is well suited for this position.

I support the nomination of Chic Hecht to this post. If confirmed by the Senate, as I am sure he will be, I have every confidence that he will skillfully perform his duties, and I look forward to working with Chic Hecht to pursue an end to illegal drug trafficking in The Bahamas.

Mr. BIDEN. Mr. President, the United States relationship with The Bahamas as we enter the 1990's is at a crucial stage. It is a stage which cries out for a strong and effective Ambassador.

It cries out for such an ambassador for one simple reason: Drugs, the problem that all of us, and the American people, believe is one of our top national priorities.

The conflict against the drug problem has many fronts—the streets of America, our schools and homes, countries across the Western Hemisphere. Although many Americans may not realize it, one of the most important fronts is The Bahamas, which serves as a large cog in the drug machine.

The Bahamas is so important to the drug trade, in fact, that if we could capture all of the narcotics transiting The Bahamas, we would make a major impact on the problem fast becoming a blight on this country.

The Bahamas serves as one of the major transshipment points for narcotics coming into this country. In 1988, United States law enforcement agencies estimated that 50 to 60 percent of all cocaine and marijuana that entered the United States transited Bahamian territory.

The Bahamas' 700 islands and cays are spread over 100,000 square miles, making it, in the words of the State Department, "an ideal site for air and sea smuggling." In the highly specialized world of the drug trade, The Bahamas plays a crucial role as the stopping-off point for narcotics from South America.

From the standpoint of the United States, the United States-Bahamas relationship hinges on one issue—narcotics. It has occupied center stage of the bilateral agenda for the past few years. The most recent U.S. Ambassador said that she had spent "95 percent of her time" on drug-related activities. It is difficult to overestimate the importance of this issue to the relationship.

In recent years, the United States-Bahamas relationship has frayed because many of us in Congress—including this Senator—have questioned the commitment of The Bahamas to fighting the drug trade. I will not detail what I believe are the shortcomings in the Bahamian effort. They have been discussed many times before, and I am sure will be again.

Although I will concede that The Bahamas has increased its efforts in recent years, I am not convinced that the Bahamian Government is doing everything it can. I am not alone in this view. Just 2 months ago the Senate considered a resolution disapproving the certification that The Bahamas was "fully cooperating" in the drug effort.

Forty Senators voted for that resolution; 40 Members of this body who believe The Bahamas is not doing enough to combat the drug problem. Although we did not succeed in our efforts to decertify The Bahamas, we have succeeded in gaining the attention of the Bahamian Government.

But now that we have their attention, we must continue to hold it. We must continue to work at the highest level to gain even closer cooperation

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with The Bahamas. We do this not merely because narcotics are destroying our country, but because they are destroying other countries in the Western Hemisphere as well.

Colombia is, of course, the best example of the devastating effect that drugs can have on the social fabric of a nation. But the problem goes well beyond Colombia, and is undermining governmental institutions in Peru, Bolivia, and elsewhere. Latin leaders are becoming increasingly aware of the threat posed by narcotics to their own countries. Recently, Jamaican Prime Minister Michael Manley called for a multinational strike force to deal with the problem, a stunning statement by a politician who in the past never hesitated to blame the United States for many of the world's ills.

The Bahamas itself is coming under threat of drugs. Although no significant amounts of drugs are cultivated or refined in The Bahamas, cocaine addiction in The Bahamas is rising, and according to the State Department, the rising domestic crime rate appears to be directly linked to increases in addiction.

It is in this context that the nomination of a new ambassador to The Bahamas is crucial. We need an experienced person in this post who will continue to convey to The Bahamas the importance that the United States attaches to the drug problem. Moreover, as cooperation with The Bahamas continues to increase, we will need a strong envoy on hand to closely monitor and coordinate the many facets of this effort.

It would seem obvious that President Bush—who has pledged many times to rid the Nation of the scourge of drugs—would want to send an ambassador who has a strong background in both narcotics and the Caribbean.

I am thus disappointed by the President's nomination of someone who does not possess these qualities. In my view, this choice makes us look just a bit hyprocritical. Because for all these years we have lectured and pushed and prodded the Bahamians—as well as other nations—to increase their efforts against the drug trade. And when the President chooses a political appointee without the necessary experience and background, it sends a terrible signal to The Bahamas, and undermines our efforts to convince the Bahamians that we mean business.

So I will oppose this nomination. I do so reluctantly, because I served in this body with Chic Hecht, and I have great respect for him. But I do so in the belief that this nomination is ill-advised and may well do harm to our continuing struggle against the drug trade.

I also do so with no illusions that his nomination will be defeated. I hope Senator Hecht will fully understand my strong concerns about the importance of waging the drug fight in The Bahamas, and I urge him to act quickly to gain a strong understanding of the narcotics issue so that he can be an effective Ambassador.

Mr. ARMSTRONG. Mr. President, Senator Chic Hecht is the right man to be the United States' next Ambassador to The Bahamas. His unique qualifications ensure he will successfully handle one of America's most important diplomatic posts.

Much of America's future is tied to The Bahamas. Many in the United States think of this beautiful island group only as one of America's key vacation spots. But the stepped-up war on drugs prove it to be much more important than that.

In the last 10 years, The Bahamas has become one of the key points through which drug shipments enter the United States. With more than 700 islands dispersed across an area slightly larger than New Jersey and Connecticut combined, The Bahamas is an easy haven for drug traffickers. Most drug shipments entering the United States originate somewhere in South America, are flown by private plane to a small, desolate Caribbean island where they are then loaded onto another small plane and airlifted into the United States.

These small Caribbean islands, where drugs can be temporarily stored or directly transferred to waiting aircraft, are the real choke points in the war on drugs. Longer routes or direct flights from the South American mainland require much larger aircraft, which are much more easily tracked and monitored by American antidrug authorities. Shutting down these island shelters as waypoints for drug traffickers will go a long way toward insuring the success of U.S. antidrug efforts.

Without a qualified Ambassador in Nassau to act as America's spokesman, our efforts to end drug traffickings through The Bahamas could suffer severe setbacks. Chic Hecht has the right qualifications to bring our efforts to fruition.

First and foremost, an Ambassador to The Bahamas who will effectively represent the President and America's "War On Drugs" must have full support of the President and the Secretary of State. In addition to that, he must be someone whose opinion they respect, whose personal identification with the President's objectives is well-known and whose knowledge of the inner workings of American Government is extensive. Chic Hecht is a man whose clear identification with President Bush and his objectives is beyond question.

For the past 6 years, Chic worked along with George Bush and Jim Baker and many of us here in the Congress to restore America to the position of greatness she once enjoyed. His efforts, joined with those of many of us, have paid off. In 1979, the world did not listen when America spoke. Today, the world listens. The part Chic played in the restoration of American greatness has earned him the trust and respect of the President, the Secretary of State and many of us here in Congress. When Chic Hecht relays his thoughts and concerns about the situation in The Bahamas, you can be certain Jim Baker and George Bush will listen.

Second, for an Ambassador to be effective in aiding U.S. antidrug efforts in this small but labyrinthine commonwealth, he must be intimately acquainted with the U.S. intelligence community. It is through our intelligence collection sources that the Drug Enforcement Agency, the Coast Guard, and the Defense Department are able to interdict drug traffickers before they cross our borders. The increasing sophistication of the world's drug network requires that we use increasingly sophisticated intelligence collection. Chic Hecht has some of the best credentials of any American to operate in an environment highly dependent on U.S. intelligence capabilities.

Senator Hecht was a special agent in the U.S. Army Intelligence Corps from 1951 to 1953. He served on the Senate's Select Committee on Intelligence from 1985 to 1988, and he is a member of the National Counter Intelligence Corps and the National Military Intelligence Association. Few Americans with Senator Hecht's political and government experience can boast such a record of intimate involvement with the intelligence community.

Third, a U.S. Ambassador to the Commonwealth of The Bahamas who will effectively advance U.S. interests must be an experienced statesman. We have seen recently the imbroglio created in the Republic of Panama when the involvement of General Noriega in drug-running activities came to light, and the difficult role required of the President's representative in that nation. Chic Hecht is an experienced politician and an able statesman. His 8 years in the Nevada Senate, his experience as the Nevada Senate minority leader, and his term in the U.S. Senate have given him the knack for dealing effectively with very difficult, highly-charged situations.

In my judgment, Senator Chic Hecht was a wise selection by President Bush. As our Ambassador to the Bahamas, he will effectively represent United States Foreign Policy and help clamp down on drug trafficking in this corner of the world. In the areas most essential to success as the United States Ambassador to the Bahamas, Senator Chic Hecht is an exceptionally qualified choice. He is the man that the President believes will best lead

the charge for America in the Bahamas—and the facts show the President is right.

Mr. KOHL. Mr. President, on May 10 of this year, I voted for S. 100, a bill which would have found that the Bahamas had not fully cooperated in efforts to reduce drug trafficing in that country. Thirty-nine other Senators joined me in supporting that indictment of the Bahamas. Even those who opposed our position conceded that the Bahamas are a major stop in the drug trade. They also agreed that the Bahamas could do a great deal more to deal with the problem. They claimed then that the best way to get more from the Bahamas was to continue to give them funds as part of a sophisticated diplomatic version of the old "carrot and stick" ploy.

To the extent that the majority was right back in May, then there ought to be a majority in opposition to this nomination in July.

I did not serve with Chic Hecht and did not know him. Some might say that puts me at a disadvantage in evaluating the nomination. To the contrary, I believe that it allows me to objectively measure the nomination on the basis of the record before us. On the basis of that record, I can clearly conclude that our former colleague is an outstanding individual who certainly deserves a responsible position in the administration. It just ought not be this position. There is nothing in his record—as substantial as it is—which suggests that he has the experience or the skill or the background to deal with the demands of this position. We are not sending someone to the Bahamas to deal with golf and gambling; we are sending someone down there to deal with the No. 1 menace in our society—drugs.

Mr. President, if we are serious about dealing with the drug problem, if we are serious about putting pressure on the Bahamas, if we are serious about the messages we send our constituents about our war on drugs—then we ought to send the most qualified candidate available to the Bahamas as our Ambassador. Former Senator Hecht may have been an outstanding intelligence officer and an outstanding member of this body, but he is not the most qualified candidate available to be our Ambassador to the Bahamas. While there are many posts I believe former Senator Hecht could fill admirably, this is not one of them. I can not give my consent to his confirmation to this post.

Mr. BOND. Mr. President, I am pleased today to join my colleagues in supporting the nomination of Senator Chic Hecht to be our Ambassador to the Bahamas.

The President made an excellent choice when he named Senator Hecht to this position. His past experiences—both in and out of government—will serve him well as he takes on this new challenge.

Chic has solid experience in foreign affairs stretching back over more than three decades. He first served his country as an Army intelligence officer behind the Iron Curtain. More recently, during his term in the Senate, he served as a member of the Select Committee on Intelligence.

For 2 years, I had the pleasure of serving with Chic on the Senate Banking Committee. During that time the committee dealt with many issues that are important in our relationship with the Bahamas, most notably money laundering. This experience will serve him well as he faces one of the stickiest issues between our two countries. In addition, his service as director of the Nevada State bank will provide him with further background on these issues.

Chic's qualifications go beyond his knowledge of banking and financial issues. His extensive experience as a businessman will make it easy for him to deal with the important business community in Nassau, and his many years as a legislator will equip him well for his dealings with government officials.

Mr. President, Chic Hecht is a man of strong convictions. He demonstrated that often during his votes on this floor. He always voted his conscience, and he often paid the political price for those votes. The United States certainly will benefit from once again having the service of a man with his resolve.

During his service in the Senate, most of us had the opportunity to work closely with Chic, to spend time with him, and to discover what a warm and caring person he is. Although I served with Chic for only 2 years, because he was born and raised in Missouri, I have known and worked with his family for decades and I know that Chic comes from a family that represents the best that Missouri and this country have to offer.

Mr. NICKLES. Mr. President, I rise to strongly support the nomination of my good friend and former colleague, Chic Hecht, as Ambassador to the Bahamas.

I had the privilege of serving in the Senate with Chic for 6 years as well as working with him on the Energy and Natural Resources Committee. From my personal association with Senator Hecht, I can unequivocably say that he is a bright, dedicated hardworking individual who takes very seriously his duty of serving the public.

Our next Ambassador will be faced with some very tough issues of extreme importance to the well-being of the American people. The Bahamas has long been a transshipment point for the flow of illegal drugs into the United States. The United States Government has been working with the Bahamian Government for a number of years to encourage them to step up their efforts to combat this flow of drugs. We have had some successes and the Bahamians have worked closely with United States law enforcement personnel.

However, our next Ambassador will face some tough issues such as extradition of drug traffickers and increasing the level of cooperation between United States and Bahamian antidrug forces. Because of the importance of these issues and the need to stop the flow of drugs through the Bahamas we need somebody of Chic Hecht's ability and dedication to public service.

Senator Hecht has a distinguished military record, has been a leader in the business community in Nevada, and has been a leader in the political community in Nevada. In short, Chic Hecht has succeeded in every endeavor he has undertaken and I am very confident that as the President's choice for this important post he will represent the United States in a highly professional and successful manner.

Mr. WALLOP. Mr. President, I am extremely happy and proud to rise today and speak strongly in favor of the nomination of our former colleague, Senator Chic Hecht of Nevada, to be the next Ambassador to the Bahamas.

During his service in the Senate, Chic Hecht and I became close and warm friends. It is partly for that reason that I feel so comfortable in supporting his nomination; I think it is a splendid choice.

Nevertheless, it is more important that we, his friends, stress Chic's distinguished career in both the private and the public sector. Chic Hecht has been an extremely successful businessman, owning and managing his own clothing store in Las Vegas as well as owning and directing a large bank. His business experience also includes his partnership in a hotel franchise in Arizona.

Chic Hecht's political career includes his election to the Nevada State Senate where he served from 1967–75. His service in the State Senate was highlighted by a stint as minority leader. Chic Hecht also was a chief political operative for Ronald Reagan in various Presidential campaigns, including: South Nevada chairman of Reagan for President in 1976, and Nevada deputy director of Reagan for President in 1980.

Obviously, emphasis should be placed on his valuable service in the U.S. Senate. He served on the Committee on Banking, Housing, and Urban Affairs and on the Senate Select Committee on Intelligence—both of which have jurisdiction over areas significant to our relations with The Bahamas.

Chic's experience on the Banking Committee and his previous extensive background in the banking profession more than adequately prepare him to handle the difficult task of combating the use of Bahamian banks for illicit purposes. I am confident Chic will deal skillfully and forcefully with those financial institutions in The Bahamas assisting the international drug trade through money laundering.

Similarly, Chic's vast background in intelligence matters makes him uniquely qualified to serve in a post with national security concerns. In addition to his service on the Senate's intelligence panel, Chic's Korean war-era military service consisted of work in Berlin for the United States Army Intelligence Corps. Evidence of Chic's interest in and dedication to this field of endeavor includes his membership in the National Counterintelligence Corps and the National Military Intelligence Association. Chic was also recently inducted into the Army Intelligence Hall of Fame.

Mr. President, some individuals have chosen to denigrate Chic Hecht in a manner that I find unfortunate, unfair, and unjustified. It appears that in the minds of some, he is not eloquent enough, not strident enough, not sufficiently inside the beltway, so to speak. I submit that these qualities are what made Chic Hecht a breath of fresh air in this Chamber; what made Chic Hecht a pleasure to work with; and what I miss the most by his absence.

Conversely, Chic possesses and embodies precisely those qualities I sometimes find most lacking in political Washington today: Honesty, sincerity, modesty, decency, self-deprecation, unpretentiousness, and principle. In the Senate Chic Hecht represented what many inside the beltway types hold in contempt: A dedication to his conservative principles and the courage to defend them in the face of political adversity. Combine this with Chic's demonstrated love for this country and his proven loyalty to her, and I think you have the ingredients of an ambassador who will ably, adeptly, and successfully represent his President and his Nation in a delicate and difficult position.

Mr. President, to conclude, once again I wish to announce my unqualified support for Chic Hecht's nomination to be Ambassador to The Bahamas. I trust the Senate will overwhelmingly approve the President's choice.

Mr. LOTT. Mr. President, I rise in support of the nomination of Senator Chic Hecht to the post of Ambassador to the Commonwealth of The Bahamas. Although I did not have the fortune to serve with him in the Senate, I have worked with and respect Chic Hecht.

The Commonwealth of The Bahamas possess unique challenges and assets that our next United States Ambassador must be equipped to deal with. Senator Hecht is so equipped. He is an experienced and dedicated public servant who has served his country with distinction for over two decades. He is also a successful businessman and a veteran of foreign wars.

Among the greatest challenges in The Bahamas is the ongoing fight to cut the flow of drugs to the United States. On March 1, 1989, under terms of the Anti-Drug Abuse Act of 1986, President Bush certified that The Bahamas was cooperating with the United States in the war on drugs. While I have doubts as to the extent and success of that cooperation to date, our next Ambassador must be capable of continuing the cooperative effort with the Commonwealth of The Bahamas. I believe Senator Hecht is well qualified for this task. As an Army intelligence officer from 1951 through 1953, he worked undercover in Berlin, earning a spot in the Army Intelligence Hall of Fame, an honor that only 87 other men have ever been given. Furthermore, he served for 4 years on the Senate Select Committee on Intelligence.

The Bahamas are heavily reliant on the tourism industry. Senator Hecht was an elected official for 22 years in a State which also relies on the tourism industry. In addition to his public service, he acquired personal business experience in the hotel industry as an owner and operator from 1977 to 1982.

Senator Hecht's unique blend of public and private sector experience and expertise in the areas that most affect the Commonwealth of The Bahamas make him uniquely qualified for this post.

For these reasons, the Senate Committee on Foreign Relations gave Senator Hecht their unanimous support, and reported to the Senate that he would be "an excellent candidate for the United States Ambassador to the Commonwealth of The Bahamas." I would like to add my support to their recommendation.

Mr. BURNS. Mr. President, I rise today in support of the President's Ambassador-designate to The Bahamas, Senator Chic Hecht.

Although I did not have the pleasure of working with Senator Hecht during his time in the Senate, I have done some research on my own and come to the conclusion that he is more than qualified to assume the duties of Ambassador to The Bahamas.

Many of the diplomatic skills required of an ambassador are very similar to those required of a U.S. Senator. We all know that the nature of this business involves diplomacy and perfecting the delicate art of compromise while understanding a wide variety of issues and being prepared to act on them. Many of the toughest issues the Senate dealt with over the last several years were in the areas of foreign policy, law enforcement, and drug-related problems. These are obviously some of the most important issues that effect The Bahamas as well as the United States.

Just by the virtue of being in the Senate, Senator Hecht has developed skills in these areas. In fact, just last year the Senate passed the omnibus drug bill of 1988 which focused on U.S. efforts against drugs in this country, including strict law enforcement penalties for the drug dealer as well as the drug user. The 1988 bill also emphasized drug interdiction and U.S. policies for dealing with drug producing and exporting countries. Senator Hecht was a strong supporter of this legislation, thus maintaining his image as one of the most aggressive Senators on drug matters ever to serve in this body.

During his Senate term Senator Hecht consistently supported tough law-and-order judges, stricter sentencing guidelines, including the death penalty, and the use of all of the Government's resources to fight the war on drugs. Senator Hecht's voting record on drug matters clearly illustrates his understanding of the seriousness of the drug problems in this world.

In addition to his experience as a Senator, Chic Hecht served as a military intelligence agent in the U.S. Army Intelligence Corps and worked behind the Iron Curtain. His service there earned him the honor of being placed in the Army Intelligence Hall of Fame. Senator Hecht maintained his interest and knowledge of intelligence matters by serving as a member of the Senate Intelligence Committee during his tenure in the Senate.

I have heard some say that Chic Hecht was one of the most knowledgeable Senators on matters of intelligence during his time here—that knowledge and experience is a credit and a qualification for dealing with drug matters. He understands how an undercover, underground person's mind works, which is essentially how a drug dealer operates.

We should not forget Hecht's years as a successful businessman. He knows what it takes to meet a payroll and stay within a budget. His years in the banking industry will be invaluable. He spent years practicing good management techniques, relying on hard work, sheer determination, and the art of negotiation to succeed in this field.

There is no question in my mind that Senator Hecht is qualified to be our next Ambassador to The Bahamas. There is also no question that he will do a great job.

Mr. GRASSLEY. Mr. President, I want to lend my strong support to the

nomination of our former colleague, Chic Hecht, to be our Ambassador to the Commonwealth of The Bahamas.

Senator Hecht has served his State and country with distinction as an Army intelligence special agent, a Nevada State Senator, and a U.S. Senator. Senator Hecht served on both the Senate Banking and Intelligence Committees, gaining invaluable insight into the illegal manipulation of financial and business institutions by illicit criminal enterprises.

The Commonwealth of The Bahamas represents a challenge to the United States as we struggle through our war on drug-related criminal enterprises that we, unfortunately, seem to be losing. The Bahamas is a focal point in this drug war, since the island nation has the misfortune to be located in the midst of major drug transportation lanes leading to the United States.

Recently, the issue of illegal drug activity and its connection with The Bahamas was debated on the Senate floor. In a very close vote, a resolution to decertify The Bahamas failed to pass. However, the vote signifies that a large group of Senators are not satisfied with past Bahamian efforts to help put an end to the drug trade. For instance, in looking at Bahamian arrest and conviction records, it is clear that although arrests and convictions may have been made, there were very few long-term jail sentences carried out. Most sentences in Bahamian drug cases have, unfortunately, amounted to slaps on the wrist that have no real deterrent value.

However, it is my hope that the future situation will improve. This is precisely why we need an ambassador that not only understands the problems, but has a close working relationship with Congress and has inside knowledge of how the Government bureaucracies work—or do not work, as is often the case.

Chic Hecht has the experience, knowledge, and ability that will be necessary in prosecuting an effective policy against the drug lords and their businesses operating in and around The Bahamas. I look forward to working with Ambassador Hecht and the Government of the Commonwealth of The Bahamas as we encourage stronger international relations and stronger mutual efforts to win the war on drugs.

Mr. GARN. Mr. President, I rise today to support the nomination of former Senator Chic Hecht to be the United States Ambassador to the Commonwealth of The Bahamas. I believe that my former colleague will serve President Bush and the interests of the United States admirably.

The Commonwealth of The Bahamas and the United States have a strong friendship, but the relationship is not without challenges. Senator Hecht has the necessary skills to deal with the problems of our relations, including the drug interdiction struggle and the issues of immigration. He dealt with similar issues while representing the State of Nevada. As a Senator from a neighboring State, I had the opportunity to work with Senator Hecht on difficult issues involving Western States interests. he was consistently forthright and honorable in his dealings.

I had the pleasure to serve with Senator Hecht on two committees. First, on the Senate's Select Committee on Intelligence, where he brought to bear his experience as an intelligence officer in the Eastern bloc. Second, I worked closely with him on the Senate Banking, Housing, and Urban Affairs Committee. Chic served as chairman of the Housing Subcommittee of the Banking Committee in the 99th Congress, while I was chairman of the full committee. I witnessed Senator Hecht's willingness to work hard for initiatives he believed in and his courage to voice opposition when he disagreed with positions of the administration or the committee. These qualities will benefit the interests of the United States while he serves in The Bahamas.

Senator Hecht is an uncommon man who was not overwhelmed by the trappings of being a Senator. Chic did not lose his sense of decency in the atmosphere of Washington, DC. His affable demeanor will reflect well upon the United States and people will find Chic a pleasure to work with.

Again, I am happy to support Senator Hecht's nomination.

Mr. BOND. Mr. President, I am pleased today to join my colleagues in supporting the nomination of Senator Chic Hecht to be our Ambassador to The Bahamas.

The President made an excellent choice when he named Senator Hecht to this position. His past experiences—both in and out of government—will serve him well as he takes on this new challenge.

Chic has solid experience in foreign affairs stretching back over more than three decades. He first served his country as an Army intelligence officer behind the Iron Curtain. More recently, during his term in the Senate, he served as a member of the Select Committee on Intelligence.

For 2 years, I had the pleasure of serving with Chic on the Senate Banking Committee. During that time the committee dealt with many issues that are important in our relationship with The Bahamas, most notably money laundering. This experience will serve him well as he faces one of the stickiest issues between our two countries. In addition, his service as director of the Nevada State Bank will provide him with further background on these issues.

Chic's qualifications go beyond his knowledge of banking and financial issues. His extensive experience as a businessman will make it easy for him to deal with the important business community in Nassau, and his many years as a legislator will equip him well for his dealings with government officials.

Mr. President, Chic Hecht is a man of strong convictions. he demonstrated that often during his votes on this floor. He always voted his conscience, and he often paid the political price for those votes. The United States certainly will benefit from once again having the service of a man with his resolve.

During his service in the Senate, most of us had the opportunity to work closely with Chic, to spend time with him, and to discover what a warm and caring person he is. Although I served with Chic for only 2 years, because he was born and raised in Missouri, I have known and worked with his family for decades and I know that Chic comes from a family that represents the best that Missouri and this country have to offer.

● Mr. BOSCHWITZ. Mr. President, I must tell you that I am dumbstruck that we are spending valuable Senate time debating the nomination of our former colleague, Chic Hecht, to be Ambassador to The Bahamas.

Aside from the obvious—that, barring some clearly disqualifying evidence—the President should have the right to name his team, Chic is well known to most of us as conscientious, hard working, and warm-hearted. If he was your friend, he would do all he could for you—a rather rare commodity in this town. Chic represented his State ably for 6 years in this body. Those who served with him can well recall how hard he fought for the interests of his State. He was dogged in their pursuit.

Do any of us really doubt Chic's ability to carry out the responsibilities of being our Ambassador to The Bahamas? Chic has ample qualifications to serve our country in this post. He has a broad international background, developed both through his private business activities, which require extensive travel, and his service in the Senate.

As a Senator, Chic sat on the Select Committee on Intelligence. This gave him unique insight and information into many of the same issues which he would have to deal with as Ambassador. Among these are the drug trade, international money laundering, and international cooperation in stopping the flow of drugs.

Chic took his assignment on the committee with extraordinary seriousness. Unique among his colleagues, Chic would, nearly every weekend, travel to a different CIA post around the world. Chic wanted to see first

hand how CIA functioned in the field, what successes it was having, what changes could be made to make its operations more effective. This was a truly selfless use of his time which made his work on the committee all the more effective.

As a result, Chic was inducted him into the Intelligence Hall of Fame—an honor which he richly deserved.

Mr. President, the partisan wrangling that the Senate has engaged in this session is really unprecedented during my more than 10 years of experience in this body. The President has repeatedly offered his hand to work with us and has graciously forgotten or forgiven the reception he has received in return. Yet, here we go again, and I fear, not necessarily for the last time.

Yes, I know that there are some here who say the Senate is just exercising its legitimate right of advice and consent. It seems to me, however, that what is really going on here is nothing more than political gamesmanship for short-term partisan advantage largely unrelated to policy considerations. We began this with the Tower nomination and we continue it today.

Well, I believe this nonsense has to stop, and it should stop here or we may find ourselves so mired that we lose our ability to do what we were really sent here to do—the Nation's affairs. I suggest, Mr. President, that we quickly confirm Senator Hecht and get on to more pressing business.●

Mr. MURKOWSKI. Mr. President, I rise today with pride to speak in support of my friend and former colleague Chic Hecht to be the United States Ambassador to The Bahamas.

Mr. President, I worked beside Chic Hecht for 6 years in the Senate on both the Intelligence and Energy and Natural Resources Committees. In all those years, Chic consistently proved himself to be a valued colleague and a trusted friend. I am encouraged to know that these qualities will now be devoted to the task representing the United States in The Bahamas.

The challenge that the President has asked Chic to assume is not an easy one. The Bahamas is a small country, but it is strategically located for drug traffickers seeking to transport their lethal product to the United States. Despite the magnitude of this challenge, however, I am confident that Chic Hecht will meet this problem with the same commitment and tenacity that characterized his tenure in the Senate. I wish him success as our Ambassador to The Bahamas.

Mr. SIMPSON. Mr. President, I have worked with Chic Hecht, legislated with him, and come to know him quite well during the time we both served in the Senate. I so enjoyed the opportunity of sharing time with him and legislating with him. I also had the pleasant experience of traveling with him on one occasion. I thoroughly enjoyed that, too.

During his time in the Senate, I learned to appreciate his warmth, sincerity and good humor.

His background in the intelligence community will serve him well at this post. I wish Chic and his fine wife, Gail, the very best. They will represent our country well. We expect much of him. He will deliver.

Mr. GRAHAM. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. GRAHAM. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Chic Hecht, of Nevada, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. BOSCHWITZ] and the Senator from Utah [Mr. HATCH] are necessarily absent.

The PRESIDING OFFICER (Mr. LAUTENBERG). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 19, as follows:

[Rollcall Vote No. 105 Ex.]

YEAS—78

Armstrong	Gore	Metzenbaum
Baucus	Gorton	Moynihan
Bentsen	Gramm	Murkowski
Bingaman	Grassley	Nickles
Bond	Hatfield	Nunn
Boren	Heflin	Packwood
Bryan	Heinz	Pell
Bumpers	Helms	Pressler
Burdick	Hollings	Pryor
Burns	Humphrey	Reid
Byrd	Inouye	Riegle
Chafee	Jeffords	Robb
Coats	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sanford
Conrad	Kennedy	Sasser
D'Amato	Kerrey	Shelby
Danforth	Kerry	Simon
Dixon	Levin	Simpson
Dodd	Lieberman	Specter
Dole	Lott	Stevens
Domenici	Lugar	Symms
Durenberger	Mack	Thurmond
Exon	McCain	Wallop
Garn	McClure	Warner
Glenn	McConnell	Wilson

NAYS—19

Adams	Ford	Mikulski
Biden	Fowler	Mitchell
Bradley	Graham	Rockefeller
Breaux	Harkin	Sarbanes
Cranston	Kohl	Wirth
Daschle	Lautenberg	
DeConcini	Leahy	

NOT VOTING—3

Boschwitz	Hatch	Matsunaga

So the nomination was confirmed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

THE IMMIGRATION ACT OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina [Mr. HELMS] is recognized to offer a substitute amendment with time limited to 1 hour equally divided and controlled by the Senator from North Carolina and the Senator from Massachusetts.

The majority leader.

Mr. MITCHELL. Mr. President, the Senator from North Carolina is entitled to be heard. I see he is here. May I ask that there be order in the Senate.

The PRESIDING OFFICER. The Senate must be in order. Conversation in the Chamber must cease.

The majority leader.

Mr. MITCHELL. Mr. President, for the information of Senators, this was the last rollcall vote today. The next rollcall vote will be at 11:30 tomorrow morning on the amendment now to be offered by the Senator from North Carolina. There will be a half-hour debate tonight. A half-hour debate from 11 to 11:30 tomorrow morning. Then it is my hope and intention that we complete action on this bill tomorrow. Senators should be aware that there will be rollcall votes throughout the day tomorrow but we do intend to complete action on this bill on tomorrow.

I thank Senators for their attention and I yield to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 240

(Purpose: To amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and for other purposes)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 240.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, immigration is a particularly important issue in America because we are a nation of immigrants. This country has always had a very generous immigration policy. A lot of people do not know this, but we accept more immigrants each year than all the other countries combined, and I am proud of that fact.

Mr. President, Senator KENNEDY and Senator SIMPSON have provided commendable leadership over the years on the immigration issue. Last year, they introduced a comprehensive bill to reform legal immigration. Many of the provisions of the 1988 Kennedy-Simpson bill appealed to me: It provided a national level, it limited entrance under the fifth preference to brothers and sisters who have never been married, and created a new category for new seed immigrants.

The 1988 bill was viewed as a consensus position on legal immigration reform. However, the consensus position was thrown out of kilter by a compromise made last month with Senator SIMON. So in this Senator's judgment, and I say this with all due respect, the Kennedy-Simpson-Simon compromise is a step backward from the 1988 consensus position. It drops the limited definition of the fifth preference from the 1988 Kennedy-Simpson bill and increases the national level to 600,000. The compromise increases family immigrant visas by 44,000 while doing nothing for business immigrants.

I have offered a compromise substitute amendment to restore the 1988 consensus position, that at the same time, addresses the needs of our Nation and the business community.

Mr. President, my amendment is a compromise amendment—it does not go as far as I would like, but on the whole I think we accomplish several worthy objectives. Let me briefly summarize the major points.

First, we limit the definition of the fifth preference without reducing the number of fifth preference visas. Frankly, I would have preferred to eliminate the fifth. Second, we increase the employer-sponsored visas without increasing the overall national level.

Let me say parenthetically that my amendment incorporates the Dole-Mitchell amendment regarding Chinese students that has just been passed by the Senate.

Third, we retain Congress' power to set immigration policy instead of allowing the President to usurp that authority. The current bill allows for an automatic increase in the national level upon the President's recommendation. My amendment deletes that automatic mechanism. Fourth, we retain the points for English language that were included in the point system in the original version of the bill. Finally, we keep the national level of 600,000 per the Kennedy-Simpson-Simon bill. I happen to think that 600,000 is too high. The polls show that the American people do not want an increase of 105,000 in the level of immigration. That is why in the bill I introduced on June 21, I set the national level at 550,000.

Mr. President, as I stated, my amendment keeps a limited definition of the fifth preference. The fifth preference presently allows a citizen to bring in his brothers, his sisters, his brothers-in-law, his sisters-in-law, his nieces and his nephews. Obviously, this causes a chain migration problem; a citizen can bring in his brother-in-law who, once he becomes a citizen, can bring in his brother-in-law and his family. One famous example is the man in New York who brought in 64 relatives under the fifth preference category.

My amendment simply limits the fifth to allow a citizen to bring in those brothers and sisters who have never been married. This is exactly the same definition set forth in the Kennedy-Simpson bill which passed 88 to 4 last year. However, in the spirit of compromise, my amendment does not reduce the number of fifth preference visas for the first 3 years, and only slightly reduces the numbers thereafter. A limited definition will eventually reduce demand and shorten waiting periods for fifth preference visas.

Mr. President, almost everyone agrees that something must be done to deal with the fifth preference. On one occasion this Senate passed a bill to eliminate completely the fifth preference and quite frankly I would prefer that approach. Since I try to stay within the framework of the 1988 Kennedy-Simpson bill, I stick with merely a limited definition of the fifth preference. Furthermore, a limited definition overwhelmingly passed the Senate in 1983 and in 1988.

These measures passed because Senators realized that we must set priorities. As Senators KENNEDY and SIMPSON have stated on several occasions, we should give priority to those immigrants who are the closest family members to American citizens. I agree, for example, that spouses and children of permanent residents should be given priority over brothers-in-law. That is why my bill keeps a limited definition of the fifth preference and doubles the number of second preference visas.

Another reason to limit the fifth preference is because there are tremendous backlogs of immigrants in this category. Over 1.5 million people are waiting for their number to come up. This causes long delays—up to 20 years in some cases—and fosters illegal immigration. As Senator KENNEDY correctly states, this creates "an illusory and false hope of family reunification."

Mr. President, we do not need an immigration policy that creates false hope.

The second major aspect of my amendment addresses the business visas.

Mr. President, I agree with Senators KENNEDY and SIMPSON that we must strive for an immigration policy that is based on "the needs of the country." A recent Department of Labor study entitled "Workforce 2000" made a detailed assessment of what our labor needs will be over the next two decades. The report concluded that we will experience a shortage in skilled workers and that we need policies that facilitate the immigration of skilled workers.

My amendment addresses the needs of our country by increasing employer-sponsored visas—third and sixth preferences—by 37,200, without increasing the overall national level and without reducing the number of fifth preference visas. Other amendments may be offered to increase the number of employer-sponsored visas, but they also increase the overall national level. The primary sponsors of the bill have indicated they will oppose any effort to increase the overall national level.

The third preference allows an employer to bring in professionals who are in short supply, or people with exceptional abilities. Under the sixth preference, an employer can bring in skilled workers who are in short supply. The underlying bill made a new requirement; third preference immigrants would have to have an advanced degree. This is unnecessary, so my amendment drops that additional requirement.

Mr. President, I think we need a policy that encourages people with skills and exceptional abilities to come to our country. Unfortunately, our present system discourages them from immigrating because there is a 1- to 3-year wait to get a third or sixth preference visa.

As a result, American companies have difficulty recruiting highly skilled workers who have crucial knowledge of international markets and pioneer research. If there is a shortage of skilled workers in a particular profession, the business loses the competitive edge waiting 3 years to bring in someone to fill the slot.

The additional numbers for employer-sponsored visas in my bill will help reduce the delays for immigrants with skills or exceptional ability. This will allow businesses to find enough skilled workers and thereby maintain a competitive position in international markets.

Mr. President, skill-based, employer-sponsored visas only account for a small percentage of the overall number of visas. Only 10 percent are skill-based, whereas 90 percent are based on family connections.

In case there is any doubt, there are several safeguards that ensure American jobs will not be displaced by these increases. For example, before a person can be admitted under a third or sixth preference visa, the Department of Labor must determine that there is a labor shortage in the particular field and that the business cannot find an American skilled worker to fill the slot. In the alternative, under the third preference, they must determine that the potential immigrant is a member of a profession with "exceptional abilities."

Mr. President, as we debate the issue of legal immigration, we must keep one fundamental concept in mind—for America to remain a great country, we must have an immigration policy based on the needs of our country and focused on what is in the best interest of the Nation as a whole.

I urge Senators to support my amendment when the vote occurs tomorrow morning.

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

Mr. President, I congratulate and commend my friend from North Carolina for the points he has raised this evening and the support he has given to many of the provisions which we have included in our proposal—the compromise bill worked out between the Senator from Wyoming and myself.

He has touched on a number of proposals which we have debated at different times. But when we look back over the debate of just last year—where the vote was 88 to 4—the good Senator from North Carolina had sufficient objections to that proposal to be one of the four to vote against it. Yet much of that bill has been included in his substitute amendment. The fact that this evening he would support most of the provisions of our bill of last year, demonstrates a remarkable coming together of those of us who have supported the immigration reforms included in the Kennedy-Simpson bill—a number of which the Senator from North Carolina has included in his amendment.

So I do want to acknowledge at the outset that we have, with his support, and with his substitute, we have come a long way from the kinds of concerns he had at another time when he voted as one of four Senators in opposition to the legislation.

The Senator has mentioned a number of different areas in which we find agreement and some in which we have differences. I think, quite frankly, he has explained some of the reasons why he supports one approach and we support another. But let me just review very briefly the advantages I think are included in the proposal which Senator SIMPSON and I have placed before the Senate.

First of all, we set in motion a procedure which requires this body to revisit the issue of immigration 3 years from now. We have recognized that even when we required studies, for example, in the 1965 act, when we had the Western Hemisphere Commission that was to make recommendations, after they made the recommendations, that was it—no longer was there a possibility the Senate would revisit these issues.

So we require a review under expedited parliamentary procedures, so the country, the Senate, and the House are going to have to focus on these issues if there are inequities, and if there is unfairness. We are going to have to revisit it. An administration is going to have to take a position. I think that is important.

His proposal recommends some study but does not, I think, put any teeth into it with the kind of procedures I think are of such great importance.

The Senator rightly points out that we gave priority to members of families who are the closest members of the family, children rather than older members of the larger nuclear family. I think a strong case can be made for that. But quite frankly, in conversations with those groups which are most affected by that particular provision, I have been convinced that their position about the support for the larger nuclear family was sufficiently persuasive that we made adjustment on that point in restoring fifth preference.

The Senator points out the need for greater skills. We have taken steps as the Senator has pointed out even in the third preference where we require greater skills. To quote: "Visas shall be made available next and in a number not to exceed 23 percent of the worldwide level to qualified immigrants who are members of professions holding advanced degrees," but then we also point out "or because of their exceptional ability" in the sciences, arts, and business will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are supported by an employer. It is pretty broad.

We tried to provide some greater direction in the third preference in terms of skills. Again he mentions the importance of skills. We tried to address that. We also addressed it in the sixth preference where we have given a greater preference for skills, and I reference the legislation on page 93 that spells that out. And also in the independent category we provide points for skills.

So the Senator points out the greater number, and the greater need for skills. We made important progress, I think, in that area, but not as far as the Senator from North Carolina would like to go.

The principal concern that I have with this proposal is the cutback in the fifth preference. I have described it as illusory. The Senator was correct in that, because I think it is unfortunate to create a false sense of expectation that people may be eligible to get in when the waiting time may be in some instances many years.

I think it would be more realistic quite frankly if we followed what has been adopted in other countries where if they are not going to get in in 3, 4 years—a couple of countries have 2 years—we basically purge the list and start over again. But we have not had the hearings on that type of proposal. And it seems to me that until we are able to give that more adequate consideration it is not wise to cut back on the fifth preference and reallocate those visas in other areas until we are prepared to come to grips with the kinds of concerns that many of us have with the fifth preference.

It is not a perfect solution. The Senator from Wyoming knows that very well as I do. But this is not perfect legislation. But it does represent a compromise—the best we can, at this time, recommend to the Senate, and we think it is a solid product.

Mr. President, in conclusion, we have addressed the concerns which are included in the Senator's amendment in terms of skills. We have also recognized the longstanding tradition of giving special recognition to family reunification. The Senator from North Carolina's substitute would undermine an important aspect of that. And we set in motion a requirement that we will revisit this legislation in 3 years, which does not exist in his amendment.

So I want to say that I welcome the Senator's observations about the benefits of this legislation. The areas that we have a difference in I believe are

important, but measured against where we have come from, and the progress that we have made, I think this demonstrates the remarkable consensus that has really been developed in this whole legislative area.

Therefore, I indeed welcome the opportunity to clarify these differences. They are important, and I hope the Senator's amendment will be defeated. But I think it demonstrates how far we have come as an institution in immigration policy when we are able to have those who have expressed such serious reservations about this legislation a year and a half ago are prepared now to recognize and support many of those items which we have again included in this legislation.

Mr. President, I ask unanimous consent that whenever the time is yielded in the allocation of amendments the time be equally divided between myself and the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, my remarks will be brief. We have approximately how much time left?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. SIMPSON. Thank you, Mr. President.

I want to congratulate our colleague from North Carolina for his very reasonable and generous amendment. It is something I am familiar with. That is the bill that Senator KENNEDY and I worked long and hard on, and to see if we could not bring it to fruition. But in the activity of legislating we come to, as I said earlier, the appropriate time to compromise an issue without compromising one's self. We did that in the bill that was presented to the Judiciary Committee. The amendment of Senator HELMS would hold the overall level of family-based immigration steady at current levels and increase immigration in the independent category. We are familiar with that. Senator KENNEDY has outlined well how far we have all come in our understanding of the legal immigration reform.

While preserving most of the visas in our new point system category, Senator HELMS would substantially increase the number of visas in the employer-sponsored category of visa. In fact, his amendment would increase the present third and sixth preferences in excess of 35,000 numbers. I believe one of the overall objectives of legal immigration reform is to try to preserve the present level of family-based immigration and increase the number of immigrants who would come here because they have these certain skills and qualities that would serve us well. That is indeed in our national interest. I believe Senator HELMS' proposal is a good way to achieve just that.

But when this bill, S. 358, passed the Senate Judiciary Committee I very reluctantly and yet very vividly and very much aware entered into a compromise that increased the overall number of visas in the family system without reallocating visas to the closest family member.

In my additional views to the committee report I said this: "The fifth preference should be deemphasized so that we may give proper priority to closer family members, skilled workers and other immigrants that our labor market needs. I deeply regret that the committee bill does not recognize this principle."

I am very aware that the fifth preference was eliminated right here on this floor twice on previous occasions. And I deeply feel that it is something that should be revisited, and yet part of my accommodation and compromise would be that we would retain the fifth preference exactly as it is. I am committed to that. I will support that. That will be evident.

But I certainly say to my colleagues that the Helms amendment responds to what I believe should be the priorities in our immigration policy, and yet I am bound by my earlier agreement to my subcommittee members, my colleagues, Senator KENNEDY, and Senator SIMPSON, to vote against the amendment. I do so but I still believe very strongly—as we all have come to support—that a national level of immigration to me is more important than anything we are attempting to reach. And for that reason I will not be able to support the Helms amendment.

But I think it is obviously a very thoughtful proposal, and I think the distinctions drawn by the Senator from Massachusetts with his thoughtful approach gives all of us a better idea of what it is we are trying to do, and that is continue to keep our eye on the rabbit; and, that is our national interest. That is what we are here to serve. If we can keep that in mind, we will process this bill appropriately.

I thank the Chair.

Mr. KENNEDY. Mr. President, as I understand the situation, we will have a half-hour to continue this debate tomorrow morning, starting at 11 o'clock, the idea that we will have a yea-and-nay vote at 11:30.

In terms of the consideration of the legislation, we will not have further debate on this legislation but, as I understand, when we go off morning business tomorrow, we will have a half-hour for debate on this, the time to be evenly divided between the Senator from North Carolina and the managers of the bill; am I correct?

The PRESIDING OFFICER. There remains 31 minutes—16 minutes for the Senator from North Carolina and 14 minutes for the Senator from Massachusetts.

Mr. KENNEDY. That is fine. Understanding if that is agreeable with the Senator from North Carolina, we will continue the debate tomorrow and move on to other matters this evening.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations and withdrawals received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that on June 30, 1989, he approved and signed the following enrolled bills and joint resolution:

S. 694. An act to extend title I of the Energy Policy and Conservation Act.

S. 1077. An act to authorize the President to appoint Admiral James B. Busey to the Office of Administrator of the Federal Aviation Administration.

S. 1180. An act to authorize the President to appoint Rear Admiral Richard Harrison Truly to the Office of Administrator of the National Aeronautics and Space Administration.

S. 1184. An act to allow the obsolete destroyer United States Ship *Edson* (DD946) to be transferred to the Intrepid Sea-Air-Space Museum in New York before the expiration of the otherwise applicable sixty-day congressional review period.

S.J. Res. 96. Joint resolution designating July 2, 1989, as "National Literacy Day".

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on June 27, 1989, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1077. An act to authorize the President to appoint Admiral James B. Busey to the Office of Administrator of the Federal Aviation Administration;

S. 1180. An act to authorize the President to appoint Rear Admiral Richard Harrison Truly to the Office of Administrator of the National Aeronautics and Space Administration;

H.R. 923. An act to redesignate the Federal hydropower generating facilities located

at Dam B on the Neches River at Town Bluff, Texas, as the "Robert Douglas Willis Hydropower Project";

H.R. 2402. An act making supplemental appropriations for the Department of Veterans Affairs for the fiscal year ending September 30, 1989, and for other purposes;

H.J. Res. 132. Joint resolution to designate the second Sunday on October of 1989 as "National Children's Day";

H.J. Res. 276. Joint resolution designating September 14, 1989, as "National D.A.R.E. Day"; and

H.J. Res. 298. Joint resolution designating July 14, 1989, as "National Day to Commemorate the Bastille Day Centennial".

Under the authority of the order of the Senate of January 3, 1989, the enrolled bills and joint resolutions were subsequently signed on June 28, 1989, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on June 28, 1989, during the recess of the Senate, received a message from the House of Representatives stating that the House has passed the following bill, without amendment:

S. 1184. An act to allow the obsolete destroyer United States Ship *Edson* (DD 946) to be transferred to the Intrepid Sea-Air-Space Museum in New York before the expiration of the otherwise applicable sixty-day congressional review period.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2119) to authorize the exchange of certain Federal public land in Madison County, Illinois.

The message further announced that the Speaker, under the authority granted by the House on June 22, 1989, makes the following corrections in the appointment of conferees on H.R. 1278, to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes:

First. For the second panel from the Committee on Banking, Finance and Urban Affairs, delete section 223 of the House bill from the sections under consideration.

Second. For the first panel from the Committee on Ways and Means, add section 1412 of the Senate amendment as a section for consideration.

Third. For the second panel from the Committee on Ways and Means, delete section 503 of the Senate amendment from the sections under consideration.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1184. An act to allow the obsolete destroyer United States Ship *Edson* (DD 946) to be transferred to the Intrepid Sea-Air-Space Museum in New York before the expiration of the otherwise applicable sixty-day congressional review period.

Under the authority of the order of the Senate of January 3, 1989, the enrolled bill was signed on June 29, 1989, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on June 29, 1989, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 694. An act to extend title I of the Energy Policy and Conservation Act; and

H.R. 2119. An act to authorize the exchange of certain Federal public land in Madison County, Illinois.

Under the authority of the order of the Senate of January 3, 1989, the enrolled bills were signed on June 29, 1989, during the recess of the Senate by the President pro tempore [Mr. BYRD].

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on June 30, 1989, received a message from the House of Representatives, announcing that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 694) to amend the Energy Policy and Conservation Act to extend the authority for the strategic petroleum reserve, and for other purposes.

The message also announced that pursuant to section 403(a)(3) of Public Law 100-533, the minority leader appoints from private life Ms. Marilu Meyer, Chicago, IL, to serve as a member of the National Women's Business Council, on the part of the House.

The message further announced that pursuant to section 403(a)(3) of Public Law 100-533, the Speaker appoints the following individuals from private life to the National Women's Business Council, on the part of the House: Mrs. Esther Shapiro, Los Angeles, CA; and Ms. Gilliam Rudd, Washington, DC.

The message also announced that the Speaker appoints Mr. JAMES as an additional conferee in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1278) entitled "An Act to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes", vice Mr. HYDE, excused.

The message further announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 95. Joint resolution to designate the week of September 10, 1989, through September 16, 1989, as "National Check-Up Week";

S.J. Res. 96. Joint resolution designating July 2, 1989, as "National Literacy Day"; and

S.J. Res. 137. Joint resolution designating January 7, 1990, through January 13, 1990, as "National Law Enforcement Training Week".

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 96. Joint resolution designating July 2, 1989, as "National Literacy Day".

Under the authority of the order of the Senate of January 3, 1989, the enrolled joint resolution was signed on June 30, 1989, during the recess of the Senate by the Vice President.

MESSAGES FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 536. An act to amend chapter 171 of title 28, United States Code, to allow claims against the United States under that chapter for damages arising from certain negligent medical care provided members of the Armed Forces;

H.R. 801. An act to designate the United States Court of Appeals Building at 56 Forsyth Street in Atlanta, GA, as the "Elbert P. Tuttle United States Court of Appeals Building";

H.R. 901. An act to amend title 38, United States Code, to improve programs for the recruitment and retention of health-care personnel of the Department of Veterans Affairs, to extend certain expiring programs of that Department, and for other purposes;

H.R. 1048. An act to provide for the acquisition and publication of data about crimes that manifest prejudice based on certain group characteristics;

H.R. 1199. An act to amend title 38, United States Code, to improve recruitment and retention of nurses in the Department of Veterans Affairs by providing greater flexibility in the pay system for those nurses and to authorize the Secretary of Veterans Affairs to provide certain procreative services for married veterans with service-connected disabilities which impair their ability to procreate;

H.R. 1334. An act to amend title 38, United States Code, to remove a limitation relating to the payment of pension to veterans furnished hospital care by the Department of Veterans Affairs on a long-term basis and to reduce the period of time that a surviving spouse must have been married to a veteran who dies while in receipt of compensation for a service-connected disability in order for the surviving spouse to be eligible for dependency and indemnity compensation;

H.R. 2214. An act to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations;

H.R. 2467. An act entitled the "1988 Disaster Assistance Extension Act";

H.R. 2557. An act to designate the outpatient clinic of the Department of Veterans Affairs to be located on New Jersey State Route 70 in Brick Township, NJ, as the

"James J. Howard Veterans Outpatient Clinic";

H.R. 2569. An act to designate the Department of Veterans Affairs medical center in Saginaw, MI, as the "Aleda E. Lutz Department of Veterans Affairs Medical Center";

H.R. 2655. An act to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and to eliminate obsolete and inconsistent provisions to amend the Arms Export Control Act and redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1990 and 1991, and for other purposes;

H.R. 2696. An act making appropriations for energy and ester development for the fiscal year ending September 30, 1990, and for other purposes;

H.R. 2705. An act relating to the method by which Government contributions to the Federal employees health benefits program shall be computed for 1990 or 1991 if no Government-wide indemnity benefit plan participates in that year;

H.R. 2749. An act to authorize the conveyance of a parcel of land in Whitney Lake, TX;

H.J. Res. 149. Joint resolution designating February 16, 1990, as "Lithuanian Independence Day";

H.J. Res. 174. Joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain"; and

H.J. Res. 175. Joint resolution to authorize entry into force of the Compact of Free Association between the United States and the Government of Palau, and for other purposes.

At 4:33 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2136. An act to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the courts of the District of Columbia, and for other purposes.

MEASURES REFERRED

The following bill, received by the Senate for concurrence on June 22, 1989, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2550. An act to provide for certain forms of assistance to Poland and Hungary to encourage the process of democratic reforms in those countries; to the Committee on Foreign Relations.

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 536. An act to amend chapter 171 of title 28, United States Code, to allow claims against the United States under that chapter for damages arising from certain negligent medical care provided members of the Armed Forces; to the Committee on Armed Services.

H.R. 801. An act to designate the United States Court of Appeals Building at 56 Forsyth Street in Atlanta, Georgia, as the "Elbert P. Tuttle United States Court of Appeals Building"; to the Committee on Environment and Public Works.

H.R. 901. An act to amend title 38, United States Code, to improve programs for the recruitment and retention of health-care personnel of the Department of Veterans Affairs, to extend certain expiring programs of that Department, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1048. An act to provide for the acquisition and publication of data about crimes that manifest prejudice based on certain group characteristics; to the Committee on the Judiciary.

H.R. 1199. An act to amend title 38, United States Code, to improve recruitment and retention of nurses in the Department of Veterans Affairs by providing greater flexibility in the pay system for those nurses and to authorize the Secretary of Veterans Affairs to provide certain procreative services for married veterans with service-connected disabilities which impair their ability to procreate; to the Committee on Veterans' Affairs.

H.R. 1334. An act to amend title 38, United States Code, to remove a limitation relating to the payment of pension to veterans furnished hospital care by the Department of Veterans Affairs on a long-term basis and to reduce the period of time that a surviving spouse must have been married to a veteran who dies while in receipt of compensation for a service-connected disability in order for the surviving spouse to be eligible for dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 2136. An act to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the courts of the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2467. An act entitled the "1988 Disaster Assistance Extension Act"; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 2557. An act to designate the outpatient clinic of the Department of Veterans Affairs to be located on New Jersey States Route 70 in Brick Township, New Jersey, as the "James J. Howard Veterans Outpatient Clinic"; to the Committee on Veterans' Affairs.

H.R. 2569. An act to designate the Department of Veterans Affairs medical center in Saginaw, Michigan, as the "Aleda E. Lutz Department of Veterans Affairs Medical Center"; to the Committee on Environment and Public Works.

H.R. 2655. An act to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that Act in order to establish more effective assistance programs and to eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and redesignate that Act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1990 and 1991, and for other purposes; to the Committee on Foreign Relations.

H.R. 2696. An act making appropriations for energy and ester development for the fiscal year ending September 30, 1990, and for other purposes; to the Committee on Appropriations.

H.R. 2749. An act to authorize the conveyance of a parcel of land in Whitney Lake, Texas; to the Committee on Armed Services.

H.J. Res. 149. Joint resolution designating February 16, 1990, as "Lithuanian Independence Day"; to the Committee on the Judiciary.

H.J. Res. 174. Joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain"; to the Committee on the Judiciary.

H.J. Res. 175. Joint resolution to authorize entry into force of the Compact of Free Association between the United States and the Government of Palau, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2705. An act relating to the method by which Government contributions to the Federal employees health benefits program shall be computed for 1990 or 1991 if no Governmentwide indemnity benefit plan participates in that year.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate announced that he had presented to the President of the United States the following enrolled bills and joint resolution:

On June 28, 1989:

S. 1007. An act to authorize the President to appoint Adm. James B. Busey to the Office of Administrator of the Federal Aviation Administration; and

S. 1180. An act to authorize the President to appoint Rear Adm. Richard Harrison Truly to the Office of Administrator of the National Aeronautics and Space Administration

On June 29, 1989:

S. 694. An act to extend title I of the Energy Policy and Conservation Act; and

S. 1184. An act to allow the obsolete destroyer United States ship Edson (DD 946) to be transferred to the Intrepid Sea-Air-Space Museum in New York before the expiration of the Otherwise applicable sixty-day congressional review period.

On June 30, 1989:

S.J. Res. 96. Joint resolution designating July 2, 1989, as "National Literacy Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1312. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the National School Lunch Act and Child Nutrition Act of 1966; to the Committee on Agriculture, Nutrition and Forestry.

EC-1313. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a contract award report for the period July 1, 1989, to August 31, 1989; to the Committee on Armed Services.

EC-1314. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, the update of the RDT&E Annex to the 5-year defense program for the fiscal years 1990 and 1991 budget revision; to the Committee on Armed Services.

EC-1315. A communication from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to provide the Superintendent of the U.S. Military Academy authority to confer the degree of master of arts in leader development; to the Committee on Armed Services.

EC-1316. A communication from the Deputy General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize increased flexibility in the Armed Forces Health Professions Scholarship Program by providing a grant to medical residents studying in critically needed skills in return for military service; to the Committee on Armed Services.

EC-1317. A communication from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend titles 10, 14, and 37, United States Code relating to the promotion, separation, and mandatory retirement of warrant officers of the armed forces, establish the grade of chief warrant officer WS5, and for other purposes; to the Committee on Armed Services.

EC-1318. A communication from the Deputy Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend titles 10, and 37, United States Code, relating to personnel matters in the management of health care personnel in the Department of Defense; to the Committee on Armed Services.

EC-1319. A communication from the Secretary of Energy, transmitting a draft of proposed legislation entitled "Naval Petroleum Reserves Divestiture and Energy Security Enhancement Act"; to the Committee on Armed Services.

EC-1320. A communication from the Deputy General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 55 of title 10, United States Code, to make such refinements to medical care sections as necessary for consistency and clarification; to the Committee on Armed Services.

EC-1321. A communication from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 37, United States Code, to permit members of the uniformed services and their dependents to defer travel authorized in conjunction with a consecutive overseas tour for up to one year; to the Committee on Armed Services.

EC-1322. A communication from the Chairman of the Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Investment Advisers Act of 1940 ("Advisers Act") to provide for the establishment of one or more self-regulatory organizations for registered investment advisers; to the Committee on Banking, Housing, and Urban Affairs.

EC-1323. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on security expenditures in public housing; to the Committee on Banking, Housing, and Urban Affairs.

EC-1324. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the results of a review of regulatory and examination documents related to thrifts which failed between January 1, 1985, and September 30, 1987; to the Committee on Banking, Housing, and Urban Affairs.

EC-1325. A communication from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Land Remote-Sensing Commercialization Act of 1984 in order to transfer responsibility for archiving land remote sensing data to the Department of the Interior, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-1326. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the Pipeline Safety Act of 1979 for the period of January 1, 1988, through December 31, 1988; to the Committee on Commerce, Science, and Transportation.

EC-1327. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the requirements for the issuance and retention of licenses, certificates of registry and merchant mariners documents, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-1328. A communication from the Solicitor of the Department of the Interior, transmitting a draft of proposed legislation to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920; to the Committee on Energy and Natural Resources.

EC-1329. A communication from the Secretary of the Interior, transmitting, pursuant to law the Federal Coal Management Report for fiscal year 1988; to the Committee on Energy and Natural Resources.

EC-1330. A communication from the Secretary of the Interior and the Secretary of Energy, transmitting, pursuant to law, a report on the U.S. Continental Scientific Drilling Program; to the Committee on Energy and Natural Resources.

EC-1331. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1332. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1333. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a copy of the Building Project Surveys for Boulder, Colorado, and Monterey, California, and three lease prospectuses; to the Committee on Environment and Public Works.

EC-1334. A communication from the Chairman of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report of the Authority; to the Committee on Environment and Public Works.

EC-1335. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "High Volume and High Payment Procedures in the Medicaid Population"; to the Committee on Finance.

EC-1336. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for the calendar year 1988; to the Committee on Governmental Affairs.

EC-1337. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-43 adopted by the Council on May 30, 1989; to the Committee on Governmental Affairs.

EC-1338. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-43 adopted by the Council on May 30, 1989; to the Committee on Governmental Affairs.

EC-1339. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-44 adopted by the Council on May 30, 1989; to the Committee on Governmental Affairs.

EC-1340. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-46 adopted by the Council on May 30, 1989; to the Committee on Governmental Affairs.

EC-1341. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-45 adopted by the Council on May 30, 1989; to the Committee on Governmental Affairs.

EC-1342. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation entitled "Electronic Funds Transfer Salary Act of 1989", and an analysis and a comparative type; to the Committee on Governmental Affairs.

EC-1343. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the annual report on the Commission under the Freedom of Information Act for fiscal year 1988; to the Committee on Governmental Affairs.

EC-1344. A communication from the Deputy General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend provisions of law relating to settlement of admiralty claims; to the Committee on the Judiciary.

EC-1345. A communication from the Assistant Attorney General of the Department of Justice, transmitting, pursuant to law, a report on alternatives to the present manner of prosecuting Federal drug related offenses; to the Committee on the Judiciary.

EC-1346. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the "Report of the Proceedings of the Judicial Conference of the United States"; to the Committee on the Judiciary.

EC-1347. A communication from the Secretary of Education, transmitting, pursuant to law, a document entitled "Final Regulations for the Robert C. Byrd Honors Scholarship Program"; to the Committee on Labor and Human Resources.

EC-1348. A communication from the Secretary of Education, transmitting a draft of proposed legislation entitled "Higher Education Act Amendments of 1989"; to the Committee on Labor and Human Resources.

EC-1349. A communication from the Assistant Comptroller General of the General Accounting Office, transmitting, pursuant to law, a report entitled "Children and Youths"; to the Committee on Labor and Human Resources.

EC-1350. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, section 5004(a)(3)(A), United States Code, to raise the Department of Veterans Affairs' minor construction cost limitation

from $2 million to $3 million and for other purposes; to the Committee on Veterans' Affairs.

EC-1351. A communication from the President of the United States, transmitting a draft of proposed legislation entitled "Senior Executive Salary Act"; to the Committee on the Government Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-166. A resolution adopted by the City Council of Heflin, Alabama, urging support for an extension of the Small Issue Bond Program for manufacturing facilities; to the Committee on Finance.

POM-167. A concurrent resolution adopted by the Legislature of the State of Minnesota; to the Committee on the Judiciary:

"CONCURRENT RESOLUTION No. 6

"Whereas the First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both houses, by a constitutional majority of two-thirds, has proposed an amendment to the Constitution of the United States of America in the following words:

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled two thirds of both Houses concurring,* That the following (Article) be proposed to the legislatures of the several states, as (an Amendment) to the Constitution of the United States, * * * which (Article), when ratified by three fourths of said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz;

"'(An Article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several states, pursuant to the fifth Article of the original Constitution.

"'ARTICLE

"'No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.'

"Whereas Article V of the Constitution of the United States allows the ratification of the proposed amendment to the United States Constitution by the legislature of the State of Minnesota; and

"Whereas the proposed amendment to the Constitution of the United States has already been ratified by the legislatures of twenty-seven states: Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873; Wyoming on March 3, 1978; Maine on April 27, 1983; Colorado on April 18, 1984; South Dakota on February 21, 1985; New Hampshire on March 7, 1985; Arizona on April 3, 1985; Tennessee on May 23, 1985; Oklahoma on July 10, 1985; New Mexico on February 13, 1986; Indiana on February 19, 1986; Utah on February 25, 1986; Arkansas on March 5, 1987; Montana on March 11, 1987; Connecticut on May 13, 1987; Wisconsin on June 30, 1987; Georgia on February 2, 1988; West Virginia on March 10, 1988; Louisiana on July 6, 1988; Iowa on February 7, 1989; and Idaho on March 28, 1989; and

"Whereas Article V of the Constitution of the United States does not state a time limit on ratification of an amendment submitted by Congress, and the First Congress specifically did not provide a time limit for ratification of the proposed amendment; and

"Whereas the United States Supreme Court has ruled in *Coleman* v. *Miller*, 307 U.S. 433 (1939), that an amendment to the United States Constitution may be ratified by states at any time, and Congress must then finally decide whether a reasonable time has elapsed since its submission when, in the presence of certified ratifications by three-fourths of the states, the time arrives for the promulgation of the adoption of the amendment; and

"Whereas Section 9 of Article IV of the Constitution of the State of Minnesota provides that "No increase of compensation shall take effect during the period for which the members of the existing House of Representatives may have been elected."; and

"Whereas the Legislature of the State of Minnesota finds that the proposed amendment is still meaningful and needed as part of the United States Constitution; Now, therefore, be it

"Resolved by the Legislature of the State of Minnesota, That the foregoing proposed amendment to the Constitution of the United States is ratified by the Legislature of the State of Minnesota; and be it further

"Resolved That the Secretary of State of Minnesota shall transmit certified copies of this memorial to the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and the Archivist of the United States, National Archives and Records Administration."

POM-168. A resolution adopted by the Legislature of the State of Florida; to the Committee on Labor and Human Resources:

"RESOLUTION No. 1717

"Whereas the ongoing labor dispute between the management of Eastern Airlines and the International Association of Machinists and Aerospace Workers is having a significant impact on the economy of Florida and the traveling public both within and without the state, and

"Whereas by example, for the first three quarters of 1988, Eastern Airlines had 41 percent of the share of total traffic carried by all air carriers serving Miami, 37 percent of the total serving Pensacola, and 79 percent of the total serving Gainesville, and

"Whereas if the strike against Eastern Airlines continues, the detrimental impact upon the commercial and tourist-related activities within Florida will increase to levels which may have a permanent effect upon the economy of the state, and

"Whereas, the 101st Congress of the United States is presently considering H.R. 1231, which would direct the President of the United States to create a board to investigate and report to the President respecting the disputes between Eastern Airlines and the International Association of Machinists and Aerospace Workers, the Airline Pilots Association, and the Transport Workers Union of America, and

"Whereas creation of such a board would expedite the solution of the dispute between the aforementioned parties, resulting in a return to normal air service in Florida to the betterment of all interests concerned at the earliest possible date, now, therefore, be it

"Resolved by the Legislature of the State of Florida, That the Congress of the United States is requested to adopt H.R. 1231 at the earliest possible date so that a resolution to the dispute between Eastern Airlines and its collective bargaining units may be secured in an orderly and timely manner; and be it further

"Resolved That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of June 22, 1989, the following reports of committees were submitted on July 6, 1989:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 83. A bill to establish the amount of costs of the Department of Energy's uranium enrichment program that have not previously been recovered from enrichment customers in the charges of the Department of Energy to its customers (Rept. No. 101-60).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 267. A bill to authorize the Secretary of the Interior to convey certain lands in Idaho to Mr. and Mrs. Kenneth Blevins of Kuna, ID (Rept. No. 101-61).

S. 830. A bill to amend Public Law 99-647, establishing the Blackstone River Valley Heritage Corridor Commission, to authorize the Commission to take immediate action in furtherance of its purposes and to increase the authorization of appropriations for the Commission (Rept. No. 101-63).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 1485. A bill to provide for the sale of certain Federal lands to Clark County, NV, for national defense and other purposes (Rept. No. 101-65).

Under the authority of the order of the Senate of July 6, 1989, the following reports of committees were submitted on July 6, 1989:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 338. A bill to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes (Rept. No. 101-62).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 310. A bill to remove a restriction from a parcel of land in Roanoke, VA, in order for that land to be conveyed to the State of Virginia for use as a veterans nursing home (Rept. No. 101-64).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 797. A bill to amend the Communications Act of 1934 to improve the education of children by establishing a National Endowment for Children's Educational Television, and for other purposes (Rept. No. 101-66).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 890. A bill to authorize a certificate of documentation for the vessel *HMS Discovery* (Rept. No. 101-67).

S. 904. A bill to permit issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel the *African Queen* (Rept. No. 101-68).

S. 1148. A bill to authorize issuance of a certificate of documentation for the vessel M/V *Northern Victor* (Rept. No. 101-69).

S. 1172. A bill to authorize a certificate of documentation for a vessel (Rept. No. 101-70).

H.R. 840. A bill to authorize appropriations for fiscal year 1990 for the Federal Maritime Commission (Rept. No. 101-71).

H.R. 968. A bill to provide for the Federal reimbursement of local noise abatement funds (Rept. No. 101-72).

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 1036. A bill to improve the economic, community, and educational well-being of rural America, and for other purposes (Rept. 101-73).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HARKIN (for himself and Mr. DASCHLE):

S. 1282. A bill to provide disaster assistance to producers on a farm who suffered certain losses in the quantity of the 1989 crop of a commodity harvested as the result of damaging weather or related conditions in 1988 or 1989, and other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CONRAD (for himself, Mr. PRESSLER, Mr. BENTSEN, Mr. BREAUX, Mr. DASCHLE, and Mr. BURDICK):

S. 1283. A bill to provide disaster assistance to producers who suffered certain losses in the quantity of the 1989 crop of a commodity harvested as the result of damaging weather or related condition in 1988 or 1989, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1284. A bill to provide for repayment of Impact Aid overpayments for the Hays Lodge Pole school district, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. McCAIN:

S. 1285. A bill to provide for the gradual reduction of expenses incurred by the United States in deploying United States forces in NATO countries and in Japan, and for other purposes; to the Committee on Armed Services.

By Mr. KASTEN:

S. 1286. A bill to amend the Internal Revenue Code of 1986 to provide for a maximum long-term capital gains rate of 15 percent and indexing of certain capital assets; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. DECONCINI):

S. 1287. A bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland; to the Committee on Finance.

By Mr. DECONCINI:

S. 1288. A bill to provide for a temporary stay of deportation for nationals of the People's Republic of China, to provide authority to work during the temporary stay, and to provide a mechanism for adjustment to permanent status at the end of the temporary stay; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. MURKOWSKI, Mr. COCHRAN, and Mr. GORTON):

S. 1289. A bill to improve the management of forests and woodlands and the production of forest resources on Indian lands, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. SIMON:

S. 1290. A bill to guarantee a work opportunity for all Americans, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PELL (for himself, Mrs. KASSEBAUM, Mr. MATSUNAGA, Mr. COCHRAN, Mr. DODD, Mr. SIMON, Mr. JEFFORDS, Mr. KENNEDY, Mr. HOLLINGS, and Mr. GLENN):

S. 1291. A bill to extend and amend the Library Services and Construction Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY:

S. 1292. A bill to temporarily suspend the duty on tefluthrin; to the Committee on Finance.

By Mr. HEINZ:

S. 1293. A bill to amend the Age Discrimination in Employment Act of 1967 to clarify that such Act applies to benefits, to authorize employers to employ older individuals while permitting such employers to provide unequal benefits to such older individuals in certain instances, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN:

S. 1294. A bill to encourage the transfer of national defense energy technology from the Department of Energy's defense program contractors to the private sector for commercialization; to the Committee on Armed Services.

By Mr. GARN (for himself, Mr. ARMSTRONG, Mr. BOND, Mr. BOSCHWITZ, Mr. D'AMATO, Mr. DANFORTH, Mr. DOLE, Mr. DOMENICI, Mr. GORTON, Mr. GRAMM, Mr. HATCH, Mr. HELMS, Mr. HUMPHREY, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LUGAR, Mr. MACK, Mr. MCCLURE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROTH, Mr. SIMPSON, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WARNER, Mr. WILSON, Mr. BENTSEN, Mr. BOREN, Mr. BURDICK, Mr. CONRAD, Mr. CRANSTON, Mr. DODD, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. GRAHAM, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. MATSUNAGA, Ms. MIKULSKI, Mr. MITCHELL, Mr. PELL, Mr. PRYOR, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. SASSER, and Mr. SHELBY):

S.J. Res. 174. Joint resolution to designate July 2, 1989, as "Space Exploration Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself and Mr. DASCHLE):

S. 1282. A bill to provide disaster assistance to producers on a farm who suffered certain losses in the quantity of the 1989 crop of a commodity harvested as the result of damaging weather or a related condition in 1988 or 1989, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DISASTER ASSISTANCE EXTENSION ACT

Mr. HARKIN. Mr. President, I am today introducing legislation to extend the provisions of the Disaster Assistance Act of 1988 to cover 1989 crops, to improve assistance to livestock producers, to provide emergency water assistance to small communities and to provide assistance to rural businesses.

We have heard much about the severe damage to the winter wheat crop. However, other areas of the Nation are also suffering from the continuing drought.

In Iowa, for example, we are receiving a little more rain than last year, but not nearly enough to recover from the severe drought of 1988. The first 6 months of 1988 were the driest ever on record in Iowa, so it doesn't take much rain to do a little better.

For the first 6 months of 1989, Iowa received an average of 5 inches less than normal precipitation. Nearly all of the State remains in extreme drought.

According to the Iowa Crops and Weather Report for the week ending July 9, 93 percent of the respondents across the State indicated that topsoil is short of moisture, while 99 percent indicated subsoil moisture as short.

With the temperatures in Iowa at or above 100 degrees in recent days, our row crops are hanging by a thread and yields are beginning to suffer. Hay, pasture, and small grains have already been hit hard.

In fact, Iowa farmers face the prospect of even worse losses than last year because of the lack of subsoil moisture reserves.

Even if we had normal rainfall from now on, our crops will suffer from the lack of subsoil reserves, which are badly needed during the critical growing months of July and August.

So the legislation I am introducing today covers all crops.

And I commend our Agriculture Committee Chairman Senator LEAHY for scheduling a hearing on disaster assistance for July 13 at which we will consider the condition of all crops in

the various regions of the country and the assistance that is needed.

Secretary Yeutter has said that the administration would accept a winter wheat bill, but not a bill covering all crops. This Senator is not about to accept a bill that will help the producers of only one crop while farmers in Iowa and other parts of the country are left out.

Secretary Yeutter has also said that losses to crops other than winter wheat have not yet been shown and that it's too early to pass a broader bill. But we already have losses in other crops. Moreover, disaster payments are not made unless actual losses occur.

We don't need to wait until later to act. We can do something that we do far too seldom in Government—get out in front of the problem and have a program in place to respond to needs if and when they arise.

Some have suggested that a winter wheat bill would be fair because winter wheat producers did not receive assistance in 1988. But winter wheat was covered in the 1988 bill and disaster assistance was available to those producers if they had needed it.

It's just that 1988 was generally a good year for winter wheat producers, with basically good yields and prices. Now the question is the assistance to be provided for 1989 crops.

I cannot see any reason to give winter wheat special treatment in 1989 simply because winter wheat producers were fortunate enough not to need disaster payments in 1988.

The year 1988 will be remembered as the year this Nation was hit by the worst widespread drought in over 50 years.

It will also be remembered as the year in which Congress and the administration worked together in a spirit of bipartisan cooperation to craft fair and comprehensive disaster assistance legislation.

It's now clear that the devastation of the drought did not end with the 1988 crop, and that our job of helping to deal with that devastation is not yet finished.

I sincerely hope that we will again see that spirit of bipartisan cooperation between the administration and Congress as we formulate disaster assistance this year.

By Mr. CONRAD (for himself, Mr. PRESSLER, Mr. BENTSEN, Mr. BREAUX, Mr. DASCHLE, and Mr. BURDICK):

S. 1283. A bill to provide disaster assistance to producers who suffered certain losses in the quantity of the 1989 crop of commodity harvested as the result of damaging weather or related condition in 1988 or 1989, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DISASTER ASSISTANCE EXTENSION ACT

Mr. CONRAD. Mr. President, today, on behalf of Senator PRESSLER and myself, I am introducing a comprehensive disaster assistance bill for agriculture.

We all know that the drought has devastated the winter wheat crop in Kansas, Oklahoma, Texas, and other winter wheat States. And despite rains earlier this year it is now clear that the drought is continuing. Spring crops in many States are threatened.

In my own State of North Dakota, Mr. President, the fields were green just 3 weeks ago. It looked like we were finally recovering from last year's drought—the worst in over half a century. But record temperatures in the past few days have blistered the crops in my State. Wind and heat have destroyed the topsoil moisture, and last year's drought left us with no subsoil moisture. We have no reserves to draw on.

Already in North Dakota we will now lose an average of 35 percent of our crops statewide. In some areas the losses will be as high as 80 percent.

Mr. President, the drought hit my State harder than any other last year. North Dakota's economy is dependent on agriculture, and we took a beating. We simply cannot sustain another.

We are not alone in North Dakota. Farmers all across the Great Plains face the same bleak outlook. American winter wheat production is down some 8 percent from last year—the lowest in 11 years. Winter winds ripped away more than 14 million acres of topsoil in the Great Plains. Subsoil moisture levels in the Plains States are well below the 5-year average, despite some rainfall in some parts in recent weeks.

Cattle producers must sell off their stock because of poor pasture conditions, scarce feed, and low water supplies. Many rural communities are struggling to supply their residents with drinking water. Projections from North Dakota State University indicate that crops in many regions can withstand only 1 or 2 weeks of hot, dry weather before yield losses match those of 1988. Unfortunately for all of us, hot, dry weather is exactly what the forecasters are promising.

Mr. President, in the last 2 days of my trip to North Dakota and temperatures reached 105 degrees. Just for a moment, think about what that means. We are 2 weeks away from a repeat of last year, the worst drought this Nation has seen in 50 years. A dozen counties in North Dakota have already suffered crop losses ranging from 60 to 80 percent.

North Dakota State University estimates we will lose 31 percent of our spring wheat, 26 percent of our durum, and 25 percent of our barley, and that is if conditions do not deteriorate. Without consistent rainfall between now and harvest, crops like corn and soybeans will also suffer heavy losses. It is not likely the rain we will need will come.

Forecasters predict high temperatures with low rainfall for July. That forecast spells disaster for the Great Plains farmers. The winter wheat farmers already hit by the drought in Kansas, Oklahoma, and other States deserve assistance. Make no mistake, we are only going to get one crack at a drought relief bill this year. We will have one bill and one chance to provide help to those in need. We must be ready to offset spring crop losses farmers have already suffered and the further losses which are likely to come. The bill we are introducing today, the Disaster Assistance Extension Act of 1989, will accomplish those goals.

The bill extends the provisions of last year's drought relief legislation with some important changes. Major revisions include coverage for organic production and other excluded crops; increased daily feed allotments for livestock; use of extension service data and other sources for nonprogrammed crop histories; upgraded water assistance programs; and aid for grasslands maintenance.

Mr. President, the 1988 bill was a good bill, but it overlooked a few critical needs. This measure seeks to correct those problems, while continuing the core provisions of the 1988 law. Some will argue that disaster assistance to farmers will be costly. That is simply not true. Because of last year's drought, enormous savings were realized in the Federal program. A total of $3.9 billion was spent on drought relief last year for a savings of more than $8 billion in the farm program.

In other words, Mr. President, the cost was more than offset by the savings created by the drought. Those savings were a direct result of the drought and were borne by the farmers who suffered in the drought. The past decade has been the hardest for farmers since the Great Depression. Net farm income has plummeted. The sagging farm economy has rippled out to cause real hardship in rural communities around the Nation. Farm-based rural economics cannot withstand another blow.

Mr. President, I want to take a moment to commend Chairman LEAHY for his foresight and leadership on this issue. Some weeks ago, when some of our colleagues were pressing for immediate action on a bill to relieve winter-wheat farmers, Chairman LEAHY recognized the need to proceed with caution. His good judgment has been validated by the weather forecasters, and I thank him for his support.

Mr. President, I ask unanimous consent that the Disaster Assistance Extension Act of 1989 be printed in its entirety and two drought-related arti-

cles from the Fargo Forum and Minot Daily News be printed in the RECORD.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 1283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Disaster Assistance Extension Act of 1989".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—EMERGENCY CROP LOSS ASSISTANCE

SUBTITLE A—ANNUAL CROPS

Sec. 101. Payments to program participants for target price commodities.
Sec. 102. Payments to program nonparticipants for target price commodities.
Sec. 103. Peanuts, sugar, and tobacco.
Sec. 104. Soybeans, and nonprogram crops.
Sec. 105. Crop quality reduction disaster payments.
Sec. 106. Effect of Federal crop insurance payments.
Sec. 107. Crop insurance coverage for the 1990 crops.
Sec. 108. Crops harvested for forage uses.
Sec. 109. Payment limitations.
Sec. 110. De minimis yields.

SUBTITLE B—FOREST CROPS

Sec. 121. Eligibility.
Sec. 122. Assistance.
Sec. 123. Limitation on assistance.
Sec. 124. Definition.
Sec. 125. Duplicative payments.

SUBTITLE C—ADMINISTRATIVE PROVISIONS

Sec. 131. Ineligibility.
Sec. 132. Timing and manner of assistance.
Sec. 133. Commodity Credit Corporation.
Sec. 134. Regulations.

TITLE II—EMERGENCY LIVESTOCK ASSISTANCE

Sec. 201. Quantities of emergency feed assistance.
Sec. 202. Livestock transportation assistance.
Sec. 203. Assistance for ponds.
Sec. 204. Livestock water development projects.

TITLE III—COMMODITY STOCK ADJUSTMENT

Sec. 301. Planting of alternate crops on permitted acreage.

TITLE IV—DISASTER CREDIT AND FORBEARANCE

Sec. 401. Emergency loans.
Sec. 402. 1990 farm operating loans.
Sec. 403. Forbearance and restructuring for farm loans.

TITLE V—CONSERVATION ASSISTANCE

Sec. 501. Haying and grazing on CRP acreage.
Sec. 502. Management of National Grasslands.

TITLE VI—RURAL BUSINESSES

Sec. 601. Disaster assistance for rural business enterprises.

TITLE VII—WATER-RELATED ASSISTANCE

Sec. 701. Emergency conservation program.
Sec. 702. Emergency community water assistance grant program.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) DAMAGING WEATHER.—The term "damaging weather" includes drought, hail, excessive moisture, freeze, tornado, hurricane, or excessive wind, or any combination thereof.

(2) RELATED CONDITION.—The term "related condition" includes insect infestation, plant disease, or other deterioration of a crop of a commodity either before or after harvest that is accelerated or exacerbated naturally as a result of damaging weather.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

TITLE I—EMERGENCY CROP LOSS ASSISTANCE

Subtitle A—Annual Crops

SEC. 101. PAYMENTS TO PROGRAM PARTICIPANTS FOR TARGET PRICE COMMODITIES.

(a) DISASTER PAYMENTS.—

(1) IN GENERAL.—Effective only for producers on a farm who elected to participate in the production adjustment program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for the 1989 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, except as otherwise provided in this subsection, if the Secretary determines that, because of damaging weather or related condition in 1988 or 1989, the total quantity of the 1989 crop of the commodity that such producers are able to harvest on the farm is less than the result of multiplying 65 percent of the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) for such crop, the Secretary shall make a disaster payment available to such producers at a rate equal to—

(A) 65 percent of the established price for the crop for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop; and

(B) 90 percent of the established price for the crop for any deficiency in production greater than 75 percent for the crop.

(2) LIMITATIONS.—

(A) ACREAGE IN EXCESS OF PERMITTED ACREAGE.—Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm with respect to any acreage in excess of the permitted acreage for the farm for the commodity.

(B) CROP INSURANCE.—Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(3) DEFICIENCY PAYMENTS.—The total quantity of a crop of a commodity on which deficiency payments otherwise would be payable to producers on a farm under the Agricultural Act of 1949 shall be reduced by the quantity on which a payment is made to the producers for the crop under paragraph (1).

(b) ADVANCE DEFICIENCY PAYMENTS.—

(1) APPLICATION OF SUBSECTION.—This subsection shall apply only to producers on a farm who elected to participate in the production adjustment program established under the Agricultural Act of 1949 for the 1989 crop of wheat, feed grains, upland cotton, or rice.

(2) FORGIVENESS OF REFUND REQUIREMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), if because of damaging weather or related condition in 1988 or 1989 the total quantity of the 1989 crop of the commodity that the producers are able to harvest on the farm is less than the result of multiplying the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) for such crop (hereinafter in this section referred to as the "qualifying amount"), the producers shall not be required to refund any advance deficiency payment made to the producers for such crop under section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) with respect to that portion of the deficiency in production that does not exceed 35 percent of the qualifying amount.

(B) CROP INSURANCE.—Producers on a farm shall not be eligible for the forgiveness provided for under subparagraph (A), unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(3) ELECTION FOR NONRECIPIENTS.—The Secretary shall allow producers on a farm who elected, prior to the date of enactment of this Act, not to receive advance deficiency payments made available for the 1989 crop under section 107C of the Agricultural Act of 1949, to elect (within 30 days after the date of the enactment of this Act) whether to receive such advance deficiency payments.

(4) EARLIEST DATE FOR REFUND REQUIREMENT.—Effective only for the 1989 crops of wheat, feed grains, upland cotton, and rice, if the Secretary determines that any portion of the advance deficiency payment made to producers for the crop under section 107C of the Agricultural Act of 1949 must be refunded, such refund shall not be required prior to July 31, 1990, for that portion of the crop for which a disaster payment is made under subsection (a).

SEC. 102. PAYMENTS TO PROGRAM NONPARTICIPANTS FOR TARGET PRICE COMMODITIES.

(a) DISASTER PAYMENTS.—

(1) IN GENERAL.—Effective only for producers on a farm who elected not to participate in the production adjustment program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for the 1989 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, if the Secretary determines that because of damaging weather or related condition in 1988 or 1989, the total quantity of the 1989 crop of the commodity that such producers are able to harvest on the farm is less than the result of multiplying 65 percent of the county average yield established by the Secretary for such crop by the sum of acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers.

(2) PAYMENT RATE.—The payment shall be made to the producers at a rate equal to—

(A) 65 percent of the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary, for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop; and

(B) 90 percent of the basic county loan rate (or a comparable price if there is no

current basic county loan rate) for the crop, as determined by the Secretary, for any deficiency in production greater than 75 percent for the crop.

(b) PREVENTED PLANTING CREDIT.—

(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1989 crop of the commodity for harvest because of damaging weather or related condition in 1988 or 1989, as determined by the Secretary.

(2) MAXIMUM ACREAGE.—Such acreage may not exceed the greater of—

(A) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1987 minus acreage actually planted to the commodity for harvest in 1989; or

(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1985, 1986, and 1987 minus acreage actually planted to the commodity for harvest in 1989.

(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying the limitations contained in paragraph (2) to take into account crop rotation practices of the producers.

(c) LIMITATIONS.—

(1) ACREAGE LIMITATION PROGRAM.—The amount of payments made available to producers on a farm for a crop of a commodity under subsection (a) shall be reduced by a factor equivalent to the acreage limitation program percentage established for such crop under the Agricultural Act of 1949.

(2) CROP INSURANCE.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

SEC. 103. PEANUTS, SUGAR, AND TOBACCO.

(a) DISASTER PAYMENTS.—

(1) IN GENERAL.—Effective only for the 1989 crops of peanuts, sugar beets, sugarcane, and tobacco, if the Secretary determines that, because of damaging weather or related condition in 1988 or 1989, the total quantity of the 1989 crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 65 percent of the county average yield (or program yield, in the case of peanuts) established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers.

(2) PAYMENT RATE.—The payment shall be made to the producers at a rate equal to—

(i) 65 percent of the applicable payment level under paragraph (3), as determined by the Secretary, for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop (or in the case of a crop of burley tobacco or fluecured tobacco, for any deficiency in production greater than 35 percent, but not greater than 75 percent, of the farm's effective marketing quota for 1989); and

(ii) 90 percent of the applicable payment level under paragraph (3), as determined by the Secretary, for any deficiency in production greater than 75 percent for the crop (or, in the case of burley tobacco or fluecured tobacco, for any deficiency in production greater than 75 percent of the farm's effective marketing quota for 1989).

(3) PAYMENT LEVEL.—For purposes of paragraph (1), the payment level for a commodity shall be equal to—

(A) for peanuts, the price support level for quota peanuts or the price support level for additional peanuts, as applicable;

(B) for tobacco, the national average loan rate for the type of tobacco involved, or (if there is none) the market price, as determined under section 104(a)(2); and

(C) for sugar beets and sugarcane, a level determined by the Secretary to be fair and reasonable in relation to the level of price support established for the 1989 crops of sugar beets and sugarcane, and that, insofar as is practicable, shall reflect no less return to the producer than under the 1989 price support levels.

(b) PREVENTED PLANTING CREDIT.—

(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1989 crop of the commodity for harvest because of damaging weather or related condition in 1988 or 1989, as determined by the Secretary.

(2) MAXIMUM ACREAGE.—Such acreage may not exceed the greater of—

(A) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1987 minus acreage actually planted of harvest in 1989; or

(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1985, 1986, and 1987 minus acreage actually planted to the commodity for harvest in 1989.

(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying the limitations contained in paragraph (2) to take into account crop rotation practices of the producers and any change in quotas for the 1989 crops of tobacco.

(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(d) SPECIAL RULES FOR PEANUTS.—Notwithstanding any other provision of law—

(1) a deficiency in production of quota peanuts from a farm, as otherwise determined under this section, shall be reduced by the quantity of peanut poundage quota that was the basis of such anticipated production that has been transferred from the farm;

(2) payments made under this section shall be taken into account whether the deficiency for which the deficiency in production is claimed was a deficiency in production of quota or additional peanuts and the payment rate shall be established accordingly; and

(3) the amount of undermarketings of quota peanuts from a farm for the 1989 crop that may otherwise be claimed under section 358 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such peanuts for which payment has been received under this section.

(e) SPECIAL RULES FOR TOBACCO.—Notwithstanding any other provision of law—

(1) the amount of undermarketings of quota tobacco from a farm for the 1989 crop that may otherwise be claimed under section 317 or 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c or 1314e) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such tobacco for which payment has been received under this section; and

(2) disaster payments made to producers under this section may not be considered by the Secretary in determining the net losses of the Commodity Credit Corporation under section 106A(d) of the Agricultural Act of 1949 (7 U.S.C. 1445-1(d)).

(f) SPECIAL RULE FOR SUGAR.—A producer of the 1989 crop of sugarcane or sugar beets that is unable to process the commodity into sugar due to the inability of local processing plants to process sugar as a result of damaging weather or related condition in 1989 shall be eligible for disaster payments in accordance with subsection (a) for any loss in sugar production attributable to such inability. Disaster payments made available under this subsection for such loss of production shall be reduced by an amount equal to any proceeds received by the producer from the disposition of that portion of the crop on which disaster payments are made.

SEC. 104. SOYBEANS AND NONPROGRAM CROPS.

(a) DISASTER PAYMENTS.—

(1) IN GENERAL.—

(A) ELIGIBILITY.—Effective only for the 1989 crops of soybeans and nonprogram crops, if the Secretary determines that, because of damaging weather or related condition in 1988 or 1989, the total quantity of the 1989 crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 65 percent of—

(i) with respect to soybeans, the State, area, or county yield, adjusted for adverse weather conditions during the 1985, 1986, and 1987 crop years, as determined by the Secretary, for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b);

(ii) with respect to nonprogram crops (other than honey), the yield established by the Commodity Credit Corporation under section (d)(2) for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b); and

(iii) with respect to honey, the production level established by the Commodity Credit Corporation under subsection (d)(3),

the Secretary shall make a disaster payment available to such producers.

(B) PAYMENT RATE.—The payment shall be made to such producers at a rate equal to—

(i) 65 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop; and

(ii) 90 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 75 percent for the crop.

(2) PAYMENT LEVEL.—For purposes of paragraph (1), the payment level for a commodity shall equal the simple average price received by producers of the commodity, as determined by the Secretary subject to paragraph (3), during the marketing years for the immediately preceding 5 crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

(3) PAYMENTS BASED ON CROP AND VARIETY.—

(A) CROP.—The Secretary shall make disaster payments under this subsection on a crop by crop basis, with consideration given to markets and uses of the crops, under regulations issued by the Secretary.

(B) VARIETY.—For purposes of determining the payment levels on a crop by crop basis, the Secretary shall consider as separate crops, and develop separate payment levels insofar as is practicable for, different varieties of the same commodity, and commodities produced using organic techniques, for which there is a significant difference in the economic value in the market.

(4) EXCLUSIONS.—For purposes of determining the total quantity of the 1989 nonprogram crop of the commodity that the producers on a farm are able to harvest under paragraph (1), the Secretary shall exclude—

(A) commodities that cannot be sold in normal commercial channels of trade; and

(B) dockage, including husks and shells, if such dockage is excluded in determining yields under subsection (d)(2).

(b) PREVENTED PLANTING CREDIT.—

(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1989 crop of the commodity for harvest because of damaging weather or related condition in 1988 or 1989, as determined by the Secretary.

(2) MAXIMUM ACREAGE.—Such acreage may not exceed the greater of—

(A) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1987 minus acreage actually planted for harvest in 1989; or

(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1985, 1986, and 1987 minus acreage actually planted to the commodity for harvest in 1989.

(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying the limitations contained in the preceding sentence to take into account crop rotation practices of the producers.

(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(d) SPECIAL RULES FOR NONPROGRAM CROPS.—

(1) DEFINITION OF NONPROGRAM CROP.—As used in this section, the term "nonprogram crop" means all crops (including sweet potatoes and honey) for which crop insurance through the Federal Crop Insurance Corporation was available for crop year 1989, and other commercial crops (including sweet potatoes and honey) for which such insurance was not available for crop year 1989, except that such term shall not include a crop covered under section 101, 102, or 103, or soybeans.

(2) FARM YIELDS.—

(A) ESTABLISHMENT.—The Commodity Credit Corporation shall establish disaster program farm yields for nonprogram crops (other than honey) to carry out this section.

(B) PROVEN YIELDS AVAILABLE.—If the producers on a farm can provide satisfactory evidence to the Commodity Credit Corporation of actual crop yields on the farm for at least one of the immediately preceding 3 crop years, the yield for a farm shall be based on proven yields.

(C) PROVEN YIELDS NOT AVAILABLE.—If such data does not exist for any of the 3 preceding crop years, the Commodity Credit Corporation shall establish a yield for the farm by using a county average yield for the commodity. If adequate data for each county is not available, the Commodity Credit Corporation shall establish a yield for the farm using the State average yield or national average yield.

(D) DATA.—In carrying out this paragraph, the Commodity Credit Corporation may use data from the Extension Service or other sources.

(3) PRODUCTION LEVELS FOR HONEY.—

(A) ESTABLISHMENT.—The Commodity Credit Corporation shall establish production levels for honey to carry out this section.

(B) PROVEN PRODUCTION AVAILABLE.—If the producers on a farm can provide satisfactory evidence to the Commodity Credit Corporation of actual crop production on the farm for the immediately preceding 5 crop years, the production level for a farm shall be based on the average of the proven production on the farm for the immediately preceding 5 crops of honey, excluding the year in which such production was the highest and the year in which such production was the lowest in such period.

(C) PROVEN PRODUCTION NOT AVAILABLE.—If such data is not available for the preceding 5 crop years, the Commodity Credit Corporation shall establish a production level for the producers on a farm by using a State average production per hive or a national average production per hive.

(4) BURDEN OF PROOF.—It shall be the responsibility of the producers of nonprogram crops to provide satisfactory evidence of 1989 crop losses resulting from damaging weather or related condition in 1988 or 1989 in order for such producers to obtain disaster payments under this section.

SEC. 105. CROP QUALITY REDUCTION DISASTER PAYMENTS.

(a) IN GENERAL.—To ensure that all producers of 1989 crops covered under sections 101 through 104 are treated equitably, the Secretary may make additional disaster payments to producers of such crops who suffer losses resulting from the reduced quality of such crops caused by damaging weather or related condition in 1988 or 1989, as determined by the Secretary.

(b) ELIGIBLE PRODUCERS.—If the Secretary determines to make crop quality disaster payments available to producers under subsection (a), producers on a farm of a crop described in subsection (a) shall be eligible to receive reduced quality disaster payments only if such producers incur a deficiency in production of not less than 35 percent and not more than 75 percent for such crop (as determined under section 101, 102, 103, or 104, as appropriate).

(c) MAXIMUM PAYMENT RATE.—The Secretary shall establish the reduced quality disaster payment rate, except that such rate shall not exceed 10 percent, as determined by the Secretary, of—

(1) the established price for the crop, for commodities covered under section 101;

(2) the basic county loan rate for the crop (or a comparable price if there is no current basic county loan rate), for commodities covered under section 102;

(3) the payment level under section 103(a)(3), for commodities covered by section 103; and

(4) the payment level under section 104(a)(2), for commodities covered under section 104.

(d) DETERMINATION OF PAYMENT.—The amount of payment to a producer under this section shall be determined by multiplying the payment rate established under subsection (c) by the portion of the actual harvested crop on the producer's farm that is reduced in quality by such natural disaster in 1988 or 1989, as determined by the Secretary.

SEC. 106. EFFECT OF FEDERAL CROP INSURANCE PAYMENTS.

In the case of producers on a farm who obtained crop insurance for the 1989 crop of a commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the Secretary shall reduce the amount of payments made available under this subtitle for such crop to the extent that the amount determined by adding the net amount of crop insurance indemnity payment (gross indemnity less premium paid) received by such producers for the deficiency in the production of the crop and the disaster payment determined in accordance with this subtitle for such crop exceeds the amount determined by multiplying—

(1) 100 percent of the yield used for the calculation of disaster payments made under this subtitle for such crop; by

(2) the sum of the acreage of such crop planted to harvest and the acreage for which prevented planting credit is approved by the Secretary (or, in the case of disaster payments under section 101, the eligible acreage established under sections 101(a)(1) and 101(a)(2)(A)); by

(3)(A) in the case of producers who participated in a production adjustment program for the 1989 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, the established price for the 1989 crop of the commodity;

(B) in the case of producers who did not participate in a production adjustment program for the 1989 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, the basic county loan rate (or a comparable price, as determined by the Secretary, if there is no current basic county loan rate) for the 1989 crop of the commodity;

(C) in the case of producers of sugar beets, sugarcane, peanuts, or tobacco, the payment level for the commodity established under section 103(a)(3); and

(D) in the case of producers of soybeans or a nonprogram crop (as defined in section 104(d)(1)), the simple average price received by producers of the commodity, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

SEC. 107. CROP INSURANCE COVERAGE FOR THE 1990 CROPS.

(a) REQUIREMENT.—Subject to the limitations under subsection (b), producers on a farm, to be eligible to receive a disaster payment under this subtitle or forgiveness of the repayment of advance deficiency payments under section 101(b), must agree to obtain multiperil crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the 1990 crop of the commodity for which such payments or forgiveness are sought.

(b) LIMITATIONS.—Producers on a farm shall not be required to agree to obtain crop insurance under subsection (a) for a commodity—

(1) unless, with respect to producers of a crop planted in 1988 for harvest in 1989, such producers' deficiency in production, with respect to a crop planted in 1988 for harvest in 1989 for which a disaster payment under this subtitle otherwise may be made, exceeds 65 percent;

(2) where, or if, crop insurance coverage is not available to the producers for the commodity for which the payment or forgiveness is sought;

(3) if the producers' annual premium rate for such crop insurance is an amount greater than 125 percent of the average premium rate for insurance on that commodity for the 1989 crop in the county in which the producers are located;

(4) in any case in which the producers' annual premium for such crop insurance is an amount greater than 25 percent of the amount of the payment or forgiveness sought; or

(5) if the producers can establish by appeal to the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)) that the purchase of crop insurance would impose an undue financial hardship on such producers and that a waiver of the requirement to obtain crop insurance should, in the discretion of the county committee, be granted.

(c) IMPLEMENTATION.—

(1) COUNTY COMMITTEES.—The Secretary shall ensure (acting through the county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act and located in the counties in which the assistance programs provided for under sections 101 through 105 are implemented) that producers who apply for assistance, as described in subsection (a), obtain multiperil crop insurance as required under this section.

(2) OTHER SOURCES.—Each producer who is subject to the requirements of this section may comply with such requirements by providing evidence of multiperil crop insurance coverage from sources other than through the county committee office, as approved by the Secretary.

(3) COMMISSIONS.—The Secretary shall provide by regulation for a reduction in the commissions paid to private insurance agents, brokers, or companies on crop insurance contracts entered into as a result of the requirements of subsection (a) sufficient to reflect that such insurance contracts principally involve only a servicing function to be performed by the agent, broker, or company.

(d) REPAYMENT OF BENEFITS.—Each producer subject to the requirements of this section shall make immediate repayment to the Secretary of any disaster payment or forgiven advance deficiency payment that the producer otherwise is required to repay at any time (prior to the end of the 1990 crop year for the commodity involved) that the crop insurance coverage required of the producer under this section is canceled by the producer.

SEC. 108. CROPS HARVESTED FOR FORAGE USES.

Not later than 15 days after the date of the enactment of this Act, the Secretary shall announce the terms and conditions by which producers on a farm may establish a 1989 yield with respect to crops that will be harvested for silage and other forage uses.

SEC. 109. PAYMENT LIMITATIONS.

(a) LIMITATION.—Subject to subsections (b) and (c), the total amount of payments that a person shall be entitled to receive under one or more of the programs established under this subtitle may not exceed $100,000.

(b) NO DOUBLE BENEFITS.—No person may receive disaster payments under this subtitle to the extent that such person receives a livestock emergency benefit for lost feed production in 1989 under section 606 of the Agricultural Act of 1949 (7 U.S.C. 1471d).

(c) COMBINED LIMITATION.—

(1) IN GENERAL.—No person may receive any payment under this subtitle or benefit under title VI of the Agricultural Act of 1949 (7 U.S.C. 1471 et seq.) for livestock emergency losses suffered in 1989 if such payment or benefit will cause the combined total amount of such payments and benefits received by such person to exceed $100,000.

(2) ELECTION.—If a producer is subject to paragraph (1), the person may elect (subject to the benefits limitations under section 609 of the Agricultural Act of 1949 (7 U.S.C. 1471g)) whether to receive the $100,000 in such payments, or such livestock emergency benefits (not to exceed $50,000), or a combination of payments and benefits specified by the person.

(d) REGULATIONS.—The Secretary shall issue regulations—

(1) defining the term "person" for the purposes of this section, that shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and section 211 of the Disaster Assistance Act of 1988 (7 U.S.C. 1421 note); and

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this section.

SEC. 110. DE MINIMIS YIELDS.

(a) DISASTER PAYMENTS.—

(1) IN GENERAL.—The Secretary shall determine a de minimis yield for each crop eligible for reduced yield disaster payments under this subtitle.

(2) LEVEL.—The de minimis yield shall be set at a level that will minimize any incentive provided by the prospect of disaster payments to abandon crops that have a value that exceeds the cost of harvesting. In no case may the de minimis yield be less than the amount of production that, when valued at current market prices, equals the average cost of harvesting the crop, as determined by the Secretary.

(3) ACTUAL YIELD LESS THAN DE MINIMIS YIELD.—Any producer whose actual yield for a crop is equal to or less than the de minimis yield for such crop shall be considered as having an actual yield of zero for the purpose of calculating any reduced yield disaster payments for such crop under this subtitle.

(b) CROP INSURANCE.—If the actual yield for a crop on a farm is equal to or less than the de minimis yield for the crop determined by the Secretary pursuant to subsection (a), neither the Federal Crop Insurance Corporation (including its agents and employees), nor companies reinsured by the Federal Crop Insurance Corporation (including their agents and employees) may require the destruction of any portion of that crop as a condition for making a full crop loss indemnity payment to a producer under the terms of a valid contract of insurance on such crop.

(c) TREATMENT OF PRODUCERS.—For the 1988 crops of barley, oat and wheat, insured producers whose crop losses were appraised by the Federal Crop Insurance Corporation prior to July 5, 1988, shall be treated similarly to those producers whose crop losses were appraised by the Federal Crop Insurance Corporation after July 4, 1988, with respect to the calculation of de minimis yields.

Subtitle B—Forest Crops

SEC. 121. ELIGIBILITY.

(a) DROUGHT LOSS.—Subject to the limitation in subsection (b), the Secretary shall provide assistance, as specified in section 122, to eligible tree farmers that planted tree seedlings in 1988 or 1989 for commercial purposes but lost such seedlings as a result of drought or related condition in 1989, as determined by the Secretary.

(b) LIMITATION.—An eligible tree farmer shall qualify for assistance under subsection (a) only if such tree farmer's tree seedling mortality, as a result of the natural disaster, exceeds 35 percent (adjusted for normal mortality).

SEC. 122. ASSISTANCE.

The assistance provided by the Secretary to eligible tree farmers for losses described in section 121 shall consist of either—

(1) reimbursement of 65 percent of the cost of replanting seedlings lost due to drought or related conditions in 1989 in excess of 35 percent mortality (adjusted for normal mortality); or

(2) at the discretion of the Secretary, sufficient tree seedlings to reestablish the stand.

SEC. 123. LIMITATION ON ASSISTANCE.

(a) LIMITATION.—The total amount of payments that a person shall be entitled to receive under this subtitle may not exceed $25,000, or an equivalent value in tree seedlings.

(b) REGULATIONS.—The Secretary shall issue regulations—

(1) defining the term "person" for the purposes of this subtitle, that shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and section 211 of the Disaster Assistance Act of 1988 (7 U.S.C. 1421 note); and

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

SEC. 124. DEFINITION.

As used in this subtitle, the term "eligible tree farmer" means a person who produces annual crops from trees for commercial purposes or who grows trees for harvest for commercial purposes, and owns 1,000 acres or less of such trees.

SEC. 125. DUPLICATIVE PAYMENTS.

The Secretary shall establish guidelines to ensure that no person receives duplicative payments under this subtitle and the forestry incentives program, agricultural conservation program, or other existing Federal program.

Subtitle C—Administrative Provisions

SEC. 131. INELIGIBILITY.

(a) GENERAL RULE.—A person who has qualifying gross revenues in excess of $2,000,000 annually, as determined by the Secretary, shall not be eligible to receive any disaster payment or other benefits under this title.

(b) QUALIFYING GROSS REVENUES.—For purposes of this section, the term "qualifying gross revenues" means—

(1) if a majority of the person's annual income is received from farming, ranching, and forestry operations, the gross revenue from the person's farming, ranching, and forestry operations; and

(2) if less than a majority of the person's annual income is received from farming, ranching, and forestry operations, the person's gross revenue from all sources.

SEC. 132. TIMING AND MANNER OF ASSISTANCE.

(a) TIMING OF ASSISTANCE.—

(1) IN GENERAL.—

(A) FULL PAYMENT AS SOON AS PRACTICABLE.—Subject to subparagraph (B), the Secretary shall make full disaster assistance available under this title as soon as practicable after the date of enactment of this Act.

(B) APPLICATION APPROVAL REQUIRED.—Notwithstanding any other provision of law, no payment or benefit provided under this title shall be payable or due until such time as a completed application for a crop of a commodity therefor has been approved.

(2) LATEST DATE FOR APPLICATION.—A person eligible to receive payments under subtitle A shall make application for such payments not later than March 31, 1990, or such later date that the Secretary, by regulation, may prescribe.

(b) MANNER.—The Secretary may make payments available under subtitle A in the form of cash, commodities, or commodity certificates, as determined by the Secretary.

SEC. 133. COMMODITY CREDIT CORPORATION.

(a) USE.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation in carrying out this title.

(b) EXISTING AUTHORITY.—The authority provided by this title is in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

SEC. 134. REGULATIONS.

The Secretary or the Commodity Credit Corporation, as appropriate, shall issue regulations to implement this title as soon as practicable after the date of enactment of this Act, without regard to the requirement for notice and public participation in rule making prescribed in section 553 of title 5, United States Code, or in any directive of the Secretary.

TITLE II—EMERGENCY LIVESTOCK ASSISTANCE

SEC. 201. QUANTITIES OF EMERGENCY FEED ASSISTANCE.

Section 605(a) of the Agricultural Act of 1949 (7 U.S.C. 1471c(a)) is amended—

(1) in paragraph (3), by striking out "Each" and inserting in lieu thereof "Except as otherwise provided in this subsection, each"; and

(2) by adding at the end thereof the following new paragraphs:

"(4) The daily allowance for all livestock (except fish raised for food) for emergency feed assistance under the programs specified in section 606(a) shall be at least—

"(A)(i) in the case of cattle (other than dairy cattle), 15 pounds of feed grain equivalent per day per animal unit; and

"(ii) in the case of dairy cattle, 25 pounds of feed grain equivalent per day per animal unit; or

"(B) such lesser quantity as is determined by the State or county committee.

"(5) In determining the quantity of feed available on a farm for utilization by a particular species of livestock, the Secretary shall not include any feed or feedstuff that cannot be utilized by the species of livestock, unless the feed or feedstuff can be readily transported and sold in an established market.

"(6) Not later than 60 days after the date of enactment of this paragraph, the Secretary shall adjust the daily allowance for all livestock for emergency feed assistance under the programs specified in section 606(a) to levels that represent the actual quantities necessary for animals fully to perform the functions for which they are kept, including growth, reproduction, lactation, and work.".

SEC. 202. LIVESTOCK TRANSPORTATION ASSISTANCE.

Section 606 of the Agricultural Act of 1949 (7 U.S.C. 1471d) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law, the Secretary may make available at least $25,000,000 to provide livestock transportation assistance under subsection (a)(6) for livestock emergencies in 1989.".

SEC. 203. ASSISTANCE FOR PONDS.

Section 607(b)(2)(B) of the Agricultural Act of 1949 (7 U.S.C. 1471e(b)(2)(B)) is amended by inserting "or ponds" after "wells".

SEC. 204. LIVESTOCK WATER DEVELOPMENT PROJECTS.

Section 607 of the Agricultural Act of 1949 (7 U.S.C. 1471e) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, the Secretary may make available at least $25,000,000 to provide special assistance under subsection (b)(2) for livestock emergencies in 1988 and 1989.".

TITLE III—COMMODITY STOCK ADJUSTMENT

SEC. 301. PLANTING OF ALTERNATE CROPS ON PERMITTED ACREAGE.

Section 504(b)(2) of the Agricultural Act of 1949 (7 U.S.C. 1464(b)(2)) is amended—

(1) by striking out "and" at the end of subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of the 1990 crop year, acreage in an amount equal to but not to exceed 20 percent of the permitted acreage for a program crop, if—

"(i) the acreage considered to be planted is planted to canola, rapeseed, sunflower, safflower, flaxseed, kenaf, crambe, guayule, milkweed, or meadowfoam;

"(ii) the producers on the farm plant for harvest to the program crop at least 50 percent of the permitted acreage for such crop; and

"(iii) payments are not received by producers under section 107D(c)(1)(C), 105C(c)(1)(B), 103A(c)(1)(B), or 101A(c)(1)(B), as the case may be; and".

TITLE IV—DISASTER CREDIT AND FORBEARANCE

SEC. 401. EMERGENCY LOANS.

Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) shall not apply to a person who otherwise would be eligible for an emergency loan under subtitle C of such Act (subject to the person's compliance with the requirements of section 107 of this Act), if such eligibility is the result of damage to an annual crop planted for harvest in 1989.

SEC. 402. 1990 FARM OPERATING LOANS.

(a) DIRECT CREDIT.—To the maximum extent practicable, the Secretary shall ensure that direct operating loans made or insured under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.) for 1990 crop production are made available to farmers and ranchers suffering major losses due to damaging weather or related condition in 1988 or 1989, as authorized under existing law and under regulations of the Secretary that implement the objective of enabling farmers and ranchers to stay in business.

(b) LOAN GUARANTEES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall make available in fiscal year 1990, guarantees to commercial or cooperative lenders for loans under subtitle B of the Consolidated Farm and Rural Development Act, to refinance and reamortize 1989 operating loans, or 1989 or 1990 installments due and payable on real estate debt, farm equipment or building (including storage facilities) debt, livestock loans, or other operating debt, of farmers and ranchers that otherwise cannot be repaid due to major losses incurred by such farmers or ranchers as a result of damaging weather or related condition in 1988 or 1989.

(2) REAMORTIZATION.—Each fiscal year 1990 guaranteed loan for 1988 or 1989 natural disaster purposes, as described in paragraph (1), shall contain terms and conditions governing the reamortization of the debt of the farmer or rancher that will provide the farmer or rancher a reasonable opportunity to continue to receive new operating credit while repaying the guaranteed loan, as determined by the Secretary.

(3) ELIGIBILITY.—Notwithstanding any other provision of law, any person eligible to receive payments under subtitle A of title I shall be deemed eligible to have guaranteed, in accordance with this subsection, loans made to such person by a commercial or cooperative lender to refinance installment payments that are or become due and payable during 1989 or 1990, as described in paragraph (1), except that, to be deemed eligible to have such loan guaranteed, the person must otherwise—

(A) be current in the person's obligation to the commercial or cooperative lender that agrees to accept the guarantee in consideration of allowing the person to make the 1989 or 1990 payment or installment over a period of time not to exceed 6 years from the original due date of such payment or installment; and

(B) meet the criteria for guaranteed loan borrowers under subtitle B of the Consolidated Farm and Rural Development Act established by the Secretary.

(c) USE OF ACIF FUNDS.—For purposes of providing guaranteed loans in accordance with subsection (b), in addition to funds otherwise available, the Secretary may use any funds available from the Agricultural Credit Insurance Fund during fiscal years 1989 or 1990 for emergency insured and guaranteed loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) to meet the needs resulting from natural disasters, except that funds available from such Fund first shall

be used to satisfy the level of assistance estimated by the Secretary to meet the needs of persons eligible for emergency disaster loans.

SEC. 403. FORBEARANCE AND RESTRUCTURING FOR FARM LOANS.

(a) FARMERS HOME ADMINISTRATION.—It is the sense of Congress that the Secretary should, with respect to farmers and ranchers who suffer major losses due to damaging weather or related condition in 1988 or 1989—

(1) exercise forbearance in the collection of interest and principal on direct farmer program loans under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) outstanding for such farmers and ranchers;

(2) expedite the use of credit restructuring and other credit relief mechanisms authorized under the Agricultural Credit Act of 1987 (Public Law 100-233) and similar provisions of law for such farmers and ranchers; and

(3) encourage commercial lenders participating in guaranteed farmer lending programs under the Consolidated Farm and Rural Development Act to exercise forbearance before declaring loans to such farmers and ranchers under such programs in default.

(b) FARM CREDIT ADMINISTRATION.—It further is the sense of Congress that the Farm Credit Administration should in its oversight of Farm Credit System institutions, with respect to farmers and ranchers who suffer major losses due to damaging weather or related condition in 1988 or 1989—

(1) ensure that Farm Credit System institutions exercise forbearance in the collection of principal and interest on loans outstanding to such farmers and ranchers;

(2) expedite the use of credit restructuring and other credit relief mechanisms authorized under the Agricultural Credit Act of 1987 and related provisions of law for such farmers and ranchers; and

(3) encourage other lenders participating with Farm Credit System institutions in mutual loan agreements to exercise forbearance before declaring loans to such farmers and ranchers in default.

TITLE V—CONSERVATION ASSISTANCE

SEC. 501. HAYING AND GRAZING ON CRP ACREAGE.

(a) IN GENERAL.—

(1) HAYING AND GRAZING ON CRP ACREAGE.—In the case of an owner or operator of land who has entered into a conservation reserve program contract under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) and hays or grazes livestock during the 1989 crop year on acreage subject to such contract as authorized by the Secretary, the Secretary may not reduce the amount of rental payments made to such owner or operator as the result of such haying or grazing to the extent that the owner or operator—

(A) carries out additional conservation practices, approved by the Soil Conservation Service in consultation with appropriate Federal and State agencies, to enhance soil, water, and wildlife conservation on or in the vicinity of lands subject to such contract; and

(B) pays the costs of carrying out such practices.

(2) AMOUNT OF REDUCTION.—The amount of the reduction prohibited under paragraph (1) shall equal one-half of the amount paid by the owner or operator to cover the costs of carrying out the conservation practices.

(b) CONSERVATION PRACTICES.—For purposes of subsection (a), the term "conservation practices" includes—

(1) establishment of permanent shelterbelts and windbreaks;

(2) restoration of wetlands;

(3) establishment of wildlife food plots; or

(4) planting of trees.

SEC. 502. MANAGEMENT OF NATIONAL GRASSLANDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture, for repairing drought-related damage to the National Grasslands managed by the Forest Service under the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1000 et seq.), $5,000,000 for each of the fiscal years 1990 and 1991.

(b) USE OF FUNDS.—Funds appropriated pursuant to subsection (a) may be used for range management activities, including enhancement of wildlife habitat, replacement of fences, development and maintenance of water supplies, and noxious weed control.

(c) COST SHARING.—Funds appropriated pursuant to subsection (a) may be expended under agreements between the Forest Service and grazing associations or individual permittees providing for the sharing of the costs of range management activities by the Federal Government and such grazing associations or permittees, except that the share of costs to be borne by a permittee shall be reduced as necessary to allow participation by permittees who cannot afford to participate.

TITLE VI—RURAL BUSINESSES

SEC. 601. DISASTER ASSISTANCE FOR RURAL BUSINESS ENTERPRISES.

(a) LOAN GUARANTEES.—The Secretary shall guarantee loans made in rural areas to—

(1) public, private, or cooperative organizations, to Indian tribes on Federal and State reservations or other Federally recognized Indian tribal groups, or to any other business entities to assist such organizations, tribes, or entities in alleviating the distress caused to such organizations, tribes, or entities, directly or indirectly, by the drought, hail, freeze, excessive moisture, or related condition in 1988 or 1989; and

(2) such organizations, tribes, or entities that refinance or restructure debt as a result of losses incurred, directly or indirectly, because of such natural disasters in 1988 or 1989.

(b) ELIGIBLE LOANS.—Loans guaranteed under this section shall be loans made by any Federal or State chartered bank, savings and loan association, cooperative lending agency, insurance company, or other legally organized lending agency.

(c) LOAN GUARANTEE LIMITS.—

(1) PERCENTAGE OF PRINCIPAL AND INTEREST.—No guarantee under this section shall exceed 90 percent of the principal and interest amount of the loan or $500,000, whichever is the lesser amount.

(2) TOTAL AMOUNT.—The total amount of loan guarantee under this section shall not exceed $200,000,000.

(d) USE OF THE RURAL DEVELOPMENT INSURANCE FUND.—The Secretary shall use the Rural Development Insurance Fund established under section 309A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929a) for the purposes of discharging the obligations of the Secretary under this section.

TITLE VII—WATER-RELATED ASSISTANCE

SEC. 701. EMERGENCY CONSERVATION PROGRAM.

Notwithstanding any other provision of law, the Secretary of Agriculture shall issue regulations to carry out section 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2202), or take such other action as is necessary, to provide payments for emergency water conservation or water enhancing measures that benefit confined animals within 30 days after the date of enactment of this Act.

SEC. 702. EMERGENCY COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subtitle A of the Consolidated Farm and Rural Development Act is amended by inserting after section 306 (7 U.S.C. 1926) the following new section:

"SEC. 306A. EMERGENCY COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

"(a) IN GENERAL.—The Secretary shall provide grants in accordance with this section to assist the residents of rural areas and small communities to secure adequate quantities of safe water—

"(1) after a significant decline in the quantity or quality of water available from the water supplies of such rural areas and small communities;

"(2) when repairs, partial replacement, or significant maintenance efforts on established water systems would remedy—

"(A) an acute shortage of quality water; or

"(B) a significant decline in the quantity or quality of water available.

"(b) PRIORITY.—In carrying out subsection (a), the Secretary shall—

"(1) give priority to projects described in subsection (a)(1); and

"(2) provide at least 70 percent of all such grants to such projects.

"(c) ELIGIBILITY.—To be eligible to obtain a grant under this section, an applicant shall—

"(1) be a public or private nonprofit entity; and

"(2) in the case of a grant made under subsection (a)(1), demonstrate to the Secretary that the decline referred to in such subsection occurred within 2 years of the date the application was filed for such grant.

"(d) USES.—

"(1) IN GENERAL.—Grants made under this section may be used for water line extensions from existing systems, laying of new water lines, repairs, significant maintenance, digging of new wells, equipment replacement, hook and tap fees, and any other appropriate purpose associated with developing sources of, or treating, storing, or distributing water, and to assist communities in complying with the requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

"(2) JOINT PROPOSALS.—Nothing in this section shall preclude rural communities from submitting joint proposals for emergency water assistance, subject to the restrictions contained in subsection (e). Such restrictions should be considered in the aggregate, depending on the number of communities involved.

"(e) RESTRICTIONS.—

"(1) MAXIMUM POPULATION AND INCOME.—No grant provided under this section shall be used to assist any rural area or community that—

"(A) includes any area in any city or town with a population in excess of 5,000 inhabit-

ants according to the most recent decennial census of the United States; or

"(B) has a median household income in excess of the State nonmetropolitan median household income according to the most recent decennial census of the United States.

"(2) SET-ASIDE FOR SMALLER COMMUNITIES.—Not less than 75 percent of the funds allocated under this section shall be allocated to rural communities with populations that do not exceed 3,000 inhabitants.

"(f) MAXIMUM GRANTS.—Grants made under this section may not exceed—

"(1) in the case of each grant made under subsection (a)(1), $500,000; and

"(2) in the case of each grant made under subsection (a)(2), $75,000.

"(g) FULL FUNDING.—Subject to subsection (e), grants under this section shall be made in an amount equal to 100 percent of the costs of the projects conducted under this section.

"(h) APPLICATIONS.—

"(1) NATIONALLY COMPETITIVE APPLICATION PROCESS.—The Secretary shall develop a nationally competitive application process to receive grants under this section. The process shall include criteria for evaluating applications, including population, median household income, and the severity of the decline in quantity or quality of water.

"(2) TIMING.—The Secretary shall make every effort to review and act on applications within 60 days of the date that such applications are submitted.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $35,000,000 for fiscal year 1990, and $10,000,000 for fiscal year 1991, such sums to remain authorized until fully appropriated.".

(b) IMPLEMENTATION.—

(1) REGULATIONS.—The Secretary shall publish—

(A) interim final regulations to carry out section 306A of the Consolidated Farm and Rural Development Act (as added by subsection (a) of this section) not later than 45 days after the date of enactment of this Act; and

(B) final regulations to carry out section 306A of such Act not later than 90 days after the date of enactment of this Act.

(2) FUNDS.—

(A) OBLIGATION.—The Secretary shall designate 70 percent of the funds made available for the first fiscal year for which appropriations are made under section 306A(i) of the Consolidated Farm and Rural Development Act not later than 5 months after the date such funds are appropriated.

(B) RELEASE.—The Secretary may release funds prior to the issuance of final regulations under paragraph (1)(B) for grants under section 306A(a)(1) of Consolidated Farm and Rural Development Act.

HEAT, LACK OF RAIN THREATEN TO CUT CROP YIELDS

(By Mikkel Pates)

High temperatures and lack of rain are shriveling crop prospects throughout the region, say crop experts.

Carl Fanning, North Dakota State University Extension Service agronomist, said large areas south of Bismarck, N.D., and others in extreme northwest North Dakota have lost 60 percent to 80 percent of their yield potential.

"Things are going downhill so fast it's hard to put a number on it," Fanning said late Wednesday.

Psychologically, the situation is bad because it's more sporadic than last year. A farmer might be hit hard by drought, while a neighbor five miles away has gotten rain.

"That's terribly discouraging to the growers," Fanning said. "Last year everybody was in the same boat."

Duane Hauck, Cass County extension agent in Fargo, said the heat isn't unusual for July, but this year there aren't subsoil moisture reserves to carry the crops through.

In the Red River Valley, clay based soils don't dry out as quickly as the sandier soils to the west in the Buffalo, N.D. area, for example. Hauck has heard that the small grains are starting to "fire". Their lower leaves dry up and turn white.

"We're in need of rain to get this crop filled, especially the later-seeded crops," Hauck said.

Ken Pazdernik, Norman County extension agent at Ada, Minn., said farmers who were anticipating a 70-bushel per acre yield now are looking at a 50-bushel yield potential.

Bob Deutsch, vice president of Agvise Inc., a crop consulting company at Northwood, N.D., said his area has received almost as little rain as last year, the driest year since the 1930s.

"If it continues hot and dry we could end up with the same yield as last year," Deutsch said, adding that they were cut in half of normal. "Last year we had good subsoil moisture, and this year we don't have any."

If rain and cooler temperatures come within a week, there is still a chance for normal yields, Deutsch said.

Frank Sobolik, NDSU extension agronomist for 12 central counties, said a large area is suffering irreparable drought damage.

Sobolik said small grains are down to the main stem heads in many areas, meaning at least 40 percent of the crop potential is lost.

Crops literally close down their pores and shut down their growth factory when temperatures get above 90 degrees, Sobolik said. That means no growth and reduced yields.

Row crops—such as corn, beans and sunflowers—are faring better, but also will suffer without cooler, wetter weather.

Despite the comparisons, 1989 would have to get much worse to be as bad as 1988.

John Enz, NDSU soil science climatologist, said Fargo had only two days above 90 degrees as of July 4. Last year, there were five days in May above 90 degrees and another 13 in June.

The problem this year is that there are too many crops running out of water.

The weekly U.S. Department of Agriculture crop report rated North Dakota's spring wheat crop at 3 percent poor, 26 percent fair, 69 percent good and 2 percent excellent.

Durum was rated 1 percent poor, 24 percent fair, 69 percent good, and 6 percent excellent.

Crop progress remained at the five-year average for both the small grains and the row crops. Pastures were rated 4 percent very poor, 2 percent poor, 59 percent fair and 39 percent good. Stockwater supplies are 2 percent very short, 3 percent short and 95 percent adequate.

CROPS STRESSED BY HEAT

Scorching heat and rainless skies are shriveling crop prospects throughout North Dakota, as well as drying up pastures and putting strain on livestock, experts say.

"It now seems to be getting pretty clear . . . that we have a very serious situation on our hands in this state," Gov. George Sinner said Thursday.

The governor said he had spoken with North Dakota's congressional delegation "about the urgency of drought legislation."

Large areas south of Bismarck and other portions of extreme northwestern North Dakota have lost 60 to 80 percent of their crop yields, said Carl Fanning, an agronomist for the North Dakota State University Extension Service.

"Things are going downhill so fast it's hard to put a number on it," Fanning said Wednesday.

A number of areas in North Dakota have baked in 100-degree-plus temperatures this week, although the heat abated somewhat Thursday.

Meanwhile, topsoil moisture is very short in 13 percent of the state and short in 36 percent, according to the latest weekly crop report from the North Dakota Agricultural Statistics Service. Subsoil moisture is very short in 18 percent of the state and short in 70 percent, the report said.

Karl Silverman, lead forecaster for the National Weather Service in Bismarck, attributed the hot and dry weather to a high-pressure ridge that is "rather typical for North Dakota in the summer."

But that is still bad news following a drought like the state suffered last year, which was called the worst since the 1930s, Silverman said. Records show "a year of less-than-average rainfall—70 to 80 percent of normal—is rather typical following a year of very little rain," he said.

Bob Deutsch, vice president of Agvise Inc., an agricultural consulting company in Northwood, said his area had received almost as little rain as last year.

"If it continues hot and dry, we could end up with the same yield as last year," which was about half of normal, he said. "Last year, we had good subsoil moisture, and this year we don't have any."

Still, 1989 would have to get much worse to be as bad as 1988, experts say.

The latest weekly crop report said despite the heat and inadequate moisture, small-grain and row-crop development advanced this week. However, crop conditions deteriorated, the report said.

Compared with last summer's dry weather, "we have more of the state that's in good shape," Sinner said.

"But we have a large share of the state that's hurt pretty badly and it's getting hurt every day as this heat wears on," the governor said.

A large area of North Dakota is suffering irreparable drought damage said Frank Sobolik, NDSU extension agronomist for 12 counties in central North Dakota.

Small grains are down to the main-stem heads in many areas, meaning at least 40 percent of the crop potential is lost, Sobolik said.

Mr. BREAUX. Mr. President, I want to commend the Senator for his statement and on his observations regarding the severity of the problem, and I commend him for his legislation and ask the question: Is the legislation he is introducing limited to a particular number of crops, or does it specify a list of crops, or can he elaborate on that for a moment?

Mr. CONRAD. No; there is not a limitation. I think the Senator may be re-

ferring to nonprogram and speciality crops—we have all crops provided for and included. We have devised this legislation, I might say to my friend from Louisiana, in consultation with our friends in the South who have experienced severe losses in various crops that we do not have in our part of the country, but also to certain perils that we have not experienced. This is a comprehensive drought relief bill.

Mr. BREAUX. If the Senator will yield further, I commend him for that approach. The real question is looking at crops that have suffered a disaster, regardless of the type of crop. It is a question of whether a particular crop has experienced a disaster, and whether it is a disaster of any type, not just a drought.

We had 40 inches of rain in 1 week. We put much of our land under 2 to 3 feet of water. This bill is very timely, and I commend him for it, and I ask that I be added as a cosponsor of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I might just add that this bill does go beyond drought. It is for excessive moisture, and deals with those who suffered from hurricanes and deals with those who have suffered from freezing. So it deals with the disasters that people have experienced. A disaster is a disaster, and we ought to be ready to assist those who are faced with an impossible situation.

Mr. President, I thank the Chair and yield the floor.

Mr. DOLE. Will the Senator from North Dakota yield.

Mr. CONRAD. Yes.

Mr. DOLE. I wonder if you might give me an estimate of the cost the Senator from North Dakota intends to pay for this comprehensive drought legislation.

Mr. CONRAD. I think it is impossible for us, at this point, to give a clear estimate of the cost. I think the reason for that is clear. We, at this time, do not know the final dimensions of the disaster. The Senator from Kansas perhaps missed my earlier indication that in my State now 12 counties are estimated to have already suffered a loss of from 60 to 80 percent—not unlike what the Senator from Kansas experienced in the winter wheat areas of his State.

Mr. DOLE. The only point I make—and we are going to have this discussion later this week in the committee and maybe next week and hopefully before the August recess on the floor—as I understand the information that is available to me, there is only one crop where there has been any savings, and that is winter wheat, because we have already had the disaster that wiped out about half the crop in the State of Kansas, which is the number one wheat-producing State—probably not this year.

But I am wondering where the additional savings come from and that if we open this bill up to everything, as the House bill did, 540 different crops, does that all come out of the savings on winter wheat so that the winter wheat producers who have already been devastated, instead of getting what farmers received last year, get 10 percent of that or 5 percent of that or very little?

It seems to me it is great to introduce these bills saying we ought to cover everything; every crop ought to be covered, whether it is a program crop or not, and then not say how we are going to pay for it.

It seems to me we cannot do that any more here. We have to pay for it, and I hope it is not coming out of the pockets of the winter wheat farmers when we are covering a lot of crops that are not even certain they are going to have a disaster. We had ours. It has cost the State of Kansas $1.6 billion.

Others say we want to wait to see what happens in July, August, September, and October.

When do we finally pass a drought bill and when do we provide relief for those who have already suffered the disaster?

I am certain this Senator is sympathetic to crops in other parts of the country, particularly program crops.

It would seem to me that we need to limit the scope of some of this legislation or find some way to pay for it.

I listened to the Senator from North Dakota saying, well, we spent $3.9 billion last year and saved $8 billion. I guess the inference is there is $4 billion around. But it is not around. There is not any money.

I am advised there is not going to be but $200 million or $300 million available for drought aid.

Where is it going to go? I would hope it would go first to the wheat producers in the six or seven States that already suffered losses, and I would hope that, if we are going to expand it, that we mandate that those who have already suffered the disaster be taken care of and authorize additional disaster coverage if corn, soybeans, whatever, may be destroyed because of drought, or in the case of Louisiana because of flood, or whatever it may be. But somehow we have to pay for it.

I just say, maybe parochially, I hope it is not all coming out of those who already suffered the loss so what they will receive will be of much less benefit than farmers received last year.

But again, we need to know the cost.

Mr. CONRAD. I respect very much what the Senator from Kansas has said. I feel very strongly that we must pay for what we spend. I think if anyone has demonstrated a sincerity on that question, I have.

Let me also say to my friend from Kansas that his people have suffered and my people have suffered. No State was harder hit by drought last year than mine and now we have a repeat of what we faced last year.

Already, as I indicated, 12 counties in my State have experienced losses on spring-planted crops of from 60 to 80 percent, according to my State university.

My State simply cannot stand another devastation by drought, simply cannot stand it. My State is on the ropes. It is the biggest outmigration State in the Nation, according to the moving companies. My State had the biggest loss of personal income of any State in the Nation last year. We lost 5 percent of personal income in my State last year and now we are faced with a situation in which things looked good 3 weeks ago, they looked green, but there was no subsoil moisture and now we have had 3 weeks of extreme heat, extreme wind, and in place after place in my State the crops are devastated. They are already gone. The loss has been suffered. There is 60 to 80 percent loss in 12 counties already.

I simply say to my friend from Kansas, last year it is true we spent $3.9 billion as a result of drought. We saved $8 billion. Those were not the estimates of USDA. If you will recall, they said we were spending that much then. So I will question their estimates this year until we have some greater knowledge of what the extent of the loss is.

But I can say in my State, and I fear in many others, we are faced with a loss that is devastating, and in my State we simply cannot afford any more.

I thank the President and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mr. DOLE. I will just say, as one who has followed ag legislation fairly carefully over the years in the Senate and worked with, I guess, all commodities, I am not certainly quarreling with the fact that we should not address losses in other areas, except I think we get a little off base when we start bringing in nonprogram crops because the program crops are the ones that have to follow the regulations and limit their planting and certain set-asides, but last year it was so massive it covered everything, over 600 crops, even fish, I think, we covered in last year's disaster bill.

So it would seem to me that if we are going to have a drought relief package, and I would assume we will have, we need to find some way to work it out so where the loss has been

suffered and they have been waiting for weeks and weeks and weeks for some relief, they ought to have a priority where we have some indication. I picked up the Wall Street Journal this morning and read where there is going to be above normal rainfall in all the areas, so the soybean prices and corn prices are falling.

Now I do not know whether it is going to rain or when it is going to rain in North Dakota, Kansas, or anywhere else, but we do not know whether they are going to have a loss in some of those crops for weeks and weeks and months, and we need to find some way to address that when it comes. And maybe the way you do it is to mandate immediate relief for those farmers who have already suffered losses in winter wheat areas, primarily in Kansas, Texas, Oklahoma, Colorado, Nebraska, South Dakota, and maybe a bit in Missouri, and then authorize the Secretary to provide relief for losses in other areas when those losses have been determined, but in the meantime those of us on the Agriculture Committee have to find savings, $500 million, $600 million. I do not know what the programs will cost, and savings are hard to come by.

My only point in representing my State, I do know my farmers are certainly sympathetic with farmers everywhere and we voted for the disaster bill last year, although Kansas had a pretty good year, it did not benefit from it but very little.

However, if there is only savings from one area, wheat, we do not believe it is fair to say let us take it all out of the winter wheat saving, to pay for all the other losses we are not certain are going to happen yet. To me that is not the way we are going to legislate, and I would hope that we could find some way to resolve this very important issue but do it quickly.

We have already waited 6 weeks. We have lost a lot of time. The farmers in my State really need to know very quickly if they are going to have any legislation.

The House passed an irresponsible bill that covered every crop anyone could think of and cost $1.3 billion. There is not that much savings. Where do we find the additional money?

I would just say to my colleagues I would be happy to help find the savings and I would certainly be happy to help cover other crops where there has been a serious disaster.

I wish we would keep an eye on program crops versus nonprogram crops, but in the end we need to do it very quickly.

I reserve the remainder of my time.

Mr. CONRAD. Mr. President, if I might just say to my friend from Kansas, we all have a concern about the cost. I think all of us are ready to be responsible and look at what the savings are and what the costs are. We did that last year. The proof is in the result. And there will be savings again this year due to the weather conditions.

The result last year was the cost was $3.9 billion and the savings were $8 billion and we took care of a problem that was the most serious in 50 years.

This year we are faced with a repeat. I wish we were not. But I would simply say to my friend from Kansas, for the people of my area it is a very good thing that we waited. If we would have acted when the Senator from Kansas was urging us to act, his people would have been taken care of and my people would not have been taken care of. And my people are on the brink of facing a disaster every bit as serious as what his people face.

There has to be some equity around here. There has to be some recognition that if the people of the northern plains suffer a loss, that is as serious as the people of the central plains. And that is what we are faced with again this year.

I hope that my colleagues would say that when people in this country face a disaster we are ready to help. That is part of the American ethic. Neighbors come to help.

In my State, if the barn burns down at the neighbor's place, you go to help. If somebody is sick and cannot harvest his crop, you go to help. That is part of the ethic of America. I hope we do not lose that in this country.

But now we are faced with another disaster. None of us could have known for sure 3 weeks ago that that was going to be the case. We know it now. It is here now. I hope that we are going to respond.

Mr. DOLE. Will the Senator yield at that point?

Mr. CONRAD. If I could, I ask unanimous consent that Senator BENTSEN of Texas be added as an original cosponsor of the bill, as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I am happy to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I will just take a second. I want to correct any misimpression that might be left by the Senator from North Dakota who indicated that I might not be sympathetic to the farmers in North Dakota. That has not been my record over the years. If there is going to be a disaster, we act on it. We do not wait until the end of every year to see how many people are going to have disasters and then have one bill at the end of the year.

There are a lot of ways we could legislate. One is, I suggest, take care of those who have already had the disaster and authorize the relief for the others. And that relief would be contingent not only on having another bill but finding the money to pay for it. So I think that is a responsible way to act.

Plus, I think we have to point out that we all represent farmers and they are the best people I know. But the Government cannot do it all. The Government cannot walk in every year and say, "Well, we will take care of all the farm disasters but if you are in business you do not get any relief. You may get a small business loan you have to pay back."

So I think farmers recognize, too, that there are limits on what the Federal Government can do. We have crop insurance. We have a crop insurance program. Most businesses buy insurance to protect themselves. Many farmers buy insurance to protect themselves. The crop insurance program is not perfect. We hope to revise it and modify it some this year to make it more attractive to farmers.

But the Government is spending $400 million for crop insurance. Premiums are subsidized by about 30 percent. Farmers, by and large, have had good treatment from the Congress. They appreciate it and their families appreciate it and people up and down Main Street appreciate it.

My only point it, let us get on with the drought relief package. It is much more than the rural development, the so-called rural development package pending in the committee. Let us get on with the drought relief package and let us work it out if we can pay for it, so that those who have already suffered a loss, not those who may suffer a loss, are taken care of and if those who may suffer a loss do suffer a loss in the future, then we will have some provisions to take care of them.

But I generally find, at least in the past, maybe it is changing, on the Agriculture Committee, a consensus, not a partisan consensus, but a consensus of those of us from farm States to make certain there is equity being done. But equity is not holding one group hostage for 6, 7, 8 months until we take care of everybody else in the country. To me, that is not equity. It may be in North Dakota, but I do not think so.

Mr. CONRAD. Mr. President, I would like to clear up a misunderstanding, as well.

Before the break, the Senator from Kansas was arguing strenuously that we move a bill that took care of winter wheat. If we would have done that, spring wheat and other spring crops would have been left out, because it is clear there is only going to be one drought bill moved through Congress.

Now, some of us fought that because we did not think it was fair just to take care of winter wheat. We know that winter wheat was covered in the last bill. These producers suffered minimal damage last year. Now they

are suffering great damage, and they ought to be helped. That is fair.

But we understand there is going to be only one bill moved and it ought to cover everyone who suffers a disaster. That is fair.

Let me just say that my State has suffered grievously. No State has suffered more. I indicated earlier the biggest loss in personal income in this country was suffered by my State. The worst devastation by the drought was suffered by my State.

I wish we did not have to come and ask for additional help. I wish we were not having a repeat of the drought. But we are.

And if we are going to treat each other with respect and treat each other equally, then it is only fair that we deal with all those who suffer, not just single out one who suffered first and say to those who come later, "Good luck." That is not good enough.

Those of us who represent spring wheat crops and the other spring crops are going to stand up for our people and make sure that they are fairly treated. That is our job and we intend to dispatch it.

Thank you, Mr. President. I yield the floor.

THE APPLE INDUSTRY

Mr. SYMMS. Mr. President, I think it is appropriate that the distinguished senior Senator from Washington State is in the chair. As we knows, the apple industry has undergone a real dressing down in America this year. It is incredible to me that the United States of America is a nation that produces the best, the safest, the healthiest, the cleanest, the most convenient, the highest quality and lowest priced food for the consumers of this country.

Mr. President, there is no place in the world that have the convenience for shopping, the wide-spread distribution, or the availability of so many different kinds of foods. Whether we talk about frozen foods, fresh produce, or canned fruits and vegetables, the wide variety of food that is made available for the American people at such low prices is one of the real miracles of the private-enterprise profit-and-loss system we enjoy in the United States of America. There is no place on Earth that has supermarkets with the good, healthy, clean, fresh produce like we have in the United States.

The apple industry and many people in the apple industry have suffered enormously this year because of the emotional, demagogic and misleading scare tactics of the Natural Resources Defense Council [NRDC] and others. I think the U.S. Government has failed to stand up and make enough noise to put some of these naysayers down when they have told American consumer that healthy and nutritious foods were somehow harmful.

CBS, with 60 Minutes, wreaked havoc with the apple industry. The price of apples has dropped from about $12 to $14 a box [FOB] for shippers in Washington State and other States, down to about $8 a box for the extra fancy grades. People stopped eating apples because of the scare tactics seen in the 60 Minutes story. It devastated and will cause very serious financial problems for many, many apple farmers in the State of the distinguished Presiding Officer. It had a similar effect on my State on fewer people. But those who had apples in storage suffered the same losses as they did in Oregon and any other States where apples were still held in cold storage.

The reason I was interested in the comments of the distinguished minority leader, Senator DOLE, in his colloquy with Senator CONRAD about the drought bill, is that we seem to have the same kind of a problem now with respect to apples. I have the greatest sympathy for those apple growers in Washington State who are now wishing to have the Government buy some apples. This is being done now through section 32 funds. So the U.S. military, Federal prisons, and other places will enjoy the benefit of good, healthy, clean apples to eat as a result of this.

The tragic part of it is that many people in Washington State and other States where they had apples in storage have already taken their losses and sold their crop. They get very little benefit out of having the Federal Government step in at this late date and buy some apples. I do not have an answer for them. I was only interested in Senator DOLE's comments about the problems they have had in Kansas and how it relates to the drought in North Dakota.

It is always hard to have a program where the Government steps in to try to help out some people who have been harmed in part by their own Government and by the policies that allowed misinformation to scare millions of Americans away from the apple market.

In this country we can say the drought comes from the Almighty and not the Government, so those of us in the Senate, at least, do not have to take the blame for the drought. But I do think oftentimes Government intervention to try to help out some people, such as in the case of the recent purchase of these apples, really does not help the people who went ahead, took their lumps, sold their apples and lost their money. But hope springs eternal that maybe people will come back to their senses and realize that they would have fewer peoblems if they eat apples every day than if they listen to the NRDC and 60 Minutes and chose not to have a well-rounded, healthy diet that includes apples.

I am not overly excited about having the Federal Government purchase apples in this glut at this time. Those people who still have apples ought to be able to get rid of them, but a lot of their neighbors have already taken their lumps and sold their crop and they will not get any benefit from any purchase of this distressed crop at this late hour.

The same thing happens in the drought program. Some people benefit from it, some people do not. I have seen it happen in my State. The farmers who have good bankrolls when we have a drought program can drill a well and get paid half of the price of the well by the Government. The neighbor down the road who does not have such a fat bankroll cannot afford to spend $10,000 or $15,000 or $20,000 to drill a well, and so he cannot get that money reimbursed from the Government. It seems that is what happens all too often.

I long for the day when in this country farmers will have the opportunity to farm freely in a marketplace that is fair. I hope that someday they will not have so much interference from other factors that distort the markets and, in the long run, either keep some people in business who should have had the opportunity in the profit-and-loss system to get out of business, or likewise have the opportunity to benefit in the time that they do manage to hang on and run a frugal operation. Then farmers can be free when opportunity knocks to have a profitable venture from the production of their crops.

By Mr. McCAIN:

S. 1285. A bill to provide for the gradual reduction of expenses incurred by the United States in deploying United States forces in NATO countries and in Japan, and for other purposes; to the Committee on Armed Services.

COST SHARING IN THE DEPLOYMENT OF NATO FORCES

Mr. McCAIN. Mr. President, the time has come for a coherent policy toward the issue of burdensharing. We have spent far too long approaching this issue on a piecemeal basis, and pursuing conflicting policies. Far too often, the end result has been to irritate our allies, rather than persuade them. At the same time, it has been to emphasize goals that do not matter at the price of the goals that do, and to accept legislation which often is little more than ally bashing or whose net effect is to reduce our military effectiveness.

The bill that I am proposing today has the following major features:

It establishes reducing the cost of deploying U.S. forces overseas as the policy goal in burdensharing negotiations.

It calls for the President to negotiate with the nations of Central Europe and Japan to increase their contributions to the cost of deploying United States troops in their countries.

It sets the goal for allied contributions as 50 percent of United States costs for the NATO Central Region and 100 percent of United States costs for Japan.

It requires an estimate of the total cost of deploying United States forces for the defense of Japan and the NATO central region, and of the total value of the contributions those nations make toward offsetting these costs.

It requires that the NATO central region countries, and Japan, increase the total value of their offset of United States costs by at least 5 percent per year until they reach the applicable goal. In the event that they should fail to do so, the President would cut the total estimated cost of deploying U.S. forces by 5 percent for the next fiscal year.

It requires comprehensive annual reporting on the estimated annual cost of all U.S. deployments overseas, of the size of allied offsets, and of the efforts the United States has made to increase those offsets.

It allows the President to delay any reductions otherwise mandated by the bill by 1 additional year if he feels this is necessary for either urgent national security or arms control reasons.

This approach to burdensharing marks a major departure from past precedents. It establishes a coherent mix of goals for our burdensharing efforts that I believe all my colleagues will eventually share.

SETTING THE GOAL OF REDUCING THE COST OF STATIONING U.S. FORCES

The bill clearly states that our policy goal at this point in time should be to reduce the cost of stationing our forces overseas, and not subsidiary goals such as improvements in allied forces, research and development, or other less critical efforts. This policy recognizes the fact that changes in the threat allow us to focus our burdensharing efforts on maintaining the forces most critical to deterrence, to securing our critical strategic interests, and to negotiating effective arms control agreements.

SEEKING 100-PERCENT OFFSET OF THE COST OF DEPLOYING UNITED STATES FORCES FROM JAPAN

The bill recognizes the special status of our military relationship with Japan, and that Japan benefits more directly from our military deployments overseas than any other nation. It recognizes the fact that Japan is currently unwilling or unable to spend more than 1 percent of its GNP on defense, and that Japan's economic wealth allows it to pay a substantially higher percentage of offset for United States forces than any other nation.

The most recent report by the Secretary of Defense on allied contributions to the common defense shows that Japan ranks 15th after all our European allies in terms of the amount of its GNP that it spends on defense. It spent only 1 percent in the most recent year reported by the Secretary of Defense, versus 3.1 percent for West Germany, 4 percent for France, and 4.7 percent for the U.K. Japan also has the lowest share of population devoted to active military manpower and active and reserve military manpower. At the same time, Japan ranks second to the United States in GDP, and now has a GDP twice the size of that of the next closest major ally: West Germany.

No one in the United States has any justification to penalize Japan for its economic success, except to the limited degree this success has been achieved through restraints on trade. Defense burdensharing should not be an exercise in Japan bashing or in attacking any other ally. At the same time, Japan has been able to achieve much of its economic growth, and restrain its defense efforts, largely because of the extraordinary strategic commitments the United States has now made for more than four decades.

The strategic interests of the United States and Japan are also very different from those of the United States and its NATO central region allies. No one will benefit if Japan seeks to become a military superpower in Asia or to replace United States military forces in the region. The forward presence of United States forces helps guarantee the immediate security of Japan, and provides a long-established military presence that helps ensure the security of South Korea and the balance of power between the People's Republic of China and U.S.S.R. Japanese forces cannot play this role, and a major further Japanese buildup could well arouse new fears of Japanese military expansion.

Our burdensharing negotiations should recognize Japan's special status, and that Japan can bring its present offset of United States costs up from the present figure of roughly 40 percent to 100 percent for a fraction of one percent of its GDP. We should put the specialized role the United States plays in Northeast Asia on a sound and stable fiscal basis, and put an end to the kind of minor negotiating efforts which do as much to irritate United States and Japanese relations as to establish regional strategic stability.

SEEKING A 50-PERCENT OFFSET OF THE COST OF DEPLOYING U.S. FORCES FROM OUR NATO CENTRAL REGION ALLIES

The bill recognizes the growing wealth of our major European allies, and their ability to increase their efforts to offset the cost of stationing United States forces in the central region of Europe, and that they already have assumed a major portion of the burden of their own defense. Belgium, France, the FRG, Luxembourg. The Netherlands, and United Kingdom now provide 25 percent of the worldwide active duty military manpower in the Western alliance, 30.1 percent of the active and reserve military and civilian manpower, 27 percent of the division equivalent firepower, 24 percent of the naval surface tonnage, and 30 percent of the tactical combat aircraft.

At the same time, the bill recognizes that the NATO countries on NATO's northern and southern flanks are far less able to provide such offset support than the central region states, and that the problem of seeking added offset support is complicated by the special status of France within the NATO alliance, and by the economic problems of several central region states. Accordingly, the offset goal is set as 50 percent, and is defined in a sufficiently flexible way to take account of the special economic strength of the Federal Republic of Germany.

SETTING AN ANNUAL GOAL OF 5-PERCENT INCREASES IN OFFSETS WITH A MAXIMUM REDUCTION IN THE ANNUAL COST OF DEPLOYED FORCES OF 5 PERCENT

It recognizes both the fact that the United States faces urgent financial and budgetary problems in reducing the cost of meeting those strategic commitments of critical benefit to allied states, and the fact that any efforts to seek increased offsets from Japan and our major European allies must be gradual, preserve the stability of our present strategic relationships, and be conducted in a way that does not interfere with our ongoing arms control talks.

The bill mandates a maximum of 5-percent annual reductions in the estimated cost of United States deployments in support of Japan or our central region allies, and then only if they do not increase their estimated offset by 5 percent. It provides well over a fiscal year in which to prepare for such reductions without perturbing the structure of U.S. forces, and allows the President to take account of any reductions made for other purposes, including arms control.

ESTABLISHING A BROADER BURDENSHARING POLICY TOWARD OTHER STATES WHERE THE UNITED STATES DEPLOYS MILITARY FORCES

The bill recognizes that many countries where we deploy forces—countries like Greece, Turkey, and the Philippines—cannot make major increases in their efforts to offset the cost of deploying U.S. forces for their protection and that of nearby states. At the same time, it recognizes that an explicit and public effort to track the cost of such U.S. deployments and the size of individual allied offsets will

have a powerful effect in persuading such states to do the most they can.

The bill also recognizes that some states are attempting to use the basing and support rights they grant to the United States as a means of obtaining a level of foreign aid and other support from the United States which is far greater than the value of the basing rights and facilities they provide. It establishes the kind of reporting requirements that make the cost of such efforts clear, and which will warn the Congress when it needs to give priority to an investment in power projection forces and/or funding alternative basing facilities in other countries.

COMBINING CONSISTENCY OF PURPOSE WITH FLEXIBILITY OF APPROACH

The bill recognizes that the United States can negotiate most successfully when it sets clear congressional goals for action, but provides the President with greater discretion for both negotiating and national security purposes. The President can delay action for up to an additional fiscal year for national security or arms control purposes.

No ceilings are set that would interfere with a military buildup in a crisis. The President has great flexibility in defining the costs and forces to be included, the method of reporting, and the value of allied payments and offsets. The bill combines consistency of purpose with flexibility of approach.

THE CASE FOR A NEW APPROACH TO BURDENSHARING

I realize that this bill is a major new departure from past approaches to burdensharing, and that many of its provisions are complicated. I should stress that it is based upon a careful analysis of the real issues in burdensharing, and of past legislation and studies affecting this issue. I have summarized the reasons behind my new approach in a recent article in the Armed Forces Journal, and which I am requesting be attached in full to my remarks.

We need to stop trivializing burdensharing, using it to act out our frustrations in dealing with given states, and to recognize the fact that we cannot make this country safe by cutting our first line of defense and the forces most important to deterrence unless our changing economic situation leaves us no other choice. The time has come to debate the kind of legislation that will establish a lasting framework for action on this issue. We need to focus on finding ways to maintain our vital strategic commitments that recognize the new economic strength of some of our allies, and the problems we face in the case of other less wealthy states.

Mr. President, I ask unanimous consent that the text of the bill and an article that I wrote on the subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATEMENT OF POLICY AND FINDING.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to maintain its commitments to defend the nations of the free world while reducing, to the maximum extent practicable, the cost to the United States of stationing United States forces outside the United States;

(2) to ensure that the allies of the United States assume, commensurate with their respective sizes and economic strengths, their fair share of the total cost of deploying United States forces for the defense of those allies;

(3) to ensure that the Central Region nations of the North Atlantic Treaty Organization (NATO) use their collective economic strength to offset at least 50 percent of the total cost of deploying United States forces for the defense of such nations;

(4) to ensure that Japan uses its economic strength to offset the total cost of deploying United States forces for the defense of Japan; and

(5) to closely monitor the cost of deploying United States forces outside the United States with a view to determining the extent to which each country in which those forces are deployed is making the maximum practicable contribution to offsetting such costs commensurate with the size of its own forces, the threats it faces, and the strength of its economy.

(b) FINDING.—Congress finds that the policies described in subsection (a) should be achieved, to the maximum extent practicable, by multilateral negotiations between the United States and its allies without impinging on any on-going negotiations for an arms control agreement between the United States and the Soviet Union.

SEC. 2. MULTILATERAL NEGOTIATIONS.

At the earliest practical date after the date of the enactment of this Act, the President shall—

(1) enter into negotiations with the European member nations of NATO for the purpose of achieving an agreement under which such nations agree to increase the value of their contributions toward meeting the cost of deploying United States forces in the Central Region of NATO to an amount equal to 50 percent of the total cost of deploying such forces in that region for the defense of that region; and

(2) enter into negotiations with Japan for the purpose of achieving an agreement under which Japan agrees to make contributions sufficient in value to meet the total cost of deploying United States forces in Japan for the defense of Japan.

SEC. 3. ENFORCEMENT OF OFFSET POLICY.

(a) DETERMINATION OF NATO CONTRIBUTIONS; REDUCTION OF EXPENDITURES BY U.S.—(1) Not later than December 1 of each year, beginning in 1991, the President shall determine the total cost of deploying United States forces outside the United States for the protection of the Central Region of NATO during the fiscal year ending on September 30 of such year (hereinafter in this subsection referred to as the "preceding fiscal year") and the total value of contributions that were made during such fiscal year by member nations of NATO toward meeting that cost.

(2) If the President determines in any fiscal year that the total value of contributions made by member nations of NATO toward offsetting the cost of deploying United States forces outside the United States for the defense of the Central Region of NATO during the preceding fiscal year was less than 50 percent of the total cost of deploying such forces, the President shall take such action as may be necessary to ensure that the total cost to the United States of deploying United States forces outside the United States for the defense of that region in the next fiscal year does not exceed an amount equal to 5 percent less than the total cost to the United States of deploying such forces in such region in the preceding fiscal year, except that no action is required to be taken with respect to any year under this paragraph that will result in reducing the total cost to the United States to an amount less than 50 percent of the total cost of deploying such forces in that region in the next fiscal year.

(b) DETERMINATION OF JAPANESE CONTRIBUTIONS; REDUCTION OF EXPENDITURES BY U.S.—(1) Not later than December 1 of each year, beginning in 1991, the President shall determine the total cost of deploying United States forces outside the United States for the defense of Japan during the fiscal year ending on September 30 of such year (hereinafter in this subsection referred to as the "preceding fiscal year") and the total value of contributions that were made during such fiscal year by Japan toward meeting that cost.

(2) If the President determines in any fiscal year that the total value of contributions made by Japan toward offsetting the cost of deploying United States forces outside the United States for the defense of Japan during the preceding fiscal year was less than 100 percent of the total cost of deploying such forces for such purpose, the President shall take such action as may be necessary to ensure that the total cost to the United States of deploying United States forces for that purpose in the next fiscal year does not exceed an amount equal to 5 percent less than the total cost to the United States of deploying such forces for the defense of Japan in the preceding fiscal year.

SEC. 4. SPECIAL AUTHORITY RELATING TO REDUCTIONS

(a) AUTHORITY TO DELAY REDUCTIONS.—(1) The President may waive for one fiscal year any reduction in expenditures required under subsection (a) or (b) of section 3 if the Secretary determines—

(A) that the waiver is necessary because of urgent national security reasons; or

(B) that the required reduction would have an adverse affect on on-going negotiations for an arms control agreement between the United States and the Soviet Union.

(2) The President shall promptly notify Congress of a waiver made under paragraph (1).

(b) COSTS THAT MAY BE INCLUDED IN COMPUTATION OF REDUCTION.—In computing any reduction required to be made under section 3 in any fiscal year, the President may include in such computation the value of any reductions made in such fiscal year in the cost of deploying United States forces outside the United States for the defense of the Central Region of NATO or Japan, as the

case may be, that were made for reasons other than the requirement of section 3.

SEC. 5. COMPUTATION OF DEPLOYMENT COSTS; COMPUTATION OF CONTRIBUTIONS BY ALLIES

(a) DEPLOYMENT COSTS.—In computing the costs of deploying United States forces outside the United States for the defense of any foreign country, the President shall include all direct and indirect costs of maintaining United States forces in that country and all direct and indirect costs of deploying United States forces on any lands or waters adjacent to or in the vicinity of that country if the primary mission of the deployment of such forces is the defense of that country. Such costs shall include all relevant manpower costs (other than pay and allowances), operations and maintenance costs, construction costs, transportation costs, and costs of physical facilities. Such costs shall also include all costs incurred to obtain basing or deployment rights in a foreign country. Such costs shall not include the cost of developing and procuring combat equipment and munitions.

(b) COMPUTATION OF CONTRIBUTIONS.—In computing the value of any contribution by a foreign country toward the costs of deployment of United States forces outside the United States in defense of that country, the President shall include all in-kind contributions made for that purpose as well as all financial contributions made for that purpose and may include both direct and indirect costs of providing such contributions.

SEC. 6. ANNUAL REPORT

(a) IN GENERAL.—Not later than July 1 of each year, the President shall submit to the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate and to the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives a report that contains the following:

(1) A detailed analysis of the estimated cost of deploying United States forces overseas during the current fiscal year and the two preceding fiscal years, including, in the case of each foreign country in which United States forces are deployed, a statement of the cost of deploying such forces in such country in each of such fiscal years.

(2) A detailed analysis of the estimated value of any equipment and services made available to the United States and the amount of any financial payments made to the United States in each of the fiscal years referred to in paragraph (1) by each country in which United States forces were deployed in such fiscal years and which were made to meet the expense of deploying such forces in such country in such fiscal year.

(3) A statement of the progress made during the current fiscal year in obtaining increased contributions of equipment, services, and cash payments by such countries as a means of meeting the cost of deploying United States forces outside the United States for the defense of such countries.

(4) A description of any actions taken by the United States and its allies during the current fiscal year to decrease the cost to the United States of deploying United States forces in the Central Region of NATO and in Japan and a description of any actions proposed to be taken by the United States and its allies during the next fiscal year to decrease such cost to the United States.

(b) FIRST REPORT.—The first report required to be submitted under subsection (a) shall be submitted in 1992.

(c) SENSITIVE INFORMATION.—(1) Nothing in this section shall require the President to disclose any information in any report required by this section that the President determines would seriously—

(A) jeopardize the national security of the United States or any of its allies;

(B) undermine existing and effective efforts to meet the policy objectives specified in section 1; or

(C) compromises sensitive intelligence operations, the disclosure of which would likely result in grave damage to the national security of the United States or any of its allies.

(2) The President may submit the reports required by subsection (a) in classified and unclassified versions.

SEC. 7. DEFINITIONS

As used in this Act:

(1) The term "United States forces" means members of the Armed Forces of the United States and civilian employees of the Department of Defense.

(2) The terms "Central Region nations of NATO" and "Central Region of NATO" mean the countries of Belgium, the Federal Republic of Germany, France, Luxembourg, the Netherlands, and the United Kingdom.

[From Armed Forces Journal International, June 1989]

SAVING OUR ALLIANCES: THE REAL ISSUE IN BURDEN-SHARING

(By Senator John McCain)

One way or another, Congress is certain to adopt new burden-sharing legislation this year. The issue is not whether such initiatives will take place; it is whether they will have the right goals and do more good than harm. There are good reasons to be concerned over how Congress approaches this issue.

In the past, Congressional legislation regarding burden-sharing has done little more than interfere with the efforts of the Executive branch. This has not been important when our alliances have been strong and stable. The end result has been an irritant, not a serious problem. This year, however, the wrong kind of burden-sharing legislation could have far more destructive effects. Unless we approach our allies in the right way and with the right goals, we might end up undermining our ties to NATO and Japan, our ability to reach secure and stable conventional arms reduction agreements with the U.S.S.R. and the Warsaw Pact, and our ability to make the kind of shifts in our force posture that will be needed to reflect changing strategic priorities and a lower level of defense resources.

Our burden-sharing efforts should have three major goals:

To reduce the cost of our military presence in Europe and to ease the economic strain of paying for Europe's defense until, and if, we can negotiate stable and secure arms reductions with the Warsaw Pact;

To reduce the cost of stationing our forces in Japan and South Korea, and have Japan assume the bulk of the cost of the economic aid necessary to assure the political stability of the less developed states that are critical to Western security;

To provide the additional allied support necessary to allow us to shift forces and resources to deal with other contingencies such as the defense of the West's oil imports and lines of communication and low-intensity combat.

BURDEN-SHARING GOALS FOR NATO AND WESTERN EUROPE

These goals may seem relatively straightforward, but they are actually considerably different from the goals that have been pursued in the past. To begin with, they emphasize finding the resources to maintain a stable U.S. presence in Europe rather than putting pressure on our allies to make major increases in their conventional forces.

The plain truth is that no amount of U.S. pressure on our allies is going to lead them to make the kind of massive increases in defense spending and manpower necessary to achieve a major shift in conventional warfighting capabilities. We ourselves are only going to fund about one-third to one-half the rate of force improvement we planned to fund five years ago. Regardless of how real *glasnost* may be, no NATO country is going to fund the increases in real defense spending necessary to do more than maintain its current level of conventional capability relative to the Warsaw Pact. Most will spend substantially less.

These facts have two major policy consequences. The first is the need for effective theater nuclear force modernization. Rather than press our allies for increases in conventional capability that they will never make, and treating this as a part of burden-sharing, we need to press them to maintain enough nuclear strength to maintain the current level of deterrence and to give the Warsaw Pact a meaningful incentive to negotiate acceptable reductions in its conventional and nuclear forces.

The second consequence is the need to maintain NATO's current strength, and the U.S. commitment, long enough to find out how real Gorbachev's interest in meaningful mutual arms reductions really is. We do not face an urgent risk of war in Europe. We do face an urgent risk of premature unilateral force reductions, and of sending the Warsaw Pact the kind of signals of division and weakness that would deprive it of the incentive to negotiate with NATO on a realistic basis.

Europe can expect us to have the patience to avoid rushing into reducing our forces in Europe. It cannot expect us to tolerate prolonged delays in the modernization of NATO theater nuclear forces and act as if Europe had not recovered enough economic strength to pay a larger share of the cost of its own defense and the defense of its oil, other raw materials, and trade routes.

BURDEN-SHARING GOALS FOR JAPAN AND SOUTH KOREA

The U.S. now has only a limited interest in asking Japan to spend more on defense. The expansion of the Japanese gross national product has reached the point where Japan is already spending some $30-billion a year on defense. This is roughly equivalent to the French or West German defense budgets, and compares with about $34-billion for the United Kingdom and $6-billion for South Korea. We may need to improve our arrangements for the roles and missions Japanese Self Defense Forces should play in order to expand Japan's role in defending the waters around it. We do not need more Japanese tanks, aircraft, or ships than Japan can afford if it increases its defense spending to levels around 1.5% of its gross national product (GNP).

Neither Japan nor the rest of Asia is ready for Japan to reemerge as a military superpower. The memories of World War II are too recent, and the external threats from the U.S.S.R., North Korea, and Viet-

nam too limited. American military power may not always be loved, but it is tolerated; and few nations in Asia show any sign of fearing any form of American neocolonialism.

What we do need is an effective Japanese foreign aid program that can use Japan's status as an economic superpower to help other Asian nations develop and achieve the internal stability needed for free and democratic government. The U.S. already has the forces necessary to help Asian nations protect their military security. What is needed is the kind of grant aid that will allow nations like the Philippines to break out of the trap of debt and poverty and offer their people the mix of hope and economic security that is essential for free governments to continue to function.

Similarly, we need the kind of direct offset for our defense expenditures that reflects the relative growth of Japanese economic power. We need both the cash offsets that reduce our direct costs, and the support in terms of manpower and facilities that free our forces to operate in other areas. Once again, if we are to continue to bear the burden of defending Japan's oil, other raw materials, and trade routes, Japan's burden-sharing efforts must reflect this.

South Korea has also reached the point where it can provide more support, if not added offset expenditures. South Korea still spends a high percentage of its GNP on defense—roughly the same percentage as the U.S. spends—but it is certainly capable of providing more manpower, services, and facilities.

INDIRECT ALLIED SUPPORT FOR U.S. GLOBAL ROLE

The U.S. cannot expect direct European or Japanese military support in performing out-of-area missions. Coalition defenses are difficult enough to agree upon and implement when direct national interests are at issue. The U.S. can, however, expect both its European allies and Japan to treat the offset of U.S. costs in Europe and Japan, and the provision of services to substitute for U.S. forces, in full context. The more that Europe and Japan provide by way of offsets of any kind, the more resources the U.S. has to perform out-of-area missions.

This kind of burden-sharing, however, requires very different measurements than data on defense spending as a percentage of GNP or national budget, or per capita. As long as our European and Japanese allies maintain their current level of defense effort, the criteria for burden-sharing become: (1) how large a percentage of the cost of deploying U.S. forces in each area is offset by Europe and Japan; (2) how many support, facility, and other services are provided to reduce the amount of manpower the U.S. must deploy in peacetime; and (3) how well Japanese economic aid meets the needs of other states in Asia.

It is interesting to note that the Department of Defense and the Executive branch do not now provide any of these statistics. DoD has long preferred to measure this kind of burden-sharing in generalities, and has sometimes even denied that such figures can be provided—although the issue is willingness and not capability. In fact, if the Department had provided such statistics, it would long ago have demonstrated that the U.S. is already receiving enough offset money and services from many European countries and Japan so that it is already cheaper to maintain our forces in West Germany and Japan than it is to deploy them in the United States.

Similarly, the U.S. government has shown only token interest in working on specific economic assistance plans with Japan. Organizations like the Agency for International Development (AID) have even failed to give enthusiastic support to Japan in developing as AID-like organization.

Accordingly, both Congress and the Executive branch need to work together to develop the proper understanding of the support our allies already provide, and to develop added burden-sharing measures that focus on the kind of support we really need. The present focus on the rate of allied defense expenditures, or rate of increase in allied forces, does not suit our current strategic goals, provides no basis for encouraging the kind of burden-sharing we really need, disguises the progress we have already made, and undermines our most important alliances.

UNDERSTANDING THE TRUE NATURE OF OUR OVERSEAS COMMITMENTS

We need to improve the realism of our thinking about burden-sharing in other ways. Far too much of our current rhetoric about our strategic burden and burden-sharing ignores the true nature of our current deployments. Worse, it tends to encourage both Congress and the American people to focus on cutting those forces which contribute most to deterrence and our contingency capability. We have created a statistical illusion that leads us to remove our teeth rather than trim our tail.

The current debate is based largely on false premises. One is that we could achieve meaningful savings by bringing our forces home from key forward locations like Germany and Japan. The second is that we are spending some 60-80% of our defense budget to defend our allies, and that we should cut our forward deployed forces as a result.

We do "commit" far more forces to NATO, Northeast Asia, and Southwest Asia than we can deploy within any reasonable amount of time. In fact, we commit virtually all our forces to some front somewhere in the world as part of our force-sizing exercises. The end result, however, is a situation where the most important contingencies are charged for virtually all of our manpower and equipment, although our actual force posture locates most of that manpower and equipment in the U.S. and to the area where they are "committed" in real-world contingencies. It is also a situation where many of our forces are designed largely to meet a given defense budget ceiling, not to perform a real-world mission, but our allies are charged in burden-sharing exercises with the cost of forces we cannot really deploy.

This commitment-versus-capability gap is particularly bad in the case of NATO, largely for historical reasons. We have artificially maximized our assigned and ear-marked forces over the years to: (1) push our allies to increase their forces; (2) make highly theoretical conventional options seem real; and (3) minimize the impact of running down our forces in Europe during the Vietnam War by committing added forces in the continental U.S. (CONUS) to NATO.

If we look at the actual situation, we get a very different picture. This situation is revealed by the manpower figures in the table below.

We deploy only 14% of our active military manpower to all of NATO, including substantial forces in the southern flank that are used for power projection outside NATO. We devote only 10% of our manpower to West Germany; and even if we include all of the Central Region, the total would rise to 281,090—or 13%.

The data for Asia show that unless we assume that the U.S. would abandon its fleet and forces in Hawaii, the U.S. stations only 5% more of its manpower in the region.

In short, the U.S. meets its two most important overseas commitments with about 20% of its manpower, for which it already receives massive offsets that generally make that manpower cheaper to deploy overseas than to keep in CONUS.

These figures would be substantially higher if we included all of our forces for a worst-case contingency based on overseas deployments at M-day+30. The total might well rise to about 35%, based on real-world readiness and lift constraints. In actual practice, however, the U.S. has had to draw down most of this manpower twice since WWII for third world contingencies—Korea and Vietnam. It is far from clear that our allies can really be charged for all of the cost of maintaining all the combat-ready units in CONUS.

It is even more unclear that if we totally abandoned all our overseas commitments, we could actually have a significantly reduced force structure. If anything, we might have to buy far more lift and pay additional costs that are now offset by our allies.

Given these facts, I would suggest that our goal in both defense planning and in seeking added allied support should be to keep our "teeth" intact; and that if we are to cut our forces in response to any failures on the part of our allies, we should cut our reinforcing forces—or "tail"—back in the United States.

This approach is far more practical in strategic terms, and is more cost-effective. There is no point in going on with the myth that we structure most of our forces for NATO. The fact is that approximately 80% of our total military forces are in CONUS or at sea, and are the price of remaining a world power with many contingency requirements that have nothing to do with our allies.

We need to change our approach to burden-sharing to stress allied output in terms of forces and security assistance, rather than total spending. We need to recognize that our defense spending is driven by very different factors than that of our major European allies and Japan. We have a near monopoly of strategic forces in the West. We are at least 6,000 miles from most contingencies; we do not want to pay the political and social costs of conscription; and we want highly flexible, all-purpose forces for a wide range of contingencies.

This is why we should focus on outputs rather than inputs: The issue is not the economics of what our allies spend but rather the level of force capability our allies maintain, the level of offset they provide to meet the cost of the US forces that aid their defense, and the level of foreign assistance they provide to the developing world.

NEW APPROACHES TO NATO BURDEN-SHARING

We need to accept the fact that burden-sharing is not a NATO issue; it is an issue that affects the Central Region and Italy. Canada is already making its contribution in North American air defense and by maintaining its forces in Germany. Iceland provides basing facilities. Norway lacks the resources to do more than maintain a reasonable deterrent against attacks on its soil. Greece, Portugal, and Turkey require aid from the other countries in NATO. Spain is at best going to continue to provide the

bases and facilities it now does, and make a largely symbolic military contribution.

This leave the Central Region and Italy, and even here it is critical to understand the limits of what any burden-sharing exercise can accomplish:

While Belgium has always done its best to support the alliance, it faces continuing economic problems and serious limitations on what it can do. There is little margin for additional Belgian action, at least in the near term.

There is little point in the United States making new attempt to put pressure on Denmark. Denmark's grossly underfunded forces already lack political support, and Denmark's continuing economic and budget problems ensure that there will be no real increases in defense spending. The United States needs to concentrate on preserving what Denmark already has, not on measures that could aid the political opponents of Denmark's contribution to NATO.

France has quietly improved its cooperation with NATO, the US, and other European states ever since de Gaulle's death; but it is politically committed to a degree of independence from NATO's command and infrastructure activities that ensure it will not join in any burden-sharing efforts. It also has some of the more ambitious force improvement programs of any European state, and contributes an important degree of nuclear deterrence. There is no chance that US burden-sharing activities will elicit any favorable response.

The Federal Republic of Germany is an increasingly divided nation which is progressively more interested in the potential benefits of glasnost. Even the traditionally conservative and pro-defense Christian Democratic union and Christian Social Union are increasingly uncertain about their commitment to maintaining NATO's theater nuclear capabilities, M-day conventional forces, and forward defense. The days in which the US could easily pressure the FRG into added burden-sharing actions are long over. Any US action must be carefully tailored if it is to produce a positive response rather than provide political ammunition to the opponents of NATO and strong FRG forces.

Italy has long been one of the strongest supporters of NATO and the US position in Europe. Its growing economic strength amy well give it the flexibility to make some increases in its infrastructure and supporting funding. There are, however, sharp limits on what Italy can be expected to do; and it already makes a major contribution in the form of bases and support facilities.

Luxembourg is too small to make any contribution beyond the ones it already makes in terms of forces and facilities.

Like Belgium and Italy, the Netherlands has always been a strong supporter of NATO and the US military role in Europe. Like Belgium, however, it also faces some structural economic problems. There are limits to what the US can expect in the form of additional support. The Netherlands already is having severe problems in funding the proper degree of readiness, modernization, and forward deployment. US pressure is unlikely to accomplish much in the foreseeable future.

The United Kingdom has been the strongest single supporter of the US position in Europe. The UK, however, now faces a major budget crisis of its own—and one whose politics ensure that no amount of US pressure can lead to productive results. The Royal Navy is underfunded to the point where it is losing much of its operational strength; the RAF lacks the funds for proper training and modernization; and the British Army lacks the funds for both modernization and sustainability. Undesirable as this situation may be, it is inconceivable that any British government could do more than that of Margaret Thatcher.

THE THREAT OF FORCE REDUCTIONS

It is one thing to talk about NATO or Europe, as if individual nations did not face driving political and economic pressures. It is quite another to deal with the real-world conditions that shape each country's behavior. We need to face the fact that if we press any allied country for major real increases in its forces and defense spending in the midst of glasnost and Warsaw Pact promises of force reductions, we are doing little more than pursuing a policy of illusion that will accelerate all the present tensions and divisions within the alliance.

Our approach to burden-sharing needs to change to fit changing conditions. We cannot treat burden-sharing as if the overt or tacit threat of force reductions would achieve our goals. The threat to take our ball and go home if the other kids won't play the game our way simply is no longer credible, if it ever was. A large part of Europe is now indifferent to such threats. A significant and hostile portion would welcome any US withdrawals, and our closest friends might have little choice except to express their regrets and wave goodby.

What we need are burden-sharing options that: (1) try to set a floor under NATO, (2) make increases in offsets of reduce US costs, and (3) help preserve enough theater nuclear strength to maintain the present level of deterrence. Fortunately, we still have several such options:

Percentage of offset

First, we can focus on linking the size of the US manpower deployed in a given country to the total host country and NATO offset of the costs involved, then set the trigger in terms of time and threshold to act as a strong incentive to increase or maintain burden-sharing. While this may produce only limited additional funding from most states, it may well help in the case of West Germany.

Offset is also the real issue for the 1990s. We do not really need major allied force increases at this point in time. What we need is relief from defense spending and our budget deficit, and a convincing political reason to stay forward deployed until—or if—we can get stable mutual force cuts.

We may get some initial complaints from DoD about generating the necessary statistics, but such calculations are perfectly feasible. We may not get perfect numbers, but we will get numbers as good as those we use for any other aspect of defense econometrics.

Nuclear modernization

Second, we may be able to get allied agreement to modernize NATO's theater nuclear weapons if we give this issue sufficient priority as part of the allied burden in maintaining the common defense and do not press for arbitrary deadlines. We also can probably get British and French agreements to modernize their nuclear forces and take up some of the burden. Our goal should not be impossible increases in conventional forces, but consensus on the limited amount of theater nulcear modernization needed to preserve the current level of deterrence.

Rate of force modernization

We can achieve limited savings at an acceptable risk by limiting US expenditures on modernization of its forces in the Central Region to the average European Central Region modernization rate of major equipment, based on some measure such as investment relative to total capital stock. Similarly, we can limit the modernization of US facilities to cases where our allies offset a fixed percentage of the cost. As long as we do not link this to impossible demands for improved allied performance, or go to the extreme of blocking critical improvements in US capabilities, we can quietly reduce our costs while encouraging the allies to do more.

Level of readiness

We can also place limits on US expenditures on readiness and sustainability to some measure of European activity such as average readiness, numbers of stocks in days, etc. This kind of limit, however, is a more dangerous game than placing limits on modernization. It hurts our forces more quickly, and may simply end up in a readiness run-down contest.

Cuts in commitments, not forward deployed forces

We can tie our burdensharing efforts to the threat of cuts in our total commitments to NATO in a way where we progressively free our forces in CONUS for reduction or other missions. This would work as a constant pressure on our allies by reducing the promise of US reinforcement; it would avoid cutting our key forward deployed deterrent, or interfering with balanced force reductions, and may be desirable in any case. There is no longer any reason to commit the bulk of our force structure in CONUS to NATO, even if such a commitment is largely a political act.

Cuts in forward deployed manpower, not units

We can tie our burden-sharing efforts to the threat of cuts in our manpower levels, or simply quietly carry out such cuts in order to reduce our costs and free manpower for other roles and missions. We survived quite nicely in the mid-1970s, in the face of a far more urgent threat, with only about 70% of our present manning levels. If we do play games with force cuts versus burden-sharing, let's make the key measure manpower. Such cuts can be safely tied to burden-sharing—they produce quick savings and involve only minimal risk.

TREATING JAPAN AS A SPECIAL CASE

We need to recognize from the outset that Japan is a special case. Japan differs from other states in three key respects: immense wealth, political and social barriers to major military forces, and our interest in not having Japan emerge as a regional military superpower.

I believe, therefore, that we should treat Japan specially in two ways. First, seek 100% offset of our stationing and deployment costs. Second, seek massive increases in untied foreign aid and security assistance that key, less-developed countries can use to buy from any country they want.

This might be accomplished in two ways. First, legislation can be drafted calling for Japan to reach a given goal in terms of offset and foreign aid and requiring the Administration to report quarterly on progress towards meeting this goal with no punitive legislation. In short, force a highly public exercise with the implied threat that consistent improvement would affect US attitudes on trade and other issues. This is close to what we proposed in the past, but forces the issue much more directly.

Second, tie the same goals to some kind of trade sanctions or barriers, with suitable smoke and mirrors and grace periods so that the Administration has plenty of leeway. I believe that some form of trade sanctions has to be legal—they certainly apply them to us—and that sanctions that threaten to cut our forces would simply play into hostile hands.

DEALING WITH THE REAL ISSUES

Congress has shown in the past that it can be a valuable asset to the Administration if it focuses on the right issues and limits its actions to the level where they create constructive pressure on our allies. It is also true that the normal give-and-take of maintaining good relations with our allies often leads a given Administration to underestimate what can really be accomplished outside the normal channels of diplomacy.

The success of the Mansfield Resolution and Nunn Amendments, however, is not an indication that Congress can accomplish anything by trying to micromanage the defense budgets of our allies or by indulging in "ally bashing." The Congress came perilously close to enacting a long list of such measures into law in 1988.

It is painfully clear that such measures have no place in today's strategic climate. It is also clear that the last thing we need to do—at a time when our long commitment to the defense of Europe and Northeast Asia is finally paying off in what seem to be basic changes in Soviet behavior—is to create the kind of pressures that simply end up weakening our alliances, particularly when a few years of patience may lead to the kind of balanced force reductions that will truly enhance our security. Fortunately, the preceding discussion has shown we do have options that can respond to our current strategic priorities and that deal with the real issues we face. If both Congress and the Administration recognize this, we can accomplish a great deal.

[NOTES.—Senator McCain, a former Navy aviator, is a member of the Senate Armed Services Committee. He serves on its Conventional Forces and Alliance Defense, Manpower, and Personnel, and Projection Forces and Regional Defense, Subcommittees. A 1958 Naval Academy graduate, McCain served 22 years in the Navy. He was a prisoner of war in Vietnam for five and a half years. After attending the National War College in 1973, McCain served as the Director of the Navy's Senate Liaison Office until his retirement in 1981. After two terms as a member of the House of Representatives, McCain was elected Senator from Arizona in 1986. The New York Times recently said that as a member of the Senate, "McCain has established himself not only as a key voice on defense and foreign policy issues, but also as a rising star in the post-Reagan Republican Party."]

U.S. ACTIVE MILITARY MANPOWER DEPLOYED OVERSEAS

Command/country	Manpower	Percent of total
U.S. Foreign Command [1]	317,000	14
FRG only	245,000	10
Army	204,700	9
USAF	41,000	1
U.S. Pacific Command [2]	128,210	5
Korea	43,000	1
Japan (less Okinawa)	48,500	2
Okinawa	26,400	1
Philippines	16,400	1

[1] All U.S. NATO forces in Europe, including 20,100-man 6th Fleet afloat.
[2] Less 18,900 Army and other USAF Navy HQ personnel in Hawaii.
Source: Adapted from The Military Balance, 1988–89, in USS.

By Mr. KASTEN:

S. 1286. A bill to amend the Internal Revenue Code of 1986 to provide for a maximum long-term capital gains rate of 15 percent and indexing of certain capital assets; to the Committee on Finance.

AMENDING THE INTERNAL REVENUE CODE WITH REGARD TO LONG-TERM CAPITAL GAINS RATES

● Mr. KASTEN. Mr. President, just a few short weeks ago, the distinguished Chairman of the House Ways and Means Committee, DAN ROSTENKOWSKI, indicated his willingness to consider a capital gains tax cut as part of this year's reconciliation bill. And despite his recent comments to the contrary, I believe a capital gains tax cut is still a live option.

For one thing, I believe President Bush remains firm on his campaign pledge to veto any new taxes. I will urge the President to veto any reconciliation bill that includes a tax increase and excludes a capital gains tax rate cut. And I am certain that the President will do so—because he was the architect of both the no new taxes pledge and the 15 percent capital gains proposal, the two major economic pillars of the 1988 Republican Party platform.

Mr. President, thanks in large measure to those policies, George Bush is our President today—and he's going to stand firm.

Furthermore, without the $5.3 billion in extra revenue mandated in the budget plan, the estimated fiscal year 1990 deficit will rise above the $110 billion, thus triggering the Gramm-Rudman across-the-board budget cuts. Furthermore, the tax-writing committees must raise revenues above and beyond $5.3 billion to finance other important tax changes such as the expansion of the earned income tax credit for the working poor, repeal of the burdensome section 89 regulation, and extension of the low-income housing credit.

Mr. President, a revenue raising cut in the capital gains tax is the only way out of this impasse. Chairman ROSTENKOWSKI's original plan was to cut the gains tax to 20 percent for 1 year and then index capital gains. Although his plan has some political appeal, it fails to meet the criteria for an effective progrowth capital gains tax cut. While indexing for inflation eliminates the unfair taxation of illusory gains, it does not address the severe tax bias against entrepreneurship and the high cost of capital in this country. Second, it does not significantly improve America's competitive position vis-a-vis many of our overseas competitors who do not tax capital gains at all. Third, a temporary cut in the capital gains tax is poor tax policy. While it satisfies short-term revenue requirements, it defeats the overriding purpose of encouraging long-term investment and expanding business horizons.

Today, I am introducing capital gains legislation that builds—and improves—upon Chairman ROSTENKOWSKI's original concept. My new legislation would cut the capital gains tax rate to 15 percent for both individuals and businesses. The tax cut would apply to all capital assets. The legislation would implement a trigger mechanism to eliminate the rate differential if tax revenues from capital gains are lower in 1995 than in 1989. Indexing capital gains would begin in 1995, regardless of what happens to the tax rate.

Mr. President, everyone now agrees that there will be short-term revenue gain from a cut in the gains tax. This is a tremendous leap forward from the late 1970's when Treasury Secretaries William Simon and Michael Blumenthal argued that a tax cut would result in an immediate loss of tax revenues. Today, we are assuming revenue gains—and debating whether or not those revenue gains will continue into the future.

History shows that cutting the capital gains tax is a proven revenue winner—and that the revenue gains will be permanent and repeating in the out years. When we cut capital gains tax rates in 1978 and again in 1981, tax revenues from capital gains rose each year for 7 consecutive years—from $9.1 billion in 1978 to $11.7 billion in 1979, $12.5 billion in 1980, $12.7 billion in 1981, $12.9 billion in 1982, $18.5 billion in 1983, a recession year, $21.5 billion in 1984, and $24.5 billion in 1985.

And recent academic research concludes that history will repeat itself if we bring down the current high tax rate. Harvard economist Lawrence Lindsay estimated that a flat 15-percent tax rate would raise $33 billion in new revenue over three years, or $11 billion a year. A just-released series of economic studies prepared for the National Venture Capital Association by Alan Auerbach of the University of Pennsylvania, Patric Hendershott of Ohio State University, and Joel Slemrod of the University of Michigan concluded that a reduced tax rate would increase capital gains realizations and tax revenues.

Let's give capital gains tax cuts a trial period. If history is wrong and tax revenues plummet, then capital gains should surely be taxed as ordinary income. My proposal would prevent a temporary tax cut from unnecessarily disrupting the financial markets. It would provide a useful compromise between those who fear a long-term revenue loss from a capital gains tax cut—and those who desire a tax policy oriented toward long-term investment.

Mr. President, besides the budget dilemma, there is another immediate—and perhaps more compelling—reason

to slash the capital gains tax: The U.S. economy needs an economic stimulus. The Fed's unyielding—and completely unreasonable—adherence to the discredited Phillips curve analysis has made a recession more than likely. As a consequence, key economic indicators such as housing starts, auto sales, factory orders, consumer spending, and industrial production have declined in recent months. Cutting the capital gains tax should be the centerpiece of a new antirecession drive. It would get the economy moving through investment, while a tax increase would throw our fragile economy into a tailspin.

A capital gains tax reduction is the right response to counteract the Fed's misguided policy, dampen inflationary pressures and stimulate the economy. I ask unanimous consent that the Wall Street Journal's June editorial on the economic need for a capital gains tax cut be entered at this point in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 30, 1989]

BAD TIMING, DAN

An article on page A3 of this newspaper yesterday carried the headline, "Rostenkowski Won't Seek Cut in Gains Tax." Just opposite, on page A2, was another headline, "Leading Indicators Fell Sharply During May, Darkening Outlook."

What bad timing, for the chairman of the Ways and Means Committee to give up on cutting the capital gains rate just when the economy may need a boost. Dow Jones Industrials fell 46.47 yesterday, after a 21.63 drop the day before, and those two headlines in the Journal were no doubt a factor.

If the economy does start to slip badly, what medicine will we have to revive it? Inflation would be likely to remain sticky, limiting a big easing of monetary policy. And the deficit would grow, limiting a push of federal spending. A cut in the capital gains tax would boost incentives, and by now-common consent, without any loss of short-term revenues. Why rule out such potent medicine just when fears of recession are growing?

Now, we are in general admirers of Mr. Rostenkowski. His vital support for the 1986 tax reform gave the long-running economic recovery a new burst of vigor just when it was losing steam. He also responded in a cooperative way to President Bush's request for the capital gains cut. For a while it seemed things were going well.

Indeed, congressional researchers had agreed with the administration's estimate that the reduction would yield the government $15 billion in additional revenues in its first year as investors took advantage of the lower tax to realize their gains. While the history of the 1978 capital gains reduction suggested that the revenue boost would persist, these longer-term effects remained controversial. But that is not usually the worry in recessions, and with signs of a slowdown spreading, why did the chairman suddenly decide to abandon this well-tested recipe both for economic stimulus and revenue enhancement?

Because, he told Journal reporter Jeffrey H. Birnbaum, the reaction of some Democrats on his committee had been surprisingly negative. The capital gains cut was a larger boon to the wealthy than they could countenance. We wonder how those Democrats feel about recessions. Do they enjoy them? Do they think they help the poor? Or have they not given the matter serious thought?

The latter is no doubt the correct answer. Serious thought would tell you that $15 billion in additional federal revenues is not a "bonanza" for the rich, since that money is flowing not from Washington to investors but in the opposite direction. While the relatively small number of people in this country who can be considered wealthy would benefit from a reduced tax burden on investment gains, so would the middle class and so would the poor. Especially so if a timely cut heads off a recession.

By the usual statistical measures, the economy is clearly slowing, whether toward a recession or a "soft landing." It also probably is losing some of its efficiency, not least because of non-tax burdens Congress and the regulatory bureaucracy—the EPA in particular—are loading onto the productive sector. One symptom of slowdown is inflation, which hit 7% in May as measured by the CPI. If inflation is too much money chasing too few goods, the production of fewer goods doesn't help. This is why the 1970s gave us the word stagflation.

The proper public policy response to our current economic predicament is to remove burdens on the economy, not add new ones. As a substitute for cutting capital gains, Mr. Rostenkowski promises to search for taxes to raise. This will not be helpful. Nor will the new taxes that cash-short states are piling on. Nor will the new child-care bureaucracy liberal Democrats want.

Cutting the capital gains rate is precisely the right kind of policy for these times. In addition to its stimulus to investment, it would offset some of the revenue decline the federal Treasury will most likely experience if a full-scale slowdown develops. Mr. Rostenkowski could serve the country and the interests of Congress better if he would but tell the class warriors on his committee to go on with their sloganeering, but that the time does come for serious economic policy.

Mr. President, this bill is the sixth capital gains tax proposal that I have endorsed this year. Although these bills differ in terms of holding periods, assets covered, and the inflation-indexing component, the goal is the same: To create the kind of entrepreneurial environment that will advance America's economic competitiveness in the global marketplace. Chairman ROSTENKOWSKI has opened the door to a compromise on capital gains. My new bill is an attempt to broaden support for a permanent capital gains tax reduction.

Mr. President, I ask unanimous consent that the text of my bill be printed in its entirety:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN INDIVIDUAL CAPITAL GAINS RATE.

(a) GENERAL RULE.—Subsection (j) of section 1 of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended to read as follows:

"(j) MAXIMUM CAPITAL GAINS RATE.—

"(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the taxable income reduced by the net capital gain, plus

"(B) a tax of 15 percent of the net capital gain.

"(2) TRANSITIONAL RULE.—In the case of a taxable year in which the date of the enactment of this sentence occurs, the amount taken into account as the net capital gain under paragraph (1) and subsection (g)(1)(A) shall not exceed the net capital gain determined by only taking into account gains and losses properly taken into account for the portion of the taxable year after such date of enactment."

(b) PHASE-OUT OF 15-PERCENT RATE AND PERSONAL EXEMPTIONS NOT TO APPLY TO NET CAPITAL GAIN.—Subparagraph (A) of section 1(g)(1) of such Code (relating to phase-out of 15 percent rate and personal exemptions) is amended by inserting ", reduced by the net capital gain" after "taxable income".

(c) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of section 170(e) of such Code is amended by striking "the amount of gain" in the material following subparagraph (B)(ii) and inserting "15/28 (15/34 in the case of a corporation) of the amount of gain".

(2)(A) The second sentence of section 7518(g)(6)(A) of such Code is amended by striking "28 percent (34 percent in the case of a corporation)" and inserting "15 percent".

(B) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936, is amended by striking "28 percent (34 percent in the case of a corporation)" and inserting "15 percent".

SEC. 2. REDUCTION IN CORPORATE CAPITAL GAINS RATE.

(a) GENERAL RULE.—Section 1201 of the Internal Revenue Code of 1986 (relating to alternative tax for corporations) is amended by redesignating subsection (b) as subsection (c), and by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—If for any taxable year a corporation has a net capital gain, then, in lieu of the tax imposed by section 11, 511, or 831(a) (whichever applies), there is hereby imposed a tax (if such tax is less than the tax imposed by such section) which shall consist of the sum of—

"(1) a tax computed on the taxable income reduced by the net capital gain, at the same rates and in the same manner as if this subsection had not been enacted, plus

"(2) a tax of 15 percent of the net capital gain.

"(b) TRANSITIONAL RULE.—In the case of a taxable year in which the date of the enactment of this sentence occurs, the amount taken into account as the net capital gain under subsection (a) shall not exceed the net capital gain determined by only taking into account gains and losses properly taken into account for the portion of the taxable year after such date of enactment."

(b) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 852(b)(3)(D) of such Code is amended by striking "66 percent" and inserting "85 percent".

(2) Paragraphs (1) and (2) of section 1445(e) of such Code are each amended by striking "34 percent" and inserting "15 percent".

SEC. 3. REDUCTION OF MINIMUM TAX RATE ON CAPITAL GAINS.

Subparagraph (A) of section 55(b)(1) of the Internal Revenue Code of 1986 (relating to tentative minimum tax) is amended to read as follows:

"(A) the sum of—

"(i) 15 percent of the lesser of—

"(I) the net capital gain (determined with the adjustments provided in this part and (to the extent applicable) the limitations of sections 1(j)(2) and 1201(b)), or

"(II) so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount, plus

"(ii) 20 percent (21 percent in the case of a taxpayer other than a corporation) of the amount (if any) by which the excess referred to in clause (i)(I) exceeds the net capital gain (as so determined), reduced by".

SEC. 4. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

(a) IN GENERAL.—Part II of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

"(a) GENERAL RULE.—

"(1) INDEXED BASIS SUBSTITUTED FOR ADJUSTED BASIS.—Except as provided in paragraph (2), if an indexed asset which has been held for more than 1 year is sold or otherwise disposed of, for purposes of this title the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) EXCEPTION FOR DEPRECIATION, ETC.—The deduction for depreciation, depletion, and amortization shall be determined without regard to the application of paragraph (1) to the taxpayer or any other person.

"(b) INDEXED ASSET.—

"(1) IN GENERAL.—For purposes of this section, the term 'indexed asset' means—

"(A) stock in a corporation, and

"(B) tangible property (or any interest therein), which is a capital asset of property used in the trade or business (as defined in section 1231(b)).

"(2) CERTAIN PROPERTY EXCLUDED.—For purposes of this section, the term 'indexed asset' does not include—

"(A) CREDITOR'S INTEREST.—Any interest in property which is in the nature of a creditor's interest.

"(B) OPTIONS.—Any option or other right to acquire an interest in property.

"(C) NET LEASE PROPERTY.—In the case of a lessor, net lease property (within the meaning of subsection (h)(1)).

"(D) CERTAIN PREFERRED STOCK.—Stock which is fixed and preferred as to dividends and does not participate in corporate growth to any significant extent.

"(E) STOCK IN CERTAIN CORPORATIONS.—Stock in—

"(i) an S corporation (within the meaning of section 1361),

"(ii) a personal holding company (as defined in section 542), and

"(iii) a foreign corporation.

"(3) EXCEPTION FOR STOCK IN FOREIGN CORPORATION WHICH IS REGULARLY TRADED ON NATIONAL OR REGIONAL EXCHANGE.—Clause (iii) of paragraph (2)(E) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, or any domestic regional exchange for which quotations are published on a regular basis other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)), and

"(B) stock in a foreign corporation held by a United States person who meets the requirements of section 1248(a)(2).

"(c) INDEXED BASIS.—For purposes of this section—

"(1) INDEXED BASIS.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) APPLICABLE INFLATION RATIO.—The applicable inflation ratio for any asset is the percentage arrived at by dividing—

"(A) the gross national product deflator the calendar quarter in which the disposition takes place, by

"(B) the gross national product deflator for the calendar quarter in which the asset was acquired by the taxpayer (or, if later, the calendar quarter ending December 31, 1988).

The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-tenth of 1 percent.

"(3) GROSS NATIONAL PRODUCT DEFLATOR.—The gross national product deflator for any calendar quarter is the implicit price deflator for the gross national product for such quarter (as shown in the first revision thereof).

"(4) SECRETARY TO PUBLISH TABLES.—The Secretary shall publish tables specifying the applicable inflation ratios for each calendar quarter.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) TREATMENT AS SEPARATE ASSET.—In the case of any asset, the following shall be treated as a separate asset:

"(A) a substantial improvement to property,

"(B) in the case of stock of a corporation, a substantial contribution to capital, and

"(C) any other portion of an asset to the extent that separate treatment of such portion is appropriate to carry out the purposes of this section.

"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—

"(A) IN GENERAL.—The applicable inflation ratio shall be appropriately reduced for calendar months at any time during which the asset was not an indexed asset.

"(B) CERTAIN SHORT SALES.—For purposes of applying subparagraph (A), an asset shall be treated as not an indexed asset for any short sale period during which the taxpayer or the taxpayer's spouse sells short property substantially identical to the asset. For purposes of the preceding sentence, the short sale period begins on the day after the substantially identical property is sold and ends on the closing date for the sale.

"(3) TREATMENT OF CERTAIN DISTRIBUTIONS.—A distribution with respect to stock in a corporation which is not a dividend shall be treated as a disposition.

"(4) SECTION CANNOT INCREASE ORDINARY LOSS.—To the extent that (but for this paragraph) this section would create or increase a net ordinary loss to which section 1231(a)(2) applies or an ordinary loss to which any other provision of this title applies, such provision shall not apply. The taxpayer shall be treated as having a long-term capital loss in an amount equal to the amount of the ordinary loss to which the preceding sentence applies.

"(5) ACQUISITION DATE WHERE THERE HAS BEEN PRIOR APPLICATION OF SUBSECTION (a)(1) WITH RESPECT TO THE TAXPAYER.—If there has been a prior application of subsection (a)(1) to an asset while such asset was held by the taxpayer, the date of acquisition of such asset by the taxpayer shall be treated as not earlier than the date of the most recent such prior application.

"(6) COLLAPSIBLE CORPORATIONS.—The application of section 341(a) (relating to collapsible corporations) shall be determined without regard to this section.

"(e) CERTAIN CONDUIT ENTITIES.—

"(1) REGULATED INVESTMENT COMPANIES; REAL ESTATE INVESTMENT TRUSTS; COMMON TRUST FUNDS.—

"(A) IN GENERAL.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) RATIO OF 90 PERCENT OR MORE.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) RATIO OF 10 PERCENT OR LESS.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) VALUATION OF ASSETS IN CASE OF REAL ESTATE INVESTMENT TRUSTS.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(E) QUALIFIED INVESTMENT ENTITY.—For purposes of this paragraph, the term 'qualified investment entity' means—

"(i) a regulated investment company (within the meaning of section 851),

"(ii) a real estate investment trust (within the meaning of section 856), and

"(iii) a common trust fund (within the meaning of section 584).

"(2) PARTNERSHIPS.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners.

"(3) SUBCHAPTER S CORPORATIONS.—In the case of an electing small business corporation, the adjustment under subsection (a) at the corporate level shall be passed through to the shareholders.

"(f) DISPOSITIONS BETWEEN RELATED PERSONS.—

"(1) IN GENERAL.—This section shall not apply to any sale or other disposition of property between related persons except to the extent that the basis of such property in the hands of the transferee is a substituted basis.

"(2) RELATED PERSONS DEFINED.—For purposes of this section, the term 'related persons' means—

"(A) persons bearing a relationship set forth in section 267(b), and

"(B) persons treated as single employer under subsection (b) or (c) of section 414.

"(g) TRANSFERS TO INCREASE INDEXING ADJUSTMENT OR DEPRECIATION ALLOWANCE.—If any person transfers cash, debt, or any other property to another person and the principal purpose of such transfer is—

"(1) to secure or increase an adjustment under subsection (a), or

"(2) to increase (by reason of an adjustment under subsection (a)) a deduction for depreciation, depletion, or amortization,

the Secretary may disallow part or all of such adjustment or increase.

"(h) DEFINITIONS.—For purposes of this section—

"(1) NET LEASE PROPERTY DEFINED.—The term 'net lease property' means leased real property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property.

"(2) STOCK INCLUDES INTEREST IN COMMON TRUST FUND.—The term 'stock in a corporation' includes any interest in a common trust fund (as defined in section 584(a)).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of such chapter 1 of such Code is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of certain assets for purposes of determining gain or loss."

(c) ADJUSTMENT TO APPLY FOR PURPOSES OF DETERMINING EARNINGS AND PROFITS.—Subsection (f) of section 312 of such Code (relating to effect on earnings and profits of gain or loss and of receipt of tax-free distributions) is amended by adding at the end thereof the following new paragraph:

"(3) EFFECT ON EARNINGS AND PROFITS OF INDEXED BASIS.—

For substitution of indexed basis for adjusted basis in the case of the disposition of certain assets after December 31, 1988, see section 1022(a)(1)."

SEC. 5. EFFECTIVE DATES.

(a) RATE REDUCTION.—

(1) GENERAL RULE.—Except as provided in subsection (b), the amendments made by this Act shall apply to sales or exchanges occurring—

(A) after December 31, 1989, in taxable years ending after such date, and

(B) before the termination date described in paragraph (2).

(2) TERMINATION DATE.—If tax revenues attributable to the tax on capital gains, as measured according to the Internal Revenue Statistics of Income computed by the Office of Tax Analysis of the Department of the Treasury, in 1995 do not exceed such revenues in 1989, the termination date described in this paragraph shall be the first day of the calendar year following the date of the determination of such revenues for 1995.

(b) INDEXING.—The amendments made by section 4 of this Act shall apply to sales or exchanges occurring after December 31, 1994, in taxable years ending after such date.

By Mr. D'AMATO (for himself and Mr. DECONCINI):

S. 1287. A bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland; to the Committee on Finance.

NORTHERN IRELAND FAIR EMPLOYMENT PRACTICES ACT

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to help correct a discriminatory injustice in another part of the world, Northern Ireland. I introduced similar legislation with Senators DECONCINI and HATCH in the 100th Congress, and also at the end of the 99th Congress.

Enactment of this legislation, entitled the Northern Ireland Fair Employment Practices Act, will deter efforts to use the work place as an arena of discrimination in Northern Ireland.

In 1986, Congress overrode President Reagan's veto on legislation applying additional sanctions on the Government of South Africa. Congress overwhelmingly decided to follow rhetoric with action by applying economic sanctions against a government that maintains a policy of rampant discrimination.

Today, we have the same opportunity to fight discrimination in Northern Ireland. The Northern Ireland Fair Employment Practices Act incorporates the McBride Principles, which are modeled after the famous Sullivan Principles, one of the initial efforts to apply U.S. pressure to change the system of apartheid in South Africa. The MacBride Principles are named in honor of the late Sean McBride, winner of the Nobel Peace prize and cofounder of Amnesty International.

This legislation does not call for disinvestment. It does, however, enlist the cooperation of United States companies active in Northern Ireland in the campaign to force the end of discrimination in the workplace. Specifically, this bill would incorporate the following principles:

First, eliminating religious discrimination in managerial, supervisory, administrative, clerical, and technical jobs and significantly increasing the representation in such jobs of individuals from underrepresented religious groups;

Second, providing adequate security for the protection of minority employees at the workplace;

Third, banning provocative sectarian and political emblems from the workplace;

Fourth, publicly advertising all job openings and undertaking special recruitment efforts to attract applicants from underrepresented religious groups, and establishing procedures to identify and recruit minority individuals with potential for further advancement, including managerial programs;

Fifth, establishing layoff, recall, and termination procedures which do not favor particular religious groupings;

Sixth, abolishing job reservations, apprenticeship restriction, and differential employment criteria which discriminate on the basis of religious or ethnic origin;

Seventh, developing and expanding upon existing training and educational programs that will prepare substantial numbers of minority employees for managerial, supervisory, administrative, clerical, and technical jobs; and

Eighth, appointing a senior management staff member to oversee the U.S. company's compliance with the principles described above.

One of the most prominent and painful means of perpetrating acts of discrimination is through employment. Therefore, it is at the workplace in Northern Ireland, which can be used to either foster or eliminate discrimination, where we should focus our efforts to break the back of this awful practice. The unemployment rate for the area is hovering around 20 percent, 50 percent in predominately Catholic neighborhoods. Improving the employment opportunities for those discriminated against will help factor out economic reasons for the current strife in Northern Ireland and, hopefully, will begin the process toward a peaceful resolution to the problems there.

The United States is Northern Ireland's largest single investor. There are over 20 United States companies operating in Northern Ireland, and only 5 of them operate in Catholic sections. Most of these United States companies now directly or indirectly support the systematic anti-Catholic discriminatory practices in Northern Ireland. My legislation will end this shameful record. It not only will enlist these companies in the effort to wipe out discrimination at the workplace in Northern Ireland, but it also will help enlighten other nations which do business in Northern Ireland.

Mr. President, I truly believe that this body must address this important issue in the near future. I plan to fight to have this legislation considered and have a bill passed during this Congress, and I look to my colleagues to join me in this worthy effort.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Ireland Fair Employment Practices Act".

SEC. 2. FINDINGS.

(1) Overall unemployment in Northern Ireland exceeds 20 per centum.

(2) Unemployment in some neighborhoods of Northern Ireland comprised of religious minorities has exceeded 50 per centum.

(3) In the past ten years 27 per centum of Northern Ireland's industrial jobs have disappeared.

(4) Economic conditions in Northern Ireland have contributed to the emigration in recent years of more than seven thousand people each year.

(5) The Industrial Development Organization for Northern Ireland lists twenty-five firms in Northern Ireland which are controlled by United States persons.

(6) Many of these firms have become de facto partners in discriminating against religious minorities in employment practices and conditions.

(7) A comprehensive study of the discriminatory practices of United States businesses in Northern Ireland by the Reverend Brian Brady, the former head of the religion department at Saint Joseph's College in Belfast, noted that in the average manufacturing company controlled by a United States person in Northern Ireland, 18.8 per centum of the employees are Catholic and 73.2 per centum are Protestant, a work force ratio that is disproportionate to the number of Catholics and Protestants in the general population of Northern Ireland, which is 38 per centum Catholic and 62 per centum Protestant.

(8) The religious minority population of Northern Ireland is frequently subject to discriminatory hiring practices by United States businesses which have resulted in a disproportionate number of minority individuals holding menial and low-paying jobs and alarmingly high layoffs of minority employees in times of recession.

(9) The MacBride Principles are a nine point set of guidelines for fair employment in Northern Ireland which establishes a corporate code of conduct to promote equal access to regional employment but does not require disinvestment or demand quotas on imports.

SEC. 3. RESTRICTION ON IMPORTS.

An article from Northern Ireland may not be entered, or withdrawn from warehouse for consumption, in the customs territory of the United States unless there is presented at the time of entry to the customs officer concerned documentation indicating that the enterprise which manufactured or assembled such article was in compliance at the time of manufacture with the principles described in section 5.

SEC. 4. COMPLIANCE WITH FAIR EMPLOYMENT PRINCIPLES.

(a) COMPLIANCE.—Any United States person who—

(1) has a branch or office in Northern Ireland, or

(2) controls a corporation, partnership, or other enterprise in Northern Ireland,

in which more than twenty people are employed shall take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 5 are implemented and the Fair Employment Act of Northern Ireland is complied with.

(b) REPORT.—Each United States person referred to in subsection (a) shall submit to the Secretary—

(1) a detailed and fully documented annual report, signed under oath, showing compliance with the provisions of this Act; and

(2) such other information as the Secretary determines is necessary.

SEC. 5. MACBRIDE PRINCIPLES.

The principles referred to in section 4, which are based on the MacBride Principles, are as follows:

(1) Eliminating religious discrimination in managerial, supervisory, administrative, clerical, and technical jobs and significantly increasing the representation in such jobs of individuals from underrepresented religious groups.

(2) Providing adequate security for the protection of minority employees at the workplace.

(3) Banning provocative sectarian and political emblems from the workplace.

(4) Advertising publicly all job openings and undertaking special recruitment efforts to attract applicants from underrepresented religious groups, including—

(A) establishing procedures to assess, identify, and actively recruit minority individuals with potential for further advancement; and

(B) identifying those minority individuals who have high management potential and enrolling them in accelerated management programs.

(5) Establishing layoff, recall, and termination procedures which do not favor particular religious groupings.

(6) Providing equal employment for all employees, including implementing equal and nondiscriminatory terms and conditions of employment for all employees, and abolishing job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin.

(7) Developing training programs that will prepare substantial numbers of minority employees for managerial, supervisory administrative, clerical, and technical jobs, including—

(A) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of minority employees;

(B) creating on-the-job training programs and facilities to assist minority employees to advance to higher paying jobs requiring greater skills; and

(C) establishing and expanding programs to enable minority employees to further their education and skills at recognized educational facilities.

(8) Appointing a senior management staff member to oversee the United States person's compliance with the principles described in this section.

SEC. 6. WAIVER OF PROVISIONS.

In any case in which the President determines that compliance by a United States person with the provisions of this Act would harm the national security of the United States, the President may waive those provisions with respect to that United States person. The President shall publish in the Federal Register each waiver granted under this section and shall submit to the Congress a justification for granting each such waiver. Any such waiver shall become effective at the end of ninety days after the date on which the justification is submitted to the Congress unless the Congress, within that ninety-day period, adopts a joint resolution disapproving the waiver. In the computation of such ninety-day period, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or because of an adjournment of the Congress sine die.

(b) CONSIDERATION OF RESOLUTIONS.—

(1) Any resolution described in subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(2) For the purpose of expediting the consideration and adoption of a resolution under subsection (a) in the House of Representatives, a motion to proceed to the consideration of such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

SEC. 7. DEFINITIONS AND PRESUMPTIONS.

(a) DEFINITIONS.—For the purposes of this Act—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of Commerce;

(3) the term "Northern Ireland" includes the counties of Antrim, Armagh, Londonderry, Down, Tyrone, and Fermanagh; and

(b) PRESUMPTION.—A United States person shall be presumed to control a corporation, partnership, or other enterprise in Northern Ireland if—

(1) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 per centum of the outstanding voting securities of the corporation, partnership, or enterprise;

(2) the United States person beneficially owns or controls (whether directly or indirectly) 25 per centum or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(3) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(4) a majority of the members of the board of directors of the corporation, partnership, or enterpirse are also members of the comparable governing body of the United States person;

(5) the United States person has authority to appoint the majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(6) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.●

By Mr. DECONCINI:

S. 1288. A bill to provide for a temporary stay of deportation for nationals of the People's Republic of China, to provide authority to work during the temporary stay, and to provide a mechanism for adjustment to permanent residence status at the end of the temporary stay; to the Committee on the Judiciary.

CHINESE NATIONAL'S CHOICE OF STATUS ACT

Mr. DECONCINI. I rise to introduce legislation to give the citizens of the People's Republic of China, who were lawfully in the United States at the time of the Tiananmen massacre, the ability to decide whether to stay in the United States permanently, and the time necessary to make such a deci-

sion, an informed and carefully thought-out one.

My legislation will suspend the deportation of nationals of the People's Republic of China for 2 years, and then at the end of the that time allow these individuals to choose to stay or to return to China.

It is important to note that the legislation also allows such Chinese nationals to work during the 2-year period while they are making this important decision and while things settle down, if they are going to settle down, and whether or not they can return safely.

We are all angered and dismayed by the conduct of the Chinese Government. We were all equally proud and impressive of those students and others who joined them, who stood up to that government. I have made my views on this subject clear on several occasions on the floor of this body, and at other areas, regarding my disgust with the Chinese Government. However, I believe that we must take immediate action to protect the Chinese students and others who found themselves legally in the United States at the time of the violence against Chinese citizens.

The Chinese students that I have talked to in my State—and there are several hundred there going to school—want the United States to stand tall on this issue. They are understandably reluctant to return to China at the present time, and I can understand that.

I congratulate President Bush for his prompt and timely action to defer their return. I believe it is appropriate for the United States to allow these Chinese nationals to stay in the United States for up to a 2-year period, in order for each individual to decide what is best for themselves.

It is also appropriate for these individuals to be allowed to make a living while they are here, so they are not a burden on society and their families and friends. I hope that Congress will address this problem quickly and give the Chinese nationals in the United States some small amount of reassurance, while they await the word from their families and their country on what their life at home and in their country really is going to be like.

What has happened to these people's lives is bad enough without the added pressure of being in a legal limbo in the United States or being pressured into making a permanent decision to abandon their homes and their families at this particular time.

I believe my approach to this problem is cautious and restrained, and yet provides the security necessary to those who are affected. I have asked for the support of my colleagues to look at this legislation. I hope it will receive serious consideration, for I think it is vitally needed.

I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That this Act may be cited as the "Chinese National's Choice of Status Act of 1989."

SEC. 2. The Attorney General shall not detain or deport aliens who are nationals of the People's Republic of China who, as of June 5, 1989, were present in the United States in the lawful status of a nonimmigrant from June 5, 1989, until June 6, 1991.

SEC. 3. Each alien receiving a stay of deportation under section 2 of this Act shall register with the Attorney General anytime beginning 30 days after the date of enactment of this Act and ending 180 days thereafter.

SEC. 4. The Attorney General shall grant each alien who registers under section 3 of this Act a work authorization document.

SEC. 5. Any alien who has registered under section 3 of this Act may apply with the Attorney General for permanent residence status in the United States beginning on March 6, 1991. Such status shall be granted by the Attorney General for all nationals of the People's Republic of China who registered under section 3 of this Act.

By Mr. McCAIN (for himself and Mr. INOUYE, Mr. MURKOWSKI, Mr. COCHRAN, and Mr. GORTON):

S. 1289. A bill to improve the management of forests and woodlands and the production of forest resources on Indian lands, and for other purposes; to the Committee on Indian Affairs.

NATIONAL INDIAN FOREST AND WOODLAND ENHANCEMENT ACT

Mr. McCAIN. Mr. President, I rise today to introduce a bill entitled "The National Indian Forest and Woodland Enhancement Act" to better define the Federal Government's role in the protection and managment of forest and woodland resources on Indian trust lands. I am pleased to be joined on this bill by Senators INOUYE, MURKOWSKI, COCHRAN, and GORTON.

It is my hope that this bill will serve as a focal point for discussion and to generate input from Indian tribes, native American organizations, Allottees, Alaska Natives, and others who have an interest in forest and woodland management on Indian lands. I plan to incorporate comments and recommendations into the language of the bill where appropriate and to pursue enactment of the bill as modified during the second session of this Congress.

Federal policy for the protection of most Indian natural resources is currently based upon a loose patchwork of varying and inconsistent laws and administrative practices. This has resulted in serious fluctuations in the levels of management provided to Indian forest lands and virtually no protection for Indian woodlands. Long-term planning and stable management are needed to protect the forest and woodland resources of the tribes. Unfortunately, the Congress has never established explicit standards for the management of these valuable resources. This bill is intended to establish those standards and to begin to correct problems stemming from past mismanagement.

There is a government-to-government relationship between Indian tribes and the United States that flows from treaties and the Constitution. This relationship has been defined by numerous acts of Congress, orders of the executive branch and the courts. Through treaties, tribes relinquished their claims to aboriginal title to most of their lands in exchange for reservation homelands and other considerations. Part of those considerations was the recognition of a Federal responsibility to protect, conserve, utilize and enhance the development of Indian resources. This bill will provide direction and stability in the exercise of the Federal trust responsibility over Indian forest and woodland resources.

There can be no doubt that tribal forest and woodland resources constitute an important economic and cultural asset.

Indian forests and woodlands comprise about 20 percent of the lands held in trust by the United States for Indians. Forest and woodland resources are among the most valuable resources of Indian tribes, not merely as a source of income and employment but to support their way of life. They furnish timber and wood products, fish and wildlife, subsistence uses, tourism, outdoor recreation, water, soil and air conservation, support cultural and religious uses, and contribute to the general health and welfare of the tribes.

Tribes generate in excess of $64 million in timber receipts annually and employ thousands of people in commercial forestry activities. The production of timber and other forest products is important, but not all encompassing. The forests are vital to traditional Indian cultural values because they provide places for religious ceremonies and for gathering native medicines and foods. Firewood, berries, mosses, pinyon nuts, acorns, syrups, herbs such as ginseng and wild rice harvested in tribal forests for personal consumption and sale. On some reservations sales of these commodities easily exceed the income derived from the sales of timber. Indian forests are multiple-use forests in the fullest sense. This bill is intended to ensure that these forests are managed in perpetuity on a sustained yield basis.

There are 4,500,000 commercial woodland acres. This compares to

5,600,000 commercial timberland acres. None of the woodland acres are currently addressed within Federal forest management plans. This bill will provide a statutory basis to begin to protect and manage the Indian woodland resource. Woodland inventory information is lacking throughout Indian country. Current harvesting and land management is generally without silvicultural direction or environmental clearance. The Bureau of Indian Affairs estimates that $38.8 million of benefits are realized from Indian woodlands each year. Despite the obvious value of this trust asset, little or nothing has been done to protect it. This bill will correct this neglect.

Another major purpose of this bill is to remedy the astonishing lack of Indian employees engaged in the management of Indian forests and woodlands. For several years the Federal Government has promoted a policy to increase the number of Indians employed in professional forestry positions for management of Indian forestry programs. This policy is consistent with the policy of tribal self-determination and tribal self-governance. However, of the 420 professional forester positions in Indian forestry programs, less than 11 percent are filled by Indians. This bill will provide an education assistance program which will attract Indian people into the forestry profession and increase the number of Indians in professional forestry positions.

Theft of timber is another continuing problem on Indian lands. This bill provides for an evaluation of the timber trespass problem by the Secretary of the Interior and authorizes the establishment of penalties for violations of trespass law.

Last, this bill addresses a longstanding and sometimes controversial administrative practice. For many years, the Bureau of Indian Affairs has made deductions from gross receipts generated from the sale of Indian timber and forest products; these fees are commonly referred to as administrative fee deductions. These deductions are actually tribal contributions to the management of Indian forest resources. This bill will establish a maximum limit on the administrative fee deduction of 10 percent of the gross sale receipts or the actual cost of forest management whichever is less. The tribes are authorized under the bill to be reimbursed from administrative fee deductions for expenditures made by them for certain forest management activities.

Mr. President, this bill does not address all of the issues and concerns raised by tribes and others concerning Indian forestry programs. Fractionalized land ownership patterns remain a problem. Land records are not adequately maintained; forest road networks are inadequate; timber sale contracts do not provide the flexibility desired; environmental requirements under the NEPA and NHPA are costly and burdensome and other serious forest management problems exist. While this bill does not meet all of the known needs, it does provide a framework for Indian forest and woodland management. Hopefully, it will also stimulate discussion which will result in constructive changes in the bill so that we may more fully meet the needs for an efficient and effective Indian forest and woodland management program. It is long past the time when Congress should provide the Department of the Interior with clear direction in the management of these valuable trust assets. By doing so we can prevent the reoccurrence of past management and ensure the future protection and productivity of Indian and Alaska Native forests and woodlands.

I look forward to receiving comments and recommendations on this bill during this session of the Congress so that we may move toward enactment of legislation in the second session. I ask unanimous consent that a copy of the bill and the section-by-section summary of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Indian Forest and Woodland Enhancement Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.

TITLE I—ADMINISTRATIVE PROVISIONS

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Definitions.

TITLE II—FOREST AND WOODLAND ENHANCEMENT

Sec. 201. Management of commercial forests and woodlands.
Sec. 202. Administrative fee withholding.
Sec. 203. Forest and woodland trespass.

TITLE III—INDIAN FORESTRY EDUCATION ASSISTANCE PROGRAM

Sec. 301. Establishment of Indian Forestry Education Assistance Program.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

TITLE I—ADMINISTRATIVE PROVISIONS

SEC. 101. FINDINGS.

(a) FINDINGS.—The Congress finds and declares that—

(1) the forests and woodlands of Indians—

(A) are among their most valuable resources;

(B) furnish timber and wood products, fish and wildlife, subsistence uses, tourism, outdoor recreation, and water;

(C) provide for soil and air conservation, minerals, cultural, religious, and traditional values; and

(D) contribute to the general health and welfare of Indian tribes;

(2) Indian forest lands encompass more than 15,700,000 acres, comprised of approximately 5,600,000 acres of commercial forest land and 4,500,000 acres of commercial woodland which constitutes a major economic resource of Indian tribes;

(3) Indian forests and woodlands are renewable, manageable resources;

(4) the United States has a trust responsibility to protect, conserve, utilize and enhance Indian forests and woodlands consistent with its fiduciary obligation and its unique relationship with Indian tribes;

(5) increased investment in intensive management of Indian forests and woodlands will produce increased economic returns to Indian tribes and the United States;

(6) increased productivity of Indian forests and woodlands will enhance Indian self-determination, promote employment opportunities, and improve the social and economic position of Indian and surrounding communities;

(7) enhancing and ensuring further Federal and tribal investment in Indian forests and woodlands will improve the economic and social development of Indian tribes and provide substantial benefits to tribal and national economies;

(8) Federal investments in and management of Indian forests and woodlands are substantially below the level of investments in and management of the National Forest Service and Bureau of Land Management forests and woodlands and private forests and woodlands;

(9) existing Federal statutes do not sufficiently assure the adequate and necessary trust management of Indian forests and woodlands;

(10) of approximately 420 professional forester positions in the Bureau of Indian Affairs and tribal forestry programs, only 11 percent are held by Indians; and

(11) in the last 10 years more than 7,000,000 board feet of forest and woodland products have been removed illegally from Indian forest lands and woodlands.

SEC. 102. PURPOSES.

The purposes of this Act are to—

(1) safeguard the investments made in Indian forest and woodland management and provide additional assurances of adequate, stable, and secure funding for the protection, conservation, utilization, and enhancement of Indian forest and woodland resources;

(2) meet the trust responsibility and fiduciary obligation of the United States to ensure that the management of Indian forest lands and woodlands and related renewable resources will be managed in a manner consistent with sustained yield principles and serve the needs of Indians and other citizens of the United States for the many products, benefits and services obtained from Indian forest lands and woodlands;

(3) increase the number of professional Indian foresters employed in tribal and Federal forestry programs on Indian lands and provide for improved management of Indian forest and woodland resources;

(4) promote tribal self-determination and self-sufficiency; and

(5) provide the Secretary the authority necessary to curb the occurrence of trespass in Indian forest lands and woodlands.

SEC. 103. DEFINITIONS.

For the purposes of this Act—

(1) the term "commercial forest land" means Indian land that is forest land capable of bearing merchantable forest products, currently or prospectively accessible, and not withdrawn from such use;

(2) the term "commercial forest land and woodland" means commercial forest land and commercial woodland;

(3) the term "commercial woodland" means Indian land that is woodland capable of bearing merchantable woodland products, currently or prospectively accessible, not withdrawn from such use, and not included in the commercial or noncommercial timberland base;

(4) the term "forest or woodland management activities" means all activities, including all aspects of program administration such as budgeting, performance appraisal, reporting, personnel matters, bookkeeping and time and attendance, done in support of the management of forest land or woodland, including—

(A) preparation of forest and woodland inventory and management plans, including aerial photography, mapping, field forest and woodland management inventories, reinventories, growth studies, allowable annual cut calculations, and all aspects of the development, preparation, and revision of multiple-use forest and woodland management plans, including inventory analysis, environmental assessment, and forest history;

(B) forest and woodland development, including reforestation and the use of silvicultural treatments to restore or increase growth and yield to the full productive capacity of the forest or woodland environment;

(C) protection against fire, including acquisition and maintenance of fire fighting equipment and fire detection systems, construction of firebreaks, hazard reduction, and performance of cooperative fire protection agreements;

(D) protection against insects and diseases, including all aspects of detection and evaluation, preparation of project proposals to secure funding (including project description, environmental assessments and statements, and cost-benefit analysis), field suppression operations, and reporting;

(E) assessment of damage caused by trespass or fire, including field examination and survey, damage appraisal, preparation of reports, assisting in investigations, writing demand letters, and giving testimony;

(F) administration and supervision of timber sales, including all aspects of sale and contract preparation such as cruising, silvicultural prescriptions, appraisal, advertising, executing and supervising contracts, marking and scaling timber, and collecting, recording, and distributing stumpage receipts;

(G) issuance of forest and woodland product permits, including cruising, product marking, stumpage appraisal, permit preparation, and harvest supervision for both paid and free use permits to harvest sawlogs, firewood, house logs, posts and poles, Christmas trees and other products;

(H) consultation with Indian enterprises in forest land and woodland management and in the primary and secondary processing of forest products and woodland products, including stumpage appraisal, sale negotiation, contract supervision, disputes and appeals, economic analysis of potential enterprises, product marketing and business development activities; and

(I) provision of financial assistance for education of Indians enrolled in accredited programs of post-secondary forestry and forestry-related fields of study, including the giving of scholarships, internships, relocation assistance and other forms of assistance to cover educational expenses;

(5) the term "forest and woodland resources" means all the benefits derived from commercial forest land and commercial woodland, including forest products, woodland products, soil productivity, water, fisheries, wildlife, recreation, aesthetic and other traditional values of forest lands and woodlands;

(6) the term "forest and woodland trespass" means the act of removing forest products or woodland products illegally from commercial forest land or commercial woodland;

(7) the term "forest land" means land that is considered chiefly valuable for the production of forest products or to maintain watershed or other land values enhanced by a forest cover, regardless whether a formal inspection and land classification action has been taken;

(8) the term "forest product" means—

(A) timber;

(B) a timber product, including lumber, lath, crating, ties, bolts, logs, pulpwood, fuelwood, posts, and split products;

(C) bark;

(D) a Christmas tree;

(E) other marketable material authorized for removal; and

(F) gravel which is extracted from and utilized on forests or woodlands;

means forest products and woodland products;

(9) the term "forest and woodland products" means forest products and woodland products;

(10) the term "Indian" means a member of an Indian tribe;

(11) the term "Indian land" means land that is—

(A) held in trust by the United States for an Indian or Indian tribe; or

(B) owned by an Indian or Indian tribe and is subject to restrictions against alienation;

(12) the term "Indian tribe" means—

(A) an Indian tribe, band, nation, rancheria, pueblo, colony, or community; and

(B) an Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601-1629e),

that is recognized by the United States as eligible for the special programs and services provided by the Secretary to Indians or Alaska Natives because of their status as Indians or Alaska Natives;

(13) the term "Indian enterprise" means an enterprise—

(A) which—

(i) is engaged in construction (within the meaning of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and is entirely owned by Indians, or Indian tribes, that receive 100 percent of the profits of the enterprise, or

(ii) is engaged in any business other than construction and at least 51 percent of the enterprise is owned by Indians, or Indian tribes, that receive not less than 51 percent of the profits of the enterprise; or

(B) which—

(i) is entirely owned by an Indian tribe, or

(ii) has an Indian owner who—

(I) acts as the chief executive officer of the enterprise, and

(II) has the experience and training to manage, and does in fact manage, the day-to-day activities of the enterprise;

(14) the term "landowner" means, with respect to Indian land on which a forest product or woodland product is produced, the Indian or Indian tribe that—

(A) owns such land, or

(B) is the beneficiary of the trust under which such land is held by the United States;

(15) the term "Secretary" means the Secretary of the Interior or the Secretary's delegate;

(16) the term "woodland" means—

(A) a plant community in which trees, often small and characteristically short-boled relative to their depth of crown, are present but form only an open canopy, the intervening areas being occupied by lower vegetation, commonly grass; and

(B) moderate-to-densely stocked pinyon-juniper; and

(17) the term "woodland product" means firewood, posts, poles, Christmas trees, stays, branches, berries, mosses, pinyon nuts, acorns, syrups, wild rice, herbs and other marketable materials authorized for removal.

TITLE II—FOREST AND WOODLAND ENHANCEMENT

SEC. 201. MANAGEMENT OF COMMERCIAL FORESTS AND WOODLANDS.

The Secretary shall manage commercial forest lands and woodlands, either directly or through self-determination contracts and grants under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450-458e), with the following objectives:

(1) development, maintenance, and enhancement of commercial forest lands and woodlands in a perpetually productive state by providing effective management and protection through the application of sound silvicultural and economic principles to the reforestation, growth, and harvesting of forest and woodland products, including adequate provision for new forest and woodland growth as old growth is removed;

(2) regulation of commercial forest lands and woodlands through the establishment and development of forest and woodland product marketing programs supported by—

(A) written tribal objectives; and

(B) long-range multiple-use plans that incorporate sound forest and woodland management practices;

(3) regulation of commercial forest lands and commercial woodlands in a manner that will ensure the use of good method and order in harvesting the tree capital, so as to make possible continuous production and perpetual forest and woodland business;

(4) development of commercial forest lands and woodlands by Indians to promote self-sustaining communities, so that Indians may receive from their property not only the stumpage value, but also the benefit of all of the labor and profit the property is capable of yielding;

(5) sale of forest and woodland products on the open market when and only when the quantity of such products available for harvest exceeds the quantity harvested by the landowner;

(6) preservation of commercial forest lands and woodlands in their natural state when authorized Indian representatives determine that the recreational, cultural, aesthetic, or traditional values of the forests or

woodlands represent the highest and best use of the land to the Indians;

(7) management and protection of forest and woodland resources to retain the beneficial effects to Indian trust lands of regulating water runoff and minimizing soil erosion; and

(8) management and protection of commercial forest lands and woodlands to maintain and improve timber productivity, grazing, wildlife, fisheries, recreation, and aesthetic, cultural, and other traditional values.

SEC. 202. ADMINISTRATIVE FEE DEDUCTION.

Notwithstanding the provisions of 25 U.S.C. 413, the Secretary shall withhold a reasonable deduction from the gross proceeds of sales of Indian forest and woodland products to cover in whole or in part the cost of timber sale administration or forest regeneration. Such deduction shall not exceed the lesser amount of 10% or the percentage of gross proceeds currently collected as forest management deductions by the Secretary on sales of Indian forest and woodland products, unless the recognized tribal government consents to an increase in the deduction. Such deductions shall be fully expended by the Secretary in forest or woodland management activities in the reservation from which such deductions are withheld. The full amount of administrative deductions collected by the Secretary for a reservation shall be made available to that reservation's recognized tribal government by contract or agreement for the purpose of performing the forest or woodland management activities under this Act. Such deductions are not intended to cover the costs that are paid from funds appropriated specifically for fire suppression or pest control.

SEC. 203. FOREST AND WOODLAND TRESPASS.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations that—

(1) establish penalties for the commission of forest and woodland trespass, which provide for—

(i) collection of the value of the products illegally removed plus a penalty of double their value; and

(ii) collection of the costs associated with damage to the forest or woodland caused by the act of trespass.

(2) designate the agency officials who will be responsible for detecting forest and woodland trespass and assessing and collecting penalties; and

(3) set forth procedures for the assessment and collection of such penalties.

(b) RESTITUTION TO LANDOWNER.—The proceeds of penalties collected under subsection (a) shall be treated as proceeds from the sale of forest and woodland products.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Congress a report that—

(1) describes and evaluates the nature and extent of forest and woodland trespass that is occurring; and

(2) describes any legal or practical impediments to the curbing of forest and woodland trespass and the enforcement of the regulations issued to subsection (a).

TITLE III—INDIAN FORESTRY EDUCATION ASSISTANCE PROGRAMS

SEC. 301. ESTABLISHMENT OF INDIAN FORESTRY EDUCATION ASSISTANCE PROGRAMS.

(a) FORESTER INTERN PROGRAM.—(1) The Secretary shall establish and maintain in the Bureau of Indian Affairs at least 10 salaried forester intern positions for Indian students.

(2) For purposes of this subsection, the term "forester intern" means an Indian who—

(A) is pursuing a bachelor's degree or postgraduate degree in forestry or a forestry-related field, and

(B) is appointed to one of the positions established under paragraph (1).

(3) The Secretary shall pay all costs for tuition, books, fees and living expenses incurred by a forester intern while attending an approved post-secondary school in a full-time forestry-related curriculum.

(4) A forester intern shall be required to enter into an obligated service agreement to serve as a professional forester with either the Bureau of Indian Affairs or a tribal government for 2 years for each year of education for which the Secretary pays the intern's educational costs under paragraph (3).

(5) A forester intern shall be required to report for service with the Bureau of Indian Affairs during any break in attendance at school of more than 3 weeks' duration. Time spent in such service shall be counted toward satisfaction of the intern's obligated service agreement.

(b) COOPERATIVE EDUCATION PROGRAM.—(1) The Secretary shall maintain, through the Bureau of Indian Affairs, a cooperative education program for the purpose of recruiting promising Indian students who are enrolled in secondary or post-secondary schools for employment as a professional forester in the Bureau of Indian Affairs.

(2) The cooperative educational program that is to be maintained under paragraph (1) shall be modeled on, and shall have essentially the same features of, the program operated on the date of enactment of this Act pursuant to chapter 308 of the Federal Personnel Manual issued by the Office of Personnel Management.

(3) Under the cooperative agreement program that is to be maintained under paragraph (1), the Secretary, shall pay all costs for tuition, books, and fees of a student who—

(A) is enrolled in a course of study at an educational institution with which the Secretary has entered into a cooperative agreement; and

(B) is interested in a career with the Bureau of Indian Affairs in the management of commercial forest land and woodland.

(4) Financial need shall not be a requirement to receive assistance under the cooperative agreement program that is to be maintained under subsection (a).

(c) SCHOLARSHIP PROGRAM.—(1) The Secretary is authorized to grant forestry scholarships to Indians enrolled as full-time students in schools with accredited programs for post-secondary forestry and forestry-related programs of study.

(2) A recipient of a scholarship under paragraph (1) shall be required to enter into an obligated service agreement with the Secretary in which the recipient agrees to accept employment, following completion of the recipient's course of study, with—

(A) the Bureau of Indian Affairs;

(B) a forestry program conducted under a contract, grant, or cooperative agreement entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450-450n); or

(C) an Indian enterprise engaged in a forestry or forestry-related business.

(3) The Secretary shall not deny scholarship assistance under this subsection solely on the basis of an applicant's scholastic achievement if the applicant has been admitted to and remains in good standing in an accredited institution.

(d) ADEQUACY OF PROGRAMS.—The Secretary shall administer the programs described in this section until a sufficient number of Indians are trained to ensure that there is an adequate number of qualified, professional Indian foresters to manage the Bureau of Indian Affairs forestry programs and forestry programs maintained by or for Indian tribes.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1990 and each fiscal year thereafter such sums as are necessary to carry out this Act.

SECTION-BY-SECTION SUMMARY OF THE BILL

Section 1 provides that the Act be cited as the "National Indian Forest and Woodland Enhancement Act."

Section 101 sets forth the findings of the Congress.

Section 102 sets forth the purposes of the Act.

Section 103 provides the definition of terms as used in the Act.

Section 201 requires the Secretary of Interior to conduct a forest and woodland management program on Indian lands in a manner which will protect, conserve, utilize and enhance forest and woodland resources in accordance with tribal goals and objectives. The Secretary must assure that specific forest management objectives are met. Those objectives are listed individually in the Act.

Section 202 limits administrative fee deductions from the gross proceeds of the sale of timber and other forest products to 10% or actual costs of administration, whichever is less.

The authorized uses of administrative fee deducation proceeds are listed in the Act. Typical forest and woodland management activities which would normally be a part of an intensive forest management program are authorized.

Section 203 directs the Secretary to conduct an evaluation of the extent of forest trespass and related illegal activities on Indian forest lands and prepare a report to Congress within 180 days of enactment describing the findings of that evaluation.

The Secretary is also directed to establish a penalty or fine schedule for trespass activities which occur on Indian lands and develop regulations for enforcement of such trespass.

Section 301 establishes a National Indian and Alaska Native Forestry Education Assistance program. This program will provide financial assistance for the post-secondary education of Indian students who are pursuing a Bachelors or Graduate degree in forestry or a forestry-related field. The financial assistance program must be adequate to fund eligible applicants until a sufficient number of Indians are trained to ensure that there is an adequate number of qualified professional foresters to manage Bureau of Indian Affairs forestry programs and forestry programs maintained by or for Indian tribes.

The Act requires that a minimum of 10 positions be filled each year in the Forester Intern Program. The Forester Intern Program provides permanent positions within the Bureau of Indian Affairs in which the

incumbent enters into an obligated service agreement with the United States in exchange for costs incurred for salary, school tuition, books, and living expenses while attending an approved post-secondary, professional school in a full-time forestry related curriculum. The obligated service agreement will require two years of service by the incumbent within the BIA or tribal forestry departments for each one year of training funded by the government.

The Act requires that career-ladder positions for Indians be established and filled each year in a Cooperative Education Program. The purpose of this program is to attract promising high school and college students to the Federal Service and provide the Secretary the opportunity to utilize nonrestrictive, innovative procedures in recruiting and retraining talented Indian students. This program is established in accordance with the U.S. Office of Personnel Management's Federal Personnel Manual, Chapter 308.

The Act also authorizes a Scholarship Program to grant forestry scholarships to Indians enrolled in accredited post-secondary forestry programs of study. Obligated service agreements may be required in exchange for the assistance received from the government.

By Mr. SIMON:

S. 1290. A bill to guarantee a work opportunity for all Americans, and for other purposes; to the Committee on Labor and Human Resources.

GUARANTEED JOB OPPORTUNITY ACT

● Mr. SIMON. Mr. President, today I am reintroducing the Guaranteed Job Opportunity Act, a bill I originally introduced in the 100th Congress. I am reintroducing this bill in the 101st Congress because I am committed to putting America back to work.

In my home State of Illinois well over 300,000 Illinoians are jobless. According to the Bureau of Labor Statistics, 6.4 million Americans are currently unemployed. Significantly, these estimates do not include the millions of part-time workers who would like to have full-time work or the so-called discouraged workers, the people who have given up, who are no longer looking for a job. Millions of citizens who are eager to work and contribute to our country, are for various reasons—language barriers, lack of basic and occupational skills, layoffs—simply unable to find a job. Our Nation need not tolerate this massive waste of our human resources.

In 1946, under the leadership of President Truman, Congress passed the Full Employment Act, making a commitment in words to provide employment opportunities to all Americans. At that time there were about 1 million people unemployed. Forty-three years later, with 6.4 million people unemployed, the hope and the promises of that dream remain unfulfilled. Even worse, the burden of unemployment is being borne disproportionately by groups who have been the subject of historic discrimination. The Bureau of Labor Statistics estimates the May 1989 unemployment rate for whites at 4.4 percent; the rate for blacks is over twice as high—11 percent (32.4 percent for black teenagers); and the rate for Hispanics is 7.9 percent. Some other unemployment estimates are staggering. According to the Census Bureau's Current Population Study for 1988, 68.4 percent of people with work disabilities are not in the labor force, and the Bureau of Indian Affairs estimates that as many as 48 percent of American Indians are out of work. Mr. President, something must be done to address this problem.

As I've consistently said throughout my fight to eliminate unemployment, since we are not going to let people in America starve, we have two options—to pay people for doing nothing or to pay them for doing something. It makes infinitely more sense to pay people to work.

The legislation I am introducing today would establish a Guaranteed Job Opportunity Program [GJOP] to ensure that every American has an opportunity to work productively at a job. In each community, a local board composed of equal numbers of business, labor, and public sector representatives would develop employment projects, and those who have been unemployed for at least 5 weeks would be afforded the opportunity to work on the projects.

At a maximum of 32 hours per week a participant would work on a project in the local area. These projects could include repairing sidewalks, tearing down condemned buildings, tutoring the illiterate or non-English speaking people, assisting day care centers for children so unemployed single parents can seek and accept employment, and tutoring grade school and high school students who need special help.

Many who criticize job programs, such as the Works Progress Administration under President Roosevelt's New Deal, picture people leaning up against shovels and digging ditches. But the fact is that the Guaranteed Job Opportunity Act, like the WPA, would turn unemployed, hopeless people into happier, productive people. And an opportunity to work gives people self-esteem, something we all need.

For those who ask how much does it cost and insist on the bottom line for the budget, a preliminary cost estimate suggests that, if fully implemented, GJOP would cost about $8 billion. How much is that? From 1985 to 1987 we appropriated exactly $8.2 billion for the Strategic Defense Initiative [SDI]. I am confident that we can spend that much to fully develop our human resources.

In fact, much of the costs of the GJOP would be offset by the savings in programs that assist the unemployed.

In May 1989, the unemployment rate in Illinois stood at 5.7 percent. Our national unemployment rate stood at 5.2 percent. What exactly does an unemployment rate of 5.2 percent or a total of 6.4 million unemployed citizens mean?

A conservative estimate is that the Federal expenditure for food stamps, welfare, unemployment compensation, Medicaid, and a host of other expenditures, plus loss of revenue, amounts to $25 billion or each 1 million unemployed. Six million, four hundred thousand people unemployed amounts to a loss of $160 billion annually. Unemployment, an inexcusable waste of humanity, is slowly but certainly eroding our economic future.

Furthermore, the costs of unemployment extend throughout our economy. All businesses are harmed by unemployment. Obviously, people who do not work cannot buy as many cars or air conditioners or suits. Tax incentives to stimulate business investment sometimes can be effective, but creating an economic climate in which people are working and buying always stimulates the economy.

The Guaranteed Job Opportunity Act would provide assistance and training to people with limited job, English, and reading and writing skills. It would allow millions of Americans presently confined within the constraints of the welfare system to contribute to our country and lift themselves out of poverty. Mostly, it would turn unemployed and often, hopeless people, into happier, productive workers.

While there are some who say we can't afford to make the investments it takes to eliminate unemployment and poverty, I say, once again, we can't afford not to.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Guaranteed Job Opportunity Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) the relationship between a strong educational system, practical and realistic training and retraining programs and a healthy national economy is inseparable in an era in which economic growth is dependent on technology and is imperiled by unemployment, increasing numbers of unskilled, ill-trained and undereducated individuals in the workforce or seeking employment;

(2) restoring the competitiveness and enhancing the productivity of the United States will require that all workers possess basic educational skills, and job experience; and

(3) our Nation must recognize the substantial impact that an investment in human capital will have on increasing productivity.

(b) PURPOSE.—It is therefore the purpose of this Act to establish a national program designed—

(1) to improve our productivity and competitive position by investing in human capital; and

(2) to assist youth and adults to become productive workers in a competitive economy by authorizing a job opportunity program.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Governor" means the chief executive of any State;

(2) "participant" means an individual who is determined to be eligible under section 5;

(3) "project" means the definable task or group of tasks which—

(A) will be carried out by a public agency, a private nonprofit organization, or a private contractor,

(B) will meet the requirements of section 8(f),

(C) will result in a specific product or accomplishment, and

(D) would not otherwise be conducted with existing funds;

(4) "Secretary" means the Secretary of Labor; and

(5) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

ESTABLISHMENT OF PROGRAM

SEC. 4. From the sums appropriated pursuant to section 15 for any fiscal year, the Secretary shall make grants to District Executive Councils established in accordance with section 5 for the purpose of assisting local job projects which meet the requirements of this Act.

DISTRICT EXECUTIVE COUNCIL

SEC. 5. (a) ESTABLISHMENT OF DISTRICT EXECUTIVE COUNCIL.—(1) Any eligible area which desires to receive funds under this Act shall establish a District Executive Council. The council shall be composed of at least 13 members—

(A) four of whom shall be appointed by the Governor of the State within which the eligible area is located;

(B) four of whom shall be appointed by the mayor or chief executive of the largest municipality located in the eligible area; and

(C) five of whom shall be appointed by the chief executives of governmental units comprising or located in the eligible area.

(2) The members shall serve for a term of 3 years.

(3)(A) Not more than 2 members of the council appointed under paragraph (1)(A) and not more than 2 members of the council appointed under paragraph (1)(B) may be members of the same political party.

(B) Not more than 3 members of the council appointed under paragraph (1)(C) shall be members of the same political party.

(4) The members of the council appointed under paragraph (1) shall, in the aggregate, include—

(A) at least 4 representatives of the business community in the eligible area;

(B) at least 4 representatives of labor organizations in the eligible area; and

(C) at least 1 member representing the education community of the eligible area.

(5) In any eligible area which is substantially the same as a service delivery area under title I of the Job Training Partnership Act, the private industry council for such area may, upon a two-thirds vote of the members of the council, petition the Governor to be designated as the District Executive Council for that area. Upon receiving such a petition, the Governor shall appoint members pursuant to paragraph (1)(A) of this subsection and make arrangement to assure that the membership of the private industry council, for the purpose of this Act, substantially meets the requirements of paragraphs (1) and (2) of this subsection. The private industry council so reconstituted shall be the District Executive Council, for the purpose of this Act, for the appropriate eligible area.

(b) FUNCTIONS OF THE COUNCIL.—Each District Executive Council shall—

(1) select the projects to be assisted under this Act pursuant to criteria prescribed by the Secretary;

(2) prepare and submit a plan for the conduct of projects to be assisted under this Act; and

(3) prepare and submit an annual report to the Secretary on the activities of the District Executive Council.

(c) PERSONNEL.—Each District Executive Council shall—

(1) employ an Administrator and sufficient support personnel, including at least one counselor, sufficient to carry out the functions of the council under this Act; and

(2) select a manager for each job project assisted under this Act, in accordance with criteria established by the Secretary.

(d) LIMITATIONS ON ADMINISTRATIVE COSTS.—Not more than 10 percent of the amount available to the District Executive Council of each eligible area may be used for administrative expenses.

(e) ESTABLISHMENT OF ELIGIBLE AREA.—For the purpose of this Act, an "eligible area" is a county or comparable unit of general local government as designated by the Secretary after consultation with effected officials in each State. No area may have a population in excess of 300,000 individuals, unless the Secretary waives the requirement of this subsection.

PROGRAM ELIGIBILITY

SEC. 6. (a) GENERAL RULE.—For the purpose of this Act, an individual is eligible to participate in the job projects assisted under this Act, if the individual—

(1)(A) has a high school diploma or its equivalent; or

(B) is at least 18 years of age;

(2) has resided in the eligible area for at least 30 days;

(3) has been unemployed for 35 days prior to the determination of employment for job projects assisted under this Act; and

(4) is a citizen of the United States, is a national of the United States, is a lawfully admitted permanent resident alien, is a lawfully admitted refugee and parolee, or is otherwise authorized by the Attorney General to work in the United States.

(b) LIMITATIONS.—(1) Not more than 2 individuals who reside in any household may be eligible for a job assisted under this Act.

(2) No individual—

(A) whose earned income for the year preceding the year in which the determination of employment under this Act is made is equal to or more than $17,000; or

(B) who has a family income in the year in which the determination of employment under this Act is made which is paid for the month prior to such determination at a rate of $17,000 a year,

may be eligible for a job assisted under this Act.

(3) Each individual participating in the job opportunity project assisted under this Act, may not work in any compensated job other than the job assisted under this Act for more than 16 hours per week.

(4) Each individual participating in the job project assisted under this Act shall demonstrate, to the project manager of the job project assisted under this Act, that the individual sought employment in the private sector during the 35 days prior to making application for employment under this Act and will continue to seek employment during the period of employment assisted under this Act.

(5) Any individual eligible for retirement benefits under the Social Security Act, under any retirement system for Federal Government employees, under the railroad retirement system, under the military retirement system, or any private pension program is not eligible to receive a job under a job project assisted under this Act.

TESTING AND EDUCATION REQUIREMENTS

SEC. 7. (a) TESTING.—Each participant shall be tested for basic reading and writing competence by the District Executive Council prior to employment by a job project assisted under this Act.

(b) EDUCATION REQUIREMENT.—(1) Each participant who fails to complete satisfactorily the basic competency test required by subsection (a) of this section shall be furnished counseling and instruction.

(2) Each participant in a job project assisted under this Act shall, in order to continue such employment, maintain satisfactory progress toward and receive a secondary school diploma or its equivalent.

(3) Each participant with limited English speaking ability may be furnished such instruction as the District Executive Council deems appropriate.

LOCAL JOB PROJECTS

SEC. 8. (a) GENERAL AUTHORITY.—Each District Executive Council shall select job projects to be assisted under this Act. Each such job project selected for assistance shall provide employment to eligible participants.

(b) PROJECT OBJECTION.—No project may be selected under this section if an objection to the project is filed by 2 representatives appointed under paragraph (3)(A) of section 5(a) or by 2 representatives appointed under paragraph (3)(B) of such section.

(c) POLITICAL AFFILIATION PROHIBITED.—No manager and no other officer or employee of a District Executive Council or of the job project assisted under this Act may apply a political affiliation test in selecting eligible participation for employment in such project.

(d) LIMITATIONS.—(1) Not more than 10 percent of the total expenses in any fiscal year of the job project may be used for transportation and equipment.

(2) Not more than one-tenth of the individuals employed in any job project assisted under this Act may be employed to supervise such project. Individuals selected for supervision may be selected without regard to the provisions of section 6 and may receive wages in excess of the rate determined under section 9. The provisions of this paragraph shall not apply to in any case in which, pursuant to objective criteria prescribed by the Secretary, more supervision of eligible participants will contribute to carrying out the objectives of this Act.

(e) MAXIMUM HOURS PER WEEK EMPLOYED.—Each eligible participant employed

in a job project assisted under this Act may not be employed on such project for more than 32 hours per week.

(f) PROJECT DURATION.—Each job project assisted under this Act and selected under this section shall be capable of completion within 18 months.

(g) PROJECT PROGRESS REPORTS.—Each project manager shall prepare and submit to the District Executive Council monthly progress reports on the job project assisted under this Act.

BENEFITS; SUPPORTIVE SERVICES; JOB CLUBS

SEC. 9. (a) WAGES.—Each eligible participant who is employed in job projects assisted under this Act shall receive wages equal to the higher of—

(1) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938,

(2) the minimum wage under the applicable minimum wage law, or

(3) the amount which the eligible participant received in welfare benefits pursuant to the State plan approved under part A of title IV of the Social Security Act or in the form of unemployment compensation, if applicable, plus 10 percent of such amount,

whichever is higher.

(b) BENEFITS.—Each eligible participant who is employed in projects assisted under this Act shall be furnished benefits and employment conditions comparable to the benefits and conditions provided to other employees employed in similar occupations by a comparable employer but no such participant shall be eligible for unemployment compensation during or on the basis of employment in such a project.

(c) SUPPORTIVE SERVICES.—Each eligible participant who is employed in projects assisted under this Act shall be eligible for supportive services, which may include transportation, health care, special services and materials for the handicapped, child care and other services which are necessary to enable the individual to participate.

(d) JOB CLUBS.—Each District Executive Council shall establish for the eligible area job clubs to assist eligible participants with the preparation of resumes, the development of interviewing techniques, and evaluation of individual job search activities.

LABOR STANDARDS APPLICABLE TO JOB PROJECTS

SEC. 10. (a) CONDITIONS OF EMPLOYMENT.—(1) Conditions of employment and training shall be appropriate and reasonable in light of such factors as the type of work, geographical region, and proficiency of the participant.

(2) Health and safety standards established under State and Federal law, otherwise applicable to working conditions of employees, shall be equally applicable to working conditions of participants. With respect to any participant in a job project conducted under this Act who is engaged in activities which are not covered by health and safety standards under the Occupational Safety and Health Act of 1970, the Secretary shall prescribe, by regulation, such standards as may be necessary to protect the health and safety of such participant.

(3) No funds available under this Act may be used for contributions on behalf of any participant to retirement systems or plans.

(b) DISPLACEMENT RULES.—(1) No currently employed worker shall be displaced by any participant (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits).

(2) No job project shall impair existing contracts for services or collective bargaining agreements, except that no job project under this Act which would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) No participant shall be employed or job opening filled (A) when any other individual is on layoff from the same or any substantially equivalent job, or (B) when the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this Act.

(4) No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.

(c) SPECIAL LIMITATIONS.—Where a labor organization represents a substantial number of employees who are engaged in similar work or training in the same area as that proposed to be funded under this Act, an opportunity shall be provided, at least 30 days before the project is approved, for such organization to submit comments with respect to such proposal.

(d) SPECIAL WAGE RULE.—(1) All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating, of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary in accordance with the Act of March 3, 1921 (40 U.S.C. 276a-276a-5), popularly known as the Davis-Bacon Act. The Secretary shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(2) The provisions of this subsection shall not apply to an eligible participant in a project assisted under this Act.

NONDISCRIMINATION

SEC. 11. (a) GENERAL RULE.—(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, projects and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

(2) No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such project because of race, color, religion, sex, national origin, age, handicap, or political affiliation or belief.

(3) No participant shall be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(4) With respect to terms and conditions affecting, or rights provided to, individuals who are participants in activities supported by funds provided under this Act, such individuals shall not be discriminated against solely because of their status as such participants.

(b) FAILURE TO COMPLY RULES.—Whenever the Secretary finds that a recipient has failed to comply with a provision of law referred to in subsection (a)(1), with paragraph (2), (3), or (4) of subsection (a), or with an applicable regulation prescribed to carry out such paragraphs, the Secretary shall notify such recipient and shall request it to comply. If within a reasonable period of time, not to exceed 60 days, the recipient fails or refuses to comply, the Secretary may—

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act, as may be applicable; or

(3) take such other action as may be provided by law.

(c) REFERRAL TO ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a recipient is engaged in a pattern or practice in violation of a provision or law referred to in subsection (a)(1) or in violation of paragraph (2), (3), or (4) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

EVALUATION

SEC. 12. Each District Executive Council shall establish and maintain an evaluation file for each individual employed in a project assisted under this Act. The evaluation file shall be made available to the participant monthly which shall not be available to any other person without the consent of the employee. In carrying out the provisions of this section, each such Council shall assure that the participant will be afforded the opportunity to discuss any matter contained in, or omitted from, the file.

ALLOTMENT AND ALLOCATION

SEC. 13. (a) ALLOTMENT.—The Secretary shall allot the amount available in each fiscal year under section 15 to each State so that—

(1) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each State as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all States;

(2) 33⅓ percent shall be allotted on the basis of the number of workers displaced by plant closings or mass layoffs in such State in the most recent period for which satisfactory data are available under section 462(e) of the Job Training Partnership Act compared to the total number of such workers in all States; and

(3) 33⅓ percent shall be allotted on the basis of the relative number of individuals receiving public assistance under State and local laws and the number of individuals receiving assistance under a State plan approved under part A of title IV of the Social Security Act within the State compared to the total number of such individuals in all States.

(b) SUBSTATE ALLOCATION.—(1) The Governor shall allocate 100 percent of the allot-

ment to the State for each fiscal year among the District Executive Councils within the State in accordance with paragraph (2).

(2) Of the amount allocated under this subsection—

(A) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in each eligible area as compared to the total number of such unemployed individuals in all such eligible areas in the State;

(B) 33⅓ percent shall be allocated on the basis of the number of workers displaced by plant closings or mass layoffs in eligible areas in the most recent period for which satisfactory data are available under section 462(e) of the Job Training Partnership Act as compared to the total of such workers in all eligible areas in the State; and

(C) 33⅓ percent shall be allocated on the basis of the relative number of individuals receiving public assistance under State and local laws and the number of individuals receiving assistance under a State plan approved under part A of title IV of the Social Security Act in an eligible area within the State compared to the total number of such individuals in all eligible areas in the State.

(c) REALLOTMENT.—(1) The Secretary shall, beginning after September 30, 1990, reallot amounts appropriated and allotted to any State which is equal to the unexpended balance of the allotment of the State at the end of the fiscal year prior to the fiscal year for which the determination is made if the unexpended balance exceeds 20 percent of the State's allotment for that fiscal year.

(2) The State shall reallot the amounts available under paragraph (1) of this subsection to any State which demonstrates that the State is making progress toward achieving the stated objectives in carrying out the provisions of this Act and that the State required additional funds in order to accomplish the objectives.

ADMINISTRATIVE PROVISIONS

SEC. 14. (a) REGULATORY AUTHORITY.—The Secretary may, in accordance with chapter 5 of title 5, United States Code, prescribe such rules and regulations (including performance standards) as the Secretary deems necessary. Such rules and regulations may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968. All such rules and regulations shall be published in the Federal Register at least 30 days prior to their effective date. Copies of all such rules and regulations shall be transmitted to the appropriate committees of the Congress at the same time and shall contain, with respect to each material provision of such rules and regulations, citations to the particular substantive section of law which is the basis therefor.

(b) ACCEPTING PROPERTY FOR USE UNDER THIS ACT.—The Secretary is authorized, in carrying out this Act, to accept, purchase, or lease in the name of the department, and employ or dispose of in furtherance of the purpose of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes of the United States.

(c) GENERAL ADMINISTRATIVE AUTHORITY.—The Secretary may make such grants, contracts, or agreements, establish such procedures and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds under this Act as necessary to carry out this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments.

(d) WAIVER AUTHORITY.—The Secretary may waive—

(1) the testing requirement for individuals with handicaps;

(2) the education requirement in section 7(b)(2); and

(3) subject to a ⅔ vote of each District Executive Council, the requirement relating to a 32-hour work week under section 8(e) for unusual circumstances.

(e) REPORT.—The Secretary shall prepare and submit to the Congress an annual report of the administration of this Act. The Secretary shall include in such report—

(1) a summary of the achievements, failures, and problems of the programs authorized in this Act in meeting the objective of this Act; and

(2) such recommendations, including recommendations for legislative or administrative action, as the Secretary deems appropriate.

(f) AUDIT.—The Comptroller General of the United States, and any authorized representatives of the General Accounting Office, shall have access for the purpose of audit and examination to any books, documents, papers, and records, of any recipient under this Act that are pertinent to the amounts received and disbursed under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. There are authorized to be appropriated to carry out the provisions of this Act, $5,000,000,000 for the fiscal year 1990, $8,000,000,000 for the fiscal year 1991, and such sums as may be necessary for fiscal year 1992 and each of the succeeding fiscal years ending prior to October 1, 1995.●

By Mr. PELL (for himself, Mrs. KASSEBAUM, Mr. MATSUNAGA, Mr. COCHRAN, Mr. DODD, Mr. SIMON, Mr. JEFFORDS, Mr. KENNEDY, Mr. HOLLINGS, and Mr. GLENN):

S. 1291. A bill to extend and amend the Library Services and Construction Act, and for other purposes; to the Committee on Labor and Human Resources.

LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS

● Mr. PELL. Mr. President, today, on behalf of Senators KASSEBAUM, MATSUNAGA, COCHRAN, DODD, SIMON, JEFFORDS, KENNEDY, HOLLINGS, and GLENN, I am very pleased to introduce the Library Services and Construction Act Amendments of 1989.

The Subcommittee on Education, Arts and Humanities held a joint hearing with the House Subcommittee on Postsecondary Education on April 11, 1989, at which testimony was received from a broad cross-section of individuals from the public library field. The support for reauthorizing LSCA was broad and enthusiastic. This act, which was first signed into law in 1956, by President Eisenhower, continues to be the single most significant source of Federal funds for our Nation's public libraries. The importance of libraries to an educated American citizenry is undeniable and it is crucial that these institutions—be they urban or rural, large or small—be kept strong, viable, and growing.

The LSCA has successfully provided much-needed Federal support to the States through a system of formula grants. While the total amount is a small percentage of all library aid, these moneys have been targeted toward particularly critical areas. These areas include services to the physically handicapped and the elderly and to communities with little or no access to a public library.

In more recent years, the LSCA has been expanded to provide a set-aside to support library services to American Indians and native Hawaiians and to address the specific needs of illiterate and multilingual populations. In addition, the problems in providing adequate library services to urban populations have been acknowledged to be just as profound as those of providing services to rural populations.

It is the intent of these 1989 amendments to ensure the continuity of these important library services by reauthorizing the LSCA for another 5 years. While some of the testimony received by the subcommittees suggested minor adjustments in the program, the consensus was to await the outcome of the upcoming White House Conference on Library and Information Services before proceeding to make any truly substantive changes in the LSCA.

The White House Conference, authorized in the last Congress, is to be held not later than September 1991. Preliminary conferences in the States will occur at which major issues currently facing the library community will be discussed at length. It makes sense to wait for the recommendations generated by this conference so that they can be part of any future congressional discussion on changes to the LSCA.

The modifications then in this reauthorization bill are largely technical in nature and have been incorporated in response to requests from the Department of Education and the national public library community. However, the two areas of technology and preservation do receive increased emphasis in the bill because the projected needs in these areas are not adequately provided for in current law. The States are given greater latitude in using LSCA funds for purchasing and maintaining technological equipment and they are given the option of using title III funds for developing programs to address preservation needs. The added emphasis on preservation programs will hopefully encourage libraries to protect endangered materials and preserve them for future generations.

I commend these Library Services and Construction Act Amendments of 1989 to the attention of my colleagues and ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Library Services and Construction Act Amendments of 1989".

(b) REFERENCES.—References in this Act to "the Act" are references to the Library Services and Construction Act (20 U.S.C. 351 et seq.).

SEC. 2. DEFINITIONS.

Section 3 of the Act is amended—

(1) in paragraph (2)—

(A) by striking "and initial equipment" and inserting "and for the purchase, lease, and installation of equipment";

(B) by striking "to conserve energy" and inserting "to ensure safe working environments and to conserve energy"; and

(C) by striking "includes machinery" and inserting "includes information and building technologies, video and telecommunications equipment, machinery"; and

(2) by adding at the end thereof the following new paragraphs:

"(17) The term 'handicapped individual' means an individual who is physically or mentally impaired, visually impaired, or hearing impaired.

"(18) The term 'network' means any local, statewide, regional, or interstate cooperative association of library entities which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the clientele served by each type of library entity.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AMENDMENT.—Section 4(a) of the Act is amended to read as follows:

"SEC. 4. (a) There are authorized to be appropriated—

"(1) for the purpose of making grants as provided in title I, $100,000,000 for fiscal year 1990 and such sums as may be necessary for each of the 4 succeeding fiscal years;

"(2) for the purpose of making grants as provided in title II, $55,000,000 for fiscal year 1990 and such sums as may be necessary for each of the 4 succeeding fiscal years;

"(3) for the purpose of making grants as provided in title III, $35,000,000 for fiscal year 1990 and such sums as may be necessary for each of the 4 succeeding fiscal years;

"(4) for the purpose of making grants as provided in title V, $1,000,000 for fiscal year 1990 and such sums as may be necessary for each of the 4 succeeding fiscal years;

"(5) for the purpose of making grants as provided in title VI, $10,000,000 for fiscal year 1990 and such sums as may be necessary for each of the 4 succeeding fiscal years; and

"(6) for the purpose of activities as provided in title VII, $500,000 for fiscal year 1990, and such sums as may be necessary each of the 4 succeeding fiscal years.

There shall be available for the purpose of making grants under title IV for each of the fiscal years 1990, 1991, 1992, 1993, and 1994, 1.5 percent of the amount appropriated pursuant to each of paragraphs (1), (2), and (3) for each such fiscal year. There shall be available for the purpose of making grants under section 5(d) for such fiscal years 0.5 percent of the amount appropriated pursuant to each of such paragraphs for each such fiscal year.".

(b) CARRYOVER OF FUNDS.—Section 4(b) of the Act is amended by striking "and for the next succeeding fiscal year" and inserting "and is authorized to remain available until expended".

SEC. 4. ALLOCATIONS.

(a) AMENDMENT.—Section 5(c) of the Act is amended to read as follows:

"(c)(1) From one-half of the sums available pursuant to the second sentence of section 4(a) for any fiscal year, the Secretary shall allot an equal amount to each Indian tribe that submits an approved application under section 403.

"(2) From the remaining one-half of the sums available pursuant to such second sentence, the Secretary shall make allocations to Indian tribes that (A) are receiving an allocation under paragraph (1) of this subsection for such fiscal year; and (B) have submitted approved applications under section 404.

"(3) In making allocations under paragraph (2)—

"(A) no funds shall be allocated to an Indian tribe unless such funds will be administered by a librarian; and

"(B) the Secretary shall take into account the needs of Indian tribes for such allocations to carry out the activities described in section 402(b).

"(4) In making allocations under this subsection, the Secretary shall take such actions as may be necessary to prevent an allocation from being received to serve the same population by any two or more of the following entities as defined in, or established pursuant to, the Alaska Native Claims Settlement Act:

"(A) an Alaskan native village,

"(B) a regional corporation, or

"(C) a village corporation.".

(b) CONFORMING AMENDMENT.—Section 6(g)(2) of the Act is amended by inserting after "section 5(c)(2)" the following: "in the same fiscal year in which it has received an allocation under section 5(c)(1)".

SEC. 5. RESOURCE SHARING COORDINATION.

Section 6 of the Act is amended—

(1) in subsection (d)(1), by striking "and construction" and inserting ", construction, and interlibrary cooperation and resource sharing"; and

(2) by adding at the end thereof the following new subsection:

"(h) The Secretary shall coordinate programs under titles V and VI of this Act with the programs assisted by titles I, II, and III of this Act, and shall provide to the head of the State library administrative agency the opportunity to comment on any application for a grant under title V or VI of this Act prior to the awarding of the grant, in order to assure that such grants from the Secretary are for purposes consistent with the long-range program required under subsection (d) of this section.".

SEC. 6. MAINTENANCE OF EFFORT.

Section 7 of this Act is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) In fiscal year 1990, and every fifth fiscal year thereafter, each State library agency may review its expenditures in the second fiscal year preceding fiscal year for which the determination is made under the programs from State and local sources and file with the Secretary a statement to establish a current, revised expenditure level to be used for measuring the maintenance of effort required under subsections (a)(1)(B) and (a)(2).".

SEC. 7. INTERGENERATIONAL LIBRARY SERVICES.

Section 101 of the Act is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) for assisting libraries in developing intergenerational library programs that will match older adult volunteers with libraries interested in developing after school literacy and reading skills programs for unsupervised school children during afterschool hours;".

SEC. 8. CHILDCARE LIBRARY OUTREACH.

Section 101 of the Act is further amended by inserting after paragraph (5) the following new paragraph:

"(6) for assisting libraries in providing mobile library services and programs to licensed or certified child-care providers or child-care centers;".

SEC. 9. LIBRARY LITERACY CENTERS.

Section 101 of the Act is further amended by inserting after paragraph (6) the following new paragraph:

"(7) to establish and support model library literacy centers, coordinated by the State library administrative agency with other interested State agencies and nonprofit organizations to reduce the number of functionally illiterate individuals and to help them reach full employment;".

SEC. 10. USE OF TITLE I FUNDS.

Section 102(a) of the Act is amended by adding at the end thereof the following new sentence: "In carrying out its program to accomplish the purposes of this title, a State may make subgrants to library systems or networks which include libraries other than public libraries, if the purpose of the subgrant is to improve services for public library patrons".

SEC. 11. RATABLE REDUCTIONS OF MAJOR URBAN RESOURCE LIBRARIES.

Section 102(c) of the Act is amended by adding at the end thereof the following new paragraph:

"(3) No State shall, in carrying out the provisions of paragraph (2) of this subsection, reduce the amount paid to any major urban resource library below the amount that such library received in the year preceding the year for which the determination is made under such paragraph (2), except that such amount shall be ratably reduced to the extent that the total Federal allocations to the State under section 5 for purposes of this title for the applicable fiscal year are reduced or that the 1990 Census shows the population of the city served by such library has decreased.".

SEC. 12. STATE ANNUAL PROGRAM.

Section 103 of the Act is amended—

(1) in paragraph (3), by striking "and institutionalized individuals";

(2) in paragraph (4)—

(A) by striking "(A)"; and

(B) by striking everything following "elderly" the first place it appears and inserting a semicolon; and

(3) by striking paragraph (5) and inserting the following:

"(5) describe the uses of funds to make library services and programs more accessible to handicapped individuals.".

SEC. 13. TECHNOLOGY ENHANCEMENT.

(a) DEFINITION.—Section 3 of the Act is further amended by adding at the end thereof the following new paragraph:

"(19) The term 'technology enhancement' means the acquisition, installation, maintenance, or replacement, of substantial technological equipment (including library bibliographic automation equipment) necessary to provide access to information in electronic and other formats made possible by new information and communications technologies.".

(b) USE OF TITLE I FUNDS.—Section 101 of the Act is further amended—

(1) by striking "and" at the end of paragraph (8) (as redesignated by section 7(1));

(2) by striking the period at the end of paragraph (9) (as redesignated by section 7(1)) and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(10) for assisting public libraries in making effective use of technology to improve library and information services.".

(c) USE OF TITLE II FUNDS.—Title II of the Act is amended—

(1) by inserting "AND TECHNOLOGY ENHANCEMENT" after "CONSTRUCTION" in the heading of such title;

(2) by inserting "AND LIBRARY AND INFORMATION TECHNOLOGY ENHANCEMENT" after "CONSTRUCTION" in the head of section 201;

(3) by inserting "and technology enhancement" after "construction" each place it appears in sections 201, 202(a), 202(b), 203(1), 203(2), and 203(3);

(4) by striking "section 3(2)" in section 202(a) and inserting "sections 3(2) and 3(19), respectively"; and

(5) by inserting "AND TECHNOLOGY ENHANCEMENT" after "CONSTRUCTION" in the heading of section 203.

(d) USE OF TITLE III FUNDS.—Section 302(a) of the Act is amended—

(1) by striking "and" at the end of paragraph (1); and

(2) by inserting before the period at the end of paragraph (2) the following: "; and (3) developing the technological capacity of libraries for interlibrary cooperation and resource sharing".

SEC. 14. PRESERVATION OBJECTIVES IN CONSTRUCTION.

Section 203 of the Act is amended—

(1) by striking the period at the end of paragraph (4) and inserting "; and"; and

(2) by adding at the end thereof the following new paragraph:

"(5) follow policies and procedures in the construction of public libraries that will promote the preservation of library and information resources to be utilized in the facilities.".

SEC. 15. RESOURCE SHARING.

Sections 301 and 304(a) of the Act are amended by striking "eventual" and inserting "attaining".

SEC. 16. PRESERVATION COOPERATION.

Title III of the Act is amended by adding at the end thereof the following new section:

"PRESERVATION PROGRAMS

"SEC. 305. (a) The long-range program and annual program of each State under this title may—

(1) include a statewide preservation cooperation plan that complies with this section; and

(2) identify the preservation objectives to be achieved during the period covered by the long-range plans required by section 6.

(b) A statewide preservation cooperation plan complies with this section if—

(1) such plan specifies the methods by which the State library administrative agency will work with libraries, archives, historical societies, scholarly organizations, and other agencies, within or outside the State, in planning, education and training, coordinating, outreach and public information, and service programs to ensure that endangered library and information resources are preserved systematically; and

"(2) such preservation plan is developed in consultation with such parties and agencies as the State archives, historical societies, libraries, scholarly organizations, and other interested parties.

"(c) A State that has a statewide preservation cooperation plan that complies with this section may use funds under this title to carry out such plan.

"(d) The State library administrative agency may contract part or all of the preservation program under this section to other agencies or institutions.".

SEC. 17. LIBRARY LITERACY GRANTS.

Section 601(e) of the Act is amended by striking "$25,000" and inserting "$35,000".

SEC. 18. EVALUATION AND ASSESSMENT.

(a) AMENDMENT.—The Act is further amended by adding at the end thereof the following new title:

"TITLE VII—EVALUATION AND ASSESSMENT

"PROGRAM AUTHORITY

"SEC. 701. The Secretary is authorized to carry out a program for the purpose of evaluation and assessment (directly or by grants or contracts) of programs authorized under this Act.".

(b) CONFORMING AMENDMENT.—Section 5(a) of the Act is amended by striking out paragraph (5).

SEC. 19. PUBLIC LIBRARY SERVICES.

(a) TITLE I HEADING.—The heading of title I of the Act is amended by inserting "PUBLIC" before "LIBRARY".

(b) SECTION 101 HEADING.—The heading of section 101 is amended by inserting "PUBLIC" before "LIBRARY".

SEC. 20. EFFECTIVE DATE PROVISION.

The amendments made by this Act shall take effect on October 1, 1989.●

● Mrs. KASSEBAUM. Mr. President, I join with the distinguished chairman, Senator PELL, in introducing this legislation which reauthorizes programs that provide library services to individuals across the country.

The Library Services and Construction Act, or LSCA, has given an important boost in making library services available to rural America. I cannot underscore the importance of this act and the gifts it has brought to Kansas and others alike.

Libraries allow people the opportunity to open their minds and their hearts to knowledge and to dreams—two precious gifts I don't believe anyone can live without. J.M. Clark once observed that "knowledge is the only instrument of production that is not subject to diminishing returns."

Being an avid reader, I find it difficult to imagine a life without books and libraries. The initial purpose of LSCA was to give everyone the opportunity to open their minds with books. It created a public fund which helped communities establish free, public libraries. The bill that we are introducing today builds upon this initial purpose and attempts to continue this tradition of providing services while encouraging innovation and preservation of resources. The Department of Education estimates that 96 percent of our Nation's population has access to public library services. I believe that is a laudable figure and one that I personally would like to see maintained, if not grow a little.

The bill we are introducing today has seven titles. The first title strengthens State library administrative agencies and major urban resource libraries. The second title, Public Library Construction, is a popular program which provides funds for the construction of public libraries. Title III provides funds for the development of interlibrary cooperation and resource sharing programs which would permit individuals even greater access to resources currently available to them.

Title IV strengthens the programs available to native Americans and title V provides funds for libraries to purchase materials in foreign languages. Title VI addresses the problem of illiteracy now facing our Nation by designating funds for the development of literacy programs.

The last title is title VII which allows for the evaluation and assessment of library programs. Since the Library Services and Construction Act receives a relatively small share of Federal funds, I think it is important that we account for how those dollars are spent.

I believe that, for the most part, LSCA is operating well. The changes that were made are to fortify this legislation. The focus of the act as it stands today is to encourage innovation and to reach out to groups such as the disadvantaged, elderly, and handicapped—who might not otherwise be able to enjoy the treasures to be found on library shelves. As Thomas Carlyle so wisely noted, "All that mankind has done, thought, gained, or been: it is lying as in magic preservation in the pages of books."●

● Mr. COCHRAN. Mr. President, since its enactment in 1956, Library Services and Construction Act funds have been used to provide access to the resources of public libraries for all library patrons across the country. Today, LSCA remains the largest Fed-

eral program of direct assistance to libraries.

I rise today to ensure that the programs operated under LSCA continue for another 5 years. I join my colleagues on the Subcommittee on Education, Arts, and Humanities, in introducing the Library Services and Construction Act Amendments of 1989. This legislative package represents several months of work among subcommittee members in an effort to design a reauthorization package which reflects the needs of our Nation's libraries, both urban and rural.

In preparing this bill, we were told by libraries across the country that the present law is a good one and only needed a few improvements. I am pleased that some of those improvements come in the form of an increased commitment to title VI, the Library Literacy Programs. Under the proposed bill, the amount of individual grants would be raised from $25,000 to $35,000 with an overall authorization increase for title VI to be raised from $5 million to $10 million. As a member of the Appropriations Committee, I will be working to see that this commitment is carried through in the appropriations process.

I am also pleased that title I, the Public Library Services Title, has been expanded to authorize the establishment of library literacy centers. Federal moneys could be used to establish such centers within an existing library and in conjunction with public television stations in the State. I thank the chairman of the Education Subcommittee, Senator PELL, and the ranking member, Senator KASSEBAUM, for their cooperation in adding this language to title I.

Mr. President, the Library Services and Construction Act Amendments of 1989 represents a concerted effort by both House and Senate Members to design a reauthorization measure which will improve an already effective law. I hope that the Labor and Human Resources Committee will move quickly in sending the bill to the Senate for its final approval.●

By Mr. GRASSLEY:

S. 1292. A bill to temporarily suspend the duty on tefluthrin; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON TEFLUTHRIN

● Mr. GRASSLEY. Mr. President, today I am introducing a duty suspension bill for tefluthrin.

Tefluthrin is a phyrethroid, a novel class of insecticide which evolved from pyrethrum, a natural insecticide found in certain chrysanthemum plants. This product is unique in that it is the only soil active pyrethroid developed specifically for use on corn soil insects. It is the most advanced granular corn soil insecticide developed because it makes available a new chemical class for critical, early control of corn soil insects in any soil environment.

There is currently no domestic source for this product, nor the likelihood of a domestic source in the foreseeable future. The imposition of the duty on this product has significantly increased the cost of bringing this new product to the market and to the American farmer.

It is for these reasons that I introduced this bill and hope that both the Finance Committee and the Senate will see fit to add favorably upon it.●

By Mr. HEINZ:

S. 1293. A bill to amend the Age Discrimination in Employment Act of 1967 to clarify that such act applies to benefits, to authorize employers to employ older individuals while permitting such employers to provide unequal benefits to such older individuals in certain instances, and for other purposes; to the Committee on Labor and Human Resources.

AGE DISCRIMINATION IN EMPLOYMENT ACT AMENDMENTS

● Mr. HEINZ. Mr. President, it has been almost 4 years since this body last dealt with the problem of age discrimination. In 1985, I introduced S. 1054, a bill to amend the Age Discrimination in Employment Act of 1967 to remove the maximum age limitation for employees covered under the act. By eliminating the use of mandatory retirement ages, we gave force to a senior citizens' rights to remain contributors in the American economy. Unfortunately, Mr. President, 2½ weeks ago the U.S. Supreme Court regressed in the 20-year battle that we have been waging against age discrimination.

In Public Employee Retirement System of Ohio versus Betts, the Court held that employers were free to discriminate against their older employees in the area of benefit plans. Health, disability, retirement, and other insurance plans are now easy prey for baseless discriminatory practices. The most remarkable aspect of this decision is that an employer doesn't even have to justify his discrimination in terms of costs, which is what the former Equal Employment Opportunity Commission [EEOC] regulations provided. For 20 years since the enactment of the ADEA, businesses have been comfortably operating under these regulations. Now it is time to rebuild the wall of protection from unjustified discrimination that the Court has torn down.

The legislation that I am introducing today would simply restore the previous regulations under which businesses have been operating for 20 years. While this is a simple change in the law, it will make an enormous difference in the lives of those who will soon face the devastating effects of age discrimination in employee benefits. The same argument that I used in 1986 against mandatory retirement ages holds true today in the area of employee benefits. People who are subjected to discriminatory benefit programs are deprived of these benefits not on the basis of who they are and what they can do, but solely on the basis of their age. This seems to me the rankest form of discrimination, and we should not tolerate it in Federal law. Like mandatory retirement, discrimination in employee benefits plans coerce workers into early resignation and retirement. By cutting off benefits when an employee reaches 60, an employer eliminates the free, rational choice of an aged employee to keep on working and contributing to the business.

In essence, by passing this legislation, we will be delivering the message to present and future older workers: You are to receive the full benefits of the employment relationship on the basis of your capability, not on the basis of your birthdate. A baseless discriminatory benefit plan is both morally unsupportable and contrary to the economic interests of employers, employees, and the American public. It is bad for workers, bad for business, and bad for the economy. Incalculable human talent and spirit has been wasted as able workers have been forced to premature idleness. Eliminating this type of discrimination will signal our recognition of the value of older workers in the workplace and will signal our intention to reject all barriers to their full participation.●

By Mr. BINGAMAN:

S. 1294. A bill to encourage the transfer of national defense energy technology from the Department of Energy's defense program contractors to the private sector for commercialization; to the Committee on Armed Services.

NATIONAL DEFENSE ENERGY TECHNOLOGY TRANSFER ACT

● Mr. BINGAMAN. Mr. President, today I rise to introduce the National Defense Energy Technology Transfer Act of 1989.

Technological advancement is a key component in the growth of the U.S. industrial economy and a strong industrial base is also an essential element of U.S. national security. Studies sponsored by industry and academia report convincing evidence of declining U.S. competitiveness in both domestic and international markets, despite America's lead in technology innovation. Yet our national laboratories which are primarily devoted to atomic energy defense activities—the DOE DP laboratories of the Department of Energy—constitute a multidiscipline capability in general science, energy science, and defense related technology development with incomparable research and

computer facilities with research and support staffs of demonstrated international expertise.

An opportunity exists to use those resources residing in the DOE laboratory facilities to promote technology commercialization while, at the same time, enhancing their primary national security mission. We need to improve commercial sector utilization of Federal R&D resources to increase our appreciation of industry's technology requirements and to forge new linkage so that technology flows in two directions: from the labs to industry and from industry to the labs. The crossfertilization will increase the laboratories exposure to external technology which can actually accelerate innovation and increase efficiencies within the DOE DP laboratory facilities themselves.

Certainly, the DOE DP laboratories have demonstrated successes in technology transfer into the private sector. I know personally of several outstanding examples in which the Los Alamos National Laboratory and Sandia National Laboratory in my own State of New Mexico have played leading roles. But officials at Los Alamos and Sandia would agree that the effectiveness of this effort can be significantly enhanced if: First, industry is made more aware of the DOE DP laboratory research and development capabilities and activities; second, commercialization of technologies developed in connection with the DOE DP laboratories' research, experimental, and development activities, through technology transfer is established as a significant element of the mission of the DOE DP laboratories; third, the DOE DP laboratories are made more aware of industry market requirements; and fourth, industry becomes more involved with the activities of DOE DP laboratories at an early enough time in the research and development process to provide guidance on the development of commercially viable products. All of this can be accomplished while nuclear weapons design, development, production, and maintenance still remains the primary mission of the Department of Energy nuclear weapons complex.

The National Defense Energy Technology Transfer Act of 1989 would accomplish these objectives in several ways. First, it would make technology transfer and commercialization a specified mission of our national laboratories. Second, it would establish a framework for the DOE DP laboratories' entering into cooperative research and development agreements with universities, industry, and other third parties. And third, it would clarify and streamline the transfer of certain rights in inventions and computer software which are developing by the laboratories or pursuant to these research and development agreements. In all events, the provisions of the act are designed so that the enhancements of the laboratories' technology transfer mission is complementary to and supportive of the laboratories' national security mission.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. CRANSTON, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 23

At the request of Mr. HUMPHREY, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 23, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 43

At the request of Mr. REID, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 43, a bill to restore the Medicare and Medicaid law to the provisions in effect before the enactment of the Medicare Catastrophic Coverage Act of 1988 and to establish a Presidential Commission on the Medicare Program.

S. 100

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 100, a bill to amend title XVIII of the Social Security Act with respect to coverage of, and payment for, services of psychologists under part B of Medicare.

S. 120

At the request of Mr. KENNEDY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 120, a bill to amend the Public Health Service Act to reauthorize adolescent family life demonstration projects and for other purposes.

S. 121

At the request of Mr. INOUYE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 121, a bill to amend title XVIII of the Social Security Act to provide that psychologist services furnished by, or under arrangements made by, a hospice program are covered under Medicare.

S. 135

At the request of Mr. GLENN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 148

At the request of Mr. PRESSLER, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Virginia [Mr. ROBB], the Senator from Wyoming [Mr. WALLOP], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 148, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Golden Anniversary of the Mount Rushmore National Memorial.

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland [Ms. MIKULSKI], was added as a cosponsor of S. 216, a bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such act.

S. 253

At the request of Mr. BINGAMAN, the name of the Senator from Kentucky [Mr. FORD], was added as a cosponsor of S. 253, a bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of goods consumed in the United States, with the provision for the conduct of scientific research and development in support of such program and plan.

S. 277

At the request of Mr. HUMPHREY, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 277, a bill to amend title 5, United States Code, to provide child adoption benefits for Federal Government employees.

S. 278

At the request of Mr. HUMPHREY, the names of the Senator from Washington [Mr. GORTON] and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 278, a bill to make permanent the authority of the Secretary of Defense to reimburse members of the Armed Forces for certain ex-

penses incurred in the adoption of children.

S. 279

At the request of Mr. HUMPHREY, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 279, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income employee adoption assistance provided by the employer.

S. 326

At the request of Mr. BYRD, his name was added as a cosponsor of S. 326, a bill, to amend the Federal Election Campaign Act of 1971 to repeal a provision allowing use of excess contributions.

S. 342

At the request of Mr. DANFORTH, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes.

S. 357

At the request of Mr. SYMMS, the name of the Senator from Indiana [Mr. COATS] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 357, a bill to provide that the Secretary of Transportation may not issue regulations reclassifying anhydrous ammonia under the Hazardous Materials Transportation Act.

S. 419

At the request of Mr. SIMON, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 419, a bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation.

S. 435

At the request of Mr. REID, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 494

At the request of Mr. DURENBERGER, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 494, a bill to amend the Internal Revenue Code of 1986 to extend for 5 years, and increase the amount of, the deduction for health insurance for self-employed individuals.

S. 507

At the request of Mr. SIMON, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 507, a bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes.

S. 511

At the request of Mr. INOUYE, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 511, a bill to recognize the organization known as the National Academies of Practice.

S. 659

At the request of Mr. SYMMS, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 659, a bill to repeal the estate tax inclusion related to valuation freezes.

S. 670

At the request of Mr. ARMSTRONG, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 670, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 682

At the request of Mr. SIMON, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 682, a bill to amend chapter 33 of title 18, United States Code, to prohibit the unauthorized use of the names "Visiting Nurse Association," "Visiting Nurse Service," "VNA", "VNS", or "VNAA", or the unauthorized use of the name or insignia of the Visiting Nurse Association of America.

S. 685

At the request of Mr. METZENBAUM, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 685, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to clarify the applicability of rules relating to fiduciary duties in relation to plan assets of terminated pensions plans and to provide for an explicit exception to such rules for employer reversions meeting certain requirements.

S. 704

At the request of Mr. RIEGLE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 704, a bill to increase the authorization under title XX of the Social Security Act for block grants to States for social services.

S. 720

At the request of Mr. NICKLES, his name was withdrawn as a cosponsor of S. 720, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit, and for other purposes.

S. 727

At the request of Mr. HEFLIN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 727, a bill to amend the Animal Welfare Act to provide protection to animal research facilities from illegal acts.

S. 741

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 741, a bill to require the Secretary of Labor to identify labor shortages and develop a plan to reduce such shortages, and for other purposes.

S. 785

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 785, a bill to amend title XIX of the Social Security Act to provide States the option of providing quality home and community care to the elderly under their Medicaid Program.

S. 859

At the request of Mr. WILSON, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 859, a bill to amend title XVIII of the Social Security Act to establish a drug utilization review system to prevent adverse drug reactions, and for other purposes.

S. 875

At the request of Mr. LEAHY, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 875, a bill to prohibit U.S. contributions to the United Nations or any of its affiliated organizations if full membership as a state is granted to any organization or group that does not have the internationally recognized attributes of statehood.

S. 893

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. RIEGLE] was added as cosponsor of S. 893, a bill to establish certain categories of Soviet and Vietnamese nationals presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Vietnamese parolees.

S. 962

At the request of Mr. FOWLER, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Mississippi [Mr. COCHRAN], the Senator from Texas [Mr. BENTSEN], the Senator from Alabama [Mr. SHELBY], the Senator from Arizona [Mr. DECONCINI], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 962, a bill to provide for the establishment of a coordinated program of promotion and research designed to strengthen the position of the pecan industry in the marketplace, to maintain and expand foreign and domestic markets, and uses for improved and native pecans and pecan products, and for other purposes.

S. 970

At the request of Mr. FOWLER, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 970, a bill to promote low-input agriculture production systems, to maintain farm profitability, to encourage land, resource, and wildlife stewardship in connection with Federal farm programs, and for other purposes.

S. 979

At the request of Mr. DASCHLE, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Dakota [Mr. BURDICK], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 979, a bill to provide grants for designating rural hospitals as medical assistance facilities.

S. 980

At the request of Mr. MITCHELL, the names of the Senator from Georgia [Mr. FOWLER], and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of S. 980, a bill to amend the Internal Revenue Code of 1986 to improve the effectiveness of the low income housing credit.

S. 1019

At the request of Mr. FOWLER, the name of the Senator from Alaska [Mr. STEVENS] was added as cosponsor of S. 1019, a bill to amend the Rural Electrification Act of 1936 to establish a nationwide rural star school program to improve education opportunities in rural areas, and for other purposes.

S. 1036

At the request of Mr. LEAHY, the name of the Senator from Michigan [Mr. RIEGLE] was added as cosponsor of S. 1036, a bill to improve the economic, community, and educational well-being of rural America, and for other purposes.

S. 1041

At the request of Mr. CONRAD, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 1041, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers who realize capital gain on the transfer of farm property to satisfy an indebtedness, and for other purposes.

S. 1045

At the request of Mr. SYMMS, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 1045, a bill to establish a national environmental policy on the participation of the United States in international financing.

S. 1091

At the request of Mr. GRAHAM, the names of the Senator from Indiana [Mr. COATS], the Senator from Utah [Mr. GARN], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 1091, a bill to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard.

S. 1107

At the request of Mr. SIMON, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 1107, a bill to provide education, training, employment, and related services to displaced homemakers, and for other purposes.

S. 1115

At the request of Mr. EXON, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1115, a bill to amend the Rural Electrification Act of 1936 to permit the prepayment and refinancing of Federal Financing Bank loans made to rural electrification and telephone systems, and for other purposes.

S. 1127

At the request of Mr. WILSON, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1127, a bill to provide for fair and reasonable payment for services related to the insertion of intraocular lenses.

S. 1150

At the request of Mr. CONRAD, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1150, a bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the Refuge Revenue Sharing Fund.

S. 1163

At the request of Mr. HATCH, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1163, a bill to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in a child custody case in the Superior Court of the District of Columbia and to provide for expedited appeal procedures to the District of Columbia Court of Appeals of individuals found in civil contempt in such case.

S. 1171

At the request of Mr. DOLE, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 1171, a bill entitled the "ESOP Reform Act of 1989."

S. 1193

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1193, a bill to establish a comprehensive program for the rehabilitation of drug dependent Federal offenders.

S. 1213

At the request of Mr. COHEN, the names of the Senator from New York [Mr. D'AMATO], the Senator from Montana [Mr. BURNS], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 1213, a bill to establish a presumption of eligibility for asylum in the United States for certain natives of the People's Republic of China.

S. 1216

At the request of Mr. SIMON, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1216, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarily situated industries, to give to such employers and performers the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

SENATE JOINT RESOLUTION 16

At the request of Mr. PRESSLER, the names of the Senator from Washington [Mr. ADAMS], the Senator from Kansas [Mr. DOLE], the Senator from Washington [Mr. GORTON], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from Michigan [Mr. LEVIN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Michigan [Mr. RIEGLE], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 16, a joint resolution designating the month of November 1989 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 57

At the request of Mr. PELL, the names of the Senator from Ohio [Mr. GLENN], the Senator from Georgia [Mr. NUNN], the Senator from California [Mr. WILSON], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to establish a national policy on permanent papers.

SENATE JOINT RESOLUTION 80

At the request of Mr. KASTEN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Joint Resolution 80, a joint resolution disapproving the recommendations of the Commission on Base Realignment and Closure.

SENATE JOINT RESOLUTION 86

At the request of Mr. RIEGLE, the names of the Senator from Washington [Mr. GORTON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Joint Resolution 86, a joint res-

olution designating November 17, 1989, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 127

At the request of Mr. SIMON, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 127, a joint resolution designating Labor Day weekend, September 2-4, 1989, as "National Drive for Life Weekend."

SENATE JOINT RESOLUTION 132

At the request of Mr. SASSER, the names of the Senator from Florida [Mr. MACK], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Minnesota [Mr. DURENBERGER], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from South Dakota [Mr. PRESSLER], the Senator from Oklahoma [Mr. BOREN], the Senator from Idaho [Mr. MCCLURE], the Senator from Virginia [Mr. WARNER], the Senator from Rhode Island [Mr. PELL], the Senator from Colorado [Mr. WIRTH], the Senator from Indiana [Mr. COATS], the Senator from Missouri [Mr. BOND], the Senator from Montana [Mr. BURNS], the Senator from Michigan [Mr. LEVIN], the Senator from New York [Mr. MOYNIHAN], the Senator from Alabama [Mr. SHELBY], the Senator from North Dakota [Mr. BURDICK], the Senator from Maryland [Mr. SARBANES], the Senator from Arkansas [Mr. BUMPERS], the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. SANFORD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New York [Mr. D'AMATO], the Senator from Indiana [Mr. LUGAR], the Senator from South Dakota [Mr. DASCHLE], the Senator from Wyoming [Mr. SIMPSON], the Senator from Washington [Mr. ADAMS], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 132, a joint resolution designating September 1 through 30, 1989, as "National Alcohol and Drug Treatment Month."

SENATE JOINT RESOLUTION 140

At the request of Mr. GLENN, the names of the Senator from Minnesota [Mr. BOSCHWITZ] and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 140, a joint resolution designating November 19-25, 1989, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 165

At the request of Mr. WILSON, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution proposing an amendment to the Constitution relating to the flag of the United States.

SENATE JOINT RESOLUTION 167

At the request of Mr. THURMOND, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Joint Resolution 167, a joint resolution proposing an amendment to the Constitution of the United States to prohibit the desecration of the flag.

At the request of Mr. JEFFORDS, his name was withdrawn as a cosponsor of Senate Joint Resolution 167, supra.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. HUMPHREY, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution establishing procedures for expedited consideration by the Congress of certain bills and joint resolutions submitted by the President.

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. WILSON, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Indiana [Mr. COATS], the Senator from Florida [Mr. MACK], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Concurrent Resolution 41, a concurrent resolution expressing the sense of the Congress relating to the human rights conditions of Jews in Ethiopia.

SENATE CONCURRENT RESOLUTION 47

At the request of Mr. SIMON, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Concurrent Resolution 47, a concurrent resolution expressing the sense of the Congress on multilateral sanctions against South Africa.

SENATE CONCURRENT RESOLUTION 49

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of Senate Concurrent Resolution 49, a concurrent resolution to express the sense of the Congress that the States should retain authority to regulate alcohol beverages.

SENATE RESOLUTION 99

At the request of Mr. BOSCHWITZ, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Resolution 99, a resolution requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate.

AMENDMENTS SUBMITTED

IMMIGRATION ACT OF 1989

SHELBY AMENDMENT NO. 237

(Ordered to lie on the table.)

Mr. SHELBY submitted an amendment intended to be proposed by him to the bill (S. 358) to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes, as follows:

At the end of the bill add the following new title:

TITLE —CENSUS

SEC. . PREVENTION OF CONGRESSIONAL REAPPORTIONMENT DISTORTIONS.

(a) FINDINGS.—The Congress finds that—

(1) in recent years millions of aliens have entered the United States in violation of immigration laws and are now residing in the United States in an illegal status and are subject to deportation;

(2) the established policy of the Bureau of the Census is to make a concerted effort to count such aliens during the 1990 census without making a separate computation for such illegal aliens; and

(3) by including the millions of illegal aliens in the reapportionment base for the House of Representatives, many States will lose congressional representation which such States would not have otherwise lost, thereby violating the constitutional principle of "one man, one vote".

(b) SECRETARIAL ADJUSTMENTS TO PREVENT DISTORTIONS.—Section 141 of title 13, United States Code, is amended by redesignating subsection (g) as subection (h), and by inserting after subsection (f) the following new subsection:

"(g) The Secretary shall make such adjustments in total population figures as may be necessary, using such methods and procedures as the Secretary determines appropriate, in order that aliens in the United States in violation of the immigration laws shall not be counted in tabulating population for purposes of subsection (b) of this section.".

(c) CONFORMING AMENDMENT.—Section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929 (2 U.S.C. 2a(a)), is amended by striking out "as ascertained under the seventeenth and each subsequent decennial census of the population" and inserting in lieu thereof "as ascertained and reported under section 141 of title 13, United States Code, for each decennial census of population".

HATCH (AND DECONCINI) AMENDMENT NO. 238

Mr. HATCH (for himself and Mr. DECONCINI) submitted an amendment intended to be proposed by them to the bill S. 358, supra, as follows:

On page 77, strike lines 15 through 19, and insert in lieu thereof:

"(A)(i) 480,000, minus

"(ii) the number computed under paragraph (2), plus

"(iii) the number (if any) computed under paragraph (3); or

"(B) 216,000,

"whichever is greater."

On page 79, line 21, beginning with "number", strike through the second "in" in line 22 and insert in lieu thereof "numbers specified in subsection (c)(1)(A)(i), subsection (c)(1)(B), or".

On page 80, line 9, strike "number specified in subsection (c)(1)(A) or the number

specified in" and insert in lieu thereof "numbers specified in subsection (c)(1)(A)(i), subsection (c)(1)(B), or".

On page 80, line 21, strike "(c)(1)(A)" and insert in lieu thereof "(c)(1)(A)(i), (c)(1)(B),".

On page 80, line 22, strike "(c)(1)(A)" and insert in lieu thereof "(c)(1)(A)(i), subsection (c)(1)(B),".

On page 81, line 23, strike "subsection (c)(1)(A)" and insert in lieu thereof "subsections (c)(1)(A)(i), (c)(1)(B),".

On page 83, line 20, strike "subsection (c)(1)(A)" and insert in lieu thereof "subsections (c)(1)(A)(i), (c)(1)(B),".

Mr. HATCH. Mr. President, I rise today to submit an amendment, on behalf of Senator DECONCINI and myself, to S. 358, the Immigration Act of 1989. We intend to call up this amendment during consideration of the bill.

MITCHELL (AND OTHERS) AMENDMENT NO. 239

Mr. MITCHELL (for himself, Mr. DOLE, Mr. LEVIN, Mr. PELL, Mr. REID, Mr. SHELBY, Mr. RIEGLE, Mr. BINGAMAN, Mr. DODD, Mr. DIXON, Mr. BRYAN, Mr. D'AMATO, Mr. KOHL, Mr. GRAMM, Mr. GRASSLEY, Mr. CONRAD, Mr. GORE, Mr. ADAMS, Mr. KERRY, Mr. LEAHY, Mr. BRADLEY, and Mr. HELMS) proposed an amendment, which was subsequently modified, to the bill S. 358, supra, as follows:

TITLE III—STATUS OF STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA

SEC. 301. SHORT TITLE.

This title may be cited as the "Emergency Chinese Immigration Relief Act of 1989".

SEC. 302. ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

The Immigration and Nationality Act is amended by inserting after section 245A the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA

"SEC. 245B. (a) WAIVER OF FOREIGN RESIDENCE REQUIREMENT FOR "J" NONIMMIGRANTS.—Nothwithstanding the provisions of section 212(e) of the Immigration and Nationality Act, persons who are nationals of the People's Republic of China may apply for adjustment of status to that of an alien lawfully admitted for permanent residence or for a change to another nonimmigrant status if such national—

"(1) was admitted to the United States as a nonimmigrant under section 101(a)(15)(J) of the Immigration and Nationality Act (8 US.C. 1101(a)(15)(J)), and

"(2) has been continuously resident in the United States since June 5, 1989.

"(b) PRESUMPTION OF CONTINUOUS RESIDENCE FOR CERTAIN PRC NATIONALS.—(1) for purposes of adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1225), and change of status under section 248 of such Act (8 U.S.C. 1228), in the case of any alien who is a national of the People's Republic of China and is present in the United States under section 101(a)(15) (F), (J), and (M), as well as their immediate family.

"(1) who, as of June 5, 1989, was present in the United States in the lawful status of a nonimmigrant, or

"(2) who was present in the United States before June 5, 1989, but who, as of that date was not present in the United States because of a brief, casual, and innocent trip abroad,

such an alien shall be considered as having continued to maintain lawful status as such a nonimmigrant (and to have maintained continuously a lawful status) for the period described in subsection (e).

"(c) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with existing regulations, permit an alien described in paragraph (1) or (2) of subsection (b) to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to continue residence in the United States.

"(d) EMPLOYMENT AUTHORIZATION.—Any national of the People's Republic of China who applies for adjustment of status or change of nonimmigrant status under the terms of this section shall be granted authorization to engage in employment in the United States and shall be provided with an employment authorization document or other appropriate work permit.

"(e) DURATION OF STATUS.—(1) Subject to paragraph (2), nationals of the People's Republic of China described in paragraph (1) or (2) of subsection (b) shall have their departure from the United States deferred until June 5, 1992, or until there has been an adjustment or change of status under subsection (a) or (b).

"(2) On or after June 5, 1990, the Attorney General may terminate the status accorded under this subsection 60 days following the date that the President determines and so certifies to the Congress that conditions in the People's Republic of China permit such aliens to return to that country in safety."

HELMS AMENDMENT NO. 240

Mr. HELMS proposed an amendment to the bill S. 358, supra, as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE I—IMMIGRATION ACT OF 1989

SEC. 101. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Immigration Reform Act of 1989".

(b) REFERENCES IN ACT.—Except as specifically provided in this title, whenever in this title an amendment or repeal is expressed as an amendment to, or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

SEC. 102. NATIONAL LEVEL OF IMMIGRATION.

(a) WORLDWIDE LEVEL OF IMMIGRATION.—(1) Section 201 (8 U.S.C. 1151) is amended to read as follows:

"WORLDWIDE LEVEL OF IMMIGRATION

"SEC. 201. (a) IN GENERAL.—Exclusive of aliens described in subsection (b), aliens born in a foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence are limited to—

"(1) family connection immigrants described in section 203(a) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(a)) in a number not to exceed in any fiscal year the number specified in subsection (c) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year;

"(2) independent immigrants described in section 203(b) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(b)), in a number not to exceed in any fiscal year the number specified in subsection (d) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year; and

"(3) for fiscal years 1991, 1992, or 1993, qualified backlog immigrants as described in section 203(a)(4)(B), not to exceed 20,000 in any fiscal year.

"(b) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—The following aliens are not subject to the worldwide levels or numerical limitations of subsection (a):

"(1)(A) Special immigrants described in subparagraph (A) or (B) of section 101(a)(27).

"(B) Aliens who are admitted under section 207(c) pursuant to a numerical limitation established under section 207(b).

"(C) Aliens whose status is adjusted to permanent residence under section 210, 210A, or 245A.

"(D) Aliens provided permanent resident status under section 249.

"(2)(A)(i) Aliens who are immediate relatives. For purposes of this clause, the term 'immediate relatives' means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age.

"(ii) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative.

"(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.

"(C) Aliens who are admitted under section 207(c) pursuant to a numerical limitation established under section 207(a) and aliens who are granted asylum under section 208.

"(c) WORLDWIDE LEVEL OF FAMILY CONNECTION IMMIGRANTS.—(1) The worldwide level of family connection immigrants under this subsection for a fiscal year is equal to—

"(A) 440,000, minus

"(B) the number computed under paragraph (2), plus

"(C) the number (if any) computed under paragraph (3).

"(2) The number computed under this paragraph for a fiscal year is the sum of the number of aliens described in subparagraph (A) or (B) of subsection (b)(2) who were issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the previous fiscal year.

"(3) The number computed under this paragraph for a fiscal year (beginning with fiscal year 1992) is the difference (if any) between the maximum number of visas which may be issued under subsection (a)(2) (relating to independent immigrants) during the previous fiscal year and the number of visas issued under that subsection during that year.

"(d) WORLDWIDE LEVEL OF INDEPENDENT IMMIGRANTS.—(1) The worldwide level on independent immigrants under this subsection for a fiscal year is equal to—

"(A) 160,000, minus

"(B) for each of fiscal years 1991, 1992, and 1993, 20,000, plus

"(C) the number computed under paragraph (2).

"(2) The number computed under this paragraph for a fiscal year (beginning with fiscal year 1992) is the difference (if any) between the maximum number of visas which may be issued under subsection (a)(1) (relating to family connection immigrants) during the previous fiscal year and the number of visas issued under that subsection during that year.

"(e) REPORT ON, AND REVISION OF, WORLDWIDE LEVEL OF IMMIGRATION.—In January before the beginning of fiscal year 1994 (and before each succeeding fiscal year thereafter), the Attorney General and the Secretary of Labor, in consultation with the Secretary of State, the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency, and the Secretary of Housing and Urban Development, shall prepare and transmit to the President and to the Judiciary Committees of the Senate and of the House of Representatives a report discussing the effect of immigration on the United States. The report shall consider—

"(A) the requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members;

"(B) the impact of immigration on labor needs, employment, and other economic and domestic conditions in the United States;

"(C) the impact of immigration with respect to demographic and fertility rates and resources and environmental factors; and

"(D) the impact of immigration on the foreign policy and national security interests of the United States.

The report for fiscal year 1994 (and each third fiscal year thereafter) shall include a discussion, based upon such considerations, of the need (if any) to revise the number specified in subsection (c)(1)(A) or the number specified in subsection (d)(1)(A) for the 3-fiscal year period beginning with the first fiscal year following transmittal of the report. Beginning with fiscal year 1994, and every three fiscal years thereafter, the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives shall hold hearings on the findings of the latest such report.".

(2) The item in the table of contents relating to section 201 is amended to read as follows:

"Sec. 201. Worldwide level of immigration.".

(b) PER COUNTRY IMMIGRATION LEVELS.—Section 202 (8 U.S.C. 1152) is amended—

(1) in subsection (a)—

(A) by striking "(a) No person" and inserting "(a)(1) Except as specifically provided in paragraph (2) and in section 101(a)(27), 201(b)(2)(A)(i), and 203, no person",

(B) by striking ", except as specifically" and all that follows through "following fiscal year", and

(C) by adding at the end the following new paragraph:

"(2)(A) Subject to subparagraphs (B) and (C), the total number of immigrant visas made available to natives of any single foreign state or dependent area under subsection (c) of section 201 (relating to family connection immigrants) in any fiscal year may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such subsection in that fiscal year.

"(B) If for fiscal year 1991 or a succeeding fiscal year the number of aliens described in subparagraph (A) or (B) of section 201(b)(2) (relating to immediate relatives and similar individuals) who are natives of a particular foreign state or dependent area and who are issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the fiscal year exceeds the greater of—

"(i) the numerical level computed under subparagraph (A) for that state for that fiscal year, or

"(ii) the level of such immigration of natives of that foreign state in fiscal year 1989 or fiscal year 1990 (whichever is greater),

then the numerical level applicable to that foreign state or dependent area in the following fiscal year under subparagraph (A) shall be reduced by the amount of such excess; except that such reduction shall not exceed one-half of the numerical level otherwise provided without regard to this subparagraph.

"(C) If, because of the application of subparagraph (A) with respect to one or more foreign states, the number of visas available under section 201(c) for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, subparagraph (A) shall not apply to visas made available to such states or areas during the remainder of such calendar quarter.

"(3)(A) Subject to subparagraph (B), the total number of immigrant visas made available to natives of any single foreign state or dependent area under subsection (d) of section 201 (relating to independent immigrants) in any fiscal year may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such subsection in the fiscal year.

"(B) If, because of the application of subparagraph (A) with respect to one or more foreign states or dependent areas, the number of visas available under section 201(d) for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, subparagraph (A) shall not apply to visas made available to such states or areas during the remainder of such calendar quarter.";

(2) in subsection (b), by striking "the numerical limitation set forth in the proviso to subsection (a) of this section" each place it appears and inserting "a numerical level established under subsection (a)";

(3) in subsection (c)—

(A) by striking "other than" and all that follows through "section 201(b)" and inserting "other than a special immigrant, as defined in section 101(a)(27), or an alien described in section 201(b)(2)(A)(i)", and

(B) by striking "section 202(a)" and all that follows through the end and inserting "subsection (a)(1), to the foreign state"; and

(4) Section 202(e) is amended to read as follows:

"(e) Whenever the maximum number of visas have been made available under subsection (a)(2) to natives of any single foreign state or to any dependent area, then in the next following fiscal year a number of visas, not to exceed the number specified in subsection (a)(2) for a foreign state or a dependent area, as the case may be, shall be made available and allocated for such state or such area for the same classes of aliens described in, and the same percentages specified in, paragraphs (1) through (4) of section 203(a).".

SEC. 103. PREFERENCE SYSTEM FOR ADMISSION OF IMMIGRANTS.

(a) IN GENERAL.—(1) Section 203 (8 U.S.C. 1153) is amended to read as follows:

"ALLOCATION OF IMMIGRANT VISAS

"SEC. 203. (a) PREFERENCE ALLOCATION FOR FAMILY CONNECTION IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family connection immigrants shall be allotted visas as follows:

"(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed 6 percent of such worldwide level, plus any visas not required for the class specified in paragraph (4).

"(2) SPOUSES AND UNMARRIED SONS AND UNMARRIED DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are—

"(A) the spouses of aliens lawfully admitted for permanent residence, or

"(B) the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, if the sons or daughters—

"(i) are under 26 years of age, or

"(ii)(I) as of the date of the enactment of the Immigration Act of 1989, had a petition filed on their behalf for preference status under section 203(a)(2) (as in effect on such date) by reason of such relationship and such petition was subsequently approved, and

"(II) continue to qualify under the terms of this Act as in effect on the day before such date,

shall be allocated visas in a number not to exceed 69 percent of such worldwide level, plus any visas not required for the class specified in paragraph (1).

"(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed 10 percent of such worldwide level, plus any visas not required for the classes specified in paragraphs (1) and (2).

"(4) NEVER MARRIED BROTHERS AND SISTERS OF CITIZENS AND PREVIOUS FIFTH PREFERENCE.—Qualified immigrants—

"(A) who are the never married brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, and

"(B) who—

"(i) as of the date of enactment of the Immigration Act of 1989 had a petition filed on their behalf for preference status by reason of the relationship described in paragraph (5) of section 203(a) of this Act as in effect on the day before such date and such petition was subsequently approved, and

"(ii) continue to qualify under the terms of this Act as in effect on the day before such date,

shall be allocated visas, in addition to visas otherwise allocated under section 201(a)(3), in a number not to exceed 20 percent of such worldwide level, plus any visas not required for the classes specified in paragraphs (1) through (3). For purposes of this paragraph, the term 'never married', with respect to an individual, means an individual who has never been married or whose marriage was annulled or otherwise legally determined never to have had effect.

"(b) PREFERENCE ALLOCATION FOR INDEPENDENT IMMIGRANTS.—Aliens subject to the

worldwide level specified in section 201(d) for independent immigrants in a fiscal year shall be allocated visas as follows:

"(1) SPECIAL IMMIGRANTS.—Visas shall be made available, in a number not to exceed 3 percent of such worldwide level, to qualified special immigrants described in section 101(a)(27) (other than those described in subparagraph (A) or (B) thereof).

"(2) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS OR ALIENS OF EXCEPTIONAL ABILITY.—(A) Visas shall be made available next, in a number not to exceed 33 percent of such worldwide level to qualified immigrants who are members of the professions or who because of their exceptional ability in the sciences, arts, education, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

"(B) The Attorney General may, when he deems it to be in the national interest, waive the requirement of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

"(C) In determining under subparagraph (A) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

"(3) SKILLED WORKERS.—(A) Visas shall be made available next, in a number not to exceed 33 percent of such worldwide level, plus any visas not required for the class specified in paragraph (2), to the following two classes of aliens:

"(i) Qualified immigrants who are capable, at the time of petitioning, of performing skilled labor (requiring at least 2 years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States.

"(ii) Qualified immigrants who hold baccalaureate degrees and who are members of the professions.

"(B) An immigrant visa may not be issued to an immigrant under subparagraph (A) until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14).

"(4) EMPLOYMENT CREATION.—Visas shall be made available next, in a number not to exceed 2 percent of such worldwide level or 2,800, whichever is greater, to any qualified immigrant who is seeking to enter the United States for the purpose of engaging in a new commercial enterprise which the alien has established and in which such alien has invested or, is actively in the process of investing, capital, in an amount not less than $1,000,000, and which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence (other than the spouse, sons, or daughters of such immigrant). The Attorney General, in consultation with the Secretary of Labor and the Secretary of State, may prescribe regulations increasing the dollar amount of the investment necessary for the issuance of a visa under this paragraph.

"(5) SELECTED IMMIGRANTS.—(A) Visas authorized in any fiscal year under section 201(d), less those required for issuance to the classes specified in paragraphs (1), (3), and (4), shall be made available to qualified immigrants who attain a score of not less than 50 points, based on the point assessment system described in subparagraph (B).

"(B) The point assessment system referred to in subparagraph (A) shall accord points based on criteria as follows:

"(i) AGE (10 POINTS).—For an alien who (as of the date of filing a petition) is—

"(I) at least 21 years of age but has not attained 36 years of age, 10 points; or

"(II) at least 36 years of age, but has not attained 45 years of age, 5 points.

"(ii) EDUCATION (25 POINTS).—For an alien who (as of the date of filing a petition)—

"(I) has completed successfully grade school through high school or its educational equivalent (as determined by the Secretary of Education), 10 points;

"(II) has been awarded a bachelors' degree or its equivalent (as determined by the Secretary of Education), 10 additional points; and

"(III) has been awarded a graduate degree, an additional number of points (up to 5 additional points) to be determined by the Secretary of Education based on the level of the degree.

"(iii) ENGLISH LANGUAGE ABILITY (20 POINTS).—For an alien who certifies, upon the date of filing a petition, subject to verification by examination after the date of selection, that he has an understanding of the English language and the ability to communicate in such language, 20 points.

"(iv) OCCUPATIONAL DEMAND (20 POINTS).—For an alien who is in an occupation for which the Secretary of Labor determines (before the fiscal year involved)—

"(I) there will be increased demand in the United States for individuals in the occupation in the fiscal year, 10 points, and

"(II) there is a present or there will be a future shortage of individuals in the United States to meet the need in the occupation in the United States in the fiscal year, 5 or 10 points.

"(v) OCCUPATIONAL TRAINING AND WORK EXPERIENCE (20 POINTS).—To the extent the alien has additional training, work experience, or both, as determined by the Secretary of Labor, in the occupation described in clause (iv), 10 or 20 points, such points multiplied by the number of points awarded under clause (iv) divided by 20.

"(C) The point assessment system described in subparagraph (B) shall be established by regulation by the Secretary of State in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education.

"(c) TREATMENT OF FAMILY MEMBERS.—A spouse or child as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a) or (b) (except for subsection (b)(5)) be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join, his spouse or parent.

"(d) ORDER OF CONSIDERATION.—(1) Immigrant visas made available under subsection (a) or (b) (other than paragraph (5)) or under section 201(a)(3) shall be issued to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General (or in the case of special immigrants under section 101(a)(27)(D), with the Secretary of State) as provided in section 204(a).

"(2) Of the immigrant visa numbers made available under subsection (b)(5) (relating to selected immigrants) in a fiscal year—

"(A) 20 percent of such numbers shall be issued to eligible qualified immigrants who attain a score of at least 80 points on the assessment system described in subsection (b)(5)(B) with respect to petitions filed for the fiscal year involved, to be chosen in the random order described in clause (B); and

"(B) 80 percent of such numbers shall be issued to eligible qualified immigrants with a qualifying score on such system strictly in a random order established by the Secretary of State for the fiscal year involved.

"(3) Waiting lists of applicants for visas under this section shall be maintained in accordance with regulations prescribed by the Secretary of State.

"(e) PRESUMPTION.—Every immigrant shall be presumed not to be described in subsection (a) or (b) of this section, section 101(a)(27), or section 201(b)(2), until the immigrant establishes to the satisfaction of the consular officer and the immigration officer that the immigrant is so described. In the case of any alien claiming in his application for an immigrant visa to be described in section 201(b)(1) or in subsection (a) or (b) of this subsection, the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

"(f) LISTS.—For purposes of carrying out his responsibilities in the orderly administration of this section, the Secretary of State may make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories under subsections (a) and (b), and to rely upon such estimates in authorizing the issuance of visas. The Secretary of State shall terminate the registration of any alien who fails to apply for an immigrant visa within one year following notification to him of the availability of such visa, but the Secretary shall reinstate the registration of any such alien who establishes within 2 years following the date of notification of the availability of such visa that such failure to apply was due to circumstances beyond his control.".

(2) Nothing in this subsection may be construed as continuing the availability of visas under section 203(a)(7), as in effect before the date of enactment of this Act.

(b) CHANGES IN PETITIONING PROCEDURE.—Section 204(a) (8 U.S.C. 1154(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3), and

(2) by striking "(a)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(a)(1)(A) Any citizen of the United States claiming that an alien is entitled to classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a) or to an immediate relative status under section 201(b)(2)(A)(i) may file a petition with the Attorney General for such classification.

"(B) Any alien lawfully admitted for permanent residence claiming that an alien is entitled to a classification by reason of the relationship described in section 203(a)(2) may file a petition with the Attorney General for such classification. An alien may be classified as an alien described in paragraphs (2), (3), or (4) of section 203(a) with respect to a specific fiscal year on the basis of a petition filed in a previous fiscal year only if the alien has filed with the Attorney General a notice of continuing intent to be admitted to the United States as an immi-

grant under such section within the 2 fiscal years immediately previous to the specific fiscal year involved.

"(C)(i) Any alien (other than a special immigrant under section 101(a)(27)(D)) desiring to be classified under section 203(b)(1) (or any person on behalf of such an alien) (relating to special immigrants) may file a petition with the Attorney General for such classification.

"(ii) Aliens claiming status as a special immigrant under section 101(a)(27)(D) may file a petition only with the Secretary of State and only after notification by the Secretary that such status has been recommended and approved pursuant to such section.

"(D) Any alien desiring to be classified under section 203(b)(2) (or any person on behalf of such an alien) (relating to professionals) may file a petition with the Attorney General for such classification.

"(E) Any person desiring and intending to employ within the United States an alien entitled to classification under paragraph (2) or (3) of section 203(b) (relating to professionals and skilled workers) may file a petition with the Attorney General for such classification.

"(F) Any alien desiring to be classified under section 203(b)(4) (relating to employment creation) may file a petition with the Attorney General for such classification.

"(G)(i) Any alien desiring to be provided an immigrant visa under section 203(b)(5) (relating to selected immigrants) may file a petition at the place and time determined by the Secretary of State by regulation. While the place of filing may be designated inside the United States, the petitioner shall be physically outside the United States when submitting the petition. Only one such petition may be filed by an alien with respect to any petitioning period established. If more than one petition is submitted all such petitions submitted for such period by the alien shall be voided.

"(ii)(I) The Secretary of State may designate a period for the filing of petitions with respect to visas which may be issued under section 203(b)(5) during either of the next two fiscal years beginning after the close of such period.

"(II) Aliens who qualify, through random selection, for a visa under section 203(b)(5) shall remain eligible to receive such visa only through the end of the specific fiscal year for which they were selected.

"(III) The Secretary of State shall prescribe such regulations as may be necessary to carry out this clause.

"(iii) A petition or registration under this subparagraph shall be in such form as the Secretary of State may by regulation prescribe and shall contain such information and be supported by such documentary evidence as the Secretary of State may require.

"(iv) The petition under this subparagraph shall include a certification in writing at the time of filing a petition that all information contained within the petition is true and correct to the best of the petitioner's knowledge, and any willful misrepresentation of the facts or statements included in the petition shall be deemed a violation of section 212(a)(19).

"(2) On or after October 1, 1990, an alien who—

"(A) previous to being admitted as, or otherwise provided the status of, an alien lawfully admitted for permanent residence was married to an individual, and

"(B) is so admitted, or provided such status, as a child or as the unmarried son or unmarried daughter of a citizen of the United States or of an alien lawfully admitted for permanent residence,

may not file a petition under this section on behalf of any alien to whom the alien was married previous to being so admitted or provided such status.".

(c) REVISION OF LABOR CERTIFICATION.—(1) Paragraph (14) of section 212(a) (8 U.S.C. 1182(a)) is amended to read as follows:

"(14) Aliens seeking to enter the United States to perform skilled labor unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that (A) there are not sufficient qualified workers (or equally qualified workers in the case of aliens who are members of the teaching profession or who have exceptional ability in the sciences or arts) available in the United States in the positions in which the aliens will be employed; and (B) the employment of aliens in such positions will not adversely affect the wages and working conditions of workers in the United States. The Secretary of Labor may, in his discretion, substitute for the determination and certification described in clause (A) of the preceding sentence a determination and certification that there are not sufficient workers who are able, willing, qualified (or equally qualified in the case of aliens who are members of the teaching profession or who have exceptional ability in the sciences or the arts), and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled labor. In making either determination under this paragraph, the Secretary of Labor may use labor market information without regard to the specific job opportunity for which certification is requested, but if such determination is adverse, the Secretary of Labor shall make a certification with regard to the specific job opportunity if the employer submits evidence that such specific certification would result in a different determination. An alien on behalf of whom a certification is sought must have an offer of employment from an employer in the United States. The exclusion of aliens under this paragraph shall only apply to immigrants seeking admission under paragraph (2) or (3) of section 203(b), except that this paragraph shall not apply to any alien for whom a waiver has been made under section 203(b)(2)(B);".

(2) The Secretary of Labor shall conduct a comprehensive study to determine whether the process of obtaining an immigrant labor certification under section 212(a)(14) of the Immigration and Nationality Act, as amended by this title, has been simplified or otherwise expedited. In conducting this study, the Secretary shall hold public hearings. Not later than March 31, 1993, the Secretary of Labor shall prepare and transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing the findings of such study and including any recommendations of other relevant agencies of the Federal Government with respect to such findings.

SEC. 104. DETERRING IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.

(a) CONDITIONAL BASIS FOR PERMANENT RESIDENT STATUS BASED ON ESTABLISHMENT OF COMMERCIAL ENTERPRISES.—Chapter 2 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

"CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, AND CHILDREN

"SEC. 218. (a) IN GENERAL.—

"(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of this Act, an alien entrepreneur (as defined in subsection (f)(1)), spouse, and child (as defined in subsection (f)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

"(2) NOTICE OF REQUIREMENTS.—

"(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien entrepreneur, spouse, or child obtains permanent resident status on a conditional basis under paragraph (1), the Attorney General shall provide for notice to such an entrepreneur, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

"(B) AT TIME OF REQUIRED PETITION.—In addition, the Attorney General shall attempt to provide notice to such an entrepreneur, spouse, or child, at or about the beginning of the 90-day period described in subsection (d)(2)(A), of the requirements of subsection (c)(1).

"(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Attorney General to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such an entrepreneur, spouse, or child.

"(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—

"(1) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if the Attorney General determines, before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

"(A) the establishment of the commercial enterprise was intended solely as a means of evading the immigration laws of the United States, or

"(B)(i) a commercial enterprise was not established by the alien;

"(ii) the alien did not invest or was not actively in the process of investing the requisite capital; or

"(iii) the alien was not sustaining the actions described in clause (A) or (B) throughout the period of the alien's residence in the United States,

then the Attorney General shall so notify the alien involved and, subject to paragraph (2), shall terminate the permanent resident status of the alien involved as of the date of the determination.

"(2) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that a condition described in paragraph (1) is met.

"(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

"(1) IN GENERAL.—In order for the conditional basis established under subsection (a) for an alien entrepreneur, spouse, or child to be removed—

"(A) the alien entrepreneur must submit to the Attorney General, during the period described in subsection (d)(2), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in subsection (d)(1), and

"(B) in accordance with subsection (d)(3), the alien entrepreneur must appear for a personal interview before an officer or employee of the Service respecting the facts and information described in subsection (d)(1).

"(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTERVIEW.—

"(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

"(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A), or

"(ii) unless there is good cause shown, the alien entrepreneur fails to appear at the interview described in paragraph (1)(B),

the Attorney General shall terminate the permanent resident status of the alien as of the second anniversary of the alien's lawful admission for permanent residence.

"(B) HEARING IN DEPORTATION PROCEEDING.—In any deportation proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

"(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

"(A) IN GENERAL.—If—

"(i) a petition is filed in accordance with the provisions of paragraph (1)(A), and

"(ii) the alien entrepreneur appears at the interview described in paragraph (1)(B),

the Attorney General shall make a determination, within 90 days of the date of the interview, as to whether the facts and information described in subsection (d)(1) and alleged in the petition are true with respect to the qualifying commercial enterprise.

"(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Attorney General determines that such facts and information are true, the Attorney General shall so notify the alien involved and shall remove the conditional basis of the alien's status effective as of the second anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(C) TERMINATION IF ADVERSE DETERMINATION.—If the Attorney General determines that such facts and information are not true, the Attorney General shall so notify the alien involved and, subject to subparagraph (D), shall terminate the permanent resident status of an alien entrepreneur, spouse, or child as of the date of the determination.

"(D) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true with respect to the qualifying commercial enterprise.

"(d) DETAILS OF PETITION AND INTERVIEW.—

"(1) CONTENTS OF PETITION.—Each petition under subsection (c)(1)(A) shall contain facts and information demonstrating that—

"(A) a commercial enterprise was established by the alien;

"(B) the alien invested or was actively in the process of investing the requisite capital; and

"(C) the alien sustained the actions described in clauses (A) and (B) throughout the period of the alien's residence in the United States.

"(2) PERIOD FOR FILING PETITION.—

"(A) 90-DAY PERIOD BEFORE SECOND ANNIVERSARY.—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed during the 90-day period before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(B) DATE PETITIONS FOR GOOD CAUSE.—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Attorney General good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

"(C) FILING OF PETITIONS DURING DEPORTATION.—In the case of an alien who is the subject of deportation hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Attorney General may stay such deportation proceedings against an alien pending the filing of the petition under subparagraph (B).

"(3) PERSONAL INTERVIEW.—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of the Service, designated by the Attorney General, which is convenient to the parties involved. The Attorney General, in the Attorney General's discretion, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

"(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence.

"(f) DEFINITIONS.—In this section:

"(1) The term 'alien entrepreneur' means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(4).

"(2) The term 'spouse' and the term 'child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien entrepreneur.".

(b) ADDITIONAL GROUND FOR DEPORTATION.—Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended by inserting before the semicolon at the end thereof the following: ", or (C) is an alien with permanent resident status on a conditional basis under section 218 and has such status terminated under such section".

(c) CRIMINAL PENALTY FOR IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.—Section 275 of such Act (8 U.S.C. 1325) is amended by adding at the end thereof the following new subsection:

"(c) Any individual who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than $250,000, or both.".

(d) LIMITATION ON ADJUSTMENT OF STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(f) The Attorney General may not adjust, under subsection (a), the status of an alien lawfully admitted to the United States for permanent residence on a conditional basis under section 218.".

(e) CONFORMING AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 217 the following new item:

"Sec. 218. Conditional permanent resident status for certain alien entrepreneurs, spouses, and children.".

SEC. 105. MISCELLANEOUS CONFORMING AND TECHNICAL CHANGES.

(a) Sections 101(b)(1)(F), 202(a), 202(c), 204(b), 204(e), 216(g)(1)(A), 222(a), 244(d), 245(c)(2), and 245(c)(5) (8 U.S.C. 1101(b)(1)(F), 1152(a), 1152(c), 1154(a)(1), 1154(b), 1154(e), 1186a(g)(1)(A), 1202(a), 1254(d), 1255(c)(2), 1255(c)(5)) are each amended by striking "201(b)" each place it appears and inserting "201(b)(2)(A)(i)".

(b) Section 204 (8 U.S.C. 1154) is amended—

(1) in subsection (b)—

(A) by striking "section 203(a) (3) or (6)" and inserting "section 203(b)(3)",

(B) by striking "section 201(b)" and inserting "section 201(b)(2)(A)(i)",

(C) by striking "a preference status under section 203(a)" and inserting "preference under subsection (a) or (b) of section 203",

(D) by inserting "(and, in the case described in section 203(b)(5), specify the point score on the assessment system)" after "approve the petition", and

(E) by striking "The Secretary of State" and inserting "Subject to section 203(b)(5), the Secretary of State";

(2) in subsection (e)—

(A) by striking "preference immigrant under section 203(a)" and inserting "immigrant under subsection (a), (b), or (c) of section 203", and

(B) by striking "section 201(b)" and inserting "section 201(f)";

(3) by striking subsection (f);

(4) by redesignating subsections (g) and (h) as (f) and (g), respectively;

(5) in subsection (f)(1), as redesignated by paragraph (4), by inserting "(as in effect before the date of the enactment of the Immigration Act of 1989)" after "203(a)(4)"; and

(6) in subsection (g), as redesignated by paragraph (4), by striking "preference status" and inserting "status under section 203(a)(2)".

(c) Section 212(a)(32) (8 U.S.C. 1182(a)(32)) is amended by striking "203(a)(3) and (6) and to nonpreference immigrant aliens described in section 203(a)(7)" and inserting "203(b)(2), (3), and (5)".

(d) Section 244(d) (8 U.S.C. 1254(d)) is amended by striking "201(a) or 202(a)" and inserting "201(c) or 202(a)(2)(A)".

(e) Section 245 (8 U.S.C. 1255) is amended—

(1) in subsection (b), by striking "203(a)" and inserting "203", and

(2) in subsection (c), by redesignating clause (5) as clause (4) and by inserting before the period at the end the following: ", or (5) an alien who is applying for adjust-

ment of status to preference status under section 203(b)(5)".

(f)(1) Section 3304(a)(14)(A) of the Internal Revenue Code of 1986 is amended by striking "section 203(a)(7) or".

(2) Section 1614(a)(1)(B) of the Social Security Act is amended by striking "section 203(a)(7) or".

(g) Section 2(c)(4) of the Virgin Islands Nonimmigrant Alien Adjustment Act of 1982 (Public Law 97-271) is amended by inserting before the period at the end the following: "(as in effect before October 1, 1990) or by reason of the relationship described in section 203(a)(2)(B), 203(a)(3), or 201(b)(2)(A)(i), respectively, of such Act (as in effect on or after such date)".

SEC. 106. USER FEES.

Section 286 (8 U.S.C. 1356) is amended by adding at the end thereof the following new subsections:

"(m) VISA FEES FOR IMMIGRANTS.—The Secretary of State shall provide for a schedule of fees to be charged for the filing of a petition for any and all immigrant categories under sections 201(a)(3), 201(b)(2)(A)(i), and 203 (a) and (b). The fees established under this subsection shall be sufficient to cover administrative and other expenses incurred in connection with the processing of petitions for any and all immigrant categories filed under sections 201(a)(3), 201(b)(2)(A)(i), and 203 (a) and (b).

"(n) CREDITABLE FEES.—Notwithstanding sections 1 and 2 of the Act of June 4, 1920, as amended (41 Stat. 750; 22 U.S.C. 214) or any other provision of law, up to $20,000,000 in fees collected by consular officers for issuance of visas and for execution of applications for visas shall be credited to a Department of State account which shall be available only for the payment of the expenses of research, development, equipment, and automation of visa and passport functions, including related software. Each fiscal year thereafter additional amounts of such consular fees may be credited to such account, except that not more than $20,000,000 of such fees may be available for such purposes in any one fiscal year.".

SEC. 107. REPORT ON CUBAN ENTRY INTO UNITED STATES.

(a) Congress recognizes that resumption of the 1984 Mariel Agreement between the United States and Cuba will have a disproportionate impact on particular regions of the United States, notably south Florida. In anticipation of this impact and the increase in demand for certain services, Congress directs the Attorney General, in conjunction with the Secretary of State, to prepare and transmit to the appropriate committees of Congress a report detailing the number of Cubans granted preference visas.

(b) STUDY AND REPORT.—The Attorney General and the Secretary of State shall—

(1) prepare and transmit a detailed projection of the number of Cubans who have applied or have been granted preference immigration visas for entry into the United States; and

(2) such information including the age, occupation, number of dependents, and special medical needs of those Cubans who have applied or have been granted preference immigration visas for entry into the United States.

(c)(1) REPORT DATE.—The Attorney General, in conjunction with the Secretary of State, shall submit the report—

(A) during the first quarter of the fiscal year following enactment of this Act; and

(B) thereafter on a quarterly basis.

(2) In preparing these quarterly reports, the Attorney General and the Secretary of State shall cooperate and consult with State and local officials. Such cooperation should include—

(A) adequate notice as to the number of Cubans who have applied or have been granted preference immigration visas; and

(B) the relevant information required in the quarterly reports which would permit State and local entities to prepare for the increased demand for certain services.

SEC. 108. EFFECTIVE DATES AND TRANSITION.

(a) IN GENERAL.—The amendments made by this title shall take effect on October 1, 1990, and shall apply to immigrant visa numbers issued for fiscal years beginning with fiscal year 1991; except that the amendments made by section 3(b) (relating to immigrant visa petitioning process) shall take effect on the date of the enactment of this Act and apply to immigrant visa numbers issued for fiscal years beginning with fiscal year 1991.

(b) GENERAL TRANSITION.—In the case of a petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1990, for preference status under section 203(a)(3) or section 203(a)(6) of such Act (as in effect before such date), such petition shall be deemed as of October 1, 1990, to be a petition for the status described in section 203(b)(2) or 203(b)(3) of such Act (as amended by this title), as elected by the petitioner, and the priority date for such petition shall remain in effect, except that petitions filed before such date for preference status on the basis of unskilled labor under section 203(a)(6) of such Act (as in effect before such date) shall be deemed as of such date to be petitions for the status described in section 203(b)(3) of such Act (as amended by this title).

(c) ADMISSIBILITY STANDARDS.—When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1990, makes application for admission, the immigrant's admissibility under paragraphs (20) and (21) of section 212(a) of the Immigration and Nationality Act shall be determined under the provisions of law in effect on the date of the issuance of such visa.

(d) CONSTRUCTION.—Nothing in this title shall be construed as affecting the provisions of section 19 of Public Law 97-116, section 2(c)(1) of Public Law 97-271, or section 202(e) of Public Law 99-603.

TITLE II—STATUS OF STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA

SEC. 201. SHORT TITLE.

This title may be cited as the "Emergency Chinese Immigration Relief Act of 1989".

SEC. 202. ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA

The Immigration and Nationality Act is amended by inserting after section 245A the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA

"SEC. 245B. (a) WAIVER OF FOREIGN RESIDENCE REQUIREMENT FOR "J" NONIMMIGRANTS.—Notwithstanding the provisions of section 212(e) of the Immigration and Nationality Act, persons who are nationals of the People's Republic of China may apply for adjustment of status to that of an alien lawfully admitted for permanent residence or for a change to another nonmmigrant status if such national—

"(1) was admitted to the United States as a nonimmigrant under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)), and

"(2) has been continuously resident in the United States since June 5, 1989.

"(b) PRESUMPTION OF CONTINUOUS RESIDENCE FOR CERTAIN PRC NATIONALS.—(1) For purposes of adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1225) and change of status under section 248 of such Act (8 U.S.C. 1228), in the case of any alien who is a national of the People's Republic of China and is present in the United States under section 101(a)(15)(F), (J), and (M), as well as their immediate family.

"(1) who, as of June 5, 1989, was present in the United States in the lawful status of a nonimmigrant, or

"(2) who was present in the United States before June 5, 1989, but who, as of that date was not present in the United States because of a brief, casual, and innocent trip abroad, such an alien shall be considered as having continued to maintain lawful status as such a nonimmigrant (and to have maintained continuously a lawful status) for the period described in subsection (e).

"(c) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with existing regulations, permit an alien described in paragraph (1) or (2) of subsection (b) to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to continue residence in the United States.

"(d) EMPLOYMENT AUTHORIZATION.—Any national of the People's Republic of China who applies for adjustment of status or change of nonimmigrant status under the terms of this section shall be granted authorization to engage in employment in the United States and shall be provided with an employment authorization document or other appropriate work permit.

"(e) DURATION OF STATUS.—(1) Subject to paragraph (2), nationals of the People's Republic of China described in paragraph (1) or (2) of subsection (b) shall have their departure from the United States deferred until June 5, 1992 or until there has been an adjustment or change of status under subsection (a) or (b).

"(2) On or after June 5, 1990, the Attorney General may terminate the status accorded under this subsection 60 days following the date that the President determines and so certifies to the Congress that conditions in the People's Republic of China permit such aliens to return to that country in safety."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a nomination hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Wednesday, July 12 at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to consider the Department of the Interior nominations of Martin Allday, Solicitor; Lou Gallegos, Assistant Secretary for Policy, Budget and Administration; Stella Guerra, Assistant Secretary for Territorial and International Affairs;

and Constance Harriman, Assistant Secretary for Fish and Wildlife and Parks.

For further information, please contact Nancy Blush at (202) 224-3606.

Mr. President, I would like to announce for the public that a nomination hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, July 18 at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to consider the nominations of Department of Energy nominees: Steven Wakefield to be general counsel; Jacqueline Brown to be Assistant Secretary, Congressional, Intergovernmental and Public Affairs; John Easton to be Assistant Secretary, International Affairs and Energy Emergencies; and Michael Davis to be Assistant Secretary, Conservation and Renewable Energy.

For further information, please contact Nancy Blush at (202) 224-3606.

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Senate Special Committee on Aging has scheduled a hearing to discuss rising prescription drug prices and the impact of this phenomenon on the elderly.

The hearing will take place on Tuesday, July 18, 1989, beginning at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Portia Mittelman, staff director at (202) 224-5364.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that two hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The first hearing will begin at 1 p.m. on July 27. The purpose of the hearing is to receive testimony on two measures currently pending before the subcommittee. The measures are:

S. 286, a bill to establish the Petroglyph National Monument in the State of New Mexico, and for other purposes; and

S. 798, to amend title V of the Act of December 19, 1980, designating the Chaco culture archaeological protection sites, and for other purposes.

The second hearing will begin at 2 p.m. on August 1. The purpose of the hearing is to receive testimony on S. 974, a bill to designate certain lands in the State of Nevada as wilderness, and for other purposes.

Both hearings will be held in room SD-364 of the Senate Dirksen Office Buildings in Washington, DC. Because of the limited time available for each hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding the the July 27 hearing, please contact David Brooks at (202) 224-9863, or for the August 1 hearing, contact Beth Norcross of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HEFLIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 11, 1989, at 10 a.m. to hold a hearing on proposals to address duplicate coverage under the Medicare Catastrophic Coverage Program and to consider making the program voluntary as originally approved by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HEFLIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 11, 1989, at 9:30 a.m. to hold a hearing on the Federal Government's collection of information on foreign direct investment in the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. HEFLIN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Tuesday, July 11, 1989, at 2 p.m. in executive session to mark up strategic forces and nuclear deterrence programs of S. 1085, the Department of Defense authorization bill for fiscal years 1990-91.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PROJECTION FORCES AND REGIONAL DEFENSE

Mr. HEFLIN. Mr. President, I ask unanimous consent that the Subcommittee on Projection Forces and Regional Defense of the Committee on Armed Services be authorized to meet on Tuesday, July 11, 1989, at 10:30 a.m. in executive session to mark up projection forces and regional defense programs of S. 1085, the Department of Defense authorization bill for fiscal years 1990-91.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. HEFLIN. Mr. President, I ask unanimous consent that the Subcomittee on Conventional Forces and Alliance Defense of the Committee on Armed Services be authorized to meet on Tuesday, July 11, 1989, at 8:30 a.m. in executive session to mark up conventional forces and alliance defense programs of S. 1085, the Department of Defense authorization bill for fiscal years 1990-91.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. HEFLIN. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate July 11, 2:30 p.m. to receive testimony on the Department of Energy's recent activities in the area of fossil energy research and development and the clean coal technology program; the Department of Energy's fiscal 1990 budget request for the fossil energy program; and relevant provisions in S. 964, a bill to authorize appropriations to the Department of Energy for civilian energy programs for fiscal years 1990 and 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. HEFLIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, July 11, 1989, at 10 a.m. to conduct an oversight hearing on the defense Production Act and competitiveness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HEFLIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate July 11, 9:30 a.m. to receive testimony from the administration on S. 710, S. 711, and S. 712, legislation to provide for a referendum on the political status of Puerto Rico.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MELFORD O. CLEVELAND ELECTED PRESIDENT OF THE NATIONAL ASSOCIATION OF ADMINISTRATIVE LAW JUDGES

● Mr. SHELBY. Mr. President, it is with a great deal of pride that I rise today to pay tribute to a man who has recently been elected to the prestigious position of president of the National Association of Administrative Law Judges—Melford O. Cleveland. This position is the most recent honor in a career that is highlighted by numerous outstanding contributions to the legal profession.

Mr. President, Judge Cleveland made his mark early in his studies at the University of Alabama School of Law where he served as editor-in-chief of the Alabama Law Review and graduated first in the class of 1949. On the heels of this triumph, Melford was off to Yale Law School, the recipient of a prestigious Sterling fellowship.

Completing his academic training, Melford began his legal career in the Office of Legal Advisor, U.S. Department of State in 1951. At various points in his career Melford Cleveland served as a law clerk to Supreme Court Justice Hugo Black, 1952; trial attorney at the U.S. Department of Justice under Warren E. Burger, 1954; and most recently as an administrative law judge, since 1970. Judge Cleveland's career has been marked by commitment to the law and service to his community and peers.

On a more personal note, Judge Cleveland lives on a farm in Shelby County, AL, that has been in his family since 1907. Judge Cleveland shares this farm with his own family, his mother, Frances Cleveland, and his aunts, Carrie T. Head and Sarah J. Head. Judge Cleveland's wife, Belle Stoddard Cleveland shares his passion for the law and works as a staff attorney for Alabama Supreme Court Justice Janie L. Shores. Judge Cleveland's daughter Sarah will conclude her studies as a Rhodes scholar at Oxford in July and plans to follow in her father's footsteps at Yale Law School. Grover Cleveland, the judge's son, is also pursuing the law, as he prepares to enter the St. Louis University Law School in August. Finally, daughter Belle recently received the Dick scholarship at the College of Charleston. This scholarship is awarded to qualified junior history majors who are planning to pursue careers in law.

Mr. President, Judge Melford Cleveland's dedication and commitment to the law are as apparent in his many career accomplishments as they are in the lives and pursuits of his family. His work has made Alabama a better place to live and I am proud to serve as his representative in Washington.●

LAWYERS VOLUNTEERING IN THE PUBLIC INTEREST

● Mr. GORTON. Mr. President, in my capacity as a U.S. Senator and as a fellow member of the Washington State Bar, I would like to extend my sincere thanks and congratulations to Joe Pemberton of Bellingham, who has been awarded the American Bar Association's Pro Bono Publico Award for his commitment to volunteer legal service.

Joe Pemberton created the Whatcom County Volunteer Lawyer Program, which provides representation of the legal rights of the poor and disadvantaged in his community. Remarkably, this program now has the participation of 60 percent of the Whatcom County Bar Association. The volunteer tradition of the legal profession is one of the highest callings to public service for a lawyer. I am happy to acknowledge Joe Pemberton, who exemplifies true public service and encourages all attorneys to meet their volunteer obligations. I know he will continue his model of excellence and service to the legal profession and the community.●

RETIREMENT OF LT. COL. ROBERT "BO" BLUDWORTH, USA

● Mr. NUNN. Mr. President, I would like to take a moment today to recognize the military service of Lt. Col. Robert S. "Bo" Bludworth. After 22 years of service, Lieutenant Colonel Bludworth recently retired from the U.S. Army.

Like almost all the Members of the Senate, I often had the chance to work with Bo during his 5-year assignment as an Army Senate liaison officer. Bo was totally involved in the activities of his office from planning and coordinating trips to providing Senate offices with timely information about the many aspects of the Army.

Before his last assignment as a liaison officer to the Senate, Bo held a wide variety of key assignments in the Army. This service included a tour of duty in Vietnam as a helicopter and ground platoon leader; command of armor units and personnel staff positions in the United States and Germany; an assignment as a division training officer and chief of protocol in Hawaii; and a military science teaching position at the University of West Florida.

In recognition of his achievements during his Army career, Bo has received several awards and decorations. These include the Silver Star, Distinguished Flying Cross (two awards), Bronze Star, Air Medal, Army Commendation Medal for Valor, and the Combat Infantryman's Badge.

Mr. President, on the occasion of Lieutenant Colonel Bludworth's retirement from the U.S. Army, I would like to thank him for the tremendous service that he provided to me, my staff, and the Senate as a whole. Most of all, I thank Bo for the dedicated and effective service that he performed for our Nation as an officer of the U.S. Army. Our country is fortunate to have leaders like Lieutenant Colonel Bludworth.

I wish Bo and his family all the best as he begins a new career in the private sector.●

THE MOST GENEROUS OPTION

● Mr. HUMPHREY. Mr. President, adoption is the most generous option for a pregnant woman who feels she cannot parent her child. It is generous because the birth mother sacrifices. She carries the child for 9 months and then parts with him, not an easy thing. But in return for this magnanimity the child gets life and a loving adoptive family. The adoptive parents get a child to love. These are good and kind results.

The birth mother's selflessness, like all acts of love, ultimately is generous to her as well since the memory of this kindness and the life it preserves is superior to the pall of surgical violation and death, and sometimes better than struggling by herself to raise the child. The Battelle Human Affairs Research Center has recently completed a study that compares outcomes for birth mothers who choose adoption versus birth mothers who choose parenting. The former are as well adjusted and no more troubled by their choice than are the latter. But the birth mothers who chose adoption are more likely to delay a subsequent pregnancy, to marry later, to finish vocational training, and to become better off financially.

I commend Senators to a piece on adoption by Phyllis Schlafly which appeared in the Washington Times on June 6.

Mrs. Schlafly notes that there are millions of childless couples in America who often cannot have children without adoption. These families are a national resource that is now virtually unused. Women contemplating an unwanted pregnancy should know about these families, know what a child would mean to them, and know what they can give a child.

Mrs. Schlafly's agenda for promoting adoption is a good one. She correctly stresses accurate information, help with adoption costs, and rationality and integrity in the adoption process. There are a number of measures before Congress that address this agenda. S. 23 includes adoption referral services in title 10 family planning programs. S. 278 continues a program to reimburse members of the armed services for adoption expenses. S. 277 extends this benefit to all Federal employees. S. 279 provides a tax exclu-

sion for employer-provided adoption benefits. S. 479, sponsored by Senator HATCH, and H.R. 1205, sponsored by Representative LEHMAN, allow a tax deduction for adoption expenses. S. 1192, sponsored by Senator BENTSEN, gives adopted children the same Social Security benefits that natural children receive. The Senate should pass these bills.

The article also touches on two problems that should be rectified. Mrs. Schlafly correctly notes that confusion over the biological fathers' rights has needlessly complicated adoption. This confusion has too often caused unconscionable delays in completing adoptions, and on several occasions, has caused tragic disruptions in adoptions that were thought to be finalized. State legislatures and the courts should clarify these rights and the procedures for meeting them. New York's "putative father registry" is a good idea. In New York, a biological father can register with the State his desire to be party to a decision concerning the adoption of his child. If the father decides not to register, the adoption can proceed unencumbered.

Mrs. Schlafly ends with a problem that has just been graphically illustrated by the search for and public disclosure of "Jane Roe's" birth child. Jane Doe, as everyone knows, is the "Roe" in Roe versus Wade. The fact that Texas would not allow her to abort her child was the object of the case. Thanks to the Texas law that this case overturned, the child was carried to term and subsequently adopted by a couple. Recently because of the notoriety of the Webster case, the National Enquirer decided it would provide good copy to violate this confidential adoption by tracking down the child and her adoptive parents so that the public could ogle them. The paper paid a professional searcher to do the deed. The searcher succeeded, and by all accounts, the child, who is now a teenager, was upset by this wanton invasion of her privacy.

Mrs. Schlafly insists that the confidentiality of traditional adoptions be respected. She is absolutely right about this. Open adoptions are an option in which all the parties are known to each other. However, when the adult parties to an adoption agree to remain anonymous to each other, and agree that the adoption records be sealed, these agreements should be upheld, unless all the parties subsequently agree to forgo confidentiality, or the grown child and birth parents accede to contact.

Certainly, no third party investigator for hire should be allowed to violate the adoption agreement by hunting the birth parents, the adoptive parents or the child; nor should the officials of the agencies entrusted with the records be allowed with impunity to disclose confidential information. There should be stiff penalties for such privateering.

We must be mindful that the primary purpose of adoption is provide a child with a permanent, loving family. The adoptive family is the child's family in every sense. Anything that compromises that debases adoption and harms the child.

Mr. President, Mrs. Schlafly's article is both thoughtful and timely. I ask that it be printed in the RECORD.

The article follows:

THE MOST GENEROUS OPTION

Now that the Supreme Court has tossed the abortion issue back to the legislatures, it's time to promote the adoption option. This will enable us to demonstrate that what is often called an "unwanted child" can be really twice loved.

Texas Monthly, a magazine without any particular editorial bias, recently assigned an investigative reporter to write a factual article on what goes on inside and outside of a Dallas abortion clinic. Nestled among other articles on Texas desserts, Indians in Chihuahua, and modern music, I discovered a factual article on the daily routine in this clinic.

"As patients rest in recovery," the reporter wrote, "counselors push the wheeled aspirators into a small pathology lab. There the contents of each abortion are dumped into a collander and the excess blood rinsed away in a sink. The remains are placed in a dish on a light table; it's a technician's job to be sure the doctor emptied the uterus entirely."

How does the technician do it? "Poking at the bloody mass on the disk with gloved hands, the technician searches for a cord and sac; in a pregnancy over nine weeks, she checks for the presence of two feet and two hands. When she finds them, she holds the tiny fetal parts against a ruler to be sure that their size jibes with sonogram measurements estimating the age of the pregnancy. That work done, the remains are disposed of as medical waste."

What kind of a person could do this job, over and over again, day after day, week after week? There must be a better way to deal with the problem of unwanted pregnancies than by assigning technicians to dispose of dozens of tiny feet and hands as "medical waste."

When George Bush talked about adoption during his presidential campaign last year in response to a question about abortion, I first thought he was straying to the periphery of the issue. It was only when I saw the NBC docu-drama this spring on the Roe vs. Wade case that I realized that the pro-abortion lobby is passionately anti-adoption.

"Jane Roe," the woman who started the case by challenging the Texas law against abortion, did in fact give up her baby for adoption (since the case could not be decided within nine months). The NBC script, however, had Jane Roe and her lawyer make a vicious attack on adoption as something worse than abortion.

In fact, the adoption option is the kindest, most loving, most humane option. It gives the baby the chance to be twice loved in a home where a child is wanted more than anything else in the world.

Yet adoption is the least chosen option when a woman has an unwanted pregnancy (which is definitely not the same thing as an unwanted child). Only about 3 percent of women who give birth out of wedlock give up their babies for adoption.

Ninety-five percent choose to keep their babies, even though this clearly means the baby will be disadvantaged by being raised without a father, and even though the mother often doesn't have a job or other means of support and will fall back on welfare for daily necessities.

Meanwhile, there are 2 million childless couples on agency waiting lists or at fertility clinics who want to adopt the 50,000 babies who become available for adoption—40 couples competing for every adoption. This is a conservative estimate, because thousands of couples have given up or use private or foreign sources, and the number of infertile couples is rising because of social or medical reasons.

Many steps need to be taken to assure that adoption is a viable alternative, both psychologically and financially. We should make sure that so-called "non-directive" counseling of pregnant women is no longer just abortion referral, but includes complete and fair information that adoption is an honorable alternative which will enable them to give their babies the gift of life in a home with two parents who love that child very much.

We should rectify the present ridiculous situation that an unwed pregnant woman can abort her baby without the father's consent but not give the baby for adoption without his consent. We should terminate the rules that allow biological fathers to tie up adoption proceedings for years.

Adoptive parents should have the same tax status for adoptions that parents now have for natural births. Adoptive parents should be allowed tax deductibility for all adoption expenses including the birthmother's medical bills.

The mother who wants to get her problem pregnancy behind her and is generous enough to give her baby to a couple who will give it a loving home should have the absolute right to know that adoption records will be permanently sealed and the adoption is a final act that cannot be reopened. She should not be left with the threat that someday that baby can walk back into her life.●

THE NATIONAL CONFERENCE OF SYNAGOGUE YOUTH

● Mr. MOYNIHAN. Mr. President, many members of the Senate have visited Jerusalem and have had the pleasure of meeting with Teddy Kollek, that city's dynamic mayor. Mayor Kollek is properly proud of his achievements in securing support throughout the world for worthy projects that have enhanced the beauty of Jerusalem.

On such project is the Orthodox Union National Conference of Synagogue Youth [NCSY] Israel Center at 10 Strauss Street in downtown Jerusalem. This center is a major program of the New York based Union of Orthodox Jewish congregations of America and its renowned youth movement, the National Conference of Synagogue Youth. The Center's founding chairman is George Falk, a distinguished New York City communal leader. Thousands of visiting young Ameri-

cans have benefited from the services of the Israel Center since it opened in 1979.

Mayor Kollek recently wrote a warm letter to George Falk expressing his appreciation for the Falk family's role in establishing the center. I would like to share Major Kollek's letter with the members of the Senate and accordingly ask that the letter placed in the CONGRESSIONAL RECORD.

The letter follows:

MARCH 5, 1989.

Mr. GEORGE FALK,
New York, NY.

DEAR GEORGE: You are aware, I know, of the great efforts and achievements we have had in beautifying and developing Jerusalem. In these efforts we were fortunate to have the partnership of our friends from all over the world.

You are prominent among these friends. The Israel Center which you created in memory of your late parents has become an important cultural and social cornerstone of Jerusalem. Indeed, the attention you and your family have paid to making the Israel Center a beautiful institution, truly a compliment to modern Orthodox Jewry, brings me to my next point.

The Israel Center is located in a unique building of special architectural design, situated at one of Jerusalem's main intersections. As it is highly visible, our municipal department of environmental planning is recommending that the stone facade of the building be cleaned, that the balconies, windows and doors of the Israel Center, facing Strauss and Haneviim Streets be fixed and painted a distinctive, Mediterranean color, and that suitable plants be added, meshing with the railing and windows.

This will, of course, not only beautify this busy street corner, but also make the Israel Center much more attractive and visually prominent. We would like to approach you for help with this undertaking.

With kind personal regards and all good wishes. I look forward to seeing you both in Jerusalem sometime soon.

Yours,

TEDDY KOLLEK.●

MANUFACTURING A TRADE POLICY IN AN ERA OF CHANGE

● Mr. DANFORTH. Mr. President, last fall, the distinguished Senator from Pennsylvania [Mr. HEINZ] wrote an article for the Journal of International Affairs entitled "Manufacturing a Trade Policy in an Era of Change."

Few among us have been as actively involved as the Senator from Pennsylvania in the deliberations on U.S. trade policy in recent years. Certainly no one is as well versed as he in the intricacies of our antidumping and countervailing duty laws, or has as extensive an understanding of the President's steel program. He has devoted an immense amount of time and energy to understanding our trade laws, and I am honored to have had the opportunity to work with him in shaping major trade legislation during the past decade.

"Manufacturing a Trade Policy in an Era of Change" is an important article. Delving beyond the surface images of a healthy U.S. economy, it offers a sobering review of our current competitive position. Relying on extensive new research by the Office of Technology Assessment, the article highlights the important contributions of the manufacturing sector to our trade balance and describes the extent to which the competitive position of this sector has deteriorated in recent years. It also includes a substantive explanation of the rationale underlying the Omnibus Trade Act of 1988, and emphasizes the critical point that trade and commercial considerations must be given a prominent place in our policymaking process. Finally, the article offers some specific prescriptions for change—in both attitude and policy—so as to come to grips with our persistent trade imbalance.

Everyone may not agree with each of the proposed solutions, but this article certainly represents a worthwhile contribution to the ongoing debate about U.S. trade policy. I commend my distinguished colleague from Pennsylvania for his work, and ask that the text of the article be printed in full in the RECORD.

The text of the article follows:

[From the Journal of International Affairs, Fall 1988]

MANUFACTURING A TRADE POLICY IN AN ERA OF CHANGE

(By John Heinz)

With the era of eight years of Ronald Reagan drawn to a close—which no doubt fills some with gloom and others with enthusiasm—there is an opportunity to stop to take measure of where the United States is economically and where President George Bush will have to lead us. Determining the proper direction, not to mention exercising the leadership, is no small task, since there remains fundamental disagreement among economists and those who claim to be economists over the state of the American economy, how we got here (wherever it is that we are) and where we go from here. Respectable prescriptions range from more of the same—an updated version of "stay the course"—to radical change.

This article will provide one perspective on those questions by arguing that the United States has some fundamental long-term problems despite the surface good news; that we have reached this point through years of poor management and concentration on the wrong issues; and that we need a new, more coherent approach. My recommendations will not represent a radical departure, but will require a new, more precise calculation of our interests and, most importantly, will insist that we act with those interests in mind rather than with an idealized view of a world trading system that fits our fantasies rather than reality.

WHERE WE ARE AND HOW WE GOT THERE

On the surface, at least as of this writing, the economic picture is suffused with good news. Unemployment is down to levels not seen in fourteen years. At the same time, inflation has stayed low and interest rates, while up from their trough, are not rising rapidly. We stand in stark and favorable contrast to the European Community (EC) in our job-creating ability.

Digging beneath the surface, however, reveals a few slugs and other undesirables crawling around. The high standard of living we enjoy and the consumer buying binge that has been such an important part of it, have produced the largest budget and trade deficits in our history—the former, ironically, a piece of Keynesian pump priming in supply-side clothing that the most liberal of economists would not have thought possible ten years ago.

Maintaining this pleasant but inevitably unstable equilibrium has required a massive inflow of foreign investment that has kept us afloat but has had two more ominous consequences. First, foreign investors give signs of beginning a move out of financial instruments and into equity, including real estate and some high profile industries that are causing many in Congress to have second thoughts about the unqualified benefits of foreign ownership. Japanese interests now own about 40 percent of the office space in downtown Los Angeles.[1] That may or may not be bad, but it should make one think abut the direction in which our economy is heading.

The second result of our twin deficits is a debt greater than any nation's in the world. Americans will pass this debt on to their children and grandchildren for payment, payment which will come in the form of harder work for lower wages and a lower standard of living than we have enjoyed.

As our debt grows, we are losing our capacity to control our own destiny. We are facing constraints on our scope of action due to our dependence on the continued inflow of foreign funds. We have been told, primarily by the Reagan administration, that the cost of pressng Japan or Europe too hard on other bilateral matters could well result in the redirection of foreign funds to other areas, a consequence that would force us to pay our own debts.

It is understandable that this would be an unwelcome development for the administration in power, since it would lead to a significant reduction in demand and/or increases in productivity, which translates into, at best, working harder for less and, at worst, into a recession. Yet extricating ourselves from our debt burden will inevitably mean the same sooner or later. Is it better to begin that process now when it is manageable or later when it is not?

The Reagan administration's benign neglect of the international economy from 1982 to February 1985, followed by its frantic efforts to control this process, led to the roller coaster ride the dollar has experienced over the last six years. First forced to the economic equivalent of Mt. Everest by foreign demand, the administration has now plunged into the Grand Canyon in a vain effort to reverse the tide of imports that led to the rise in the first place. This ride, lasting more than three years, has treated the public to one of the more abstruse policy debates in many years. This debate has concerned the "J-curve," the function which is supposed to demonstrate how exports will recover with the dollar's decline. More than a year ago, in my comments in the Finance Committee report on the Senate trade bill, I mentioned that the "J-curve" in fact was more like an "L," and little has happened since then to change that view.[2]

The reason for this discrepancy is rather simple. When the dollar began to fall in late 1985, foreign producers reacted in a perfect-

[1] Footnotes at end of article.

ly rational way, but not the way economic textbooks predicted. Instead of predictably raising prices to accommodate the currency devaluation, foreign producers kept prices down and sacrificed profits to maintain market share. The result was a continued influx of imports and the rather sad spectacle of the administration's bragging that the monthly trade deficit had fallen first to "only" $12 billion and more recently to $9 billion, figures that might have represented an *annual* tally fifteen years ago.

Recently, there appears to be some evidence that exports are increasing, thanks to the low dollars, but there is still no evidence that imports are declining. Because this is a necessary part of the equation, the result has been a string of monthly deficits that remain at historic levels.

Another crippling impact of the high dollar is that during the mid-1980s it stimulated the movement of manufacturing offshore. Moving manufacturing back to the United States in order to benefit from a relatively lower dollar, of course, is not so easy. We have been forced to learn to live with the internationalization of our production as well as our consumption, a development, as will be discussed below, that by itself requires a sharp shift in perspective.

THE MANUFACTURING SECTOR [3]

Just as some animals were more equal than others in *Animal Farm*, some economic sectors are more equal than others when it comes to measuring our overall health. The manufacturing sector is arguably the most important, both in its contribution to our current problems and in the role it must inevitably play in their solution. Discussing solutions requires a detailed understanding of what has been going on in this sector, and it is precisely this question that has been the subject of greatest controversy.

In my judgment, the manufacturing sector has suffered particularly severely from the macroeconomic changes I have discussed, although elaborating on that statement requires both careful definition and a look at some new data.

Careful definition means avoiding labor's mistake of defining a sector's health solely in terms of the number of jobs, and the economists' mistake of defining it solely in terms of gross output or share of GNP. It also means use of appropriate data. Everything looks better compared to 1982, for example, but for precisely that reason the snapshot is not very revealing.

In terms of jobs, the real picture is mixed. Manufacturing's share of employment has declined, as has the absolute number of jobs in the sector since the 1979 peak. In 1979, there were 21 million manufacturing jobs; by the end of 1987 there were 19.4 million jobs, more than in 1986 but still below the peak.

Some of this decline was due to productivity growth—an average of 3.5 percent per year from 1979 to 1986. At the same time, another part of the decline was due to imports, either directly or through their role in forcing the closure of inefficient plants. This was particularly true in industries where demand was flat or increasing slowly, like steel, textiles and autos. While the late President John F. Kennedy summarized a useful economic truth when he said, "A rising tide lifts all boats," it is also true that when the sea is calm, some boats sink anyway—stagnant demand leaves an industry vulnerable to imports whether these are the result of fair or unfair trade practices—and the workers suffer inevitably because the industry shrinks, either through its lack of competitiveness or its improvements in productivity that allow it to shed workers.

Determining manufacturing's share of GNP, as a new Office of Technology Assessment (OTA) study points out, is fraught with difficulty. Measured in current dollars, the share dropped from 29 percent in 1960 to under 20 percent in 1986, with an increasing rate of decline since 1979. Current dollar analyses, however, fail to deal adequately with productivity improvements.

Constant dollar calculations, on the other hand, vary depending on the assumptions made and the years chosen. For example, the OTA study makes clear that in 1982 dollars, manufacturing has been a steady 21 or 22 percent of total output since the late 1940s; whereas, using 1972 constant dollars it has hovered around 24 percent; and with 1958 dollars around 30 percent. Each constant dollar revision appears to produce a reasonably straight line, but at a lower level.

This phenomenon is related both to the different weights given to industry inputs in different years that distort the actual structure of the economy in previous years, as well as the need to adjust for quality and performance improvements in products that are nominally the same from year to year. (A 1952 and a 1986 car are statistically the same thing, but in terms of actual performance or quality are light years apart.)

In addition, the 1982 results are skewed by the performance of the nonelectrical machinery sector, which included computers, whose gains were so great they offset losses not only in the rest of that sector, but also in the other sectors that make up manufacturing as well. The statistical result of this huge improvement in a portion of one sector is to prop up the share of GNP of all manufacturing. An OTA reassessment of the data, using 1980 constant dollars, showed that manufacturing's share of GNP declined from 23.3 percent in 1972 to 21.9 percent in 1984, with an accelerated rate of decline after 1979, as in the Commerce Department's analysis.

The OTA study suggests fairly clearly that domestic manufacturing production has been declining, but, as is always the case in these matters, production is only one side of the equation. What is unquestionably less controversial is that consumption of manufactured goods has outstripped corresponding domestic levels of production, leading to a growing gap that is reflected in the trade deficit. OTA estimates, for example, that the American share of spending on manufactured goods increased from 23 percent of GNP in 1948 to 27.7 percent in 1986. Meanwhile, manufacturing output in the latter year was 20.5 percent of GNP, a continuation of the declining trend that began in the early 1970s.

Some economists have compared this deterioration to that of agriculture, which over a longer period of time declined significantly as a percentage of the U.S. economy—from 22 percent of GNP at the beginning of the century to 2.2 percent in 1986. This change is used to justify the increased manufacturing share as an inevitable and healthy part of a transition to a postindustrial economy.

The analogy, however, is inexact. While agriculture's share of the economy has declined, its output has not only kept pace with demand, but has also consistently generated surpluses. In the case of manufacturing, not only has the sector failed to keep pace with demand, but demand itself also has increased, as previously noted. This is not the hallmark of an economy in transition, where demand for services is replacing demand for manufactured goods. In fact, from a consumer point of view, the manufacturing sector is alive and well. From a producer point of view, however, it has been seriously ill.

This is not a unique situation. According to OTA, it is reflected in the economies of all the major industrial nations, including Japan, although the sector's "downward slope" has been steeper in the United States.

"As a share of gross domestic product, the U.S. manufacturing sector shrank by 31 percent from 1965 to 1985. This compares to declines of 27 percent in Britain, 23 percent in Germany, and 14 percent in France. Japan, which was still in a stage of industrialization in 1965, saw a decline of only 7 percent over the period. As would be expected, the share of manufacturing in the economy rose in newly industrializing nations like South Korea, the Philippines, and Singapore." [4]

This extended discussion of manufacturing is necessary because analysts and policymakers are increasingly coming to the conclusion that its health is the key to solving our macroeconomic problems. There is little doubt that events in the manufacturing sector are largely responsible for the trade deficit. In March 1988, when the merchandise trade deficit reached a several year low of $9.7 billion, manufacturing accounted for more than two-thirds of our exports and nearly 79 percent of our imports. Eighty-five percent of the 1987 current account deficit was in the manufacturing sector.

The obvious conclusion is that closing the trade gap depends upon some change in manufacturing. This would entail, most likely, both an increase in exports, which seem to be occurring, and a decrease in imports, which has not yet begun. Even the major improvement in March, which featured a 27.7 percent increase in exports over the 1988 average, simultaneously brought a 7 percent *increase* in imports over the 1988 average.

MANUFACTURING VERSUS SERVICES

Beyond the fact that manufacturing constitutes the major part of the deficit, and thus inevitably must constitute the major part of the solution, there is another reason why we need to focus our attention there. In its most simplified form, it is the premise that our economic strength rests on production, not consumption. As William R. Hawkins, assistant professor of economics at Radford University in Virginia wrote, "The long-run replacement of high value-added industry by low value-added industry will undermine the American economic strength. Wealth and power ultimately rests on the power of production, not consumption." [5]

This is not the place to resurrect the debate on whether service jobs are preferable to or as well paying as manufacturing jobs, but the link between the two is clear, computer hardware and software being the most obvious contemporary example. The OTA study concludes that some 8 million service jobs are directly linked to manufacturing; while research by Stephen Cohen and John Zysman at the University of California at Berkeley suggests that the number might be as high as 50-60 million. Advertising, law, banking, transportation, engineering and architecture would be particularly vulnerable to further manufacturing declines.[6] There is little question that most service jobs, whether they are hamburger

flippers, architects or investment bankers, ultimately rest on the production of something, and it is by that production in the manfacturing sector that our strength must be measured.

MANUFACTURING AND FOREIGN INVESTMENT

The crisis in the manufacturing sector is not limited to short-term consequences for the health of our economy. The trade deficit and the Treasury Department's strategy of preserving a lower value of the dollar threaten to produce serious long-term consequences. Anecdotal evidence reflecting concerns about declining production and its impact on our security and independence of action is already beginning to surface, as is concern about foreign acquisition of U.S. property.

The Defense Department is developing a program to determine what procurement is "endangered" in the sense of insufficient domestic production to meet our needs—either presently or in the event of war.[7] Inquiry has focused on sectors such as machine tools, certain computers, specialty steel, forgings and castings, and ball bearings. Some of this concern has been stimulated by Congress, but much of it originated with the Defense Department, as its inability to meet its needs from the U.S. defense base has become obvious.

Likewise, increased foreign acquisition of U.S. companies, such as that proposed in the attempt of Fujitsu to take over Fairchild Semiconductor (although Fairchild was already owned by a different foreign company), has raised concerns both about the transfer of critical technology abroad and about our continued ability to meet our defense needs from secure sources. This concern led to the inclusion of the so-called Exon/Florio Amendment in the trade bill. This provision gives the president authority to block foreign acquisition on national security grounds. The challenge for the amendment's drafters, and for the administration that will ultimately implement it, is to insure that this new authority does not become transformed by the bureaucratic process into a formal investment screening process of all transactions based upon the pretext of an expanded definition of national security.

Sometimes the goals of adequate domestic production and domestic ownership of technology are in conflict. The Pentagon is increasingly finding cases where the best way to maintain U.S. production is to allow a foreign takeover, even at some risk to the technology involved:

"For years, the Pentagon discouraged substantial foreign investment in defense companies, for reasons still cited by opponents of such acquisitions. They say that allowing foreign companies to control vital defense weaponry would leave the U.S. vulnerable in the event of war. They add that a stake in a U.S. defense-electronics contractor could let a foreign company and a foreign government see potentially critical technology—strengthening foreign competitors and increasing the danger of espionage.

"The critics see yet another example of America's technological and industrial dominance slipping away. And their concern is all the deeper because of American defense contractors' increasing purchases of sophisticated parts from abroad.

"But with Frank Carlucci's ascension to the Defense Department's top job, economic considerations have gained ground in foreign-investment decisions. Many at the Pentagon—and in the industry—now say that preventing jobs from drifting overseas and remaining able to crank out weapons at home are more important than lessening the risk of espionage or a loss of face as an industrial power. With the right controls, they believe, the national interest can be protected as well. 'We must not allow ourselves to use this issue as a shroud for protectionism,' says Robert B. Costello, who oversees Pentagon procurement."[8]

Anecdotal evidence, of course, is hardly dispositive, but in the political environment it carries great weight because it represents political, i.e. constituent, pressure for action. When machine-tool manufacturers complain about imports and lost market share, for example, they go first to their congressmen and senators. While that might produce protectionist proposals in the short run, they often are not intended to be enacted—and rarely are enacted—but rather serve as catalysts for a thorough examination of the problem through already existing procedures.

In the machine-tool case, for example, the industry ultimately filed a petition under section 232 of the Trade Expansion Act of 1962 seeking relief from imports on national security grounds. After a year-long investigation by the Department of Commerce and a two-year review by the White House (far too long, in the judgment of everyone associated with this case), the president decided under considerable pressure from Congress, that some action was warranted and directed the negotiation of import restraints to be held with key foreign producers.

This case, along with the 1984 steel section 210 case that was resolved by steel quota legislation, suggest that congressional agitation, though it might ultimately not produce a law, is an action-inducing device that a wise industry will seek to employ. A second conclusion, unfortunately, is that there are inevitably elements in the bureaucracy of any administration that prefer smooth relations with our trading partners regardless of the domestic cost and will oppose actions that might be viewed by our trading partners as disruptive.

Congressional pressure, however, is generally concerned with the short term and specific cases. The big picture is not alien to congressmen, but it is often put on the back burner by the force of current events. In addressing those events we *de facto* make policy more often by accident than design. A better means of focusing on that big picture is needed.

GLOBAL CHANGES

It is precisely that bigger picture that must serve as a background for the changes I have discussed in the manufacturing sector and in foreign investment. These changes cannot be viewed in isolation but rather must be seen as part of a broader series of developments that are taking place world-wide and that have contributed to a decline in our relative position of strength in the world economy. Our share of the free world's GNP has declined in the postwar era from 60 percent to 25 percent and with it, inevitably, a degree of the influence we are able to exert internationally. Several of these changes are worth noting.

Permeable economies

The increasing speed and sophistication of transportation and communications systems have created a true world market for goods as well as services. Who would have thought even ten years ago, for example, that over half our daily supply of fresh carnations and chrysanthemums would come from overseas (Colombia, Israel and Europe)? Satellite communications systems and electronic financial systems now permit virtually instantaneous transfer not only of news, but also of data and business and financial transactions. Approximately $70 trillion of foreign exchange transactions occurred in 1986, more than $200 billion every working day, a volume of transactions that dwarfs trade flows by a factor of eighteen times. More recent figures suggest current financial transactions are more than twice that level. These developments have made virtually every economy accessible to every other and have made the movement of money more important than the movement of goods.

Growth of the trade sector

In part as a result of the permeable economies, foreign markets have become more important both for American producers seeking growth and for foreign producers seeking to take advantage of our open market to promote their growth. While in 1970 exports and imports of goods represented 7 percent of U.S. GNP, in 1987 they amounted to 15.1 percent. This figure, although significant, was still behind that of most European nations.

Demand for discipline

The increased importance of trade has created powerful constituencies for stronger international standards for the conduct of commercial activities and a better means of enforcing those standards. It is no longer only the import-impacted industries such as steel, footwear and textiles that are sensitive, but modern, technologically competitive industries such as machine tools, computers and semiconductors as well as growing segments of the agricultural sector that are joining the chorus of complaints about subsidized imports and access to foreign markets. These complaints translate into the newly popular term "fair trade."

Failure of adjustment

The insistence on discipline in the trading system has also been aided by the almost unanimous failure of developed countries to successfully pursue and implement adjustment strategies for industries that are no longer competitive.

In steel, for example, the United States and the EC represent contrasting extremes of failure. The United States, having had virtually no policy, forced the steel industry to adjust in the most painful way possible. The result was abrupt reductions in employment (from 453,000 in 1979 to 163,000 in 1987—a decline of 64 percent in eight years!) and a series of corporate bankruptcies and mergers. The EC, in contrast, has regularly postponed the pain of adjustment by continuing subsidies and attempting to regulate levels of production between the member nations. The result has not been enough to stop exporting the responsibility for shrinkage to the United States. Parenthetically, it is worth noting that James Clifton of the Center for Industrial Competitiveness has done some preliminary analysis that suggests the United States leads other developed countries in downsizing its basic industries and that the gap in this country is being filled by imports from other developed countries rather than from lesser developed countries (LDCs).[9]

Lack of consensus on rules

The world has witnessed the growing importance of non-Western trade players, whose standards, practices and ways of doing business are at variance with the essentially Western trade system drawn up by

the United States and its European allies in the postwar era. The growing problem of counterfeiting, patent piracy and other forms of theft of intellectual property—books, recordings and tapes, for example—are manifestations of the fact that many of the LDCs and newly industrializing countries (NICs) do not accept or have not developed Western legal standards, and often regard them as instruments of Western economic exploitation. This spring the Thai government was threatened with collapse because of the nation's legislators' resistance to proposals to strengthen Thailand's copyright law.

Recognizing economic change

The United States has personal experience with the difficulty developed nations have in handling LDC industrialization. This is matched by the LDCs' difficulties in understanding the additional responsibility that comes with development. Admitting that a Korea or a Brazil can produce products of equivalent quality more cheaply than we can has been painful but necessary. Persuading a Korea or a Brazil that industrialization should mean a phasing out of the special benefits given LDCs and that a market-oriented system without subsidies offers the best hope of further balanced growth is equally painful, but equally necessary.

The debt bomb

Finally, we have to face the devastating effect of the LDC debt crisis. In recent years nearly 40 percent of U.S. exports went to Third World markets. This figure is greater than that exported by Europe and Japan combined. But LDC debt problems and an inability to finance previous levels of imports caused a $22 billion deterioration in U.S. exports to Latin America alone between 1981 and 1984. This loss in trade translated into the loss of 550,000 jobs in the U.S. export sector.

International Monetary Fund (IMF) action in 1983 and 1984 staved off catastrophe, and reductions in the dollar's value have brought the United States back to the point where exports to Latin America are now only 18 percent below 1981 levels. Nonetheless, there is a growing suspicion that we have at best abated the crisis, but not resolved it. In 1986 alone, the United States lost $70 billion in exports to LDCs compared to what would have occurred had the export growth rate of the 1970s continued; that amounts to 2.1 million jobs.

Most developing countries still find themselves in a slow-growth mode with per capita growth rates over the last five years half the average of the 1970s. Debtor nations, however, complain that IMF austerity programs have failed, and these countries continue to demonstrate growing sympathy for a more development-oriented set of policies with greater World Bank involvement. Secretary of the Treasury James Baker's plan to lend an additional $20 billion has been received skeptically by both LDCs and some U.S. banks. Growing private bank reluctance to provide new funds in the face of increasing LDC resistance to repayment shows clearly the difficulty of arriving at any long-term solution.

The evidence of productivity.[10]

There is no better evidence of the change in global terms of trade than productivity figures. The U.S. rate of productivity growth averaged less than 3 percent per year from 1960 to 1986, although since 1979 the record has been significantly better. Yet over the entire period, our improvement pales in comparison with that of Japan (8 percent), France, Italy, and Germany (5 percent) and Great Britain and Canada (over 3 percent).

It is the earlier years that are the most telling. While our productivity growth rate from 1960 to 1973 was 3.2 percent per year, European countries did significantly better, largely because they were still repairing war damage and investing in new equipment. Japan, which had substantial destruction as well as a lower base, enjoyed an average annual rate of 10.3 percent during this period.

These numbers reflect Europe and Japan's "catching up" to the United States from what amounted to a lower base. They were aided by an exceptionally poor U.S. performance from 1973 to 1979 (1.4 percent per year) that was probably attributable to a rapid expansion of the labor force as well as inflation and oil price increases (although the latter two factors affected other nations as well).

Since 1979, the U.S. performance has matched our trading partners, but the damage was already done. We are now competing on equal terms with Europe and Japan and in some respects may have fallen behind. As with many other developments over the past thirty years, this one may be good for the system and is certainly good for our trading partners. However, it is clearly not so good for us, particularly when viewed in conjunction with other events that occurred simultaneously.

All these changes mean a very different trading system, one in which the United States is no longer the dominant player and in which there is no common agreement on the rules of the game. The consequences for American firms doing business internationally are no more clearly spelled out than in a speech by Cordell Hull, director and senior vice president of Bechtel Power Corp., a company on the cutting edge of large-scale engineering and construction technology. Commenting on the growing need for officially subsidized government support for exports, Mr. Hull said:

"In the 1960's, the U.S. engineering and construction industry did not need as much credit support from Eximbank with respect to other international activities because:

"This country held a commanding lead in technical know-how, equipment quality, and price position backed by strong project-management capabilities;

"Competition from the newly industrialized countries was virtually non-existent;

"Foreign exchange rates were stable and, for the most part, predictable.

"Moving into the 1970's, economic storm clouds gathered as:

"Host countries became more directly involved in project development and consequently required financing for their projects; in response, foreign engineering and construction competitors quickly emerged supported by subsidized government loans . . .

"Emerging foreign competition secured increasingly larger shares of the engineering and construction market with their government's subsidies and support. Further, some of these competitors were state enterprises, directly owned and backed by their governments, able to take extraordinary risks with impunity." [11]

SHUTTING THE WORLD'S DOORS

The other change that Mr. Hull alluded to that impacts directly on our policy and economic performance is the growth of market restraints and barriers abroad. It is common practice among nations, not to mention good domestic politics, periodically to accuse one's trading partners of protectionism. It is axiomatic that it is always easier to blame one's problems on someone else, and foreigners in particular are easy political targets since they do not vote in the United States.

At the same time, however, there is growing evidence, both anecdotal and statistical, that suggests an increasing portion of world trade is becoming subject to restraints of one form or another. The Reagan administration is pursuing more section 301 cases asserting violations of our General Agreement on Tariffs and Trade (GATT) rights or barriers to our products in other markets than in past years. News articles have fully covered our fights over citrus (EC), pasta (EC), beef (Japan), soybean oil (EC), apples (EC), almonds (India), oranges (Japan), informatics (Brazil), fish (Canada), semiconductors (Japan), tobacco (Japan, South Korea), chocolate (Japan, South Korea, Taiwan), insurance (South Korea), motion pictures (South Korea, Canada), ice cream (Canada), eggs (EC, Brazil), lawyers (Japan), telecommunications equipment (Japan), medical equipment (Japan), wood products (Japan) and aircraft (EC), and this is hardly a complete list.

In addition, we have been forced to cope with increasing penetration of our own market by dumped and subsidized goods or by fraud and circumvention of our laws. Those fights are also publicly chronicled: steel (over twenty countries), photo albums (South Korea), textiles and apparel (many countries), various electronic components (Japan and others), forklifts (Japan), raspberries (Canada), potatoes (Canada), lumber (Canada), pork (Canada), brass (several countries) and various chemicals (many countries) to mention only a few.

These specific cases constitute graphic evidence of what observers have begun to report in the aggregate—the growth of nontariff barriers (NTBs) to trade as a way of life in most of the world. The World Bank summarized this trend with a table showing the proportion of trade covered by "hard core" NTBs by region: [12]

TABLE 1.—INDUSTRIAL COUNTRY IMPORTS SUBJECT TO "HARD-CORE" NTB'S 1981 AND 1986

[In percent]

Importer	Source of imports			
	Industrial countries		Developing countries	
	1981	1986	1981	1986
EC	10	13	22	23
Japan	29	29	22	22
United States	9	15	14	17
All industrial countries	13	16	19	21

Source: World Bank, "1987 World Development Report," p. 142.

The bank defines hard-core NTB's as those "most likely to have significant restrictive effects." It lists among them import prohibitions, quantitative restrictions, voluntary export restraints, variable levies, Multifiber Agreement (MFA) restrictions (textiles and apparel) and nonautomatic licensing.

Table 1 leads to several interesting conclusions. First, it is clear that the overall situation is getting worse rather than better—barriers are increasing in virtually every category. Second, the United States lags behind its major counterparts in protection, although we appear to be getting worse at a

faster rate that the others. Third, Japan is clearly the worst offender, particularly with respect to imports from industrial countries, which would include proportionately more manufactured goods and fewer raw materials; but it does not appear to be increasing its hard-core barriers. Fourth, with the notable exception of Japan, developed countries treat their LDC partners worse than their industrialized counterparts.

These conclusions do not suggest the smooth transition to free trade that economists would like to see. In fact, they suggest the opposite: the system is disintegrating rather than coalescing. The 1988 Omnibus Trade Act was intended to be a response to this process.

THE 1988 TRADE BILL

The trade bill, very simply, is a reflection of the congressional view that there is a discontinuity between the way we behave and the way others behave, and the realization that we can no longer afford to go our own way. It was acceptable in the immediate postwar era when the United States accounted for 60 percent of the world's GNP for us to act in ways that were system-reinforcing and that furthered our political or military goals, because the economic cost was small. Rebuilding Europe and integrating Japan into the Western alliance made political sense and there were few, if any, short-term costs.

Now, however, the bill is coming due. Ironically, this is because from an economic rather than a trade policy perspective the playing field has already become level. For years our higher industrial base tilted it in our favor; now we are competing on more equal terms and not liking it.

The softness in our own system is reflected in a poor productivity performance and a troubled manufacturing sector, as discussed above, as well as in our collective inability to discipline ourselves to rectify either of our two budget imbalances.

Our competitors, on the other hand, have discovered short cuts on the road to comparative advantage through such means as the combined use of government subsidies and protection to nurture fledgling industries beyond the point where they are competitive, and the practice of businesses dumping in the U.S. market to capture market share at any price while sustaining themselves in the interim through a protected home market. Both of these practices are market-distorting deviations from free trade principles that in most cases are GATT-illegal. Clyde Prestowitz, author of *Trading Places: How We Allowed Japan to take the Lead*, commented on these tactics as applied by Japan:

"Just as the U.S. government orchestrated industry efforts to put a man on the moon, the Japanese government bent every effort to create world-class industries in such areas as steel, computers, and semiconductors. Critics say that government is no good at picking 'winners' and 'losers.' But the Japanese government hasn't picked aircraft, computers, telecommunications, biotechnology and advanced ceramics as 'winners,' the market has. The government is just making sure that Japanese industries ride with the winners.

"In this context, Japanese companies can sometimes see a long-run strategic advantage in selling in a foreign market at a price below cost or below the price in the home market. Yes, such dumping can mean an immediate windfall for non-Japanese consumers, but it can also allow a Japanese industry to get or keep a lock-hold on an important market.

"For example, the conquest of the U.S. television market, partly by dumping, paved the way for Japan's lucrative monopoly in VCR's. Today U.S. entrepreneurs who wish to build improved VCR's or peripherals cannot, because Japanese suppliers will not provide the critical parts or licenses.

"Similarly, the driving of U.S. semiconductor producers out of key products has made U.S. electronics makers dependent on Japanese suppliers—their biggest competitors. And the Japanese will find it easier to block the entry of new electronic entrepreneurs into the market. Dumping can also protect market share while an industry adjusts to changing market conditions; during the recent rapid appreciation of the yen, Japanese producers held the line on prices, despite profit losses, to give them time to cut costs.

"From the point of view, far from being a gift, dumped products look more like the hot goods of a fence. Of course the consumers get a low price and the fence makes a nice profit, but ultimately, legitimate producers get put out of business." [13]

The United States has historically been less reliant on subsidies than its counterparts and has only recently begun to increase its use of market-closing tactics, often as a response to others' trade distorting practices, as in the case of steel. The trade bill is an indication of congressional determination that our tougher line against market distorting practices should continue. It is ironic that it comes so late and is so weak that it simply amounts to little more than a validation of the somewhat more aggressive position the Reagan administration had already begun in 1986.

WHERE WE HAVE TO GO

While the trade bill points the country in the right direction, no one has ever claimed it alone is a sufficient solution to all our problems. Indeed, action will be necessary on a far broader scale if there is to be any significant impact on the trade deficit, and such action will have to address both our attitude and our policy.

CHANGES IN ATTITUDES

One of the things we should have learned from the trade debate over the past few years is that competitiveness is, among other things, a state of mind and way of thinking; and there are a number of things we can do to recognize our thought processes for competitiveness.

Understand the real basis of our strength

The Reagan administration continued the historical tendency of American governments in the postwar era to define our strength in military terms—the size and credibility of our nuclear deterrent and our ability to project our strength and further our foreign policy goals around the globe. Recent poll data as well as media stories, perhaps inspired by books such as Paul Kennedy's *The Rise and Fall of the Great Powers*, reflect a growing awareness among the populace that the question is more complicated and that real strength at its core is a question of economic power and the industrial base of one's economy. In graphic terms it is the growing realization that a 600-ship navy is an irrelvant objective if you do not have the infrastructure to build it or the money to buy it. It is the suggestion that the issue is not necessarily guns vs. butter, but rather that in economic terms guns *are* butter, and vice versa.

All policy-making involves choices. Understanding the real nature of our strength means making different choices in the future—choices that nurture economic growth and productivity improvements, particularly in the manufacturing sector.

Reprioritize trade policy

This corollary is a logical consequence of the first principle. It is a sad but necessary fact of life in the bureaucracy that decisions are not made in isolation. A decision on whether to press Japan on any of its various agriculture quotas will be influenced by concerns of the Defense Department on possible Japanese reduction in defense spending, of the State Department on a range of pending political issues, of the National Security Council on Japanese political and military cooperation in the Pacific Rim, and so on.

The insertion of these not directly relevant concerns is neither surprising nor troubling; it is an inevitable part of a decision-making process. What is troubling is the fact that nontrade considerations consistently carry the day when trade policy decisions are actually made. The National Security Council, for example, delayed resolution of the machine-tool industry's request for import relief for more than two years, among other reasons because of concerns about the impact it would have on Japan's cooperation with us on strategic matters. Over three years ago, then chairman of the International Trade Subcommittee, Senator John Danforth, succinctly summed up this problem in a speech at the National Press Club:

"For years, trade policy has been the poor stepchild of our Government. It has been shoved to the back of the line, behind foreign policy and tax policy, behind antitrust policy and export controls, and behind any number of other considerations. For the sake of our own people as well as the international trading system itself, the era of second-class status must be brought to an end." [14]

The solution to this problem is not to eliminate these other considerations; nor is it to launch yet another reorganization that will leave the bureaucracy in chaos for another year. Rather it is simply to make decisions that properly reflect our real priorities.

Reevaluate the role of government in the economy

As discussed above, the international trend of events in the trade sector seems to be in favor of greater government direction of the economy, particularly the trade and export sector. The success of Japan in literally creating comparative advantage out of a mix of government subsidies, effective allocation of credit and selective protection has not been lost on its Pacific Rim competitors, beginning with Korea and Taiwan. There are signs that the lesson is also being learned farther south as well. Likewise in the LDCs, what has been heralded as a gradual shift to free market principles in the more successful countries may actually be little more than a shift to smarter subsidies.

That does not mean we should follow the same path. On the contrary, we should continue to do everything we can internationally to insist on free market principles, as the Reagan administration did. To the extent we fail in obtaining worldwide adherence to that standard, we may face over the long run little choice but to adopt some of the same tactics employed by our trading part-

ners. In addition, our experience with the so-called Export-Import Bank "war chest" and with some of our recent agriculture programs suggests that sometimes the best way to deal with other nations' subsidies and market-distorting measures is to demonstrate graphically that we have deeper pockets and are prepared to use what is in them. This is the kind of tactical flexibility that is appropriate to changing global economic conditions and is something we need to keep in the forefront of our thinking as we confront new multilateral challenges.

CHANGES IN POLICY—TO BITE OR NOT TO BITE THE BULLET

The past eight years, if nothing else, have made clear the unwillingness of anyone—the president, the Congress, even the American people—to take decisive action in dealing with our twin deficits. The reason for that is simple: there are no pleasant choices; ergo, there is no one who wants to choose. This final section discusses the policy changes that the next administration will be required to make.

THE BUDGET DEFICIT

Reducing our federal budget deficit inevitably means either increases in taxes or cuts in spending, including defense, or, more likely, a combination of both. Politically speaking, announcing support for a tax increase is akin to announcing one has the plague. It is a ticket to a short political career. Likewise, trying to produce a public consensus on where to cut spending has been futile. As a result, Congress resorted to such ingenious steps as selling federal assets at a discount to raise money and changing the armed services' payday from September 30 to October 1, which had the effect of shifting a large expenditure into the next fiscal year and, in budget terms, freeing those funds for other spending in the earlier year. Sooner or later Congress and the president will run out of gimmicks and will have to face real choices.

THE TRADE DEFICIT

Reducing the trade deficit requires a similar hard choice we have resisted making. The essence of the dilemma is that it is rapidly becoming clear that the easy choice of increasing exports will not work. The dollar's decline in value—too little too late in my judgment—has helped increase exports (up 30.9 percent from third quarter 1986 to first quarter 1988), but as Albert Wojnilower pointed out in a prescient analysis:

"Trying to reduce the deficit rapidly through higher *exports* would produce overheating, draw in much larger imports, and culminate in recession. Even in the longer run, bringing down our deficit by export growth to the other members of the industrial establishment has its limits because it threatens their economies and a political as well as economic backlash. The only sustainable export market is among the developing countries. To increase sales to them quickly, we would have to import more industrial goods from them, pay higher prices for their raw materials, or forgive their debts. While we are doing some of all these things, it is by no means clear that we are ready to [do] so on the large scale required." [15]

The export increases that have occurred, however, have been accompanied by climbing imports. For the first four months of 1988, imports were running nearly 12 percent, or $15.7 billion, ahead of the same period last year. More to the point, they were more than $1.3 billion higher than the last four months in 1987. Subsequent data show some further declines in both exports and imports, but the change is at best glacial. Consumpton is not clearly declining, and until it does, the trade deficit will remain too high, and the increases in savings and investment necessary for our long-term competitiveness will have to be postponed.

It is a dirty little secret of the trade debate that those who pride themselves on being free traders do not like to mention that any effective solution requires reducing imports as well as increasing exports. To reduce the deficit only through the latter would require a more than $150 billion increase in our sales abroad—a level of domination of the global economy unprecedented in human history.

As Wojnilower also points out, however, the means of reducing imports are hardly fashionable:

"The three ways to reduce the deficit through lower *imports* are import substitution, reducing general demand, or protectionism. For the moment at least, import substitution—making things at home rather than importing them—has the same drawback as export increases, namely, heightening the inflationary pressure on domestic resources. Reducing demand is a euphemism for recession. With the United States accounting for 18% of the world's imports, recession here likely would mean recessions abroad and it is doubtful that anyone would come out ahead. One consequence would be certain: protectionism would mushroom everywhere. In fact protectionism is probably the only, though hardly a desirable, way to shrink the trade deficit in a hurry." [16]

This is not a choice members of Congress like to see. They will resist the obvious—some sort of across-the-board import surcharge or other restrictive device—and instead try to define the problem as that of "unfair" trade and fine tune our trade laws to deal with it. Of course, no analyst and no congressman has ever argued that opening closed markets abroad or stopping unfair trade practices will solve more than a fraction of the problem, but we politicians like to believe these problems can be "worked out" through negotiation. Obviously, they should be worked out for the reasons outlined by Clyde Prestowitz above, but we should not be under the illusion that doing so is by itself a sufficient answer to our economic problems.

Ultimately, meaningful progress will require both import-limiting action on our part and action to increase growth elsewhere in the world. Import-limiting action could be either general or targeted. In either case it will hit Japan the hardest. In the spring of 1985, I was among the first to propose an import surcharge on Japanese goods, a tariff increase that would both reduce imports and raise revenue. That idea has not found much favor, but it will return inevitably as the choices narrow.

One action that will probably not work is further reduction in the dollar's value. Although its 38 percent reduction from its 1985 peak (against a basket of currencies) has made a difference, it has not been nearly as great as textbooks would suggest, and there clearly is a limit to how much more juice can be squeezed out of that particular orange.

The reasons for this is simple. Foreign producers elected in many cases to reduce or even eliminate profits and kept prices low to retain market share. U.S. producers, who must have been reading different textbooks than the Japanese, often did the reverse, increasing prices to restore profits that had been missing in the early 1980s. At the same time, U.S. consumers have continued in their determination to buy foreign products regardless of price increases. In some situations, VCRs being the most conspicuous example, there is no significant U.S. producer, and yen appreciation goes straight into U.S. inflation. We have done well so far in reducing the dollar's value without stimulating inflation, but it does not appear that there is much more benefit to be gained from that strategy.

The other choice is increased economic growth elsewhere. Jim Baker, as Treasury Secretary, had pursued this policy with enthusiasm but with limited success. Japan responded, but not in a way that will produce rapid results here. Germany remains paralyzed by its fear of inflation—not entirely irrational in view of its history—and appears willing to live with less economic growth as a consequence. Many of the NICs are constrained by their debt burdens from making much of a contribution. That leaves Taiwan, South Korea and a few others—not enough to make a difference. It remains the right policy, but counting on others to solve our problems is at best naive and at worst foolish. In the end we will have to solve our own problems through our own actions.

Wojnilower's response to this dilemma is that "we must learn if not to love our deficit at least to become more relaxed about it," [17] a reflection of his pessimism about a near-term solution.

The right response is for the private sector to understand the profound challenge we face and for labor and management to work far more realistically and cooperatively. Nevertheless, our government must recognize the urgency of creating a climate for the success of these efforts. We must go directly to the core of the problem and start with a comprehensive blueprint to support and encourage the revitalization of our manufacturing base. Following are some necessary parts of such a blueprint.

Shift the tax system to favor savings and investment rather than consumption; provide tax incentives for research and development

The United States has consistently had the lowest savings rate in the developed world. This has both crippled our ability to make badly needed investments in research and development and infrastructure, but it has permitted the consumption binge that has created our trade and current account deficits.

Devise strategies to create targeted comparative advantage while facilitating adjustment

I first proposed a market facilitating adjustment strategy for industry five years ago. The best approach is not one that is government led or dictated, but one in which the government conditions its support on the industry—labor and management—cooperating to devise solutions to its problems. The government becomes a facilitator not a partner in the process.

Help develop a stronger export mentality among our manufacturers

It is axiomatic in any analysis of American economic history that Americans have ignored foreign markets in favor of the large domestic market. Even those who have sought to export have often not tackled the global market systematically and have gone to it only in times of surplus capacity, pulling back when domestic demand has in-

creased. This has prevented the development of a true export mentality in the United States, in sharp contrast to so many of our trading partners who rely on exporting as an integral part of their economies.

We need to encourage more thinking about exports. The Commerce Department has launched several such initiatives, most recently its Export Now program, and the Export Trading Company Act of 1982 was intended to do the same thing for smaller businesses. We need to pursue these and other initiatives aggressively to help our manufacturers fully undestand the extent to which they are now part of a global market.

Aggressively defined the market system against competitors' unfair trade practices

Stopping dumped and subsidized imports makes economic sense over the long term for both the United States and foreign economies. In the short term, aggressive enforcement limits inports not only in the directly affected sector but more broadly because of the message it sends our trading partners about our determination to support market principles.

Another unfair practice gaining in popularity is patent/trademark piracy. America's lead in innovation is already under siege for legitimate reasons. Theft of technology and outright copying of our products make the problem much worse. The recently passed trade bill will help crack down on this activity, but international negotiation on stronger protection for intellectual property will also be necessary.

Indeed, the entire Uruguay Round can play an important role in the reduction of our trade deficit, not just by opening others' closed doors, but by further tightening the rules on unfair practices, particularly in the area of agricultural subsidies.

Lower the cost of capital by reducing the budget deficit

This has been discussed above, but it is worth reiterating to stress its relevance as part of a comprehensive approach.

Upgrade the capability of the work force through education and retraining

The trade bill takes some important steps in this direction by significantly increasing our job retraining and trade adjustment assistance funds. The decline in unemployment over the past year makes it tempting to put retraining on the back burner. That would be a grave mistake. Changes in the structure of our economy and the nature of our manufacturing sector are coming ever faster. Making sure our work force is prepared to adapt to them is critical.

Better manage our current account deficit by reducing energy imports through conservation and substitution and increasing defense burden-sharing by our allies

Obviously, reducing the trade and budget deficits will also contribute to better current-account control, but reducing our energy and defense bills would be two important steps beyond that, steps that are also justifiable on their own merits.

Following this blueprint is essential for both revitalizing our manufacturing sector and bringing our overall trade problems under control. There is a very real possibility, however, that in some specific cases we may be too late. To the extent that whole industries have already been decimated, recovery may be impossible. For example, the ability of the Japanese to understand interrelated end-use markets in the electronics sector has enabled them to take a commanding world lead in video recorders, video cameras, lens manufacturing, small precision electronic motor design, automatic camera focusing systems, 35 millimeter cameras, television sets, audio recorders, compact disk playback systems, video disk playback systems and high speed digital fiber transmission equipment.[18] The next battleground will likely be high definition television, where our industry faces the same technological, organizational and marketing challenge.

Related to that is the continuing struggle of our high-tech sector to maintain a full range of production of components and finished products, including dynamic random access memory chips. Our ability to develop new generations of products depends on investment in research and development, which in turn depends on earnings from sales of current generation products. Companies that abandon a product line are not just giving up present earnings; they are forfeiting their future.

Our success is also dependent on our ability to rise to the challenge. So long as a Japanese company can take a product from idea to pilot production in three and a half years while an American company takes over five years with about twice as many engineering hours, and so long as a Japanese company can use the same flexible manufacturing system to produce fifty products that our companies employ to make only fifteen, we will not make up the ground we have lost.

Our failure thus far to meet this challenge has meant thousands of jobs and billions of dollars in earnings surrendered overseas. We cannot get them back. We can, however, prevent the same thing from happening again, if we have the discipline and vision to follow the kind of blueprint laid out above.

Finally, President Bush must at all costs avoid a relaxed approach that hopes for favorable trends in the monthly deficit figures, a favorite media exercise. This ignores the real issues, including the serious and continuing erosion of the manufacturing sector that has been the focus of much of this article. While productivity improvements are welcome developments, they cannot substitute for the jobs lost that will not be regained, the factories closed that will not be reopened and most importantly the industries that permanently stopped producing in the United States. These consequences can only be addressed by a sea of change in our thinking. Simply put, we have to understand the primary role that economics plays in our national strength; we have to define more clearly our economic interests, both short and long term; and we have to be prepared to act aggressively to further those interests, regardless of the complaints we might receive from our trading partners. The status quo works very well for them. Nobody should be surprised if they resist changing it.

But our obligation is to pursue policies that are in our interest, not theirs. We have not done that for some years, and it is long past time to make the switch. Nearly 150 years ago, Benjamin Disraeli said, "Free trade is not a principle. It is an expedient." Free trade served the British well, and it served us well, but over the years we have forgotten Disraeli's advice and turned it into the eleventh commandment. It is past time to put it back in its rightful place—a sound policy to be pursued when circumstances and interests dictate—which may not be right now.

FOOTNOTES

[1] Clyde Prestowitz, "Let's Wake Up on Trade," *Washington Post*, 12 June 1988, p. C4.

[2] John Heinz, "Additional Views," *Senate Finance Committee Report on the Omnibus Trade Act of 1987*, Senate Report 100-71, p. 269.

[3] The data in this section are taken from Office of Technology Assessment, "Paying the Bill: Manufacturing and America's Trade Deficit," draft report, June 1988.

[4] *Ibid*, chapter 4, p. 11.

[5] William R. Hawkins, letter to the editor, *The American Spectator*, October 1985.

[6] Stephen S. Cohen and John Zysman, "The Myth of a Post-Industrial Economy," *Technology Review*, February-March 1987, p. 58. (This article was adapted from Cohen and Zysman's book, *Manufacturing Matters: The Myth of a Post-Industrial Economy.*)

[7] General Accounting Office, "Information Relating to Industries Critical to the Defense Industrial Base," draft report, 7 March 1988.

[8] Cynthia F. Mitchell, "Pentagon Eases Stand Against Foreign Stakes in U.S. Defense Firms," *Wall Street Journal*, 28 April 1988, p. 1.

[9] James Clifton, "Why Should the United States Unilaterally Downsize its Basic Industries?", unpublished monograph.

[10] Office of Technology Assessment, "Paying the Bill: Manufacturing and America's Trade Deficit," draft report, June 1988.

[11] Cordell Hull, speech at the "Trade 1984" conference, U.S. State Department, Washington, DC, 25 October 1984.

[12] World Bank, *World Development Report 1987*, p. 142.

[13] Clyde Prestowitz, "Let's Wake Up on Trade," *Washington Post*, 12 June 1988, p. C4.

[14] John C. Danforth, speech at the National Press Club, Washington, D.C., April 1985. Reprinted in *Congressional Record*, 25 April 1985, p. 9428.

[15] Albert M. Wojnilower, "A Trade Deficit for All Seasons," remarks delivered to the Conference Board's 1988 Business Outlook Conference, New York, NY, 10 September 1987, p. 15.

[16] *Ibid.*, p. 15.

[17] *Ibid.*, p. 16.

[18] Richard Elkus, Jr., "Towards a National Strategy: The Strategy of Leverage," presentation at a conference on "Compete or Concede? CEOs Respond to the High-Tech Challenge," sponsored by Rebuild America, American Electronics Association, Congressional Clearninghouse on the Future, 13 July 1988.●

HONORING THE AMERICAN LITHUANIAN CITIZENS BENEFICIAL CLUB

● Mr. CHAFEE. Mr. President, in 1914, thousands of Lithuanians fled their Russian-occupied homeland for the sanctuary of the United States and founded the American Lithuanian Citizens Beneficial Club. Today, I join with all Rhode Islanders in congratulating this organization on 75 years of continuous service to the American Lithuanian community and to the State of Rhode Island.

For three-quarters of a century, the club has eased the transition process for Lithuanian settlers in Rhode Island. At its inception, it provided a forum for American Lithuanians to express freedom of religion and expression long suppressed under Russian rule. Later, the organization helped its members obtain American citizenship.

Sponsoring important educational, social, and philanthropic activities throughout the State, the American Lithuanian Citizens Beneficial Club is truly a valuable asset to Rhode Island. Specifically, it promotes Lithuanian culture, aids the sick and infirmed,

and instructs members in United States history.

As the club celebrates its Diamond Jubilee, we salute the continued commitment and service its members have contributed to the American Lithuanian community and the State. With great appreciation we wish them continued success in all their future endeavors.●

HONORING WILLIAM H. KELLEY UPON HIS RETIREMENT FROM NEW ENGLAND TELEPHONE CO.

● Mr. CHAFEE. Mr. President, I am pleased to pay tribute to William H. Kelley of Narragansett, RI, who will retire this month after 35 years of service to the New England Telephone Co. That longevity, in itself, is noteworthy, but Bill Kelley has become a fixture of Rhode Island's public life. A graduate of Providence College and an Army veteran, Bill Kelley began his work at the telephone company on August 25, 1954, and had a baptism by fire—Hurricane Carol lashed the Rhode Island coast the following day. Bill learned quickly the importance of a cool head during times of crisis.

Since those early days, Bill has distinguished himself both within his company and throughout the State of Rhode Island.

He is the past president of the Friendly Sons of St. Patrick, the Providence Rotary Club, and the Telephone Pioneers. He is a director of Blue Cross-Blue Shield, HMO-RI, and the Rhode Island Heart Fund, as well as a member of the executive committee of the Catholic Charity Fund.

Bill Kelley has represented his company well in his dealings with State government and as an ombudsman for customers, and he has exhibited extraordinary fortitude over the years in his appearance on local radio talk shows.

New England Telephone has recognized his value and as he retires, Bill does so with the title "Director of External Affairs."

By his side during all these years has been his wife Peg, a loving spouse and mother. They are the parents of three daughters, Mary, Margaret, and Maureen; indeed, Mary was a member of my Washington staff in the late 1970's. Bill and Peg are also the proud grandparents of four—Michael, Stephanie, Nicholas, and Joseph.

Bill Kelley is a good Rhode Islander, and we are pleased to call him friend.●

ROBYN E. HARBERT, BRIDGEPORT, WV

● Mr. ROCKEFELLER. Mr. President, it is with great pleasure and pride that I rise to share with my colleagues a very special honor that has been bestowed to a young, fellow West Virginian, Robyn E. Harbert of Bridgeport, WV. Robyn has been honored as a Presidential scholar in the arts in writing.

I place very high importance on encouraging our youth to do well in arts and humanities. Robyn has proven herself to be one of the very best in writing. Robyn is 1 of only 20 American students who have been recognized by the White House Commission on Presidential Scholars for outstanding academic and artistic pursuits. I am particularly proud that she has received this award as it is the highest official accolade achievable by a high school senior in the United States.

It pleases me very much to see a high school student work so hard in her area of interest and be rewarded for her accomplishments. Robyn is a real tribute to her school and all other American students her age. I wholeheartedly support the President in honoring Robyn E. Harbert and West Virginia is proud to count her as one of its citizens. I am sure that my colleagues and my fellow West Virginians join me in congratulating Robyn on this outstanding achievement.●

MICHIGAMME, MI, EMERGENCY CARE SERVICE

● Mr. LEVIN. Mr. President, few services in the communities of our Nation are as vital as emergency medical care. They are literally a lifesaving bridge and they shorten the distance between injury and recovery for thousands of Americans each day. One such emergency care unit is called the Michigamme-Spurr First Responder Team in Michigamme, MI. Recently the Michigamme Town Board recognized the work of this team with a resolution of appreciation. I ask that the resolution be printed in the RECORD and to it I add my own congratulations for a job well done.

The resolution follows:

RESOLUTION—FIRST RESPONDER TEAM

Whereas, the Michigamme-Spurr First Responder Team have served the area for ten years in providing emergency aid to any person in the service area; and

Whereas, these people made great personal sacrifice of their time to take the many hours of training to qualify to provide the emergency service; regardless of weather or time of day; and

Whereas, these dedicated persons have volunteered their time willingly to provide emergency medical aid to the sick and injured; and

Whereas, the First Responder Team is trained and equipped to treat and stabilize a patient until an ambulance service arrives for transport or the patient no longer desires help; and

Whereas, the 11 dedicated people on the First Responder Team; 2 licensed EMT's and 9 licensed attendants; who each carry a pager so they can be reached by Central Dispatch from the 911 number; and

Whereas, 5 faithful people of the team have served the communities for the 10 years; therefore, be it

Resolved, that the Michigamme Township Board recognizes and proclaims on this date June 26, 1989, the people who have displayed such dedication and commitment to their communities.

FIRST RESPONDER TEAM—10 YEAR'S SERVICE

Melvin Bentti, Charles Gardner, Jon Koski, Reino Linne, Karen Moore, Jane Boshears, Roxane Gardner, Linda Koski, John Leaf, Peggy Steele, Stanley Steele.

JEAN HOWE,
Clerk, Michigamme Township Board.●

STEVE LARSON

● Mr. DURENBERGER. Mr. President, I would like to bring to the attention of my colleagues an inspiring story of a constitutent of mine who has truly defied the odds. For so many of us, we take for granted every day tasks of being able to open a door, write a note, drive a car, or even the luxury of not being stared at as you walk down the street. But for Steve Larson who was born without arms these tasks are not automatic. His story is one of struggles as well as successes. His story is a reminder to us all that it is often those without a disability, those who do not understand firsthand the problems persons with disabilities face in our society, who have the most to overcome. Mr. President, I would like to submit for the RECORD an article entitled "Disability Is Society's Problem, Not Larson's," as printed in the Mankato Free Press on June 8, 1989. I believe you will find his story an inspiration to us all.

The article follows:

DISABILITY IS SOCIETY'S PROBLEM, NOT LARSON'S

(By Ross Gersten)

ST. PETER.—A warm June wind blows into Steve Larson's office at the Regional Treatment Center. Larson, a vocational rehabilitation counselor, gently rolls a pen on the floor with his bare feet and muses over the warning a doctor gave his mother while she was still pregnant:

"Your son is never going to lead a normal life."

In one respect, the doctor was right. Born without arms 30 years ago, Larson has traveled a rough road involving teen-age drug abuse to self-sufficiency and fatherhood.

The youngest of four brothers, Larson said his parents treated him no differently than his able-bodied siblings. As an infant he held his milk bottle with his feet, and as an older child was responsible for such household chores as shining his father's shoes.

In this environment, in the small central Minnesota town of Eagle Bend, "for the first several years, I had no insight that I was different," he said.

But at a town picnic when he was about 5 or 6, Larson was reaching for a pickle with his foot when he encountered the stares and frowns of disapproval that would forever mark his identity as a member of the world of the disabled.

"From then on, I developed the notion that I was different. Up until then, I always had a positive outlook. After that I was depressed, introverted."

Though he was mainstreamed easily into school—he had many friends and used a desk that was lowered nearly to ground level so he could write and turn pages with his feet—Larson maintained an attitude of helplessness, frequently using the word "cannot."

Finally, his father, partially disabled by a club foot, exploded.

"He slammed his fist down on the table and told me, 'I never want to hear you say that word again.' That left a big impression on me."

Afterward, Larson tried to envision difficult encounters as challenges, not problems.

When he was 10, his family moved to Brainerd. In gym class, he overcame his fear of water and became an expert swimmer. In school, he participated in such activities as theater.

Once again he was readily accepted by other children. As he discovered, "when a disabled person is comfortable with himself and articulate and can make the other individual less anxious, the chances are better for being accepted."

But entering adolescence, normally a difficult time, was especially excruciating for Larson.

Not only did he stand out for his lack of arms, he stuttered badly and, at 14, developed scoliosis, requiring him to wear a back brace until he was 17.

He became so self-conscious that going into a grocery store and reaching for an item with his foot could turn into a source of great embarrassment.

Also, around that time, he lost one of his greatest sources of encouragement, his father.

Larson turned to drugs. "I was stoned on marijuana every minute of class in the 10th grade," he said.

But he saw the route as a deadend; by the beginning of the next school year, Larson was off drugs. Over the next year, he became more independent, refusing any help in getting dressed.

He overcame the disabled's greatest barrier, transportation, by getting a 1976 Chevy Nova. Modified with controls on the floor, he was able to steer with his left foot and control the gas flow and brakes with his right.

"Getting that car was very significant; it had a lot to do with my self-esteem."

Graduating early, Larson attended a community college in Brainerd, then went to St. Olaf College in Northfield. He became a loner again, using scholarly pursuits as a convenient escape from fellow students, most of whom came from far wealthier families. He earned a bachelor's degree in psychology, again graduating early.

Enrolling at Mankato State University in 1981, he earned a master's degree in vocational rehabilitation counseling. His self-confidence again took an upswing, and he began to see the stares and frowns as the symptom of a larger problem.

"Our society is totally preoccupied with physical appearance," said Larson, who wears prosetheses mostly to make other people feel comfortable. "In Europe or Latin America, they see right through physical appearance. The attitudinal barriers are the most limiting and handicapping the disabled have to face.

"You have to have a great ego to overcome the looks and stares of disapproval from people who can't accept that [disability]."

Also, he said, the sight of disabled persons often reminds ablebodied people of their own mortality.

Shortly after getting his master's degree in June 1983, Larson got his first job, at Brown-Nicollet Industries Shelter Workshop in New Ulm, where he was a case workers with more than 670 mentally ill and mentally retarded clients.

Going to a New Ulm pizza parlor every Thursday evening, Larson came face to face with one of his most persistent fears; women.

In fall 1983, he began a friendly, flirtatious relationship with the night manager. Throughout his weekly visits, he got the feeling she wanted him to ask her out. But there was a problem—he had never dated.

"I had to overcome the fear that as a disabled person, what do I have to offer a person of the opposite sex," Larson said.

After eight monghs of hearing about this woman, a friend told Larson to put up or shut up. Larson gave himself a deadline to get up the courage to ask her out, and traded in his beat-up Chevy for a brand-new Ford Bronco to impress her.

In August 1984, on the last day of his deadline, "I finally forced myself to ask her." She said yes and they went to the movies. On the second anniversary of their first date, they were married.

"The final segment of my identity was secured. I could help other disabled people, I could take society's ignorance, I could take love and be loved."

But, internally, Larson was still fighting.

"Throughout my life, I've had extreme anger at society, at the world, at God—for the obstacles, the fears, the shame, the guilt. It's been a long process to do away with the anger."

As he was reaching outward for love, he was reaching inward for peace. He became a devout Christian, finally accepting his place in the world when he read the biblical phrase "so the glory of God can be seen."

"It was the first line in the Bible I read that explained all that, that good things can come from the bad," he said.

In April 1985, Larson started as a vocational rehabilitation counselor at the state hospital, the final lap to self-fulfillment.

"I always wanted to be a vocational counselor. . . . I've got a job where I can enjoy freedom and exercise my creativity."

Working with about 100 clients, mostly through Nicollet County, Larson also lends his services to Immanuel-St. Joseph's Hospital and Nicollet and St. Peter high schools, working with learning-disabled and emotionally troubled students.

On Jan. 18, his wife, Julie Jo, gave birth to Alexander Dane Larson, and Steve Larson entered the world of parenting.

"The evolution of my self-concept has been lifelong; it was really significant to know I could procreate."

When an ultrasound showed a tiny hand playing with the umbilical cord, "I realized I could be a part of creation without birth defects," he said.

With the same determination he uses to drive, type, bowl, throw a Frisbee, mow his lawn and garden, Larson uses his feet to clothe, feed and change his baby's diapers. While carrying him is impossible, Larson interacts with his infant son on familiar turf.

"My world is on the floor, that's where my desk is . . . and Alex is accustomed to being on the floor."

As president of Southern Minnesota Independent Living Enterprises and Services (SMILES), Larson gives his voice to a struggle he entered 30 years.

"Disabled persons have a right to access to equal opportunity and a right to be treated with dignity," he said.

"Life is a wonderful experience. I wouldn't trade this for a non-disabled life from birth because I've found such beauty and joy through all this grief."●

COSPONSORSHIP OF SENATE JOINT RESOLUTION 78, NATIONAL HOSPICE MONTH

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 78, a joint resolution designating November 1989 as National Hospice Month. This resolution will recognize our Nation's hospices and hospice volunteers for the quality care they provide to terminally ill individuals and their families.

Hospice was initiated in 1974 as an alternative to traditional methods of terminal care. Based on similar successful programs in England, the first hospice programs in America focused on providing palliative and supportive services in-home and in-patient setting. Today's hospices typcially employ a team approach, involving families, religious and community groups, and medical professionals in meeting the human and medical needs of terminally ill persons.

Since 1974, more than 1,700 hospice programs have been developed, with more programs formed every week. This, and the fact that one in four hospice programs are currently eligible for Medicare reimbursement, demonstrates the increasing public acceptance of the hospice concept. Just last year on April 2, 1988, Fulton County admitted its first patient. The agency served a total of 37 patients in its inaugural year, proving there is a vital need for hospice care for the terminally ill and their families.

The increased access to hospice care will be especially important in view of the aging of our population and the need to fully address the health care needs of persons with AIDS. I hope that this resolution will assist hospice programs in recruiting the additional volunteers needed to carry on with this important work.

Mr. President, it must be emphasized that hospice exists to provide as much comfort as possible to the terminally ill as well as provide support to the families. I applaud the goals of hospice, and I am pleased to cosponsor Senate Joint Resolution 78. I encourage my colleagues to join me in supporting this legislation, and I urge its immediate passage.●

CHEBOYGAN, MI, CELEBRATES 100TH ANNIVERSARY

● Mr. LEVIN. Mr. President, this Sunday, July 16, the city of Cheboygan, MI, will celebrate its 100th anni-

versary with a grand community festival at Gordon Turner Park.

In the State of Michigan, you can stand anywhere and never be more than 5 miles from a lake or stream or more than 85 miles from one of the Great Lakes. No better illustration of the natural wealth of our State exists than Cheboygan, a city with a heritage inseparable from the rivers and lakes. Indeed, the name "Cheboygan" is an Indian name meaning "a water passage."

From its early days in the first half of the 19th century as a home for Ottawa and Chippewa Indians, through its incorporation as a city in 1889, to today, Cheboygan has stood the difficult tests of time to emerge as a hub of regional activity.

Visitors to this region bordered by the Straits of Mackinac have made Cheboygan a destination for tourism, including a burgeoning sport-fishing industry. Community leaders have matched the natural beauty of the area with plans for controlled growth that enhances opportunity for residents and protects environmental resources for us all.

Congratulations to the citizens of Cheboygan on the city's first 100 years and best wishes on the century of progress to come.●

THE BLUE KNIGHTS DRUM AND BUGLE CORPS OF COLORADO

● Mr. ARMSTRONG. Mr. President, today, I would like to recognize an outstanding youth organization in Colorado. The Blue Knights Drum and Bugle Corps of Colorado is a nonprofit organization that has been instrumental to the education and maturity of young people. Members of the Blue Knights range from 14 to 21 years of age and are brought together because of their love of music. In a typical summer, the Blue Knights travel over 10,000 miles coast to coast throughout the United States and Canada. During these travels, the corps performs in over 30 contests, parades, and other events.

For the past 3 decades, the drum and bugle corps has provided hundreds of young people with an education of a lifetime. Prospective members are evaluated on their desire to achieve more than their individual talent or basic skills. Through a commitment to the Blue Knights, young adults learn new responsibilities while enhancing self-esteem.

Youth are learning the gratification of participating in a group that is based on common goals and interests. The self-discipline of being a Knight teaches individuality while providing an opportunity to participate in an outstanding musical organization. It has been said that the strength of our country is with our youth, and the Blue Knights exemplify that statement.

The Blue Knights are a flagship for success. This highly competitive musical group is on the threshold of being a premier organization in the world. For the members of the Blue Knights, the dream is becoming a reality. Colorado is proud to have such an excellent group representing our great State.●

NATIONAL SIBLINGS OF DISABLED PERSONS DAY

● Mr. D'AMATO. Mr. President, I rise today to introduce a resolution to designate Friday, September 29, 1989, as National Siblings of Disabled Persons Day.

Inspired by the tremendous love, courage, and devotion generated by the brothers and sisters of our country's 37 million disabled citizens, this resolution will set aside 1 day in the year 1989 to honor all who partake in this special relationship. The members of this group who will be honored have dedicated time and effort to aid their siblings. Their support helps to lower the barriers which their siblings' handicaps present, allowing them to progress and achieve their full potential.

A group of siblings who are particularly active is Siblings For Significant Change, a New York-based advocacy group. This organization eases the strain of helping the handicapped by providing legal and counseling services to caregivers. The organization publishes a newsletter, provides informational media programs, and conducts workshops and conferences for siblings of the disabled. By establishing a network of caring and support, the group provides an invaluable source of strength and renewal for those helping the handicapped. Siblings For Significant Change is an excellent example of what private citizens can do to improve society and shines as one of the thousands points of light which brighten the lives of others.

Mr. President, in recognition of the outstanding efforts of those who help disabled brothers and sisters lead happier and more fulfilling lives, this resolution proposes designating Friday, September 29, 1989, as National Siblings of Disabled Persons Day. A dedicated and unselfish sibling is one of life's greatest treasures, deserving our respect and gratitude. By honoring them, we underscore their importance to the American family.●

CHARLES S. RIVCHUN, CLEVELAND, OH

Mr. METZENBAUM. Mr. President, I rise today to mark the passing of a milestone. Yesterday, July 10, 1989, Charles S. Rivchun of Cleveland, OH, celebrated his 100th birthday. I ask my colleagues to take a moment today to honor him.

To say that Charles Rivchun is an experienced businessman would be one of the great understatements of all time. He has been in the jewelry business for longer than most people live. He began his career at the ripe old age of 14 years, and continues to this day to be an active participant in the daily operation of the family business.

The community that he serves and the customers that he has satisfied over the years know him as a man of integrity and fairness. He has a reputation as a consummate professional and a considerate person. It is a reputation well earned through decades of service to the public.

But I have the great good fortune of knowing Charles Rivchun a little better than most people, and I would like to share some personal observations of the man. He has a strong sense of family. He has been a loving husband, father, father-in-law, grandfather and great-grandfather. His three sons and their wives, and their children and grandchildren have been blessed with a close and warm family relationship.

It should also be recognized that this highly skilled tradesman, this astute and shrewd businessman, continues to have a definite passionate spot in his heart for the newly engaged couples he meets. I know that his kindness to those couples is long remembered as a cherished moment in their lives, as it was for my Shirley and me.

Mr. President, I know all my colleagues join me in honoring Charles Rivchun, a man dedicated to his family, his business, and his community. We wish him continued health, happiness, and prosperity for years to come.●

MORE VIGILANCE NEEDED IN WESTERN ALLIANCE FINANCIAL SECURITY

● Mr. SYMMS. Mr. President, I am going to offer an amendment to the State Department authorization bill that in substance is the same as Senate Resolution 132, adopted by the Senate on May 18, 1989, unanimously expressing concern with recent Soviet economic initiatives, particularly their push to raise funds in Western capital markets. The resolution that we adopted called on the President of the United States to consult with leaders of our allies about the potentially adverse impact on Western security from Soviet financial activities.

Mr. President, I ask that the text of the amendment be printed in the RECORD following my remarks.

It is important that the Senate once more advise the President and the Secretary of State that we have serious concern about what is happening with the Soviet penetration of Western capital markets.

Tomorrow night on the Public Broadcasting System there will be an hour-long documentary program that I would urge my colleagues to watch: The producers of the weekly public affairs discussion program, "American Interests," have produced a special report entitled "Follow the Money," which presents facts and figures about this growing danger of Soviet penetration of Western capital markets to finance their bankrupt economic system.

The amendment I am offering today is an attempt to get the administration to address this fundamental question in East-West relations, that is, how is the Soviet Union financing itself? We are all very well aware the Soviet Union is facing very serious economic problems. The Soviet Prime Minister himself openly admitted to the Congress of People's Deputies the Soviet economy is in trouble. Yet, despite their economic problems the Soviet Union continues to be able to spend between 17 to 25 percent of its GNP on its military. During the mid-1980's the Soviet Union spent some $27 billion in aid, credits, and subsidies on its allies.

It is my contention, shared by many of our colleagues here, that part of the answer to that question lies in the Western banking system. Recently the Soviets have been extremely active in raising money in Western capital markets and it is highly likely that some of that money is being used to finance activities that are hostile to Western interests. This is possible because there are few controls on the funds going to the Soviet Union, which makes it possible for them to divert it to other, noncommercial purposes.

This being the case, the American taxpayer is faced with a twofold cost. First, American banks, and ultimately the American taxpayer, are helping to finance our adversaries. Second, it increases the cost to us to maintain our vigilance and defense against threats to our interests.

Mr. President, I am offering this amendment requesting the President to immediately begin consultations with our allies at the forthcoming economic summit in Paris because I strongly believe that we can no longer afford to ignore this very important aspect of relations with the Soviet bloc.

I must say, in all candor, that there is no evidence the administration responded in any way to the sense-of-the-Senate resolution (S. Res. 132) which we adopted on May 18, 1989, requesting the President to raise this issue at the NATO meetings in Brussels, May 29-30. It is very disappointing to this Senator to see the Senate's advisory role taken so lightly by the President of the United States and the Secretary of State.

But frankly, Mr. President, this Senator is not eager to press forward with substantive legislation to impose penalties or to impose administrative controls because American banks and other financial institutions are not the ones primarily encouraging the problem I want to see addressed. The danger is one that arises because of the lending activities of European and Japanese banks and the attitudes of their governments that pumping hard currency into the Soviet economy is good business. I want the President to take the lead—as we are the leader of the Western alliance—to focus our Allies' attention on this problem.

We must be very careful about what money flows from West to East and what it is ultimately used for. What is needed is more discipline and control in our financial dealings with the Soviet bloc. This is essential for the sake of peace and security of the United States and of the free world.

The text of the amendment to be proposed follows:

At the end of the bill, add the following:

TITLE —

It is the sense of the Senate that during the Economic Summit meetings in Paris, July 14-16, 1989, the President of the United States should consult with the leaders of allied countries on the potentially adverse impact on Western security of tied and untied loans, trade credits, direct investments, joint ventures, lines of credit, and guarantees or other subsidies to the Soviet Union, Warsaw Pact countries, Cuba, Vietnam, Libya, and Nicaragua.●

DEDICATION OF THE STROM THURMOND INSTITUTE AT CLEMSON UNIVERSITY

● Mr. HOLLINGS. Mr. President, on April 22, I had the pleasure of joining Vice President QUAYLE and other distinguished guests at the formal dedication of the Strom Thurmond Institute of Government and Public Affairs at Clemson University. Of course, here in the U.S. Senate, STROM THURMOND is a kind of institution within an institution. Yet the fact is that his career and influence transcend the confines of this body. By any measure, STROM ranks as an authentic legend of 20th-century American politics. He has attained that status not just on the strength of the causes he has championed, but equally on the strength of his character: the extraordinary courage and tenacity and vigor that are his trademarks in politics.

In 1981, Senator THURMOND announced that his public papers and memorabilia would be entrusted to Clemson University, his alma mater. That gift became the cornerstone of the Strom Thurmond Center for Excellence in Government and Public Service, which has now sprouted a magnificent new building on the Clemson campus housing the Thurmond Institute. The institute is a nonpartisan organization dedicated both to academic research and to programs aimed at stimulating citizen participation in government. I am sure I speak for the entire Senate in congratulating Clemson University on the dedication of the Thurmond Institute, and in wishing the institute the best of luck. Certainly it will have its work cut out for it living up to the standard of excellence and public service of its namesake, our very distinguished colleague, STROM THURMOND.

Mr. President, I have a transcript of excerpts from remarks delivered by Vice President QUAYLE and others at the April 22 dedication ceremony. I request that these excerpts be printed in the RECORD.

The excerpts follow:

STROM THURMOND INSTITUTE DEDICATION, APRIL 22, 1989, CLEMSON, SC, EXCERPTS FROM REMARKS

Venerable FREDRICK C. BYRD, Archdeacon of the Episcopal Diocese of upper South Carolina. Let us pray.

Father God, we thank You for Your presence this day, as we set apart this Institute for sound learning, for new discoveries, and for the pursuit of wisdom. Grant that those who teach and those who learn may find You to be the source of all truth and beauty. Father, You gave the gift of vision to those who planned this enterprise. We thank You. You gave the gift of insight to the donors who have made it possible. We thank You. You have given the gift of public service and statesmanship to Strom, who has touched so many of our lives. We thank You. Direct and bless, O Lord, those who will speak, and learn, and search in this place. And help us in word and deed to promote the well being of all of our people and to preserve that which is true, and pure, and good. In the Holy Name of Christ, we pray. Amen.

Mr. BUCK MICKEL [moderator]. It has truly been the most personally enriching experience of my life to be associated with the Strom Thurmond Institute, and it is a part of my life that I will cherish forever.

I would like to publicly thank Senator and Mrs. Thurmond for their tireless dedication to this most important project. As I have contacted people from across the State regarding the Strom Thurmond Institute, I have been amazed at the responses which I have received. Senator Thurmond has done so much for the State of South Carolina. He has touched so many lives, and the people of our State have such respect and admiration for him. It has been my honor to know and work with Senator Thurmond and to be a part of this dedication of the Strom Thurmond Institute.

Dr. MAX LENNON, President, Clemson University. Welcome, ladies and gentlemen. We are here tonight to honor a very special person, a very special family.

For me it is an inspiration as I admire Senator Strom Thurmond as a person, as a diplomat, as a political leader in South Carolina, and as one of the most highly respected men in Washington, D.C. I do not know that I have ever met a person like him, because as you know, as you get busier and busier with all the assignments that are attributed to you, you have less and less time for other people. But Senator Thurmond anytime anyone asks, stops and listens in a most unique way. He is one of our

most distinguished graduates, so as President of Clemson University, it is spine tingling to be a part of an occasion such as this when we gather to begin to celebrate such a person.

We assemble ourselves with a group of admirers and supporters, Senator, in such a way that not only a building, but a program is being put in place that will live forever. It will be a constant reminder to people for many, many generations of what can be done in this great Country.

Represe. tative BUTLER DERRICK. Mr. Vice President, it's nice to have you in South Carolina, Prime Minister Charles, Senator Thurmond, Senator Hollings, Governor Campbell and President Lennon. In 200 years, about 11,200 men and women have served in the United States Senate and House. History will recognize only a handful of these Legislators who are making lasting contributions to their states, their nation and their time. I am proud to be able to tell you that we have someone here today who will be remembered by historians as both a leader and statesman of his time, Senator Strom Thurmond. His commitment to our State and our Nation has spanned more than 66 years. First as a teacher in Edgefield County, where we are both from, and other positions and now as a United States Senator. It is my privilege to serve with him in the Congress of the United States.

Senator HOLLINGS. Today we honor the revolutionary. In 1941, immune from military service as a result of his post as Circuit Judge in South Carolina, Strom revolted against that immunity, volunteered, landed on D-Day in Normandy, won a Purple Heart and was decorated 18 times by three countries. In 1947 as a young Governor, he revolted against community opinion and pressured the prosecution of 31 white men for the lynching of Willie Earl, a black man. South Carolina has not had a lynching since. In 1948, Strom said originally there was not a dime's worth of difference between the two parties, and he organized a third one, ran as its presidential nominee and won more electoral votes than George McGovern and Fritz Mondale put together. In 1954, he revolted against the selection of a Senate nominee by the South Carolina Democratic Executive Committee and ran and was elected as the first and only write-in United States Senator in history.

I could go on, but we have a distinguished main speaker here, the Vice President, today. My point is that whenever the crisis arose, Strom met it without a political poll, with conviction and courage, as a leader, and he was right. Absolutely fearless, he would debate you around the clock, and he would wrestle you to the floor. Absolutely tireless, he is in constant motion for the people of South Carolina.

People who say they do not trust politicians anymore may be waiting for politicians to behave as though they trust the people. Strom Thurmond trusts the people. He is the epitome of public service, a constant inspiration to me. It is entirely appropriate that this Institute be named for Strom Thurmond. You know, habitually, a university to honor a person, would name a building or institute after them, but today this is the reverse. Clemson University is honored by its association with South Carolina's greatest statesman, Strom Thurmond.

Prime Minister EUGENIA CHARLES. It is not often that politicians are recognized while they are still alive and still serving. You are fortunate, Senator Thurmond, that the years you have served have allowed you the opportunity of seeing your public service appreciated. Perhaps the most striking memory for me of this occasion is the unassuming manner, the laid back attitude, with which you have accepted the recognition given to you by this inauguration and the naming of the Institute for you.

Listening and observing you this weekend would lead one to believe you are saying, "That is all well and good. Thanks to all of you who have made this Institute a reality. But let us get on with what really matters—ensuring that this Institute performs the task we have envisioned for it—that it be influential in making America a better place for all who live in it." I can understand your motives, though I still marvel at the attitude that you have shown.

On behalf of my country, I pledge our fullest cooperation with the Institute so that we together can build a better world.

Gov. CARROLL A. CAMPBELL Jr. The legacy of service to the people of South Carolina that was established a century ago by Thomas Green Clemson is personified in the man Strom Thurmond, a 1923 graduate of this University.

Those of you who might know me have probably heard me say that I probably would not be Governor if it were not for Senator Thurmond, and the direction which he has provided me throughout my political career. I am one of the few people in politics today who has never worked for him, but I have learned a lot from him.

Over the years I have learned many lessons from Senator Thurmond—not the least of which is to never forget where you come from. This is the epitome of the leadership that Strom Thurmond has provided throughout his career. There is not a person in South Carolina who has not been touched by the work of Strom Thurmond. Whether it happens to be the roads of South Carolina, the schools of South Carolina, the jobs that are created in this State, Strom Thurmond has had a hand in it. All of us have benefited from his commitment to our State.

Today we dedicate the Strom Thurmond Institute to the future leaders of this State. In addition to providing a forum for the exchange of ideas and the development of new ideas, 36 tons of Senator Thurmond's papers and materials will be archived here as a part of South Carolina's history. He just sent half of it, I think. As you know, Senator Thurmond is a frugal man. Frugal with our tax dollars as he is with his own dollars. He has never been known to throw anything away which might serve a useful purpose in the future, whether a scrap of paper or a paper clip.

Senator Thurmond, for all the opportunities that you provided the people, and for all of the lives that you have touched through your generosity and compassion, we thank you.

Vice President QUAYLE. When I was talking to President Bush yesterday and we were going over our weekend plans, I told him that I would be coming here. He has fond memories of when he was here, Strom, as the Vice President at the groundbreaking ceremony. Now, I am here as Vice President at the dedication, and I cannot wait for what the next Vice President will be doing down at the Strom Thurmond Institute. I am not only personally delighted and honored to be here, but to share the President's comments to me, to you and to Nancy and your family, the friends of Clemson and the friends of yours who are gathered here in South Carolina. President George Bush said of Strom Thurmond to me, "Strom Thurmond is, in fact, one of the outstanding public servants in our American history."

That you truly are, Strom. As I have moved on to the Office of Vice President, some might not say up but on, Fritz and Strom would appreciate this, a friend of mine in Washington the other day introduced me as a former Senator, somebody who used to have an important position in Washington, D.C.

I can recall with fond memory, many times in the United States Senate, walking in and there being a Thurmond amendment or a Thurmond bill on the floor. You would walk down the aisle to find out exactly what it is, and Strom would be there to coach you. Fritz knows what I am talking about, too. The coaching of Strom Thurmond is a very firm grasp of his hand around your bicep, saying very gently in that southern language that he speaks so well, "I need your vote." If there was any procrastination, the tighter the grip got; And I learned very quickly, Fritz, I don't know about you, I said yes early on. Because Strom Thurmond is tenacious. If you don't believe me, you can see the imprint that is still with me from Strom Thurmond for my years of service with him in the United States Senate.

Not only was he willing to gently and politely take on his colleagues in the Senate, I will always remember the diplomacy and the artful skill of your senior Senator from South Carolina in a meeting with President Ronald Reagan one day talking about his favorite issue—textiles. There was a group of about 10 or 15 of us. We were all sitting there and the President was standing, and all of a sudden Strom Thurmond rose, and we knew what was on his mind. We knew that here was the President of the United States and Senator Strom Thurmond. We were wondering who was going to win this one. Strom, in his very best, says, "Mr. President," and you know what a supporter Strom was of Ronald Reagan, "you know I love you, and I respect you and I always vote with you. But on this issue, Mr. President, you're getting bad advice from your advisers." Then he commenced to chew out the advisers right in front of the President of the United States. That is your Senator!

I certainly believe that in participating in this dedication ceremony here today, all of us are helping to launch a unique educational institution. A home not only for books and scholars and archives, but for ideas. Ideas that will shape the future of our nation. Indeed I would go so far as to say that nothing is more decisive for the health and well being of a country than the ideas its people have about the fundamental issues of public policy.

Fortunately we live at a time in history when the idea of freedom—free elections, free markets, freedom of choice—has captured the imagination of the world. Once it was competently asserted that socialism was the wave of the future. Today even the socialist countries know better. Today it is clear that freedom works, the market works, not just here in America, but nations everywhere in the world.

The question facing us today is this; How do we transform the promise of freedom into a better life for all Americans and for all of mankind? How do we design public policies that promote growth, that foster opportunity and that strengthen the peace? These are the issues that Strom Thurmond has been concerned with throughout his long and distinguished public career—issues

that the occupants of this building will be pondering in the years to come.

Of course, you and I all know that there are no final answers. Every discovery opens up new avenues of inquiry. Every policy idea poses new issues, new complexities and all sorts of unexpected twists and turns; and though the journey is an endless one, it is very much worth making. For in the very process of making it, we find that we, too, are somewhat transformed. We grow rich with experience, ripe with wisdom and razor-sharp with knowledge. In short, we become a little bit like the man who we are honoring today, Strom Thurmond.

So, Strom, I congratulate you on this remarkable building that bears your name, your heritage, things that you stand for. I can only hope that along with your papers and your memorabilia, a bit of your spirit has entered into these walls to inspire and instruct the men and women who will follow in your footsteps. Strom Thurmond, you as an individual, are an institution. You are the one that has advanced the power of ideas. You have put ideas on the table, you have waged the philosophical and ideological battles throughout your public service. And so today we are here to dedicate the Strom Thurmond Institute in your name, for your heritage and for what you have done not just for South Carolina, but for a nation and for our world. Thank you, congratulations on a job well done, and God Bless you and your family.

Mrs. NANCY MOORE THURMOND. Vice President Quayle, Dr. Lennon, Dr. Fleming, family and friends. It is a great pleasure for me to respond on behalf of our family at the dedication of the Strom Thurmond Institute. As I sat here listening to these distinguished and illustrious speakers, I thought back to the time that our youngest child, our son Paul, was talking to his young friend, Brandon Fitch of Aiken. Brandon asked Paul why we live in South Carolina and his Dad worked in Washington. Paul scratched his head and said, "That is simple. Dad could not get a job in South Carolina."

Strom mentioned that he was graduated from Clemson 66 years ago this spring. Now, I well remember the good old Tiger days myself when shortly before we were married, Coach Frank Howard pinned a corsage on my lapel and said, "Nancy, honey, have you heard the news? The Atlanta Constitution just ran an article announcing the birth of Strom's third wife." Yes, the future is bright, both for the Institute and for Strom Thurmond.

Over the years, Strom has been so very interested in Clemson University. He once even tried to give our children to the Institute along with all his papers and memorabilia. On behalf of our entire family, from our senior, most admired and loved member, Gertrude Thurmond, who could not be here today, to our littlest angels, Ashile Cook, Brian Young and John Andrew Bishop, we say thank you for honoring Strom in such a meaningful and lasting way.

To Dan Quayle, our dynamic Vice President, we express our deepest gratitude for your presence here today. Dan, you have truly put the mission of the Strom Thurmond Institute on the map.

To our elected leaders, our distinguished Governor, Carroll Campbell; my Senator, Fritz Hollings, and Peatsy; my Congressman, Butler Derrick, and Beverly; God's miracle Congressman Floyd Spence, and all of our other elected officials, for your participation here today, we say from the heart, thank you.

And last, to you, Strom. You are incredible. You are one in a million. When you were born, God did away with the mold. Strom, you have made us very proud. We appreciate you for your compassion and selfless desire to help your fellow man. We respect you for your integrity and sterling character. We admire you for your energy, stamina and vitality. And we love you because we just cannot help it. Strom, your mother and your father must be smiling proudly down on this day on their son, J. Strom. Now that you have had your day in the sun, knowing you Strom, as I do, you will not rest on your laurels, but will work even harder to do your very best as you serve the people of our state and nation. When the Great Scorer comes to mark against your name, He will surely say, "Well done my good and faithful servant."

We thank all of you who, by your presence here, have demonstrated that through education and the pursuit of excellence, we can climb to the top of the mountain and meet the challenges of tomorrow. An old Chinese proverb summarizes what I envision for the Strom Thurmond Institute and the role it will play for generations to come. The Chinese proverb goes like this: I hear and I forget. I see and I remember. I do and I understand.

God Bless you, Strom and God Bless all of you. Thank you.

Dr. Horace Fleming, Director, Strom Thurmond Institute

To Senator Thurmond. It is very difficult to say thanks to Senator Thurmond. You try many different ways, and there is just no way adequately to do it. But he is a unique individual. I have a favorite saying and it is as follows. So many of you can identify with this. It is attributed to many different persons, but I attribute it originally to Sir Isaac Newton. It goes like this, "If I have seen further, it is by standing upon the shoulders of Giants." Senator, we thank you for allowing so many of us to stand upon your shoulders. We have seen more and we have been further than we ever could have hoped without that. God Bless you Senator and Mrs. Thurmond. God Bless each of you here.●

THE FEDERAL EARNED INCOME TAX CREDIT [EITC] IS A REALISTIC TAX RELIEF PROGRAM THAT IS NEEDED TO HELP THE POOR

● Mr. BOSCHWITZ. Mr. President, today I wish to share with my colleagues a column written by Robert J. Samuelson which recently appeared in the Washington Post. Mr. Samuelson endorses the earned income tax credit program [EITC] as the preferred means of aiding low-income workers with one or more dependent children.

Mr. Samuelson states correctly that the poor must pull themselves out of poverty by joining the work force. I agree that the Government can best assist the poor by helping them help themselves. That's why I have introduced legislation to expand the existing program.

The column goes on to express dissatisfaction with proposals simply to increase the minimum wage because neither the poor nor family heads typically work for minimum wages. Usually teenagers fill this role. Ultimately, the minimum wage bill as it stands would not help the people it was created for.

Mr. President, we need to take constructive steps to help the poor people of America. The EITC is not a Government handout. It merely reduces the tax burden of the working poor. I encourage my fellow Senators to consider Mr. Samuelson's column carefully, and to join me in support of legislation to help the poor by expanding the EITC.

Mr. President, I ask that Mr. Samuelson's column be printed in full in the RECORD.

The article is as follows:

HELP THE WORKING POOR

(By Robert J. Samuelson)

If we have learned anything about curing poverty, it is that the most important kind of help is self-help. Government programs don't pull people out of poverty; people pull themselves out of poverty. That's why the problem of the "underclass" is so stubborn. People in the underclass aren't just poor. They're so unemployable, hopeless or welfare-dependent that they've lost the ability or the will to overcome their poverty.

By that point, the chances of government even helping are slim. What government can best do—but isn't—is to help those who help themselves. It can provide tax relief for the working poor. This is the most straightforward way of aiding many poor parents and their children. The poorest workers deserve to keep all their wages. Taxes simply push them closer to welfare, where their prospects diminish and they become a burden on society. Tax relief is common sense and fortunately there's a mechanism to provide it: the federal earned income tax credit (EITC).

The credit is refundable, which means that the poorest workers get money from the government. The credit is now 14 percent for workers with children (others aren't eligible) on earnings up to $6,500. The maximum credit of $910 applies until earnings reach $10,240 and then is phased out. This maximum credit should be raised to somewhere between $2,500 and $3,000, with a larger credit for larger families. The credit should also be phased out more gradually, so that working parents with incomes up to about $20,000 would have their federal taxes cut significantly.

What's interesting is that liberal and conservative poverty specialists have reached a striking consensus that expanding the EITC is desirable. "It rewards people for taking responsibility for their own lives," says Robert Rector of the conservative Heritage Foundation. And, writes liberal economist David Ellwood of Harvard in his book, "Poor Support" (Basic Books, 1988): "People are helped without any need of a stigmatizing, invasive, and often degrading welfare system. . . ."

So what are Congress and the president doing? Almost nothing. They want to be seen as helping poor families—without finding the money. It's cynical political theater.

There are some worthy proposals. Reps. Thomas Petri, Republican of Wisconsin, and Thomas Downey, Democrat of New York, have offered plans to increase the EITC. President Bush's child-care program involves a new tax credit for working parents of children under the age of 4. But these

modest proposals aren't going anywhere, and the Bush plan aims mainly to prevent Democrats from stealing the child-care issue. Most Democrats pretend they're helping the working poor by favoring direct child-care subsidies and a higher minimum wage. These measures would aid the poor in haphazard and ineffective ways.

Consider first the minimum wage. The House and Senate have passed legislation raising it to $4.55 an hour by late 1991, up from the current $3.35. Bush, who has supported an increase only to $4.25, is expected to veto the congressional measure. He should. Congress is raising the minimum for only two reasons. First, it's something for nothing; it seems to provide a benefit without requiring Congress to vote for higher spending. And second, more than 70 percent of the public supports a higher minimum.

But this enthusiasm reflects bad information. Minimum-wage workers are not primarily from poor families. Nor are they family heads. Mostly, they are teen-agers and young adults (nearly 60 percent are under 25) or second earners. In 1988, less than one in seven was a family head. The main effects of raising the minimum would be to increase inflation and unemployment slightly. Businesses would react by either boosting prices or providing fewer job opportunities for the least-skilled workers.

Day-care subsidies are an even more dubious exercise. Under legislation approved by the Senate Labor and Human Resources Committee, families could receive subsidies if they place children in paid day-care arrangements. Families with up to a state's median income (almost $33,000 nationally) would be eligible. Government should help needy families, regardless of how they raise their children. It shouldn't subsidize one style of child rearing over another. This bill would do precisely that.

If mom and dad juggle work schedules so one parent is always home, they wouldn't get a subsidy. If grandma takes care of the child free, there would be no subsidy. Even a single mother who uses a day-care center might miss the subsidy because the eligible population dwarfs the likely funding. Perhaps 1 million children out of an eligible population of 18 million could be subsidized with the authorized $2.5 billion. The legislation's popularity is based on its "appearance of generosity" and "false hopes" as Sen. Nancy Kassebaum, Republican of Kansas, notes. It's political grandstanding. The point is to deceive.

Providing extra cash to a whole class of working parents is more honest and effective. Everyone who is eligible gets a benefit. It lets parents decide what their most pressing needs are. It minimizes bureaucratic overhead costs. Because some families receive money from the government, it's easy to see the EITC as a handout. That's wrong. For the poorest workers, even an expanded EITC would only crudely offset all their nonincome taxes: Social Security, excise and state and local sales taxes. For better-paid workers, it would merely reduce their total tax burden.

In an era of big budget deficits, government need not be paralyzed. Good programs can be financed by ending less worthy spending programs or tax breaks. The expanded EITC outlined here would probably cost about $10 billion. There are ways to raise that money. An existing tax credit for child-care expenses costs the government about $4 billion annually. It should be eliminated. Three quarters of the benefits go to the wealthiest half of families; only 3 percent go to the poorest 30 percent. Another $5.5 billion could be raised by requiring that capital-gains taxes be paid on stocks and bonds when the owner dies.

It should be easy for liberals and conservatives to agree to help the working poor. The only obstacle is hard political work—making choices and upsetting some constituents. Sadly, it's quite an obstacle. Much as the working poor deserve tax relief, they probably won't get it.●

POLISH PROGRESS TOWARD FREEDOM AND DEMOCRACY

● Mr. RIEGLE. Mr. President, June 28, 1989 marked the 33d anniversary of the Polish workers' revolt of 1956—a violent and tragic day in Poland's history. Unfortunately, June 28, 1956, was but a prolog to the long struggle of the Polish people against its Communist oppressors. As we commemorate the anniversary of the 1956 revolt, however, we cannot ignore the recent and promising moves which Poland has made toward democracy.

On June 28, 1956, workers rioted in protest over severe and protracted food shortages. The intensity of worker unrest in 1956 brought an impending political crisis to a head, and ushered in the return of Wladyslaw Gomulka to power. Under Gomulka's leadership, Soviet reintervention in Polish affairs was successfully resisted. For 6 years, the acquiescence of Soviet political authority allowed Poland to undertake a substantial economic reform program betwen 1964 and 1970. Yet, despite progress in economic reform, the Polish economy continued to languish under Moscow's lumbering economic and political controls.

In 1976, 1978, and in July 1980, cycles of popular unrest—largely in reaction to Poland's chronic economic ills—continued to challenge the legitimacy of the Communist government. By the early 1980's, the Polish labor movement had coalesced into a vital and coherent popular force behind democracy and the secession of Poland from Soviet domination. Both the consolidation of Poland's labor movement, and the recent strides towards liberal reform in the Soviet Union, have led to the recent political developments in Poland.

During the past 3 months, there have been unprecedented moves by the Polish Communist Party to incorporate the democratic labor union movement into the political process. In April, the Communist Party and opposition groups reached an agreement on the shape of Poland's new legislative apparatus. According to the April roundtable agreement, 161 seats of the 460-seat Polish parliament—the Sejm—were opened to contest between party and opposition candidates in the election of June 4. In addition to reform of the Sejm, the roundtable participants created an upper house of 100 Senators. The new Senate may veto any legislation which originates in the Sejm. Senate vetos can be overrided by the Sejm, however, with a two-thirds vote. All 100 seats of the Senate were opened to party and opposition candidates in the June 18 election.

On June 4, Solidarity candidates won almost 35 percent of the Sejm, taking 160 of the 161 available seats. On June 18, 99 of the 100 Senate seats fell to Solidarity. Legislation from the Sejm can now be effectively blocked by opposition representatives. The results of both elections represent both a clear vote of support for the Solidarity movement and lack of confidence in the Communist Party leadership. As a block, Solidarity can now effectively veto any government legislation that is proposed in the Sejm.

Mr. President, I can only look upon the recent election successes of Solidarity as a free and clear expression of the Polish people's will. However, the future of United States-Polish relations will depend on the Polish Government keeping its word to the people of Poland. Furthermore, United States economic and technological assistance to Poland will also be contingent on the Polish Government's actions.

I believe that President Bush's visit to Poland this week is another encouraging step in United States-Polish relations. For the first time during an official state visit, a U.S. President was greeted by a representative of Solidarity, and President Bush was allowed to meet with Solidarity leader Lech Walesa. President Bush offered a $115 million aid package, on Monday, before a session of Poland's new Senate. One hundred million dollars of the package will be directed to assistance of Poland's private sector. The remaining $15 million will be spent on an environmental cleanup of Krakow. In addition to the $115 million package, the President promised Poland's Senate that he will press for approval of $325 million in loans to Poland now being considered by the World Bank.

I believe that the President's proposals are promising and signify a new beginning in United States-Polish relations. Mr. President, today I urge my colleagues to join me in voicing my support for Solidarity and the Polish people and their efforts to promote freedom and democracy in Poland.●

GWENDOLYN BROOKS

● Mr. SIMON. Mr. President, for more than 40 years Gwendolyn Brooks has been enriching American literature with her poetry. She has continued to capture and convey the many different aspects of black American culture through her poetry topics, which range from poor children and

racial discrimination, to peace, happiness, and the celebration of life. Ms. Brooks has painted a vivid picture of black culture, its strengths and weaknesses, and its impact on society.

Gwendolyn Brooks' zest for life coupled with her passion for writing makes her one of the most loved and well respected poets in America. Her books, lectures, and readings come from the heart.

Jacqueline Trescott, a reporter for the Washington Post writes:

In the late 60's, the time she [Ms. Brooks] considers the most exciting of her life, she became an example to the younger generation of vocal and political black poets as a writer who lived what she wrote.

She has lived in the same frame house and modest neighborhood for 32 years where she has maintained close ties with the concerns and changes of her neighborhood. "She has, more than any other nationally acclaimed writer, remained in touch with the community she writes about," says poet Hari Madhubuti. "She is her work."

The following poem, taken from her book "Street," is an example of her work and conjures up an image of the underlying racial tone and social class tension that existed during the 1960's. In her poem, "At the hairdresser," she writes:

Gimme an unsweep, Minnie
With humpteen baby curls.
'Bout time I got some glamour
I'll show them girls.
Think they so fly a-struttin'
With they wool a-blowin 'round
Wait'll they see my unsweep
That'll jop 'em back on the ground.

Ms. Brooks has made an important contribution to American literature. Her success is obvious from the overflowing number of requests she receives to give lectures and readings. She has also received two of the most prestigious poet awards: In 1950 she won the Pulitzer Prize for poetry, the only black American woman to achieve this honor. In addition, she was the successor to Carl Sandburg as poet laureate of Illinois, a distinguished title that has earned her worldwide respect and recognition.

Mr. President, it gives me great pleasure to announce Gwendolyn Brooks as the recipient of the Senior Fellowship Award, which is founded by the National Endowment for the Arts. This award is evidence that she is an inspiration to young writers throughout the world.

I congratulate Gwendolyn Brooks for winning the Senior Fellowship Award and for her success and contribution to American culture, which is richer thanks to her work.●

PRESIDENT BUSH'S TRIP TO POLAND

● Mr. DIXON. Mr. President, yesterday, President Bush addressed the newly elected Polish parliament—the first elected parliament in the Eastern bloc with a substantial opposition membership. I am very pleased that President Bush has been allowed this opportunity. His trip to Poland represents a unique opportunity to strengthen our relationship with Poland, and, more importantly, an opportunity to encourage the kind of open political and economic system to which every nation should be entitled.

In his remarks, President Bush has expressed his desire to work with this Congress to help pass an economic assistance package which will help boost Poland's troubled economy. As a strong supporter of Solidarity, and as an original cosponsor of S. 1183, the Democracy in Eastern Europe Act of 1989 which provides economic assistance to Poland, I welcome his remarks.

I firmly believe that we must provide the necessary support and assistance that will continue Poland down its road toward further democratization. I look forward to working with the administration, the newly elected Polish congress, and my Senate colleagues toward this endeavor, and wish the President my best during his European trip.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL ON BEHALF OF ANATOLY GENIS

● Mr. RIEGLE. Mr. President, recent statistics from the United States Department of State and the National Conference on Soviet Jewry show that for the past few years the number of Jews emigrating from the Soviet Union has been rapidly increasing. During the early 1980's emigration for Soviet Jews dropped as low as approximately 1,000 emigrants a year. Since that time, new thinking in the Soviet Union, brought about by General Secretary Gorbachev's programs of perestroika and glasnost as well as continued pressure from the West, have opened the way for substantial improvement in the areas of Soviet human rights. It is expected that an unprecedented 60,000 Jews will emigrate from the Soviet Union this year.

In spite of these encouraging statistics, I believe that we must continue to pressure the Soviet leadership to release the 200,000 Jews whose applications for emigration have yet to be approved. I commend my fellow colleagues and those individuals and organizations throughout the United States who also have spoken out on behalf of Soviet Jews wishing to emigrate. Although, our efforts are showing signs of success, we must continue to pressure the Soviet Government.

Mr. President, today I once again join the Congressional Call to Conscience Vigil on behalf of one Soviet Jew who has not been allowed to emigrate, Anatoly Genis. Possessing a doctorate degree in mathematics from Moscow University, Mr. Genis' specialty is the theory of probability. Mr. Genis applied for emigration in 1977 and was refused in 1979. Mr. Genis was told that his application was denied because it was believed that he held "State Secrets," which he could have obtained while working at an electronic mechanical institute. Anatoly Genis believes that was an unfair excuse for refusal, because while he worked at the institute his director, who would have had access to more secret information than Mr. Genis, often traveled to the West without any hinderance due to the information which he possessed.

Since his first attempt to emigrate, Mr. Genis has become a target of Soviet persecution. Consequently, he has been entirely forced out of the field of mathematics. Unable to find a job as a mathematician, Mr. Genis worked for many years at odd jobs in order to support his family. At one point he worked 14 hours a day as a heavy laborer. He has three children, one of whom suffers from Cushings disease, and his wife is ill from the birth of their third child. Now Mr. Genis, struggling to support his family, is unable to find even part time work. Mr. President, I find it truely unjust that Mr. Genis has been forced to such degradation for desiring to emigrate.

Anatoly Genis is an example of individuals in the Soviet Union suffering from the oppression of religous prohibition and faulty emigration policies. Mr. Gorbachev's efforts for democratization have done little to help Mr. Genis. At least 60 percent of the requests for emigration which are denied, are refused on the basis of secrets which might endanger Soviet national security. Many of these so called secrecy refusals are given to those who have no current knowledge of any information which would endanger Soviet national security. It is true that great numbers of Soviet Jews are successfully emigrating, but it is also true that the human rights of many Jews inside the Soviet Union continue to be violated. Mr. President, it is imperative that the Soviet Union stop the irrational and arbitrary denial of exit visas. I call upon Mr. Gorbachev and the Soviet Government to codify the freedom of emigration into Soviet law, to end the arbitrary use of "secrecy refusals," to continue to approve emigration visas for the increasing numbers of Soviet Jews, and to allow Mr. Anatoly Genis and his family to emigrate.●

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair announces on behalf of the Re-

publican leader, pursuant to Public Law 100-494, his appointment of the Senator from Iowa [Mr. GRASSLEY] to the U.S. Alternative Fuels Council.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senators to the Commission on Security and Cooperation in Europe: the Senator from New York [Mr. D'AMATO], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Idaho [Mr. MCCLURE], and the Senator from Wyoming [Mr. WALLOP].

ORDER FOR STAR PRINT—S. 774

Mr. KENNEDY. Mr. President, on behalf of Senator RIEGLE, I ask unanimous consent that the report for S. 774, the savings and loan bill, be star printed to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL PLACED ON CALENDAR—H.R. 2705

Mr. KENNEDY. Mr. President, I ask unanimous consent that H.R. 2705, relating to Federal Employees' Health Benefits Program, just received from the House of Representatives, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING CHANGE IN TIME RELATIVE TO COMMITTEES SUBMITTING BUDGET RECONCILIATION RECOMMENDATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time by which Senate committees must submit their reconciliation recommendations to the Committee on the Budget pursuant to section 5 of the Concurrent Resolution on the Budget, House Concurrent Resolution 106, be changed to 5 o'clock in the afternoon of Friday, July 21.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

RECESS UNTIL 10:30 A.M., MORNING BUSINESS, AND RESUME PENDING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m., Wednesday, July 12, 1989; that following the time for the two leaders, there be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, and that at 11 a.m., the Senate resume consideration of S. 358, the legal immigration bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME AGREEMENT AND VOTE RELATIVE TO THE HELMS AMENDMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that at 11 a.m., when the Senate resumes debate on S. 358, Senator HELMS be recognized, with 30 minutes remaining on his amendment, equally divided and controlled between Senators HELMS and KENNEDY, and that a vote on or in relation to the Helms amendment occur at 11:30 a.m., Wednesday, July 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, for the information of Senators, at 11 a.m. tomorrow, when the Senate resumes debate on S. 358, Senator HELMS will be recognized for the purpose of continuing debate on his amendment, with 30 minutes remaining. Senators are on notice that a vote on or in relation to the Helms amendment will occur at 11:30 a.m. tomorrow.

Mr. President, if the distinguished acting Republican leader has no further business.

Mr. SIMPSON. Mr. President, I think, if I might, respectfully modify to reflect that Senator HELMS has 16 minutes and Senator KENNEDY 14 minutes, I believe, if I recall.

The PRESIDING OFFICER. Fifteen minutes 17 seconds.

Mr. SIMPSON. I see.

Mr. KENNEDY. I am glad we made that correction.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if the distinguished acting Republican leader has no further business, and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 10:30 a.m., Wednesday, July 12, 1989.

There being no objection, the Senate, at 6:54 p.m., recessed until Wednesday, July 12, 1989, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 11, 1989:

DEPARTMENT OF STATE

ARTHUR W. FORT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE SHELDON J. KRYS, RESIGNED.

RAYMOND CHARLES EWING, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

ERIC M. JAVITS, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VENEZUELA.

JERRY ALEXANDER MOORE, JR., OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

EDWARD JOSEPH PERKINS, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE GEORGE SOUTHALL VEST, RESIGNED.

MICHAEL G. SOTIRHOS, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

JOY A. SILVERMAN, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF DOMINICA, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SAINT LUCIA, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SAINT VINCENT AND THE GRENADINES.

THOMAS F. STROOCK, OF WYOMING, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

EVELYN IRENE HOOPES TEEGEN, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FIJI, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF TONGA, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TUVALU, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI.

ALEXANDER FLETCHER WATSON, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

MILTON JAMES WILKINSON, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF THE TREASURY

LINDA M. COMBS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE JILL E. KENT, RESIGNED.

DEPARTMENT OF DEFENSE

MARTIN C. FAGA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE TIDAL W. MCCOY, RESIGNED.

DEPARTMENT OF TRANSPORTATION

GILBERT E. CARMICHAEL, OF MISSISSIPPI, TO BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION, VICE JOHN H. RILEY, RESIGNED.

DEPARTMENT OF EDUCATION

MICHELLE EASTON, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY FOR INTERGOVERNMENTAL AND INTERAGENCY AFFAIRS, DEPARTMENT OF EDUCATION, VICE PETER R. GREER, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM OCTOBER 22, 1988, TO JANUARY 3, 1989.

DEPARTMENT OF THE INTERIOR

HARRY M. SNYDER, OF KENTUCKY, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE ROBERT H. GENTILE, RESIGNED.

ACTION AGENCY

JANE A. KENNY, OF VIRGINIA, TO BE DIRECTOR OF THE ACTION AGENCY, VICE DONNA M. ALVARADO, RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

ALFRED C. SIKES, OF MISSOURI, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1988, VICE MARY ANN WEYFORTH DAWSON, RESIGNED.

FEDERAL LABOR RELATIONS AUTHORITY

JEAN MCKEE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 1994. (REAPPOINTMENT)

KATHLEEN DAY KOCH, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS, VICE DENNIS M. DEVANEY, TO WHICH POSITION SHE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM OCTOBER 2, 1988, TO JANUARY 3, 1989.

FEDERAL TRADE COMMISSION

JANET DEMPSEY STEIGER, OF THE DISTRICT OF COLUMBIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 1988, VICE DANIEL OLIVER, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DAPHNE WOOD MURRAY, OF TEXAS, TO BE DIRECTOR OF THE INSTITUTE OF MUSEUM SERVICES, VICE LOIS BURKE SHEPARD, RESIGNED.

UNITED STATES INFORMATION AGENCY

EUGENE P. KOPP, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF THE UNITED STATES INFORMATION AGENCY, VICE MARVIN L. STONE, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE UNITED STATES COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT (JUNIOR GRADE):

JEFFREY R. GUYON
ARTHUR R. THOMAS, JR.
WALTER F. CAPPS, JR.
RONALD L. HENSEL
CHARLES V. MATHIS
BARRY O. ARNOLD
SAMMY SHORT, JR.
MARK CULLINANE
GREGORY J. SANIAL
JOHN A. HEALY
JULIE A. SUTHERLAND
MICHAEL S. LOZICH
JAN M. JOHNSON
KEITH A. RUSSELL
MICHAEL P. RYAN
LARRY R. KENNEDY
ROBERT P. HAYES
JEFFREY R. KUNST
STUART L. LEBRUSKA
CHARLES A. RICHARDS
ANNE M. SEBASTIAN
CHARLES E. RAWSON
CHRISTOPHER D. NICHOLS
DOMINIC DIBARI
KURT C. O'BRIEN
MARIBETH YASINSKI
JOEL D. DOLBECK
DAVID R. GAHN
GARY C. ARMSTRONG
ED A. AUZENBERGS
MICHAEL J. LOPEZ
ALAN N. ARSENAULT
THOMAS G. NELSON
PHILIP J. SKOWRONEK
AMY S. LANDWEHR
PAT DEQUATTRO
DAVID M. DERMANELIAN
LEONARD C. MURPHY
JAMES W. THILENIUS
ANDY J. FORDHAM
LAURENCE J. PREVOST
DOUGLAS B. MATHIEU
PATRICK G. FORAN
MATTHEW J. O'CONNOR
JULIE L. FRITZ
CHARLES L. CASHIN
VITO D. ROSELLI
GLENN M. SULMASY
MATTHEW J. ZAMARY
AMY B. TETREAULT
ANTHONY S. LLOYD
STEVEN C. MELANSON
MICHAEL W. JACKSON
FRANCIS E. GENCHO
CARLOS S. AMPONIN
THOMAS E. CAFFERTY
JEFFREY A. REEVES
DOUGLAS E. WEST
MARC P. LEBEAU
ROBERT J. GONZALEZ
ERIC G. WESTERBERG
KURT A. SEBASTIAN
FRANK R. PARKER
TINA L. MANCINI
JOHN D. WOOD
BRAD M. BELANGER
TIMOTHY G. STUEVE
JOHN F. MORIARTY
JOHN B. SULLIVAN
JAYSON L. HELSEL
PETER F. SMITH
MARK A. FRANKFORD
CHRISTOPHER J. MEADE
DONALD JILLSON
BRIAN J. SWAYNE
SCOTT V. AUSTIN
JOEL D. SLOTTEN
STEPHEN P. CZERWONKA
ROBERT T. MCCARTY
KEVIN P. FREEMAN
RICHARD D. FONTANA
JAMES E. ELLIOTT
SEAN M. BURKE
JOEL D. MAGNUSSEN
THOMAS F. RYAN
PETER N. DECOLA
JAMES CARLSON
THOMAS SNIDER
CHRISTOPHER A. HERR
ROBERT L. KROEGER
AUSTIN J. GOULD
MATTHEW D. KELLY
STEPHEN M. SABELLICO
SCOTT D. PISEL
JEFFREY J. MCSPADEN
JOSEPH M. PESCI
ALAN S. WATKA
THOMAS A. GREGER
DAVID A. KINDT
ANDREW J. SORENSON
JESSE K. MOORE
WILLIAM J. ANTONAKIS
CARLTON H. DAY
JAMES M. NEUSCHWANDER
KIRK A. BARTNIK
JAMES M. BOUSE
WILLIAM J. WOLTER
DAVID P. CROWLEY
GREGORY L. MCHENRY
KATHLEEN J. BOGAN
JOSEPH F. HESTER
JOHN C. RENDON
WILLIAM R. MEESE
MARK E. KOTEK
MICHAEL P. CAROSOTTO
KARL GRAMS
STEVEN A. BANKS
TIMOTHY F. PETTEK
JAMES E. SCHEYE
JOSEPH E. BALDA
JAMES TABOR
GARY A. CHARBONNEAU
EDWARD J. CUBANSKI
PATRICK J. MCGUIRE
JOSEPH J. LOSCIUTO
ROMUALDO DOMINGO
CAMERON T. NARON
MARK H. LENOX
TODD C. DUBOIS
TIMOTHY E. MEYERS
WALTER PETIG
IAN LIU
BASIL F. BROWN
RICHARD F. RONCONE
BRENDA A. KELLEY
IVAN J. VIKIN
SHADD D. WILLIAMS
PAUL G. LINDSAY
TIMOTHY J. CARTON
MITCHELL C. EKSTROM
ROBERT E. STYRON
DOUGLAS M. RUHDE
EDWARD J. KREJCI
DAVID J. FORD
JAMES B. NICHOLSON, JR.
GERALD F. DOLAN, JR.
ROBERT A. LAAHS
FRANK D. WAKEFIELD
CEDRIC A. HUGHES
ROGER E. BAILEY
JAMES F. STORY
JEFFREY K. ENOMOTO
SUSAN M. SMITHOUSER
PHILIP L. MORRIS
CHARLES S. CAMP
SCOTT A. BUDKA
MARK R. GOING
PATRICK J. RYAN
BRENT M. PRISTAS
JOSEPH E. MANJONE
KEITH T. WHITEMAN
KEVIN W. NELSON
JAMES R. OLIVE
MARY E. DICKEY
RICHARD G. POTTIEGER
ERIC G. JOHNSON
BRADFORD CLARK
VICTORIA A. VANVALKENBURG
ADELL L. FULLAWAY
JASON A. FOSDICK
KIRSTEN R. MARTIN
DONALD L. FLEMING
ADAM J. SHAW
CARL M. FERLAUTO
PATRICK FOLEY
GEORGE ELDRIDGE
JAMES E. PAIGE
GEORGE M. ZEITLER
JORGE PEREIRA
CHRISTIAN J. HERZBERGER
ROBERT F. OLSON, JR.
MICHAEL Z. ERNESTO
MICHAEL D. CALLAHAN
RANDY G. ADOLF
DARWYN A. WILMOTH
JAMES M. JENKINS
STEVEN M. SHERIDAN
TIMOTHY GRIFFING
JOSEPH L. DUFFY
MATTHEW P. DUESING
JOEL D. BROWN
TIMOTHY S. MESSINGER
CARMEN T. LAPKIEWICZ

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. DUANE H. CASSIDY, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. HANSFORD T. JOHNSON, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CLAUDIUS E. WATTS III, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. BRADLEY C. HOSMER, [redacted] FR, U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION1 370:

To be lieutenant general

LT. GEN. WILLIAM H. SCHNEIDER, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN W. WOODMANSEE, JR., [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JACK B. FARRIS, JR., [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. WILLIAM S. FLYNN, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHN M. SHALIKASHVILI, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. GEORGE R. STOTSER, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. WALLACE C. ARNOLD, [redacted] U.S. ARMY.
BRIG. GEN. PATRICK H. BRADY, [redacted] U.S. ARMY.
BRIG. GEN. HENRY M. HAGWOOD, JR., [redacted] U.S. ARMY.
BRIG. GEN. RONALD E. BROOKS, [redacted] U.S. ARMY.
BRIG. GEN. JAMES W. BALL, [redacted] U.S. ARMY.
BRIG. GEN. PETER M. MCVEY, [redacted] U.S. ARMY.
BRIG. GEN. JERE H. AKIN, [redacted] U.S. ARMY.
BRIG. GEN. PATRICK J. KELLY, [redacted] U.S. ARMY.
BRIG. GEN. SAMUEL A. LEFFLER, [redacted] U.S. ARMY.
BRIG. GEN. WILLIAM H. FORSTER, [redacted] U.S. ARMY.
BRIG. GEN. EDWARD R. BALDWIN, JR., [redacted] U.S. ARMY.
BRIG. GEN. DONALD M. LIONETTI, [redacted] U.S. ARMY.
BRIG. GEN. WILLIAM N. FARMEN, [redacted] U.S. ARMY.
BRIG. GEN. JOHN D. ROBINSON, [redacted] U.S. ARMY.
BRIG. GEN. MALCOLM R. O'NEILL, [redacted] U.S. ARMY.
BRIG. GEN. JAMES A. GUEST, [redacted] U.S. ARMY.
BRIG. GEN. WILLIAM C. PAGE, JR., [redacted] U.S. ARMY.
BRIG. GEN. GUY A. LABOA, [redacted] U.S. ARMY.
BRIG. GEN. STEPHEN SILVASY, JR., [redacted] U.S. ARMY.
BRIG. GEN. FRED F. MARTY, [redacted] U.S. ARMY.
BRIG. GEN. PAUL E. FUNK, [redacted] U.S. ARMY.
BRIG. GEN. JOHN C. HELDSTAB, [redacted] U.S. ARMY.
BRIG. GEN. BARRY R. MCCAFFREY, [redacted] U.S. ARMY.
BRIG. GEN. NEAL T. JACO, [redacted] U.S. ARMY.
BRIG. GEN. CRAIG A. HAGAN, [redacted] U.S. ARMY.
BRIG. GEN. GERALD H. PUTMAN, [redacted] U.S. ARMY.
BRIG. GEN. JAMES D. STARLING, [redacted] U.S. ARMY.
BRIG. GEN. MARC A. CISNEROS, [redacted] U.S. ARMY.
BRIG. GEN. PAUL E. MENOHER, JR., [redacted] U.S. ARMY.
BRIG. GEN. ROBERT L. ORD III, [redacted] U.S. ARMY.
BRIG. GEN. WALDO D. FREEMAN, JR., [redacted] U.S. ARMY.
BRIG. GEN. JOHN F. SOBKE, [redacted] U.S. ARMY.
BRIG. GEN. JOHN P. HERRLING, [redacted] U.S. ARMY.
BRIG. GEN. RONALD H. GRIFFITH, [redacted] U.S. ARMY.
BRIG. GEN. SAMUEL E. EBBESEN, [redacted] U.S. ARMY.
BRIG. GEN. JAMES R. ELLIS, [redacted] U.S. ARMY.
BRIG. GEN. WALTER B. MOORE, [redacted] U.S. ARMY.
BRIG. GEN. ERNEST J. HARRELL, [redacted] U.S. ARMY.
BRIG. GEN. JOHN E. MILLER, [redacted] U.S. ARMY.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

BURNS, ROBERT R., [redacted]
LEGASPI, LESTER M., [redacted]

To be lieutenant colonel

POHL, STEPHEN E., [redacted]
THORPE, ROBERT J., [redacted]
VILLACIS, BERNARDO F., [redacted]
WHITTON, RANDALL C., [redacted]

To be major

PETERSON, DAVID A., [redacted]

DENTAL CORPS

To be lieutenant colonel

BURSINGER, JAMES C., [redacted]
DOUGLAS, GEORGE, [redacted]
TIFFANY, RAYMOND L., [redacted]

To be major

CORTES, JESUS, [redacted]
HAINES, LYNN F., [redacted]
LATTNER, MICHAEL J., [redacted]
MORELLI, ERNEST F., [redacted]

NEWTON, ALAN D., xxx-xx-x...
SCHNEID, THOMAS R., xxx-xx-x...
STRICKLAND, JUDY R., xxx-xx-x...

To be captain

BROWN, GRAIG D., xxx-xx-x...
SCHUMACHER, JAMES W., xxx-xx-x...

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

BARTZ, JOHN K., xxx-xx-x...
CARTER, GARY D., xxx-xx-x...
CATES, ROBERT C., III, xxx-xx-x...
CROWDER, WADE A., xxx-xx-x...
DEFEE, WILLIAM J., III, xxx-xx-x...
HERNANDEZ, FRANCISCO S., xxx-xx-x...
HIBBERT, JOHN DAVID, xxx-xx-x...
JOHNSON, THOMAS G., xxx-xx-x...
KALEEMULLAH, ANWAR J., xxx-xx-x...
LEVITT, MORTON H., xxx-xx-x...
MORRIS, FRANCIS MARION, xxx-xx-x...
MORRISON, JOHN C., JR., xxx-xx-x...
PEREZ, VELARDE P., xxx-xx-x...
REEDER, THOMAS A., xxx-xx-x...
SCHUMANN, FREDERICK A., xxx-xx-x...
SMITH, DONALD SANFORD, JR., xxx-xx-x...
STOCK, DONALD H., xxx-xx-x...
WALSH, DAVID WILLIAM, xxx-xx-x...

THE FOLLOWING AIR FORCE OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER THE PROVISIONS OF SECTION 9333(B), TITLE 10, UNITED STATES CODE.

FRANCK, RAYMOND E., JR., xxx-xx-x...

IN THE AIR FORCE

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN LIEUTENANT COLONEL.

LINE OF THE AIR FORCE

WINCHESTER, MICHAEL E., xxx-xx-x...

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL ANY OF THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN LIEUTENANT COLONEL.

NURSE CORPS

WINDMUELLER, PAMELA A., xxx-xx-x...

MEDICAL SERVICE CORPS

THORNELL, MICHAEL J., xxx-xx-x...

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. DAVID E. AVENELL, xxx-xx-xxxx
MAJ. BRENT Y. BARTSCHI, xxx-xx-xxxx
MAJ. MICHAEL P. BOGUMILL, xxx-xx-xxxx
MAJ. DANIEL F. CALLAHAN III, xxx-xx-xxxx
MAJ. JOHN S. COTE, xxx-xx-xxxx
MAJ. MICHAEL A. CUSHMAN, xxx-xx-xxxx
MAJ. WARREN E. DALTON, xxx-xx-xxxx
MAJ. THOMAS L. DODDS, xxx-xx-xxxx
MAJ. ALAN T. FUJITA, xxx-xx-xxxx
MAJ. RICHARD C. HALL, xxx-xx-xxxx
MAJ. ELWYN R. HARRIS, JR., xxx-xx-xxxx
MAJ. JOHN I. HOWARTH, xxx-xx-xxxx
MAJ. WALTER W. HUEHLEFELD, xxx-xx-xxxx
MAJ. STANLEY H. LEIBOWITZ, xxx-xx-xxxx
MAJ. CHARLES W. LIPPELGOOS, xxx-xx-xxxx
MAJ. VINCENT J. LONG, JR., xxx-xx-xxxx
MAJ. VINCENT G. MASSA, xxx-xx-xxxx
MAJ. JERRY M. MATSUDA, xxx-xx-xxxx
MAJ. JOHN E. MOLLOY, xxx-xx-xxxx
MAJ. DANIEL W. MOORE, xxx-xx-xxxx
MAJ. CHARLES A. MORGAN III, xxx-xx-xxxx
MAJ. JAMES L. MORRIS, xxx-xx-xxxx
MAJ. JOHN P. MURRAY, xxx-xx-xxxx
MAJ. RICHARD W. NOBLE, xxx-xx-xxxx
MAJ. TERENCE E. O'BRIEN, xxx-xx-xxxx
MAJ. ROBERT R. OSTERHOUT, xxx-xx-xxxx
MAJ. GEORGE B. PATRICK III, xxx-xx-xxxx
MAJ. CHARLES W. PLUNKETT, xxx-xx-xxxx
MAJ. JOHN A. PORONSKY, JR., xxx-xx-xxxx
MAJ. WILLIAM K. RICHARDSON, xxx-xx-xxxx
MAJ. DONALD E. RISSER, xxx-xx-xxxx
MAJ. ROBERT D. RODEKOHR, xxx-xx-xxxx
MAJ. MICHAEL E. SAMS, xxx-xx-xxxx
MAJ. ROBERT J. SCHNEIDER, xxx-xx-xxxx
MAJ. THOMAS O. SHERMAN, xxx-xx-xxxx
MAJ. LLOYD B. SYDNEY, xxx-xx-xxxx
MAJ. WALLEY A. TURNER, xxx-xx-xxxx
MAJ. JOHN R. WALKER, JR., xxx-xx-xxxx
MAJ. JOHN F. WEBB, xxx-xx-xxxx
MAJ. STEVE A. WINKLER, xxx-xx-xxxx

LEGAL CORPS

MAJ. CHARLES E. SMITH, xxx-xx-xxxx

MEDICAL CORPS

MAJ. GARY N. HARVEY, xxx-xx-xxxx

MEDICAL SERVICE CORPS

MAJ. DAVID L. SMITH, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. JAMES W. ADAMS, xxx-xx-xxxx
MAJ. RONALD D. BALL, xxx-xx-xxxx
MAJ. DAVID F. BORJES, xxx-xx-xxxx
MAJ. ALAN L. BOWMAN, xxx-xx-xxxx
MAJ. EDWARD L. BROWN, xxx-xx-xxxx
MAJ. WAYNE E. BRUGGER, xxx-xx-xxxx
MAJ. WILLIAM H. CLELAND, xxx-xx-xxxx
MAJ. JIMMIE C. EWING, xxx-xx-xxxx
MAJ. ATLEE E. FRITZ, xxx-xx-xxxx
MAJ. THOMAS A. JORDAN, xxx-xx-xxxx
MAJ. RONALD A. KEITH, xxx-xx-xxxx
MAJ. DAVID A. LUNDY, xxx-xx-xxxx
MAJ. GEORGE E. MEHRTENS, xxx-xx-xxxx
MAJ. LARRY R. SADLER, xxx-xx-xxxx
MAJ. ROBERT J. SAUDO, xxx-xx-xxxx
MAJ. WALTER S. THEDFORD, JR., xxx-xx-xxxx
MAJ. TERRY G. THOMPSON, xxx-xx-xxxx
MAJ. JAMES S. B. WATT, xxx-xx-xxxx

LEGAL CORPS

MAJ. BRUCE S. ASAY, xxx-xx-xxxx

MEDICAL CORPS

MAJ. BIPINCHANDRA H. AVASHIA, xxx-xx-xxxx
MAJ. J. PAUL MEYER, xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

MAJ. DORIS M. LEWIS, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593 AND 3353:

MEDICAL CORPS

To be colonel

BALME, ROBERT H., xxx-xx-xxxx
CHUN, LAWRENCE S. K., xxx-xx-xxxx
DYSTER, MELVIN B., xxx-xx-xxxx
FILTZER, HORST S., xxx-xx-xxxx
KANE, PETER E., xxx-xx-xxxx
KANHOUWA, SURYABALA, xxx-xx-xxxx
LAFONTANT, ROBERT R., xxx-xx-xxxx
LAURING, LEWIS M., xxx-xx-xxxx
LOWENTHAL, DAVID T., xxx-xx-xxxx
MALONEY, CHRISTOPHER T., xxx-xx-xxxx
MOLL, FRANCIS K., JR., xxx-xx-xxxx
SCHLESINGER, ROBERT M., xxx-xx-xxxx
SPIER, ROGER D., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

ALLEN, ROBERT K., xxx-xx-xxxx
FLORES, JOSE C., xxx-xx-xxxx
GURNEY, NELSON P., xxx-xx-xxxx
KATZ, ALLAN M., xxx-xx-xxxx
KOLNER, EDWARD H., xxx-xx-xxxx
LAMBIASI, CARL J., xxx-xx-xxxx
LUTHIN, RICHARD B., xxx-xx-xxxx
MARKER, HOWARD W., xxx-xx-xxxx
MCCAFFERY, MICHAEL K., xxx-xx-xxxx
NISHITANI, MICHAEL E., xxx-xx-xxxx
O'CALLAGHAN, THOMAS J., xxx-xx-xxxx
OWENS, BRIAN D., xxx-xx-xxxx
PFEIFER, WILLIAM F., III, xxx-xx-xxxx
REISS, ROBERT F., xxx-xx-xxxx
SCHLESINGER, ROBERT M., xxx-xx-xxxx
SHAW, JOHN C., xxx-xx-xxxx
SUTTERFIELD, THOMAS C., xxx-xx-xxxx
SUTTON, RICHARD O., xxx-xx-xxxx
TARICCO, ALFRED S., xxx-xx-xxxx
TSE, FRANCIS H., xxx-xx-xxxx
WHITE, CECIL E., xxx-xx-xxxx

IN THE MARINE CORPS

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 2107:

CRAFTS, LAWRENCE, J., xx...
CUNNINGHAM, STEVEN M., xx...
EDWARDS, MICHAEL P., xx...
FORD, PHILLIP T., xx...
HANNIGAN, PATRICIA M., xx...
LUCIUS, JR., ROBERT E., xx...
NICHOLS, TIMOTHY W., xx...
PIGG, VON H., xx...
PLUES, ERIC A., xx...
TIERNAN, CHRISTOPHER E., xx...
TRIPOLI, JOSEPH G., xx...

THE FOLLOWING NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 531:

BERIGAN, MICHAEL C., xx...
BOOTHBY, ALLEN C., JR., xx...
BORTFIELD, NANCY A., xx...
BUDSTOS, JOSE D., xx...
CAPDEPON, JOHN W., xx...
COWELL, CHARLES R., xx...
CRAIG, THOMAS M., xx...
DUGAN, LOREN J., xx...
GARDNER, RUSSELL A., xx...
LUCKEY, MICHAEL X., xx...
MARCINKIEWICZ, THOMAS F., xx...
MERASHOFF, MARY K., xx...
RAYMOND, BRIAN D., xx...
RODRIQUEZ, JUSTIN C., xx...
WREDE, RUSSELL E., xx...

THE FOLLOWING NAMED U.S. NAVAL ACADEMY GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 531:

GLYNN, JAMES F., xx...
PANGRAZIO, RONALD B., xx...
PHELAN, THOMAS J., xx...
POPIELEC, JAMES A., xx...
SEAMAN, SUSAN B., xx...

THE FOLLOWING NAMED U.S. AIR FORCE ACADEMY GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 531:

POPPE, PETER L., xx...
SHEA, KEVIN M., xx...
THOMPSON, JAMES H., xx...

IN THE NAVY

THE FOLLOWING NAMED FORMER U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

SMITH, CHARLES T. DONALDSON, JOHN F.
PRYOR, ARTHUR E.

THE FOLLOWING MEDICAL COLLEGE GRADUATES TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

AKBARI, AHMAD SENIOR, ROBERT J.
LANDON, CHARLES

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER AND LIEUTENANT COMMANDER AS INDICATED, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS

To be commander

BRADLEY, BARBARA M.

MEDICAL CORPS

To be lieutenant commander

KRASOWSKI, GEORGE

CHAPLAIN CORPS

To be lieutenant commander

SWANSON, LYLE W.

IN THE NAVY

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF

STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BARRETT, DANELLE
BERARDUCCI, BRENT
BLETZ, TODD
BLOOM, DAVID
BIRCKMAN, ERIC
BRERETON, RICHARD
CHRISTOPHER, JANET
CLAPPERTON, CRAIG
COOPER, JULIA
COWAN, GREGORY
DELANEY, RUSSELL
DUPREE, CHARLES
DENNIS, CHRISTOPHER
EDMISTON, MARCIA
FEDORCHAK, DAVID, JR.
GAJEWSKI, THOMAS
GRANT, MARJORIE
HARTUNG, PAUL
HIGGINS, JAMES
HUBER, DAVID
KIM, ALEXANDER
KIRSCHE, SHERRY
KOSKOWSKI, LEONARD, JR.
KRAFT, NEAL
KRAFFT, PETER
LANDIS, CHRISTOPHER
LEWIS, TODD
LOVETTE, ERIC
MAYFIELD, CHARLES
MILES, CHRISTOPHER
NAMAN, JOSEPH
PAYNE, CHARLES
QUICK, DAVID
RICHARDSON, CHARLES
REYNOLDS, COLLINS, IV
SCHWINGHAMMER, KURT
SCHNEIDER, JOSEPH
SMITH, GREGORY
STEWART, JESSE
SUGHROE, PAUL
TAYLOR, ROBERT
TERRY, ALEXANDER
TROYER, CLARK
WELCH, PATRICK
WESTBROOK, SCOTT
WILSON, ANHTUAN
WINSTEAD, RAYMOND

IN THE NAVY

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BARD, MICHAEL
BILL, PAUL
BOCK, STEPHEN
CAMPBELL, JAN
DREW, DAVID
DURNAK, HENRY
EARLS, CRAIG
FEHR, ALLAN
GERBAULT-VANA, PHILIP
GRANADUS, DANIEL
HAMPTON, JAMES
HANSEN, ROY
MCVADON, KEVIN
MONZON, RUSSELL
OGDEN, CHRISTOPHER
PEARSON, FRANK
PRZESMICKI, STEVEN
ROBERTSON, JOHN
SOWLES, RICHARD
SPENCER, DAVID

THE FOLLOWING NAMED NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BABOCA, OCTAVIO
BAILEY, JAMES
BARRINGER, GREGORY
BRATCHER, RANDY
BRAZ, ERNEST
FOSTER, WAYNE
GOODMAN, SCOTT
HOSKINS, JAMES
JEAN, THOMAS
JOHNSTONE, GEORGE
JONES, KEITH
KEETON, JOHN
LOMAX, BRIAN
ORECHOVESKY, JOSEPH
TINSLEY, TODD
WINDLE, JERRY

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

To be colonel

LINE OF THE AIR FORCE

GARY D. BAILEY, xxx-xx-xxxx
ROBERT L. BALDWIN, xxx-xx-xxxx
BRUCE G. BRAMLETTE, xxx-xx-xxxx
DOUGLAS BURNETT, xxx-xx-xxxx
JOSEPH M. BYRNE, xxx-xx-xxxx
ROBERT L. COCHRAN, xxx-xx-xxxx
DONALD DALTON, xxx-xx-xxxx
TOMMY L. DANIELS, xxx-xx-xxxx
GILBERT R. DARDIS, xxx-xx-xxxx
GEORGE A. DEMERS, xxx-xx-xxxx
GEORGE E. DONNELLY, xxx-xx-xxxx
CLAUD E. DUTRO, xxx-xx-xxxx
DONALD L. EARLY, xxx-xx-xxxx
WILLIAM R. EASTER, xxx-xx-xxxx
ANTHONY EDEN, xxx-xx-xxxx
THOMAS E. GALBREATH, xxx-xx-xxxx
THOMAS E. GRANNIS, xxx-xx-xxxx
ROBERT D. GREEN, xxx-xx-xxxx
JAMES N. HAGENSON, xxx-xx-xxxx
WESLEY F. HALLOWELL, xxx-xx-xxxx
GEORGE M. HARRIS, xxx-xx-xxxx
GARY L. HINDOIEN, xxx-xx-xxxx
LAWRENCE P. HUCKELS, xxx-xx-xxxx
RAYMOND J. INMAN, xxx-xx-xxxx
DAVID L. LADD, xxx-xx-xxxx
RONALD E. MCGLOTHLIN, xxx-xx-xxxx
EDWARD G. MORAN, xxx-xx-xxxx
ROBERT D. PARISE, xxx-xx-xxxx
DANIEL H. PEMBERTON, xxx-xx-xxxx
ROBERT L. PRIVETT, xxx-xx-xxxx
JULIUS V. PRZYGOCKI, xxx-xx-xxxx
CHARLES D. RALLS, xxx-xx-xxxx
AUBREY V. RENFROE, xxx-xx-xxxx
VICTOR H. RIPPE, xxx-xx-xxxx
KENNETH L. ROSS, xxx-xx-xxxx
GEORGE F. SCOGGINS, JR., xxx-xx-xxxx
GILBERT E. SIDNEY, xxx-xx-xxxx
WILLIAM A. SPENCER, xxx-xx-xxxx
JOHN B. STRICKLAND, xxx-xx-xxxx
DONALD R. TAYLOR, xxx-xx-xxxx
RICHARD W. TUTTLE, xxx-xx-xxxx
PAUL A. WEBB, JR., xxx-xx-xxxx
EDWARD E. WEBBER, xxx-xx-xxxx
GEORGE L. WEINHAGEN, xxx-xx-xxxx
BEN J. WELCH, JR., xxx-xx-xxxx
ALLAN G. WHITE, xxx-xx-xxxx
GARY B. WILLEMS, xxx-xx-xxxx
DONALD M. WILLSON, xxx-xx-xxxx
CLIFFORD E. WISSER, xxx-xx-xxxx

JUDGE ADVOCATE

DANIEL F. LOPEZ, xxx-xx-xxxx
RONALD J. RIACH, xxx-xx-xxxx

MEDICAL CORPS

NED E. BEISER, xxx-xx-xxxx
STEFFEN P. CHRISTENSEN, xxx-xx-xxxx
JOHN J. VONDRELL, xxx-xx-xxxx

DENTAL CORPS

GLENN F. BENSON, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593, 8366, AND 8372 OF TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 10 MARCH 1989, AND PROMOTIONS MADE UNDER SECTION 8366 SHALL BE EFFECTIVE UPON COMPLETION OF SEVEN YEARS OF PROMOTION SERVICE AND TWENTY-ONE YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8380(B) OF TITLE 10.

CHAPLAIN CORPS

To be lieutenant colonel

SEYMOUR H. BRICKMAN, xxx-xx-xxxx
ROBERT G. CERTAIN, xxx-xx-xxxx
WILLIAM J. DOUGHERTY, xxx-xx-xxxx
RICHARD E. JEWETT, xxx-xx-xxxx
WILLIE L. MCDANIEL, xxx-xx-xxxx
JOHN P. MONK, JR., xxx-xx-xxxx
LARRY W. MYERS, xxx-xx-xxxx
DAVID H. PARKINSON, xxx-xx-xxxx
WILLIS T. RICHIE, JR., xxx-xx-xxxx
WILLIAM J. ROWE, xxx-xx-xxxx
PHILLIP H. SCOTT, xxx-xx-xxxx
JIMMY F. TOMLINSON, xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

GERALD M. BIEZE, xxx-xx-xxxx
WILLIAM E. CADY, xxx-xx-xxxx
DAVID M. DEVIESE, xxx-xx-xxxx
THOMAS W. FAESSLER, xxx-xx-xxxx
STEVEN L. HARRIS, xxx-xx-xxxx
ROBERT B. JAMES, xxx-xx-xxxx
DAVID W. JOHNSON, xxx-xx-xxxx
WAYNE R. MARPE, xxx-xx-xxxx
BRANDEN G. MORAIS, xxx-xx-xxxx
THOMAS J. MORRIS, xxx-xx-xxxx
CRAIG M. RIRIE, xxx-xx-xxxx
GREGORY K. SPACKMAN, xxx-xx-xxxx
ROBERT K. STEADMAN, xxx-xx-xxxx
RICHARD E. WHALEY, xxx-xx-xxxx
EDWARD M. WISE, xxx-xx-xxxx

JUDGE ADVOCATE

To be lieutenant colonel

ROBERT T. ADAMS, xxx-xx-xxxx
STEWART F. ALY, xxx-xx-xxxx
ROGER W. BAILEY, xxx-xx-xxxx
DAVID A. BATEMAN, xxx-xx-xxxx
WILLIAM P. BENNETT, xxx-xx-xxxx
LOUIS J. BIZZARRI, xxx-xx-xxxx
TIMOTHY A. BRAUN, xxx-xx-xxxx
CHARLES L. CARPENTER, JR., xxx-xx-xxxx
WARREN T. CONRAD, xxx-xx-xxxx
RODNEY G. CROWGEY, xxx-xx-xxxx
JOHN H. CULLEY, III, xxx-xx-xxxx
ALBERT C. DEPENBROCK, xxx-xx-xxxx
MARY J. DUNDAS, xxx-xx-xxxx
EDWARD T. FARRY, xxx-xx-xxxx
LARRY E. FUNK, xxx-xx-xxxx
CARROLL A. GANTT, JR., xxx-xx-xxxx
ROGER W. GILES, xxx-xx-xxxx
JAMES J. GONZALES, xxx-xx-xxxx
ALFRED L. GREEN, JR., xxx-xx-xxxx
GEOFFREY R. HAMLIN, xxx-xx-xxxx
CHARLES O. HANSON, xxx-xx-xxxx
CHARLES T. HARRISON, III, xxx-xx-xxxx
DANIEL L. HAWKLEY, xxx-xx-xxxx
PHILIP S. HOWE, xxx-xx-xxxx
WILLIAM L. JACKSON, xxx-xx-xxxx
RICHARD R. KOLKOSKI, xxx-xx-xxxx
DOUGLAS W. LYONS, JR., xxx-xx-xxxx
CHARLES W. MACDONALD, xxx-xx-xxxx
JOSEPH V. MANDERS, JR., xxx-xx-xxxx
FRANK E. MAREK, JR., xxx-xx-xxxx
THOMAS S. MARKIEWICZ, xxx-xx-xxxx
WILLIAM J. MARTIN, JR., xxx-xx-xxxx
HERBERT T. MCINTOSH, JR., xxx-xx-xxxx
MICHAEL A. MCMURPHY, xxx-xx-xxxx
GREGORY E. MICHAEL, xxx-xx-xxxx
ARMANDO O. MONACO, III, xxx-xx-xxxx
KENNETH M. MURCHISON, xxx-xx-xxxx
TIMOTHY J. MURPHY, xxx-xx-xxxx
TODD E. NORTON, xxx-xx-xxxx
RALPH E. OLSON, xxx-xx-xxxx
JOSEPH E. ORSINI, xxx-xx-xxxx
RICHARD M. PERRY, xxx-xx-xxxx
JOHN W. RANBY, xxx-xx-xxxx
JAMES W. RICHARDSON, xxx-xx-xxxx
NEIL S. RICHMAN, xxx-xx-xxxx
RICHARD S. ROBINSON, xxx-xx-xxxx
JAMES M. RONK, xxx-xx-xxxx
LESTER W. SCHIEFELBEIN, JR., xxx-xx-xxxx
RICHARD R. SCHLEGEL, xxx-xx-xxxx
RICHARD S. SCHMIDT, xxx-xx-xxxx
DAVID W. SEITZ, xxx-xx-xxxx
THOMAS E. SHAW, xxx-xx-xxxx
EDWARD T. SMITHERMAN, JR., xxx-xx-xxxx
JOHN B. SOUTHARD, JR., xxx-xx-xxxx
JOSEPH S. SPITZER, xxx-xx-xxxx
RANDOLPH D. STOWE, xxx-xx-xxxx
CHARLES A. THIGPEN, xxx-xx-xxxx
PATRICK A. TUCKER, xxx-xx-xxxx
WILLIAM C. WALLER, xxx-xx-xxxx
ADRIAN J. WASKO, xxx-xx-xxxx
WILLIAM R. WOODS, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

WILFREDO P. APOSTOL, xxx-xx-xxxx
STANLEY A. BARNETT, xxx-xx-xxxx
WILLIAM S. BOURQUARD, xxx-xx-xxxx
JOSE D. BUHAIN, xxx-xx-xxxx
FABIO CABRERAMENDEZ, xxx-xx-xxxx
JOHN L. CHASE, xxx-xx-xxxx
ROBERT L. CHU, xxx-xx-xxxx
EDWARD E. CONRAD, JR., xxx-xx-xxxx
SUSAN S. DOYLE, xxx-xx-xxxx
ALICJA S. GOLEBIOWSKI, xxx-xx-xxxx
GARY K. HARGROVE, xxx-xx-xxxx
ANITA MAE HIBLER, xxx-xx-xxxx
FRANKLIN CHANG KEUN IMM, xxx-xx-xxxx
HWA ING KANG, xxx-xx-xxxx
TILMAN E. KLUWE, xxx-xx-xxxx
ARTURO M. LOPEZ, xxx-xx-xxxx
BALTAZARA G. LOTUACO, xxx-xx-xxxx
THEODORE I. MACEY, xxx-xx-xxxx
ROBERT J. MALCOLM, JR., xxx-xx-xxxx
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IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE ASSISTANT SECRETARY OF DEFENSE.

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RAYMOND T. SWENSON, xxx-xx-xxxx
DAVID L. THOMAS, xxx-xx-xxxx
MICHAEL P. WILSON, xxx-xx-xxxx
LEE W. ZIMMERMAN, xxx-xx-xxxx

NURSE CORPS

To be lieutenant colonel

HELEN M. ALVERSON, xxx-xx-xxxx
VICKIE H. ANDERSON, xxx-xx-xxxx
DIAN L. ATKINS, xxx-xx-xxxx
ESTON L. BANNISTER, JR., xxx-xx-xxxx
DEBORAH M. BARNOSKI, xxx-xx-xxxx
CORALIE S. BETZ, xxx-xx-xxxx
EDGAR E. BRYNER, xxx-xx-xxxx
ROBERT L. BUCKLEY, xxx-xx-xxxx
KATHY K. CASH, xxx-xx-xxxx
ANNETTE J. COCKBURN, xxx-xx-xxxx
ELLEN A. CONNORS, xxx-xx-xxxx
EDITH M. E. DAQUILALLOYD, xxx-xx-xxxx
THOMAS A. DAVIS, xxx-xx-xxxx
MARYANNE DEPAOLAUTT, xxx-xx-xxxx
KATHRYN M. FAGAN, xxx-xx-xxxx
DEBORAH S. FRANCE, xxx-xx-xxxx
BRENDA K. FULLER, xxx-xx-xxxx
MARY C. GOCKE, xxx-xx-xxxx
GARY C. GRAY, xxx-xx-xxxx

KATHRYN A. GRAZIANI, xxx-xx-xxxx
GLENDANN HARDY, xxx-xx-xxxx
DEBORAH A. HART, xxx-xx-xxxx
SUSAN L. HARVEY, xxx-xx-xxxx
KATHRYN M. HENRY, xxx-xx-xxxx
DARRELL R. HOFFMAN, xxx-xx-xxxx
SHARON A. HOLTZ, xxx-xx-xxxx
NORMA J. HUMPHREY, xxx-xx-xxxx
PEGGY A. JAMES, xxx-xx-xxxx
MICHAEL J. JOST, xxx-xx-xxxx
CYNTHIA A. KENYON, xxx-xx-xxxx
SHERRIE L. KNECHT, xxx-xx-xxxx
JILL M. LAYMON, xxx-xx-xxxx
TERESA A. LEDZINSKI, xxx-xx-xxxx
DOROTHY M. LEWIS, xxx-xx-xxxx
KAREN L. MARUSZAK, xxx-xx-xxxx
HELEN G. MCGAW, xxx-xx-xxxx
KATHLEEN A. MCINDOE, xxx-xx-xxxx
LARRY S. MCMILLEN, xxx-xx-xxxx
NANCY L. MCNAMARA, xxx-xx-xxxx
MARIE A. MOYER, xxx-xx-xxxx
DOUGLAS R. NEWPORT, xxx-xx-xxxx
MARY A. OPHOF, xxx-xx-xxxx
JANICE K. ORORKE, xxx-xx-xxxx
JOYCE K. PARK, xxx-xx-xxxx
SHARON D. PATTERSON, xxx-xx-xxxx
NANCY C. PREZIOSI, xxx-xx-xxxx
JAMES B. ROBERTS, xxx-xx-xxxx
DANIEL R. RUSTVANG, xxx-xx-xxxx
JIMMIE M. SMITH, xxx-xx-xxxx
MARGARET E. STRICKLAND, xxx-xx-xxxx
EILEEN L. SULLIVAN, xxx-xx-xxxx
JACQUELYN J. SUMMERS, xxx-xx-xxxx
MARTHA L. TARLEY, xxx-xx-xxxx
BRENDA C. TEAL, xxx-xx-xxxx
DONNA D. THOMPSON, xxx-xx-xxxx
DOLORES H. TURNER, xxx-xx-xxxx
PAMELA A. WINDMUELLER, xxx-xx-xxxx
SUZANNE WOLF, xxx-xx-xxxx

MEDICAL SERVICE

To be lieutenant colonel

MICHAEL C. ANDERSON, xxx-xx-xxxx
DAVID A. BOYUM, xxx-xx-xxxx
DON C. BROWN, xxx-xx-xxxx
JEFFREY L. BUTLER, xxx-xx-xxxx
DAVID L. CARLETTI, xxx-xx-xxxx
MICHAEL E. CARVER, xxx-xx-xxxx
RUSSELL L. COLEMAN, xxx-xx-xxxx
JOHN G. CORNALI, xxx-xx-xxxx
RICHARD A. DEVALL, xxx-xx-xxxx
JAMES C. DUDTE, xxx-xx-xxxx
THOMAS A. EUREK, xxx-xx-xxxx
RONALD W. GRUENDELL, xxx-xx-xxxx
MAURICE R. HAMILTON, xxx-xx-xxxx
CARLISLE HARRISON, JR., xxx-xx-xxxx
STEPHEN K. LECHOLOP, xxx-xx-xxxx
RICHARD D. MADDOX, xxx-xx-xxxx
LESLIE L. MALLONEE, JR., xxx-xx-xxxx
CRAIG S. MATSUDA, xxx-xx-xxxx
DANIEL MAYER, xxx-xx-xxxx
JOSEPH L. MCGRAW, xxx-xx-xxxx
DENNIS M. OREILLY, xxx-xx-xxxx
JOHN C. PATCHIN, xxx-xx-xxxx
NEIL G. PATTERSON, xxx-xx-xxxx
RICHARD A. PETERSON, xxx-xx-xxxx
RICHARD S. ROARK, xxx-xx-xxxx
ROBERT J. ROBSON, xxx-xx-xxxx
JOHN F. ROTHSTEIN, xxx-xx-xxxx
JACKIE W. SMITH, xxx-xx-xxxx
ROBERT L. SPARKS, xxx-xx-xxxx
GARRY W. STANBERRY, xxx-xx-xxxx
JOE E. STRANGE, xxx-xx-xxxx
MICHAEL J. THORNELL, xxx-xx-xxxx
LARRY B. VANCLEAVE, xxx-xx-xxxx
LARRY F. WITTGAN, xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

JAMES J. BERGER, xxx-xx-xxxx
ALAN E. BROOKER, xxx-xx-xxxx
JOHN J. CASSIDY, xxx-xx-xxxx
JAMES P. CERHA, xxx-xx-xxxx
JOHN R. CHARLES, xxx-xx-xxxx
STUART T. CORDTS, xxx-xx-xxxx
KENNETH A. COSTA, xxx-xx-xxxx
GEORGE V. CROSHAW, xxx-xx-xxxx
RICHARD B. DRAWBAUGH, xxx-xx-xxxx
MICHAEL I. DUBROFF, xxx-xx-xxxx
ROBERT A. FERGUSON, xxx-xx-xxxx
PATRICK T. FINK, xxx-xx-xxxx
WILLIAM C. HALL, xxx-xx-xxxx
JOE C. HEFLEY, xxx-xx-xxxx
PATRICIA A. HOBBS, xxx-xx-xxxx
WILLIAM F. KELLER, xxx-xx-xxxx
IRA J. KOREMAN, xxx-xx-xxxx
FRANK T. LUBOZYNSKI, xxx-xx-xxxx
KENT E. MAGNUSSON, xxx-xx-xxxx
MARTHA M. MARETH, xxx-xx-xxxx
JAMES A. MCGEHEE, xxx-xx-xxxx
MELINDA A. MITCHELL, xxx-xx-xxxx
KARL O. MOE, xxx-xx-xxxx
JAMES D. MONTGOMERY, JR., xxx-xx-xxxx
GEORGE R. NEW, xxx-xx-xxxx
JAMES W. NORMARK, xxx-xx-xxxx
SUELLYN W. NOVAK, xxx-xx-xxxx
PAUL M. OHAVER, xxx-xx-xxxx
MELVIN R. ONEAL, xxx-xx-xxxx
WAYNE R. PATTERSON, xxx-xx-xxxx
THOMAS L. PENDERGRAST, xxx-xx-xxxx
DAVID L. POTTS, xxx-xx-xxxx
THOMAS A. ROBILLARD, xxx-xx-xxxx
DANIEL L. RUNYAN, xxx-xx-xxxx
SHERRELL L. RUSSELL, xxx-xx-xxxx
MARK R. STEPHENSON, xxx-xx-xxxx
WILLIAM S. SWINDLING, xxx-xx-xxxx
MICHAEL J. WARD, xxx-xx-xxxx
WILLIAM A. ZAHLER, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3385:

ARMY PROMOTION LIST

To be colonel

THOMAS A. ANDERSON, xxx-xx-xxxx
BYRON L. BARNER, xxx-xx-xxxx
RICHARD BRITO, xxx-xx-xxxx
ROBERT A. BRODERICK, xxx-xx-xxxx
JOHN S. CALVETTI, xxx-xx-xxxx
JOHN D. CUNNINGHAM, xxx-xx-xxxx
JAMES J. DAVID, xxx-xx-xxxx
DANIEL J. DILLON, xxx-xx-xxxx
ROBERT G. DUNNAVANT, xxx-xx-xxxx
JIMMY W. EASTERLING, xxx-xx-xxxx
JERRY J. EGGLESTON, xxx-xx-xxxx
JOSEPH L. FERREIRA, xxx-xx-xxxx
ALLEN O. GRELL, xxx-xx-xxxx
HARVEY M. HAAKENSON, xxx-xx-xxxx
WILLIAM A. HADWIGER, xxx-xx-xxxx
NORMAN T. HAINES, xxx-xx-xxxx
JOHN L. HANSEN, xxx-xx-xxxx
JOHN R. HOLMAN, xxx-xx-xxxx
DONALD C. HULS, xxx-xx-xxxx
BERRY S. JOHNSON, xxx-xx-xxxx
JOHNNY R. KENDRICK, xxx-xx-xxxx
JAMES M. KENNEDY, JR., xxx-xx-xxxx
RONALD K. KERWOOD, xxx-xx-xxxx
FLOYD KING, xxx-xx-xxxx
THOMAS K. KIRKPATRICK, xxx-xx-xxxx
GAROLD W. LUTHY, xxx-xx-xxxx
ANDREW R. MILLER, xxx-xx-xxxx
LOUIS L. MURRAY, JR., xxx-xx-xxxx
MICHAEL P. OCONNOR, xxx-xx-xxxx
DONALD D. ORTON, xxx-xx-xxxx
CHARLES M. PARTIN, xxx-xx-xxxx
MICHAEL E. RAWLINS, xxx-xx-xxxx
REINALDO G. SANCHEZ, xxx-xx-xxxx
FREDRICK H. SERMON, xxx-xx-xxxx
EARL V. SHACKELFORD, xxx-xx-xxxx
HENRY D. SINTZENICH, xxx-xx-xxxx
ALLEN E. TACKETT, xxx-xx-xxxx
ROBERT W. VERTREES, xxx-xx-xxxx
LEROY A. WALL, xxx-xx-xxxx
RYLAND E. WREDE, xxx-xx-xxxx
WAYNE D. ZAJAC, xxx-xx-xxxx
DAVID A. ZWEIFEL, xxx-xx-xxxx

CHAPLAIN

To be colonel

RONALD C. BILL, xxx-xx-xxxx
THOMAS C. BLESSIN, xxx-xx-xxxx
WILLIAM E. CURTIS, xxx-xx-xxxx
JAMES D. WILLIAMS, SR., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

HOWARD AXENROD, xxx-xx-xxxx
JACKIE L. CHURCH, xxx-xx-xxxx
CHARLES KANAKIS, JR., xxx-xx-xxxx
DAVID R. NICHOLS, xxx-xx-xxxx
CLAUDE K. SMITH, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

GERALD O. DIAL, xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

RONALD W. ADAMS, xxx-xx-xxxx
REGINALD T. BERNARD, xxx-xx-xxxx
PHILIP W. BEVIS, xxx-xx-xxxx
ELLIS E. BRUMBAUGH, JR., xxx-xx-xxxx
JASPER CARPENTER, xxx-xx-xxxx
MICHAEL L. CASSADY, xxx-xx-xxxx
RONALD S. CHASTAIN, xxx-xx-xxxx
JOSEPH J. CHAVES, xxx-xx-xxxx
PETER C. COLE, xxx-xx-xxxx
DAN M. COLGLAZIER, xxx-xx-xxxx
GARRY J. COLLOTON, xxx-xx-xxxx
JAMES J. COOKE, xxx-xx-xxxx
THOMAS W. DALTON, JR., xxx-xx-xxxx
GEORGE C. DOLL, xxx-xx-xxxx
JOHN R. DOUGLAS, xxx-xx-xxxx
JAMES P. FOOT, xxx-xx-xxxx
JOSEPH J. GACIOCH, JR., xxx-xx-xxxx
JAMES G. GAMBILL, JR., xxx-xx-xxxx
KEITH C. GOODHOPE, xxx-xx-xxxx
WILLIAM W. GOODWIN, xxx-xx-xxxx
OLEXANDER HNOJEWYJ, xxx-xx-xxxx
RICHARD D. HOVERSON, xxx-xx-xxxx
JAMES G. HOWARD, xxx-xx-xxxx
JAMES M. HOWER, JR., xxx-xx-xxxx
GILMER T. HURST, JR., xxx-xx-xxxx
RICHARD W. HUSKES, JR., xxx-xx-xxxx
DANNY D. ISAACS, xxx-xx-xxxx
FRED R. JAECKLE, xxx-xx-xxxx
ROBERT W. JONES, xxx-xx-xxxx
STEPHEN E. JONES, xxx-xx-xxxx
BANKS C. KELLY, III, xxx-xx-xxxx
JAMES H. KINNEY, xxx-xx-xxxx
ROBERT W. KLITZKIE, xxx-xx-xxxx
LEONID KONDRATIUK, xxx-xx-xxxx
DENNIS R. KRAFT, xxx-xx-xxxx
JOHN A. LATOURRETTE, xxx-xx-xxxx
JULIUS J. LAWTON, xxx-xx-xxxx
MARK D. LEECH, xxx-xx-xxxx
GEORGE E. LETCHER, xxx-xx-xxxx
JAMES R. LITTLETON, xxx-xx-xxxx
CRAIG L. LOWMAN, xxx-xx-xxxx
EDWIN T. LUCAS, xxx-xx-xxxx
RONALD A. LUEBKE, xxx-xx-xxxx
ROBERT F. MILFORD, xxx-xx-xxxx
THOMAS A. MORTON, xxx-xx-xxxx
RUDY J. NESVIK, xxx-xx-xxxx
WILLIAM R. OCHSNER, xxx-xx-xxxx
VICTOR M. ORTIZ, JR., xxx-xx-xxxx
TERRY L. OUTMAN, xxx-xx-xxxx
ROBERT W. PEARSON, xxx-xx-xxxx
JOSEPH T. PERKINS, xxx-xx-xxxx
JOHN W. PERRIN, xxx-xx-xxxx
GARY L. PULS, xxx-xx-xxxx
DAVID W. RAES, xxx-xx-xxxx
DAVID J. REHKAMP, xxx-xx-xxxx
WILLIAM E. ROBERSON, xxx-xx-xxxx
KENNY W. ROYLANCE, xxx-xx-xxxx
WILLIAM B. RUNYAN, JR., xxx-xx-xxxx
WILLIAM A. RUX, xxx-xx-xxxx
GLEN I. SAKAGAWA, xxx-xx-xxxx
JAMES O. SALLEY, xxx-xx-xxxx
FRANLY H. SANCHEZ, xxx-xx-xxxx
RICHARD J. SCHLEGEL, JR., xxx-xx-xxxx
GLEN L. SCHOEPP, xxx-xx-xxxx
RICHARD E. SHEEHAN, xxx-xx-xxxx
JAMES M. SIKES, xxx-xx-xxxx
ROBERT L. SMITH, xxx-xx-xxxx
THOMAS D. SMITH, xxx-xx-xxxx
DENNIS P. SMYTH, xxx-xx-xxxx
WILLIAM R. SPORES, xxx-xx-xxxx
GEORGE W. STANG, xxx-xx-xxxx
JAMES E. SWARTZ, xxx-xx-xxxx
MICHAEL P. TANCZYN, xxx-xx-xxxx
DENNIS M. THOMPSON, xxx-xx-xxxx
JERRY W. TIPPS, xxx-xx-xxxx
ANDRE J. TROTTIER, xxx-xx-xxxx
LESLIE K. TUBB, xxx-xx-xxxx
GREGORY J. VADNAIS, xxx-xx-xxxx
MICHAEL R. VANPATTEN, xxx-xx-xxxx
WILFORD C. VOYLES, JR., xxx-xx-xxxx
JERRY D. WELCH, xxx-xx-xxxx
DALE W. WELLS, xxx-xx-xxxx
DAN A. WHITE, xxx-xx-xxxx
TIMOTHY F. WILHELM, xxx-xx-xxxx
RANDALL F. WILLIAMS, xxx-xx-xxxx
CHARLES D. WILLIAMSON, xxx-xx-xxxx
MITCHELL M. WILLOUGHBY, xxx-xx-xxxx
CLARENCE C. WUTHRICH, xxx-xx-xxxx
JAMES A. ZERNICKE, xxx-xx-xxxx
RICKIE J. ZIEGENFUSS, xxx-xx-xxxx
DENNIS J. ZIFCAK, xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

WILBERN C. HOFFMAN, xxx-xx-xxxx
WILLIAM R. YOWN, xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

MATTIE L. CALDWELL, xxx-xx-xxxx
MARY K. COBBS, xxx-xx-xxxx
BETTY L. FOEHL, xxx-xx-xxxx
MARGARET M. MEYER, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

MOHAMED S. ALIBRAHIM, xxx-xx-xxxx
ROBERT S. CHAVKIN, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

JAMES A. KRUECK, xxx-xx-xxxx
ROBERT L. KURPIEL, xxx-xx-xxxx
DOUGLAS J. MASER, xxx-xx-xxxx
WILLIAM F. SMITH, III, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

CHAPLAIN

To be colonel

RICHARD J. AROLD, xxx-xx-xxxx
ROBERT F. BERGER, xxx-xx-xxxx
WILLIAM J. CLARK, xxx-xx-xxxx

DONALD L. DAVIDSON, xxx-xx-xxxx
GEORGE W. GUDZ, xxx-xx-xxxx
JOHN R. HANNAH, xxx-xx-xxxx
ALBERT M. HANSEN, xxx-xx-xxxx
RICHARD H. HOLLEY, xxx-xx-xxxx
FRANK M. ORNBURN, xxx-xx-xxxx
RICHARD O. STENBAKKEN, xxx-xx-xxxx
THOMAS M. WARME, xxx-xx-xxxx

To be lieutenant colonel

MICHAEL E. ALLEN, xxx-xx-xxxx
CHRISTEN V. ANDERSON, xxx-xx-xxxx
ROBIN L. APLET, xxx-xx-xxxx
THEODORE BOBACK, JR., xxx-xx-xxxx
RAYMOND E. BRADLEY, xxx-xx-xxxx
MARK F. BREINHOLT, xxx-xx-xxxx
VINCENT D. *. BURNS, xxx-xx-xxxx
WINFIELD D. BUZBY, JR., xxx-xx-xxxx
JAMES S. COOPER, xxx-xx-xxxx
GLENN T. FASANELLA, xxx-xx-xxxx
BILLY W. FOWLER, xxx-xx-xxxx
ANDERSON H. GRANT, xxx-xx-xxxx
BILL C. GREENWALT, xxx-xx-xxxx
ROBERT L. GRIFFIN, xxx-xx-xxxx
RICHARD M. *. HARTSELL, xxx-xx-xxxx
LARRY J. HEBEBRAND, xxx-xx-xxxx
ROBERT A. HUTCHERSON, xxx-xx-xxxx
ROGER D. KAPPEL, xxx-xx-xxxx
GLEN R. KELSO, xxx-xx-xxxx
LEROY KIEMELE, xxx-xx-xxxx
ROBERT D. MCCRORY, xxx-xx-xxxx
DOUGLAS S. MCLEROY, xxx-xx-xxxx
THOMAS W. MITCHINER, xxx-xx-xxxx
JOSEPH R. MORRIS, xxx-xx-xxxx
WILLIAM C. MORRISON, xxx-xx-xxxx
WILLIAM C. NOBLE, xxx-xx-xxxx
JOHN B. PATRICK, xxx-xx-xxxx
DANIEL W. PHIFER, xxx-xx-xxxx
WILLIAM I. PHILIPS, III, xxx-xx-xxxx
HAROLD D. ROLLER, xxx-xx-xxxx
OTTIS W. SMITH, xxx-xx-xxxx
SAMUEL L. SMITH, JR., xxx-xx-xxxx
DONALD TAYLOR, xxx-xx-xxxx
WILLIAM T. TAYLOR, xxx-xx-xxxx
PETER TELENCIO, xxx-xx-xxxx
CARL V. THOMPSON, JR., xxx-xx-xxxx
ROOSEVELT WINFREY, JR., xxx-xx-xxxx
ROBERT L. YARBROUGH, xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

DENNIS P. *. AKIYAMA, xxx-xx-xxxx
MARSHALL L. ASHER, xxx-xx-xxxx
DONALD P. *. BANDY, xxx-xx-xxxx
MARK H. *. BEACH, xxx-xx-xxxx
GERALD W. *. BEATTY, xxx-xx-xxxx
RICHARD P. *. BEIN, xxx-xx-xxxx
JAMES E. *. BERWICK, xxx-xx-xxxx
BRANT A. *. BRADFORD, xxx-xx-xxxx
CHARLES R. *. BROWN, xxx-xx-xxxx
PAUL J. BUCCIGROSS, xxx-xx-xxxx
CHERYL S. BUDD, xxx-xx-xxxx
THOMAS W. *. BUTTERFOSS, xxx-xx-xxxx
DAVID L. CARR, xxx-xx-xxxx
RONALD E. *. CAVATAIO, xxx-xx-xxxx
THOMAS K. CHUBB, xxx-xx-xxxx
PHILIP B. CIBOROWSKI, xxx-xx-xxxx
JOHN C. *. CLAYTON, xxx-xx-xxxx
JOHN P. *. COFER, xxx-xx-xxxx
MARY C. *. CONCILIO, xxx-xx-xxxx
LAWRENCE J. COOK, xxx-xx-xxxx
MICHAEL J. *. DAVIDSON, xxx-xx-xxxx
JAMES P. FERRITER, xxx-xx-xxxx
JEFFREY T. FONDAK, xxx-xx-xxxx
MARTIN W. *. FRITZ, xxx-xx-xxxx
RAYMOND E. *. GONZALEZ, xxx-xx-xxxx
WAYNE E. GRABOW, xxx-xx-xxxx
JEFFREY L. *. HAIUM, xxx-xx-xxxx
DENNIS L. HARPER, xxx-xx-xxxx
JOHN C. HARRELL, xxx-xx-xxxx
KENNETH R. *. HELM, xxx-xx-xxxx
THOMAS G. *. HORNING, xxx-xx-xxxx
DENNIS E. *. JENNINGS, xxx-xx-xxxx
WILLIAM S. *. JOHNSON, xxx-xx-xxxx
JACKIE L. *. JONES, xxx-xx-xxxx
RONNIE K. *. JONES, xxx-xx-xxxx
TIMOTHY K. JONES, xxx-xx-xxxx
JAMES R. MCGUIRE, xxx-xx-xxxx
LARRY J. MILLIKAN, xxx-xx-xxxx
EDWARD E. *. MITCHELL, xxx-xx-xxxx
JOHN C. MITCHELL, xxx-xx-xxxx
JAMES T. MULLER, xxx-xx-xxxx
GARY D. *. MUNDY, xxx-xx-xxxx
DANIEL J. *. MURRAY, xxx-xx-xxxx
WILLIAM L. *. NICKEL, xxx-xx-xxxx
LARRY L. NIXON, xxx-xx-xxxx
MARTIN J. OAKES, xxx-xx-xxxx
THOMAS E. OBRIEN, xxx-xx-xxxx
ROBERT G. OWEN, xxx-xx-xxxx
BRUCE J. *. PATCHEN, xxx-xx-xxxx
JOHN L. PHILLIPS, xxx-xx-xxxx
BRYAN K. *. POLLARD, xxx-xx-xxxx
DIANE M. *. POLLICK, xxx-xx-xxxx
DENNIS P. PRYOR, xxx-xx-xxxx
JOHN C. QUERNA, xxx-xx-xxxx
JAMES R. RAGNO, JR., xxx-xx-xxxx
TIMOTHY M. *. REDDY, xxx-xx-xxxx
NESTOR L. ROMAN, xxx-xx-xxxx
RAPHAEL T. SCHACH, xxx-xx-xxxx
STANLEY R. *. SCOTT, xxx-xx-xxxx
JOHN R. *. SCUBA, xxx-xx-xxxx
TERRENCE M. *. SMITH, xxx-xx-xxxx
EDWARD A. *. SOUZA, xxx-xx-xxxx
EDWARD J. *. STRITTMATTER, JR., xxx-xx-xxxx
THOMAS A. SULLIVAN, xxx-xx-xxxx
ROGER R. THRONDSON, xxx-xx-xxxx
JOHN R. VALANT, xxx-xx-xxxx
BRADLEY J. *. VANCE, xxx-xx-xxxx
HANS W. WAWROUSEK, JR., xxx-xx-xxxx
GERALD K. WOLFF, xxx-xx-xxxx
STEVEN T. *. WONDERLICH, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

JAMES H. ALGEO, JR., xxx-xx-xxxx
DOUGLAS M. *. ANDERSON, xxx-xx-xxxx
STEVEN R. *. BAILEY, xxx-xx-xxxx
JAMES R. *. BAKER, JR., xxx-xx-xxxx
LYNN P. *. BEAULIEU, xxx-xx-xxxx
PAUL M. *. BENSON, xxx-xx-xxxx
EDWARD W. *. BERNTON, xxx-xx-xxxx
BENROE W. *. BLOUNT, xxx-xx-xxxx
ZDENEK *. BOCEK, xxx-xx-xxxx
WILLIAM K. *. BRADY, xxx-xx-xxxx
MACEO BRAXTON, JR., xxx-xx-xxxx
RICHARD M. *. BRIGGS, xxx-xx-xxxx
VERNON R. *. BRUCE, xxx-xx-xxxx
PHILIP P. *. BRUNO, xxx-xx-xxxx
MICHAEL P. *. BYRNE, xxx-xx-xxxx
ALBERT D. *. CAIN, xxx-xx-xxxx
CHARLES E. CARTER, xxx-xx-xxxx
CANDICE L. *. CASTRO, xxx-xx-xxxx
MICHAEL A. *. CAWTHON, xxx-xx-xxxx
AIDA G. *. CERVANTES, xxx-xx-xxxx
TANYA R. *. CHEEVERS, xxx-xx-xxxx
RANDY W. *. CHRISTENSON, xxx-xx-xxxx
WILLIAM L. *. CLAYTON, III, xxx-xx-xxxx
LIMONE C. *. COLLINS, JR., xxx-xx-xxxx
MARLISE R. *. COLLINS, xxx-xx-xxxx
BEATRIZ H. *. COQUILLA, xxx-xx-xxxx
RAND J. CUTHBERTSON, xxx-xx-xxxx
JOHN D. DAIGH, JR., xxx-xx-xxxx
JAMES R. *. DANIEL, xxx-xx-xxxx
CHARLES E. *. DAVIS, JR., xxx-xx-xxxx
RICHARD M. *. DEARMAN, xxx-xx-xxxx
HERMAN V. DEVERA, xxx-xx-xxxx
DWIGHT L. *. DONESKY, xxx-xx-xxxx
THOMAS B. *. DOUGHERTY, xxx-xx-xxxx
OTTO E. *. DOVE, xxx-xx-xxxx
GREGORY L. *. DRAKE, xxx-xx-xxxx
NEWTON O. *. DUNCAN, III, xxx-xx-xxxx
CHARLES C. EAVES, JR., xxx-xx-xxxx
JAMES E. *. EGAN, xxx-xx-xxxx
ROBERT W. ENZENAUER, xxx-xx-xxxx
CHERRY L. *. GAFFNEY, xxx-xx-xxxx
ROBERT H. *. GATES, JR., xxx-xx-xxxx
DEAN R. *. GIULITTO, xxx-xx-xxxx
GLENN L. *. GOLDSTEIN, xxx-xx-xxxx
EDWARD R. *. GOMEZ, xxx-xx-xxxx
NEY M. *. GORE, III, xxx-xx-xxxx
JAMES D. *. GRIST, xxx-xx-xxxx
DONALD W. *. GROGAN, xxx-xx-xxxx
DAVID K. *. HAAS, xxx-xx-xxxx
DAVID P. *. HALBACH, xxx-xx-xxxx
JON F. *. HARRELL, xxx-xx-xxxx
LAWRENCE P. *. HARTMAN, xxx-xx-xxxx
LOMA H. *. HASSELL, II, xxx-xx-xxxx
CARLA G. *. HAWLEYBOWLAND, xxx-xx-xxxx
LOUIS A. *. HIEB, xxx-xx-xxxx
KENNETH A. *. HIEKE, xxx-xx-xxxx
RAYMOND A. *. HOWARD, xxx-xx-xxxx
EDWARD C. *. HUYCKE, xxx-xx-xxxx
DAVID P. *. JAQUES, xxx-xx-xxxx
ROBERT V. *. JARRETT, xxx-xx-xxxx
PETER S. *. JENSEN, xxx-xx-xxxx
BRIAN R. *. JOHNSON, xxx-xx-xxxx
GARY P. *. JONES, xxx-xx-xxxx
MYRON B. *. JONES, xxx-xx-xxxx
KENNETH A. *. KAPLAN, xxx-xx-xxxx
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WILLIAM D. *. SNYDER, xxx-xx-xxxx
KAREN L. *. SOUTHMAYD, xxx-xx-xxxx
DON P. SPEERS, JR., xxx-xx-xxxx
AMY M. *. SPRAGUE, xxx-xx-xxxx
JOHN W. *. SPURLOCK, xxx-xx-xxxx
TIMOTHY W. *. STARCK, xxx-xx-xxxx
CARL S. *. STEINBERG, xxx-xx-xxxx
WILLIAM F. *. STODDARD, xxx-xx-xxxx
BRUCE G. *. STORRS, xxx-xx-xxxx
KEVIN B. *. STOUT, xxx-xx-xxxx
PATRICK STPIERRE, xxx-xx-xxxx
MARGARET J. *. STRIEPER, xxx-xx-xxxx
WILLIAM E. *. STRONG, xxx-xx-xxxx
RICKY H. *. STUGART, xxx-xx-xxxx
JAMES E. *. SUCHNICKI, xxx-xx-xxxx
LYNN S. *. SUDDUTH, xxx-xx-xxxx
ROBERT H. *. SUDDUTH, xxx-xx-xxxx
JAY F. *. SULLIVAN, xxx-xx-xxxx
ERNEST E. *. SULLIVENT, III, xxx-xx-xxxx
STEVEN W. SWANN, xxx-xx-xxxx
SIDNEY J. *. SWANSON, III, xxx-xx-xxxx
DAVID D. *. TEUSCHER, xxx-xx-xxxx
JOHN F. *. THEROUX, xxx-xx-xxxx
WILLIAM C. *. THOMEIER, SR., xxx-xx-xxxx
TIMOTHY A. *. TIERNEY, xxx-xx-xxxx
MARTIN H. *. TIEVA, xxx-xx-xxxx
RICHARD J. *. TIMMONS, JR., xxx-xx-xxxx
EDWARD W. *. TOBEY, xxx-xx-xxxx
MARIE J. *. TRENGA, xxx-xx-xxxx
DWIGHT R. *. TRIBELHORN, xxx-xx-xxxx
MARC P. TSUFIS, xxx-xx-xxxx
PAULA K. *. UNDERWOOD, xxx-xx-xxxx
LUIS A. *. URRUTIA, xxx-xx-xxxx
SUSAN L. *. VAGNIER, xxx-xx-xxxx
WILLIAM F. *. VARR, III, xxx-xx-xxxx
THOMAS K. *. VAUGHAN, xxx-xx-xxxx
PAUL J. *. VINSEL, xxx-xx-xxxx
ROBERT D. *. WADLEY, xxx-xx-xxxx
CAROLYN A. *. WAIT, xxx-xx-xxxx
DEBORAH A. *. WAITZ, xxx-xx-xxxx
PHILIP E. *. WAKEFIELD, xxx-xx-xxxx
BARBARA E. *. WALKER, xxx-xx-xxxx
TERRY J. WALTERS, xxx-xx-xxxx
BENJAMIN F. *. WALTON, III, xxx-xx-xxxx
DONALD G. *. WARD, xxx-xx-xxxx
THOMAS P. *. WARD, xxx-xx-xxxx
WILLIAM J. WATERHOUSE, xxx-xx-xxxx
MARK D. *. WATKINS, xxx-xx-xxxx
SCOTT A. *. WEAVER, xxx-xx-xxxx
GEORGE F. *. WEBER, xxx-xx-xxxx
MARTIN E. *. WEISSE, xxx-xx-xxxx
GERALD M. *. WELCH, xxx-xx-xxxx
ROBERT W. WELLER, xxx-xx-xxxx
ARMISTEAD L. *. WELLFORD, xxx-xx-xxxx
KENNETH W. *. WESTPHAL, xxx-xx-xxxx
MARK D. *. WHITAKER, xxx-xx-xxxx
WILLIAM L. *. WHITE, xxx-xx-xxxx
RICHARD E. *. WHITLOW, xxx-xx-xxxx
TODD B. *. WHITSITT, xxx-xx-xxxx
TODD M. *. WIEN, xxx-xx-xxxx
GREGORY S. *. WILEY, xxx-xx-xxxx
MARIANNE *. WILLE, xxx-xx-xxxx
GUY P. *. WILLIAMS, xxx-xx-xxxx
FREDERIC B. *. WILSON, JR., xxx-xx-xxxx
JON J. *. WILSON, xxx-xx-xxxx
STEVEN S. *. WILSON, xxx-xx-xxxx
ROLAND W. *. WONG, xxx-xx-xxxx
STEVEN H. *. WRIGHT, xxx-xx-xxxx
IRENE I. *. YEVICH, xxx-xx-xxxx
KARL N. ZEFF, xxx-xx-xxxx
GRETA C. *. ZIMMERMAN, xxx-xx-xxxx
CURTIS J. *. ALITZ, xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be major

STEPHEN C. *. ALLISON, xxx-xx-xxxx
KAREN V. *. ARNOLD, xxx-xx-xxxx
DEBRA D. *. BERTHOLD, xxx-xx-xxxx
TRACY J. *. BRUDVIG, xxx-xx-xxxx
LEONARD I. *. CANCIO, xxx-xx-xxxx
LAURI M. *. COFFEY, xxx-xx-xxxx
ROBBIE B. *. COURTS, xxx-xx-xxxx
JILL E. *. ECKL, xxx-xx-xxxx
MYRA J. ENDLER, xxx-xx-xxxx
BRENDA J. *. FORMAN, xxx-xx-xxxx
FRANK E. *. GAINER, III, xxx-xx-xxxx
JILL E. *. MCCOY, xxx-xx-xxxx
STEVEN R. *. ORD, xxx-xx-xxxx
JANET A. *. TINGLE, xxx-xx-xxxx
KAREN W. *. WISH, xxx-xx-xxxx

VETERINARY CORPS

To be major

NEIL W. *. AHLE, xxx-xx-xxxx
CATHERINE M. *. BANFIELD, xxx-xx-xxxx
RONNIE J. *. BARNES, xxx-xx-xxxx
CRAIG A. *. CALAMAIO, xxx-xx-xxxx
CURTIS A. COLLETON, xxx-xx-xxxx
WILLIE J. *. CROSBY, JR., xxx-xx-xxxx
JUNE A. *. ELLIS, xxx-xx-xxxx
NEWTON H. FOSTER, IV, xxx-xx-xxxx
MARC E. *. MATTIX, xxx-xx-xxxx
FRANK J. *. MISKENA, xxx-xx-xxxx
DOUGLAS A. POWELL, xxx-xx-xxxx
MARIE B. *. STALEY, xxx-xx-xxxx
ALFRED P. *. VOGEL, xxx-xx-xxxx
BRYAN S. WHITE, xxx-xx-xxxx
DALE L. *. WILLIAMSON, xxx-xx-xxxx
SUSAN R. *. YANOFF, xxx-xx-xxxx
GARY M. *. ZAUCHA, xxx-xx-xxxx

IN THE NAVY

THE FOLLOWING NAMED COMMANDERS OF THE RESERVE OF THE U. S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF CAPTAIN IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL CORPS OFFICERS

To be captain

CONSTANTE UBAN ABAYA
ROBERT G. ALLEN, JR
ADALBERTO ARANA, JR
MANUEL FRANCI BAUTISTA
DANIEL EDWARD BOYLE, JR
ROBERT BRUCE BRIGDEN
ROBERT LESLIE BUCKLEY
ALDO ANTONIO BUONANNO
ROBERT J. BURNETT
HARRY PAUL CLAUSE, JR
TIMOTHY GARMAN COOK
ROBERT E. CREUTZ
JOSE SOTTO CRUZ
AUSTIN R. CUSHMAN
THEODORE ANTHON DAMICO
ROBIN IAN DAVIDSON
GLENN M. DAVIS
ILUMINADA HOLGADO DAZA
ERICO MALTAL DEIPARINE
JOHN ROBERT DOWNS
MELVYN GALEZA DREW
DAVID ROBERT DUFOUR
CHITTUR V. EASWARAN
LEOVIGILDO CABR GANGOY
JAMES R. HAGLER
EARL HERBERTO HARLEY
JOHN DENIS HAUGH
BOBBY JOE KENNEDY
GERALD J. KIVETT
OYOUNG KONG
RICHARD JOSE LABOWSKIE
KANG JEIH LAI
MICHAEL JAMES LAPENTA
TAURIN PYONGKAP LEE
FREDERICK EDWIN LUDWIG
EDWARD HERBERT MALTERS
L. WINNIE VAR MANECLANG
TERESITA LASC MISMANOS
RICHARD PAUL MORIARTY
VINCENT STEPHEN OHARA
ARLENE OLAISEN
HELEN PADOLI PAMINTUAN
JEAN PANAGAKOS
WILLIAM CLAYTON PETTY
RICHARD B. PHILLIPS
STEPHEN H. POWELL
RANDALL N. PRATT, JR
STEVEN GEORGE PRATT
DAVID CLINTON PRICKETT
TASNEEM ASAD RAJA
NARENDRAKUMAR M. RAVAL
NELSON JACOB REALO
CHARLES WILLI RENINGER
JAMES THOMAS ROBERTSON
GARY LEWIS ROBINSON
JAMES O. ROYDER
LARRY W. RUMANS
ASELA REYES SANFELIPE
CHARLES S. SETTLE
ROGER WHITEL SHEFFIELD
JOHN HARRY SHELBY
KENNETH LEE SISCO
GEORGE JAY WALKE SMITH
GERALD HARVEY SOKOL
DONALD ELDON SPRAGUE
THOMAS EDWARD STEFFEN
VAN J. STITT, JR
DANA D. STOMBAUGH
JAMES ROUZIE STONE
THEODORE R. SUNDER
GARY WAYNE WATSON
LARRY SCOTT WILLIAMS
WARREN TIMOTHY WILSON

DENTAL CORPS OFFICERS

To be captain

GERARD JOSEPH BARNA
PHILLIP STANL BREULEUX
WILLIAM JARMAN DAVIS
MICHAEL VANICE ELLIS
JULIAN DOUGLAS FREEMAN
VERNON PAUL HARRISON
HUBERT ALLEN HENKLE
DENNIS DOUGLAS JOHNSON
KENNETH MICHAE KUCHARZ
JEFFREY LYND LOCKWOOD
CRAIG MICHAEL MARCELLO
JAMES WESLEY MUNN
JOHN STANDISH REEVER
JR THOMAS CULL ROBERTS
JAMES WEBB TAYLOR
ALBERT THEODORE TWESME
BRUCE MICHAEL WENY
JOSEPH HAMI WILLOUGHBY

MEDICAL SERVICE CORPS OFFICERS

To be captain

JOHN ROBERT BOURNE
GENE BRONSON
DOUGLAS LEE JOHNSON
MELVIN EDWARD MUNG KAU
DYANN JORGENS MILLS
BRIAN MICHAEL ODONNELL
MELVIN DOUGLAS SHIPP
BETTY WATTLES STARR
JERRY DEAN WEST
PETER CRAIGE WIGHT

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be captain

THOMAS E. ALBRO
RICHARD HARVEY ALLISON
HAROLD ERVIN ATHERLY
WOODROW HOBSON BARNES
GARY L. BROWN
JULIAN ALBERT J. BRYANT
JOSEPH TALMAGE CLARK
PAUL K. COSTELLO
LOWELL JOHN DOSCH
VICTOR FOX
ROBERT GORHAM J. FULLER
HOWELL JACKSON GREGORY
WILLIAM HAROLD HAUSER
THOMAS LEE JONES
IVARS ANDRIS JOZUS
MALVERN FRANCIS J. KING
DAVID TALBOT LANDERS
JAMES EUGENE LIVESEY
THEODORE GREENE MEEKER
RICHARD FRA MUTZEBAUGH
RUSSEL RAY OLIVER
WILLIAM JAMES RENTON
MICHAEL A. RIEPE
JOHN ALDEN STEVENS
CLIFFORD JOSEPH STUREK
JOHN E. TUTHILL
EDMUND THEODOR WEGENER

NURSE CORPS OFFICERS

To be captain

CAROL MARIE BALLEW
PATRICIA LYNN BURNS
PATRICIA MARIA COLLINS
SARAH SHEPARD DAHLGREN
KAREN ELIZABETH DORIS
ANNE ELIZABETH GARTNER
LORETTA MARGARET GUISE
CAROLE RUTH JEWETT
MARY RUTH JOHNSON
JOANNE T. LEVINHOMME
GAYLE YVONNE LEWIS
ROBERTA MAE MCCOY
ROSE MARIE MCNAMARA
MARGARET JEAN NATION
BARBARA ANN SHELL
THOMAS PHILLIP SHERMAN
MARILYN ANDERSON SMITH
JUDITH SCHANTZ STAGG
PATRICIA JAMES WATSON

SUPPLY CORPS OFFICERS

To be captain

BRUCE LEROY ALLEN
MALCOLM EUGENE BASS
DWIGHT KEITH BOHM
GEORGE DAVID BUENNAGEL
ROBERT LYNN CORNIE
THOMAS EARLE CRELLIN
MICHAEL ROBERT HALL
RONALD SAMUEL HARRIS
JAMES PATRICK HARTY
WILLIAM GRANVILLE JAMES
THOMAS FREDERICK KINGEN
RICHARD THEODORE KNUDSON
DOUGLAS LUNDELL
PAUL VICTOR MAIER
WILLIAM BRIAN MARTIN
PATRICK JAMES MAYHEW
DAVID LEE MILLER
WILLIAM MICHAEL MURRAY
ELLSWORTH JAMES RANDALL
THOMAS LEE RUCH
JAMES ARTHUR RYAN
KENNETH DALE STOUT
STEVEN JOHN TAYLOR
RICHARD WILLIAM TUCKER
THOMAS ALLAN VORTMANN
KENNETH ALAN WILLCOX
JOHN LESLIE WILLIAMS
TERRY ALLEN WORSDELL

SUPPLY CORPS OFFICERS (TAR)

To be captain

DOUGLAS ROLAND PEARSON

CHAPLAIN CORPS OFFICERS

To be captain

CHARLES RANDOLPH CONEY
ALLEN HOWARD PODET
DOUGLAS VERNON UNDERHILL
ALBERT PETER VUCINOVICH

CIVIL ENGINEER CORPS OFFICERS

To be captain

JAMES VINCENT BARTLETT, JR
LOUIE DEAN BATTLES, JR
ARTHUR NEAL BROOKS
DAVID LANE BURRUS
HOMER ALLEN CORBIN, JR
RICHARD FRANKLIN COWAN
JOSEPH JOHN DELCIOTTO, JR
DENIS JOHN FECK
JAMES ALBERT FOWDEN, III
ROBERT MASASHI FURUKAWA
TERRENCE JOHN HODNIK
THOMAS T. JOHNSON
ROBERT CHARLES MARLAY
EDGAR CASON MCGEE
DAVID EUGENE ROSENBAUM
JAMES EDWARD SHELTON
HARRY STCLAIR
GARY LYNN WAGNER
MICHAEL ERNEST WEYLER

IN THE NAVY

THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U. S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF COMMANDER IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL CORPS OFFICERS

To be commander

JAMES LESLIE AUSTIN
THOMAS SCHEELE BACKER
PATRICIA MALLINS BAEHR
JUAN RAFAEL BARALT
TODD LUCAS BEEL
GEORGE BERNSTEIN
CHARLES MULLINS BROHM
DANIEL C. BROOKE
JEFFREY FREDR BROOKMAN
CHARLES N. BROOKS
MARY JANE BROWN
DAVID JOHN BYLUND
TIMOTHY GEORGE CALL
PAMELA ANN CAMOSY
ODEST FRANK CANNON, JR
WILLARDLEON CHAMBERLIN
TOMAS JORGE CONCEPCION
GARY JOHN CONNER
GERRY A. COPE
CHRISTOPHER CURCIO
GERALD BIRCH DEMAREST
JAMES MICHAEL DEMASI
PEARSE DERRIG
JOSEPH LEONA DESTEFANO
ROBERT GERALD J. DUGGAR
CARL ERWIN DUKES
ELBERT ALAN DUNCAN
THOMAS CHARLES DUNNE
DIANE ELISE ENNIS
DOUGLAS L. EUBANKS

ROBERT KEVIN FERGUSON
ALAN MARK FIRESTONE
PAUL F. GIANNANDREA
WILLIAM BRIAN GLENN
RICHARD E. GOBLE
MICHAEL JOHN GRADY
MATTHEW C. GRATTON
RICHARD GRAYSON
RANDY H. GREENE
EDNA MAI GRIFFENHAGEN
TED DAONALD GROSHONG
JEAN ANN GRUETER
JOHN RANDALL HAGUE
STEPHEN FREDERI HANSEN
ALFRED LEON HARKLEY
ARTHUR COMMONS HAYES
KEVIN JOHN HEALY
EDWIN JAMES HEFFERNAN
WILLIAM THOMAS HERBICK
GEORGE LOUIS HERLIN
MICHAEL R. HERMANS
RICHARD P. HOLM
JOHN STUART HUGHES
THOMAS ALAN HYATT
WILLIAM JUBIZ
STEVEN JOHN KAMINSKI
ROBERT WENDELL KNUDSON
PETER STEPHEN KONCHAK
MARGARET KEAVEY KOZEL
FERNANDO ENRIQUE LAMAS
ROQUE ALEXANDER LANZA
DOUGLAS D. LEE
LOUIS W. LESSARD
RANDOLPH C. LESTER
MICHAEL GEORGE LICINA
WAYNE FRANCIS LITTLE
CAYETANO A. LOPEZCEPERO
GAMALIEL GO LOTUACO
DAVONNE SHERYL LOUP
JEFFREY RAYMOND LOZIER
JAMES PHILLIP MARRA
THOMAS J. MARSHALL, JR
FRANCIS MICH MCCAFFREY
MARION REYNOL MCMILLAN
PETER THOMAS MELLIS
CAROLYN FIELD MISCHER
STEPHEN ALEXA MITCHELL
DONNA SUE MULLER
LYNN MARIE NILE
BRIAN ORTH NYQUIST
BARBARA LOUISE OHARA
RALPH P. ORLANDO
DAYA JITENDRA PATEL
GEORGE G. PATTERSON
ROBERT CLYDE PATTON
JOSEPH DAVI PIORKOWSKI
STANLEY GENE PROUGH
JOE BILLY PUTNAM, JR
HAROLD B. REEDER
FRANK P. REYNOLDS
KURT R. ROEMER
DAVID B. ROGERS
GREGORY JOSEPH RUMORE
ROY FRANCIS SCALIA
NORMAN SCHLAGER
ARMIN SCHUBERT
DANIEL PAUL SCHWEICH
RANDALL E. SEAGO
WILLIAM DRIVER SHIPPEN
FRANCIS JOHN SINCOX, JR
MICHAEL JOHN SLESINSKI
JAMES EMERSON SMITH, II
RUBEN L. SMITH
JOHN MICHAEL SQUIRES
JAMES A. STANKIEWICZ
CHARLES MCL STIERNBURG
COY BARTON STONE
ROBERT ALLE STRICKLAND
JAROSLAW PETER STULC
PHILIP EUGE SUTHERLAND
JOHN H. TILLER
LAURIER JOSEP TREMBLAY
ANNE H. TROBAUGH
RAMON ANTONIO URDANETA
SANTIAGO VILLARREAL
WILLIAM GLYN WAGNON
LAWRENCE XAVIER WEBB
GRAHAM KEVIN WETHERLEY
JAMES K. WICKERSHAM
DAVID RANDALL WILLIAMS
HOWARD CLARENCE WILLIS
ROBERT MENZIES WIPRUD
DANIEL E. WOLF
ROBERT BRUCE WOLOV
VICKY LESTER TE YBANEZ
ELIZABETH BISH YOUNG

DENTAL CORPS OFFICERS

To be commander

RONNIE W. ARRINGTON
RICHARD A. ASHTON
BYRON WYNN BENSON
DANIEL BOERS
RICHARD M. DIBELLA
DAVID JOSEPH HIBL
TONY HERSHEL HUGHEY
MICHAEL GAIL IRELAND
WILLIAM HARRISON KAAR
EUGENE EDWARD KELLER
THOMAS V. KELLY
KENNETH EDWARD LANDRY
GARY LOUIS LIVACARI
GARY A. MADISON
MICHAEL L. MIDDLEBROOKS
WILLIAM WILLKOM SCHELL
WALTER B. SHREWSBURY
NEAL STEWART SLUTSKY
MARK STEVEN SORIN
BARRY A. STITT
MICHAEL JOHN J. VASISKO
JEROME ALEXANDER WHITE

MEDICAL SERVICE CORPS OFFICERS

To be commander

ROBIN BRUCE BROWN, JR
NOREEN CONSIDINE
JAMES ROBERT DILLON
DAVID KENNETH DODGE
WILLIAM HUNT ETHERIDGE
HARRISON TATUM FERRIS
LOUIS OCTAVIO GARCIA
MARCELLUS GRACE
SCOTT GREGERSEN
LYNN CURTIS GRISWOLD
RONALD DALE HALL
LEON CHARLES HARRIS
WENDY LYNN ME HARRISON
STEPHEN JOSEPH HENSKE
WILLIAM GRESBY HUGHES
CHESTER STEPHEN KATZ
WAYNE BERTW KIELSMEIER
DAVID LEE MASERANG
JACK ANDREW MAXWELL, JR
DONNA LYNNE PAVLICK
THOMAS TURNER PAYNE
PETER ROBERT RESEDEAN
FRANK COMPTON SHARP
GARY LEE STOKES
GEORGE EDWAR STRUDGEON
DONALD RAYMON THURSTON
SPANN MARLOWE WATSON
DANNY WEDDING
PATRICIA NAOMI WHITE

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

JONATHAN J. ANDERSON
ROGER BRYAN ATKINS
LAWRENCE B. BRENNAN
ROBERT S. BROCK
RAYMOND W. BUSCH
RICHARD STEWART BUSH
JOHN J. CHERNOSKI
STEVEN A. CURLEE
MICHAEL PAUL CURRERI
RICHARD K. DELMAR
ALLAN FRANK ELMORE
GREGORY J. GARNER
LAUREL CHESS GILLESPIE
DOUGLAS J. GLASSCOCK
KEITH F. GRAHAM
DONALD L. HAGENGRUBER
RICHARD R. HATTENHAUER
MICHAEL DEAN HOOD
MARK STEWART HOWELL
JOHN PARKER HUGGARD
FRANK ALLAN KREIDLER
SHARYN MARGARE LEONARD
FREDERIK SIMON LUTZ
LARRY DOBY MARTIN
KENNETH C. MCMANAMAN
ROY DAVID PETERSEN
ROBERT ERWIN RITTER
KENNETH M. ROBBINS
ROBERT KENNETH ROGERS
HERBIE LEE SOLOMON
JOHN DENNIS THEIS
MARTIN WEINSTEIN
SAMUEL F. WRIGHT

NURSE CORPS OFFICERS

To be commander

DEBORAH ANN ATWATER
PATRICIA ELAIN BALDWIN
PAULA BARNES
DONNA J. H. BAUMGARTNER
JAMES ALLAN BLESSING
CHRISTINE MARIE CARLIN
JEAN ANN FEELEY
ANNE VIRGINIA FORSHA
PATRICIA MARY GILBERT
LYNNE LESAK HAMILTON
ELAINE SCHNOOR HOBBS
PATRICIA ANN KANE
YUKI KATO
RHODA LOUISE KEOWN
GWEN ELLEN FABER LANG
SANDRA A. MEADOWCROFT
ELIZABETH MCCLO MORRIS
LINDA JANET NIETMAN
JOAN MARIE NUTTING
MARY ELLEN MCHALE PATE
CATHERINE AN PATTERSON
BARBARA STEEL POLAK
VELDA ELIZABET SOLOMON
SHARON K. SUMMERS
SUSAN MARIE VARENHOLT
ODETTE PATRICIA WILLIS

SUPPLY CORPS OFFICERS

To be commander

KENNETH JOSEPH ADAM
CRAIG MICHAEL BENSON
DEANNA BERNET
ALONZO BRENTON BONNER, JR
ERIC MICHAEL BOURNE
PAUL HELLER BRENNER
DOUGLAS WARREN BROWN
ROBERT MICHAEL CLINTON
JOHN WESLEY DAGGETT
FRANCIS MICHAEL DAVIES
CHARLES CLARK DRISCOLL
DAVID FLOYD ENGLISH
THOMAS KONG MING FONG
OTTO LEON GAROT
JULIUS GOSTEL, JR
ROBERT CARL HAACK
ROBERT C. HENDRICKSON, III
EDWARD HAROLD HILL
STEPHEN GERARD JUNG
WILLIAM ROBERT LAND, III
MICHAEL DAVID LANGOHR
RICHARD OGDEN LOOMIS
JOHN ADAM MORELAND
STEPHEN GWYNNE MORROW
PETER LOCKHART MULLEN
RICHARD FLOYD RAYBON
PAUL SEKULA
CHARLES SPURGEON SHARROCKS
NICHOLAS LYNN SPRATLEN
JOHN BURTON STROUPE
GROVE GEORGE THOMPSON, JR
WILLIAM CLARE WISMER
DOUGLAS ROBERT WOIKEY

SUPPLY CORPS OFFICERS (TAR)

To be commander

SHARON JOYCE MELTON

CHAPLAIN CORPS OFFICERS

To be commander

RONALD KEITH AUSTIN
FLORIDA B. BATTLE
DAROLD FORREST BIGGER
GEORGE CALVIN GOODMAN
RICHARD THOMAS RONEY
DONALD ARTHUR TAYLOR
DAVID ARNE THOMPSON

CIVIL ENGINEER CORPS OFFICERS

To be commander

KENNETH GILBERT BAER
DOUGLAS KIRK BARBER
DOUGLAS LEON BLOOMQUIST
JOHN JAMES CALAMARI, III
RONALD JOHN COMINSKY
PETER MICHAEL DEPRETER
KENNETH LLOYD DRAKE
KENNETH JOHN ENDRESS
JAMES ALLAN FRAZER
FLOYD FREEMAN, JR
JOSEPH JOHN FURCO
RAUL EDWARD GARCIA
GEORGE FREEMAN GILBERT, JR
LARRY RUSSELL GIVENS
ARTHUR BRUCE GOODWIN
RONALD BARRY HELSON
JOHN HENRY HOMIER, JR
ROBERT RAY HOOD
CHARLES ANDREW KLIMMEK
DANIEL FRANKLIN KNUDSON, JR
BENJAMIN STANLEY KONOPKA
GARY LEE KOPPS
CURTIS JULE KREKLAU
IRWIN RICHARD MARTIN, JR
CARL ROBERT NELMAN
OVA WAYNE RAMSEY
JAMES MICHAEL SMITH
DENNIS JOHN SOBOTA
MURRAY MICHAEL TILSON
HAROLD RICHARD WOOD, JR
WILLIAM DUNN WRIGHT, JR
WILLIAM RICHARD YATES

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

JEFFREY R. ABEL
VICKI SUE ABEL
DONALD MICHAEL ABRASHOFF
RONALD CARL ADAMO
ROSE MARIE THERESA ADAMS
GLENN TAYLOR AIKIN
STEPHEN GEORGE ALBERS
MICHAEL HOWARD ALBRIGHT
FREDERICK MITCHEL ALEXANDER
TOWNSEND GRIFFISS ALEXANDER
DAVID ROBERT ALLEN
PAUL M. ALLEN
MICHELLE ROSE ALTMAN
JOHN JAMES ANAYANNIS
NORMA MARIE ANDERTON
PETER ALLEN ANDREASEN
CHRISTIAN WILLIAM ANDRIEU
DAVID STEVENS ANGOOD
DAVID GERARD ARCHAMBAULT
DANIEL J. ARCHER
LAWRENCE ERIC ARCHER
DAVID DEAN ARCHIBALD, II
GEORGE EDWARD ARGERAKE
JOHN JOSEPH ARNOLD
MARK REYNOLDS ARNOLD
RONALD RAY ARNOLD, III
THOMAS EDWARD ARNOLD
DANIEL DEE ATHEY
MARSHALL WINFRED ATKINS
ROBIN LYNN ATKINS
GARY DON ATKINSON
JOSEPH PETER AUCOIN
RUSSELL EARL AVERILL
DONALD E. BABCOCK
DAVID ANTHONY BACIOCCO
DAVID TERRY BAILEY
SHEILA GAIL BAILEY
RICHARD LEE BAINBRIDGE
WILLIAM ALLEN BAKER
JOE DAN BANKER
WALTER FRANCIS BANKOWSKI, JR
RORY KEN BANKS
CARL S. BARBOUR
MICHAEL JOHN BAREA
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DOUGLASS TODD BIESEL
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STEPHEN JAMES CAMACHO
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JOSEPH ANDREW JOHNSON
KATHY ANN JOHNSON
KEVIN ROBERT JOHNSON
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KEVIN ALBERT JONES
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TERRANCE GREGORY JONES
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BETTINA VENETTOZZI WALLACE
JOHN STEVEN WALLS
SUSAN ESTHER WALTERS
PETER BLAKELEY WANN
ALBERT JOHN WARD
JOHN DAVID WARD
WILLIAM EARNEST WARD
MICHAEL C. WARMBIER, III
BRUCE TIMOTHY WARREN
DENNIS GEORGE WATSON
FRANK LEONARD WEBB
WILLIAM T. WEBBER
RONALD EUGENE WEISBROOK
MITCHELL MONTGOMERY WELCH
ROGER DALE WELLS
RICHARD ALAN WENDLAND
PATRICIA MURPHY WENGER
SUZANNE KATRINKA SCHEL WEST
DARREL EDWIN WESTBROOK, III
ANNE LAURA WESTERFIELD
ROLAND WEYMAN
PATRICK RANDOLPH WHEELER
PAUL KENNETH WHITEAKER
GARY CHARLES WHITFIELD
JAY D. WHITLOCK
MARK Q. WHITTLE
TERRY SCOTT WICHERT
JOHN P. WIDAY
PETER IGOR WIKUL
CLAYTON S. WILCOX
BRIAN WILD
ROBERT HENRY WILHELM
JAMES EDWARD WILKIE
JAY COLVARD WILKINSON
BRYAN S. WILLIAMS
JOHN DAVID WILLIAMS
MARY EDITH WILLIAMS
MICHAEL DAVID WILLIAMS
MICHAEL JOSEPH WILLIAMS
NORMAN LEROY WILLIAMS
ROBERT GARY WILLIAMS
CRAIG A. WILSON
DAVID CABLES WILSON
DOUGLAS MITCHELL WILSON
JOHN GILBERT RANDAL WILSON
JOHN LEE WILSON, III
JOHN PHILIP WILSON
RICKY E. WILSON
WARD AMES WILSON, III
DONNA RENE WINER
THOMAS JOHN WINKOWSKI
ROBERT SCOTT WINNEG
DALE WAYNE WINSTEAD
EDWARD GRIFFING WINTERS, III
JOHN D. WITHERS
JOHN LOUIS WITTREICH
ROBERT LEE WOHLSCHLEGEL
RAYMOND WARREN WOLBER
BRIAN PHILIPS WOOD
GLORIA DARLENE WOOD
JOHN STEVEN WOOD
MICHAEL P. WOOD
JIMMY CLIFFORD WOODARD
SUSAN ELAINE WOODWARD
RICHARD CLARK WOOLDRIDGE
JAPHET POTENT WOOLSTON
THOMAS VICTOR WORKS
DEAN DALE WORTHINGSTUN
CYNTHIA JUNE PARSONS WRIGHT
JAMES MICHAEL WRIGHT
STEVEN WAYNE WRIGHT
WALTER JAMES WRIGHT
SAMUEL RADCLIFFE WRIGLEY
HAROLD DAVID WUNDER
HAROLD MITCHELL YELTON, JR
PHILLIP THEODORE YONTZ
NATALIE KWAI S. YOUNGARANITA
PHILLIP DOUGLAS YOUNGBLOOD
HENRI W. ZAJIC
SARA ANNE ZAK
MARY LUANNE ZAREM
TODD ALLEN ZECCHIN
JEFFREY N. ZERBE
NEIL GRAHAM ZERBE
LAURA JEANNETTE ZIEGLER
MICHAEL A. ZIESER
LINDA CROWE ZITO

ENGINEERING DUTY OFFICERS

To be lieutenant commander

FREDERICK LEE BARBER
LAWRENCE RICHARD BAUN
DAVID KEITH BELL
PETER STANLEY BUCZYNSKI
DANIEL L. BURNFIELD
WILLIAM HARR BUTTERWORTH, JR
DAVID M. CECI
DAVID CHARLES CHAPPELL
ROBERT DANIEL CHILDS
MICHAEL ANDREW GOMORI
DENNIS KEITH GONYIER
GREGORY LAWRENCE GOODE
LARRY JOE HUME
JONATHAN CAREY IVERSON
DANIEL ARTHUR LAWRENCE
DAVID HUGH LEWIS
JERRY MARK LONGEST
GERALD KEITH MCGOWAN
MICHAEL EDWARD MCMAHON
STEPHEN MICHAEL MCMANUS
BENJAMIN MILLER
GARY M. MORLANG
RANDAL DENNISON NIVER
PATRICK JEAN REGIS
SCOTT J. SMITH
RICHARD LEE STAATS
WALTER ARNETT STARKEY, III
MANNING MARY TOWNSEND
JAY W. WALLIN
LEONARD EARL WEDDLE
KENNETH RAYMOND WIKSTROM
CHARLES LEE WOOD
STEVEN WAYNE WOODSON
CLEMON RAYNOR WORTHERLY
MICHAEL ALAN ZIEGLER

AERONAUTICAL ENGINEERING DUTY OFFICERS

(AERONAUTICAL ENGINEERING)

To be lieutenant commander

MARY COTTRELL DUNSTON
ALAN RICHARD KING
BRUCE DAVID SILBERMAN

AERONAUTICAL ENGINEERING DUTY OFFICERS

(AVIATION MAINTENANCE)

To be lieutenant commander

ROBERT LEIGH ALLEN
TERI LYNN HOWE BLANTON
WAYNE P. BORCHERS
JOHN DOUGLAS BURPO
ROBERT CATALANO
FRED E. CLEVELAND
MICHAEL CLINTON COLDWELL
JEFFREY SCOTT COOK
MARK W. CZARZASTY
LEONARD BRET GORDON
THOMAS ROSS HAMMAN
JAMES LARRY KIMBROW
HARRY LEHMAN, JR
KENNIETH LOMAX LOWERY
WILLIAM ROBERT MCSWAIN
JOHN VALERI MOKODEAN
LARRY KEITH NEIL
MICHAEL PAUL ORourke
KENNETH RAYMOND PEKIE
JOHN WILSON RANDOLPH, JR
MARK HENRY STONE, JR
STEVEN R. VOYLES
JOHN EDWARD ZEILER

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be lieutenant commander

JOANN MARIE AMMANN
MICHAEL A. BROWN
GERALD THOMAS BURNETTE
JOSEPH BRUCE CALOMENI
RICHARD GUERRERO
VERNON DEXTER INGRAM
STEPHANIE ANN MARKAM
JOHN B. MAYS, III
JAMES RICHARD MCGOVERN, JR
STEPHEN SCOTT MCKENZIE
JEREMY LYNN PANOFF
ELIZABETH EKKER CARSON
KEVIN FORREST DUFFY
JEFFREY S. GALWAY
JOHN WILLIAM GORDON
ALAN EDWARD PORTILLO
MARC D. POUSSARD
JEFFREY WARREN SCHMITZ
PAUL WILLIAM SCHUH
PAUL W. THRASHER
ROBERT ALLEN ZELLMANN

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be lieutenant commander

EUGENE ADKINS, JR
LINDA JO BAHRANI
CHRISTOPHER DAVID BOTT
THOMAS EMMETT CARROLL
JOHN CHRISTAKOS
NANCY KATHLEEN CLARK
CHRISTOPHER A. COOK
ANNE M. DONOVAN
ROBERT DIXON ESTVANIK
JOHN MACRAE FOX
KEVIN KEASBEY FRANK
CRAIG E. FRENCH
CHRISTOPHER OLE GEVING
WILLIAM EDWARD GORHAM, JR
LLOYD RICH HILLIS
JAMES EDWARD JONES
WILLIAM MARCUS LUOMA
JERRY DOUGLAS MATTHEWS
LEE MEINIG
JOHN THOMAS MULLANY
RUSSELL S. NOVAK, JR
REBECCA C. OLDS
SUSAN M. PRESTO
STEVEN CARL PRINES
JOHN PETER RUBEL
WILLIAM D. SAS
JOHN ANTHONY SCALI
CRAIG LEIGH SCHNEIDER
ROBERT WAYNE SCHOLLE
VINCENT A. SHAHAYDA
WILLIAM RICHARD WATSON, II
DAVID B. WAUGH
STEVEN K. WESTRA
LAWRENCE WINKLER
ANN MARIE WYTZKA

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be lieutenant commander

MICHAEL E. BRADY
ALAN PHILIP GOLDSTEIN
JOSEPH FRANCIS GRADISHER
JOHN LAWRENCE HOPKINS
DAVID BRADLEY KNOX
TERRY LEE MCCREARY

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be lieutenant commander

JAMES W. ALLEN
ROBERT MARTIN BASSETT
ERIC J. BAYLER
EDWARD GEORGE BEALE, JR
ROBERT L. BEARD
JEFFREY S. BEST
RICHARD HARRY BOUCHARD
STEVEN RICHARD CAMERON
DIANE CAROL DURBAN
EDMOND MICHAEL FROST
MARK JOSEPH GUNZELMAN
JAMES ARTHUR HILL
GARY MICHAEL MINEART
JOHN F. OHARA
DEBRA LYNN POFFENBERGER

LIMITED DUTY OFFICERS (LINE)

To be lieutenant commander

LUTHER NMN ALBRIGHT
WILLIAM PLATTE AMSTUTZ
LEROY S. ANDERSON, JR
ROBERT W. ANDERSON
CARL EDMUND BAILEY
ROBERT H. BALCOM, JR
CHARLES E. BALDWIN
LAWRENCE B. BARTON
LUTHER L. BIGGS, JR
JAMES R. BIRCHFIELD
JERRY L. BIRDSONG
TIMOTHY P. BLACKIE
THOMAS BLANCHFLOWER
DAVID E. BOZMAN
SCOTT K. BRADLEY
LINFORD C. BROWN, JR
MICHAEL P. BRYCE
JAMES RUSSELL BURNS
ENNO F. CAMENZIND, JR
ANTHONY P. CARAMBIA
DAVID RICHARD CARLSON
WILLIAM H. CARNEY
RAMON F. CASTILLO
DAVID R. CHASSE
JOHN F. CHUTE
FREDERICK NMN CLEM
WILLIAM WOOD COMBS
JAMES M. CONDON, JR
TOMMY M. CULPEPPER
ALAN P. DANAHER
JEFFREY A. DAVIS
WELDON E. DEATHERAGE
ANTHONY V. DEBELLO
KENNETH R. DELL
CIPRIANO MASICAMPO DELUNA
DAL S. DONLEY
THOMAS LAWRENCE DONNELLAN
HERBERT R. DUFF
KENNETH L. EIDNES, JR

STEPHEN JAMES ELLIS
RICHARD JON ELVROM
STANLEY K. EUDY
MICHAEL L. FAIR
DONALD W. FIALA, JR
ROBERT J. FIEGL, JR
JOHN H. FOISSETT
CURTIS B. FORD, JR
LEONARD CHAR FRANCOEUR
DAVID NMN FUCITO
ARMANDO A. GALARPE
MICHAEL JOHN GILROY
JON K. GILSON
DARRYL S. GIRTZ
JOSEPH E. GLIEBE, III
JOHN D. HAMITER
BOBBY E. HAMMOCK
JOHN E. HANSCOM
WILLIAM R. HARRIS
JAMES A. HAWTHORNE
EDWARD J. HEIDLER
JOHN W. HIBBARD
THOMAS B. HINOTE
TERRY L. HOGSTON
JAMES D. HOLDEN
LAWRENCE EARL HUNT
STEVEN J. JAEGER
MICHAEL J. JEFFERS
ROBERT P. JERNIGAN
WILLIAM T. JOHNSON
BRUCE D. JONES
PHILIP A. JONES
ROBERTO NM KATEKARU
ARTHUR G. KELLY
GEORGE N. KOLLARIK
MAXWELL EDWIN KUSS
BRUCE JOHN LATHERS
DAVID PAUL LLOYD
RICHARD ALAN LOCKE
JEFFERY NMN LORD
MICHAEL J. LUX
JOHN H. MCCRINK
JAMES A. MCDOWELL
DANIEL J. MCGOVERN
JOHN P. MCGRATH
MARK D. MCNABB
JAMES G. MCNEILL
DAVID ADDISON MCQUOWN
JOHN A. MEYER
GLENN L. MILLER
THOMAS LAWRENCE MILLS
ROMEO HILBERO MOE
LEO MARVIN MORRISSETTE
CYRUS B. MURPHY
KERRY PHILIP MURRAY
FRANK W. NICHOLS
JAMES C. NICHOLS, JR
JACK H. NORRIS
JOHN J. ORDEMANN
JERRY B. ORR
ANTHONY P. PANNONE
WILLIAM NMN PAPPAS
NORMAN B. PETERS, JR
ROY CHARLES PETERSON
KENNETH A. PHELPS
DONALD RAY PRICE
GORDEN B. RATLIFF
ANTHONY B. RAYMOND
HERBERT L. REAVES
ROBERT K. REGULAR
DEL L. RENKEN
STEVEN L. RESCH
GARY L. RICHARD
NORMAN ECKLEY RICHARDS, JR
LOUIS S. ROEHM, JR
NICHOLAS J. ROSS, JR
THEODORE R. ROUGHT
ROGER MICHAEL SARTOR
FRANCIS G. SAUKEL, JR
LARRY E. SAWYER
MICHAEL J. SCHARF
HERMAN B. SCHIRMER
DAVID ROY SCOTT
THOMAS L. SEARS
RICHARD A. SHAW
MICHAEL A. SILEVINAC
WILLIAM L. SMOOT
DAVID H. SPENCER
ROBERT L. SPINDLE, IV
RICHARD A. SPON
IRA LYNN STOKES
MICHAEL W. STONE
RICHARD M. STRONG
JACKIE D. STUMP
GARY D. SUMNER
RONALD E. SWART
RONALD WAYNE TALLMAN
DAVID J. THOMAS
WILLIAM CHESLEY THOMPSON
CHARLES DAVID THREATT
WARREN E. TUTHILL, JR
ROBERT L. VANAUKEN
BUFORD RAY VANZANDT
IRVING NMN VELEZ
DANIEL M. WATSON
JACK LEROY WILSON, JR
HARVEY B. WOODMANSEE
JOHN E. WOOLARD
MICHAEL A. WULF

CONFIRMATION

Executive nomination confirmed by the Senate July 11, 1989:

DEPARTMENT OF STATE

CHIC HECHT, OF NEVADA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWALS

Executive nominations withdrawn by the President from further Senate consideration, July 11, 1989:

DEPARTMENT OF THE INTERIOR

ROBERT H. GENTILE, OF OHIO, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE JED DEAN CHRISTENSEN, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

DEPARTMENT OF EDUCATION

MICHELLE EASTON, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY FOR INTERGOVERNMENTAL AND INTERAGENCY AFFAIRS, DEPARTMENT OF EDUCATION, VICE PETER R. GREER, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

ACTION AGENCY

JANE A. KENNY, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF THE ACTION AGENCY, VICE HENRY M. VENTURA, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

FEDERAL LABOR RELATIONS AUTHORITY

KATHLEEN DAY KOCH, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS, VICE DENNIS M. DEVANEY, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

EXTENSIONS OF REMARKS

SETTING THE RECORD STRAIGHT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. STARK. Mr. Speaker, I am compelled, after reading the following article in the latest Professional Journal of the Federal Law Enforcement Officers Association, to insert the following article written by Craig Floyd, executive director of the National Law Enforcement Officers Memorial Fund. I hope my colleagues understand that the charges made previously by Mr. Gerald Arenberg have been appropriately and effectively refuted.

SETTING THE RECORD STRAIGHT

(By Craig Floyd, Executive Director, National Law Enforcement Officers Memorial Fund)

In the January-February 1989 issue of Police Times magazine, Gerald Arenberg wrote an article that was highly critical of the National Law Enforcement Officers Memorial project. Copies of the article were sent to all Members of Congress, the survivors of law enforcement officers killed in the line of duty, and "to every Law Enforcement Body in the United States" (according to Mr. Arenberg). Among other things, Mr. Arenberg questions many of the Fund's business practices, calls for a government audit of Memorial Fund finances, and states that "if all bills are paid, that no more than $120,000 would be left in the bank (for the Memorial)."

Mr. Arenberg's view of the Memorial effort is totally distorted and based on outright misstatements of fact. The article is now being reviewed by our legal counsel. In the meantime, I wanted to set the record straight and reassure you that the Memorial Fund is being properly managed and is making good progress.

1. WHO IS GERALD ARENBERG?

Mr. Arenberg carries many titles with many organizations. They include, Editor, Police Times magazine; Executive Director, National Association of Chiefs of Police; and Director of Services, American Police Hall of Fame and Museum (all of them Florida-based groups). According to The Police Chief Magazine (August 1987), "either Mr. Arenberg or someone on his behalf, has, at one time or another, registered thirty different corporations in the state of Florida."

In 1984, Mr. Arenberg, along with other interested parties, was invited to join in the effort to build the National Law Enforcement Officers Memorial. Although he did have a representative attend the Memorial Fund's organizational meeting, he chose not to help with the effort and has been critical of the project ever since. By contrast, 21 major law enforcement groups have all joined the effort with representatives of 15 of them sitting on the Fund's Board of Directors, and six others serving as Honorary Members.

Mr. Arenberg has instead chosen to devote his attention to raising some $2 million to build a new and larger American Police Hall of Fame and Museum in his own separate national fundraising campaign.

What are Mr. Arenberg's motivations for spreading misinformation about the Memorial Fund? A quote attributed to Mr. Arenberg in a February 1984 National Centurion magazine article may shed some light on the issue. When asked by the reporter why people "want to create clouds of suspicion" about Mr. Arenberg's American Federation of Police, he replied, "Competition. Police are multi-million-dollar businesses, most of them, and we're in competition. It's as simple as that. You want to create problems for your competition."

(The Memorial Fund does not share Mr. Arenberg's view of law enforcement as "multi-million-dollar businesses in competition." So, as Mr. Arenberg embarks on his search for a new $2 million home for the American Police Hall of Fame and Museum, we wish him all the best. Law Enforcement stands only to gain from the success of both projects.)

2. HOW MUCH MONEY HAS BEEN RAISED TO CONSTRUCT THE MEMORIAL

Mr. Arenberg states that "if all bills are paid, that no more than $120,000 would be left in the bank." Wrong! After expenses, approximately $3.0 million is available for the construction of the National Law Enforcement Officers Memorial. This includes more than $2.6 million in cash on hand, and the remainder in written corporate pledges or cash raised by others but not yet turned over to the Memorial Fund.

3. IS MONEY BEING WASTED ON ADMINISTRATIVE AND FUNDRAISING COSTS?

Mr. Arenberg writes that, "about $.08 of each dollar is actually set aside for 'other' than salaries and expenses." Wrong! He based that erroneous conclusion on nearly one-year-old figures he took from a report our organization routinely files with the State of New York. The report shows that during our first full year of fundraising (April 1, 1987 to March 31, 1988) the Fund received $827,442 and spent $758,997. The reasons for those high costs were typical of most young charities that rely heavily on direct mail for initial funds. Virtually all of the revenue received that first year came from direct mail, and much of the money was reinvested back into the direct mail program to sensure long-term benefits. But, the largest expense that first year ($362,888) was not on fundraising or administration but on public education, which is a legitimate and very essential program cost.

Those early investments in direct mail and public education have netted some very significant gains. Our direct mail program has now matured to the point that it covers all of the Fund's operating expenses, in addition to raising substantial monies toward Memorial construction. That means that 100% of all funds raised from sources other than direct mail goes toward the construction of the Memorial.

Further, the leading private, charity-watchdog organization has informed the Memorial Fund that we are in full compliance with their standard which requires that a reasonable percentage of total income from all sources must be applied to programs and activities directly related to the purposes for which the organization exists.

Recent unaudited figures show that 67.6% of the Fund's total revenue has been spent on program (public education and Memorial development) or has been reserved for Memorial construction, 7.5% on administration, and 24.9% on fundraising. This is significantly better than the watchdog agency's standards that no more than 15% of total revenue be spent on administration and 35% on fundraising.

4. DOES THE MEMORIAL FUND RELEASE ITS FINANCIAL INFORMATION TO THE GENERAL PUBLIC?

Mr. Arenberg suggests that we have tried to keep the finances for the Memorial Fund secret from the general public WRONG! Like all non-profit organizations we are required to make our financial information public. Each year, we file a financial report (Form 990) with the IRS. We submit charitable fundraising registrations to all states. We make our annual report available through out office and through the New York Department of State, and our direct mail solicitation letters inform people of such availability. An independent audit of the Fund is conducted annually by Peat Marwick Main and Company.

5. ARE THE MEMORIAL FUND SALARIES TOO HIGH?

Mr. Arenberg focuses considerable attention on staff salaries, suggesting that they are unreasonably high. The Memorial Fund staff consists of five full-time employees and one part-time employee. All are paid at competitive prevailing rates. The Executive Director took a $25,000 reduction in pay from his previous job ($70,000 to $45,000) when he started with the Fund, and the Chairman has retained the same salary level for the last 16 months, $46,500 (including previous employment).

6. IS THE MEMORIAL FUND'S DIRECT MAIL CONSULTANT BEING PAID TOO MUCH?

Mr. Arenberg states that our direct mail consultant "is paid a fee to create the letters and is paid $50 per thousand for letters that are mailed." Wrong! The consultant is paid one set creative fee of $50 per thousand letters mailed, which is competitive with our direct mail firms.

Mr. Arenberg reports that direct mail income goes to a "caging" firm at an address other than the Memorial Fund, and implies that there is something shady about that. Wrong! Actually, that is standard practice for charities which do a high volume of direct mail. We hire a bonded professional firm with the equipment necessary to open the mail, record the results and deposit all the money into the Fund's account daily. The process is quick, efficient and the least expensive the Fund could find.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

7. CAN OUR DIRECT MAIL CONSULTANT SELL OUR DONOR NAMES FOR HIS PROFIT?

Mr. Arenberg states that our direct mail consultant "has the right to sell all of the names and keep the profits." He says "the Memorial Fund does not get a dime from the sale of names according to the contract." Wrong! The Memorial Fund has exclusive control over its donor list. While the Fund directs its consultant to rent the list on a one-time basis to other charities occasionally, the Memorial Fund receives any revenue involved. The consultant receives only a standard 20% list broker commission. In many cases, the Fund exchanges donor lists with other charities as a way to attract new donors. Again, that is a common industry practice. (In fact, it is so common that even Mr. Arenberg's own American Federation of Police requested to rent part of the Fund's donor list for a mailing it had scheduled for last May.)

8. DOES THE MEMORIAL FUND HAVE COMPETENT MANAGEMENT?

Mr. Arenberg questions the choices to fill top management positions for the Memorial Fund. I was unanimously elected chairman of the Fund by the 15 national law enforcement organizations on our board of directors after serving 10 years as a congressional aide primarily responsible for law enforcement-related issues. I developed a close and effective working relationship with the law enforcement organizations on the board during that time. Among our joint achievements were the enactment of a ban against armor-piercing "cop killer" bullets, and the passage of the law authorizing the National Law Enforcement Officers Memorial to be built. I have been responsible for every administrative action taken on behalf of the Memorial effort from day one.

Jan Scruggs, President and founder of the Vietnam Veteran's Memorial Fund, is a top consultant of the Law Enforcement Officers Memorial Fund and was the project's first full-time employee.

Robert Frank, the Memorial Fund's Treasurer, is also the Treasurer of the Vietnam Veterans Memorial Fund and of MADD, among others. He has his own certified public accounting firm specializing in non-profit businesses.

9. IS THE MEMORIAL FUND INDEPENDENTLY AUDITED?

Mr. Arenberg charges that our landlord is also our auditor. Wrong! We do rent office space from our Treasurer's accounting firm, Frank & Company. This decision was made for several reasons. First, the rent we negotiated was the lowest we could find in the area. Second, we are able to share some of their support personnel at very low costs. Third, due to our daily accounting needs it is particularly beneficial to have them located nearby. We also pay his firm for their accounting services, although Mr. Frank's personal fees are discounted. However, Frank & Company is not our auditor. We have an independent audit performed annually by the highy respected firm of Peat Marwick Main and Company.

10. HAS THE MEMORIAL'S SITE BEEN APPROVED?

Mr. Arenberg infers that the chosen site for the Memorial, Judiciary Square in Washington, DC., might not get final approval from the District of Columbia Government. Wrong! As of March 3, 1988, all of the site approvals required by Congress had been obtained. That includes the National Capitol Memorial Commission, the D.C. Task Force on Memorials on Public Land, D.C. Mayor Marion Barry, the U.S. Commission of Fine Arts, and the National Capitol Planning Commission. In addition, the D.C. City Counsel approved the site in March of this year. This approval marked the successful conclusion of the siting process.

11. WHY DID THE EXPECTED COST OF THE MEMORIAL GO FROM $5 MILLION TO $7.5 MILLION?

Mr. Arenberg charges that the overall cost of the Memorial project was increased from $5 million to $7. million, "with no clear explanation." Wrong! During the early stages of the project, prior to the selection of a site or design, questions began being asked about the expected cost of the Memorial. The estimate of $5 milion was used, based largely on the experience of other memorial projects, especially the Vietnam Veterans Memorial. However, that was always just an estimate. When the site was ultimately selected and the design proposed, a detailed assessment was made for the first time and it showed that the actual overall cost would be about 50% higher, or $7.5 million. When the design was announced in October, the new cost estimate was also announced.

12. WHEN CAN PEOPLE CONTACT THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL FUND FOR THE LATEST AUDITED FINANCIAL STATEMENT?

By the end of June 1989 the firm of Peat Marwick Main and Company will have completed its audit of the Memorial Fund and the new annual report will be available. To obtain a copy of that report call the Memorial Fund at 703-827-0518 or write for a copy c/o The National Law Enforcement Officers Memorial Fund, 1360 Beverly Road, Suite 305, McLean, VA 22101.

NICK ROWE OR ABBIE HOFFMAN?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. MICHEL. Mr. Speaker, when Communist Vietnamese wanted to torture Col. Nicholas Rowe, as he endured 5 years of captivity in barbarous conditions, they would show him "newspaper photographs of teenagers burning the American flag in the shadow of the Washington Monument."

Colonel Rowe, a recent victim of assassination by Phillipine Communists, did not live to see the day when flag-burning would be called a legal right by the Supreme Court. Perhaps that was a blessing.

Colonel Rowe was an American hero. When he was murdered, the media reports were accurate, but not particularly informative about the meaning of his life and death.

But when Abbie Hoffman, a hero of the flag-burners and their defenders in the 1960's—and today—recently died of a drug overdose, after a lifetime of self-indulgent nonsense and professional anti-Americanism, his death was treated with the respectful full-scale media treatment usually reserved for the death of a head of state. Even in death, he was the master of media hype.

I am not certain what all of this says about the state of our country and of the media—but I don't think it tells us anything good. There comes a time when a nation has to choose between what Nick Rowe's life represented and what Hoffman's represented. Let us hope we still retain the common sense and common decency to choose the way of Nick Rowe.

At this point I wish to insert in the RECORD, "Two Kinds of American hero" by Stephen T. Banko III, in the Wall Street Journal, July 5, 1989.

TWO KINDS OF AMERICAN HERO

(By Stephen T. Banko III)

The final democracy of death has provided two departed souls with eternal equality in recent months. One was the world's oldest Yippie, Abbie Hoffman. The other was Col. James Nicholas Rowe, who spent five years in a North Vietnamese prison camp.

Mr. Hoffman died by his own hand and attracted a ream of newsprint attention and miles of videotaped eulogies on television stations across the country. The media's fascination with Mr. Hoffman was a result, no doubt, of Mr. Hoffman's fascination with the media.

And when he died of a drug overdose earlier this year, he was recalled by Mike Royko of the Chicago Tribune as a loveable guy, something akin to the playful puppy who is nice to pet but still does dirt on your best oriental rug. Mr. Royko said that Mr. Hoffman was just having a little fun with America, just joshing and tweaking the country's collective nose with his outrageous behavior. Mr. Royko said the nation would sorely miss Abbie.

But not every nose in America in those crazy days needed tweaking. A lot of 17- and 18- and 19-year-old noses needed wiping and other Americans went to Vietnam to take care of that chore.

One of them was Col. Rowe. In pre-'60s America, Col. Rowe might have been considered a hero. He graduated from West Point, became one of the nation's elite Special Forces and went to Vietnam as an adviser in 1963. He was in Vietnam for three months when he was captured by the Viet Cong after a ferocious firefight. He spent the next five years in prison camps, coping with starvation, disease, torture and thirst—23 of those months in complete isolation. While Mr. Hoffman was immortalized in a box with a 21-inch screen, Col. Rowe was confined in a bamboo cage, three feet by four feet by six feet. Delicacies were the meat he could capture in the form of rats and snakes that ventured too close to his cage. Three of his comrades died of starvation while in captivity.

But worse than the physical isolation of the prison routine was the emotional isolation inflicted by Col. Rowe's captors. They showed him newspaper photogaphs of teenagers burning the American flag in the shadow of the Washington Monument and college campuses sporting the flag of the Viet Cong.

He escaped three times, only to be recaptured. After each failed attempt, he was severely beaten in retribution. Finally, on his way to his own execution on New Year's Eve, 1968, Col. Rowe escaped when the execution detail was surprised by a flight of American helicopters.

Nick Rowe was an intense, soft-spoken man of firm convictions. None of those convictions were stronger than his love of his country. His years of captivity and deprivation had not robbed him of his sense of humor. In 1983, speaking at a Vietnam veterans luncheon in Buffalo, N.Y., Col. Rowe was served rice.

"Could I speak with the man responsible for today's menu?" he asked, flashing his affable Texas grin. "I want to know if he worked a POW camp in Phuoc Long."

Col. Rowe's speech that day never made the nightly news. Perhaps it was his subject matter. For he spoke not of hate or war or killing, but of love: love of country, love of God, and love of his comrades-in-arms. He spoke in hushed tones about suffering and the price of his love. He spoke with a deep conviction and quiet confidence that radiated through the packed room. Anyone there that day in 1983 knew he was in the company of a true hero; not the comic book, hyperbolized heroism of Rambo and Norris and Schwartzenegger, but heroism in the tradition of real people with real feelings and real courage.

On April 21 of this year Philippine communists did what Vietnamese communists had been unable to do: They killed Nick Rowe, assassinating him as he drove to work, still on active duty.

Abby Hoffman and Nick Rowe: two men on two different paths; one to fame and fortune and the other to duty and sacrifice. One death stylized in print and videotape, the other death commemorated by the mournful notes of "Taps" at Arlington National Cemetery. It's strange how we pick our heroes.

WAITING PERIODS, THE ATTORNEY GENERAL AND GOOD SENSE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. PORTER. Mr. Speaker, 2 weeks ago, the Attorney General released his preliminary report outlining alternative ways to keep firearms out of the hands of felons. In this report, Mr. Thornburgh examines a plan that would require a waiting period of 4 to 6 weeks while potential gun purchasers undergo mandatory background checks to determine if they are criminals or are not eligible under Federal law to own guns for some other reason.

I support such an approach and strongly encourage Attorney General Thornburgh to recommend such a system in his final report, which will be delivered to Congress on November 18.

Background checks, like the ones Mr. Thornburgh outlines, are extremely accurate, cost much less than other alternatives and have proven effective on a State and local level.

The Attorney General's plan closely resembles a bill I introduced earlier this year. This bill, the Armed Felon Prohibition Act of 1989, requires gun buyers to wait between 7 and 30 days while local police and the FBI determine if they are legally entitled to possess handguns.

I encourage members to support this commonsense approach to keeping dangerous individuals from buying firearms.

MICHIGAN CAPTIVE NATIONS COMMITTEE CELEBRATES ANNIVERSARY OF LANDMARK LEGISLATION CONCERNING CAPTIVE NATIONS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. BROOMFIELD. Mr. Speaker, on July 23, the Captive Nations Committee of Metropolitan Detroit will celebrate the anniversary of the passage of Public Law 86-90. This historic legislative initiative authorized the President to issue a proclamation designating the third week in July 1959 as "Captive Nations Week" and invited the American people to observe that special event with appropriate activities. I salute the Michigan captive nations committee for its efforts on behalf of freedom in annually commemorating this event.

The public law which gave birth to the concept of Captive Nations Week also requires that proclamations concerning these nations be issued until "freedom and independence shall have been achieved for all the captive nations of the world." In those dark days of the Cold War, most Members of Congress could only dream of a time when the many captive nations around the world would be free and independent. If the crafters of that legislation were with us today, they would rejoice in knowing that the winds of change have begun to blow. Democracy is on the move around the world. Totalitarian communism is in retreat. The captive nations have more hope than ever before that they will join the family of democratic nations. What has America done to make the dreams of the oppressed come true?

The United States, along with other nations in the free world, have refused to acknowledge the legitimacy of Soviet imperialism. United States negotiators at the bargaining table with the Soviets refuse to accept the status quo of Soviet national conquests. We have linked improvements in the United States-Soviet relationship with Soviet progress in bettering their tragic human rights record. Our Government has also expressed our continuing concern about the status of oppressed individuals in those closed police states at international human rights conferences. We have told the victims of totalitarian aggression that they are not alone in their quest for liberty. Overall, we have been successful exporters of democracy to the captive nations.

America's unfailing commitment to providing hope for the oppressed has paid dividends. As the Soviet empire unravels, nationalist aspirations rise. From the Baltic to the Ukraine, the national groups in the U.S.S.R. are standing up to their Soviet overlords. These ethnic groups are demanding that their legitimate national aspirations be granted and that their rich cultural traditions and languages be respected. They openly reject being Sovietized, and are organizing political groups to voice their demands.

The promises of glasnost and perestroika have raised the expectations of the many captive nations in the Soviet Union. Proud ethnic nationalists are demanding answers from the Soviet leader about the future status of these captive lands. Kremlin leaders know that they cannot halt the tide of history. Change is underway in that closed society and they cannot really stop the rising aspirations of the people who want freedom now. While progress is being made in the U.S.S.R. on these important issues, more dramatic changes must be undertaken if Mr. Gorbachev is to honestly fulfill the vision of a truly open Soviet Union. There are occasions when mere words and promises from Soviet leaders are not enough. There are times when our nation must actively work to liberate a captive nation.

I commend the positive efforts of former President Reagan and President Bush for their major role in parting the iron curtain and bringing hope and democracy to those who suffer under communist domination. Afghanistan is a success story even though more work must be done in that war-torn country. Soviet occupation forces left that country this year and the Afghan freedom fighters are trying to form a government that is truly representative. Ask any battle-hardened Afghani freedom fighter if America should care about captive nations and maintain its vital mission as a standard bearer for freedom. You know what the answer will be.

As we mark this special occasion, I want to pay special tribute to those freedom fighters around the globe who struggle, often at great personal risk, to win justice for their motherlands. They are the silent heroes in this struggle between the forces of democracy and totalitarianism. Thanks to their efforts, communism has taken a back seat to the forces of democracy. As the promises of freedom sweep the planet, the captive nations of the world really do have a reason to be hopeful. They will someday be free and their long night of captivity will be but a bad dream.

I want to pay tribute to the members of the Captive Nations Committee for their unfailing commitment to liberty. They know the reality of communist expansion into their ancestral homelands, and know the sadness of life in closed police states. They live with the memories of their loved ones who are trapped in those oppressive societies. Without their tireless work on behalf of the millions who live without freedom, few of us in government would understand the personal dimension of life in captive nations. The dedicated members of the Captive Nations Committee have, in a major way, helped to reverse the tide of communism and have given hope to those who long for liberty.

I wish the Captive Nations Committee of Metropolitan Detroit a successful celebration.

TRIBUTE TO CYNTHIA AND EDWARD HOLLOWAY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. STOKES. Mr. Speaker, I rise today to salute Mrs. Cynthia Holloway and her late husband, Edward Holloway, outstanding educators from the 21st Congressional District, who dedicated their lives to the teaching pro-

fession and to civic service. Cynthia and Edward molded and prepared many young people for the challenges of the future.

The Holloways were one of the most active couples in the 21st Congressional District. Together they accumulated a number of accolades from their colleagues for distinguished service and dedication to young people. The Holloways committed themselves to uplifting young people and to encouraging them to be the best for over a quarter of a century.

As a result of their collective efforts, the Holloways have amassed numerous awards and commendations for their contributions. Edward received the Outstanding Service Award from his alma mater, Illinois State University. I came to know Edward when he was a congressional senior citizen intern in 1983. Edward also was a member of the Northeast Ohio Teachers Association Executive Committee.

Cynthia, who has been a teacher for 36 years in the Cleveland public school system, recently traveled to Australia where she was a delegate to the World Conference of Teachers. She also has served 8 years on the Human Relations Commission of the Ohio Education Association.

In honor of the more than 75 years of dedicated service and outstanding contributions that the Holloways have given to the teaching profession, the Ohio Education Association recently presented the first Holloways Human Relations Commission Award to Cynthia Holloway. The award was renamed in the Holloways honor to reflect the magnitude and depth of their commitment to education.

Mr. Speaker, I hope that my colleagues will join me in saluting the Holloways for their achievement and their contributions to the 21st Congressional District of Ohio.

FREDRICK MORELY: DADE COUNTY PUBLIC SCHOOLS PRINCIPAL OF THE YEAR

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. LEHMAN of Florida. Mr. Speaker, Principal Fred Morely of Charles Drew Elementary School in our 17th Congressional District has been chosen as Dade County's top principal. I want to extend to Mr. Morely my heartiest congratulations for a job well done.

These days a public school principal has to have many talents: educator, administrator, innovator, motivator, and leader. This difficult job requires great commitment and a great deal of time and effort, as well as the ability to get along equally well with parents and students. Fred Morely has proven, year after year, that he can do it all. He has even been able to convince students to come to school on Saturdays.

Mr. Speaker, I would like to share with my colleagues the following article about Mr. Morely that recently appeared in the Miami Times.

MORELY IS TOP PRINCIPAL

(By Samantha Gates)

Fredrick Morely, principal at Charles Drew Elementary, 1775 NW 60th St., was named Dade County Public School's first Principal of the Year Monday.

"When they told me I had won, what I really thought about first was that I went to school in Overtown at Booker T. Washington," Morely said. "After I left high school, there was no way that I thought that I would be the Principal of the Year for Dade Schools."

He was honored at a luncheon Monday, where he was presented with two checks totaling $5,000 donated by McArthur Dairy Inc., the project sponsor.

In addition, Dade County Public Schools gave him a clock matted onto a plaque. United Teachers of Dade and the North Central Area presented him with plaques.

Morely, the only Black who was in the running, said that he was surprised that he won.

"I was up against some giants," he told the Times. "They've each done much for their schools. I think the best part is being recognized by your peers as being exceptional. That really means something."

Recognition, though is no stranger to Morely or Drew Elementary. His school was visited by Vice President Dan Quayle and has won several top honors for excellence.

For Morley, the plaques and checks were small tokens in comparison to the big contributions that he has made to his students through innovative projects such as Saturday School, uniforms for students and a career awareness lab, the first in the country.

Morely attributes his victory to Saturday School.

"In Dade County, where the dropout rate is high, we are getting students to come to school on Saturday, something they don't have to do. They could stay home and watch cartoons," he said.

In addition, the teachers' willingness to come out on Saturday shows the dedication of the staff, he said.

"Teachers here care about the students. They believe in them. They believe that they can do anything and accomplish anything," he said.

Another winning factor for him was that students at Drew are high achievers who "score high on tests and do well in school."

Morely was nominated for the award by William Clarke III, principal at Charles Drew Middle School, which is next to Morely's school, and recommended by City Commissioner Miller Dawkins.

GERMAN REUNIFICATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. HAMILTON. Mr. Speaker, recent developments in Europe have drawn new attention to the issue of German reunification. In a May 15, 1989, op-ed piece in the New York Times, Robert Livingston, director of the American Institute for Contemporary German Studies, noted that the United States had committed itself in a 1955 treaty to support the goal of the reunification of Germany.

I recently exchanged correspondence with the Department of State on this matter and the nature of U.S. treaty commitments. This correspondence is attached for our colleagues' information:

WASHINGTON WRONGLY SEES DANGER

(By Robert Gerald Livingston)

WASHINGTON.—German reunification is the dirty little secret of United States foreign policy. No one wants to come right out and say that it soon will be the greatest danger facing the West, but that's what almost everyone thinks.

Actually, reunification has been going on for years. By clinging to an outdated thesis about its dangers, the U.S. risks serious harm to its long-term relations with Bonn.

The fear is that a reunited Germany would produce another Kaiser Wilhelm, or even a Hitler, who would drag the world into war once again. A corollary is that Bonn's longing for reunification will lead it to conclude a neutrality pact with Moscow, tearing apart the Western alliance.

As a prisoner of this outmoded thinking, Washington often takes potentially destructive policy positions. It rebuffs Bonn's request for negotiations with Moscow on reducing short-range missiles. It may be contemplating ways to thwart the growth in relations between East Germany and West Germany.

What seems to have eluded Washington is that relations between the two Germanys have been intensifying for nearly a decade. They are already so advanced that West Germany needs no alliance with the Soviet Union to promote them. And they will continue to develop on their own as long as détente expands.

The two states now play into each other's domestic politics in many direct, deep and subtle ways. More than four million East Germans, a quarter of the population, visited West Germany last year. Momentum is growing also toward increased economic, technological, cultural and even military exchanges. Similarities are readily discernible in many arms control positions, especially on short-range missiles.

In fields such as environmental protection, joint bodies may appear soon. Other mutual undertakings will almost surely follow.

All this supports what George Kennan has recently written: "If German reunification . . . ever comes about, it probably will assume forms that no one today can predict."

In all likelihood, the European Community will provide the aegis for the Germans' political reassociation, as it does already today to a certain degree for their economic relationships. Moreover, a single, united state is neither inevitable nor even likely. Very little popular sentiment for reunification exists today among West Germans. East Germany displays its own prickly nationalism, but it is not of the sort that would promote unification.

Each Germany has over the past 40 years—a period that is more than three times as long as Hitler's Third Reich—enmeshed itself in alliance and economic structures. West Germany is deeply tied to NATO and the European Community. East Germany is equally tied into in the Warsaw Pact and Comecon. Neither Government is eager to dispense with these structures anytime soon.

The American foreign policy experts who fret about reunification may be startled to learn that the U.S. is bound by a 1955 treaty

with Bonn to support reunification in a single state with a democratic system.

Mercifully, West German politicians have long since stopped reminding Washington of its commitment. But they have not forgotten it. Recently they have even hinted sometimes that loyalty is a two-way street. There exist other alliance "loyalty tests" besides whether Bonn is willing to accept short-range nuclear missiles.

In such circumstances, the United States should, above all, do nothing that can be construed as blocking West Germany's associative efforts with East Germany. To do so is to risk a vicious right-wing backlash in West Germany, if the efforts fail and scapegoats are sought.

Certainly we should not collude with the Soviets to maintain a neo-Metternichean order east of the Elbe. Particularly pernicious would be to fall for the old Soviet invitation "to take care of your [West] Germans and we will take care of our [East] Germans."

With its troops in West Germany and an occupation presence in Berlin, the United States is assured of great influence over German developments. It needs to stay engaged and insist on being kept fully informed. It must concern itself far more with East Germany, where a complete leadership change is due very soon. East Germany should no longer be at the bottom of Washington's European priorities.

The United States needs to play an encouraging and participatory role in the developing intra-German relationship.

To insist upon nuclear weapons systems that the West Germans reject only risks nationalist reactions that we may regret even more than having to revise NATO's nuclear strategies.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 7, 1989.

Hon. JAMES A. BAKER III,
Secretary of State, Department of State, Washington, DC.

Dear SECRETARY BAKER: I write regarding the May 15, 1989 op-ed in the *New York Times* by Robert Livingston on the issue of German reunification. A copy of that editorial is attached.

In this article, Mr. Livingston notes that in a 1955 treaty the United States commited itself to support German reunification in a single state with a democratic system of government. My questions are: Is this accurate and, if so, how does the United States interpret this treaty today?

I appreciate your consideration of this matter and look forward to hearing from you soon.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

DEPARTMENT OF STATE,
Washington, DC, June 30, 1989.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request of June 7, 1989, I enclose a copy of the 1952 treaty referenced in Robert Gerald Livingston's article of May 15, 1989. The Convention on Relations Between the Three Powers and the Federal Republic of Germany (as amended by Schedule I to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed at Paris on 23 October 1954) (6 UST 4251; TIAS 3425) is still in force. Article 7, paragraph 2 of the Convention states that:

"Pending the peace settlement, the Signatory States will cooperate to achieve, by peaceful means, their common aim of a reunified Germany enjoying a liberal-democratic constitution, like that of the Federal Republic, and integrated within the European community."

This remains the U.S. position. We support the self-determination of the German people, their reunification in freedom by peaceful means, and their integration within the democratic European community.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

CONVENTION ON RELATIONS BETWEEN THE THREE POWERS AND THE FEDERAL REPUBLIC OF GERMANY (As amended by Schedule I to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed at Paris on 23 October 1954)

The United States of America, the United Kingdom of Great Britian and Northern Ireland, the French Republic, and the Federal Republic of Germany have entered into the following Convention setting forth the basis for their new relationship:

ARTICLE 1

1. On the entry into force of the present Convention the United States of America, the United Kingdom of Great Britain and Northern Ireland and the French Republic (hereinafter and in the related Conventions sometimes referred to as "the Three Powers") will terminate the Occupation Regime in the Federal Republic, revoke the Occupation Statute and abolish the Allied High Commission and the Offices of the Land Commissioners in the Federal Republic.

2. The Federal Republic shall have accordingly the full authority of a sovereign State over its internal and external affairs.

ARTICLE 2

In view of the international situation, which has so far prevented the reunification of Germany and the conclusion of a peace settlement, the Three Powers retain the rights and the responsibilities, heretofore exercised or held by them, relating to Berlin and to Germany as a whole, including the reunification of Germany and a peace settlement. The rights and responsibilities retained by the Three Powers relating to the stationing of armed forces in Germany and the protection of their security are dealt with in Articles 4 and 5 of the present Convention.

ARTICLE 3

1. The Federal Republic agrees to conduct its policy in accordance with the principles set forth in the Charter of the United Nations and with the aims defined in the Statute of the Council of Europe.

2. The Federal Republic affirms its intentions to associate itself fully with the community of free nations through membership in international organizations contributing to the common aims of the free world. The Three Powers will support applications for such membership by the Federal Republic at appropriate times.

3. In their negotiations with States with which the Federal Republic maintains no relations the Three Powers will consult with the Federal Republic in respect of matters directly involving its political interests.

4. At the request of the Federal Government the Three Powers will arrange to represent the interests of the Federal Republic in relations with other States and in certain international organizations of conferences, whenever the Federal Republic is not in a position to do so itself.

ARTICLE 4

1. Pending the entry into force of the arrangements for the German Defence Contribution, the Three Powers retain the rights, heretofore exercised or held by them, relating to the stationing of armed forces in the Federal Republic. The mission of these forces will be the defence of the free world, of which Berlin and the Federal Republic form part. Subject to the provisions of paragraph 2 of Article 5 of the present Convention, the rights and obligations of these forces shall be governed by the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany (hereinafter referred to as "the Forces Convention") referred to in paragraph 1 of Article 8 of the present Convention.

2. The rights of the Three Powers hereto fore exercised or held by them, which relate to the stationing of armed forces in Germany and which are retained, are not affected by the provisions of this Article insofar as they are required for the exercise of the rights referred to in the first sentence of Article 2 of the present Convention. The Federal Republic agrees that, from the entry into force of the arrangements for the German Defence Contribution forces of the same nationality and effective strength as at that time may be stationed in the Federal Republic. In view of the status of the Federal Republic as defined in Article 1, paragraph 2 of the present Convention and in view of the fact that the Three Powers do not desire to exercise their rights regarding the stationing of armed forces in the Federal Republic, insofar as it is concerned, except in full accord with the Federal Republic, a separate Convention deals with this matter.

ARTICLE 5

1. Pending the entry into force of the arrangements for the German Defence Contribution, the following provisions shall be applicable to the forces stationed in the Federal Republic:

(a) the Three Powers will consult with the Federal Republic, insofar as the military situation permits, with regard to all questions concerning the stationing of these forces. The Federal Republic will, according to the present Convention and the related Conventions, co-operate, within the framework of its Basic Law, to facilitate the mission of these forces;

(b) the Three Powers will obtain the consent of the Federal Republic before bringing into the Federal territory as part of their forces, contingents of the armed forces of any nation not now providing such contingents. Such contingents may nevertheless be brought into the Federal territory without the consent of the Federal Republic in the event of external attack or imminent threat of such attack, but, after the elimination of the danger, may only remain with its consent.

2. The rights of the Three Powers, heretofore held or exercised by them, which relate to the protection of the security of armed forces stationed in the Federal Republic and which are temporarily retained, shall lapse

when the appropriate German authorities have obtained similar powers under German legislation enabling them to take effective action to protect the security of those forces, including the ability to deal with a serious distrubance of public security and order. To the extent that such rights continue to be exercisable they shall be exercised only after consultation, insofar as the military situation does not preclude such consultation, with the Federal Government and with its agreement that the circumstances require such exercise. In all other respects the protection of the security of those forces shall be governed by the Forces Convention or by the provisions of the Agreement which replace it and except as otherwise provided in any applicable agreement, by German law.

ARTICLE 6

1. The Three Powers will consult with the Federal Republic in regard to the exercise of their rights relating to Berlin.

2. The Federal Republic, on its part, will co-operate with the Three Powers in order to facilitate the discharge of their responsibilities with regard to Berlin.

ARTICLE 7

The Signatory States are agreed that an essential aim of their common policy is a peace settlement for the whole of Germany, freely negotiated between Germany and her former enemies, which should lay the foundation for a lasting peace. They further agree that the final determination of the boundaries of Germany must await such a settlement.

2. Pending the peace settlement, the Signatory States will co-operate to achieve, by peaceful means, their common aim of a reunified Germany enjoying a liberal-democratic constitution, like that of the Federal Republic, and integrated within the European community.

3. Deleted.

4. The Three Powers will consult with the Federal Republic on all matters involving the exercise of their rights relating to Germany as a whole.

ARTICLE 8

1. (a) The Signatory States have concluded the following related Conventions: Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany;

Finance Convention: Convention on the Settlement of Matters Arising out of the War and the Occupation.

(b) The Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany and the Agreement on the Tax Treatment of the Forces and their Members, signed at Bonn on 26 May 1952, as amended by the Protocol signed at Bonn on 26 July 1952, shall remain in force until the entry into force of new arrangements setting forth the rights and obligations of the forces of the Three Powers and other States having forces in the territory of the Federal Republic. The new arrangements will be based on the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces, signed at London on 19 June 1951, supplemented by such provisions as are necessary in view of the special conditions existing in regard to the forces stationed in the Federal Republic.

(c) The Finance Convention shall remain in force until the entry into force of the new arrangements negotiated in pursuance of paragraph 4 of Article 4 of that Convention with other member Governments of the North Atlantic Treaty Organization who have forces stationed in the Federal territory.

2. During the transitional period provided for in paragraph 4 of Article 6 of Chapter One of the Convention on the Settlement of Matters Arising out of the War and the Occupation, the rights of the three Signatory States referred to in that paragraph shall be retained.

ARTICLE 9

1. There shall be established an Arbitration Tribunal which shall function in accordance with the provisions of the annexed Charter.

2. The Arbitration Tribunal shall have exclusive jurisdiction over all disputes arising between the Three Powers and the Federal Republic under the provisions of the present Convention or the annexed Charter or any of the related Conventions which the parties are not able to settle by negotiation or by other means agreed between all the Signatory States, except as otherwise provided by paragraph 3 of this Article or in the annexed Charter or in the related Conventions.

3. Any dispute involving the rights of the Three Powers referred to in Article 2, the first two sentences of paragraph 1 of Article 4, the first sentence of paragraph 2 of Article 4 and the first two sentences of paragraph 2 of Article 5, or action taken thereunder, shall not be subject to the jurisdiction of the Arbitration Tribunal or of any other tribunal or court.

ARTICLE 10

The Signatory States will review the terms of the present Convention and the related Conventions:

(a) Upon request of any one of them, in the event of the reunification of Germany, or an international understanding being reached with the participation or consent of the States parties to the present Convention on steps towards bringing about the reunification of Germany, or the creation of a European federation; or

(b) In any situation which all of the Signatory States recognize has resulted from a change of a fundamental character in the conditions prevailing at the time of the entry into force of the present Convention.

In either case they will, by mutual agreement, modify the present Convention and the related Conventions to the extent made necessary or advisable by the fundamental change in the situation.

ARTICLE 11

1. Deleted.

2. Deleted.

3. The present Convention and the related Conventions shall be deposited in the Archives of the Government of the Federal Republic of Germany, which will furnish each Signatory State with certified copies thereof and notify each such State of the date of the entry into force of the present Convention and the related Conventions.

In faith whereof the undersigned representatives duly authorized thereto by their respective Governments have signed the present Convention.

Done at Bonn this twenty-sixth day of May, 1952, in three texts, in the English, French and German languages, all being equally authentic.

For the United States of America signed:

DEAN ACHESON.

For the United Kingdom of Great Britain and Northern Ireland signed:

ANTHONY EDEN.

For the French Republic signed:

ROBERT SCHUMAN.

For the Federal Republic of Germany signed:

ADENAUER.

Annex A deleted. Annex B to the Convention on Relations between the Three Powers and the Federal Republic of Germany

CHARTER OF THE ARBITRATION TRIBUNAL

PART I—COMPOSITION, ORGANIZATION AND SEAT OF THE TRIBUNAL

Article 1

1. The Tribunal shall be composed of nine members who shall have the qualifications required in their respective countries for appointment to the highest judicial offices or shall be lawyers of recognized competence in international law.

2. The nine members of the Tribunal shall be appointed as follows:

(a) Three members appointed by the Governments of the Three Powers one by each Government;

(b) Three members appointed by the Federal Government;

(c) A President and two Vice-Presidents (hereinafter referred to also as "the neutral members") appointed by agreement between the Governments of the Three Powers and the Federal Government, none of whom shall be a national of any one of the Three Powers or a German national.

3. The Governments of the Three Powers and the Federal Government shall make known their first appointments not later than sixty days after the entry into force of the present Charter. Within the same period the Governments of the Three Powers and the Federal Government shall agree upon the three neutral members, one of whom shall be nominated as President and the other two as Vice-Presidents. If, after the expiry of such period, one or more of the neutral members shall not have been agreed upon, either the Governments of the Three Powers or the Federal Government may request the President of the International Court of Justice to nominate such neutral member or members.

4. Appointments to fill vacancies shall be made in the same manner as the appointment of the member to be replaced. However, if a vacancy to be filled by the Government of one of the Three Powers or the Federal Government is not so filled within one month of its occurring, either the Governments of the Three Powers or the Federal Government may request the President of the International Court of Justice to make an interim appointment to the vacancy of a person who shall not be a national of any one of the Three Powers or a German national and who shall serve for a period of six months or until the vacancy is filled in the normal manner, whichever is longer. If the member to be replaced is a neutral member, the Governments of the Three Powers or the Federal Government may request the President of the International Court of Justice to make such appointment, if the agreement envisaged by sub-paragraph (c) of paragraph 2 of this Article has not been reached within one month of the vacancy occurring.

5. The Tribunal may, by majority vote, declare a vacancy, if, in its opinion, a member has, without reasonable excuse, failed or refused to participate in the hearing or decision of a case to which he has been assigned.

Article 2

1. The members of the Tribunal shall be appointed for four years. They may be reap-

pointed after the expiration of their terms of office.

2. A member whose term of office has expired shall nevertheless continue to discharge his duties until his successor is appointed. After such appointment he shall, unless the President of the Tribunal directs otherwise, continue to discharge his duties respecting pending cases in which he has participated until such cases have been finally decided.

3. Members of the Tribunal shall not engage in any activity incompatible with the proper exercise of their duties, nor shall they participate in the adjudication of any case with which they have previously been concerned in another capacity or in which they have a direct interest. Differences of opinion regarding the applicability of this paragraph shall be resolved by the Tribunal.

4. (a) During and after their terms of office, the members of the Tribunal shall enjoy immunity from suit in respect of acts performed in the exercise of their official duties.

(b) The members of the Tribunal who are not of German nationality shall, moreover, enjoy in the Federal territory the same privileges and immunities as are accorded chiefs of diplomatic missions. If sittings or official acts take place in the territory of one of the Three Powers, the members of the Tribunal who are not of the nationality of the country in which the sitting or act takes place shall enjoy diplomatic privileges and immunities in such country.

5. Every member of the Tribunal shall, before taking office, make a declaration at a public session that he will exercise his duties impartially and conscientiously.

6. Subject to the provisions of paragraph 5 of Article 1 of the present Charter, no member may be dismissed before the expiry of his term of office, or before the termination of his duties in accordance with paragraph 2 of this Article, except by agreement between the Governments of the Three Powers and the Federal Government, or, in the case of a member appointed by the President of the International Court of Justice, by agreement between the Governments of the Three Powers and the Federal Government, with the consent of the President of the International Court of Justice.

Article 3

Deleted.

Article 4

1. The Tribunal, presided over by the President or one of the Vice-Presidents, shall sit either in plenary session or in Chambers of three members.

2. A plenary session shall, in principle, include all the members of the Tribunal. A quorum of five members shall suffice to constitute a plenary session; it shall be composed of an uneven number of members and in any case shall consist of an equal number of the members appointed by the Governments of the Three Powers and of those appointed by the Federal Government, and at least one neutral member.

3. Chambers shall be composed of one of the members appointed by the Governments of the Three Powers, one of the members appointed by the Federal Government and one neutral member.

4. The Tribunal in plenary session shall nominate the members of such Chambers, define the categories of cases with which a Chamber will be concerned or assign a particular case to a Chamber.

5. Any decision of a Chamber, on a case assigned to it, shall be deemed to be a decision of the Tribunal.

6. The final decision on a case assigned to a Chamber must be taken by the Tribunal in plenary session, if one of the parties so requests before the Chamber itself has pronounced a final decision.

Article 5

The Tribunal shall sit in public unless it decides otherwise. The deliberations of the Tribunal shall be and shall remain secret as shall all facts brought to its attention in closed session.

Article 6

1. A Registrar shall be responsible for the administration of the Tribunal; he shall have the necessary staff at his disposal. The Registrar shall handle the transmission of documents, keep a record of petitions submitted to the Tribunal and be responsible for the archives and accounts of the Tribunal.

2. The first Registrar shall be appointed by agreement between the Three Powers and the Federal Republic. The Registrar shall be a permanent official subject to dismissal and replacement only by the Tribunal.

3. The Registrar, upon receipt of the first petition filed pursuant to Article 14 of the present Charter, shall immediately notify the President, who shall thereupon call the first meeting of the Tribunal in plenary session at the seat of the Tribunal as soon as practicable, for the purpose of determining the Rules of Procedure and attending to other business. Thereafter the Tribunal shall meet as business requires.

4. Paragraphs 3 and 4 of Article 2 of the present Charter shall not become effective until the first meeting in plenary session referred to in paragraph 3 of this Article.

Article 7

The seat of the Tribunal shall be located within the Federal territory at such place as shall be determined by a subsidiary administrative agreement between the Governments of the Three Powers and the Federal Government. The Tribunal may, however, sit and exercise its functions elsewhere, when it deems it desirable to do so.

Article 8

Questions pertaining to the operating costs of the Tribunal including the official emoluments of members, as well as arrangements for securing the inviolability of the premises of the Tribunal, shall be regulated by the subsidiary administrative agreement referred to in Article 7 of the present Charter.

PART II—COMPETENCE AND POWERS OF THE TRIBUNAL

Article 9

1. The Tribunal shall have jurisdiction over all disputes arising between the Three Powers and the Federal Republic under the provisions of the Convention on Relations between the Three Powers and the Federal Republic of Germany [hereinafter referred to as "the Convention"] or the present Charter or any of the related Conventions, listed in Article 8 of the Convention, which the parties are not able to settle by negotiation or by other means agreed between all the Signatory States, except disputes expressly excluded from its jurisdiction by the provisions of the Convention or the present Charter or any of the related Conventions.

2. (a) The Tribunal shall, moreover, have jurisdiction in respect of any question as to the extent of the competence of the following authorities:

The Board of Review referred to in Chapter One of the Convention on the Settlement of Matters Arising out of the War and the Occupation;

The Supreme Restitution Court referred to in Chapter Three of that Convention;

The Arbitral Commission on Property, Rights and Interests in Germany referred to in Chapters Five and Ten of that Convention.

(b) A question as to the extent of the competence of these authorities may be raised at any time after the institution of proceedings before them and also after a final decision.

(c) The decisions of the Tribunal on these questions shall be binding on the authorities whose competence has been questioned.

3. The decisions of the authorities specified in sub-paragraph (a) of paragraph 2 of this Article shall be subject to the jurisdiction of the Tribunal only to the extent contemplated in sub-paragraph (a) of paragraph 2 of this Article, unless the contrary is expressly provided in one of the related Conventions.

4. Decisions of the authorities provided for or referred to in the related Conventions, other than those specified in sub-paragraph (a) of paragraph 2 of this Article, shall be subject to review by the Tribunal, whether on questions as to the extent of competence or on the merits, only to the extent contemplated by paragraph 1 of this Article, unless the contrary is expressly provided in one of the related Conventions.

5. Only the Governments of one or more of the Three Powers, on the one hand, and the Federal Government, on the other, may be parties before the Tribunal. If the Federal Government brings a complaint against one or two of the Governments of the Three Powers, or if one or two of the Governments of the Three Powers brings a complaint against the Federal Government, the other Government or Governments of the Three Powers may apply to the Tribunal to be joined as parties.

Article 10

The Tribunal shall render its decisions in the form of judgments or directives which shall be binding on the parties.

Article 11

1. The Signatory States undertake to comply with the decisions of the Tribunal and to take the action required of them by such decisions or necessary to remedy the situation.

2. If a Signatory State required by a decision of the Tribunal to take action to give effect to that decision is unable, or fails, to take such action within the time specified by the Tribunal, or if no time is specified, within a reasonable time, then that State, or any other Signatory State a party to the dispute, may apply to the Tribunal for a further decision as to alternative action to be taken by the defaulting State.

Article 12

1. The Tribunal or, in a case of urgency, the President shall have the power, by the issue of directives, to take such measures as may be necessary to conserve the respective rights of the parties pending the judgment of the Tribunal. Any directive issued by the President under this Article may be confirmed, amended or annulled by the Tribunal within seventy-two hours after the notification thereof to the parties.

2. The parties shall be afforded an opportunity to be heard prior to the issue of any directive by the Tribunal or by the President under this Article.

3. In the absence of the President, his powers under this Article shall be exercised by one of the Vice-Presidents to be designated by the President for this purpose.

PART III—PROCEEDINGS

Article 13

The official languages of the Tribunal shall be French, English, and German.

Article 14

Proceedings before the Tribunal shall be instituted by a written petition filed with the Tribunal which shall contain a statement of the facts giving rise to the dispute, reference to the provisions of the Convention or the present Charter or the related Conventions which are invoked, legal argument, and conclusions.

Article 15

1. The parties shall be represented by agents. They may be assisted by counsel.

2. Such agents and counsel shall enjoy immunity from suit in respect of acts performed in the exercise of their duties.

Article 16

1. The presiding member may summon the agents in order to be informed of their wishes concerning the time limits and conduct of the proceedings.

2. The presiding member shall set the time limits for the submission of pleadings and shall prescribe all the measures necessary for the conduct of the proceedings.

3. Certified copies of all documents submitted by either party shall be immediately forwarded to the other party through the Registrar.

Article 17

The proceedings shall consist of two parts: written and oral. Oral proceedings may be dispensed with if both parties so request.

Article 18

1. Written proceedings shall consist of a statement of the complainant's case, the defendant's answer and, unless the Tribunal directs otherwise, a reply and a rejoinder.

2. Counterclaims shall be permissible.

Article 19

1. Oral proceedings shall consist of the complainant's argument, the defendant's argument and, unless the Tribunal directs otherwise, a reply and a rejoinder, as well as hearings of witnesses and experts.

2. The Tribunal shall have power to demand the production of evidence, documentary or other, to require the attendance of witnesses to testify, to request expert opinion, and to direct inquiries to be made.

3. In the event that a party does not produce evidence which in the opinion of the Tribunal is relevant to the issues before it and which such party possesses or is in a position to procure, the Tribunal shall proceed to give its decision notwithstanding the absence of such evidence.

4. The presiding member or any other member of the Tribunal may put questions to the parties, witnesses and experts.

5. A written record of the oral proceedings shall be kept and shall be signed by the presiding member and the Registrar.

Article 20

All decisions of the Tribunal shall be based on the Convention, the present Charter and the related Conventions. The Tribunal shall, in the interpretation of such Conventions, apply the generally accepted rules of international law governing the interpretation of treaties.

Article 21

1. The Tribunal shall decide by majority vote.

2. Judgments shall state the reasons on which they are based.

3. Judgments shall be signed by the presiding member and by the Registrar.

4. Judgments shall be final and not subject to appeal.

5. In the case of a difference of opinion as to the meaning or scope of a judgment, the Tribunal may construe it by an interpretative judgment, on the application of either party and after having heard both parties.

Article 22

The revision of a judgment may not be requested of the Tribunal except upon the grounds of the discovery of a fact which is of such a nature as to exercise a decisive influence, and of which the Tribunal and the party requesting revision had been unaware before the pronouncement of the judgment, always provided that such ignorance was not due to negligence on the part of the party requesting the revision.

Article 23

1. Unless the Tribunal directs otherwise, each party to proceedings before the Tribunal shall pay its own costs.

2. The Tribunal shall bear the costs in respect of witnesses whose attendance it has required and expert opinions and inquiries which it has ordered.

Article 24

The Tribunal shall determine its own rules of procedure consistent with the present Charter.

PART IV—ADVISORY OPINIONS

Article 25

1. The Tribunal may, at the joint request of the Governments of the Three Powers and of the Federal Government, give an advisory opinion on any matter arising out of the Convention or the present Charter or the related Conventions, with the exception of those questions with which it would not have been competent to deal if they had been referred to it in the form of a dispute.

2. The Tribunal may, at the request of an authority referred to in paragraph 2 of Article 9 of the present Charter or at the request of the presiding member of such an authority, give an advisory opinion on the competence of such authority.

3. Advisory opinions shall not be binding.

AN EXAMPLE OF TECHNOLOGY TRANSFER AT WORK

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. ROE. Mr. Speaker, I rise today to call my colleagues' attention to a recent scientific invention that uses fiber optics inside a working combustion engine. By means of optical fibers placed inside a spark plug, researchers can view an engine's combustion process and even "see" inside a combustion chamber.

At the Society of Automotive Engineers [SAE] Congress in February, Barrack Laboratories of Marlborough, MA, announced the introduction of a new product called the Barrack-Witze Probe, a commercial version of the fiber optic spark plug developed by Peter Witze and others of Sandia National Laboratories. The research for this invention was sponsored by the Energy Conversion and Utilization Program [ECUT] of the Department of Energy. The probe already has generated widespread interest within the automotive industry, and will be adopted for use at Chrysler, Ford, and General Motors.

Several years ago, engineers at Chrysler met with Mr. Witze and his colleagues at Sandia to discuss the sources of rough engine operation under idle condition. Chrysler designers were speculating that one cause of the effect could be attributed to flame instabilities during the early stages of flame development. The discussion led Witze to formulate two problems: the necessity to observe flame evolution after spark ignition, and the need to make these observations in production engines without alterations for optical access. The solution was the fiber optic spark plug.

The "Barrack-Witze Probe" is a set of eight fiber optic sensors located in the base of the threaded region of a standard spark plug. This permits the probe to be used in an unmodified production-model engine to measure the way in which the flame develops during the first moments of ignition. The sensors collect the light emitted from combustion as it crosses their field of view, and transmit via fiber-optic cables to photomultiplier tubes. Using this information, computer programs can determine the direction and velocity of flame growth.

The invention and subsequent commercialization of this probe is an excellent example of rapid technology transfer from the Federal lab to the private sector and the marketplace. It demonstrates the important role that Department of Energy labs and programs have in helping private industry to overcome problems, improve quality, and increase American competitiveness.

A TRIBUTE TO LORREN LEADMON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. STARK. Mr. Speaker, while I don't represent Washington, DC, I do sit on the District of Columbia Committee and I do live here when I'm not back home in my district in California. Like many of my colleagues, I've seen the devastation caused this year by the drug plague. But through this difficult time, I've come to respect and admire the tireless efforts of many of this city's most dedicated frontline officers on our war on drugs.

A recent newspaper article described the heroic actions of several of the District's top narcotics officers. One of these officers, Sixth District Detective Lorren Leadmon, deserves special recognition for his abilities and dedication to serving his local communities. This city, for all its troubles and challenges, is in many ways reflective of many other large urban centers, including Oakland, CA, and society is less inclined to stop and recognize the unsung heroes in it's own cities and communities. The awards ceremony for Detective Leadmon and

his colleagues was a chance to say "thanks" for a job well done.

On behalf of our Nation's law enforcement officers and the untold thousands of dedicated public servants of the high caliber of Lorren Leadmon, I extend my sincere gratitude. May you continue to lead the day-to-day fight in our national war on drugs. This city, and this country, need more men and women of your caliber.

I encourage the reading of the following Washington Post article.

57 STREET OFFICERS HONORED FOR ACTS IN WAR ON DRUGS

(By Sari Horwitz and Jeffrey Goldberg)

Some of the citys front-line soldiers in the battle against drugs were honored last night by U.S. Attorney Jay B. Stephens, who praised their "extraordinary efforts and superior performance" in helping to reach several significant convictions.

"We maintain the highest respect and deepest regard for the critical work you do," Stephens told 57 award-winners at the ninth-annual law enforcement awards ceremony. "We honor you for the daily risks you take, the long hours you work and the commitment and professionalism you display."

While more than 50 were honored for their work on specific cases, six narcotics officers were singled out for risking their lives daily to arrest drug dealers. They were officers David Stroud and Dorothy King of the narcotics task force, 3rd District Officer Ralph Nitz, 1st District Officers William Davis and Moses Vines and Sgt. John Brennan, who works in the drug interdiction unit.

Stroud and King have bought drugs while undercover in some of the most dangerous neighborhoods of the city. Nitz has worked as an observer of drug deals. Davis and Vines have bought undercover and observed sales. and Brennan, working the halls of Union Station, has helped to seize hundreds of grams of drugs from couriers traveling on Amtrak.

"Sometimes, when you're out there by yourself, it can be lonely," said Stroud, 39, who has been with the department for 19 years and worked undercover for five. "It's reassuring that our work is getting noticed. We're holding the fort, but there's still a lot to be done."

Four D.C. officers were honored for their help in making an arrest in the shooting of a narcotics officer in the Paradise Manor apartments in December 1987. Sixth District Detective Lorren Leadmon's prompt response to a radio call for an officer shot led to the first clue about the gunman.

His investigative work with homicide detectives Thomas E. Arnold and Joseph Schwartz Jr., along with 6th District Officer Jerome Lucas' persistent efforts to find witnesses, led to the convictions of three persons responsible for severely wounding the officer.

"Sometimes you have to do more than expected, and these people are setting the standard," Assistant Police Chief Melvin C. High said. Police Chief Maurice T. Turner Jr. and Police Chief-designate Isaac Fulwood Jr. were not at the award ceremony.

Sgt. Thomas "Pat" Moyer of the U.S. Park Police and Special Agent David Maasen of the Bureau of Alcohol, Tobacco and Firearms were honored for their investigation of a Jamaican crack distribution ring that operated out of several apartments on Robinson Place, Forrester Street, Galveston Street and Jasper Street in Southeast.

Two of the Jamaicans convicted—Raymond O. Lewis and Derrick Townsend—were sentenced to 38 years without possibility of parole, and the third Jamaican, Schechem Lafayette, was sentenced to 34 years without parole.

"The drug ring was responsible for about 60 murders in the city," Moyer said. "These were serious bad guys, the worst I've ever seen."

Also honored last night:

Third District investigator Willie E. Poole; 4th District Officers Richard Simons and David Jackson; 5th District Detectives Arthur T. Johnson, Robert A. Watson, James O. Johnson, Robert Paul Vacin, Revolton B. Coley, Mackley G. Lucas and Michael W. Kolonich; Criminal Investigations Detectives Stephen P. Mann, George R. Taylor Jr., Thomas B. Shaw Jr., Ruben Serrano-Sanchez, Joseph A. Fox, Herman H. Johnson and Evelyn N. Jones; and D.C. financial investigator Sgt. John J. Hickey Jr.

Sgt. Romaine A. Jenkins, now in the U.S. Attorney's Chronic Offender Unit; intelligence detective Michael F. Heidenberg; homicide detective Michael G. Sullivan; morals detectives Joseph B. Haggerty and Walter Papaj Jr.; and special operations investigators William Scoble, David Lazorchak, Thomas L. Hardy and Nancy M. Brown and Sgts. James Vucci and Donald Exum.

U.S. Secret Service Special Agent Richard A. Stalls; General Services Administration Special Agent Warren B. Lee and auditors Theodore Stehney and Kim Dunnigan; FBI Special Agents Warren Bamford, William O'Connor and Stephen Benjamin; Bureau of Alcohol, Tobacco and Firearms Special Agents John Seiler and Michele Roberts; and Drug Enforcement Administration Special Agent Emile Manara.

A BIPARTISAN WAY OF PROTECTING THE FLAG

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. MICHEL. Mr. Speaker, as many of our colleagues know, the gentleman from Mississippi [Mr. MONTGOMERY] and I have joined in sponsoring House Joint Resolution 350, a proposed amendment to the Constitution of the United States to prohibit the physical desecration of the flag of the United States. In order to bring our colleagues up to date on the nature and the current status of the proposed amendment, we wish at this time to insert in the RECORD: First, a copy of House Joint Resolution 350, second, a copy of the Dear Colleague letter sent by Mr. MONTGOMERY and myself, and third, a copy of a letter we sent to Chairman DON EDWARDS of the Civil and Constitutional Rights Subcommittee of the Judiciary Committee:

H.J. RES. 350

Whereas the flag of the United States of America is a national symbol of such stature that it must be kept inviolate;

Whereas the physical desecration of the flag should not be considered constitutionally protected speech; and

Whereas physical desecration may include, but is not limited to, such acts as burning, mutilating, defacing, defiling or trampling on the flag, or displaying the flag in a contemptuous manner: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States.".

CONGRESS OF THE UNITED STATES,
Washington, DC, June 29, 1989.

DEAR COLLEAGUE: We are today introducing a resolution providing for a Constitutional amendment prohibiting the desecration of the American flag.

Our amendment reads as follows:

"The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

After consultation with scholars and Constitutional experts, we strongly believe the only way to protect the flag from desecration, given the recent 5-4 Supreme Court decision in Texas vs. Johnson, is by Constitutional amendment. A statute cannot undo the damage.

We are aware of the gravity of this undertaking and we do not underestimate the difficulties involved. There are perplexing questions concerning the First Amendment, but we are convinced that our approach does not weaken or dilute First Amendment rights, properly construed. Debate and discussion will examine all of the questions involved and we look forward to the process.

We are combat infantry veterans. This does not give us a special insight into Constitutional questions. But we feel it does give us a special kind of love of the flag we fought to defend. It is this love which prompts us to propose a Constitutional amendment, something which goes against our conservative instincts not to amend that great document, but something that, in this case, must be done.

We want you to know we approach this task with equal reverence for the First Amendment and for the flag, with the realization that not all of our colleagues will agree with us. But we feel—and the polls show—the vast majority of the American people cannot accept the idea that the flag we love is to be desecrated with impunity.

In his majority decision in Texas vs. Johnson, Justice William Brennan wrote: "We do not consecrate the flag by punishing its desecration. . . ." With all respect to the Justice, we believe that the flag has already been consecrated. From Valley Forge to Vietnam, from the classrooms of America to the annual Fourth of July picnic, the American people have for two hundred years—in Lincoln's words—"consecrated it far above our poor power to add or detract".

And it is precisely because that banner is consecrated that we believe it must be protected. We hope you will become a cosponsor of our amendment, and if you desire further information or wish to co-sponsor please call Karen Haas at extension x55555.

Sincerely,

SONNY MONTGOMERY.

ROBERT H. MICHEL,
Members of Congress.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 7, 1989.

Hon. DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We have been informed that the Civil and Constitutional Rights Subcommittee of the Judiciary Committee will begin hearings Thursday, July 13, 1989, on proposed constitutional amendments and statutes dealing with the decision of the Supreme Court in Texas v. Johnson. We want to take this opportunity to express to you our wish that, as co-sponsors of H.J. Res. 350, proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States, we be allowed to testify jointly at the earliest possible opportunity at the Subcommittee's hearings.

We look forward to hearing from you, and we want you to know how very much we appreciate the courtesy of informing us in a timely fashion of the proposed hearings.

Sincerely,

SONNY MONTGOMERY,
ROBERT H. MICHEL,
Members of Congress.

EXPLANATION OF VOTES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. PORTER. Mr. Speaker, I regret I was absent on Friday, June 23, for the vote on the House Journal (106) and on H.R. 2402, fiscal 1989 supplemental appropriations/Senate amendment (107), as well as for the House Journal vote (108) on Tuesday, June 27. Had I been present, I would have voted "yea" on all of them.

UKRAINIAN COMMUNITY OF SOUTHEASTERN MICHIGAN COMMEMORATES RESTORATION OF UKRAINIAN INDEPENDENCE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. BROOMFIELD. Mr. Speaker, I want to call to the attention of my colleagues in the Congress a special event for the Ukrainian community in Michigan. On June 30, the Ukrainian community will mark the anniversary of a memorable date in the annuals of freedom.

On that date in 1941, the freedom-loving Ukrainian people again declared their independence and declared their love of liberty. Although short-lived and crushed by Nazi occupation forces, the Restoration of Ukrainian Independence is a significant historical event in light of recent developments in the Soviet Union and the Ukraine.

Before our very eyes, the many national groups in the Soviet Union are standing up to their Soviet overlords. Those previously free countries that were captured by the expanding Soviet empire are demanding that their legitimate nationalist demands be met by the Kremlin. They are telling Mr. Gorbachev that respect for ethnic cultures, languages and religion is absolutely necessary. They don't want to be Sovietized. I believe that Mr. Gorbachev is listening to their demands.

There is reason to be cautiously hopeful about recent developments in the Ukraine. Not long ago, there was a religious celebration there marking 1,000 years of Christianity in the Ukraine. American and Soviet officials are working together on plans to open a new American Consulate in Kiev. A future United States presence in that city will provide Ukrainians with a beacon of hope as they continue to pursue their basic rights and national aspirations.

While progress has been made in the Ukraine, much more must be done. Let us hope that the Soviet leader will recognize the legality of the Ukrainian church, an institution that means to much to the deeply religious people of the Ukraine. It is also time for the Soviet leader to respect the environment of the Ukraine. The Chernobyl disaster caused widespread damage in that beautiful and productive region. Why do Soviet leaders continue to build more nuclear power plants in that one area? This is a question that Mr. Gorbachev must answer. If the Soviet leader is to fulfill the vision of glasnost and perestroika, he has many more promises to keep in the Ukraine.

During their long struggle for freedom, the Ukrainian people have never given up hope. After centuries of domination by other countries, crushed independence movements and a terrible forced famine, the Ukrainian people continue to maintain their cultural identity and never lose sight of their goal, a free and independent nation. Their struggle for liberty has produced results. Some progress is being made in the Ukraine.

That progress is also the result of the fine work of the Ukrainian Community of southeastern Michigan. That organization has kept the American public and United States Government leaders informed about events in the Ukraine and has held the flame of freedom high through the dark nights when there was no hope for change and openness in the Soviet Union. I salute their dedication and hard work on behalf of democracy and freedom.

I am optimistic that through patience and sacrifice the human spirit will triumph over the forces of darkness on this planet.

TRIBUTE TO HERBERT E. STRAWBRIDGE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. STOKES. Mr. Speaker, I am honored to recognize Mr. Herbert E. Strawbridge, a constituent who has been a driving force in the continued development and growth of the Greater Cleveland Metropolitan area. Herbert has served the city of Cleveland with distinction and honor through his long esteemed service to the Greater Cleveland Growth Association as its director.

Herbert has been dubbed "Mr. Cleveland" for his devotion to the city through his volunteerism. Herbert has made countless contributions of his expertise, knowledge, and resources to numerous business, civic, political, educational, and cultural organizations and projects in Cleveland and throughout the State of Ohio. Herbert has earned a reputation for being the best at getting things done in Cleveland—from start to finish.

After World War II, Herbert came to Cleveland and quickly worked himself up the corporate ladder to become the chairman of the board and chief executive officer of the Higbee Co., one of the largest retailers in the State. Herbert's business acumen has been sought after by other business giants in Ohio. He has served as the director of the Ameritrust Corp., the Cleveland Electric Illuminating Co., Sugardale Foods, Inc., and the Centerior Energy Corp.

In addition, Herbert has earned membership in several major retail associations, serving as the director of the Associated Merchandising Corp., the National Retail Merchants Association, the Ohio Council of Retail Merchants, and the American Retail Federation. While maintaining an active business career, Herbert has managed to be extremely active and productive in numerous charitable and civic organizations. He has devoted a great deal of his efforts to ensuring that young people receive a quality education by serving as a trustee at Ursuline College, Hiram College, and John Cabot International College in Rome, Italy.

Because of Herbert's outstanding contributions to his community, he has been honored by numerous organizations in Cleveland, the State of Ohio, and the Federal Government. Among his many accolades is the "Governor's Award for Community Action," a certificate of appreciation from former President Richard Nixon, "Business Man of the Year" by the Cleveland Plain Dealer, several citizenship awards, and an honorary doctor of humane letters from Ursuline College.

Mr. Speaker, I would like to express my appreciation to Herbert E. Strawbridge for his vision and leadership in leading the way toward the revitalization of the commercial district of downtown Cleveland. Herbert devoted his efforts and resources to the renovation and development of the "Flats" and warehouse district of Cleveland, which are now thriving centers for entertainment, fine dining, retail, and cultural events.

Mr. Speaker, I know that my colleagues from Ohio share my gratitude to "Mr. Cleveland" for his tireless devotion to his city. I hope that my colleagues will join me in saluting this great American—Herbert E. Strawbridge.

MASSACHUSETTS STATE REPRESENTATIVE JOAN MENARD POINTS OUT HARMFUL EFFECT OF FEDERAL CUTS ON STATES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. FRANK. Mr. Speaker, one of the most conscientious and thoughtful elected officials in the congressional district which I represent is State Representative Joan Menard of the town of Somerset. I have enjoyed working with her on a number of issues important to the constituents we jointly represent, especially in the transportation areas, and I particularly value her commitment to providing a compassionate response on the part of government to the needs of those who are not able to provide adequately for themselves.

Recently, in a very thoughtful and well documented statement, she explained the extent to which Republican inspired cutbacks in programs to help the needy have contributed to the fiscal difficulties which confront the States in the Northeast at the current time. Using Massachusetts as an example, Representative Menard pointed out the unfortunate effects of cuts in Housing, AFDC, Medicare, and other programs. I share Joan Menard's view that this prosperous society can afford to show compassion to our neediest fellow citizens, and I share her regret as well at the retreat from these policies which has occurred at the Federal level in the past 8 years. I believe her analysis is a thoughtful one which ought to get a wide readership and I ask that the article from the Fall River Herald News embodying her views be printed here.

[From the Fall River [MA] Herald News, June 27, 1989]

MENARD CLAIMS CUTS IN FEDERAL ASSISTANCE WORSEN STATE CRISIS

BOSTON.—Rep. Joan Menard said a decline in federal aid to the state over the past eight years has contributed significantly to the state's budget woes.

"In 1980, federal monies covered 28.3 percent of the state spending. Last year," Menard said, "federal monies covered only 19 percent of state costs—an eight-year decrease of over 32 percent."

The administration has continued to cut Massachusetts' funding, Menard said, despite Congressman Barney Frank's and Congressman Joseph Moakley's persistent efforts to restore federal funding levels.

"While the current budget crunch is due in part to the recent drop off in projected state revenues, a far more significant cause," she said, "is the ongoing decline in federal funding for necessary state based programs. This decline, which totals nearly $1 billion over the last eight years, has forced the state to spend millions of additional dollars to fund, as well as run, these vital government programs."

"Most of the cuts," Menard said, "have been to programs aimed at benefitting children, homeless and the elderly. Since 1981 the Republican administration has cut $260 million from Aid to Families with Dependent Children (AFDC). Rather than see people suffer, the state has funded the entire $260 million.

"In addition, the federal government ceased production of affordable housing units, leaving the state with an $85 million bill for completion of these units.

"Finally, prior to 1981, the government had reimbursed the state for 53 percent of its Medicare spending. Today, even with the dramatic increases in health care costs over the last eight years, the federal government only reimburses the state for 50 percent of its Medicare spending," said Menard.

Cuts have also been made in Human Services and Social Security, Mendard pointed out.

"Human Services, which provides for the state's handicapped, mentally ill and mentally retarded, has suffered a decrease in federal spending of nearly 86 percent over the last eight years," Menard said. "Moreover, Social Services, which provides shelters for battered women and children as well as counseling for children from broken homes, has seen their federal funding decrease over 50 percent. The state," she said, "has assumed the cost of keeping those programs fully funded."

In conclusion, Menard said, "Unlike the Republican administrations of the last nine years, Massachusetts has made a commitment to the poor and underprivileged of this state. I intend to see that this continued commitment remains a priority on Beacon Hill.

PREPARING FOR AMERICA'S FUTURE

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mrs. UNSOELD. Mr. Speaker, I would like to take this time to praise a very talented young man from my district named Robert Lowry, Robert was recently honored as the Washington State finalist of the Voice of Democracy Scholarship Program, sponsored by the Veterans of Foreign Wars. In his winning essay, Robert uses a tree as a metaphor for America, describing how our Nation's roots work to create a strong foundation for a promising future. Mr. Speaker, I am extremely proud to submit for the RECORD Robert's essay, as tribute to his accomplishment.

PREPARING FOR AMERICA'S FUTURE

Sunlight streams through the leafy canopy overhead, as the American Tree sways gently in the morning breeze. When I think of America, and of its future, I like to imagine this great tree towering over the forest of nations. The analogy is appropriate: an observer of my tree would see the diversity of our people reflected in each of its many leaves. He or she would view the strength and vitality of our society in its trunk, and the shaping forces of our history etched in its bark.

Most importantly, I would want this observer to inspect the tree roots supporting my American Tree, which to me symbolize the three vital pillars sustaining and nourishing America's future. We as citizens, at once the substance and caretakers of the tree, must ourselves nourish and protect its roots.

We can begin to do so with the first root, the root of knowledge, through which flows the understanding of the world around us that we must possess if our tree is to survive. This understanding is more than just the education we receive in school, although that is a very important aspect of it. Rather, it is a process of assimilation and comprehension that begins at birth and continues throughout our lives. It is the awareness that allows Americans to have opinions and to make decisions regarding issues that affect their lives, locally and at the national and international levels—and it is a challenge.

Today's news media bombard us with more information than Americans have ever had to deal with in the past. Yet if we don't understand, how can we hope to grasp important concerns facing our world, such as the problem of ozone layer depletion? Or how can we make sense of U.S.-Soviet relations, if our citizens have no idea where the Soviet Union is on the map? The delicate machinery of our democracy, Abraham Lincoln's government "of the people, by the people, for the people: must mean all of the people, for this root requires nourishment from each of us. Through individual awareness we ensure a collectively strengthened America for tomorrow.

As the huge American Tree soars overhead, let us examine the second root—the creativity of the American people. Surely nothing sets us apart as a nation more than our two centuries of American ingenuity. We have always been a nation of tinkerers, from the Founding Fathers to Thomas Edison, to the scientists today exploring new possibilities in space and physics. Indeed, just as the American Tree is enhanced by a knowledgeable citizenry, so too is it strengthened by our individual creative energy. Each of us must believe in our own sense of creativity, and apply it to our society in such areas as medicine, the arts and technology. The belief that "you can make a difference" must hold a relevance today if our tree is going to receive the full benefits from its creative innovative caretakers.

The future strength of our tree, and therefore of America, will finally depend on our commitment as citizens to meeting the demands of citizenship. This dedication I see as the third root, the third vital pillar of support of my American Tree. It mingles the essence of the roots of knowledge and creativity and further asks us, its caretakers, for the time and energy a democracy requires. This dedication means taking the time to vote and become involved in our communities. It entails showing compassion for our fellow citizens so that we may better understand our mutual needs. It may mean tightening our belts in trying times, fighting for our liberty when threatened, and, yes, blushing with national pride when we've done something we as a nation can be proud of—for America needs the pride of her citizens. And just as with the other two roots, the challenge of commitment directly involves every American.

Isn't that, then, the glory of America? That each of us can, and should, have a role in preparing for America's future? I believe so. Our tree soars above the others precisely because of the individual American's contribution to the roots of understanding, creativity and commitment. Rather than tearing us apart, our differences as people are molded together to produce a common unity that invigorates our tree, and thus the nation it represents.

Imagine again that we are the caretakers of our tree, and that each leaf reflects the nourishment we give to its three roots. No two leaves would be exactly alike, for we

must all contribute to the tree's roots in different ways. But the leaves, in all their diversity nevertheless contribute to the common goal of the tree's survival. We as citizens must similarly contribute to the common goal of preparing America for its future. In doing so, we are, as the essence of the American Tree, really improving our own lives. In contributing to its three roots, we are, in actuality, sending our nation, and ourselves, reaching for the morning sky.

OPPOSITION TO BAN OF "ASSAULT WEAPONS"

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. HUBBARD. Mr. Speaker, I would like to share with my colleagues in the U.S. House of Representatives an excellent letter I received from James G. Adams, Jr., an outstanding, highly respected attorney in Hopkinsville, KY.

As my colleagues can see, Mr. Adams is strongly opposed to proposed legislation that would ban the ownership of semi-automatic assault weapons, H.R. 1190/S. 386. Mr. Adams points out that H.R. 1190/S. 386 is an "over reaction to the events in southern California". Although the events in southern California were tragic, I agree with Mr. Adams that the solution is not the ban of an individual's constitutional right to bear arms. Mr. Adams also makes reference to the "impact that this legislation would have on legitimate sportsmen".

I urge my colleagues to read Mr. Adams' letter.

COUNTY ATTORNEY,
Hopkinsville, KY, June 14, 1989.

Congressman CARROLL HUBBARD,
Washington, DC.

DEAR CONGRESSMAN HUBBARD: Please find enclosed your annual survey responses from Betty and me. I felt compelled to further correspond with you with regards to the House Resolution that deals with so called "assault weapons".

As a member of the NRA and a prosecutor, I can see the need to limit the number of persons who can own fully automatic weapons. However, this legislation is an over reaction to the events in southern California which would not only restrict ownership of so called "assault weapons" but by its term would make my possession of a Ruger 10/22 rifle that I received as a Christmas present when I was ten years old illegal! This is true simply because it has the capacity to fire eleven .22 rounds.

While I know you are probably aware how ludicrous this piece of legislation is, I felt compelled to point out the impact that this legislation would have on legitimate sportsmen.

Thank you for your continued support on firearm related issues.

Respectfully,

JAMES G. ADAMS, JR.,
Assistant Christian County Attorney.

THE RETIRED SENIOR VOLUNTEER PROGRAM

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. LAUGHLIN. Mr. Speaker, the Retired Senior Volunteer Program, sponsored by Texas Lutheran College, is an excellent example of the American ingenuity and spirit. There are currently over 30,000 volunteers in the State of Texas, and over 450 volunteers in the city of Seguin alone. Although they are only reimbursed for out-of-pocket expenses, Texas RSVP volunteers contribute over 5 million hours of service annually, saving 33 areas of the State over $17.5 million collectively.

RSVP volunteers donate their time and energy for a multitude of activities ranging from providing Medicare assistance to acting as consumer protection arbitrators. Many staff the food banks and the telephone hotlines, while others help ensure future progress of our Nation by tutoring young people in education programs. I commend these individuals for their hard work over the past years. I am proud to support them in any way possible and encourage these outstanding individuals to continue to give of their time and themselves.

CLARIFICATION FOR LONG-TERM CARE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, in the past few months Congress has been hearing a lot from senior citizens about the catastrophic health insurance legislation passed last year. One of the most commonly mentioned criticisms of that legislation is that it fails to cover the truly "catastrophic" medical expenses of our Nation's elderly: long-term care expenses.

Despite modest expansions of Medicare coverage for home care benefits and nursing home care coverage in the Catastrophic Act, Medicare provides little coverage of long-term health care expenses. Extended stays in a nursing home can wipe many elderly individuals and couples out financially.

Today I am introducing legislation to address some of the inconsistencies in Medicare coverage for nursing home and home care services. My legislation states that post-hospital nursing care, prescribed by a physician—whether provided in a nursing home or by a home health nurse—will be covered by Medicare. The bill also clarifies that uniform criteria be established for coverage of nursing services under Medicare. Finally, the bill contains provisions that allow home intravenous drug therapy and respite care benefits, which were included in the Medicare coverage expansion in the Catastrophic Act, to be covered in the hospice plan of care.

I believe that the issue of long-term care for the elderly is one of the most pressing health care issues facing us today. It is my position that long-term care coverage must cover care provided in the home as well as in a skilled nursing facility. This legislation makes some modest adjustments in some of the inconsistencies in what Medicare currently covers for long-term care services.

The rest of my legislation is as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVED MEDICARE BENEFICIARY ACCESS TO EXTENDED CARE SERVICES AND POST-HOSPITAL HOME HEALTH SERVICES.

(a) DROPPING CERTIFICATION REQUIREMENT FOR DAILY NEED FOR NURSING CARE IN THE CASE OF EXTENDED CARE SERVICES.—Section 1814(a)(2)(B) of the Social Security Act (42 U.S.C. 1395f(a)(2)(B)) is amended by striking "on a daily basis skilled".

(b) POST-HOSPITAL HOME HEALTH SERVICES.—

(1) COVERAGE OF SERVICES.—Section 1812(a)(3) of such Act (42 U.S.C. 1395d(a)(3)) is amended by inserting "and post-hospital home health services" before the semicolon.

(2) BASIS FOR CERTIFICATION OF NEED.—Section 1814(a)(2)(C) of such Act (42 U.S.C. 1395f(a)(2)(C)) is amended by inserting "(i)" after "(C)" and by adding at the end the following new clause:

"(ii) in the case of post-hospital home health services, such services are or were required because the individual needs or needed nursing care or physical or speech therapy on an intermittent basis or, in the case of an individual who has been furnished post-hospital home health services based on such a need and who no longer has such a need for such care or therapy, continues or continued to need occupational therapy, for any of the conditions with respect to which the individual was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the requirements of paragraphs (6) and (9) of section 1861(e), or post-hospital extended care services); a plan for furnishing such services to such individual has been established and is periodically reviewed by a physician; and such services are or were furnished while the individual as under the care of a physician; or".

(3) POST-HOSPITAL HOME HEALTH SERVICES DEFINED.—Section 1861(m) of such Act (42 U.S.C. 1395x(m)) is amended by adding at the end the following: "The term 'post-hospital home health services' means home health services furnished an individual within one year after the individual's most recent discharge from a hospital of which the individual was an inpatient or (if later) within one year after the individual's most recent discharge from a skilled nursing facility of which the individual was an inpatient entitled to payment under part A for post-hospital extended care services, but only if the plan covering the home health services is established within 14 days after the individual's discharge from the hospital or skilled nursing facility.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 1990.

SEC. 2. GUIDELINES FOR COVERAGE DETERMINATIONS FOR HOME HEALTH SERVICES AND EXTENDED CARE SERVICES.

(a) IN GENERAL.—Title XVIII of the Social Security Act is amended by inserting after section 1888 the following new section:

"GUIDELINES FOR CERTAIN COVERAGE DETERMINATIONS

"SEC. 1889. The Secretary shall take such steps as may be necessary to ensure that determinations made under this title by fiscal intermediaries and carriers with respect to coverage of home health services and extended care services are based upon uniform criteria of nationwide application. Such steps shall include—

"(1) issuing and periodically revising uniform guidelines for making such determinations:

"(2) requiring each intermediary or carrier to issue, and periodically to review and revise, a written statement setting forth, in clear and unambiguous language and in conformity with guidelines issued under paragraph (1), the criteria that the intermediary or carrier will apply in making such determinations; and

"(3) making statements issued under paragraph (2) available on a timely basis to skilled nursing facilities, home health agencies, and individuals entitled to benefits under this title.".

(b) IMPLEMENTATION.—The Secretary of Health and Human Services shall take such steps as are necessary to provide for the issuance of guidelines under section 1889(1) of the Social Security Act, and to require the issuance of the statements under section 1889(2) of such Act, by not later than 180 days after the date of the enactment of this Act.

SEC. 3. PERMITTING HOSPICE CARE BENEFICIARIES TO OBTAIN HOME INTRAVENOUS DRUG THERAPY SERVICES AND IN-HOME CARE.

(a) IN GENERAL.—Section 1812(d)(2)(A) of the Social Security Act (42 U.S.C. 1395d(d)(2)(A)) is amended by inserting before the period at the end the following: "or to home intravenous drug therapy services and in-home care, but only if such services and care are included in the hospice plan of care established under section 1861(dd)(1)".

(b) PERMITTING HOSPICE PROGRAM TO PROVIDE IN-HOME CARE.—Section 1861(11)(1) of such Act (42 U.S.C. 1395x(11)(1)) is amended by inserting ", hospice program," after "home health agency".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services and care furnished on or after January 1, 1990.

THE CONSERVATIVE DEMOCRATIC FORUM

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. RAY. Mr. Speaker, for a number of years the Conservative Democratic Forum [CDF] has on several occasions made a difference when it came to pass legislation which was in the best interest of America.

The CDF continues to attract the favorable attention of the media and organizations around the country. The Wall Street Journal on Friday, June 30, featured the coordinator of CDF, the Honorable Charles Stenholm, in an article which has attracted nationwide attention. I would like to submit a copy of this article for the benefit of my colleagues:

ONE DEMOCRAT WHO DOESN'T LIKE LOSING ELECTIONS

(By Paul A. Gigot)

For only the second time in 50 years, Southerners last week were shut out of the House Democratic leadership. Yet Southern Democratic votes have handed George Bush (the erstwhile wimp) several recent victories in Congress. Let's hope the events herald the revival of Washington's most endangered species, the "boll weevil" Democrats.

That's the name they earned in 1981, as critical swing votes in Ronald Reagan's success. Later Mississippi Republican Trent Lott dubbed them "cicadas," because they seemed to appear only every 17 years. By 1987-88 they were going the way of dodos, irrelevant if not quite extinct. Jim Wright and liberal whip Tony Coelho rode with the House Democratic Caucus to the left, punishing dissenters who bucked party discipline.

But now, in the post-Wright-Coelho-Dukakis era, Rep. Charlie Stenholm and his fellow Southerners—"I prefer to use the word conservative rather than Southerner," he says—are in the mood to shake off their chains.

Mr. Stenholm, a take-no-guff Texan, has been down the road of rebellion before. In 1984, he briefly challenged Tip O'Neill for the speakership, akin to demanding the Politburo's resignation from Tiananmen Square. Mr. Stenholm retreated before he became a victim, but learned from the experience: "I'll never forget what Tip told me when I met with him: 'The squeaky wheel gets the grease, and you conservatives haven't been squeaky enough.'"

As spiritual leader of the insurgents, he's beyond mere squeaking now. By Mr. Stenholm's count there are only 92 purebred liberals among the 257 House Democrats. Yet "those 92 exert far more power than their numbers deserve," he says. "They push us further to the left than we should move as a party."

His antidote is the Conservative Democratic Forum, an oxymoron to skeptics, but to Mr. Stenholm a vehicle to steer House Democrats back to the political center. He claims a membership of 45 this year (plus 17 fellow-travelers), nearly double that of recent years. What's changed? "One thing that happened," he replies, "is we overwhelmingly lost another presidential race." He blames the Democrats' "national image," which he hopes to change by muting the influence of his party's congressional left.

If principles won't shake House Democrats, how about fear? On Monday, President Bush made a show of meeting at the White House with 118 local officials who've defected to the GOP since the election; all but three were from the South. Thirty local Democrats have defected in Florida alone. "Sure, it concerns me a bunch," says Mr. Stenholm. "That's why we're pushing a new image."

He can already claim a few guerrilla successes. On the minimum wage increase, some 70 Democrats defied their leaders to sustain President Bush's veto. In the Ways and Means Committee this month, five Southerners joined the GOP to kill a $10 billion jobless-insurance tax increase favored by liberals, 18-17. And in an Armed Services subcommittee, three Democrats stunned everyone by providing a victory for Defense Secretary Dick Cheney's budget. (They later lost on a 26-26 vote in the full committee.)

"It's intentional," says Georgia Rep. Richard Ray, a Stenholm ally and one of the Armed Services heretics. "We are asking that our views be considered."

The same crowd scored its biggest success by routing the leadership on the recent supplemental budget vote. Mr. Bush's budget director, Richard Darman, had cut deals with senators that tolerated a trickle of pork in order to avoid a flood. But as Mr. Stenholm's crowd got word of the deals, their frustration turned into an impromptu stampede. Fifty-two Democrats, including 36 from the South, joined Republicans to kill the deal as a "budget-buster."

Mr. Stenholm's next target is a bill to force businesses to offer "parental leave" after the birth of a child, a favorite of House liberals and unions. "Whoever came up with this idea of the government mandating everything?" he asks. He thinks the Democrats' proposal for government-led child-care will also need amending. And just on principle, he wants to stop the Coelho-Wright tactic of closed House "rules" to prevent amendments.

His insurgents have even appointed a task force on budget reform, an act of sheer effrontery to members who rigged the current system. He resists a line-item veto, but says, I do know there's strong support for modified rescission"—a reform popular at the White House that would make it easier for a president to excise pork-barrel spending.

All of this Southern agitation remains a long way from a 1981-style revolt, and Mr. Stenholm wants to make clear he's no party-switcher. He can accomplish more as a loyal Democrat, with 10 years of seniority and the powers of the majority. He can even tolerate a leadership without a Southerner, he says, "If it's open to conservative voices." He's urging the new leadership to name a second "chief deputy whip" as a sign of good faith, since the incumbent is a favorite of the left, Michigan Rep. David Bonior.

Mr. Stenholm claims to be optimistic, though he's been around long enough to know that boll weevils have a short lifespan. "They don't have to listen to me," he says. "They can continue to lose, but they don't have to listen to me."

ADDITIONAL COSPONSORS OF H.R. 2022

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. MORRISON of Connecticut. Mr. Speaker, because of a bureaucratic glitch, seven Members who wished to cosponsor H.R. 2022, regarding Soviet and Indochinese refugees, were left off the official cosponsorship list. Those seven Members are: Mr. PARKER, Mr. DOUGLAS, Mr. INHOFE, Mr. MADIGAN, Mr. ATKINS, Mr. VOLKMER, and Ms. PELOSI.

I regret the error and thank each of the Members for their support for the bill.

ENDING DISCRIMINATION AGAINST ASIAN-AMERICANS

HON. DANA ROHRABACHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. ROHRABACHER. Mr. Speaker, we continue to hear charges that many American colleges and universities have instituted discriminatory quotas to limit the number of Asian-American students in universities throughout the United States. Such quotas, if they do exist, are an affront to the idea of equal opportunity and fairness.

That is why Congresswoman SAIKI and myself have introduced H. Con. Res. 147, a bill that puts Congress on record as opposing any discriminatory quotas in universities and colleges used against Asian-Americans. I urge my colleagues to cosponsor this critical piece of legislation.

These charges which we are addressing are more than substantiated by the increasing numbers of Asian-Americans students who are turned away by some of our finest institutions. Many of these students are far from being underqualified. In fact, many talented Asian-Americans who are being turned away exceed the standards of admissions from many of these universities.

The Heritage Foundation recently published an Executive Memorandum which describes the importance of this issue and I ask that it be read into the RECORD:

Prepared for The Heritage Foundation by Dan C. Heldman, Research Fellow, Institute for Humane Studies, George Mason University

ENDING COLLEGE ADMISSION QUOTAS AGAINST ASIAN-AMERICANS

Increasing numbers of college applicants are receiving rejection letters from schools that otherwise would admit them. Their problem: they are Asian-Americans. Not too many decades ago, other American minorities faced similar exclusion. So-called "gentlemen's agreements," for example, limited the access of American Jews, Hispanics, and Blacks to many public facilities—including hotels, clubs, restaurants, and schools. Such restrictions are illegal under the Civil Rights Act of 1964, which prohibits discrimination based on race or ethnicity in any institution that receives federal funding. Yet ample evidence suggests that some of America's finest colleges and universities may be explicitly limiting admissions of Asian-Americans.

At the University of California at Berkeley, for example, officials recently admitted that their policies effectively had imposed a quota on the number of Asian-Americans accepted into the school. Said Berkeley Chancellor Ira Michael Heyman: "It is clear that decisions made in the admission process indisputably had a disproportionate impact on Asians." This triggered widespread complaints from Asian-American groups that other colleges and universities also discriminate against Asian-Americans in their admissions policies. Bowing to this criticism, Berkeley announced that it would substantially revamp its policies beginning in 1991.

Putting Congress on Record. Representative Dana Rohrabacher, the California Republican, meanwhile has introduced H. Con. Res. 147, a bill that would put Congress on record against college admission ceilings based on racial or ethnic origins (including particularly Asian-Americans). Cosponsored by 23 House members of both political parties, his resolution urges the Justice Department to investigate charges of such discrimination. Rohrabacher also has written to Secretary of Education Lauro Cavazos, urging him to speed and complete the Department's investigation of alleged quotas against Asian-Americans at Harvard University and the University of California.

The current controversy casts a new wrinkle in the long-running debate over the merit of ethnic and racial quotas. Public attention has tended to focus upon the quota-as-floor aspect of the issue. Asian-Americans, however, are finding themselves bumping up against the more often overlooked quota-as-ceiling. Example: At Yale University, the admission rate for Asian-Americans fell from 39 percent to 17 percent over the past decade. Example: At the University of California, Los Angeles, 82.4 percent of Asian-Americans applying in 1980 were admitted, compared to 38.2 percent in 1987. Example: At Brown University, 20 percent of all applicants are admitted, compared to only 14 percent of Asian-Americans. A report by the Corporation Committee on Minority Affairs at Brown found "cultural bias and sterotypes which prevail in the admission office." Said a Brown admissions officer: "Asian-Americans should be concerned. We call them enrollment goals, but it works out the same as a quota."

Skills the U.S. Needs. Limiting Asian-American admissions to colleges penalizes them—and also America. Evidence suggests that the most gifted Asian-American students are particularly interested in scientific, technological, and professional studies such as engineering and medicine. These are skills sorely needed by the United States to keep (or regain) in global competitive edge, yet Asian-Americans are being denied entrance to the very laboratories and classrooms where their abilities could be developed, trained, and used.

Nor are academic skills all that Asian-American students bring to American universities. Against the common rejoinder that strictly academic criteria are not all a college should consider in its admissions process, John Bunzel and Jeffrey Au, researchers at Stanford University's Hoover Institution, reviewed the research on the extra-curricular activity patterns of Asian-American high school students. The data refutes the stereotype that such applicants have only grades and test scores to offer in support of their request to be admitted.

Defining Appropriate Diversity. At the core of the quota issue is many universities' goal of "ethnic diversity." Yet if ethnic diversity is the goal, the question is what is the standard that defines the appropriate diversity? As Bunzel and Au ask, is the standard the "applicant pool, the [state] population, the national population, or none of those?" Is the institution "trying to achieve ethnic diversity because it is good for [society] . . . or because it is fair and therefore good for the society at large, or because it is mandated, or popular, or what?" And what other factors should be weighed against this goal? Until these questions are answered, American universities will continue to be haunted by the specter of qualified individuals who are pushed aside by administrators striving to meet an all-defined social goal.

Before stepping down as Assistant Attorney General for Civil Rights, William Bradford Reynolds in December 1988, attacked as "legally and morally wrong" college admissions practices that impose ceilings on admissions of Asian-American students. Since then, complaints have been filed with the Justice Department by Asian-Americans claiming that they have been denied admission to universities on account of race. Rather than continuing the practice of forwarding such complaints to the Education Department, the Civil Rights Division of the Justice Department should investigate such allegations for possible violations of the Civil Rights Act of 1964. The Justice Department investigation should determine the extent to which formal or informal ceilings are being used to exclude Asian-Americans at colleges and universities.

INTRODUCTION OF H.R. 2850, THE LOWER INCOME HOMEOWNERSHIP REFINANCING ACT OF 1989 THE FIRST STEP IN REFORMING ONE HUD PROGRAM

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. LANTOS. Mr. Speaker, for the last several weeks, the Employment and Housing Subcommittee, which I have the honor to chair, has examined the very serious problems and abuses within the Department of Housing and Urban Development. Corrective measures will have to come from both the administration and from the Congress. I am pleased that HUD Secretary Jack Kemp has decided to review several trouble-plagued programs and has had the courage to suspend some of them from the normal funding cycle in order to correct abuses and problems.

At the same time, there are a number of instances where congressional action and legislation is necessary in order to clean up programs, policies, and procedures at HUD which have taken dollars away from much-needed housing programs.

Mr. Speaker, today my distinguished friend from Connecticut, Congressman CHRISTOPHER SHAYS, and I have introduced legislation which addresses one aspect of HUD policies which has been brought to light as a result of our subcommittee hearings. Our legislation—H.R. 2850, the Lower Income Homeownership Refinancing Act of 1989—can save HUD literally hundreds of millions of dollars by refinancing subsidized mortgage loans for low-income homeowners which were originated in the early 1980's when interest rates on home-loans soared to 16 and 17 percent.

When first proposed, the possibility of refinancing to current market rates, according to HUD's inspector general, would have saved $844 million over the lives of these mortgages. Since that estimate 2 years ago, refinancing would save only about half that amount, but we are still talking about savings of hundreds of millions of dollars after the costs of refinancing have been covered. The annual savings which could be realized on this refinancing is more than the annual budget of many ongoing HUD programs which assist those in need of affordable housing.

At present, Mr. Speaker, HUD needs additional legislative authority in order to refinance these mortgages, and our legislation will provide that necessary authority.

A full legislative and administrative agenda to clean up HUD and refocus scarce Federal housing funds where they belong and where they can do the greatest good in dealing with our critical housing problems is still being developed cooperatively by both the Congress and the administration. The ultimate winner will be the American taxpayer and those American families who critically need housing assistance.

Our agenda to refocus HUD funds and priorities is a bipartisan one, and one which can be achieved with the hard work which has already begun by Secretary Kemp, by our congressional committee, and with legislative proposals, including the Refinancing Act which we are introducing today. I invite my colleagues to join us in sponsoring and supporting this critical piece of legislation.

Mr. Speaker, I include the text of our legislation in the RECORD:

H.R. 2850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Income Homeownership Refinancing Act of 1989".

SEC. 2. REFINANCING OF SECTION 235 MORTGAGES AND LOANS.

Section 235 of the National Housing Act (12 U.S.C. 1715z) is amended by adding at the end the following new subsection:

"(r) REFINANCING.—

"(1) REVIEW OF ASSISTANCE PAYMENTS CONTRACTS.—

"(A) The Secretary shall periodically review each contract under which the Secretary is making assistance payments under this section to determine if a refinancing of the mortgage, loan, or advance of credit involved will result in a sufficient reduction in assistance payments to warrant such refinancing.

"(B) In the case of assistance payments contracts in effect on the date of the enactment of the Lower Income Homeownership Refinancing Act of 1989, the Secretary shall complete such review as soon as practicable in order to permit the refinancing to be completed not later than 1 year after such date.

"(2) REFINANCING ASSISTANCE.—In each case in which the Secretary determines that refinancing of the mortgage, loan, or advance of credit is warranted, the Secretary shall offer assistance or provide for refinancing as follows:

"(A) To the extent provided in appropriations Acts, the Secretary shall offer the homeowner or cooperative member involved financial assistance to encourage refinancing that includes the payment of reasonable mortgage or loan origination fees, discount points, and other expenses required to refinance.

"(B) To the extent that the Secretary may not offer assistance under subparagraph (A), the Secretary shall provide for lenders and mortgagees to pay (when refinancing any mortgage, loan, or advance of credit under this section) reasonable mortgage or loan origination fees, discount points, and other expenses required to refinance. Lenders and mortgagees providing refinancing under this subparagraph may charge an interest rate for refinancing that is not greater than 0.5 percent higher than the prevailing market rate for refinancing.

"(3) USE OF AVAILABLE ADMINISTRATIVE AND TECHNICAL EXPERTISE.—In offering assistance and providing for refinancing under paragraph (2), the Secretary shall enter into contracts with mortgagees and lenders who have the administrative and technical expertise necessary to refinance mortgages, loans, and advances of credit under this subsection.

"(4) REVISION OF CONTRACT AND RESCISSION OF EXCESS AMOUNTS.—

"(A) The Secretary shall make such revisions and any assistance payments contract (including the amount of assistance payments made under the contract) as are necessary to reflect a refinancing obtained pursuant to this subsection. A revised assistance payments contract under this paragraph shall not be considered to be a new contract under this section.

"(B) Any budget authority (and contract authority) that becomes available as a result of the revision of an assistance payments contract under this paragraph shall be rescinded.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide financial assistance under this subsection.".

BATTERY RECYCLING AND RESEARCH ACT

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. HOCHBRUECKNER. Mr. Speaker, today I am introducing a bill to protect human health and the environment from improper disposal of used lead-acid batteries.

The proposed Battery Recycling and Research Act amends the Solid Waste Disposal Act to prohibit landfilling or incinerating vehicle batteries and require distributors to take back used vehicle batteries for recyling. The bill also requests a report by the Environmental Protection Agency [EPA] on the effect of discarded household dry-cell batteries on the environment and the feasibility of recycling household batteries.

I believe that this proposal is consistent with EPA findings and policy concerning vehicle batteries. It is also compatible with vehicle battery recycling laws already enacted by the States of California, Florida, Minnesota, Pennsylvania, Rhode Island, Wyoming, and Suffolk County, NY. While the bill does not institute a deposit system for lead-acid batteries, it would not preempt the adoption of such systems at the State or local level.

LEAD-ACID BATTERIES

An infrastructure exists in the manufacturing industry for recycling used lead-acid vehicle batteries. The success of vehicle battery recyling, however, has depended largely on economic forces. Recycling rates declined substantially in the early 1980's due to falling lead prices and rising costs of complying with EPA regulations governing lead smelting. The percentage of vehicle batteries recycled declined from 90 percent in 1980 to 66 percent in 1985, and has since risen as the price of lead has increased.

Each vehicle battery discarded contains about 20 pounds of lead and 3 pounds of plastic. Over 70 million scrap vehicle batteries are generated in the United States each year, containing an estimated 630,000 tons of lead. According to EPA, lead-acid batteries contributed 65 percent of the lead found in municipal solid waste in 1986. EPA has classified vehicle batteries as hazardous waste because when landfilled or incinerated, they pose a serious threat to human health and the environment. The vehicle battery manufacturing industry supports banning vehicle batteries from solid waste and requiring that all vehicle batteries be recycled.

While there is general agreement that lead-acid vehicle batteries are hazardous when discarded, there is no clear consensus on whether household dry-cell batteries present a problem in landfills or incinerators. Household batteries, which can contain mercury, cadmium, zinc, and manganese, are commonly discarded with other solid wastes. Although several household battery collection programs have been initiated in the United States, household batteries are not currently being recycled. Manufacturers of household batteries believe that their products do not pose a problem in solid waste, and have raised concerns about potential dangers associated with storage and transportation of used household batteries. In my judgment, EPA ought to examine this issue and determine a sensible policy on used household batteries.

Mr. Speaker, it is my hope that this Congress will address the problem of lead-acid battery disposal during reauthorization of the Resource Conservation and Recovery Act. I include the text of the Battery Recycling and Research Act in the RECORD at this point:

H.R. —

A bill to amend the Solid Waste Disposal Act to require the recycling of used lead-acid batteries, and to require a study by the Administrator of the Environmental Protection Agency on the disposal of used household dry-cell batteries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Battery Recycling and Research Act of 1989".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Over 70 million used lead-acid batteries are generated each year in the United States, containing an estimated 630,000 tons of lead.

(2) All used lead-acid batteries are not being recycled, and it is believed that some are disposed of in municipal solid waste landfills or otherwise improperly discarded or stored.

(3) Lead-acid batteries contain hazardous constituents and could pose an environmental and public health threat if not recycled or disposed of properly.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To establish as a national policy the goal of achieving and sustaining nationwide recycling of all lead-acid batteries by requiring retailers, wholesalers, and manufactur-

ers of lead-acid batteries to accept used lead-acid batteries from consumers for recycling and by prohibiting disposal of these batteries in landfills or incinerators.

(2) To solicit Federal agency recommendations concerning household batteries in municipal solid waste and potential recycling programs for household batteries.

SEC. 3. LEAD-ACID BATTERY RECYCLING REQUIREMENTS.

(a) IN GENERAL.—Subtitle B of the Solid Waste Disposal Act (42 U.S.C. 6911 et seq.) is amended by adding at the end the following new section:

"SEC. 2009. RECYCLING REQUIREMENTS FOR USED LEAD-ACID BATTERIES.

"(a) RECYCLING REQUIREMENTS.—(1) No person may discard or otherwise dispose of a used lead-acid battery in a manner other than by recycling in accordance with this section.

"(2) A person other than a person described in paragraph (3), (4), or (5) shall discard or otherwise dispose of a used lead-acid battery only by delivery to one of the following:

"(A) A person who sells lead-acid batteries at retail or wholesale.

"(B) A secondary lead-acid smelter authorized by a State or by the Administrator.

"(C) A collection or recycling facility authorized by a State or by the Administrator.

"(3) A person who sells lead-acid batteries at retail shall discard or otherwise dispose of used lead-acid batteries only by delivery to one of the following:

"(A) A person who sells lead-acid batteries at wholesale.

"(B) A secondary lead smelter authorized by a State or by the Administrator.

"(C) A battery manufacturer.

"(D) A collection or recycling facility authorized by a State or by the Administrator.

"(4) A person who sells lead-acid batteries at wholesale shall discard or otherwise dispose of used lead-acid batteries only by delivery to one of the following:

"(A) A secondary lead smelter authorized by a State or by the Administrator.

"(B) A battery manufacturer.

"(D) A collection or recycling facility authorized by a State or by the Administrator.

"(5) A person who manufacturers lead-acid batteries shall discard or otherwise dispose of used lead-acid batteries only by delivery to one of the following:

"(A) A secondary lead smelter authorized by a State or by the Administrator.

"(B) A collection or recycling facility authorized by a State or by the Administrator.

"(6) A person who violates any provision of this subsection shall be fined under title 18, United States Code. For purposes of this subsection, each instance of discarding or disposal of a battery other than in accordance with this subsection shall be considered a separate violation.

"(b) BATTERY COLLECTION REQUIREMENTS.—

"(1) RETAILERS.—(A) A person who sells, or offers for sale, lead-acid batteries at retail shall accept from customers, if offered by customers, used lead-acid batteries of the same type as the batteries sold and in a quantity of not more than three used lead-acid batteries from a customer at one time. The used lead-acid batteries shall be accepted at the place where the lead-acid batteries are offered for sale.

"(B)(i) Such a retailer also shall post a written notice for customers that contains information about this section, including statements about the illegality of improperly discarding used motor vehicle batteries and other types of lead-acid batteries and the requirement that retailers must accept used lead-acid batteries for recycling in exchange for new batteries purchased.

"(ii) The notice shall be in such size and format, and contain such other information, as the Administrator prescribes in regulations. Such regulations shall include a model notice for use by retailers.

"(C) The Administrator may inspect any establishment subject to this subsection and may issue warnings and citations to any person who fails to comply with any provision of this amendment. Any person who fails to post the notice required by subparagraph (B), after a warning by the Administrator is subject to a fine of not more than $1,000 per day.

"(2) WHOLESALERS.—(A) A person who sells, or offers for sale, lead-acid batteries at wholesale shall accept from customers, if offered by customers, used lead-acid batteries of the same type as the batteries sold and in a quantity at least equal to the number of batteries sold.

"(B) In the case of a wholesaler who sells lead-acid batteries to a retailer, the wholesaler also shall provide for removing used lead-acid batteries at the retailer's place of business. Such removal shall occur not later than 90 days after the retailer notifies the wholesaler that there are used lead-acid batteries ready for removal.

"(3) MANUFACTURERS.—A person who manufactures lead-acid batteries shall accept from customers, if offered by customers, used lead-acid batteries of the same type as the batteries sold and in a quantity at least equal to the number of batteries sold.

"(4) PROHIBITION ON CHARGES.—No person subject to this subsection may charge a fee to a customer for accepting a used lead-acid battery from the customer.

"(5) ENFORCEMENT.—A violation of any provision of this subsection shall be considered a misdemeanor under title 18, United States Code.

"(c) LABELING REQUIREMENT.—(1) Beginning on January 1, 1990, no person may sell a lead-acid battery unless such battery bears a permanent label containing information about the illegality of improperly discarding used motor vehicle batteries or other types of lead-acid batteries and about the requirement that retailers must accept used lead-acid batteries for recycling in exchange for new batteries purchased.

"(2) A violation of this subsection shall be considered a misdemeanor under title 18, United States Code.

"(d) DEFINITION.—For purposes of this section:

"(1) The term 'lead-acid battery' means any battery that consists of lead and sulfuric acid, is used as a power source, and has a capacity of six volts or more.

"(2) The term 'secondary lead smelter' means a facility which produces metallic lead from various forms of lead scrap, including used lead-acid batteries. Such a facility also may produce plastic chips that are sent for reprocessing.".

(b) TECHNICAL AMENDMENT.—Section 1001 of the Solid Waste Disposal Act is amended in the table of contents by inserting after the item relating to section 2008 the following new item:

"Sec. 2009. Recycling requirements for used lead-acid batteries.".

SEC. 4. STUDY ON HOUSEHOLD BATTERIES.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the disposal and potential recyclability of household dry-cell batteries. In conducting the study, the Administrator shall take into account any studies that have already been conducted on such batteries and their relation to solid waste. The study shall include, at a minimum, the following:

(1) The effects of used household dry-cell batteries on municipal solid waste landfills and incinerators, including any threats to human health or the environment.

(2) The potential recyclability of used household dry-cell batteries, including—

(i) recycling technologies that could be used;

(ii) the potential effectiveness of those technologies in recovering reusable materials from such batteries;

(iii) existing and potential collection systems for such batteries;

(iv) the potential human health effects resulting from exposure to such batteries at all phases of the recycling process, including collection, storage, transportation, and reclamation of reusable materials; and

(v) the costs of recycling such batteries.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study conducted under this section, with recommendations on whether there is a need for legislation, regulation, or further study relating to the disposal or recyclability of used household dry-cell batteries.

PROFESSIONAL MEDICAL LIABILITY REFORM ACT OF 1989

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. MRAZEK. Mr. Speaker, I rise today to introduce the Professional Medical Liability Reform Act of 1989. This legislation is very similar to H.R. 1372 that I introduced in the 100th session of Congress and which had served as a catalyst for debate at the national level on this very important health-care issue.

Four years ago, I first reported on a national medical malpractice problem which had reached crisis proportions. Unfortunately, this situation has shown little or no long-term improvement during these past 4 years. A recent New York Times article—Sunday, June 11, 1989—stated, "After rising for 11 years, the torrent of medical malpractice lawsuits that has added at least $12 billion annually to the Nation's health spending has begun to ease." This recent trend is due because many States have realized the need to regulate malpractice claims. More than 20 States have already enacted laws that limit malpractice awards.

Mr. Speaker, this legislation creates Federal financial incentives to encourage malpractice reform on the State level. In order to qualify for Federal funding, States must establish medical liability arbitration panels to hear and resolve malpractice claims. Panels will have the authority to dismiss frivolous claims and will provide for structured award settlements for noneconomic losses to compensate for pain and suffering will be limited to $250,000. Attorney contingency fees are limited on a sliding scale. The act also requires a mandatory offset against awards for compensation

received from other sources and establishes a reasonable statute of limitations on when malpractice claims can be filed.

The benefits to the entire health-care system would be tremendous if there were regulations for the entire country. In California, which enacted a malpractice limit in 1975, premiums for obstetricians are now approximately $46,000 a year, while in Nassau and Suffolk Counties in New York the premiums were $100,000. And in Florida obstetricians have paid as high as $200,000. Doctors have been forced to practice defensive medicine, which adds billions to the overall cost of health-care. Reserves held by liability insurance companies are estimated to still be hundreds of millions of dollars short of what will be needed to pay future liabilities.

There would also be a tremendous relief on our courts if it became possible to settle these long and exhaustive cases in another arena. Some cases have been pending for 8 years, this does not serve the good of the people. Good doctors are handicapped from practicing while bad doctors are able to continue practicing bad medicine.

Mr. Speaker, this comprehensive legislation that I have reintroduced attempts to ameliorate the current malpractice crisis by assuring the equitable financial reparation of victims of medical negligence, providing for the prompt resolution of claims, reducing the burden on our court system, while at the same time, ensuring accountability. I ask for the support of my colleagues in the House.

THE REDUCTION OF EUROPEAN PEACH AND PEAR SUBSIDIES

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. LEHMAN of California. Mr. Speaker, American trade policy has recently won a small, but significant battle in the war over trade. The European Community's new subsidy schedule for pear and peach canners was a sweet victory for the peach and pear growers in this country. And although in overall economic terms it is not terribly significant, the implication for other ag trade is tremendous.

Since 1985, when the United States and European Community [EC] signed the Canned Fruit Agreement which prescribed a reduction in EC subsidies for canned fruit, American peach and pear growers have had to continue to asked the EC to reduce its subsidies. Since 1985, the EC has ignored the agreement and the U.S. growers requests. Finally, the United States threatened to use what seems to be retaliation. Now faced with the threat of 100-percent retaliatory tariffs on European canned fruit imports to the United States, the EC has managed to reduce its tariffs.

However, peach and pear growers in the United States have been the losers both at home and abroad. The subsidies have crept up to keep prices for EC pears from Spain and Italy and peaches from Greece at nearly $40 per ton cheaper than the world price for these products. The loss of markets abroad and rising imports domestically have contributed to the loss of 40 percent of California's Bartlett pear acreage.

However, peaches and pears are not the only agricultural pawns being played in this match. Citrus, beef, nuts, and grains have also been targeted at one time or another. And the use of trade barriers has not stopped at subsidies nor has it occurred specific to the EC. The mere mention of food safety has literally shut down markets for United States producers of citrus in Korea and Taiwan. Still, the most costly action governments can take are subsidies.

During the Uruguay round of GATT, the United States proposed a worldwide reduction in ag subsidies. That proposal and its many complicated counterproposals have lead, until recently, to a trade gridlock. The major trading nations of the world have been stuck in an economic staring match with all parties upping the ante to see who will blink first. Tariffs and subsidies have been piled so high that they amount to blatant trade barriers. But it looks as if this game of one-upmanship is beginning to play itself out.

Mr. Speaker, it is clear that we have a long way to go before we reach the goals proposed in Uruguay. But with peaches and pears, our trade negotiators are beginning to gain some headway. The reduction in canner subsidies for European peaches and pears is an important step for United States agricultural trade and needed relief for United States fruit canners. We must continue to provide these negotiators with positions of strength to bargain from and the tools to deal effectively with obstacles to successful negotiations. American agriculture can only benefit from better trade agreements with our trading partners.

CONGRATULATIONS TO MY COLLEAGUE HAL ROGERS

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. HOPKINS. Mr. Speaker, the Christian Appalachian project has announced the winner of its Mountain Spirit Award for 1989. I'm pleased to announce that the award is going to my colleague HAL ROGERS.

The award selection is based on contributions to the people of Appalachia in five categories: the economy, education, health care, spirituality, and promotion of understanding of Appalachia and its people. HAL was selected for this award from a field of public and private individuals active in these areas of improvements both professionally and as volunteers.

In its choice of Congressman HAROLD ROGERS for the Mountain Spirit Award, the Christian Appalachian project is recognizing in particular his tireless efforts to diversify agriculture in south-central Kentucky, strenghen the area's economy and create new employment opportunities in the region. The choice was well made and HAL richly deserves this recognition for his work.

On behalf of the Members of this body and the people of Kentucky, I say both "thank you" and "congratulations" to my colleague HAL ROGERS, winner of the 1989 Mountain Spirit Award of the Christian Appalachian project.

PERSONAL EXPLANATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mrs. SCHROEDER. Mr. Speaker, I was absent Friday, June 23. Had I been present, I would have voted as follows:

Roll No. 106, approving the Journal: "Nay."

Roll No. 107, veterans supplemental appropriation: "Yea."

HONORING A FORGOTTEN PART OF OUR NATION'S HERITAGE

HON. NICK JOE. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. RAHALL. Mr. Speaker, I rise today to encourage my colleagues in the House of Representatives to join me in supporting a resolution I will introduce today which would designate August 28, 1989, as "Railway Mail Service Day." I am sponsoring this resolution in an effort to ensure that the significant contributions made by several generations of postal clerks receive the recognition they so richly deserve.

One hundred and twenty-five years ago, on August 28, 1864, the first permanent Railway Post Office was founded, and the Railway Mail Service made its first mail delivery. During this trip from Chicago to Clinton, IA, the Railway Mail Service demonstrated the effectiveness of delivering mail by specially equipped rail cars. The remarkable success of this project led to the establishment of an entire network of mobile distributing units across the Nation.

For over a century, the Railway Mail Service formed the backbone of America's postal system. Its system of mail distribution proved to be so reliable, efficient, and economical that nearly every citizen of that time directly benefited from it. As the Railway Mail Service grew and evolved, it assumed responsibility for the transportation of mail by air, highway, and inland waterway. In order to reflect the expanded role of the Service, its name was changed to the Postal Transportation Service in 1949.

Just so you get an idea of how influential the Railway Mail Service was, let me tell you that at its peak of operations during World War II, it employed over 30,000 clerks. These clerks were responsible for more than 90 percent of all nonlocal mail in the United States, and delivered letters and parcels on over 1,500 routes across the country.

All told, five generations of postal clerks laid the groundwork of the U.S. Postal Service through their contributions to the Railway Mail Service. In no small part, these unsung

heroes are responsible for the continuing vitality and effectiveness of the postal system. The hard work and personal dedication of these clerks make it befitting of us to honor the 125th anniversary of the Railway Mail Service.

In closing, I once again urge my distinguished colleagues to join me in supporting this resolution. Not only does it acknowledge the accomplishments of thousands of postal clerks whose significant contributions have been too long ignored, but it also illuminates a truly fascinating part of this Nation's history. The Railway Mail Service is a valued part of our heritage, and its role in the development of the United States deserves the recognition this resolution would accord.

TRIBUTE TO COMMISSIONER DORCAS HARDY

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. ARCHER. Mr. Speaker, on July 31, Commissioner Dorcas Hardy will be leaving the Social Security Administration after serving 3 years. In all, her Federal service, which included her tenure as Assistant Secretary for Human Development Services, has spanned 8 years.

I want to thank her publicly for the energetic leadership she has brought to SSA, and for her management initiatives.

Commissioner Hardy has instituted an agencywide, long-range strategic plan which anticipates the needs of beneficiaries, workers, and employers in the year 2000 and beyond.

She also instituted the personalized earnings and benefit statements, designed to improve the maintenance of earnings records as well as public understanding and confidence in the program.

Another of the Commissioner's important legacies is the implementation of a toll-free 800 number, which when fully operational will provide 24 hours a day, 365 days a year public service.

She has advocated program improvements as well. One of Dorcas Hardy's earliest acts as Commissioner was to support and implement improvements in the work incentive program for certain disabled SSI recipients.

Finally, I want to thank the Commissioner for helping to advance one of my long-standing goals, the elimination of the retirement earnings test. Her assistance in drafting alternative designs for phasing out the earnings limitation have been helpful in crafting the legislation now pending. Her public advocacy has helped the issue to obtain greater political visibility. As a result it appears that the age 65 threshold will be increased this session.

Commissioner Hardy deserves our appreciation for a difficut job well done. I wish her continued success.

LINDA HOPKINS, AN AMERICAN ICON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I rise to note the accomplishments of Linda Hopkins, a world renowned musical performer and composer.

A native of Brooklyn, NY, Ms. Hopkins has earned the admiration and appreciation of millions of music lovers by using her talents to bring the joy of song to audiences around the world.

In this country, Ms. Hopkins has astounded many with her performance in the musical "Me and Bessie." This moving portrayal of legendary blues singer Bessie Smith, conceived, written, and performed by Ms. Hopkins, has won popular and critical acclaim throughout the Nation. As evidenced by her 105 appearances on the "Tonight Show," Ms. Hopkins is a treasured guest and performer on the large and small screen.

It is with the utmost joy and respect that I rise to pay tribute to Ms. Linda Hopkins, an American icon.

PRIVATE IMMIGRATION LEGISLATION FOR THE CITIZENSHIP OF MICHAEL WU

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. BATES. Mr. Speaker, today I am introducing private immigration legislation on behalf of Michael Wu.

Michael is a 23-year-old slightly handicapped Down's syndrome adult. He has attempted on several occasions to become a citizen of the United States. Unfortunately, due to his intellectual level, he is unable to successfully pass the literacy and educational portion of the citizenship process. Several members of the special education community believe that Michael has the potential to be a productive member of society.

I know his family to be reliable, hard-working, self-sufficient and law-abiding citizens. They have a strong belief in democracy and the American ideal. Those characteristics are apparent in Michael's overall attitude.

Despite Michael's handicap, he has shown considerable progress in school. This has been evident in his good work and ability to follow directions. In fact, he has displayed the capacity to be trained in performing complicated tasks, and he has a healthy work ethic. I have every reason to believe that he will someday be a contribution to the work force.

As a country of opportunity and humanitarian understanding, it seems only fair that an individual, such as Michael, be given a chance to live, work, and be an active member of society. Granting Michael citizenship would be the final step to making him a true part of the community.

The legislation, which I am presenting before this body today, would provide relief for Michael Wu by waiving for him the literacy and education requirement. I urge my colleagues to support this important humanitarian measure.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall vote 129 on June 29, 1989. Had I been present on the House floor I would have voted "Yea" on final passage of H.R. 2655, the foreign aid authorization bill.

REPEAL EARNINGS TEST

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. DARDEN. Mr. Speaker, today I am introducing legislation to repeal the Social Security earning test. While I believe the Social Security system has provided effectively for the material needs of individuals and families, and I am committed to its continuation, I believe there are several inequities in the present system which can and should be eliminated. Among the most devastating to active older Americans is the earnings test limitation.

Since its inception in the 1930s, Social Security has effectively provided retirees with a secure financial base. And, despite troubling questions in recent years, and the increasing number of beneficiaries, the Social Security system itself has and will continue to be financially stable.

Even though Social Security benefits often constitute the sole source of income for many retirees, these benefits are generally inadequate to sustain the average family. Accordingly, many retirees choose to work.

As many of you know, in 1989, retirees under age 65 may draw their full Social Security benefits if they earn less than $6,480 per year in outside income. Workers above age 65 may draw their full Social Security benefits if they earn less than $8,880 per year in outside income. For every $2 earned over the specified amount, Social Security benefits are cut by $1. There is no limit on the amount a worker may earn to draw the full Social Security benefit after the age of 70.

While this system was intended to allow Social Security recipients to earn reasonable supplemental income without drawing unnecessarily from Government reserves, it discriminates against retrees who choose to remain productive members of society. Our Social Security recipients have earned their Social Security benefits. Those who have planned carefully for their retirement should not face the choice of working under these arbitrary restrictions or wasting their much-needed talents.

Several extensive studies, both publicly and privately financed, support the conclusion that the additional income taxes paid by retirees would offset any additional benefits paid out. Because I am committed to seeing that our senior citizens receive fair and appropriate reimbursement, I have introduced a bill to repeal the earnings test limitation. I hope my collagues will join me in working for its immediate passage.

REAUTHORIZATION OF THE DOMESTIC VOLUNTEER SERVICE ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Ms. SNOWE. Mr. Speaker, I wish to offer my support of H.R. 1312, the Domestic Volunteer Service Act reauthorization bill. This legislation reauthorizes the important volunteer programs under the ACTION agency through fiscal year 1992.

As the ranking minority member of the House Aging Subcommittee on Human Services which has oversight responsibility over the older American volunteer programs, I am very much aware of the critical role played by the Domestic Volunteer Service Act in fostering and expanding our Nation's volunteer programs.

Working under the auspices of the ACTION agency, individuals devoted themselves to helping others through volunteer work, sharing their time, energy, and compassion to assist those less fortunate. Their endeavors are rewarding not only to our Nation as a whole, but also to the volunteers themselves who appreciate the opportunity to make a meaningful contribution to our society.

As you know, volunteers are engaged in work in all aspects of community life. They play an especially critical role in areas of special need. In recognition of the importance of volunteer activities in these particular areas, I introduced legislation that would establish Programs of National Significance within the Retired Senior Volunteer Program [RSVP].

Under the provisions of my legislation, the Programs of National Significance would have included respite care services, intergenerationa literacy programs for afterschool library latchkey children, and programs to monitor guardianships. These programs were designed to recognize initiative already undertaken by some RSVP groups and to help identify areas which should have a national focus for volunteer activities. I am pleased that this idea was picked up and incorporated into the reauthorization of the Domestic Volunteer Act.

Volunteers make invaluable contributions to their individual communities and to our Nation. The reauthorization of the Domestic Volunteer Service Act, and the Programs of National Significance in particular, plays an instrumental role in fostering these activities, and, thus, deserves our strong support.

THE 50TH ANNIVERSARY OF KIWANIS CLUB OF TEMPLE CITY

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. MOORHEAD. Mr. Speaker, I take great pleasure in bringing to the attention of my colleagues in the U.S. House of Representatives the 50th anniversary celebration of the Kiwanis Club of Temple City.

On August 8 the Kiwanis Club of Temple City will gather together to celebrate 50 years of service to the community. Having subscribed to the motto of "We Build," Kiwanis focuses its efforts on providing assistance to the local community, country, and international spheres of interest.

The Kiwanis Club of Temple City experienced its simple beginnings in 1939 when a group of business and professional men began to meet for breakfast in order to discuss opportunities for providing community service to Temple City. Upon investigating the merits of various clubs, the "breakfast club" elected to become an active member of Kiwanis. Officially chartered on August 8, 1939, the Kiwanis Club of Temple City elected Earl Emick, the local postmaster, as its first president.

Since that time the Club has contributed significant improvements to Temple City. In fact, during one period in the 1950's when community needs were expressed by the Chamber of Commerce, the Kiwanis Club constituted such a large portion of the organization that many people considered Kiwanis the "voice of the people."

More recently, the Kiwanis Club has cooperated with the local community in assisting with Special Olympics, "Reading is Fundamental" programs and "get-out-the-vote-campaigns," to mention a few of their meritorious efforts. The Kiwanis Club of Temple City has also been actively supporting the Key Club for the past 20 years.

Mr. Speaker, Kiwanis of Temple City is a fine example of how people dedicated to a worthwhile cause can positively impact a community. Therefore, I congratulate the Kiwanis Club of Temple City on the successful attainment of its goal; to help build Temple City into the community that it is today. Furthermore, I extend my congratulations to each of its members and wish them the very best for the future.

PERSONAL EXPLANATION

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. NELSON of Florida. Mr. Speaker, due to business in the State of Florida, I was not present to vote on rollcall Nos. 106 and 108 brought to a vote on June 23, 1989. Had I been present I would have voted "yes" on both rollcall votes.

Rollcall 106 was a motion to approve the Journal of Thursday, June 22.

Rollcall 108 was a motion to approve the Journal of Friday, June 23.

THE 25TH ANNIVERSARY OF MORRO BAY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. PANETTA. Mr. Speaker, I rise today to join the community of Morro Bay in celebration on the occasion of the city's 25th anniversary of becoming incorporated. Since the beginning of July the community has been celebrating its anniversary with daily events culminating in the 25th Silver Anniversary Dinner on July 17. While I regret that I cannot be at this dinner, I wish to join in congratulating the city for reaching this milestone.

Morro Bay is a naturally beautiful location. A spectacular setting, with the magnificent Morro Rock, its picturesque shoreline extending as far as the eye can see. East of it, the lovely Chorro Valley with its row of volcanic peaks called the seven sisters, extends into the southern distance.

The Spanish were the first to recognize the area for its true beauty and named the enormous rock that stands in the ocean just off the shore El Morro.

Founded in 1870 by Franklin Riley, Morro Bay soon became a bustling center of shipping and trade. Boats entered the harbor through channels on the north and south side of Morro Rock. Although the captains of these vessels feared the entrances because of high surf, surging tides, and erratic winds gusting the rock, they still persevered to get to the bountiful market provided by the Embarcadero.

Today, Morro Bay's economy is still focused around its incredible beauty and its vibrant fishing industry. Many thousands of tourists flock to the shores of Morro Bay each year. Locals and tourists alike enjoy the fine seafood cuisine that the city has to offer. The catch of the day is always the specialty of Morro Bay's many seafood houses.

The city and the community of Morro Bay should be credited with keeping the fine city so spectacular. I am sure that they will continue to keep Morro Bay looking just as lovely in years to come.

Mr. Speaker it is with great honor I ask my colleagues in the house in joining me to salute the city of Morro Bay in reaching this milestone.

INTRODUCING LEGISLATION TO CORRECT AN INEQUITY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. MATSUI. Mr. Speaker, today I am introducing legislation that is intended to correct an inequity. St. Joseph Medical Center paid duties in the amount of $189,964.32, on the importation of a kidney lithotripter. The kidney

lithotripter was entitled to receive duty-free entry, but a refund was denied the importer due to Customs restrictions. This bill will direct the Customs Service to reliquidate the entry duty free.

The legislation presents no negative financial impact to the Government. Refunding the duties will reduce the capital cost of the equipment. Thus, the ultimate Medicare reimbursement by other Government agencies will also be reduced. The ultimate beneficiaries of this legislation are the patients of St. Joseph and the Federal Government.

TRIBUTE TO GENE DAFFERN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. LAGOMARSINO. Mr. Speaker, I would like to take this opportunity to recognize Mr. Gene Daffern, of Ventura, CA. Over the past 4 years, Gene has been the executive director of the Ventura County Taxpayer's Association. In addition, he has also served as the director for the Greater Ventura Chamber of Commerce. His dedication and commitment to insuring an efficient and responsive county government has been a benefit to all of the taxpayers in the county.

Gene Daffern's extensive involvement in civic affairs shows the premium he places on community affairs. He has served as the director of the Salvation Army and the Ventura Downtown Lions Club. Previously, he worked with the fundraising and membership campaigns of the Ventura County United Way, the Ventura County Drunk Driving Task Force, and the Ventura County Arthritis Foundation. Gene was named as the Lion of the Year for 1987–88 for his contributions to the community.

What an individual gets out of his community is directly related to how much he puts into that community. Gene has given years of dedication to Ventura County, and in return he has earned my appreciation and respect and that of his entire community.

IN SUPPORT OF H.R. 3

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. MINETA. Mr. Speaker, our children will one day become the parents, the teachers, and the leaders, of this great Nation. A child with a fair chance to grow will become an adult with a fair chance to succeed.

Each day in the United States, 1,375 teenagers dropout of high school, 1,293 teenagers give birth, and 6 teenagers commit suicide. But these and other tragedies are preventable.

Education is the key in overcoming the hurdles facing our children. For every dollar spent on quality preschool education, $4.75 is returned through lower costs of public assistance, special education, and crime. America must continue to make this critical investment in our future.

Our fine colleague, Mr. HAWKINS of California has introduced legislation, H.R. 3, which has the potential to have a major and positive impact on one facet of our Nation's future: child care.

H.R. 3 addresses issues such as the Head Start Program. This federally funded program would be expanded to meet the needs of more low income families. H.R. 3 also would expand existing preschool and day care programs to make them both affordable and accessible. Finally, H.R. 3 would require States to set standards such as, group size, parental involvement, developmentally appropriate programs, and staff qualifications for preschool and day care programs.

H.R. 3 is a step in the right direction, but it is only a beginning.

We must also recognize that early childhood educators are professionals. The average monthly income of a child care worker is $748, a salary below the national poverty level. How can we expect quality, affordable child care when our Nation will not pay its providers a living wage?

Mr. Speaker, one of the measures of a great nation is how well it cares for its children. The time has come to create a child care system in which we can take pride. I urge my colleagues to support H.R. 3.

TRIBUTE TO THE SOUTHERN REGIONAL GOLDEN RAMS MARCHING BAND

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. SAXTON. Mr. Speaker, it is my pleasure to rise today and honor the Southern Regional Golden Rams Marching Band. This band has proven to be among my districts finest marching bands and has as a result acquired many commendations.

Southern Regional High School has participated in numerous competitions over the last academic year and has accumulated a consistent reputation for excellence. The Golden Rams placed second in the Chichester, Edison, Absegami, and Clearview High School competitions. In fact, they never placed worse than fourth throughout their season. Their continued commitment to excellence has earned them statewide as well as nationwide recognition.

I hope you, my colleagues, will recall their outstanding performance on the steps of the Capitol on May 20. We were all rewarded with a memorable performance that clearly demonstrated the dedication and hard work that these members have put forth in order to produce the music that has delighted not just us here in the Nation's Capital but people throughout southern Jersey.

This bank also has the singular honor of being the only high school band invited to play at the arrival of the Tall Ship at Beach Haven, NJ, on September 1. This honor will herald the beginning of the new fall season for the Golden Rams. The season, I am confident, will mark continued success for the marching band.

Mr. Speaker, I ask you to join me in recognizing the band members' unwavering commitment to perfection that is so readily apparent to all people fortunate enough to attend one of their performances.

SO DESERVING

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. VANDER JAGT. Mr. Speaker, I recently introduced House Joint Resolution 352, a resolution to designate September 15, 1989, as "National Telephone Operators Day". Today, I ask my colleagues to support this measure.

National Telephone Operators Recognition Day will focus attention on the many wonderful contributions which telephone operators have made to this Nation since the telephone was first invented in 1876. For more than 100 years, these dedicated individuals have efficiently handled billions of calls every year, and saved countless lives by placing desperately needed emergency calls. They have also remained on duty during community evacuations and natural disasters.

In addition, the well-informed operator of the early 20th century has become a part of our country's folklore. Despite the increasing prevalence of computer technology in communications, knowledgeable and professional telephone operators continue to play a vital part in the telephone system of our Nation. It is only appropriate, therefore, that the Congress and the President, along with the entire country, recognize the dedicated and often heroic efforts of America's telephone operators by declaring September 15, 1989, as National Telephone Operators Recognition Day.

I hope my colleagues will join me in support of House Joint Resolution 352, and honor the sacrifice and hard work of our Nation's telephone operators by giving them the recognition which they so richly deserve.

A TRIBUTE TO ROBERT J. AGONIA AND JOANNE S. THOMAS

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. BILBRAY. Mr. Speaker, I rise today to honor two outstanding citizens of Las Vegas, Robert J. Agonia and JoAnne S. Thomas. Mr. Agonia and Ms. Thomas have been selected as exceptional employees in the Department of Energy's nationwide program to acknowledge those who have contributed outstanding volunteer service to their communities. The time and effort donated by both Mr. Agonia and Ms. Thomas to those around them is truly deserving of recognition.

Robert J. Agonia, Chief of the Nevada Industrial Relations and Training Branch, has

contributed to a number of community service activities. Involved with the League of United Latin American Citizens since 1973, he served as both chair of the scholarship committee and advisor to the board of directors. He has also worked with the metropolitan police department as vice chair of the civil service board. In 1988, he became actively involved in the Leadership Las Vegas Program with the Chamber of Commerce. As chair of the advisory committee, he encourages other groups to be involved in the Las Vegas community. Mr. Agonia's concerns and efforts are not only working with the present, but as a member of the Curriculum Committee for Youth Leadership Las Vegas, he works to build a better future.

JoAnne S. Thomas is the employee development specialist for the Nevada Operations Office. From 1980 to 1985, Ms. Thomas generously provided love and special treatment to the premature infants in the progressive care nursery, a section of the neonatal nursery at Humana Hospital Sunrise. She cuddled, fed and weighed these sick babies, and found time to sew tops and sleep sacks for them. Also a member of American Business Women's Association, she volunteered her time to assist with baby showers that the organization held for the infants.

Mr. Speaker, I urge my colleagues to join me today in honoring Mr. Robert J. Agonia and Ms. JoAnne Thomas. Their contributions to the Las Vegas community—its present and future—have earned them recognition throughout the State as two of Nevada's finest citizens.

WEST MORRIS AREA YMCA'S CENTENNIAL YEAR

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. GALLO. Mr. Speaker, this year marks the centennial of the West Morris Area Young Men's Christian Association. The YMCA's long tradition of volunteerism in service to the community will be recognized as part of a special celebration this fall at the Y's Randolph, NJ, facility.

At a time when we are seeking ways to encourage volunteerism in service to those who need our help, the YMCA stands as a monument to the tradition of community participation that we seek to promote.

One hundred years ago, the West Morris Area YMCA was founded in Dover, NJ. The year 1889 was only the beginning, laying the foundation for today's great organization.

The First Methodist Episcopal Church in Dover housed the first YMCA. Known then as the YMCA of Dover, the Y soon attracted 190 of the area's youth per day.

In 1908, YMCA expanded beyond Dover to include Succasunna, Wharton, Whippany, Rockaway, Chester, and German Valley, now Long Valley. For the next four decades the Y maintained its popularity, occupying various locations on or near Blackwell Street in Dover.

As membership continued to grow, after World War II, there was a need for a more permanent facility. In 1951 the YMCA headquarters on Route 46 at the corner of North Bergen Street was dedicated.

By the 1970's the need for a building which offered a gymnasium and a pool was becoming evident. Expansion of the Dover building was possible, but parking was a problem as the Y began to attract more and more participants from the growing residential areas outside of Dover, including Randolph Township.

In 1976, the name West Morris Area YMCA was taken to reflect this expanding service area and ground was broken for a new facility on Dover Chester Road in Randolph in 1977. This comprehensive fitness center was officially opened in 1979.

Today, the membership has soared to nearly 8,000 members. The YMCA offers a wide range of athletic equipment and services, including pools, tracks, weight rooms, racquetball and basketball courts.

For the past century, the YMCA has served its surrounding communities with programs designed to encourage individuals—particularly our young people—to live well rounded lives. The Y is dedicated to helping all people regardless of age, race, religion, sex, or socioeconomic status to reach their fullest potential.

I take great pride in the role the YMCA has played, and continues to play, in helping to make our communities better places to live.

Mr. Speaker, I ask my colleagues to join me in recognizing the spirit of volunteerism and community service shown by the people of Morris County, NJ, who have worked together to make the West Morris YMCA what it is today.

I also ask you to join with me in honoring those dedicated individuals who have gone on before us, laying the foundation of today's successes and making this special centennial year for the West Morris Area YMCA.

IN HONOR OF CARDINAL ALOYSIUS STEPINAC

HON. FREDERICK S. UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. UPTON. Mr. Speaker, President Bush concluded his recent NATO negotiations with a fervent plea that Europe be once again united. At this time, it would be well for Americans to recall the individuals who fought arduously for human rights during the Soviet expansion into Europe.

One such individual was Cardinal Aloysius Stepinac. During World War II, the Cardinal was a vocal and steadfast opponent of totalitarianism in any form. He admonished Yugoslavia's 7 million Catholics to be vigilant and not to embrace the competing totalitarian ideologies that were challenging the government and the church of his beloved Croatia. The Cardinal believed that only through peace and freedom could individual dignity and humanity be preserved.

In the postwar period, he was an energetic opponent of communism. Cardinal Stepinac was not afraid to use his prominent religious position to prod the Communist regime of Premier Tito, and to keep the flame of freedom alive in his war torn congregation. In an attempt to silence this champion of human rights, Tito sentenced Cardinal Stepinac to prison in 1946.

The world was shocked by this blatant travesty of justice. The Vatican took the extraordinary step of ordering the excommunication of all those connected with Stepinac's trial. Although the Cardinal was released from prison in 1951, he was forced to live a life of police-enforced isolation in his native village of Krasic until his death on February 10, 1960.

Croatian Americans would like to see Cardinal Stepinac honored for his courage to fight for human rights. Americans of Croatian ancestry are establishing an endowment to construct a memorial to this brave man. These citizens simply ask of their government to recognize the heroism of this early champion of human rights.

As we approach the 30th anniversary of the death of Cardinal Aloysius Stepinac, I would ask my colleagues to remember him as an extraordinarily courageous religious leader whose commitment to human dignity reached far beyond his native Croatia.

PROMOTE ECONOMIC DIVERSIFICATION AND ALTERNATIVE USE IN DEFENSE DEPENDENT AREAS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. GEJDENSON. Mr. Speaker, I am introducing today, with Congressman MAVROULES, the Economic Diversification and Defense Adjustment Act, a bill to lessen the local economic impact of base closings and defense contract cancellations.

The bill is designed to provide for the long-term economic health of defense-dependent areas. Under the terms of the bill, defense-dependent communities would undertake projects to generate and sustain new, nondefense industries to diversify their local economies, and create alternative use plans for existing defense facilities, in preparation for fluctuations in defense spending.

We are entering an era of flat defense budgets, base closings and realignments, cuts in conventional weapons, and reductions in strategic arms. Areas that rely heavily on defense spending are particularly vulnerable to the economic effects that will follow these changes. The goal of this bill is to ensure that defense-dependent areas can adequately prepare to deal with a reduced flow of defense dollars.

The bill's major provisions include creation of a national Economic Diversification and Defense Adjustment Council, composed of the Secretaries of Commerce, Labor, Defense, and Education; and six business and six labor union representatives. The council would administer the awarding of grants to defense-dependent communities to strengthen their economies through diversification, and to pro-

vide economic adjustment assistance in the wake of defense contract cancellations or base closings. The grant mechanism targets resources where there is the greatest need and willingness to undertake a community-based planning process.

Communites receiving grants would be required to establish local diversification-alternative use committees composed of labor, management, local government, local educational institutions, and private nonprofit agencies. These local committees would develop concrete plans and projects to promote nondefense economic development and alternative uses for defense facilities.

The bill also offers 1 year's full protection of the health benefits of workers laid off as a result of defense cutbacks.

COMMENDING THE RECENT EFFORTS OF THE EDISON ANIMAL SHELTER

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1989

Mr. DWYER of New Jersey. Mr. Speaker, as you may know, more than 70,000 puppies and kittens are born in the United States each day due to the uncontrolled breeding of pets. Of course, the addition of the uncountable offspring of stray animals makes the total number of unwanted pets enormous.

To remedy this overpopulation problem, the Humane Society has initiated its "Be a PAL—Prevent a Litter" campaign. "Be a PAL" is an ambitious and comprehensive approach to curbing pet overpopulation, which encourages the spaying and neutering of pets and adoptable pound animals as well as the education of pet owners.

I wish to commend to your attention an article from the Sunday Star-Ledger newspaper on the "Be a PAL" program of the Humane Society of America and the participation of the Edison, NJ, animal shelter in this effort.

[From the Sunday Star-Ledger, May 7, 1989]

A NEW BREED OF ANIMAL SHELTERS IS EARNING PLAUDITS FOR NEW JERSEY

(By Joan Babbage)

The winds of change have begun in New Jersey's throw-away animal world, as increasing numbers of municipal and county pounds are proudly displaying a new image—clean, modern buildings and a high adoption rate for dogs and cats.

Less than a decade ago, most facilities were relegated to hard-to-find locations, such as behind the railroad tracks or an industrial complex. Dismal places, the pounds were no more than seven-day holding areas for luckless, former pets, destined for euthanasia.

But improved conditions should not come as a surprise. According to Nina Austenberg, director of the MidAtlantic Region of the Humane Society of the United States (HSUS), New Jersey is the most progressive state in the nation in its innovative legislation.

She points out that a landmark law was passed in 1983, establishing low-cost, spay-neuter public clinics for dog owners who participate in other family assistance programs, such as Medicaid or food stamps.

The legislation was amended and improved in December 1986, enabling *anyone* adopting a dog from a municipal or privately run shelter to have the canine neutered for a $20 fee. Through the innovative program, which is supported by the State Department of Health through animal-licensing fees, more than 17,000 dogs were neutered last year, assisted by the more than 160 participating veterinary hospitals.

"Utopia has not been achieved yet," Austenberg acknowledges. "Not every pound is well run. But the public is more aware that animal control is an important service and they are demanding, and getting, better facilities and services."

She notes that the HSUS has its own promotion program, "Be a P.A.L.—Prevent a Litter," each spring.

"With the cooperation of Gov. Thomas H. Kean, who has issued a special proclamation, we are trying to get the message across that it's important for people to be responsible pet owners and prevent overpopulation by neutering their dogs and cats," she explains.

Annette Hirsch, chief of biological services of the State Department of Health, notes that although the statistics continue to be grim—half of the animals that end up in pounds and shelters are euthanized—there has been a marked improvement during the past decade.

"The pounds have certainly emerged from the dark ages. They have changed from being bleak holding areas to sheltering facilities, and many of them have dedicated managers who use creative approaches to educate the public," she says.

"And now we have well-educated, certified, animal control officers, instead of dog catchers. Since 1983, under state law, they must take special courses in animal behavior at Kean College.

"In addition, more communities are licensing cats and hopefully soon we can provide low-cost neutering for felines," she adds.

"There is plenty of room for improvement. But, these days, when the public makes demands on their town officials to provide better pounds and more stringent animal control laws, they are much more apt to get results."

Prominent among the improved facilities is the Edison Pound, once vilified by humane groups as being woefully inadequate. Today the facility, which also serves Piscataway, is housed in an attractive, new building near the township's busy municipal complex. During a recent visit, its spacious runs were only a quarter filled, and a procession of prospective pet owners was looking for puppies, kittens or the dog or cat they had seen advertised in the media.

"Our adoption rate is very high," confides pound manager Anne Twist. "We get every kind of dog and cat imaginable. Fortunately, most of them don't stay here very long. Thanks to the local newspapers and cablevision, the word has gotten out that we have lovely, healthy pets for a reasonable fee ($20 for dogs and $10 for cats). And we have a waiting list of people who are looking for specific breeds."

Animal control officer John Grun recalls that just a few years ago the pound was grim.

"We received a lot of justifiable complaints. But fortunately, our mayor, (the late) Anthony M. Yelencsics, was very supportive. We were able to move into our new facility two years ago. Our location is great and there is lots of parking."

Grun discloses that the pound sponsors tours of the facility and educational programs, as well as free rabies clinics and examinations.

"The public appreciates the fact that we pick up strays and injured animals, including wildlife. And our dog warden is on 24-hour call."

"It's an ongoing education," says Twist. "Not only do we make the public aware of the low-cost, spay-neuter program, but we refer prospective cat owners to a local humane group, 'Friends of Animals,' that assists with low-cost neutering of felines.

"We are proud of our facility," she emphasizes. "And it is such a pleasure to be able to place so many animals, even old dogs and cats."

Her enthusiasm is shared by Norma Jacobs, who served for 12 years as a volunteer in Randolph Township's pound in Morris County, before taking over its management in November, assisting animal control officer Gerald Masino.

"I love this job," she says. "In fact, I can hardly wait to come to work. I am here seven days a week."

Jacobs brought out a manila envelope labeled "lost pets."

"This is my favorite task—reuniting animals with their owners. Sometimes people just don't know where to look, nor do they realize how far a dog can roam. So I act as Sherlock Holmes and my detective abilities must be good. I have been able to find lots of missing pets."

Jacobs reveals that the pound, which also picks up animals for Mt. Olive and Dover, is rarely filled to the brim. That day she was tending an abandoned calico cat and three dogs, including an elderly springer spaniel, an apparent runaway, who was pining for its master.

"I try to find homes for everyone and while they are in 'my hotel,' I even provide toys for the animals to play with."

She reveals that the adoption rate, so far, is almost 100 percent, and attributes her success to the fact that she cooperates with neighboring shelters and pounds and has a number of foster homes. In addition, she teaches humane education in local schools.

"We are open only from 11 a.m. to noon daily, except Sundays, but people manage to get here for adoptions during that one hour, which pleases me, because I enjoy the public and matching people with appropriate pets. The job is very fulfilling, but needless to say, a sense of humor helps."

June 13 years ago the Montclair pound was a dreary, dirty place. Its rejuvenation was launched in 1976 by a group of concerned Montclair residents, who organized the Pound Animal Welfare Society (PAWS) with the help of a local veterinarian, George Cameron.

Now the nonprofit, charitable organization is dedicated to making life more humane for domestic and wild animals, and the group has been so successful in operating Montclair's animal control, that it is also providing animal care services for nearby Verona and Cedar Grove.

According to PAWS administrator Kathy Hurley, the organization is involved in every aspect of animal welfare: Adoption, education, pet therapy (visiting nursing homes and hospitals), health care, spay-neuter assistance and wildlife rehabilitation.

"Our municipal contracts, plus contributions and special drives, have enabled us to raise $440,000 to enlarge and upgrade our facilities. The groundbreaking has already begun."

Hurley notes the facility, which houses 22 dogs and 40 cats, is open daily from noon to 4 p.m., except Tuesdays. PAWS animal control services are performed on a 24-hour basis, caring for injured animals and picking up dead ones.

"We find homes for most of the animals we take in. Our adoption rate is at least 85 percent," Hurley says.

"And we have been successful in placing dogs and cats, because of our large number of foster homes, and advertising in local newspapers."

The administrator reveals that she frequently gives lectures about PAWS to local civic groups.

"Aside from that, we have a dedicated corps of 40 or so volunteers and great township support. Fortunately a lot of people care," comments Hurley.

At the Bergen County Animal Shelter in Teterboro, a modern, brick, air-conditioned building, the largest facility in the state, the adoption rate is currently 50 percent and continues to increase, divulges director Mary Ellen Dachowski.

"Education is our priority this year," she emphasizes. "The shelter has been a community project ever since it opened 10 years ago."

Dachowski, who served as a volunteer for nine years before becoming director, turns over the shelter's large education room for obedience classes on Wednesdays. And students at the Bergen County Vocational Technical School learn how to groom such challenging breeds as the French poodles, Llasa Apsos and miniature Schnauzers that are among the 10,000 animals that end up at the facility each year.

"The students are learning skills and helping us at the same time," says Dachowski.

She reveals that the shelter has been able to find homes for most healthy pets and she attributes its high adoption rate to education programs, media coverage, lectures and a special video presentation, as well as public tours of the facility.

"Our capacity is 400 animals, but I have some dedicated volunteers, who provide good foster homes, when we have an overflow. And the state's inexpensive spay-neuter program certainly helps. We do follow-ups to make sure the public is taking advantage of this service."

The director remembers that the shelter was built in response to the public's urgent demands.

"Bergen County residents pointed out the need for a good facility and, fortunately, our progressive board of freeholders agreed with them."

SENATE—*Wednesday, July 12, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be offered by the guest chaplain, the Reverend David M. Cox, pastor of the Main Street United Methodist Church, Petersburg, WV.

PRAYER

The Reverend David M. Cox, pastor of the Main Street United Methodist Church, Petersburg, WV, offered the following prayer:

O God, the Great Architect of the Universe, we come humbly into Thy presence. For the privilege of living in the greatest country in the world we thank You.

We pray today for the needs of others. For those who are homeless, hungry, and especially for those who have never heard of Thy love. Bless especially those who are in this august Chamber today guiding our great Nation. May they be persons of honesty, integrity, and strength, guided by the Spirit of the all wise God. Bless those who set at peace tables, give them wisdom. Bless our President and those who have the responsibility of guiding our country.

This, our prayer we ask in Thy name and for Thy kingdom's sake. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders, there will be a period for the transaction of morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

At 11 o'clock the Senate will resume debate on S. 358, the legal immigration bill. Under the provisions of the unanimous-consent agreement now in effect, there will be 30 minutes remaining on the Helms substitute amendment with a vote on or in relation to that amendment occurring at 11:30 this morning. Other votes in relation to S. 358 are possible throughout the day.

(Mr. KOHL assumed the chair.)

THE GUEST CHAPLAIN

Mr. MITCHELL. Mr. President, I wish to thank the distinguished Rev. David Cox, who delivered the prayer today.

Would the distinguished Senator from West Virginia like a moment to address the Senate regarding the guest chaplain?

Mr. BYRD. Yes.

Mr. MITCHELL. I yield to the distinguished President pro tempore.

Mr. BYRD. Mr. President, I thank my distinguished majority leader.

THE REVEREND DAVID M. COX

Mr. BYRD. Mr. President, today I take great pride and pleasure in welcoming as our guest chaplain, the Reverend David M. Cox, pastor of the Main Street United Methodist Church in Petersburg, WV.

A native of Kentucky, the Reverend Mr. Cox is observing his 37th year in the pastoral ministry.

A World War II Navy veteran, Mr. Cox saw action off both Iwo Jima and Okinawa, was decorated for his service, and was awarded the Purple Heart.

He attended Olivet College in Kankakee, IL, for his undergraduate degree, and has further studied at the United Seminary in Dayton, OH; Gettysburg College in Pennsylvania; Vanderbilt University in Nashville; and the University of Richmond.

Mr. Cox and his wife, Irene, have two daughters and are blessed with seven wonderful grandchildren.

Among his many interests, Mr. Cox has coached Little League, Babe Ruth, and high school baseball; has taken an active interest in Scouting; has served with the American Red Cross; serves in local hospital chaplaincy in Petersburg; and is the past president of the Petersburg, WV, Ministerial Association.

Mr. President, I take this opportunity to thank my friend, the Reverend Mr. Cox for gracing our Chamber today with his prayer. I again thank the distinguished majority leader.

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

DESECRATION OF THE FLAG

Mr. DOLE. Let me first indicate it had been my intention and the intention of Senator DIXON to introduce today a constitutional amendment with reference to physical desecration of the flag. I have had a meeting with the majority leader and am willing to defer that until tomorrow until he has an opportunity to discuss some aspects of what we had in mind, because it seems to me if we are going to introduce the amendment we want to make certain we have committee action. It would be my intent after an introduction of the amendment to ask for second reading and then move that the committee report back an amendment at some reasonable time, otherwise this session will be history and there will be no action on this side of the aisle on a constitutional amendment. Some prefer a statutory approach, some prefer an amendment approach. But in any event we are now contacting Senator DIXON's office to indicate that we will defer introduction until tomorrow.

SOVIETS ANNOUNCE SHUT DOWN OF REACTORS

Mr. DOLE. Mr. President, last weekend a group of House Members visited a plutonium production facility in the Soviet Union. The Soviets used this visit as an opportunity to announce that the five reactors at the site would be shut down by 1991—up from the three announced by Gorbachev in May.

The Soviets—even after they close those five reactors—will have around seven production reactors left. So, these shutdowns will not change their capability to produce nuclear materials.

Then, what does this latest Soviet move mean? It is clear that the Soviets are giving a public relations push to Gorbachev's May call for a treaty banning the production of nuclear weapons materials.

A ban on the production of nuclear materials is a bad idea for many rea-

sons. At the top of the list is deterrence. Nuclear weapons are, and will be for the foreseeable future, the foundation of our deterrent.

For the United States to maintain a credible and effective deterrent it must maintain the capability to produce nuclear weapons. We should not constrain our nuclear materials production capabilities now since we cannot predict what our deterrent needs will be in the years ahead.

Moreover, a ban on the production of nuclear materials cannot be verified. Let us keep in mind that both the United States and the Soviet Union enrich uranium for military purposes other than weapons production, such as naval nuclear propulsion.

So, it seems to me that the Soviets should spend less time on headlines and more time on real arms control. This latest Soviet offer does not mean any reduction in the Soviet arsenal.

It is time to get to work on reductions in Geneva and Vienna. Mr. Gorbachev should follow President Bush's lead and focus on the arms control negotiating agenda.

Mr. President, I reserve the remainder of my time.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak for not to exceed 5 minutes each.

The Chair recognizes Senator BIDEN.

Mr. BIDEN. I thank the Chair.

BURNING OF THE FLAG

Mr. BIDEN. Mr. President, I, too, had intention today to reintroduce a bill that the Senate has already passed making the burning of the flag illegal, and the purpose of my intention to reintroduce this bill, quite frankly, was to follow up on a suggestion that had been offered at the time we attached it as an amendment to the child care bill, a suggestion made by the distinguished Republican leader which is that we should have it as a freestanding bill so that it does not get bogged down with what will likely be an extended debate, both in the House and then in conference, on the child care bill.

So I was going to do that this morning. But in light of the fact that the distinguished Republican leader is withholding introduction of his amendment until tomorrow, an amendment I might add that is not inconsistent with the bill—they are not necessarily inconsistent at all—I will withhold until tomorrow.

But let me just say to my distinguished Republican leader that it is the Chair's intention, chairman of the Judiciary Committee. I was also intending this morning to announce hearings and hearing dates for hearings on the constitutional amendments that have already been introduced, there having been three constitutional amendments that have already been introduced and referred to my committee. It is the chairman's intention, it is my intention, to hold hearings to set specific dates and hopefully report back to the Senate a bill, a constitutional amendment, with or without votes—I assume there will be the votes—to the Senate sometime in mid-September or early September.

So I want to assure the Republican leader that as chairman of the committee I have every intention of holding hearings on the constitutional amendment. I think it is important we do that. I think it is important we do that quickly, and I think, as the Republican leader believes and I also believe, that we should do it thoroughly because amending the Constitution is not a trifling undertaking.

So I will withhold introducing my bill until tomorrow, and just once again reiterate two points: First, the introduction of the bill is not for the purpose of in any way providing an only alternative to a constitutional amendment. There are those who will not like the bill. I hope not many. There are those who will not like the amendment, and there are those who will like both. It is not at all inconsistent to be for both.

My intention is to move quickly and rapidly to make it constitutionally permissible for States and the Federal Government to pass a law saying you cannot burn the flag. I think that could be done. I think I have a bill that will in fact do that. We have already passed such a bill but it is attached to a complicated piece of legislation. That is the first point.

The second and last point, and I will yield back time, is that the Judiciary Committee will begin shortly hearings on the constitutional amendments that have been introduced, and will come back to the Senate sometime in September with an opportunity for the Senate to speak its will on the issue of constitutional amendment to the Constitution as it relates to the desecration of the flag.

I thank the Republican leader. I am anxious to cooperate with him on this matter.

I yield the floor.

Mr. DOLE. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. DOLE. It may be that we can resolve any problem based on what the Senator has said. I think mid-September is an appropriate date. As I recall September 13 and 14 was the shelling of Fort McHenry and the "Star-Spangled Banner" was written at that time. It might be a good time to have it reported to the Senate floor. It is the date we had in mind, in any event.

I will be happy to visit, and I am certain Senator DIXON would, with the distinguished Senator later on in the day sometime.

Mr. BIDEN. If the Senator will allow me, I have gone through the calendar. We get back, I guess, the week before that. I suspect we will need—I am delighted to sit down with the Republican leader on this matter—two to three hearings total because of the number of amendments that have been introduced. The dates that seem to be available were Wednesday—I do not have a calendar in front of me—Wednesday, the 13th, and Thursday, the 14th, as the last two hearing dates on this. I cannot figure how we can get two hearing dates in before that. But it is possible.

The point is I am anxious to cooperate, and as the Republican leader knows, the Senator from South Carolina, the ranking member of the committee, also has an amendment. And I hope and I know—we will in fact have an opportunity to hear witnesses on the Senator's amendment.

But I guess the only point I want to make is I think we can easily and amicably work out the hearing dates as well as the reporting dates, and it is the Chair's intention to report out an amendment. It is not the Chair's intention to have an amendment go to the committee, and get lost somewhere in the subcommittee. My intention is, for example, not even to have it held in the subcommittee, but to have it held in the full committee. But I am sure we can work it all out.

Mr. DOLE. I thank the Senator.

Mr. BIDEN. I yield the floor.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

IMMIGRATION ACT OF 1989

Mr. CRANSTON. Mr. President, today we are taking up very important legislation which will dramatically impact the lives of hundreds of thousands of individuals. As we all know, we are a country of immigrants, and for the last 24 years our immigration laws have given priority to the reunification of families in this country. This is as it should be. This is consistent with our traditional American values.

I believe that the provision in this legislation which will—for the first time—impose a cap on family sponsored immigration is an unwise departure from our tradition. This legislation will establish the precedent that under such a cap visas granted to the immediate relatives of U.S. citizens would be counted against the visas which would be available to other

family connected immigrants. I cannot support this precedent. Therefore, I cannot support this legislation.

Mr. President, California is home to more Asians and Hispanics than any other State in the country. No single issue nor piece of legislation has raised its concern as much as this legislation we are voting on today. It likewise raises the concerns of all of us who are concerned with these family values. Although the sponsors of this bill argue that this legislation will benefit those who rely on family preference visas to be reunited with their family members, the message I have received from these individuals is that they would prefer to see no reform legislation at all rather than see reforms which would include placing a cap on family sponsored immigration. I, personally, think we should pay attention to this message.

There is no question that this legislation contains other positive reforms to our immigration system which would benefit the country. However, I would like to point out that we need not break with the traditional priority given to family reunification efforts in order to achieve these reforms.

I was an original cosponsor of the legislation introduced by Senator SIMON, S. 448, and I still strongly believe that that legislation represented a much more balanced approach to legal immigration reform. In fact I would like to commend my good friend from Illinois for his efforts to see that a number of the profamily provisions contained in S. 448 were included in the compromise version of S. 358. S. 448—like H.R. 672 currently before the House Subcommittee on Immigration, Refugees, and International Law—would not have imposed a cap on family sponsored immigration. It is my hope that the legislation finally enacted into law will not contain this cap.

I expect that the supporters of this legislation will argue that the cap is a very minor provision when compared with the other reforms contained in this bill. I disagree.

It is true, Mr. President, that this legislation increases the number of visas which will be available for family sponsored immigration. Thus, Asian and Hispanic family reunification efforts theoretically could be benefited by this legislation. However, this possible benefit is undermined by the fact that this legislation will also place family reunification visas under a cap under which immediate relatives will be pitted against other relatives. On one hand we would be increasing the number of visas available for family reunification, while on the other we would be establishing a system that could drastically curtail the availability of these visas as the demand for visas for immediate relatives increases. This simply does not make sense.

Moreover, I do not think anyone would argue with the fact that the family social structure within our immigrant communities enhances the positive contributions which these communities make to our country.

The select committee noted, "The reunification of families serves the national interest not only through the humaneness of the policy itself, but also through the promotion of the public order and well-being of the Nation. Psychologically and socially, the reunion of family members with their close relatives promotes the health and welfare of the United States."

I do not believe, Mr. President, that we should depart from the traditional priority which has been given to family reunification under our immigration laws by placing family reunification visas under a cap. I will vote no on final passage for these reasons, and I urge my colleagues to do the same.

Let me say also this about the pending amendment offered by Senator HELMS. Unfortunately, I cannot be on the floor to participate when that is further discussed, but I would like to say the following: I oppose the amendment being offered by the Senator from North Carolina, and I strongly urge my colleagues to oppose it, also.

This amendment, which would restrict the eligibility for fifth preference visas to never married brothers and sisters of U.S. citizens, is inconsistent with the recommendations of the Select Commission on Immigration and Refugee Policy which this legislation seeks to implement. That Commission recommended that the fifth preference be retained.

What this amendment would do is force the brothers and sisters of U.S. citizens to choose between marriage and being reunited with their family members here in the United States. The argument that this should not cause us concern because these are mere sibling relationships ignores the cultural tradition in those countries—primarily Hispanic and Asian—where these visas are most used. For these immigrants, sibling relationships are as important as those relationships in a so-called nuclear family.

Supporters of this amendment argue that family reunification for these individuals is "illusory" because they have to wait years and years before obtaining a fifth preference visa due to the large backlogs of applications for certain countries. The fact of the matter is that these individuals are willing to wait. Given their willingness to be patient, we should not now take steps to restrict eligibility for these visas.

The Select Commission recognized that family reunification serves the national interest. The final report of the Select Commission explained, "The reunification of families serves the national interest not only through the humaneness of the policy itself, but also through the promotion of the public order and well-being of the Nation. Psychologically and socially, the reunion of family members with their close relatives promotes the health and welfare of the United States."

California has a larger Asian and Hispanic population than any other State in the country. Those who are most affected by this legislation have made it clear that they would prefer to see no reform at all rather than see a reform measure enacted into law which will destroy all hope of ever being reunited with their families.

EXTENSION OF MORNING BUSINESS

Mr. GORE. Mr. President, I ask unanimous consent to extend the time for morning business long enough to accommodate the three or four Senators who wish to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

GLOBAL WARMING

Mr. BAUCUS. Mr. President, some weeks ago the majority leader, Senator MITCHELL, appointed a task force on global warming, and I was privileged to be appointed chairman of that committee. Several of us this morning would like to address the subject which we are charged with; that is, what we can do in the Congress to address the warming of the globe's atmosphere.

The Chinese character, Mr. President, for crises is really two different characters. One is the character of danger. The other is the character of opportunity. Mr. President, I would like to discuss the danger of global warming and the opportunities we have to stop it from happening.

It is difficult for Americans to believe that our actions and those of others are dramatically affecting the Earth's atmosphere. We like to think that the globe is so big, that the atmosphere is so large, that human action is by and large inconsequential. Even though some of our cities have ozone problems and some of our cities have lower elevation and pollution problems, we generally believe that human action does not dramatically affect the Earth's atmosphere.

Mr. President, the data is to the contrary. Almost all data shows that the atmosphere and the Earth is in fact warming at an alarming rate. Over the last century the Earth has warmed at least three-tenths of a degree Celsius. Experts predict it can warm another 2

to 4 degrees Celsius. That might not sound like very much, but in fact, in the course of history, that is dramatic. The climatic change since the last age was only 5 degrees Celsius.

An increase of 2 to 4 degrees Celsius is dramatic. The consequences of such an increase could be even greater in higher latitudes, in the northern United States and Canada, more in temperate areas than in equatorial. Tropical forests will be forced to migrate north. Temperate-zone forests will be forced to migrate lower. Perhaps those forests will be able to adapt.

Many scientists feel they will not be able to adapt. The changes will occur too quickly. What are the implications? One is massive uncertainty. We just do not know what lies ahead with climatic temperature changes at such a fast rate.

But we do know the Earth's increase in greenhouse gases is accumulating. We do not yet see the consequences of it. We cannot yet feel it even though it has been accumulating for many years. It is not visible like air and water pollution. We cannot see it. Therefore, we have to be doubly careful about how we address global warming.

Moreover, it may be irreversible and difficult to clean it up. It may be difficult to cool the Earth down—probably more difficult than it is to clean up other pollution, like Lake Erie.

This is a global phenomenon that we Americans and others can address. Obviously, it takes the cooperative effort of all people in all parts of the world. Who is the major culprit? Today the major culprit is the United States. We produce, Mr. President, about 20 percent to 25 percent of the carbon dioxide emissions. Carbon dioxide accounts for half of the warming problem; methane accounts for 20 percent, and chlorofluorocarbons account for about 15 to 18 percent of global warming gases. In the future, emerging countries are going to be culprits. They will have a dramatic increase in population and will become more industrialized.

And while the United States is today's culprit we can be tomorrow's saviors. We can work with other countries to develop technologies to address global warming problems not only in our own country, but we can help emerging countries cut back on their emissions of global warming gases. The answer is efficiency. We Americans and other people in the world must become more efficient.

Mr. President, as a consequence of these and other actions, and particularly the yeoman effort and leadership of Senator GORE from Tennessee and Senator WIRTH from Colorado, and many others, we are today sending a letter to the President urging him at the Paris economic summit to include an agreement among participating countries that the United States join those countries in completing an international convention on the global climate change by the year 1992.

We have, Mr. President, focused much attention on CFC reduction which is a greenhouse gas. It is important to move beyond CFC's, to move to carbon dioxide, methane, and other greenhouse gases. We hope that the President will take advantage of the leadership role of the United States to address this issue at the economic summit.

Mr. President, I ask unanimous consent that the letter to the President on global warming be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 12, 1989.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As the largest producer of greenhouse gases in the world, the United States must take a strong leadership position in combating global warming. Scientific studies have analyzed the consequences of past and projected increases in the emissions of gases to the atmosphere. These studies, conducted around the world, suggest we are entering a foreboding era of rapid climate change—including temperature levels not experienced by this planet in tens of millions of years.

Recent disruptions here and abroad—including severe drought, crop failures and damaging storms—have underscored our great sensitivity to the weather, our dependence upon normal conditions and our vulnerability to extreme events. Over the next several decades and beyond, a period of rapid climate changes may increase the frequency and magnitude of these disruptions, while ushering in yet additional problems such as quickly rising sea levels. The danger is clear and present. The time for action is now, while we still enjoy the luxury of relatively favorable and stable conditions.

We are encouraged by the news that other world leaders will make the global environment a major agenda item at the Paris economic summit. This is a critical opportunity to demonstrate to the world that the United States will play a leadership role in addressing global warming. With your assistance and initiative, Mr. President, the U.S. in concert with other nations must embark on the path to control emissions and ultimately to stabilize the concentration of manmade greenhouse gases at safe levels to protect human welfare and to sustain the natural life of the planet.

As the key industrialized nations gather in Paris this week, we urge that you call for the following steps:

(1) The establishment of a date for the completion of an international convention on climate change and protocol on carbon dioxide emissions. The United States should take the position that a framework convention should be signed by 1992.

(2) The adoption of initial steps, unilaterally and in concert with other industrialized nations to reduce—from 1988 levels—CO_2 and other greenhouse gas emissions while negotiations on a global convention proceed. It is also incumbent upon the industrialized nations to facilitate the transfer of technologies to Third World nations which could mitigate greenhouse gas emissions.

(3) Support of a major international effort to halt tropical deforestation and increase the rate of global reforestation, and a commitment that the U.S. will undertake a major reforestation initiative.

(4) An immediate worldwide effort to improve our knowledge and monitoring of global environmental change—on earth and from space—through national and international research already underway, and new long-term programs of interdisciplinary, international research. Monitoring global change will require the sustained coordination of all nations.

We urge you to submit your own domestic proposals on these initiatives at the earliest possible date and we would be happy to work with you towards their implementation.

Sincerely,

George J. Mitchell, Quentin N. Burdick, Timothy E. Wirth, Dale Bumpers, Max Baucus, Albert Gore, Jr., Brock Adams, Alan Cranston, John Glenn, Ernest F. Hollings, John F. Kerry, Patrick J. Leahy, Barbara A. Mikulski, Harry Reid, Thomas A. Daschle, Wyche Fowler, Jr., J. Bennett Johnston, Frank R. Lautenberg, Joseph I. Lieberman, Claiborne Pell, Edward M. Kennedy, Joseph R. Biden, Jr., Bill Bradley, Carl Levin, Dennis DeConcini, Herb Kohl, and Christopher J. Dodd.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Thank you very much, Mr. President.

Environmental history will be made later this week when the leaders of the industrialized world meet in Paris. For the first time, environmental issues will be on the agenda of an economic summit. For the first time, there will be a solid opportunity in this forum to build strong international consensus on the urgent need to protect the global environment and on the policies that will offer that protection. It is a rare and fragile opportunity that cannot be lost. It is a chance for our President to lead, courageously and creatively, with a clear vision of the future.

This is the time for specific proposals and bold diplomacy. President Bush must offer both. It is neither unreasonable nor unrealistic for us to expect our President to serve as a catalyst for the emergence of a new era of global environmental cooperation and activism.

We have seen that new awareness and new activism on the part of leaders of other industrialized nations around the world.

Around the world, the leaders of the industrialized nations are recognizing that we are in a brand new relationship with our planet. Unfortunately, to date, it seems to be taking President Bush far longer to reach the same conclusions. We are waiting for issues such as global warming and ozone depletion to attract his full attention.

The blinders of short-term politics make them sometimes easy to miss.

The danger is clear and present. The problems with global warming, with the destruction of the stratospheric ozone layer, with the deforestation of the Earth, with the disappearance of living species, with the pollution of our air, our water, our ground water, and our land make action absolutely imperative. In addition, the world is adding in population the equivalent of one China every 10 years.

These issues demand that we look beyond today and beyond the next election. Consider what is already apparent: while the pattern of our politics remains static, the pattern of our world's environment is changing and those changes are enormous.

The Earth's forests are being destroyed at the rate of one football field's worth every second, one Tennessee's worth every year.

An enormous hole is opening in the ozone layer, reducing the Earth's ability to protect life from deadly ultraviolet radiation.

Living species are dying at such an unprecedented rate that more than half may disappear within our lifetimes.

Chemical wastes, in growing volumes, seep downward to poison ground water and upward to destroy the atmosphere's delicate balance.

Huge quantities of carbon dioxide, methane, and chlorofluorocarbons dumped in the atmosphere have trapped heat and raised global temperatures.

Every day, 37,000 children under age 5 die of starvation or preventable diseases made worse by failures of crops and politics.

There are three reasons why these changes are taking place. First, it took 1 million years for the world's population to reach 2 million, but in the last 40 years that number has doubled and in the next 40 years, it could double again. We are adding one China's worth of people every 10 years. Second, the scientific, industrial, and technological revolutions have magnified the impact of these increases. And, third, we tolerate self-destructive behavior and environmental vandalism on a global scale.

Mr. President, the environmental crisis we face today should be seen as a matter of national security. Moreover, issues such as the greenhouse effect and ozone depletion must be considered as strategic national security issues. They transcend our boundaries. They affect the future and the fate of every nation on the planet. They demand cooperation among nations and an international willingness to restore what I have called our ecolibrium. I have proposed a strategic environment initiative—the environmental equivalent of the strategic defense initiative in terms of our ability to focus resources and research and purpose—to address these global environmental issues.

The opportunity exists at this economic summit to begin crafting the policies that will address these issues and the threat we face; to focus attention on global warming and stratospheric ozone depletion, species loss, deforestation, ocean pollution, acid rain, and air, water, and ground water pollution. It is time for straight talk and forward-looking proposals.

Our policy goals must be clear and include:

A ban, within 5 years, on the most dangerous ozone-depleting chemicals;

Rapid and dramatic reductions in carbon dioxide emissions and increases in fuel efficiency standards;

A halt to the destruction of the world's forests and quick implementation of reforestation programs;

Policies confronting the needs of the Third World—in agriculture, in development, in international debt.

Mr. President, this summit should be historic not only for what is on the agenda, but for what that agenda will produce. President Bush should go to Paris strongly committed to advancing global environmental issues with a specific plan, not just rhetoric, and he should try to return from that summit meeting not only with a consensus recognizing the urgency of these issues but also with an agreement that will address them effectively.

We say in our letter today, which was earlier referred to by Senator BAUCUS: "The danger is clear and present. The time for action is now." The agreements we seek are outlined in that letter:

First, the establishment of a specific date certain for the completion of an international convention on climate change and a protocol on carbon dioxide emissions. The convention should be signed by 1992.

Second, the adoption of initial steps, unilaterally and with other industrialized nations, to reduce from 1988 levels, CO_2 and other greenhouse gas emissions while negotiations on a global convention proceed. It is also incumbent upon the industrialized nations to facilitate the transfer to Third World nations the technologies which could mitigate greenhouse gas emissions.

Third, an international effort to halt tropical deforestation and increase the rate of global reforestation, and a commitment that the United States will begin a major reforestation initiative on our own.

Fourth, an immediate worldwide effort to improve our knowledge and monitoring of global environmental change—on Earth and from space—through national and international research already underway, and new long-term programs of interdisciplinary, international research.

These goals are within our reach. This summit presents historic opportunities to move dramatically to confront the crisis before us. It is unprecedented in its scope and magnitude. It is my strongest hope that President Bush recognize this opportunity and move with conviction to address these problems as the American people want to see them addressed.

The PRESIDING OFFICER (Mr. FOWLER). The time of the Senator has expired.

The Senator from Colorado [Mr. WIRTH].

Mr. WIRTH. Thank you, Mr. President.

Mr. President, I am delighted to join my colleagues, Senator BAUCUS and Senator GORE, in, once again, advocating the greatest urgency and attention by the President of the United States to the question of U.S. leadership on the issue of global warming.

No issue has overtaken policymakers more rapidly than this. No single issue has caught up with us more quickly. No single issue has greater ramifications not only for every individual in the United States but all residents of the globe, and no issue cries out for leadership by the United States more than this one.

Recent events in the European Community have demonstrated that global environmental issues are at the forefront of international diplomacy. So-called green candidates scored large victories in recent Western European elections, comprehensive environmental plans have been developed and environmental consciousness has soared among the European populace.

And as has been suggested on the floor this morning, these issues will dominate the agenda of the upcoming economic summit in Paris. Unfortunately, in advance of the summit meeting, the news media have concentrated on more traditional economic issues such as international debt. As important as these issues are, I believe the media have overlooked the story that will come out of this summit during the days ahead.

All of us in our adult lifetimes have probably found our world view dominated by our relationship with the Soviet Union, by the confrontation between the two superpowers. Most indications are that that relationship is changing dramatically and that the confrontation is rapidly being replaced by our own confrontation with the planet. We are assaulting the planet through what we are doing to change our environment, whether that is clean air, dirty water, pesticide use, the hole in the ozone, or the biggest issue of them all, global warming.

It is absolutely imperative that the President understand the urgency of these matters and that the President move expeditiously to address them. I

think that he will find very broad bipartisan, broad geographic support in the U.S. Congress for these efforts.

Commendably, the President has organized a workshop this fall on the legal issues that must be addressed in developing a global agreement. That is a first step and we appreciate that.

But the President should push much farther. Senator BAUCUS and Senator GORE both outlined a number of the steps in the letter which we are sending to the President, pushing for a conclusion of a framework global climate convention by 1992, and setting targets for the industrialized nations to reduce greenhouse gas emissions.

I have introduced a very broad and ambitious piece of legislation calling for a 20-percent carbon dioxide reduction from today's emission levels for the year 2000. That is reflected in our letter as a thoughtful, rational, and achievable goal.

Third, we asked the President to take on the issue of global deforestation. We have seen the devastation of our rain forests around the world, from Malaysia and Indonesia, the Southern Philippines, Thailand, and across Africa and perhaps the greatest wealth of rain forests of them all in Brazil and the Amazon.

This extraordinary resource—the tropical rain forests—is being torn down in what some have called the most extraordinary act of anti-intellectualism since the destruction of the great library in Alexandria. We are burning down a resource as wealthy in treasures as the library of Alexandria every day by destroying tropical forests around the globe.

Last, we are asking the President to push for an expanded and accelerated program of international research on global environmental change.

Finally, I would add that it is absolutely imperative that the President of the United States and the United States recommit ourselves once again to the issue of population control.

When we were born, there were approximately 2 billion people on this globe. Now there are more than 5 billion people, and as Senator GORE pointed out, we are adding a China every 10 years.

By the time that we pass from the face of the Earth, assuming politics does not get us earlier, there are going to be closer to 10 billion people on the face of the globe. We simply cannot sustain a standard of living, we simply cannot sustain the kind of expectations that people all over the globe have if we have these continually escalating population trends, and it is imperative that we address ourselves once more to this acute, pressing, and absolutely critical issue of population control.

We write the President in a great spirit of cooperation. We urge the President to join with us in recommitting the United States and recommitting our institutions of government to leading the world in global environmental protection.

Our leadership is absolutely imperative. The President of the United States will find a vast reservoir of good will in the Congress and across the country. No single issue is moving more rapidly than this one. No single issue cries out more for leadership from the White House.

As a final note, Mr. President, I would add that we are acting in very good will on all of this. We worked closely with the President on his clean air proposal. The proposal that was described at the White House a month ago was a good proposal. It included a variety of elements and a lot of ideas that had come from a diverse group of people and was a major step forward. We want to continue to work with the administration.

We do not want to see any backsliding. I hope that the report in this morning's Washington Post about backsliding on the clean air bill was not accurate. That report pointed out that in three major areas there has been significant backsliding. First, it was reported that on the nitrogen oxide, or NO_x standard in the Clean Air Act, the President's bill would have no reduction of NO_x. Second on sulphur dioxide, that there would be effectively a real watering down of that; and, third, in terms of toxic air pollution, that there would be very little strengthening of current provisions.

We cannot have any backsliding on these issues. That is the first and most important environmental legislation we are going to be facing before we go on to the broader issue of global warming.

I thank you very much, Mr. President, and I thank my colleagues. I hope all of our colleagues will join us in urging the President to assume the mantle of very strong leadership.

I yield the floor.

Mr. LEAHY. Mr. President, one thing we have learned about environmental issues in the past decade is that local concerns often have a profound impact on a regional and global basis.

Global warming, of course, is one of these issues.

Global warming is as local and personal as the sugar bush, the maple tree, that is in my own front yard in my tree farm in Vermont. Scientists testifying before the Agriculture Committee told me that if the concentration of carbon dioxide in the atmosphere doubles, maple trees may no longer grow in the United States. Some predict this may happen by the year 2030—that's just 41 years from now, well within the lives of my children.

Global warming also has profound worldwide implications. These same scientists warned that a 4-degree rise in average temperature could cut rice production in half. Because rice is the staff of life for 70 percent of the world's population, global warming could devastate the world's food supply and result in widespread hunger and famine.

Other crops could be affected too. Dramatic warming would probably decrease average yields of wheat, corn, and soybeans. Major changes in the southeast United States could turn substantial woodlands into grasslands.

Because of the seriousness of this problem, I will soon be introducing comprehensive legislation addressing global warming as it relates to agriculture and forestry. The bill, the "Global Climate Change Prevention Act of 1989," will have three basic components:

First. Agriculture must help prevent global warming: A major cause of global warming is increased carbon dioxide in our atmosphere from automobiles and powerplants. Trees and plants can absorb carbon dioxide but the projected, dramatic increase in emissions threatens to overwhelm the natural balance. My bill will provide for massive reforestation of at least 3 million acres of trees—enough to fill the entire State of Connecticut. The bill will also contain incentives for cities to plant more trees in urban areas.

Second. Agriculture must not be a victim of global warming: We still do not know enough about the impact of global warming on agriculture and forestry. My bill will direct the Department of Agriculture to take an active role in predicting the effect of global warming on our food supply and forests. This bill would also seek ways to ensure that agriculture not only survives in a warmer world, but continues to provide the quality of food that we and the rest of the world need.

Third. The United States is part of a global environment: Global warming is not limited to Vermont or the northeast part of our country. It stretches beyond our Nation's borders. Carbon dioxide emissions from other countries can affect our climate just as our emissions can effect theirs. My bill mandates that we focus our foreign assistance in the areas of tropical deforestation and energy efficiency to minimize, not aggravate, global warming.

These actions are just one part of my legislative package addressing global warming. S. 333, the Global Environmental Protection Act which I introduced, is a comprehensive plan to reduce hazards that cause global warming and ozone destruction. It sets a tough phaseout schedule of chlorofluorocarbons [CFCs].

President Bush has placed environmental concerns high on the agenda of the meeting of G-7 industrialized nations meeting in Paris this week. I applaud his leadership in this area. I have joined with Senator BAUCUS and others in a letter to the President urging him to call for prompt action, including a firm timetable for an international convention of climate change, unilateral reductions of carbon dioxide emissions, a halt to tropical deforestation and support for a major U.S. tree-planting program.

Sometimes the most profound issues are both local and global. Global warming is such an issue. Its potential impact is devastating and broad ranging, from the maple trees in Vermonters' front yards to famine in the Third World. It is a problem we can no longer wait to address.

GREENHOUSE EMISSIONS

Mr. LIEBERMAN. Mr. President, I join with my colleagues, Senators BAUCUS and GORE, in calling on President Bush to demonstrate to the world at the Paris economic summit that the United States is prepared to play a leadership role in addressing global warming and to commit now to a program that will reduce carbon dioxide emissions and emissions of other greenhouse gases at the earliest possible date. We urge that an international convention on climate change and protocol on carbon dioxide emissions be in place by 1992. Simultaneously, however, it is critical that the United States and other industrial nations take immediate steps to reduce greenhouse emissions.

I want to make two points about the nature of the global environmental problems we now face. First, historians have observed that, after the Second World War, the Allies organized the world around the concept of containment, focused on controlling military threats largely through alliances. And that system has worked. But, as Jessica Tuchman Matthews of the World Resources Institute has pointed out, this concept and system is a "poor fit" with environmental issues with worldwide implications—global warming, climate change, acid rain—which mandate a diplomacy of international cooperation. Rather than containing and fencing off our problems, we are now confronted with the need to find mechanisms to create actual cooperation and solutions—an even more difficult diplomatic task. So, it is important that the President, at the Paris summit, begin to use the G-7—the world's economic powers—to confront the environmental problems that also threaten our national security.

Second, I want to point out just how new these global environmental problems are. Until very recently, we responded to the environment but could not affect it. Only 10 generations ago—three lifetimes—the industrial revolution gave us the machines and technology that forever changed the way we relate to our environment. In the vast history of our planet, this time period is only an instant. But, in it, we changed not only the way we relate to the environment but we began to change the environment itself. In a handful of generations, our scientists are now telling us, we have unleashed a potentially lethal mix of pollutants into our atmosphere which will threaten us for generations to come.

The speed with which we have affected our fragile climate is frightening. Nothing in our history provides us precedents to deal with this threat. What is called for is new and farsighted leadership and a large dose of courage. It is peculiarly appropriate that these climate change issues will be brought up at the G-7 meeting, since this is the group of nations that, in their efforts to pioneer a new industrial economy, first created the problem.

As our letter to President Bush states, the danger posed by global warming is clear and present, and the time for action is now.

A recent study by the Centers for Disease Control of the U.S. Public Health Service reached the same conclusion, recommending that the Government implement policies by the year 2000 to head off adverse public consequences from global warming.

The final point I want to make is about this public health issue. We have become accustomed to the parade of horrors that climatic change may bring about: storms, droughts, and rising ocean levels. Now the Public Health Service is alerting us to something more obvious, more pervasive, and, in a way, more real to us than the massive and unimaginable threats noted above: the health threat of just plain heat.

The findings in the Public Health Service report are startling. The report points out that the problem of heat-related illness will become increasingly important in light of the general acceptance by the scientific community that world temperature is increasing and will continue to increase as a result of the greenhouse effect.

In 1980, 1,700 deaths in the United States alone were attributed by physicians to environmental heat as listed in death certificates. Since then, the Public Health Service notes that there has been a steady increase of heat-related deaths and that these numbers "seriously underestimate the true extent of mortality and serious morbidity caused by high temperatures." The mortality rates associated with heat waves can be as much as ten times the number of physician-attributed heat-related deaths, according to the report. Other deaths for which heat is a precipitating cause number in the thousands. The Public Health Service also points out that the number of persons hospitalized for serious heat-related illnesses can substantially exceed the number of heat-related deaths. Other illnesses less obviously related to temperature will also increase as the effects of global warming are felt.

In other words, we don't have to wait to see if our polar icecaps really will melt during the next century. The Public Health Service is telling us we have a heat health problem now.

We have unwittingly set in motion a process which the Public Health Service now tells us threatens both ourselves and our children. Reversing that process and dealing with the national and international issues affecting our global climate is now in the President's hands. We hope he will use the G-7 meeting as an opportunity for the bold leadership that we need.

INTERNATIONAL ACTION IN RESPONSE TO GLOBAL CLIMATE CHANGE

Mr. HOLLINGS. Mr. President, years ago, Will Rogers remarked that everybody complains about the weather but nobody does anything about it. Our task, heading into the 1990's, is to prove Will Rogers wrong. I am here this morning not just to complain about the dangers of global climate change, but also to talk about what we can and must do to reverse mankind's current perilous course.

Few dispute the fact that the Earth's climate is changing perceptibly and—relatively speaking—rapidly. In the past year, the world's consciousness has been jolted by droughts, floods, and heat waves of historic magnitude. We ignore these events and trends at our own peril.

On that score, I am personally committed to seeing that this Congress leads the way in improving our understanding of global climate change, and in mobilizing an international response. I know that many of my colleagues share that sense of commitment, and hope that the recently formed Global Warming Task Force will be effective in moving us closer to those goals.

Today, we are here to discuss the task force's first initiative—a letter to President Bush urging him to press for action to address global warming at the ongoing economic summit in Paris. The summit provides a critical opportunity to show the American public and the world that the United States will provide responsible leadership in dealing with the threat of global climate change. I join my colleagues in this call to action because the worldwide implications of climate change must transcend traditional political and national rivalries.

The bottom line really is that—through population growth, industrial-

ization, and energy use—mankind is affecting the way our planet works. In recent years, scientists have observed major changes in the Earth's atmosphere, oceans, and land masses. These changes include rising world temperatures, shifts in climate zones, depletion of the stratospheric ozone layer that shields the planet from harmful radiation, and possible rises in sea levels. If these global changes continue, they will have profound and lasting effects on many aspects of life. Steady increases in world temperatures could create drought and Dust Bowl conditions in many areas of the world. Depletion of stratospheric ozone could lead to thousands of new cases of skin cancer each year. Rising sea levels could permanently flood many coastal communities.

The letter to President Bush calls for a four-pronged international attack on the threat of global climate change. First, we must begin work on an international convention to protect our atmosphere and reduce emissions of greenhouse gases. Second, we must encourage each nation to take action, unilaterally but collectively with other nations, to slow down the release of greenhouse gases into the atmosphere. Third, we must work to reverse the trend toward destruction of the world's forested areas. Finally, we must begin a strong international push to get the facts about global change and improve our understanding of how this fragile planet works.

Other nations share our concern about these problems—recent events make that evident. In 1987, the World Commission on Environment and Development produced the report, Our Common Future, calling for international action to reverse long-term global environmental trends. The report recommends establishment of strategies to reduce energy consumption, increase scientific and renewable energy research, and improve the transfer of technologies to developing nations.

A few months ago, the World Meteorological Organization and the United Nations Environment Program brought together delegates from 30 nations to initiate an Intergovernmental Panel on Climate Change [IPCC]. The IPCC has now established three working groups to address the climate problem. The United States will head the third group, charged with formulating response strategies for mitigating or adapting to climate change. At the initial meeting of that group, Secretary of State Baker called for international action to counter the threat of global warming through reduced emissions, improved energy efficiency, and reforestation. Secretary Baker's position provided a welcome change from the Reagan administration's emphasis on the need for more research before taking action. Our task now will be to keep President Bush's feet moving steadily down the path toward thoughtful and comprehensive international policies for dealing with global climate change.

Statements made by leaders throughout the world convince me that the President will not be required to travel that path alone. Despite the ominous trends we have observed over the past decade, growing international attention provides tremendous cause for optimism. I maintain my confidence in the ability of mankind to find solutions to the complex environmental challenges that face us. And I call on this Nation to take the lead.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Idaho [Mr. SYMMS] is recognized.

LODGE A GOOD JUDGE

Mr. SYMMS. Mr. President, there was a recent editorial in the Idaho Press-Tribune on Sunday, June 18, entitled "Lodge a Good Judge." Judge Lodge has been nominated to become a new Federal district judge in Idaho. He is very well qualified.

I commend this editorial to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Idaho Press-Tribune, June 18, 1989]

LODGE A GOOD JUDGE

A first for Canyon County was recorded last week when Idaho Sen. James McClure announced that Edward Lodge has been nominated to become a federal district judge.

Lodge has served as a federal bankruptcy judge for the past 18 months. But he is better known in this area for his many years on the bench of the district court in Caldwell.

Thirty years ago it probably would have been difficult to find anyone who would have predicted that the All-America halfback, who thrilled Boise Junior College football fans, would someday be nominated for one of the most prestigious positions in the judicial system. But early in his legal career, it was apparent that Ed Lodge had mental, as well as physical skills.

The slightly built, soft-spoken attorney was the youngest person in the state to ever be appointed to fill a state district judgeship. During his 23 years in that position, he built a reputation as one of the most competent criminal trial judges to be found anywhere.

An indicator of the degree of Lodge's success is the esteem in which he is held by the people he has dealt with during his career, from defense attorneys to law enforcement officers.

Lodge has a solid record as a tough judge who carefully follows legal procedures to protect the interests of all parties, but who isn't afraid to go his own way when he feels it is justified.

Canyon County Prosecuting Attorney Richard Harris gave one of the best descriptions of Lodge when he noted, "He's one of a very few judges not afflicted by the 'black robe syndrome'," meaning the jurist hasn't let the position go to his head.

The selection of Edward Lodge to fill the post vacated by Judge Marion Callister is a good one. There is no one any better qualified for the job.

Lodge's appointment to the federal bench is subject to confirmation by the U.S. Senate. The process sometimes requires months. We urge the lawmakers to act on the appointment as soon as possible. We need more judges like Ed Lodge on the bench.

SHEILA OLSEN

Mr. SYMMS. Mr. President, Sheila Olsen was recently recognized as the Multiple Sclerosis Mother of the Year by President George Bush. She has proven that living with an incurable disease should not end one's productive life.

Sheila has been active her whole life. Her husband, the late Dennis Olsen, was the former State Republican Party chairman of Idaho. She has been active in politics as well as her church activities. Sacrifice and hard work have been a part of her daily schedule. With all that has happened to affect their family, the Olsens have not centered their lives around Sheila's illness. They accept it and are a support system to their mother.

Sheila is a remarkable woman. She has acheived her goals in life and has met all challenges head-on and has conquered them. She has her spirit and dedication to see her through. Today, Sheila can no longer walk. She uses a tricart to move around. This does not stop her determination. Sheila Olsen is a person who is literally on the move.

I ask unanimous consent that Judy Mann's article on Mrs. Olsen, which appeared in the June 28, 1989, edition of the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 28, 1989]

A MOTHER'S TRIUMPH OVER ADVERSITY

(By Judy Mann)

Sheila Olsen was pregnant with her fifth child when she was found to have multiple sclerosis, an incurable disease of the central nervous system that is often progressive but whose course is difficult to predict.

Olsen's first symptoms were tingling sensations on her right side. "It was like somebody had drawn a line up and down my back. For years, it was just my right side that was affected." She had no feeling in her hands. Then she lost vision in one eye. The presence of a nodule on her optic nerve confirmed the diagnosis. The year was 1967. The loss of her vision was, she says, "the scariest thing." Treatment with a drug reduced the swelling and her sight returned. For many years, she was able to remain mobile with a walker or cane.

Olsen, who lives in Idaho Falls, Idaho, was married to a successful lawyer, Dennis

Olsen, a former State Republican Party chairman. The family belongs to the Mormon Church and it is clear when she talks of her illness and how her family has managed that her faith has been a bulwark against self-pity and despair.

"We decided at the beginning," she said, "not to focus our lives around my illness. Dennis was adamant in insisting I get my rest and that the children would help me. It sent the clear message to me that I was a competent person who could manage. And I do."

She had five more children. She has continued to be active in state Republican politics and founded "The Trumpeter," the Idaho GOP newsletter that she writes and edits. She was a delegate to the last Republican National Convention and was on President Bush's Idaho steering committee.

"No doctor has ever told me what I could do and couldn't do. I knew what I could handle. I didn't do it to prove a point. I did what was right for me. The children have enriched my life."

Dennis Olsen dropped dead from a heart attack while shoveling snow four years ago. Sheila Olsen says he left her well provided for, and she and her younger children have remained in the family's six-bedroom home. There were six children living at home when her husband died, and now there are four. She has a mother and daughter team who come in and clean the house once a week, but the rest of the time she and the children manage alone. Her disease has progressed significantly since her husband's death.

She no longer can walk, and uses a tricart to get around. She recently bought a van that had been owned by and equipped for a paraplegic, so she can continue to drive. She has used her organizational skills to compensate for what she cannot do physically.

Her children, she says, have days when they are in charge of cooking and cleaning up in the kitchen. The house is divided into sections and each child is responsible for that section for three months at a time. "When that section includes the utility room, they are responsible for the laundry," she said. Thus, Jon's chore list for Jan. 28, 1989, printed on her computer, was headlined: "No TV until these chores are done!!" The first paragraph read: "This page is valuable! When all the blanks are properly filled in, it is redeemable for a full allowance . . . ." Among the items on Jon's list: "Gather dirty clothes from all over house, sort, wash, dry, fold. Straighten up utility room. Vacuum utility room when everything is off the floor. Wipe off appliances in utility room so they look nice. Clean your bedroom thoroughly. Vacuum. Feed and water Charlie."

Jon was 10.

"We've done what we had to do to live around the MS and above it, and at the same time acknowledging it. It's like AA: Accept the things you can't change and change the things you can. That's the balance.

"I think that every person in life has their own set of challenges that they face. I honestly believe some of the things you see are easier to bear than the unseen heartaches. I get all kinds of help and understanding. What about the person who is having real heartaches with a child or a spouse? They don't have the support system I have," through her church, political allies, and friends. "So I have never felt sorry or bitter.

"That is not to say it isn't a challenge. I've walked and it is better to walk."

Last Friday, Sheila Olsen, 50, went to the White House to receive a plaque from Bush honoring her as the MS Mother of the Year. Her 10 children were with her. She is enormously proud of them. "The thing you practice in a family is unconditional love," she said, "and you keep the circle of love regardless.

"I am the support and mother to those children. I determined when Dennis died that we would go on as a vital, happy family and that has been my goal," she said.

"And I think we've achieved it."

FLAG BURNING

Mr. SYMMS. Mr. President, a few weeks ago the Supreme Court announced a decision that has engendered the type of public outcry not seen since the Dred Scott decision of the 1800's. I am referring to the flag-burning case. During the 1984 Republican National Convention, Gregory Lee Johnson burned the American flag while participating in a demonstration against the Reagan administration. In a 5-to-4 decision, the Supreme Court stated that Johnson's conviction for violating a Texas statute prohibiting the desecration of a venerated object was itself a violation of Johnson's first amendment right of freedom of expression.

I do not support the Supreme Court's decision. I am a champion of first amendment rights, but the flag is unique. The American flag is the banner of freedom for which thousands have laid down their lives, and it is hope for oppressed people around the world. The flag is more than a representation of America, it is dear in its own right.

July 21, 1989, will mark the 1-month anniversary of the Texas versus Johnson decision. The people of Coeur D'Alene, ID, are taking notice of the significance of the day. On the 21st they will fly American flags to show their pride in Old Glory and to protest the Texas versus Johnson decision. They are now working to encourage people in Idaho and around the country to join them in honoring the American flag. I commend the people of Coeur D'Alene for their efforts and encourage others who may be listening to join in this effort to mark the 1-month anniversary of that Supreme Court decision by flying the American flag proudly that day. Together let us fly our flags to remind America of what Old Glory stands for—the ideals of America, and the many who died in battle to uphold those ideals.

REMARKS OF JAMES S. BRADY, VICE CHAIRMAN, NATIONAL ASSOCIATION ON DISABILITY

Mr. ROTH. Mr. President, few persons have given as much in the public service to their country as Jim Brady. Jim retired from the Federal Government earlier this year—but he has not retired from public life. He has taken an unpaid full-time job as the vice chairman of the National Organization on Disability. The National Organization on Disability is a private, Washington-based group which was formed in 1982 to expand the participation of the Nation's 37 million disabled persons in the mainstream of their communities and to enhance public understanding of disabled persons. Jim's role in his new job is to bring the message of the National Organization on Disability to the public's attention. I know from personal experience that no one could have a better person to fulfill this responsibility. I thought my colleagues might be interested in Jim's remarks before the American Society of Newspaper Editors. I ask that Jim's speech, "Calling on America" be inserted in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF JAMES S. BRADY

CALLING ON AMERICA

I never thought I'd be in the disability community. As you know, I joined it in one instant. There are 37 million of us—men, women, and children with physical or mental disabilities, plus at least as many family members living with us on a daily basis.

I've always felt fortunate to survive that instant and to be alive. Now, the bear is back—not from hibernation, but from 7 years of rehabilitation and PT. (That's short for "pain and torture".) Thanks to the "physical terrorists," my wonderful wife and family, and many, many friends like you, I'm ready for action. I'm ready, as vice chairman of the National Organization on Disability, to call on America.

Disabled people are the Nation's largest minority and a great untapped resource. We don't want sympathy; we do want opportunity. We do want acceptance. We want to participate and to be included. Everyone has a part to play in this last great inclusion in American life—the inclusion of people with disabilities. This is good for us who are disabled; it is good for America. And that is why I am calling on all Americans to join with me and the National Organization on Disability to increase the dignity and participation in everyday life of all people with disabilities. Many of you have asked me what I'll be doing. In my public appearances, in meetings and in correspondence, here is what I will be doing as vice chairman of the National Organization on Disability.

I will be calling on the President, Members of Congress and other national leaders to ensure disability remains high on the national agenda. I'll urge them to speak out regularly and to follow words with deeds.

I will call on our Governors and State legislators to bring their disability statutes up to date, to remove discrimination and to open opportunity.

I will call on mayors and community leaders across America to break down attitudinal and physical barriers in their localities, to provide jobs and include disabled people in worship, education, voting, and other activities. I urge every community in the United States to become a community partner of the National Organization on Disability.

I'll be calling on educators to expand educational opportunities and make our schools and colleges more accessible to disabled students.

I'll call on business leaders, in companies large and small, to hire qualified disabled people and to make work places accessible. I'll ask them and philanthropic foundations to support the important work of disability organizations.

I will call on leaders of association to enlarge the concern and activity of their local chapters across America, focussing on bringing disabled people into the mainstream.

I will call on disabled people themselves to speak out forcefully about our rights as citizens and our desire to contribute to our Nation.

And tonight, my friends, I call on you—who are the gate-keepers and opinion-molders in our country—to help our minority make up for lost time by telling our story and telling it often. We need your help to improve attitudes. When you get home, as a starter, I urge you to cover the new Americans With Disabilities Act, which is going to be introduced in Congress in a few days.

Together, you in the media and we at the National Organization on Disability can bring to reality the words of President Bush just 2 months ago in his first address to a joint session of Congress: "To those 37 million Americans with some form of disability: You belong in the economic mainstream. We need your talents in America's work force. Disabled Americans must become full partners in America's opportunity society."

Please join with me and the National Organization on Disability to help make America a better place for all of us.

ADDRESS OF SENATOR WILLIAM COHEN, BOWDOIN COLLEGE, BRUNSWICK, ME

Mr. RUDMAN. Mr. President, on June 3, 1989, Senator WILLIAM COHEN gave the commencement address at Bowdoin College in Brunswick, ME. I would like to commend this powerful speech to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR WILLIAM S. COHEN, BOWDOIN COLLEGE, BRUNSWICK, ME, JUNE 3, 1989

President Bush made a powerful speech in West Germany this week, restating for the NATO alliance what have always been the goals of the United States—peace, freedom and prosperity. And he pointed out a truth recognized by our Founding Fathers—that the passion for freedom cannot be denied forever.

The Declaration of Independence was not a uniquely American ideal, as some believed, but a revolutionary proclamation that was universal in application.

Just a few days before his death, Thomas Jefferson wrote: "May it be to the world what I believe it will be: To some parts sooner, to others later, but finally to all, the signal of arousing men to burst their chains * * *. The mass of mankind has not been born with saddles on their backs for a favored few, booted and spurred ready to ride them by the grace of God."

Years later, Lincoln reinforced Jefferson's works when he said that the principle that held the Union together was not simply our separation from England. It was "something in the Declaration * * *. Something giving liberty not alone to people of this country, but hope to the world. It was that which gave promise that in due time the weights should be lifted from the shoulders of all men."

While men and women the world over yearn for freedom, the vast majority of them are still shackled to the ball and chain of political and personal oppression. But the fires of freedom, if not burning, are at least flickering in China, the Soviet Union, South Africa, eastern Europe, Panama and Central America.

Hundreds of thousands, lifted by the dream of democracy, are performing in deed what Patrick Henry said in words. "Give me liberty, or give me death."

They look to the United States for leadership, as the shining example of a revolution that forged an enduring democracy. And we should be proud and inspired by the Chinese students who erected a styrofoam replica of Lady Liberty in Tiananmen Square. And I would add parenthetically, quite a bit embarrassed too, that our young nation has slipped so quickly into middle age cynicism, apathy or indifference, whereby half of our citizens can no longer be bothered to walk across the street to a polling booth on Election Day. Perhaps the courage of others to face bayonets and bullets so they might taste for the first time what we have enjoyed for more than 200 years will shake us from our slumber.

History has taught us that it requires courage to seek freedom, to establish a democracy, but vigilance to keep it.

Our Constitution and democratic institutions have endured and that is a testament to their strength and resiliency. But we also know that those institutions are fragile and not only capable of being overwhelmed by external enemies but undermined by those entrusted with political power who find the workings of democracy too slow, cumbersome or inconvenient.

Twice in a period of just thirteen years, we witnessed a small group of men in the White House grow frustrated with the division of constitutional powers, who equated dissent with disloyalty and treated the rule of law with disdain. The goal was thought to be greater than the method of achieving it and so rules were bent, laws broken, lies told. In each instance, rescue of the truth turned upon happenstance; a night watchman who discovered a peice of tape on a hotel doorlock; a cargo plane shot down in the jungles of Nicaragua and an allegation of wrongdoing printed in a Beirut newspaper.

The inevitable contest for power and the potential for abuse of power were clearly foreseen by our country's founders. They knew that there would be those who would demand action, question the motives of those who disagreed, and seek to stifle the voices of dissent. Speed of action was never the goal of America's architects. They realized that a king could move faster than a congressman on any occasion. But kings, while agile and swift could also enslave. The founders expressly preferred debate, deliberation and even delay to the allure of swift declarations by an autonomous executive. They knew that: power must be entrusted to someone, but no one could be trusted with power; that democracy can best be defended by a diffusion of political power; that while our laws must be ever changing and adaptive in a world of rapid change, what must remain unshakable is the sanctity of the rule of law itself. The need for an absolute reverence for the rule of law was captured in "A Man For All Seasons" when William Roper declared "I'd cut down every law in England to get at the devil." And Sir Thomas More said, "Oh? And when the last law was down, and the devil turned round on you, where would you hide, Roper * * *. If you cut them down, do you really think you could stand upright in the winds that blow then? Yes, I'd give the devil benefit of law for my own safety's sake."

And it is for our safety's sake that each one of us has a responsibility to remain a watchman in the night.

The threats to freedom will come not only from those who claim a higher good, a greater patriotism or a grander vision. They will come in guises never contemplated.

As we enter the third century of the Constitution, the rate of technological innovations is accelerating exponentially. As has been the case throughout history, these innovations hold the promise of great benefit—improving health and the quality of life—and potentially great harm—to the environment, to human life, and even to our democratic ideals. As we rocket our way through the age of Future Shock, our survival as a free and open society will turn on how well we will be able to maintain the balance between the national interest and individual rights in the face of mounting social problems, and how well we avoid infringing on constitutional rights with a technology that is silent but potentially more subversive than anything in our past experience.

One factor that has dramatically altered our society in the past half-century has been the computer. This modern day Promethean gift of fire has forever altered the way we do business ourselves, with each other, and with our government. No longer is the computer the exclusive tool of IBM or academia, with one mammoth mainframe in the science building. Rather, it is an everyday tool of business and bureaucrats, students and shoppers, airline pilots and police officers. The computer, and the linkage of multiple data bases allows us to gather, store, retrieve, and process vast quantities of information in milliseconds.

We embrace the technology that carries us to the moon and allows us to obtain cash at bank machines in the pre-dawn hours. But it is the very efficiency, convenience, and comfort that disguise the dangers that information technology can bring to our liberties.

The clearest conflict that has emerged is that of the government's use of information and the citizen's right to privacy. Justice Louis Brandeis identified the "right to be left alone (as) the most comprehensive of rights, and the right most valued by civilized men." As information becomes more available to the government, however, this right to be left alone will become increasingly difficult to sustain.

An instructive example is computer matching, an investigative technique that is widely used by states and local governments. In a computer matching program, one agency compares its lists against the lists of another agency to find common names. The government matches a thousand or even a hundred thousand names against phone numbers, social security numbers, or other identifiers within seconds to find evidence of fraud, waste or abuse.

At times of high budget deficits, the lure of computer techniques to find fraud is not only appealing, but irresistible. Advocates of

computer matching argue that there is really nothing new when the government uses computers to search through files—and that the same investigations have been done manually for years. The computer, they argue, is simply a tool—a neutral tool that is not menacing or vindictive. "It's not the computer that creates the problem, it's people," they claim. This is but a half-truth. The sheer speed and capacity of the computer enables and encourages searches of files that would never be undertaken manually. The computer search also takes on a more intrusive, insidious character. No longer is it the man in the raincoat and the dark hat following you around or searching through your bank files. Rather, it is the faceless, remote machine that can scan massive amounts of the most sensitive, personal data, with almost no human beings involved in the process of storing and tracking information.

The argument has been raised that only those who have something to hide will be affected by the government's use of computer investigative techniques. The honest have nothing to fear. But the case of a computer match involving bank records in Massachusetts several years ago illustrates that many more persons than only the fraudulent can have their due process and privacy rights threatened by such computer techniques. The State of Massachusetts matched its list of welfare recipients to records of banks to determine if persons receiving welfare had any hidden assets. The match turned up the names of over 1,600 welfare recipients who allegedly had hidden assets, and the state immediately sent them notices that their benefits would be terminated. When the individuals appealed their terminations, it was learned that over half of the cases identified as fraudulent recipients were erroneous.

Technology no more than time can be stuffed in a bottle. And while we should be grateful beneficiaries of technology's blessings, we must remain wary beneficiaries as well. What is seen as an ally against fraud and waste today may, unless it is rigidly controlled, grow into an enemy of the very liberties that we profess to cherish most. The "rought beast slouching" toward the Potomac may prove to be an IBM computer.

Another major pressure point on our constitutional freedoms is created by the rapid advancement of science and biology. Only a few decades ago, genes and inheritance were still deep mysteries to science. The discovery of DNA was a major breakthrough in knowing how gentic characteristics are passed from generation to generation, and opened the door to understanding our fundamental biological process.

The benefits of these scientific advances are truly staggering, and hold great promise for the eradication of deadly genetic diseases. But the application of this science, also raises unprecedented challenges to our constitutional freedoms.

The extent of this challenge is based on the degree to which the government, and we as a society, attempt to use new scientific capacity to interfere with the personal choices of individuals. Will the government, for example, attempt to regulate the new decisions, such as the ability to prolong life or to detect a genetic disorder in a fetus? Will it collect biological and genetic information about individuals? Use biological knowledge to modify the behaviors of classes of people, such as hormonal therapy for sex offenders or mandatory contact tracing of persons with AIDS?

Fears of abuse should not, of course, halt our pursuit of scientific knowledge. The questions raised by biotechnological advances should be addressed now before freedoms once considered fundamental are lost to silent and subtle encroachments.

Like all other aspects of our society, the criminal justice system has also been and will continue to be dramatically affected by new technology. For example, the 4th Amendment's prohibition of unreasonable searches and seizures will have to be reexamined and redefined as technology enables the government to better monitor individuals and their movements, from a greater distance, and in ways that are undetectable. Today, surveillance technology is no longer limited to telephone taps and hidden microphones.

The Supreme Court has ruled a search may be unreasonable if the person has an actual expectation of privacy and, second, the expectation is one that society recognizes as "reasonable." In recent cases, the Court has held that aerial photography of a commercial plant and a fence enclosed garden of a private home were not searches prohibited by the 4th Amendment given that the expectation of privacy was not "reasonable." As changing technology provides law enforcement authorities and others with more powerful and sophisticated surveillance tools, will our expectation of privacy be further diminished?

Illegal drugs may represent the biggest problem confronting the United States today. Will increasing pressure on government officials to deal more effectively with the problems of crime and illegal drugs result in our willingness to accept greater governmental intrusion in our private lives?

Congress has enacted billion dollar anti-drug bills to wage more effectively the battle against illegal drugs. Congress has allowed the release of confidential tax data to help prosecute drug kingpins, and the executive branch has established an extensive drug screening program for federal employees.

In his dissent in a recent case upholding mandatory drug testing for certain federal workers, Justice Scalia wrote, "It is all of us who suffer a coarsening of our national manners that ultimately give the Fourth Amendment its content, and who become subject to the administration of federal officials whose respect for our privacy can hardly be greater than the small respect they have been taught to have for their own."

In response to the illegal drug trafficking problem, Congress recently expanded the authority of the Department of Defense and national guard units to assist drug interdiction efforts by civilian law enforcement officials, but has maintained the historical separation between military and civilian responsibilities by refusing to grant the military police powers. "The American experience has been characterized by a deeply rooted resistance * * * to any military intrusion into civilian affairs."

This historical tradition has served to protect the civil liberties of American citizens. Yet, there are calls for the direct participation by military forces in search, seizure and arrest efforts by those who argue that the magnitude of the drug problem necessitates such drastic measures. Others argue for the deployment of military forces to protect our southern border from the influx of aliens illegally entering the United States. It is unlikely that Congress will yield to these requests anytime in the near future, but what will be the reaction of the Congress and the American public if at some future point the illegal drug problem worsens? Should the pressures of world population growth, or economic and political turmoil in neighboring nations result in an even greater flood of illegal immigration, will we be willing to compromise our historical antipathy to using military forces for civilian purposes?

As we attempt to balance the needs of law enforcement and the privacy needs of individual citizens, we must ensure that our desire to address real or perceived social problems does not result in the "immolation of privacy and human dignity." A recent effort to impose a curfew for adolescents in the nation's capital, the use of random drug testing by the private sector and the government, court rulings upholding the legality of searches of student lockers, and expanding the use of military personnel in the drug war have all been denounced by civil libertarians. We should heed the warnings and take a very careful look down the path we have chosen to ensure we do not at some future junction find ourselves surprised to discover that we have given up too much.

Yaakov Smirnoff used to joke that the major difference between the United States and the Soviet Union was that in the United States people watch television, but in the Soviet Union, the television watches you. The line produced a lot of laughs.

But we find that it's no joking matter. On the front page of Thursday's New York Times, Nielsen announced that it intends to use a new technology that allows the television set to identify the viewers. It's called a "passive people meter" and, of course, is to be used for entirely benign purposes.

But the "people meter" would identify members of a household and record, second by second, when they leave the room and even when they avert their eyes to read the newspaper. It's only a rating game for Nielsen, but George Orwell's Winston Smith might find it far less than benign.

There is a great deal of discussion today about the loss of traditional values and the moral decline of American society. While these fears may be exaggerated, there are disturbing signs. The distinction between right and wrong, and the line to be drawn between matters of individual responsibility and those of the government are blurred.

Michael Milliken is a hero to some and is vigorously defended by many of his peers—his only sin that he was caught. Abortion clinic bombings and harassment of their employees are justified by the perpetrators in the name of morality and the desire to protect human life. We decry the violence in our city streets but we embrace it in the television shows we choose to watch and the movies we flock to see. For some, the government in the form of public schools is being looked to to instill religious and moral values in our children, a responsibility more appropriately the province of parents.

Safeguarding constitutional freedoms requires an ever vigilant public and a strong cultural commitment to liberty. In the words of Robert Maynard Hutchins, "The death of democracy is not likely to be assassination from ambush. It will be a slow extinction from apathy, indifference and undernourishment."

The ability and continuity of our constitutional system depends on our continued embrace of the ideals embodied in the Constitution, and the ability to instill in our children a respect for our democractic traditions and a love of individual liberty. In this regard, the words of Justice Learned Hand

come to mind: "Liberty lies in the hearts of men; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there, it needs no constitution, no law, no court to save it."

The poet Archibald MacLeish warned that we must pause long enough in our adoration of the limitless possibilities of science to ask "[E]xactly where is it that we want to go as humanity makes its way through time; that we must insist upon the mastery of our lives, the management of our means * * *.

"What is demanded of us in a new age of gods and mysteries and monsters—not without dogmas and superstitions of its own—is a second humanism that will free us from the paralysis of the soul.

"For it is only the university [and the study of the humanities] in this technological age that can save us from ourselves."

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that it is now 1,579 days that Terry Anderson has been held captive in Beirut.

An article appeared in the Christian Science Monitor in the beginning of this year which described the impact that events in that area have on the hostage situation.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Christian Science Monitor, Jan. 4, 1989]

WILL LEBANON SPLIT APART IN 1989?

(By Jim Muir)

NICOSIA, CYPRUS.—For Lebanon and for the Western hostages still held captive in that country, 1989 will be a crucial year.

Lebanese leaders warn that if the drastic drift in recent months toward partition of the country is to be reversed, it must happen early in the year.

Similarly, with the recent end of the Gulf war and the imminent arrival of a new administration in Washington, analysts believe the possibility of resolving the hostage issue could be clarified early this year. The fate of most of the hostages is thought to depend more than anything else on developments in Iran and in Tehran's relations with the West.

Syria's position will clearly be of vital import for Lebanon—and may affect the hostage question as well, many observers say. Past hostage releases have apparently involved a large measure of cooperation between Tehran and Damascus, with Syria acting as master of ceremonies in handing the captives over to Western officials.

Some reports circulating recently in Beirut have suggested that Syrian misgivings may be responsible for the lack of progress in freeing three British hostages, despite the announcement in November that Tehran and London are to resume full relations.

Syrian officials are said to be angered at the British government's continued refusal to restore ties with Damascus, broken off in October 1986 after allegations of official Syrian involvement in an attempt to smuggle a bomb on board an Israeli airliner at London's Heathrow airport.

Syria has often appeared keen to gain credit with Washington by presiding over the release of American hostages. But past experience suggests the Syrians are not going to grant any free favors.

This makes it likely that, before putting themselves out on Washington's behalf, they will want to be assured of continuing US cooperation in helping to solve Lebanon's problems.

Perhaps even more importantly, they will want to be assured that they will be given their due place in the Middle East peace process. More regionally isolated than ever, and at odds with many of the other key Arab players, Syria risks being marginalized if it is not brought into any peace moves opened up by the breakthrough between the US and the PLO, regional analysts say.

While Syria may have a role to play regarding the hostages, Tehran is widely believed to be the real decision-maker when it comes to freeing the captives. Given the obscurity surrounding Iran's domestic politics, the prospects of it releasing the hostages are hard to assess—but do not, at present, look very bright.

Radical Lebanese Shiite cleric Sheikh Muhammad Hussein Fadlallah said on Dec. 17 that he was suspending his efforts on behalf of the Western hostages because he had made no progress. Sheikh Fadlallah is widely regarded as the spiritual mentor of the Iranian-backed Hizbullah (Party of God), the umbrella organization with which the various hostage-holding groups are affiliated.

He cited "objective factors" for the failure. In the past, the sheikh has said that the fate of the hostages is bound up with complex regional and international relationships, and that there was little that the Lebanese on the ground could do about it. Recently, he said that Washington's failure to return frozen Iranian assets was one reason for the continued detention of the nine US hostages.

So far, there is no sign that the transition from Ronald Reagan to George Bush in the White House will provide a vehicle for the hostages' release.

For one thing, the Iran-contra revelations apparently inhibited any possibility of secret bargains being struck between Tehran and either of the US presidential candidates.

While the Bush inauguration may or may not affect the fate of the hostages, many Lebanese hope that the installation of the new US administration, and the formation of a new Israeli cabinet, may help reverse the process of partition that has been gathering pace in Lebanon itself.

So far, there has been little progress in overcoming the rift between Syria and the hard-line East Beirut Christians which, most observers agree, lay behind the Lebanese parliament's failure to elect a president in September.

Since then, the government, the Army command, the internal security directorate, and other national institutions have been torn in two by conflicting Christian and Muslim demands.

While Syria backs the mainly Muslim government in West Beirut, the hard-line East Beirut Christian militia has links with several of Syria's regional adversaries, including Iraq and Israel.

That is why a simple partitioning of Lebanon is seen as a recipe for instability. Damascus regards the emergence of a hostile Christian mini-state on its own doorstep as intolerable, believing it would provide a playground for Syria's enemies.

US diplomats have taken on an important role, trying to mediate an understanding between Damascus and the East Beirut Christians. But many Lebanese believe there is little hope of a breakthrough until the Bush administration is in place and American diplomacy actively received.

A long-term solution in Lebanon would require the full withdrawal of both Israeli and Syrian troops—something that is hard to imagine in the absence of an overall Arab-Israeli settlement, which may be a long time coming.

But to halt the drift towards partition, an inter-Arab entente may be necessary. At present, Syria's acute isolation is seen as aggravating the ongoing crisis in Lebanon.

Efforts in that direction are under way, with Syria's President Hafez Assad having held talks with Saudi King Fahd in mid-December. The meeting produced no immediate breakthrough.

STILL WAITING FOR FREEDOM

AMERICANS

Terry Anderson, Associated Press reporter. The longest-held captive, he was kidnapped March 16, 1985 by Islamic Jihad.

Thomas Sutherland. Agriculture dean, American University of Beirut. His June 9, 1985, abduction claimed by Islamic Jihad.

Frank Herbert Reed. Director, Lebanesse International School. Abducted in Beirut Sept. 9, 1986. Responsibility unclear.

Joseph J. Cicippio. Comptroller, AUB, Kidnapped Sept. 1986.

Edward Austin Tracy. Writer. Seized Oct. 21, 1986. Revolutionary Justice Organization claimed responsibility.

Robert Polhill, Alann Steen, Jesse Turner, Professors at Beirut University College. Taken on Jan. 24, 1987. Islamic Jihad for the Liberation of Palestine said it was responsible.

US Marine Lt. Col William Higgins. Commander of UN observer group. Kidnapped Feb. 17, 1988, in south Lebanon.

FRENCH

Michel Seurat, Researcher. Kidnapped May 22, 1985, Islamic Jihad claimed in March 1986 that he had been executed.

BRITISH

Alec Collett, Journalist. Taken March 1985. Believed killed.

John Patrick McCarthy. Cameraman. Nabbed April 17, 1986.

Terry Waite. Anglican Church envoy; not seen since Jan. 20, 1987, when he went to secret talks with Islamic Jihad.

OTHERS

Brian Keenan, Irishman. Professor at American University.

EULOGY FOR VINCENT LOWE, JR.

Mr. SANFORD. Mr. President, one of North Carolina's most distinguished sons died too young last week.

L. Vincent Lowe, Jr., president and chief executive officer of Branch Banking and Trust Co., earned the admiration of his community, his State, and his profession before his untimely death at age 53.

During the greatest changes in the history of American banking, he adapted his company to new practices and techniques but firmly kept it true to his personal philosophy that a bank is only as good as its services to its local customers. His was a human

touch and the bank he led was a precise reflection of that attitude.

During his time at the helm of BB&T, the bank tripled its assets and became the fifth largest in the Carolinas with 187 offices of 105 cities and towns.

He was known throughout the two States as a man of integrity and a bankers' banker. Both his grandfather and his father had preceded him in the business.

He was determined to keep his bank close to its customers. He often said, "We grew up with farmers and we are not going to forget it." He was determined that the bank would remain independent. Recently he reorganized the various offices into 10 regions, each with its own president, "In order," he said, "that each customer can get an answer in his hometown."

Last year, Mr. Lowe was presented the North Carolina Public Service Award, an extraordinary and highly respected recognition of his value to the State. He had earned that honor. He was a trustee of two of our colleges and our State art museum. He devoted much of his time and energies to raising funds for our Museum Society and our Historical Preservation Society. At the time of his death, he was chairman of the State Bankers' Association and was planning its annual convention.

Perhaps nothing better represents the kind of life he led than his vital leadership in the formation of the North Carolina Rural Economic Development Center, Inc. This nonprofit organization was designed to improve the lives of low-income families in North Carolina through the restoration of economic vigor to the State's rural areas. Vincent Lowe said it was a chance for struggling families to pull themselves up by the bootstraps. That was the kind of vision and courage that characterized his life.

No State ever has enough citizens like Vincent Lowe. North Carolina's loss is inestimable. At 53, he had a long way yet to go. To his wife, Pearla Ann, and his family and friends, I express my own sense of deprivation and my deepest sympathy.

There is consolation only in the fact that he lived life to the fullest and achieved a great deal more than most men who enjoy greater longevity.

I rise, Mr. President, to pay tribute to this fine man and to express my appreciation for all that he contributed to the lives of so many people in North Carolina.

MICHAEL EISNER

Mr. LEAHY. Mr. President, today I rise to draw the attention of my colleagues to the work of Michael Eisner, who has been the chief executive officer of the Walt Disney Co. since 1984. Michael Eisner is one of the most creative, imaginative, and successful corporate executives in this country.

Despite his enormous success in the entertainment industry, our conversations often center around apples and agriculture rather than on films or television. Michael's mother, Mrs. Lester Eisner, owns an apple orchard in my home State of Vermont, where we often gather for visits. I am very proud of the Eisners.

Michael Eisner should be congratulated for making a great American company even greater. Between 1984 and 1988, Disney's earnings quadrupled, and by 1988, Disney films were earning more than one-fifth of all U.S. box office revenues. Under Michael's direction, Disney has brough us such splendid films as "Who Framed Roger Rabbit?" and "Down and Out in Beverly Hills." Prior to joining Disney, Michael was president and chief executive officer of Paramount Pictures for 8 years, a tenure marked by such successes as "Raiders of the Lost Ark," "Terms of Endearment," "Ordinary People," "Star Trek," "An Officer and a Gentleman," and "Saturday Night Fever."

Mr. President, I ask to have printed in the RECORD a Washington Post article on Michael Eisner dated January 8, 1989, written by Rita Kempley.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 8, 1989]

BIG CHEESE OF THE MOUSE FACTORY

(By Rita Kempley)

Mickey Mouse was near 60 and beginning to gum his brie, when along came a charmed corporate jouster to make Mickey the mouse that roared. It was Michael Eisner who rode in on his white limo to wake the slumbering Walt Disney Co. when he became CEO in 1984. No Sleeping Beauty after 22 years of neglect, the company soon became a model for "In Search of Excellence."

Eisner brought in more new brooms than the Sorcerer's Apprentice, cut costs and plundered the film vault, but it was his knack for picking hits that put the magic back into the kingdom.

By 1988, Disney films were earning more than one-fifth of all U.S. box office revenues, TV's Disney-produced "The Golden Girls" was triumphant in its time slot, and athletes like Doug Williams could only top the Super Bowl by going to Disney World. Minnie, now a liberated fashion victim, was heavily into marketing watches, slippers and mugs. Disney had become Amusement Inc.—one of America's 42 "leanest and meanest" conglomerates, according to "Business Week."

Eisner, while sort of lean, doesn't look particularly mean—a boyish 46-year-old with hair like desert scrub and a puppet's nose to belie his dark pinstriped uniform. But how intimidating can you look traveling the country with an inordinately optimistic mouse dressed in a tuxedo?

Eisner and Mickey were in town recently to donate Mickey memorabilia to Smithsonian collection that includes Archie Bunker's chair and the jacket worn by the Fonz in "Happy Days." While Mickey passed out cheesecake at a reception, Eisner drank tepid coffee from a Mickey cup, wiped his lips with a Mickey napkin and got nostalgic.

"I was in a snowstorm in an airport in Newark, N.J.," sayd Eisner, then an ABC-TV executive. "I had nothing to do and I wrote out a presentation that was 'Happy Days.'" After the pilot program had been filmed, he remembers, "I was driving out of Paramount and Henry Winkler was hitchhiking. And I was really tired and . . . I thought, I'm not going to pick him up. This show will never be a hit . . . Today, there's Henry Winkler's jacket. He's the guy I didn't pick up because he wasn't going to be a success."

If his crystal ball was clouded that day, most days Eisner foresees the blockbusters. Even when sitting still, the ideas squirm and swarm, the antennae quiver. "Excuse me, I've got an idea for a movie," he says, scribbling covertly in a notebook. "Inspiration. It's in the air."

Footloose on the Champs-Elysées, most people would have gone window-shopping. Eisner saw people lined up for a movie called "Trois Hommes et un Couffin," went in to see what the fuss was all about, et voilà, the trois hommes became the three men, a zillion-dollar baby. "I'm a complete thief," he says, "I will take anything. If my wife has an idea, if my son has an idea . . ."

The Saturday morning cartoon show "Gummi Bears" was in fact inspired by his son's passion for the ursine jelly candies. His wife Jane came up with the Disney World commercials one night over dinner with Dick Rutan and Jeana Yeager, pilots of the globe-circling light plane Voyager. "Jane said, 'You've gone around the world, what are you going to do next?' And they said, 'We're going to Disneyland.' She turned to me and said, 'Hey, why don't you do something about that?'"

Eisner's own muse brought us Jim "Hey, Vern!" Varney in "Ernest Saves Christmas."

"We're not curing cancer with this movie," the Disney chief admits, "But it is very successful. I was at the Indianapolis 500 four years ago and there was a parade . . . 500,000 people there. The governor went by and: applause. The mayor: applause. Mickey Mouse went by: more applause. All of a sudden, Jim Varney went by, and 500,000 people went berserk. So I said, 'We ought to do something about that.'"

Eisner and President Frank G. Wells quadrupled Disney's earnings in under four years and, with protegé Jeffrey Katzenberg directly in charge of Disney Studios, pushed production from four films to 14 per annum. Most came from Disney's Touchstone subsidiary, which handles more adult themes. In an economic climate that has other movie companies quivering like Bambi in a thicket, Disney just announced plans to double its output via a new subsidiary, Hollywood Pictures.

Eisner is faster acting than an over-the-counter antacid. One night he had dinner with a childhood friend, a part-time script reader at United Artists, who read terrible scripts for $35 each. They gave her all the junk. I asked if she had ever recommended any. "Well, I recommended one based on 'Zero Hour,' an airplane disaster parody [by the] guys who made 'Kentucky Fried Movie.' So I got up from the table, went to the telephone and I called up Don Simpson and said, 'I want to own this before tomorrow morning.'" The result was "Airplane," which really took off.

Sid Richardson Bass, a major Disney stockholder and Eisner supporter, tells an-

other story that's only slightly apocryphal: As he and Eisner were strolling past Epcot Lake one day, Eisner noticed there were no boats on it. According to Bass, he painted a sign that said "Boat Rides, so many dollars," and a little later, there were kids boating on the lake.

Eisner says it wasn't quite that simple. He did get the boats but the cement wall around the lake amplified the waves. "Our people who were testing were all capsizing and getting sick and everything . . . Not all my ideas are practical. For every idea I have that we go forward with, 10 others, people yell me down on. Most of the dumb ones I try to get rid of before they come to fruition."

He didn't win his fight to drive cross-country in a Winnebago to get closer to Disney World customers. And he never realized his dream to build a 44-story Mickey-shaped mousetel.

A New York City preppie with a liberal arts degree from Denison University in Ohio, Eisner first glimpsed his destiny as an NBC page during college summers. From 1966 to 1975, he climbed the corporate ladder at ABC-TV, whose prime-time, children's and daytime divisions rose under his leadership. Before becoming big cheese at the Mouse Factory, he was president and chief operating officer of Paramount Pictures. His eight-year stay there was marked by such successes as "Raiders of the Lost Ark," "Terms of Endearment," "Ordinary People," "Star Trek," "An Officer and a Gentleman" and "48 Hrs."

There was also "Saturday Night Fever," which begat "Flashdance," which begat "Footloose."

"I remember on 'Saturday Night Fever,' we opened November 16th and I'm skiing in December in Colorado. The kids who run the lifts were playing 'Staying Alive.' All over the mountain I'm hearing it, and all of a sudden the world is taken over by this music. We had [tapped into] a cultural phenomenon."

After "Saturday Night Fever," he wanted not only to spot the trends, but to set them. So when he heard about this sweaty new thing they were doing in Canada, he was, like, hot for it. "'Flashdance' was like a dare. Somebody came into my office and said, 'There's a thing called flashdance and they do it in Toronto.' I love this idea. Then they tell me it's not true at all. But I love the word. I want to have a craze. I tell them. 'This is a dare. We're going to take this idea, and we're going to go out and get a great soundtrack. We are going to write the cultural revolution as opposed to tapping into it.'"

"Flashdance" did not become a cultural revolution, Eisner concedes, but it did become a big movie, not to mention introducing America to the cult of ripped clothing. But to him "the entire movie was 'Can we do something that has never been done before?'"

The same sort of hubris lured him to "Who Framed Roger Rabbit." "The whole idea of creating a character . . . just new is fun. I just love the challenge."

On the other hand, he says, "it takes everything in my power to do any sort of sequel. I can hardly get interested in a sequel. It's good. It's economical and all that, but I can't get interested."

"Roger Rabbit," he says, was built around the challenge of marrying live action and animation, plus "being in business with Steven Spielberg . . . I never thought it would become the kind of mega event that it became."

At Touchstone, "Yesterday's news is boring. If we've done five French farces in a row, we don't want to see another French farce. . . . A year from now, you may be saying, 'You've got eight serious dramas in a row, you've become Bergman, everbody's committing suicide and dying, when are you going to get happy again?'"

Enter "The Good Mother," a failed drama that Eisner was drawn to because of a question close to his heart as a father of three. The Diane Keaton-Leonard Nimoy collaboration was a risk for a company that had made its reputation primarily on buddy romps and racy Bette Midler comedies. The movie concerned a divorcée who loses both lover and daughter when her jealous, morally outraged husband sues for custody of the child.

"There's a lot I like about the movie. There's lots I thought we could say a little bit harder. I think that the movie was supposed to be about people taking their children for granted, not being aware of the effect their actions will have on a very impressionable child. Doing it innocently and then paying the price. I thought the subject was interesting.

"I see a lot of people who have children, and they don't want to be married, because it's kind of fashionable not to be. I say to them, 'That's great for you at cocktail parties, but what's going to happen when he's 5 years old?' They name the child Rain or Hail—doing things for their own ego gratification, their own social acceptance in their own time and place. And that's what this movie is supposed to be about. Like many things, I don't know that we totally got there. Everything you do can't make history. But I thought the idea could have. Everything I go into I think will."

"Down and Out in Beverly Hills," with Bette Midler, broke tradition as Disney's first R-rated film. Midler, who starred in "Big Business" "Oliver & Company" and "Beaches" last year, is now almost to Touchstone what Snow White is to the Magic Kingdom. In a sense, Eisner has reinvented the studio system, with Midler, Danny DeVito and Richard Dreyfuss among the players whose careers have been revitalized under his auspices. He loves working with the same people over and over, and even brought about 20 of his old Paramount colleagues with him to Disney. "It's not the old system of MGM having everybody under contract. I wish it were. It doesn't work that way," says Eisner. "But it's great. You have a family. You have lunch, you get to work with them, you get to know what they can do."

The Disney company is like one big happy family—everybody goes by first names, like corporate Mouseketeers. It's Eisner's underlying ethos—the company that plays together stays together.

The CEO has also said he'd rather spend his money on 10 good writers than splurge on a star. There's a galaxy of stars out there, but a good story, a unique story is rare. "You pick up a magazine," he says, "you see the table of contents, usually there's nothing you want to read. But every once in a while, there's an article you're drawn to read. Well, that's the way the movie business is. If you have a pile of scripts next to the bed and you just can't get yourself to read any of them, no matter how good they are, you should probably throw them out. But every once in a while, there's one I just can't wait to get home to read."

But you can't expect to make nothing but masterpieces, he says. "In the history of the English language, how many great plays have been written?" A single college literature textbook, he says, could hold most of them. "We're making as many movies in a year that would fill that book and television is making as many in a week as would fill that book." Given that equation, he says, "it's amazing there are as many good things as there are in a single year. Bad is easy and bad is typical and bad happens for many thousands of reasons. And I've certainly participated in bad, albeit as little as possible."

"The Good Mother" aside, Eisner is presently on a roll, sending glossy, formulaic entertainment, out not only to America, but to Russia, Europe, Japan. And to China, where 200 million kids view "The Mickey and Donald Show."

All ages, races and phyta are minions of the Magic Kingdom, giddy as the tots whirled silly on the teacup ride. "Overall I have the best job in the country," says Eisner. "I wouldn't change with anybody."

So what's Michael going to do now? What else is there? Where do you go after Disneyland?

JACK LEE, DIRECTOR OF NASA'S MARSHALL SPACE FLIGHT CENTER, HUNTSVILLE, AL

Mr. HEFLIN. Mr. President, I would like to take this opportunity to offer my most sincere congratulations to a good friend and fellow Alabamian. On July 6, Thomas J. (Jack) Lee, a 30-year veteran of our Nation's Space Program was named Director of NASA's George C. Marshall Space Flight Center in Huntsville, AL.

Jack has seen our Nation's Space Program through the best of times and the worst of times—through the glorious days of Mercury, Gemini, and Apollo to the long and gloomy days in the aftermath of *Challenger.* America is back into space and once again riding the high tide of scientific exploration. Jack Lee deserves a great deal of credit for bringing America back.

Since 1980, Jack has served as the Deputy Director of the Marshall Space Flight Center. During his tenure as Deputy Director, he also headed the Heavy-Lift Launch Vehicle Definition Office, which is leading NASA's efforts in the definition and development of a heavy-lift launch vehicle capable of meeting national requirements.

In this process, NASA has developed an outstanding program called the Shuttle-C which is a cargo version of the space shuttle. It is extremely versatile and inexpensive relative to its payload capacity and can be flying by about 1994. Jack deserves much of the credit for develop this program.

He served as Acting Director of the Marshall Center from July through September 1986.

The Director of NASA's Marshall Space Flight Center is an awesome and demanding position. The Marshall Center manages some of NASA's most complex and important programs,

such as all of the propulsion elements of the space shuttle system, the habitation and laboratory modules of the space station—where the astronauts will live and work—and many scientific and astrophysics programs. As the Director of the Marshall Center, Jack will oversee a broad range of research and development activities which together establish Marshall as one of the largest and most versatile of the NASA field centers.

Mr. Lee was born in Wedowee, AL, and attended Woodland High School in Birmingham. He received an aeronautical engineering degree from the University of Alabama in 1958. In 1985, he completed the advanced management program at the Harvard School of Business.

Prior to assuming his present positon, he served as manager of the Spacelab Program Office where he was responsible for NASA's work with the European Space Agency in the development of Spacelab, a multipurpose reusable laboratory which rides in the cargo bay of the shuttle and allows astronauts to conduct laboratory experiments in a microgravity shirt-sleeve environment. A prime payload of the reusable space shuttle, Spacelab is employed in scientific investigations and technolgoy applications in space by both United States and foreign scientists. Mr. Lee's role was to manage the NASA planning effort for Spacelab development and operations in this country and to provide technical support and assistance to the European Space Agency. He was also responsible for ensuring that Spacelab met space shuttle operational requirements.

Jack began his professional career in 1958 as an aeronautical research engineer with the U.S. Army's ballistic missile agency at Redstone Arsenal, AL. He transferred to the Marshall Space Flight Center in 1960 as a systems engineer with the center's Centaur Resident Manager Office located in San Diego, CA. From 1963 to 1965, he was resident project manager for the Pegasus Meteoroid Detection Satellite project at Bladensburg, MD, and from 1965 to 1969 was chief of the center's Saturn Program Resident Office at the Kennedy Space Center in Florida. In 1969, he became assistant to the Technical Deputy Director of the Marshall Center and served in that position until 1973. He then served as deputy manager and manager of the Sortie Lab Task Team, which later became the Spacelab Program Office, until assuming his duties as Deputy Director of the Marshall Center in 1989.

For Jack's leadership, management and technical contributions to the Saturn Launch Vehicle Program, he was awarded the NASA Medal for Exceptional Service in 1973. For his contribution to the planning, initiation and management of Spacelab systems, he was awarded the NASA Distinguished Service Medal in 1984. In 1988, Jack was awarded the Presidential Rank of Meritorious Executive for his many contributions to rocketry and space flight. That award cited Jack's proficiency in design, development, and management in a variety of programs and pioneering work in cooperative international programs. Jack Lee is an associate fellow of the American Institute of Aeronautics and Astronautics and a registered professional engineer.

The Marshall Space Flight Center has a leading role in the Space Program. During the 1960's and early 1970's, the center was best known for developing the Saturn Launch Vehicles and the Lunar Roving Vehicles for the Apollo Program and for the Skylab Program, the first U.S. space station. The center has developed satellite scientific experiments, which returned a wealth of data in astronomy, astrophysics, and other disciplines. Currently, the Marshall Center is responsible for a wide variety of NASA projects ranging from development of the Hubble Space Telescope and production of the propulsion elements of the space shuttle to management of Spacelab Earth-orbital missions and other payloads and science missions for the space shuttle. Also, the center has been given a substantial role in the development of the Space Station Freedom.

Again, Mr. President, I congratulate Jack Lee on being appointed the Director of NASA's Marshall Space Flight Center. This is a position of great responsibility and I believe Jack is an outstanding individual to meet this task. In my judgment, he is the man for the job and will be an outstanding center Director. I look forward to working with him during his tenure at Marshall.

TRIBUTE TO RALPH J. ADAMS

Mr. HEFLIN. Mr. President, I would like to extend a special tribute to someone whose friendship and counsel I deeply respect, Ralph J. Adams. Mr. Adams has brilliantly guided Troy State University for over 25 years serving as president and later receiving the even more prestigious appointment as chancellor of the university. Under his direction, the structure of the university was reorganized to better suit the student's needs and aspirations. He instituted new and far-reaching programs which have expanded the students' minds and focused on the thoughts, ideas, and opinions so important for tomorrow's world. I have previously spoken of his many accomplishments and will not repeat them, but there are some strides I want to mention today.

I want to speak especially about those accomplishments concerning his foreign exchange programs. Starting in the early 1970's, Troy State cultivated an exchange with the University of Oxford and the University of Cambridge by offering British students a 1-year scholarship to enroll Troy State. A summer scholarship is awarded to a male and female American student to attend Jesus College of Oxford University. Awarded to a student with solid academics and involvement in school activities, this scholarship has another important objective, for priority is given to the student who would not otherwise be able to go abroad.

Ralph Adams' leadership and fresh ideas not only increased the opportunities for his students but helped strengthen ties between these two great nations for generations to come.

His aim has been to instill his students with a thirst for more knowledge by giving them a chance to broaden their horizons and establish a thorough base for further learning. I congratulate Dr. Ralph Adams, for the strides he has made in the education of the leaders, entrepreneurs, workers, and educators of future years.

Thank you, Mr. President.

PROHIBITION OF MILITARY AND ECONOMIC ASSISTANCE TO TURKEY

Mr. HEFLIN. Mr. President, when we speak of democracy, we are referring to a concept which was born some 2,500 years ago in the public squares of Athens. In fact it was a Spartan lawgiver in the ninth century B.C. and an Athenian statesman of the sixth century B.C. who provided America's founders with the logic behind the framework of democratic laws. Our forefathers learned from their Greek predecessors that liberty is best protected by the rule of law. Both understood that the rule of law was preferable to that of man. But, the bond between Greece and the United States does not end with our shared appreciation for democracy, freedom, and liberty.

In the 1900's Greeks migrated to the United States in vast numbers; one out of every four Greek males between the ages of 15 and 45 came to the United States and made it his home. Since then, these immigrants and their American-born children have contributed to and advanced our society in many areas—education, science, business, the arts, and government. Today, over 3 million people of Greek descent reside in the United States and most families in Greece can claim at least one relative who is an American citizen.

Greeks and Americans fought side-by-side in World War II to protect the world from totalitarianism and fascism. Over 600,000 Greeks died in that

conflict, a staggering 9 percent of the total population of Greece.

In Cyprus, 35,000 Greek Cypriots volunteered and fought with the British Armed Forces in North Africa and elsewhere against the Axis Powers. Many gave their lives in fighting for the Allies.

Is it not time the United States helped the Greek Cypriots in their struggle for democracy and liberty in Cyprus?

In May, NATO celebrated its 40th anniversary. Yet, this month marks the 15th anniversary of Turkey's aggression against Cyprus in July and August of 1974, with the illegal use of American-supplied military aid. There are an estimated 35,000 illegal Turkish occupation forces holding 40 percent of Cyprus by force, and an estimated 60,000 illegal colonists from Turkey who have settled in Cyprus in violation of the Geneva Convention of 1949 which prohibits colonizing by an occupying power. Yet our Government continues to supply military and economic aid to Turkey: $503.3 million in military aid and $60 million in economic aid in fiscal year 1989 and $613.3 million requested for fiscal year 1990.

Turkish Cypriots in the north are not even allowed to have contacts with Greek Cypriots in the south. Reminiscent of the resettlement of Turkish people in Azerbaijan by Stalin, the Turks' 1974 invasion of Cyprus displaced 180,000 Greek Cypriots from their homes. Based on 1970 population statistics, this uprooting left approximately 38 percent of the people in Cyprus homeless. These men, women, and children are unable to travel or settle on their own property in the northern part of their homeland still occupied by Turkey.

The fundamental purposes of both the United Nations and NATO, as embodied in their charters, are to prevent aggression and to settle problems peacefully. And yet Turkey, a United Nations and NATO member, breached the charters of both organizations through its hostile aggression against Cyprus. Turkey's action was a clear violation of the Geneva Convention of 1949 which prohibits colonization by an occupying power. Turkey's invasion also transgressed the Lausanne Treaty of 1923 in which Turkey renounced all rights to Cyprus. Turkey's invasion also contravened the Treaty of Guarantee which provides that any action taken under the agreements must be for the purpose of restoring the status quo ante.

Turkey not only violated international law, it ignored the conditions for United States aid found in the Foreign Assistance Act and the Foreign Military Sales Act. These acts basically provide that United States military equipment can be used only for defensive purposes. Turkey used United States equipment in its 1974 invasion and continues to use it to maintain Turkish control over northern Cyprus. The United States cannot continue to tolerate Turkey's practice of holding itself above the law. We need to promote constitutional democracy on Cyprus and end United States assistance to the forces that are responsible for the continued occupation of the island over the last 15 years.

Senate bill 22, of which I am a cosponsor, is a means of accomplishing that goal. Granted, it is strong medicine. But strong medicine is needed if Cyprus is to once again enjoy peace and tranquility. I want to echo what President Bush stated almost exactly a year ago; he said:

> We seek for Cyprus a constitutional democracy based on majority rule, the rule of law, and the protection of minority rights . . . I want to see a democratic Cyprus free from the threat of war. (Boston, July 7, 1988).

Although we consider Turkey a valued ally, the rule of law should remain paramount. President Eisenhower put it best during the Suez crisis in 1956 when he said:

> There can be no peace without law. And there is no law if we were to invoke one code of international conduct for those who oppose us—and another for our friends. (October 31, 1956).

We pressed for the withdrawal of Soviet troops from Afghanistan, Cuban troops from Angola, and Vietnamese troops from Cambodia, while at the same time supported and continue to support Turkish occupation troops and colonists in Cyprus. This certainly is not the single code of international conduct that Eisenhower envisioned for the United States. We must strive to eliminate the Turkish occupation in Cyprus.

Mr. President, that is why I rise today as a cosponsor of Senate bill 22, a bill introduced by my distinguished colleague from South Dakota [Mr. PRESSLER] that prohibits all United States military and economic assistance to Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem. Under this bill, Turkey cannot receive United States assistance until the President certifies the following:

First, that all Turkish military occupation forces and illegal Turkish colonists are withdrawn from Cyprus.

Second, that the formerly Greek Cypriot-occupied area of Famagusta-Varosha has been returned to the Government of Cyprus for the immediate resettlement of refugees.

Third, that the negotiations under United Nations auspices have achieved significant progress toward establishing a constitutional democracy in Cyprus based on majority rule, the rule of law and the protection of minority rights.

Fourth, that Turkey has released and returned the Americans abducted by the Turkish invasion forces in 1974 and the 1,614 Greek Cypriots who have been missing since the Turkish invasion.

Fifth, that the Government of Turkey has withdrawn its recognition of the so-called Turkish Republic of Northern Cyprus.

And finally, that the Government of Turkey has taken all necessary steps to reverse the illegal declaration of an independent state in northern Cyprus.

Mr. President, I am a cosponsor of this bill for a number of reasons. In 1974, during their aggression against the people of Cyprus, Turkish soldiers abducted five American citizens at gunpoint. I feel that we owe it to their families to continually seek information about their whereabouts and well-being. Through passage of this bill, it would send a message to Turkey that the United States will not tolerate the blatant disregard for the human rights and individual liberties of our people.

Furthermore, it is appalling to consider that United States-supplied Turkish military equipment might be the very instruments used to prolong the internment of these American citizens. Surely these individuals are worth withholding United States assistance to Turkey, just as the holding of American hostages in Iran merited the cut-off of aid to that country. How do we explain to the Americans held by Turkey that while we have applied every conceivable pressure for the release of United States hostages in Lebanon, Turkey's status as a NATO ally precludes the cut-off of United States military and economic aid to Turkey? Yet, such action might very well bring about their release.

In addition to the five Americans, 1,614 Greek Cypriots have been missing since Turkey's invasion of Cyprus 15 years ago. Turkey refuses to release or account for the whereabouts of these individuals.

In conclusion United Nations-initiated discussions between George Vassiliou, President of Cyprus, and Turkish Cypriot leader Rauf Denktash have failed to bring about a resolution of the difficulties in Cyprus. The Cyprus situation is an albatross around the neck of NATO and the United States. It is high time the United States sent a message to Turkey that we will not permit the use of United States weapons and aid for aggression in violation of the Foreign Assistance Act. Stopping the flow of aid to Turkey until the conditions in Senate bill 22 are fulfilled will let Turkey know that we are serious in our support of the rule of law and opposition to Turkey's illegal actions. Without strong, determined United States pressure, the Cyprus situation will continue to disrupt the Western Alliance and stand as an ex-

ample of the United States' and NATO's failure to apply a single international code to both its friends and adversaries.

Mr. President, I urge my colleagues to do what is right for the five missing Americans, right for the 1,614 missing Cypriots, right for the 180,000 dispossessed Cypriots, and indeed what is right for America and the spirit of democracy and liberty. Join me in cosponsoring Senate bill 22.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

THE IMMIGRATION ACT OF 1989

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 358, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 358) to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Helms Amendment No. 240, in the nature of a substitute.

The PRESIDING OFFICER. The Chair wishes to announce that under the previous order a vote on or in relation to the Helms amendment, amendment No. 240, is to occur at 11:30 this morning, with the time for debate between now and 11:30 to be equally divided and controlled by Senator HELMS and Senator KENNEDY.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, under the agreement reached last evening, Senator HELMS was entitled to a full 60 minutes of debate on his amendment, 30 minutes last night and 30 minutes this morning. The various speakers in the morning hour extended beyond the allotted time, which means that Senator HELMS would not receive the full 60 minutes to which he is entitled on his amendment.

I have also discussed with Senator HELMS the Foreign Relations Committee wanting to complete action on the foreign assistance authorization bill.

Accordingly, Mr. President, I ask unanimous consent that the time agreement with respect to the disposition of the Helms amendment be reinstated at this point and that the Foreign Relations Committee be authorized to meet during today's session for the purpose of reporting the foreign assistance authorization bill.

Mr. SYMMS. I object.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object.

Mr. SYMMS. I object.

I have been requested by another Republican colleague to object to the Foreign Relations Committee meeting, and I object.

Did the Senator have two requests in one?

Mr. MITCHELL. Yes, I did.

Mr. SYMMS. I object to the Foreign Relations Committee part of that.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Well, it is a single request.

Mr. SYMMS. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be 30 minutes of debate on the Helms amendment, to be equally divided between Senator KENNEDY and Senator HELMS; that the vote on the Helms amendment occur at 12:40 p.m.; that following the completion of the 30 minutes' debate, the amendment be set aside and another amendment be in order for consideration at that time; and that the vote on the Helms amendment may be on or in relation to the Helms amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, and I shall not object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. HELMS. I have no objection.

The PRESIDING OFFICER. Hearing no objection, the unanimous-consent request is agreed to.

AMENDMENT NO. 240

The PRESIDING OFFICER. Who yields time on the amendment of the Senator from North Carolina?

Mr. KENNEDY. Mr. President, last evening both my colleague, Senator SIMPSON, and I gave a response to the amendment of the Senator from North Carolina and we are prepared to debate this issue further. But that was by and large our opinion about why this amendment should not be adopted.

I reserve the remainder of my time or I will suggest the absence of a quorum, the time to be equally divided.

Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized for 5 minutes.

Mr. SIMON. Mr. President, I have great respect for my colleague from North Carolina, who is one of the hardest working Members of this body. But once in a while my friend from North Carolina is wrong on an amendment, and this happens to be one of those occasions where I think he is wrong.

I think he is wrong for two reasons. One is I think we should continue the fifth preference for brothers and sisters to be able to join families. It is a very, very fundamental question, whether family unification should continue to be a priority. And part of what we structured here between Senator KENNEDY, Senator SIMPSON, and myself, three of us who were members of the Immigration Subcommittee, was a compromise, and as all compromises, it can fall apart; and if the Helms amendment were to be adopted, it would fall apart.

If there is great merit to the Helms amendment, then, obviously it should be adopted, but I would urge our colleagues on both sides to listen carefully to those of us who serve on that Immigration Subcommittee before voting on this amendment.

Second, and this is a fundamental, philosophical question: Do we give preference to those who speak English when they come into this country?

We discussed this in great detail in the Senate Judiciary Committee. My amendment to knock out the English preference carried by a 12-to-2 vote. And it was one of those rare occasions when you really had a fundamental philosophical discussion. I remember very well Senator SPECTER saying: "My parents came over, they could not speak English." I remember Senator LEAHY saying that his grandfather who came over from Italy, and he could not speak English, became the largest employer in his community in Vermont.

As I look through this list of Members of the Senate, the rollcall that was just given to me, I am sure I am skipping a great many, but there are a great many Members who would not be here in the U.S. Senate today if we had had an English language preference.

I am probably like a lot of people here; I have never checked out my roots real carefully. At one time I tried to get my daughter to do it. But I know that I am some kind of a mixture of English, German, and Danish. Two-thirds of those with my predecessors could not have come to this country.

As we look down the list of Members of the Senate: Senator BENTSEN, Danish by background. That would have been excluded. Senator BOSCHWITZ, Senator COHEN, Senator D'AMATO, Senator DASCHLE, Senator DECONCINI, Senator DOMENICI, Senator DURENBERGER, Senator HEINZ, Senator INOUYE, Senator KASSEBAUM, Senator KOHL, Senator LAUTENBERG, Senator LEVIN, Senator LIEBERMAN, Senator MATSUNAGA, Senator METZENBAUM, Senator MIKULSKI, Senator MURKOWSKI, Senator RIEGLE, Senator SARBANES—and I am sure many others. Because even those who have names that

are English or Irish sounding frequently have forebears who were of some other national background.

It would be the first time in the Nation's history that we would give preference to those who speak English. My guess, in the galleries here right now, Mr. President, that a substantial number of the people in the galleries have names indicating that when their parents and grandparents came over, that they did not speak English.

I do not think we ought to be going in that direction. My hope is that we will reject the amendment offered by my friend from North Carolina, Senator HELMS, and that we follow the traditions that we have followed in the past.

So I would urge a no vote on the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, what is the status of the allocation of time?

The PRESIDING OFFICER. The Senator from North Carolina has 15 minutes remaining. The Senator from Massachusetts has 10 minutes remaining.

Mr. HELMS. Go ahead.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, just briefly, with relation to what my friend from Illinois has said, and indeed when we get into this issue of English language—and that is all that Senator SIMON was addressing himself to—that is a very emotional thing, obviously. It is something that stirs our patriotism. Every one of us is a relative of immigrants. I cannot give you the roots of all of mine, but there were some unique characters of various ethnic groups, some awfully good people and some awfully bad people. That is the way that works, too.

But I think we ought to keep that separate. We will deal with that later. Because I think I, or someone, will be putting in an amendment with regard to English language being only one of several requirements under the point system. In a very limited way are we discussing that. Ninety-one percent of the people under this bill need speak no English at all, and they will be admitted to the United States. That is something that has to be heard in this debate, and I am going to come up with it each time it does come up. We are not becoming mean-spirited or pinched or driven. That is not our nature.

But the people who have succeeded in the United States have succeeded because, often, they came here and were involved in total immersion in English and knew nothing? We are going to leave people to float on that basis under this bill in any version, except perhaps Mr. HELMS', where only 9 percent of the people in this legislation are going to be asked to have that as one of the qualifications for 55,000 numbers under the point system. No one else is going to be required to know English in any form; period. And, unfortunately, they will be the ones who in a new computerized society will suffer the most.

I do not see what service we perform for people under a point system when we ask about their age and their skills and their qualifications and leave English out of it and think that they can succeed in a highly skilled, mechanical, computerized service society. I think that is a mistake, for Americans to believe on some basis that that is some gratuitous thing we do for them, some helpful thing.

That is a separate matter. I hope we can keep it separate. I am willing to stick with my bargain every foot of the way. We will have a separate debate on the English language portion dealing with only 9 percent of the numbers in this bill and that being one of only five requirements. I think it is something we should not just overthrow on the basis that somehow it has to do with our heritage or the Statue of Liberty or whatever it is. It is not an appropriate way, in my mind, to address the issue.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS].

Mr. HELMS. First off, Mr. President, let me pay my respects to the distinguished assistant minority leader, Mr. SIMPSON. He is always objective, and he is always fair. he has just stated my response to my friend and neighbor in the Dirksen Building, Senator SIMON. He has made the case splendidly. I hope we will follow his sound advice.

Mr. President, I failed to mention yesterday that the distinguished Senator from Alabama [Mr. SHELBY] is a principal cosponsor of this amendment. I ask unanimous consent that it thus be shown and that hereinafter this amendment shall be known as the Helms-Shelby amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, the question before the Senate is simple: What is in the best interest of America? That is a question that we often ignore at our own peril.

This idea of what is in the best interest of America was expressed by Lyndon Johnson during his 1964 State of the Union Address. Paraphrasing John F. Kennedy, Mr. Johnson stated that we should be less concerned with setting immigration policy based on what country you come from, and ask instead, "What can you do for your country?"

Mr. President, I agree with that statement. That is the reason this amendment is pending.

We must develop an immigration policy that is in the best interest of America, America as a whole, not a policy based primarily on the desire of some citizens to be reunited with distant relatives or relatives by marriage. The pending Helms-Shelby amendment is developed to help America, to help us reunit American families with their closest relatives and to help American businesses meet future labor shortage. That is what this amendment is all about.

The current immigration system is based primarily on family reunification. More than 90 percent of visas go to relatives of immigrants. Many of these visas, however, are for distant relatives—brothers in law, nieces, nephews, and so on. Obviously, this causes a tremendous chain migration problem. In fact, the backlog for these visas, called fifth preference visas, is so large that many relatives wiat in line for more than 20 years to get one.

As one columnist recently stated, we should not confuse family reunification with family reunions.

Both the Senator form Massachusetts and the Senator from Wyoming have criticized the definition of the fifth preference. In additional views to the committee bill, Senator SIMPSON said:

> The fifth preference should be deemphasized so that we may give priority to closer family members, skilled workers and other immigrants that our labor market needs. I deeply regret that the committee bill does not recognize this principle.

The Senator from Massachusetts has criticized the system for creating an illusory and false hope of family reunification. That is because relatives of some citizens wait in line for up to 20 years to enter the country. This is unfair and unwise. That is why the 1988 Kennedy-Simpson immigration bill contained a limited definition of the fifth preference, just like the pending Helms-Shelby amendment. A limited definition will help reunite American families.

The Senate is on record 3 times, in 1982, 1983, and 1988, as favoring a limited definition or complete elimination of this fifth preference.

Mr. President, the pending Helms-Shelby amendment addresses the needs of America in a second way. It increases the availability of skill-based business visas. That is to say, people who can contribute to the productivity of America.

America needs a policy that encourages skilled workers and people with exceptional abilities to come to our country. Unfortunately, our current system discourages them from immigrating beacuse there is a 1- to 3-year wait for skills-based, business-related

visas under the third or sixth preference.

As a result, American companies have difficulty recruiting highly skilled workers who have crucial knowledge of international markets and pioneer research. If a business has a need for skilled workers, and those workers cannot be found in this country, the business loses its competitive edge by having to wait up to 3 years to meet its labor needs. How do we expect America to remain competitive if our companies, who often face labor shortages in this country, can't recruit the best talent and top notch researchers from abroad?

Mr. President, the Helms-Shelby amendment is good for America because it increases the availability of skill-based, business-related visas.

The Senator from Massachusetts [Mr. KENNEDY] pointed out last night that I was one of four Senators who voted against the 1988 bill. He was right about that, and I did so for a number of reasons.

First, the 1988 bill did nothing whatsoever to increase the skill-based, business-related visas. But in the pending Helms-Shelby amendment, we provide an increase of 37,200 of these visas.

Second, the 1988 bill had a mechanism that automatically increased the national level by up to 5 percent upon the President's recommendation and without an affirmative vote by the Congress of the United States. The Helms-Shelby amendment drops this very unwise delegation of congressional authority to the executive.

Finally, I was opposed to the national level of 590,000 provided by the 1988 bill. The fact that the Helms-Shelby amendment provides a national level of 600,000 indicates that I have gone as far as I can to develop an amendment that genuinely helps America. Lyndon Johnson was right when he paraphrased John Kennedy about doing something for America, and that is what this amendment will do.

In summary, Mr. President, let me reiterate the major points of the Helms-Shelby amendment. First, this amendment limits the definition of the fifth preference, without reducing the number of fifth preference visas. Frankly, I agree with Senator SIMPSON—I would prefer to eliminate the fifth preference entirely.

Second, this amendment increases the business visas without increasing the overall national level. Third, we retain the power of Congress to set immigration policy instead of allowing any President, whoever he may be, to usurp that authority.

The current bill allows for an automatic increase of up to 5 percent in the level of immigration upon the President's recommendation.

Finally, the Helms-Shelby amendment retains the points for English language that were included in the point system in the original version of the bill.

I urge my colleagues to vote for the pending Helms-Shelby amendment and the best interest of America.

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 9½ minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

Mr. President, as I said last evening, I want to commend the Senator from North Carolina for the amendment which he has brought to the Senate, although I oppose it, as the Senator from Wyoming does. He proposes an amendment with a national ceiling of 600,000. That is what we support. The position he illuminated on the floor last evening and today is a far different position from where he was last year when he was one of four Senators who voted against a bill which remains the basic core package before the U.S. Senator today.

The compromise bill which we recommend follows along the recommendations of the 1981 Select Commission which made recommendations which the Senate has accepted and adopted in the 1986 legislation, and the principal sponsor was the Senator from Wyoming [Mr. SIMPSON]. That was half of their recommendations.

They also made a series of recommendations dealing with the legal immigration policy. By and large the bill before us incorporates most of those recommendations, although we have made some adjustments and changes on the basis of various proposals that have been made before our subcommittee.

But, Mr. President, the Senator from North Carolina says he wants greater attention to skills. We have provided greater priority to skills in the third and sixth preference as well as the new independent category. We have not gone all the way that the Senator from North Carolina might like to go with his amendment, although we feel we have addressed that issue—a balance between family reunificiation and new skills, a lot more attention on new skills, but we also retain the historic priority that this Nation has placed on immigration policy and that is in the reunificiation of families.

We have had diversity in our committee about how that best can be done. Should preference be given to small children or should we consider the extended family, the larger family. We have debated and discussed that matter, and we find, Mr. President, or at least I am convinced that those individuals who are going to be most impacted by immigration policy strongly support the concept that is built into the fifth preference. I think that is a matter open to debate and discussion. But we have made a cut on that.

So, Mr. President, I do feel, with all due respect to the observations of the Senator from North Carolina, that our bill already represents an appropriate balance between, one, the reunificiation of families, which has always been a priority of our immigration policy, and two, a more significant emphasis on individuals who can make a contribution to this country in terms of additional skills. That is basically the legislation which is before us.

As we mentioned before, there are areas which I would, if I was fashioning the legislation, fashion it somwhat differently. The Senator from Wyoming has indicated he would do the same. But I have no hesitancy in recommending this bill. It is a sound proposal and it deserves support.

So I hope that our colleagues will vote in opposition to the Helms amendment. I think the compromise bill which is before the Senate is a more worthwhile, valuable, and justifiable immigration policy.

Mr. President, I am prepared to either reserve the remainder of my time or to suggest the absence of a quorum, the time evenly divided.

The PRESIDING OFFICER. The Chair seeks direction from the Senator from Massachusetts and the Senator from North Carolina. The Senator from North Carolina has 4½ minutes remaining, the Senator from Massachusetts has 5½ minutes remaining. Does either wish to yield time at this time?

Mr. HELMS. Mr. President, let me give another summary of what the Helms-Shelby amendment does and what it does not do. I want to underline and emphasize as greatly as I can, that it is time to do something for America.

First, we need a legal immigration policy that serves America and encourage skilled people to come to our country. If you want to do something for America, you should vote for the Helms-Shelby amendment.

The Helms-Shelby amendment increases business visas by the 37,200 without increasing the cap. The skilled-based visas now account for only 10 percent of all visas. I am sure every Senator is hearing pleas for more skill-based immigrants from business and industry in his or her State.

Second, the Helms-Shelby amendment gives points for English language ability in the point system.

Third, the Helms-Shelby amendment does not—does not—reduce the number of fifth preference visas during the first 3 years. After the third year, the number is reduced by 20,000, but this will leave almost 45,000, which is twice as much as provided in last year's Kennedy-Simpson

bill. Furthermore, the Senate voted in 1982 to eliminate this fifth preference completely.

In 1988, last year, the Senate voted by 88 to 4 to limit the number of fifth preference visas to 22,000. The Helms-Shelby amendment now pending is more generous than both of those bills. So as Senator SIMPSON said, there is nothing mean spirited about the American people, and there is nothing mean spirited about efforts to try to come up with immigration legislation that will be beneficial to America.

I close as I began. Lyndon Johnson was exactly right when he said that our immigration policy should be based on what is best for America. I submit, Mr. President, that the pending Helms-Shelby amendment is better for America than the underlying bill.

I yield the floor. I reserve what little time I may have remaining.

The PRESIDING OFFICER. All time of the Senator from North Carolina has expired.

Mr. HELMS. I thank the Chair.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. KENNEDY. I yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, let me very briefly respond to my friend from North Carolina saying we are in agreement that immigration policy ought to be based on what is best for America. That is given. That is fundamental. But the question is how do you best serve this country in immigration policy? We do not need sweeping changes in immigration policy because one person abuses it in New York. I do not know anything about the case that he cited but there are other ways of dealing with that. But if you take a look at who is winning national merit scholarships, who the young people are who are coming up at the very top of their class frequently these days, frequently it is Asian young people, people who were brought in under family preference, and people who would be excluded frequently if you had that English language preference.

I hope my colleagues will join Senator KENNEDY and Senator SIMON in voting against the Helms amendment.

Mr. SHELBY. Mr. President, it is with great pleasure that I join the distinguished senior Senator from North Carolina in offering this amendment to the immigration bill presently being considered by the Senate. I want to make it clear that this amendment does not reduce the national level of 600,000 contained in the Kennedy-Simpson bill. The Helms-Shelby amendment would increase immigration in the independent category and would hold the overall level of family based immigration levels at current levels. The Helms-Shelby amendment would increase the present third and sixth preferences in excess of 35,000. I strongly believe that one of the objectives of our immigration policy should be to increase the number of immigrants who would come into this country because of greater skills. This is in our national interest.

The Helms-Shelby amendment would also retain the points for English language that were included in the point system in the original version of the bill. I also strongly believe that this is in our national interest. This is not a perfect amendment, but I submit that it does provide a more reasoned and superior balance than that contained in the Kennedy-Simpson bill. I urge my colleagues to support the Helms-Shelby amendment which will make the legislation before us a better product.

Mr. KENNEDY. Mr. President, we are moving to the end of the debate and discussion. I will just point out to the Members what, in effect, the Senator from North Carolina basically does. After the 3 years, he reduces the fifth preference by 20,000. He increases the third preference from the 27,000 to 46,000. This is the change. That is 20,000 for higher skills but he reduces the selected immigrants which is the point system which are the more highly skilled by 14,000.

So with this marvelous presentation about what is good and what is not good is basically moving some numbers around with the requirement that the Senate consider immigration policy 3 years from now, and penalizing those families which want to be reunified.

We all understand the long lines that exist in terms of certain countries. We are not able to address that as completely as some of us would like. But nonetheless, Mr. President, I believe that our proposal is a significant improvement over the one that is being offered by the Senator from North Carolina. And I hope at the appropriate time that it would be rejected.

Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back and, therefore, all time has expired.

Under the previous order, the Helms amendment, amendment No. 240, is to be set aside with a vote to occur in relationship to the amendment at 12:40 p.m.

Mr. KENNEDY. Mr. President, we are open for further amendments.

The PRESIDING OFFICER. The pending question is the committee substitute to the bill.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, to try to give the Members some idea of the way we are proceeding, we hope we can address some of the concerns of Senator GORTON and certain of those of Senator MURKOWSKI prior to the time of the 12:40 vote. After that vote, we are hopeful that we can recognize the Senator from Pennsylvania [Mr. SPECTER] who will be at the Hastings hearing. Perhaps we can deal with his amendment prior to the resumption of that hearing around 1 o'clock today. He is to start the debate and discussion on it. Then it is our hope that around 2 we will address the amendment of the Senator from Arkansas [Mr. BUMPERS]; and then following that, the amendment of the Senator from Utah [Senator HATCH]; and then there will be the amendment of the Senator from Wyoming at some time right after.

Those, by and large, are the amendments which we have in hand. If there are Members that have other amendments, we hope that they will contact us. I know the Senator from New York [Senator MOYNIHAN] has an amendment dealing with Burmese students. So we are moving along, and we have been working with our colleagues. We are glad to either debate the legislation or consider those amendments, and a number of amendments are being worked out; but I hope that if there are those who do have amendments, that they will come to the floor and offer those amendments, so that we can deal with them and permit the Senate to move on to some other important business.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I thank my good colleague for reviewing that. Apparently, Senator GRAMM has an amendment and perhaps Senator ARMSTRONG. I am not aware of the content.

So at least we know generally, and perhaps, as the Senator and I have discussed, at some time during the day, we will try to seek a unanimous-consent agreement that we close off any further amendments, because certainly people have been well aware that this bill was at the desk. So we certainly should have that ability, and I will notify my colleagues on this side of the aisle to please advise me of any amendments on this bill, preferably at the next rollcall vote, and we will be prepared then to include the time. I believe Senator CHAFEE may have an amendment. Then we can begin to set our agenda. I thank my colleague.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, the distinguished comanager of the bill, Senator SIMPSON, and I have been working on an amendment that I had, and I wish to work with him further on that. Is there intention to have a quorum call now? If so, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

AMENDMENT NO. 241

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk in the form of a sense-of-the-Senate resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], proposes an amendment numbered 241.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

SEC. . TASK FORCE ON STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA IN THE UNITED STATES.

(1) ESTABLISHMENT.—It is the sense of the Senate that the President shall establish a task force to be known as the Task Force on Certain Nationals of the People's Republic of China in the United States (hereafter in this section referred to as the "Task Force"), composed of the Secretary of State (or his designee), who shall be the chair of the Task Force and representatives of other relevant agencies, as determined by the Secretary of State.

(2) DUTIES AND RESPONSIBILITIES.—The Task Force shall carry out the following duties and responsibilities:

(A) Taking into consideration the situation in the People's Republic of China, the Task Force shall assess the specific needs and status of citizens of the People's Republic of China who were admitted under nonimmigrant visas to the United States.

(B) The Task Force shall formulate and recommend to the Congress and the President policies and programs to address the needs determined under subparagraph (A).

(C) The Task Force shall establish directly or indirectly a clearinghouse to provide those Chinese citizens described in subparagraph (A) and United States Institutions of higher education with appropriate information including—

(i) public and private sources of financial assistance available to such citizens:

(ii) information and assistance regarding visas and immigration status; and

(iii) such other information as the Task Force considers feasible and appropriate.

(3) REPORTS.—(A) Not later than 60 days after the date of enactment of this Act, the President shall submit to the Congress a report on the status and work of the Task Force.

(B) Not later than May 1, 1990, and every 90 days after the establishment of such Task Force, the President shall submit to the appropriate committees of the Congress a report prepared by the Task Force, which shall include—

(i) recommendations under paragraph (2)(B); and

(ii) a comprehensive summary of the programs and activities of the Task Force.

(4) TERMINATION.—The Task Force shall cease to exist 2 years after the date of enactment of this Act.

Mr. MURKOWSKI. Mr. President, the purpose of the amendment specifically is to establish a task force to assess the changing needs of Chinese citizens who have entered the United States on a nonimmigrant visa. The provision creates a task force to formulate and recommend to Congress and the President additional actions that may be needed as a consequence of the changing needs of the Chinese students in the United States as our relationship with the People's Republic of China unfolds.

It would basically establish a clearinghouse for students to obtain information relative to public and private financial assistance sources and information and assistance regarding visas, immigration status, et cetera.

The task force would be required to submit a report to the President within 60 days regarding the status of the work of the task force in their oversight responsibilities; by May of 1990, and every 90 days thereafter, the task force will submit a report to Congress and the administration detailing actions that may need to be taken and summarizing programs and activities of the task force.

The task force would have a termination date 2 years after enactment and I might add that this is language that is similar to what is in the House bill. This amendment would however be, a sense-of-the-Senate amendment on the pending bill.

In conclusion, Mr. President, the situation in China is very fluid. It is important that we base future decisions regarding efforts to help Chinese students in our country on solid information as the situation in the People's Republic of China evolves.

I have cleared this, I believe, satisfactorily with the managers of the bill, Senator KENNEDY and Senator SIMPSON. I ask their support at this time.

Mr. KENNEDY. Mr. President, I commend the Senator from Alaska for bringing this matter to our attention. There are ample precedents for this kind of action. I would certainly hope that not only do we get a sense of the Senate, but it would be a sense of the administration as well.

As the Senator probably remembers, at the time that we had the original Indochinese refugee crisis in 1975, a similar task force was developed under Julia Taft at that time in the Ford administration. It was very, very effective in terms of responding to the kinds of issues which the Senator has mentioned.

I think that that kind of a coordinated effort brought together within the administration would be something that would serve those young people here who in many instances have had their lives disrupted and are at a very critical period of their lives in terms of making decisions and would need information to be made available to them that could be extremely useful.

So I commend the Senator for the amendment and urge my colleagues to support it. I am sure they will. I think it is very worthwhile.

I want to give him the assurance that members of the Subcommittee on Immigration and Refugee Affairs will look forward to working very closely with that task force, reporting back to the Senate if there are things that we find that can be and should be done to help respond to their very important and significant needs of the students.

Mr. SIMPSON. Mr. President, as the comanager of the legislation, I appreciate very much working with Senator MURKOWSKI and appreciate his willingness to present this as a sense-of-the-Senate provision. It shows his caring nature and that is something we learned about the Senator from Alaska.

I think he has visited, too, with his students at the University of Alaska and other institutions, as I have done at the University of Wyoming. We have 80 Chinese students at the University of Wyoming, which is rather surprising for our population and the enrollment at the university. I met with them last weekend. A remarkable group. They are in a sensitive, sensitive area.

You know that this Government will be watching very closely what is happening in the People's Republic, how they are being dealt with, whether they have a fear of return, whether some may seek asylum. And, of course, any of those seeking asylum will be, and I think their families would be, in a rather somewhat more perilous condition in the mainland.

So we will keep in close touch. We will assess these issues. The recommendations are worthwhile. The reporting structure under the sense of the Senate is rather complete. In fact it may be burdensome, I do not know, every 90 days.

But, in any event, what we did with Senator MITCHELL's and Senator DOLE's proposal yesterday, what the

House has done with their proposal last week, a week ago, and what the administration will do—an administration that is probably more aware of things in the People's Republic than any administration we have ever had because of the President himself serving as an Ambassador to the People's Republic. I think this is an acceptable step.

I assure the Senator from Alaska that in my capacity as ranking member of the Immigration and Refugee Affairs Subcommittee that I will certainly assist Senator KENNEDY and I know he will be ever alert to what it is we do on a month-by-month basis with these remarkable students that we are very pleased to have in our country and they are a resource that we must care for. I thank the Senator from Alaska for doing that.

Mr. MURKOWSKI. Mr. President, I thank my two colleagues, the Senator from Massachusetts and the Senator from Wyoming. I think that we have all experienced, particularly over the recess, the opportunity to meet with Chinese students at our respective universities. I had the opportunity to meet with several Chinese students studying at the University of Alaska in Fairbanks, University of Alaska-Anchorage, and Alaska Pacific University. I was left with a clear sense of the tremendous void they feel as far as their personal situations are concerned. Some of the students I met had just graduated, and had planned to go back to China, but now find themselves unable to go back to China. They face problems seeking employment in this country due to the status of their visas. I understand my colleague from the State of Washington has legislation to address this particular problem. Our dialog with these men and women made us aware of the responsibility we in Congress have.

Under the amendment the Secretary of State or his designee, who will be the chair of the task force, will have the responsibility of coordinating information and policy recommendations so that those some, I believe, 40,000 Chinese students can be assuranced that their interests are being taken to heart by the Congress and the administration just as we have a responsibility to the citizens of our country as well. It is the hope of this Senator that this amendment will serve that purpose to act and coordinate information accurately and timely to these students.

Mr. SIMON. Will my colleague yield?

Mr. MURKOWSKI. I am happy to yield to my friend from Illinois.

Mr. SIMON. I do not oppose your amendment, but I thought I heard the Senator from Alaska refer to this as a sense-of-the-Senate resolution.

As I read the amendment, I do not——

Mr. MURKOWSKI. The amendment has been changed to a sense of the Senate to accommodate the floor managers.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 241) was agreed to.

Mr. KENNEDY. I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

VOTE ON AMENDMENT NO. 240

The PRESIDING OFFICER. Under the previous order, the hour of 12:40 having arrived, the question is on agreeing to the Helms amendment, amendment No. 240, which was temporarily set aside. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The result was announced—yeas 27, nays 71, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—27

Armstrong	Garn	Nickles
Bond	Helms	Pressler
Burns	Hollings	Roth
Byrd	Humphrey	Rudman
Coats	Kassebaum	Shelby
Cohen	Lott	Stevens
Dole	Lugar	Symms
Ford	McClure	Thurmond
Fowler	Murkowski	Wallop

NAYS—71

Adams	Exon	Mack
Baucus	Glenn	McConnell
Bentsen	Gore	Metzenbaum
Biden	Gorton	Mikulski
Bingaman	Graham	Mitchell
Boren	Gramm	Moynihan
Boschwitz	Grassley	Nunn
Bradley	Harkin	Packwood
Breaux	Hatch	Pell
Bryan	Hatfield	Pryor
Bumpers	Heflin	Reid
Burdick	Heinz	Riegle
Chafee	Inouye	Robb
Cochran	Jeffords	Rockefeller
Conrad	Johnston	Sanford
Cranston	Kasten	Sarbanes
D'Amato	Kennedy	Sasser
Danforth	Kerrey	Simon
Daschle	Kerry	Simpson
DeConcini	Kohl	Specter
Dixon	Lautenberg	Warner
Dodd	Leahy	Wilson
Domenici	Levin	Wirth
Durenberger	Lieberman	

NOT VOTING—2

Matsunaga	McCain

So the amendment (No. 240) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The next order of business before the Senate is the Gorton amendment. The Senator from Washington is recognized.

AMENDMENT NO. 242

(Purpose: To grant permanent residence status to certain nonimmigrant nationals of the People's Republic of China)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. KASTEN, Mr. DOMENICI, Mr. WILSON, Mr. COHEN, and Mr. GRAMM, proposes an amendment numbered 242.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III of the bill, relating to the status of students from China, add the following new section:

SEC. . GRANTING PERMANENT RESIDENCE TO CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) GRANTING OF PERMANENT RESIDENCE STATUS.—(1) Subject to paragraph (a)(2), nationals of the People's Republic of China described in subsection (b) shall until June 5, 1992 be held and considered to be lawfully admitted to the United States for permanent residence for purposes of the Immigration and Nationality Act upon the payment of the required visa fees and, where applicable, upon the termination of any membership in the Communist party of the People's Republic of China and any subdivision thereof, and renunciation of communism.

(2) On or after June 5, 1990, the Attorney General, after sixty (60) days following the date that the President determines and so certifies to the Congress that conditions in the People's Republic of China permit Chinese nationals to return to that country in safety, may terminate the authority to grant the status described in this subsection (a) to any national of the People's Republic of China who has not submitted on or prior to such date of termination substantially all documentation and supporting materials as may reasonably be required by the Immigration and Naturalization Service.

(b) ELIGIBILITY.—An alien entitled to the status granted by subsection (a) is a national of the People's Republic of China—

(1) who was admitted to the United States as a nonimmigrant alien before June 5, 1989, under subparagraph (F) (relating to students), subparagraph (J) (relating to exchange visitors) or subparagraph (M) (relating to vocational students) of section 101(a)(15) of the Immigration and Nationality Act, and who held a valid visa under any such subparagraph as of that date;

(2) who has resided continuously in the United States from the date of admission until payment of the required fees, except for brief, casual and innocent absences; and

(3) who is otherwise admissible to the United States for permanent residence.

(c) APPLICATION OF EXISTING LAWS.—The provisions of this section shall be applied notwithstanding—

(1) section 201 of the Immigration and Nationality Act (relating to numerical limitations);

(2) section 202 of that Act (relating to numerical limitations for any single foreign state);

(3) section 245 of that Act (relating to the adjustment of status of nonimmigrants to that of persons admitted for permanent residence);

(4) subparagraphs (C) and (D) of section 212(a)(28) of that Act (relating to membership in the Communist party or advocation of communism), to the extent that any national of the People's Republic of China eligible for permanent residence pursuant to this section shall not have had significant and active involvement or participation in the Communist party of the People's Republic of China or any subdivision thereof since June 5, 1984;

(5) where applicable to nonimmigrants under section 101(a)(15)(J) of that Act, the two-year foreign residence requirement contained in section 212(e) of that Act; or

(6) any other provision of that Act.

(d) PERIOD FOR VALIDITY OF VISAS.—Notwithstanding any other provision of law, any visa which is described in paragraph (b)(1) and which is valid as of June 5, 1989, shall be deemed to be valid through the earlier of June 5, 1992, or the date the Attorney General has terminated in accordance with the provisions of this section the authority to grant the status described in subsection (a).

(e) EMPLOYMENT AUTHORIZATION.—Any national of the People's Republic of China eligible for permanent residence pursuant to this section shall be granted authorization to engage in employment in the United States and shall be provided with an employment authorization document or other work permit upon request.

(f) SHORT TITLE.—This section may be referred to as the "Emergency Chinese Permanent Residence Status Adjustment Act of 1989."

Mr. GORTON. Mr. President, this amendment addresses the same subject as that covered by the previous sense-of-the-Senate resolution by the Senator from Alaska and of the leadership amendment which was agreed to yesterday. It is not in any respect designed to constitute a criticism of the Mitchell-Dole amendment, which was added to this bill yesterday, but to add on to and strengthen that proposal.

The two leaders in their amendment yesterday provided for up to a 3-year stay of any deportation aimed at classes of Chinese students in the United States. It allowed for time for Chinese students to look for and to apply for other or more suitable nonimmigrant or immigrant visas. And it allowed work authorization for those students who did apply for a change of status, though not for those who failed to do so.

My inclination is that we should go further, in the interests of the students, in the interests of encouraging democratic change in the People's Republic of China, and in the interests of the United States.

The amendment, which I have before the Senate at this point, combines the strongest features of yesterday's leadership amendment and the provisions of S. 1209, which a dozen or so of us introduced back on June 20.

First, a description. It includes the following features.

Chinese students and exchange visitors, that is to say those persons holding F, J, and M visas, are covered by the amendment. In this case, it is identical to the Mitchell-Dole amendment to this bill of yesterday.

It is, however, limited to those persons in the People's Republic of China in these categories who were in the United States on that key date, the 5th day of June, 1989. It is not open-ended and does not apply to those who have come to the United States since that date.

What it does for that group of people, who I understand number somewhere between 65,000 and 75,000, is to allow them a period of 3 years from June 5, 1989, or until 60 days after the President of the United States certifies to the Congress that it is safe for Chinese nationals here in this country to return to China, to apply for a permanent residence in the United States with the ultimate right to become citizens.

That right for permanent residence cannot be terminated any earlier than June 5, 1990, 1 year after the repression of the Chinese democratic movement in Tiananmen Square in any event, even by Presidential certification.

It also goes somewhat beyond the Mitchell-Dole amendment in creating an immediate right to work on behalf of all of these Chinese visitors if they are eligible for permanent residence, not simply in consequence of an application actually having been made.

I want to emphasize that this allows each of these Chinese students to choose whether or not to apply for permanent residence. Any of those who have concerns or fears that such an application would have adverse impacts on his or her family in China need not apply and need not change their status in any way whatsoever. That will be a decision that each student makes for himself or herself.

This, like the Mitchell-Dole amendment, waives the 2-year foreign residence requirement for J visa holders who apply for permanent residence.

It does something else which was not covered, perhaps inadvertently, by the Mitchell-Dole amendment. It provides that mere membership in the Communist Party of the People's Republic of China—which, of course, is a membership which, particularly some of the older students hold simply as a condition of their having been able to come here at all—absent significant and active participation or involvement within the past 5 years, does not preclude a grant of permanent residence.

However, before being granted that right, any PRC national must terminate any membership in the Communist Party of the PRC and must expressly renounce communism.

As I said, the Mitchell-Dole amendment does not cover that subject at all.

What are the fundamental reasons for wishing to go beyond the leadership amendment and to make this kind of offer to these Chinese students? It seems to me that there are three important, if not overriding considerations for this type of treatment of our Chinese student visitors. The first is that they may have a degree of security, a feeling of security which not even the Mitchell-Dole amendment can actually bring them because that, still, puts deadlines on how long they can stay in the United States, as generous as those deadlines are.

If we truly wish to offer to these leading Chinese young people the opportunity to lead a democratic movement for China, outside of China, without feelings or concerns that there will be personal retribution that can be exacted against them, we need to give them a situation in which they feel secure in their presence here in the United States.

So, in order to allow some of those students at least to provide leadership for a movement for democracy in China, some permanent status offer is appropriate and necessary.

Second, Mr. President, I do not believe that there is a single Member of this body or, for that matter, of the House of Representatives of the Congress of the United States, who has not considered what sanctions may be appropriate with respect to the People's Republic of China in connection with its brutal repression of the movement for democracy in Beijing on June 5 of this year and on succeeding dates.

The administration has imposed some economic sanctions. Many Members of this body have proposed additional economic sanctions, all of which are lacking in any truly positive impact on the People's Republic of China because they simply do not have that degree of leverage over actions in the People's Republic.

In fact, most of the economic sanctions which were proposed would simply offer to other competing trading nations opportunities which the United States has at the present time. The single most effective sanction which the United States of America can take to encourage democracy in

the People's Republic of China, Mr. President, is to threaten the People's Republic of China with the deprivation of the services of tens of thousands of its talented young people. That is the group of people we are talking about.

Already highly trained and educated, already highly motivated, they have come to the United States—in some cases they have been sent to the United States by a more liberal Government of the People's Republic of China—to enhance their skills in order to serve the future development of the People's Republic of China itself.

If that Government is deprived of the services of these tens of thousands of highly skilled and motivated Chinese, if it is deprived even of the service of even a percentage of them, its own economy, its own growth, its own development will suffer. If we as Members of this body are truly interested in imposing a condition, a cost on the Government of the People's Republic of China for its repressive actions, if the Members of this body are really concerned about providing a motivation to that government to liberalize to at the very least have an amnesty, to take actions which will cause those students to wish to return to the People's Republic of China and to help develop it, this is the best single step we can possibly take to encourage such a course of action.

Mr. COHEN. Will the Senator yield?

Mr. GORTON. He will.

Mr. COHEN. Mr. President, as a sponsor of one of the bills that has been introduced in the Senate to protect students from the People's Republic of China from being forced to return to their homeland, I want to express my support for the pending amendment.

Yesterday, the Senate unanimously approved an amendment offered by the leadership that addresses many of the immediate concerns of the Chinese students—the waiver of the 2-year residency requirement for "J" visa holders, allowing Chinese nationals to remain in lawful status for purposes of adjusting their status, and creating a presumption that the deferment of enforced departure will extend through June 1992. While I supported the amendment and believe it is an important first step, I also believe we need to go further in providing permanent relief to Chinese students who wish to remain in the United States.

The deferral of enforced departure is a commendable but inadequate solution for the Chinese students who fear the fate that awaits them upon their return to their native land. And, it does not send a sufficiently strong message to the Chinese Government—a message that if it continues the current repressive campaign it will not see the return of thousands of its best and brightest students, scholars, and others who may choose to remain in the United States.

The killing and wounding of thousands of Chinese students and workers, the imposition of martial law, and the ongoing nationwide roundup of prodemocracy demonstrators in the People's Republic of China are part of a brutal campaign of persecution against student leaders and others who have bravely demonstrated their peaceful commitment to democracy and human rights.

Thousands of Chinese students in the United States have spoken out and demonstrated in support of the prodemocracy forces in China. As a result, they would be in imminent danger of arrest or persecution upon their return to their native country. Humanitarian concerns require that we ensure that these individuals be permitted to remain in this country and not be forced to return to China.

The pending amendment offered by Senator GORTON will permit Chinese students to immediately apply for and be granted permanent residence status in the United States. It, therefore, achieves several important goals. Building on the relief authorized by the amendment adopted yesterday, it provides the students with a range of options that will enable them to plan their future and get on with their lives.

The amendment will also preserve the freedom of Chinese students in the United States to continue to speak out and work on behalf of prodemocracy forces in China. Chinese students across the country have been harassed and have received threatening phone calls in an attempt to silence them. A recent article in the Boston Globe describes some of the incidents. I ask unanimous consent that it be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COHEN. Mr. President, unless we make a firm commitment to the students that they will be permitted to remain in the United States, the Chinese Government's campaign of harassment and threats will be able to silence the voices of democracy, not only in China, but among Chinese students in the United States.

Finally, the amendment sends an unmistakable message to Chinese authorities that their students will not be returning unless the Government adopts real and substantial reforms. Until we provide the students with permanent relief, China may be confident that, ultimately, it will get them back.

In conclusion, I urge my colleagues to vote in support of the amendment. It will insure that those who fear returning to China and wish to remain in the United States will have an opportunity to do so. To do otherwise, forcing these individuals back into the hands of the Chinese Government, would be both cruel and inhumane, and would violate our country's sacred tradition of offering protection to people persecuted in their native countries.

EXHIBIT 1

CHINESE STUDENTS HERE TELL OF THREATS

(By Mark Muro)

Five weeks after the Chinese government suppressed the pro-democracy movement, Chinese students in the Boston area say a wave of harassment and mysterious telephone calls has sent a new chill through their ranks.

Several students assert that they have been visited by diplomats from the Chinese consulate in New York warning them to keep silent or asking the names of students who have participated in antigovernment activities.

A window was broken two weeks ago at the China Information Center at Newton's Walker Ecumenical Exchange, which has monitored events in China for the past several months. And for weeks, Chinese students have complained that they have received dozens of threatening calls and warnings not to speak, making them fearful for their futures and for their families at home.

Virtually all the students believe the Chinese government is behind the threats.

"They are watching us, they have eyes and ears here," said Jing Huang, a Harvard graduate student. He said he has given the FBI office in Boston and Somerville police tapes of five violent warnings he received on his answering machine from an anonymous caller with an Asian voice.

Pei Mingxing, another Harvard student who said he was visited recently by an official from the Chinese Consulate in New York, expressed anger at what he termed efforts by his government to silence student protest here.

"Sure, it could be crank calls, but I do not think so," he said yesterday. "The Chinese are very subtle: They don't say, 'If you appear on TV again your family will be shot.' Instead, they came into my apartment and politely said, 'You know, this could be surmised as treason.' So I am very worried."

Officials at the Chinese Consulate in New York yesterday denied they were harassing students.

Zhang Xiaoping, an education officer at the consulate, said yesterday, "so far we haven't done anything to our students. We have never sent anyone to Boston to do anything."

On Friday, Liang Jiang, vice consul, said, "there is no official order to say such things. It cannot be imagined."

The Boston episodes come in the wake of similar reports from around the country and after news reports that Chinese officials have videotaped student demonstrations in San Francisco, Los Angeles and Washington and shown up at a student dorm at the University of New York at Stony Brook inquiring after the names of activists.

State Department spokesman Richard Boucher had no comment on the student allegations at a news conference yesterday. But the Boston students have now joined others in Washington, New York and California who have reported harassment.

In Newton, Yian Liu of the China Information Center said the Center has received 20 or more calls in the past few weeks "saying things like 'Don't do too much, or you'll be killed.'"

At the Massachusetts Institute of Technology, a politically active graduate student in physics said he has avoided meeting with friends, fearing he would get them into trouble, after a consular official telephoned him last week requesting the names of fellow student activists.

Pei said he was first visited by a Chinese official in May, before the student demonstrations in Tiananmen Square. He said the official stayed 2½ hours "politely" chastising him for the "nonsense" of predicting on TV that the government would "machine-gun the students" if they demonstrated.

He said in recent weeks he has received five or six threatening phone calls and has since changed his address, taken an unlisted phone number and ordered a postbox.

A spokesman for the FBI office in Boston had no comment on whether it was investigating Pei's complaints of harassment.

CONSUL OFFICIAL SEEKS NAMES

Another graduate student at Brandeis, who also asked not to be named, said a New York consulate official called on several students in Cambridge and Newton during the past two weeks seeking names of organizers of rallies here and in Washington.

"They wanted to know who participated," he said, "but all we said is there are many, many of us. Never would we tell them a single name."

In Somerville, Huang, a 32-year-old political scientist, said his troubles began on June 8 after he returned to the United States from China and appeared on the "MacNeil-Lehrer NewsHour" describing the crackdown.

After midnight the next night, hours after another appearance on Channel 56, a message was left on his answering machine in thickly accented English saying "Hi. Congratulations. I hope you can earn more money and be a very important guy."

Three days later, after taping another television interview, he said he received a second message in Chinese:

"Jing! Be careful. Be very careful," the caller said.

OMINOUS MESSAGES

The next night, he said, he received a similar message: "Must be very careful. Why did you do such bad things? If you continue, be careful about yourself and your family."

Later he found two more messages, including one in which the caller said: "You jerk! You jerk! We'll beat you up. Shame on you."

Huang, who played the messages last week for a Globe reporter said he is convinced the Chinese government is responsible for the calls.

Zhang of the Chinese consulate denied the charge. "So far we haven't taken any names or spoke to anyone like that," he said.

However, the students said they found little reassurance in the government denials.

Students, intelligence experts and American China-watchers alike note that fears of surveillance, name-taking, social control are well-founded regarding Chinese presence in the United States.

MANY AGENTS IN US

Just months ago, FBI and other military counterintelligence officials in Los Angeles issued a report disclosing that Chinese espionage agents had surpassed the Soviets as the most active foreign spies in California. And sources close to Chinese educational officials in New York confirm that the Chinese consulates keep a file on all 40,000 students at work in the United States, complete with computerized data on addresses and names and political activity.

Fueling fears among students and American experts alike is the widely held assumption that the Chinese government has attempted to maintain discipline among its American students by planting informers among them.

"There are always students among the others who keep tabs and report on their peers, in many cases quite secretly," said China scholar David Zweig of the Fletcher School of Diplomacy at Tufts University.

But for the students themselves, fears run beyond the educational apparatus. Said Huang: "The education people watch us, but there are other fish—spies and agents—still in the water."

Mr. GORTON. Mr. President, my amendment takes off from and builds upon the leadership of the Mitchell-Dole amendment of yesterday. That Mitchell-Dole amendment provided certain extended departure rights for Chinese students, allowed them to work under more liberalized circumstances than is the case at the present time, and all is a positive step forward with respect to some 65,000 or so Chinese students and exchange people here in the United States.

It seems to me, however, that both in the interest of democracy in China and in the interest of the United States, the selfish interest of the United States, we should go further. And put quite simply, the amendment which I have before you would grant the right to apply for permanent residence for all of these Chinese students and exchange visitors here in the United States. It does not give that permanent status automatically. It requires them to apply for it.

It also grants the right to work for all persons who are eligible to apply for this permanent residence during the period of time they would be here even under the Mitchell-Dole amendment.

I outlined two of the three goals for which I felt this amendment was needed. Very briefly, the first was to provide some form of long-term security to those Chinese students themselves who wished to be leaders in the campaign for democracy in China. At this point, and even after the adoption of the Mitchell-Dole amendment, of course any Chinese student who becomes a leader here in the United States, who speaks out, can have his or her name spoken and is threatened with the proposition that he or she may someday have to return to China and could thereafter be disciplined by the Government of the People's Republic of China.

The second and even more important reason for the passage of this amendment is that it is the most effective single sanction which we can impose on the People's Republic of China for its brutal repression of the democracy movement in Beijing on the 5th of June, and the greatest single sanction which can cause the Chinese Government to change its mind, and at the very least to offer an amnesty to those who were involved in the democracy movement because failure to do so should my amendment become law will cost the People's Republic of China a number of thousands, perhaps even tens of thousands of its most brilliant young people. China's future, to a very considerable degree, is here in the United States right now in the persons of those citizens of the People's Republic of China who are already well educated, and who are increasing their education and their skills in various places here in the United States.

The loss of those people for the People's Republic of China will indeed be a severe loss, and even the threat of their loss will be far more effective than any economic sanction we can impose in causing some liberalization, at least some liberalization, in the People's Republic of China itself.

The third reason which I was unable to get to before the rollcall intervened is a selfish American reason. This offers the United States of America the chance to seize a foreign asset of great value to put it in personal terms, to put it in much more personal terms, the same values which these young people will have to the People's Republic of China can be put to use here in the United States. These people are highly skilled, they are highly educated, and they are highly motivated. They are highly concerned about the future of democratic institutions.

Of all of those who seek to come to the United States, this group of people rank right at the very top with respect to the skills, the tremendous skills, and the very high degree of dedication which they can provide to this country from the instant they become permanent residents.

They are true assets of the world. They are wonderful people. They are skilled people. They would make great and productive Americans.

As a consequence, Mr. President, it seems to me that the amendment which I offered on my own behalf and on behalf of a number of other Members of this body is a win-win-win situation. It is a wonderful, gracious, and human response to the plight of young people who are here in the United States from the People's Republic of China, and who care very deeply about what has gone on in their own nation. It offers us an opportunity to exert some real leverage to cause the liberalization of the present Government of the People's Republic of China, and to exactly the extent that it is effective in gaining at-

tention on the part of the students and others, it may very well result in a long-term gain to the United States both from the perspective of those students who choose to stay here and those who, even though they go home, will be eternally grateful to the United States for our having met their deepest needs at a time in which those needs took place.

I understand, and I perfectly realize that this does not fit within the pattern of the bill which is before us at the present time, a bill which I think is very thoughtful and takes a balanced approach toward immigration to the United States. But that bill was written before Tiananmen Square, Mr. President. We have gone through one of the most extraordinary and public revolutions and repressions of the lifetimes of any of those of us who are Members of the U.S. Senate. I am convinced we can operate much more dramatically than we have, even in the leadership of yesterday, and adopt a proposal such as this one.

Mr. SIMON. Mr. President, will my colleague yield?

Mr. GORTON. I am happy to yield.

Mr. SIMON. He and I had a discussion on the floor a little bit ago to see if we could work out some kind of a compromise. I think the amendment of the Senator from Washington goes a little further than is desirable. I chatted with Senator SIMPSON and Senator KENNEDY, and if the Senator from Washington would be willing to withdraw his amendment temporarily, maybe it would let us see if we can work out something in the remainder of the day that moves in the direction we are trying to go here.

Mr. GORTON. I say to my friend, the distinguished Senator from Illinois, as I did say to him in private conversation, I am much more interested in accomplishing something for these students and for these people than I am in any publicity value for this amendment. If there is any opportunity with the Senator from Illinois, and with the two distinguished principal sponsors of the bill before us to work in this direction in a way which will be found acceptable by all concerned, I am delighted to do so.

What I would prefer to do rather than withdraw the amendment is simply to agree it be laid aside to be called up again at an appropriate time so that others may have an opportunity to speak on it, and so that I can work with the distinguished members of the Judiciary Committee toward a goal which all of us can support.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, on behalf of the comanager, I think that is an excellent suggestion, and I commend my friend from Illinois for suggesting it and my friend from Washington for hearing that proposal. I pledge in the course of this day, to see if we cannot do the language that I think will accomplish this and get awfully close to what we want to do, considering what we have done with the Mitchell-Dole proposal, the House proposal, the Murkowski proposal, and just be certain that we are not giving the most significant thing we can give to anyone in the United States, and that is permanent resident alien status and yet meet the conditions and concerns and fears of these Chinese students. I think we can do that.

I will pledge to work toward that today and certainly hold the Record open and the amendment list open to assure that if we do not reach an accord, we will come right back to that position.

Mr. GORTON. Mr. President, I ask unanimous consent that the pending amendment be laid aside for whatever business may succeed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The pending question is now the committee substitute.

AMENDMENT NO. 243

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of the Senator from New York [Mr. MOYNIHAN] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. MOYNIHAN, proposes an amendment numbered 243.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following new section:

SEC. . REPORT TO CONGRESS ON UNITED STATES IMMIGRATION POLICY TOWARD BURMESE STUDENTS.

(a) The Attorney General, in consultation with the Secretary of State, shall report to the Committees on Foreign Relations and Judiciary within 30 days of enactment of this act on the immigration policy of the United States regarding Burmese prodemocracy protesters who have fled from the military government of Burma and are now located in border camps or inside Thailand. Specifically, the report shall include:

(1) a description of the number and location of such persons in border camps in Burma, inside Thailand, and in third countries;

(2) the number of visas and parole applications and approvals for such persons by United States authorities and precedents for increasing such visa and parole applications in such circumstances;

(3) the immigration policy of Thailand and other countries from which such persons have sought immigration assistance;

(4) the involvement of international organizations, such as the United Nations High Commission for Refugees, in meeting the residency needs of such persons; and

(5) the involvement of the United States, other countries, and international organizations in meeting the humanitarian needs of such persons.

The Attorney General shall recommend in the report any legislative changes he deems appropriate to meet the asylum, refugee, parole, or visa status needs of such persons.

(b) As used in this section, the term "prodemocracy protesters" means those persons who have fled from the current military regime of Burma since the outbreak of prodemocracy demonstrations in Burma in 1988.

Mr. KENNEDY. Mr. President, this is an amendment by the Senator from New York, who has been deeply concerned about the condition of Burmese students, who in many instances have suffered gravely from a harsh totalitarian regime in Burma. His amendment is a sense-of-the-Senate resolution to provide for a report about the student situation there.

We have made a slight clarification, which is acceptable to the Senator from New York. We welcome very much his bringing this matter to our attention. It is, I think, a matter of very considerable concern, with a number of egregious human rights violations, both in Burma and in the neighboring countries.

We certainly, and I, as the chairman of the Refugee Committee, welcome whatever insights that might be developed by this coordinated effort. And it is the sense of the Senate to urge the administration to develop a more coordinated effort and to report to the relevant committees. I think it is a very valuable addition to the bill. I hope that the Senate will accept the amendment of the Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise today to offer an amendment to a truly historic piece of legislation, the Legal Immigration Act of 1989 (S. 358) the sponsors of which, Senators KENNEDY and SIMPSON, are due our greatest admiration. Their work in this area is nothing less than remarkable.

As we consider this legislation, we consider something of our past, of our present and of our future. We are a country of immigrants—a nation founded on the hopes and dreams of so many who aspired for greater freedom and for liberty.

It was and continues to be democracy—a personal, individual freedom unlike that found in any other nation—to which so many around the world are attracted. Our freedoms are inspirations to those oppressed. We don't need to be reminded of the Chinese students who attempted to bring

to a quarter of the world's population a taste of freedom. It was crushed under the treads of tanks. We were repelled.

Democracy truly is "breaking out all over." Unfortunately, it is not always successful. Just last year, students in Burma's capital of Rangoon and in cities throughout the country took to the streets to demand the restoration of democracy in that country. One which has been governed by a repressive socialist regime for just over now 25 years.

Students marched. The army fired on them. Western diplomats, including our own most capable Ambassador Bert Levin, reported that at least 3,000 students were killed by the military, thousands more arrested.

The prodemocracy demonstrators fled to the jungle border separating Burma from Thailand seeking to join in the common purpose—of democratic change—with ethnic minorities that have been fighting the same regime for decades. Since then the situation has only worsened. A brutal civil war rages. The military has continued its attacks on the students encamped along the border. Disease—mostly malaria—has already killed many or forced others to return to an uncertain fate in Rangoon. The rest of the world has done too little to help them. Students have been refused permission to stay in Thai territory and are being arrested and repatriated to Burma. No Western government, including ours, has granted any of the students asylum as political refugees or even entry under humanitarian parole. Just today, I learned that the INS has denied humanitarian parole to Yuzana Khin, a psychology student at Rangoon University and treasurer of the All Burma Federation of Student Unions and considered a leader of the prodemocracy demonstrations which coalesced outside our Embassy in Rangoon. Indeed, she is hiding inside Thailand while being sought by both Thai and Burmese agents. And yet she has been denied humanitarian parole. We apparently will not help here.

The amendment which I offer will require the Secretary of State and the Attorney General to provide the Congress with the necessary information needed so that we might address the critical needs of these brave, indeed, heroic students who are struggling daily to overcome the oppression of the Burmese regime. I ask unanimous consent that following my remarks an aricle by Steven Erlanger and an editorial which recently appeared in the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 25, 1989]

IN JUNGLE AT THAI-BURMESE BORDER, LAST STAND FOR STUDENT PROTESTERS

(By Steven Erlanger)

NEAR THREE PAGODAS PASS, MYANMAR.—Hailed as fighters for democracy last September when they fled the Burmese military crackdown to train with insurgents along the borders, the students who remain in this unforgiving jungle near the Thai border have too little to eat and not enough medicine to treat the endemic malaria. Worse yet, there is nowhere else to go.

Events last August and September in Myanmar, formerly Burma, were similar to those in China: student-led demonstrations for democracy were crushed by soldiers shooting indiscriminately into crowds of unarmed civilians. Western diplomats say at least 3,000 Burmese died at the hands of the military.

But while Western governments offered asylum and visa extensions to Chinese, the American Embassy in Bangkok has told some Burmese students that they must first return to the capital, Yangon, formerly Rangoon, to get a passport or to apply for a visa, a suggestion the students find callous and absurd.

Western support for the students has been almost entirely rhetorical; contributions from Burmese exiles have withered; student relations with many of the ethnic insurgents, having different goals and little enough food and weapons for themselves, have soured.

As the Burmese Army presses its offensive against the insurgents, the students, most without passports, have little choice but to stay where they are. Those who return home face arrest and imprisonment; many of those who go to Thai cities and towns are being seized and deported, and Western countries have accepted none who have sought asylum as political refugees.

"This is a very critical moment for the students who remain along the border," said Ko Thant Myint-U, who has been trying to help them through Emergency Relief Burma. "Despite the fact that these are the very students who led the demonstrations for democracy America said it supported, no help has been given."

Mr. Thant Myint-U, grandson of U Thant, the late Secretary General of the United Nations, says that of the roughly 7,500 Burmese who came to the border after September to try to fight the Burmese regime, perhaps fewer than 2,000 remain. At least 80 percent have had malaria, many of them numerous times, and some have died, while malnutrition, diarrhea and pneumonia are common.

At the same time, dreams of fighting bravely alongside the ethnic insurgents for a common democratic future have largely withered in the face of political disagreements, arms shortages and a sustained Burmese military offensive against the ethnic Karen rebels, who sheltered many of the students and who have lost five border camps since mid-December.

Up to 1,000 Burmese students, many of them fleeing the fighting, are already hiding inside Thai towns like Mae Sot and the sprawling capital, Bangkok, where they face arrest, fines and deportation to a Burmese Government that promises harsh treatment.

Ko Winn Moe, a prominent student leader in the capital, came to this dank, wretched camp in the jungle near Three Pagodas Pass in late March, after some 200 students fleeing the fighting against the Karens sought refuge in Mae Sot. The Thai authorities said they had to leave by the end of March or be deported to Burmese territory held by the Government. About 100 students, sick and discouraged, returned to this country, many of them surrendering to the authorities.

MALARIA AND DEPRESSION

Mr. Winn Moe, 24 years old and a chess champion, negotiated a price for transportation here instead, in territory held by the Mons, another of the 10 or so ethnic minorities who have been fighting the Burmese Government for independence or autonomy since 1949. Unlike the Karens, who sought to control student activities and distribute any aid, Mons leaders have promised a free hand.

Lanky and cheerful, Mr. Winn Moe said that students sometimes become depressed, especially when they have malaria, and start to think of home, parents and friends, "but then they recover." In any event, he said, "to set up a working organization, it's better to be smaller, and those who remain here now understand the reality of jungle life, and they are very committed."

Mr. Winn Moe sat on a bamboo slat shelf in a crude shelter built only 10 days ago. Behind him, fully dressed students suffering from malaria shivered under blankets as a hot, tropical rain lashed the thatch. About half the 150 students in this camp have malaria, Mr. Winn Moe said.

At an associated camp a half-hour's trudge away, Ko Aung Thu Nyein, a 24-year-old former medical student who fled the capital last October, tried to care for some 20 malarial patients in a thatch clinic. Two or three people share the few mosquito nets, he said. He gives injections of quinine and tetracycline donated by the French aid agency Doctors Without Borders, but there is never enough. Some students have had malaria 14 or 15 times, and some have cerebral malaria, which can be fatal. Mr. Aung Thu Nyein, his face glossy with sweat, said he had malaria, too.

BECOMING DISCOURAGED

There are about 160 students at this camp, Mr. Aung Thu Nyein said, though the actual figure appeared to be less than 100. In October, there were more than 2,000. The rest had become discouraged, he said, because they thought aid and supplies would come from the West. While the Mons provide some rice and a few charities provide some food, contributions from Burmese living overseas have also dwindled. "There is a lot of disappointment among the students," he said.

"During the August and September uprising, a lot of foreign countries said they supported the students and democracy," Mr. Aung Thu Nyein said. "We believed the Western countries would support us with arms and food, and that's why we came to the border. But we got no support at all, and we've been through a lot since then."

In the main Mon camp a few miles away, the Mon leader, Nai Shwe Kyin, said he was doing what he could for the students, whom he admired but who are getting hard up and disheartened." He said he expected the Burmese Army to confront the Mons after the Karens.

If the Burmese attacked, Mr. Winn Moe said, the students could not defend themselves and would flee to the nearest Thai town, Sangkhlaburi. He said he expected Thai officials, who are trying to trade with the Burmese, to be no more welcoming than those in Mae Sot.

ON EMERGENCY AID

Mr. Thant Myint-U said he hoped the United States and other countries would at least increase aid to the student camps, help prepare emergency aid and shelter should the students need to flee to Thailand, and urge the Thais to allow temporary asylum.

Most helpful, he said, would be to help students hiding in Thailand who are already seeking asylum to be given a chance to resettle in third countries as legitimate political refugees.

"The students have little left except their trust in democracy," he said. "At this point help from America can make all the difference in saving their lives."

BURMA OUT, MYANMAR IN

Burma has a new official name: Myanmar.

The change was adopted by the United Nations on Thursday. The Burmese radio said the Government had changed the country's name to Myanmar (pronounced mee-ahn-MAH) and the name of the capital from Rangoon to Yangon (pronounced yahn-KOH).

The new versions reflect contemporary usage in the Burmese language. Many place names in the native language were adapted into English during British colonial rule between 1862 and 1948.

Several United Nations members have changed their names, including Sri Lanka, which was Ceylon until 1972, and Burkina Faso, which was Upper Volta until 1984.

[From the New York Times, June 30, 1989]

BURMESE HEROES, FAITHLESS FRIENDS

In 1959, when the Burmese people were last allowed to vote freely, their soon-to-be dictator New Win remarked: "Let the country make its own choice. It will get the government it deserves." Shortly thereafter he deposed the country's choice, made himself dictator and ruled for three dismal decades, reducing a once-prosperous country to penury under a blundering military regime.

A student-led uprising last summer forced the "resignation" of Ne Win, but not of a brutish military tyranny that has made only one mark—to change Burma's name to Myanmar.

The country's people deserve better. In particular, the young leaders of last year's rebellion are owed something better from Western democracies whose values inspired their protest slogans. As The Time's Steven Erlanger has reported, some of the students fled to Thailand and sought visa extensions and asylum. There, they were reportedly told by the U.S. Embassy to return to Yangon, formerly Rangoon, to get the needed documents—absurd advice for those facing arrest.

The sequence of events in Burma, 1988, uncannily anticipated that of China, 1989. The student democracy movement elicited instant world sympathy; Congress voted a resolution condemning Burmese violence against the demonstrators. In a crackdown claiming 3,000 lives, hard-liners forced students to flee. Some went into jungles and found shelter in camps of insurgents; others sought asylum in Thai towns and cities, or applied for refuge in the West.

But the world's attention had shifted. Not a single student is known to have been accepted for asylum in the West. And in hopes of currying favor with the entrenched Burmese military, Thailand has deported those seeking shelter in its towns. About 2,000 survivors remain in border camps, and another thousand are hiding inside Thailand. These courageous students deserve a welcome from the United States as refugees.

Their cause is scarcely lost. In Yangon last week, thousands rallied to protest the regime's denunciation of a democratic opponent. It's time for Congress to adopt a fresh condemnation of Myanmar, and to urge an open door for its dissenters.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I, too, along with my friend from Massachusetts, want to commend Senator MOYNIHAN. I can say, without any reservation, that Senator MOYNIHAN, through the whole effort of legal immigration reform and illegal immigration reform, has been one of the most astute players and a great supporter of efforts of mine since I came to this place on this very complex and vexing issue.

Again, he has pointed out to us these students, Burmese students, who were involved in the Burmese prodemocracy efforts and in protesting, who have fled from the military Government of Burma and are now located in the border camps, I think in the report, and in this sense-of-the-Senate language, it is very important that we determine these things: Where they are; number and location; the number of visas and applications; the immigration policy of Thailand; and that is going to become ever increasingly important to us, especially after the Vietnamese removed themselves from Cambodia, and a whole new relationship will spring up with our friends in Thailand regarding displaced persons and refugees and economic migrants.

It is going to be a tough issue. But this one with regard to Burma is one that deserves our attention. We need to visit with our Ambassador, a very fine friend of many of us, Burt Levin, and he has remarkable insights. We want to plumb his thoughts, and he has shared those with me. That is a very important thing. It would have missed our attention, if it had not been for the Senator from New York, and I commend him.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 243) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair in his capacity as a Senator from the State of North Dakota suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, what is the present parliamentary situation? I have an amendment I would like to offer. Has the Gorton amendment been set aside?

The PRESIDING OFFICER. The pending amendment is the Gorton amendment.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Gorton amendment be set aside and my amendment be taken up and considered. I assume the managers would then like to return to the Gorton amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I have an amendment and I would be glad to enter into a time agreement with the managers. I would suggest 30 minutes, equally divided, if that is suitable to them.

Mr. KENNEDY. Mr. President, that would be entirely satisfactory to us. I ask unanimous consent that on the Chafee amendment there be 30 minutes allocated and the time to be equally divided between the Senator from Rhode Island and the Senator from Wyoming.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I further ask unanimous consent that no amendments to the amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 244

(Purpose: To provide temporary stay of deportation for certain eligible immigrants)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is offered on behalf of myself and Senators HATFIELD, CRANSTON, GORE, and ADAMS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. GORE, and Mr. ADAMS, proposes an amendment numbered 244.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 124, after line 25, add the following new section:

SEC. . ACTION WITH RESPECT TO SPOUSES AND CHILDREN OF LEGALIZED ALIENS.

(a) TEMPORARY STAY OF DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN ELIGIBLE IMMIGRANTS.—

(1) IN GENERAL.—The Attorney General shall provide that in the case of an alien who is an eligible immigrant (as defined in

subsection (b)(1)) as of November 6, 1986, who has entered the United States before such date, who resides in the United States on such date, and who is not lawfully admitted for permanent residence, until the cut-off date specified in paragraph (2), the alien—

(A) may not be deported or otherwise required to depart from the United States on a ground specified in paragraph (1), (2), (5), (9), or (12) of section 241(a) of the Immigration and Nationality Act (other than so much of section 241(a)(1) of such Act as relates to a ground of exclusion described in paragraph (9), (10), (23), (27), (28), (29), or (33) of section 212(a) of such Act), and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit.

(2) CUT-OFF DATE.—For purposes of paragraph (1), the "cut-off date" specified in this paragraph, in the case of an eligible immigrant who is the spouse or child of a legalized alien described in—

(A) subsection (b)(2)(A), is (i) the date the legalized alien's status is terminated under section 210(a)(3) of the Immigration and Nationality Act, or (ii) subject to paragraph (4), 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cut-off date, whichever date is earlier;

(B) subsection (b)(2)(B), is (i) the date the legalized alien's status is terminated under section 245A(b)(2) of the Immigration and Nationality Act, or (ii) subject to paragraph (4), 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cut-off date, whichever date is earlier; or

(C) subsection (b)(2)(C), is 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cut-off date.

(3) NOTICE.—In the case of each legalized alien whose status has been adjusted under section 210(a)(2) or 245A(b)(1) of the Immigration and Nationality Act or under section 202 of the Immigration Reform and Control Act of 1986 and who has a spouse or unmarried child receiving benefits under paragraph (1), the Attorney General shall notify the alien of the applicable cut-off date described in paragraph (2)(B) and the need to file a petition for classification of such spouse or child as an immediate relative to continue the benefits of paragraph (1). Such notice shall be provided as follows:

(A) If the legalized alien adjusted status to that of an alien lawfully admitted for permanent residence before the date that the definition contained in section 210(b)(2)(A)(i) of the Immigration and Nationality Act (as amended by this Act) first applies, the notice under this paragraph shall be provided as of the date that that definition first applies.

(B) If the legalized alien adjusted status to that of an alien lawfully admitted for permanent residence after the date that such definition first applies, the notice under this paragraph shall be provided at the time of granting such adjustment of status.

(4) DELAY IN CUT-OFF WHILE IMMEDIATE RELATIVE PETITION PENDING.—The cut-off date under paragraph (2)(B) with respect to an eligible immigrant shall not apply during any period in which there is pending with respect to the eligible immigrant a classification petition for immediate relative status under section 204(a) of the Immigration and Nationality Act.

(b) ELIGIBLE IMMIGRANT AND LEGALIZED ALIEN DEFINED.—In this section:

(1) The term "eligible immigrant" means a qualified immigrant who is the spouse or unmarried child of a legalized alien.

(2) The term "legalized alien" means an alien lawfully admitted for temporary or permanent residence who was provided—

(A) temporary or permanent residence status under section 210 of the Immigration and Nationality Act,

(B) temporary or permanent residence status under section 245A of the Immigration and Nationality Act, or

(C) permanent residence status under section 202 of the Immigration Reform and Control Act of 1986.

(c) APPLICATION OF DEFINITIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be issued an immigrant visa under this section shall not preclude the alien from seeking such a visa under any other provision of law for which the alien may be eligible.

Mr. CHAFEE. Mr. President, this amendment corrects a lingering flaw in the Immigration Reform and Control Act of 1986 which, for simplicity, I will refer to in the future as the amnesty bill, since that is what most of us remember it as.

This amendment deals with a problem in the amnesty bill which dealt with and arose because of the threat of family separation. What my amendment would do, very simply, would be to grant a stay of deportation and work authorization to the spouses and unmarried children, minor children, of individuals who achieve legal status, and the individuals must have achieved legal status under the amnesty bill.

In order to receive this protection, the illegal spouses and the children, minor children, unmarried—that is what we are talking about—must have lived in the United States prior to November 6, 1986, which was the date that the amnesty legislation was enacted.

You can see this is a narrow piece of legislation. It deals with only spouses and unmarried minor children. It does not deal with parents and sisters and brothers and uncles and aunts. It is limited.

Furthermore, those who receive this must have been in the United States prior to November 6, 1986. So it does not include massive numbers.

My amendment would only apply, as I say, to individuals who were already here when the amnesty bill was created, but they did not qualify because probably in most instances they were not here by the cutoff date that was required under the amnesty bill. As we all remember, the cutoff date for the amnesty legislation was January 1, 1982. That is when somebody had to be in the United States to qualify for the amnesty legislation. So my legislation deals with a group that most likely—they may have been here before January 1, 1982, but that is highly unlikely. We are talking about those who came to the United States, the minor children, unmarried, and the spouses, between the period of January 1, 1982, which was the cutoff date, and November 6, 1986, when the legislation was enacted.

The amnesty bill was the product of many years of hard work and compromise. A bill was put together that passed both Houses by wide margins. In the Senate, it passed 63 to 24; in the House, it passed 238 to 173. The distinguished Republican manager of this bill today on the floor was the principal author of that legislation and provided very strong leadership and did an excellent job. I want to tip my hat to the junior Senator from Wyoming for what he did.

The provision to allow certain illegal aliens to apply for lawful temporary resident status was included for pragmatic, political and compassionate reasons. Why did we pass that legislation? We did it for pragmatic reasons, we did it for political reasons, and we did it for compassionate reasons.

What were the pragmatic reasons? The fact was that there were millions of undocumented aliens in the United States at that time. It would be impossible to locate and deport all of them. So the conclusion was it was far better to take the situation as it existed then, let those apply for amnesty, and then change the rules for the future. Some of those changed rules were, of course, the provisions dealing with employment. Far stricter rules both on the employers and on the employees, the so-called sanctions. The first reason was a practical one. We could not do anything about those millions of illegal aliens anyway, so we might as well let them apply for citizenship and start fresh.

The political reason for amnesty was one of balance. Coupled with the amnesty provisions, as I say, were reforms. Those reforms dealt with requiring employers to check the status of those they hired, and it put sanctions on those who hired undocumented workers.

The most compelling reason for the amnesty bill, in my judgment, was that of compassion. I believe our society is best served by a generous measure of understanding when it comes to undocumented aliens in our country. So we thought the fairest and the wisest course was to set strong procedures for the future but not deport those who have been here prior to the cutoff date.

Certain people, unfortunately, fell through the cracks. Let me give you a situation from my State.

We have an individual I will call Leon, who immigrated to the United States illegally from Colombia on October 24, 1981. He how lives in Central Falls, RI. He is a meticulous man and he saved all his papers, his employment records, his rent receipts, and he had an easy time applying for the generous legalization program. In other words, he qualified for amnesty.

Leon's family, namely his wife Esther and three children ages 18, 13 and 8, were not so lucky. They arrived in the United States 22 days after the cutoff date of January 1, 1982, and thus were not eligible for amnesty.

Leon faces the excruciatingly painful decision between breaking up his family or breaking the law of his new country and keeping these individuals here illegally.

Eventually his family could benefit from the second preference relative petitions, however they would have to wait a substantial period of time, and during that period they would not be eligible to work and they would live in fear of being separated from their families through deportation.

What are the requirements on them? First, they must wait until Leon and other legalized family members become permanent residents, which would occur by October 1990. Then they would have to wait for a visa to become available.

Currently there is a 20-month waiting period for visas through the second preference. Immigration advocates fear that as new legalized individuals petition for their families the waiting period could jump from 3 to 5 years. The sole recourse for the newly legalized with undocumented family members is a family fairness policy. Let me just describe that briefly.

That was instituted by the Immigration and Naturalization Service in October of 1987. It provides nondiscretionary relief only for minor children. We are not talking about spouses. We are talking about minor children who enter the United States before November 6, 1986, both of whose parents gain legal status under the amnesty bill.

So we have taken care of a situation where both parents qualify. But I am talking about the situation where the wife, in this instance, came 22 days after the cutoff period, and her children came at the same time, and so they do not meet the family fairness doctrine that has been instituted.

As I say, in the case of single-parent families, the parent with whom the child resides must have legal status.

Others say: Well, they do not deport under this anyway. And there are very few deportations. Indeed, in a place like Chicago they are treated very leniently. So my amendment is unnecessary.

Well, I can point out other areas of the country, Albuquerque, NM, where they are treated in a harsher manner than that.

Enactment of my amendment is urgently needed so the fundamental goal of the legalization program can be realized. In my view it is a basic American value to believe that the threat of family separation is wrong; the uncertain treatment of families under the amnesty bill is contrary to our longstanding policy in the United States of family unification.

Of course, there has been an Executive order by the President, Executive Order 12606, dealing with the family. Obviously deportations would be contrary to that.

This is a modest solution, Mr. President. It is different. I offered an amendment similar to this in 1987 that was defeated, 55 to 45. But it was different. It was broader than this. That amendment would have granted legal status to the spouses and children of the legalized aliens.

There is a lot of difference between granting legal status and what my bill does. So let us tick through what it does not do.

My bill does not confer legal status on the spouse or children who benefit from this legislation.

My bill only applies to spouses and minor unmarried children.

It does not apply to the whole family of brothers and sisters and cousins and parents.

The spouses and children would lose their protection under this amendment if they fail to apply for a visa under the second preference within 90 days of becoming eligible. So there is a further restriction.

Those who benefit from this amendment will not jump ahead in the line for visas or legal status. They will not displace others who have filed application or who are waiting for their visas outside the United States.

Individuals covered by my amendment are not eligible for Federal benefits.

My amendment does not in any way tamper with the delicate amnesty compromise that we reached.

The cutoff date of November 6, 1986, ensures that no one who entered our country with the hope of benefiting from an amnesty will do so. In other words, the cutoff date still remains.

Here is a very important point. Many people believe that my legislation would act as a magnet, in other words, come one, come all: olly, olly in free. You can now qualify, a spouse or minor children, because the father or in some instances the mother qualified under the amnesty bill. That is not so. They had to have been here prior to November 6, 1986.

Mr. President, one of the arguments that will be raised is that we are treating this group differently than we are a legal alien. That is true. But the point, Mr. President, is we treated this entire group differently. That is why we did the amnesty legislation.

We treated those who came illegally differently than those who have been waiting patiently for their entrance visas from foreign countries for many years. So, yes, there was a difference in treatment. But we concluded it was the right thing to do and this is a correction, a minor correction, to that entire procedure that we followed when we passed that legislation.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 17 seconds.

Mr. CHAFEE. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, there is no one more spirited in cause than my friend from Rhode Island, the Senator from Rhode Island. He is a man I greatly admire and enjoy and respect. And I know the intensity with which he deals with this issue. We have talked about it. We have tried to accommodate each other on it. He is a persistent, persuasive gentleman of the first order and you cannot beat him back. He has the old wrestling instinct he picked up in college and he still will wrestle you right to the ground.

I do not know what will happen to this. I remember it is not quite the same but yet it is because it gives something that is more valuable than legal status. It gives work authorization and a stay in deportation. What more would a person want? That is all they would want if they were in the United States, is a stay of deportation and work authorization. Forget the rest of it. They would not care what status they were in: asylee, EVD, special entrant, whatever, once they have those two things.

So I respectfully and regretfully but with spirit to match his, oppose this amendment because to me it disturbs the delicate balance of the 1986 Immigration Reform and Control Act. We have already debated the issue of legalization for illegal aliens. The Congress decided that those aliens who had lived here continuously since January 1, 1982 or before would be allowed to receive a legal status and it was not specialized, it was complete. We did not set aside little enclaves, like this amendment does, of people.

In the Judiciary Committee report we stated it very clearly. We knew this would happen. We knew exactly what would happen because of the pressures from the groups out in the United States who push this stuff along; they are insatiable. There is not a single gap we are supposed to have when we

do any kind of reform. They will find something that makes it impossible.

We see the comments that the Immigration Act, the IRCA of 1986, might not be doing the job. Well, if it is not, I am ready to go back to work, just tell us what we are supposed to do to avoid the continual exploitation of people who get here in an illegal status and I am willing to pick up all the tools and machinery and go back to work.

I do not set them in this body and think about things that have gone awry. If they have gone awry, let us bring them back. We have the same people ready to do that. We said, "It is the intent of the committee"—this was during the passage of the bill—"that the families of legalized aliens will obtain no special petitioning rights by virtue of the legalization. They will be required to wait in line in the same manner as immediate family members of other new resident aliens."

Please hear that. We are here in the Chafee amendment giving an advantage that we do not give to permanent resident aliens who have been waiting to have their spouses and minor children to join them for maybe 11 years. How can you possibly give a benefit to a person who just got legalized and bring in their spouse and minor children when you do not do it for permanent resident aliens who have been here? And a permanent resident alien can have his or her spouse deported under present law, and yet this person cannot? It strains all sense.

The Senator from Rhode Island proposed the amendment before, and it has been changed slightly. That amendment was defeated. We will see what happens with it today. It does not grant this actual legal status, but, as I say, it grants the thing that is most primed. It is an attempt actually at a de facto second amnesty. I promised all my colleagues during the presentation of the immigration bill over the course of 6 to 8 years that legalization is and will be a one-time-only program. You either get in in the year or you do not make it. No other country can go on that basis where you simply say, "Well, I knew they were kidding; they will do it again." Well, we are not going to do it again, and this is the first step of doing it again.

I do intend to keep that promise to those Members who voted with this issue despite having serious reservations about a legalization program anyway. I did not like it. What are you going to do? I said there is one reason we are doing it; if you could not apprehend them coming out, what are you going to do to exit them from the country? I said I am not going to be a part of that. So we had a legalization. I am glad my colleagues went along with it.

There are probably as many people in Congress today who want to narrow the legalization program as there are those who would broaden it. As we grapple and anguish over the legalization issue, we did at least conclusively decide it, and this opens it up again. A cruel irony of this amendment—and I said it and will say it one more time, knowing how this place operates—is that it would treat the illegal immigrants more generously than we treat our current legal immigrants because under the present system, a new permanent resident alien who does not enter with his immediate members of his family might apply through the preference system for his family to immigrate. In such cases, there is a wait of 16 months for nationals in most countries and a longer wait in countries with higher visa demands. For those legal immigrants, there is no withholding of deportation if their family are present illegally. There are many Mexican nationals who return to Mexico from the United States to pick up their visas when they are issued—now hear that—thus proving they have been living in the United States without status and without protection from deportation. When their visa number comes up in Mexico City, 85 percent of them go down from the United States to pick it up. Do you think they have any fear of deportation? Of course not.

We have deported a handful of people; literally a handful. Maybe 12, maybe 5. Not more than 100 under any scenario have we ever deported. In fact, we do not even deport poeple for heinous activity because we are a very generous country.

As the newly legalized aliens receive their permanent resident status, they may apply for admission in the same manner as the legal resident aliens now do. I cannot tell you how many Americans objected during the original bill because it seemed to reward lawbreakers while penalizing those who were waiting patiently in line to immigrate legally. I opposed those arguments, and I fought for legalization.

I believe this amendment so plainly reopens all those old wounds so that the public is unlikely to see it in any other light. Without public support of the United States, any immigration policy is doomed. I fear we are undercutting exactly this support by adopting this amendment and giving a special treatment to people who are illegal aliens and whose family members were originally illegal aliens.

There is one other thing I hope people will hear in this process, this breaking up of families and deferring applicants. There have been these claims continually of the terms of the legalization program that we are breaking up families. I think there is another very valid perspective to that issue. Let me remind my colleagues that it was the illegal alien families who chose to divide themselves. They chose to split up their families in this other country. If they had all come to the United States together, they would have been covered under the amnesty. They would have qualified for the legalization program together. They themselves chose to divide their families, not because of refugee status, but because of economic reasons, or others. They chose to do that. I think they then must wait, just as under our legal immigration system, allowing them to enter legally. We heard allegations that the lack of a second family amnesty in the last debate was deterring applicants for the legalization program. I know my friend from Rhode Island will remember that. He said this is deterring applicants for the legalization program, and he did it with that spirit that is Senator JOHN CHAFEE.

The allegation turned out to be absolutely unfounded. in 1986, the Congress estimated that 1.4 million persons would come forward under amnesty and an additional 250,000 under the Special Agriculture Workers. In fact, 1.76 million came forward during the general amnesty, and 1.3 million applied for the special status even though many applications in the SAW Program I think are maybe fraudulent and we are going to have to deal with that. Congressmen BERMAN, SCHUMER, MAZZOLI, BROOKS, FISH, SMITH, and all of them will be right back in it again with the SAW Program and the RAW Program which turned into a ripoff.

There was certainly no chilling effect whatsoever that amnesty experienced based on those figures. I simply want to say how broad this amendment is. It still is broad, and here under the proposal a family member of a formerly illegal alien who enters the United States illegally 1 day before the President signed the bill on November 6, 1986, would be granted relief from deportation and would receive work authorization. All we tried to do when we started this operation was recognize persons with certain equities that long-term illegal residents had established in this country—that is what we did—those who lived here 5 years or more. So much for equities when you get to this kind of a situation.

No such equities have been established in this country by someone who entered the country a little over 2 years ago. That cannot be. Let me specifically illustrate how broad this amendment is. Here it is: Senator CHAFEE talked about Leon and his family. I would have to inquire as to whether any of his family have been deported. We will have that information in a moment when I finish my remarks.

Let me specifically say that an illegal family alien who spent 4 years and 11 months, that is 59 months, volun-

tarily separating him or herself from his family in the United States may receive immigration benefits now on residing illegally in the United States for the last 31 months. Somebody will have to tell me how that really is. To me it does not have any ring of sense. It is an unsupportable result.

I believe that administrative relief is warranted for some family members. That is why we have a family fairness doctrine with the INS. Illegal children of legalized parents are always kept in this country. Senator CHAFEE is right, we do not deport the illegal children of legalized parents, and the legal-illegal spouse issue is always dealt with on the basis of case by case. There is nothing wrong with that. If it is being done differently in some areas of the United States than others, we can correct that. But I do not believe that absolutely every case where one spouse is illegal must be given relief from deportation because in some cases we already deport the illegal spouses of legal immigrants in the United States.

I just do not know why we should tie the hands of the INS and prevent them from deporting everyone in this category, and they have only done 12, or 8, or 5 or 100. I do not know. It is not over 100. It is exactly in these cases where some alien families choose to separate themselves for many years. I do not believe we should now grant them some automatic immigration benefit. It should be left to the INS on a case-by-case basis. The question of relief has been debated and disposed of before. I think it is redundant, unnecessary, and it amounts to that, and it should be rejected.

May I ask how much time remains.

The PRESIDING OFFICER. The Senator has just under two minutes.

Mr. SIMPSON. I reserve the remainder of my time.

Mr. CRANSTON. Will the Senator yield time to me.

Mr. CHAFEE. Yes. The Senator from California wishes to speak. I ask unanimous consent that we might have 8 additional minutes on this side and, if the other side would like 8 minutes, that would be fine, obviously, too.

Mr. SIMPSON. Mr. President, never missing an opportunity to pick up a few extra minutes, I think I probably would yield back, but I leave that to the principal manager.

Mr. CHAFEE. How about 16 minutes equally divided, in addition. I think each of us has a couple of minutes.

The PRESIDING OFFICER. Is there objection? Without objection there will be an additional 16 minutes evenly divided.

Mr. CHAFEE. I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 3 minutes.

Mr. CRANSTON. Mr. President, I am glad to be a cosponsor of the amendment being offered by my friend from Rhode Island and I urge my colleagues to support it also. This amendment addresses an issue which is central to the legislation which is currently before us: Family unity.

My colleagues will recall that during the 100th Congress, Senator CHAFEE and I, along with Senator SIMON and others expressed our concern about the plight of families in which one member qualified for the Legalization Program authorized by the Immigration Reform and Control Act of 1986, while other family members did not. For months we pressured the Immigration and Naturalization Service, INS, to develop an administrative remedy for such families and to assure that ineligible family members would not be deported. After considerable delay, the INS did announce a policy which it called a "family fairness" policy. We did not find that policy to be particularly fair then, and we do not find it to be fair now.

As my colleague from Rhode Island has already pointed out, the INS policy fails to address the humanitarian concerns regarding family separation. Ineligible spouses of legalization applicants are given protection from deportation only if they can prove "compelling or humanitarian" circumstances, such as serious medical problems or the presence of a handicap. Former Commissioner Nelson has explained that marriage or immediate family relationship alone would not be enough for INS to refrain from deporting an individual. With regard to children, the policy would only protect them from deportation if both of their parents qualified for legalization or, in the case of single-parent families, if they lived with the parent who qualified.

In addition to our concerns regarding the putative fairness of the INS policy, we also are concerned because the policy does not set adequate guidelines for local INS district directors to follow. Specifically, there is no clear guidance regarding which circumstances would constitute "compelling or humanitarian factors" which would protect individuals from deportation.

We argued before that these shortcomings in the INS policy on families jeopardized the success of the Legalization Program because the ineligible family members would continue to reside in the United States without the benefit of legal status or work authorization. In effect, the problems we sought to solve with the establishment of the Legalization Program would continue and we would still have a subclass of individuals living in fear and vulnerable to exploitation.

Mr. President, in the time that has elapsed since we last raised these issues we have seen that what we thought would happen, has happened. The discretion which has been given to the local INS district directors has caused many individuals to not try and adjust their status under the INS family policy. In fact, Mr. President, these have been incidents in my home State of California which reinforce the mistrust these individuals have in the INS. I ask that the text of an article which appeared in the San Francisco Chronicle, dated May 31, 1989, entitled "INS Accused of Wrongfully Returning Teenager," be entered in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. This article describes a situation where two sons of a man who qualified for legalization were recently deported to Mexico even though the sons apparently could have qualified for protection for deportation under the INS family policy. There is a dispute about whether the INS attempted to notify the father before summarily deporting his sons. However, this incident and another referred to in the article regarding INS efforts to deport an 8-year-old daughter of a Peruvian woman who qualified for legalization, demonstrate the need for a more humane and uniform national policy with regard to these families.

The fact is that there are many families who find themselves in the situation where one or more members of their family could not legalize their status in this country under the legalization programs, and who are also afraid to invoke the INS family policy because of the uncertainty regarding the outcome. One California organization which processes legalization applications reported that 47 percent of its caseload have family members who did not qualify for legalization. Clearly, we should do something to remedy this situation.

The amendment we are offering is a very modest measure. It merely assures these families that their family members who could not qualify for legalization will not be deported, and will be authorized to work. Under this amendment, the family members who will be benefitted would have had to have been in the United States as of the date the Immigration Reform and Control Act was enacted—November 6, 1986. Thus, this amendment would not encourage or reward any unauthorized entry since the date this new immigration law went into effect.

Also, the persons benefitted by this amendment would have to wait in line along with others wishing to apply for family preference visas. The amendment also defines the period within which these individuals must apply for these visas. What this amendment ac-

complishes is that it keeps the family unit intact during this waiting period.

Mr. President, this amendment is necessary, it is reasonable, and it is a humane response to the difficult situation which many families find themselves in. I urge my colleagues to support it.

EXHIBIT 1

[From the San Francisco Chronicle, May 31, 1989]

INS ACCUSED OF WRONGFULLY DEPORTING TEENAGER

(By Edward W. Lempinen)

Immigration agents seized a 15-year-old boy in his Mission District home and deported him to Mexico earlier this month without letting him contact a lawyer or his father, who is in the country legally, attorneys charged yesterday.

The U.S. agents entered the home without a search warrant, then took Orlando Mis-Fajardo and his 24-year-old brother into custody even though their father, Santos Enrique Mis, qualified under the federal amnesty, said attorneys from two local refugee-rights offices.

At a news conference, they suggested the deportation is part of an emerging pattern of harassment by the U.S. Immigration and Naturalization Service against children as young as 8 whose parents are legal residents.

"Our guess is that this kind of deportation . . . is a subtle message to the immigrant community—people better not stay here (because) we don't want you here," said Christine Brigagliano of the Coalition for Immigrant and Refugee Rights and Services.

District Director David Ilchert adamantly denied the charges yesterday, saying the agents had permission for the search and had given the brothers a chance to contact their father. Orlando did not qualify for amnesty, he said, and therefore was sent back to Mexico where his mother lives.

FAMILY FAIRNESS POLICY

At the center of the dispute is a disagreement about the sweeping 1986 Immigration Reform and Control Act. The law does not specify what happens when parents qualify for amnesty under provisions of the law but their minor children do not.

A "family fairness policy" issued later by the INS says that children will be allowed to stay by meeting two conditions: that they entered the country before November 6, 1986, and registered with the INS, and that the mother or father in a single-parent household has been granted temporary resident status.

According to immigration attorneys at La Raza Centro Legal in the Mission District, Mis-Fajardo met those conditions, although he had not registered with the INS. But they called the deportation an "inexcusable violation" of current U.S. policy.

The law center alleges that on May 11, two INS agents went into the Mission Street home shared by the teenager, his brother Santos Tomas Mis-Fajardo and their father. The brothers contend the agents came in without a warrant or permission.

The brothers were taken into custody and separated. The attorneys allege that they repeatedly asked for permission to contact an attorney and their father, but were denied.

WAITING IN TIJUANA

Both were deported that day and now are waiting in Tijuana for permission to return to San Francisco.

"They didn't allow my sons to communicate with me (before the deportation), and I don't think that's fair," their father said through an interpreter. "I haven't done anything wrong. My sons haven't done anything wrong."

Mis, a dishwasher, said he entered the country in 1981 and has been granted "lawful temporary resident" status by the INS.

Mario Salgado director of La Raza Centro Legal, said Mis had not registered Orlando because he feared the government would deny him amnesty and deport him.

Mis and his wife have been separated since 1981, and the brothers lived with their mother in Mexico until she "abandoned" them to live with another man in 1985, the lawyers said.

But Ilchert said that Orlando did not qualify to stay because there is no proof that the parents are legally separated or divorced. Therefore, he said, Orlando is not a member of a single-parent family under federal policy.

INS WANTS PROOF

The family's attorneys have not come forth with proof of a divorce or separation, he said.

"I'm waiting for them to come forward with the story," Ilchert said. "I told them, 'If you want to try the case in the press, that's fine.' It seems like they want to talk with you (reporters) more than they want to talk with me."

Salgado said his office has appealed for help to U.S. Representatives Barbara Boxer, D-San Francisco—Marin, and Nancy Pelosi, D-San Francisco, and to Supervisor Jim Gonzalez.

Gonzalez, in an interview, called the deportation an "outrage."

In a case earlier this month, the INS was threatening to deport an 8-year-old Central Valley girl, even though her Pervian mother had won amnesty as a special agricultural worker.

Mark Silverman, an attorney with the Immigrant Legal Resource Center in San Francisco, appealed the case and won an exemption from the INS, allowing the girl to stay until at least 1991.

The PRESIDING OFFICER (Mr. ADAMS). The time of the Senator has expired.

Who yields time?

Mr. CHAFEE. Mr. President, the junior Senator from California wished to speak on this amendment and is on his way over. I will make this bold request. I would ask for a quorum call with it not being charged to either side, just waiting a few minutes for the junior Senator from California to get here.

The PRESIDING OFFICER. That has to be in the form of a unanimous-consent request. The Chair accepts the request as such. Is there objection? The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I do not know if I will object. Many people came by our post here during the course of the last hour saying, "When is the next vote?"

Mr. CHAFEE. The next vote is going to be very shortly. Let us say we will wait for the junior Senator for 2 minutes maximum.

Mr. SIMPSON. Why not proceed to discuss the bill under the time agreement we just agreed to?

Mr. CHAFEE. That is agreeable to me, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I should like to address some of the points the Senator from Wyoming raised. First is the family fairness doctrine of which he speaks. The trouble with the family fairness doctrine is that it is unevenly applied. It is applied one way in Illinois and it is applied another way in New Mexico.

Second, the Senator points out that very few deportations have taken place. Is it 16 or is it 20? In any case, the Senator says it is less than 100. In my judgment, each of those has been a heartrending experience for those involved. If you are 1 of the 20 or you are 1 of the 100, it is pretty real and you are not interested that you are only 1 of 100 in the Nation. You are interested in what is happening to yourself.

Furthermore, I wish to emphasize that if that is all we are deporting, what is the matter with passing the legislation? We are not having a hoard of individuals stay in the United States under this legislation. There are no extras that will come here.

Now, another point I wish to make is we have arranged a wholesale invitation, a second amnesty program. As I said before, it is not an "all-in-free situation," come one come all. There is a cutoff date. They had to be here before November 6, 1986. That is nearly 3 years ago. They did not know whether this amnesty legislation was going to pass or not. They were not rushing in to beat the deadline. They did not even know about that. All they knew was that the legislation at that time carried a cutoff date of January 1, 1982, but the most probable situation is they did not know this legislation existed anyway. They were one of the million illegal aliens who were pouring into the country.

Finally, the Senator from Wyoming quite rightfully says these illegal aliens who came in and qualified for amnesty, you are giving them a special privilege you are not giving to a legal alien who came here and now wants his wife in. That is true. That is absolutely true. But, Mr. President, it seems to me we crossed the Rubicon on that situation. We made the choice. We decided that we are going to treat this group differently. They were here. There were millions of them. We said look, for practical, for political, for compassionate reasons we cannot do anything about it. We cannot ferret everybody out who is an illegal alien and send them home. So we said there

is going to be a cutoff date for them. But I could not believe we really thoroughly thought about the spouses and minor children that might come shortly thereafter.

The PRESIDING OFFICER. The Senator from Rhode Island has 2 minutes remaining. The Senator from Wyoming has 9 minutes 4 seconds.

Mr. CHAFEE. Mr. President, I yield 2 minutes to the Senator form California.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mr. WILSON. Mr. President, I rise to support the Chafee amendment. What we saw was that IRCA was intended in part to bring about a program of legalization. Amnesty it was called.

People expressed wonder that it did not work. Well, there is no wonder. In a household of five people, where two were eligible and three were illegal, the three who were illegal might have been compromised by the efforts of those who were eligible for amnesty to come forward.

This is ridiculous in the sense that we are talking about setting a standard that cannot be enforced in any case. There is not the ability to enforce the law. The law should not be enforced as it is being proposed by the Senator from Wyoming because in fact what we ought to do is recognize that family reunification is a just thing, that we have an unworkable situation where those who are compelled to live in the shadows face the threat of deportation whether in fact they will be deported or not. Let us recognize that they should not be and let us see to it that they can have the opportunity to work, to be productive members of society, and the provisions that have been set up for their becoming citizens are entirely reasonable. They fall within what are really almost existing preferences.

This country was built on certain values. One of those that we continue to prize today is the value of the family unit. We ought to say to people whom we have said you can stay in this country and be legal citizens that they can stay with their families, their immediate families.

Mr. President, I urge the support of this amendment.

Mr. SIMPSON. Mr. President, I yield an additional minute of my time to the Senator from California, if he wishes to conclude.

The PRESIDING OFFICER. Does the Senator from California wish to conclude?

Mr. WILSON. I thank my friend for his generosity.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. WILSON. Mr. President, I thank him for his generosity, and I think what we should recognize is that the law as it now stands has produced unintended hardship in my State and in many others. There are literally doubtless hundreds of thousands of people living in the shadows. That makes no sense. It is doing no one any good. Let them become productive, let them come out of the shadows, let them become employed, and let them in fact become citizens in due course. We are under the other provisions of this legislation giving explicit preference to the immediate relatives, and that is what we are seeking to do in this situation. For the most part it is also, I must say, and I reemphasize the fact, an unworkable situation now. We simply do not have the manpower to expend but the threat of deportation remains.

Mr. President, this is just not helpful. I suggest that the time has come for us to say if this is to be regarded as such an expansion of amnesty, then so be it. Let us do so and let us not continue with a situation that is both unworkable, inhumane, and one that does not benefit the present citizens of the United States.

I thank my friend for his generosity in according me the time.

The PRESIDING OFFICER. The time of the Senator from California has expired. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I hear the arguments presented very clearly, and I hear the comments with regard to the bill of 1986. I say to anyone who thinks, and legitimately so, that it is not working, let me always say what do you have in mind? What should we do now? I think all of us will want to work toward that. We knew what was happening when we did the original bill. We knew that the identification system was worded appropriately, but no one wanted to use a "National ID card" and so people have gimmicked that system royally. We knew that. We knew we did not want to put any burden on the employers. We knew that. We knew we did not want to discriminate against people. We knew that. We do know now that we need better identification systems, perhaps a tamperproof Social Security, whatever. There are lots of things that were discussed.

Senator MOYNIHAN was always a hard-working laborer in that area, and many others. It does not have anything to do with tattoos. It does not have anything to do with that kind of thing. That is what always enters this debate when you get into it. We need more resources. We talk about people in the shadows. There will always be people in the shadows of the United States because that is where everybody in the world wants to come. They know we are a compassionate, remarkable country, and they know that when they come nothing will happen to them.

We have only deported 23,000 people in the whole year, and some of them were real skyrockets. We hardly even take on the drug runners and deport them. Our deportation is practically nil when you consider the illegal and legal immigration into the United States. We are in the kiddie league on deportation. We certainly are in this area when we have removed only 12 people here in this situation.

It has been unevenly applied. We should correct that. I agree totally with the Senator from Rhode Island. I will help him do that. But remember that each and every person that we talk about with all this anguish made a voluntary decision to separate and split from their own families. They decide to split. The Government of the United States did not split them. They split. We seem to lose track of that. And they split, and one or both of them knew they were coming illegally to the United States. And with the way we are, it is our strength and our weakness. We have supported those people. We gave them an amnesty. That was something. It was not just willy-nilly. It was a deep-held policy statement of the United States.

It said you people who have been here for 5 years, who have established equities, you people we read about in the newspaper—and anyone can tear one of those out of any newspaper. A lot of illegals who came here illegally knew what they were doing, violated the law, and love to go to the newspapers. Then politicians tear it out and their staffs tear it out. They bring it in here and we twist the law all around one more time. That is how this place works.

I have files full of those people. Then you go into it and you find out, well, he forgot to tell them that he lied about his status. He forgot to tell them that he had been involved in a criminal activity. He forgot and now because he is a member of the chamber and he has given money for the auditorium, done all these other things, you do not dare touch him or the mailroom will break down. There are people who do that in the world. I just want to share that with you. I am not a cynic, but I am a skeptic. I certainly am. There is a lot of difference.

So you talk about the communications system. Let me tell you I have been working on this issue for 10 years; Senator KENNEDY, for 27. Ma Bell has nothing on people who want to know when to come to the United States, when we are diddling around with legislation and when we are not, and when we are talking about amnesty.

The reason we set the amnesty date where we did was because there was a surge in illegal entry the day it first

became known we were considering one, an absolute press against the border. That is the way it works. I am not worried about anybody who did not get the message. They got the message. It goes out in the communication system. That is beyond comprehension. But those are things.

Family fairness should be uniformly applied. I agree with my friend. I will assist him in assuring that. I pledge that. We do not need the Chafee amendment to ensure uniform application of an existing policy. We will work with the Attorney General. I pledge to do that.

I just do not see how we should tie the hands of the INS so that no one who has entered even as recently as 1 day before the law was signed is somehow receiving this remarkable benefit. I understand the sympathy for family members. Boy, do I. I have been there.

We are always going to have these people living in the dark. You know what happens in America? The people that live in the dark get exploited. There are so many people in various States of the Union that love to use these people, and then come in here and prattle on about, you know, human rights, rights of work. Let me tell you. There are people that love and hope that every law fails so they can just continue to whoop it up, use people, pay them little or nothing, and hide them back in the woods. That is another interesting thing about this line of work.

So I think when you do this on this broad basis it is a mistake. I think it is a second amnesty. I hope we do not accept it. I think we cannot treat these people in a better way than we treat people who are here in legal status with illegal family members, and that is exactly what this would do.

I understand fully the compassion of the Senator from Rhode Island—that is a known quantity to me—and also the Senator from California who assisted me in the immigration bill. And, ladies and gentlemen, the real issue is if you do not like it, what do you have in mind, and how do you really bring people out of the dark when we have a group of citizens in the United States who love to use and abuse illegal undocumented people and people in lesser status?

We even fought a war about that 120 years ago. That is what is down underneath a lot of this stuff, too, when you play with it. Nobody ever talks about the stuff that is really out there. We get pretty flowery in our work. I do, too; we are all good at it, or we would not get here, I guess. But I tell you, it is a tedious process to watch, people who gimmick the system and then run somewhere to get something done. There are many marvelous attributes of humanity, such as compassion and sympathy, and then to know that we are bringing in a lot of them who just chuckle when they go home at night and say, "Boy, we ran another whizbang on those guys," and they do.

If you can help me separate the wheat from the chaff, I am ready. It does not have anything to do with ethnicity, bigotry, or racism. It has to do with gimmickry and exploitation of our fellow man. We do it magnificently, and it is not very pretty.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired, and the Senator from Wyoming has 7 seconds left.

Mr. SIMPSON. I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, earlier this year, I intervened with the Immigration and Naturalization Service on behalf of a Honduran woman and her three children who faced the imminent prospect of deportation. The woman's husband benefited from the recent immigration amnesty program. He arrived in the United States sometime before the amnesty program's January 1, 1982, eligibility cutoff date. But his wife followed to join him in September 1982—just 9 months too late to qualify for amnesty.

Two of their three children were born after her arrival here, making them American citizens. But when this woman was apprehended by the Immigration Service, she was placed in proceedings and deported on March 28 of this year, taking her children with her.

Mr. President, I believe that this family should have been kept together. They narrowly missed the amnesty program. The wife would eventually qualify for permanent residence based on her husband's amnesty. They had two American-citizen children. And the Immigration Service had established a policy to limit the deportation of spouses and children of amnesty recipients.

However, my office was informed that this case fell outside this so-called family fairness policy. Clearly, if that policy will not help this family, with all its equities, then the policy needs adjustment. That is what the amendment by the Senator from Rhode Island would responsibly do.

Mr. President, the experience of this Honduran family, now separated, is not an isolated incident. I have here scores of other similarly compelling examples of families who went in to the Immigration Service expecting assistance only to be immediately issued deportation notices.

But Mr. President, let the amnesty record of our country be clear. The results exceeded most of our expectations. Over 3 million productive workers and their families were brought out of the shadows and under the protection of our laws.

For this we owe a tremendous debt of gratitude to the men and women of the Immigration Service and to the volunteers and professionals of the voluntary agencies and community groups for their extraordinary efforts in making the program the success that it was.

The Immigration Service developed the family fairness policy in October 1987. And since that time, officers in the field have used this policy flexibly to keep many families together. By and large, INS officers have acted generously, approving cases even beyond the policy's guidelines.

But there are many other cases of a compelling nature which have not been viewed so generously. And that is what the Senator from Rhode Island's provision would redress today. It would not bring the Honduran family back together. But it would provide a remedy in certain cases—at least until they qualify for permanent residence.

Mr. President, 2 years ago, the Senate considered whether to expand the amnesty program to encompass relatives of amnesty recipients. That initiative was narrowly defeated.

But things have changed and the amendment before us has changed.

For one thing, we now have a record of deportation of family members—of spouses and children being taken away after we welcomed part of the family through amnesty.

Second, these deportations have been at considerable—and I believe needless—expense to the taxpayer. These are families which will eventually qualify for immigrant visas. Yet, the Immigration Service pays the airfare home for most of these families. And considerable officer time is expended on each case, costing hundreds, if not thousands, of dollars.

Finally, this is a different amendment than the one before us 2 years ago. It covers only spouses and children—not the remainder of the family—and only those who were here before the amnesty program was enacted on November 6, 1986.

In addition, unlike its predecessor, this amendment does not qualify the family members for the amnesty program. It merely stays their deportation. They are in legal limbo. And when their time comes, they must apply for—and qualify for—an immigrant visa, or face deportation.

Mr. President, it is time we took the modest step the Senator from Rhode Island is proposing, and I urge my colleagues to support his amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—61

Adams	Durenberger	Mack
Baucus	Glenn	McCain
Bentsen	Gore	Metzenbaum
Biden	Graham	Mikulski
Bingaman	Gramm	Moynihan
Boren	Harkin	Packwood
Boschwitz	Hatfield	Pell
Bradley	Heflin	Reid
Breaux	Heinz	Riegle
Bryan	Inouye	Robb
Bumpers	Jeffords	Rockefeller
Burdick	Johnston	Sanford
Chafee	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Simon
D'Amato	Kerry	Specter
Daschle	Kohl	Stevens
DeConcini	Lautenberg	Wilson
Dixon	Leahy	Wirth
Dodd	Levin	
Domenici	Lieberman	

NAYS—38

Armstrong	Gorton	Nickles
Bond	Grassley	Nunn
Burns	Hatch	Pressler
Byrd	Helms	Pryor
Coats	Hollings	Roth
Cochran	Humphrey	Rudman
Cohen	Kassebaum	Shelby
Danforth	Lott	Simpson
Dole	Lugar	Symms
Exon	McClure	Thurmond
Ford	McConnell	Wallop
Fowler	Mitchell	Warner
Garn	Murkowski	

NOT VOTING—1

Matsunaga

So, the amendment (No. 244) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senate will be in order so that Members can hear. Senators in the aisle, please take your seats.

Mr. CHAFEE. Mr. President, I ask unanimous consent that Senator WILSON be added as a cosponsor of that amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I have an amendment.

The PRESIDING OFFICER. The Chair will state that the pending business is the Gorton amendment, which was set aside for the purposes of the Chafee amendment.

Mr. GORTON. Will the Senator from New Hampshire yield for one brief unanimous-consent request?

Mr. HUMPHREY. Yes.

Mr. GORTON. Mr. President, I ask unanimous consent that Senator D'AMATO be added as a cosponsor to the Gorton amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I thank the Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to temporarily set aside the Gorton amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

AMENDMENT NO. 245

(Purpose: To amend the Immigration and Nationality Act to continue to permit, after October 1, 1989, the immigration of certain adopted children)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 245.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 109. CONTINUING PROVISION PERMITTING IMMIGRATION OF CERTAIN ADOPTED CHILDREN.

(a) IN GENERAL.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting before the period at the end the following: ", except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of an illegitimate child described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term 'parent' does not include the natural father of the child if the father has disappeared or abandoned, or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1989, upon the expiration of the amendment made by section 210(a) of the Department of Justice Appropriations Act, 1989 (title II of Public Law 100-459, 102 Stat. 2203).

Mr. HUMPHREY. Mr. President, this is really a technical amendment. It has been cleared on both sides. It has been cleared with the Immigration and Naturalization Service and OMB. All parties support it. I do not really think that any discussion is necessary, unless some have questions.

Mr. KENNEDY. Mr. President, I thank the Senator from New Hampshire. The effect of this amendment is to correct an unintended consequence of the law change in 1986. In giving petitioning rights to fathers as well as to mothers, we inadvertently affected the adoption process. This restores what was the technical language which would continue the adoption process prior to that period of time. It has been cleared with the administration. We welcome the amendment and are delighted that the Senator from New Hampshire has brought this to our attention.

The PRESIDING OFFICER. Is there further debate?

Mr. HUMPHREY. Mr. President, this amendment is similar to legislation which I introduced in June along with Senators BENTSEN, HATCH, GRAHAM, and SIMON.

This amendment will make permanent a small, but important provision offered by our former colleague, Senator Chiles, to the Commerce, Justice, State appropriations bill. Unless extended, the Chiles provision will expire at the end of the present fiscal year.

The aim of this amendment is to preserve foreign adoptions. Ten thousand foreign children come to America each year to be adopted by American families. This is not a large number by INS standards, but there is no way to overestimate the importance of these children to their adoptive parents or of these parents to the children. Anyone who has worked with these parents knows how thrilled they are when their child arrives. Anyone who has met with the children who have become Americans can see how well they do, how good it was that they were allowed to come.

Since World War II, American families have developed a tradition of taking in orphans from around the world. This tradition is a credit to our country and warrants protection.

My amendment seeks to correct a problem first raised by an 1987 INS memorandum. Until that memo, authored by the acting general counsel of INS, that agency had never considered the foreign fathers of illegitimate children when clearing these children for immigration as orphans. INS presumed that these men were out of the picture, and required only the mother, it she were present, to release her child for emigration and adoption.

The 1987 memo gave putative foreign fathers a right to approve the emigration and adoption of their birth children. This change caused two dilemmas:

First, standards for compliance were unclear and possibly insurmountable. How does one find these fathers? What must one do before INS acknowledges that the father can't be found?

Second, finding the father could make the child ineligible for immigration even if the father agrees to the

adoption. If one finds the father and there is also a mother, the child can't be declared an orphan because then the child would have two parents, and the Immigration and Nationality Act specifies that an orphan have no more than one parent.

These restrictions on designating a child as an orphan are significant because virtually all the foreign children adopted in this country come here as orphans, and a large percentage of these are illegitimate children. Requiring agencies and American families to track down the putative fathers would, under existing law, greatly restrict foreign adoptions.

There is no need to impair foreign adoptions to ensure reasonable rights for foreign fathers. My amendment addresses the issue by specifying that INS will not concern itself with the putative father when he has disappeared, abandoned or deserted the child. When the putative father is present, INS can require that he approve his birth child's emigration and adoption. If he does, the child can still immigrate to this country as an ophan.

This was a reasonable solution when it was adopted a year ago, and it is a reasonable solution now. I urge my colleagues to approve this amendment.

Mr. SIMPSON. Mr. President, I commend the Senator from New Hampshire, my colleague, who has been deeply involved in this type of activity since his coming here. We came here at the same time in 1978. I commend the Senator from New Hampshire. His interest in family and adoption and the rights of parents is well known to us all. I commend him for this amendment.

Mr. HUMPHREY. I thank the Senator from Massachusetts and the Senator from Wyoming for their support and their help.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on agreeing to the amendment of the Senator from New Hampshire [Mr. HUMPHREY].

The amendment (No. 245) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 246

(Purpose: To strike out the employment creation visa category)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair would state to the Senator from Arkansas that the pending business before the Senate is an amendment by the Senator from Washington [Mr. GORTON].

Mr. KENNEDY. Mr. President, I ask unanimous consent that the amendment of the Senator from Washington be temporarily set aside and it be before the Senate after the disposition of the amendment of the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The clerk will report the amendment of the Senator from Arkansas.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 246.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 94, strike out line 11 and all that follows through line 2 on page 95.

On page 95, line 3, strike out "(5)" and insert in lieu thereof "(4)".

On page 97, line 13, strike out "(5)" and insert in lieu thereof "(4)".

On page 97, line 19, strike out "(5)" and insert in lieu thereof "(4)".

On page 98, line 2, strike out "(5)" and insert in lieu thereof "(4)".

On page 98, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 101, line 21, strike out "(5)" and insert in lieu thereof "(4)".

On page 102, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 102, line 10, strike out "(5)" and insert in lieu thereof "(4)".

Beginning on page 105, strike out line 15 and all that follows through the item between lines 10 and 11 on page 115.

On page 116, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 116, line 11, strike out "(5)" and insert in lieu thereof "(4)".

On page 117, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 117, line 18, strike out "(5)" and insert in lieu thereof "(4)".

Mr. KENNEDY. Mr. President, is the Senator from Arkansas willing to enter into a time agreement on this amendment?

Mr. BUMPERS. I would not think that this amendment would take a lot of time. I am not prepared at this moment to enter into a time agreement. I think at the time I finish my statement on it, if the Senator would still like to enter into such an agreement, we can arrange it.

I have no interest, let me assure the managers, in prolonging this debate. As you know, this is the third time since 1983 that we have debated this amendment. Many of the Senators who have been here are familiar with it; some of the new ones perhaps are not. But, as I say, I have no interest in prolonging it.

Mr. President, as Yogi Berra used to say, "This is déjà vu all over again."

As I pointed out, this is the third time we have been through this. I was successful in deleting this so-called fat-cat provision from this bill in 1983 and was not successful last year. A motion to table my amendment was agreed to.

I am hoping that a lot of Senators will be watching and listening to the debate, and certainly those Senators who have come here since last year, I invite their very close attention to this amendment.

The amendment strikes a section of the bill, specifically section 203(b)(4), and simply because there is a reference to it also in section 104 of the bill, I strike that too.

Now, what is in this provision that I find so odious that I want to strike it totally from the bill? It is very simple. The bill provides that if you have $1 million, and you are willing to invest that $1 million in a new business and employ 10 persons for 2 years, you can become an American citizen.

There are some things about this bill that trouble me. The provisions dealing with allowing skilled workers and certain persons with high technological skills, those things are troublesome to me. But the idea of allowing somebody into this country simply because he or she happens to have $1 million, either inherited, made in the drug cartel, regardless of where the money comes from, there are 4,800 positions in this bill for them.

I must say, everybody in the Senate does not share, obviously the managers of the bill and the committee do not share, my outrage that this provision is in the bill. But for the life of me, I do not know why.

I went home last week and all anybody wanted to talk about in my State was flag burning and, incidentally, diving mules. We had a discount store down there that hired some guy who had three mules that dove off a platform. The Humane Society tried to get a restraining order without success, so the mules dove.

It was kind of interesting. I watched it on television. I was with the Humane Society in my heart, but the mules looked like they survived it very well.

Then we had another thing where a man wanted to burn a flag on the Capitol steps, and for 6 days the State was in utter turmoil over the flag. Any everybody was incensed that somebody not only wanted to burn a flag but wanted to burn it on the Capitol grounds with all the television cameras in the State, all the people that could gather there to watch. And ever since the Supreme Court rules as it did on flags, the country has been terribly agitated and upset.

What this bill says is they do not even have to love the flag. All they have to do is have $1 million. I talked

to some Members of this body who are second- and third-generation immigrants, and I dare say every one of them will vote for my amendment. All we have to do is simply ask them, "When did their folks come over?" The 1900's? The 1910's? The 1920's? And then we ask them:

How many of their folks could have gotten into this country if there would have been a requirement that they have $1 million?

The answer is clear without an answer: Nobody.

The scales of justice in this country may be blind, but under this bill Lady Justice can hear cash tinkling in your pocket.

There is an INS regulation on the books now, there has been one since 1977, that if you have $40,000 and are willing to employ one person, you can get into this country. And, interestingly, not one single soul has ever entered the United States under that regulation.

Last year when we debated this, the bill contained a provision that you had to have $2 million. After I was defeated, my distinguished colleague and good friend from Texas, Senator GRAMM, offered an amendment to cut that to $1 million. So that was the provision left in the bill and, happily for all of us, that bill never got to the President's desk.

So what we have developed here is a toll road. The road to the United States today, if this bill becomes law, will be a toll road.

For the edification of the mangers of the bill, I have changed my amendment from the one I originally introduced, where we split the 4,800 immigrants up between two other categories. I just strike this investor preference.

If somebody wants to take those 4,800 slots and put them someplace else, be my guest. I will support you. But I am just simply saying I find it objectionable in the extreme that this bill again provides for a million bucks they can get in.

It is a drug dealer's dream. Every poll we see shows that the No. 1 concern of the American people is drugs. So if someone happens to be a drug dealer and they have made it big in Colombia, Peru, Mexico, The Bahamas, wherever, and they want to come into this country for $1 million—that is just one good day's pay for a big operator. He would not hesitate to start a hamburger joint and hire 10 kids for $3.35 an hour to get into the country. And who are the people who are running around with big suitcases full of cash? Why, they are members of the drug cartel. And this plays right into their hands.

In 1981 there was a Select Committee on Immigration, and we will hear the managers of the bill make the argument that the select committee voted 15 to 1 in favor of this. But at that time, this country needed jobs and it needed capital. There might have been some rationale for it. But I will tell you one thing.

Father Hesburgh, who is president of Notre Dame University, was the one dissenting vote and here is what he said.

There is nothing wrong with persons who wish to invest. An investment is good for the USA. But the rich ought not to be able to buy their way into this country.

Father Hesburgh is one of the most respected men in this Nation. It is kind of like Abe Lincoln, polling his Cabinet one time, 9 yeas, and they got to Lincoln and Lincoln said no.

He said: The vote is 9 yeas, 1 nay—the nays have it. That is the way I feel about that select committee. Because Father Hesburgh expresses my thoughts perfectly.

The committee has gone to great lengths to obfuscate the real problem here. There is page after page of how the Attorney General can file deportation proceedings against somebody if they do not do what they said they would do. If, at the end of 2 years, they do not have 10 employees, then we can go through all kinds of proceedings to deport that person.

There was a GAO report, January 1987, and here is what it says about our ability to deport people once they get here.

Based on our study about 2 percent of the denied aliens have been deported. Thirteen percent remain in the United States either awaiting hearings or under other immigration provisions. And a negligible percent have left voluntarily. About 80 percent have uncertain immigration status because INS has not started deportation proceedings.

So, do not worry about the Attorney General deporting these poor folks who did not make it. It will never happen.

What happens to some guy who comes over here with $1 million and goes into bankruptcy? He did his best, tried to survive, but could not make it to the end of 2 years. What are you going to do with him?

What is a new business, under the terms of the bill? On page 21 of the committee report, the committee says:

Amended section 203(b)(4) is intended to create new employment for U.S. workers and to infuse new capital into the country, not to provide immigrant visas to wealthy individuals.

That is what we call an oxymoron, where there is a contradiction in the same sentence. It is intended to create new employment, not to provide entrance for wealthy individuals. If it is not designed to permit entrance to wealthy individuals, why do they have to have $1 million to get in?

How about people who are trying to reunite with their families? Here are 4,800 spots taken away. If we can afford 4,800 more immigrants into this country, for Pete's sake, let us given them to deserving people.

I abhor the thought of somebody having a million dollars and sailing right by the Statue of Liberty, whether he cares anything about the country or not. He may be on the lam from the law. He may be anything. But he is not necessarily coming here because he loves Uncle Sugar and our wonderful flag.

We are already being bought up. Listen to this: the Japanese are financing 30 percent of our debt. There is over $1.5 trillion of foreign investment now. One trillion dollars of our Government securities are owned by foreign investors. Every Governor I know is spending half his time in Europe and Japan trying to get people to come here and build plants. British investment in this country has gone up 192 percent since 1980. We are being bought out lock, stock and barrel.

We do not need to be giving visas to drug dealers. According to the Washington Post, since 1977, foreign ownership of U.S. factories, banks, businesses and buildings has more than quadrupled. At the end of 1987, Europeans had $785 billion in United States holdings, compared to Japan's $194 billion. We spend a lot of time bashing the Japanese, but the truth of the matter is, they do not hold nearly as much property in this country as do the Europeans.

The list goes on and on. According to that same Post article, I want my colleagues to listen to this, and it is not entirely unrelated to this amendment, 64 percent of the prime real estate in downtown Los Angeles is owned by foreigners. Thirty-nine percent of Houston is owned by foreigners, and the city in which you sit right here, the Nation's Capital, 23 percent of it is owned by foreigners.

And we want to say if you bring $1 million over here, we will let you in personally. The Japanese own $9 billion worth of real estate in Hawaii alone. Real estate values went up 50 percent there in the last 2 years. In 1987, they bought 41 percent of all the condominiums in Honolulu. They own more than half the hotel rooms in Waikiki, and they own 10 of Oahu's 14 private golf courses.

According to that same Post article, in 1988, British investors committed a record $32.5 billion to acquire 400 United States companies. And if you read the Wall Street Journal or the Washington Post this morning, you saw where James Goldsmith is making a tender offer of $21.5 billion for an American company.

My point, I say to my colleagues, is simply that we do not need this provision to encourage foreign investment in this country. Anybody with a good immigration lawyer can come and stay.

You will hear the managers argue:

Well, we have treaties with other countries where all you have to have is $100,000 and employ 1, 2, 3, 4 people.

Where anybody has ever entered the country under that provision or not, I do not know. But at least under those treaties we have the same privileges in their country, though I do not know of anybody who wants to leave the United States to go someplace else. But I suppose you could at least say that it is equitably fair when you enter into a treaty with 3 other nations that say you can invest here and we can invest there.

I wish, Mr. President, we could debate this like the Manassas Battlefield. Senators came in and took their seats at 9 o'clock in the evening, and we debated for 3 hours, and everybody knew what the debate was about and voted and voted right. The reason I know it was right is because it was my amendment. I can tell you that if you show this on national television, 80 percent of the people of America would be just as offended as I am that this provision is in this bill.

Mr. President, what we have here, based on all those statistics I just read off, is an ongoing auction of America, and what I really believe is happening under provisions like this is that we are also auctioning off our souls.

Most of you have heard me debate the bounty hunter provision where you pay people to snitch on their employers. And I know that we have uncovered some wrongdoing in this country by paying a certain percentage of whatever we recover. One guy with Singer Co. stands to make $64 million because he blew the whistle. He said that he had known the Singer Co. was defrauding the Pentagon and had known for years, but it was only when his lawyer told him he stood to make $64 million that he came forth and told the authorities.

As bad as that fraud was, I find that really repulsive. Have we become so crass in this country that we have to pay people to do their civic duty? Have we become so insensitive to our greatness and what we can do on our own without bribing people?

On the Fourth of July when this gentleman in Arkansas tried to burn the flag on the Capitol grounds, there was a little bit of a mob scene. There were some punches swung; there was some blood.

Saturday morning I was speaking to the Governors School. At Hendrix College, 400 of the creme de la creme of the 17-year-olds in the State and their parents, and I was talking to them about this. I said if the media really wanted to perform a service, instead of playing up all that business about whether he would or would not be able to burn the flag and who was going to get killed, they should have taken a poll of the 300 people there and asked them how many of them had registered to vote and how many of them had voted in the last election.

Maybe the kind of patriotism I feel about this is old fashioned and it is quite obvious if I have come to this floor three times over the last 6 years, not to mention twice on the so-called bounty hunter provision. All I am saying is we need to instill in the American people some sense of pride, some sense of patriotism, love of flag, whatever you want, without these pecuniary benefits in here. The committee says this provision will create 48,000 jobs.

Do you know how they each that conclusion? Forty-eight hundred slots at 10 jobs each. The assumption is there will be 4,800 people coming here every year, and each one will create 10 jobs and that comes to 48,000. I tell you what I will do. I will stand on my head on the dome of the Capitol on December 31 every year and wiggle my ears if that happens. Everybody knows that is nonsense.

Now, what did we do here just recently on a debate on the FSX? The question was: Shall we or shall we not participate with the Japanese in building a fighter plane in Japan? The Senate by a very narrow margin said yes. And by saying yes, you can argue we were exporting jobs to Japan and saying to them:

You do not have to buy the F-16, which is as good or better than any fighter plane you are going to build. You can continue to run this gigantic trade deficit against us.

And now we turn around and say through this provision:

But all the rest of you folks, if you want to create some jobs over here, we will make you an American citizen.

One of the things I really find offensive about this is Canada, which has a similar provision and is having to revamp the whole thing right now. They have had this experience, and you are not going to get people in South Dakota.

How many of these employers who have a million bucks are going to go to South Dakota? They may go to Chicago. They may go to New York or Washington or Houston or Los Angeles. But they are not going to the lower Mississippi River Delta. They are not going to West Virginia's Appalachia. The Economic Minister of Canada says, "We are going to revamp the program. If they are going to come into this country, they are going to have to create jobs where we need them." At least that provision would meet with some approval or some justification. But now we are not helping people who really need it.

The argument is going to be made here by the managers that I am not offended by the fact that we are going to let in 27,000 high-techology, skilled people. And there are two preferences. But they are all talented people. And somebody says, if a rich man in Saudi Arabia sends his child to college in Oxford and he gets a Ph.D., he can get in under this and why are you not offended by that?

I am. But there again, that is a lot more palatable when you look at the test results and you find we are dead last in math, dead last in global studies. Only 50 percent of the 17-year-olds in America can work a two-step mathematical equation, and even the best students in this country do not match the Japanese students. So I guess I can sort of accept that because we are draining the brains of another country and not ours.

The other point that you might make is other countries are helping educate those people and we are taking the benefits of what the other country has expended on their students and bringing them here. But I can tell you one thing. If I had been chairman of this committee, I would not have put those preferences in there.

Section 104 says that the Attorney General can seek to deport these people but he must prove that this investor sought to evade the intent of the law.

Now folks, you are listening to a country trial lawyer right now, and I can tell you that when you start trying to prove that kind of intent, it is not easy. As I mentioned a moment ago, what if the investor says he tried but went bankrupt; he put his best effort forward. He is not a drug dealer. Maybe he was an honest entrepreneur. Are you going to deport him? Deportation, as I have already pointed out, is a very difficult thing.

Now, Mr. President, as I told the managers when I started talking, I am not going to belabor this. I have made about all the points I can make. We will listen to the floor managers rebut those arguments and then I would like to have a little rebuttal time. Meanwhile, if they want to enter into a time agreement, I will do that. But I can tell you, as you already know, I feel strongly about this. I think it flies right into the face of everything in which I believe. If families are going to be reunited, children with their parents, sisters with their brothers, that is all fine; that is humanitarian, and I believe in that. But for us to say if you have a million dollars, you can become an American citizen, it offends me deeply. I hope it does you.

I yield the floor, Mr. President.

Mr. KENNEDY. Could we get an agreement from the Senator now on time?

Mr. BUMPERS. Does the Senator have a suggestion?

Mr. KENNEDY. I do not know what——

Mr. BUMPERS. How much time does the Senator need on that side?

Mr. KENNEDY. I suppose we can take 30 minutes.

Mr. BUMPERS. How much?

Mr. KENNEDY. Thirty minutes.

Mr. BUMPERS. On the Senator's side?

Mr. KENNEDY. Yes.

Mr. BUMPERS. I will take 10 in addition.

Mr. KENNEDY. Could we ask, then, Mr. President, we have a time limitation of 40 minutes, 10 minutes to be controlled by the Senator from Arkansas and 30 minutes by the Senator from Wyoming and myself.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. KENNEDY. I will yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished chairman for yielding.

Mr. President, I have listened to most of the speech of our dear colleague from Arkansas. He is articulate and persuasive as always. In this case, Mr. President, I believe he is also wrong. Our dear colleague from Arkansas talks about being outraged at this fat cat amendment. The amendment basically says if someone comes to this country, brings a million dollars, invests it, creates jobs, growth, and opportunity for Americans, that somehow is a privilege we ought not to grant.

Mr. President, let me first say that I do not understand why our colleague is outraged that we have an entrepreneur provision but he is not outraged that we have an education provision. If one is going to be outraged at special privilege, why should we give special privilege to someone who is distinguished in education? If a father has two sons and the first son, being the slower of the two, he sends into academics and the son gets his Ph.D. and distinguishes himself intellectually, under this bill the Ph.D gets preference and comes into America. Apparently, our colleague from Arkansas applauds that that is a wonderful situation. His second son, being the brighter of the two, he puts into business. If the second son is able to produce goods and services, if he is an effective entrepreneur, if he accumulates wealth, if he wishes to come to this great bastion of freedom to put his talents to work, somehow that is wrong. Somehow that is an outrage. I do not understand that, Mr. President.

Under this bill, we give preference to people who are young. Why is it an outrage to give preference to people who have accumulated wealth but not an outrage to give preference to people who are young? In fact, once in their life everyone is young, whether they have merits or they do not, whether they are drug dealers or whether they are not. We give preference in this bill to people who have skills and who have experience in various occupations. Mr. President, I cannot understand why that is more preferential than giving preference to people who put to work the ancient art of conducting business.

Mr. President, Calvin Coolidge, who is not quoted very often, said the business of America is business. When we are limiting the number of people who want to come to America legally to only 600,000 people a year and we are not limiting the number of people who are coming here illegally, I, for one, would be willing to raise that number. I, for one, want us to go more on merit and talent and ability, whether that ability is in physics or whether that ability is in the practice of business to create jobs, growth, and opportunity. I want, quite frankly, to have more people with both of those kinds of abilities.

It seems to me that the provision of this bill is a good provision. It is a provision that says that if people have been successful in business—if they can bring that talent and the fruits of that talent, a million dollars to this country, and if they meet the criteria of job creation and ability to sustain that business—they then have a right to come here and to practice that business.

Mr. President, we have a limit in this bill of 600,000 people a year that can come to America. My guess is there are 600 million people who would like to come. This bill in and of its very nature requires that we make choices. And as a result, we have set up a list of criteria, education, youth, experience, success, and entrepreneurial skills. Mr. President, that is the essence of this whole movement in immigration. I do not see how our colleague from Arkansas can support these other criteria and reject the criterion of economic success, entrepreneurial ability, and the fruits of that ability.

Mr. President, I hope we reject this amendment. I do not doubt the sincerity of the positon of the Senator from Arkansas at all, but I think his position is wrongheaded. I think it is not in the American interest. We need to bring people to this country who have skills and talents, and can help us create jobs, growth, and opportunity. This provision of the bill does it. This amendment would strike that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 7 or 8 minutes.

Mr. President, in listening to the arguments of my good friend from Arkansas, I did not recognize our bill. One of the favorite techniques used occasionally, and we heard it used again this afternoon, is to misdescribe the bill, and then differ with it and object to it. That we have seen.

The idea that is suggested by the Senator from Arkansas' argument that with the passage of this bill we are somehow aiding and assisting drug users, those involved in drug trafficking, facilitating their coming to the United States, is unworthy of a response. It is unworthy of a response. The Senator from Arkansas understands that, or certainly should understand. And to try to suggest otherwise either demonstrates he has not read the bill or does not know about the enforcement procedures or the procedures which are required under the immigration bill, No. 1.

Mr. President, this bill is a combination of different elements. The prime elements are for family reunification. The great majority, the overwhelming numbers, are for family reunification. There is a second provision in the bill that recognizes that we have shortages in certain skills.

And there is a belief based upon hours of hearings that if you are able to get individuals with certain types of skills, that is going to mean more employment for Americans, not less. We have heard debate and discussion about whether this bill is really for Americans. We believe, and as we have found during the course of our testimony, if you bring in certain kinds of skills that are not here, we find there is a good probability that you are going to stimulate more Americans working.

We were concerned, as we shaped these immigration provisions, that we would not displace other Americans. An argument could be made, an extension of the argument of the Senator from Arkansas, why do we not bring in carpenters? Why do we not just bring in further plumbers? Why not really be democratic? Just bring in hard-working people, men and women who know how to use their hands. That is the way our grandfathers came, and I yield to no one in that observation. But we are dealing with a different time. You bring those individuals in here and you are displacing American workers. Is that our objective? No. In the shaping of American immigration policy we do not want to disadvantage our fellow citizens, men and women who have been in the Armed Forces, and probably fought for our country. All of us can get as demagogic as anyone else on this issue—bled on our battlefields.

So what again is the shape of our proposal? Is one primarily for the reunification of families? There are legitimate areas of debate on this issue. We have heard them. Whether you give greater preferences to small children or whether you include the larger nuclear families, I think good strong arguments could be made either way, and I respect individuals who hold differing views on it. But we have contin-

ued the basic provision in here that provides for family reunification, and we also include provisions to bring in those with certain skills, where there are needs, in order to try to strengthen the American economy.

The provision that the Senator from Arkansas is talking about is three-quarters of 1 percent of the amount. We say that is important. Sure, it is. At other times when we debated this issue in the early eighties, when we found out that an investor visa would displace a family member, I supported the Senator from Arkansas. I supported him. But we have expanded the total numbers, by nearly 22 percent, now up to 600,000. There is a limited number of that, 4,800, for investors. We do not say if you just have the million dollars you come in here, although that I think would be a fair assumption from listening to the Senator from Arkansas. We say you have to create 10 jobs, 10 new jobs. The Senator from Arkansas finds trouble about that because they are only going to provide $3.35 an hour. As one who has been the principal sponsor of the increase in the minimum wage, I would like to see that be a good deal more. We cannot legislate that the new jobs are going to be at a certain level. But we are talking about new jobs. Read the language in the bill creating new jobs.

There was a time not long ago, certainly in my State of Massachusetts, of the top 1,500 employment areas of the country we had three of them. Unemployment was rife in this country. We are doing better now. It is most difficult in many of the rural areas of this country. My part of the country is doing better. It was not long ago that we were concerned about unemployment, and the idea that you are going to provide some new jobs had some appeal. Only three-quarters of 1 percent of the total amount is for this investor program. And if it is unfair and unjust, and it is even a fraction of that 1 percent, it ought to be out. The real question is can you make a plausible argument; whether you can make a plausible argument for the creation of those new jobs through investors.

The Senator from Arkansas talks about the $9 billion of foreign investment in Hawaii. His argument is not with our bill. It is with the other provisions of the treaty investor provisions which permit foreign investment in this country. If he whats to keep those individuals out of Los Angeles and out of Hawaii, fight that battle, but that is not our battle. And then I want to find out about what these other countries are going to do to retaliate. Are you going to keep them out? They are going to keep us out. That is nice. That is a nice thing to do.

We find an expansion in terms of global economy. We are all concerned about restrictive trade practices, and all of us can talk about that. I am certainly glad to do it. Now the Japanese exclude American products and American investors. I am glad to talk about that all afternoon, but that is not this bill. And if he is troubled by the fact that the foreign investors own half of Los Angeles, that is not this bill. If he is troubled by drug dealers coming into the United States, that is not this bill.

So, Mr. President, we have tried to fashion and shape a compromise bill. As we have stated here at other times, I would have a different bill than the one here. The Senator from Wyoming would have a different bill. These particular provisions have been added as a part of a compromise. The Senator from Wyoming knows the questions I had in going over these particular proposals, but I support these proposals now. I think they are better proposals because of the arguments that the Senator from Arkansas made. We are grateful to him for bringing these matters up in the past. I say that quite sincerely. But I think as we are looking at where we are in terms of the legislation, what we have attempted to do, the limited nature of this particular proposal, I do think it is justifiable.

I have a difficulty, as has been pointed out by the Senator from Texas, to say that, well, it is all right if a person is an educated person. Somehow, as I think the Senator from Texas pointed out correctly, the ire of the Senator from Arkansas is all up about that investor, but not over the person that may have been spending that money on somebody else, that has been spending all that money on that individual's education.

When we talk about that poor individual who is sitting back there, as I think the reference was, on a Greek bench—the reference that was used a year or two ago—then he sees this person drive by in a Rolls Royce and gets on that investment plain, what about that educated individual? What are we going to say? Clearly, the decision that has been made in the limited areas of where we are going to deal with this in the third and sixth preferences, and also in the other independent categories, we do give the areas which we have found as a result of the study. The labor condition—in the year 2000 there are going to be areas of important need, skills that are going to be necessary in terms of our economy. We give them some preference.

I think that that is a balance, Mr. President, between family, much more limited balance, in terms of high skills that can be important in terms of our economy, and then the three-quarters of 1 percent left over in terms of the investors. I think different Members would juggle those in different ways, but I think that the basic package on that is completely justifiable and supportable. I will yield.

The PRESIDING OFFICER. The Senator from Massachusetts has 14 minutes remaining.

Mr. KENNEDY. I yield to the Senator from Illinois.

Mr. SIMON. Mr. President, and my colleagues, there is no more effective orator in this body than the Senator from Arkansas. I have great respect for him—so much respect, that at one point I publicly came out for DALE BUMPERS for President of the United States. But even someone who would make a great President can make an error now and then, and I think that my friend DALE BUMPERS is wrong on this particular amendment, when he talks about foreign investment.

As Senator KENNEDY has said, 90 percent of what he is talking about has nothing to do with this amendment, but in fact it goes just the opposite. When you talk about the foreign ownership of Los Angeles, one of the ways that you can do something about it is to get people who buy and create jobs to move into this country. That is what we are talking about.

Let me add, just so we have another sense of perspective on this, that this country admits more legal immigrants into our country than all the rest of the world combined. And we are talking about taking less than 1 percent of those and saying, "You can come in, if you create jobs." That is certainly not against the ideals of this country. I think it is kind of a minimal thing that we are doing, to say how can you build a better country.

If I quote the Senator from Arkansas correctly, and he can correct me. I have jotted this down—and he can talk faster than I can write here, I have to tell you—but he said, "Anybody with a million bucks and a good immigration lawyer can stay down." Well, if that is the case—and I am not sure that is the case—why not insist that you put that million dollars into creating jobs?

Finally, he makes a point that has some validity. He said that nobody is going to be investing in South Dakota; nobody is going to be investing in Arkansas; nobody is going to be investing in the southern part of Illinois. If he wants to have an amendment saying that that investment has to go into areas of high unemployment, I cannot speak, obviously, for Senator SIMPSON or Senator KENNEDY, but I will support such an amendment. South Dakota has four or five of the lowest-income counties in this Nation.

I would like to see that happen. I would like to see one of those counties where the Pine Ridge Indians live—maybe we can get some priorities there. I would love to see some investment in southern Illinois, where we have high unemployment. But my

belief is that the fundamental concept here is sound.

Let us set aside a little less than 1 percent of these jobs for people who are going to come in and who are going to create at least 10 jobs, invest at least a million dollars. Canada does it; Australia does it. Canada has a quarter of a million dollar requirement on these kinds of jobs. Other countries do it. I think it makes sense.

I think we have crafted a balanced bill here. Not everything in it is exactly what I would like or what anyone else would like, but I think there is nothing wrong with saying we are going to set aside a few jobs for people who are going to create jobs in this country. My guess is that those who invest in those 10 jobs, generally, are going to be people where those 10 jobs will grow to 20, 30, and 40 and beyond.

So I am going to support the effort to defeat the amendment by the Senator from Arkansas, and I hope the majority of this body moves in that direction.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts has 9 minutes remaining. The Senator from Arkansas has 10 minutes remaining.

Who yields time?

The Chair informs all Senators, if no one yields time, the Chair deducts equally from both sides.

Mr. SIMPSON. The Senator from Arkansas is crouched over there behind his podium and ready to let me go on for about 8½ minutes and just drop the rocks right off the top of the roof.

Now, not allowing that to occur, I yield myself 5 minutes of the time, and I will try to dust off some of those remarkable comments of my friend.

I have learned a lot about legislating from DALE BUMPERS—not about philosophy, but about legislating. I have two splendid friends in TED KENNEDY and DALE BUMPERS, who I have enjoyed richly in my 10 years here. They are people of great and good humor, and I enjoy their camaraderie and friendship. I like their spirit and zeal, because I get into that, too. But this is old wash; it is, indeed. I felt the same as my friend from Massachusetts and my friend from Illinois. I did not know what we were talking about when I heard my friend from Arkansas speaking about this amendment.

This is an employment creation preference. We have done it before. Other countries do it. It is not for the rich. It is not for the elite. It is 4,800 visas for those who invest a million bucks and create 10 new jobs for U.S. workers. A million bucks. You invest your million bucks, and if you do not maintain the employment of the U.S. workers, then, under the law, on the second anniversary you can lose your conditional visa.

If they do not do what they are supposed to do, they get their status jerked. That is what happens to them. We have been as cautious and careful as we could be in that one.

Let me tell you about Father Ted Hesburgh. That is someone I know some things about. What a man. In his last year of his tour of duty as president of Notre Dame when they said you can pick who you would like to receive an honorary degree, and he picked me. Boy, do not think that was not the greatest thrill of my life, to receive an honorary doctor of laws from the University of Notre Dame.

He was the only one opposed to the investor category, nobody else. The vote was 15 to 1 and he did not support it. DALE BUMPERS has given you the quote, but the rest of us, 15 of the 16 members of the Select Commission wanted it, and it went in.

I wanted to share that with you.

We are dealing with a very small figure here, less than 1 percent of the national level. I just want to completely reject the argument that the people are going to buy their way past the Statue of Liberty. That one just will not sell.

Let us be honest and candid. I have often said everyone is entitled to his own opinions, but one is entitled to his own facts.

Many of the conditions of admission under present law are economic in nature. We give special preference to aliens with advanced academic degrees, to aliens with exceptional ability in the sciences and the arts.

How do you get an education like that? You probably pay for it. They either pay for it themselves or they get grants to do it. Somebody spent a lot of money to get to a position in life where they could use those portions of our immigration law to get to the United States. They had to use their resources, or that of others, and they might have even been rich. I do not know, but I do know that that is the way it is.

In fact, these people with their Ph.D.'s or their years of research in particle physics or years of experience with one of the great symphonies or ballet companies are bringing something that is as rare and as difficult to obtain in the world as is the ability and the resources to invest 1 million bucks in an employment producing enterprise the United States.

That is what we are doing. These people outmuscle other people to get here. These are people who, I guess you could say, are elite or people of status. What is new? Nothing. So we keep it down to a small manageable level, 4,800 people.

We also deny visas to people who would become a public charge in America. How about that one? Somebody who gets here who is helpless—are we to correct that? I do not know. It seems like a pretty good rule.

But to say we are bought out lock, stock, and barrel is just an absolute absurdity. These people become part of us. The become part of our country, and they invest their resources here, and they invest in American workers.

We have been here before. What we are doing here is intending to create new employment for U.S. workers, something in our national interest, something to infuse new capital into our economy and provide immigrant visas to people, not to provide the rich with some advantage. That is an absurd argument. It will not sell. It should not sell. It is not worthy of the debate.

I urge my colleagues to reject it.

The PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes remaining.

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I have the highest regard for the Senator from Massachusetts, as I have, of course, for my very distinguished colleague and good friend, Senator SIMPSON, and PAUL SIMON, who showed just how brilliant he was when he endorsed me for President. I have the utmost repsect for them.

The only thing I can think of is, when they got up there in that committee room, there was something in the water. They got to talking to each other and they just lost their perspective, not intentionally. They are all fine, fine gentlemen and great Senators, but they just happened to drink some water up there that was flawed, and that is the reason we have this provision in the bill.

Senator KENNEDY alluded to the point, the fact, that I was talking about how much of Los Angeles, Houston, and Washington, DC, the Japanese own. I am not quarreling with that. I am not a Japanese basher. I am glad they show up at the Treasury window every Tuesday morning to buy our bonds. They are financing 30 percent of the debt. If some Tuesday morning they do not show up, this country is in a heap of trouble. That was the point.

The point I was trying to make is we do not need any more incentives for people to invest in this country. Good Lord, they are buying it up as fast as they know how.

Then you come along with this little old provision: 4,800 slots for people who are willing to put up $1 million. He said drug dealers do not have anything to do with this. I divinely hope he is right.

But I can tell you one thing. There is not anything to keep a drug dealer out. If you do not know it, if he just happens to be making a half-billion dollars a year and wants to come to this country, and nobody knows it, the

first thing you know he will be setting up shop in the nearest fast-food joint.

But here is what the committee itself said. Here is what the committee report says:

This section is put in here to infuse new capital into the country.

We do not need to infuse any more capital into this country. As I say, it is being auctioned off now, and the Senator from Texas says, "How about the Ph.D. whose rich father educated him?"

I said, and I will say it again, if I had been drafting the bill, I would not have put that in there either. But I will say this: If a Ph.D. wants to come to this country, he is at least already equipped to make a contribution, and in this category, you may be getting a bank robber instead of a drug dealer. You may be getting someone who is on the lam from the law. When you get a Ph.D., he has already got it here in his head where we know he can make a contribution. There is a big, big difference.

The Senator from Texas said that Calvin Coolidge was not quoted often, and the quote he used shows why—"The business of America is business."

We all know that business is important to the creation of jobs. But I can tell you one thing, that the business of America is just not business. It is jobs. It is housing. It is education. It is health care. It is compassion for those who have not been as well-born as others. It is concern. And it is liberty and justice. That is what America stands for. Those are things that people here understand and that is the reason they love it.

I am concerned about the country. I say a New Yorker cartoon the other day. The television commentator is talking and these poor people are there with a few scraps of food on the table. And the commentator is saying, "This may not go down well with the meek, but in the future it will be the arrogant who will inherit the Earth."

The Senator from Massachusetts suggested I misdescribed the bill. He said, "Why do we not bring in plumbers and carpenters?"

I would rather have a plumber or a carpenter who is coming here for the right reasons than a Ph.D. or a guy with a million bucks coming for the wrong reasons.

He suggested that only three-quarters of 1 percent of the people involved here are in this particular category. Three-quarters of 1 percent—who can argue with that? That is like saying only 1 percent of the people we executed in this country last year were innocent. That is too many, and three-quarters of 1 percent is too many.

I am not trying to stop investment in this country. I am trying to stop what I see as an outrageous opportunity for fraud and evasion of the law.

Mr. President, I wanted to save some time for my very distinguished friend, Senator KERREY from Nebraska, who wished to speak on this amendment. But I do not want to delay this, and I did not want to use up all of my time. But if the managers of the bill want to go ahead and yield back time, I suppose we can go ahead and arrange that unless someone wishes to speak further on it.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 4 minutes. The Senator from Massachusetts has 3 minutes.

Mr. BUMPERS. I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I will take just 2 minutes.

I am even more confused with the Senator's arguments. Somehow Ph.D.'s cannot be drug dealers, is that right, because if you say you support the various provisions in terms of the Ph.D.'s, you have the same requirements under the visa provisions for the Ph.D.'d as you have for the investors.

So evidently anyone who is a Ph.D. is all right, but those investors, those investors who are going to create 10 jobs, are all going to be drug dealers.

I hear another argument: "I would rather have carpenters and plumbers in here for the right reasons than Ph.D.'s for the wrong reasons."

Now, tell me what that means?

Basically, what we are saying is we do not want the plumbers and the carpenters in here for any reason if they are going to displace American workers. That is the reason. That is the logic. You may have a different understanding of it, but that is the logic. We do not want to displace them. If you got skills, we need them, and it is going to mean more employment for Americans, we want them.

And I listened, finally, to the argument: "The test is to be the contribution to America." Fair enough. Fair enough. We believe that the greatest provisions of this legislation are contributions to Americans because they are family reunifications.

The second greatest is the 130,000 special skills that are going to mean further employment for our country.

And then the three-tenths of 1 percent that say you are gong to have to actually provide 10 new jobs.

Now, I am aware of the expansion of the job markets, and can give the figures as well as the Senator from Arkansas. But having represented a State for the better half of my years here where the unemployment was significant in terms of my State, I feel that that three-tenths of 1 percent for new jobs is not something that forms the great kind of injustice that the Senator from Arkansas has placed on it.

I do believe, Mr. President, that the arguments that were made by the Senator from Arkansas in the early 1980's that said, "All right, for every individual that we are going to take in this area, we are going to knock back a family members," I think that is not right. That argument should be made and was made and I supported it. And because of that argument, we ensured that that was not going to be the case, just an add-on; just an add-on.

And if that were the case in this, I would not support that provision for many of the reasons that were stated here by the Senator from Arkansas. Dramatically different circumstances, Mr. President.

I hope that the positions which have been expressed by the Senator from Wyoming and the Senator from Illinois and myself would be sustained.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arkansas has 3 minutes.

Mr. BUMPERS. Mr. President, I want to state again as emphatically as I know how, if I had been drafting the bill there would be no Ph.D.'s. There would be people who were coming here because they had family here. There would be people coming here because they were repressed in their home country and wanted to be free.

The reason democracy is on the move all over the world is because the strongest yearning of man is to be free. And this bill is not just about who can make a contribution to this country. The primary motive of this bill is for compassionate reasons, because we believe in helping the oppressed, because we believe families ought not to be severed and separated.

You take the Senator from Maryland, whose family came here from Greece. Could they have come if they had had to put up a million bucks? Why, of course, they could not.

And who do you think is going to take pride in saying, "I'm an American because my old man had a million bucks?" They came because they wanted to be free, and that is the reason people ought to come today.

We are putting the crassest commercial value on American citizenship I have ever seen. It is bizarre. It is outrageous. It goes against this Senator's love of country and feelings of patriotism.

So, Mr. President, I will close where I started. There ought not to be a price put on American citizenship. You cannot put a price on it—$2 million, $10 million, whatever you want to put on it. It degrades American citizens when you say some came because they had a million, at least 4800 of them.

I find it offensive. And I can tell you that all of America would find it offensive if they listened to this debate, all

this convoluted reasoning about Ph.D.'s and who can make a contribution and who can create jobs. And the rationale for this is new infusion of capital, but we have more foreign capital in this country than we can handle right now. The rationale is wrong. It is in error.

I ask my colleagues—I remember Atticus Finch in "To Kill a Mockingbird" when he asked that jury to acquit a black man who was falsely accused of raping a white woman. He said, "For God's sake, do your duty."

I am asking the Members of the United States Senate: For God's sake, do your duty and vote for this amendment.

Mr. President, I yield back such time as I have remaining.

Mr. KENNEDY. Mr. President, I wonder if we might each have 2 additional minutes. I want to make a comment about a representation made in the final argument. I ask unanimous consent that we each have 2 additional minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BUMPERS. Mr. President, before I agree to that, there is not going to be tabling motion, is there?

Mr. KENNEDY. No.

Mr. BUMPERS. OK.

Mr. KENNEDY. Mr. President, one point I want to make here for the record and that is on the issues of refugees and asylum. I yield to no one in my commitment in that area. The Senator from Arkansas knows that at the present time we have the most liberal refugee and asylum law, drafted by our committee of 1980. So those persecuted individuals can come in here, I say to the Senator. That is not this bill.

The only condition on that is the limitations that are established, worked out with the administration and the Congress. So that is a different issue. If the Senator wants to debate refugee policy and asylum policy, I will be glad to debate that. But that is not this issue. It is again one of the mixtures that we have heard over the course of this afternoon.

Mr. SARBANES. Will the Senator yield for a question?

Mr. KENNEDY. I do not know how much time I have remaining.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. KENNEDY. I yield for a very brief question so I may have time to answer.

Mr. SARBANES. In our history, have we ever done this before?

Mr. KENNEDY. Yes. It is on the books at the present time.

Mr. SARBANES. Well, when was that done?

Mr. KENNEDY. The 1965 act.

Mr. SARBANES. We allowed people to put up money and get a visa and come into America?

Mr. KENNEDY. That is correct.

Mr. SARBANES. How much money?

Mr. KENNEDY. Forty-five thousand dollars. But it has never been utilized because of the way that the numbers have spilled over from one category to another.

Mr. SARBANES. Forty-five thousand dollars. Now you are taking it to a million dollars and that reflects inflation, I take it.

Mr. KENNEDY. And 10 jobs.

Mr. SARBANES. I agree with the Senator from Arkansas, Mr. President. I think it is a very bad principle. It directly contradicts what immigration has stood for in this country.

Mr. BUMPERS. Mr. President, let me yield an additional minute to the Senator from Maryland. He is on a roll and I want him to continue.

Mr. KENNEDY. Will the Senator from Maryland yield for a question, then?

Mr. SARBANES. Sure.

Mr. KENNEDY. Do you object to the provisions that give the Ph.D.'s and special skills?

Mr. SARBANES. I have trouble with those provisions.

Mr. KENNEDY. But do you object to those?

Mr. SARBANES. I am prepared to go that far, but I am not prepared to have someone sit down and write out a check for a million dollars and get a visa to come into the country.

Mr. KENNEDY. But the Senator does not object to that individual spending that money at home and gaining that education and jumping over others who are waiting in line. Evidently, the Senator does not object to that. Can you follow that logic?

Mr. SARBANES. In a lot of countries, they get that opportunity for education as a result of it being provided, in effect, as a public right, something we ought to do in this country. Most of these people who come in on these Ph.D.'s have earned them on the basis of the opportunities made available in their own country.

But as I said to the Senator, I have some difficulty with that, but I am prepared to accept that. But to move it to the point where you can sit down and count out a million dollars—what do you do? Do you go in and see the consular officer and put a million dollars in front of him and he gives you a visa?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. Mr. President, with my time remaining, let me just answer the question of the Senator from Maryland which was not answered: Have we ever done this before? The answer to that is no. Congress has never done it.

What the Senator from Massachusetts was telling you about is an INS regulation and not one soul has ever come into the country on it. But Congress has never, never approved this kind of thing.

Mr. President, I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment of the Senator from Arkansas. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—43

Adams	Fowler	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gore	Nunn
Boren	Harkin	Pryor
Bradley	Hollings	Reid
Bryan	Humphrey	Riegle
Bumpers	Inouye	Robb
Burdick	Jeffords	Rockefeller
Byrd	Johnston	Rudman
Conrad	Kerrey	Sanford
Cranston	Kerry	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Specter
Exon	Levin	
Ford	Metzenbaum	

NAYS—56

Armstrong	Gorton	McConnell
Baucus	Graham	Moynihan
Bentsen	Gramm	Murkowski
Bond	Grassley	Nickles
Boschwitz	Hatch	Packwood
Breaux	Hatfield	Pell
Burns	Heflin	Pressler
Chafee	Heinz	Roth
Coats	Helms	Shelby
Cochran	Kassebaum	Simon
Cohen	Kasten	Simpson
D'Amato	Kennedy	Stevens
Danforth	Kohl	Symms
Dixon	Lieberman	Thurmond
Dodd	Lott	Wallop
Dole	Lugar	Warner
Domenici	Mack	Wilson
Durenberger	McCain	Wirth
Garn	McClure	

NOT VOTING—1

Matsunaga

So the amendment (No. 246) was rejected.

Mr. KENNEDY. I move to reconsider the vote by which the amendment was rejected.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SANFORD. Mr. President, let me take this opportunity at the outset to thank my distinguished colleagues from Massachusetts, Wyoming, and Illinois for their diligence and patience

in showing us all the way through what is surely one of the more complex and frustrating issues this body faces. Immigration is not always a politically attractive issues for those who take a leadership position, and I applaud the fine sense of justice with which the subcommittee has crafted the bill we have before us today.

IMPORTANCE OF LEGAL IMMIGRATION REFORM

As you know, there has been no major reform of our system of legal immigration into this country since 1965. We do have a rough blueprint, however, and that is the recommendations of the Select Commission on Immigration and Refugee Policy. The recommendations of the Commission have enjoyed a broad measure of bipartisan support. Members from both sides of the aisle, as well as the President, support legal immigration reform. How sad it would be to let another year slip by without addressing the inequities and backlogs in the current system. The human and economic cost of needless delays must end. This bill generously expands legal immigration into this country by 21 percent. I am glad to be joined in my support for this new level of immigration by my fellow Senator from North Carolina. We both realize that this higher level of immigration will benefit North Carolina and the country as a whole. Let us take action today to reaffirm our country's proud and generous immigrant tradition.

CHINESE STUDENTS (INCLUDES PERSONAL INFO)

North Carolina has been proud for years to host large numbers of students and professors from the People's Republic of China. As an educator, I have had a deep and abiding interest in developing the cultural and educational ties that have developed between our two nations. I visited China personally as president of Duke University, and set up some of the first educational exchanges our country had with China. At the time China was emerging from the horrors of the cultural revolution. I believe we have a responsibility to the over 400 students and academics we host today in North Carolina—a responsibility to guarantee that they will not be forcibly sent back to a land that quakes again under totalitarian crackdown. I strongly support the amendment adopted yesterday by this body to waive the 2-year home residency requirement, and urge that this waiver quickly be made into law.

THE NATIONAL LEVEL: A SOVEREIGN NATION'S RESPONSIBILITY TO CONTROL ITS BORDERS

A sovereign nation needs to control its borders. A wise nation, however generous, needs to make thoughtful decisions about immigration across its borders. A prudent nation prepares for immigration by making plans for the housing, employment, and other social services that newly arrived immigrants need. For the first time this bill provides a national ceiling to help us plan responsibly for increased immigration flows. I support the principle behind the national ceiling in this bill.

FLEXIBILITY: 3-YEAR REVIEW

The bill before us today is flexible. As my distinguished colleague from Massachusetts noted, we have reformed immigration legislation significantly only four times since the birth of our Nation. As a result we have often found that an immigration policy that seemed reasonable one year had become out of date 15 years later. For the first time, this bill provides for a systematic review of our Nation's immigration policy. The President will compile a report on the effect of immigration on the country every year. Every 3 years Congress will review our efforts thus far. And to guarantee that this revisitation will not tie up the legislative calendar, these 3-year reviews will proceed under expedited procedures between the President and the Congress.

FAMILY REUNIFICATION: FAMILY PREFERENCE IMMIGRATION

The Kennedy-Simpson bill expands and strengthens our Nation's historic commitment to family reunification. At current levels of immediate family immigration, the bill provides for an expansion of 44,000 visas for family preference immigration. This expansion includes a more than doubling of the second preference for the immediate family of permanent residents. Here the bill alleviates current backlogs where they are longest. This bill helps reunite families of recent immigrants where the need is greatest—the reunion of the nuclear family. I am proud of the achievements of this legislation. And with the flexibility for revisiting the national and family preference immigration levels, there can be no question that this bill reinforces our Nation's traditional commitment to family reunification.

Even so, to show a further commitment to family reunification, I am willing to provide a guarantee against family preference immigration being squeezed out by an increase in immediate family immigration sometime in the distant future. For this reason I support efforts to provide a floor for family preference immigration.

THE POINT SYSTEM

This bill reconfirms the United States as the land of opportunity. The point system in the independent immigrant category opens the door for immigrants whose qualifications suggest they will contribute tremendously to the American economy, but who do not have family or professional contacts here. The point system reaffirms our status as the land of opportunity—a land that cares not about the color of a man or woman's skin or the country he comes from, but a country where talent and hard work are rewarded with the highest honor our country can bestow—American citizenship.

EMPLOYER-SPONSORED IMMIGRATION: THE THIRD AND SIXTH PREFERENCES—THE SPECTER-DECONCINI AMENDMENT: (NORTH CAROLINA PARTICULARS RE: RESEARCH TRIANGLE PARK)

While I support this bill, I strongly believe it does not go far enough to increase employer-sponsored immigration. While we propose to expand legal immigration by 21 percent, that is to increase legal immigration by 110,000 visas, I find it hard to believe that we are increasing visas for employer-sponsored immigration by only 1,200 visas. How can it be that less than 1 percent of the increase in immigrant visas will go to employer-sponsored immigration under the third and sixth preferences?

The third preference is vitally important to the universities. Consider the Research Triangle Park in North Carolina. These universities and businesses working together have created a hotbed of technological innovation. They are on the cutting edge of international technological development. For these universities and businesses, the third preference is their lifeline to the international pool of expertise in these high-technology areas. Schools like Duke University rely on the third preference to bring in research scholars, faculty, and technical and nursing personnel in those particular areas where there just aren't Americans available to fill the jobs. Schools that need a particular scholar or scientist now have to wait 14 months before they can get a visa. And this is after the U.S. Department of Labor has certified that "no qualified workers are available" for the position to be filled and that employment of the immigrant will not harm the wages and working conditions of other workers in the United States. Leading researchers and scientists overseas often turn instead to readily available offers in Canada or Australia.

Businesses use the sixth preference as well to bring into this country the marketing, business, and technical expertise that may be in short supply here in the United States. These companies now have to tell their potential topflight employees to wait 3 years while they wait in line for a visa. These delays and uncertainties make business planning increasingly difficult. This just will not do.

For our universities and businesses that need to hire topnotch personnel, the current backlogs in employer-sponsored immigration are an issue of global competitiveness. I am not advocating any special favors for universities and businesses, but I urge you not to tie their hands in the international marketplace. America is fighting to maintain her competitive edge. The Specter-DeConcini amendment to increase employer-sponsored immigra-

tion marks a modest but significant effort to maintain access for American universities and business into the competitive upper tiers of the international labor market.

Now I support the national level as a concept. But I have looked into this particular national level, and all the experts tell me that 600,000 is not a magic number. We need to come up with a national level of immigration and agree on it, but I see no reason that we have to view this figure of 600,000 as absolute.

Let me reinforce again, unless there is any doubt: The increase in visas for the third and sixth preferences will not compete with Americans looking for work in any way. Every single immigrant entering this country through the third or sixth preference is certified by the Department of Labor to be filling a position for which there are no American workers available.

LAUTENBERG, SANFORD, ET AL. AMENDMENT

Which brings me to my last point about the legal immigration bill. And this is a very important point. I am proud to cosponsor with Senator LAUTENBERG and others an amendment to this bill that will help American workers fill those positions that are in greatest shortage in American business and industry. If American companies are having a hard time finding trained personnel in particular areas, then we ought to be encouraging American workers to fill those gaps. Our amendment does just that.

Our amendment will direct the Department of Labor to do four things. First, the Department will publish an annual list of needed occupations. If we are supplying this information to potential immigrants, we should certainly be supplying it to Americans as well. Second, the Department of Labor will conduct research to better describe these job shortages. One thing I have discovered while investigating this bill is how little systematic information we actually have about job shortages in this country. We need to do better. Last, the Department of Labor will develop a plan to reduce shortages in these occupations and give States the incentives to train workers in such occupations. Here is the key. We need to gear our job retraining programs to produce American workers to fill the shortages business and industry are now experiencing. We will guarantee that an American worker has every opportunity to fill a job before an employer looks overseas.

The amendment sponsored by me, Senator LAUTENBERG, and others will guarantee that our immigration and labor policies will complement each other. A generous and sensitive immigration policy and a smart labor policy that makes the most of American skills—only in this way will we produce today a bill that will benefit the whole Nation, not just a particular few.

CONCLUSION

Let me state once again my strong support for this bill. It is high time we provided a legal immigration policy worthy of the country and people it serves. I encourage you to support the amendment sponsored by Senators SPECTER and DECONCINI to increase employer-sponsored immigration under the third and sixth preferences. I assure you, we need this amendment to keep our businesses and universities from losing ground in the competitive international labor market. And as a complement to this amendment, I urge you to support the amendment sponsored by me, Senator LAUTENBERG, and others to guarantee that American workers are encouraged to fill those labor shortages American Business and industry now face.

Mr. CONRAD. Mr. President, I rise today in opposition to S. 358. I commend my colleagues on the Judiciary Committee for their tireless efforts to reach a compromise on this legislation. I know Senators KENNEDY, SIMON, and SIMPSON have worked hard to craft a bill acceptable to all parties. I believe, as they do, that a legal immigration reform bill must be passed this year to complete the important work started in the Immigration Reform and Control Act of 1986.

This landmark legislation makes important changes in our legal immigration policies. I believe that the creation of separate family related and independent immigration visas is a step forward. Family immigration must continue to be the centerpiece of our legal immigration system. But I welcome the independent category of immigrants, who will add to our culture and community and continue to maintain the rich diversity of our Nation. Finally, family related immigration will not compete with business-oriented immigration under this legislation. I believe this is an important step.

However, Mr. President, I cannot cast my vote in favor of this legislation. I have grave reservations about the implications this revamping of legal immigration policy will have on individuals seeking U.S. citizenship.

In particular, Mr. President, I believe that the family related immigration provisions could have profoundly negative effects. Because of the overall limit on national immigration and the offset provision, individuals seeking to emigrate to the United States based on their family connections will effectively compete against each other.

As my colleagues are aware, the General Accounting Office assessment of the Kennedy-Simpson bill, prior to the compromise, indicated that family preference immigration would dramatically fall in the next decade. GAO projected that family preference immigration could fall to zero by 1998 under the proposals set forth in the bill. While I understand that the independent commission established in this bill will recommend changes every 3 years, the GAO analysis indicates that family preference immigration will begin to decline almost immediately.

Mr. President, I simply cannot support such a drop in family preference immigration. While I agree with the goals of the bill—to give high priority to immediate family immigration—we must ensure that family preference immigration under the current first, second, fourth, and fifth preference will continue to be a vital part of our legal immigration.

As my colleagues have noted, we are a Nation of immigrants. Immigrants from different areas of the world built this country—and they have continued to contribute to and revitalize this Nation throughout our history. Family unification has traditionally been a critical part of the flow of those seeking U.S. citizenship.

Mr. President, I am especially concerned about the fifth preference, which allows adult brothers and sisters to be reunited with U.S. citizens. During Judiciary Committee consideration of the immigration bill, I wrote to the distinguished Senators on the Immigration Subcommittee to indicate my strong support for retaining and improving access to visas available under the fifth preference. I especially appreciate the consideration of the chairman of the subcommittee, Senator KENNEDY, who patiently heard my concerns and heeded them when working out this compromise.

However, Mr. President, the GAO estimates on this issue concern me. We must guarantee that brothers and sisters, and all those eligible under the family preference system, have the ability to emigrate to this country. I fear that this bill, because of the offset and the overall limit on immigration, will severely restrict fifth preference visas and other family preference immigration.

Finally, my colleagues have all noted that we must consider what is best for America when crafting immigration policy. I agree. Nothing should have higher consideration. But, Mr. President, I submit that reductions in family immigration are not good for our country. Family immigration must continue to be the mainstay of this country's immigrant flow—our culture, our economy, and our national character have been shaped by the diverse and vital communities who make up the fabric of this country. It is because of this history that I must cast my vote against this bill.

29-059 O-90-34 (Pt. 10)

The PRESIDING OFFICER (Mr. DIXON). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is our intention now, if it is agreeable with the Members, to consider the Lautenberg amendment, which has been worked out, and then go to the Hatch amendment and hopefully we will be able to get a time limitation and then we are down to a very few amendments. We are making good progress. So that is where we are, and hopefully, after the Hatch amendment is disposed of, the leader would spell out what our plan is going to be.

The PRESIDING OFFICER. May I tell the Senator from Massachusetts, the pending business is the Gorton amendment.

Mr. KENNEDY. I ask that it be temporarily set aside.

The PRESIDING OFFICER. Unanimous consent is required to temporarily set aside the Gorton amendment. Without objection, it is so ordered. The Senator from New Jersey.

AMENDMENT NO. 247

(Purpose: To require the Secretary of Labor to identify labor shortages and develop a plan to reduce such shortages)

Mr. LAUTENBERG. Mr. President, I thank the manager of the bill. I ask for 5 or 6 minutes to present an amendment to the Immigration Act to provide American workers with the benefit of shortage information that can be helpful to them in terms of seeking career opportunities in preparing for labor shortages in advance of crisis periods.

So, Mr. President, on behalf of myself, Senators LEVIN, BRADLEY, KERRY of Massachusetts, LIEBERMAN, and SANFORD, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. LEVIN, Mr. BRADLEY, Mr. KERRY, Mr. LIEBERMAN, and Mr. SANFORD, proposes an amendment numbered 247.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 148, after line 17, add the following new title:

TITLE III—LABOR SHORTAGE REDUCTION

SEC. 301. DEFINITIONS.

As used in this title:

(1) LABOR SHORTAGE.—The term "labor shortage" means a situation in which, in a particular occupation, the quantity of labor supplied is less than the quantity of labor demanded by employers.

(2) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 302. IDENTIFICATION, PUBLICATION, AND REDUCTION OF LABOR SHORTAGES.

(a) IDENTIFICATION OF LABOR SHORTAGES.—

(1) METHODOLOGY.—Utilizing available data bases to the extent possible, the Secretary shall develop a methodology to estimate, on an annual basis, national labor shortages.

(2) LABOR SHORTAGE DESCRIPTION.—As part of the identification of national labor shortages under paragraph (1), the Secretary shall, to the extent feasible, develop information on—

(A) the intensity of each labor shortage;

(B) the supply and demand of workers in occupations affected by the shortage;

(C) industrial and geographic concentration of the shortage;

(D) wages for occupations affected by the shortage;

(E) entry requirements for occupations affected by the shortage; and

(F) job content for occupations affected by the shortage.

(b) PUBLICATION OF NATIONAL LABOR SHORTAGES.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and each year thereafter, the Secretary shall publish the list of national labor shortages as determined under subsection (a).

(2) DISTRIBUTION OF PUBLICATION.—The Secretary shall provide the list referred to in paragraph (1) and related information to parties and agencies such as—

(A) students and job applicants;

(B) vocational educators;

(C) employers;

(D) labor unions;

(E) guidance counselors;

(F) administrators of programs established under the Job Training and Partnership Act (29 U.S.C. 1501 et seq.)

(G) job placement agencies; and

(H) appropriate Federal and State agencies.

(3) MEANS OF DISTRIBUTION.—In making the distribution referred to in paragraph (2), the Secretary shall use various means of distribution methods, including appropriate electronic means such as the Interstate Job Bank.

(c) DEVELOPMENT OF DATA BASES.—The Secretary shall (1) conduct research and, as appropriate, develop data bases to improve the accuracy of the methodology referred to in subsection (a); and

(2) make recommendations to identify labor shortages by region, State, and local areas.

(d) REPORT TO CONGRESS.—At the same time that the Secretary issues the annual publication under subsection (b), the Secretary shall prepare and submit to the appropriate committees of Congress a report that—

(1) describes the progress of the research and development conducted under subsection (c);

(2) describes actions taken by the Secretary during the previous 12 months to reduce labor shortages, and specifies a plan of action to be taken by the Secretary to ensure that federally funded employment, education, and training agencies reduce national labor shortages that have been identified under subsection (a); and

(3) includes recommendations by the Secretary for parties such as Congress, Federal agencies, States, employers, labor unions, job applicants, students, and career counselors to reduce such labor shortages by—

(A) promoting recruitment efforts of job placement agencies for occupations experiencing a labor shortage;

(B) encouraging career counseling and testing to guide potential employees into occupations experiencing a labor shortage;

(C) accelerating and enhancing education and training in occupations experiencing a labor shortage; and

(D) other appropriate actions.

SEC. 303. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to carry out this title $2,500,000 for the first fiscal year beginning after the date of enactment of this title, and such sums as may be necessary to carry out this title in each subsequent fiscal year.

Mr. LAUTENBERG. Mr. President, the bill we have before us would make a number of quite significant changes in the immigration law. The members of the Immigration Subcommittee have worked hard on this bill. I recognize and commend their effort. One major part of the bill would open up immigration to foreigners who offer skills that are in short supply in our own economy.

But. Mr. President, what are we doing to help Americans get the skills and training to fill America's jobs?

The bill before us would require the Department of Labor to give foreigners detailed information about our labor market. My amendment would give to American workers the same benefit of information about labor shortages and employment opportunities.

It would give them the benefit of the same kind of information that the bill already provides to foreign workers who immigrate to the United States. And it would establish a framework for development of the labor shortage information required by S. 358.

Mr. President, before I proceed, I would like to recognize the support we have received from the chairman of the Committee on Labor and Human Resources and the floor manager of this bill.

While the Labor Committee is considering the Nation's labor shortage in the overall context of labor market operations and U.S. employment and training programs, Senator KENNEDY and his able staff provided invaluable advice to refine and facilitate this amendment. As always, I appreciate his cooperation and valuable assistance.

Mr. President, in cities and States across the country, America appears to be outgrowing its available human resources.

We have had 7 years of economic expansion, a slow-growing work force, and rapidly advancing technology. That has led experts to forecast a 23 million worker shortage during the 1990's.

According to one survey, almost two out of three businesses are having problems finding technical employees.

Mr. President, almost one-third of the Nation's metropolitan areas—77 areas—now have unemployment rates

at or below 4 percent. This is an increase of more than 20 times the number in that category in 1983.

More than 30 percent of all States have unemployment rates below 4 percent. At those rates, we see a lot of unmet demand for workers. We see labor shortages in Connecticut, Delaware, Hawaii, Indiana, Iowa, Kansas, Maryland, Massachusetts, Nebraska, New Jersey, North Carolina, South Dakota, Vermont, and Virginia.

Mr. President, the shortages are going to get worse, because our domestic supply of workers is growing more slowly.

Unless we take definitive action, these shortages will limit our economic expansion, increase inflation, and hurt the U.S. competitive position in the world economy.

Mr. President, how do we solve the labor shortage? The sponsors of S. 358 say let immigration help relieve the Nation's labor shortage. Under the bill, the Department of Labor would develop lists of occupations in which there is a short supply of workers to meet current or future demand.

Foreign workers in occupations which are experiencing or will likely experience a shortage of U.S. workers would receive a preference.

Undoubtedly, these lists are going to be of great interest to foreigners who wish to come to the United States. There will surely be foreigners who will actively seek assistance to obtain the education and training required to meet shortage occupation criteria.

But what of the American worker? What about the inner-city youth looking for hope in the labor market? What of the vocational education student searching for a field of study that will offer bright employment opportunities? And what of the college student trying to identify an academic concentration that promises a secure profession?

Mr. President, we have a skills gap in this country. According to a Labor Department Study, Workforce 2000, three out of four new workers will have only limited verbal and writing skills.

Their skills fall short of what is needed in 60 percent of the new jobs. By the year 2005, most 18- to 24-year-old entry workers will come from the public schools of distressed urban districts. These people need help. They need guidance.

Mr. President, why are we designing information for use by those from other nations, while we fail to design shortage information to help fully develop our domestic work force and improve opportunities for U.S. workers?

Why should foreign students and foreign workers be guided by the best available information on U.S. occupational shortages, while Americans are kept in the dark? The answer is they should not be left in the dark.

Apparently, even the Department of Labor agrees. A January 1989 Labor Department report says:

U.S. workers should be the primary beneficiaries of labor shortages, which tend to engender improved job opportunities, wages and working conditions.

The Department of Labor believes that immigration's most appropriate labor market role is to facilitate and supplement policies seeking to improve opportunities and access to U.S. workers.

Mr. President, the problem is we do not have the policies U.S. workers need. We do not have the information. The amendment I am offering directs the Secretary of Labor to publish and widely distribute the annual list of labor shortages, including such information as the occupations involved, number of jobs available, the industries and geographic areas where the shortages are concentrated, wages, entry requirements, and job content—the information that can help those prepare for the opportunities that are out there.

Only when workers and employment professionals know where the shortages are, can we take effective steps to reduce those shortages.

The amendment also directs the Department of Labor to prepare an annual plan to reduce the shortages identified, through action of federally funded employment, education, and job training programs.

Such action may include promoting recruitment, encouraging career counseling, accelerating and enhancing education and training efforts, and other steps, many of which are effectively described in the January 1989 Department of Labor report.

The plan would also include helpful recommendations for other appropriate parties and agencies. Finally, the amendment would require the Department of Labor to conduct research to improve accuracy and geographic scope of the process.

Canada and Australia already are doing the kind of reporting that I propose here today.

Mr. President, the amendment I am offering is based on the text of S. 741, the Labor Shortage Reduction Act of 1989. That bill has the support of both public and private employment professionals represented by the Interstate Conference of Employment Security Agencies and the American Society for Personnel Administration. The bill also has the endorsement of the Aerospace Industry Association.

Mr. President, it would be a travesty to provide job listings for foreign workers, while we kept our own workers out of touch with the opportunity. I urge my colleagues to support this amendment.

Mr. President, I understand that the amendment is acceptable to the managers of the bill and the chairman and ranking members of the Labor and Human Resources Committee. I thank them for their cooperation. I ask for adoption of this amendment.

Mr. KENNEDY. Mr. President, I want to commend the Senator from New Jersey for his amendment. I think the amendment will produce invaluable information regarding labor shortages in specific occupations. Currently such specific data is unavailable. As the labor market tightens, such information will be essential for employment policymakers for directing scarce resources in education and training as well as remuneration policy decisions.

I want to thank the Senator from New Jersey for also accommodating the concerns of the Department of Labor. My understanding is the Department does not oppose the amendment. Changes suggested by the Labor Department which are incorporated in the amendment are instructive and will improve both the available data and how the data is to be put to use.

On behalf of the Senator from Wyoming and myself, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 247) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I believe the Senator from Utah is ready to proceed with his amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 238

(Purpose: To prevent the reduction of family preference immigration below the level set in current law)

Mr. HATCH. Mr. President, I call up an amendment No. 238, the Hatch-DeConcini amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the Gorton amendment will be set aside once again.

The Clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. DECONCINI, proposes an amendment numbered 238.

Mr. HATCH. Mr. President, I ask unanimous consent that further read-

ing of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 77, strike lines 15 through 19, and insert in lieu thereof:

"(A)(i) 480,000, minus

"(ii) the number computed under paragraph (2), plus

"(iii) the number (if any) computed under paragraph (3); or

"(B) 216,000,

"whichever is greater."

On page 79, line 21, beginning with "number", strike through the second "in" in line 22 and insert in lieu thereof "numbers specified in subsection (c)(1)(A)(i), subsection (c)(1)(B), or".

On page 80, line 9, strike "number specified in subsection (c)(1)(A) or the number specified in" and insert in lieu thereof "numbers specified in subsection (c)(1)(A)(i), subsection (c)(1)(B), or".

On page 80, line 21, strike "(c)(1)(A)" and insert in lieu thereof "(c)(1)(A)(i), (c)(1)(B),".

On page 80, line 22, strike "(c)(1)(A)" and insert in lieu thereof "(c)(1)(A)(i), subsection (c)(1)(B),".

On page 81, line 23, strike "subsection (c)(1)(A)" and insert in lieu thereof "subsections (c)(1)(A)(i), (c)(1)(B),".

On page 83, line 20, strike "subsection (c)(1)(A)" and insert in lieu thereof "subsections (c)(1)(A)(i), (c)(1)(B),".

Mr. HATCH. Mr. President, before I discuss our amendment, I want to commend the work of the Senators SIMPSON, KENNEDY, and SIMON on this particular bill. It has many valuable features. I know that Senators who take on this particular thankless task of dealing with these difficult issues are buffetted by those who say we let in too many immigrants on the one hand, and those who say we let in too few on the other. Sometimes charges get hurled and epithets hurled around directed at Senators KENNEDY and SIMPSON that are shameful and uncalled for.

So I do appreciate the work they are doing, and also Senator SIMON.

Having said that, we have a major problem with the bill which the Hatch-DeConcini amendment addresses.

Mr. President, the purpose of this amendment is to ensure this bill does not operate automatically to reduce the number of visas available to immigrants and poor family connection preference categories below the current level.

I want to take some time to explain the family preference situation under current law and the changes made by S. 358. My concern is about those changes, and then I want to explain the Hatch-DeConcini amendment.

Under current law, there are two broad categories of legal family immigration. One category is for other family connected immigrants under a preference system. Under current law, there is no cap on the number of immediate relatives of U.S. citizens who can immigrate to this country each year.

Immediate relatives of U.S. citizens are their minor children, spouses, and parents of citizens over 21 years of age. They can enter the country each year without limit.

Minor children, spouses, and parents of citizens over 21: unlimited immigration.

In addition, 216,000 visas are allotted to other family connected preference immigrants of the following preference categories. So we are talking about family connection preference immigrants. There are four preference categories: Unmarried adult children of U.S. citizens, spouses, unmarried children of permanent resident aliens, married children of U.S. citizens, and brothers and sisters of adult U.S. citizens.

Moreover, most importantly, the visas allocated to these four family connection preference categories each year are not, and I repeat not, offset by the number of immediate family relative immigrants who enter the country in a given year.

Thus the 216,000 visas for family reunification in these four family connection preferences or preference categories are always available each and every year under current law.

Under the bill before us, S. 258, which this chart shows, the number of visas for family reunification under the four family connection preference categories could drop below the 216,000 provided annually under current law.

This is the problem that the Hatch-DeConcini amendment seeks to avert. Let me explain how the bill works in this regard. There is a new subsection 201(c)(1) of the Immigration and Nationality Act, and under the bill, this would establish a worldwide level of family connection immigration. That is for the four family connection preference categories. That annual worldwide level is equal to 480,000, minus a number of immediate family relatives, plus the number, if any, of unused independent visas.

Now, that looks pretty good under current law and as of today. If there are any unused visas from the independent immigrant category, that category or employer sponsored or new seed immigrants, they will be added to the number of visas available. Because it is unlikely there will be any such unused visas, I want to put that part of the formula to the side.

The crux of the issue for family connection preference immigrants under this bill is basically this: The bill starts with 480,000 allowed in. It then subtracts, minus from the 480,000, a number of immediate family relatives to enter the country to determine the number of visas available to the four family connection preference categories for the following fiscal year. And the number of immediate relative immigrants eligible to enter the country each year remains uncapped. Accordingly, because approximately 220,000 immediate family relatives entered the country last year under this particular bill, if it becomes law, without the Hatch-DeConcini amendment, the 480,000 figure would be offset by the 220,000 figure.

Now, this would leave 260,000 visas available for family reunification in the four preference categories in the following year. Indeed, this is the figure which the sponsors of S. 358 have provided. I note that this would be an increase of 44,000 under current law. That is good news. The bad news is that as immediate family immigration increases each year, the offset, of course, reduces the number of visas available to immigrants in the four preference categories.

Make no mistake about it, pitting immediate family relative immigration against family connection preference immigration is a very profound change in our legal immigration policy. My basic concern is that such future increases might reduce the number of visas available to the four preference categories below the 216,000 which are currently available under current law. Indeed, this offset could drastically reduce family preference immigration and even eliminate it. Nothing in S. 358 guarantees this will not happen.

This is a difficult area in which to make predictions, because immigration patterns can vary over time. These patterns were also sensitive to world events. The number of immediate family relatives who immigrated to this country in 1980 jumped about 10 percent over the 1979 number. The 1979 number, in turn, was about a 10-percent increase over the 1978 figure. Yet, the increase from 1980 to 1981 was less than 1 percent. Between 1985 and 1986, the number again increased by nearly 10 percent. So the increases vary. Now, we need to remember that as the undocumented aliens that have been granted amnesty become citizens and are thereby eligible to bring in immediate relatives, the extent of immediate family immigration could dramatically increase. That would reduce this number down to where it could be well below the 216,000.

According to a GAO [General Accounting Office] letter to me dated July 7, 1989, just a week ago, family preference immigration in the four preference categories would, under current law, total 2,160,000 between 1990 and 1999. The GAO also estimated, however, that under S. 358, as it is presently before us, that number would drop to 1,501,151. That would be a decrease of nearly 659,000 family connection preference immigrants.

Moreover, the GAO also estimated that as a result of the offset of imme-

diate relatives against the family preference immigration categories, as immediate family immigration rises during the decade, family preference immigration would drop to zero by 1999. Now, this assumes there is no change in the immigration levels established in the bill.

Earlier, in March 3, 1989, testimony, the GAO estimated that family preference immigration under S. 358 as originally introduced would drop to zero by 1998. Therefore, the bill before us, as amended in committee, delays this draconian outcome by just 1 year, according to the GAO. Now, I realize that the bill provides for a mechanism to increase or decrease the level of family connection immigrants by adjusting the 480,000 figure against which immediate family immigration is offset. Even if the visas for family connection preference immigrants drop below 216,000, however, there is no guarantee that this mechanism will result in any increase in the visas available for these immigrants and for these families, for reuniting these families.

Let me explain this mechanism. Under the bill, in the March before fiscal year 1984, and every 3 years thereafter, the President may recommend no change, an increase or a decrease, in the 480,000 level, against which the immediate family relatives are offset. If the recommendation amounts to a 5-percent change or less, it goes into effect, unless the Congress disapproves it. If the President recommends a change in the 480,000 level of greater than 5 percent, it goes into effect only if Congress approves it. That may be very difficult to do.

In my view, this is a mechanism which provides for the periodic review of immigration levels. But, as I mentioned earlier, it guarantees nothing. If immediate family relative immigration climbs to the point where the offset reduces the number of family connection preference visas below 216,000, which will almost certainly occur under this bill, nothing in this bill requires the restoration of the 216,000 figure.

In short, this bill creates the clear and present danger that it will automatically operate to reduce the visas available to family connection preference immigrants below the numbers available today. Now, why should that be of concern? I believe that family connection preference immigration is good for our country. Family reunification under these categories, I believe, is desirable, because it reflects traditional American family values. Immigrants in these categories have done much for America and made it a better place. Of course, America has done much for them. The operation of our free system of government and free enterprise has helped them, as these immigrants have, at the same time, used our system to add to the strength of our Nation.

I believe that the Hatch-DeConcini amendment is consistent with the intention of the sponsors of S. 358. The committee report, on page 7, discusses the national level for immigration created by the bill. The report says:

> Some concern has been expressed that the establishment of a national level may have the unintended consequence of severely restricting immigration under the family preferences.

I stress that the report calls a severe restriction of family preference immigration "unintended." Moreover, the committee report goes on to say:

> In establishing the national level, it is clearly not the committee's intent that it be used as a device for arbitrarily restricting immigration. The national level mechanism merely ensures that increases and adjustments are by deliberate actions and not by unchecked growth that characterizes current law.

Fine. Let us then take care of the risk of the unintended consequence that family preference immigration may drop below the level permitted under current law. Let us make sure that there is no restriction on family preference immigration as a result of the clear potential for growth in the uncapped immediate family relative category.

Let me explain the Hatch-DeConcini amendment. Here is how the Hatch-DeConcini amendment seeks to prevent S. 358 in causing a reduction in family preference immigration at below the level of current law. What we have here is, the amendment leaves the upper limit of the worldwide family preference immigration, the cap, at 480,000 as provided for in S. 358.

The amendment leaves in place S. 358's offset of immediate family relatives against the 480,000 figure.

So we start with 480,000, minus the number of immediate family relatives, plus the number, if any, of unused independent immigrant visas.

The amendment then provides, however, that the number of visas available to family preference immigration shall not drop below 216,000 in any fiscal year—the number available under current law.

Here is how section 201(c)(1) would read, in effect, as amended by the Hatch-DeConcini amendment:

> The worldwide level of family connection immigrants under this subsection for a fiscal year is equal to—
>
> (A)(i) 480,000, minus
>
> (ii) the number [of immediate family relatives], plus
>
> (iii) the number (if any) [of unused independent immigrant visas]; or
>
> (B) 216,000,
>
> whichever is greater.

This change makes sure that S. 358 does not automatically operate to cause a reduction of family preference visas below a floor representing the number of such visas available today.

The amendment also subjects this 216,000 visa floor to the mechanism in S. 358 which allows the President, every 3 years, to recommend increases or decreases in the levels of immigration established in the bill. I described this mechanism earlier. Thus, the amendment keeps the 216,000 visa floor and makes sure S. 358 itself does not operate to reduce that number. Plus, the amendment allows Congress, in conjunction with a Presidential recommendation, to consider whether it wants to change the floor in the future. Let us reaffirm that we will at least preserve current levels unless we, in Congress, affirmatively decide to reduce them. Let us not run the risk that we may inadvertently cause a reduction of current family preference immigration below the current level.

I do not believe the sponsors of this bill want to cause such a reduction. If that is indeed the case, then I would think that this amendment could be accepted by them.

I should note that I am against the idea of an offset altogether. I do not think we should pit immediate family relative immigrants against family-connection preference immigrants. The Hatch-DeConcini amendment, which preserves the offset with a floor, is a very reasonable middle ground.

Let me respond, Mr. President, to those of my colleagues who may believe that our concerns about a rise in immediate family immigration dropping family preference immigration below 216,000 are exaggerated. If our concerns are exaggerated, then the amendment should be acceptable because it is harmless, it will not have to go into effect. On the other hand, if our concerns are justified and the immediate family relative offset would operate to drop family preference immigration below 216,000, we should make sure that we avoid such a result unless we affirmatively choose to reduce that number in the future.

If Senators wish to make sure we preserve the 216,000 visas available each year to family preference immigrants, then they should support the Hatch-DeConcini amendment.

I feel it is important that we take this modest step. It works no change in the basic fabric of the bill. It underlines Congress' view that the family reunification policy has been good for the country and that we continue to feel that way.

Even those who believe, as I do, that an independent, new seed category and more skills-based immigration is desirable, also acknowledge that family preference immigration is healthy for the country. Ben J. Wattenberg, senior fellow at the American Enterprise Institute, one of the bright-

est people here in Washington, wrote in the June 15, 1989, Washington Times that there should be more immigration based on skills. But he also said, "The criterion of family preference is important and beneficial."

Now, Mr. President, I know the sponsors of S. 358 agree with that. They have provided for a new, independent category of immigrant not tied to family relatives in the United States. And they have provided for an initial, modest increase in family preference immigration. All that the Hatch-DeConcini amendment does is make sure S. 358 does not operate inadvertently in the future to drop family preference immigration below levels in current law.

In that regard, I compliment my distinguished friend from Arizona. Without him, we would not have this amendment nor the force of this amendment on the floor today.

I thank him for the work that he has done in this area along with the work he has done with regard to immigration policies generally.

With that, I urge my colleagues to support this amendment. I think it is a worthwhile thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as a member of the Judiciary Committee, the Senator from Utah, has involved himself in the issues involving immigration, and we have certainly welcomed the opportunity to discuss with him various provisions, as well as with the Senator from Arizona, who has been extremely active in all of the immigration debates, both that have been held in our committee as well as on the floor.

Obviously, the amendment raises important issues that at the outset are quite seductive in their appeal, but they have to be considered in the total context of what we have been attempting to do with this piece of legislation.

We have to look at the various provisions which are basically affected by the amendment. As I mentioned earlier in the debate, some of those are provisions involving the special skills, the third and sixth preferences, and the independent category that has been one section of the legislation.

We have the current family preferences and the current immediate relatives. What we have been able to do is to see a significant increase of some 44,000 for the family members who are qualified to come to the United States.

So, on the one hand, we have provided a very significant and expansive measure, perhaps not as much as I would like to have it, but a lot more than certainly other members of the Judiciary Committee. But I think it is an important expansion in terms of family members.

So we believe that the central concerns that have been raised by the Senators from Utah and from Arizona have been accommodated. I would not be a part of the legislation unless I was absolutely convinced that they were.

We have examined the last 10-year period in looking at the growth rate in immediate relatives. I believe we went back even longer than that—I think it was 15 years—to try and detect what might be a reasonable expectation of the growth rate, and we not only built that in but built in a very substantial increase over that, I think we effectively doubled that rate, which will be eligible to others than immediate relatives.

As a political matter, it is unrealistic to think that we would have gotten that increase unless we developed the formulation that we did in establishing a national level of immigration. That happens to be the reality. We can spend the time of the Senate here to say why that is the case, and I think my colleague from Wyoming would agree with that, because there are a number of policy matters and implications involved.

So I respect certainly the concerns which have been expressed by the Senator from Utah and I know the concerns of the Senator from Arizona.

I hope that the membership would feel that under the leadership of Senator SIMPSON and my working with him, both as the chairman of the subcommittee as well as when he was chairman, we have been an active committee, we have been sensitive, we have brought these matters to the Senate in an unprecedented way for discussion and debate.

As we mentioned, there have only been four general immigration bills in the history of this country, but we have seen, both with the 1986 act and with this legislation, a willingness to respond to the various concerns which this institution has, and we like to believe that as a result of these debates we have a better informed Senate, a better informed country on the immigration policy generally and we are having a more positive impact on the issue in this way.

So, while I respect the concern over the ceiling, but once we start building in these limitations we lose the basic concept of a total national level of immigration.

We do believe that we have placed in here sufficient numbers, based upon a 15-year record, to accommodate any growth in immediate relatives.

I understand the concern that we have in terms of the family preferences. We are basically talking about adjusting between the immediate family relatives and other family preferences. It seems the way that we have constructed that in this legislation is a desirable way to go.

Mr. SIMON. Will my colleague yield for a question?

Mr. KENNEDY. Yes, I am glad to yield.

Mr. SIMON. As the Senator from Massachusetts knows, philosophically, I agree with my colleagues from Utah and Arizona on this. But is it not true that if this is adopted, this carefully crafted compromise is likely to come apart and we are likely to end up with no bill at all?

Mr. KENNEDY. Well, the Senator, I believe, is correct. I am always reluctant to talk about killer amendments. I will let the Senator from Wyoming express his views on that. But the effect of it would be, I believe, that once we trigger this in, what we are basically saying is we have a ceiling but it is no ceiling, because it can be varied and what we will do is lose the additional places, the 44,000 additional places, that would be available for family members which are not available today. And that, I think, is a disservice to those families.

I mean, this is a tough kind of a balance, as we debated before. We have had tough decisions on this. We have been trying to make decisions whether we are going to give special priority and preference to younger children who are not married or whether we treat the total family.

To be very frank about it, I can argue that both ways. But we made that decision, we made that judgment now, and we made it in a way in which I think was wise because we made it in a way which the groups which are most affected by it support it.

So, in precise answer to the Senator from Illinois, if we were to alter that particular kind of a cap, then we have no cap. And I think we lose those other 44,000 positions that will be available to family members which are included in this legislation. I think that would be a real disservice. It is really for that reason that I oppose the amendment.

(Ms. MIKULSKI assumed the chair.)

Mr. SIMPSON. Madam President, I will be a bit more dramatic and will label this then is a killer amendment. I think it is. And I do not mean to be dramatic or involved in selective opposition. That is what this is.

This removes the last essential element of the bill that passed the Senate in 1988. There is not a thing that Senator KENNEDY, Senator SIMON, and I have not compromised to get to this point, I can assure you. As Senator KENNEDY has said so beautifully, if anything were easy in this line of work, then we would mess with immigration reform more than four times a century. It is tough stuff because it gets caught up in emotion, guilt, fear, and racism. I have said that

dozens of times. People are tired of it—tired of having to deal with it.

But things pop up. We have done some racist things in immigration reform in our history. Senator KENNEDY was in the forefront of correcting that in 1965. We try not to do it any more. We think of ourselves as being sensitive. But you can imagine my anguish in going through the illegal immigration bill and having minority groups donging on my head all day and all night telling me it was discriminatory and racist and everything else. I said, "What is more racist than just doing nothing and watching millions of people get exploited in the United States?" Well, they did not have any answer for that. I have been through that one. That is the most distasteful one I have ever gotten into. And that is what happens if you do nothing.

Then you give these advantages and these selective things. I will never forget one time when I was giving a little public talk on the issue and someone came up and sloshed booze on my shoes and said, "Your bill does not apply to Gretchen in the kitchen, does it?" And I said, "Yes, it does." Then I watched their magnificent liberalism just slip down the drainpipe. This is curious business. Because you know he said Gretchen in the kitchen was like "one of the family." But she looked like she had been on the Bataan death march, and they were giving her 50 bucks a week and every other Thursday off. That is the kind of stuff you get into in this game.

I really do not know the purpose of this amendment other than just tremendous group pressure. I understand that. That I do understand. But I can tell you that it strikes at the very heart of the legislation.

Because at sometime in the future the generosity of the American people will become strained. I have described it once as "compassion fatigue." You keep playing with the numbers and you keep doing this kind of activity and you will see what is called compassion fatigue. Then, when the real crush comes and we need to reach out to immigrants and refugees—and people do not make any distinction around here about that any more, and they are totally different, totally different—the American people might not respond in the way they have in the past. I think that is just worth commenting on.

It is not easy. This bill passed—not this bill, but something very close to it—passed the Senate by a vote of 88 to 4 last year. Then Senator KENNEDY and I went back to work and boy, we both swallowed hard. Then our good friend from Illinois came on the scene and, because he has been a very remarkable player in the game, he swallowed hard. And so we came up with this bill. It is not perfect, but it does address what we think is the national interest of the people of the United States: How many people does this old country intend to take? What are the social and economic considerations? What are the environmental considerations? That is what someone has to deal with. And that is not fun.

But I will tell you, we should give unrestricted visas to immediate family of U.S. citizens, and we do. We do not even count them. We just bring them in. And that is a pretty generous country.

And then we have the fifth preference, which is so distorted. If I had my way, we would vote to strike it. That is as painful for me to keep in this bill as it is for some other provisions that are painful for the Senator from Massachusetts or the Senator from Illinois and any other Senator. The fifth preference is a total distortion. It is a distortion. The numbers you take there you are robbing from spouses and children when you total it all up.

The fifth preference has a backlog of 1.4 million, and it is going to keep growing. I do not know how many people are really in it. Probably half of them are here already illegally. That is what I would have done if I had to wait in the backlog for 20 years. What would you mess around in your own country for with a backlog of 10, 11, 15, 20 years? You would be here. I think half of them are here, and I think some of the other half are probably deceased. We have not gone back for a reregistration to find out where that scorecard is on the fifth preference.

But we are going to keep that archaic bit of whatever it is and in the process rob numbers from spouses and children. I hope you can get the message as to what that really does. It eventually comes out just that way.

So the national interest of the United States is often missed in the great debate with regard to immigration because it gets tangled up in ethnicity and bigotry and prejudice and all sorts of things all up and down the pike.

The Hatch-DeConcini amendment would clearly tie the President's hands. There is no question about what it would do. It would tie the Congress' hands. If family-based immigration grows by more than 64,000 visas per year over its present level, affirmative action must be taken to restrict that growth. Now, that is what it does.

The amendment is against the grain and the philosophy of the Kennedy-Simpson bill. Our bill's philosophy is, we hope, clear. It is complex, yes, and noboby likes to deal with it except the interest groups. They love to deal with it. And they are very effective because they work on those four items that I just discussed before: emotion, fear, guilt, racism.

Our bill's philosophy is to increase legal immigration by 22 percent. Think of how many people have to swallow hard on that when every poll in the United States says we should limit legal immigration. Roper, Gallup, the Field poll in California—they all say we have enough or too much—60, 70, 80 percent of those polled—they say this is enough.

I am not that way. I am not ugly on that. So we arrived at a 22-percent increase.

Somebody is missing the boat when small pockets of high-powered pressure, using those four engines, will get into the game, when they know the American people do not want us to get in that game. Yet, I will continue to go on, and I have, under this bill. And the philosophy is to raise legal immigration by nearly a fourth and eliminate the present uncontrolled and undirected growth of immigration. How can we handle it all? How do we treat these people?

Those are important things. Under our bill, the specific changes in the level of immigration must be approved by us, by the people's elected representatives, the President and the Congress. That is what we do in this bill.

The bill provides for a report to consider the requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members. It provides the means to follow closely the family preferences.

That is what this amendment is all about. It is premature and out of whack. It does not even fit.

They are addressing something in this amendment which is taken care of in the bill. We have left the numbers high enough so nothing happens until this report and the subsequent review takes place. We are not in here just diddling around.

So then we are going to examine that. We are going to examine the impact of immigration on labor needs, employment and other economic and domestic conditions in the United States; the impact of immigration with respect to demographic and fertility rates and resources and environmental factors. We talk all day about acid rain and greenhouse effect.

How about immigration? That is where you have to find a place on in this country for a home and a family to surround you. That is what you provide. And those demand our attention, too, together with the impact of immigration on the foreign policy and national security interests of the United States.

Well, I have been through that one, too, because not only do we have real refugees, we have economic refugees, and we have financial refugees, and we have foreign policy refugees. We have

four different categories of those except there is only one true refugee in the statute books.

So here we are, now, with an amendment which takes away the ability of the Congress and the President to do what we are supposed to do; which is what we do not like to do. So we provide a very flexible triennial process for these changes to be considered. I do not know what could be more fair. And nothing will happen to the people that Senator HATCH and Senator DECONCINI are interested in. Nothing. I can assure my colleagues that nothing will happen because we built in the numbers to assure that nothing would happen. Then the report will come out, and that is what all of us are interested in finding.

Immigration levels should not be allowed to just increase based on demand from abroad for visas in any particular category. That is not what the national interest is.

Very unfortunately, in my mind, the Hatch-DeConcini amendment would return us to a system that is not controlled by the President nor the Congress. It would allow continued growth in our immigration system without approval by the American public's elected representatives. And, I tell you, it severely undercuts the principle of a national level of immigration, and I strongly oppose the amendment.

I do not know how far we could go if this amendment became part of the package. I do not say that in an attitude of petulance. I have swallowed hard on lots of stuff. But I tell you, it would sure cause a lot of people to think more than twice about passing a bill with this in it when there are many people in here on both sides of the aisle who might best be described as rather reserved on the issue of new numbers and higher numbers.

There are a lot of persons who are not in this debate who cast those silent votes on both sides of the aisle who would not stand for any of this. You could lose the whole package. That is what I think you will find. Because we are going to open it up—and that is the only word we can use—we are going to open it up. Period. That would define it, I think, quite crisply.

If we want to be about our work then let us take our precious numbers, huge numbers up 25 percent, let us see they go to closest family members: spouses and children. That, eventually, will cause us to review carefully the next report as to what we have done, what we need to do, and whatever any administration that happens to be in power, Democrat or Republican, should be doing that is in the national interest.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Madam President, I strongly support the amendment being offered by Senators HATCH and DECONCINI to S. 358, and I urge my colleagues to support it also. As its principal sponsors have very forcefully, eloquently and persuasively argued, this amendment is both necessary and highly reasonable.

This amendment is necessary because, without it, the legislation we are considering today could drastically reduce family-based immigration, the best kind of immigration there is. S. 358 represents a departure from the traditional priority which has been placed on family reunification efforts under our immigration laws. It would—for the first time—place a cap on the number of visas which would be issued for family reunification efforts. Under that cap, the number of visas issued for the immediate relatives of U.S. citizens—which are not limited—would be subtracted from the number of visas available for other family reunification efforts. The General Accounting Office has determined that this cap and its mechanism which offsets visas for immediate relatives against other family preference visas, contained in S. 358 as originally introduced, could mean that family preference immigration could drop to zero by 1998–99.

As I said earlier this morning, Madam President, I oppose the cap. In my view, this legislation should not impose a new cap on family sponsored immigration in any way, shape or manner. The needed reforms to our system of admitting immigrants to this country can be accomplished without the cap. I was an original cosponsor of Senator SIMON's legal immigration reform bill, S. 448, which did not contain a cap. That bill proposed many of the same reforms which are contained in the Kennedy-Simpson bill, but it did not propose to accomplish those reforms at the expense of family-sponsored immigration. The legal immigration reform bill which is currently being considered in the House, H.R. 672 authored by Congressman BERMAN, does not impose a cap on family-sponsored immigration yet it, too, proposes many of the same reforms which we are considering today in this measure. It is my sincere hope, Madam President, that the final legislation which is enacted into law will not impose a cap on family sponsored immigration.

Nevertheless, Madam President, I urge my colleagues to support this amendment which mitigates, to some degree, the harsh impact of the cap. While this amendment will retain the cap and the offset mechanism which allows the number of visas issued for the immediate relatives of U.S. citizens to be subtracted from the number of visas available for other family-connected immigrants, it assures that the visas available for family-connected immigrants will not fall below the number available under current law, and that is 216,000.

And that is 216,000. Given the concerns which have been raised by GAO's projection that the cap and its offset mechanism could drastically reduce family-sponsored immigration, this amendment merely assures that family-sponsored immigration will not fall below current levels.

If this legislation must contain a cap on family-sponsored immigration and if immediate relative visas must be offset, unfortunately, against other family visas under that cap, then in order to adhere to the traditional priority which has been given to family reunification under our immigration laws, we must take the necessary precaution to insure that family-sponsored immigrants do not have fewer visas available to them in the future than they have today.

The opponents of this amendment have argued that this change in the legislation is unnecessary because procedures are provided to review and adjust the level of immigration every 3 years. They argue that any future negative impact on family-sponsored immigration caused by the cap and its offset mechanism can be addressed by the independent commission created by this legislation to review and recommend changes in the national level of immigration. And the Congress may act expeditiously to address those changes under special parliamentary procedures established by this legislation. That is their argument.

Well, Madam President, I agree with Senators HATCH and DECONCINI that this is no guarantee at all that current levels of family-sponsored immigration will be maintained. The better approach is to adopt this amendment now and thus make sure that this legislation will not curtail future family-sponsored immigration below current levels.

Finally, Madam President, I am aware that this legislation we are considering today increases the number of visas available for family-connected immigrants. I support these increases, and I urge my colleagues to support these increases.

The sponsors of this legislation argue because of these increases, this legislation in no way diminishes our traditional priority on family reunification. I cannot agree. I simply cannot agree with this so long as this legislation also contains a cap, an offset mechanism which could drastically reduce the future availability of visas for family-connected immigrants. For all these reasons, I fully support this amendment.

I urge my colleagues to support it also, and I want to point out it is a very bipartisan effort. We have Senator HATCH, a Republican on the one hand; we have Senator DECONCINI, a

Democrat on the other. I applaud them both for their leadership on this issue. I, a Democrat from California, have just spoken for this amendment, and my colleague, Senator PETE WILSON from California, is on the floor and he will take the same position. There are Democrats and Republicans alike who are strongly in support of this amendment, strongly in support of family immigration.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, I am pleased to support the amendment offered by the Senator from Utah [Mr. HATCH]. He has worked long and hard on this subject matter. I am pleased to have participated in this effort.

I want to say the Senator from Wyoming and the Senator from Massachusetts have devoted a good chunk of their career, and perhaps their political hides, to the immigration issue. It is not an easy issue. I have great admiration for what they have done, even though I have disagreed with them on a number of occasions. Be that as it may, the amendment before us will counter the negative effect that S. 358 has on family preference immigration. S. 358 has in it a provision which threatens to eventually eliminate the family preference immigration into this country.

The United States has a long tradition of immigration based on family preference. We hear about that and talk time and time again about the family; that we are a Nation that is going to do something about the family, whether it is day care or whether it is child support laws or what have you, we are talking about the family. This is what this amendment is all about.

S. 358 attempts to place some kind of limits on legal immigration. Some kind of a cap which we hear referred to, but the cap really is on the first, second, fourth and fifth, preferences, not a cap on immediate relatives. There is no cap on that, and I defy anybody here to point out that there is a cap on immediate relatives. They can come in.

Now it happens that there were less than 300,000 last year, but if there were a million, that is how many would come in. Where the cap comes in is that it puts a cap on these preferences.

I think that is a mistake. Legal immigration level into the United States in this legislation is a level of a maximum of 600,000. It is divided into two categories of 600,000.

The first category is independent immigration. Individuals entering under these categories are selected by certain means unconnected with having a relative already in the United States. That is part of this bill, and so be it.

The second category of legal immigration and the category that concerns me is related to family connections. Under S. 358, the family connection category is further subdivided into two groups. The immediate relatives of American citizens are in one group, and visa applications with other family preferences are in the second group.

So you have the one group that there is no cap on. I think it is important for our colleagues to understand there is no cap on that first group. As many of those immediate relatives of American citizens can come into the country today, tomorrow, the next until we change that law. This law does not change that. It does not stop immediate family relatives from coming, but it has a tremendous effect on the visa applications of the other family preferences.

S. 358 and the current law limit nothing on the first group, as I underscored, and I think that is important to understand. This bill would, however, limit the number that can come in under these other preferences, and that is what we want to talk about.

I do not want to say the Senator from Wyoming is calling this something that he thinks is a killer amendment, but we are not talking about killing anything. What we are talking about is life. We are talking about permitting families to live together. To me that is not a killer amendment.

This limit on family preference immigration would be calculated by subtracting the number of immediate relatives visas issued from 480,000, an arbitrary figure set there, and that is where we come up with this so-called cap. It is no cap except as to the second group that I talked about, visa applications with other family preferences, those other four preferences.

For example, last year, 220,000 immediate relative immigrants came into the United States leaving 260 family preferences visas that could have been granted. So we had in the first group 220,000 immediate relatives. It could have been a million, it could have been 480,000. It was 220,000. That is how many were processed. They were all brought in.

There was nobody saying there is a cap here, and there is nobody going to say in this bill there is a cap now on those immediate family relatives. They are going to come in.

If that number grows, you have more immigrants into this country. The problem with this approach is that for every immediate relative immigration visa that is granted under this present bill, a family preference visa is going to be denied. So as this grows, the family preference, the second group that I am talking about, is going to shrink.

Is that what we want? We do not want family preferences to come in?

Let me read what those preferences are: Unmarried adults, sons and daughters of U.S. citizens. That is going to shrink; less family members are going to come in; spouses, unmarried sons and daughters of permanent resident aliens; married sons and daughters of U.S. citizens, they will not be able to come in as the immediate family relatives group grows and comes into the first group. And then brothers and sisters of adult citizens of the United States. I do not think that is what immigration is all about, or family legislation is all about.

S. 358 could even result in the complete elimination of the family preference category. I believe that is where we are really headed. The Senator from Wyoming pointed out he thinks these preferences should be gone. I do not want to put words in his mouth. Maybe he has taken out all of them. I know I have talked to him about the fifth preference. I think that is a matter of disagreement. If you do not want sons and daughters of adult citizens, if they are part of your family, they ought not to be permitted into the country, well, that is the policy. That is what this bill does because it limits that group as the immediate family members grow. I do not think that is good policy.

The General Accounting Office predicts, as the senior Senator from California has already pointed out, by the year 1999, 10 years from now, immediate family immigration will total 480,000 and as a result of that family preference immigration under S. 358 would be zero. So this second group is gone in 10 years. The Senator from Wyoming said we only address immigration four times in a century. Maybe we will address it four times in the next 10 years or one more time in the next 10 years but why put into the law something that is literally going to wipe out a whole preference, and that preference is family members.

Mr. WILSON. Will the Senator yield.

Mr. DECONCINI. I will be glad to yield to my friend from California.

Mr. WILSON. It is my understanding from what the Senator has just said that someone who had been in the category of a fifth preference for as much as perhaps 10 to 11 years, a brother or sister of a U.S. citizen, could conceivably under S. 358, were it to become law, find himself ultimately, notwithstanding that 10- or 11-year wait, displaced by an increase in the number of immediate relatives that is predicted to swell under the GAO study by 1999 so as to fill up the entire 480,000 slots.

Mr. DECONCINI. The Senator from California is so right. The important thing to reiterate I think is that the

immediate families are not going to be reduced. They are going to be able to come in no matter how many there are. It is this preference of the brothers and sisters of citizens that is going to be shrunk as the Senator from California very astutely points out.

Mr. WILSON. The same thing would be true, I take it, where we are talking about not a brother or sister but the spouse or unmarried son or daughter of a permanent resident. Even though they get an increase, over what is presently authorized, they could be entirely crowded out.

Mr. DECONCINI. Exactly. That is what is going to happen. There is no question that the immediate family members are growing. The Senator from Wyoming pointed out the percentage. But what we are seeing is that number growing and at the same time these preferences that have been a policy of this country for a long time to unite families are going to shrink.

Mr. SIMPSON. Mr. President, will the Senator yield.

Mr. DECONCINI. Certainly, I yield to my good, dear friend from Wyoming.

Mr. SIMPSON. To keep the debate topical. I want to do that because this is what we need to do in this. I have never said I wanted to get rid of any preference.

Mr. DECONCINI. If the Senator will yield, I thought he said earlier he would vote to get rid of it.

Mr. SIMPSON. The Senator said get rid of it. I have never said that.

Mr. DECONCINI. I apologize.

Mr. SIMPSON. I said I would want to get rid of the fifth preference, if I had my druthers. And let me ask this of my two friends, who have been deeply involved in immigration issues. Senator DECONCINI, my friend, and I served together on the Select Commission on Immigration for Refugee Policy and he knows how tough it is. My friend from California represents the State of California, and that is about as rough as you can get, unless it is Arizona or unless it is Utah. I understand that. I hope everybody understands that, too, because that is what we are talking about. We are talking about heat.

Now, I am talking about immigration. If you want to leave it as it is today, then the wait for a Filipino brother of a U.S. citizen today is estimated to be 50 years, if he applies today. I hope all are hearing that. Fifty years. That is present law. We can leave it like that. I guess I am ready to do that.

Is there anyone in this Chamber who would distribute limited visas to a brother and a sister-in-law and to nieces and nephews, and not to spouses who have been waiting to join their wife or husband here for years? Anyone here want to do that? Let us get down where the rubber meets the road.

Mr. DECONCINI. Will the Senator yield? I will be glad to answer that question.

Mr. SIMPSON. Yes.

Mr. DECONCINI. If the amendment of the Senator from Utah and the Senator from Arizona is not passed, the spouses, unmarried sons and daughters of permanent resident aliens is going to be reduced. So it seems to me that the Senator has clarified it. I apologize if I misquoted him because I thought he would vote to scratch the fifth preference. If I made a reference that he would scratch all the preferences, I apologize for that. But in essence what this bill is doing, what S. 358 is doing is limiting all of those preferences. Maybe what the Senator intended to do or wanted to do was to permit preference 1, 2 and 4 continued and just apply this so-called cap that we talk about to the fifth preference.

Mr. SIMPSON. Mr. President, Senator CRANSTON, who is also deeply involved because he represents the State of California, made a statement that family immigration would drop to zero. That was his statement. That is the whole position of Senators HATCH and DECONCINI. The only reason it will drop to zero is because we are giving the visas to the closest family members under this bill. I hope that everybody hears that. I really do not care a whit anymore on win or lose. I gave that up long ago. I just want people to hear. The only way it could ever drop to zero is because we are giving the visas to the closest family—spouses and children of citizens of the United States. Now, if that is not what it is all about, I missed something.

Mr. DECONCINI. Will the Senator yield for a question?

Mr. SIMPSON. Indeed.

Mr. DECONCINI. Is it not true, would the Senator from Wyoming agree, that under the present law, under S. 358, whatever the number of immediate family members apply, they are going to be granted visas? Is that correct?

Mr. SIMPSON. Immediate family.

Mr. DECONCINI. Immediate family.

Mr. SIMPSON. It is always uncounted.

Mr. DECONCINI. So they are going to come in.

Mr. SIMPSON. Sure.

Mr. DECONCINI. Assuming they continue to grow, as they grow, is it not true that this legislation, S. 358, limits these other preferences? Is that correct? As this continues to grow and should it reach 480,000 or more, then these other preferences would not exist; is that correct?

Mr. SIMPSON. Mr. President, we are talking about family-based immigration. That is what I keep hearing. That is our heritage. If that is our heritage, then let us do it. We do it pretty well right now, 480,000. The Senator is correct on those visas.

What we are talking about is spouses and children of citizens. Only if spouses and children of citizens take all of the available visas will the more distant family preferences be squeezed. We make 480,000 visas available for family.

Now, that is the way it is. All this bill provides is that 80 percent of all visas go to the closest family member. That is what we are doing. There is nothing sinister about it. If you are going to have family reunification, let us not have family reunions. Let us call it family reunification, and that is a spouse or a child. That is not your niece. It is not your brother-in-law.

That is where we are at this point, and that is what everybody seems to be missing in the emotion of the moment. If you are going to have to crunch numbers, then crunch the ones for nieces, nephews and in-laws. You do not crunch the numbers for spouses and children of citizens.

Now, if you do not want a limit, fine. Then you can go ahead and do this and have a rich time of it. I do not think the Congress of the United States will allow a bill to pass which says there shall be no limit on legal immigration into the United States. I do not believe that. We will find out.

I do not believe that. We will find out.

Mr. DECONCINI. Madam President, will the Senator yield?

Mr. SIMPSON. Yes.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. DECONCINI. Let me point out from what the Senator from Wyoming says, and I think he will agree—I ask him if he does, and please speak up. I know he will. Right now there is no limit on immediate family. Does the Senator agree with that?

Mr. SIMPSON. That is correct.

Mr. DECONCINI. S. 358 does not change that.

Mr. SIMPSON. Right.

Mr. DECONCINI. That is correct.

What S. 358 does is, as the immediate family numbers grow they are reduced from these other preferences. Is that correct?

Mr. SIMPSON. That is correct, Madam President.

Mr. DECONCINI. I thank the Senator from Wyoming.

That is the essence right here. Do we want to jeopardize the other four preferences and literally eliminate them so that there are no unmarried adult sons and daughters of U.S. citizens able to come in? Is that what we want to do, because that is what we are doing. Do we want to stop spouses, unmarried sons and daughters of permanent resident aliens? They are here legally. They just have not applied for

citizenship. Maybe they will. They will be reduced. Do we want married sons and daughters of U.S. citizens not to be able to come in or to have fewer come in every year? That is what we are going to do. Then the fifth preference, brothers and sisters of adult U.S. citizens, because what the law is now, and what the law will be if S. 358 passes without this amendment. The immediate family relatives are going to continue to come in. That may grow; it may shrink. I suggest it is going to grow, and it is going to grow.

What this little neat piece of legislation before us does is puts a cap of 480,000. That 480,000 number says that when you meet that number, which we have not met yet on immediate family relatives, then you have no more of these preferences.

Madam President, Senator HATCH and I believe that is intolerable. That is why we are here trying to do something to correct it, and it is not going to do any great hardship to this legislation or any other legislation because what the amendment of the Senator from Utah does is say there is going to be a permanent minimum of 216,000 available every year. Every year there is going to be that many available to come in under these four preferences. Is that to much to ask? That is a cap in itself. You always are going to have at least that many. Until we get up to the 480,000, you are going to have a few more just like we did last year. Do we not want family members to come in? In my judgment, we do.

Mr. HATCH. Madam President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. DECONCINI. I would like to finish if the Senator does not mind.

This amendment ensures that family preference categories are going to be available, and that is what I want my colleagues to understand. That is why the Senator from Utah and I are opposing the amendment. He spent a lot of time, and I have, too. The Senator from Wyoming says we come from States with heat. Indeed, it was 118 degrees yesterday in Phoenix. That is a lot of heat. But also I come from a State that has a lot of people who have family members who may not be immediate family members who do not want to be wiped off the slate. This establishes a minimum of 216,000.

Under the Hatch amendment, no matter how many immediate relatives' visas are granted, we are going to have at least 216,000 of these family reunifications. We must decide whether we want to continue to grant family preference immigration visas or whether we want to risk eliminating them altogether.

We must remember as we debate the issue today, and if the House takes up this bill, S. 358 does not put a ceiling or a cap on legal immigration of immediate families. They are going to come in.

The Senator from Wyoming and the Senator from Massachusetts have not even thought of that, I do not believe. I am pleased with that. As long as the number of immediate relatives is not limited, and I agree it should not be, there is no ceiling on legal immigration under both the current law and S. 358.

If a million immediate members come in, that is how many is going to come in. But once it gets to 480,000 there are not going to be any more of these preferences—no more unmarried adult sons and daughters of U.S. citizens, no more spouses' unmarried sons and daughters of permanent resident aliens, no more married sons and daughters of U.S. citizens, and no more brothers and sisters of adult U.S. citizens.

So in fact the family preference category is going to disappear. That is what we are overseeing if we do not pass the Hatch amendment. If we pass this bill as is, we are here at a burial service. We are burying and putting away forever family preferences.

The Hatch-DeConcini amendment provides a very necessary safety valve and guarantees that family preference visas are going to remain at least at a minimal 216,000.

I yield the floor.

Mr. SIMPSON. Madam President, that is why I like getting into spirited discussion with my friend from Arizona. We do that in committee. We do that privately. And I respect him and enjoy his spirit and energy. I understand. I can hear what he is saying. But I think we are talking past each other. Let me verify that. I will agree totally that we have no limits on immediate family. That is the truth. That is the way that is.

We have immediate relative immigration that did not increase 7 percent for the last 2 years. Yet the GAO based its report on the presumption that it would increase by 7 percent. In 1987 it fell by 1,000 persons. In 1988, it grew by only 1 percent.

Thus, the GAO conclusion that the more distant family preference immigration would drop to zero is not consistent with the present situation at all. In fact, I think this is critical, I hope my friends will hear this, if I might direct their energy to this. Under this bill I cannot imagine how you could feel that we would be embarked on such a course when Senator KENNEDY, Senator SIMON, and I as three members of the subcommittee of diverse philosophical background would never be involved in that kind of sinister activity of closing off family immigration. It is so dramatic that it does not ring true. The President and the Congress under this bill, every 3 years, will be examining it, looking at the level of immigration, and making necessary revisions. That is what we will be doing.

Please hear this. There is not a single thing in this bill, and I hope the sponsor will hear this, that limits one whit any preference, not one. There is nothing in this bill, nothing, that limits any preference until the next report, and the next report will tell us what we should do. This bill is left with the total flexibility to handle every single number from every single preference that will come in, without question.

Mr. DECONCINI. Without question?

Mr. SIMPSON. Yes. I can say that is what is in this bill.

Mr. DECONCINI. If the Senator will yield, I will answer the question, because it does limit immigration.

Mr. SIMPSON. Please.

Mr. DECONCINI. The Senator is incorrect, in my opinion, because the mere fact that you have this report coming down the pike in 3 years does not mean that this Congress is going to pass anything that is going to raise any lmits or adjust the so-called 480,000 cap. What we are talking about here, in response to the Senator from Wyoming, is if next year there happens to be 480,000 immediate family relatives, you have limited these preferences—exactly what the Senator said he did not want to do.

Mr. HATCH. Madam President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. SIMPSON. I certainly yield for a question.

Mr. HATCH. With anything more than 264,000 for immediate family you are talking about a reduction of what the current law is. I know that the two Senators and the floor managers of this bill have operated in the utmost good faith in every way on this bill. I have total admiration for both of them. But I think the points made are very valid points. I think Senator DECONCINI made the point that you cannot guarantee we can adjust because of the mechanism within the bill if you rise over 264,000 immediate-family visas. So what we want to do is make sure the family reunification can take place.

As I understand it, the Senator from Wyoming said he could not understand the reason for the amendment. That was my impression. Well, the reason for the amendment is to protect family reunification under the preference categories. That is plain and simple. S. 358 offsets, I think, is a threat to such family reunification.

Yes, if the current situation stayed static, I suspect the Senator from Wyoming's position could not be refuted, but it does not stay static. The GAO makes it clear that it will not stay static, and that we are going to by 1999, have zero preference categories

visas. So the bill's currently operated provisions do not solve that problem in the future. That is what this amendment will do.

This amendment will prevent that type of a result. No one's hands are tied. The President and the Congress can change the 480,000 cap, and they can change the 216,000 floor under this amendment, at any time that they want to. I think it is better to do it this way than the way in the bill.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. SIMPSON. I just want to say to my friends from Arizona and Utah that that is why we built in 44,000 new numbers into this bill, to take care of just exactly what you are speaking of, because only the most extraordinary activity would ever raise it any further than what we have built in. I yield to my friend.

Mr. KENNEDY. I would just like to make sure that the Senate has some understanding of what the current situation under family preference is.

The PRESIDING OFFICER. Will the Senator from Massachusetts withhold? Are you withholding?

Mr. KENNEDY. I would like to ask the Senator a brief question. Is his understanding the same as mine, that under the existing family preferences, which have been referred to, there is not a guarantee to all those preferences that they are going to get in here? I mean, it has been suggested that we have all these preferences out there, and if we do not take this amendment, you are going to have a lot of problems in these particular categories.

Madam President, in the second preference, that is spouses and children of residents, you wait 8 years today for that. We are trying not to double that number, so that as a result of the amnesty program, when you are permitting those individuals, some 3 million, who want to bring their families, their wives and children, who are residents and today have to wait 8 years, will not wait 16 years.

You know, you can cut this about whatever way you want to in terms of the families. I would go for a broader kind of a program, and the Senator from Wyoming, a more constricted one. The one concern that has been expressed here, we have addressed, Madam President, and the Senator has gone through. We put in the record what the past history has been, what the flow has been, the best information. But it is important, Madam President, to recognize that with these existing preferences now, the second preference, and the fourth preference, married sons and daughters of United States citizens is 8 years, if you are from Mexico.

We tried to build those numbers up so they will not wait that long. So unless, as the Senator from Wyoming has pointed out, you want to completely open unrestricted policy, which maybe some of us would go along with, I think probably the assessment of the Senator from Wyoming that this body is not prepared to do it, you are going to have to make some judgments and calls on it, but do not elude yourself by thinking because you are in the family preference category, you are unable to get in here. Some are not; some are. The first preference is that you are. But you are certainly not in the fifth preference, as I pointed out. You wait for 15 years, if you are from some countries, and today you are going to be waiting in the fourth preference, which are married sons and daughters. The second preference is spouse and children of residents.

Now, if we have increased that by 40,000, if we have accepted the amendment of the Senator from Utah, which is going to have this rolling cap, Madam President, we are not going to get the legislation. And make no mistake about it, you are not going to get the increase in those family preferences. You are just not going to get it. It is not there. I would like to have it, but it is not there. That is a hard, cold political reality. These are some of the balances.

I want to just join in support of the point the Senator from Wyoming has made, because these are tough difficult choices. We have debated and discussed and had some differences, whether to give a faster track for small children. Then I think a credible argument is to extend it to nuclear families, so we went for that. I, quite frankly, think you could go, as I mentioned, either way on that—at least I could. You would rather do for the families that are going to be impacted. I take their advice. But you are making tough and difficult judgments and choices, unless it is the will of this body just to throw the whole door wide open; and as one who has been involved in this issue, that is not where it is. We are always caught between those who wanted a more expansive program, and I have been proud to be associated with that group in the past. There is another group who feel that we need to have more restraint because of a wide variety of difficult implications, such as the burden on the tax system, housing, adequate education programs, and all the rest. This, I think, is why we have reached this kind of resoluton.

I ask the Senator from Wyoming, does the Senator not agree with me that even though there are these other preferences, that that does not guarantee that if you fall into that preference, you are getting in here. Would you not agree with me that with the acceptance of this total package, that we are going to reduce, hopefully, in an important way, the reunification of many families?

Mr. SIMPSON. Madam President, I agree totally with my friend from Massachusetts, the Senator that has been working on the issue for 27 years. I find that people come here and begin to talk about the preference system, and they do not know what it is. Like our quota system—how many countries are there, 168, and we have 270,000 numbers to divide among them for legal immigration.

These are things that make me wish I had never gotten involved in this stuff, because you can pick up the New York Times or the Washington Post or the Cody Enterprise, and they will take an article on refugees, and before you are through, they will call them immigrants. If nobody understands that, then TED KENNEDY and I will never get anywhere, along with our friend from Illinois. That is the problem.

If you are going to have a bill and raise the family numbers like we did by almost a fourth, it is unheard of—at least in the last 50 years. I do not know if it will sell, but if we are going to do that; then we think—maybe misguidedly—that 80 percent of all of those visas should go to the closest family member. Now, if anyone really wants to get in and argue that, I would love to hear it.

I see Senator DECONCINI is not in the Chamber, but I want to ask him and Senator HATCH a very simple question. It seems to me the Senators are really asking one thing only. They must want unlimited immigration into the United States, and I would like the answer to that question from both of the participants in the amendment.

Mr. BOSCHWITZ addressed the Chair.

Mr. SIMPSON. I think I have the floor. I would like to hear the response of the two Senators, and then I will be happy to yield to my friend from Minnesota.

Mr. HATCH. Will the Senator yield?

Mr. SIMPSON. I asked a question of my colleague.

The PRESIDING OFFICER. Will the Senator withhold? The Senator from Wyoming has the floor.

Mr. SIMPSON. I would like to have a response to the question, and I will then yield to my friend from Minnesota.

Mr. HATCH. Are you yielding to me?

Mr. SIMPSON. I would like to have your response.

Mr. HATCH. I appreciate the question of the distinguished Senator from Wyoming. I do not believe that we need to know the number of actual immigrants each year at the expense of family-connection preference immigration. I do not believe that we need to know the actual—or excuse me, I do not believe that we need to set an annual number, if it means that we

are going to cut the current level of current family preference consideration drastically, which GAO says we will do by 1999, to zero. I have no problem with uncapped immediate family immigration and a set number each year of family-connection preference immigration.

We have had that system for some time now and it has worked well and families benefited. I believe in family reunification. If I understand my friends and colleagues from Wyoming and Massachusetts, they do, also.

So I think it is important and it reflects traditional American values.

I note that even under S. 358, we are never completely sure how many people come into the country, although I recognize it is unlikely to occur in a short period of time in theory.

If immediate family relative immigration ever begins to exceed 480,000 we will not know how many family immigrants will enter the country because immediate family immigration remains uncapped. So there is no way we will know anyway.

So I think that answers the distinguished Senator's question.

Mr. SIMPSON. Madam President, it seems to me that what the sponsors of the amendment are proposing is that we never say "no" to a person who has a family member in the United States. That is the only way I can read this.

We have limits now, and people wait for decades. There are 2 million of them out there under present law who are not being serviced, and our bill tries to make more rational the application of those limits.

We are trying to be responsible in distributing the necessarily limited visas to the closest family members. That is what this "sinister" approach is. It is not meanspirited, unless you want unlimited immigration.

If that is the case, then let us call it that and have an up or down vote.

I yield to my friend from Illinois.

Mr. SIMON. Madam President, if my colleague will yield, first in this compromise in this complicated area, what we have done is to increase numbers for family preference by 22 percent without this amendment and then we will face in the next 4, 4½, or 5 years, because of the amnesty program, a brand new problem that no one here has any idea what is going to happen. No one does.

We are saying 3 years from now let us review it. That is what the bill calls for right now. That seems to me to make an awful lot of sense.

I hope our colleagues will listen as we try to get that point across.

I thank my colleague from Wyoming for yielding.

Mr. SIMPSON. I thank my friend from Illinois who has come into this activity with good grace and good humor, learned and participated in it, and knows already how you do combat for 2 or 3 days on the floor every time one comes up.

Honestly, I hope I am not being self-effacing or anything else, I really do not care if you win or lose as long as you understand what we are doing. Again, that is my only hope as I legislate.

I yield to my friend from Minnesota.

The PRESIDING OFFICER. Does the Senator from Wyoming choose to continue to hold the floor and thereby continue this rather lively discussion through yielding, or does he want the Senators to be able to seek time in their own recognition?

Normally Senators yield for the purpose of a question. However, this has been a situation where I think elasticity is called for.

Mr. SIMPSON. Madam President, I do not intend to try to dominate the debate. I think my friend from Minnesota was asking a question. If that is so, I will try to accept it. If not, I will yield the floor to him at this point. I think I am nearly through.

Mr. BOSCHWITZ. Madam President, I will seek recognition in my own right.

Mr. SIMPSON. Then let me not end but just make a couple of comments and then yield to my friend.

The philosophy of this bill is, as I have said, trying to increase immigration and set a specific level of immigration. We do not call it a cap. It is a national level of immigration. This amendment here takes us back to current law on national level.

If we go back to current law in the second preference of immediate family of aliens, then family visas there would be reduced. Senator KENNEDY made the point to get the more visas that S. 358 provides, a specific national level must be set. The amendment upsets that balance without question, and I think it is just important if you win, lose or draw that you just hear one thing. All we are saying is if you are going to have a national level of immigration then something is going to get squeezed obviously. If you do not want a national level of immigration, then this amendment is what you should gravitate toward. It will help reach that.

I just do not believe that people are really able to sell that back in the old home district that you want an amendment or a bill that will provide for unlimited immigration because that is where you are headed with this amendment, and everything that shows up in my mail room seems to indicate the American people do not want that.

All we are saying is if the squeeze comes, then why not do what everyone in this room would want to do. First take care of reuniting spouses and children, not taking a number away for someone who wants to be reunited with their brother-in-law and take that number away from someone who wants to be reunited with their spouse or their minor child.

I yield the floor.

Mr. LEVIN. Mr. President, I rise today in support of the Hatch-DeConcini amendment to S. 358.

By creating a guarantee of 216,000 visas for family preference immigration, the Hatch-DeConcini amendment helps to ensure that the principle of family reunification will continue to guide our immigration policy. We are all concerned about maintaining some form of control over our immigration policy. However, that control should not be at the expense of family reunification.

While S. 358 would continue to allow unlimited immediate relative admissions, visas for other close family members could be reduced. I oppose this reduction and I urge passage of the Hatch-DeConcini amendment.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from California.

Mr. WILSON. Mr. President, I will not take a great deal of time, not as much as I intended originally to take, because this has been a very good debate, one of the better that I have head on one of the more difficult subjects.

I commend the Senator from Wyoming. He has labored long and hard in what is not a vineyard but a very rocky, thorny place, and he has done so most of the time with his characteristic good humor. This is the kind of subject that would try the patience of a saint.

I must say that this whole business of immigration could perhaps best be equated to the problem that faced a Solomon in really having to decide a very critical family matter.

Many times this afternoon my friend from Wyoming has asked the question, quite appropriately, who wants to suggest that in terms of giving preference on immigration to family-connected members that we should give preference to a brother or to an unmarried adult son as opposed to immediate family members, the spouse, the parents, or the minor children of a U.S. citizen?

The fact of the matter is those are very difficult choices for families themselves to make.

In some cases, I will tell him, in my home State immigrant families have decided that really in order of the benefit that would be derived, it might make more sense for the younger adult brother to come than for the father.

Those are painful decisions. Sometimes thay are dictated by economics, by stitutions that have to do with matters that relate to the ability to bring that family member to the United

States, wholly apart from what the immigration law provides.

I do not know that we are, any of us, wise enough to prescribe a generalized prescription that will do perfect equity in every case.

But the fact of the matter is to anyone listening to this very good debate this afternoon, I think it has become clear that the concern that has generated this amendment is one that is completely bona fide.

My friend from Wyoming has repeatedly said that in my State and in other States where there are large immigrant populations there is intense heat generated by this entire question of immigration. He is right, if by "heat" he means intense emotion. People feel intensely emotional about their families; about their children, God knows; about their spouses, of course; about parents and about other family members not within that category of immediate relative.

There is intense emotion felt. There is love. There is a desire to bring to this Nation with all that it offers those in one's family who are beloved, who in many cases have waited long and patiently who are in the category of the fifth preference and in many cases do not have a very good chance. We are talking about family reunification.

In some instances, the wait is so long that it would seem more accurate to call it ancestor reunification in terms of their prospects of getting here in time to be reunited with their family.

But what is clear is that those who have proposed this amendment have done so precisely because they feel that the answer to the question posed by our friend from Wyoming—should we pit one group of family-related immigrants against another?—is that this cap, which he does not call it, will do precisely that. Because what their amendment proposes is to set a floor on the number of immigrants who can come into the country who do not fall into the category of immediate relatives, and they do so as you have heard repeatedly this afternoon because the projection is that without this amendment the General Accounting Office sees that by 1999 there will be a squeeze indeed and in fact the level of immigration for family-connected members other than the immediate family, other than the minor children, the spouses and the parents, will have dropped to zero because all others will have been crowded out by the immediate relatives.

I think what has been established is that the likelihood under review at almost any time in the future is that immediate relatives, immediate family members, are probably going to be accommodated. The question is to what extent are we going to allow into the country those other family members who are not minor children, spouses, or parents? And the answer it seems clear to me is that the whole purpose of this legislation is to set a limit, and indeed very candidly the Senator from Wyoming has stated that that is the purpose, that that will be the effect.

What you have in the Hatch-DeConcini amendment is a common sense and humane effort to see to it that as we seek to accommodate those immediate family members, those immediate relatives, we also provide a sufficient compartment in that immigration liner coming to us that it will be able to accommodate some of the others. And the number that they have selected, 216,000, happens to be the number that reflects that kind of immigration last year.

What we do know is that we can expect, according to every source, that the number of immediate relatives will grow and that as it grows there will be a corresponding reduction unless, of course, this amendment is adopted and provides for that floor. Without it the prospect, everyone seems to agree, is that finally as the number of immediate family members increases in immigration to this Nation the number that is available through these other preferences, the second, the third, the fifth, is going to correspondingly be reduced.

That is very simply stated what this amendment is all about. I think that it is a wise amendment. I think that we would be unwise, I think that we would be arrogating to ourselves the power of a Solomon. If we find these decisions difficult, I tell you that the families themselves find them difficult. I do not think that they will thank us for simplifying the choice for them. They are not asking us to do this. To the contrary, let us not impose upon them a parameter that they have not sought and that does not exist in current law.

Family reunification is a concern not just with respect to the minor children, the spouses, the parents. It does involve brothers and sisters. It does involve other members of the family. And that has certainly been the experience in my State.

So I would say, with the greatest respect in the world for the extraordinary service provided by my friend, the Senator from Wyoming, who is motivated both by a genuine concern for his country and by what he feels, to be fairness, that, respectfully, those of us who support this amendment disagree to the extent that we feel that fairness requires that there be allocated to other family members than the immediate relatives a floor that will protect their immigration. Without that floor, without this amendment, we see them by the turn of the century no longer able to come to this Nation.

One of the things in this great American ambivalence to immigration is that when we get here, those of us who are the sons and daughters of immigrants, many times we feel it is time to haul up the ladder. It is true that no nation can lose control of its borders, though I have to tell you that I think that we have in certain respects and they are obvious. But what is also true is that in every generation, this Nation has received an incredible infusion of energy and brains and guts and drive that has made this Nation the richest and strongest and the best in the world because our richest resource has been our people and in many cases some of the very newest Americans, the most recent arrivals.

So I will simply say to you that I think that we should continue a wise policy of immigration that permits us to continue to benefit in that fashion. It is in the tradition of this Nation. I would simply say that this amendment is fair. It seeks equity as many of us think it is required to be practiced so that we do not too narrowly define the favored class in family reunification.

Mr. President, I thank the Chair and yield the floor.

Mr. GRAMM. Mr. President, listening to my dear colleague from California reminded me of that joke that Smirnoff, the new American, ex-Soviet comedian, said about how the day he was sworn in as a new citizen, immediately he had this deep concern well up in his bosom about all these foreigners.

There is a conflict here, Mr. President. We hear it in what our dear colleague from Wyoming says. The conflict is between a number and a principle. The number of 600,000. The number was developed by our dear colleague from Massachusetts and our dear colleague from Wyoming. It did not come down from Mount Olympus. It was developed by this committee. The principle is a principle of family unification.

It seems to me that the amendment of the Senator from Utah is a pretty straightforward, simple, fair amendment. It says, starting out with a formula of this bill, you start out with family preference of 480,000 people. Then you subtract the number of immediate family members that come.

Now, the concern of the distinguished Senator from Utah is that pretty quickly, what is left is going to be nothing. So he says that when the number has gotten down to 216,000, that it will go no lower. The Senator from Wyoming says, "But that violates the number of 600,000."

Mr. President, we have a conflict between a number that did not come from God and a principle of family unification. We have a choice between a number and a principle—a principle that is vitally important as people love their kinfolk. They come to America seeking freedom and opportunity.

They achieve it here. They want to bring their relatives here to share in that freedom.

So what Senator Hatch simply says is that at a point at which subtracting the number of immediate relatives leaves only 216,000 visas for family sponsored immigrants, it will not subtract further. The objection to that is not that that is an unreasonable number. The objection is that it violates the 600,000 cap. Given a choice between an arbitrary number and a principle of family reunification, I find myself on the side of the family reunification.

Finally, Mr. President, let me say that this magical number would have more meaning to me if it were not for the fact that we have seen that number of people are coming into the country illegally every year.

We have tremendous illegal immigration in this country which has not been stopped and yet we are here setting up arbitrary limits that prevent people who came here legally, who have been successful, who have achieved the American dream, from bringing their kinfolk to America.

I do not think that is right. I do not think it makes any sense. And I do not think that this is a very bold or daring amendment in terms of doing injustice to the bill before us. I think it is a simple, straightforward amendment. It says that when you reach the point of only 216,000 people left to come in under family preference, after you take out the immediate family, you do not let it go any lower.

If that means that you go above 600,000 in the total, so be it. That is ultimately the debate.

I am sure people listening to our colleague from Wyoming think that there is some kind of inherent inconsistency in the amendment and the bill. But the real problem is this cap, and I think the amendment that is proposed is reasonable and modest, and I think it ought to be adopted, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I thank my friend from Texas because he put it so succinctly well. I would like to point out to my friend, the Senator from Wyoming, that some of his statements are a little bit misleading, if I may say so. He talks about brothers-in-law. The bill does not mention brothers-in-law. He spoke earlier about nieces and nephews. This bill and the present immigration law does not speak about nieces and nephews. He talks about an unlimited immigration. Well, there is unlimited immigration, in a sense, under the present law. Immediate family members do come in in unlimited numbers.

As I understand the bill that is now being proposed by the Senator from Wyoming and the Senator from Massachusetts, that would not be changed. Immediate family—minor children, parents, and spouses of U.S. citizens—continue to come into this country without numerical limit. If, however, immediate relatives, come in very large numbers, they begin to push out brothers and sisters and other relatives who are not quite as immediate.

What the pending amendment says is that 216,000 of those not-so-immediate relatives should come in no matter how many immediate relatives come in. And I support this amendment of the Senator from Arizona and the Senator from Utah.

The Senator from Wyoming says that the Congress and the President are going to review this every 3 years. But I did not see in this bill any assurance that the Congress was going to act on this matter every 3 years.

Unlimited immigration, Mr. President? This bill would allow one-fourth of 1 percent of the American people to come in each year: 600,000 people is approximately one-fourth of 1 percent of the American people. At the time of the largest and most rapid economic growth in this country, 3 or 4 percent of the population was coming in as immigrants each year.

People say that immigrants are going to take away jobs. But the period of fastest job growth in relation to the population came at the time when the most immigrants in relation to the population came in.

This is not an amendment that asks for unlimited immigration, especially by historical standards. It is not an amendment that, in the words of the Senator from Wyoming, says: Never say no, to use his exact phrase. Rather, it allows all immediate relatives of U.S. citizens to come in—just as under the present law, and just as under the bill he proposes. But, in addition to that, 216,000 relatives who belong to other family categories, can also come in.

As a matter of fact, immediate family of permanent legal residents would be turned back in the event that the amendment were not adopted. That's because these immediate relatives fall under the second preference.

All of these preferences, Mr. President, are very confusing to understand. That's why put together this chart.

There is a first, second, fourth, and fifth preference that applies to families, but immediate family come outside of the preferences. Those folks can simply come in without limit. Immediate family, again, are mother and father, spouse, and minor children.

The first preference is adult, unmarried children of U.S. citizens; 54,000 of them come in under the present law. This bill reduces that to 23,400. But that is not too bad, even though there is a reduction, because the actual number that came in was 12,107, as you see.

The second preference is the immediate family not of citizens, but of legal permanent residents. That is the preference that the Senator from Wyoming says is often a 12-year wait and which, under the formula as established in the bill, he raises to 148,000. I compliment him for doing so.

Let me just say, if we look at this chart, all the family preferences taken together, add up to this figure of 216,000 that we are talking about.

The fourth preference is married adult children of U.S. citizens, and only that child. If a married adult child wants to bring his wife, let us say, and minor children, he has to get here first himself.

The fifth preference is the siblings, or the brothers and sisters of U.S. citizens. And, in this area, the Senator from Wyoming points out that in the case of the Philippines, the wait is 50 years.

So what this amendment says is that the immediate family of U.S. citizens can still come into this country in unlimited numbers. I believe that is the way it should be. But let's not forget the other relatives.

As the Senator from Texas says, once people get here to the United States and have an opportunity to enjoy the freedoms of the United States, they want to bring, as he says, their kinfolk. That, of course, is first the immediate family: the children, the minor children, the mother and the father, and the spouse. They do not count toward any limitation under the existing law.

However, under the proposed bill, S. 358, immediate relatives cut into these other preferences. What the Senator from Arizona and what the Senator from Utah are saying is that immediate relatives of U.S. citizens should not count against these preferences.

As the Senator from Illinois has pointed out, the immediate relatives, the numbers will climb, soon, within the next 6, 8, 10 years. And the result is that they will climb so high that under this bill they will squeeze out all of these other preferences. Mothers will squeeze out their sons. In other words, a mother who is brought here by a U.S. citizen will squeeze out her other children. Mothers will squeeze out brothers and sisters, and that really is not the way we want to go.

So I think that the Senator from Arizona and the Senator from Utah are, indeed, on the right track. I think that we do, indeed, have to support this amendment.

My concern about the bill is really related to this area of family preference immigration. The Senator from Wyoming talks about limitations on the fifth preference, that there are too many years of waiting under this

category. I will, therefore, offer amendments either tonight or tomorrow, as time permits, to increase the fifth preference so that we can have more brothers and sisters come into this country.

The Senator from Wyoming is correct that the mail runs against the idea of bringing in new immigrants; that many people think that jobs are going to be taken by these immigrants, and they feel threatened by that. I think the entire experience of the United States has been that immigrants create jobs; that immigrants by and large come to this country with nothing and they come as the greatest consumers of all. For that reason they do, indeed, create jobs.

Again, Mr. President, during the time when we had the greatest job growth as a percentage of population, when we had the fastest economic growth—the industrial revolution—this country experienced its heaviest immigrant flow. I would suspect that most of the grandfathers, great grandfathers and grandmothers of the Members of this body came during that period of time. That is what we are trying to recreate with this bill, to open the shores of this country because this country alone is a country of immigrants.

So I say to my good friend from Wyoming that we are not talking about unlimited immigration. Not at all. We are talking about guaranteeing that 216,000 people, in addition to immediate family members of American citizens, can be reunited with their family in the United States.

This is an amendment that does not necessarily increase, but might increase immigrant flow into this country by as much as 216,000 people a year.

I will have more to say about it later, but I hope that the Senate will consider this amendment and act favorably on this amendment as it should. I yield the floor.

Mr. SIMPSON. Mr. President, I understand on each occasion when we deal with immigration and refugee issues, and my friend from Minnesota, known affectionately of old No. 43, because I am No. 44, and he has never let me forget that, in our seniority ratings that is, of course. I did not know he paid that close attention, but he continues to bring it up, puts it on papers, slips it under the door. He does have me by 1 day seniority.

He is one of my loveliest friends in this place. His intent and his intentions are so authentic because he fled Nazi Germany and at the age of 5 was a refugee, a true refugee. Had he stayed or his parents, they would have been killed. They could not get visas here and they could not get visas there and they went to Poland and went to England and went to other countries and finally got here. He was 5 years old at that time. He is the only man in the body who cannot be President of the United States because he was born in Germany.

When my friend RUDY BOSCHWITZ speaks on this issue, he comes from a place of passion that I could never even imagine. So he does gravitate to these issues.

But let me say, as he said some of my statements might be, I think the word he used is misleading and he uses that in the debate sense. I like that. But I can tell my friend that if he will look again at the current law, the fifth preference today allows brothers and sisters and their family of U.S. citizens to immigrate. Under the fifth preference, 64,800 immigrants are admitted annually. Less than a third of those visas goes to brothers or sisters of citizens and two-thirds go to brothers-in-law, sisters-in-law, nieces and nephews. I will be glad to present those and will print those in the RECORD.

Those are the figures. I am not making them up. That is why I am talking about brothers-in-law and sisters-in-law and nieces and nephews.

I am saying only this: Unless you want unlimited immigration, and perhaps that is the vote we ought to just put to the body. Somebody should make the amendment that we want unlimited immigration into the United States.

I do not think that would pass. If it did, why, I do not think it would stay on the books very long. I guess that is what I could say.

But in the event that it came up, I do not think it would pass. Therefore, what limits should we have? I can tell you that I have never felt like bringing something down from Mount Olympus. I think that mountain in the Li'l Abner comic strip where the man used to hide with the kickapoo joy juice is how I feel about this. I can assure you we came up; we did not come down Mount Olympus, we went up 22 percent, an unheard of activity in the history of immigration reform.

There is no other way to describe a brother's wife than being a sister-in-law, and the brother's children are nieces and nephews, and that is the way it is. All of these people enjoy petitioning rights under current law.

Senator BOSCHWITZ, and I think it is important he hear this, stated he does not see where Congress is required to act every 3 years. Let me address him to the bill. S. 358, page 80, "The President shall transmit such determination to the Congress by not later than March 31 before the fiscal year involved." I think I am going to wait until my friend is able to hear my remarks because I do not want to catch him off guard.

Mr. BOSCHWITZ. Will the Senator repeat that?

Mr. SIMPSON. I shall. Senator BOSCHWITZ, Mr. President, has stated that he does not see anywhere where Congress is required to act every 3 years. I am citing and quoting from S. 358, the bill before us today in our discussions, page 80 stating that "The President shall transmit such determination to the Congress by not later than March 31 before the fiscal year involved and shall deliver such determination to both Houses of Congress on the same day and while each House is in session." The President must act.

And then if you would please go to page 83 of the bill it states, "No later than the first day of session following the day on which a determination is transmitted to the House of Representatives and to the Senate under paragraph (2), * * * a joint resolution (as defined in paragraph (5)) in respect to each such change shall be introduced (by request) in each House by the chairman of the Committee on the Judiciary of that House, or by a Member or Members of the House designated by such chairman."

That is the language. I do not know how it could be any clearer. The President is required to recommend a change every 3 years and, if necessary, the level of immigration.

Mr. BOSCHWITZ. Is the President required to recommend the change or to report? And is the Congress required to act only if he recommends the change?

Mr. SIMPSON. It is stated at page 80 of the bill, the President shall, and other conditions, after soliciting the views of the members of the Committees on the Judiciary of the House of Representatives and of the Senate determine whether or not the number specified in the section of the law should be changed for any fiscal year of the 3 fiscal year periods beginning with the next fiscal year and transmit that for determination. He shall transmit such determination to the Congress. I have read that previously. If the recommendation is a 5-percent increase or decrease, it can take effect without congressional approval, without congressional action. If more than a 5-percent increase is recommended, the Congress must act and then expedited procedures are set.

Mr. BOSCHWITZ. If the Senator will yield, I thank the Senator. Congress need not act unless the President recommends that change. I believe in what I said. I said that the President must report but the Congress must not necessarily act.

Mr. SIMPSON. That, Mr. President, is not correct. I would not leave my colleagues to believe that it is. S. 358 would mandate that Congress act in response if only one person raised the finger or objects to the President's recommendation. Senator BOSCHWITZ would be able to require us to act. I would be able to require us to act. And I am sure that he would and I would if

it were inimicable to our interests. But that is the way it is drafted. It is here. There is nothing more I can add. It would be repetitive and dull-witted to put this portion of the bill in the RECORD. It is already there. There it is.

Mr. BOSCHWITZ. If the Senator will yield, this says that in the event that the President makes a recommendation—as I understand this bill—in the event that the President makes a recommendation for a change that exceeds 5 percent, then the Senate or the House, Congress must act. But in the event that you make the recommendation for no change, though he must report, the Congress need not act. The Congress, of course, can act at any time in any event if it wants to change this law.

Mr. SIMPSON. Mr. President, I think I have cited what is the critical part of this legislation. Shall determine whether or not the number specified in subsection (c)(1)(A) or the number specified in subsection (d)(1)(A) should be changed for any fiscal year. That is whether or not. I do not know what more to detail on that. I did say this. Any Member can trigger "the President shall." The language is clear in paragraph 2 on page 80, clearer yet as to the increase or decrease of 5 percent, clearer yet if the increase is recommended Congress must act, clearer yet about the joint resolution, clearer yet that it be done by a member or Members of the House as designated by the chairman. I do not know what more I can add. I am not trying to be evasive.

Mr. BOSCHWITZ. Will the Senator yield for a question? In the event that the President makes a recommendation of no change, does the Congress have to act? Yes or no.

Mr. SIMPSON. It has to introduce the joint resolution, obviously. That is what it says. It says they shall. And then on to page 82. Go from 80 to page 82.

Mr. DECONCINI. Will the Senator from Wyoming yield for a question on that subject matter? If it says they shall introduce a resolution, does that mean that they have to act? Does that mean that they have to bring it to the floor and vote on it?

Mr. SIMPSON. That is correct. Then there are expedited procedures under that provision which are quite detailed. In fact, it tells about the debate on page 83, 84, 85.

Mr. DECONCINI. If the Senator will yield for another question, what if the President should decide to reduce the number by, say, less than 5 percent, to be roughly 24,000, 23,999. Then what happens? Must the Congress proceed and shall they introduce and go through the expedited procedure?

Mr. SIMPSON. Mr. President, it takes one Member of either body to do just that.

Mr. DECONCINI. So the answer is yes.

Mr. SIMPSON. Yes. That is correct. That is correct.

Mr. BOSCHWITZ. May I ask another question? As I read this subsection on page 83, it says if the President no later than the first day of session following the day on which determination is transmitted to the House and Senate under paragraph (2), which determination—that is what the President sends over—provides for a change in the number specified. Let us presume that it does not provide for a change as I have suggested. Then as I read this the joint resolution is not required. However, if one Senator wants to do something, I presume he could do something about this at any time—an amendment on any bill that comes before us, but I do not think this requires us to act.

I wonder if the Senator would address the never-say-no, the unlimited immigration the Senator was speaking about and why this amendment provides for unlimited immigration or why it is a never-say-no amendment, because I certainly do not read it as such.

Mr. SIMPSON. Mr. President, I said it was a never-say-no amendment to somebody who had relatives in the United States. That is what I said. And I want that quite clear. That is what I did say and that is what it is. There is no question about it.

Mr. BOSCHWITZ. Is the Senator talking about immediate family?

Mr. SIMPSON. I am talking about those relatives in the United States.

Mr. BOSCHWITZ. Immediate family.

Mr. SIMPSON. Immediate family come in unnumbered. Preferences come in numbered. Preferences are not filled. All those things come about and people then petition.

Mr. BOSCHWITZ. This is not a never-say-no amendment.

Mr. SIMPSON. I describe it as that. I share with my colleague that I describe it as that. May I say, Mr. President, if this is not sufficient clarification for anyone, I would certainly entertain an amendment to make it clearer that the Congress must act no matter what is in the determination, whether it is a selection to go up or down. That is the purpose of what we have put in here. If it is not that clear, I would certainly entertain an amendment to clarify it. I thought it was.

Mr. BOSCHWITZ. Mr. President, has the Senator from Wyoming yielded?

Mr. SIMPSON. I would like to conclude my remarks. Senator WILSON asked one of the critical questions of the debate in my mind. He said should we pit one group of immigrants against another. That is what he said. In the ideal world we would not and we would never. But let me tell you, ladies and gentlemen, in the real world right now, today, 2 million people are waiting in line for 270,000 visas. That is what is happening today, family and independent allocated in present law, current law. Given this reality and given the fact that visa demand cannot be ever matched by the supply of U.S. visas, I believe we must make some terribly difficult but necessary choices, and those choices are closer family members must be admitted before those more distant members are admitted, and by that I mean brothers and sisters-in-law and nieces and nephews.

And two, we must admit more skilled independent immigrants because our system of legal immigration has been overwhelmed by family reunification which was never the intention. We have two areas of the world that send 85 percent of legal immigration to areas of the world, and we have come away from what is known and left us with positions of adversely affected countries. That is what has happened to it. So I say we must admit more of those. That is what this bill does.

If we continue current law, and if we support the Hatch-DeConcini amendment, we have avoided making the very difficult choices. You may be assured that you have just stepped away from anything to address the issue.

I think it would be a terrible misnomer to say that this amendment is a bold statement, and an innovative and creative thing because all it does is play chicken because all it does is put us right back where we are today. Surely, no one wants to continue that with those kind of backlogs. It is not a creative thing. It is a something which is simply an escape, a failure to deal honestly with a tough, tough, tough issue. Until we do, it will never get resolved. Let us not call it "creative" or "innovative." Let us just call it "you ducked."

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I would like to move to a vote, and I ask for the yeas and nays on the Hatch amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DECONCINI. Mr. President, I think the debate has gone on too long probably for everybody. I am not going to prolong it for more than 1 more minute. I think it is important to remember what has made immigration so important to this country, what has made this country so important to the world, is the fact that families have an opportunity to be united here, and that the Hatch amendment before us

tonight just ensures that is going to continue at a bare minimum.

I hope my colleagues will support it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Utah. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

The PRESIDING OFFICER Mr. FORD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—62

Adams	Gore	McConnell
Bingaman	Gorton	Metzenbaum
Boren	Graham	Mikulski
Boschwitz	Gramm	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pryor
Burdick	Heinz	Reid
Chafee	Jeffords	Riegle
Conrad	Kasten	Robb
Cranston	Kerrey	Sanford
D'Amato	Kerry	Sarbanes
Daschle	Kohl	Specter
DeConcini	Lautenberg	Stevens
Dixon	Leahy	Symms
Domenici	Levin	Wallop
Durenberger	Lieberman	Warner
Fowler	Mack	Wilson
Garn	McCain	Wirth
Glenn	McClure	

NAYS—36

Armstrong	Exon	Mitchell
Baucus	Ford	Moynihan
Bentsen	Grassley	Murkowski
Biden	Helms	Pressler
Bond	Hollings	Rockefeller
Burns	Humphrey	Roth
Byrd	Inouye	Rudman
Cochran	Johnston	Sasser
Cohen	Kassebaum	Shelby
Danforth	Kennedy	Simon
Dodd	Lott	Simpson
Dole	Lugar	Thurmond

NOT VOTING—2

Coats Matsunaga

So the amendment (No. 238) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I was pleased to join Senator KENNEDY as a cosponsor of the Immigration Act of 1989, S. 358.

This bill creates two separate immigrant visa preference systems: One for family members; another for independent immigrants. Although the legislation continues to stress family reunification and in fact does much to streamline the existing system, it also recognizes that the United States requires skilled immigrants. To accomplish both these goals, 120,000 visas will be reserved for independent immigrants, that is, for persons of exceptional merit or with needed skills. Of these 120,000 visas, 54,000 will be distributed according to a point system which will award points for levels of education, occupational demand, and occupational experience. The cumbersome individual labor certification requirement is eliminated for these visas.

At present, over 90 percent of the visas issued today are family related. Those seeking visas under the nonpreference category have little chance. However, this legislation changes that, and the new category established is expected to benefit individuals from Western European countries such as Ireland, Italy, and others that were earlier sources of immigration to this country, but which have been effectively shut out due to the strict preference system currently in place.

This legislation seeks to inject fairness into our immigration laws. Traditionally, apart from the Chinese Exclusion Act of the late 19th century we did little to regulate immigration to this country at all. That is until 1924 when we enacted the National Origins law that had in mind keeping the United States exactly as it once had been. It set national origin quotas on the basis of the 1890 census, was pro-Northern European, pro-Western Europe, and openly so. This was nativist legislation, though some of the natives were not very welcome when they arrived.

The 1965 Immigration and Nationality Act amendments were a direct response to this nativist legislation and attempted to undo that earlier bias. The 1965 amendments accomplished this, but overdid it in the process. Stressing family ties, the 1965 law clogged the system and cut off access to this country for the people and nations where immigration took place three or four generations ago. The 1981 report of the Select Commission on Immigration and Refugee Policy—a distinguished panel headed by Father Theodore Hesburgh and counting among its members our two sponsors today, Senators KENNEDY and SIMPSON—summed it up well. The report states that:

> The low priority accorded nonfamily immigrants and a cumbersome labor certification process for clearing them for admission has made it difficult for persons without previous family ties in the United States or extensive training and skills to immigrate.

The effort to limit immigration in 1924 to some groups to prefer them over others, was not well-received. It was not right, not fair. Now we have moved too far in the other direction. The system now disadvantages individuals from countries which sent the first waves of immigrants to America. Since most European immigrants arrived in this country long before 1965, they do not have any close relatives to bring them in. Clearly, a mid-course correction is in order.

The legislation now before us accomplishes such a correction. It restores fairness and balance to our immigration laws to ensure that certain individuals and nations are not penalized because of their long heritage in this country. Certainly, the interests of family reunification are great and our immigration policies should not hamper such. However, we also need to help the descendants of our forefathers, to open the doors to opportunity for them as well.

It is also worth noting that this is not an overpopulated country. In fact, at some point in the next century the American population will actually start to decline. There is room for some more people in this country; there always has been and should be. I urge my colleagues to support the Immigration Act of 1989. In closing, Mr. President, I would ask unanimous consent that the following brief chronology of U.S. immigration policy be placed in the RECORD.

CHRONOLOGY

1875: First Federal retriction on immigration prohibits prostitutes and convicts.

1882: First general immigration law enacted which curbs Chinese immigration. Congress excludes convicts, lunatics, idiots, and persons likely to become public charges, and places a head tax on each immigrant.

1891: Ellis Island opens as immigrant processing center.

1903: List to excluded immigrants expands to include polygamists and political radicals such as anarchists.

1917: Congress requires literacy in some language for immigrants and virtually bans all immigration from Asia.

1921: Quotas are established limiting number of immigrants of each nationality.

1924: National Origins Law (Johnson-Reed Act) sets temporary annual quotas at two percent of the country's U.S. population

based on 1890 Census and sets immigration limit of 150,000 in any one year from non-Western Hemisphere countries.

1943: Chinese Exclusion Laws repealed.

1952: Immigration and Nationality Act of 1952 (McCarran-Walter) Reaffirms national origins system, and sets immigration limits.

1965: Immigration and Nationality Act Amendments of 1965 abolish national origins system, and establish preference system and annual ceilings for countries.

1976 and 1978: Additional amendments to Immigration and Nationality Act.

1986: Immigration Reform and Control Act imposes sanctions on employers who hire illegal aliens and grants amnesty to illegal aliens in this country since 1982.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, during my debate on the amendment that was voted on a few minutes ago, I mistakenly said that nephews and nieces and brothers-in-law could not be admitted under the fifth preference. Apparently I was mistaken, and the Senator from Wyoming was correct.

On page 92 of the bill, it defines the fifth preference as "Brothers and Sisters of Citizens." And then it goes on to say, "Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed 25 percent of such worldwide level, . . ."

I read that and did not realize brothers and sisters could bring their spouses and children. That is the nephews and nieces. I stand corrected and apologize to my friend, the Senator from Wyoming, number 44 in ranking here in the Senate. He, indeed, was correct, and I was mistaken.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask the Senator from Minnesota if there is anything else he wants to retract today?

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

TIME LIMITATION AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following be the only amendments, in addition to the pending committee substitute, remaining in order to the bill, S. 358, under the following time limitations where indicated:

A Specter-DeConcini amendment increasing employer-sponsored visas, 90 minutes equally divided;

A Helms second-degree amendment to the Specter-DeConcini amendment relevant to the subject matter of the first-degree amendment, 60 minutes equally divided;

A Simon amendment on points for arranged employment, 10 minutes equally divided;

A Gorton amendment on Chinese immigration, 20 minutes equally divided;

A Levin amendment clarifying a study by a congressional commission, 10 minutes equally divided;

A Simpson amendment to restore English language points, 1 hour equally divided;

A Kennedy-Simpson technical amendment, 10 minutes equally divided;

A Shelby amendment on census counting of illegal aliens, 2 hours equally divided;

A possible Bentsen or Graham second-degree amendment to the Shelby amendment, 2 hours equally divided;

An Exon amendment prohibiting certain benefits for illegal aliens, 30 minutes equally divided;

A Gramm amendment relating to immigration, 1 hour equally divided;

A Helms second-degree amendment to the Gramm amendment relating to immigration, 1 hour equally divided;

A Gramm amendment regarding rural investor visas, 1 hour equally divided;

A Gramm amendment on point system preference, 40 minutes equally divided;

A Gramm amendment on 5 percent Presidential recommendation, 1 hour equally divided;

A Helms second-degree amendment to the Gramm amendment on 5 percent Presidential recommendation, 1 hour equally divided;

A Gramm amendment on rural doctors and nurses, 1 hour equally divided;

A Gramm amendment on lower investment requirement to $500,000 for investors' visas, 1 hour equally divided;

A Gramm amendment on the removal of limitation on number of investors' visas, 1 hour equally divided;

A Gramm amendment on removal of per-country limits on selected immigrants, 1 hour equally divided;

A Gramm amendment on exemption of future increases of immediate relatives from national cap, 20 minutes equally divided;

A Boschwitz amendment to increase the fifth preference by 40,000, 40 minutes equally divided;

A Boschwitz amendment to increase the fifth preference by 30,000, 20 minutes equally divided;

A Boschwitz amendment to increase the fifth preference by 20,000, 20 minutes equally divided;

A Kassebaum technical amendment, 10 minutes equally divided.

I further ask unanimous consent that these amendments all be first degree amendments, except where specifically noted otherwise; that no motions, other than motions to table and/or reconsider, be in order; that upon the disposition of these amendments the Senate proceed, without any intervening debate or action, to third reading and final passage of the bill.

I further ask unanimous consent that the agreement be in the usual form with respect to the division of time.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I have three amendments that were not included that I think we are going to get agreement on and may be included in the technical amendments. But I would like to reserve 10 minutes for three amendments to be equally divided.

The PRESIDING OFFICER. Is that 10 minutes for the total of the three or 10 minutes each?

Mr. SIMON. Ten minutes each. I think we can get by without any time, but just in case, I want to reserve that.

Mr. MITCHELL. That will be no problem. Will the Senator merely identify in some brief way the subject matter of the amendments?

Mr. SIMON. One is the quota for Hong Kong. One is the investors going to areas of unemployment. The third is reserving a portion on the point system in the event the Simpson amendment does not carry.

Mr. MITCHELL. Mr. President, I ask unanimous consent that my request be amended to include a provision for the three amendments identified by Senator SIMON, with the time limit indicated; that is, 10 minutes equally divided on each of those amendments.

Mr. KENNEDY. Mr. President, reserving the right to object, I appreciate the willingness of the two leaders to try to move us forward. I would like to preserve the possibility for an amendment to the Shelby amendment that deals with a constitutional issue. I know that there has been a reservation by Senator BENTSEN and Senator GRAHAM for a possible second amendment. I would like to at least reserve that right, as well.

Mr. MITCHELL. For yourself?

Mr. KENNEDY. Yes.

Mr. MITCHELL. Mr. President, I amend my request by adding, where I

stated a possible Bentsen or Graham second-degree amendment, that now be amended to read a possible Bentsen or Graham second-degree amendment on the same subject and a possible Kennedy amendment in addition thereto on the same subject, with 30 minutes, equally divided, on such a Kennedy amendment if offered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That during the further consideration of S. 358, a bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes, the following amendments be the only amendments in order, in addition to the pending committee substitute, with the following time limitations where indicated, with the time to be equally divided and controlled:

Specter-DeConcini: Increasing employer sponsored visas, 90 minutes;

Helms 2d degree to the Specter-DeConcini: Relevant to the subject matter of the first degree amendment, 1 hour;

Simon: Points for arranged employment, 10 minutes;

Simpson: Restore English language points, 1 hour;

Kennedy-Simpson: Technical amendment, 10 minutes;

Shelby: Census counting of illegal aliens, 2 hours;

Possible Kennedy: 2d degree on the same subject, 30 minutes;

Possible Bensten or Graham: 2d degree on same subject, 2 hours;

Exon: Prohibiting certain benefits for illegal aliens, 30 minutes;

Gramm: Relating to immigration, 1 hour;

Helms: 2d degree to Gramm re immigration, 1 hour;

Gramm: Rural investor visas, 1 hour;

Gramm: Point system preference, 40 minutes;

Gramm: 5 percent Presidential recommendation, 1 hour;

Helms: 2d degree to Presidential recommendation, 1 hour;

Gramm: Rural doctors and nurses, 1 hour;

Gramm: Lower investment requirement to $500,000 for investors visa, 1 hour;

Gramm: Removal of limitation on number of investors visas, 1 hour;

Gramm: Removal of per country limits on selected immigrants, 1 hour;

Gramm: Exemption of future increase of immediate relatives from national cap, 20 minutes;

Boschwitz: Increase 5th preference 20,000, 20 minutes;

Boschwitz: Increase 5th preference 30,000, 20 minutes;

Boschwitz: Increase 5th preference 40,000, 40 minutes;

Kassebaum: Technical amendment, 10 minutes;

Simon: Hong Kong quota, 10 minutes;

Simon: Investors in unemployment areas, 10 minutes; and

Simon: Reserving portion of point system, 10 minutes;

Ordered further, That these amendments all be first degree amendments, except where specifically noted and that no motions, other than motions to table and or reconsider, be in order.

Ordered further, That upon disposition of these amendments, the Senate proceed, without any intervening debate or action to third reading and final passage of the bill.

Ordered further, That the agreement be in the usual form with respect to the division of time.

Mr. KENNEDY. Mr. President, we are prepared to stay in and consider some of the amendments that have been worked out. The Senator from Michigan's amendment has been worked out and the amendment of the Senator from Washington has been worked out. That is our intention.

Quite frankly, a number of these amendments that have been listed by the leader we have been working on during the course of the day and we will be glad, to the extent that we can, to deal with those this evening.

I yield the floor.

AMENDMENT NO. 248

(Purpose: To instruct the Commission on Legal Immigration Reform to review the impact of per country immigration levels)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the Gorton amendment will be set aside for consideration of an amendment of the Senator from Michigan.

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 248.

On page 122 after line 5, insert the following new subsection.

"(5) the impact of per country immigration levels on family connected immigration."

Mr. LEVIN. Mr. President, this amendment would require the Commission on Legal Immigration Reform to review the impact of per country immigration levels on family-connected immigration. There are already provisions in the bill to create the Commission and to direct it to review certain particulars. This amendment would simply add the new per country immigration levels to the issues for the Commission to review. I am concerned about how the new per country limit on family visas will affect family immigration from those countries with high demand for the limited visas.

PER COUNTRY LIMIT UNDER CURRENT LAW

Under current law, no country is allowed to use more than 20,000, or in some cases 16,000, family preference visas annually. If a country uses the maximum allowed 20,000 visas 1 year, then the following year, its family preference visas are limited to 16,000.

Let me emphasize here, that admissions of immediate relatives of U.S. citizens are not counted against this limit; and that is as it should be. Thus, a country that regularly reaches the per country limit, has unlimited admissions for immediate relatives of U.S. citizens, plus 16,000 visas for other family preference categories.

The bill before the Senate today could significantly alter this situation.

PER COUNTRY LIMIT UNDER S. 358

A little discussed provision of the bill would change the way the per country limit would apply to family immigration. I believe the new limits could have considerable impact on family immigration, especially immigration from the so-called high demand countries.

In principle, the bill would make two changes. First, it would change the per country limit from a raw number to a percentage of available visas. Second, it would, within certain limits, count immediate relatives of U.S. citizens against the per country limit on family preference immigration.

The first change would make the new limit 7 percent of the family preference visas available worldwide. Remember, the number of family preference visas available worldwide is 480,000 minus the immediate relatives of U.S. citizens, or 216,000, whichever is greater. Thus, the per country limit on family connected immigration would never be lower than 7 percent of 216,000, or 15,120.

So, it would seem that we are simply lowering the effective per country limit on family connected immigration from 16,000 to 15,120.

But the second change would reduce family preference immigration even further.

The second change would further reduce family preference immigration below the 15,120 limit because immediate relatives could claim up to half of the 15,120 visa limit.

S. 358 would alter current law by reducing its annual allowance of family preference visas because of the high number of immediate relative admissions. Put another way, admissions of immediate relatives are offset against the allowance of visas for other relatives.

Although the offset is limited to half the family preference allowance, I fear that S. 358 could significantly reduce family preference immigration from high demand countries.

Let me use an example from a hypothetical country to demonstrate how the offset mechanism would work.

Let's assume that the operative per country limit for fiscal year 1991 is 15,120 family preference visas. Further assume, that a country had 25,000 immediate relative admissions in fiscal year 1989 and 30,000 immediate relative admissions in fiscal year 1991. Finally, assume that immediate relative demand remains at 30,000 for fiscal year 1992.

Under current law, in fiscal year 1992 our hypothetical country would be allowed 30,000 immediate relative visas plus 16,000 family connection visas, for a total of 46,000.

Whereas, under S. 358, the increase of 5,000 immediate relatives between fiscal year 1989 and fiscal year 1991 would be counted against the per country limit of 15,120 for the following year, fiscal year 1992. This would reduce the country's family connection limit from 15,120 to 10,120. Thus, in fiscal year 1992 when the reduction would take place, the hypothetical country would be allowed 30,000 immediate relative visas, plus only 10,120 family preference visas, for a total of only 40,120 visas.

So, under S. 358 as immediate relative admissions grow, other family immigration decreases—one is offset against the other.

The committee has clearly foreseen this effect and has placed a limit on the offset mechanism. The bill specifies that increases in admissions of immediate relatives, can offset no more than half the family preference per country limit.

Going back to the scenario I described a minute ago, if immediate relative admissions from the hypothetical country had increased from 25,000 to 35,000, the hypothetical country would still be guaranteed 7,500 family preference visas.

This guarantee of 7,500 family preference visas affords high demand countries some protection against the offset mechanism, but I am troubled by the bill's provisions nevertheless.

Even with the safeguards, the bill we are debating effectively reduces the per country limit on family preference visas from 16,000 to 7,500.

IMPACT ON HIGH DEMAND COUNTRIES

GAO identified seven high demand countries which hover at, or near, the current per country limit of visas. They are: China, Great Britain, including Hong Kong, Korea, Mexico, The Dominican Republic, India, and the Philippines.

By effectively reducing the per country limit on family preference visas from 16,000 to 7,500, it would seem possible, indeed probable, that S. 358 would reduce family immigration from these countries.

STUDY IMPACT OF PER COUNTRY LIMITS

The amendment I am introducing today simply requires the Commission on Legal Immigration Reform to review the impact of the new per country levels of immigration on family immigration from high demand countries. Such a review would be consistent with the purpose of the Commission, as it would be established under S. 358. The amendment I am offering would require the Commission to specifically consider the effect of the new per country levels of immigration which the bill would establish.

Mr. President, I understand the amendment is acceptable by both sides. I wish to thank Senator KENNEDY and Senator SIMPSON and their staffs for working with us on this amendment.

Mr. KENNEDY. Mr. President, I thank the Senator from Michigan for bringing this matter to our attention. It requires the congressional commission to look also at the impact of our bill on family immigration. This has been our intention. It is certainly a very consistent amendment and one I think that strengthens the legislation. I urge our colleagues to accept it.

Mr. SIMPSON. Mr. President, this is a perfectly acceptable amendment. I appreciate the usual good work of my friend from Michigan. He thoughtfully follows those issues of family reunification and family immigration. I am very pleased to accept that and thank him for it.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on the agreement to the amendment of the Senator from Michigan [Mr. LEVIN].

The amendment (No. 248) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 242, AS MODIFIED

(Purpose: To grant adjustment to lawful resident status of certain nationals of the People's Republic of China)

Mr. GORTON. Mr. President, I have sent to the desk a modification to my earlier amendment which I believe is the pending business. I ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Without objection, it is so modified.

The amendment (No. 242), as modified, is as follows:

(1) EXTENSION OF DURATION OF STATUS.—Subsection 245B(e)(1) of section 302 of title III of the bill relating to the status of students from the People's Republic of China set forth in amendment numbered 239, as amended, is hereby further amended by striking the date "June 5, 1992" and inserting in lieu thereof the date "June 5, 1993."

(2) ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—Section 302 of title III of the bill, as amended, is further amended by the following subsection (f) to read in its entirety as follows:

"(f) ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) ADJUSTMENT OF STATUS.—The status of a national of the People's Republic of China shall be adjusted by the Attorney General to that of an alien lawfully admitted for temporary residence if the alien—

(A) applies for such adjustment during the 90-day period prior to June 5, 1993;

(B) establishes that the alien (i) lawfully entered the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (F) (relating to students), subparagraph (J) (relating to exchange visitors) or subparagraph (M) (relating to vocational students) of section 101(a)(15) of the Immigration and Nationality Act, or lawfully changed status to that of a nonimmigrant described in any such subparagraph on or before June 5, 1989, (ii) held a valid visa under any such subparagraph as of June 5, 1989, and (iii) has resided continuously in the United States since June 5, 1989 (other than brief, casual and innocent absences); and

(C) meets the requirements of section 245A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)(4)), provided however, membership in the Communist party of the People's Republic of China or subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was "involuntary" or "nonmeaningful";

and the Attorney General shall not have terminated prior to June 5, 1993, the status accorded under subsection (e) of this section. The Attorney General shall provide for the acceptance and processing of applications under this subsection by not later than ninety (90) days after the date of enactment of this Act.

(2) STATUS AND ADJUSTMENT OF STATUS.—The provisions of subsections (b), (c) (6) and (7) (d), (f), (g), and (h) of section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a) shall apply to aliens provided temporary residence under subsection (a) in the same manner as they apply to aliens provided lawful temporary residence status under section 245A(a) of such Act, provided however, membership in the Communist party of the People's Republic of China or any subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was "involuntary" or "nonmeaningful"."

Mr. GORTON. Mr. President, I also ask unanimous consent that Senators SIMON, KOHL, BOSCHWITZ, and CRANSTON be listed as original sponsors to this amendment, and that all of those Members who were listed as sponsors of my original amendment (Senators KASTEN, DOMENICI, WILSON, COHEN, GRAMM, LIEBERMAN, and D'AMATO) be incorporated as original cosponsors of the modified amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, earlier today I proposed an amendment which I described as building on the Mitchell-Dole amendment which was agreed to yesterday with respect to students, vocational students and exchange visitors from the People's Republic of China. I proposed that amendment with three underlying goals in mind.

First, to provide a degree for these young Chinese nationals who had been overtaken by the dramatic and regrettable repression of the democracy movement in Beijing on the 3d and 4th of June and on subsequent days.

Second, to provide what I consider to be the most effective possible sanction against the People's Republic of China—the possible permanent loss of the brightest and best of its young people who are represented by those students here in the United States.

Third, selfishly, to create an asset for the United States by offering a

greater possibility that those students might become permanent residents and ultimately citizens of the United States.

Their brightness, the high degree of their education, their technical attainments, their dedication to democracy, their general work ethic, all combine to cause them to be exactly the kind of people we would like to have as full-time residents and citizens of the United States.

The three distinguished Senators who make up the Subcommittee on Immigration, the distinguished Senator from Massachusetts, Senator KENNEDY, Wyoming, Senator SIMPSON, and Illinois Senator SIMON, had certain concerns about the amendment as originally proposed. In fact, they would have been opposed to my earlier amendment because it would create a new and different precedent in our immigration law. However, they have been sympathetic with the goals which I outlined in connection with my earlier amendment. The modification which I have submitted I believe with the approval of all of them—is a closer parallel to yesterday's leadership amendment. It would reach the same goal sought by my original amendment, albeit taking somewhat longer.

My current amendment would have the Government deal with these Chinese students until June 5, 1993, in exactly the way outlined by the Mitchell-Dole amendment which was agreed to by this body yesterday. If up to that date, however, slightly less than 4 years from the time at which we are debating this amendment, the President had been unwilling or unable to certify that it was perfectly safe for the Chinese students and other temporary residents to return to the People's Republic of China, then automatically they would be authorized to adjust to temporary residence status if they had submitted an application within the 90-day period prior to June 5, 1993. After maintaining temporary residence status for at least 18 months, they may apply for and be granted permanent residence status which may eventually lead to citizenship.

The other provisions which I discussed in that earlier amendment would either be included or will be included in one or more technical amendments to be offered by other Members at a later point. Those technical amendments will assure the right to work prior to the June 5, 1993, date on the part of these students from China.

We want them to be able to work to help defray the costs of their education, to contribute to society, and in some cases to make themselves eligible for citizenship under other provisions of the immigration laws as and when they can so do.

To summarize, this amendment together with the technical amendments will allow the Chinese students to work during their stay in our country. It will give them the kind of security which they want and need to continue to work here in the United States for democracy in China. It will provide the most effective possible sanction against the People's Republic of China for its actions in early June. Further, it will provide the greatest possible encouragement for liberalization in China in the future in order that the Government of the People's Republic of China will provide some incentive for these bright and talented students to return. If the situation in China continues to be repressive, it may well result in a substantial increase in the number of permanent residents and citizens here in the United States to the benefit of the people of the United States.

I would describe it as meeting all of the goals underlying my original amendment today. I express extreme gratitude toward the three distinguished Senators and Senator KOHL and their staffs for their willingness to work with me and my staff to achieve such an important addition to this bill.

Mr. President, I ask unanimous consent that the July 7, 1989, letter of J.H. Jerry Zhu, Esq., to Jimmy Wu, Esq., be printed in the RECORD, Messrs. Zhu and Wu have provided valuable assistance to me and my staff in the highly technical area of immigration law, for which I am grateful.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DAVIS WRIGHT & JONES,
Seattle, WA, July 7, 1989.

JIMMY WU, ESQ.,
Attorney at Law, Seattle, WA.

DEAR JIMMY: Pursuant to our conference call on July 5, 1989, I am writing to present my views on S. 1209, a bill introduced by Senator Gorton on June 20, 1989, which will permit Chinese foreign students and exchange visitors immediately to apply for and, if otherwise eligible, receive permanent resident status in the United States.

There is no lack of precedents for this type of legislation. The Congress has been consistent in its willingness to approve legislation to aid persecuted people of the world. For example, Congress has approved legislation on behalf of the Cuban refugees (Public Law 89-733); the Hungarian refugee (Public Law 85-559); admission of refugee-escapees who are within the mandate of the United Nations High Commissioner for Refugees (Public Law 86-648); and for refugees from communist countries outside the Western Hemisphere (Public Law 89-236). The justifications for the enactment of those acts are manifold, including—

Providing protection for people who had been in the forefront of fights for freedom and who had fled their homes to escape Communist oppression;

Discharging our international humanitarian obligation not to return persecuted people to a country where their lives or freedoms would be threatened;

Relieving the refugees of following a circuitous route to permanent resident status, and avoiding waste of time and money, and undue burdens on them and their families who had very limited funds;

Reducing the Government's expenditures on behalf of those refugees;

Aiding the refugees in their resettlement by enhancing their opportunity to qualify for employment in the United States; and

Accepting the refugees, and in doing so, acquiring a valuable national asset.

U.S. Cong. & Adm. News' 58-198, pp. 3147-3155; and U.S. Cong. & Adm. News' 89-732, pp. 3792-3802.

It is true that Chinese students and scholars are not "refugees," as the term is defined under § 101(a)(42) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1101(a)(42). Most are still in status, on F (Student), J (Exchange student), or M (Vocational student) visas. In addition, unlike the Cuban and Hungarian refugees, they were not admitted to the United States in a parolee status. Very few have sought asylum up to this time. However, like the Cuban and Hungarian refugees, the Chinese students and scholars are not able to return to their home country for the foreseeable future, and their presence in the United States without permanent resident status will cause the same type of problems that can only be solved by the enactment of legislation such as the "Cuban Refugees Act" in 1966 and the "Hungarian Refugees Act" in 1958. For reasons stated below, we believe it is in the interest of the United States and the Chinese students to forestall those problems by granting them permission to immediately apply for permanent resident status in the United States.

It is anticipated that before long the Chinese Communist leadership will launch a propaganda campaign aimed at wooing the Chinese students and scholars back to China. Promises will be made not to punish those who took part in demonstrations and other anti-government activities in the United States. The leadership might even grant exceptionally favorable treatment to returning students in terms of career opportunities, compensation, or housing, using the returning students and scholars as propaganda tools.

In discussions with representatives of the Chinese student body in Seattle, I asked the question: "Under what circumstances will you feel safe to go back?" The response was unanimous. The students will not go back to China in reliance on whatever promises the leadership may make. The students note that if history and recent events teaches anything, it teaches that the Chinese Communist Party cannot be trusted to keep promises made to the people. Only when the Chinese government reverses its characterization of the June 4 pro-democracy movement from "counterrevolutionary" to "patriotic," the students say, can they consider it safe to go back. Such a correction is not likely within the next four or five years. In the meantime, Chinese students and scholars will explore every possible channel to try to stay in the United States, legally or even illegally.

Many will seek to adjust their nonimmigrant visa status to that of a permanent resident under Section 245 of the Act, 8 U.S.C. 1225. In order to do so, they will have to find an employer; have the employer apply for a Labor Certification with the Department of Labor, certifying that their employment in the United States will not adversely affect conditions of U.S. workers,

and that sufficient U.S. workers are not able, willing, qualified and available for the job. 8 U.S.C. § 1182(a)(4). This, in itself, is a very time-consuming process. After obtaining a Labor Certification, the students will need to apply for an immigrant visa under either § 203(a)(3) (Third Preference), or § 203(a)(6) (Sixth Preference) of the Act due to the quota system which restricts the number of aliens eligible to be admitted to the United States each year. If they are lucky, their immigrant visa quota will become available before their nonimmigrant visa expires. Then and only then will they be eligible to apply for adjustment of status under Section 245 of the Act.

Students who are J visa holders will be subject to the two-year home-country residency requirement under Section 212(e) of the Act. An application for waiver of this requirement has to be made before they can be eligible to adjust their status. The approval process for such waiver applications, most likely based on claims of persecution, will involve the Immigration and Naturalization Service, the United States Information Agency, and the Bureau of Human Rights and Humanitarian Affairs.

In addition, students who are members of the Chinese Communist Party will have to apply for waiver of excludability under Section 212(a)(28) of the Act before becoming eligible for adjustment of status.

During this lengthy process, which may take as long as 12 months to 2½ years, the students are required to maintain their nonimmigrant status and have a valid Chinese passport. If they are out of status or without a valid passport, they will not be eligible to adjust their status to that of an immigrant in the United States. It should be mentioned here that the Chinese embassy and consulates in the United States may refuse to extend the students' passports once they expire.

If a student cannot complete any step along the way—obtaining extension of validity of passport, receiving labor certification or an immigrant visa, or remaining in status until the immigrant visa quota for China becomes current—the students may find themselves out of status and subject to deportation. They will be left with no recourse except seeking political asylum based on persecution or fear of persecution. Some of them may take this approach directly.

The reality we will have to face is that if the students should fail in their efforts to obtain permanent resident status under either Section 245 of the Act or the Refugee Act of 1980, the United States, out of humanitarian consideration, still should not or cannot force them to go back to China so long as the basis for fear of persecution exists. If such is the case, why not permit the students to apply for permanent resident status immediately and, in doing so, avoid all the problems which the government and the students will otherwise have to cope with. We only need to examine the problems and costs associated with delay for the Cuban and Hungarian refugees to realize the benefits of a direct and permanent approach.

One concern in taking the approach outlined in S. 1209 is, of course, the reaction from the Chinese government over the loss of these students and scholars, which may have diplomatic and military implications. Nevertheless, the U.S. government cannot avoid grappling with the problem at some point. It is in the interest of U.S.-China relations to deal with the problems now rather than later.

The reasons to act can be summarized as follows:

(1) The Chinese Communist leadership were well prepared to accept the eventual loss of these students when they made the decision to crack down on the pro-democracy movement. They will not be surprised if the Congress passes this bill. The Chinese leadership may make a lot of noise, but will not take retaliatory measures. They may restrict other students and scholars from coming to the United States, but this had already happened even before the crackdown on the pro-democracy movement.

(2) Any humiliation of the Chinese leadership as a result of this legislation will be short-lived when compared with the lengthy and repetitive J visa waiver process or the political asylum process. Each waiver or asylum application will be based on persecution or a fear of persecution. Each individual case will constitute an accusation against the Chinese government of persecution. The filing and processing of such applications will continue over a long period of time, even after resumption of normal relations between the two countries.

(3) The passing of this bill will encourage the Chinese leadership to take positive steps to attract these students back to China. U.S. permanent resident status does not mean abandonment of Chinese citizenship. The Chinese students would become eligible for U.S. citizenship only after five years have passed since obtaining permanent resident status. The students will remain citizens of the People's Republic of China. If the Chinese government really wants these students back, they will know that they must improve the political environment in China before the students must decide to become U.S. citizens and abandon Chinese citizenship. Since the U.S. desires improvement in the political environment in China, passage of S. 1209 will help fulfill a major U.S. foreign policy goal.

(4) Once normal relations have resumed, on the basis of a more democratic attitude by the Chinese government toward its own people, these students, whether they decide to stay permanently in the United States or return to China, will become excellent bridge builders between the two countries.

It should also be mentioned here that the Chinese students are unique in the sense that they are the elite of Chinese society. If permitted to stay permanently in the United States, they will not be a liability, but a valuable national asset to the United States.

For reasons stated above, I recommend that the AILA favor and support S. 1209, and make recommendation to the Congress accordingly.

Very truly yours,

J.H. JERRY ZHU.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I first of all want to thank the Senator from Washington for his willingness to work with us on this issue. He has identified an important area of public concern, and I think that the solution that we have reached is consistent with what we have done historically and is extremely relevant to the current condition. It allows adjustment of status after 4 years, using the Amnesty Program procedures. This is a consistent procedure with what we have done for the Poles, the Afghans, the Ugandans, and the Eastern Europeans.

In the interim the students are protected for 4 years unless the President certifies beforehand that it is safe to return.

So this builds on what we have done. It follows the past precedent. I think there is adequate reason to support this proposal, and I want to personally extend my sense of appreciation for the cooperation. I think we achieve the objective of the Senator from Washington and we do it in a way which follows the past traditions. I do think it is the way to move. I think we achieve the objective, and I am grateful to the Senator for working this out.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank Senator GORTON for the amendment as we have now agreed to accept in the form presented. If the President does not certify by June 5, 1993, that conditions are safe enough for Chinese students to return home, then we should put them on the track toward temporary residence and then permanent residence. I have had some serious concerns about granting permanent status to people who are now only granted temporary relief, and this does preserve the ability of the President to terminate the grant. The amendment is acceptable.

I appreciate the effort that Senator GORTON has gone to and I think, with this proposal and this amendment, that we have rather thoroughly addressed the Chinese student issue. I had wanted to do that, and with what Senators MITCHELL, DOLE, and what Senator MURKOWSKI and now Senator GORTON have said, I think any obligation—and we certainly have one to these fine young people and others in the United States—that we certainly met that. I thank the Senator from Washington for assuring that.

The PRESIDING OFFICER. The Senator from Washington.

Mr. KOHL. Mr. President, I am proud to be a cosponsor of the Gorton amendment. I am also delighted to see that the leadership is now willing to accept the additional level of assurance that this amendment offers above and beyond the protections afforded in the Mitchell-Dole amendment we adopted yesterday. Clearly, this amendment does not replace the Mitchell-Dole measure. It adds new protections. Chinese nationals can continue to apply for permanent residence immediately under the Mitchell-Dole amendment.

Ever since the tragic events in China, we have all been struggling with how we might best protect the Chinese students now in the United States. I filed legislation on this issue before the recess. During the recess,

while I was in Wisconsin, I met with a number of Chinese students. Here in Washington, my staff met with the staff from the offices of Senator SIMON, Senator DIXON, Senator CRANSTON, Senator GORTON, Senator KENNEDY, Senator SIMPSON, and others, to discuss how we might deal with this issue. Over the past week, there have been a number of additional meetings which produced the leadership amendment we adopted yesterday and which have now produced the Gorton amendment we are preparing to adopt. In all of these meetings, there has been an excellent spirit of cooperation and bipartisanship. There has been give and take, compromise and accommodation. It may not have always been the best way to legislate, but it has produced good legislation. I am proud to be associated with it. And I am proud of the work that my staff—in the State and here in Washington—has played in shaping both the leadership amendment and the Gorton amendment.

Mr. President, the various amendments we have adopted to help Chinese students now in the United States represent the best elements of American society: compassion—a human desire to help those who share our love of freedom and democracy—and commitment—a belief that we have to oppose and seek to prevent the abuse of basic human rights by any government of any country. I think the American people can be proud of what we have done on this issue. I look forward to action in the House and the prompt presentation of legislation on this issue to the President.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 242), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we have concluded the debate for this evening. We will commence the debate tomorrow on the immigration bill at 10 o'clock with the Exon amendment. There has been a time limitation on that, but I mention it just for the benefit of the Members. Then, hopefully, we will move along as rapidly as we can through the remaining amendments.

TRIBUTE TO MS. ARETHA FRANKLIN

Mr. LEVIN. Mr. President, Michigan is always proud to claim favorite sons and daughters with special gifts and accomplishments as its own, but when their talents unfold beyond our borders we are proud as well to share them with the Nation and the world.

Aretha Franklin is quite rightly Michigan's own, raised in Detroit at the side of her father, one of that city's most famous ministers, the late C.L. Franklin, and weaned on the moving tones and message of Gospel music at New Bethel Baptist Church on the street now named C.L. Franklin Boulevard.

Her talent was recognized in her teens and her recording career began with a collection of Gospel songs 33 years ago. Just 2 years ago, she returned to that same church for the recording of another widely acclaimed collection of spiritual songs. In between, for more than a quarter of a century, she became the spirit of an era of popular music.

In many parts of this world where the language of music transcends both words and borders, a simple phrase describes a sound, a woman, and a continuing legacy of songs: "Queen of Soul." More than 20 years ago, a writer for Time magazine attempted a description of this queen whose picture graced the magazine cover. He called her technique, "simple enough," but added, "what really accounts for her impact goes beyond technique; it is her fierce, gritty conviction."

The conviction in her voice has been evident from those early days leading a congregation in song, to this summer as her latest recording heads up the charts. Perhaps not as well known is the conviction Aretha has carried into the fight against drunk driving and the effort to ensure young men and women have access to higher education through the United Negro College Fund. For this dedication to her craft and her community, she has earned what all of us covet; R-E-S-P-E-C-T.

Mr. President, on Friday, July 14, the Senate Black Legislative Staff Caucus will honor Aretha Franklin with a resolution and the presentation of a plaque commending her for her amazing career. I ask unanimous consent that the resolution and the dedication appearing on the plaque be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE BLACK LEGISLATIVE STAFF CAUCUS RESOLUTION: ARETHA FRANKLIN, QUEEN OF SOUL

Whereas, Aretha Franklin began her distinguished career at the age of fourteen with her own unique rendition of the hymns, recorded at her father's New Bethel Baptist Church, in Detroit, Michigan, and

Whereas, Aretha Franklin established herself as a gospel great with classics such as "Amazing Grace", "One Lord, One Faith, One Baptism", "Wholy Holy", "The Lord's Prayer", and "You'll Never Walk Alone", and,

Whereas, Aretha Franklin gained further respect of music critics and audiences alike, by mastering the rhythm and blues, top-forty, and country musical markets, and,

Whereas, Aretha Franklin developed her own stylized singing voice that is a signature for the civil rights movement of the '60s and '70s, and continues to be a staple of the American music industry, and,

Whereas, Aretha Franklin, while capturing the heart of America, earned 15 Grammy awards, 24 gold records, one platnum album, was named the top female vocalist of 1967, the number one female singer at the 16th Annual International Jazz Critics Poll in 1968; was recipient of 1984 American Music award, and

Whereas, Aretha Franklin gained additional international acclaim by becoming the first female inductee into the Rock and Roll Hall of Fame in 1987, was listed in Who's Who in America's 45th Edition, 1988-89, and,

Whereas, Aretha Franklin, has committed her talents and time to assist in eliminating drunk drivers from our nation's highways with her soulful public service advice of "Don't" to those persons who would drink and drive, and,

Whereas, Aretha Franklin, was designated the true queen of soul by contributing such block buster hits as "Angel", "R-E-S-P-E-C-T", "Who's Zoomin' Who", "Think", "Satisfaction", "I Say A Little Prayer", "Jimmy Lee", "Ain't No Way", "Spirit In The Dark", "The House That Jack Built", and,

Whereas, Aretha Franklin, has received honors, other than musical, including: an Honorary Doctor of Law degree from Bethune-Cookman College, an Honorary Doctorate in Music from the University of Detroit, keys to numerous American cities, an image award from the NAACP, a 1984 American Black Achievement Award from Ebony Magazine, and in May of 1985, her voice was proclaimed one of Michigan's Natural Resources by the Governor, therefore,

Be it resolved, That, on July 14, 1989, the Senate Black Legislative Caucus presents this resolution to honor Aretha Franklin for her valuable contributions to the music industry and her continuing commitment to issues that address the good will of all Americans.

[Plaque]

UNITED STATES SENATE BLACK LEGISLATIVE STAFF CAUCUS

HONORS

MS. ARETHA FRANKLIN FOR HER OUTSTANDING CONTRIBUTIONS TO MUSIC AND COMMUNITY SERVICE

In recognition of your superior musical accomplishments, exceptional community service, and your commitment to eliminating drunk drivers from our Nation's highways.

Presented on July 14, 1989.

MESSAGES FROM THE HOUSE

At 2:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed

the following bills, in which it requests the concurrence of the Senate:

H.R. 491. An act to establish a mining experimental program on critical minerals, and for other purposes;

H.R. 1705. An act to amend the Mining and Minerals Policy Act of 1970, and for other purposes;

H.R. 2087. An act to transfer a certain program with respect to child abuse from title IV of Public Law 98-473 to the Child Abuse Prevention and Treatment Act, and for other purposes;

H.R. 2088. An act to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986;

H.R. 2653. An act to authorize appropriations for fiscal year 1990 to carry out the Export Administration Act of 1979; and

H.R. 2848. An act to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the act for existing agency matching programs.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 86. Concurrent resolution expressing the sense of the Congress that the President should encourage the private creditors of Mexico to take certain actions to reduce Mexico's debt and debt service cost.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 491. An act to establish a mining experimental program on critical minerals, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1705. An act to amend the Mining and Minerals Policy Act of 1970, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2087. An act to transfer a certain program with respect to child abuse from title IV of Public Law 98-473 to the Child Abuse Prevention and Treatment Act, and for other purposes; to the Committee on Labor and Human Resources.

H.R. 2088. An act to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986; to the Committee on Labor and Human Resources.

H.R. 2653. An act to authorize appropriations for fiscal year 1990 to carry out the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 86. Concurrent resolution expressing the sense of the Congress that the President should encourage the private creditors of Mexico to take certain actions to reduce Mexico's debt and debt service cost; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2848. An act to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the act for existing agency matching programs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 1990" (Rept. No. 100-75).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 737. A bill to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado (Rept. No. 101-74).

S. 388. A bill to provide for 5-year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes (Rept. No. 101-76).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Robert Refugio Davila, of the District of Columbia, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education;

Neil Carney, of Virginia, to be Commissioner of the Rehabilitation Services Administration; and

Charles E.M. Kolb, of Virginia, to be Deputy Under Secretary for Planning, Budget and Evaluation, Department of Education.

(The above nominations were reported with the recommendation that they be confrimed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KENNEDY:

S. 1295. A bill to provide duty-free treatment for the entry of scenery and costumes imported by the Boston Ballet for a special performance; to the Committee on Finance.

By Mr. BURDICK:

S. 1296. A bill to establish a Rural Water Supply Assistance Program to provide for improvement, renewal, rehabilitation, repair and modernization of rural water supply systems; to the Committee on Environment and Public Works

By Mr. DURENBERGER:

S. 1297. A bill to permit secondary mortgage financing for residential properties that include small day care centers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (by request):

S. 1298. A bill to reauthorize programs under the Domestic Volunteer Service Act of 1973 (hereafter in this Act referred to as the "Act"), and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SPECTER (for himself, Mr. SASSER, Mr. RUDMAN, Mr. BRADLEY, Mr. LOTT, Mr. DODD, Mr. REID, Mr. LIEBERMAN, Mr. KERRY, and Mr. HEINZ):

S. 1299. A bill to establish a Police Corps program; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 1300. A bill to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, to establish the Youth Opportunities Unlimited program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEFLIN:

S. 1301. A bill to provide relief for Hoar Construction Inc. of Birmingham, Alabama to settle certain claims filed against the Small Business Administration, to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 1302. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit; to the Committee on Energy and Natural Resources.

S. 1303. A bill to amend the Internal Revenue Code of 1986 to restrict the partial exclusion from income of interest on loans used to acquire employer securities to cases where employees receive a significant ownership interest in a corporation, and for other purposes; to the Committee on Finance.

By Mr. GLENN (for himself, Mr. ADAMS, Mr. DASCHLE, Mr. DECONCINI, Mr. KOHL, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. PRYOR, and Mr. STEVENS):

S. 1304. A bill to enhance nuclear safety at Department of Energy nuclear facilities, to modify certain functions of the Defense Nuclear Facilities Safety Board, to apply the provisions of OSHA to certain Department of Energy nuclear facilities, to clarify the jurisdiction and powers of Government agencies dealing with nuclear wastes, to ensure independent research on the effects of radiation on human beings, to encourage a process of environmental compliance and cleanup at these facilities, to protect communities that contain these facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (by request):

S. 1305. A bill to amend title 38, sections 5002(d), 5004(a)(3)(A), and 5009(i)(2) United States Code, to raise the Department of Veterans Affairs' minor construction cost limitation from $2 million to $3 million and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRANSTON (for himself, Mr. BINGAMAN, Mr. DECONCINI, Mr. GRAHAM, Mr. MATSUNAGA, and Mr. ROCKEFELLER):

S. 1306. A bill to amend title 38, United States Code, to extend the preventive care pilot program of the Department of Veterans Affairs and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PRESSLER:

S. 1307. A bill to amend the Land Remote Sensing Commercialization Act of 1984 in order to transfer responsibility for archiving land remote-sensing data to the Department of the Interior, and for other purposes; to

the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURDICK:

S. 1296. A bill to establish a Rural Water Supply Assistance Program to provide for improvement, renewal, rehabilitation, repair and modernization of rural water supply systems; to the Committee on Environment and Public Works.

RURAL WATER SUPPLY ASSISTANCE ACT

● Mr. BURDICK. Mr. President, today I am introducing legislation which is intended to address the water supply infrastructure needs of small rural communities. The Rural Water Supply Assistance Act of 1989 will provide States with the authority to establish a long-term capital base to insure that adequate drinking water facilities can be sustained throughout this country.

Mr. President, I have considered this legislation ever since the 1987 report of the National Council on Public Works Improvement stated unequivocally that "A national problem does exist for small water systems." My colleagues are fimilar with the important work of the Council, and I do believe they are aware that in over 2,000 pages of analysis this was the infrastructure issue about which the National Council made one of its most forceful statements.

The reason for this becomes clear when one looks at the data; the scope of the small water system problem is very broad. The Environmental Protection Agency has defined a small community water system as one which serves fewer than 3,300 people. Mr. President, there are more than 58,000 such systems in this country and they provide drinking water to more than 25 million Americans. Rural Americans, small farmers, businessmen and women and their families. These are the people who comprise the backbone of our country.

Mr. President, the National Council on Public Works Improvement found that, and I quote:

These small water systems operate on a marginal basis, with inadequate resources—operational and managerial—to correct existing deficiencies. Owners/operators of these systems are often unable to respond effectively to emergencies or the need for unplanned improvements. Small water systems are expected to consistently deliver safe and dependable supplies of water to consumers, however, even though they find it inherently difficult to manage, operate, and maintain their systems properly.

The plain fact is that these small rural water systems usually have no full-time operator; have little knowledge of water system management, finances or engineering; have no economies of scale; serve low and modest income populations; and have neither bonding capacity nor access to capital for system improvements.

Mr. President, the Rural Water Supply Assistance Act will provide, through a State established revolving account, the necessary financial base for these small water systems to provide quality drinking water to the people of rural America. And it will do so in a financially sound way in partnership with the States. The Act will provide rural communities with the opportunity to obtain technical assistance and managerial expertise from this Nation's most qualified experts on the management, maintenance, and upkeep of infrastructure facilities, the U.S. Army Corps of Engineers. I ask unanimous consent to provide for the RECORD a section-by-section summary of this legislation at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RURAL WATER SUPPLY ASSISTANCE ACT
SECTON-BY-SECTION ANALYSIS

TITLE I

Contains the short title, statements of findings and purpose and definitions.

TITLE II—ADMINISTRATION

The Secretary of the Army shall administer the program through a new Office of Water Supply located in the Corps of Engineers.

TITLE III—CAPITALIZATION OF REVOLVING FUNDS

The Secretary is authorized to pay each state its annual Federal share, upon payment of the State matching share. The States must agree to establish rural water supply assistance revolving funds; to deposit the 30% matching share required of each State; and to use both State and Federal funds within two years after the year of receipt.

TITLE IV—WATER SUPPLY ASSISTANCE REVOLVING FUNDS

Authorizes States to establish revolving funds and limits their use to water supply system improvements. Permits revolving funds to be used:

(1) to make loans at or below market rates, including interest free loans, up to 20 years, except that loans made to for-profit suppliers of water must be made at market rates of interest at terms not to exceed 20 years. Annual principal and interest payments are to commence not later than 1 year after project completion. Establishes that the loan recipient must establish a dedicated source of revenue for loan repayment and that the fund will be credited with all payments on all loans.

(2) to buy or finance debt obligations within the State at or below market rates, where such debt obligations occurred subsequent to enactment of this Act.

(3) to guarantee, secure, or purchase insurance for obligations where such action would improve credit market access or reduce interest rates.

(4) as a source of revenue or security for the payment of principal and interest on revenue of general obligation bonds issued by the State or other political subdivision if the proceeds of the sale of such bonds will be deposited in the fund.

(5) to provide loan guarantees for similar revolving funds established by local jurisdictions.

(6) to earn interest on fund accounts.

(7) for reasonable cost of administering the fund up to 4%.

(8) as a source of income for any recipient of a loan authorized by this section, if the loan was acquired from other sources than this revolving account.

Each State shall determine its own project priorities from a State maintained project list.

TITLE V—ALLOTMENT OF FUNDS

Sums allotted to a State under this Act shall be available in accord with the allocation provisions of the PWSS grant program of the Environmental Protection Agency. Uncommitted funds are to be made available for reallotment in accordance with the most recent fund allotment formula under this Act.

TITLE VI—AUDITS AND REPORTS

Requires the usual audits and reports regarding use of Federal funds. Also requires (1) an Implementation Plan detailing the State's rural water supply improvement strategy; (2) an annual report describing the State's performance relative to the preceding fiscal year's Implementation Plan, and (3) a report to the Congress by the Secretary on the status of the program one year after the date of enactment.

TITLE VII—TECHNICAL ASSISTANCE

The Corps of Engineers is authorized to provide technical assistance on a fully reimbursable basis, for the development of water system improvement designs, plans, specifications, and the development of management techniques.

TITLE VIII—AUTHORIZATION OF APPROPRIATIONS

Authorizes the appropriation of $250 million per year for 5 fiscal years following the date of enactment of the Act for the capitalization of the State rural water supply system revolving funds.

Mr. President, most of the concepts included in this bill are not new. The legislation essentially provides Federal seed money to permit States to establish revolving fund banks for providing leveraged financing to rural water systems which serve less than 3,300 people. The Federal cost of the bill over 5 years would total $1.25 billion, and the States would be required to contribute an additional $375 million. These funds will prime the self-financing pump and enable States to deal with rural water supply needs for generations to come.

This legislation will address a daily health and safety problem for 25 million Americans. It will do so in partnership with the States, and it will do so for less than one-tenth of 1 percent of the annual Federal budget spread over 5 years.

I urge my colleagues to consider this proposal carefully, and I ask for their constructive comments on it.

This is legislation of vital concern to rural America, Mr. President. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Rural Water Supply Assistance Act of 1989".

FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) many rural water supply systems are inadequate or insufficient to provide for existing and future needs;

(2) many rural water supply systems have deteriorated to the degree that a reliable supply of water is in jeopardy and large quantities of water are being or may be wasted;

(3) rural water supply systems serve less than 3300 individuals, and have no ready access to financial markets;

(4) improvement, renewal, rehabilitation, repair and modernization of rural water supply systems is important for public health and economic growth;

(5) to improve rural water supply systems, capital must be available to accomplish improvement, renewal, rehabilitation, repair, and modernization of such systems, and

(6) improvement of rural water supply systems is a national goal, and the Federal government should provide assistance to the States in making capital available for the improvement, renewal, rehabilitation, repair and modernization of rural water supply systems.

(b) PURPOSE.—The Congress declares that the purpose of this Act is to establish an account from which capitalization grants will be made to States for the purpose of establishing revolving funds for use by the States to finance the improvement, renewal, rehabilitation, repair and modernization of rural water supply systems.

DEFINITIONS

SEC. 3. (a) The term "Construction" shall mean the acquisition, erection, building, alteration, improvement, reconstruction, renovation or rehabilitation of a rural water supply system or water facility, as the case may be, and as defined herein; the inspection and supervision thereof; and the engineering, architectural, legal, economic and environmental investigations and studies, surveys, designs, plans, working drawings, specifications, procedures and other actions incidental thereto.

(b) The term "Person" shall mean any State, municipality, agency or instrumentality of a State or municipality, individual, corporation, company or partnership.

(c) The term "Rural Water Supply System" shall mean any community or non-community system of water facilities for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five, but no more than three thousand three hundred individuals.

(d) The term "Real property" shall mean lands, structures, franchises and interests in land, water, land under water, groundwater riparian rights and air rights and any and all things and rights included within said term and includes not only fees simple absolute, but also any and all lesser interests including, but not limited to, easements, rights of way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or rights, legal or equitable, including terms for years and liens thereon by way of judgments, mortgages or otherwise.

(e) The term "Revolving fund" shall mean a rural water supply assistance revolving fund established by a State meeting the requirements of Title four of this Act.

(f) The term "State" shall mean, in addition to the several States, American Samoa, Guam, Northern Marianas, Puerto Rico, Pacific Trust Territories and the Virgin Islands.

(g) The term "State agency" shall mean any State office, department, board, commission, bureau or division, or other agency or instrumentality of the State.

(h) The term "Supplier of water" shall mean any person who owns or operates a rural water supply system.

(i) The term "Water facility" or "Water facilities" shall mean all or any portion of a rural water supply system including plants, structures and other rural and personal property acquired, rehabilitated, or constructed or planned for the purpose of supplying or distributing water, including but not limited to surface or groundwater reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping stations, water distribution systems, compensating reservoirs, intake stations, waterworks, or sources of water supply, wells, connections, water meters, rights of flowage or division and other plants, structures, equipment, conveyance, real or personal property or rights therein and appurtenances thereto necessary or useful and convenient for the accumulation, supply or distribution of water.

(j) The term "Water system improvements" shall mean the construction of water facilities for the purposes of improving, renewing, rehabilitating, conserving, repairing or modernizing such system. "Water system improvements" shall not include expansion of an existing public water system. "Water system improvements" shall also mean the combination, integration or consolidation of several rural water supply systems for the purpose of regional water supply management, provided that building construction permits for all structures served by such systems to be consolidated, integrated, or combined were issued prior to the date of enactment of this Act.

(k) The term "Secretary" for the purposes of this Act means the Secretary of the Army.

TITLE II: ADMINISTRATION

SEC. 201. The Secretary of the Army, acting through the Chief of Engineers, shall act as the administrator of the authorities of this Act.

SEC. 202. To implement the authorities of this Act there shall be established within six months of the date of enactment of this Act in the Directorate of Civil Works of the Office of the Chief of Engineers an Office of Water Supply. The Chief Administrator of this Office shall have an educational background or work related experience in public policy, economics, finance, or financial management.

TITLE III: CAPITALIZATION OF REVOLVING FUNDS

GRANTS TO THE STATES FOR THE ESTABLISHMENT OF REVOLVING FUNDS

SEC. 301. Subject to the provisions of this Act, the Secretary shall make capitalization grants to each State for the purpose of establishing a rural water supply assistance revolving fund for providing assistance for construction of water system improvements for rural water supply systems.

SEC. 302. A State shall enter into an agreement with the Secretary in order to receive a capitalization grant under this Act. This agreement shall certify to the satisfaction of the Secretary that:

(1) the State will accept grant payments with funds to be made available under this title and will deposit all such payments in the rural water supply assistance revolving fund established by the State in accordance with this Act;

(2) the State will deposit in the revolving fund from State moneys an amount equal to at least 30 percent of the total annual amount of all capitalization grants which will be made to the State with funds to be made available under this Act on or before the date on which each grant payment will be made to the State under this Act;

(3) the State will apply or enter into binding commitments to provide assistance, in accordance with the requirements of this Act, in an amount equal to 130 percent of the amount of each such grant payment within 2 years after the receipt of such grant payment;

(4) the State will expend or apply all moneys in the fund in an expeditious and timely manner;

(5) the State will commit and expend or apply each grant payment which it will receive under this title in accordance with laws and procedures applicable to the commitment and expenditure or application of revenues of the State or state agency holding the revolving fund;

(6) the State will use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards in carrying out the requirements of Title Six of this Act.

(7) the State will require as a condition of making a loan or providing other assistance, as described in Section 404 of this Act, from the fund that the recipient of such assistance will maintain project accounts in accordance with generally accepted practices, as applicable; and

(8) the State will make annual reports to the Secretary on the actual use of funds in accordance with Section 604 of this Act.

SEC. 303. The Secretary will pay to each State, upon deposit by the State of the State share described in Section 302 of this Act, the amount of the capitalization grant to be made to the State under this Act.

TITLE IV: WATER SUPPLY ASSISTANCE REVOLVING FUNDS

SEC. 401. Before a State may receive a capitalization grant with funds made available under this Act, the State shall first establish a rural water supply assistance revolving fund which complies with the requirements of this Act.

SEC. 402. State rural water supply assistance revolving funds established pursuant to this Act shall be administered by the State or an agency or instrumentality of the State with such powers and limitations as may be required to operate such fund in accordance with the requirements and objectives of this Act.

SEC. 403. Funds provided to each State rural water supply assistance revolving fund under the provisions of this Act shall be used only for providing financial assistance to any municipality, intermunicipal agency, interstate agency, State agency or instrumentality or supplier of water for construction of water system improvements that are

part of a rural water supply system. The fund shall be established, maintained, and credited with repayments, and the fund balance shall be available in perpetuity for providing such financial assistance.

SEC. 404. Except as otherwise limited by State law, a rural water supply assistance revolving fund of a State under this Act may be used:

(a) to make loans to suppliers of water, on the condition that:

(1) such loans are made at or below market interest rates, including interest free loans, at terms not to exceed 20 years;

(2) annual principal and interest payments will commence not later than 1 year after completion of any project and all loans will be fully amortized not later than 20 years after project completion;

(3) the recipient of a loan will establish a dedicated source of revenue for repayment of loans;

(4) the fund will be credited with all payments of principal and interest on all loans; and

(5) any such loans made to a for-profit supplier of water shall be made only at market interest rates, at terms not to exceed 20 years.

(b) to buy or refinance the debt obligation of municipalities and intermunicipal and interstate agencies within the State at or below market rates, where such obligations were incurred subsequent to the enactment of this Act.

(c) to guarantee, secure, or purchase insurance for State or local obligations where such action would improve credit market access or reduce interest rates;

(d) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality of the State if the proceeds of the sale of such bonds will be deposited in the fund;

(e) to provide loan guarantees for similar revolving funds established by municipalities or intermunicipal agencies;

(f) to earn interest on fund accounts;

(g) for the reasonable costs of administering the State fund, except that not more than 4 percent of all grant awards to such fund under this title may be used for such purpose; and

(h) as a source of income for any recipient of a loan authorized by paragraph (a) of this section, if the loan was made from sources other than (1) grant awards made to the State under this title and (2) State moneys required to be deposited in the fund as a condition to receipt of a grant award.

SEC. 405. The determination of the priority to be given for the construction of water system improvements for rural water supply systems within each State shall be made solely by the State.

SEC. 406. The State may provide financial assistance from its rural water supply assistance revolving fund only for projects for construction of water facilities if such project is on the State's current priority list. Such assistance may be provided regardless of the rank of such project on such list.

TITLE V: ALLOTMENT OF FUNDS

SEC. 501. Sums authorized to be appropriated to carry out this Act shall be allotted by the Secretary in accordance with the formula developed in accord with the allocation provisions of the PWSS grant program of the Environmental Protection Agency as defined in 40 CFR 35.115(e).

SEC. 502. If the Secretary determines that a State has not complied with the provisions of this Act, the Secretary shall immediately notify the State of such non-compliance and the action required to achieve compliance.

SEC. 503. If a State does not take corrective action within 60 days after the date it receives notification of non-compliance, the Secretary may withhold additional payments to the State pursuant to this Act until the necessary corrective action is taken.

SEC. 504. If the Secretary is not satisfied that adequate corrective actions have been taken by the State within a year after the State is notified that such actions are necessary to comply with the provisions of this Act, the payments withheld from the State by the Secretary under Section 503 of this Act will be made available for reallotment in accordance with the most recent formula for allotment of funds under this Act.

TITLE VI: AUDITS AND REPORTS

SEC. 601. Each State electing to establish a rural water supply assistance revolving fund under this Act shall establish fiscal controls and accounting procedures sufficient to assure proper accounting during appropriate accounting periods for:

(1) payments received by the fund;

(2) disbursements made by the fund;

(3) investment earnings collected by the fund; and

(4) fund balances at the beginning and end of the accounting period.

SEC. 602. Audits for the use of funds deposited in the rural water supply assistance revolving fund established by such State shall be conducted on an annual basis by the Secretary in accordance with the auditing procedures of the General Accounting Office, including Chapter 75 of Title 31, United States Code.

SEC. 603. After providing for public comment and review, each State shall annually prepare an Implementation Plan identifying the planned uses of the amounts available to its rural water supply assistance revolving fund. Such plan shall include, but not be limited to:

(1) a list of those projects for construction of water system improvements;

(2) a description of the short-term and long-term goals and objectives of its rural water supply assistance revolving fund;

(3) information on the activities to be supported;

(4) assurances and specific proposals for meeting the requirements of paragraphs (3) and (4) of Section 302 of this Act, Section 403 and 404 of this Act; and

(5) the criteria and method established for the distribution of funds.

SEC. 604. Beginning the first fiscal year after the receipt of payments under this Act, the State shall provide an annual report to the Secretary describing how the State has met the goals and objectives of this Act as outlined in its Implementation Plan for the preceding fiscal year. This report shall include the identification of loan recipients, loan amounts, loan terms and investment interest accumulated and similar details on other forms of financial assistance provided from the rural water supply assistance revolving fund.

SEC. 605. (a) Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the financial status and operations of rural water supply assistance revolving funds established by the States under this Act. The Secretary shall prepare such report in cooperation with the States.

(b) This report shall include, at minimum, the following information:

(1) an assessment of the operations, loan portfolio, and loan conditions of such revolving funds;

(2) an assessment of the effect on user charges of the assistance provided by such revolving funds; and

(3) an assessment of the efficiency of the operation and maintenance of water facilities constructed with assistance provided by such revolving funds.

TITLE VII: TECHNICAL ASSISTANCE

SEC. 701. The Secretary, acting through the Chief of Engineers, is authorized to provide technical assistance to any rural water supply system for the construction of any water system improvements, provided that such technical assistance is provided on a fully reimbursable basis; and provided further that such technical assistance shall not include the physical construction or construction management of any water system improvement.

SEC. 702. For the purposes of this Act the term "technical assistance" shall include, but not be limited to, the development of water system improvement designs, plans, specifications, and the development of management techniques including, but not limited to, accounting systems, maintenance schedules, and other forms of system analysis directed at improving the efficiency of the operation and management of a rural public water supply system.

TITLE VIII: AUTHORIZATION OF APPROPRIATIONS

SEC. 801. There is authorized to be appropriated to the Secretary, for allocation to the states as specified in Section 501 of this Act, $250,000,000 for each of the five successive fiscal years beginning after the date of enactment of this Act.●

By Mr. DURENBERGER:

S. 1297. A bill to permit secondary mortgage market financing for residential properties that include small day care centers; to the Committee on Banking, Housing, and Urban Affairs.

SMALL DAY CARE CENTER ASSISTANCE ACT

● Mr. DURENBERGER. Mr. President, we have all had the opportunity to debate and discuss the problems surrounding child care in this country. During this debate, I think many of us have learned about the important role family day care provides in meeting the needs of today's families. As you know, 78 percent of child care services are provided in the home or by a family day care provider. Because of this large percentage of children being cared for in the home, I would like to bring to your attention a problem many family day care providers face when trying to operate a day-care facility from their home.

Mr. President, as you know, Fannie Mae and Ginnie Mae and Freddie Mac are federally chartered corporations which purchase home mortgages in the secondary mortgage market. The Federal charters under which these corporations operate limit their involvement to residential mortgages. Because the definition of residential excludes homes with income-producing activities, mortgages on homes where a family day care center is lo-

cated would not be purchased by these corporations. As a result, bankers are often unwilling to extend mortgages or refinancing to homes with family day care centers because the bank, in turn, will not be able to sell these mortgages to Fannie Mae, Freddie Mac, or Ginnie Mae.

The bill I am introducing today would amend the Federal charters for Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to permit mortgages for homes with family day care centers to be eligible for purchase by Fannie Mae, Ginnie Mae, and Freddie Mac.

While we know that family day care centers are not a large business enterprise—a family day care center is by definition operated in a providers home—it does represent a significant percentage of day care services provided in this country.

As it has been demonstrated during the course of earlier debate over child care legislation, there is a tremendous need for quality, affordable child care in this country. The need is particularly acute in Minnesota where the percentage of women working outside the home is the third highest in the country.

I think that as we continue to debate the issue of child care in this country, we must also be mindful of ways to reduce institutional barriers that have prevented the growth of current services. The bill I am introducing today will remove existing policy which penalizes family day care providers who wish to purchase or refinance their homes. There is no cost associated with this bill. I am also pleased to note that this bill will again be incorporated into the Economic Equity Act of 1989 which is expected to be introduced in the near future, and that Congresswoman MARY KAPTUR will be introducing this bill in the House. I invite my colleagues to support this important initiative.

I ask unanimous consent that the text of the bill be printed into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Day Care Center Assistance Act".

SEC. 2. AMENDMENT TO FEDERAL NATIONAL MORTGAGE ASSOCIATION CHARTER ACT.

Section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)) is amended by adding at the end thereof the following new paragraph:

"(6) For purposes of this title, the term 'mortgage' includes a mortgage secured by a 1- to 4-family residential property that is occupied as a residence and in which child care service is provided in compliance with all applicable State and local laws, if the mortgage is otherwise eligible for purchase under this title.".

SEC. 3. AMENDMENT TO FEDERAL HOME LOAN MORTGAGE CORPORATION ACT.

Section 302(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451(h)) is amended by adding at the end thereof the following new sentence: "The term 'residential mortgage' also includes a mortgage secured by a 1- to 4-family residential property that is occupied as a residence and in which child care service is provided in compliance with all applicable State and local laws, if the mortgage is otherwise eligible for purchase under this title.".●

By Mr. HATCH (by request):

S. 1298. A bill to reauthorize programs under the Domestic Volunteer Service Act of 1973 (hereafter in this act referred to as the "Act"), and for other purposes; to the Committee on Labor and Human Resources.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS

Mr. HATCH. Mr. President, there are a number of bills which have been introduced in an effort to rekindle the spirit of volunteerism in America. In fact, hearings have been held in both the House and the Senate to examine these proposed programs and to lead us toward bypartisan legislation. Throughout these hearings, witnesses have consistently testified that any Federal activity must capitalize on the strong network of existing volunteer organizations. One such organization, designed to help local volunteer groups establish independent organizations, is the national volunteer agency, ACTION. For a quarter of a century, VISTA volunteers have been working to combat poverty in their local communities. In addition, the older American volunteer programs—the Retired Senior Volunteer Program, the Senior Companion Program, and the Foster Grandparent Program—have enabled almost half a million seniors to make significant contributions to children, the disabled, and even the frail elderly in their local communities. In this age of volunteerism, we must recognize the central role played by ACTION.

At the request of President Bush, I am pleased to introduce the administration's bill for the reauthorization of ACTION. I have agreed to introduce this bill by request because I believe that the continued funding of ACTION is imperative for the growth of volunteerism in America. However, I do not agree with all the components of this bill and will, therefore, also be introducing my own bill for the reauthorization of ACTION. I look forward to working with my colleagues on the Senate Labor and Human Resources Committee during the reauthorization process.

I ask unanimous consent that the complete text of the legislation and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Volunteer Service Act Amendments of 1989".

VOLUNTEERS IN SERVICE TO AMERICA

SEC. 2. Section 109 of the Act is repealed.

TERMS AND PERIODS OF SERVICE

SEC. 3. Section 104(c) is amended by striking out "in section 5(j) of the Peace Corps Act, as amended (22 U.S.C. 2504(j))" and inserting in lieu thereof "for persons appointed to any office of honor of profit by section 3331 of title 5, and swear (or affirm) that he/she does not advocate the overthrow of our constitutional form of government in the United States, and that he/she is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates".

SERVICE-LEARNING PROGRAMS

SEC. 4. Part B of title I of the Act is amended by changing the heading to STUDENT COMMUNITY SERVICE PROGRAMS and by striking out the words "service learning" wherever they appear and inserting in lieu thereof "community service".

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION

SEC. 5. Section 501 of the Act is amended to read as follows:

"NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION"

"SEC. 501. (a)(1) There is authorized to be appropriated to carry out Part A of title I of this Act $23,615,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992.

"(b) There is authorized to be appropriated to carry out part B of title I of this Act $1,352,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992.

"(c) There is authorized to be appropriated to carry out part C of title I of this Act $1,050,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992. In addition to the amounts authorized to be appropriated by the preceding sentence, there is authorized to be appropriated $1,600,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992 for support of drug abuse prevention."

NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

SEC. 6. Section 502 of the Act is amended to read as follows:

"NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS"

"SEC. 502. (a) There is authorized to be appropriated $30,862,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992 for the purpose of carrying out programs under Part A of title II of this Act.

"(b) There is authorized to be appropriated $58,928,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992 for the purpose of car-

rying out programs under part B of title II of this Act.

"(c) There is authorized to be appropriated $25,135,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992 for the purpose of carrying out part C of title II of this Act."

ADMINISTRATION AND COORDINATION

SEC. 7. Section 504 of the Act is amended to read as follows:

"ADMINISTRATION AND COORDINATION"

"SEC. 504. There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, $27,875,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992."

TECHNICAL AMENDMENTS

SEC. 8. The table of contents of the Act is amended by:

(a) striking out "Sec. 109. VISTA Literacy Corps";

(b) changing the name of TITLE I Part B to "Student Community Service Programs"; and

(c) changing the name of Section 114 to "Special Student Community Service Programs".

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1989

SECTION 1. The title of the legislation.

SEC. 2. Would repeal section 109, VISTA Literacy Corps. The authority for administration of the volunteers currently enrolled under section 109 is covered by Section 103(a)(3). This change will enhance the ability of the Agency to more effectively and efficiently manage the resources and volunteers available.

SEC. 3. Would amend section 104 of the Act by striking out citation of the Peace Corps Act regarding the oath of service for VISTA Volunteers. This clarification is made necessary by the separation of Peace Corps from ACTION.

SEC. 4. Would change the name of the "Student Service Learning Program" to the "Student Community Service Program". This provision would clarify to the public, especially the academic community, the broader scope of ACTION's student volunteer programs. This should dispel any mistaken belief that such volunteer programs are confined to a narrowly drawn focus on experiential education.

SEC. 5. Would reauthorize current National Volunteer Antipoverty programs, title I of the legislation, providing for part A, $23,615,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992; for part B, $1,352,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992; for part C, $1,050,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992. In addition, it would authorize $1,600,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992 for support of drug abuse prevention.

SEC. 6. Would reauthorize current national Older American Volunteer Programs, title II of the legislation, providing for part A, $30,862,000, for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992; for part B, $58,928,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992; and for part C, $25,135,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992.

SEC. 7. Would reauthorize program support at $27,875,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992.

SEC. 8. Contains technical amendments to conform table of contents.

By Mr. SPECTER (for himself, Mr. SASSER, Mr. RUDMAN, Mr. BRADLEY, Mr. LOTT, Mr. DODD, Mr. REID, Mr. LIEBERMAN, Mr. KERRY, and Mr. HEINZ):

S. 1299. A bill to establish a Police Corps Program; to the Committee on the Judiciary.

POLICE CORPS ACT

● Mr. SPECTER. Mr. President, today I am introducing a bill which will help to combat violent crime and drug violations and to preserve neighborhood safety by substantially increasing the number of police on patrol.

The vehicle to achieve this essential goal is the creation of a Police Corps Program which, like the Reserve Officer Training Corps [ROTC] Program, would provide educational assistance in exchange for a commitment to postgraduation police service. This bill is based on legislation I first introduced as S. 1524 in the 99th Congress.

Many cities and towns in this country need more police. Police departments are being stretched thin by the increase in violent crime over the last 40 years. Preventive community patrol, protecting neighborhood safety and peace, is sometimes sacrificed to allow prompt response to emergency calls.

The ratio of police officers to reported violent crimes has significantly declined during the last four decades. Reports indicate that in 1948, for every violent crime reported in a U.S. city, there were 3.22 police officers. Approximately 40 years later, however, the ratio dramatically changed, with one officer for every 3.1 violent crimes. In New York City in 1951, a police force of 19,000 coped with 15,812 violent crimes—fewer then one per officer. In 1987, a force of 27,523 confronted 148,313 violent crimes: more than five reported violent crimes for each officer.

In the Nation as a whole, we are allocating to violent crime one-sixth of the police power we mobilized 30 years ago. These statistics understate the problem because researchers believe there are two crimes not reported for every reported crime. But the worst understatements cannot be expressed in numbers. Rather they are engraved on the faces and in the hearts of American citizens who live in areas where the power and authority of law enforcement seem absent.

As I have stated on other occasions, crime is a complex subject. The underlying causes of crime are with us today as they have been with us for decades. Poverty, lack of housing, lack of adequate education, lack of job training, lack of jobs, lack of family structure—all are root causes of crime in this country, and more has to be done by the Congress of the United States in addressing those issues. At the same time, Mr. President, I submit that it is necessary to address the issues of arrest, prosecution, conviction, rehabilitation where possible, and incarceration where rehabilitation is not possible.

To begin this essential task, we must significantly augment the strength of the police forces in this country. More police on patrol in neighborhoods can help to reestablish community order and safety. Police patrol strengthens neighborhoods and contributes to domestic tranquillity.

Understrength police forces cannot hope to apprehend more than a fraction of the many criminals who have adopted crime as a profitable way of life. Clearance rates, even for violent crime, have dropped dramatically. As to property crime, most departments do not have the manpower even to investigate thefts of less than many thousands of dollars. In this regard, the poor always suffer the most: according to the National Crime Survey of the Bureau of Justice Statistics, black households lose 50 percent more to crime than do white households.

I believe that more police, patrolling aggressively and investigating a greater proportion of crimes, will significantly reduce criminal actively.

Accordingly, we must reestablish the force and effectiveness of the police. I believe that the Federal Government should stimulate and lead an effort to rebuild police strength in every threatened State and locality. I propose that we now undertake a national effort to increase State and local police forces, over the next 5 years, by adding up to 100,000 new officers. This number would allow us to increase actual patrol forces, in many threatened areas, by over 50 percent.

We should recruit to police service highly qualified young men and women. We have historic precedent. In times of national emergency, the bulk of our military officers have been drawn not from the career forces, but from the citizenry at large. They have been volunteers, who after their tour of duty have returned to their civilian occupations. And to these volunteers, we have offered a free higher education as an inducement and a recognition of their service. We do this today, in the Reserve Officer Training Corps [ROTC] programs that now train the majority of the Nation's junior military officers, and make higher education possible for thousands of young adults.

I propose that we should now do the same for the police. We should recruit many thousands of our finest young people to police service, by offering them a free college or professional

education in return for a 4-year term of service with a cooperating State or local police department.

The Police Corps is an innovative plan for upgrading and augmenting law enforcement resources, developed under a Justice Department grant by a distinguished New York attorney, Adam Walinsky; a former Philadelphia policeman, Jonathan Rubenstein; and others at the Center for Research on Institutions and Social Policy. This program offers an expeditious way for State and local police to augment their forces with well-educated and enthusiastic young people who will add an important new dimension to police service.

As with the military's Reserve Officer Training Corps [ROTC], acceptance into the Police Corps Program would guarantee substantial educational assistance to students. Through the Police Corps Program, a student would be able to obtain federally guaranteed Federal, State, or private loans or be reimbursed for educational expenses up to $40,000. In exchange for this educational assistance, the graduate would serve 4 years in the State police or in a local police department within the sponsoring State. Only upon completion of the 4 years of service will the loans be repaired by the Government. This provision will help ensure that a participant in the program honors his or her full 4-year commitment to service.

Mr. President, the view that a college education provides valuable training for police officers is not new. In 1967, the report by the President's Commission on Law Enforcement and Administration of Justice emphasized that postsecondary education of police personnel would contribute significantly to improved crime control:

> Police work always will demand quick reflexes, law enforcement know-how and devotion to duty, but modern police work demands much more than that * * *. Police candidates must be sought in the colleges, and especially among liberal arts and social science students.

This conclusion subsequently was supported by the Advisory Commission on Intergovernmental Relations in 1971; by the American Bar Association in 1972; and by the National Advisory Commission on Criminal Justice Standards and Goals, on which I served, in 1973.

Yet, to date, higher education in the police forces has generally been restricted to college courses in criminal justice for career officers.

The Police Corps will produce young men and women well qualified to meet the challenges of contemporary law enforcement. These recruits not only will gain the general benefits of education and experience at a college, but also will spend 16 weeks at a Police Corps training center. Following the completion of this stringent Federal training, the program participants may receive additional appropriate training to be conducted under the direction of the law enforcement body in which the participant will serve.

This rigorous program will yield well-trained, well-disciplined, and well-rounded individuals who bring to the job not only enhanced professionalism, but a great flexibility and sensitivity to the environment in which police must function. These officers will be well equipped to deal with the new challenges in police work such as racial tensions in the community and gang warfare.

Another significant aspect of this program is that it is likely to result in a police force more reflective of the community it serves, because students will fulfill their service commitment in police departments in their home States. And student surveys conducted as part of the feasibility study for this project reveal that the program will attract many well-qualified minority students.

According to this feasibility study, of all college students surveyed by the Department of Justice, over 40 percent said they would be "very likely" or "fairly likely" to join a Police Corps Program. Over 45 percent of minority college students surveyed said they would be likely to join. Fifty percent of those likely to join had grade point averages of B or better; half had scores of over 500 on the math portion of the scholastic aptitude test [SAT]; and 53 percent planned to study for advanced degrees.

Equally important, this program would make large numbers of new police officers readily available to States and localities by guaranteeing a well-qualified pool of recruits. Also, the service of Police Corps officers would cost less than the service of regular career officers because graduates who serve 4-year terms will not become eligible for pensions which are a major element of police costs.

This legislation is intended to provide immediate relief to overburdened municipalities. The summer training is designed to allow these new officers to begin providing essential service expeditiously. In addition, the program would be available to those who are currently college seniors and juniors, many of whom already have incurred heavy debt burdens. If they embark on a program of Police Corps service immediately upon graduation, the Federal Government would reimburse their educational expenses or assist them with graduate study.

Since its inception, this innovative and practical proposal has received a number of endorsements. Numerous articles have been written applauding the Police Corps concept and urging its consideration.

Mr. President, this bill has the support of several major law enforcement organizations, including the Fraternal Order of Police, the International Brotherhood of Police Officers, the Federal Law Enforcement Officers Association, the Major City Chiefs, the Police Executive Research Forum, the National Organization of Black Law Enforcement Executives, the National Sheriffs Association, and the National Association of Police Organizations. The support of these important national groups will help ensure that the Police Corps Program is widely utilized to bolster local law enforcement agencies in their fight against street crime.

I am continuing to seek input and advice from law enforcement and criminal justice experts around the country. It is my strong sense, however, that this program offers great hope in our ongoing struggle to bring greater security to our streets and homes. Accordingly, I urge my colleagues to join me in support of this Police Corps Program legislation.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Police Corps Act".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) address the very high level of violent crime and neighborhood deterioration afflicting communities throughout the Nation by substantially increasing the number of trained police on community patrol;

(2) provide educational assistance to those students of ability, character, and dedication who possess a sincere interest in dedicating 4 years to public service and law enforcement; and

(3) establish opportunities for meaningful community service in exchange for educational assistance.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director;

(3) the term "Director" means the Director of the Office of the Police Corps appointed pursuant to section 4(b);

(4) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(5) the term "participant" means a participant in the Police Corps program selected pursuant to section 6;

(6) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

(7) the term "State Police Corps program" means a State police corps program approved under section 9.

SEC. 4. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program pursuant to this Act and shall have authority to promulgate regulations to implement this Act.

SEC. 5. EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—(1) The Director is authorized to pay the educational expenses of a participant in a State Police Corps program, by—

(A) entering into an agreement to repay, and repaying, an educational loan; and

(B) entering into an agreement to repay, and repaying, a participant for educational expenses paid out of the participant's funds.

(2) It is the intent of this Act that there shall be no more than 25,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 25,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 25,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(3) Except for payments of interest on an educational loan, repayment under an agreement made pursuant to paragraph (1) shall be made following completion of a participant's course of educational study, Federal training, and service as required by this Act.

(4) Repayment of an educational loan made pursuant to paragraph (1) may be made in the form of direct payment to a lender or reimbursement of a participant for payments made to a lender.

(5) An educational loan that may be repaid under paragraph (1) is a loan made pursuant to or in connection with a Federal, State, local, or private loan or loan guarantee program designated by the Director and other loans that meet terms prescribed by the Director by regulation.

(b) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

(c) PAYMENT OF EDUCATIONAL EXPENSES.—(1) The Director may agree to repay an educational loan and to reimburse a participant for expenditures made prior to or after the time that a participant applies for admission to a State Police Corps program.

(2) The amounts of educational expenses that the Secretary may pay under this section are limited as follows:

(A)(i) The amount of educational expenses incurred by a participant to cover the cost of an academic year of study that the Director may pay is limited to $10,000.

(ii) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of educational expenses incurred by a participant to cover the cost of such a calendar year that the Director may pay is limited to $13,333.

(B) The amount of educational expenses incurred by a participant to cover the cost of undergraduate and graduate study is limited to $40,000 in the aggregate, regardless whether the time of study exceeds 4 years.

(d) DIRECTOR'S OBLIGATION TO PAY.—(1) The Director's obligation to pay a participant's educational expenses under this section shall be void, and the Director shall be entitled to recover from the participant the amount of any interest on an educational loan that the Director has paid, if the participant fails to complete satisfactorily—

(A) the course of educational study undertaken by the participant;

(B) Federal training as required by section 7; and

(C) service as required by section 8;

unless the failure is the result of death or permanent physical or emotional disability.

(2) For the purpose of paragraph (1), a participant shall be deemed to have completed satisfactorily—

(A) an educational course of study upon receipt of a baccalaureate degree (in the case of educational expenses incurred to cover the cost of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of educational expenses incurred to cover the cost of graduate study);

(B) Federal training upon certification by the Director of Training that the participant has met such performance standards as may be established pursuant to section 7(d); and

(C) service on a police force upon completion of 4 years of service on the force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member.

(3) As a condition to payment of educational expenses of a participant who fails to complete a course of educational study, training, or service as a result of permanent physical or emotional disability, the Director may require the participant to perform appropriate alternative community service.

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the educational assistance authorized in this section. Such dependent child shall not incur any service obligation in exchange for the educational assistance provided in this section.

(f) GROSS INCOME.—For purposes of section 61 of the Internal Revenue Code of 1986, a participant's or a dependent child's gross income shall not include any amount paid as educational assistance under this section or as a stipend under section 7.

SEC. 6. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant must—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 9(c)(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 8, and such a participant shall be subject to the same benefits and obligations under this Act as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 8, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of racial and ethnic groups whose representation on the police forces within the State is substantially less than in the population of the State as a whole. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, an institution of higher education (as described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)))—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) If a participant who has taken a leave of absence pursuant to paragraph (1) or (2) fails or is unable to resume educational study, training, or service after the expiration of the leave of absence, the provision of section 5(c) shall apply.

(f) IN-STATE TUITION.—At least 50 percent of the applicants admitted to a State Police Corps program must qualify for and be obligated to pay no more than the in-State tuition rates at the institutions they attend.

SEC. 7. LAW ENFORCEMENT TRAINING.

(a) IN GENERAL.—The Director shall establish up to 3 training centers to provide training to participants in State Police Corps programs.

(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, at times determined by the Director.

(c) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(d) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Board of Directors established pursuant to subsection (f) at the conclusion of each training session in order to remain in the Police Corps program.

(e) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

(f) BOARD OF DIRECTORS.—(1) The training centers shall be administered by a Board of Directors (in this subpart referred to as the 'Board'). The Board shall consist of—

(A) 9 persons outstanding in the fields of law enforcement, education, law and law enforcement education who shall be appointed by the President, by and with the advice and consent of the Senate, 2 of whom shall be members of a national police labor organization and 2 of whom shall be members of a national police management organization;

(B) the Attorney General or a designee of the Attorney General, who shall be an ex officio member; and

(C) the Director, who shall serve as chairman.

(2) The term of office of a member of the Board (other than the Attorney General or designee of the Attorney General and other than the Director) shall be 6 years, except that—

(A) a member appointed to fill a vacancy occurring before the expiration of the term for which the appointee's predecessor was appointed shall be appointed for the remainder of such term;

(B) the terms of office of the members first taking office shall expire, as designated by the President at the time of the appointment, three at the end of 2 years, three at the end of 4 years, and three at the end of 6 years; and

(C) a member whose term of office has expired shall continue to serve until the member's successor is appointed.

(3) Members of the Board, while away from their homes or regular places of business in the performance of services for the Board, shall be entitled to receive compensation at a rate to be fixed by the Director, not exceeding $100 a day, and shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(4) The Director shall obtain the services of such military and civilian instructors and administrative and other employees as may be necessary to operate the training centers. The Director is authorized to enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces) to obtain the services of persons qualified to participate in and contribute to the training process.

(5) The Director is authorized to enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(6) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(g) FURTHER TRAINING.—The 16 weeks of Federal training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 9 shall include assurances that following completion of Federal training each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Federal training, shall be counted toward fulfillment of the participant's 4-year service obligation.

SEC. 8. SERVICE OBLIGATION.

(a) SWEARING IN.—Upon satisfactory completion of the Federal training program established in section 7 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 5, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, upon satisfactory completion of that service, provide assistance pursuant to section 5.

SEC. 9. APPROVAL OF STATE PROGRAMS.

(a) SUBMISSION OF STATE PLANS.—To participate in the Police Corps program under this subpart, a State shall submit to the Director a plan for implementing a State Police Corps program for such State, in a manner consistent with the requirements set forth in this subpart.

(b) APPROVAL OF STATE PLANS.—The Director shall approve a State Police Corps plan that complies with the program requirements set forth in this section.

(c) CONTENTS OF STATE PLANS.—Each State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 6;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study,

under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) assure that participants will receive affective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 10. REPORTS TO PRESIDENT AND CONGRESS.

Not later than April 1 of each year, the Director shall submit a report to the President and to the Speaker of the House of Representatives and the President of the Senate. Such report shall—

(1) state the number of current and past participants in the Police Corps program, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic dispersion of participants;

(3) describe the structure and progress of the program; and

(4) discuss the perceived strength and weakness of the program and any proposals for changes in the program.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice to carry out this Act, for fiscal year 1990, such sums as may be necessary to carry out the provisions of this Act, and for each fiscal year thereafter such sums as may be authorized in the annual authorization Act for such year.

THE POLICE CORPS ACT OF 1989 SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.—"Police Corps Act."

Section 2. Purposes.—Identifies three of the principal purposes of the Police Corps program: (1) addresses the very high level of violent crime; (2) provides educational assistance to students of ability, character, and dedication to public service; and (3) establishes opportunities for meaningful community service in exchange for educational assistance.

Section 3. Definitions.—Defines various terms used in the bill.

Section 4. Establishment of the Police Corps.—Establishes within the Department of Justice an Office of the Police Corps to be headed by a Director, appointed by the President and confirmed by the Senate.

Section 5. Educational Assistance.—Sets forth procedures by which the Director of the Office of the Police Corps shall provide educational assistance to participants following the successful completion of their service obligation. The Director shall assume the obligation to repay the principal and interest on the student loans or to repay a participant for educational expenses paid out of a participant's funds, up to $10,000 for each of four years of college. If a participant first applies to the program after he or she has completed and paid for some or all of his or her college education, the Director is authorized to repay existing student loans, or pay for graduate study after service, providing the total assistance for any single participant does not exceed $40,000.

The Director's obligation to repay a participant's educational expenses under this section shall be void, and the Director shall be entitled to recover from the participant the amount of any interest on such loan that the Director has paid if the participant fails to complete satisfactorily the course of educational study, federal training, and required service. The legislation provides, however, that if a participant is unable to complete the program because of permanent disability, the Director may require alternative community service and repay the participant's loan following completion of that alternative service.

This section specifies that it is the intent of this Act that there shall be no more than 25,000 participants in each graduating class.

Subsection (e) provides that when a career police officer in a participating state is killed in the line of duty, his or her dependents shall receive educational benefits equivalent to those given participants, but without incurring any service obligation.

Section 6. Selection of Participants.—Establishes requirements concerning the procedures by which applicants will be admitted to the Police Corps. Each applicant must meet the requirements for admission as a trainee of the state or local police force to which the participant will be assigned. Applicants also must agree in writing to complete their undergraduate education and then to accept an appointment, if one is offered, to serve for four years as a State Police officer or in a local police department within their state. During the first five years of the program, up to 10 percent of the applicants accepted into the Police Corps program may have previous law enforcement experience. After the fifth year of the program, applicants must have no previous law enforcement experience.

Subsection (c) requires participating states to make special efforts to recruit minority applicants while expressly providing that the competitive standards required for admission may not be in any way relaxed.

Section 7. Law Enforcement Training.—Requires the Director to establish Training Centers which all Police Corps participants will attend for two eight-week training sessions prior to entering service in their representative states. Immediately following completion of federal training, participants shall report to their sponsoring state and receive appropriate additional training within the jurisdictions to which they have been assigned. A nine member Board of Directors, appointed by the President and subject to Senate confirmation, shall operate the Training Centers. Of the nine board members, two shall be members of a national police labor organization and two shall be members of a national police management organization.

Section 8. Service Obligation.—Provides that participants shall be formally sworn in as members of the police forces to which they are assigned, and have all the rights and responsibilities and be subject to all the rules and regulations applicable to other members of the police force, including those contained in applicable agreements with labor organizations and those provided by state and local law. In the rare instance in which the exercise of local discipline would remove a participant from the program, the Director has the authority to allow the participant to remain in the program only upon a showing of good cause and a determination that there is an equivalent alternative law enforcement assignment for which the participant would be suited.

Section 9. Approval of State Programs.—Sets forth the process by which the Director of the Office of the Police Corps will review and approve State Police Corps programs. Each State Police Corps plan shall describe the procedures by which the Police Corps program will operate, including its procedures for screening, selection, training, assignment, and service in accordance with this Act.

Each state must provide for procedures governing the assignment of its participants to either the State Police or a local jurisdiction; no more than 10 percent may be assigned to the State Police. The legislation requires that participants be assigned to those areas with the greatest need for additional law enforcement resources and to the extent consistent with that principle, to assign them as well to areas near their homes or areas which they specifically request. Participants shall be assigned to their jurisdictions at the time they are first accepted into the program. Participants may only be reassigned prior to commencement of their fourth year of undergraduate study, or after that time for compelling reasons or to meet the needs of the program and only with the consent of the participant.

Subsection (c)(6)(A) provides that no assignments may be made to any police department whose size has declined by more than five percent since June 21, 1989, or has members who have been laid off but not retired.

Subsection (c)(7) provides that participants shall be placed and to the extent feasible kept on community and preventive patrol.

Section 10. Reports to President and Congress.—Requires the Director to make annual reports to the President and Congress on the status of the program to assess its strengths and weaknesses.

Section 11. Authorization for Appropriations.—Authorizes to be appropriated to the Department of Justice for fiscal year 1990 such sums as may be necessary to carry out the provisions of the Act, and for each fiscal year thereafter such sums as may be authorized.●

● Mr. SASSER. Mr. President, I rise to join in introducing legislation to establish a National Police Corps Program.

Our legislation would establish a program similar to the Reserve Officers Training Corps. Students would complete their normal course of college studies. They would then serve

for 4 years in a State or local law enforcement agency. In return for this service, the Federal Government would reimburse the cost of their tuition up to $10,000 per year. Participation in the program would be limited to 25,000 people per year.

I am pleased that we will be able to begin work on this initiative with a test program here in the District of Columbia. Legislation currently before the Governmental Affairs Committee includes a provision that will allow 50 students to participate in a police corps program in the District of Columbia. This will both test the concept of the police corps as well as assist the District in recruiting additional qualified officers for their force.

Our Nation's cities are currently experiencing a crime wave the likes of which this country has not seen in years. In many cities, the police are simply overwhelmed by violent street crime. By all accounts, the vast percentage of the crime that is destroying many of our neighborhoods is due to illegal drugs.

Day after day on the news and in the newspapers we see the savage and mindless violence that is spawned by the drug trade. We see people killed in their homes by stray bullets from the gunfights going literally outside their windows. We see children caught in the cross-fire as drug dealers fight it out for control of street corners and neighborhoods.

The vicious criminals who are flooding our society with drugs are destroying our communities, they are destroying our families, and they are destroying our youth. The huge profits to be made in the drug trade are simply warping the values for many people. Parents, community, and religious leaders are finding it impossible to steer our youth away from the glitter of the huge amounts of easy money available from the drug trade.

Let me give just one example of the way in which the drug trade is poisoning the attitudes of our youth. Recently, my Subcommittee on Government Efficiency, Federalism, and the District of Columbia held hearings on Federal, State, and local solutions to drug abuse. I was frankly stunned to hear the testimony of Joe Casey, the police chief of my hometown of Nashville TN. He related the story of one 12-year-old youngster who when asked what he aspired to be said—a drug dealer. The reason? Because that's where the money is.

That is the kind of situation our police face on the streets every day. They need the resources to remove the drug dealers from the streets and to send a clear message that we will take back our neighborhoods from these vicious criminals.

Doing that, however, will take more police. It will take community involvement—citizens and police working together.

The primary responsibility for the enforcement of our drug laws lies with the Federal Government. Invevitably however, our State and local law enforcement agencies must deal with the violent crimes that are caused by the drug trade.

During the writing of the last two comprehensive drug bills, local police officials continually stressed to Congress the need to give our police additional resources to fight street crime. Police departments are already adding personnel, but in many cases they are hindered by financial constraints and difficulties in finding enough qualified individuals.

The bill we are proposing would allow the Federal Government to aid our local law enforcement agencies in the most effective way—by helping them put police on the streets. It will give them increased options for foot patrols, for strike forces, and for working with community groups who wish to work with the police to break up criminal activity.

One of the greatest deterrents to crime is simply police presence—on the streets and in our neighborhoods. it increases the risk factor for criminals. The vicious thugs who are terrorizing our neighborhoods are making a cold, calculating decision about crime as if it were a business—and the income from crime outweighs the business risk of getting caught. We need to increase the risk for the criminal that if he commits a crime a patrolman will apprehend him, or a strike force will be operating on that block, or that the citizens will promptly inform the police.

The manpower we provide in this bill will increase the options open to our local communities. It is exactly the type of assistance they have asked for. At the same time, it allows them the flexibility of deciding how they will assign the increased personnel.

For instance, studies show that police officers make the greatest number of arrests in their first 5 years on a force. Thus, a community could decide that it wanted to assign this new manpower to street duties in high crime areas. It could assign them specifically to narcotics duties.

Alternatively, a community could assign increased manpower to working with local citizens. We've all seen the progress that can be made when citizens and police work with citizens to take back their neighborhoods from the criminals. The graduates of the Police Corps program will allow communities to intensify their programs and to maintain heavy patrols to ensure that once driven out the drug dealers don't return.

There is another benefit from our legislation that should not go unmentioned. Too few of our citizens understand the pressures and the dangers that our police officers face. When the graduates of the Police Corps program complete their service they will go on to other careers. However, they will know what it is to be a police officer. They will be able to share that knowledge with their neighbors. I firmly believe that this will increase respect and support for the brave men and women who put their lives on the line every day for all of us.

Mr. President, I invite our colleagues to join with us in cosponsoring this legislation.●

● Mr. BRADLEY. Mr. President, I rise as a cosponsor of the legislation being introduced today to establish a Police Corps to help battle the Nation's growing crime problem.

Over the past 30 years, we have witnessed a dramatic increase in crime. Many neighborhoods, particularly in urban areas, have been paralyzed by the scourge of violent crime. And in the process, many communities have been virtually abandoned by the support systems found in other areas—the churches and the community groups.

Another major factor in this increase in crime is the decline in the strength of the police. In urban areas in the 1950's we had three police officers for each violent crime—we currently have three violent crimes for every police officer.

If we are going to take back control in our cities, we will need to increase police presence in these areas. And it is my belief, Mr. President, that the estabishment of a Police Corps is a creative way to respond to this problem that confronts communities at the most basic level—how to provide security from crime.

One way we know works is to put more cops on the beat. Crime, especially violent crime, is far less likely to occur if there is a policeman present.

Mr. President, the Police Corps gives communities the resources to provide greater street and neighborhood security. Modeled on the ROTC program, the Police Corps would support a student while in college in exchange for a commitment to serve his or her country. Each year the Police Corps would provide 25,000 young Americans with up to $10,000 a year in college aid in exchange for a commitment to a 4-year term of service as a state or local police officer.

There are currently about 250,000 police assigned to patrol duty. Once fully implemented in the late 1990s, an additional 100,000 Police Corps cadets would sizeably increase police presence in these areas—enough to make the streets a safer place for our citizens.●

Mr. REID. Mr. President, today it is my privilege to cosponsor the Police Corps Act of 1989. This bill will afford educational opportunities to individ-

uals in exchange for service in the Police Corps.

The Police Corps Act is an important step in alleviating the ravaging effects of crime which are literally crippling our society. Communities victimized by drug abuse, violence, and vandalism cannot flourish and grow. The Police Corps Act will help revitalize neighborhoods where crime is rampant by providing additional police on duty. In fact, an additional 25,000 men and women will be patrolling the streets of our cities. This more visible presence of officers will improve safety in our communities and help stop potential crimes.

Those individuals who serve in the Police Corps will receive financial reimbursement for up to $40,000 in exchange for 4 years of service. This money will be applied to costs accrued at an institution of higher learning. This program is a real winner for all involved. Communities will benefit from having more police officers on the streets, and students with a strong commitment to community service will have the chance to finance their education.

In my own State of Nevada, we are fortunate that crime, particularly drug-related crime, has not gotten out of control as it has in many big cities across the Nation. But we cannot let our good fortune up until now blind us to the potential danger. In Las Vegas, we have recently witnessed the emergence of violent gangs. In both Reno, Las Vegas, and throughout the State, concern about crime and drugs is growing. We must tackle these problems now before they get out of hand, so that Nevadans can continue to enjoy the safe environment to which we have grown accustomed.

Increased police forces and tough laws make a difference. Those who commit crimes will not go unpunished. I have supported measures to make it easier to evict drug dealers from public housing projects. Everyone has the right to a drug-free neighborhood and safe living conditions. We have an obligation to protect innocent tenants from falling victim to drug dealers. The rights of victims have been overlooked and ignored for too long. I am a sponsor of the Victims' Rights Bill of 1989. I also sponsored the Drunk Driving Prevention Act of 1988 which toughened the laws against drunk drivers. It is time we recognized drunk driving for what it is—a crime.

We must not let our communities fall victim to crime and drugs. We have the strength to fight this battle and win. The Police Corps Act will strengthen our neighborhood patrols, and bolster our assault on crime. Police officers are our frontline soldiers in the war against crime, helping to prevent criminal activity and tracking down law breakers when they commit crimes. I am proud to cosponsor this bill which does so much to help these individuals who put their lives on the line and help keep our communities safe and drug free.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 1300. A bill to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, to establish the Youth Opportunities Unlimited Program, and for other purposes; to the Committee on Labor and Human Resources.

JOB TRAINING PARTNERSHIP ACT AMENDMENTS

Mr. HATCH. Mr. President, I rise today to introduce along with my distinguished colleague from South Carolina, Senator THURMOND, the Job Training Partnership Act Amendments of 1989. This legislation, which has been developed by the Bush administration, would amend the Job Training Partnership Act [JTPA] to improve the targeting of programs to those facing serious barriers to employment, enhance the quality of services provided, and promote the coordination of programs and resources to more effectively provide job training and placement to the disadvantaged.

As the chairman of the Labor and Human Resources Committee when the JTPA was passed in 1982, I take great pride in the extraordinary success that this program has exhibited since its passage. However, I believe that it is incumbent on the Congress, in light of the dramatic demographic and technological changes which have already begun, and which will forever alter the nature of our work force, to be responsive to these changes by taking action now to meet the challenges we face. Mr. President, I know of no single area that will enable us to respond better than our national job training policy. We must attempt to make a successful program even more successful.

Mr. President, I want to say a few words about the approach taken by the administration and, specifically, by the Department of Labor in developing these amendments because I think it is an example of a rational way to make constructive changes in public policy.

All of us in the Senate are by now aware of the very valuable study conducted by the Department of Labor several years ago concerning the major changes in our society which will drastically alter the composition of our national work force, as well as increase the demand for more sophisticated skills. The study, known as "Workforce 2000," alerted us to the need to begin immediately to meet these challenges.

In July 1988, the Secretary of Labor took a positive step forward in enabling us to approach such changes with as much information as possible by appointing a 38-member JTPA Advisory Committee, charged with assessing the experience of the past and formulating recommendations for improving job training in the future. After some 7 months of deliberations and consideration of more than 2,000 pages of comments, suggestions, and recommendations from the general public, the advisory committee published an excellent report which included recommendations on improvements in the system to be responsive to the challenges of the present and the future. Mr. President, this report served as the blue print for the preparation of this legislation.

Let me offer just a brief overview of what changes these amendments seek to effectuate.

First, the bill would improve targeting of valuable resources by revising the eligibility requirements to ensure that those with particularly significant barriers to employment are served. These barriers include a lack of basic skills, public assistance dependency, homelessness, and a lack of a high school, or equivalent, diploma.

This targeting is also enhanced by revision of the funding formula. Separate formulas for the youth and adult programs would be established. The program would provide incentives for localities to coordinate service programs and would provide a set of activities that would promote long-term employability of youth.

The amendments would enhance program quality by providing more intensive and comprehensive services to participants. Each participant in the new programs would have an assessment to determine their skill levels and service needs. Service strategies would be developed on the basis of the assessments.

Finally, the programs would make available appropriate sets of services with an increased emphasis, particularly for youth, on basic occupational skills training. This intensive approach is intended to enhance the long-term job market success of participants.

The amendments would also promote the coordination of human resource policies and programs. Coordination is promoted within the revised adult and youth programs by the establishment of specific requirements for linkages with other programs and entities that would avoid duplication and enhance the delivery of services. In addition, the act would establish a new State Linkage and Coordination Program that would provide important incentives for States to establish specific statewide goals for serving the disadvantaged and develop a comprehensive plan to achieve these goals. The plan would link a variety of resources, programs, and organizations to provide better coordinated services.

Finally, the amendments provide for establishment of a human resource investment council in each State to advise the Governor on the methods of coordinating certain federally assisted human resource programs, including JTPA.

The amendments also incorporate a number of other changes into JTPA to strengthen program accountability. Performance standards for the programs would be revised to include, along with the current employment standards, standards relating to the development of basic skills and employment competencies that promote long-term employability, job placement, and retention. The amendments also include revisions to procurement standards.

In sum, Mr. President, these amendments provide an important opportunity to make an effective program more responsive to the needs of the labor market of the 1990's. Enactment of these amendments would make a significant contribution to enhancing the employment opportunities available for our most disadvantaged citizens and to improving the capabilities and productivity of our work force.

I am very pleased to be joined by Senator THURMOND, the ranking minority member of the Employment and Productivity Subcommittee. I urge my colleagues to give serious consideration to a proposal which has been so thoughtfully developed.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1300

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Training Partnership Act Amendments of 1989".

TITLE I—AMENDMENTS TO THE JOB TRAINING PARTNERSHIP ACT

SEC. 101. STATEMENT OF PURPOSE.

Section 2 of the Job Training Partnership Act (hereafter in this title referred to as "the Act") is amended to read as follows:

"SEC. 2. It is the purpose of this Act to establish programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing services that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency.".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 3(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) There are authorized to be appropriated $25,000,000 for fiscal year 1990, and $50,000,000 for each of fiscal years 1991 through 1994 to carry out part H of title IV.".

SEC. 103. DEFINITIONS.

Section 4 of the Act is amended—

(a) by amending paragraph (3) to read as follows:

"(3) The term "basic skills deficient" means reading or computing skills at or below the 8th grade level on a generally accepted standard test or equivalent score on a criterion referenced test.";

(b) in paragraph (8) by:

(1) striking "level determined in accordance with criteria established by the Director of the Office of Management and Budget" and inserting in lieu thereof "income guidelines promulgated each year by the Secretary of Health and Human Services", and

(2) inserting "subsections (a) and (c) of" in subparagraph (D) after "under";

(c) in paragraph (10) by striking "handicapped individual" and inserting in lieu thereof "individual with disabilities";

(d) in paragraph (22) by striking "Trust Territory of the Pacific Islands" and inserting in lieu thereof "Freely Associated States and the Republic of Palau";

(e) in paragraph (2) by inserting "drug and alcohol abuse counseling and referral, individual and family counseling," after "health care,"; and

(f) by adding the following new paragraphs after paragraph (29):

"(30) The term "educational agency" means (1) a public local school authority having administrative control of middle schools or secondary schools; (2) an accredited public or private institution legally authorized to provide alternative middle or high school education; (3) any public education institution or agency having administrative control of secondary and post-secondary vocational education programs; (4) any institution legally authorized to provide post-secondary education; or (5) any post-secondary educational institution operated by or on behalf of any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934.

"(31) The term "school dropout" means an individual who is no longer attending any school nor subject to a compulsory attendance law and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

"(32) The term "JOBS" means the Job Opportunities and Basic Skills Training Program authorized under part F of title IV of the Social Security Act.".

SEC. 104. COMPOSITION OF PRIVATE INDUSTRY COUNCIL.

Section 102(a)(2) of the Act is amended by inserting "local welfare agencies," before "organized."

SEC. 105. JOB TRAINING PLAN.

(a) Section 104(a) of the Act is amended by inserting "under title II" after "appropriated".

(b) Section 104(b) of the Act is amended to read as follows:

"(b) Each job training plan for the programs conducted for adults under part A of title II and for youth under part B of title II shall contain:

"(1) identification of the entity or entities which will administer the program and be the grant recipient of funds from the State;

"(2) if there is more than one service delivery area in a single labor market area, provisions for coordinating particular aspects of the service delivery area program with other programs and service providers in the labor market area, including—

"(A) assessment of needs and problems in the labor market that form the basis for program planning;

"(B) provisions for ensuring access by program participants in each service delivery area to skills training and employment opportunities throughout the entire labor market; and

"(C) coordinated or joint implementation of job development, placement, and other employer outreach activities;

"(3) a description of methods of complying with the coordination criteria contained in the Governor's coordination and special services plan;

"(4) a description of linkages designed to enhance the provision of services and avoid duplication, including—

"(A) agreements with educational agencies;

"(B) arrangements with other education, training and employment programs authorized by federal law; and

"(C) efforts to ensure the effective delivery of services to participants in coordination with local welfare agencies and other local agencies, community organizations, volunteer groups, business and labor organizations, and other training, education, employment, and social service programs;

"(5) goals and objectives for the programs, including performance goals established in accordance with standards prescribed under section 106;

"(6) adult and youth program budgets for two program years and any proposed expenditures for the succeeding two program years, in such detail as is determined as necessary by the entity selected to prepare this portion of the plan pursuant to section 103(b)(1)(B) and to meet the requirements of section 108;

"(7) procedures for identifying and selecting participants, including, where appropriate, outreach efforts to recruit locally determined target groups, and for eligibility determination and verification;

"(8) a description of—

"(A) the assessment process that will identify participant skill levels and service needs;

"(B) a description of the services to be provided, including the estimated duration of service and the estimated training cost per participant;

"(C) the competency levels to be achieved by participants as a result of program participation; and

"(D) the procedures for evaluating the progress of participants in achieving competencies;

"(9) procedures, consistent with section 107, for selecting service providers which take into account past performance in job training or related activities, fiscal accountability, and ability to meet performance standards;

"(10) fiscal control (including procurement, monitoring and management information system requirements), accounting, audit, and debt collection procedures to assure the proper disbursal of, and accounting for, funds received under title II; and

"(11) procedures for the preparation and submission of an annual report to the Governor, which shall include—

"(A) a description of activities conducted during the program year;

"(B) characteristics of participants; and

"(C) the extent to which applicable performance standards were met.".

SEC. 106. PERFORMANCE STANDARDS.

Section 106 of the Act is amended to read as follows:

"SEC. 106(a) The Congress recognizes that job training is an investment in human capital and not an expense. In order to determine whether that investment has been productive, the Congress finds that—

"(1) it is essential that criteria for measuring the return on this investment be developed; and

"(2) the basic return on the investment is to be measured by increased employment and earnings, reductions in welfare dependency, and increased educational attainment and occupational skills.

"(b)(1) In order to determine whether the basic measures described in subsection (a) are achieved for programs under parts A and B of title II, the Secretary, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall prescribe performance standards.

"(2) The standards for adult programs under part A of title II shall be based on appropriate factors which may include (A) placement in unsubsidized employment, (B) retention in unsubsidized employment, (C) the increase in earnings, including hourly wages, (D) the reduction in welfare dependency, and (E) the acquisition of skills, including basic skills, required to promote continued employability in the local labor market.

"(3) The standards for youth programs under part B of title II shall include, in addition to appropriate utilization of the factors described in paragraph (2), the following factors: (A) attainment of employment competencies, (B) secondary and postsecondary school completion or the equivalent thereof, and (C) enrollment in other training programs or apprenticeships, or enlistment in the Armed Forces. The Secretary may prescribe variations in the standards under this paragraph to reflect the differences between in-school and out-of-school programs.

"(4) Levels for youth and adult competency standards shall be determined by the private industry council in consultation with the educational agencies and the private sector, and based on such factors as entry skill levels and other hiring requirements.

"(5) The standards shall include provisions governing—

"(A) The base period prior to program participation that will be used;

"(B) a representative period after termination from the program that is a reasonable indicator of postprogram employment and earnings; and

"(C) cost effective methods for obtaining such data as is necessary to carry out this subsection, which, notwithstanding any other provision of law, may include access to earnings records, State employment security records, Federal Insurance Contributions Act records, State aid to families with dependent children records, statistical sampling techniques, and similar records or measures.

"(6) The Secretary shall prescribe performance standards relating gross program expenditures to various performance measures.

"(7) From funds available pursuant to sections 202(d)(2)(C) and 252(d)(2)(C), each Government shall award incentive grants to service delivery areas conducting programs under title II for exceeding performance standards (except for standards relating to costs) based on factors designated by the Secretary, which may include such factors designated by the Secretary, which may include such facts as the extent to which target groups are served successfully and the quality of service provided.

"(c) The Secretary shall prescribe performance standards for programs under title III based on placement and retention in unsubsidized employment.

"(d) Each Governor shall prescribe, within parameters established by the Secretary, variations in the standards issued under subsections (b) and (c) based upon specific economic, geographic, and demographic factors in the State and in service delivery areas and substate areas within the State, the characteristics of the population to be served, the demonstrated difficulties in serving the population, and the type of services to be provided.

"(e) The Governor may prescribe performance standards for programs under title II and title III in addition to those standards established by the Secretary under subsections (b) and (c).

"(f) The Secretary shall prescribe performance standards for programs under parts A and B of title IV.

"(g) The Secretary shall prescribe a system for adjustments in peformance standards for special populations to be served, including Native Americans, migrant and seasonal farmworkers, disabled and Vietnam era veterans, including veterans who served in the Indochina Theater between August 5, 1964, and May 7, 1975, and offenders, taking into account their special circumstances.

"(h) The Secretary may modify the performance standards under this section not more often than once every two program years and such modifications shall not be retroactive.

"(i) The National Commission for Employment and Vocational Education Policy shall (1) advise the Secretary in the development of performance standards under this section for measuring results of participation in job training and in the development of parameters for variations of such standards referred to in subsection (d), (2) evaluate the usefulness of such standards as measures of desired performance, and (3) evaluate the impacts of such standards (intended or otherwise) on the choice of who is served, what services are provided, and the cost of such services in service delivery areas.

"(j)(1) The Governor shall provide technical assistance to service delivery areas and substate areas within the State which do not meet performance standards. If the failure to meet performance standards persists for a second year, the Governor shall impose a reorganization plan. Such plan may restructure the private industry council, prohibit the use of designated service providers or make such other changes as the Governor deems necessary to improve performance. The Governor may also select an alternate entity to administer the program for the service delivery area or substate area.

"(2) The alternate administrative entity may be a newly formed private industry council or any agency jointly selected by the Governor and the chief elected official of the largest unit of general local government in the service delivery area or substate area.

"(3) No change may be made under this subsection without an opportunity for a hearing before a hearing officer.

"(4) The decision of the Governor may be appealed to the Secretary, who shall make a final decision within 60 days of the receipt of the appeal.".

SEC. 107. SELECTION OF SERVICE PROVIDERS.

Section 107 of the Act is amended by adding at the end thereof the following new subsection:

"(e) The selection of service providers shall be made on a competitive basis to the maximum extent possible, and shall include at a minimum—

"(1) a determination of the ability of the service provider to meet program design specifications established by the administrative entity that take into account the purpose of the Act and the goals established by the Governor in the Coordination and Special Services Plan; and

"(2) documentation of compliance with procurement standards established by the Governor, including the reasons for selection. Specific justification must be provided whenever a sole source procurement is awarded.".

SEC. 108. LIMITATION ON CERTAIN COSTS.

Section 108 is amended by—

(a) amending subsection (a) to read as follows:

"(a)(1) Except as provided in section 141(d)(3), funds expended for allowable activities under the Act shall be charged to appropriate cost categories.

"(2) For programs under the Act, administration does not include the cost of activities directly related to the provision of services to eligible individuals.".

"(b) amending subsection (b) to read as follows:

"(b)(1) Of the funds available to a service delivery area for any fiscal year under parts A and B of title II—

"(A) not more than 15 percent shall be expended for administration; and

"(B) not more than 35 percent shall be expended for administration and costs specified in paragraph (2).

"(2) For purposes of paragraph (1)(B), the costs specified in this paragraph are—

"(A) the assessment of participants;

"(B) 50 percent of work experience expenditures under part A of title II;

"(C) 50 percent of work experience expenditures under part B of title II that are used to provide work experience in excess of 250 hours for a participant during nonsummer months;

"(D) supportive services; and

"(E) needs-based payments.".

(c) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f) respectively;

(d) inserting the following new subsection:

"(C)(1) Notwithstanding the 15 percent limitation contained in subsection (b)(1)(A), up to 20 percent of the funds available to a service delivery area for any fiscal year under parts A and B of title II may be expended for administration if the following conditions are met:

"(A) the request for the increase in administrative costs and the need for the increase is justified in the job training plan (or modification thereof); and

"(B) the need for the additional costs is related to—

"(i) outreach and recruitment of hard-to-serve populations; or

"(ii) innovative or extensive arrangements of linkages with other programs and organizations.

"(2) Notwithstanding the 35 percent limitation contained in subsection (b)(1)(B), up to 40 percent of the funds available for any fiscal year under parts A and B of title II may be expended for the costs of administration and the costs specified in subsection

(b)(2) if the request for the increase in the limitation is contained in the job training plan (or modification thereof) and a request for an increase in the administration cost limitation pursuant to paragraph (1) is approved.".

(e) amending subsection (d) (as redesignated by subsection (c) of this section) as follows:

(1) in paragraph (1) by inserting "(1)(B)" after "(b)";

(2) in paragraph (2) by inserting "(1)(B)" after "(b)" where it first appears,

(3) in paragraph (3) by inserting "(1)(B)" after "(b)" where it first appears and by striking "(a)" and inserting "(b)(1)(A)"; and

(f) inserting the following new subsection at the end thereof:

"(g) Funds available under title III shall be expended in accordance with the limitations specified in section 315.".

SEC. 109. GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN

(a) Section 121(b) of the act is amended by—

(1) amending paragraph (2) to read as follows:

"(2) The plan shall describe the measures taken by the State to ensure coordination and avoid duplication between the State agencies administering the JOBS program and programs under title II in the planning and delivery of services. The plan shall describe the procedures developed by the State to ensure that the State JOBS plan is consistent with the coordination criteria specified in this plan and identify the procedures developed to provide for the review of the JOBS plan by the State human resource investment council.";

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(3) by inserting the following new paragraph after paragraph (2):

"(3) The plan shall describe the projected use of resources, including oversight of program performance, administration and financial management; capacity building; priorities and criteria for State incentive grants; and performance goals for State-supported programs. The description of capacity building shall include, where applicable, the Governor's plans for research and demonstration projects, technical assistance for service delivery areas, interstate technical assistance and training arrangements, and other coordinated technical assistance arrangements pursuant to the direction of the Secretary.".

(b) Section 121(c) is amended by—

(1) inserting in paragraph (7) "coordination of activities relating to part A of title II with" after the paragraph designation; and

(2) striking out "and" at the end of paragraph (9) of subsection (c);

(3) striking the period at the end of paragraph (10) of the subsection (c) and inserting in lieu thereof "; and"; and

(4) inserting a new paragraph after paragraph (10) to read as follows:

"(11) initiatives undertaken pursuant to the State Linkage and Coordination program under part C of title II.".

SEC. 110. STATE COUNCIL.

Section 122 of the Act is amended—

(a) in the section heading by striking "STATE JOB TRAINING COORDINATING COUNCIL" and inserting in lieu thereof "STATE HUMAN RESOURCE INVESTMENT COUNCIL";

(b) in subsection (a)—

(1) by amending paragraph (1) to read as follows:

"(1) Any State which desires to receive financial assistance under this Act shall establish a State human resource investment council as required by section 201(a) of the Job Training Partnership Act Amendments of 1989 and shall require such council to act as a State job training coordinating council. Funding for the duties of the council under this Act shall be provided pursuant to sections 202(d)(2)(A) and 252(d)(2)(A).";

(2) by striking paragraphs (2), (3), and (4) and redesignating paragraphs (5), (6), and (7) as paragraphs (2), (3), and (4), respectively;

(3) in paragraph (2) (as redesignated by paragraph (2) of this subsection), by striking "State council" and inserting "State human resource investment council";

(4) in paragraph (3) (as redesignated by paragraph (2) of this subsection), by striking "State council" and inserting "State human resource investment council, in carrying out its duties under this Act,"; and

(5) in paragraph (4) (as redesignated by paragraph (2) of this subsection), by striking "State council" and inserting "State human resource investment council relative to carrying out its duties under this Act".

SEC. 111. REPEALERS.

(a) Sections 123 and 124 of the Act are repealed; and

(b) Sections 125, 126 and 127 of the Act are redesignated as sections 123, 124 and 125, respectively.

SEC. 112. GENERAL PROGRAM REQUIREMENTS.

(a) Section 141(d)(3) of the Act is amended by—

(1) inserting "(A)" after the paragraph designation; and

(2) inserting the following new subparagraph:

"(B) Tuition charges for training or education provided by an institution of higher education or postsecondary institution which are not more than the charges for such training or education made available to the general public do not require a breakdown of cost components.";

(b) Section 141(g) of the Act is amended by—

(1) inserting "(2)" after the subsection designation; and

(2) inserting the following new paragraph (1):

"(1) On-the-job training authorized under the Act shall be limited in duration to a period not in excess of that generally required for acquisition of skills needed for the position within a particular occupation, but in no event shall exceed six months. In making the determination of the appropriate duration, consideration shall be given to recognized reference materials, the content of the participant's training, and the participant's service strategy.".

(c) Section 141(m) of the Act is amended to read as follows:

"(m)(1) Income under any program administered by a public or private non-profit entity may be retained by such entity if used to continue to carry out the program, and may be used for such purposes notwithstanding the expiration of financial assistance for that program.

"(2) Income subject to the requirements of paragraph (1) shall include—

"(A) receipts from goods or services provided as a result of activity funded under the Act; and

"(B) funds provided to a service provider under the Act which are in excess of the costs associated with the services provided.".

(d) Section 141(p) of the Act is amended by deleting the "part B of the title or part A of Title II" and inserting in lieu thereof "this Act".

SEC. 113. FISCAL CONTROLS: SANCTIONS.

Section 164(a) of the Act is amended to read as follows:

"(a)(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursal of, and accounting for, Federal funds paid to the recipient under title II and III.

"(2) The Governor shall establish for the State, substate and service delivery areas procurement standards to ensure that—

"(A) Procurements, to the maximum extent possible, shall be competitive, except where sole source procurement is specifically justified;

"(B) Procurements shall include an analysis of the reasonableness of costs in the contract;

"(C) Local written selection procedures shall be established prior to seeking or considering proposals;

"(D) All deliverables and the basis of payment shall be specified in the contract; and

"(E) Recipients shall conduct oversight to ensure compliance with procurement standards.".

SEC. 114 REPORTS, RECORDKEEPING, AND INVESTIGATIONS.

Section 165(c) of the Act is amended by—

(1) striking "and" at the end of subparagraph (1);

(2) striking the period and inserting in lieu thereof "and" at the end of subparagraph (2); and

(3) inserting the following new paragraph:

"(3) monitor the performance of service providers in complying with the terms of agreements made pursuant to this Act.".

SEC. 115. ESTABLISHMENT OF ADULT OPPORTUNITY PROGRAM.

Part A of title II of the Act is amended to read as follows:

"PART A—ADULT OPPORTUNITY PROGRAM

"STATEMENT OF PURPOSE

"SEC. 201 It is the purpose of this part to establish programs to prepare adults for participation in the labor force by increasing their occupational and educational skills with the result of improving their long-term employability, increasing their employment and earnings, and reducing their welfare dependency.

"ALLOTMENT

"SEC. 202. (a) Not more than one quarter of one percent of the amount appropriated pursuant to section 3(a)(1) for each fiscal year and available for this part shall be allotted among Guam, the Virgin Islands, American Samoa, the Freely Associated States, the Republic of Palau and the Commonwealth of the Northern Mariana Islands.

"(b) Of the remainder of the amount available for this part the Secretary may reserve up to five percent of such amount for use by the States to accomplish the purposes of part C of this title.

"(c)(1) After determining the amounts to be allotted under subsections (a) and (b), 89 percent of the remainder shall be allotted by the Secretary to the States for allocation to service delivery areas within each State. The States shall allocate to the service delivery areas such amounts as determined by the Secretary pursuant to the formula contained in paragraph (2). The remaining 11 percent shall be allotted in accordance with subsection (d).

"(2) Subject to the provisions of paragraph (3), of the amounts allotted to service delivery areas for this part for each fiscal year—

"(A) 50 percent shall be allotted on the basis of the relative number of economically disadvantaged adults within each service delivery area as compared to the total number of economically disadvantaged adults in all service delivery areas;

"(B) 37.5 percent shall be allotted on the basis of the relative concentration of economically disadvantaged adults within each service delivery area as compared to the total concentration of economically disadvantaged adults in all service delivery areas; and

"(C) 12.5 percent shall be allotted on the basis of the relative number of unemployed individuals within each service delivery area as compared to the total number of unemployed individuals in all service delivery areas.

"(3)(A) No service delivery area shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(B) No service delivery area shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(C) Notwithstanding subparagraphs (A) and (B), the total allotment for all service delivery areas within any one State shall not be less than one-quarter of one percent of the total allotted to all service delivery areas in all States.

"(D) For purposes of subparagraphs (A) and (B), the allotment percentage for fiscal year 1990 shall be the percentage of funds allotted under part A of title II to the service delivery area during the preceding fiscal year.

"(4) For the purposes of this section—

"(A) the term "economically disadvantaged adult" means an individual who is age 22 or older and who has, or is a member of a family which has, received a total family income which, in relation to family size, was not in excess of the higher of (i) the poverty income guidelines promulgated each year by the Secretary of Health and Human Services, or (ii) 70 percent of the lower living standard income level.

"(B) the term "concentration" means the number which represents the number of economically disadvantaged adults in excess of 10 percent of the adult population in the service delivery area.

"(d)(1) The remainder available for allotment under this part shall be alloted to the States for the activities described in paragraph (2). The allotment shall be based upon the relative amount of funds available to service delivery areas within the State as compared to the amount of funds available to all service delivery areas in all States.

"(2) Of the allotment available to each State for each fiscal year under paragraph (1)—

"(A) Five-elevenths of the allotment to each State shall be available for overall administration, management, and auditing activities relating to programs under this title and for activities under sections 121 and 122;

"(B) Three-elevenths of the allotment to each State shall be available for developing the overall capability of the job training system within the State. Activities should be directed to achieve and further the goals of programs under this Act and may include the development and training of State and local service delivery area staff, the development of information and exemplary program activities, and the conduct of research and other activities designed to improve the level and degree of programs conducted under the Act; and

"(C) Three-elevenths of the allotment to each State shall be available to provide incentive grants authorized under section 106(b)(7).

"ELIGIBILITY FOR SERVICES

"SEC. 203. (a) Subject to the provisions of subsections (b) and (c), an individual shall be eligible to participate in the program under this part only if such individual is—

"(1) 22 years of age or older; and

"(2) economically disadvantaged.

"(b) Not less than 50 percent of the participants in the program under this part in each service delivery area shall be individuals who, in addition to meeting requirements of subsection (a), are included in one or more of the following categories:

"(1) Basic skills deficient;

"(2) School dropouts;

"(3) Recipients of aid to families with dependent children who either meet the requirements of section 403(1)(2)(B) of the Social Security Act or have been provided an employability plan in accordance with section 482(b) of the Social Security Act;

"(4) Unemployed for the previous 6 months or longer;

"(5) Individuals with disabilities; or

"(6) Homeless, as defined by subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act.

"(c) Up to 10 percent of participants in the program under this part in each service delivery area may be individuals who are not economically disadvantaged if such individuals are age 22 or older and are either included in one of the categories listed in subsection (b) or experience other barriers to employment. Such individuals may include, but are not limited to, those who have limited English language proficiency, or are displaced homemakers, older workers, veterans, offenders, alcoholics or addicts.

"PROGRAM DESIGN

"SEC. 204. (a) The program under this part shall include—

"(1) an assessment of each participant's skill levels and service needs. The assessment may include such factors as basic skills, occupational skills, prior work experience, employability, interests, aptitudes and supportive service needs. A new assessment of a participant is not required if the program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program, such as the JOBS program.

"(2) development of service strategies which shall identify the employment goal, appropriate achievement objectives and appropriate services for participants taking into account the assessments conducted pursuant to paragraph (1);

"(3) a review of each participant's progress in meeting the objectives of the service strategy; and

"(4) the following services, to be made available to a participant where the assessment and the service strategy indicate such services are appropriate:

"(A) basic skills training; and

"(B) occupational skills training.

"(b) Services which may be made available to participants under this part may include, but need not be limited to—

"(1) outreach to make individuals aware of, and encourage the use of, employment and training services;

"(2) literacy training and bilingual training;

"(3) on-the-job training;

"(4) education-to-work transition activities;

"(5) work experience;

"(6) vocational exploration;

"(7) pre-apprenticeship programs;

"(8) attainment of certificates of high school equivalence;

"(9) skill upgrading and retraining;

"(10) on-site industry-specific training programs supportive of industrial and economic development;

"(11) programs which combine workplace training with related classroom instruction;

"(12) entrepreneurial training;

"(13) programs of advanced career training which provide a formal combination of on-the-job and institutional training and internship assignments which prepare individuals for career employment;

"(14) training programs operated by the private sector, including those operated by labor organizations or by consortia of private sector employers utilizing private sector facilities, equipment and personnel to train workers in occupations for which demand exceeds supply;

"(15) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of that training;

"(16) coordinated programs with other Federal employment-related activities;

"(17) counseling;

"(18) job search skills training and assistance;

"(19) job clubs;

"(20) provision of occupational and labor market information;

"(21) specialized surveys not available through other labor market information sources;

"(22) programs to develop work habits and other services to individuals to help them obtain and retain employment;

"(23) development of job openings;

"(24) disseminating information on program activities to employers;

"(25) supportive services;

"(26) needs-based payments;

"(27) case management services;

"(28) job placement; and

"(29) post-program follow-up services.

"(c)(1) Basic skills training authorized under this part shall, where appropriate, have a workplace context and be integrated with occupational skills training.

"(2)(A) Except as provided in subparagraph (B), job search, job search skills training, job clubs, and work experience authorized under this part shall be accompanied by other services designed to increase a participant's basic education or occupational skills.

"(B) The program under this part may provide job search, job search skills training and job clubs activities to a participant without the additional services described in subparagraph (A) only if—

"(i) the participant's assessment and service strategy indicate that the additional services are not appropriate; and

"(ii) the activities are not available to the participant through the Employment Service or other public agencies.

"(3) Needs-based payments authorized under this part shall be limited to payments necessary to participation in the program

under this part in accordance with a locally developed formula or procedure.

"(4) Counseling and supportive services authorized under this part may be provided to a participant for a period up to one year after completion of the program.

"LINKAGES

"SEC. 205. (a) In conducting the program under this part, the service delivery area shall establish appropriate linkages with other programs authorized under Federal law. Such programs shall include, where feasible, programs authorized by—

"(1) The Adult Education Act;

"(2) The Carl D. Perkins Vocational Education Act;

"(3) The Rehabilitation Act of 1973;

"(4) The Wagner-Peyser Act;

"(5) Part F of title IV of Social Security Act (JOBS);

"(6) The Food Stamp Act;

"(7) The National Apprenticeship Act;

"(8) The Stewart B. McKinney Homeless Assistance Act; and

"(9) Chapter 2 of title II of the Trade Act of 1974.

"(b) In addition to the linkage required under subsection (a), service delivery areas shall establish other appropriate linkages to enhance the provision of services under this part. Such linkages may be established with State and local educational agencies, local service agencies, public housing agencies, community organizations, business and labor organizations, volunteer groups working with disadvantaged adults, and other training, education, employment, economic development and social service programs.

"TRANSFER OF FUNDS

"SEC. 206. A service delivery area may transfer up to 10 percent of the funds provided under this part to the program under part B of this title if such transfer is—

"(a) based on economic or labor market conditions specified by the Secretary in regulations as sufficient to warrant a transfer;

"(b) described in the job training plan; and

"(c) approved by the Governor and the Secretary.".

SEC. 116. ESTABLISHMENT OF YOUTH OPPORTUNITY PROGRAM.

Part B of title II of the Act is amended to read as follows:

"PART B—YOUTH OPPORTUNITY PROGRAM

"STATEMENT OF PURPOSE

"SEC. 251. The purpose of the programs assisted under this part is to—

"(a) improve the long-term employability of youth;

"(b) enhance the educational and occupational skills of youth;

"(c) encourage school completion or enrollment in alternative school programs;

"(d) increase the employment and earnings of youth;

"(e) reduce welfare dependency; and

"(f) assist youth in addressing problems which impair their ability to make successful transitions from school to work, apprenticeship, the military or postsecondary education and training.

"ALLOTMENT

"SEC. 252. (a) Not more than one quarter of one percent of the amount appropriated pursuant to section 3(b) for each fiscal year and available for this part shall be allotted among Guam, the Virgin Islands, American Samoa, the Freely Associated States, the Republic of Palau and the Commonwealth of the Northern Mariana Islands.

"(b) Of the remainder of the amount available for this part the Secretary may reserve up to five percent of such amount for use by the States to accomplish the purposes of part C of this title.

"(c)(1) After determining the amounts to be allotted under subsections (a) and (b), 89 percent of the remainder shall be allotted by the Secretary to the States for allocation to service delivery areas within each State. The States shall allocate to the service delivery areas such amounts as determined by the Secretary pursuant to the formula contained in paragraph (2). The remaining 11 percent shall be allotted in accordance with subsection (d).

"(2) Subject to the provisions of paragraph (3), of the amounts allotted by the Secretary for this part for each fiscal year—

"(A) 50 percent shall be allotted on the basis of the relative number of economically disadvantaged youth within each service delivery area as compared to the total number of economically disadvantaged youth in all service delivery areas;

"(B) 37.5 percent shall be allotted on the basis of the relative concentration of economically disadvantaged youth within each service delivery areas as compared to the total concentration of economically disadvantaged youth in all service delivery areas; and

"(C) 12.5 percent shall be allotted on the basis of the relative number of unemployed individuals within each service delivery area as compared to the total number of unemployed individuals in all service delivery areas.

"(3)(A) No service delivery area shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(B) No service delivery area shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(C) Notwithstanding subparagraphs (A) and (B), the total allotment for all service delivery areas within any one State shall not be less than one-quarter of one percent of the total allotted to all service delivery areas in all States.

"(D) For the purposes of subparagraphs (A) and (B), the allotment percentage for fiscal year 1990 is the percent of the funds allocated for youth programs (as determined by the Secretary) under title II to the service delivery area during the preceding fiscal year.

"(4) For the purposes of this section—

"(A) the term "economically disadvantaged youth" means an individual who is aged 16 through 21 and who has, or is a member of a family which has, received a total family income which, in relation to family size, was not in excess of the higher of (i) the poverty income guidelines promulgated each year by the Secretary of Health and Human Services, or (ii) 70 percent of the lower living standard income level.

"(B) the term "concentration" means the number which represents the number of economically disadvantaged youth in excess of 10 percent of the youth population in the service delivery area.

"(C) the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the armed forces from the determination of the number of economically disadvantaged youth and the size of the youth population in a service delivery area.

"(d)(1) The remainder available for allotment under this part shall be allotted to the States for the activities described in paragraph (2). The allotment shall be based upon the relative total amount of funds available to service delivery areas within the State as compared to the total amount of funds available to all service delivery areas in all States.

"(2) Of the allotment available to each State for each fiscal year under paragraph (1)—

"(A) Five-elevenths of the allotment to each State shall be available for overall administration, management, and auditing activities relating to programs under this title and for activities under sections 121 and 122;

"(B) Three-elevenths of the allotment to each State shall be available for developing the overall capability of the job training system within the State. Activities should be directed to achieve and further the goals of programs under this Act and may include the development and training of States and local service delivery area staff, the development of information and exemplary program activities, and the conduct of research and other activities designed to improve the level and degree of programs conducted under the Act;

"(C) Three-elevenths of the allotment to each State shall be available to provide incentive grants authorized under section 106(b)(7).

"ELIGIBILITY FOR SERVICES

"SEC. 253. (a) An individual who is in school shall be eligible to participate in the program under this part only if such individual is—

"(1) aged 16 through 21 or, if provided in the job training plan, aged 14 through 21;

"(2) economically disadvantaged, or receives a free lunch under the National School Lunch Act, or participates in a compensatory education program under chapter 1 of the Elementary and Secondary Education Act of 1965; and

"(3) included in one or more of the following categories:

"(A) Basic skills deficient;

"(B) Poor academic record, which for purposes of this subparagraph means performing at a level two or more years below the level appropriate to that individual's age;

"(C) Pregnant or parenting; or

"(D) Homeless, as defined by subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act.

"(4) Up to 10 percent of in-school individuals who participate in the program under this part in each service delivery area may be individuals who do not meet the requirements of paragraph (2) if such individuals: (A) meet the requirements of paragraph (1); and (B) either meet the requirements of paragraph (3) or experience other barriers to employment. Such individuals may include, but are not limited to, those who have limited English language proficiency, individuals with disabilities, alcoholics, or addicts.

"(b) An individual who is out of school shall be eligible to participate in the program under this part only if such individual is—

"(1) aged 16 through 21;

"(2) economically disadvantaged; and

"(3) included in one or more of the following categories:

"(A) Basic skills deficient;

"(B) School dropout (subject to the conditions described in section 254(c)(2));

"(C) Pregnant or parenting; or

"(D) Homeless, as defined by subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act.

"(4) Up to 10 percent of out-of-school individuals who participate in the program under this part in each service delivery area may be individuals who are not economically disadvantaged if such individuals: (A) meet the requirements of paragraph (1); and (B) either meet the requirements of paragraph (3) or face other barriers to employment. Such individuals may include, but not limited to, those who have limited English language proficiency, individuals with disabilities, offenders, alcoholics, or addicts.

"(c) Not less than 50 percent of the participants in the program under this part in each service delivery area shall be out-of-school individuals who meet the requirements of subsection (b).

"PROGRAM DESIGN

"SEC. 254. (a) The program under this part shall be conducted on a year-round basis.

"(b) The program under this part shall include—

"(1) an assessment of each participant's skill levels and service needs. The assessment may include such factors as basic skills, occupational skills, prior work experience, employability, interests, aptitudes and supportive service needs. A new assessment of a participant is not required where the program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program, such as the JOBS program;

"(2) development of service strategies which shall identify achievement objectives, appropriate employment goals, and appropriate services for participants taking into account the assessments conducted pursuant to paragraph (1);

"(3) a review of each participant's progress in meeting the objectives of the service strategy; and

"(4) the following services, to be available to a participant where the assessment and service strategy indicate such services are appropriate:

"(A) Basic skills training;

"(B) Occupational skills training;

"(C) Pre-employment and work maturity skills training;

"(D) Work experience combined with skills training; and

"(E) Supportive services.

"(c) Services which may be made available to participants under this part may include, but need not be limited to—

"(1) Outreach;

"(2) Tutoring;

"(3) Study skills training;

"(4) Instruction for high school completion or certificate of high school equivalency;

"(5) Alternative high schools jointly established or supported with educational agencies;

"(6) Mentoring;

"(7) Individual and group counseling;

"(8) Drug and alcohol abuse counseling and referral;

"(9) Services encouraging parental, spousal and other significant adult involvement in the participant's program;

"(10) On-the-job training;

"(11) Limited internships in the private sector;

"(12) School-to-work transition services;

"(13) School-to-post secondary education transition services;

"(14) School-to-apprenticeship transition services;

"(15) Job search, job search skills training and job clubs; and

"(16) Needs-based payments.

"(d)(1) In developing service strategies and designing services for the program under this part, the service delivery area and private industry council shall take into consideration exemplary program strategies and practices.

"(2) As a condition of participation in the program under this part, an individual who is under the age of 18 and a school dropout shall:

"(A) Reenroll in and attend school;

"(B) Enroll in and attend an alternative high school;

"(C) Enroll in and attend an alternative course of study approved by the local educational agency; or

"(D) Enroll in and attend a high school equivalency program.

"(3) Pre-employment and work maturity skills training authorized by this part shall be accompanied by either work experience or other additional services designed to increase a participant's basic or occupational skills. The additional services may be provided, sequentially or concurrently, under other education and training programs, including the Job Corps and the JOBS Program.

"(4) Work experience, job search, job search skills training, and job clubs activities authorized by this part shall be accompanied by additional services designed to increase a participant's basic education or occupational skills. The additional services may be provided, sequentially or concurrently, under other education and training programs, including the Job Corps and the JOBS program.

"(5) Needs-based payments authorized under this part shall be limited to payments necessary to participate in the program in accordance with a locally developed formula or procedure.

"(6) Counseling and supportive services authorized under this part may be provided to a participant for a period of up to one year after the completion of the program.

"LINKAGES

"SEC. 255. (a) In conducting a program under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include but are not limited to—

"(1) formal agreements with local educational agencies that will identify—

"(A) the procedures for referring and serving in-school youth;

"(B) the methods of assessment of in-school youth; and

"(C) procedures for notifying the program when a youth drops out of the school system.

"(2) arrangements to ensure that the program under this part supplements existing programs provided by local educational agencies to in-school youth;

"(3) arrangements to ensure that the program under this part utilizes, to the extent possible, existing services provided by local educational agencies to out-of-school youth; and

"(4) arrangements to ensure that for in-school participants there is a regular exchange of information between the program and the educational agency relating to participant progress, problems and needs, including where appropriate interim assessment results.

"(b) In conducting the program under this part, the service delivery area shall establish appropriate linkages with other education and training programs authorized under Federal law. Such programs shall include, where feasible, programs authorized by—

"(1) Part B of title IV of this Act (the Job Corps);

"(2) Parts A through D of chapter 1 of the Elementary and Secondary Education Act of 1965;

"(3) The Carl D. Perkins Vocational Education Act;

"(4) The Education of the Handicapped Act;

"(5) The Wagner-Peyser Act;

"(6) Part F of title IV of the Social Security Act (JOBS);

"(7) The Food Stamp Act;

"(8) The National Apprenticeship Act; and

"(9) The Stewart B. McKinney Homeless Assistance Act.

"(c) In addition to the linkages required under subsections (a) and (b), service delivery areas shall establish other appropriate linkages to enhance the provision of services under this part. Such linkages may be established with State and local service agencies, public housing agencies, community organizations, business and labor organizations, volunteer groups working with at-risk youth, parents and family members, juvenile justice systems, and other training, education, employment and social service programs, including programs conducted under part A of title II.

"TRANSFER OF FUNDS

"SEC. 256. A service delivery area may transfer up to 10 percent of the funds provided under the part to the program under A of this title if such transfer is—

"(a) based on economic and labor market conditions specified by the Secretary in regulations as sufficient to warrant a transfer;

"(b) described in the job training plan; and

"(c) approved by the Governor and the Secretary.".

SEC. 117. STATE LINKAGE AND COORDINATION PROGRAM.

Title II of the Act is amended by adding the following new Part C:

"PART C—STATE LINKAGE AND COORDINATION PROGRAM

"STATEMENT OF PURPOSE

"SEC. 271. The Secretary, in order to increase State capacity to develop comprehensive and integrated education, training, and employment goals and strategies for youth and adults at risk of chronic unemployment and welfare dependency, shall through grants to States—

"(a) provide incentives to States willing to establish Statewide policies and strategies to achieve critical human resource development goals for at-risk populations;

"(b) encourage the use of resources provided under this Act to leverage other Federal, State and local resources, both public and private, to address the multi-faceted problems of at-risk youth and adults; and

"(c) encourage institutional change to develop and provide comprehensive and integrated education, training, and employment goals and strategies for youth and adults at risk of chronic unemployment and welfare dependency.

"AVAILABILITY OF FUNDS

"SEC. 272. (a) The Secretary is authorized to use the sums available pursuant to sec-

tions 202(b) and 252(b) to award grants to States under this part.

"(b) Upon approval of an application for funds, the Secretary shall award a State an allotment based upon the relative amount of funds available to service delivery areas within the State under parts A and B of title II as compared to the amount of funds available to all service delivery areas in all States under parts A and B of title II.

"(c) In any fiscal year in which an amount of funds under this part is not allotted due to a State or States not receiving approval of an application for funds, the amount available shall be reallotted as determined by the Secretary to States on the basis of the quality of the approved plans.

"APPLICATION FOR FUNDS

"SEC. 273. All States shall be eligible to apply for funds under this part. A State seeking assistance under this part shall submit an application for funds to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Such application must demonstrate a willingness to meet the following funding conditions—

"(a) the Senate shall establish human resource goals it is committed to achieving and describe how such goals complement or are distinct from the goals of existing programs. Examples of such goals, which must be measurable, are: reducing the school dropout rate; raising the achievement levels of youth; reducing welfare rates; and, through agreements with private employers, the guarantee of the job to every individual completing an education and job training program.

"(b) the State shall commit significant Federal, State and local resources within the State to achieve the stated goals. The application for funds must set forth a State plan for redirecting existing resources as appropriate and subject to applicable laws, to carry out the State initiative. Such resources may include, but are not limited to, other funds received under this Act, and funds made available from vocational and adult education programs, and JOBS.

"(c) the State shall describe a specific plan for achieving the goals. The plan shall propose specific sets of activities to achieve the goals, such as dropout prevention activities or school-to-work, apprenticeship or post-secondary education transition services. The plan shall identify measurable interim benchmarks toward achievement of State goals.

"REVIEW AND APPROVAL OF PLAN

"SEC. 274. (a) the Secretary shall establish and disseminate criteria for the awarding of grants under this part, which may include:

"(1) the extent to which the goals, strategies and accountability mechanisms will remedy the problems identified;

"(2) the extent of the resources to be committed from other Federal, State, local, public and private sources;

"(3) evidence of a commitment to the project by the Governor, chief executives of State education agencies, State welfare agencies, agencies administering this Act, and other State agencies, and representatives of local communities, including local elected officials, private industry councils, schools, welfare agencies and community groups as appropriate; and

"(4) specific plans for linking other programs funded under this Act education programs, JOBS, the local employment service and other human resource development programs.

"(b) The Secretary may award multi-year grants under this part based on an application from a State for a period not to exceed three years. Funding for the second and third years of the multi-year grant shall be contingent upon the availability of funds and the Secretary's determination that the state satisfied the conditions of the grant during the previous year.

"PROGRAM REVIEW AND OVERSIGHT

"SEC. 275. (a) The Secretary is authorized to monitor the progress of all recipients of State Linkage and Coordination Grants.

"(b) The State human resource investment council shall be responsible for overseeing the activities of the State in the performance of activities under the State plan.

"REPORTS

"SEC. 276. (a) The Secretary is authorized to establish requirements for state reporting on progress made in accomplishing the goals specified in each State's plan.

"(b) Each recipient under this part shall keep records that are sufficient to permit the preparation of reports on the progress being made in achieving the state's goal. Such reports shall be submitted to the Secretary, at such intervals as shall be determined by the Secretary, by the State human resource investment council.".

SEC. 118. EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.

Section 314(f) of the Act is amended by—

"(a) inserting "(1)" after the subsection designation; and

"(b) inserting the following new paragraph after paragraph (1):

"(2) An eligible dislocated worker participating in training (except for on-the-job training) pursuant to this title shall be deemed to be in training with the approval of the state agency for purposes of section 3304(a)(8) of the internal Revenue Code of 1986.".

SEC. 119. JOB CORPS.

Section 427(a)(2) of the Act is amended by striking "10 percent" and inserting in lieu thereof "20 percent".

SEC. 120. NATIONAL ACTIVITIES.

Part D of title IV of the Act is amended to read as follows:

"PART D—NATIONAL ACTIVITIES

"NATIONAL PARTNERSHIP AND SPECIAL TRAINING PROGRAMS

"SEC. 451. To improve access to employment and training opportunities for those with special needs, to help alleviate skill shortages and enhance the competitiveness of the labor force, to meet special training needs that are best addressed on a multistate or industry-wide basis, and to encourage the participation and support of all segments of society to further the goals of this Act, the Secretary shall establish a system of special grants that are most appropriately administered at the national level. Such grants may include, but are not limited to:

"(a) Partnership programs with national organizations with special expertise in developing, organizing and administering employment and training programs at the national, State and local level, such as industry and labor associations, public interest groups, community-based organizations representative of groups that encounter special difficulties in the labor market, and other organizations with special knowledge or capabilities in education and training;

"(b) Programs that address industry-wide skill shortages, meet training needs that are best addressed on a multistate basis and further the goals of increasing the competitiveness of the U.S. Labor force.

"(c) Programs which require technical expertise available at the national level to serve specialized needs of particular client groups, including at-risk youth, offenders, individuals of limited English Language proficiency, individuals with disabilities, women, immigrants, single parents, substance abusers, displaced homemakers, youth, older workers, veterans, individuals who lack education credentials, public assistance recipients, and other individuals whom the Secretary determines require special assistance.

"RESEARCH, DEMONSTRATION, AND EVALUATION

"SEC. 452. (a) To assist the Nation in expanding work opportunities and ensuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of training and employment research, utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's employment and training problems. The program under this section may include studies concerning the development or improvememt of Federal, State, local, and privately supported employment and training programs; labor market processes and outcomes, including improving workplace literacy; policies and programs to reduce unemployment and the relationships thereof with price stability and other national goals; productivity of labor; improved means of using projections of labor supply and demand, including occupational and skill requirements and areas of labor shortages at the national and subnational levels; methods of improving the wages and employment opportunities of low-skilled disadvantaged, and dislocated workers and workers with obsolete skills; addressing the needs of at-risk populations, such as youth, homeless individuals and other dependent populations, older workers, and other groups with multiple barriers to employment; developing information on immigration, international trade and competition, technological change and labor shortages; and easing the transition from school to work, from transfer payment receipt to self-sufficiency, from one job to another, and from work to retirement.

"(b) The Secretary shall establish a program of pilot and demonstration programs through grants or contracts for the purpose of developing and improving techniques and demonstrating the effectiveness of specialized methods in meeting employment and training problems. These programs may include projects in such areas as school-to-work transition, new methods of imparting literacy skills and basic education, new training techniques (including projects undertaken with the private sector), methods to eliminate artificial barriers to employment, approaches that foster participation of groups which encounter special problems in the labor market (such as displaced homemakers, teen parents, welfare recipients), and processes that demonstrate effective methods for alleviating the adverse effects of dislocation and plant closings on workers and their communities. Demonstration projects shall include a formal, rigorous evaluation component. No pilot project under this subsection shall be financially assisted under the Act for a period of more than three years.

"(c)(1) The Secretary shall provide for the continuing evaluation of programs conduct-

ed under this Act, including the cost effectiveness of the program in achieving the purposes of the Act. The Secretary may also conduct evaluations of other federally funded employment-related activities including programs administered under the Wagner-Peyser Act, the National Apprenticeship Act, the Older Americans Act, the Trade Adjustment Assistance for Workers provisions of the Trade Act of 1974, and the Unemployment Insurance program under the Social Security Act. Evaluations conducted pursuant to this paragraph shall utilize sound statistical methods and techniques of the behavioral and social sciences, including random assignment methodologies when feasible. Such studies may include cost-benefit analysis of programs, their impact on communities and participants, the extent to which programs meet the needs of various demographic groups, and the effectiveness of the delivery systems used by various programs. The Secretary shall evaluate the effectiveness of programs authorized under this Act with respect to the statutory goals, the performance standards established by the Secretary, and the extent to which such programs enhance the employment and earnings of participants, reduce income support costs, and improve the employment competencies of participants in comparison to comparable persons who did not participate in such programs, and to the extent feasible, increase total employment over what it would have been in the absence of such programs.

"(2) The Secretary shall evaluate the impact of title II programs as amended by the Job Training Partnership Act Amendments of 1989 on participant employment, earnings and welfare dependency in multiple sites using the random assignment of individuals to groups receiving services under programs authorized under the amendments or to groups not receiving such services.

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 453. (a) The Secretary shall provide, directly or through grants, contracts, or other arrangements, appropriate preservice and inservice training for specialized, supportive supervisory, or other personnel, including job skills teachers, and appropriate technical assistance to programs under this Act, including the development and attainment of performance goals, and to other employment related programs administered by the Department of Labor, as the Secretary deems appropriate. Such activities may include the utilization of training and technical assistance capabilities that exist at the State and service delivery area level.

"(b) The Secretary is authorized to provide staff training and technical assistance services to States or service delivery areas in order to improve their staff training and technical assistance capabilities.

"(c) The Secretary shall disseminate materials and information gained from exemplary program experience and from research and demonstration activities which may be of use in the innovation or improvement of other programs conducted pursuant to this Act or to related programs conducted under other employment related legislation administered by the Department of Labor.".

SEC. 121. NATIONAL COMMISSION

Part F of title IV of the Act is amended—

(a) by striking "NATIONAL COMMISSION FOR EMPLOYMENT POLICY" in the heading and inserting in lieu thereof "NATIONAL COMMISSION FOR EMPLOYMENT AND VOCATIONAL EDUCATION POLICY";

(b) by striking "National Commission for Employment Policy" each place it appears and inserting in lieu thereof "National Commission for Employment and Vocational Education Policy";

(c) by striking the fourth sentence in section 472;

(d) by striking in section 473(7)—

(1) the subparagraph designation "(A)";

(2) the phrase "after consultation with the National Council for Vocational Education,"; and

(3) all of subparagraph (B).

SEC. 122. ESTABLISHMENT OF YOUTH OPPORTUNITIES UNLIMITED PROGRAM.

Title IV of the Act is amended by adding at the end therof the following new part:

"PART H—YOUTH OPPORTUNITIES UNLIMITED PROGRAM

"PROGRAM AUTHORIZED

"SEC. 491. The Secretary shall establish a national program of Youth Opportunity Unlimited grants to target comprehensive services to youth living in high poverty areas in the Nation's cities and rural areas.

"STATEMENT OF PURPOSE

"SEC. 492. The purpose of the Youth Opportunity Unlimited program include—

"(a) enabling communities with high concentrations of poverty to establish and meet goals for improving the opportunities available to youth within the community; and

"(b) facilitating the coordination of comprehensive services to serve youth in such communities.

"DEFINITIONS

"SEC. 493. For the purposes of this part:

"(a) the term "participating community" means the city in a Metropolitan Statistical Area or the contiguous non-metropolitan counties in a rural area that includes the target area for the Youth Opportunity Unlimited grant program.

"(b) the term "poverty area" means an urban census tract or a non-metropolitan county with a poverty rate of 30 percent or more as determined by the Bureau of the Census.

"(c) the term "target area" means a poverty area or set of contiguous poverty areas that will be the focus of the program in each participating community.

"APPLICATION FOR FUNDS

"SEC. 494. (a) The nation's cities and the non-metropolitan counties which have the highest concentrations of poverty, as determined by the Secretary based on the latest Census estimates, shall be eligible to apply for a Youth Opportunities Unlimited grant. The Governor of the State in which the eligible cities and counties are located may apply for funds to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. The Secretary shall require that the application include at a minimum:

"(1) a comprehensive plan for the new Youth Opportunity Unlimited initiative designed to achieve identified goals for youth in the target area. The application shall state the goals, which must be measurable, and may include increasing the proportion of youths completing high school, the proportion entering into community colleges or other advanced training programs, or the proportion placed in jobs. The plan shall also include supporting goals for the target area such as increasing security and safety, or reducing the number of drug-related arrests. The plan shall also provide assurances that the conditions specified in section 495 will be satisfied; and

"(2) a memorandum of understanding which provides evidence of support for accomplishing the stated local goals from the State, local elected officials, local school board, applicable private industry council and service delivery area, local community leaders, business, labor and other appropriate organizations.

"(b)(1) the Secretary shall establish and disseminate selection criteria for the Youth Opportunity Unlimited grants which may include the goals to be achieved, the degree of demonstrated need, and the extent of community support.

"(2) the Secretary may select up to 25 communities to receive such grants during the first year after the program is authorized, and may select up to a total of 40 communities to receive such grants over the five-year authorization period.

"(3) the Secretary shall award the Youth Opportunities Unlimited grant to the local service delivery area in which the target area is located.

"(4)(A) the Secretary may award multiyear grants under this part for a period not to exceed three years. Funding for each year subsequent to the first year of the grant shall be contingent upon the availability of funds and the Secretary's determination that the conditions of the grant were satisfied during the previous year.

"(B) Upon reapplication, the Secretary may renew the grant authorized under subsection (A) for up to two additional years.

"GRANT CONDITIONS

"SEC. 495. Each participating community must agree to meet the following conditions:

"(a) The participating community shall designate a target area that will be the focus of the demonstration project. The target area shall have a population of not more than 25,000.

"(b) The participating community shall match the Federal grant by contributing an amount equal to 100 percent of the federal grant in each year. These local matching funds shall be from non-Federal sources.

"(c) Funds available under this part shall be used to support activities selected from a set of youth program models designated by the Secretary or alternative models described in the application and approved by the Secretary. These models may include non-residential learning centers; alternative schools conducted in cooperation with local school districts; combined summer remediation, work experience and work readiness training; school-to-work/apprenticeship/post-secondary education programs; teen parent programs; special programs run by community colleges; youth centers; and initiatives aimed at increasing rural student enrollment in post-secondary institutions.

"(d) Youth who are aged 14 through 21 and reside in the target area shall be eligible to participate in the program.

"(e) The local educational agency and any other educational agency which operates intermediate and secondary schools in the target area shall provide, based on the goals specified in the plan, such activities and resource as necessary to achieve the educational goals specified in the plan.

"(f) The participating community shall provide, based on the supportive goals specified in the plan, such activities and local resources as are necessary to achieve such goals.

"(g) The community shall carry out special efforts to establish linkages with Feder-

al, State, or local programs that serve the target population.

"REPORTING

"SEC. 496. The Secretary is authorized to establish such reporting procedures as necessary to carry out the purposes of this part.

"FEDERAL RESPONSIBILITIES

SEC. 497. (a) The Secretary shall:

"(1) provide for assistance in the implementation of this project in participating communities. The Secretary may reserve up to 10 percent of the amounts appropriated under this part to carry out this paragraph.

"(2) conduct or provide for an evaluation of the Youth Opportunities Unlimited program.".

SEC. 123. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 101(a)(1) of the Act is amended by striking "State job training coordinating council" and inserting in lieu thereof "State human resource investment council".

(b) Section 122(b)(2) of the Act is amended by striking "section 202(a)" and inserting in lieu thereof "sections 203(c) and 253(c)".

(c) Section 123(a) of the Act (as redesignated by section 111 of this title) is amended by striking "section 202(b)(4)" and inserting in lieu thereof "sections 202(d)(2)(A) and 252(d)(2)(A)".

(d) Section 141(k) of the Act is amended by striking "Section 205(d)(3)(B)" and inserting in lieu thereof "part B of title II".

(e) Section 161(b)(2) of the Act is amended by striking "through 455" and inserting in lieu thereof "and 453".

(f) Section 161(c) of the Act is repealed.

(g) Section 181 of the Act is repealed.

(h) Section 311(b)(9) of the Act is amended by striking "State job training coordinating council" and inserting in lieu thereof "State human resource investment council".

(i) Section 312(a) of the Act is amended by striking "State job training coordinating council" and inserting in lieu thereof "State human resource investment council".

(j) Section 313(a) of the Act is amended by striking "State job training coordinating council" and inserting in lieu thereof "State human resource investment council".

(k) Section 314(g)(1) of the Act is amended by striking "State job training coordinating council" and inserting in lieu thereof "State human resource investment council".

(l) section 317 of the Act is amended—

(1) by amending the section heading to read as follows:

"FUNCTIONS OF THE STATE HUMAN RESOURCE INVESTMENT COUNCIL";

and

(2) by striking "State job training coordinating council" and inserting in lieu thereof "State human resources investment council".

(m) Section 401(j) of the Act is amended by striking "3.3 percent of the amount available for part A of" and inserting in lieu thereof "2.95 percent of the amount available for".

(n) Section 402(f) of the Act is amended by striking "3.2 percent of the amount available for part A of" and inserting in lieu thereof "2.35 percent of the amount available for".

(o) Section 433(c)(1) of the Act is amended by striking "455" and inserting in lieu thereof "453".

(p) Section 463(a)(3) of the Act is amended by striking "section 125" and inserting in lieu thereof "section 123".

(q) Section 464(a)(3) of the Act is amended by striking "section 125" and inserting in lieu thereof "section 123".

(r) Section 481(a) of the Act is amended by striking "(a)(1)" after "203".

(s) The table of contents of the Act is amended by—

(1) amending the item relating to section 122 to read as follows:

"Sec. 122. State human resource investment council.".

(2) striking the items relating to sections 123 and 124 and redesignating the items relating to sections 125, 125, and 127 as sections 123, 124, and 125 respectively.

(3) striking the item relating to section 181;

(4) amending the items relating to title II to read as follows:

"TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

"PART A—ADULT OPPORTUNITY PROGRAM

"Sec. 201. Statement of Purpose.
"Sec. 202. Allotment.
"Sec. 203. Eligibility for services.
"Sec. 204. Program design.
"Sec. 205. Linkages.
"Sec. 206. Transfer of funds.

"PART B—YOUTH OPPORTUNITY PROGRAM

"Sec. 201. Statement of purpose.
"Sec. 202. Allotment.
"Sec. 203. Eligibility for services.
"Sec. 204. Program design.
"Sec. 205. Linkages.
"Sec. 206. Transfer of funds.

"PART C—STATE LINKAGE AND COORDINATION PROGRAM

"Sec. 271. Statement of purpose.
"Sec. 272. Availability of funds.
"Sec. 273. Application for funds.
"Sec. 274. Review and approval of plan.
"Sec. 275. Program review and oversight.
"Sec. 276. Reports.".

(5) amending the items relating to part D of the title IV to read as follows:

"PART D—NATIONAL ACTIVITIES

"Sec. 451. National partnership and special training programs.
"Sec. 452. Research, demonstration, and evaluation.
"Sec. 453. Training and technical assistance.".

(6) amending the heading relating to part F of title IV to read as follows:

"PART F—NATIONAL COMMISSION FOR EMPLOYMENT AND VOCATIONAL EDUCATIONAL POLICY".

(7) inserting after item relating to section 481 the following:

"PART H—YOUTH OPPORTUNITIES UNLIMITED PROGRAM

"Sec. 491. Program authorized.
"Sec. 492. Statement of purpose.
"Sec. 493. Definitions.
"Sec. 494. Application for funds.
"Sec. 495. Grant conditions.
"Sec. 496. Reports.
"Sec. 497. Federal responsibilities.".

SEC. 124. EFFECTIVE DATE; TRANSITION PROVISIONS.

(a) The amendments made by this title shall take effect on July 1, 1990.

(b) Performance standards shall be issued pursuant to the amendments contained in section 106 as soon as the Secretary determines sufficient data are available, but no later than July 1, 1994.

(c) The Secretary may establish such rules and procedures as may be necessary to provide for an orderly transition to and implementation of the amendments made by this title.

TITLE II—STATE HUMAN RESOURCE INVESTMENT COUNCIL

SEC. 201. ESTABLISHMENT OF STATE HUMAN RESOURCE INVESTMENT COUNCIL.

(a) Each State that receives assistance under an applicable program shall establish a single State council to—

(1) review the provisions of services and the use of funds and resources under applicable programs and advise the Governor on methods of coordinating such provision of services and use of funds and resources consistent with the provisions of the applicable programs; and

(2) advise the Governor on the development and implementation of State and local standards and measures relating to applicable programs and coordination of such standards and measures.

(b) Each State council established as required by subsection (a) shall consist of the following members appointed by the Governor:

(1) 30 percent shall be appointed from representatives of business and industry (including agriculture, where appropriate), including individuals who are representatives of business and industry on private industry councils within the State established under section 102 of the Job Training Partnership Act.

(2) 30 percent shall be appointed from representatives of organized labor and representatives of community-based organizations in the State.

(3) 20 percent shall consist of—

(A) the Chief administrative officer from each of the State agencies primarily responsible for administration of an applicable program; and

(B) other members appointed from representatives of the State legislature and State agencies and organizations, such as the State educational agency, the State vocational education board, the State board of education (if not otherwise represented), the State public assistance agency, the State employment security agency, the State rehabilitation agency, the State occupational information coordinating committee, State postsecondary institutions, the State economic development agency, the State veteran's affairs agency (or its equivalent), State career guidance and counseling organizations, and any other agencies the Governor determines to have a direct interest in the utilization of human resources within the State.

(4) 20 percent shall be appointed from—

(A) representatives of units of general local government or consortia of such units, appointed from nominations made by the chief elected officials of such units or consortia;

(B) representatives of local educational agencies and postsecondary institutions, which appointments shall be equitably distributed between such agencies and such institutions and shall be made from nominations made by local educational agencies and postsecondary institutions, respectively;

(C) representatives of local welfare agencies; and

(D) individuals who have special knowledge and qualifications with respect to the special education and career development needs of individuals who are members of special populations, women, and minorities, including one individual who is a representative of special education.

(c) In order to carry out its functions under this Act and under any applicable program, the State council shall prepare a budget for itself and submit the budget to the Governor for approval.

(d) The State council may obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this Act and under any applicable program.

(e) The State shall certify to the Secretary of Labor the establishment and membership of the State council at least 90 days before the beginning of each period of 2 program years for which a job training plan is submitted under the Job Training Partnership Act.

(f) For the purposes of this title, the term "applicable program" means any program under any of the following provisions of law:

(1) The Adult Education Act.

(2) The Carl D. Perkins Vocational Education Act.

(3) The Job Training Partnership Act.

(4) The Rehabilitation Act of 1973.

(5) The Wagner-Peyser Act.

(6) Subtitle F of title IV of the Social Security Act (JOBS).

SEC. 202. DUTIES OF STATE COUNCIL WITH RESPECT TO APPLICABLE PROGRAMS.

(a) DUTIES UNDER THE ADULT EDUCATION ACT.—

(1) Section 332 of the Adult Education Act (20 U.S.C. 1205a) is amended—

(A) by amending the section heading to read as follows:

"SEC. 332. DUTIES OF THE STATE HUMAN RESOURCE INVESTMENT COUNCIL WITH RESPECT TO ADULT EDUCATION."

(B) by amending subsection (a) to read as follows:

"(a)(1) Any State desiring to participate in the programs authorized by this title shall establish a State human resource investment council as required by section 201(a) of the Job Training Partnership Act Amendments of 1989 and shall require such council to act as a State advisory council on adult education.

"(2) A State that complies with the requirements of paragraph (1) may use funds under this subpart for the purposes of costs of the council attributable to this section.";

(C) by striking subsection (b);

(D) by redesignating subsection (c) as subsection (b);

(E) in subsection (b) (as redesignated by subparagraph (D) of this paragraph)—

(i) by striking "and membership"; and

(ii) by striking "State advisory council" and inserting "State human resource investment council";

(F) by striking subsections (d) and (e);

(G) by redesignating subsection (f) as subsection (c); and

(H) in subsection (c) (as redesignated by subparagraph (G) of this paragraph), by striking "State advisory council" and inserting "State human resource investment council".

(2)(A) Paragraph (2) of section 331(a) of the Adult Education Act (20 U.S.C. 1205(a)) is amended by striking "the State advisory council established pursuant to section 332" and inserting "the State human resource investment council".

(B) Subsection (a) of section 342 of the Adult Education Act (20 U.S.C. 1206a) is amended—

(i) in paragraph (1), by striking "the State advisory council" and all that follows and inserting "the State human resource investment council"; and

(ii) in subparagaph (B) of paragraph (3),—

(I) in the first sentence, by striking "the State advisory council" and all that follows and inserting "the State human resource investment council"; and

(II) in the second and third sentences, by striking "the State advisory council" each place it appears and inserting "the State human resource investment council".

(C) Section 312 of the Adult Education Act (20 U.S.C. 1201a) is amended by adding at the end the following new paragraph:

"(16) The term 'State human resource investment council' means the State human resource investment council described in section 332(a).".

(b) DUTIES UNDER THE CARL D. PERKINS VOCATIONAL EDUCATION ACT.—

(1) Section 112 of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2322) is amended—

(A) by amending the section heading to read as follows:

"SEC. 112. DUTIES OF THE STATE HUMAN RESOURCE INVESTMENT COUNCIL WITH RESPECT TO VOCATIONAL EDUCATION."

(B) by striking "SEC. 112.";

(C) by amending subsection (a) to read as follows:

"(a) Each State which desires to participate in vocational education programs authorized by this Act for any fiscal year shall establish a State human resource investment council as required by section 201(a) of the Job Training Partnership Act Amendments of 1989 and shall require such council to act as the State council on vocational education.";

(D) in subsection (b)—

(i) by striking "and membership", and

(ii) by striking "State council" and inserting "State human resource investment council";

(E) by striking subsection (c);

(F) by redesignating subsections (d), (e) and (f), as subsections (c), (d), and (e), respectively;

(G) in subsection (c) (as redesignated by subparagraph (F) of this paragraph)—

(i) by striking "State council" and inserting "State human resource investment council,"; and

(ii) in subparagraph (B) of paragraph (9), by striking "the State job training coordinating council,";

(H) in subsection (d) (as redesignated by subparagraph (F) of this paragraph)—

(i) by striking "State council" and inserting "State human resource investment council"; and

(ii) by striking "Council" and inserting "council"; and

(I) in subsection (e) (as redesignated by subparagraph (F) of this paragraph)—

(i) in paragraph (1), by striking "State councils" each place it appears and inserting "State human resource investment councils"; and

(ii) in paragraphs (1) and (2), by striking "State council" each place it appears and inserting "State human resource investment council".

(2) Section 111 of the Carl D. Perkins Vocational Education Act is amended—

(A) in paragraph (1) of subsection (a)—

(i) in subparagraph (B) by striking "State council on vocational education" and inserting "State human resource investment council"; and

(ii) in subparagraph (C), by striking "State council established pursuant to section 112" and inserting "State human resource investment council";

(iii) in subparagraph (D), striking "; and" and inserting a semicolon;

(iv) in subparagraph (E)—

(I) by striking "the State job training coordinating council" and inserting "the State human resource investment council"; and

(II) by striking "their respective programs" and inserting "programs under this Act and programs under the Job Training Partnership Act"; and

(B) in the first sentence of subsection (d), by striking "State council" and inserting "State human resource investment council"; and

(3) The table of contents contained in section 1 of the Act is amended by striking the item relating to section 112 and inserting the following:

"SEC. 112. Duties of the State human resource investment council with respect to vocational education.

(c) DUTIES UNDER THE REHABILITATION ACT OF 1973.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by inserting after section 18 the following new section:

"STATE HUMAN RESOURCE INVESTMENT COUNCIL

"SEC. 19. The State human resource investment council established under section 201(a) of the Job Training Partnership Act Amendments of 1989 shall review the provision of services and the use of funds and resources under this Act and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Vocational Education Act;

"(3) the Job Training Partnership Act;

"(4) the Wagner-Peyser Act; and

"(5) Part F of title IV of the Social Security Act (JOBS)."

(d) DUTIES UNDER THE WAGNER-PEYSER ACT.—The Wagner-Peyser Act (29 U.S.C. 49) is amended—

"(1) by redesignating section 15 as section 16; and

"(2) by inserting after section 14 the following new section:

"SEC. 15. The State human resource investment council established under section 201(a) of the Job Training Partnership Act Amendments of 1989 shall review the provision of services and the use of funds and resources under this Act and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Vocational Education Act;

"(3) the Job Training Partnership Act;

"(4) the Rehabilitation Act of 1973; and

"(5) Part F of title IV of the Social Security Act (JOBS)."

(3) in subsection (b) of section 8 by striking "State job training coordinating council" and inserting "State human resource investment council";

(4) in subsection (a) of section 11 by striking "State job training coordinating council" and inserting "State human resource investment council."

(e) DUTIES UNDER PART F OF TITLE IV OF THE SOCIAL SECURITY ACT.—Section 483 of the Social Security Act (42 U.S.C. 683) is amended by:

(1) inserting after subsection (c) the following new subsection:

"(d) In order to assist the Governor in carrying out subsection (a) of this section, the

State human resource investment council established under section 201(a) of the Job Training Partnership Act Amendments of 1989 shall review the provision of services and the use of funds and resources under this part and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Vocational Education Act;

"(3) the Job Training Partnership Act;

"(4) the Rehabilitation Act of 1973; and

"(5) the Wagner-Peyser Act.".

(2) in paragraph (2) of subsection (a) by striking "State job training coordinating council" each place it appears and inserting "State human resource investment council".

SEC. 203. EFFECTIVE DATE.

The amendments made by this title shall take effect July 1, 1990.

SECTION-BY-SECTION ANALYSIS OF JOB TRAINING PARTNERSHIP ACT AMENDMENTS OF 1989

Section 1 of the bill provides that this Act entitled the "Job Training Partnership Act Amendments of 1989."

Title I of the bill contains the amendments to JTPA.

Section 101 amends section 2 of JTPA to revise the statement of purpose of the Act. The revision is intended to clarify the intended objectives of the programs provided under JTPA. The revision states that the purpose of JTPA is to establish programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing services that will result in increased employment and earnings, improved educational and occupational skills, and decreased welfare dependency.

Section 102 amends section 3(a) of JTPA to authorize appropriations for the new Youth Opportunities Unlimited program that is added to title IV of JTPA by this bill. The authorization is for $25 million for FY 1990, and $50 million for each of the next four succeeding fiscal years.

Section 103 amends section 4 of JTPA with respect to definitions. This section of the bill adds the term "basic skills deficient" to the definitions section. The term is defined as reading or computing skills at or below the 8th grade level on a generally accepted standardized test or equivalent score on a criterion referenced test. This definition is consistent with the definition of the term used in programs under the Adult Education Act and provides a benchmark of a skill level at or below which individuals are likely to experience difficulties in obtaining long-term employment. The term is defined because basic skills deficient is a criterion for eligibility in the new title II programs established by this bill.

The definition of supportive services is amended to include drug and alcohol abuse counseling and referral, and individual and family counseling. These additional services provide essential support to many participants to enable them to successfully complete JTPA programs.

The term "educational agency" is also added to the definitions section. The term includes, in addition to the institutions covered by the current definitions of State and local educational agencies, alternative schools and postsecondary institutions. This broader term is needed to include the expanded range of educational institutions that could play an important role in some of the new title II programs.

Finally, the term "school dropout" is also added to this section since it would be a criterion for eligibility in the new programs. The definition is based on definition of the term that is currently contained in section 203(b)(3) of JTPA.

Section 104 amends section 102(a) of JTPA by including representatives of local welfare agencies on the Private Industry Councils (PICs). PICs have a central role in providing policy guidance and exercising oversight of the activities conducted under JTPA. Since a significant proportion of JTPA participants are welfare recipients, it is important that local welfare agencies be added to the PICs. Greater involvement of local welfare agencies would also promote closer coordination between JTPA and the new Job Opportunities and Basic Skills Training (JOBS) program that was enacted as part of the Family Support Act.

Section 105 amends section 104 of JTPA with respect to the elements included in each service delivery area's job training plan for title II programs. This section reorders the elements contained in current law to group related requirements together and adds some new elements. The new elements include, in section 104(b)(4), a description of the linkages established by the service delivery area with other agencies and organizations to avoid duplication and enhance the delivery of services under title II programs. Specifically, the plan is to describe such linkages as agreements with educational agencies, arrangements with other federal programs providing education, training and employment services, and efforts to coordinate services with local agencies and organizations. Another new element, contained in section 104(b)(8), includes a description of the assessment process that will identify each participant's skill levels and service needs, the PIC-established competency levels that are to be achieved by participants as a result of a program participation, and the procedures to be used for evaluating the progress of participants in achieving competencies. The items to be described are new elements that would be added to title II programs by this bill.

Section 106 amends section 106 of JTPA to revise the requirements for performance standards. This section would add a provision to current law to provide that the Secretary consult with the Secretaries of HHS and Education in prescribing standards for title II programs.

With respect to the performance standards for the adult program, changes to current law include adding as a basic measure of performance the acquisition of basic and occupational skills. This addition reflects the increased emphasis in the new program on the development of basic skills as a measure of long-term employability, and complements the primary adult performance standard of entered employment.

This section also adds a new paragraph to the performance standards section providing that the levels for youth and adult competency standards are to be determined by the PIC, in consultation with educational agencies and private sector employers, and based on such factors as entry skill levels and other hiring requirements.

Another addition is a provision, which replaces section 202(b)(3) of current law, that each Governor is to award incentive funds to SDAs for achieving the performance standards for title II programs. Under this amendment, the award is not to take into consideration cost standards and is to include factors designated by the Secretary, which may include such factors as the extent to which target groups are served successfully and the quality of service.

Section 107 would amend 107 of JTPA by adding a new subsection to provide that the selection of service providers be made on a competitive basis to the maximum extent possible. The subsection also adds that in selecting service providers the entity administering the job training plan is to consider the ability of potential providers in meeting program design requirements and accomplishing the goals contained in the Governor's Coordination and Special Services Plan. Finally, the subsection requires documentation of compliance with procurement standards established by the Governor. These measures are intended to improve accountability in the selection process.

Section 108 amends section 108(a) of JTPA to require, within a limited exception, that all expenditures under the Act be charged to appropriate cost categories. This amendment would promote increased accountability. Section 108(b) is amended to establish new cost categories and cost limitations for programs under title II. Not more than 15 percent of the funds available to a service delivery area for any fiscal year are to be for administrative expenses.

Not more than 35 percent of the funds available may be expended for administrative *plus* the following services: assessment of participants, supportive services, needs-based payments, and certain work experience expenditures. The work experience expenditures to be included in this category are 50 percent of such expenditures under the adult program and 50 percent of work experience expenditures under the youth program for work experience conducted during non-summer months in excess of 250 hours.

This 35 percent limitation is an increase from the current law limit of 30 percent which now applies to supportive services, needs-based payments and a broader range of work experience expenditures. The increase in the limit is in consideration of the addition to this category of assessment, which would be required for each participant, and in recognition that a more disadvantaged population will require more comprehensive supportive services.

This section also includes a provision that would allow the Governor to approve an increase in the administrative cost limitation from 15 to 20 percent if justification for the increase is provided in the job training plan and relates to outreach and recruitment of hard-to-serve populations or to innovative or extensive arrangements of linkages with other programs and organizations. If the increase in the administration cost limitation from 15 to 20 percent is approved, the combined administration plus supportive service limitation may be increased from 35 to 40 percent.

Section 109 amends section 121(b) of JTPA to require that some additional elements be included in the Governor's Coordination and Special Services Plan. One new element would be a description of measures taken by the State to facilitate coordination and avoid duplication between JTPA programs and JOBS in the delivery of services. Another new element would be a description of the State's efforts to build the capacity of the job training system, including the Governor's plans for research and demonstration projects, and technical assistance arrangements. Finally, the section adds to the list of activities that may be included in the plan initiatives undertaken pursuant to

the new State Linkage and Coordination Program that would be established by this bill as a new part C of title II.

Section 110 would amend section 122 of JTPA to redesignate the State Job Training Coordinating Council (SJTCC) as the State human resource investment council. This council, which is established under title II of these amendments, would have the same responsibilities with respect to JTPA as the current SJTCC. The council is intended to facilitate improved statewide coordination of certain federally-assisted human resource programs, and its broader functions are described in the explanation of title II.

Section 111 repeals section 123 of JTPA, which provides for State Education and Coordination grants, and section 124 of JTPA, which provides for training programs for older individuals. The Education grants would be replaced under this bill by the new State Linkage and Coordination program. The new program, which would be established as a new part C of title II, would authorize States to select a broader range of goals and activities to serve the disadvantaged than are authorized under the Education grants. The older worker program is eliminated because the needs of such workers would best be addressed through the revised adult program under title II.

Section 112 amends section 141 of JTPA relating to general program requirements. The bill amends section 141(d)(3) to add a new subparagraph which states that a breakdown of cost does not have to be performed for tuition charges for training and education provided by postsecondary education institutions and colleges where such charges do not exceed the charges made available to the general public. This provision, and the current law provision that no breakdown is required where commercially available training packages are available for off-the-shelf prices, are the only situations where expenditures would not have to be charged among the categories provided in section 108.

This section also amends section 141(g) of JTPA to provide that on-the-job training authorized under the Act be limited in duration to a period generally required to develop the particular occupational skill, but in no event is to exceed 6 months. In determining the appropriate period, consideration is to be given to recognized reference materials, the content of the training, and the participant's service strategy.

This section amends section 141(m) to clarify that net income earned by a public or private non-profit entity from a JTPA program may only be retained if it is used to continue to carry out the program, and adds that, as under current law, such use is permitted even if financial assistance for the program has expired. This amendment also provides a definition of income.

Section 113 amends section 164(a) to revise the procurement standards. Under current law, whatever general procurement requirements are contained in each State's law apply to JTPA programs. This amendment would require the Governor to establish certain minimum standards for JTPA programs to improve accountability. The standards prescribed by the Governor are to ensure that procurements are competitive to the maximum extent possible, are accompanied by an analysis of the reasonableness of costs in the contract, and are in accordance with local written selection procedures established prior to requesting proposals. In addition, the standards are to ensure that all deliverables and the basis for payment are specified in the contract, and that recipients conduct oversight to ensure compliance with the procurement standards. It may be noted that this section of the bill also drops some current provisions relating to JTPA audits since those provisions have been superceded by the Single Audit Act.

Section 114 amends section 165(c) of JTPA to further enhance accountability by adding a requirement that States, administrative entities conducting the program and recipients (other than sub-recipients) monitor the performance of service providers in complying with the terms of agreements made pursuant to JTPA.

Section 115 amends part A of title II of JTPA to establish the new Audit Opportunity Program.

Section 201 of JTPA is amended to state that the purpose of the adult program is to establish programs to prepare adults for participation in the labor force by increasing their educational and occupational skills with the result of improving their long-term employability, increasing their employment and earnings and reducing their welfare dependency.

Section 202 of JTPA is amended to provide a new formula for the allotment of funds under the adult program. The current formula under title II-A does not sufficiently target resources to the eligible economically disadvantaged adult population. Under the current formula, two-thirds of the funds are allotted based on the share of unemployment in an area rather than on the extent or concentration of the economically disadvantaged population in that area. The result has been that local SDAs may not receive funds in proportion to their share of the eligible population. In addition, because unemployment rates can fluctuate, the allotments have been subject to large annual variations which have hampered the local PICs ability to engage in long-term planning or to build strong service delivery capacity. This bill revises the formula to improve targeting of the eligible population, promote equitable funding of SDAs which have the same number of the disadvantaged, and stabilize funding to enhance local planning.

Subsection (a) of the amended section 202 of JTPA retains a small percentage of funds for certain areas, including the U.S. territories.

Section 202 (b) is amended to allow the Secretary to reserve up to 5 percent of the remaining funds for the new Linkage and Coordination Program established as part C of title II under this bill.

Section 202(c) provides that after determining the amounts allotted under subsections (a) and (b), 89 percent of the remainder is to be allotted by the Secretary to the States for allocation to SDAs. The amount of each SDA allocation would be determined by the Secretary in accordance with the following formula: 50 percent would be allotted on the basis of the relative number of economically disadvantaged adults in each SDA as compared to the number of such adults in all SDAs; 37.5 percent would be allotted on the basis of the relative concentration of economically disadvantaged adults in each SDA (concentration is defined as the number in excess of 10 percent of the total adult population in the SDA); and 12.5 percent is to be allotted on the basis of the relative number of unemployed individuals in the SDA.

A significant feature of this formula is that it is based on relative numbers of eligible individuals among all SDAs in the country rather than among SDAs within States or among States. This approach ensures that SDAs with the same number of eligible adults receive equal allotments and that funding does not vary simply because the SDAs are located in different States.

This section also includes provisions that no SDA will receive less than 90 percent or more than 130 percent of its previous fiscal year's allotment percentage. These provisions promote funding stability and enable improved planning of programs. This section also includes a provision, to protect small States, that no State will receive less than one quarter of one percent of the total allotment.

Section 202(d) is amended to provide for the allotment to the States of the remaining 11 percent of the funds available for distribution by the Secretary. The Secretary is to allot these funds based on the relative amount of funds available to SDAs within the State as compared to the total amount of funds available to all SDAs in all States.

These allotments are available to the States for the following purposes: five-elevenths of the allotment is available for administrative activities, for the Governor's coordination plan, and for the State council (this is consistent with the 5 percent set-aside for such activities under the current II-A formula); three-elevenths of the allotment is available for developing the overall job training system capabilities within the State; and three-elevenths of the allotment is available to provide for incentive grants authorized under the performance standards section. Under the current title II-A formula, there is a State set-aside for performance incentive grants to SDAs and unused grant funds may be used by the Governor for technical assistance to SDAs. These amendments would provide separate set-asides for these two functions.

Section 203 is amended to provide the new eligibility requirements for the adult program. Section 203(a) provides as general eligibility requirements that an individual must be 22 years of age or older and economically disadvantaged. Section 203(b) provides that at least 50 percent of the participants in each SDA, in addition to meeting the general requirements, must also be included in one or more of the following categories: basic skills deficient; school dropouts; AFDC recipients in a target group under the JOBS program or who have received an employability plan under JOBS; unemployed for the previous 6 months or longer; individuals with disabilities; or homeless as defined in the McKinney Act. These categories are intended to identify individuals who are likely to need assistance to enhance their employability and who would realize long-term benefits from services provided under JTPA.

Section 203(c) retains the current "window" that allows 10 percent of the participants to be individuals who are not economically disadvantaged if such individuals experience other barriers to employment.

Section 204 is amended to establish the program design for the new adult program.

Section 204(a) provides certain features that are to be included in all adult programs under part A. First, the program is to include an assessment of each participant's skill levels and service needs. A new assessment is not required if the program determines it is appropriate to use another recent assessment conducted by another program. Second, the program is to develop service strategies which identify the employment goal, achievement objectives and the services to be provided to participants, taking

into account the assessment. Third, the program is to review each participant's progress in meeting the objectives of the service strategy. Fourth, where the assessment of a participant and service strategy indicates it is appropriate, the program is to make available basic and occupational skills training. These elements are essential to ensure that the services provided address those problems which would hamper the long-term employability of participants. It should, however, be noted that the service strategy is not intended to be a contract and these provisions do not create an entitlement for participants.

Section 204(b) provides a list of services which may be provided under the adult program. The 29 services listed are not intended to be exhaustive, but suggest the kinds of services that may enhance the development of skills and employability of adult participants. Most of these services are included under current law. The list includes various training activities, such as on-the-job training, programs combining workplace training and classroom instruction, job search skills training and placement assistance, and counseling and supportive services.

Section 204(c) imposes limitations on some of the services authorized under this part. Basic skills training is, where appropriate, to have a workplace context and be integrated with occupational skills training. The provision of job search, job search skills training, job clubs, and work experience are to be accompanied by other services designed to increase a participant's basic education or occupational skills. There is an exception to this limitation whereby job search, job search skills training and job club activities may be provided as "stand-alone" services if the assessment and service strategy indicates that no additional services are appropriate and the activities are not available through the Employment Service or other public agencies. Needs-based payments, as under current law, are to be limited to payments necessary to participate in the program in accordance with a locally developed formula or procedure. Finally, counseling and supportive services may be provided for a period of up to one year after program completion. This final provision allows provision of these important follow-up services that are often needed to ensure a participant's effective transition to employment. However, it is expected that employers would quickly assume the responsibility for employment-related counseling.

Section 205 is amended to provide the linkages that are to be established in conducting the adult program. Linkages with other programs and entities will enhance the range, quality and effectiveness of services provided under the program and is therefore an essential component. This section identifies some of the most important programs and activities. Section 205(a) is amended to provide that linkages are to be established, where feasible, with other Federal programs. The listed programs include programs under the Adult Education Act, the Perkins Vocational Education Act, and JOBS.

Section 205(b) is amended to provide that additional linkages are to be established that would enhance the provision of services with such entities as State and local educational agencies; community, business and labor organizations; and volunteer groups.

Section 206 would allow a service delivery area to transfer up to 10 percent of the funds available for adult programs to the youth program under part B if certain conditions are met. Those conditions are that the transfer is based on economic and labor market conditions specified by the Secretary in regulations to be sufficient to warrant a transfer, that the transfer is described in the job training plan, and that the transfer is approved by the Governor and the Secretary. It is not intended that such transfers occur except in unusual economic circumstances.

Section 116 amends part B of title II of JTPA to establish the new Youth Opportunity Program.

Section 251 of JTPA is amended to revise the purposes of the youth program. The purposes include improving the long-term employability of youth, enhancing their educational and occupational skills, encouraging school completion or enrollment in alternative school programs, improving the employment and earnings of youth, reducing welfare dependency, and assisting youth in addressing problems which impair their ability to make successful transitions from school to employment or advanced education or training programs.

Section 252 is amended to revise the allotment formula to improve the targeting of resources to eligible economically disadvantaged youth. Since the current II-B formula is the same as the current II-A formula, it shares the problems described in the explanation of the amended section 202. Those problems include lack of sufficient weight to the number of disadvantaged youth residing in an SDA and instability in funding due to reliance on unemployment rates.

The revised funding formula for the youth program is similar to the revised adult formula. There is a set-aside for certain areas, including U.S. territories, and a five percent set-aside for the new State Linkage and Coordination Program. Of the remainder, 89 percent is allotted to SDAs, with 50 percent allotted on the basis of the relative number of economically disadvantaged youth within each SDA as compared to the total number of such youth in all SDAs, 37.5 percent allotted on the basis of the relative concentration of such youth in an SDA (concentration defined as the number of economically disadvantaged youth in excess of 10 percent of the youth population in the SDA) and 12.5 percent allotted on the basis of the relative number of unemployed individuals in each SDA. This formula improves targeting to SDAs with the greatest need.

This section also includes a 90 percent "hold harmless" and, a 130 percent "stop gain" provision to ensure funding stability and improve local planning. It also includes a minimum total allotment which protects small States. For purposes of this section the Secretary is to exclude, where feasible, college students and members of the armed forces from determinations of the number of economically disadvantaged youth and the size of the youth population in each SDA.

The remaining 11 percent of the funds are to be allocated among the States in the same manner and for the same purposes as the adult formula (i.e., five-elevenths for management, three-elevenths for capacity building, three-elevenths for performance incentives.)

Section 253 is amended to provide new eligibility requirements. Section 253(a) is amended to provide the requirements for in-school youth. An individual who is in school is eligible if first, such individual is aged 16 through 21 or, if provided in the job training plan, 14 through 21; second, such individual is economically disadvantaged, is receiving a free lunch under the National School Lunch Act, or participates in a Chapter 1 compensatory education program; and third, the individual is in one or more of the following categories: basic skills deficient, poor academic record, pregnant or parenting, or is homeless.

Up to 10 percent of in-school individuals who participate in the youth program may be individuals who do not meet the second requirement if they are either included in one of the categories listed under the third requirement or experience other barriers to employment.

Under the amended Section 253(b), individuals who are out of school are eligible for the youth program if first, they are aged 16 through 21; second, they are economically disadvantaged; and third, they are included in one or more of the following categories: basic skills deficient, school dropout, pregnant or parenting, or are homeless. Up to 10 percent of out-of-school individuals who participate in the program need not be economically disadvantaged if they face other barriers to employment.

Section 253(c) provides that at least 50 percent of the participants in the youth program in each SDA must be out-of-school youth who meet the requirements of subsection (b).

Section 254 is amended to provide the design for the youth program. Section 254(a) provides that the youth program is to be conducted on a year-round basis.

Section 254(b) is amended to provide that the program includes an assessment of each participant's skill levels and service needs, development of service strategies which identify achievement objectives, appropriate employment goals and services to be provided, and a review of each participant's progress in meeting the objectives of the service strategy.

Where the assessment and the service strategy indicate such services are appropriate, the youth program is to make available to participants the following services: basic skills training, occupational skills training, pre-employment and work maturity skills training, work experience combined with skills training, and supportive services. As indicated above with respect to the adult program, the service strategy is not to be considered a contract and these provisions do not create an entitlement for participants.

Section 254(c) is amended to provide a list of services which may be provided under the program. These services include mentoring, tutoring, study skills training, instruction for high school completion or certificate of high school equivalency, and limited internships in the private sector.

Other services listed include alternative high schools jointly established or supported with educational agencies and school-to-work, apprenticeships and postsecondary education transition services.

This list, which is not exhaustive, provides for a comprehensive set of services that are intended to address the multiple barriers to employment often experienced by at-risk youth.

Section 254(d) contains certain conditions relating to the program. First, in developing service strategies and designing services, the SDAs and PICs are to take into consideration exemplary program strategies and practices. It is intended that this condition will promote effective planning.

Second, school dropouts that are under the age of 18 must reenroll in and attend a school or alternate shcool program as a condition of participation.

Third, pre-employment and work maturity skills training are to be accompanied by either work experience or by additional basic or occupational skills training.

Fourth, work experience, job search, job search skills training and job clubs activities are also to be accompanied by basic or occupational skills training.

These third and fourth conditions requiring combinations of services are intended to ensure the kind of intensive training that will enhance the long-term employability of youth participants. Under these conditions, the additional services may be provided, sequentially or concurrently, under other programs. Such programs may include the Job Corps and JOBS. This provision is intended to promote coordination between programs and flexibility in determining how these services are to be delivered.

It should also be noted that this section does not prohibit the provision of summer work experience to participants. However, such work experience would have to be one part of a youth's service strategy and accompanied by additional education or training in the year-round program.

A fifth condition is that needs-based payments are to be determined in accordance with a local formula as under current law. Finally, this subsection authorizes the provision of counseling and supportive services for a period of up to one year after a participant has completed the program.

Section 255 is amended to provide for linkages between SDAs and other entities and programs to ensure the effective, comprehensive, and coordinated delivery of services under the youth program.

Section 255(a) requires that SDAs establish linkages with educational agencies. These linkages are to include formal agreements with local educational agencies that will identify the procedures for referral and provision of services to in-school youth, the methods of assessment of in-school youth, and procedures for notifying the program when a youth drops out of the school system. Other linkages with educational agencies are to include arrangements to ensure that the program supplements existing programs provided by local educational agencies to in-school youth, arrangements to ensure that the program utilizes existing services provided by local educational agencies to out-of-school youth, and arrangements to ensure regular exchanges of information between the program and local educational agencies regarding the progress of in-school participants.

Under the design of the youth program, educational agencies will play a key role. The linkages described above are intended to ensure the coordination of those agencies and of existing programs with the program under part B.

Section 255(b) provides that SDAs shall also establish appropriate linkages with other Federal programs such as the Job Corps, vocational education programs, chapter 1 compensatory education programs, special education programs and JOBS.

Section 255(c) provides that linkages which would enhance the delivery of services under the youth program should also be established with other agencies and organizations, such as local service agencies, business and labor organizations, and volunteer groups.

Section 256 allows for a transfer of up to 10 percent of funds from the youth program to the adult program under part A if the same conditions governing transfers from the adult to the youth program are met (i.e., sufficient economic conditions and approval of the Governor and Secretary).

Section 117 amends title II of JTPA to establish the State Linkage and Coordination Program as a new part C. The purpose of the program as described in the new section 271 is to: encourage States to establish policies and strategies which address human resource development goals for those at risk of chronic unemployment and welfare dependency; to encourage States to use resources provided under JTPA to leverage other Federal, State and local resources to address the needs of those at risk; and to encourage institutional change to develop and provide comprehensive and integrated education, training and employment goals for at-risk youth and adults.

The new section 272 references the set-aside in the title II allocation formula as the source of funds for this part and provides that upon approval of an application for funds a State will receive the same proportion of funds as the State receives to carry out parts A and B of title II. If funds are available in any fiscal year due to a State not applying for or receiving approval of an application, this section provides that the Secretary is to reallot the funds to other States on the basis of the quality of their plans.

The new section 273 provides the procedures for applying for funds under the program. All States are eligible to apply and may submit an application in accordance with requirements established by the Secretary. The application is to demonstrate a willingness to meet certain conditions. First, the State must establish human resource goals it is committee to achieving. The goals are to be measurable and may, for example, include reducing the school dropout rate, raising youth achievement levels, and/or reducing welfare rates.

Second, the State must demonstrate a willingness to target significant Federal, State and local resources to the goals. Consistent with this requirement, the application is to set forth plans for redirecting existing resources. Examples of such resources are other JPTA funds, vocational education funds, and funds available for the JOBS programs.

Third, the State is to set forth a specific plan for achieving the goals. The plan is to include specific sets of activities designed to achieve the goals. For example, one set of activities may include dropout prevention services. In addition, the plan is to identify measurable interim benchmarks for achievement of the goals.

The new section 274 includes the procedures for reviewing and approving the application. The Secretary is to establish the selection criteria which may include such factors as the extent to which the goals and strategies will address identified problems, the extent of other resources to be committed, evidence of a commitment from the Governor and other State and local organizations and groups, and the plans for linking various programs to achieve the goals. Under this section, the Secretary is authorized to award multi-year grants for up to a three-year period, with funding after the first year dependent on the availability of funds and the State satisfying the grant conditions during the previous year.

Section 275 provides for program review and oversight. The Secretary has monitoring authority and the State human resource investment council is responsible for overseeing activities under the program within the States.

Section 276 provides that the Secretary may establish reporting requirements and that each participating State must keep records sufficient to report on the progress being made in achieving the goals. Such reports are to be submitted at intervals to be determined by the Secretary.

This new program provides an innovative approach to the coordination of resources and organizations in order to promote services to the disadvantaged. It recognizes the importance of a coordinated human resource policy and offers a means to promote such coordination.

Section 118 amends section 314(f) of JTPA to provide that participation in training, except for on-the-job training, under the Title III dislocated worker program is to be deemed to be approved training for purposes of the unemployment compensation (UC) program. There is a provision relating to the UC program (3304(a)(8) of the IRC) that provides UC is not to be denied because an individual is in training approved by the State agency. This amendment would facilitate coordination between Title III and the UC program by providing Title III training is to be deemed approved by the State agency. A similar provision was part of Title III until last year's revision of the dislocated worker program by the Omnibus Trade and Competitiveness Act (OTCA). The Conference Report for OTCA (House Rept. 100-576, p. 1030) indicated that the approved training rule was to be included in Title III, but the provision did not appear in the final text of the Act.

Section 119 of the bill amends section 427(a)(2) of JTPA to increase the ceiling on the proportion of non-residential slots in the Job Corps program from 10 percent to 20 percent. The increase is intended to promote increased access to the program by disadvantaged young women who have small children and are therefore unable to participate in the residential program.

Section 120 would amend part D of title IV of JTPA to simplify, clarify, consolidate, and update provisions relating to National Activities. It authorizes three sets of activities: national partnership and special training programs; research, demonstration, and evaluation; and training and technical assistance.

Section 451 of JTPA is amended to consolidate current law sections 451 and 456 and authorizes a national partnership and special training program distinct from other research, demonstration, and evaluation activities.

Section 452 of JTPA consolidates current law sections 452, 453, and 454 and provides for a distinct research, demonstration, and evaluation program. Subsections (a), (b), and (c) update the areas on which the research, demonstration, and evaluation program can focus, e.g., workplace literacy. Subsection (c) of section 452 broadens the Secretary's authority to conduct evaluations to encompass related employment programs such as the Employment Service and Trade Adjustment Assistance for Workers. This subsection also provides for an evaluation of the impact of the amendments made by this title on participant employment, earnings and welfare dependency.

Section 453 of JTPA broadens the Secretary's authority to provide technical assistance and training to other training and employment-related programs, such as the Employment Service. Subsection (c) authorizes

the Secretary to disseminate materials and information.

Section 121 amends part F of title IV of JTPA to rename the National Commission for Employment Policy as the National Commission for Employment and Vocational Education Policy. This change, which complements a provision in the Administration's proposed "Vocational Education Excellence Act of 1989", would merge the NCEP and the National Council on Vocational Education. The integration of the two entities would enhance the review and development of employment and training policies, avoid duplication of effort, and promote a coordinated approach to policy analysis.

Section 122 establishes the Youth Opportunities Unlimited Program as a new part H of title IV of JTPA. The new section 491 authorizes the Secretary to establish this new national program of grants to target services to youth living in high poverty areas. The purposes of the program, as described in the section 492, include enabling communities with high concentrations of poverty to establish and meet goals for improving the opportunities available to youth within the community, and facilitating the coordination of comprehensive services to such youth.

The new section 493 provides definitions of the terms for purposes of this part. "Participating community" is the city or rural area in which the program will be administered. "Poverty area" refers to an urban census tract or rural county with a poverty rate of 30 percent or more. Finally, "target area" is defined as the poverty area or set of contiguous poverty areas within the participating community that will be the focus of the program.

The new section 494 sets forth the requirements for applying for funds under the program. The cities and non-metropolitan counties with the highest concentrations of poverty, as determined by the Secretary based on the Census data, are eligible to apply. The Governor of the State in which the eligible cities and counties are located may submit an application in accordance with procedures specified by the Secretary. The application is to include a comprehensive plan designed to achieve goals for youth in the target area. Examples of such goals, which are to be specified in the plan and measurable, include increasing the proportion of youth completing high school or entering community colleges and other advanced training programs, or placed in jobs. Significantly, the plan is also to include supporting goals for the target area such as increasing security or reducing the number of drug-related arrests. In addition, the application is to include a memorandum of understanding which provides evidence of State and community support.

Applications are to be approved in accordance with selection criteria established by the Secretary, which may include such factors as the goals to be achieved, the degree of demonstrated need and the extent of community support for the plan.

Grants may be awarded to up to 25 communities during the first year of authorization and up to 40 communities over the 5-year authorization period. The grant recipient would be the SDA in which the target area is located. The Secretary would be authorized to award multi-year grants for up to the 3 year period, with such grants renewable for up to an additional 2 years. Funding after the first year is dependent on the availability of the funds and the participating community satisfying the grant requirements during the previous year.

The new section 495 provides the grant conditions. Under these conditions, the participating community is to designate a target area with a population of 25,000 or less. The community must also match one-for-one the grant provided under this part with funds from non-federal sources. The grant funds are to be used to provide activities selected from a set of youth program models designated by the Secretary or alternative models described in the application and approved by the Secretary. Examples of such models include non-residential learning centers, alternative schools, and combined summer remediation, work experience and work readiness training.

Other conditions identified in this section are that all youth ages 14 through 21 residing in the target area are to be eligible to participate, that the local educational agency and the community are to provide activities and local resources necessary to achieve the supporting goals that are specified in the plan, and that the community is to establish linkages with other federally funded programs to ensure the provision of services under the program.

Section 496 authorizes the Secretary to establish necessary reporting procedures.

Finally, section 497 requires the Secretary to provide assistance to the participating communities in implementing the program. The Secretary is authorized to retain up to 10 percent of the funds allotted for this part to provide such assistance. The Secretary is also to conduct an evaluation of the program.

This important new program offers a means to assist communities in developing a coordinated, comprehensive strategy to address the needs of youth.

Section 123 provides technical and conforming amendments.

Section 124 provides that the amendments made by this title shall take effect July 1, 1990. This section also contains a transition provision that provides that changes in performance standards pursuant to the amendments made by the Act shall be issued as soon as sufficient data are available, but no later than July 1, 1994. There is also a general transition provision allowing the Secretary to establish necessary rules and procedures to provide for an orderly transition to and implementation of these JTPA amendments.

Title II would provide for the establishment of a human resource investment council in each State. The council would promote Statewide coordination of certain federally-assisted human resource programs by replacing separate existing state councils with a single State advisory body.

The State human resource investment council would advise the Governor regarding programs under the Adult Education Act, the Carl D. Perkins Vocational Education Act, JTPA, the Rehabilitation Act of 1973, the Wagner-Peyser Act, and JOBS. Under current law, there is no State advisory council for programs under the Rehabilitation Act and JOBS. There are separate State councils authorized for programs under each of the other Acts.

Section 201(a) provides that each State that receives assistance under the applicable federal programs would establish a single State council to review the provision of services and use of resources and advise the Governor on methods of coordinating the programs. The council would also provide advice to the Governor on the development and implementation of State and local standards and measures relating to the programs.

Section 201(b) provides that the membership of the Council is to be appointed by the Governor with 30 percent appointed from representatives of business and industry, 30 percent from representatives of organized labor and community-based organizations, 20 percent from chief administrative officers in State agencies administering the applicable programs and other representatives of State entities, and the final 20 percent from representatives of local governments, local educational, and welfare agencies, and individuals with special expertise.

Subsections (c) and (d) of this section authorize the council to prepare a budget, to be approved by the Governor, and to obtain the services of personnel to carry out its functions. Subsection (e) provides that the State certify to the Secretary of Labor the establishment and membership of the council 90 days before the submission of a job training plan under JTPA. Subsection (f) lists the applicable programs under the council's jurisdiction, which were described above.

Section 202 contains conforming amendments to each of the Acts which authorize the applicable programs. These amendments clarify the duties of the council with respect to each Act and provide for coordination of the program by the council.

Section 203 provides that the effective date for this title is July 1, 1990.

By Mr. HEFLIN:

S. 1301. A bill for the relief of Hoar Construction, Inc., of Birmingham, AL, to settle certain claims filed against the Small Business Administration; to the Committee on the Judiciary.

RELIEF OF HOAR CONSTRUCTION, INC.

Mr. HEFLIN. Mr. President, I rise today to introduce legislation for the relief of a company from my home State of Alabama, Hoar Construction, Inc., of Birmingham, AL.

Mr. President, in the spring of 1985 Hoar Construction, Inc., contracted with Rayner Tile Co. for the tilework at the town center at Cobb Shopping Mall in Atlanta, GA. Hoar's contract with Rayner was conditional on Rayner providing performance and payment bonds acceptable to Hoar. The bonds provided by Integrity Insurance Co. were accepted because they carried a Small Business Administration guarantee.

In January 1986, 6 weeks before the mall grand opening, Rayner advised Hoar that they were going out of business and would not complete the job. The bonding surety, Integrity Insurance Co., refused to complete the job and stated that Hoar Construction, Inc., would have to sue. Hoar completed the tilework with other forces in order to make the mall opening, and to mitigate the damages.

Hoar then filed suit against Rayner and Integrity. On July 2, 1987, Hoar Construction, Inc., was awarded a judgment against Rayner for $381,135.53. Meanwhile Hoar had gone

into receivership before the court date, so they were temporarily protected from the suit.

Mr. President, the dilemma is that the Small Business Administration, which guarantees the bond, will not pay 90 percent of the claim to Integrity because Integrity must first pay 100 percent of the claim to Hoar. As Integrity is in receivership, payment of 100 percent of the claim is not possible, thereby precluding the 90-percent reimbursement from the SBA.

Mr. President, Hoar Construction, Inc., would never have contracted with Rayner Tile Co. under a bond provided by Integrity Insurance Co. had the guarantee not stated that the SBA would guarantee indemnification up to $1,000,000.

The Small Business Administration says that this guarantee is not a guarantee if Integrity Insurance is in liquidation and cannot make payment to Hoar Construction.

Mr. President, the moneys involved in this case are substantial to Hoar Construction Co., and very important to the continuing operation of this small Alabama business.

Thus, Mr. President, I would like to introduce a bill today for the relief of Hoar Construction, Inc., of Birmingham, AL, to settle certain claims filed against the Small Business Administration, and ask unanimous consent to have it printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF FOR HOAR CONSTRUCTION, INC. FOR CLAIMS AGAINST THE SMALL BUSINESS ADMINISTRATION.

To compensate for claims against the Small Business Administration for failing to guarantee a performance and payment bond which created financial losses for Hoar Construction, Inc. of Birmingham, Alabama, the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the sum of $343,021.97 to the aforementioned Hoar Construction, Inc.

SEC. 2. INTEREST.

The amounts prescribed in section 1 shall be adjusted to include interest accrued. The Secretary of the Treasury shall determine the rate at which such interest accrued and the period over which such interest shall be calculated.

SEC. 3. LIMITATION OF CLAIMS.

Payment of the sums referred to in sections 1 and 2 shall be in full satisfaction of all claims that the persons listed in section 1 may have against the United States with respect to the losses referred to therein.

SEC. 4. ATTORNEY FEES.

No part of the amount paid pursuant to this Act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Violation of this section shall be a misdemeanor punishable by a fine not to exceed $5,000.

By Mr. BENTSEN:

S. 1302. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit; to the Committee on Energy.

BIG THICKET NATIONAL PRESERVE ADDITION ACT OF 1989

● Mr. BENTSEN. Mr. President, one of the privileges of serving in the U.S. Senate is being able to propose, and sometimes see enacted, legislation which will benefit all Americans for many years to come. As a newly elected Senator, one of the first bills I introduced was legislation to set aside 100,000 acres to establish one of the most beautiful and ecologically unique parks in Texas—the Big Thicket National Preserve. I had the privilege of seeing most of that proposal enacted into law. Today the Big Thicket National Preserve encompasses and protects for future generations 86,000 acres.

The legislation which I am now introducing would complete the Big Thicket National Preserve by adding the Canyonlands unit and the Village Creek and Big Sandy Creek corridor units, which comprise the remaining 14,000 acres of my original proposal. This is identical to legislation which has been introduced in the House by my distinguished colleague from Texas, Congressman CHARLES WILSON, and has been approved by the House Interior Committee.

The Big Thicket is located in east Texas, northwest of the coastal cities of Beaumont and Port Arthur. It is an area so varied that it contains both flood plains and sand hills, swamps and bogs, forests and savannahs. Plant and animal life flourishes in the preserve. There are over 300 kinds of birds found in the area as well as 40 wild orchid species. The Big Thicket includes eight different biological habitats. There are plants representing the Appalachians, the tropics, and even the desert. People who have spent time studying the Big Thicket have called it the "biological crossroads of North America."

The areas which I am once again proposing for inclusion in this unique preserve will add to that rich diversity and help to protect the biological integrity of the existing units. The Canyonlands units contains beautiful scenic areas of steep walls, spring-fed creeks, and rare plants. The Big Sandy Creek and Village Creek corridor units not only add to the scenic beauty and ecological diversity of the preserve, but they will also connect three major preserve units. These corridor units will provide an important migration pathway for plant and animal species, thereby helping to maintain the rich diversity of species found in the Big Thicket Preserve.

Mr. President, the Big Thicket is a rare mixture of diverse ecosystems. It is beautiful, it is unique, it is a rich source for scientific research.

Preservation of the Big Thicket has been a bipartisan effort on the part of many Texans over the years, and I hope that it will continue to be so. A Texas Congressman named George Bush once introduced legislation to establish a Big Thicket National Preserve, including the same areas proposed in the bill which I am introducing today. I look forward to working with the administration of President Bush to enact this proposal into law.●

By Mr. BENTSEN:

S. 1303. A bill to amend the Internal Revenue Code of 1986 to restrict the partial exclusion from income of interest on loans used to acquire employer securities to cases where employees receive a significant ownership interest in a corporation, and for other purposes; to the Committee on Finance.

LIMITATIONS ON PARTIAL EXCLUSION OF INTEREST ON LOANS USED TO ACQUIRE EMPLOYER SECURITIES

Mr. BENTSEN. Mr. President, today I am introducing a bill to substantially modify section 133 of the Internal Revenue Code dealing with employee stock ownership plan [ESOP's]. Section 133 permits a bank, insurance company or other financial institution to exclude from income 50 percent of the interest paid on a loan to an ESOP. It is one of a number of provisions in the Internal Revenue Code designed to advance the idea of employee stock ownership.

In enacting this provision, Congress intended to encourage the establishment of meaningful ESOP's for the benefit of employees. That was a laudable goal and one that I believe we must continue to pursue.

Congress did not intend, however, to enact a provision which would be as far reaching as this one has turned out to be. Congress did not intend for banks, insurance companies and other financial institutions to substantially reduce their tax liability, while only passing a relatively small portion of the savings through to the ESOP. Congress did not intend for companies to abandon existing retirement arrangements and replace them with ESOP's that provide little if anything in the way of improved benefits. There was no intent to provide an incentive to transactions that do not achieve the policies which originally led to the enactment of tax incentives for ESOP's. To transactions which do not result in meaningful employee interest and involvement in the productivity and profitability of the company. And finally, no one anticipated that the pro-

vision would cost the Federal Government up to $10 billion over the next 5 years. In short, the provision would not have been enacted in its present form if all of its implications had been known.

Accordingly, Mr. President, I am now proposing to substantially modify section 133 to more directly target the tax advantages to deserving ESOP's. To ESOP's which encourage meaningful employee ownership and involvement in the work place. The bill does this by limiting the availability of section 133 to loans involving companies that are at least 30 percent employee-owned. To qualify, ESOP shares must also provide meaningful ownership—they must include voting rights on all issues.

The chairman of the Ways and Means Committee and the Senate Republican leader have both introduced bills that would repeal section 133 of the Internal Revenue Code in its entirety. That is not the approach chosen in the bill which I introduce today, but I want to commend Senator DOLE and Chairman ROSTENKOWSKI for their leadership in moving quickly to close the floodgates on the revenue loss which was occurring. They saw the problem and dealt with it. I commend them for their prompt action.

Given time to prepare a more targeted approach, I think the bill which I am introducing has found a way to tailor the changes to eliminate the abuses, but to also allow ESOP's that are particularly advantageous to employees to continue to benefit from the current law incentives. Quite simply, in some cases the tax incentives work—employees derive significant benefits. This bill targets the incentives to ESOP's where the employees are really getting a meaningful stake—where they are involved in the ESOP and in the success of the company.

Let me also alert taxpayers to the effective date of the bill. The bill is generally effective for loans on or after June 7, 1989. That is the day Chairman ROSTENKOWSKI introduced his bill and it is the general effective date that Senator DOLE chose for this bill. The bill also provides that companies with binding written commitments to borrow or to acquire stock prior to June 7 would not be subject to the changes made by the bill. Refinancings of existing loans and of loans made pursuant to binding contracts would also not be effected by the bill.

Finally, let me emphasize that the bill which I introduced today will increase Federal revenues by over $1 billion in fiscal year 1990 and almost $10 billion over the next 5 years. It will raise that money by eliminating the tax advantages for transactions that do not result in significant benefits to employees, but it will retain the benefits for ESOP's which provide employees with a meaningful stake in the enterprise.

Mr. President, I ask unanimous consent that the bill and a more detailed description of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATIONS ON PARTIAL EXCLUSION OF INTEREST ON LOANS USED TO ACQUIRE EMPLOYER SECURITIES.

(a) EXCLUSION AVAILABLE ONLY WHERE EMPLOYEES RECEIVE SIGNIFICANT OWNERSHIP INTEREST.—Subsection (b) of section 133 of the Internal Revenue Code of 1986 (defining securities acquisition loans) is amended by adding at the end thereof the following new paragraph:

"(6) PLAN MUST HOLD 30 PERCENT OF STOCK AFTER ACQUISITION OR TRANSFER.—

"(A) IN GENERAL.—A loan shall not be treated as a securities acquisition loan for purposes of this section unless, immediately after the acquisition or transfer referred to in subparagraph (A) or (B) of paragraph (1), respectively, the employee stock ownership plan owns (after application of section 318(a)(4)) at least 30 percent of—

"(i) each class of outstanding stock of the corporation issuing the employer securities, or

"(ii) the total value of all outstanding stock of the corporation.

"(B) STOCK.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'stock' means stock other than stock described in section 1504(a)(4).

"(ii) TREATMENT OF CERTAIN RIGHTS.—The Secretary may provide that warrants, options, contracts to acquire stock, convertible debt interests and other similar interests be treated as stock for 1 or more purposes under subparagraph (A)."

(b) TERM OF LOAN MAY NOT EXCEED 15 YEARS.—Paragraph (1) of section 133(b) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new sentence: "The term 'securities acquisition loan' shall not include a loan with a term greater than 15 years."

(c) VOTING RIGHTS.—Subsection (b) of section 133 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by adding at the end thereof the following new paragraph:

"(7) VOTING RIGHTS OF EMPLOYER SECURITIES.—A loan shall not be treated as a securities acquisition loan for purposes of this section unless—

"(A) the employee stock ownership plan meets the requirements of section 409(e)(2) with respect to all employer securities acquired by, or transferred to, the plan in connection with such loan (without regard to whether or not such securities are a registration-type class of securities), and

"(B) no stock described in section 409(l)(3) is acquired by, or transferred to, the plan in connection with such loan unless—

"(i) such stock has voting rights equivalent to the stock to which it may be converted, and

"(ii) the requirements of subparagraph (A) are met with respect to such voting rights."

(d) TAX ON DISPOSITION OF SECURITIES BY EMPLOYEE STOCK OWNERSHIP PLANS.—

(1) IN GENERAL.—Chapter 43 of such Code is amended by inserting after section 4978A the following new section:

"SEC. 4978B. TAX ON DISPOSITION OF EMPLOYER SECURITIES TO WHICH SECTION 133 APPLIED.

"(a) IMPOSITION OF TAX.—In the case of an employee stock ownership plan which has acquired section 133 securities, there is hereby imposed a tax on each taxable event in an amount equal to the amount determined under subsection (b).

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) shall be equal to 10 percent of the amount realized on the disposition to the extent allocable to section 133 securities under section 4978A(d).

"(2) DISPOSITIONS OTHER THAN SALES OR EXCHANGES.—For purposes of paragraph (1), in the case of a disposition of employer securities which is not a sale or exchange, the amount realized on such disposition shall be the fair market value of such securities at the time of disposition.

"(c) TAXABLE EVENT.—For purposes of this section—

"(1) DISPOSITIONS WITHIN 3 YEARS.—Any disposition of any employer securities by an employee stock ownership plan within 3 years after such plan acquired section 133 securities, and

"(A) the total number of employer securities held by such plan after such disposition is less than the total number of employer securities held after such acquisition, or

"(B) except to the extent provided in regulations, the value of employer securities held by such plan is less than 30 percent of the total value of all employer securities at the time of the disposition.

"(2) STOCK DISPOSED OF BEFORE ALLOCATION.—Any disposition of section 133 securities to which paragraph (1) does not apply if—

"(A) such disposition occurs before such securities are allocated to accounts of participants or their beneficiaries, and

"(B) the proceeds from such disposition are not so allocated.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) EXCEPTIONS.—Rules similar to the rules of section 4978A(e) shall apply.

"(2) LIABILITY FOR PAYMENT OF TAXES.—The tax imposed by this section shall be paid by the employer.

"(3) SECTION 133 SECURITIES.—The term 'section 133 securities' means employer securities acquired by an employee stock ownership plan in a transaction to which section 133 applied, except that such term shall not include—

"(A) qualified securities (as defined in section 4978(e)(2)), or

"(B) qualified employer securities (as defined in section 4978A(f)(2)).

"(4) DISPOSITION.—The term 'disposition' includes any distribution.

"(5) ORDERING RULES.—For ordering rules for dispositions of employer securities, see section 4978A(d)."

(2) CONFORMING AMENDMENTS.—

(A) Section 4978A(d) of such Code is amended by redesignating paragraphs (3) and (4) as paragraphs (5) and (6) and by inserting after paragraph (2) the following new paragraphs:

"(3) Third, from section 133 securities (as defined in section 4978B(d)(3)) acquired during the 3-year period ending on the date

of such disposition, beginning with the securities first so acquired.

"(4) Fourth, from section 133 securities (as so defined) acquired before such 3-year period unless such securities (or proceeds from the disposition) have been allocated to accounts of participants or beneficiaries."

(B) Section 4978A(d)(5) of such Code, as redesignated by clause (i), is amended by striking "Third" and inserting "Fifth".

(C) The table of sections for chapter 43 of such Code is amended by inserting after the item relating to section 4978A the following new item:

"Sec. 4978B. Tax on disposition of employer securities to which section 133 applied."

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to loans made after June 6, 1989.

(2) BINDING COMMITMENT EXCEPTION.—The amendments made by this section shall not apply to any loan—

(A) which is made pursuant to a binding written commitment in effect on June 6, 1989, and at all times thereafter before such loan is made, or

(B) to the extent that the proceeds of such loan are used to acquire employer securities pursuant to a written binding contract (or tender offer registered with the Securities and Exchange Commission) in effect on June 6, 1989, and at all times thereafter before such securities are acquired.

(3) REFINANCINGS.—The amendments made by this section shall not apply to loans made after June 6, 1989, to refinance securities acquisition loans made on or before such date or to refinance loans described in paragraph (2) if—

(A) such loans meet the requirements of section 133 of the Internal Revenue Code of 1986 (as in effect before such amendments) applicable to such loans, and

(B) immediately after the refinancing the principal amount of the loan resulting from the refinancing does not exceed the principal amount of the refinanced loan (immediately before the refinancing).

DETAILED DESCRIPTION OF AMENDMENTS TO SECTION 133 OF THE INTERNAL REVENUE CODE

PRESENT LAW

Leveraged ESOPs

Present law generally prohibits loans between a qualified plan and a disqualified person (sec. 4975). An exception to this rule is provided in the case of an employee stock ownership plan (ESOP).

If employer securities are acquired by an ESOP with loan proceeds, the ESOP is referred to as a leveraged ESOP. The ESOP may borrow directly from a financial institution (typically with a guarantee from the employer), or the employer may borrow from a financial institution and in turn lend the funds to the ESOP which then uses them to acquire employer securities. The employer securities are typically pledged as security for the loan. The employer makes contributions to the ESOP which are then used to repay the acquisition loan. Shares that are acquired with an acquisition loan are allocated to the accounts of ESOP participants as the loan is repaid.

In general, the type of employer securities that may be held by an ESOP are (1) common stock of the employer that is readily tradable on an established securities market, or (2) if there is no such common stock, common stock issued by the employer having a combination of voting power and dividend rights at least equal to that class of common having the greatest voting power and that class of common having the greatest dividend power. Noncallable preferred stock is treated as employer securities if such stock is convertible into stock that meets the requirements of (1) or (2), whichever is applicable.

ESOPs are required to pass through to plan participants certain voting rights with respect to employer securities. If the employer has a registration-type class of securities, the ESOP is required to permit each participant to direct the plan as to the manner in which employer securities allocated to the account of the participant are entitled to vote. If the employer does not have a registration-type class of securities, the plan is required to permit each participant to direct the plan as to the manner in which voting rights are to be exercised only with respect to certain enumerated corporate issues, such as the approval or disapproval of any corporate merger or consolidation, recapitalization, reclassification, and similar transactions as prescribed by the Secretary.

Interest exclusion for ESOP loans

A bank, an insurance company, a corporation actively engaged in the business of lending money, or a regulated investment company may exclude from gross income 50 percent of the interest received with respect to a "securities acquisition loan" used to acquire employer securities for an ESOP (sec. 133). A "securities acquisition loan" is generally defined as (1) a loan to a corporation or to an ESOP to the extent that the proceeds are used to acquire employer securities for the ESOP, or (2) a loan to a corporation to the extent that the corporation transfers an equivalent amount of employer securities to the ESOP and such securities are allocable to accounts of ESOP participants within 1 year of the date of the loan (an "immediate allocation loan").

EXPLANATION OF THE BILL

The bill limits the circumstances in which the partial interest exclusion applies. In general under the bill, the partial interest exclusion does not apply to a secutities acquisition loan unless (1) immediately after the acquisition of the securities acquired with the loan the ESOP owns at least 30 percent of each class of outstanding stock of the corporation issuing the employer securities or 30 percent of the total value of all outstanding stock of the corporation, (2) the term of the loan does not exceed 15 years, and (3) each participant is entitled to direct the plan as to the manner in which shares allocated to the participant's account are to be voted. These requirements apply to transfers of stock with respect to an immediate allocation loan as well as other types of securities acquisition loans.

The 30-percent requirement is designed to ensure that the ESOP holds a substantial percent of the company's stock. After the sale of the stock to the ESOP, the ESOP must generally hold the employer securities for at least 3 years. An excise tax is imposed on the employer sponsoring the ESOP if, within 3 years after the acquisition of the employer securities with a loan to which section 133 applies, the ESOP disposes of employer securities and the total number of employer securities held by the ESOP is less than the total number held after the acquisition or the value of the employer securities held by the plan after the disposition is less than 30 percent of the value of the outstanding securities. The excise tax does not apply to certain distributions, such as distributions to plan participants and distributions with respect to certain corporate reorganizations.

An excise tax is also imposed if the ESOP disposes of the employer securities before the securities are allocated to accounts of participants and the proceeds from such disposition are not so allocated.

The amount of each excise tax is 10 percent of the amount realized on the disposition.

These excise tax rules are similar to those that apply in situations where there has been a sale of stock to an ESOP that entitles the seller to defer recognition of gain on the sale (sec. 1042) or an estate tax deduction (sec. 2057).

The bill provides that with respect to shares acquired with a section 133 loan, plan participants must be entitled to direct the plan as to the voting of shares allocated to his or her account on all issues. This requirement applies regardless of whether the employer has a registration-type class of securities. In addition, under the bill, if the shares are convertible preferred stock, the participants must be entitled to direct the voting of such stock as if the preferred stock had the voting rights of the common stock of the employer having the greatest voting power.

EFFECTIVE DATE

The bill is generally effective with respect to loans made after June 6, 1989. However, the bill does not apply to loans made after such date to refinance loans made on or before such date (or to refinance loans described in the next paragraph), if (1) such refinancing loan meets the requirements of section 133 (as in effect before the amendments made by the bill), and (2) the outstanding principal amount of the loan is not increased.

In addition, the bill does not apply to any loan (1) pursuant to a binding written commitment in effect on June 6, 1989, and at all times thereafter before the loan is made, or (2) the proceeds of which are used to acquire employer securities pursuant to a written binding contract (or tender offer registered with the Securities and Exchange Commission) in effect on June 6, 1989, and at all times thereafter before such securities are acquired.

With respect to the grandfather rule for certain loans made after June 6, 1989, the legislative history would provide that the existence of a written binding loan commitment can be demonstrated, for example, by a combination of documentation by the lender, written communications by the borrower or the borrower's agent (e.g., an investment banker or a broker), and documentation of the borrower showing that the loan was approved by the lender and that the offer to make the loan was received by the borrower. Such documentation would have to include the principal terms of the loan, such as the principal amount, interest rate or spread, and maturity of the loan.

By Mr. GLENN (for himself, Mr. ADAMS, Mr. DASCHLE, Mr. DECONCINI, Mr. KOHL, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. PRYOR, and Mr. STEVENS):

S. 1304. A bill to enhance nuclear safety at Department of Energy nuclear facilities, to modify certain func-

tions of the Defense Nuclear Facilities Safety Board, to apply the provisions of OSHA to certain Department of Energy Nuclear Facilities, to clarify the jurisdiction and powers of Government agencies dealing with nuclear wastes, to ensure independent research on the effects of radiation on human beings, to encourage a process of environmental compliance and cleanup at these facilities, to protect communities that contain these facilities, and for other purposes; to the Committee on Energy and Natural Resources.

DOE NUCLEAR SAFETY AND ENVIRONMENT ACT

● Mr. GLENN. Mr. President, I rise on this occasion with Senators ADAMS, DASCHLE, DECONCINI, KOHL, LIEBERMAN, METZENBAUM, MIKULSKI, PRYOR, and STEVENS to introduce the Department of Energy Nuclear Safety and Environment Act." My bill is designed to strengthen independent environmental, safety, and health oversight of the U.S. Department of Energy's massive nuclear weapons production complex.

As the United States approaches the end of this century, the need to maintain our nuclear deterrent while protecting the health and environment of our people has become one of the most serious and daunting challenges our Nation now confronts.

Occupying a land base larger than Delaware and Rhode Island combined, the DOE Nuclear Weapons Program operates some 250 nuclear facilities at 17 sites across the country. With over $30 billion in physical assets, and an annual budget of over $9 billion, the DOE bomb program is among the Nation's largest industries. It is also an industry which has thrust our country into a crisis of major proportions. This fact has been underscored by the following revelations of the past few years:

For the first time since World War II the United States has been forced to suspend production of nuclear warhead materials at several DOE facilities because of safety concerns. The failure to resume production of tritium, a perishable warhead fuel, has raised the possibility that the United States may have to cannibalize its nuclear arsenal as an alternative to risking accidents at DOE's aging reactors. This is clearly unacceptable from the point of view of our national security.

The health of a large number of Americans may have been put at risk without their knowledge, as a result of large environmental releases of radioactive and toxic substances by DOE facilities. Unfortunately, DOE's inherent conflict between developing nuclear technologies and determining their health impacts, has created major controversies that have made it all but impossible to establish the degree of potential harm done.

For over four decades, the U.S. Government has virtually ignored the massive accumulation of radioactive and toxic wastes at DOE sites. The severe and largely unknown contamination by these wastes pose one of the most serious national environmental problems in the country. Hundreds of billions of gallons of wastes has been discharged to the soils at DOE sites raising the possibility that certain contaminated areas may prove impossible to clean up.

A recent FBI investigation into possible criminal violations at DOE's rocky flats facility has raised disturbing questions about environmental compliance at DOE sites. While the Congress has enacted several environmental laws over the past 15 years, DOE continues to be among the Nation's worst ongoing polluters. The failure of the DOE to live up to the same environmental laws as the rest of society, undermines the fundamental integrity of these laws.

How could this happen? The answer lies in over 30 reports by the U.S. General Accounting Office, numerous congressional investigations and hearings, DOE internal studies, and scientific reviews generated over the past few years. Secrecy, isolation, decentralized management, and self-regulation—artifacts of the cold war era—have been the biggest contributors to the problem. "The Russians are coming! Produce! Don't tell the public and dump the wastes in the pits out back. We'll worry about them later."

Now is later and the estimated costs of dealing with these problems are truly staggering. According to DOE, in order to operate, modernize, upgrade, and to begin to clean up our nuclear weapons complex by early next century we will probably have to spend about $244 billion. In effect, the U.S. Government is facing the equivalent of a nuclear weapons balloon mortgage payment.

The major assumption upon which U.S. policies of nuclear deterrence have been based—namely that nuclear weapons are a relatively cheap way to keep the peace—have been repudiated by these cost estimates. After discovering the hidden costs we must now pay, I'm sure that many of us who believed in the old addage of nuclear weapons providing the biggest bang for the buck are now experiencing nuclear weapons sticker shock.

Thus, as the Bush administration and the Congress begin to address this critical and historic problem, we should be guided by some basic principles that will assure that the mistakes of the past will not be repeated. With four DOE facilities in my home State of Ohio, and after 9 years of dealing with this problem, I believe that among the most important guiding principles is the need to establish independent oversight of DOE's environmental, safety and health activities. Last year, Congress enacted the DOE Defense Nuclear Safety Oversight Board, which I introduced. This is a good first step. However, more needs to be done. My proposed legislation, which I am introducing today, goes further by creating a comprehensive framework of accountability to assure that the environment, safety, and health of Americans is being protected.

My bill contains eight titles which:

First, strengthens the DOE Defense Nuclear Safety Board by adding facilities excluded by Congress last year, requiring timely and open reporting of unusual occurrences and establishing a clear criteria for removal of board members.

Second, requires the Occupational Safety and Health Administration [OSHA] and the National Institutes for Occupational Safety and Health [NIOSH] to regulate and oversee worker safety and health activities at DOE.

Third, requires wastes generated at DOE facilities that are mixed with radioactive and nonradioactive substances to be regulated under the Resource Conservation Recovery Act [RCRA].

Fourth, establishes a Radiation Research Advisory Board headed by the Department of Health and Human Services to oversee and review the conduct of DOE's radiation health effects research.

Fifth, codifies the DOE's Office of Environment, Safety, and Health and spells out specific functions and duties of this office.

Sixth, requires the DOE, affected States and the EPA to conclude environmental compliance and cleanup agreements which are enforceable by consent decrees after 18 months of enactment.

Seventh, repeals a prohibition attached to the fiscal year 1988 DOE/DOD authorization bill which interferes with DOE's ability to pay penalties assessed for environmental noncompliance.

Eighth, requires the Secretary of Energy, upon closing a DOE facility, to provide Congress a complete survey of environmental problems, budget quality data for site cleanup and a schedule for cleanup.

Good as we hope the current DOE improvement efforts are, it is clear that self-regulation by the DOE has not worked in the past. The General Accounting Office [GAO] has pointed out that DOE's occupational safety and health practices are significantly behind those of the commercial nuclear industry. At the DOE's Feed Material Production Center in Ohio, the GAO reported that the DOE and its predecessor agencies failed to audit the implementation of an overall occu-

pational radiation safety policy for 25 years. Thus, it comes as no surprise that every single labor union representing DOE workers support OSHA/NIOSH oversight at DOE facilities.

DOE's self-regulation has also caused profound environmental problems and skyrocketing cleanup costs. Instead of first defining uniform, safety and health objectives as spelled out by Federal and State laws, the DOE weapons complex has evolved under a scattered and fragmented system where facilities are built first and standards for these facilities are developed later. While this worked during World War II, it is a prime reason why DOE is in such a serious state of crisis. My bill provides the institutional framework to assure that this way of operating won't continue.

DOE's virtual monopoly over radiation health effects research has created a growing controversy by putting itself into an apparent conflict-of-interest situation. And the effects go even further: this research serves as the scientific basis not only for radiation standards affecting the DOE but also for commercial nuclear power and medical uses of radiation. By establishing an outside radiation health effects research oversight panel headed by the Department of Health and Human Services, my bill provides assurance that this important research is conducted responsibly.

Finally, the U.S. Government will have to ensure that DOE sites will not pose environmental hazards once production activities end. At a minimum, the DOE should be required to provide long-term cleanup plans to Congress, with multiyear budget data, once a decision is made to close down a weapons facility. The costs of cleaning up these facilities are extraordinarily high, but the costs of delaying cleanup will be even higher.

I am pleased that DOE Secretary Watkins—a dynamic individual with an outstanding record—is beginning to take a number of initiatives which I support. However, I'm sure that Admiral Watkins will agree that it will be very difficult for one person alone to deal with this enormous and daunting problem. Perhaps if Admiral Watkins were to remain at Energy for 15 years, I would not feel the urgency to introduce this legislation. But people come and people go in Washington. During the estimated decades that will be required to deal with these problems, some future secretaries may not be as capable and dedicated to this task as Secretary Watkins. We must protect the public from any tendency by future administrations to ever drift back into the situation that created this problem in secrecy over a period of more than four decades.

That is why we must assure that there will be a lasting institutional framework of accountability embodied in law to assure that the mistakes of the past will not be repeated regardless of who is in charge of the DOE. My bill provides such a framework. I view this combination of effective internal accountability and independent, external oversight as mutually reinforcing. Both are vitally necessary if we are going to get on with the modernization and cleanup of the weapons program.

In the absence of a national emergency, the notion of harming the health and safety of large numbers of Americans in order to produce nuclear weapons makes a mockery of the phase "national security." We must face up to this reality by bringing America's nuclear weapons industry into the modern era by making it accountable to the citizens it is designed to protect.●

● Mr. LIEBERMAN. Mr. President, I rise to voice my support for the nuclear safety bill which has been introduced today by my distinguished colleague, the senior Senator from Ohio. Senator GLENN has been following this problem and pressing for action on it for years. By introducing the Department of Energy Nuclear Safety and Environment Act, Senator GLENN has taken a major new step to correct problems which he has ably demonstrated must receive attention.

The problem of health and safety of workers at DOE nuclear production and utilization facilities and the release of dangerous and environmentally damaging emissions from these facilities is not a new one. We know that the problem is major but the dimensions have not been identified because, since the end of World War II, there has been a cloak of secrecy surrounding the production of our nuclear weapons. Of course, secrecy is vital in this area. But the need for secrecy has been used to prevent oversight of these DOE operations and has frustrated any legitimate counterbalance to the DOE emphasis on production. The problem now involves operations in more than a dozen states in our country, hundreds of thousands of workers and countless numbers of our citizens who have unknowingly been subjected to potentially damaging hazards to their health.

This is intolerable; not even in the name of national security should it have been permitted to happen. Where, if not in our homes and work sites are we to be secure? The two goals of national security and protection of our workers and general populace are not mutually exclusive ones. We have mechanisms to permit the satisfaction of both of these goals, and Senator GLENN's proposed legislation sets forth the means by which this can be accomplished.

Secretary of Energy James D. Watkins has recently announced a 10-point plan to strengthen environmental protection and waste management activities at DOE's production, research and testing facilities. He has done this after a review of the past and current situation at these facilities which convinced him that the DOE outlook had to be significantly revamped to create a "culture of accountability within the department." The Secretary is to be commended for his candor and the actions that he has initiated to correct the serious problems that he has found. I wish him well with the major changes that he is hoping to accomplish. Recognition and admission of a problem is the first step toward solution and, after years of secrecy and denial, the Secretary's actions are welcome.

There is a vast difference, however, between good intentions and sound pronouncements by the Secretary and the legal authority for independent agencies to inspect and regulate the DOE facilities which are the source of the problems. This bill would provide the certainty which our workers and citizens are entitled to expect where they live and on their jobsites.

Mr. President, the legislation which has been introduced today provides for the appropriate oversight of the DOE weapons facilities by OSHA, NIOSH and EPA which will guarantee to our citizens that their right to the protection of their domestic security will not be endangered by their equal right to the protection of national security. The prompt passage of this legislation will send a message to our people that we care about their health and safety and that the concept of security does not just apply to foreign affairs.●

● Mr. KOHL. Mr. President, I am pleased to join my distinguished colleague from Ohio in introducing this legislation today which will make much needed and long overdue changes in the way in which our Nation's nuclear weapons plants are managed.

For decades, these plants have been operated without even the slightest regard for the health and safety of the millions of dedicated employees who have worked at these plants. These employees, many of whom have worked in dangerous and unhealthy conditions over the course of many years, deserve better. Their efforts contributed a great deal to the Nation's defense, and yet their nation has failed so miserably to defend their health and safety.

Mr. President, it is time to turn this hypocrisy around. It's time to prove that the U.S. Government has the common decency to afford its employees the same protections guaranteed to workers in the private sector.

Furthermore, it is time to prove that the Federal Government and its contractors will obey the same State and Federal environmental laws which

apply to everyone else. The American people want a clean environment. Their demands have resulted in numerous laws to protect our water, air, and land. I do not think people care about the source of the pollution—they just want to see it stopped. The fact that the Federal Government is the polluter does not make the pollution any less dangerous. If anything, the Federal Government—including the Department of Energy—should set an example for the private sector in environment compliance, rather than ignoring the law.

The deplorable situation which has existed for years at the DOE weapons plants is like a bad joke being played on the American people. They were led to believe that these weapon materials plants were essential to their defense, their safety. Ironically, these same people have faced greater risks from the plants themselves than from any foreign threats.

Mr. President, the bill that we are introducing today will finally bring the Department of Energy out of the Dark Ages and into the 20th century. It applies the Occupational Safety and Health Administration standards to activities at DOE facilities, it reaffirms the fact that Federal environmental laws apply to DOE activities, and it strengthens the Nuclear Safety Board established by law in the last Congress to provide independent oversight to DOE health and safety functions.

Indeed, I applaud the stark candor which has recently emerged from the Department of Energy. I am astonished by the frankness with which the Department has admitted guilt for environmental and safety violations over the past 30 years. Secretary Watkins certainly deserves credit for this drastic turnaround. He has pledged that the "veil of secrecy" which has long shrouded our nuclear weapons production system will be lifted, and that safety will be a higher priority than production goals. He has admitted that the American public and many Government officials have been lied to by the entrenched bureaucracy within the Department of Energy over the course of many years, and he has promised to be forthcoming in the future.

These promises from Secretary Watkins are much welcomed, and this bill should help him to achieve his worthy goals. But beyond that, this bill—if enacted—would provide a much needed guarantee that the Department will never return to the days when bomb production goals outweighed any human health, safety, or environmental concerns. This bill will ensure that no matter who is in the White House, or who is in the Secretary's seat, the public health and safety will not be jeopardized by the same bureaucratic myopia which has endangered American lives in the interest of a bigger nuclear stockpile.

The Nation needs this bill—it is a fair and reasonable piece of legislation. It is time for the DOE to join the real world—a world which respects human health, safety, and the environment. I commend Senator GLENN for introducing the bill, and will do everything I can to work toward its enactment.●

By Mr. CRANSTON (by request):

S. 1305. A bill to amend title 38, sections 5002(d), 50004(a)(3)(A), and 5009(i)(2) United States Code, to raise the Department of Veterans Affairs minor construction cost limitation from $2 million to $3 million and for other purposes; to the Committee on Veterans' Affairs.

AMENDING THE UNITED STATES CODE WITH REGARD TO VETERANS AFFAIRS' COSTS

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1305, to increase from $2 million to $3 million the upper limit on Department of Veterans Affairs construction projects considered to be minor projects. The Secretary of Veterans Affairs submitted this legislation by letter dated June 19, 1989, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the June 19, 1989, transmittal letter and enclosed section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1305

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That Chapter 81 of title 38, section 5002(d), United States Code, is amended by striking from section 5002(d) the language "medical facility which is expected to involve a total expenditure of more than $2,000,000," and inserting in lieu thereof the phrase "major medical facility project as defined in section 5004(a)(3)(A)."

SEC. 2. Chapter 81 of title 38, section 5004(a)(3)(A), United States Code, is amended by striking the dollar threshold stated in section 5004(a)(3)(A) "$2,000,000," and inserting in lieu thereof "$3,000,000".

SEC. 3. Chapter 81 of title 38, section 5009(i)(2), United States Code, is amended by striking the dollar threshold stated in section 5009(i)(2) "$2,000,000," and inserting in lieu thereof "$3,000,000".

DEPARTMENT OF VETERANS AFFAIRS,
OFFICE OF THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, June 19, 1989.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, section 5004(a)(3)(A), United States Code, to raise the Department of Veterans Affairs' minor construction cost limitation from $2 million to $3 million and for other purposes." It is requested that the bill be referred to the appropriate committee for prompt consideration and enactment.

The draft measure would amend title 38, section 5004(a)(3)(A), by changing the dollar threshold which, in part, defines a VA major medical facility project, from $2 million to $3 million. Corresponding amendments are required to title 38, section 5002(d), which requires the Secretary to consider the sharing of health-care resources with the Department of Defense when projects cost over $2 million and section 5009(i)(2) which provides that funds in the revolving fund may be expended for a project of more than $2 million for the construction, alteration, or acquisition of a parking facility.

The proposal to increase the minor construction limitation from $2 million to $3 million is primarily based on the need to stay current with inflation. While inflation is indeed the primary element in the request for an increase in the minor construction limitation, program efficiency is also an important element in this proposal. The trend towards planning a project into multiple smaller projects or phases, each with its own distinct identity is becoming more prevalent in order to keep within the current $2 million limitation. Each of these projects or phases require the full administrative process from inception to completion. Increasing the minor construction limitation to $3 million would help reduce the possible need for multiple projects or phasing and increase administrative productivity on projects. The proposal would produce these savings by reducing the need for multiple projects and through program efficiencies but savings are not quantifiable.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

EDWARD J. DERWINSKI,
Secretary.

SECTION-BY-SECTION ANALYSIS

Section 1 of the draft bill would amend section 5002(d) of title 38 to provide that the Secretary will consider the possibility of a sharing agreement with the Department of Defense as an alternative to all or part of a major medical facility project. This proposed change ties the statutory requirement to all major medical facility projects as defined by section 5004(a)(3)(A). That is, all medical facility projects for which appropriations are sought as "major construction" projects.

Instead of using a specific dollar level, section 5002(d) would be amended to indicate that consideration to the option of sharing must be given before the "construction, alteration, or acquisition . . . of a major medical facility." Under the existing statute

"major medical facility project" is defined as "a project for the construction, alteration, or acquisition of a medical facility involving a total expenditure of more than $2 million." See 38 U.S.C. § 5004(a)(3)(A) (1989).

Section 2 of the draft bill would amend section 5004(a)(3)(A) of title 38 to increase the statutory minor construction cost limitation from $2 million to $3 million. This proposed change reflects increased costs for construction as a result of inflation.

Section 3 of the draft bill would amend section 5009(i)(2) of title 38 to increase the dollar limit currently set forth in the statute thereby making it consistent with the proposed changes.

Current law (38 U.S.C. § 5004(a)(3)(A) and the Construction, Minor, appropriation language) limits the cost of minor construction projects to $2 million or less. This level has been in effect since Fiscal Year 1981. Prior to Fiscal Year 1981, the cost limitation for major projects was $1 million.

By Mr. CRANSTON (for himself, Mr. BINGAMAN, Mr. DECONCINI, Mr. GRAHAM, Mr. MATSUNAGA, and Mr. ROCKEFELLER):

S. 1306. A bill to amend title 38, United States Code, to extend the preventive health care pilot program of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

EXTENDING THE PREVENTIVE HEALTH CARE PILOT PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am today introducing, on behalf of Senator BINGAMAN and myself, S. 1306 a bill to extend for 5 years—through September 30, 1994—expand, and improve the Department of Veterans Affairs [VA] preventive health care program I originally authored in 1979. Joining us as cosponsors on this measure are committee members DECONCINI, GRAHAM, MATSUNAGA, and ROCKEFELLER.

Although the preventive health care services pilot program in subchapter VII of chapter 17 of title 38 expired on September 30, 1988, VA has continued to provide preventive health care and health promotion services pursuant to its general health care authority under chapter 17. However, in this time of serious budget constraints for VA health care and all Federal spending, I am concerned that funds for preventive health care and health promotion have been and will continue to be difficult to come by, and the bill we are introducing today would preserve VA's preventive health care and health promotion services despite the current severe budget situation.

SUMMARY OF PROVISIONS

Specifically, this bill includes provisions which would:

First, extend, until September 30, 1994, the requirement for the Secretary of Veterans Affairs to conduct a pilot progam of preventive health care services.

Second, expand the categories of veterans to whom VA is required to furnish such services to include all veterans who are entitled to receive the care or treatment that they are receiving.

Third, require that those veterans annually be offered a minimum of two preventive health care services when they are otherwise receiving inpatient or outpatient care.

Fourth, require that each VA health care facility implement a major preventive health care and health promotion initiative for those veterans.

Fifth, expressly provide that the scope of preventive health care services under the pilot program includes stress management, smoking cessation, physical fitness, and screening for high blood pressure, glaucoma, colorectal cancer, and cholesterol.

Sixth, require the Secretary to submit reports—in February 1992 and February 1994—on the experience under the pilot program.

Seventh, limit expenditures under the pilot program to $16 million in fiscal year 1990, $17 million in fiscal year 1991, $18 million in fiscal year 1992, $19 million in fiscal year 1993, and $20 million in fiscal year 1994.

Eighth, require that VA's Chief Medical Director [CMD] designate an official in the Veterans Health Services and Research Administration [VHS&RA] as the Director of Preventive Health and Health Promotion Programs, with responsibility for preparing guidance regarding and coordinating and evaluating, and advising the CMD on, all activities under this legislation.

BACKGROUND

Mr. President, although there has not been a conclusive study—in VA or anywhere else—which proves the cost effectiveness of preventive health care, and it is impossible to know with certainty exactly what health problems preventive health care and health promotion services deter, most medical personnel and the general population agree on the value of these activities. In this era of increased emphasis on reducing the cost of medical care and increased efforts to prevent disease and disability, I believe that VA has a special responsibility—because of its size, the number of individuals it treats annually, and its significant responsibility, through active affiliations with health care training institutions, for the training of our Nation's health care providers—to try to learn more about the impact, in terms of cost and improved health, of providing preventive health care services to veterans entitled to VA care.

Because of my conviction about VA's special responsibility in this respect, I have previously authored legislation addressing this issue. In 1976, I introduced and the Senate passed, in S. 2908, a provision to authorize VA to establish a preventive health care program. In 1977, I authored a preventive health care provision—originally in S. 1693—which was included in the Senate-reported-and-passed version of H.R. 5027. Unfortunately, the House refused to accept either provision. However, in 1979, the provision which I authored in S. 7 to authorize VA to establish a preventive health care pilot program was enacted that year in Public Law 96-22. This preventive health care pilot program was targeted to veterans with service-connected disabilities rated at 50 percent or greater and veterans receiving VA care for the treatment of service-connected disabilities. In 1983, I introduced, in S. 11, provisions enacted in Public Law 98-160 modifying this preventive health care program (a) to require VA to provide at least one preventive health care service to veterans previously authorized to receive preventive care while otherwise receiving VA care, and (b) to authorize VA to provide preventive health care services to all veterans otherwise being furnished care under chapter 17 of title 38. The 1983 committee report on S. 578—S. Rept. No. 98-145, pp. 33-36—further describes the legislative history of VA preventive health care services.

In implementing Public Law 98-160, VA developed a list of preventive medicine services to be used as guidance for its facilities across the Nation. This list, which is altered and updated often, now includes the following services or interventions: Alcohol and drug abuse counseling, breast cancer screening, cervical cancer screening, cholesterol screening, colorectal cancer screening, hypertension screening, influenza immunizations, nutrition/weight control counseling, osteoporosis counseling, physical fitness, and smoking cessation. Every VA facility has a preventive medicine coordinator who is responsible for monitoring the implementation of the program and who serves as the liaison for preventive medicine activities.

Each year the Preventive Medicine Field Advisory Group [PMFAG], a group of between five and nine VA physicians who serve as a liaison between VA health care facilities and VA Central Office, while encouraging all these preventive health care services and interventions, recommends one preventive service to receive special systemwide emphasis. This practice of emphasizing one special preventive service per year augments the health services being provided to veterans and provides education and awareness to professionals and patients as well. VA expects that through these highlighted interventions there will be a greater awareness of the importance of preventive medicine in the veteran population. Beginning midway through fiscal year 1985 and continuing

through fiscal year 1986, the special initiative was influenza immunization; in fiscal year 1987, it was colorectal cancer screening; in fiscal year 1988, it was smoking cessation; and, currently, in fiscal year 1989, it is cholesterol screening.

On August 12, 1988, VA released a final report on preventive health care services under Public Law 98-160. According to this report, 84 facilities provided services other than those on the recommended list, and over 50 different activities were reported throughout the system. These included glaucoma screening, preventive foot care, stress management, hearing conservation, and a variety of counseling and other health-education activities. The most widespread preventive health care measure in 1987 was hypertension screening, with over 3 million tests performed in that year. In addition, colorectal cancer screening and influenza immunization both showed increases from 1985 to 1987. Finally, the 1988 report noted increases in the number of preventive health care services for women veterans, with over 2,000 mammograms and pap smears provided in 1987. This is an encouraging trend and one I hope will continue and accelerate.

EXPANSION OF PREVENTIVE HEALTH-CARE MANDATORY SERVICES

Mr. President, the bill that we are introducing today expands the category of veterans who are entitled to preventive health care to include, in addition to those with service-connected disabilities rated 50 percent or more and those receiving care or treatment to which they are entitled. In the case of those receiving hospital or nursing-home care, this includes all category A patients—primarily veterans who have any service-connected disability, who are ex-POW's or World War I veterans, who have disabilities that may be related to their exposure to radiation from a nuclear detonation or to an herbicide in Vietnam, or who have incomes below the category A maximum. In the case of those receiving outpatient treatment, this includes primarily those being treated for service-connected disabilities, those with service-connected disabilities rated at 50 percent or more being treated for any disability and, when receiving treatment necessary to prepare for or obviate hospitalization or to follow up on institutional care, veterans who have service-connected disabilities rated at 30 or 40 percent and those with incomes not exceeding the applicable maximum rate of VA need-based pension.

Implementation of this measure should not become an additional burden to VA health care practitioners. When a veteran receives VA health care for any health problem, there is very often some preventive health care involved as well, and it is standard practice for health care professionals to ask about a patient's medical history and personal habits and to check a patient's blood pressure and other vital signs. By expanding the preventive health care. We seek to make sure all veterans who are entitled to the inpatient or outpatient care they are receiving are also furnished preventive care.

The requirement that these entitled veterans receive two services rather than one service is designed to give VA impetus to expand this program. As I mentioned previously, preventive health care measures are easy to incorporate into examinations of patients who are otherwise receiving care; indeed, they are often, or usually should be, a part of that care already. This expansion of preventive health care seeks to improve veterans' health for little or no additional cost.

In addition to requiring VA to furnish preventive health care services to veterans who are entitled to the care they are receiving, this legislation would leave intact the current provisions—sections 610, 612, and 601(6) of title 38—authorizing VA to furnish such services to any other veteran who is receiving VA care. Preventive health care is neither burdensome nor expensive, so under this existing discretionary authority VA would continue to be in the position of being able to provide these services whenever that is feasible and appropriate. It is often a simple matter to add preventive health care services to the care a veteran is otherwise receiving.

This legislation would also require that VA annually implement at all VA health care facilities a major preventive health care or health promotion initiative for veterans entitled to preventive health care. This focused approach is designed to direct veterans' attention to a specific health issue, provide them with useful information about that issue, and screen them for related health risks or problems. Since VA currently chooses a particular program to emphasize each year, the bill would codify this valuable administrative practice.

In addition, this legislation calls for the Chief Medical Director to designate an official in VHS&RA as the Director of Preventive Health and Health Promotion Programs. This official would be charged with preparing guidance regarding and coordinating and evaluating, and advising the CMD on, preventive health care, health promotion, and related activities under this legislation. By establishing this position, we seek in this legislation to increase the visibility and importance of, and provide a better focus on, preventive health care and health promotion services in VA.

The bill would amend the definition of preventive health care services in section 662 of title 38, which sets the scope of such services under the pilot program, in order to list expressly certain services that VA is already providing: information about stress management, smoking cessation, and physical fitness, and screening for high blood pressure, glaucoma, colorectal cancer, and cholesterol. Such services are already part of VA medical examinations or patient-health education, or have been stressed as annual nationwide initiatives.

Our bill also would require the Secretary to submit two reports—in 1992 and 1994—on VA's preventive health care and health promotion activities. These reports are important for assessing the scope of these VA programs and the cost effectiveness of preventive health care in general and should help the Congress determine the future of the program at the end of the next 5-year period.

Finally, this legislation would continue to limit the amount VA can spend on preventive health care and health promotion services under the pilot program. From the $15 million limit for fiscal year 1988, the bill would increase the cap to $16 million in fiscal year 1990, and—at a rate of $1 million per year—to $20 million in fiscal year 1994. In this time of such serious budget deficits, I strongly believe it is desirable to retain a cost limit when providing for expansion of such a program.

CONCLUSION

Mr. President, I am keenly aware of the current budgetary strains in the VA medical care system, but I am also—and have long been—convinced of the value and cost effectiveness of preventive health care and health promotion services. This measure would provide—I believe in a cost-effective manner—for the furnishing of important services and information to improve veterans' health today and help avoid health problems in the future. I urge my colleagues' support for this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. EXTENSION OF PREVENTIVE HEALTH-CARE SERVICES PILOT PROGRAM.

Paragraph (1) of section 663(a) is amended to read as follows:

"(1) In order to carry out the purpose of this subchapter, the Secretary, through fiscal year 1994—

"(A) shall furnish annually at least two preventive health-care services that the Secretary determines to be feasible and appropriate to any veteran being furnished care or services under section 610(a)(1) or 612(a)(1) or (2) of this title; and

"(B) shall implement annually at each Department of Veterans Affairs health-care facility a major preventive health-care and health-promotion initiative for such veterans.".

SEC. 3. LIMIT ON EXPENDITURES.

Section 663(c) is amended—

(1) by striking out "or" after "1983,"; and

(2) by striking out the period at the end and inserting in lieu thereof ", more than $16,000,000 in fiscal year 1990, more than $17,000,000 in fiscal year 1991, more than $18,000,000 in fiscal year 1992, more than $19,000,000 in fiscal year 1993, or more than $20,000,000 in fiscal year 1994.".

SEC. 4. DIRECTOR OF PREVENTIVE HEALTH-CARE AND HEALTH-PROMOTION PROGRAMS.

Section 663 is amended by adding at the end the following new subsection:

"(d)(1) The Chief Medical Director shall designate an official in the Veterans Health Services and Research Administration to act as the Director of Preventive Health-Care and Health-Promotion Programs.

"(2) The Director of Preventive Health-Care and Health-Promotion Programs shall prepare guidance regarding and be responsible for coordinating and evaluating, and advising the Chief Medical Director on, all activities carried out under this subchapter.".

SEC. 5. REPORTS.

Section 664 is amended to read as follows:

"(a) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives—

"(1) not later than February 1, 1992, an interim report on the experience under the program provided for by this subchapter; and

"(2) not later than February 28, 1994, a final report on the experience under the program.

"(b) Each report submitted pursuant to subsection (a) of this section shall include, with respect to the experience under the program through September 30 of the year preceding the deadline for submission of such report specified in subsection (a) of this section—

"(1) a description of the types of services that have been rendered pursuant to section 663(a)(1)(A) and the number of veterans who received such services;

"(2) a description of the preventive health-care and health-promotion initiatives that were implemented pursuant to section 663(a)(1)(B) of this title and the number of veterans who have been served through such initiatives;

"(3) a description of the types of preventive health-care services that have been furnished pursuant to sections 610, 612, and 601(6) of this title and the number of veterans who received such services;

"(4) a description of activities conducted pursuant to section 663(a)(2) of this title;

"(5) an assessment of the results of the program; and

"(6) any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate.".

SEC. 6. CONFORMING AND CLARIFYING AMENDMENTS.

(a) Section 661(1) is amended by striking out ", including veterans with service-connected disabilities rated at 50 per centum or more and veterans being furnished care or services involving a service-connected disability under this chapter,".

(b) Clauses (1) and (2) of section 662 are amended to read as follows:

"(1) periodic medical and dental examinations (including screenings for high blood pressure, glaucoma, colorectal cancer, and cholesterol);

"(2) patient health education (including education about nutrition, stress management, physical fitness, and smoking cessation);".

By Mr. PRESSLER:

S. 1307. A bill to amend the Land Remote-Sensing Commercialization Act of 1984 in order to transfer responsibility for archiving land remote-sensing data to the Department of the Interior, and for other purposes; to the Committee on Commerce, Science, and Transportation.

RELATING TO LAND REMOTE-SENSING DATA

Mr. PRESSLER. Mr. President, today I am introducing legislation to transfer the responsibility for archiving the land remote sensing data acquired by the Landsat satellites from the Department of Commerce to the Department of the Interior.

I worked closely with the administration to develop this legislation. The Secretaries of Commerce and the Interior and the Office of Management and Budget have expressed strong support for this transfer. In fact, this legislation simply clarifies a decision worked out last year to transfer funding for the remote sensing archive from Commerce to Interior. That funding transfer is reflected in the fiscal year 1990 administration budget requests for these two departments. In fiscal year 1990 the archive will be funded through the Department of the Interior. This legislation makes it clear that Interior, not Commerce, will now be the responsible department.

The Land Remote-Sensing Commercialization Act of 1984 gave the responsibility for archiving to the Secretary of Commerce. At the time, that made sense. The Landsat program fell under the jurisdiction of the National Oceanic and Atmospheric Administration [NOAA]. The archiving and processing of the Landsat data is handled at the Earth Resources Observation Systems [EROS] Data Center near Sioux Falls, SD. The EROS Data Center [EDC] is a U.S. Geological Survey [USGS] facility, but since NOAA was processing the Landsat data, it also made sense for NOAA to handle the archiving of that data.

But the 1984 Commercialization Act also began the process of getting NOAA out of the Landsat processing business. Once Landsats 4 and 5 discontinue operations, NOAA will be doing no processing of incoming data at EDC. Without a transfer of authority, NOAA would still be responsible for archiving the old data. It seems to make more sense to everyone involved that this is the proper time to give that responsibility to the Department of the Interior, which operates the facility and is also one of the biggest users of the accumulated data.

NOAA and the USGS signed a memorandum of agreement in May of 1986 outlining such a transfer of responsibility. This legislation is the final step in effectuating that move.

The EROS Data Center is the primary national repository for land remote sensing data. It houses Landsat data collected since 1972. This is one of our most important sources of baseline information for the study of global climate change, as well as long-term trends in land use and deforestation. The USGS is the proper agency to archive these invaluable data.

In the 1990's the EROS Data Center will assume an even greater importance as the repository for land remote sensing data from the Earth Observing System [EOS] program of the National Aeronautics and Space Administration [NASA]. This vital new data, together with the existing two decades of Landsat data, will provide the essential information necessary to understand our global climate system. With that knowledge, we will be better able to deal with the problems of global warming and ozone depletion.

Mr. President, I urge swift consideration of this legislation and ask unanimous consent that the text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) section 602 of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4272) directs the Secretary of Commerce to provide for the archiving of land remote-sensing data for historical, scientific, and technical purposes, including long-term global environmental monitoring;

(2) the Secretary of Commerce currently provides for the archiving of Landsat data at the Department of the Interior's EROS Data Center, which is consistent with the requirement of such section 602(g) to use existing Federal Government facilities to the maximum extent practicable in carrying out this archiving responsibility;

(3) the Landsat data collected since 1972 are an important global data set for monitoring and assessing land resources and global change;

(4) the Secretary of the Interior maintains archives of aerial photography, digital cartographic data, and other Earth science data at the EROS Data Center that also are important data sets for monitoring and assessing land resources and global change;

(5) it is appropriate to transfer authority for section 602 of the Land Remote-Sensing Commercialization Act of 1984 to the Secretary of the Interior; and

(6) the Secretary of the Interior should explore ways to facilitate the use of archiving data for research purposes consistent with other provisions of such Act.

SEC. 2. AMENDMENTS.

The Land Remote-Sensing Commercialization Act of 1984 is amended—

(1) in section 402(b)(4), by inserting "of the Interior" after "Secretary";

(2) in section 602(b), (c), (d), (f), and (g), by inserting "of the Interior" after "Secretary" each place it appears; and

(3) by adding at the end of section 602 the following new subsection;

"(h) In carrying out the functions of this section, the Secretary of the Interior shall consult with the Secretary to ensure that archiving activities are consistent with the terms and conditions of any contract or agreement entered into under title II, III, or V, of this Act and with any license issued under title IV of this Act.".

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. DOLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 9, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 11

At the request of Mr. CRANSTON, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 11, a bill to provide for the protection of the public lands in the California desert.

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 24

At the request of Mr. WALLOP, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 24, a bill to clarify that charges and fees may be collected in connection with foreign trade zones at certain small airports.

S. 135

At the request of Mr. GLENN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 137

At the request of Mr. BOREN, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 137, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns to limit contributions by multicandidate political committees, and for other purposes.

S. 163

At the request of Mr. THURMOND, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 163, a bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax.

S. 306

At the request of Mr. BENTSEN, the names of the Senator from Indiana [Mr. JOHNSTON], the Senator from California [Mr. WILSON], the Senator from Georgia [Mr. FOWLER], the Senator from Virginia [Mr. ROBB], the Senator from Nebraska [Mr. EXON], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 306, a bill to amend the Social Security Act to make certain modifications in the Medicare Program with respect to payments made under such program to hospitals located in rural areas, to improve the delivery of health services to individuals residing in such areas, and for other purposes.

S. 335

At the request of Mr. MCCAIN, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 335, a bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under part B of the Medicare Program, with the exception of the spousal impoverishment benefit.

S. 342

At the request of Mr. DANFORTH, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes.

S. 375

At the request of Mr. HOLLINGS, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 375, a bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

S. 424

At the request of Mr. THURMOND, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 424, a bill to provide a minimum monthly annuity for the surviving spouses of certain deceased members of the uniformed services.

S. 435

At the request of Mr. REID, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 464

At the request of Mr. SANFORD, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 464, a bill to promote safety and health in workplaces owned, operated or under contract with the United States by clarifying the U.S. obligation to observe occupational safety and health standards and clarifying the U.S. responsibility for harm caused by its negligence at any workplace owned by, operated by, or under contract with the United States.

S. 488

At the request of Mr. FOWLER, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 488, a bill to provide Federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

S. 640

At the request of Mr. KASSEBAUM, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 640, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 657

At the request of Mr. MITCHELL, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 657, a bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

S. 741

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 741, a bill to require the Secretary of Labor to identify labor shortages and develop a plan to reduce such shortages, and for other purposes.

S. 753

At the request of Mr. GORE, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Arizona [Mr. DECONCINI], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 753, a bill to provide a special statute of limitations for certain refund claims.

S. 771

At the request of Mr. REID, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 771, a bill to amend the Internal Revenue Code of 1986 to disallow deductions for costs in connection with oil and hazardous substances cleanup unless the requirements of all applicable Federal laws concerning such cleanup are met, and for other purposes.

S. 804

At the request of Mr. MITCHELL, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 804, a bill to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

S. 893

At the request of Mr. LAUTENBERG, the names of the Senator from Maryland [Mr. SARBANES], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 893, a bill to establish certain categories of Soviet and Vietnamese nationals presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Vietnamese parolees.

S. 975

At the request of Mr. METZENBAUM, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 975, a bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes.

S. 1036

At the request of Mr. WIRTH, his name was added as a cosponsor of S. 1036, a bill to improve the economic, community, and educational well-being of rural America, and for other purposes.

S. 1044

At the request of Mr. DOLE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1044, a bill to amend the Disaster Assistance Act of 1988 to extend disaster assistance to losses due to adverse weather conditions of 1988 or 1989 for crops planted in 1988 for harvest in 1989, and for other purposes.

S. 1100

At the request of Mr. MCCONNELL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1100, a bill to provide greater certainty in the availability and cost of liability insurance, to eliminate the abuses of the tort system, and for other purposes.

S. 1153

At the request of Mr. DASCHLE, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to provide for the establishment of presumptions of service-connection between certain diseases experienced by veterans who served in Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for interim benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study"; and for other purposes.

S. 1201

At the request of Mr. BENTSEN, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Hawaii [Mr. INOUYE], the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 1201, a bill to amend title XIX of the Social Security Act to make certain modifications in the Medicaid program to provide pregnant women and children greater access to health care under such program, and for other purposes.

S. 1202

At the request of Mr. ROTH, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1202, a bill to amend title 10, United States Code, to provide for the centralized planning and conduct of major defense acquisition programs of the Department of Defense, to establish in the Department of Defense a Defense Acquisition Agency, and for other purposes.

S. 1213

At the request of Mr. COHEN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1213, a bill to establish a presumption of eligibility for asylum in the United States for certain natives of the People's Republic of China.

S. 1268

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1268, a bill to amend the Immigration and Nationality Act to permit certain nationals of the People's Republic of China to adjust their status to that of aliens lawfully admitted to the United States for temporary residence.

S. 1291

At the request of Mr. PELL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1291, a bill to extend and amend the Library Services and Construction Act, and for other purposes.

SENATE JOINT RESOLUTION 48

At the request of Mr. HOLLINGS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Joint Resolution 48, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 80

At the request of Mr. KASTEN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was withdrawn as a cosponsor of Senate Joint Resolution 80, a joint resolution disapproving the recommendations of the Commission on Base Realignment and Closure.

SENATE JOINT RESOLUTION 114

At the request of Mr. THURMOND, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 114, a joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States.

SENATE JOINT RESOLUTION 132

At the request of Mr. SASSER, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 132, a joint resolution designating September 1 through 30, 1989, as "National Alcohol and Drug Treatment Month."

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 167

At the request of Mr. THURMOND, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Nevada [Mr. REID], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 167, a joint resolution proposing an amendment to the Constitution of the United States to prohibit the desecration of the flag.

SENATE JOINT RESOLUTION 173

At the request of Mr. RIEGLE, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from West Virginia [Mr. BYRD], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Joint Resolution 173, a joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain."

SENATE CONCURRENT RESOLUTION 40

At the request of Mr. CRANSTON, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Concurrent Resolution 40, a concurrent resolution to designate June 21, 1989, as Chaney, Goodman, and Schwerner Day.

SENATE CONCURRENT RESOLUTION 46

At the request of Mr. DECONCINI, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Massachusetts [Mr. KERRY], the Senator from West Virginia [Mr. BYRD], the Senator from Texas [Mr. BENTSEN], the Senator from Illinois [Mr. SIMON], the Senator from Indiana [Mr. LUGAR], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Concurrent Resolution 46, a concurrent resolution condemning the brutal treatment of, and blatant discrimination against, the Turkish minority by the Government of the People's Republic of Bulgaria.

SENATE RESOLUTION 80

At the request of Mr. KASTEN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Resolution 80, a resolution relating to legislation which would require interstate mail-order companies to impose State taxes on items mailed across State borders.

AMENDMENT NO. 238

At the request of Mr. HATCH, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of amendment No. 238 proposed to S. 358, a bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

AMENDMENT NO. 240

At the request of Mr. HELMS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of amendment No. 240 proposed to S. 358, a bill to amend the Immigration and Nationality Act to change the level and preference system for admission of immigrants to the United States and to provide for administrative naturalization, and for other purposes.

AMENDMENTS SUBMITTED

IMMIGRATION ACT AMENDMENTS

MURKOWSKI AMENDMENT NO. 241

Mr. MURKOWSKI proposed an amendment to the bill (S. 358) to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes, as follows:

At the appropriate place in the bill insert the following new section:

SEC. . TASK FORCE ON STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA IN THE UNITED STATES.

(1) ESTABLISHMENT.—It is the sense of the Senate that the President shall establish a task force to be known as the Task Force on Certain Nationals of the People's Republic of China in the United States (hereafter in this section referred to as the "Task Force"), composed of the Secretary of State (or his designee), who shall be the chair of the Task Force and representatives of other relevant agencies, as determined by the Secretary of State.

(2) DUTIES AND RESPONSIBILITIES.—The Task Force shall carry out the following duties and responsibilities:

(A) Taking into consideration the situation in the People's Republic of China, the Task Force shall assess the specific needs and status of citizens of the People's Republic of China who were admitted under nonimmigration visas to the United States.

(B) The Task Force shall formulate and recommend to the Congress and the President policies and programs to address the needs determined under subparagraph (A).

(C) The Task Force shall establish directly or indirectly a clearinghouse to provide those Chinese citizens described in subparagraph (A) and United States Institutions of higher education with appropriate information including—

(i) public and private sources of financial assistance available to such citizens;

(ii) information and assistance regarding visas and immigration status; and

(iii) such other information as the Task Force considers feasible and appropriate.

(3) REPORTS.—(A) Not later than 60 days after the date of enactment of this Act, the President shall submit to the Congress a report on the status and work of the Task Force.

(B) Not later than May 1, 1990, and every 90 days the establishment of such task force, after the President shall submit to the appropriate committees of the Congress a report prepared by the Task Force, which shall include—

(i) recommendations under paragraph (2)(B); and

(ii) a comprehensive summary of the programs and activities of the Task Force.

(4) TERMINATION.—The Task Force shall cease to exist 2 years after the date of enactment of this Act.

GORTON (AND OTHERS) AMENDMENT NO. 242

Mr. GORTON (for himself, Mr. KASTEN, Mr. DOMENICI, Mr. WILSON, Mr. COHEN, Mr. GRAMM, Mr. LIEBERMAN, and Mr. D'AMATO) proposed an amendment, which was subsequently modified, to the bill S. 358, supra, as follows:

(1) EXTENSION OF DURATION OF STATUS.—Subsection 245B(e)(1) of section 302 of title III of the bill relating to the status of students from the People's Republic of China set forth in amendment numbered 239, as amended, is hereby further amended by striking the date "June 5, 1992" and inserting in lieu thereof the date "June 5, 1993."

(2) ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—Section 302 of title III of the bill, as amended, is further amended by the following subsection (f) to read in its entirety as follows:

"(f) ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

(1) ADJUSTMENT OF STATUS.—The status of a national of the People's Republic of China shall be adjusted by the Attorney General to that of an alien lawfully admitted for temporary residence if the alien—

(A) applies for such adjustment during the 90-day period prior to June 5, 1993;

(B) establishes that the alien (i) lawfuly entered the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (F) (relating to students), subparagraph (J) (relating to exchange visitors) or subparagraph (M) (relating to vocational students) of section 101(a)(15) of the Immigration and Nationality Act, or lawfully changed status to that of a nonimmigrant described in any such subparagraph on or before June 5, 1989, (ii) held a valid visa under any such subparagraph as of June 5, 1989, and (iii) has resided continuously in the United States since June 5, 1989 (other than brief, casual and innocent absences); and

(C) meets the requirements of section 245A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)(4)), provided however, membership in the Communist party of the People's Republic of China or subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was 'involuntary" or "nonmeaningful";

and the Attorney General shall not have terminated prior to June 5, 1993, the status accorded under subsection (e) of this Section. The Attorney General shall provide for the acceptance and processing of applications under this subsection by not later than ninety (90) days after the date of enactment of this Act.

"(2) STATUS AND ADJUSTMENT OF STATUS.—The provisions of subsections (b), (c) (6), and (7) (d), (f), (g), and (h) of section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a) shall apply to aliens provided temporary residence under subsection (a) in the same manner as they apply to aliens provided lawful temporary residence status under section 245A(a) of such Act, provided however, membership in the Communist party of the People's Republic of China or any subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was "involuntary" or "nonmeaningful"."

MOYNIHAN (AND OTHERS) AMENDMENT NO. 243

Mr. KENNEDY (for Mr. MOYNIHAN for himself, Mr. KENNEDY, Mr. SIMON, and Mr. SIMPSON) proposed an amendment to the bill S. 358, supra, as follows:

At the end of the bill, insert the following new section:

SEC. . REPORT TO CONGRESS ON U.S. IMMIGRATION POLICY TOWARD BURMESE STUDENTS.

(a) The Attorney General, in consultation with the Secretary of State, shall report to the Committees on Foreign Relations and Judiciary within 30 days of enactment of this act on the immigration policy of the United States regarding Burmese prodemocracy protesters who have fled from the military government of Burma and are now located in border camps or inside Thailand. Specifically, the report shall include:

(1) a description of the number and location of such persons in border camps in Burma, inside Thailand, and in third countries;

(2) the number of visas and parole applications and approvals for such persons by United States authorities and precedents for increasing such visa and parole applications in such circumstances;

(3) the immigration policy of Thailand and other countries from which such persons have sought immigration assistance;

(4) the involvement of international organizations, such as the United Nations High Commission for Refugees, in meeting the residency needs of such persons; and

(5) the involvement of the United States, other countries, and international organizations in meeting the humanitarian needs of such persons.

The Attorney General shall recommend in the report any legislative changes he deems appropriate to meet the asylum, refugee, parole, or visa status needs of such persons.

(b) As used in this section, the term "prodemocracy protesters" means those persons who have fled from the current military regime of Burma since the outbreak of prodemocracy demonstrations in Burma in 1988.

CHAFEE (AND OTHERS) AMENDMENT NO. 244

Mr. CHAFEE (for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. GORE, Mr. ADAMS and Mr. WILSON) proposed an amendment to the bill S. 358, supra, as follows:

On page 124, after line 25, add the following new section:

SEC. . ACTION WITH RESPECT TO SPOUSES AND CHILDREN OF LEGALIZED ALIENS.

(a) TEMPORARY STAY OF DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN ELIGIBLE IMMIGRANTS.—

(1) IN GENERAL.—The Attorney General shall provide that in the case of an alien who is an eligible immigrant (as defined in subsection (b)(1)) as of November 6, 1986, who has entered the United States before such date, who resides in the United States on such date, and who is not lawfully admitted for permanent residence, until the cut-off date specified in paragraph (2), the alien—

(A) may not be deported or otherwise required to depart from the United States on a ground specified in paragraph (1), (2), (5), (9), or (12) of section 241(a) of the Immigration and Nationality Act (other than so much of section 241(a)(1) of such Act as relates to a ground of exclusion described in paragraph (9), (10), (23), (27), (28), (29), or (33) of section 212(a) of such Act), and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit.

(2) CUT-OFF DATE.—For purposes of paragraph (1), the "cut-off date" specified in this paragraph, in the case of an eligible immigrant who is the spouse or child of a legalized alien described in—

(A) subsection (b)(2)(A), is (i) the date the legalized alien's status is terminated under section 210(a)(3) of the Immigration and Nationality Act, or (ii) subject to paragraph (4), 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cut-off date, whichever date is earlier;

(B) subsection (b)(2)(B), is (i) the date the legalized alien's status is terminated under section 245A(b)(2) of the Immigration and Nationality Act, or (ii) subject to paragraph (4), 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cut-off date, whichever date is earlier; or

(C) subsection (b)(2)(C), is 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cut-off date.

(3) NOTICE.—In the case of each legalized alien whose status has been adjusted under section 210(a)(2) or 245A(b)(1) of the Immigration and Nationality Act or under section 202 of the Immigration Reform and Control Act of 1986 and who has a spouse or unmarried child receiving benefits under paragraph (1), the Attorney General shall notify the alien of the applicable cut-off date described in paragraph (2)(B) and the need to file a petition for classification of such spouse or child as an immediate relative to continue the benefits of paragraph (1). Such notice shall be provided as follows:

(A) If the legalized alien adjusted status to that of an alien lawfully admitted for permanent residence before the date that the definition contained in section 201(b)(2)(A)(i) of the Immigration and Nationality Act (as amended by this Act) first applies, the notice under this paragraph shall be provided as of the date that that definition first applies.

(B) If the legalized alien adjusted status to that of an alien lawfully admitted for permanent residence after the date that such definition first applies, the notice under this paragraph shall be provided at the time of granting such adjustment of status.

(4) DELAY IN CUT-OFF WHILE IMMEDIATE RELATIVE PETITION PENDING.—The cut-off date under paragraph (2)(B) with respect to an eligible immigrant shall not apply during any period in which there is pending with respect to the eligible immigrant a classification petition for immediate relative status under section 204(a) of the Immigration and Nationality Act.

(b) ELIGIBLE IMMIGRANT AND LEGALIZED ALIEN DEFINED.—In this section:

(1) The term "eligible immigrant" means a qualified immigrant who is the spouse or unmarried child of a legalized alien.

(2) The term "legalized alien" means an alien lawfully admitted for temporary or permanent residence who was provided—

(A) temporary or permanent residence status under section 210 of the Immigration and Nationality Act,

(B) temporary or permanent residence status under section 245A of the Immigration and Nationality Act, or

(C) permanent residence status under section 202 of the Immigration Reform and Control Act of 1986.

(c) APPLICATION OF DEFINITIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be issued an immigrant visa under this section shall not preclude the alien from seeking such a visa under any other provision of law for which the alien may be eligible.

HUMPHREY AMENDMENT NO. 245

Mr. HUMPHREY proposed an amendment to the bill S. 358, supra; as follows:

On page 124, after line 25, insert the following new section:

SEC. 109. CONTINUING PROVISION PERMITTING IMMIGRATION OF CERTAIN ADOPTED CHILDREN.

(a) IN GENERAL.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting before the period at the end the following: ", except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of an illegitimate child described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term 'parent' does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1989, upon the expiration of the amendment made by section 210(a) of the Department of Justice Appropriations Act, 1989 (title II of Public Law 100-459, 102 Stat. 2203).

BUMPERS AMENDMENT NO. 246

Mr. BUMPERS proposed an amendment to the bill S. 358, supra, as follows:

Beginning on page 94, strike out line 11 and all that follows through line 2 on page 95.

On page 95, line 3, strike out "(5)" and insert in lieu thereof "(4)".

On page 97, line 13, strike out "(5)" and insert in lieu thereof "(4)".

On page 97, line 19, strike out "(5)" and insert in lieu thereof "(4)".

On page 98, line 2, strike out "(5)" and insert in lieu thereof "(4)".

On page 98, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 101, line 21, strike out "(5)" and insert in lieu thereof "(4)".

On page 102, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 102, line 10, strike out "(5)" and insert in lieu thereof "(4)".

Beginning on page 105, strike out line 15 and all that follows through the item between lines 10 and 11 on page 115.

On page 116, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 116, line 11, strike out "(5)" and insert in lieu thereof "(4)".

On page 117, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 117, line 18, strike out "(5)" and insert in lieu thereof "(4)".

LAUTENBERG (AND OTHERS) AMENDMENT NO. 247

Mr. LAUTENBERG (for himself, Mr. LEVIN, Mr. BRADLEY, Mr. KERRY, Mr. LIEBERMAN, and Mr. SANFORD) proposed an amendment to the bill S. 358, supra, as follows:

On page 148, after line 17, add the following new title:

TITLE III—LABOR SHORTAGE REDUCTION

SEC. 301. DEFINITIONS.

As used in this title:

(1) LABOR SHORTAGE.—The term "labor shortage" means a situation in which, in a particular occupation, the quantity of labor supplied is less than the quantity of labor demanded by employers.

(2) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 302. IDENTIFICATION, PUBLICATION, AND REDUCTION OF LABOR SHORTAGES.

(a) IDENTIFICATION OF LABOR SHORTAGES.—

(1) METHODOLOGY.—Utilizing available data bases to the extent possible, the Secretary shall develop a methodology to estimate, on an annual basis, national labor shortages.

(2) LABOR SHORTAGE DESCRIPTION.—As part of the identification of national labor shortages under paragraph (1), the Secretary shall, to the extent feasible, develop information on—

(A) the intensity of each labor shortage;

(B) the supply and demand of workers in occupations affected by the shortage;

(C) industrial and geographic concentration of the shortage;

(D) wages for occupations affected by the shortage;

(E) entry requirements for occupations affected by the shortage; and

(F) job content for occupations affected by the shortage.

(b) PUBLICATION OF NATIONAL LABOR SHORTAGES.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and each year thereafter, the Secretary shall publish the list of national labor shortages as determined under subsection (a).

(2) DISTRIBUTION OF PUBLICATION.—The Secretary shall provide the list referred to in paragraph (1) and related information to parties and agencies such as—

(A) students and job applicants;

(B) vocational educators;

(C) employers;

(D) labor unions;

(E) guidance counselors;

(F) administrators of programs established under the Job Training and Partnership Act (20 U.S.C. 1501 et seq.)

(G) job placement agencies; and

(H) appropriate Federal and State agencies.

(3) MEANS OF DISTRIBUTION.—In making the distribution referred to in paragraph (2), the Secretary shall use various means of distribution methods, including appropriate electronic means such as the Interstate Job Bank.

(c) DEVELOPMENT OF DATA BASES.—The Secretary shall—

(1) conduct research and, as appropriate, develop data bases to improve the accuracy of the methodology referred to in subsection (a); and

(2) Make recommendations to identify labor shortages by region, State, and local areas.

(d) REPORT TO CONGRESS.—At the same time that the Secretary issues the annual publication under subsection (b), the Secretary shall prepare and submit to the appropriate committees of Congress a report that—

(1) describes the progress of the research and development conducted under subsection (c);

(2) describes actions taken by the Secretary during the previous 12 months to reduce labor shortages, and specifies a plan of action to be taken by the Secretary to ensure that federally funded employment, education, and training agencies reduce national labor shortages that have been identified under subsection (a); and

(3) includes recommendations by the Secretary for parties such as Congress, Federal agencies, States, employers, labor unions, job applicants, students, and career counselors to reduce such labor shortages by—

(A) promoting recruitment efforts of job placement agencies for occupations experiencing a labor shortage;

(B) encouraging career counseling and testing to guide potential employees into occupations experiencing a labor shortage;

(C) accelerating and enhancing education and training in occupations experiencing a labor shortage; and

(D) other appropriate actions.

SEC. 303. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to carry out this title $2,500,000 for the first fiscal year beginning after the date of enactment of this title, and such sums as may be necessary to carry out this title in each subsequent fiscal year.

LEVIN AMENDMENT NO. 248

Mr. LEVIN proposed an amendment to the bill S. 358, supra, as follows:

On page 122 after line 5, insert the following new subection.

"(5) the impact of per country immigration levels on family connected immigration."

DRUG ABUSE TECHNICAL CORRECTION ACT

KENNEDY AMENDMENT NO. 249

Mr. KENNEDY proposed an amendment to the amendment of the Senate numbered 8 to the bill (H.R. 1426) to amend the Public Health Service Act to make technical corrections relating to subtitles A and G of title II of the Anti-Drug Abuse Act of 1988, and for other purposes, as follows:

At the appropriate place, insert the following new section:

"SEC. . COLLEGES OF OSTEOPATHIC MEDICINE.

"Section 2313(c) of the Public Health Service Act (42 U.S.C. 300cc-13(c)) is amended by inserting "and osteopathic medicine" after "schools of medicine".

At the appropriate place, insert the following section:

"SEC. . TECHNICAL AMENDMENT CONCERNING TIME PERIOD FOR PAYMENTS TO CERTAIN LENDERS.

"Section 733(h)(2) of the Public Health Service Act (42 U.S.C. 294f(h)(2)) is amended by striking out "the eligible institution" and all that follows through the period and inserting in lieu thereof "the Secretary determines that the lender or holder has made reasonable efforts to secure a judgment and collect on the judgment entered into pursuant to this subsection.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry, will hold a hearing on July 20, 1989, on the "Scientific Base for Food Inspection." The hearing will be held at 9:30 a.m. in SR-332.

Senator THOMAS A. DASCHLE will conduct the hearing. For further information please contact Robert Wise of the subcommittee staff at 224-2321.

Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry, will hold a hearing on July 27, 1989, on the funding of agricultural research. The hearing will be held at 10 a.m. in SR-332.

Senator THOMAS A. DASCHLE will conduct the hearing. For further information please contact Robert Wise of the subcommittee staff at 224-2321.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that the full Committee on Energy and Natural Resources will add the nomination of Harry M. Snyder to be Director of the Office of Surface Mining Reclamation and Enforcement, to a previously scheduled nomination hearing.

The hearing will take place Tuesday, July 18 at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

For further information, please contact Nancy Blush at (202) 224-3606.

Mr. President, I would like to announce for the public that a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Friday, July 21, 1989, beginning at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on Senate amendment No. 100, the Prince William Sound Oil Spill Emergency Act of 1989.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke of the committee staff at (202) 224-2383.

Mr. President, I would like to announce for the public that a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Monday, July 24, 1989, beginning at 2 p.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on Senate amendment

No. 229, the Gulf of Mexico Oil Spill Prevention and Response Act.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364, Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke of the committee staff at (202) 224-2383.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 12, 1989, at 9 a.m. to hold a hearing on the nomination of Janice Obuchowski to be Assistant Secretary of Commerce for Communications and Information.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, OCEAN AND WATER PROTECTION AND THE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Ocean and Water Protection and the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 12, beginning at 9:30 a.m., to conduct a hearing on coastal research and protection legislation, including S. 587, S. 588, S. 1178, and S. 1179.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, July 12, 9:30 a.m., to consider the following Department of Interior nominations: Martin Allday to be Solicitor; Lou Gallegos to be Assistant Secretary, Policy, Budget and Administration; Stella Guerra to be Assistant Secretary, Territorial and International Affairs; and Constance Harriman to be Assistant Secretary, Fish and Wildlife, and Parks.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 12, 1989, at 2 p.m., to hold a closed markup on the fiscal year 1990-91 Intelligence Authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 12, 1989, at 2 p.m., to hold a markup on S. 84, S. 396, and S. 594.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, TRADEMARKS, AND COPYRIGHTS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 12, 1989, at 10 a.m., to hold a hearing on S. 1271 and S. 1272.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 12, 1989, at 10 a.m., to hold a hearing on S. 707, the Children's Television Act of 1989, and S. 1215, the Children's Television Education Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, July 12 at 9 a.m. and 2 p.m. in executive session to mark up S. 1085, the Department of Defense authorization bill for fiscal years 1990-91; to receive a report from the Senate Select Committee on Intelligence; and to possibly act on certain pending military nominations and other nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE ELECTIONS

● Mr. GORE. Mr. President, I rise as Senate Chairman of the Environmental and Energy Study Conference to announce the election of the study conference's executive committee for the 101st Congress. Eight of us in the Senate and 21 House Members have been elected to 2-year terms.

The executive committee is the governing body of the study conference, the largest legislative service organization in Congress. This year a record 90 Senators and more than 275 House Members subscribe to the study conference's services.

Through its publications such as the Weekly Bulletin and Special Reports, the conference provides us with objective analysis of all of the environmental, energy, and natural resources issues we face. The conference also serves as a forum for Senators and House Members to discuss these issues. It does not take political positions.

Its services have made the conference a highly valued congressional resource. In fact, the report by the Center for Responsive Politics on its survey not long ago of Senators, Representatives, and staff on the effectiveness of Congress stated, "When asked about the quality of caucus information, one organization, the Environmental and Energy Study Conference, was singled out for so much praise it required a separate catergory of its own."

The executive committee will meet shortly to elect officers from its ranks and set the conference's priorities for the next 2 years. Our goal in setting those priorities will be to anticipate the needs of the Nation and the direction of the environmental, energy, and natural resources debate in the coming 2 years.

Those needs were never greater. Not only do we find domestic environmental problems ever more complex, but global environmental alarms have begun to sound with increasing frequency.

Environmental, energy, and natural resources are being recognized as integral to such critical issues as international competitiveness and national security.

As these issues require our increased attention, the executive committee will be working closely with the conference staff to ensure the Senate continues to receive the information it needs to stay ahead of developments.

Those who have been elected to serve on the executive committee for this Congress are: Senators RUDY BOSCHWITZ, JOHN H. CHAFEE, CHRISTOPHER J. DODD, WYCHE FOWLER, Jr., PATRICK LEAHY, JOHN MCCAIN, CLAIBORNE PELL, and myself.

In the House, Representatives ANTHONY C. BEILENSON, GEORGE E. BROWN, Jr., JIM COOPER, PETER A. DEFAZIO, HARRIS W. FAWELL, HAMILTON FISH, Jr., STEVE GUNDERSON, JIM KOLBE, BOB LIVINGSTON, BILL LOWERY, EDWARD R. MADIGAN, JAN MEYERS, FRANK PALLONE, PETER SMITH, GERRY E. STUDDS, MIKE SYNAR, BRUCE F. VENTO, ROBERT E. WISE, Jr., HOWARD WOLPE, and RON WYDEN will serve.●

THE FOUNDING OF CALIFORNIA'S TABLE GRAPE INDUSTRY

● Mr. WILSON. Mr. President, I am proud to announce that this year, 1989, commemorates the 150th anniversary of the founding of California's table grape industry. Recognizing the great protential of California's climate, pioneer William Wolfskill, a Kentucky trapper and Santa Fe Trail scout during California's Mexican colonial period, launched this important industry in 1839.

Today California's commercial table grape industry is a vital part of our agri-business economy. By supplying over 50,000 farm-related jobs and creating an annual retail revenue of over $1.1 billion, it has established a progressive track record in raising the standard of living for both workers and growers.

California is the Nation's largest supplier of table grapes, providing more than 97 percent of the entire crop of commercially grown table grapes consumed in the United States. In addition, California's export sales of table grapes are continuing to make a greater contribution toward the balancing of U.S. trade.

Like Mr. Wolfskill before him, today's California table grape grower is a sturdy and industrious individual, whose hard work and commitment to a quality, wholesome product underlies the growth and strength of the industry.

I would like to commend the significant contribution the table grape industry has made to California's economic and cultural growth over the past 150 years, and to congratulate the many individuals who continue to contribute to this success.●

STEEL TRANSPORTERS SUPPORT VRA EXTENSION

● Mr. HEINZ. Mr. President, I want to take this opportunity to acknowledge the support which steel transporters have expressed for the extension of the voluntary restraint agreements. For many of the companies who have written me, the steel industry accounts for well over 50 percent of their business. As one company wrote, "When U.S. steel does well, we do well." Transportation is only one of the many sectors of our economy that strongly support continuation of the successful program to rescue our steel industry from unfair trade practices.

On September 30, the voluntary restraint program expires. Although the transportation industry is, on the whole, a larger more diversified sector than any of its counterparts in steel affiliated businesses, it is severely affected by those factors which have an impact on the steel industry. Therefore, numerous trucking and barge companies have demonstrated their support for VRA extension and the domestic steel industry.

The transportation companies who wrote me generally attribute the pre-VRA steel decline to the following unfair practices: First, the enormous foreign government subsidies that have perpetuated structural world excess capacity in steelmaking; and second, the widespread dumping of foreign steel in the U.S. market.

The term "unfair" makes manifest the disparity between government treatment of steel in other countries as compared to the United States. Most of our competition comes from industries that are subsidized by their respective governments. The transporters, like the rest of the steel industry, are not asking for government financial support; they are asking for a level playing field. They are seeking to make the business fair.

Renaissance takes a long time in this cyclical, capital intensive industry. In the previous 5 years, a turn-around has begun. We need 5 more years to secure the gains that have been made.

Mr. President, I ask that a selection of the letters I received be printed in the RECORD.

The letters follow:

OLIVER TRANSPORTATION, INC.,
Mexico, MO, April 27, 1989.

Hon. JOHN HEINZ,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HEINZ: I write on behalf of my company and our 453 employees in support of the extension of the steel Voluntary Restraint Arrangements (VRAs). Our company initially supported the intent of the VRA and continues to follow the Steel Industries progress with the arrangement in place. Oliver Transportation, a small company in Mid-Missouri, depends on the commerce developed by our Nations steel industry. Located in the refractory capitol of the country, we provide the steel manufactures with a vital product.

With VRAs due to expire in September of 1989, we strongly feel that prompt action to extend this program for a five-year period is critical for the domestic steel industry's further restructuring and modernization. We view VRA renewal as the key step by government to ensure that the domestic steel industry's progress in reinvestment, improved productivity and overall efficiency continues uninterrupted.

As you know, the condition of the domestic steel industry sharply deteriorated over many years as a result of growing foreign government intervention in steel industries abroad and resulting massive foreign unfair trade practices. Such practices were pervasive when the VRA program was instituted in 1984 and they continue today. We must restrain the widespread dumping of foreign steel in the U.S. market.

We strongly believe that VRA extension is critical to the long term sustained recovery of the American Steel industry from one of the worst depressions in its history. Most importantly, the U.S. Steel industry is just beginning its recovery, and continued support of the VRAs will ensure that this progress continues.

As a key investment in America's future, we respectfully urge your support for the extension of the steel VRA program. Thank you for your prompt consideration of this issue.

Sincerely,

VINCE GARUFI.

PGT TRUCKING, INC.,
Industry, PA, April 12, 1989.

Hon. JOHN HEINZ,
U.S. Senator, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HEINZ: I write on behalf of my company and our employees in support of extension of the Voluntary Restraint Arrangements (VRA's). PGT Trucking, Inc. is a truckload motor carrier that generated approximately $35,000,000 in revenues in 1988, approximately 85% from the domestic steel industry.

Prompt action to extend this program for a five-year period is critical for the domestic steel industry's further restructuring and modernization and is the key step by government to ensure that this industry's progress continues in the areas of: Reinvestment, improved productivity, and overall efficiency.

The domestic steel industry has sharply deteriorated over many years as a result of growing foreign government in steel industries abroad and resulting massive unfair trade practices. Such practices continue today and include:

The enormous foreign government subsidies that have perpetuated structural world excess capacity in steelmaking, and

The widespread dumping of foreign steel in the U.S. Market.

We strongly believe VRA extension is critical to the long-term sustained recovery of the American steel industry, and support of the VRA's will ensure this continued progress.

As a key investment in America's future, we respectfully urge your support for extension of the steel VRA program and thank you for your prompt consideration of this important issue.

Sincerely,

PATRICK GALLAGHER.

INGRAM BARGE CO.,
Nashville, TN, April 12, 1989.

Hon. JOHN HEINZ,
Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HEINZ: It is my understanding that the Voluntary Restraint Arrangements (VRAs) on behalf of the American steel industry are due to expire in September of 1989. On behalf of Ingram Barge Company and our seven hundred employees, I wish to express support for the extension of the import steel Voluntary Restraint Arrangements. Ingram Barge Company is the third largest diversified water carrier in the United States and has a strong association with basic industry in America, including the steel industry. The majority of our fourteen hundred barges and forty-nine line haul towboats are heavily dependent upon the basic industry of this country and, particularly, the steel industry maintaining its viability.

We strongly urge prompt action to extend the program for a five year period, which should allow the recently emerging domestic steel industry to restructure and modernize their facilities. To discontinue, what has begun as a very effective program for corrections, would appear to be very inconsistent at this time. Though not the sole cause, the condition of the domestic steel industry deteriorated over many years as a result of

massive foreign unfair trade practices supported by a foreign government intervention in the steel industry. Those practices were the cause of the VRA Programs institution in 1984 and those practices continue even today.

We believe that the steel industry is a key investment in America's future and an absolute necessity for the continued well being of its populace. Thank you very much for your consideration of my comments on this issue.

Very truly yours,

PETER E. RUMSEY.●

THE 50TH ANNIVERSARY OF PAN AMERICAN WORLD AIRWAYS' TRANSATLANTIC SERVICE

● Mr. MOYNIHAN. Mr. President, something singularly important in air travel occurred on June 28, 1939. On that day, a Pan American World Airways Boeing B314 called the Dixie Clipper successfully completed passage across the Atlantic. The historic flight took 29 hours and 20 minutes from Port Washington, Long Island, in New York to Lisbon, Portugal. There were 22 passengers on board and a crew of 12. That was 50 years ago.

Mr. President, this feat was possible due to the brilliance of two Americans, namely Pan Am's founder Juan T. Trippe and Charles Lindbergh, who aided Pan Am in developing these first flights over the North Atlantic. The success of these voyages was also due, in no small part, to the ingenuity and dedication of other members of the Pan Am Organization who were responsible for building airport facilities, developing navigational aids and tracking these air vessels on their voyages.

Now, a half century later, Pan Am brings Americans to the major capitals of Europe on a daily basis. Pan Am has also developed regular transport to Eastern Europe, to Warsaw, Prague, Leningrad, and continues to provide a link to East Berlin. In fact, Pan Am has developed a nonstop route between New York and Moscow through a joint venture with Aeroflot Soviet Airlines. In this manner, Soviet citizens are brought to this country just as Americans are able to travel to the Soviet Union. This service provides an important link between these two nations at a time of more openness and is tremendously valuable.

I am proud to say that Pan Am's headquarters—one might say their home—is in New York. The airline has, of course, helped maintain New York's position and role as a gateway to the Nation. But, in a tangible way, Pan Am has played a part in a world that is growing smaller—smaller in the sense of being more familiar and more connected. In this, they have contributed to greater international understanding.

Mr. President, I congratulate Pan Am, as I am sure my colleagues do, on the 50th anniversary of their transatlantic air service. If in 50 years air travel can reach such success, one is awed by what new heights might be reached in the next 50.●

PRESIDENT BUSH IS PLAYING STRAIGHT ON CLEAN AIR

● Mr. DURENBERGER. Mr. President, today the Washington Post and New York Times ran stories implying that the President was pulling back from the commitment that he made a few weeks ago to cleaning up the Nation's air. The President will be sending the Congress a clean air bill soon and according to these two newspapers the text of the bill will not live up to the promises he made when he announced his clean air plan in June.

In particular, the Post says that the bill is weaker on air toxics because it includes a loophole in the definition of best available control technology. The supposed loophole is the phrase "taking into account energy, environmental, and economic impact and other costs." That's a quote from the Post article quoting the President's bill.

This is a subject I know something about. I am the author of toxics legislation that has been introduced here in the Senate. My bill, S. 816, was cosponsored by 12 of our colleagues on the Environment Committee. I consider it to be a very strong bill to control toxic air pollution. But it also includes words in a very similar vein in its definition of "best available control technology." S. 816 allows energy, economic and other environmental factors to be taken into account when establishing the definition of best technology to control toxic pollutants.

But I am not the original author of these words. They were taken from the Clean Air Act as it is currently written. The Clean Air Act already contains a definition of best available control technology. It is section 169(3). It says that the Administrator may take into account "energy, environmental, and economic impacts and other costs" when determining what is best available control technology for a particular facility. Section 169 is in another part of the law dealing with air pollutants other than toxic pollutants. We borrowed the concept from that other part for the air toxics program because it had worked so well in this other area.

So the language which the Washington Post says creates a loophole in the President's program is language which is already in the Clean Air Act used in precisely the same way. And it is language already introduced on a bipartisan basis in the Senate in a strong bill to control air toxics. To accuse the President of backsliding for using the language which has always defined best technology is unreasonable and unfair. I might say that this same language is replicated in the Clean Water Act for the best technology control program authorized there.

I am sure that I will have differences with the President's clean air legislation. And I will express them strongly in the committee deliberations and here on the floor. But I believe that President is performing a great service for the Nation by being out in front on these air pollution problems and proposing a cleanup. We have demonstrated over the past decade that it is not possible for the Congress to pass a clean air bill without Presidential leadership. We need the President on this issue and whatever our differences on specifics, we owe him some thanks for his personal efforts.

The Post article was put out there to cast a cloud over the President's bill. That is unfortunate. And, as those of us who spend a great deal of time on this issue can tell you, it is also misleading. The so-called loophole in the President's air toxics program has always been part of the definition of "best available control technology."

Mr. President, I would ask that a copy of the article from the Post be included in the RECORD with my comments today.

The article follows:

[From the Washington Post, July 12, 1989]

CLEAN AIR PROPOSAL WEAKENED

(By John Lancaster)

President Bush's plan to clear the skies of smog, acid rain and other pollution has been weakened in several key areas since he unveiled the proposal a month ago, according to a draft of the legislation.

Since Bush announced his proposed revisions to the Clean Air Act, the administration has relaxed standards for controlling the emission of toxic chemicals and pollutants that cause acid rain.

Bush's original proposal, for example, called for requiring companies to control toxic air pollutants with "the best technology currently available."

But a draft of the legislation, which administration officials hope to complete within several days, modifies that standard, requiring polluters to reduce emissions to levels "typically achieved by the best-performing similar sources taking into account energy, environmental and economic impact and other costs." The language appears to open a loophole for subjective judgments by enforcers of the law.

In an attempt to curb acid rain caused by emissions from midwestern utilities, Bush promised last month to cut annual sulfur dioxide levels by 10 million tons and nitrogen oxide levels by 2 million tons.

But while the new sulfur dioxide standards will be based on 1980 emissions, the draft legislation says that the nitrogen oxide reduction will be based on levels projected for the year 2000. Bush's original proposal, outlined in a 14-page summary that accompanied his announcement last month, made no mention of that difference.

In addition, the original proposal of a 10 million-ton reduction in sulfur dioxide emissions is cut to 9 million in the draft, on the grounds that sulfur dioxide emissions from

industrial sources such as smelters already have dropped by a million tons since 1980.

"It is a major weakening from what his speech promised," said David Hawkins, an attorney for the Natural Resources Defense Council, which like many environmental groups had greeted Bush's original proposal with guarded optimism. "His draft retreats in major respects from each of the key programs that he promised to deal with in strong fashion."

Rep. Henry A. Waxman (D-Calif.), chairman of the House Energy and Commerce subcommittee on health and the environment and author of separate clean-air legislation, said the draft "is a far cry from the aggressive control requirements that will be needed to deliver on the president's commitment."

He added, "Within the administration, the pro-environmental forces seem to be losing ground."

Environmental Protection Agency officials denied that the draft departs substantially from the president's proposal, and accused their critics of distorting minor technical changes for political purposes.

"I think it will reflect the letter and spirit of the president's fact sheet and speech," said William Rosenberg, assistant EPA administrator for air and radiation. "The president pretty well discussed exactly what he wanted to do and we're trying to conform to that."

Bush's plan to renew the nation's principal air pollution bill has been the subject of continuing, high-level negotiations among the White House, the Office of Management and Budget and the EPA.

Industry groups have lobbied vigorously against some portions of the legislation, which the administration plans to present to Congress July 21. Within the last few days, EPA officials defeated an attempt by some administration officials to renege on a commitment to reduce nitrogen oxide emissions from automobile exhaust, sources said.

Bush's original proposal appeared to signal a crackdown on companies that emit toxic chemicals believed to cause cancer and other health problems, stating that "EPA would set a standard based on the best technology currently available."

But Hawkins, who held the job of assistant EPA administrator for air during the Carter administration, said the standard proposed in the draft legislation is a "watered-down definition . . . deliberately drafted to require EPA to set weak technology requirements."

Hawkins also questioned the Bush administration's commitment to reducing acid rain. "They're playing all sorts of games with this," he said of the draft legislation plans to cut sulfur dioxide and nitrogen oxide.

Hawkins suggested that nitrogen oxide reductions pegged to the year 2000 could well be erased by emission gains in the interim. Nitrogen oxide emissions "may be as much as 2 million tons more in 2000," he said. "Then a 2 million ton reduction would be no reduction at all."

In the summary of Bush's original proposal, the figures were simply added "for a total reduction of 12 million tons in acid rain-causing emissions."

Rosenberg denied that there was any attempt to conceal the fact that nitrogen oxide reductions would be pegged to the year 2000. Any attempt to calculate the reduction otherwise, he said, "would raise the cost of this bill dramatically."

On pollution-control technology for toxic chemicals, Rosenberg said the administration had always meant to allow for consideration of cost and other factors. "This is absolutely what we intended all along."

And Rosenberg defended the administration's decision to count past reductions in industrial sources of sulfur dioxide toward the 10 million-ton goal set for the year 2000. "Our assumptions are credible and will achieve the reduction," he said.●

TV MARTI

● Mr. LIEBERMAN. Mr. President, as one of the original cosponsors of the Senate bill to authorize TV Marti (S. 375), I have followed with great interest the development of a television broadcast service to Cuba. Together, TV Marti and Radio Marti would be a powerful antidote to Fidel Castro's steady stream of propaganda.

The Voice of America, and its Director, Richard W. Carlson, are working hard to make TV Marti a reality. I would like to share with my colleagues Mr. Carlson's June 13 op-ed in the Miami Herald, which effectively makes the case for the TV Marti service.

The article follows:

[From the Miami Herald, June 13, 1989]

NEWS OF TV MARTI—BREAKING FIDEL CASTRO'S INFORMATION MONOPOLY

(By Richard W. Carlson)

The Voice of America (VOA) is only a few months away from the first broadcast of TV Marti, the proposed television service to Cuba. Last year Congress provided $7.5 million to run a 90-day test broadcast of news, information, and entertainment programs. If the test proves successful, Congress and the Administration have proposed $16 million a year to fund TV Marti.

The reason for TV Marti is simple. We believe that the Cuban people have a right to see and hear information denied them by their own government. In a recent speech, President Bush described TV Marti as a way to "break the monopoly on information that Castro has held for 30 years."

As glasnost spreads in the Soviet Union and Eastern Europe, as millions in China seek democracy, Fidel Castro's Cuba remains impermeable to reform. Political dissent still leads to prison. Freedom of expression in nonexistent. The Castro government has a firm grip on all newspapers, magazines, radio, and television. The only uncensored, non-ideological information available to the 10 million people of Cuba comes from outside the island, much of it from Radio Marti, the surrogate station run by the VOA.

VOICES OF AMERICA STANDARDS

TV Marti will be Radio Marti with pictures. Its accurate balanced news and information will meet the highest VOA standards. If TV Marti is only half as successful as Radio Marti, it will fulfill its mandate. After four years on the air, Radio Marti, has become the most popular radio station in Cuba.

That a U.S. Government station, broadcasting from studios in Washington, has twice the audience of the next-most-listened-to station in Cuba is a testimony of Radio Marti's credibility and to the hunger of the Cuban people for uncensored information. When asked to explain the rise of a courageous human-rights movement in such a tightly controlled society, Cuban dissident Richardo Bofill said, "It's quire simple. It can be traced to May 20, 1985, when Radio Marti went on the air."

Like the television proposal, Radio Marti initially received a hostile reception from some in the U.S. media and Congress. Before Radio Marti started broadcasting, news stories warned of U.S./Cuban "radio wars" and military conflict. Editorials called Radio Marti "the dumbest idea since the Edsel" and "a meritless redundancy." Critics claimed that the station would be the mouthpiece of ideologues and anti-Castro Cuban refugees in Florida. They said that it would mire in Cuban-exile politics. Today, these same people praise Radio Marti and recognize the broadcasts for what they are: a demonstration of America's commitment to the free flow of information and an intellectual lifeline for millions.

TV Marti is surely the most closely watched television startup ever. Six Government agencies, six congressional committees, the National Association of Broadcasters, private consultants, and other interested parties are all keeping an eye on the gestation and birth of TV Marti.

SAFEGUARDS AGAINST INTERFERENCE

So too are the Cuban people. Cubans are eagerly purchasing videotapes and saving for VCRs to tape TV Marti programs, including American movies and entertainment shows. This may not be motivated solely by optimism, but perhaps by a desire to avoid the wrath of neighborhood watchdogs for the Defense of the Revolution and to be able to tape TV Marti for discreet, late-night viewing.

Every possible safeguard will be taken to prevent interference with existing U.S. and Cuban TV stations. As a precaution, Congress is expected to provide funding to compensate U.S. broadcasters in the event that either TV Marti or Fidel Castro interferes with domestic stations. It is interesting to note that the apocalptic vision of widespread Cuban retaliation against Radio Marti—which pundits predicted in 1985—never materialized. In fact, no compensation claims were filed with the FCC for Cuban interference that occurred after Radio Marti went on the air.

No doubt Havana's agitation over TV Marti can be traced to Castro's respect for the medium's power to help shape opinion—especially when TV brings unsettling images of democracy and free expression. Should Castro attempt to jam or disrupt TV Marti, he will vividly demonstrate to the world Cuba's flagrant disregard of the basic rights of its people.

NO MIRACLE SOLUTION

TV Marti is no miracle solution to the repression and fear in Cuba. But, as Ed Murrow said, "No computer clicks, no cash register rings when a man changes his mind or opts for freedom. . . . [A]bove all, it is what we do, not what we say, that has the greatest impact overseas."

By extending to Cuba our respect for intellectual freedom, the United States again exposes the hypocrisy of Castro's 30-year dictatorship. The success of Radio Marti proves that we can do it calmly and reliably, TV Marti will go one step further, using the most powerful medium ever developed.●

CONGRESSMAN ROHRABACHER ON SCIENCE

● Mr. KASTEN. Mr. President, we too often forget that the key to progress in any society is freedom of inquiry—the unlimited liberty of the human intellect to discover and understand truths, and to use these truths to improve the life of the community.

This principle is as true of political science as it is of the natural sciences. Democracy and capitalism work because they are based on the truth about man—a truth that we rediscover whenever men and women are left free to work and create and build their own futures.

A society based on democratic capitalist principles, therefore, is the greatest possible catalyst for scientific inquiry. Our truth-seeking spirit forever pushes the boundaries of science to explore what they can yield for the spiritual and material benefit of man.

A recent article in the Milwaukee Journal by our distinguished colleague, freshman Congressman DANA ROHRABACHER of California, expresses this fundamental truth with great clarity. I call it to the attention of all Senators—and I ask that it be included in the RECORD.

The article follows:

[From the Milwaukee Journal, June 22, 1989]

COLD FUSION ATTEMPT CONTINUES NOBLE LINEAGE OF SCIENCE

(By Dana Rohrabacher)

Every great idea has three stages of reaction: 1) It won't work. 2) Even if it works, it's not useful. 3) I said it was a great idea all along.—Arthur C. Clark.

It has been almost three months since two obscure chemists at the University of Utah held a press conference to announce that they had found something truly incredible in their test tube. Their reported discovery of cold fusion, if accurate, would usher not only science but all aspects of modern life into an era of growth and improvement that mankind has not experienced since the Industrial Revolution.

Not everybody was happy with the news.

The vehemence with which B. Stanley Pons and Milton Fleischmann were denounced in the scientific community, the ferocity of attack on their work, as well as on their personal styles and motivations, surprised everyone. Well, that is, everyone who hasn't taken a look at the history of science.

History records that Copernicus was so afraid of reaction to his novel theory—the Earth revolves around the sum—that he kept silent about it until he lay on his death bed.

People refused to look through Galileo's powerful telescope, so strong was their fear of having to change their world view. Galileo himself stood trial for heresy and was forced publicly, on the threat of death, to recant his theories.

As recently as 1956, the Astonomer Royal of England scoffed at space travel as "utter bilge." The next year, the Soviet Union launched Sputnik.

So, some of us were not surprised at the recriminations that deluged the two poor chemists.

The high priests of physics were annoyed with the scientists' method of public announcement.

For all of the pencil-jabbing and eraser-throwing, and even after the discouraging words from Britain last week, we still don't know whether Pons and Fleischmann have discovered a key to the universe or not. All we know is that what is at stake for many people is their view of the world. For petty people wtihout vision, such stakes make for anger and fear.

There are other stakes involved as well. Many scientists and researchers envision losing their life's work—and their federal grants—to the discovery of cold fusion in Utah. Fundamental change is, more often than not, uncomfortable. Federally subsidized science, which is by its very nature based on accepted premises, and which has as much interest in justifying its own expense as in discovering "truth," seems to have stoked the coals of this controversy and added to the discomfort.

This is not to say that Pons and Fleischmann have indeed discovered cold fusion in their laboratory. Actually, having heard their testimony before the Science, Space and Technolgy Committee of the House, and having followed the controversy, I'd give them somewhere around a 50% chance of being vindicated someday.

Whether or not such vindication emerges in time, let's give Pons and Fleischmann a chance for now. They have done nothing wrong, and they well may have accomplished something that will benefit every human being on this planet, forever. Our world needs such people who are willing to look where others refuse and to step before us with brave new ideas.

If cold fusion does fly, Pons and Fleischmann will be remembered as men who changed the course of human history. If cold fusion turns out to be a workable mistake, well, let's remember Pons and Fleischmann as two men who excited our imaginations for a while and who reminded us that we should not discourage pursuit of scientific knowledge, even if it flouts conventional wisdom—even if it is done without the benefit of a federal grant.●

TWENTY-FIVE YEARS OF FEDERAL MASS TRANSIT ASSISTANCE

● Mr. DIXON. Mr. President, 25 years ago this week President Lyndon Baines Johnson signed into law the Urban Mass Transportation Act of 1964, the most important mass transit legislation in the history of the United States.

Failing private transit companies and increased urban transit needs brought about this law, and over the last 25 years it has served us well. Last year alone, 92,000 buses, trains and other vehicles and 275,000 transit workers provided nearly 9 billion passenger-rides through federally assisted mass transit.

Americans have come to depend on public transit for access to their jobs, for shopping, and for day-to-day chores. Most importantly, we have come to equate mass transit with the freedom to come and go as we please, wherever and whenever we want to go.

Mass transit can provide answers to gridlock on our highways and streets, to pollution problems and to economic development, and I believe that should be our goal for the end of this century.

Today, Americans can take pride that they have the best transportation in the world, and there is better yet to come.●

ADDITIONAL COSPONSOR OF S. 375

● Mr. HOLLINGS. Mr. President, I ask that the distinguished junior Senator from Ohio [Mr. METZENBAUM] be added as a cosponsor of S. 375, a bill I introduced on February 8, 1989, to provide for television broadcasting of accurate information to the people of Cuba. We now have 36 sponsors of the bill which has been included as title VII of the Foreign Relations Authorization Act for Fiscal Year 1990, S. 1160, as reported by the Committee on Foreign Relations on June 12, 1989. Earlier on April 12, the House of Representatives enacted H.R. 1487 which also includes a $16,000,000 authorization for TV Marti for fiscal year 1990.

Mr. President, I ask that a complete listing of the cosponsors of S. 375 be printed in the RECORD.

The list of cosponsors follows:

COSPONSORS FOR TV MARTI BILL S. 375

Mr. Hollings, Mr. Graham, Mr. Mack, Mr. Lautenberg, Mr. Kasten, Mr. Lieberman, Mr. Pressler, Mr. Reid, Mr. Bryan, Mr. Bentsen, Mr. Biden, Mr. Nickles, Mr. Simon, Mr. Symms, Mr. McConnell, Mr. Boschwitz, Mr. Dole, Mr. Bradley, Mr. Humphrey, Mr. Robb, Mr. Lott, Mr. McClure, Mr. DeConcini, Mr. Breaux, Mr. Hatch, Mr. Coats, Mr. Rockefeller, Mr. Wilson, Mr. Shelby, Mr. Gramm, Mr. Murkowski, Mr. Kerry, Mr. Armstrong, Mr. Simpson, Mr. Garn, and Mr. Metzenbaum.●

BUDGET SCOREKEEPING REPORT

Mr. SASSER. I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $3.8 billion in budget authority, and over the budget resolution by $1 billion in outlays. Current level is under the revenue floor by $0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $136.4 billion, $0.4 billion above the maximum deficit amount for 1988 of $136 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 11, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1989 and is current through June 23, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution for FY 1989, H.Con.Res. 268. This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S.Con.Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, Congress has cleared and the President has signed P.L. 101-45, the Dire Emergency and Urgent Supplemental for 1989. This action increased the current level estimate of both budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS. AS OF JUNE 3, 1989

[Fiscal year 1989, in billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level (+/−) resolution
Budget authority	1,235.8	1,232.1	3.8
Outlays	1,100.8	1,099.8	1.0
Revenues	964.4	964.7	−.3
Debt subject to limit	2,784.6	[3] 2,824.7	−40.1
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	
Deficit	136.4	[4] 136.0	[5] .4

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlements or other mandatory programs requiring appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with section 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for catastrophic health care (Public Law 100-360).

[3] The permanent statutory debt limit is $2,800,000,000,000.

[4] Maximum deficit amount [MDA] in accordance with section 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, AS OF CLOSE OF BUSINESS JUNE 23, 1989

[Fiscal year 1989, in million of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session:			
Adjust the Purchase Price for Non-Fat Dry Dairy Products (Public Law 101-7)		−10	
Implementation of the Bipartisan Accord on Central America (Public Law 101-14)	−11		
Dire Emergency and Urgent Supplemental Appropriations, 1989 (Public Law 101-45)	3,493	1,023	
Total enacted this session	3,482	1,013	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy Indemnity Program	[1]	[1]	
Special milk	4		
Food Stamp Program	29		
Federal Crop Insurance Corporation fund	144		
Compact of free association	1	1	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the civil service retirement and disability trust fund	(85)	(85)	
Payment to Hazardous Substance Superfund	(99)	(99)	
Supplemental Security Income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100-360	45	45	
Public Law 100-485	10	10	
Family support payments to States:			
Previous law	355	355	
Public Law 100-485	63	63	
Total entitlement authority	926	747	
VI. Adjustment for economic and technical assumptions	−18,925	−16,990	
Total current level as of June 23, 1989	1,235,828	1,100,751	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	3,778	1,001	
Under budget resolution			266

[1] Less than $500,000.

Notes: Numbers may not add due to rounding.
Amounts in parenthesis are interfund transactions that do not add to budget totals.

BILL PLACED ON CALENDAR—H.R. 2848

Mr. KENNEDY. Mr. President, I ask unanimous consent that H.R. 2848, the Computer Matching and Privacy Act, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-702, appoints the following individuals to the Federal Judicial Foundation Board: E. William Crotty, of Florida, for a term of 5 years, and the Honorable Richard Rosenbaum, of New York, for a term of 3 years.

DRUG ABUSE TECHNICAL CORRECTIONS ACT

Mr. KENNEDY. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 1426.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate numbered 6 and 7 to the bill (H.R. 1426) entitled "An Act to amend the Public Health Service Act to make technical corrections relating to subtitles A and G of title II of the Anti-Drug Abuse Act of 1988, and for other purposes.".

Resolved, That the House disagree to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 8 to the aforesaid bill.

Mr. KENNEDY. Mr. President, this measure, the Drug Abuse Treatment Technical Corrections Act of 1989, makes conforming and technical amendments to the Public Health Service Act and other acts as amended in the Anti-Drug Abuse Act of 1988 and the Health Omnibus Programs Extension of 1988. The original version of this technical corrections bill was introduced in the House as H.R. 1426, and we received and passed it here in the Senate with several amendments on April 19, 1989. The House agreed to some of our amendments, did not agree to others, and sent the bill back to us on June 14.

We now propose to recede from the amendments that were rejected by the House because it is important that a number of purely technical changes in this bill be enacted in a timely fashion. The amendments that were not accepted by the House will be pursued in another legislative vehicle at a later date. In addition, we propose to add two more amendments which we expect to have the support of the other body. The first would amend the Public Health Service Act so that financial institutions that lend money to health professional students will be required to make a reasonable effort to collect from defaulting students before applying to the Government for reimbursement. At present, the secretary must process a payment to the institution within 60 days of a judgment that the student is in default. The second amendment would include schools of osteopathic medicine along with schools of medicine and industry as appropriate sites for community-based clinical trials for experimental treatments.

Final quarter 1989 moneys for existing federally funded drug programs cannot be distributed in the amounts intended by Congress until this technical corrections bill passes. We have already committed these resources, and should adopt this bill without further delay. I urge prompt passage of this legislation.

Mr. President, I ask unanimous consent that the Senate recede from its amendments Nos. 1, 2, 3, 4, and 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 249 TO SENATE AMENDMENT 8

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order to amend Senate amendment No. 8,

and that in lieu of the matter proposed to be inserted by Senate amendment No. 8, I now send to the desk two amendments and I ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes amendments en bloc numbered 249 to Senate amendment 8.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

At the appropriate place, insert the following new section:

"SEC. . COLLEGES OF OSTEOPATHIC MEDICINE.

"Section 2313(c) of the Public Health Service Act (42 U.S.C. 300cc-13(c)) is amended by inserting "and osteopathic medicine" after "schools of medicine".

At the appropriate place, insert the following new section:

"SEC. . TECHNICAL AMENDMENT CONCERNING TIME PERIOD FOR PAYMENTS TO CERTAIN LENDERS.

"Section 733(h)(2) of the Public Health Service Act (42 U.S.C. 294f(h)(2)) is amended by striking out "the eligible institution" and all that follows through the period and inserting in lieu thereof "the Secretary determines that the lender or holder has made reasonable efforts to secure a judgment and collect on the judgment entered into pursuant to this subsection.".

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 249) to Senate amendment 8 was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REPEAL OF CERTAIN USES OF EXCESS CAMPAIGN CONTRIBUTIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 66, S. 326, a bill to repeal a provision allowing use of excess campaign contributions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 326) to amend the Federal Election Campaign Act of 1971 to repeal a provision allowing use of excess campaign contributions.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SHELBY. Mr. President, in the last few years, there has been considerable debate over the need to reform our campaign election system. While most Members will agree that some type of reform is warranted, we have been unable to reach a consensus over the best way to approach the problem.

The legislation which we are considering today presents an opportunity to move forward on this issue. S. 326 will close what has become a loophole in our campaign finance law by amending section 313 of the Federal Election Campaign Act to prohibit all Members of Congress from using campaign funds for personal use.

The law, as currently written, exempts those Members who were in office on January 8, 1980. This so-called grandfather clause exemption allows eligible Members or their estates to convert leftover campaign contributions to personal funds.

Under current law, leftover campaign funds may be used to defray expenses incurred as a Federal officeholder, or may be given to charitable organizations and national, State, or local committees of any political party. This money may also be given back to the donors or used for any other lawful purpose. However, those Members who qualify under the grandfather clause can use excess campaign funds in any manner they so choose, reaping a windfall at the contributors' expense.

A standing rule of the Senate, instituted in the late 1970's, also addresses the issue of use of political contributions. Senate rule No. 38 states that no contribution shall be converted to the personal use of any Member of the Senate or any former Member. However, the rule does not apply to a deceased Member's estate, and the enforceability of the Senate rule against former Members is subject to question.

This bill simply deletes the grandfather clause and thus amends the applicable portion of the existing statute to read "except that no such amounts may be converted by any person to any personal use, other than to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office."

According to my estimate, this legislation will affect 191 House Members and 73 Members of the Senate, and I believe such action is long overdue. When donors contribute to a political candidate they do so with an understanding that their money will be used to further the candidate's campaign, not to augment his or her personal wealth. By prohibiting all candidates and their estates from converting campaign funds into personal funds, S. 326 will effectively return our campaign contribution system to its original intent.

Currently, nearly $39 million is held in the campaign treasuries of the 190 exempt House Members. As the campaign war chests continue to grow, the temptation is even stronger to take the money and run. Campaign funds have even been referred to as personal retirement accounts for an eligible Member.

Since the Senate standing rule that prohibits any conversion of campaign funds for personal use does not have the full force of law, I believe this legislation is necessary to remove the grandfather clause and thus the potential for abuse.

Mr. President, the Committee on Rules and Administration has already held a hearing on this bill, and on May 18 reported the bill unanimously out of committee.

Puolic office is a trusteeship—and is not a means to accrue personal wealth. As one of the 73 Senators who would be affected by the enactment of this legislation, I am pleased to take this initial step toward restoring integrity to our Federal election campaign system.

Mr. President, I ask unanimous consent to print in the RECORD editorials from papers across my State in favor of eliminating this loophole, as well as a January Congressional Quarterly article citing instances of abuse.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Montgomery (AL) Advertiser, Feb. 6, 1989]

ROCKING CHAIR FUNDS

One of the beneficial results of the flap over whether Congress will get a 50 percent pay raise is proposed legislation to close an eight-year-old campaign finance loophole.

Part of the price of passing a 1980 campaign bill was a provision which allows members of Congress who were in office before 1980 to convert their campaign warchests to their personal use after they leave office, a sort of "rocking chair fund" to help the lawmakers in retirement.

In short, if a senator or House member elected prior to 1980 wants to retire, there is nothing in the law to keep him or her from walking away from Washington with whatever campaign contributions are on hand. Some House members have in excess of $1 million. Some senators, whose campaigns are more expensive, hold more than $2 million.

Alabama got an example of the loophole when the late U.S. Rep. Bill Nichols, D-Sylacauga, died in December. His campaign account held more than $400,000. Staff members say the bulk of that money will be transferred to the congressman's widow and distributed as part of his estate.

Three members of the Alabama House delegation, including U.S. Rep. Bill Dickinson, R-Montgomery, are eligible for the loophole windfall. Dickinson has $435,996, U.S. Rep. Ronnie Flippo, D-Florence, has socked away $811,380, and U.S. Rep. Tom Bevill, D-Jasper, has $515,438.

Rules of the U.S. Senate forbid personal use of campaign funds, but whether the rule could apply to former senators is uncertain. Both of Alabama's senators could take advantage of the loophole. U.S. Sen. Howell Heflin, D-Tuscumbia, could take $488,911 with him if he retired. U.S. Sen. Richard

Shelby, D-Tuscaloosa, has $382,506 in his campaign account.

So Sen. Shelby deserves special commendation for introducing legislation which would bar all eligible members of Congress from taking advantage of the potentially lucrative loophole when they leave office.

At stake is a large amount of money. The 190 House members and 73 senators who were in office before 1980 have reported campaign contributions on hand of more than $61 million. That's an average of $224,000 per House member and $341,000 per Senate member.

Sen. Shelby is absolutely correct when he says that donors do not contribute to a candidate in an attempt to enrich the candidate, but rather to help a specific campaign. To turn campaign contributions into personal income invites a perversion of the process which eventually will allow the wealthy to purchase the best Congress money can buy.

Congress can end the embarrassment by passing the legislation which Sen. Shelby has introduced. It should do so quickly.

[From the Montgomery Advertiser, Apr. 13, 1989]

DARK SHADOW

Recently public opinion forced Congress to back away from a proposed pay raise. An outgrowth of the furor over that proposal was a bill designed to close an eight-year-old loophole in congressional campaign finance regulations.

U.S. Sen. Richard Shelby, D-Ala., in an attempt to improve the image of Congress, introduced a bill to prevent senators and representatives who were in office on Jan. 8, 1980, from converting campaign contributions to their personal use when they leave office.

The proposal would affect 73 of 100 senators and 190 of the 435 House members. Total funds affected are more than $600 million. Some representatives hold more than $1 million in campaign funds. Some senators hold more than $2 million.

The issue was brought home for Alabamians following the death of U.S. Rep. Bill Nichols, D-Sylacauga, in December. His campaign fund held more than $400,000 at that time, and his former staff members say most of that money was distributed to his estate.

On Wednesday, Sen. Shelby urged the Senate Rules Committee to approve his bill to stop conversion of campaign funds. Although Sen. Shelby may hold the largest personal fortune of any member of the Alabama delegation. If approved, his proposed legislation would dip into his own pocket and those of four Alabama legislative colleagues to the tune of $3 million.

At the end of 1988, campaign finance reports showed that Sen. Shelby had stockpiled in his campaign account $462,478. U.S. Sen. Howell Heflin, D-Tuscumbia, and U.S. Reps. Bill Dickinson, R-Montgomery, Tom Bevill, D-Jasper, and Ronnie Flippo, D-Florence, would lose substantial sums if Sen. Shelby's bill is passed. Rep. Dickinson's campaign holds $421,368, Sen. Heflin has collected $810,958 and Rep. Bevill has $513,647 in contributions.

"Public office is a trusteeship, and is not a means to accrue personal wealth. As one of the 73 senators who would be affected by the enactment of this legislation, I am pleased to take this initial step toward restoring the integrity of our federal election campaign system," Sen. Shelby said.

Rules of the Senate adopted 10 years ago forbid personal use of campaign funds by current or former senators. But whether that rule would apply with the force of law to former members is uncertain. Sen. Shelby's proposed law would end that ambiguity.

To continue to allow members of Congress to turn contributions into retirement funds casts a dark shadow on congressional integrity. Sen. Shelby's bill should be adopted as soon as possible.

[From the Alabama Journal, Apr. 14, 1989]

ROCKING CHAIR FUNDS

Congressmen galore, stung by a strident and widespread public outcry, have been trying their best to disavow any connection with the recently defeated congressional pay raise. That ill-conceived attempt by congressmen to line their own pockets at taxpayers' expense called attention to an 8-year-old loophole in congressional campaign finance rules.

Now U.S. Sen. Richard Shelby, D-Ala., is attempting to close that loophole. Sen. Shelby has introduced a bill to prevent senators and representatives who were in office on Jan. 8, 1980, from converting campaign contributions to their personal use when they leave office.

The proposal would affect 73 of 100 senators and 190 of the 435 House members to the combined tune of more than $60 million. Some represenatives hold more than $1 million in campaign funds and some senators more than $2 million.

Alabamians may have noted that following the death of U.S. Rep. Bill Nichols, D-Sylacauga, in December, perhaps as much as $400,000 in campaign funds was distributed to his estate.

Sen. Shelby is pushing the bill to stop conversion of campaign funds to personal use even though his own campaign fund holds more than $460,000.

It remains to be seen whether his proposal will be supported by the rest of Alabama's congressional delegation. Those affected would be U.S. Sen. Howell Heflin, D-Tuscumbia, who has a $818,054 balance at present, and U.S. Reps. Bill Dickinson, R-Montgomery, with $421,368; Tom Bevill, D-Jasper, with $513,647; and Ronnie Flippo, D-Florence, with $810,958.

"Public office is a trusteeship, and is not a means to accrue personal wealth. As one of the 73 senators who would be affected by the enactment of this legislation, I am pleased to take this initial step toward restoring the integrity of our federal election campaign system," Sen. Shelby said.

He is right, and the rest of the Alabama congressional delegation should get behind his effort to eliminate what has become rocking chair funds for many veteran lawmakers.

Such pass-through loopholes would allow unscrupulous congressmen to take large donations—supposedly for campaign purposes—from those with interests in legislation. Then the lawmakers could leave the money in their rocking chair fund and to convert to their personal use later. In other words, it could be a legal conduit for taking a bribe.

And even when the purpose of lawmakers is not so corrupt, when Alabamians donate to the campaigns of candidates for Congress, they do so expecting the money to be used for the candidates' political races, not to pad their retirement accounts.

Sen. Shelby's bill should pass, and every Alabama senator and representative should work to see that it does.

[From the Birmingham News, Apr. 15, 1989]

CONGRESSIONAL ENRICHMENT

People donate money to a political candidate to help him get elected to office, not to fill his pocketbook. Sen. Richard Shelby is absolutely right when he says members of Congress should not be allowed to turn their campaign war chests into personal retirement accounts.

Federal law prohibits such conversions for members elected after 1979, but anyone who was in office on Jan. 8, 1980, is exempt.

Shelby, first elected to Congress in 1978, has introduced legislation to remove that "grandfather" clause and make all members live by the same rules. This week, he urged a Senate committee to approve that bill.

Although a Senate rule already prohibits members of that body from converting campaign accounts to personal use when they retire from the Senate, Shelby said enforcement of that rule is subject to question. Without a law on the books, how could the Senate force someone who is no longer a member to abide by its rules?

Shelby, who moved from the House of Representatives to the Senate in 1986, is one of 73 senators and 190 House members, including five Alabamians, who would be affected by the change.

"When donors contribute to a political candidate, they do so with an understanding that their money will be used to further the candidate's campaign, not to augment his or her personal wealth," Shelby said. That, understanding should be expressed in the law.

[From the Birmingham Post-Herald, Mar. 17, 1989]

CAMPAIGN FUND ABUSES

Did supporters contribute to Sen. Timothy Wirth's campaign so he could take his wife to a football Super Bowl? Or to Sen. Larry Pressler's so he could stuff a goose to hang in his office? Or to Sen. Daniel Inouye's so he and friends could dine regularly in cozy Capitol Hill restaurants?

These and other questionable expenditures, reported recently in The Washington Post, are further evidence of a need to tighten rules on the use of campaign funds. But no one should hold his breath waiting for Congress to do it.

The Federal Election Commission used to make random audits of how members of Congress spent the money. No longer. An FEC spokesman said the agency stopped the practice in 1979 after Congress said, "Don't do them anymore."

Last year, Hawaii Democrat Inouye's campaign fund paid more than $14,000 for restaurant meals for the senator and others. An aide explained that Inouye "doesn't particularly relish social events at his home," so he chooses to entertain campaign supporters or out-of-town officials at restaurants. Question: Where is it written that such entertaining at home is a legitimate campaign expense?

South Dakota Republican Pressler at least acknowledged that his goose stuffing was a turkey. After inquiries were made, an aide said the senator personally reimbursed his campaign kitty for the $226 stuffing charge.

Wirth's campaign fund doled out $1,805 for the Colorado Democrat's wife to join him at the 1987 Super Bowl. An aide defended the expenditure on grounds the game presented a good opportunity for "schmoozing" with potential fund-raisers.

Some members used campaign money to lease automobiles for driving to and from work. Several used the funds to make dona-

tions to charities, colleges, private foundations and to other people's political campaigns.

A former Democratic House member, William Boner, now mayor of Nashville, reportedly used his campaign fund to acquire more than $200,000 worth of property.

Then there's a rule that allows members elected before 1980 to put leftover campaign funds directly into their pockets when they leave Congress. A new regulation prohibits members elected since then from doing that, but the old-timers were "grandfathered" in when the rule was changed.

But it's obvious that new members, as well as the grandfathers, have been creative in finding ways to benefit personally from campaign contributions.

Did someone say Congress needs a pay raise?

[From the Congressional Quarterly, Jan. 21, 1989]

LOOPHOLE LETS EX-MEMBERS CASH IN ON WAY OUT

(By Chuck Alston)

William Carney called it quits in 1987 after four terms in the House. But the Committee to Re-Elect Congressman Carney continued operations until last March 31, when it wrote two final checks: $899.68 to the bookkeeper and $83,695.63 to William Carney.

The conservative Long Island Republican now works part time with a Washington lobbying firm, and he won't discuss how he's used his leftover campaign money. Nor need he.

Carney holds membership in one of Congress' most elite groups: former members permitted by a combination of House rules and federal law to do what they please with their excess campaign funds.

These members have converted to personal use at least $862,000 since the practice was outlawed for new members in 1980, a review of federal campaign records by Congressional Quarterly shows.

More than $710,000 of this was in cash. Another $115,000 was either borrowed or used to retire personal loans unconnected to their former campaigns. At least $37,000 went to buy cars, furniture, travel and other gifts or services.

This offers only a glimpse at what the future could hold. A rising tide of political action committee (PAC) money is flowing into the campaign coffers of senior House members, putting more money than ever at the disposal of those exempt from the prohibition against personal use of campaign funds.

Exempt retirees who have left Congress since 1980 have access to more than $2 million in leftover campaign funds. Most of it—$1.5 million—is controlled by members whose service ended with the 100th Congress.

Moreover, the campaign treasuries of the 191 exempt members serving in the 101st Congress held nearly $39 million after the November election.

This unique form of potential individual retirement account is certain to come under scrutiny as the 101st Congress focuses on issues of money and ethics, from matters of pay and honoraria to lobbying and campaign finance. Three bills that would repeal the exemption were introduced during the session's first two days. (*Legislative outlook, p. 106; honoraria, p. 111*)

The exemption arises from a 1979 election law that bars personal use of excess campaign funds, except by grandfathered members—those who were in office on Jan. 8, 1980, even if they left and returned later. Under House rules, these members can't make personal use of the money until they leave Congress. Once they disclose its conversion to personal use, their reporting obligations end, although it is considered taxable income. Senate rules flatly prohibit personal use by members past or present.

The loophole has drawn criticism since its inception, especially from senators. "It is not public policy, it is private policy," Sen. Warren B. Rudman, R-N.H., vice chairman of the Ethics Committee, lamented to the Senate in 1988.

A reform lobby has sprung up within the issue's primary constituency: the grandfathered House members. "I think it is one of the worst things we have in terms of public image because there is just no way you can justify it," says Rep. Dan Glickman, D-Kan. Wisconsin Democrat David R. Obey adds: "Frankly, I'm tried of the reputation this institution gets when we allow practices like this to continue."

The ultimate use of excess money originally donated for campaign and political expenses presents a thorny question for ex-lawmakers who were big fund-raisers. Members have used it to buy cars, travel, fight criminal charges, and make charitable and political donations. Some bank it, and others even include it in their estate planning.

One option is giving it back to contributors. Harley O. Staggers, D-W.Va. (1949-81), returned $59,322.50; William M. Brodhead, D-Mich. (1975-83), refunded $72,579. Former Sen. Russell B. Long, D-La. (1948-87), gave back more than $360,000 to contributors on a prorated basis.

PAC managers often express indifference to the eventual use of their contributions. But groups like Common Cause, the self-described citizens' lobby, complain that campaign money shouldn't become deferred compensation.

"Money contributed to political campaigns is supposed to be spent for politics," Obey says. "Candidates are their own best judge of what constitutes a political expenditure, but I do know that it is not a political expenditure to contribute it to my estate when I leave this joint."

PERSONAL PROPERTY

As campaign treasuries have grown, so, too, has speculation about how much the exempt retirees have taken. To find out, Congressional Quarterly examined the campaign records of more than 150 exempt House members who ended their service with substantial amounts of cash since the grandfather clause took effect.

Carney's was the largest conversion of campaign cash to personal use on record with the Federal Election Commission (FEC) as of Jan. 17. But David R. Bowen, D-Miss. (1973-83), in a report due by Jan. 31 to the FEC, is expected to show an amount approaching or surpassing Carney's. (*Bowen, p. 109*)

The will of former Rep. John J. Duncan, R-Tenn. (1965-88), who died of cancer June 21, 1988, illustrates the extent to which members have viewed campaign funds as personal property. The ranking Republican on the House Ways and Means Committee, Duncan specified in his will that his campaign funds—$604,521 in four accounts—be split among his wife and four children. Duncan had raised $175,000 in 1987 alone.

The estate of James J. Howard, D-N.J. (1965-88), chairman of the House Public Works and Transportation Committee, received $310,000 in campaign funds after he died March 25, 1988.

Not even defeat is certain to drain a campaign kitty of its retirement potential—despite the cardinal political rule against losing with money in the bank.

Fernand J. St Germain (1961-89), for one, spent $261,160 on radio and television advertising in losing his House seat but still had $248,367 in cash as of Nov. 28, according to FEC records. The Rhode Island Democrat and former Banking Committee chairman is eligible to use this excess as he wishes.

Although St Germain's campaign sputtered at its end under allegations that he took favors from the thrift industry, a homestretch fund-raising drive that lobbyists characterized as aggressive could still prove lucrative. He solicited PACs and executives in the insurance, real estate and financial services industries for $83,700 of the $173,451 he reported raising from Oct. 1 to Nov. 8.

"We'll probably use it for charitable or political purposes," St Germain says of his excess funds, adding that he spent all he could trying to win. "In a market such as Rhode Island, there is just so much [television and radio] time you can buy."

The largest campaign kitty of the 1989 House retirees belongs to Gene Taylor of Missouri. The backslapping Republican who spent most weekends in his Ozark Mountain district left the House with $457,939, according to his 1988 year-end FEC report.

First elected in 1972, Taylor kept a low profile as ranking member on the Post Office and Civil Service Committee and a member of the Rules Committee. His campaign treasury is earning interest at a rate of more than $30,000 a year. He did not return phone calls to his office seeking information on his money. But in a year-end interview with the Kansas City Times, the former Ford dealer said "serving in Congress has been a personal drain on me and I may convert some" of the money to personal use as well as give some to charity.

THIS IS MY RETIREMENT ACCOUNT

A grandfathered member with 20 years of service who left after the 100th Congress would be eligible at age 50 for a $42,028-a-year pension had he participated in the contributory retirement program. Some grandfathered members who have left the House view their campaign treasuries as a rainy-day fund that can be tapped before retirement age arrives.

Former member Bowen sees an ethical problem only if "somebody knows that he's going to retire from Congress and if that person goes around and hits people and the PACs up for large contributions".

Even if they don't do this, some members clearly look to their campaigns for pension planning.

"I know a couple of members who have told me flatly, 'This is my retirement account,'" says Al Swift, D-Wash., chairman of the Elections Subcommittee of the House Administration Committee.

Swift declines to name them. One, he says, called his campaign money his "just deserts" for earning a relatively low congressional salary. Other members who, like Swift, have sponsored legislation to repeal the grandfather clause tell similar stories.

The $38,905,195 in the campaign coffers of the 191 exempt members of the 101st Congress averages out to $203,692 each. Not all members are equal, though, when it comes to raising money, and the actual balances

range from deep indebtedness to more than $1.1 million.

Most exempt Members with large treasuries cite concerns more immediate than retirement, saying that the money is stockpiled to prevent the unanticipated retirement of defeat.

The largest post-election war chest among exempt House members, $1.17 million, belongs to Stephen J. Solarz, 48, a New York Democrat who has long professed fears of a millionaire opponent or redistricting problems when New York loses seats after the 1990 census. The second largest, $1.04 million, belongs to Dan Rostenkowski, 61, the Illinois Democrat who chairs the influential Ways and Means Committee. He calls the money insurance against opposition for a seat that is generally considered safe.

Rounding out the top five were Ronnie G. Flippo, 51, D-Ala. $811,379, who serves on Ways and Means and is thought to harbor ambitions for the governor's office; Matthew J. Rinaldo, 57, R-N.J., $757,226, who faced a wealthy opponent in 1982 and has since emphasized his fund raising; and James H. Quillen, 73, R-Tenn., $714,450, the ranking Republican on the Rules Committee.

Several directors of large political action committees pointed in interviews to Quillen as the most assertive fund-raiser of this quintet, unabashed and relentless in his pursuit of campaign money. He garnered 80 percent of the vote in November and hasn't fallen below 60 percent since 1976.

A millionaire in his own right, Quillen in December 1985 donated $200,000 in campaign funds to endow a chair named for his wife at the Quillen-Dishner College of Medicine at East Tennessee State University, named partially for him. Quillen did not return phone calls seeking an interview about his campaign funds.

Where announced plans vary among the 100 Congress' retirees with large amounts of cash. Samuel S. Stratton, D-N.Y. (1959–89), with $192,006 as of his Sept. 30 report, didn't return phone calls requesting information. Peter W. Rodino Jr., D-N.J. (1949–89), with $42,965, plans to make charitable donations, a spokesman said. Delbert L. Latta, R-Ohio (1959–89), with $123,061, is planning to "stay active in politics" and make donations to Republican candidates, a spokeswoman said. Ed Jones, D-Tenn. (1969–89), with $140,010, hasn't decided.

Robert E. Badham, R-Calif. (1977–89), announced his plans not to seek re-election on Jan. 3, 1988. Before January ended, he spent $769 in campaign funds to repair a car purchased by his campaign.

Badham's other 1988 disbursements through July 31, all described as "political," included: more than $2,500 for his wife to accompany him to a NATO conference; $1,036 to entertain constituents at The Ritz, a restaurant in Newport Beach, Calif.; $612 for opera tickets; $572 to the U.S. Treasury to cover his wife's expenses on an Armed Services Committee trip to the Far East; $204 for "political attire" at Today's Man and $646 for formal wear for his wife.

Badham plans to spend his leftover funds for "traditional political purposes—contributions to candidates and for his own entertaining for political people," said Paul J. Wilkinson, his spokesman, who added, "What he calls political, someone else may not."

"I CAN'T REMEMBER"

Samuel L. Devine, 73, a former FBI agent and 11-term Republican representative from Ohio, now retired in Naples, Fla., lost his 1980 re-election bid with $33,800 in cash left over.

"If it was given for a political purpose, it probably ought to be used for a political purpose," Devine said when asked recently how congressmen should dispense with such monies.

That is what he did as his funds earned interest for six years, doling out political contributions while leaving the campaign's principal largely untouched. But in June 1986, the Devine for Congress Committee wrote its last check—for $29,713—to Devine.

What was the money for?

"Jeez, I can't remember," Devine says.

Mendel J. Davis, D-S.C. (1971–81), closed out his committee by forgiving a $20,000 loan made to him, paying $453 to move his furniture and writing checks to himself for the cash balance of $22,047, money he has said he used to pay for back surgery.

In 1981, his first year of retirement, Ray Roberts, D-Texas (1962–81), spent $2,903 to purchase office equipment and to travel. He also wrote himself checks for $13,014. Roberts told U.S. News & World Report: "I took it, I'm happy I got it and I wish it had been more."

Federal law doesn't require a complete accounting of how an exempt ex-member uses the money or closes his account, just the name of the recipient and a mention of the purpose. Members in office since the early 1970s have not always had to meet even this requirement. Rather, they had only to answer the following question on their initial registration form: "In the event of dissolution, what disposition will be made of residual funds?"

"There probably won't be any residual funds," James M. Hanley, D-N.Y. (1965–81), wrote on his registration form in 1972. His committee, however, closed out business on Dec. 30, 1980, with $29,406.89 on hand. It wasn't until August 1983, in response to an FEC inquiry, that Hanley told the commission staff the committee had formally shut down.

"The bulk remains on deposit," Hanley says.

When he decided not to seek reelection, Texas Democrat Richard C. White (1965–83) told the *Dallas Morning News* in 1981 that he would make "a public use" of the more than $50,000 in his campaign treasury after consultation with his supporters. A better indicator was his statement that he was leaving Congress after nine terms because of financial pressures.

White's final report in July 1984 logged a $40,808.26 payment to himself. A note attached to the report explained that the money was "utilized to pay for moneys borrowed for living expenses while in the U.S. Congress.

The committee of John Brademas, D-Ind. (1959–81), the majority whip who lost reelection in 1980, took steps to make sure his actions weren't misinterpreted. The treasurer inserted a one-page statement in the final FEC report that said Brademas' last $10,681 "will be donated to charitable, educational or similar institutions . . . and none of such funds will be used to defray expenses incurred in connection with any individual's duties as a holder of federal office."

LOANS, LAWYERS, PARKING FINES

FEC records also note these uses of funds:

Ken Holland, D-S.C. (1975–83), who chose not to run for reelection in 1982, returned $25,435 to contributors and then, in January 1983, lent himself $75,000. The committee continues to carry the debt and files reports twice a year on its $7,477 cash balance. There is no requirement that he repay the loan.

William C. Wampler, R-Va. (1953–55, 1967–83), who lost re-election in 1982, lent himself $15,100 during 1983. He later paid back $1,000, which the committee turned into a political donation. He also spent $5,593 in campaign funds to buy and repair furniture in 1983.

L.H. Fountain, D-N.C. (1953–83), rode into retirement in a Cadillac for which his committee kicked in $13,820, part of the $14,880 it spent on gifts for the L.H. Fountain Appreciation Fund.

Paul Findley, R-Ill. (1961–83), who lost reelection in 1982, took $40,000 out of the Paul Findley Public Service Fund in December 1983. Findley's committee continued to operate in 1988, with more than $12,000 on hand.

Jack Hightower, D-Texas (1975–85), lost his seat in the 1984 election with about $17,000 left over. He spent $11,911 for personal computer equipment and travel.

Sam B. Hall Jr., D-Texas (1976–85), a former lieutenant governor who traded his House seat for a federal judgeship, once spent more than $2,600 in campaign funds to purchase .22-caliber Browning rifles as gifts for 10 of his Democratic House colleagues. After he assumed the judgeship, Hall added $58,433 in campaign cash to his extensive holdings in oil, real estate and stock. Hall didn't return phone calls seeking comment.

Majorie S. Holt, R-Md. (1973–87), who decided not to run for reelection in 1986, doled out campaign contributions to fellow Republicans and then in July 1987 gave herself the remaining $60,743 in cash.

A $499 hearing aid was among the items purchased with campaign money by Clarence D. Long, D-Md. (1963–85), after his 1984 defeat. He spent $3,197 for furniture and equipment and $16 to pay a parking fine. He also wrote himself a check for $15,200.

Bill Boner, D-Tenn. (1979–87), continued to raise campaign money through his federal account after he resigned from the House in October 1987 to become mayor of Nashville, Tenn. In 1988 he spent $292,453 on legal fees stemming from an investigation into his finances by the House ethics committee and the Justice Department. The ethics committee, in a letter written to Boner in December 1987, said it considered the legal fees a political, not personal, use of the money because they arose from Bonner's duties as a House member.

GIVING TO CHARITIES

Some members give their excess funds to charity. Manuel Lujan Jr., R-N.M. (1969–89), President George Bush's nominee for interior secretary, soon after announcing his retirement from the House, established the Excellence in Education scholarship for high-school students, using $117,243 in campaign funds.

Colleges and Universities were the beneficiaries of $40,000 from Charles Whitley, D.N.C. (1977–87); $41,507 from Jack Brinkley, D-Ga. (1967–83); $100,000 from Don Fuqua, D-Fla. (1963–87); and $110,000 from Richard H. Ichord, D-Mo. (1961–81).

Eldon Rudd, R-Ariz. (1977–87), added $150,000 to the endowment of Students in Free Enterprise. He used $3,754 to buy computer equipment and put his balance, $53,835, into the Eldon Rudd Fund.

"It was for the benefit of winding down my campaign, my office and to pay the income tax on this fund for over a year,"

Rudd said. "Winding it all down is a real pain in the neck. You have to have CPAs go over whatever you are doing, then you are thumb-tacked with IRS. One IRS item took over a year to settle the darn thing. There are letters, phone calls, and I needed some office space for a while."

Other former members operate their political committees much as PACs except for the most part they are taking contributions. Some contrast their committees to PACs, enabling them to raise and distribute contributions in $5,000 amounts, up from $1,000, while continuing to defray their own political expenses.

Gene Snyder, R-Ky. (1963-65, 67-87), continues to run Citizens for Snyder as a political committee. He had made $10,054 in political contributions as of his most recent report last June. His charitable contributions had included $469 to renew his subscription to the Actors Theater, and $390 for steeplechase tickets to benefit the Kentucky Opera Association. He also had paid about $50 a month to keep his dues at Louisville's private Jefferson Club current and occasionally used the fund for meals, gas and credit card bills.

Last July, Snyder had $189,438 left drawing interest at more than $10,400 a year. He did not return phone calls seeking to discuss his funds.

Among those who formed PACs were former Speaker Thomas P. O'Neill Jr., D-Mass. (1953-87), the Democratic Candidates Fund; former Reagan administration budget director David A. Stockman, R-Mich. (1977-81), the Free Enterprise Fund; Larry Winn Jr., R-Kan. (1967-85), the Jayhawk PAC; and Clair W. Burgener, R-Calif. (1973-83), the Golden State Fund.

SENATE BANS PERSONAL USE

Senate rules bar personal expenditures, although it is often difficult to distinguish between the personal and political expenses of former senators.

One former member, Harrison A. Williams Jr., pocketed $65,781.21 in June 1982, three months after the New Jersey Democrat resigned from the Senate and more than a year after his conviction on federal charges stemming from the FBI's Abscam investigation.

The Senate can sanction former members only by removing certain privileges, like access to the floor and the dining room. A spokesman for the Select Ethics Committee said no senator had ever been sanctioned for violating Senate rules on the subject.

The Senate leaves the distinction between personal and political expenses largely to the senator and notes that the ban does "not include reimbursement of expenses incurred by a member in connection with his official duties."

The line federal election law draws isn't much sharper. For members who aren't grandfathered, excess funds may not "be converted by any person for any personal use, other than: to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of federal office, or to repay to a candidate any loans the proceeds of which were used in connection with his or her campaign."

FEC spokesman Fred Eiland said he knew of no formal complaint ever filed alleging improper use of funds by a former member, grandfathered or not.

As for taxes, the IRS does not care about House or Senate rules. A committee must pay income tax at the corporate rate on investment earnings. Amounts converted to personal use are taxed as personal income. FEC records and interviews reveal that the IRS has queried some members about their funds.

IRS regulations state that excess campaign funds are considered personal unless the person controlling the funds "within a reasonable period of time" gives the money to charity, other political organizations or to the government; or holds the money "in reasonable anticipation" of using it for future tax-exempt political activities.

What's political? "All activities that are directly related to and support the process of influencing" elections, according to IRS regulations.

What's reasonable? "That's not defined," said Wilson Fadley, an IRS spokesman.

PETER A. PEYSER: NO APOLOGIES

Peter A. Peyser, who lost his 1982 re-election bid, makes no bones about why he took $12,000 leftover campaign funds in 1983. "Those funds were used to support, frankly, me and my family," Peyser recalled in a recent interview.

Peyser, the former mayor of Irvington, N.Y., was a member of Congress on Jan. 8, 1980, and thus he was permitted under a grandfather clause in federal law to keep his excess campaign funds.

Peyser ran again in 1984 and lost, but in doing so he discovered "a strange quirk nobody had anticipated." Because he had been a member on that date in 1980, he could have kept leftover money from his second campaign, the Federal Election Commission ruled in response to his inquiry. But the point turned out to be moot, since he spent all the money from his last campaign.

Brash and often outspoken, Peyser was first elected in 1970 and served as a Republican member until 1977. He lost a bid for the GOP Senate nomination in 1976 and returned to the House in 1979 as a Democrat. He once offered an amendment to deny a pay raise to any member who voted against it.

Before going to Congress, Peyser was "quite successful" as a life insurance executive, he said. "I thought I had accumulated a reasonable amount of money."

As a member, he earned an average of $46,000 a year from 1971-83, he said. But his savings ran headlong into inflation and the cost of maintaning two residences.

"With five kids in college—and they went to nice, inexpensive schools like Skidmore, Harvard, Williams, Mount Holyoke and Colgate—I started with a 7½ percent mortgage and ended up with 15½ percent after re-mortgaging three times and literally going through everything."

Peyser, 67, is now senior vice president for marketing at a real estate investment-management firm.

Of late, he has enlisted in the battle to win higher pay for members, volunteering his services to Rep. Vic Fazio, D-Calif, a leader of the pay-raise fight.

"I didn't have a real handle on the expense of being in Congress. Nobody understands that until they understand what rent is there."

A MINORITY OF MEMBERS CAN KEEP FUNDS . . . BUT THEY OCCUPY KEY POSITIONS IN HOUSE

On paper, it looks simple. There are 435 House votes. Under federal election law, 191 members in the 101st Congress are eligible to pocket their excess campaign funds. This leaves 244 who can't.

As would-be reformers look to eliminate the privilege granted the 191, a 244-191 margin would appear to cut their way. But arithmetic is simpler than the politics: The 191 members include those with the most seniority—and—power—in the House.

This is the situation facing backers of legislation to repeal a provision in a 1979 law (PL 96-187) that, combined with House rules, "grandfathered" members of the House on Jan. 8, 1980, from a prohibition against converting their leftover campaign funds to personal use.

"Clearly, if you take post-1980 members, they are a majority. One would think they would vote for a repealer," says Bill Frenzel, R-Minn., who has introduced such legislation.

But, Frenzel acknowledges, "it may be there would be senior people of influence who would say, 'Don't mess with that.'" Rep. Al Swift, chairman of the House Administration Subcommittee on Elections, agrees: "The hostility of some more senior members is very strong."

Nonetheless, growing campaign surpluses have attracted new attention to possibly support for, repeal, says David R. Obey, D-Wis. And negotiations over a congressional pay raise and honoraria ban that have a Feb. 8 deadline could yield the opening.

Some members close to these negotiations say pressure is growing on the House Democratic leadership to include a measure to repeal the grandfather clause.

The issue does not, however, necessarily pit self-interested haves vs. reforming have-nots. Frenzel, Obey and Andrew Jacobs Jr., D-Ind.—all of whom are eligible to keep their campaign money—introduced separate bills (HR 171, HR 40, HR 198) to close the loophole on the first two days of the 101st Congress. Of Obey's 16 cosponsors, 11 also fall under the grandfather clause.

Obey says if the measure arrives on the floor for a vote, "I cannot imagine 50 people voting against it."

The trick is getting it to the floor. Swift hasn't been able to get such a bill out of his committee because he has lacked the votes. Frenzel said it is doubtful a repeal amendment would be considered germane under House rules on any but a broad elections bill. Thus, the leadership would have to take the lead in getting a waiver.

This legislation is not the kind that wins popularity contests among members. When Swift and Tom Tauke, R-Iowa, introduced such a bill in the 99th Congress, "neither of us could walk in our cloakrooms for a month," Swift quipped.

Obey has felt similar heat. "Some of the people here are mad as hell at me," he says.

And some of Obey's supporters prefer to stay out of the limelight for now, Obey asserted. "A lot of members won't put their names on the bill. They say, 'I don't want to antagonize people if it's a false start.' But, they'll say, 'If you get it to the floor. . . .'"

The three bills introduced thus far would eliminate the grandfather clause for good. But Swift says further compromise may be needed to win support. He proposes setting a date by which a member has the option to convert his money to personal use or else lose that right.

Senate rules prohibit personal use of excess campaign funds, and the Senate has tried to make the House play by its rules. The latest attempt came in April 1988, when Warren B. Rudman, R-N.H., attached a grandfather-clause repeal amendment to a bill regulating post-employment lobbying by federal officials. But the House dumped the Senate version for its own bill, and Rud-

man's amendment never made it to the House floor.

This House-Senate split has existed since the grandfather clause's inception in 1979. The Senate Rules Committee in July 1979 approved a provision that would have banned anyone, without exceptioin, from using campaign funds for personal use. The House followed in September with a measure that was silent on the personal use of campaign funds. *(1979 Almanac p. 559)*

The effect of the House version was to leave the matter entirely to each chamber's rule book. While Senate rules, now as then, bar the conversion of campaign funds to personal use by sitting and former members, House rules bar only the conversion by sitting members.

The chambers eventually arrived at the grandfather clause as a compromise "necessary to ensure passage of a bill which does bring many needed reforms," Sen. Mark O. Hatfield, R-Ore., told the Senate in 1979.

The law says that a member's excess campaign funds may be: 1) used to "defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of federal office"; 2) given to charitable organizations or to local, state and national party committees; or 3) used for any other lawful purpose.

The grandfather clause follows: "Except that, with respect to any individual who is not a senator or representative in, or delegate or resident commissioner to, the Congress on Jan. 8, 1980, no such amounts may be converted by any person to any personal use, other than to defray ordinary and necessary expenses in connection with his or her duties as a holder of federal office."

The law exempted the members not their cash. As a result, money subsequently raised by the exempt members is also exempt. What's more, the Federal Election Commission has held that a member who was in office on Jan. 8, 1980, could interrupt his House service, resume it later and convert to personal use funds raised during either tenure. He could also keep money raised in an unsuccessful later campaign.

Asked in 1979 why a total ban wasn't adopted, Frank Thompson Jr., D-N.J., chairman of the House Administration Committee, said, "We thought it would present too many problems. Some members have stashed money for campaigns, and other purposes. . . . They might have objected."

Thompson (1955-81) found his excess campaign funds useful. He was convicted in December 1980 in the FBI's Abscam investigation into congressional corruption. He spent his last $24,020.18 in campaign funds on legal fees in 1981.

House Members' cash on hand

[*Members in italics were not members on Jan. 8, 1980, and are not eligible to convert excess campaign funds to personal use*]

Rank:	[1] Cash
1. *David Dreier, R-Calif*	$1,244,729
2. Stephen J. Solarz, D-N.Y	1,169,371
3. Dan Rostenkowski, D-Ill	1,036,513
4. *Charles E. Schumer, D-N.Y*	826,980
5. Ronnie G. Flippo, D-Ala	811,379
6. *Mel Levine, D-Calif*	807,013
7. Matthew J. Rinaldo, R-N.J	757,226
8. James H. Quillen, R-Tenn	714,450
9. Robert T. Matsui, D-Calif	651,878
10. Bill Archer, R-Texas	637,808
11. Carlos J. Moorhead, R-Calif	619,378
12. Sam Gibbons, D-Fla	616,950
13. Larry J. Hopkins, R-Ky	604,822
14. Dante B. Fascell, D-Fla	[2] 602,696
15. Thomas S. Foley, D-Wash	582,766
16. William S. Broomfield, R-Mich	582,122
17. *Michael A. Andrews, D-Texas*	573,980
18. Doug Barnard Jr., D-Ga	527,726
19. Thomas J. Downey, D-N.Y	526,008
20. Tom Bevill, D-Ala	515,438
21. Norman F. Lent, R-N.Y	512,013
22. *Robert G. Torricelli, D-N.J*	507,795
23. Robert A. Roe, D-N.J	491,820
24. Marvin Leath, D-Texas	486,033
25. *Tom Lantos, D-Calif*	476,976
26. Brain J. Donnelly, D-Mass	468,720
27. Ed Jenkins, D-Ga	462,939
28. Edward J. Markey, D-Mass	451,852
29. Bob Whittaker, R-Kans	439,887
30. Jack Brooks, D-Texas	439,347
31. *Ron Wyden, D-Ore*	434,487
32. Bill Frenzel, R-Minn	433,959
33. John J. LaFalce, D-N.Y	424,831
34. William L. Dickinson, R-Ala	420,052
35. George Miller, D-Calif	411,195
36. Edward R. Madigan, R-Ill	401,707
37. Vic Fazio, D-Calif	396,323
38. Nick J. Rahall II, D-W.Va	386,112
39. Charles Rangel, D-N.Y	372,610
40. *Terry L. Bruce, D-Ill*	371,367
41. Charlie Rose, D-N.C	370,082
42. *John Bryant, D-Texas*	364,397
43. Bill Gradison, R-Ohio	359,747
44. Joseph M. McDade, R-Pa	352,106
45. Jamie L. Whitten, D-Miss	350,803
46. *Raymond J. McGrath, R-N.Y*	348,355
47. John Paul Hammerschmidt, R-Ark	339,849
48. Norman Y. Mineta, D-Calif	333,984
49. *Steny H. Hoyer, D-Md*	330,780
50. *Pat Roberts, R-Kans*	326,393

[1] Cash on hand Nov. 28, 1988.
[2] Last report available Oct. 19, 1988.

Source: Federal Election Commission, Nov. 28, 1988 reports.

DAVID R. BOWEN: WHY I KEPT IT

There was $87,078 cash in the Congressman Bowen Re-election Committee the last time it reported to the Federal Election Commission. The next report, due Jan. 31, will show a balance of zero.

The primary recipient; David R. Bowen.

Bowen, 56, a five-term Democrat from Mississippi, decided against seeking re-election in 1982. He waited until late last year to terminate his campaign fund, and then did so by giving himself the balance.

"I thought for several years after I left the House I might well make another political race, maybe a race for governor," Bowen said recently. "Of course I would have used it for that purpose had I done so. Also, along the way I made contributions to various candidates and causes, and so on and what not. . . .

"The decision really came to a head when [Sen. John C.] Stennis [D-Miss.] retired. I thought there was an outside possibility I'd make that Senate race. For a variety of reasons, I decided not to. I said if I am not going to run for anything else, I'm going to close" the account.

A former Rhodes scholar, Bowen taught political science and history in Mississippi colleges and worked in various government jobs before winning his seat in 1972. He went on to play a key role building a coalition of support for implementation of the Panama Canal treaties.

After leaving Congress, Bowen became a visiting professor at Mississippi State University. He recently moved back to Washington and is looking for a new job. He wrote a play, "The First Couple," produced last year by the Georgetown Workshop Theater.

Bowen dipped into the campaign funds for a total of $22,500 in 1984, to pay for him time and expenses as chairman of the Mississippi presidential campaign of Walter F. Mondale. The committee was later forced to pay back taxes on this money in 1986, as the Internal Revenue Service deemed this taxable personal income.

Once he decided to close the fund, Bowen considered returning the money. "Having a revolving fund over a number of years in Congress makes it nearly impossible to identify who should get what," Bowen said. And it would be difficult to find the contributors, he adds, noting that more than 6 years have passed since his last contribution.

"People gave because they believed in you. They gave voluntarily. And they do not ask to get it back," he says. "I think it's a fairly logical and ethical decision to use it for some other reason, rather than go through the labyrinth of trying to give it back."

As for keeping the money? "The ultimate question, at least one of the questions, is how ethically has it been handled? I think most members don't set out with any game plan to raise money for retirement.

"You might say Congress shouldn't have done that, that it was a loophole. As long as the law provides for it, and I'm eligible for it, I've never been able to see any reason why I shouldn't use the provision of the law so long as it is in my interest.

"If somebody knows that he's going to retire from Congress, and if that person goes around and hits people and the PACs up for large contributions knowing he's going to retire, that provides a substantial ethical question. I did not intend to retire. The Federal courts redistricted my State, and my district changed, and I made the decision not to run."

JOSEPH G. MINISH: 'I'M NOT HUNGRY'

Joseph G. Minish spent more than $337,000 in 1984 trying to hang onto New Jersey's 11th Congressional District. He lost. But he didn't reach for the $261,618 salve of leftover campaign funds.

"I'm aware it's there, but I'm not a hungry man. I never was," Minish explained recently.

By 1988, there still was $225,313 remaining in the campaign fund. Minish had converted none of it to personal use, although he did use its funds to pay for some political expenses.

Minish taps the fund on occasion to travel to Washington, to pay for a committee dinner, or to fill mailboxes with the annual Minish committee Christmas card. Expenses of this sort had accounted for $5,607 as of last June 30, the date covered by his latest report to the Federal Election Commission.

Minish had given $4,316 to charity, and paid $280 for tickets to a retirement dinner. He had sent Uncle Sam $11,517 for taxes, to cover his interest earnings—$62,711 at last count.

Minish, 72, is a former machine operator who worked his way up the organizational ladder in the International Brotherhood of Electrical Workers. After winning his House seat in 1962, he operated much like a ward politician at home. In Washington, he spent much of his time championing consumer issues.

Minish reserves his biggest spending for donations to other Democrats, among them New York Mayor Edward I. Koch and former Rep. Fernand J. St Germain, D-R.I., his one-time colleague on the House Banking Committee.

By last June 30, he had made $71,774 in political contributions. The largest was $29,694 to the Democratic Congressional Campaign Committee in 1985. He sent the Democratic National Committee $5,000 last May.

"We use a lot of it to help people," Minish said. "We don't buy cars, we don't buy dresses."

The size of his kitty attracts attention, even from a Republican like Evan Mecham, the former governor of Arizona. "Oh, do we get hit up!" Minish says. "Even the governor that was impeached, what's his name in Arizona, we got a letter from him. That's enough to make you convert a fund."

Mr. SHELBY. Mr. President, I ask unanimous consent that the names of Senators FOWLER, ROBB, and EXON, be added as cosponsors to this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended by striking out "except that, with respect to any individual who is not a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of January 8, 1980," and inserting in lieu thereof "except that".

Mr. KENNEDY. Mr President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

RECESS UNTIL 9:45 A.M. AND RESUME PENDING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:45 a.m., Thursday, July 13; that the time between 9:45 a.m. and 10 a.m. be equally divided between the two leaders; and that at 10 o'clock the Senate resume consideration of S. 358, the legal immigration bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if the distinguished acting Republican leader has no further business, and if no Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 9:45 a.m., Thursday, July 13.

There being no objection, the Senate, at 7:43 p.m., recessed until Thursday, July 13, 1989, at 9:45 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, July 12, 1989*

The House met at 10 a.m.

The Reverend Timothy J. O'Brien, Marquette University, Milwaukee, WI, offered the following prayer:

Let us pray.

Heavenly Father, we beseech You blessing on the Members of this body, their families, their staffs, and their interns, especially those interns studying for tests.

Lord, we gratefully acknowledge the multitude of gifts You have bestowed on this planet, and this Nation in particular.

We ask Your forgiveness for our sins of commission and those of omission; and, we pray, today, in a special way for purity of insight to discern Your will, and strength of character to labor in behalf of all Your people, especially the poor, the oppressed, and those who live without freedom, opportunity, and human dignity.

Lord, we acknowledge our dependence upon You; we acknowledge that we are made in Your image; and entrusted by You to steward the resources of this Earth, and to serve all Your people. Help us be faithful servants whose labor is marked with humility, kindness, and compassion. Let arrogance, narcissism, and reckless consumption be our enemies. And in a special way, Lord, we remember two former Members of this Chamber, both from Wisconsin, both of whom I had the privilege of working with for Your glory—Clement J. Zablocki and William A. Steiger. May their souls and all the souls of the faithful departed rest in peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DUNCAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DUNCAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 97, not voting 22, as follows:

[Roll No. 131]

YEAS—312

Ackerman	Erdreich	Lehman (CA)
Akaka	Espy	Lehman (FL)
Alexander	Evans	Leland
Anderson	Fascell	Lent
Andrews	Fazio	Levin (MI)
Annunzio	Feighan	Levine (CA)
Anthony	Fish	Lewis (GA)
Applegate	Flake	Lipinski
Archer	Flippo	Lloyd
Aspin	Foglietta	Long
Atkins	Ford (MI)	Lowey (NY)
AuCoin	Ford (TN)	Luken, Thomas
Barnard	Frank	Manton
Bartlett	Frenzel	Martinez
Bateman	Gallo	Matsui
Bates	Garcia	Mavroules
Beilenson	Gaydos	Mazzoli
Bennett	Gejdenson	McCloskey
Bereuter	Gephardt	McCollum
Berman	Gibbons	McCrery
Bevill	Gilman	McCurdy
Bilbray	Gingrich	McDade
Bliley	Glickman	McDermott
Bonior	Gonzalez	McEwen
Borski	Gordon	McHugh
Bosco	Gradison	McMillan (NC)
Boucher	Grant	McMillen (MD)
Boxer	Gray	McNulty
Brennan	Green	Meyers
Broomfield	Guarini	Mfume
Browder	Gunderson	Miller (CA)
Brown (CA)	Hall (OH)	Miller (WA)
Bruce	Hamilton	Mineta
Bryant	Hammerschmidt	Moakley
Bustamante	Hansen	Mollohan
Byron	Harris	Montgomery
Callahan	Hatcher	Moody
Campbell (CA)	Hawkins	Moorhead
Campbell (CO)	Hayes (IL)	Morella
Cardin	Hayes (LA)	Morrison (CT)
Carper	Hefner	Morrison (WA)
Clarke	Henry	Mrazek
Clement	Hertel	Murtha
Coleman (TX)	Hiler	Myers
Combest	Hoagland	Nagle
Conte	Hochbrueckner	Natcher
Conyers	Horton	Neal (MA)
Cooper	Houghton	Neal (NC)
Costello	Hoyer	Nelson
Cox	Hubbard	Nielson
Coyne	Huckaby	Nowak
Craig	Hughes	Oakar
Crockett	Hutto	Oberstar
Darden	James	Obey
Davis	Jenkins	Olin
de la Garza	Johnson (CT)	Ortiz
DeFazio	Johnson (SD)	Owens (NY)
Dellums	Johnston	Oxley
Derrick	Jones (GA)	Packard
Dicks	Jones (NC)	Pallone
Dingell	Jontz	Panetta
Donnelly	Kanjorski	Parker
Dorgan (ND)	Kaptur	Patterson
Dornan (CA)	Kasich	Payne (NJ)
Downey	Kastenmeier	Payne (VA)
Dreier	Kennedy	Pease
Durbin	Kennelly	Pelosi
Dwyer	Kildee	Penny
Dymally	Kleczka	Perkins
Dyson	Kolter	Petri
Early	Kostmayer	Pickett
Eckart	LaFalce	Pickle
Edwards (CA)	Lancaster	Porter
Emerson	Lantos	Poshard
Engel	Laughlin	Price
English	Leath (TX)	Pursell
Quillen	Schumer	Tallon
Rahall	Sharp	Tanner
Rangel	Shaw	Tauzin
Ray	Shumway	Thomas (GA)
Regula	Shuster	Torres
Richardson	Sisisky	Torricelli
Rinaldo	Skaggs	Towns
Ritter	Skeen	Traficant
Robinson	Skelton	Traxler
Roe	Slattery	Udall
Rohrabacher	Slaughter (NY)	Unsoeld
Rose	Smith (FL)	Valentine
Rostenkowski	Smith (IA)	Vander Jagt
Rowland (CT)	Smith (NE)	Vento
Rowland (GA)	Smith (NJ)	Visclosky
Roybal	Smith (VT)	Volkmer
Russo	Solarz	Walgren
Sabo	Spence	Walsh
Saiki	Spratt	Watkins
Sangmeister	Staggers	Waxman
Sarpalius	Stallings	Weiss
Savage	Stark	Whitten
Sawyer	Stearns	Wilson
Saxton	Stenholm	Wolpe
Scheuer	Stokes	Wyden
Schiff	Studds	Wylie
Schneider	Swift	Yates
Schulze	Synar	Yatron

NAYS—97

Armey	Holloway	Schaefer
Baker	Hopkins	Schroeder
Ballenger	Hunter	Sensenbrenner
Bilirakis	Inhofe	Shays
Boehlert	Ireland	Sikorski
Brown (CO)	Jacobs	Slaughter (VA)
Buechner	Kolbe	Smith (MS)
Bunning	Kyl	Smith (TX)
Burton	Lagomarsino	Smith, Denny (OR)
Chandler	Leach (IA)	Smith, Robert (NH)
Clay	Lewis (CA)	Smith, Robert (OR)
Clinger	Lewis (FL)	Snowe
Coble	Lightfoot	Solomon
Coleman (MO)	Lukens, Donald	Stangeland
Coughlin	Machtley	Stump
Courter	Madigan	Sundquist
Crane	Markey	Tauke
Dannemeyer	Marlenee	Thomas (CA)
DeLay	Martin (IL)	Thomas (WY)
DeWine	Martin (NY)	Upton
Dickinson	McCandless	Vucanovich
Douglas	McGrath	Walker
Duncan	Michel	Weber
Fawell	Miller (OH)	Weldon
Fields	Molinari	Wheat
Gallegly	Parris	Whittaker
Gekas	Pashayan	Wolf
Goodling	Paxon	Young (AK)
Goss	Rhodes	Young (FL)
Grandy	Ridge	
Hancock	Roberts	
Hastert	Rogers	
Hefley	Roth	
Herger	Roukema	

NOT VOTING—22

Barton	Edwards (OK)	Murphy
Bentley	Florio	Owens (UT)
Boggs	Frost	Ravenel
Brooks	Gillmor	Schuette
Carr	Hall (TX)	Williams
Chapman	Hyde	Wise
Collins	Livingston	
Dixon	Lowery (CA)	

□ 1023

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. DREIER] please lead the House in the Pledge of Allegiance.

Mr. DREIER of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE REVEREND TIMOTHY J. O'BRIEN

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I would like to thank Father O'Brien for giving today's opening prayer.

Rev. Timothy J. O'Brien is a professor of political science at Marquette University in Milwaukee, WI. With a strong interest in politics, he has been active on Capitol Hill in various Congressional offices for the past 15 years. Father O'Brien, in conjunction with Ivo Spalitin, a graduate of Marquette University and the staff director of the Subcommittee on Arms Control, International Security and Science, directs the Marquette University intern program which is in its 2d year.

This 2-month program allows over 30 students, at undergraduate and graduate levels, to receive academic credit through their internships in both House and Senate offices. The students also attend a class on the Congress and foreign policy, which consists of daily lectures, not only from Father O'Brien and Mr. Spalitin, but also from those in the media, notable scholars, and Members of Congress.

The Marquette intern program offers the students Hill experience, as well as a strong foundation to become the leaders of tomorrow.

Again, thank you, Father O'Brien, for the opening prayer and for your work with the Marquette intern program.

THE PHYSICIAN REFORM PACKAGE

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, I rise with mixed emotions to speak to the physician reform package recently adopted by the Ways and Means Health Subcommittee for the Medicare system. I strongly support and applaud their adoption of a national fee schedule for physicians which is calculated on the relative value of the medical care provided. This is an important step which will remove many inequities that currently exist in the payment of various physician specialties.

However, I question the wisdom of their adoption of the concept of expenditure targets which will have the effect of rationing health care among our elderly and disabled. Regrettably that rationing process will fall unfairly on the physician who will be placed in a position of having to determine whom he will treat and who might die for lack of treatment. Very clearly the physician community must play an important role in bringing down the cost of health care. However, I question whether or not this is the way to do it. The physician should have his patient as his first concern and not be expected to make life and death decisions based on economic rather than medical considerations.

□ 1030

WEST TEXANS SUPPORT CONSTITUTIONAL AMENDMENT

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. COMBEST. Mr. Speaker, following the Supreme Court's decision on the desecration of the flag, a large number of Americans in west Texas notified me of their opposition to that ruling. Appropriately, a radio station in Lubbock, TX, new weathervane of America, started a petition drive over the July 4 weekend and delivered it to me yesterday appropriately bound in red, white, and blue ribbons, with 25,000 signatures of those people who agree with the President on the constitutional amendment.

I think that this picture of this young lady leaning over and kissing the flag is very symbolic of their feeling. I believe that these petitions and the signatures hereon are very symbolic of the feeling of a majority of American people that we will not stand by and watch the desecration of the flag.

Mr. Speaker, I am including in the RECORD the letter to the President that we will include as we deliver these petitions to his office.

Hon. GEORGE H.W. BUSH,
President of the United States of America, The White House, 1600 Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT: *We The People*, recognizing that ours is a nation of laws, and not of men, would have you know that we, the undersigned Americans, do resolutely and emphatically support your efforts to cause to be made a constitutional amendment prohibiting the desecration, disrespect, irreverence, or misuse of the Flag Of The United States of America.

We would further advise you, Mr. President, that we shall be watching the Congress, and will rise up against those who would oppose this effort.

We The People, therefore, do hereunto affix our signatures and urge you to continue, with all haste, your efforts to end the cause of our indignation, disbelief, and outrage.

Respectfully,

WE THE PEOPLE.

INTRODUCTION OF THE PUBLIC SAFETY OFFICERS COMPENSATION ACT

(Mr. JONES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Georgia. Mr. Speaker, in 1987, two Atlanta police officers, Richard Williams and J.J. Biello, were permanently paralyzed while serving and protecting the citizens of Georgia. As we speak here today, somewhere in America, a police officer is risking his or her life in the line of duty. Some years ago, my father-in-law Bob Walker, an Atlanta policeman, took a bullet. Another constituent, former chief Roland Vaughan of Conyers, GA, was shot by a cocaine dealer when Roland went in first on a drug bust. Every year scores of law enforcement officers are killed and many more are wounded. Some are permanently disabled. Mr. Speaker, today our colleague, Mr. MANTON of New York is introducing the Public Safety Officers Compensation Act which would extend current benefits to officers who have been struck down while doing their jobs. I am honored to cosponsor this badly needed legislation. It is the least we can do for those who are in the front line against crime and drugs. The men and women who have put their lives at risk for us and suffered permanent and totally disabling injury need the assistance this bill provides.

Mr. Speaker, I urge my colleagues to give it their full support.

CONGRATULATIONS TO PRESIDENT SALINAS OF MEXICO

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, over the years there are many of us who have been critical of the Government of Mexico because of corruption, drug trafficking, a wide range of things including a lack of democracy.

Mr. Speaker, while President Bush is in Hungary and Poland and traveling throughout the world encouraging democratic expansion, we have just seen one of the greatest, most historic developments in behalf of the cause of democracy in Mexico. President Salinas de Gortari is about to allow for the first time in the 61-year history of one-party control by the Institutional Revolutionary Party in Mexico, the opposition PAN party, the National

Action Party, to win the governorship in Baja California.

I, Mr. Speaker, would simply like to express my congratulations to President Salinas for this very bold and dramatic move.

LET STREET KILLERS KNOW WE HAVE HAD ENOUGH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, street killers have a new word now. It is called mushrooms. Mushrooms stands for street people who pop up in the line of fire, and that is fire from semiautomatic and battlefield-type assault weapons.

Mr. Speaker, that is the type of contempt that street hoods have for innocent bystanders. In the last 3 years, 250 innocent bystanders were shot, 71 of them killed, cold-blooded murder, and while cemeteries grow, emergency rooms are packed, Congress is basically doing nothing but allowing open hunting season on Americans.

Mr. Speaker, I think it is time for the death penalty, and I think it is time to let these hoods know we have had enough. We have 20,000 murders a year in America, and Congress is sitting back watching it like as if it was a television series.

OUTER CONTINENTAL SHELF DRILLING IN FLORIDA WATERS

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, today the House will consider the interior appropriations bill for fiscal year 1990 with a 3-year moratorium on Outer Continental Shelf drilling along the gulf coast of Florida intact.

As a former petroleum engineer myself, I fully appreciate the intricacies of offshore drilling. I am also completely aware of our need for a sound, secure domestic energy supply. However, while wells sit idle elsewhere in this country, I emphatically cannot support any venture into such environmentally sensitive areas as Florida's gulf waters. Can we afford to expose our single living coral reef to such dangers? I think not.

The moratorium does not allow the straits of Florida and the Florida Keys, the area between 26 and 25 degrees north latitude in the eastern Gulf of Mexico, the buffer zone around the State of Florida, and the NASA flight clearance zone to be included in any OCS 5-year leasing program plans. This moratorium is not designed to thwart energy independence goals for America, but to promote a sane policy that balances present needs and environmental concerns. The easy road to any goal is not always the correct one. Let us do the right thing in Florida's coastal waters.

INTRODUCTION OF LEGISLATION OPENING UP IRA'S TO FIRST-TIME HOME PURCHASES

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, for the first time in a half century, 50 years, the percentage of people in this country owning their own homes has declined. Young families trying to capture their share of the American dream are particularly hard hit.

That is why I have introduced legislation to open up the individual retirement account to allow tax free withdrawals for first-time home purchases. My bill also will provide deductions for education and long-term health care.

These provisions will encourage citizens to make a wise investment in a flexible IRA account, expanding the IRA to include housing, and it will help encourage homeownership as a national priority. Moreover, money put into the private savings vehicles like the IRA's does not just sit there. It keeps America competitive, and it multiplies. It provides the economic benefits of adding to the savings pool and the social benefits of giving the saver more control over the condition and quality of his life.

I would like to encourage the Members of Congress to join with me in cosponsoring this legislation.

ATTACKS ON RELIGIOUS BELIEFS SHOULD NOT BE FUNDED WITH GOVERNMENT MONEY

(Mr. KASICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASICH. Mr. Speaker, as a member of the Christian community, I am deeply offended that the taxpayers' money has been used to finance the blasphemous works of Andres Serrano. Free speech is one thing, but to allow the use of public funds to mock religious beliefs is inexcusable.

I fully support the directives of the gentleman from Illinois [Mr. YATES] to the heads of the National Endowment for the Arts and the Humanities asking for a review of the process of awarding grants such as the one for Mr. Serrano. The formula of the gentleman from Illiniois [Mr. YATES] is certainly a step in the right direction.

I want to thank the gentleman this morning for his efforts to try to rein this kind of outrage in. As we consider the Interior appropriations bill which includes fundings for the NEA, let us keep in mind that the taxpayers are fed up with this kind of waste. If anyone wishes to make outrageous artistic statements, this country gives them the right to do so, but not with the help of Government money.

We intend to remain vigilant and ensure that such scurrilous attacks on religious beliefs with Government support do not happen again.

CONSTITUTIONAL AMENDMENT TO PRECLUDE ILLEGAL ALIENS FROM DECENNIAL CENSUS

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, today I again rise to aks for the support of my colleagues in correcting what I believe is an ill-conceived and unjust policy of the U.S. Census Bureau.

The U.S. Census Bureau has indicated that it intends to continue counting illegal aliens for the purpose of reapportionement when the decennial census is taken next year. As a direct result of this policy, some States will lose seats in the House of Representatives and other States will gain seats because of the hundreds of thousands, or perhaps even millions, of illegal aliens that presently reside in this country.

The effect of the current Census Bureau policy is to ensure that U.S. citizens are not represented equitably.

In my view, and the view of the 36 cosponsors of House Joint Resolution 199, only by amending the Constitution will the interests of our citizens be assured and protected.

I urge your support for this measure.

□ 1040

THE EDUCATION PERFORMANCE AGREEMENT

(Mr. SMITH of Vermont asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Vermont. Mr. Speaker, today I am introducing legislation to begin a demonstration program for the benefit of our Nation's schoolchildren. It is called the Educational Performance Agreement, and it represents a new way of thinking about their educational needs and education excellence: Empowering schools and the people directly involved with them to create the excellence we need.

For years local educational authorities have worked under an increasing burden of paperwork; and ineffective regulations intended for other districts in other areas; and a granite-faced Federal bureaucracy which assumes that all school districts are the same, or should be made the same. My own

State of Vermont has 277 mostly rural districts, each one different, and none with the same problems as their counterparts throughout the Nation. Each needs a different solution; some may not need any.

Mr. Speaker, my Educational Performance Agreement bill would allow a small number of districts to combine all the money they receive from both Federal and State governments, no matter from what program. In return for an agreement, with clear goals for the improvement of service to their children, these 10 to 20 school districts could design their own programs, because they know best what's needed. If they don't meet the goals, they're dropped from the program.

The Educational Performance Agreement is about freedom and flexibility. Freedom to innovate and create new approaches that others might adopt, and flexibility to tailor the education our schools provide to the districts they serve.

I urge my colleagues to support this important legislation.

HOLLOWAY-SCHULZE TODDLER TAX CREDIT

(Mr. HOLLOWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLLOWAY. Mr. Speaker, out of our concern for the needs of families in the care of their children, Congressman SCHULZE and I introduced the Holloway-Schulze toddler tax credit. Many other Members have joined us in this effort. As a result, with 114 cosponsors, the Holloway-Schulze bill is the most widely supported child care bill in the House of Representatives.

Our bill strengthens families by allowing them to choose the type of care their children need. Bills such as ABC and H.R. 3 only reward those parents who let the Federal Government decide which type of child care they may receive. These bills are a comprehensive attempt by the Federal Government to take over the nursery, dictate which forms of child care are acceptable and cut parents out of the process.

Our bill does not discriminate among child care providers. Whether a family chooses to care for their own children, or have them cared for by relatives, neighbors, religious, or commercial providers, they would receive the toddler tax credit.

Even with the superficial changes recently made to ABC and H.R. 3, they still leave parents who watch their own children completely out of the picture. This amounts to some 65 percent of families. I believe parents who make financial sacrifices, in the form of less income, so they can watch their own children, deserve the same assistance as families who choose to send their children to day care centers. A recent survey by Time magazine shows the No. 1 reason for the increased crime rate among youth is lack of parental supervision. Yet ABC and H.R. 3 give no help to parents who care for their own children.

My bill also provides a credit to parents who choose to have their children cared for by religious providers. Churches play an important part in child care. They usually provide care at reduced rates to be of service to economically needy families. Approximately one-third of all child-care centers are church sponsored or based. ABC and H.R. 3, even in their amended form, still only allow church providers to receive assistance if they remove all traces of religion. Under ABC and H.R. 3 milk and cookie prayers or religious pictures would be forbidden. And church sponsored providers who don't comply with the rules will lose Government assistance. Yet, at the same time they will be forced into a no-win situation of competing with federally subsidized commercial child-care providers.

Supporters of ABC not only believe parents cannot be trusted to make the right choices about their children's care, they also believe parents cannot be trusted with money for child care. They criticize my bill because it entrusts money to parents. They believe the Federal Government is more honest than parents when it comes to spending money. I think anyone who believes this should take a look at the scandals within the Department of Housing and Urban Development in the news today.

The recent changes made to ABC and H.R. 3 are merely cosmetic; the bills' fundamental problems remain. With the Holloway-Schulze bill what you see is what you get. Our bill gives more assistance and more choice to more families at less cost than any other bill. No wonder it has attracted more formal and grassroot support than all other child-care bills.

SUPPORT ARMEY AMENDMENT TO INTERIOR APPROPRIATION BILL

(Mr. HERGER asked and was given permission to address the House for 1 minute.)

Mr. HERGER. Mr. Speaker, should Federal taxpayer funds be given to assemble a photography exhibit that contains the photograph of a crucifix submerged in a jar of urine or other photographs of child pornography? I do not think so, and I am sure most of our colleagues would agree.

The National Endowment for the Arts disagrees, however. They paid $45,000 in taxpayer money for such displays calling them art. That is why 106 Members of Congress wrote to the National Endowment demanding tougher grantmaking guidelines.

The National Endowment has told us we do not know much about art, that we should mind our own business. That is why I plan to support the Armey amendment to the Interior appropriation bill today which will cut the National Endowment funds by 10 percent.

This is not a question of censorship. It is a question of whether or not the public is going to be forced to subsidize artworks that offend the religion or moral sensibilities of many Americans.

Let us send the National Endowment for the Arts a clear message and adopt the Armey amendment.

PROTESTING PROCEDURES OF NATIONAL ENDOWMENT FOR THE ARTS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I rise today to protest the National Endowment for the Arts procedures that have allowed Government funds to be spent on two works that are highly offensive to almost all Americans.

Before I continue, allow me to say that I am not suggesting that men and women in America do not have a right to create tasteless works. They do. But they do not have a right to be rewarded for their excesses with taxpayer dollars.

One of the works in question is a photograph of a physically disgraced crucifix. The author of this outrage was rewarded with $15,000 taxpayer dollars.

Mr. Speaker, I believe that the Government can and should play a positive role in sponsoring art and cultural events. I believe that PBS, both the television and the radio networks, are doing a good job giving almost every American home access to the finest educational and cultural works from this country and around the world. And for the most part, the National Endowment for the Arts and other similar agencies are fulfilling their public responsibilities.

But in these two instances, something has gone wrong. The system is not working. And it is a tragedy that in receiving taxpayer funding, these two grants drained resources away from a sincere artist whose work went unrecognized.

I support the efforts of my colleagues to bring attention to the problem of Government sponsorship of such works. I, and many others in Congress from both Houses and both parties, believe very strongly that something needs to be done. I suggest that the National Endowment for the

Arts create a new set of written guidelines that will prevent this abuse of taxpayer dollars in the future.

Mr. Speaker, I want to thank Chairman YATES for his actions regarding this matter.

PRESIDENT BUSH'S VISIT TO HUNGARY

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, all Americans and freedom-loving people everywhere rejoiced at the presentation the President made earlier today before the Parliament in Budapest, Hungary, the first President of the United States to ever visit that country that is leading the charge behind the Iron Curtain and throughout the Warsaw Pact toward freedom and democracy.

Mr. Speaker, this was a special moment for all of us, as I said, but especially for a colleague of ours, the honorable gentleman from California, Mr. THOMAS LANTOS, a native son of Budapest, who has been recognized as perhaps not only one of this body's most articulate spokesmen, but a true champion of freedom and a lover of Hungary. The gentleman from California [Mr. LANTOS] has been of great service to this country and to freedom as he has sought to work on a cooperative basis day after day, personally with the leadership of that country, and then to convince the President of the United States that in his first trip abroad to a non-allied country to visit Hungary and to express our solidarity with that great nation. I commend the gentleman from California on this great accomplishment that was completed today with the leader of the free world speaking before the leadership of the nation of Hungary.

VOTE NO ON H.R. 987, TONGASS TIMBER REFORM ACT

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Alaska. Mr. Speaker, in this short week as we work I want to remind my colleagues we are to have a bill on the floor of the House tomorrow concerning a large area of my district, the Tongass National Forest.

Many of my colleagues received correspondence from my office and I know correspondence from the office of Mr. MRAZEK and Mr. MILLER. But I hope that the Members of this House will look at the ramifications to the workers of my district.

If H.R. 987 was to pass, it would cost 6,000 jobs in my district. It is the job of Congress to keep Americans working and providing employment opportunities for the youth of this Nation.

There will be another bill offered as a substitute to H.R. 987 out of the Agriculture Committee by the gentleman from Texas [Mr. DE LA GARZA] and the gentleman from Missouri [Mr. VOLKMER]. That bill could be supported, and I am asking for a yes vote on that legislation, but a resounding no vote on H.R. 987, a bill that will cost jobs of Alaskan workers and deprive the youth of that State of an opportunity. More than that, it is an unfair attempt to cripple this Nation again in its trade deficit.

So I urge a no vote on H.R. 987 tomorrow.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2788, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 194 and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 194

Resolved, That during the consideration of the bill (H.R. 2788) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes, all points of order against the following provisions of the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 3 through page 3, line 14; beginning on page 6, line 10 through page 8, line 10; beginning on page 10, line 9 through page 11, line 15; beginning on page 13, line 7 through page 14, line 8; beginning on page 16, lines 6 through 10; beginning on page 42, line 16 through page 44, line 4; beginning on page 45, line 18 through page 46, line 4; beginning on page 52, lines 12 through 17; beginning on page 56, line 4 through page 62, line 17; beginning on page 74, lines 13 through 20; beginning on page 79, lines 10 through 15; beginning on page 80, lines 4 through 7; beginning on page 80, lines 19 through 23; and beginning on page 81, lines 6 through 16.

□ 1050

The SPEAKER pro tempore (Mr. VALENTINE). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. PASHAYAN] pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 194 is a rule providing for the consideration of H.R. 2788, the bill making appropriations for the Department of the Interior and related agencies for fiscal year 1990.

Since general appropriations bills are privileged, the rule does not provide any special procedure for consideration of the bill. The legislation will be considered under the normal legislative process for consideration of appropriations bills. The time devoted to general debate will be determined by a unanimous consent request.

Mr. Speaker, the bill will be open to amendment under the 5-minute rule, and any amendment which does not violate the rules of the House will be in order.

The rule waives clause 2 of rule 21, which prohibits unauthorized appropriations and legislation provisions in general appropriations bills, against specified provisions in the bill. The exact provisions of H.R. 2788 for which these waivers are provided are detailed in the rule by reference to page and line in the appropriations bill.

Mr. Speaker, H.R. 2788 appropriates $11.1 billion in fiscal year 1990 for the Department of the Interior and for a number of related agencies, including the National Forest Service, Indian health and education programs, the National Foundation on the Arts and Humanities, the Smithsonian Institution, and the Department of Energy's conservation and fossil fuel research programs.

Mr. Speaker, although there are few provisions in this bill which some Members may not totally agree with, I would point out to my colleagues that this rule is a completely open rule, and that there are no restrictions on the offering of any germane amendment to the bill.

Mr. Speaker, I would also like to commend the chairman of the Appropriations Subcommittee, the gentleman from Illinois [Mr. YATES], and the ranking Republican member, the gentleman from Ohio [Mr. REGULA], for their leadership and the tremendous amount of good that their subcommittee does for the preservation of our national resources and our national heritage.

I urge my colleagues to adopt House Resolution 194 so that we can proceed with the consideration of this important bill.

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 194 is a rule waiving points of order against specified provisions of a bill that appropriates $11 billion in new budget authority in fiscal 1990 for management, preservation, and development of our Nation's natural resources.

This rule waives points of order against various provisions of the Interior and related agencies appropriations bill for fiscal 1990, H.R. 2788.

Mr. Speaker, H.R. 2788 appropriates $11 billion for the Interior Department and related agencies for 1990. The bill is $1.1 billion more than was

appropriated for these programs in fiscal 1988, and is $2.4 billion higher than the budget request of the administration.

Mr. Speaker, the $11 billion in new budget authority falls within the subcommittee in Interior appropriation's 302(b) allocation for discretionary budget authority and outlays and is in accordance with the congressional budget resolution.

The rule waives points of order that would otherwise lie against 26 specified provisions, for failure to comply with clause 2 of rule 21.

Clause 2 of rule 21 prohibits appropriations for expenditures not previously authorized by law and also prohibits legislation on an appropriations bill.

Mr. Speaker, the waivers recommended by the Committee on Rules are necessary because 20 of these provisions have not been authorized by law and six of them constitute legislation.

I shall not detail each provision for which we recommend a waiver of clause 2 of rule 21, but I will insert in the RECORD at the conclusion of my remarks a copy of a letter from the distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN], outlining the provisions and explaining the reason for the waivers.

Mr. Speaker, the administration is opposed to H.R. 2788 and has provided the Committee on Rules with a detailed list of objections raised by the Office of Management and Budget. I will insert in the RECORD at the conclusion of my remarks extraneous material, which is the statement we received from the administration.

Mr. Speaker, the chairman of the Interior Appropriations Subcommittee, the gentleman from Illinois [Mr. YATES], and the ranking Republican member, the gentleman from Ohio [Mr. REGULA], appeared before the Committee on Rules on Tuesday to request the waivers provided by the rule.

Mr. Speaker, the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA] have once again brought forth a bill that balances the administration's budget request with the need to fund a committee's initiatives.

There are five controversial provisions in the bill that place or extend current moratoria for oil and gas leasing and preleasing activities on the Outer Continental Shelf.

The bill continues a ban on leasing activity on Georges Bank, MA; it institutes a moratoria on preleasing activity in southern and central California; it institutes moratoria on OCS tracts out to 50 miles from shore in the mid-Atlantic; and it establishes moratoria in drilling and exploration in Bristol Bay, AK.

Mr. Speaker, the President has established an interagency task force to address environmental concerns related to three OCS lease sales scheduled for fiscal 1990.

In addition, the President has postponed sales in two of the California areas pending receipt of the task force's report.

Mr. Speaker, the administration has a deep commitment to protect our environment. At the same time, the administration also believes it would be inappropriate to impose more moratoria on OCS or to prohibit funding of the very activities that will provide the precise kind of information we need in order to make environmentally sound drilling decisions.

The administration has pledged that it shall not conduct OCS leasing or exploration in the specified areas until after the task force shall have completed its work, but this bill says they shall not even issue calls for information or prepare environmental impact statements.

The rule does not preclude Members from offering amendments to reduce funds in specific accounts, or to strike provisions, or to add germane limitations.

For all practical purposes, this is an open rule, and Members who want to lower the dollar amounts in the bill should support the rule so that the House can proceed to consider the bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, June 30, 1989.

Hon. JOE MOAKLEY,
Chairman, Committee on Rules, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Appropriations on June 29 reported the Department of the Interior and Related Agencies Appropriations bill for the fiscal year ending September 30, 1990.

It has become necessary, in order to meet deadlines, that we include appropriations for a number of programs for which legislation has not yet been enacted and several legislative provisions for which a waiver of Clause 2, Rule XXI is requested. With respect to the lack of authorization for appropriations, representatives of the legislative committees of jurisdiction have been contacted and we know of no objections. We are also asking for a limited number of waivers for legislative provisions contained in the bill. At this time we know of no objections to them by the committees of jurisdiction. A list of specific requests for waivers is enclosed.

The Committee appreciates your continued cooperation.

Sincerely,

JAMIE WHITTEN,
Chairman.

REQUESTS FOR WAIVER OF CLAUSE 2, RULE XXI

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1989

1. Bureau of Land Management, Management of lands and resources; BLM firefighting; construction and access; range improvements; service charges, deposits and forfeitures; and miscellaneous trust funds. The Committee recommends a total appropriation of $557,463,000 for these programs, which were authorized through fiscal year 1984. Legislation authorizing annual appropriations for these activities (HR 828) was reported by the Committee on Interior and Insular Affairs.

2. United States Fish and Wildlife Service, Construction and Anadromous Fish. The Committee has recommended an appropriation of $30,457,000 for this account, including $2,000,000 for anadromous fish grants. Authorizing legislation for anadromous fish grants (HR 1224) passed the House on April 25, 1989.

3. National Park Service, John F. Kennedy Center for the Performing Arts. The Committee has recommended an appropriation of $15,193,000. Congress has periodically extended the authorizing for the Center, but no authorization legislation currently is pending.

4. Department of Energy, Clean Coal Technology; Fossil energy research and development; Naval petroleum and oil shale reserves; energy conservation; economic regulation; emergency preparedness; Strategic Petroleum Reserve; and Energy Information Administration. The Committee recommends a total appropriation of $1,630,730,000 for these programs. For clean coal technology, $1,200,000,000 is recommended in FY 1991 and FY 1992. These amounts are for ongoing programs for the Department for which annual authorizing legislation has not been introduced in the House.

5. Smithsonian Institution, Construction. The Committee recommends an apropriation of $12,900,000, of which $2,900,000 for the Museum of the American Indian is unauthorized. Authorizing legislation (H.R. 2688) has been introduced in the House. A companion bill (S. 978) has been introduced in the Senate.

6. Advisory Council on Historic Preservation, Salaries and expenses. The Committee recommends an appropriation of $1,945,000 for the Council. Legislation reauthorizing the Council (HR 999) passed the House on April 11, 1989 and passed the Senate on June 1, 1989.

7. Pennsylvania Avenue Development Corporation, Salaries and expenses. The Committee recommends $2,375,000 for this ongoing program, which was authorized through fiscal year 1988. No authorizing legislation has been introduced in the House.

8. United States Holocaust Memorial Council. The Committee has recommended an appropriation of $2,375,000 for the Council. No authorizing legislation has been introduced in the House.

For items 1 through 8 a waiver of Clause 2 of the Rule XXI is requested, because of lack of annual authorization.

In addition, a waiver of Clause 2 of Rule XXI is requested for the following legislative provisions:

9. Fish and Wildlife Service, Resource management. This account includes $1,000,000 for the Youth Conservation Corps, legislation for which has expired.

10. National Park Service, Operation for the National Park System. This account includes $1,000,000 for the Youth Conservation Corps, legislation for which has expired.

11. Forest Service, State and private forestry. This account includes a grant of $3,600,000 for construction of the Spokane River Centennial Trail which is not authorized.

12. Forest Service, Administrative provisions. The provisions include allowance for

up to $1,000,000 for the Youth Conservation Corps, legislation for which has expired.

13. Title III—General provisions, Section 302. This section prohibits the sale of unprocessed lumber from certain Federal lands for export or for substitution for private timber which is exported.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2788, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1990

(Sponsors: Whitten, Mississippi; Yates, Illinois)

The Administration opposes H.R. 2788 as reported by the House Appropriations Committee.

While under CBO scoring H.R. 2788 would fall within the 302(b) allocation, we do not believe that CBO scoring reflects accurately the domestic discretionary spending levels in the bill. If CBO changed its scoring in ways we believe are appropriate under the Bipartisan Budget Agreement, the bill would provide domestic discretionary budget authority of $11,256 million, or $356 million more than the Interior Subcommittee's 302(b) allocation. It would also provide outlays of $10,547 million, or $197 million more than the 302(b) allocation. By this scoring, H.R. 2788 would cause a violation of the limits established for domestic discretionary spending as set forth by the Bipartisan Budget Agreement, unless other subcommittees report bills that provide domestic discretionary appropriations below their House 302(b) allocation.

The Administration is opposed to the provisions extending moratoria on Outer Continental Shelf (OCS) pre-leasing, leasing and exploration. The President has established an inter-agency task force to address congressional and public environmental concerns regarding three controversial lease sales scheduled for FY 1990. It would be inappropriate at this time, for the Congress to impose more OCS moratoria, or to prohibit activities designed explicitly to provide the kind of information that is needed to make environmentally sound decisions on drilling.

The Administration also opposes a number of other provisions, as outlined in the attachment.

The Administration urges the House to pass a responsible bill that (1) continues to fund essential programs, and (2) addresses satisfactorily the provisions opposed by the Administration.

Attachment;

INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

I. CONFORMANCE WITH BIPARTISAN BUDGET AGREEMENT AND 302(B) ALLOCATIONS

While under CBO scoring the Interior and Related Agencies Appropriations Bill would meet the requirements of the Bipartisan Budget Agreement as measured by compliance with the Interior Subcommittee's 302(b) allocation, the attached bridge table shows that the bill would actually provide a domestic discretionary total of $11,256 million in BA, or $356 million more than the 302(b) allocation. The BA level would result in outlays of $10,547 million, or $197 million more than the 302(b) allocation.

II. MAJOR PROVISIONS SUPPORTED BY THE ADMINISTRATION

Land Acquisition.—The bill recommends about $200 million in appropriations from the Land and Water Conservation Fund to finance Federal land acquisition for recreation and conservation purposes. This is very close to the President's request and demonstrates the general consensus that a reasonable, sustained program of Federal land acquisition is justified. Although the Committee substituted a number of its own projects for some of the specific acquisitions proposed by the President, the overall funding allowance would make it possible to protect many nationally-significant natural and cultural resources.

Indian Land and Water Rights Claims.—The bill recommends additional funding of $163 million so the Federal Government can meet its obligations in settling various recently authorized Indian land and water rights claims. Included in the $163 million is the full $77 million for the Puyallup (WA) land settlement enacted on June 21st, $60 million for three recent Indian water rights settlements (Salt River, AZ; Colorado Ute, CO/NM; and San Luis Rey, CA), $10 million for the Hoopa-Yurok (CA) reservation settlement, and $15 million for WW II restitution payments authorized in 1988 to the Aleut people of Alaska.

III. MAJOR PROVISIONS OPPOSED BY THE ADMINISTRATION

A. Funding Levels

Department of the Interior

The Committee inappropriately addresses the deficit impact of forest fire fighting appropriations by placing nearly all Interior and Agriculture Department fire fighting funds ($740 million out of $761 million provided) in a new account as mandatory. However, approximately $200 million of the amount appropriated to the new account would finance purely discretionary, planned activities. Although certain fire related costs are unpredictable and unavoidable (emergency suppression and rehabilitation), many fire related costs are planned and programmed in advance (fire management and presuppression). Planned fire fighting costs are discretionary.

Of the total $761 million provided, the Committee proposes $200 million for Interior Department forest fire fighting. This should be sufficient to ensure that Interior non-fire programs are reimbursed for transfers during FY 1989 to pay emergency fire fighting costs. However, it is far short of what would be necessary to pay projected FY 1990 Interior Department fire costs, threby perpetuating the current cumbersome and misleading system of financing fire fighting after-the-fact.

The Committee unfortunately ignored the Administration's proposal to fund both FY 1989 and FY 1990 fire costs fully, partially offsetting the increased funding by reducing certain payments to States from Federal mineral and timber receipts. If the Administration's proposal is unacceptable, the Committee should propose a different means of financing fire costs that, like the Administration's plan, does not rely on inappropriate scorekeeping and does not increase the Federal budget deficit. We intend to continue working with Congress to resolve this matter equitably.

The Administration objects to Interior Department construction funding that is $183 million (116 percent) above the President's request and $65 million over FY 1989. Much of the additional funding is unnecessary and directed at low priority projects, not at the Department's backlog of needed health and safety projects. The additional construction projects are generally discretionary or non-critical, and can be foregone or postponed. New construction is a lower priority than providing equality operations, maintenance, and rehabilitation at existing facilities.

The Administration opposes over $90 million in increases above the request for various low-priority grants to States and non-Federal research institutes. This includes Historic Preservation Fund grants ($31 million), Abandoned Mine Land Reclamation grants ($30 million), Land and Water Conservation Fund grants ($17 million), grants to water resource and mineral institutes ($8 million), and Endangered Species Act grants ($5 million). Although many of the purposes to which these grants are directed are not objectionable, the need for fiscal restraint in Federal spending dictates that such grants be limited to the minimum necessary to address pressing, high-priority Federal responsibilities.

The Administration objects to proposed increases over the request to fund lower priority or special interest projects in various Interior bureau operating and research accounts. In total, these accounts would increase $344 million (10 percent) over the Administration's request and $287 million (8 percent) over FY 1989. Of this, $189 million funds a 20 percent increase for numerous Indian programs for education, social services, natural resource development, and trust responsibilities.

These increases are not necessary. However, included in the $189 million for Indian programs is a $77 million BA adjustment (with no outlay impact) for conversion of certain Interior contracts with Indian tribes from a fiscal to a calendar year basis as required by law. There is no objection to the BA for the one time conversion.

The Administration objects to $8.3 million to fund certain recently identified capital improvement program (CIP) deficiencies in Micronesia. The funds benefit an airport runway in the Federated States of Micronesia and roads in Palau.

The Federal Government is not responsible for projects that are not within the scope of the previously funded Micronesian CIP program, nor for deficiencies caused by a lack of proper operations and maintenance by the local governments. In addition, the Federal Government should not provide funds above the previously approved Compact of Free Association amounts provided to the Micronesian governments (an average of $30 million annually to Palau, and $90 million to the Federated States of Micronesia), or the $9.3 million in additional, pre-Compact funding for Palau.

Department of Agriculture

The Administration objects to the Committee's inclusion of $258 million in its new fire fighting account to pay back FY 1988 Forest Service fire fighting funds transferred from the Knutson-Vandenberg Cooperative Work Trust Fund. Considering the $250 million requested by the Administration and provided as part of the FY 1989 Supplemental Appropriation, the increase is not necessary to meet programmatic needs and would unnecessarily increase unobligated balances.

Department of Energy

The Administration would prefer that the Committee provide the full $710 million included in the President's Budget for the Clean Coal Technology program, instead of the $635 million included in the bill.

The Administration opposes the significant increases for fossil energy research and development ($43 million or 11 percent over FY 1989 and $261 million or 159 percent over the request), and for energy conserva-

tion research and development ($33 million or 21 percent over FY 1989 and $107 million or 122 percent over the request). Many of the increases are for low priority and special interest projects which are not likely to advance technology in these areas.

The Administration objects to an increase of $209 million over the request for energy conservation grants. This additional amount is unnecessary because states have been supporting conservation grant activities with over $3.1 billion they have received from petroleum overcharge violation cases.

Department of Health and Human Services

The Administration objects to the $181 million increase over the request for the Indian Health Service. The Committee mark represents a 17 percent increase over the FY 1989 appropriation, a rate of growth 11 percent more than the estimated medical cost inflation of 6 percent. Of the $184 million increases over FY 1989, a full $38 million, or 21 percent, is composed of 21 earmarked, low priority, special interest projects.

The President's FY 1990 Budget seeks to promote self-determination contracting by requesting separate appropriations for tribally administered health services and those administered by Federal staff. Separate appropriations would make information clearly available to tribes to the steady or increasing level of funds for self-determination contracts, and would complement changes in tribal contracting envisioned in the Self-Determination Act Amendments of 1988. By rejecting the separate tribal and Federal health administration accounts, the Committee is inhibiting achievement of the goals of the Self-Determination Act.

National Foundation on the Arts and Humanities

The Administration objects to the Committee adding $8 million for the National Endowment for the Humanities, $1.3 million for the National Endowment for the Arts, and $650 thousand for the Institute of Museum Services to the President's request. The levels requested in the President's Budget are sufficient to meet known needs. There is no programmatic justification for these increases.

Commission of Fine Arts

The Administration objects to $5 million for National Capital Arts and Cultural Affairs. This would be used for general operating support on a non-competitive grant basis to Washington, D.C. arts and cultural organizations. This is unnecessary as it is a duplication of existing Federal nationwide competitive grants.

B. Language Provisions

Outer Continental Shelf (OCS) Oil and Gas Leasing and Exploration Moratoria.—The Administration objects to provisions that continue a "one year" leasing moratorium in the FY 1989 Interior Appropriations Bill involving Georges Bank (MA), and institute moratoria on pre-leasing activity in southern and central California; institute moratoria on OCS tracts out to 50 miles from shore in the mid-Atlantic; and establish moratoria on drilling and exploration in Bristol Bay (AK). In addition, the Department is directed to explore options for buying out existing Bristol Bay leases.

The President established an inter-agency task force to address congressional and public environmental concerns related to three scheduled FY 1990 OCS lease sales. It would be inappropriate to impose more OCS moratoria or to prohibit activities which are designed to provide specifically the kind of information that can lead to environmentally sound drilling decisions. The Administration has pledged not to conduct OCS leasing or exploration in the moratoria areas until after the task force has completed its work and the Administration has announced its decisions on the three FY 1990 sales under review.

Buy America.—The Administration opposes bill language that would require structures on the Outer Continental Shelf (OCS) to contain at least 50 percent U.S. labor and materials. This would seriously delay and increase the cost of oil production from the OCS; it conflicts with the Administration objective of encouraging reliance on indigenous energy sources; it is contrary to U.S. obligations under the General Agreement on Tariffs and Trade—inviting retaliation from countries such as the United Kingdom, Norway, the Netherlands, and Denmark; and it would create a new trade barrier at a time when there is widespread concern about creeping protectionism.

Forest Service (FS) and Bureau of Land Management (BLM) Excess Timber Receipts.—The Administration objects to language making available to the FS and BLM, Federal timber receipts collected in FY 1989 in excess of the FY 1989 amount estimated in the President's FY 1990 budget, with the excess amount available to the FS capped at $35 million. Federal timber receipt estimates for FY 1989 have increased substantially over the February budget as a result of escalating sale prices and an increasing rate of harvest. This is due in part to an expected shortage of supply because of the northern spotted owl litigation and proposed Federal listing of the owl as a threatened species. The effect of the Committee's action, which represents an additional, unnecessary earmarking of receipts that otherwise would be turned over to the General Fund of the Treasury, would be to increase outlays by about $30 million in FY 1990.

Tribal Contractors' Liability Insurance.—The Administration opposes the rejection of language included in the FY 1990 Budget to postpone until at least FY 1991 the requirement from a 1988 law that Interior and HHS purchase liability insurance for tribal contractors. Despite this rejection, the Subcommittee did not provide funding in the bill to cover the cost of purchasing liability insurance, which primarily affects Interior's Bureau of Indian Affairs and HHS' Indian Health Service. Preliminary estimates are $15 to $50 million annually in additional Federal costs to cover such insurance. Even with additional funding, it is unlikely that Interior and HHS, with assistance from the Department of Justice, can administratively implement the liability insurance provision in a fair and cost-effective manner by FY 1990.

Helium Facility Sales.—The Administration objects to bill language that prohibits the sale of Federal helium facilities. Current Federal helium-processing activities are indistinguishable from commercial operations, and transfer to the private market would ensure that future Federal helium needs are efficiently met. The Helium Advisory Board, a group of major American helium producers, supports the privatization of the Federal facilities and has indicated the private sector's ability to meet future private and Federal helium needs. Interior's Bureau of Mines would retain sufficient crude helium inventory to ensure future supplies for Federal agency use in an emergency. An Administration bill to accomplish this restructuring of the Federal helium program (including sale of processing facilities in Amarillo, TX) has been introduced in the House, and is pending before the Mining and Natural Resources Subcommittee.

Naval Petroleum Reserves (NPR) Excess Receipts.—The Administration objects to language that would make receipts from the sale of oil and gas from the Naval Petroleum Reserves that exceed $510 million (the Administration's February 1989 estimate) available to buy Strategic Petroleum Reserve oil in FY 1990. NPR receipts are now estimated to be $630 million. The provision would increase discretionary spending by $120 million.

Committee Approval Provisions.—The Administration objects to bill language that purports to restrict the use of funds or to limit agency actions unless approval is granted by Congressional committees. Such provisions are unconstitutional (see *INS* v. *Chadha*, 462 U.S. 919 (1983)). In any event, the executive branch will continue to provide the Committee notification and consultation that interbranch comity requires in matters in which Congress has indicated such a special interest.

Employment Ceilings.—The Administration opposes bill language to exempt programs funded by the bill from employment ceilings. The provision is objectionable because it prevents effective and efficient management of agency programs and promotes wasteful spending.

BRIDGE TABLE: HOUSE SUBCOMMITTEE ESTIMATES TO OMB ESTIMATES INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

[In millions of dollars]

	1989 enacted		1990 President's request		House committee action	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
CBO ESTIMATE						
Domestic discretionary spending [1]	9,312	9,941	8,990	9,376	10,898	10,349
Plus scorekeeping adjustments:						
National forest system					26	21
Oregon and California grant lands					12	9

[1] The Subcommittee directs that "excess" timber receipts in the Forest Service and Bureau of Land Management be made available for the bureaus' use. This earmarking of receipts that would otherwise be turned over to the General Fund of the Treasury will increase the deficit by $30 million.

BRIDGE TABLE: HOUSE SUBCOMMITTEE ESTIMATES TO OMB ESTIMATES INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990—Continued

[In millions of dollars]

	1989 enacted		1990 President's request		House committee action	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
SPR petroleum					120	120
Bill language directs that receipts from the sale of oil and gas from the Naval Petroleum Reserves in excess of the budget estimate be available to buy SPR oil in FY 1990. This will increase domestic discretionary spending by $120 million.						
Energy conservation PODRA receipts			43	43		
The President's budget assumed that receipts would not be realized in FY 1990. CBO includes an offset for receipts in its scoring of the request.						
Fire fighting			250	175	198	139
The subcommittee scores nearly all fire fighting appropriations as mandatory. OMB scores only reimbursements of prior year transfers and unplanned emergency fire fighting and rehabilitation as mandatory.						
Land and Water Conservation Fund Rescission			−30			
OMB scores the legislative proposal to rescind unused contract authority to the Subcommittee. The subcommittee rescinds the contract authority in proposed language.						
OCS moratoria					8	8
The subcommittee proposes 1-year moratoria on pre-leasing and lease sales in several areas, as well as bans on exploration for existing leases in two areas. CBO estimates that this would increase the deficit by $2 million in FY 1990. OMB estimates that it would increase the deficit by $10 million in FY 1990. Increases would be substantially greater in future years.						
U.S. Fish and Wildlife Service—Sport fish restoration and miscellaneous appropriations			91	36		
Congress does not recognize budget amendments not yet transmitted. Amendments were transmitted July 6, after CBO prepared its data. Amounts reflect CBO estimates for these accounts.						
Compact of Free Association	−3	−3	−6	−6	−6	−6
The subcommittee scores as discretionary funding for Palau for which authorizing legislation is required. These funds should be excluded from the discretionary total since they cannot be made available in the absence of legislation implementing the Compact.						
Franklin Delano Roosevelt Memorial Commission			19	1		
OMB scores the legislative proposal to begin construction on the memorial to the Appropriations Committee. The subcommittee recommends funding the memorial under the National Park Service.						
Outlay spendout rate differences		−251		−87		−93
Other scorekeeping differences	263	185	3	2	(0)	(0)
Total scorekeeping adjustment	260	−70	370	165	358	198
OMB ESTIMATE						
Domestic discretionary spending	9,572	9,872	9,360	9,541	11,256	10,547
302(b) allocation					10,900	10,350
Difference between OMB estimate and 302(b) allocation					356	197

[1] FY 1990 data based on CBO computer report dated 6/30/89. House committee totals are referenced in House Report 101–120.

Note: Detail may not add to totals due to rounding.

MAJOR CHANGES INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1990

[In millions of dollars]

Major changes	1989 enacted		1990 President's request		House committee action		House difference from:			
							Enacted		Request	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
DISCRETIONARY SPENDING										
Department of the Interior:										
Bureau of Land Management:										
Management of lands and resources	426	445	432	427	446	427	20	−18	15	([3])
Fire fighting account [1]	([2])	([2])	250	175	198	139	198	139	−52	−37
Minerals Management Service: Payments to States for receipts under Mineral Leasing Act			1	1	−55	−55	−55	−55	−56	−56
Office of Surface Mining: Abandonment mine reclamation fund	193	218	150	189	193	200	([3])	−17	42	12
Geological Survey: Surveys, investigations and research	452	459	452	453	487	485	35	27	34	33
Bureau of Mines: Mines and Minerals	159	161	141	147	162	160	3	−1	21	13
Fish and Wildlife Service:										
Resource management	356	348	340	344	375	371	19	23	36	27
Construction	48	30	10	34	30	38	−17	8	20	4
National Park Service:										
Construction	198	82	44	103	174	123	−23	41	130	20
Historic preservation fund	31	29		14	31	30		1	31	16
Bureau of Indian Affairs:										
Operation of Indian Programs	968	968	917	925	1,066	986	98	18	148	61
Construction	95	105	101	102	134	109	40	4	33	8
Miscellaneous payments to Indians	14	14	29	28	192	174	178	160	163	146
Office of Territorial Affairs:										
Trust territories of the Pacific Islands	28	28	3	5	34	32	6	4	31	27
Related Agencies:										
Agriculture—Forest Service:										
National forest system	1,047	1,025	1,016	984	1,158	1,086	111	61	142	102
State and private forestry	87	91	49	54	90	70	3	−21	41	16
Energy:										
Clean coal technology	190	92	710	120	635	119	445	28	−75	−1
Strategic petroleum reserve/SPR petroleum	415	646	322	342	726	730	311	84	404	388
Fossil energy research and development	381	354	164	288	423	392	42	38	259	104
Energy conservation	315	313	96	316	368	336	53	23	273	20
HHS—Indian Health	1,082	1,045	1,083	1,194	1,265	1,244	183	199	181	49
All other	3,088	3,419	3,049	3,296	3,123	3,350	35	−69	74	54
Total, discretionary spending	9,572	9,872	9,360	9,541	11,256	10,547	1,685	676	1,895	1,007
MANDATORY SPENDING										
Fire fighting account [1]			174	129	542	381	542	381	369	252
Fiscal year 1989 fire fighting appropriations (various accounts)	309	309					−309	−309		
Administration of territories	42	42	35	35	35	35	−6	−6		
Compact of free association	23	23	19	19	19	19	−4	−4		
All other mandatory	9	9	9	9	9	9	([3])	([3])		
Total, mandatory spending	382	382	236	192	605	443	223	61	369	252

MAJOR CHANGES INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1990—Continued

[In millions of dollars]

Major changes	1989 enacted		1990 President's request		House committee action		House difference from:			
							Enacted		Request	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Total, Interior	9,954	10,254	9,596	9,732	11,861	10,991	1,907	737	2,264	1,259

[1] Includes both Interior and Forest Service fire fighting. President's request includes proposed Federal wildland fire fighting accounts and proposed offsets.
[2] Fire fighting amounts in fiscal year 1989 and reflected in their regular accounts.
[3] Less than $500,000.

Note: Detail may not add to totals due to rounding.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the distinguished chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, with regard to the budget issues involved with this appropriation bill, we have provided a "Dear Colleague" to all members. There are no Budget Act waivers required under this rule, and the principal reason for that is the bill is within the discretionary targets established under the 302 subdivision assigned to this Subcommittee of the Committee on Appropriations.

In total, this bill provides $11,717 million in budget authority and $10,851 million in outlays. As compared with the discretionary 302(b) subdivision for this subcommittee, the bill is under by $2 million in budget authority and equal to the subdivision for estimated discretionary outlays.

While the bill is over the 302(b) subdivision for mandatory programs by $493 million in budget authority and $175 million in outlays, this overage results from purely technical reasons involving firefighting costs. First, $200 million in the bill is reclassified from discretionary to mandatory, which is consistent with the classification agreed to in the bipartisan budget agreement. Second, there is a substantial difference between the current estimate of firefighting costs and the budget resolution, estimate which was based on the Gramm-Rudman-Hollings baseline's mechanical projection of 1989 presupplemental costs.

The bill, therefore, conforms to the budget resolution and the bipartisan budget agreement worked out with the White House. For those reasons, there are no budget problems with H.R. 2788.

This subcommittee, the second subcommittee bringing its appropriations bill to the floor, has done a good job in meeting the targets established under the budget resolution. We congratulate them and we are pleased to bring this information to the attention of the Members.

COMMITTEE ON THE BUDGET,
Washington, DC., July 12, 1989.

DEAR COLLEAGUE: Attached is a fact sheet on H.R. 2788, Department of the Interior and Related Agencies Appropriation bill for Fiscal Year 1990. The bill is scheduled for floor consideration on Wednesday, July 12, subject to a rule being adopted.

This is the second appropriation bill for fiscal year 1990.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

PROGRAM HIGHLIGHTS

The following are the major program highlights for the Interior and Related Agencies Appropriations Bill for FY 1990, as reported:

[In millions of dollars]

	Budget authority	New outlays
Department of the Interior:		
Bureau of Land Management [1]	1,387	929
U.S. Fish and Wildlife Service	479	340
National Park Service	1,091	663
Geological Survey	487	463
Office of Surface Mining Reclamation	296	112
Minerals Management Service	175	114
Bureau of Mines	162	110
Bureau of Indian Affairs	1,200	848
(Operations)	(1,066)	(817)
(Construction)	(134)	(31)
Territorial and International Affairs	136	94
Related agencies:		
Forest Service	1,423	1,142
Strategic Petroleum Reserve	514	370
Energy Conservation	368	60
Fossil Energy R&D	423	169
Naval Petroleum and Oil Shale Reserves	192	115
Indian Health Service	1,265	890
Indian Education	74	11
Smithsonian Institution	326	262
National Foundation on the Arts and the Humanities	333	130

[1] Includes $740,000,000 in budget authority and $380,000,000 in outlays for firefighting costs.

[Fact Sheet]

H.R. 2788, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1990 (H. REPT. 101-120)

The House Appropriations Committee reported the Interior and Related Agencies Appropriations bill for fiscal year 1990 on Thursday, June 29, 1989. This bill is scheduled for floor action on Wednesday, July 12, subject to a rule being adopted.

COMPARISON TO THE 303 (B) SUBDIVISION

The bill provides $10,898 million of discretionary budget authority, $2 million less than the appropriations subdivision for this subcommittee. The Budget Act provides a point of order if the target for discretionary budget authority is breached. Since it is not, there is no such point of order against this bill. The bill is equal to the subdivision for estimated discretionary outlays. A detailed comparison of the bill to the spending and credit subdivisions follows:

COMPARISON TO SPENDING ALLOCATION

[In millions of dollars]

	Interior and related agencies appropriations bill		Appropriations committee 302(b) subdivision		Bill over (+)/under (−) committee 302(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	10,898	10,350	10,900	10,350	−2	
Mandatory	819	501	326	326	+493	+175
Total	11,717	10,851	11,226	10,676	+491	+175

Note.—BA—New budget authority; O—Estimated outlays.

The $493 million overage in mandatory budget authority is a result of a $200 million reclassification from discretionary to mandatory pursuant to the Bipartisan Agreement list and, for the remainder, a difference between the current estimate of mandatory firefighting costs and the estimate used in the Budget Resolution, which was based on the GRH baseline's mechanical projection of 1989 (pre-supplemental) costs using the GNP deflator.

The direct and guaranteed loan levels in the bill equal the discretionary subdivision for this subcommittee. A detailed comparison follows:

COMPARISON TO CREDIT ALLOCATION

	Interior and related agencies appropriations bill		Appropriations Committee 302(b) subdivision		Bill over (+)/under (−) committee 302(b) subdivision	
	DL	LG	DL	LG	DL	LG
Discretionary	13	41	13	41		
Mandatory						
Total	13	41	13	41		

Note.—DL—New direct loan obligations; LG—New loan guarantee commitments.

Pursuant to Section 302(b) of the 1974 Budget Act as amended by P.L. 99-177 (Gramm-Rudman-Hollings), the Committees of the House are required to subdivide the spending authority and credit authority allocated to them in the Budget Resolution for Fiscal Year 1990 (shown in H. Rept. 101-50). The Appropriations Committee reported its 302(b) subdivisions on June 21, 1989 (H. Rept. 101-97). These subdivisions are the official scorekeeping targets for appropriations subcommittees.

□ 1100

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time.

Mr. PASHAYAN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2788, which we are about to consider, and that I may be permitted to include charts, tables, and other materials.

The SPEAKER pro tempore (Mr. VALENTINE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2788) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Ohio [Mr. REGULA] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES.]

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2788, with Mr. BOUCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the bill is considered as having been read the first time.

There was no objection.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I am pleased to bring the Interior and related agencies appropriations bill for fiscal year 1990 to the Committee. The total recommended for the bill is $11,063,932,000. Compared to fiscal year 1989, the bill represents an increase of $835,181,000. The bill is within the domestic discretionary 302(b) allocation for both budget authority and outlays. Accordingly, it conforms to the congressional budget resolution and the summit agreement.

Some of you may wonder why the 1990 bill is $835,000,000 above fiscal year 1989. In large part, the increase represents the cost of carrying out the same program in fiscal year 1990 as is being carried out in fiscal year 1989. The larger amount also reflects the increase in responsibilities for the agencies in this bill.

The National Park Service has 14 newly authorized areas. The U.S. Fish and Wildlife Service has 15 new refuges to operate and maintain, bringing the total to 452 refuges. Each year there are approximately 50 to 60 new endangered species listed. Management responsibilities for all the land management agencies grow as the endangered species list expands.

The agencies in this bill, more and more, are being called on to provide cultural and recreational opportunities for our citizens.

In the National Park Service, visitation is expected to jump from 374.6 million in 1988 to 398.5 million in 1990. The Fish and Wildlife Service is anticipating 36 million visitors this year to its refuges. The Forest Service provides more outdoor recreation than any other Federal agency. In 1988, there were 242 million recreation-visitor days, an increase of 3 million over 1987. Activities range from camping to remote backpacking, horseback riding, and skiing. Trail use has more than doubled since 1970. The number of wild and scenic rivers managed by the Bureau of Land Management doubled in 1988 by the addition of 17 new rivers. BLM special-use permits and camping and day-use permits all increased by 16 percent over 1987. The BLM-managed public lands accommodated more than 59 million recreation visits in 1988, an increase of 10 percent over 1985.

Beyond these tangible measures of increasing responsibilities, there are specific needs which result in a larger fiscal year 1990 appropriation. These include:

First, $178,000,000 for settlement of various claims or disputes by Indian tribes or Native Alaskans. If these claims are not paid, the settlements are voided and more costly litigation results.

Second, $100,000,000 to convert Indian contracts from a fiscal year basis to an annual basis. This is a one-time cost which will result in more efficient administration of Indian contracts.

Third, $99,000,000 to continue to fill the strategic petroleum reserve at the 1989 rate and to develop and enhance distribution capability for the oil in storage.

Fourth, $160,000,000 to provide a reasonable level of health care through the Indian Health Service.

Fifth, $80,000,000 to enhance our research and development capability in energy conservation and in the use of fossil fuels.

The balance of the increase is distributed among the many activities funded in this bill and allows them on average to cover increases in operating costs.

The bill includes $5,678,276,000 for programs of the Department of the Interior; $1,662,822,000 for the U.S. Forest Service; $1,630,730,000 for the programs of the Department of Energy; and $2,092,104,000 for Indian health, Indian education, the Smithsonian Institution, the National Endowment for the Arts and the Humanities, and the other related agencies in the bill, all of which are described in detail in the report accompanying the bill.

The programs within the jurisdiction of this committee in many ways represent an investment in America itself, and those investments provide significant returns. For example, it is estimated that programs funded in this bill will generate revenues of approximately $7.7 billion.

The Interior bill is popular with Members. More than 340 Members requested 2,200 items to be included in this bill. Because of the spending constraints, we simply were not able to meet all the demands.

For example, we had requests for more than $320,000,000 of construction items in the National Park Service. These requests included road reconstruction, rehabilitation of electrical systems, water lines, rest rooms, and visitor centers. We were able to provide only about half of these needs.

Similarly, the land and water conservation fund remains popular. Requests for Federal acquisition and for State grants totaled approximately $1 billion and we have provided $222,000,000. Of this amount, $20,000,000 is for State grants. The balance is to fill out authorized parks such as Cuyahoga Valley NRA and Santa Monica Mountains NRA, to provide habitat for endangered species and protect wetlands, to provide recreation access to rivers and to protect areas from development.

Almost 60 Members requested increases in operating appropriations for their specific parks. Rather than providing each individual request, we have provided enough money so that

each park will receive at least a 5-percent increase over the 1989 level. Those parks where fee collection is significant will receive up to a 10-percent increase. We also had to make the difficult decision not to provide funds to study new park areas for which over 20 Members had made requests.

Energy and the environment receive major attention in this bill. As a result of actions in this bill, $500,000,000 will be available in fiscal year 1990 for the third procurement related to the Clean Coal Program. In addition, advance appropriations of $600,000,000 each for 1991 and 1992 are provided.

Questions of global warming or the "greenhouse effect" have been raised in the past 2 years which, along with uncertain and not easily measurable effects, also involve complex relationships between this Nation and the rest of the world. Energy use is central to this question, and even if the ultimate effect of global warming is unknown, there are steps that can be taken to increase energy efficiency which make sense regardless of the global warming. This bill includes several such steps.

First, the bill includes $411,367,000 for energy conservation research and State grants. This amount is more than four times above the amount of $95,528,000 requested by the administration. Included is research to develop substitutes for the CFC's which endanger the ozone protection in the upper atmosphere, while at the same time not decreasing energy efficiency. This effort continues committee initiatives in conservation taken over the last several years.

Second, increased funding has been proposed for research on processes in fossil energy which not only burn coal more cleanly, but also more efficiently. This work attacks both clean air and "greenhouse" problems. Those areas are recommended at $176,667,000 compared to the meager $54,527,000 in the budget request.

Finally, various smaller increases are included in the Geological Survey for measurement of CO_2 buildup and collection of historical data, and in the Forest Service for research on global change. All of these efforts are an attempt to alleviate possible greenhouse effects as well as to understand them.

We continue to fill the strategic petroleum reserve at a rate of 71,000 barrels per day. At this fill rate, the reserve will contain about 608 million barrels of oil at the end of fiscal year 1990.

OCS MORATORIA

The committee once again has included several moratoria on activities in Outer Continental Shelf areas. Environmental studies are underway and various task forces are investigating and weighing impacts and alternatives in these areas. Partly as an aftermath of the oil spill in Prince William Sound in Alaska, and partly in response to environmental concerns about other impacts of oil exploration and production, several provisions are included which allow a pause in some leasing-related activities. Specifically, the committee recommends continuing these moratoria:

First, Georges Bank (sale 96);

Second, Florida (sales 79, 94, and 116);

Third, California (sale 91 in northern California).

In addition, the committee recommends moratoria for a portion of sale 121 in the Mid-Atlantic and sale 92 in Bristol Bay in Alaska. For California, the moratoria have been expanded to include sale 95 (southern California) which is being studied by the President's OCS task force, and sale 119 (central California).

There has been some misunderstanding with respect to the committee's intent in restricting preleasing activities in some areas. In those areas where the committee has recommended restrictions on preleasing activities, those restrictions apply only to the formal steps identified by the Department of the Interior as part of the actual lease sale process. These formal steps include such activities as the publication of sale-specific environmental impact statements, the conduct of public hearings directly associated with the EIS process, issuance of notices of sale and receipt of bids. Restrictions on preleasing activities do not preclude environmental, geologic, geophysical, economic, engineering, or other scientific analyses, studies, and evaluations. Such studies form the basis for environmental impact statements but are not considered a part of the EIS or the formal sale process. Also, restrictions on preleasing activities do not preclude the conduct of public meetings and negotiations, participation in task forces or other cooperative efforts attempting to resolve issues associated with offshore leasing, exploration, and development.

INDIAN PROGRAMS

The committee has recommended $2,776,951,000 for Indian programs, including construction of hospitals, clinics and schools, irrigation and sanitation facilities, and protection and development of natural resources on reservation lands, in keeping with our trust responsibilities to the Indian people. Included within this amount is $191,864,000 for Indian settlements which the Government is required to pay even though such spending is not considered mandatory. Included among these settlements are water rights cases in California and Arizona.

The National Endowment for the Humanities appropriation for grants and administration is $8,080,000 above the administration's request. The bulk of this increase, $6,400,000, is for the Office of Preservation to establish a program of matching support for museums, universities, and other institutions to assist them in stabilizing collections of material culture and for support of professional training to address the needs of these collections. The majority of material culture collections are housed in cramped conditions, which not only makes them inaccessible but also threatens their existence. Associated with this increase is $200,000 for administering this new program.

Other increases for the National Endowment for the Humanities include $1,000,000 for the State programs and funds sufficient to restore each of the programs to the 1989 level. In addition, there is a $100,000 increase in the administrative area to handle any additional workload associated with new subgranting procedures.

A few areas of the report need correction. On page 50, the amount for State reclamation program grants is $146,520,000 instead of $146,520. On page 21, Fish and Wildlife Service, resource management, $200,000 for the Lake Erie Shoreline protection study was inadvertently omitted. On page 23, Fish and Wildlife Service land acquisition, there should have been a reference to Bond Swamp NWR, GA as the type of area suitable for acquisition under the $10,000,000 provided for high-priority wetlands. On page 127, in relation to the National Endowment for the Arts, the amount for challenge grants should be $15,150,000 with $12,000,000 for Treasury funds.

I want to commend all the subcommittee members for their unselfish efforts and contributions in rising to this difficult fiscal challenge. In particular, I want to note the contributions of our ranking minority member, RALPH REGULA.

I encourage you to give your support to this bill which I believe has done a good job of balancing all the competing needs.

	FY 1989 Enacted	FY 1990 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	435,586,000	431,632,000	446,296,000	+10,710,000	+14,664,000
Firefighting	739,664,000	363,142,000	740,393,000	+729,000	+377,251,000
Construction and access	5,431,000	2,300,000	2,400,000	-3,031,000	+100,000
Payments in lieu of taxes	105,000,000	105,000,000	105,000,000	.....	.....
Land acquisition	12,290,000	20,885,000	13,490,000	+1,200,000	-7,395,000
Oregon and California grant lands	57,707,000	62,702,000	64,787,000	+7,080,000	+2,085,000
Range improvements (indefinite)	8,506,000	8,406,000	8,406,000	-100,000	.....
Service charges, deposits, & forfeitures (indefinite)	6,000,000	6,000,000	6,000,000	.....	.....
Miscellaneous trust funds (indefinite)	100,000	100,000	100,000	.....	.....
Total, Bureau of Land Management	1,370,284,000	1,000,167,000	1,386,872,000	+16,588,000	+386,705,000
United States Fish and Wildlife Service					
Resource management	357,888,000	339,754,000	375,370,000	+17,482,000	+35,616,000
Construction and anadromous fish	31,834,000	10,105,000	30,457,000	-1,377,000	+20,352,000
Land acquisition	57,529,000	51,415,000	65,790,000	+8,261,000	+14,375,000
National Wildlife Refuge Fund	6,645,000	6,645,000	7,645,000	+1,000,000	+1,000,000
Total, United States Fish and Wildlife Service	453,896,000	407,919,000	479,262,000	+25,366,000	+71,343,000
National Park Service					
Operation of the national park system	733,516,000	754,614,000	774,179,000	+40,663,000	+19,565,000
National recreation and preservation	14,608,000	10,204,000	16,029,000	+1,421,000	+5,825,000
Historic preservation fund	30,500,000	.....	30,500,000	.....	+30,500,000
Construction	159,108,000	44,112,000	174,210,000	+15,102,000	+130,098,000
(Liquidation of contract authority)	(47,000,000)	.....	(12,000,000)	(-35,000,000)	(+12,000,000)
Land and water conservation fund (rescission of contract authority)	-30,000,000	.....	-30,000,000	.....	-30,000,000
Land acquisition and state assistance	72,609,000	69,459,000	81,016,000	+8,407,000	+11,557,000
John F. Kennedy Center for the Performing Arts	5,181,000	15,193,000	15,193,000	+10,012,000	.....
Illinois and Michigan Canal National Heritage Corridor Commission	250,000	.....	250,000	.....	+250,000
American Revolution Bicentennial Administration	4,765,000	.....	.....	-4,765,000	.....
National Film Preservation Board	(250,000)	.....	.....	(-250,000)	.....
Total, National Park Service	990,537,000	893,582,000	1,061,377,000	+70,840,000	+167,795,000
Geological Survey					
Surveys, investigations, and research	451,506,000	452,465,000	486,931,000	+35,425,000	+34,466,000
Minerals Management Service					
Leasing and royalty management	170,744,000	180,461,000	175,066,000	+4,322,000	-5,395,000

	FY 1989 Enacted	FY 1990 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Payments to States from receipts under Mineral Leasing	.....	655,000	.....	.....	-655,000
Total, Minerals Management Service	170,744,000	181,116,000	175,066,000	+4,322,000	-6,050,000
Bureau of Mines					
Mines and minerals	159,292,000	141,197,000	161,876,000	+2,584,000	+20,679,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	101,095,000	103,738,000	102,728,000	+1,633,000	-1,010,000
Abandoned mine reclamation fund (definite, trust fund)	193,160,000	150,387,000	192,772,000	-388,000	+42,385,000
Total, Office of Surface Mining Reclamation and Enforcement	294,255,000	254,125,000	295,500,000	+1,245,000	+41,375,000
Bureau of Indian Affairs					
Operation of Indian Programs	967,767,000	917,491,000	1,065,574,000	+97,807,000	+148,083,000
Construction	79,283,000	100,975,000	134,379,000	+55,096,000	+33,404,000
Miscellaneous payments to Indians	13,952,000	29,255,000	191,864,000	+177,912,000	+162,609,000
Revolving fund for loans (limitation on direct loans)	.....	(13,000,000)	.....	.....	(-13,000,000)
Indian loan guaranty and insurance fund	3,370,000	3,265,000	4,767,000	+1,397,000	+1,502,000
Indian loan guaranty and insurance fund (limitation on guaranteed loans)	.....	(45,000,000)	.....	.....	(-45,000,000)
Total, Bureau of Indian Affairs	1,064,372,000	1,050,986,000	1,396,584,000	+332,212,000	+345,598,000
Territorial and International Affairs					
Administration of territories	51,112,000	35,396,000	41,481,000	-9,631,000	+6,085,000
Interest rate differential	41,655,000	35,308,000	35,308,000	-6,347,000	.....
Subtotal	92,767,000	70,704,000	76,789,000	-15,978,000	+6,085,000
Trust Territory of the Pacific Islands	28,434,000	3,300,000	34,102,000	+5,668,000	+30,802,000
Compact of Free Association	12,480,000	14,580,000	11,760,000	-720,000	-2,820,000
Mandatory payments	19,880,000	13,000,000	13,000,000	-6,880,000	.....
Advance appropriations, FY 1990	(22,000,000)	.....	.....	(-22,000,000)	.....
Subtotal	32,360,000	27,580,000	24,760,000	-7,600,000	-2,820,000
Total, Territorial Affairs	153,561,000	101,584,000	135,651,000	-17,910,000	+34,067,000
Departmental Offices					
Office of the Secretary	49,067,000	52,741,000	51,295,000	+2,228,000	-1,446,000
Oil spill emergency fund	7,300,000	.....	.....	-7,300,000	.....
Office of the Solicitor	24,686,000	25,325,000	25,325,000	+639,000	.....

Office of Inspector General	18,749,000	20,595,000	20,737,000	+1,988,000	+142,000
Construction Management	1,800,000	2,300,000	1,800,000	.....	-500,000
National Indian Gaming Commission	.....	2,000,000	.....	.....	-2,000,000
Total, Departmental Offices	101,602,000	102,961,000	99,157,000	-2,445,000	-3,804,000
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	5,210,049,000	4,586,102,000	5,678,276,000	+468,227,000	+1,092,174,000
Appropriations	(5,240,049,000)	(4,586,102,000)	(5,708,276,000)	(+468,227,000)	(+1,122,174,000)
Definite	(5,225,443,000)	(4,571,596,000)	(5,693,770,000)	(+468,327,000)	(+1,122,174,000)
Indefinite	(14,606,000)	(14,506,000)	(14,506,000)	(-100,000)	.....
Rescission	(-30,000,000)	.....	(-30,000,000)	.....	(-30,000,000)
(Liquidation of contract authority)	(47,000,000)	.....	(12,000,000)	(-35,000,000)	(+12,000,000)
(Limitation on direct loans)	.....	(13,000,000)	.....	.....	(-13,000,000)
(Limitation on guaranteed loans)	.....	(45,000,000)	.....	.....	(-45,000,000)
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest research	137,867,000	133,799,000	149,435,000	+11,568,000	+15,636,000
State and private forestry	86,668,000	48,606,000	89,906,000	+3,238,000	+41,300,000
National forest system	1,045,781,000	1,016,410,000	1,132,426,000	+86,645,000	+116,016,000
Construction	225,518,000	221,000,000	222,199,000	-3,319,000	+1,199,000
Timber receipts transfer to general fund (indefinite)	(-79,100,000)	(-92,000,000)	(-92,000,000)	(-12,900,000)	.....
Timber purchaser credits	(75,000,000)	(139,579,000)	(139,579,000)	(+64,579,000)	.....
Mount St. Helens (liquidation of contract authority)	(5,333,000)	.....	.....	(-5,333,000)	.....
Land acquisition	64,205,000	64,831,000	61,988,000	-2,217,000	-2,843,000
Timber Roads, Purchaser Election, Forest Service (rescission)	-40,000,000	.....	.....	+40,000,000	.....
Tongass Timber Supply Fund	35,999,000	(40,985,000)	(48,535,000)	-35,999,000	.....
Operation and maintenance of recreation facilities	.....	9,000,000	.....	.....	-9,000,000
Acquisition of lands for national forests, special acts	966,000	1,068,000	1,068,000	+102,000	.....
Acquisition of lands to complete land exchanges (indefinite)	335,000	1,070,000	1,070,000	+735,000	.....
Range betterment fund (indefinite)	3,946,000	4,700,000	4,700,000	+754,000	.....
Gifts, donations and bequests for forest and rangeland research	90,000	30,000	30,000	-60,000	.....
Total, Department of Agriculture	1,561,375,000	1,500,514,000	1,662,822,000	+101,447,000	+162,308,000
DEPARTMENT OF ENERGY					
Clean coal technology:					
Advance appropriations, FY 1989	190,000,000	.....	.....	-190,000,000	.....
Advance appropriations, FY 1990	(710,000,000)	.....	.....	(-710,000,000)	.....
Advance appropriations, FY 1991	(200,000,000)	(600,000,000)	(600,000,000)	(+400,000,000)	.....

	FY 1989 Enacted	FY 1990 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Advance appropriations, FY 1992	.....	(600,000,000)	(600,000,000)	(+600,000,000)	.....
Subtotal, clean coal technology	190,000,000	.....	.....	-190,000,000	.....
Fossil energy research and development	380,595,000	163,574,000	422,660,000	+42,065,000	+259,086,000
Alternative fuels production	-12,000,000	.....	.....	+12,000,000	.....
Naval petroleum and oil shale reserves	185,071,000	192,124,000	192,124,000	+7,053,000	.....
Energy conservation	372,502,000	95,528,000	411,367,000	+38,865,000	+315,839,000
Economic regulation	21,372,000	20,346,000	18,300,000	-3,072,000	-2,046,000
Emergency preparedness	6,154,000	6,641,000	6,641,000	+487,000	.....
Strategic Petroleum Reserve	173,421,000	194,999,000	194,999,000	+21,578,000	.....
SPR petroleum account	242,000,000	35,407,000	319,407,000	+77,407,000	+284,000,000
Advance appropriations, FY 1990	(91,555,000)	.....	.....	(-91,555,000)	.....
Advance appropriations, FY 1991	.....	(37,458,000)	(108,458,000)	(+108,458,000)	(+71,000,000)
Energy Information Administration	62,856,000	65,232,000	65,232,000	+2,376,000	.....
Total, Department of Energy	1,621,971,000	773,851,000	1,630,730,000	+8,759,000	+856,879,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	1,020,106,000	.....	1,189,330,000	+169,224,000	+1,189,330,000
Tribal health administration	.....	266,085,000	.....	.....	-266,085,000
Federal Indian health administration	.....	817,314,000	.....	.....	-817,314,000
Indian health facilities	61,668,000	.....	75,420,000	+13,752,000	+75,420,000
Total, Department of Health and Human Services	1,081,774,000	1,083,399,000	1,264,750,000	+182,976,000	+181,351,000
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	71,553,000	74,168,000	74,149,000	+2,596,000	-19,000
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	27,373,000	31,218,000	36,818,000	+9,445,000	+5,600,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	3,094,000	3,000,000	4,650,000	+1,556,000	+1,650,000
Smithsonian Institution					
Salaries and expenses	211,240,000	227,737,000	231,981,000	+20,741,000	+4,244,000
Construction and improvements, National Zoological Park	5,305,000	6,500,000	6,500,000	+1,195,000	.....
Repair and restoration of buildings	20,735,000	26,653,000	26,869,000	+6,134,000	+216,000

Construction	8,655,000	10,000,000	12,900,000	+4,245,000	+2,900,000
Total, Smithsonian Institution	245,935,000	270,890,000	278,250,000	+32,315,000	+7,360,000
National Gallery of Art					
Salaries and expenses	37,981,000	40,376,000	40,789,000	+2,808,000	+413,000
Repair, restoration and renovation of buildings	750,000	2,305,000	1,905,000	+1,155,000	-400,000
Total, National Gallery of Art	38,731,000	42,681,000	42,694,000	+3,963,000	+13,000
Woodrow Wilson International Center for Scholars					
Salaries and expenses	4,240,000	4,700,000	4,611,000	+371,000	-89,000
Endowment Challenge Fund	300,000	.....	.....	-300,000	.....
Total, Woodrow Wilson International Center for Scholars	4,540,000	4,700,000	4,611,000	+71,000	-89,000
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	141,890,000	142,950,000	144,250,000	+2,360,000	+1,300,000
Matching grants	27,200,000	27,150,000	27,150,000	-50,000	.....
Total, National Endowment for the Arts	169,090,000	170,100,000	171,400,000	+2,310,000	+1,300,000
National Endowment for the Humanities					
Grants and administration	124,300,000	126,550,000	134,630,000	+10,330,000	+8,080,000
Matching grants	28,700,000	26,700,000	26,700,000	-2,000,000	.....
Total, National Endowment for the Humanities	153,000,000	153,250,000	161,330,000	+8,330,000	+8,080,000
Institute of Museum Services					
Grants and administration	22,270,000	22,350,000	23,000,000	+730,000	+650,000
Total, National Foundation of the Arts and the Humanities	344,360,000	345,700,000	355,730,000	+11,370,000	+10,030,000
Commission of Fine Arts					
Salaries and expenses	475,000	494,000	516,000	+41,000	+22,000
National Capital Arts and Cultural Affairs					
Grants	5,000,000	.....	5,000,000	.....	+5,000,000
Advisory Council on Historic Preservation					

	FY 1989 Enacted	FY 1990 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Salaries and expenses	1,778,000	1,795,000	1,945,000	+167,000	+150,000
National Capital Planning Commission					
Salaries and expenses	2,962,000	3,133,000	3,123,000	+161,000	-10,000
Franklin Delano Roosevelt Memorial Commission					
Salaries and expenses	28,000	28,000	28,000	.....	.....
Pennsylvania Avenue Development Corporation					
Salaries and expenses	2,334,000	2,425,000	2,375,000	+41,000	-50,000
Public development	3,175,000	3,150,000	3,150,000	-25,000	.....
Land acquisition and development fund	.....	12,000,000	12,000,000	+12,000,000	.....
Total, Pennsylvania Avenue Development Corporation	5,509,000	17,575,000	17,525,000	+12,016,000	-50,000
United States Holocaust Memorial Council					
Holocaust Memorial Council	2,244,000	2,315,000	2,315,000	+71,000	.....
Total, title II, Related Agencies:					
New budget (obligational) authority (net)	5,018,702,000	4,155,461,000	5,385,656,000	+366,954,000	+1,230,195,000
Appropriations, fiscal year 1989 (net)	(5,018,702,000)	(4,155,461,000)	(5,385,656,000)	(+366,954,000)	(+1,230,195,000)
Appropriations	(5,058,702,000)	(4,155,461,000)	(5,385,656,000)	(+326,954,000)	(+1,230,195,000)
Definite	(5,054,421,000)	(4,149,691,000)	(5,379,886,000)	(+325,465,000)	(+1,230,195,000)
Indefinite	(4,281,000)	(5,770,000)	(5,770,000)	(+1,489,000)	.....
Rescission	(-40,000,000)	.....	.....	(+40,000,000)	.....
(Liquidation of contract authority)	(5,333,000)	.....	.....	(-5,333,000)	.....
(Timber receipt transfer to general fund, indefinite)	(-79,100,000)	(-92,000,000)	(-92,000,000)	(-12,900,000)	.....
(Timber purchaser credits)	(75,000,000)	(139,579,000)	(139,579,000)	(+64,579,000)	.....
Grand total:					
New budget (obligational) authority (net)	10,228,751,000	8,741,563,000	11,063,932,000	+835,181,000	+2,322,369,000
Appropriations, fiscal year 1989 (net)	(10,228,751,000)	(8,741,563,000)	(11,063,932,000)	(+835,181,000)	(+2,322,369,000)
Appropriations	(10,298,751,000)	(8,741,563,000)	(11,093,932,000)	(+795,181,000)	(+2,352,369,000)
Definite	(10,279,864,000)	(8,721,287,000)	(11,073,656,000)	(+793,792,000)	(+2,352,369,000)
Indefinite	(18,887,000)	(20,276,000)	(20,276,000)	(+1,389,000)	.....
Rescissions	(-70,000,000)	.....	(-30,000,000)	(+40,000,000)	(-30,000,000)
(Liquidation of contract authority)	(52,333,000)	.....	(12,000,000)	(-40,333,000)	(+12,000,000)
(Timber receipt transfer to general fund, indefinite)	(-79,100,000)	(-92,000,000)	(-92,000,000)	(-12,900,000)	.....
(Timber purchaser credits)	(75,000,000)	(139,579,000)	(139,579,000)	(+64,579,000)	.....
TITLE I -DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	1,370,284,000	1,000,167,000	1,386,872,000	+16,588,000	+386,705,000
United States Fish and Wildlife Service	453,896,000	407,919,000	479,262,000	+25,366,000	+71,343,000
National Park Service	990,537,000	893,582,000	1,061,377,000	+70,840,000	+167,795,000
Geological Survey	451,506,000	452,465,000	486,931,000	+35,425,000	+34,466,000
Minerals Management Service	170,744,000	181,116,000	175,066,000	+4,322,000	-6,050,000

Bureau of Mines	159,292,000	141,197,000	161,876,000	+2,584,000	+20,679,000
Office of Surface Mining Reclamation and Enforcement	294,255,000	254,125,000	295,500,000	+1,245,000	+41,375,000
Bureau of Indian Affairs	1,064,372,000	1,050,986,000	1,396,584,000	+332,212,000	+345,598,000
Territorial and International Affairs	153,561,000	101,584,000	135,651,000	-17,910,000	+34,067,000
Secretarial Offices	101,602,000	102,961,000	99,157,000	-2,445,000	-3,804,000
Total, Title I - Department of the Interior	5,210,049,000	4,586,102,000	5,678,276,000	+468,227,000	+1,092,174,000
TITLE II - RELATED AGENCIES					
Forest Service	1,561,375,000	1,500,514,000	1,662,822,000	+101,447,000	+162,308,000
Department of Energy	1,621,971,000	773,851,000	1,630,730,000	+8,759,000	+856,879,000
Indian Health	1,081,774,000	1,083,399,000	1,264,750,000	+182,976,000	+181,351,000
Indian Education	71,553,000	74,168,000	74,149,000	+2,596,000	-19,000
Office of Navajo and Hopi Indian Relocation	27,373,000	31,218,000	36,818,000	+9,445,000	+5,600,000
Institute of American Indian and Alaska Native Culture and Arts Development	3,094,000	3,000,000	4,650,000	+1,556,000	+1,650,000
Smithsonian	245,935,000	270,890,000	278,250,000	+32,315,000	+7,360,000
National Gallery of Art	38,731,000	42,681,000	42,694,000	+3,963,000	+13,000
Woodrow Wilson International Center for Scholars	4,540,000	4,700,000	4,611,000	+71,000	-89,000
National Endowment for the Arts	169,090,000	170,100,000	171,400,000	+2,310,000	+1,300,000
National Endowment for the Humanities	153,000,000	153,250,000	161,330,000	+8,330,000	+8,080,000
Institute of Museum Services	22,270,000	22,350,000	23,000,000	+730,000	+650,000
Commission of Fine Arts	475,000	494,000	516,000	+41,000	+22,000
National Capital Arts and Cultural Affairs	5,000,000	.....	5,000,000	.....	+5,000,000
Advisory Council on Historic Preservation	1,778,000	1,795,000	1,945,000	+167,000	+150,000
National Capital Planning Commission	2,962,000	3,133,000	3,123,000	+161,000	-10,000
Franklin Delano Roosevelt Memorial Commission	28,000	28,000	28,000	.....	.....
Pennsylvania Avenue Development Corporation	5,509,000	17,575,000	17,525,000	+12,016,000	-50,000
Holocaust Memorial Council	2,244,000	2,315,000	2,315,000	+71,000	.....
Total, Title II - Related Agencies	5,018,702,000	4,155,461,000	5,385,656,000	+366,954,000	+1,230,195,000
Grand total	10,228,751,000	8,741,563,000	11,063,932,000	+835,181,000	+2,322,369,000

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Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say to my colleagues at the outset that the chairman of the committee has worked very closely with the minority in fashioning a bipartisan bill. I think, given the tremendous number of requests and needs that we have, that we have tried to manage the moneys available to us through section 302(b) very carefully.

I am not going to go through what has already been covered very thoroughly by the chairman of the subcommittee, but I do want to talk about the moritoria aspects of this bill and what that means in terms of an energy policy for the future.

Let me give just a little bit of history. In the late 1970's, those Members who were here at the time remember the energy crisis. We had late night sessions. President Jimmy Carter in a speech to the Nation said it was the moral equivalent of war, we had gasoline lines, and farms, factories, schools, hospitals, and churches were short of fuel. It was truly a crisis. We had a special task force of the House appointed to deal with this.

□ 1110

Mr. Chairman, we tried to address it in a number of different ways in the 1970's. Today, even absent the gasoline lines there are warning signs that we are headed down the same road if we do not develop an energy policy for this Nation.

The philosopher George Santayana said, "Those who cannot remember the past are condemned to repeat it," and I am afraid that is what is going to happen in this Nation.

Mr. Chairman, let us look at the facts.

Fact No. 1: Demand is up 2.5 percent annually for energy. I am talking about oil. Forty-three percent of oil is used for transportation. That is more than we produced domestically in the United States.

Fact No. 2: Imports today are about 46 to 47 percent of our consumption, and we are headed in 1990 to 50 percent of the oil we use being imported. I contrast that to 1973, when we had the beginning of the crisis, and at that point we were only importing 36 percent of our oil. So my colleagues you can imagine what can possibly happen. In December of last year, for the first time in 9 years we imported more oil than produced, increasing our dependency on the Middle East, because most of the increases have come from the Middle East.

Fact No. 3: In the 10 worst spills since 1976, not 1 of the 10 were from offshore wells, and yet spills seem to be the concern and the reason for the moratoria. We do not want to have spills, but the facts are the spills are not resulting from offshore platforms. No major spill has been reported from Federal offshore drilling on the Outer Continental Shelf for the last 20 years. This is an important element that we need to recognize.

Fact No. 4: Forty-five percent of the oil spilled in the past 20 years is from transportation, 2 percent from offshore drilling, a minute amount. I think, if we were being intellectually honest in terms of moratoria, we would say not only should we put a moratorium on the areas involved for platforms, but we should also include tankers. If we are truly concerned about spills, let us keep the tankers out of this acreage because that is the real problem.

This bill, of course, as I mentioned, represents a good balance on other issues. This marks the ninth time, however, that this bill has been used for a "1-year" ban on drilling. In 1981 we put a moratorium on 736,000 acres. This bill for fiscal year 1990 will put a moratorium on a total of 84 million acres, an increase of about 110 times over what we started with in 1981, and yet I can remember so well in 1981, when people were saying, "Well, it's for 1 year only. We just need a little time."

Mr. Chairman, we started out off of California in 1981. Today it includes California, Alaska, Florida, and much of the East Coast, and, not only have we put the moratorium on drilling, we have even included a ban on prelease activities. That means that we cannot even go out there and look for oil, assess the resource potential. The U.S. Government will not even know what we have. I would point out that the lands we are talking about are owned by all of the people in this Nation, not just the States involved, and we are only talking about what is beyond 3 miles, the Federal Outer Continental Shelf lands.

Mr. Chairman, I recognize the problem with this, and an environmental vote would appear to be for the moratorium. The truth of the matter is the environmental vote ought to be against the moratoria included in this bill. Why? Because it will avoid a crisis.

If we have gasoline lines, if we have the shortages as we did in the late 1970's, if we have what President Carter called the moral equivalent of war, we are going to have a tremendous public outcry, and anything will go, and we will forget about environmental standards.

To give my colleagues an example of what we did in 1978 in the 96th Congress, in that time frame we passed a bill during the crisis to waive Federal, State, and local environmental laws. We even waived, under some circumstances, judicial review. It was called the Energy Mobilization Board. Talk about power. Talk about the ability to destroy everything we cherish environmentally. This is the kind of legislation that was passed in a period of crisis; passed the House 299 to 107; passed the Senate 68 to 25. Fortunately it died in conference because at that point we realized the dangers of giving this kind of power, but it illustrates what happens in a period of crisis.

In 1978 we passed the OCS Lands Act. It said, and this is still the law, "The OCS is a vital national resource reserve held by the Federal Government for the public," for the public, "which should be made available for expeditious and orderly development subject to environmental safeguards in a manner which is consistent with the maintenance of competition and other national needs."

Did we set the environmental standards? Do we have them in drilling today? Let me point that out. At this point in time, already in the law, one must get, if they are going to drill offshore, 17 different Federal permits, they must conform to 74 sets of Federal regulations, they must do what is consistent with State coastal management programs, and they must work with the Governors of each State. Those facts illustrate that we already have enormous safeguards, and that is one of the reasons we have not had any major spills in the past 20 years.

Bristol Bay is put under moratoria in this particular bill. To illustrate the fact that this does not make sense: In the development of Bristol Bay, we have already put 83 percent of that off limits so that the sale was only for 17 percent. This started in 1974, the first announced sale. In 1986, 12 years later, leases were sold, and then a series of lawsuits were filed. Those lawsuits held in favor of the U.S. Government, and in 1989 we are ready to explore the leases.

Here we are; we are talking about 15 years, and I use this to illustrate how difficult, under existing law and regulations, it is to develop offshore resources, but this bill puts a moratorium on Bristol Bay even though the Federal Government has collected something like $96 million, and even though we are ready to develop, and even though we put 83 percent of the area, about the size of Alabama, off limits.

What I am saying, Mr. Chairman, is that, when the next crisis occurs, the next time we have gasoline lines, we will be faced with the fact that the spigot cannot be turned on overnight. Presently we are getting over 20 percent of our domestic production from Prudhoe Bay, and I can remember in the authorizing committee, when we wrestled with opening this area people said, "Oh, it will destroy the environment. It will cause enormous problems with the caribou," and so on, and yet we today depend on Prudhoe Bay for

20 percent of our domestic production. My colleagues can imagine what it would be like without access to Prudhoe Bay. Unfortunately many wanted to build a pipeline to bring that oil to the United States through Canada, but it was fought by many environmental groups, and we ended up with tankers, and we ended up with the *Exxon Valdez.*

However, Mr. Chairman, the point is that what we are doing here in terms of national energy policy is painting ourselves in a corner. Environmentally, and I am concerned about the environment as much as anyone, environmentally it is the wrong thing to do because what we will precipitate is a crisis situation, and in a crisis, when the farms, the factories, the gasoline lines, the schools, the hospitals, the churches are experiencing a shortage of fuel, we will be willing once again to do the Energy Mobilization Board to waive environmental requirements. How much better it would be to have an orderly development. Yet we are saying each year, for a period of 9 years now, starting with 736,000 acres, now 84 million acres, each year we expand it, not only to include drilling, but to include preleasing activity, we are saying we do not have an energy policy; we are not concerned about the potential for a future crisis.

Let me point out that the Saudi oil minister, a previous oil minister, a gentleman by the name of Yamani, and we saw a lot of him during the crisis in the 1970's, predicts that by the middle of the 1990's the Persian Gulf producers will account for 75 percent of the world's exports. It is rather regrettable that today because of some of our trade policies we find that Japan has a tremendous voice in fiscal policy in the United States. They have 7 out of 10 of the world's largest banks, and they dictate in many ways fiscal policy to us.

□ 1120

What we are headed for in energy is that the OPEC countries will dictate foreign policy because if they are exporting 75 percent of the oil production in the world, it obviously gives them enormous leverage.

In the U.S. News there was an article on June 19 mentioning the coming power crunch. I think that is all part of this need for an energy policy. They point out in this article that people do not want coal to produce electricity, even though consumption is going up 3 or 4 percent annually, because of concern about air pollution.

In nuclear, in California and Sacramento they voted recently to close Rancho Seco. We have canceled 65 nuclear plants since 1979. We are going to be faced with an oil shortage, and I wonder where we are going to get the power to fuel our factories, our homes, and the many needs that we have as a Nation.

I think that aside from this bill, we need to address the problem of an energy policy for the United States, and here we are going in the wrong direction by putting off limits access to a very valuable resource, namely, the oil that lies in the Outer Continental Shelf.

I am not going to offer any amendments on this because I understand the concern that has arisen from spills and so on, but it seems to me that we should consider other ways to address that problem, since it is coming from the tankers and not the platforms on the Outer Continental Shelf.

Aside from all this, it is vital that this body address in totality the energy policy of this Nation, because if we fail to do so we will be faced not only with long lines, but we will be faced with brownouts and blackouts that will have an enormous impact on our ability to compete in our industrial economy. It has an impact on the quality of life in this Nation. If we fail to address the problems that are going to be confronting us in terms of energy policy, we, the leaders of this Nation and this body, will not be taking a responsible position. We need to learn the lesson of the 1970's and not allow that to happen again.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE], the leader of the minority on this issue.

Mr. CONTE. Mr. Chairman, I rise in support of this bill, and I hope all of my colleagues will vote for it—intact and unamended.

At the outset, I want to commend SID YATES and RALPH REGULA for their leadership in presenting to the House a well balanced recommendation.

SID YATES is a tough, but fair chairman. He is a man who stands on his principles and who bases his judgments on the facts, and I admire him for that.

The same is true for the ranking member, my good friend, RALPH REGULA. We disagree on a few issues like clean coal and acid rain.

But I know that someday, RALPH will see the light through those acid clouds and realize that it's time to clean up the mess and put an end to acid rain. I look forward to the day, in the not too distant future, when we'll be standing side-by-side in the Rose Garden watching President Bush sign an acid rain control bill into law.

But for now, I will settle for a presidential signature on this bill. It is a good one.

The recommendations in this bill are the result of months and months of hard work by the members of the Interior Subcommittee and later by the full committee.

Again, the chairman and ranking member have exercised able leadership and creative hard work in meeting the endless needs brought to this subcommittee. And they have made these recommendations, responding to over 350 member requests from both sides of the aisle, all within the stifling framework of the 302-B allocation.

Mr. Chairman, H.R. 2788, the second appropriations bill brought to the floor this year, is under budget. The bill is under the 302-B allocation for budget authority and for outlays. No waiver of the budget act was required to bring this bill to the floor today.

Now, we have heard from our friends at OMB, and they have a few objections to this bill. But judging from past letters, this statement is a mild one. No veto threat is made. Although the administration opposes the bill, their primary objections involve a scorekeeping adjustment and a language provision.

First, OMB has a problem with the way this bill is scored. The green eyeshade brigade claims that the Committee did not properly score firefighting costs, and as a result the bill is actually over the 302-B allocation. Well, that fight was settled by the budget summit agreement. Firefighting costs are mandatory. Period.

That is history. It is time to move on.

Second, the administration opposes the committee language restricting oil and gas development on the outer continental shelf.

Specifically, OMB says that:

> It would be inappropriate at this time, for the Congress to impose more OCS moratoria, or to prohibit activities designed explicitly to provide the kind of information that is needed to make environmentally sound decisions on drilling.

The committee bill has extended the moratoria language to new areas, but for good reasons.

One new area includes Bristol Bay, AL. That bay is a major salmon fishery, perhaps the best in the world. It is an irreplaceable resource, and we ought to think twice about subjecting it to the risk of another *Exxon Valdez.*

That spill in Prince William Sound was a crime. It broke my heart to see the waters of the great State of Alaska muddied by billions and billions of barrels of oil. It was depressing to see migratory birds, ducks and geese, literally oiled to death on the beaches.

And it was sad to watch the marine mammals struggle in an environment so toxic that it makes Love Canal look like a nature preserve.

I disagree with OMB on this issue of OCS leasing. We ought to give the President's task force a chance to make its recommendations, and all environmental risks should be thoroughly evaluated before drilling in these areas is permitted.

The administration has several other specific objections included in

the "Statement of Administration Policy" that I will include for the record.

Finally, Mr. Chairman, I want to address an amendment which may be offered by my friend, Mr. ARMEY of Texas.

I understand that he will propose a substantial cut in the appropriations for the National Endowment for the Arts. I hope that he will not offer his amendment.

We have all heard of the horror stories about funds misdirected to projects of questionable taste.

No one in this House sanctions that kind of work. I thought the most recent examples were disgusting, but Mr. ARMEY's amendment will do nothing to address this problem. Instead, by making a dramatic reduction in the NEA grant program, the Armey amendment will punish all the artists because of problems with a few.

In fact, throughout its 25-year history, the NEA has awarded more than 85,000 grants, with just a handful stirring any criticism.

This issue needs to be addressed in the proper forum, with a reasoned and deliberative approach.

The approach taken by the Armey amendment is like amputating your arm to remove a hangnail. I hope that the gentleman from Texas will not offer his amendment. The committee recommendation is sound, and the NEA program deserves the support of the House.

Mr. Chairman, let me repeat that this bill is under budget, for both outlays and budget authority. It is a good bill: fiscally sound and programmatically balanced. I urge all my colleagues to support it.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2788, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1990

(Sponsors: Whitten, Mississippi; Yates, Illinois)

The Administration opposes H.R. 2788 as reported by the House Appropriations Committee.

While under CBO scoring H.R. 2788 would fall within the 302(b) allocation, we do not believe that CBO scoring reflects accurately the domestic discretionary spending levels in the bill. If CBO changed its scoring in ways we believe are appropriate under the Bipartisan Budget Agreement, the bill would provide domestic discretionary budget authority of $11,256 million, or $356 million more than the Interior Subcommittee's 302(b) allocation. It would also provide outlays of $10,547 million, or $197 million more than the 302(b) allocation. By this scoring, H.R. 2788 would cause a violation of the limits established for domestic discretionary spending as set forth by the Bipartisan Budget Agreement, unless other subcommittees report bills that provide domestic discretionary appropriations below their House 302(b) allocation.

The Administration is opposed to the provisions extending moratoria on Outer Continental Shelf (OCS) pre-leasing, leasing and exploration. The President has established an inter-agency task force to address congressional and public environmental concerns regarding three controversial lease sales scheduled for FY 1990. It would be inappropriate at this time, for the Congress to impose more OCS moratoria, or to prohibit activities designed explicitly to provide the kind of information that is needed to make environmentally sound decisions on drilling.

The Administration also opposes a number of other provisions, as outlined in the attachment.

The Administration urges the House to pass a responsible bill that (1) continues to fund essential programs, and (2) addresses satisfactorily the provisions opposed by the Administration.

Attachment:

INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

I. CONFORMANCE WITH BIPARTISAN BUDGET AGREEMENT AND 302(B) ALLOCATIONS

While under CBO scoring the Interior and Related Agencies Appropriations Bill would meet the requirements of the Bipartisan Budget Agreement as measured by compliance with the Interior Subcommittee's 302(b) allocation, the attached bridge table shows that the bill would actually provide a domestic discretionary total of $11,256 million in BA, or $356 million more than the 302(b) allocation. The BA level would result in outlays of $10,547 million, or $197 million more than the 302(b) allocation.

II. MAJOR PROVISIONS SUPPORTED BY THE ADMINISTRATION

Land Acquisition.—The bill recommends about $200 million in appropriations from the Land and Water Conservation Fund to finance Federal land acquisition for recreation and conservation purposes. This is very close to the President's request and demonstrates the general consensus that a reasonable, sustained program of Federal land acquisition is justified. Although the Committee substituted a number of its own projects for some of the specific acquisitions proposed by the President, the overall funding allowance would make it possible to protect many nationally-significant natural and cultural resources.

Indian Land and Water Rights Claims.—The bill recommends additional funding of $163 million so the Federal Government can meet its obligations in settling various recently authorized Indian land and water rights claims. Included in the $163 million is the full $77 million for the Puyallup (WA) land settlement enacted on June 21st, $60 million for three recent Indian water rights settlements (Salt River, AZ; Colorado Ute, CO/NM; and San Luis Rey, CA), $10 million for the Hoopa-Yurok (CA) reservation settlement, and $15 million for WW II restitution payments authorized in 1988 to the Aleut people of Alaska.

III. MAJOR PROVISIONS OPPOSED BY THE ADMINISTRATION

A. Funding Levels

Department of the Interior

The Committee inappropriately addresses the deficit impact of forest fire fighting appropriations by placing nearly all Interior and Agriculture Department fire fighting funds ($740 million out of $761 million provided) in a new account as mandatory. However, approximately $200 million of the amount appropriated to the new account would finance purely discretionary, planned activities. Although certain fire related costs are unpredictable and unavoidable (emergency suppression and rehabilitation), many fire related costs are planned and programmed in advance (fire management and presuppression). Planned fire fighting costs are discretionary.

Of the total $761 million provided, the Committee proposes $200 million for Interior Department forest fire fighting. This should be sufficient to ensure that Interior non-fire programs are reimbursed for transfers during FY 1989 to pay emergency fire fighting costs. However, it is far short of what would be necessary to pay projected FY 1990 Interior Department fire costs, threby perpetuating the current cumbersome and misleading system of financing fire fighting after-the-fact.

The Committee unfortunately ignored the Administration's proposal to fund both FY 1989 and FY 1990 fire costs fully, partially offsetting the increased funding by reducing certain payments to States from Federal mineral and timber receipts. If the Administration's proposal is unacceptable, the Committee should propose a different means of financing fire costs that, like the Administration's plan, does not rely on inappropriate scorekeeping and does not increase the Federal budget deficit. We intend to continue working with Congress to resolve this matter equitably.

The Administration objects to Interior Department construction funding that is $183 million (116 percent) above the President's request and $65 million over FY 1989. Much of the additional funding is unnecessary and directed at low priority projects, not at the Department's backlog of needed health and safety projects. The additional construction projects are generally discretionary or non-critical, and can be foregone or postponed. New construction is a lower priority than providing equality operations, maintenance, and rehabilitation at existing facilities.

The Administration opposes over $90 million in increases above the request for various low-priority grants to States and non-Federal research institutes. This includes Historic Preservation Fund grants ($31 million), Abandoned Mine Land Reclamation grants ($30 million), Land and Water Conservation Fund grants ($17 million), grants to water resource and mineral institutes ($8 million), and Endangered Species Act grants ($5 million). Although many of the purposes to which these grants are directed are not objectionable, the need for fiscal restraint in Federal spending dictates that such grants be limited to the minimum necessary to address pressing, high-priority Federal responsibilities.

The Administration objects to proposed increases over the request to fund lower priority or special interest projects in various Interior bureau operating and research accounts. In total, these accounts would increase $344 million (10 percent) over the Administration's request and $287 million (8 percent) over FY 1989. Of this, $189 million funds a 20 percent increase for numerous Indian programs for education, social services, natural resource development, and trust responsibilities.

These increases are not necessary. However, included in the $189 million for Indian programs is a $77 million BA adjustment (with no outlay impact) for conversion of certain Interior contracts with Indian tribes from a fiscal to a calendar year basis as required by law. There is no objection to the BA for the one time conversion.

The Administration objects to $8.3 million to fund certain recently identified capital improvement program (CIP) deficiencies in

Micronesia. The funds benefit an airport runway in the Federated States of Micronesia and roads in Palau.

The Federal Government is not responsible for projects that are not within the scope of the previously funded Micronesian CIP program, nor for deficiencies caused by a lack of proper operations and maintenance by the local governments. In addition, the Federal Government should not provide funds above the previously approved Compact of Free Association amounts provided to the Micronesian governments (an average of $30 million annually to Palau, and $90 million to the Federated States of Micronesia), or the $9.3 million in additional, pre-Compact funding for Palau.

Department of Agriculture

The Administration objects to the Committee's inclusion of $258 million in its new fire fighting account to pay back FY 1988 Forest Service fire fighting funds transferred from the Knutson-Vandenberg Cooperative Work Trust Fund. Considering the $250 million requested by the Administration and provided as part of the FY 1989 Supplemental Appropriation, the increase is not necessary to meet programmatic needs and would unnecessarily increase unobligated balances.

Department of Energy

The Administration would prefer that the Committee provide the full $710 million included in the President's Budget for the Clean Coal Technology program, instead of the $635 million included in the bill.

The Administration opposes the significant increases for fossil energy research and development ($43 million or 11 percent over FY 1989 and $261 million or 159 percent over the request), and for energy conservation research and development ($33 million or 21 percent over FY 1989 and $107 million or 122 percent over the request). Many of the increases are for low priority and special interest projects which are not likely to advance technology in these areas.

The Administration objects to an increase of $209 million over the request for energy conservation grants. This additional amount is unnecessary because states have been supporting conservation grant activities with over $3.1 billion they have received from petroleum overcharge violation cases.

Department of Health and Human Services

The Administration objects to the $181 million increase over the request for the Indian Health Service. The Committee mark represents a 17 percent increase over the FY 1989 appropriation, a rate of growth 11 percent more than the estimated medical cost inflation of 6 percent. Of the $184 million increases over FY 1989, a full $38 million, or 21 percent, is composed of 21 earmarked, low priority, special interest projects.

The President's FY 1990 Budget seeks to promote self-determination contracting by requesting separate appropriations for tribally administered health services and those administered by Federal staff. Separate appropriations would make information clearly available to tribes to the steady or increasing level of funds for self-determination contracts, and would complement changes in tribal contracting envisioned in the Self-Determination Act Amendments of 1988. By rejecting the separate tribal and Federal health administration accounts, the Committee is inhibiting achievement of the goals of the Self-Determination Act.

National Foundation on the Arts and Humanities

The Administration objects to the Committee adding $8 million for the National Endowment for the Humanities, $1.3 million for the National Endowment for the Arts, and $650 thousand for the Institute of Museum Services to the President's request. The levels requested in the President's Budget are sufficient to meet known needs. There is no programmatic justification for these increases.

Commission of Fine Arts

The Administration objects to $5 million for National Capital Arts and Cultural Affairs. This would be used for general operating support on a non-competitive grant basis to Washington, D.C. arts and cultural organizations. This is unnecessary as it is a duplication of existing Federal nationwide competitive grants.

B. Language Provisions

Outer Continental Shelf (OCS) Oil and Gas Leasing and Exploration Moratoria.—The Administration objects to provisions that continue a "one year" leasing moratorium in the FY 1989 Interior Appropriations Bill involving Georges Bank (MA), and institute moratoria on pre-leasing activity in southern and central California; institute moratoria on OCS tracts out to 50 miles from shore in the mid-Atlantic; and establish moratoria on drilling and exploration in Bristol Bay (AK). In addition, the Department is directed to explore options for buying out existing Bristol Bay leases.

The President established an inter-agency task force to address congressional and public environmental concerns related to three scheduled FY 1990 OCS lease sales. It would be inappropriate to impose more OCS moratoria or to prohibit activities which are designed to provide specifically the kind of information that can lead to environmentally sound drilling decisions. The Administration has pledged not to conduct OCS leasing or exploration in the moratoria areas until after the task force has completed its work and the Administration has announced its decisions on the three FY 1990 sales under review.

Buy America.—The Administration opposes bill language that would require structures on the Outer Continental Shelf (OCS) to contain at least 50 percent U.S. labor and materials. This would seriously delay and increase the cost of oil production from the OCS; it conflicts with the Administration objective of encouraging reliance on indigenous energy sources; it is contrary to U.S. obligations under the General Agreement on Tariffs and Trade—inviting retaliation from countries such as the United Kingdom, Norway, the Netherlands, and Denmark; and it would create a new trade barrier at a time when there is widespread concern about creeping protectionism.

Forest Service (FS) and Bureau of Land Management (BLM) Excess Timber Receipts.—The Administration objects to language making available to the FS and BLM, Federal timber receipts collected in FY 1989 in excess of the FY 1989 amount estimated in the President's FY 1990 budget, with the excess amount available to the FS capped at $35 million. Federal timber receipt estimates for FY 1989 have increased substantially over the February budget as a result of escalating sale prices and an increasing rate of harvest. This is due in part to an expected shortage of supply because of the northern spotted owl litigation and proposed Federal listing of the owl as a threatened species. The effect of the Committee's action, which represents an additional, unnecessary earmarking of receipts that otherwise would be turned over to the General Fund of the Treasury, would be to increase outlays by about $30 million in FY 1990.

Tribal Contractors' Liability Insurance.—The Administration opposes the rejection of language included in the FY 1990 Budget to postpone until at least FY 1991 the requirement from a 1988 law that Interior and HHS purchase liability insurance for tribal contractors. Despite this rejection, the Subcommittee did not provide funding in the bill to cover the cost of purchasing liability insurance, which primarily affects Interior's Bureau of Indian Affairs and HHS' Indian Health Service. Preliminary estimates are $15 to $50 million annually in additional Federal costs to cover such insurance. Even with additional funding, it is unlikely that Interior and HHS, with assistance from the Department of Justice, can administratively implement the liability insurance provision in a fair and cost-effective manner by FY 1990.

Helium Facility Sales.—The Administration objects to bill language that prohibits the sale of Federal helium facilities. Current Federal helium-processing activities are indistinguishable from commercial operations, and transfer to the private market would ensure that future Federal helium needs are efficiently met. The Helium Advisory Board, a group of major American helium producers, supports the privatization of the Federal facilities and has indicated the private sector's ability to meet future private and Federal helium needs. Interior's Bureau of Mines would retain sufficient crude helium inventory to ensure future supplies for Federal agency use in an emergency. An Administration bill to accomplish this restructuring of the Federal helium program (including sale of processing facilities in Amarillo, TX) has been introduced in the House, and is pending before the Mining and Natural Resources Subcommittee.

Naval Petroleum Reserves (NPR) Excess Receipts.—The Administration objects to language that would make receipts from the sale of oil and gas from the Naval Petroleum Reserves that exceed $510 million (the Administration's February 1989 estimate) available to buy Strategic Petroleum Reserve oil in FY 1990. NPR receipts are now estimated to be $630 million. The provision would increase discretionary spending by $120 million.

Committee Approval Provisions.—The Administration objects to bill language that purports to restrict the use of funds or to limit agency actions unless approval is granted by Congressional committees. Such provisions are unconstitutional (see *INS* v. *Chadha*, 462 U.S. 919 (1983)). In any event, the executive branch will continue to provide the Committee notification and consultation that interbranch comity requires in matters in which Congress has indicated such a special interest.

Employment Ceilings.—The Administration opposes bill language to exempt programs funded by the bill from employment ceilings. The provision is objectionable because it prevents effective and efficient management of agency programs and promotes wasteful spending.

BRIDGE TABLE: HOUSE SUBCOMMITTEE ESTIMATES TO OMB ESTIMATES INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

[In millions of dollars]

	1989 enacted		1990 President's request		House committee action	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
CBO ESTIMATE						
Domestic discretionary spending [1]	9,312	9,941	8,990	9,376	10,898	10,349
Plus scorekeeping adjustments:						
National forest system					26	21
Oregon and California grant lands					12	9
The Subcommittee directs that "excess" timber receipts in the Forest Service and Bureau of Land Management be made available for the bureaus' use. This earmarking of receipts that would otherwise be turned over to the General Fund of the Treasury will increase the deficit by $30 million.						
SPR petroleum					120	120
Bill language directs that receipts from the sale of oil and gas from the Naval Petroleum Reserves in excess of the budget estimate be available to buy SPR oil in FY 1990. This will increase domestic discretionary spending by $120 million.						
Energy conservation PODRA receipts			43	43		
The President's budget assumed that receipts would not be realized in FY 1990. CBO includes an offset for receipts in its scoring of the request.						
Fire fighting			250	175	198	139
The subcommittee scores nearly all fire fighting appropriations as mandatory. OMB scores only reimbursements of prior year transfers and unplanned emergency fire fighting and rehabilitation as mandatory.						
Land and Water Conservation Fund Rescission			−30			
OMB scores the legislative proposal to rescind unused contract authority to the Subcommittee. The subcommittee rescinds the contract authority in proposed language.						
OCS moratoria					8	8
The subcommittee proposes 1-year moratoria on pre-leasing and lease sales in several areas, as well as bans on exploration for existing leases in two areas. CBO estimates that this would increase the deficit by $2 million in FY 1990. OMB estimates that it would increase the deficit by $10 million in FY 1990. Increases would be substantially greater in future years.						
U.S. Fish and Wildlife Service—Sport fish restoration and miscellaneous appropriations			91	36		
Congress does not recognize budget amendments not yet transmitted. Amendments were transmitted July 6, after CBO prepared its data. Amounts reflect CBO estimates for these accounts.						
Compact of Free Association	−3	−3	−6	−6	−6	−6
The subcommittee scores as discretionary funding for Palau for which authorizing legislation is required. These funds should be excluded from the discretionary total since they cannot be made available in the absence of legislation implementing the Compact.						
Franklin Delano Roosevelt Memorial Commission			19	1		
OMB scores the legislative proposal to begin construction on the memorial to the Appropriations Committee. The subcommittee recommends funding the memorial under the National Park Service.						
Outlay spendout rate differences		−251		−87		−93
Other scorekeeping differences	263	185	3	2	(0)	(0)
Total scorekeeping adjustment	260	−70	370	165	358	198
OMB ESTIMATE						
Domestic discretionary spending	9,572	9,872	9,360	9,541	11,256	10,547
302(b) allocation					10,900	10,350
Difference between OMB estimate and 302(b) allocation					356	197

[1] FY 1950 data based on CBO computer report dated 6/30/89. House committee totals are referenced in House Report 101–120.

Note: Detail may not add to totals due to rounding.

MAJOR CHANGES INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1990

[In millions of dollars]

Major changes	1989 enacted		1990 President's request		House committee action		House difference from:			
							Enacted		Request	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
DISCRETIONARY SPENDING										
Department of the Interior:										
Bureau of Land Management:										
Management of lands and resources	426	445	432	427	446	427	20	−18	15	(3)
Fire fighting account [1]	(2)	(2)	250	175	198	139	198	139	−52	−37
Minerals Management Service: Payments to States for receipts under Mineral Leasing Act			1	1	−55	−55	−55	−55	−56	−56
Office of Surface Mining: Abandonment mine reclamation fund	193	218	150	189	193	200	(3)	−17	42	12
Geological Survey: Surveys, investigations and research	452	459	452	453	487	485	35	27	34	33
Bureau of Mines: Mines and Minerals	159	161	141	147	162	160	3	−1	21	13
Fish and Wildlife Service:										
Resource management	356	348	340	344	375	371	19	23	36	27
Construction	48	30	10	34	30	38	−17	8	20	4
National Park Service:										
Construction	198	82	44	103	174	123	−23	41	130	20
Historic perservation fund	31	29		14	31	30		1	31	16
Bureau of Indian Affairs:										
Operation of Indian Programs	968	968	917	925	1,066	986	98	18	148	61
Construction	95	105	101	102	134	109	40	4	33	8
Miscellaneous payments to Indians	14	14	29	28	192	174	178	160	163	146
Office of Territorial Affairs:										
Trust territories of the Pacific Islands	28	28	3	5	34	32	6	4	31	27
Related Agencies:										
Agriculture—Forest Service:										
National forest system	1,047	1,025	1,016	984	1,158	1,086	111	61	142	102
State and private forestry	87	91	49	54	90	70	3	−21	41	16
Energy:										
Clean coal technology	190	92	710	120	635	119	445	28	−75	−1
Strategic petroleum reserve/SPR petroleum	415	646	322	342	726	730	311	84	404	388
Fossil energy research and development	381	354	164	288	423	392	42	38	259	104
Energy conservation	315	313	96	316	368	336	53	23	273	20
HHS—Indian Health	1,082	1,045	1,083	1,194	1,265	1,244	183	199	181	49
All other	3,088	3,419	3,049	3,296	3,123	3,350	35	−69	74	54
Total, discretionary spending	9,572	9,872	9,360	9,541	11,256	10,547	1,685	676	1,895	1,007

MAJOR CHANGES INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1990—Continued

[In millions of dollars]

Major changes	1989 enacted		1990 President's request		House committee action		House difference from: Enacted		House difference from: Request	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
MANDATORY SPENDING										
Fire fighting account [1]			174	129	542	381	542	381	369	252
Fiscal year 1989 fire fighting appropriations (various accounts)	309	309					−309	−309		
Administration of territories	42	42	35	35	35	35	−6	−6		
Compact of free association	23	23	19	19	19	19	−4	−4		
All other mandatory	9	9	9	9	9	9	([3])	([3])		
Total, mandatory spending	382	382	236	192	605	443	223	61	369	252
Total, Interior	9,954	10,254	9,596	9,732	11,861	10,991	1,907	737	2,264	1,259

[1] Includes both Interior and Forest Service fire fighting. President's request includes proposed Federal wildland fire fighting accounts and proposed offsets.
[2] Fire fighting amounts in fiscal year 1989 and reflected in their regular accounts.
[3] Less than $500,000.

Note: Detail may not add to totals due to rounding.

□ 1130

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the most distinguished member of our subcommittee, the chairman of the full Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I will not mention how long the chairman of the subcommittee and I have served here together on the Committee on Appropriations and on this subcommittee, but I welcome this or any chance to compliment him and the other members of the subcommittee for the great job they have done.

We have to stop and look from time to time and take stock of where we are because we are disturbed about what is happening to our Nation. In the last 8 years our debt has increased from $908.7 billion to $2.8 trillion. Not only has that been true, but it looks like we are in for some more from reading the papers about recommendations to us. Our trade deficit is now $118 billion per year.

I wish to point out that this is not as a result of the actions of the Committee on Appropriations. Our committee, since 1945, has been $187.6 billion below the recommendations of Presidents. Under President Reagan we were over $16.1 billion below.

Our situation comes not because of what we have spent on our own country but what we have gotten involved in in world trade and other places where we are not getting trade, but we are getting all of these foreign investments and production coming into this country, almost without restriction, and we are not keeping up our exports which are so vital. But I want to say again the very title of this bill from the Interior Appropriations Subcommittee tells us that funds in this bill are for our country, and our problems have not arisen from what we have spent on our own country. We have a big country. We have diverse interests. Everything we have is our wealth.

Mr. Chairman, our paper money is in bad shape, and I want to compliment the chairman of the subcommittee and the other members of the subcommittee for looking after our own country, because it is not what we spend here that causes our problems, but it is what we spend here that is going to enable us to handle our national financial problems if they are going to be handled.

I am not going to repeat in my remarks on the points my colleague from Massachusetts, but I subscribe to what he said. We have to look after our own country, because that is our real wealth, and that is what we are going to have to look to in the world.

We should have learned we cannot run the world, and certainly the last 9 years have proven we cannot finance the world. I am glad that we recognize we have to look after our own country, because if we ever pay off what we owe and handle what we have today, it is going to be because we looked after our own country.

However, I do want to provide examples of programs of national importance in this bill that are in my region and State—programs which have helped our economy to grow by 41 times since 1934 when we began addressing local problems with national programs. Funds for the Private John Allen National Fish Hatchery—one of 71 across the Nation (over $200,000); funds for 2 of the 354 units of the National Park System including $22,500,000 for Natchez Trace Parkway construction, $25,000 for a management plan for the Natchez National Historical Park and management funds for the Park Service to continue to progress in the planning for that unit, and $5,270,000 for the acquisition of historic Melrose in the Natchez NHP; $600,000 for the marine minerals technology center located at Ole Miss; and funds within the total of $42,900,000 provided for the Magnetohydrodynamics program to continue that portion of the program conducted at Mississippi State University. We continue to support diagnostic instrumentation work at Mississippi State University, particularly the innovative mobile equipment testing laboratory and related activity, and we expect the Department to continue current levels of support for the University. Construction of additional facilities is deferred for later consideration.

Mr. Chairman, as the gentleman from Illinois has stated, this bill contains important programs, similar to these, located all over our country and I urge it be adopted.

Again, the gentleman from Illinois [Mr. YATES] and the other members of the subcommittee, have done a great job.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to congratulate both the gentleman and the distinguished chairman of the subcommittee for their outstanding work with one exception. On that, I have to concur with the eloquent remarks of the gentleman from Ohio [Mr. REGULA] on the lack of advisability of the committee's action on moratoria.

Mr. Chairman, we have been hashing this issue out for the last 8 years, placing moratoria on greater and greater acreages around the Outer Continental Shelf, and keeping oil companies from developing our resources. It did not make sense when we started it; it sure does not make sense today.

Mr. Chairman, we are becoming increasingly dependent upon foreign nations for our oil supplies. We are cutting down unilaterally on our dependence on nuclear energy because it is deemed hazardous to the environment in one respect or another; because of acid rain, we are cutting down on coal usage. We are trying to adopt clean-coal usage, but the more we look into it, the more we realize we should not use coal. And now, we are unilaterally tying our own hands and preventing

ourselves from drilling in key areas around our Outer Continental Shelf thereby diminishing our domestic oil production, all in the name of saving the environment.

That might make sense if it were oil wells that caused the oil spills that we have been reading so much about lately, but oil wells are not to blame. It is not the oil wells. It is the tankers. If Members do not want tankers to spill oil in their environmentally sensitive areas, and certainly no rational person would, and while we regret what happened with the tanker *Valdez* in Alaska, and while we regret the Delaware incident and all the other oilspills that have occurred recently, but if Members do not want oil to spill on the outer continental regions of the United States, then let's just scrap the tankers and eliminate transported oil altogether.

Let me suggest to those who think it is wise to ban oil production, that if we ban the tankers and do not import oil or produce oil in this country and do not use oil, and if we do not use nuclear energy, and if we do not use coal, those responsible for such decisions should make do with what is left, which is virtually nothing, meaning that they will have no energy.

We in Louisiana have been producing oil off our Continental Shelf for many years. Production has not been without environmental problems. But, frankly, I am of the opinion that if other people around the rest of the country do not want to produce oil off their Outer Continental Shelf, I would just as soon use our Louisiana oil at home. There was a widely renowned public official in Louisiana who years ago said, "If they do not want to produce energy up in their territory, fine, let them freeze in the dark." Frankly, there is a lot of wisdom in that statement. We have to be self-sufficient in energy in this Nation.

If we cut ourselves off from oil production, if we cut ourselves off from coal production, if we cut ourselves off from nuclear energy, we are handing a weapon to the OPEC nations in the future, and creating a situation from which we will never recover. It is a very dangerous proposition.

I would urge the Members of this body not to do anything this year, because it is obvious that we are not going to prevail. But in the future, for crying out loud, let us reevaluate this process of moratoria. It is wrong, it is misdirected, and it is leading us down a very dangerous path.

Mr. YATES. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I have listened to the arguments of my good friend, the gentleman from Ohio [Mr. REGULA], and let me just say there is not a finer legislator in the House or a greater gentleman in the House than the gentleman from Ohio [Mr. REGULA].

I have listened to my good friend, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. Chairman, the facts are that the companies that are supplying us with oil are the ones that are threatening the environment. Ordinarily I would not have taken time to discuss this, because my good friend, the gentleman from Ohio [Mr. REGULA], has laid out his side of the story so well. I think I should point out just one thing.

There is an article that appeared in the Wall Street Journal for July 6, 1989. I read from the headline: "Alyeska Record Shows How Big Oil Neglected Alaskan Enrivonment; Pipeline Firm Cut Corners and Scrapped Safeguards, Raising Risk of Disaster."

Mr. Chairman, I read from the text:

> Over the years, Alyeska has gradually and quietly scrapped many safeguards and never even built others that it told Congress it planned. Several past and present employees say they occasionally fabricated environmental records. Alyeska has fought proposed new regulatory controls in long, expensive legal wars of attrition that have enabled it to dump pollutants into the environment in excess of what regulators now consider safe. It allowed its defenses against a major accident to fall into disrepair. And many Alyeska statements—both before and after the spill—appear now to have been misleading at best.

Then, Mr. Chairman, we have James Woodle, who has been both Coast Guard commander for the Port of Valdez and an Alyeska Marine Superintendent, who says that:

> The only surprise is that disaster didn't strike sooner.

Dennis Kelso, the head of Alaska's Department of Environmental Conservation, says:

> Alyeska stands as a monument to a powerful and rich industry's failure to keep its commitments. They have operated as if they were a sovereign state, with terrible consequences. As a nation, we have to ask ourselves: "Can we trust them anymore?"

The article goes on and on at great length. The point I am making, Mr. Chairman, is that the fears that my friend from Ohio raises about shortages are actually true. We are faced with the shortages that he points out.

□ 1140

We have to face up to that. But the fact still remains that there is a responsibility that the oil companies have not yet faced of committing themselves to have better environmental standards.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we have the same thing in the S&L crisis, the same thing in the HUD crisis. We are not enforcing the law. But that does not address the problem that we should cut ourselves off from the oil. We should enforce those rules and regulations. I agree with the gentleman.

Mr. YATES. I agree with the gentleman from Ohio. As is so often the case in our bill, the gentlemen find themselves in agreement.

Mr. REGULA. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. LOWERY], a member of the subcommittee.

Mr. LOWERY of California. Mr. Chairman, I rise in support of the Interior appropriations bill for fiscal year 1990, and commend both the gentleman from Illinois and the gentleman from Ohio for their leadership, vision, and commitment.

I would also like to acknowledge the outstanding leadership of President George Bush, whose wise decision to curtail offshore development in three areas of the Federal Outer Continental Shelf pending a task force study, has been reaffirmed in this bill before us today. The President's action halted preleasing steps in southern and northern California planning areas, as well as southwestern Florida. This bill would add central California and ensure that preleasing be kept in abeyance until October 1990.

By extending President Bush's delay in prelease activity, the committee is allowing for meaningful review of the task force's results before proceeding with the sales. And that is presuming the task force recommends that the sales go forward.

In the meantime, it should be noted that the committee's action in no way precludes important environmental data gathering. Indeed, environmental, geologic, economic, engineering, and other scientific analyses, studies and evaluations may proceed. Also, public meetings and negotiations, participation in task forces and other cooperative efforts are not precluded. The only actions we seek to prohibit are the formal steps which lead to an actual lease sale.

Well before the catastrophic *Exxon Valdez* spill, a bipartisan majority of the California congressional delegation and both California Senators asked the President to halt preleasing steps while the task force conducted its business. In this post-*Valdez* climate, however, a prelease ban is even more compelling.

The President's National Response Team, headed by Transportation Secretary Sam Skinner and EPA Administrator Bill Reilly, concluded in its May 18, 1989, report that oilspill cleanup procedures and technologies are primitive. A 22-year veteran spill research scientist at the Minerals Management Service told the Wall Street Journal that—

> Ninety-nine percent of the time there isn't enough equipment on the scene within the first critical four to eight hours, and when recovery starts there is almost never sufficient storage for recovered oil * * * The cur-

rent technology amounts to having a quarter-inch lawnmower working on a 40-acre field.

During my 9-year tenure in Congress, the oil industry has made repeated claims that technological advances will mitigate any offshore spills. "Don't worry, be happy,"—to quote a famous song—was their message. I doubt you'll be hearing that refrain in Alaska, Delaware or Rhode Island in the near future.

To those who would label this as a tanker problem, wholly unrelated to OCS development, let me remind you of the pre-*Valdez* comments of EPA and the Fish and Wildlife Service regarding the proposed OCS lease sale offshore northern California. Without getting overly technical here, both agencies questioned Minerals Management Service oilspill analysis. Fish and Wildlife went as far to say that current technology cannot effectively clean up a spill:

Oil spill cleanup and containment equipment is not deployable in severe weather, and in calm weather the containment and cleanup is at best only partially effective.

Simply stated, oilspill issues are not unique to tanker accidents. Even if all new OCS development were to utilize pipeline transfer techniques, which is not contemplated by MMS, oilspill cleanup technologies would still be a critical element in balancing resource development and environmental risks.

The bill before us today is a prudent and sensible response to the *Exxon Valdez* accident. What is the rush to resume preleasing steps upon delivery of the task force report? Do we not want to learn from the mistakes of the *Valdez*, not to mention other issues the task force may uncover, before we subject far more populated areas of our country to the risks of offshore development?

In closing, let me assure my colleagues that California is not asking for special treatment, only sensible treatment. California is a very active oil-producing State, accounting for nearly 14 percent of total U.S. production, and ranking fourth among all States behind Texas, Alaska, and Louisiana. My State has been producing onshore and offshore oil since the late 1800's, and its total production is greater than total OCS production nationwide. California is not sitting still, either. Conveniently overlooked by those who would proceed with development post haste is the fact that OCS production offshore California will nearly triple between 1987 and 1992.

The responsible measure before us will ensure that more than just lip service is paid to the Presidential task force's report and I urge my colleagues to support the committee bill.

Mr. YATES. Mr. Chairman, I yield 5½ minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, I strongly support this bill and urge my colleagues to support it. I also wish to express my gratitude and respect to the chairman, Mr. Yates, to the ranking Republican, Mr. Regula, and to the staff for bringing forward this excellent bill.

Mr. Chairman, if there ever was a bill that could be called America's bill—this is it.

And the bill is especially important to Oregonians. With more than 50 percent of Oregon owned by the Federal Government and managed by the Interior Department and the U.S. Forest Service, this bill may well be the most important bill in Congress for Oregon.

Some of my colleagues may be aware of the controversy we face in the Pacific Northwest over the future of our public forest lands—the spotted owl and old growth sections of forests. I want to take a minute or two of the committee's time to explain to my colleagues the situation we face in my region.

We are trying to reconcile two fundamentally different values that divide Oregonians who care about the public forests.

On the one hand, there are those who think that Oregon's environment is an intrinsic part of the quality of life in our State and want to preserve that heritage.

On the other hand, there are those communities—those families—whose lives depend on the use of the forest resources in making lumber, plywood, pulp, and paper.

One faction views continued timber harvest as a threat to the health of the forest, while the other faction views more preservation of public lands as a threat to the existence of their communities.

The conflict has escalated to the point where several lawsuits have been filed and temporary injunctions have been imposed—pending hearings on the merits of the cases—which severely curtail the timber sale programs of the Forest Service and the Bureau of Land Management.

The result is near paralysis of public timber sales and panic in those towns that depend on the mills for their survival.

The Members should know, however, that we in the Northwest are working to reconcile this conflict. Members of Congress and Governors, Democrats and Republicans, officials from Oregon and Washington have jointly proposed a compromise for the next 15 months.

This compromise would protect the most important, unfragmented old growth forest habitats, while freeing up a modest amount of timber sales to keep mills operating and people working.

It is a proposal which requires both sides to give up something, but both sides get something, too.

It has been my hope, Mr. Chairman, that this substantive compromise could be included in the bill before us today because every additional day of paralysis unnecessarily threatens the well-being of thousands of working families in the Northwest.

One side of the conflict has agreed to the proposed compromise—the industry. We are waiting for the environmental coalition to act in the public interest.

If there had been agreement, this bill today could have resolved the issue and protected the spotted owl and the industry.

In the meantime, I want to say that the initiatives in this bill for research, inventory, and management of old-growth forests and species, as well as the investments in reforestation of Forest Service and BLM lands and in technical assistance for small private forest landowners in Oregon and Washington, and the reinsertion of the prohibition on the export of Federal timber in raw log form all go a long way toward working out our problems in the Northwest.

□ 1150

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Washington, [Mr. Dicks].

Mr. DICKS. Mr. Chairman, I would like to comment on the statement, the very excellent statement made by my good friend and colleague, the gentleman from Oregon [Mr. AuCoin] who has been a leader on this subject. The issue he has just discussed is one of the most important issues facing the entire Pacific Northwest, the States of Washington and Oregon, as well as California and Idaho are affected.

I just want to say to the gentleman that we need, I think, to continue, and I would urge the chairman to help us as we go through this legislative process, when later on there may be an opportunity to address this issue in a House-Senate conference committee dealing with a potential Senate amendment that would deal with this problem; I would just urge the chairman, if he could, to help us on this, to understand the gravity and importance of this issue from both an economic and an environmental perspective.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding.

Mr. Chairman, I just want to state that I for one and, I know, the members of the whole Northwest delegation appreciate the leadership the gen-

tleman from Washington State [Mr. DICKS] has shown on this issue.

I think the gentleman would agree with me that we are not trying to tilt toward the industry at the expense of the spotted owl or old-growth forests or tilt toward the environmentalists at the expense of the industry, the reverse of this. What we want is a balanced proposal that saves the spotted owl, does the responsible environmental thing, but also keeps alive an industry that families and their livelihoods depend upon.

We had a chance in this bill to have this compromise attached. We did not get it. But I think we still have that chance. I think it is very incumbent upon the affected parties as well as the regional delegation to work toward that end. I send a signal to all those who are reluctant so far to join in this compromise, and I think the gentleman would agree with me, to get on board.

Mr. DICKS. I would just like to remind the committee that this remains probably the most crucial economic issue facing the entire Pacific Northwest. We have hundreds of communities, thousands of individuals, many businesses that are looking to the Congress that are trying to come up with a balanced approach to this. I just want to commend the gentleman from Oregon; I know together we are going to continue to work together and to do everything possible to find an answer. And we are going to ask our colleagues on the committee to help in that process.

Mr. AuCOIN. I think the answer the gentleman is talking about is one that does the environmentally responsible thing as well as the economically responsible thing; and that is what we are seeking.

Mr. DICKS. Yes.

I just want to say that I would like to compliment the chairman and the committee staff for all the help that they have given me. We have had a very difficult series of issues in Washington State, including a very important Indian lands claims settlement.

I compliment the chairman, the ranking member, and the committee staff for the help and cooperation which I have received. I am deeply appreciative of their constructive ideas and suggestions in helping us resolve another important problem in the State of Washington.

The CHAIRMAN. The Chair would advise the gentleman from Ohio [Mr. REGULA] he has 3½ minutes remaining and the gentleman from Illinois [Mr. YATES] has 11 minutes remaining.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise today in support of H.R. 2788. This bill addresses two vital acquisition opportunities that depend upon appropriations for the U.S. Forest Service in fiscal year 1990.

In my own State, the crucial 8,620-acre Lamoille Canyon in the Ruby Mountains is available for Federal purchase this year. Lamoille Canyon is one of the most visited outdoor recreation destinations in Nevada, offering an extraordinary range of recreation opportunities. However, key inholdings at the mouth of the canyon remain in private hands, subject to development.

In the Toiyabe National Forest, just over the Nevada/California border, the long-term acquisition program in Hope Valley continues through the cooperative efforts of Federal and State agencies. Three of the major landowners in Hope Valley, all Nevadans, have temporarily foregone economic alternatives for their California lands in order to make them available for public purchase.

I am glad H.R. 2788 appropriates the funds for the acquisition of these wonderful lands. I would like to thank my colleagues Mr. REGULA and Mr. YATES and their staffs for their hard work in crafting a bill that balances so many worthy requests for scarce resources.

In addition, Mr. Chairman, as you are aware Congress passed the Indian Gaming Regulatory Act—Public Law 100-497—at the end of the last year. This law calls for the creation of the National Indian Gaming Commission which was established as an independent agency within the Department of the Interior to regulate and monitor class II gaming conducted on Indian lands. Initial funding of $2 million to establish the commission was requested in fiscal year 1990. However, the Appropriations Committee has deleted funding for fiscal year 1990.

Furthermore, the Appropriations Committee is extending the Indian Gaming Regulatory Act's 1-year grace period for slot machine gaming on Indian lands. In Public Law 100-497, section 4(7)(D), tribes operating certain kinds of gaming operations had a 1-year grace period from the date of enactment of the act—October 1988—to continue such operation while negotiating with the States on a Tribal-State compact. The grace period would apply only where the machines had been operated legally as of May 1, 1988.

I am opposed to both actions by the Appropriations Committee. As you well know, the classification of slot machines was one of the central issues in the Indian gaming debate. The grace period provision was included as part of the overall compromise, and I feel that an extension of the grace period would violate that compromise. Further, it is my understanding that gaming machines are prohibited under State law in virtually all States except Nevada, Montana, New Jersey, and Colorado. In addition, the operation of any slot machine on Indian lands is expressly prohibited as a matter of Federal law by the Johnson Act (15 U.S.C. 1171). As a result, it is extremely doubtful that the grace period is applicable to any operations which involve the use of slot machines on Indian lands. Indeed, the extension of the grace period is likely to cause great regulatory uncertainty for tribes and law enforcement authorities throughout the country. Accordingly, the provision is unnecessary and would have no benefit for Indian tribes.

Finally, I believe that the Appropriations Committee is tampering with a fragile compromise authorized by the Interior Committee and passed into law by the Congress and am opposed to such legislation on an appropriations bill. It is my hope that during the course of Senate considerations of this bill that such language is not added and that the conferees will strike the provision included in the House bill.

Mr. Chairman, I urge support of H.R. 2788.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 2788 as reported by the Committee on Appropriations. In particular, I wanted to speak briefly with regard to the issues involving oil and gas development.

The committee has, for the ninth year, provided for a moratorium with regard to offshore drilling. I think it is important to recognize what this history reflects because I realize there is a lot of discussion about what this all means.

I think it really reflects three things: It reflects the failure of this Nation to develop a comprehensive energy policy; I think it reflects the failure of policy with regard to offshore development; and I think it also recognizes the President's own reservations about policies in this area by the very fact that he had to establish a task force to again look at the whole issue of offshore development.

First, with regard to the failure of energy policy, I think all of us agree if we are going to have a valid energy policy for this country it has to be based not only on development, it has to be based on incentives for conservation as well as the development of alternatives.

Unfortunately, in the last few years we virtually eliminated the incentives for conservation and for the development of alternatives energy. So we are relying on what? On the continuing development of oil and gas. The problem now is that we are so dependent on oil and gas that we have made the decision that wherever it is, wherever any drop of oil may be, somehow we are going to have to go after it.

That is wrong for the Nation, it is wrong in terms of the energy policy for the future.

Let me also share with the Members the fact that California, although it is the subject here of the moratorium, is also a State that performs its role with regard to energy development.

We are fourth in the Nation in terms of offshore development and between now and 1992 our California offshore

development will virtually triple without any restrictions imposed by the Congress. That is a path we are on.

Second, we have a failure of policy in terms of offshore development. We seek good stewardship; that is the balance between what we develop and what we protect. That is the issue. Unfortunately we have failed to have good stewardship in this area and the oilspill issue basically reflects that failure.

This is also an issue of honesty. The companies have said, "No problem, we can clean up oilspills." But they failed to do it in Valdez, they have failed to do it every time there is a spill.

Is the issue "tankers versus oil rigs?" Not at all, because with regard to oil development, particularly off northern California, we are talking about the use of about 248 more tankers just to develop the oil there.

So whether it is a tanker or whether it is an oil rig, the issue is: Can you control an oilspill?

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That cannot be done, and we have had evidence of that fact every day.

Third and last, the President of the United States himself has recognized these other failed policies by the very fact that he had to appoint a task force to look at these issues. We think it is important for the task force to do its job, but at the same time Minerals Management Service and the Interior have policies that are moving ahead regardless of what the task force recommends to the President, unless we adopt the committee recommendations of prelease steps and on the lease sales themselves.

We feel that the issue is the need to be consistent with what the President feels is what is important for energy in this country. We need to establish this moratorium so we can have a fresh look at this issue. The issue is good stewardship of our resources. That is a message that the President has to hear, and that the country has to hear, and we will accept no less.

Mr. Chairman, I rise in support of H.R. 2788 as reported by the Appropriations Committee. More particularly, I rise in support of the provisions of the bill addressing the issue of oil and gas development off the California coast and elsewhere.

There was a great deal of publicity about these provisions after the subcommittee's and full committee's markups. But aside from all the attention which they have received, they really are very modest provisions which only do one simple thing—they ensure that we do not spend time and money on prelease steps for California lease sales until we know what the President's OCS task force will recommend in January 1990, and what the President himself will recommend at some point in the future.

When President Bush established the task force earlier this year, he recognized that those who have expressed concern about leasing off California have raised legitimate, serious issues. By halting the leasing process while the task force prepares its report, the President also in effect admitted that existing reviews of leasing in these areas may not have been adequate and that work which has already been done may have to be redone before leasing can even be considered.

Frankly, that job alone would be a substantial one, but it is now clear that the task force review and the President's evaluation of the task force's work must also focus closely on an issue which has become especially important in recent months—the ability of oil companies to cope with even the smallest spill. The Valdez spill, followed by the spills off Rhode Island, Delaware, and Texas, illustrates that the industry's assurances over the years that it can cleanup oilspills cannot be accepted and that a comprehensive reconsideration of this issue must be undertaken. Such a reconsideration must be reflected in the work of the task force and in any future decisions by the administration with respect to leasing off California. The task force cannot simply assume that old data and old assumptions are still valid, and preleasing steps, if resumed, simply cannot be based on the same outdated information.

And, if there is still any doubt in anyone's mind that we do not have the capability to clean up these spills, let me note some of the comments on this issue which appeared in an article in the Wall Street Journal on June 26, 1989. The author of the article noted that "despite numerous promises to the contrary, the oil industry's recent performance has shown it has had neither the technology nor the level of commitment necessary to control these major hazards." The article continues: "Despite a major but belated effort, Exxon Corp. recovered from the water only perhaps 5 percent of the 11 million gallons spilled by the *Exxon Valdez* * * *. As poor as this performance is, it's about average for the industry. For the past two decades, the normal range of recovery for open-sea spills hasn't changed—at 2 percent to 10 percent." An MMS official is also quoted as saying that "ninety-nine percent of the time there isn't enough equipment on the scene within the first critical four to eight hours, and when recovery finally starts there is almost never sufficient storage for recovered oil."

To those who would argue that the real issue is tanker spills, rather than spills from rigs, I would note that the administration's California leasing plans could very well increase tanker traffic along the coast, rather than diminish it, thereby further increasing oilspill risk. In the Draft EIS for Lease Sale 91, for example, the administration indicated that it favored tanker transport of oil from proposed rigs off northern California rather than a pipeline transport option. The administration's choice of this approach could actually result in 248 additional tanker trips per year along this dangerous stretch of coastline.

The real lesson in all this is honesty—honesty because it is good public policy and honesty because it is the only way to ensure that proper safeguards are taken to prevent future problems. We must deal openly with the oilspill cleanup issue and not play games by pretending that the chance of spills will be diminished by increased OCS development. To play that game is only to continue the dishonesty and half-truths—of underestimated oilspill risks and overestimated cleanup measures—which ultimately produced the tragedy at Valdez and which will produce other similar tragedies unless past practices are reversed. By stopping preleasing steps until we have the task force report and the President's recommendations and until we determine whether oilspill risks have been properly evaluated, we can ensure that a policy of honesty is applied in California and the risk of a recurrence of another tragic oilspill is greatly diminished.

The painful experiences of the State of Alaska and other States have not come as a shock to those of us who have been involved in this issue for many years. We have repeatedly questioned the industry's ability to cope with spills. In 1986, for example, I formally recommend that the Interior Department require pipeline transport to shore all oil produced off the California OCS and that it require that industry actually provide a satisfactory level of cleanup capability. Those recommendations, which would have addressed both the issues of tanker traffic associated with oil rigs and oilspills, have not been accepted by the Department.

What has been just as alarming as the industry's meaningless assurances and the Department's rejection of sensible recommendations to address the oilspill issue is the fact that the Government has systematically underestimated the risk of oil spills from drilling off the California coast. Documents relating to Lease Sale 91 which Congressman MEL LEVINE obtained in a Freedom of Information Act request revealed that the Minerals Management Service suppressed concerns about oilspill risks and other issues which were raised by staff of the U.S. Fish and Wildlife Service, and very serious problems with its work on Lease Sale 91 were also raised by EPA and the National Oceanic and Atmospheric Administration. This has undermined the credibility of the environmental review process which is so critical to the leasing program and to public confidence in this process.

The impact of both the industry's false promises and the Government's refusal to address the oilspill risk seriously is that, as the New York Times observed in a recent editorial, "industry and Government are turning priceless public trust into anger." We have an opportunity to avoid that unhappy circumstance, but only if the public is convinced that the administration's review of the California offshore oil drilling question is legitimate, that it is not just a rehash of old positions and arguments. And, I will tell you quite frankly, the only way in which we can be assured that this is the case is by taking the approach identified in the committee bill.

The committee bill ensures that we do not continue with environmental impact statements, public hearings and other preleasing steps which would, necessarily be based on old assumptions about environmental issues and oilspill cleanup. It does not prevent the task force from doing its work and it does not stop environmental studies which could help us to understand better the impacts of drilling. It does not prevent the administration from

working with the delegation and the State to try to find ways to resolve this dispute. It simply says that we will halt the specific steps involved in preparing for a lease sale until we have the President's assessment in hand and, hopefully, until we have a clearer understanding of the lessons of the Valdez and the other recent oilspill catastrophes.

I would point out to my colleagues that the halt in preleasing is not new. The Georges Bank area off Massachusetts has had limits on prelease steps for many years. I would also point out to my colleagues that the committee bill does not mean that California will not contribute its fair share to our Nation's energy needs. In fact, California ranks fourth in the United States in oil production now, behind Texas, Alaska, and Louisiana, and its total onshore and offshore oil and gas production is greater than that of the entire U.S. outer continental shelf. In 5 short years, between 1987 and 1992, the State also expects to nearly triple its daily oil and gas production from its OCS waters. This process will go forward.

California is already doing its fair share in energy production, and it asks only that it be given a fair shake in return. It asks that sensitive areas be protected and that legitimate issues of environmental protection and oilspill cleanup be fairly and impartially evaluated. It asks for an honest commitment to achieve these goals. The committee bill will guarantee that the State gets that honest commitment and will give the State its fair shake. I urge its support.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Chairman, I thank the gentleman from Ohio for yielding time to me.

I am here briefly to thank the subcommittee, and particularly the chairman, and the ranking member, the gentleman from Ohio [Mr. REGULA] for one particular portion of this very carefully crafted bill. There are funds set aside in this bill to provide the initial funding for settlements of four Indian claims, settlements that have been legislated in the 100th and the 101st Congress. These settlements are in the States of Colorado, Arizona, California, and Washington.

Members have provided funding to begin the process of completing those settlements over the course of the next 2 or 3 years, and have done so not at the expense of other Indian programs. For this, I am greatly appreciative, as is the general native American community greatly appreciative. On behalf of the gentleman from California [Mr. CAMPBELL] and the gentleman from California [Mr. PACKARD] and the gentleman from Washington [Mr. DICKS] and myself and the communities we represent, I deeply appreciate your efforts on our behalf and extend to the gentleman our appreciation.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Chairman, I rise in support of H.R. 2788, the Interior appropriations bill. Mr. Chairman, this bill is a balanced bill. It is a product of a tremendous amount of cooperation between the majority and the minority, and I think particular praise ought to go to the chairman, the gentleman from Illinois [Mr. YATES], and the ranking minority member, the gentleman from Ohio [Mr. REGULA], who have worked to resolve a number of extremely difficult questions, and I think have found useful compromises that I believe are reflected in the broad, broad support that this bill has.

Mr. Chairman, this bill reflects, I think, more of a stopgap measure than anything else, in the areas of protection of our natural resources and the issue of energy development. We do not have a national energy policy. The lack of that policy has caused Members to deal in a stopgap measure in this bill on issues such as the Outer Continental Shelf moratorium. That is unfortunate. I think what has happened is we have seen in the bill, a number of tenuous compromises which are not going to hold over the long run, and indeed, which in the absence of a national energy policy, will lead to severe economic and environmental problems in this country.

At the core of those issues is the question of drilling in the offshore. We had a situation where what is reflective in the moratoria that are in this legislation is simply the fact that the large oil companies, and the same companies that are drilling in the offshore are also involved in the tankers, and they are not two separate groups, and even though the tanker accidents are the cause of the vast majority of the spills, the same corporations who are responsible, and the fact of the matter is that they do not have the capacity to clean up, and they do not have the intention of cleaning up. The fact of the matter is that the large oil companies, led by Exxon, have made a determination that it is cheaper to accept the adverse PR of an oil spill and to not make the investments in research and development, to not make the investments in safety, and that is reflective in the Alyeska and this shameful, shameful history and deception of Alyeska in terms of their promises and the reality of their performance in assuring environment protection and safety. Ultimately, it is a reflection of the *Exxon Valdez* and the situation as we speak, that tanker continues to pollute our oceans.

I would hope that with the passage of this bill it would be an incentive for the administration to begin to establish a national energy policy.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I would like to congratulate and thank the Committee and the honorable chairman of the subcommittee, Mr. YATES, and the ranking minority member, Mr. REGULA, for the manner in which they balanced the competing interests of fossil energy research and development programs. This bill represents a reasonable approach to support our country's efforts to ensure that technologies exist to respond to fossil fuel supply disruptions. Perhaps equally important, this legislation continues the mandate to maintain research that will promote cleaner, more efficient uses of our fossil energy resources.

I understand that this bill contains research priorities to ensure, among other fossil energy resources, that enhanced oil recovery, oil shale, and coal-related research will continue. As the distinguished chairman knows, Eastern and Western energy resources share common characteristics. They also have distinct differences. The continued development of such technologies will ensure our energy independence. This requires basic research.

H.R. 2788 contains funding for several organizations that perform fossil energy research. This research is vital to the Nation's continuing efforts toward energy independence and a cleaner environment.

One organization that has been on the cutting edge of important energy research is the Western Research Institute. This organization employs a vast pool of talent and expertise. I feel that this experience and expertise should be employed in a manner that encourages joint research with industry.

I am pleased to know that this bill, H.R. 2788, encourages this type of joint research between organizations like Western Research Institute and industry.

Mr. Chairman, nearly all of the activities reported in the bill have important points in beginning. I'm pleased with the attention given the agency and yet the bill fits within the budget resolution.

I again commend Mr. YATES and Mr. REGULA and their colleagues for the way in which they have balanced research program requirements in light of the need to comply with very difficult budget limitations.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I would like to engage in a colloquy with the chairman of the Subcommittee on Interior and related agencies.

I believe that the subcommittee is aware of the emergency situation confronting the Navajo Academy in New Mexico, a college preparatory school for native Americans operated and maintained by the Bureau of Indian Affairs. Navajo Academy must vacate

its present leased premises by mid-1991. The Navajo Academy is planning on building a new facility in time for the move so that it can continue its fine work of preparing Indian students for university studies.

Mr. Chairman, am I correct in my understanding that the Subcommittee on Interior and related agencies recognizes the importance of continuing the educational work of Navajo Academy and would urge the Bureau to work with Navajo Academy to identify possible sources of funds for a new facility?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. Mr. Chairman, I yield to the gentleman.

Mr. YATES. The gentleman is correct.

Mr. RICHARDSON. I thank the gentleman.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I rise in support of H.R. 2788, the Department of the Interior appropriations bill for fiscal year 1990 and to compliment Chairman YATES and Congressman REGULA for their fine work on this measure.

Given my position on the National Parks Subcommittee, I would like to focus my remarks on the provisions relating to the National Park Service.

The concept of a national park system is uniquely American. The world's first national park—Yellowstone—was created in 1872 and has since been the catalyst for a movement that has spread to more than 100 countries worldwide.

Our national parks vary greatly in size, from as small as the Federal Hall National Museum in Manhattan to the immense, roadless wilderness of the Arctic National Park in Alaska. Last year, over 366 million people visited our national parks which are located in 49 States and the District of Columbia.

Because our Nation's parks vary in size and character, it is important that we in Congress craft legislation that reflects this reality. I commend the subcommittee for drafting a measure that does so. The subcommittee recognized that budget priorities cannot be based solely on a park's ability to collect fees. If they were, some of the larger and more famous parks would clearly receive the lion's share of funds to the detriment of the smaller, newer parks.

Recognizing that within the Park System, some parks are expanding or are new, the subcommittee has recommended an increase for growing parks and earmarked funds for new parks. I find this policy to be emminently sensible. Additionally, I believe that in this era of fiscal austerity, the subcommittee has sensibly allocated funds for maintenance and interpretation. Each park is provided with enough to allow for a modest increase, but all increases are conservatively measured.

Due to the ever-increasing popularity of our national parks, the subcommittee had to balance the need to increase Federal assistance with the reality of strict budget limitations. Overall, I believe that they have met this challenge. Where possible, they have tightened the belt and in many cases recommended reductions.

This legislation will help the Park Service to fulfill their mandate to preserve natural and cultural resources for the present and future generations. In conclusion, I urge my colleagues to join me in support of H.R. 2788.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I rise in support of the bill today and in commendation of the gentlemen from Illinois, Ohio, and members of the committee for the fine job that they have done in bringing this bill to Members today.

There has been mention of the fact that we have not had a national energy policy, and that has been true. However, as a member of the U.S. Alternative Fuels Council, which is in the process of being organized, I look forward to working with the administration for the purpose of developing an alternative motor fuels policy and discovering a substitute for fossil-based fuels and petroleum-based fuels by 1992.

The bill provides for full funding of the alternative-fuel vehicle demonstration authorized in the Alternative Motor Fuels Act of 1988. As a strong supporter of the act and a member of the U.S. Alternative Fuels Council, I believe that this is a positive and necessary step toward a better future for the Nation.

For most of my service in the Congress I have advocated a vigorous national policy of research, development, and use of alternative energy sources particularly ethanol-alcohol fuel. Such a policy is essential to this Nation's achievement of energy independence, freedom from manipulation by foreign suppliers of energy, a cleaner more healthy environment, new markets for agricultural products, and maximum generation of private sector job opportunities in the energy field.

This bill also provides an increase in funding for the operation and maintenance for our Nation's fish hatcheries, such as the Mammoth Spring National Fish Hatchery at Mammoth Spring, AR. These fish hatcheries are vital to meeting the national needs for improving fisheries resources, increasing fish supplies available as food sources, and expanding healthy outdoor recreation opportunities. Mammoth Spring National Fish Hatchery is unique among these facilities because the combination of its geographic location and unmatched fresh water supply source makes it readily usable for the widest variety of hatchery missions.

One of the best things that this bill does is provide strong support of the Land and Water Conservation Fund. This will allow the Nation to more aggressively pursue park land acquisition.

Mr. Chairman, in Arkansas outdoor recreation ranks with agriculture among the State's major industries. More than 16 million persons, an average of 44,000 per day, traveled to Arkansas last year. They spent $2.1 billion, generating $96 million in State taxes and $26 million in local taxes. In the First Congressional District, which I have the privilege of representing, tourism accounted for 6,122 jobs with a total payroll of $46.2 million. In 1988, visitors to the First District spent $265 million, contributing $2.5 million to local tax revenues and $13 million to State tax revenues.

We believe in programs that promote enjoyment of the great outdoors. We believe that facilities like parks, wildlife refuges, and reservoirs such as Greers Ferry Lake and Norfork Lake, operated by the U.S. Corps of Engineers, belong to the people.

I hope that in years to come the budgetary situation will allow the Nation to do more in the area of outdoor recreation. This should include establishment of visitor centers at great widlife refuges such as the White River National Wildlife Refuge in Arkansas and the establishment of more parks, trails and recreation areas to commemorate the historic, cultural, and natural heritage of our Nation.

More than 16 years ago, in 1972, I introduced H.R. 13831, proposed legislation to create a "Huckleberry Finn National Recreation Area" along the lower reaches of the Mississippi River. This bill, which I want to make a part of the record today, was a predecessor of the proposal for a Mississippi River National Heritage Corridor which has been offered by the gentleman from Mississippi [Mr. ESPY], me and a number of our colleagues.

In the opening lines of his book, "Life on the Mississippi," Mark Twain wrote:

The Mississippi is well worth reading about. It is not a common place river, but on the contrary is in all ways remarkable.

I am in complete agreement with Mr. Twain. In fact, I would go further and say that the Mississippi River is in all ways remarkable and well worth protecting and making its wonders available to visitors.

Nearly a century after Mark Twain penned his manuscript, Hodding Carter, another fan of the Mississippi River, in his book "Man and the River" expressed some of the feeling modern day residents of Mid-Continent America have for this natural treasure. In his opening lines, Mr. Carter wrote:

This river beside which I live is made up, think some of us, of the spirit and muscle of God; and, at times, of Satan's own sinews.

For us who know and live and fear and profit from and delight in it, the Mississippi gives reason for great pride—not just that of the people of a rich and powerful mainstream and its valley, but the pride of a man who has become the persistent tamer. For certainly in the history of mankind there is a special place for such conflict between these protagonists, between man and the river, and for old tales and new of courage

and brain and brawn, of men who live beside and deal with the torrent that is in perpetual motion.

This magnificent Mississippi River and its environs have played an integral part in this Nation's historical, cultural, commercial, and recreational development. It can truly be said that this river, which practically runs the length of the Nation, is the thread which unifies the East and West of the United States.

In first proposing the establishment of the Huckleberry Finn National Recreation Area 16 years ago, and in cosponsoring the Mississippi River National Heritage Corridor Act now, I have taken these aspects of the river's role into account. I am convinced that the unique recreational, historical, cultural, educational, and natural qualities of this region can be utilized and developed in harmony with wise commercial use of the inland waterways and stream banks.

Even as I support the passage of the Interior appropriations bill today, I also urge that the Congress respond positively and expeditiously enact into law the Mississippi River National Heritage Corridor legislation.

H.R. 13831, 92d Congress, 2d session follows:

H. R. 13831

A bill to provide for a study of a proposed Huckleberry Finn National Recreation Area on the Lower Mississippi River, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Congress finds that the lower Mississippi River from St. Louis to the Gulf of Mexico is a unique recreation resource; that this area possesses historical, cultural, educational, recreational, and natural qualities which offer manifold opportunities for public enjoyment; that such opportunities should be utilized and developed, in harmony with wise commercial use of the inland waterways and streambanks, to their optimum potential for the full enjoyment of current and future generations.

SEC. 2. In accordance with the findings expressed in the first section of this Act, the Secretary of the Interior, through the National Park Service, is authorized and directed to undertake a study of the Mississippi River, its islands and adjacent lands between the mouth of the Missouri River, Missouri, and the Gulf of Mexico for the purpose of determining the desirability and feasibility of establishing such area, or any part thereof, as a Huckleberry Finn National Recreation Area. The Secretary shall recognize in undertaking the study that certain established land uses are entirely compatible with and complement the objectives of a national recreation area. Not later than two years from the date that funds for such study are made available to him, the Secretary shall submit a report thereon to the Congress, including his recommendation as to the desirability and feasibility of establishing a national recreation area, the estimated costs thereof, and proposed legislation to implement his recommendation.

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Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today to support the provisions extending the moratoria on Outer Continental Shelf [OCS] offshore oil preleasing, leasing, and exploration. I commend the Appropriations Committee and Chairman YATES for their fine work with regard to the provision to allow the OCS moratoria to continue.

Just offshore southern California, in the waters surrounding San Diego harbor sits the oil tanker *Exxon Valdez*, a vivid reminder of the dangers and horrors of oilspills to the environment. The Coast Guard believes the *Exxon Valdez* is right now spilling oil into the Pacific Ocean surrounding San Diego Harbor. This is graphic evidence that oilspills can and do happen despite what the industry and the government repeatedly promise and claim. The continued problems and initial delays with the cleanup process and response plan at Prince William Sound prove that we are not adequately prepared to deal with the consequences of any oilspill that may occur, especially one the size of the Alaskan spill. Our initial response time to oilspills, cleanup equipment and technology, and manpower available at any given time of a spill are woefully inadequate at this time. We simply cannot take the chance that a spill will not occur. At the current time, we do not have the technology to clean up a mess that is created by oilspills.

An oilspill only a fraction of the size of the spill from the *Exxon Valdez* at Prince William Sound would be disastrous to the southern California coastline. Loss of marine life and damage to the natural beauty of the coastline may never be restored. This is not acceptable. Our precious environment must be protected, especially when the rewards repeated by some estimates are small. It is believed by many that the oil reserves off the coast of southern California are minimal. Costs to drill may exceed current barrel prices, it may even not be cost effective to drill. I believe we must first tap into our larger oil reserves before even discussing the oil reserves that are in question in the current moratoria.

A spill in the area of my district would not only be harmful to the environment, but would also be devastating to the local economies of southern California. The tourism industry, the largest in San Diego county, would suffer dramatic economic losses. Who would want to visit an oil-stained beach? As a result, the southern California coastal economy and in turn the entire State's economy would suffer a great economic loss. A spill however, is not the only concern of many resort businesses on the coast. Many resort owners and tourist-oriented businesses along the coast believe that the existence of oil rigs off the shore would significantly hurt their business. Oil rigs seen from the beach certainly enhance neither your property value nor your view of a sunset. To rescind the moratoria could prove to be disastrous to the southern California economy.

Another environmental concern in southern California is air quality. We presently cannot attain Federal standards with regard to air quality, and now the administration, with a clean air proposal in one hand and a statement of official policy opposing the moratorium in the other ask to allow the lease process to continue. We must ask that the administration rethink its position. Operating oil rigs do pollute the surrounding air. Offshore drilling will only add to this already great problem in southern California.

I praise Chairman YATES and many of my California colleagues for their fine leadership in working to ensure that the OCS moratorium continues.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, I rise in strong support of this legislation, and I would like to compliment the gentleman from Illinois [Mr. YATES], the gentleman from Ohio [Mr. REGULA], and the gentleman from Massachusetts [Mr. ATKINS], because in this legislation there is a moritorium on lease sales, and specifically prohibiting preleasing and leasing in lease sale area 121. That section of this bill would prevent drilling for oil or gas within 50 miles of the Atlantic coast from Maryland to Rhode Island. It is a very important provision, and when one recognizes that the oil potential in that area is less than 2 weeks' supply for the United States, it makes no sense to take the environmental risk of drilling for that oil in exchange for what could happen to our coast should there in fact be a spill. Without this moritorium, there could have been drilling within 15 miles of the south shore of Long Island.

So in this business of very few "thank yous," I stand here to say, "Thank you, Mr. YATES, thank you, Mr. ATKINS, and thank you, Mr. REGULA. You did a good job."

Mr. Chairman, I hope that the Members support this bill unanimously.

Mr. Chairman, I rise in wholehearted support of the fiscal year 1990 Interior appropriations bill (H.R. 2788).

There is one particular provision included in H.R. 2788 that is extremely important to my constituents. That is the moratorium on preleasing and leasing activities within 50 miles of the Atlantic coast from Maryland north to Rhode Island.

I and a number of my colleagues from Atlantic coastal districts are very concerned about the administration's plans for offshore

oil and gas leasing in the Mid-Atlantic region as proposed in lease sale 121. I greatly appreciate the advocacy for our concerns by the gentleman from Massachusetts [Mr. ATKINS], a member of the Interior Appropriations Subcommittee. I am delighted at the compromise struck by the able chairman of the Interior Appropriations Subcommittee [Mr. YATES], with the cooperation of the distinguished ranking minority member [Mr. REGULA].

The Mid-Atlantic planning area currently under consideration in lease sale 121 includes tracts of ocean floor just 15 miles offshore from my district. This area involves prime fishing grounds for swordfish, tuna, marlin, squid, mackerel, and other species of fin-fish and shellfish that are essential to New York's multibillion dollar commercial and recreational fishing industry. Our oceanfront businesses have already suffered severely from washups of medical waste, raw sewage and other debris. An oilspill in this area could devastate Long Island's beach-related economy and pollute fragile wetlands and barrier islands including the Fire Island National Seashore. Clearly, this area ought not to be under consideration for oil and gas leasing.

By the Interior Department's own estimates, the Mid-Atlantic region is not believed to contain even enough fuel to satisfy U.S. energy needs for 2 weeks, based on current consumption rates. In my judgment, the limited energy resources to be exploited under lease sale 121 do not justify risking the catastrophic environmental degradation that could result from an oilspill in near-shore waters.

I strongly support H.R. 2788, and ask that my colleagues vote in favor of this important legislation.

The CHAIRMAN. The Chair wishes to state that the gentleman from Ohio [Mr. REGULA] has 30 seconds remaining.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, just to sum this up, this is a good bill, one that covers a lot of very important areas.

In terms of the moritoria, let me reemphasize that none of us want to drill everywhere. We want to exclude ecologically significant areas and fragile areas, but we recognize that there is an energy policy need. But I think this is not the proper forum to provide for that. This should be addressed in the authorizing committee, because the present law says we should develop in an environmentally safe way the OCS. That is where it should be handled rather than here.

I think that we run the risk of facing an environmental crisis in terms of our need for oil, and we should not legislate in this way. Let us do it in an orderly fashion.

Also let me point out that this bill includes $1.2 billion in it for the clean coal technology. That is a very important energy and environmental issue.

Mr. Chairman, this is a tremendously good bill. I urge the Members to support it on final passage.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the bill, H.R. 2788, providing appropriations for the Department of the Interior and related agencies for fiscal year 1990.

I commend the chairman of the subcommittee, Mr. YATES, and the ranking minority member, Mr. REGULA, as well as the subcommittee's fine staff, for producing a balanced, fair bill.

The chairman and ranking minority member have been very responsive to the concerns of the California delegation, and for this we are very grateful.

In particular, Mr. Chairman, I would like to thank the chairman for including $300,000 for the Bureau of Land Management to conduct a study for the purpose of determining the feasibility and desirability of designating a national recreation area [NRA] within the American River watershed.

It is essential that the study of the national recreation area in the American River watershed be funded in fiscal year 1990 in order for the information to be available to the Sacramento community in the same timeframe as the information generated by two separate studies currently being conducted by the Bureau of Reclamation and the Army Corps of Engineers on options for expanding flood protection to the Sacramento community. The Bureau of Reclamation study will be completed sometime in the summer of 1990 and the Army Corps of Engineers study is expected to be completed in September 1990. The BLM study will be completed by the end of fiscal 1990 as well.

The results of this study are essential for the Sacramento community to make an informed decision about which of the upstream flood control options proposed by the Bureau and the Army Corps of Engineers is most appropriate. The NRA study will generate information that will show the value of the land and other resources that would potentially be either occasionally inundated by a flood control only/dry dam or largely inundated by a multipurpose dam, and I greatly appreciate the subcommittee's support for this provision.

The bill also includes $2 million for the Fish and Wildlife Service for willing seller land acquisitions for the Sacramento River National Wildlife Refuge. The USFWS has completed the final environmental assessment and concluded that there will be no significant impact to the environment from the creation of the wildlife refuge. Therefore, the USFWS is ready to initiate willing seller land acquisitions immediately.

The purpose of this initiative is to preserve riparian habitat for threatened and endangered species, waterfowl and other migratory birds, anadromous fish, and plants. For example, the wetlands associated with the affected stretches of river are host to the endangered bald eagle. The area also has important fishery resources, including chinook salmon, steelhead trout, sturgeon, American shad, and striped bass.

This funding in fiscal 1990 will enable the Fish and Wildlife Service to continue to make progress on the preservation of wetlands and these critically sensitive habitats along the Sacramento River.

In addition, Mr. Chairman, the bill provides $1 million from the Land and Water Conservation Fund for willing seller acquisitions for the U.S. Fish and Wildlife Service's proposed national wildlife refuge in an area of southwestern Sacramento County, known as Stone Lakes.

The Federal contribution to this effort will be matched by local, State and even private funding on more than a dollar-for-dollar basis. For example, the County of Sacramento has already acquired approximately 2,500 acres of the 7,000 acres proposed for the refuge. In addition, the county has $1.4 million earmarked for new land acquisitions at the site this year. The county is also prepared to do a comprehensive master plan for the area and has committed $80,000 to that effort. Moreover, the chamber of commerce and local environmental groups estimate that as much as $1 million will be raised from private sources to make the refuge a reality.

The project has been endorsed by Ducks Unlimited, the Nature Conservancy, California Waterfowl Association, Defenders of Wildlife, Waterfowl Habitat Owners Alliance, and the National Audubon Society. A consortium of local conservation groups has also formed the Stone Lakes Alliance to support the project.

Clearly, this is a good project that has the full support of the local community, and it will be a good natural resource investment for the Federal Government.

The bill also provides $7 million to implement the Santini-Burton single family lot acquisition program at Lake Tahoe and $1.4 million for the erosion control program at the lake. We are at a critical time in the efforts to correct the environmental programs at Lake Tahoe, and the continued support of the subcommittee for this program is key to the success of efforts to protect Lake Tahoe from further water quality degradation.

Mr. Chairman, again, this is a good bill, and I strongly urge my colleagues to support it.

Mrs. BOGGS. Mr. Chairman, I would like to take this opportunity to commend the subcommittee and its chairman for their fine work in assembling this legislation under the most trying of circumstances.

I would like to call particular attention to the support the subcommittee has shown for efforts to develop solutions to the loss of wetlands throughout the Nation and, in particular, the serious threats to coastal wetlands in Louisiana. Despite the strong public support President Bush has made in support of developing techniques to prevent wetlands loss, the Office of Management and Budget has been less than forthcoming with substantive support for these efforts.

For example, the Fish and Wildlife Service and the Geological Survey are undertaking important studies of the barrier islands and wetlands along the Louisiana coast. Unfortunately, funds to continue these ongoing studies were not included in the administration's budget request. Fortunately, the subcommittee had the wisdom to recommend restoration of support for these important efforts.

I look forward to working with the gentleman from Illinois in the future on these and other important wetlands preservation efforts in Louisiana.

Unfortunately, I feel compelled to express my serious reservations about one of the subcommittee's major recommendations: the continuation and expansion of the moratoria on

exploration and development of oil and gas resources on the Outer Continental Shelf. In addition to the existing prohibition on exploratory and drilling activity off the coast of California, this bill would ban prelease activities as well. The prelease phase is involved in many of the important environmental assessment and consultation activities that are important to both sides of the OCS leasing issue. It is during this period that scientific and environmental data are collected on the proposed sale as part of the EIS process. It is also during this phase that State officials and the public at large have an opportunity to comment on the proposed lease sale.

Because the prelease phase of the process is a 26-month-long period of information gathering with certain mile posts mandated by statute and regulation that must occur before any sale can occur, prohibiting prelease activities has the effect of imposing a 2-year moratorium rather than the 1-year moratorium the subcommittee has included in the past. This is counterproductive and obstructionist.

The Interior Department has already voluntarily suspended prelease activities during the review by the President's OCS Task Force. Unless the intent of the prelease prohibition is to prejudge or preempt the task force's findings, then the new prelease moratorium is unnecessary.

I want to make certain everyone here understands the cost of the California leasing moratoria. The total bonus revenues expected to be received by the U.S. Treasury from the five areas covered in fiscal year 1990-91 are projected to be $480 million. Although the loss of these revenues are not scored against the Appropriations Committee because of some creative scorekeeping, blocking these leases will mean the loss of a half billion dollars in revenues to the Treasury.

It is also worth noting that OCS revenues are the source for most of the Land and Water Conservation Fund and the historic preservations programs.

I share the anger and frustration we all feel about the recent oilspills and the critical shortcoming of the response effort in Alaska, but I urge everyone to make the distinction between tankers and OCS drilling. Fifty percent of the oil we consume is brought to the continental United States by tankers. They carry oil to Long Beach, CA, New Jersey and Louisiana—through the Florida Straits—for refining. Most OCS oil and gas comes ashore via pipeline.

OCS oilspills have been very rare. With more than 34,500 wells drilled, the 1969 Santa Barbara blowout was the only one in which a significant quantity of oil was spilled. Only 11 spills of 1,000 barrels or more have occurred in the past 25 years. Oilspills of one or more barrels during 1975-86 totaled less than one-thousandth of 1 percent of more than 3.9 billion barrels of OCS crude oil and condensate produced.

If we do not increase our reliance on domestic hydrocarbons, then we must turn to overseas sources of petroleum. This means greater reliance on tankers to transport imported oil and greater reliance on OPEC as the source of that petroleum. If we want to reduce the risk of tanker spills, further moratoria on OCS exploration and production is not the way to do it. Let's develop our domestic offshore resources and protect our coasts from future tanker disasters.

Despite my serious reservations about the offshore leasing provisions, I believe this is a good bill, taken as a whole, and I urge its passage.

Mr. IRELAND. Mr. Chairman, I want to express my appreciation to my colleague, SID YATES, chairman of the Appropriations Subcommittee on Interior and Related Agencies, for his leadership in bringing H.R. 2788, Interior and Related Agencies Appropriations for Fiscal Year 1990, to the floor today.

For several years now, I and other Members of the Florida delegation, have expressed our continuing concerns about the Department of the Interior's plans to proceed with offshore oil leasing and drilling in areas off the Florida's gulf coast. Such activities provide a serious threat to not only the unique environmental resources inhabiting these areas, but also to the economic livelihood of residents who depend on fishing and tourism. As many of you know, tourism continues to be Florida's No. 1 industry.

The oilspill in Valdez and the three most recent accidents, of lesser magnitude, but of no less concern, have demonstrated that our oil industry does not have the technology to clean up gallons of gooey glop in any effective or satisfactory way. The environment in Alaska could take more than a decade to recover and some of the natural habitats may never return. If nothing else, we learned from Alaska's unfortunate experience that the risks are too great.

The President has recognized the environmental sensitivity of these areas by administratively delaying leasing and drilling in this area until a task force which he established can study and report on these areas. The results of this investigation, however, are not due until January 1990, or perhaps later.

Consequently, the subcommittee and full Committee on Appropriations recognizing the concerns as well as the commitment of the people of Florida to protecting its vital natural resources included a 1-year moratorium on oil and gas leasing and drilling in the eastern Gulf of Mexico south of Naples. The State of Florida and its congressional delegation fully support these provisions and I urge my colleagues in the House to support H.R. 2788.

Ms. SCHNEIDER. Mr. Chairman, I want to praise the work of Chairman YATES and his colleagues on the Interior Appropriations Subcommittee for exercising some leadership by increasing the Department of Energy's budget for energy conservation research and development from $153 million in 1989 to $195 million for 1990. This 27-percent increase is long overdue, and takes the budget a step closer to being commensurate with the R&D opportunities that remain untapped.

As the chairman knows, I have repeatedly testified before his subcommittee on this very issue, sharing the multiple reasons why energy efficiency R&D should comprise a substantially larger fraction of DOE's civilian R&D budget than it's current few percent. A strong case has been made that energy efficiency R&D should receive at least as much funding as the other major energy resource R&D programs such as nuclear fission—$603 million passed by the House for 1990, not counting $145 million for a demonstration of atomic vapor laser enrichment technology—fusion, $289 million, or fossil fuels, $423 million passed by the House for 1990, not including $635 million for clean coal demonstrations.

The arguments in support of substantially higher funding are based both on the past successes of energy conservation generally, and Federal energy conservation R&D programs, specifically, as well as the potential savings that remain to be tapped in the decades to come. Energy efficiency improvements since the 1973 Arab oil embargo now deliver the equivalent of one-fifth of United States energy services. These investments raised the energy efficiency of millions of buildings, vehicles, appliances, commercial equipment and manufacturing processes, saving the American economy an impressive $150 billion per year. The efficiency measures also are displacing 14 million barrels of oil per day—twice today's foreign oil imports.

Federal energy conservation R&D programs have played an instrumental role in developing and spurring these energy savings. A 1988 report by the American Council for an Energy Efficient Economy [ACEEE] found that taxpayers are rewarded handsomely for their investment in energy conservation research. In seven of the most successful research efforts, an expenditure of $16 million is spurring cumulative savings of $68 billion for consumers over the next 25 years. This represents a staggering payback of 4,400 to 1 for the taxpayers. If just these seven programs had to justify all Federal expenditures ever spent on energy conservation R&D, it would still represent a 50 to 1 return on the taxpayers' investment.

According to both Government and independent analyses, additional efficiency savings of several hundred billion dollars per year remain to be captured. Federal R&D and technology transfer will be critical to achieving these savings.

This enormous savings potential is important to achieve for several key reasons: spurring productivity; enhancing energy security; and resolving a number of serious environmental problems such as acid rain and global warming.

In the case of productivity, it would do us well to reflect on that fact that it still takes the United States twice as much energy to produce a dollar of gross national product than it does Japan and some West European nations. If we are serious about improving our competitive edge, then we should be moving aggressively on the energy efficiency opportunities before us. Japan is serious, achieving annual efficiency gains nearly twice the level of the United States over the past decade, and looking to cut their energy consumption per unit of GNP in half over the coming decade or two.

In the case of energy security, we need to overcome our complacency about the rising tide of foreign oil imports, which could comprise over half of total U.S. oil use within the next few years. DOE has warned the Congress of the economic disasters that could result from such dependency, since OPEC has raised prices whenever it has historically

exceeded 80 percent of pumping capacity. Foreign oil imports already constitute over $40 billion of our trade deficit, and could be double that figure within the decade.

In the case of environmental quality, it is a too little appreciated fact that energy efficiency has played a critical role in gaining us cost-free environmental benefits. Over the past 15 years, efficiency investments have led to a 50-percent reduction in carbon-dioxide, sulphur-dioxide, and nitrogen-oxide pollutants compared to what they would have been otherwise.

Studies such as ACEEE's "Acid Rain and Energy Conservation" have shown that energy efficiency can play a pivotal role in achieving the 50-percent reduction in acid rain emissions called for in congressional legislation, while at the same time cutting consumers' utility bills and/or improving the cash earnings of utilities. Similarly, studies such as the global energy efficiency report, "Energy for a Sustainable World," show how cost-effective efficiency investments could prevent a tripling of carbon emissions over the next 40 years, while at the same time accruing eventual savings in excess of $500 billion per year!

A strongly supported, vigorous energy efficiency R&D program is essential to achieving these manifold benefits. My pending legislation, the Global Warming Prevention Act (H.R. 1078), currently cosponsored by 135 Members of the House, proposes just such measures. Your action on energy efficiency is clearly consistent with this effort. Again, I thank the chairman and the subcommittee for such foresighted action, and encourage you to continue this trend in next year's budget by providing energy efficiency R&D with at least 10 percent of the energy R&D budget.

Mr. KILDEE. Mr. Chairman, I rise in strong support of the House Interior appropriations bill for fiscal year 1990, and I want to commend the chairman of the House Interior Subcommittee, Mr. YATES, for the excellent job he has done in preparing this bill for consideration by the House today. In this day and age of tight budgets, it is indeed a most difficult task for a chairman to put together a package of fiscally sound and socially responsible programs. Yet year after year, Chairman YATES has shown his determination and integrity by bringing intellectually honest appropriations bills to the House floor.

Mr. Chairman, in President Bush's State of the Union Address, the President recommended a $50-million increase in land acquisition moneys from the land and water conservation fund. I want to commend the President for his acknowledgement of the need for land acquisition moneys to preserve our Nation's natural resources—a need which, unfortunately, was widely ignored by the previous administration. Only through the courage and foresight of the Congress, led by Chairman YATES, did the Land and Water Conservation Program serve as a useful tool in the last 8 years.

Mr. Chairman, the bill before the House today contains a number of provisions that will help protect and enhance many precious natural resources in my home State of Michigan. I want to thank the chairman for working with me to improve the quality of life for the residents of my State, and all those who visit the great State of Michigan. This legislation contains $3.5 million for the public acquisition of Grand Island, MI. Located in Lake Superior in the Upper Peninsula of Michigan near the city of Munising, this 13,500 acre island is one of the most beautiful parcels of land in our State. Grand Island is a host to a diversity of fragile flora and fauna that warrants Federal protection. The island contains the largest beaver-formed lake in the United States, and is home to a wide array of endangered plant species including various orchids, ferns, and trillium. Moreover, the wildlife community includes black bear, hawks, and bald eagles. Many people have suggested that Grand Island would be the optimal site for the reintroduction of the peregrine falcon in Michigan.

The history of this island is just as rich as its natural resources. The French explorer Radisson, who came to the area in 1650, found the Ojibway Indians living on an island they called "Kitchie Minis." Radisson translated this as being "the grand islands." When Henry Schoolcraft went on an expedition to locate the source of the Mississippi, he landed on Grand Island in 1820. He wrote extensively of a young Chippewa hero who sang the exploits of his people. It was Schoolcraft's account of Grand Island that inspired his friend, Henry Longfellow, to write his epic American poem "Song of the Hiawatha," in which he expounded upon the unbroken forests, the soaring cliffs, and the slopping silvery beaches of Grand Island.

Mr. Chairman, when the House Subcommittee on National Parks and Public Lands held hearings on legislation to authorize the purchase of Grand Island, the Chief of the U.S. Forest Service, F. Dale Robertson, testified in favor of Federal acquisition of Grand Island, the first time in several years that a Federal lands agency had testified in favor of new land acquisitions. I believe that this is a tribute to the remarkable characteristics of Grand Island and I want to thank the committee for earmarking moneys for the acquisition of the island.

In addition, this bill includes $500,000 for the acquisition of lands along the federally designated Pere-Marquette National Wild and Scenic River. For several years now, the U.S. Forest Service has been trying to buy privately held lands, on a willing-seller basis, along the Pere-Marquette River. Unfortunately, funding has not been made available to the Huron-Manistee Forest Service to begin the land acquisition process. Since the Forest Service has been unable to provide basic user facilities on the Pere-Marquette River, there has been a tremendous amount of pollution and erosion along the river corridor.

Finally, the House Interior appropriations bill for fiscal year 1990, contains $2 million for the renovation of the Platte River Campground located at Sleeping Bear Dunes National Lakeshore. This popular campground facility has suffered from severe neglect over the years and is now a safety hazard to the thousands of campers who stay at the Platte River facility. Many of the sanitation facilities, roads, and campgrounds are in decrepit conditions and are in need of urgent repair. By earmarking $2 million in construction moneys for this project, the Congress has ensured that this beautiful campground will continue to be used in a safe and healthy environment.

Once again, I want to commend the chairman and the members of the subcommittee for drafting a bill that will protect and enhance our Nation's natural resources for generations to come.

Mr. WELDON. Mr. Chairman, I rise today in strong support of H.R. 2788, the Department of the Interior appropriations bill. I think this is an excellent bill, which addresses many of the important environmental concerns of our Nation. Of particular interest to me in this bill is the $1 million which was granted by the subcommittee to the Tinicum National Environmental Center, in Tinicum, PA, so that a visitors' center might be built there.

I would like to congratulate the gentleman from Illinois [Mr. YATES], chairman of the Interior Subcommittee of the Appropriations Committee, and the gentleman from Ohio [Mr. REGULA], the ranking minority member of the subcommittee, as well as the gentleman from Mississippi [Mr. WHITTEN], chairman of the full committee, and the gentleman from Massachusetts [Mr. CONTE], ranking minority member of the full committee, on their superb job in creating new openings for important programs such as Tinicum.

Tinicum provides a safe refuge for many different kinds of fish and waterfowl which would have nowhere else to go in the southeastern Pennsylvania area. The refuge is located between Philadelphia National Airport and Interstate 95, and is one of the last sanctuaries these animals have from the invading urban sprawl. It is the only wetland refuge on the east coast in an urban area and is the largest freshwater tidal marsh in the State of Pennsylvania.

Construction of the center will make Tinicum much more attractive to visitors, allowing greater education for people about those species harbored in the Tinicum Refuge. Tinicum has been authorized to receive this funding for several years, but little of that money has been appropriated for construction of facilities. This appropriation would help remedy the years of neglect which Tinicum has endured.

Secretary of the Interior Manuel Lujan was scheduled to visit Tinicum recently. Unfortunately, his visit had to be canceled by the recent outbreak of oil spills—accidents which only serve to reinforce the need for places like Tinicum, places which provide a safe haven to wildlife. I would like to invite Secretary Lujan to reschedule his trip to Tinicum, and I strongly encourage all of my colleagues in the House to visit the facility the next time they are in the Philadelphia area.

Mr. McDADE. Mr. Chairman, I rise today in strong support of H.R. 2788, the Interior and related agencies appropriations bill. This important legislation funds the Department of Interior, the Forest Service, Indian education and health, and conservation and research programs of the Energy Department.

The legislation before us is the product of extensive hearings by the Subcommittee on Interior under the outstanding leadership of Chairman SID YATES and Vice Chairman RALPH REGULA. They exerted great foresight and the utmost care in drafting a bill that both complies with our fiscal restraints and realistically addresses our Nation's current and future needs. This bipartisan legislation can be

enthusiastically supported by Members from both sides of the aisle.

On a fiscal level, the bill is within the section 302(b) allocation for both discretionary budget authority and outlays. The bill provides a total of $11.1 billion in fiscal year 1990 for the Department of the Interior and related agencies programs. This compares with the administration's $8.618 billion request and the fiscal year 1989 $10.2 billion appropriation.

Members should be aware that the Interior bill, unlike most other appropriations bills, in large part pays for itself through revenues generated by the Interior Department and other agencies represented in the bill. Receipts to the Treasury from timber leases and mineral and oil development are estimated to reach nearly $7.7 billion during the coming fiscal year.

The bill we have before the House today provides the wherewithal to carry out some of our Nation's highest priorities. It enhances our energy future with the funding of conservation programs, fossil research and the strategic petroleum reserve. It advocates a cleaner environment through the Federal Clean Coal Program and important research to combat acid rain, global warming, and air quality problems.

I will proudly vote for passage of this legislation, but I am in disagreement with the expanded moratoria on offshore oil and gas leasing. Development of domestic energy resources is vital to our economic and national security interests. Our environment must be protected through Federal safeguards, but I believe our overall interests are not served by placing valuable oil and gas reserves off limits and increasing U.S. dependence on foreign oil.

Our natural resources are protected in H.R. 2788 through the funding of the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, the U.S. Forest Service, the Geological Survey, Minerals Management Service, Bureau of Mines and Office of Surface Mining. I am particularly pleased that the bill includes a 5 to 10 percent across-the-board raise for operations budgets for each National Park Service unit.

One of the highlights of the bill is the provision of $220 million for the land and water conservation fund. The fund is used to meet recreation needs, provide open space, enhance wildlife habitat and preserve unique natural features of this country. The President is to be commended for his leadership in making this program an administration priority.

The bill also provides for the Nation's cultural, intellectual and educational needs with adequate funding levels for the Smithsonian, National Gallery of Art, Woodrow Wilson International Center for Scholars, National Endowment for the Arts, National Endowment for the Humanities, Institute of Museum Service, Commission of Fine Arts and Advisory Council on Historic Preservation.

I urge my colleagues to support the Interior appropriations bill. It is balanced, bipartisan legislation which provides for the stewardship of our public lands, responds to our energy needs, respects the environment, protects our natural resources and preserves our cultural heritage.

Ms. SNOWE. Mr. Chairman, I rise in opposition to H.R. 2788, the annual appropriations bill for the Department of the Interior and related agencies during fiscal year 1990.

The principal cause for my dissatisfaction with H.R. 2788 are provisions relating to the National Park Service system generally, and Acadia National Park in Bar Harbor, ME specifically. At heart, these provisions put Acadia in an unfair and untenable situation.

In 1987, legislation was enacted into law that established a formula for dispensing fees that certain national parks collect from those individuals visiting or using their facilities. Under this law's provisions, the formula provided that national parks collecting fees would be entitled to 50 percent of the fees they collected; 40 percent of the fees would be used for all national parks within the Service's system; and the remaining 10 percent of these moneys were subject to the discretion of the National Park Service's Director.

While I, and other Members of the Maine congressional delegation, were concerned about this matter, in the end we decided to support this formula with the hope that it would ultimately provide Acadia National Park with increased funding to meet its burgeoning needs.

Unfortunately, last year, this formula was abandoned. As a result, Acadia was given only $170,000 of the $535,000 that it was entitled to under the law. The $365,000 in fees that Acadia did not receive was diverted instead to the National Park Service's general maintenance funds.

Yet, Acadia's need for additional funding is very acute. It is a small park with a unique history, and is under enormous strain. Acadia is one of the Nation's most heavily visited park, with roughly 4.7 million individuals having toured the park last year. This year, officials at Acadia expect a 20-percent increase over that figure, and long-term estimates project that, by the year 2000, Acadia will be hosting 6 million visitors.

Given the strains that the ever-increasing number of tourists, campers and visitors are putting on the park's facilities, it is imperative that funding for Acadia be increased. Indeed, if Acadia was allowed to keep 50 percent of the fees that it collects on an annual basis, as originally intended by the 1987 legislation, this would provide the park with a total of roughly $600,000 in needed financial assistance.

Regrettably, this year, the Appropriations Committee has again adopted a new formula for dispensing user fees collected by national parks that still does not allow Acadia to keep a fair share of the fees that it collects.

H.R. 2788, as approved by the committee, provides that all national parks will receive only between 5 to 10 percent of their operating budgets from these fees. This approach poses real and serious harm to Acadia, because its operating budget is $1.5 million, which would make it eligible for, at the most, only $150,000 in fiscal year 1990 funds. This is even less than last fiscal year's $170,000; meanwhile, the park is experiencing a 20 percent growth in visitors.

As this Interior appropriations bill winds its way through the legislative process, I sincerely hope that these legitimate concerns about the funding needs of Acadia National Park can be resolved. If so, then I currently see no reason not to support this measure on final passage. That is not the case now, so I must oppose the legislation.

Mr. RAHALL. Mr. Chairman, I am in support, albeit for the first time in the 13 years I have voted for the Interior appropriations bill, somewhat tempered support, for this legislation.

For those of us representing natural resource dependent regions of the country, this is, of course, an extremely important appropriation measure. The funding made available under H.R. 2788 for everything from the Health, Safety and Mining Technology Program of the Bureau of Mines and the abandoned mine reclamation fund at the Office of Surface Mining to the ability to manage units of our National Park System and engage in federal fish hatchery operations is extremely important to my congressional district.

In southern West Virginia, we continue to face a great many adversities. We have a natural resource development based economy, And, with this dependency on mining, comes a certain degree of health, safety and environmental concerns as well as the economic uncertainties which have always been associated with coal production in the Appalachian Region.

We are, as such, attempting to diversify and to move toward obtaining economic benefits through the conservation of some of our most outstanding natural, scenic, recreational, cultural and historic resources.

For this reason, I worked over 10 years ago to gain the establishment of the New River Gorge National River, and just last year, two other units of the National Park System, the Gauley River National Recreation Area and the Bluestone National Scenic River, as part of the West Virginia National Interest River Conservation Act.

Under the years of the Reagan administration, a philosophy was implemented to starve units of our National Park System of the types of resources necessary to maintain their integrity. As such, at the New River Gorge National River we did not seek fancy visitor centers or other types of infrastructure improvements many in this country expect from their national parks. Instead, we had to struggle with the very basics. And I means the basics. Such as devising the management plan, putting up signs and more importantly, acquiring land within the boundaries of the park unit so as to protect it from mining and timbering operations.

As such, 11 years after the establishment of the New River Gorge National River we have yet to complete the park headquarters, an appropriate visitors center and have acquired only about 55 percent of the land within the river gorge.

It was for this reason that after the long years of the Reagan administration antipark policies, I applauded President Bush's decision to request from the Congress an appropriation for park land acquisition funds. For the New River, the administration requested $2.5 million for this purpose.

But what did the Appropriations Committee see fit to do? It deleted this funding.

Now, I can understand that certain legislative tactics are being employed. That is fine

and good. But what is not good is for the committee to go so far as to delete basic funding requested by the administration for the New River Gorge National River. This is overkill, in the view of this Member.

Hence, while there are many excellent aspects of this legislation, and I cannot stress this point enough, I must say to the chairman of the Subcommittee on Interior, my very good friend Mr. YATES, that it was with great disappointment that I viewed this deletion of land acquisition funding for the New River. The gentleman has done a superb job on the many other aspects of this bill that we have a mutual interest in. His recommendations on the Bureau of Mines, the U.S. Geological Survey, the Minerals Management Service and the Office of Surface Mining are excellent. I commend him from this, and I will support his bill for these reasons. However, I would only ask that due consideration be given to our struggle to preserve our natural resources in West Virginia so that we in the Appalachian region may seek a better future.

Mr. LEWIS of Florida. Mr. Chairman, I stand before you in continued support of the moratoria for oil and gas leasing off the coast of Alaska, all of California, and the Florida coast.

Mr. Chairman, the Florida delegation has continually supported this moratoria because of the problems that could be brought by drilling and research off the Florida coast. This concern has been heightened by the recent oil spills in Alaska, California, Texas, Rhode Island, and New Jersey. Florida's delicate environment simply cannot support such a disaster.

Mr. Chairman, when you look at the State of Florida with the prevailing southwest winds and the tidal action from the gulf stream, if a major oil spill were to happen on the Florida coast, it would have a devastating impact on our beaches, as well as the environmentally delicate everglades area. The wave action on the gulf side would have the same effect on the beaches and the rich gulf fishing areas.

I hope that the Presidental task force researching the impact of oil and gas leasing off the coast of Florida and California will come to the same conclusion most of us have already reached. That is, that Florida's shoreline, Florida bay, the Florida keys, the life giving mangrove swamps, our estuaries and our beautiful everglades could not withstand a spill a fraction the size of the Valdez spill. Something of that magnitude could kill life as we know it in south Florida.

Mr. Chairman, I ask my colleagues to support the moratoria in H.R. 2788 on oil and gas leasing. Within the next year I hope you will join me in support of a long term commitment to protecting our coastal areas.

Mr. TOWNS. Mr. Chairman, I want to express my wholehearted support for the full funding of the arts and humanities endowments as reported by the House Appropriations Committee. While I have certainly been concerned about equitable funding opportunities for minority artists, writers, and scholars, I feel that the recent criticisms of NEA-funded projects almost border on artistic censorship. A recent letter from many of my constituents addresses this issue very directly. I have included portions of this letter for the RECORD. I am hopeful that this body will uphold the principle of artistic freedom by opposing any effort to reduce funding or to censor projects supported by the endowments.

We in the United States must recognize that the arts is an area where experimentation is especially important. All NEA grants are currently matched with private funds ensuring direct community approval and support. Though many arts institutions receive public funds, they are for the most part, private institutions. Obviously, arts institutions which receive public funds should make responsible choices. But by the same token these same institutions must be responsible to the artists they present who deserve the freedom to experiment. In order to properly meet both duties, arts institutions must at times take the risk of offending some in the public. Challenging and quality arts presentations take that risk and the public and its Representatives in Congress must be willing to support freedom. Otherwise arts presenters will be forced to bend to every public and governmental demand and their independence will be threatened. To insist that arts institutions present works which will offend no one leads to self-censorship and banality. This is something we as Americans cannot afford to condone. I believe we must trust the quality and judgment of our arts institutions which are supported by a peer panel system at the NEA. This quality and artists excellence is strengthened by public funding, as is evidenced every day in towns and cities across the country.

Mr. KOSTMAYER. Mr. Chairman, I rise to day to commend the Committee on Appropriations and in particular the chairman of the Interior Subcommittee, Mr. YATES, for their outstanding work in bringing before the House the fiscal 1990 Interior Department appropriations bill.

As usual, Mr. YATES has been able to strike a balance between the limitations imposed by current budget constraints and the need to protect our Nation's heritage of open space, clean water, and clean air.

In particular, I want to thank the committee for including $350,000 in the bill to begin implementation of the Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988—Public Law 100-692.

That bill, signed into law, November 18, 1988, which the House will fund today, was cosponsored by my colleague, the gentleman from Pennsylvania [Mr. RITTER]. The legislation designates the Delaware and Lehigh canals as a National Heritage Corridor, thus establishing a new partnership between the Federal Government, State, and local governments and the public to preserve, renovate and rehabilitate the historic Delaware Canal.

The appropriation provided by the House today is the first of a 5-year $350,000 annual authorization for operating expenses of an unsalaried 21-member commission charged with developing a master plan for the permanent protection and preservation of the canal.

The plan, which will have to be completed within 24 months of enactment, will include an inventory of any property in the corridor which should be preserved, restored, managed, developed, maintained or acquired because of its national historic or cultural significance; provide a plan to interpret the history of the canal and its surrounding area; recommend policies for environmental protection of the area; and detail the ways in which Federal, State, and local efforts may best be coordinated.

The new plan would take into consideration existing management plans already prepared by "the friends of the Delaware," a citizen organization committed to the canal's protection and preservation.

The commission's members, 16 of whom would be local residents shall for the first time forge a local consensus for a comprehensive plan to save the threatened Delaware Canal.

Under the bill, the National Park Service is required to assist the commission in designing and producing interpretive materials. It is also required to inventory the corridor, to identify other sites eligible for national historic designations, to help identify alternative funding sources, and upon the request of the commission, to provide technical assistance during preparation and implementation of the plan.

Mr. Chairman, today begins a new chapter in the history of the Delaware Canal. The people of Pennsylvania thank the members of the Appropriations Committee and the Members of the House. Congress has taken another important step to ensure that this important historic, cultural, and recreational resource is not lost to the people of Pennsylvania or the Nation.

I have toured both the area around the Delaware Canal and the Lehigh Navigation Canal National Heritage Corridor and have found the people of the region to be strongly supportive of this legislation. I am thrilled that the action of the Interior Subcommittee of the Appropriations Committee today will initiate this long overdue project and provide us with another piece of our historic legacy.

Mr. Chairman, on another matter, I would also like to say that there is one area of the bill that I hope we can significantly improve upon in the future—that is, the Land and Water Conservation Fund. In particular, I am concerned with that part that was conceived and has functioned as a partnership with the States. The Congress, since 1981, has kept that partnership alive, but barely so, in the face of personal opposition from such former officials as Interior Secretary James Watt. The Congress has also appropriated funds for scores of Federal areas authorized or expanded by this and earlier Congresses.

The reason that I raise the issue of the LWCF State assistance program is that I believe we are at a critical point in terms of policy and funding. In terms of policy, there is an increasingly large number of us who believe that we need to strengthen the existing Fund by creating, as the record reveals Congress originally intended, a self-sustaining trust. We must bring a greater degree of predictability to this program, especially if part of the effort is to encourage other governments to devise their own fiscal strategies.

Regarding both policy and funding, I was delighted to hear the President say that he was going to reverse his predecessor's position by supporting an appropriation from the Fund. I was even more pleased to hear that he urged attention to park and recreation resources that would be accessible to urban residents. But I was greatly distressed to learn that the President was proposing to, in the ad-

ministration's terms, "forego" the State and local partnership until all Federal areas were fully acquired. We need to be very sensitive to the commitments we have made, or implied, to those living within authorized Federal areas. But this sensitivity should not transcend all other fully legitimate recreation needs of society.

The subcommittee has, in part, rejected the administration's principle by recommending to us an appropriation of $16,700,000 for State and local assistance. In the future, it must be rejected much more emphatically. Ironically, James Ridenour, the new Director of the National Park Service, seems to agree. Addressing a meeting in Hershey, PA, on June 15, Director Ridenour said of the Fund:

I am a firm supporter of the Land and Water Conservation Program and always have been. I think it is one of the best programs I have ever seen in the terms of the way it is operated and honestly * * * I am very pleased that the President include two hundred and ten million dollars for land acquisition.

Mr. Chairman, the Land and Water Conservation Fund on September 4, 1989, will be 25 years old. This body in April, 1987, voted overwhelmingly—401 to 5—to extend the LWCF act unchanged.

We tend to deal frequently with crises. We have a quite crisis in land use; and a not so quiet social crisis in soaring health costs and antisocial behavior. Parks and recreation at least soften these impacts, and many argue that they can be a large part of the solution. Today we have taken a small step in that direction.

Mrs. LLOYD. Mr. Chairman, I rise in support of the fiscal year 1990 appropriations bill for Interior and related agencies. Of particular interest to our Committee on Science, Space, and Technology are the appropriations for the Department of Energy's programs of clean coal technology, fossil research and development and energy conservation R&D. I am pleased that this bill reflects what I believe to be healthy funding levels for the programs.

Years of inadequate funding levels for the fossil and energy conservation programs has lessened the impact of our research investment in terms of our ability to compete in the global marketplace or to transfer our technologies at home. Restoring the programs to reasonable levels as the Appropriations Committee has done is a welcome and beneficial change.

I want to mention two programs that our committee has supported and that support is reflected in this bill. The committee has added $42 million for the MHD Program. The administration has consistently attempted to halt the ongoing research efforts at a crucial time in the technology development. The program is moving forward and I believe we should continue our support. In the energy conservation program, I am pleased that the Appropriations Committee has provided an additional $15 million for the steel initiative, a program authorized by our committee last year.

Our continued energy security deserves a rational investment in research and development. I applaud Chairman YATES for bringing this bill to the floor and I urge my colleagues to support the legislation.

Ms. SCHNEIDER. Mr. Chairman, the legacy that we will leave to future generations can best be determined by looking at the contributions from past cultures that we treasure today. Works of art, from prehistoric times and ancient Egypt, from Renaissance Europe and colonial America, are reflections of the cultures on which our own is built. It is an appropriate role of the Government to support artists and their work. What we fund today will, in part, make up the treasures of future generations.

The Interior appropriations bill that we are considering today contains funding for the National Endowment for the Arts at a level that fails to match inflation. This is a reflection of the difficult budgetary problems that we face. Our support for the National Endowment for the Arts also has been complicated by the recent controversy over two exhibitions that the NEA has recently funded.

I have not personally viewed either of these projects, yet I feel that art without controversy is reflective of a society without controversy; a society in which divergent views are not tolerated. When future generations recall 20th century America, I hope that we will be remembered as a culture that encouraged divergent points of view—in art, in politics, in philsophy—indeed, in every facet of our society. This is not the same as giving equal value to every point of view, or giving equal support to every work of art. It is allowing an educated public to select from the best that its citizenry can create. We do this, not through censorship nor by cutting Government funding for truly worthwhile programs. We do it by encouraging diversity, by broadening the public exposure to this diversity, and by developing the critical skills of a public that is capable of intelligent choices.

Mr. Chairman, I support full funding for the National Endowment for the Arts and I commend the excellent record it has amassed in carrying out its charter. I am confident that the dedicated individuals at the National Endowment for the Arts, who have a role in the stewardship of our Nation's art, will continue to provide programs that seek an appropriate balance of public acceptance and artistic freedom.

Mr. MILLER of Washington. Mr. Chairman, I rise in reluctant support for the actions of the Appropriations Committee to declare moratoria on lease sales issued off the coasts of the United States.

I do not like the concept of placing moratoria in appropriations bills. This is clearly a stopgap effort, an act of last resort. An action that makes sense only because we lack a national energy policy.

Mr. Chairman, last session, our colleague Congressman CARPER and I proposed a national energy policy study plan. We offered this proposal as an amendment to Chairman JONES' bill on the Arctic National Wildlife Refuge. My problem, Mr. Chairman, is that we are trying to make decisions on our Nation's energy future without a road map. A national energy plan which addresses our need for petroleum, renewable energy resources and conservation can help guide us to a politically secure and environmentally responsible energy policy. Without a national energy policy we face a perpetual battle between those who want no drilling anywhere and those who want drilling everywhere.

What we need is a thoughtful analysis of the options. If we do not allow drilling in one area, are we pushing development to another area which may be more environmentally sensitive? If we do not allow more development, are we dooming our Nation to importing more oil? If we only think of energy in terms of petroleum are we ignoring conservation or renewable energy sources? These questions need to be answered in one report which allows this Congress to make informed decisions.

Mr. Chairman, let me say, President Bush has addressed some of our concerns by asking for a full environmental impact statement on drilling off the coast of California. He should extend the same protection to the coasts of Washington State. Last December and January, we saw what the damage spills can do to those scenic beaches.

In the Pacific Northwest, we have seen how a policy based on least cost planning can take a region off the energy supply roller coaster which led to WPPSS. We are off that roller coaster today in the Northwest. Mr. Speaker, with a national energy policy, like the one we suggested last session—and if we consider ANWR legislation again, we will offer our amendment again—we can take our Nation off the energy roller coaster and provide a meaningful track for development which allows us to decide the wisest and safest sources of energy.

Like many of my constituents, I am concerned about drilling off the coast of Washington. And, I want to make sure we approach that possibility as carefully as any place else in the country. With that in mind, I'd like to express my support and call attention, Mr. Chairman, to a point in the committee's report. The committee states "off the coasts of Washington and Oregon, environmental studies must be identified, completed and analyzed in advance of the initiation of the formal lease process", and that draft and final environmental impact statements must be made before any leasing. As a Representative of Washington, I applaud these points and the obvious care being shown for the welfare of my State.

I urge my colleagues to support the Appropriations Committee.

Mr. RICHARDSON. Mr. Chairman, the NEA benefits the American people by supporting the arts from the local to national level. Every State in the Union is a beneficiary of the National Endowment's programs. In fiscal year 1988, my home State of New Mexico's arts programs benefited from nearly $3.5 million in arts endowment grants. Such grants benefited a project which restores and preserves historic adobe churches, the New Mexico Symphony Orchestra, the Santa Fe Opera, and several programs in the folk and Indian arts.

While this past year there has been controversy regarding a grant by the Southeast Center for Contemporary Art, which was partially funded by the NEA, the Endowment's history demonstrates a high degree of scrutiny is applied to its proposals. In its 25-year history, the NEA has made over 80,000 grants—less than 20 of these have been called into question.

I would like to commend Chairman YATES for including strong language in this legislation which strengthens the review process for endowment subgranting. The present language addresses the need for greater scrutiny without jeopardizing the funding which supports such worthy arts programs as public television shows, university arts projects, and community theatre.

Mr. Chairman, cutting the NEA's funding over this issue is as misguided as attempting to cure a headache with decapitation. We should support Chairman YATES and the committee's efforts to improve the National Endowment's review process. Chairman YATES' program for increased accountability is workable, responsible, and deserves our support.

In 1981, the Presidential Task Force on the Arts and Humanities strongly endorsed the panel review system which is used by the Endowment. Under this system, nearly 600 panelists review grants before forwarding them to a Presidentially appointed council for final approval.

The issue here is one of accountability—of assuring that a process is in place to assure that there is no breach of the Endowment's mission to benefit the American people by supporting the arts in their communities. The present language does exactly this.

Mr. JONES of Georgia. Mr. Chairman, I rise in support of the Interior and related agencies appropriations for fiscal year 1990. I commend the distinguished subcommittee chairman, Mr. YATES from Illinois and the ranking Republican member, Mr. REGULA, as well as the other members from the committee for their fine work in reporting out this bill.

This bill contains funding to preserve vital wilderness areas and operate our National Park System by appropriating money for the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service as well as the Forest Service. It also continues important funding for the development of clean coal technology.

This bill also contains $220 million for the Land and Water Conservation which is used to purchase land for parks, forests, wildlife refuges, and other lands important for recreation, conservation, and enhancing habitat for wildlife.

I also appreciate the committee's inclusion of $1 million for land acquisition in the Chattahoochee River National Recreation Area.

I applaud the committee's decision to include in the bill a prohibition on leasing, drilling and exploration in Bristol Bay, AK, and three areas off the coast of California as well as continuation of previous moratoria in the Georges Banks-North Atlantic areas and the eastern Gulf of Mexico area near the Florida Keys. The oilspill in Alaska has graphically demonstrated the oil industry's and the Federal Government's inadequacy to respond to a spill, and the necessity to protect fragile ocean areas from similar environmental catastrophe. I look forward to working with my colleagues to protect these vital areas.

Mr. DANNEMEYER. Mr. Chairman, I want to voice my opposition to language contained in H.R. 2788 which severely restricts Outer Continental Shelf [OCS] drilling. It perplexes me that year after year we, who understand the importance of the Federal OCS Program and its vital role in providing our Nation's future energy needs, must continue to watch the opposition implement moratoria in order to block the development of our rich domestic offshore resources. It makes no sense.

California is living proof that a balance between the sensitive legitimate environmental interests and growing demand for domestic energy development is possible. Offshore drilling in California State tidelands began in 1894 near Santa Barbara. The Federal program began in 1954. Since its inception in California, over 4,500 wells have been drilled in Federal and State waters in a 225-mile window between San Luis Obispo and Huntington Beach. State waters now contain 14 platforms and Federal waters contain 21 platforms. In 1988, 28,000 of the total 969,000 barrels of oil produced in California per day came from offshore California. While this activity is taking place, the fishing, tourist, and recreational industries are flourishing.

While we dally with moratoria year after year, Mother Nature marches on. Domestic production of oil and natural gas is steadily declining each year as fields are depleted. Over the last 4 years, consumption is up, domestic production is at its lowest point in a quarter of a century, and costly imports are back on the rise. We hit the 37-percent import level in 1988. Projections of future import levels are even more ominous. The Energy Information Administration has spoken in terms of oil imports providing 52 percent by 1995 and 55 percent by the year 2000, exceeding the 1977 high of 46.5 percent. These percentages mask the damage to our balance of payments and rate of inflation and our national security caused by oil imports. A July 6, 1989, Washington Post editorial stated:

> Of the four recent oil spills, three resulted from the incompetent navigation of ships, and the fourth involved a collision between a ship and a barge. The only connection to offshore drilling seems to be the committee's conviction that oil is messy stuff and the oil companies are not to be trusted. But the oil companies are right about one thing. Less oil produced in this country and along its coasts means more oil being imported in the kinds of tankers that have lately been running aground here and there.

In a letter from the Secretary of Energy dated July 11, 1989, Admiral Watkins articulates his strong opposition to the imposition of the ban on leasing activities indicating that they are inconsistent with national energy security objectives. He defends his position by stating,

> There is little question that safeguarding our environment must be the watchword of every policy decision we make. But the banning of offshore drilling will probably result in more oil being transported by tankers, many of them foreign owned and operated, which have already cost our fragile coastlines dearly. More than 98 percent of the oil produced offshore is transported by pipeline, not tanker. Pipeline transport has been demonstrated over many years and many millions of miles of experience to be an extremely low environmental risk, especially when compared to tanker transport * * * The moratoria do not solve the problem of tanker oil spills. Instead they provide a policy that will probably result in increased tanker traffic and greater environmental risk to our coastlines. They will also exacerbate our dependence on foreign oil and worsen our trade deficit. Such actions should be reversed.

Studies indicate that oil platforms are at the bottom of the list of all sources of oil pollution in the oceans, at less than 2 percent. No major oil spill has occurred on the Federal OCS In 20 years. In 1986, 351 million barrels of oil were produced offshore but only 610 barrels spilled—less than 0.000002 percent. There is an ironic twist to the argument that offshore development should be halted because of tanker mishaps. Oil tankers, which carry imported oils, are the main cause of oil spills at 45 percent. Yet, those who oppose further development would leave us more vulnerable to tankers plying our coastal waters.

Between 1954 and 1987, Federal OCS wells produced 7.9 billion barrels of oil and 79.2 trillion cubic feet of natural gas. The U.S. Geological Survey estimates that the Federal OCS contains another 35.1 billion barrels of oil. The California OCS could potentially hold more than 4 billion barrels of the estimated Federal resource.

Economic benefits reaped from offshore development defend its continued and expanded development. Drilling platforms serve as artifical reefs and catches have greatly increased in areas where oil companies have operated for decades. Mussels that feed on the platforms in the Santa Barbara Channel are considered to be among the highest quality mussels in the world.

It is estimated that 1 million jobs depend on over $7 billion that is generated by tourism in Southern California. It is difficult to argue that oil platforms affect tourism when millions of people flock to the beaches of areas with considerable offshore development including Santa Barbara, Ventura County, Long Beach, and Huntington Beach.

Lease bonuses, rents and royalties from Federal OCS Production poured $86 billion into Federal coffers from 1954 to 1987. States benefit from Federal OCS revenues which are the principal source of funds in the form of revenue sharing and grants for parks and recreational facilities. Since 1965, more than $6.8 billion from the fund have been distributed to the 50 States. In 1986, coastal States received $1.5 billion as their share of accumulated revenues generated from Federal oil and gas leases next to State water. California's share in 1986 was $338 million and the State will receive $290 million of an additional $650 million that are expected to be distributed to coastal States over the next 15 years.

New jobs are created as a result of OCS development for every 10 jobs created offshore, 37 are created onshore. In 1981, Federal OCS development created 700,000 American jobs—only 54,000 were actually on the OCS. States far from the coast benefit because they supply large portions of industry goods that are used in offshore development.

California is living proof that offshore development is consistent with the use of the coastline. The OCS is a national resource and should be treated as such. In this time of rising prices and dependence on imported oil, offshore development is essential and it must continue. I urge you to consider this when casting your vote on H.R. 2788.

Ms. PELOSI. Mr. Chairman, I want to commend Chairman YATES, members of the Subcommittee on Interior and their staffs for developing a fair and reasonable response to the needs of the Department of the Interior and other related agencies.

By far, one of the most important results of the subcommittee and full committee deliberations was the decision to grant a moratorium, for the first time, on pre-leasing activities off the California coast. Pre-leasing activities for lease sale 119, located between the Sonoma/Mendocino County border and Monterey Bay, will be banned. This area surrounds two critical environmental areas where national marine sanctuaries exist near the district I represent. In addition, there is an almost continuous greenbelt of State and national park areas along the coastal border for lease sale 119.

Unfortunately, pre-leasing areas were not included in the President' OCS Task Force. The action of the Committee on Appropriations allows California's coastal representatives to continue the process of reviewing these lease and pre-lease areas with the Department of the Interior in a cautious and responsible manner. The restrictions on pre-leasing activities apply only to formal steps identified by the Department of the Interior as part of the actual lease sale process. This provision allows all parties to consider a longer-term evaluation of the consequences of the surrounding lease sales 91 and 95 on lease sale 119. The committee recognized the important interrelated characteristics of these coastal areas and I applaud their endeavors to encourage a more comprehensive view of California's lease and pre-lease activities.

After reviewing 2,200 items, I think Chairman YATES and members of the subcommittee should be commended for their accomplishment in presenting a balanced bill to the House today. Our parks, public lands and other threatened natural resources are better off for their efforts.

I urge my colleagues to support H.R. 2788.

Mr. FRENZEL. Mr. Chairman, I would like to discuss today a problem which has plagued the budget process since it began in 1974. The issue is scorekeeping—how do you measure a bill which is brought to the floor against the budget resolution. So often we are faced with the problem that the House Budget Committee says one thing and OMB says another.

We are faced with this problem again today, even though we worked hard in the budget summit this year to avoid such a situation by establishing a list of accounts which would be discretionary and mandatory. This distinction has become very important now that we are operating under domestic discretionary cap.

According to official House Budget Committee scorekeeping this Interior appropriations bill is below the 302(b) subcommittee allocation for new discretionary budget authority by $2 million. Therefore, no Budget Act problems exist with this bill. OMB, however, states that this bill is over the 302(b) subcommittee allocation of new discretionary budget authority by $365 million. The major reason for this discrepancy is that OMB classifies part of the firefighting account as discretionary and part as mandatory. House budget scoring, on the other hand, places the entire firefighting account in the mandatory category.

As part of the 1990 bipartisan budget agreement, a list was derived of all accounts which would be considered discretionary, mandatory or split. There was agreement that firefighting would be mandatory, but now CBO, the Senate Budget Committee and OMB all have different interpretations.

Now the issue has been raised, what is firefighting? Should presuppression costs, such as training costs, within the firefighting account be considered discretionary spending such as OMB wants? Should only reimbursements for prior year firefighting costs be considered mandatory as the Senate wants? Or should the entire firefighting account be mandatory as is the case in House scoring? To me, the rule of reason suggests that at least some of the costs are discretionary.

Even if this bill is judged by CBO to be OK, it will raise the deficit above what OMB anticipated, and above the level I thought we had agreed on, because the bipartisan budget agreement contained no limitation on mandatory spending. The shift of firefighting from a discretionary to a mandatory allows the mandatory total to rise, but the discretionary total does not decrease. In the Congress nothing is even contained or reduced.

I must emphasize that the problem is not of the subcommittee's creation. Chairman YATES and his subcommittee are performing up to CBO standards. The problem stems from an imperfect understanding during the budget summit. My vote against this bill is not against the subcommittee's work, but against the process.

We have come a long way in reaching agreement on such technical issues between the House, the Senate and OMB. It is my hope that during the next budget summit all loose ends such as this can be agreed upon so that it will not be necessary to raise these "green eye shade" issues on the floor which are both difficult to understand and difficult to explain, and, worse, very hard on the deficit.

Mr. CRAIG. Mr. Chairman, I support the measure before us because it is important for my State of Idaho and other Western States.

This measure will allow the Department of the Interior, the Bureau of Land Management, the National Park Service, and related organizations to continue caring for our public lands.

When you come from a State like Idaho where nearly two-thirds of the land mass is public land, you know how important this is.

From the Birds of Prey Natural Area in central Idaho to the City of Rocks National Reserve in the south, this measure will allow us to protect and enhance some of our most prized natural resources. It will also supply needed funds for fighting forest fires, for forestry research at the University of Idaho and for watershed management near Boise.

While there may be a need for limited amendments, this measure meets the budget guidelines and I support its passage.

The CHAIRMAN. All time for general debate has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, $446,296,000, of which the following amounts shall remain available until expended: not to exceed $1,200,000, to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-6a(i)), and $22,903,000 for the Automated Land and Mineral Record System Project: *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors.

FIREFIGHTING

For necessary expenses for emergency rehabilitation, forest firefighting, fire presuppression, and other emergency costs on National Forest System and Department of the Interior lands, $740,393,000, to remain available until expended, of which $96,716,000 is for the Bureau of Land Management, $2,800,000 is for the United States Fish and Wildlife Service, $21,319,000 is for the National Park Service, $67,025,000 is for the Bureau of Indian Affairs, and $552,533,000 is for the Forest Service: *Provided,* That such funds are to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $2,400,000, to remain available until expended: *Provided,* That necessary procurement documents for construction of the Oregon Trail Visitor Center at Flagstaff Hill, Oregon shall be issued at a time that will permit issuance of a construction contract in February, 1991.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), $105,000,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein, $13,490,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources

and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $64,787,000, to remain available until expended: *Provided*, That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876): *Provided further*, That notwithstanding any other provision of law, the Secretary of the Treasury is directed to make available to the Secretary of the Interior, to remain available until expended, an amount equal to 50 per centum of timber receipts received by the Treasury from the harvesting of timber on the revested Oregon and California Railroad grant lands and the Coos Bay Wagon Road grant lands during fiscal year 1989 in excess of $174,800,000, the 1989 Oregon and California Railroad grant lands and Coos Bay Wagon Road grant lands timber receipts contained in the President's budget proposal for fiscal year 1990: *Provided further*, That this estimate of 1989 receipts shall not be subject to adjustment for the purposes of this section: *Provided further*, That such funds shall be made available concurrent with payment of fiscal year 1989 receipt amounts to counties during fiscal year 1990, and shall be in addition to any funds appropriated in this Act: *Provided further*, That this transaction will not affect, diminish, or otherwise alter the payments to be made on the basis of these receipts in accordance with the Acts of August 28, 1937 (43 U.S.C. 1181f(a)) and May 24, 1939 (43 U.S.C. 1181f-1): *Provided further*, That funds made available to the Secretary of the Interior pursuant to this provision shall be used for necessary expenses relating to the Oregon and California Railroad grant lands and Coos Bay Wagon Road grant lands for reforestation and forest development and timber management: *Provided further*, That not later than 30 days after the submission of the President's fiscal year 1991 budget, the Director of the Bureau of Land Management shall provide a report to the House and Senate Committees on Appropriations on the final amount and distribution of funds made available under this provision and shall include an assessment of resource outputs to be produced in fiscal year 1990, fiscal year 1991, and subsequent years, using funds made available under this provision, and a comparison of the outputs for the program areas listed, achieved in fiscal year 1990 and proposed for fiscal year 1991, with the output levels described in Bureau of Land Management resource management plans in effect at the time of the report required by this provision.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $8,406,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of subsection 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that subsection, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to subsection 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $25,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That appropriations herein made for Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended for surveys of Federal lands and on a reimbursable basis for surveys of Federal lands and for protection of lands for the State of Alaska: *Provided further*, That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further*, That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Bureau: *Provided further*, That notwithstanding section 5901(a) of title 5, United States Code, the uniform allowance for each uniformed employee of the Bureau of Land Management shall not exceed $400 annually: *Provided further*, That notwithstanding the provisions of the Federal Grants and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Bureau is authorized to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals, to implement challenge cost-share programs.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $375,370,000 of which $5,500,000, to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended; and of which $8,001,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which $1,000,000 shall be for contaminant sample analysis, and shall remain available until expended.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; $30,457,000 to remain available until expended, of which $2,000,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g).

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $65,790,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $7,645,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 187 passenger motor vehicles, of which 180 are for replacement only (including 77 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, only those personnel and administrative costs directly related to acquisition of real property shall be charged against the Migratory Bird Conservation Account.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $464,000 for the Roosevelt Campobello International Park Commission, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $774,179,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $55,500,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203: *Provided*, That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further*, That of the funds provided herein, $500,000 is available for the National Institute for the Conservation of Cultural Property: *Provided further*, That no fewer than 90 full-time equivalent positions may be assigned to Cuyahoga Valley National Recreation Area, Ohio.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, $16,029,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $30,500,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1990: *Provided*, That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C. 470w(2): *Provided further*, That pursuant to section 105(1) of the Compact of Free Association, Public Law 99-239, the Federated States of Micronesia and the Republic of the Marshall Islands shall also be considered States for purposes of this appropriation.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), $174,210,000, to remain available until expended: *Provided*, That for payment of obligations incurred for continued construction of the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87, $12,000,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended, such contract authority to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1990 by 16 U.S.C. 4601-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $81,016,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, including $3,300,000 to administer the State Assistance program: *Provided*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States, $406,000 shall be available in 1990 for administrative expenses of the State grant program.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $15,193,000, of which $10,000,000 shall remain available until expended.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 386 passenger motor vehicles, of which 332 shall be for replacement only, including not to exceed 285 for police-type use, 17 buses, and 5 ambulances; to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed $1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided*, That any no year funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: *Provided further*, That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further*, That notwithstanding any other provision of law, the National Park Service may recover unbudgeted costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $486,931,000, of which $59,783,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 27 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95-224.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $175,066,000, of which not less than $52,601,000 shall be available for royalty management activities: *Provided*, That notwithstanding any other provision of law, funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine clean-up activities: *Provided further*, That of the above enacted amounts, up to $250,000 proposed for data gathering to help determine the boundary between State and Federal lands offshore of Alaska shall be available only if an equal amount is provided by the State of Alaska from State revenues to match the Federal support for this project: *Provided further*, That notwithstanding any other provision of law, $105,231 under this head shall be available for refunds of overpayments made by Samedan Oil Corporation in connection with certain Indian leases in Oklahoma (Case No. MMS-85-0135-IND before the Director of the Minerals Management Service) and by Bow Valley Petroleum Corporation and Mapco in connection with certain Indian leases in Utah in which the Director concurred with the claimed refund due: *Provided further*, That notwithstanding any other provision of law, $128,033,000 shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the Treasury and shall be credited to miscellaneous receipts of the Treasury.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, $161,876,000, of which $97,885,000 shall remain available until expended: *Provided*, That none of the funds in this or any other Act may be used for the closure or consolidation of any research centers or the sale of any of the helium facilities currently in operation.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not to exceed 14 passenger motor vehicles, of which 9 shall be for replacement only; and uniform allowances of not to exceed $400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement; $101,228,000, and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, equal to receipts to the General Fund of the Treasury from performance bond forfeitures in fiscal year 1990: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1990 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That the Secretary of the Interior shall abide by and adhere to the terms of the Settlement Agreement in NWR v. Miller, C.A. No. 86-99 (E.D. Ky.), and not take any actions inconsistent with the provisions of footnote 3 of the Agreement with respect to any State or Federal program: *Provided further*, That the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 21 passenger motor vehicles, of which 15 shall be for replacement only, $192,772,000 to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum: *Provided further*, That none of these funds shall be used for a reclamation grant to any State if the State has not agreed to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement through which all permit applications are reviewed and approvals withheld if the applicants (or those who control the applicants) applying for or receiving such permits have outstanding State or Federal air or water quality violations in accordance with section 510(c) of the Act of August 3, 1977 (30 U.S.C. 1260(c)), or failure to abate cessation orders, outstanding civil penalties associated with such failure to abate cessation orders, or uncontested past due Abandoned Mine Land fees: *Provided further*, That the Secretary of the Interior may deny 50 per centum of an Abandoned Mine Reclamation Fund grant, available to a State pursuant to title IV of Public Law 95-87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement: *Provided further*, That expenditure of moneys as authorized in section 402(g)(3) of Public Law 95-87 shall be on a priority basis with the first priority being protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices, as stated in section 403 of Public Law 95-87: *Provided further*, That 23 full-time equivalent positions are to be maintained in the

Anthracite Reclamation Program at the Wilkes-Barre Field Office.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, $1,065,574,000, including $77,000,000 for conversion of tribal contracts and agreements to a calendar year basis as authorized by section 204(d)(1) of Public Law 100-472 (100 Stat. 2291), and of which not to exceed $71,393,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1991, and of which $2,180,000 for litigation support shall remain available until expended, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1991: *Provided*, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs unless the tribe(s) and the Bureau of Indian Affairs enter into a cooperative agreement for consolidated services; and for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), $1,002,000, to remain available until expended: *Provided further*, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further*, That $200,000 of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities: *Provided further*, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for such tribe or individual have been audited and reconciled, and the tribe or individual has been provided with an accounting of such funds: *Provided further*, That $250,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: *Provided further*, That if the actual amounts required in this account for costs of the Federal Employee Retirement System in fiscal year 1990 are less than amounts estimated in budget documents, such excess funds may be transferred to "Construction" and "Miscellaneous Payments to Indians" to cover the costs of the retirement system in those accounts.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; maintenance of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, $134,379,000, to remain available until expended: *Provided*, That $1,000,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That hereafter, notwithstanding any other provision of law, amounts collected from grantees by the Secretary as grant repayments required under the Secretary's regulations for the Housing Improvement Program shall be credited in the year collected and shall be available for obligation under the terms and conditions applicable to the Program under that year's appropriation: *Provided further*, That all obligated and unobligated balances of "Road Construction" shall be merged with "Construction".

MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98-500, 99-264, 99-503, 100-383, 100-512, 100-675, 100-580, and 100-585, including funds for necessary administrative expenses, $191,864,000, to remain available until expended, of which not to exceed $12,700,000 is made available to the Tohono O'Odham Nation for purposes authorized in the Gila Bend Indian Reservation Lands Replacement Act, Public Law 99-503.

REVOLVING FUND FOR LOANS

During fiscal year 1990, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed resources and authority available.

INDIAN LOAN GUARANTY AND INSURANCE FUND

For payment of interest subsidies on new and outstanding guaranteed loans and for necessary expenses of management and technical assistance in carrying out the provisions of the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), $4,767,000, to remain available until expended: *Provided*, That during fiscal year 1990, total commitments to guarantee loans pursuant to the Indian Financing Act of 1974, as amended, may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed resources and authority available.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits, and purchase of not to exceed 162 passenger carrying motor vehicles, of which not to exceed 115 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, $76,789,000, of which (1) $72,843,000 shall be available until expended for technical assistance; maintenance assistance; late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for support of governmental functions; construction grants to the Government of the Virgin Islands as authorized by Public Law 97-357 (96 Stat. 1709); grants and construction grants to the Government of Guam, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $3,946,000 for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99-396: *Provided further*, That $710,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495); grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; $34,102,000, including $3,000,000 to reduce the accumulated deficit of the former Trust Territory Government: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further*, That the government of the Trust Territory of the Pacific Islands is author-

ized to make purchases through the General Services Administration: *Provided further,* That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1990, shall be credited as an offset against fiscal year 1990 payments made pursuant to the legislation approving the Palau Compact of Free Association (Public Law 99-658), if such Compact is implemented before October 1, 1990: *Provided further,* That any unobligated balances for Palau government operations that remain available on the date of Compact implementation shall be used by the Department of the Interior to reduce the accumulated deficit of the Trust Territory Government.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $24,760,000, to remain available until expended, as authorized by Public Law 99-239: *Provided,* That notwithstanding the provisions of Public Laws 99-500 and 99-591, the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101(d) of Public Law 99-658.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, $51,295,000, of which not to exceed $10,000 may be for official reception and representation expenses: *Provided,* That none of the funds under this head are available for an office for the Secretary of the Interior outside Washington, D.C.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $25,325,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $20,737,000.

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, $1,800,000.

OILSPILL EMERGENCY FUND

Funds made available under this head by the "Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989" shall be available up to a limit equivalent to the amount of funds appropriated by said Act for contingency planning, response, and natural resource damage assessment activities related to any discharge of oil in waters of the United States upon a determination by the Secretary of the Interior that such funds are necessary for the protection or restoration of natural resources under his jurisdiction.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 11 aircraft, 7 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, or volcanoes; for contingency planning subsequent to actual oilspills, response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon Cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. None of the funds appropriated herein or hereafter or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.

SEC. 108. Notwithstanding any other provisions of law, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

SEC. 109. No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the Eastern Gulf of Mexico planning area of the Department of the Interior which lie south of 26 degrees North latitude and east of 86 degrees West longitude.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities (including but not limited to: calls for information, tract selection, environmental impact statements, notices of sale, receipt of bids and award of leases), or the approval or permitting of any drilling or other exploration activity within the area identified by the Department of the Interior in the Draft Environmental Impact Statement (MMS 87-0032) for Lease Sale 91 in the Northern California planning area issued December, 1987; in the Calls for Information for Lease Sale 95 in the Southern California planning area, published in the Federal Register on July 9, 1987 (52 Fed. Reg. 25956) and November 17, 1988 (53 Fed. Reg. 46590); or in the Call for Information for Lease Sale 119 in the Central California planning area, published in the Federal Register on November 16, 1988 (53 Fed. Reg. 46422).

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and

leasing activities (including but not limited to: calls for information, tract selection, environmental impact statements, notices of sale, receipt of bids and award of leases) or the approval or permitting of any drilling or other exploration activity within an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree West longitude line south along that longitude line to its intersection with the line which passes between blocks 423 and 467 on Outer Continental Shelf protraction diagram NK 19-10; then southwesterly along a line 50 miles seaward of the States of Rhode Island, Connecticut, New York, New Jersey, Delaware, and Maryland to its intersection with the 38 degree North latitude line; then westerly along the 38 degree North latitude line until its approximate intersection with the seaward limit of the State of Maryland territorial sea; then northeasterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degree West longitude line.

SEC. 114. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities (including but not limited to: calls for information, tract selection, environmental impact statements, notices of sale, receipt of bids and award of leases) of lands described in, and under the same terms and conditions set forth in section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99-190; or of lands within the 400 meter isobath surrounding Georges Bank, identified by the Department of the Interior as consisting of the following blocks: in protraction diagram NJ 19-2, blocks numbered 12-16, 54-55 and 57-58; in protraction diagram NK 19-5, blocks numbered 744, 788, 831-832, and 1005-1008; in protraction diagram NK 19-6, blocks numbered 489-491, 532-537, 574-576, 578-581, 618-627, 661-662, 664-671, 705-716, 749-761, 793-805, and 969-971; in protraction diagram NK 19-8, blocks numbered 37-40, 80-84, 124-127, and 168-169; in protraction diagram NK 19-9, blocks numbered 13-18, 58-63, 102-105, 107-108, 146-149, 151-152, 191-193, 195-197, 235-237, 240-242, 280-282, 284-286, 324-331, 368-376, 412-420, 456-465, 500-510, 543-554, 587-594, 596-599, 631-637, 640-644, 675-688, 718-733, 762-778, 805-821, 846-865, 887-891, 894-908, 930-950, and 972-994; in protraction diagram NK 19-10, blocks numbered 474-478, 516-524, 560-568, 604-612, 647-660, 692-704, 737-748, 787-792, 830-836, 873-880, 967-968, and 1011-1012; in protraction diagram NK 19-11, blocks numbered 621-632, 665-676, 700, 709-720, 744, 753-764, 785, 797-808, 825-827, 841-852, 856-860, 869, 890-905, 907-909, 929-931, 941-945, 947-949, 973-975, and 985-989; and in protraction diagram NK 19-12, blocks numbered 452-456, 495-499, 536-537, 539-541, 575-577, 579-582, 617-621, 623-624, 661-662, 664-665, and 705-706.

SEC. 115. Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following section:

"(j)(1) Any vessel, rig, platform, or other structure used for the purpose of exploration or production of oil and gas on the Outer Continental Shelf south of 49 degrees North latitude shall be built—

"(A) in the United States either by a United States chartered corporation or by a joint venture between a United States chartered corporation and a foreign corporation, with at least 50 per centum of total person hours expended in the United States; and

"(B) from articles, materials, or supplies at least 50 per centum of which by cost, shall have been produced or manufactured, as the case may be, in the United States.

"(2) The requirements of paragraph (1) shall not apply to any vessel, rig, platform, or other structure which was built, or for which a building contract has been executed, on or before October 1, 1989, and shall expire with respect to any vessel, rig, platform, or other structure for which either the bidding or award process has commenced on or after September 30, 1993.

"(3) The Secretary may waive—

"(A) the requirement in paragraph (1)(B) whenever the Secretary determines that 50 per centum of the articles, materials, or supplies for a vessel, rig, platform, or other structure cannot be produced or manufactured, as the case may be, in the United States; and

"(B) the requirement in paragraph (1)(A) upon application, with respect to any classification of vessels, rigs, platforms, or other structures on a specific lease, when the Secretary determines that at least 50 per centum of such classification, as calculated by number and by weight, which are to be built for exploration or production activities under such lease will be built in the United States in compliance with the requirements of paragraph (1)(A).".

SEC. 116. Notwithstanding any prior designation by the Secretary of the Interior pursuant to section 17 of Public Law 100-440 (102 Stat. 1743), the Bureau of Mines headquarters operation is to be relocated to Avondale, Maryland, no later than 90 days after the Administrator of General Services determines that design and alteration of the facility is completed: *Provided,* That no funds in this Act may be expended for the consolidation of the Office of Surface Mining, Reclamation, and Enforcement at the Avondale facility.

SEC. 117. None of the funds made available by this Act may be used for the implementation or financing of agreements or arrangements with entities for the management of all lands, waters, and interests therein on Matagorda Island, Texas, which were purchased by the Department of the Interior with Federally appropriated amounts from the Land and Water Conservation Fund.

SEC. 118. The provision of section 117 shall not apply if the transfer of management or control is ratified by law.

SEC. 119. Section 4(7)(D) of Public Law 100-497 (102 Stat. 2469) is amended by striking the words "1-year" and inserting after the first "Act" in the subsection "and continuing for 365 days from the date on which the Governor of a State provides written notice to Indian tribes which have requested compact negotiations, that the State has a duly authorized negotiator or negotiating team ready to commence compact negotiations with that tribe".

SEC. 120. None of the funds available under this title may be used to prepare reports on contacts between employees of the Department of the Interior and Members and Committees of Congress and their staff.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the bill be read by titles, and that title I be considered as read, printed in the RECORD, and open to amendment at any point.

Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there points of order against title I?

Are there amendments to title I of the bill?

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Interior Appropriations Act. I commend Chairman YATES, the ranking member, Congressman REGULA, the members of the Interior Appropriations Subcommittee, and the members of the full Appropriations Committee for the fine work they did on this bill. I particularly appreciate the funding increases they included for key programs of the Forest Service, National Park Service, and Bureau of Land Management. These agencies manage one-third of our Nation's lands and this bill would strengthen significantly their ability to protect and manage these lands that are so important to America's environmental and economic health.

For 8 years the funds to manage our national parks, national forests, and public lands have declined dramatically resulting in unacceptable damage to the natural resources under the stewardship of the Federal Government. Because of Chairman YATES' leadership, the Interior Appropriations Act for fiscal year 1989 reversed this trend and provided important increases for natural resource programs. The 1990 Interior Appropriations Act before us today continues this positive trend by further increasing the funding for these programs. By including these increases, Chairman YATES and his subcommittee have been responsive to recommendations from the Committee on Interior and Insular Affairs. In February, the Interior Committee's Subcommittee on National Parks and Public Lands, which I chair, held 3 days of hearings on the administration's budget request for the Forest Service, National Park Service, and Bureau of Land Management. Based on information we received at these hearings, we developed budget recommendations for these agencies which were approved unanimously by the Interior Committee on February 25. On April 25, I testified before the Interior Appropriations Subcommittee and presented these recommendations to its members. Many of them have been incorporated into this bill and I want to thank Chairman YATES and his colleagues for their support and cooperation.

Mr. Chairman, I will now highlight a few of the provisions of the bill that would improve the management of our Federal lands.

FOREST SERVICE

The bill would provide significant increases in funding for the noncommodity programs of the Forest Service above the total 1989 appropriation even after one adds on the extra timber receipt funds which boosted 1989 funding for these programs. Recreation management would be increased by $4 million, wilderness management by $5 million, and wildlife and fish habitat management by $2 million. Because these noncommodity programs have been particularly hard hit in recent years, these increases are sorely needed. The bill also would finish paying back the entire $508 million fire debt caused by the severity of the 1987 and 1988 fire seasons. This money is owed to the Forest Service's Knutson-Vanderberg Trust Fund which is used for reforestation. Furthermore, the bill would increase funding for forest fire protection by $20 million which would finance projects to reduce fuel loads and which would hire and train additional fire crews.

The bill also would strengthen the Forest Service's role in solving the global tropical deforestation crisis. It gives the agency an additional $7 million for tropical forestry research and for technical assistance and training for tropical countries. Furthermore, the bill includes language that expands the Forest Service's authority to spend funds to provide technical assistance to other countries.

NATIONAL PARK SERVICE

The bill would strengthen the National Park Service by increasing its operations budget by $29 million over the 1989 appropriation. While addressing the needs of established national park units, this increase would also help fund the planning and operations of 13 new national park units designated during the last session of Congress, a study of the impacts of aircraft flying over national parks and an environmental impact statement on the reintroduction of wolves in Yellowstone National Park. The National Park Service's construction budget would be increased by $15 million which would help alleviate a $1.5 billion construction backlog in the national parks. The recreation and preservation budget would be increased by $1.4 million which would help the Park Service maintain its leadership role in many areas of the recreation, conservation, and preservation fields.

BUREAU OF LAND MANAGEMENT

The Bureau of Land Management manages more land than any other agency and yet most of its programs are consistently underfunded. This bill would give them the BLM increases in almost every line item over the fiscal year 1989 appropriation. Land use planning is increased by $81,000, grazing by $1.2 million, soil, air, and water by $1 million, wildlife by $2.2 million, cultural resources by $115,000, and recreation by $3 million. The increases will be particularly helpful in funding the BLM's new fish and wildlife 2000 and recreation 2000 programs. The additional money for improvement of riparian areas will also pay big dividends in better resources.

Finally I would like to thank the Appropriations Committee, and Chairman YATES in particular, for the way this bill deals with paying for fighting fires on the Federal lands. By moving to up-front funding for these inevitable expenses, the committee has taken a big step toward honesty in budgeting, something that the Interior Committee has been recommending for many years. Unlike the administration's proposal for funding firefighting, this bill will not affect the revenues that the United States shares with State and local governments.

Mr. Chairman, it is clear that the bill before us today will do much to improve the management and protection of our national parks, national forests, and public lands. These Federal lands are a heritage of vital importance to present and future generations of Americans and this bill will enable us to be better stewards of this heritage. I urge my colleagues to join me in supporting its passage.

Mr. FIELDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to express my strong opposition to H.R. 2788, a bill making appropriations for the Department of the Interior. I will vote against this legislation because of its unprecedented assault on the Federal Outer Continental Shelf oil and gas program.

Mr. Chairman, H.R. 2788 establishes pre- and post-lease moratoria on some 84 million acres of our Federal Outer Continental Shelf.

These moratoria make absolutely no sense from either an energy policy standpoint or from an environmental standpoint. By enacting moratoria, we will be condemning this Nation to an ever-increasing dependence on foreign oil and, ironically, a greater likelihood of more, not less, oilspills through increased transportation of oil on foreign tankers.

As the ranking minority member on the Merchant Marine and Fisheries' Subcommittee on the Outer Continental Shelf for the past 6 years, I have thoroughly reviewed every aspect of the Federal OCS Program. There is no question that the Federal lands under moratoria in this bill can be explored and developed in an environmentally sound manner. To date, more than 37,500 wells have been drilled in Federal and State waters. There has never been a blowout or a major oilspill from any exploratory well drilled in U.S. waters.

The Federal OCS Program has an outstanding environmental safety record. It is our Nation's safest energy extraction program. In fact, urban runoff dumps more oil into the ocean than offshore rigs.

In addition, it is significant to note that in 1978 Congress created the Offshore Oil Pollution Compensation Fund. This fund was designed to compensate victims of an offshore oilspill.

Mr. Chairman, the Coast Guard, which administers this fund, has never had to utilize it nor has it ever had to pay any damage claims.

By contrast, out of the 60 largest oilspills that have occurred in the waters of this Nation, only one was the result of OCS oil and gas activity. The remaining 59 oil spills were caused by tankers, the majority of which were carrying imported crude oil. The four recent oilspills from tankers, including the disastrous *Exxon Valdez* spill, clearly indicate that the real risk is in oil tanker transportation, not OCS development where the oil is generally transported back to land by pipeline.

Mr. Chairman, every Member of this body deeply regrets the Prince William Sound tragedy. It was a terrible accident that should have never occurred. Nevertheless, we must not confuse this tanker spill with the Federal OCS Program. This tanker spill has nothing to do with OCS exploration or development. They are two totally unrelated activities. And, to ban OCS development because of the *Exxon Valdez* is like shutting down our Nation's rail system because of an aviation accident. Even the environmentally sensitive Washington Post ran an editorial last week on July 6 criticizing the Appropriations' moratoria and stating,

> Less oil produced in this country means more oil being imported in the kinds of tankers that have been running aground here and there.

Mr. Chairman, I would suggest that instead of prohibiting OCS activity, the lesson from the *Valdez* is that we should be accelerating careful and safe OCS development because its resources are transported in pipelines which are far safer than tankers.

In fact, the great irony of this debate is that by establishing these moratoria the proponents of this language are placing our coastline at far greater risk and are making it more likely there will be a foreign oilspill off our shores.

The simple fact is that this Nation burns oil and if we are not going to get our energy resources from the OCS, then we are going to get them from Saudi Arabia, Iraq, or some other foreign source; and they are going to be transported on tankers which have caused 59 out of 60 of the largest oilspills.

In short, moratoria proponents are shooting at the wrong target. Perhaps what they should have done, instead

of prohibiting OCS activity, is prohibit tankers from traveling off their coasts. At least then they would be dealing with the source of the problem.

Mr. Chairman, I am also frankly disgusted that we continue to postpone critical energy decisions. After nearly 10 years, it is obvious that moratoria have not produced compromise or consensus. If Members are unhappy with the OCS Lands Act, then they should amend or repeal that law. It is time for the Appropriations Committee to get out of the moratorium business. It is simply not in this Nation's best interests to continue to rely on a year-by-year de facto energy policy based on moratoria.

Let me briefly highlight the most onerous provisions of this year's legislation. First, the bill establishes a series of preleasing prohibitions that will prevent the Department of the Interior from conducting a whole range of activities, including environmental impact statements, on a number of upcoming lease sales.

Since H.R. 2788 already prohibits the actual lease sales themselves, it is counterproductive and, frankly, overkill to now prevent the Department from performing necessary prelease evaluations. For instance, under this language, the Department may not survey the industry to determine whether there is even any interest in an upcoming lease sale, and it may not conduct public hearings to determine which areas should be placed off limits to development. In short, this language is highly destructive to the overall viability of the program and the future of offshore leasing. It is irresponsible and the height of poor policymaking.

Second, this legislation once again extends the moratorium on lease sales 91, 95, and 116, despite the fact that President Bush has acted in good faith to resolve disputes through a task force created to review every aspect of these three lease sales. This more than anything exposes the political shenanigans of the proponents of moratoria. With a task force already in place, enacting further moratoria indicates to me that the sponsors are not interested in a serious policymaking debate. Rather, they will oppose leasing at any cost, for any reason, no matter what the statistics show or regardless of our energy needs.

Mr. Chairman, it is wrong not to allow the President's task force to go forward unimpeded by new leasing restrictions. Once the task force has completed its work, proponents and opponents of offshore activity will have sufficient opportunities to make their case to the respective authorizing committees. In short, the President of the United States has offered an olive branch on these three lease sales and moratoria proponents have turned a deaf ear.

Third, H.R. 2788 reestablishes a post-lease sale moratorium for certain Federal lands off the coast of Florida. By so doing, this bill has once again repeated a grievous breach of faith whereby the Federal Government prohibits activity on offshore lands already legally obtained at significant cost by our domestic offshore energy industry.

Mr. Chairman, this dangerous post-lease sale moratoria sends the worst possible signal to our domestic energy industry that the Federal Government is an unreliable partner, willing to unilaterally change the rules at any time.

Fourth, this legislation also prohibits OCS exploration on some 23 tracts which have been legally obtained in the Bristol Bay OCS region off the coast of Alaska.

Mr. Chairman, I find this language particularly offensive. During the past 15 years, the Department of the Interior has done everything possible to satisfy the concerns of the State of Alaska, including the removal of 83 percent of the proposed area. In addition, it delayed the sale for 12 years.

Since the actual lease sale in 1986, attempts have been made to stop exploration in the district court, the court of appeals of the ninth circuit, and the U.S. Supreme Court. In each instance, the Department has prevailed. Unfortunately, that does not seem to matter because moratoria proponents seem to think that what is good for California and Florida, must therefore, be good for Alaska. This language is bad for the United States and bad for the people of Alaska.

Finally, H.R. 2788 authorizes a study on how the Federal Government can buy back these Bristol Bay leases. I must tell you that I find this provision to be the most ludicrous of all. Where is the Federal Government going to come up with the more than $100 million plus interest to buy back these leases and how do we replace the lost energy resources which are calculated in excess of $3.3 billion?

In summary, this bill does such destruction to the Federal OCS Program that it must be rejected. Since 1953, the OCS has produced over 8 billion barrels of oil and nearly 83 trillion cubic feet of gas. It has contributed in excess of $90 billion to the Federal Treasury and it is estimated that it contains 35.1 billion barrels of additional oil. Without these resources, our Nation cannot begin to meet its energy needs. Unfortunately, H.R. 2788 locks up these resources for yet another year and even longer in those areas with prelease restrictions.

The House Appropriations Committee was given a choice. They could choose to have environmentally safe development on our Federal Outer Continental Shelf or they could mortgage our Nation's future energy security to the Middle East oil barons. Regrettably, they have chosen badly. As a result, we are now placing our coastal environments at greater risk by promoting increased tanker imports, an alternative which has proven—again and again—to be far more likely to result in oil spills.

If nothing else, today is the day of accountability. The people of this Nation must know that the next time there is an oil spill off their coasts, there are two culprits: the tanker company and those who have stopped our Nation's safest energy extraction program by establishing these misguided leasing moratoria.

I urge my colleagues to vote "no" on H.R. 2788 and to send a message to the Appropriations Committee that it is time to stop leasing moratoria off the coasts of California, Florida, Alaska, or anywhere else. These Federal lands, and the energy resources they may contain, belong to all Americans.

□ 1220

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS: On page 29, line 8, after "100-580," insert "101-41,".

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, this is a technical amendment, and we accept it.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are in favor of the amendment and have no objection.

Mr. DICKS. Mr. Chairman, I am pleased to rise today in support of H.R. 2788, a bill to provide appropriations for the Interior Department and related agencies. I congratulate Chairman YATES for his thoughtful leadership in once again bringing to the floor a bill that is fair, balanced, and shows fiscal responsibility by staying within its outlay limitations. I also want to thank my colleague, Mr. REGULA, the ranking minority member on the Interior Appropriations Subcommittee, and the other members of the subcommittee for their cooperation in moving this legislation forward.

The $11 billion package contains many funding initiatives that will serve the best interests of the citizens of this Nation. I am particularly pleased that the bill contains $77.25 million to implement the Federal share of the Puyallup Indian settlement, an agreement that will have great impact on the future of my congressional district. The proposed agreement, which took almost 5 years to completely negotiate, is a landmark agreement that directly impacts greater metropolitan Tacoma, WA, Pierce County and its surrounding municipalities, and the Port of Tacoma. This carefully negotiated agreement is a comprehensive and

balanced package that is fair to all sides. It will resolve once and for all, the longstanding land claims and jurisdictional disputes which have hindered development and clouded residential and commercial properties.

Without the settlement the affected community will face a highly uncertain future. Questions as fundamental as police authority, the power and obligation to tax, the obligation to protect the health and welfare of the public, zoning authority, business regulations, and other fundamental jurisdictional matters will remain unclear and subject to dispute. Furthermore, tribal claims against the ownership of lands means that the sale, transfer, and investment in such lands will remain significantly impaired, having a dramatic negative effect upon the development of business and industry.

The settlement is valued at $161.844 million, with a Federal share of $77.25 million, a figure which is below 50 percent of the total. Several direct benefits will be provided to the tribal membership, including: the acquisition of land, economic development and job training activities, fisheries enhancement, housing rehabilitation, and support for social needs such as health care, day care, and education.

This agreement will serve as a catalyst for cooperation in a community that has faced a long history of divisiveness and conflict. Beyond a negotiated settlement, the only means available to the tribe and non-Indian community to resolve these disputes is through the court system. However, years of costly litigation could only lead to new tensions and further alienation between the parties. Furthermore, it is critical to note that the claims by the Puyallup Tribe are currently in district court and are on hold pending congressional consideration and approval.

I join with Indian leaders throughout the Nation in expressing my great appreciation to the chairman and the members of the Interior Appropriations Subcommittee for their recognition that the settlement approach is the right path to pursue in resolving longstanding historic disputes that have divided communities and impeded growth and cooperation. In addition to the Puyallup settlement, H.R. 2788 contains funding for the Hoopa-Yurok, Salt River, San Luis Rey, Colorado Ute, and Aleutian-Pribilof settlements.

I urge my colleagues to support this bill.

Mr. FLORIO. Mr. Chairman, I rise in support of H.R. 2788 which contains provisions that are vital to the protection of our environment. I commend the Appropriations Committee for adopting a moratorium on oil and gas leasing within 50 miles off the coasts of the States of the Middle Atlantic, including New Jersey.

New Jersey's ocean and shore area is one of our State's most valuable treasures. But it is also an area that has been the victim of abuse and degradation. The dumping of sewage sludge and medical waste, the repeated beach closures last year, all have brought home to us the value of our shore, both in human terms and economic terms.

In recent weeks, we have turned on our TV's and seen otters covered with oil and birds struggling on beaches as far away as Alaska and as close to home as the Delaware River. It used to be that we would look out for horseshoe crabs when the tide came in; we now look out for dead fish and globs of oil.

Our environment can only take so much. Unfortunately, former Interior Secretary James Watt left us a legacy that we must still continue fighting. It was Watt's notion that the Atlantic coast was a great place to drill for gas and oil. Exploratory drilling that has gone on off our coast has resulted in only five actual discoveries of oil and gas. The Interior Department itself estimates that there is enough oil there to last the United States 5 days and enough natural gas for 100 days. If you ask any beach goer, if you ask any of the people involved in our State's $8 billion tourism industry, they will tell you that 105 days of oil and gas aren't worth this trouble.

Recently, I joined Congressman PALLONE in requesting that the Appropriations Committee approve a moratorium on any gas and oil leasing off the Middle Atlantic coast. I am pleased that this legislation contains language to bar oil and gas leases off our entire coast, stretching from Maryland all the way to Rhode Island.

I would like to thank Congressmen YATES, REGULA, DWYER, and ATKINS for the efforts on the committee on behalf of New Jersey. I urge my colleagues to approve this legislation.

It is important that we do everything possible to make sure that our grandchildren won't need to think twice before deciding to spend a day at the beach.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. AUCOIN

Mr. AUCOIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AUCOIN: Page 13, line 18, strike "$774,179,000" and insert in lieu thereof "and $100,000 for a feasibility study of the establishment of a national park in connection with the antebellum plantation homes in the Creole style along Cane River in Louisiana, including Oaklawn, Cherokee, Beau Fort, Oakland, Kate Chopin, Melrose, and Magnolia, $774,279,000".

Mr. AUCOIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. AUCOIN. Mr. Chairman, my amendment appropriates funds for a feasibility study for a national park in the State of Louisiana which has great significance to the region as well as to the country.

I offer this amendment on behalf of the gentleman from Louisiana [Mr. HUCKABY] who has worked with me, and I with him, on this for some considerable time.

Mr. Chairman, this deals with an area in the Cane River region just south of Natchitoches which is rich in history and culture unique to this area of Louisiana. It is from this region of the State that the Creole culture originated.

Mr. Chairman, along the Cane River, an old channel of the Red River that runs some 32 miles, there exists today some seven homes that are architecturally significant. These homes have been passed down for over two centuries with two being designated as national bicentennial farms.

I think this is a significant asset that deserves a feasibility study, and that is why I offer the amendment.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, I would like to extend my thanks to the gentleman from Oregon [Mr. AUCOIN], a senior member of the subcommittee, for offering this amendment in our behalf and for working with me for quite an extended period of time in this endeavor.

Mr. Chairman, the Cane River country and Natchitoches Parish in Natchitoches, LA, is very unique in Louisiana's history and America's history. Two of these plantations were actually working farms, working plantations at the time Jefferson purchased Louisiana from Napoleon. Natchitoches is the oldest city in the entire Louisiana Purchase.

Mr. Chairman, during the last few years some of these plantations have, due to economic hard times, come into a state of disrepair, and it is for that reason we have asked the Park Service, and they have indicated their strong desire, to study this to pursue the possibility to see if it meets the criteria for inclusion in our National Park System because it is truly a slice of the rich history of America.

Mr. Chairman, I thank the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I thank the gentleman from Louisiana [Mr. HUCKABY] for his statement, and I think this is a worthy proposal.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, it is with deep regret that I have to oppose this study. It is a worthy study. The problem is we do not have money for studies.

Mr. Chairman, there are 25 requests pending in our subcommittee by Members who came in and asked for funding for a study. The gentleman from Kansas [Mr. GLICKMAN] just came up to me and asked for a study for a park in his district.

(On request of Mr. YATES and by unanimous consent, Mr. AUCOIN was allowed to proceed for 2 additional minutes.)

Mr. YATES. Mr. Chairman, if the gentleman from Oregon [Mr. AuCoin] will continue to yield, I say that the cost of all the studies, and they are all worthy ones, I must say, would exceed $5 million.

Mr. Chairman, this is a problem that we have to deal with, and I want to assure the gentleman from Oregon [Mr. AuCoin], who is a most distinguished member of the subcommittee, that we will look at it next year. This year, because of the constraints of the budget, there are other matters that had precedence. The studies must be made. We have such onerous burdens existing in the parks now, and we have to face up to the question of how many more units we will include into the park system when we are not able to really take care of the needs of those that are already in existence.

□ 1230

There is no doubt in my mind, the gentleman from Louisiana makes a very strong case for this study. As I say, we will give it every consideration.

Mr. AuCOIN. Is what the chairman is saying that no feasibility studies for any national parks are included in this bill?

Mr. YATES. The gentleman is correct. We did not approve any single study, even though they are all worthy.

May I say to the gentleman from Louisiana, his is among the worthiest. I think this is singularly historic and one that in time will certainly be approved. It is just a question of budget restraints.

Mr. AuCOIN. Is the chairman of the committee also saying, then, that his intention would be that next year the committee would look at this whole welter of requests for feasibility studies and try to make some judgment on the question?

Mr. YATES. The gentleman has my assurance that I will do so.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to my friend, the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would only want to take a minute to agree with the chairman. We had requests on our side, and many on the gentleman's side of the aisle, I had a couple myself, and we decided not to do any of them simply because we were right up at the top of our allocation for funding and we have so many unmet needs now in the existing parks that those had to take a higher priority in the studies.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

(At the request of Mr. Yates, and by unanimous consent, Mr. AuCoin was allowed to proceed for 1 additional minute.)

Mr. AuCOIN. Mr. Chairman, I appreciate the statement of the gentleman from Ohio.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to my friend, the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, I certainly appreciate the chairman's consideration of this. I certainly realize the difficulty and that there were numerous requests for studies. This particular study, the dollar funding was only $100,000; however, I have the utmost respect for the chairman of the subcommittee, and hence with the understanding that we will work to try to include this next year. Since our President has stated that he wants to be the environmental President, I think one of the things important to the environment is to preserve and expand our rich heritage.

Thus, I would urge consideration of this matter at that point in time.

Mr. AuCOIN. Mr. Chairman, I want to say that it has been a pleasure to work with the gentleman from Louisiana on this worthy project, but under these circumstances and with the explanation of the distinguished chairman of the subcommittee, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Oregon [Mr. AuCoin] is withdrawn.

Mr. GUNDERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask the ranking member of the subcommittee, the gentleman from Ohio [Mr. Regula] to respond if he would at the proper time.

Mr. Chairman, I would like to take this opportunity to request assistance from both the chairman of the Appropriations Subcommittee on Interior and from the ranking member, the gentleman from Ohio [Mr. Regula] on this side of the aisle, to address a critical funding shortfall for the National Fish Laboratory in LaCrosse, WI.

The gentleman will recall my testimony before the subcommittee on April 25, 1989, Mr. Chairman, in which I requested $500,000 in additional operations and maintenance funding for the lab, over the current level of $1.444 million. The funding increase is needed to avoid staffing cuts and program deficiencies at the lab which are certain to jeopardize research programs of extreme importance to State and Federal fishery programs.

Since 1983, the lab has received only a 3-percent increase in real terms. That is 3 percent in 7 years, despite inflation and payroll increases, and despite increases in the Fish and Wildlife budget for other programs of as much as 28 percent over the same period.

This legislation would provide $1.591 million to the lab for fiscal year 1990. That increase is less than 10 percent of the increase the fish lab sees as necessary to fully carry out its present level of programs.

I would like to ask the subcommittee chairman how we might further address this funding shortfall in the future.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I am happy to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I appreciate the gentleman's further efforts to obtain additional needed funds for the National Fish Lab in La Crosse. Our next step toward this effort can best be achieved in conference.

In the interim between now and conference, I will direct the Fish and Wildlife Service to conduct a study of the need and capabilities of the National Fish Lab in La Crosse and will direct the agency to report back to the committee within 30 days. That study will include an assessment of current funding needs at the lab to include operation and maintenance requirements for fiscal year 1990 in order to preserve current programs as prioritized by the lab.

Finally, the study will also include consideration of other funding needs at the lab for fiscal year 1990 and beyond as prioritized by the lab. Finally, the study will present to Congress additional funding options for the lab, including an assessment of the degree to which additional research funds appropriated to the agency may be directed to the fish lab to compensate for any funding shortfalls to the fish lab.

This assessment will then allow us to base further consideration of the funding needs at the National Fish Lab when we go to conference.

Mr. GUNDERSON. Mr. Chairman, this legislation will be very, very helpful. I want to thank the gentleman for his effort and commitment, both to the gentleman from Ohio and to the chairman for their overall efforts to assist us with the fish lab, and obviously all the difficult work that this particular appropriation bill includes.

Mr. MURTHA. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Maryland [Mrs. Byron].

Mrs. BYRON. Mr. Chairman, let me thank the gentleman from Pennsylvania for yielding to me.

I would like to engage in a colloquy for the purpose of discussing very briefly the Monocacy Battlefield which is in my Sixth Congressional District.

On July 9 of this year, it was the 125th anniversary of that battle. This battlefield was signed into law and created by FDR in 1934, so it has been around for a short period of time, I guess, in the funding level, but the time has come that we need to look at some funds here.

Mr. MURTHA. Mr. Chairman, if the gentlewoman will yield, let me say to the gentlewoman that I know she came to me before the markup in the full committee. I went to the gentleman from Illinois [Mr. YATES] and to the gentleman from Ohio [Mr. REGULA] and they both agreed to take a look at this in the conference. All of us think it is a magnificent project. We know that the gentlewoman's husband preceding her put the authorizing language into this particular battlefield. We think it is a project that certainly ought to be taken care of and we are going to do everything we can in conference to take care of it.

Mrs. BYRON. Let me thank the gentleman, because currently we have one piece of property which is key to the battlefield that is an estate that is available now for purchase, which it had not been previously, and time, as usual, is of the essence.

I do appreciate what the gentleman from Pennsylvania is trying to do and also the chairman, the gentleman from Illinois [Mr. YATES], and hopefully we will be able to resolve this in conference. I appreciate the gentleman's support.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words. I would ask to engage in a colloquy with the gentleman from Illinois [Mr. YATES]. It is along the same subject as was raised by the gentleman from Louisiana [Mr. HUCKABY] and the gentleman from Oregon [Mr. AUCOIN] concerning another feasibility study for a national monument.

Mr. Chairman, I recently appeared before the Interior Subcommittee, on behalf of the entire Kansas delegation, to request funding for a study by the National Park Service to explore the feasibility of establishing a national monument on the Flint Hills Prairie in Kansas. The House Interior appropriations bill does not at this time include the $50,000 we requested to fund such a study. Does the subcommittee have an objection to the exploration of the national monument in the Flint Hills?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, not at all. The committee believes it is a very worthy project. The problem that we had was that we had finished marking up the bill. We had 25 requests for studies of this kind, all worthy projects. The total of those, had we agreed to them, would have exceeded $5 million.

After we marked up, we were up against the ceiling on our outlays and on our budget authority, and we just could not do it.

As I indicated in response to the gentleman from Oregon and the gentleman from Louisiana earlier, who also brought up a very worthy project, we will look at these next year. I want to assure the gentleman that we will look at this project at Flint Hills next year as well.

Mr. GLICKMAN. Well, I appreciate the gentleman's understanding.

There is no other park or facility under the management of the National Park Service devoted to the preservation of our prairies and the natural grasslands as they have existed for centuries. We believe this area shows great potential for public benefits and recognition of national significance, and for economic benefits to the surrounding area and State of Kansas. The National Park Service has indicated to me that such a project is very high on their list of priorities for new additions, and that the Kansas facility looks quite promising.

Again, as I pointed out, there is no national monument or park to preserve our prairies. That is the purpose of what we are trying to get here. The cost is fairly small and I would hope that the gentleman could be of as much help as he could on this project.

□ 1240

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman was kind enought to give me a pledge button for the state of Kansas, and I shall wear it proudly. I want him to know it will serve as a constant reminder of the request of the gentleman.

Mr. GLICKMAN. I would say to the gentleman that we refer to that as a sunflower in the State. The gentleman can call it anything he wants to if he helps get the project funded next year.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Appropriations Committee—and in particular, my colleague, Mr. YATES—deserve our thanks and commendation for their leadership in developing this bill.

It contains a number of important provisions—provisions which I strongly support and which provide substantial and much needed protection for our natural resources and heritage.

Let me highlight some of these provisions for you:

The bill extends and expands the moratoria on offshore oil and gas leasing. This is a clear recognition of the sad fact that the Interior Department's Offshore Oil and Gas Leasing Program is broken and needs to be fixed. The bill prohibits leasing and preleasing activities in a number of environmentally sensitive and vulnerable areas. This includes Bristol Bay in Alaska—for the first time, the entire California coast, the mid-Atlantic coast, and a portion of the Florida coast. It further halts activity on those Bristol Bay leases which have already been issued and it requires the Interior Department to look into buying back those issued leases.

The moratoria is an expression of the importance we place on protecting our coastal areas. It also underscores our deep concern—and distrust—about the industry's ability and commitment to develop oil and gas resources in an environmentally safe and sensitive manner. In view of the *Exxon Valdez* oilspill, along with the more recent, smaller spills in Rhode Island, Delaware, and Texas, it makes no sense to proceed with the development of offshore resources until the full range of safety issues have been addressed and answered. The moratoria ensures that these issues will be dealt with in a timely fashion.

The bill increases the appropriation for the National Park Service programs and activities. The committee added $168 million over the amount requested by the administration.

Of special importance and interest to me is the funding the committee included for the acquisition of lands for the John Muir Historic Site in California. The lands to be acquired—which are under the threat of residential and other development—are part of the old Muir ranch. They will add an important dimension to the site, to our understanding and appreciation of John Muir and to what helped inspire him during a lifelong quest to protect our natural resources. The educational value of these lands is truly incomparable and invaluable.

Several important studies and planning activities have been funded as well. These include:

Funding for a study of the potential of the American River in California as a national recreation area. The information this study develops will be important to Californians as decisions are made in the future concerning the Auburn Dam.

Funding to continue the planning and development activities for the bay ridge trail. This effort has tremendous local support throughout the San Francisco Bay area, as citizen groups and local governments are working to develop the plans and raise funds for the trail.

Funding for the Department to develop an environmental impact statement on the reintroduction of wolves in Yellowstone Park. This has been a

long-festering and sometimes contentious issue. For years, the Department has failed to prepare an EIS—a document which could and should address many of the concerns and questions about reintroducing wolves. This document is long overdue and should be expeditiously prepared.

There are many more projects, programs, and initiatives included in this bill which are very important and well worthwhile. It is a bill which deserves our enthusiastic support. I know there are projects and programs which deserve more money than they will receive under this bill. The difficult problem of which programs to fund and which to cut underscores the need to solve some of these acute funding problems and decisions. My colleague from Arizona, Mr. UDALL, has introduced the heritage trust bill which offers an answer to funding at least some of these programs. I hope that we will pass this bill soon.

Finally, I know this bill might have contained provisions to deal with the issue of timber-related activities in the old-growth forests in Oregon. I understand that negotiations are underway to reach a consensus response to this highly charged issue. I would like to commend my colleagues, Mr. DEFAZIO, Mr. AUCOIN, and others from Oregon—for their leadership and hard work. I know it is a difficult issue in Oregon. But, I would only stress that it is important throughout the Nation as well, because it will determine the use and fate of some of this country's last areas of old-growth forests.

Again, I commend the gentleman from Mississippi [Mr. WHITTEN] and the gentleman from Illinois [Mr. YATES] for their work and leadership. I urge all Members to join with me in support of this bill.

Mr. BEVILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to call attention to the language found in the committee report on page 97 relating to cooperative research agreements between the Department of Energy and the States.

As the gentleman is aware, both of our States—Alabama and Illinois—have executed these agreements, together with some 17 other States. These agreements have just recently been executed—1987—and joint funding support has just developed. Both Illinois and Alabama received funding in the spring of 1989.

The tone of the committee report implies that there is some concern about these agreements. Does this concern mean that the joint Federal/State research planning process and cooperative funding opportunities provided through these agreements will be lost?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I would say to my good friend, the gentleman from Alabama [Mr. BEVILL], that this kind of a program is entirely consistent with the goals and objectives of the Department of Energy provided it is pursued primarily on a competitive basis. As long as it is on a competitive basis, such a competitive research program can be responsive to State and local needs as well as national needs, and it can provide a systematic approach for involvement of universities.

Mr. DYSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to, if I could for a minute, just address the chairman of the subcommittee.

Mr. Chairman, I serve as chairman of the House Subcommittee on the Panama Canal and the Outer Continental Shelf, and share responsibility for ensuring that the Federal Offshore Oil and Gas Program, known as the OCSLA Program, balances this Nation's need for energy development with our equally important need to protect sensitive coastal environments.

The general consensus among most observers is that the existing OCSLA Progam is failing to balance these needs.

One indication of this failure, Mr. Chairman, is the fact that the OCSLA Program has been in effect since 1953, and so far, only 4 percent of the Outer Continental Shelf has been brought under development.

A second indication of the program's failure to balance the need for environmental protection with the need to develop our energy resources is the fact that in each of the past 8 years, Congress has attached to the Interior appropriations bills riders that prohibit the Department of the Interior from holding lease sales on specified tracts of the shelf. Other moratoria block leaseholders from exploring or drilling on tracts that are already under lease.

Last year, Mr. Chairman, the Federal Treasury received $3.5 billion from lease sales, royalties, and rents. Even with little or no expansion in the program, the Congressional Budget Office estimates that Federal revenues from the Outer Continental Shelf will climb to just over $4 billion in 1994.

The Federal Government needs these revenues. The Nation needs additional energy resources. But before we can safely proceed with further development on the Outer Continental Shelf, we must be absolutely certain that coastal communities are protected, and that the delicate environment of coastal waters is protected.

Until we can strengthen the program and ensure that these protections are in place, the House Interior Appropriations Subcommittee is justified in taking the extreme action of prohibiting offshore development through the enactment of the moratoria we are discussing today. I therefore support the subcommittee's decision to adopt this moratoria, and want to express my personal appreciation to Congressman YATES, the subcommittee's chairman, for including Maryland's Atlantic coast in their action.

Mr. Chairman, I believe that it is possible to strengthen the existing program, and to assure Coastal States that Federal offshore activity will not unnecessarily disrupt local communities nor endanger the already threatened quality of their coastal waters. I intend to convene a series of hearings on this very issue, and would hope that our success will make future moratoria unncessary.

I therefore invite those Members of Congress who share my concern for this issue to contact my subcommittee. They can be confident that we will keep them notified of our progress. Until then, however, I should like to once again thank the chairman of the Interior Appropriations Subcommittee for his leadership on this matter, and for his efforts to protect Maryland by including it in this year's OCSLA moratoria.

Mr. WATKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I will be very glad to enter into a colloquy with the gentleman.

Mr. WATKINS. In this year's Interior appropriation bill under the leadership of the chairman and the committee and the staff, there was included $190,000 for the purchase of a needed 161 acres adjacent to the Tishomingo Fish Hatchery. Due to long time delays by the Department to finalize the sale, the land ended up being sold to another buyer. Fortunately, the buyer appears to be willing to provide us a long-term conservation easement on the land so we can maintain the hatchery. However, a portion of the moneys will be available for some additional use. I wanted to ask: Is it the gentleman's understanding that the remaining funds are considered what they call no-year-end moneys that could be expended during this fiscal year for other purposes?

Mr. YATES. The gentleman from Oklahoma is correct.

Mr. WATKINS. Mr. Chairman, I would like to ask the chairman for support. Does he have any objection for the same agency, the U.S. Fish and Wildlife Service, to utilize the remaining funds for acquiring a small tract of land for a deer preserve near Antlers, OK, and the Indian Nations Turnpike that could be managed through a co-

operative agreement with the Service, and with an entity of the State of Oklahoma and the local community?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I would have no objection to what the gentleman is proposing, and I can see myself agreeing to the transfer of funds not utilized for the easement purchase to the project in Antlers. The transfer of funds from one project to another can be done administratively up to $100,000 and within the confines of the Service.

Mr. WATKINS. Mr. Chairman, I do appreciate the gentleman's support and the support of the minority leader and under the committee, and I appreciate their understanding. In case we need the gentleman's help and support, I want him to know, as we finalize and work toward a conference, I would deeply appreciate the gentleman's help with any needed legislative language if necessary.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, it has been a pleasure to work with the gentleman in the past on some problems that have come up in his district, and I look forward to continuing that relationship.

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the bill, and I would like to take this opportunity to extend my thanks and those of all the creatures in and near the waters of New England, both those with lungs and with gills, to the gentleman from Illinois and his committee for once again seeing to it that the rich waters of Georges Bank will be protected from irresponsible offshore drilling operations.

Mr. Chairman, I strongly support H.R. 2788 and I congratulate Chairman YATES and his subcommittee, as well as the full Committee on Appropriations, for the job they have done.

Although constrained by the budget mess under which we all must operate, the committee has brought to the floor a bill that makes good fiscal sense, while also achieving important environmental goals.

As chairman of the House Subcommittee on Fisheries and Wildlife, I am especially gratified by the committee's proposed increase in land acquisition funds for the Fish and Wildlife Service; by the maintenance of the grants to State programs under the Endangered Species Act; and by the financing of a proposed study of critical fishery and wildlife habitat along the northeast coast, including Narragansett Bay, Buzzards Bay, and Nantucket Sound.

In addition, as a Representative of one of the most beautiful and productive coastal areas of the country, I am grateful for the committee's acceptance—for the 7th consecutive year—of a moratorium on oil and gas leasing in the most ecologically and economically important areas of Georges Bank.

Perhaps this year, the Department of the Interior will finally get the message Congress and the American people have been trying to send it throughout this decade.

Yes, we want to develop oil, but not at any price. Our oil leasing program must be balanced. It should be part of a national energy policy that emphasizes conservation and the development of renewable, not exhaustible fuels. And it must take into account the risk that oil drilling poses to fishermen and others who depend for their livelihood on the health of the oceans and the beauty of our coasts.

With the help of this committee and this House, we have so far succeeded in preventing oil and gas leasing in the most environmentally sensitive areas of Georges Bank. But it has not been easy. Each year, we have heard industry and administration officials belittle our concerns. We have been told that oilspills will not happen; but when they do, it will not matter because contingency plans are in place to clean up those spills; and if cleanup efforts fail, it still will not matter because the oil will disperse without harm to fish or wildlife; or at least not much harm, if the winds are right and spawning grounds and estuaries and marshes do not drift carelessly into the oil.

The bill we are considering today heeds the voice of caution, not complacency; caution not only on Georges Bank, but in Florida, California, and Alaska, as well. In so doing, the bill calls not for an end to energy development, but for the beginning of an energy policy. Drilling is, after all, no substitute for thinking. And even a moment's thought will tell us that America's energy future depends not on how quickly we drain the oil we have left, but on how quickly we develop alternatives to fossil-based fuels.

This bill is a good bill, fiscally, environmentally, and from the perspective of our Nation's energy needs. I support it, and I hope it will pass the House overwhelmingly, without weakening amendments of any kind.

□ 1250

Mr. BAKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I also rise for the purpose of entering into a colloquy with the distinguished chairman of the subcommittee for the purpose of clarifying a question with regard to the legislative history of this matter.

Mr. Chairman, the language in the fiscal year 1990 Interior Appropriations Committee report recommends that the expenditure of moneys by subgrantors of either the National Endowment for the Arts or the National Endowment for the Humanities should be prohibited, unless the grant or award has been previously approved by the appropriate councils. I had intended to introduce an amendment to mandate this policy specifically, but I have been informed that the committee has received formal notification from the National Endowment for the Arts and the National Endowment for the Humanities that this policy will be implemented.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Illinois.

Mr. YATES. Let me assure the gentleman from Louisiana that the committee has been in contact with representatives of the National Endowment for the Arts and the National Endowment for the Humanities concerning the direction by the committee that their guidelines indicate that they will comply with the grant provisions of the law, and that that provision applies to subgrants as well as to direct grants. The answer to the gentleman's question is yes.

Mr. BAKER. I thank the gentleman and also note that there will be a change in leadership of the councils that will be taking place in the near future. Is it the gentleman's understanding that this policy would continue throughout the appointment of a new chairman or new administration?

Mr. YATES. Mr. Chairman, if the gentleman will yield further, that also is my understanding, that it will be pursued with the incoming new chairman as well as after his confirmation.

Mr. BAKER. I thank the gentleman for clarifying this question. I do not intend to offer a further amendment.

Mr. YATES. May I say to the gentleman, if he will yield further, that it is the intention of the gentleman from Ohio [Mr. REGULA] to assure that this happens by offering an amendment to place it into law.

Mr. BAKER. I thank the gentleman.

Mr. JONTZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take just a minute to compliment the chairman and ranking minority member of the Interior Appropriations Subcommittee on this bill, and in particular to thank them for including in the legislation a provision to delete $11.5 million in funding for timber sale preparation in order to cut 10 percent of the below-cost timber sales from our forest system for the 1990 budget.

Mr. Chairman, our Nation has lost a substantial amount of funds at the present time on below-cost timber

sales. In 1987, according to the Timber Sale Reporting Program, 71 out of 123 national forests were below cost in their sales.

The action taken by the Interior Appropriations Subcommittee in addressing this problem by directing the Forest Service to eliminate 10 percent of the below-cost sales in our forest system is a step toward a responsible management of our National Forest System, and I want to compliment the chairman and the ranking minority member.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will read.

Mr. YATES. Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of title II is as follows:

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $149,435,000, to remain available until September 30, 1991.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, $89,906,000, to remain available until expended, as authorized by law: *Provided,* That a grant of $3,000,000 shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95-495: *Provided further,* That notwithstanding any other provision of law, a grant of $3,600,000 shall be provided to the Washington State Parks and Recreation Commission for construction of the Spokane River Centennial Trail.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", $1,132,426,000, to remain available for obligation until September 30, 1991, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l-6a).

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, $222,199,000, to remain available until expended, of which $39,232,000 is for construction and acquisition of buildings and other facilities; and $182,967,000 is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided,* That funds becoming available in fiscal year 1990 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States: *Provided further,* That not to exceed $112,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $61,988,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,068,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $30,000 to remain available until expended, to be derived from the fund established pursuant to the above Act: *Provided,* That unexpended balances of amounts previously appropriated for this purpose under the heading "Miscellaneous trust funds, Forest Service" may be transferred to and merged with this appropriation for the same time period as originally enacted.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 185 passenger motor vehicles of which 11 will be used primarily for law enforcement purposes and of which 169 shall be for replacement only, of which acquisition of 132 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 43 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the Forest Service, not in excess of $400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (g) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction.

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Forest Service position and that are necessary to comply with State laws, regulations, and requirements.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national forest and credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest, and for timber sales preparation to replace sales lost to fire or other causes, and sales preparation to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7

U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 99-714.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to provide nonmonetary awards of nominal value to private individuals and organizations that make contributions to Forest Service programs.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Forest Service is authorized to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals to continue the Challenge Cost-Share Program.

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of issuing a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Lewis Fork Creek in Madera County, California, at the site above, and adjacent to, Corlieu Falls bordering the Lewis Fork Creek National Recreation Trail until the studies required in Public Law 100-202 have been submitted to the Congress: *Provided*, That any special use authorization shall not be executed prior to the expiration of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt of the required studies by the Speaker of the House of Representatives and the President of the Senate.

Notwithstanding any other provision of law, the Secretary of the Treasury is directed to make available to the Secretary of Agriculture, to remain available until expended, all National Forest Fund timber receipts received by the Treasury during fiscal year 1989 from the harvesting of National Forest Timber in excess of $920,000,000, the 1989 National Forest Fund timber receipts contained in the President's Budget proposal for fiscal year 1990: *Provided*, That such excess amount made available shall not exceed $35,000,000: *Provided further*, That this estimate of 1989 receipts shall not be adjusted for the purposes of this section: *Provided further*, That such funds shall be made available during fiscal year 1990, and shall be in addition to any funds appropriated in this Act: *Provided further*, That this transaction will not affect, diminish, or otherwise alter the payments to be made in accordance with the provisions of the Act of May 23, 1908, as amended (16 U.S.C. 500) or the Act of July 10, 1930 (16 U.S.C. 577g): *Provided further*, That funds made available to the Secretary of Agriculture pursuant to this provision shall be used for the necessary expenses, including support costs of the National Forest System programs as follows: 6 per centum for National Forest trail maintenance; 4 per centum for National Forest trail construction; 20 per centum for wildlife and fish habitat management; 20 per centum for soil, water, and air management; 5 per centum for cultural resource management; 5 per centum for wilderness management; 10 per centum for reforestation and timber stand improvement; and 30 per centum for timber sales administration and management, including all timber support costs, for advanced preparation work for fiscal year 1991 and fiscal year 1992 timber sale offerings: *Provided further*, That not later than 30 days after the submission of the President's fiscal year 1991 budget, the Chief of the Forest Service shall provide a report to the House and Senate Committees on Appropriations on the final amount and distribution of funds made available under this section and shall include an assessment of National Forest resource outputs to be produced in fiscal year 1990, fiscal year 1991, and subsequent years, using funds made available under this section, and a comparison of the outputs achieved in fiscal year 1990 and proposed for fiscal year 1991, with the output levels for the program areas listed described in the Forest Service resource management plans in effect at the time of the report required by this section.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding section 705(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539d(a)), not more than $48,535,000 of new appropriations shall be available for timber supply, protection and management, research, resource protection, and construction on the Tongass National Forest in fiscal year 1990: *Provided*, That this funding limitation shall not include those funds available to the Forest Service as Trust Funds, Permanent Funds (other than the Tongass Timber Supply Fund), or Purchaser Road Construction.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

For necessary expenses of, and associated with, Clean Coal Technology demonstrations pursuant to 42 U.S.C. 5901 et seq., $600,000,000 shall be made available on October 1, 1990, and shall remain available until expended, and $600,000,000 shall be made available on October 1, 1991, and shall remain available until expended: *Provided*, That projects selected pursuant to a separate general request for proposals issued pursuant to each of these appropriations shall demonstrate technologies capable of retrofitting or repowering existing facilities and shall be subject to all provisos contained under this head in Public Laws 99-190, 100-202, and 100-446 as amended by this Act: *Provided further*, That the general request for proposals using funds becoming available on October 1, 1990, under this paragraph shall be issued no later than June 1, 1990, and projects resulting from such a solicitation must be selected no later than February 1, 1991: *Provided further*, That the general request for proposals using funds becoming available on October 1, 1991, under this paragraph shall be issued no later than September 1, 1991, and projects resulting from such a solicitation must be selected no later than May 1, 1992.

The first paragraph under this head in Public Law 100-446 is amended by striking "$575,000,000 shall be made available on October 1, 1989" and inserting "$500,000,000 shall be made available on October 1, 1989, and shall remain available until expended, and $75,000,000 shall be made available on October 1, 1990": *Provided*, That these actions are taken pursuant to section 202(b)(1) of Public Law 100-119 (2 U.S.C. 909).

With regard to funds made available under this head in this and previous appropriations Acts, unobligated balances excess to the needs of the procurement for which they originally were made available may be applied to other procurements for which requests for proposals have not yet been issued: *Provided*, That for all procurements for which project selections have not been made as of the date of enactment of this Act no supplemental, backup, or contingent selection of projects shall be made over and above projects originally selected for negotiation and utilization of available funds: *Provided further*, That reports on projects selected by the Secretary of Energy pursuant to authority granted under this heading which are received by the Speaker of the House of Representatives and the President of the Senate less than 30 legislative days prior to the end of the first session of the 101st Congress shall be deemed to have met the criteria in the third proviso of the fourth paragraph under the heading "Administrative provisions, Department of Energy" in the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99-190, upon expiration of 30 calendar days from receipt of the report by the Speaker of the House of Representatives and the President of the Senate or at the end of the session, whichever occurs later.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $422,660,000, to remain available until expended, of which $249,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908-2909), and of which $3,500,000 shall be available for continued construction of DOE Fossil Energy building B26: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

Of the funds herein provided, $42,900,000 is for implementation of the June, 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: *Provided further*, That 35 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1990, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-

sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further,* That cost-sharing shall not be required for the costs of constructing or operating Government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: *Provided further,* That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $192,124,000, to remain available until expended: *Provided,* That sums in excess of $510,000,000 received during fiscal year 1990 as a result of the sale of products produced from Naval Petroleum Reserves Numbered 1 and 3 shall be deposited in the "SPR petroleum account", to remain available until expended, for the acquisition and transportation of petroleum and for other necessary expenses.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $411,367,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1990 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided,* That $200,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided further,* That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs in the same amounts for each program as in fiscal year 1989: *Provided further,* That $16,000,000 of the amount provided under this heading shall be available for continuing research and development efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99-190), and implementation of steel and aluminum research authorized by Public Law 100-680: *Provided further,* That existing facilities, equipment, and supplies, or previously expended research or development funds are not acceptable as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further,* That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $18,300,000.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $6,641,000.

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), $194,999,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), $319,407,000, to remain available until expended: *Provided,* That outlays in fiscal year 1990 resulting from the use of these funds may not exceed $263,000,000: *Provided further,* That an additional $108,458,000 shall be made available until expended beginning October 1, 1990: *Provided further,* That notwithstanding 42 U.S.C. 6240(d) the United States' share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $65,232,000, of which $1,000,000 for computer operations shall remain available until September 30, 1991, and $2,000,000 for end use energy consumption surveys shall remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

Notwithstanding 31 U.S.C. 3302, funds derived from the sale of assets as a result of defaulted loans made under the Department of Energy Alcohol Fuels Loan Guarantee program, or any other funds received in connection with this program, shall hereafter be credited to the Biomass Energy Development account, and shall be available solely for payment of the guaranteed portion of defaulted loans and associated costs of the Department of Energy Alcohol Fuels Loan Guarantee program for loans guaranteed prior to January 1, 1987.

Unobligated balances available in the "Alternative fuels production" account may hereafter be used for payment of the guaranteed portion of defaulted loans and associated costs of the Department of Energy Alcohol Fuels Loan Guarantee program, subject to the determination by the Secretary of Energy that such unobligated funds are not needed for carrying out the purposes of the Alternative Fuels Production program: *Provided,* That the use of these unobligated funds for payment of defaulted loans and associated costs shall be available only for loans guaranteed prior to January 1, 1987: *Provided further,* That such funds shall be used only after the unobligated balance in the Department of Energy Alcohol Fuel Loan Guarantee reserve has been exhausted.

Annual appropriations made in this Act and previous Interior and Related Agencies Appropriations Acts shall be available for obligations in connection with contracts issued by the Department of Energy for supplies and services for periods not in excess of twelve months beginning at any time during the fiscal year.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXV and sections 208 and 338G of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; $1,189,330,000, including $23,000,000 for conversion of tribal contracts and agreements to a calendar year basis as authorized by section 204(d)(1) of Public Law 100-472 (100 Stat. 2291), together with payments received during the fiscal year pursuant to 42 U.S.C. 300cc-2 for services furnished by the Indian Health Service: *Provided,* That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act): *Provided further,* That funds made available to tribes and tribal organizations through

grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until expended: *Provided further,* That $17,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund and contract medical care: *Provided further,* That of the funds provided, $4,000,000 shall be used to carry out a loan repayment program under which Federal, State, and commercial-type educational loans for physicians and other health professionals will be repaid at a rate not to exceed $25,000 per year of obligated service in return for full-time clinical service: *Provided further,* That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further,* That of the funds provided, $2,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 338G of the Public Health Service Act with respect to the Indian Health Service shall remain available for expenditure until September 30, 1991: *Provided further,* That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act and Public Law 100-713 shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, $75,420,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided,* That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: *Provided further,* That non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, if such care can be extended without impairing the ability of the facility to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which, together with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53), shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act or in the case of tribally administered facilities, shall be retained by the tribal organization without fiscal year limitation: *Provided further,* That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further,* That with the exception of Indian Health Service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further,* That personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: *Provided further,* That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act of 1988, $74,149,000, of which $55,041,000 shall be for subpart 1 and $16,361,000 shall be for subparts 2 and 3: *Provided,* That $1,600,000 available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1991.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, $36,818,000, to remain available until expended: *Provided,* That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10: *Provided further,* That unexpended balances of amounts previously appropriated for this purpose under the heading "Salaries and expenses, Navajo and Hopi Indian Relocation Commission" may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99-498, as amended (20 U.S.C. 56, part A), $4,650,000, of which not to exceed $350,000 for Federal matching contributions, to remain available until expended, shall be paid to the Institute endowment fund.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $231,981,000, of which not to exceed $2,176,000 for the instrumentation program shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise,

$6,500,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $26,869,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Restoration and renovation of buildings, Smithsonian Institution" may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

CONSTRUCTION

For necessary expenses for construction, $12,900,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Institution is authorized to transfer to the State of Arizona, the counties of Santa Cruz and/or Pima, a sum not to exceed $150,000 for the purpose of assisting in the construction or maintenance of an access to the Whipple Observatory.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $40,789,000, of which not to exceed $2,370,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $1,905,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $4,611,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, $144,250,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $27,150,000, to remain available until September 30, 1991, to the National Endowment for the Arts, of which $15,150,000 shall be available for purposes of section 5(l): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $134,630,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, of which $6,400,000 for the Office of Preservation shall remain available until September 30, 1991.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $26,700,000, to remain available until September 30, 1991, of which $14,700,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $23,000,000, including not to exceed $250,000 as authorized by 20 U.S.C. 965(b): *Provided*, That the National Museum Services Board shall not meet more than three times during fiscal year 1990.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $516,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, $5,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, $1,945,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, $3,123,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), $28,000 to remain available until September 30, 1991.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, $2,375,000, for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, $3,150,000, to remain available until expended.

LAND ACQUISITION AND DEVELOPMENT FUND

The Pennsylvania Avenue Development Corporation is authorized to borrow from the Treasury of the United States $12,000,000, pursuant to the terms and conditions in paragraph 10, section 6, of Public Law 92-576, as amended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, as amended, $2,315,000: *Provided*, That none of these funds shall be available for

the compensation of Executive Level V or higher positions.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REGULA: On page 76, line 22, after the word "Act", insert the following: ": *Provided*, That of these funds a sum of $50,000 shall be available to require that all subgrants shall be made in accordance with the provisions of section 5(c) of the Act".

Mr. ROHRABACHER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. REGULA. Mr. Chairman, the purpose of this amendment is to put accountability into the procedure for the grants for both the National Endowment for the Arts and the Humanities. We recognize that because of the looseness of the procedure we have the problem dealing with the Mapplethorpe and Serrano exhibits. This is outrageous. None of us want these things to happen under the NEA program.

The way to address the problem is to ensure that there is accountability on the part of the agencies in question; that they use the Federal funds in a way that will be satisfactory not only to this body but to the people of the United States. Therefore, what we are doing in this amendment is tightening the procedure. We are simply saying what was the congresssional intent to begin with, and that is that the chairman of the NEA and the chairman of the NEH shall be fully accountable for any grants made, and that all subgrants have to be made in accordance with existing law, which is section 5(c) of the act.

I think it is important that we develop this approach; that we put this language in the law. Irrespective of what we might do about funding, we do want accountability. If we had had better accountability in the S&L programs, if we had had better accountability in HUD we would not have the problems we have here today. We would not have the problems we have seen in the Defense Department had there been better accountability.

I think we have a right and we need to demand that this happen with NEA and NEH grants.

The problems, and I reemphasize this, that happened in the case of the Serrano exhibit was a case of subgrantees authorizing some limited funding for activities that none of us would want to support. By having this language in the law we preclude this from happening in the future, and we do it without impacting on the ability of NEA or NEH to reach out across this Nation with grants to schools, to museums, to art institutes that we all find very attractive in terms of furthering the arts and humanities programs of this Nation.

I urge my colleagues to support this amendment. I think without question all of us want the chairmen of the respected agencies to be fully responsible to the people of this Nation and to ourselves as Members of the House providing the funding. By adopting the language that I have provided in this amendment we ensure that there will be total accountability in the future.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California [Mr. ROHRABACHER] insist on his point of order?

Mr. ROHRABACHER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROHRABACHER. Mr. Chairman, I make the point of order that the amendment is in violation of clause 2 of rule XXI which prohibits authorization language on an appropriation bill.

The CHAIRMAN. The gentleman is recognized in support of his point of order.

Mr. ROHRABACHER. Mr. Chairman, this amendment, and what my distinguished colleague has said reaffirms this to me, is not just an alllocation of money. The gentleman from Ohio talked about ensuring that there is accountability and tightening the procedures. This obviously is not simply an allocation of money, which is what we are talking about in the law.

This amendment requires the executive branch officials to make interpretive judgments, and this is more than an allocation of funds.

The CHAIRMAN. Does the gentleman from Ohio [Mr. REGULA] desire to be heard on the point of order?

Mr. REGULA. I wish to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, this amendment does not violate rule XXI with respect to legislation on an appropriation bill.

The proposed amendment makes no change to existing law. The amendment simply requires the expenditure of funds in accordance with existing law.

The notes to the House rules construe "a provision changing existing law" to mean "the enactment of law where none exists."

The explanatory notes in the House rules are specific to allow for this amendment. The notes indicate, and again I quote from the House rules, "existing law may be repeated verbatim in an appropriation bill."

That is exactly what this amendment does. No changes in existing law are made by this amendment.

Further, the rules specifically make "it in order to include language descriptive of authority provided in law for the operation of Government agencies and corporations so long as the description is precise and does not change that authority in any respect."

Mr. Chairman, my amendment complies with these rules, and I urge that the point of order be overruled.

□ 1300

The CHAIRMAN. Does the gentleman from Illinois [Mr. YATES] desire recognition on the point of order?

Mr. YATES. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] is recognized.

Mr. YATES. Mr. Chairman, this amendment by the gentleman from Ohio requires that all subgrants be made in accordance with the provisions of 5(c) of the act. It does not change the law in any respect.

Section 5(c) of the act says that the Chairman, with the advice of the National Council on the Arts, is authorized to establish and carry out the program of contracts with, or grants-in-aid or loans to, groups or, in appropriate cases, individuals of exceptional talent engaged in or concerned with the arts for the purpose of enabling them to provide or support projects, and then it goes on, there is a whole list of things. But the point is that these grants are to be made only by the Chairman with the advice and consent of the Council. There is no authority in this law providing for subgrants.

Now in discussion prior to this it was argued that section (d) might be applicable. But section (d) which says that no payment may be made to any group under this section except upon application therefor which is submitted to the National Endowment for the Arts in accordance with regulations and procedures established by the Chairman.

There is nothing in that that contravenes the requirement of 5(c). All this says is that when a person makes an application he follows the guidelines that are set forth by the Chairman. But the Chairman has no authority, the Chairman has no authority to establish guidelines that contravene the basic statute.

The basic statute sets forth a direction that the Chairman makes the grants. It gives no right to the Chairman to delegate authority to anybody to make further grants. He can make grants to a certain level, to a proposed subgrantee, but there is nothing in here, even if the Chairman were to establish a guideline that authorizes that, that guideline would not be valid because it is not authorized by any section of the law.

That would give the Chairman the right to supersede a direct provision of the law. To me the law is clear, that the only person who can make these

grants is the Chairman with the advice of the Council. No subgrantee can make grants of any kind.

All that Mr. REGULA's amendment does is to recite the actual provisions of the law.

May I cite further, Mr. Chairman, reading from the discussion of rule XXI, which appears on page 583 of the House Rules and Manual of the 100th Congress, it says this: It is in order to include language descriptive of authority provided in law for the operation of Government agencies and corporations so long as the description is precise.

That is exactly what Mr. REGULA's amendment does, without violating the rule.

It is exactly precise. I cannot agree to an interpretation which says that the Chairman of this Commission is given authority to go above and beyond the law if he creates guidelines for it.

The law is clear. It says that the Chairman only may do it. He cannot say, "I give this authority to somebody else because I have drafted these guidelines."

The CHAIRMAN. The Chair will recognize the gentleman from Montana [Mr. WILLIAMS] on the point of order if he desires to be heard.

Mr. WILLIAMS. If the gentleman's time has expired, I will seek time on my own.

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the Chair.

While awaiting the ruling of the Chair, I do want to note as chairman of the committee, the authorizing committee which has jurisdiction over the National Endowment of the Arts, we have, of course, looked very carefully at the gentleman, Mr. REGULA's amendment and I would associate myself with the remarks of the gentleman from Illinois.

In our opinion, the gentleman, Mr. REGULA's amendment does not usurp jurisdiction from our Postsecondary Subcommittee and we are supportive of the gentleman's amendment and supportive of his offering of it.

The CHAIRMAN. Does the gentleman from California [Mr. ROHRABACHER] desire to be heard further?

Mr. ROHRABACHER. Yes, if I could speak further on my point of order.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Nothing that I have heard takes away from the point that this is not legislation on an appropriations bill. If it is not, why do we need to have it? There is lots of money in the bill already.

What we are doing is creating an enforcement program to enforce the law, and that is what is happening, that is what is being offered here today.

No matter what word we use to describe it, this is legislation on an appropriations bill. It is not merely providing some more money for the National Endowment for the Arts in a general sense. And it is specifically aimed at a new enforcement program. If that is not legislating on an appropriations bill, I do not know what is, and I am waiting for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Illinois [Mr. YATES] seek further recognition?

Mr. YATES. Mr. Chairman, the gentleman is entirely incorrect.

What Mr. REGULA's amendment does is cite the provision of law, of existing law in order that the Chairman of the National Council of the Arts no longer persists in going beyond the law.

What this does is to state again the purpose of the Congress when it passed the law, that only the Chairman with the advice of the Council has the right to make those grants, nobody else.

He cannot delegate that. If he is to have the power of delegation, that has to come from the legislative committee. It has not come from the legislative committee.

The power rests exclusively in the hands of the chairman, with the advice and consent of the Council, and that is the reason for it.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

Section 5(c) on is face only establishes guidelines for grants from the NEA to primary grantees and subsection 5(d) then appears to confer discretionary authority on the Chair of the NEA to promulgate regulations that govern subgrants.

Language on page 127 of the committee report supports the suggestion that existing law does not specifically require that NEA subgrant regulations be promulgated or governed by the guidelines in subsection 5(c) (20 U.S.C. 954), or that subgrants be submitted to the NEA for final approval.

An amendment which infringes upon discretionary authority in law, is legislation under the precedents contained in section 51 of chapter 26, volume 8 of Deschler's precedents, where the proponent of the amendment does not sustain the burden of showing that the amendment merely recites the current applicability of existing law.

Quite specifically a precedent may be cited which is on point: On April 2, 1937, during consideration in the Committee of the Whole of the District of Columbia appropriations bill, it was held that language in an appropriation bill directing the Public Utilities Commission to make an investigation, where existing law authorized it in its discretion to make that investigation was held to be legislation and was not in order on an appropriations bill. (Deschler's vol. 8, ch 26 § 517.)

Accordingly, the point of order is sustained.

Mr. YATES. Mr. Chairman, I move to strike the last word.

With respect, Mr. Chairman, and I do not like to take issue with the Chair after it has made the ruling and I do not intend to. I only wanted to point out that I thought the language in our report supported the argument that I was making, by saying that it appears that NEA and NEH make the usual thorough review of their grants to subgrantors, neither NEA nor NEH makes any review of the subgrantees or of their work or of their applications. That review is left to the subgrantors who make the awards, a delegation of the grantmaking authority that is not recognized in the basic statute.

In other words, I am making the point in the report that there is no authority for that delegation, and that was the argument.

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROHRABACHER: Strike page 76, line 14, through page 77, line 10.

□ 1310

Mr. Chairman, my amendment, would save the taxpayers $171 million in 1 year by striking funds for the National Endowment for the Arts.

In an age when Government is piling up a mountain of debt and is struggling to fund critical programs that affect human health and saves lives—like prenatal care, school lunches, and Medicare—the time has finally come for us to recognize the difference in programs that are essertial, and programs that are not necessary, and, in this time of budget crisis, should be zeroed out.

Those who gave artist Anders Serrano 15,000 taxpayer dollars to fund his work of art entitled "Piss Christ," did more than offend most of the Nation. They set off a national debate on the value of Government funding of the arts. Is a picture of Jesus Christ hanging from the cross submerged in a jar of urine worthy of Government funding? The awswer is "no".

Then there is the work of Robert Mapplethorpe. Thirty thousand Federal dollars went to an exhibit featuring nude photographs of children, homoerotic shots, and a sadomasochistic self-portrait of the artist himself. Your votes will decide if this is worthy of subsidization.

Some of my colleagues with equal concern about these outrageous wastes of taxpayer funds will advocate tighter control of Government funding and

greater government censorship of the arts. I believe that censorship is not the solution. The answer is getting the Government out of the arts.

The chairman of the subcommittee, Mr. YATES, has stated that such kinds of problems and objections with the national endowments for the arts are extremely rare. But whenever the Government gets involved in areas in which it should not be involved, abuses happen. The problems at the NEA are not new or extremely rare.

The NEA has in the past funded what many taxpayers would consider vulgar, obscene, and sheer perversity. In 1977, the NEA helped fund the Gay Sunshine Press which published sexually explicit stories. The funding continued through 1984 to the tune of $40,000. I don't care if it's explicit heterosexual literature. Our taxpayers shouldn't be subsidizing these kind of questionable projects. What private citizens choose to finance or purchase is there business.

Decisions about what type of Art should be funded should be made by private individuals and organizations that appreciate art and its beauty and have the ability and willingness to support it. Government panelists should not be given the privilege to impose their tastes on both the artists and the taxpayers.

The National Endowment for the Arts has guidelines that supposedly address the funding of such outrages as "Piss Christ." Title 20 United States Code section 959 requires NEA panelists "to recommend funding only applications and projects that in context are reflective of exceptional talents, and have significant literary, scholarly, cultural or artistic merit." By funding "Piss Christ" Somebody at the NEA obviously believed "Piss Christ" has cultural or artistic merit. These guidelines obviously do nothing to stop outrages from being funded with taxpayer expense.

Artists say that the Government has no right to interfere with or censor the work of artists. Surely. However, the Federal Government does, have the power to control what it subsidizes. The taxpayers shouldn't have to pay for whatever outrage or trash an artist dreams up. Artists can do what ever want with their own time and with their own dime.

Today we are going to hear that it is important for Members to fund our "cultural heritage." Many will argue that funding the NEA will encourage and enrich the human mind. The committee report indicates that "The art of our country leads the world, and this is attributable in no significant measure to the role played by the NEA." America leads the world in art and has a great cultural heritage not because of government funding.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. ROHRABACHER of California was allowed to proceed for 2 additional minutes.)

Mr. ROHRABACHER. America leads the world in art and has great cultural heritage not because of government funding but because of the creativity and dedication of our artists and the individuals, and the foundations and corporations who support them. If the NEA disappears, art would still prosper. As New York art critic James Cooper recently noted, "we have spent more on public art than they spent on the entire Italian Renaissance, but the Pope got works by Michelangelo, Raphael, and Leonardo. Americans have gotten shortchanged with 'Piss Christ,' 'Bat Column,' and 'Tilted Arc'."

There is no shortage of private financial support for the arts. The American Association of Fund-Raising Councils calculates that in 1987 private citizens, corporations, and foundations donated $6.41 billion to arts, culture, and the humanities. This is 25 times as much as the Federal Government spends on cultural advancement. Federal subsidy of the arts in our country accounts for only 5 percent of the total budgets of established art institutions. If funds for the NEA are cut, the private sector will surely fill any holes and gaps that remain.

If we are in a time of budget crisis, and I believe that we are, we cannot continue to fund every program that comes along. Funding for child care, prenatal care, and Medicare is simply more vital than funding the arts.

I urge my colleagues to support my amendment. It is a step forward for fiscal responsibility. It will put an end to an expensive form of upper class subsidization and it will save the taxpayers over $171 million a year. Let's do away with our version of the ministry of culture. We no longer can afford it.

Mr. AUCOIN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I hope my colleagues will reject this amendment. This amendment has been offered on the basis of a confused series of reasons stated by the gentleman from California.

First, he said there is waste in the National Endowment for the Arts, and therefore, we ought to zero out all funding for the National Endowment for the Arts.

The gentleman is a very strong advocate of the Defense Department. If the gentleman would follow his own logic on the Department of Defense budget, the gentleman would then, because of those $2,000 toilet seats, wipe out the entire Defense budget of the Government of the United States. He would eliminate the Defense budget because of the $400 light bulb and the $600 claw hammer.

Let's get serious; there are abuses in every agency. But, I'll put the track record of the National Endowment of the Arts up against any agency in the Government. I certainly will compare the budget of the National Endowment of the Arts any day in terms of abuses to those of the Department of Defense.

There's no scandal in the National Endowment of the Arts anywhere comparable to the Pentagon procurement ripoffs that the gentleman knows about. So I would ask the gentleman if the identification of a single abuse is a reason for completely eradicating a budget. If so, I expect the gentleman to vote against the Pentagon budget this year.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to the gentleman.

Mr. ROHRABACHER. Mr. Chairman, my point has never been that.

Mr. AUCOIN. Did the gentleman see this $2,000 toilet seat?

Mr. ROHRBACHER. My point has never been that, because there is waste we should zero this out. My point has always been this is an area that the Federal Government should not have been in the first place.

Mr. AUCOIN. Mr. Chairman, I reclaim my time.

I did hear the gentleman say that this was an abuse of spending and that he was offering an amendment that zeroes out the entire budget of the Natonal Endowment of the Arts.

With regard to the gentleman's statement suggesting that NEA spending is wasteful spending, I call to the Member's attention that the total amount of savings under the gentleman's amendment is $170 million—$170 million.

I want my colleagues to put this in perspective.

We had testimony before our committee from a choreographer from New York a few years ago.

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I think it was during the first year of the Reagan administration when the White House wanted to zero out the National Endowment for the Arts.

The choreographer said:

Look, the Trident Submarine fleet is a fleet of submarines that are each 300 feet long and the total program cost works out to $200 million a foot. So if you made those 300-foot submarines one foot shorter, you could save $200 million—the entire amount for the Nation Endowment for the Arts.

And the choreographer further said:

And you know what? I don't think the Navy would even notice the difference. As a matter of fact, it has been my observation that things submerged under water actually look larger—so I know the Navy would not notice the difference.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I am not going to yield at this point.

Mr. DANNEMEYER. Mr. Chairman, I am asking the gentleman to yield.

Mr. AuCOIN. I am not going to yield at this point.

The CHAIRMAN. The gentleman from Oregon [Mr. AuCoin] controls the time.

Mr. AuCOIN. Mr. Chairman, I would just suggest to the gentleman that if he wants to look for significant savings, he should ask the Pentagon or the Department of the Navy to shorten those submarines by a few inches or by a foot and save enough money for the National Endowment for the Arts. That could be done and the Navy would not notice the difference. Things do look larger when you submerge them under water. Then we could have funding for the arts—something that does make a difference to the American people.

We talk about the arts endowment being something is elite. Let me tell the Members this: I have sat on the Interior Appropriations Subcommittee for 8 years. We have chronicaled year after year the work of the National Endowment for the Arts.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AuCoin] has expired.

(By unanimous consent, Mr. AuCoin was allowed to proceed for 2 additional minutes.)

Mr. AuCOIN. Mr. Chairman, the record is replete with testimony from enlightened Republicans and Democrats, as well as other people who have followed this issue across the country. It is replete with their testimony and with documents that show that it is grants from the National Endowment for the Arts to obscure small town and rural companies, dance companies, artists' enterprises, and artistic endeavors that enable the arts to reach into populations that otherwise are not included by the arts.

Let me tell the Members what the consequences of eliminating the budget for the National Endowment for the Arts would be. The Metropolitan Opera would do nicely. No one in New York would notice the difference. I would imagine that the National Symphony in Washington, DC, here in our Nation's Capital, would not be scathed at all. But I would ask the gentleman from California whether in San Antonio, TX, the Guadalupe Cultural Arts Center would have the necessary corporate support that it otherwise would have, sitting out there in San Antonio, TX, or whether the Texarkana Regional Arts and Humanities Council in Texas would be able to develop adult education opportunities in that particular region or whether it would be funded by private contributions.

These are not well-noticed places in the country. They are examples of hundreds of artistic enterprises throughout the country in every Members' district. They are run by and enjoyed by good folks who would like to have exposure to visual arts, dance, to opera, to symphonies, and it is with grants by the National Endowment for the Arts that this is possible. As a result, we have touring companies reaching children who do not have chances in small rural areas or in schools that are not in urban areas where major artistic institutions are located.

No one can tell me—and the record does not show—that cutting out funds for the National Endowment for the Arts means that private givers will fund those kinds of artistic opportunities. They will not.

So, Mr. Chairman, I suggest that we defeat this amendment.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AuCoin] has expired.

(On request of Mr. Dicks, and by unanimous consent, Mr. AuCoin was allowed to proceed for 3 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to my friend, the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would like to point out that historic record contradicts what the gentleman from California has suggested. When the National Endowment for the Arts was created in the 1960's, the total amount from private contributions for the arts in this country was very, very small. Since that time, as the Endowment has grown very gradually, we have seen an enormous explosion of private sector contributions.

A few years ago there was a long article in the Wall Street Journal that explained why that was so. The private sector looked to the Endowment as a kind of Good Housekeeping Seal of Approval. They said that their panel system was one of the most objective that had ever been seen, and that private business leaders in the country felt that if the Endowment had blessed a certain art activity, therefore, it gave them confidence, because they did not have the staff or the capability to review the various requests that were coming in, to then go ahead and make additional private sector contributions.

I believe that if the leaders of the private community were here today, the members of the private sector who are involved in the funding of the arts, they would say that it is because of the National Endowment for the Arts and its growth over the years that the members of the private sector have responded very generously.

If the gentleman from California succeeded with this amendment today, I would predict that private sector contributions would start to trail off because the signal would be there that this is no longer a priority of the people of this country, that the Congress had kicked this program in the teeth and eliminated the funding, and I think it would be a tragic mistake and an error.

The Chairman's report shows that we have had only 20 cases of some question out of 85,000 grants. I agree with the gentleman from Oregon, that if we are worried about waste, fraud, and abuse, we should worry about the Pentagon, because that is where we find waste, fraud, and abuse. The review of this program has been scrutinized more closely than any part of our Government.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. Let me proceed on my own time.

Mr. Chairman, I think the gentleman from Washington is making a very good point. He sat through the hearings that I have sat through for the last 8 years, and if anyone is concerned about elitism in this country and funding for the elite, the best way to get elitism in the arts is to scrap all NEA funding. That would leave only the best known institutions in the country getting funding. That's what I call elitism. Unfortunately the talented, obscure, startup artistic enterprises around this country in small places where art and talent is available, but not nationally recognized, will be missed by the corporate givers. They have testified to this effect year after year before our committee. If we want to get away from elitism, we should support the National Endowment for the Arts.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AuCoin] has expired.

(On request of Mr. Dicks, and by unanimous consent, Mr. AuCoin was allowed to proceed for 30 additional seconds.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think it is embarrassing that we are here, the greatest country in the free world, concerned about this budget. We should have a budget for the arts in this country that is double or triple the amount that is in this budget. When we think about the great countries of the world that spend much more on the arts than we do, it is embarrassing that we, the leaders of the free world, can only do this much for creativity and for the arts.

Mr. AuCOIN. Mr. Chairman, if we want elitism in the arts, we could just cut out all funding for the National Endowment for the Arts. Then only

the elite would be funded. If we want the arts to reach all the communities of the country, we should fund this program, because it does good for America.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

Mr. Chairman, it seems to me that the amendment is founded on two false premises.

The first is that because certain awards have been controversial or can reasonably be subject to criticism we therefore ought not to fund the National Endowment for the Arts.

I am not an artist, and I am not an art critic. But I know enough history to know that when the impressionist movement started, there were many who thought that its works were ludicrous. When the cubist movement started, there were many who thought its works were ludicrous. We could go through art movement after art movement and find similar experiences. I suppose if we had had a National Endowment in those days and it had funded some of those works which are now universally accepted as important works of art, we would have had Members on the floor of this House criticizing the National Endowment for what it did.

But then the second argument is made that, "Oh, it is not really because of that that we want to zero out the National Endowment; it is because government doesn't belong in the business of art at all."

Does anyone really believe that in this House? Does anyone suggest that all our local governments should close their art museums because government does not belong in art, because someone has to choose what hangs there, someone who is a government employee? I would suggest that that is absolutely wrong.

I think government has a role in the arts. It is a role which one must monitor carefully, because we do not want an academy; we certainly do not want government dictation in the arts. But it seems to me that with the kind of safeguards that we have hedged around the National Endowments we have found a very proper role for the Federal Government in the arts, one which greatly improves the artistic life of this country and one which gives a great population in this country that otherwise would be denied access to the arts an access to some of the fine things in life.

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Mr. Chairman, I think that we can be proud of what we have done with the National Endowments. I particularly want to salute the chairman of the Interior Appropriations Subcommittee, Mr. YATES, and its ranking minority member, Mr. REGULA for the strong support they have given the National Endowments over the years. I think they have contributed greatly to the life of this Nation through their efforts, and I thank them for it.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an extreme amendment. This is justice as it is accorded in Iran. This is like the justice of Ayatollah Khomeini to the claimed blasphemy in Salman Rushdie's book. "Off with His Head," cried the Red Queen in Alice in Wonderland.

This amendment does the same for the National Endowment for the Arts because of two grants, one to Robert Mapplethorpe, and one to Serrano. The amendment would cut off all funding for the arts. The gentleman is not concerned with the effect that his amendment will have on the innocent bystanders who have nothing whatsoever to do with the grants.

What about the symphonies in the country? What about dance? What about theater? What about the folk arts? What about the museums? They have nothing to do with these grants. They exist in great measure because of the funding that comes to them from the National Endowment and from the challenge grants that the National Endowment initiates and which they can use to obtain private contributions.

Mr. Chairman, this is an extreme amendment. It is interesting that the gentleman made a point of order to the amendment of the gentleman from Ohio [Mr. REGULA] which sought to correct the kind of procedures that the gentleman condemns, which he says were responsible for the Serrano grant in the first place. As I pointed out to the Chair in my opposition to the point of order, the chairman of the Endowment is required to make the grants. There is nothing in the law that authorizes subgranting or a delegation of the granting authority. The report on the bill contains language that would correct the procedures, both the chairmen of both the Endowment for the Arts and the Humanities have expressed a willingness to accept those procedures.

Mr. Chairman, from now on there will not be the procedures that allow the approval by a subgrantee of a grant to another, to a further subgrantee. All grants will have to be approved by the chairman and the council just as all other grants are approved.

My colleagues, every civilized country in the world subsidizes the arts. There is not one that does not provide more money for its arts than does the United States. Cities in Germany give more for just the opera than we make available for the entire budget for the National Endowment for the Arts. The civilized countries of the world—England, France, Italy, Norway, Sweden—all of them subsidize the arts.

Mr. Chairman, the gentleman from California [Mr. ROHRABACHER] would end our subsidization for the arts. I say to the gentleman look at the record, look at the record. The gentleman from California obviously has not looked at the record of NEA. Eighty-five thousand grants over 24 years, out of which less than 20 have been controversial. Only one-quarter of one-tenth of 1 percent of all those grants have been controversial. I think that is a record that deserves commendation rather than one that seeks censure of the kind the gentleman speaks about.

When it was brought out that the Department of Defense was spending $600,000 for toilet seats, there was not any motion to stop the purchase of toilet seats by the Department of Defense. Are we going to close down HUD because of what has happened in granting the millions of dollars, the losses to the taxpayers, because of favoritism or because of fraud or abuse? No, we are going to let Jack Kemp clean it up.

Now we have got a new chairman, a new chairman appointed by the President, for the National Endowment for the Arts. The amendment of the gentleman from California [Mr. ROHRABACHER] would just pull the rug right out from under him. I do not think that is fair.

What has happened to the leadership of NEA to our artists? We are the leaders in the world in the field of arts. The amendment of the gentleman from California [Mr. ROHRABACHER] would destroy that. We are proud of that.

Mr. Chairman, I am proud to be the chairman of the Appropriations Subcommittee that is charged with funding our national parks, our national forests, our public lands, our fish and wildlife refuges. We are proud on our subcommittee to have charge of keeping America's natural loveliness beautiful, not only for this generation, but for our children and the generations to come. The wonders of America, the natural grandeur, are unsurpassed anywhere in the world, and I wish we could appropriate more money to do an even better job.

(By unanimous consent, Mr. YATES was allowed to proceed for 1 additional minute.)

Mr. YATES. Mr. Chairman, I am proud, too, in spite of what the gentleman from California [Mr. ROHRABACHER], has said, I am proud, too, of the record that our committee has made in supporting and fostering the arts all over the country. This is not just in the big cities, as was pointed out by the gentleman from Oregon [Mr. AUCOIN]. The big cities' arts will in great measure get their money, but it is the areas of the country that are

not reached by the arts that will be hurt. The amendment of the gentleman from California [Mr. ROHRABACHER] would destroy the Arts in America Program on television which goes to the homes of America, the only way that some areas of America can get access to the arts.

I say to my colleagues, "please vote against the amendment of the gentleman from California [Mr. ROHRABACHER]. Don't do this to the arts, and don't do this to the United States because the United States will suffer as a result of the gentleman's amendment."

I think we ought to be proud of what we have done in the arts in the United States, and I hope the amendment of the gentleman from California [Mr. ROHRABACHER] is defeated.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I ask the gentleman from Oregon [Mr. AUCOIN], "If you lost 10 pounds, would the cost of your suit be reduced?"

So, if we cut a foot off of that submarine, we are not going to reduce the cost of the submarine.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, if the gentleman from California [Mr. DANNEMEYER] can tell me how I can lose 10 pounds, I will be eternally grateful for it, and I might even join him on some of his amendments.

Mr. DANNEMEYER. Mr. Chairman, that wisdom will come when the gentleman from Oregon [Mr. AUCOIN] votes for this amendment.

Mr. Chairman, I rise to support this amendment for two reasons. The first one is the principal reason why we should all be supporting it. The second one, I will describe my reasons for that as well.

The first one is quite simple. This year we are scheduled to add to our national debt some $261 billion. That is the latest estimate. Last year, this year, next year we will have added roughly three-quarters of a trillion dollars to the national debt of this country. In the decade of the eighties we began with a debt of a billion. We will end it with a trillion. The cost of paying for this debt, mountain of debt, is almost identical in this year to what our general fund deficit is, a quarter of a trillion dollars.

Mr. Chairman, my point is that we should phase out this expenditure, not because it is not meritorious. I believe I favor art. Who is against art? I am not against it.

However, Mr. Chairman, when we have a shortage of money, we have to make some choices as to what we are going to fund. It is very simple.

My suspicion is, if we asked our average constituent in town hall forums around this country, "Do you believe we should be spending in excess of $171 million next year for art?," they would say, "Are you kidding?"

Give the taxpayers a little relief in this country, and that is what I think the amendment of the gentleman of California [Mr. ROHRABACHER] seeks to do.

The second reason is that the game that is played in the world of the bureaucracy is: "Insulate yourself from accountability for what your grantees do. The way they do that is what they have done. The guy directing it says, "Well, I don't determine what they do with their money. I delegate that function to the subgrantees."

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They are the ones that you should look at and they say, well, Congress cannot reach them.

Well, I suggest to my colleagues, we can reach these people and get their attention.

My second reason for supporting this amendment is because there was a $75,000 grant awarded to the Southeastern Center for Contemporary Art in Winston-Salem, NC, which was used to partially fund a photograph by New York artist Andre Serrano. The large, vivid photo entitled "Piss Christ" depicts Christ hanging on a plastic crucifix submerged in a jar of Mr. Serrano's urine. For his work and others in this series, including "Piss Pope" and "Piss God," Mr. Serrano was awarded a $15,000 grant.

I think it is tragic that taxpayers' money is funding this kind of trash.

Another highly questionable grant of $30,000 was awarded to support the national tour of an exhibit of photos by Robert Mapplethorpe, who died of AIDS in March. The homosexual activist's homoerotic work called "The Perfect Moment" is not only highly explicit, but also contains nudes of children. Mr. Mapplethorpe's work was displayed by the Institute of Contemporary Art in Philadelphia, later ran in Chicago at the Museum of Contemporary Art, and was scheduled to be exhibited at the Corcoran Gallery of Art here in Washington, DC, before it was hastily canceled in the wake of public outcry.

The way we can get their attention is to adopt this amendment by the gentleman from California, just knock it out.

Now, $171 million is not going to balance the budget, but it might give encouragement to the overburdened taxpayers of this country that there is somebody in this institution willing to vote from the standpoint of protecting taxpayers, rather than the beneficiaries of those who get the money.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. YATES, and by unanimous consent, Mr. DANNEMEYER was allowed to proceed for 1 additional minute.)

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, in order to balance the budget, the administration has recommended the sale of several of the naval petroleum reserves. I assume the gentleman supports that.

Mr. DANNEMEYER. If we can get market value for the asset, fine.

Mr. YATES. Well, in order to balance the budget, why does the gentleman not advocate selling Yosemite to developers then? Think of all the money developers would pay for frontages in the Yosemite National Park.

Mr. DANNEMEYER. I do not favor selling Yosemite.

Mr. YATES. Why not close the parks, just as the gentleman wants to close the arts?

Mr. DANNEMEYER. I do not favor selling Yosemite, but I do favor this amendment. Take one step at a time.

If the gentleman wants to offer selling Yosemite, we will take that up. I do not favor that, because I think that is irrational and a silly, to be honest with the gentleman, but I think this is a responsible amendment that gives us an opportunity to cut out at least $171 million, which we cannot at this time afford.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to my friend, the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, did the gentleman support the Reagan budgets? He did, did he not?

Mr. DANNEMEYER. If the gentleman will examine my voting record, I voted for one in the 8 years he was here.

Mr. AUCOIN. I think the gentleman was in support of the Reagan budgets. I tell the gentleman, the Reagan budget was $170 million——

Mr. DANNEMEYER. I will reclaim my time. I asked the CBO and the OMB to prepare an analysis comparing the spending requests of the Reagan administration——

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, although I oppose the amendment of the gentleman from California, I think we should not lose sight of the importance of the amendment.

I believe that the offering of it is not timely, because the endowments which are under the jurisdiction of the committee which I chair, the Subcommittee on Postsecondary Education of the Committee on Education and Labor, because the endowments are sched-

uled to expire at the end of September next year. The gentleman's amendment, along with being untimely, is in my judgment being offered for the wrong reason.

The gentleman offers it because he tends not to like certain art that has been funded, apparently, by the endowment.

We ought not to be considering this matter because we do not like certain works of art. There has been, throughout the history of humanity, art that has been found to be scandalous, obscene, or heretical. Let me share some of those works of art with you.

In 1857, an artist was hauled into court on charges of obscenity because that artist wrote a novel, "Madam Bovary."

In 1535, an English Saint, Sir Thomas Moore, was burned at the stake in part because he wrote a book that was not accepted at the time, "Utopia."

Michelangelo made a painting in the Sistine Chapel called "The Last Judgment." There was nudity in characters in that painting and a pope later Commissioned one of Michelangelo's students to paint draperies on that great work of art.

James Joyce wrote the novel "Ulysses."

D.H. Lawrence wrote "Lady Chatterly's Lover."

Henry Miller wrote "Tropic of Cancer."

They could not find publishers for their works and they had to be published privately. The United States of America used to regularly confiscate those works if they found them in the baggage of travelers coming into the United States, until a Federal court found that such confiscation was unconstitutional.

Now, of course, we study those as great works of writing and art.

Shakespeare wrote "A Merchant of Venice." Many found it to be obscene.

D.H. Griffiths had a pioneering full-length film called the "The Birth of a Nation."

It is now hailed as one of the great films of all times, but many Americans found it very questionable and wanted it banned.

Finally, Mark Twain wrote "Huckleberry Finn" and the predecessors of some of the gentlemen on the right, and perhaps even some of them, are still trying to take "Huckleberry Finn" out of America's libraries.

Censorship is a dangerous thing. It rides on the risky tides of preference of the day.

The gentleman's amendment is worth consideration, worth debate, and when we move to reauthorize the National Endowment for the Arts I intend, as chairman, to consider these two perhaps irreconcilable forces that are on the same track heading each toward the other. One force is the right of the taxpayers to determine through this body how their money shall be spent. The other undeniable right is the freedom of artists.

If we have come to a time when the National Endowment for the Arts has become the official sanctioning censorship agency of the U.S. Government, then the National Endowment for the Arts should go, but let us decide that not through the appropriations process, but rather through the hearings process under reauthorization.

The CHAIRMAN. The time of the gentleman from Montana has expired.

(By unanimous consent, Mr. WILLIAMS was allowed to proceed for 1 additional minute.)

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, would the gentleman in the reauthorization process take under consideration the language that I offered to put strict accountability on the chairman of both NEA and NEH? We had a parlimentary objection to the accountability provision, as the gentleman well knows. I just wanted the gentleman's reaction to including this in the authorizing legislation.

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Mr. WILLIAMS. Mr. Chairman, as I mentioned when I spoke in support of the gentleman's amendment, I believe it was a good amendment, disagreed with the ruling of the Chair, and do expect that my subcommittee, with the ranking member from Missouri, will want to consider and perhaps adopt the gentleman's amendment during the reauthorization process.

Mr. HENRY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I strongly urge my colleagues to reject what I will call an ayatollah amendment. The whole approach here is because several mistakes were admittedly made that we ought to chop off the head of the National Endowment for the Arts, and then when that amendment fails, presuming it does, they will come and say, "Well, just chop off their hand," and then they will come back this afternoon and say, "Well, let us just chop off their little finger."

The fact of the matter is that the National Endowment for the Arts has established a simply outstanding record of broadening the cultural base of activity for all the people in this Nation. As the distinguished chairman of the committee has pointed out to this body, in over 80,000, 80,000 grants over the history of this agency, only some 20 or so have generated controversy, and it was the chairman and our ranking member of the committee who proposed language to put in this bill to resolve the dispute on the subgranting process that allowed the instances in question to develop in the first place.

It is the very person who proposes the amendment to eliminate the National Endowment for the Arts completely who objected to that language being put in the bill. The record speaks for itself. The gentleman sponsoring this amendment attacks two salacious, admittedly salacious, in my personal point of view, grants in terms of artistic merit and uses that to impugn the entire agency and goes on and on and on and then seeks to interfere with the ways of addressing that and says, "That is really not what I object to. I just object to any funding of the arts."

Mr. Chairman, I did not see the gentleman get up and suggest we also ought to close down the National Endowment for the Humanities. Let us be completely culturally illiterate. Let us close down all arts and culture in this country. Is that what the gentleman wants?

The gentleman sits with me on the Committee on Science, Space, and Technology. We have a major crisis in our committee with the National Academy of Sciences and the National Science Foundation because of corruption in the peer review process. The gentleman is aware of that. Shall we just cut all Government scientific infrastructure support? What about cutting the military bands? Military bands alone of the Department of Defense budget: We spend more on military bands alone than the entire National Endowment for the Arts budget. Maybe the gentleman ought to come back when we do the defense bill several weeks from now and consider offering his amendment there.

I submit that it is poorly considered, and in some respects at some risk, Mr. Chairman, I suggest it is somewhat inconsistent to present this amendment having objected to the very attempt that has been made to prevent the kinds of problems we had this year from reoccurring.

I strongly urge my colleagues to oppose the amendment.

Mr. CAMPBELL of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the only professional artist in the Congress, one might say I take a personal interest in art in America.

The National Endowment for the Arts has been instrumental and has contributed greatly to this Nation. From an economic standpoint, in my State as in many States, our cultural industry is supported by grants of the NEA and is a potent force in Colorado's tourism attractions.

I am repelled, as many of my colleagues are, at some of the pieces of art being disguised as art or used with

the term "art," and to describe them that way is unfortunate.

This appropriation bill is not the place to punish the NEA for that controversy. The management of the NEA should be left to them and should not be the recipient of a meat-ax approach by Congress.

I think we are all concerned about accountability within the NEA, and certainly hearings should be held to get at the root of that problem, if there is that problem. A capricious cut in the funding for that program that supports this very valuable community arts program would be very harmful to us from a nationwide standpoint.

They get about $144 million per year, as I understand it, while we spend almost that much on the Bradley tank, which sinks, and we spend three times that much on the B-1 bomber, which falls out of the sky.

I know that this is a great discussion item for grandstanding against the arts. We all know the danger of throwing the baby out with the bath water, and I urge my colleagues to vote against the amendment.

Mr. DANNEMEYER. Mr. Chairman, I rise in favor of the amendment offered by the gentleman from California [Mr. ROHRABACHER], to H.R. 2788, the Department of Interior appropriations bill. The amendment before the House would eliminate all Federal funding for the National Endowment for the Arts [NEA].

This year, we are proposing to provide in excess of $171 million to the Endowment. In light of the massive Federal deficit looming over America, I question why the Federal Government should provide this type of funding when in fact, during 1987 alone, a whopping $6.4 billion was donated by private individuals to further the arts and humanities. A March 1988 CBO report entitled "Reducing the Budget" states that the Endowment's programs actually benefit higher income persons more than those with lower incomes.

Aside from my fiscal concern, there are other compelling reasons to eradicate the Endowment's funding. Unlike most Federal agencies, which use full-time staff employees to make grants or set amounts, the Endowment has for years recruited panels of independent specialists from the world of music, theater, dance and the other art to select recipients and determine the size of grants. Panel recommendations are almost always accepted, and the panels enjoy the luxury of not being asked to account for any inconsistencies in their decisions.

One of the most controversial lapses in judgment was a $75,000 grant, awarded to the Southeastern Center for Contemporary Art in Winston-Salem, North Carolina, which was used to partially fund a photograph by New York artist Andres Serrano. The large, vivid photo entitled "Piss Christ" depicts Christ hanging on a plastic crucifix submerged in a jar of Mr. Serrano's urine. For his work, and others in this series including "Piss Pope and Piss Bod," Mr. Serrano was awarded a $15,000 grant.

Another highly questionable grant of $30,000 was awarded to support a national tour of an exhibit of photos by Robert Mapplethorpe, who died of AIDS in March. The homosexual activist's homoerotic work called "The Perfect Moment" is not only highly explicit but also contains nudes of children. Mr. Mapplethorpe's work was displayed by the Institute of Contemporary Art in Philadelphia, later ran in Chicago at the Museum of Contemporary Art, and was scheduled to be exhibited at the Corcoran Gallery of Art here in Washington, DC before it was hastily cancelled in the wake of public outcry. These are not two isolated incidents but rather are part of disturbing pattern demonstrated by the Endowment.

When asked in a personal inquiry last April if the Endowment accepted responsibility for this type of expression, Hugh Southern, Acting Chairman of the NEA, stated "the Endowment is forbidden in its authorizing legislation from interfering with the artistic choices made by its grantees. The limitation reflects the concern that Federal funding for the arts would result in Government intervention in the substance of artistic projects and in the creation of officially sanctioned artistic styles." I find it wholly unacceptable that the Endowment only "regret any offense" without providing administrative recourse to correct such an offense or to deter any such future offenses. Furthermore, I interpret the above quote to mean that the Endowment can never be in a position to oversee the fruits of its awards.

There are those in America who favor free artistic expression. I do not quarrel with this view as long as it does not offend our moral foundation. To provide Federal assistance to an organization that condones this type of offensive expression is an unexplicable use of the taxpayers money. If we as legislators are to stand firm in our commitment to monitor the allocation of Federal dollars, including how they are spent, then it follows that we should strike the Endowment's Federal funding. I urge my fellow colleagues to support this amendment.

PERFECTING AMENDMENT OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer a perfecting amendment to the bill.

The Clerk read as follows:

Perfecting amendment offered by Mr. ARMEY: Page 76, line 18, strike "$144,250,000" and insert in lieu thereof "$129,825,000".

Mr. ARMEY. Mr. Chairman, let me begin by congratulating the chairman and the ranking member and the members of this important subcommittee of the Committee on Appropriations for reporting out a good bill. This bill is an $11 billion bill that covers an incredibly comprehensive, broad spectrum of important issues before the American people, and I would be the first to admit that this particular issue that we are addressing in section 2 is among the least important things to the American people covered by this bill, and it fascinates me that it has gained so much attention.

Mr. Chairman, I do not wish to see the debate prolonged, but apparently it will. Why is the debate so prolonged and so intense over what is in fact such a nominal amount of money even within the context of this bill? Because the issues that we address here are issues of the heart as seen by the American people, and the feelings are going to be strong.

Let me speak for a moment on behalf of my colleague from California. For those of us who wish to make comparisons with whether or not there may have been comparable levels of waste in defense as is found in the National Endowment for the Arts, the point of the amendment of the gentleman from California is missed. The gentleman from California represents by virtue of his amendment a point of view that is an informative point of view based on intellectual tradition that goes as far back, at least, to Adam Smith, that funding for the arts is simply not a legitimate activity for the Government within a free enterprise, democratic, political, economic system. His point is a point well taken. It is a point well supported by intellectual tradition and should not be suggested to have been representative of nothing other than a plea for cultural and esthetic illiteracy. Anybody who would make such a suggestion that the objective of the gentleman from California in making that amendment does his purposes a disservice, and, frankly, does a disserve to the taste preference, freedom of will, freedom of expression, and generosity of expression as well as urgent need for the uplifting experience of the arts that is expressed daily by American citizenry consistent with their own taste by way of free expression without the prodding of public expenditure, the only difference being, as the gentleman from California would suggest, that it should be done freely and voluntarily by American people on their own behalf. It should not be 170-some-million dollars of their money, first appropriated by the Government and then handed over to an elitist corps of people who will spend it in accordance with their taste.

The question of the Mapplethorpe and the Serrano work is, of course, at the forefront of this controversy. If the gentleman from California chooses to seize the opportunity to use Mapplethorpe and Serrano as an illustration of what I might call Armey's axiom, that nobody spends another person's money as wisely as their own, I applaud him for the observation. The fact is if money were wasted, in my opinion, on such artwork through private, voluntary free expressions of people's expenditure of their own money, there would be no beef to be had here today.

This is not censorship. This is about the prudent, responsible, sensitive, responsive, tolerant expenditure of the taxpayers' money on behalf of the taxpayers who provide the money.

□ 1400

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. ARMEY. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, if the gentleman is supporting the amendment of the gentleman from California [Mr. ROHRABACHER], why is he offering his own amendment?

Mr. ARMEY. I appreciate the gentleman's question, which brings me to the point of my amendment, and I thank the gentleman from Illinois for bringing me to the point of my amendment, which is to reduce the expenditure on the grants in the administration of the National Endowment for the Arts by 10 percent, $14.4 million. This can be clearly construed, if you will, as a severe slap on the wrist for an agency that has severely defaulted on its responsibility to the American people.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am sorry, but I do not have the time.

(On request of Mr. REGULA, and by unanimous consent, Mr. ARMEY was allowed to proceed for 3 additional minutes.)

Mr. ARMEY. I am happy to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, in the opinion of the gentleman from Texas, will taking the money away address the problem prospectively and prevent any such grants in the future?

Mr. ARMEY. I appreciate the gentleman raising that question, because the fact of the matter is heretofore, prior to being on the floor today, we have had a prior experience in 1985 with the National Endowment. In that case the issue was poetry, and in that case we did pass changes in the authorizing language that we had hoped would constrain their behavior to publicly responsible behavior.

These recent occurrences have shown us, as is endemic in the nature of agencies and professionals in agencies, they are wont to try to do their own will and to be free, if possible, from the constraints of legislation, and they have not abided by those constraints.

If the gentleman from Ohio will allow me to continue, I have worked together with the gentleman from Illinois [Mr. YATES], and the two of us have worked together with the active director of the NEA, and the committee has put language in the report. The committee knows and I know that the language is not likely to be binding, particularly with respect to an agency that is staffed by professionals that do not even deal straight and square with their own Senate-approved panel members.

Let me give Members a quick look at what the panel was told by the committee staff. They were asked "to support a mid career summary of the work of photographer Robert Mapplethorpe. Although all aspects of the artist's work—the still-lives, nudes, and portraits—will be included, the exhibition will focus on Mapplethorpe's unique pieces where photographic images interact with richly-textured fabrics within carefully designed frames."

Anybody would have voted for that description. I am suggesting what we need to do in response to the observable fact lo these years since 1985 that this agency is particularly intransigent in their insistence to tend to their own affairs and to have us keep our nose out of it, is to send them not only a legislative message but a clear budgetary message: If you do not want to be sensitive, responsive, respectful, and tolerant of the taste of the vast majority of the American people, if you insist instead to be clearly, blatantly, obtrusively and obnoxiously in violation of the tastes of the clear and vast majority of the American people, you will have your funding reduced.

I ask the body to vote for the 10-percent reduction and send the professionals in these agencies a message that we represent the American people in this matter.

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has expired.

(On request of Mr. REGULA and by unanimous consent, Mr. ARMEY was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, will the gentlement yield?

Mr. ARMEY. I am happy to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, would the gentleman have supported, had it not been ruled subject to a point of order, my amendment to put into law what is now in the report language, since the gentleman mentioned the fact he is concerned that they might not follow the report language at NEA? Would the gentleman have supported the concept of embodying it in the law as my amendment proposed?

Mr. ARMEY. Yes; I would have. As a matter of fact, as the gentleman from Ohio knows, I did go to the gentleman from Illinois [Mr. YATES] and seek this kind of a remedy. What we asked precisely from the National Endowment was for them to write into the regulations their operating guidelines. Having prior experience with the relationship between the agency's regulations and legislation, and the different gap one can get, we asked them to give us some agency guidelines that would give us some assurance that they would have responsible behavior. The guidelines that they sent to me, if I had accepted them, would have amounted to my having endorsed the practices that they have been practicing.

We are asking here, with this 10-percent reduction, for this Congress to send a message to these agency people and to their decisionmaking bodies that they must refrain from committing clearly and obviously blatant transgressions against the sensibilities of the American people. The National Endowment for the Arts cannot be insensitive, cannot be intolerant, and cannot be abusive of the rights of the people who provide the money.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. chairman, the gentleman cuts $14 million out of the National Endowment. Would the gentleman tell the body where there are $14 million of pornographic art that will be funded that he is sparing the country of by his cuts?

Mr. ARMEY. The gentleman misses the point again. I do not intend and have not myself intended to decide on behalf of this agency what is or is not pornography. I am asking the agency to acknowledge that they have a fiduciary responsibility to the American people. When they get the privilege of spending the money, they must exercise the responsibility of adhering to and respecting the sensibilities of the American people. That is what I am saying.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

Let me just say from the beginning that in no way can I condone or support the particular projects to which the gentleman from Texas refers. The abuses that give rise to this amendment are regretable.

But the gentleman's amendment does nothing to address this problem. Instead, by making a dramatic reduction in the NEA grant program, the Armey amendment will punish all the artists because of problems with a few. In fact, throughout its 25-year history, the NEA has awarded more than 85,000 grants, with just a handful stirring any criticism. It is wrong to retaliate against an entire process or program because a few mistakes were made along the way. No selection procedure is perfect. Even with the best oversight a few bad projects might sneak through.

And it's unfair to indict the entire system because a few individuals are out of line. It's like saying that defense cuts are necessary because of the DOD scandle, or cut HUD because of the waste, fraud, and abuse of a few.

The Armey amendment is a meat ax approach to this problem. It's like amputating your arm to remove a hangnail. This issue needs to be addressed in the proper forum, with a reasoned and deliberative approach.

The authorizing process will begin in the fall when subcommittee hearings are scheduled. And at that time, these concerns can be raised. A 10-percent cut is no answer to this probem. A 10-percent cut will not prevent a repeat of this type of project. But a 10-percent cut will hurt a lot of great artists around the

country, in every State and congressional district.

This amendment also assumes a dangerous change in policy with respect to arts funding. It assumes that the Congress or some other governmental body should pick and choose "appropriate art" or provide an official stamp of approval.

While I can sympathize with the legitimate pejoratives of this House to control Federal funding, I am concerned about the impact of excessive control in this area.

History has taught us that censorship is an ugly scare on the legacy of a generation. McCarthyism in this century, and booking burning in the last, are black marks on history. In fact, contemporaries of Michelangelo stoned his statue of David because they thought it was obscene.

Now, I certainly don't think that the examples of abuses mentioned today are in that category, but I am concerned when we travel down the path of censorship and control.

Mr. Chairman, the committee recommendation for arts funding is sound, and the NEA Program deserves the support of this House.

If critics have concerns, express them during the authorization process and propose specific reforms. The Armey amendment is no answer to this problem. I urge my colleagues to vote no on the Armey amendment.

AMENDMENT OFFERED BY MR. STENHOLM TO THE PERFECTING AMENDMENT OFFERED BY MR. ARMEY

Mr. STENHOLM. Mr. Chairman, I offer an amendment to the perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM to the perfecting amendment offered by Mr. ARMEY: In lieu of "$129,825,000" in the amendment, insert "$144,205,000".

Mr. STENHOLM. Mr. Chairman, my amendment is very simple. The amendment of the gentleman from California I think might be likened to nuking the Endowment of the Arts for certain mistakes that the gentleman from Texas has so eloquently already decided are mistakes in the eyes I think of the majority of the American people. The gentleman from Texas though attempts to take a shotgun to the process and say because they have offended we are going to kind of shoot out there and hope we hit something.

My amendment takes a rifle approach and specifically addresses the $45,000, the two specific proposals that have offended, Serrano and Mapplethorpe, and says let us excise that amount of money. I think my amendment makes eminent good sense for the debate today.

First I want to commend the gentleman from Illinois, Mr. YATES, chairman of the subcommittee, for doing this as this body has instructed on all appropriation bills this year to come in under the 302(b) allocation. The chairman has done so. Otherwise I would be up here doing as we had done in the past, suggesting that we bring it back. But the gentleman from Illinois, Chairman YATES, has done it.

If Members will read the committee report they will find much of the concerns of my colleague from Texas have been addressed. I know in numerous conversations with the chairman expressing my own concern, also the concerns legitimately expressed to the first amendment in censorship, et cetera, the chairman has expressed that concern also, and in the committee report begins to go a long way toward deciding this question in a favorable way. If Members will read page 126 they will see that the committee has done a good job in addressing the concerns so eloquently expressed by my colleague from Texas.

So let me say, my colleagues, in conclusion, my amendment really is a shot across the bow. It is sending the appropriate message without shooting and hitting everything in sight, and it does not do near the damage the amendment proposed by the gentleman from California would do, for very legitimate reasons, but we are saying let us deal with the problem in a very positive way.

I urge support of my amendment.

Mr. COLEMAN of Missouri. Mr. Chairman, I rise in support of the Stenholm amendment to the perfecting amendment.

Mr. Chairman, for clarification for Members who have not followed the debate very closely, we have three amendments now pending. We have the amendment of the gentleman from California, who wants to strike the entire Endowment today. Then we have the amendment of the gentleman from Texas [Mr. ARMEY]. His amendment would reduce it by $14 million plus as a symbolic gesture to "get the attention of this agency," for some several grants, two grants in particular that were made which were offensive to some people. They are offensive to me.

We now have pending the amendment of the gentleman from Texas [Mr. STENHOLM] to the amendment of the gentleman from Texas [Mr. ARMEY], to reduce this by $45,000, which represents the accumulated grant moneys that were given for these two in question grant awards that have been made by this agency.

The question is fundamental. First of all, should we adopt the first one? I suggest that is not the real issue, because that one is going to be I think defeated.

□ 1410

The real question is between the two gentlemen from Texas. One says that that is a symbol and $14 million is how much flesh he is going to be able to extract from this agency because of these two questionable grants. The other one I think is more temperate an approach, who says there ought to be a symbolic gesture here this afternoon, that if you have problems with these two awards and I personally feel they are tasteless in their application, the two grants; I feel that one of them borders on pornography and, yes, there is freedom of speech in this country but you cannot yell "fire" in a crowded theater and you cannot go out and disseminate pornographic material under the freedom of speech either.

But that is my personal interpretation. I am offended by these two, but I do not believe that we can stand here today and, one, cut off the entire NEA budget of even the $14 million because I personally am offended and perhaps 99 percent of the people in this body and 99 percent of the American people might be offended. But what we can do is make a statement to people who are out there in the community, we have to deal with the political problem here today. We could either lose the entire Endowment or we could lose $14 million.

I suggest that we go along with the Stenholm amendment and lose $45,000.

Perhaps some of the people who are on some of the panels will recognize that we have a political problem when sometimes they do things which are going to come back and haunt the Endowment process.

So let me just say that if the Armey amendment is adopted, he is not just going to take the two grants that we have some problems with today, he is going to cut off a lot more grants. And these grants could be in your hometown, for your symphony, for your education in the arts, in your classrooms, in your districts. It might be going to fund the Boys Choir of Harlem, they might be the children's theaters in a variety of cities throughout this Nation, or a number of things the $14 million could come from.

There is no rational basis for $14 million here today.

Mr. YATES. I thank the gentleman for yielding.

The gentleman is on the authorizing committee for the National Endowment for the Arts?

Mr. COLEMAN of Missouri. I am.

Mr. YATES. Is not that committee now holding hearings on the question of reauthorizing the National Endowment for the Arts?

Mr. COLEMAN of Missouri. We are, and we have. We had a hearing already this year and we are in the process of——

Mr. YATES. Is that not the proper forum for Mr. ARMEY to take his amendment, if he wants guidelines to follow certain paths?

Mr. COLEMAN of Missouri. Mr. ARMEY is a member of that authorizing committee.

Mr. YATES. He is a member of the authorizing committee?

Mr. COLEMAN of Missouri. He is a colleague of mine on that committee.

Mr. YATES. Why does he not take it there?

Mr. COLEMAN of Missouri. The gentleman will have to ask him that.

Let me just say that in the authorizing legislation initially and subsequently reauthorized, this issue about freedom of artistic expression has been debated. It is current law.

So we do not—you know, finding fault with the agency is one thing, finding fault with ourselves is another.

The agency is not happy about what has happened in this case. They also have problems about self-censorship and public expression. We have a political problem. We are dealing with it through the Stenholm amendment.

I believe it sends a signal, a statement, it is a symbolic vote. It cuts off, if you will, the funding for these two what I think are tasteless, bordering on pornographic material so that they would not be funded in the future. That is the statement today, and that is the real vote.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

The gentleman heard my amendment I offered to put accountability in this process. As the ranking minority member on the authorizing subcommittee, would the gentleman support that language in the reauthorization package?

Mr. COLEMAN of Missouri. I certainly think it is a step in the right direction when we readdress this issue on reauthorization.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. COLEMAN] has expired.

(By unanimous consent Mr. COLEMAN of Missouri was allowed to proceed for 2 additional minutes.)

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

Let me make one point. Yes; it is true I am on the authorization committee and precisely the point I made earlier: We passed the authorizing language in 1985 and I do not believe it has done much to constrain the behavior of the agency.

Now another point: Why are we here entertaining an appropriation bill prior to the passage of the authorizing language? One could kick up a fuss about that. But let that be as it is.

Let me say this——

Mr. COLEMAN of Missouri. If I might say, it is not expiring, so that it does not have to be reauthorized. It is authorized for a period of time. I believe next year it comes up for reauthorization.

Mr. ARMEY. I appreciate the point. The gentleman's point is valid.

But let me go to another critically important point. If you do believe in censorship, clear, precise, pinpointed, accurate censorship, you should vote for the Stenholm amendment. The Stenholm amendment says we want to exact a specific dollar amount in precise reprisal for these two specific artworks.

My recommendation says if you want an agency to act fiscally responsible as it husbands the money of the people of this country, then vote for stiff penalties and clear messages.

Mr. COLEMAN of Missouri. Let me say that I think the Stenholm amendment does half of what the gentleman says, and that is that it is precise.

If you are offended by some of this stuff out here that we have seen and heard about, and if you have seen the pictures, you probably will be, then you will vote for Mr. STENHOLM's amendment because it sends a message. If you want to have a vote today on that subject, that is the way to do it.

Now if you have trouble with censorship, that is another subject, but you are dealing with a political environment here. This is not utopia, this is not an academic discussion, it is real life. That is why I support the Stenholm amendment.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to all three of the amendments on the floor. Although I recognize that Mr. STENHOLM's amendment really is intended to limit the damage which would otherwise be wrought by Mr. ARMEY's amendment, and by the gentleman from California, Mr. ROHRABACHER's amendment. But ultimately all three of these amendments take a piece out of America and what America is all about. This is basically a freedom of expression issue, no matter how one tries to disguise it.

Mr. ARMEY, I think, is a bit disingenuous when he suggests that Mr. STENHOLM is engaging in censorship with his $45,000 amendment but that he, Mr. ARMEY, is not with his proposal. All he is trying to do, he says, is to create fiscal accountability, which leads in fact to the same kind of thing that he accuses Mr. STENHOLM of.

Mr. ROHRABACHER wants to go the whole way and eliminate all funding for the arts.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I will when I am through.

POINT OF ORDER

Mr. ARMEY. Mr. Chairman, I have a point of order. I would like to speak to a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. ARMEY. Mr. Chairman, the gentleman from New York has just stated on the floor in the debate that I am being disingenuous as I make my arguments. This is a difficult, complex issue that we are dealing with, with very many subtle things here. I would not suggest the gentleman from New York, the gentleman from Texas, the gentleman from Illinois, or any other gentleman was disingenuous, and I quite frankly think it does very little to further debate for someone to suggest that I am disingenuous in the arguments that I have made.

Mr. WEISS. If the gentleman will feel more happy, I will withdraw the word "disingenuous."

Mr. YATES. Mr. Chairman, is the word "disingenuous" pornographic?

The CHAIRMAN. Is the gentleman from Texas making a point of order against the words?

Mr. ARMEY. Yes; I am afraid I am, yes.

The CHAIRMAN. The Clerk will report the words objected to.

Mr. WEISS. Mr. Chairman, I have no problem with withdrawing the word "disingenuous" if that gives any kind of offense to the gentleman from Texas, at all. I did not know he was so sensitive.

The CHAIRMAN. Without objection, the word is withdrawn.

There was no objection.

Mr. WEISS. Mr. Chairman, for 8 years, the Reagan administration led an all-out attack against the Federal arts budget, which despite the efforts of Congress and especially the distinguished gentleman from Illinois was largely successful. If the NEA budget had been increased simply to account for inflation every year since 1980, it would now be over $220 million. Instead, last year's budget was less than $170 million, and we are here today fighting off attempts to reduce it even further.

The results of these cuts have been drastic. Each year, the NEA has been forced to issue fewer and fewer grants. Cuts in Federal funding to State and local governments have squeezed their own cultural funding budgets, and corporate mergers are eliminating corporate arts programs. Meanwhile, rising real estate and insurance costs have crippled small creative arts groups, while changes in tax law have resulted in fewer private charitable contributions to the arts.

This last point is important because it directly addresses a fallacy offered by the gentleman from California who is opposing all funding of the arts. He has stated, that "There is no shortage of private financial support for the arts." This is a patently false assertion, and I would invite anyone who disagrees to visit the hundreds of art-

ists in my district who are finding the search for funds, private or public, to be a nearly impossible quest. Clearly, we should be here today debating how much to increase the NEA's budget, not whether to cut it further.

Another result of funding cuts is a talent drain unprecedented in the American arts community. Individuals who cannot make a living, or who simply are unable to have their work produced in this country, are looking overseas to Europe and Japan for support instead.

Mr. Chairman, let's be frank. The arts budget is paltry. The amendments we are debating are not budget-related amendments but the result of controversy over two recent artistic exhibits partially subsidized by Federal funds. Critics of the NEA have expressed outrage over two objectional works which received small amounts of NEA support. They argue that we should send a message to the NEA, not only by changing their procedures to ensure Government control over the grants that organization makes, but also by cutting their funding even further.

But the issue of what type of art the NEA awards grants for brings up some perhaps obvious questions. And let me stress here that the issue we are debating here today, contrary to assertions from the other side, is definitely censorship. Whose definition of objectional are we to work with in determining what grants to award? To some people, the mere sight of nudity in a work of art is objectionable. Should we prevent Federal funding of artists who paint or sculpt nude figures? "The Diary of Anne Frank," "The Merchant of Venice," and "Huckleberry Finn" are all deemed to be objectionable by many people who would like to see these works banned. Should libraries which carry these and other objectionable classics be prevented from receiving Federal funds?

There are other nations around the world which have standards for acceptable and unacceptable artistic expression. We call them totalitarian. In these nations, writers or artists who challenge the boundaries of acceptable expression are imprisoned or worse. Witness the death sentence decreed by the Ayatollah Khomeini on the writer Salman Rushdie because of perceived offense to the prophet Mohammed. Clearly, the U.S. Government must continue to stay out of the business of defining boundaries for acceptable artistic expression.

During this entire debate, some have argued that artistic freedom is fine, but if Federal funds are used for a project, it must not be offensive or objectionable. But it is folly to argue that if Federal funds are used for a project, that project must be acceptable to all taxpayers. Those who make this argument might be uncomfortable with its ramifications. For example, many found the design of the Vietnam Veterans Memorial in Washington, DC, objectionable, but few would now argue that Federal funds should not have been used to support its construction on account of those objections.

The NEA's current grantmaking procedures were carefully designed to limit Government control over or political intervention in the process of Federal support for artistic expression. In the 25 years that the NEA has been in existence, it has awarded 85,000 grants, of which fewer than 20 have aroused protest. Now, some are prepared to limit the NEA's ability to continue to promote American artistic diversity because of public objections to two of these grants. Before starting down this dangerous path, we should take a long hard look at where it leads.

It seems to me that what we ought to really do is to have faith in ourselves and the ideals for which America stands. Let Members, indeed, exult in the fact that we are a country that is free enough to allow artistic expressions, even if we find them offensive and objectionable.

I would hope we would defeat all of these amendments, and let the work of the committee stand.

Mr. Chairman, I would like to close with a quote which expresses the most important point to remember in this debate:

> In recognizing those who create and those who make creation possible, we celebrate freedom. No one realizes the importance of freedom more than the artist, for only in the atmosphere of freedom can the arts flourish.

Few other words of former President Ronald Reagan ring so true.

I urge my colleagues to defeat these amendments

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. ARMEY, and by unanimous consent, Mr. WEISS was allowed to proceed for 2 additional minutes.)

Mr. WEISS. Mr. Chairman, I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I appreciate the gentleman yielding, since he made reference to me within the context of his remarks. Let me make two points: One, the gentleman from Texas [Mr. STENHOLM] has offered an amendment for a $45,000 reduction, $30,000 in direct reprisal for the grant that funded this book, and I will not show Members the prints within this book, $15,000 for the money that funded the Serrano grant.

Now, if that is not specific targeting of a pecuniary reprisal in the person of the particular products, then I do not know what is.

Mr. WEISS. Mr. Chairman, if I may reclaim my time, the gentleman from Texas has said that his cut, his proposed cut of $14 million is to enforce fiscal accountability in the National Endowment for the Arts. Accountability for what? Accountability for allowing those two works of art to be part of exhibitions partially funded by the Federal Government.

So, where is the difference? There is actually no difference whatsoever. The gentleman is simply using an argument, but it is not particularly effective or persuasive from my point of view.

Mr. Chairman, I yield to the gentleman from Texas.

Mr. ARMEY. I would say my amendment relates to the Endowment continuing over a span of years to keep in place decisionmaking procedures that allow any number of transgressions. These two are only the most clear and odious.

Mr. WEISS. Mr. Chairman, if I may reclaim my time, the gentleman has now said it: It is the transgressions that the gentleman is concerned about, and wants to charge $14 million for those transgressions. The gentleman from Texas [Mr. STENHOLM] wants to charge $45,000.

Mr. YATES. If the gentleman will yield, the gentleman from Texas is on the authorizing committees. Why does he not put the guidelines he wants into the authorizing legislation?

Mr. ARMEY. If the gentleman will yield, the question is a matter of discipline.

Mr. REGULA. Mr. Chairman, I rise in support of the Stenholm amendment. I think it is a responsible approach to the problem here. It recognizes that there is outrage on the part of all Members about what was funded. In addressing this issue, however, we do not want to take away the ability of the NEA to find a string ensemble as they did in the 16th District of Ohio, that traveled around to schools throughout the district and gave our students an opportunity to hear this music and to perhaps inspire some young person. Keep in mind, if Members are going to take an enormous amount out of the budget, or totally eliminate it as proposed by the gentleman from California, that Members are not going to reach out across America to the schools, to the art institutes, and to the museums with the good programs we have had.

Let me say this. There is strong public support for the NEA. We have the challenge grant program which requires that for every dollar of NEA money, they have to match it with $3 of private money. It has been an enormous success. Communities all across the Nation, and people, in small amounts and large amounts, provided the funds so that our local art institutes and schools could go forward with programs. They came up with $3 for every $1 of the NEA. I think that is great evidence of the kind of sup-

port that exists in this Nation. We recognize that some of these programs were outrageous, and we were all offended by them, but Members let us not destroy a whole program that has enriched the lives of all America, and has great potential for the future.

This is a bipartisan program. The NEA was started and was authorized under President Johnson. The major funding that really got the program off the ground was as a result of the leadership of President Richard Nixon, so the NEA have a strong bipartisan approach that has been supported by the public throughout the years. I think it is important that we keep the program going in a responsible way. I regret that my accountability amendment was not adopted, that it was opposed by the gentleman from California on a point of order. We have the commitment from the chairman of the authorizing committee and the vice chairman, ranking member, that they will consider this language in their reauthorization to deal with the issue of accountability. That is really what the issue is here today, is accountability, for what happens in these grants with Federal money.

So I think the Stenholm amendment offers a very responsible approach to this problem, and I urge the Members to support it.

Mr. FOGLIETTA. Mr. Chairman, I rise in opposition to the three amendments. Mr. Chairman, I rise in strong opposition to the three amendments before us today. No matter how offensive and tasteless we may feel that they are, and the catalyst for these amendments, in my opinion, is tasteless, is offensive, and is downright disgusting, artistic works should not be censored. We as Congresspeople are not art critics. We should not be censurers.

History should be our teacher. We can all remember a great artist, or a great work of art, that was considered offensive in its time and banned from being displayed in public. We look back at the 19th century when works by Van Gogh, Monet, and Rodin, were refused. The great work that we see today, one of the great works of arts in this world today, are the "Burghers of Calais." This was rejected by the citizens of that city in France.

Today, we have the best and brightest artists in their fields, artists who have been given complete freedom of thought and expression, artists who are stretching our imaginations and our conceptions even further. We should protect this heritage at all costs.

The National Endowment for the Arts is a respected organization that allows citizen art experts, not government employees, to make funding recommendations. The artists who approve the grants are among the most informed and highly revered in their respective fields. Are they always right? No. Do they make mistakes? Yes. Do works that are sometimes repugnant, offensive, and seemingly artless sometimes slip through the cracks? Yes.

□ 1430

But who is better qualified to determine which artists should be supported and encouraged than the artists themselves? The artistic field must be allowed this privilege.

Mr. Chairman, I urge my colleagues to vote against all three of these amendments.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate has taken so many switch-backs that it is like an Appalachian Mountain road. We have Members arguing on all sides of the issue, and it is a little hard to follow. We hear a lot of talk about art and a lot of talk about censorship, and it is hard to follow just who is where.

I have heard the chairman of the subcommittee tell the gentleman from Texas [Mr. ARMEY] that he ought to be doing his work in the authorizing committee of which he is a member. If that is true, then why did the committee not cut out this $45,000 in the committee rather than wait to come out to the floor? If this is a committee amendment, why did they not cut the money out in the committee if they found this language offensive?

The fact is they allowed it to come out on the floor and have a debate. I do not understand that. Why would they not have this cut take place there if it was the right thing to do?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I would say to the gentleman that the gentleman from Texas [Mr. STENHOLM] is not a member of our committee.

Mr. WALKER. I see. But the committee is rising in favor of the Stenholm amendment and calling it—I just heard the term used a minute ago—the committee amendment. So why was that not done in committee at that point?

I would also point this out: If the gentleman were to look at the language in his own report, he references the language that the gentleman from Texas [Mr. ARMEY] put in law in 1985. He is trying to say in this report that the agency ought to obey the language that was put in effect in 1985.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will yield to the gentleman in a moment.

Mr. Chairman, what that means is that since 1985 the agency has not been doing what the law required them to do. That is the reason why the gentleman is now having to say in his own report that the agency somehow is violating what we told them to do in 1985. The gentleman from Texas [Mr. ARMEY] did this in the authorization process, although I think it was actually the language of the gentleman from Texas [Mr. BARTLETT], 5 years ago or 4 years ago. We told this agency what to do. The gentleman is reiterating that in his own report, and now what we hear is this: "Well, we don't need to go this far. We can do this little gesture of $45,000, and that will tell the agency enough for them to back off."

The problem we see here, Mr. Chairman, is that we are not dealing just with a particular problem of a couple of offensive projects; we are dealing with a systemic problem. It is a systemic problem that affects this agency and has affected it for 4 or 5 years, one which the gentleman had admitted in his own report. In his own report, as a matter of fact, he reiterates it a couple of times. The statement is made that recently the committee has been made aware of two visual art grants made by the NEA which have aroused great controversy because of the content of their subject matter. Then you say in the very next paragraph, "Recently the committee has been made aware"—in other words, you say the same thing twice in just a couple of paragraphs here. You reiterate it, so it is obviously very important.

Mr. YATES. Mr. Chairman, if the gentleman will yield, I will say to the gentleman that that is a typographical error.

Mr. WALKER. Good. I see.

Mr. YATES. I thought the gentleman would understand that by himself.

Mr. WALKER. I thought maybe you were just being very strong about the point. If it is just a typographical error, then you were not being so strong about it.

Mr. YATES. Mr. Chairman, will the gentleman yield for a correction?

Mr. WALKER. I am glad to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, this gentleman understood that the language to which the gentleman from Pennsylvania refers was not introduced by the gentleman from Texas [Mr. ARMEY] but by the gentleman from Texas [Mr. BARTLETT].

Mr. WALKER. I said that it was Mr. BARTLETT.

Mr. YATES. I thought the gentleman said it was by Mr. ARMEY.

Mr. WALKER. No, I said that I think the specific language was that of Mr. BARTLETT's, but that the reference Mr. ARMEY was making came out of Mr. ARMEY's action on the floor back 4 years ago, and it is specifically in the law. I understand that.

But the point is that the gentleman's own report says that this agency has not been guided by these guidelines, and then he goes to some length to tell them what they ought to do now, and he even admits that they came up with a subgrant process in order to get around that which we required them to do back in 1985. Then the gentleman says that we ought to have no more subgrants now.

There is an admission within the report that we have got a problem, and it is not just a problem of $45,000; it is a problem that is systemic to the agency, and we ought to do something to correct the problem which is here.

What I am saying is that it is kind of a puny, little effort out here on the floor to tell that agency that $45,000 is enough to give them the word. I do not think so.

The reason that I say that this takes a lot of switchbacks is that the gentleman from Texas [Mr. ARMEY] makes a valid point when he talks about the fact of censorship. What we have done here is we have decided that those two projects cost $45,000, we do not like those projects, and, boy, let me say that there is not much to like there. So we cut them down by that amount of money, and so we are literally exercising our censorship out here on the House floor.

The gentleman from Texas [Mr. ARMEY], on the other hand, is saying, "Look, the problem here is that the agency had a program in place that allowed them to approve money for these particular projects."

Somehow they need to be hit over the head. Somehow they need to understand that the law which has been in effect for 4 years has meaning to it. Somehow they need to be told that we do not with taxpayers' money want to fund an artist who is urinating in a bottle and sticking a crucifix in it and calling it art. If somebody wants to wallow in their excrement, that is fine, but it ought not be done at public expense.

There is a problem of approval here that is endemic to the agency evidently, and we need to find out what we can do to stop that. What the gentleman from Texas [Mr. ARMEY] says in his amendment is that we should stop it by telling the agency flat out that we are not going to allow them to decide these kinds of priorities; we are going to make them make some difficult decisions because we are going to cut back on their funding. It seems to me that is the way to go.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(On request of Mr. REGULA, and by unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, would the gentleman agree that the amendment I offered that was objected to would have accomplished what he is just now saying, and that is that it would have made it explicit in the law itself in terms of the agency's responsibility and accountability?

Mr. WALKER. Yes. Let me say to the gentleman, first of all, that the reason why he cannot offer his amendment is that the rules of the House do not permit him to offer his amendment.

Mr. REGULA. I understand that.

Mr. WALKER. If we had different rules out here in regard to appropriation bills, maybe we could offer amendments like that.

Mr. REGULA. Yes, I am saying, if it were in order.

Mr. WALKER. But let us also say in regard to the gentleman's amendment that it seems to me what it did was to reference the public law which is already in place. You put it in law, and so what we would have would be a law confirming the law which was already in place. Our point is that we have a problem here. We have had a law on the books for 4 years, and this agency in its arrogance has decided not to obey that law.

Mr. REGULA. Mr. Chairman, will the gentleman yield further?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, if what the gentleman just said was true, the Chair would have ruled in favor of my amendment going forward. If the gentleman would read the rules, what I proposed was to do exactly what he has just described, and the Chair ruled that it was not in order. So all I am saying is, if I understand the gentleman correctly, that he believes we should tighten up the rules on the agency's discretion and make the chairman of each agency, and in this case the NEA, fully accountable. Is that correct?

Mr. WALKER. Let me say to the gentleman that I think what we need to do is to get the National Endowment for the Arts to obey the law that is now in place.

Mr. REGULA. That is exactly what I was trying to do.

Mr. WALKER. The law in place says that you should not authorize an artist to urinate in a bottle and then stick a crucifix in it and call it art. That is what the law is all about right now.

So it seems to me that what we have is an agency that has gone beyond the law. The gentleman is saying, "Well, what we need to do is to get really tough about the law." What is to make the gentleman think that the agency will not continue to ignore our getting tough about the law?

Mr. REGULA. What is to make the gentleman from Pennsylvania think that if we cut out $5 million, $10 million, or $50 million, that will make it suddenly tough for the agency?

Mr. WALKER. Let me say to the gentleman that I think at that point somebody in the National Endowment may figure that we have gotten their attention, because all of a sudden they would have to sit down and decide that there are programs they cannot fund, because they do have enough money to do it, and they will know one of the reasons for that is because they made a systemic mistake along the way that caused Congress to come down on them like gangbusters.

Let me say that doing something with an amendment with $45,000 in it is saying to that agency that we do not really care. They would decide what "they caught us with a couple of bad ones."

What I want to know is, what happended that we did not catch them at? Does the gentleman have any idea what we may not have caught them at that we may find out later? We do know the reasons why this happened back in 1985 is because back then they funded a poem that most of us found objectionable.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(On request of Mr. YATES, and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, if the gentleman really wants to give the agency a lesson, why does he not vote for the Rohrabacher amendment?

Mr. WALKER. Mr. Chairman, if the Armey amendment fails, I may well do that, for this reason: If we are going in fact to go the route the gentleman is proposing, that of Congress deciding to individually censor programs, it seems to me that we have gotten ourselves right in the loop we said we would never get into, and that is that with the National Endowment for the Arts we would use public moneys as a way of censoring the arts. If we are going to go that route, if that is how we are going to proceed around here, it seems to me that much art in this country might be better off with no money and no programs than having the Federal Government determining what is good art and what is bad art, because I do not think there are very many of us on this floor who are qualified, save the professional artist who spoke here earlier, to make that kind of judgment. But that is exactly the route we are heading down here with the amendment that is being offered

by the gentleman from Texas [Mr. STENHOLM], and if we cannot have something that gives us a real kind of funding of the arts that does not have censorship in it, the Rohrabacher approach is probably the right approach.

□ 1440

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, I appreciate the gentleman from Pennsylvania [Mr. WALKER] yielding to me.

Mr. Chairman, to follow the logic of the gentleman from Pennsylvania [Mr. WALKER] then, it would be apparent then that no art would be the best art because, if the gentleman would vote for Rohrabacher, what he is saying is that Federal Government should have a policy——

Mr. WALKER. Mr. Chairman, if the gentleman will yield, if the gentleman from Florida [Mr. SMITH] thinks that the only art in this country is being funded by the Federal Government, the gentleman had better look at the situation in the country a little closer.

The fact is that there is much art in this country that has absolutely nothing to do with the National Endowment of the Arts and that we have much art in this country that would probably not even want to get involved with all the applications that the Federal Government requires for its programs.

So, the fact is that we do not end up with no art. What we end up with is public agencies at the local level of funding art.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, would the gentleman from Pennsylvania [Mr. WALKER] acknowledge that the Federal Government has a significant role to play in the development of art in this country and in development of minority artists and others who are shut out and denied from the capability?

Mr. WALKER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. YATES. Mr. Chairman, I do not want to object to the request of the gentleman from Pennsylvania [Mr. WALKER], but we have gone on, and on, and on.

Mr. Chairman, I will not object to this time.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES]. I appreciate the opportunity to continue in the debate since I was yielding to a Member of his side.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, let me say to the gentleman that it seems to me that, if what we are going to do is have the Federal Government begin to act as a censor for all that art, then perhaps we are better off with no Federal role, because if the Federal role becomes one of art censor, then we have, I think, undermined art in this country, not advanced art in this country.

Mr. Chairman, that is the route we are headed down with what we are doing on the floor here today.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I appreciate the point of the gentleman from Pennsylvania [Mr. WALKER], and, if I might ask the gentleman's opinion?

As I see it, what he is saying is rather than voting for the blatant censorship that is embodied in the amendment offered by the gentleman from Texas [Mr. STENHOLM], that we ought to concentrate our attention on the process, and procedures and attitudes of the agencies cognizant of the fact that, as we tighten down the budget constraints, we introduce greater rationality and greater responsibility in the process.

Mr. WALKER. Mr. Chairman, I think the gentleman from Texas [Mr. ARMEY] is right, and I just make the point that I think the bureaucrats down at the National Endowment of the Arts will look at a $45,000 cut on this floor as being laughable, that they will regard that as something that we did that is almost of a laughable nature. If we cut them back by a real amount of money, I think they will look at that as being a somewhat serious effort to tell them that they have got a systematic problem that they have got to solve, and I think the gentleman deserves support on that basis.

Mr. Chairman, I yield back the balance of my time.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment and all amendments thereto close in 15 minutes.

Mr. ARMEY. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The unanimous-consent request is that time be limited on debate on the Armey amendment and all amendments thereto.

Is there objection to the request of the gentleman from Illinois?

Mr. ARMEY. Mr. Chairman, reserving the right to object, I appreciate the point of the gentleman from Illinois [Mr. YATES], but the gentleman from California [Mr. ROHRABACHER] has not been heard on either one of these other two amendments, I do not believe, and we have another gentleman here. Fifteen minutes; I am just not sure that that gives everybody a chance to speak.

Mr. YATES. How about 25 minutes? Would the gentleman from Texas [Mr. ARMEY] accept 25 minutes?

Mr. ARMEY. Twenty-five minutes; I have colleagues here that have been here for some time.

Mr. YATES. I would say the time would be equally divided.

Mr. Chairman, I make that my unanimous-consent request.

The CHAIRMAN. The unanimous-consent request of the gentleman from Illinois [Mr. YATES] is that there be a limitation of 25 minutes on debate of the amendment of the gentleman from Texas [Mr. ARMEY] and any amendments thereto with the time to be equally divided between the gentleman from Illinois [Mr. YATES] and the gentleman from——

Mr. ARMEY. Mr. Chairman, I reserve the right to object.

Mr. YATES. Mr. Chairman, I thought we had agreed on it.

Mr. ARMEY. Mr. Chairman, reserving the right to object, if the gentleman from Illinois [Mr. YATES] will be patient with my reservation for a moment, I will observe what he has done.

Mr. Chairman, if the gentleman from Illinois [Mr. YATES] would permit me, I would agree to the time request of 25 minutes that he has suggested. He has suggested it should be equally divided between the gentlemen on their side and myself or the gentlemen from California [Mr. ROHRABACHER] on this side since the gentleman from Ohio [Mr. REGULA] is obviously more in agreement with the position of the committee.

Mr. YATES. Mr. Chairman, I amend my request to say that the time allocation shall be controlled by the proponent of the amendment, the gentleman from Texas [Mr. ARMEY], and on my side by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the gentlewoman from Ohio [Ms. Oakar].

Ms. OAKAR. Mr. Chairman, I could not help thinking that last night apparently one of the great international figures in acting, Sir Laurence Olivier, died who had performed many movies, and plays and so on. I could not help thinking of Sir Laurence's native land.

Mr. Chairman, in England they heavily subsidize the arts. The average person can afford to go to the theater. The museums, for the most part, are free. They subsidize and feel that the arts is a profession, is a noble profession, and they give generous grants to

people in that wonderful country who want to go into the arts.

In Germany, for example, in just the area of theater they subsidize that area, just that one area, by more than a billion dollars.

Now, Mr. Chairman, one of my objections to the National Endowment of the Arts budget is that it is not enough, and, by the way, all these countries have a cabinet position as minister of culture for their country. They know that the arts and the flourishing of the arts are a sign of their civilization, and, Mr. Chairman, I think of the paltry amount that we have here, $171 million in comparison, the same amount we give for the marching bands for our Department of Defense which, by the way, I support, rather have in many ways some of those kinds of activities and some of those creative avenues for research for SDI that cost billions and billions of dollars.

However, Mr. Chairman, the point is that we do not support the arts enough in this country, and what we are seeing are gutting amendments that really go to the soul of America. The fact is that we want to keep our museums, and our theaters, and the kinds of artists who engage in sculpture and all kinds of design, et cetera, we want to keep those kinds of programs open.

My colleagues, take a look just in this city at the Smithsonian Institution. There are some few, I might add, on that side of the aisle who have suggested we ought to be charging for these museums and for the parks and so on. The fact is we ought to keep them free, and we ought to keep the museums and the theaters in our own areas, and our rural areas and our cities, we ought to keep them open to the American people so that every person without any kind of access, that every person has access irrespective of their ability to pay and the color of their skin.

Mr. Chairman, what we are seeing today is really not a discussion of two pieces of work out of 4,500 grants in terms of censorhsip and so on. What we are seeing is a deliberate attempt to cut a program that has not been fully funded since Ronald Reagan became President.

Now we know that. We ought to acknowledge it, and the chairman, along with his distinguished minority leader from my State of Ohio have attempted to hang on to what they have, and, Mr. Chairman, I want to say that I was really heartened, I was genuinely surprised and heartened, that I am getting all these faxes from people in my district saying, "Do not cut this budget," and these are members of the business community. These are people who are the grassroots people who are proud to go to the Cleveland Museum of Art, and the Cleveland Playhouse, and proud to go to Playhouse Square. They are proud to go to one of the finest orchestras in the world, the Cleveland Orchestra, that still is affordable for them to go to. These are programs, the Karamu Theater and interracial theater in my hometown, and all of my colleagues can name some in their towns. They are proud to go and have these kinds of programs, and they would be less accessible without this kind of program.

So, Mr. Chairman, I say to my colleagues that I am going to, as one who is a down-and-out supporter of the arts, I am going to support the amendment of the gentleman from Texas [Mr. STENHOLM] that reduces the budget by $45,000, and I am going to tell my colleagues why.

□ 1450

Personally, I do not want to support it in terms of cutting anything, but I am going to support it, and I will tell you why, because I know if that does not pass, we are going to have $14 million cuts in this area. We are going to see a new avenue of censorship, the kind of censorship that said years ago that Tom Sawyer and the Adventures of Huckleberry Finn should not be in children's rooms and public libraries.

So let us support the amendment of the gentleman from Texas [Mr. STENHOLM] and get on with this program and let us do more in this area.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise in support of the amendment of the gentleman from Texas [Mr. ARMEY], and failing that, the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The people I represent in eastern Tennessee certainly do not support Federal funding of pornographic or obscene or anti-Christian artwork.

In addition, it has been said that the people who benefit the most from the National Endowment for the Arts are in rural areas and in the small towns and small cities. I represent that kind of district, and very few people in my district have benefited from the NEA. The NEA, like most Federal programs, the people who benefit the most from it are the bureaucrats who run it. It would be grand if the Federal Government could afford to buy everyone a $200,000 house or a new Mercedes and other things, but there are limits to what government can do.

It has been said in this debate today that $140 million is nothing, it is a drop in the bucket in the whole Federal budget, but if we adopt that philosophy, the Federal deficit will just go crazy.

I rise in strong support of the amendments offered by the gentleman from California [Mr. ROHRABACHER] and the gentleman from Texas [Mr. ARMEY], and I urge their support by my colleagues.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I do not question the motives of the gentleman from Texas [Mr. ARMEY]. I think a good deal of what he proposes on this floor merits our support. His amendment today, I regret to say, does not.

The gentleman from Texas [Mr. STENHOLM] in his amendment fires a shot across the bow of the National Endowment for the Arts. The amendment of the gentleman from Texas [Mr. ARMEY] is a direct hit on the bridge of the ship.

The gentleman from Texas [Mr. STENHOLM] would send a clear message to the NEA that taxpayers are offended, our taxpayers, our constituents are offended, and would caution the agency to proceed more prudently in this area in the future.

The amendment of the gentleman from Texas [Mr. ARMEY] needlessly cripples many meritorious arts activities within our districts across the Nation.

Several of my colleagues have risen today on the floor to suggest that we tread carefully on matters that relate to censorship. They have said that freedom of expression is important, and I agree with them that it is.

We should all be careful to remember, and the National Endowment for the Arts should be careful to remember that what is involved here is more than just freedom of expression. What is involved here is expression that is financed, at least in part, by our taxpayers. The message that my taxpayers and my constituents have sent to me is that they are offended in part by what is being funded with their dollars. Their message to me is that they do not want to see this kind of thing repeated in the future.

I would urge support for the Stenholm amendment. It certainly gets the attention of the agency. It does so, I think, without needlessly crippling the support for arts activities across our country.

I would conclude by noting that beauty is in the eye of the beholder. By the same token, so is tastelessness and so is desecration.

Recently, the artworks of the Congressional Arts Caucus winners were hung near the Capitol. Some of those works may not pass muster with each of our constituents either, but that doesn't mean we should withdraw support of that program.

So, I think indeed we should move cautiously in the area of censorship, but I do believe the Stenholm amend-

ment should be supported and the Armey amendment defeated.

Mr. ARMEY. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I thank the gentleman from Texas [Mr. ARMEY] for the opportunity to speak.

I rise in support of the gentleman's amendment. I think, as most of the Members I sense here today, they are upset, they are outraged by the National Endowment for the Arts allowing the kinds of artwork we see.

I have with me here the book, "The Perfect Moment" by Robert Mapplethrope. This book illustrates the kind of filth we are talking about. Inside the second page it recognizes the National Endowment for the Arts for the contribution that it gave.

Now, as the distinguished gentleman from Pennsylvania [Mr. WALKER] has pointed out, we want to send a strong message to this Foundation. If we just go ahead and delete $45,000, are we assured we have sent a strong message?

Back in my district, in all my town meetings, everywhere I went in central Florida, they spoke out against Andres Serrano and his artwork, and they speak out against Mapplethorpe and his book, "The Perfect Moment."

I ask my colleagues to think carefully. We can go forward, delete $14 million, send a strong message and ask them to set up reasonable guidelines.

Now, as I understand, and I have not looked at the bill, that these reasonable guidelines are in there. May I ask the chairman of the committee, are these reasonable guidelines at this point in the legislation? Is that a question I can ask the gentleman from Illinois?

Mr. YATES. Mr. Chairman, if the gentleman will yield, there is a direction in the report of the committee to the NEA and to the NEH to prepare procedures and guidelines which will assure that all grants are made by the chairman of those endowments with the approval of their council. Those grants will contain not only direct grants, but subgrants as well.

Mr. STEARNS. All right, let me take back my time.

I think to stop this outrageous behavior, we have to get extremely sensitive to what they have done. I think sending a message just deleting $45,000 is not strong enough. We should move forward with a stronger message of $14 million.

It is clear to me that the Armey amendment will help the NEA to get more interested in the beliefs and the values of the people of this country, particularly the people in my district.

Mr. Chairman, I urge my colleagues to pass the Armey amendment, to send a strong message to the NEA that Congress will not put up with this type of behavior.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I do not know if the gentleman heard the amendment that I offered, but would the gentleman agree that the key to all this is to make the agency fully accountable to the public and to this body that appropriates the money?

Mr. STEARNS. Yes, I would.

Mr. REGULA. And that the best way to address the problem is to require complete accountability for whatever might be done by way of grants, rather than leaving it to subgrantees.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, there was a Supreme Court Justice at one point who said that he could not define pornography, but he knew it when he saw it. Likewise, I cannot readily define censorship, but I know it when I see it.

Although I rise to oppose all three of these amendments, I would encourage my colleagues who want to do the least harm possible to the National Endowment for the Arts to support the latter amendment of the gentleman from Texas [Mr. STENHOLM].

Let us make no mistake about it, my friends, we are here today politicizing the National Endowment for the Arts. That is perilously close to censorship. We are exerting political pressure on them. We can couch it in good language. We can couch it in the grandeur of the Congress of the United States, operating in this Chamber, but it is censorship. In our efforts to hobble the freedom of artists in the United States, we are restricting the flow of money to the National Endowment. That is our brand of censorship.

This is punitive action. Indirectly, but in a very real sense, the Congress of the United States is herein today practicing censorship.

Twenty-four years ago the Endowment was created. At that time, the author of the Endowment, former Congressman from New York, John Brademas, and many artists and art aficionados around the United States worried that the Endowment might someday be used for censorship of some type of another.

□ 1500

There was some opposition to creating the Endowment, and now during the last few years and again here this afternoon we have seen those fears realized.

I want to say to my colleagues again this afternoon, as I did earlier today, that as chair of the authorizing committee, I believe that when we reauthorize this Endowment we are going to have to look very, very carefully as to whether or not it is being used as a censorship body against the freedom of art in the United States.

Mr. ARMEY. Mr. Chairman, I yield 3 minutes to my good friend and colleague, the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I rise to oppose the pending Stenholm amendment and to support the Armey amendment. I do that with some amount of regret, because this debate, these two amendments and this motion to strike, were unnecessary. It is a debate that never should have had to have happened, because we had the same debate in 1985, and the Congress thought that we had resolved the issue. We placed in the law explicit language that the National Endowment for the Arts would hold itself accountable to foster excellence.

The words of the statute which have been cited here previously in this debate are clear. They are unambiguous. They are rational. They are not censorship, and they are fully constitutional.

It now appears that what has happened in the last 4 years is that the National Endowment for the Arts, the administrators of the National Endowment, have decided that they did not like those words and they did not want to follow that law, and so for whatever reason they chose to circumvent both the spirit and probably the letter of the law with a process known as subgrants.

It seems to me that I concur with the committee's report and would go further that that subgranting procedure was a deliberate, direct, and damaging circumvention of Federal law.

It is true that the amendment offered by the gentleman from Texas [Mr. STENHOLM] would, I think, fire a shot across the bow, even though a modest shot across the bow, but it is also true and the fact is we already had fired the shot across the bow with the change in the law, and that change in the law did not seem to get the attention of the National Endowment.

It is regrettable that we have to face this today, but face it we must. There will be no doubt some artist with legitimate, excellent art who will be modestly damaged in their funding. It is true that the Armey amendment is a blunt instrument, but this blunt instrument is the only instrument left for Congress to insist that the National Endowment for the Arts follow the law.

The NEA has brought this on themselves. Had they followed the law, both the letter and the spirit, we would not be here having this debate today. There would not be a Rohrabacher motion to strike. There would not be an Armey amendment to cut 10 percent. There would not be a Sten-

holm amendment to cut $45,000. There is no need for the debate except the National Endowment for the Arts has refused to abide by the letter and the spirit of Federal law to have the National Endowment foster excellence and hold itself accountable.

One last point, and that is that nothing that can happen here today, even with the Rohrabacher amendment or the Armey amendment, can cripple or severely damage arts in this country. The total arts funding from the National Endowment for the Arts is $145 million. That compares with tens of billions of dollars that are funded by the private sector, both individuals and corporations and local governments and a variety of sources that fund principally the arts in this country.

I urge a vote against the Stenholm amendment and for the Armey amendment.

Mr. YATES. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I would hope that we would reject these amendments.

I have been in Congress 15 years. We have seen these temper tantrums out of Members of Congress who second-guess the National Science Foundation, who second-guess the National Endowment for the Arts, because they do not perceive that this is excellence or not. They are offended by the works. I am offended by the works. But, once again, we have politicians rushing in to define what is academic work, what is a scientific endeavor, what is a work of artistic value, and when none of us are in the position to do that.

I think clearly this episode with the National Endowment has sent severe heartache to the ranking minority member and the chairman of this committee that the National Endowment understands that a serious mistake was made. What we now have is the efforts by the gentleman from Texas [Mr. ARMEY] and others to punish other artists who have no connection with this episode, children's theaters, community theaters, artists, symphonies, all the things we heard about today. They are the ones who are going to pay the price for actions taken by somebody else they may not even know or hear of or cared about. That is the instrument that this Congress uses that somehow Members are going to put in their newsletters that they took a courageous, bold action against this National Endowment for the Arts, an institution with a distinguished history that has leveraged government money to an overwhelming amount of private contributions and stimulation of the arts in this country. It is a disgrace to this body that we are considering these amendments.

Mr. ARMEY. Mr. Chairman, I yield 4 minutes to my good friend and colleague, the distinguished student of Milton Friedman, the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, for a freshman I am really learning the ropes here, and what a way to get my feet wet, having only been here for a short period of time and not having been here for 15 years.

I can understand why the people on the outside may be upset about this as well as people here on the floor. We have heard a lot of arguments today about censorship and about America's commitment to the arts.

Let me just say that my amendment is totally opposed to censorship. The amendment that advocates censorship is the Stenholm amendment. We believe that Government must be responsible for overseeing the taxpayers' money, but we do not believe in censorship if we support my amendment.

The debate is not whether there should be sexually explicit material viewed by adults in the public. The question is whether or not the taxpayers should subsidize sexually explicit art. That is what this issue is all about.

The fact is that sexually explicit art has been subsidized, and we do not believe, and those of us who are voting for this amendment do not believe, it is appropriate to use Federal funds to demonstrate this and to exhibit this or to subsidize the artists in this endeavor.

What about America's commitment to the arts? We have heard today that because I am offering an amendment that the Federal Government should not be spending $171 million for the National Endowment for the Arts that I have, and those people who are supporting this amendment have, some lack of commitment to the arts. The United States spends more money on the arts than any other nation on this planet. The money is not being spent, only except for a minuscule amount, by the Federal Government.

If Members do not believe in censorship, which I do not believe, because I am a writer, we should not believe that the Federal Government should be controlling hundreds of millions of dollars in the arts and making decisions like that for the American people. It is the people themselves, the taxpayers themselves, who should be making decisions about what kind of art is being produced, what kind of artists should be supported and what their local art dealers and what their local art galleries should be displaying.

We are talking about freedom of the arts when we are talking about leaving that money in the hands of the people instead of co-opting $171 million of taxpayers' money, taking it out of the local area and giving it to the Federal bureaucracy and letting them decide how that money will be spent.

I have a commitment to the arts. I am a writer. That is what I do by profession. I am against censorship, because I am a writer. That is why we should leave this money in the hands of the people at the local level to make those decisions for themselves.

I can guarantee the Members that if this money was in the hands of the people, the taxpayers, they would not be sponsoring art like "Piss Christ" and they would not be sponsoring this other type of pornographic art. If they did, it would be their own business. I would just leave the Members with this: I have heard a lot of arguments today, and there have been a lot of people suggesting that those of us who are supporting my amendment are in favor of some kind of censorship. That is wrong.

The people have been questioning our commitment to the arts. That is wrong.

What this is about is whether or not in this time of budget crisis, when we have to make decisions on priorities, whether we are going to spend money on prenatal care and whether we are going to be talking about the school lunch program, whether or not we are going to siphon that money away into something that should be handled specifically by the private sector.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

□ 1510

Mr. STENHOLM. Mr. Chairman, never have so many words been uttered on this floor which have no basis whatsoever in fact about my intent with this amendment.

Censorship: absolutely not. I offer this amendment because I have been persuaded in numerous conversations with the gentleman from Illinois [Mr. YATES], chairman of the subcommittee, that he is avoiding censorship with what he and my colleague, the gentleman from Texas [Mr. ARMEY] have been attempting to do to address the problem.

Political pressure: you better believe it. To my colleagues who say there is no basis on this floor to have political pressure put on those agencies who depend upon us for money, I am here to participate in putting political pressure and believe that to be anything but censorship.

My colleague from Texas [Mr. BARTLETT] makes a point, and I am rather surprised that he is here today not accepting victory instead of saying we must do more, because I happen to believe that since 1985 the message has been received. If we have had $45,000 worth of questions since 1985 because of the activities of my colleague, the gentleman from Texas [Mr. BARTLETT]

and I believe the gentleman from Texas [Mr. ARMEY] was also present at that time and involved, and I know we were too in a helpful way, if only the rest of the government would perform in listening to the intent of Congress as well as NEA has done since 1985.

Censorship? No, absolutely not. If my amendment is censorship, as my colleague from Texas charged, then I would say let us put it in perspective. The amendment of the gentleman from Texas is also censorship, and mine is 0.004 as much. I disavow any censorship in his amendment or in mine.

What I am saying is we are sending an appropriate political message. Through the work of the committee, led by Chairman YATES, we are delivering that message, and I am predicting that we will come back here in 4 years and again declare victory. I wish we could do it today.

Mr. ARMEY. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, again I express my appreciation to both the ranking member and the chairman and the members of the committee, and again express my regret that we have spent so much of our time today on what clearly has to be that portion of their bill which is the least urgent to the Nation's health and welfare. But still, nevertheless, that is where the controversy is found.

As we discuss this issue then, whether or not to pass on the $14.4 million reminder of responsibility that I offer for this agency, many Members have claimed that this is censorship. Let me be very clear about this. The issue is not censorship with this amendment. That claim is out of therapeutic rationalization of a social injustice that is beneath the dignity of those who make it, and we ought not fool ourselves.

The question is discipline. Will this agency that has the privilege of spending the money of the American working men and women; the average working man and woman in America would have had to work 276 days of their working life to pay for Mapplethorpe and Serrano, and they would not have spent their money that foolishly; will this agency, after having ignored the message we sent of $9 million in 1985, after ignoring the legislation, will they be sensitive to the American people?

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has expired.

The gentleman from Illinois [Mr. YATES] has 30 seconds remaining.

Mr. YATES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. STENHOLM] to the perfecting amendment offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 361, noes 65, answered "present" 1, not voting 4, as follows:

[Roll No. 132]

AYES—361

Ackerman	Dwyer	Kastenmeier
Akaka	Dymally	Kennedy
Alexander	Dyson	Kennelly
Anderson	Early	Kildee
Andrews	Eckart	Kolbe
Annunzio	Edwards (CA)	Kolter
Anthony	Edwards (OK)	LaFalce
Applegate	Emerson	Lagomarsino
Aspin	English	Lancaster
Atkins	Erdreich	Lantos
AuCoin	Espy	Laughlin
Baker	Evans	Leach (IA)
Barnard	Fascell	Leath (TX)
Bateman	Fawell	Lehman (CA)
Bates	Fazio	Lehman (FL)
Beilenson	Feighan	Leland
Bennett	Fish	Lent
Bentley	Flake	Levin (MI)
Bereuter	Flippo	Levine (CA)
Berman	Florio	Lewis (CA)
Bevill	Ford (MI)	Lewis (FL)
Bilbray	Ford (TN)	Lewis (GA)
Bilirakis	Frank	Lipinski
Bliley	Frenzel	Lloyd
Boehlert	Frost	Long
Boggs	Garcia	Lowery (CA)
Bonior	Gaydos	Lowey (NY)
Borski	Gejdenson	Luken, Thomas
Bosco	Gephardt	Machtley
Boucher	Gibbons	Madigan
Boxer	Gilman	Manton
Brennan	Glickman	Markey
Brooks	Gonzalez	Marlenee
Broomfield	Goodling	Martin (IL)
Browder	Gordon	Martin (NY)
Brown (CA)	Goss	Martinez
Bruce	Gradison	Matsui
Bryant	Grandy	Mavroules
Buechner	Grant	Mazzoli
Bunning	Gray	McCloskey
Bustamante	Green	McCollum
Byron	Guarini	McCrery
Campbell (CO)	Gunderson	McCurdy
Cardin	Hall (OH)	McDade
Carper	Hall (TX)	McDermott
Carr	Hamilton	McEwen
Chandler	Hammerschmidt	McGrath
Chapman	Hansen	McHugh
Clarke	Harris	McMillan (NC)
Clay	Hastert	McMillen (MD)
Clement	Hatcher	McNulty
Clinger	Hawkins	Meyers
Coble	Hayes (IL)	Mfume
Coleman (MO)	Hayes (LA)	Michel
Coleman (TX)	Hefley	Miller (CA)
Conte	Hefner	Miller (OH)
Cooper	Henry	Miller (WA)
Costello	Hertel	Mineta
Coughlin	Hiler	Moakley
Courter	Hochbrueckner	Molinari
Coyne	Hopkins	Mollohan
Craig	Horton	Montgomery
Dannemeyer	Hoyer	Moody
Darden	Hubbard	Moorhead
Davis	Huckaby	Morella
de la Garza	Hughes	Morrison (CT)
DeFazio	Hutto	Morrison (WA)
Dellums	Ireland	Mrazek
Derrick	Jacobs	Murphy
Dickinson	James	Murtha
Dicks	Jenkins	Myers
Dingell	Johnson (CT)	Nagle
Dixon	Johnson (SD)	Natcher
Donnelly	Johnston	Neal (MA)
Dorgan (ND)	Jones (NC)	Neal (NC)
Downey	Jontz	Nelson
Dreier	Kanjorski	Nowak
Durbin	Kaptur	Oakar
Oberstar	Russo	Stearns
Obey	Sabo	Stenholm
Olin	Saiki	Stokes
Ortiz	Sangmeister	Sundquist
Owens (UT)	Sarpalius	Swift
Oxley	Savage	Synar
Pallone	Sawyer	Tallon
Panetta	Saxton	Tauke
Parker	Scheuer	Tauzin
Parris	Schiff	Thomas (CA)
Patterson	Schneider	Thomas (GA)
Paxon	Schroeder	Thomas (WY)
Payne (NJ)	Schuette	Torricelli
Payne (VA)	Schulze	Towns
Pease	Schumer	Traficant
Pelosi	Sharp	Traxler
Penny	Shaw	Udall
Perkins	Shays	Unsoeld
Pickett	Sikorski	Upton
Pickle	Sisisky	Valentine
Porter	Skaggs	Vander Jagt
Poshard	Skeen	Vento
Price	Skelton	Visclosky
Pursell	Slattery	Volkmer
Quillen	Slaughter (NY)	Vucanovich
Rahall	Slaughter (VA)	Walgren
Rangel	Smith (FL)	Walsh
Ray	Smith (IA)	Watkins
Regula	Smith (NE)	Waxman
Rhodes	Smith (NJ)	Weldon
Richardson	Smith (TX)	Wheat
Ridge	Smith (VT)	Whittaker
Rinaldo	Smith, Denny (OR)	Whitten
Ritter	Smith, Robert (OR)	Wilson
Roberts	Snowe	Wise
Robinson	Solarz	Wolf
Roe	Spence	Wolpe
Rogers	Spratt	Wyden
Rose	Staggers	Wylie
Rostenkowski	Stallings	Yates
Rowland (CT)	Stark	Yatron
Rowland (GA)		Young (AK)
Roybal		Young (FL)

NOES—65

Archer	Gallo	Pashayan
Armey	Gekas	Petri
Ballenger	Gillmor	Rohrabacher
Bartlett	Gingrich	Roth
Barton	Hancock	Roukema
Brown (CO)	Herger	Schaefer
Burton	Hoagland	Sensenbrenner
Callahan	Holloway	Shumway
Campbell (CA)	Houghton	Shuster
Combest	Hunter	Smith (MS)
Cox	Inhofe	Smith, Robert (NH)
Crane	Jones (GA)	Solomon
Crockett	Kasich	Stangeland
DeLay	Kleczka	Studds
DeWine	Kostmayer	Stump
Dornan (CA)	Kyl	Tanner
Douglas	Lightfoot	Torres
Duncan	Livingston	Walker
Engel	Lukens, Donald	Weber
Fields	McCandless	Weiss
Foglietta	Nielson	Williams
Gallegly	Packard	

ANSWERED "PRESENT"—1

Owens (NY)

NOT VOTING—4

Collins	Hyde
Conyers	Ravenel

□ 1536

Messrs. WEISS, HOAGLAND, GEKAS, and FOGLIETTA changed their vote from "aye" to "no."

Messrs. LEACH of Iowa, GREEN, WHEAT, HANSEN, SMITH of Vermont, BLILEY, SLAUGHTER of Virginia, AKAKA, and COBLE changed their vote from "no" to "aye."

So the amendment to the perfecting amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STEARNS AS A SUBSTITUTE FOR THE PERFECTING AMENDMENT, AS AMENDED OFFERED BY MR. ARMEY

Mr. STEARNS. Mr. Chairman, I offer an amendment as a substitute for the perfecting amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. STEARNS as a substitute for the perfecting amendment, as amended, offered by Mr. ARMEY:

In lieu of the amendment offered by Congressman ARMY insert the following.

Page 76, line 18 strike "144,250,000" and insert in lieu thereof "137,037,500".

The CHAIRMAN. Under the previous unanimous consent order of the committee, this amendment is not debatable. The question, therefore, is on the amendment offered by the gentleman from Florida [Mr. STEARNS] as a substitute for the perfecting amendment offered by the gentleman from Texas [Mr. ARMEY], as amended.

The question was taken; the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 95, noes 328, not voting 8, as follows:

[Roll No. 133]

AYES—95

Archer	Hall (OH)	Pashayan
Armey	Hall (TX)	Patterson
Ballenger	Hamilton	Petri
Bartlett	Hancock	Ridge
Barton	Hansen	Ritter
Bennett	Hefley	Rohrabacher
Brennan	Herger	Roth
Brown (CO)	Hoagland	Roukema
Bunning	Holloway	Sarpalius
Burton	Hopkins	Sensenbrenner
Callahan	Hubbard	Shumway
Campbell (CA)	Hunter	Shuster
Coble	Inhofe	Slaughter (VA)
Combest	Kaptur	Smith (MS)
Cox	Kasich	Smith (NE)
Craig	Kyl	Smith (NJ)
Crane	Leath (TX)	Smith, Denny (OR)
Dannemeyer	Lightfoot	Smith, Robert (NH)
DeLay	Livingston	Solomon
DeWine	Lukens, Donald	Stangeland
Dickinson	Madigan	Stearns
Donnelly	Marlenee	Stump
Dornan (CA)	Martin (IL)	Tallon
Douglas	McEwen	Tanner
Dreier	Michel	Walgren
Duncan	Miller (OH)	Walker
Emerson	Molinari	Weber
Fields	Montgomery	Wilson
Gallegly	Moorhead	Young (AK)
Gekas	Nielson	
Gingrich	Packard	
Goodling	Parker	
Gradison	Parris	

NOES—328

Ackerman	Bates	Boucher
Akaka	Beilenson	Boxer
Alexander	Bentley	Brooks
Anderson	Bereuter	Broomfield
Andrews	Berman	Browder
Annunzio	Bevill	Brown (CA)
Anthony	Bilbray	Bruce
Applegate	Bilirakis	Bryant
Aspin	Bliley	Buechner
Atkins	Boehlert	Bustamante
AuCoin	Boggs	Byron
Baker	Bonior	Campbell (CO)
Barnard	Borski	Cardin
Bateman	Bosco	Carper
Carr	Jones (GA)	Pursell
Chandler	Jones (NC)	Quillen
Chapman	Jontz	Rahall
Clarke	Kanjorski	Rangel
Clay	Kastenmeier	Ray
Clement	Kennedy	Regula
Clinger	Kennelly	Rhodes
Coleman (MO)	Kildee	Richardson
Coleman (TX)	Kleczka	Rinaldo
Conte	Kolbe	Roberts
Cooper	Kolter	Robinson
Costello	Kostmayer	Roe
Coughlin	LaFalce	Rogers
Courter	Lagomarsino	Rostenkowski
Coyne	Lancaster	Rowland (CT)
Crockett	Lantos	Rowland (GA)
Darden	Laughlin	Roybal
Davis	Leach (IA)	Russo
de la Garza	Lehman (CA)	Sabo
DeFazio	Lehman (FL)	Saiki
Dellums	Leland	Sangmeister
Derrick	Lent	Savage
Dicks	Levin (MI)	Sawyer
Dingell	Levine (CA)	Saxton
Dixon	Lewis (CA)	Schaefer
Dorgan (ND)	Lewis (FL)	Scheuer
Downey	Lewis (GA)	Schiff
Durbin	Lipinski	Schneider
Dwyer	Lloyd	Schroeder
Dymally	Long	Schuette
Dyson	Lowery (CA)	Schulze
Early	Lowey (NY)	Schumer
Eckart	Luken, Thomas	Sharp
Edwards (CA)	Machtley	Shaw
Edwards (OK)	Manton	Shays
Engel	Markey	Sikorski
English	Martin (NY)	Sisisky
Erdreich	Martinez	Skaggs
Espy	Matsui	Skeen
Evans	Mavroules	Skelton
Fascell	Mazzoli	Slattery
Fawell	McCandless	Slaughter (NY)
Fazio	McCloskey	Smith (FL)
Feighan	McCollum	Smith (IA)
Fish	McCrery	Smith (TX)
Flake	McCurdy	Smith (VT)
Flippo	McDade	Smith, Robert (OR)
Florio	McDermott	Snowe
Foglietta	McGrath	Solarz
Ford (MI)	McHugh	Spence
Ford (TN)	McMillan (NC)	Spratt
Frank	McMillen (MD)	Staggers
Frost	McNulty	Stallings
Gallo	Meyers	Stark
Garcia	Mfume	Stenholm
Gaydos	Miller (CA)	Stokes
Gejdenson	Miller (WA)	Studds
Gephardt	Mineta	Sundquist
Gibbons	Moakley	Swift
Gillmor	Mollohan	Synar
Gilman	Moody	Tauke
Glickman	Morella	Tauzin
Gonzalez	Morrison (CT)	Thomas (GA)
Gordon	Morrison (WA)	Thomas (WY)
Goss	Mrazek	Torres
Grandy	Murphy	Torricelli
Grant	Murtha	Towns
Gray	Myers	Traficant
Green	Nagle	Traxler
Guarini	Natcher	Udall
Gunderson	Neal (MA)	Unsoeld
Hammerschmidt	Neal (NC)	Upton
Harris	Nelson	Valentine
Hastert	Nowak	Vander Jagt
Hatcher	Oakar	Vento
Hawkins	Oberstar	Visclosky
Hayes (IL)	Obey	Volkmer
Hayes (LA)	Olin	Vucanovich
Hefner	Ortiz	Watkins
Henry	Owens (NY)	Waxman
Hertel	Owens (UT)	Weiss
Hiler	Oxley	Weldon
Hochbrueckner	Pallone	Wheat
Horton	Panetta	Whittaker
Houghton	Paxon	Whitten
Hoyer	Payne (NJ)	Williams
Huckaby	Payne (VA)	Wise
Hughes	Pease	Wolf
Hutto	Pelosi	Wolpe
Ireland	Penny	Wyden
Jacobs	Perkins	Wylie
James	Pickett	Yates
Jenkins	Pickle	Yatron
Johnson (CT)	Porter	Young (FL)
Johnson (SD)	Poshard	
Johnston	Price	

NOT VOTING—8

Collins	Hyde	Thomas (CA)
Conyers	Ravenel	Walsh
Frenzel	Rose	

□ 1557

Mr. HALL of Texas changed his vote from "no" to "aye."

So the amendment offered as a substitute for the perfecting amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WALSH. Mr. Chairman, on rollcall No. 133 I was unavoidably detained in committee. Had I been present I would have voted "no."

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from Texas [Mr. ARMEY], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 332, noes 94, not voting 5, as follows:

[Roll No. 134]

AYES—332

Alexander	Cooper	Gonzalez
Andrews	Costello	Goodling
Annunzio	Coughlin	Gordon
Anthony	Courter	Goss
Applegate	Cox	Gradison
Archer	Craig	Grandy
Armey	Crane	Grant
Aspin	Dannemeyer	Gray
Baker	Darden	Guarini
Ballenger	Davis	Gunderson
Barnard	de la Garza	Hall (OH)
Bartlett	DeFazio	Hall (TX)
Barton	DeLay	Hamilton
Bateman	Derrick	Hammerschmidt
Bennett	DeWine	Hancock
Bentley	Dickinson	Hansen
Bereuter	Dingell	Harris
Bevill	Donnelly	Hastert
Bilbray	Dorgan (ND)	Hatcher
Bilirakis	Dornan (CA)	Hayes (LA)
Bliley	Douglas	Hefley
Boehlert	Dreier	Hefner
Boggs	Duncan	Herger
Bonior	Durbin	Hiler
Borski	Dwyer	Hoagland
Bosco	Dyson	Holloway
Boucher	Early	Hopkins
Brennan	Eckart	Horton
Broomfield	Edwards (OK)	Hubbard
Browder	Emerson	Huckaby
Brown (CO)	English	Hughes
Bruce	Erdreich	Hunter
Bryant	Espy	Hutto
Buechner	Fawell	Inhofe
Bunning	Fields	Ireland
Burton	Fish	Jacobs
Bustamante	Flake	James
Byron	Flippo	Jenkins
Callahan	Florio	Johnson (CT)
Campbell (CO)	Frost	Johnson (SD)
Carper	Gallegly	Johnston
Carr	Gallo	Jones (NC)
Chandler	Garcia	Jontz
Chapman	Gaydos	Kanjorski
Clarke	Gekas	Kaptur
Clement	Gephardt	Kasich
Clinger	Gibbons	Kennedy
Coble	Gillmor	Kennelly
Coleman (MO)	Gilman	Kildee
Coleman (TX)	Gingrich	Kolbe
Combest	Glickman	Kolter

Kyl	Owens (UT)	Skelton
LaFalce	Oxley	Slattery
Lagomarsino	Packard	Slaughter (NY)
Lancaster	Pallone	Slaughter (VA)
Lantos	Panetta	Smith (IA)
Laughlin	Parker	Smith (MS)
Leath (TX)	Parris	Smith (NE)
Lehman (CA)	Pashayan	Smith (NJ)
Lent	Patterson	Smith (TX)
Levin (MI)	Paxon	Smith, Denny (OR)
Lewis (CA)	Payne (VA)	Smith, Robert (NH)
Lewis (FL)	Penny	Smith, Robert (OR)
Lightfoot	Perkins	Snowe
Livingston	Petri	Solomon
Lloyd	Pickett	Spence
Long	Pickle	Spratt
Lowery (CA)	Porter	Staggers
Lukens, Donald	Poshard	Stallings
Machtley	Price	Stangeland
Madigan	Pursell	Stearns
Manton	Quillen	Stenholm
Marlenee	Rangel	Stump
Martin (IL)	Ray	Sundquist
Martin (NY)	Regula	Swift
Martinez	Rhodes	Synar
Mazzoli	Richardson	Tallon
McCandless	Ridge	Tanner
McCloskey	Rinaldo	Tauke
McCollum	Ritter	Tauzin
McCrery	Roberts	Thomas (CA)
McCurdy	Roe	Thomas (GA)
McDade	Rogers	Thomas (WY)
McEwen	Rohrabacher	Torricelli
McGrath	Rose	Traficant
McMillan (NC)	Rostenkowski	Traxler
McMillen (MD)	Roth	Unsoeld
McNulty	Roukema	Upton
Meyers	Rowland (CT)	Valentine
Michel	Rowland (GA)	Vander Jagt
Miller (OH)	Russo	Vento
Miller (WA)	Saiki	Visclosky
Moakley	Sangmeister	Volkmer
Molinari	Sarpalius	Vucanovich
Mollohan	Sawyer	Walgren
Montgomery	Saxton	Walker
Moorhead	Schaefer	Walsh
Morrison (WA)	Schiff	Watkins
Mrazek	Schneider	Weber
Murphy	Schroeder	Weldon
Murtha	Schuette	Whittaker
Myers	Schulze	Wilson
Nagle	Sensenbrenner	Wise
Natcher	Sharp	Wolf
Neal (NC)	Shaw	Wylie
Nelson	Shays	Yatron
Nielson	Shumway	Young (AK)
Nowak	Shuster	Young (FL)
Oberstar	Sikorski	
Obey	Sisisky	
Olin	Skaggs	
Ortiz	Skeen	

NOES—94

Ackerman	Gejdenson	Neal (MA)
Akaka	Green	Oakar
Anderson	Hawkins	Owens (NY)
Atkins	Hayes (IL)	Payne (NJ)
AuCoin	Henry	Pease
Bates	Hertel	Pelosi
Bellenson	Hochbrueckner	Rahall
Berman	Houghton	Robinson
Boxer	Hoyer	Roybal
Brooks	Jones (GA)	Sabo
Brown (CA)	Kastenmeier	Savage
Campbell (CA)	Kleczka	Scheuer
Cardin	Kostmayer	Schumer
Clay	Leach (IA)	Smith (FL)
Conte	Lehman (FL)	Smith (VT)
Coyne	Leland	Solarz
Crockett	Levine (CA)	Stark
Dellums	Lewis (GA)	Stokes
Dicks	Lipinski	Studds
Dixon	Lowey (NY)	Torres
Downey	Luken, Thomas	Towns
Dymally	Markey	Udall
Edwards (CA)	Matsui	Waxman
Engel	Mavroules	Weiss
Evans	McDermott	Wheat
Fascell	McHugh	Whitten
Fazio	Mfume	Williams
Feighan	Miller (CA)	Wolpe
Foglietta	Mineta	Wyden
Ford (MI)	Moody	Yates
Ford (TN)	Morella	
Frank	Morrison (CT)	

NOT VOTING—5

Collins	Frenzel	Ravenel
Conyers	Hyde	

□ 1615

Mrs. UNSOELD and Messrs. BOUCHER, MOAKLEY, and PORTER changed their vote from "no" to "aye."

So the perfecting amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 46, line 3, strike "construction" and insert "completion".

Mr. YATES. Mr. Chairman, this correction is purely a technical amendment, and I need say nothing beyond that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from California [Mr. SHUMWAY], the gentleman from California [Mr. FAZIO], and the gentleman from California [Mr. MATSUI] have asked to have a colloquy with me.

Mr. SHUMWAY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I am happy to yield to the gentleman from California.

Mr. SHUMWAY. Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee and my colleagues from Sacramento regarding a $300,000 funding provision in this bill to conduct a study of the feasibility and desirability of a national recreation area at the Auburn Dam site on the American River in California.

This site is in my congressional district and coincides with the site for the authorized Auburn Dam. As a long-time supporter of this multi-purpose project, and as one who has advocated its completion, I am concerned that we are authorizing a study for a proposal which might be at cross-purposes with the multipurpose project. Indeed, there have been past proposals by opponents of the multpurpose dam that a National Recreation Area be designated at that site in lieu of completing the multipurpose project.

I do not support an NRA at the Auburn site if it in any way impedes my efforts, and the efforts of my constituents, to work for completion of this needed multipurpose project.

Mr. YATES. The gentleman has raised an important point. As the language in the committee report accompanying H.R. 2788 says the study shall examine the desirability and feasiblity of an NRA "in association with a flood control or multipurpose project * * * And such study shall assume the potential floodabilty of the NRA as a result of the construction of a multipurpose dam or the eventual enlargement of a facility built primarily or exclusively for flood control in the near term."

Mr. SHUMWAY. This provision then in no way prejudges the desirability of completing the multipurpose project as opposed to a flood control-only project. Is that correct?

Mr. YATES. The gentleman is correct.

Mr. SHUMWAY. The study, then, is not to look at whether an NRA is preferable in lieu of a multipurpose dam, but rather only looks at the possibility of an NRA in conjunction with a multipurpose dam or an expandable flood control dam which is inundated in its second stage. Is that correct?

Mr. YATES. The gentleman is correct.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. FAZIO Let me assure my colleague from California that it is my intent that this study provision simply serve to ensure that all of the needed information is available next year so that when the corps completes their report, and the Bureau of Reclamation also completes their work, the affected communities and the Congress will be in a position to make a fully informed choice between the expandable flood control options and the multipurpose project options.

We don't know if an NRA proposal is or is not compatible with the various flood control options, including the multipurpose options. That's what the study is to determine. It is not intended to bias the debate toward or against a multipurpose project or an expandable dry dam option in any way.

Mr. MATSUI. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. MATSUI. I would concur with the chairman and Mr. FAZIO regarding our intent on this NRA study provision. The Sacramento area is in dire need of flood protection, and while this is only one issue in that larger debate, it is important that we have the information needed on all of these issues to ensure that the decisions on flood control are made in a timely fashion.

This study does not envision that an NRA would be designated at cross purposes to any of the flood control op-

tions including a multiurpose project. Indeed there are a number of Bureau of Reclamation multipurpose projects which have NRA's designated in association with them, such as Shasta and Lake Berryessa.

Mr. SHUMWAY. I thank the Chairman and my colleagues from Sacramento and with those assurances I will not oppose this provision.

Mr. YATES. Mr. Chairman, I have been requested to engage in a colloquy with the gentleman from Washington [Mr. CHANDLER].

I yield to the gentleman from Washington for that purpose.

Mr. CHANDLER. Mr. Chairman, I rise to commend the Appropriations Committee, Chairman YATES, my distinguished colleague from the State of Washington, Mr. DICKS, and the other members of the Interior Subcommittee for their excellent work on this bill.

I am particularly pleased with the inclusion of $25 million for trail maintenance. This has been an important issue for the Washington delegation. Over the past 4 years we have succeeded in bringing trail funding up from a low of $9.3 million in fiscal year 1985 to over $21 million for fiscal year 1989. This year's appropriation of $25 million is both badly needed and greatly appreciated.

Unfortunately, in spite of last year's record outlay on a national basis, the State of Washington suffered a significant decrease due to program cuts in the Senate and poor Forest Service policy planning.

At this time, I would like to enter into a colloquy with my colleague the chairman of the subcommittee Mr. YATES.

In fiscal year 1989, the actual trail appropriation for the Pacific Northwest Region was $3.5 million, about $2 million less than the fiscal year 1987 figure. There was also a $2 million reduction within region 6 because of a line item specifying this money for the Siskiyou National Forest and the Mt. St. Helens National Volcanic Monument.

The result was that about $1.5 million was left to be distributed to all other national forests in region 6. In the case of Mt. Baker Snoqualmie National Forest, this cut resulted in a reduction of trail construction from about $590,000 in fiscal year 1988 to less than $200,000 in fiscal year 1989, effectively gutting the forest's trail program and totally disrupting long-term planning.

Is it your understanding that any program cuts for trail maintenance are meant to be spread out on a nationwide basis, and not limited to individual forest service regions?

Mr. YATES. Yes, the gentleman from Washington is correct. Program cuts should be spread out on a nationwide basis, and not limited to individual forest service regions. Last year's Forest Service decision to cut the total amount for region 6 and then fund some programs within the region at the expense of other forests there was inappropriate and it should not be done again. Nothing in this bill authorizes these kind of allocations.

Mr. CHANDLER. I thank the gentleman and the committee for their support and assistance.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 5 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the chairman first of all for engaging in this colloquy. The trail program is something that the gentleman from Illinois has been a very great leader on, and we in region 6 appreciate the fact that he is going to help us to try to keep some of the trail moneys in our area.

I also want to commend my friend, the gentleman from Washington, who has been a tireless advocate for expanding the resources for the trails, and I enjoyed working with the gentleman on this important project for our State.

Mr. YATES. Mr. Chairman, I have been requested by the gentleman from Iowa [Mr. NAGLE] to engage in a colloquy.

I yield to the gentleman from Iowa for that purpose.

Mr. NAGLE. Mr. Chairman, as we have talked about, I have a Indian settlement in my district, the Sac and Fox Tribe Settlement located near Tama, IA. The Bureau of Indian Affairs [BIA] owns and operates the school building in which the tribe educates its children.

I have taken a tour of this school building and have found that the BIA has been woefully negligent in providing for the safe upkeep and maintenance of the building. At present, I believe this 52-year-old, all-wooden building to be a safety hazard for the students and teachers that use the building.

While I am aware of the BIA's policy to not fund new school construction at settlements where an alternative public school is within 100 miles of the settlement; I am truly concerned about the safety of the individuals using the building. The Sac and Fox Tribe has a deep commitment to educating their children in their cultural heritage as well as in the traditional subjects taught in our public schools, but the condition of the building is beginning to impair that process.

We discussed the budget problems when we talked earlier about this subject and I accept those limitations. However, I want to urge the BIA to address the safety problems at the Sac and Fox Settlement school at the earliest possible time.

Mr. YATES. I appreciate the gentleman bringing this issue to my attention. Your request is very commendable. I know you are aware of the constraints on the budget this year and the work I am trying to do in my subcommittee with this limiting budget. I want to assure you that I will have the Bureau of Indian Affairs look closely into the problem you mention in your district and I invite you to come before my subcommittee in the future with a similar request.

Mr. NAGLE. Thank you, Mr. Chairman, for your concern and assistance. It is appreciated.

Mr. REGULA. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Virginia. [Mr. PARRIS] for the purposes of a colloquy.

Mr. PARRIS. Mr. Chairman, I thank the gentleman for yielding. I would like to engage in a colloquy with the gentleman concerning the $5.1 million which was cut from the request for the U.S. Park Police multiengine helicopter for drug interdiction and other activities in the Washington metropolitan area.

As the gentleman from Ohio is aware, the mission of the U.S. Park Police Aviation Division located in Anacostia is multifaceted. There are three basic duty categories under which this unit operates. Specifically, medivac, drug and law enforcement and Secret Service support.

The missions flown by the Park Police Aviation Section are some of the most demanding in civil aviation, utilizing two aging single engine helicopters.

The helicopters provide aerial support to police ground units in instances such as drug interdiction, search and apprehension of wanted subjects, and car chases. The aircraft are also utilized extensively in aerial marijuana eradication efforts.

Since 1973, the aviation unit has averaged more than 300 critical medical evacuations per year from the actual crime or accident scenes. Greater than 85 percent of those transported by the Park Police unit to area specialty and shock trauma facilities have survived. The unit is also responsible for rescuing an average of 20 people per year from almost certain death in the treacherous waters of the Potomac River, not to mention the 5 survivors who were plucked from the icy waters of the Potomac following the 1982 crash of Air Florida's Flight 90.

The Aviation Unit is also responsible for providing aerial surveillance and security during Presidential, Vice Presidential, and VIP motorcades, and

during their flights in and out of Andrews Air Force Base.

The unit is sorely in need of the replacement twin engine helicopter not only because of the age and number of hours on the existing single-engine aircraft, but also because of the increased operational capability demands which have been placed upon the unit, and for safety reasons.

The gentleman from Ohio will recall that he and I engaged in another colloquy on this very same subject on July 31, 1985, a copy of which I include in the RECORD at this point. The gentleman also raised this issue during Interior Subcommittee hearings in both 1986 and 1988.

Mr. PARRIS. Mr. Chairman, I would like to engage the ranking minority member in a short colloquy, if I could.

The Park Police Aviation Union in Anacostia was formed in 1973. To date it has logged over 12,600 accident-free flight hours, has transported over 1,945 patients on flights from accident scenes in the Washington metropolitan area.

In addition, this unit has rescued countless people from certain death after they have fallen in or have wandered into the dangerous waters of the Potomac River at Great Falls.

The unit provides security for the President, Vice President, visiting dignitaries, and the like.

The Park Police Aviation section is in serious need of more up-to-date aircraft. It is particularly important that this be done to ensure the safety of the pilots, medical technicians, and patients, while carrying out rescue and medivac operations.

To this end, I will seek to have $3,518,714 included in the fiscal year 1986 Interior supplemental appropriations bill in the spring for the procurement of two Bell 222 UT helicopters, the cost of which would be offset by disposing of the unit's present aircraft.

Would the gentleman respond to that?

I yield to the gentleman from Ohio.

Mr. REGULA. Would the gentleman from Virginia expand a little bit and summarize the cost that would be associated with this procurement.

Mr. PARRIS. I would be delighted to provide that information and, of course, will do so for the record.

Each aircraft with the necessary equipment and necessary medivac rescue modifications would cost $1,759,357 less, of course, the surplus value of their current aircraft.

Mr. REGULA. I thank the gentleman for his contribution. I think he makes a point that we overlook and that is that the Park Service has a very substantial responsibility in the metropolitan area of Virginia, the District of Columbia, and Maryland, because of the highway supervision. They are a police force that most people do not realize are carrying this burden of covering such a large area.

I agree with the gentleman that the need for the new aircraft is clear. It is a medivac type of thing. I would be happy and I am confident the Chairman would be to consider such a proposal when we get the fiscal year 1986 supplemental appropriations bill.

Mr. PARRIS. Mr. Chairman, I thank the gentleman very much for his interest in this matter and express my hope that the proposal will receive the support of the committee at the time of the supplemental.

I would just add that the critical factor here is they have single-engine airplanes now with limited lift capability. If you get a net hanging under one of these helicopters and there are 8 or 10 people in the river and they all get on the net at the same time, you are going to lose the people, the pilots, and the helicopter, without the twin-engine capability. I think that is an important safety consideration which deserves the committee's attention.

I thank the gentleman.

I was very pleased to see that the President included $3.9 million in his budget request for a new twin engine helicopter for the unit. I was disturbed to learn, however, that the subcommittee struck all but $759,000, just enough to cover the first year of a 7-year lease of the aircraft. Not only will this cost the Government an additional $1.4 million, but the committee failed to provide for the additional fuel and maintenance costs of the new aircraft which are in the area of $260,000, and pilot training costs of $75,000.

My question is this, were I to abstain from offering an amendment to restore the $5.1 million cut in committee, would the gentleman from Ohio be willing to assist this Member in appealing to the prospective conferees on the need for increased operational and training funds for the helicopter, and on the critical need for secure-voice radios and 9 mm weapons for the Park Police?

Mr. REGULA. Yes. In response to the gentleman, I am sympathetic to the concerns raised by the gentleman from Virginia.

I would point out, however, that the appropriations for the U.S. Park Police has grown by 55.8 percent since 1986, and that the bill today also represents an increase of $3,147,000 over last year's level which, of course, includes the $1.7 million increase for drug enforcement.

If, however, we learn between now and conference that the funding provided in the committee bill is in fact insufficient to cover the lease cost of the helicopter, we will examine that issue in the conference.

I appreciate the gentleman's bringing these concerns to my attention because we do want to insure that there is adequate protection for the Park Police and adequate equipment to do their job.

Mr. PARRIS. I thank the gentleman.

□ 1630

The CHAIRMAN. Are there further amendments to title II of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided*, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

SEC. 303. Not part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 305. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 306. None of the funds provided in this Act to any department or agency shall be obligated or expended to provided a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 307. No funds appropriated or made available, heretofore or hereafter, under this or any other Act may be used by the executive branch or contract with organizations outside the Department of Energy to perform studies of the potential transfer out of Federal ownership, management or control by sale, lease, or other disposition, in whole or in part, the facilities and functions of Naval Petroleum Reserve Numbered 1 (Elk Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912, and Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915: *Provided*, That the negotiation of changes to the unit plan contract with Chevron which governs operation of Elk Hills, where the purpose of the changes is to prepare for the divestiture of the Reserve, is prohibited.

SEC. 308. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 309. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 310. Employment funded by this Act shall not be subject to any personal ceiling or other personel restriction for permanent or other than permanent employment except as provided by law.

SEC. 311 Notwithstanding any other provision of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 312. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 313. The Forest Service and Bureau of Land Management are to continue to complete as expeditiously as possible development of their respective Forest Land and Resource Management Plans to meet all applicable statutory requirements. Notwithstanding the date in section 6(c) of the NFMA (16 U.S.C. 1600), the Forest Service and the Bureau of Land Management under separate authority, may continue the management of lands within their jurisdiction under existing land and resource management plans pending the completion of new plans. Nothing shall limit judicial review of particular activities on these lands: *Provided, however,* That there shall be no challenges to any existing plan on the sole basis that the plan in its entirety is outdated, or in the case of the Bureau of Land Management, solely on the basis that the plan does not incorporate information available subsequent to the completion of the existing plan: *Provided further,* That any and all particular activities to be carried out under existing plans may nevertheless be challenged.

SEC. 314. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands until an environmental assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves will be done only to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

SEC. 315. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there points of order against title III of the bill?

Are there amendments to title III of the bill?

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Beginning on page 82, line 14, strike all through page 83, line 4.

Mr. YATES. Mr. Chairman, the amendment deletes a provision enacted into law in fiscal 1989 dire Emergency Supplemental Appropriations Act (Public Law 101-45) dealing with restrictions on naval petroleum reserves divestiture activity.

Mr. REGULA. Mr. Chairman, we support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

Mr. YATES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose and the Speaker pro tempore (Mr. FASCELL) having assumed the chair, Mr. BOUCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that committtee, having had under consideration the bill (H.R. 2788) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 374, noes 49, not voting 8, as follows:

[Roll No. 135]

AYES—374

Ackerman	Fascell	Leath (TX)
Akaka	Fawell	Lehman (CA)
Alexander	Fazio	Lehman (FL)
Anderson	Feighan	Leland
Andrews	Fish	Lent
Annunzio	Flake	Levin (MI)
Anthony	Flippo	Levine (CA)
Applegate	Florio	Lewis (CA)
Aspin	Foglietta	Lewis (FL)
Atkins	Ford (MI)	Lewis (GA)
AuCoin	Ford (TN)	Lightfoot
Ballenger	Frank	Lipinski
Barnard	Frost	Lloyd
Bateman	Gallegly	Long
Bates	Gallo	Lowery (CA)
Beilenson	Garcia	Lowey (NY)
Bennett	Gaydos	Luken, Thomas
Bentley	Gejdenson	Lukens, Donald
Bereuter	Gephardt	Machtley
Berman	Gibbons	Madigan
Bevill	Gillmor	Manton
Bilbray	Gilman	Markey
Bilirakis	Gingrich	Marlenee
Boehlert	Glickman	Martin (NY)
Boggs	Gonzalez	Martinez
Bonior	Goodling	Matsui
Borski	Gordon	Mavroules
Bosco	Goss	Mazzoli
Boucher	Gradison	McCandless
Boxer	Grandy	McCloskey
Brennan	Grant	McCollum
Brooks	Gray	McCrery
Broomfield	Green	McCurdy
Browder	Guarini	McDade
Brown (CA)	Gunderson	McDermott
Bruce	Hall (OH)	McEwen
Buechner	Hall (TX)	McGrath
Bustamante	Hamilton	McHugh
Byron	Hammerschmidt	McMillan (NC)
Callahan	Harris	McMillen (MD)
Campbell (CA)	Hatcher	McNulty
Campbell (CO)	Hawkins	Meyers
Cardin	Hayes (IL)	Mfume
Carper	Hayes (LA)	Michel
Carr	Hefner	Miller (CA)
Chandler	Henry	Miller (WA)
Chapman	Herger	Mineta
Clarke	Hertel	Moakley
Clay	Hiler	Molinari
Clement	Hoagland	Mollohan
Clinger	Hochbrueckner	Montgomery
Coleman (MO)	Hopkins	Moody
Coleman (TX)	Horton	Morella
Conte	Houghton	Morrison (CT)
Cooper	Hoyer	Morrison (WA)
Costello	Hubbard	Mrazek
Coughlin	Huckaby	Murphy
Courter	Hughes	Murtha
Coyne	Hunter	Myers
Craig	Hutto	Nagle
Crockett	Ireland	Natcher
Darden	Jacobs	Neal (MA)
Davis	James	Neal (NC)
de la Garza	Jenkins	Nelson
DeFazio	Johnson (CT)	Nowak
Dellums	Johnson (SD)	Oakar
Derrick	Johnston	Oberstar
DeWine	Jones (GA)	Obey
Dickinson	Jones (NC)	Olin
Dicks	Jontz	Ortiz
Dingell	Kanjorski	Owens (NY)
Dixon	Kaptur	Owens (UT)
Donnelly	Kasich	Pallone
Dorgan (ND)	Kastenmeier	Panetta
Douglas	Kennedy	Parker
Downey	Kennelly	Parris
Durbin	Kildee	Pashayan
Dwyer	Kleczka	Patterson
Dymally	Kolbe	Payne (NJ)
Dyson	Kolter	Payne (VA)
Early	Kostmayer	Pease
Eckart	Kyl	Pelosi
Edwards (CA)	LaFalce	Perkins
Emerson	Lagomarsino	Pickett
Engel	Lancaster	Pickle
Erdreich	Lantos	Porter
Espy	Laughlin	Poshard
Evans	Leach (IA)	Price

Pursell	Shaw	Thomas (GA)
Quillen	Shays	Thomas (WY)
Rahall	Sikorski	Torres
Rangel	Sisisky	Torricelli
Ray	Skaggs	Towns
Regula	Skeen	Traficant
Rhodes	Skelton	Traxler
Richardson	Slattery	Udall
Ridge	Slaughter (NY)	Unsoeld
Rinaldo	Slaughter (VA)	Upton
Ritter	Smith (FL)	Valentine
Roberts	Smith (IA)	Vander Jagt
Robinson	Smith (MS)	Vento
Roe	Smith (NE)	Visclosky
Rogers	Smith (NJ)	Volkmer
Rose	Smith (TX)	Vucanovich
Rostenkowski	Smith (VT)	Walgren
Roth	Smith, Robert (OR)	Walsh
Roukema		Watkins
Rowland (CT)	Solarz	Waxman
Rowland (GA)	Spence	Weber
Roybal	Spratt	Weiss
Russo	Staggers	Weldon
Sabo	Stallings	Wheat
Saiki	Stangeland	Whittaker
Sangmeister	Stark	Whitten
Savage	Stearns	Williams
Sawyer	Stenholm	Wilson
Saxton	Stokes	Wise
Scheuer	Studds	Wolf
Schiff	Sundquist	Wolpe
Schneider	Swift	Wyden
Schroeder	Synar	Wylie
Schuette	Tallon	Yates
Schulze	Tanner	Yatron
Schumer	Tauzin	Young (AK)
Sharp	Thomas (CA)	Young (FL)

NOES—49

Archer	Duncan	Penny
Armey	Fields	Petri
Baker	Gekas	Rohrabacher
Bartlett	Hancock	Sarpalius
Barton	Hansen	Schaefer
Bliley	Hastert	Sensenbrenner
Brown (CO)	Hefley	Shumway
Bunning	Holloway	Shuster
Burton	Inhofe	Smith, Denny (OR)
Coble	Livingston	
Combest	Martin (IL)	Smith, Robert (NH)
Cox	Miller (OH)	
Crane	Moorhead	Snowe
Dannemeyer	Nielson	Solomon
DeLay	Oxley	Stump
Dornan (CA)	Packard	Tauke
Dreier	Paxon	Walker

NOT VOTING—8

Bryant	Edwards (OK)	Hyde
Collins	English	Ravenel
Conyers	Frenzel	

□ 1755

The Clerk announced the following pair:

On this vote:

Mrs. Collins for, with Mr. Frenzel against.

Mr. ROBERTS changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2788, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

Mr. YATES. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2788, the Clerk shall be authorized to make any necessary technical corrections.

The SPEAKER pro tempore (Mr. NAGLE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that on tomorrow, Thursday, July 13, 1989, the Committee on Energy and Commerce be permitted to sit during the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. CRAIG. Mr. Speaker, reserving the right to object, let me ask this question of the gentleman: Has this been properly cleared by the minority?

Mr. SHARP. Mr. Speaker, if the gentleman will yield, it certainly has. The gentleman from New York [Mr. LENT] is here, and the gentleman may wish to yield to him.

Mr. LENT. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I yield to the gentleman from New York.

Mr. LENT. Mr. Speaker, the matter has been taken up with the minority. There were some difficulties we had earlier today that have been worked out. I want to agree to the gentleman's unanimous-consent request.

Mr. CRAIG. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CONFERENCE REPORT ON H.R. 1722, NATURAL GAS WELLHEAD DECONTROL ACT OF 1989

Mr. SHARP. Mr. Speaker, I call up the conference report on the bill (H.R. 1722) to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 22, 1989.)

The SPEAKER pro tempore. The gentleman from Indiana [Mr. SHARP] will be recognized for 30 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the conference report on natural gas wellhead decontrol.

It is here because of the great efforts and leadership shown by my colleagues, including: the gentleman from Louisiana [Mr. TAUZIN], the gentleman from California [Mr. MOORHEAD], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from California [Mr. DANNEMEYER], the gentlemen from Texas [Mr. LELAND, Mr. HALL, Mr. FIELDS, Mr. BRYANT, Mr. BARTON], the gentleman from New Mexico Mr. [RICHARDSON], and the gentleman from Michigan our committee chairman [Mr. DINGELL].

Their efforts have brought us this bi-partisan, noncontroversial energy legislation in an area that used to be contentious. The broad consensus we now have helped pass the House bill on the suspension calendar. The Senate approved a nearly identical bill 82 to 17.

The bill ends 35 years of controls on field or wellhead prices on natural gas. These controls still cover about one-third of our Nation's gas supplies; the rest have been decontrolled since 1985.

The remaining controls gradually end by January 1, 1993, as contracts for controlled gas expire or are renegotiated, and as new wells are drilled in old, controlled fields.

This bill is also supported by the administration.

Mr. Speaker, natural gas has a great contribution to make to our energy future.

It's relatively inexpensive, and promises to remain competitive with oil for many years to come. Since 1985, when partial wellhead decontrol ended, prices have dropped by almost $1 per million cubic feet.

New, more efficient gas appliances, new drilling technologies like sidetracking, wellhead decontrol itself, the growing promise of large coal seam gas reserves, and new pipeline hookups from Canada to the Northeast and the West Coast—all these don't guarantee a stable, secure gas future, but they do offer us a good chance for it.

It's an abundant domestic fuel, and can replace oil in many uses—in factories, powerplants, homes, and even autos—and thus lower our foreign oil imports and trade deficit.

It's environmentally benign compared to other fossil fuels, and may become a preferred fuel to generate clean electricity. It can cut harmful coal emissions by cofiring; lower gasoline emissions by use in cars and trucks; and won't spill in the ocean or pollute beaches.

We can no longer afford to waste natural gas. We must start producing it more efficiently. No other fuel, no other commodity in America today remains under Federal price controls—why should gas?

The remaining controls no longer protect consumers by shielding them from free market prices: The 6 percent or so of our supplies that are still controlled at below-market levels are too little to matter anymore. Besides, they cease being cheap as they flow from the wellhead to the ultimate consumer, and are mixed with enough costlier gas to present our constituents with gas priced at market averages. This has been the case nationwide for years.

Only a return to comprehensive complete controls would reverse this state of affairs, and no one is urging that—because it would probably snarl us up in shortages like we had in the 1970s.

The remaining partial controls thus will not stop a future rise in gas prices. This could happen in a cold winter, or an oil crisis, or as demand grows for gas fired electricity or cars. Most of us want low prices to continue. But voting this bill down won't keep prices down.

Consumers are in fact hurt by the remaining controls: Some are very high, many dollars above the market. Some are still too low. Thus, producers avoid some spots—where profits are prohibited—and over-drill in others—where profits are abnormally large.

This distorted investment means we pay more for less production—a real anti-consumer policy—and hinders the most efficient low-cost producers.

Mr. Speaker, on behalf of myself and Messrs. DINGELL, LENT, and MOORHEAD, I want to add the following statement of legislative intent:

With one exception, the provisions of H.R. 1722 as approved by the House and as amended and approved by the Senate are identical.

Identical provisions of both bills: Both the Senate and House bills:

Decontrol gas under expired, terminated, or new contracts, effective on the day after enactment;

Decontrol gas under contracts that expire or terminate during the next 3½ years as these contracts end;

Decontrol any contract renegotiated during this same 3½-year period, in accordance with its new terms; and

Decontrol all remaining regulated gas on January 1, 1993.

As the plain language of the bill makes clear, decontrol occurs when any single one of these different control events occurs.

Newly spudded wells: The only difference between the Senate and House bills was in their treatment of natural gas from newly spudded wells.

The House-passed bill immediately decontrolled such gas. It provided that the flow of gas from all wells spudded after March 23, 1989, is decontrolled after enactment.

The Senate-passed bill had no special provision that decontrolled gas from newly spudded wells. It thus decontrolled such gas only on January 1, 1993, or earlier if the gas from the new well is under a new contract or a contract that expired, terminated, or was renegotiated before 1993.

Background: "Spudding" is a gas industry term for the start of well drilling operations at the surface of the ground. Thus, a newly spudded well means a newly drilled well that is begun after some specified point in time.

There are about 300,000 operating natural gas wells in the Nation today, and about 10,000 new ones have been spudded in each of the past 3 years. This total includes about 7,000 gas wells and 3,000 oil wells that also produce some associated gas.

Many of the new gas wells drilled each year have already been decontrolled by the new well decontrol provisions of the Natural Gas Policy Act [NGPA]. However, many of these newly spudded wells remain under price controls, including for example interstate infill wells, some OCS wells, noninfill wells in old interstate fields, and some tight formation wells. Some of these price ceilings are high, in the $6 per million cubic foot range; others are as low as 35 cents per million cubic feet.

House bill: The rationale for the House bill's decontrol of newly spudded wells was to encourage a level playing field for all future gas drilling investment, and not just for the new wells decontrolled by the NGPA in 1985. The bill sought to prevent artificially high and low controlled prices from distorting drilling over the next 3½ years, in the special case of new wells where past producer investments had not already been made under different ground rules.

Senate bill: The rationale for the Senate bill's omission of this language was to provide a 3½-year transition period for equity purposes to permit parties to adapt their purchasing arrangements to the decontrolled environment; to avoid unfairly singling out newly spudded wells for different treatment than the bill sets for other types of gas production; and to protect investors who had committed capital to gas production under the expectation of continued controls.

Conference compromise: After careful consideration, the conferees have agreed that in the case of natural gas produced from wells spudded after the date of enactment, price controls will not apply to first sales of such gas delivered on or after May 15, 1991.

This is a compromise between the House bill which decontrolled such gas on enactment—approximately July 20, 1989—and the Senate bill which decontrolled such gas on January 1, 1993.

The conferees recognized that by virtue of this provision, some cheap controlled gas may move up in price, and some costly controlled gas may move down. As with all other provisions of the legislation, the conferees intend that no contract for a first sale of natural gas be abrogated by this provision; instead, the conferees intend that applicable contracts and contract law shall continue to govern first sales of gas from newly spudded wells, both before and after May 15, 1991.

FERC powers under NGPA Title V: The definition of a "newly spudded" well is intentionally modeled on the definition of a "new well" in NGPA section 2(3). Both refer to a "well the surface drilling of which began" after a certain point in time. This language has been applied by FERC to many thousands of new wells seeking decontrolled status since 1978, and we intend that the same general standards, precedents, and process be used by the FERC to assure the integrity of decontrol decisions for wells under new NGPA paragraph 121(f)(4).

New wells assertedly not falling within 121(f)(4) would be similarly treated: Thus, for example, sham spudding before the date of enactment would not qualify a well for continuing controls after May 15, 1991, if the real surface drilling actually began after enactment. In particularly, section 501 of the NGPA, which authorizes the FERC to administer and define the NGPA and terms used in it, fully covers new subsection 121(f), because the latter subsection is a part of the NGPA. Other provisions of title V also apply according to their terms to new subsection 121(f) and to FERC decisions implementing it.

First sales: Some concern has been expressed that the long title of the bill is ambiguous, and by referring to the elimination of "wellhead price controls on the first sale of natural gas" indicates our intent to decontrol only some—but not all—first sales. We think however the language of the bill is clear: All first sales are decontrolled upon the occurrence of the stated conditions, not merely those first sales that occur at or close to the physical wellhead in the field. The conferees do understand that the general term, "wellhead sales," is industry jargon; it is often used merely as shorthand for the more strictly defined NGPA phrase "first sale," which we used in the text of the bill; and we did not change the NGPA definition of a "first sale" because we do intend this bill to decontrol all sales that qualify as "first sales" under the NGPA and the FERC rules implementing it.

Consumer effects: Opposition to this measure continues to be heard from some who contend it will raise consumer gas prices. This view is based on the claimed price depressing effect of, first, the assertedly large supplies of cheap remaining price-controlled gas

reserves, or second, the large supply of annual gas production, about one-third, which remains controlled, albeit at prices well above current market levels.

This view deserves a careful response.

Old controlled reserves: On the first point, several factors combine to prevent these assertedly large old reserves from shielding consumers against a future price rise.

First, these reserves, variously estimated at from 10 trillion cubic feet to 30 trillion cubic feet, are not a major part our Nation's supplies, despite the apparently huge size of this number: 10 to 30 trillion cubic feet is instead only about 6 to 18 percent of our total 165 trillion cubic feet of reserves, and is an even smaller part of all North American reserves.

Second, many of these reserves are not cheap: some are priced at $2.80, the top ceiling price for old gas, because they qualify as post-1974 old gas. Some are substantially decontrolled already under Order 451, FERC's rule on uniform pricing of old gas. And some will earn an even higher controlled price because they will—in the future as they are ultimately withdrawn from their reservoirs—be produced through infill or stripper wells, some of which qualify for prices of $3, $4, or even $5 per million cubic feet, which are well above current market prices of about $2. And these ceiling prices will inflate in coming years with inflation, in some cases even faster than inflation, even if oil prices remain flat.

These relatively small volumes and high prices will obviously limit the price-shielding impact of these reserves. In addition, the mixing or rolling in process which averages the prices of gas from many different wells, as noted below, also will largely or completely nullify their price-shielding impact on ultimate consumers.

Controlled production: While they acknowledge that most of today's controlled gas prices are far above current market levels, opponents of decontrol still assert that in the future—should prices rise—these controlled $3, $4, $5, and even $6 per million cubic feet ceiling prices will finally then become meaningful shields for residential consumers against the assumed high future market prices.

We disagree.

The opponents' analysis does not take account of the blending and mixing process that has for years typified the gas markets. No consumer receives all his supply from a single well. Instead, each of us receives a tiny percentage of the mixed flow from thousands of wells. This makes all the difference.

To elaborate, of the several hundred thousand producing gas wells in the United States, most are decontrolled. Many are controlled only at high $4 or $5 levels. Some are controlled at low 50-cent levels.

Few if any consumers receive a pure unadulterated diet of only the latter type of gas. If they did, decontrol could raise their burner tip prices.

Instead, however, virtually all consumers receive a mix of all three kinds of gas, as the several hundred thousand wells flow into the Nation's hundred or so gas pipelines, and the pipelines in turn resell the mix to many hundreds of local utility and industrial consumers. The pipelines use traditional accounting and rate rules to blend or average the price of all their supplies; hundreds of independent marketers, pipeline marketers, producers, and brokers also trade, sell, and resell various subpackages of these mixed supplies; and some pipelines resell to other downstream pipelines.

These repeated multiple opportunities for producers and middlemen to sell and resell to subsequent buyers at constantly fluctuating open market prices, means that any artificial below market price—which is the kind of price opponents of this bill seek to preserve—can be quickly and legally offset by raising the price of the decontrolled component of the total package.

This can be done at a dozen places far upstream of consumers, as gas packages change hands. It routinely occurs under the current system, and has been occurring since 1983.

This is the basic reason why, even though there are some cheap supplies at the well today, there are now few if any cheap, below market supplies at the city gate or the burner tip. The only winner from continuing controls, then, is the producer or the packager or the mixer who offsets the remaining cheap supplies with just enough overpriced gas to bring the entire mix up to, but not over, the going rate in the Northern or Midwestern—or other—consumer markets. And these entrepreneurs, it is clear, have no desire to retain controls in order to continue this mixing game.

Congressional support for open access transportation: We also wish to stress, as did supporters of this legislation in both committee reports and in floor debate in each House, the major positive role that contract carriage has played in the consideration of this decontrol legislation, and is intended to play as decontrol proceeds.

The development of a nondiscriminatory, open access national gas transportation system by the joint efforts of the industry, the Federal Energy Regulatory Commission, and the courts, is not yet completed. Many carriage issues remain to be resolved by FERC and the courts.

But much progress has been made. Nearly all major interstate pipelines are now open carriers of gas. A large amount of all gas traded in the United States—about half—is now sold by producers and marketers to local utilities and end users, and merely carried by the pipeline middlemen. Competition in gas transportation has clearly increased, and has opened up new options for producers and consumers.

Many sellers can now deal independently with many buyers. This has greatly aided the rise of a competitive wellhead market, and indeed is critical to the future success of this wellhead decontrol bill: Pipelines are a critical link between gas consumers and producers. Free shopping for the best wellhead or city gate deal could be frustrated by a closed pipeline network that could not be equally and openly used by all market participants. In sum, a competitive, open wellhead market depends on and will continue to require in the future a competitive open access national pipeline network.

Open access in particular has helped assure captive residential consumers that their local utilities will not be excluded from access to competitively priced gas. Thus, these consumers will not be unfairly saddled with costly gas while cheaper supplies are available elsewhere and are carried preferentially only to selected buyers.

Indeed, that our wellhead price control system could, in 1983 and 1984 during the early days of experimental and discriminatory carriage programs, yield high wellhead gas costs for residential consumers while switchable industrial consumers received cheap decontrolled supplies, further shows the ineffectiveness of these controls as a consumer protection measure.

Nondiscriminatory carriage vigorously enforced by the FERC also will protect producers from being denied the chance to market their gas on even terms with other suppliers.

Accordingly, we express our strong support for FERC's efforts to finish the transition under Orders 436 and 500 to an open, nondiscriminatory competitive gas pipeline industry, and also note our support for past court rulings, such as the AGD decision, upholding FERC's comprehensive authority over contract carriage.

In order to achieve the full benefits of decontrol under this act, we also intend that the FERC and the courts broadly interpret the Natural Gas Act's provisions barring nondiscrimination, in order to maintain this open-access system to the benefit of all classes of customers and shippers.

Finally, we urge full use of all the FERC's powers, including its authority to bar the abandonment of certificated services such as contract carriage transportation services, to prevent possible future backsliding or retreat from the goal of competitive carriage

on which the FERC and the gas industry have worked so long.

Mr. Speaker, I urge my colleagues to support this conference report.

□ 1700

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join in bringing to the floor the conference report on H.R. 1722, the Natural Gas Wellhead Decontrol Act of 1989. When the President signs this legislation, a tragic chapter in our Nation's energy history will finally come to an end.

Thirty-five years ago last month, the U.S. Supreme Court held that the Natural Gas Act of 1938, which regulates pipeline rates, allowed the Federal Power Commission to regulate the price of natural gas at the wellhead. The shortages of natural gas in the 1970's should have been ample evidence that prices cannot be held below market clearing levels without severe long-term consequences.

One of the reasons this legislation is before us today is that wellhead prices and the rates paid by consumers of all kinds have declined since the partial decontrol of 1985. Those who formerly supported price controls have come to the conclusion that the controls prop up prices for high-cost producers, not hold prices down for consumers. Those of us who have been fighting for natural gas decontrol for years welcomed the converts to our cause with open arms, none more so than the gentleman from Indiana [Mr. SHARP].

I concur in the statement of legislative intent which Chairman SHARP included in his remarks on the conference report. I do so as a conferee, as an original cosponsor of H.R. 1722, and as the ranking Republican member of the Subcommittee on Energy and Power.

It is particularly worth pointing out that the four categories of additional natural gas to be decontrolled by H.R. 1722 are not mutually exclusive. So long as a contract or type of gas falls into any one of the four categories specified in section 2 of H.R. 1722, that contract or type of natural gas is decontrolled.

For example, the only issue in dispute between the House and Senate on H.R. 1722 concerned newly spudded wells. Under the conference report, newly spudded wells are defined as those for which surface drilling begins after the date of enactment. Natural gas produced from such wells is decontrolled as of May 15, 1991. However, new NGPA section 121, subsection (f)(2), provides that natural gas is decontrolled when the contract to which it applies expires or terminates.

Thus, natural gas produced from a newly spudded well under a contract which expires on January 1, 1990, for instance, is decontrolled as of January 1, 1990 because that it is when the contract expires. This is true even though natural gas from a newly spudded well would not otherwise be decontrolled until May 15, 1991. In sum, the manifest intent of the conferees is that decontrol of natural gas occur upon the earliest event specified in the legislation which triggers decontrol.

In conclusion, Mr. Speaker, the country will certainly be better off now that we have corrected the error of the 1954 Supreme Court decision and our own error in permanently extending price controls to certain natural gas when we passed the Natural Gas Policy Act in 1978. I urge the adoption of the conference report.

Mr. SHARP. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN] who has been deeply involved in this issue for many years and was very influential in bringing this legislation to the fore.

Mr. TAUZIN. Mr. Speaker, first let me say a word of thanks to the gentleman from Indiana [Mr. SHARP], the chairman, and to the ranking minority man, the gentleman from California [Mr. MOORHEAD], for the excellent cooperation and the spirit by which this conference committee report comes to the House today.

Mr. Speaker, I rise in support of this. Today with the House action on this conference report that follows the Senate action, and hopefully the signature of the President, we will be repealing the last of the three pieces of legislation that I think were essential to be repealed to restore natural gas to full health and vitality again for America. The first was, of course, the windfall profits tax, which this House and the Senate got rid of a few years ago. The second was a few use and incremental pricing provisions which prevented people from using natural gas, and this, the wellhead pricing provisions which we are finally repealing over a stage of 7 years. The stage is right, the time is right, perhaps long overdue.

Mr. Speaker, natural gas is alive and well in America. There is plenty of it. It is clean, it is good for the environment. We happen to make a lot of it in Louisiana, and we hope the rest of the Nation is ready to buy some of it because we could use a good economic revival in our State. This bill today, the conference report, finally completes that action.

Mr. Speaker, I want to commend all my colleagues, almost too many to name, but I am reminded of the great work the gentleman from Oklahoma [Mr. SYNAR] has done, and the gentleman from Texas [Mr. HALL] and others with us on the Democratic side and so many others on the Republican side, the gentleman from New York [Mr. LENT], who have cooperated in this effort. This is a big day for us; I think for the Nation.

Mr. Speaker, I rode a natural gas-powered car this week. Natural gas is alive, it is well. This bill repealing wellhead prices means it has got a great future, and America has got a great future with it.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Speaker, it is appropriate that we are taking up this conference report so soon after the Fourth of July because H.R. 1722 is a declaration of independence for natural gas production from the shackles of excessive Federal price regulation. I urge my colleagues to adopt this conference report as a truly historic piece of energy legislation.

First and foremost, this is a proconsumer bill. Our constituents who use natural gas, whether as residential ratepayers, commercial establishments, or industrial users, have reaped the benefits of greater competition at the wellhead and in the transportation market. These benefits will only grow with this bill.

Since 1985, reductions in the wellhead price of natural gas have flowed through to consumers. Pipelines now carry natural gas owned by others as well as natural gas purchased by pipelines for resale. Thus, local distribution companies and others can shop around for the best mix of short term and long term supplies to meet their needs. This flexibility did not exist as recently as 1985.

The Federal Energy Regulatory Commission is to be commended for its leadership in this area. The fact that Congress assumed the existence of a dynamic contract carriage market in deciding to pass this legislation is a firm indication that FERC should stay the course on this issue. There is no turning back the clock to the days before this revolution in the natural gas transportation market took place.

A second point is that this is a proenvironment bill. President Bush's clean air proposals give much needed flexibility to industry in meeting important air quality standards. Natural gas is the cleanest burning fossil fuel. As such, its greater use in homes, factories, electric generating plants, and even vehicles, will help reduce emissions of harmful pollutants. By removing the remaining wellhead price controls, this bill will remove distortions from the marketplace. Producers will receive and respond to market-driven signals in determining when and where to produce natural gas. The result will be to maximize production of the most efficient mix of natural gas.

All of the members of the Committee on Energy and Commerce, particu-

larly those of our colleagues who serve on the Subcommittee on Energy and Power, led by Chairman PHIL SHARP of Indiana and CARLOS MOORHEAD of California, are to be commended for their work in shaping this legislation.

In closing, I want to pay a special tribute to those who worked on this issue in years past. Most noteworthy are two former colleagues, the Honorable James T. Broyhill of North Carolina and the Honorable Bud Brown of Ohio. In adopting this conference report, as I strongly urge my colleagues to do, we thank those who kept the issue alive and contributed mightily to a sound national energy policy in the process.

□ 1710

Mr. SHARP. Mr. Speaker, the gentleman from Oklahoma [Mr. SYNAR] has been an extremely active member of our subcommittee and of the full Committee on Energy and Commerce on these issues of natural gas, first in the Fossil Fuel Act and now controlling natural gas, and has made an important contribution.

Mr. Speaker, I am delighted to yield 1 minute to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, first of all, let me join in the congratulations to the chairman, the gentleman from Indiana [Mr. SHARP], and the gentleman from California [Mr. MOORHEAD] and others who served in this conference.

Indeed, this is good news. It is good news because today, as the gentleman from Louisiana [Mr. TAUZIN] who has been so instrumental in this legislation has said, we are lifting the last restrictions on natural gas and to try to get back to the free market system.

This is good news for the producers of Oklahoma, Louisiana, and Texas, many of whom have been looking forward to this day for too long.

This is good news for the consumers who will have cheaper and cleaner fuel.

Finally, this is good news for the environment, because we will be able to use a resource in order to protect future generations.

So today we celebrate something that is long overdue, but I think it is better late than never; so I join with my colleagues in celebrating this moment and, hopefully, this will be one of the things that will help the State of Oklahoma and others who have produced natural gas for the benefit of all people in this country back into the economic realm.

Mr. MOORHEAD. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, this is a great day. I also rise in support of the conference report on H.R. 1722.

Back in 1984 when I was elected to be a new Member of the 99th Congress, I listed as one of my top priorities the immediate and total decontrol of natural gas. That did not happen in the 99th Congress.

I came back in the 100th Congress and worked very hard to get on the Energy and Commerce Committee to try to pursue that goal. We made great progress, but again we were not able to pass that legislation.

At the beginning of the 101st Congress, again I listed this as a priority with the leadership of the subcommittee, the gentleman from Indiana [Mr. SHARP], who had began to move his position from where it had been back in the 1970's.

It looked like we had a window of opportunity. Today that opportunity is realized. This culminates an effort that literally began in the mid-1950's after the Supreme Court decisions in the Philip case that began to regulate interstate prices.

I think this Congress is going to look back on the passage of this bill today and the signing ceremony that will occur at the White House later in the month as literally a tremendous accomplishment.

Natural gas is the fuel of choice in today's environmentally sensitive debate on clean air and acid rain and things of this sort. The very ability to report the conference report has spurred new drilling in old fields of natural gas.

So I think this is a piece of legislation that will help all regions of the country. It will help producers. It will help consumers. It will help pipeline transporters.

It is a truly historic moment and I am glad to be a small part of it. I hope that the House will quickly pass this legislation and send it to the President.

Mr. SLATTERY. Mr. Speaker, I am pleased to rise in support of the conference report on H.R. 1722, legislation that eliminates remaining wellhead price controls on natural gas by January 1, 1993. I am an original cosponsor of this bill, which would decontrol upon enactment gas to which a contract did not apply. I would like to take this opportunity to commend the chairman of the Energy and Commerce Committee, JOHN DINGELL, and the chairman of our Energy and Power Subcommittee, PHIL SHARP, for their swift movement of this legislation through committee so early in this session of Congress.

After enactment, the bill decontrols gas upon the expiration, termination, or renegotiation of contracts. Natural gas from wells spudded after enactment would also be free of wellhead price controls. The transition period between enactment of the bill and the complete decontrol date will give pipelines and producers an opportunity to adjust their contracts in anticipation of complete decontrol.

This legislation will benefit both consumers and producers of natural gas by providing cleaner air, reducing oil imports, improving our national energy security, and lowering our trade deficit by moving the United States toward increased use of an abundant domestic fuel.

Decontrol will ease artifical Government restrictions and subsidies and allow more market oriented decisions, ending a system of economic discrimination that needlessly adds to the already large problems of our depressed energy producing regions.

We have already decontrolled the majority of our Nation's gas supplies in the past few years, and these prices are now as low as they were in 1979, when the partial decontrol process began.

Less than 10 percent of the Nation's gas supply is now "old" price controlled gas. Average prices to local gas companies are set by the market and capped by oil prices. A series of regulatory rules, court decisions and new industry practices have ended the old world of inflexible long-term contracts between producers, pipelines, utilities, and consumers, and replaced it with new arrangements that allow buyers at each level to choose and price shop among multiple supply options.

Cold winters or an oil embargo would push up gas prices indefinitely until the blended mix of free and controlled gas hit free market levels. Thus, controls no longer provide any shield for consumers against free market gas prices and, in fact, have not done so for years.

I urge my colleagues to join me in supporting this measure. I hope that the other body will follow our lead and take this legislation up quickly so we can place it before the President as soon as possible.

Mr. MOORHEAD. Mr. Speaker, I yield back the balance of my time.

Mr. SHARP. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 987, TONGASS TIMBER REFORM ACT

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 196 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 196

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 987) to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill, and which shall not exceed two hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a subsitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by titles instead of by sections, and each title shall be considered as having been read. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Agriculture, if offered by Representative de la Garza of Texas, or his designee. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentlewoman from Illinois [Mrs. MARTIN], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 196 is an open rule providing for consideration of the bill H.R. 987 to amend the Alaska National Interest Lands Conservation Act and to designate certain lands in the Tongass National Forest as wilderness.

The rule provides for 2 hours of general debate, 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the other hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. The bill shall be considered under the 5-minute rule.

Mr. Speaker, House Resolution 196 makes in order the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs as original text. The substitute shall be considered by titles, rather than by sections and each title shall be considered as having been read.

In addition, the rule makes in order the amendment in the nature of a substitute recommended by the Committee on Agriculture, if offered by Representative DE LA GARZA or his designee.

Finally, Mr. Speaker, the rule provides that at the conclusion of consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted.

Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole. The previous question shall be considered as ordered on the bill and amendments thereto without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, this is a very fair open rule providing both the Interior and Agriculture Committees with a full hour of debate. I urge my colleagues to support this rule so that we may proceed with consideration of the merits of this legislation.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to report that we have before us today a truly open rule for the consideration of H.R. 987, the Tongass Timber Reform Act. It is always a pleasure to present an open rule because they have become a dwindling breed of cat in recent years.

We are running at about 50 percent open and 50 percent restrictive rules this Congress, roughly the same percentage as it was in the last Congress at this time, though the number of rules is down 36 percent. But 10 years ago 75 percent of the rules we granted were open; and 12 years ago, 85 percent were.

Tomorrow we are expected to grant 3 more open rules in the Rules Committee. So I welcome this new trend and commend both our chairman and the new Speaker on this new era of fairness and openness. I know we can do even better once folks realize that the Capitol dome will not melt down from this increase in sunshine.

Mr. Speaker, House Resolution 196 provides for 2 hours of general debate on the Tongass timber bill, divided equally between the Interior and Agriculture Committees and the chairmen and ranking minority members of those committees. The rule provides for the consideration of the Interior Committee's amendment in the nature of a substitute as original text for the purpose of amendment under the 5-minute rule, to be considered by titles instead of sections, with each title to be considered as having been read.

And, because this bill was sequentially referred to the Agriculture Committee which reported its own version, the rule provides for the consideration of that amendment in the nature of a substitute if offered by Chairman DE LA GARZA or his designee. That substitute, of course, will be subject to an open amendment process, as will the Interior Committee's version if the substitute is defeated. So I think the House will have a full and fair opportunity to openly debate and amend both of these alternatives for dealing with the Tongass National Forest in Alaska. I therefore urge adoption of this rule.

□ 1720

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I rise in support of the rule for H.R. 987, the Tongass Timber Reform Act. The Rules Committee, especially its distinguished new chairman, have dealt with this bill in fair and evenhanded manner.

The rule makes the amendment in the nature of a substitute recommended by Interior Committee as original text for purposes of amendment on the floor. We expect that some members of the Agriculture Committee will be offering a substitute.

Proper management of the natural resources of the Tongass National Forest in Alaska has long been a matter of great concern for the Interior Committee. For over 5 years prior to passage of the Alaska Lands Act in 1980, we wrestled with the difficult issue of balancing protection of old-growth forest without job loss in the timber industry. Since 1980, as the problems have multiplied, it has become more and more apparent that fundamental reform is necessary.

Last year, by a vote of 361–47, we passed the Interior Committee's Tongass reform legislation. Tomorrow we have the opportunity to vote on an even better bill to restore fiscal and environmental common sense to our nation's largest national forest.

H.R. 987, as reported by the Interior Committee, has four major components.

First, it repeals the annual $40 million (minimum) perpetual subsidy and eliminates the environmentally unsound 4.5 billion board feet per decade permanent timber supply created by the Alaskan National Interest Lands Act [ANILCA] in 1980.

Second, it provides badly needed protection for salmon streams by implementing the National Marine Fisheries Service's minimum 100-foot buffer strips.

Third, it replaces two long-term timber contracts with standard, competition bid, short term sales.

Finally, H.R. 987 protects as wilderness 1.8 million acres—some of the most beautiful areas and valuable fish and wildlife habitat in the United States—while still allowing plenty of timber to expand timber jobs and keep the pulp mills in operation.

Mr. Speaker, the Tongass legislation is the most important environmental vote so far in the 100th Congress. I urge my colleagues to support the Interior Committee and vote against all weakening amendments.

Mr. GORDON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MARTIN of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I move the previous question in the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2022, PROVIDING RELIEF FOR CERTAIN SOVIET AND INDOCHINESE REFUGEES

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 195 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 195

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2022) to establish certain categories of nationals of the Soviet Union and nationals of Indochina presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Indochinese parolees, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 195 is a simple open rule providing for the consideration of H.R. 2022, to provide relief for certain Soviet and Indochinese refugees.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and further provides that each section of the bill shall be considered as having been read during the consideration of the bill for amendment under the 5-minute rule. The rule provides for no waivers of points of order. Finally, the rule provides that at the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. Speaker, H.R. 2022 is a bill to enable the expeditious emigration of Soviet Jews and Evangelical Christians from the Soviet Union by establishing a legislative presumption that these groups are subject to persecution in the Soviet Union and are, therefore, eligible for refugee status. The bill also makes this presumption about certain classes of individuals in Indochina who are subject to persecution in their countries.

In 1987, after years of blocking the emigration of Soviet citizens, primarily Jews and Evangelical Christians, the Soviet Union made an about face and significantly increased the numbers of their citizens who were allowed to leave. There numbers are continuing to grow, but due to a change in policy established by the last administration, each and every one of these emigres is required, when making application for refugee status, to establish individually that he or she has been persecuted or can demonstrate a well-founded fear of persecution. This policy has resulted in a large backlog of cases for those individuals who are seeking refugee status. The intent of this legislation is to reverse the policy of the last administration in order to allow these people to immigrate to the United States as refugees.

Mr. Speaker, I believe this legislation is of great importance to the promotion of human rights and of great importance to those individuals in the Soviet Union who have sought refuge in the United States in order to escape religious persecution. Because this is an open rule, I urge my colleagues to adopt House Resolution 195 so that the House may work its will on this legislation.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule now before us is an open rule, and I urge its adoption. As the gentleman from Texas said, the rule provides for 1 hour of general debate on H.R. 2022, followed by consideration of amendments under the 5-minute rule. A motion to recommit is made in order, which, under the circumstances of this rule, could include instructions.

And so I urge support of this rule, and I appreciate the chairman of the Judiciary Committee for having requested an open rule, as well as the Rules Committee for recommending one.

Turning now to the substance of H.R. 2022 itself, I would like to make a few brief comments.

It is a fact that the administration opposes enactment of this bill. The administration believes the bill is unnecessary and that singling out certain categories of people for preferential refugee status sets a troubling precedent. While we should take these objections seriously, I also believe that we must keep in mind some other factors.

First, this bill is short term. The granting of refugee status to Soviet Jews and Evangelical Christians, as well as to the specified Indochinese people, would expire on September 30, 1990.

Second, the bill contains a sunset provision because it is meant to address a short-term problem, namely, the backlog that currently exists in the processing of cases involving the categories of people to which the bill applies.

This is particularly timely in the case of Soviet Jews and Evangelical Christians. What an irony it is that America today seems to be placing obstacles in the path of these people at the very time when the Soviet Union is letting them go. We need to be mindful that, glasnost notwithstanding, religious persecution is still a fact of life in the Soviet Union—and these people need our help.

I would add further that Jewish people and Evangelical Christians in the Soviet Union have been singled out in the past, particularly by the Reagan administration, as deserving preferential treatment.

Finally, some concerns have been raised about the potential costs of receiving people into the country under the terms of this bill. And it has to be acknowledged, candidly, that this issue has been treated in a somewhat vague manner by the committee and the administration.

We need to remember, though, that numerous Jewish and Christian support groups have been established to help their coreligionists in time of need. Likewise, experience has shown

that Indochinese refugees do not arrive on our shores expecting the world to owe them a living. Indeed, they get themselves established and start becoming productive members of their new communities in very rapid fashion.

I hope that Members will keep these points in mind when we consider H.R. 2022.

□ 1730

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

OUR FLAG

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. SENSENBRENNER. Mr. Speaker, tomorrow the Subcommittee on Civil and Constitutional Rights will begin hearings on constitutional amendments to ban flag desecration. Unfortunately, the subcommittee has developed a history and reputation of being a mortuary for measures of this nature, and I fervently pray that this will not be the case in the flag desecration issue. This issue is a test of the ability of Congress to legislate a good sense response to a Supreme Court decision that was clearly out of bounds.

Unfortunately, the chairman of our subcommittee, the gentleman from California [Mr. EDWARDS] has signaled his intention that the flag amendment is going to be buried. In today's issue of USA Today he was quoted as saying:

If we have to make a compromise, I would support it, but it would not be as good a choice as to have this issue go away.

Well, this issue is not going to go away until the Congress proposes and the States ratify a constitutional amendment.

The challenge for us, my colleagues, is to act, not bury, the flag desecration amendment.

Mr. Speaker, I include the interview in the USA Today of this morning of the gentleman from California [Mr. EDWARDS] at this point so that the membership of this body and the American public can see what is going on.

DON'T LET HYSTERIA HURT FLAG'S MEANING

USA TODAY: Your subcommittee will hold hearings Thursday on the proposed amendment to protect the flag. Do you support it?

EDWARDS: I'm devoutly against a constitutional amendment not only amending the freedom-of-speech provision of the Bill of Rights but weakening it.

USA TODAY: So you don't think the flag needs protection?

EDWARDS: It's a lot easier to lose liberties than to win them. The flag is very sturdy. It's flown through all the battles of our country. But it can be wounded by carelessness—careless votes or votes taken in the hysteria of the moment. And we've survived hysterias—prayer in the school, balanced budget, and others like that in the past.

USA TODAY: Isn't "hysteria" a little strong?

EDWARDS: I can support the word hysteria because the fever lasts only a short time. Some of these issues don't seem to have an in-depth intellectual or substantive base.

USA TODAY: In your opinion, what would the amendment do if it passed?

EDWARDS: It would turn over to 50 states a free speech exemption that could result in almost any kind of penalty, even capital punishment. There are a lot of people who don't like the press, for example, who would like to—and have over the last 200 years—tried to put restraints on the press. Right now, we have a movement toward restraining the movie makers and TV people on violence.

USA TODAY: What's the alternative to a constitutional amendment?

EDWARDS: The best response would be an educational process. However, right now that's unrealistic.

USA TODAY: Would you support some type of law as a compromise?

EDWARDS: If we have to make a compromise, I would support it, but it would not be as good a choice as to have this issue go away.

USA TODAY: What do your constituents say about the proposed amendment?

EDWARDS: Most of my letters are saying "Leave the Constitution alone." They don't even get into statutes.

USA TODAY: Is this an important fight? Is it something the Congress should be taking up its time with?

EDWARDS: It has touched a nerve in American society, and whether we approve of that nerve being there or not, it's a reality. In 1967, it was much worse. The issue was a federal statute criminalizing the desecration of the American flag—a federal criminal statute. Only 16 out of 435 of us voted against it. It cost each of us 15,000 to 20,000 votes. And, boy, it was a lonely fight. Now this is not half as lonely.

USA TODAY: When you finish these hearings, will you be recommending the amendment, a law, or both?

EDWARDS: I don't want to make that prediction. I don't think that's proper. These are going to be very thorough, painstaking hearings, and I don't think it's appropriate for the chairman to make definite predictions.

USA TODAY: Your subcommittee has a reputation of being sort of a mortuary because many proposed amendments die there. Is that a fair description?

EDWARDS: We have hundreds of proposed constitutional amendments that we have not approved. The only one we approved over the last 15 years or that I've chaired is Washington, D.C., representation, which is not going well in the states at all. It's going to fail.

USA TODAY: You've been able to stall a lot of high-profile amendments—school prayer, balanced budget and others.

EDWARDS: Yes. With the help of a subcommittee that generally a majority saw eye to eye with me.

USA TODAY: Which was one of your requirements, wasn't it?

EDWARDS: Almost, yeah. But I have had a majority who sees things the conservative way. This is a conservative view that I have and that is that you don't fool with your liberties lightly.

USA TODAY: If this amendment ends up in the "mortuary," are you going to be on the hot seat?

EDWARDS: It's up to the American people. Our job is to have an educated process through these hearings so that the people can instruct in Congress as to the right course to take in this matter.

USA TODAY: If your subcommittee drags its feet on the flag amendment, would that be—?

EDWARDS: Stupid. What you want to do is do the right thing. The right thing would be to have the educated process.

USA TODAY: But isn't it likely that the longer you wait, the more this would cool down?

EDWARDS: It always has happened that way, that these kinds of emotional issues have a way of clearing up.

USA TODAY: How long do you see this going on?

EDWARDS: Oh, just a few weeks.

USA TODAY: You were a Republican when you were younger and you were an FBI agent. How did you become a liberal, at least on civil rights and civil liberties?

EDWARDS: I think that underneath, we're all creatures of family, and when you're brought up in a conservative Republican family, you're acclimated to that way of thinking. But you don't change internally if you're naturally for fair play, for the disabled. You find out on your own that Republicans don't think in those terms. And that's what made me turn into a Democrat. I just couldn't live with that elitist "trickle down" that I found a bigoted kind of view.

USA TODAY: How do you feel about President Bush hopping on this issue?

EDWARDS: I guess it's a continuation of his Willie Horton and Pledge of Allegiance campaign issues. It is not to his cerdit at all. He will not look as good in the history books for this course of action, and it's bad for the good health of the country.

MISSISSIPPI COLUMNIST HITS THE MARK ON FLAG ISSUE

The SPEAKER pro tempore (Mr. NAGLE). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, Sid Salter is the publisher of the Scott County Times in Forest, MS, and writes a column that is syndicated throughout the State of Mississippi. He recently wrote about the Supreme Court's flag burning decision and it is one of the best I have seen on the subject. I wanted to share it with my colleagues.

[From the Meridan (MS) Star, June 27, 1989]

SUPREME COURT BLOWS FLAG RULING

As a teen-ager, I was somewhat mystified over the 1970s practice of bra burning by feminists hell-bent to tell the world that they wanted equality and they wanted it now.

As a little boy in a rural county whose link to such happenings was a two-channel television whose signal depended on a rusting antenna and the cooperation of the weather, I was similarly bewildered by the burning of draft cards, crosses and other materials that seemed both more flammable and inflammatory in the 1960s.

Wiser counsel told me such acts were not necessarily ends unto themselves, but symbolism. The bra was a symbol of the repression of women, the draft card a symbol of the folly of America's entanglement in the Vietnam War and the flaming cross a symbol of divine blessing for bigoted whites and a symbol of fear and hatred for blacks.

Symbolism, they said. It's the thing literature teachers try to impress upon us in understanding what the whale represents in Melville's *Moby Dick* and such.

Last week the U.S. Supreme Court ruled that the American flag was no more a symbol than the bra, the draft card, a Klansmen's cross or Melville's elusive whale. In a 5-4 ruling, the court held that the American flag could be burned with the impugnity one would enjoy in setting fire to a week's worth of trash—possibly more, since most towns have laws on the books prohibiting the burning of trash in the city limits because that endangers the property of one's neighbors.

Did you get that, people?

The American Civil Liberties Union was successful a few Christmases back in removing a lighted cross from the Walter Sillers Building in Jackson on the grounds that it was offensive to the constitutional prohibition against the establishment of religion by the state or any arm of the state. Organized prayer in the public schools got the constitutional ax a long time ago.

In the Boy Scouts, they taught us not to even let the flag touch the ground. My father taught me to salute the passing of the flag. When my friend Joe Graham—who didn't burn his draft card—came home from Vietnam in a government-issue casket, the American flag was his last blanket.

Are we so liberal in our interpretation of civil liberty in this nation that nothing, absolutely nothing, is sacred? If some fruitcake wanted to climb the Lincoln Memorial to paint a moustache across Old Abe's face in the name of political activism, would we applaud him for his courage in exercising his rights?

Certainly, Old Glory is a symbol. It is a symbol of freedom—a freedom purchased on the battlefields, in the halls of government and in the desire of our forebears to establish an environment of equality free of the whims of one man and dedicated to the principle of a majority rule tempered by a protection of minority rights.

That flag is our birthright as citizens. The flag that was raised on Iwo Jima is the same flag that the Supreme Court now says may be burned, defaced, spat upon or worse by any political jackass with a cause. The court ruled that local communities cannot outlaw such acts, no matter how large or strong the majority that opposes those acts.

The flag is also fair game for fashion designers, says the high court. The shirt the late Abby Hoffman was arrested for wearing in Chicago can now be part of everyone's wardrobe.

Congress should send a message to the Supreme Court.

In ruling that our flag can be legally desecrated, the court ruled that the burning of a flag is a form of free speech. I'm in the free speech business. If someone wants to make a speech, publish a pamphlet or simply stand in a crowded movie house and scream to the top of his lungs: "I hate America, I hate the flag . . ." etc., I disagree with him but defend his right to do so.

But there must remain some symbols of patriotism that remain sacred. The burning of a flag does not represent free speech—it represents a crime against America's veterans who fought and died to keep it waving.

If the court thinks symbols don't matter, then why does the government get so angry when counterfeiters try to print paper money? After all, the dollar has no worth—it's only a symbol of worth.

Write your congressman and tell him enough's enough.

THE JAPANESE CONSPIRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, from time to time I have read portions of Marvin Wolf's book "The Japanese Conspiracy" which details how the Japanese businessman, working with the Government, have targeted American businesses.

I think of Marvin Wolf and his book each time I read news stories about United States-Japanese trade. He has shown us the road map on how we have lost our industries.

Today, I want to read the last of chapter 2 on the electronics industry. I think we can all understand better what has happened with Marvin Wolf's explanation.

Before personal-size microcomputers went on sale in retail stores, the word "computer" was usually preceded by the initials "IBM." Big Blue, as IBM is affectionately known in the industry, was the dominant presence. IBM was no less dominant in Japan, where its share of the market for large, business-oriented machines hovered near 75 percent for most of the 1960s and into the early part of the next decade. The reasons were obvious: IBM made the best computers for the tasks required; IBM provided reliable software; IBM's service was first rate.

But by 1970, MITI had decided it wanted to foster a domestic computer industry that could compete with, and ultimately replace IBM. This was a key reason behind the MITI campaign to match and pass the U.S. in semiconductor technology. But Japan's computer manufacturers found that competing with IBM was not easy. "We tried to sell our machines," recalled Taiyu Kobayashi, chairman of Fujitsu, in 1982. "However, the installed base of IBM is so large and the users, quite naturally, want to use the software base they have built up over the years. The relative value of software in the computer system has risen to in excess of 70 percent of the cost of the system. Being compatible was the only way to get started in the computer business."

Kobayashi confirmed that the Japanese sales strategy—compatibility with IBM's hardware—was the keystone of an effort to cut into IBM's share of the market. But in the early years plug-compatible Japanese-made computers were not received well, even in Japan. Despite the unpopularity of their products, the Japanese industry continued its efforts to improve them. "MITI put out R&D funds and brought together the various companies for joint development projects," confirmed Kobayashi. "When domestic makers began building products and it wasn't clear whether what we made would work or not, MITI went around to the industries that had benefited from its patronage—automobiles, steel, etc.—and said, 'Here, use these.'"

While they set about rationalizing the Japanese computer industry, MITI also restricted the import of foreign-made IBM computers. "There was considerable pushing and hauling about how to restructure the Japanese industry to compete with IBM," Kobayashi explained. Some in Japan wanted to merge all the companies into one giant computer corporation, but a decision was finally made to align the companies into three groups. Fujitsu was paired with Hitachi to pursue large computer development. and just about that time, someone important quit at IBM.

Eugene Amdahl was one of IBM's top computer engineers, chief architect of the team that had designed the IBM 360. When he left IBM to form his own company in 1970, Fujitsu saw an opening. "We got word that Amdahl had quit IBM," recalled the former Fujitsu chairman. "That was the time when Fujitsu was feverishly attempting to get hold of IBM's architecture. The friend of one of our top people at the time was a close friend of Amdahl, and Amdahl was intending to make machines that would use IBM's software but offer higher performance for the money. We couldn't afford not to get in on this."

In 1971, Fujitsu built a research laboratory in a corner of Amdahl's building, and two years later they bought 24 percent of his company's stock. Several managers at Fujitsu opposed the plan to go IBM-compatible, partially because of the huge investment, and also because of fear of legal retaliation by IBM. Kobayashi decided to seek a partnership on the project with Hitachi and met regularly with his opposite member at Hitachi. "We felt around, asking whether Hitachi would care to join us," Kobayashi remembered. "Hitachi said 'No, we'll go our own way.'"

To place Japanese business ethics in American perspective, one must imagine that this conversation had taken place between the presidents, say, of Intel and Advanced Micro Devices. "That alone would be enough to put both of them in jail," said John A. Calhoun, a senior officer at Intel.

By 1974 Fujitsu had acquired enough computer technology to introduce its Model 370M, which ran twice as fast as the IBM 370 and used the same software. Hitachi, too, belatedly adapted the IBM-plug-compatible approach in its new products. By 1979 IBM's share of the Japanese market had declined to 27 percent. To put this into context, outside the United Kingdom, where Big Blue provides 43 percent of the business computer, and the communist countries where its products are not sold, IBM's market share is at least 50 percent in every country in the world. Fujitsu passed IBM to become itchiban in 1979, trailed at a distance by Hitachi. IBM's immediate answer to the Fujitsu 370M was a machine called the 3033, which was better than its own 370, but which represented only incremental improvements in technology.

But IBM, the competitor, was not yielding the Japanese market. This was only an interim machine for Big Blue, something to keep it in the market until its next generation was ready. IBM's new series of highly

advanced machines was being developed in great secrecy under the code name Adirondack, and known collectively as the 308X. The first of this generation, the 3081, was scheduled to be delivered in October 1981.

When a computer company decides on a business strategy of developing machines that imitate those of a competitor and run on the competitor's software, it is in a classic good news/bad news situation. The good news is that it can reap the considerable benefits of not having to invest in expensive R&D. It can wait for the competitor to bring out his computer, buy several, and through reverse engineering get the benefit of most of his efforts for a few cents on the dollar. It can then build machines that cost far less to develop, correcting the inevitable minor design errors that find their way into anything as complex as a computer system. The result is a product that can be sold to the competitor's customers for substantially less than the competitor can sell his own, and at a substantial profit.

The bad news implicit in this strategy is that the company has to wait for the competitor's product to appear before it can build a copy. That can take three or four years, by which time the competitor might have another technological shoe to drop. But if, by some means, the rival company can get advance information on the competitor's new generation of computers, it can reduce the time spread. Even a few months' head start is worth millions in sales.

Fujitsu was in an enviable position in that it employed many former IBM employees. But Hitachi, which had turned down the opportunity to join Fujitsu, would have to wait for the new IBM machine to appear, or it would have to find some other means.

When ten of IBM's 27 secret workbooks describing the 308X series illicitly came into Hitachi's possession, they realized their value and set out to get the rest. Those ten workbooks, each a three-ring binder of 40 to 200 looseleaf pages, were, according to federal prosecutors, spirited out of IBM by Raymond Cadet in November of 1980. Cadet, then a 45-year-old computer scientist, left IBM's research labs at Poughkeepsie, New York, and was next employed by National Advanced Systems (NAS), a Silicon Valley subsidiary of National Semiconductor. Cadet's boss at NAS, an Iranian named Barry Saffaie, learned about the ten IBM workbooks and allegedly made several photocopies of them. In the summer of 1981, Saffaie flew to Japan, where, says the Justice Department, he delivered one set to Hitachi, whose computers are marketed by NAS in the United States. The indictments against Cadet and Saffaie were later dismissed when the government refused to produce certain documents.

Kenji Hayashi, then 40, is a very thin, bespectacled man somewhat taller than the average Japanese, a man with a fifties crewcut and what a U.S. Justice Department attorney describes as a "hideous" laugh. Hayashi was one of Hitachi's senior engineers. A few weeks after the stolen IBM workbooks were delivered to Hitachi, he inadvertently acknowledged their existence to Maxwell Paley, a San Jose, California, computer consultant. Paley, another former IBM employee (21 years with Big Blue) had offered Hayashi, his regular contact at Hitachi, a legitimate study of the 380X project, a report that his consulting firm had developed from other sources. Hayashi told Paley that he didn't need the study; he had volumes 1, 3, 4, 8, 9, 10, 11, 12, and 15 of the Adirondack series. If Paley had other workbooks, Hitachi was interested. Paley was immediately aware that something was quite wrong. The notebooks, his 21 years at IBM told him, were not supposed to be at Hitachi.

Approximately 20 percent of the business of Paley's firm, Palyn Associates, was with Hitachi, but loyalties to his country and his former IBM colleagues proved stronger. Paley phoned a close friend at IBM, Bob O. Evans, a vice-president in charge of engineering, programming, and technology. He told him that he was sure that Hitachi had somehow acquired IBM's "crown jewels."

IBM is a company that spends "substantially more" than $50 million a year just on security. Learning that Hitachi had the notebooks galvanized Big Blue into action. IBM's top troubleshooter, a rugged, silver-haired ex-Marine captain, ex-FBI agent, and ex-T Man (Bureau of Narcotics), Richard A. Callahan, was put in charge of the initial reconnaissance operation. It was important to IBM to verify that Hitachi actually had the notebooks in their possession before going further. To gain access to Hitachi's Hayashi, IBM enlisted Paley, who agreed to act as a double agent for IBM.

Paley telexed Hayashi that he might be able to deliver more of the secret IBM notebooks, and set up a meeting in Tokyo for October. With an associate, Robert Domenico, and IBM's Callahan, Paley flew to Tokyo. On October 2, Paley met Hayashi in a room at the Imperial Hotel, where Paley gave Hayashi a handwritten index to the whole set of IBM workbooks. He also told the Hitachi engineer that while his firm was not in the business of securing confidential, proprietary information, he might be able to find someone who could. But, Paley told Hayashi, he needed to know precisely what Hitachi was looking for. What did these notebooks look like, exactly? Could Hayashi get him some to look at, so he would know if what his contact brought in was the genuine article?

Hayashi could. On the 6th of October, Hayashi brought Paley three of the ten notebooks. He also brought him the first in what would be a long series of "shopping lists"—the IBM items that Hitachi desperately needed to get their copycat computer system up and running so it would compete with IBM's. When Paley turned the notebooks over to Callahan, he was immediately able to identify them as stolen IBM property.

Now that IBM's security people were assured that Hitachi did indeed have its "crown jewels," they were left with three courses of action. They could ignore the theft. They could sue the Japanese company in civil court for damages. Or they could turn the case over to the Justice Department for possible criminal prosecution. If they had chosen to ignore Hitachi's theft, it would encourage others to steal. For this reason, not incidentally, IBM has long followed a hardnosed policy about theft of its secrets. The policy was well known: IBM goes after those who steal from it with a vengeance. It prosecutes.

The second course of action, a civil suit, would be appealing only if there was a certainty that IBM could get justice. But if Hitachi were sued in the U.S., it might take years to resolve the case. To sue them in Japan might well take decades, assuming a Japanese court could be expected to render a judgment against one of its own companies. Moreover, initiating a civil suit might encourage Hitachi to settle out of court, a settlement that would also likely include a "no publicity" provision. IBM wanted Hitachi to get all the publicity it deserved.

IBM decided to go to the Justice Department with its evidence. The FBI and IBM were old friends. IBM was then training FBI agents how to act like legitimate electronics purchasing agents for an FBI sting operation, whose cover was Glenmar Associates in San Jose, California. The FBI was investigating the "gray electronics" market, where stolen electronics components, including computers, are bought and sold. The operation, code-named PENGEM (Penetrate Gray Electronics Market), had already begun; the machinery to incriminate Hitachi was in place. The emphasis, the Justice Department decided, would be temporarily switched from theft of high-tech items destined for the Soviet bloc countries, which was PENGEM's initial focus, to similar goods headed for Japan.

In November 1981, Hayashi left Tokyo and came to Las Vegas, where Paley introduced him to IBM's Callahan, who was posing as a somewhat disreputable, but very able, retired lawyer. A few hours later Callahan introduced Hayashi to "Al Harrison," as a source who might be able to get him the secret IBM materials. Al's real name was Alan Garretson and he was an FBI agent.

The FBI went out of its way to impress on Hayashi, and each of the Hitachi employees he brought into his scheme, that what they were doing was illegal. Transcripts from hundreds of hours of video and audio tapes make it clear that Hitachi's people were fully aware of this, but it did not reduce their zeal to make their company, and their nation, *itchiban* in the computer market.

Theft did not preclude bargaining, something the Japanese cultivate with the same patience they devote to the art of *bonsai* dwarf trees. Not only did Hitachi want IBM's secrets, but they wanted them at the lowest possible price. Hayashi and his fellow Hitachi conspirators bargained endlessly with the FBI agents. They held out the inducement of future employment to the federal agents if they did good work. To Paley, whom the FBI had deftly moved aside as soon as he introduced Callahan under the cover name "Richard Kerrigan," they displayed the stick. In a letter to Paley written on December 7, 1981, exactly forty years after Pearl Harbor, Hayashi wrote: "I have no idea to pay your travel fee if you don't have the suitable information for us."

Hayashi revealed his business instincts later, when the filched information and hardware were being shipped back to Hitachi's headquarters in Japan by another person drawn into the conspiracy, Tom Yoshida, a U.S. citizen and president of a small American firm. As a faithful Hitachi salaryman, Hayashi directed Yoshida to send the stolen goods out on Japan Air Lines and intentionally undervalue the shipping documents. "From $10,000 the usual cost, for example, to $500 . . . if he say '$10,000,' you must pay more taxes in Japan," Hayashi told the FBI's Garretson in a videotaped conversation. Stealing secrets was risky business, illegal business, but it was still business.

Initially, the FBI thought they could close the case in "two weeks or so." But as it unfolded it became apparent that it would take more time to draw the maximum number of Hitachi employees into the FBI net. This meant that IBM would have to continue supplying trade secrets and hardware beyond their original intentions. Some

of the information Hitachi requested was now available from IBM customers. One evening in November 1981, FBI agents "bribed" their way into a secret-filled room at Pratt & Whitney's Hartford, Connecticut plant to allow Hitachi's Jun Naruse to photograph a new IBM disk drive memory device installed there for testing.

Other information was less accessible. IBM was understandably hesitant about continuing to supply Hitachi with its trade secrets, but Callahan and the FBI told IBM officials that to make an airtight case, and to demonstrate publicly that the conspiracy had reached Hitachi's highest management levels, IBM would have to satisfy Hitachi's "wish list." IBM reluctantly agreed. Between November 1981 and June 1982, when the FBI arrested Hayashi and Isao Ohnishi, a Hitachi software expert, Hitachi paid out some $600,000 to the ersatz spies. In return they got substantial amounts of IBM hardware, software, and proprietary information, secrets that IBM had spent hundreds of millions of dollars developing.

The passage of time made each secret a little less valuable to Hitachi. But once the first few secrets had made their way across the Pacific, Hitachi's demands grew more insistent. This made IBM even more anxious; the requested material was scattered among research labs, customer sites, and various manufacturing facilities. Each time it had to be collected without alerting IBM employees who, for security reasons, were not aware of the FBI operation. By June, a concerned IBM told the FBI "no more." In any case, they explained to the FBI, much of what Hitachi still wanted would be legally available through purchase in a few months.

The FBI agents were convinced that the Hitachi conspiracy was not just the work of over-eager low-level employees. They were sure that the highest echelons of Hitachi were involved in the plot. To learn which top Hitachi executives were controlling the scheme, Callahan and Garretson offered enticing bait. They told their Hitachi contacts that they were able to get their highly confidential hardware, software, and manuals out through IBM's thick security blanket through a pair of *passeurs* who were very senior IBM execs about to retire. As it often happened, the FBI told Hitachi, both had access to virtually anything the Hitachi people wanted.

These high-level IBM executives, Callahan insisted, could not compromise their identity. "One is on leave from IBM and is president of a college," he told Ohnishi and Hayashi. "Which college?" Hayashi asked, several times, but Garretson and Callahan sidestepped the question. These IBM men, they said, were interested in a steady extra income for a few years, but "only if they could be paid in cash," Callahan stressed. "They have to pay a lot of taxes on their retirement funds, and they want to avoid taxes on this money." But, Callahan added, the IBM men would not agree to the deal unless they could meet a Hitachi official of comparable rank. They would have to have his personal assurances of confidentiality. Hayashi agreed and suggested payment by bank check sent by air express. "No good," said Callahan. "Wire the money directly to the bank, it's faster."

Hayashi concocted an elaborate strategem to bring Dr. Kisaburo Nakazawa, head of Hitachi's computer factory at Odawara, into contact with Garretson and Callahan. He was careful not to alert anyone at Hitachi who was not already privy to the scheme. It was arranged for Nakazawa to make a trip to Hitachi's San Francisco offices; a full schedule of activities was published as a cover. They meet at the St. Francis Hotel where Callahan, in an effort to learn who else at Hitachi was in on the plt, asked Nakazawa to draw diagrams of the Hitachi organizations. Callahan also professed concern about keeping word of the stolen materials from getting back to IBM. Nakazawa assured the FBI agent that he would personally handcopy the information from the pilfered documents, each marked with the red ink "IBM Secret" stamp. No photocopies would be made.

As the scheme gathered momentum, the volume of IBM materials grew. Computer tapes inscribed with IBM's new software package were to be provided to Hitachi, which paid $250,000 for a program they could have bought openly for $100,000 if they had waited a few months. Tapes were smuggled into Japan by Ohnishi, who left his country with blank tapes on IBM reels, which he then told Japanese Customs "had a value of only $10." On his return to Japan, Ohnishi was to carry the same reels with the IBM tapes, and show the customs document to prove that he had brought the same number of tapes out of Japan. "Very clever, very smart, good job," said Garretson when Ohnishi told him what he was going to do. But Ohnishi never had the opportunity. On June 22, 1982 he and his Hitachi colleagues were arrested at the FBI cover office in San Jose.

But at times the Hitachi thieves were surprisingly inept. An IBM tape was "stolen" for the weekend and would have to be "returned" on Monday. Hitachi had one of their San Francisco people come down to HAC Semiconductor to duplicate the tape. "It took your man seven hours to do a five minute job," Garretson complained to Ohnishi and Hayashi.

On another occasion, Nagazawa asked for a large piece of hardware called a backboard. "It's too big to sneak out of the IBM lab at Poughkeepsie," complained Callahan. "It's this big," he said, demonstrating with his hands far apart. "How you gonna sneak that out? Should I get somebody with a big overcoat?" Nakazawa giggled and shrugged.

The FBI investigation revealed direct participation by a total of 11 Hitachi executives, ranging from Ohnishi and Hayashi up to Nakazawa. "Hayashi told the FBI undercover agent that he had the authority to spend up to $1 million," says special prosecutor Herb Hoffman. "Nakazawa is Hitachi's leading computer developer."

No decision has been made by the Justice Department concerning whether it will seek to extradite to America the nine Hitachi employees who had returned to Japan before the arrests. "As soon as the charges were filed, Hitachi filed five binders full of motions. The essence of them was that IBM had set Hitachi up, that it was strictly an anticompetitive situation, that the U.S. government joined hands with IBM and let IBM control the investigation for competitive reasons," says Hoffman. He then asks: "What does that say about Hitachi's credibility when they made all these allegations, then before the motions were heard by the judge, they plead guilty. What does that say about their credibility?

"When it was time for sentencing, the judge said he would not have the individuals put in jail. This was a situation in which Hitachi employees were acting at the behest of their superiors. It was very important that the company be convicted," Hoffman points out.

Ultimately, however, Hitachi paid little for its trangressions. In San Francisco, on February 8, 1983, Judge Spencer Williams fined Hayashi $10,000—the maximum fine—and Ohnishi $4,000. He also levied a fine of $10,000 against Hitachi, which paid its employees' penalties. The total cost in damages was only $24,000. "The only thing they could be convicted of was stealing trade secrets, since IBM gave them everything they took out of the country," says Hoffman. "But the important things was for Hitachi to stand up there in court and admit that they were guilty of trying to steal IBM's plans."

In the early fall of 1983, Hitachi settled the civil suit brought by IBM for the theft of their trade secrets. The agreement included the return of all the stolen IBM materials in its possession, and a provision that IBM would have the right to inspect all new Hitachi data-processing products before they are released for sale during the next five years. They also agreed to disclose the identities of all the individuals who offered IBM secrets to Hitachi. But Hitachi has yet to admit that any of IBM's secrets were used in the development of new products, and they have not yet compensated IBM for the huge expenses involved in settling the case.

The Hitachi "operating expenses" for the conspiracy were only $600,000, a pittance compared to the value of the technology gained. None of the other Hitachi employees involved were tried here or in Japan; they were merely transferred to other jobs. Even Yasukichi Hatano was allowed to keep his seat on the board, though he was relieved of his duties as head of computer operations. "Mr. Hatano is now a 'director without portfolio,'" commented Yasushi Sayama, a Hitachi spokesman. Nor did Hitachi suffer much loss of face in Japan; perhaps even the reverse. The Japanese press, which tends to act in concert with official policy, saw the case as evidence of an attempt by IBM to frame Hitachi. "Jap-baiting," most of the influential dailies complained.

Since "sting" operations are illegal in Japan, except in drug cases, the Hitachi theft of IBM secrets provided a good opportunity for a discussion of America's loose morals. The Japanese papers insisted on calling it the "IBM industrial espionage" case, as if IBM had been the offending party. Shoichi Saeki, a Tokyo University professor of American literature, reported the comments he overheard in the sauna of his sports club. "It was a really filthy trick," said one man. "It was entrapment. The Japanese government must protest against this," said another. "The American methods go too far," said a third. They were criticizing IBM for having Hitachi's spies arrested.

Saeki himself likened the FBI operation to the activities of a con man. "The FBI set up a bogus consulting company. This is an old trick of con men," he said. "In America, where many ethnic groups coexist and the restraining influence of traditional social ties has weakened, con games are widespread." He added, "My experience in the United States convinces me of this. . . . In many areas of American life, tricky methods similar to con games are used. . . . Modern advertising and public relations, with their hypes and hidden persuasion, originated in the United States."

The theft of IBM secrets apparently did not tarnish Hitachi's image as an innovative company. In fact, the editor-in-chief of *Nikkei Computer*, a prestigious Japanese bi-

monthly, reported that "many users of IBM machines have told me they're thinking of switching to Hitachi." Hitachi's sales actually rose in the months following the revelation that Hitachi had stolen IBM's secrets. The U.S. Social Security Administration, which had been shopping for computers bought two Hitachis for $7 million. "They were cheaper, and performed equally" to the IBM models, a U.S. government spokesman explained.

On June 18, 1982, four days before the IBM case made headlines around the world, Fujitsu's two-page ad in the *Nippon Keizai Shimbun*, a trade newspaper, announced that it had completed a new model computer, which was compatible with the new IBM 3081K. *Nikkei Computer*, in its July 26 edition, quoted a former Fujitsu employee as saying that virtually all of IBM's secret documents were in Fujitsu's possession. "The era in which many little stars revolve around the great IBM sun is coming to a close; thus a new era in international business is dawning," said Taiyu Kobayashi, Fujitsu's chairman.

The New Era of Japan has arrived, much to the confusion and detriment of the businessmen and workers of the Western world.

□ 1810

UPDATE ON COLONIAS IN SOUTH TEXAS

The SPEAKER pro tempore (Mr. MCNULTY). Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 30 minutes.

Mr. DE LA GARZA. Mr. Speaker, I take this few moments to bring some information to my colleagues related to a problem in my area of south Texas, and what has been done through the years and where we are now, sort of an update.

Mr. Speaker, there is something called the colonias in south Texas, which is basically a conglomeration of unrestricted housing in areas where there is no zoning outside or adjoining some of the small communities, and in many cases these colonias sprang up because, there being no zoning or no control, developers, some unscrupulous, sold that low-cost land to individuals who would build a modest home, but they did not provide water, or sewerage, or paved streets or any of the things that go with a modern subdivision. Therefore, this became a blight in our area.

Now there have come to the forefront many well-intended people of a kind and charitable nature trying to help us and assist us, and we welcome all of that, and we thank them for their interest, and we would hope that they continue being interested in getting assistance to these areas.

The only thing that I wanted to clear up at this point though is that there has been a continuous effort, but in many cases, as water was brought to a colonia, then another one sprang up, and that was left without water, and water was brought to another one, and another one sprang up.

I want to commend my colleagues in the Texas Legislature, what we call the valley delegation, the speaker of the house, the Lieutenant Governor who presides over the senate, especially the Governor of the State of Texas, Governor Clements, for having signed the legislation that was enacted.

Mr. Speaker, I was there in the late days of the session. I had the opportunity to visit with Governor Clements and urge him to sign the legislation. I visited with the secretary of state, Mr. Jack Rains, and urged him to sign the legislation. I visited with most of my colleagues from the valley delegation and with any other one that I could find to speak with, and this is bringing now some constraints as to unrestricted building in the area where there was no zoning and will allow the counties to have some control.

Mr. Speaker, it will provide also some measure of assistance in a monetary way, but one of the things that prompted me to bring this information to my colleagues was that a State official says that at last help is coming to these areas. Well, we have, and I would like to share with my colleagues now, information of what has been done since I came to Congress and before all of this new-found interest in the areas occurred.

Cameron Park is often mentioned. Well, the first project for Cameron Park started in 1977, and the Cameron Park and Delmar Heights area had a water program through Farmers Home of $297,000, almost $300,000, and the program was started, initiated, in 1977, completed 1981, but yet in 1981 someone says, "At last help is coming to these areas." Mr. Speaker, I wanted to bring that information so it is available.

Let me also say that at the present time one of the water supply, rural water supply, districts is now nearing completion of extending water to about 400 lots near the city of Alamo. The most important thing, though, is that working through existing programs, through the Farmers Home Administration, through HUD, through EDA, we can account for over $38 million since 1978.

Now this area is growing. The Census Bureau projects that there will be almost a 45-percent increase in the population in those two countries, Cameron County and Hidalgo County, between now and the year 2000, but what we have done up to now, and I would like to mention, is to organize these rural water supply districts, and I mention only the ones that I was able to work with.

The Union Water Supply was established May 13, 1965. Royal Water Supply was established May 29, 1965. LaJoya Water Supply, September 13, 1965. North Alamo, June 15, 1966. Falcon Rural Water Supply, September 6, 1966. Sharyland Water Supply, May 22, 1968. Elso Water Supply, June 21, 1976. El Tanque Water Supply, October 12, 1976.

Now one that I have worked with diligently, and it honors me very humbly, I might say because they named their headquarters, their main office, they named it after myself, they named it the Kika de la Garza Office; this Military Water Supply Corp. which established, which began, the process in 1971, and in 1973 the Farmers Home Administration granted them $850,000.

□ 1820

Now, this was a very interesting and unique beginning because there was a group that met, the bishop, interested citizens in the community, civil officials and governmental officials, who decided now is the time to act.

I was working with the EDA on a part of a grant and with the Farmers Home Administration. Everything was ripe for up to meet and work out the agreement, but the Farmers Home Administration official could not come to south Texas. He was going to be with the EDA officials. They were going to be in San Antonio; so I flew into San Antonio. The representatives from the interested groups in south Texas came to San Antonio. We met in the coffee shop at the San Antonio International Airport and there is where was born the Military Highway Water Supply District, and that I say when now someone says at last help is coming to these people. This, my dear friends, was in 1973.

Also there was the most prominent colonials at the time south of the city of McAllen, Balboa Acres. This was a very unique combination of the events also.

Balboa Acres had been plotted. Lots had been sold, but there was no electric power. There was no drainage. There was no water. There were no streets.

Now, it is almost you could say with low-income people, a model. Now the city has built parks. They have a police substation. Gutters and curbing have been brought there, but the unique way that water was brought, there was a grant given to the city of McAllen to bring water to a trade center, an international trade center.

We struck a bargain with the EDA. We will work with you and we will support you if you tap into that and bring water to Balboa Acres, and they did. This provided the funds to begin bringing water to Balboa Acres.

Now, let me just quote some figures, my colleagues, as to what has been done and some of the amounts that have been brought.

In 1973, Military Highway Water Supply had a grant of $650,000, in Cameron County.

In Hidalgo, North Alamo had a grant of $985,000, a loan of $1,055,000.

In Starr County, an adjoining county, El Tanque Water Supply, a grant of $183,000.

In 1979, in Cameron County, the East Rio Hondo Water Supply, a grant of $2,866,000.

In 1980, the Military Highway Water Supply, a grant of $300,000.

In a very unique way, an institution called Catholic Charities provided a loan so that that could be utilized for the low income mostly migrant families to borrow so they could tie into the incoming lines.

I am not going to mention the loans, only the grants.

In 1980, La Joya Water Supply, a grant of $600,000.

The city of Elsa, which is a small community, a grant of $810,000.

In Starr County, El Tanque Water Supply, a grant of $125,000.

In 1981, in Cameron County, the Rio Hondo Water Supply, a grant of $1,669,000.

In 1982, Military Highway, another grant of $613,000, and so it continues.

The Sharyland Water Supply, in 1983, a grant of $2,500,000.

In 1984, North Alamo, a grant of $2,060,000.

So I would think that we have done our share. This Government using taxpayers' money, has been generous and these issues have been addressed and have continued to be addressed, but now we have a problem that major periodicals in New York or Washington and San Antonio come down and show the undeveloped areas, show the blight that we cannot deny, but that we are working toward solving, but they do not show what has been done.

The Farmers Home Administration has built some model neighborhoods near Alamo, near Elsa, of low-income model housing for families, young families, low-income families, many of them migrant labor. This is never pictured. This is never shown by the major periodicals, like we have to suffer with here. The media only goes after the sensational. They do not come and give credit to those who have worked and to those who are working and to those who have worked in the past, only that they come and show that there is a problem.

We admit there is a problem, but no one can deny that it has not been addressed. I have just given you some quotes of some of the amounts that have been granted to these communities, to these water supply districts to bring water. After water has to come sewage. We are still working on that.

There are areas of tremendous neglect, but this is only because the people are of low income, mostly in the migrant stream, and even though they are working, hard-working individuals, their income is not at a level compatible with buying a good and decent home, so they have to rely in some instances on the speculators, the developers who sell them a lot for $10 or $100 down and then however much they can pay for the rest of their lives. This is sad that people would be forced into doing that.

This is one of the areas of concern that I have now about this HUD problem, that it might trigger a reaction to less an impact in programs of HUD because of human greed basically, that is the only way I can describe it, human greed and illegal activity or some legal but on the fringe of moral right or immoral activity.

I am concerned that they might then say, well, we should not have these programs, but the programs are needed.

I today want to commend all who have worked, religious organizations of all denominations, public officials, past and present, at the county level and at the local level in our area.

The members of the boards of the rural water supply water districts that serve with great interest in helping their communities, the members of the legislature, past and present, from our area, these different governors who have worked with us in this endeavor, the lieutenant governors who have worked with us in this endeavor, I commend and I thank all of them.

□ 1830

I commend and I thank all of them, and I would hope that the major periodicals would come and look at the good that has been done. For someone to say that this area has been neglected by the Federal Government is not true. It is not correct.

Here are some of the figures that I would dare say, from the last figures that I have until now, that probably around $50 million since 1978 have been brought into this area for infrastructure for helping these people and for helping these colonias bring themselves up to a decent level. We still have people drinking inadequate water. We still have people with inadequate housing.

Fortunately, because of the culture and the climate in our area, we do not have the homeless like we see in the big cities. We do not have people sleeping in hallways or things like that, but we do have some who are living in homes inadequate to serve the creature of God. That law from above demands that the creature of God at least have a decent place to live.

We have some way to go in that area, but unfortunately, it happens. I say that there are no homeless, even though it may be a very modest one-room or two-room, what one would call a shack, but the community comes out.

In my hometown of Mission, or near Mission, a family was renting a small cabin, and they were asked to vacate, so they found themselves with no place to go, and they went and put a tarp under a mesquite tree, and that will be the counterpart of our homeless. Within hours the community was there. This one brought lumber, this one brought nails, this group came with paint, and in 36 hours they had a very simple, very modest little cabin, but the community came so that they would not be sleeping under a tarp, under a mesquite tree.

This is the spirit of the area, and this is the spirit in which we have worked and will continue to work, but sometimes it is frustrating that even in this Chamber we hear:

> Nothing is being done. The plight of the south Texas colonials—we have to have a commission; we have to have study.

Mr. Speaker, I have lived through about five commissions. The first one that came, and this is almost ludicrous, they sent an anthropologist who came to measure our heads before they decided if we were meriting any kind of assistance. That we do not need. We need understanding. We need help, and we need to cooperate and work one with the other and bring together all people of good will and kind hearts so that we might help the less fortunate citizens and neighbors and friends and brothers and sisters of ours.

No one can say that the issue has been neglected. We cannot say that the Federal establishment has not provided, because I say $50 million, and I can verify $38 million, but I suspect the other has come since the last 5 years, so I would hope that my colleagues would read these figures, would read the statistics, and that the world knows that there is a little speck of earth called the Rio Grande Valley in south Texas where there are proud and loyal citizens who have served their country in peace and in war, and that they need assistance, but that proudly we say we have tried to help ourselves throughout this endeavor, and we will continue through HUD to try and help ourselves.

We welcome all of the outsiders who would come and join with us hand in hand to help with this problem, but to say that no one cared, that no one did anything is wrong.

FARMERS HOME ADMINISTRATION COMMUNITY PROGRAMS—PROJECTS FOR 5 TEXAS COUNTIES, MAR. 3, 1988

Fiscal year, county, and borrower name	FmHA assistance		Type of project
	Loan	Grant	
1978:			
Cameron: Military Hwy WSC		$650,000	Water.
Hidalgo: No. Alamo WSC	$1,055,000	985,000	Do.
Starr:			
El Tanque WSC	193,400	183,000	Do.
Starr Co. WICD 2	616,000	0	Do.
Do.	34,000	0	Sewer collection.

FARMERS HOME ADMINISTRATION COMMUNITY PROGRAMS—PROJECTS FOR 5 TEXAS COUNTIES, MAR. 3, 1988—Continued

Fiscal year, county, and borrower name	FmHA assistance		Type of project
	Loan	Grant	
1979:			
Cameron: E. Rio Hondo WSC	670,000	2,866,000	Water.
Hidalgo: City of La Joya	150,000	0	Sewer treatment.
Starr:			
Falcon Rural WSC	45,400	138,600	Water.
Starr Co		469,000	Do.
1980:			
Cameron:			
Catholic Charities	693,500		Comm. health center.
Military Hwy WSC		300,000	Water.
Hidalgo:			
La Joya WSC	616,800	600,000	Do.
City of Elsa	536,000	810,000	Do.
Starr:			
El Tanque WSC		125,000	Do.
Starr Co		250,000	Industrial dev. grant.
1981:			
Cameron: E. Rio Hondo WSC	356,500	1,669,500	Water.
Starr:			
Starr Co. WICD 2	64,000	154,000	Do.
Do	199,000	0	Sewer collection.
Zapata: Zapata Co. WCID	61,000	159,000	Water.
1982:			
Cameron:			
Military Hwy WSC	178,500	0	Do.
Do	208,900	613,100	Sewer coll. and tr.
Los Fresnos	590,000	0	Water.
Hidalgo:			
No. Alamo WSC	3,340,000	0	Do.
City of Edcouch	200,000	0	Do.
1983:			
Hidalgo:			
Edcouch-Elso ISD	1,900,000		Cultural and educational.
Sharyland WSC	2,500,000	2,500,000	Water.
City of La Joya	200,000	0	Sewer treatment.
Zapata: Zapata Co. WCID	10,000	30,000	Water.
1984:			
Cameron:			
Military Hwy WSC	69,100	0	Do.
Do	51,500	143,700	Sewer coll. and tr.
Town of Combes	450,000	0	Water.
Do	200,000	0	Do.
Los Fresnos	40,000	0	Do.
Hidalgo:			
La Joya WSC	900,000	916,000	Do.
No. Alamo WSC	1,995,000	2,060,000	Do.
Starr: Union Water Supply	140,000	20,000	Do.
Zapata: Zapata Co	500,000		Health care.
1985:			
Cameron:			
Olmito WSC	400,000	822,500	Water.
Los Fresnos	82,000	0	Do.
1987:			
Cameron:			
City of La Feria	206,300	0	Sewer collection.
Do	219,700	0	Sewer treatment.
Starr: City of La Grulla	500,000	660,000	Water.
1988:			
Cameron: Olmito WSC	41,000	210,000	Do.
Starr: City of La Grulla		116,000	Do.

FARMERS HOME ADMINISTRATION COMMUNITY PROGRAMS—PREAPPLICATIONS AND APPLICATIONS ON HAND, 5 TEXAS COUNTIES, MAR. 3, 1988

Borrower	Type of project	FmHa funding request	
		Loan	Grant
Preapplications on hand:			
Military Highway WSC	Water	$1,650,000	
North Alamo WSC	do	1,450,000	$1,450,000
Zapata County	do	426,600	
Do	Sewer coll	142,200	
Do	Sewer tr	142,200	
City of Rio Hondo	Water	150,000	450,000
Do	Sewer tr	150,000	450,000
Rio WSC	Water	205,500	205,500
Military Highway WSC	Sewer C&T	187,500	562,500
Starr County	Bridge	325,000	
Applications on hand:			
El Indio WSC	Water		185,000

SFH LOAN AND GRANT ACTIVITY (FISCAL YEAR 1978–87) TEXAS COUNTIES: CAMERON, HILDAGO, STARR, WEBB, AND ZAPATA

County by fiscal year	Number	Obligated
502 loans:		
Cameron:		
1987	58	$2,082,780
1986	71	2,542,520
1985	61	2,011,580
1984	31	833,410
1983	10	261,406
1982	32	651,070
1981	44	957,140
1980	29	726,110
1979	30	591,290
1978	11	206,400
Hildago:		
1987	67	2,466,360
1986	76	2,662,390
1985	52	1,821,990
1984	45	1,398,440
1983	89	2,879,820
1982	98	2,790,180
1981	81	2,394,940
1980	39	1,028,360
1979	35	692,970
1978	24	344,950
Starr:		
1987	8	117,450
1986	18	252,710
1985	18	294,210
1984	10	141,450
1983	14	200,340
1982	24	149,700
1981	21	351,960
1980	38	665,590
1979	20	360,340
1978	29	467,950
Webb:		
1987	0	0
1986	0	0
1985	0	0
1984	1	6,000
1983	0	0
1982	0	0
1981	1	31,000
1980	0	0
1979	1	25,500
1978	1	22,500
Zapata:		
1987	5	28,000
1986	13	232,850
1985	10	232,200
1984	8	102,800
1983	10	204,350
1982	5	83,900
1981	14	262,800
1980	25	444,800
1979	11	220,200
1978	10	170,600
504 grants:		
Cameron:		
1987	0	0
1986	1	5,000
1985	1	2,800
1984	2	7,940
1983	6	10,070
1982	1	3,590
1981	0	0
1980	17	42,100
1979	6	29,220
1978	3	8,320
Hildago:		
1987	0	0
1986	16	37,880
1985	6	18,500
1984	6	21,580
1983	0	0
1982	2	860
1981	1	2,830
1980	27	80,230
1979	32	132,110
1978	15	63,500
Starr:		
1987	36	152,400
1986	13	50,410
1985	20	85,030
1984	39	161,510
1983	45	209,920
1982	19	73,850
1981	20	61,420
1980	37	122,020
1979	34	108,420
1978	6	26,550
Webb:		
1987	0	0
1986	0	0
1985	0	0
1984	0	0
1983	0	0
1982	0	0
1981	0	0
1980	0	0
1979	0	0
1978	0	0

SFH LOAN AND GRANT ACTIVITY (FISCAL YEAR 1978–87) TEXAS COUNTIES: CAMERON, HILDAGO, STARR, WEBB, AND ZAPATA—Continued

County by fiscal year	Number	Obligated
Zapata:		
1987	0	0
1986	0	0
1985	0	0
1984	0	0
1983	0	0
1982	3	6,800
1981	1	3,000
1980	1	500
1979	1	3,000
1978	0	0
504 loans:		
Cameron:		
1987	1	1,500
1986	1	2,500
1985	5	13,250
1984	6	22,500
1983	5	12,450
1982	3	11,020
1981	5	18,520
1980	18	39,520
1979	4	14,400
1978	4	7,070
Hildago:		
1987	7	15,310
1986	16	28,800
1985	1	4,640
1984	5	13,030
1983	4	10,120
1982	3	11,860
1981	11	48,490
1980	16	39,120
1979	11	30,840
1978	22	80,140
Starr:		
1987	39	108,070
1986	23	74,390
1985	21	72,670
1984	17	65,840
1983	4	8,750
1982	7	17,250
1981	13	28,230
1980	12	26,920
1979	0	0
1978	0	0
Webb:		
1987	0	0
1986	0	0
1985	0	0
1984	0	0
1983	0	0
1982	0	0
1981	0	0
1980	0	0
1979	0	0
1978	0	0
Zapata:		
1987	0	0
1986	0	0
1985	0	0
1984	2	6,500
1983	0	0
1982	2	5,500
1981	4	13,000
1980	0	0
1979	2	4,500
1978	0	0

MFH LOAN AND GRANT ACTIVITY (FISCAL YEAR 1978–87) TEXAS COUNTIES: CAMERON, HILDAGO, STARR, WEBB, AND ZAPATA

Fiscal year and county	Number of loans grants	Loan/grant amount	Units assisted
Labor housing sec. 514/516:			
1987: Webb	1	[1] 164,150	48
		[2] 1,147,300	
1986	0		
1985	0		
1984	0		
1983	0		
1982	0		
1981	0		
1980: Hildalgo	1	[1] 86,500	32
		[2] 779,810	
Rural rental housing sec. 515:			
1987	0		
1986: Cameron	[1] 1	[1] 798,000	32
1985:			
Cameron	[1] 1	[1] 571,900	24
Hildago	[1] 1	[1] 880,000	32
1984:			
Cameron	[1] 1	[1] 921,500	34
Hildago	[1] 1	[1] 866,000	32
1983	0		
1982	0		

MFH LOAN AND GRANT ACTIVITY (FISCAL YEAR 1978–87)
TEXAS COUNTIES: CAMERON, HILDAGO, STARR, WEBB, AND ZAPATA—Continued

Fiscal year and county	Number of loans grants	Loan/grant amount	Units assisted
1981:			
Cameron	[1] 1	[1] 1,499,000	64
Hildago	[1] 1	[1] 888,000	24
1980	0		
1979	0		
1978	0		
Housing preservation grants sec. 523:			
1987:			
Cameron	[2] 1	[2] 88,000	[3] 18
Hildago			
1 other county			
1987:			
Hildago	[2] 1	[2] 137,000	[3] 44
Starr			
14 other counties			
1986:			
Hildago	[2] 1	[2] 907,500	[3] 76
Starr			
14 other counties			

[1] Loan. [2] Grant. [3] Families assisted.

Note: Housing Preservation Grant Program not available prior to fiscal year 1986.

TRIBUTE TO THE HONORABLE CLAUDE PEPPER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] is recognized for 10 minutes.

Mr. HUTTO. Mr. Speaker, today I want to talk about my good friend, Claude Pepper. I regret that I was in a markup committee session on June 20 when the dean of our Florida delegation, Congressman CHARLIE BENNETT, conducted a special order on Claude, who was one of Florida's greatest all-time statesmen.

Mr. Speaker, I had heard of Claude Pepper through the years but never had an opportunity to meet him until 1973, my first year in the Florida Legislature. Claude throughout the years had always gone back to Tallahassee during the legislative sessions to address the Florida House of Representatives where he served back in the late twenties and early thirties. After speaking to the house he then would go down into the chamber and sit next to the representative who represented his old district when he served in that body. It so happened that this position placed Claude between me and James Harold Thompson, who later became the speaker of the Florida House. During these annual visits by Claude I had the opportunity to enjoy his company and get to know him a little better. Needless to say, even at that stage of his career, I admired him as a senior statesman.

Then when I came to the Congress in January 1979 I renewed acquaintances with Claude and was proud to be his friend. My wife, Nancy, and I counted him as one of our dearest friends and we always marveled at his fabulous memory when he recalled true stories of Florida's political history. It amazed us that he could remember in detail campaigns that had been waged years ago.

Claude's service to his country stretched over more than six decades. Through the years Claude stood for what was right. He earned the respect of his colleagues, his constituents, and the American people.

I could relate to Claude Pepper very well because he grew up like I did in rural Alabama and knew what hard times were all about. From this poor agricultural background he rose to a position of power in which he always remembered his roots. Claude was one of the most compassionate people I have ever known. He loved everybody and in return was loved by them. He hated to see people suffer for any reason and he was always ready to lend a helping hand.

Because of his great concern for others Claude was successful in his long political career in getting legislation passed that has brought about a better life for countless millions of people. How great it was that he was still going strong at the age of 88. Claude Pepper had become a national figure for his championing of the down and out, the poor, the elderly, and the troubled. He deserved all of the many accolades that came his way through the years. Yet we all know that there were some hectic times in Claude's life. He was much maligned and misrepresented to the extent that he lost his seat in the U.S. Senate. He knew what it was like to be scorned, but he never gave up. He knew that his service to people was right and his faith endured until he was elected to the U.S. House of Representatives. It presented him with the opportunity to do even more in easing the plight of the downtrodden and building a greater America.

With the passing of Claude Pepper the Congress, without a doubt, has lost its greatest orator. One of the greatest speeches I ever heard was delivered by Claude on the occasion of the 100th Birthday/Anniversary of Franklin D. Roosevelt right here in a joint session in this Chamber. Claude recalled in vivid terms his service with FDR and the audience was completely enthralled with his masterful presentation—and he did it all without a single note which was his usual way of speaking, completely extemporaneously. I have also heard glowing reports about Claude's bicentennial speech in Philadelphia and I am sorry that I was unable to attend this historic gathering but the words he spoke in Philadelphia, in Washington, and along the crossroads of America will endure for generations to come.

The last several years I referred to Claude as my golf partner. About 4 years ago Dick Sewel called me and asked me if I would like to play golf with Senator Pepper on his 85th birthday. Of course, I was delighted to join Claude, Dick, and others and we had a most enjoyable time. This became an annual event and I was most pleased to be in Claude's company on his September 8 birthday. He loved the game of golf and stroked the ball quite well for someone his age. After playing with him on his 88th birthday last September I said, "Claude, I will play with you on your 89th birthday only under one condition and that is that you promise to play with me on my 89th". His response was predictable. He said, "I'll be there."

Those of us who were privileged to attend the ceremony at Walter Reed Army Hospital on May 25 in which President Bush presented the Presidential Medal of Honor to Claude will never forget this memorable event. Although this beloved statesman had been hospitalized for nearly 2 months in which he had no solid food he simply amazed all of us. We knew this remarkable man had an unbelievable memory which he used so eloquently, but we never counted on such a performance as he gave on that day. He was rolled into the ceremonial room in a wheelchair and although obviously in a very weakened condition he greeted those in attendance in his usual warm manner. When the President and Mrs. Bush presented him with the medal he responded, not with a simple "Thank you Mr. President and Mrs. Bush," but he proceeded to make one of the most moving speeches we had ever heard. Before the President arrived Claude had asked someone to go to his room and bring the picture of Mildred that was by his bedside. There was no more devoted couple than Claude and Mildred Pepper and she would have been extremely proud of him for this, his last performance. He spoke of how the Lord had blessed him by bringing him from the poverty of rural Alabama to the opportunity of serving in the U.S. Congress.

Though I may have differed with Claude philosophically at times, I think he was greatly respected and admired by every man and woman in Congress and by millions of Americans and even people of other nations. He made his mark and he made a difference. Claude is gone from our midst, but he will forever be remembered. Claude Pepper, a truly great American.

□ 1840

THE ENVIRONMENT

The SPEAKER pro tempore (Mr. MCNULTY). Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, our special order this evening is going to be on the environment. I am joined by the gentleman from Illinois [Mr. SANG-

MEISTER], and the gentleman from Illinois [Mr. POSHARD]. Speaking of the gentleman from Illinois [Mr. POSHARD], in the gallery tonight we have a young man from his district, Marion, IL, Jim Broeking, so it is a double honor tonight to have both of them involved in some way in this particular special order.

The SPEAKER pro tempore. In the future Members will be asked to refrain from referring to individuals in the gallery.

Mr. LIPINSKI. Mr. Speaker, I will certainly do that.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Speaker, I commend my colleague for organizing this special order on clean air tonight. As we progress we are going to see, of course, that we are not all in unanimous agreement as to how this should be approached. I am sure that a good friend and colleague of mine from southern Illinois, Mr. GLENN POSHARD, when he speaks will not agree with everything that I have to say, but such is the nature of this body and the deliberations that are going to go forward. But the important thing is that it is clearly the most important environmental issue that the Congress is going to face this year and I think it is important that we do discuss it.

Nearly 150 million Americans—almost 60 percent of our population—are breathing unhealthy air. The ones most at risk are, of course, children, pregnant women, and the elderly. Dr. Philip Landrigan of the American Academy of Pediatrics has even suggested that parents limit children's outdoor play when air pollution is particularly bad. But dirty air poses a severe danger to everyone. As Dr. Thomas Godar, president of the American Lung Association, noted recently, record air pollution levels made "1988 * * * a public health disaster unless you're interested in pernicious population control."

The people in my district and those who live in the Greater Chicago area, know smog levels are frighteningly high. People who exercise outdoors, especially during the summer months, frequently complain of coughing and shortness of breath. Dr. Godar has indicated "growing medical evidence suggests that repeated exposure could cause permanent lung damage." In Mexico City, the smog problem is so bad many people wear masks outside to filter out the pollutants. Let's not wait until our air quality becomes this critical and debilitating.

Cars, trucks, and buses are responsible, in large part, for these high levels of pollution. Yet these same sources can be the most cost effective to regulate. We currently have the know-how to wage a successful battle against air pollution. There are low polluting alternatives to gasoline and diesel fuels that are more energy efficient and less dangerous to our health. Alternative or clean fuels such as methanol, ethanol, and natural gas offer tremendous potential. Ethanol in particular, which in the United States comes from the fermentation of corn, would help our farmers and lead to substantial reductions in ozone, partic-ulates, nitrogen oxide, and benzene levels. Experts in this industry estimate ethanol can be produced at a cost competitive to gasoline before the year 2000. What are we waiting for?

Air toxics are another public health concern. This spring, data were released indicating the U.S. EPA regulates only seven of the hundreds of toxic air pollutants released into the atmosphere. Many of these chemicals are known carcinogens. Illinois ranks eighth in toxic emission levels and two chemical plants in our State are considered among the riskiest facilities in the country by EPA. In all, Illinois emitted 103 million tons of toxic pollutants into the air in 1987. Long-term exposure to these toxins include reproductive health problems, nervous system disorders, and liver and kidney damage. Other chemicals pose health threats when they are released in large amounts. These effects include headaches, dizziness, nausea, skin rashes, severe eye irritation, and in some cases, even death. PCB's and other contaminants have also severely affected fish and wildlife in the Great Lakes region. Over 30 species of fish have been deemed unsafe for consumption mainly due to airborne sources of PCB's.

Under current law EPA is required to regulate hazardous air pollutants on a chemical-by-chemical basis. EPA has had 20 years to regulate these chemicals. To say they have shirked this responsibility would be an understatement. We could be doing more, we should be doing more, we must do more.

I am optimistic about the President's clean air proposals and look forward to working with him to ensure these goals become a reality. But we must also realize that there are no magic solutions. Reduction measures will be costly and may change how some industries do business. Consumers will inevitably face higher costs but that is not too high a price to pay for the health of our children and the safety of all our neighbors. I share the spirit and conviction that President Bush demonstrated last month when he unveiled his clean air package. I was concerned, however, when I read, in the Washington Post just this morning, that the President has diverged from his original proposal. I am troubled the administration has decided to relax standards for controlling both sulfur dioxides—which cause acid rain and toxic air pollutants.

Mr. Speaker, Americans today live in a society of convenience. We are going to have to make sacrifices and lifestyle changes in order to solve all environmental problems—not just clean air. For instance, Americans must learn to be more sensitive to products that are compatible with our environment. We must learn the importance of recycling and switch to biodegradable products. Whenever possible, we should try to save energy by using mass transportation. In short, every American has a stake in making sure our air is clean and our water is pure. I believe Americans are willing to make these necessary changes. We must also work together with industry to provide incentives for them to effectively contribute to the cleanup process. Every CEO and chairman will have to face up to these harsh, sometimes costly responsibilities.

However, in enacting clean air legislation, Congress must be especially sensitive to any requirements that place an unfair economic burden on any one State or region. Acid rain legislation, for instance, must ensure that the cleanup cost is spread fairly and that the jobs of midwestern workers are protected. The lives of thousands of families can be ruined if we pass careless legislation. That would be a tragic mistake. What we must do is both clean our air and address the economic needs of all our citizens.

I stand ready to do all I can to enact comprehensive clean air legislation. I am committed to putting our Nation on a steady and effective course to clean air. This is the least we can do for our children and grandchildren.

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Mr. POSHARD. I thank the gentleman from Illinois [Mr. LIPINSKI] for including me in this special order on the Clean Air Act, the proposed Clean Air Act.

Mr. Speaker, if I fail to make any other point during my remarks today, please allow me to make this one. The current acid rain control proposal by the Bush administration will be a disaster for the coal miners and their families in my district of southern Illinois.

Having said that, let me elaborate a bit more on what I think can be done, and if I may, what should be done to control the impact of acid rain.

I speak on behalf of an area that's served this country's energy needs for over 100 years. Too many families have sent their loved ones off to begin a shift, not knowing they were saying goodbye for the last time, for us to turn our backs on them now. The dangerous, demanding job of mining coal is one the people in my area have performed with dignity and pride for too long a time to abandon the men and women who are trying to support their

families and provide for their children's future by working in the coal mines. This goes for UMWA members and management alike, who in this fight, are in it together.

I was distressed to hear President Bush's proposal for achieving a higher standard of clean air in this country without taking into account the dramatic impact it would have on coal mining areas.

The United Mine Workers of America suggests it could cost 30,000 jobs from the ranks of its membership, a membership that's already operating at about half of its active capacity. I hope I can speak for the miners of southern Illinois when I say we should be looking for ways to put these people back to work, not put them out of business for good.

One of the most chilling moments for me in this recent announcement came from something most people probably didn't notice, a statement carried at the very bottom of a wire story from the Associated Press.

The same day President Bush announced his Clean Air Act revisions, Secretary of Labor Elizabeth Dole was quoted saying her office is already considering what kind of retraining and job assistance programs would be needed for the miners and others who will be put out of work by acid rain controls. Although I'm happy they're thinking about what to do with these men and women, it seems to be putting the cart before the horse. It sounds as though the administration has already decided to put an awful lot of people out of work, at a time when people in my area are literally crying out for job opportunities.

I make these points because we have to keep the human factor in mind. And I'm not here to ignore the environmental impact people in beautiful States such as Vermont, Maine, and Massachusetts claim they're seeing from acid rain. I support clean air as much as the next Member, and I don't for 1 minute suggest that jobs in one industry are so important that we would keep them viable at the risk of our health and natural resources. But a policy that concerns itself solely with avoiding pollution damage in certain areas, while ignoring economic damage in others, is no more fair than if the policy were crafted to cut the other way.

I'm here with my colleagues today to suggest compromise, and to argue against abandoning the promise of technology to achieve what we all agree are laudable goals.

The State of Illinois office here in Washington has analyzed this plan and comes to some of the same conclusions I have, particularly as it relates to the impact on the coal industry. Let me thank the State of Illinois office for its support and assistance on the issue.

The President's approach is designed to cut emissions of sulfur and nitrogen oxides in half by the year 2000, mainly by demanding emission reductions on coal-fired utilities in the Midwest and Southeast. Plants in Illinois that will exceed the sulfur dioxide emission standard for the first phase, targeted for 1995, include Central Illinois Light Co.'s Edwards Station; Electric Energy Inc.'s Joppa Plant; Commonwealth Edison's Kincaid Station; Central Illinois Public Service Co.'s plants in Meredosia, Grand Tower, and Coffeen; and Illinois Power Co.'s Baldwin, Hennepin, and Vermillion Stations. The Joppa and Grand Tower facilities are in my district.

That in and of itself might be reason enough for us as an Illinois delegation to resolve to fight for more equitable treatment as we search for acid rain solutions.

We in Illinois like to think we shoulder our fair share of the load when it comes to providing for the common good of this Nation. But we're being asked to put an awful lot on the broad shoulders of our people when it comes to this program. We should strive for a program that deals equitably with all of the States, and that doesn't penalize one area of the country so heavily. There should be a nationwide cost-sharing program for acid rain control.

In my district and in others across Illinois, scientists in private and university research labs are closing in on the mysteries of getting coal to burn more cleanly. We're spending millions, in public and private money alike, to reach solutions that will please both sides of the issue, that will produce the clean air we all need to breathe, and protect the jobs of high sulfur coal miners at the same time.

The administration plan, however fails to provide for technology reductions in the first phase of its implementation. There are some provisions for utilities using clean coal technologies to have a 3-year extension in meeting the second phase of reductions, but that doesn't meet the needs of the utility or coal industries, and is really meaningless in the administration's scenario. If we could reach more reasonable reduction targets for both the first and second phase of the plan, it would give technology more time to prove itself, and utilities more time to plan for how to use it. Without such a delay, we're going to see little else than massive fuel switching, away from the kind of coal mined in my district, and tremendous economic damage done in the heartland of America.

I know my colleagues who represent more urban areas than I are also very involved in the clean air issue because they have constituents who live in areas where smog is a concern. Some of the measures proposed would assist in that regard, and would also promote alternative fuel production, which is something I've supported here in my brief tenure in Congress.

I'm hopefull we'll not get caught up in the momentum to rush toward solutions without taking into account all of the options available to us.

I just want to urge the Congress to take measured consideration of these proposals, and not be afraid to modify the most offensive portions of it.

If we don't do that, we're sending ratepayers, utilities, and most of all the mining industry toward an uncertain and perhaps unwelcome future.

□ 1900

Mr. LIPINSKI. Mr. Speaker, it was a pleasure having the gentleman from Illinois, and I simply want to say in regard to his remarks that the gentleman from Illinois [Mr. POSHARD] will certainly have my very strong support in trying to do something to alleviate the problem. This Nation has lost an awful lot of the jobs over the course of the last 10 or 15 years, particularly jobs dealing with the labor movement in this country, and we have to do something about it, and certainly this is an area in the State of Illinois and throughout the entire Nation that we can do something about. I think we should take steps to make sure these people are gainfully employed because they have given so much to our Republic in the future, and we simply cannot afford to be losing any more of these jobs.

On this, the hottest week of the summer, it is particularly apt to address one of our Nation's most serious problems: The degradation of our natural environment. As temperatures increase to predicted record highs, so will the production of ground level ozone, escalating the situation to crisis status. And, as thousands flock to the shores of New Jersey and Delaware and to the beauty of Alaska, they will be confronted by poisoned beaches and polluted waters. The enormity of the situation demands our Nation's immediate attention and prompt, firm action towards finding a solution to this intolerable dilemma.

We are fortunate to have a President who is concerned and willing to take a first step toward new legislation directed at preserving our environment. Still, it seems as if the President is tailoring his legislation in such a fashion that it will be of little consequence. Although his special report does an admirable job at reporting the facts, his proposed solutions seem to be nothing more than window dressing.

I understand Mr. Bush's hesitation to enact sweeping reforms which may inadvertently cause harm to our economy and society. I too have those reservations. I do not want to see the citizens of this great Nation have the

heavy hand of Government reach into their private lives in the name of environmental protection. Still, we have an obligation to hand to our children an environment which is livable, but the President's report gives too much latitude for the EPA to do nothing.

According to the President's report, the vast majority of American cities are in violation of the minimum standards of attainment. As a result, over 100 million Americans live in areas with ozone levels which exceed Federal standards. Each person breathes an average of 15,000 to 20,000 liters of air a day—air which is considered unfit for human consumption. Ninety percent of the ozone inhaled is never exhaled. Instead, it remains in the lungs where it scars lung tissue causing short-term effects such as coughing, nausea, inflamed tissue, and increased susceptibility to respiratory infections. Especially at risk are young children, asthmatics, senior citizens, and the unborn. Long-term exposure is believed to lead to emphysema or lung cancer.

EPA studies have proven the presence of ozone is causing extensive damage to many types of vegetation including tomatoes, corn, soybeans, wheat, peanuts, lettuce, and cotton. Even at levels which comply with Federal standards, farmers can lose up to 30 percent of their crop to ozone. The resulting crop loss of $2 to $3 billion per year is a serious threat to our economic security.

It is obvious that we must make critical choices concerning our air. We must take extreme caution, however, to make sure that our plans do not work to the detriment of innocent men and women. As representatives of the people, we have a solemn duty, not only to provide clean air for our citizens, but also to make sure that all people may continue to lead normal, productive lives.

It is with this thought that I bring to your attention a perfect example of what may occur in the face of legislative inaction. The Federal District Court for the Eastern District of Wisconsin has mandated an air quality plan for Chicago which is nothing less than a ball and chain which will shackle the freedom of the people of that great city. This plan will force the EPA to resort to such drastic measures as gasoline rationing, restrictions on high octane gasoline sales, mandatory alternative work schedules and other measures which will disrupt lifestyles and business in Chicago.

The court, however, was only doing its job when it ordered the EPA to design a clean air plan for Chicago. Likewise, the EPA will act in good faith to prepare a plan which is consistent with the court order. Good intentions, however, often pave the road to an unpleasant location, and the EPA plan could have disastrous effects. Fortunately, this plan has been delayed. Under pressure from the Illinois delegation, the EPA has decided to fund a comprehensive, 4-year study of the Illinois air basin which will provide a scientific basis for pollution reduction in the area. Still, the city of Chicago needs a complete solution.

While environmental cleanup is an imperative, it also has significant costs. Illinois is one of the Nation's leading producers of high sulfur coal. The President's reliance on market solutions could easily cost thousands of jobs in Illinois. Market incentives, while important, cannot provide the whole solution. Cost sharing and mandatory technologies for the cleaner burning of Illinois coal are essential steps to clean air without unnecessary sacrifices of jobs.

Implementation of clean air legislation will cost businesses and taxpayers money. The administration itself estimates that implementation of their clean air proposal, still in a very rough form, will cost U.S. corporations $14 to $18 billion annually. Other clean air proposals will also cost substantial amounts to implement.

But, no matter how much it costs to clean up our air, it is cheaper than continuing to condemn our citizens to poor health, cancer, crop and economic damage, as well as the threat of lawsuits and unreasonable changes in lifestyle. We can improve both our health and our economy through thoughtful and timely clean air legislation.

The Illinois delegation has a special responsibility to see that any clean air legislation passed does not single out particular States or regions for punitive controls. But the Illinois delegation, especially those of us from Chicago, shoulder a special responsibility to pass clean air legislation to avoid implementation of the faulty court-ordered plan.

It seems as if we are at an impasse. Our courts are forcing medieval remedies to environmental problems, while the President is simply drawing attention to the problem. We, the Members of Congress must act now to find a middle ground. As Representatives, we know the people best, and we will know how different proposals will affect them. But, as legislators, we must make the bold initiatives which will protect our citizens from the careless activities to others.

Likewise, as Representatives from Chicago and Illinois, we must worry about the contaminants in our air, as Representatives of the United States, however, we face another grave problem: the contamination of our beaches and oceans.

For too long this country has allowed national and international companies to transport fuels over our precious waterways without enough emphasis placed on preventing spills or establishing procedures for adequately cleaning up such spills. Instead these companies have pooled their resources to create self insurance pools so when spills do occur they have the financial resources to pay any fines and penalties.

But why don't these same shippers join together and develop safer methods for transporting fuel? Why don't they join together and train captains to safely operate in American waters? Why don't they join together and develop proven procedures and technologies aimed at quick and efficient clean up? No, instead they have joined together and financially protect their bottom—their bottom line.

The current laws and regulations concerning the transportation of oils over our waterways create an atmosphere that rewards financial preparation, and not prevention. The recent Rhode Island spill exemplifies how current law was not enough of an incentive for the captain to act safely. Under Rhode Island law the captain should have waited until a licensed pilot came aboard to steer the ship in. However, in an act of an individual's disregard for such laws, many Rhode Island beaches had to be closed. Laws such as those requiring trained pilots makes good sense, but disregarding them seems to save dollars. It is at this bottom line level that we must demonstrate our concern for protecting our waters and environment.

If we do not begin to rethink the message we send to energy companies, they will continue to place their profit margins above our twin domestic concerns of clean water and cheap energy. My legislation, H.R. 2532, sends the clear message that businesses, if they want to protect their profits, must not just pay for clean up, but must do it correctly and do it quickly. Passage of this legislation will give companies incentives to prepare plans for quick and effective cleanups. And it will give companies incentives to ship fuels in safer vessels, steered by sober, well-trained pilots.

Although Illinois does not border some of the heavily trafficked waterways of America, we as U.S. Congressmen, must continually look to create laws that demonstrate our commitment to ensuring cheap energy, but also our commitment to protecting our water industries and the environment.

After seeing the Grand Canyon I will never underestimate the power of water. To imagine that the relatively small river that runs through its basin, created one of this country's most remarkable wonders, is to realize that water is indeed a powerful resource. However, I refuse to be abated by the argument that it is this same power that will allow the oceans to clean themselves. Maybe Prince William Sound will someday show no signs of the tragic oilspill that oc-

curred there, but the power of logic, the power of fairness and the power of responsibility should guide our environmental policy. Let's leave the power of water to create the scenic wonders and the national landmarks that this country can proudly call our own.

□ 1910

Mr. Speaker, this concludes my remarks in regard to the environment, unless the gentleman from Illinois [Mr. POSHARD] or the gentleman from Illinois [Mr. SANGMEISTER] wish me to yield to them further on this subject.

I want to thank the Chair for his kind indulgence here tonight, and I certainly want to thank both the gentleman from Illinois [Mr. POSHARD] and the gentleman from Illinois [Mr. SANGMEISTER] for their outstanding contribution to this enormously important issue that not only we in Illinois face but that the entire Nation and, to a great degree perhaps, even the entire world faces with our environment.

With those words, Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS (at the request of Mr. GEPHARDT) for today through August 4 on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SOLOMON) to revise and extend their remarks and include extraneous material:)

Mr. FAWELL, for 60 minutes, on July 18.

Mr. GOSS, for 60 minutes, on July 18.

Mr. SMITH of Vermont, for 5 minutes, today.

Mr. UPTON, for 60 minutes, on July 17, 18, and 19.

Mrs. MORELLA, for 60 minutes, on July 20.

(The following Members (at the request of Mr. FROST) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DE LA GARZA, for 30 minutes, today.

Mr. MARTINEZ, for 30 minutes, today.

Mr. HUTTO, for 10 minutes, today.

Mr. DERRICK, for 5 minutes, on July 13.

Mr. CLEMENT, for 5 minutes, on July 13.

Mr. MONTGOMERY, for 5 minutes, on July 13.

Mr. LIPINSKI, for 5 minutes, on July 18, July 25, and August 1 and 60 minutes on July 26 and August 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. ROWLAND of Connecticut.
Mr. DANNEMEYER.
Mr. BURTON of Indiana.
Mr. DUNCAN.
Mr. GREEN in two instances.
Mrs. VUCANOVICH.
Mr. IRELAND in two instances.
Mr. DORNAN of California.
Mr. PORTER.
Mr. FRENZEL.
Ms. SCHNEIDER.
Mrs. BENTLEY in two instances.
Mr. SUNDQUIST.
Mr. CHANDLER.
Mr. HAMMERSCHMIDT.
Mr. BLILEY.
Mr. LAGOMARSINO.
Mr. ROHRABACHER.
Mr. CRAIG.
Mr. COLEMAN of Missouri.
Mr. SOLOMON.
Mr. RITTER.

(The following Members (at the request of Mr. FROST) and to include extraneous matter:)

Mr. PENNY.
Mr. ROE.
Mr. SLATTERY.
Mr. GUARINI.
Mr. STUDDS.
Mr. STARK in two instances.
Mr. SKELTON.
Mr. MINETA.
Mr. NOWAK.
Mr. HAMILTON.
Mr. SAWYER.
Mr. RICHARDSON.
Mr. TORRICELLI.
Mr. EDWARDS of California in three instances.
Mr. PEASE.
Mr. MILLER of California in two instances.
Mr. DELLUMS.
Mr. KILDEE.
Mr. NEAL of Massachusetts.
Mr. ANTHONY.
Mr. HERTEL.
Mr. MFUME.
Mr. MANTON.
Mrs. BOXER.
Mr. BRYANT.

ADJOURNMENT

Mr. LIPINSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, July 13, 1989, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1441. A letter from the Archivist, National Archives and Records Administration, transmitting the fourth annual report of the Archivist, which covers the fiscal year ending September 30, 1988, pursuant to 44 U.S.C. 2106; to the Committee on Government Operations.

1442. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to strengthen the intellectual property laws of the United States by providing protection for original designs of useful articles against unauthorized copying; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1549. A bill to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1990, and 1991, and for other purposes; with amendments (Rept. 101-56, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on House Administration. H.R. 2346. A bill to authorize appropriations for the American Folklife Center for fiscal years 1990, 1991, and 1992 (Rept. 101-134). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY. Committee on House Administration. H.R. 2358. A bill to authorize appropriations for fiscal years 1990 and 1991 for the Civic Achievement Award Program in Honor of the Office of Speaker of the House of Representatives, and for other purposes; with amendments (Rept. 101-135). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 1233. A bill to improve the operation of the Caribbean Basin Economic Recovery Act, and for other purposes; with an amendment (Rept. 101-136). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE (for himself, Mr. MINETA, and Mr. WHITTEN):

H.R. 2866. A bill to amend Public Law 91-34 relating to the police force of the National Zoological Park of the Smithsonian Institution, and for other purposes; to the Committee on House Administration.

By Mr. BRYANT:

H.R. 2867. A bill to amend part D of title IV of the Social Security Act to extend permanently the Federal tax refund offset program used in child support enforcement; to the Committee on Ways and Means.

By Mr. DYSON (for himself, Mr. FIELDS, Mrs. BENTLEY, and Mr. LIPINSKI):

H.R. 2868. A bill to authorize the Panama Canal Commission to use the interest on payments to Panama that are held in escrow to pay for certain extraordinary expenses incurred as a result of the actions and policies of the de facto Government of Panama; to the Committee on Merchant Marine and Fisheries.

By Mr. ENGLISH (for himself, Mr. COLEMAN of Missouri, and Mr. PENNY):

H.R. 2869. A bill to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission, establish registration standards for all exchange floor traders, restrict practices which may lead to the abuse of outside customers of the marketplace, reinforce development of exchange audit trails to better enable the detection and prevention of such practices, establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations, enhance the international regulation of futures trading, regularize the process of authorizing appropriations for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture.

By Mr. MANTON (for himself, Mr. LENT, Mr. JONES of Georgia, Mr. SMITH of Florida, Mr. GILMAN, Mrs. COLLINS, Mr. OWENS of New York, Mr. ROE, Mr. ACKERMAN, Mr. DEFAZIO, Mr. BRYANT, Mr. STARK, Mr. GORDON, Mr. DE LUGO, Mr. MCGRATH, Mr. MCNULTY, Mr. FAUNTROY, Mr. HOCHBRUECKNER, Mr. RUSSO, Mr. DONNELLY, Mr. FROST, Mr. SCHEUER, Mr. TOWNS, Mr. WOLPE, Mr. SOLARZ, Mr. ENGEL, Mr. MOLINARI, Mr. MCEWEN, Mrs. BENTLEY, and Mr. FEIGHAN):

H.R. 2870. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide a lump-sum payment to public safety officers who become totally and permanently disabled as a result of a catastrophic injury sustained in the line of duty; to the Committee on the Judiciary.

By Mr. RITTER:

H.R. 2871. A bill to amend the Consumer Product Safety Act to extend the act for 2 fiscal years, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SCHNEIDER:

H.R. 2872. A bill to provide greater maritime safety for Narragansett Bay and Block Island Sound, RI, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Ms. SCHNEIDER (for herself, Mr. SCHEUER, Mr. WALKER, Mr. YOUNG of Alaska, and Mr. RAHALL):

H.R. 2873. A bill to amend the Land Remote-Sensing Commercialization Act of 1984 in order to transfer responsibility for archiving land remote-sensing data to the Department of the Interior, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Interior and Insular Affairs.

By Mr. SMITH of Vermont (for himself, Mr. BARTLETT, Mr. BALLENGER, Mr. GRANDY, Mr. HAYES of Illinois, Mr. HENRY, Mr. PERKINS, Mr. POSHARD, Mr. SAWYER, Mr. FAWELL, Mrs. COLLINS, Mr. GUNDERSON, Mrs. JOHNSON of Connecticut, and Mr. CLINGER):

H.R. 2874. A bill to amend the Carl D. Perkins Vocational Education Act by establishing a National Demonstration Program for Educational Performance Agreement; to the Committee on Education and Labor.

By Mr. TRAFICANT:

H.R. 2875. A bill to amend the Hazardous Materials Transportation Act relating to transportation of hazardous materials in the vicinity of bodies of water which serve as sources of drinking water, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. WATKINS (for himself and Mr. UPTON):

H.R. 2876. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans for the reasonable value of hospital care and medical services provided at rural hospitals that could otherwise be provided to such veterans in facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. WYDEN:

H.R. 2877. A bill to amend title XIX of the Social Security Act to permit States the option of providing for supervision of the health care of residents of nursing facilities by nurse practitioners and clinical nurse specialists acting in collaboration with physicians; to the Committee on Energy and Commerce.

H.R. 2878. A bill to amend title XIX of the Social Security Act to clarify the definition of room and board for purposes of home and community-based waivers under the Medicaid Program; to the Committee on Energy and Commerce.

H.R. 2879. A bill to amend title XVIII of the Social Security Act to provide for the distribution of information on recommended preventive health practices to Medicare beneficiaries; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 2880. A bill to amend title 5, United States Code, to include National Weather Service employees and National Environmental Satellite, and Data Information Service [NESDIS] within the immediate retirement provisions applicable to certain employees engaged in hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. BLILEY:

H.R. 2881. A bill to amend the Public Health Service Act to establish a program of block grants to the States for the purpose of consolidated Federal programs with respect to material and child health; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, and Agriculture.

By Mr. CONTE (for himself, Mr. MINETA, and Mr. WHITTEN):

H.J. Res. 357. Joint resolution for the reapportionment of Samual C. Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

H.J. Res. 358. Joint resolution providing for the reapportionment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. JACOBS:

H.J. Res. 359. Joint resolution proposing an amendment to the Constitution of the United States with respect to physical desecration of the flag of the United States and expenditure of money to elect public officials to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H.J. Res. 360. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. HUTTO:

H.J. Res. 361. Joint resolution designating the week of September 10 through September 16, 1989, as "Iron Overload Diseases Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. NELSON of Florida (for himself, Mr. AKAKA, Mr. ANDERSON, Mr. ANDREWS, Mr. AUCOIN, Mr. BATEMAN, Mr. BEVILL, Mrs. BENTLEY, Mr. BILBRAY, Mr. BLILEY, Mr. BORSKI, Mr. BUECHNER, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CARR, Mr. COOPER, Mr. COSTELLO, Mr. DANNEMEYER, Mr. DEWINE, Mr. DONNELLY, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DYMALLY, Mr. EMERSON, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FLIPPO, Mr. FRENZEL, Mr. FUSTER, Mr. HAMILTON, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HENRY, Mr. HORTON, Mr. HUBBARD, Mr. HYDE, Mr. IRELAND, Mr. KASICH, Mr. KILDEE, Mr. LANCASTER, Mr. LEHMAN of Florida, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MADIGAN, Mr. MATSUI, Mr. MCDADE, Mr. MCMILLEN of Maryland, Mr. MFUME, Mr. MOAKLEY, Mrs. MORELLA, Mr. MORRISON of Washington, Mr. MRAZEK, Mrs. MEYERS of Kansas, Mr. MYERS of Indiana, Mr. NAGLE, Mr. NEAL of North Carolina, Ms. OAKAR, Mr. OXLEY, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PACKARD, Mr. PALLONE, Mr. PARRIS, Mr. PERKINS, Mr. RAVENEL, Mr. RICHARDSON, Mr. ROE, Mr. ROHRABACHER, Mr. SARPALIUS, Mr. SAWYER, Mr. SCHEUER, Mr. SCHUETTE, Mr. SHUMWAY, Mr. SKAGGS, Mr. SMITH of Florida, Mr. SMITH of New Hampshire, Mr. ROBERT F. SMITH, Mr. STOKES, Mr. TALLON, Mr. TOWNS, Mr. TRAXLER, Mr. VALENTINE, Mr. VOLKMER, Mr. WALGREN, Mr. WOLF, and Mr. WOLPE):

H.J. Res. 362. Joint resolution designating July 20, 1989, as "Space Exploration Day"; to the Committee on Post Office and Civil Service.

By Mr. MRAZEK (for himself, Mr. TOWNS, Mr. CLARKE, Mr. HOCHBRUECKNER, Ms. PELOSI, Mr. RITTER, Mr. MANTON, Mr. WOLF, Mr. GRAY, Mr. RHODES, Mr. SIKORSKI, Mr. SOLARZ, Mr. MOAKLEY, Mr. DURBIN, Mr. HORTON, Mr. PORTER, Mr. BURTON of Indiana, Mr. GORDON, Mr. ANNUNZIO, Mrs. UNSOELD, Mr. SAXTON, Mr. DELLUMS, Mrs. COLLINS, Mr. ROHRABACHER, Mr. OLIN, Mr. LIPINSKI, Mr. FAUNTROY, Mr. FRANK, Mr. MARKEY, Mr. JACOBS, Mr. DEFAZIO, Mr. BRYANT, Mr. ACKERMAN, Mr. SCHEUER, Mr. MCNULTY, Mr. LEVINE of California, Mrs. MORELLA, Mr. MATSUI, Mr. SOLOMON, Mr. LAGOMARSINO, Mr. AUCOIN, Mr. TORRICELLI, Mr. MORRISON of Connecticut, Mr. WHEAT, Mr. EVANS, Mr. CAMPBELL of Colorado, Mr. GILMAN, Mr. BILBRAY, Mr. OWENS of Utah, Mr. BROWN of Colorado, Mr. LANTOS, Mr. DOWNEY, Mr. MCGRATH, Mr. WYDEN, Mr. OWENS of New York, Mr. BUSTAMANTE, Mr. LELAND, Mr. INHOFE, Mr.

KENNEDY, Mr. ATKINS, Mr. WEBER, Mr. MCEWEN, Mr. KILDEE, Mr. LEVIN of Michigan, Mr. BONIOR, Mr. WAXMAN, Mr. KOLTER, Mr. COX, Mr. GEJDENSON, Mr. EDWARDS of Oklahoma, Mr. FISH, Mr. WEISS, and Mr. LOWERY of California):

H. Con. Res. 165. Concurrent resolution expressing the sense of the Congress that the Soviet Union should release the prison records of Raoul Wallenberg and account for his whereabouts; to the Committee on Foreign Affairs.

By Mr. PEASE:

H. Con. Res. 166. Concurrent resolution relating to the establishment of a United States-Japan bilateral framework agreement; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. ROE (for himself, Mr. NELSON of Florida, Mr. WALKER, and Mr. SENSENBRENNER):

H. Res. 197. Resolution to commemorate the 20th anniversary of mankind's first lunar landing; jointly, to the Committees on Science, Space, and Technology and Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

191. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, relative to the National Endowment for the Arts; to the Committee on Education and Labor.

192. Also, memorial of the Legislature of the State of Louisiana, relative to national energy strategy; to the Committee on Energy and Commerce.

193. Also, memorial of the Legislature of the State of Nevada, relative to nutritive carbohydrate sweeteners; to the Committee on Energy and Commerce.

194. Also, memorial of the Legislature of the State of Nevada, relative to the National Trails System; to the Committee on Interior and Insular Affairs.

195. Also, memorial of the Legislature of the State of Louisiana, relative to the 10th amendment to the U.S. Constitution; to the Committee on the Judiciary.

196. Also, memorial of the Legislature of the State of Nevada, relative to a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

197. Also, memorial of the Legislature of the State of Minnesota, relative to the congressional pay raise; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HUNTER introduced a bill (H.R. 2882) for the relief of Senae Takahashi, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mrs. BOGGS, Mr. BONIOR, Mr. CAMPBELL of Colorado, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. EDWARDS of California, Mr. FALEOMAVAEGA, Mr. FAUNTROY, Mr. FAZIO, Mr. FRANK, Mr. GARCIA, Mr. GEJDENSON, Mr. GUARINI, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mrs. KENNELLY, Mr. MCCLOSKEY, Mr. MCHUGH, Mr. MCNULTY, Mr. MOAKLEY, Mr. MOODY, Mr. SCHUMER, Mr. STOKES, Mr. STUDDS, Mr. TORRES, Mr. TRAXLER, Mr. UDALL, Mr. VENTO, Mr. WALGREN, and Mr. WHEAT.

H.R. 6: Mr. WISE, Mrs. JOHNSON of Connecticut, Mr. COX, Mrs. MEYERS of Kansas, Mr. HYDE, Mr. SCHAEFER, Mrs. VUCANOVICH, Mr. CAMPBELL of California, and Mr. HAMMERSCHMIDT.

H.R. 40: Mr. SPRATT.

H.R. 45: Mr. MCNULTY and Mr. SMITH of Vermont.

H.R. 47: Mr. ECKART.

H.R. 56: Mr. DREIER of California, Mr. FAUNTROY, Mr. GRANDY, Mr. IRELAND, Mr. LEHMAN of California, Mr. NEAL of North Carolina, and Mr. SMITH of Florida.

H.R. 83: Mr. OLIN and Mr. WALSH.

H.R. 84: Mr. RUSSO.

H.R. 89: Mr. PALLONE.

H.R. 118: Mr. SKELTON.

H.R. 169: Mr. LEATH of Texas.

H.R. 182: Mr. HOCHBRUECKNER, Mr. SMITH of New Jersey, and Mr. SOLARZ.

H.R. 283: Mr. SARPALIUS and Mr. LELAND.

H.R. 303: Mrs. BOXER, Mr. SYNAR, Mr. BRYANT, Mr. WALGREN, Mr. LEHMAN of California, Mr. CRAIG, Mr. ROTH, and Mr. MCDERMOTT.

H.R. 365: Mr. SCHUETTE.

H.R. 368: Mr. EMERSON, Mr. COLEMAN of Missouri, and Mr. HUBBARD.

H.R. 369: Mr. MARTIN of New York.

H.R. 423: Mr. JONTZ.

H.R. 496: Mrs. KENNELLY, Mr. TOWNS, Mr. ACKERMAN, Mr. BERMAN, and Mr. GORDON.

H.R. 499: Mr. HANCOCK.

H.R. 504: Mr. HANCOCK.

H.R. 509: Mr. ASPIN, Mrs. COLLINS, Mr. FRANK, Mr. OLIN, and Mr. SPENCE.

H.R. 530: Mr. BOEHLERT, Mr. DOWNEY, Mr. SCHEUER, Mr. SOLARZ, and Mr. WEISS.

H.R. 551: Mr. MCCLOSKEY.

H.R. 572: Mr. PAXON, Mr. BLILEY, and Mr. CRAIG.

H.R. 578: Mr. BATES.

H.R. 601: Mr. MINETA.

H.R. 624: Mr. DYSON.

H.R. 639: Mr. BEVILL, Mr. BUSTAMANTE, Mr. COSTELLO, Mr. EVANS, Mr. FALEOMAVAEGA, and Mr. DIXON.

H.R. 672: Mr. FAZIO and Mr. TOWNS.

H.R. 675: Mr. BEREUTER.

H.R. 747: Mr. SPENCE and Mr. GONZALEZ.

H.R. 774: Mr. BOUCHER, Mr. CHAPMAN, Mr. KANJORSKI, Mr. MCNULTY, and Mr. HEFNER.

H.R. 800: Mr. FROST and Mr. MORRISON of Connecticut.

H.R. 855: Mr. FISH and Mrs. SCHROEDER.

H.R. 1025: Mr. TOWNS.

H.R. 1028: Mr. PAXON, Mr. SPENCE, Mr. ACKERMAN, Mr. MATSUI, Mr. NIELSON of Utah, Mr. SOLARZ, Mr. BROWDER, Mr. HASTERT, Mr. BUECHNER, Mr. COLEMAN of Missouri, Mrs. SAIKI, Mr. GEJDENSON, Mr. LIGHTFOOT, Mr. UPTON, Mr. FRANK, Mr. SCHUMER, Mr. MACHTLEY, Mr. HOLLOWAY, Mr. MILLER of Washington, Mr. TOWNS, and Mr. COOPER.

H.R. 1056: Mr. COLEMAN of Texas, Mr. TALLON, and Mr. JONES of Georgia.

H.R. 1057: Mr. KOSTMAYER, Mr. MURPHY, Mrs. BOXER, Mr. DELLUMS, Mr. LEWIS of Georgia, Mr. MARTINEZ, Mr. DYMALLY, Mr. FRANK, Mr. RANGEL, Mr. HAYES of Illinois, Mr. ATKINS, Mr. STARK, Mr. ROE, Mr. ACKERMAN, Mr. FOGLIETTA, Mr. TOWNS, and Mr. MATSUI.

H.R. 1059: Mr. RICHARDSON.

H.R. 1117: Mr. JOHNSTON of Florida.

H.R. 1124: Mr. DELLUMS and Mr. WATKINS.

H.R. 1187: Mr. GILMAN.

H.R. 1243: Ms. SCHNEIDER and Mr. HASTERT.

H.R. 1317: Mrs. MORELLA, Mr. SMITH of Texas, and Mr. NEAL of North Carolina.

H.R. 1383: Mr. MCDERMOTT, Ms. OAKAR, Mr. LANTOS, Mr. KASTENMEIER, and Mrs. BOXER.

H.R. 1387: Mr. SENSENBRENNER, Mr. NOWAK, and Mr. TOWNS.

H.R. 1416: Mr. NEAL of North Carolina, Mr. RICHARDSON, Mr. GRANT, Mr. SPENCE, Mr. SCHUETTE, Mr. WALGREN, Mr. OXLEY, Mr. CROCKETT, Mr. COBLE, Mr. BILBRAY, and Mr. FAWELL.

H.R. 1491: Mr. SHUMWAY and Mr. MACHTLEY.

H.R. 1499: Mr. DEFAZIO, Mr. MILLER of Washington, and Mr. KOLTER.

H.R. 1564: Mr. RITTER, Mr. LANCASTER, Mr. HOCHBRUECKNER, and Mr. SHARP.

H.R. 1676: Mr. RICHARDSON and Mr. WELDON.

H.R. 1746: Mr. IRELAND.

H.R. 1782: Mr. EDWARDS of Oklahoma and Mr. EMERSON.

H.R. 1845: Mr. HAYES of Illinois.

H.R. 1867: Mr. DYMALLY.

H.R. 1957: Mr. HANCOCK.

H.R. 2041: Mr. FASCELL, Mr. BARNARD, Mr. WHITTAKER, Mr. BAKER, Mr. CROCKETT, Mr. SCHAEFER, Mr. VANDER JAGT, Mr. CLEMENT, Mr. GORDON, and Mr. HARRIS.

H.R. 2055: Mr. PACKARD and Mr. LEATH of Texas.

H.R. 2098: Mr. LIGHTFOOT, Mr. MARTIN of New York, Mr. FLAKE, Mr. CARDIN, Mr. CONYERS, Mr. ROYBAL, Mr. LEHMAN of Florida, Mr. NAGLE, Mr. LANCASTER, Mr. VENTO, Mr. CONTE, Mr. BEVILL, Mr. SLATTERY, Mr. HANCOCK, Mr. MACHTLEY, and Mr. SPENCE.

H.R. 2186: Mr. MORRISON of Connecticut, Mr. LEWIS of Georgia, Mrs. COLLINS, Mr. SAXTON, Mr. HORTON, Mr. FAZIO, Mr. MARTIN of New York, Mr. ROE, Mr. EMERSON, Mr. JONES of Georgia, Mr. KOLTER, Mr. PAXON, Mr. CLINGER, and Mr. WOLF.

H.R. 2190: Mr. BORSKI, Mr. CROCKETT, Mrs. SCHROEDER, Mr. GEKAS.

H.R. 2209: Mr. HAMILTON and Mr. HAMMERSCHMIDT.

H.R. 2265: Mr. GREEN.

H.R. 2269: Mr. SARPALIUS, Mr. ACKERMAN, Mr. LIPINSKI, and Mr. ECKART.

H.R. 2277: Mr. CRAIG.

H.R. 2300: Mr. CRAIG.

H.R. 2318: Mr. WISE.

H.R. 2319: Mr. WISE, Mr. BUECHNER, Mr. SISISKY, Mr. WATKINS, Mr. BLILEY, Mr. PICKETT, Mr. STALLINGS, Mr. AKAKA, Mr. HENRY, Mr. SPENCE, Mr. GAYDOS, Mr. MCCLOSKEY, and Mr. SIKORSKI.

H.R. 2327: Mr. TRAXLER and Mr. TOWNS.

H.R. 2388: Mr. DE LA GARZA, Mr. SMITH of Vermont, Mrs. VUCANOVICH, Mr. JONTZ, Mr. TOWNS, and Mr. WHITTEN.

H.R. 2462: Mr. ENGEL, Ms. KAPTUR, Mr. DYMALLY, Mr. VALENTINE, and Mr. WISE.

H.R. 2515: Mr. MINETA.

H.R. 2529: Mr. WATKINS and Mr. CLINGER.

H.R. 2530: Mr. DONNELLY, Mr. MORRISON of Connecticut, Mr. FAUNTROY, Mr. OWENS of New York, Mrs. COLLINS, Mr. MATSUI, Mr. SMITH of Florida, Mr. BORSKI, Mr. DE LUGO, Mr. HAYES of Illinois, Mr. KOLTER, Mr. STARK, Mr. WISE, Mr. DELLUMS, Mr. TOWNS, and Mr. WALGREN.

H.R. 2547: Mr. TOWNS, Mr. RAVENEL, Mr. COLEMAN of Texas, Mr. MCNULTY, Mr. FAUNTROY, Mr. JOHNSON of South Dakota, and Mr. FORD of Michigan.

H.R. 2575: Mr. LAGOMARSINO, Mr. ENGLISH, Mrs. ROUKEMA, Mr. SWIFT, Mrs. BOGGS, Mr.

SPENCE, Mr. RHODES, Mr. HAYES of Louisiana, Mr. CARDIN, Mr. TORRES, and Mr. VANDER JAGT.

H.R. 2578: Mr. LAGOMARSINO.

H.R. 2585: Mr. SABO, Mr. EDWARDS of California, Mr. CARDIN, and Mr. VENTO.

H.R. 2600: Mr. TOWNS and Mr. YOUNG of Alaska.

H.R. 2632: Mr. SCHEUER, Mr. OWENS of Utah, Mr. RANGEL, Mr. HAYES of Illinois, Mr. MILLER of California, Mr. FAUNTROY, Ms. PELOSI, Mr. KANJORSKI, Mr. DYMALLY, Mr. JONTZ, Mr. BUSTAMANTE, Mr. BRYANT, and Mr. WOLPE.

H.R. 2648: Mr. SIKORSKI.

H.R. 2664: Mr. STOKES, Mr. GARCIA, Mr. FAUNTROY, Mr. FROST, Mr. DEFAZIO, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ROE, Mr. ACKERMAN, Mr. BROOKS, and Mr. TOWNS.

H.R. 2681: Mr. RINALDO, Mr. DEFAZIO, Mr. HOUGHTON, Mr. TOWNS, Mr. ECKART, and Mr. HORTON.

H.R. 2712: Mr. SMITH of New Jersey, Mr. MRAZEK, Mr. PANETTA, Mr. MADIGAN, Mr. EDWARDS of California, Mr. CARDIN, Mr. RHODES, Mr. WATKINS, Mr. DE LUGO, Mr. MAVROULES, Mr. MARKEY, Mr. MINETA, Mr. BOSCO, Mr. DICKS, Mr. WOLPE, Mr. GRANT, Mr. ENGEL, Mr. MFUME, Mr. MILLER of California, Mr. DIXON, Mr. WAXMAN, Mr. FAUNTROY, Mr. JAMES, Mr. BRUCE, Mr. BRENNAN, Mr. FORD of Tennessee, Mr. NEAL of Massachusetts, Mr. LIVINGSTON, Mr. DOWNEY, Mr. RICHARDSON, Mr. SCHUETTE, and Mr. GORDON.

H.R. 2732: Mr. RAY and Mr. KOSTMAYER.

H.R. 2754: Mr. BEVILL, Mr. CLEMENT, Mr. CONTE, Mr. DE LA GARZA, Mr. DE LUGO, Mr. FASCELL, Mr. FOGLIETTA, Mr. FUSTER, Mr. HORTON, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. MCGRATH, Mr. MADIGAN, Mr. PALLONE, Ms. PELOSI, Mr. ROE, Mr. SMITH of Florida, and Mr. WALSH.

H.R. 2770: Mr. COMBEST, Mr. JAMES, Mr. ARMEY, Mr. PORTER, Mrs. MORELLA, and Mr. ANNUNZIO.

H.R. 2778: Mr. CAMPBELL of Colorado, Mr. MARTINEZ, Mr. DANNEMEYER, Mr. WILSON, Mr. PENNY, Mr. TRAFICANT, Mr. UPTON, Mr. BROOMFIELD, Mr. HOUGHTON, and Mr. SHARP.

H.R. 2782: Mr. KOLTER, Mr. NEAL of North Carolina, Mr. LEVINE of California, and Mr. MORRISON of Connecticut.

H.R. 2787: Mr. BATES, Mr. DELLUMS, Mr. OLIN, and Mr. HUCKABY.

H.J. Res. 24: Mr. SLAUGHTER of Virginia.

H.J. Res. 35: Mr. CRAIG, Mr. CONTE, Mr. DICKS, Mr. FOGLIETTA, Mr. GREEN, Mr. HAYES of Illinois, Mr. KASICH, Mr. LEHMAN of Florida, Mr. HORTON, Mr. DE LA GARZA, Mr. MCEWEN, Mr. LELAND, Mr. BUECHNER, Mr. BRENNAN, Mr. PALLONE, Mr. HANCOCK, Mr. AUCOIN, Ms. SLAUGHTER of New York, Mr. FRENZEL, Mr. BILBRAY, Mr. ORTIZ, Mr. SKAGGS, and Mr. GALLEGLY.

H.J. Res. 82: Mr. CLEMENT, Mr. HAWKINS, and Mr. SLATTERY.

H.J. Res. 91: Mr. HANCOCK.

H.J. Res. 151: Mr. MCCLOSKEY, Mr. VALENTINE, Mr. BRUCE, Mr. CAMPBELL of Colorado, Mr. APPLEGATE, Mr. SPENCE, Mr. SOLOMON, Mr. CONYERS, Mr. FALEOMAVAEGA, Mr. GILLMOR, Mrs. PATTERSON, Mr. HALL of Ohio, Mr. DORNAN of California, Mr. POSHARD, Mr. LAFALCE, Mr. SCHIFF, Mr. SMITH of Mississippi, Mr. WYLIE, Mr. GUARINI, Mr. COSTELLO, Mr. LEHMAN of Florida, Mr. CROCKETT, Mr. MANTON, Mr. MURPHY, Mr. HUTTO, Mr. PALLONE, Mr. MCNULTY, Mr. ACKERMAN, Mr. ASPIN, Mr. BORSKI, Mr. BOSCO, Mr. CARR, Mr. COLEMAN of Missouri, Mr. DONNELLY, Mr. FAZIO, Mr. LEWIS of California, Mr. MACHTLEY, Mr. MATSUI, Mr. NELSON of Florida, and Mr. ORTIZ.

H.J. Res. 199: Mr. KOLTER.

H.J. Res. 221: Mr. ANDREWS, Mr. BRUCE, Mr. DONNELLY, Mr. FRENZEL, Mr. GRANDY, Mr. KENNEDY, Mr. NATCHER, Mr. SHAYS, Ms. SLAUGHTER of New York, Mr. TAUKE, Mr. TRAXLER, and Mr. VENTO.

H.J. Res. 223: Mr. FORD of Michigan, Mr. BOEHLERT, Mr. NEAL of Massachusetts, Mr. TOWNS, and Mr. EVANS.

H.J. Res. 231: Mr. DELLUMS, Mr. KOSTMAYER, Mr. MCDADE, Mr. MCEWEN, Mr. MOAKLEY, Mr. ROBINSON, Mr. HEFNER, Mr. EMERSON, Mr. ATKINS, Mr. DARDEN, Mr. GRAY, Mr. HAYES of Louisiana, Mr. LIPINSKI, Mr. MFUME, Mr. MILLER of California, Mr. MURPHY, Mr. WEISS, Mr. ROE, Mr. DONNELLY, and Mr. ANTHONY.

H.J. Res. 265: Mr. MINETA, Mr. REGULA, Mr. DONALD E. LUKENS, Mr. PURSELL, Mr. MCCANDLESS, Mr. FISH, Mr. PETRI, Mr. GREEN, Mr. DANNEMEYER, Mr. FLORIO, and Mr. SHAYS.

H.J. Res. 278: Mr. FISH, Mr. SCHIFF, Mr. RIDGE, Mr. OBERSTAR, Mr. HUTTO, Mr. PALLONE, Mr. CLINGER, and Mr. KOLTER.

H.J. Res. 297: Mr. HUBBARD, Mr. HALL of Texas, and Mr. RAVENEL.

H.J. Res. 309: Mr. CALLAHAN, Mr. SHUMWAY, Mrs. BENTLEY, Mr. WYLIE, Mr. GALLEGLY, Mr. LAGOMARSINO, Mr. SMITH of Texas, and Mr. HORTON.

H.J. Res. 331: Mrs. VUCANOVICH.

H.J. Res. 347: Mr. BRENNAN.

H.J. Res. 348: Mr. HUCKABY, Mr. PARKER, Mr. PAYNE of Virginia, Mr. DANNEMEYER, Mr. HUTTO, Mr. WILSON, and Mr. HOCHBRUECKNER.

H.J. Res. 350: Mr. SISISKY, Mrs. PATTERSON, Mrs. BYRON, Mr. ERDREICH, Mr. WILSON, Mr. MCCURDY, Mr. PAYNE of Virginia, Mr. PICKETT, Mr. BROWDER, Mr. SMITH of Mississippi, Mr. STEARNS, Mr. BARNARD, Mr. WHITTAKER, Mr. STANGELAND, Mr. LIGHTFOOT, Mr. KOLTER, Mr. SANGMEISTER, Mrs. LLOYD, Mr. DARDEN, Mr. HAYES of Louisiana, Mr. MADIGAN, Mr. SHUSTER, Mrs. VUCANOVICH, Mr. MCNULTY, Mr. OLIN, Mr. HOCHBRUECKNER, and Mr. CLARKE.

H. Con. Res. 1: Mr. MCCLOSKEY and Mr. OBERSTAR.

H. Con. Res. 39: Ms. KAPTUR, Mr. SHAYS, Mr. ROGERS, Mr. WALSH, Mr. DERRICK, Mr. SCHUETTE, Ms. SCHNEIDER, Mr. ECKART, and Mr. SPENCE.

H. Con. Res. 89: Mrs. PATTERSON and Mr. FORD of Michigan.

H. Con. Res. 92: Mr. MCCOLLUM, Mr. JONTZ, Mr. IRELAND, and Mr. BRYANT.

H. Con. Res. 128: Mr. LEWIS of Georgia.

H. Con. Res. 129: Mr. GILMAN, Mrs. BOXER, Mrs. MORELLA, Mr. DELLUMS, Mr. BONIOR, Mr. WAXMAN, Mr. PRICE, Mr. WEISS, Mr. EVANS, and Mr. FOGLIETTA.

H. Con. Res. 154: Mr. YATRON and Mr. CLEMENT.

H. Con. Res. 156: Mr. PAYNE of Virginia, Mr. HANCOCK, Mr. NEAL of North Carolina, Mr. GUNDERSON, Mr. MCCURDY, Mr. HUBBARD, Mr. MCHUGH, Mr. RAHALL, Mr. DERRICK, Mr. WATKINS, Mr. SPENCE, Mr. INHOFE, and Mr. NOWAK.

H. Res. 41: Mr. FISH, Mr. HOLLOWAY, and Ms. PELOSI.

H. Res. 134: Mr. BUECHNER, Mr. DORNAN of California, Mr. BUNNING, Mr. ROSE, Mr. DYMALLY, Mr. PRICE, Mr. SUNDQUIST Mr. MARTINEZ, Mr. JONTZ, Mr. LAGOMARSINO, and Mr. RANGEL.

H. Res. 149: Mr. OWENS of Utah.

H. Res. 159: Mr. FUSTER, Mr. DYMALLY, Mr. LEWIS of Georgia, and Mr. WALSH.

H. Res. 171: Mr. HENRY, Mr. ROE, Mrs. BOXER, Mr. ATKINS, Mr. JONTZ, Mr. FALEOMAVAEGA, and Mr. CLEMENT.

H. Res. 184: Mr. PAYNE of Virginia, Mrs. VUCANOVICH, and Mr. BROWN of Colorado.

H. Res. 185: Mr. HORTON, Mr. PARKER, Mr. HUTTO, Mr. HANCOCK, Mr. SCHUETTE, and Mr. HOCHBRUECKNER.

H. Res. 191: Mr. COMBEST, Mr. JAMES, Mr. ARMEY, Mr. PORTER, and Mrs. MORELLA.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

58. By the Speaker: Petition of Century Village West Democratic Club, Boca Raton, FL, relative to Congressman Claude Pepper; to the Committee on Post Office and Civil Service.

59. Also, petition of Century Village West Democratic Club, Boca Raton, FL, relative to Medicare recipients, jointly, to the Committees on Ways and Means and Energy and Commerce.

EXTENSIONS OF REMARKS

ARTICLE BY CONGRESSMAN MARTIN OLAV SABO

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. PENNY. Mr. Speaker, writing in the June/July 1989 issue of Arms Control Today, our colleague MARTIN OLAV SABO called on the Bush administration to change its defense policy planning in three key areas: future budget levels, strategic policy, and arms control, in order to meet the rapid changes taking place in the world today.

The article, "The Accountant's Budget: Bush and Cheney Fail To Respond to a Changing Era," is a cogent analysis of our future strategic and defense needs and challenges and deserves consideration.

A copy of the article follows:

THE ACCOUNTANT'S BUDGET: BUSH AND CHENEY FAIL TO RESPOND TO A CHANGING ERA

(By Representative Martin Olav Sabo)

The new defense budget submitted by President Bush and Defense Secretary Cheney represents a good, one-year effort to adjust military spending. Unfortunately, it does not incorporate necessary changes in the remainder of the five-year defense plan. It does not reflect the results of the administration's national security policy review. Finally, it does not include any initiatives designed to take advantage of what appears to be substantial change in Soviet military policy.

On a budgetary level, Secretary Cheney did a very good job in beginning to eliminate some of the redundancy in conventional weapons systems. In terms of tactical aviation, for example, the Pentagon had been pursuing concurrent programs to procure the existing generation aircraft (F-16, A/F-18, AV-8B), manufacture (or remanufacture) existing airplanes in new advanced versions (F-14D, F-15E), and develop the next generation of attack and fighter aircraft (the Navy's Advanced Tactical Aircraft and the Air Force's Advanced Tactical Fighter). The Navy was seeking to construct both the current generation and the next generation of nuclear attack submarines. The Army wanted to procure existing AH-64 and OH-58D combat helicopters and develop the new advanced LHX (Light Helicopter Experimental) for the 21st century.

Some of these redundancies have been eliminated. Further production of much of the current generation of helicopters, tactical aircraft, and submarines will end in the near future. Work in these areas will focus on the next generation systems. One major new program, the V-22 Osprey troop carrier, was recommended for termination.

In addition, Cheney proposed some reductions in force structure, although in at least one case—involving Navy aircraft carriers—the announced reduction is merely a decision not to implement previously planned increases in force structure. The Navy will maintain the current level of 14 aircraft carriers—not expand to 15 ships. Aging destroyers will be retired ahead of schedule. One U.S-based mechanized infantry brigade will be demobilized, and Army strength will be further reduced by the 4,000 slots associated with the deployment of intermediate nuclear missiles in Europe. Overall military personnel levels will decline by 16,800.

Most of these choices were correct and long overdue. Secretary Cheney should be commended for forcing the services to declare which programs were the most important. We have come a long way from the days when Secretary of Defense Caspar Weinberger supported his budget submissions by declaring that every dollar cut from defense was a victory for the enemies of the United States.

Unfortunately, the new Bush-Cheney budget fails in three major ways. First, it does not correctly anticipate the future implications of continuing tight budgets. Second, it does not address the continuation of multiple and redundant strategic and nuclear systems. Third, it contains no policy initiatives designed to take advantage of changes in the Soviet Union, or to anticipate what those changes might mean for the future direction of U.S. national secuirty policy.

ONE-YEAR BUDGET

Although the new Pentagon budget does reflect reductions in fiscal year 1990 in line with the White House-congressional budget agreement, it appears to be a grudging and temporary adjustment to what is perceived to be a one-year budgetary crisis. The DOD budget would decline by 1.2 percent in real terms from fiscal 1989 to fiscal 1990, with spending going from $299.3 billion to $295.6 billion (in fiscal 1990 dollars).

But the projected budgets for fiscal years 1991-1994 show anticipated annual increases of 2.3 percent, 1 percent, 2 percent, and 2 percent. Thus the Pentagon appears to be expecting to make up much of this year's reduction with future year increases, and is making the cuts in current spending on that basis. This may be one reason the Pentagon has resisted making more significant changes in its force structure and has proposed instead reductions in operations and maintenance accounts.

This type of budget cut does make sense if you are facing a one-year budget shortfall. However, defense spending is in the midst of an adjustment bringing it in line with long-term budgetary reality. The cut in the fiscal 1990 budget continues a trend that saw DOD spending fall 2 percent from fiscal year 1987 to fiscal year 1988, and 1.3 percent from fiscal year 1988 to fiscal year 1989. There is little indication that Congress will be able or willing to finance increased defense spending in fiscal 1991 and beyond, especially in the face of the administration's consistent position of "no new taxes."

The current budget cuts thus may be a prescription for disaster if the budgetary restrictions continue beyond the current fiscal year, which appears likely. They may lead us directly back to the "hollow force" of the early 1970s, when we bought new weapons, but did not pay enough for spare parts, training, and maintenance. That scenario is being replayed today, as funding for programs which affect military readiness is being cut for the fifth straight year. The Bush administration, for example, is already deferring repair and maintenance of military equipment to a greater degree than did the Reagan administration during its first year in office.

More importantly, the budget increases outlays (spending in the current fiscal year) by $2.5 billion, yet increases budget authority (authorizing the government to spend money both in the current and future fiscal years) by $7.8 billion. This creates severe pressure to reduce current-year spending by reducing accounts such as readiness and personnel functions, which have high outlays. The relatively larger increase in budget authority increases pressure to pursue new ventures that have low current-year spending. This approach is inconsistent with continuing reductions in defense spending in the future.

The first Bush-Cheney budget thus may be only a prelude to more dramatic, more fundamental, and increasingly necessary future adjustments in the programs and budget of the Department of Defense. One major policy area that should be more carefully examined is strategic and nuclear programs.

STRATEGIC NUCLEAR FORCES

The new budget made some changes in strategic systems, especially a small cut in the request for increased funding for the Strategic Defense Initiative and a one-year delay in full-scale production for the B-2 bomber. But even these are marginal adjustments.

The SDI budget cut, for example, would still allow funding for that controversial program to increase by 27 percent in fiscal 1990—far more than any other unclassified program. Although the SDIO's new director claims to have adopted a "more conservative" approach, the program is continuing its historical penchant for wonder weapons with a decision to focus on the new "Brilliant Pebbles" concept. Advocates of this Livermore Lab proposal claim it will be faster, smarter, and cheaper, more effective and less vulnerable to Soviet countermeasures, and ready more quickly than previously proposed systems.

Brilliant Pebbles thus follows the long line of the Strategic Defense Initiative's previous "top priority" weapons systems (including nuclear-pumped X-ray lasers, electromagnetic railguns, chemical lasers, and kinetic-energy Space-Based Interceptors) each of which has been promoted as the key to an effective ballistic missile defense. It is not unimportant to note that each of these systems has failed to live up to its alleged capability and utility.

The decision to focus monetary and scientific resources on Brilliant Pebbles will have an effect on other programs within the SDI. Deployments of the previously favored Space-Based Interceptor, which formed the basis for the Phase I deployment plan, apparently will be delayed for at least two years, as will initial deployments of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Boost Surveillance and Tracking Systems early warning satellite. Although budget details have not been developed, it is likely that some of the SDI tests most problematical under the Antiballistic Missile (ABM) Treaty will also be delayed.

The Stealth bomber program has been slowed, but the aircraft has already entered production. The President's decision merely delays, perhaps by only one year, the point at which the bomber enters "full-scale" production. There has been no change in the ultimate goal of deploying 132 Stealth bombers at a price exceeding $75 billion—more than $550 million each. Although not in the 1990 budget, the Air Force also may ask Congress for $300 million in the current fiscal year for the B-2 program, as well as $1.9 billion over the next five years to fix the defensive electronics in the B-1B.

In the one strategic policy area where the Congress clearly asked the President to make a choice, Bush punted. Last year Congress adopted a requirement for the President to choose either the ten-warhead, rail-mobile MX missile or the one-warhead, truck-mobile Midgetman. The former was supported by President Reagan and congressional Republicans, the latter by congressional moderates such as House Armed Services Committee Chairman Les Aspin (D-WI). Although Secretary Cheney urged the President to pursue MX rail-garrison and cancel Midgetman, some members of Congress dedicated to Midgetman persuaded the President to continue funding both systems.

The push to extend the arms race into space continues as well, with an entirely new program to develop antisatellite (ASAT) weapons. The Pentagon has recommended beginning no less than three new ASAT technology programs. The mid-infrared advanced chemical laser (MIRACL) would provide a near-term, low-power, "contingent" ASAT; the exo-atmospheric reentry-vehicle intercept system (ERIS) would provide a mid-term dedicated ASAT; and the ultimate goal is represented by the ground-based free-electron laser (FEL).[1]

Although Congress has clearly indicated over the last few years that it would prefer to negotiate a treaty restricting U.S. and Soviet ASAT weapons, the administration has ignored the possibility of negotiated ASAT limits. This is especially unfortunate given the outcome of the six-year congressional initiative on testing of the Reagan administration's ASAT weapon of choice, the miniature homing vehicle (MHV) missile, which was launched from an F-15 aircraft. As a result of Congress's test ban, and an equivalent Soviet moratorium, neither the United States nor the Soviet Union currently deploys an operationally effective ASAT. The U.S. system was terminated, while the Soviet weapon has not been tested since June 1982. Since August 1983, the Soviet Union has had a standing offer to dismantle their system if an ASAT treaty is negotiated.

In short, the nuclear buildup of the Reagan era continues. The United States is well on the way to deploying a triad of triads: three different weapon systems within each leg of the strategic nuclear triad. On land, we will have the MX rail-mobile, the Midgetman truck-mobile, and existing Minuteman silo-based missiles. At sea, we will deploy the D5/Trident II missile to complement C4/Trident I missiles on strategic nuclear submarines and nuclear sea-launched cruise missiles on attack submarines and surface combatants. In the air, we will supplement the B-52 force armed with nuclear air-launched cruise missiles with the misfunctioning B-1 and the yet-to-fly B-2. And the buildup is extending into space and defensive systems.

The programs would be more supportable in an era of unlimited defense budgets and limited opportunities for negotiated arms control reductions. That is the opposite of the situation we face today.

ARMS CONTROL IMPLICATIONS

Most importantly, the administration apparently decided to minimize major policy changes. Although the President should be commended for proposing a major reduction in U.S. conventional forces in Europe, that recommendation was made only under intense pressure from U.S. allies in Europe. The new defense budget submitted to the Congress does not itself contain any new policy initiatives.

This absence of new proposals is not surprising, considering that the budget was released before the administration completed its promised major review of strategic and military policy. The budget submission reflects marginal changes in existing forces and programs, and those changes were made only in order to comply with limited budgets. This is a clear and obvious contrast to the first defense budget revisions submitted by former President Reagan, who proposed substantial and wide-ranging changes in a large number of Pentagon programs. This decision to avoid major policy initiatives is especially disheartening in light of what appear to be significant changes in the Soviet Union. Soviet General Secretary Gorbachev has announced major initiatives in a broad range of strategic policy areas, including conventional forces in Europe, short-range European-based nuclear missiles, and nuclear materials production. He has also indicated a desire to reduce overall defense spending. These foreign policy initiatives have been complemented by the beginnings of major change in Soviet society.

Most of the Gorbachev initiatives have yet to be implemented, and it is only prudent for the United States to act cautiously in an area as important as national security policy. But aside from the proposed reduction in conventional force levels, President Bush has refused to deal with most Soviet proposals.

The administration attitude is best illustrated with the issue of U.S. forces committed to the defense of Western Europe. Limited budgets, a continuing trade imbalance, the 1987 Intermediate-range Nuclear Forces (INF) Treaty, and Gorbachev's announcement in December 1988 that the Soviet Union would withdraw 50,000 troops from Eastern Europe have all created public and congressional pressure for some type of strong U.S. response.

The Bush-Cheney budget does recommend elimination of 4,000 (of about 16,000) personnel associated with operation of the weapons to be eliminated under the INF Treaty. Although small, this force cut could have been presented as a response to the unilateral Soviet force reduction, helping in the battle for Western European public opinion.

Instead, it was dryly portrayed as a cut imposed by limited funding, and its potential importance was lost in the fog of budgetary details. It was not until months later, under severe pressure from West Germany and other NATO allies, that President Bush took the public initiative on the multilateral negotiations on Conventional Forces in Europe (CFE), which began this spring in Vienna.

On the surface, the respective NATO and Warsaw Pact positions at the CFE talks are not grossly dissimilar, and there do not appear to be any insurmountable obstacles. There are greater problems with the Strategic Arms Reduction Treaty (START) negotiations. There is, for example, a fundamental conflict between the U.S. negotiating position that all mobile ICBMs should be banned and its budget request that the U.S. should fund not just one, but two such weapons. An argument can be made that deploying both the rail-mobile MX and the road-mobile Midgetman undermines our official negotiating position. How seriously will the Soviets take our stand against mobile systems if we are buying two of them?

More important, however, is the conflict over SDI. Ever since the SDI program was first proposed by President Reagan in March 1983, there has been a fundamental conflict between efforts to control offensive nuclear forces, which requires specific knowledge of and limits on defensive capabilities, and U.S. pursuit of ballistic missile defenses, which is predicated on the idea that defenses should be unlimited.

Continuation of the SDI program, if based on the assumption that the United States ultimately will deploy ballistic missile defenses, will eventually require the U.S. to withdraw from the ABM Treaty. According to a recent report of the Congressional Research Service, "the Soviet Union shows no willingness to accept a START treaty if the United States does not remain in compliance with the ABM Treaty." [2] This problem can be eliminated if the U.S. decides either that SDI will revert to its previous status as a pure research program, or that any deployments will be land-based and strictly limited, in compliance with the ABM Treaty. Finally, more detailed negotiations with the Soviet Union to clarify what is prohibited and what is allowed by the ABM Treaty would help allay Soviet concerns about the strategic implications of an unexpected U.S. decision to deploy SDI-based defensive systems. They could also allay American concerns about the status and goals of the Soviet ballistic missile defense research program.

The administration also needs to address the possibility of controlling antisatellite weapons technology. These weapons are not limited by any negotiated arms control treaty, but the congressionally imposed ban on ASAT testing, and the accompanying Soviet ASAT moratorium, clearly indicate the possibility of limiting threats to vital American satellites. The administration review should focus on the implications of an open-ended ASAT competition on the future survivability of U.S. satellites. No less a personage than former negotiator Paul Nitze has said that the U.S. should seek to ban all ASAT weapons.

CONCLUSION

Secretary Cheney's budgetary adjustments are good as far as they go, but they fail to go far enough. In these three key areas—future budget levels, strategic policy,

[1] For information about new ASAT weapon programs, see Charles A. Monfort, "ASATs: Star Wars on the Cheap," Bulletin of the Atomic Scientists, April 1989, pp. 10-13.

[2] Steven A. Hildreth, et al., "Strategic Policy at a Crossroads: Critical Choices and Policy Dilemmas Facing the United States Today, Congressional Research Service, March 30, 1989, Summary.

and arms control—the administration has failed entirely to respond to rapid and fundamental changes in the national security arena.

This passive approach needs to be changed, and soon. As a first priority, strategic questions need to be resolved. U.S. goals in the START negotiations should be settled, and U.S. policy on mobile ICBMs, sea-launched cruise missiles, and intrusive verification procedures should be clearly formulated. Planning and funding for strategic systems need to be brought into alignment with the projected treaty.

The conflict between the ABM Treaty and SDI must be addressed. In a time of tight budgets, it makes no sense to continue to spend $4 billion annually on SDI research if the U.S. ultimately intends to continue abiding by the ABM Treaty. Conversely, if the administration intends to deploy ballistic missile defense systems in violation of the treaty, it should argue that case directly and not repeat the Reagan administration's underhanded attempt to subvert the treaty by "reinterpretation."

Another key strategic issue is ICBM modernization. The attempt to create a bipartisan, administration-congressional consensus on ICBM apparently has failed. While supporters of the package deal claim that the two-missile MX-Midgetman proposal can be procured for no more than the total cost of the Midgetman (by reducing the numbers of each missile), others believe that any possible ICBM modernization need can be met with—at most—only one of these weapons. The relevant question is not whether the two-missile deal is comparable in cost to Midgetman alone, but whether we should spend any money on a second missile when we have already deployed 50 MX missiles in silos, and have spent considerable funds on a new deployment mode for that system.

Finally, in connection with the CFE talks, the administration should undertake a fundamental reassessment of U.S. conventional forces. In particular, we should consider whether substantial changes can be made in the mix between active and reserve forces, at no risk to national security, but at great savings in military spending.

The Bush administration and the Cheney Pentagon have done a good job of "trimming around the edges," but their budget fails to take even minimal notice of the far-reaching events under way in the Soviet Union and Eastern and Western Europe. We can only hope that future defense budgets will acknowledge the changed international situation facing the United States. Our national security policy needs to change as well.

ST. PAUL PARISH CELEBRATES 125TH YEAR

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in celebrating the 125th anniversary of St. Paul Parish in San Pablo, CA.

Originally built on land donated by former Governor Alvarado, St. Paul's served as area extending north of Oakland to the Carquinez Straits. The wealth of history contained in the parish, such as the bell tower which was brought from the East by sailing ship around Cape Horn, exemplifies Contra Costa's proud heritage, and serves as a fitting tribute to the region's forefathers. While St. Paul's development has paralleled that of the surrounding community, its commitment to tradition and strong sense of the past are ever present.

Building on its traditional Hispanic and European foundation, St. Paul's now hosts a membership of diverse ethnic background. Continued sensitivity to the multicultural makeup of the region has allowed St. Paul's to adapt to the changing needs of its parishioners, and has had a positive influence on the community.

Since its founding in 1864, St. Paul's has been a source of support and guidance for the residents of West County. As the parish's geographic area has diminished due to the urbanization of the region, its contributions have continued to grow and prosper. St. Paul Parish has played an integral role in the development of West Contra Costa County and I wish the parish a long and successful future.

FREMONT—NOT JUST SILICON VALLEY'S BEDROOM

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. EDWARDS of California. Mr. Speaker, in 1956, five small towns bordering the beautiful San Francisco Bay joined together in incorporating the city of Fremont.

An exciting city of 169,000 people, Fremont today is one of California's most livable and progressive metropolitan areas.

Mr. Speaker, I ask permission to insert in the RECORD an article describing modern Fremont by Johnna Laird. The article appeared in The Oakland, CA., Tribune on June 20, 1989.

The article follows:

[From the Oakland Tribune, June 20, 1989]

WHEN DO FIVE TOWNS EQUAL ONE CITY?—FAST-GROWING FREMONT IS MORE THAN JUST SILICON VALLEY'S BEDROOM

(By Johnna Laird)

FREMONT.—This City, fourth largest in the Bay Area, is a city of contrasts—modern, suburban, yet built on a colorful pioneer past.

Spanning almost 100 square miles from the hills to the Bay, Fremont is home to 169,000 people from 200 different countries—from Afghanistan to the Philippines—who speak 83 different languages.

Only San Jose, San Francisco and Oakland are more populous than Fremont. The city's incorporation in 1956 united five small towns—Niles, Centerville, Irvington, Warm Springs and Mission San Jose.

Attracted by Fremont's location between interstates 880 and 680, close to work centers, 37,000 people have moved here in the past decade. In the past 30 years the city has nearly quadrupled in population.

State schools for the deaf and blind have located here, a few blocks from the BART station.

"Fremont is best described as a city in transition," said Fremont Mayor Gus Morrison "Twenty-five years ago, we were fairly homogenous. Everybody was white, middle-class, essentially the same, commuting out of town.

"Today, we are multiethnic, multilingual and multireligious. I don't know of another city in Northern California that has Hindu, Sikh, Moslem and Jewish temples."

Whenever Fremont officials talk about the city's uniqueness, they point to the New United Motors Manufacturing auto plant as an example of American business entering a new frontier. General Motors, using one of its closed plants, and Toyota of Japan put eastern and western know-how together to produce the Chevrolet Nova.

NUMMI represents Fremont's "can-do" attitude, according to Fremont City Council member John Baker, and he said the venture proves the city's willingness to chart new territory.

Responding quickly to changing times, Fremont became the first municipality in the state to be self-insured after Proposition 13 cut back property-tax revenues in 1978.

The city recently won a U.S. Department of Housing and Urban Development award for its work in developing rental housing. The city even tried—unsuccessfully—this month to pass a child-care measure that would have set up a string of subsidized child-care centers at schools.

Although it stands at the northern tip of Silicon Valley, Fremont is not usually considered part of that prosperous region.

However, Apple Computer produces its MacIntosh here and the city serves as home base for a number of high-tech firms, including Everex, Xidex and Xerox. Fremont has become the regional headquarters for several companies, including First Interstate Bank.

At the heart of the city's extensive recreation system is Central Park with its man-made Lake Elizabeth. The 470-acre park offers biking and walking trails, boating and sailboating, a golf range and a tennis, softball and soccer complex.

Fremont's most prominent landmark attracts about 100,000 visitors a year: Mission San Jose, the only old Spanish mission in the Eastbay.

John C. Fremont hiked over Mission Peak and visited the Fremont area on several occasions. When the five towns incorported into a city, the new city took his name.

Niles, which still has an old-fashioned main street, celebrates its moment in movie history every June with the Charlie Chaplin Days festival.

Among the city's amenities are good schools. The Fremont Unified School District scores well above average in statewide tests—from the 35th percentile (in third-grade math and 12th-grade writing) to a high of the 76th percentile (in eighth-grade math.)

A CONGRESSIONAL SALUTE TO PAUL C. BLANCO

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual who is described by the Los Angeles Filipino-American Jaycees as a man of tireless energy and sheer determination in his pursuit to assist his fellowmen. Paul C. Blanco was honored at a reception on July 8, 1989, for his tremendous

contribution to our Nation and its people. This occasion gives me the opportunity to express my sincere appreciation for his many years of hard work and unending commitment.

Born on July 2, 1944, to a minister father and deaconess mother of the United Methodist Church in the Philippines, Paul grew up in a very loving, caring and Christian home. It was this early upbringing that led Paul to become local pastor of the United Methodist Church of the Northern Philippines Annual Conference, Baguio Episcopal Area from 1965–1967. While serving in this capacity, he pioneered and developed church ministries and evangelized in several remote areas untouched by modern civilization. For his tireless efforts in the ministry, Paul was chosen by the Philippines Christian University as an outstanding alumnus in the field of humanitarian service in 1967.

Also in 1967, Paul accepted the position of executive director of the YMCA of the Philippines, a position he would hold until 1975. Then in 1976, because of his numerous achievements while serving in this post, he was promoted to associate director for development of the World Alliance of YMCA's, headquartered in Geneva, Switzerland. This position afforded him the opportunity to travel throughout developing countries in Asia, Africa and Latin America conducting workshops and evaluating existing YMCA projects.

After his tenure in Switzerland, Paul was asked to assume the position of associate national development director for the YMCA of the Philippines. It was in this capacity that Paul and his family came to the United States. Once here, and upon seeing the plight of the Filipinos in America, Paul decided to devote a substantial amount of time trying to better the conditions under which these people must live. Henceforth, he assumed several positions since 1978 in different church and community-based organizations. He became the community developer of the Filipino caucus, and a parish worker among Filipinos at First United Methodist Church of Los Angeles. From 1983 to the present, he has been serving as director of the Long Beach District Filipino Parish, United Methodist Church.

As involved as Paul may be, he is still active in numerous professional and civic organizations. He is serving as vice president of the South Coast Ecumenical Council, vice president of Long Beach Ecumenical Cluster, founding chairman of the Asia/Pacific Mental Health Program of Long Beach, member of the United Way and West Long Beach Association, commissioner of Dr. Martin Luther King Jr. California Holiday Commission, duly appointed by Governor George Deukmejian, as well as the founder, president and current CEO of the Federation of Filipino-American Associations.

Aside from all his professional and volunteer service, Mr. Blanco also has an impressive educational background. He received his B.A. degree in psychology and philosophy from Philippines Christian College, has taken some units in social work at Silliman University, additional work on social services at Puget Sound University and continuing education for local pastors at the School of Theology at Claremont.

My wife, Lee, joins me in extending our congratulations to this caring and giving man. His sensational record as a respected community leader and legislator of human rights and social services is unsurpassed. He is truly a remarkable individual who has devoted his talents and energies to enriching the lives of so many other people. We wish Paul Blanco, his wife Mariam Asis, their two children, Paulyne and Michelle, all the best in the years to come.

A CONCURRENT RESOLUTION CALLING ON THE PRESIDENT TO NEGOTIATE A UNITED STATES-JAPAN BILATERAL TRADE AND INVESTMENT FRAMEWORK AGREEMENT

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. PEASE. Mr. Speaker, today I am introducing a concurrent resolution calling on the President to negotiate a United States-Japan bilateral trade and investment framework agreement. The negotiation of such an agreement would help United States trade policy toward Japan catch up with our growing economic involvement with that nation.

Despite the 40-percent depreciation of the dollar relative to the yen since 1985, the United States still runs massive trade deficits with Japan. Our bilateral deficit with Japan was $56 billion in 1987 and $52 billion in 1988, amounting to almost half of our overall trade deficit. Notwithstanding the scope of the problem, no comprehensive agreement exists to guide United States trade relations with Japan, our second largest trading partner. By contrast, we have consultative arrangements with Canada and Mexico, our first and third largest trading partners, in the form of the United States-Canada FTA dispute settlement mechanism and United States-Mexico framework agreement.

Throughout the 1980's, United States policymakers have taken a case by case and largely reactive approach to United States-Japan trade relations, focusing on very narrow issues. We have held sectoral negotiations on autos, agriculture, tobacco, semiconductors, and supercomputers, the results of which have been, most notably, the semiconductor agreement and voluntary export restraints in autos. Recently, we held the MOSS [market-opening sector specific] talks with Japan, which addressed trade issues in telecommunications, medical equipment and pharmaceuticals, electronics, and forest products. The results of these talks have been mixed.

Two exceptions to this narrow approach are the United States-Japan Economic Subcabinet, chaired at the Undersecretary level, and the United States-Japan Trade Committee, chaired on the United States side by the Deputy USTR. These groups meet about every 6 months. Another exception is the recently announced structural impediments initiative with Japan—a series of negotiations designed to address structural barriers to trade, such as the Japanese distribution system. These are good first efforts, but we must cast our net more broadly.

Given the scope of our trade frictions with Japan, I propose that we negotiate a United States-Japan bilateral framework agreement. Unlike a free trade agreement, which entails reducing tariffs and other trade barriers across the board, a framework agreement is primarily a forum for discussing a wide range of economic issues, thereby making it possible to conclude substantive agreements in the future. Issues such as macroeconomic coordination, the Japanese distribution system, and agricultural policy would all be fair game. In contrast to the United States-Japan Subcabinet and the United States-Japan Trade Committee, meetings would be frequent, perhaps monthly, and would involve subcabinet officials or lower to keep controversial issues out of the newspapers. The agreement would also include a dispute settlement mechanism, with strict procedures and deadlines for resolving trade disputes.

Because of the agreement's comprehensive nature, it would force the administration to improve coordination among agencies involved in negotiating with Japan.

When viewed in relation to Super-301, the agreement especially makes sense. Super-301 can be our stick with Japan; the framework agreement, an opportunity for Japan to make concessions in a friendlier setting.

Printed below is the text of the concurrent resolution:

H. CON. RES. —

Whereas Japan is the second largest trading partner of the United States, with the trade between the countries amounting to $128 billion in 1988;

Whereas in 1988 the United States had a bilateral trade deficit with Japan of $52 billion that accounted for approximately 40 percent of the overall United States trade deficit for that year;

Whereas the United States has comprehensive trade agreements with Canada and Mexico, our first and third largest trading partners, in the form of the Canada-Free-Trade Agreement and the United States-Mexico Bilateral Framework Agreement; and

Whereas United States trade policy towards Japan has often been fragmented, piecemeal, and ad hoc: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President shall immediately commence bilateral negotiations with Japan regarding the creation of a bilateral framework agreement on trade and economic issues that includes—

(1) a declaration of the political and economic importance of United States-Japan relations, our respective commitments under the General Agreement on Tariffs and Trade, and our mutual commitment to fair trading principles, macroeconomic coordination, and amicable dispute resolution;

(2) a commitment to frequent meetings at the subcabinet level and quarterly meetings at the cabinet level;

(3) specification of the topics for regular discussion between the countries, including macroeconomic coordination (such as expansion of domestic demand in Japan and reduction of the United States budget deficit), invisible trade barriers (such as the Japanese distribution system), agricultural policy, and other sectoral issues; and

(4) a dispute settlement mechanism.

It is the further sense of the Congress that if such a bilateral framework agreement on trade and economic issues is entered into, the President should report at least biannually to Congress on progress reached in the framework discussions.

TRIBUTE TO THOSE WHO VOLUNTEER TO RISK THEIR LIVES FOR OTHERS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. RICHARDSON. Mr. Speaker, I rise today to pay tribute to the many volunteers in this country who risk their lives to save others'. All too often, these brave men and women are not given the recognition they deserve. Two of my constituents are worthy of such distinction.

Chris Roybal, a 16-year-old boy from Pojoaque, NM, has written to me about the bravery and dedication of his grandfather Arturo A. Romero and his mother Cleo Romero. Mr. Romero has served as a volunteer on the Pojoaque Valley Fire Department for 30 years. Ms. Romero is a certified emergency medical technician. Both have been instrumental in saving many lives in northern New Mexico.

Mr. Speaker, I ask my colleagues to join with me in commending Arturo Romero, Cleo Romero, and all volunteers for their free-willed courage and devotion to saving people's lives. To better understand what my two constitutents have done, I invite my colleagues to read Chris' most thoughtful and interesting letter.

DEAR MR. RICHARDSON: My name is Chris Roybal and I am 16 years old. For the past four years I have nominated my Grandpa, Arturo A. Romero, for the New Mexico State Jefferson Award and I have been let down repeatedly.

For nearly 30 years my Grandpa and my Mom were volunteers for the Pojoaque Valley Volunteer Fire Department. Amid these 30 years they were on call 24 hours a day. I remember the both of them getting up in the middle of the night to go put out a fire or scrape somebody off the road.

On one occasion, out of many, my Grandpa ran into a burning house to rescue an elderly woman who was confined to a wheelchair and refused to leave her house. My Grandpa entered the house, covered the woman with a blanket and wheeled her out at full speed. On other occasion he saved the life of a woman who had gone into insulin shock. She had stopped breathing and was literally on the line between life and death.

My mother, Cleo Romero, was raised around fire and rescue work since she was born and since age 5 followed my Grandpa to every rescue and fire.

She became an Emergency Medical Technician. She has got out of a cozy, warm bed many times in the middle of the night to perform CPR on an accident victim. A person who has performed CPR would know that almost 100% of the time a patient will bleed and vomit on the person performing CPR. This is one task that takes a strong stomach, something not every person has.

On February 10, 1978 a small 4 passenger plane crashed at my Mom's place of business. There were two patients. My mother being the only person in the immediate area who was trained to perform whatever necessary to save the lives of these two persons had to make a very difficult decision. Which patient would she work on. At first she tried to help both of them but then had to concentrate on just one of them. This person lived, the other wasn't so fortunate. For years my mother lived with the guilt of letting this man die to save his wife. It turned out that no matter what my Mom would have done, this man would not have lived due to a burst aorta.

Like I said earlier, I have tried my hardest to get some sort of name recognition for my Mom and Grandpa and have been unsuccessful.

Would you please help me to honor all those people like my Mother, Grandfather, and all the other people in the world who have the guts, and stomach of steel to do this kind of work. Especially those who do it because they want to, our volunteers.

Thank you very much and may God bless you.

TRIBUTE TO BENEDICT J. FERRO

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. NOWAK. Mr. Speaker, I would like to congratulate Benedict J. Ferro, who has been the Buffalo, NY, District Director for the U.S. Immigration and Naturalization Service since 1976. Next month, Mr. Ferro will become the District Director for the Immigration Service in Rome, Italy, and will be responsible for INS offices throughout Europe, Africa, India, and Pakistan, as well as overseeing relations with the Soviet Union and Eastern European countries.

The following article appeared recently in the Buffalo News and I would like to insert it in the RECORD at this point:

IMMIGRATION CHIEF LEAVING CITY FOR ROME, WILL OVERSEE INFLUX OF SOVIET REFUGEES

(By Dan Herbeck)

Benedict J. Ferro, local district director of the U.S. Immigration and Naturalization Service since 1976, is leaving Buffalo for Rome, where he will serve in a sensitive post with responsibility for Soviet immigration to the United States.

Ferro said Thursday that he will become director of the Rome district of the Immigration Service. The move, which is expected to take place in August will put Ferro in charge of offices throughout Europe, Africa, India and Pakistan. He also will oversee the agency's relations with the Soviet Union and Eastern European nations.

The Rome assignment will put Ferro in charge of one of only three Immigration Service districts outside the continental United States.

"I am flattered that they would select me," Ferro said. "With thousands of religious refugees moving from the Soviet Union and other Iron Curtain countries, it will be a very important post.

"I've always said it would take 40 horses to move me our of Buffalo, and that's what this offer is. It is a promotion in many ways."

Ferro, 51, will get no raise from his present annual salary of $75,000, but the new job includes living quarters in Rome. He will have U.S. diplomatic status in Italy and will work from offices in the U.S. Consulate in Rome. Deputy Director Jack J. Ingham will be acting director in Buffalo if no successor is chosen before the change takes place, Ferro said. Ingham is viewed as a candidate for the Buffalo job.

A native of Schenectady, Ferro began working for the Immigration Service 26 years ago. He moved to Buffalo as deputy director in 1971 and was promoted five years later.

Ferro said he has enjoyed working in Buffalo, which is considered one of the most important of the agency's 32 districts in the United States. The Buffalo office bears responsibility for immigration activities and border enforcement from Buffalo to New England.

"I'm only leaving because I am taking over one of the most dynamic situations our agency has today," Ferro said.

His wife, Alma, and youngest son, Jeffrey, 17, will accompany him to Rome, Ferro said. All three will take intensive training in conversational Italian.

Ferro said he is keeping his home in Amherst and would not rule out a return to the Buffalo area.

During his tenure in Buffalo, Mr. Ferro has developed a reputation as a fair-minded, dedicated public servant. While he will be missed, I join his many friends in wishing him well in his important new post.

COMMENDING WILLARD KEEN'S MAY 30, 1900, U.S. FLAG RAISING REMARKS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. DUNCAN. Mr. Speaker, one of my constituents, Mrs. Elizabeth Crabtree, recently sent me a speech delivered by her father, Willard Keen, at a flag raising ceremony held in Tennessee on May 30, 1900. I think this patriotic speech is very appropriate in light of the recent decision by the U.S. Supreme Court. I wish that more Americans held views similar to Mr. Keen and his daughter, Mrs. Crabtree. Mr. Keen's remarks appear at this point in the RECORD:

ADDRESS OF WILLARD KEEN DELIVERED AT NEW RIVER, TN PUBLIC SCHOOL BUILDING ON MAY 30, 1900, AT A FLAG RAISING CEREMONY

Honored Juniors, Friends and Fellow Citizens:

When asked if I would make the Address at this flagraising I hesitated. I felt as I do now, that I could not do justice to the sentiments of patriotism which an occasion like this demands. I felt my weakness and inability, and yet I could not be so unpatriotic as to refuse to make an effort. I consider this quite an honor and wish here to thank the Juniors most sincerely for the same.

It is a question whether or not the audience will sink or swim, live or die, survive or perish after listening to my feeble attempt. But whatever the consequences remember that it was a "fraud, accident or mistake" of the Juniors.

No mission is loftier nor grander than that which you Juniors are here instituting for the first time in Scott County. I refer to the work of placing flags over every school house in the land.

This mission leads to truth and elevation of the children of God. It helps to make braver and better cititzens.

Our boys and girls should be taught, while young to love and reverence our flag. It stands for truth, for honor, for perfect manhood and all that is good in our Government. So, the youth of our land should be taught to always be ready to defend freedom's banner, and to see that it is never disgraced.

Patriotism and love of country should be taught in our public schools, because we do not keep a large standing army, as do European nations. Hence in times of danger, we depend upon volunteers as a means of prompt defense.

We should teach that loyalty to our flag, means that we must be true to our country. To instill into the minds of the youth of our land a higher and purer spirit of loyalty, love of country and flag is one of safeguards of our nation. It enobles and prepares for proper exercise of rights and privileges of American citizenship.

Our Public Schools are our nation's bulwark, with our school houses as our nation's line of fortification and so it is especially fitting that the Stars and Stripes float over these institutions.

The people of this and adjoining counties do not wish to be behind in patriotic teaching in our public schools. Special efforts along that line are being made in many schools throughout our lands.

One of the best ways to teach patriotism and love of country is to have a flag at every school house to inspire and instruct. Our flag stands for the achievements of the Past, the liberties of the Present, and the possibilities of the Future. Pupils of Public Schools are being trained for citizenship. That is one reason why our government maintains Public Schools. With proper respect for our flag the growing youth of our land will be the standing army of the United States enlisted for a common defense of justice and righteous judgment.

Children should be taught what our flag represents —That it stands for the principles of our Government and all that our Government guarantees.

For the purpose of teaching patriotism and love of country, the Legislatures in many states have passed laws requiring that a flag wave over every school house during school hours. And in many States where no such laws have been enacted, flags have been placed over schoolbuildings by Juniors, GAR and other patriotic organizations. So that now from the Lakes to the Gulf, from Maine to California there is not a state in the Union but that has the national flag over some schools, if not all. The GAR Posts in this state made an effort to get our last Legislature to enact a law making it compulsory to keep the flag over every schoolhouse while school was in session. The act for some reason was not passed but I believe will be soon. The Juniors in this country should use their influence to get such a law passed.

One of the prescribed regulations in both Army and Navy is that our flag be saluted at dawn by every soldier and sailor, officer and man who sees it unfold in splendor. And in many schools they have what is known as the "flag salute". In New York City there are over 400,000 school children and in each building the pupils assemble in one room for opening exercises. At close of exercises a designated boy and girl each with a flag and staff are stationed at doors where pupils march out to their class rooms. These flag bearers hold the flags aloft—crossed overhead and the pupils at a distance of say ten feet, before reaching place where flag bearers are posted, bring their right hands to their heads, palms downward and hold them in that position until they have passed beneath the flags when the hands are dropped quickly to their sides. The pupils in our schools should be taught to approach our flag in a spirit reverence and to salute it with marked respect.

There are only 586 schools—public and private—in Porto Rico. In November 1898 one of GAR Posts in New York sent a member with 600 American flags to present one to each school in Porto Rico. He received a most cordial reception and every school there now has a United States flag for school children to salute.

So the Juniors have this day begun a movement here that should not stop until every school house in this country has a flag. The Juniors raise freedom's banner over this school building that the bright eyed boys and girls who climb this hill may see that flag and learn to love and respect it; that whoever teaches here may have that flag before them as a reminder that it is their duty to teach patriotism and good citizenship as well as arithmetic and grammar; that the men who live up the river and those who travel the Huntsville road may see Old Glory proudly floating on the breeze and be reminded that they live in the grandest nation over which a flag ever waived; that the good mothers seeing this flag may teach their sons and daughters to be always ready to defend it from all enemies.

Webster said; "let us remember that it is only religion and morals and knowledge that can make men respectible and happy under any form of government, and I wish that I could impress that thought upon everyone here assembled.

On this occasion it is proper that we recall something of the history of our first flag.

As the time drew near for the signing of the Declaration of Independence and for our country to draw the first breadth of Freedom, it became evident to the chief directors of the nation, that there must be a suitable flag to represent the new condition, but nothing was decided until about twelve months later.

On the 14th of June 1777, Congress passed the following Resolution: "That the flag of the United States, be thirteen stripes, alternate red and white; that the *Union* be thirteen stars, white, in a blue field, representing a new constellation."

The Continental Congress at that time was held in the city of Philadelphia. Soon after that Resolution was passed, a committee from Congress, accompanied by General George Washington called upon Mrs. Elizabeth Ross and showing her a rough design of a flag sketched on a piece of paper, requested that she undertake the work of making a flag. When asked if she would undertake the work, feeling the importance of same—she hesitated and then simply said—"I will try". On further consultation, she suggested that as the stars in the sketch are six pointed—the same as those employed in the English heraldry—it would give more individuality to the flag, if the stars were of five points. George Washington objected, thinking it would be too difficult to make a star with uneven points, but Betsy Ross, as she was called, then promptly folded a piece of paper and made a five pointed star. Whereupon she was left to make her sample flag according to her own arrangement of size and proportions.

When the flag was finished and sent to Congress it received the approval of the entire body and word was sent to that noble lady to proceed at once with the making of a large number of flags.

The size of the first flag is now known; nor is there any information as to what became of the first flag itself. According to a tradition the first flag floated from the mast head of a merchant ship at Philadelphia, but this is merely a tradition.

At the time Elizabeth Ross made the first flag of United States in the city of Philadelphia, she was a young widow 24 years of age. She was afterwards married twice and it is said she and her immediate descendants were engaged in the flag making business for 60 odd years. She lived to see the new republic well established, her death occurring in 1836.

The thirteen red and white stripes are for the thirteen original colonies, who struck the shackles of British depotism and tyranny from them and declared that all men are born equal. The thirteen stars for the union of the thirteen states. And as new states have been admitted into this union new stars have been added to our flag.

Our nation was but in infancy when Tennessee knocked for admission—only 19 years old. It was the 16th state to be received into that great galaxy.

There are now 48 states in our constellation. When a new state is admitted into the union a new star must be added to every flag in the United States Army and Navy. So it is a big job for the government to change so many flags.

The American flag is the grandest banner that ever waived over land and sea.

" 'Tis the star spangled banner,
Long may it wave
O'er the land of the free and the
Home of the brave."

The red in Old Glory is for love or undying devotion to our country; the white is for purity—purity of life and purity of home; while the blue is for true—true to the principles of our government—true to the principles that all men are created equal and have the same rights to life, liberty, and pursuit of happiness.

The flag you see here today was made by Americans and made from wool sheared from American sheep, so it is truly an American flag.

We have but one flag now. The Blue and the Grey march under one banner. The Spanish-American war proved that we are one nation, with one flag and are a strong united people. During that brief war, thousands of flags were wafted to the breeze in every city and hamlet in the United States. And the sight of that glorious old star spangled banner did more to kindle the fires of patriotism in the breasts of every American, than all the words of eloquence then spoken.

We should not wait until war to unfurl freedom's banner. It stands for all that is good, and true and noble in our government. And so should be displayed in times of peace also, that all may see and love and respect it more.

Women are teachers of patriotism and loyalty to flag and country of the highest order. Ever since Queen Isabella cast her jewels at Columbus' feet and bade him dis-

cover a new world, women have wielded a great influence in the upbuilding and civilization of this country.

And we have seen that our first flag was conceived in the heart of a loyal woman and formed by her patriotic fingers. The noble women have taken up the matter of "flag salute" and are trying to get all schools to adopt it.

Women have always stood at the alter of Liberty, and this nation today owes to women all that is good and glorious and of true value.

You, who are here present, have a grand work before you. Teach the boys and girls—the future men and women of our country—patriotism, love of country and devotion to our flag. Teach them to keep alive the memory of our dead and to decorate and keep green their resting places.

In many parts of our country, where public schools last nine months out of twelve, as they ought to do here, the school children take part in Memorial Day exercises. In Cincinnati on last Decoration Day 8,000 boys and girls carrying flags and flowers marched with the old soldiers to the cemeteries and assisted the veterans in covering the graves with flowers. So the good women of our country should bring flowers and encourage the boys and girls to do the same on Decoration Days.

The mountain people in all countries have always been brave and bold. The people of other sections of our country may possess greater wealth, they may have had better educational advantages, but nowhere in our country will you find a people who have more patriotism or a greater love for our flag than East Tennesseeans.

TRIBUTE TO REV. P.N. SUMPTER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in recognizing the Reverend Dr. Percel Napoleon Sumpter on the occasion of his 22d anniversary with the Solomon Temple Missionary Baptist Church in Pittsburg, CA.

Since his installation as pastor on February 26, 1967, Reverend Sumpter has overseen the expansion of both Solomon Temple's physical facility and membership. Under his guidance, Solomon Temple has grown into a stabilizing force for its many parishioners.

While Reverend Sumpter's dedication to his vocation and commitment to his congregation have nurtured the continued growth of Solomon Temple, his presence has also been felt throughout the community. Attesting to the high esteem in which he is held is the recent presentation of the key to the city of Pittsburg and his induction into the Contra Costa County Hall of Fame. This recognition by Contra Costa's civic leaders is only fitting in light of his numerous contributions to the betterment of his community.

Most recently, his work educating youth and adults about the dangers of drug abuse has provided a positive influence in their all too often negative surroundings. By showing individuals a viable alternative to drug use, Reverend Sumpter is giving them the opportunity to build a stable environment for themselves and their families.

Reverend Sumpter is, indeed, one of my district's outstanding citizens, and those of us in Contra Costa County are thankful for his numerous contributions.

A VERDICT THAT HONORED THE FLAG

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. EDWARDS of California. Mr. Speaker, the Supreme Court's flag burning decision has resulted in lively debate throughout the country.

An editorial which appeared in The Tribune, Oakland, CA, on June 23, 1989, presents the view that the verdict honored the flag.

The editorial follows:

[From the Oakland Tribune, June 23, 1989]

A VERDICT THAT HONORED THE FLAG

In China, a student who burned the flag to protest government policies might be put to death. In the United States, a member of the Revolutionary Communist Youth Brigade who burned the flag outside the 1984 Republican National Convention in Dallas just won his freedom. There, in a nutshell, lies one great difference between the two systems and one great reason why so many oppressed peoples look to America as a beacon of liberty.

In striking down a Texas statute applied to the communist protester, the Supreme Court declined to desecrate the Constitution in order to punish desecration of the flag. The court majority wisely distinguished between the weighty substance of liberty and a mere symbol, albeit revered, of national unity. Burning the flag, however misguided and offensive, is an act of expression protected by the First Amendment.

As Justice William Brennan observed in his eloquent opinion, "We do not consecrate the flag by punishing its desecration, for in so doing we dilute the freedom that this cherished emblem represents."

"We can imagine no more appropriate response to burning a flag than waving one's own," Brennan wrote, "no better way to counter a flag-burner's message than by saluting the flag that burns, no surer means of preserving the dignity even of the flag that burned by—as one witness here did—according its remains a respectful burial."

Dissenting Chief Justice William Rehnquist pettily dismissed this moving statement of American ideals, as a "patronizing civics lecture." Yet his own dissent was an embarassing exercise in sentimentality.

His decision to include the full text of "The Star Spangled Banner" in his opinion, for example, was an appeal to cheap and uncritical patriotism of the sort that has lowered the flag's reputation and made it a favorite target for protesters.

And his reference to the "thousands of our countrymen" who "died on foreign soil fighting for the American cause" slights their memory by then suggesting they died for a flag rather than ideals of liberty.

Rehnquist's veneration of the flag seems like kitsch patriotism next to the truer emotion of his fellow conservative, Anthony Kennedy. For Kennedy, "the flag holds a lonely place of honor in an age when absolutes are distrusted and simple truths are burdened by unneeded apologetics." Though siding with the majority, he expressed the "keen sense that this case, like others before us from time to time, exacts its personal toll."

But faced with his judicial obligation he refused to shrink from "the hard fact" that "sometimes we must make decisions we do not like. We make them because they are right, right in the sense that the law and the Constitution, as we see them, compel the result."

Kennedy upheld both the law and his own dignity with his final judgment: "It is poignant but fundamental that the flag protects those who hold it in contempt." The country is lucky to have a majority of such justices for whom reverence for the Constitution is their loftiest sentiment.

A CONGRESSIONAL TRIBUTE TO JOHN W. "JACK" CHAPMAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to bring to my colleagues' attention the long and distinguished career of an outstanding citizen in the community, Mr. John W. "Jack" Chapman. Jack has been a resident of Redondo Beach for over 16 years, and has just recently finished serving a 4-year term on the Redondo City Council as a representative of District 1.

Before tackling the challenges on the city council, Jack was the commissioner of the Redondo Public Improvement Commission from August 1984 to May 1985. He has devoted a number of years to the planning and design departments of the County of Los Angeles and Marina Del Ray. Jack is also a member of the Los Angeles County Enterprise Zone task force.

His specialty as a building zoning engineer has certainly added to the overall improvements and growth in the surrounding communities. His educational background prepared him well for the challenges that he has come up against. He received a B.A. from UCLA, where he majored in environmental and urban design, and public administration, and is involved in the M.A. program at Cal State University in Los Angeles.

As a council member, Jack supported action to stop the "billboard blight" on our landscape and was instrumental in improving public safety on our beaches by providing life guard service. He also devotes many hours to community services. He has spent the last 14 years in the local American Youth Soccer Organization, and is a member of St. Lawrence Martyr Catholic Church.

My wife, Lee, joins me in extending our congratulations to John W. "Jack" Chapman today. He is a remarkable individual. On behalf of the entire community, we wish him all the best in the years to come.

END DISCRIMINATION OF THE ARMED FORCES, SUPPORT H.R. 572, H.R. 2277, AND H.R. 2300

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. DORNAN of California. Mr. Speaker, I have placed into the RECORD a number of letters that have been written to me in support of my legislation to redress a number of iniquities inherent in the Spouse Protection Act; June 15, 1989, June 27, 1989 and June 28, 1989.

My legislation will make the provisions of the Spouse Protection Act relating to retirement payments to ex-military spouses more consistent with the pension plans established by Congress for the Foreign Service, the Central Intelligence Agency, and portions of the civil service. H.R. 572 will terminate court ordered retirement payments to ex-military spouses upon their remarriage. Currently, ex-spouses are entitled to a lifetime military retirement pension after only 10 years of marriage, whereas the military member must devote more than 20 years of service for retirement eligibility. The ex-spouse continues to receive these benefits even if he/she remarries. If the marriage is to another military member, there exists the possibility of two Government pensions. This a priori judgment is neither fair nor equitable.

H.R. 2277 would explicitly state that the court may not force a military member to pay a spouse or former spouse any portion of his or her retired pay until the service member is him/herself entitled to retired pay. This is consistent with both the intent of Congress and the existing law for other Federal employees.

To not only correct an inequity but also provide an incentive for longer stays in the service, H.R. 2300 simply ensures that any increase in retired pay resulting from increased service or promotion after a separation would be the separate property of the member. It makes no sense that an ex-spouse should receive the additional benefits that accrue for time served in the military after the marriage is dissolved.

I believe these changes are long overdue to provide members of the Armed Forces the protection afforded other Government employees upon retirement. Retired pay is perhaps the No. 1 incentive for retention of our Armed Forces and equal treatment with other Federal retirees is only equitable and fair.

Mr. Speaker, the letters to my office are overwhelmingly supportive of my effort. Most tell of the many abuses that have resulted from the inflexible language of the current law. Letters such as these:

Hon. ROBERT DORNAN,
House of Representatives,
Washington, DC.

DEAR MR. DORNAN: H.R. 572 is a breath of fresh air to those of us who have been subjected to the ravages of FSPA over the years. As I remember it, Pat Schroeders original draft of the FSPA contained a remarriage provision but it strangely disappeared from the final version.

I am enclosing a copy of my story recently sent to Frank Carlucci. As an addendum—when the final order was issued, and my ex became $80,000 richer, she took off for Florida and divorced her second husband of 19 years so he could not share in the spoils.

So, she is now un-married, I assume, and that leaves me wondering where I would stand should your bill pass in its present form. Knowing all too well the attitudes of the California courts, they would simply ignore that 19 year marriage as though it never happened. How do you perceive it would affect me?

All of us thank you for your efforts to extricate us from this unintended mess.

MAX E. THOMPSON,
Commander, USN Ret.

Re: Retired pay—wages or pension?
Hon. FRANK C. CARLUCCI,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY CARLUCCI: I am familiar with Col. Robert Hicks' letter of 16 Nov. 1988 in response to inquiries by Lt. Col. Ralph H. Sewell. I would like to comment.

It is naive to assume that the courts in the Community Property States care one iota what Congress' intent was when they passed FSPA—it was only the means to an end. They also don't care if the military finance centers make direct payment or not.

In my case—I received my divorce from my former spouse in the California courts in 1966. The court found her to be an "unfit mother" and gave me the divorce—the five kids—all the community property and directed she was to take nothing.

She remarried immediately. Fifteen years later she petitioned for partition of my retired pay as a "missed asset". The McCarty decision intervened and the judge, most reluctantly, confirmed my retirement pay to me. Immediately after FSPA was passed the same judge reopened my case and awarded her a percentage retroactive to the day she originally filed. I appealed all the way to the U.S. Supreme Court who declined to hear my case. When appeal was exhausted, the judge gleefully ordered me to pay—not her but her attorney who claims he is to get half of her entitlement as long as I live. They didn't even bother asking the finance center to pay. The judge simply told me, "I know you military people—if you miss two payments I will put you in jail.

The percentage of my retired pay ordered was also based on my gross pay instead of disposable as FSPA clearly indicated. Here the judge muttered "those people back in Washington don't tell me what to do." (That strangely did not appear in the transcript.)

I had to liquidate even my WWII war bonds and put a $53,000 second mortgage on my house just to make the initial payment. My monthly payment to her and the servicing of the second mortgage leaves me almost nothing to show for 29 years in a navy uniform.

This clearly demonstrates that the California courts will never pay any attention to FSPA unless Congress or the Supreme Court decrees. In the meantime—wages and pension—it is going down the drain.

MAX E. THOMPSON,
Commander, USN Ret.

JULY 4, 1989.

Hon. ROBERT DORNAN,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DORNAN: Today is the fourth of July and I would rather weep than celebrate. The U.S. Congress led by Pat Schroeder (D-Colo.) has set freedom back to before the civil war. The enslavement of divorced retired military personnel to their ex-spouses (P.L. 97-252) is just that, enslavement.

My ancestors fought in the revolutionary war, as did my husbands ancestors. Sam McSpadden was given credit for saving the country from invading troops at New Orleans. Through the years, both families have served their country voluntarily. We have all been proud to serve in the armed forces. We have borne the grief of losing friends and loved ones in battle, to keep this country free.

I am a W.W.II Navy veteran and my husband served 22 years on active duty and 8 years in the Fleet Reserve before he died in 1961. What has Pat Schroeder done for her country except enslaving the retired military to ex-spouses.

If these ex-spouses are not old enough to draw Social Security (age 62), they are young enough to seek gainful employment and stop looking for a handout.

I was married to my husband for 24½ years when he died. I received $45.00 a month, called a widows pension, to support myself and two daughters ages 10 and 13. I was 45 years old. There is really nothing disgraceful in getting a job and being self sufficient. The feeling is great and sure beats complaining and whining.

Being ex-military and a Navy wife, I can see both sides and believe me, the ex-spouses, as a group, come up looking as though they want a free ride. In the meantime the military personnel who earned their retainer pay and continue to earn it, are having to share it with someone who does not deserve it. I have not heard of or seen an ex-spouse of the military retirees that was destitute. Most of them remarry and should be the responsibility of their second husbands or wives.

As I said at the beginning of this letter, I can weep for the injustice of P.L. 97-252.

Sincerely,

MARGARET MCSPADDEN.

But, in fairness, I do receive a handful of letters that oppose my legislation for a variety of reasons. Many who have shared with me their opinion misread not only the intent of my language but the legislation itself. One example is contained in the following letter. I certainly do not support any husband or wife who "walks away" from their responsibilities. Nor do I support nonpayment of alimony or child support when it is mandated by the courts. But these are best decided by the court on a case-by-case basis. The way current law is written, the courts simply have no option:

JULY 1, 1989.

Hon. ROBERT DORNAN: It has come to my attention that you are the primary sponsor for House Bill 572 and now has two additional sponsors. This bill as I understand it would terminate the receipt Court Ordered allocation on half of Military retirement pay to a former spouse if the former spouse was to re-marry.

I find this proposal to be completely unacceptable to me. After spending thirty five years married to a career military individual, I was suddenly confronted with a divorce. I spent my entire life raising our chil-

dren and supporting him through the good and bad times. I was forbidden to work so consequently I was not paying into the Social Security System and had no visible means of support and no marketable skills at my age.

I feel that I earned every penny that I am now collecting from my former husband's retirement pay. Since I was not provided with a retirement account after thirty five years of service, half of a pension is my well earned retirement fund. With the cost of living as it is today this amount will not pay the rent or buy groceries.

By giving back the monies to the retired military member you are telling them that it is OK for them to walk out on their spouses. Most of the time the new spouse of the retired has never made any of the sacrifices that the ex-wife has but suddenly is entitled to all the privileges that were earned by the former spouse. Who is going to reimburse us for all the sacrifices, hard times and separations that we endured while our husbands performed their military duties. I worked hard for what penance I receive from my ex-husbands retirement.

While our divorce was pending, I was forced to give up my home and put it on the market; a home that I had waited twenty three years to get. I had to file a Chapter 13 to save his credit and I had to pay all the bills. Although the divorce settlement stated that I was to live in the house until it was sold, he wanted rent. When the house finally sold he received half of the proceeds although he provided none of the money to maintain the property. My half went to pay off the chapter 13 that I had to file.

Now you are saying with your proposed legislation that it is OK for a service member to just walk away from a marriage with no responsibilities and leave an ex-wife to fend for herself. In many instances this has put a burden on the welfare and public assistance programs because many ex-wives have no marketable skills and are unable to find employment.

Although there are a few greedy former spouses that were divorced over twenty-five years ago and are now trying to take advantage of their ex-husband due to this law, I feel that these individuals are giving all of us ex-spouses a bad reputation and each case should be considered on its own merits.

I do not feel that it is fair to penalize a divorced spouse because they have remarried and reward the retired military person for remarrying. It is evident that the retired military person does not consider the sacrifices made by the spouse during his career to be worth anything.

Sincerely,

MARIANNE S. (HODGES) SICKELS.

Again, my legislation follows congressional precedent that has been set for other Federal employees and common State divorce provisions. Further note that in all cases, although the legislation is retroactive, savings provisions are incorporated which require no repayment of previous awards, and no further payments shall ensue after enactment. None of the changes affect spousal or child support provisions—just retirement benefits.

EDITOR HARRY DUNFORD ARGUES FOR A CONSTITUTIONAL AMENDMENT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. SKELTON. Mr. Speaker, Harry Dunford, of Lexington, MO, writes a column for the Lexington News. In the July 5 edition, Mr. Dunford sets forth an excellent argument in favor of a constitutional amendment prohibiting the desecration of the American flag. I agree with him and I set forth this article for the Members of this body to read:

The issue of burning the American flag as a means of "expression of free speech" is quite an emotional one and it is difficult to write of such matters without becoming maudlin. Yet, it seems to me that we must all take a stand and let our elected representatives know just how much the flag means to us as a prime symbol of unity which binds us together as a nation. And, beyond that, to demand a constitutional amendment to give this unique symbol the protection it deserves.

I recall a sunny morning in February, 1945 when I along with most of the crew of our ship and the troops of the Third Marine Division whom we were transporting lined the decks and watched from other vantage points as the initial landing was made at Iwo Jima.

It was picture perfect; the sky was light blue in the early morning sun and the Pacific Ocean was dark blue as so often it is wont to be. The white wakes of the assault boats lent a travelogue quality to the event unfolding before our eyes; it seemed as though it could easily have been the start of a regatta off of a peaceful Hawaiian shore. It was not.

The evening of the initial landing a large map of the island was set up in the mess hall and the battle lines at the end of the day was marked on the map. It was a rather small beachhead and over the course of the next few days it would change only a little at a time as the enemy grudgingly gave up ground. Mt. Suribachi was clearly shown as the dominating point of the island and its code name was "Hotrocks." It was an apt description.

Over a period of the next four or five days aboard ship there was an excruciating element of high tension. Our Third Division troops were landed in support of the two divisions already committed, but it took two attempts as the boats were called back from the line of departure on the first such effort because of heavy fire and chaos on the beach due to heavy surf.

The capture of Mt. Suribachi and the planting of the flag on its summit was not the end of the battle. Many of the Marines who assaulted "Hotrocks" were ultimately killed in the relentless drive to the other end of the island which consumed the rest of February and well into March. U.S. Army infantry elements also participated in the final push to capture the entire island of 8 square miles. Our ship remained in the area until late March when we finally were able to get all of our cargo delivered to the beach.

The American flag which flew over Iwo and was the subject of the famous photo by Joe Rosenthal and the subsequent Marine Memorial in Washington, D.C. was not the first flag to go up; there was a smaller one which preceded the more famous one, but when the larger flag had been raised it could be seen through field glasses or binoculars from the ships at anchor offshore and was also visible to the troops on the island. It had been up only a very short time when word spread rapidly through the fleet and on shore.

It is my personal experience from viewing the flag on Mt. Suribachi which colors my sentiment toward our flag. Casualties at Iwo were extremely high; wounded Marines were brought aboard our ship and were operated on in a makeshift surgery at one end of the mess hall and this was done even as we ate our meals. The Marines laying in their stretchers alongside the mess tables waiting their turn for surgery were stoic and did not complain or whine about their fate. They were U.S. Marines and they had served our flag loyally and without question. Any assault on our flag is an assault on their memory and should not be permitted.

Years later, in a different setting, the story is told of our prisoners of war in Hanoi and how they would manage somehow at the end of the day to say the pledge of allegiance to the flag and how one such prisoner over many long months was able to piece together inside his jacket the bare outlines of the flag in snippets of red, white and blue threads.

There are those in the ACLU and others who decry the very idea of amending the Constitution because such acts as burning the flag is said to be "an expression of free speech." It is no such thing; it is a physical assault on the emblem which in essence stands for the Constitution itself. And, there are those Congressmen who are saying as an excuse for taking no action, "we should not tamper with the Constitution on such a matter."

My answer to them is "Why not amend the Constitution to prohibit the burning and other desecration of the flag? After all, it is our flag and it is our Constitution. If the overwhelming majority of the American people want it done—and this appears to be the case—and if this is truly a representative government—then get it done—now!

TRIBUTE TO ROBERT BARKER, VOICE OF DEMOCRACY CONTEST WINNER

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. BURTON of Indiana. Mr. Speaker, I am proud to honor Robert Barker, a senior at Hamilton Southeastern High School, who is from my congressional district. Robert has recently won second place honors in the voice of democracy broadcast scriptwriting contest. This contest is sponsored by the Veterans of Foreign Wars and its ladies auxiliary. This year over 250,000 students participated in the contest competing for 9 national scholarships totaling $42,500, which were distributed among the top 9 winners.

Robert's entry: "Preparing for America's Future" profiles the youth of America and the challenges that lay ahead for them. The piece suggests that the adults of today must guide and teach the youth so that the youth may

carry on and lead the country to a "hopeful tomorrow". I am pleased to share this piece with my colleagues and am proud of Robert Barker. He's an outstanding young man.

PREPARING FOR AMERICA'S FUTURE

(By Robert S. Barker)

Can you see them? Can you see them rising early in the morning? The sun has not yet begun to peak over the horizon, and there is a crisp chill in the air. A solitary cabin and barn seem to sit alone in the cold night sky. All around them, the stars and an ocean of glimmering dew droplets seem to dance in the bright moonlight. As our panoramic view closes in on that tiny farm, we can see it awaken unto life once again. Through pane-glass window, framed in roughly cut wood, we can see inside the cabin. A loving mother is rousting her groggy children and a strong young father is pulling on his boots. As he stands from the bed hoisting his suspenders, his children come filing down the ladder from the loft to get closer to the warm, life giving fire and the inviting smells of a hearty breakfast. This morning is beginning like any other morning on the edge of the wild American frontier, but this morning will be the family's last comfortable morning in this setting, for they have packed nearly all that they own on a sturdy wagon. This morning, and many mornings to come, will be mornings of discovery, mornings that will lead thousands of pioneer families like them in search of a better life. Mornings that will give birth to the American Dream.

Today, the American Dream seems just out of reach and we hear many people speak of the future. They say, "America's Future Rests in the Hands of Today's Youth". Youth? Oh how this can be a very dangerous statement. "Dangerous"?, you say. True, when spoken to a youth or before a group of young people, it can be a great motivator. However, when spoken from adult to adult, as is often the case, it can bring an air of complacency. An idea that says, "We've done our part. Now it's up to our children to—well to—to what?

Isn't it true that—"With the ancient is wisdom; and in length of days understanding." This proverb comes to us from the Bible in the book of Job, chapter 12 and verse 12. Listen to it again, "With the ancient is wisdom; and in length of days understanding."

I believe that while America's future itself definitely will rest in the hands of tomorrow's adults, the responsibility for that future rests in the hands of today's mature citizens. That's where America's strength is, for today's mature citizens are the one's who have fought the wars. They are the ones who have worked in the fields and in the mines. They are the ones who have run the businesses and voted in the polls, and they are the ones who have served in public office. They have worked hard in building the foundation and lower frame, and it is up to today's youth to continue the construction, but the former planners and builders have one last responsibility if this skyscraper of democracy is to reach further into the stars. They must show us what yet needs to be done and how to do it. However and at the same time, if this instruction is to be of any effect, we as youth can't afford to become complacent either. We need to better appreciate what our forefathers have given to us, for they have provided us with opportunities that many peoples of the world dare not even dream about.

I am often saddened when I attend a basketball game or other sporting event and I see my peers, or sometimes even myself, a little embarrassed to salute the flag and to sing our country's anthem. Sometimes I even see a total disrespect for the flag when people decide to pay no attention at all, however, that is a rare occasion. More often, it is just a lack of pride and bravery to stand out as a zealous patriot that keeps us from properly honoring our flag and country. I think all of us could stand to be a little more appreciative of our heritage the next time we hear the band begin to play "The Star Spangled Banner". We should be eager to follow the example of the white-haired American veteran of time who starts to get a little teary-eyed at the very first note.

Alexander Pope coined a phrase that reflects the thoughts of many people, and especially those of educators. He said, "A little learning is a dangerous thing". If today's youth are to be properly prepared to be the leaders of tomorrow, we must have strong examples to follow as we further our education.

Adults, you've helped us to begin that education, now please show us what to do with it. For if we are ready to listen; and you are ready to coach, there's nothing that can beat that championship team. With a little more vision and a little more heart, many modern Americans could become today's George Washington, Abe Lincolns, and Ben Franklins. For it was those adult pioneers that led our fathers to a new land, and so will it be today's adult pioneers that will dare themselves to stand out as upright examples; and in thus doing, lead us into a hopeful tomorrow.

DESECRATION OF THE FLAG

HON. BERYL ANTHONY, JR.

ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. ANTHONY. Mr. Speaker, the Supreme Court decision allowing desecration of the flag in the name of free speech is an issue which is much on the minds of the people of Arkansas.

I have joined with my colleague, BILL ALEXANDER, in proposing a constitutional amendment to ban desecration of the flag.

It is an issue we must address.

I am inserting in the RECORD an article from the Jonesboro Sun which points up the deep feelings this issue has stirred among our constituents.

[Excerpted from the Jonesboro Sun]

BILL ALEXANDER KEEPS IN TOUCH

Congressman Bill Alexander, as he has done for the past 22 years, spent Independence Day traveling in the district, talking to constituents and attending an almost endless list of community gatherings.

His day began early in the morning at Piggott, where he served as grand marshal of the town's annual 4th of July parade. Then it was on to Corning, Paragould, Caraway and finally Portia.

Many might wonder why—at the age of 55—he'd be willing to submit himself to such a grueling schedule. While his hair shows signs of graying at the temples, he still exudes the energy of a man half his age.

"I'm 55 going on 35," he joked Tuesday, while preparing to take the podium at the annual Portia picnic. He sees attending these community gatherings as an important part of his job and announced proudly to the Portia crowd that this is his 22nd year to attend the picnic.

"It's all part of keeping in touch with the people," Alexander said.

His two most immediate causes this 4th of July were protecting the American Flag and pushing his proposal for a national energy policy that calls for broader use of alcohol-based fuels.

Alexander has introduced legislation in Congress calling for a Constitutional Amendment that would reverse the recent Supreme Court decision allowing individuals to burn the American flag in protest.

In Piggott, Corning, Paragould, Caraway and Portia, he denounced the Supreme Court's decision.

At each stop he presented a U.S. flag which has been flown over the Capitol Building at Washington to local elected officials, urging them to fly it proudly.

"The flag is a symbol of what's right about this country," he said, "not what's wrong with this country. I thought the Supreme Court decision was wrong and have introduced a Constitutional Amendment to rectify the situation."

He also told the crowds at his various appearances, "We need to have a new Declaration of Independence from foreign oil."

The congressman has long been a proponent of alcohol-based fuels which would open the $100 billion fuel market to farmers in Arkansas and across the nation.

Alexander has been appointed to the U.S. Alternative Fuels Council and his program has gained support from President George Bush. The President has called for further study of alcohol-based fuels and urged auto makers to offer consumers cars that will run on an alcohol-gasoline mix.

Alexander says that in addition to putting more money in the pockets of Arkansas farmers, cleaner burning alcohol fuels would help reduce air pollution.

He said crop-based alternate fuels would add to the United States economy not detract from it as is the case with imported oil. "We simply must stop borrowing money from the Japanese to pay for Middle Eastern oil," Alexander said.

Alexander said he foresaw the day "when there will be a transfer of wealth from the oil fields of the Middle East to the grain fields of the Middle South."

CRUEL AND UNJUST

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. EDWARDS of California. Mr. Speaker, the Supreme Court decision legalizing the execution of Americans who were 16 or 17 years of age when they committed a capital crime caused concern worldwide.

Only Libya and South Africa execute capital offenders who were under 19 at the time of their criminal act. All of Europe, including the Soviet Union, limit executions to 18-year-old offenders.

The San Jose Mercury News, in a June 28 editorial, cogently reviews the unfortunate ver-

dict. I commend this article to the attention of my colleagues.

The editorial follows:

[From the San Jose Mercury News, June 28, 1989]

CRUEL AND UNJUST—EXECUTING CHILDREN AND THE RETARDED IS AN EXCESSIVE PENALTY, AND NO DETERRENT

Hewing to the narrowest definition of "cruel and unusual punishment," the U.S. Supreme Court has sanctioned the execution of those who are chronologically or mentally children.

The court ruled 5-4 Monday in two cases that the Eighth Amendment to the Constitution is no bar to executing murderers as young as 16 and murderers who are mentally retarded.

Unusual? Not in this country, said the court. Half the states permit executions of criminals who were 17 at the time of the crime. Only two of the 37 states with the death penalty flatly exempt the mentally retarded.

Elsewhere, it's a different story. The United States is not only alone among Western industrial nations in imposing the death penalty on some minors and the retarded; it is alone in imposing it at all.

Cruel? Not in the court's view. The retardation case the court considered involves a killer with a mental age of 7. We dissent; punishing a 6-year-old by death fits our definition of cruel.

In the case of 16- and 17-year-olds, the court has held them responsible enough for their acts to pay with their lives, although they are considered too young for the other responsibilities of citizenship—voting, for instance.

Without stretching definitions, the court could have found the punishments cruelly excessive.

Instead, five justices chose to sanction state killing primarily on the grounds that there seems to be a good deal of enthusiasm for it around the country, thus undercutting the role of the Constitution as a restraint on the passions of the majority.

Strong as the case is for declaring capital punishment unconstitutional, it is not as strong as the case for declaring it ineffective and immoral.

We have long opposed the death penalty on moral grounds. The state does not enhance its moral authority by killing killers. On practical grounds, we're skeptical that executions deter many murderers, and worried that the penalty seems inevitably to be inequitably applied.

Those arguments are especially compelling for the young and the retarded.

Can it be necessary or sensible to execute retarded people to deter other retarded people from commiting crimes? Is it justice to execute those who, by virtue of age or mental capacity, aren't deemed to be responsible adults?

No, it isn't necessary or sensible; and no, it isn't justice.

A CONGRESSIONAL SALUTE TO COL. TADAHIKO ONO

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual who was honored Friday, July 7, 1989, in a farewell luncheon by the Los Angeles Army Corps of Engineers. Col. Tad Ono, the Los Angeles District Commander of the U.S. Army Corps of Engineers, is taking a new position as command engineer of the U.S. Army Training and Doctrine Command. I would like to take this opportunity to thank Tad Ono for all he has done for my district and wish him all the best in his new position. I know he will continue to do an exceptional job.

In his current position, Colonel Ono is responsible for the development and management of Federal water resources in a 230,000-square-mile region, which encompasses four southwestern States. He and his staff are active in the investigation, design, construction, operation, and maintenance of water resources projects for flood control, and navigation. He is also responsible for major military construction activities for the U.S. Army and Air Force within his district.

Colonel Ono, born in Tokyo, Japan, has had a distinguished career with the U.S. Armed Forces. He is a graduate of the U.S. Military Academy at West Point, and holds a master of science degree in civil engineering from the University of Illinois. In addition, he is a graduate of the U.S. Army Command and General Staff College, the Industrial College of the Armed Forces, and the National Institute for Defense Studies, in Japan.

He has served with combat engineer units in Germany, Vietnam, and the United States, as well as serving as commander of a combat engineer battalion in Korea. As a staff officer, he has served in various personnel-related positions in Washington, DC, and in Japan. He has also served as project engineer and deputy district engineer with the Japan district, Pacific Ocean Division. Prior to taking command of the Los Angeles district, he was assistant director of civil works for the Pacific area, U.S. Army Corps of Engineers, headquartered in Washington, DC.

Among his awards and decorations are two Silver Stars, Legion of Merit, Bronze Star, four Meritorious Service Medals, and an Army Commendation Medal.

My wife Lee, joins me in saying "thank you" to Colonel Ono for his excellent work and wish him, his wife Hiroko and their three lovely daughters, Yuriko, Mariko, and Eriko, all the best in the years to come. Col. Tad Ono is truly a remarkable individual who has devoted his talents and energies to serving the United States.

FIFTEEN YEARS AGO: THE CONVICTION OF JOHN ERLICHMAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. STARK. Mr. Speaker, 15 years ago today, John Erlichman, Nixon's former adviser on domestic affairs was found guilty by a Federal jury of conspiring to violate the civil rights of Dr. Lewis J. Fielding. Dr. Fielding was the psychiatrist of Daniel Ellsberg, of Pentagon papers fame.

G. Gordon Liddy, Bernard L. Barker, and Eugenio Martinez were also convicted of the same charge. Erlichman was also found guilty of three counts of making false statements.

Before reaching this verdict, the jury had been instructed by U.S. District Court Judge Gerhard Gesell that:

An individual cannot escape criminal liability because he sincerely but incorrectly believes that his acts are justified in the name of patriotism, of national security or the need to create an unfavorable press image or that his superiors had the authority to suspend without a warrant the protections of the fourth amendment.

These instructions are worth nothing, because the comments made by Gessel 15 years ago are almost identical to the comments he made to Lt. Col. Oliver North when just over a week ago he sentenced North for his role in the Iran-Contra arms-for-hostages affair.

It is scary to think that the Nation was unable to remember what was going on here in Washington 15 years ago during the constitutional crisis known as Watergate, and that so soon after the Nation could let itself be faced with another constitutional crisis, this time in the Iran-Contra affair.

Now that Oliver North has been sentenced, many would like to forget all that has happened in this latest crisis over the Constitution. We as a nation cannot afford to forget. Only 15 years ago we were faced with the most serious constitutional crisis in our Nation's history. The fact that only 12 years later we were faced with another crisis that was almost as lethal is frightening. People who cannot learn from history are truly condemmed to repeat it. It is our duty not to forget Watergate or Iran-Contra if we are to prevent another crisis of this nature from occurring.

TRIBUTE TO BUSINESSWOMAN BEVERLY STAPPLER

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mrs. BENTLEY. Mr. Speaker, today I have the privilege of saluting an individual who truly demonstrates what a woman can accomplish in what was once the male-dominated world of business. On May 15 Beverly Stappler received the prestigious Margaret Brent Award from the National Association of Women Business Owners [NAWBO] in recognition of her two decades of achievement as a business entrepreneur.

NAWBO is indeed very special, for it is the only organization solely dedicated to strengthening the earnings, visibility, and growth potential of the women business owner. The Margaret Brent Award was named in honor of the first American women to demand the right to vote—an individual whom, I am pleased to say, lived in my home State of Maryland. Indeed any person who receives such an award bearing this great woman's name is deserving of special recognition, and I am pleased to salute Beverly Stappler here.

Beverly graduated with a bachelor of science degree from the University of Maryland

at College Park in 1951. She pursued a career as a teacher in the Baltimore City School System until 1962, during which time she also helped to raise two fine children.

In 1966 Beverly entered the family owned Overlea Caterers, Inc. Through skill and dedication she became the company's chief executive of the senior food service division and developed a strategy which now feeds some 7,000 seniors in 165 locations daily. She now serves as the firm's vice president and a corporate director as well as president of Shalom Caterers, a company which delivers kosher food to 12 senior centers in Baltimore City and County.

Beverly Stappler has also been an active member in many community organizations. She presently chairs the Maryland's Israel Bonds Women's Corporate and Professional Division in addition to serving on the national board. She has also played valuable roles on the Baltimore County Commission for Arts and as past president of the philanthropic Ethel Rosen Strauss Organization.

Mr. Speaker, Beverly Stappler is a wonderful example of an American success story. Indeed she is a woman who has both reaped the benefits offered by society as well as reinvested her own talents back into her community through her many charitable activities. I urge you as well as all my colleagues in congratulating Beverly Stappler for a job well done.

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE ELECTIONS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. GREEN. Mr. Speaker, as House Chairman of the Environmental and Energy Study Conference, I should like to announce the election of the study conference's executive committee for the 101st Congress: 21 of our House colleagues and 8 Senators have been elected and will serve 2-year terms.

The study conference is the largest legislative service organization in Congress, with a membership of more than 365 Representatives and Senators. Its role—providing objective analysis of the environmental, energy, and natural resources issues we face, as well as a forum for discussion among Representatives and Senators—has never been more important than it is now.

Environmental and energy issues once again are at the top of the Nation's policy agenda. The problems we face test our ingenuity and our political will. The pervasiveness of pollution and the prospect that human activities may be causing unprecedented climatic changes challenge us as never before.

Through its Weekly Bulletin, its special reports and its briefings for Members and staff, the conference's contribution to the debate of these issues in the House and Senate is indispensable.

In fact, House Members and Senators indicated just how highly they value the conference's work when they were surveyed not long ago on the effectiveness of Congress by the Center for Responsive Politics. According to the center's report, "When asked about the quality of caucus information, one organization, the Environmental and Energy Study Conference, was singled out for so much praise it required a separate category of its own."

Those who have been elected to guide the study conference as members of its executive committee for this Congress are: Representatives ANTHONY C. BEILENSON, GEORGE E. BROWN, JR., JIM COOPER, PETER A. DEFAZIO, HARRIS W. FAWELL, HAMILTON FISH, JR., STEVE GUNDERSON, JIM KOLBE, BOB LIVINGSTON, BILL LOWERY, EDWARD R. MADIGAN, JAN MEYERS, FRANK PALLONE, JR., PETER SMITH, GERRY E. STUDDS, MIKE SYNAR, BRUCE F. VENTO, ROBERT E. WISE, JR., HOWARD WOLPE, RON WYDEN, and myself.

In the Senate, Senators RUDY BOSCHWITZ, JOHN H. CHAFEE, CHRISTOPHER J. DODD, WYCHE FOWLER, JR., ALBERT GORE, JR., PATRICK LEAHY, JOHN MCCAIN, and CLAIBORNE PELL will serve.

The executive committee will meet shortly to elect officers from within its own ranks.

INTRODUCTION OF THE AMENDMENT TO LAND REMOTE-SENSING COMMERCIALIZATION ACT OF 1984

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Ms. SCHNEIDER. Mr. Speaker, today I am introducing a bill to amend the Land Remote-Sensing Commercialization Act of 1984, Public Law 98-365, in order to transfer responsibility for archiving land remote-sensing data from the Department of Commerce to the Department of the Interior. I am pleased to be introducing this bill at the request of the administration and with the support of members of the Committee on Science, Space, and Technology and the Committee on Interior and Insular Affairs.

Land remote-sensing data is important for a number of reasons including scientific research, environmental monitoring, and natural resource exploration. Any interruption in our ability to store or retrieve such data would be a serious loss. As a result, the Secretary of the Department of Commerce has been given the responsibility under the act to ensure the reliable and assessable archiving of Landsat data.

Currently, the Secretary of Commerce discharges this responsibility by passing-through funding for this work to the Earth Resources Observation [EROS] Data Center in the Department of the Interior. The Department of the Interior was given archival responsibilities for Landsat data since they also maintain archives of aerial photography, digital cartographic data, and related forms of information.

Because the Department of the Interior has handled this work in a satisfactory manner, the administration, with the support of the Department of Commerce, has requested that the Department of the Interior be given direct responsibility for this function. By legislating this transfer in authority, this bill would streamline agency operations, increase efficiency, and help to ensure access to Landsat data in the future.

Therefore, I believe that this is a good-government bill on behalf of a very valuable program and hope that this transfer of authority can be completed as expeditiously as possible. Although the House Appropriations Committee has directly provided funding for the Department of the Interior to carry out this activity for fiscal year 1990, passage of this authorizing legislation will remove the need for ad hoc remedies in the future.

Mr. Speaker, I also have a copy of the letter from the Departments of Commerce and the Interior requesting introduction of this legislation that I would like to have added to the RECORD.

THE SECRETARY OF THE INTERIOR,
Washington, June 9, 1989.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: There is enclosed a draft bill, "To amend the Land Remote-Sensing Commercialization Act of 1984 in order to transfer responsibility for archiving land remote-sensing data to the Department of the Interior, and for other purposes." This draft bill is being submitted jointly by the Department of the Interior and the Department of Commerce.

We recommend that the draft bill be introduced, referred to the appropriate committee for consideration, and enacted.

This draft bill would transfer the authority found in section 602 of Public Law 98-365, the "Land Remote-Sensing Commercialization Act of 1984" (15 U.S.C. 4201 *et al.*, hereinafter referred to as the Act) over the archiving of data obtained through "land remote-sensing technologies" from the Secretary of Commerce to the Secretary of the Interior.

The Act provides a framework for a phased orderly commercialization of "land remote-sensing technologies." This commercialization framework includes provisions for Federal Government regulation of remote-sensing activities by private individuals, continued Federal research and development in remote sensing, and Federal Government archiving of land remote-sensing data.

Section 602 of the Act directs the Secretary of Commerce to provide for the archiving of data derived from land remote-sensing technologies for historical, scientific, and technical purposes, including long-term global environmental monitoring. The Secretary of Commerce currently provides for the archiving of this data at the Department of the Interior's Earth Resources Observation Systems (EROS) Data Center through a Memorandum of Understanding between the two agencies. This arrangement is consistent with the provisions of section 602(g) of the Act, which requires the use of existing Federal Government facilities to the maximum extent practicable in carrying out this archiving responsibility.

We recommend that the archiving authority currently held by the Secretary of Commerce be transferred to the Secretary of the Interior for the following reasons. First, as noted above, this data is already archived at the Department of the Interior's EROS data center. Thus, the transfer of authority would provide for administrative simplicity in the handling of the data. In addition,

little or no expense would be required to effectuate the transfer of authority.

Second, the Department of the Interior currently maintains archives of aerial photography, digital cartographic data, and other earth science data at the EROS Data Center that also are important for monitoring and assessing land resources and long-term global environmental monitoring. It would be logical from an administrative and a technological standpoint to maintain satellite land remote-sensing data within the Department.

Third, enactment of this legislation would ensure that the land remote-sensing data would continue to be maintained at the EROS data center, and thus facilitate the use of archived data for research purposes for years to come.

In conclusion, this legislation would provide for administrative simplicity in the operation of the archive, would provide for a clearinghouse for data used to monitor and assess land resources and long-term global environmental monitoring, and would ensure that this data would be maintained at the EROS Data Center for research purposes for years to come.

The Office of Management and Budget has advised that there is no objection to the presentation of this legislative proposal from the standpoint of the Administration's program.

Sincerely,

WENDELL WILLKIE II,
Acting Secretary of Commerce.
MANUEL LUJAN, JR.,
Secretary.

A FUTURE LEADER OF AMERICA

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. ROHRABACHER. Mr. Speaker, Veterans of Foreign Wars of the United States and its ladies auxiliary conduct the Voice of Democracy speech writing contest. This year more than 250,000 secondary school students participated in contest competing for the nine national scholarships.

I am proud to have the honor of presenting the speech from one of the nine national winners, Sean Michael Thorton. I am happy and proud to say that Sean lives in my district in the city of Long Beach. Sean's essay "Preparing for the Future" expounds a sense of excellence and patriotism that other students should emulate.

Sean Michael Thorton is a student at Woodrow Wilson High School. His goals are to attend Stanford University and in the future to pursue a career in public service. I know he will be successful in any endeavor of which he sets is mind to. He certainly is a future leader. I am pleased to present for the CONGRESSIONAL RECORD his winning speech:

PREPARING FOR AMERICA'S FUTURE

"America is the great representation of the reformatory age . . . the great champion of the dignity of human nature . . . and the great repository of the last hopes of suffering mankind." Those were the words of Carl Schurz, an American Senator who lived in the mid-nineteenth century. He saw the United States "clasping mankind to its great heart." Such is our past, and such is our destiny. As America prepares for the future, we must take into account our precedent of serving humanity, and re-apply these principles to tomorrow.

There is a proverb, "If you give a man a loaf of bread, you feed him for a day; but if you teach him how to fish, you can feed him for a lifetime." Americans have a reputation for their generosity, and freely give to the needy, both at home and abroad. But is it better to give, or to teach the less fortunate how to attain for themselves? Actions have already been undertaken by the Peace Corps to teach the less fortunate in all parts of the world sophisticated methods of farming, education, and hygiene. Such an effort is necessary to nurture the independence of nations with unstable economies and governments. But while other nations benefit from the good will of the United States, many of our own citizens find themselves in desperate situations; while a few may subsist on charity, most are in need of the type of work undertaken by the Peace Corps. A priority on America's agenda should be the establishment of a domestic Peace Corps, one that could enable our own impoverished citizens to truly feel America's compassion through practical education.

As the teachers of humanity, it is the responsibility of the more fortunate Americans to pursue excellence, or, in the words of the journalist John O'Sullivan, "it is the common duty of patriotism to the country to succeed," and such success could credit our nation. Success will be found through steadfast dedication to our goals, and tossing off minor failures as we seek the final achievement. Another great American, Henry David Thoreau, once wrote, "In the long run, men hit only what they aim at. Therefore, though they should fail immediately, they had better aim at something high." Surely an example of a lofty goal would be America's elimination of poverty at home, and abroad, and while such an effort might seem hopeless, perseverance would make it attainable.

A related factor vital to America's future is the education of youth. How can we instruct, when we ourselves are ignorant? Individuals must make an effort to pursue practical goals, such as knowledge, health, and emotional stability, as well as idealistic goals. An educated, physically healthy, and emotionally stable young populance would ensure America a favorable future.

Today's young must be prepared to assume the reigns of power tomorrow if America is to maintain its international leadership. Thus, society should emphasize nobility of character. Such qualities as courage and resistance to bad influences, these qualities are important, for "a brave man always knows the way, no matter how intricate the roads," as wrote Henry David Thoreau. Indeed, resistance to such influences as drugs and apathy require much encourage to overcome. Benjamin Franklin's words, "A small leak will sink a great ship," can apply to today's situation; influences such as drugs must be eliminated if we, as a country, are to remain afloat.

America's precedent as the world's leading nation must be preserved in the future, through the education and perseverance of our own people. Our agenda should include not only the practical education of others abroad, but beneficial works directed at our own less fortunate. Such a program would benefit all of humanity, as well as ourselves. Our past history of enlightening mankind must also be our future.

THE IMPORTANCE OF ADEQUATELY FUNDING SERVICE ORGANIZATIONS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. MINETA. Mr. Speaker, I rise today to invite the attention of my colleagues to a critical issue which faces our Nation: adequately funding service organizations.

In a recent issue of the San Jose Mercury News, an excellent letter to the editor spoke of the problems, challenges and possible solutions to the dilemma of adequately funding service organizations. The letter, published on June 15, 1989, was written by Roberta M. Gardella, president and CEO of Outreach & Escourt Inc., a service organization that provides transportation to the frail and elderly of Santa Clara County, CA.

Mr. Speaker, although Ms. Gardella's letter refers in large measure to a state initiative, I believe that her thoughts accurately convey the problems faced by all too many service organizations when their budgets are cut. Accordingly, I commend the attention of my congressional colleagues to this letter.

[From the San Jose Mercury News, June 15, 1989]

SPENDING LIMITS IMPERIL SERVICE PROGRAMS

It is with grave concern and deep interest that I read your lead editorial and Phil Yost's commentary on June 4 about the problems caused by California's spending mandates. Those of us who are intimately impacted by the directional budget winds of Sacramento hope that your astute comments about the inequity of the current situation will be heard.

In Santa Clara County, our elected representatives have the political wherewithal to lead us out of this budget straitjacket, but it will take more than that. It is imperative that Mary & John Q. Public understand the serious ramifications of these "budget knots" that voter-imposed limitations have created.

As a service provider of preventive and life-sustaining services to frail, isolated elderly and younger disabled, let me illustrate the reality of leaving these "knots" in the budget:

Reduced counseling, case management, mental health and in-house support services leads to ever-increasing numbers of frail elderly becoming prematurely institutionalized. This ultimately costs the taxpayer at least 400 percent more than in-home care.

By 1991, the number of people 85 years old and older will be growing at three times the rate of the total state population, according to the Department of Finance. This coupled with reduced funding will create ever-growing waiting lists for life-sustaining or preventive care services.

This paints a grim picture for the future of the frail elderly and younger disabled in California. Every year, no matter how cost-effective or how needed, service providers have to experience the dread and the reality of unjustified budget cuts.

It is we who have to face our clients and tell them they cannot get a counselor to help them through the morass of paperwork or the three-month waiting list so they can obtain the desperately needed service,

be it a ride to the doctor or untangling a bureaucratic snafu that has deprived them of their monthly income (which pays rent, groceries, medical, etc.).

Factionalism, instead of planning for the future needs of the population, has engendered government by initiative and referendum. It is up to our elected officials throughout California to convince voters that they will exercise judicious judgment and reclaim their responsibility as lawmakers. The hope is that by working together, we can succeed in meeting the needs of all of our people, especially the silent ever-growing numbers of those too frail to be seen or heard from.

CONSUMER PRODUCT SAFETY COMMISSION IMPROVEMENT ACT OF 1989

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. RITTER. Mr. Speaker, today I am introducing the Consumer Product Safety Commission Improvement Act of 1989. This bill reauthorizes the Commission for an additional 2 years and makes several other changes in the Consumer Product Safety Act that should help the Commission perform its statutory mission of public protection more effectively.

There are two principles that underlie the Consumer Product Safety Commission Improvement Act of 1989. First, reauthorizing legislation should improve and not impede the functioning of the Commission. Second, Congress should seek, wherever possible, to use regulatory agencies to enhance our competitiveness, so long as they are performing their statutory mission. By improving the functioning of the Commission, and by giving it direction in performing its mission, Congress helps make consumer products safer for our constituents.

QUORUM

This bill improves the functioning of the Commission in several ways. First, it enables it to act when it has only two Commissioners. The Commission has been without a quorum since January 3 of this year. It has been unable to act as a Commission since that time. While it does not appear that there has been any crisis requiring immediate Commission action, consumers may simply have been lucky. Congress must act to enable the Commission to carry on when it has only two Commissioners. This bill does that.

VOLUNTARY STANDARDS

This bill also improves the functioning of the Commission by setting additional guidelines for the Commission to follow in considering whether to defer to voluntary standards in lieu of a mandatory consumer product safety rule. The use of voluntary standards has often been a Commission success story. But the process needs some additional congressional guidance.

First, monitoring the voluntary standard setting process.—This bill directs the Commission to monitor the process by which voluntary standards are set to ensure that the group developing the voluntary standard makes reasonable progress toward an acceptable standard. If the group does not make such progress, then the Commission should resume its rulemaking process, if it believes that a rule is the best way to address a consumer product safety problem. I believe that active Commission review of the voluntary standards setting process better assures reasonable progress on voluntary standards than setting arbitrary time limits for issuing rules. The time necessary to develop an adequate voluntary standard can vary enormously. The voluntary standard for swimming pool covers took only 18 months. The voluntary standard for "kickback" of chain saws took 7 years! Was 7 years too long for chain saws? Was 18 months too short for swimming pool covers? I don't know, and I don't think that Congress as an institution is really competent to judge. Nor is it appropriate for Congress to force development of voluntary standards within arbitrary time limits.

Second, public Comment, Monitoring and Reporting.—My bill also improves the voluntary standard setting process in three other ways. First, the Commission must provide an opportunity for public comment before it terminates a rulemaking proceeding in favor of a voluntary standard. This procedure is good regulatory practice in any event, and congressional guidance will reinforce the authority of the Commission to hear such public comment. Second, after the Commission defers to a voluntary standard, it should develop a plan to monitor compliance with it. Voluntary standards, by their very nature, are not enforceable by Commission action. The Commission needs to know if the voluntary standard is being adhered to by manufacturers. A properly designed and implemented monitoring plan should give them that information. Third, manufacturers, distributors, and retailers who become aware of failures to comply with voluntary standards should notify the Commission of those failures. The business community has often advocated the use of voluntary standards in lieu of mandatory rules. I agree, but I also believe that the business community has an obligation to treat voluntary standards as if they were rules and to report material failures to comply.

MISCELLANEOUS IMPROVEMENTS

The bill improves the Commission's functioning by reducing the size of the Commission from five Commissioners to three. The Commission presently has only approximately 520 full-time equivalents. Given that number of employees, there is no need for two extra Commissioners' offices, each of which cost up to $250,000 a year. The Appropriations' Committee has been providing the money for three Commissioners for several years. It is time for the authorizing committee to make the change permanent.

The bill also improves the information-gathering function of the Commission by directing it to collect information on consumer product defects and safety hazards from Federal and State agencies and from private entities that collect such information. I have learned that the Commission entered into just such an information-collection agreement with the Association of Trial Lawyers of America. Yet that agreement has never been implemented. I believe that there is a wealth of information presently collected by governmental and private agencies that the Commission will find helpful in fulfilling its statutory mission. Seek and ye shall find.

The next improvement that the bill makes concerns how the Commission handles settlement offers in cases that are being heard and decided by an administrative law judge. Under present regulations, the Commission staff can seek to block the transmission of a settlement offer from the judge to the Commission. I see no reason why the Commission staff should ever seek to interpose itself between the Commission and a litigant who wishes to settle a case. The bill provides that all settlement offers must be transmitted to the Commission, unless the judge believes that they are clearly frivolous or that they simply repeat offers previously made and rejected. This change will enable litigants to get the Commission itself to consider serious offers of settlement and possibly settle more cases on mutually advantageous terms.

COMPETITIVENESS

The second idea underlying this bill is to enhance America's ability to compete on a level playing field. The bill accomplishes this goal by directing the Commisson to establish and maintain an import surveillance program in cooperation with the U.S. Customs Service. In the past couple of years, the Commission has established such a program, with dramatic success. This surveillance program has prevented some 85 million units of unsafe consumer products, worth over $11 million, from entering U.S. commerce. These seizures represent more items than the total number of unsafe products corrected by the Commission in its previous history. Moreover, this program is extremely efficient, since products are seized right at the docks, without the resource-intensive search that must go on to recall products from the shelves of retailers.

The competitiveness effects of this program are obvious. The Commission keeps out unsafe, substandard, foreign goods that might unfairly compete with American-made goods that must conform to higher standards. At the same time, the Commission fulfills its statutory mission of protecting consumers from unreasonably dangerous consumer products. Yet this program in no way discriminates against foreign goods; unsafe American goods are subject to the same sanctions. And it does not keep out high-quality, safe, foreign-made goods that consumers want. The Commission should be commended for this program and Congress should give it statutory imprimatur.

The Consumer Product Safety Commission Improvement Act of 1989 is needed and highly desirable legislation. I urge it passage and I ask my colleagues to support it.

PAYING FOR AIDS CARE AND RESEARCH

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday,

July 12, 1989, into the CONGRESSIONAL RECORD.

PAYING FOR AIDS CARE AND RESEARCH

Acquired Immune Deficiency Syndrome (AIDS) has taken the lives of more than 56,000 Americans, a figure that is predicted to reach as high as 263,000 by 1992. The human toll of this epidemic is devastating. But as the number of AIDS cases in the U.S. rises, it is becoming clear that the disease is also tremendously expensive in financial terms.

Federal spending on AIDS research, prevention, and education will reach $1.3 billion this year. This exceeds the amount spent on heart disease programs and approaches federal spending on cancer. Meanwhile, the number of AIDS cases is straining health-care facilities in some parts of the country. The epidemic is prompting questions about whether it will drain funds from government health programs.

AIDS is caused by a virus that attacks the immune system of its victims, rendering them susceptible to infections. It is fatal to most victims within two years of diagnosis. The disease is transmitted through sexual contact, shared hypodermic needles, transfusions of contaminated blood, and blood transfers from mother to unborn child. Although homosexual men have accounted for 60% of U.S. AIDS cases, the incidence of the disease is rising among infants, intravenous drug users, and members of minority groups. Public health officials are also concerned about heterosexual transmission of the disease among teenagers and college students.

AIDS was first reported in the United States in 1981. The Centers for Disease Control (CDC) has estimated that as many as 1.5 million Americans could be infected with the human immunodeficiency virus (HIV), which causes AIDS. Nearly all are expected to experience some symptoms within 10 years of diagnosis. Some 100,000 cases of AIDS so far have been reported to the CDC, a figure that could reach as high as 485,000 by the end of 1991. Clearly, this is an epidemic with huge destructive potential.

These patients, plus thousands of others who will develop less-severe cases of HIV-related disease, will put new demands on America's health-care system. Recent estimates of caring for a typical HIV patient from diagnosis to death range from $55,000 to $80,000. Using the higher figure, total public and private costs could reach $8 billion in 1991. Although this number is large, an $8 billion expenditure represents only about 1% of the total U.S. medical care expenditures projected for 1991. The impact could be greater if the disease continues to spread and no cure is found.

Private health insurance is the major source of financing for the care of persons with AIDS, covering 40-60% of the total. Some experts fear that AIDS will become a burden for private insurance companies, pushing up premiums and making insurance less available. Others are worried that insurers will deny coverage to persons with AIDS, putting more of a burden on the government.

An additional 20-30% of the cost of caring for AIDS patients is picked up by Medicaid, the federal-state health program for low-income persons. Medicaid is emerging as the payer of last resort for persons with AIDS.

Health providers treating AIDS patients report that as few as 1-3% of AIDS patients are covered by Medicare. Expressed another way, less than ⅛ of 1% of the $100 billion annual cost of Medicare goes for care of persons with AIDS. These low figures are partially the result of Medicare's strict eligibility rules, which require a 29-month waiting period before a disabled person first receives Medicare payments. Few persons with AIDS survive long enough to qualify. It is conceivable that new drug treatments could prolong the life of more AIDS patients to the point at which they could receive Medicare benefits.

Legislation has been introduced in the Congress to waive the Medicare waiting period for persons with AIDS. The Bush Administration has opposed waiver of the waiting period for AIDS patients because it would increase Medicare costs and would discriminate against persons with other terminal illnesses.

Some have questioned whether federal spending on AIDS is disproportionate to the number of people affected. Federal spending on AIDS research, prevention, and education has risen from $5 million in 1982 to $1.3 billion this year. That compares with $1.5 billion for cancer, which will kill 500,000 Americans this year, and $1 billion for heart disease, which will kill 780,000 Americans. Although some have complained that AIDS spending is diverting money from heart disease or cancer research, research money for all three illnesses is rising.

AIDS has received funding comparable to that of other major diseases for several reasons. Unlike cancer and heart disease, AIDS is infectious—it can be transmitted to others. But unlike other infectious diseases, the virus can remain hidden and be transmitted for years, unknown to the carrier. Until a cure or vaccine is developed, large numbers of Americans will be vulnerable. In addition, reseach on the human immune system and the viruses that attack it may help us understand and prevent other diseases, especially cancer. Finally, U.S. development of a cure or vaccine would have enormous worldwide benefits. Many of the 5-10 million people who are presumed to be infected live in African nations that lack the resources to conduct major medical research.

Because so many of the Americans who die from AIDS are young, the direct costs to the nation measured in lost years of life are great. The economic costs are great, too, because many who become ill are in their peak wage-earning and tax-paying years. While AIDS is indeed a major public health threat, a compassionate and humane nation will find the resources to prevent its spread without diminishing other health-care programs.

NUDGING THE DOOR OPEN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. STARK. Mr. Speaker, for a number of years now, many of us have urged Japan to open up many of its markets to foreign firms. For the most part, our efforts have been in vain, as the Japanese have steadfastly resisted our attempts at creating a so-called level playing field.

Areas in which Japan is perceived as holding an unfair position include the electronics, agriculture, and construction industries. At the requests of American firms, the United States Government has held numerous negotiations with the Japanese to open up these markets.

However, a recent announcement in the paper may give those of us who struggled to persuade Japan to loosen restrictions a glimmer of hope. Morrison Knudsen, a major United States construction company, has been granted a partnership with a private Japanese firm on a construction project in Japan. The contract is worth $47.9 million and is seen by many to signal a new, and encouraging, trend for American construction firms.

This is the second project involving private firms to be approved by Japanese authorities. The first, an $86-million contract, was also a joint venture, featuring Turner Construction Co. of New York and a Japanese company.

The agreements have been reached through negotiations between the United States and Japanese Governments. As a result of these talks, American contractors have been allowed to participate in public works projects in Japan, albeit limited.

I am pleased to recognize this important announcement. It shows that our efforts have not been in vain and determined negotiations can succeed. Japan is also to be congratulated for its willingness to work with us. I hope this announcement will be just the first of similar projects involving United States companies in Japan.

MARYLAND'S VIETNAM VETERANS MEMORIAL

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mrs. BENTLEY. Mr. Speaker, on May 28 I was fortunate enough to attend the dedication and memorial services held at Maryland's new Vietnam Veterans Memorial overlooking the Port of Baltimore. It is a handsome structure where one can walk around, sit, read names, contemplate, and cry. The ceremony was indeed very touching—one brought to life by the love and affection of all who were present. Indeed it has been said that the best place to honor the dead is in the memory. If this be the case, then I am proud to say that America's war dead have no greater monument than in the one in Baltimore.

Below are three sets of remarks given on this special day. Though one had to be there to feel the intense emotion which filled the air, these words help to symbolize the sense of loss in sadness that linger in the hearts of many Americans despite the passage of the years. It is with great pleasure and respect that I submit them here:

THOMAS E. BRATTEN, JR., DEDICATION SPEECH, VIETNAM VETERANS MEMORIAL, MAY 28, 1989

Governor Schaefer; Governor Hughes; Mayor Schmoke; honored guests; families whose sons, husbands, fathers or brothers are listed in this Memorial, Vietnam Veterans, and friends.

I am both honored and humbled at this very moment. Nineteen years ago today, I was critically wounded near Chu Lai in Vietnam. Can you imagine that on this Memorial Day, this anniversary for me, that I am feeling not only sadness, but also joy?

Words cannot express the joy that I feel in being able to accept this memorial on behalf of my comrades from the State of Maryland—comrades who did not come home.

Of course, I come before you with mixed emotions—emotions began from the horrors of war, the bonding felt by service people who shared life and death experiences, the apathy or resentment expressed by citizens upon our arrival home, the years in hospitals, the loss of dreams, the inner anguish of having lost friends to enemy fire, the need for a new life—these are the elements that produce the mixed emotions that I and many service people had returning from Vietnam.

Sadness, anger, relief, thankfulness: I know that I have felt these emotions, but seldom have I felt any joy. I have known joy with the births of my daughters, with the sunset over Deep Creek Lake, with the sight of deep V's of geese landing on a cornfield in Eastern Maryland. So here I am today, with joy in my heart that at last those who lost their lives serving in Vietnam from the State of Maryland are being given much deserved recognition.

I am honored to be here, to be a part of this ceremony and, as we all must feel at this moment, humbled that we can be here at all. We have all, as individuals and as a nation, suffered the loss of friends and family members to battles in Vietnam, but put aside the sadness for now and rejoice with me in this memorial to those we loved.

I know how important a memorial can be to those who lost a loved one during war. My father was killed on D-Day during World War II, and it was of some comfort to my mother to be shown pictures of the cemetery and memorial site in France years later. Although he was not alive, she could touch upon memories of his life by having a place to concentrate these memories. A sense of place today is important. Those of you who did not serve in Vietnam can only imagine what it must have been like through news stories or television coverage. You imagined the place where your son, brother, father, or friend served and died. We share community in this place in Maryland thousands of miles from Vietnam, this place of memory where we are now as one in spirit to remember those we knew and those we didn't. We don't have to imagine this place. It is very real for all of us.

To commemorate a place and finally this place, the members of the Memorial Commission have worked arduously for four years. Now we have a worthy site and a fitting design that will become a lasting tribute by which our State can show its gratitude for those who gave their lives in our nation's longest and most unpopular war. Nor can we forget those still unaccounted for—the 37 MIA's. Thank you, members, for your dedication, effort, and concern. We can now say that your time was well spent and deeply appreciated by the citizens of Maryland.

We hope our memorial will help to heal the wounds that may linger. The men and women who served in Vietnam went there as young inexperienced men and women; often they were transformed by their experiences and were not the same when they came home. Some returned strengthened with new respect for life and with self-confidence and pride.

For others, such was not the case. For those who can reflect upon their experiences in Vietnam that shaped their lives in a positive manner and for those whose lives may have disintegrated because of their experiences, I want this place to serve their respective needs. I feel uplifted to think that perhaps for some veterans who even now are harboring bitterness, disappointment, or disillusionment that this can be a place where they can finally bury their hurts. There are those who are in hospitals even now or have truly lost their way in life. We suffer for them. For those veterans who do not share these disparate feelings, please contribute to this place your sense of vitality, hope, and courage so that you will be a guide for us all in this journey we call life.

It is with so much pride that I accept this memorial in the name of one thousand and nine men who lost their lives in Vietnam, for the 37 men who remain missing, and for all the men and women of Maryland who served our country in Vietnam. At this moment in time, all are being remembered. These men, Maryland's sons, fought for what they believed to be a true mission for their country.

We honor them today as we also pay tribute to the veterans, the sons and daughters of Maryland, who are among us here today and throughout the State.

We want this memorial to be a symbol of the sacrifices made and a reminder to future generations that to wage war is not without severe consequences. We have suffered mightily as individuals and as a nation during what is so easily called the Vietnam Era. Today, we can rejoice that for Maryland there is an honored place for her fallen heroes.

PRESENTATION BY LT. EDWARD T. KREINER, SR., USN (RET.) MAY 28, 1989

Chairman Wineland, members of the commission, honored guests and veterans; we find that man wants to leave here on Earth some everlasting sign that he was here and that he had made some significant contribution for his fellow man. It's a fact, that for the greater part, man only leaves behind a very small headstone which simply bears his name and the dates of his time here on Earth. Such rememberances do not measure nor speak of the contribution which he or she has made for mankind. There are those who leave fortunes to insure that some form of shrine is built to memorialize their name—to attest to their presence here on Earth.

Perhaps it is vanity that drives a human to such extremes. The monument they leave—the monument they cause to be built for their own namesake, generally becomes a non-entity which simply deteriorates with time.

The greatest measure of man is not his won or lost record, nor his wealth—nor is his strength or physical accomplishments the greatest measure. Rather, man is best remembered for the love which was given to others.

Love has often been defined as one's ability to care, to have and to give unselfishly of one's-self to another. To care, to share and give without barter—to care, to share and give without expectation. The greatest man who ever lived on earth told us no greater love exists than that which is given when man lays down his life for the love of others.

This memorial—this monument—was not built by those we honor here today. This memorial was built by a loving and caring citizenry to honor those who have indeed given their last measure for mankind. The men whose names are recorded here for posterity never dreamed nor thought that they would be recorded in history as great men. Most were much too young to even think of such things.

History will record that it was for us to plan, design, construct and dedicate this memorial. The men whose names appear engraved in granite have already through their sacrifice consecrated the memorial. The memorial was forged in love and it is with prayer that it will stand everlasting in their memory.

You who are the parents, the wives, the brothers and sisters, the children of fallen heroes are a part of the great sacrifice of the one you loved. It was your love which sustained them in Vietnam. Your love for them was no less than the love that they gave for others. While there remains pain and hurt, let there also be pride in what they gave—and take pride within yourself for the sacrifice that you have given.

And to the families whose loved ones remain missing; let your faith sustain you. We cannot walk in your shoes; we can only believe within ourselves that we know of your long suffering. It is the unknown that extends the pain—and it is only with prayer and strength that you continue your lives in hope.

I want you, all family members and all veterans, to know that we, the members of the Memorial Commission, know that the meaning of love has been acknowledged in you for your caring, for your sharing and for your giving unselfishly of yourself for others. This memorial which is dedicated and consecrated to all those who served our country during the Vietnam war came into being as a labor of love. Thank you for caring, thank you for sharing and thank you for giving of yourself. May God bless you and may God bless America.

PRESENTATION BY MRS. KATHERINE MANNION, GOLD STAR MOTHER

CHOSEN

We did not choose to be gold star parents—we were chosen! We are gold star parents by virtue of our sons' supreme sacrifice.

How does one accept the fact you are a gold star mother—gold star dad.

After the initial shock of that rap on the door or when the telegram is confirmed.

Does one marinate in their sorrow? Didn't we all question God, saying why?

Why my son?

Did hatred build up against this great country of ours?

Did we pick up the pieces and just carry on?

Isn't it a combination of all these things?

But then comes a time when reality came through and then the big question—what am I going to do? And then the second question follows closely—what would my son want me to do and expect of me?

Each of us has answered differently and each in our own way.

Great sorrow oh, my yes—yet how proud of these young men we are.

They are America—They did what was asked of them. For they were ready to defend the highest principles on the battlefield, to try to keep our nation free, safe and strong both here and overseas.

For they knew that the stars and stripes was not just a piece of cloth.

Old Glory represents all that America was, is and always will be, her hills, her cities, her people, her policies, her medical achievements, her military might and all that has been achieved.

No matter how one feels about the Vietnam conflict, we were there, our sons fought

and died there, fighting for Old Glory, and it is for this belief we must carry on. To people of many countries the American flag represents freedom, justice, and that it summons all the feeling one has toward America.

Today, we are having a dedication and memorial service—surely that brings back many memories to the living honoring the dead.

The sad mistake of many of us is to imagine that those deaths has claimed such as these 1,046 leave us. No, they do not leave us, they always remain with us.

We do not see them but they do see us. Their eyes radiant with glory are fixed upon our eyes filled with tears. Though invisible to us, our dead are not absent.

The American gold star mothers and dads will never forget our great loss! But oh! How proudly we wear that gold star. I am positive that every one of us would gladly have traded that gold star for the blue star.

A memorial is something intended to preserve a person or an event in the people's memory. Today, the dedication of this memorial will certainly be one etched in our memory.

We gold star parents must always thank God for the short period of time we had our sons, and must always look back upon the happy times we had together.

As their names are called—proudly say—I'm his mom—I'm his dad. And then when taps are sounded think of what they are saying—day is done, gone the sun, goeth day cometh night and a star leadeth all to their rest. These immortal dead in eternal rest have not die in vain. The spirit, their valor, their sacrifice will be remembered over and over again.

It seems strange that there are those who do not know it was God who chose we parents to wear this gold star pin, that it wasn't merely a social whim for they do not know this golden star shows you lost a son in war and that your mission is to try to help his buddies who did not die. A parent's courage, a parent's love—faith in your country and God above.

All these things are simply told by an emblem, a star of gold 'til all the world has been told what you mean and what you are—a 'son' replaced by a golden star.

Thank you.

ARAFAT AND CHINA

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. GREEN. Mr. Speaker, the American people have made their outrage, frustration, and bitter sorrow very clear over the Chinese Government's reaction to the peaceful student demonstrations which took place in Tiananmen Square. Members of Congress have joined together in calling on the Beijing government to replace their screams of terrorism with voices of moderation. Leaders around the globe have condemned the excessive and indiscriminate use of force by the Chinese Government.

I read with horror the following letter of congratulations that Yasar Arafat, Chairman of the PLO Executive Committee, sent to Chinese Communist Party Secretary Jiang Zemin on June 27, less than a month after the Tiananmen Square massacre, on the occasion of Jiang Zemin's appointment to that position. The text of Arafat's letter to Jiang Zemin reads as follows:

On behalf of the Arab Palestinian people, their leadership, and myself, I express the warmest, most sincere congratulations to you—dear comrade—on your appointment to General Secretary of the Communist Party of China, and take this opportunity to express extreme gratification that you were able to restore normal order after the recent incidents in the People's China. I wish you—close friends—more progress in your endeavor to achieve the hopes, goals, aspirations, stability, and security of our friends, the Chinese people.

I humbly express our deepest gratitude to the government of the People's China, the great Chinese people, and the Communist Party of China for the Chinese people's friendship, and the Chinese people's and leadership's aid and support for my country's just struggle, and your unwavering and principled stand toward our country's revolution and our revolutionaries.

Dear comrade, I wholeheartedly wish you success in your new mission, and hope that People's China will continuously progress and develop.

I have had serious concerns about the administration's decision to begin direct talks with the PLO. Arafat's letter above embodies my worst fears. His sanction of state-sponsored repression and violence is unconscionable. His indifference toward the suffering the Chinese people have endured is chilling. If this is a window into Arafat's true thinking, which I fear it is, I call on the administration to undertake a serious review of whom they are really looking at across the negotiating table in Tunis.

INTRODUCTION OF THE NARRAGANSETT BAY PROTECTION ACT OF 1989

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Ms. SCHNEIDER. Mr. Speaker, I rise today to introduce a bill to prevent incidents such as the near disaster which almost devastated the coastline of Rhode Island less than 3 weeks ago.

The Narragansett Bay Protection Act of 1989 will require that vessels shipping oil or hazardous material in Narragansett Bay and Block Island Sound must have a federally licensed pilot on board. The *World Prodigy,* a Greek-flagged tanker, was within State waters that required a State-licensed pilot on board when it crashed into Brenton Reef. The vessel, however, overshot the pilot's station, and never had a pilot on board. The purpose of this bill is to complement State law, not preempt it, by requiring a Federal licensed pilot on board tanker vessels in the waters around Narragansett Bay and Block Island Sound which are not under the jurisdiction of any State.

Had this bill been law before the *World Prodigy* incident, the vessel would have had to have a pilot on board long before the mixup at the State pilot station. The waters and coastline of Narragansett Bay and Block Island Sound are the economic and ecological lifeblood of Rhode Island, as well as to Connecticut, Massachusetts, and New York. All vessels carrying oil and hazardous materials through these waters should be required to take certain minimal safety precautions. This bill will require that these vessels be properly navigated by a pilot with the knowledge of local waters and the navigational expertise to transit those waters.

The Narragansett Bay Protection Act will apply to all tank vessels, including barges, which carry a cargo of oil or hazardous materials into, out of, or through Narragansett Bay and Block Island Sound. The bill does not seek to preempt any State law regarding pilotage—it applies only to those waters outside of 3 miles. The bill also doubles the penalties, up to $100,000, for violating the Narragansett Bay Protection Act. These penalties will be assessed against the owners or operators of tank vessels which do not have a federally licensed pilot on board in areas where they are required.

In order to ensure that foreign-flag tankers, such as the *World Prodigy,* comply with U.S. laws concerning pollution prevention and safety, the Narragansett Bay Protection Act authorizes the Secretary of Transportation to charge for Coast Guard boardings and examinations. As we are all well aware, the Coast Guard has significant budget constraints within which to operate. This provision will allow the Coast Guard to conduct a more comprehensive safety equipment and pollution prevention examination of foreign-flag tank vessels using U.S. waters, without having to reduce other essential Coast Guard services.

As long as Americans continue our thirst for oil the potential for another disaster such as the *Exxon Valdez* or the *World Prodigy* will continue. We must renew our request for alternative renewable energy sources, such as solar power, and improve fuel efficiency standards for automobiles, buildings, and appliances. As a nation and as individuals we must stop wasting energy resources, or within the next decade we may have to rely on 90 percent of our oil reaching the United States by water this will only increase the chances for another catastrophic oilspill.

PEACE CENTER CELEBRATES 20TH ANNIVERSARY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday July 12, 1989

Mr. DELLUMS. Mr. Speaker, on Friday, July 21, the Mount Diablo Peace Center will celebrate its 20th anniversary at a gala dinner. The festivities will include a roast of Andy Baltzos, the 67-year-old founder of the Peace Center and its current executive coordinator.

The Peace Center exemplifies the commitment of those who understand that the quest for peace, social justice, and human rights is a marathon, and not a 100-meter dash. Born during the tumultuous days of the United States war in Indochina, the Peace Center was a focal point in the Contra Costa Community for those who opposed what I have char-

acterized as America's illegal, immoral, and insane involvement in that region.

They provided counselling to young men who sought to understand their rights vis-a-vis the draft and military service. They held forums, showing slides and giving lectures, trying to help turn public opinion against the increasingly unpopular war. In this they were like so many other church, civic, student, labor, and other groups around the country who understood that the long-term interests of the United States did not rest in brutally bombing a small nation half-way round the world.

Unlike so many other groups though, the Mount Diablo Peace Center did not slip away with self-congratulatory pats on the back when the war was over. They understood that while the war had ended, peace had not broken out. They understood that the quest for peace embraced the issues of nuclear arms reduction and disarmament, and an end to the threat of nuclear annihilation.

Later they came to the forefront of the effort to prevent a repeat in Central America of the United States involvement in Indochina. They have worked diligently to broaden community understanding about events in Nicaragua, El Salvador, Guatemala, and Honduras.

It is they who gave practice to the principles recognized in the Nuremberg trials that each citizen is ultimately responsible for the actions of their government that violate human rights. Thus, began a series of protests directed against ammunition trains that traveled from the Concord Naval Weapons Station to the piers in the Carquinez Straits—trains that were carrying the weapons of death and destruction bound for the hills and valleys of Central America.

Hundreds of people have been arrested in these protests and one valiant protestor maimed for life. For it was through these events that Brian Willson was brought to the tracks at Concord, giving his legs for peace when a weapons train failed to stop before a group of demonstrators sitting on the tracks in an act of civil disobedience.

In the 2 years since that tragic event, the Peace Center has continued its vigil against the death trains and has continued its monitoring of the developments that affect the nuclear arms race. They have been a respected and progressive voice, led by those of vision from within their own community.

I applaud them for their stamina and their determination to rest on principles. Their hardwork and dedication to the principles of human rights, peace, and social justice deserve the recognition of us all. I am pleased to bring this erstwhile organization to the attention of my colleagues on the occasion of their 20th anniversary.

THE CHILD SUPPORT ENFORCEMENT EXTENSION ACT OF 1989

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. BRYANT. Mr. Speaker, today there are more than 18 million American children whose families have been wrecked by either divorce or separation.

At the same time, less than half of all single parents supporting children in these cases receive full child support payments.

That leaves millions of innocent, underprovided victims—children who are blameless in the case of their parents' separation, but who bear the full brunt of their differences.

To address this inequity, I am introducing the Child Support Enforcement Extension Act of 1989 to make permanent the Federal Tax Refund Offset Program for non-AFDC child support cases. The offset program collects delinquent State or court-ordered child support payments from absent parents by rerouting their expected Federal tax refunds to the States and ultimately to the children in need.

The offset program brings in hundreds of millions of dollars of delinquent debt each year. Last year, the IRS offset about 738,000 child support cases, and collected almost $409 million in outstanding child support payments nationwide.

Non-AFDC cases represent a large minority of total child support offsets. In 1988, the State of Texas was able to recoup nearly $6 million from about 9,000 delinquent non-AFDC child support payments alone—or some 40 percent of all statewide child support offsets.

Although originally intended to include AFDC cases exclusively, the program has proven so successful that it was expanded in the 1984 Deficit Reduction Act to include not only non-AFDC child support, but also collection of delinquent debts owed to Federal agencies. Presently, nine Federal agencies—ranging from the Pentagon to the Justice Department to the Department of Housing and Urban Development—participate in the program.

In effect, the Federal agencies' participation in the program makes it much harder to cheat the Government and its taxpayers.

This extension of the offset program has reaped large sums in overdue payments. During the first 6 months of 1988 alone, the participating Federal agencies offset $233 million in delinquent debt, and collected an additional $82 million in voluntary payments after a threatened offset.

In a time of severe fiscal constraints, the offset has proven itself an extremely cost effective means of debt collection. The General Accounting Office has performed studies indicating that the program collects as much as $150 in delinquent debt for every dollar of implementation cost.

Unfortunately, the non-AFDC portion of the offset was limited by a 5-year sunset provision that is due to expire at the end of next year. Auspiciously, the Ways and Means Committee has approved a 5-year extension of the non-AFDC program.

However, it would be foolish—and potentially harmful to the progress that has been made in child support enforcement—to subject as efficient a program as this to reauthorization every 5 years. Nothing in the program's history remotely justifies continued sunsets.

The Federal Tax Refund Offset Program provides one of those rare opportunities for supporters of fiscal conservatism and supporters of expanded social programs to unite to fight a common enemy. No constituency so unifies these forces as our children—innocent and unknowing representatives of our Nation's future.

Let's seize that opportunity. Let's use that unity to our mutual advantage. Let's help advance child support enforcement.

AMERICA'S HOMETOWN

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. STUDDS. Mr. Speaker, on the morning of November 9, 1620, Capt. Christopher Jones sighted land after a 7-week journey across the Atlantic, and steered the *Mayflower's* course for the safe waters inside Cape Cod. The men, women, and children who anchored in Cape Cod Bay were the first Europeans to settle a permanent community in this new land.

The Pilgrims voted to establish Plymouth Plantation, and built a community which laid a solid foundation for a vibrant and enduring democratic tradition. Our town meeting today remains a living testimony to their wisdom and vision.

The friendship and guidance of native Americans went a very long way to ease the severe natural hardships on the fledgling settlement. To express gratitude, Gov. William Bradford designated an autumn day for a joyous harvest feast, which nearly 250 years later was made a national holiday of Thanksgiving by President Abraham Lincoln.

Today, we are all ennobled by the heritage of courage and commitment which is so much a part of the land of the Pilgrims' pride. It is a historic legacy that is as timeless as Plymouth Rock, and one which speaks to the very best in each of us as individuals and as Americans.

It is, therefore, especially appropriate that we look forward to celebrating the centennial of the national monument to the forefathers on August 5, 1989, with a naturalization ceremony for 100 of our newest American citizens. For the Pilgrims of the 17th century, for those still setting sail to our shores, for those of us fortunate enough to live here, and for all Americans, Plymouth is indeed our Nation's hometown.

REVIEW UNITED STATES POLICY TOWARD TAIWAN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. PORTER. Mr. Speaker, the tragedy that took place just over a month ago in Tiananmen Square will be forever remembered by all people the world over. This brutal crackdown forces us to contemplate how the present PRC Government will behave in its relations with other countries and territories. Specifically, the United States must look closely at how our policy toward China should be affected by that Government's actions vis-a-vis Tibet, Hong Kong, and of course Taiwan.

Dr. Trong R. Chai is a professor of political science at the City Univeristy of New York. He has written a very interesting article on United States policy toward Taiwan in the wake of the Beijing massacre. I commend it to my colleagues for their consideration.

REVERSE U.S. POSITION ON TAIWAN

(By Trong R. Chai)

In light of the recent Tiananmen Square massacre, the United States should reconsider the Shanghai Communique.

The communique, issued by President Nixon and Premier Chou En-lai in 1972 to lay the foundation for Sino-American relations, states that "the United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China." However, the U.S. "reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves."

This U.S. position is based on the assumption that the Chinese government will settle the Taiwan question peacefully. Unfortunately, the murders at Tiananmen Square on June 4 and the subsequent arrest of more than 1,000 student and worker leaders vividly demonstrate that this assumption is not valid.

If the Chinese government cannot tolerate the demands of its people for more freedom and democracy, how can it be expected to respect the capitalist system in Taiwan as proposed in the Chinese formula of "one-nation, two-systems"?

If the government responded to such demands with machine guns and tanks, how can it be expected to settle the Taiwan problem peacefully, either before or after its takeover of the island?

It is time for the U.S. to reconsider the Shanghai Communique and to declare Taiwan not to be part of China for the following reasons:

Moral considerations. The U.S. has been committed to the security of Taiwan for four decades, and champions freedom and democracy throughout the world. It would be unconscionable for the U.S. to allow Taiwan, with its 20 million inhabitants, to fall into the hands of the brutal, oppressive Chinese regime.

Political considerations. The current political climate does not favor Chinese takeover of Taiwan. The nations of Southeast Asia want to see Taiwan free from China. By taking over Taiwan, China's submarines would pose a threat to peace and security in that region.

In addition, because of Mikhail Gorbachev's peace initiatives, international tension will continue to diminish. As a result, the need for the U.S. to cooperate with China to stop the Soviet expansion will be lessened. Furthermore, as nearly all nations were shocked and shamed by the massacre, world public opinion will be sympathetic to the U.S. if it decides to change its position on Taiwan.

Socioeconomic considerations. It is unrealistic for Taiwan and China to be united in one nation. They have been politically separated for nearly a century, with the result that they differ significantly in economy, education and culture.

Taiwan's economic development is far ahead of that of China. The island has larger foreign trade than the mainland, and Taiwan's per capita income is 15 times that of China.

In Asia, Taiwan is second only to Japan in educational achievement. The Taiwan illiteracy rate is less than 10 percent, compared with more than 30 percent for China. The percentage for college graduates in Taiwan is 10 times higher than in China.

Individualism is widespread in Taiwan; collectivism prevails in China. The Taiwanese advocate liberalism and human rights; the Chinese regard liberalism as "spiritual pollution." While some Chinese are now demanding democracy, the Taiwanese have long opposed dictatorship, and are moving toward a competitive party system.

Legal considerations. China ceded Taiwan to Japan in 1985. However, according to the San Francisco Peace Treaty of 1952, "Japan renounces all right, title and claim to Formosa [Taiwan] and the Pescadores." No beneficiary of these islands has been specified, so the international status of Taiwan is undetermined. Until 1971, the State Department took this position: "Sovereignty over Taiwan and the Pescadores is an unsettled question, subject to future international resolution."

In 1972, yielding to Chinese pressure, the U.S. changed its position in the communique to acknowledge Taiwan as a part of China. Since recent developments in China have proved the assumption behind the communique to be untrue, the U.S. should invoke the "fundamental change of circumstances" clause of the 1969 Vienna Convention on the Law of Treaties to declare the communique void. According to this clause, an agreement can be declared void if its "essential basis" is altered and if new conditions "radically transform the extent of the obligations still to be performed" under the agreement.

For moral, political, socioeconomic and legal reasons, the U.S. should reconsider the Shanghai Communique, reverse its position on the status of Taiwan and uphold the principle of self-determination for the solution of the Taiwan problem.

Thus, the American government should urge the Taiwan authorities to use this opportunity—the Beijing massacre—to hold a plebiscite in Taiwan and to declare Taiwan a new nation if that is the wish of the people on Taiwan.

WARM WELCOME TO NEW U.S. CITIZENS

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. SAWYER. Mr. Speaker, I rise today to extend a warm welcome to 32 residents of my district who took the oath of allegiance as U.S. citizens on May 19, 1989, in Akron, OH.

Coming from Europe, Asia, Africa, North America, Central America, and the Middle East, these 32 new citizens represent a true cross-section of our world's peoples, cultures and traditions. I would like to include their names in this RECORD so that my colleagues can join me in offering our congratulations to them on this special occasion:

Viengsavanh Rassavong, Manivanh Rassavong, Manivorn Rassavong, Borislav Garunovic, Bill Liang-Sun Hwang, Raphael Elias Sayegh, George Coman, Olga Suhre, Pedro Antonio Menendez, Cheryl Anne Shechter, Lina Waleed Khalaf, David Husein Elbabaa, Son Hung Nguyen, Francoise Alberte Dauby, Anne Francoise Marie Dauby.

Pierre Alain Lucien Dauby, Velayutham Krishnaswamy Sethuraman, Anasuya Sethuraman, Beverly Jane Goodman, William Lewan Bangachon, Edmond Jaber Jaber, Parvin Syed, George Edmond Boujaoude, Jimmy Kennedy, Eva Maria McQaide, Brigitte Margaretta Bell, MIchael Wahl, Antony Louis Czebe, Takako Than, Jafar Ibrahim Abukhaled, Hans Albert Drescher, Flaviana Pesidas Lewis.

Few people have the chance to choose the nation to which they will bestow their allegiance, yet these people have chosen to become citizens of our country. As a nation, the United States has always drawn its greatest strengths from the diverse backgrounds and traditions of its people, and I am sure that these new citizens will add to the strength and prosperity of their new country.

COMMODITY FUTURES IMPROVEMENT ACT

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. ENGLISH. Mr. Speaker, today I am introducing the Commodity Futures Improvement Act of 1989.

This bill was written following a 5-month inquiry into the regulatory structure of the futures industry by the Conservation, Credit, and Rural Development Subcommittee of the House Committee on Agriculture. Our inquiry showed that the regulatory structure is basically sound, but improvements are needed to maintain the American futures industry leadership in the world.

Each of the improvements in the bill were carefully crafted to correct specific problems that our inquiry found. These targeted solutions should position the industry to compete favorably as the world moves toward computerized, 24-hour trading in the coming decades.

Our aim is to assure every customer, anywhere in the world, that he can trade on an American exchange without fear of being cheated.

KOREAN CONFLICT REMAINS OUR "FORGOTTEN WAR"

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. SOLOMON. Mr. Speaker, as you know, we are right on track toward a memorial for those who participated in our "forgotten war," the so-called police action in Korea from 1950 to 1953.

Having been fought between our most popular and least popular wars, the Korean war has attracted little attention. It has no Iwo Jima Monument, no imposing structure listing its dead, like the monuments of those two wars. Its participant were called, and served with honor. Then they all came home, all that is but approximately 55,000 dead, just as many as the dead in Vietnam.

Our Korean vets have not complained. But most of them are in their late fifties now, and they have a right to know their Nation hasn't forgotten them. I urge all of you to appeal to your constituents, whether in newsletters or in other ways, to help complete the funding for this memorial.

That appeal was made quite eloquently in a recent column by Roland Blais of the Troy Times-Record, an outstanding journalist for an outstanding newspaper in my district. It is my pleasure, Mr. Speaker, to submit the column for today's CONGRESSIONAL RECORD.

[From the Troy Times-Record, June 4, 1989]

RECOGNITION LONG OVERDUE FOR THOSE WHO FOUGHT IN KOREA

(By Roland E. Blais)

Nearly 40 years after war broke out in Korea and we got involved in our ill-fated "police action" there, our country finally is getting around to recognizing the men who fought and died in that misconceived and highly controversial adventure.

Many of us, then and now, objected to our country involving itself in the fighting in Asia.

But in those days most young Americans stood by the words of John Jordan Crittenden, who on the subject of the Mexican War, said, "I hope to find my country in the right: however, I will stand by her right or wrong."

Most Americans were appalled and infuriated on June 25, 1950, when the North Korean Army, aided and abetted by the Soviet Union, crossed the boundary established by a World War II peace treaty and attacked the South Koreans.

Most of us supported President Harry Truman when he ordered U.S. armed forces, commanded by General Douglas MacArthur, to defend our allies in the south.

At our urging, the United Nations created a multinational force with our country running the show and providing the bulk of the troops.

This was the first of two extremely unpopular wars in Southeast Asia.

I was a student attending the University of Bridgeport under the GI Bill. Although I had signed up in the Naval Reserve after I was discharged from the Navy in 1946, I had no idea that I might be called back on active duty.

Why did I sign up? Simple. I had gone from an apprentice seaman to a first class petty officer in 26 months and wanted to hold onto that rank if I was called back in.

We were promised (orally, not written) that we would not be recalled unless there was a general draft affecting veterans in our age group. We also were promised that active units would be called up first.

So what happened? When we became involved in Harry Truman's war, they left the active units alone, but called up the inactive reserves with essential ranks.

Since I was a pharmacist mate, first class (later renamed hospitalman, first class) I was one of those recalled.

It never occurred to any of us to protest. If we were needed, we would serve.

Some of us had our benefits from World War II. I was educated under the GI Bill. I drew veterans unemployment benefits while I was on summer vacations. I bought my first home with a GI loan. And I was paid bonuses and got tax breaks.

It never bothered me that there were no memorials for the veterans of the police action.

Why should it? I had my other benefits and, after all, although my 16 months of service interferred with my education and delayed my career, the time was spent in Brooklyn and St. Albans, L.I.

That was not bad duty in any man's book. We were within a bus and a subway's ride of Broadway, Yankee Stadium, Ebbetts Field, the Polo Grounds, Coney Island and Rockaway Beach.

Most of the time, you would gain admission to these events either free or with discounted tickets. The streets were safe and the city was delightful.

But others were not that fortunate. Two of Margaret's brothers, Harry and John, saw action in Korea. As a matter of fact both were in Korea when we got married in November 1952.

The war finally was ended by President Eisenhower on July 27, 1953.

Until 1986, when President Reagan authorized the creation of a memorial in Washington to honor the Korean War Veterans, little if anything was done for them.

When my tour of duty ended, in August 1952, I left the Navy much as if I was leaving one job for another. Those who served under less fortunate circumstances than I did were treated the same.

It is about time those who saw action during that conflict were recognized for their sacrifices.

I'm talking about the Harrys and Johns, not the Rolands who had cushy duty here in the states. It is too late for John. He died of a heart attack 10 years ago.

But it is not too late for others like him.

The Korean Conflict (or war or police action) has been the forgotten war, perhaps because we still have a guilty conscience over the fact that we sent our young men over there to fight and die and then refused to let them win.

It is past time to give them the recognition they deserve.

NATIONAL TRUST FOR HISTORIC PRESERVATION

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. MOLLOHAN. Mr. Speaker, it is with a sense of appreciation that I draw the attention of my colleagues to the good work of the National Trust for Historic Preservation.

Over the past several months, I became personally—as well as professionally—familiar with the National Trust by joining the efforts of a group of local citizens to preserve an 80-year-old English Tudor-style mansion in my hometown of Fairmont, WV. I cannot, with words, adequately describe this mansion, which came to be known as High Gate after the imposing wrought iron gate that surrounds the property.

Removed from its geographic and historical context, it is simply a superb example of period architecture; place it in Fairmont as the home of perhaps the most important family in the history of the region's coal industry, however, and you have found in one location a haunting legacy of both the grandeur and the tragedy of the coal industry in the early years of this century.

Not too long ago the integrity of this historic property was threatened when a fast food chain expressed interest in purchasing part of the grounds. A group of citizens in Fairmont formed a nonprofit organization to preserve the property and the National Trust for Historic Preservation worked with them and, in fact, awarded the group a preservation services fund grant.

The grant that the friends of High Gate received from the National Trust was made possible by Federal funds appropriated to the National Trust by Congress in fiscal year 1989. Hundreds of other historic sites around the country have benefited from this grant program, which raised an average of nine additional dollars for each one awarded by the National Trust.

Following is the text of an article on High Gate from the July issue of Preservation News, the newspaper of the National Trust.

A fast food restaurant appeared to be a certain replacement for a huge 1910 Elizabethan-style carriage house and gardens in Fairmont, W. Va. until local residents decided to have it their way. The Friends of High Gate was organized by Fairmont teacher Gary Hickman when it was learned that Hardee's hamburger chain planned to buy one third of the estate to erect a commercial-strip drive-in. Hickman and other local residents appealed successfully to Leon Dunn, chief executive officer of Guardian Foods, Hardee's parent company, to cancel plans for the drive-in. Guardian also chipped in $10,000 to the group's fund to buy the carriage house—which so far has raised $115,000—and pledged $15,000 toward the eventual purchase of the enormous 1912 main house. The National Trust's Preservation Services Fund awarded $4,500 to the Friend's campaign. High Gate was designed by Philadelphia architect Horace Trumbauer for coal baron James Edwin Watson. Brothers Bob and Jim Ross now own separate portions of the property and Friends of High Gate are negotiating for the purchase of the carriage house for use as a conference center and museum of post-1929 industry and coal mining.

ANNIVERSARY OF MOUNT OLIVE BAPTIST CHURCH

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. TORRICELLI. Mr. Speaker, it is a great pleasure for me to rise today to pay tribute to the Mount Olive Baptist Church, and acknowledge their 100th anniversary. On Sunday, July 16, a banquet will be held to celebrate a century of outstanding community service and spiritual leadership.

Mount Olive certainly has grown and prospered since the 29 charter members founded it in 1889. The church has changed with the times, incorporating new members and new objectives, yet always keeping in mind its past, its present, and its future.

For 100 years Mount Olive has been at the forefront of community involvement, providing wonderful programs for both their membership and the community at large. As they begin their next century of existence, I am confident that they will maintain the high caliber of serv-

ice and participation they have always exhibited.

I wanted the Congress to take note of this occasion, and to share in this special moment with the congregation of Mount Olive Baptist Church. I am indeed honored and pleased to represent the members of this congregation, and to join them for this special milestone event.

HEALTH CARE EXPANSION

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. DANNEMEYER. Mr. Speaker, later this week the Energy and Commerce Committee will mark up the budget reconciliation package for the Medicare and Medicaid Programs. The roots of the Nation's current deficit can be discerned from the surreptitious way in which the Subcommittee on Health and the Environment has transformed the Budget Committee's approval of a seemingly innocent $200 million increase for Medicaid into a vehicle for an enormous expansion of this program.

If you want to expand Federal and State Medicaid Programs by as much as $25 billion over the next 5 years, and you have only $200 million with which to work, how do you accomplish your goal? Do you link this expansion to offsetting savings in other programs? Do you advocate specific increases in taxes to pay for the new spending? Or, in our ethics-charged climate, do you use a number of deceptive methods to hide the true cost of the reforms?

The answer, unfortunately, is the third option.

One way to hide the cost is to limit the cost in fiscal year 1990, and shift most of the expenditures to fiscal year 1991 and beyond. Instead of implementing these reforms at the start of the fiscal year, choose a date so late in the fiscal year that only a fraction of the real cost shows up in fiscal year 1990. Then, after a relatively insignificant first year expenditure, out-year costs balloon to astronomical proportions. That is the option chosen here.

Another way is to convince the Congressional Budget Office [CBO] to use assumptions in calculating the cost that are simply unrealistic. In this way, proponents can point to the CBO numbers and ignore other, more credible estimates—such as those put together by the Health Care Financing Administration [HCFA]. Thus, several weeks ago representatives of HCFA and CBO offered members of the subcommittee estimates of the 5-year cost of these expansions that differed by $16 billion. CBO placed the 5-year costs to the Federal and State Governments at more than $8 billion; HCFA, looking at the same language, calculated the cost at almost $25 billion.

These Medicaid expansions also wreak havoc on State Medicaid Programs. They force State Medicaid directors to devote scarce new revenues to expand eligibility to groups such as the frail elderly, pregnant women and children, and the mentally retarded. Such a dictate, while perhaps emotionally satisfying, precludes States from funding other necessary parts of their programs.

In designing its Medicaid Program, a State must decide who to cover, what services to cover, and how much to pay physicians and hospitals for the services covered. The reforms in this reconciliation package require States to allocate new Medicaid revenues to cover new populations; States would be precluded from channeling new revenues to physician or hospital reimbursement, or to cover new services. Faced with mandates to increase specific Medicaid expenditures, such as those included in the reconciliation package, many States have suppressed physician reimbursement rates.

On February 8, the Subcommittee on Health heard from a variety of witnesses on the nagging question of infant mortality. Witness after witness stressed the importance of adequate reimbursement rates to any sound Medicaid Program. For example, the American Academy of Pediatrics identified low reimbursement rates as "the single largest barrier to pediatrician participation in Medicaid." Physicians often receive fees for Medicaid patients which are less than half those charged to non-Medicaid patients. A witness from the Children's Defense Fund testified at the same hearing that:

Studies do suggest that physicians respond to very low Medicaid reimbursement rates by either eliminating Medicaid patients from their practices altogether or by increasingly limiting the proportion of Medicaid patients they will accept in their practices. Poor reimbursement affects not only physicians' decision to participate, but the extent of their participation, driving it below the levels required to promote adequate . . . access to care.

The National Governors' Association opposes the Medicaid expansions for precisely this reason. In a letter to Chairman DINGELL, Gov. Richard F. Celeste, Chairman of the NGA's Committee on Human Resources, said:

The Governors strongly oppose any further mandated extensions in Medicaid eligibility as proposed in the legislation sponsored by Congressmen Waxman and Leland.

In the last year and a half, Congress has passed Medicaid legislation that has placed an extraordinary burden on the States. Nursing home reform and Medicare catastrophic coverage legislation have placed States in an exceedingly difficult financial and administrative position. [It] must be recognized that the States face resource limits and that further broad mandates could damage the program rather than improve it.

We must also recognize that this year governments at the Federal, State, and local levels will spend approximately one third of all the new wealth generated by our economy. That is about 33 percent of the annual GNP. States face resource limits because they have taxed their citizens to the limit of their capacity to pay. The Federal Government, we all know, has been spending too much of the taxpayers money for many years.

Soon, we will receive mail and our subcommitte will invite witnesses to Washington to tell us how desperately we need to increase physician reimbursement under Medicaid, or expand Medicaid to include some new service previously excluded. There will be yet another organized effort to enact sweeping reforms, complete with coalitions of concerned interest groups. States, of course, will once again be required to ante up many billions of dollars in order to comply with these new mandates. At every stage we will be told how Medicaid Programs are underfunded, understaffed, and underutilized, as if all the previous reforms were meaningless. And those who oppose or question the wisdom of the latest expansion will be accused of insensitivity to the real needs of those who live in the shadow of society.

It is time we recognize that society does indeed have its limits. If we as a society conclude that Medicaid must be expanded in such a fashion, then we should find the revenue to pay for it. The proponents of these expansions ought to propose offsetting reductions in other, less important Federal programs or tax increases to raise the requisite amount of revenue.

Any other approach is fraudulent.

AMERICA'S ONLY REFORMATION AND RENAISSANCE CITY: JACKSONVILLE, FL, CELEBRATES ITS 425TH ANNIVERSARY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. BENNETT. Mr. Speaker, last week I had the pleasure of participating in the 425th anniversary of the beginning settlements by Europeans of what is today Jacksonville, FL. Actually when the settlers came in June 1564 they began the permanent settlement of what is now the United States; for there were no other Europeans then on our shores and from then on the European settlement of our lands never waned or ceased.

Morever, the city of Jacksonville—many times renamed from Fort Caroline to San Mateo, to San Nicolas, to Cowford and finally to Jacksonville in 1822—has the unique historic significance of being the only U.S. city which came out of both the Renaissance and the Reformation; for it was a mid-16th century settlement primarily of Huguenots, or French Protestants.

The event last week at the landing took place on the waterfront in downtown Jacksonville at the initiative of the Jacksonville Historical Society, and featured a proclamation by Mayor Hazouri, and speeches by Dr. Duane Dumbleton and Judith McDermott from the Sister Cities Association and on behalf of Nantes, France; and speeches by myself, by George Schesventer, superintendent of the Fort Caroline National Memorial and by John Duss, president of the Alliance Francaise. The following historical note was given by Paul Ghioto of the memorial staff:

FOUNDING OF THE COLONY

On June 25, 1564, three small ships carrying 300 Frenchmen led by Rene de Laudonniere anchored in the river known today as the St. Johns. Shortly thereafter, on June 30, construction of a triangular-shaped fort built of earth, wood, and sod was begun with the help of a local tribe of Timucuan

Indians. For the next 15 months this settlement, named in honor of the 14-year old boy king of France Charles IX, was home for this hardy group of Huguenots (French Protestants). Just as with other European explorers who had journeyed to the New World before them, these men and women hoped to discover the riches of "New France" as well as begin new lives unfettered from Old World affairs. For the French at Fort Caroline their Florida experience would be one of discovery and discouragement, joy and frustration, excitement and despair. Adapting to their new environment required extraordinary sacrifice and effort. Their strong religious and national motivations inspired them in their attempt to maintain an outpost of culture and power in North America.

Although Ft. Caroline existed but for a short time, it served as the catalyst that caused Spain to take decisive action to defend her New World possessions by first eliminating the French presence. The capture of the French fort and the slaughter of most of its inhabitants in September, 1565, by Pedro Menendez's Spanish forces marked the first major conflict between European powers for control of territory in what is today the United States. This struggle for control would continue for another 200 years.

Fort Caroline National Memorial was formally established by the President of the United States on January 16, 1953, to preserve, protect, and interpret the French settlement's site and historic past. Park interpretive programs provide visitors with an insight and understanding of the areas's national significance. The visitor center/museum constructed in 1957, contains exhibits which illustrate the interaction between European and Native American cultures. The "fort model" was built in 1963-4 in time for the 400th anniversary and is based upon a drawing of the original by the colony mapmaker, Jacques Le Moyne. Coats of arms above its entranceway are those of the colony's sponsor Admiral Coligny, and the French royal family.

Although Florida is more often remembered in history for its Spanish past the existence of Fort Caroline National Memorial serves as a visible reminder of the time, 425 years ago, when French forces laid claim to the land and the fleur-de-lis flew proudly over it.

DOMINICK DANIELS POSTAL FACILITY DESIGNATED IN NEW JERSEY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. GUARINI. Mr. Speaker, I would like to bring the House's attention to an upcoming celebration in Kearny, NJ, to designate the Dominick Daniels Postal Facility.

This post office will be named for our former colleague Dominick V. Daniels, a nine-term U.S. Congressman from the 14th District of New Jersey, which I now represent. Congressman Daniels served most ably as a member of the House Committees on Education and Labor and Post Office and Civil Service from 1958 until his retirement in 1976.

Dominick Daniels was born in Jersey City, NJ, the son of an Italian immigrant. He died on July 17, 1987, after a long illness in Union City, NJ. He graduated from Fordham University, worked his way through Rutgers University Law School, and became a member of the New Jersey and Hudson County bar associations at age 21.

In 1952, he was appointed magistrate of the Jersey City Municipal Court and was named presiding magistrate in 1957. Dominick Daniels also served as vice chairman of the Jersey City Civil Rights Commission from 1952 to 1955.

As a Member of the House from 1958 until 1976, Dominick Daniels championed the causes of health and safety in the workplace. He took the lead in efforts to compensate injured workers and upheld Federal job safety rules. His efforts led to a compromise that established the principle of Federal supervision over occupational health and safety in industries around the country. He was particularly instrumental in the passage of key labor legislation, including the Comprehensive Employment and Training Act [CETA], and the Occupational Safety and Health Act [OSHA].

Mr. Daniels was also outspoken in prodding the Kennedy administration to see that schools and colleges strictly complied with the 1954 Supreme Court decision against racial segregation. He wrote a bill in 1962 that closed a loophole through which land grant colleges could escape compliance with the law.

He also guided legislation which made many improvements in the operation of the postal service and other advancements for postal workers. He was instrumental in the development of the North Jersey Mail Facility in Kearny, NJ, which now employs over 4,000 workers. He also made many positive recommendations regarding the country's bulk mail system.

In 1976, he was awarded an honorary doctor of laws degree by St. Peter's College, where his congressional papers are now housed. In 1980, he was honored by the people of Hudson County for his special interests in the problems of older Americans.

Congressman Daniels was an advocate of pride in workmanship and often preached his ethic of hard work to school children in the area. He told a group of students at Public School No. 6,

It is easy to criticize, but hard work is necessary to improve things. Our forefathers did not retreat from the challenge of work. America is a great country today and will continue to be if we don't forget the principles laid down by its founders.

Dominick Daniels was a parishioner of St. Joseph's Roman Catholic Church in Jersey City and a fourth-degree member of the Knights of Columbus Council 137. He was also a member of the Elks Lodge 211 and had been the president of the Dante Alighieri Society of Jersey City.

Surviving Dominick Daniels are his wife, Camille Curcio Daniels; two daughters, Delores Maragni of North Long Branch and Barbara Coleman of Avon; a brother, Aldred J. of Fort Lee; two sisters, Genevieve Daniels of Avon and Eleanor Stutz who lives in Louisiana; and four grandchildren.

A front page article in the Jersey Journal concerning his death said, "Hudson County Has Lost a True Friend." Tributes by former Representative Joseph A. LaFante, who succeeded Daniels in 1976, recalled that "Hudson County showed its appreciation for Daniels by sending him back to Congress term after term with sweeping margins." Congressman Daniels left a legacy to the community leaders of Hudson County reminding them of the need for "service above self."

I urge my colleagues to join me in paying tribute to a worthy man. He has earned the accolades of his colleagues for a job well done. May he rest in peace.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1989

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. CONTE. Mr. Speaker, I rise today to commend my esteemed friend and chairman of the Subcommittee on Select Education, the Honorable MAJOR OWENS, on his exemplary work on the Domestic Volunteer Service Act amendments of 1989. Also, the ranking member, my dear friend and colleague, the Honorable STEVE BARTLETT, and the entire membership of the subcommittee are to be congratulated on their dedicated efforts in developing and reporting this important legislation.

Mr. Speaker, I lend my full support to this bill. The VISTA Program has served as a lightning rod of American voluntarism since its creation 25 years ago. H.R. 1312 ensures that VISTA will continue to be a vital source of encouragement and inspiration for Americans who are committed to serving their country through volunteer efforts.

I am particularly pleased that the bill includes a provision directing the ACTION agency to establish a comprehensive program of national recruitment. The American ethic of volunteerism is currently as strong as ever; it is absolutely essential that a centralized recruitment program be established to capture the attention of the American public and to help direct its considerable energies toward service to others.

Another critical aspect of this bill is a provision increasing the subsistence allowance paid to VISTA volunteers. Even with this increase, VISTA volunteers will continue to receive an allowance that is below the threshold for poverty in America. This provision will at least assure our dedicated VISTA volunteers that their important efforts are not being taken for granted.

Finally, I am most pleased that the subcommittee included, at my request, a mechanism to secure a limited waiver from restrictions on maximum periods of VISTA service. The provision permits a 1-year extension of service where the extension is requested by the managers of the project in which the volunteer is involved and where the director determines that the extension is appropriate. No more than two such extensions will be granted in respect to any one individual. This change in the law was recommended to me by a constituent who was affected by the inflexible serv-

ice rules of VISTA. I am very grateful that the Committee on Education and Labor adopted a provision that will help my constituent and similarly situated volunteers across the country.

Again, I congratulate the efforts of my colleagues on the Committee on Education and Labor and urge swift passage of H.R. 1312.

WELCOMING THE 28TH INTERNATIONAL GEOLOGIC CONGRESS TO WASHINGTON, DC

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mrs. VUCANOVICH. Mr. Speaker, I wish to make official welcome to the some 6,000 geologists assembled in our Nation's Capital for 10 days this July to discuss ideas with their colleagues from around the globe. This gathering, the 28th International Geological Congress [IGC], opened July 9 in the Washington Convention Center. The IGC last met in this country in 1933, also in Washington.

I wish to give a special welcome to Dr. Tom Nolan, director emeritus of the U.S. Geological Survey, one of the few U.S. scientists to have participated in both these International Geological Congresses. Dr. Nolan received special recognition at the IGC in 1933 for his comprehensive study of the Tonopah mining district in my congressional district in Nevada, an area now booming from development of mines stemming from the work of Dr. Nolan and many other geologists before and after him.

The geologists gathered for the 28th IGC will swap thoughts amongst themselves on subjects from acid rain to zeolites. Most importantly, this international exchange of ideas—more than 3,000 scientific papers will be presented by geoscientists from all continents—will foster creative thinking in the geologic profession. It was just such creativity that led to the discovery of the so-called invisible gold deposits in the great basin of Nevada and that will lead to the recognition of new geologic models for mineral deposits yet to be discovered here and throughout the world.

Other papers will discuss the latest research in Earth hazards, energy resources, paleoclimate, hazardous and nuclear waste management, coastal erosion, and other issues directly affecting society today. The scientists gathered here have been advised by the President of the 28th International Geological Congress, Prof. Charles L. Drake of Dartmouth College, to be advocates of their science in the public policy arena. We of the U.S. Congress welcome the best scientific advice available for building the best possible political solutions for issues facing our Nation today.

Welcome geologists.

PERSONAL EXPLANATION

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. ROWLAND of Connecticut. Mr. Speaker, on the evening of July 10, 1989, my hometown of Waterbury, CT, was struck by torrential rains and tornadoes. Consequently, I was unable to be in Washington on Tuesday, July 11. Due to my absence I was unable to cast my vote on House Concurrent Resolution 86. Had I been present, I would have voted "yes."

RECOGNITION OF COL. FRANK S. DULING

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. BLILEY. Mr. Speaker, Col. Frank S. Duling, the city of Richmond's 11th police chief, will retire on July 15, 1989 from the position he has held for 21 years.

I have known Frank Duling long before I got involved in politics. Then, as mayor, the colonel and I worked closely together for the safety and betterment of the citizens of the city of Richmond.

The chief and his family have always held fighting crime as a matter of grave, personal concern. His father, Frank S. Duling, Sr., was a policeman until he was killed in a car wreck, and his two uncles, Capt. Dan Duling and detective sergeant Thomas M. Duling, were officers of the Richmond Police Department.

Colonel Duling joined the police department in 1944. He began his career as a patrolman and he worked his way up in the ranks, step-by-step, by volunteering to do jobs his fellow police members were not interested in doing. In the 1960's, he first earned his life long reputation as an honest cop. He headed a probe into the police bureau's corruption through a crackdown on gambling. Colonel Duling has never tolerated any compromise with crime within the bureau.

Frank Duling will leave some awfully big shoes to fill. I wish him good success, a long life, and a very pleasant retirement. I thank him for his many years of dedication and service to the city of Richmond and its citizens.

THE COMMODITY FUTURES IMPROVEMENT ACT OF 1989

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. COLEMAN of Missouri. Mr. Speaker, today I join Mr. ENGLISH, the chairman of the Subcommittee on Conservation, Credit and Rural Development of the Agriculture Committee, in introducing a bill to authorize appropriations for the Commodity Futures Trading Commission.

Other provisions of the bill—and, I will get to them in a moment—seek to establish new direction in law and, we believe, needed parameters and goals for the futures trading industry. The parameters are not unduly restrictive. The goals are attainable, and, when reached, will keep the U.S. futures industry in the same enviable position it occupies today in the world's financial markets.

It is a bill that addresses a number of important issues. The Commission has entered some of these issues in the past and has been invited to review them periodically since its establishment as an independent regulatory agency in the mid-1970's.

By the time our task is completed, the Congress, we hope, will understand the importance of this bill to the continued growth of this innovative economic activity. In turn, the futures industry must understand the seriousness with which we introduce this bill. I hope the industry's leaders will work to help us and the Commission make it a tool for sensible regulation.

This bill places new boundaries on the practice of dual trading, a practice that allows a person in the pit to execute customer orders and trade for himself at the same time. I want to make it clear that I am not opposed to this traditional way of doing business. Dual trading is not inherently bad. I can understand the benefits it provides to markets, and the necessity of allowing such trading in thin markets. However, I do find it difficult when I am questioned about abusive tactics, such as trading ahead of a customer, to answer that these kinds of abuses are caught routinely, and the trader is punished.

One way to deal with this matter, and it is the way Mr. ENGLISH and I have chosen, is to disallow such trading in certain markets unless the Commission believes the price-setting mechanism is harmed or hedgers are hampered in getting in and out of the market.

In addition, when the Commission can verify that an exchange audit trail is accurate enough to catch this kind as well as other kinds of illegal activities, the dual trading prohibition may be lifted. This gives the necessary impetus to the exchanges to enhance their record keeping capability—and to prove that it is useful in the exchanges' compliance programs.

Other audit trail goals are set to improve and refine the exchanges' abilities to record activities in the markets.

The bill also explicitly tells the Commission to continue its vigilance in the enforcement arena by cooperating closely with other Federal law enforcement agencies to combat fraudulent activity in the pits or in office suites.

This bill requires the registration of floor traders, a classification of futures participant not required to be registered currently. We increase the requirements of other registrants under the act, and we enforce the payment of civil money penalties by taking away trading privileges and suspending registration.

The bill includes a number of provisions the Commission sent to the Congress early this year. These provisions deal with international enforcement matters, an area of increasing importance as traders participate in numerous markets worldwide. These provisions will assist the CFTC and foreign governments in their efforts to enforce their respective laws.

Finally, Mr. Speaker, this bill discontinues the 3- or 4-year reauthorization period. In past reauthorizations, the Commission was burdened with the myth that Congress had imposed a sunset on its existence. Today, we introduce a bill that authorizes specific appropriations for the next 2 fiscal years. The committee intends to take a more active part in defining and maintaining the Commission's activities. It intends to take an active part in determining what resources are needed to meet its regulatory program.

The subcommittee will hold extensive hearings during this next phase of the review of the CFTC and the futures industry. This gives the industry and its participants their chance to be heard. I would hope that no one is shy about putting their thoughts on the record during the hearings.

THE STEVEN McDONALD PUBLIC SAFETY OFFICER'S COMPENSATION ACT

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. MANTON. Mr. Speaker, today I am reintroducing much needed legislation on behalf of this Nation's valiant public safety officers. This measure is prompted by the brutal shooting 3 years ago of a young, dedicated New York City patrolman, Steven McDonald, and is offered in his honor.

Steven McDonald was severely paralyzed as a result of this shooting. He is a paraplegic, confined to a motorized wheelchair for the rest of his life. Yet, as I have mentioned on this floor previously, Steven is not a defeated man. With the help and love of his beautiful wife, young son, family, and friends, he continues an active life. He works tirelessly in support of others less fortunate than himself. He has forgiven his assailants.

The measure I am introducing today, along with many of my colleagues, would provide a very modest, one-time monetary benefit from the Federal Government to any public safety officer who is permanently and totally disabled as a result of a catastrophic injury received in the line of duty. My bill would amend existing law which grants such a payment to the relatives of a public safety officer who is killed in the line of duty.

Mr. Speaker, as you may recall, the 100th Congress reaffirmed its commitment to our Nation's policemen, firemen, paramedics, and other public safety officers by increasing the death benefit from $50,000 to $100,000, and provided for future increases to keep pace with inflation. This worthwhile improvement in existing law was included in last year's omnibus antidrug initiative.

Mr. Speaker, our Nation's unselfish public safety officers certainly deserve no less from us when they are totally disabled in the line of duty. We owe this minimum financial assistance to Steven, and others who have suffered a similar fate, to help aid in their time of need. We must show that we, as a Nation, care for them and are deeply indebted to their dedicated service to the public good.

THE 25TH ANNIVERSARY OF THE URBAN MASS TRANSPORTATION ACT

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise to acknowledge the 25th anniversary of the Urban Mass Transportation Act. In 1964, this Act proved crucial in saving failing private transit industries. In the years since, we have enjoyed the benefits of this Act in the form of cleaner, safer, and more affordable mass transportation. After a quarter of a century of service to the United States, this is an appropriate time to look back on the many positive results of the Urban Mass Transportation Act. In this period of growth, we have seen many changes. We have seen the purchase of more than 77,000 buses, rail cars, trolleys, and vans. We have also seen the percentage of work trips made on mass transit increase up to 100 percent. Sky-rocketing fares have been stabilized through this increased use of public transportation. Further, mass transit has made great strides in efficiency, as it serves as one helpful solution to our Nation's air quality problems. Just as we look back to the many advances made in the past 25 years of mass transit, this anniversary is also a good time to look ahead to future changes in national transportation policies and programs, as we try to make transit services more effective in serving the American people.

JULIJA SIMCHUCK

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. CHANDLER. Mr. Speaker, it has been brought to my attention that Julija Simchuck, a young girl during the holocaust, risked her life to save a man and his family from the gestapo. She is being considered by the Israeli Government to be included among the "Honored Righteous Among the People." I would like to recognize her because of the courage she showed to Mr. Henry Friedman, a victim of the holocaust, who now resides with his own family in my congressional district.

At the age of 16, Julija was employed as a maid at the Ukraine Police Station when she overheard the gestapo's plan to take Mr. Friedman's father to a concentration camp. Risking her own life, she warned Mr. Friedman to flee. He went into hiding just minutes before the gestapo showed up at his door. After a few weeks, his family paid the chief of police $3,000 in protection money.

Julija's parents then took the Friedman family into hiding for 14 months. They were liberated in 1944 by the Russian Army. By the brave actions of a young girl and her family, the lives of others were saved. I take great pleasure in welcoming Julija, who will be visiting the United States later this year, and commending her for her bravery.

"SUPER 301" SHOULD INCLUDE KOREA AND TAIWAN

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. IRELAND. Mr. Speaker, recently the Governments of Korea and Taiwan have taken actions against United States citrus products which I believe qualify both for inclusion on the next "Super 301" list.

In mid-June Korean TV stations broadcast a story perpetrated by the Korean Citizens' Alliance for Consumer Protection. It referred to a study done by the Suwon Agricultural Research Center, a Government run agricultural chemical research institute. According to the report, the study indicated the presence of Alar on the peel and pulp of U.S.-exported grapefruit from California and Florida.

The Government of Korea knows as well as we do that the United States citrus industry does not now, nor has it ever used Alar—it has no appropriate use on grapefruit. Sales of United States grapefruit in Korea have been boycotted. In early July, Taiwan decided to follow Korea's spurious example. Today, there are 400,000 cartons of fresh grapefruit sitting on the docks in Taipei and 68,000 remain quarantined in Korea.

The issue here is not one of chemical use—Alar is not used on grapefruit. These two nations are erecting nontariff trade barriers against U.S. agricultural products. If we do not act now to stem this type of unfair trade practice, we will find other U.S. goods excluded, one by one, from their domestic markets.

Mr. Speaker, these countries apparently have not considered the value of the goods the United States imports from them. By taking this action, they are subject to retaliation, and are asking for inclusion on the next Super 301 list developed by the U.S. Trade Representative. We let them off the hook this year, but certainly we should not do so again.

CAPTIVE NATIONS WEEK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. KILDEE. Mr. Speaker, I am honored to bring to the attention of my colleagues in the House of Representatives and the Nation an event that will take place July 18, 1989, in my hometown of Flint, MI. On this day the city of Flint and the International Institute of Flint will host a ceremony recognizing Captive Nations Week.

This week remembers the people throughout the world under the oppression of communism. It should serve as a reminder of our commitment to assisting those who have been so heartlessly denied their basic human rights. Across the continents and seas, the cry of freedom rings out and the struggle for its blessings continues. The winds of change currently blow in Poland, Hungary, and the Soviet Union. These fragile winds which carry the

hope of freedom for millions can easily be changed as evidenced by the tragic situation in China.

As Americans, we are greatly indebted to those who have immigrated to the United States from the captive nations. Indeed, they have much to teach us about freedom. We should learn from those who treat genuine freedom, which Americans often take for granted, as a precious gift. These brave immigrants are admirable examples of courage and determination in our country. They have enriched us with their many traditions and have passed on to us an appreciation for the history of their motherlands.

We should recall, especially this week, that the principles upon which our Nation was founded—freedom and democracy—are the principles upon which oppressed people of captive nations base their struggle. Let us respond to the not-so-silent cry of these oppressed people and do our best to give them what they so desperately deserve—freedom. For it is only in a nation where the people, through a representative government, rule themselves, that the guarantee of complete freedom is achieved.

Mr. Speaker, I look forward to the day when people oppressed by communism throughout the world can live without fear in their freed homelands. Please join me, the city of Flint, and the International Institute of Flint in solidarity and fight harder, stand stronger, and strive so that no nation will be denied what every nation should possess—freedom.

SALUTE TO CHOLESTEROL COUNCIL OF AMERICA

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mrs. BOXER. Mr. Speaker, I wish to salute the Cholesterol Council of America [CCA] a subsidiary of Pharmacists Planning Service, Inc. of Sausalito, CA. When overwhelming scientific evidence pointed to the urgent unmet need for change in American lifestyles to control coronary disease, CCA launched a 5-year prevention campaign.

Its efforts have resulted in local restaurants changing the bill of fare to include low cholesterol dishes. Media attention has been enormous with articles in national and local papers and with national and international television coverage.

A local conceptual artist sculpted a Santa Claus from 50 gallons of low fat and low cholesterol ice cream at Christmas time. A poster and campaign kit were sent to 5,000 California pharmacists and 4,000 California cardiologists, as well as to health workers throughout the world.

On February 14, "Love Your Heart Day" was declared. Two giant hearts were constructed from 25,000 bottles of low saturated fat oil. In April, CCA distributed posters, diet and cookbooks to pharmacists attending a "risk reduction of coronary heart disease" convention. Also in April, CCA sponsored a 10K breakers to bay race to promote exercise for cholesterol reduction. CCA has testified in favor of mandatory nutrition guidelines limiting fat and cholesterol for school lunches in California.

Events this summer include cholesterol testing at summer festivals, presentations to press and physicians in support of AB 2109, declaration of July 2 as "Statewide SAT/FAT Sunday," and a Bastille Day low cholesterol, low cal, low salt/fat buffet at a Sausalito restaurant. In August, the Caledonia Street Fair in Sausalito will feature heart healty food.

For their extraordinary efforts to publicize health risks and to change public attitudes, my hat is off to this remarkable group of pharmacists. I want to express my enthusiastic support for their efforts, which are beneficial to so many.

GOVERNMENT PAYMENTS ACCOUNT FOR 9.2 PERCENT OF FARM INCOME

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. DE LA GARZA. Mr. Speaker, the critics of our Nation's farm programs often say farmers are depending too heavily on the Government for their income. Even Secretary of Agriculture Clayton Yeutter was quoted recently saying that farmers in his home State of Nebraska receive about half of their net income in 1988 from the Government.

But the U.S. Department of Agriculture's Economic Research Service recently released a report which points out that direct Government payment in 1987 were only 9.2 percent of gross cash income for all farmers.

To help clear the air about this issue, I urge my colleagues to read the following article which appeared recently in Farmline, a publication of the USDA's Economic Research Service:

[From Farmline May 1989]

GOVERNMENT PAYMENTS ACCOUNT FOR 9.2 PERCENT OF FARM INCOME

Direct government payments to the U.S. farm sector in calendar 1987 totaled $16.7 billion. This was a record high for the 55 years that such payments were 9.2 percent of gross cash income.

For grain farmers, the payments accounted for more than 23 percent of gross cash income, according to a recent analysis of the distribution of the payments.

Economist Andy Bernat of USDA's Economic Research Service says that in 1986 and 1987 low commodity prices relative to target prices were the main reason for the high level of government payments. (Deficiency payments, the major portion of direct government payments, are based on target prices and loan rates, and go to farmers who participate in government commodity programs.)

Commodity Credit Corporation (CCC) loans are not classified as direct government payments in USDA's statistical system. Instead, they are counted as a cash receipt in the year the loan is received, Bernat says. (Net CCC loans—new loans minus existing loans repaid—totaled only about $170 million in 1987, but had been more than $8 billion in 1986.)

Direct government payments include deficiency payments, land diversion payments (including those for the Conservation Reserve Program—CRP), and payments under special programs, such as the Dairy Termination Program, Bernat says. The majority of payments go to farms producing corn, wheat soybeans, sorghum, rice, cotton, barley, and oats.

The data on the distribution of government payments among farm operators are from USDAs 1987 Farm Costs and Returns Survey. Taken in early 1988, the survey provides in-depth financial information on a sample representing 1.7 million farms. For farms with sales of $10,000 or more, the survey accounts for nearly 95 percent of the USDA's official estimate of 1.01 million such farms.

COTTON PAYMENTS AMONG HIGHEST

Cotton farms had the highest average payment ($38,300) per reporting farm and the second highest payments as a percent of gross cash income (19.8 percent). Cash grain farms had the second highest level of payments per reporting farm ($22,200). Payments per reporting farm and as a percent of gross cash income were much lower for farms specializing in other commodities.

Payments as a percent of gross cash income for beef, hog, and sheep operations were 5.9 percent, for dairy farms they were 3.7 percent, for all other crops 3.5 percent, and all other livestock 1.0 percent.

Direct government payments to the farm sector for calendar 1988 have been estimated at $14 billion, a decrease of 16 percent from 1987. A further decline, to perhaps $12.6 billion, is expected this year, mainly because of the 1988 drought. Since commodity prices rose when the drought reduced production, deficiency payments decreased.

The drought's full effect on government payments is delayed because of the system of periodic disbursement of deficiency payments to farmers, says Bernat. Deficiency payments are distributed at three different times, with the final one being at the end of the marketing year. The first payment to corn producers that would show a significant effect from the drought was the March 1989 payment, Bernat says.

Another factor in government payments for 1988 and 1989 is the drought aid legislation passed last August. It provided about $4 billion in assistance for farmers hit hardest by the drought.

The 4 years beginning with 1986 apparently will be the four largest ever for direct government payments, with totals (some estimated) of $11.8 billion, $16.7 billion, $14.0 billion, and $12.6 billion, respectively. Prior to 1986, payments exceeded 7 percent of gross cash income only in 1939, 1940, 1968, and 1969.

Government payments of less than 1 percent of gross cash income were recorded in 1980, three times in the mid-1970's, and for eight straight years from 1948 through 1955. But direct payments were not the main source of assistance in earlier decades.

The first direct payments to farmers were made in 1933, amounting to $131 million or 2.4 percent of gross income.

WHERE THE PAYMENTS GO

The ERS economists, in analyzing the data from the costs and returns survey, have looked at what portion of the government payments went to farmers in financial difficulty.

"Nearly 40 percent of total payments received by operators in 1987 went to farmers with high debt loads, negative cash flows, or both," says Dave Banker, another ERS economist. He adds that some farmers suf-

fering financial stress are producing commodities that are not eligible for government programs.

The commodity programs were not designed to assist only farmers with financial problems, Banker says. "We can't expect that payments will go to only those farmers in greatest financial need and bypass those who may be able to earn a profit without them. Because many current program payments are based on the potential production of eligible commodities, it is not surprising that payments are roughly proportional to the sales of these commodities."

In 1987, for example, nearly 80 percent of direct payments went to farms in the economic class (sales plus government payments) of $40,000 to $499,999. Farms in this group also had about 77 percent of the sales of major program commodities. These farms comprised about 31 percent of all farms and about 60 percent of the farms reporting payments.

Farms in the economic class of $500,000 and above received about 10 percent of total payments and had the highest average payment per reporting farm ($68,705). They were responsible for about 15 percent of total sales of major program commodities and comprised 2.7 percent of all farms receiving payments.

Nearly 44 percent of all farms were in the economic class of less than $10,000, but they received only 1.6 percent of total government payments and accounted for just 1 percent of major program commodity sales.

Farms in the class of $10,000 to $39,999 had 7.0 percent of government program commodity sales and received 8.9 percent of total government payments.

In classification by production specialty, cash grain farms led in sales of major program eligible commodities and in government payments. They received about 60 percent of total payments, had nearly 70 percent of major program commodity sales, and comprised nearly 50 percent of all farms reporting payments.

Regionally, farms in the Corn Belt, the Northern Plains, and the Lakes States received 67.4 percent of the payments, accounted for about 68 percent of major program commodity sales, and comprised nearly 66 percent of all farms reporting payments.

Government payments amounted to 14.3 percent of gross cash income in the Corn Belt, 13.8 percent in the Northern Plains, 11.2 percent in the Lake States, 9.9 percent in the Southern Plains, 9.2 percent in the Mountain States, and 8.7 percent in the Delta.

The highest average payments ($30,176 per reporting farm) went to farms in the Pacific region. Appalachia had the lowest average—$7,898. In the Delta region the figure was $25,747 and in the Mountain region it was $24,384. The Corn Belt, Northern Plains, and Southern Plains all had averages of about $19,400.

Classified by number of acres, the farms with 501 to 1,000 acres accounted for 30 percent of major program commodity sales and 29.7 percent of government payments. The farms of 1,001 to 2,000 acres had 27.3 percent of program commodity sales and 24.7 percent of the government payments.

Farms of more than 500 acres received nearly 72 percent of total payments and accounted for about 75 percent of program commodity sales. This group constituted about 19 percent of all farms and about 40 percent of those receiving a government payment in 1987.

Forty-six percent of farms had returns to equity between minus 5 percent and plus 4 percent. They accounted for 27.6 percent of major program commodity sales and 29.3 percent of total government payments. Farms with 5 to 9 percent return on equity totaled 16.3 percent of commodity sales and 14.8 percent of government payments.

Those with returns of 10 percent or higher accounted for 32.1 percent of major program commodity sales and 30.9 percent of government payments.

Farms classified as being in a vulnerable financial position n 1987 (with a negative net cash farm income and a debt-to-asset ratio above 0.40) recieved nearly 7 percent of total government payments and had about 6 percent of major program eligible commodity sales. Those farms comprised 6.8 percent of all farms.

Nearly half of all farms were categorized as being in a favorable financial position—with positive net cash farm income and a debt-to-asset ratio below 0.40. They received 62.6 percent of total government payments. Those in the "marginal solvency" category (with a debt-to-asset ratio of 0.40 or above) accounted for 20.5 percent and those with "marginal income" (negative net cash farm income) made up 10.3 percent.

CONSERVATION PAYMENTS GROWING

Conservation Reserve Program payments are making up a larger part of direct payments to the farm sector for 1988 and 1989, as deficiency payments decline, Bernat says. The CRP accounted for about 8 percent of total direct payments in 1987. This is likely to increase to nearly 10 percent for 1988, and could rise to about 20 percent in 1989, depending on the rate of signups for the program, ERS economists say.

The CRP was authorized by Congress in the 1985 farm bill. The original goal of the program was to enroll 40-45 million acres of highly erodible land by 1991. As of the end of 1988, about 28 million acres had been enrolled.

Farmers receive rental payments under contracts to leave the land idle for 10 years. They also are reimbursed for part of the cost of establishing protective soil covers of grass or trees.

GOVERNMENT PAYMENTS ARE ROUGHLY PROPORTIONAL TO VALUE OF PRODUCTION [1]

	Payments per reporting farm	Percent of total payments	Percent of major program commodity sales	Payments as percent of gross cash income
All farms	$18,017	100.00	100.00	9.16
Economic class:				
$500,000 or over	$68,705	10.21	14.75	3.46
$250,000 to $499,999	46,416	21.31	24.23	10.36
$100,000 to $249,999	26,959	36.30	34.21	12.68
$40,000 to $99,999	14,350	21.65	18.74	12.22
$10,000 to $39,999	6,305	8.89	6.99	9.10
$9,999 or less	2,415	1.63	1.08	5.59
Production specialty:				
Cash grain	22,232	60.07	69.26	23.24
Cotton	38,294	7.76	10.76	19.81
All other crop	12,799	6.50	5.13	3.45
Beef, hog, sheep	12,080	17.22	11.35	5.93
Dairy	12,034	7.18	2.93	3.72
All other livestock	10,946	1.26	.57	1.04
Region:				
Northeast	9,378	1.49	1.29	1.78
Lake States	15,308	13.49	9.34	11.15
Corn Belt	19,373	34.23	43.47	14.29
Northern Plains	19,481	19.66	15.31	13.84
Appalachia	7,898	3.62	3.82	4.31
Southeast	14,191	3.47	3.23	4.57
Delta	25,747	4.72	7.00	8.74
Southern Plains	19,339	8.11	5.72	9.90
Mountain	24,384	7.33	6.52	9.17
Pacific	30,176	3.89	4.30	3.00

GOVERNMENT PAYMENTS ARE ROUGHLY PROPORTIONAL TO VALUE OF PRODUCTION [1]—Continued

	Payments per reporting farm	Percent of total payments	Percent of major program commodity sales	Payments as percent of gross cash income
Financial position:				
Favorable	18,736	62.61	64.82	8.87
Marginal income	10,946	10.31	9.11	9.99
Marginal solvency	23,172	20.45	20.28	8.92
Vulnerable	17,258	6.63	5.79	12.53

[1] Data are from the 1987 farm costs and returns survey. Payments do not include net CCC loans.

NEWFOUNDLAND REMEMBERS FORT CAMPBELL SOLDIERS KILLED IN GANDER

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. SUNDQUIST. Mr. Speaker, on December 12, 1985, America lost 248 of its finest when a charter aircraft carrying units of the 101st Airborne Division crashed on takeoff from Gander, Newfoundland. After months of peacekeeping duty in the Middle East, those soldiers were coming home to Fort Campbell, part of which lies in my district.

Like many in the Fort Campbell community, I think it is important that we keep alive the memory and the spirit of those 248 soldiers. I was moved to learn that in Gander, Newfoundland, there is an on-going effort to honor the men of the 101st Airborne, and build bridges of friendship between Canadians and Americans.

July 29 of this year has been designated "Newfy-Yank Day" in Gander, marked by a testimonial dinner honoring the "Screaming Eagles." The proceeds will be dedicated to creating a living memorial to those who died on that terrible December day in 1985.

I want to publicly thank the people of Gander for their caring spirit and to wish them every success. There are many in my district who will be inspired by their example and touched, as I was, by their simple decency and kindness.

A TRIBUTE TO THE RETIREMENT OF RUTH L. BURGESS

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. HERTEL. Mr. Speaker, I rise today to recognize Mrs. Ruth L. Burgess. A life-long Michigander, Mrs. Burgess is retiring after 37 years of Federal service.

Ruth began as a clerk-typist at the Ordnance Tank-Automotive Center in 1952. She distingushed herself early on through repeated promotions and increased responsibilities. In 1978, she became the administrative staff manager and, as such, she was responsible for all personnel administration in a directorate

of over 1,000 employees. Her role as leader required specialized expertise to process the variety of ongoing actions in an accurate, professional, and timely manner. Ruth was instrumental in keeping the Material Systems Management Directorate "No. 1" in program participation. She was always willing to listen, smile, and counsel MSMD employees and those outside the directorate who sought her advice and knowledge.

Ruth has received numerous awards and letters of appreciation. She was tank automotive command's nominee for the Federal Executive Board Outstanding Employee in the administrative category. Also, in July 1987, Ruth was the recipient of the Barbara B. Tennant National Federal Employed Women Award presented in St. Louis, MO. This prestigious award recognizes an F.E.W. member who has consistently rendered outstanding service to the organization. She is a member of the F.E.W. National Board of Directors and is the Michigan State representative for the Great Lakes region.

Ruth and her husband Leroy will celebrate 42 years of marriage on September 21, 1989. They are the proud parents of two children, Ronald L. Burgess and Lynne S. Holmes. The entire family is helping Ruth celebrate her retirement.

Mrs. Burgess' retirement on June 3, 1989, as administrative officer of the Materiel Systems Management Directorate ends a unique, exciting, and gratifying career that reflected sharing, love, and caring for all people.

My dear colleagues, I ask that you join me in congratulating Ruth L. Burgess for her many years of dedication to TACOM and her continued commitment to the community.

BALTIMORE'S ARTSCAPE '89

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. MFUME. Mr. Speaker, it is my distinct pleasure to honor the Eighth Annual Festival of the Arts of Baltimore City called Artscape '89. Each year Artscape provides an exciting array of artistic endeavors and expressions that are stimulating, innovative, and fun. The diversity and quality of artistic expression is a testimony to the variety and depth of human expression. Artistic expression comes from the depths of the human soul, therefore, it is more than race, or age, or sex, or nationality even as it expresses universal truth through ethnic, religious, or racial mediums.

It is most fitting that during Artscape '89 I had the opportunity to give special recognition to a young artist from Maryland's Seventh Congressional District. High School students from across the Nation competed in "An Artistic Discovery" that chooses one winner from each congressional district. Mia Brownell, a recent graduate from the Baltimore School for the Arts, was the Seventh Congressional District's 1989 winner garnering the $500 first place prize and the distinction of hanging her art work in the corridor of the U.S. Capitol for 1 year with the other "Artistic Discovery" winners from congressional districts all across the Nation. Mr. Speaker, I ask my colleagues to join me in commending Baltimore mayor, Kurt L. Schmoke, the director of the Mayor's Committee for Art and Culture, Clair List, and the hundreds of staff, volunteers, and participants who made Artscape '89 such a great success. Baltimore Festival of the Arts is a wonderful example of Baltimore's commitment to the arts. And, Mr. Speaker, I would also like to thank the many people in the Congressional Arts Caucus and the volunteers from the many congressional districts across the country that made "An Artistic Discovery" such a wonderful success.

HOWARD DAVIS INDUCTED INTO SPORTS INFORMATION DIRECTORS HALL OF FAME

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. NEAL of Massachusetts. Mr. Speaker, Howard M. Davis, the director of sports information at the University of Massachusetts, recently received the highest honor in his profession: he was inducted into the Sports Information Directors Hall of Fame at a ceremony held in Arlington, VA. Mr. Davis richly deserves this honor.

Howard Davis, a 1966 graduate of the University of Massachusetts, became sports information director at his alma mater in August 1980. Prior to joining the UMass Athletic Department, he spent 12 years as sports information director at Springfield College, a college noted for its athletic programs and studies related to physical education. At UMass, Mr. Davis has worked diligently to improve and expand a wide range of sports programs.

In 1978, Howard Davis published the first textbook on the sports information field, "Basic Concepts of Sports Information." He is a past president of the New England and ECAC Sports Information Directors Association, and after serving a term as a college division representative in the College Sports Information Directors Association, was elected a president of CoSIDA. Davis has been active in service to the U.S. Olympic Committee and served as a press services officer at the USOC Summer Sports Festival in Syracuse in 1981. He has been cited by the Football Writers Association of America for outstanding service.

Mr. Speaker, Howie Davis is a well-known figure in western Massachusetts and around the world of college sports. His election to the hall of fame for his profession is recognition of more than 20 years of outstanding work. I congratulate Howard Davis on this honor and wish him many more years of success at the University of Massachusetts.

THE LEGAL AND POLITICAL SIGNIFICANCE OF UPGRADING UNITED STATES DIPLOMATIC RELATIONS WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1989

Mr. LAGOMARSINO. Mr. Speaker, I recently reviewed the record of floor action on H.R. 2214, a measure which would approve agreements to improve the procedures for conducting government-to-government relations between the United States and the Pacific island nations which have entered into a Compact of Free Association with our Government. In light of materials submitted for the record on this matter, there are a few points I wish to make with respect to H.R. 2214.

First, it is correct that the Compact of Free Association Act of 1985 (Public Law 99-239) embodied a jurisdictional compromise and accommodation of competing policy goals regarding management of relations between the United States and the governments of the freely associated states. Because of the role played by the Department of Interior in providing for administration of civil government in the islands during much of the trusteeship period, as authorized by 48 U.S.C. 1681 and Executive Order 11021—May 7, 1962—it was agreed that the Department of Interior should continue to play a lead role coordinating those normally domestic programs and activities extended to the islands during the trusteeship and which would continue in some form under the compact or its implementing legislation.

In addition, under the 1985 Compact Act the Department of the Interior has a vital role to play in the fiscal aspects of compact implementation, and is a designated participant in the Interagency Group on Freely Associated State Affairs—which is responsible within the executive branch under the act and Executive Order 12569—October 16, 1986—for formulation of overall U.S. policy toward the freely associated states.

The State Department is responsible under the 1985 Compact Act for managing the overall government-to-government relations with the freely associated states. This is a relationship between sovereigns, albeit one built upon the compact's unique defense provisions and numerous special arrangements which reflect the close economic and social ties developed during the trusteeship.

Free association is an international relationship arising from the compact as an international agreement. The freely associated states were not established or created by the Compact Act; that act approved the compact as a matter of U.S. law. The people of the islands approved the compact as the treaty which would define relations between their constitutional governments and the United States as former administering authority under the trusteeship.

That act of self-determination was the basis for terminating the non-self-governing status

of the peoples concerned, enabling the United Nations and the nations of the world to recognize that the goals of the trusteeship system had been fulfilled, and that the obligations of the United States under the trusteeship agreement had been discharged, with respect to those peoples. See, Hills, 18 International Lawyer (1984) 583, 602–606.

The free association relationship defined in the compact is not integration into the United States, nor is it full independence as those terms are understood in international or domestic law. Neither the trusteeship nor the compact made the United States sovereign in the islands. Nor to this date has article IV, section 3, clause 2 of the U.S. Constitution—the so-called territorial clause—ever applied to the relationship between the United States and the islands which the freely associated states comprise.

Rather, the Federal courts have ruled that the relationship between the United States and the islands arose under the trusteeship agreement and exists under the compact as treaties entered into pursuant to the foreign policy authority of the President set forth in article II, section 2, clause 2 of the Constitution. See, 6 Cl. Ct. 441 (1984) at 455. The controlling reality in our relations with the peoples concerned is their right to self-determination and their decision that the Compact of Free Association, which defines their close relationship with the United States, is the expression of their values and aspirations.

Independence or integration into the United States are political status alternatives still available to the freely associated states, as is permanent free association. See, title 4, articles III–V of the compact. Thus, it was entirely appropriate and necessary that the State Department be given lead responsibility for managing the government-to-government political relations to be conducted under the compact.

This compromise reflected competing jurisdictional and policy interests within Congress and the executive branch. What I regard as a very sound and creative accommodation of legitimate differing views is set forth in section 105(b) of Public Law 99–239. I do not believe it is correct to suggest that the agreements which would be approved by H.R. 2214 change the compromise embodied in section 105(b). Indeed, the provisions of compact section 151 and section 152 which would be modified by the H.R. 2214 agreements were not directly at issue in the compromise worked out in section 105(b).

While it may be correct that the title "U.S. Representative" was considered appropriate because that official would have responsibilities under the compact in addition to those of an ambassador in other countries, the agreements referred to in H.R. 2214, by simply changing the title of the officer involved, do not diminish the role of the Department of the Interior nor enhance the role of the Department of State under section 105(b) or with respect to the compact itself.

It nevertheless has been argued that the diplomatic arrangements provided for in these agreements alter, or "may create confusion", regarding fundamental understandings in the Compact Act about the status of the freely associated states and the allocation of authority and responsibility among Federal agencies. Yet, the agreements somehow are viewed as acceptable because they are part of the Palau compromise bill and do not actually change the status of the freely associated states or affect jurisdiction of various Federal authorities. In addition to its inherent contradictions, this argument itself may create confusion about the affect of the agreements.

To clarify the matter, I will make a few basic points. First, the agreements referred to in H.R. 2214 do not significantly alter the regime of governmental representation set forth in section 151 and section 152 of the compact as approved in the Compact of Free Association Act of 1985. The original compact provisions establish a government-to-government representation arrangement which is of a diplomatic nature. The U.S. Representative and the representatives of the freely associated states have from the outset been treated by the sending and receiving governments as diplomatic chiefs of mission.

Consistent with section 151 and section 152, our governments have been operating under the Vienna Convention on Diplomatic Relations for virtually all intents and purposes. The H.R. 2214 agreements were negotiated primarily because the mixture of consular and diplomatic practices under section 152 resulted in legal anomalies which had fiscal impact when, among other things, lawyers had to be retained by the Department of Justice to travel to the freely associated states and plead official acts of immunity instead of enabling our personnel simply to invoke diplomatic immunity when justified.

I should add that the differences between diplomatic and consular immunity had no practical or theoretical relationship to the jurisdictional compromise contained in section 105(b) of the Compact Act. Thus, converting the few areas receiving consular treatment under the compact to Vienna Convention treatment was simply a logical and cost-effective measure without any of the ominous legal or political ramifications that some have suggested.

Because changing the titles of our chiefs of mission and our diplomatic posts to conventional nomenclature also will add dignity to the U.S. presence and support the efforts of the freely associated states to project their sovereignty in the international community, early approval of the agreements would have been most advantageous to U.S. interests in the region. Thus, it is unfortunate that approval of these agreements was linked to the Palau legislation or to the jurisdictional issues which have been raised on the pretext of preserving the compromise set forth in section 105(b).

In addition to the foregoing discussion of the H.R. 2214 agreements, approval of which is long overdue, I feel compelled to address the views expressed in the record of this matter on the question of whether trusteeship termination for the freely associated states should be questioned. The statement that some form of direct U.N. Security Council approval of trusteeship termination has always been universally recognized as a requirement is incorrect both as to the Covenant for the Commonwealth of the Northern Mariana Islands [CNMI] and the compact for the freely associated states.

While there have always been academicians and bureaucrats who have assumed termination of the trusteeship could be held hostage to a veto in the Security Council, that was not the view of Congressman Mike Mansfield from Montana when he explained the trusteeship agreement to the House in July 1947. Indeed, Mansfield supported President Truman's proposal for placing the islands under a strategic trusteeship for the reason that the United States could use its veto if the Security Council ever attempted to "assert effective control" of the disposition or status of the islands. See, 93 CONGRESSIONAL RECORD 8733 (1947).

Those who now argue that we can only effect U.S. policy on the political status of the islands if no member of the Security Council chooses, for whatever reason, to veto approval of our actions are attempting gratuitously to revise history to the disadvantage of the United States. Such an approach also would give any nation on the Security Council with the veto power effective control over the question of self-determination for the peoples concerned.

Contrary to statements made regarding H.R. 2214, all executive branch representatives with direct responsibility for the Micronesian political status negotiations, based on an informed understanding of the deliberations that produced the U.N. Charter provisions on international trusteeships and the termination provisions in the trusteeship agreements, consistently declined to join in the assumptions of many about termination procedures in the Security Council.

For example, in 1975 Ambassador Williams advised Senator PELL in hearings on the CNMI Convenant which he negotiated that there was a "difference of opinion" on the question of whether Security Council approval was required, and that the most that could be said for certain was that the matter would be brought to the attention of the Security Council in the appropriate manner at the appropriate time. See, report of hearing before the Committee on Foreign Relations, U.S. Senate, 94th Congress, first session, on House Joint Resolution 549, November 5, 1975, page 108.

Similarly, with respect to the Compact of Free Association, State Department Counselor Edward Derwinski testified on this question in 1984 before Mr. FASCELL. Mr. Derwinski properly asserted the administration's position that termination of a strategic trusteeship was without precedent, and agreed with Chairman FASCELL'S characterization that the United States was keeping its "options open" on whether Security Council approval would be required. See, report of hearing before the Committee on Foreign Affairs, House of Representatives, 98th Congress, second session, on House Joint Resolution 620, September 18, 1984, pages 60–61.

The reviews of the American Law Division of the Congressional Research Service are cited in support of the proposition that U.S. policy on the termination question may be invalid. However, the work of the CRS staff on this and other legal issues related to the political status process, frankly, has been discredited. I would offer two State Department letters which illustrate this point.

The first establishes in the Palauan context that the CRS was wrong, to the point of irresponsibility, in asserting that the Palau Constitution could not be amended before the compact was in effect, that there was no inconsistency between the compact and the Palau Constitution and that the Palau Constitution can be amended only at a general election. When the definitive ruling of the Supreme Court of Palau came down on these issues, implementation of the Palau Compact was impeded because of voting procedures used in the Palau legislature, not because of any legal infirmity in the positions of the Government of Palau on the fundamental constitutional issues which the CRS had addressed erroneously.

The numerous CRS papers introducing confused and implausible legal arguments into Palau's internal legal and political debate proved extremely vexatious to President Lazarus Salii, who requested the State Department to comment on the CRS reports. The second letter I am submitting is the State Department's response to Salii, which quotes Congressman Solarz referring to the same CRS studies as "shabby and shoddy." Indeed, had President Salii lived a few more days, he would have seen himself vindicated on every issue of constitutional interpretation raised in the court cases challenging the procedures followed by his administration in August 1987 to achieve amendment of the constitution and approval of the compact.

With respect to the freely associated states, the U.S. Federal courts have categorically rejected the position of the CRS on the validity of the Marshall Islands nuclear claims settlement. On the question of U.N. procedures for terminating the trusteeship only 1 out of 10 Federal judges ruling on the question suggested, in nonbinding dictum, that the lack of Security Council approval might create a de jure international law issue.

The legal significance of this dictum apparently has been misunderstood and seized upon by some to suggest that the Federal courts have rejected the State Department's position on trusteeship termination. However, the court which issued the dictum relied upon in making this assertion actually ruled—as opposed to commenting—that the "* * * question of when the Trusteeship Agreement formally has been terminated under United Nations procedures * * * is not before this court." (13 Cl. Ct. 667 (1987) at 682).

The Claims Court went on to rule in the same case that as to the freely associated states "* * * the Trusteeship Agreement is terminated in fact." Id. In international law it generally can be stated that which is de facto becomes de jure when recognized under international practice. The new status of the freely associated states as no longer being non-self-governing peoples subject to the trusteeship has received sufficient recognition by international organizations and numerous to render the de jure international legal issue a sterile nullity.

Even Judge Harkins of the U.S. Claims Court, who, while noting it was not justiciable in U.S. courts, suggested in dictum there is a de jure issue of U.N. procedure in the context of international law, concluded that the compact was in effect and that Presidential Proclamation 5564 of November 3, 1986, validly implemented the compact and the Compact Act of 1985.

Indeed, Judge Harkins dismissed the international legal issues by citing a New York Federal District Court ruling which held there was "* * * error in placing exaggerated weight on the vestigial trusteeship structure once the United States has altered its role as Administering Authority in favor of a new relationship of Free Association * * *" *Morgan* v. *Palau,* 639 F. Supp. 706 (S.D.N.Y. 1986) at 716. That ruling would have recognized Palau's new status in the absence of Security Council action if Palau's approval process subsequently had been upheld by the courts in Palau. The reasoning of the Morgan case was adopted by the Claims Court and applied to the freely associated states. 13 Cl. Ct. 667 (1987) at 682.

Thus, the statement that the U.S. courts have not accepted the President's proclamation is simply wrong, and the insinuation that the trusteeship remains in effect is misleading if applied to other than Palau. Indeed, four Federal trial judges and two three-judge appellate panels have upheld the President's actions and policies on this issue.

For example, the Federal District Court for the District of Columbia ruled "At the same time the President recognized the Marshall Islands, * * * he declared that the trusteeship agreement was no longer in effect. Proclamation 5564, 3 CFR 1986 Comp. p. 146. Although plaintiffs dispute the effect of this proclamation, as an executive exercise of the foreign relations power, it is a nonreviewable political question." *Antolok* v. *U.S. Dist. Ct.,* D.C. Civ. Action No. 85-2471 (June 16, 1987). Thus, even though section 101(a) of the Compact Act of 1985 did not include a provision expressly stating that the President's decision to implement the compact and terminate the trusteeship for the freely associated states was nonreviewable, the courts have ruled that it is nonreviewable.

Even though Judge Harkins of the Claims Court ruled in favor of the United States and dismissed all challenges to the compact, trusteeship termination and nuclear claims settlement, his dictum to the effect that "* * * the Trusteeship Agreement for the Trust Territory of the Pacific Islands has not been terminated * * *" has been taken out of context as if the court had ruled against the United States. Everyone agrees the Trusteeship agreement is still in effect as to Palau, the dispute was over its applicability to the freely associated states, and that matter has been resolved in all court cases in favor of the U.S. Government's position.

We also must read in context Judge Harkins' dictum to the effect that there "may be doubt as to the significance at international law in the November 3, 1986, Proclamation that the Trusteeship Agreement has been terminated for three governmental areas." That statement apparently has been misread as supporting the proposition that section 1002 of the CNMI Covenant, Public Law 94-241, makes the President's decision nonreviewable as to termination of the trusteeship for CNMI, but that the Presidential proclamation on trusteeship termination may be reviewable as to the freely associated states. The obvious infirmities in that analysis are numerous.

First, the courts, as we have seen in the Antolok case, have ruled that the President's proclamation is nonreviewable as to the freely associated states. Second, the dictum of the Claims Court was, as we also have seen, in the context of a ruling in which the court decided the issue of U.N. termination procedure was not before the court to be decided.

In addition, it is absurd to suggest that section 1002 of the CNMI Covenant, a statute making the President's determination that the trusteeship is terminated nonreviewable as a matter of domestic law, validates that determination as to the CNMI, but that the same determination as to the freely associated states is not valid because section 101(a) of the Compact Act does not expressly make the determination nonreviewable.

The President does not need congressional authorization to recognize new nations and terminate a vestigial trusteeship in the process, as long as that action is consistent with applicable law. This point was made in the ruling of the U.S. Court of Appeals for the District of Columbia Circuit upholding the decision of the Federal district court in the Antolok case.

In that case the court, citing Baker versus Carr, stated that "* * * without executive recognition a foreign state has been called 'a republic of whose existence we know nothing.' * * * we are called upon * * * to review the policies that underlie the very recognition of another sovereign by our own * * * It would require our invasion of their sphere * * * and it is against that very invasion that the political question doctrine protects the political realm. * * * Again, without the act of the Executive, the Republic of the Marshall Islands would be one 'of which we know nothing.'" *Antolok* v. *U.S.,* U.S. Court of Appeals for the D.C. Circuit, April 28, 1989, No. 87-5324.

Thus, under the Antolok decision the action of the President in declaring the trusteeship terminated, consistent with section 101(a) of the Compact Act of 1985, is just as nonreviewable as a matter of domestic law as is the same determination regarding the CNMI under section 1002 of the CNMI Covenant legislation. The attempt to argue otherwise is untenable and misinformed.

Moreover, the language of section 101(a) of the 1985 Compact Act dealing with trusteeship termination is one of the few provisions of the original draft resolution to approve the compact transmitted to Congress by the President on March 30, 1984, which was not subsequently modified by Congress in the act. The original provision as approved by Congress leaves unimpaired and unqualified the President's treatymaking authority to determine and implement procedures in the United Nations to terminate the trusteeship.

I should add that section 1002 of the CNMI Covenant is not limited in its application to the President's determination on trusteeship termination for the CNMI. Section 1002 is not restricted to any geographic or political entity, but applies to the question of trusteeship termination itself. The scope of section 1002 is a legal issue which need not be revisited because all Federal courts have given full effect

to the President's proclamation on trusteeship termination.

Instead of spending so much time and energy attempting to revive or vindicate obsolete legal theories which have been rejected by the courts, we should all accept and take great satisfaction in having successfully transformed U.S. relations with the islands of the trusteeship. Once non-self-governing peoples who never consented to trusteeship status, these peoples freely chose a close relationship with the United States under the compact. That is a great tribute to this Nation.

All Americans, regardless of partisan affiliation, should support the effective foreign policy measures that President Reagan and President Bush have taken to carry out the freely expressed wishes of the peoples of the former trust territory. Lest we forget, that is what the U.N. Charter and the Trusteeship Agreement was all about.

The State Department letters I referred to earlier follow:

U.S. DEPARTMENT OF STATE,
Washington, DC.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate.

DEAR MR. CHAIRMAN: On August 29, 1988, the Appellate Division of the Supreme Court of Palau issued a ruling which requires that additional steps be taken to complete Palau's internal constitutional process for approval of the Compact of Free Association. By thus exercising its power of judicial review, the Supreme Court of Palau has, as of the date of its decision, in effect overturned the August 29, 1987, certification by the government of Palau that the Compact approval process was complete. This change in the state of Palauan law obviously removes the basis for the November 30, 1987, certification by the President of the United States that Palau's approval process had been completed.

Although disappointing, the ruling clarifies complex issues of constitutional interpretation which have proven vexatious to the Government of Palau for years. For example, the court rejected the arguments, advanced by Compact opponents, that Palau's constitution can be amended to achieve compatibility with the Compact only after the Compact is in effect. The court also rejected the view that amendments may only be offered at general elections—ruling that the Palau constitution can be amended under its Article XV at any time. Finally, the court overturned the ruling of the lower court that the constitution cannot be amended to achieve compatibility between it and the Compact because there is no incompatibility between the two documents. The lower court's ruling in this regard was anomalous and, if sustained, would have restricted the methods available to the people of Palau to exercise their right of self-determination.

The court's opinion, thus, upholds the legal position of the Government of Palau on the most significant constitutional issues relating to the constitutional amendment and Compact approval procedures employed in August of 1987. However, the court found the procedure employed by the Palau National Congress to enact the legislation which authorized the vote on the constitutional amendment to be ineffective. Since that statute was ineffective to authorize a vote on the amendment which cleared the way for simple majority approval of the Compact, the 73% vote to approve the amendment was set aside. The subsequent 73% vote to approve the Compact then could not satisfy the 75% requirement which applied in absence of the amendment.

Now that this decision has finally clarified the most ambiguous provisions of Palau's constitution, the elected leadership is in a position, for the first time, to adopt a procedure for carrying out the will of the people with a high degree of confidence that the process will not be open to successful legal challenge. Indeed, for the first time since 1982 it now should be possible for Palau to employ any of the available procedures for Compact approval without the distractions of legal and political controversy over the mechanics of the approval process itself.

However, just as the choices which must be made by the people of Palau seem to be more clearly defined than ever, the lack of any United States law authorizing implementation of the Compact threatens to confuse the issues and delay the process. Consequently, the Administration urges Congress to enact legislation based upon S.J. Res. 231 and H.J. Res. 479, but which provides for implementation of the Palau Compact upon its approval in a manner consistent with the August 29, 1988, ruling of the Palau Supreme Court.

President Haruo I. Remeliik, followed by President Lazarus E. Salii, shouldered the heavy burden of leading Palau through the long and difficult struggle to render workable the overlapping and complex provisions of Palau's constitution relating to approval of the Compact. While it is a genuine tragedy that they will not be with us on that day when the goals of their long struggle are realized, it will be an appropriate tribute if we can advance the cause of Palauan self-government by clarifying the United States position in legislation providing for the earliest possible implementation of the Compact.

Sincerely,

J. EDWARD FOX,
Assistant Secretary, Legislative Affairs.

U.S. DEPARTMENT OF STATE,
Washington, DC, August 13, 1987.

Hon. LAZARUS E. SALII,
President of the Republic of Palau,
Koror, Palau.

DEAR MR. PRESIDENT: This letter responds to your request for comments on the July 12, 1987, analysis, by the Library of Congress, Congressional Research Service (CRS), of the applicability of Article XV, Section 11 of the Palau constitution.

The CRS has done similar studies on the Compact for the FSM and the Marshalls, as well as at least one prior study on the Palau constitution. Like those prior papers, the recent CRS paper on Article XV, Section 11 is, as the author admits, a "rush" job which is, at best, incomplete.

For example, at page 2 of the paper we find quoted part of a paragraph from Supplemental Standing Committee Report No. 61a, Committee on Judiciary and Governmental Affairs, March 13, 1980, which is offered in support of the proposition that an Article XV amendment is not possible until the Compact has been "approved" and is "legally in existence." However, there are in connection with this CRS theory several questions which remain unanswered:

—If an amendment is only possible once the Compact is "legally in existence", would approval by the people, as referred to in the quoted paragraph from Supplemental Standing Committee Report No. 61a, be sufficient to enable the people of Palau to amend their constitution under Article XV? Or, is it the case that the Compact is "legally in existence" only when it has taken effect? Signature by the governments is one step in the Section 411 process which has occurred, approval by the people and the government are also steps in the process. But Section 411 also requires the governments to enter into an effective date agreement. Does the Compact remain a "proposed" agreement until the governments agree on an effective date and that day arrives? CRS asserts that until "all prerequisites" under Section 411 are met the Compact is "merely a proposed document." How can this be reconciled with the prior assertion that an Article XV amendment is possible once the Compact has been "approved"—which happens to be the only Section 411 prerequisite referred to in the standing committee report?

—Does the phrase "* * * if such are approved * * *", as it appears in the quoted paragraph from Report No 61a at page 2 of the CRS study, refer to amendments of "* * * incompatible provisions of the Constitution * * *" or "* * * conflicting terms of the Compact * * *"? In either case, the language of the report quoted by CRS refers to approval "by the people in a plebiscite or referendum." Since Section 411 of the Compact is based upon international standards for self-determination (i.e., majority vote) in the referendum, is it not true that the Compact has been approved by the people in accordance with Section 411 in the votes which have been conducted? In this connection, it must be remembered that the 75% approval requirement comes from the constitution, not the Compact. In the February 1986 referendum, which was the first vote conducted under the present version of the Compact, the Government of the United States officially adopted the position that 50% approval was adequate to satisfy Section 411. Put simply, the United States agreed to a majority rule version of Section 411. The determination of the Palau Supreme Court that Palau has an internal constitutional requirement of 75% approval for the version of the Compact first voted on in February 1986 is an additional internal requirement of Palau law which does not change the terms of the Compact as agreed to by the parties. Even though there is a separate constitutional approval requirement, the Compact has been approved in accordance with its terms and now somehow—either by getting 75% or amending the constitution to eliminate the 75% requirement—must satisfy the constitutional standards in order to take effect as a matter of Palauan law.

—The stated purpose of Article XV is that of avoiding inconsistency. If the "proposed" Compact by its terms—Section 411—can be approved by 50%, which we know to be the case, and the constitution requires 75% approval, that is an inconsistency. Since implementation of the Compact cannot occur until the inconsistency is removed, is it not the case that the only way to avoid inconsistency is to amend the 75% provision so that the Compact and the constitution have consistent approval requirements?

—Doesn't the term "avoiding inconsistency" mean eliminating the inconsistency before it comes into existence? CRS suggests that the amendment cannot be made until the Compact is legally in effect and the inconsistency actually exists. However, is it possible for the Compact somehow to come "legally into existence" as a result of being approved by 50% while the constitutional requirement of 75% remains un-

changed? In that case, the inconsistency would not have been avoided. How can the two documents be "legally in existence" and yet also inconsistent? Wouldn't this defeat the stated purpose of Article XV on its face?

The preceding are just a few of the questions left unanswered by the CRS study. More fundamentally, the CRS study ignores the first sentence of the paragraph quoted on page 2 from the Palau Legislature committee report. That refers to Standing Committee Report No. 61, Committee on Judiciary and Governmental Affairs, March 5, 1980, which, at footnote 3, incorporates its Appendix IV. Although Appendix IV is a somewhat turbid analysis, its conclusion is that the Constitution allows the article XV amendment to be voted on "* * * at the same time as the compact is voted on * * *". This establishes as part of the history of Article XV the principle that the amendment to avoid inconsistency can occur before the Compact is approved or in effect. The CRS concluson that the Article XV amendment procedure can not be implemented while the Compact is a "proposed" document is clearly inconsistent with the conclusion of Appendix IV, as incorporated into Report No. 61 and voted on by the people of Palau in 1980.

The fact that the author of Appendix IV gratuitously and without explanation embellishes this statement with a reference to subsequent, as opposed to prior, votes on the Compact is irrelevant to the question raised by CRS, which relates to whether prior approval of the Compact is required to amend the Constitution. The CRS study also fails to include the last sentence of the paragraph quoted on page 2 of that study, which states that Article XV amendments are not subject to the restrictions of Article XIV, Section 2.

These clear deficiencies in the CRS study explain why Congressman Stephen Solarz, Chairman of the House Foreign Affairs Subcommittee on Asia and the Pacific, during a hearing on the Palau Compact, stated on the record that the prior CRS study of Palau's constitution, authorized by the same person as the CRS paper under consideration here, was

"* * * a shabby and shoddy document which failed totally to address the specific points raised by the Government of Palau * * * it was unresponsive to the very serious questions for which such an objective and impartial analysis would have been very helpful * * *" See, Record of Hearings before Subcommittee on Asian and Pacific Affairs on H.J. Res. 626, May 8, May 21 and June 5, 1986, p. 146.

Perhaps the best view is that Article XV, Section 11 should be read on its face, without getting entangled in legislative history. The application of Article XV does not require elaborate interpretation. Very simply, Compact Section 411 requires a 50% vote, while certain provisions of the constitution have been interpreted as requiring 75% vote. In order to eliminate that inconsistency so that the transition to constitutional self-government can be effected, the people were to be given a choice of whether to amend the constitution. I believe the people of Palau and their leaders know that this was the intention of Article XV, regardless of what the CRS or anyone—including myself—may think about it.

Sincerely,

HOWARD L. HILLS,
Counsel of Interagency Affairs,
Office of Freely Associated State Affairs.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, July 13, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 14

9:00 a.m.
Armed Services
Closed business meeting, to continue mark up of S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.
SR-222

Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine airline debt and takeover issues.
SR-253

10:00 a.m.
Agriculture, Nutrition, and Forestry
Domestic and Foreign Marketing and Product Promotion Subcommittee
To hold hearings to review agricultural research and foreign marketing promotion.
SR-332

Energy and Natural Resources
To continue hearings on S. 710, S. 711, and S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SD-106

Conferees
On H.R. 1278, to reform, recapitalize, and consolidate the Federal deposit insurance system, and to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies.
2129 Rayburn Building

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Armed Services
Closed business meeting, to continue mark up of S. 1085, authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to consider pending nominations.
SR-222

JULY 17

9:30 a.m.
Special Impeachment Committee
To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Environment and Public Works
To hold hearings on the nomination of Thomas D. Larson, of Pennsylvania, to be Administrator of the Federal Highway Administraion, Department of Transportation.
SD-406

Conferees
On H.R. 1278, to reform, recapitalize, and consolidate the Federal deposit insurance system, and to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies.
2129 Rayburn Building

JULY 18

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, to provide for a revitalized national housing policy.
SD-538

Energy and Natural Resources
To hold hearings on the nominations of Stephen A. Wakefield, of Texas, to be General Counsel of the Department of Energy, J. Michael Davis, of Colorado, to be an Assistant Secretary of Energy for Conservation and Renewable Energy, John J. Easton, Jr., of Vermont, to be an Assistant Secretary of Energy for International Affairs and Energy Emergencies, and Jacqueline Knox Brown, of the District of Columbia, to be an Assistant Secretary of Energy for Congressional and Intergovernmental Affairs.
SD-366

Governmental Affairs
To hold hearings on S. 244, to provide for the development and use of plastics derived from certain commodities, and to include such products in the General Services Administration inventory for supply to Federal agencies.
SD-342

Special on Aging
To hold hearings on prescription drug prices.
SD-628

10:00 a.m.
Conferees
On H.R. 1278, to reform, recapitalize, and consolidate the Federal deposit insurance system, and to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies.
2129 Rayburn Building

11:00 a.m.
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for programs of the Domestic Volunteer Service Act.
SD-430

2:00 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Rockwell Anthony Schnabel, of California, to be Under Secretary of Commerce for Travel and Tourism.
SR-253

JULY 19

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 999, relating to the broadcasting of certain material regarding candidates for Federal elective office.
SR-253

Governmental Affairs
To resume hearings on the recently released proceedings of the Surgeon General's Workshop on Drunk Driving.
SD-342

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the implementation of the Defense Production Act of 1950 and competitiveness.
SD-538

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 946, to reorganize the functions of the Nuclear Regulatory Commission to promote more effective regulation of atomic energy for peaceful purposes.
SD-406

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the comparative assessment of the U.S. Space Program.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 866, to establish the Calumet Copper Country National Historical Park in the State of Michigan, S. 931, to protect a segment of the Genesee River in New York, H.R. 419, to provide for the addition of certain parcels to the Harry S. Truman National Historic Site in the State of Missouri, and H.R. 1529, to provide for the establishment of the White Haven National Historic Site in the State of Missouri.
SD-366

JULY 20

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on the scientific base for food inspection.
SR-332

Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on the status of the *Exxon Valdez* oilspill cleanup.
SR-253

Governmental Affairs
To hold hearings on provisions of S. 135, Hatch Act Reform Amendments of 1989.
SD-342

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 1109, authorizing funds through fiscal year 1995 for programs of the Carl D. Perkins Vocational Education Act.
SD-430

1:00 p.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, to provide for a revitalized national housing policy, focusing on drugs in federally assisted housing.
SD-538

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on tuna management.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 371, to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management.
SD-366

Finance
International Trade Subcommittee
To hold hearings on the U.S.-Japan Structural Impediments Initiative (SII).
SD-215

JULY 21

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of D. Allan Bromley, of Connecticut, to be Director of the Office of Science and Technology Policy.
SR-253

Energy and Natural Resources
To hold hearings on issues relating to the Prince William Sound oilspill.
SD-366

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

JULY 24

9:30 a.m.
Special Impeachment Committee
To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Energy and Natural Resources
To hold hearings on issues relating to the Gulf of Mexico oilspill.
SD-366

JULY 25

8:30 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Governmental Affairs
To hold hearings to review U.S. trade and technology issues.
SD-342

2:00 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

JULY 26

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1009, relating to the purchase of broadcasting time by candidates for public office.
SR-253

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on proposed oilspill legislation.
SD-406
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216
10:00 a.m.
Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342
1:30 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1067, to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.
SR-253
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

JULY 27

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216
9:30 a.m.
Governmental Affairs
To hold hearings on S. 1165, to provide for fair employment practices in the U.S. Senate and U.S. House of Representatives.
SD-342
Veterans' Affairs
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.
SR-418
10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on the funding of agricultural research programs.
SR-332
Judiciary
Business meeting, to consider pending calendar business.
SD-226
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 1109, authorizing funds through fiscal year 1995 for programs of the Carl D. Perkins Vocational Education Act.
SD-430
1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

JULY 31

9:30 a.m.
Special Impeachment Committee
To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216
1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

AUGUST 1

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216
2:00 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

AUGUST 2

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216
9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 870, to label consumer products containing substances that contribute to the depletion of the ozone layer in the upper atmosphere, to regulate the sale, distribution, and use of such substances in consumer products and services in and affecting interstate commerce, and to recapture and recycle such substances.
SR-253
1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

AUGUST 3

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216
1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

AUGUST 4

9:00 a.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216
1:30 p.m.
Special Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

CANCELLATIONS

JULY 14

10:00 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, to provide for a revitalized national housing policy, focusing on community and economic development provisions.
SD-538

POSTPONEMENTS

JULY 14

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed amendments to the Indian Child Welfare Act (P.L. 95-608).
SR-485

JULY 18

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

JULY 20

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

JULY 21

9:30 a.m.
Select on Indian Affairs
To hold hearings to establish a Tribal Judicial Resource Center.
SR-485

SENATE—*Thursday, July 13, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*As the hart panteth after the water brooks, so panteth my soul after thee, O God. My soul thirsteth for God, for the living God * * *.*—Psalm 42:1, 2.

As we hear these words from the Psalm, loving God, we remember the profound statement of St. Augustine: "Thou hast made us for thyself, O God, and restless are our hearts until they repose in Thee."

We need Thee, Lord, desperately need Thee. Forgive us for satiating our bodies while we starve our souls. Quicken us to this fundamental need in our lives and grant grace to respond to Your divine initiative. Help us not to be so victimized by schedules that we make no room for Thee, take no time for Thee.

In His name who lived in unbroken fellowship with Thee. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 13, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WIRTH thereupon assumed the chair as Acting President pro tempore.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. Under the previous order, the time between now and 10 a.m. shall be equally divided between the majority leader and the Republican leader.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Senator from Georgia, the acting majority leader.

Mr. FOWLER. I thank the Chair.

THE JOURNAL

Mr. FOWLER. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADERS' TIME

Mr. FOWLER. Mr. President, I ask unanimous consent that the time of the majority leader and the minority leader, which under the order is scheduled from 9:45 to 10, be reserved.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. FOWLER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from California is recognized.

PROTECTION FROM THREATENED OIL AND GAS SPILLS

Mr. WILSON. Mr. President, I wish to announce my intention to vigorously pursue the adoption here in the Senate of that same language which the House has passed now, language amending the Interior appropriations bill for fiscal year 1990, language that will extend protection to the California Outer Continental Shelf, the Outer Continental Shelf of other coastal States, from the kind of oil and gas exploration and drilling that needlessly threatens our coastal areas.

The House has seen fit to extend a moratorium on oil and gas exploration and development for another year, and wisely so. The language adopted by the House in this regard should be accepted by my colleagues on the Appropriations Committee. I hope it will. I would much prefer to see the language in the bill as it comes to the floor. But in the event that this OCS moratorium language is not reported out of the Appropriations Committee, I intend to offer it here on the floor during the consideration of the Interior appropriations bill by an appropriate amendment that will offer that safeguard.

Mr. President, I do not think I need elaborate at endless length what casual readers of our newspapers all across the Nation know.

First, we were shocked by the experience of the *Exxon Valdez* spill in Prince William Sound. The tragedy there made clear to those of us who had expressed skepticism about the ability of the oil companies to engage in the kind of spill cleanup which we were assured was not just technologically feasible and possible but virtually assured. We learned the hard way that those expectations had been greatly overblown, and the cruel fact was that technology whatever its advertised state-of-the-art was clearly insufficient.

The spill of the *Exxon Valdez* in Prince William Sound has produced lasting damage, at least damage to the marine environment there that will take years to overcome. And we are told repeatedly in good faith, I am quite sure by those who are concerned with the welfare of their constituents, those who paint stark pictures of long gas lines and brownouts, that we must do everything possible to exploit whatever resources we have on this continent and off its shores to see to it that our people are energy self-sufficient.

Mr. President, no State I concede can claim to be Camelot and off limits to efforts at energy self-sufficiency. But let us be honest, and look at the facts. Let us see how we are lessening our dependency by attacking the Outer Continental Shelf at the great risk that we have seen, understanding that risk is enhanced if, as planned by the Department of the Interior in prospective leasing, new lease sale tracts off the coast of my State and other States go forward with the expectation that the oil removed will be removed and tankered, that it will not go ashore by pipeline, but that the vast majority of it will be tankered out.

I want to look in short at the threat that is represented there. But before I do, let us look at a more fundamental

consideration, and that is the claim we must continue to develop all of our offshore oil in order to lessen our dependency on imported oil.

The fact, Mr. President, is that if all of the expected reserves in the Outer Continental Shelf of California were in fact tapped it would lessen our dependency on oil imports by less than 1 percent. The sad fact is, and I do think it a sad fact, we have a dependency on oil imports. Some 42 or 43 percent of the oil that we are consuming is in fact imported. But if we were to tap what they hope to be in the Outer Continental Shelf of California we would not significantly lessen that dependency.

So we must be involved in a consideration of balancing the costs of that kind of oil and gas exploration and development with an insignificant reduction in our import dependency and with a considerable enhancement of the dangers that flow. And they have to do not only with the kind of spill damage that we have seen in Prince William Sound but we have now seen in the Atlantic and gulf coasts as well and off the coast of my home county. We have seen it now off Rhode Island, off Delaware, and off San Diego. The fact of the matter is when you are dealing with tankers you are dealing with a high probability of spills.

Mr. President, let me say further that the way to deal with this is to deal with it in an up front and straightforward fashion simply stating that there are certain activities that are not worth the costs. We see not only direct damage from spills but the indirect damage both to the environment and to the economic base of a densely populated area like southern California from the fact that if additional rigs are permitted off the coast of southern California the air quality ashore will be seriously degraded. Los Angeles already suffers the worst air in the Nation. It is one of the fastest growing areas in terms of population and economic growth. But the economic growth needed to keep pace and provide jobs with that growing population is dependent upon our dealing with air quality.

Mr. President, my intention is to vigorously pursue the adoption of House-passed language to the Interior appropriations bill for fiscal year 1990 that will extend the California Outer Continental Shelf oil and gas moratorium for another year.

The House has wisely adopted language in this regard that should be accepted by my colleagues on the Appropriations Committee. In the event that this OCS moratorium language is not reported out of the committee, I will be here on the floor during the consideration of the Interior appropriations bill with an appropriate amendment.

My reasons are simple. For too long, the Senate has avoided the issue of OCS oil and gas development. We can't afford to avoid this controversial issue any longer.

Recent tanker spills in Alaska, off Rhode Island, in the Delaware River, off the coast of Galveston, TX, and most recently, off the coast of San Diego from the crippled *Exxon Valdez* tanker, are all testimonials to the enormous risks that are associated with the production and transportation of oil.

The Senate has a responsibility to confront these and other risks. We should be on record in sending a strong message to the oil industry that there are certain risks that just are not worth taking, and that until these risks have been minimized, reasonable restraints should be placed on new OCS oil and gas development.

We have known for years now that tankers pose the greatest risk of an oil spill. I remember several years ago when former Secretary James Watt was parading the Halls of Congress with charts showing that far more oil is spilled every year from tankers than from any other source, including oil platform blowouts of the sort that we had off of Santa Barbara in 1969.

I was convinced then, and in light of the *Valdez* spill, I remain convinced today. Yet, very little has been done over the years to minimize the risk of a tanker spill.

In fact, if the Interior Department gets its way, the risk of a tanker spill would be even greater than it already is off the coast of California. The Department has proposed a slew of new oil and gas production rigs in the nearshore coastal waters off California that would likely pump their oil directly into waiting tankers for transport to onshore refineries.

More oil tankers plying the coast of California is the last thing we need. As it is, we are already subject to the risks of a tanker spill from those ships that are transporting Alaskan crude down to the California and Texas refineries via the Panama Canal. Adding new California OCS tankers to those from Alaska is only going to increase the risk of a tanker spill.

But the Interior Department does not stop there. Interior has requested the Coast Guard to narrow the proposed California offshore shipping lanes to allow for more OCS tracts to be leased to the oil companies. Instead of the proposed 5-mile-wide shipping lane through which oil tankers and other ships are allowed to pass, Interior wants only two 1-mile-wide lanes to accommodate northbound and southbound traffic separated by a 2-mile buffer in which oil and gas development would be allowed.

My friends, I am appalled by this proposal. It risks the safety of vessel traffic for the questionable benefit of making a few extra OCS tracts available for the oil industry. If this is how the Interior Department proposes to minimize the risks of tanker spills, then we are in trouble.

Much the same story can be told about the Interior Department's plans to develop the OCS off the coast of Camp Pendleton in southern California. Camp Pendleton is the base used by the Marine Corps to train troops in amphibious assaults. The Navy has all sorts of marine craft maneuvering off the coast of Camp Pendleton and has long resisted the attempts by the Interior Department to lease nearshore tracts for oil and gas development. Were such development to be permitted, the combination of the new OCS platforms and the oil tankers that service those platforms could become a real problem for the Marine Corps vessels engaged in practice maneuvers.

Assurances by the Interior Department that OCS rigs and tankers can easily be avoided, even in rough weather, are not comforting. Even if this were true, I have not been convinced that the Marine Corps should compromise its practice area for the sake of a handful of OCS oil and gas tracts.

What else has been done to minimize the risk of tanker spills? The answer is not much.

Spill cleanup technology—or the lack thereof—is probably the most telling indictment of the Interior Department's plans to lease in pristine areas offshore California. State and Federal officials have admitted that little could be done to effectively contain a *Valdez* size spill off the coast of California.

The oil industry recently announced the establishment of five regional response centers that will be ready to handle any future major oilspill in U.S. waters. Yet only two of these centers will be located on the west coast in Long Beach and Seattle.

That is fine if we are talking about a tanker spill off of Seattle or Long Beach, but it does not do much for tanker spills off of northern California where new OCS development is planned by the Interior Department. By the time any containment equipment can be moved to northern California from Seattle or Long Beach, too much oil will have escaped as happened with the *Valdez* in the Prince William Sound.

The threat of tanker spills is only one very good reason to go slow on new OCS development. There are many other risks that have not been sufficiently addressed by the Interior Department.

For some time now, I have been endeavoring to sensitize Congress to the uncontrolled air pollution that is associated with offshore development. For what are seemingly inexplicable reasons, the Interior Department—not the EPA—has the responsibility for

controlling OCS air emissions. Suffice to say, the Department has been less than vigorous in pursuing this congressional mandate.

In California, a double standard exists. If an oil platform is located 2.9 miles offshore, which is to say in State controlled waters, that platform must comply with the same stringent air quality controls that onshore industry is subjected to.

But if a different platform is located 3.1 miles offshore, which is to say in Federal waters, the Interior Department requires air emission controls that are three times less stringent—even under new air rules proposed by Interior—than that which is required of the oil platform located in State waters.

The significance of this disparity lies in the fact that these offshore air emissions are blown ashore in California, thus aggravating what is already the dirtiest air in the Nation.

Despite lawsuits, letters and pleadings from all quarters except the oil industry, the Interior Department persists in allowing offshore oil rigs to emit tons of air pollutants that would otherwise be controlled were these rigs located onshore.

We in California have tried to negotiate an acceptable agreement on this and other issues with the Interior Department for several years now. Every time we think we are getting close, the oil industry pulls the plug and we find ourselves back at the beginning.

It is not that California is not willing to do its share, because we are. It seems to be a little known fact that California ranks fourth among the 50 States in overall oil and gas production. Even more to the point, California is second only to Alaska in terms of total offshore oil production.

So do not let it be said that California is not willing to do its share when it comes to producing oil and gas. But there comes a point when we have to draw a line on the level of risk we are willing to assume for the alleged benefit of new oil production.

Californians have long been sensitized to the risk of offshore development dating back to the Santa Barbara blowout of 1969. Now it appears that the Nation is similarly becoming sensitized to these risks because of the *Valdez* tragedy and the other tankers spills I mentioned at the outset.

But now that we have everyone's attention, it is time for the Senate to speak to this issue. I cannot imagine a more forceful message than an affirmative action by this body to extend the California OCS moratorium, and perhaps the moratoriums off of other similarly situated States.

With such a message, we will be telling the oil industry and the Interior Department that business as usual is not enough. We need action to minimize the threat of tanker spills, to control dirty air emissions, to minimize fishery impacts, to compensate for the loss of real estate values and all the other issues that have been at the heart of the California OCS debate for the last 8 years.

Let me conclude, Mr. President, simply by saying that it makes no sense as is presently the case to have two different agencies administering two different standards, a far less stringent standard offshore.

I simply wish to repeat again whether we are talking about the quality of air ashore, whether we are talking about the risk to environment, both fiscal and economic, there are certain activities that are not worth the cost.

I think the House has been wise in extending this moratorium. I hope that the Senate will do so. I intend to see that we have every opportunity.

I thank my colleagues for their attention and strongly encourage the Appropriations Committee to adopt the House-passed language on this issue in the Interior appropriations bill.

GAO MANAGEMENT REVIEW OF VA

Mr. CRANSTON. Mr. President, on May 18, the Department of Veterans Affairs issued a press release headlined "VA Requests GAO Study of Key Management Activities." Both the headline and the content of the release—which has been picked up by many news organizations—made it appear that a major GAO study of VA management was to be carried out at the request of and under substantial direction from the Department of Veterans Affairs.

Because it was my understanding that this GAO study was part of an ongoing, Government-wide GAO effort initiated by GAO and because I was concerned that leaving this issue unclear could perhaps lead other departments and agencies to attempt to exert direction over GAO in its major management studies and could also lead to confusion during the VA study as to GAO's responsibility for determining what was to be studied and in what manner, I wrote to Comptroller General Charles Bowsher on May 31, 1989, asking for his clarification of this matter. On June 16, 1989, Comptroller General Bowsher responded to my letter and confirmed that the GAO review in question "is part of our continuing, self-initiated effort to identify and resolve longstanding management problems at selected federal agencies." He also noted that, to date, "GAO has completed 11 of these reviews" and noted VA's strong support of GAO's effort.

Mr. President, for the information of our colleagues and members of the public who may have an interest in this matter, I ask unanimous consent that my May 31, 1989, letter, with enclosed VA press release, to Comptroller General Bowsher and his June 16, 1989, reply be reprinted at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 31, 1989.

Hon. CHARLES BOWSHER,
Comptroller General of the United States, General Accounting Office, Washington, DC.

DEAR CHARLES: I was quite surprised to see the enclosed May 18, 1989, Department of Veterans Affairs News Release entitled "VA Requests GAO Study of Key Management Activities" as well as articles based on this release in the Washington Post (May 19) and other papers. From both the title and the content of the release, it appears that the major GAO study of VA management is to be carried out at the request and under the direction of VA. It is my understanding, however, that this study is part of an ongoing, self-initiated Government-wide GAO effort and has been planned by GAO for some time.

If my understanding is correct, I believe that it would be appropriate for your office to issue a public clarification of the background of the VA study—so as both to avoid any confusion during the balance of this study as to GAO's responsibility for determining independently what matters will be evaluated at VA and to reaffirm GAO's traditional responsibility to the Congress rather than to Executive Branch entities. Such a clarification would also help forestall other departments or agencies asserting responsibility for initiating such major management studies.

Please let me know, Charles, whether you agree with the desirability of the action I am recommending and what specific steps you take in this regard.

Thank you for your ongoing cooperation and assistance.

With warm regards,
Cordially,

ALAN CRANSTON,
Chairman.

DEPARTMENT OF VETERANS AFFAIRS,
May 18, 1989.

VA REQUESTS GAO STUDY OF KEY MANAGEMENT ACTIVITIES

The Department of Veterans Affairs and the General Accounting Office have signed a unique joint agreement that opens the way for an intense study of major management issues in the newly created Cabinet-level department.

VA Secretary Edward J. Derwinski initiated the project following discussions early this year with Comptroller General Charles A. Bowsher, who heads the GAO, the audit arm of Congress.

Derwinski said, "it is critical that VA approaches its elevation to the Cabinet by taking a fresh look at everything we do. We will have a no-holds-barred working relationship with GAO that I expect will have a very positive effect on making department-wide improvements."

Most GAO reviews of executive branch activities focus on specific programs and are conducted at the direction of Congress. In recent years, the GAO has started doing much broader general management reviews

with a long-range goal of improving overall management of federal agency operations.

The VA study will involve in-depth review of both field and headquarters management policy and procedures, and will focus on three main areas of VA activity: strategic planning, information resources management and financial management.

The strategic planning component of the study will examine how VA currently uses long-range projections to prepare for future demands on Department services and programs. The review of information resources management will cover both departmental information needs and overall system effectiveness. The financial management component will most likely focus on budgeting as well as major programs such as home loans and life insurance programs, each of which involves a variety of disbursement and collection activities.

VA is the government's second largest department and operates a nationwide system of medical facilities, benefits offices and national cemeteries formerly under the jurisidiction of the Veterans Administration. Its programs and services extend to some 27.2 million living veterans who together with some 53 million potentially eligible dependents and survivors make up about one-third of the nation's population. VA attained Cabinet rank on March 15, 1989.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, June 16, 1989.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate.

DEAR MR. CHAIRMAN: Your May 31, 1989, letter asked about our management review of the Department of Veterans Affairs (VA). The review is part of our continuing, self-initiated effort to identify and resolve key long-standing management problems at selected federal agencies. To date, GAO has completed 11 of these reviews, which have met with generally positive responses from the Departments's top officials.

We initiated our reviews of department-wide management systems and practices to impress upon the leaders of executive agencies the importance of improving their management practices. We believe that GAO reviews of overall management systems are an important complement to GAO reports that focus only on particular programmatic weaknesses. The broader review can serve as a framework for improving government operations over the long term.

The success of these management reviews depends very much on the cooperation and support of agency leaders. Getting action on recommendations that often call for fundamental changes in how an agency operates requires a commitment from the top down. As such, GAO, in initiating these broad management reviews, is concerned that agency leadership be supportive. I met with Mr. Derwinski shortly after his nomination to discuss our interest in conducting a management review at VA. In subsequent discussions with us, Secretary Derwinski has expressed strong support for this effort. I view his press release as his way of communicating his support to his agency and the veterans' service organizations.

While we work closely with agency management in performing our management reviews, I assure you that GAO has maintained and will continue to maintain its independence and objectivity. With VA, as we have done at other Departments, GAO will determine the key issues and objectively report our findings to the Congress as well as to agency leadership.

With the Secretary's strong support for our effort, I believe a GAO management review at VA can make important contributions to the quality of services delivered to our veterans. I would like to further discuss with you our management review program and would be happy to meet with you as soon as our schedules permit.

Sincerely,

CHARLES A. BOWSHER,
Comptroller General of the United States.

COMMENDING NORTH DAKOTA'S CENTENNIAL BAND AND CHOIR

Mr. BURDICK. Mr. President, as you may be aware, my home State of North Dakota is celebrating its centennial this year. Last week, I was part of a 4-day event called the "Party of the Century" to honor our State's 100th birthday. I again had the opportunity to marvel at the quality of our centennial band and chorus. I would like to take this opportunity to thank the talented high school students who devoted so much time in the past year to rehearsals and performances to honor our State.

The Governor's Centennial Chorus was from West Fargo High School. Under the direction of John W. Loy, the 68-voice a cappella chorus provided extraordinary music at centennial events across the State. As Gov. George Sinner said, "The chorus is a credit to North Dakota." Each and every member must be commended for the time and talent evident in each song.

I first heard the North Dakota Centennial Band at the centennial kick-off last November in Fargo. The band is made up of 200 students from 153 high schools, bringing together the most talented musicians from across North Dakota. The group was directed by Warren and Dave Koppelman of Grand Forks. The students marched at the Rose Bowl Parade in Pasadena on New Year's Day, played in many community celebrations in the State, and provided music all day on the Fourth of July, from 7 a.m. through the fireworks at midnight. Their patriotic music was truly inspiring.

A smaller group, the North Dakota Centennial Concert Band, was directed by Merton Utgaard of Bottineau and John Warren of Mandan. The band's 60 members dressed in old-fashioned garb to recreate the music of an earlier time.

Centennial activities will conclude on November 2, Statehood Day. My sincere thanks and appreciation to the young people who are providing music for North Dakota's 100th birthday, and to everyone who helped our State celebrate the "Party of the Century."

THE 1,580TH DAY OF TERRY ANDERSON'S CAPTIVITY

Mr. MOYNIHAN. Mr. President, I rise once again to speak of Terry Anderson's continuing captivity in Beirut. Today marks the 1,580th day that he has been held hostage.

In the fall of 1986, a videotape was released in Lebanon which contained a plea by Terry Anderson and fellow American David Jacobsen. I ask unanimous consent that a New York Times article on this subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO HOSTAGES TAPE A PLEA FOR MORE EFFORT BY UNITED STATES

(By Ihsan A. Hijazi)

BEIRUT, LEBANON, October 3.—Two American hostages pleaded for greater efforts by the United States to obtain their release in a videotape made available today by Islamic Holy War, the militant Shiite Moslem organization that says it is holding them.

The captives, Terry A. Anderson and David P. Jacobsen, asked that the same effort be made for them as was made for Nicholas S. Daniloff, an American journalist freed last Monday by Moscow.

The tape was delivered to the Beirut offices of Western news agencies along with a message in Arabic from Islamic Holy War, a shadowy organization believed to be made up of Shiite extremists loyal to the Iranian religious leader, Ayatollah Ruhollah Khomeini.

This was the first time that Mr. Anderson, the chief Middle East correspondent for The Associated Press, had been seen since gunmen kidnapped him in West Beirut March 16, 1985. Mr. Anderson, who is 38 years old, looked fit but thinner and paler than he was when abducted.

Mr. Jacobsen, head of the American University hospital, was kidnapped here on May 28, 1985. He had appeared twice on videotape, and photographs of him had been made available on four occasions since another American hostage, the Rev. Lawrence Martin Jenco, a Roman Catholic priest, was freed last July 26.

REAGAN IS BLAMED

Mr. Anderson accused the Reagan Administration of ignoring the plight of the American hostages in Lebanon while "surrendering" to the Russians in the Daniloff case.

The same message was put across strongly by Mr. Jacobsen. He said that what he called President Reagan's "mistake" over the case of the Lebanon hostages had already cost the life of William Buckley.

Mr. Buckley, an American Embassy official, was abducted March 16, 1984. A year ago Islamic Holy War said it had killed him in retaliation for the Israeli air strike against the headquarters of the Palestine Liberation Organization in Tunisia. No body has been found.

On Thursday night Channel 7, a state-run television station based in West Beirut, broadcast a videotaped plea for the release of the American hostages made by the families and Father Jenco.

The typewritten message from Islamic Holy War that was delivered today said that the Reagan Administration was responsible for the lives of the hostages in Lebanon and that any delay and "any negative action"

that might occur was "in the hands of Reagan and his Administration."

"Our demands are clear and known to all," the statement said. "Their realization means the release of the hostages. Any other talk is a mirage."

The message did not say what the demands were. In the past the Islamic Holy War kidnappers have said the release of the captives is conditional on the freeing by Kuwait of 17 prisoners who were convicted for their part in a series of bomb attacks there three years ago. The targets included the American and French Embassies, as well as Kuwaiti institutions.

On the videotape, Mr. Jacobsen said the condition of the hostages was very bad and had worsened in the last two months. But, he asserted, the worst pain came from being ignored by his Government.

The United States has taken the position that it will not yield to terrorists demands in order to obtain the release of the hostages. Kuwait has refused to consider the release of the prisoners it is holding, and the United States has refused to exert pressure on Kuwait to do so.

President Reagan said earlier this week that the case of Mr. Daniloff differed from that of the hostages in Lebanon because the captives in the Middle East are held by "faceless terrorists" instead of by a Government with diplomatic representation.

Islamic Holy War says it is holding a third American hostage, Thomas M. Sutherland, acting dean of the school of agriculture at the American University of Beirut. He was kidnapped in West Beirut in June 1985.

The group denied that it was responsible for the abduction of two other Americans, Frank H. Reed and Joseph J. Cicipio, the American University controller. They were seized, separately, last month in the Moslem part of Beirut.

GLOBAL CLIMATE CHANGE

Mr. CRANSTON. Mr. President, I want to join my colleagues in calling for strong leadership on the part of the administration in addressing the most serious environmental challenge we have ever faced—that of global warming.

The Paris summit, which begins today, will once again bring together the leaders of the seven industrialized nations. For the first time, the issue of the environment is on the agenda. In fact, the issue of safeguarding the environment is expected to be one of the major themes of the summit. This development, in itself, is significant. It is a recognition by world leaders of the seriousness of the issue and the key role that must be played by the industrialized nations in addressing the problem. It presents an opportunity for the United States to demonstrate to the world that it plans to play a leadership role in addressing this issue.

Mr. President, the implications of global warming are far-reaching and potentially catastrophic—virtually everything and everyone will be affected. Agriculture, coastal communities, wildlife, the wetlands, forests—each may be fundamentally and irreversibly altered.

If we fail to respond and allow present trends to continue, we can expect an increase in average global temperatures of 3 to 8 degrees Fahrenheit within the next 60 to 100 years. Forests will continue to be destroyed at a rate of one football field's worth each second—world population will continue to grow at a rate of 1.7 percent thereby doubling the population in the next 40 years. And emissions of greenhouse gases will continue to spew into the atmosphere in ever-increasing amounts.

There is a natural human tendency to deny that the problem exists because of its sheer magnitude or to view it as a something that looms way off in the distant future. But many scientists believe that global warming has already begun and the scenarios commonly associated with it are disasters that our children may encounter in their lifetimes.

Unless we take decisive action now, the problem will only become that much more intractable. Unless we make a commitment to devote our resources and make this issue a priority, we will squander the valuable time that is available to us.

It is incumbent on world leaders and public officials to continue to beat the drums in warning of the potential dangers and begin to take action to reverse current trends.

The United States and the other industrialized nations of this world must take the lead in this endeavor. Eventually, of course, every nation, every member of the global community must become part of the solution since everyone is equally threatened—equally vulnerable. We must finally recognize that our survival is inexorably linked to the fate of the globe and our actions and lifestyles come with environmental pricetags.

The Paris summit is the place to begin. President Bush must go to the summit with a strong commitment to deal with global warming. The industrialized nations must act in concert and with deliberation to establish a path toward controlling emissions of greenhouse gases and eventually stabilizing those emissions at a safe level.

The danger is clear and present. The time for action is now.

MILLICENT MONKS, CAPE ELIZABETH, ME

Mr. COHEN. Mr. President, I would like to call the Senate's attention to the outstanding accomplishments of Millicent Monks, a patron of the arts from Cape Elizabeth, ME, who now makes her home in Washington.

In her elegant and unpretentious way, she was a moving force behind the cultural renaissance in Portland in the 1970's. Those and many other outstanding achievements are now being honored formally by the creation of an endowment fund in her name that will underwrite new artistic endeavors.

These projects will be overseen by Portland Performing Arts, a nonprofit agency that this week will celebrate its fifth anniversary with a dinner-dance honoring Mrs. Monks at her Ram Island Farm in Cape Elizabeth.

A soft-spoken but persevering patron of the arts, Mrs. Monks has earned widespread admiration for her struggle to stabilize the Ram Island Dance Co., which she founded in the 1970's. But her influence extends far beyond that accomplishment, earning her the reputation as Greater Portland's "first lady of the arts."

Dynamic but gracious, charming but firm, Millie Monks is a visionary. Her dreams for the arts began in Portland but have spread beyond, to other artistic centers on the eastern seaboard. She is a great lady, deserving of recognition, and I am honored to count her among my friends.

Two articles detailing her achievements were recently published in the Portland Evening Express, and I ask unanimous consent that they be printed in full in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follow:

ARTS PROJECTS ENDOWMENT ESTABLISHED—CAPE'S MILLICENT MONKS RECEIVES HONOR

(By Bob Niss)

An endowment fund to underwrite arts projects has been established in honor of a long-time Cape Elizabeth patron and is well along toward its goal of raising up to $400,000.

Interest from the Millicent Monks Trust for the Fine and Performing Arts will be used as early as next year to "support projects that initiate new artistic endeavors," according to the trust's guidelines. Those projects will be overseen by Portland Performing Arts, a nonprofit agency best known for handling the logistics of the Maine Festival and New Year's Portland.

All or most of the projects will materialize at the Portland Performing Arts Center, which will celebrate its fifth anniversary July 14 with a dinner-dance honoring Monks at Ram Island Farm in Cape Elizabeth.

It was at the sprawling Ram Island Farm estate of Monks and her husband, Robert A.G. Monks, that she launched the Ram Island Arts Center, precursor of the Ram Island Dance Company, in 1967.

After several years of mild success and occasional failure, the venture was pared to all but its modern dance element and transplanted in 1972 to the Printers Exchange Building in Portland's Old Port.

Monks relinquished control of the ensemble in 1974 and since then it has relocated to the PPAC on Forest Avenue.

But Monks has remained an active patron of the arts and most observers credit her with playing a major role in spurring the cultural renaissance that swept Portland during the 1970s.

The trust fund already shows a balance of about $125,000 toward a goal of at least $300,000 and hopefully $400,000, says Phyllis O'Neill of Portland Performing Arts.

Donations have come from the private and corporate sector, "mostly from private individuals," she says.

Only interest from the trust will be used to fund arts projects.

O'Neill expects that a committee to screen project proposals will be named shortly and "the first project awards probably will be made by next March for the 1990 season."

O'Neill notes that the trust will support the work of "living Maine artists," from musicians and dancers to painters and sculptors, and the selection process will be fairly simple.

"On an annual basis," state the trust guidelines, "project proposals will be considered that expand and further the established artistic activities of Portland Performing Arts. Specifically, the endowment will support projects that initiate new artistic endeavors at the Portland Performing Arts Center."

Projects that might receive more than casual consideration, O'Neill says, include a cooperative gallery space for visual artists, an urban folk arts or ethnic arts program, a lecture or cultural film series, a workshop program in dance or multidisciplinary arts and direct commissions of new dance choreography, plays and chamber music.

New works such as a dance piece or play would be premiered at the PPAC by Maine performers.

The funds will go directly toward the creation of a product, O'Neill stresses.

"We realized we were not so interested in an endowment that would pay for paper clips and rent as we were in an endowment whose proceeds would go directly to the source of creativity, the artist.

"That is a system which Millicent Monks supports."

Monks has been an ardent supporter of the Performing Arts Center and Portland Performing Arts because, says O'Neill, their devotion to challenging, new arts reflects her personal taste, It was logical therefore, to arrange a joining of the facility, the organization and the woman.

"It's a rather novel approach," says Alden C. Wilson, director of the Maine Arts Commission. "Many, if not most, grant programs are set up not quite so specifically. This will provide direct support for the artistic process."

Wilson calls the trust project "a real testament to the creativity of the people who put it together."

"It will be the artists and the audiences who will primarily benefit, and that's what it's all about," O'Neill says. "It has always been our goal to challenge artists, to have them create new works. It has always been Millie's intention to challenge and stimulate artists. This is a real match."

"INCREDIBLE WOMAN" DOWNPLAYS CONTRIBUTIONS

(By Bob Niss)

"It was a great surprise, a great honor," Millicent Monks says of having an endowment trust established in her honor.

"I kept thinking there's someone much more worthy of this than me. It's just unbelievable."

Monks' modesty is genuine, those who know her insist.

Annette Elowitch of Barridoff Galleries describes Monks as "an incredible woman" who deserves the honor.

"Of course she's modest about it. That's her and it is real. But it's so wonderful to be able to celebrate her life this way, to call attention to what she's done for the arts in Portland."

Monks herself downplays her contributions, though she concedes to having been "persistent" in her 1970s struggle to stabilize the Ram Island Dance Company she founded. Newsmen of the era were known to refer to her, both in and out of print, as "thoroughly stubborn Millie," a label she always found amusing and somewhat complimentary.

Former state legislator Merle Nelson, who worked as business manager of Ram Island during its infancy, thinks Monks is Greater Portland's "first lady of the arts."

"She represents the graciousness of a contributor to the arts in the true sense of the word 'patron.' She is a visionary. She was involved in the arts here when it wasn't fashionable and she was involved because it was right."

The naming of the trust in Monks' name, Nelson says, is "very appropriate. It feels just right."

Nelson's husband, Leonard M. Nelson, was chairman of the Maine Arts Commission during Ram Island's early years and credits Monks with ensuring a modern dance presence in Maine.

"Without her, there would probably be no professional dance activity in Maine," he says. "She was a unique voice at that time and place. She blazed trails in new directions, particularly in theater and dance."

Violist Julia Adams of the Portland String Quartet, which in its 20 years has performed on several occasions with the Ram Island dancers, says the entire arts community is indebted to Monks.

"All of us are grateful to a person like her, who has a vision that goes beyond one art form. Back then, 15 or 20 years ago, she was one of the key people who got the arts going here and she kept with it. Her dedication is genuine; she has been genuinely concerned about the community of the arts and the quality of life here."

While Monks has devoted most of her energy and consistently large chunks of her fortune to the Ram Island project, she has been equally generous to others, from the Portland Symphony Orchestra and String Quartet to Greater Portland Landmarks and the Maine State Ballet.

Beyond the confines of Maine, she has been a regular and significant contributor to museums, galleries and performing groups in New York, Massachusetts and Washington, D.C.

Born Millicent Sprague, she graduated from the Foxcroft School in Virginia and Sarah Lawrence College and studied voice at the New England Conservatory of Music, marrying finance executive and Republican activist Robert A.G. Monks in 1954, before earning a degree.

The couple now reside in Washington, but friends say privately that she yearns for the day they can return to the family estate in Cape Elizabeth on a full-time basis.

"Millie may be the type who moves well in Washington circles, but she's most at home right here," says one friend.

"She is a gentlelady in the same sense of someone being a gentleman," Nelson adds. "Portland is fortunate to have her."

NATIONAL HOSIERY WEEK 1989

Mr. HELMS. Mr. President, the week of August 13 to 19 will mark the 18th annual observance of National Hosiery Week. It is always a pleasure to take a moment to recognize the accomplishments of this enormously important industry.

Mr. President, 1988 was a banner year for the hosiery industry. While the textile industry as a whole continues to be plagued by a deluge of imports, the hosiery industry has been able to hold its own in the global marketplace in recent years. In fact, in 1988, imports represented just 3.7 percent of the U.S. hosiery market. That is especially significant since hosiery imports rose 14 percent in 1986 and 60 percent in 1985.

Also in 1988, exports of domestic hosiery jumped 22 percent over the 1987 level. The export figure of 6,857,683 dozen pairs is the highest since 1981.

Mr. President, the hosiery industry employs more than 68,500 in 414 plants around the Nation. While the industry has companies in 28 States, manufacturing is concentrated primarily in the Southern States: Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee. Pennsylvania and New York are the main hosiery producing States in the North, and Wisconsin leads the Midwest.

The hosiery industry continues to make great efforts to improve productivity. These efforts not only make the hosiery industry more competitive, but also result in significant technological and design improvements in the manufacture of hosiery. For 1988, production rose again, up 3.7 percent over 1987, to 331,682,000 dozen pairs. This is an all-time high for the hosiery industry.

Mr. President, in many communities around the country, hosiery companies constitute a large part of the local economy. It is in these smaller communities where the hosiery industry makes its most valuable contribution. In many cases, a hosiery company will serve as the major employer in the area, providing good, stable jobs for its employees.

Mr. President, National Hosiery Week is of special importance to me because North Carolina is the leading textile State in the Nation and produces more than half the socks and pantyhose manufactured in the United States. North Carolina takes pride in the leadership of the hosiery industry and the fine quality of life that it has provided for so many people.

Once again, I'm proud to extend my appreciation to the hosiery industry and to its many thousands of employees, who make such an outstanding contribution to our Nation.

SDI IS NOT JUST A RESEARCH PROGRAM ANYMORE

Mr. JOHNSTON. Mr. President, I want to inform my colleagues of an important change in the Strategic Defense Initiative Program that funda-

mentally alters the basic purpose of the program we have been funding. President Reagan and supporters and critics of SDI alike within this body have all often said that SDI is a research program. That was the one point on which everyone agreed. That certainly is consistent with what we were told in every SDI report to Congress from 1985 through 1988. This year there has been a change, because SDI is not just a research program anymore.

Let me first describe what Congress was told before, beginning with the 1985 report to Congress. On page 10, it describes SDI as a research program and says:

As a research program SDI is focused . . . to bring defense options to the point where U.S. leaders, after consultation with the Allies, could make decisions on whether or not to proceed to the system development phase and subsequent deployment.

The report describes the systems development phase as what is known as the full-scale development phase. The report adds:

During this period prototypes of actual defensive system components would be designed, built, and demonstrated.

In other words, the design, construction, and demonstration of ballistic missile defense prototypes would come after, not before, the decision by U.S. leaders and the Allies to develop and deploy SDI. The reports for 1986, 1987, and 1988, convey the same message.

For example, in the transmittal letter of June 26, 1986, for the 1986 SDI report to Congress, Secretary Weinberger said:

The SDI research program is designed to provide the technical foundation for an informed decision by the President and the Congress in the early 1990's on whether to develop and deploy defenses against ballistic missiles.

There are many in this body who sometimes worry that we will wake up to read in the morning newspaper that SDI has conducted a test that puts us out of compliance with the ABM Treaty. After all, we learned from "Meet the Press" in 1985 that the Reagan administration regarded the ABM Treaty as meaning the opposite of what we had understood it to mean. The assurance that SDI was a research program, that SDI development would come only after a decision by the President and the Congress to develop and deploy, was reassuring.

Now this should be distinguished from the limitations of the ABM Treaty. By its literal terms the treaty prohibits both the development and the deployment of a nationwide ABM system. However, I understand that while the treaty is interpreted to prohibit the testing of ABM components or prototypes for such a system, it does not necessarily prohibit the design or construction of these components or prototypes. I suppose that this is a practical result of the difficulty of verifying design and construction of hardware. Testing we can verify.

Of course, if the United States began SDI full-scale engineering development, the Soviets would not sit on their hands and wait for some sign of a test. The ABM Treaty would be in dire jeopardy, as a practical matter.

There are good reasons why we would not want to move to develop SDI hardware until the President and the Congress, in consultation with our allies, decide to develop and deploy SDI. I suspect that even General Monahan himself would agree that we should not conduct the full-scale engineering development [FSED] of phase I of SDI unless we intend to deploy it. Why? Because that development cost will dwarf anything we've ever seen before on any prior weapons system. Normally, we don't enter FSED on a weapons system unless we are prepared to field it. It's just too expensive.

Now, Mr. President, how did all this change in 1989. Well, the transmittal letter of January 19, 1989, from Secretary Carlucci, for the 1989 SDI report to Congress says:

This program of research, development and testing would, if adequately funded, support a fully informed decision by the President and Congress in the future on whether to deploy a strategic defense of the United States.

This letter says that the formal decision by U.S. leaders will be as to deployment. The development, including testing, could apparently already have taken place prior to that decision point. This is a major conceptual change. In fact the report itself for 1989 says on pages 3-5:

The cutback in funding [due to the revised Five Year Defense Plan] affected all SDI-planned research and resulted in an SDI Program plan that adopted a revised program strategy. The strategy differs from that previously used in that all initial system technology will not be validated at the same time. Rather, technology for sensors and command and control functions will be validated first, then initial kinetic energy interceptors, and later advanced concepts, such as directed energy elements, for follow-on systems.

To put it in simpler words, until 1989, SDIO was proceeding with technologies in parallel so that all the necessary technologies would reach the respective milestone decision points at the same time. This year the strategy changed. Some technologies, those for sensors and BMC3, would get ahead of the others. More precisely, the weapons technologies for the space based interceptor were falling behind. The technologies necessary for the phase I system would be staggered in time. This is shown graphically in the 1989 Report to Congress on page 3-2.

Under the old promises to Congress, SDIO would not enter full-scale engineering development on any ABM components until the formal decision to develop and deploy. But SDIO couldn't make a credible case to Congress and the President on SDI full-scale development if some of the necessary, but less mature technologies weren't yet ready for full-scale development. The old promises to Congress put SDIO in a box. Thus, the promises appear to have been changed.

This year, President Reagan's budget request for fiscal year 1990 requested funding for full-scale development of SDI's phase I. Actually, the funding sought was for a sensor satellite, the Boost Surveillance and Tracking Satellite [BSTS], the only part of phase I technologically ready for such development. Later, the Bush administration dropped the request for three reasons. First, BSTS was not technologically ready to proceed to FSED. Second, ABM Treaty compliance was not yet established with respect to BSTS. Third, SDIO received advice from the Hill that moving to FSED on phase I was unwise politically.

On May 11, 1989, when General Monahan testified before the Defense Appropriations Subcommittee, I brought this issue to his attention. I presented him with a proposed amendment that in effect implemented the prior promises to Congress. I asked the General if he could live with it. It read:

No funds in this Act may be expended for the systems development or full scale development phase of SDI, during which prototypes of actual defensive components would be designed, built, or demonstrated, until the President and the Congress, after consultation with the Allies, make a formal decision on whether or not to proceed to the system development phase and subsequent deployment of SDI.

Yesterday, General Monahan responded by letter to this proposed language. The gist of his reply, as I read it, is that the assurance made to Congress in the SDIO Reports to Congress for 1985, 1986, 1987, and 1988, is no longer operable. SDIO will propose commencing full-scale engineering development on phase I—BSTS, at least—before obtaining a decision by the President and the Congress, on SDI development and deployment. So the prior policy has changed. SDI is not just a research program.

General Monahan offers the assurance that, as with any weapons system, SDIO will not enter into full-scale engineering development until the Congress authorizes and appropriates funds for it. So there will be year-to-year consultation with Congress, although I'm not sure what we tell our allies with whom we said we would consult before beginning full-scale development.

I think the Congress should hold SDIO to their original assurances. As a policy matter, we should not com-

mence the most expensive full-scale engineering program in history unless we and the President, after consultation with our allies, are willing to deploy what we are about to approve for development. Certainly, the Congress would say no to deployment if asked today.

I ask unanimous consent that Gen. George L. Monahan's letter to me of July 10, 1989, be included in the CONGRESSIONAL RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE, STRATEGIC DEFENSE INITIATIVE ORGANIZATION,
Washington, DC, July 10, 1989.

Hon. J. BENNETT JOHNSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: Thank you for your letter of May 18, 1989, asking that we review language you are considering as an amendment to the Defense Appropriations Bill for fiscal year 1990 and thereafter.

I believe the language is unnecessary: the current legislative process demands consultation with the Congress before any weapon system enters full scale development. It is not possible to enter into full scale development without authorization and appropriation of funds by the Congress. Therefore, there is no way that any element of SDI may be deployed without consultation with the Congress and subsequent approval by the Congress through legislation. A good example is the SDI Boost Surveillance and Tracking System [BSTS], the first element of SDI that would enter full scale development and subsequently be deployed. Under current plans, we will request full scale development funds (the 6.4 category) in fiscal year 1991. The authorization and appropriation legislation for fiscal year 1991 will be the necessary authority and means to proceed.

Besides being unnecessary, the proposed language has other down sides. It could inhibit our pre-full scale development research activities, which are compliant with the restrictive interpretation of the ABM Treaty, because of the sometimes ambiguous interpretations of words such as prototype and development. Much of our research—development?—uses test hardware—prototype?—that is necessary for risk reduction in the pre-full scale development phase—known as demonstration/validation. I am very concerned that the proposed language would be interpreted by some as not allowing the demonstration/validation phase to proceed. This would preclude the President and the Congress from having the necessary technical data to make an informed development decision in the future.

I appreciate the opportunity to review the proposed language. I have sent a similar letter to the Chairman of the Subcommittee on Defense Appropriations.

Sincerely,

GEORGE L. MONAHAN, JR.,
Lieutenant General, USAF, Director.

CONSTITUTIONAL AMENDMENT ON FLAG BURNING

Mr. REID. Mr. President, amending the Constitution of the United States should never be taken lightly. But this is a matter that strikes at the very truths and principles by which we stand.

Our flag has always been there for us. It should never be burned. The Supreme Court decision is what should be burned.

And I am all the more inspired having been in Boulder City, NV, this July 4 and having seen the crowds at their annual Independence Day parade rise to their feet in proud respect as our flag passed.

People worldwide who watched the recent events in China saw a powerful symbol of American freedom on their TV sets: A statue of liberty that the Chinese students had made by hand. This symbol of freedom was destroyed by the Communist government when it massacred the students. We must not allow our flag, the greatest symbol of the most successful democracy in history, to be destroyed on our shores by the enemies of freedom.

I am proud to join my colleagues this day in sponsoring a constitutional amendment to protect our flag from being burned or desecrated.

THE IMMIGRATION ACT OF 1989

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 358. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 358) to amend the Immigration and Nationality Act to change the level and preference system for admission of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

The Senate resumed consideration of the bill.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, if I understand the procedure at the present time, we are back on the immigration bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. EXON. I have an amendment that I am prepared to offer at this time, and I would be glad to start by offering it. The managers of the bill, I think, will be here shortly. We do have, as I understand it, a one-half hour time agreement on this amendment, to be equally divided.

The PRESIDING OFFICER. That is correct, under the previous order.

AMENDMENT NO. 250

(Purpose: To Prohibit Federal Benefits for Illegal Aliens)

Mr. EXON. I claim whatever time is necessary of the 15 minutes assigned to this Senator at this time.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself and Mr. KERREY, proposes an amendment numbered 250.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert:

SEC. . (a) DIRECT FEDERAL FINANCIAL BENEFITS.—That on or after the date of enactment of this Act, notwithstanding any other provision of law, no direct Federal financial benefit or social insurance benefit may be paid or otherwise given to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act as amended; or as may be required by the Constitution of the United States.

(b) REIMBURSEMENT TO THE STATES.—No federal funds shall be used to reimburse States for benefit paid or otherwise given to any person not lawfully within the United States except pursuant to a provision of the Immigration and Nationality Act; or as may be required by the Constitution of the United States.

(c) DEFINITION.—For the purposes of this Act, the term "person not lawfully within the United States" shall be any person who at the time he or she applies for, receives, or attempts to receive such Federal financial benefit is not a United States citizen, a United States national, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status, a temporary resident alien as conferred by Congress, those applicants for asylum determined by the Attorney General to be eligible for such benefits or other aliens determined by the Attorney General to be eligible for such benefits.

Mr. EXON. Mr. President, I am pleased to announce that my friend and colleague from Nebraska [Mr. KERREY] joins me as a cosponsor on this amendment. The amendment that I offer today is an amendment to establish a Governmentwide policy which states that direct Federal benefits shall not be paid to illegal aliens, unless specifically provided by the Immigration and Nationality Act or the Constitution.

In 1986, the Congress made good progress in the effort to control illegal immigration into the United States. By making it unlawful to hire illegal aliens, the Congress removed a powerful magnet for illegal immigration into this country. Unfortunately, another powerful magnet remains. That attraction is the real or perceived availability of Government benefits to illegal aliens.

I first introduced this legislation in April 1988, and hearings were held in the Senate Judiciary Committee. I reintroduced this bill in the 101st Congress and have written my colleagues about it in some detail. This legislation has been before the Congress and Members are familiar with it. The amendment has been only slightly

modified to meet the concerns of the bill manager, to give the Attorney General limited authority to deal with hardship cases.

Mr. President, over the years the Congress has crafted ad hoc qualifications in Federal benefit statutes. At times, due to congressional inaccuracy or expansive court interpretations, these statutes have been used to provide Federal financial benefits to illegal aliens.

This situation has led to the payment of Social Security benefits, health care benefits and housing benefits to individuals who have no legal right to even be in the United States.

If enacted, this amendment will end the uncertainty once and for all.

Studies focusing on this problem point toward an alarming and potentially dangerous drain on the Nation's financial resources if the payments are allowed to continue as they have in the past.

In 1986 the Social Security Administration reported that it paid more than $17 million to illegal aliens from Social Security funds.

The Social Security Administration estimated that by the year 2026, it could pay more than $8 billion in Social Security payments a year to illegal aliens each and every year.

This financial problem goes beyond the Federal level to the State, county and local governments as well. In 1983 the Arizona Hospital Association estimated that its taxpayers absorbed $4.4 million a year in unpaid hospital expense for illegal alien patients. It estimated this increased the costs of paying patients an average of $10.10 per day.

A 1980 study revealed that in Los Angeles County, CA, illegal aliens apply for $36 million in State social services each year. Some of these California State services were financed with Federal dollars.

In an era of massive Federal deficits, even small instances of waste, fraud and abuse cannot be tolerated.

The Federal Government must insure that limited Federal funds go to their intended beneficiaries. The Congress enacted a good law when it required the verification of status for certain entitlement programs and authorized the systematic alien verfication to be eligible for entitlement programs. This was better known as the SAVE Program.

However, these steps contained in the Immigration Reform and Control Act of 1986 can only be as effective as the interpretations of the various underlying benefit statutes. This amendment will make it clear that unless expressly authorized by the Immigration and Nationality Act, or required by the Constitution, direct Federal financial benefits will not be paid to illegal aliens.

I expect the opponents of this legislation to ask for sympathy for the illegal aliens who have come to depend on the generosity of Uncle Sam. They will certainly cite some compelling stories about illegal aliens in unfortunate situations. I am not unsympathetic. However, there are stories as dire and compelling among our own citizens as well.

When our Nation faces $150 billion budget deficits and the tight constraints of the Gramm-Rudman law, Federal dollars paid to an illegal alien, sympathetic or otherwise, are literally dollars taken away from our own citizens.

This legislation gives the Congress an opportunity to set the record straight and destroy the international folklore of Uncle Sam's deep pockets.

This measure is both a means to control illegal immigration and means to control budget deficits. Without the real or perceived attraction to Federal benefits, illegal immigration will be deterred. Without the seepage of benefits away from intended beneficiaries, money will be saved.

Simply put, Mr. President, this amendment states that Federal benefits should not go to those who are in the United States illegally. If my colleagues feel as I do, that taxpayers' dollars should not go to illegal aliens, I ask them to join me in support of this amendment.

I thank the Chair and reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from Nebraska has hit upon an important issue, and one which we addressed in 1986. He states that the Federal benefits should not go to the illegal aliens. For the most part, that is already the law. In 1986 we reinforced that prohibition by enacting a nationwide verification program called SAVE, for systematic alien verification of entitlements.

Under the SAVE Program, States check with INS to ensure eligibility regarding any alien who applies for AFDC, Medicaid, food stamps, Federal housing, certain adult assistance programs under Social Security, unemployment compensation, and title IV education grants. GAO reported in March that these are being implemented satisfactorily nationwide. GAO pointed out that 91 percent of the relevant offices around the country are in full compliance.

So, I commend the Senator for bringing this issue to our attention and for his willingness to make some of the modifications we worked out yesterday. I do believe it is important to leave some flexibility with the Attorney General to address unforeseen circumstances and the Senator's amendment as now offered allows that.

One area in particular which may require further consideration is how the amendment affects Social Security. I understand that it is the Senator's primary goal in his amendment to clarify this.

I have every intention of supporting this, so I would simply ask that we continue to work together in good faith between now and the conference with Social Security experts to insure there are no unintended results. For example, what about an illegal alien who dies leaving his U.S. born children who are therefore U.S. citizens? Are they denied survivors' benefits?

What are we to do about persons who arrived illegally after World War II, had FICA withheld all their lives and now are retired? They may have benefited from the amnesty program by now, but perhaps they did not. Are they denied receiving the benefits for which they have paid in all their lives?

In addition, I do not know whether the savings which will come about will offset various retroactive file reviews which may be required, and the enforcement of the amendment's provisions, but I would hope that we could work together to adjust on this measure to take into consideration these concerns, where appropriate. For example, Social Security, which I understand may very well present some problems, should be clarified between now and the conference to try to address the particular issues I have mentioned.

Can I ask the Senator, is it the Senator's intent that the amendment encompass block grant programs such as community development and community service block grants where some illegal alients may benefit?

Mr. EXON. The answer to that question is "No." It is only direct benefit.

Mr. KENNEDY. As I say, I welcome the opportunity to support it. I would like to work with the Senator on those particular kinds of items I mentioned, as we reviewed overnight the areas which may be the most difficult in terms of the enforcement of the amendment.

We support the concept and support the objective of it and would like to work with the Senator. We urge the Senate to accept the amendment and we will work with the Senator between now and the conference to address those particular areas.

As I understand it, Social Security is one area which we would want to work with the Senator on. That is a principal matter of concern.

We are glad to urge the Senate to accept the amendment.

The PRESIDING OFFICER (Mr. REID). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank my friend from Nebraska, a

journeyman who came here when I did in the U.S. Senate.

I understand the amendment would firmly prohibit the provision of any welfare benefits to persons who are in the United States in an illegal immigration status. I am certain that many Members are asking why this amendment might be necessary since most welfare programs already require the beneficiaries be in legal immigration status, but there is a loophole in current law that has been created by a number of court decisions which allows welfare benefits to be provided to aliens in the United States who are here "permanently residing under color of law," which is a peculiar enough phrase in itself.

Thus, if the Immigration Service has not taken final action in deporting someone even if the alien does not have a proper legal immigration status, an alien may not be denied certain welfare benefits.

So I think this situation has frustrated many of our colleagues who are trying to control costs in the important area of entitlements.

We will vote on a debt limit extension in a few days of $3.2 trillion. I do not think the people of America have ever figured that out. We do not figure it out because nobody knows what that figure is. But it comes from entitlements, a great deal of it, and this dilemma becomes more serious then as the requirements of budget deficit reduction grow more critical.

My only real concern might not be appropriately placed on this bill. I think maybe Senator KENNEDY should address that. We are talking about legal immigration here and yet this amendment addresses a situation with illegal immigrants. Our friend JOHN CHAFEE, of Rhode Island, has already stepped through the boundary line in that area yesterday between legal and illegal immigration issues. I would certainly state I do not have an objection to the amendment.

Mr. MACK. Mr. President, I would like to make clear that by voting against the Exon amendment I am not advocating that illegal aliens be rewarded for breaking the law. But when Federal foreign and immigration policy fails so terribly leaving the States saddled with the cost of that Federal policy, something is very wrong.

There are huge flows of aliens flowing into the United States every day. The States have incurred great expenditures as a result. The south Florida community, for example, has embraced thousands of Nicaraguans providing them food, shelter, education, and medical services.

Florida taxpayers have already paid millions of dollars in basic services for the latest flow of Nicaraguans. Costs are expected to exceed $100 million.

The list of expenditures is endless.

Cost estimates for Florida in health care, police, corrections, and rehabilitation services are as high as $21 million over 12 months.

Dade County alone spent nearly $3.5 million in health care for indigent Nicaraguans in 1988.

The Bobby Maduro Stadium project to house homeless Nicaraguans cost Miami $200,000.

Nicaraguan students are registering at a rate of 28 a day; that's one classroom a day.

Costs continue to go unreimbursed by the Federal Government and Floridians continue to pay the bills. This is wrong.

Reimbursement to the States for failed Federal policy is something very different from direct cash assistance to illegal aliens. The principle behind the Exon amendment—to prevent direct cash payments to illegal aliens—is a sound one. But I urge my colleagues to recognize that prohibiting reimbursement to the States for costs incurred as a result of failed Federal policy is unjustified and unwarranted.

Mr. GRAHAM. Mr. President, I intend to vote against the amendment offered by the Senator from Nebraska.

In theory, his amendment makes sense. We should do everything we can to discourage illegal entry of undocumented aliens into the United States. It is absolutely vital that we maintain control of our borders and that immigration be managed in a lawful, orderly manner.

The Senator from Nebraska argues that the Federal Government should ensure that limited Federal funds go to their intended beneficiaries. We should not, he says, reward those who violate our immigration laws by providing them direct Federal financial benefits.

In theory, Mr. President, he is right. However, the reality is that the Federal Government has not done the job of managing our borders. Tens of thousands of undocumented aliens enter the United States every year and settle in a handful of States and communities. The failure of the Federal Government to enforce a rational immigration policy has cost communities in Florida, Texas, California, and elsewhere millions of dollars in emergency care, shelter, police services, education, and a host of other services.

The State of Florida is well acquainted with this reality. In the last 12 months, thousands of Nicaraguans have streamed into south Florida. In Dade County alone, over 6,000 Nicaraguan-born students registered for classes between July 1988 and May 1989. Mr. President, at this rate, the school system could have built one school a month in order to educate these students.

Jackson Memorial Hospital in Miami has already provided services to 7,000 Nicaraguans in 1988 at a cost to Dade County of $3.5 million. The city of Miami spent $200,000 housing Nicaraguans in the municipal stadium. The county estimates that it will spend more than $1 million on social services and law enforcement for this population in 1989.

Mr. President, Florida did not ask for this problem. Dade County does not have its own border patrol. We rely on the Federal Government to control our borders. Communities like Miami, Brownsville, Los Angeles, and Tucson bear the full brunt of this policy failure. They did not ask for this problem, yet they are forced to deal with its very human consequences.

Immigration control is a Federal responsibility. It is my position that the Federal Government should assume the primary financial responsibility for the community impacts caused by the immigration of refugees, immigrants, and undocumented aliens.

In short, Mr. President, this amendment allows the Federal Government to shirk that responsibility and shift it to State and local governments who do not have a role in establishing Federal immigration policy. I strongly object to this amendment and intend to vote against it.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the managers of the bill very much. I share the concerns of both Senator KENNEDY and the assistant minority leader and I will work with them in the future. They have correctly understood the interpretation of the amendment that I have offered. As I said in my opening statement, it is not new. It has been around for some time. In fact, I made specific reference to the fact that I introduced essentially the same piece of legislation last year.

Like any other legislation or any other amendment, it may not be perfect, but it seeks to address, I think, a very vital problem, some very big loopholes, and I assure the managers of the bill this Senator will be very pleased to work with them as we proceed if this amendment is accepted by the Senate, as I encourage the Senate to do.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON. I am prepared to yield back the remainder of my time if that is acceptable to the managers of the bill, if they do likewise.

Mr. KENNEDY. Mr. President, I am prepared to yield back the time as well. But to notify Senators, I would like to have a brief quorum call.

I suggest the absence of a quorum with the time to be equally divided.

29-059 O-90-41 (Pt. 10)

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. It is our intention to urge the Senate to support the amendment of the Senator from Nebraska. In order to expedite the business of the Senate and the interest of the committees, we ask unanimous consent to temporarily set aside his amendment and proceed on another amendment. Then we will vote on his amendment after the completion of the debate and the discussion on the next amendment, if that is acceptable to the Senator from Nebraska. We appreciate his cooperation.

The PRESIDING OFFICER. Is there objection to the request of the Senator?

Mr. EXON. Reserving the right to object, but I will not object, I have a matter of clarification for assistance of scheduling the time of the Senator from Nebraska for the rest of the day. I appreciate the cooperation of the managers of the bill. I have no objection to stacking the vote on this following or before the next vote and have them together. In fact, we might even save some time if we could get unanimous consent to have maybe a 10-minute rollcall vote on mine if it is last or the other one if it is last.

Is there any approximate timeframe that the managers of the bill could give this Senator as to about what approximate time I might expect the rollcall vote on my amendment?

Mr. KENNEDY. If the Senator will yield, as I understand it, now we are going to consider the amendment of the Senator from Wyoming. There is a 1-hour time limit, equally divided. I do not think we will take all of that time, myself.

I would urge the leadership, then, to consider the request of the Senator from Nebraska and, after the vote on the amendment of the Senator from Wyoming, that we move immediately to his vote. And I would urge at that time it be a 10-minute vote. I believe that will be requested by the leadership.

Mr. EXON. If I understand it then, we could anticipate two votes sometime between 11:15 and noon; is that right?

Mr. KENNEDY. I would hope so, Mr. President.

Mr. EXON. I thank the managers of the bill. If it is in order, if they agree to yield back their time, I yield back the remainder of the time reserved.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back by both sides. There is a request before the Senate at this time that the pending amendment be set aside. Is there objection to that request?

Hearing none, that is the order.

AMENDMENT NO. 251

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 251.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(a) on page 95, line 8, strike out "45" and insert in lieu thereof, "50";

(b) on page 97, after line 3, insert the following:

"(v) ENGLISH LANGUAGE ABILITY (20 POINTS).—For an alien who certifies, upon the date of filing a petition, subject to verification by examination after the date of selection, that he has an understanding of the English language and the ability to communicate in such language, 20 points."

(c) on page 98, line 6, strike out "65" and insert in lieu thereof, "80".

The PRESIDING OFFICER. The Senator from Wyoming is advised there is a 1-hour time limit on this amendment evenly divided between the Senator from Wyoming and the Senator from Massachusetts. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank the Chair for that description of the time agreement. I appreciate that.

Well, Mr. President, here we go with an amendment which will be thoroughly exciting to many. It is one of the toughest issues. We are talking about English language as being part of the point system. That was part of the bill when we passed it 88 to 4 last year. If you hear nothing else of the day's activity, I hope you hear that. The English language being 20 points in the 100-point system, was passed by this body last year, 88 to 4. That is a critical thing to remember.

So, when people stream in to do the debate about their heritage and the Statue of Liberty and all the rest that will come with that, I hope that they will recall that we passed this 88 to 4.

It is tough, emotional. The racist cry will go up. Let me tell you a little bit about my credentials in this area.

During the illegal immigration bill, there was an amendment put in on the bill by Sam Hayakawa, the Senator from California, which stated that English should be the official language of the United States. That was several years ago.

I said do not put that amendment on this bill. It is not an appropriate place to deal with that. That is an emotional, terrible issue. It has all the overtones of racism and struggle of bilingualism and all the rest. Senator Hayakawa said, I am going to go forward with it.

I fought the good fight. It passed 76 to 24. Democrats, go take a look at that rollcall and see the extraordinary array of liberals and conservatives and Democrats and Republicans who said that English should be the official language of the United States. That was a very short few years ago. It is fascinating.

I tried to ward it off. I did not vote for it. Go look and see those who did.

So now the amendment I am proposing would restore the English language ability to the point system only. That will be used to select only 9 percent of the total immigrants this bill, S. 358, would admit.

S. 358 already expands the number of independent immigrants who would enter the United States either because of a job offer of a U.S. employer or because they possess certan skills and qualities that would serve our country well: the national interest, we call that.

The skills that would have been recognized in S. 358 as originally introduced—this is the way this bill passed the Senate last time and the way it was originally introduced this time before we made the Simon adjustments. This is only for 55,000 visas out of 600,000, having to do with these qualifications in the point system: age, education, English language skills, occupational skills in short supply in the United States, and additional experience and training in a needed occupation. We think those are important parts of a point system.

An amendment at committee deleted the English language ability from that list of skills and I voted against that amendment.

What we find, and nearly every study indicates, is that immigrants with English language skills contribute to themselves and to the labor market more effectively and more immediately. It is to their benefit and best interest.

The Department of Labor's report "Work Force 2000" which has been quoted from time to time predicted that any labor shortages in the next decades will come in the skilled occupations where English ability, education, and computational skills will be essential and paramount.

The point system attempts to address this prospect by granting these 55,000 visas to persons with the skills and the qualities that our Nation is likely to be in absolute dire need of in the coming years. What the body has chosen to do in the last day and a half is to add more numbers of those who bring no discernible skills. Certainly they will bring inherent skills, they

will bring remarkable diversity. That is great.

But what we were trying to do and have tried to do throughout is to increase this diversity of the classic immigrant, that is the so-called immigrant that we think of these past days, and the independent categories and skill or bringing certain traits to the United States.

I want to say this: I do not in any way believe that English language ability should be the sole or controlling factor when admitting independent point system immigrants. In no way do I say that. But I think it is a very important variable in determining immigrant success and performance, and it should be considered along with these other factors when choosing independent immigrants only under the point system.

I emphasize again that under the bill, 91—and I hope again that this will be something my colleagues might hear—91 percent of all immigrants under this bill would not benefit from knowing English or suffer from not knowing English. It makes no difference in the other 9 percent of the persons admitted under this bill. Thus, family immigrants and business immigrants would not be included in the class of immigrants for who this English language ability is recognized. They were not even in this equation. However, for these 55,000 persons under this limited point system who will enter, and they will come in without any family ties—no family ties— or have a job waiting for them, English ability will serve them critically so and it will serve us as a Nation very well.

Some have criticized and will criticize this as a tragic departure from our Nation's heritage. That we will hear from our Nation's tradition, a return to the mean spiritedness, to the limitation of human endeavor and more. Oh, you will hear it all; that tradition of ours is not requiring an immigrant to have particular skills before he or she enters the country. Some of my Judiciary Committee colleagues noted that their relatives did not have to speak English when they entered, so we should not require a skill in these times. I hope that argument will be quickly dispatched. Our immigration laws moved away from this skills-neutral approach decades ago. For many years we have admitted aliens, and this is important, we have admitted aliens who, at the time of application for a visa, have advanced academic degrees, they have "exceptional ability in the sciences or the arts." I have not heard people object to those reasonable requirements. My immigrant ancestors certainly did not have Ph.D.'s or "exceptional ability in the sciences and the arts," nor do I imagine did many of our ancestors of many of our colleagues. Thus, we should approach the English language ability in the same way. It is simply another skill that immigrants in a very limited category might possess that would serve our country well and serve them well.

Let me emphasize that this amendment is not, despite the allegations of some, a proposal smacking of racist or ethnocentric overtones. If you wish to get a flavor of that debate, go back and look at the debate of Sam Hayakawa, the Senator from California, and those who pressed for his amendment and those who were resisting it. That is a curious amalgam.

And so we are here with this amendment which is nothing sinister. It simply restores the language which was passed in this body by a vote of 88 to 4 last year and which was in the original Kennedy-Simpson bill. Also, the English language as the official language resolution, when it was adopted on the illegal immigration bill, was in the original Simpson-Mazzoli bill. I do not care one whit if the English skill immigrant is from Nigeria, Jamaica, India, the Philippines or Belize. All are, interestingly enough, independent countries where English is commonly spoken, incidentally. I do not care at all where the immigrant is from. I am merely interested in seeing that he or she has the language skill which will assist his or her economic performance in a very limited category of persons under a very limited visa category under this bill.

However, I think if we recognize English language skills only in the point system, and that is what we do, affecting only 9 percent of the people under the bill, that will be good for public policy and it will not be a departure from the immigration laws of the past 40 years.

I will conclude, and reserve the remainder of my time, to share an incident with you that occurred during the debate on the illegal immigration bill. James Michener, the author, who I am proud to consider a lovely friend—he and Mari are special people—when he was writing his book, "Centennial," he visited with me in Cody, WY. We spent time talking about the cattle industry. He said, "Bring me some cowboys, let me talk." I said, "OK, I get to pick the cowboys and you can come and talk to them," and he did. There is no one like Jim Michener. He is the most curious, fascinating, probing, sweetest guy I have ever met, and his wife Mari, an extraordinary lady and a very gracious one.

Some of the things he said to me on that occasion I shall never forget. I intended to call him to a hearing but then we got deeply involved in illegal immigration. What he said, and I think I state it correctly, was this: The worst thing that could happen to the United States of America is bilingualism. That is what James Michener said. And at another hearing that same year, that is what Theodore White said who wrote the book, "The Making of the President." The worst thing that could happen to the United States of America would be a bilingual Nation.

There is a citation that India had 18 languages in its Constitution and was in disarray ethnically. He also said, if I paraphrase correctly and if I have not, I shall have another cherished letter from James Michener to keep in my collection, or maybe a phone call, something like this: We should embrace a public culture with a common flag and a common language. That is what he said. And that anyone may embrace and pursue their private culture in the privacy of their lives without any intrusion whatsoever, the right to be left alone. Interesting thing that came up in the Bork hearing—the right to be left alone. It does not quite say that in the Constitution. It is probably the most cherished right we have. And so they can have a private culture. If you want to go home at night and worship some object from outer space, that is your business. Whatever you do, that is your business, however, you live your life. But there is a public culture with a common language and a common flag in a pluralistic society. That is one of the reasons I think that this is an important consideration in a very limited area.

We are now a nation facing some critically strong challenges to provide large numbers of workers who can do the job. Look at the want ads. President Reagan used to get his lumps from saying I just looked at the want ads and I could not believe all the job opportunities that are out there, and they chided him on that. The reason that they are not filled is because they take a little extra level; they take a little extra soup; they take a little extra energy; they take a little extra education and that is what this point system does. It is going to be good for the country in whatever form it comes out. We have to have workers who can perform, not just "workers." That is why we get into that debate.

I do not want to open the door with my friend from Massachusetts on the minimum wage, but the training wage, the training period, those things, I do not know what is an appropriate length, but I do know we have a lot of people who are not just ready to work. They get the job and the employer says this guy is a squirrel, he does not do what I ask, does not understand and they fire him. That is the way it works in real life. Many people are hanging by their thumbs, small businesses, and this is a little leg up, people who can perform in an increasingly services-based economy.

So I encourage my colleagues to vote for the amendment and give a critical

and important edge to a very limited number of people in this bill as we face these tremendous labor market shortages of the future. I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

Mr. President, the Senator from Wyoming has correctly described the history of this particular provision. There are several reasons I had supported that particular proposal. We do not require English language for any refugees that come here. They are fleeing from persecution in fear of their lives, so we do not set that as a criterion. We do not require English language for any immigrants that come here because we put the highest value on the reunification of families. And when they come here because they have families, they come with contacts here and they have support systems here, making English unnecessary at first.

The only area where we had proposed that the English provisions apply was in the independent category as one of the ways to achieve some points. That war in that one limited area—as the Senator has correctly pointed out—comprising less than 10 percent, about 8 to 9 percent. So it is important to note that there is no language requirement for any other immigrant category.

Another point is that we have seen as a result of our hearings, in testimony from the various church agencies and from the Department of Labor, when we look at the history of both refugees and new immigrants, the individuals who are able to move into the economy most rapidly are the ones who develop English skills. That is the testimony we received. And it is part of the record. So I think it is understandably important, for the reasons the Senator has pointed out, in gaining early employment.

We are looking only at the independent category with this amendment—the individuals who come here who do not have the support systems, do not have the family here and are coming into a new land. As we are also going to require of these immigrants certain skills which are essential in terms of our own economy, unique skills that ensure they will be able to add to our economy—and the Department of Labor study will indicate what those skills are—we thought it also important that English be considered as well as a way to make those skills immediately applicable.

So that basically is the background as to how the English was put in the legislation as introduced, which I certainly supported.

Furthermore, it should be noted that English is required before individuals are able to obtain citizenship.

So that is the history, the background and the logic behind our original proposal.

There is no question, as the Senator from Wyoming has pointed out, that this issue has become a symbolic one to various groups. This in many respects has distorted the whole thrust of this legislation. That is the fact. It was certainly not the desire of the Senator from Wyoming or myself that inclusion of English in this one limited category result in such a distortion.

For the benefit of the membership, I wanted to explain why that provision initially was put in as a part of a point system. An applicant could fall into the independent category on the basis of accumulation of other points without the English language. There was no English requirement as a barrier to break through in order to qualify with the other points. It was just one of the items, for which points could be accumulated as part of a broader point system. But again there was no requirement that to get into the independent category you have to able to speak English. That was not required, but you did receive some points with English ability.

But there has been objection to this provision, and the committee made a judgment to strike that particular provision. There are Members, including my good friend and colleague and strong supporter of this legislation, our friend from Illinois, who will lay out the case in opposition to the position of the Senator from Wyoming. But I did feel compelled at least to give the history and the background of why the legislation that passed last year had the English requirement. So that very quickly is the history of this particular provision. I will have more to say a little later.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. KENNEDY. I will be glad to yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. SIMON. Mr. President and my colleagues, first I would like to mention another area that is probably a minor thing on this bill, and I did not prepare an amendment. I just mention to my colleagues, Senator KENNEDY and Senator SIMPSON, that the administration testified they felt this was not a good provision in the bill—I happen to agree with the administration—and that is swearing in in Federal court rather than going through administrative procedures. I think being an American citizen is important. I think you ought to have to go into Federal court. I hope maybe, even though we have agreement on amendments, we can get one small amendment which we can discuss for 5 minutes on each side and have another vote.

Let me address the matter at hand. I think we would make a great mistake if for the first time in the more than 200 years that this Nation has existed we were to say you get a priority for coming into this country if you can speak English before you come into this country.

It is very interesting that in the Judiciary Committee we had a very heated, very lengthy debate, questioning, probing, and the decision by the Judiciary Committee was 12 to 2 that we would not keep in the special points for English, and it was interesting to hear our colleagues speak. Senator SPECTER spoke about his parents coming over who could not speak English. He could not be here today. Senator LEAHY spoke about his grandfather who came over from Italy not being able to speak a word of English. He ended up being the largest employer in that community. I happen to be a mixture of English, Danish, and German, maybe some other things. I do not know that much about my background. But at least on the Danish and German side of me, those people would have had less of a chance of coming here.

Here is a very interesting article from the Washington Post, from Boston. It says 13 of the 17 valedictorians in Boston public schools this year are foreign born, the highest number officials can remember. And then listen to this. They come from around the world including from China—did not speak English when they came in—Vietnam—did not speak English when they came in—El Salvador—did not speak English when they came in—Portugal—did not speak English when they came in—France—did not speak English when they came in—Italy—did not speak English when they came in—Jamacia, there they did, and Czechoslovakia. The article goes on to say some arrived only in the last 5 years. Most could not speak English when they arrived and one is deaf.

Senator SIMPSON mentioned another point, that we are in danger of becoming a nation that is a bilingual nation. Now, I have not seen statistics for the last 3 or 4 years, but as of about 4 years ago a study was made which showed that there were more people at that point in the United States whose mother tongue was English than at any other point in the history of this Nation, and I have every reason to believe that is true today. If you were to check at the turn of the century, for example, a far higher percentage of American citizens had their mother tongue not being English than today.

There is no question anyone who comes here, who wants to function effectively, has to learn to speak English. Everyone knows that. But we should not for the first time in the Na-

tion's history exclude people who are not fluent in English.

Take a look at the membership of this body. Senator BENTSEN's forebears came from Denmark; Senator BOSCHWITZ, Senator BREAUX, Senator COHEN, Senator D'AMATO, Senator DASCHLE, Senator DECONCINI, Senator DOMENICI, Senator DURENBERGER, Senator HEINZ, Senator INOUYE, Senator KASSEBAUM, Senator KOHL, Senator LAUTENBERG, Senator LEVIN, Senator LIEBERMAN, Senator MATSUNAGA, Senator METZENBAUM, Senator MIKULSKI, Senator MURKOWSKI, Senator RIEGLE, and Senator SARBANES.

What do all these people have in common? Some of their forebears at least came to this country without the ability to speak the English language.

I think we have to recognize that we have people who come here who enrich this Nation immensely whose mother tongue is not English. We should not be tilting in that direction. We should not for the first time in the Nation's history pass an amendment that moves in that direction. I cannot believe that we will do that. If you were to check the gallery right now, if you knew the names of every person who came here and checked their forebears, I think you would find there are quite a few of them whose parents or grandparents or great-grandparents came over here without the ability to speak the English language. They learned it.

Absolutely let us make classes available to people who cannot speak the English language. But let us not adopt an amendment like this. I think it would be a great mistake.

Mr. President, I yield the remainder of my time to Senator KENNEDY.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, Senator SIMON, has been my friend for nearly 20 years. We legislated when I was in the Wyoming legislature and he in Illinois. I have known him for a long time and have a great respect for him. He made that very effective presentation in the Judiciary Committee, and it was effective except it does not have anything to do with this amendment. The reason is this: you voted on this once before by a vote of 88 to 4. No one seemed to think that there was anything quite akin to that dramatic presentation.

My name is ALAN KOOI SIMPSON, K-o-o-i is the middle name, and it is Dutch. My grandfather came here, was orphaned at an early age, worked as a clerk in the railroad, got on the train, went to Wyoming, went in the coal business in the mines, and then finally ended up owning a coal mine.

Some of the other string of relatives from Missouri went to Wyoming, fought in the Fort Fetterman battle. And then there are some other fascinating characters, people who were hung for doing various things, a rich tapestry of Americana. You know they did not all come over on the *Mayflower.* Some of them were brought in holds of ships.

So we really do not have a great record in that area of what we have done in our past. But all of us can say that. I used to say during the debate on immigration, illegal immigration, well, what is it you want us to do? But no fair quoting from the Statue of Liberty becase it did not say send us everybody you have, legally or illegally. That is not what it says on the Statue of Liberty. That is not what Emma Lazarus had in mind, and of course you get ripped around in that area. I have been there.

It is difficult for me to understand why so many of us have difficulty acknowledging the fact that English is the language of success. It does not matter what the success is, whether you are a waiter, a dishwasher, or a computer specialist. It is the language in America of success. It is the language of economic and social intercourse in the United States of America, in this Nation. No attribute or skill is more important in the obtaining of employment in the United States. If you want to know that, ask the employer. If the guy comes in to get a job and he does not speak English, the employer does not hire him. He says, "I haven't got time to teach this guy, this lady, this person the English language." That is not discrimination. I guess it is discrimination in the failure to communicate in the land where the language is English.

But I will tell you. Employment to people who really need it means self-sufficiency and more importantly it means self-esteem. You cannot have that in America unless you have some grasp, and we are talking about such a limited area. That is why—and I hope you hear this. I do not know what the Senate will do with this one. But in the House of Representatives they placed the provision in the Simpson-Rodino bill which required amnesty of aliens who learn English. That was placed in the U.S. House of Representatives. Do you not think it is going to get placed in there somewhere along the line again? I can assure you it is. That was placed in there by some remarkable Democrats and Republicans, and it was required they learn English before they were to get their green cards under the legalization process.

That is why we require knowledge of English for those who choose to become citizens. Hundreds of thousands of our immigrants never become citizens. The conversion rate from permanent resident to citizenship in regard to our neighbors in Mexico is 15 percent. They are in a position for years as permanent resident aliens where they can move on to citizenship and they will voluntarily choose not to, or 85 perent of them do not. That is I think an interesting subject.

But it surely is in their best interests and our Nation's best interests to understand the language of this country as they live and as they work here.

One other thing, and I want to address it. It appeared in the "Dear Colleague" letter of my friend from Illinois. There has been a contention by some that under a point system where English skills are recognized that an "English speaker with an eighth-grade education could get more points than a French-speaking engineer." I would like to address that briefly. That is simply not the case.

Someone with an eighth-grade education only gets no points, zero. Someone with an eighth-grade education and with English language ability gets 20 points.

Education is 25 points.

Someone with English language ability gets 20 points. Someone who is an engineer must have a bachelor's degree and thus would have 20 points and may even have an advanced degree, and that would receive 25 points. In addition, an engineer might be in a category that would receive additional points for his occupational skills which an English speaker with only an eighth-grade education would not. Thus, an eighth-grade educated English speaker would receive 20 points. A French-speaking engineer would receive from between 20 and 65 points, assuming we are not discussing points for age. Thus the contention somehow that the eighth-grade educated English speaker gets more points than a French-speaking engineer is incorrect.

I have a chart to enter in the RECORD. It shows very clearly under the point system for a 25-year-old with the attributes just discussed, and the total points is indeed more for the Ph.D., more for the person—in fact they are actually about equal. Seventy points for the 25-year-old, eighth-grade education in English, and 75 for the 25-year-old with the Ph.D. and no English.

So I think I want to express that to you because that did come up. It did not come up in this debate, but it came up in debate in the committee.

I think I shall reserve the remainder of my time. How much time is remaining?

The PRESIDING OFFICER. Seven minutes.

Mr. SIMPSON. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from Illinois may consume.

The PRESIDING OFFICER. The Senator from Illinois is recognized for

such time as he may consume, up to 17½ minutes.

Mr. SIMON. Mr. President, I agree with 90 percent of everything Senator ALAN SIMPSON just said. My distinguished colleague from Wyoming is absolutely correct when he says English is the language of success. There is no question about that. That is not the question before this body.

The question is, Should we require that and give extra points for that for people before they come into this country? For example, again, using this Boston public high schools example, this year, 13 of the 17 valedictorians at Boston public high schools this year were foreign born. All but one, aparently, were from a country where their parents probably did not speak English. Under this amendment, their parents would have a very, very tough time coming into this country.

My colleague talks about the 88-to-4 vote last time in the U.S. Senate. That was on the whole immigration bill. My guess is, you did not have 10 people in this body—I do not mean this disrespectfully, but we frequently do not know the details of legislation that comes before us—who knew there was such a provision here.

Senator SIMPSON mentioned that one of the enlightening things out of this—and Senator SIMPSON mentioned his middle name, and I did not know that before. He mentioned that Dutch middle name of his. I want to see that people, whether they are Dutch or German or Italian or they come from Malawi in Africa or Thailand in Asia, or wherever they come from, if their mother tongue is not English, that they have a chance to immigrate to this country.

I do not want to see us, for the first time in the Nation's history, set a different precedent. Absolutely, once people are here, learn the English language. Senator SIMPSON is absolutely correct when he says English is the language of success. Make classes available to people so they can learn English, but do not exclude people because they have not acquired the English language.

Now, on the point system, let us just take two non-English-speaking professionals, one 36 years old gets 5 points; a high school education, gets 10 points, undergraduate education, he gets a total of 25 points. Let us say that his counterpart is an English-speaking person, who is a high school dropout. He gets a total of 30 points. He gets precedent over the person who is the professional.

I do not think that makes sense. That is why the Judiciary Committee, after discussing this—and we had a lengthy and heated debate—by a 12-to-2 vote in the Judiciary Committee, we defeated the position of Senator SIMPSON. I think the Judiciary Committee acted wisely, and I hope the Senate will act wisely.

I know of no one else on this side who wants to add to the debate. Let me just check. I will yield back my time. If the Senator from Wyoming wants to do the same, then we can proceed to a vote on this.

The PRESIDING OFFICER. Thank you, Senator. The time is yielded back.

Mr. SIMPSON. Mr. President, I do not yield back the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming [Mr. SIMPSON].

Mr. SIMPSON. Mr. President, I understand one of our Members on our side needs a little notice before we get to the vote. I have 7 minutes, I think, remaining.

The PRESIDING OFFICER. The Senator has just under 7 minutes.

Mr. SIMON. How much time is remaining on this side?

The PRESIDING OFFICER. The Senator has 13 minutes and 29 seconds remaining on the Senator's side.

Mr. SIMON. Mr. President, it is most interesting to me, again, to hear the comment about the Ph.D. and the eighth grade student. I am going to enter this graph into the RECORD as if read in full. Both of them have the same points, 10 for age. Eighth grade would have none for education. The Ph.D. would have 25. English then, over to the other 25-year-old with the eighth grade education, he gets 20 for English, and the Ph.D. gets zero. Occupation, both get 20. Work experience, both get 20, and the Ph.D. gets 75 points and the eighth grade education gets 70.

Now, that is the way that is.

Mr. SIMON. Will my colleague yield?

Mr. SIMPSON. Yes.

Mr. SIMON. If I could insert the same point, where non-English-speaking professional, compare the points, together with the English-speaking high school dropout and put in those two also, so we have a couple of comparisons here in the RECORD.

Mr. SIMPSON. That is perfectly appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Points for	25-yr-old with 8th grade education and English	25-yr-old with Ph.D. and no English
Age	10	10
Education	0	25
English	20	0
Occupation	[1] 20	[1] 20
Occupation (work experience)	[1] 20	[1] 20
Total	70	75

[1] Maximum.

Non-English-speaking professional:	Points
36 years old	5
High School	10
Undergraduate	10
Multilingual	0
Total	25
English-speaking high school dropout:	
34 years old	10
No high school	0
English skill	20
Total	30

Mr. SIMPSON. Mr. President, I think as the Senator from Illinois read the list of those of us with remarkable ethnic backgrounds and the heritage of immigration—and I hope my colleagues will let me know—I doubt that few, if any of the forebears or Members of the Senate had Ph.D.'s, or perhaps even skills in short supply when they immigrated here. I do not hear any objection to awarding points for those attributes. I ask my friend from Illinois, I wonder, because one of the amendments that awaits our addressing here is an amendment from the Senator from Illinois for job offer. I wonder how many of our ancestors ever had job offers here. And, yet, my friend is going to propose to offer an amendment giving points for a job offer in the United States. I think that is a rather remarkable thing to be doing and, yet, resisting this. How many prospective immigrants have ever had that attribute? Not many. Only a few.

In this situation, it is going to affect only a few, and in this situation it is only going to affect very few, about people from one country or countries who are adversely affected; so as we get into this game, we have to be players throughout.

The pressures are tremendous. I know what that is. This is one of those issues where if you flipped off the light, you would get a whole different vote. If you flipped off the lights and shut the place down and said score it up, nobody gets a tag, you would have a real series of votes on this. It would be fascinating. I understand those pressures. I understand the pressure of reelection for my friend from Illinois. I understand the strain that comes to others in other States, because in this situation you have a situation where never before has the Asian community been so galvanized. They have learned, bless them, the political process, better than any group I have ever observed in 10 years. They know how it works—fundraisers, office calls, the whole works. They have it down. I am going to give them a grade A.

The Hispanic groups have always had a tremendous passion about this. Why not? They are the people most affected. But meanwhile, if you want to get into ethnicity, and that is what

people bring up here, the background of this is racism and ethnicity and all that stuff. You still find that the blacks are the most disadvantaged in America, and the most affected by unlimited immigration or unlimited illegal immigration. That is who is most affected. Who speaks for them?

Who speaks for the exploited? Who speaks for the middle Europeans? They were the ones in the flow originally and now all of those, 36 countries, are adversely affected by our present legal immigration system where 85 percent of the people come in in connection with family reunification, including nieces, nephews, brothers-in-law and sisters-in-law while we exclude spouses and children of permanent resident aliens.

Now you are going to come up with a bill of some kind. If it is going to be just like it is right now you have not done a thing. You have snorted and ripped and rolled around in it and just given birth to a mouse. That is what you will have done in immigration reform because of the heat, and then the American public will sit around and watch for awhile and the next time we come to an unemployment crunch you are going to find some ugly stuff come. That is too bad. That is what will happen. Forget whether it should happen. I do not want to hear any more talk about the heart and the soul. We have heard that. But heart and soul disappears when you cannot get work and you see other people from other groups. It has happened in India. It has happened in Belgium. It has happened in every other country where they have this kind of stirring. That is the way it is, too.

May I inquire of the remainder of my time.

The PRESIDING OFFICER (Mr. ROBB). The Senator has 36 seconds remaining.

Mr. SIMPSON. Thirty-six seconds? I want to reserve that very swiftly because I think my friend from Illinois will have a comment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I think we are prepared to yield back. Whatever remaining time I will yield to the Senator from Illinois or we will yield back.

Mr. SIMPSON. Then let me expel the remainder of my 36 seconds, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming [Mr. SIMPSON] for 30 seconds.

Mr. SIMPSON. Thirty?

The Boston public school example is irrelevant to this debate. Whatever immigration or refugee provisions these bright kids come in under we have not changed those provisions one whit. Hear that. This provision only applies to 9 percent who will come under a new category. It will not affect all the other categories which will continue as they are under this amendment.

The PRESIDING OFFICER. The time for the Senator from Wyoming has expired.

Mr. SIMON. Mr. President, will the Senator from Massachusetts yield 1 minute to me?

Mr. KENNEDY. I yield the remaining time to the Senator.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized, reclaiming 1 minute from the time originally yielded back.

Mr. SIMON. Senator SIMPSON is correct when he says this only applies to 10 percent of the immigration.

The question is whether for the first time in the Nation's history we should suddenly have this kind of a special preference for people who speak English.

I think it is unwise. I think our history has been a rich one, one where we pulled people in from many nations—the Swedes, the Danes, the Germans, the Italians, the Dutch, the people from Africa, the people from Asia, the people from Latin America. We are a richer nation for it.

But let us not move in this direction, and again I would simply remind my colleagues this amendment was defeated 12 to 2 in the Judiciary Committee.

I think the Judiciary Committee after a lengthy and heated debate made the right decision.

The PRESIDING OFFICER. All time having expired, the question occurs on the amendment.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum with the time not to be charged against either side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—43

Armstrong	Garn	Nunn
Baucus	Gorton	Pell
Bond	Gramm	Pressler
Burdick	Heflin	Roth
Burns	Heinz	Rudman
Byrd	Helms	Sanford
Chafee	Hollings	Shelby
Coats	Kasten	Simpson
Cochran	Lieberman	Stevens
Cohen	Lott	Symms
Conrad	Lugar	Thurmond
Dole	McClure	Wallop
Exon	McConnell	Warner
Ford	Murkowski	
Fowler	Nickles	

NAYS—56

Adams	Glenn	Mack
Bentsen	Gore	McCain
Biden	Graham	Metzenbaum
Bingaman	Grassley	Mikulski
Boren	Harkin	Mitchell
Boschwitz	Hatch	Moynihan
Bradley	Hatfield	Packwood
Breaux	Humphrey	Pryor
Bryan	Inouye	Reid
Bumpers	Jeffords	Riegle
Cranston	Johnston	Robb
D'Amato	Kassebaum	Rockefeller
Danforth	Kennedy	Sarbanes
Daschle	Kerrey	Sasser
DeConcini	Kerry	Simon
Dixon	Kohl	Specter
Dodd	Lautenberg	Wilson
Domenici	Leahy	Wirth
Durenberger	Levin	

NOT VOTING—1

Matsunaga

So the amendment (No. 251) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 250

The PRESIDING OFFICER. Under the previous order, the vote occurs on the Exon amendment No. 250. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—93

Adams	Coats	Glenn
Armstrong	Cochran	Gore
Baucus	Cohen	Gorton
Bentsen	Conrad	Gramm
Biden	D'Amato	Grassley
Bingaman	Danforth	Harkin
Bond	Daschle	Hatch
Boren	DeConcini	Heflin
Boschwitz	Dixon	Heinz
Bradley	Dodd	Helms
Breaux	Dole	Hollings
Bryan	Domenici	Humphrey
Bumpers	Durenberger	Inouye
Burdick	Exon	Jeffords
Burns	Ford	Johnston
Byrd	Fowler	Kassebaum
Chafee	Garn	Kasten

Kennedy	Mikulski	Sanford
Kerrey	Mitchell	Sarbanes
Kerry	Murkowski	Sasser
Kohl	Nickles	Shelby
Lautenberg	Nunn	Simon
Leahy	Packwood	Simpson
Levin	Pressler	Specter
Lieberman	Pryor	Stevens
Lott	Reid	Symms
Lugar	Riegle	Thurmond
McCain	Robb	Wallop
McClure	Rockefeller	Warner
McConnell	Roth	Wilson
Metzenbaum	Rudman	Wirth

NAYS—6

Cranston	Hatfield	Moynihan
Graham	Mack	Pell

NOT VOTING—1

Matsunaga

So the amendment (No. 250) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

AMENDMENT NO. 252

(Purpose: An amendment to the Immigration Act of 1989 to increase the number of business sponsored immigrants)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. KENNEDY. Mr. President, could we have order in the Senate?

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] (for himself, Mr. DECONCINI, Mr. LUGAR, Mr. GORTON, and Mr. GRAMM) proposes an amendment numbered 252.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(a) in subsection (a) of section 102 by striking "120,000" in the new "section 201(d)" [8 U.S.C. 1151(d)] and inserting "150,000",

(b) in subsection (a) of section 103—

(1) by striking "5" in the new "section 203(b)(1)" [8 U.S.C. 1153(b)(1)] and inserting "4",

(2) in the new "section 203(b)(2)" [8 U.S.C. 1153(b)(2)]—

(A) by striking "23" and inserting "28", and

(B) by inserting ", plus any visas not required for the class specified in paragraph (1)," after "worldwide level",

(3) in the new "section 203(b)(3)", [8 U.S.C. 1153(b)(3)",

(A) by striking "23" and inserting "28", and

(B) by inserting "plus any visas not required for the classes specified in paragraphs (1) and (2)," after "worldwide level,", and

(4) by striking "4" in the new "section 203(b)(4)" [8 U.S.C. 1153(b)(4)] and inserting "3.2".

AMENDMENT NO. 250

Mr. EXON. Mr. President, will the Senator yield for 30 seconds without losing his right to the floor?

Mr. SPECTER. Without losing my right to the floor, Mr. President, I ask unanimous consent that the Senator from Nebraska may be recognized

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I appreciate the courtesy extended by my friend from Pennsylvania.

Mr. President, I neglected to indicate previously that Senator HARKIN wanted to be a cosponsor on the amendment. I ask unanimous consent that he be added at this time as an original cosponsor to the amendment that has just been agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I thank the Chair, and I thank my friend from Pennsylvania.

Mr. HARKIN. Mr. President, will the Senator yield for 1 minute?

Mr. SPECTER. Mr. President, I yield to the Senator from Iowa without losing my right to the floor.

The PRESIDING OFFICER. Without objection, the Chair recognizes the Senator from Iowa for 1 minute.

Mr. HARKIN. I thank my friend from Pennsylvania for yielding out of order on this.

I wanted to thank my friend and colleague from Nebraska [Mr. EXON]. I am on the Committee on Appropriations that deals with a lot of these funds that will go out dealing with Social Security programs. I hear time and time again, not only from Iowa but from other places, about why they are taking cuts and being forced to pay more for health care and increases in premiums, and yet people who have not paid 1 cent to the system are illegal aliens taking out of the program.

Again I want to compliment the Senator from Nebraska for a great amendment, one that will cut down on fraud, waste, and abuse in the Social Security System, and make sure the intended beneficiaries are the ones getting the benefits, and not the people who are illegal aliens in this country.

I want to thank my friend for his leadership on this issue.

Mr. EXON. Mr. President, I thank my friend and colleague from Iowa. I appreciate the fact he is a cosponsor. I apologize for not putting him on as I intended to earlier. He has now a chance to follow through with his important responsibilities in the Appropriations Committee to help us out in the implementation of this.

AMENDMENT NO. 252

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] has the floor.

Mr. SPECTER. I thank the Chair.

Mr. President, the amendment that has been submitted has been proposed on behalf of Senator DECONCINI, Senator LUGAR, Senator GORTON, Senator GRAMM, and myself.

Mr. President, this amendment would provide for 30,000 additional visas for immigrants, and it would seek to increase the cap provided in the existing legislation so that workers who are skilled in a variety of contexts could be admitted.

This amendment has the support, very broadly based, of the U.S. Chamber of Commerce, the American Council on International Personnel, the National Foreign Trade Council, the American Council for Nationalities Services, the American Immigration Lawyers Association, the A. Philip Randolph Institute, the Chicago Committee for Immigrant Refugee Protection, the Cuban-American National Council, the Indochina Resource Action Center—just illustrative of the kind of support which is present.

I ask unanimous consent that the organizations in support of this amendment be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, the amendment providing for 30,000 additional visas for business immigrants will be divided equally between the third and sixth preference categories. The third preference category is for members of professions and persons of exceptional ability in the sciences and the arts. The sixth preference category is for skilled workers in short supply.

Mr. President, under current law 54,000 visas are provided for in these categories, and Senate bill 358 would raise that number to 55,000 divided equally, an increase of only 1,000.

Mr. President, the experience has demonstrated that there is a significant demand for more business visas. More than half of the current 54,000 business visas are used for family dependents. I do not quarrel with that allocation. But the result is that less than 25,000 visas actually go to the workers.

Beyond that, Mr. President, the waiting period for the third preference in the exceptional worker category is approximately 1 year. And the waiting period for skilled workers in the sixth category is approximately 3 years.

In January of this year, 1989, a State Department report on immigrant visa categories estimated that the current 1989 business immigration demand is approximately 85,000. An increase in the business-sponsored visas, Mr. President, will not affect U.S. workers. The employer of a business immigrant must obtain, according to this amendment, Labor Department certification,

and according to existing law actually—that "no qualified U.S. workers are available" for the position to be filled, and employment of the immigrant will not harm the wages and working conditions of other workers in the United States. Therefore, providing additional business-sponsored visas will also not affect the availability of visas for family-sponsored immigration which is in a separate immigration category.

Mr. President, there can be little doubt that there would be enormous benefit to our country if we were to have an addition of these highly skilled people who are in great demand currently in the United States. And the list of companies which have endorsed this legislation—Smith Kline Beckman, BASF Corp. Rohm & Hass, McGraw-Hill, North Texas Immigration Coalition, not a company, Deloite, Haskins and Sells, Microsoft Corp., International Paper, Pechiney Corp., POMA of America, Inc., and others—have come forward because of the particularly acute need which they have for immigrants in this category.

The principal objection which has been advanced by the distinguished managers of the bill, Senator KENNEDY and Senator SIMPSON, has been that the amendment would call for an increase above the current cap of 600,000 allowed in from the legislation. I join with many of my colleagues who have spoken about the bill in complimenting Senator KENNEDY and Senator SIMPSON for their extraordinary diligence in bringing this bill to the floor. And really for their extraordinary diligence over the past decade or more.

I heard Senator SIMPSON speak frequently and eloquently about his "10-year sentence" on the Immigration Committee and subcommittee, which he chaired for many years. There has truly been an outstanding job done by Senator SIMPSON and Senator KENNEDY in bringing forth this legislation.

I submit, Mr. President, that there is no magic in the number of 600,000, and that obviously immigration is a matter of great importance to the United States, and certainly, it is of great importance to the individuals who seek admission to the United States.

I believe, Mr. President, that we ought to be constantly reminded of the roots of our country and the roots of our country being the immigrants, of course, in addition to the Indians, who are native Americans. This country has become a great country because we have been a country of immigrants, and my own preference, Mr. President, would be to have a number significantly larger than 600,000, providing that there could be a national control, in the interests of our country, which would have a qualitative effect on those who are being admitted into this country.

I come to this issue, Mr. President, with a point of view, you might even say a substantial bias, because my parents were both immigrants. My father came to this country in 1911 at the age of 18 from Russia. It was not the Soviet Union then. He came to this country to escape the czar's boot. He did not want to be constricted. He came with no rubles in his pcoket, having come in steerage from Russia. My mother came to this country at the age of 5 with her family, who came from a section of Russo-Roland which had changed hands many times. That gives me, obviously, a very decided view of the status of an immigrant.

I regret that I could not have been here earlier to discuss other amendments, but I have been occupied as vice chairman of the Hastings impeachment panel, which requires my attention, where we have established hours from 9 to 5:30, with an hour-and-a-half for lunch. I thank the managers of the bill for accommodating my schedule to be able to offer this amendment, substantially during the luncheon break. I would have liked to have been present to have discussed the issue of the English speaking preference. I did so in the subcommittee, and I believe that it bears on the amendment which is now on the floor.

My own view is that speaking English ought not to have a preference, and I say that basically because my father could not speak English when he came to this country, but he had great potential. My mother was only 5 when she came, so the fact that she could not speak English at that time was not determinative.

Our family has produced—both my father's family and my grandparents on my mother's side have produced a scientist, artist, and doctors, and some lawyers. My son is a lawyer. My father came to this country, and he could not speak English very well. He was a soldier in World War I, where he was a doughboy with the exhalted rank of buck private, when he served his country in Argonne Forest and sustained shrapnel in the leg. The shrapnel stayed with him until the day he died.

I respond, perhaps viscerally, but very strongly against the issue of having a preference for English, and I am glad to see that it was soundly defeated. When the amendment came before the Judiciary Committee, it lost, as I recollect, on a vote of 10 to 2, and even some in subcommittee changed their views, when we had the vote in the Judiciary Committee. I think if more Senators had a chance to study the impact of the limitation on English and the potential that has been produced in this country by immigrants who could not speak English, that the vote would have been much more lopsided than it was, rejecting a preference for those who could speak English.

Mr. President, I think that some significant improvements have been made in this bill otherwise. There was an amendment offered yesterday by Senators HATCH and DECONCINI, and I will take just a moment to express my own view that, had I been present on the floor or had an opportunity to submit a written statement, I would have supported that amendment strongly, as I did vote for it, which set an annual floor of 216,000 visas for the family connection categories to ensure that family preference immigration is not eliminated over time.

I make those comments, Mr. President, to express my own views on the value to this country to have immigrants. We should not be parsimonious and we should not be excessively restrictive in keeping down the number of immigrants. There is no magic in the number of 600,000. The distinguished Senator from North Carolina had offered an amendment very similar to the one that I am offering, except for the proposition that he would have taken the number from the 600,000. I understand the position of the distinguished Senator from North Carolina, and we have discussed the matter, and our differences are slight. My own view, as I have expressed to Senator HELMS, has been my concern about not eliminating others who might gain access to this country.

An argument was made that the last amendment on English-speaking preference should be passed because it only affected 9 percent. Well, this Senator feels very strongly about 1 percent. This Senator feels very strongly about one immigrant, because there is an immigrant well known to this Senator, who, if he had not gotten into the United States; namely, my father, Harry Specter, it would have made a tremendous difference. So I think each place is of vital importance, and I would not want to sacrifice one place, let alone 30,000 places, which this amendment would provide.

The existing quotas, numbers, allowances, will be in place, whether this amendment is agreed to or not, and that is as it should be. I do not think that any individual ought to be deprived of the opportunity which he or she would have had, but for this kind of an amendment. I realize the ease of the adoption of this amendment, if we were to displace 30,000 other people. I think that would be fundamentally unfair. But if you take a look at this amendment strictly on its own merits, in terms of what is the value for the United States in having well-qualified people who would be admitted into these categories, and the demand which is present to have these skilled workers, to have these technicians and

scientists, it would be tremendous for the United States.

It would give us increased technical know-how, productivity, additional income; it would add to the tax base in this country. And my own view is that there is absolutely no reason why those people ought to be excluded, whatever may happen to the rest of this immigration bill.

Mr. President, I ask how much time I have remaining.

The PRESIDING OFFICER (Mr. ADAMS). The Senator has 30 minutes and 35 seconds.

Mr. SPECTER. I am almost up to the 15-minute mark which is long enough for any speech.

So I yield the floor at this time and reserve the remainder of my time.

Mr. DECONCINI. Mr. President, will the Senator yield 5 minutes of his time?

Mr. SPECTER. I am delighted to yield.

Mr. DECONCINI. Mr. President, I rise to support the amendment offered to S. 358, the Kennedy-Simpson legal immigration reform bill, by Senator SPECTER. I am glad to be a cosponsor of this amendment. I believe that the amendment will help us better achieve the objectives of the overall bill.

I congratulate my colleague, Senator SPECTER, for offering the amendment.

The bill, in my opinion, is coming along very well and improving day by day. I would like to see this addition added to it. I am sure that the Senator from Wyoming would want to talk a little bit about it.

In recent years, we in Congress have strived to resolve the related problems of unrestrained illegal immigration and of unbalanced and discriminatory legal immigration. That is really what we are trying to do here. None of us are perfect and none of us have all the answers, but I think the bill that the Senator from Pennsylvania has offered is a constructive one. Although I opposed Senator SIMPSON's immigration reform and control act which aimed at controlling illegal immigration into this country, I do believe that it ought to be given a fair chance to operate. It is appropriate that we now turn our attention to the related problem of legal immigration into the United States. That is what we have before us today.

The Kennedy-Simpson bill purports to put a ceiling on legal immigration into the United States. It is important to realize, however, as we discuss amendments which, for various reasons, attempt to raise this so-called cap or ceiling. And we talked about that at some length today that there really is no ceiling. Legal immediate family relatives are permitted with no limitation whatsoever. Because there are no limits, either in current law or in S. 358, on the available number of visas for immediate relatives, there is really no absolute cap on legal immigration into the country. So we are not talking about a cap from the fact of how many we are going to permit in.

I think that it is important to remember then that we are talking about exceeding a ceiling that does not exist.

We are talking about a level. We are talking about a reference to what we would like to see perhaps as a cap or something. We are talking about a level. In addition, the discussed number of 600,000 is continuously brought up, that this is the recommended level, this is as high as we are going to go, but it is not a legislative cap.

This imaginary ceiling could have just as easily been lifted.

As I understand the amendment of the Senator from Pennsylvania, it merely lifts the figure. This figure instead of being 600,000 could just as well be 610,000 or 630,000 or 650,000. The Senator from Pennsylvania suggested it be the 630,000 figure that would result and does result in the amendment that is before us today, and it makes good sense. I hope it is adopted.

The question that we should keep in mind as we discuss legal immigration is not total numbers or numbers for each category, but whether those individuals represented in those numbers and categories have meritorious arguments for being allowed to come into the United States. In my opinion, we should have a balance between allowing immigration based on family reunification and allowing immigration based on other reasons such as the benefit to our own Nation, and because of humanitarian reasons as well. Although S. 358 does attempt to strike this balance, I believe it errs in not including more visas for skilled and professional workers who are in short supply in the United States.

The Specter amendment will add 30,000 visas to the legal immigration visas allowed under the present U.S. law. These additional visas will be equally divided between the third preference, which under S. 358 requires an immigrant to have an advanced degree or exceptional ability in the sciences, arts, or business, and the sixth preference, which are granted to skilled workers. These visas would only be available on an employer-sponsored basis and only after a certification by the Department of Labor that no U.S. workers are qualified or available to occupy a particular position. The Department will only issue such certification after a rigorous and thorough examination of the available pool of American workers.

I believe that the amendment that my colleague from Pennsylvania has offered and that I am joining him in today helps to achieve the stated purpose of S. 358. That purpose is to achieve a better balance between those who are allowed to immigrate to the United States because of family connections and those that are allowed to immigrate because their presence will in some way be beneficial to this Nation. I believe that both these categories, family connection and independent potential to contribute to the quality of life in the United States are important and are beneficial; but I believe that we should increase the number of immigrants chosen because their particular job skills are beneficial to the United States.

I urge my colleagues in the Senate to support the Specter amendment.

This is a good amendment, Mr. President. It helps directly the United States and it is going to be beneficial to the work force here, also protecting American jobs at the same time.

I thank my friend from Pennsylvania.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no one seeks to use time, the time will be equally deducted from both sides.

The Senator from North Carolina.

Mr. HELMS. Mr. President, may I inquire what the time situation is?

The PRESIDING OFFICER. The Senator from Pennsylvania has 24 minutes remaining. The managers of the bill have 45 minutes remaining.

Mr. HELMS. Very well.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? The time is controlled, I would state to the Senator from North Carolina, between the manager of the bill and the Senator from Pennsylvania with time reserved to the Senator from North Carolina for 60 minutes for a second-degree amendment.

Mr. HELMS. Senator SPECTER is not on the floor at the moment. I wonder if the distinguished Senator from Massachusetts would yield me such time as may be necessary to make a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield so the Senator may make a parliamentary inquiry?

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator has 44 minutes.

Mr. KENNEDY. I will yield the Senator 10 minutes. Will that be enough?

Mr. HELMS. I will not need that much time.

Mr. President, under the unanimous-consent request that was approved thre is nothing to prevent the offering of a second-degree amendment that has been cleared?

The PRESIDING OFFICER. I will read to the Senator what was in the unanimous-consent agreement last night. It says as follows:

A Specter-DeConcini amendment increasing employer-sponsored visas, 90 minutes equally divided; A Helms second-degree amendment to the Specter-DeConcini amendment relevant to the subject matter of the first-degree amendment, 60 minutes equally divided.

The Parliamentarian informs me, and I will so state to the Senator, that that amendment will be in order upon the expiration of the time for the original first-degree amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. HELMS. That was my point. Absent a unanimous-consent agreement, of course, an amendment can be second degree at any time.

Just to get the show on the road, since we are apparently waiting for other people to speak, let me propound a unanimous-consent request with reference to my second-degree amendment which is on the list.

First of all, that it be in order, and it be in order for me to offer it now so it can be under consideration simultaneously, so that we could save time on the consideration of the two amendments.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from North Carolina?

Mr. KENNEDY. I have no objection.

The PRESIDING OFFICER. There being no objection, it is so ordered.

The Senator from North Carolina.

Mr. HELMS. I thank the Chair. One final thing. Will I complicate the life of the Chair and the Parliamentarian if, in the effort to expedite matters, I start using some of my time?

The PRESIDING OFFICER. The Senator has the right to use his time and the Chair will state that the Chair will count the time that the Senator is using against the Senator's time. But the time will not start to run until the Senator offers his amendment.

Mr. HELMS. That is correct.

The PRESIDING OFFICER. Therefore the Chair will have to use the Chair's discretion as to whether the debate is on the second-degree amendment or the first-degree amendment. But for now, the Senator from North Carolina is recognized to offer an amendment at which time the time will start to run under the agreement just agreed to.

Mr. HELMS. I thank the Chair.

Noting the arrival of the distinguished minority whip, I will yield the floor so that he can make his remarks and then I will proceed.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to thank the Senator from North Carolina for his willingness to get the ball rolling, so to speak, on this matter. I intend to speak on the Specter amendment for maybe 3 or 4 minutes. Unless there are other reasons, then perhaps the Senator from Wyoming would speak for 3 or 4 minutes and then I would be prepared to yield back the time, depending on the desire of the Senator from Pennsylvania, and then get right to the Senator from North Carolina. I do not want to discourage his presence here because we are moving along, but that might be a way of moving ahead.

I do not know the desire of the Senator from Pennsylvania. I will be glad to debate this at whatever length he would like to debate it. It is a pretty straightforward amendment. I think the membership understands what is involved in the amendment. I have no objection, in principle, to the amendment of the Senator from Pennsylvania, but I would not support it as an amendment on this bill at this time. We have tried to work out, during the course of the consideration, a real balance between what we were going to do on the family reunification and what we are trying to do in terms of the special skills. We have addressed that issue in the sixth preference, particularly, by requiring higher skills. And we address the issue by adding new categories within the independent category.

I think the bill itself reflects this balance. The greatest thrust of the bill is on family reunification. There is an increasing emphasis on skills with the combination of the third and sixth preference in the independence category. We have a balance now with regard to those two provisions.

Although I have no objection to the concept, I do not think that that is the balance which has been supported and worked out. It is the reason I would urge the Senate not be willing to accept the Senator's proposal.

For this reason I will oppose the Senator's proposal when the time comes to vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I thank the Senator from Massachusetts and I thank Senator SPECTER for his diligence. He discussed this amendment in the Judiciary Committee. Also Senator HELMS has discussed his proposal.

I am reluctant—"torn" would be a good word—on this because it is an issue of raising the national level of immigration. For that reason I would have to oppose it.

I may be wrong and I think the debate is showing me some fascinating things and I like to learn and I am. Is the American public perhaps ready for unrestrained legal immigration? I did not think that. I still think if we had a vote on that, whether the people of the United States prefer unrestrained, uncontrolled, legal immigration, that that would not succeed. Yet slowly that is what we are doing here. We have already increased the immigration levels by over 20 percent in this bill, 22 percent. With the Hatch amendment, Hatch-DeConcini, the number of immigrants admitted will grow each year. We still have our studies and our reports from the President.

In those circumstances, I just do not believe we should raise it any more significantly. I assure you, however, I am not opposed to providing more visas to independent immigrants. I like that idea. I think we ought to be doing more and more of that.

So, the more the better with regard to the independent immigrants, the point system grants, people who bring special skills and abilities, people then in the family reunification who are closest family: spouses and children. Not nieces and nephews and brothers and sisters-in-law. That is where we have gone now down that road. And I have already indicated that.

So I do not have a bit of a problem furnishing new visas and I have indicated that in a "Dear Colleague" letter. But any increase in business-related immigration must come within the existing level. That is my feeling, the existing level in the bill. And, in addition, any such increase must not simply steal numbers from the point system but it has to also get some numbers from the family and independent immigrant categories when reallocating. You cannot do it to one and leave the others out.

I would be glad to discuss any compromise with the sponsors. We have a second-degree amendment. We will come to that under the order. But if the only proposal from the sponsors is to violate what I think are the wishes of most Americans and increase immigration by 30,000 visas above the Kennedy-Simpson original 22-percent increase to the immigration levels, I regretfully must vote against the amendment and encourage colleagues to do the same.

I think I have stated my conflict in that area. Those are important numbers for important things for American business and for American commerce. We just cannot keep adding them. If we are going to take them off, we cannot take them from one area. We have to take them from all. I thank the Chair.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I was tempted for a moment to add two new cosponsors to the amendment, Senator SIMPSON and Senator KENNEDY, when I heard Senator KENNEDY accepted the amendment in principle, and I heard Senator SIMPSON say he was torn, in conflict. I say that in jest because I understand fully their concern is on the total number.

I would certainly join my distinguished colleague, Senator SIMPSON, in not taking actions in violating the wishes of most Americans, but I do not know that the wishes of most Americans are embodied in the level of 600,000 or any arbitrary number. I see no national referendum on the subject. I do not necessarily trust the polls, but I have not even seen a poll upon that subject.

It may be true most Americans wish to have an orderly process for how much immigration there will be, and the alternatives posed by my amendment are simply stated as this: We have a bill as proposed by Senator KENNEDY and Senator SIMPSON as modified. Then you have as an alternative, an additional 30,000 people to come in who both Senator KENNEDY and Senator SIMPSON agree are meritorious individually if you could take it out of the existing number. That is not the choice as I have proposed it. The choice of the existing number standing or 30,000 more of these well-qualified people which Senator SIMPSON puts very well that he would like to see "more visas to independent immigrants," that is precisely what we have here.

The number 30,000 does not come out of the air, Mr. President. The number 30,000 comes from a survey by the State Department which has been agreed to by those who are knowledgeable in the field of immigration that there are that many people, 85,000, who want to come each year, who are available to come each year, who are ready to come, who have jobs waiting for them. They are not going to take existing jobs. There has to be a certification by the Department of Labor that they do not take existing jobs. So this is a rational number based upon evidence.

Absent this kind of an amendment, bear in mind, Mr. President, and I do not want to be unduly repetitious, but I think this is an important fact, that those waiting in the third preference, that is exceptional ability in the sciences and the arts, have to wait a full year to come in. So the United States is deprived of their talents for a full year, and that delay discourages many from coming in. The waiting period for skilled workers in the sixth category is approximately 3 years. Here again there are jobs which are awaiting them. A long list of companies have written in supporting this bill, in addition to the U.S. Chamber of Commerce, where they want specific people to come in and they cannot get them.

Part of the limitation is because more than half of the existing 54,000 number comes in from workers' families and dependents, which is appropriate and necessary. So we are not reaching 55,000 now. So that on this date of the record, Mr. President, I think the evidence is very strong that we ought to make this deviation. We have had a good bill proposed by Senator KENNEDY and Senator SIMPSON. There have been some modifications, some limitations, not a whole lot, but certainly the reasons for adding these 30,000 are very, very strong, compelling for the business interests of this country, compelling for the humanitarians of this country. I thank the Chair and yield the floor.

Mr. KENNEDY. Mr. President, I want to give the assurance to the Senator from Pennsylvania that this will certainly be one of the aspects of the bill that we will look at again in 3 years. We have increased the total numbers by 22 percent. That is a greater increase than I think many of us believed would be the case at the start of the debate and the discussion. The needs of this country may very well, in the areas of special skills be even greater in 3 years. This will be an area that we will look at and review very closely. It is not something that we take lightly, but with the increase that we have made, we have increased it in a way that reflects a balanced program.

As I mentioned, while I do not have any objections in principle, it seems to me to violate a crafted adjustment that was worked out in committee. Therefore, I would vote against the Senator's amendment. I withhold the remainder of my time.

Mr. GORTON. Mr. President, I am pleased to join Senators SPECTER and DECONCINI as an original cosponsor of the business immigration amendment to S. 358, which adds 30,000 visas per year for business-sponsored immigrants to the third and sixth category. A third category visa requires a degree or capability in science or business. A sixth category visa requires an undergraduate degree or a job which requires at least 2 years of experience or training. I believe that immigration that immediately contributes to our society should be an objective of our policy on legal immigration.

This amendment is needed because the Kennedy-Simpson-Simon bill addresses both independent and family sponsored immigrants, but inadequately provides for the categories of immigration most relied upon by the business industry. presently, business immigration is limited to 54,000 visas per year, and has remained at this level for decades. Over half of these visas are allocated to dependents of immigrants admitted to the United States under business categories for immigration.

In view of the small number of visas now allocated to business immigration, there are severe backlogs and time delays in transferring highly skilled or professional personnel to U.S. businesses. Many businesses in my State, both small and large, service and manufacturing, which are representative of the national economy as a whole, must wait at least a year for professionals and international personnel with exceptional ability, and almost 3 years for other workers for which the U.S. Department of Labor has certified a shortage of U.S. workers. Obviously, it is extremely frustrating for the employer to plan on the presence of the employee in the United States on a permanent basis, given these delays.

With current demand for about 85,000 business immigrants per year, additional visas are needed to help ease the extensive delays in the admission of workers with specialized skills. The proposed business immigration amendment will alleviate an extremely troublesome problem and, at the same time, enhance American competitiveness by the skills which these new Americans bring to American businesses. I urge my colleagues to support this important amendment to increase business-sponsored immigration.

Mr. SPECTER. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I am prepared to yield back the remainder of the time on the Specter amendment.

The PRESIDING OFFICER. The Senator from Massachusetts has indicated he will yield back the remainder of the time.

Mr. SPECTER. Parliamentary inquiry, if we yield back time, will the vote then occur on my amendment?

The PRESIDING OFFICER. The second degree amendment by Senator HELMS would then be in order to be offered. Then at that point, under the unanimous-consent request, the time would begin to run under Senator HELMS' amendment. That would be voted upon, and then the first degree amendment would be voted upon.

Mr. SPECTER. How much time is allowed for Senator HELMS' second degree amendment?

The PRESIDING OFFICER. Sixty minutes has been set aside for that amendment.

Mr. SPECTER. And under whose control?

The PRESIDING OFFICER. That is under the control of Senator HELMS as the proponent and the managers of the bill, if they wish to oppose it.

Mr. KENNEDY. I will be glad to yield under our time whatever time the Senator from Pennsylvania wishes.

Mr. SPECTER. If I may have 15 minutes of the 30 minutes?

Mr. KENNEDY. Mr. President, how much total time is there?

The PRESIDING OFFICER. The managers have 30 minutes in opposition. The proponent has 30 minutes to propose and argue for the amendment.

Mr. SPECTER. If I may have 15 minutes—it will probably take less—and I will yield back the remainder of my time so we can proceed to Senator HELMS' second degree amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania has requested and the Chair is prepared to rule on what the managers wish to state. Is there objection to allocation of time by the managers? Without objection, it is ordered that the Senator from Pennsylvania shall have 15 minutes in opposition to the amendment. The managers of the bill will have 15 minutes in opposition to the amendment, and the Senator from North Carolina has 30 minutes to propose and to control the time in proposing the amendment.

Both sides, the managers and the proponent of the first degree amendment, have yielded back the remainder of their time. Therefore, under the unanimous-consent order entered, the Senator from North Carolina is recognized to propose a second degree amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina. The Chair will state that we are at the present time without time running in anyplace. Does the Senator wish to offer his amendment?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 254 TO AMENDMENT 252

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration

The PRESIDING OFFICER (Mr. HARKIN). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 254 to amendment No. 252.

Mr. HELMS. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

On page 77, line 15, strike "480,000" and insert in lieu thereof "460,000".

On page 78, line 10, strike "120,000" and insert in lieu thereof "140,000".

On page 90, line 18, strike "9" and insert in lieu thereof "6".

On page 91, line 23, strike "9" and insert in lieu thereof "10".

On page 92, line 13, strike "5" and insert in lieu thereof "3".

On page 92, line 18, strike "HOLDING ADVANCED DEGREES".

On page 92, line 20, strike "23" and insert in lieu thereof "32".

On page 92, line 22, strike "holding advanced degrees".

On page 93, line 18, strike "23" and insert in lieu thereof "32".

On page 94, line 12, strike "4" and insert in lieu thereof "3".

On page 94, line 13, strike "level," and insert in lieu thereof "level or 2,800, whichever is greater,".

On page 95, line 6, strike "(2),".

Mr. HELMS. Mr. President, I regret that I must oppose the Specter amendment, because I agree with his objectives, which is to increase business visas. However, the Specter-DeConcini amendment increases the level of immigration by an additional 30,000.

The underlying bill, as amended, increases the level of immigration to 816,000. I do not think Senators are fully aware of this fact.

Mr. President, let me explain. Yesterday, the Hatch amendment was approved by the Senate. The Hatch amendment has the effect of increasing the level of immigration by an additional 216,000.

I daresay if you asked four Senators, they would not realize that with one simple amendment by the Senator from Utah [Mr. HATCH] the number of immigrants coming into this country was increased by one-third.

Mr. President, we are all compassionate. We are all descendants of immigrants. But we have to make up our minds where our immigration policy is going.

As I said yesterday, our immigration policy should be based on America's best interest and what is right for America.

As a matter of fact, based on what I hear as I go around the country and around my State, I do not think that the American people will stand for such increases. There are many polls available to all of us and the ones I have seen indicate that the majority of Americans oppose any increase in immigration.

Mr. President, I support an increase in the number of business visas as long as we do not increase the overall level of immigration.

Therefore, my amendment provides 34,400 more business visas without increasing the national level.

Yesterday, I explained why we need more skilled workers coming into this country.

It is a question of policy. As I said at the outset, the question before the Senate is simple. What is in the best interest of America?

Mr. President, Lyndon Johnson stated during his 1964 State of the Union Address, we should be less concerned with setting immigration policy based on what country you come from and ask instead, "What can you do for our country?"

Obviously, I agree fully. We simply must develop an immigration policy that is in the best interests of America, America as a whole. We must not have a policy based primarily on a desire of some citizens to be reunited with distant relatives.

Mr. President, the pending amendment addresses the need of America by increasing the availability of skilled-based, business visas, in order to bring in people who are sorely needed by business and industry in this country. As a result, we can increase the productivity of our country and become more competitive in the world market.

America needs a policy that encourages skilled workers and people with exceptional abilities to come here. Unfortunately, our current system discourages them from immigrating because there is always a 1- to 3-year wait for skill-based, business-related visas under the third or sixth preferences.

I cannot tell you how many calls and letters I have had from my own State, from business and industry saying we need help bringing in more skilled workers.

They say, "We need their skills but we cannot get through the barriers and the delays."

So, obviously, American companies are having difficulty recruiting highly skilled workers who have crucial and critical knowledge of international markets and pioneer research.

If a business has a need for skilled workers and those workers cannot be found in this country, the business loses its competitive edge by having to wait from 1 to 3 years to achieve its labor needs.

How do we expect America to remain competitive if our businesses and our industries face labor shortages in critical areas in our country and cannot bring in the skilled workers they need? So we must not shoot ourselves in the foot again with misguided immigration policy.

The additional numbers for employer-sponsored visas in the pending

amendment will help reduce the delays for immigrants with skills or exceptional ability. Obviously, this will allow businesses to find enough skilled workers and thereby maintain a competitive position in the international markets.

It is interesting to me, and it is a measure of our lack of judgment in the past, that skill-based, employer-sponsored visas account for only a small percentage of the overall number of visas.

Would you believe, Mr. President, that only 10 percent are skill-based, whereas the other 90 percent are based on family connections. The tail is wagging the dog in terms of what is best for America.

Mr. President, as we debate the issue of legal immigration, we must keep in mind one fundamental concept and that is for America to remain a great country, we must have an immigration policy based on the needs of our country, our Nation, our industry, our business; we must have a policy focused on what is in the best interest of the American people.

Mr. President, I reserve the remainder of my time and I thank the Chair.

The PRESIDING OFFICER. Who yields time? The Sentor from Pennsylvania has 15 minutes.

Mr. HELMS. Mr. President, before I yield the floor I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I would seek to inquire from my distinguished colleague from North Carolina the differences between the amendment, the second degree amendment which he is currently proposing, from the amendment which he proposed yesterday. I have been reading through the amendments in the CONGRESSIONAL RECORD. I think it might expedite an understanding, at least the understanding of this Senator, if the distinguished Senator from North Carolina could state the differences.

Mr. HELMS. Mr. President, if any Senator is concerned about the possibility of our taking away family based numbers, let me assure him, that this amendment does not touch the fifth preference. This pending amendment takes the numbers out of the excess in the first and second preferences, and out of the point system.

Mr. SPECTER. I thank the Senator for that. The information which Senator HELMS provided to this Senator was to the effect that, out of the first preference, there be some 10,000 positions taken and out of the second preference some 11,000 positions taken. In addition, from a schedule which the distinguished Senator from North Carolina made available to me in the cloakroom before the second-degree amendment was offered, the amendment will take some 2,000 out of special immigrants in the second category denominated "independent," and some 2,000 in the second category independent under the label of "employment-generating investors" and of selected immigrants from the point system——

Mr. HELMS. No. Let me say to the Senator, I consulted with other Senator including the distinguished minority whip, Mr. SIMPSON. Let me read precisely what the amendment contains now. If you are looking at the current Kennedy-Simpson-Simon bill: 20,000 come from family; 10,000 come from the first preference; and 10,000 come from the second preference. Second, 14,400 come from other independent categories; 12,400 from the point system; and 2,000 from special immigrant categories.

That is the amendment as it now reads and is now pending.

Mr. SPECTER. I thank the distinguished Senator from North Carolina.

Mr. President, I agree with much of what the distinguished Senator from North Carolina has said in terms of an articulation of what is in the best interests of the United States and that we ought not care what country the immigrants come from, but what can those immigrants do for the United States. And that the concern ought to be on productivity and competitiveness in the world market. Senator HELMS has recited the calls which he has received from people in his State. This Senator has received similar calls and similar requests. It was on the basis of those calls and requests, and from quite a number of organizations, including the U.S. Chamber of Commerce, attorneys for the immigration societies, that this amendment has been offered.

The amendment with the Senator from North Carolina is offering is very close to the amendment which he offered yesterday. It is similar if not identical in principle, because he sought to add yesterday some 37,200 visas, contrasted with 34,400 in this second degree amendment. And he sought to take them out of the category, as I understand it, of the fifth preference and that amendment, offered by the distinguished Senator from North Carolina, was defeated yesterday by a vote of 71 to 27.

I believe it is fair to say that the vote reflected the sentiment of this body that we ought not to deprive any potential immigrant from existing categories from coming to this country, even if it meant bringing in highly skilled professionals and that the numbers which had been worked out for each category in the existing bill ought to be maintained and respected. I believe that it is fair to say that, simply by substituting other preferences, in going to the first preference which involved unmarried adult sons and daughters of citizens for the second preference, spouses and children of residents, and limiting that group by 11,000; unmarried adult sons and daughters of citizens, that the American people do not want to eliminate that category of potential immigrant or the 11,000 which the Senator is proposing, from spouses and children of residents or the 14,400, which I believe was the figure he just recited from special immigrants.

So that the reality is that based upon the very decisive vote yesterday, 71 to 27, that it is not the will of this body to reduce existing categories in order to have this business-sponsored category to help with productivity.

As the vote is currently structured, there will first be a vote on Senator HELMS' second-degree amendment, and I would urge my colleagues to reject that amendment really on the basis that it has already been decided, substantially. Certainly there are some changes but in principle it has been established that this body, 71 to 27, does not want to eliminate existing preferences for the highly skilled category.

The second vote will be on my underlying amendment which provides that we can have the objectives which the distinguished Senator from North Carolina talks about so eloquently: The productivity objective, the competitiveness in the world market responding to the calls which he has received and I have received and so many others have received.

So I would ask, Mr. President, that the second-degree amendment be rejected, very much as a similar amendment was yesterday, and that the Senate then face a vote on its underlying consideration of adding 30,000 additional because the 600,000 is not a magical figure, for reasons I outlined in my earlier presentation.

I would inquire of the Chair as to how much time I have left from my 15 minutes?

The PRESIDING OFFICER. The Senator has 6 minutes left.

Mr. SPECTER. I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I understand we have 15 minutes. I will just take 2 or 3 minutes to indicate I hope the Senate will reject the amendment of the Senator from North Carolina and the amendment of the Senator from Pennsylvania.

As has been pointed out in this debate, the Senator from North Carolina would take some 20,000 from the family preferences. Nearly half of this cut would be from the sons and daughters of American citizens. While that particular category is underutilized worldwide, one country is already

backlogged and several others are using the maximum allowed under current law. He would move the worldwide total down to 14,000. Thus it would keep out many sons and daughters of American citizens who would otherwise be able to come here.

Second, he reduces the numbers in the second preference—the spouses and children of permanent residents. He reduces that by 11,000. There is already a significant backlog in place today, and with the amnesty program that permitted over 3 million people to adjust their status, there will be permanent-resident aliens who will not be able to be united with their wife and their children.

He is reducing these two family categories for the skill category after we have already added to the skill categories by increasing the skill levels needed in third and sixth preference and also providing skilled workers through the selected immigrant category. It does not go as far as the Senator from Pennsylvania would like to go, but it certainly is important progress over the existing law.

For the reasons I have outlined, I would hope the amendment of the Senator from North Carolina would be defeated. In addition, because of the increase by 30,000 above the national limitation, which is basic, and is built upon a 22-percent increase over present law, I believe that the amendment of the Senator from Pennsylvania ought to be rejected as well.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized on the time of the Senator from Massachusetts. The Senator has 12 minutes left.

Mr. KENNEDY. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, this second-degree amendment is taken from the earlier Helms substitute amendment which would preserve the national level of immigration but reallocate the number of visas so that family-connected immigrants would dominate less and business-sponsored immigrants would receive additional visas.

As I stated when the Senate discussed the Helms substitute, I believe that is not bad policy. I think that is good policy. It is a policy I like. I think more independent immigrants, more business immigrants, breaking this lock of this remoteness of family reunification, is in the national interest. I know that is controversial. I think there is no doubt we should admit a larger number of immigrants because they possess certain skills and qualities that will serve our country well.

S. 358 would increase both the number of family-connected immigrants and the number of independent immigrants. The Helms amendment now would hold family-connected immigration at approximately the current levels, as I read it, while increasing the number of independent immigrants significantly. That is what Senator SPECTER is trying to do, except Senator SPECTER is adding numbers and Senator HELMS is crunching numbers placing them within the national level of immigration.

That approach is something I agree with, that we should have a national level. It would not reduce family-based immigration below present levels—well, it does—no, not below present levels. That is a correct statement, but it would increase the number of immigrants who enter because U.S. employers have requested them and if the Department of Labor has gone through their certification process that no U.S. workers qualify and are available to fill those positions. The original Helms substitute did change the fifth preference definition and, thus, I voted against it because the earlier Helms amendment violated the agreement I previously made with Senator KENNEDY and Senator SIMON. However, the Helms second-degree amendment does retain the fifth preference, as in current law.

In addition, the present second-degree amendment has the other beneficial qualities regarding increasing independent immigration and it stays with my philosophy of reaching the national level of immigration, not a cap. That is not what we have ever called it. Others have. In this situation, I would intend to support the Helms amendment since it does not violate my agreement with my comanagers and others I have discussed this measure with and it gets toward the same things except it does not increase numbers, it pulls them within the present numerical national level of immigration.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes 45 seconds.

Mr. HELMS. I thank the Chair. Mr. President, this legislation is so intricate and so complex that I find that even sometimes the managers of the bill do not follow all the figures.

My amendment does not affect sons and daughters. I repeat for emphasis, it does not affect sons and daughters for most countries. The current demand for first preference visas, and that is the sons and daughters of citizens, is about 12,000. The Kennedy-Simpson underlying bill elevates that figure to 24,200. There is an excess of about 12,000 over the demand already taken care of. It is true that a couple of countries have used all their first preference visas, but the other 160 countries have not.

Let me say again, in case any Senator is concerned we are taking away family-based numbers, let me assure such Senators that the pending amendment does not even touch the fifth preference. My amendment takes the numbers out of the excess in the first and second preferences and out of the point system.

I think it might be appropriate at this time, just so the record will reflect what the situation really is, to print this table in the RECORD at this point and I so ask unanimous consent. This reflects the accurate numbers in my amendment.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Current law limits	Actual 1987 numbers	Kennedy/Simpson 1988	Kennedy/Simpson/Simon 1989	Helms amendment	
					Number	Percent
National level of immigration	None	[1] 500,000	590,000	600,000	600,000	
Immediate relatives (spouses, children and parents of citizens)	([2])	218,500	[2] 220,000	[2] 220,000	[2] 220,000	
I. Family preferences:						
1st Preference (unmarried adult sons, daughters of citizens)	54,000	11,382	33,000	24,200	14,400	6
2d Preference (spouses and children of residents)	70,200	110,758	143,000	148,000	136,800	57
4th Preference (married sons and daughters of U.S. citizens)	27,000	20,703	22,000	23,000	24,000	10
5th Preference (never married brothers and sisters)	64,800	68,966	22,000	64,800	64,800	27
Total family preference	216,000		440,000	480,000	460,000	
II. Independent:						
Special Immigrants	([2])	3,646	6,000	6,000	4,200	3
3d Preference (members of profession exceptional ability)	27,000	26,921	27,600	27,600	44,800	32
6th Preference (skilled workers)	27,000	26,952	27,600	27,600	44,800	32
Employment generating investors	None	35	4,800	4,800	4,200	3
Selected immigrants (point system)	None	NA	54,000	54,000	42,000	30
Total independent			120,000	120,000	140,000	

	Current law limits	Actual 1987 numbers	Kennedy/Simpson 1988	Kennedy/Simpson/ Simon 1989	Helms amendment	
					Number	Percent
Total immigrants			590,000	600,000	600,000	

[1] Approximately.
[2] No limit.

Mr. HELMS. Let me go back to the original point that I think we ought to bear in mind. Yesterday there was an amendment accepted by the Senate, and I am not sure a whole lot of Senators understood what they were voting for. The Hatch amendment added 216,000 to the national level of 600,000 in the bill. So we are already at 816,000, and the Senator from Pennsylvania wants to add another 30,000 which would make it 846,000.

Lyndon Johnson said it right when he paraphrased John F. Kennedy. President Lyndon Johnson told the American people that Congress should be less concerned with setting immigration policy based on what country you come from and ask instead "What can you do for our country?"

Mr. President, I have at hand a letter that I received from a former Member of this body, the distinguished James T. Broyhill, a Senator from North Carolina. Jim is now secretary of the North Carolina Department of Commerce. I think what Jim Broyhill says in his letter to me is highly instructive because it goes to the point of this second-degree amendment. I am sure what he says about North Carolina is applicable in large degree to every State in this country. He says:

As you know, North Carolina has benefited greatly from foreign investment during the last several decades and especially during the 1980's. Foreign firms invested more than $1 billion in new and expanding industrial facilities during 1988 in our State, creating more than 5500 new jobs. During the past ten years, foreign industrial investment in North Carolina was approximately $4 billion resulting in the creation of approximately 40,000 jobs. To put this in perspective, foreign investment in North Carolina has accounted for more than 25 percent of all investment in new and expanding industry during the past 3 years.

And then Secretary Jim Broyhill, secretary of the North Carolina Department of Commerce, says this:

One of the greatest obstacles to the attraction of foreign investment is the issuance of visas for the owners and the skilled personnel required to manage the U.S. subsidiaries. The risks and delays associated with obtaining visas have increased dramatically during recent years. It is frankly embarrassing to hear foreign business leaders tell of the uncertainty and frustration they encounter when applying for permission to transfer key managers to our country. The U.S. government must provide immigration laws that give foreign owners the right to maximize success by transferring needed personnel to the United States.

So that is what this amendment is all about. Jim Broyhill states it in the perspective it deserves. He goes on to say:

I appreciate your attention to this important issue and support your efforts to increase employer-sponsored visas under the Immigration Reform Act of 1989. We must provide the means to warmly welcome these important individuals into our society. This is not a question of providing visas to a handful of bright, innovative people. The real issue is the continued economic development and technological advancement of the United States.

He goes on to say the obvious:

We are living in a global economy. The United States must not only compete for its share of the global markets, we must also compete for and attract our share of international technology; i.e., the men and women behind that leading technology.

So, Mr. President, I hope this amendment will be considered on the basis of the statistical facts as contained in the amendment and not on some misunderstanding that one Senator or another may have with figures. I realize that it is a complicated and intricate piece of legislation. But the underlying fact in all of this discussion is what is best for America. I submit that the Helms second-degree amendment now pending fits that category. I reserve the remainder of my time. Before I do, Mr. President, let me thank the distinguished Senator from Wyoming——

Mr. KENNEDY. Mr. President, how much time remains?

Did the Senator yield?

The PRESIDING OFFICER. The Senator from North Carolina has the floor. He has 9 minutes and 23 seconds remaining.

Mr. HELMS. I was going to thank Senator SIMPSON again for his lucid explanation of the figures and support of the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes remaining.

Mr. KENNEDY. Mr. President, the reductions I outlined earlier are the reductions in the bill.

If I stated that they were reductions in the current law, I meant reductions in the bill. The additions in the bill are based upon what the current demands are. What you have to recognize is that each country has 20,000-person ceiling. In addition, each country is limited to a certain percentage in each preference. If you reduce the worldwide level for a preference, the number of visas for that preference will become smaller for each country. We already have, under the first preference, a backlog. These are the sons and daughters of American citizens who are unable to rejoin their family. Today we have that backlog. We also have, under current law, a backlog in second preference. That is not even considering the fact that we have over 3 million people who adjusted their status as a result of the amnesty program, and who will soon file second preference petitions for their families.

Mr. President, when you take the numbers out of our bill, which was designed to deal with this increasing pressure, we will get even worse backlogs. To make the backlogs in family preference's worse in order to give some individuals who have skills and can make a contribution—no one questions that—I think is an unworthy trait. That is why I hope the amendment will not be successful.

I am prepared to move toward a vote on this issue. If there is no further discussion——

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I will save time by putting this in the RECORD, but I want to make clear the position of the administration on this amendment. I have a statement of administration policy. We will prepare extracts relating specifically to the pending amendment and I ask unanimous consent to insert them in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

NORTH CAROLINA DEPARTMENT
OF COMMERCE,
Raleigh, NC, June 29, 1989

Senator JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: As you know, North Carolina has benefited greatly from foreign investment during the past several decades and especially during the 1980's. Foreign firms invested more than $1 billion in new and expanding industrial facilities during 1988 in our state, creating more than 5,500 new jobs. During the past ten years, foreign industrial investment in North Carolina was approximately $4 billion resulting in the creation of approximately 40,000 jobs. To put this in perspective, foreign investment in North Carolina has accounted for more than 25 percent of all investment in new and expanding industry during the past three years.

One of the greatest obstacles to the attraction of foreign investment is the issuance of visas for the owners and the skilled personnel required to manage the U.S. subsidiaries. The risks and delays associated with obtaining visas have increased dramatically during recent years. It is frankly embarrassing to hear foreign business leaders tell of the uncertainty and frustration they encounter when applying for permission to transfer key managers to our country. The U.S. government must provide immigration

laws that give foreign owners the right to maximize success by transferring needed personnel to the United States.

I appreciate your attention to this important issue and support your efforts to increase Employer-Sponsored Visas under the Immigration Reform Act of 1989. We must provide the means to warmly welcome these important individuals into our society. This is not a question of providing visas to a handful of bright, innovative people. The real issue is the continued economic development and technological advancement of the United States.

We are living in a global economy. The United States must not only compete for its share of global markets, we must also compete for an attract our share of international technology; i.e., the men and women behind that leading technology.

Please keep me appraised of your progress with this most important legislation. If I can assist, feel free to call on me.

Best personal regards,

JAMES T. BROYHILL.
Secretary.

Mr. HELMS. I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

Mr. SPECTER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. KENNEDY. I withhold.

Mr. HELMS. In that case—I thought we were going to vote—I withhold as well.

Mr. SPECTER. That is agreeable to this Senator because I do have a few more comments.

First, Mr. President, a parliamentary inquiry on the status of the record. There will be first a vote on Senator HELMS' second-degree amendment, and, if that fails, then a vote on my amendment?

The PRESIDING OFFICER. If it fails or if it is adopted, there will then be a vote on the Specter first-degree amendment.

Mr. SPECTER. Whether it is adopted or fails.

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. I thank the Chair.

Mr. President, I have now had a few more moments to digest the complicated chart I had just received prior to my comments earlier from the distinguished Senator from North Carolina and now see more clearly the virtual identity between this amendment, Senator HELMS' current second-degree amendment, and the amendment he made yesterday which failed by a vote of 71 to 27. While it is complicated, Mr. President, the figures are plain from Senator HELMS' own statistical sheet that if you take a look at the fifth preference, which has a different definition than in prior years, the 1987 actual numbers were 23,517, which is far below the figures in the current bill, which Senator HELMS retains, 64,800.

So that the logic that he tries to apply to the first and second preference applies equally to the fifth preference where he was unsuccessful yesterday. Senator HELMS' own sheet is also claimed, but it takes a few minutes for analysis, to show that as to unmarried adult sons, daughters of citizens, the figure is reduced from 242,000 to 14,400, and the second preference, spouses and children of residents is reduced by another 11,200, from 148,000 to 136,800. And the special immigrants are reduced from 6,000 to 4,200 and employment generating investors reduced from 4,800 to 2,800, a very important line of productivity and competitiveness, and selected immigrants under the point system reduced from 54,000 to 40,600.

As already noted on the floor argument, there are backlogs in some of these categories.

So, I suggest, Mr. President, that what Senator HELMS is seeking to do has already been rejected by this body, and that we ought to vote, reject it again, and then move on to the proposition of allowing these highly productive people to come in by making a modest slight addition to the cap.

I thank the Chair, and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM addressed the Chair.

Mr. SPECTER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 2 minutes and 40 seconds.

Mr. SPECTER. I yield to the distinguished Senator from Texas 1 minute.

Mr. GRAMM. Mr. President, I rise in opposition to the Helms amendment. We have a simple choice before us. I think it is very important that people not be confused. Senator SPECTER, along with a lot of other cosponsors, has offered an amendment to raise the number of business sponsored visas by 30,000, and to increase the number of people allowed into the country by a corresponding number. It is a simple, straightforward amendment that says that we need more business sponsored visas.

The Senator from North Carolina has offered an amendment to raise business related visas by 37,200 but he would take that number away from other categories, in this case, denying people the opportunity to unify their families. Those who want more business sponsored visas in my opinion should support the Specter amendment and reject the Helms amendment because the Helms amendment increases business sponsored visas but does it at the expense of family unification.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute and 30 seconds left.

Mr. HELMS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from North Carolina has 8 minutes and 24 seconds.

Mr. HELMS. Senators tomorrow morning when they get the CONGRESSIONAL RECORD and look at the table that I put in the RECORD, they will see that the distinguished Senator from Pennsylvania is incorrect. I believe he is looking at an earlier version of my amendment. In the final version of my amendment, we do not decrease the number of visas for investors.

Mr. President, the distinguished Senator is in error when he states that today's second-degree amendment is the same as yesterday's amendment.

Yesterday's amendment dealt with the fifth preference, as I am sure the Senator must know. The second-degree amendment pending now does not touch the fifth preference, and I have said that over and over again.

The distinguished Senator from Wyoming [Mr. SIMPSON] stated the facts as they are. He understands them. I worked out the figures with Senator SIMPSON. If there is an authority on immigration in the Senate, it has to be ALAN SIMPSON.

We get back to the basic point. Where are we headed? The Hatch amendment yesterday has already increased the 600,000 cap to 816,000. Senator SPECTER's amendment pushes it up to 846,000. Most Senators, I expect, think we are still working on the 600,000 cap.

How much time do I have remaining now, Mr. President?

The PRESIDING OFFICER. Three minutes and fifty-five seconds.

Mr. HELMS. I reserve the remainder of my time in case some other incorrect statements are made.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of the time if the others will yield back as well.

Mr. SPECTER. Mr. President, I ask unanimous consent at this time that the list of organizations sponsoring my amendment be included in the RECORD, a sequence of letters from the U.S. Chamber of Commerce, and other companies and organizations be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CHAMBER OF COMMERCE,
Washington, DC, July 10, 1989.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: The U.S. Chamber of Commerce strongly supports the amendment to increase the number of visas for business-sponsored immigration that Senators Specter and DeConcini will be offering to the immigration bill (S. 358). This amendment is critically important to the business community.

S. 358, as presently drafted, contains two fundamental defects of significant concerns

to business. First, and most important, it provides for no meaningful increase in the amount of visas allocated to business-sponsored immigration, thus doing virtually nothing to alleviate the critical backlogs and time delays associated with the transfer of international personnel. Second, the bill unnecessarily re-orders the preference categories for business-sponsored immigration, eliminating the priority presently accorded to business immigrants without "advanced" degrees. The Specter/DeConcini amendment will address the first, and most serious, of these concerns.

This amendment will alleviate an extremely troublesome problem. In view of the small number of visas presently allocated to business immigration, there are severe backlogs and time delays in transferring highly skilled or professional personnel to U.S. operations. For example, even after the Department of Labor has certified that there are no U.S. workers qualified or available to occupy a particular position, it can still take over two years to fill this position with a highly skilled foreign national who has been extremely difficult to locate. Such delays are untenable and severely hinder U.S. business in its ability to meet the challenges of the international market.

The Specter/DeConcini amendment will propose only a very modest increase (30,000 visas) in the employer-sponsored immigration categories. It may be expected that approximately half the increase will be used by family members of principal employee-immigrants. Thus, the amendment will permit only an additional 15,000–20,000 employer-sponsored immigrants. This small number, together with the fact that these immigrants cannot be sponsored unless the Department of Labor has certified that their skills are not available in the U.S., guarantees that there will be no significant adverse impact on the U.S. labor market. In fact, the labor market impact will be positive because these needed skills enhance productivity and create employment.

The Chamber urges you to support this modest yet critically important change to S. 358 to enable business to meet effectively the challenges of the global marketplace. A system in which it can take over two years and sometimes much longer to relocate a critically needed skilled worker to the U.S. to meet an immediate and direct challenge is damaging to the U.S. economy and to all Americans.

Thank you for your consideration of the Chamber's views.

Sincerely,

ALBERT D. BOURLAND.

SMITHKLINE BECKMAN CORP.,
Philadelphia, PA, July 7, 1989.

Re Specter-DeConcini Amendment on Business Immigration to the Kennedy-Simpson Legal Immigration Bill (S. 358).

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I am writing on behalf of SmithKline Beckman Corporation to voice its support for the amendment you and Senator DeConcini have offered to the Kennedy-Simpson Legal Immigration Bill to increase the number of visas available for business immigrants from 54,000 to 84,000 per year.

SmithKline Beckman has a very real interest in sponsoring immigrant employees based on a certified shortage of qualified U.S. workers. Unfortunately, the limited number of visas available for employer-sponsored immigrants (the present 3rd and 6th preferences) has resulted in uncertainty and permanent delay. The minimum waiting time for permanent visas for scientists and other professionals is now over one full year (3rd preference), and for other skilled and unskilled workers (6th preference) the wait is over three years!

SmithKline Beckman cannot afford an immigration policy that is unresponsive to our most fundamental needs. Increased visa allocations for employer-sponsored immigration is the best, most effective way to speed up the process by which U.S. employers obtain needed personnel in shortage occupations.

SmithKline Beckman supports the Specter-DeConcini amendment to increase visas for business immigration and we appreciate your leadership efforts to meet the needs of American industry which must compete on a world-wide basis.

Sincerely,

RICHARD V. HOLMES.

JULY 11, 1989.

Re support Specter/DeConcini Employer Visas Amendment to S. 358.

DEAR SENATOR: The undersigned organizations and coalitions believe that legal immigration promotes the national interest.

We are writing to urge you to support a Specter/DeConcini amendment to S. 358 which would increase modestly (by 30,000 total) the visas available annually for employer-sponsored immigrants. The amendment would also raise by 30,000 the worldwide annual ceiling which S. 358 sets for legal immigrant visas.

Employer-sponsored visas can be issued only if the Department of Labor certifies that there are no domestic workers available to fill the jobs in question. There are currently backlogs of 1-3 years for visas which the Department of Labor has authorized. These backlogs, which the Specter/DeConcini amendment would help alleviate, harm American employers, and undermine American productivity.

Please support this important amendment to S. 358.

Sincerely,

American Committee for Italian Migration.

American Council for Nationalities Services (32 local affiliates nationwide).

American Immigration Lawyers Association (over 30 local chapters nationwide).

A. Philip Randolph Institute.

Centro Presente (Boston).

Chicago Committee for Immigrant and Refugee Protection (over 40 local member organizations).

Cuban American National Council (Miami, with local affiliates in other states).

Indochina Resource Action Center (over 30 local member organizations).

International Ladies Garment Workers Union.

Massachusetts Immigrant and Refugee Advocacy Coalition (over 40 local member organizations).

Nationalities Service Center of Philadelphia.

New York City.

North Texas Immigration Coalition.

Proyecto Adelante (Texas).

Travelers and Immigrants Aid of Chicago.

MICROSOFT CORP.,
Redmond, WA, June 26, 1989.

Re S. 358/Immigration Reform.

Hon. BROCK ADAMS,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR ADAMS: Thank you for meeting with our immigration counsel, Robert Free, and with other members of the American Immigration Lawyers Association during their visit to your offices on June 8, 1989.

Microsoft currently employs approximately 4,000 persons in the State of Washington. During the last fiscal year, Microsoft generated worldwide revenues of $591 million dollars. During the calendar quarter that ended March 31, 59% of our revenues were earned in the international market. Microsoft is the largest company of its kind in the world. The United States microcomputer software industry as a whole is presently dominant in the worldwide marketplace, but as you are well aware it faces extraordinary competitive challenges.

Among those challenges is the chronic shortage of experienced software engineers and other skilled personnel. It is important in terms of maintaining our technological and competitive edge that we be able to have reasonable opportunities to fill critical development and other positions with qualified foreign applicants when we are unable to fill them from the domestic labor pool.

It is, therefore, very important to Microsoft, and to other businesses in Washington State, to have increased visa numbers for both Third and Sixth Preference categories. The majority of truly critical positions which have been filled by foreign applicants at Microsoft have been filled with aliens qualifying under the Third Preference category, with a lesser but still important number coming from the Sixth Preference category. Still, there is a shortage.

We are concerned that S. 358, as currently written, will make it even more difficult to fill important positions. Currently, Third Preference category visa applicants are required to have a Bachelors degree. S. 358 requires Third Preference category applicants to have a Masters degree or higher, and there is apparently no spilldown of excess numbers from Third Preference to Sixth Preference. The likely result will be a restricted pool of Third Preference category candidates, and a longer waiting list (already two to three years) for Sixth Preference category candidates.

We understand that Rep. Howard Berman has sponsored a bill, H.R. 672, that is far more reasonable in its treatment of Third and Sixth Preference category visas than is S. 358. We therefore respectfully request that you work closely with your colleagues in the House of Representatives to support the Berman bill or similar legislation.

We also urge you to endeavor to minimize the potential detrimental impact of S. 358 by either co-sponsoring or introducing an amendment to that legislation which would, at a minimum, increase Third and Sixth Preference categories by 15,000 each, or 30,000 total. Although such an amendment would not fully address our concerns, it would substantially assist.

I greatly appreciate the continuing support you and your staff have provided to Microsoft.

Sincerely,

DAVID CURTIS,
Corporate Attorney.

PECHINEY CORP.,
Greenwich, CT, June 22, 1989.

Re: Specter-DeConcini Amendment on Business Immigration to the Kennedy-Simpson Legal Immigration Bill (S. 358).

Hon. JOSEPH LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: I am writing to ask that you support the Specter-DeConcini amendment to S. 358 that would increase the number of visas available for business immigrants from 54,000 to 84,000 per year.

Pechiney Corporation, headquartered in Greenwich, which along with its U.S. subsidiaries has more than $6 billion of sales annually, seeks to sponsor immigrant employees based on a certified shortage of qualified U.S. workers. Unfortunately, the limited number of visas available for employer-sponsored immigrants (the present 3rd and 6th preferences) has resulted in uncertainty and permanent delay. Increased visa allocations for employer-sponsored immigration is the best, most effective way to speed up the process by which U.S. employers obtain needed personnel in shortage occupations.

Please support the Specter-DeConcini amendment to increase visas for business immigration when the Kennedy-Simpson legal immigration bill (S. 358) is debated on the Senate floor.

Thank you for your attention to this concern. I hope you will let Senators Specter and DeConcini know that you support their amendment.

Sincerely,

ROLAND A. PAUL.

MCGRAW-HILL, INC.,
New York, NY, June 28, 1989.

Re: Specter-DeConcini Amendment on Business Immigration to the Kennedy-Simpson Legal Immigration Bill (S. 358).

Hon. MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing to ask that you support the Specter-DeConcini amendment to S. 358 that would increase the number of visas available for business immigrants from 54,000 to 84,000 per year.

McGraw-Hill, Inc. seeks to sponsor immigrant employees based on a certified shortage of qualified U.S. workers. Unfortunately, the limited number of visas available for employer-sponsored immigrants (the present 3rd and 6th preferences) has resulted in uncertainty and significant delay. The minimum waiting time for professionals' permanent visas is now over one full year (3rd preference), and for other skilled and unskilled workers (6th preference) the wait is over two and one-half years.

The present immigration policy is unresponsive to fundamental corporate needs. Increased visa allocations for employer-sponsored immigration is the best, most effective way to speed up the process by which U.S. employers obtain needed personnel in shortage occupations.

Please support the Specter-DeConcini amendment to increase visas for business immigration when the Kennedy-Simpson legal immigration bill (S. 358) is debated on the Senate floor.

Thank you for your attention to this concern. I hope you will let Senators Specter and DeConcini know that you support their amendment.

Very truly yours,

GEORGE W. LEOPOLD.

INTERNATIONAL PAPER,
Mobile, AL, July 11, 1989.

Re Importance of support for proposed Specter-DeConcini Amendment to S. 358.

Hon. HOWELL HEFLIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HEFLIN: Please support the amendment which will be offered by Senators Specter and DeConcini to the immigration bill in the Senate. The Specter-DeConcini Amendment is most important for International Paper, and for business and industry in this country generally.

Under the present law it can take over two and one-half years to obtain the right of residence for a foreign technical specialist, even where the Labor Department has certified that the particular skills are in short supply. The Kennedy-Simpson bill does nothing to address this severe backlog. However, the Specter-DeConcini Amendment adds a very modest number of visas (30,000) to the employer-sponsored immigration categories. While this will not eliminate the backlogs, it will at least prevent them from getting worse.

For example, one of our senior engineers who is a recognized specialist in pulp technology is a Canadian citizen. Without the Specter-DeConcini Amendment it will take over two years to obtain the right for him to reside permanently in the United States. This is an untenable situation which is damaging to our ability to be competitive internationally, and to provide increased employment opportunities in the United States.

Thank you for your support of this important Amendment.

Yours truly,

J.W. OVERALL,
Supervisor Management, Development and Administration.

POMA OF AMERICA, INC.,
July 5, 1989.

Re Specter-DeConcini Amendment on Business Immigration to the Kennedy-Simpson Legal Immigration Bill (S. 358).

Hon. TIMOTHY WIRTH,
U.S. Senate, Washington, DC.

DEAR SENATOR WIRTH: I am writing to ask that you support the Specter-DeConcini amendment to S. 358 that would increase the number of visas available for business immigrants from 54,000 to 84,000 per year.

Poma of America Inc. seeks to sponsor immigrant employees based on a certified shortage of qualified U.S. workers. Unfortunately, the limited number of visas available for employer-sponsored immigrants has resulted in uncertainty and permanent delay.

We are a U.S. corporation that is wholly owned by a French company. Our company manufacturers and installs aerial ropeway systems used primarily in the ski industry. Our parent company has provided our company with the technology to develop and build ski lifts in the United States. However, in order to implement this technology, we need specially educated and experienced personnel that can only be provided by the parent company.

We currently have 80 employees. Four of these employees are French nationalists who are engineers or highly trained technicians. These French employees are a vital part of our organization. They are responsible for educating and training our workforce and they also integrate the French technology into the U.S. manufactured product.

Our company cannot afford an immigration policy that is unresponsive to our most fundamental needs. Increased visa allocations for employer-sponsored immigration is the best, most effective way to speed up the process by which U.S. employers obtain needed personnel in shortage occupations.

Please support the Specter-DeConcini amendment to increase visas for business immigration when the Kennedy-Simpson legal immigration bill (S. 358) is debated on the Senate floor.

Thank you for your attention to this concern. I hope you will let Senators Specter and DeConcini know that you support their amendment.

Sincerely,

THOMAS W. RICHARDSON,
President.

BASF CORP.,
Parsippany, NJ, June 30, 1989.

Senator ARLEN SPECTER,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR SPECTER: During the week of July 10, the Senate will consider the Kennedy-Simpson Immigration Reform Bill, S. 358, which is designed in part to address the needs of the business community with regard to the serious backlogs for visas in the Third and Sixth Preference categories.

We support the Kennedy-Simpson Bill, which provides a new category, Independent Immigrants II, similar to the Third Preference, for which the new requirements to obtain a visa will be to have an advanced degree or be of exceptional ability in the sciences, arts, or in business.

Under S. 358, as reported from the Senate Judiciary Committee, 27,600 visas are allocated to this category and an additional 27,600 visas allocated to a new category, Independent Immigrant III, which is for temporary immigrants with bachelors degrees or with special skills requiring at least two years of experience or training.

The total for these two replacement categories is 55,200, only slightly more than the 54,000 permitted under existing law.

These numbers, as you know, include spouses and children, and in the most recent year for which data are available, only 23,000 "workers" were admitted, the remaining 31,000 visas went to spouses and their children.

When the Senate considers S. 358, Senators Specter and DeConcini plan to offer an amendment that will increase the number of visas for business-sponsored immigrants by 30,000. We support this amendment.

An increase in business-sponsored visas will not affect United States workers. As you know, the employer of a business immigrant must obtain Labor Department certification that "no qualified U.S. workers are available" for the position to be filled and that employment of the immigrant will not harm the wages and working conditions of other workers in the United States. Providing additional business-sponsored visas also will not affect the availability of visas for family-sponsored immigration which is a separate immigration category.

Due to the nature of our business, BASF needs to obtain visas for exceptional, skilled and vitally needed temporary business immigrants with some regularity. In the past we have encountered some delays in obtaining such visas and have found that the delays can affect projects in Pennsylvania and elsewhere in the country. BC is a Fortune 100 manufacturer with approximately 22,000 employees in the U.S. and Canada.

S. 358 with the Specter-DeConcini amendment will help remedy this serious problem.

When the Senate takes up this legislation, we hope we can count on your support.

If you or your staff need additional information or need to discuss this issue further, please contact me or Bob Thoma, Vice President, Government Relations, at (202) 296-6508.

Sincerely,

F.W. BERNTHAL.

AMERICAN COUNCIL ON INTERNATIONAL PERSONNEL INC.,
New York, NY, June 26, 1989.

Hon. ARLEN SPECTER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Attention: Margaret Morton.

DEAR SENATOR SPECTER: The American Council on International Personnel (ACIP) urges you to support the Specter-DeConcini amendment to S. 358, "The Immigration Amendments of 1989," when it reaches the Senate floor. The amendment will provide 30,000 additional yearly immigrant visas for the skilled workers our country so desperately needs to remain internationally competitive.

ACIP represents 240 large companies with substantial movement of international personnel. The business community has long been the forgotten immigration constituency. While we are the largest regular consumer of immigration services, every effort to reform the immigration system has failed to address the needs of the business community. The immigrants our members are bringing into this country are not taking jobs from Americans. Instead, they are making our companies more vital and creating more jobs for Americans.

S. 358 as it emerged from the Judiciary Committee again fails to address adequately the needs of American employers. In its original form, it would have provided 55,000 visas per year for employer sponsored immigrants (only 1,000 more per year than under current law). After three years, however, that number would have increased to 69,000 per year, a more reasonable allotment, but still only slightly more than 10 percent of the immigrant visas.

The Senate Judiciary Committee amendment to the bill, though, freezes the business categories at 55,000 per year, with no increase after three years. This makes no sense.

Senators Specter and DeConcini have fashioned a balanced amendment which increases the number of immigrants entering based on their skills and the demonstrated need for their labor in this country by a total of 30,000 each year. Their amendment only increases the overall ceiling on immigration by 5 percent. It maintains the requirement that no immigrant be admitted unless it is demonstrated a U.S. worker is not available to take the job.

Labor shortages, especially in skilled positions, have been demonstrated time and again, most recently in the Secretary of Labor's study, "Labor Market Shortages." When a U.S. company can transfer workers from a German subsidiary to a French subsidiary virtually overnight, but must wait 14 months—the current backlog for skilled workers—to bring that same employee to the United States, that U.S. company is going to lose to its foreign competitors. Your support for the Specter-DeConcini amendment will help to level that playing field and make U.S. employers competitive.

Please call ACIP's Washington representative Harris Miller on 276-8009 if you have any questions or comments.

Sincerely,

AUSTIN T. FRAGOMEN, Jr.,
Chairman of the Board.

NATIONAL FOREIGN TRADE COUNCIL, INC.,
New York, NY, June 20, 1989.

Re Business Immigration Amendment to Kennedy-Simpson Bill (S. 358).

Hon. ARLEN SPECTER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: On behalf of the National Foreign Trade Council I wish to commend you for your willingness to offer an amendment to S. 358, which would increase "employer-sponsored" visas by 30,000. This would be most helpful to the business community.

The Council is a non-profit association of 500 companies engaged in international trade and investment. Its members have long supported efforts to improve U.S. Immigration Laws, policies and procedures, particularly as they affect the transfer of foreign executives as well as managerial, professional and specialized knowledge personnel to the United States. It is critical for companies operating internationally to have a trained and experienced workforce at all levels in order to compete effectively around the world. The United States of America has a particular interest in the ongoing viability of American multinational corporations, since their repatriated foreign profits help to ameliorate our difficult balance of payments position.

As U.S. companies can and do send U.S. employees (and their families) on assignments to foreign countries in order to meet their operational needs in the global marketplace, so must they be allowed to (expeditiously and with reasonable surety) bring select foreign nationals to the U.S. for varying periods of time.

The President of the Council, Frank Kittredge, testified before the Senate Sub-committee on Immigration and Refugees on March 3, 1989, representing a coalition of several interested organizations called the Business Immigration Council. In that testimony (copy attached for ready reference) we supported the general thrust of S. 358 but pleaded for an increase in the allotment for "business related" or "independent" category visas.

Your proposed amendment would be a reasonable response to our request, particularly bearing in mind that these visa numbers relate to the prospective alien and immediate family members as well.

We strongly support you in your efforts and hope that the amendment will receive favorable consideration by both the Senate and the House.

Sincerely,

WILLIAM F. CAGNEY,
Director, Industrial Relations and Management Resources.

EXHIBIT 1

BUSINESS ENTITIES AND ORGANIZATIONS IN SUPPORT OF AMENDMENT TO INCREASE BUSINESS SPONSORED IMMIGRATION

U.S. Chamber of Commerce.
SmithKline Beckman.
BASF Corporation.
Rohm & Haas.
McGraw-Hill, Inc.
American Council on International Personnel.
National Foreign Trade Council.
Manufacturer's Association of Pennsylvania.
American Committee for Italian Migration.
American Council for Nationalities Services.
American Immigration Lawyers Association.
A. Philip Randolph Institute.
Centro Presente (Boston).
Chicago Committee for Immigrant and Refugee Protection.
Cuban American National Council.
Indochina Resource Action Center.
International Ladies Garment Workers Union.
Massachusetts Immigrant and Refugee Advocacy Coalition.
Nationalities Service Center of Philadelphia.
New York City.
North Texas Immigration Coalition.
Proyecto Adelante (Texas).
Travelers and Immigrants Aid of Chicago.
Deloite, Haskins and Sells.
Microsoft Corporation (Washington State).
International Paper (Alabama).
Pechiney Corporation (CT).
POMA of America, Inc.

Mr. SPECTER. Mr. President, in order to avoid any possible misunderstanding about who is wrong and right, I want to introduce my copy of Senator HELMS' figures, the ones I received from Senator HELMS in the anteroom to verify the representations that I may have made as to the reductions in these various categories, and perhaps we are finished with the time I have remaining by simply asking Senator HELMS question.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	Current law limits	Actual 1987 numbers	Kennedy/Simpson 1988	Kennedy/Simpson/ Simon 1989	Helms amendment	
					Number	Percent
National level of immigration	None	[1] 500,000	590,000	600,000	600,000	
Immediate relatives (spouses, children and parents of citizens)	([2])	218,500	[2] 220,000	[2] 220,000	[2] 220,000	
I. Family preferences:						
1st Preference (unmarried adult sons, daughters of citizens)	54,000	11,382	33,000	24,200	14,400	6
2d Preference (spouses and children of residents)	70,200	110,758	143,000	148,000	136,800	57
4th Preference (married sons and daughters of U.S. citizens)	27,000	20,703	22,000	23,000	24,000	10
5th Preference (never married brothers and sisters)	64,800	23,517	22,000	64,800	64,800	27
Total family preference	216,000		440,000	480,000	460,000	

	Current law limits	Actual 1987 numbers	Kennedy/Simpson 1988	Kennedy/Simpson/Simon 1989	Helms amendment	
					Number	Percent
II. Independent:						
Special Immigrants	(2)	3,646	6,000	6,000	4,200	3
3d Preference (members of profession exceptional ability)	27,000	26,921	27,600	27,600	46,200	33
6th Preference (skilled workers)	27,000	26,952	27,600	27,600	46,200	33
Employment generating investors	None	35	4,800	4,800	2,800	2
Selected immigrants (point system)	None	NA	54,000	54,000	40,600	29
Total independent			120,000	120,000	140,000	
Total immigrants			590,000	600,000	600,000	

[1] Approximately.
[2] No limit.

Mr. SPECTER. Just picking out one, is it not true that under your chart in the employment-generating investors, you would allow in 2,800, whereas, the current bill allows in 4,800 for a reduction, obviously, of 2,000 on a very important item of productivity and business activity.

The PRESIDING OFFICER. The Chair states that the time of the Senator from Pennsylvania has expired. The Senator from North Carolina has 3 minutes 45 seconds.

Mr. HELMS. Mr. President, the Senator from Pennsylvania is working with the original version of my amendment. At the request of Senator SIMPSON, I changed the numbers in my amendment to restore the number of visas for investors. I apologize for the confusion.

I yield back the remainder of my time, and I suggest that we vote.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from North Carolina. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER (Mr. BREAUX). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 22, nays 77, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—22

Armstrong	Garn	Roth
Bond	Grassley	Rudman
Burns	Hatch	Shelby
Byrd	Helms	Simpson
Cochran	Lott	Symms
Danforth	Lugar	Thurmond
Dole	McClure	
Ford	Pressler	

NAYS—77

Adams	Breaux	Cranston
Baucus	Bryan	D'Amato
Bentsen	Bumpers	Daschle
Biden	Burdick	DeConcini
Bingaman	Chafee	Dixon
Boren	Coats	Dodd
Boschwitz	Cohen	Domenici
Bradley	Conrad	Durenberger
Exon	Kennedy	Packwood
Fowler	Kerrey	Pell
Glenn	Kerry	Pryor
Gore	Kohl	Reid
Gorton	Lautenberg	Riegle
Graham	Leahy	Robb
Gramm	Levin	Rockefeller
Harkin	Lieberman	Sanford
Hatfield	Mack	Sarbanes
Heflin	McCain	Sasser
Heinz	McConnell	Simon
Hollings	Metzenbaum	Specter
Humphrey	Mikulski	Stevens
Inouye	Mitchell	Wallop
Jeffords	Moynihan	Warner
Johnston	Murkowski	Wilson
Kassebaum	Nickles	Wirth
Kasten	Nunn	

NOT VOTING—1

Matsunaga

So, the amendment (No. 254) was rejected.

VOTE ON AMENDMENT NO. 252

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to the amendment of the Senator from Pennsylvania [Mr. SPECTER]. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 21, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—78

Adams	Glenn	McClure
Armstrong	Gore	Metzenbaum
Bentsen	Gorton	Mikulski
Biden	Graham	Mitchell
Bond	Gramm	Moynihan
Boren	Harkin	Murkowski
Boschwitz	Hatch	Nickles
Bradley	Hatfield	Nunn
Breaux	Heflin	Packwood
Bryan	Heinz	Pell
Burns	Hollings	Reid
Chafee	Inouye	Riegle
Coats	Jeffords	Robb
Cohen	Johnston	Roth
Conrad	Kasten	Sanford
Cranston	Kerrey	Sarbanes
D'Amato	Kerry	Sasser
Danforth	Kohl	Shelby
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Domenici	Lott	Wallop
Durenberger	Lugar	Warner
Fowler	Mack	Wilson
Garn	McCain	Wirth

NAYS—21

Baucus	Exon	McConnell
Bingaman	Ford	Pressler
Bumpers	Grassley	Pryor
Burdick	Helms	Rockefeller
Byrd	Humphrey	Rudman
Cochran	Kassebaum	Simon
Dole	Kennedy	Simpson

NOT VOTING—1

Matsunaga

So the amendment (No. 252) was agreed to.

AMENDMENT NO. 255

(Purpose: To prevent distortions in the reapportionment of the House of Representatives caused by the use of census population figures which include illegal aliens)

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself, Mr. HEINZ, Mr. HELMS, Mr. LOTT, Mr. GRASSLEY, Mr. STEVENS, Mrs. KASSEBAUM, Mr. HEFLIN, and Mr. DOLE, proposes an amendment numbered 255.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new title:

TITLE —CENSUS

SEC. . PREVENTION OF CONGRESSIONAL REAPPORTIONMENT DISTORTIONS.

(a) FINDINGS.—The Congress finds that—

(1) in recent years millions of aliens have entered the United States in violation of immigration laws and are now residing in the United States in an illegal status and are subject to deportation;

(2) the established policy of the Bureau of the Census is to make a concerted effort to count such aliens during the 1990 census without making a separate computation for such illegal aliens; and

(3) by including the millions of illegal aliens in the reapportionment base for the House of Representatives, many States will lose congressional representation which such States would not have otherwise lost, thereby violating the constitutional principles of "one man, one vote".

(b) SECRETARIAL ADJUSTMENTS TO PREVENT DISTORTIONS.—Section 141 of title 13, United States Code, is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) The Secretary shall make such adjustments in total population figures as may be necessary, using such methods and procedures as the Secretary determines feasible and appropriate, in order that aliens in the United States in violation of the immigration laws shall not be counted in tabulating population for purposes of subsection (b) of this section; *Provided, however,* That nothing in this subsection (g) shall be construed to supersede section 195 of title 13, United States Code."

(c) CONFORMING AMENDMENT.—Section 22(a) of the Act entitled "An act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929 (2 U.S.C. 2a(a)), is amended by striking out "as ascertained under the seventeenth and each subsequent decennial census of the population" and inserting in lieu thereof "as ascertained and reported under section 141 of title 13, United States Code, for each decennial census of population".

The PRESIDING OFFICER. The Chair will state, by previous order, there is a 2-hour limitation on this amendment to be equally divided. The Senator from Alabama is recognized.

Mr. SHELBY. I yield myself as much time as I may consume.

Mr. President, I am offering this amendment on behalf of myself, Senators HEINZ, HELMS, LOTT, GRASSLEY, STEVENS, KASSEBAUM, HEFLIN, and DOLE.

Mr. President, the established policy of the Bureau of the Census is to count every inhabitant in this country without making an adjustment for illegal aliens, and the Census Bureau plans to continue this policy in 1990 when they take the census. If this policy is allowed to continue, some States will lose congressional representation which they would not otherwise lose.

The basic rights of representation in our country are violated when voters in States with a large number of illegal aliens have a greater voice in choosing representatives in Congress. As the Supreme Court stated in *Wesberry* v. *Sanders,* 376 U.S. 1 (1963):

> No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.

I believe we must address this issue prudently, yet expeditiously. In less than 1 year our country will once again undergo a taking of the census. We have been doing this since 1790. In 1790, the first U.S. census was conducted and completed. Many demographic elements have changed during these past 200 years, and the census must remain attuned to these changes in our country.

In the 1980 census, the Census Bureau counted an estimated 2.57 million illegal aliens. But for this inclusion, Indiana and Georgia would probably have gained seats in Congress of the United States. In 1990, Mr. President, if the Census Bureau's policy remains unchanged, Pennsylvania, Connecticut, Michigan, North Carolina, and my State of Alabama may lose congressional seats. Perhaps others.

Therefore, Mr. President, this amendment that I introduced a few minutes ago would prevent the use of census figures which would include undocumented aliens for apportionment of the House of Representatives. My proposal directs the Secretary of Commerce to ensure that undocumented aliens shall not be counted for apportionment purposes.

At the outset I must vigorously state that the legislation is not designed to be an anti-immigration proposal. It is not designed, implicitly or explicitly, to hinder the legal immigration process.

However, Mr. President, it is designed to ensure proper apportionment so that all citizens in the United States will receive the opportunity to be heard. The opportunity for participation in governing through an undiluted ballot box is part and parcel of government in America. Consequently, to realize this opportunity, the undocumented alien must not be counted for apportionment purposes.

My proposal, this amendment now before the Senate, does not impede upon the constitutional protections that have been legislatively sanctioned and judicially recognized to apply to undocumented aliens as well as to citizens and resident aliens.

Conversely, Mr. President, my proposal provides implementation of the concept of equal protection under the laws for those American citizens who would be adversely affected by the conclusion of these undocumented aliens.

The mere inclusion of illegal aliens in census figures for House of Representatives apportionment purposes violates the notion of self-government and eradicates the community's process of political self-definition. This occurs when an affected State's voting strength is weakened and qualified voters are placed in an impracticable position, vis-a-vis qualified voters of States with a large undocumented alien population. Thus, Mr. President, improper apportionment deprives citizens of their right of self-determination through the ballot box.

Mr. President, my proposal is simple in structure. It merely directs that the Secretary of Commerce shall make adjustments in total population figures as may be necessary, using such methods and procedures as the Secretary determines appropriate, in order that aliens in the United States in violation of immigration laws shall not be counted in tabulating population for purposes of reapportionment.

As our Nation prepares for the 1990 census next year, it is important that fairness and equity not fall by the wayside in our assessment of demographics. The issue is far too important to many people.

The PRESIDING OFFICER. The Senator has 54 minutes 20 seconds remaining. Who yields time?

Mr. HELMS. Mr. President, might I confer with the distinguished Senator from Illinois.

The PRESIDING OFFICER. Who yields time?

Mr. SHELBY. Mr. President, I yield 8 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 8 minutes.

Mr. HELMS. Mr. President, I thank the distinguished Senator and I thank the Chair. Needless to say, I am pleased to be an original cosponsor of the amendment by the able and distinguished Senator from Alabama. I commend Senator SHELBY for his efforts to rectify, to put it mildly, a grave injustice that is about to be committed by the Census Bureau.

Here is the situation. The Shelby-Helms amendment instructs the Census Bureau to exclude illegal aliens in the census count. Nothing else makes sense. If you cannot reason with a bunch of bureaucrats, then you have to go legislatively. For some reason the Census Bureau has decided, reductio ad absurdum, to count illegal aliens in the 1990 census. The Census Bureau policy jeopardizes the constitutional right of North Carolina citizens, among others, to fair and equal representation.

If the Census Bureau does count illegal aliens, the citizens of my State, and others, may lose a congressional seat. We would lose a congressional representative in North Carolina merely because some of the bureaucrats in the Census Bureau think that the Constitution requires them to count illegal aliens. Well, they better go back to the history books just a little bit. I remind them that there were no illegal aliens in 1787 when the constitutional framers, the Founding Fathers as we call them around this place, debated the issue of the census and reapportionment.

Mr. President, illegal aliens did not have the right to vote. So why should they have the right to determine the outcome of the makeup of our Government? If illegal aliens are counted, States like California will gain a seat at North Carolina's expense. Therefore, Californians will have proportionally more congressional representation than North Carolina and some other States. They will have more seats in Congress thanks to people breaking the law and entering this country as illegal aliens.

I simply do not believe that our Founding Fathers ever intended to allow people who cannot vote and who

break the law, to determine the political makeup of this Government.

Judge Noonan pointed out adequately and accurately, if a foreign army invaded our country on census day, we would not count them in the census. Furthermore, if a gang of drug runners were in our country illegally on census day, we would not count them in the census. So why must we count illegal aliens? The answer is that we should not.

The amendment of Senator SHELBY, of which I am proud to be a cosponsor, makes sense; it has equity; it is fair; and the Senate ought to adopt this amendment. I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

Mr. SIMON. Mr. President, I yield myself such time as I may consume.

There are two reasons for rejecting the amendment offered by my friend from Alabama, for whom I have great respect. One is that it is unconstitutional, which is a pretty major impairment, and the second is that it is impractical, and that is also a pretty major impairment.

On the Constitution, section 2 of article I talks about electing representatives in apportionment and says, "Their respective numbers, which shall be determined by adding to the whole number of free persons."

Not citizens. The Constitution makes a clear distinction between citizens and persons.

Now, in part, article I has been superseded by article XIV after the Civil War, or the War Between the States, as it is sometimes called. In article XIV, section 1 talks about citizens. In section 2 it says:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State.

It is very clear. The distinction between persons and citizens was even more clear when these two items were drafted. It is very interesting. In the State of Illinois, and my guess is in the State of Alabama and in the State of Louisiana and the State of Iowa and the other States represented here on the floor today, originally noncitizens could vote. In the State of Illinois, noncitizens voted, I believe it was, until 1848. I am not sure of that precise date, but it was a pre-Civil War date. We made a clear distinction between persons and citizens and those who could vote.

So the meaning of the Constitution is clear, and we do not with as much power as we may have as Senators, have the ability to change the Constitution with a simple amendment.

There is a second reason for voting against the Shelby amendment.

Let us just say that Senator RICHARD SHELBY, or Senator JOHN BREAUX, or Senator CHUCK GRASSLEY are going around door to door. You are with the census. You are taking a census. You have to make a determination all of a sudden: Is this person a citizen or is this person not a citizen? You are making the determination the courts have to make. The person from the Census Bureau is not authorized to say who is a citizen and who is here illegally. It would be the most horrendous kind of impractical thing that you could imagine. And I would add you cannot deny rights to people who are not citizens without due process. The U.S. Supreme Court determined that in 1896, and due process is not saying to somebody who is taking a census you just make an arbitrary judgment of whether somebody, a citizen or not, should be counted.

I do not question for a moment the motivation of my friend from Alabama. But this is a amendment that clearly should be defeated.

I add that his proposal is now pending before a committee of this body. And my understanding, and the Senator from Alabama can correct me if I am incorrect, is that Senator BINGAMAN from New Mexico has pledged that there will be a hearing on this question, and that will look into whether there is some way of working out the practical problems. But I suggest that we should not all of a sudden throw a monkey wrench into something that is even at its best a complicated procedure. We are going to make it infinitely more complicated if the Shelby amendment should be enacted into law. And then we are going to have to go through court proceedings.

Do we just suspend taking the next census because we have court proceedings pending? I do not know the answer. But I think we would be wise to say Senator SHELBY is a Senator of much above-average ability and determination who has an idea that has some merit, but on reflection it is both unconstitutional and impractical.

Mr. President, I oppose this amendment because it is unconstitutional, unworkable, and unwise.

This amendment directs the Census Bureau to act in an unconstitional manner by excluding undocumented aliens from the count. The Constitution explicity directs that apportionment be based on the number of persons, not the number of citizens or legal residents. Where the framers intended to make an exception, they said so explicity. This, Indians were excluded, and slaves were only counted as three-fifths of a person for reapportionment.

We cannot turn persons into nonpersons by senatorial legerdemaine. The Constitution directs the census to count the number of people. The only way to change that is to amend the Constitution. That is the opinion of a wide variety of scholars who have researched the topic, including the Congressional Research Service, the Census Bureau, the Justice Department, the ACLU, the American Immigration Lawyer's Association, the Asian Law Caucus, the Asian Pacific American Legal Center, MALDEF, the Southwest Voter Education and Registration Project, La Raza, and the American Jewish Committee, the Illinois House of Representatives, and the city of Chicago.

Aside from being unconstitutional, this amendment would prove unworkable. The Director of the Census Bureau has stated last year that "we have not found an acceptable method to exclude undocumented immigrants" from the count. Each proposed method presents the possibility of serious error, either by an overcount or an undercount of legal residents.

In addition, determining who is here illegally is sometimes a complicated legal matter. Persons may assert claims of political asylum; they may seek suspension of deportation or adjustment of status; or they may invoke a wide range of other defenses. This amendment would force the Census Bureau to find a way to make these legal determinations. The Census Bureau is not equipped to make those judgments.

The Director also said last year that there was not enough time to implement this change for the 1990 census. Now, a year later, that task would be even more difficult. A task that is already difficult to accomplish accurately is made even more difficult by time pressures.

This proposal is also unwise. It would undermine the accuracy of the count of Hispanics and other minority immigrant communities. Census Bureau employees would be unable to determine if all eligible persons had responded to the questionnaire, since they would be forced to determine whether the persons were undocumented or not. Hispanics are already undercounted at a rate five to six times that of the overall population. Since the census data is also used to redistrict State and local governments and to plan for local social and governmental services, it is important for it to be as complete and accurate as possible.

Some legislators have argued in favor of this amendment by pointing to the potential shift in representation that would result from it. This issue, however, is too important and too politically sensitive to be resolved by our own parochial self-interests as legislators. We must heed the Constitution, rather than the cries of those who would seek political advantage.

Because I believe this amendment is unconstitutional, unworkable, and unwise, I will be voting against it. I urge my colleagues to do the same.

Mr. President, I yield to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask that Senator COCHRAN from Mississippi be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. At this time, I yield 10 minutes to the distinguished Senator from Iowa [Mr. GRASSLEY].

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. GRASSLEY. Mr. President, I am very happy to be a cosponsor of this amendment. I congratulate the Senator from Alabama for his sponsorship of this amendment and for bringing this very important issue to the floor for debate. It is very important because the very basis of representative government, and the equal division of that representation in Congress among the people of this country, is a sound count of who lives in this country. We assume that people who live in this country live here legally. If they live here illegally, they should not be counted. They should not be here at all to begin with.

I want to set the record very straight. My State of Iowa, under the 1990 census, will probably lose a seat in the House. We will go from six down to five. This will happen regardless of the outcome of the Shelby amendment. Whether we count illegal aliens or not, my State is bound to lose a seat. So my support for this amendment is based upon my respect for representative government, as well as my respect for sound statistics as a basis for the division of 435 Representatives among the States in the House of Representatives.

It is a commonsense approach that I am arguing. I believe we would find a solid consensus if we were to travel among the citizens of our States and discuss the issue of whether or not we ought to have any illegal aliens in this country. You will find no commonsense understanding nor any tolerance toward illegal aliens being in this country at all.

We passed legislation in 1986 to solve this problem. I hope that legislation, passed thanks to the leadership of Senator SIMPSON and other people in this country who worked hard, will work. But it is a fact that it is not keeping all illegal aliens out of this country.

So illegal aliens in this country is a fact of life. Our police and the INS have to be oriented toward moving those people out of this country. Or, through the Simpson amendment, we can punish those who knowingly hire illegal aliens. However, that just does not solve our problem.

So you reach the commonsense question of whether people who are in this country illegally ought to have the right to participate in shaping the laws for those who live here legally. Should this class of people—illegal aliens—distort representative government in the United States? Discuss that with your constituents in Maryland, Alabama, Iowa, Illinois, California, or Texas. Those latter two States obviously have large numbers of illegal aliens. Talk it over with your constituents and you will find, first of all, no tolerance toward illegal aliens. Let us start at another point: You are not going to find tolerance for people who violate the law. Since illegal aliens are in violation of our law, you are going to find little tolerance for their presence.

Should the presence of illegal aliens have a negative, detrimental impact upon the representative process of our country? The answer to that, obviously, is no. We are talking about hundreds of thousands of people who are coming here illegally. That is quite a distortion of representative government, particularly in those States where a high percentage of the illegal aliens reside.

I do not question the sincerity of the Senator from Illinois who says this should not be offered as an amendment to this bill. He says it ought to be studied by Senator BINGAMAN'S committee. But this was an issue when I was in the House of Representatives, when the Senator from Illinois was also a Member of the House, in the late 1970's, when we were getting ready for the 1980 election.

Obviously, it was not passed and illegal aliens were counted. And so it is an issue today. Well, if we really had wanted to do this through the process of committee hearings and study, there were 8 to 9 years to do so. But we are right up to the last few months, with just a few weeks to make a decision, before the counters go out in 1990. We must decide whether or not people who are here illegally, people who can distort the representative process, ought to be counted. And the commonsense consensus back there in the grassroots in Illinois or Iowa or Alabama or Kansas is, "no, they should not be counted." I yield for a question, but retain the floor, to the Senator from Illinois.

Mr. SIMON. I agree with 80 percent of everything my colleague from Iowa has to say. There is only one problem. That is the Constitution of the United States. What are you going to do with the Constitution?

Mr. GRASSLEY. I will answer the Senator's question. I am not a lawyer, but there will be evidence given by constitutional lawyers on both sides of that argument before this debate is over. Those arguments will both uphold and dispute your point of view. All I can say is that it just is not right. The Constitution, if you look at it from a commonsense approach, does not say that people who are here illegally can distort the legislative process. A better way of asking this question is to ask if a foreign army of people walked across our border, would we count them? The answer is "no".

Mr. SIMON. If my colleague would yield once again.

Mr. GRASSLEY. I will yield the floor soon. I just want to say, in closing, Madam President, that we have to do this right now if we want the 1990 census to be a true reflection of the number of lawful residents and American citizens. A vote for the Shelby amendment shows respect for obedience to the law and ensures a wise basis for apportionment within our system of representative government. I want to uphold the law. I want to show respect for law. I want to see that there is fair reapportionment in the House of Representatives. That is why I support the Shelby amendment.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself such time as I might use.

Mr. President, the Shelby amendment is flatly unconstitutional, and therefore should not be included in this immigration bill. At an appropriate time I will offer a motion to table it.

The amendment is unconstitutional because both article I, section 2 of the Constitution and the 14th amendment require apportionment to be based on "the whole number of persons," regardless of their citizenship or immigration status.

The framers of the Constitution intended to count all persons. That principle is clear from the express language of the Constitution. It uses the word "persons" rather than "citizens" in the census provisions. Elsewhere in the Constitution, the framers used the word "citizens" where that meaning was intended.

For example, section 1 of the 14th amendment provides that—

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. * * *

The apportionment clause, which is found in section 2 of that same 14th amendment, provides that—

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. The drafters of that language clearly meant to count every person in the apportionment base. The issue could not be clearer.

The framers' intentions are also clear from the consistent practice of the Census Bureau for 190 years—since the ratification

of the Constitution. To quote the Congressional Research Service, "the fact that every census since 1790 has included legal as well as illegal aliens in its count would seem to be indicative of the fact that the original intent of the framers was to include such aliens. [p. 12].

Courts may have dismissed cases in 1980 and 1988 for lack of standing. The same conclusion has been reached by the Federal courts. In 1980, in Fair versus Klutznick, a three-judge Federal court stated—and I quote—that:

[The Constitution] requires the counting of the "whole number of persons" for apportionment purposes, and while illegal aliens were not a component of the population at the time the Constitution was adopted, they are clearly "persons." [486 F. Supp. 564, 576 (D.D.C. 1980).

In other contexts, the Supreme Court has consistently held that the word "persons" in the 14th amendment includes illegal aliens. For example, in 1982 in Plyler versus Doe, the Court ruled that the equal protection clause bars States from completely excluding illegal aliens from its schools. The CRS study concluded that—and I quote:

A statutory exclusion of aliens from [the apportionment] base would seem to violate the "whole number of persons" requirement and thus be unconstitutional.

The Justice Department, under both Presidents Carter and Reagan, also recognized that the Constitution bars excluding illegal aliens from the census. And in the past, the Justice Department has opposed legislative proposals to exclude illegal aliens from the apportionment base on constitutional grounds.

As a practical matter, the Shelby amendment is unworkable, because it would require the Census Bureau to exclude illegal aliens from the apportionment counts. In 1988, the Director of the Census Bureau testified before a House subcommittee that—and I quote:

[The Census Bureau] has not found an acceptable method to exclude undocumented immigrants from the apportionment counts. [p. 5]

The reason is obvious. If census takers are required to ask people whether they are illegal aliens, the question will provoke widespread fear and suspicion and noncooperation with the census.

The Census Bureau found that—and I quote:

A census of only legal residents cannot be done as accurately as a census of all residents. People who are undocumented immigrants may either avoid the census altogether or deliberately misreport themselves as legal residents in the census. * * * Legal residents may be confused about why the Government is asking whether a person is here illegally. Legal residents, therefore, may misunderstand or mistrust the census and fail or refuse to respond.

The Census Bureau is clearly not the proper agency to decide who is:

In the United States in violation of the immigration laws.

Census takers are not experts on our immigration laws. Do we want part-time or one-time Government employees to be deciding immigration status? That's what the Shelby amendment would require.

Finally, the Shelby amendment is inappropriate to add to this important legislation.

In April, the Senator introduced this amendment as a freestanding bill, which is pending in the Subcommittee on Government Information and Regulation of the Governmental Affairs Committee.

The distinguished chairman of that subcommittee, Senator BINGAMAN, has agreed to hold hearings on the Shelby bill. In addition, Senator SIMON, the chairman of the Constitution Subcommittee of the Judiciary Committee, has agreed to hold hearings on the constitutional issues raised by excluding illegal aliens from the apportionment base.

It is clear that the Senator's proposal will be given fair consideration. But in light of the serious constitutional problems with the proposal, the Senate should not permit the committee process to be end-run; and it should not permit this immigration bill to be saddled with a highly controversial, and almost certainly unconstitutional amendment.

I urge my colleagues to vote to table the Shelby amendment.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SHELBY. Madam President, there is controlled time on this. I yield 5 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator is correct. The Chair did not see the Senator standing.

Mr. SIMPSON. Thank you, Madam President.

This was not one of the amendments that was discussed thoroughly by the subcommittee at all, but it is something that Senator SHELBY of Alabama feels very strongly about. He did last time and at my urging he withdrew the amendment. The amendment was very important to him and I appreciated that. And I said, "We will deal with that sometime in the future. I see what you are trying to do. I realize it is contentious and the issues of constitutionality are here."

But I think that this is an appropriate amendment in that it would prohibit the Census Board from counting illegal aliens. I would rather we did not deal with it on this bill, but since it is here and now that it is the third amendment on illegal immigration that we have dealt with on this legal immigration bill, we should address it. I am going to support it. I am well aware that the Constitution states that we shall count persons—that is the description—not merely citizens, when conducting the census every decade.

But I do not believe that the framers of the Constitution in 1789 or the framers of the 14th amendment in 1866 ever conceived of the stunning phenomenon of illegal immigration.

While there is no distinction drawn in the Constitution between persons and citizens, I am not at all of the belief that the framers would have wanted us to include illegal aliens. A concept unknown to them at that time in our history, and yet oddly enough, they believed wholeheartedly in slavery, or at least partially in slavery. So it is unknown what they may have been thinking when they used that term, but they certainly, I think, did not suspect what would occur with regard to the problem of illegal immigration.

I think it would have been out of the scope of their definition of "person" to be counted for apportionment purposes.

It is the first duty, and I have said it so many times, the first duty of a sovereign nation to control its own borders. We have tried fervently to do that in recent years, but I am not certain that we yet do. Maybe we have more work to do.

But are we to count the people who we do not want to enter? That is an extraordinary thought. We are going to count the people who we do not want to enter and then apportion the Nation's seats in the U.S. House of Representatives based upon their presence because of some ambiguous wording in our Constitution? I think not. I think that really strains logic.

In addition, no court has yet ruled conclusively on the proper interpretation of the word "person." Many cases involving the issue have been thrown out for lack of standing or other technical reasons, but I do not believe the constitutional interpretation has ever been addressed on the merits. I would inquire of my friend from Alabama, the sponsor, if that is so or if he is aware of that.

He has phrased it well in his bill. These people cannot vote. I have been dazzled a bit by various votes, but I do not think we are going to allow illegal aliens to vote. They cannot vote. So whatever happened to one man, one vote? I know I should not get that clear in an argument. I do not want to try to do that again. They cannot vote.

So what in the world does the Supreme Court decision of one man, one vote have to say, actually, then?

I think decisions have been made on technical issues before, never addressed on the merits. Until we have that interpretation of the Court on the merits, I believe it is just simply good public policy to try to limit the

number of persons counted for apportionment purposes to the number of persons who are citizens who are otherwise legally admitted to the United States.

Sure this is a difficult question that cannot be easily answered, but all of my colleagues know that when you are dealing with immigration, refugees, legal immigration and illegal immigration you already know there are no easy answers in anything we do in this area.

Our job is simply to get it out and vote it up or down. We try to be fair with the American public and honest with the American public, and that is what the Senator from Massachusetts and I have tried to do throughout our long linkage in this. You want to duck a lot of these. Oh boy, that is the name of the game. But we are trying to get them before the body. The Members take care of it very nicely if we do not bring it before the body. This is not an easy issue. It has no easy answers. But I think it is one that is important to be addressed, and I will support my good friend from Alabama.

The PRESIDING OFFICER. Who yields time?

Mr. SHELBY. I yield 5 minutes to the distinguished Republican leader.

Mr. DOLE. Madam President, I thank the distinguished Senator from Alabama. I rise in support of his amendment.

I appreciate the comments just made by the assistant Republican leader, Senator SIMPSON.

I think it was Senator HELMS who said under the strained interpretation of some in this body if we were being invaded on census day by a foreign army, we would count them. I do not think that is the intention.

As Senator SIMPSON has pointed out, they are illegal aliens, they cannot vote. We do not want them here, but they are still counted for census purposes, which does make a difference when you get into one man, one vote and congressional representation.

So I congratulate my colleague from Alabama and the distinguished Senator from North Carolina [Mr. HELMS].

I would also point out the point has been made before that the illegality of individuals within the borders of the United States did not exist until 1875, so that is after the 14th amendment in 1866 and after 1789, so I do not think the framers of the Constitution had that in mind. I do not think the question has ever been squarely put to the Supreme Court. If not, maybe it is time it should be put to the Supreme Court. Why wait another 10 or 12 years? This has been an issue as long as I have been in the Congress, 8 years in the House and 20 years in the Senate. It is always going to be addressed and we are always going to have hearings.

Here we are 10, 15, or 20 years later.

I would just say that the established policy of the Census Bureau is to count every person in this country without making a single adjustment for illegal aliens. I do not know what they do when they get up to the United Nations. Maybe they count everybody in the United Nations, too.

I am not certain whether they count Americans who are overseas. I do not think they do. They may vote here but they are not counted.

So the Census Bureau intends to continue this policy through 1990 unless the Senator from Alabama and the Senator from North Carolina are successful.

It just does not make any sense. It does violate the constitutional principle of one man, one vote, and it is just plain unfair to those Americans who live in this country and live here legally.

I think the Shelby amendment is a straightforward solution to this problem. It simply requires the Secretary of Commerce to make the necessary adjustments, use tabulating procedures, both feasible and appropriate, to make sure illegal aliens are not counted in the census. This is a sound solution that will restore fairness to the census and reapportionment process.

I commend the Senator from Alabama [Mr. SHELBY] and the Senator from North Carolina [Mr. HELMS].

I would hope we could adopt this amendment. It seems to me it will make a great deal of common sense.

There is not much precedence for using that around here but now and then you might get lucky.

I yield back the remainder of my time.

Mr. KENNEDY. I yield 7 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I thank my distinguished colleague from Massachusetts for yielding to me. I think this is a subject that we could debate forever.

But I think the plain truth is that the distinguished Senator from Massachusetts is right and he is right in two ways. First of all, this bill is not going to become law, since the House has not taken it up, until after the 1990 census is set. So no matter what we do today, we are not going to affect the 1990 census.

I think the Senator from Alabama has raised a point that ought to be discussed. I think we ought to hold hearings on it. I think we ought to look at amending the Constitution on the subject. I think it should be fully debated.

But first we are not going to effectively change the 1990 census here today and, second, we are today considering an amendment that is clearly unconstitutional.

Now, we all love the basic principles of the Constitution, but we sort of try sometimes to use it like the Bible. We take out of it what we like and we leave the part that we do not like out of the picture.

Well, Madam President, I guess the simplest way of making my point is to simply take the part of the Constitution that is totally unambiguous. You cannot be more unambiguous than this. Amendment 14 to the Constitution of the United States, section 1 says:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Section 2:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State.

Now, Madam President, one can hardly be clearer than that—that apportionment shall be based on the whole number of persons in each State. We cannot rewrite the Constitution on the floor of the Senate to suit our purposes even though from time to time our purposes might be noble.

I suggest that since, No. 1, this is never going to be in effect prior to the 1990 census that we begin now and look at this very real question. I want to assure my colleague from Alabama that I believe in enforcing the law. I believe that people that come into this country illegally are violating the law.

In a great action of humanitarianism, unmatched anywhere else in the world, we granted amnesty last year to millions of people who came to this country illegally. I believe it is imperative that we enforce the law today in terms of preventing people from coming into this country illegally.

But I do not believe that, for the purpose of trying to affect reapportionment, we ought to be trying to amend the Constitution on the floor of the U.S. Senate by passing an amendment to a bill that, if it becomes law, will be superceded by the Constitution.

So whatever appeal the amendment might have, it clearly is not relevant to the 1990 census and, No. 2, it is clearly unconstitutional. And as you look at section 1 and section 2 of amendment 14, it could not be clearer than the 14th amendment intended that apportionment should be on the basis of counting the whole number of persons of each State.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I will just make a brief comment in response to the points that were raised earlier here. No one is suggesting today that aliens, much less illegal

aliens, should be permitted to vote. But children are not permitted to vote either and they are included in the apportionment base.

We in the Congress represent everyone in our State or district and it is wrong to say that undocumented aliens are not "persons" under the Constitution.

It is rather surprising to hear those who claim the title of strict constructionist to strain and to torture the meaning of the word "person" in the Constitution to exclude illegal aliens. "Persons" means "persons" and that is the plain meaning of the Constitution.

Finally, Madam President, as the Senator from Texas has pointed out, this legislation is going to take a good deal of time before the House of Representatives addresses it and then also until we work out final action in conference. I think the last Immigration Act, the 1986 act, was perhaps the last item that was considered in the 99th Congress. I hope that will not be the fate of this legislation.

But clearly this is going to be one that is going to take a good deal of time. And if the Senator is looking for effective means for securing action on this, it certainly is not this particular piece of legislation.

I do not want to cut the Senator from Alabama off, but I would like to move to table.

I withhold the motion.

Mr. SHELBY. We both have a stated time. There is still time left in the debate.

Madam President, I yield myself as much time as I may consume.

It has been said in the course of the debate this afternoon that there has not been any hearings on this. All of us who have been here in the Senate and in the House before then know that there have been hearings in the Senate and the House on this very subject over and over. We have a record of it right here.

It always comes up when you have a controversial bill, they say, "Well, we will hold hearings on it later." Well, it is before the Senate now. It is right before the Senate where we can vote on it today.

The other argument has been that this is unconstitutional. In truth and in fact, the Supreme Court of the United States has never directly ruled on the illegal alien question, whether it would be included or not or should be under the sweep of the Constitution. That is undisputed.

What we should do today is vote up or down on this issue and include it in this legislation, because we have the 1990 census coming up before us and this will distort the one person, one vote; one man, one vote that we all talk about on both sides of the aisle.

What is this really going to do? You can look around and say, "Well, this is going to distort in favor of some States at the expense of others and give those States more congressional representation in the House of Representatives based on illegal aliens being there, not the citizens, not the documented legal aliens, but illegal aliens."

It is going to cause some problem. We do not know how much, but we have some areas that know that it is going to cost a number of States congressional representation in the U.S. House of Representatives. That is undisputed. We know that there is politics involved in this; that some States are going to gain congressional seats in the U.S. House of Representatives, I submit to you, based on people being illegally in their States, thousands, hundreds of thousands, if not millions in the case of one big State, California.

So you can go down the line and you can tell who is going to benefit from the illegal aliens, and you know who they are. Well there are probably others, but the great State of California, Texas, Florida, probably New Mexico, and probably others at the expense of others. And that is what it is all about.

I think it is a question of fairness, Madam President, and whether we are going to vote on it that way this afternoon. I believe that it ought to be left up to the courts to decide this, especially an issue that has never been decided by the Supreme Court of the United States. That is why this is an important issue we should address now so that in 1990 we will know where we are going then and know where we are going in the future.

Mr. KENNEDY. Madam President, I yield myself 2 minutes.

The reason that the Supreme Court has not ruled on the issue of illegal aliens is because the Census Bureau has, for 190 years, counted all persons; and they started doing that when the Founding Fathers were still alive and the framers were right there. That is the reason, Madam President, because the best information that we have on the distinction between persons and citizens—which has been mentioned previously by myself and the Senator from Texas, a clear distinction in the Constitution—is that right after the ratification of the Constitution, when they took the first census, that is the way they did it.

They cannot give us a single statement, can the Senator, about where any of the framers of the Constitution intended not to count then. Can the Senator from Alabama?

Mr. SHELBY. We think we have some information over here. I was going to let the Senator from Massachusetts finish and then I will speak on my own time.

Mr. KENNEDY. I am interested. I look forward to whatever information is available but I think one can say from the earliest time the process and procedures have been set up. They have been followed. And it seems to me, again, for that reason it is not really appropriate to exclude illegal aliens. We are talking about legal immigration here in this legislation. We dealt with illegal immigration in 1986. We are talking about legal immigration here and this, really, I do not believe, is related to that. It does present important constitutional issues. I do not think it is worthy for inclusion in this bill.

I do not happen to be a Senator representing a State that is going to benefit. We expect to lose a seat in the next apportionment in my State of Massachusetts.

So I want to point that out as someone who is expressing reservations and opposition to the amendment.

I would be glad to yield 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Madam President, one simple thought. It is unconstitutional. And the framers of the Constitution understood the difference, the distinction between the word "persons" and "citizens." And they clearly spoke of the whole number of free persons. That is a broad term. The framers did that deliberately. And "persons" is used both in the text of the Constitution itself and in the 14th amendment, which deals with apportionment.

The Founding Fathers spelled it out in particular. They made it clear when they were talking about someone running for the Senate, or running for the House. They said that person has to have been a citizen for 7 years.

Article II says that you cannot be President of the United States unless you are a natural born citizen. They did not say person, they said citizen.

So, when it comes to counting the people for the census, the framers of that Constitution used that work "persons," and not "citizens."

That is unambiguous. What we have seen is we have seen this tried now from the 71st Congress, the 76th, the 86th, and the 100th Congress, and each time this issue has come up the Congress has rejected it. They rejected it out of hand.

We ought to accept that kind of a collective wisdom and reject this amendment as well. It does not differ in any appreciable way from the legislation that was offered nearly 60 years ago in the 71st Congress or just a year ago in the 100th Congress.

If the Senator from Alabama wants to take care of this, then he ought to propose a constitutional amendment. That is the way it ought to be done. What he is trying to do is get around a court ruling just 2 months ago that dismissed a suit to prevent the Census Bureau from counting noncitizens.

Let me tell the Chair what the problem is from a practical standpoint. You get down to a place in south Texas. You go up to a house and, first, they are afraid of Government officials in many instances. A lot of times they cannot speak the English language.

If we start probing on their citizenship, how long they have been in the country, what documentary proof they have, we encounter the practical problems of trying to accomplish that kind of a count. We have been undercounting for years in this country, often with minorities or the poor, trying to determine whether they are counted or not. I worked on some legislation to try to correct that. The Senator from New York has joined me in that regard.

All this does is it adds to that kind of a problem.

Alabama filed suit to prevent the Census Bureau from counting undocumented aliens in the 1990 census. That suit was thrown out. In 1980 another Federal court considered a constitutional challenge to the Census Bureau's practice of counting noncitizens. The challenge was that the Census Bureau was violating the Constitution because it did not separate out citizens from noncitizens for apportionment purposes.

The court ruled, of course, in favor of the Census Bureau saying that the Constitution's language is absolutely unambiguous on this particular point.

So there is a very real, practical problem we have involved here. Again it is a question of undercounting for the census. The Census Bureau says it has been forced to exclude persons from the census count in violation of its statutory duty. It has no way to ensure a reliable count of U.S. citizens and lawful residents. That is just too heavy a price to pay.

Over the years the Census Bureau has made some progress in eliminating some of that undercount and we should not revise that forward kind of a trend, especially when we are trying to improve the counting of traditionally uncounted people in our country. We undercounted them, undercounted them when it comes to the poor, the blacks and the Hispanics, and that position is just going to be made worse by this kind of an amendment.

I must say, too, it raises a very real procedure problem because we are dealing with a fundamental constitutional issue and no committee has reviewed this particular matter. I understand that Senators SIMON and BINGAMAN, the subcommittee chairmen with jurisdiction, have agreed to promptly hold hearings on this proposal and we ought not to tamper with a constitutional issue as important as this one without the benefit of that kind of review.

Congress and the Justice Department have opposed it and the Census Bureau has been clear and consistent in opposing any effort to restrict the census count in any way.

I would hope that my colleagues here would defeat this amendment and do it overwhelmingly.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 7 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida has been yielded 7 minutes.

Mr. GRAHAM. Madam President, we have heard considerable and I think very lucid and persuasive debate about the constitutional issue involved here as it relates to the definition of a person. Let me suggest to colleagues that there is another constitutional issue involved in this matter. That is the issue which is found in article I, section 8, which defines, Madam President, the powers and responsibilities of the Congress. One of those powers is "To establish an uniform Rule of Naturalization."

It is a responsibility, a singular obligation and challenge of the Congress under the Constitution to establish "an uniform Rule of Naturalization."

It was not the city of Brownsville or Tucson or San Diego or Miami or Baltimore or New York or any of the communities which have traditionally received or have in recent years received large numbers of persons from around the world, persons who had different labels. Some were called immigrants. Some were called refugees. Some were called entrants. Some had no status at all.

But those communities had no ability to influence those judgments. They did not have a border patrol. They did not have a Coast Guard protecting the United States from illegal entrants. They were unable to influence the determination as to where those persons, once they were within the boundaries of the United States, chose to call home. Those were decisions totally out of the hands of those local communities.

Those local communities, Madam President, as you know, have benefited by the richness of those new people, richness in terms of their cultural and educational and other values. But they have also, Madam President, borne a heavy responsibility.

Let me just mention this from the perspective of my State of Florida, which in recent years has been a frontier State in terms of persons coming into the United States: As recently as the beginning of this decade in 1980, in a period of just a matter of weeks, we accommodated 200,000 people from the Caribbean, from Haiti, and from Cuba.

Some of those had a status. Some of those did not. That was not a decision that the State of Florida or the citizens of any individual city made. It was a decision which, if it was made at all under the Constitution, was made by this Congress and the Federal Government in the establishment of "an uniform Rule of Naturalization."

Whether by commission or omission, our policy was to allow large numbers of undocumented aliens to come into this country. In recent months, within the last 24, we have had another surge. It has been a surge particularly from Central America. From the single country of Nicaragua, Madam President, think of this for a moment, we have throughout the school year that just concluded—the school year of 1988—added on average a new school every month in the Miami area, a new school every month populated exclusively by Nicaraguan children, most of whom would be categorized as illegal aliens or undocumented aliens under this provision. The estimated cost to the school system of Dade County in the State of Florida is well over $100 million.

Madam President, in addition to that, other public facilities, such as major public hospitals, have had to bear a heavy responsibility because we are a humane and compassionate people. We do not turn away those in need. We do not turn away the sick, the ill, the pregnant woman just because they do not have a ticket or because they do not have an appropriate document. And so these communities neither ask for this responsibility nor do they have the ability to effect those decisions that were made by thousands of people and, yes, they have been obligated to accept very significant social and financial responsibilities. And now we are about to say that in spite of all of that, that in some perverse manner, these communities have been the beneficiaries of this failure of the National Government to fulfill its constitutional responsibility to establish a uniform rule of naturalization and that they should be punished again by having another failure by changing a 200-year definition of the U.S. Constitution of who is counted for purposes of the census.

This is a count which is not only for political purposes, the allocation of seats in the national Congress, but also for the allocation of everything from sewer grants to provide basic community services which these, as well as other persons, are going to require, to all the other ways in which the Federal Government allocates funds to meet the responsibilities and needs of our communities and their citizens.

Why, by what standard of fairness for justice could you say that we should now punish these communities a second and a third time by denying them what, by all accounts, is just a

fair allocation of funding because we are going to say that we will not count these people who buy Federal policy in the establishment of a uniform rule of naturalization has caused to come to their communities.

Madam President, I believe that this amendment, while motivated by reasons that are sufficient and justifiable to the sponsors, has a perverse twisting of the very responsibilities of this Federal Government and that rather than move along this track, that we should take another path, and that path should be one of accepting as a national responsibility the consequences of the application or the failure to apply and enforce our standards of a uniform rule of naturalization. That would be a policy that would be worthy of a great Nation.

When the Statue of Liberty was accepted from the French people and set down in New York harbor, it was not a statue for the City of New York or the State of New York or the immediate environment. It was a statue that stood for the United States of America, and the statements that were contained there about our sense of universality were for all Americans. I believe that in carrying out that concept of the national responsibility for naturalization that we should defeat this amendment which moves in exactly the opposite direction by denying national responsibility, and we should instead be prepared to accept the national challenge and obligation of seeing that the appropriate needs of those communities which have been so heavily impacted and which have borne for so long this special responsibility is eased. Thank you, Madam President.

Mr. SHELBY. Madam President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Alabama has about 27½ minutes.

Mr. SHELBY. How much time is left on the other side?

The PRESIDING OFFICER. About 24 minutes.

Mr. SHELBY. I yield myself as much time as I may consume.

The PRESIDING OFFICER. The Senator may proceed.

Mr. SHELBY. Madam President, there has been a lot said here about the Constitution, and so forth. The truth of the matter here is that the Supreme Court of the United States has never ruled on this case or a case similar to this. This would be an excellent opportunity to bring it before the courts. If we adopt the Shelby amendment, somebody is going to challenge it. We have a severability, or we could put a severability clause in this legislation sponsored by the Senator from Massachusetts, and then for the first time we will let the Supreme Court of the United States decide something that we need an answer to. What is that answer? The answer is are we going to count illegal aliens in the reapportionment process that gives certain States more representation in the U.S. House of Representatives than they do others?

In other words, are a lot of States going to be able to profit because there are hundreds of thousands more illegal aliens in their States? Will that give them greater representation? If we do not stop it here by passing this legislation, they are going to do it. That is the bottom line. It is not complicated.

Why do some people not want the courts to rule on this? This would be a great opportunity. My opponents to this amendment could say let us put it before the courts since the courts have never ruled rather than coming up and say this is unconstitutional. How can they say that? That is their interpretation of this. Other legal scholars have another interpretation saying, among other things, that the court has not ruled and that is undisputed.

The distinguished senior Senator from Texas mentioned a minute ago about some cases being dismissed. They were not dismissed on the merits; they were dismissed because of lack of standing to bring the suit. The courts did not rule on the merits. Of course, he did not say they ruled on the merits, but that ought to be clarified. That is why I am trying to do that at the moment.

Let me share with you some of the words in a case of the renowned Justice of the Supreme Court, Oliver Wendell Holmes. In 1918 he said, and these words have not changed and he is talking about words:

> Words are not transparent and unchanging. * * * They may vary greatly in color and content according to the circumstances and the time in which * * * they are used. In each case we must, indeed, look to the circumstances and context of the drafting of the phrase in question.
>
> The word "persons" is not precise, but is ambiguous when used in the Constitution. It is not used in the same sense in every context. For example, it is settled law that "persons" in section 1 of the 14th amendment includes corporations.
>
> Yet no one has supposed the debate here today that the Bureau of the Census should count corporations when counting persons under section 2 of the 14th amendment. This common sense reaction, Mr. President, that "persons" in section 1 means something different from "persons" in section 2 demonstrates that "persons" in the abstract is an ambiguous term whose meaning is to be determined by the context and the purpose of the Constitution.

I submit to you today, and it is undisputed that the courts have not ruled on this precise question, and this is a great opportunity to take it forward rather than hiding behind it and saying, look, it is 1990, we cannot get it out there. We can get it out there. We can do something about it because otherwise a lot of people are going to benefit from the counting of illegal aliens and it is going to distort the U.S. House of Representatives. It is going to hurt a lot of States.

Madam President, I ask unanimous consent that the testimony of John T. Noonan, Jr., professor of law at the University of California, Berkeley, be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF JOHN T. NOONAN, JR, PROFESSOR OF LAW, BEFORE SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES, SEPTEMBER 18, 1985

ACTUAL ENUMERATION OF THE ALIEN

Has Congress the power to exclude aliens unlawfully within the country from the "actual Enumeration" of persons upon whom the Constitution prescribes that representation shall be based?

I. Arguments in the negative

Three principal arguments deny Congress the power to exclude aliens who are in the country in violation of law from enumeration for the purpose of determining representation in the House of Representatives.

1. *The text of the Constitution.* The Constitution, Article I, section 2 declares:

"Representation and direct taxes shall be apportioned among the several States which may be included within this Union, according to their representative *Numbers*, which shall be determined by adding to the *whole Number* of free Persons, including those bound to Servitude for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual *Enumeration* shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten Years, in such manner as they shall by law direct." (Italics supplied)

The Constitution speaks twice of "Numbers" and once of "Enumeration" without any qualifications as to those to be counted, except for the untaxed Indians and the "other Persons," slaves, who are counted at three-fifths. The "whole number of free Persons" appears to include aliens, legally or illegally within the United States.

The Fourtheenth Amendment, section 2, removing the reference to slaves, has not altered the basic emphasis on numbers:

"Representation shall be apportioned among the several States according to their respective *numbers*, counting the *whole number* of persons in each State, excluding Indians not taxed * * *." (Italics supplied)

The text again makes an exception that emphasizes the otherwise inclusive nature of the enumeration. Moreover, there is provision for reduction of the representation in proportion to the number of male adult citizens who are denied the vote, but no provision for reduction because of other voteless persons in a state. It is plain that the Constitution contemplated that the voteless would be counted—women, before the Nineteenth Amendment; children of every age; prisoners; and aliens.

2. *The Analogy of Decisions and Dicta of the Supreme Court of the United States.* The Supreme Court has decided cases bearing on the rights of aliens, and in the course of doing so, has created analogies and issued dicta that point to the conclusion that for most purposes of constitutional law all aliens must be counted as "persons."

In *Yo Wick* v. *Hopkins* 118 U.S. 356, (1886), enforcing the due process and equal protection clauses of the Fourteenth Amendment on behalf of lawfully-resident aliens, the Court said:

"These provisions are universal in their application, to all persons within the territorial jurisdiction, without regard to any differences of race, or color, or of nationality."

If "persons" under section 1 of the Fourteenth Amendment includes everyone without regard to "any differences . . . of nationality," it is reasonable to believe that "persons" in section 2 of the Fourteenth Amendment includes everyone without regard to nationality.

The Supreme Court has found it unconstitutional to deny such social benefits as public education to children unlawfully within the country, *Plyler* v. *Doe* 102 S. Ct. 2382 (1981). In doing so the Court has taken note of the danger of a "shadow population" and "the spectre of a permanent caste of undocumented resident aliens," *ibid.*, 2395. Failure to count, and to provide representation for, such aliens would indeed make their presence ghostly and increase the likelihood of their becoming a kind of inferior, exploited caste. The Court drew attention to the statement of Senator Jacob M. Howard during the debate on the Fourteenth Amendment that the rights conferred by the first section belong "to all persons who may happen to be within their [the states'] jurisdiction." The Court quoted the teaching of *Yo Wick, supra.* The Court found that a state could not draw a line between lawfully and unlawfully resident alien children in making education available.

If the states cannot withhold such an important benefit as education, and if as a matter of course the states must provide police and fire protection and make available the highways, it is only right that the undocumented aliens be represented in Congress. Only in this way will the states with large numbers of undocumented aliens be assured of getting their fair share in the federal programs which would assist them in meeting their obligations to the strangers in their midst. To have the Supreme Court impose upon the states obligations toward the alien, and to have representation in Congress not reflect the distribution of the alien population, would be a species of unfairness. As the burdens of government increase with the existence of an alien population, legal or illegal, so should representation increase.

3. *Actual Litigation of the Issue.* In *FAIR* (Federation for American Immigration Reform) *v. Klutznick* 486 Supp. 564 (D.D.C. 1980), appeal dismissed 447 U.S. 918 (1980), *affirmed per curium* (D.C. Cir., November 6, 1980) *cert. den.* 101 S.Ct. 1697, the plaintiffs sought an injunction to prevent the Census from counting aliens illegally in the country. Not only was the case dismissed on the grounds of lack of standing, but the court commented on the merits. It quoted Representative Emmanuel Cellar speaking in the House of Representatives and specifically arguing that the Founders intended everyone, including illegal aliens, to be counted. The court then said at 576, "We see little on which to base a conclusion that illegal aliens should now be excluded."

In *Young v. Klutznick* 497 F. Supp. 1318 (E. D. Mich. 1980), reversed 651 F. 2d 617 (6th Cir. 1981), the plaintiffs sought an order directing the Bureau of the Census to avoid an undercount of minorities and aliens. No distinction was drawn between legal and illegal aliens. The district court cited with approval *FAIR v. Klutznick, supra.* It issued an order, saying *inter alia* at 1339, that it was "the right of every person within the United States of America on April 1, 1980 to be counted in the census." The decision was reversed on the ground that a causal connection had not been established between a census undercount and injury to the plaintiffs; the district court's statement on the right to be counted was undisturbed.

Constitutional text, Supreme Court dicta, actual decisions thus support the view that Congress has no power to exclude undocumented aliens from being counted.

II. Arguments in the affirmative

1. *The Text of the Constitution.* The Constitution itself is ambiguous and open to interpretation on this question. "Persons" in the Constitution is not used in the same sense in every context. For example, it is settled law that "persons" in section 1 of the Fourteenth Amendment includes "corporations," *Santa Clara County v. Southern Pacific Railroad* 118 U.S. 394 (1888). Yet no one has supposed that the Bureau of the Census should count corporations when counting persons under section 2 of the Fourteenth Amendment. This commonsense reaction—that "persons" in section 1 means something different from "persons" in section 2—demonstrates that "persons" in the abstract is an ambiguous term whose meaning is to be determined by the context and purpose of the Constitution.

2. *The Powers Conferred by the Constitution on Congress.* Article 1, section 2 says that "the actual Enumeration" is to be made by Congress "in such manner as they shall by law direct." The language confers on Congress the power to make the actual count in such ways as Congress shall determine; it confers broad discretion on Congress to determine what "the actual Enumeration" shall be.

The Fourteenth Amendment, section 5, confers on Congress the "power to enforce, by appropriate legislation," the provisions of the amendment. The Supreme Court has recognized that this section gives Congress "a positive grant of legislative power" and a wide latitude, including the power to make determinations that will lead the Supreme Court to change its own reading of the Constitution, *Katzenbach v. Morgan* 384 U.S. 641 (1966).

Congress has also the powers conferred under Article I, section 8: "To regulate Commerce with foreign Nations" and "to establish an uniform Rules of Naturalization." The United States as a sovereign also has the duty and right under Article IV, section 4, "to guarantee to every State in this Union a Republican Form of Government" and to "protect each of them against Invasion."

These powers—the Article I, section 2, power carried over and strengthened by the Fourteenth Amendment, sections 2 and 5; the foreign commerce power; the naturalization power; and the power to guarantee a republican form of government and to prevent invasions—are ample to legitimate the exercise of congressional authority to regulate representation based on undocumented aliens. As Justice Jackson, writing for the Court, said in *Harrisades v. Shaughnessy* 342 U.S. 580 at 588 (1952); "It is pertinent to observe that any policy towards aliens is itself intricately interwoven with contemporaneous policies to the conduct of foreign resolution, the war power, and the maintenance of a republican form of government. Such matters are so exclusively entrusted to the political branches of government as to be largely immune from judicial inquiry or interference." Where the courts should not interfere, it remains for Congress to set down the law constituting the proper rule.

3. *The Decided Cases.* Only one case litigated the issue of whether illegal aliens had to be counted, and it was decided on procedural grounds, *FAIR v. Klutznick, supra.* The other relevant case, *Young v. Klutznick, supra* was reversed on appeal, and the validity of its order to the Bureau of the Census was never examined on the merits. Neither case addressed itself to the power of Congress to make a determination of the issue. Neither case is a precedent on this question.

4. *Dicta of the United States Supreme Court.* The Supreme Court, upholding the exclusion of short-term resident aliens from Medicare, recognized that it is not necessary that "all aliens must be placed in a single homogenous legal classification," *Matthews v. Diaz* 426 U.S. 67 at 78 (1976). There were, the Court said through Justice Stevens, at least the following categories:

1. The overnight visitor.
2. The unfriendly agent of a foreign power.
3. The resident diplomat.
4. The illegal entrant (*ibid.* at 80).

It is not the policy of the Bureau of the Census to count all foreign diplomats, although in the most literal sense they are obviously persons, Affidavit of Daniel B. Levine, Deputy Director of the Census Bureau, filed in *FAIR v. Klutznick, supra.* If there was an invading army on American soil, one does not suppose the Bureau of the Census would count the enemy troops. There is no necessity that the Bureau count any alien who is unlawfully within our borders.

The Supreme Court has recognized that the states may exclude lawfully-admitted resident aliens from certain public offices. In a dictum the Court said a state could reserve for citizens those offices which "perform functions that go to the heart of representative government," *Sugarman v. Dougall* 413 U.S. 642 at 647. In *Foley v. Connelie* 435 U.S. 391 (1978) the Court, upholding a state discrimination against aliens, declared that "the right to govern is reserved to citizens" and acknowledged at 296 "the right . . . of the people to be governed by their citizen peers." Recently, in *Cabell v. Chavez-Salido* 454 U.S., 432 (1982), the Court (5-4) upheld California's exclusion of resident aliens from the occupation of peace officer, accepting the argument that "although citizenship is not a relevant ground for the distribution of economic benefits, it is a relevant ground for determining membership in the political community." The Court, through Justice White, went on to say:

"The exclusion of aliens from governmental process is not a deficiency in the democratic system but a necessary consequence of the community's process of self-definition."

By definition, aliens, the Court observed, are outside the political community.

If it is proper for the states to distinguish aliens from citizens as participants in the political process, it is *a fortiori* proper for Congress, which has far greater power as to aliens, to do so—especially is it proper where the function "goes to the heart of representative government." If "the right to govern is reserved to citizens" in the allocation of public offices in a state, the right to govern is *a fortiori* to be reserved to citizens

in determining representation in the Congress. If the exclusion of even lawfully-admitted aliens, residents of long-standing, is constitutional, if it is not a deficiency but "a necessary consequence of the community's powers of self-definition," then, *a fortiori*, it is constitutional and even necessary for Congress to exclude from "the governmental process" aliens who have entered the country in violation of our laws.

5. *Holdings of the Supreme Court.* In *Wesberry v. Sanders* 377 U.S. 1 (1964), the Court ordered the Georgia legislature to redistrict the congressional districts in the state because of marked disparities in their populations. The plaintiffs had contended that living in a large congressional district they were deprived of "the full benefit of their right to vote" in violation of Article I, section 2, of the Constitution. The Court accepted their claim and disapproved of "vote-diluting discrimination." The Court, through Justice Black, went on to state:

"To say that a vote is worth more in one district than another would not only run counter to our fundamental ideas of democratic government, it would cast aside the principles of a House of Representatives elected by "the People," a principle tenaciously fought for and established at the Constitutional Convention, *ibid.* at 8."

The delegates at the Convention, the Chief Justice continued, wanted "every man's vote to count." He referred to "the Great Compromise" that gave every state two senators and made representation in the House proportionate to numbers, and then said at 14, "The principle solemnly embodied in the Great Compromise—equal representation in the House for equal numbers of people"—would be defeated if a state were "to give some voters a greater voice in choosing a Congressman than others."

Wesberry v. Sanders does not, of course, mandate absolute equality of congressional districts throughout the country: the Constitution itself, Article I, assures every state, however small, of one congressman. But it is apparent that counting large numbers of illegal aliens violates the principle of *Wesberry v. Sanders.* In districts where there are large numbers of such persons, the vote of those voting in the district counts more than the vote of those voting in districts of identical population where there are more persons voting. To take extreme examples:

District A: Population 400,000; 200,000 voters, 100,000 undocumented aliens.

District B: Population 400,000; 300,000 voters, no undocumented aliens.

In District A, 101,000 votes are a majority sufficient to elect a Congressman; in District B, 151,000 votes are necessary. A vote in District A is worth more than a vote in District B. There is dilution of the votes in District B and discrimination against the citizens of District B.

Why has this discrimination not existed where other voteless groups have been counted? The answer is clear. There was no reason to think in 1787 that there would be an unequal distribution of women, or of children, or of convicts or of aliens. In the two cases where it was foreseen that the distribution of the voteless would not be random, explicit provision was made for their exclusion (the untaxed Indians) or for being counted at three-fifths (the slaves). What is new today is the presence of large groups of undocumented aliens not randomly distributed but concentrated in certain congressional districts. It is true when the Fourteenth Amendment was adopted, the distribution of voteless women and voteless aliens was unequal—of women because of the male migration westwards, and of aliens because of the substantial immigration from Europe to the Northeast, (Joseph B. James, *The Framing of the Fourteenth Amendment,* Urbana: University of Illinois Press, 1956, pp. 23 and 185.) Consequently Senator Henry Wilson of Massachusetts and Representative Roscoe Conkling of New York opposed basing representation on the number of voters, *Congressional Globe,* 39th Cong. 1st Sess. 359 and 1256. But this intention to make the right to vote more valuable in one part of the country than another cannot be accorded recognition today. Since *Wesberry v. Sanders,* it has been clear that the controlling text of the Constitution is Article I, section 2, clause 1: The House of Representatives shall be chosen "by the People." In the light of that command and its interpretation in *Wesberry* it is unconstitutional to constitute congressional districts which unequally represent "the People."

The People, who have a right established by Article I, section 2, to elect the House of Representatives, are clearly the citizens, not aliens who have entered the country against the law. It is the member of the political community, self-defined to exclude aliens, that are represented in the political process. It destroys the basic constitutional norm established by *Wesberry v. Sanders* when voters in districts characterized by large numbers of illegal aliens have "a greater voice in choosing a Congressman" than voters in districts where there are few such persons. The "shadow population" pointed to by *Plyler v. Doe, supra,* then functions to swell the value of votes in their district; and this, according to *Wesberry v. Sanders,* the Constitution forbids.

As Chief Justice Warren put it in *Reynolds v. Sims* 377 U.S. 533, 567 (1964), the case requiring redistributing of state legislative districts:

To the extent that a citizen's right to vote is debased, he is that much less of a citizen.

To create unequal election districts is one way to debase a citizen's vote. To create election districts unequally swelled by shadow populations, illegally in the country, is another way to debase the value of a citizen's vote.

Such a situation threatens the republican form of government guaranteed by Article IV. As *Reynolds v. Sims* at 573 quotes Thomas Jefferson: A "government is republican in proportion as every member composing it has equal voice in its concerns . . . by representatives chosen by himself." A government where those who are by definition nonmembers determine the number of representatives subverts the republican form. The "members" do not have equal voice. As in *Animal Farm,* some members are "more equal than others"—those who come from the districts where a vote is worth more.

Congress has power to correct this situation. Applying the rule of *Reynolds v. Sims* that electoral districts for a State legislature be equal, the Court pointed out that the States are *not* required "to include aliens, transients, short-term or temporary residents," *Burns v. Richardson* 384 U.S. 73 (1966) at 92 (Brennan, J., upholding districting by Hawaii that did not count military transients in achieving equality of voting districts). Analogously, Congress, exercising its powers under Article I and the Fourteenth Amendment, may determine that illegal aliens not be counted.

Conclusion

The argument that the Constitution textually requires the enumeration of every person is superficially appealing, but unpersuasive on examination of the ambiguity of "Persons." The statements of the Supreme Court on the rights of aliens under the Fourteenth Amendment relate to section 1 rights and do not govern section 2. The Supreme Court itself has recognized the right of Congress to discriminate between types of aliens. No case has denied Congress the right of exercising its multiple powers under the Constitution to direct that aliens unlawfully within the country not be numbered in "the actual Enumeration." On the contrary, the principles laid down by the Supreme Court in *Reynolds v. Sims* and *Wesberry v. Sanders* require that such aliens, when they exist in large numbers, not be counted in determining congressional districts. The claim that representation should reflect population needs is appealing but overridden by the Constitution's direction that the participants in the political process—the citizens of the country—be equal in their votes. At the very least Congress has the power under both Article I and the Fourteenth Amendment to direct that such aliens not be counted.

Mr. KENNEDY. Madam President, I will not delay the discussion much more. I would like to ask unanimous consent to print in the RECORD portions of the Congressional Research Service report, which supports our position, but I just mention briefly:

Under Article I, section 2, clause 3, as amended by section 2 of the Fourteenth Amendment, the House of Representatives is to be apportioned among the States based on the "whole number of persons." At issue is whether that term means that all inhabitants, including illegal aliens, should be counted. An examination of the usage of the term "person" at the time of the adoption of the apportionment provision by the Constitutional Convention and its ratification, and at the time of the adoption and ratification of section 2 of the Fourteenth Amendment, would seem to indicate that aliens are to be included within the term "person." [8] In the records of the Constitutional Convention of 1787, reference is made to the phrase "whole number of free citizens and inhabitants," [9] which number was to be the basis of the apportionment of the Congress and which was to be taken by a census within 3 years after the first meeting of the Congress and every ten years thereafter. The usage of the phrase "free citizens and inhabitants" would seem to indicate that authors of the Constitution concluded that the census should count not only free citizens but also any free inhabitants who were not citizens and arguably might have been aliens. This phrase was adopted by the Convention and referred to the Committee on Style. The Committee on Style substituted the word "persons" for the longer phrase," free citizens and inhabitants." This substitution was passed by the Committee on Style without comment or debate and was then made part of the Constitution

[8] C.E. Turney, Legislative Counsel of the Senate, "Power of Congress to Exclude Aliens from Enumeration for Purposes of Apportionment of Representatives," 71 Cong. Rec. 1821 (1929).

[9] M. Farrand, The Record of the Federal Convention of 1787, V. II, pp. 571, 590.

without further debate or controversy.[10] It is plausible then that the Framers intended that the term "persons" have the same meaning as "free citizens and inhabitants." Given this intent, the term "persons" could thus be construed to include noncitizens and aliens.

Finally, Madam President, I think that perhaps the person who had more to do with both the drafting and the shaping of the Constitution was James Madison, and in the Federalist Papers, No. 54, according to James Madison, the apportionment was to be "founded on the aggregate number of inhabitants." James Madison. "Founded on the aggregate number of inhabitants."

If that does not raise reasonable concerns about the constitutionality on this particular legislation, I do not know what possibly could.

Madam President, I am prepared to yield back the remainder of my time if the Senator is.

Mr. LOTT. Mr. President, with the bicentennial of the U.S. census less than 1 year away, I believe this legislation is of vital importance.

Simply stated the bill directs the Secretary of Commerce to make adjustments in total population figures as may be necessary, using such methods and procedures as the Secretary determines appropriate, in order that aliens in the United States in violation of the immigration laws shall not be counted in tabulating population for purposes of reapportionment.

In 1980, the Census Bureau reported an estimated 2.57 million illegal aliens. A number that was included in the reapportionment of the House of Representatives. Had these nondocumented aliens been excluded, the make up of our congressional delegations would be more representative of the population of American citizens.

In article IV, section 4 of the Constitution mandates that the U.S. Government "guarantee to every State in this Union a republican form of government."

By allowing the inclusion of nondocumented aliens, we are creating congressional districts that are represented by varying numbers of citizens. Clearly this does not guarantee a republican form of government for all of our States.

Being an American citizen carries with it certain responsibilities and privileges. Among those privileges are the rights to vote and hold public office. Illegal aliens can do neither. And yet, by their inclusion in reapportionment, we are allowing them to alter the very make up of our government. Congress in this altered state does not truly reflect the citizens of this Nation.

[10] C.E. Turney, *supra* note 8, 71 Cong. Rec. at 1822.

Should current policy remain unchanged in 1990, States such as Pennsylvania, Connecticut, Michigan, North Carolina, and Alabama could lose congressional seats. We cannot allow non-Americans to dilute the rights of some voting citizens while increasing the voting power of others.

Therefore, I urge my Senate colleagues to support this amendment in hopes that we can create a Congress that is a true reflection of the citizens of the United States.

Mr. SHELBY. The Senator from Massachusetts has stated he will yield back the remainder of his time. I am prepared to do that so we can move on.

Mr. KENNEDY. I yield back the remainder of my time.

Mr. SHELBY. I yield back the remainder of my time.

Mr. BENTSEN. Madam President, if all time has been yielded back, I move to table the amendment.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER (Mr. KERRY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—41

Adams	Glenn	Mack
Bentsen	Gore	McCain
Biden	Graham	Mikulski
Bingaman	Gramm	Mitchell
Boren	Hatfield	Moynihan
Bradley	Inouye	Pell
Bumpers	Johnston	Riegle
Cranston	Kennedy	Rudman
D'Amato	Kerrey	Sarbanes
Daschle	Kerry	Sasser
DeConcini	Kohl	Simon
Dixon	Lautenberg	Wilson
Dodd	Leahy	Wirth
Domenici	Lieberman	

NAYS—58

Armstrong	Garn	Nickles
Baucus	Gorton	Nunn
Bond	Grassley	Packwood
Boschwitz	Harkin	Pressler
Breaux	Hatch	Pryor
Bryan	Heflin	Reid
Burdick	Heinz	Robb
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Chafee	Humphrey	Sanford
Coats	Jeffords	Shelby
Cochran	Kassebaum	Simpson
Cohen	Kasten	Specter
Conrad	Levin	Stevens
Danforth	Lott	Symms
Dole	Lugar	Thurmond
Durenberger	McClure	Wallop
Exon	McConnell	Warner
Ford	Metzenbaum	
Fowler	Murkowski	

NOT VOTING—1

Matsunaga

So the motion to lay on the table amendment No. 255 was rejected.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the motion to table was rejected.

Mr. HEFLIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senators will please clear the well and take their conversations to the cloakroom. The Senate will suspend until the Senate is in order.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. BUMPERS. Mr. President, the Senate is not in order. There are three times more Senators standing than sitting. May we have order so that we can hear the Senator?

The PRESIDING OFFICER. The Senate will please be in order. The Senators will please take their conversations to the cloakroom.

The Senator from New York was recognized on the point of order.

Mr. MOYNIHAN. Mr. President, I make the point of order that the amendment just adopted is not constitutional. The census is an enumeration of persons not citizens. It has been that way since 1790. The census has never concerned citizenship. In that circumstance, it appears to me that this amendment is not constitutional, and it ought to be rejected on that basis.

The PRESIDING OFFICER. The Senate will suspend for one moment. Under the rules of the Senate, a constitutional point of order may not be ruled upon by the Chair, but must be submitted to the Senate for its decision.

Ordinarily, such a point of order, when submitted, is debatable, but since debate on this amendment has concluded, the issue may be resolved and should be resolved without debate.

Mr. MOYNIHAN. Mr. President, may I ask unanimous consent that there might be 10 minutes on each side?

The PRESIDING OFFICER. There is a request for unanimous consent. Is there objection to the request for unanimous consent?

Mr. BUMPERS. Mr. President, reserving the right to object, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for a point of parliamentary inquiry.

Mr. BUMPERS. Is this a motion to table this amendment?

The PRESIDING OFFICER. The Senator from Arkansas is correct. It was a motion to table.

Mr. BUMPERS. Then the question is, how could debate have been concluded on the amendment? The debate was on the motion to table, not on the amendment.

The PRESIDING OFFICER. Which motion to table is the Senator referring to? The motion to table on which we voted is not in order until debate on the underlying motion is concluded.

Mr. BUMPERS. Will the Chair restate that?

The PRESIDING OFFICER. The motion to table the amendment on which the Senate voted could not be made until all time had expired for debate. That time had expired. The motion to table was then made. So time, by agreement, had expired for debate.

Is there objection to the request from the Senator from New York for 10 minutes equally divided?

Mr. MOYNIHAN. Mr. President, forgive me, the question was what?

The PRESIDING OFFICER. Does the Senator from New York request 10 minutes equally divided or 20 minutes equally divided?

Mr. MOYNIHAN. Twenty minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Is the Senator from New York willing to share a little of that 10 minutes?

Mr. MOYNIHAN. Most assuredly.

The PRESIDING OFFICER. Hearing no objection, there will be debate of 20 minutes, 10 minutes to each side.

The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. MOYNIHAN. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. The Senator will not proceed until the Senate is in order.

The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, this is a solemn decision we make. To do as we evidently had in mind doing would be directly violative of the 14th amendment of the Constitution, and by antecedence, the original text of article I of the Constitution. Article I refers to the enumeration of free persons. That circumstance or distinction was, of course, abolished by the 14th amendment. Section 1 of the 14th amendment states:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.

In section 2 it says:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State.

Now, Mr. President, there can have been no more carefully documented, drafted, deliberated, and adopted amendment in our history than the 14th amendment.

Sir, the 14th amendment speaks of citizens, and then with respect to the apportionment of Members of the House, speaks of persons. Since 1790, the census, the oldest such institution in the world, has counted persons under the understanding that it is its clear responsibility under the Constitution to do that, and nothing else; and how we can proceed in this matter without considering this issue defies my understanding. I have spoken for 2 minutes. The manager of the legislation wishes to speak.

Mr. KENNEDY. I defer, Mr. President, to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, if I may have 2 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. BUMPERS. Mr. President, there is not anyone in this body who does not understand the politics of this amendment. I understand it as well as anyone. I do not want to go home and explain my vote on this any more than anyone else does.

The Senator from New York has made a very cogent and absolutely correct observation. It may have been wrong and maybe they did not know what they were doing when they put this in the Constitution, but that is not for us to decide here. For 200 years we have counted illegal aliens in our census, and you are taking an amendment just in a preemptory way here and changing what has been going on for 200 years.

When I was Governor of my State, every law we passed where we turned State funds to the cities or to the counties was invariably based on population.

How would you like to be mayor of Houston, TX, and all these funds from the State of Texas are going to be dependent on the enumerated census of Houston, TX, and the last census of 1990, and you have anywhere from 10 to 30 percent illegal aliens in your city? You are going to get anywhere from a 10- to a 30-percent cut in all of your street turnback funds, in all of the Federal funds that come back that are based on a population formula, and you are going to find the county judges, the county executives, and the mayors of this country very upset about this amendment.

It is going to be unfair to them, and some of them are not going be able to run their cities.

But completely aside from this, I wish the Founding Fathers had said you will only enumerate "citizens," but they did not. They said "persons," and so that is what it has been for 200 years. We have absolutely no right or authority to change that preemptorily on a majority vote here. The point of the Senator from New York is very well taken, and I intend to support it.

Mr. MOYNIHAN. I thank the distinguished Senator from Arkansas.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. I yield 3 minutes to the distinguished manager of the legislation.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as both the Senator from New York and the Senator from Arkansas have pointed out, in the apportionment provisions of the Constitution of the United States it uses the word "persons." In the 14th amendment, section 1, it talks about "citizens." "Persons" in the apportionment clause; "citizens" in other provisions of the 14th amendment.

The Carter administration's Justice Department and President Reagan's Justice Department recognized that the Constitution bars excluding illegal aliens from the apportionment base. They understood the census procedures which have been followed for 190 years. Those procedures started 3 years after the ratification of the Constitution, and there has been no reference of any Founding Father who took a contrary view, none. To the contrary, we have the one court opinion about this the Fair versus Klutznick opinion in 1980. The Court clearly indicated that the Constitution requires the counting of the whole number of persons for apportionment purposes. That is the one court ruling to date.

If there is any further question, Mr. President, why do we not go back to James Madison who had more to do with the Constitution than anyone else? James Madison in No. 54 of the Federalist Papers said the apportionment was to be founded on "the aggregate number of inhabitants." That was said by a Founding Father.

Mr. President, I would hope that fact, and the other arguments we made, will be sufficient to support the position that this issue is not constitutional.

The PRESIDING OFFICER. Who yields time?

Mr. SHELBY. Mr. President, I yield 5 minutes to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 5 minutes.

Mr. HATCH. Mr. President, this is an ingenious motion, and it is one that has particular interest to anyone who would be interested in the Constitution. Keep in mind when the Constitution was written there were no illegal aliens. Everyone was legal, all with the possible exception of the slaves who

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were accorded three-fifths of a person. That was pathetic, and we all understand that, but nevertheless everyone was legal at that particular time.

I think it is constitutionally unsound to argue that everyone, including those who are illegally here, who are not citizens of an already incorporated country, who have no rights to vote in this country, should be counted for the purposes of voting in this country.

There is a real distinction between those who were apportioned at the outset of this country as the Constitution outlines. Everyone was counted at that time. There were no illegal people at that time.

Today, in the amendment of the distinguished Senator from Alabama, we are talking about people who are illegally here. So when they use "persons" they meant legal persons, and at the outset and inception of the Constitution everyone was legal.

Now, there is another constitutional principle that I believe will be found sound, and that is that the Consititution does not presume to support illegality. If the Constitution stands for anything, it stands for legality. It stands for supporting and upholding the laws of which it is the basic document.

What we are talking about here are people who are illegally here who are not legal persons within the definition of citizenship for the purpose of apportionment which would determine whether or not they have a right to vote, who has the right to vote, and for whom they have a right to vote.

So although this is an ingenious constitutional point of order, it is an inappropriate one and in my estimation does not survive good constitutional scrutiny.

There are two reasons: No. 1, these are illegal people who are here illegally who should not be counted as equal citizens because the purpose of apportionment is to determine who can vote where. And No. 2, the Constitution is not going to presume to make legal that which is illegal.

So although it is an ingenious argument and I might add a political one at that, it is not constitutionally sound.

I believe the distinguished Senator from Alabama is doing everyone a favor by bringing his amendment to the floor, and I think that most Senators in the U.S. Senate have recognized the validity of his amendment because the motion to table was defeated overwhelmingly.

Basically, I think that covers the matter and we can talk about it for days, I guess, but those two points are very important points and in my estimation are irrefutable points.

I yield back the remainder of my time to the distinguished Senator from Alabama.

The PRESIDING OFFICER. Who yields time?

Does the Senator from Alabama yield time?

Mr. SHELBY. I yield 2 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER (Mr. BRADLEY). The Senator from Wyoming is recognized for 2 minutes.

Mr. SIMPSON. Mr. President, I fear anything that I would say would be somewhat repetitive, but that is not a touchstone activity here.

As I have listened to the debate about "inhabitants" and "persons," I just say once again that I think we can be certain of one thing—that the Founding Fathers were not aware of the definition of "illegal alien." They were very familiar with the word "slaves" because they counted them as a certain percentage of a person. So if they were doing that to slaves at that time, do you really imagine that they would be counting an illegal undocumented person when they were not even fully counting a slave?

That gives a little idea of what was going on at that time of our history, a time that all of us might reflect on reality and the beginnings of our country, but I just simply believe that there was no concept of illegal alien. It was not there in 1866 when they did further constitutional amending, and it was not there certainly in the beginning.

There is an important school of thought in constitutional interpretation known as "original intent." That school of thought seeks to understand the Constitution based upon the framers' original understanding of the issues. We have that same concept in trust law. "Persons" had a different connotation in 1789 and 1866. I think we should overrule this point of order and let the courts interpret the issue.

I find in my legislating that the constitutional issues are always brought up. But we have a division of government to determine whether we have done it right or done it wrong. Let the judiciary decide.

I respectfully would vote for the amendment of the Senator from Alabama.

Mr. MOYNIHAN. Mr. President, I yield a minute and a half to the distinguished Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished Senator from New York for yielding.

Mr. President, our colleague from Utah makes two points and both of those points are inaccurate. First, he says that apportionment was intended to be based on people who could vote; that when the Founding Fathers were writing, there were no illegal aliens. Mr. President, when the Founding Fathers wrote the Constitution women were not citizens and women could not vote and yet clearly they have always been counted in the census and no one has ever disputed that.

Our colleague from Utah talks about voting and apportionment, but today children cannot vote and yet there is no one here who would argue that children should not be counted in apportionment.

The Founding Fathers clearly recognized the distinction between citizens and persons. In fact, three times in the Constitution the Founding Fathers set requirements for office that were based on citizenship. And yet, despite the fact that they based requirements for office on citizenship, despite the fact that they let the States set requirements for voting on the basis of citizenship, when they came down to apportionment, they set apportionment on the basis of the number of persons.

Mr. President, this is not a gray area. Some are attempting to use the Constitution here as a Senator would use the Bible. Take from it what you like. Leave what you do not like—what is not convenient.

The Constitution is clear and this point of order should be sustained.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. MOYNIHAN. Mr. President, I yield myself 1 minute.

Mr. President, I wish to assert most vigorously what the Senator from Texas has said. When the Constitution speaks of the right to vote, it speaks of citizens. In the 14th amendment, the 15th amendment, the 19th amendment, and the 26th amendment the word "citizen" appears. In article I and amendment 14, section 2, regarding the census, the word "person" appears.

May I say, the issue has arisen: are there regional or State interests involved here? No doubt there are. They inevitably are.

I would like to make the point, regretfully, that if there were a full enumeration of persons everywhere, full enumeration of persons, it is possible the State of New York would lose an additional seat in the 1990 census. This has nothing to with my State. It has to do with the Constitution of the United States. Can we stand here and act as if it is a document we know nothing of? Let the courts deal with it—has there ever been such an abandonment of elementary duty? We take an oath to uphold and defend the Constitution of the United States. That is what is at issue here.

Mr. GRAMM. Against all enemies, foreign and domestic.

Mr. MOYNIHAN. Against all enemies, foreign and domestic. I am not accustomed to thinking there are any domestic enemies, but one sometimes wonders.

The PRESIDING OFFICER. Who yields time?

Mr. SHELBY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alabama has 3 minutes and 43 seconds remaining.

Mr. SHELBY. I yield 2 minutes to the distinguished Republican leader.

Mr. DOLE. Mr. President, first of all, this is an interesting amendment. As I read the Constitution, there were about three classifications. First, free persons were counted, but Indians were excluded, Indians not taxed. And then other persons were counted as three-fifths. So the whole persons were never counted by the Founding Fathers.

Then, again, we did not know about illegal aliens, as I understand it, until about 1775. And that was long after the Constitution was adopted and after the 14th amendment.

So, again, I think as a practical matter and as common logic—the Senator from Massachusetts cites the case from the Supreme Court; I have not read that case—it seems to me we ought to have this decided. I have been around this Congress for over 20 years and everytime we have a census this comes up, "No, we are going to study it. We are going to have hearings. We will get to you later."

That is what they promised the Senator from Alabama. We have already had a vote on this. I urge my colleagues—I hope there will be a motion to table the point of order by the Senator from Alabama—that we support the motion, those of us who voted not to table will now support the motion to table.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, the notion that the concept of aliens did not exist in the 18th century would be a surprise to those who went to jail under the Alien and Sedition Acts.

Mr. President, I yield the remainder of my time to the distinguished manager of the legislation.

Mr. KENNEDY. Mr. President, just briefly, there was the use of the words "citizens" and "persons" in the original Constitution. And there was the use of the words "citizens" and "persons" when the 14th amendment was considered in 1866.

The reason for the use of "persons" in the 14th amendment was recognized that using "citizens" would result in a reduction of more than 2 million unnaturalized foreigners from the basis of apportionment. This is the House of Representatives when they adopted the 14th amendment. They use the word "persons" when it came to the question of apportionment.

Thus, it is clear from the congressional consideration of the 14th amendment that the legislators were aware of the broad meaning of the term "persons" when used in the apportionment clause.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alabama has 2 minutes and 20 seconds remaining.

Mr. SHELBY. Mr. President, we have been talking this in debate all afternoon. Just a few minutes ago, on the motion to table my amendment, we got 58 "no" votes; in other words, 58 Senators were saying, basically, it is time to consider this issue. And that is what we need to do, because the Supreme Court of the United States has never ruled specifically on this point.

It seems to me there are some people here in the United States who might be concerned about this. But I believe it is a question of legal or illegal and a distortion of the House seats in the U.S. House of Representatives.

Some States should not be able to gather more seats at the expense of others because of a swollen illegal population, illegal aliens, not legal aliens. And that is what it is all about.

We can talk about things being in the Constitution all day. But we have a great opportunity to pass a law here today, put it before the courts, if it goes there, and let the courts decide on it.

The Senate has already been showing what they wanted to do. My time is about up. The other time is gone. I think it is time for us to vote. At the proper time, which is now, I yield back the remainder of my time and move to table the point of order of the Senator from New York, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The question is on agreeing to the motion of the Senator from Alabama [Mr. SHELBY] to table the point of order of the Senator from New York [Mr. MOYNIHAN].

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA], is absent because of illness.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—56

Armstrong	Burdick	Cochran
Baucus	Burns	Cohen
Bond	Byrd	Conrad
Boschwitz	Chafee	Danforth
Bryan	Coats	Dole
Durenberger	Jeffords	Reid
Exon	Kassebaum	Robb
Ford	Kasten	Rockefeller
Fowler	Levin	Roth
Garn	Lott	Sanford
Gorton	Lugar	Shelby
Grassley	McClure	Simpson
Harkin	McConnell	Specter
Hatch	Murkowski	Stevens
Heflin	Nickles	Symms
Heinz	Nunn	Thurmond
Helms	Packwood	Wallop
Hollings	Pressler	Warner
Humphrey	Pryor	

NAYS—43

Adams	Glenn	McCain
Bentsen	Gore	Metzenbaum
Biden	Graham	Mikulski
Bingaman	Gramm	Mitchell
Boren	Hatfield	Moynihan
Bradley	Inouye	Pell
Breaux	Johnston	Riegle
Bumpers	Kennedy	Rudman
Cranston	Kerrey	Sarbanes
D'Amato	Kerry	Sasser
Daschle	Kohl	Simon
DeConcini	Lautenberg	Wilson
Dixon	Leahy	Wirth
Dodd	Lieberman	
Domenici	Mack	

NOT VOTING—1

Matsunaga

So the motion to lay on the table the constitutional point of order was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 256 TO AMENDMENT NO. 255

Mr. KENNEDY. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 256 to amendment numbered 255.

Mr. KENNEDY. I ask unanimous consent that reading of the amendment be dispensed with.

Mr. HELMS. Object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk read as follows:

SEC. 2. SEVERABILITY.

In the event that any one or more provisions of this Title is held to be unconstitutional, the same shall not affect the validity of other provisions of this Act.

Mr. KENNEDY. Mr. President, I have had an opportunity to talk to the Senator from Alabama about my amendment. He is willing to accept it. It is boilerplate language to ensure that should the courts find that the provisions of the Shelby amendment are unconstitutional, it will not affect the other provisions of the legislation.

Mr. SHELBY. Will the Senator yield.

Mr. KENNEDY. I will be glad to yield.

Mr. SHELBY. Mr. President, as the Senator from Massachusetts has stated, we have looked at the amendment.

The PRESIDING OFFICER. We must have order in the Senate, please. The Senator is entitled to be heard. All conversation not relative to the discussion should be taken to the Cloakroom.

Mr. SHELBY. Mr. President, as the Senator from Massachusetts stated, we have looked at the amendment, the severability amendment. We agree to it.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. Does the Senator from Wyoming yield back his time?

Mr. SIMPSON. I yield back the remainder of the time, Mr. President.

The PRESIDING OFFICER. The question then is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 256) was agreed to.

Mr. KENNEDY. I move to reconsider the vote by which the amendment was agreed to.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 255, AS AMENDED

The PRESIDING OFFICER. The question now is on agreeing to the first-degree amendment, as amended.

The amendment (No. 255), as amended, was agreed to.

Mr. SHELBY. I move to reconsider the vote by which the amendment, as amended was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMON. Mr. President, as I mentioned earlier, I believe it is important for naturalization proceedings to be performed by judges, rather than by an administrative agency, and I know that Senator DIXON agrees with me. Naturalization is simply too important to be treated as just another bureaucratic proceeding. U.S. citizenship should be conferred by judges whenever possible.

At the same time, there is a danger that requiring all naturalization proceedings to be performed by judges will create an unacceptable delay. In that case, I would prefer immediacy. Under section 202 of this bill I would prefer that the INS provide the alien with the option of an administrative proceeding if a court cannot administer the oath within 90 days.

We believe this approach would both preserve the importance of the naturalization process and prevent unreasonable delay. Senators KENNEDY and SIMPSON, the floor managers of this bill, have agreed with me that making the administrative option available at the end of 90 days is consistent with the intent of this bill. My understanding is that the conferees will make the necessary adjustments in the legislation to achieve this result.

Mr. KENNEDY. Mr. President, for the benefit of the membership, let me say that it appears to me that we have made good progress during the day and it is my tentative judgment there will probably be one more rollcall vote, that being on the amendment of the Senator from Minnesota. Other amendments have been either worked out or are very close to being worked out and, after disposing of them, we would move toward final passage.

So we have made good progress. We are glad to inform Members about the progress we have made. And that appears to be the current situation. We look forward to hearing from any of our members about the bill.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. As long as we are on noncontroversial areas, I have three amendments that can I offer at this point. I guess I will ask for them to be considered en bloc after they have been read by the clerk.

Mr. President, I am going to yield to Senator BOSCHWITZ for his amendment and then we will go to mine.

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 257

(Purpose: To treat Hong Kong as a separate foreign state for purposes of applying the numerical limitations on immigration)

Mr. SIMON. Mr. President, I understand that Senator BOSCHWITZ is not quite ready to offer his amendment. I have three amendments to submit for consideration. One is already at the desk. It is the Hong Kong amendment.

The PRESIDING OFFICER. The clerk will report the first amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself, Mr. DIXON, Mr. KOHL, Mr. CRANSTON, Mr. GORTON, and Mr. HUMPHREY, proposes an amendment numbered 257.

Mr. SIMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . TREATMENT OF HONG KONG AS A SEPARATE FOREIGN STATE FOR NUMERICAL LIMITATIONS.

The approval referred to in the first sentence of section 202(b) of the Immigration and Nationality Act shall be considered to have been granted, effective beginning with fiscal year 1990, with respect to Hong Kong as a separate foreign state, and not as a colony or other component or dependent area of another foreign state, and section 202(c) of such Act shall not apply to Hong Kong, except that the total number of immigrant visas made available to natives of Hong Kong in any fiscal year may not exceed 3.5 percent of the total number of visas made available under section 202(a) in that fiscal year.

AMENDMENT NO. 258

Mr. SIMON. Mr. President, I ask unanimous consent that the other two amendments also be read at this point and that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 258.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 95, add at the end of line 9: "10,000 of such visas shall be reserved for qualified immigrants who are natives of foreign states the immigration of whose natives to the United States was adversely affected by the enactment of Public Law 89-236.".

AMENDMENT NO. 259

(Purpose: To provide additional grounds for qualifying as a selected immigrant)

The PRESIDING OFFICER. The clerk will read the third amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 259.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

"(vi) PREARRANGED EMPLOYMENT IN THE UNITED STATES (15 POINTS).—For an alien who (as of the date of filing a petition) has an arrangement (meeting conditions specified by the Secretary of Labor) for the employment of the alien, 15 points.

Mr. SIMON. Mr. President, these amendments do basically three things. On the first one, the Hong Kong amendment, let me add that my colleague, Senator DIXON, Senator KOHL, Senator CRANSTON, Senator GORTON, and Senator HUMPHREY are cosponsors of it. It would increase the quota for Hong Kong from the 5,000 to half of that of a country or a little better than 10,000. I do not think I need to explain what the situation is in Hong Kong.

The second one adds points in the point system for those who have jobs guaranteed in this country.

The third is one that sets aside 10,000 of the 55,000 for those who are disadvantaged in other ways on the basis of the countries that are disadvantaged by the other patterns. It has been cleared by Senator KENNEDY and Senator SIMPSON. I have no objection to these amendments.

The PRESIDING OFFICER. Is there further debate?

Mr. KENNEDY. Mr. President, just to take a moment, we have had an opportunity to talk at length, the Senator from Utah and myself, and we support the proposals. I think the exigencies we have seen in terms of China should encourage us to make a modest adjustment and we make a modest adjustment, particularly given the backlog there. It does not recognize it at the level of a nation or a country but it does provide some honest adjustment; also, an emphasis and stress for those individuals who have jobs.

Having that recognized is certainly important because we do not want to threaten the loss of jobs for American workers, so it gives emphasis and stress on that. And then a very small and limited prioritizing for the 43 countries which have been effectively disadvantaged from the previous immigration legislation seems to me to be justified. These are very modest, but I think they are useful and make the whole bill a fairer and a more equitable bill, and I certainly support the amendments.

The PRESIDING OFFICER. Is there further debate?

Mr. SIMPSON. Mr. President, I concur in the acceptance of these amendments. We are prepared to accept them. One of the important things is a recognition of adversely affected countries and I think it is so critical that we continue to do that. I certainly concur with my fellow manager of the bill.

Mr. SYMMS. Mr. President, today I wanted to offer an amendment which would increase the annual United States quota of Hong Kong immigrants from 5,000 to 50,000. This amendment is precisely the same as a bill recently offered by Representative JOHN PORTER in the House. Mr. President, I believe this amendment is necessary because of the growing unrest in China which threaten the rights and freedom for the people of Hong Kong.

The recent violence in China by the government against unarmed citizens was an ugly response to cries of protests for democracy. When the Communist leaders crushed the democratic aspirations of the Chinese people for free expression and human rights in Tiananmen Square, they did more than murder their own people. They sent a message to the world how it is to live under totalitarian communism.

Mr. President, those actions are a horrible reminder to the people of the world on the workings of communism. This was a message heard most strongly not in the United States or Western Europe or elsewhere around the world. Rather, it was a message heard loudly in Hong Kong. The recent actions by the Chinese Government against their own people raises many serious questions. How willing are they going to be to fulfill the promises of freedom and autonomy for Hong Kong citizens as contained in the Sino-British Joint Declaration?

Many Hong Kong residents are extremely worried about the 1997 Chinese Government takeover. The territory's post-1997 constitution is being drafted right now and will be finalized in the next 2 years. The present version provides little hope for optimism. Under the current draft, the chief executive and legislative counsel will not be directly elected until at least 2011, and then only if the sitting chief executive, who will be favorable to Beijing, concurs. In addition, the provisions of two international covenants on human rights apparently will be left out of Hong Kong's Constitution. When Li Peng and Deng Xiaoping turned tanks and guns against their own people, they did irreparable harm to Hong Kong. The Beijing massacre laid bare all the guarantees given to Hong Kong by the Chinese Government. Confidence in the future of Hong Kong is at an all-time low. In light of the recent developments in China, it is essential that Congress fully debate this issue and stand firmly in support for human rights and democracy in Hong Kong.

In just 8 years, Hong Kong's 5½ million citizens will come under the control of the People's Republic of China. This year alone the prospect of Chinese interference is expected to result in the departure of over 45,000 Hong Kong residents.

A total of 3.4 million of Hong Kong's nationals were born in Hong Kong, and yet they cannot go to Great Britain. The British Government, which now administers the territory, refuses to offer immigrant status to more than a few thousand people. The passage of this amendment, Mr. President, would insure that the people of Hong Kong will have not only the right but the ability to leave. More than 46,000 Hong Kong residents are now on the waiting list for United States visas. At the current rate they are being processed some of these citizens would not receive visas until after the Chinese Communist takeover in 1997. Hopefully, of course, the citizens of Hong Kong will be able to stay. But if they must leave, the United States should welcome them.

Hong Kong is an economic miracle, and an example of the work of capitalism like none other on Earth. The per capita earning rate is 29 times greater than that of the People's Republic of China. The people of Hong Kong are people of talent and great entrepreneurial skill. They understand, as perhaps no other nation can, the difference between totalitarianism and freedom. Many of them are, in fact, refugees from mainland China. They are, in sum, the very kind of people we need in the United States. We ought to increase our quota for people from Hong Kong to provide insurance for them against the murderous tyranny of communism. We should welcome these people with open arms, since they will add immeasurably to American society and to our own beliefs in the rule of law, human freedom, and democracy.

The PRESIDING OFFICER. Without objection, the three amendments (Nos. 257, 258, and 259), are agreed to en bloc.

Mr. SIMON. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. BOSCHWITZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 260

(Purpose: To increase the number of immigrant admissions and to reallocate the visa preferences for family reunification immigrants)

Mr. BOSCHWITZ. Mr. President, I am going to move very quickly through this amendment because I understand that the distinguished senior Senator from Massachusetts needs to catch a plane. We really have discussed this bill at some length, so I think Senators have become more familiar during the course of this debate with the various elements of the bill and the various preferences and what they all mean.

This amendment would increase the level of the fifth preference.

Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. BOSCHWITZ] proposes an amendment numbered 260.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 77, line 15, strike out "480,000" and insert in lieu thereof "520,000".

On page 90, line 18, strike out "9" and insert in lieu thereof "7.8".

On page 91, line 16, strike out "57" and insert in lieu thereof "49.4".

On page 91, line 23, strike out "9" and insert in lieu thereof "7.8".

On page 92, line 5, strike out "25" and insert in lieu thereof "35".

Mr. BOSCHWITZ. Mr. President, this amendment would expand the fifth preference from approximately 65,000 to 105,000, an increase of 40,000. The fifth preference, of course, is brothers and sisters of American citizens. There are now, as you see on this chart, approximately 1.5 million people waiting to come in under the fifth preference. Under S. 358, 65,000 brothers and sisters a year can come

in. This means that the backlog will continue to grow.

My amendment is a modest attempt to hasten the reunion of American citizens with their brothers and sisters abroad. Regretfully, the amendment would not even take care of all the backlogs.

This fifth preference really is at the essence of our democracy. Most of my colleagues and most Americans came to this country and went to where they had a brother there or a cousin there.

The Senator from New Mexico told me that his family went to New Mexico because they had a cousin who had preceded them from Italy who went there.

So it is part of our heritage—as a nation of immigrants—that by and large we went where our relatives were. And the entire immigration history of the United States is a history of brothers and sisters working hard, accumulating some money, and then sending for their kinfolk.

That is the way it should continue. That is the strength on which our country has been built.

I ask that there just be a modest increase in the fifth preference in which there is a backlog of nearly 1.5 million people. The 65,000 level for fifth preference under the Kennedy-Simpson bill is roughly the same as it was under existing law. So while Senators KENNEDY and SIMPSON have increased the number of visas and shortened the backlog in other preferences, really nothing has been done for brothers and sisters.

I am not a second or third generation American. As a matter of fact, Mr. President, I am the only immigrant in the Senate at the present time. As the distinguished Senator from Wyoming pointed out, I am the only Senator who cannot run for President. As I survey the body, I sometimes think I am the only Senator who is presently not seeking that position.

But I do want to increase the fifth preference by a modest 40,000. I urge the adoption of the amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts has 20 minutes.

Mr. KENNEDY. Mr. President, I yield such time as I might use.

Mr. President, there is obvious appeal for the amendment of the Senator from Minnesota. As he correctly pointed out, we have dealt with increasing the total numbers by some 22 percent with the greatest emphasis and stress on the family reunification of closer members of the family. The fifth preference at the present time has at least an 18-year wait even after the time you get the approval of your application.

The issue is if we are going to address fifth preference, we ought to define it in a way that might actually bring an end to the backlog. Without doing that, for every individual who enters in this category, there are going to be extended families entering also, each member of which uses a visa. So there is very little indication that even if we accept the amendment of the Senator from Minnesota we are going to deal with the problem of backlogs. There will be other members of the extended family that might be able to gain entrance under this amendment, but we are still not dealing with the backlog. We should emphasize and stress closer relatives and members of the family, and address their visa needs before moving to expand numbers.

To emphasize closer family is probably the best visa reform. But that was not an issue in which we could develop the common position in the Judiciary Committee. For that reason, there is reluctance at least on my part to see changes in the fifth preference for fear of upsetting the balance struck in committee.

I too want to join with the Senator from Wyoming in his remarks earlier that all of us who have been involved in the issues of refugees over the years have always benefited from the interventions that are made by the Senator from Minnesota. This has been an area of particular interest and concern for him. I want again to thank him for his constant attention to these issues. So it is with reluctance that I recommend that the Senate not accept his amendment.

I yield such time as the Senator from Wyoming needs.

Mr. BOSCHWITZ. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, I rise in strong support of the amendment of our distinguished colleague from Minnesota.

Mr. President, those of us who know our distinguished colleague know that he is in this country and in fact is a Member of the U.S. Senate because of the diligence of his father who was born in an area that, prior to the war was Germany, but which subsequently became Poland. So in seeking to come into the country, his father went all over Europe trying to find someone who would accept him as a German instead of a Pole because the Polish quota was always filled.

I rejoice at the fact that he found such an embassy, and as a result, not only did his father come to America and become successful, but RUDY BOSCHWITZ became a Member of the U.S. Senate.

Mr. President, how many of these people under this amendment would be allowed to come to America and might become Members of the Senate? How many of their children might win Nobel prizes? How many of their children might even aspire to become President of the United States?

I do not know anything more American than one child working, coming to America, being successful, and then bringing his brothers and sisters to the country. We can look at the numbers that our colleague pointed out to see that there are over 1 million people waiting to come. They are waiting to come because their siblings have been successful here. They are not going to be a burden on society. They already have a sibling here who is successful that is sponsoring them.

Mr. President, with all these people waiting, with a million people a year coming into the country illegally, is there not room in America for a few more people that are willing to put their shoulder to the wheel. A few more people that are willing to pull the wagon, work, pay the taxes, defend the country and provide the physical and mental energy that will move our country forward?

America is not a great Nation because the most talented people in the world came to live here. America is a great Nation because we have achieved extraordinary results from plain old ordinary people that have been inspired and activated and energized by freedom. I think it is vitally important that we let people who have come to America, who have been successful, bring their brothers and sisters here.

I support this amendment very strongly.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, I think, in remarks yesterday about my friend from Minnesota——

The PRESIDING OFFICER. The Senator is recognized on the manager's time. Is that correct?

Mr. SIMPSON. That is correct.

Mr. President, I made my remarks yesterday about my friend from Minnesota, his deep passion. His interest is so total and so much of a personal commitment, that none of us could match it, because he has personal experiences as a refugee in this country at the age of 5. The comments of my friend from Texas, Senator GRAMM, are also things that are real when we talk about human beings, advancement, success, all of those things. That is something that is the most important part of the debate. It is an important part of the lives of those people most affected.

Let me tell you why it is not a hardhearted approach. That is not my style. This amendment, and all of the other amendments, would increase the number of visas in the fifth preference. I am resisting that, and I am not doing that because I am antiimmigrant or antifamily or antianything else that smells of mom and the flag and apple pie. That is what happens in

this debate all the time. Instead, I believe it is darned well time for our Government to face the unfortunate but ridiculously cold reality that there are many more people who want to come here than there is room or intent to accommodate.

Now, you are going to watch some other things that will come up in the next months. You are going to watch the Soviet Union completely unleash their people, and then what will the American people feel? Of course that is refugees, and that is a different matter, but some of them will be immigrants. When President Carter went to China and said, "Let your people go," they said, "How many do you want?" And then there was nothing more during the Carter administration that we heard on that issue. There is just as much obligation in the national sovereignty in letting your people go as there is in determining how many you bring in.

That is not racist, not evil, not cruel. It is a cold, hard reality. We will have to decide how many we want to accommodate. Apparently, there is quite a group among us that want, in some sense maybe unlimited immigration. I do not know that that would fly on an up and down vote, but I think that proposal is here. There is right now a backlog of 1.4 million applicants for the present allocation of 65,000 fifth preference visas.

Now, that is reality, cold, hard reality—a backlog of 1.4 million applicants for these 65,000 fifth preference spots. The State Department seems to believe that number is fairly solid. I have questions about that. I think a lot of them are already here, and since State did the list, I think some of them have died and disappeared; that is my view. Whatever it is, it is a tremendous backlog, and it is all human beings. It would be very difficult to significantly address this backlog without coming up with an overall level of immigration which I do not think most Americans would accept. I imagine most Members of Congress would not find it supportable.

In addition, because of the chain migration effect that the fifth preference causes through its recognition of married brothers and sisters and their families, if we raise the number of fifth preference immigrants, we will only concurrently raise the number of fifth preference applicants. That is what happens in this chain. You bring your brother; the brother then starts the chain, and that is the way it goes. Two-thirds of those people in that number are brothers-in-law and sisters-in-law and nieces and nephews, and eventually, under this scenario of this amendment, or the status quo, if this bill fails, you are going to see the continual squeeze, where these people crowd out the reunion of families who are spouses and children. I think that is irresponsible.

It is going to crowd out the closer family members, and spouses and children in the second preference will still be waiting right there in line, very patiently, some not patiently. Many came illegally, and I hope we picked them up when we did this gracious act of amnesty or legalization. But that is what most are going to do, wait in line patiently.

Let me state clearly once again, as clearly as I can, I believe that the most antifamily policy I can possibly imagine is current law, where we keep the closer relatives like spouses and children waiting while more distant relatives like siblings and in-laws are given the visas. That is no sense. This amendment not only perpetuates that antifamily aspect of current law, it encourages it. It is hard to believe how you could encourage it any more. Whether brothers or sisters are increased by 40,000 or 30,000 or 20,000 a year, we are still in this ridiculous situation, skewing our family immigration policy. The only question, I guess, is to what extent you want to skew it.

Whatever happened to family-based, nuclear family immigration? Slowly it will go down the tubes as family reunification seeps out into the area of nieces and nephews and brothers-in-law and sisters-in-law, which eat up the numbers. You cannot help but some day eat up the numbers, whatever we do in this activity. And then you will find spouses and children standing in line so that we can fill the slots with nieces and nephews and other derivative relatives. That is where we are.

I do not think that is right. More than that, I think it is not fair. Boy, I can tell you, since we last visited this bill a year ago, the special interest groups have been hard at it. I have never seen such activity. And meanwhile, the rest of the American public is just sitting there blinking like a frog in a hailstorm saying: "What is happening?" They will figure it out one day, because the system will have been overwhelmed by two things: By 85 percent of people in family reunification coming from two sections of the world, and meanwhile, other countries are adversely affected. That is what will happen.

Meanwhile, we will admit relatives not part of a nuclear family, as we define it in the United States. It is not defined that way in Asian communities or some other communities, but it is here.

I fully realize the peril of this type of discussion, because it will always come back that you must be racist, you must be bigoted, you must be hardhearted; and that is not me. But I am a realist, and I try to be as honest as I can in dealing with this grotesque issue.

Unless the American people sort it out themselves through us, then you are going to find things that will come up where you are just going to stare at your colleagues in 4 or 5 years and say—what did we do, what happened, how did that get tilted that way, how did it get so ruptured and inappropriate?

I am ready to stick around. I must be crazy. I will stick around and try to make it work, whether it is illegal immigration, legal immigration, refugees, asylees; whether it is extended voluntary departure or Soviet Jews; or whether it is exclusions, or people not allowed to come here to our country because of sickness or AIDS. I am ready to work on all that stuff. But for heaven's sake, come in and cast a vote now that has something to do with reality.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, my colleagues, I have great respect for the Senator from Massachusetts, and as my colleagues, Senator SIMPSON and Senator KENNEDY can tell you, I have been championing the fifth preference; and Senator SIMPSON agreed to this compromise that included the fifth preference, the numbers that we have, only very reluctantly.

If you take a look at the original Kennedy-Simpson bill, you do not see any kind of fifth preference numbers like we have at the present time.

We did reach an accord, an agreement on the cap and on a variety of other things, and I think that agreement is sound, and I am going to support it.

There is another reason why I think it is unwise to move as the Senator from Minnesota has suggested.

There is a statement that Shakespeare makes about the best being the enemy of the good. We can pile up in this area of immigration to the point where there will be an adverse public reaction.

I say to the Senator from Minnesota I may not have been in public office when we had 100,000 to 200,000 Cubans coming into this country all of a sudden. There was a very adverse reaction. Now those people are great American citizens today and we are richer because they are here.

But there will come a time when the public is going to react negatively to immigration. This morning's New York Times carries a story about potential large numbers of immigrants from the Soviet Union that I have an interest in, I know Senator BOSCHWITZ has an interest in, and the Presiding Officer, Senator LAUTENBERG, has shown great leadership on.

I do not want to reach that saturation point so that Members of the House and Senate are going to say "Sorry, no more immigrants into this country."

I think there is a danger that we are going to be moving in that direction.

I also think we have to be careful how we load this thing down. If this bill were to be presented to the President as it is right now, my guess is, and I certainly have no insight into what the President is thinking, but my guess is that it would be vetoed by the President. I think among other things the amendment we adopted on the census is just going to cause chaos in the census. I hope the conference committee will get rid of that particular amendment.

I think we would be wise here to follow the more prudent course.

The PRESIDING OFFICER. The Senator has spoken for 3 minutes.

Mr. SIMON. May I have one additional minute here?

Mr. KENNEDY. I yield an additional minute.

The PRESIDING OFFICER. The Senator is recognized for an additional minute.

Mr. SIMON. I think we would be wise to follow the prudent course.

My heart is on the side of what Senator BOSCHWITZ is doing. I happen to think immigrants are a great asset.

I had an informal conversation with Senator SYMMS just a few minutes ago, and we talked about what great assets immigrants are and how hard-working they are.

But there is a saturation point with the American public, and I think we have to be prudent as we move ahead, and I think prudence dictates that we would be better off not accepting this particular amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I certainly do agree with my friend from Illinois, that immigrants are great assets to the United States.

In fact, USA Today recently reported that in the State of Massachusetts, 13 out of 17 high school valedictorians were immigrants, not immigrants from one region, but immigrants from Central America, immigrants from the Caribbean, immigrants from Asia, and immigrants from all over the world.

As to reaching a saturation point with an additional 40,000 visas, I say to the Senator my amendment would still leave total immigration at about one-quarter of 1 percent of the American population. Certainly that is not reaching any kind of saturation point.

I still respectfully disagree with my friend from Wyoming about whether or not we are somehow making it more difficult for the nuclear family of American citizens to come in. The nuclear family, parents, spouses, and minor children now come in—under the old immigration law, and under this bill—without limit.

So there is not going to be an assault on the nuclear family. But this amendment recognizes that a 1½ million people are waiting for fifth preference visas. That fifth preference has grown very rapidly in recent years so we must act positively to reduce the backlog.

I think that we indeed can add 40,000 new visas to this immigration bill.

The Senator from Illinois talks about a compromise. I would point out to him that the Kennedy-Simpson bill proposes 65,000 visas for fifth preference. Under current law the level is 64,800. So it only went up by 200. That is not a very fair compromise.

So I respectfully urge my colleagues to adopt the Boschwitz amendment. I yield the remainder of my time.

Mr. SIMON. Mr. President, will my colleague from Minnesota yield for 1 minute? I would just point out that while the fifth preference numbers are pretty much as they are currently, the original bill called for a very substantial decline in fifth preference numbers.

Mr. BOSCHWITZ. I thank the Senator.

Mr. KENNEDY. Does the Senator want a rollcall vote?

Mr. BOSCHWITZ. Does the Senator yield back the remainder of his time?

Mr. KENNEDY. Yes, I yield back the time.

Mr. BOSCHWITZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—46

Adams	Daschle	Heinz
Armstrong	DeConcini	Inouye
Biden	Dixon	Kasten
Bond	Dodd	Kerry
Boren	Domenici	Kohl
Boschwitz	Durenberger	Lautenberg
Bradley	Garn	Leahy
Breaux	Gore	Lieberman
Conrad	Gramm	Mack
Cranston	Harkin	Metzenbaum
D'Amato	Hatfield	Mikulski
Moynihan	Reid	Symms
Nickles	Riegle	Warner
Packwood	Sarbanes	Wilson
Pell	Specter	
Pressler	Stevens	

NAYS—52

Baucus	Gorton	Mitchell
Bentsen	Graham	Murkowski
Bingaman	Grassley	Nunn
Bryan	Hatch	Pryor
Bumpers	Heflin	Robb
Burdick	Helms	Rockefeller
Burns	Hollings	Roth
Byrd	Humphrey	Rudman
Chafee	Johnston	Sanford
Coats	Kassebaum	Sasser
Cochran	Kennedy	Shelby
Cohen	Kerrey	Simon
Danforth	Levin	Simpson
Dole	Lott	Thurmond
Exon	Lugar	Wallop
Ford	McCain	Wirth
Fowler	McClure	
Glenn	McConnell	

NOT VOTING—2

Jeffords	Matsunaga

So the amendment (No. 260) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, for the information of the membership, we reached a unanimous-consent agreement last night on all of the amendments and time allocations. We have moved through these amendments and, to my best knowledge, the remaining action will be the amendments of the Senator from Texas, Senator GRAMM, whom we have been working with over the course of the day and who is prepared to offer his amendments en bloc.

I believe we have consulted the interested parties on that and we would hope to proceed with those in relatively short order. At least as far as this side of the aisle is concerned, there has been an indication that there would be no further amendments. I plan to make only a brief comment just before moving to final passage, hopefully, by 6:30.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I share that hope with my friend from Massachusetts. I do have an amendment here from Senator KASSEBAUM, which will be accepted.

Mr. KENNEDY. Yes, we have technical amendments but we will do that between now and 6:30. We have some technical amendments.

Mr. SIMPSON. But without any further ado on this side of the aisle at this point, I think it is just the amendments of Senator GRAMM left, and I think we have pretty well accommodated those, unless there are others in the unanimous-consent agreement.

As far as we know now, that would seem to be the extent of it.

Mr. KENNEDY. That is about where we are.

Mr. SYMMS. Mr. President, I will be very brief. I will say to the managers of the bill I had wanted to offer an amendment with respect to Hong Kong that went further than the amendment that the committee has accepted. I understand, under the time agreement, an amendment to the amendment of Senator SIMON is out of order.

I would like to present my statement for the RECORD to appear in the RECORD right after the comments of the distinguished Senator from Illinois [Mr. SIMON] prior to the vote of the Simon amendment which was accepted with respect to Hong Kong. I announce to my colleagues that at a more appropriate time I intend to offer an amendment to either the State Department authorization bill or another vehicle that would raise the quota of these entrepreneurs from Hong Kong, but I will not do it today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 261, 262, 263 AND 264 EN BLOC

Mr. GRAMM. Mr. President, I send four amendments en bloc to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc? Without objection, it is so ordered. They will be considered en bloc. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes amendments numbered 261, 262, 263, and 264 en bloc.

Mr. GRAMM. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 261

On page 75, line 10, strike out "and".

On page 76, line 9, strike out the period and insert in lieu thereof "; and".

On page 76, between lines 9 and 10, insert the following:"(3) qualified immigrants who are trained medical personnel described in section 109(f), not to exceed 4,000 nurses and 1,000 physicians.

On the conditional basis described in section 109.

On page 124, after line 25, insert the following:

SEC. 104. INCENTIVES FOR TRAINED MEDICAL PERSONNEL TO WORK IN RURAL AREAS.

(a) CONDITIONAL BASIS FOR PERMANENT RESIDENT STATUS FOR TRAINED MEDICAL PERSONNEL.—Chapter 2 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

"CONDITIONAL PERMANENT RESIDENT STATUS FOR TRAINED MEDICAL PERSONNEL, SPOUSES, AND CHILDREN

"SEC. 218. (a) IN GENERAL.—

"(1) CONDITIONAL BASIS FOR STATUS.—(A) Notwithstanding any other provision of this Act, an alien who is a trained medical person (as defined in subsection (f)(1)), spouse, and child (as defined in subsection (f)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section if such person, with the prior approval of the governor of that state, has made a commitment to perform medical services in a Health Manpower Shortage Area in an individual state as defined under the Public Health Service Act, where there is a shortage in United States trained physicians, and such person has obtained privileges from a hospital located within that Health Manpower Shortage Area, for 10 years.

"(2) NOTICE OF REQUIREMENTS.—

"(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien medical person, spouse, or child obtains permanent resident status on a conditional basis under paragraph (1), the Attorney General shall provide for notice to such medical person, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

"(B) AT TIME OF REQUIRED PETITION.—In addition, the Attorney General shall attempt to provide notice to such medical person, spouse, or child, at or about the beginning of the 90-day period described in subsection (d)(2)(A), of the requirements of subsection (c)(1).

"(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Attorney General to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such medical person, spouse, or child.

"(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—

"(1) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if the Attorney General determines, before the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence, that the alien is not performing medical services in a Health Manpower Shortage Area or has not obtained privileges from a hospital located within that Health Manpower Shortage Area, then the Attorney General shall so notify the alien involved and, subject to paragraph (2), shall terminate the permanent resident status of the alien involved as of the date of the determination.

"(2) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that a condition described in paragraph (1) is met.

"(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

"(1) IN GENERAL.—In order for the conditional basis established under subsection (a) for an alien medical person, spouse, or child to be removed—

"(A) the alien medical person must submit to the Attorney General, during the period described in subsection (d)(2), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in subsection (d)(1), and

"(B) in accordance with subsection (d)(3), the alien medical person must appear for a personal interview before an officer or employee of the Service respecting the facts and information described in subsection (d)(1).

"(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTERVIEW.—

"(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

"(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A), or

"(ii) unless there is good cause shown, the alien medical person fails to appear at the interview described in paragraph (1)(B), the Attorney General shall terminate the permanent resident status of the alien as of the tenth anniversary of the alien's lawful admission for permanent residence.

"(B) HEARING IN DEPORTATION PROCEEDING.—In any deportation proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

"(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

"(A) IN GENERAL.—If—

"(i) a petition is filed in accordance with the provisions of paragraph (1)(A), and

"(ii) the alien medical person appears at the interview described in paragraph (1)(B), the Attorney General shall make a determination, within 90 days of the date of the interview, as to whether the facts and information described in subsection (d)(1) and alleged in the petition are true with respect to the performance of medical services by the alien.

"(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Attorney General determines that such facts and information are true, the Attorney General shall so notify the alien involved and shall remove the conditional basis of the alien's status effective as of the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(C) TERMINATION IF ADVERSE DETERMINATION.—If the Attorney General determines that such facts and information are not true, the Attorney General shall so notify the alien involved and, subject to subparagraph (b), shall terminate the permanent resident status of an alien medical person, spouse, or child as of the date of the determination.

"(D) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true with respect to the performance of medical services by the alien.

"(d) DETAILS OF PETITION AND INTERVIEW.—

"(1) CONTENTS OF PETITION.—Each petition under subsection (c)(1)(A) shall contain facts and information demonstrating that the alien performed medical services in a Health Manpower Shortage Area or has not obtained privileges from a hospital located within that Health Manpower Shortage

Area, throughout the alien's residence in the United States.

"(2) PERIOD FOR FILING PETITION.—

"(A) 90-DAY PERIOD BEFORE SECOND ANNIVERSARY.—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed during the 90-day period before the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(B) DATA PETITIONS FOR GOOD CAUSE.—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Attorney General good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

"(C) FILING OF PETITIONS DURING DEPORTATION.—In the case of an alien who is the subject of deportation hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Attorney General may stay such deportation proceedings against an alien pending the filing of the petition under subparagraph (B).

"(3) PERSONAL INTERVIEW.—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of the Service, designated by the Attorney General, which is convenient to the parties involved. The Attorney General, in the Attorney General's discretion, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

"(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence beginning 5 years after the conditional admission of the alien.

"(f) DEFINITIONS.—In this section:

"(1) The term 'alien medical person' means an alien who obtains the status of an alien lawfully admitted for permanent residence under section 201(a)(3) and who is a physician or nurse, licensed to practice within that state and who is competent in oral and written English.

"(2) The term 'spouse' and the term 'child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien entrepreneur.".

(b) ADDITIONAL GROUND FOR DEPORTATION.—Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended by inserting before the semicolon at the end thereof the following: ", (C) is an alien with permanent resident status on a conditional basis under section 218 and has such status terminated under such section".

(c) CRIMINAL PENALTY FOR IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.—Section 275 of such Act (8 U.S.C. 1325) is amended by adding at the end thereof the following new subsection:

"(c) Any individual who knowingly performs medical services under section 109 for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than $250,000, or both.".

(d) LIMITATION ON ADJUSTMENT OF STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(f) The Attorney General may not adjust, under subsection (a), the status of an alien lawfully admitted to the United States for permanent residence on a conditional basis under section 218.".

(e) CONFORMING AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 217 the following new item:

"Sec. 218. Conditional permanent resident status for trained medical personnel, spouses, and children.".

AMENDMENT NO. 262

(Purpose: To allot visa numbers to selected immigrants based on a revised ranking of the scores attained through the point assessment system)

(a) On page 95, line 8, strike out "45" and insert in lieu thereof, "60,"

(b) On page 98, strike out lines 5 through 9 and insert in lieu thereof: "to eligible qualified immigrants who attain the highest scores (in descending order) on the assessment system described in subsection (b)(5)(B) with respect to petitions filed for the fiscal year involved, with the lowest scores qualifying under this clause to be chosen, if necessary, in the random order described in clause (B); and".

AMENDMENT NO. 263

(Purpose: To modify provisions relating to congressional review of worldwide numerical limitations on the admission of immigrants)

On page 81, line 2, insert after "105 percent" the following: "(or, if so, to the extent of a 5 percent decrease or increase, as the case may be)".

On page 81, line 8, after "transmitted" insert the following: "(or a 5 percent increase or decrease, as the case may be)".

On page 81, line 15, insert after "change" the following: "(to the extent that the change is less than 95 percent or more than 105 percent, as the case may be)".

AMENDMENT NO. 264

(Purpose: To admit additional immigrants who will invest in rural areas or areas of high unemployment)

On page 92, line 13, strike "5 percent" and insert in lieu thereof "3.33 percent".

On page 94, strike out line 11 and all that follows through line 2 on page 95 and insert in lieu thereof the following:

"(4) EMPLOYMENT CREATION.—Visas shall be made available next, in a number not to exceed 5.67 percent of such worldwide level, to any qualified immigrant who is seeking to enter the United States for the purpose of engaging in a new commercial enterprise which the alien has established and in which such alien has invested or, is actively in the process of investing—

"(A) capital, in an amount not less than $1,000,000, and which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence (other than the spouse, sons, or daughters of such immigrant); or

"(B) capital, in an amount not less than $500,000, in rural areas or in areas which have experienced persistently high unemployment, at the time of investment, of at least one and one-half times the national average rate, and which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence (other than the spouse, sons, or daughters of such immigrant).

Of the visas allocated under this paragraph, 1.67 percent of the worldwide level shall be available for aliens investing as described in clause (B). Special attention shall be given to such aliens in clause (B) who have invested or, are actively in the process of investing, in rural areas, with an unemployment rate, at the time of the investment, of at least one and one-half times the national average. For purposes of clause (B), the term "rural area" means all territory of a State that is not within a metropolitan statistical area or the outer boundary of any city or town having a population of 20,000 or more based on the latest dicennial census of the United States. The Attorney General, in consultation with the Secretary of Labor and the Secretary of State, may prescribe regulations increasing the dollar amount of the investment necessary in claus (A) for the issuance of a visa under this paragraph.

Mr. GRAMM. Mr. President, these four amendments deal with the following areas: First of all, in the bill, there is what I would call a technical problem in that if the President asks for an increase in the overall level of immigration of 5 percent or less, that goes into effect unless Congress acts to deny him that increase. If he asks for 5 percent or more, that does not go into effect unless Congress acts affirmatively. That clearly was not the intent, it seems to me, of the bill.

What this says is if the President asks for 5 percent or less, it goes into effect unless Congress disapproves. If he asks for 5 percent or more, unless Congress disapproves, 5 percent goes into effect and Congress has to approve anything over that.

The second amendment is a more substantive amendment and it has to do with the point system. Basically under the current point system, we set up a procedure whereby we rate potential immigrants on education, on needed skills, et cetera, but we do not necessarily allocate visas to the people who score highest on these individual ratings.

So what this amendment does, recognizing the Simon amendment, is that it allocates 20 percent of the 54,000 slots to be granted under this to the people who simply score highest on the test. And then it allocates the other 80 percent to those who score 60 points or more. It simply says if you are going to have a test on the needs of the American economy, on distinguished education and skills than let people in who meet the test and who score the highest grades.

The next amendment has to do with physicians and nurses. The amendment admits up to 5,000 additional health care providers—up to 4,000 nurses and up to 1,000 doctors—as additional immigrants based on the con-

dition that these individuals practice in health manpower shortage areas, and that they stay in these areas for at least 10 years.

This amendment does not preempt current State licensing standards. There is a health care manpower shortage throughout the country. We have 83 entire areas of nonmetropolitan areas in Texas that are designated as medically short. What this would allow is that physicians and nurses that meet the skill levels required by the States could come in and practice in a rural, underserved area for 10 years and become American citizens.

The final part of it creates a new category with 2,000 visas for investors who invest either in rural areas or in areas that have an unemployment level of 1½ times the national average, with special attention given to rural areas that have high unemployment. These investors would also be required to create 10 jobs and put capital in of at least $500,000. So we are talking about a new investor category. We are talking about a health care provider category. We are talking about a merit system in points, and we are talking about technical corrections and I appreciate the indulgence of my colleagues and their willingness to work with me on these amendments.

Mr. KENNEDY. Mr. President, I appreciate the cooperation that we have had from the Senator from Texas. He has correctly explained the provisions during his comments. We are willing to make adjustments along the lines that have been recommended. There is some adjustment in terms of rural development and depressed inner-city centers to encourage investment in those areas. There is some adjustment to select persons for the point system, to give 20 percent of the visas to those with the most points. And there is a technical amendment which clarifies the President's authority to change national immigration levels by 5 percent. Finally, there is an amendment to permit the admission of health professionals to work in underserved areas, and to require that those individuals stay there for 7 years.

The concern we had earlier about this last amendment is that individuals come in, and, once they meet the other medical requirements, they settle in for only a short period of time, and then leave. But the provision of the Senator from Texas is appropriately strict on this point.

Mr. President, I am prepared to recommend we accept his amendments. We have been in negotiation a good part of the day in working out the language. I have no objection to his proposals.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, we have been working with the staff of the Senator from Texas and all of us have been involved in that. I just have a concern about one amendment with regard to what appears to me to be over and above the national level of immigration that we were seeking to maintain, even though assuredly the Hatch-DeConcini amendment, and one or two others, have probably abused that concept slightly. Nevertheless, I would inquire as to whether under the rural doctors amendment we are actually adding to the national level of immigration and, if we are, what is the rationale for that?

Mr. GRAMM. I appreciate the distinguished Senator posing the question. As I understand it, the way the amendment is drafted and was worked on by joint staff, you have up to 4,000 nurses, up to 1,000 doctors, obviously, depending on how many are certified by the State or how many are licensed by the State. That would be in addition, as I understand it, to the overall total. I would be willing to work out a compromise that would make that adjustment in some area. That is not the way the staff drafted it, but if that is a problem for our distinguished colleague from Wyoming, I am willing to negotiate.

Mr. SIMPSON. Mr. President, I am going to accept that good faith proposal. I think we can do that and work to see that that small number, indeed it is small compared to 600,000, that it is encapsuled in the national level of immigration.

AMENDMENT NO. 264

Mr. BOSCHWITZ. Mr. President, I am pleased to join Senator GRAMM in offering this amendment, which would enhance the immigration bill before us by attracting significant investments to rural America.

As my colleagues know, the Immigration Act of 1989 creates a category of 120,000 independent visas, which would be available for people with particular skills or qualities that the United States needs. Up to 4 percent, or 4,800, of these independent visas could be used by aliens who invest at least $1 million in a commercial enterprise in the United States that creates at least 10 new jobs. Any visas issued under this category would be conditional and would have to be reviewed after 2 years.

The amendment we are offering adds an additional 2,000 visas exclusively for those who invest in rural or high unemployment areas. Under the amendment, all investors would still have to create 10 new jobs, and the investors would still be subject to a 2-year review.

The amendment does not increase the total level of immigration set out in the bill. The new rural investor visas will be taken from the "special immigrant" category. Demand for visas in this category is far below the level set in this bill. Therefore, I think that we can afford to deduct a certain number of visas from it.

Mr. President, I am especially concerned with the rural investment this amendment would support. Although many parts of the country have experienced great economic growth in the past 8 years, rural areas often have not shared in that prosperity. These areas have great difficulty attracting the investment capital so needed for economic growth.

As the ranking Republican member of the Small Business Committee, I have made rural development a priority. Earlier this year, I introduced legislation to make investment capital more accessible to rural businesses. The amendment we are offering strengthens such efforts to reach out to rural America.

The amendment adds an additional 2,000 visas—to create at least 20,000 new jobs in rural or depressed areas. In addition, the other 4,800 visas could also be used by investors in rural areas. The amended investor provision could therefore be used to create at least 68,000 jobs—many of them in rural America. And the investors cannot just promise to create jobs—they must deliver. They will be subject to deportation if they do not continue to meet the job-creation requirements at the 2-year review.

No doubt, some will argue that we should not be increasing a category that only benefits "fat cats." First, let me say that the investor visas are a worthwhile addition to our immigration system. Second, I am certain that none of the Americans who gain jobs from this provision will begrudge investors their visas.

In fact, many other countries have similar provisions in their immigration laws. In the past we, too, have had this type of provision in U.S. law, and even today the United States grants temporary visas to aliens who invest at least $150,000 and employ at least one worker. We have seen the success of this provision with nonimmigrants, and extending this provision to the job-creating portion of the Immigration Act of 1988 will benefit us all.

In any event, even with the Gramm-Boschwitz amendment, investor visas will total less than 2 percent of total immigration. Less than 2 percent. Over 98 percent of immigrants will continue to be admitted on the basis of family connections or special skills.

Mr. President, this bill is not intended to solve all the problems facing rural America, but it is a step in the right direction. Part of the rationale of the Immigration Act of 1989 is to make immigration more responsive to our broad national interests. Rural America absolutely must be included within that national interest. I see no reason to shut out willing investors

while our small towns and inner cities across America are facing hard times.

Indeed, the national interest is well served by granting a limited number of visas to aliens who wish to make a substantial contribution to our economy. Our amendment maintains investor visas at a modest level—but makes a special effort to reach out to rural communities in need. At a time when we are concerned about supporting the current economic expansion, our amendment could create up to 20,000 new jobs in the United States each year.

I urge my colleagues to support this amendment.

Mr. GRAMM. Senator BOSCHWITZ would like to be a cosponsor of the entire package.

The PRESIDING OFFICER. It is so ordered.

Mr. SIMPSON. Mr. President, I am going to say that we will do that and accommodate that within the bill as amended, and I am sure that can be done without further violating the national level of immigration. Is that the understanding of the Senator from Texas?

Mr. GRAMM. Let me say, Mr. President, that I would be happy with that agreement. I had understood when it was being drafted that that was the case. If it did not turn out to be the case, I will be happy to change it.

Mr. SIMPSON. It will be within the level of 630,000, which is what happened now with the amendment of Senator SPECTER.

Mr. GRAMM. That is my understanding of what the total will be.

The PRESIDING OFFICER. Is there any further debate on the amendments?

Mr. KENNEDY. I am prepared to yield back the remainder of the time.

The PRESIDING OFFICER. If there is no further debate on the amendments, the question is on agreeing to the Gramm amendments en bloc.

The amendments (Nos. 261, 262, 263, and 264) were agreed to, en bloc.

Mr. SIMPSON. Mr. President, I want the colloquy that Senator GRAMM and I had to be perfectly clear, and that will be accomplished before final passage on this bill.

Mr. GRAMM. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 265

(Purpose: To provide a technical amendment permitting reciprocal visaless rights for aircraft crewmembers serving on aircraft from countries participating in the Visa Waiver Pilot Program)

Mr. SIMPSON. Mr. President, I send to the desk an amendment on behalf of Senator KASSEBAUM and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] for Mrs. KASSEBAUM (for herself and Mr. DANFORTH) proposes an amendment numbered 265.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 124, after line 25, insert the following new section:

SEC. 109. ENTRY OF CERTAIN AIRCRAFT CREWMEMBERS.

Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting the following new subsection:

"(e) The Attorney General and the Secretary of State are further authorized to issue regulations providing for the waiver of visa requirements for aircraft crewmembers serving on aircraft who are nationals of pilot program countries designated pursuant to subsection (c). Such regulations may provide for aircraft crew visa waivers on a reciprocal basis with each individual pilot program country during the pilot program period."

Mr. SIMPSON. Mr. President, this amendment makes a minor correction to the visa waiver program pertaining to aircraft crewmembers. This amendment is acceptable to this comanager of the bill. I know that Senator KENNEDY has reviewed it, and I ask that it be adopted.

Mrs. KASSEBAUM. Mr. President, the Senate is considering legislation which will have an impact on the social and economic fabric of our Nation. Senate bill 358 would constitute a shift in U.S. immigration policy, with a new emphasis on our country's human resource needs, while still preserving the prior emphasis on family reunification.

I, along with my colleague from Missouri, Senator DANFORTH, propose an amendment to S. 358 which would help clarify some human resource concerns that were addressed, albeit inadvertently, in previous modifications to our immigration laws.

Mr. President, a problem has arisen in the past month with guidelines set forth in a section of the Immigration and Nationality Act known as the Visa Waiver Pilot Program. This threatens to undermine the effectiveness of existing immigration policy and, at the same time, could undermine stability and mutual cooperation within the international aviation community.

The Government of France, which for the past several years has not required visas for United States aircraft crew members, has reinstated a visa program for crew members, with an effective date of October 5, 1989. This action is permissible under the Visa Waiver Pilot Program because the law does not extend the visa waiver privilege to flight crew members.

Under the Visa Waiver Pilot Program, eight countries operate under a mutual agreement to allow tourist and business travelers from the participating countries to enter each country for a visit of up to 90 days without a visa. The participating countries include the United States, the United Kingdom, France, Japan, Switzerland, Italy, Sweden, West Germany, and The Netherlands.

The legislative intent behind the creation of this program was to provide substantial benefits to international tourist and business travelers. Little, if any, consideration was given to the potential problems that might be encountered by international aircraft crew members who might not be eligible to participate in the waiver program. Ironically, this could produce a situation in which an entire aircraft full of foreign travelers could enter the United States for an extended visit of up to 90 days without any visas, while the aircraft which brought them—and then typically departs again within a matter of hours or days—would be required to obtain and maintain a visa.

It is clear that such a result was not intended. The logistical confusion and costs associated with obtaining and maintaining visas for each international crew member of U.S. air carriers is antithetical to the efficiency goals of the Visa Waiver Pilot Program. As is evidenced in this letter sent to me by Trans World Airlines, the United States carrier with the highest traffic into and out of Paris, France, this would affect as many as 7,000 crew members of one single airline. I ask unanimous consent that TWA's letter be inserted in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. KASSEBAUM. Mr. President, this amendment would correct this deficiency in the law by permitting the Secretary of State and the Attorney General to issue appropriate regulations to permit and control the visaless entry of foreign aircraft crew members on a basis consistent with the Visa Waiver Pilot Program and our national immigration policy.

Mr. President, the State Department, the Justice Department, and the Immigration and Naturalization Service have indicated that they support this amendment, and I urge my colleagues to do the same.

EXHIBIT 1

TWA,
Washington, DC, July 11, 1989.

Hon. NANCY L. KASSEBAUM,
U.S. Senator, Senate Russell Office Building, Washington, DC.

DEAR SENATOR KASSEBAUM: As you know, the United States and several countries, including France, have reciprocally waived visitor visa requirements as of July 1, 1989. The airline industry has worked diligently on this issue for a long time and we are delighted that business and tourism travellers will no longer need visas to enter these countries or the United States. Unfortunately, despite this action, the law does not extend the visa waiver privilege to flight crew members. As a result, the government of France which for the past several years has not required visas for U.S. crews, has reinstated a visa program for them effective July 1, 1989.

Efforts by various U.S. government agencies have delayed the requirement until July 31, 1989 and they are now proposing a further extension until October 5, 1989; however, as of today we have no absolute assurance that the French government will agree.

Quite apart from the requirements of any other U.S. flag carriers, TWA alone may need to obtain as many as 7,000 visas for our crew members in this extremely short period of time. In order to secure a visa the crew member must go to a French consulate taking his passport, fill out the required documents, and pay a $15.00 fee. In many instances this is impractical. For example, there is no French consulate in St. Louis or Kansas City, and the documents would have to be sent to Chicago for processing and returned by mail. Since our international crew members regularly circulate through TWA's hub at Paris and physically need to retain their passports, the overall complications of obtaining a crew visa are readily apparent.

I would hope very much Senator, that you could assist us to correct this aberration in the law through an amendment. This would permit crew members from those countries which have agreed with the United States to waive visitor visa requirements to enter the United States without a visa, and vice versa. Conversation we have had with officials at the Department of State, the Immigration and Naturalization Service and the Department of Transportation lead us to believe that all of these agencies would support this principle. They have already assisted us substantially in seeking to extend the grace period.

The airline industry and we at TWA in particular are most appreciative of your interest and support in connection with this matter.

Sincerely,

R.D. DEVLIN,
Director, Legislative Affairs.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 265) was agreed to.

Mr. SIMPSON. I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for 60 seconds?

The PRESIDING OFFICER. Is there objection? The Senator from Arkansas.

Mr. BUMPERS. Of course there is no objection.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 60 seconds.

Mr. BUMPERS. Mr. President, I apologize for not being here when the Gramm amendment was offered. I just wanted to say I preached here yesterday with all the fervor of my body and soul against the investor preference. I still feel just as strongly about it. But the point was made ysterday that if we were going to do this, we ought to at least have these people who are coming here with a million bucks invest their money where jobs are needed most. The distinguished Senator from Illinois [Mr. SIMON] said he would like to see that, too. That is what the Gramm amendment does. I am not going to vote for this bill. I am not going to vote for it because of my strong feelings about the investor preference, and I do not think very many people are going to invest their money here on that basis. But I do want to say if this survives conference, which I hope it will not, they ought to be putting their money in the Mississippi Delta where 11 million people live and have lived in pervasive and persistent poverty for over 100 years. It is something the Congress ought to be addressing anyway. But I am pleased to support the Gramm amendment, because at least it takes a little of the sting off. I hope in conference they will remove the jobs allocated under the other investor category.

I thank the distinguished floor manager for so generously not objecting to my request.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I am reluctant to mention this but there is no time limitation on the total bill so we could have listened to the Senator for a long, long time.

Mr. BUMPERS addressed the Chair.

Mr. KENNEDY. I did not want to mention that.

Do I have the floor?

Mr. BYRD. Mr. President, I intend to vote against the passage of S. 358, the Immigration Act of 1989.

When the Senate began consideration of this legislation, the Senate Committee on the Judiciary recommended to the Senate a consensus bill that reflected reforms for the admittance of immigrants into our Nation. Our colleagues, the Chairman of the Judiciary Committee, Mr. KENNEDY, the ranking member, Mr. SIMPSON, and the Senator from Illinois, Mr. SIMON, have worked diligently to craft a piece of legislation that reflects the differing views of many of the members. I commend, and appreciate their hard work. I intended to vote for this legislation, but the bill in its final form does not reflect the legislation as reported to the full Senate. Mr. President, I am concerned about the increased levels of immigrants that would be admitted into this country under this amended version. The original bill, as reported, would have established a national level of immigration at 600,000, 22 percent above the current legal limits. I agree with that approach. No one can argue that the wonderful strength and diversity brought to this Nation historically by immigrants following the promise of freedom is a pillar of our national heritage. But, the amended bill before us would increase the national level of immigration to almost 900,000.

Now is not the time to move in this direction. Reality has to chart our course. We must consider the economic conditions of the United States. As is the case in my home State of West Virginia, there are areas of this country that are in no shape economically, to address the increase of immigrants that this legislation will provide. America has been a traditionally generous country. We provide unrestricted visas to the immediate family members of U.S. citizens, but in developing our national immigration policies, our first consideration should be that of developing America and providing jobs for our own citizens. I believe we must focus on our own national interest at this time. We must ask ourselves how many more people our country will be able to accommodate. We cannot be so generous that we stretch our own scarce resources to the breaking point and diminish the quality of American life for all. That approach would consitute a disservice to new Americans as well as to those who have been here for generations. It is time for our heads to rule our hearts in this matter and I hope the legislation will be defeated.

Ms. MIKULSKI. Mr. President, I will cast my vote against final passage of S. 358, the Immigration Act of 1989.

I do not take this step lightly. The committee has worked diligently to put together a bill which addresses troublesome problems facing our immigration system—the shortage of visa slots, the need to find skilled workers for certain jobs, the difficulties which some ethnic groups face in immigrating, and the long delays in processing pending applications.

Still, I am not convinced that the bill represents a step forward in our immigration policy.

In my view, a guiding principle of that policy of paramount importance should be family reunification. This bill, in the long run, will make it more

difficult to bring together family members of naturalized U.S. citizens.

By setting a cap on family preference visas and continuing, properly, to allow unlimited entry to children, spouses, and parents, we will be squeezing out brothers and sisters and adult children of naturalized citizens.

Supporters of the bill sometimes make a distinction between brothers, sisters and adult children on the one hand and immediate family members on the other. In my mind there is absolutely no question that siblings and adult children are a part of the immediate family.

Anyone who grew up in East Baltimore, as I did, understands how important it is to bring together the entire core family—from Poland, Greece, Italy, Ireland, or whatever the home country. My own family and the families of my Baltimore neighbors were simply not complete until the brothers, sisters, and children of the original immigrant were fortunate enough to join the rest of the family as Americans.

This feeling is just as strong in our newer immigrants—largely Hispanics and Asians—who are worried that they will not be able to fulfill the same dream. And they are right. The General Accounting Office tells us that under the committee bill, in a few years, the number of family preference visas will total zero. The Hatch-DeConcini amendment preserving the current level of 216,000 family preference visas was a step in the right direction, but that number will be sadly inadequate in the near future.

For this reason I feel I must oppose the bill.

Mr. ADAMS. Mr. President, last year the Senate passed a legal immigration reform bill with little substantive debate on the bill. I am glad to see that this year the Senate is spending some time on this issue, because immigration is a tremendously complex field which in many ways reflects—and shapes—the image we have of our society.

In many ways, I think that the bill before us today makes important and worthy changes to our immigration system. But there are also elements of this bill which are deeply troubling. After carefully weighing the good against the bad, I have decided to support this bill, but with the hope that it may be modified before it completes its journey through the legislative process.

There is no question that we need to reform our current system of legal immigration. There are waiting lists of millions of applicants whose hopes for finally obtaining a visa to come to this country are practically nonexistent—the wait from some countries is over 15 years. There are people from many countries who do not have any family connections in the United States and thus have no fair chance to come to this country. For these reasons and others, I support immigration reform and I was an original cosponsor of Senator SIMON's bill, S. 448, which addressed these problems. My difficulty with the Kennedy-Simpson bill we are debating today, however, is that it departs from important principles of family reunification in immigration to which I believe we must adhere.

Let me start by reviewing the positive aspects of the Kennedy-Simpson bill.

First, the bill expands the opportunity for "independent" immigrants who have no family ties in this country to immigrate to the United States. And it does so without significantly reducing the immigration opportunities available to those with family ties.

Second, the bill increases the number of visas available under the second preference category, for spouses and children of permanent residents. This increase would help alleviate a backlog of eligible applications that now results in waits of up to 10 years in some countries.

Third, in adopting the family unification amendment offered by Senator CHAFEE, we are providing relief from deportation for families where one member of the family qualified for legalization under the 1986 immigration reform bill, but where another member did not qualify for legalization.

Fourth, the adoption of the Mitchell-Dole amendment and the Gorton amendment provide additional protection for Chinese students here in this country who might otherwise face the prospect of punishment in China had they been forced to return.

Finally, this bill rectifies an injustice done to certain Filipino World War II veterans. In March 1942 Congress amended the Nationality Act of 1940 to allow for the naturalization of Filipino veterans who served honorably in World War II. Unfortunately, due to an administrative decision made at that time, many of these veterans were unable to take advantage of the naturalization process. This bill would allow these veterans to be naturalized if they currently reside in the United States and if they meet the requirements set out in the 1940 act.

Unfortunately, there is one provision in this bill that threatens to wipe out the benefits made by the reforms in this bill. That is the provision that offsets visas granted to immediate relatives against the number of visas available for other family preference categories.

There is no advantage to increasing the number of second preference visas if none of those visas actually will be available. When immediate relative visas are offset against family preference visas under an overall cap on family connection immigration, we are pitting one relative against the other. If the number of immediate relatives coming to the United States continues to grow, as projected it will, there will be no visas for additional second and fifth preference relatives.

It is true that the Hatch-DeConcini amendment mitigates the harm of this offset. We now have a floor of 216,000 family connection visas, the same number as is currently available, so that these family members will not be completely crowded out. But I do not see the need for this offset to begin with. The Simon immigration reform bill did not contain such an offset, even though it set a target level for overall worldwide immigration.

I am also disturbed by the adoption today of the amendment that directs the Census Bureau to exclude undocumented aliens from the total population figures used for purposes of reapportioning the U.S. House of Representatives. I am convinced that this amendment is unconstitutional and thus should be stricken from the bill. I expect that the House will review this issue very carefully and will agree with my conclusion.

Mr. President, let me conclude by saying that this bill makes many positive reforms in our legal immigration system. On the other hand, there are several aspects of the bill with which I do not agree. This is only natural, given the scope and complexity of this bill and the controversial nature of efforts to change our immigration laws. I am willing, however, to work with the managers of this bill and with my other colleagues in the Senate and the House to improve and perfect this measure.

Mr. CRANSTON. Mr. President, I would like to make a few brief remarks before we vote on final passage of this legislation.

Yesterday, I explained my concern regarding this legislation which would—for the first time—impose a cap on family sponsored immigration. If enacted in its current form, this legislation will establish the precedent that under such a cap visas granted to the immediate relatives of U.S. citizens would be counted against the visas which would be available to other family connected immigrants. As I stated yesterday, I cannot support this precedent. Therefore, I cannot support this legislation.

During the course of the debate on this legislation, we adopted an amendment which I believe will lessen the bill's negative impact on family reunification efforts. I was very glad to see the Hatch-DeConcini amendment adopted which will at least establish that, under the cap, the visas available for family connected immigrants (other than immediate relatives of U.S. citizens) will not fall below the current level—216,000.

I was also very glad to see that the amendment offered by Senator CHAFEE to assure the unity of families under the legalization program authorized by the Immigration Reform Act of 1986 was adopted. This amendment was long overdue and I was glad to see that we were able to act finally to resolve this situation.

And, of course, the amendment adopted to ease the situation for Chinese students currently residing in the United States is extremely important. Given the crisis in the People's Republic of China, we should make every effort to assure the safety of these students.

Yet, in spite of these improvements in the bill, and the other reforms which are contained in the legislation, I still cannot support it.

As I explained yesterday, Mr. President, California is home to more Asians and Hispanics than any other State in the country. No single issue nor piece of legislation has raised their concern as much as this legislation we are voting on today. Although the sponsors of this bill argue that this legislation will benefit those who rely on family preference visas to be reunited with their family members, the message I have received from these individuals is that they would prefer to see no reform legislation at all rather than see reforms which would include placing a new cap on family sponsored immigration. I, personally, think we should pay attention to this message.

During yesterday's debate on the Hatch-DeConcini amendment, the Senator from Texas, Senator GRAMM, made a statement which rings very true with me. He said something to the effect that when it comes down to choosing between "numbers" and a "principle," we should stick with the principle.

The principle of family reunification is very basic to our immigration laws. In my view, the fact that this legislation proposes to place—for the first time—family sponsored immigration under a cap violates this principle.

For these reasons I will vote "no," and I urge my colleagues to vote "no" also.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. Mr. President, I will just take 2 or 3 minutes here in final comment.

America thrives on immigration. It always has, and it always will.

We can't afford to put a sign on the Statute of Liberty that says, "no vacancy." Yet that's what we've been saying to too many nations for too many years.

Immigration issues are profoundly important. They touch the heart of what America is. They remind us how we all became Americans. They tell us who the future Americans will be.

Discrimination any time, any place, anywhere is wrong. There is too much discrimination and too many restrictions in our immigration laws. The gates of this country have been slammed shut on too many peoples in too many other lands who deserve a fair chance to become Americans. That has to stop, or America will not be America.

It helps at times like this—when passions are high about immigration, when it is sometimes difficult for the Senate to discern its true priorities—to go back to first principles.

In my view, those principles have rarely, if ever, been stated more eloquently than in the famous words of the sonnet by Emma Lazarus, inscribed on a plaque in the pedestal of the Statue of Liberty in New York Harbor.

Millions of immigrants have heard those words, and it helps for the Senate to hear them too. I quote:

Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning, and her name
Mother of exiles.
From her beacon-hand
Glows world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.
"Keep, ancient lands, your storied pomp!" cries she
With silent lips.
Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door!

I hope, as we near the end of this difficult, but profoundly important debate, that the Senate will heed those words and be faithful to their spirit—and help us to open the golden door again.

Finally, Mr. President, I want to express my great appreciation to my colleague, the Senator from Wyoming. He and I have wrestled with immigration issues frequently on opposite sides, but more often together, as we have worked on the problems of immigration and refugees and problems of asylees and always it is a joy. As one who has been involved in this issue I can say that all of immigration and refugee policy is fairer and more just because of the outstanding, extraordinary work of the Senator from Wyoming. I have said on a number of occasions, and it is worthwhile to mention here, there is very little in this issue for the Senator from Wyoming except a lot of hard, difficult work and a lot of time spent dealing with people of strong passions and high emotion. Nonetheless, his mark not only on this legislation but on other legislation is going to be recorded in the history books as an extraordinarily positive contribution.

I thank my colleague from Illinois [Mr. SIMON]. As we pointed out at the start of this debate, it is a small subcommittee, and we do have differing views. But Senator SIMON has been someone who has spent a great deal of time on this issue. He has take time during the course of this debate to bring to the Senate an informed and balanced judgment, and the legislation is significantly better because of his involvement and his participation. I am, indeed, grateful to him.

I thank the staffs of our committees. They have served us extremely well. We have had a very varied debate on constitutional issues, immigration issues, and development issues, and they have demonstrated their resourcefulness and their energy and their good judgment. I am appreciative of all of their work, especially to Senator SIMPSON's chief counsel, Dick Day, who has worked so cooperatively with us for many years—and to Carl Hampe, minority counsel. It is rare in this body for two opposite staffs to work so closely, in such a unifying spirit and shared goals, as the two staffs on our Immigration Subcommittee.

Lastly to my own staff: Jerry Tinker, staff director of the subcommittee, Michael Myers, counsel, and Kay Anske, a congressional fellow from the Department of State's Bureau of Consular Affairs, whose contributions and expertise has been extraordinarily important to the subcommittee.

Most of all, I am thankful to our colleagues, to the leadership, Senator MITCHELL and Senator DOLE, for giving us an opportunity to debate these issues.

As was pointed out, this is only the fourth time in the history of our country that we have attempted general immigration reform. It is significant that we have been able to dispose of this bill in the relatively short time that we have.

Perhaps, Mr. President, this is because the basic proposals in this compromise bill have been before Congress for a full decade:

In 1979-80 these reforms were first formulated and recommended by the Select Commission on Immigration and Refugee Policy (chaired by Father Hesburgh), upon which Senator SIMPSON, Senator DECONCINI and I all served;

In 1982 the Senate first adopted the concept of this bill, the creation of a new "independent" immigration system, in the first Simpson/Mazzoli bill;

In 1983 the Senate again adopted these provisions, but they were not considered in the House;

In 1987 the first Kennedy/Simpson bill was introduced and adopted by the Judiciary Committee; and

In 1988 the full Senate adopted the bill 88 to 4 on March 14.

In short, Mr. President, the bill before us has been thoroughly debated and reviewed by Congress; the issues and trade-offs remain unchanged; the need for hard choices are as important today as they were last year or a decade ago.

I believe this bill reflects a true consensus on what needs to be done to get us started down the road towards immigration reform we all know is long overdue.

Again, Mr. President, I am grateful to all of our colleagues who have shown and demonstrated good humor and concern about some of the most difficult and passionate and emotional issues of our time. I thank them for all of the courtesies that they have shown to the managers. I will be grateful for their help and support as we move beyond this part of our legislative agenda.

Mr. President, have we asked for the yeas and nays?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. KENNEDY. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I have very mixed emotions about the bill we are about to vote on. I will not delay that vote. I deeply appreciate the help of all of the Members on both sides of the aisle for their help. As we started this morning, it was an unwieldy list under the unanimous-consent agreement, and you helped us pare that down. We appreciate it very much. I know I do. I know Senator KENNEDY does.

I certainly want to say this: I am encouraged by the assistance of my subcommittee colleagues. It must be the smallest subcommittee in the Senate. Nobody else wants to get into it. Senator KENNEDY and myself and Senator SIMON have been assigned the task. We did some awfully tough negotiating. They kept their word with me. I know I did with them. Senator KENNEDY has been excellent to work with, and I appreciate all of his assistance. Senator SIMON has performed admirably in a very difficult and politicized area for him, and I pay him special tribute. In short, I appreciate the active participation of those two fine Members on the other side of the aisle as we worked on these tough, tough issues with the other Senate colleagues who participated.

I am pleased that independent immigration has been increased. That was a necessary and important goal of this bill. We have provided for additional business visas. We have a new point system for immigrants with no ties at all to this country.

Finally, we have a mechanism in place to give greater control over immigration levels to the people's elected representatives, the President and the Congress.

However, there are a number of amendments to this bill that I have significant concern with in every way. I am most disappointed that the concept of an overall national level of immigration was weakened severely by the Hatch-DeConcini amendment.

I also think we embarked on a very dangerous path by granting what I perceive as a kind of de facto second amnesty to the illegal family of those persons who qualified for the original amnesty program—the people who are in legal status who are already here do not have that benefit. I think the American public will not be enthused when they really hear what that one did. We will hear from permanent resident aliens who have been waiting for their spouses and children to join them for years who have not received that benefit. Perhaps we will have to revisit that question.

But I am pleased at least that the independent immigration was increased, although I do not believe it was wise to do so by taking it beyond the 22-percent increase in the original proposal.

I am also discouraged that we did not reinsert the points in the point system for English language, as it pertains to only 9 percent of the huge number of new visas, 630,000 in this bill. I think that is something that would have served the immigrants well and our country quite well. I think you will see that revisited as we deal with Hong Kong, and English proficiency.

All in all, Mr. President, I say it is not what we started with, nor the bill I agreed upon. I think it fails in some areas. It is disappointing in some areas, and yet I am heartened in some areas. It is not for me to be the heavy judge here, anyway. I am not a person who spends much time dealing with the ups and downs. I think Kipling had it right. If you deal with triumph and disaster, treat those two imposters just the same. So all in all, I do not want to seem petty, and state that I "know better."

It has been a long haul. The collective wisdom of this body has spoken. Having legislated for 25 years, I am going to stick with it. I am going to vote for this package despite certain significant reservations about portions of it. I think we should send it along to the House. They have new players over there. It is going to be interesting to see what they do with it, and let our colleagues over there work their will on this issue.

I will vote for final passage, and I thank my colleagues for their participation in these very difficult but important issues these past few days. There are not easy answers in this arena. Our new colleagues have seen that. Those who have never been in this debate see how tough it is. You cannot hide from tough, tough issues. There are no easy votes—not one was cast.

So I thank my staff. I thank Dick Day, my friend who I jerked out of Cody, WY, 10 years ago because I said I am headed into an arena that is filled with all sorts of stuff, and I better have somebody with me that cares about me. I am going to need a lot of loving care. That is my friend, Dick Day.

Carl Hampe has been a splendid young man, and is working in law school and is helping me now and has been with me for several years. I pay tribute to them, and to Senator KENNEDY's staff, always successful: Jerry Tinker, Michael Myers, Kay Anske—fine people; and to John Trasvina and Ankun Goel of Senator SIMON's staff. We do not spend any time in partisanship. We lay the political stuff on the table and say here is where your problems are; here is where mine are.

So I thank the majority leader who has had innate patience and kindness with us in this bill. I noticed he just kind of let us roll along in there. He was not about to let it get too far from the stream; and thanks also to Senator DOLE. It is good for me as a legislator to see the way that GEORGE MITCHELL and BOB DOLE work together for the benefit of this Chamber and assist us as we manage tough bills. We do get our work done in this arena.

I think there is a spirit of fairness that certainly permeates this Chamber. I think that same spirit of fairness will begin to permeate the House of Representatives after their anguishing ordeal under the leadership of TOM FOLEY. Enough of that.

I wish my friend from Massachusetts a good trip to London, and I have furnished him a brand new cigar on the condition he never smoke it in my presence. [Laughter.]

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I will just take 60 seconds. I am the very junior member of this subcommittee working in this area of immigration. It is a complex bill. The two senior colleagues on that subcommittee, Senator KENNEDY and Senator SIMPSON, are real legislators who have really devoted time, effort, and talent to this. The Nation has been well served by their service.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 266

(Purpose: To make available certain funds for the preparation and initiation of the immigrant visa program and to make technical corrections)

Mr. KENNEDY. Mr. President, just a final order of business will be the technical corrections. These are amendments en bloc. They reflect the drafting errors and clarifications.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. SIMPSON, proposes amendment numbered 266.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 118, strike out line 17 and all that follows through line 4 on page 119 and insert in lieu thereof the following:

"(r) CREDITABLE FEES.—(1) Notwithstanding sections 1 and 2 of the Act of June 4, 1920, as amended (42 Stat. 750; 11 U.S.C. 214) or any other provision of law, the Secretary of State shall pay the expenses incurred during the two years immediately following the date of enactment of the Immigration Act of 1989 to prepare for and initiate the immigrant visa program provided for under sections 201(a)(3), 201(b)(2)(A)(i), and 203 (a) and (b). Such expenses include salary and expenses, space and support costs, research and development, software, equipment acquisition, equipment replacement, hardware and software maintenance, and anti-fraud costs of visa and passport functions connected with that program.

"(2) Beginning fiscal year 1990, and each fiscal year thereafter, fees collected by consular officers shall be credited to a Department of State account which shall be available only for the payment of the expenses of automation activities, equipment and software maintenance, hardware replacement, research and development and support costs, except that not more than $30,000,000 of such fees may be available for each year for fiscal years 1990 and 1991 and not more than $20,000,000 for each fiscal year thereafter for the purposes as described in paragraphs (1) and (2).

"(3) Nothing in this subsection shall be construed as making funds under this subsection available for the machine readable document program.

"(4) There are authorized to be appropriated to the Department of State to carry out paragraph (1) such sums as may be necessary for each of fiscal years 1990 and 1991.".

On page 128, line 15, strike out "(e)" and insert in lieu thereof "(d)".

On page 130, strike out "any State or".

On page 132, lines 5 and 6, strike out ", other than subsection (d)".

On page 132, line 7, strike out "(a)(1)" each of the two places it appears.

On page 132, line 23, strike out "or the".

At the appropriate place in the bill, insert:

In no case should the benefits described in subsection (a), or the provisions of subsection (b), include such programs which provide general assistance to States and communities impacted by the arrival of undocumented aliens or other assistance which is not a direct cash benefit or federal social insurance benefit to individual aliens.

In section (f)(2)—the very last sentence of the Gorton Amendment—"subsection (a)" should instead be "paragraph (1)".

Amend amendment numbered 239 to the bill as follows:

On line 6 of page 2, strike "Nonimmigrants" and insert "Nonimmigrants".

On line 13 of page 2, insert the following after "101(a)(15)(J)": ", or changed status to that of a nonimmigrant under 101(a)(15)(J),".

On line 19 of page 2, strike "(1)".

On line 23 of page 2, strike "and is present in the United States as a nonimmigrant described in section 101(a)(15) (F), (J), and (M), as well as their immediate family—".

On line 25 of page 2, strike the comma and insert "described in section 101(a)(15) (F), (J), or (M)".

On line 1 of page 3, before "before," insert "as a nonimmigrant described in section 101(a)(15) (F), (J), or (M)".

On line 16 of page 3, strike "who applies for adjustment of status or change of nonimmigrant status under the terms of this section" and insert "who is described in paragraph (1) or (2) of subsection (b)".

On line 21 of page 3, strike the period and insert "for the period described in subsection (e).".

On line 1 of page 4, strike "or until" and insert "regardless of whether".

On page 92, line 17, strike out "(2)" and insert in lieu thereof, "(3)".

On page 93, line 17, strike out "(3)" and insert in lieu thereof, "(4)".

On page 94, line 11, strike out "(4)" and insert in lieu thereof, "(5)".

On page 95, line 3, strike out "(5)" and insert in lieu thereof, "(6)".

On page 92, line 20, strike out "28" and insert in lieu thereof, "26.375".

On page 93, line 18, strike out "28" and insert in lieu thereof, "26.375".

On page 92, between lines 16 and 17, insert the following:

"(2) qualified immigrants who are trained medical personnel described in section 109(f), not to exceed 4,000 nurses and 1,000 physicians on the conditional basis described in section 109.

On page 124, after line 25, insert the following:

SEC. 104. INCENTIVES FOR TRAINED MEDICAL PERSONNEL TO WORK IN RURAL AREAS.

(a) CONDITIONAL BASIS FOR PERMANENT RESIDENT STATUS FOR TRAINED MEDICAL PERSONNEL.—Chapter 2 of title II of the Immigration and Nationally Act is amended by adding at the end the following new section:

"CONDITIONAL PERMANENT RESIDENT STATUS FOR TRAINED MEDICAL PERSONNEL, SPOUSES, AND CHILDREN

"SEC. 218. (a) IN GENERAL.—

"(1) CONDITIONAL BASIS FOR STATUS.—(A) Notwithstanding any other provision of this Act, an alien who is a trained medical person (as defined in subsection (f)(1)), spouse, and child (as defined in subsection (f)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section if such person, with the prior approval of the governor of that state, has made a commitment to perform medical services in a Health Manpower Shortage Area in an individual state as defined under the Public Health Service Act, where there is a shortage in United States trained physicians, and such person has obtained privileges from a hospital located within that Health Manpower Shortage Area for 10 years.

"(2) NOTICE OF REQUIREMENTS.—

"(A) At time of obtaining permanent residence.—At the time an alien medical person, spouse, or child obtains permanent resident status on a conditional basis under paragraph (1), the Attorney General shall provide for notice to such medical person, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

"(B) AT TIME OF REQUIRED PETITION.—In addition, the Attorney General shall attempt to provide notice to such medical person, spouse, or child, at or about the beginning of the 90-day period described in subsection (d)(2)(A), of the requirements of subsection (C)(1).

"(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Attorney General to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such medical person, spouse, or child.

"(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTERPRENEURSHIP IMPROPER.—

"(1) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if the Attorney General determines, before the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence, that the alien is not performing medical services in a Health Manpower Shortage area or has not obtained privileges from a hospital located within that Health Manpower Shortage Area, then the Attorney General shall so notify the alien involved and, subject to paragraph (2), shall terminate the permanent resident status of the alien involved as of the date of the determination.

"(2) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that a condition described in paragraph (1) is met.

"(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

"(1) IN GENERAL.—In order for the conditional basis established under subsection (a) for an alien medical person, spouse, or child to be removed—

"(A) the alien medical person must submit to the Attorney General, during the period described in subsection (d)(2), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in subsection (d)(1), and

"(3) in accordance with subsection (d)(3), the alien medical person must appear for a personal interview before an officer or employee of the Service respecting the facts and information described in subsection (d)(1).

"(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTEREVIEW.—

"(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

"(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A), or

"(ii) unless there is good cause shown, the alien medical person fails to appear at the interview described in paragraph (1)(B), the Attorney General shall terminate the permanent resident status of the alien as of the tenth anniversary of the alien's lawful admission for permanent residence.

"(B) HEARING IN DEPORTATION PROCEEDING.—In any deportation proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

"(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

"(A) IN GENERAL.—If—

"(i) a petition is filed in accordance with the provisions of paragraph (1)(A), and

"(ii) the alien medical person appears at the interview described in paragraph (1)(B), the Attorney General shall make a determination, within 90 days of the date of the interview, as to whether the facts and information described in subsection (d)(1) and alleged in the petition are true with respect to the performance of medical services by the alien.

"(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Attorney General determines that such facts and information are true, the Attorney General shall so notify the alien involved and shall remove the conditional basis of the alien's status effective as of the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(C) TERMINATION IF ADVERSE DETERMINATION.—If the Attorney General determines that such facts and information are not true, the Attorney General shall so notify the alien involved and, subject to subparagraph (D), shall terminate the permanent resident status of an alien medical person, spouse, or child as of the date of the determination.

"(D) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true with respect to the performance of medical services by the alien.

"(d) DETAILS OF PETITION AND INTERVIEW.—

"(1) CONTENTS OF PETITION.—Each petition under subsection (c)(1)(A) shall contain facts and information demonstrating that the alien performed medical services in a Health Manpower Shortage Area or obtained privileges from a hospital located within that Health Manpower Shortage Area throughout the alien's residence in the United States.

"(2) PERIOD FOR FILING PETITION.—

"(A) 90-DAY PERIOD BEFORE SECOND ANNIVERSARY.—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed during the 90-day period before the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(B) DATE PETITIONS FOR GOOD CAUSE.—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Attorney General good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

"(C) FILING OF PETITIONS DURING DEPORTATION.—In the case of an alien who is the subject of deportation hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Attorney General may stay such deportation proceedings against an alien pending the filing of the petition under subparagraph (2).

"(3) PERSONAL INTERVIEW.—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of the Service, designated by the Attorney General, which is convenient to the parties involved. The Attorney General, in the Attorney General's discretion, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

"(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence beginning 5 years after the conditional admission of the alien.

"(f) DEFINITIONS.—In this section:

"(1) The term 'alien medical person' means an alien who obtains the status of an alien lawfully admitted for permanent residence under section 201(a)(3) and who is a physician or nurse, licensed to practice within that state and who is competent in oral and written English.

"(2) The term 'spouse' and the term 'child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien entrepreneur.".

"(b) ADDITIONAL GROUND FOR DEPORTATION.—Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended by inserting before the semicolon at the end thereof the following: ", or (c) is an alien with permanent resident status on a conditional basis under section 218 and has such status terminated under such section".

"(c) CRIMINAL PENALTY FOR IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.—Section 275 of such Act (8 U.S.C. 1325 is amended by adding at the end thereof the following new subsection:

"(c) Any individual who knowingly performs medical services under section 109 for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than $250,000, or both.".

"(d) LIMITATION ON ADJUSTMENT OF STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(f) The Attorney General may not adjust, under subsection (a), the status of an alien lawfully admitted to the United States for permanent residence on a conditional basis under section 218.".

"(e) CONFORMING AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 217 the following new item:

"Sec. 218. Conditional permanent resident status for trained medical personnel, spouses, and children.".

Mr. KENNEDY. Mr. President, I think I can speak in behalf of the Senator from Wyoming and myself. They are the technical corrections, and I urge they be accepted.

The PRESIDING OFFICER. The question is on agreeing to the technical amendments.

The amendment (No. 266) was agreed to.

Mr. SIMPSON. Mr. President, also that bundle of amendments corrects and clarifies the colloquy between Senator GRAMM and myself a few moments ago.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 17, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—81

Adams	Garn	McConnell
Armstrong	Glenn	Metzenbaum
Baucus	Gorton	Mitchell
Bentsen	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grassley	Nickles
Bond	Harkin	Nunn
Boren	Hatch	Packwood
Boschwitz	Hatfield	Pell
Bradley	Heinz	Pressler
Bryan	Humphrey	Pryor
Burdick	Johnston	Riegle
Burns	Kassebaum	Robb
Chafee	Kasten	Rockefeller
Coats	Kennedy	Roth
Cochran	Kerrey	Sanford
Cohen	Kerry	Sarbanes
D'Amato	Kohl	Sasser
Danforth	Lautenberg	Simon
Daschle	Leahy	Simpson
DeConcini	Levin	Specter
Dixon	Lieberman	Stevens
Dodd	Lott	Symms
Dole	Lugar	Thurmond
Domenici	Mack	Wallop
Durenberger	McCain	Warner
Fowler	McClure	Wirth

NAYS—17

Breaux	Ford	Mikulski
Bumpers	Gore	Reid
Byrd	Heflin	Rudman
Conrad	Helms	Shelby
Cranston	Hollings	Wilson
Exon	Inouye	

NOT VOTING—2

Matsunaga Jeffords

So the bill (S. 358), as amended, was passed.

(Note: Publication of S. 358, as amended, as passed, will appear in a subsequent edition of the RECORD.)

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business not to extend beyond 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE U.S. SUBMARINE VETERANS OF WORLD WAR II

Mr. REID. Mr. President, I rise today to recognize the great contributions of the submarine veterans of World War II. The submarines and their brave crews played a crucial role in our victory, in that war, and they deserve our recognition, respect, and gratitude.

The U.S. Submarine Veterans of World War II will be holding their 35th National Convention in Reno, NV, from August 13-18 of this year. It is with great pride that I welcome them to the great State of Nevada for this event. I would also like to submit for the RECORD the proclamation on their behalf.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas the stated purpose of the U.S. Submarine Veterans of World War II is "to perpetuate the memory of those shipmates who gave their lives in submarine warfare; to further promote and keep alive the spirit and unity that existed among submarine crewmen during World War II; to promote sociability, general welfare and good fellowship among its members; and pledge loyalty and patriotism to the United States government, and

Whereas the late Fleet Admiral Chester W. Nimitz summed up the role of U.S. submarines in World War II by saying: "When I assumed command of the Pacific Fleet on 31 December, 1941, our submarines were already operating against the enemy, the only units of the fleet that could come to grips with the Japanese for months to come. It was to the Submarine Force that I looked to carry the load until our great industrial activity could produce the weapons we so sorely needed to carry the war to the enemy. It is to the everlasting honor and glory of our submarine personnel that they never failed us in our days of great peril," and

Whereas more than 55 percent of all Japanese ships in World War II were sunk by the United States Submarine Force, a force that consisted of less than 2 percent of the United States Navy's personnel, and

Whereas the U.S. Submarine Veterans of World War II is meeting August 13-19 in Reno, Nevada for its 35th National Convention, remembering again the 3,505 officers and crew members who were lost on 52 submarines during World War II and are on "eternal patrol."

I urge my colleagues in the Senate of the United States to urge all of our citizens to honor these men of the "Silent Service."

MESSAGES FROM THE HOUSE

At 12:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1722) to amend the National Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such Act.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1312. An act to revise and extend the programs of the Domestic Volunteer Service Act of 1973.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

H.R. 1722. An act to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such Act;

S.J. Res. 95. Joint resolution to designate the week of September 10, 1989, through September 16, 1989, as "National Check-Up Week"; and

S.J. Res. 137. Joint resolution designating January 7, 1990, through January 13, 1989, as "National Law Enforcement Training Week."

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

S. 1312. An act to revise and extend the programs of the Domestic Volunteer Service Act of 1973; to the Committee on Labor and Human Resources.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, July 13, 1989, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 95. Joint resolution to designate the week of September 10, 1989, through September 16, 1989, as "National Check-Up Week"; and

S.J. Res. 137. Joint resolution designating January 7, 1990 through January 13, 1990, as "National Law Enforcement Training Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers, reports, and documents which were referred as indicated:

EC-1352. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a Soil Conservation Service plan for the Whites Creek Watershed, Mississippi; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1353. A communication from the Secretary of Defense, transmitting, pursuant to law, certification that the current 5-year defense program fully funds the support costs associated with the Defense Meteorological Satellite Multiyear Program; to the Committee on Armed Services.

EC-1354. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Switzerland for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services

EC-1355. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on the administration of the Marine Mammal Protection Act for 1987-88; to the Committee on Commerce, Science, and Transportation

EC-1356. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of an extension of time for issuing a decision on *Shenango Inc. et al.* v. *Pittsburgh, Chartiers and Youghiogheny Railway Co.;* to the Committee on Commerce, Science, and Transportation.

EC-1357. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law a report on the refund of certain overpayments of offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-1358. A communication from the Deputy Associate Director for Collection

and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-1359. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law a report on the refund of certain overpayments of offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-1360. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-1361. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the boundary description and classification of the Kings, Middle Fork Kings, and South Fork Kings Wild and Scenic River within the Sierra National Forest, California; to the Committee on Energy and Natural Resources.

EC-1362. A communication from the Secretary of Energy, transmitting, pursuant to law, the quarterly report on the Strategic Petroleum Reserve for January 1 through March 31, 1989; to the Committee on Energy and Natural Resources.

EC-1363. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on the Youth Conservation Corps Program for 1988; to the Committee on Energy and Natural Resources.

EC-1364. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a plan of project for Hamlet City Lake, Hamlet, NC; to the Committee on Environment and Public Works.

EC-1365. A communication from the President of the United States, transmitting, pursuant to law, the annual report of the Council on Environmental Quality for 1987 and 1988; to the Committee on Environment and Public Works.

EC-1366. A communication from the Secretary of the Interior, transmitting, pursuant to law, the ninth annual report on the Tule Elkherds in California; to the Committee on Environment and Public Works.

EC-1367. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend sections 5315 and 5316 of title 5, United States Code, to raise the position of the Chief Counsel for the Internal Revenue Service, Department of the Treasury, from Level V to Level IV of the Executive Schedule; to the Committee on Finance.

EC-1368. A communication from the Deputy Director of the United States Information Agency, transmitting, pursuant to law, a report that action has been taken by the United States Government in response to an official request from the Government of Bolivia for emergency import restrictions under the Convention on Cultural Property Implementation Act; to the Committee on Finance.

EC-1369. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, information required by the Foreign Relations Authorization Act for fiscal years 1988 and 1989; to the Committee on Foreign Relations.

EC-1370. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to June 22, 1989; to the Committee on Foreign Relations.

EC-1371. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on the extent and disposition of United States contributions to international organizations; to the Committee on Foreign Relations.

EC-1372. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office during May 1989; to the Committee on Governmental Affairs.

EC-1373. A communication from the Secretary of Defense, transmitting, pursuant to law, the semiannual report on audit, inspection, and investigative operations in the Department of Defense for the 6-month period ending March 31, 1989; to the Committee on Governmental Affairs.

EC-1374. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation to amend the Computer Matching and Privacy Protection Act of 1988 to provide a temporary exemption for certain existing computer matching programs; to the Committee on Governmental Affairs.

EC-1375. A communication from the Assistant Comptroller General of the United States transmitting, pursuant to law, a report entitled "Automated Systems: Legislative Branch Opportunity for Sharing Payroll/Personnel Systems"; to the Committee on Governmental Affairs.

EC-1376. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Follow-up Compliance Audit of the Escheated Estates Fund"; to the Committee on Governmental Affairs.

EC-1377. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report of the Board's case decisions for fiscal year 1988; to the Committee on Governmental Affairs.

EC-1378. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-51 adopted by the Council on June 13, 1989; to the Committee on Governmental Affairs.

EC-1379. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-47 adopted by the Council on June 13, 1989; to the Committee on Governmental Affairs.

EC-1380. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-49 adopted by the Council on June 13, 1989; to the Committee on Governmental Affairs.

EC-1381. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-48 adopted by the Council on June 13, 1989; to the Committee on Governmental Affairs.

EC-1382. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-54 adopted by the Council on June 13, 1989; to the Committee on Governmental Affairs.

EC-1383. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-53 adopted by the Council on June 13, 1989; to the Committee on Governmental Affairs.

EC-1384. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-52 adopted by the Council on June 13, 1989; to the Committee on Governmental Affairs.

EC-1385. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-50 adopted by the Council on June 13, 1989; to the Committee on Governmental Affairs.

EC-1386. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend section 106 and 212 of the District of Columbia Public Works Act of 1954, as amended, to require Federal agencies to reimburse the District of Columbia (hereinafter in this Act referred to as "the District") for water and sanitary sewer services they receive; to the Committee on Governmental Affairs.

EC-1387. A communication from the Executive Secretary of the Federal Reserve Employee Benefits System, transmitting, pursuant to law the annual report of the System for the plan year ending December 31, 1989; to the Committee on Governmental Affairs.

EC-1388. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the annual report on the activities of the Indian Health Service for fiscal year 1987; to the Select Committee on Indian Affairs.

EC-1389. A communication from the Secretary of Education transmitting, pursuant to law, notice of final priorities for fiscal years 1989 and 1990—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps; to the Committee on Labor and Human Resources.

EC-1390. A communication from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, to establish the Youth Opportunities Unlimited program, and for other purposes; to the Committee on Labor and Human Resources.

EC-1391. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Early Intervention Programs for Infants and Toddlers with Handicaps; to the Committee on Labor and Human Resources.

EC-1392. A communication from the President of the United States, transmitting a draft of proposed legislation to amend the Government-Wide Ethics Act of 1989 to prohibit the acceptance of honoraria by Members of Congress; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

were referred or ordered to lie on the table as indicated:

POM-169. A resolution adopted by the Hutchison County Council, Texas, relative to tax-exempt bonds; to the Committee on Finance.

POM-170. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"SENATE JOINT RESOLUTION No. 24

"Whereas the State of Nevada has been subjected to an increasing number of restrictions on the type and amount of tax-exempt private activity bonds that can be issued by local governments and state agencies, such as the Nevada Department of Commerce, to assist qualified business enterprises in financing capital expansion projects within Nevada; and

"Whereas Chapter 348A of NRS authorizes the establishment of an allocation program by which the State of Nevada can restrict the number of tax-exempt private activity bonds so that the amount of such bonds can be contained within the volume cap established for the State of Nevada by federal tax law (26 U.S.C. § 146(b) and (c)); and

"Whereas there is a shortage of affordable single family housing in the State of Nevada for purchase by persons of low or moderate income; and

"Whereas the exemption of interest on qualified mortgage bonds from federal taxation by the Internal Revenue Code provides an incentive for the issuance and purchase of such bonds; the proceeds of which may only be used to finance owner-occupied moderately priced residences; and

"Whereas current federal law contains a sunsent date of December 31, 1989, for the issuance of tax-exempt private activity bonds that can be issued to support certain qualified projects and the issuance of tax-exempt mortgage bonds that can be issued to finance qualified owner-occupied residences; and

"Whereas the issuance of tax-exempt private activity bonds has greatly assisted the State of Nevada in efforts to diversify the state's economy, to create new jobs, and to achieve many of the goals and objectives of the Nevada State Plan for Economic Diversification and Development adopted by the Commission on Economic Development; and

"Whereas the issuance of qualified mortgage bonds has provided a stable source of mortgage loans for residents of Nevada with low and moderate incomes, thereby alleviating the crucial shortage of housing for such person: Now, therefore, be it

"Resolved by the Senate and the Assembly of the State of Nevada, jointly, That Congress is hereby urged to enact legislation to continue the authority for states to issue qualified tax-exempt private activity bonds and qualified tax-exempt mortgage bonds beyond the scheduled sunset date of December 31, 1989; and be it further

"Resolved, That a copy of this resolution be transmitted by the Secretary of the Senate to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-171. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION No. 42

"Whereas in *South Carolina* v. *Baker,* the United States Supreme Court ruled that the United States Congress is free to tax all interest on state and local government bonds. This court case represents a major shift in public policy, and could herald a serious threat to the operations of local and state governmental units; and

"Whereas here in Michigan, as is the case all across the country, tax-exempt municipal bonds represent an important component in the financing of public sector projects. Construction of highways, education, environmental protection efforts, and work on health-related issues represent a sample of the kinds of programs that rely upon capital raised by the sale of state and local government bonds. With the court's ruling, this major element of state and local government is seriously threatened; and

"Whereas despite assurances by some congressional leaders, as it now stands there is no provision to discourage a future Congress from taxing these bonds. In fact, the United States Congress has both limited the use of tax-exempt bonds by states and local governments, and made municipal bonds less attractive to significant groups of purchasers in recent years, thereby driving up the cost of financing public service projects. At a time when the federal government is desperately seeking measures to combat the federal deficit, the potential threat to local and state bond programs is very real. With this decision, the statutory shield protecting interest paid on state and local bonds from federal taxation has been removed. Instead, as articulated by the dissenting opinion filed by Justice O'Connor, "the ability of state and local governments to finance their activities will depend in part on whether Congress voluntarily abstains from" taxing this source of revenue. Clearly, this ruling represents a potential threat to state and local finances: Now, therefore, be it

"Resolved by the House of Representatives (the Senate concurring), That we hereby memorialize the Congress of the United States to take steps to safeguard the tax-free status of state and local government bonds: and be it further

"Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation."

POM-172. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Finance:

HOUSE RESOLUTION 681

"Whereas the members of the 86th General Assembly of the State of Illinois have a significant interest in the U.S. Trade Policy and its impact on Illinois' industry; and

"Whereas the 101st Congress and the President of the United States will decide whether to extend the Steel Voluntary Restraint Agreements and the Steel Import Stabilization Extension Act; and

"Whereas the members of the 86th General Assembly of the State of Illinois believe the competitiveness of Illinois' steel industry and steel-using manufacturers is critical to the State's economic health: Therefore, be it

"Resolved, by the House of Representatives of the Eighty-sixth General Assembly of the State of Illinois, That in adopting this resolution, we urge the 101st Congress and the President of the United States to adopt a fair and balanced policy regarding the importation of foreign steel which will maintain a vigorous and healthy steel and steel-using manufacturing industy, and which addresses the need of steel-using manufacturers to import steel products not manufactured in the United States; and be it further

"Resolved, That a suitable copy of this preamble and resolution be presented to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate and to each member of the Illinois Congressional Delegation."

POM-173. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Finance:

"HOUSE RESOLUTION 32

"Whereas the United States Congress amended the Social Security Act in 1974 (Public Law 92-603) to increase retirement benefits to reflect cost-of-living increases; and

"Whereas a technical flaw in the amended benefit formula overcompensated people who retired after 1972; and

"Whereas Congress corrected its error by amending the Social Security Act in 1977 (Public Law 95-216) to bring benefits back to historical levels, and phased in the reduction over 5 years, affecting individuals born between 1917 and 1921, the so-called "notch" years; and

"Whereas the phase-in period has not provided a smooth transition, but has resulted in "notch babies" receiving as much as $3,000 per year less in benefits than people who have similar work histories but were born in 1916; and

"Whereas Members of Congress have for several years tried to pass legislation that would establish a uniform benefit formula to treat those born in the "notch" years more equitably; and

"Whereas the House of Representatives of the State of Illinois feels the continued inequities in benefits received by persons born during the "notch" years undermines public confidence in the Social Security system; therefore, be it.

"Resolved, by the House of Representatives of the eighty-sixth general assembly of the State of Illinois, that we affirm our commitment to the equitable distribution of Social Security benefits by urging Congress to enact legislation correcting the "notch" in Social Security benefits paid to those born between 1917 and 1921, and we further urge the President of the United States to sign such proposed legislation so the Social Security system once again provides equal retirement benefits to all deserving individuals; and be it further

"Resolved, That a suitable copy of this preamble and resolution be respectfully presented to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to every member of our State's Congressional Delegation."

POM-174. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Finance:

"HOUSE RESOLUTION 409

"Whereas the federal, state, and local governments all share in the responsibility of building and maintaining the nation's physical and institutional infrastructure and in providing essential services needed to promote the general welfare; and

"Whereas the federal government has steadily reduced its responsibility for infrastructure requirements, and has shifted more and more financial responsibility to states and units of local government; and

"Whereas shifting the tax burden from the national level to state and local governments is an illusory savings for taxpayers and provides no net tax relief; and

"Whereas financing state and local government projects through the issuance of bonds, the interest on which is not taxed by the federal government, is critical to allow states and local governments to exercise the responsibilities entrusted to and expected of them; and

"Whereas in recent years, the U.S. Congress has both limited the use of tax-exempt bonds by states and local governments, and made municipal bonds less attractive to significant groups of purchasers, thereby driving up the cost of financing public service projects; and

"Whereas in 1988, the U.S. Supreme Court overturned a 100-year-old precedent, ruling for the first time that the Constitution does not prohibit the federal government from taxing the interest of state and local government bonds; and

"Whereas the Supreme Court decision places in jeopardy the use of tax-exempt bonds by the more than 85,000 units of state and local government, as Congress seeks new sources of revenue to reduce the federal deficit; and

"Whereas state and local borrowing costs will increase by an estimated 20 to 30 percent if the interest on tax-exempt bonds is subject to federal income tax, and this added burden will be reflected in reductions in public services or by increased state and local taxes; and

"Whereas further restriction on the use of tax-exempt bonds will seriously impair the ability of state and local governments to finance essential services and facilities, including schools, roads, water, sewer, gas, electricity, transportation and other basic functions, to the detriment of all citizens; therefore be it

"*Resolved,* by the House of Representatives of the Eighty-sixth General Assembly of the State of Illinois, that we call upon the Congress and the President of the United States to recognize that the state and local burden of maintaining and expanding the national infrastructure and providing citizens with needed basic governmental services cannot be met without tax-exempt bonds, and to resist all further efforts to reduce the use of such bonds to finance governmental projects; and be it further

"*Resolved,* That a suitable copy of this preamble and resolution be presented to President George Bush and to the President of the Senate and Speaker of the House of Representatives of the United States Congress, and to each member of the Illinois Congressional Delegation."

POM-175. A concurrent resolution adopted by the Legislature of the State of Florida; to the Committee on Finance:

HOUSE CONCURRENT RESOLUTION No. 241

"Whereas the economic uncertainty of the 1980's has resulted in a loss of American jobs, a strain on the American family and a restructuring of many of America's industrial corporations, and

"Whereas one of the leading factors in the creation of economic problems in the United States has been the encroachment of foreign goods and products into the American marketplace, coupled with trade barriers abroad which discourage American exports, and

"Whereas at the present time foreign manufacturers produce 60 percent of the televisions and radios, 45 percent of the bicycles, 26 percent of the steel, 71 percent of the shoes, 48 percent of the microwave ovens, 79 percent of the stuffed toys, 21 percent of the telephone equipment and 44 percent of the luggage sold in the United States, and

"Whereas each manufactured product sold in the United States and produced abroad contributes both to our trade deficit and to the domestic loss of American jobs, and

"Whereas the citizens of Florida and of the United States could have a positive effect upon this corrosive problem by refusing to purchase imported products, and

"Whereas it is fitting and appropriate that the Legislature of the State of Florida support American manufacturers in their efforts to overcome foreign imported products and preserve American jobs, Now, therefore, be it

"Resolved by the House of Representatives of the State of Florida, the Senate Concurring: That the Legislature of the State of Florida hereby declares the week of July 4th, 1989, as "Buy American Week" and urges all citizens of the State of Florida to participate by refraining from purchasing any imported goods during that week and instead urges them to purchase goods manufactured in the United States; and be it further

"Resolved, That copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-176. A resolution adopted by the House of Representatives of the State of Florida; to the Committee on Finance:

"HOUSE RESOLUTION 1596

"Whereas the senior population in Florida has made, and continues to make, an outstanding contribution to the economy and quality of life in Florida, and

"Whereas the senior population of Florida has contributed to the Medicare Trust Fund and the Social Security Trust Fund with the understanding that there would be equitable security, and

"Whereas the Catastrophic Medicare Act of 1988 has broken faith with this commitment with members of the senior population by imposing an inequitable 28 percent income tax surcharge on their earnings and by increasing the Medicare Part B premium by almost 100 percent, and

"Whereas the funds derived from the surcharge will serve other disadvantaged groups who may not have made the contribution or experienced the hardship borne by the senior population, and

"Whereas the Catastrophic Medicare Act of 1988 has created undue financial hardships on the senior population, many of whose members are on fixed incomes: Now, therefore, be it

"Resolved by the Legislature of the State of Florida, That the Congress of the United States is requested to review the Catastrophic Medicare Act of 1988 (P.L. 100-360) and to restore the equities that existed prior to its enactment; and be it further

"Resolved, That Congress, the insurance industry, and the senior population work jointly toward an equitable system of supplemental private insurance coverage to provide for the ineligible Medicare cost; and be it further

"Resolved, That the several States of the Union be encouraged to devise a system to provide funds to pay, at a minimum, ineligible Medicare costs for other disadvantaged groups; and be it further

"Resolved, That Congress address and enact a system of health care coverage for true catastrophic conditions, including, but not limited to, long-term health care for members of the senior population who are in nursing homes, congregate living facilities, or private homes; and be it further

"Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-177. A resolution adopted by the Baltic Nations Commitee of Michigan, Inc. favoring action by the United States to help in the reestablishment of the three independent Baltic Republics of Estonia, Latvia, and Lithuania; to the Committee on Foreign Relations.

POM-178. A resolution adopted by the House of Representatives of the State of Florida; to the Committee on Governmental Affairs.

"HOUSE RESOLUTION 228

"Whereas the United States Navy will be vacating a 3.26-acre facility in Coconut Grove, Dade County, Florida, in the near future, and

"Whereas the Federal Surplus Property Act provides for the donation of surplus federal property to local governments for educational and recreational purposes, and

"Whereas the Department of Defense will be offering the property to other federal agencies and state and local governments before putting it on the market for sale, and

"Whereas the Navy site in Coconut Grove is an ideal location for a working center for the arts because of the site's excellent facilities and central location in Dade County, and

"Whereas the Metro-Dade Cultural Affairs Council has agreed to oversee the operation of the arts center, Now, therefore, be it

"Resolved by the Legislature of the State of Florida: That the United States Government is urged to donate the Naval Reserve Training Center site in Coconut Grove, Dade County, Florida, to Metropolitan Dade County or to the City of Miami to be used as a working center for the arts for all citizens of Dade County, Florida; and be it further

"Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida delegation to the United States Congress, and to the mayors of Dade County and the City of Miami, Florida."

POM-179. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 101

"Whereas in the First Session of the Congress of the United States of America, begun and held at the city of New York, on Wednesday, the fourth of March, one thou-

sand seven hundred and eighty-nine, it was resolved by a constitutional majority of two-thirds thereof, to submit a proposition to amend the Constitution of the United States, relative to the compensation for the services of the Senators and Representatives of the United States; and

"Whereas pursuant to the provisions of Section 34-2217, Idaho Code, the question of ratifying this proposition was submitted to the electorate of the State of Idaho; and

"Whereas at the general election of November 8, 1988, the electorate of the State of Idaho did agree that the proposition should be ratified by the Legislature of the State of Idaho, Now, therefore, be it

"Resolved by the members of the First Regular Session of the Centennial Idaho Legislature, that the following proposed amendment to the Constitution of the United States, to-wit:

"'ARTICLE —

"'No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.'

"Be, and the same is hereby ratified by the Legislature of the State of Idaho."

POM-180. A resolution adopted by the City Council of Toledo, OH urging Congress to propose an amendment to the Constitution of the United States prohibiting desecration of the American flag; to the Committee on the Judiciary:

POM-181. A resolution adopted by the Assembly of the State of Nevada; to the Committee on the Judiciary:

"RESOLUTION No. 157

"Whereas the original support by Nevada for requesting the Congress of the United States to call a Constitutional Convention was based upon the representation that the Convention would be limited to proposing a balanced budget amendment to the Constitution of the United States of America; and

"Whereas the Constitution of the United States does not provide for a Constitutional Convention to be restricted to a single subject; and

"Whereas the Constitution of the United States does not need to be changed in order to balance the budget of the United States, but the existing provisions which limit the expenditures to those purposes authorized by the states when they agreed to the Constitution of the United States need to be enforced; and

"Whereas the adoption by the Nevada Assembly of Senate Joint Resolution No. 8 of the 60th session of the Legislature (File No. 39) requesting the Congress of the United States to call a Constitutional Convention was therefore induced by fraud; and

"Whereas, "Fraud colors everything it touches," and the appropriate remedy is for the Assembly to expunge from its Journal its passage of Senate Joint Resolution No. 8 of the 60th session of the Legislature requesting the Congress of the United States to call a Constitutional Convention; now, therefore, be it

"Resolved by the Assembly of the State of Nevada, That the Chief Clerk of the Assembly draw a black border around the portion of the 1979 Assembly Journal whereby the Assembly passed Senate Joint Resolution No. 8 and write across the face thereof: "Expunged by order of the Assembly this 24th day of June, 1989"; and be it further

"Resolved, That certified copies of this resolution, together with the expunged portion of the Assembly Journal be forwarded to the Governor, the Senate of the State of Nevada, the Speaker of the House of Representatives of the United States, the Vice President of the United States as President of the Senate and the Nevada Congressional Delegation."

POM-182. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance:

A CONCURRENT RESOLUTION

"Whereas United States Senator Strom Thurmond of the State of South Carolina has introduced in the One Hundred First Congress of the United States Senate Joint Resolution 167 which proposes to amend the Constitution of the United States of America in the following words, to-wit:

"'JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROHIBIT THE DESECRATION OF THE FLAG

"'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"'ARTICLE —

"'SEC. 1. The Congress of the United States and the States shall have the power to prohibit the desecrating, mutilating, defacing, defiling, or burning of the flag of the United States.'

"Therefore, be it resolved that the Legislature of Louisiana hereby expresses its intent to ratify the foregoing proposed amendment to the Constitution of the United States of America if the proposed amendment is submitted to the legislatures of the several States for ratification; and be it further

"Resolved, That a copy of this Resolution be transmitted to the president of the Senate and the speaker of the House of Representatives of the Congress of the United States, to United States Senator Strom Thurmond, and to each member of the Louisiana congressional delegation."

POM-183. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on the Judiciary.

"RESOLUTION No. 6

"Whereas the First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both houses, by a constitutional majority of two-thirds, has proposed an amendment to the Constitution of the United States of America in the following words:

"'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled two thirds of both Houses concurring, That the following (Article) be proposed to the legislatures of the several States, as (an Amendment) to the Constitution of the United States, * * * which (Article), when ratified by three fourths of said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz;

"'(An Article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"'ARTICLE —

"'No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

"Whereas Article V of the Constitution of the United States allows the ratification of the proposed amendment to the United States Constitution by the legislature of the State of Minnesota; and

"Whereas the proposed amendment to the Constitution of the United States has already been ratified by the legislatures of twenty-seven States: Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873; Wyoming on March 3, 1978; Maine on April 27, 1983; Colorado on April 18, 1984; South Dakota on February 21, 1985; New Hampshire on March 7, 1985; Arizona on April 3, 1985; Tennessee on May 23, 1985; Oklahoma on July 10, 1985; New Mexico on February 13, 1986; Indiana on February 19, 1986; Utah on February 25, 1986; Arkansas on March 5, 1987; Montana on March 11, 1987; Connecticut on May 13, 1987; Wisconsin on June 30, 1987; Georgia on February 2, 1988; West Virginia on March 10, 1988; Louisiana on July 6, 1988; Iowa on February 7, 1989; and Idaho on March 28, 1989; and

"Whereas Article V of the Constitution of the United States does not state a time limit on ratification of an amendment submitted by Congress, and the First Congress specifically did not provide a time limit for ratification of the proposed amendment; and

"Whereas the United States Supreme Court has ruled in *Coleman v. Miller,* 307 U.S. 433 (1939), that an amendment to the United States Constitution may be ratified by states at any time, and Congress must then finally decide whether a reasonable time had elapsed since its submission when, in the presence of certified ratifications by three-fourths of the states, the time arrives for the promulgation of the adoption of the amendment; and

"Whereas Section 9 of Article IV of the Constitution of the State of Minnesota provides that "No increase of compensation shall take effect during the period for which the members of the existing House of Representatives may have been elected."; and

"Whereas the Legislature of the State of Minnesota finds that the proposed amendment is still meaningful and needed as part of the United States Constitution; Now, therefore, be it

"Resolved by the Legislature of the State of Minnesota, That the foregoing proposed amendment to the Constitution of the United States is ratified by the Legislature of the State of Minnesota; and be it further

"Resolved, That the Secretary of State of Minnesota shall transmit certified copies of this memorial to the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and the Archivist of the United States, National Archives and Records Adminstration."

POM-184. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans' Affairs:

"ASSEMBLY JOINT RESOLUTION 35

"Whereas veterans of service in the United States armed forces have sacrificed much for our country, and are equally deserving of those benefits which have been provided by a thankful nation to help them make the often difficult transition from military to civilian life; and

"Whereas the educational benefits provided by the Veterans' Educational Assistance Act of 1984 (Public Law 95-525, Title VII, October 19, 1984), popularly known as the Montgomery GI Bill Act of 1984, reflected the need for education and training in making this transition; and

"Whereas educational and training benefits have always been a wise investment by government because better jobs for veterans makes them taxpayers rather than recipients of public assistance, and veterans particularly require help in readjusting to the civilian work force because military skills and training frequently have no civilian counterpart; and

"Whereas servicemen and servicewomen were assured a 10-year period from separation from service within which to use the educational benefits earned under the Montgomery GI Bill, although the termination of this period on December 31, 1989, means that everyone separating from service after December 31, 1979, has less than a 10-year period within which to use these benefits; and

"Whereas these more recent veterans are no less deserving of needy then their pre-1980 counterparts and all veterans who have earned their GI Bill educational benefits should be afforded sufficient time within which to fully utilize their benefits; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the California Legislature respectfully memoralizes the President and Congress of the United States to immediately support and enact an amendment to the Veterans' Educational Assistance Act of 1984 (the Montgomery GI Bill Act of 1984) to delete December 31, 1989, as the termination date of eligibility for educational and training benefits under that act and instead provide every veteran a 10-year period from separation from service within which his or her benefits may be used; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY from the Committee on Labor and Human Resources, without amendment:

S. 345. A bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes (Rept. No. 101-77).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Francis Anthony Keating II, of Oklahoma, to be General Counsel of the Department of Housing and Urban Development.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRADLEY:

S. 1308. A bill to amend title 39 of the United States Code to grant local governments the discretion to assign mailing addresses to sites within their jurisdiction; to the Committee on Governmental Affairs.

By Mr. D'AMATO:

S. 1309. A bill to temporarily reduce the column 2 rate of duty on certain paper cutting machines; to the Committee on Finance.

By Mr. SIMON (for himself, Mr. KENNEDY, Mr. MITCHELL, Mr. PELL, Mr. REID, Mr. SHELBY, Mr. BURDICK, Mr. KOHL, Mr. DODD, Mr. HEFLIN, Mr. METZENBAUM, Mr. BINGAMAN and Mr. JEFFORDS):

S. 1310. A bill to eliminate illiteracy by the year 2000, to strengthen and coordinate literacy programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ARMSTRONG (for himself, Mr. SYMMS and Mr. BOSCHWITZ):

S. 1311. A bill to amend the Internal Revenue Code of 1986 to provide a 15 percent maximum rate on capital gains for sales or exchanges after the date of enactment of this Act and before 1991, to provide indexing of the bases of capital assets sold or exchanged after 1990, to provide 20 percent maximum rate on capital gains from small business stock, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 1312. A bill to improve the ability of States and localities impacted by narcotics related crime to monitor, track, and prosecute major narcotics offenders, money launderers, and youth gangs involved in narcotics activity by improving intelligence regarding narcotics trafficking and money laundering operations; to the Committee on the Judiciary.

By Mr. PRYOR (for himself, Mr. COCHRAN, Mr. FOWLER, Mr. BUMPERS and Mr. DECONCINI):

S. 1313. A bill to provide that all persons marketing cotton in the United States participate in defraying costs of the research and promotion program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOREN (for himself, Mr. PRYOR, Mr. FOWLER and Mr. DASCHLE):

S. 1314. A bill to amend the Honey Research, Promotion, and Consumer Information Act to improve the coordinated program of research, promotion, and consumer education established for honey and honey products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DECONCINI (for himself and Mr. CRANSTON):

S. 1315. A bill to provide certain administrative authority and requirements for the administration of the Arizona Veterans Memorial Cemetery by the Department of Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1316. A bill to amend the Atomic Energy Act of 1954 to authorize the Assistant Secretary of Energy for Defense Programs to conduct research and development activities related to arms control; to the Committee on Armed Services.

By Mr. D'AMATO:

S.J. Res. 175. Joint resolution designating the week beginning September 17, 1989, as "Emergency Medical Services Week"; to the Committee on the Judiciary.

S.J. Res. 176. Joint resolution to designate September 29, 1989, as "National Siblings of Disabled Persons Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY:

S. 1308. A bill to amend title 39 of the United States Code to grant local governments the discretion to assign mailing addresses to sites within their jurisdiction; to the Committee on Governmental Affairs.

LOCATABLE ADDRESS LEGISLATION

● Mr. BRADLEY. Mr. President, I rise today to reintroduce the locatable address bill, which would enable municipalities to designate addresses for all the sites within their jurisdictions. Identical legislation is being introduced today in the House by Congressman SAXTON. I believe this legislation will improve emergency services in many small townships in my State and around the country as well as improve the census.

Mr. President, under current law, the Postal Service has the responsibility for determining addresses. The postal address, which is based on postal delivery routes, is often vague and confusing. This creates many problems for communities, particularly those in rural areas. One problem occurs when regional emergency services try to respond to a crisis. There have been cases where emergency personnel were delayed in arriving on the scene of a serious accident because an insufficient home address—such as a road with no house number or a rural delivery address that cuts across municipal lines—was the only address available to the rescue squad. For example, a constituent of mine in Southampton Township, NJ, who was badly burned in an accident did not receive prompt medical attention because emergency personnel had trouble finding the man's home. The postal address was insufficient for the rescue squad to rapidly respond to the call for help.

Mr. President, another problem is that the current system sacrifices comunity identity for the sake of the bu-

reaucratic efficiency of ZIP Codes. In areas where a small town is located near and served by a larger municipality's post office, the name of the larger municipality may serve as the smaller town's "town name" on its mailing address.

I have been contacted by many municipalities in New Jersey suffering from this identity crisis. An example, Mr. President, is Little Egg Harbor Township, which is losing its identity because the entire township has a mailing address of Tuckerton—simply because they are served by a post office in Tuckerton Borough. Another example is the growing township of Branchburg, where there is constant frustration because mail must be addressed to the Borough of Somerville. Along with mail delivery problems, township officials in Branchburg have explained to me their difficulties in communicating to outsiders that they are not part of Somerville, as their postal address implies.

Other examples abound. The south Jersey community of Westampton is served by five larger neighboring towns; imagine, a town of 6,000 has 5 different town names for mail delivery purposes. Need I tell you that confusion abounds? The township of Aberdeen has no ZIP Code and mail is handled by three neighboring towns; local officials have discussed their concerns with me, including the difficulty in planning townshipwide events because, not surprisingly, there is little sense of community.

This legislation would also assist the U.S. Census Bureau's efforts to conduct an accurate census count. As everyone is aware, municipalities may qualify for State or Federal aid programs based on their population. This bill makes it possible for a more accurate town-by-town count to be tallied. In other words, residents would face no confusion as to whether they should fill out the census from using their postal address or actual town name, because the two addresses would be one and the same.

Mr. President, the U.S. Postal Service argues that this legislation would wreak havoc with the Nation's post offices. I disagree. This legislation does not require the establishment of separate post offices or changes in mail delivery routes. It only gives local political units the authority to designate local street and town addresses. And local postmasters would have the ability to review any charges to ensure that they do not duplicate street names or have faulty numbering systems that would hinder mail delivery. We need to give municipalities the right to exercise greater home rule—for the sake of the community and for the safety of its residents. I believe this legislation does just that. Our goal is not to complicate the Postal Service's job, but simply devise a means through which a town's mailing addresses can be the same as the locatable addresses. I urge my colleagues to give consideration to this small but important piece of legislation. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 4 of title 39 of the United States Code (relating to the authority of the United States Postal Service) is amended—

(1) by adding at the end thereof the following new section:

"§ 413. Authority of local governments to designate mailing addresses

"(a) Notwithstanding paragraph (1) of subsection (a) of section 404—

"(1) Municipal governments shall have the discretion to designate mailing addresses for all sites within their jurisdiction.

"(2) County governments shall have the discretion to designate mailing addresses for all sites within their jurisdiction that are not within the jurisdiction of any municipal government.

"(b) Whenever a municipal or county government designates a mailing address under paragraph (1) or (2) of subsection (a), such government shall include as part of such mailing address—

"(1) the name of the municipality in which the site of such address is geographically situated; and

"(2) the ZIP code number assigned to the site of such address by the Postal Service.

"(c) A mailing address designated by a municipal or county government under paragraph (1) or (2) of subsection (a) shall become effective 30 days after the Postal Service receives written notice from such government of the designation of such address.

"(d) Notification under subsection (c) of this section shall not become effective unless the postmaster for each post office responsible for delivering mail to any of the proposed addresses reviews and makes recommendations to ensure that non-duplicative street names and faulty numbering systems do not exist within the jurisdiction changing its mailing address to the geographic name of its town.

"(e) For purposes of this section, the term 'county government' includes the government of a parish."; and

(2) by inserting in the table of sections, after the item relating to section 412, the following new item:

"413. Authority of local governments to designate addresses."●

By Mr. SIMON (for himself, Mr. KENNEDY, Mr. MITCHELL, Mr. PELL, Mr. REID, Mr. SHELBY, Mr. BURDICK, Mr. KOHL, Mr. DODD, Mr. HEFLIN, Mr. METZENBAUM, Mr. BINGAMAN, and Mr. JEFFORDS):

S. 1310. A bill to eliminate illiteracy by the year 2000, to strengthen and coordinate literacy programs, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE ILLITERACY ELIMINATION ACT

Mr. SIMON. Mr. President, today I am introducing a bill to launch a comprehensive campaign to eliminate illiteracy in America. I would like to thank my good friends and distinguished colleagues, Senators KENNEDY, MITCHELL, PELL, REID, SHELBY, BURDICK, KOHL, HEFLIN, DODD, METZENBAUM, BINGAMAN, and JEFFORDS who are cosponsoring this bill.

Illiteracy is a great weight that keeps this country and millions of our citizens from reaching their fullest potential. People who can't read can't do many of the activities that most of us take for granted—like reading a newspaper, getting a driver's license, filling out a job application, or helping kids with their homework.

Over the years, I have been gratified to have won some small victories in helping these individuals who have sought literacy training. These have included an amendment to the Library Services Construction Act that authorized grants to States to encourage use of neighborhood libraries as literacy tutoring centers, and another amendment to the Domestic Volunteer Service Act that created the VISTA Literacy Corps, a program of volunteers who develop community literacy programs. On average one VISTA volunteer recruits and trains more than 91 community literacy volunteers.

These efforts are clearly steps in the right direction, but they are not enough. Illiteracy is a public enemy, and we need to begin to treat it like one. It must be fought at all levels, by the private and public sector. Federal leadership is key to making this an urgent national priority. I am therefore introducing this bill to launch the first major comprehensive and coordinated Federal effort to greatly expand the resources available to help Americans who cannot read—by setting a national goal to end illiteracy by the year 2000. We can accomplish this by having literacy programs available to all of those seeking services.

THE HIDDEN EDUCATION PROBLEM

We will not remain competitive in the world's marketplace unless we address the basic skills and literacy deficiencies of our present and future work force—and those deficiencies, by anyone's estimate—are massive and rapidly growing.

At least 23 million Americans in this country are considered functionally illiterate, and a total of 45 million adults read with only minimal comprehension. We cannot expect workers who can barely read road signs to contribute to an economy that is increasingly high technology. The majority of American jobs are placing more and new demands on employees. The average American worker today must have skills at the 9th-to-12th grade level,

not the 4th grade level typical after the Second World War.

And the standards keep rising. Our Nation's supply of unskilled and uneducated labor is continually increasing, but the demand for these workers in our economy is declining. Employment in professional and managerial jobs will increase through the turn of the century by 5.2 million, while laborer positions will grow by only 1.3 million jobs. And, only 10 percent of the new jobs created by 1995 will be in manufacturing.

These statistics tell only part of the story on the changing demographics of our future work force. Blacks, Hispanics, Asians, and other races will account for 57 percent of the work force growth from 1986 to the year 2000. If we add all women into this category, females and minorities will account for over 80 percent of the work force growth rate. These are the same groups that have historically been left behind.

The reality is that we have a growing population in this country whom some call an underclass. Minorities, and especially blacks, Hispanics, and persons with disabilities, dominate the pool of unwanted and increasingly unused labor. It is estimated that 44 percent of black and 65 percent of Hispanic adults are functionally illiterate. In Illinois alone, there are an estimated 2 million adults who read below the 6th grade level, 1 million of whom are in Chicago.

In addition, it is possible that as many as 24 million of our fellow Americans have substantial learning disabilities that affect their ability to learn to read. We have no firm estimates, but experts tell us that those with learning disabilities are disproportionately represented among those who drop out of school, remain unemployed, and end up in prison. Some, like football star Dexter Manley, have been pushed through school without being taught to read and only years later face up to the reality of their problem. We need to do a better job of identifying and meeting the special needs of these illiterate Americans.

Perhaps even more importantly, we know that illiterate adults cannot read to their children or help them with their schoolwork. As I wrote in my book "Let's Put America Back to Work," illiteracy perpetuates the generation-to-generation pattern of too many citizens poorly prepared to help themselves and our economy.

We also know that illiteracy has been linked to crime, as 75 percent of adult prison inmates are functionally illiterate, and 62 percent are high school dropouts. And American taxpayers pay the price—it costs $14,000 a year to keep a prisoner in jail, yet only $4,200 a year to send a child to school. Pennsylvania State University estimates that the cost to America of failing to educate and train disadvantaged young men and women for employment is $225 billion each year—in lost productivity, welfare payments and expenses related to crime prevention and the criminal justice system.

Fighting illiteracy is, therefore, not just an issue of fairness and equity—it is an issue of economics. We simply cannot expect people who are unable to read to adequately function in an era of rapid change and technological advancement.

A NEW AND COMPREHENSIVE COMMITMENT

There are a number of existing Federal literacy programs, but resources are scarce. The only major Federal program that exists to reduce illiteracy is the Adult Basic Education Act and it serves only 10 percent of those estimated to be in need. Across the country, all the public and private literacy programs combined provide services to about 19 percent of those who need help. The Federal Government allocates less than $300 million each year to provide basic literacy skills to adults in this country—this is the equivalent of less than $10 per year for each American adult who does not possess a high school diploma.

Furthermore, the programs that do exist are not coordinated, and are delivered in a fragmented fashion. We don't know enough about what works most effectively in literacy programs, and what we do know is not well disseminated.

To address these problems, I am proposing the Illiteracy Elimination Act of 1989 to begin a national, comprehensive and unified effort to wipe out illiteracy. This legislation will establish a cabinet level council to coordinate literacy efforts at the highest Federal level, and will create a national center on literacy to fund research and dissemination of information on the literacy problem.

It will expand existing effective programs—such as the Library Literacy Program and the VISTA Literacy Corps—and will provide new focus as well as increased funding to programs such as the Adult Basic Education Act.

It will also increase funds for the workplace literacy programs and authorize a challenge grant program to expand and increase public/private sector partnerships in fighting illiteracy.

Eric Burch, a VISTA literacy volunteer, describes literacy as "self-sufficiency and hope—the shortest distance to individual social and economic development." He is absolutely right, and I am convinced that the American people are ready to tackle the problem of illiteracy head on.

Mr. President, I ask unanimous consent that the bill, the following summary of the bill, and the section-by-section analysis, be inserted in the RECORD along with the statements of Senators MITCHELL and KENNEDY.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Illiteracy Elimination Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) There are between 23 and 27 million adult Americans who are functionally illiterate, a number which is increasing due to disproportionately high drop out rates in the public schools among minorities;

(2) the Adult Education Act is the only major program to reduce illiteracy in the United States and serves only 10 percent of eligible participants, while all public and private literacy programs serve only about 19 percent of those who need help;

(3) illiteracy is a problem of intergenerational nature;

(4) as many as 50 million workers may have to be trained or retrained between now and the year 2000; and

(5) the supply of unskilled workers is increasing and the demand for unskilled labor is decreasing.

SEC. 3. DEFINITION.

As used in this Act the term "literacy" means the knowledge and skills necessary to communicate, including the reading, writing, basic skills, speaking, and listening skills normally associated with the ability to function at a level greater than the 8th grade level.

TITLE I—LITERACY COORDINATION

SEC. 101. SHORT TITLE.

This title may be cited as the Literacy Coordination, Research, and Dissemination Act of 1989.

SEC. 102. CABINET COUNCIL FOR LITERACY COORDINATION.

(a) ESTABLISHMENT.—There is established the Cabinet Council for Literacy Coordination (hereafter in this title referred to as the "Council").

(b) COMPOSITION.—(1) The Council shall consist of—

(A) the Secretary of Education (hereafter in this title referred to as the "Secretary"), who shall serve as Chairman;

(B) the Director of the ACTION Agency;

(C) the Secretary of Health and Human Services;

(D) the Secretary of Labor;

(E) the Attorney General of the United States;

(F) the Director of the Office of Personnel Management; and

(G) such other officers of the Federal Government as may be designated by the President of the United States or the Chairman of the Council to serve whenever matters within the jurisdiction of the agency headed by such an officer are to be considered by the Council.

(2) Each member shall be appointed for as long as such member serves as the head of the appropriate agency.

(3) The Chairman of the Council shall be the President's principal advisor on literacy.

(c) QUORUM.—One more than one-half of the members of the Council shall constitute a quorum for the purpose of transmitting recommendations and proposals to the President, but a lesser number may meet for other purposes.

(d) MEETINGS.—The Council shall meet at least 4 times each year. When a Council member is unable to attend, the Council member shall appoint an appropriate Assistant Secretary or an equivalent individual from the department or agency of the member to represent the member for that meeting.

(e) DUTIES OF THE COUNCIL.—The Council shall—

(1) devise, coordinate, and monitor existing and other government initiatives to—

(A) facilitate the elimination of illiteracy, and

(B) integrate the resources of literacy programs across various departments or agencies of the Federal Government;

(2) disseminate information on existing Federal, State, local, and private sector literacy efforts;

(3) develop models for the effective education of illiterate adults and children, including projects directed toward—

(A) effective intergenerational education of illiterate adults and their children; and

(B) improving curriculum, software, and other materials for use in literacy education;

(4) set specific and measurable goals for the Federal effort in the education of illiterate adults, children, and their families so that all appropriate Federal agencies have specific objectives and strategies for meeting such goals;

(5) track progress on meeting the goals and objectives set forth in paragraph (4);

(6) issue a biennial report to Congress and the President on the progress made by the Federal Government and the Nation toward enhancing the literacy skills of its people, including recommendations for legislation required to improve and expand Federal literacy programs;

(7) develop model systems for implementing and coordinating Federal literacy programs which can be replicated at the State and local level; and

(8) review and make proposals for uniformity among reporting requirements, standards for outcomes, performance measures, and program effectiveness included in various federal programs.

(f) AVAILABILITY OF FUNDS; PERSONNEL.—The Department of Education, the Department of Health and Human Services, the Department of Justice, the Department of Labor, the Office of Personnel Management, and each department participating in the Council shall contribute a total of $100,000 in salaries, expenses and personnel to support the administrative expenses of the Council. The ACTION Agency and each agency participating in the Council shall contribute at least $20,000 in salaries, expenses and personnel to support the administrative needs of the Council. The administrative needs of the Council may include staffing, consultants, supplies and travel.

SEC. 102. OFFICE ON LITERACY.

(a) DIRECTOR.—Section 202 of the Department of Education Organization Act is amended by adding the following new subsection at the end thereof:

"(h) There shall be in the Department a Director of the Office of Literacy.".

(b) OFFICE ESTABLISHED.—Section 206 of the Department of Education Organization Act is amended by inserting the following new section at the end thereof:

"OFFICE ON LITERACY

"SEC. 206A. There shall be in the Department an Office on Literacy to be administered by the Director of the Office on Literacy appointed under section 202(h) of this Act. The Director shall be appointed by the Secretary and shall be compensated at a rate determined by the Secretary, which in no event shall be less than the annual rate of basic pay prescribed for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code. The Director shall coordinate the administration of literacy programs within the Department including literacy programs conducted pursuant to—

"(1) chapter 1 of title I of the Elementary and Secondary Education Act,

"(2) the Bilingual Education Act,

"(3) the Library Services Construction Act,

"(4) the Work-Study Programs set forth in part C of title IV of the Higher Education Act of 1965,

"(5) the Fund for the Improvement of Post Secondary Education,

"(6) the Adult Education Act,

"(7) the Even Start Programs Operated By Local Educational Agencies pursuant of part B of title I of the Elementary and Secondary Education Act of 1965, and

"(9) the Stewart B. McKinney Homeless Assistance Act,

The Director shall work with the Cabinet Council for Literacy to coordinate the related activities and programs of other Federal departments and agencies. The Director shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe.".

SEC. 103. NATIONAL CENTER FOR LITERACY.

(a) PURPOSE.—It is the purpose of this part to enhance the national effort to eliminate illiteracy by the year 2000 by improving research, development and information dissemination through a national research center.

(b) FINDINGS.—The Congress finds—

(1) far too little is known about how to improve access to, and enhance the effectiveness of, adult literacy programs, assessment tools, and evaluation efforts;

(2) there is no reliable nor central source of information about the existing knowledge base in the area of literacy;

(3) a National Center for Literacy would provide a national focal point for research, technical assistance and research dissemination, policy analysis, and program evaluation in the area of literacy; and

(4) such a National Center would facilitate a pooling of ideas and expertise across fragmented programs and research efforts.

(c) PROGRAM AUTHORIZED.—(1) The Secretary shall, through the Office on Literacy, make a grant to establish and operate a nonprofit National Center for Literacy (hereafter in this section referred to as the "Center"). Such grant shall be awarded on a competitive basis and shall be for a period not to exceed 5 years, and is renewable.

(2) The Center shall be composed of—

(A) a director of the Center (hereafter in this section referred to as the "Director");

(B) experts in the literacy field;

(C) directors and supervisors for each of the major functions of the Center set forth in paragraphs (1) through (4) of subsection (e); and

(D) professional and support staff.

(3) The Secretary, in consultation with the Cabinet Council on Literacy, shall select a panel composed of individuals who are not Federal employees and who are recognized nationally as experts in adult and child literacy to assist in the selection of a grant recipient under this section.

(4) The Center shall have the ability to enter into contracts, joint ventures, and form cooperative relationships with State and local agencies, educational entities, business and labor organizations, and service providers, consistent with the purposes of this Act and the functions of the Center. All contracts shall be made available to the Advisory Committee for review and comment.

(5) The Center may accept, but not solicit, private contributions, foundation grants, and other grants to support the research and dissemination activities of the Center.

(d) APPLICATION.—Each organization or entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(e) USE OF FUNDS.—Funds provided pursuant to this section may be used by the Center to—

(1) conduct basic and applied research on—

(A) the process by which children and adults learn to read and develop basic skills,

(B) problems facing the learning disabled,

(C) developing instructional techniques and assessment tools, and

(D) the use of technology and other studies which would advance the literacy knowledge base, and which would not duplicate the work of other research services but would build on such research efforts.

(2) provide technical assistance including—

(A) tracking the development of literacy and basic skills programs;

(B) disseminating research findings;

(C) disseminating information regarding exemplary program models, curricula, and training models; and

(D) the use of technology and materials development;

(3) act as a clearinghouse in providing information on literacy programs, teaching and assessment methods, and evaluation tools, to Federal, State, and local agencies, as well as to businesses, labor organizations, and voluntary groups.

(4) conduct policy analysis and program evaluation activities, including—

(A) the development of a data base on literacy programs;

(B) the development of assessment tools;

(C) evaluation of progress made toward national goals;

(D) developing and providing information to facilitate national planning and policy development in adult and child literacy; and

(5) conduct a model demonstration program, in consultation with State educational agencies, to demonstrate innovative approaches to remediate, train, retrain and place persons who do not complete secondary school or possess a general equivalency diploma.

(f) ADVISORY COMMITTEE.—(1) The Secretary, in consultation with the Cabinet Council on Literacy Coordination shall establish an advisory committee. Such advisory committee shall advise the Secretary and the Director with regarding—

(A) policy issues regarding the administration of the Center; and

(B) the selection and operation of major research and demonstration projects and activities of the Center.

(2) The advisory committee shall meet at the call of the Secretary at least semiannually at the site of the Center.

(3)(A) The advisory committee shall be composed of 15 members of which—

(i) 4 members shall be from local and State government;

(ii) 6 members shall be from the education, labor, and business communities; and

(iii) 5 members shall be from national literacy organizations and volunteer organizations, service providers, and community-based organizations.

(B) The Chairperson of the committee shall be elected by the members of the committee.

(g) EVALUATION.—The Director of the Center shall report annually to the Congress and to the Cabinet Council for Literacy Coordination on progress made in achieving national literacy goals. This report shall include the results of a survey of Federal, State, and local public, as well as private sector, literacy programs.

(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $10,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, and 1995 to carry out the provisions of this section.

(2) Of the amount authorized to be appropriated pursuant to paragraph (1) for each fiscal year, not more than 5 percent of such funds shall be used to conduct the model demonstration program described in section 103(e)(5).

SEC. 104. STATE LITERACY RESOURCE CENTER.

(a) PURPOSE.—It is the purpose of this section to assist State and local public and private nonprofit efforts to eliminate illiteracy through a new program of State literacy resource center grants to—

(1) stimulate the coordination of literacy services,

(2) enhance the capacity of State and local organizations to provide literacy services, and

(3) facilitate the sharing of literacy resources within the State.

(b) PROGRAM AUTHORIZED.—(1) The Secretary is authorized to make grants to pay the Federal share of the costs of establishing and operating State literacy resource centers. Such grants shall be awarded for a period not to exceed 3 years and shall not exceed $500,000.

(2) Each State may contract on a competitive basis with a volunteer organization, a community-based organization or other nonprofit entity to operate a State literacy resource center.

(3) No State may receive financial assistance pursuant to the provisions of this section for more than 3 fiscal years.

(c) USES OF FUNDS.—Funds provided pursuant to this section may be used for—

(1) the development of innovative approaches to the coordination of literacy activities within the State and with the Federal Government;

(2) activities related to improving access to literacy services in the State through the promotion of technology utilization, the provision of technical assistance to service providers, the dissemination of information among literacy service providers, and other activities which enhance the delivery of literacy services.

(3) the establishment of a State literacy resource center to—

(A) serve as a link between State-based service providers and the National Center for Literacy for the purposes of disseminating research and other information generated by the National Center for Literacy to service providers;

(B) upgrade the system of diffusion and adoption of state-of-the-art teaching methods;

(C) assist in coordinating the delivery of literacy services by public and private agencies;

(D) encourage government and industry partnerships;

(E) encourage innovation and experimentation in literacy services;

(F) provide technical and policy assistance to State and local governments and to community-based literacy organizations to improve literacy policy and programs; and

(G) train adult literacy instructors in—

(i) selecting and making the most effective use of instructional technologies including—

(I) computer assisted instruction,

(II) video tapes,

(III) interactive systems, and

(IV) data link systems; and

(ii) the generation of instructional materials to make use of such instructional technologies.

(d) APPLICATION.—Each State desiring a grant under this section shall submit an application to the Secretary, at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) include a statewide plan with measurable goals for the elimination of illiteracy within the State, including an implementation plan describing strategies to facilitate the maximum participation of community-based organizations, volunteer organizations and other nongovernmental entities in statewide literacy efforts; and

(3) contain assurances that the State will use funds provided pursuant to this section in accordance with the provisions of this section.

(e) PAYMENTS; FEDERAL SHARE.—(1) The Secretary shall pay to each State having an application approved pursuant to subsection (d), the Federal share of the cost of the activities described in the application.

(2) The Federal share—

(A) for the first year in which the State receives funds under this title shall not exceed 75 percent;

(B) for the second such year shall not exceed 50 percent; and

(C) for the third such year shall not exceed 25 percent.

(f) NON-FEDERAL SHARE.—(1) The non-Federal share of payments under this section may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, and 1995.

TITLE II—WORKFORCE LITERACY

SEC. 201. SHORT TITLE.

This title may be cited as the "Workforce Literacy Act of 1989".

SEC. 202. STATEMENT OF PURPOSE.

It is the purpose of this title—

(1) to provide financial assistance to improve educational opportunities for adults who lack the level of literacy skills requisite to effective citizenship and productive employment;

(2) to expand and improve the current system for delivering and accessing adult education services, including the use of community based organizations, and including the delivery of such services to educationally disadvantaged adults; and

(3) to encourage the expansion of adult education teacher training programs.

SEC. 203. ADULT EDUCATION AMENDMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 313(a) of the Adult Education Act is amended by—

(1) inserting a (1) before "There";

(2) striking "and such sums as may be necessary for each succeeding fiscal year through fiscal year 1993"; and

(3) inserting at the end thereof the following new paragraphs:

"(2) Except as provided in paragraph 3, there are authorized to be appropriated for each of fiscal years 1991 through 1995 an amount equal to the appropriations for the previous fiscal year plus $100,000,000. Of the additional amount authorized to be appropriated for each fiscal year in the preceding sentence, 15 percent shall be used for the purpose of training professional teachers, volunteers, and administrators, with particular emphasis on—

"(A) the training of minority teachers; and

"(B) the training of teachers to recognize and more effectively serve illiterate individuals with learning disabilities, and with a reading ability below the fifth grade level.

"(3) If the Secretary determines in any fiscal year that a majority of the illiterate population assisted under this title has been served, the amount authorized to be appropriated for each of the succeeding fiscal years listed in paragraph (1) shall be equal to the amount authorized to be appropriated for the fiscal year in which the determination is made.".

(b) USE OF FUNDS; LOCAL APPLICATIONS.—Section 322 of the Adult Education Act is amended—

(1) in the second sentence of subsection (a)(1) by striking "may" and inserting "shall";

(2) at the end of subsection (a)(1) by inserting the following new sentence: "Each State educational agency receiving financial assistance under this subpart shall assure direct and equitable access to Federal funds to local educational agencies, public or private nonprofit agencies, community-based organizations, and institutions which serve educationally disadvantaged adults.";

(3) at the end of subsection (a)(4)(A), strike the period and insert: "and those who will serve adults with a reading ability below the fifth grade level."; and

(4) in subsection (b)(2) by striking "20 percent" and inserting "25 percent".

(c) ACCOUNTABILITY MEASURES.—Section 331(c) of the Adult Education Act is amended to read as follows:

"(c) LIMITATION ON STATE ADMINISTRATIVE COSTS.—Effective for fiscal years beginning after September 30, 1990, a State educational agency may use no more than—

"(1) five percent of the State's grant or $50,000, whichever is greater, to pay the cost of its administration of the State's program; and

"(2) an additional one percent of the State's grant on program improvement, including increased accountability measures, subject to the approval of the Secretary.".

(d) STATE PLAN.—Section 342(c) of the Adult Education Act, is amended—

(1) by striking "and" at the end of paragraph (12);

(2) by striking the period at the end of paragraph (13) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(14) report the amount of administrative funds spent on program improvements; and

"(15) contain assurances that financial assistance provided pursuant to this title shall be used to assist and expand existing programs, and to develop new programs for adults whose lack of basic skills—

"(1) renders such adults unemployable;

"(2) keeps such adults from functioning independently in society; and

"(3) severely reduces the ability of such adults to positively impact the literacy of their children.".

(e) BUSINESS, INDUSTRY, LABOR, AND EDUCATION PARTNERSHIPS FOR WORKPLACE LITERACY.—Section 371 of the Adult Education Act is amended—

(1) in subsection (a)(1) by inserting ", in consultation with the Secretary of Labor," after Secretary; and

(2) in subsection (a)(4) by redesignating subparagraphs (C), (D), and (E) as (D), (E), and (F) respectively, and inserting after subparagraph (B) the following:

"(C) contain an assurance that no less than 10 percent of funds received under this section shall be used for research, teacher training (including training regarding the identification and teaching of learning disabled individuals) and technical assistance, (including technical assistance) in implementing programs."

(3) in subparagraph (c) by striking paragraph (1) and inserting in lieu thereof the following:

"(1) There are authorized to be appropriated $50,000,000 for each of the fiscal years 1990 and 1991, and such sums as may be necessary for each of the succeeding fiscal years 1992, 1993, 1994, and 1995 to carry out the provisions of this section.".

SEC. 204. GAO STUDY.

The Comptroller General of the United States shall update the 1975 study entitled "The Adult Basic Education Program: Progress in Reducing Illiteracy and Improvements Needed" within 18 months of the date of enactment of this Act.

TITLE III—FAMILIES FOR LITERACY

SEC. 301. SHORT TITLE.

This title may be cited as the Families for Literacy Act of 1989.

SEC. 302. STATEMENT OF PURPOSE.

The purpose of this title is to break the intergenerational cycle of illiteracy by improving the parenting and basic skills of adults in order to—

(1) foster learning among the children of illiterate adults;

(2) foster family-oriented approaches to reducing illiteracy; and

(3) address illiteracy through the social environment in which children are born and raised.

SEC. 303. EVEN START.

Section 1059 of the Elementary and Secondary Education Act is amended to read as follows:

"SEC. 1059. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $50,000,000 for each of the fiscal years 1990 and 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, and 1995 to carry out the provisions of this part.

SEC. 304. FAMILIES FOR LITERACY PROGRAM.

(a) PURPOSE.—The purpose of this section is to provide assistance to nonprofit entities, or consortia of businesses, nonprofit entities, and local educational agencies to initiate education programs and services for children aged 3 and under and their parents to enhance the early literacy developmental process of such children, particularly targeting functionally illiterate parents and their children to enhance the literacy building capabilities of such parents and their children.

(b) GRANTS AUTHORIZED.—(1) The Secretary is authorized, in accordance with the provisions of this section, to make a total of 10 demonstration grants to nonprofit entities, or consortia of businesses, nonprofit entities, and local educational agencies to pay 80 percent of the cost of establishing intergenerational learning programs and services for children aged 3 and under and their parents, in order to monitor, and improve the early developmental progress of the children, especially in literacy developmental skills.

(2) In awarding grants under this section, the Secretary shall give priority to applicants whose programs serve hard-to-serve populations, including—

(A) teenaged parents;

(B) illiterate parents;

(C) economically disadvantaged parents; and

(D) unemployed parents; and

(E) non-English speaking parents.

(c) APPLICATION.—Each nonprofit entity, or consortia of businesses, nonprofit entities, and local educational agencies desiring a demonstration grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought; and

(2) contain such information and assurances as the Secretary may require to ensure compliance with the requirements of this section.

(d) STAFF TEAMS.—(1) Each nonprofit entity, or consortia of businesses, nonprofit entities, and local educational agencies receiving assistance pursuant to this part shall employ and train staff teams of early childhood educators, literacy educators or parent educators to provide—

(A) literacy education for adults;

(B) parenting education for adults;

(C) prereading and other developmental skills for children aged 3 and under;

(D) structured time for parents to use newly acquired skills with their children; and

(E) referral services for families, including referrals for drug rehabilitation and counseling.

(2) Each nonprofit entity or consortia of businesses, nonprofit entities, or local educational agencies receiving assistance pursuant to this section shall employ, select, and provide training for, staff teams on the basis of—

(A) experience in working with children and families;

(B) a bachelor's degree in child development, psychology, or primary education;

(C) experience in social work, child care, pediatrics, family counseling; and

(D) experience in literacy training.

(e) COMMUNITY ADVISORY COUNCILS.—(1) Each nonprofit entity, or consortia of businesses, nonprofit entities, and local educational agencies which receives a grant under this section shall establish community advisory councils to provide—

(A) outreach services, including outreach services to non-English speaking parents,

(B) notification to local family courts of the existence of the Parents as Teachers Program,

(C) family referral services,

(D) public relations services, and

(E) recruiting drives.

(2) The community advisory council established under paragraph (1) shall be staffed by volunteers. Volunteers may refer individuals into the Families for Literacy Program and from the Families for Literacy Program into services such as—

(A) the Special Supplemental Food Program for Women, Infants, and Children;

(B) well-baby clinics;

(C) literacy programs;

(D) hearing specialists; and

(E) child abuse services.

(f) NON-FEDERAL SHARE.—(1) The portion of the costs described in subsection (b) that are not paid from a grant provided under this section may be paid in cash or in kind fairly evaluated, including equipment or services.

(2) Each nonprofit entity, or consortia of businesses, nonprofit entities, and local educational agencies receiving assistance pursuant to this Act may use funds received under chapter 2 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 to pay the portion of the costs described in subsection (b) that are not paid from a grant provided under this section.

(g) DEFINITIONS.—As used in this section—

(1) The term "local educational agency" has the same meaning given that term in section 1471 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Act of 1988.

(2) The term "parent" includes a legal guardian or other person standing in loco parentis.

(3) The term "nonprofit entity" includes community-based organizations, public service agencies, and child welfare agencies.

(h) FAMILY LITERACY PUBLIC BROADCASTING PROGRAM.—The Secretary is authorized to enter into a contract with the Corporation for Public Broadcasting to produce and disseminate a family literacy program which would assist parents in improving their knowledge and skills regarding early childhood education, language development, and literacy.

(i) AUTHORIZATION OF APPROPRIATIONS.—(1) Except as provided in paragraph 2, there are authorized to be appropriated $10,000,000 for fiscal year 1991 and such sums as may be necessary in each of fiscal years 1992, 1993, 1994 and 1995 to carry out the provisions of this section.

(2) There are authorized to be appropriated $2,000,000 for fiscal year 1991 to carry out the provisions of subsection (h).

TITLE IV—BOOKS FOR FAMILIES

SEC. 401. SHORT TITLE.

This title may be cited as the "Books for Families Literacy Act of 1989".

SEC. 402. STATEMENT OF PURPOSE.

It is the purpose of this title to enhance the capacity of State and local public libraries to combat illiteracy and to improve the quality of public literacy services as such services relate to overcoming the condition of illiteracy in the Nation.

SEC. 403. INEXPENSIVE BOOK DISTRIBUTION PROGRAM.

(a) PRIORITY.—Section 1563(b) is amended by—

(1) striking "and" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by adding the following new paragraph after paragraph (2):

"(3) beginning in fiscal year 1990 and each fiscal year thereafter, the contractor will

give priority to programs and projects which target rural and urban areas with large concentrations of economically disadvantaged children and students; and".

(b) STUDY.—The Contractor shall report to the Department of Education annually regarding the number and description of individuals served under subsection (a)(3).

SEC. 404. LIBRARY LITERACY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 4(a) of the Library Services and Construction Act is amended by striking paragraph (5) and inserting in lieu thereof the following new paragraphs:

"(5) for the purpose of making grants as provided in title VI (other than section 603), there are authorized to be appropriated $10,000,000 for fiscal year 1990, $11,000,000 for fiscal year 1991, $12,000,000 for fiscal year 1992, $13,000,000 for fiscal year 1993, $14,000,000 for fiscal year 1994, and $15,000,000 for fiscal year 1995;

"(6) for the purpose of making grants as provided in section 602, there are authorized to be appropriated $2,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994 and 1995; and

"(7) for the purpose of making grants as provided in section 603 there are authorized to be appropriated $2,000,000 for fiscal year 1991 and such sums as may be necessary for each of the succeeding fiscal years 1992, 1993, 1994, and 1995.".

(c) BOOKS, TAPES, AND COMPUTER SOFTWARE.—Section 601(c)(2) of the Library Services Construction Act is amended by inserting after "programs" a comma and "including books, tapes, and computer software".

SEC. 405. STATE AND LOCAL PUBLIC LIBRARY GRANTS.

Title VI of the Library Services Construction Act is amended by inserting the following new sections at the end thereof:

"SEC. 602. MODEL LIBRARY LITERACY CENTERS.

"(a) STATEMENT OF PURPOSE.—It is the purpose of this section to provide for a library literacy demonstration grant program to help overcome illiteracy throughout the Nation by establishing model library literacy centers with resources and facilities to assist those in need of literacy training and access to reading materials.

"(b) GRANTS AUTHORIZED.—(1) The Secretary is authorized to carry out a program of grants to State and local public libraries to establish exemplary model programs.

"(2) Grants made pursuant to this section may not exceed $200,000 in any fiscal year.

"(3) Each State or local public library receiving assistance pursuant to this section may receive 1 grant per fiscal year for a maximum of 5 fiscal years.

"(4) The Secretary may reserve 2 percent of the funds appropriated pursuant to the authority of section 4(a)(6) for the administrative costs of the grant program set forth in this section.

"(5) The Secretary shall select an expert in library literacy activities to administer the grant program set forth in this section.

"(c) APPLICATION.—(1) Each State or local public library desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(A) describe the activities and services for which assistance is sought;

"(B) describe an innovative approach to public library literacy activities;

"(C) substantiate the potential as to how the library profession will benefit from the demonstration grant and the national significance of the demonstration grant;

"(D) provide a detailed description of how the demonstration grant will impact on illiteracy within the applicant's community;

"(E) set forth any special evidence for the need for such a demonstration grant;

"(F) describe how the results of the demonstration grant will be evaluated and disseminated;

"(G) indicate the potential of the demonstration grant for achieving replicability and for serving as a viable model; and

"(H) provide evidence that the demonstration grant—

"(i) was developed in consultation with the State library agency and with leading experts in adult literacy, and

"(ii) takes into account literacy research.

"(2) The Secretary, in consultation with the peer review panel established pursuant to subsection (d), shall develop regulations regarding the criteria for awarding grants and approving applications under this section.

"(d) PEER REVIEW PANEL.—The Secretary shall establish a peer review panel to assist the Secretary in establishing criteria for awarding grants and approving applications under this section. The Secretary may appoint such technical experts and consultants to the peer review panel as may be useful in carrying out the functions of the peer review panel.

"SEC. 603. INEXPENSIVE BOOK DISTRIBUTION PROGRAM.

"(a) IN GENERAL.—The Secretary is authorized to contract with Reading is Fundamental, a private nonprofit organization which motivates children to learn to read, to support and promote the establishment of reading motivation programs which include the distribution of inexpensive books. Such contract shall give priority to programs and projects which target rural and urban areas with large concentrations of economically disadvantaged children and students.

"(b) USE OF FUNDS.—The contract authorized pursuant to paragraph (1) shall provide that Reading is Fundamental use the funds provided pursuant to this title to—

"(1) increase access to children's books for parents of newborns through children aged 5; and

"(2) develop motivational materials to reach parents most disconnected from the education community, by making children's books available in such places as welfare offices, health facilities, homeless shelters, migrant labor facilities, public housing developments, and local offices which administer the Supplemental Food Program established pursuant to section 17 of the Child Nutrition Act of 1966.

TITLE V—STUDENTS FOR LITERACY

SEC. 501. SHORT TITLE.

This title may be cited as the "Students for Literacy Act of 1989".

SEC. 502. STATEMENT OF PURPOSE.

It is the purpose of this title to promote the development, location, and placement of community service jobs for students in the area of literacy tutoring, outreach, and training under the Work-Study Programs set forth in part C of title IV of the Higher Education Act of 1965.

SEC. 503. STUDENT LITERACY CORPS.

Section 146 of the Higher Education Act of 1965 is amended to read as follows:

"SEC. 146. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the provisions of this part $10,000,000 for fiscal year 1990, $11,000,000 for fiscal year 1991, $12,000,000 for fiscal year 1992, $13,000,000 for fiscal year 1993, $14,000,000 for fiscal year 1994, and $15,000,000 for fiscal year 1995.".

SEC. 504. WORK-STUDY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 441(b) of the Higher Education Act of 1965 is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $656,000,000 for fiscal year 1991, $676,000,000 for fiscal year 1992, $696,000,000 for fiscal year 1993, $716,000,000 for fiscal year 1994, and $736,000,000 for fiscal year 1995.".

(b) CONTENTS OF AGREEMENT.—Section 443(b) of the Higher Education Act is amended—

(1) in paragraph (2)(A) by inserting after the comma the following: "except that the provisions of this subparagraph shall not apply to literacy training programs pursuant to section 447(b)(2)"; and

(2) in paragraph (5) by—

(A) striking "and" at the end of subparagraph (A);

(B) inserting "and" at the end of subparagraph (B); and

(C) inserting the following new subparagraph at the end thereof:

"(C) the Federal share of the compensation of students employed in the literacy work-study training programs described in section 447(b)(2) shall be 100 percent;".

(c) JOB LOCATION AND DEVELOPMENT PROGRAMS.—Section 446(a) of the Higher Education Act is amended by inserting the following new paragraph at the end thereof:

"(3) The provisions of paragraph (1)(B) shall not apply to institutions of higher education which enter into agreements with the Secretary to use funds provided pursuant to section 442 for the creation and placement of literacy jobs for students.".

TITLE VI—VOLUNTEERS FOR LITERACY

SEC. 601. SHORT TITLE.

This title may be cited as the "Volunteers for Literacy Act of 1989".

SEC. 602. STATEMENT OF PURPOSE.

It is the purpose of this title to develop, strengthen, supplement, and expand the capacity of both public and private agencies and organizations to combat illiteracy through the use of volunteers.

SEC. 603. VISTA LITERACY CORPS.

Section 109(g)(1) of the Domestic Volunteer Service Act of 1973 (hereafter in this title referred to as the "Act") is amended to read as follows:

"(1) In any fiscal year in which the funds appropriated pursuant to the authority of section 501(a)(2) do not exceed $7,000,000, funds made available pursuant to the authority of section 501(a)(2) shall be used to supplement and not to supplant the level of services provided under part A in fiscal year 1989 to address the problem of illiteracy.".

SEC. 604. SERVICE-LEARNING LITERACY PROGRAMS.

Part B of title I of the Act is amended by inserting after section 114 the following new section:

"SERVICE-LEARNING LITERACY PROGRAMS

"SEC. 115. (a)(1) The Director is authorized to make grants to, and enter into contracts with public agencies and organizations, and private nonprofit organizations, to enable students in secondary schools, sec-

ondary vocational schools, and postsecondary schools to serve as volunteers in projects that address problems of illiteracy and functional illiteracy.

"(2) The Director shall give priority to programs and projects that use an approach to the problems of illiteracy and functional illiteracy that involve a partnership between educational institutions, community-based organizations and public agencies to meet a wide range of the needs of the persons served, and that use and encourage peer tutoring.

"(3) Persons serving as volunteers under this section shall not be deemed to be Federal employees for any purpose, and may be reimbursed for necessary transportation, meals, and other out-of-pocket expenses incident to the provision of service, or to obtaining or providing necessary training.

"(b)(1) Pursuant to the authority and conditions in sections 112 and 113, the Director shall make grants and contracts for, or both, a program of full-time volunteer service to be known as University Year for Literacy. The purpose of the program shall be to establish and support innovative ways to use full-time students enrolled in institutions of higher education as volunteers in addressing and solving the broad range of problems facing illiterate and functionally illiterate individuals, and in providing assistance to organizations involved in combating illiteracy and the problems of illiterate individuals.

"(2) In recruiting University Year for Literacy volunteers, priority shall be given to individuals pursuing a course of study that is related to, or likely to lead to, a career in a field related to addressing the problem of illiteracy.

"(c) The Director is authorized to make grants and contracts with qualified individuals, organizations, and public agencies to provide training and technical assistance to increase the effective use of full-time and part-time student volunteers in combatting illiteracy. Such projects may include—

"(1) conferences,

"(2) production of training materials,

"(3) training of managers of student literacy volunteer programs, and

"(4) training in methods of volunteer recruitment, particularly of minority volunteers.".

SEC. 605. TECHNICAL AND FINANCIAL ASSISTANCE FOR IMPROVEMENT OF VOLUNTEER PROGRAMS.

Section 123 of the Act is amended by—

(1) inserting "(a)" after the section designation; and

(2) inserting at the end thereof the following new subsection:

"(b) The Director may provide technical and financial assistance to nonprofit organizations conducting operations in more than one area of a State and in more than one State, that are engaged in, or wish to become involved in, activities that have as a principal purpose the solution of the problems of, and associated with, illiteracy. Such technical and financial assistance may be provided by grant or contract and shall be used to enable such nonprofit organizations—

"(1) to prepare and broadly disseminate training and technical assistance relating to the use of volunteers in literacy programs to agencies, organizations and individuals, and

"(2) to seek new and innovative solutions to literacy problems that involve the more effective and extensive use of volunteers.".

SEC. 606. SPECIAL INITIATIVES.

Section 124 of the Act is amended by—

(1) inserting "(a)" after the section designation; and

(2) inserting at the end thereof the following new subsection:

"(b) The Director is authorized to provide technical assistance, directly or by grant or contract, to employers who have established or wish to establish worksite literacy programs to assist such employers in obtaining, training, and integrating volunteers into worksite literacy programs.".

SEC. 607. LITERACY CHALLENGE GRANTS.

Part C of title I of the Act is amended by adding at the end thereof the following new section:

"LITERACY CHALLENGE GRANTS

"SEC. 125. (a) LITERACY CHALLENGE GRANT.—The Director is authorized to award challenge grants to eligible public agencies and private organizations to pay the Federal share of the costs of establishing, operating or expanding community or employee literacy programs or projects that include the use of full-time or part-time volunteers one method of addressing illiteracy.

"(b) APPLICATION.—Each eligible organization desiring a grant under this section shall submit to the ACTION Agency an application in such form and accompanied by such information as the Director may reasonably require. Each such application shall—

"(1) describe the activities for which assistance is sought,

"(2) contain assurances that the eligible organization will provide from non-Federal sources the non-Federal share of the cost of the program or project,

"(3) provide assurances, satisfactory to the Director, that the literacy project will be operated in cooperation with other public and private agencies and organizations interested in, and qualified to, combat illiteracy in the community where the project is to be conducted, and

"(4) contain such other information and assurances as the Director may reasonably require.

"(c) FEDERAL SHARE.—(1)(A) The Federal share of the cost of a program or project authorized by this section administered by a public agency, a nonprofit organization other than an organization described in paragraph (2), or a private, for-profit organization shall not exceed—

"(i) 80 percent in the first year;

"(ii) 70 percent in the second year;

"(iii) 60 percent in the third year; and

"(iv) 50 percent in the fourth and each succeeding year thereafter.

"(B) The non-Federal share paid by a private, for-profit organization shall be in cash.

"(2) The Federal share of the cost of a program or project administered by a nonprofit community-based organization shall not exceed—

"(A) 90 percent in the first year;

"(B) 80 percent in the second year;

"(C) 70 percent in the third year;

"(D) 60 percent in the fourth year; and

"(E) 50 percent in the fifth and each succeeding year thereafter.

"(3) The non-Federal share provided by a public agency or a nonprofit organization may be provided in cash, or in kind, fairly evaluated, and may include the use of plant, equipment, and services.".

SEC. 608. RETIRED SENIOR VOLUNTEER LITERACY PROGRAM.

Part A of title II of the Act is amended by inserting after section 201 the following new section:

"RETIRED SENIOR VOLUNTEER LITERACY PROGRAM

"SEC. 202. (a) PROGRAM AUTHORIZED.—The Director is authorized to make grants to establish a Retired Senior Volunteer Literacy Program, the purpose of which shall be to enhance the role of senior volunteers in developing, strengthening, supplementing, and expanding efforts to address the problem of illiteracy in the United States.

"(b) JOINT ADMINISTRATION.—Programs authorized by this section may be administered jointly with programs authorized by section 201.

"(c) PRIORITY.—The Director shall give priority in awarding grants under this section to programs which provide services to—

"(1) illiterate individuals who reside in unserved or underserved areas that have high concentrations of illiteracy, and

"(2) individuals with the lowest levels of reading proficiency and educational attainment.".

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

(a) PART A OF TITLE I.—Section 501(a)(2) of the Act is amended by striking "and $5,000,000 for fiscal year 1989." and inserting in lieu thereof $8,000,000 for fiscal year 1990, $11,000,000 for fiscal year 1991, $14,000,000 for fiscal year 1992, $17,000,000 for fiscal year 1993, and $20,000,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995".

(b) PART B OF TITLE I.—Section 501(b) of the Act is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) inserting at the end thereof the following new paragraph:

"(2) In addition to the amount authorized to be appropriated in paragraph (1), there is authorized to be appropriated—

"(A) $2,000,000 in fiscal year 1991, $2,500,000 in each of the fiscal years 1992 and 1993, and $3,000,000 in each of fiscal years 1994 and 1995 to carry out the provisions of section 115(a); and

"(B) $3,000,000 in each of the fiscal years 1991, 1992, 1993, 1994 and 1995 to carry out the provisions of section 115(b).".

(c) PART C OF TITLE I.—Section 501(c) of the Act is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) inserting at the end thereof the following new paragraph:

"(2) In addition to the amounts authorized to be appropriated pursuant to paragraph (1) there is authorized to be appropriated $20,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995 for Literacy Challenge Grants under section 125.".

(d) ADDITIONAL AUTHORIZATIONS.—Section 501 of the Act is amended by adding at the end thereof the following new subsection:

"(f) In addition to the amount authorized to be appropriated in the preceding subsections, there is authorized to be appropriated—

"(1) $1,000,000 in each of the fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out programs under section 115(c);

"(2) $4,000,000 in each of the fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out programs under section 123(b); and

"(3) $1,000,000 in each of the fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out programs under section 124(b).".

SEC. 610. NATIONAL OLDER AMERICANS VOLUNTEER PROGRAMS.

Section 502(a) of the Act is amended by inserting "(1)" after the subsection designa-

tion and by adding at the end thereof the following new paragraph:

"(2) In addition to the amount authorized to be appropriated in paragraph (1), there is authorized to be appropriated $1,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out the Retired Senior Volunteer Literacy Program under section 202.".

SUMMARY OF THE ILLITERACY ELIMINATION ACT OF 1989

The Illiteracy Elimination Act of 1989 is a comprehensive package of literacy initiatives that would coordinate and strengthen efforts at the federal, state, local and private, nonprofit sector levels to combat the extensive problem of illiteracy in the United States.

There are between 23-27 million adult Americans who are functionally illiterate, a number of which is increasing due to disproportionately high drop out rates among minorities in public schools. Yet, current public and private literacy programs serve only about 19% of those who need help.

This comprehensive proposal would give structure and focus to fragmented programs now aimed at increasing literacy by unifying the efforts of existing programs; providing a governmental structure to coordinate programs, disseminate information and develop new programs and methods to reach the estimated 25 million persons presently not being served by existing programs; and by creating incentives for expanding public-private literacy partnerships.

The Illiteracy Elimination Act of 1989 includes six separate titles addressing: literacy coordination, workforce/adult literacy, families for literacy, books for families, students for literacy, and volunteers for literacy.

TITLE I.—THE LITERACY COORDINATION, RESEARCH AND INFORMATION IMPROVEMENT

The purpose of this Title is to create a federal structure to coordinate national literacy research, programs, education and other activities. Its major provisions include the following:

Establishes a federal Cabinet Council for Literacy Coordination consisting of the major federal departments operating literacy programs, which would devise, coordinate and monitor existing and new government-wide literacy initiatives; disseminate information on existing programs across various agencies; and develop, implement, and coordinate model literacy programs at the federal level for the effective education of illiterate adults and children. The Council would issue a biennial status report to Congress with recommendations for legislation required to improve and expand federal literacy programs.

Establishes an Office on Literacy within the Department of Education to coordinate the Department's literacy programs and work with the Cabinet Council for Literacy Coordination to coordinate the related activities and programs of other federal departments and agencies.

Authorizes a National Center for Literacy, which will conduct basic and applied research on literacy, focus on developing instructional techniques and technology, serve as a clearinghouse for information on literacy programs, provide policy analysis and program evaluation, and conduct a model demonstration program on methods of training and placing persons who have not completed secondary school. The National Center will be a nonprofit entity assisted by a national advisory panel appointed by the Secretary of Education, in consultation with the Cabinet Council. The advisory panel will include members from state and local government, education, labor, business, as well as national literacy organizations, voluntary organizations, service providers and community-based organizations. The Director of the National Center will report annually to Congress and the Cabinet Council regarding the achievement of national literacy goals. For FY 91, $10 million is authorized for the National Center and such sums thereafter through FY 95.

Creates a State Literacy Resource Centers Program to link state-based service providers and the National Center for Literacy for the purpose of disseminating research and other information generated by the National Center; assisting in the improvement of existing programs and the development of innovative literacy programs at the state level. For FY 91, $15 million is authorized for the State Literacy Resource Centers and such sums as necessary thereafter through FY 95. The federal share may not be more than 75% in the first year, 50% in the second year, 25% in the third year and 0% in the fourth year.

TITLE II.—WORKFORCE LITERACY

The purpose of this Title is to assist the States in improving educational opportunities for adults who lack the level of literacy skills requisite for productive employment, to expand and improve the current system for delivering and accessing adult education services, and to encourage the expansion of adult education teacher training programs. The major provisions of this Title include the following:

Increases the authorization for the Adult Education Act (AEA) by an additional $100 million over the previous year's authorization beginning in FY 91 through FY 95, or until a majority of the illiterate population is being served. Includes a 15% set-aside of new funds to the states for training teachers and administrators, with particular emphasis on training minority teachers and training teachers to recognize and effectively serve those with learning disabilities. Increases the 20% limitation on funds that may be used for high school equivalency programs to 25%. Requires each state to assure direct and equitable access to federal funds for local public agencies, non-profit, private community-based and voluntary organizations which serve educationally disadvantaged adults. Requires each state to assure that funding is allocated for the population designated as the neediest and to the needs of persons unemployed due to low basic skills.

Changes the workplace literacy program authorization to $50 million in FY 90 and in FY 91, and such sums thereafter through FY 95.

TITLE III.—FAMILIES FOR LITERACY

The purpose of this Title is to break the intergenerational cycle of illiteracy by improving the parenting and basic skills of adults in order to foster learning among their children; to foster family-oriented approaches to reducing illiteracy, and to address illiteracy through the social environment in which children are born and raised. The major provisions of this Title include:

Authorizes the Even Start Program at $50 million in FY 90 and in FY 91, and such sums thereafter through FY 95. Even Start funds joint learning projects, particularly targeting functionally illiterate parents and their children to enhance the literacy building capacities of these parents and their children.

Establishes a "Families for Literacy" demonstration program to target services at an earlier stage than provided under Even Start. The demonstration grants would support services to newborns and their parents to monitor and improve a child's early developmental progress. Fund would be used to provide: literacy and parenting education for adults, prereading and other developmental skills for children aged 3 and under, structured time for parents to use newly acquired skills with their children, and referral services for families, including referrals to drug rehabilitation and counseling. Authorizes $10 million for FY 91 and such sums thereafter through FY 95.

Authorizes $2 million in FY 91 for the Secretary of Education to contract with the Corporation for Public Broadcasting to produce and disseminate a program for parents to improve early childhood education, language development and literacy.

TITLE IV.—BOOKS FOR FAMILIES

This Title would give priority to expanding parent access to books and to stimulating library literacy programs under the Library Services and Construction Act. The major provisions of this Title include:

Authorizes $10 million (an additional $5 million above the current authorization level) in FY 90, increasing by $1 million each year through $15 million in FY 95 for the Library Literacy Program.

Creates a Model Library Literacy Demonstraton Program to establish model library literacy centers at state and local public libraries, with resources and facilities to assist those in need of literacy training and access to reading materials. Authorizes $2 million in FY 91 and such sums thereafter through FY 95.

Authorizes the Secretary of Education to award funds to Reading Is Fundamental (RIF) to distribute inexpensive books to economically disadvantaged children and to increase parent access to books by reaching parents most disconnected from the education community (by making books available in welfare offices, health clinics, and WIC offices). Authorizes $2 million for this contract in FY 91, and such sums as necessary thereafter through FY 95.

TITLE V.—STUDENTS FOR LITERACY

The purpose of this Title is to promote the development, location and placement of community service jobs for students in the area of literacy tutoring, outreach and training under the College Work Study Program (CWS), which supports the part-time employment of students who are enrolled as undergraduate, graduate or professional students and who are in need of earnings from employment to pursue courses of study at eligible institutions. The major provisions of this Title include:

Increases incentives through the CWS for college and universities to locate, develop and place students in literacy training and other literacy related community service jobs. Provides 100% federal funding for compensation paid to students working in literacy projects through the CWS.

Authorizes funding of $656 million for the entire College Work Study Program in FY 91 and an additional $20 million each year through FY 95.

Authorizes the Student Literacy Corps at $10 million for FY 90 and an additional $1 million each year through FY 95.

TITLE VI.—VOLUNTEERS FOR LITERACY

The purpose of this Title is to develop, strengthen, supplement and expand the ca-

pacity of both public and private agencies and organizations to combat illiteracy through the use of volunteers.

VISTA Literacy Corps

Reauthorizes this capacity building program and increases its funding from the FY 89 authorization level of $5 million to $8 million for FY 90, $11 million for FY 91, $14 million for FY 92, $17 million for FY 93 and $20 million for FY 94, and such sums as may be necessary for FY 95.

Service Learning/Part-time Student Volunteers

Authorizes grants and contracts to partnership programs of public agencies or private nonprofit organizations and educational institutions to expand the use of secondary and postsecondary students as literacy volunteers, particularly in peer tutoring situations. Students may be reimbursed for necessary transportation, meals and other out-of-pocket expenses. Authorizes $2 million in FY 91, $2.5 million in FY 92 and in FY 93, and $3 million in FY 94 and FY 95.

University Year for Literacy

Authorizes grants or contracts to programs of full-time volunteer service by postsecondary students, particularly those pursuing a course of study likely to lead to a career in a field related to literacy, using the authority under the Domestic Volunteer Service Act for the University Year for ACTION. Students would receive academic credit and a living allowance similar to the allowance received by VISTA volunteers. Students would be required to serve no less than a full academic year. Authorizes $3 million in each of the fiscal years 1991 through 1995.

Literacy Challenge Grants

Authorizes matching grants to public/private partnerships to establish or expand literacy programs that use volunteers as a method of addressing illiteracy. Grantees may be public or private nonprofit agencies, nonprofit community-based organizations or private for-profit organizations, but must operate the project in cooperation with other public and private agencies qualified to combat illiteracy in their community.

Matching requirements are 20% local, 80% federal in the first year, with the federal match declining to 50% in the fourth year, for all recipients except nonprofit community-based organizations. for community-based nonprofits, the match is 10% local, 90% federal, with the match declining to 50% in the fifth year. Grantees who are private, for-profit organizations must provide the match in cash; all other grantees may meet the match requirements through "in kind" contributions. Authorizes $20 million in each of the fiscal years 1991 through 1995.

Retired Senior Volunteer Literacy Program

Authorizes $1 million in each of the fiscal years 1991 through 1995 to enhance the role of RSVP volunteers in combating illiteracy. Priority is given to providing service to illiterate individuals in unserved or underserved areas and with the lowest levels of education attainment.

Technical Assistance and Training

Improvement of student volunteer programs: To increase the effective use of full and part-time student volunteers, authorizes grants and contracts for projects that may include conferences, production of training materials, training of managers of student programs and training in methods of recruitment, particularly of minority volunteers.

Improvement of community-based and other programs that use volunteers: To provide for the preparation and dissemination of training and technical assistance, and in the development of new and innnovative solutions to literacy problems that involve the effective use of volunteers, authorizes technical and financial assistance to nonprofit organizations providing literacy services in more than one area of a state or in more than one state.

Improvement of worksite literacy volunteer programs: To provide assistance to employers who have established or wish to establish worksite literacy programs, authorizes the provision of technical assistance directly or through grants or contracts to assist them in obtaining, training, and integrating volunteers into their programs.

Authorizes a total of $6 million in each of the fiscal years 1991 through 1995.

SECTION-BY-SECTION ANALYSIS OF THE COMPREHENSIVE ILLITERACY ELIMINATION ACT OF 1989

TITLE I—LITERACY COORDINATION

Section 101—Short Title: Literacy Coordination, Research, and Dissemination Act of 1989.

Section 102—Cabinet Council for Literacy Coordination—

(a), (b) Authorizes a Cabinet Council for Literacy Coordination, consisting of the Secretary of Education who shall serve as Chairman, the Director of the ACTION Agency, the Secretary of Health and Human Services, the Secretary of Labor, the Attorney General of the United States, the Director of the Office of Personnel Management, and other officers of the Federal Government as may be designated by the President or the Chairman.

(c) Establishes number of members needed for a quorum of the Council.

(d), (e) The Council shall meet at least 4 times a year to: devise, coordinate and monitor existing and new government initiatives; disseminate information on existing literacy programs; develop models for effective literacy education; set specific and measurable goals for the Federal literacy effort; track progress on meeting these goals and objectives; issue a biennial progress report to Congress and the President with recommendations for legislation; develop model systems for implementing and coordinating Federal literacy programs which can be replicated at the State and local level; and review and make proposals for uniformity among reporting requirements, standards for outcomes, performance measures, and program effectiveness in various Federal programs.

(f) Each department participating in the Council shall contribute a total of $100,000 in salaries, expenses and personnel support to the administrative expenses of the Council. The ACTION Agency and each agency participating in the Council shall contribute at least $20,000.

Section 102—Office on Literacy—

(a), (b) Amends Sections 202 and 206 of the Department of Education Organization Act by establishing an Office on Literacy within the Department of Education to coordinate the administration of literacy programs within the Department of Education. These literacy programs would include those pursuant to chapter 1 of title I of the Elementary and Secondary Education Act, the Bilingual Education Act, the Library Services Construction Act, the Work-Study Programs in part C of title IV of the Higher Education Act of 1965, the Student Literacy Corps in part D of title I of the Higher Education Act of 1965, the Fund for the Improvement of Post Secondary Education, the Adult Education Act, the Even Start Programs Operated By Local Educational Agencies pursuant of part B of title I of the Elementary and Secondary Education Act of 1965 and the Stewart B. McKinney Homeless Assistance Act. Provides that the Director of the Office on Literacy shall work with the Cabinet Council.

Section 103—National Center for Literacy—

(c) Authorizes the Secretary of the Department of Education to make a competitive, renewable grant to establish and operate a nonprofit National Center for Literacy. Such a grant shall be for a period not to exceed 5 years. The Center would consist of a Director of the Center, experts in the literacy field, directors and supervisors for each of the major functions of the Center, and professional and support staff. The Secretary of Education shall consult with the Cabinet Council to select a panel composed of individuals who are not Federal employees and who are national experts in adult and child literacy to assist in the selection of such grant recipients. The Center shall have the ability to enter into contracts, joint ventures, and form cooperative relationships with State and local agencies, educational entities, business and labor organizations, and services providers. The Center may accept, but not solicit, private contributions, foundation grants, and other grants to support the research and dissemination activities of the center.

(d) Requires each organization desiring the National Center grant to submit an application.

(e) Funds provided to the Center may be used to: conduct basic research; provide technical assistance; act as a clearinghouse on literacy program information, teaching and assessment methods, and evaluation tools; conduct policy analysis and program evaluation activities; and conduct a model demonstration program in consultation with the state educational agencies to demonstrate innovative approaches to remediation, training, retraining and placement of persons who have not completed secondary school or the equivalent.

(f) The Secretary of Education, in consultation with the Cabinet Council, shall establish an advisory committee to advise the Secretary and Director of the Office of Literacy regarding policy issues relating to the administration of the Center, and the selection and operation of major research and demonstration projects and activities of the Center. This advisory committee shall meet at least semi-annually, and shall be composed of 15 members of which: 4 shall be from local and State government; 6 shall be from education, labor, and business communities; and 5 shall be from national literacy organizations and volunteer organizations, service providers, and community-based organizations.

(g) The Director of the Center shall report annually to Congress and the Cabinet Council on progress made in achieving literacy goals.

(h) Authorizes $10 million in fiscal year 1991, and such sums as necessary for each fiscal year thereafter through fiscal year 1995. Not more than 5% of these funds authorized in any fiscal year shall be used to conduct the model demonstration program.

Section 104—State Literacy Resource Center—

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(b) Authorizes the Secretary of Education to make grants to pay the Federal share of the costs of establishing and operating State literacy resource centers. Such grants shall be awarded for a period not to exceed 3 years and shall not exceed $500,000. Each State may contract on a competitive basis with a volunteer organization, a community-based organization or other nonprofit entity to operate a state literacy resource center.

(c) Funds provided may be used to (1) develop innovative approaches to literacy program coordination within the State and with the Federal Government; (2) improve access to literacy services in the State through the promotion of technology utilization, provision of technical assistance to service providers, and dissemination of information among literacy service providers; and (3) establish State literacy resources centers to: serve as a link between state-based service providers and the National Center to disseminate information generated by the National Center for Literacy; upgrade the system of diffusion and adoption of state-of the art teaching methods; assist in coordination of the delivery of literacy services by public and private agencies; encourage government and industry partnerships; encourage innovation and experimentation in literacy services; provide technical and policy assistance to State and local governments and to community-based literacy organizations to improve literacy policy and programs; and train literacy instructors in selecting instructional technologies.

(d) Each state shall submit an application to the Secretary of Education describing the activities and services for which assistance is sought, and a statewide plan with measurable goals for the elimination of illiteracy within the state that includes implementation strategies for maximum participation of community-based organizations, volunteer organizations and other nongovernmental entities.

(e) The Federal share of payments for these State literacy resouce grants may not exceed 75 percent in the first year in which the State receives funds, 50 percent in the second year, 25 percent in the third year.

(f) Provides that the non-Federal share of payments under this section may be in cash or inkind.

(g) Authorizes $15 million for State literacy resource grants in fiscal year 1991, and such sums as may be necessary thereafter in each of the fiscal years through fiscal year 1995.

TITLE II—WORKFORCE LITERACY

Section 201—Short Title: Workforce Literacy Act of 1989.

Section 202—Statement of Purpose.

Section 203—Adult Education Amendments—

(a) (1) (2) Amends Section 313(a) of the Adult Education Act by authorizing for fiscal years 1991 through 1995 an amount equal to the authorization for the previous year plus $100 million. Of this additional amount, 15 percent shall be used for training professional teachers, volunteers and administrators, with particular emphasis on training minority teachers, and the training of teachers to identify and more effectively serve that segment of the illiterate population that is learning disabled, and reads below the fifth grade level.

(a)(3) If it is determined by the Secretary of Education in any of the fiscal years that the majority of the illiterate population under this title has been served, the amount authorized to be appropriated for each of the succeeding years listed in paragraph (1) shall be equal to the amount authorized for the fiscal year the determination is made.

(b)(1) Amends Section 322 of the Adult Education Act to require that grants to states to carry out adult education programs shall be carried out by public or private nonprofit organizations only if the local educational agency has been consulted and has had an opportunity to comment on the application of such organization.

(b)(2) Requires the state educational agency receiving financial assistance under the adult education State grant program to assure direct and equitable access to public or private agencies, community-based organizations, and institutions that serve educationally disadvantaged adults.

(b)(3) Requires the state educational agency receiving financial assistance under the adult education State grant to give preference to those applicants who can demonstrate a capability to recruit and serve educationally disadvantaged adults, and those who will serve adults with a reading ability below the fifth grade level.

(b)(4) Increases from 20 percent to 25 percent the limitation on funds that may be used for high school equivalency programs.

(c) Amends Section 331(c) of the Adult Education Act to limit the amount of State grant funds which may be used for State administrative costs to the greater of 5% of the State grant or $50,000, and an additional 1% of the State grant may be reserved for program improvement with approval of the Secretary.

(d) Amends section 342(c) of the Adult Education Act by requiring that the state plan report the amount of administrative funds spent on program improvements, and contain assurances that financial assistance provided is used to assist and expand existing programs and to develop new programs for adults whose lack of basic skills renders them unemployable, keeps them from being independent, and severely reduces their ability to positively impact the literacy of their children.

(e)(1) Amends Section 371 on Workplace Literacy in Adult Education Act to require that the Secretary of Education consult with the Secretary of Labor in making demonstration grants for workplace literacy.

(e)(2) Amends Section 371(a)(4) to require that applications for these demonstration grants contain assurance that no less than 10% of funds received under this section shall be used for research, teacher training, training regarding the identification and teaching of learning disabled individuals, and technical assistance.

(e)(3) Authorizes $50 million for workplace literacy programs in each of fiscal years 1990 and 1991, and such sums are necessary thereafter for each of the fiscal years through fiscal year 1995.

Section 204—GAO Study—Requires the General Accounting Office to update the 1975 study entitled "The Adult Basic Education Program: Progress in Reducing Illiteracy and Improvement Needed", within 18 months of enactment of this Act.

TITLE III—FAMILIES FOR LITERACY

Section 301—Short Title: Families for Literacy Act of 1989.

Section 302—State of Purpose.

Section 303—Even Start—Amends Section 1059 of the Elementary and Secondary Education Act to authorize the Even Start Program at $50 million in each of fiscal years 1990 and 1991, and such sums as may be necessary thereafter in each of the fiscal years through fiscal year 1995.

Section 304—Families for Literacy Program—

(b)(1) Authorizes the Secretary of Education to award 10 demonstration grants to nonprofit entities, or consortia of businesses, nonprofit entities and local educational agencies to pay 80 percent of the cost of establishing intergenerational learning programs and services for children aged 3 and under and their parents, in order to improve the early developmental progress of the children, especially in literacy developmental skills.

(b)(2) Priority shall be given to applicants whose programs serve hard-to-serve populations, including parents who are teenaged, illiterate, economically disadvantaged, unemployed, or non-English speaking.

(c) Requires each consortia, nonprofit entity, or local educational agency desiring a Families for Literacy Grant to submit an application.

(d)(1) Staff teams of early childhood educators would be employed as literacy educators or parent educators to provide: literacy education and parenting education for adults, prereading and other developmental skills for children aged 3 and under, and referral services for families, including referrals to drug rehabilitation and counseling.

(d)(2) Staff teams shall be selected on the basis of experience in working with children and families, a bachelor's degree in child development, experience in social work, child care pediatrics, family counseling, and experience in literacy training.

(e)(1) Establishes community advisory councils to provide outreach, court notification, referral services, public relations and recruiting drives.

(e)(2) The community advisory council shall be staffed by volunteers, and may refer individuals into and from the Families for Literacy program into such services as WIC, literacy programs, hearing specialists and child abuse services.

(f)(1) The non-Federal share of the costs of these programs may be paid in cash or inkind fairly evaluated, including equipment or services.

(f)(2) Each consortia or nonprofit entity receiving a grant may also use funds received under Chapter 2 of the Elementary and Secondary School Improvement Amendments of 1988 as a portion of its matching funds under this program.

(h) Authorizes the Secretary of Education to enter into a contract with the Corporation for Public Broadcasting to produce and disseminate a family literacy program which would assist parents in improving their knowledge and skills regarding early childhood education, language development and literacy.

(i)(1) Families for Literacy is authorized at $10 million for fiscal year 1991 and such sums as may be necessary thereafter through fiscal year 1995.

(i)(2) The Corporation for Public Broadcasting contract is authorized separately at $2 million in fiscal year 1991.

TITLE IV—BOOKS FOR FAMILIES

Section 401—Short Title: Books for Families Literacy Act of 1989.

Section 402—Statement of Purpose.

Section 403—Inexpensive Book Distribution Program—

(a) Amends Section 1653(b) of the Elementary and Secondary Education Act to require the contractor to give priority to new programs and projects funded beginning in fiscal year 1990 which target rural and urban areas with large concentrations

of economically disadvantaged children and students.

(b) Requires a report to the Department of Education as part of the contract the number and description of the individuals being served through this contract within 2 years of the date of this contract.

Section 404—Library Literacy Programs—

(a) Amends Section 4(a) of the Library Services and Construction Act to authorize $10 million for the Library Literacy Program in fiscal year 1990, increasing by $1 million each fiscal year through $15 million in fiscal year 1995.

Authorizes $2 million for the Model Literacy Centers in fiscal year 1991 and such sums as may be necessary thereafter through fiscal year 1995.

Authorizes $2 million in fiscal year 1991 for the Reading is Fundamental program through the Library Services and Construction Act, and such sums as necessary thereafter through fiscal year 1995.

Amends Section 601(c)(2) of the Library Services Construction Act to allow use of funds for acquisition of books, tapes, and computer software.

Section 405—State and Local Public Library Grants—Inserts two new programs after Section 601 in title IV of the Library Services Construction Act.

Section 602—Model Library Literacy Centers—

(a), (b)(1) Authorizes the Secretary of Education to carry out a grant program to State and local public libraries for the purpose of establishing exemplary model programs.

(b)(2) These grants may not exceed $200,000 in any fiscal year.

(b)(3) Each library receiving a grant may receive only one grant per fiscal year, for a maximum of five years.

(b)(4) The Secretary may reserve 2 percent of the funds for program administration for these grants.

(b)(5) The Secretary shall select an expert in library literacy activities to administer the grant program set forth in this section.

(c) Each application for these grants shall: describe the activities for which assistance is sought; describe an innovative approach to public literacy activities; substantiate the program's potential benefit to the library profession and its national significance; provide a detailed description of how the grant will impact the community; set forth special evidence for the need for such a grant; describe how the results of the demonstration grant will be evaluated and disseminated; indicate the potential for replicability; and provide evidence that the grant was developed in consultation with the State library agency and with leading experts in adult literacy, and taking into account literacy research.

(d) The Secretary shall establish a peer review panel of technical experts and consultants to assist the Secretary in establishing criteria for awarding grants and approving applications.

Section 603—Inexpensive Book Distribution Program—

(a) The Secretary of Education is authorized through the Library Services and Construction Act to contract with Reading is Fundamental, to support and promote the establishment of reading motivation programs which include the distribution of inexpensive books. Such contract shall give priority to programs and projects which target rural and urban areas with large concentrations of economically disadvantaged children and students.

(b) The funds may be used to increase access to children's books for parents of children aged 5 and under and develop motivational materials to reach parents most disconnected from the education community by making children's books available in welfare offices, health facilities, WIC offices, public housing, homeless shelters, and migrant labor facilities.

TITLE V—STUDENTS FOR LITERACY

Section 501—Short Title: Students for Literacy Act of 1989.

Section 502—Statement of Purpose.

Section 503—Student Literacy Corps—Amends Section 146 of the Higher Education Act of 1965 to authorize $10 million for Student Literacy Corps in fiscal year 1990 increasing by $1 million each fiscal year to $15 million in fiscal year 1995.

Section 504—Work-Study Programs—

(a) Amends Section 441(b) of the Higher Education Act of 1965 to authorize $656 million for College Work-Study (CWS) program in fiscal year 1991 increasing by $20 million each fiscal year to $736 million in fiscal year 1995.

(b)(1) Amends Section 443(b) of the Higher Education Act to exempt literacy training programs from the 10 percent cap on CWS funds that may be used for work-study programs for which the Federal share equals or exceeds 90 percent.

(b)(2) Provides that the Federal share of the compensation of students employed in literacy work-study training programs shall be 100 percent.

(c) Amends Section 446(a) of the Higher Education Act to exempt CWS funds used for the creation and placement of literacy jobs for students from the 10 percent cap on CWS funds that may be used for the location and development of community services jobs for students.

TITLE VI—VOLUNTEERS FOR LITERACY

Section 601—Short Title: Volunteers for Literacy Act of 1989.

Section 602—Statement of Purpose.

Section 603—VISTA Literacy Corps—Amends Section 109(g)(1) of the Domestic Volunteer Service Act of 1973 to provide that funds made available under Section 501(a)(2) for the VISTA Literacy Corps shall supplement and not supplant the VISTA illiteracy services provided in 1989 through part A of title I of the Act, except in any fiscal year in which funds for Section 501(a)(2) exceed $7 million.

Section 604—Service-Learning Literacy Programs—Inserts a new Section 115 into part B of title I of the Domestic Volunteer Service Act of 1973 that:

(a)(1) Authorizes the Director of the ACTION agency to make grants to and enter into contracts with public agencies and organizations, and private nonprofit organizations, to enable students in secondary schools, secondary vocational schools, and postsecondary schools to serve as volunteers in projects that address problems of illiteracy and functional illiteracy.

(a)(2) Provides that the Director shall give priority to programs and projects that involve a partnership between educational institutions and community-based organizations and public agencies. Priority shall also be given to programs and projects that use and encourage peer tutoring.

(a)(3) Provides that persons serving as volunteers are not considered Federal employees, and may be reimbursed for necessary transportation, meals, and other out-of-pocket expenses.

(b)(1) Authorizes the Director to make grants and contracts for a program of full-time volunteer service to be known as University Year for Literacy. The purpose is to establish and support innovative ways to use full-time students enrolled in institutions of higher education as volunteers in addressing and solving the broad range of problems facing illiterate and functionally illiterate individuals, and in providing assistance to organizations involved in combating illiteracy. Volunteers in this program are to serve under the same conditions as described in the authority for the University Year for ACTION program.

(b)(2) Provides that priority in recruitment of University Year for Literacy volunteers shall be given to individuals pursuing a course of study related to, or likely to lead to, a career in a field related to addressing the problem of illiteracy.

(c) Authorizes the Director to make grants and contracts with qualified individuals, organizations and public agencies to provide training and technical assistance to increase the effective use of full and part time student volunteers in combating illiteracy. Such projects may include conferences, production of training materials, training of managers of student literacy voluteer programs, and training in methods of volunteer recruitment, particularly of minority volunteers.

Section 605—Technical and Financial Assistance for Improvement of Volunteer Programs—Amends Section 123 of the Domestic Volunteer Service Act to authorize the Director to provide technical and financial assistance to nonprofit organizations conducting operations in more than one State and in more than one area of a State that are engaged in, or wish to become involved in, activities that have as a principal purpose the solution of the problems associated with illiteracy. Such assistance shall be used to enable such organizations to prepare and broadly disseminate training and technical assistance relating to the use of volunteers in literacy programs and to seek new and innovative solutions to literary problems that involve the more effective and extensive use of volunteers.

Section 606—Special Initiatives—Amends Section 124 of the Domestic Volunteer Service Act to authorize the Director to provide technical assistance directly, or by grant or contract, to employers who have established or wish to establish worksite literacy programs to assist such employers in obtaining, training and integrating volunteers into worksite literacy programs.

Section 607—Literacy Challenge Grants—Inserts a new Section 125 into part C of title I of the Domestic Volunteer Service Act:

(a) Creates a Literacy Challenge Grant Program authorizing the Director to award challenge grants to eligible public agencies and private organizations to pay the Federal share of the costs of establishing, operating or expanding community or employee literacy programs or projects that include the use of full-time or part-time volunteers as a method of addressing illiteracy.

(b) Each eligible organization shall submit to the ACTION agency an application to the Director describing the activities for which assistance is sought and containing assurances that the eligible organization will provide from non-Federal sources the non-Federal share of the cost of the program or project. Eligible organizations shall also provide assurances that the literacy project will be operated in cooperation with other public and private agencies and organizations interested in and qualified to combat illiteracy in the community.

(c)(1) The Federal share of the cost of the program shall not exceed 80 percent the first year, 70 percent the second year, 60 percent the third year, and 50 percent in the fourth and each succeeding year thereafter. The non-federal share paid by a private, for-profit organization shall be in cash.

(c)(2) The Federal share of the cost of the program administered by a nonprofit community-based organization is no more than 90 percent in the first year, and declines by 10 percent a year until it reaches 50 percent in the fifth and any succeeding year.

(c)(3) The non-Federal share provided by a public agency or a nonprofit organization may be provided in cash or in kind, fairly evaluated and may include the use of equipment, plant and services.

Section 608—Retired Senior Volunteer Literacy Program—Inserts a new Section 202 of title II of the Domestic Volunteer Service Act.

(a) Establishes a Retired Senior Volunteer Literacy Program authorizing the Director to make grants to establish a Retired Senior Volunteer Literacy Program to enhance the role of senior volunteers in developing, strengthening, supplementing and expanding efforts to address illiteracy.

(b) Programs authorized by this section may be administered jointly with programs authorized by Section 201, the Retired Senior Volunteer Program.

(c) Priority will be given to programs providing services to illiterate individuals who reside in unserved or underserved areas that have high concentrations of illiteracy, and individuals with the lowest levels of reading proficiency and educational attainment.

Section 609—Authorization of Appropriations—

(a) Part A of title I—Amends Section 501(a)(2) of the Domestic Volunteer Service Act to authorize $8 million for the VISTA Literacy Corps in fiscal year 1990, and an increase of $3 million each year to $20 million in fiscal year 1994, and such sums as may be necessary in fiscal year 1995.

(b) Part B of title I—Amends Section 501(b) of the Domestic Volunteer Service Act to authorize $2 million in fiscal year 1991, $2.5 million in each of fiscal years 1992 and 1993, and $3 million in each of fiscal years 1994 and 1995 for service-learning literacy programs.

Authorizes $3 million in each of fiscal years 1991, and 1992, and 1993, 1994, 1995 for the University Year for Literacy.

(c) Part C of title I—Amends Section 501(c) to authorize $20 million in each of fiscal years 1991, 1992, 1993, 1994, and 1995 for the Literacy Challenge Grants.

(d) Amends Section 501(f) of the Domestic Volunteer Service Act to authorize $1 million in each of fiscal years 1991 through 1995 for training and technical assistance to increase the effectiveness of full and part-time student illiteracy volunteers.

Authorizes $4 million in each of the fiscal years 1991 through 1995 for technical and financial assistance to enable nonprofit organizations to develop new and innovative ways to use volunteers in solving the problems of illiteracy and to prepare and disseminate training and technical assistance information.

Authorizes $1 million in each of the fiscal years 1991 through 1995 for enhancing the use of volunteers in worksite literacy programs.

Section 610—National Older Americans Volunteer Programs—Amends Section 502(a) of the Act to authorizing $1 million in each of fiscal years 1991 through 1995 to carry out the Retired Senior Volunteer Literacy Program.

Mr. MITCHELL. Mr. President, I am pleased to join my colleague from Illinois, Senator SIMON, in introducing the Illiteracy Elimination Act of 1989.

Making an effort to reduce illiteracy at all age levels was a key item on the Democratic agenda issued in March.

PAUL SIMON has been at the forefront of this issue for years. He is a congressional leader in addressing education generally, and addressing illiteracy in particular. In fact, Senator SIMON held the first hearing in Congress addressing the modern day problems of illiteracy.

His efforts in drafting this legislation and in continually focussing Congress' attention on the need for a greater literate America have been tireless. I commend and respect his initiative on this issue.

There are between 23 million and 27 million adults who are functionally illiterate today. Some estimates are even higher.

While experts may disagree on the exact number, there is no disagreement that we must reduce the number of functionally illiterate individuals if we are to maintain our productivity and growth as a nation.

A number of reports have been issued, which point to a common problem at the end of this century. Those reports all predict that we will find an increasing mismatch between job skill requirements and the available pool of workers by the year 2000.

One such report, the Hudson Institute's "Workforce 2000", found that the majority of new jobs will require some postsecondary education. People with less than a high school diploma will be able to fill only 14 percent of all jobs, as opposed to 40 percent today. And, the jobs that are in the middle of the skill distribution today will be the least skilled occupations of the future.

At the same time, the report found that the decline in population growth will result in an older work force. And, 80 percent of new entrants into the work force will be women, minorities, and immigrants—traditionally less skilled and undereducated groups.

We find that a number of American jobs have been shifted overseas to be replaced by lower wage workers. We need to stop dead in its tracks, the possibility that jobs might be transferred overseas in the future to be replaced by better educated workers.

It is time Congress seriously considers how as a nation we will be prepared to face the next century. We have begun an era of technological sophistication that will require a well educated work force.

The Hudson Report estimates that by the year 2000, most jobs will require a high school degree. Yet, in April, the Department of Health and Human Services proposed in regulations that basic literacy meant an eighth grade education. If eighth grade is to be today's floor of basic literacy, and 12th grade is to be the floor 11 years from now, we have much to accomplish before the end of the century.

Being functionally illiterate is much broader than the stereotype of someone who cannot read or write. Being functionally illiterate means having low basic skills in reading and writing and comprehension. Someone who has problems reading a job notice, the newspaper, road maps, or instructions on medication.

Contrary to myths, illiteracy is not confined to welfare recipients and low-income families in search of work. A large number of individuals currently in the work force do not have basic literacy skills.

According to companies participating in the Center for Public Resources Survey of Basic Skills, 30 percent reported secretaries having difficulty reading at the level required by their job. Fifty percent reported managers and supervisors unable to write paragraphs free of grammatical errors. And, 50 percent of the companies reported that skilled and semiskilled employees, including bookkeepers, were unable to use decimals and fractions in math problems.

As jobs evolve during the next two decades, people may find themselves out of work. It is no secret that we are moving from a manufacturing economy to a service economy. It only follows that we will rely more on brain, than muscle.

Within that context, it is never too late to learn.

The legislation we are introducing today addresses literacy program coordination, work force literacy, access to books and library programs, volunteer assistance—including peer tutoring, and intergenerational literacy—to break the cycle of illiteracy among families by helping parents and disadvantaged children.

The legislation complements State efforts. It provides an increase in current successful programs such as adult education and the Library Literacy Program. And, establishes a Federal Cabinet Council for Literacy Coordination, which would coordinate and monitor existing programs as well as develop, implement, and coordinate model literacy programs.

For my own State of Maine, estimates indicate that one out of every five people is functionally illiterate. This means that a good portion of the State could be shutout as we move further into the technological age.

The legislation we are introducing today is the key to keep the door open. We have far too much at stake to close the door on so many.

I am hopeful the bill will soon be approved.

Mr. KENNEDY. Mr. President, I commend Senator SIMON for taking the lead in introducing this comprehensive attack on the serious problem of illiteracy in America, and I am proud to be a sponsor of this important initiative.

In May, the Senate Labor and Human Resources Committee heard dramatic testimony from the M.I.T. Commission about our alarming lack of competitiveness in world markets. One of their strongest recommendations was to invest more in education. Today, we lack the educated work force we need to compete, and the growing problem of illiteracy is a major cause of the problem.

According to one estimate, 27 million adults—one out of every six people above age 18—cannot read the poison warning on a can of pesticide, a letter from their child's teacher, the headlines of a daily newspaper, or the first amendment of the Constitution.

We have recently concluded our celebration of the bicentennial of the Constitution, and we have been reminded in the clearest of terms that our democracy cannot function with an illiterate population. Citizens must be able to participate in the democratic process. And to do so, they must be knowledgeable about the world around them, understand how to vote for the people that represent them, and communicate their ideas and needs.

The literacy volunteers of America estimate that $237 billion a year in earnings are lost by those who lack basic learning skills. The American Library Association tells us that functionally illiterate adults cost $224 billion annually in welfare payments, crime, poor job performance, and remedial education. These economic costs are real, and they underscore the need to find ways to address this challenge.

We have begun to seek realistic and innovative answers. A program enacted last year is providing $5 million to colleges and universities across the country to establish a literacy corps. Students receive academic credit for tutoring in schools, adult educational programs, homeless shelters, and other community agencies where education programs are in place. The Federal funds will generate 2 million hours of tutoring, which is worth $40 million—an eightfold return on our $5 million Federal investment. We also authorized an important new program in worksite literacy, which is now getting off the ground. Both of these programs are expanded in this bill.

But the Federal Government isn't doing enough. Although we spend about $187 million a year fighting illiteracy today, that amount serves only a small fraction of those who should have assistance. We need a comprehensive approach to attack this blight on our society. We need coordination to make programs more efficient, and we need to highlight and expand programs that work, and make them more widely available.

The bill we are introducing today can make a significant difference in the battle against illiteracy. It provides real coordination among programs offered at the Federal level. It ensures that as our understanding of the problem improves, new techniques will be made available as soon as possible. And it builds on good programs which have been underfunded in the past.

It is a national scandal that a country as wealthy and as advanced as the United States still has 27 million adult Americans who cannot read. For years, we have tried to declare war on illiteracy. We are all aware that too little has happened, and that too little progress has been made. I hope that this legislation marks a new commitment in Congress to address this issue on a more urgent basis, and I intend to give it high priority in the Senate Labor Committee.

Mr. SHELBY. Mr. President, I am proud to join my good friend PAUL SIMON today as an original cosponsor of the Illteracy Elimination Act of 1989. The ability to read is taken for granted in this society—it is assumed—it is expected. And yet there are between 23 and 27 million adult Americans who are functionally illiterate. The stigma that is attached to the inability to read prevents many adults from seeking the help they need.

In my home State of Alabama, more than 200,000 adults are functionally illiterate. We have recently become very concerned about literacy in America because we realize that we cannot maintain our standard of living unless we increase substantially the skills of our work force. There is an ever present threat of losing our competitive edge with foreign countries. The question becomes, "how can we remain competitive if our education system is not turning out a work force that can perform effectively within this highly advanced, technologically oriented world?"

By the year 2000, an estimated 5 to 15 million manufacturing jobs will require more training and skills. Each year, 1.5 million workers are permanently displaced and will require assistance to reenter the work force. Twenty to forty percent of the dislocated workers are functionally illiterate.

Efforts to help all Americans achieve literacy have been in existence for years. This legislation will bring the guidance, coordination, and strength that will help unite nationwide literacy programs. By combining efforts at the Federal, State, and local level as well as in the private sector we will be providing a focus for a national initiative.

The tragedy of illiteracy is that it denies individuals dignity, ability, and hope. It prevents capable, hardworking, determined Americans from realizing their potential. It is my hope that this legislation will provide the impetus for the resolution and prevention of this problem. Illiteracy is not insurmountable—and it is my belief that the Illiteracy Elimination Act of 1989 will be the means by which all Americans will one day read.

Mr. REID. Mr. President, I'm pleased to join today with my colleagues in sponsoring the Illiteracy Elimination Act of 1989.

Help is on the way for the 67,000 adults in Nevada and the 23 to 27 million adults throughout the country who cannot read or write.

The problem of illiteracy is a national security nightmare and an economic disaster. We need soldiers who can read manuals and employees who can read and write on the job. We won't stay the leader of the free world if our people cannot read—much less understand—the Declaration of Independence or the Constitution of the United States.

Earlier this year, my wife, Landra, testified at a hearing on the Illiteracy Elimination Act. Landra developed the Nevada State literacy intitiative. At the hearing, she testified immediately after a 45-year-old woman from Illinois who had enrolled in an adult literacy program and was just learning the fundamentals of reading and writing.

This woman recounted the frustration of hiding her illiteracy from her family and friends. She revealed the vast opportunities and joy she now feels as a result of her newly learned skills. This is a success story to warm everyone's heart. It is also encouragement to our country that there are millions of citizens who want to lead productive lives. The legislation introduced today is fresh cause for optimism.

The Illiteracy Elimination Act will expand existing literacy programs with a proven track record. It will provide new focus, new funding, and new hope.

The best feature of the Illiteracy Elimination Act is that it will work hand-in-hand with local literacy initiatives. This is not a made-in-Washington solution, it's a partnership. That's the only way we will help the 67,000 Nevadans and millions of Americans who cannot read, write, or look forward to a life of fulfillment.

Education is one of the four E's that will make or break Nevada in the coming years, along with ethics, the environment, and economic development.

The Illiteracy Elimination Act is one of the most ambitious pieces of education legislation to be introduced in this Congress. I am proud to be a part of this solution. The Congress and the President, too, must help the 67,000 adults in Nevada and the 23 to 27 million nationwide who cannot read and write.

Mr. BURDICK. Mr. President, I am pleased to be among the original cosponsors of the Illiteracy Elimination Act of 1989, introduced by Senator SIMON. This bill addresses an urgent situation in our Nation. It has been estimated that between 23 and 27 million adult Americans are functionally illiterate. They are unable to read at the level necessary to complete a job application, to follow most written directions, or even to read their children a bedtime story. Not only is the quality of life affected by illiteracy's pervasive effects; sometimes, being able to read can mean survival itself.

The Illiteracy Elimination Act of 1989 includes six titles focusing on an impressive array of literacy promotion efforts. A quick scan of these titles provides evidence of Senator SIMON's understanding of the complicated nature of our Nation's illiteracy problem and of the need for a multifaceted approach to solving it. The bill provides for the coordination of national literacy research and programs, a work-force literacy program to upgrade job improvement skills, improvement of parental education to break the cycle of multigenerational illiteracy, a demonstration program providing free or inexpensive book distribution at public libraries, a "students for literacy" community services program in which college students would be employed part time to provide free reading instruction, and grants and contracts for ongoing volunteer programs providing literacy instruction.

As North Dakota's senior Senator, I am proud of our educational system. North Dakota's students are well served by it. Yet even North Dakota has an illiteracy problem. The U.S. Department of Education estimates that some 12 percent of North Dakota adults aged 20 years and older are functionally illiterate. This shows that the best intentions and the most dedicated education personnel cannot guarantee 100 percent literacy.

There are many reasons for illiteracy in our Nation. Students drop out of school or are pushed out due to economic or social strife. Overcrowded classrooms and lack of sufficient instructional materials allow some students to fall through the cracks of our educational system. There are those who have physical or mental disabilities which preclude their learning to read in the conventional way. Addiction to alcohol or other drugs robs young minds of their ability to decipher written materials.

Although the problem is large and complex, it is not unsurmountable. The President has declared his desire to be the "Education President," and the First Lady's efforts to promote literacy are well documented in the media. I applaud these demonstrations of concern by President and Mrs. Bush, and I hope that this concern will be translated into support for such worthy legislation as Senator SIMON's Illiteracy Elimination Act.

Mr. KOHL. Mr. President, I rise today to join my colleague from Illinois in the introduction of the Illiteracy Elimination Act of 1989.

For most of his public life Senator SIMON has committed a tremendous amount of personal time and effort to addressing the educational needs of our Nation and to helping to lift up those who have fallen through the cracks. He raised this issue far before it was the inthing to do. I have a great deal of respect for his work in this area and I am honored to be associated with this comprehensive legislation to eradicate illiteracy.

And we have a lot of illiteracy to eradicate.

Just last year, in my own State, a report by the Wisconsin Literacy 2000 Task Force identified 492,720 Wisconsin residents operating at or below the level of functional illiteracy. An additional 412,720 residents were identified as "at-risk" because they just don't have the basic skills required by an "information-age" society. Even worse, the task force estimated that those numbers in Wisconsin will increase by at least 10,000 per year because of the increasing school dropout rate and the number of functionally illiterate immigrants.

Those numbers demonstrate that we have our work cut out for us. But we know how to do that work. In fact we are doing it. We just aren't doing enough of it.

In Wisconsin we have a host of outstanding volunteer groups, community based organizations and a vocational, technical, and adult education community which is fully engaged. They don't have the resources needed, but they have all the spirit anyone could want. And as a result, they are reaching roughly 10 percent of the population that needs help.

Clearly, we aren't reaching enough people. But the help we give to the people we do reach is enough to change their lives. Let me give you some examples.

A Mazomanie man reached out for help because reading was the only thing he had not succeeded at. For years he had worked in a low-income maintenance job, depending on charts and diagrams to hide his inability to read the text of manuals. With the help of the Madison Literacy Council, he learned to read. He has a new job, health insurance for himself and his family, and he is continuing his education with the support of his employer. He is continuing to succeed.

There is the case of a Cambodian refugee who is the mother of two young children. Since settling in Wisconsin in 1986, she has studies in an English as a second language program, become a citizen of the United States and is already preparing for her GED. Her future, as well as that of her two children, is incredibly brighter as a result.

There is the remarkable story of a 79-year-old woman who worked to learn to read because she said, "It is never too late."

After her son was enrolled in Head Start, a young Mount Horeb woman sought 1-to-1 tutoring. All she wants is to be able to read to her child. I believe that simple act will yield all sorts of benefits for that family, and for their community.

In Stevens Points, the Community Action Program is working with 30 families, teaching parents reading and writing strategies that can be used in their own homes, regardless of their reading levels.

The success stories go on. We know how to fix the problem. But we haven't done it.

By all accounts there are at least 23 million adult Americans who are functionally illiterate. It is for those millions of families that this legislation is intended.

It is for thousands of businesses in this Nation who have discovered, to their horror, that many of the job candidates do not have the skills needed to fill out an application form.

It is for the country as a whole and I'll tell you why.

On an economic level, people, who can't read, can't get good jobs. Illiteracy costs the American economy $237 billion a year in the potential earnings of those who lack basic learning skills.

On an international level, people who can't read hurt our ability to compete. And that costs us billions of dollars in lost revenues and interest.

On a political level, people, who can't read, can't fully participate in our democracy. Our system of self-government cannot survive without the educated participation of the American people. In 1989, you must read to be informed. You must be informed to make sound decisions about who should run the government, and what our Nation's priorities should be. Educated and informed citizens are the foundation of a safe democracy. And illiteracy is silently threatening to destroy that foundation.

But even worse, on a human level, people, who can't read, can't fully share with their children the world of ideas and love of language and learning. Here in this Chamber we take the printed word for granted. Papers pile

up on our desks. Books are added to our shelves. We live by the printed word. And it's not just the words of our work; the printed word opens up the world of imagination to us: poets, playwrights, novelists—they tell us things about ourselves and our environment which we might not see without their help. To be denied access to the printed word is to be denied access to the totality of the human condition.

My point, Mr. President, is that reading is an economic act, it is a political act—but primarily it is a human act. It is a parent reading a bedtime story to a child. It is an adult discovering Shakespeare or Hemingway or Faulkner. It is the essence of what we are as human beings—creatures who can manipulate symbols and not just physical objects.

Reading, Mr. President, is a skill which we deny people only at the risk of denying them their full role as human beings.

With this legislation in place, we can make the progress we ought to make as a society—and we can help people make the progress they need to make as human beings. I urge my colleagues to join us in supporting this legislation.

I thank the Chair and yield the floor.

By Mr. ARMSTRONG (for himself, Mr. SYMMS, and Mr. BOSCHWITZ):

S. 1311. A bill to amend the Internal Revenue Code of 1986 to provide a 15-percent maximum rate on capital gains for sales or exchanges after the date of enactment of this act and before 1991, to provide indexing of the bases of capital assets sold or exchanged after 1990, to provide a 20-percent maximum rate on capital gains from small business stock, and for other purposes; to the Committee on Finance.

RELATING TO CAPITAL GAINS AND ASSETS RATES

● Mr. ARMSTRONG. Mr. President, I have come before this body many times to urge consideration of capital gains indexing. I am today introducing a bill that would index capital gains for inflation. Unlike previous indexing bills, however, I have included a provision to help small, growing companies that typically would not benefit very much from indexing because of their unique situation. And I have included a window of opportunity that not only raises the revenues to pay for indexing, but would also go a long way toward a solution to the budget dilemma facing the Congress in the near term.

Why is indexing of capital gains important? When a taxpayer buys and later resells an asset, he calculates a capital gains tax liability. The inflation that occurs between the time he buys the asset and the time he sells the asset will be reflected in the sale price. Part of the capital gain that he calculates reflects an increase in the asset's price due to inflation. This part of the gain is not real, it is a phantom, and it should not be taxed.

To excise the phantom of inflationary gains, my bill would allow taxpayers to index the purchase price of an asset for inflation provided they hold it for at least a year so that when the gain is calculated it is based on a comparison of apples to apples. Mechanically, indexing works by multiplying the purchase price by a ratio that reflects the growth in the gross national product deflator since the year the asset was purchased. This ratio would be published by the Internal Revenue Service in a simple table.

For example, if an asset's purchase price is $100, the sales price is $125, and the price level increases by 20 percent over the period the asset is held, then the ratio would be 1.2 and the inflation-adjusted basis would be $120. Without indexing, the taxpayer would be subject to tax on $25 of capital gain, only $5 of which represents real appreciation. If the taxpayer is allowed to index for inflation, on the other hand, he will be subject to tax only on the $5 or real appreciation.

The effect of capital gains indexing on reducing the tax disincentives to saving and investment is dramatic. In most cases, the effect of indexing is at least as great as that of reducing the capital gains tax rate. Consider the example above and compare three scenarios: One in which the taxpayer pays tax at a 28-percent rate on the full nominal gain; one in which the nominal gain is taxed but the rate is reduced to 15 percent; and one in which the real gain is taxed at a 28-percent rate. As the table below indicates, indexing reduces the tax by 34 percent more than does simple rate reduction.

	Tax rate (percent)	Capital gain	Tax liability
Current law	28	$25	$7.00
Rate reduction	15	25	3.75
Indexing	28	5	1.40

The Senate Finance Committee and, I would guess, every Senator in memory has spent a great deal of time and effort trying to make the Tax Code more fair, although we might not always agree on what fair means. Fairness is a very important objective to be sure. No matter how you define it, it is unfair for a taxpayer to have to pay tax on something that isn't real. It would be unfair to pay property tax on a house that doesn't exist. And it is unfair to tax people on capital gains due to inflation. Beyond a doubt, indexing is fair tax policy.

There is one important case in which indexing capital gains really doesn't help enough, and that is when a small company first tries to raise equity capital. When small companies first issue shares to raise capital, the buyers of these shares are taking a big risk in the hope that the company will strike it big. If the corporation is successful, then the share price will increase manyfold. Expressed another way, if the company is successful, then the original purchase price will be a tiny fraction of the sales price of the shares. Because indexing adjusts the purchase price for inflation, and because the purchase price is slight relative to the sales price, indexing offers little relief from capital gains taxes. As a result, it is difficult and expensive for young companies to raise the funds they need to grow.

For this reason, I have included in my bill a provision that would set a maximum tax rate of 20 percent on the capital gains that result when a taxpayer is the original shareholder of a small corporation and when he holds the shares for at least 4 years. It is very important that these businesses, which typically face much higher financing costs than do larger, more established companies, be able to raise the capital they need to grow. Setting a maximum tax rate of 20 percent for these corporations will provide a badly needed additional incentive to the marketplace to increase the availability and reduce the cost of equity capital.

Each of us, I think, understands the predicament before the Congress in raising over $5 billion in additional revenues to satisfy the budget reconciliation requirements, and a few billion more to pay for a number of expiring tax provisions, such as the R&D tax credit, the low-income housing tax credit, and the targeted jobs tax credit, to name just a few. So the actual amount we need to raise is probably nearer to the $10 to $12 billion range.

At the same time, however, we have a President who swept to a landslide victory with a promise of "No new taxes." I support the President's pledge not to raise taxes as do a very large number of my colleagues in the Senate. This does create a problem, however, when it comes to finding $10 billion or so to meet the reconciliation target and pay for the tax extras.

How do we resolve this dilemma? The administration has proposed reducing the tax rate on long-term capital gains, resulting in a political battle along very predictable and well-worn lines. If we continue down this road, with both sides playing political chicken, we are likely to be left by default with sequestration as our budget policy. Furthermore, if we continue down this road, many of the tax provisions that are scheduled to expire this year may, in fact, expire because we

may be unable to find a way to pay for them.

The Congress and the President obviously need more time to develop spending priorities and tax policies that the American people can support and that the Congress and the administration can adopt. We all know that the budget process has broken down, and it will take time and it will take political will to fix it. What I am proposing as part of my effort to reform the way we tax capital gains in this country is to create a 2-year window of opportunity to buy time to reform the budget process. If we fail to make meaningful reform, then 2 years from now the Congress will be back playing the kinds of political chicken and smoke and mirror games that have earned it such disrespect from the American people.

What I propose is to create a window in time in which taxpayers could realize their capital gains from the sale of corporate stock and tangible property held for at least 1 year at a maximum 15 percent rate of tax. The window would extend from the date of enactment to December 31, 1990 and would, therefore, extend over 2 fiscal years.

There are two advantages to a rate reduction window. First, by anyone's measure, it would raise billions of dollars in each of fiscal year 1990 and fiscal year 1991, thereby giving the Congress the time it needs to set tax and spending priorities. Second, reducing the rate for a short period would encourage individuals to rearrange their portfolios of assets, thereby promoting a more rational use of the Nation's capital.

To some of the inside-the-beltway crowd, the window offers a politically elegant solution to the same old problem. To tax purists, a label I would often don myself, the window is not a thing of beauty. To responsible legislators who see a need to come to grips with our near-term and long-term budget dilemmas, the window offers opportunity.

Many of my colleagues have no doubt seen articles and editorials criticizing the idea of a rate reduction window. What many of the writers of these articles oppose, in fact, is a rate reduction window in the absence of any other change. I would oppose such a window if that was all that was being proposed. I include a rate reduction window as part of my indexing proposal because it pays for indexing and for the small business tax relief, and because it creates a window of opportunity that will allow us to meet our reconciliation targets while struggling to develop a budget process that works.

The heart and soul of my bill is the indexation of capital gains and the one-time reduction in the capital gains tax rate facing original issue shareholders. Capital gains indexing is good tax policy. It will promote saving and investment and it will result in a fairer tax system. Helping small companies to raise capital to grow is also good tax policy. These are needed measures and I hope my colleagues will join me in trying to pass them.●

Mr. SYMMS. Mr. President, I want to join my colleague from Colorado [Mr. ARMSTRONG] in introducing today a bill to provide for indexing of income from the sale of capital assets. I disagree with him that the range of assets must be narrowed, however, and I have an amendment that I will be offering at the appropriate time.

In brief, my amendment broadens the definition of assets included in the Armstrong bill to include everything. I understand why the Senator from Colorado limited his bill to financial assets and assets used in business, but I think all assets should be included.

For the RECORD, the text of my amendment is as follows:

On page 9, beginning with line 22, strike all through page 10, line 3, and insert:

"(1) INDEXED ASSET.—For purposes of this section, the term 'indexed asset' means any asset the gain or loss from which, in the hands of the taxpayer, is treated as gain or loss from the sale or exchange of a capital asset, including property used in a trade or business (as defined in section 1231(b))."

EQUAL MARGINAL TAX RATES AND INFLATION'S EFFECT

Indexing of capital gains is essential if we are to have a tax system that puts the same real marginal tax rate on capital as we put on labor. Equality of the rates on income from all sources was one of the policy objectives of the 1986 Tax Reform Act, but we did not achieve it. Our present system imposes a higher real marginal tax rate on capital, because the top rates—a range between 28 and 33 percent—are imposed on the nominal gains, even though part of the nominal gains are due to multiyear inflation. Labor income is indexed, by means of widening the brackets to keep them in the same relative position after inflation, but capital gains is not.

Under today's tax law, a 10-percent gain over a period suffering 5-percent inflation is taxed at a real marginal rate of 56 to 66 percent. The real gain is only 5 percent, but the tax is imposed on all the real gains, plus the nominal growth in principal to cover inflation. In other words, the tax actually confiscates some of the principal.

Inflation is often called "rising prices," but it is also "a shrinking dollar." Picture a jar filled with large marbles; now picture the same jar filled with small marbles. I am trying to describe one jar filled at different times with two different sizes of marbles. More small marbles are able to fit in the jar, even though the volume is the same. A capital asset that appreciates partly due to inflation is like that jar. When you buy it, the dollar is more valuable—larger in purchasing power. Later you may sell the asset, and you are paid in smaller dollars—each one with less purchasing power. But we measure its sales price by counting the numbers of small dollars, and we measure its purchase price by the number of larger dollars. Your capital gain is figured by subtracting the number of large marbles from the number of small marbles. You can see how this is inaccurate and unfair.

Only at zero inflation does the tax rate on capital equal the tax rate on labor. Under present law, the unindexed tax rate on capital is always higher than the tax rate on labor income.

CONFUSION OF LABOR INCOME AND CAPITAL INCOME

If there were no difference between the way income from labor and income from capital gains is earned, those who oppose any kind of adjustment for inflation in the appreciation in the price of an asset over time might have a point. But in fact, this is the central point. Workers receive income from their labor as a continuous flow over time: They typically don't control when they receive it. Income from capital gains, however, is always fully under the discretionary control of the seller. He can choose to take it this year or wait until the distant future.

Owners of capital never have to pay capital gains tax if they simply hold on to their property. Selling an asset in order to buy a more useful or productive one, however, improves the efficiency of our market system. When we tax the rollover, we impose a wedge between the two possible uses of the capital investment. The newer, higher yield investment has to earn enough more to make the investor come out ahead after taxes, or he will choose to make no changes—no reinvestment will occur at all, and no tax will be paid. Society is often the loser from the reluctance of investors to move capital to a more productive use.

The socially optimal economic tax rate on capital gains is clearly zero for that reason—and we already tax savings and investment more heavily than our international competitors, and we tax savings once when the money is earned and before it can be initially invested. In order to encourage investments to be made for economic reasons rather than for tax reasons, we need to make the tax system neutral to the investor. A cash flow consumption tax would be the ideal system of taxation—permitting the movement of savings from investment project to investment project in response to the real needs of society. Under a cash flow consumption tax, individuals would be taxed on their income when they withdrew it from its productive applications and used it for their personal, private ends—for consumption.

But, of course, we are not able to approach that kind of more ideal system

of taxation at this time. Moreover, there is something to be said for a single marginal rate of tax on both labor income and capital income, adjusted for inflation, although there is no reason to believe that 28 percent is the rate of tax on capital that would maximize tax revenue. Except by experimenting with different rates, there is no way to know in advance what the revenue-maximizing capital gains tax rate would be.

WHY ALL ASSETS SHOULD BE INCLUDED

The Senator from Colorado has told me that he included in his bill only the assets that the President's proposal last March covered because he wanted to keep the debate over what form of capital taxation we should have focused on the issue of taxation, and not sidetracked over a debate over different merits for different assets—and all the technical details about different kinds of assets.

I am not sure I agree with that strategy. To me it seems clear than if a factory owner wanted to sell his factory and buy a rare painting to hang in his home, or wanted to get out of the stock market and put his entire investment into a collection of gold coins, the tax system ought not to pass judgment. The tax system ought to be neutral. Under the Senator's bill, the man could obtain capital gains treatment for selling the factory or the stock market portfolio, but if he wanted to do the exact opposite—to sell his rare paintings and build a factory, or to sell his gold coins and invest in the stock market—the tax system would actually discourage him.

I do not think the distinction that is often made, between so-called productive assets and so-called unproductive assets is a valid distinction; I think it is all in the eyes of the beholder what they call productive or unproductive. You tend to call unproductive those things you disapprove of, or those things that you yourself would not invest in. But the actual investor in paintings, or coins, or yachts, is earning some subjective marginal utility value from those holdings, and those assets are producing the services associated with their creation. But regardless of this quibble over how we label things in economics, it seems clear to me that all of us should favor the creation of more jobs, more demand for workers, who themselves may not have very much in the way of savings and investments. After all, it is by accumulating capital that productivity and hence wages can increase over time. Therefore, I believe it is very important not to discriminate among different kinds of assets in this tax proposal.

There is a very positive revenue effect from adopting a capital gains tax system. This is called the "unlocking effect," as it permits investors to move their investments without giving up so much of their capital in the process. This is because "locking," or the tendency for holders of appreciated property not to sell it if they have to pay taxes on the sale, increases more as the tax rate rises; "unlocking" increases as the tax rate falls.

LONG-TERM PLANNING MUST BE ENCOURAGED

The most important reason to have an indexed tax system for capital investments, however, has to do with the ability of our society to make longer term plans. Today capital investment is faced with an uncertain future tax rate because we face uncertainty about inflation. With indexing, the future tax rate would be fixed at a real 28 percent, and it could not rise higher unless Congress increased it explicitly. This benefit alone, I believe, justifies improving our Tax Code in this way. The fact that it can be done in a way that increases revenue is an additional benefit—and one that should appeal to Congressmen and Senators who want more to spend for social programs.

The opponents of lower capital gains tax rates have argued that the pecuniary benefits go to the wrong people. They very seldom admit that there are social benefits, even for the employed person who is not himself an investor, as capital investment adds to our national productivity and competitiveness. That's a very curious position for them to adopt, however, because in our society we recognize that natural endowments of talent, property, and luck are not equal, and that a free society has many more advantages than one where those endowments are forced to a common level. As Members of Congress, we have a duty to make our tax laws conform with the incentives that drive a free market system—not to make policy on the basis of our belief in the moral virtue of a particular social class.

A capital gains tax rate that encourages the wealthy to sell and reinvest their capital for greater productivity—and pay part of it to the Treasury in the process—is certainly a better result all around than a tax system that discourages any wealthy person from ever selling and reinvesting, and thus reduces potential revenues to the Treasury. It is simply common sense to fix the 1986 tax law to reduce the real marginal tax on capital to equal that of the tax rate on labor income. It is also the only fair thing to do.

By Mr. KERRY (for himself, Mr. D'AMATO, Mr. LEVIN, and Mr. SANFORD):

S. 1312. A bill to improve the ability of States and localities impacted by narcotics related crime to monitor, track, and prosecute major narcotics offenders, money launderers, and youth gangs involved in narcotics trafficking and money laundering operations; to the Committee on the Judiciary.

IMPROVING INTELLIGENCE REGARDING NARCOTICS TRAFFICKING AND MONEY LAUNDERING OPERATIONS

Mr. KERRY. Mr. President, anyone with his eyes open knows how serious the narcotics problem is across this country. But recently, I asked the FBI to provide me with statistical summaries of criminal activity across the United States. And what the statistics clearly showed is that increasingly, cocaine is the crime problem in the United States. When you look at the statistics, when you see more cocaine, you see more crime—more violent crime—more crimes against property—more crimes against people.

Local law enforcement has already responded valiantly to the problem. Police are arresting more people in connection with cocaine, and more people are going to prison for drug trafficking.

And yet, the price of cocaine keeps going down. The supply of cocaine appears unchanged, or is even increasing.

National criminal justice statistics demonstrate that rather than hire more law enforcement officers, we are relying on the same numbers to work harder in the war on drugs across the Nation. The police need help to do their job. Yesterday, I cosponsored legislation to establish a new national program for recruiting and training local police, called "The Police Corps," which would provide Federal scholarship money for educating and training a corps of young police officers who would serve 3 to 4 years to supplement regular police.

Today I am introducing legislation on behalf of myself, Senators D'AMATO, LEVIN, and SANFORD which tries to address this situation by creating a lever to improve the capability of local law enforcement people to fight the war on drugs. The lever is support from the Federal Government for the first time for local and State drug intelligence units.

I think it is clear that more arrests by themselves will not slow the flow of drugs into our Nation. The drug traffickers have grown into ever bigger networks of trafficking. Local police and DA's have told me time and again that they still lack the resources to make the best possible cases against the most significant narcotics trafficking organizations. We can and must help.

This bill will provide $120 million in desperately needed funds to local police departments across the country to develop better drug intelligence gathering networks to help wage a real war against drugs.

For too long, we have heard how drug trafficking organizations have better communications equipment, better electronic intelligence, even better computers than law enforcement—and that our police lack the

tools they need to go beyond the local distributors of drugs to the big organizations that move the drugs into the communities.

When I was a prosecutor in Middlesex County, I remember the frustration of not having the right equipment to make the buys or to track down information on drug offenders. For that to still be the case today when drugs are overrunning our communities is not acceptable. That is why I am very hopeful that this legislation will become law and we can begin to provide essential resources for our police departments.

I ask unanimous consent that the full text of the legislation, as well as the factsheet describing it, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Intelligence Assistance Act of 1989".

SEC. 2. ESTABLISHMENT AND AUTHORIZATION OF PROGRAM.

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) is amended by—

(1) redesignating subpart 3 as subpart 4;

(2) redesignating sections 520, 521, and 522 as sections 530, 531, and 532, respectively; and

(3) adding after subpart 2 the following new subpart:

"Subpart 3—Drug Intelligence

"PURPOSES

"SEC. 520. (a) The purpose of this subpart is to improve the ability of States and units of local government impacted by narcotics related crime to monitor, track, and prosecute major narcotics offenders and money launderers, as well as youth gangs involved in narcotics activity, by improving intelligence regarding narcotics trafficking and money laundering operations.

"(b) The Director is authorized to make grants to—

"(1) States and units of local governments as provided in section 521; and

"(2) cities as provided in section 522,

to establish local and regional drug intelligence units.

"(c) Grants under this subpart shall be used for the following activities:

"(1) establishing, maintaining, and improving antinarcotics and money laundering intelligence units at the State and local level;

"(2) developing better interstate and intrastate narcotics intelligence networks and systems, including the acquisition of appropriate electronics and computer technologies for the purpose of detecting and monitoring narcotics trafficking and money laundering enterprises, including youth gangs engaged in such activities;

"(3) organizing, educating, and training special drug intelligence units to combat narcotics trafficking and money laundering enterprises, including youth gangs engaged in such activities;

"(4) organizing, educating, and training regular law enforcement officers and law enforcement reserve units to combat narcotics trafficking and money laundering enterprises, including youth gangs engaged in such activities;

"(5) recruiting and organizing neighborhood participation in the development of narcotics related intelligence;

"(6) enhancing State and local efforts to apprehend and prosecute significant narcotics trafficking or money laundering enterprises or operations, including individuals involved in youth gangs engaged in such activities; and

"(7) developing intelligence on narcotics trafficking or money laundering enterprises, and prosecuting criminals engaged in such enterprises.

"ALLOCATION AND DISTRIBUTION OF FUNDS UNDER FORMULA GRANTS TO STATES AND UNITS OF LOCAL GOVERNMENT

"SEC. 521. (a) Amounts appropriated for this section in any fiscal year shall be allocated to States as follows:

"(1) $500,000 shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds appropriated under this section as the population of such State bears to the population of all the States.

"(b)(1) Each State which receives funds under subsection (a) of this section in a fiscal year shall distribute 40 percent of such funds among units of local government of less than 100,000 in population in such State for the purpose of developing Statewide drug intelligence systems focusing on those areas where most drug-related offenses occur outside a major metropolitan area.

"(2) In distributing funds received under this section among urban, rural, and suburban units of local government and combinations thereof, the State shall give priority to those jurisdictions with the greatest need.

"(3) Any funds not distributed to units of local government under paragraph (2) shall be available for expenditure by the State involved.

"(4) For purposes of determining the distribution of funds under paragraphs (1) and (2), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

"(c)(1) To request a grant under this section, the chief executive officer of a State shall submit an application in compliance with the provisions of section 503.

"(2) No funds allocated to a State under subsection (a) or received by a State for distribution under subsections (b) and (c) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

"(d) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State under this section, then such portion shall be awarded by the Director to urban, rural, and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

"(e) Any funds allocated under subsection (a) that are not distributed under this section shall be available for obligation under section 522.

"ALLOCATION AND DISTRIBUTION OF FUNDS UNDER FORMULA GRANTS TO CITIES

"SEC. 522. (a) Amounts appropriated for this section in any fiscal year shall be allocated to urban units of local government as follows:

"(1) $250,000 to each unit with a population between 100,000 and 250,000;

"(2) $350,000 to each unit with a population between 250,001 and 500,000;

"(3) $500,000 to each unit with a population between 500,001 and 1,000,000; and

"(4) $750,000 to each unit with a population over 1,000,000.

"(b)(1) To request a grant under this section, the chief executive officer of a city shall submit an application in compliance with the provisions of section 503, except that any reference in such section to the 'chief executive officer of a State' and a 'State' shall be deemed to be a reference to the 'chief executive officer of a city' and a 'city'.

"(2) No funds allocated to a city under subsection (a) may be distributed by the Director or by the city involved for any program other than a program contained in an approved application.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 523. (a) Notwithstanding section 1001, there is authorized to be appropriated—

"(1) $63,000,000 for grants under section 521; and

"(2) $57,000,000 for grants under section 522,

for each of the fiscal years 1990, 1991, and 1992.

"(b) No funds appropriated under section 1001 shall be available for programs under this subpart.".

SEC. 3. CONFORMING AND TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO PART E.—(1) Section 530 of part E of the Omnibus Crime Control and Safe Streets Act of 1968, as redesignated by section 2 of this Act (old section 520) is amended—

(A) in subsection (a)(2), by striking "funded under" through "part" and inserting "funded under sections 506, 511, 521, and 522 of this part"; and

(B) in subsection (b)(2), by striking "funded under" through "part" and inserting "funded under sections 506, 511, 521, and 522 of this part".

(2) Section 532 of such Act (old section 522) is amended—

(A) in subsection (a)—

(i) by inserting after "section 506" the following: "and section 521";and

(ii) inserting "or subpart 3" after "subpart 2" in paragraph (2); and

(B) in subsection (b)—

(i) by striking "and subpart 2" in paragraph (1) and inserting ", subpart 2, and subpart 3"; and

(ii) by inserting "and subpart 3" after "subpart 1" in paragraph (2).

(b) AMENDMENTS TO TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by—

(1) redesignating subpart 3 of part E as subpart 4 and redesignating sections 520, 521, and 522 as sections 530, 531, and 532, respectively; and

(2) inserting after subpart 2 the following:

"Subpart 3—Drug Intelligence

"Sec. 520. Purposes.

"Sec. 521. Allocation and distribution of funds under formula grants to States and units of local government.
"Sec. 522. Allocation and distribution of funds under formula grants to cities.
"Sec. 523. Authorization of appropriations.".

FACT SHEET—THE DRUG INTELLIGENCE ASSISTANCE ACT OF 1989

Purpose: To improve the ability of states and localities impacted by narcotics-related crime to monitor, track, and prosecute major narcotics offenders and money launderers by improving intelligence regarding narcotics trafficking and money laundering operations.

Funding: To seek $210 million in new funding for assistance to states and local governments in establishing a network of drug intelligence units.

How divided?: Would consist of two forms of fundings:

Formula grants to each State: $63 million. Of this amount, $500,000 to each State to establish drug intelligence units, with the funds to be spent on computers, electronic intelligence and communications, and personnel for drug intelligence taskforces which would help cities and states make the big busts they need to fight the war on drugs. (Cost: $25 million, the remaining $38 million in formula grants would go to each State on the basis of the State's relative share of the total U.S. population as determined by the Bureau of the Census provisional estimates; Massachusetts, for example, would receive about $1.4 million; California $5.5 million).

Forty percent of the funding of the formula grants will be passed on by the states to the localities through discretionary grants to cities and towns of less than 100,000 in population. The discretion given to the states in determining how to divide up the 40 percent among localities is to facilitate the development of a state-wide drug intelligence system that focuses on those areas where most drug-related offenses occur.

Formula grants to each city with a population of over 100,000: $250,000 to each city with a population between 100,000 and 250,000; $350,000 to each city with a population between 250,000 and 500,000; $500,000 to each city with a population between 500,000 and 1,000,000; and $750,000 to each city with a population of a million or more.

Cost: 250,000 × 122 = $30.5 million; 350,000 × 37 = $13.0 million; 500,000 × 15 = $7.5 million; 750,000 × 8 = $6.0 million.

Total $57.0 million.

Oversight: Prior to receiving any federal funds, each state must develop a statewide drug intelligence strategy after consultation with state and local officials whose duty it is to enforce drug and criminal laws, and provide that strategy to the Justice Department.

Purposes for which the funds may be used:

1. Developing better interstate and intrastate narcotics intelligence networks and systems, including the acquisition of appropriate electronics and computer technologies for the purpose of detecting and monitoring narcotics trafficking and money laundering enterprises.

2. Organizing, educating and training special drug intelligence units to combat narcotics trafficking and money laundering enterprises.

3. Organizing, educating and training regular law enforcement officers and law enforcement reserve units to combat narcotics trafficking and money laundering enterprises.

4. Recruiting and organizing neighborhood participation in the development of narcotics related intelligence.

5. Enhancing state and local efforts to apprehend and prosecute significant narcotics trafficking or money laundering enterprises or operations.

6. Developing intelligence on narcotics trafficking or money laundering enterprises, and prosecuting criminals engaged in such enterprises.

NEW ASSISTANCE AUTHORIZED

[Amounts to cities are in addition to amounts for States; State amounts are approximations; actual amounts would depend on most recent census figures]

	Million
Alabama	1.200
Birmingham	.350
Huntsville	.250
Mobile	.250
Montgomery	.250
Alaska	.580
Anchorage	.250
Arizona	1.000
Glendale	.250
Mesa	.350
Phoenix	.500
Scottsdale	.250
Tempe	.250
Tucson	.350
Arkansas	.860
Little Rock	.250
California	4.700
Anaheim	.250
Bakersfield	.250
Chula Vista	.250
Concord	.250
Fremont	.250
Fresno	.350
Fullerton	.250
Garden Grove	.250
Hayward	.250
Huntington Beach	.250
Inglewood	.250
Long Beach	.350
Los Angeles	.750
Modesto	.250
Oakland	.350
Ontario	.250
Orange	.250
Oxnard	.250
Pasadena	.250
Pomona	.250
Riverside	.250
Sacramento	.350
San Bernardino	.250
San Diego	.750
San Francisco	.500
San Jose	.500
Santa Ana	.250
Stockton	.250
Sunnyvale	.250
Torrance	.250
Colorado	1.000
Aurora	.250
Colorado Springs	.350
Denver	.500
Pueblo	.250
Connecticut	.980
Hartford	.250
New Haven	.250
Stamford	.250
Waterbury	.250
Delaware	.600
District of Columbia	.500
Florida	2.500
Fort Lauderdale	.250
Hialeah	.250
Hollywood	.250
Jacksonville	.500
Miami	.350
Orlando	.250
St. Petersburg	.250
Tallahassee	.250
Georgia	1.500
Atlanta	.350
Columbus	.250
Macon	.250
Savannah	.250
Hawaii	.660
Honolulu	.350
Idaho	.650
Boise	.250
Illinois	2.300
Chicago	.750
Peoria	.250
Rockford	.250
Springfield	.250
Indiana	1.200
Evansville	.250
Fort Wayne	.250
Gary	.250
Indianapolis	.500
South Bend	.250
Iowa	1.200
Cedar Rapids	.250
Des Moines	.250
Kansas	1.100
Kansas City	.250
Topeka	.250
Wichita	.350
Kentucky	1.260
Lexington-Fayette	.250
Louisville	.350
Louisiana	1.300
Baton Rouge	.250
New Orleans	.500
Shreveport	.350
Maine	.680
Maryland	1.300
Baltimore	.500
Massachusetts	1.400
Boston	.500
Springfield	.250
Worcester	.250
Michigan	1.900
Ann Arbor	.250
Detroit	.750
Flint	.250
Grand Rapids	.250
Lansing	.250
Sterling Heights	.250
Warren	.250
Minnesota	1.300
Minneapolis	.350
St. Paul	.350
Mississippi	1.100
Jackson	.250
Missouri	1.400
Independence	.250
Kansas City	.350
St. Louis	.350
Springfield	.250
Montana	.620
Nebraska	.750
Lincoln	.250
Omaha	.350
Nevada	.650
Las Vegas	.250
Reno	.250
New Hampshire	.650
New Jersey	1.700
Elizabeth	.250
Jersey City	.250
Newark	.350
Paterson	.250
New Mexico	.950
Albuquerque	.350
New York	3.300
Buffalo	.350
New York City	.1.000
Rochester	.250

Syracuse	.250
Yonkers	.250
North Carolina	1.500
Charlotte	.350
Durham	.250
Greensboro	.250
Raleigh	.250
Winston-Salem	.250
North Dakota	.600
Ohio	2.200
Akron	.250
Cincinnati	.350
Cleveland	.500
Columbus	.500
Dayton	.250
Toledo	.350
Youngstown	.250
Oklahoma	1.000
Oklahoma City	.350
Tulsa	.350
Oregon	.920
Eugene	.250
Portland	.350
Pennsylvania	2.500
Allentown	.250
Erie	.250
Philadelphia	.750
Pittsburgh	.350
Rhode Island	.650
Providence	.250
South Carolina	1.000
South Dakota	.600
Tennessee	1.200
Chattanooga	.250
Knoxville	.250
Memphis	.500
Nashville-Davidson	.350
Texas	2.900
Abilene	.250
Amarillo	.250
Arlington	.250
Austin	.350
Beaumont	.250
Brownsville	.250
Corpus Christi	.350
Dallas	.750
El Paso	.350
Fort Worth	.350
Garland	.250
Houston	.750
Irving	.250
Laredo	.250
Lubbock	.250
Odessa	.250
Pasadena	.250
Plano	.250
San Antonio	.500
Waco	.250
Utah	.950
Salt Lake City	.250
Vermont	.580
Virginia	1.400
Chesapeake	.250
Hampton	.250
Newport News	.250
Norfolk	.350
Portsmouth	.250
Richmond	.250
Roanoke	.250
Virginia Beach	.350
Washington	1.200
Seattle	.350
Spokane	.250
Tacoma	.250
West Virginia	1.000
Wisconsin	1.200
Madison	.250
Milwaukee	.500

By Mr. PRYOR (for himself, Mr. COCHRAN, Mr. FOWLER, Mr. BUMPERS, and Mr. DECONCINI):

S. 1313. A bill to provide that all persons marketing cotton in the United States participate in defraying costs of the research and promotion program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

COTTON RESEARCH AND PROMOTION ACT AMENDMENTS

Mr. PRYOR. Mr. President, today I rise to introduce the Cotton Research and Promotion Act Amendments of 1989. This bill would amend the Cotton Research and Promotion Act of 1966 to provide producers an opportunity to express support for a significantly stronger, more adequately financed program. This bill has been endorsed by 54 local, regional, and national cotton organizations representing producers, ginners, crushers, merchants, warehouses, cooperatives, and manufacturers. This legislation is a natural extension of the 1966 act, and I hope it will meet with broad approval from my colleagues.

The Cotton Research and Promotion Act of 1966 has had remarkable success in allowing cotton to recapture its share of the world marketplace. The bill I am introducing today should serve only to strengthen that position. Cotton faces a continuing competition from synthetic fibers, and the volume of imported products containing foreign grown cotton now accounts for nearly half of U.S. domestic cotton consumption at retail.

Mr. President, I strongly urge my colleagues to join me in supporting this legislation so that a mainstay of American agriculture can continue to strengthen itself in the world marketplace. This self-help piece is an example of what has enabled our agriculture to gain a prominent place in global agriculture, and it will take legislation such as this to assure that we maintain and build on this strength.

Mr. President, I ask unanimous consent that an explanation of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRIEF EXPLANATION OF THE COTTON RESEARCH AND PROMOTION ACT AMENDMENTS OF 1989

(1) The bill contains procedures for the issuance of an amendment to the Cotton Research and Promotion Order which—

Provides for importers of upland cotton and cotton products (other than industrial products) to be subject to an assessment; in the case of imported products, the assessment would apply to the upland cotton content of the imported product.

Provides for importers to pay a rate of assessment that would be determined in the same manner as the rate paid by producers, but the assessment resulting from such rate would be reduced by a percentage equivalent to the overall proportion of exports that were reentered into the United States in the form of cotton and cotton products in the most recent year for which statistics are available.

Provides for an exemption for (1) any entry of cotton, including the cotton content of cotton products, that has a value or weight less than a *de minimis* figure established by the Secretary, and (2) all entries by an importer during the year if they total less than a *de minimis* amount established by the Secretary.

Provides for an appropriate number of importers to serve on the Cotton Board.

Provides for termination of the Cotton Board's authority to process applications for refunds if the amendment to the order is approved in a referendum.

Increases from $200,000 to $300,000 the expenses for which the Secretary is reimbursed that are incurred in connection with a referendum, and provides that the agency or Government which assists in administration of the import provisions would be reimbursed for reasonable expenses that it incurs in its work.

(2) The procedures for issuing the foregoing amendment to the Order, require that—

Within 120 days after the date of enactment of the bill, the Secretary would issue proposed implementing regulations after notice and opportunity for public comment.

Within eight months after the date of enactment of the bill, a referendum would be held and the amendment would become effective on an interim basis if approved by a majority of producers voting.

If approved, another referendum would be held among producers and importers between 15 and 30 months after the date of enactment of the bill to confirm approval of the amendment. The amendment would no longer be effective if disapproved by a majority of producers and a majority of importers voting; if approved, the Secretary would issue final implementing regulations.

Assessments collected from importers would be held in escrow pending results of the referendum in which importers participate and would be refunded, if the amendment is disapproved upon demand by the importer that paid the assessment in accordance with regulations and within a time period prescribed by the Board.

If the foregoing referendum occurs, once every five years thereafter, producers and importers may request another referendum to determine whether the amendment should continue, or if it is not then in effect, whether the amendment should become effective. The amendment would be subject to a referendum if ten percent of producers and importers request the referendum; *Provided*, That not more than 20 percent of the persons making the request represent producers from any one State or importers of cotton. The amendment would be effective unless disapproved by a majority of producers and a majority of importers voting in the referendum.

Mr. FOWLER. Mr. President, I rise today to join my colleagues Senator PRYOR and Senator COCHRAN in introducing the Cotton Research and Promotion Amendments Act of 1989.

These kinds of checkoff programs have been very popular and very successful for a number of commodities—because they are essentially self-help programs. We allow the cotton industry and other commodity producers to develop the market for their products, coordinating their efforts throughout the process, from research and product development to advertising.

These amendments would extend the logic of these successful programs

to allow cotton growers to determine what is in their program accordingly through a referendum process. This legislation is supported by a broad base of cotton producers, ginners, crushers, merchants, warehouses, cooperatives, and manufacturers.

The cotton marketing program has been very successful in rebounding from the losses of the last few decades. Our people have rediscovered cotton. Increasingly they realize that no man-made synthetic can equal the clean, comfortable, natural fiber that comes from the fields of the South.

But that does not mean that American cotton growers are not still hard-pressed by competition. This legislation would allow cotton producers to strengthen the program. The most obvious need is for increased funding.

The program currently relies on income generated by uniform assessment on domestically produced raw upland cotton. Our legislation would give our farmers the choice of adding an assessment to imported cotton, which also benefits from the cotton marketing program in competition with synthetic fiber. Imports also benefit from consumer awareness of cotton and new product development.

In fact, cotton imports have grown to 40 percent of U.S. consumption. These amendments in no way restrict imports of cotton products. But they do allow domestic producers to decide whether importers should pay their fair share to receive the benefits of the marketing program.

The referendum called for under this legislation would not be about increasing assessment rates, changing procedures for dispersing funds, or establishing unfair advantages for any segment of the market. It treats domestic upland cotton and the cotton content of imported products exactly the same and requires the same assessment for both.

It also allows for built-in review and modification of the program on a regular basis. If we have learned anything about trade and markets in recent years, as we have faced stiffer challenges from foreign competitors, it is that these things do not remain static. We live in a changing world with ever changing marketing needs and opportunities.

We can't afford to remain static in any business. We have to continually explore new areas of research and product development, advertising and promotion. That goes for cotton as well as computers.

I want to emphasize that we are in no way talking about providing any Federal funding assistance. Cotton producers are willing and able to do this on their own. They are not asking for a Federal handout. They are merely asking us to change the rules of their marketing program so that they can help themselves.

By Mr. BOREN (for himself, Mr. PRYOR, Mr. FOWLER, and Mr. DASCHLE):

S. 1314. A bill to amend the Honey Research, Promotion, and Consumer Information Act to improve the coordinated program of research, promotion, and consumer education established for honey and honey products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AMENDING THE HONEY, PROMOTION, AND CONSUMER INFORMATION ACT

● Mr. BOREN. Mr. President, today I am introducing the Honey Research, Promotion, and Consumer Information Act of 1989 along with my colleagues, Senators PRYOR, FOWLER, and DASCHLE. This bill will simply make technical changes in the existing honey research and promotion program.

Frist, this bill would allow one of the two seats on the honey board now allotted for importers to be filled by an exporter. The need for this change is reflected in the recent drop in honey imports to the United States. Honey imports have decreased from 13.8 million pounds in 1985 to 5.8 million pounds in 1987.

This bill also provides that those honey producers or producer-packers that produce less than 6,000 pounds would qualify for the assessment exemption only if the honey is consumed at home, donated, or distributed directly by the producer through a retail outlet.

Another important provision of the bill is that which clarifies existing law to allow for patents and copyrights developed with honey board funds to be the property of the Board.

Finally, the bill makes additional changes in the way assessments are made on honey under the loan program and in the way refunds are paid back to importers.

Mr. President, these changes are technical in nature. However, they are very important to the continued success of the honey promotion program; the amendments will allow the program to run more fairly and efficiently. The changes are supported by both the American Honey Producers Association and the Beekeepers Federation. I urge my colleagues to support this legislation and I ask unanimous consent that both the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Honey Research Promotion, and Consumer Information Act Amendments of 1989".

DEFINITIONS

SEC. 2. Section 3 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4602) is amended by adding at the end thereof the following new paragraph:

"(18) The term 'exporter' means any person who exports honey or honey products from the United States.".

REQUIRED TERMS OF AN ORDER

SEC. 3. Section 7 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606) is amended by—

(a)(1) amending subsection (b)(1) by inserting after the first sentence the following new sentence: "A State association may nominate not more than one person from such State to serve on the Committee.";

(2) amending subsection (b)(5) by inserting after the first sentence the following new sentence: "The Committee may nominate not more than one person for each member or alternate position on the Honey Board."; and

(3) amending subsection (c)(2) by striking out in the second sentence "or alternates";

(b) amending subsection (c)(2)(C) to read as follows: "(C) two members who are either importers or exporters of which at least one shall be an importer, appointed from nominations submitted by the Committee from recommendations by industry organizations representing importer and exporter interests";

(c) amending subsection (c)(4) by striking out the period at the end thereof and inserting in lieu thereof the following: "; except that, if as a result of redistricting the residence of the member or alternate is no longer in the region from which such person was appointed, such member or alternate may serve out the term for which such person was appointed.";

(d) amending subsection (e)(2) to read as follows:

"(2) A producer or producer-packer who produces or produces and handles less than six thousand pounds of honey per year or an importer who imports less than six thousand pounds of honey per year shall be exempt from the assessment if such producer, producer-packer, or importer consumes at home, donates, or distributes directly through local retail outlets the entire amount so produced, produced and handled, or imported. In order to claim such exemption, a person shall submit an application to the Honey Board stating that the person's production, handling, or importation of honey for the year for which the exemption is claimed shall meet the requirements of this paragraph. If, after a person receives an exemption from the assessment for any year, such person no longer meets the foregoing requirements of this paragraph for an exemption, such person shall file a report with the Honey Board in the form and manner prescribed by the Board and pay the assessment on or before March 15 of the subsequent year on all honey produced or imported during the year."; and

(e) A new subsection (h) is added at the end thereof as follows:

"(h) Any patents, copyrights, inventions, product formulations, or publications developed through the use of funds collected by the Board shall be the property of the Board and any funds generated from such patents, copyrights, inventions, or publications shall inure to the benefit of the Board.".

COLLECTION OF ASSESSMENTS; REFUNDS

SEC. 4. Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended by—

(a) amending subsection (d) to read as follows:

"(d) In any case in which a loan is made with respect to honey under the Honey Price Support Loan Program, the Secretary shall provide for the assessment to be deducted from the disbursement of any loan funds made to the producer and for the amount of such assessment to be forwarded to the Honey Board. The Secretary shall provide for the producer to receive a statement of the amount of the assessment deducted from the loan funds promptly after each time any loan funds are disbursed.";

(b) amending subsection (f) by inserting "and persons receiving an exemption from the assessment" immediately before "shall maintain and make available for inspection by the Secretary such books and records";

(c) amending subsection (h) to read as follows:

"(h) Any producer or importer may obtain a refund of the assessment collected from the producer or importer if demand is made within the time and in the manner prescribed by the Honey Board and approved by the Secretary; except that during any year the amount of refunds made to each importer, as a percentage of total assessments collected from such importer, shall not exceed the amount of refunds made to domestic producers as a percentage of total assessments collected from such producers. Such refund shall be made by the Honey Board in June and December of each year, and a producer who has obtained a Honey Price Support Loan may obtain a refund at that time if the producer has submitted to the Honey Board the statement received under subsection (d) of the amount of assessment deducted from the loan funds and has otherwise complied with the provisions of this subsection, even though the loan with respect to which the assessment was collected may still be outstanding and final settlement has not been made."; and

(d) adding at the end thereof a new subsection as follows:

"(i) If a first handler or the Secretary fails to collect an assessment from a producer under this section, the producer shall be responsible for payment of the assessment."

EFFECTIVE DATE

SEC. 5. The Secretary shall issue an amendment to the order provided for by the Honey Research, Promotion, and Consumer Information Act implementing the provisions of this Act after notice and opportunity for public comment. The amendment shall become effective on the date of issuance of the amendment.

BRIEF EXPLANATION OF PROPOSED AMENDMENTS TO THE HONEY RESEARCH PROMOTION, AND CONSUMER INFORMATION ACT

Section 1. Provides a short title to the proposed legislation.

Section 2. Defines exporter as a person who exports honey or honey products from the United States.

Section 3. (a) Provides that each State Association would nominate one person from the State to serve on the National Honey Nominations Committee and that the Committee would nominate one person for each member or alternate position on the Honey Board.

(b) Permits one of the two seats on the Honey Board currently allotted to importers to be filled by an exporter. The field of qualified importers is limited and when the current members and alternates must step down at the end of their terms, replacing them will be difficult. Also, imports have been reduced since the marketing loan program was instituted and exports have been increased so that it would be appropriate to substitute an exporter for an importer on the Board if necessary. Imports have been reduced from a high of 13.8 million pounds in 1985 to 5.8 million pounds in 1987.

(c) Permits a member of the Board or an alternate to serve out that person's term if, as a result of redistricting, the residence of the member or alternate is no longer in the region from which the person was appointed. Producer districts are reviewed every five years and may be redrawn as a result of the review. The amendment assures continuity on the Board. A person is selected for a three year term and under the amendment would serve an area in which he no longer resided for a relatively brief period.

(d) Provides that those producers or producer-packers who produce, or produce and handle, less than 6000 pounds of honey per year and those importers who import less than 6000 pounds of honey per year would qualify for the assessment exemption only if the honey were consumed at home by such person, or donated or distributed directly through retail outlets by the producer, producer-packer or importer.

The amendment simplifies administration of the exemption by eliminating the exemption where honey is sold to handlers or is placed under a price support loan. Once honey moves into the normal stream of the commerce, the assessment is automatically collected and the Honey Board must later make reimbursement. Under the amendment, honey producers of less than 6,000 pounds who sell honey in normal commercial channels would not automatically receive a refund, as is the case under current law, but would be treated the same as other producers if they should seek a refund.

(e) Provides for patents, copyrights, inventions, product formulations, or publications developed with Board funds to be the property of the Board and any income derived therefrom to inure to the benefit of the Board to be used for program purposes. This amendment would clarify existing law.

Section 4. (a) Provides for the assessment to be deducted any time a disbursement of loan funds is made under the Honey Price Support Loan Program and for the producer promptly to receive a statement of the deduction of assessments made instead of receiving such proof after the loan is redeemed.

This amendment and amendment b(2) are designed to enable a producer who received a price support loan promptly to receive a statement of the assessments deducted from the loan and to qualify for a refund, even though final settlement had not been made. Currently refunds cannot be made until final settlement of the loan. Refunds cannot even be made when portions of the honey under loan are redeemed. The current law effectively delays refunds for a number of months, often until the maturity date of the loan.

(b) Requires persons who obtain an exemption from the assessment to maintain and make available for inspection books and records and file reports as required by the order in order to assure proper enforcement of the exemption provision.

(c)(1) Provides for each importer to be eligible for refunds up to an amount that represents the same percentage of assessments collected from that importer as the percentage of refunds collected from producers.

At present the percentage limitation on refunds to importers is construed as applying collectively to refunds received by all importers, rather than to refunds that may be made to each importer. This results in importers who file early for a refund receiving a refund of all assessments paid by them; while those who delay may not qualify at all for a refund if the overall limitation on importer refunds had been reached. The amendment would clarify the intent of existing law and would result in all importers being treated the same.

(2) Provides for a producer who has received a price support loan to qualify for a refund once the deduction of the assessment had been made, even though final settlement had not been made of the loan. Refunds would be made in June and December at the same time as refunds are made to handlers and importers. See comment under (a).

(d) Provides that if the first handler or the Secretary fails to collect the refund, as has occurred on occasion, the producer shall be responsible for payment of the assessment.

Section 5. Provides for the amendment to become effective upon issuance of implementing regulations after notice and public comment, without the necessity for a referendum of producers.●

By Mr. DECONCINI (for himself and Mr. CRANSTON):

S. 1315. A bill to provide certain administrative authority and requirements for the administration of the Arizona Veterans Memorial Cemetery by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

RELATING TO ADMINISTRATION OF THE ARIZONA VETERANS MEMORIAL CEMETERY

● Mr. DECONCINI. Mr. President, as a member of the Senate Committee on Veterans' Affairs, I am introducing, along with my distinguished colleague, the chairman of the Veterans' Affairs Committee, Senator CRANSTON, an important bill to establish certain administrative authority and requirements for the Arizona Veterans Memorial Cemetery. Specifically, this bill would authorize the Department of Veterans Affairs to employ persons in connection with the administration of this cemetery if they were employed by the State of Arizona in that capacity at the State-run Arizona Veterans Memorial Cemetery on the day before the cemetery was transferred to the United States pursuant to section 346 of the Veterans Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 541). In addition, this bill would require the Secretary of Veterans Affairs to prepare an operating budget plan for the administration of the cemetery for fiscal years 1989, 1990, and 1991, and submit such plans to the Committee on Veterans' Affairs of the Senate and House of Representatives.

Before I discuss the needs for the current proposal, I would like to ex-

press my deep appreciation and gratitude to the distinguished chairman and the ranking member of the Senate Committee on Veterans' Affairs, Senators CRANSTON and MURKOWSKI, without whose invaluable assistance the dream of a new national cemetery in Arizona could never have been realized. I would also like to give special thanks to my friend and distinguished colleague from Arizona, Senator MCCAIN, for all his hard work in the development of the original authorization for the incorporation of the Arizona Veterans Memorial Cemetery into the National Cemetery System. And I would be remiss if I did not mention invaluable contributions of House Committee on Veterans' Affairs Chairman SONNY MONTGOMERY and Representative BOB STUMP, that committee's new ranking member, in these efforts. Finally, I would like to thank all the members of the Arizona delegation, both past and present, for their cooperation and support through the years on this issue.

Together we have traveled a long road since 1976 when the State of Arizona first appropriated funds for the development of a parcel of land in Maricopa County for use as a veterans' cemetery. Mr. President, the State of Arizona's Veterans Service Commission obtained the land for a cemetery in 1976, and the cemetery was then developed by the State with a Veterans' Administration [VA] grant pursuant to the 50/50 matching funds program in section 1008 of title 38, United States Code. The cemetery opened in May 1979 as the Arizona Veterans Memorial Cemetery and was operated by the State until 1989.

On May 22, 1988, section 346 of Public Law 100-322, which was based on legislation I authored, was enacted to provide for the transfer of the cemetery into the National Cemetery System. The transfer was effective on April 1, 1989, and the cemetery was then renamed "The National Memorial Cemetery of Arizona." It now operates as the 113th cemetery in the National Cemetery System.

Mr. President, when the transfer became effective, certain State of Arizona employees who had provided exceptional service to the facility when it was run by the State were nevertheless found to be ineligible for Federal employment because they were not Federal civil service employees and apparently did not test well on normal civil service standardized measures despite their specialized experience and expertise. This bill would authorize the Department of Veterans Affairs [DVA] to employ certain persons who had worked at the cemetery prior to its transfer into the National Cemetery System. Specifically, under this bill, DVA could employ such persons without regard to civil service requirements if they meet criteria and qualifications established by the Secretary.

In addition, this bill includes a reporting requirement regarding the funding of the operations of the cemetery. Under the provisions of section 346 of Public Law 100-322, the Secretary is prohibited, for 3 fiscal years, from obligating funds for the operation of the cemetery in excess of the greater of: First, the amount the Secretary estimates the DVA would have been required to pay under section 903(b)(1) of title 38—relating to payments to States in connection with the DVA $150 burial payment for each eligible veteran in a State cemetery—had the cemetery not been transferred; or second, the amount that VA paid to the cemetery in fiscal year 1987, which was $129,000, under that authority.

Our bill would require the Secretary to outline in an operating budget plan the anticipated sources of funds for the operation of the cemetery for each of fiscal years 1989, 1990, and 1991, and, to submit such plan each year to the Committees on Veterans' Affairs of the Senate and the House of Representatives. The plan for fiscal year 1989 would be due within 30 days after the enactment of this bill, the fiscal year 1990 plan would be due by October 1, 1989, and the fiscal year 1991 plan would be due by February 1, 1990. I believe this provision is necessary to ensure that DVA has a strategy for coping with the special funding constraints that will exist under section 346 through fiscal year 1991 and that effective service at this national cemetery is not interrupted by those constraints. If a funding shortfall is projected, because of these constraints, we need to know about it so that sources other than DVA funding can be sought and obtained.

Mr. President, enactment of this bill would help ensure that this most recent addition to the National Cemetery System is sufficiently funded for the next 3 fiscal years and that it is maintained and provides service in a manner that befits a U.S. national cemetery. I urge all of my colleagues to give their support to this measure.

Finally, I again thank my good friend, Senator CRANSTON, for his assistance and collaboration in the preparation of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMINISTRATION OF ARIZONA VETERANS MEMORIAL CEMETERY.

(a) APPOINTMENT OF EMPLOYEES.—The Secretary of Veterans Affairs may employ in a position in the Department of Veterans Affairs in connection with the administration of the Arizona Veterans Memorial Cemetery transferred to the Department pursuant to section 346 of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 541) any person who is employed by the State of Arizona in connection with the administration of such cemetery on the day before the date of the transfer. An appointment may be made pursuant to this subsection without regard to civil service laws.

(b) OPERATING BUDGET PLAN.—(1) For each of the fiscal years 1989, 1990, and 1991, the Secretary of Veterans Affairs shall prepare an operating budget plan for the administration of the Arizona Veterans Memorial Cemetery referred to in subsection (a).

(2) The operating budget plan for a fiscal year shall include the anticipated sources of funds for such fiscal year, the Secretary's estimate of any budget deficit (taking into consideration the operating needs of the cemetery for such fiscal year), and the Secretary's estimate of the [workload? for such fiscal year]/[number of burials in the cemetery for such fiscal year]/[number of employee hours required for the administration of the cemetery for such fiscal year].

(3) In preparing the operating budget plan for a fiscal year, the Secretary shall take into consideration the limitations and requirements in section 346(f) of the Veterans' Benefits and Services Act of 1988.

(4) The Secretary shall transmit the budget operating plan for a fiscal year to the Committees on Veterans' Affairs of the Senate and the House of Representatives—

(A) in the case of fiscal year 1989, not later than—days after the date of the enactment of ths Act; and

(B) in the case of each of fiscal years 1990 and 1991, not later than the first day of such fiscal year.●

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1316. A bill to amend the Atomic Energy Act of 1954 to authorize the Assistant Secretary of Energy for Defense Programs to conduct research and development activities related to arms control; to the Committee on Armed Services.

AMENDING THE ATOMIC ENERGY ACT OF 1954 RELATING TO ARMS CONTROL

● Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to designate verification research as one of the key missions of the Assistant Secretary of Energy for Defense Programs. I am delighted that Senator DOMENICI, my senior colleague from New Mexico, is joining me as an original cosponsor of this measure. He shares with me a strong interest in speeding verification research to meet our arms control negotiators' needs.

This is a very short bill but one that I hope will have profound consequences in the future.

The Department of Energy's nuclear weapons laboratories have been conducting research projects on verification technology since the early 1960's. This small, underfunded effort has come up with many important contributions to arms control over the years. For example, in recent years Sandia National Laboratories designed and

built the technical on-site inspection facility which served as the test bed for development of INF and START on-site verification methods. Los Alamos has been a leader in developing methods of verifying tests of directed energy weapons. Livermore has made major contributions in seismic detection of nuclear explosions. Over the past 25 years, the work of the labs has provided the foundation for verification of such agreements as the Limited Test Ban Treaty, the Outer Space Treaty, the Non-Proliferation Treaty, and the SALT I accords.

Yet, for all these contributions, the function has remained an orphan within the Department of Energy and its predecessors, ERDA and the Atomic Energy Commission. We simply do not have a program that looks forward and develops an adequate array of verification options for our arms control negotiators. Mostly, we have been reactive, trying to come up with verification methods either after the fact or well into the negotiations.

The DOE verification function, like other verification programs in our Government, has not been adequately funded in the past and we are paying the penalty for that now. This week's Defense News carries an article entitled "Strategic Pact Faces Years of Delay Due to Verification Questions," which makes the point that we simply have not developed many of the verification methods we need for the START Treaty. I deeply regret any such delay, and I believe it could have been prevented with a very modest expenditure of funds in the past.

Since coming to the Senate, I have worked to add funding for DOE's verification program. It has been clear to me all along that verification was likely to be the show stopper on many desirable arms control agreements. In recent years I have been increasingly successful in obtaining additional funding. Yet the Department of Energy under its previous leadership just did not place the same priority as the Congress did on this function. For example, the fiscal year 1990 DOE verification budget request is $5 million below the fiscal year 1989 total, and the budget for detection technology, the heart of the program, is actually $13 million lower than in 1989. This would mean work on most advanced verification concepts would have to be terminated, according to DOE's budget submission.

This strikes me as exactly the opposite direction from where we should be going. The President has made a proposal in the START talks that puts verification considerations at the forefront of these negotiations. Much of the technology he seeks to explore with the Soviet Union, such as tagging of missiles and on-site monitoring of missile production facilities, is being developed at the DOE labs. Therefore, I have been working with Senators KENNEDY and EXON to provide a significant increase in funding for the DOE verification program as part of this year's defense authorization bill.

Until DOE recognizes the importance of this mission, we will have to seek funding increases above the request every year. I would like that to become unnecessary. That is why I am introducing this bill. It is intended to strengthen the visibility of the verification mission within the Department of Energy's Defense Programs Office and to encourage serious pursuit of the mission. I believe that Admiral Watkins recognizes the importance of verification research to our prospects for successful negotiation of arms control agreements. I am sure he will rise to the challenge of ensuring this mission a strong place in his Department.

I intend to seek to add this bill as an amendment to the fiscal year 1990 Defense authorization bill being marked up in the Armed Services Committee this week. I hope it will win broad support among my colleagues in the committee and the Senate as a whole.

Mr. President, I ask unanimous consent that the bill be printed in full at the end of my remarks as well as the Defense News article to which I earlier referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VERIFICATION RESEARCH AND DEVELOPMENT.

Section 91(a) of the Atomic Energy Act of 1954 (68 Stat. 936; 42 U.S.C. 2121(a)) is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(3) conduct research on and development of technologies needed for the effective negotiation and verification of international agreements on control of special nuclear materials and nuclear weapons.".

[From Defense News, July 10, 1989]

STRATEGIC PACT FACES YEARS OF DELAY DUE TO VERIFICATION QUESTIONS

(By Peter Adams)

BRUSSELS, BELGIUM.—Arms control inspectors who would police a strategic arms agreement between the superpowers by examining the insides of missile nose cones will be asked to perform a careful balancing act.

Looking too deeply may reveal details of warhead design, a secret closely held by both sides. But simple passive readings of radiation from missile nose cones may not reveal attempts to conceal the true number of warheads, according to arms control experts at NATO headquarters here.

Each side fears the other may try to cheat by shielding missile nose cones with radiation-absorbing materials, thus disguising the number of warheads in each missile.

Some experts say this could be overcome by irradiating warheads with a beam of neutrons. "A detector placed on the other side of the warhead would collect the spectra of radiation and the undeviated beam of neutrons," providing an X-ray like reading of the contents, says one expert of the NATO Atlantic Assembly. Others maintain that the technology is not yet reliable.

Technical issues like these are among the reasons why it may be premature for political leaders to hold out any hope of the superpowers rapidly striking a deal to reduce strategic arsenals.

The current Geneva arms control talks on strategic weapons will extend for years as negotiators haggle over the details of how to verify compliance with a treaty. An array of technical solutions holds promise but many of them are still untested and under development in a smattering of Department of Energy laboratories.

But verification techniques are a more vital issue than ever, according to some experts, because the Strategic Arms Reduction Talks (START) involve limiting, not banning, classes of nuclear arms. Verification technology must be able to look inside production facilities and in individual missile nose cones to count warheads.

A report released this month by the Boston-based Union of Concerned Scientists, notes that to date "no satisfactory method has been developed to count warheads on deployed ballistic missiles and the two sides have not agreed on methods to keep track of mobile and nondeployed missiles."

Radiation detectors are not the only measures subject to tampering. Another verification tool, tagging missiles and launchers, also can be manipulated. Tamper-proof tags are getting significant attention from the U.S. Arms Control and Disarmament Agency, sources there say.

Some tags may use coded microchips and others could be attached to the weapon by a pre-recorded pattern of fiber-optic cables that cannot be reproduced.

The verification details present such a difficult problem that the United States is considering enacting some of the measures even before the treaty is signed.

One way to count warheads in a missile nose cone is passive—simply recording the naturally emitted radiation from Uranium-235 and Plutonium-239. There is a possibility of cheating because the missile nose cone could be shielded with radiation-absorbing materials, according to Lothar Ibrugger, a member of the North Atlantic Assembly's Scientific and Technical Committee, who wrote the assembly's review of verification technology released in May.

The North Atlantic Assembly, based in Brussels, Belgium, is the inter-parliamentary forum for the NATO countries.

Ibrugger said an active technique would be more complicated and involve bulkier equipment but would overcome shielding. This involves irradiating the nose cone with a beam of neutrons.

Arms Control and Disarmament Agency officials skeptical about solving the shielding problem say that even active scanning measures could reveal the details of a warhead's construction.

Kenneth Adelman, former Arms Control and Disarmament Agency director, said in Washington last week that perfecting such

technology "is still quite a bit down the road" and that even after warheads are counted some missiles may be outfitted clandestinely with more warheads.

The problem of verifying the number of warheads in a ballistic missile or the number of cruise missiles on an aircraft from a distance that is not overly intrusive pits arms control considerations against the flexibility preferred by the Pentagon.

Adelman said he would prefer to count every missile as having the maximum number of warheads it can carry and each U.S. B-52H and Soviet Bear bomber with the maximum number of air-launched cruise missiles it can carry. That way there can be no questions about the number of warheads.

The Pentagon wants to retain a flexibility in deploying the total 6,000 nuclear warheads it will be allowed under a START agreement. For example, it may choose to put eight warheads on an MX missile, instead of the maximum number of 10, and put the remaining two warheads on an aircraft.

Retaining that flexibility adds an element of surprise and unpredictability to Soviet war planners and makes warheads more survivable.

Gen. John Galvin, supreme allied commander Europe, said in Brussels that he wants to keep a warplanning flexibility by retaining a mix of nuclear weapons, including the sea-launched cruise missile. The Soviets want to set limits on this class of missiles.

"I made it clear to lots of people on that subject. Sea-launched cruise missiles have a very important capability and I do not want to lose it," he said.

Currently at the START talks, the United States position is that bombers are to be counted as having a typical operational load of nuclear cruise missiles, which is 10. The B-52H bomber can hold a maximum of about 20 such missiles. The Soviets want to count each bomber as having the maximum load of cruise missiles.

If bombers are counted as having 10 cruise missiles, some kind of on-site inspection may be necessary to determine if the bomber is indeed carrying 10 nuclear cruise missiles, according to the Union of Concerned Scientists' report. The Verification Revolution. The bomber may mix its load of nuclear cruise missiles with ones that are armed with conventional warheads, not covered by the treaty.

"On-site inspection would be helpful" to count nuclear cruise missiles "especially if inspectors are allowed to examine the weapons bays," the Union of Concerned Scientists says but it notes that kind of inspection might be seen as too intrusive by both sides.

Tagging is another way to determine if a cruise missile is nuclear. The cruise missiles could be tagged at their final assembly plants before deployment.

Ibrugger said a tamper-proof tag might consist of fiber optic cables that are photographed before being attached to the missile. Any tampering with the tag would alter the pattern of the cables that would be routinely inspected as part of a verification regime.

NATO arms control experts also talk about a microchip on the tag that has a prerecorded set of information. Removing the tag alters the memory of the microchip.

Adelman said tagging is a positive step but cautioned that where the tag is placed on a missile is crucial. If it is put on an easily removable part, the whole missile part and intact tag can be fixed onto another missile.

NATO arms control experts in Brussels say that electronic locks may be used to prevent the conversion of conventionally armed cruise missiles to nuclear. The locks would be attached under the watchful eyes of inspectors from both countries at the cruise missile assembly plant. Periodically those missiles would be called for inspection.

Arms Control and Disarmament Agency officials said they have not chosen any specific verification technology and that joint U.S. and Soviet working groups in Geneva will address the verification issue.●

By Mr. D'AMATO:

S.J. Res. 175. Joint resolution designating the week beginning September 17, 1989, as "Emergency Medical Services Week"; to the Committee on the Judiciary.

EMERGENCY MEDICAL SERVICES WEEK

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation designating the week of September 17 through 23, 1989, as "Emergency Medical Services Week."

This legislation recognizes those dedicated men and women who have given their time and talents to providing emergency medical services [EMS]. The American College of Emergency Physicians will be sponsoring events across the country during the week of September 17, and they need our full support to give members of every community the opportunity to update their knowledge of emergency medical procedures.

Since the mid-1960's when EMS was formally established in the United States, the number of accidental deaths due to injury has declined dramatically. In just two decades, the number of persons per 100,000 who have died from auto accidents has decreased from fires and burns, 3.8 to 2; from ingestion of foods or objects 0.8 to 0.6; and from drowning 1.2 to 0.8.

Improvements in the quality and effectiveness of EMS are especially vital to the elderly. Older Americans are more susceptible than any other group to death due to injury. Moreover, they are less likely than others to recover completely from their injuries. It is critical, therefore, that senior citizens become familiar with the steps to take in an emergency medical situation.

EMS is equally important to the welfare of our children. Accidents are the leading cause of death among children under 14 years of age. When appropriate treatment is administered within the first hour of injury, mortality, morbidity, and residual disability can be greatly reduced. Timely and effective treatment, therefore, is a must.

Of course, prompt treatment depends on adequate manpower—and many concerned citizens have responded to this need. In fact, in some areas of the country, between 50 and 80 percent of all prehospital care is provided by trained volunteer personnel.

Providers of emergency medical services include emergency physicians, nurses, emergency medical technicians, paramedics, educators, administrators, and lay people who have learned CPR and other medical stabilization procedures. These men and women, dedicated to the health and welfare of millions of Americans every day, deserve our recognition.

The dedication of September 17-23, 1989 as Emergency Medical Services Week will help provide our EMS providers with this well-deserved recognition, while creating an important opportunity for greater public education about accident prevention and medical emergency managment.

I urge my colleagues to consider the importance of this joint resolution to the health and well-being of all Americans, and to join me in supporting its prompt passage.●

ADDITIONAL SPONSORS

S. 177

At the request of Mr. DECONCINI, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 177, a bill entitled the Cable Compulsory License Nondiscrimination Act of 1989.

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 216, a bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the old age, survivors, and disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such act.

S. 304

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 304, a bill to promote nondiscrimination in State medical licensure and medical reciprocity standards.

S. 335

At the request of Mr. MCCAIN, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 335, a bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under part B of the Medicare Program, with the exception of the spousal improverishment benefit.

S. 384

At the request of Mr. CHAFEE, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 384, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disabil-

ity in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 416

At the request of Mr. DOMENICI, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost of living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 419

At the request of Mr. SIMON, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 419, a bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation.

S. 481

At the request of Mr. CRANSTON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 481, a bill to place a moratorium on the relocation of Navajo and Hopi Indians under Public Law 93-531, and for other purposes.

S. 501

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 501, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase the amount of, the exclusion for amounts received under qualified group legal services plans.

S. 714

At the request of Mr. MCCLURE, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 945

At the request of Mr. MCCAIN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 945, a bill to amend title 38, United States Code, to ensure that all veterans eligible to receive educational assistance under the Veterans' Educational Assistance Program have 10 years after discharge or release from active duty in which to pursue a program of education with such assistance.

S. 976

At the request of Mr. WARNER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 976, a bill to postpone the effective date of section 511(e)(3)(B) of the Controlled Substances Act, relating to the disposition of forfeited property and State law.

S. 980

At the request of Mr. MITCHELL, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 980, a bill to amend the Internal Revenue Code of 1986 to improve the effectiveness of the low income housing credit.

S. 1148

At the request of Mr. GORTON, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1148, a bill to authorize issuance of a certificate of documentation for the vessel *M/V Northern Victor*.

S. 1150

At the request of Mr. CONRAD, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1150, a bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the Refuge Revenue Sharing Fund.

S. 1226

At the request of Mr. MCCONNELL, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1226, a bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of pornographic material.

S. 1232

At the request of Mr. DOMENICI, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 1232, a bill to honor the world's most recent heros in the universal struggle for freedom and democracy, and to designate the park in the District of Columbia directly across from the Embassy of the People's Republic of China as "Tiananmen Square Park."

S. 1237

At the request of Mr. GLENN, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Iowa [Mr. HARKIN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1237, a bill to require the Administrator of the General Services Administration to encourage the use of plastics derived from certain commodities, and to include such products in the General Services Administration inventory for supply to Federal agencies, and to establish an Interagency Council on Biodegradable Standards for the development of uniform definitions, standards, and testing procedures for degradable plastic products made from certain commodities, and for other purposes.

SENATE JOINT RESOLUTION 127

At the request of Mr. SIMON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Joint Resolution 127, a joint resolution designating Labor Day Weekend, September 2-4, 1989, as "National Drive for Life Weekend."

SENATE JOINT RESOLUTION 129

At the request of Mr. DOLE, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 129, a joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 131

At the request of Mr. DURENBERGER, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 131, a joint resolution to designate November 1989 as "National Diabetes Month."

SENATE JOINT RESOLUTION 173

At the request of Mr. RIEGLE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 173, a joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain."

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. BREAUX, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution confirming that it is the responsibility and the desire of Congress to develop a comprehensive telecommunications policy, which includes determining the extent of participation of regional Bell holding companies in providing advanced telecommunications services and equipment.

SENATE CONCURRENT RESOLUTION 49

At the request of Mr. GRASSLEY, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Concurrent Resolution 49, a concurrent resolution to express the sense of the Congress that the States should retain authority to regulate alcohol beverages.

AMENDMENT NO. 247

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Amendment No. 247 proposed to S. 358, a bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

AMENDMENTS SUBMITTED

IMMIGRATION REFORM ACT

EXON (AND OTHERS) AMENDMENT NO. 250

Mr. EXON (for himself, Mr KERREY, and Mr. HARKIN) proposed an amend-

ment to the bill (S. 358) to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes, as follows:

At the appropriate place in the bill, insert:

SEC. . (a) DIRECT FEDERAL FINANCIAL BENEFITS.—That on or after the date of enactment of this Act, notwithstanding any other provision of law, no direct Federal financial benefit or social insurance benefit may be paid or otherwise given to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act as amended; or as may be required by the Constitution of the United States.

(b) REIMBURSEMENT TO THE STATES.—No federal funds shall be used to reimburse States for benefit paid or otherwise given to any person not lawfully within the United States except pursuant to a provision of the Immigration and Nationality Act; or as may be required by the Constitution of the United States.

(c) DEFINITION.—For the purposes of this Act, the term "person not lawfully within the United States" shall be any person who at the time he or she applies for, receives, or attempts to receive such Federal financial benefit is not a United States citizen, a United States national, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status, a temporary resident alien as conferred by Congress, those applicants for asylum determined by the Attorney General to be eligible for such benefits or other aliens determined by the Attorney General to be eligible for such benefits.

SIMPSON AMENDMENT NO. 251

Mr. SIMPSON proposed an amendment to the bill S. 358, supra, as follows:

(a) on page 95, line 8, strike out "45" and insert in lieu thereof, "50";

(b) on page 97, after line 3, insert the following:

"(v) ENGLISH LANGUAGE ABILITY (20 POINTS).—For an alien who certifies, upon the date of filing a petition, subject to verification by examination after the date of selection, that he has an understanding of the English language and the ability to communicate in such language, 20 points."

(c) on page 98, line 6, strike out "65" and insert in lieu thereof, "80".

SPECTER (AND OTHERS) AMENDMENT NO. 252

Mr. SPECTER (for himself, Mr. DECONCINI, Mr. LUGAR, Mr. GORTON, and Mr. GRAMM) proposed an amendment to the bill S. 358, supra, as follows:

(a) in subsection (a) of section 102 by striking "120,000" in the new "section 201(d)" (8 U.S.C. 1151(a)) and inserting "150,000",

(b) in subsection (a) of seciton 103—

(1) by striking "5" in the new "section 203(b)(1)" (8 U.S.C. 1153(b)(1)) and inserting "4",

(2) in the new "section 203(b)(2)" (8 U.S.C. 1153(b)(2))—

(A) by striking "23" and inserting "28", and

(B) by inserting ", plus any visas not required for the class specified in paragraph (1)," after "worldwide level",

(3) in the new "section 203(b)(3)" (8 U.S.C. 1153(b)(3)",

(A) by striking "23" and inserting "28", and

(B) by inserting "plus any visas not required for the classes specified in paragraphs (1) and (2)," after "worldwide level,", and

(4) by striking "4" in the new "section 203(b)(4)" (8 U.S.C. 1153(b)(4)) and inserting "3.2".

STATE DEPARTMENT AUTHORIZATION ACT

D'AMATO AMENDMENT NO. 253

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes, as follows:

At the appropriate place in the bill, insert the following:

SEC. . Section 404 of Title IV—General Provisions, of the Dire Emergency Supplemental Appropriations and Transfer, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989 (P.L. 101-45) is repealed.

HELMS AMENDMENT NO. 254

Mr. HELMS proposed an amendment to amendment No, 252 proposed by Mr. SPECTER (and others) to the bill S. 358, supra, as follows:

In lieu of the language proposed to be inserted, insert the following:

On page 77, line 15, strike "480,000" and insert in lieu thereof "460,000".

On page 78, line 10, strike "120,000" and insert in lieu thereof "140,000".

On page 90, line 18, strike "9" and insert in lieu thereof "6".

On page 91, line 23, strike "9" and insert in lieu thereof "10".

On page 92, line 13, strike "5" and insert in lieu thereof "3".

On page 92, line 18, strike "HOLDING ADVANCED DEGREES".

On page 92, line 20, strike "23" and insert in lieu thereof "32".

On page 92, line 22, strike "holding advanced degrees".

On page 93, line 18, strike "23" and insert in lieu thereof "32".

On page 94, line 12, strike "4" and insert in lieu thereof "3".

On page 94, line 13, strike "level," and insert in lieu thereof "level or 2,800, whichever is greater,".

On page 95, line 6, strike "(2),".

SHELBY (AND OTHERS) AMENDMENT NO. 255

Mr. SHELBY (for himself, Mr. HEINZ, Mr. HELMS, Mr. LOTT, Mr. GRASSLEY, Mr. STEVENS, Mrs. KASSEBAUM, Mr. HEFLIN, Mr. DOLE, and Mr. COCHRAN) proposed an amendment to the bill S. 358, supra, as follows:

At the end of the bill add the following new title:

TITLE .—CENSUS

SEC. . PREVENTION OF CONGRESSIONAL REAPPORTIONMENT DISTORTIONS.

(a) FINDINGS.—The Congress finds that—

(1) in recent years millions of aliens have entered the United States in violation of immigration laws and are now residing in the United States in an illegal status and are subject to deportation:

(2) the established policy of the Bureau of the Census is to make a concerted effort to count such aliens during the 1990 census without making a separate computation for such illegal aliens; and.

(3) by including the millions of illegal aliens in the reapportionment base for the House of Representatives, many States will lose congressional representation which such States would not have otherwise lost, thereby violating the constitutional principle of "one man, one vote".

(b) SECRETARIAL ADJUSTMENTS TO PREVENT DISTORTIONS.—Section 141 of title 13, United States Code, is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) The Secretary shall make such adjustments in total population figures as may be necessary, using such methods and procedures as the Secretary determines feasible and appropriate, in order that aliens in the United States in violation of the immigration laws shall not be counted in tabulating population for purposes of subsection (b) of this section: *Provided, however,* That nothing in this subsection shall be construed to supersede Section 195 of title 13, United States Code.".

(c) CONFORMING AMENDMENT.—Section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929 (2 U.S.C. 2a(a)), is amended by striking out "as ascertained under the seventeenth and each subsequent decennial census of the population" and inserting in lieu thereof "as ascertained and reported under section 141 of title 13, United States Code, for each decennial census of population".

KENNEDY AMENDMENT NO. 256

Mr. KENNEDY proposed an amendment to amendment No. 255 proposed by Mr. SHELBY (and others) to the bill S. 358, supra, as follows:

At the end of the amendment, add the following:

SEC. 2. SEVERABILITY.

In the event that any one or more provisions of this Title is held to be unconstitutional, the same shall not affect the validity of other provisions of this Act.

SIMON (AND OTHERS) AMENDMENT NO. 257

Mr. SIMON (for himself, Mr. DIXON, Mr. KOHL, Mr. CRANSTON, Mr. GORTON, and Mr. HUMPHREY) proposed an amendment to the bill S. 358, supra, as follows:

At the appropriate place, insert:

SEC. . TREATMENT OF HONG KONG AS A SEPARATE FOREIGN STATE FOR NUMERICAL LIMITATIONS.

The approval referred to in the first sentence of section 202(b) of the Immigration and Nationality Act shall be considered to have been granted, effective beginning with fiscal year 1990, with respect to Hong Kong as a separate foreign state, and not as a colony or other component or dependent area of another foreign state, and section 202(c) of such Act shall not apply to Hong Kong, except that the total number of immigrant visas made available to natives of Hong Kong in any fiscal year may not exceed 3.5 percent of the total number of visas made available under section 202(a) in that fiscal year.

SIMON (AND OTHERS) AMENDMENT NO. 258

Mr. SIMON (for himself, Mr. DIXON, Mr. KOHL, Mr. CRANSTON, Mr. GORTON, and Mr. HUMPHREY) proposed amendments to the bill S. 358, supra, as follows:

On page 95, add at the end of line 9 "10,000 of such visas shall be reserved for qualified immigrants who are natives of foreign states the immigration of whose natives to the United States was adversely affected by the enactment of Public Law 89-236."

SIMON AMENDMENT NO. 259

Mr. SIMON proposed an amendment to the bill S. 358, supra, as follows:

At the appropriate place, insert:

"(vi) PREARRANGED EMPLOYMENT IN THE UNITED STATES (15 POINTS).—For an alien who (as of the date of filing a petition) has an arrangement (meeting conditions specified by the Secretary of Labor) for the employment of the alien, 15 points.

On page 95, strike out "45" in line 8 and insert in lieu thereof "50";

On page 98, strike out "65" in line 6 and insert in lieu thereof "75".

Section 1546(b) of title 18, United States Code, is amended by inserting "or section 203(b)(5)" after "section 274A(b)".

BOSCHWITZ AMENDMENT NO. 260

Mr. BOSCHWITZ proposed an amendment to the bill S. 358, supra, as follows:

On page 77, line 15, strike out "480,000" and insert in lieu thereof "520,000".

On page 90, line 18, strike out "9" and insert in lieu thereof "7.8".

On page 91, line 16, strike out "57" and insert in lieu thereof "49.4".

On page 91, line 23, strike out "9" and insert in lieu thereof "7.8".

On page 92, line 5, strike out "25" and insert in lieu thereof "35".

GRAMM (AND BOSCHWITZ) AMENDMENT NOS. 261 THROUGH 264

Mr. GRAMM (for himself and Mr. BOSCHWITZ) proposed four amendments to the bill S. 358, supra; as follows.

AMENDMENT NO. 261

On page 75, line 10, strike out "and".

On page 76, line 9, strike out the period and insert in lieu thereof "; and".

On page 76, between lines 9 and 10, insert the following:

"(3) qualified immigrants who are trained medical personnel described in section 109(f), not to exceed 4,000 nurses and 1,000 physicians.

On the conditional basis described in section 109.

On page 124, after line 25, insert the following:

SEC. 104. INCENTIVES FOR TRAINED MEDICAL PERSONNEL TO WORK IN RURAL AREAS.

(a) CONDITIONAL BASIS FOR PERMANENT RESIDENT STATUS FOR TRAINED MEDICAL PERSONNEL.—Chapter 2 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

"CONDITIONAL PERMANENT RESIDENT STATUS FOR TRAINED MEDICAL PERSONNEL, SPOUSES, AND CHILDREN

"SEC. 218. (a) IN GENERAL.—

"(1) CONDITIONAL BASIS FOR STATUS.—(A) Notwithstanding any other provision of this Act, an alien who is a trained medical person (as defiend in subsection (f)(1)), spouse, and child (as defined in subsection (f)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section if such person, with the prior approval of the governor of that state, has made a commitment to perform medical services in a Health Manpower Shortage Area in an individual state as defined under the Public Health Service Act, where there is a shortage in United States trained physicians, and such person has obtained privileges from a hospital located within that Health Manpower Shortage Area, for 10 years.

"(2) NOTICE OF REQUIREMENTS.—

"(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien medical person, spouse, or child obtains permanent resident status on a conditional basis under paragraph (1), the Attorney General shall provide for notice to such medical person, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

"(B) AT TIME OF REQUIRED PETITION.—In addition, the Attorney General shall attempt to provide notice to such medical person, spouse, or child, at or about the beginning of the 90-day period described in subsection (d)(2)(A), of the requirements of subsection (c)(1).

"(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Attorney General to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such medical person, spouse, or child.

"(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—

"(1) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if the Attorney General determines, before the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence, that the alien is not performing medical services in a Health Manpower Shortage Area or has not obtained privileges from a hospital located within that Health Manpower Shortage Area, then the Attorney General shall so notify the alien involved and, subject to paragraph (2), shall terminate the permanent resident status of the alien involved as of the date of the determination.

"(2) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that a condition described in paragraph (1) is met.

"(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

"(1) IN GENERAL.—In order for the conditional basis established under subsection (a) for an alien medical person, spouse, or child to be removed—

"(A) the alien medical person must submit to the Attorney General, during the period described in subsection (d)(2), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in subsection (d)(1), and

"(B) in accordance with subsection (d)(3), the alien medical person must appear for a personal interview before an officer or employee of the Service respecting the facts and information described in subsection (d)(1).

"(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTERVIEW.—

"(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

"(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A), or

"(ii) unless there is good cause shown, the alien medical person fails to appear at the interview described in paragraph (1)(B), the Attorney General shall terminate the permanent resident status of the alien as of the tenth anniversary of the alien's lawful admission for permanent residence.

"(B) HEARING IN DEPORTATION PROCEEDING.—In any deportation proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

"(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

"(A) IN GENERAL.—If—

"(i) a petition is filed in accordance with the provisions of paragraph (1)(A), and

"(ii) the alien medical person appears at the interview described in paragraph (1)(B), the Attorney General shall make a determination, within 90 days of the date of the interview, as to whether the facts and information described in subsection (d)(1) and alleged in the petition are true with respect to the performance of medical services by the alien.

"(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Attorney General determines that such facts and information are true, the Attorney General shall so notify the alien involved and shall remove the conditional basis of the alien's status effective as of the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(C) TERMINATION IF ADVERSE DETERMINATION.—If the Attorney General determines that such facts and information are not true, the Attorney General shall so notify the alien involved and, subject to subparagraph (b), shall terminate the permanent

resident status of an alien medical person, spouse, or child as of the date of the determination.

"(D) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true with respect to the performance of medical services by the alien.

"(d) DETAILS OF PETITION AND INTERVIEW.—

"(1) CONTENTS OF PETITION.—Each petition under subsection (c)(1)(A) shall contain facts and information demonstrating that the alien performed medical services in a Health Manpower Shortage Area or has not obtained privileges from a hospital located within that Health Manpower Shortage Area, throughout the alien's residence in the United States.

"(2) PERIOD FOR FILING PETITION.—

"(A) 90-DAY PERIOD BEFORE SECOND ANNIVERSARY.—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed during the 90-day period before the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(B) DATA PETITIONS FOR GOOD CAUSE.—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Attorney General good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

"(C) FILING OF PETITIONS DURING DEPORTATION.—In the case of an alien who is the subject of deportation hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Attorney General may stay such deportation proceedings against an alien pending the filing of the petition under subparagraph (B).

"(3) PERSONAL INTERVIEW.—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of the Service, designated by the Attorney General, which is convenient to the parties involved. The Attorney General, in the Attorney General's discretion, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

"(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence beginning 5 years after the conditional admission of the alien.

"(f) DEFINITIONS.—In this section:

"(1) The term 'alien medical person' means an alien who obtains the status of an alien lawfully admitted for permanent residence under section 201(a)(3) and who is a physician or nurse, licensed to practice within that state and who is competent in oral and written English.

"(2) The term 'spouse' and the term 'child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien entrepreneur.".

(b) ADDITIONAL GROUND FOR DEPORTATION.—Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended by inserting before the semicolon at the end thereof the following: ", (C) is an alien with permanent resident status on a conditional basis under section 218 and has such status terminated under such section".

(c) CRIMINAL PENALTY FOR IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.—Section 275 of such Act (8 U.S.C. 1325) is amended by adding at the end thereof the following new subsection:

"(c) Any individual who knowingly performs medical services under section 109 for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than $250,000, or both.".

(d) LIMITATION ON ADJUSTMENT OF STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(f) The Attorney General may not adjust, under subsection (a), the status of an alien lawfully admitted to the United States for permanent residence on a conditional basis under section 218.".

(e) CONFORMING AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 217 the following new item:

"Sec. 218. Conditional permanent resident status for trained medical personnel,—spouses, and children."

AMENDMENT NO. 262

(a) On page 95, line 8, strike out "45" and insert in lieu thereof, "60,"

(b) On page 98, strike out lines 5 through 9 and insert in lieu thereof: "to eligible qualified immigrants who attain the highest scores (in descending order) on the assessment system described in subsection (b)(5)(B) with respect to petitions filed for the fiscal year involved, with the lowest scores qualifying under this clause to be chosen, if necessary, in the random order described in clause (B); and".

AMENDMENT NO. 263

On page 81, line 2, insert after "105 percent" the following: "(or, if so, to the extent of a 5 percent decrease or increase, as the case may be)".

On page 81, line 8, after "transmitted" insert the following: "(or a 5 percent increase or decrease, as the case may be)".

On page 81, line 15, insert after "change" the following: "(to the extent that the change is less than 95 percent or more than 105 percent, as the case may be)".

AMENDMENT NO. 264

On page 92, line 13, strike "5 percent" and insert in lieu thereof "3.33 percent".

On page 94, strike out line 11 and all that follows through line 2 on page 95 and insert in lieu thereof the following:

"(4) EMPLOYMENT CREATION.—Visas shall be made available next, in a number not to exceed 5.67 percent of such worldwide level, to any qualified immigrant who is seeking to enter the United States for the purpose of engaging in a new commercial enterprise which the alien has established and in which such alien has invested or, is actively in the process of investing—

"(A) capital, in an amount not less than $1,000,000, and which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence (other than the spouse, sons, or daughters of such immigrant); or

"(B) capital, in an amount not less than $500,000, in rural areas or in areas which have experienced persistently high unemployment, at the time of investment, of at least one and one-half times the national average rate, and which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence (other than the spouse, sons, or daughters of such immigrant).

Of the visas allocated under this paragraph, 1.67 percent of the worldwide level shall be available for aliens investing as described in clause (B). Special attention shall be given to such aliens in clause (B) who have invested or, are actively in the process of investing, in rural areas, with an unemployment rate, at the time of the investment, of at least one and one-half times the national average. For purposes of clause (B), the term "rural area" means all territory of a State that is not within a metropolitan statistical area or the outer boundary of any city or town having a population of 20,000 or more based on the latest decennial census of the United States. The Attorney General, in consultation with the Secretary of Labor and the Secretary of State, may prescribe regulations increasing the dollar amount of the investment necessary in clause (A) for the issuance of a visa under this paragraph.

KASSEBAUM (AND DANFORTH) AMENDMENT NO. 265

Mr. SIMPSON (for Mrs. KASSEBAUM, for herself and Mr. DANFORTH) proposed an amendment to the bill S. 358, supra, as follows:

On page 124, after line 25, insert the following new section:

SEC. 109. ENTRY OF CERTAIN AIRCRAFT CREWMEMBERS.

Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting the following new subsection:

"(e) The Attorney General and the Secretary of State are further authorized to issue regulations providing for the waiver of visa requirements for aircraft crewmembers serving on aircraft who are nationals of pilot program countries designated pursuant to subsection (c). Such regulations may provide for aircraft crew visa waivers on a reciprocal basis with each individual pilot program country during the pilot program period."

KENNEDY (AND SIMPSON) AMENDMENT NO. 266

Mr. KENNEDY (for himself and Mr. SIMPSON) proposed an amendment to the bill S. 358, supra, as follows:

Beginning on page 118, strike out line 17 and all that follows through line 4 on page 119 and insert in lieu thereof the following:

"(r) CREDITABLE FEES.—(1) Notwithstanding sections 1 and 2 of the Act of June 4, 1920, as amended (42 Stat. 750; 11 U.S.C. 214) or any other provision of law, the Sec-

retary of State shall pay the expenses incurred during the two years immediately following the date of enactment of the Immigration Act of 1989 to prepare for and initiate the immigrant visa program provided for under sections 201(a)(3), 201(b)(2)(A)(i), and 203(a) and (b). Such expenses include salary and expenses, space and support costs, research and development, software, equipment acquisition, equipment replacement, hardware and software maintenance, and anti-fraud costs of visa and passport functions connected with that program.

"(2) Beginning fiscal year 1990, and each fiscal year thereafter, fees collected by consular officers shall be credited to a Department of State account which shall be available only for the payment of the expenses of automation activities, equipment and software maintenance, hardware replacement, research and development and support costs, except that not more than $30,000,000 of such fees may be available for each year for fiscal years 1990 and 1991 and not more than $20,000,000 for each fiscal year thereafter for the purposes as described in paragraphs (1) and (2).

"(3) Nothing in this subsection shall be construed as making funds under this subsection available for the machine readable document program.

"(4) There are authorized to be appropriated to the Department of State to carry out paragraph (1) such sums as may be necessary for each of fiscal years 1990 and 1991.".

On page 128, line 15, strike out "(e)" and insert in lieu thereof "(d)".

On page 130, strike out "any State or".

On page 132, lines 5 and 6, strike out ", other than subsection (d)".

On page 132, line 7, strike out "(a)(1)" each of the two places it appears.

On page 132, line 23, strike out "or the".

At the appropriate place in the bill, at the amendment offered by Mr. Exon insert:

In no case should the benefits described in subsection (a), or the provisions of subsection (b), include such programs which provide general assistance to States and communities impacted by the arrival of undocumented aliens or other assistance which is not a direct cash benefit or federal social insurance benefit to individual aliens.

In section (f)(2)—the very last sentence of the Gorton Amendment—"subsection (a)" should instead be "paragraph (1)".

Amend amendment numbered 239 to the bill as follows:

On line 6 of page 2, strike "Nonimmigrants" and insert "Nonimmigrants".

On line 13 of page 2, insert the following after "101(a)(15)(J)": ", or changed status to that of a nonimmigrant under 101(a)(15)(J),".

On line 19 of page 2, strike "(1)".

On line 23 of page 2, strike "and is present in the United States as a nonimmigrant described in section 101(a)(15) (F), (J), and (M), as well as their immediate family—".

On line 25 of page 2, strike the comma and insert "described in section 101(a)(15)(F), (J), or (M)".

On line 1 of page 3, before "before," insert "as a nonimmigrant described in section 101(a)(15)(F), (J), or (M)".

On line 16 of page 3, strike "who applies for adjustment of status or change of nonimmigrant status under the terms of this section" and insert "who is described in paragraph (1) or (2) of subsection (b)".

On line 21 of page 3, strike the period and insert "for the period described in subsection (e).".

On line 1 of page 4, strike "or until" and insert "regardless of whether".

On page 92, line 17, strike out "(2)" and insert in lieu thereof, "(3)".

On page 93, line 17, strike out "(3)" and insert in lieu thereof, "(4)".

On page 94, line 11, strike out "(4)" and insert in lieu thereof, "(5)".

On page 95, line 3, strike out "(5)" and insert in lieu thereof, "(6)".

On page 92, line 20, strike out "28" and insert in lieu thereof, "26.375".

On page 93, line 18, strike out "28" and insert in lieu thereof, "26.375".

On page 92, between lines 16 and 17, insert the following:

"(2) qualified immigrants who are trained medical personnel described in section 109(f), not to exceed 4,000 nurses and 1,000 physicians on the conditional basis described in section 109.

On page 124, after line 25, insert the following:

SEC. 104. INCENTIVES FOR TRAINED MEDICAL PERSONNEL TO WORK IN RURAL AREAS.

(a) CONDITIONAL BASIS FOR PERMANENT RESIDENT STATUS FOR TRAINED MEDICAL PERSONNEL.—Chapter 2 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

"CONDITIONAL PERMANENT RESIDENT STATUS FOR TRAINED MEDICAL PERSONNEL, SPOUSES, AND CHILDREN

"SEC. 218. (a) IN GENERAL.—

"(1) CONDITIONAL BASIS FOR STATUS.—(A) Notwithstanding any other provision of this Act, an alien who is a trained medical person (as defined in subsection (f)(1)), spouse, and child (as defined in subsection (f)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section if such person, with the prior approval of the governor of that state, has made a commitment to perform medical services in a Health Manpower Shortage Area in an individual state as defined under the Public Health Service Act, where there is a shortage in United States trained physicians, and such person has obtained privileges from a hospital located within that Health Manpower Shortage Area for 10 years.

"(2) NOTICE OF REQUIREMENTS.—

"(A) At time of obtaining permanent residence.—At the time an alien medical person, spouse, or child obtains permanent resident status on a conditional basis under paragraph (1), the Attorney General shall provide for notice to such medical person, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

"(B) AT TIME OF REQUIRED PETITION.—In addition, the Attorney General shall attempt to provide notice to such medical person, spouse, or child, at or about the beginning of the 90-day period described in subsection (d)(2)(A), of the requirements of subsection (C)(1).

"(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Attorney General to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such medical person, spouse, or child.

"(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—

"(1) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if the Attorney General determines, before the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence, that the alien is not performing medical services in a Health Manpower Shortage area or has not obtained privileges from a hospital located within that Health Manpower Shortage Area, then the Attorney General shall so notify the alien involved and, subject to paragraph (2), shall terminate the permanent resident status of the alien involved as of the date of the determination.

"(2) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that a condition described in paragraph (1) is met.

"(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

"(1) IN GENERAL.—In order for the conditional basis established under subsection (a) for an alien medical person, spouse, or child to be removed—

"(A) the alien medical person must submit to the Attorney General, during the period described in subsection (d)(2), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in subsection (d)(1), and

"(3) in accordance with subsection (d)(3), the alien medical person must appear for a personal interview before an officer or employee of the Service respecting the facts and information described in subsection (d)(1).

"(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTEREVIEW.—

"(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

"(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A), or

"(ii) unless there is good cause shown, the alien medical person fails to appear at the interview described in paragraph (1)(B), the Attorney General shall terminate the permanent resident status of the alien as of the tenth anniversary of the alien's lawful admission for permanent residence.

"(B) HEARING IN DEPORTATION PROCEEDING.—In any deportation proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

"(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

"(A) IN GENERAL.—If—

"(i) a petition is filed in accordance with the provisions of paragraph (1)(A), and

"(ii) the alien medical person appears at the interview described in paragraph (1)(B), the Attorney General shall make a determination, within 90 days of the date of the interview, as to whether the facts and information described in subsection (d)(1) and alleged in the petition are true with respect to the performance of medical services by the alien.

"(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Attorney General determines that such facts and information are true, the Attorney General

shall so notify the alien involved and shall remove the conditional basis of the alien's status effective as of the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(C) TERMINATION IF ADVERSE DETERMINATION.—If the Attorney General determines that such facts and information are not true, the Attorney General shall so notify the alien involved and, subject to subparagraph (D), shall terminate the permanent resident status of an alien medical person, spouse, or child as of the date of the determination.

"(D) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true with respect to the performance of medical services by the alien.

"(d) DETAILS OF PETITION AND INTERVIEW.—

"(1) CONTENTS OF PETITION.—Each petition under subsection (c)(1)(A) shall contain facts and information demonstrating that the alien performed medical services in a Health Manpower Shortage Area or obtained privileges from a hospital located within that Health Manpower Shortage Area throughout the alien's residence in the United States.

"(2) PERIOD FOR FILING PETITION.—

"(A) 90-DAY PERIOD BEFORE SECOND ANNIVERSARY.—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed during the 90-day period before the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(B) DATE PETITIONS FOR GOOD CAUSE.—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Attorney General good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

"(C) FILING OF PETITIONS DURING DEPORTATION.—In the case of an alien who is the subject of deportation hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Attorney General may stay such deportation proceedings against an alien pending the filing of the petition under subparagraph (2).

"(3) PERSONAL INTERVIEW.—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of the Service, designated by the Attorney General, which is convenient to the parties involved. The Attorney General, in the Attorney General's discretion, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

"(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence beginning 5 years after the conditional admission of the alien.

"(f) DEFINITIONS.—In this section:

"(1) The term 'alien medical person' means an alien who obtains the status of an alien lawfully admitted for permanent residence under section 201(a)(3) and who is a physician or nurse, licensed to practice within that state and who is competent in oral and written English.

"(2) The term 'spouse' and the term 'child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien entrepreneur.".

"(b) ADDITIONAL GROUND FOR DEPORTATION.—Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended by inserting before the semicolon at the end thereof the following: ", or (c) is an alien with permanent resident status on a conditional basis under section 218 and has such status terminated under such section".

(c) CRIMINAL PENALTY FOR IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.—Section 275 of such Act (8 U.S.C. 1325 is amended by adding at the end thereof the following new subsection:

(c) Any individual who knowingly performs medical services under section 109 for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than $250,000, or both.".

(d) LIMITATION ON ADJUSTMENT OF STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(f) The Attorney General may not adjust, under subsection (a), the status of an alien lawfully admitted to the United States for permanent residence on a conditional basis under section 218.".

(e) CONFORMING AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 217 the following new item:

"SEC. 218. CONDITIONAL PERMANENT RESIDENT STATUS FOR TRAINED MEDICAL PERSONNEL, SPOUSES, AND CHILDREN.".

COMPETITIVE WHOLESALE ELECTRIC GENERATION ACT

JOHNSTON AMENDMENT NO. 267

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. JOHNSTON submitted an amendment intended to be proposed by him to the bill (S. 406) to authorize competitive oil and gas leasing and development on the Coastal Plain of the Arctic National Wildlife Refuge in a manner consistent with protection of the environment, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

"That this Act may be referred to as the 'Competitive Wholesale Electric Generation Act of 1989'.

"SEC. 2. EXEMPT WHOLESALE GENERATORS.

"(a)(1) 'Exempt wholesale generator' shall mean any person who is engaged directly, or indirectly through one or more affiliates of such person as defined under section 2(a)(11)(B) of the Act, exclusively in the business of owning or operating all or part of one or more eligible facilities and selling electric energy at wholesale: *Provided*, That the term 'exempt wholesale generator' shall exclude an affiliate of a registered holding company, which affiliate was in existence as of the date of enactment hereof, unless the Commission has consented.

"(2) 'Eligible facility' shall mean a facility, wheresoever located, used for the generation of electric energy exclusively for sale at wholesale (including inter-connecting transmission facilities necessary to effect such sale at wholesale), but shall exclude any facility for which consent is required under paragraph (3) and has not been obtained. For purposes of this subsection, the term 'facility' shall include a portion of a facility.

"(3) As of the date of enactment hereof, if a rate or charge for, or in connection with, the construction of a facility, or for electric energy produced by a facility (other than any portion of a rate or charge which represents recovery of the cost of a wholesale rate or charge) was in effect under the laws of any state, consent with respect to such facility shall be required from any State commission having jurisdiction over such rate or charge.

"(b) An exempt wholesale generator shall not be considered an 'electric utility company' under section 2(a)(3) of the Act and, whether or not a subsidiary company, an affiliate, or an associate company of a holding company, shall be exempt from all provisions of the Act.

"(c) Notwithstanding any provisions of the Act, a holding company that is exempt under section 3 of the Act shall be permitted without condition or limitation under such Act to acquire and maintain an interest in the business of one or more exempt wholesale generators.

"(d) Notwithstanding any provision of the Act and the Commission's jurisdiction as provided under subsection (e), a registered holding company shall be permitted without the need to apply for, or receive approval from the Commission, and otherwise without condition under the Act, to acquire and hold the securities, or an interest in the business, of one or more exempt wholesale generators.

"(e) The issuance of securities by a registered holding company for purposes of financing the acquisition of an exempt wholesale generator, the guarantee of securities of an exempt wholesale generator by a registered holding company, the entering into service, sales or construction contracts, and the creation or maintenance of any other relationship in addition to that described in subsection (d) between an exempt wholesale generator and a registered holding company, its affiliates and associate companies, shall remain subject to the jurisdiction of the Commission under the Act: *Provided*, That:

"(1) Section 11 of the Act shall not prohibit the ownership of an interest in the business of one or more exempt wholesale generators by a registered holding company (regardless of where facilities owned or operated by such wholesale generators are located), and such ownership by a registered holding company shall be deemed consistent with the operation of an integrated public utility system; and

"(2) The ownership of an interest in the business of one or more exempt wholesale generators by a registered holding company (regardless of where facilities owned or operated by such exempt wholesale generators are located) shall be considered as reasonably incidental, or economically necessary

or appropriate to the operations of an integrated public utility system.

"(f) For purposes of this section, all references to 'the Act' shall mean the Public Utility Holding Company Act of 1935, as amended. All of the terms used in this section and defined in the Act shall have the same meaning as defined therein.

"SEC. 3. OWNERSHIP OF EXEMPT WHOLESALE GENERATORS AND QUALIFYING FACILITIES.

"The ownership by a person of one or more exempt wholesale generators shall not result in such person being considered as being primarily engaged in the generation or sale of electric power within the meaning of sections 3(17)(C)(ii) and 3(18)(B)(ii) of the Federal Power Act, as amended.

"SEC. 4. PRESERVATION OF STATE AUTHORITY.

"Nothing in this Act shall preempt or otherwise restrict such power as State regulatory authority may have, in accordance with State and Federal law and in the absence of the enactment of this Act, to judge the prudence of a purchase of electric energy at wholesale, deny the inclusion of the cost of such a purchase in rates subject to such authority's jurisdiction, or otherwise exercise its functions.".

Mr. JOHNSTON. Mr. President, today I am introducing the Competitive Wholesale Electric Generation Act of 1989 as an amendment to S. 406. The purpose of this legislation is to remove the obstacles to competitive wholesale generation contained in the Public Utility Holding Company Act of 1935 [PUHCA]. For reasons that I will elaborate upon, independent power producers [IPP's] whether they are utilities or nonutilities, must generally develop their projects using a holding company format. PUHCA, however, effectively prevents the use of holding companies for these purposes. My legislation would simply modify the Holding Company Act so as to remove this limitation. It has been narrowly crafted to achieve this purpose.

The legislation process would be well served if I also make it clear what this legislation does not do.

First, my amendment would not force anyone to do anything. The effect of the legislation is to create a new type of electric supply option. It does not mandate a particular structure for the electric utility industry.

Second, my amendment does not repeal PUHCA. There are those who would argue that the Holding Company Act has outlived its usefulness and become nothing more than a burdensome anachronism. However, the resolution of that issue will have to wait for another day. My legislation changes PUHCA only to the extent necessary to allow independent power production to go forward. I believe my amendment may be necessary to accommodate growing competition in wholesale power generation. The possibility of such direct competition simply was not foreseen by Congress when it enacted PUHCA. Thus, this legislation represents modernization, rather than repudiation, of regulation under the Holding Company Act.

Third, my amendment does not deal with the issue of when market pricing for wholesale power should or should not be permitted—that is whether or not a given entity can be an IPP. Rather it deals with an antecendent problem: The fact that without the ability to develop generation using holding company structures, IPP's—and what they make possible in terms of competition in wholesale generation—are effectively precluded, regardless of the availability of market pricing.

It should be recognized that the question of when a seller of wholesale power should be permitted to charge an unregulated price arises solely under the Federal Power Act and has nothing to do with PUHCA. Recently, IPP's and market pricing have been the subject of a controversial set of notices of proposed rulemaking [NOPR's] issued by the Federal Energy Regulatory Commission [FERC]. I do not believe that the process under which the NOPR's have been considered thus far has been sufficient to support a generic resolution of market pricing and related issues. Given the importance of these matters, the question of market pricing for wholesale power should remain for the time being where it is: a matter for case-by-case determination by FERC.

While there is a lack of agreement concerning specific rules for market pricing, there may be an emerging consensus that IPP's and competitive acquisition of wholesale power should at least be an option and thus that the separate statutory obstacles to independent power production contained in the Holding Company Act should be removed. The purpose of my amendment is the removal of these obstacles for utilities and nonutilities alike.

Mr. President, at the outset I emphasized one of the threshold questions we must answer: Is it in the public interest for independent power production and competition in bulk power to be an option for the future? The introduction of this legislation will begin to answer that question. If the answer is yes, it will also begin the process of determining if this amendment is the appropriate means to achieve those ends. My own mind remains open on the fundamental question. I very much look forward to the educational process this legislation will engender.

For the last 2 years there has been an intensive policy debate on the issue of competition in wholesale generation. The debate has involved regulators, utility executives, consumer advocates, aspiring independent power developers, economists, lawyers, architect-engineers, equipment manufacturers, and investment bankers. It has occurred before State utility commissions, before FERC, and in endless numbers of studies, conferences, seminars, and symposia. But the debate has not yet been brought to Capitol Hill, and it is Congress and the President who ultimately have the weighty responsibility of determining national energy policy.

Those who argue against enhancement of competition in wholesale generation express concerns that such actions will cause loss of economies of coordination, lack of reliability, unwise fuel choices, overreliance on contractual obligations as a means of ensuring power supply, and overemphasis on price versus nonprice factors in purchasing power competitively. In general, they assert that the natural monopoly characteristics of generation remain intact and that vertically integrated utilities are most likely to be able to provide adequate, reliable power at least cost.

Those who support Holding Company Act changes cite the positive experience with competition under the Public Utility Regulatory Policies Act of 1978 [PURPA], the present existence of willing buyers and sellers for IPP power who are stymied by PUHCA, the preference of economic theory for workable competition over regulation, and the growing concern by some analysts that utilities by themselves will have difficulty in meeting imminent needs for new generation. In general, advocates of change point out that if Holding Company Act legislation merely creates the option but not the requirement for independent power production, one must assume serious and prolonged errors in judgment by both purchasing utilities and State regulatory commissions in order to argue that the Nation's electric supply would be harmed by enactment of legislation. In other words, if in a given instance IPP power is unacceptable, it simply need not be purchased.

In judging between these two positions, Congress must recognize that an ample, economical and dependable supply of electricity is fundamental to every aspect of the Nation's well-being. Major decisions on electric regulation should not be made lightly. On the other hand, few policy changes are ever made without some uncertainty and ultimately some negative consequences. The task will be to balance all appropriate considerations.

Mr. President, I ask unanimous consent that the background and summary of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND AND SUMMARY OF THE COMPETITIVE WHOLESALE ELECTRIC GENERATION ACT OF 1989

THE CURRENT SITUATION

Traditional Regulation

Generation has traditionally been supplied on a monopoly basis by utilities subject to cost of service regulation. Under cost-of-service regulation, utilities (both wholesale and retail) are permitted to set rates so as to recover their expenses plus a return on capital investment (rate base). Until the 1970's, factors affecting electric utilities were predictable; the real price of electricity declined; and cost-of-service regulation functioned fairly well. Since then, various changes (high real interest rates, unpredictability of demand, increasing construction costs to name a few) have raised concerns about the current system.

In general terms, cost-of-service regulation may create a poor match of risk to reward because it gives utilities a chance of recovering all costs while eliminating the possibility that gains from increased productivity can be kept. Conversely, cost-of-service regulation can be used by regulatory commissions as an arbitrary device for heaping all risks on utilities.

Lessons and Limitations of the PURPA Experience

Until recently, it was thought that electric generation generally has the characteristics of a natural monopoly. That is, it was assumed that a single utility in a given market will always be able to reduce costs through economies of scale such that smaller competitors are driven out of business. Experience under PURPA has provided some reason to question this assumption.

PURPA gives developers of qualifying facilities (QFs) certain preferential rights. QFs are either cogeneration facilities (facilities that produce electricity and useful thermal energy) or small power production facilities (facilities whose primary energy source is solar, hydropower, waste, biomass, wind or other renewable resources). Qualifying facility status generally gives a project developer the right to receive back-up power, state and federal regulatory exemptions (including exemption from PUHCA), and the right to sell electricity to a given utility at the utility's avoided cost. PURPA defines avoided cost as the cost that a utility avoids in generating electricity itself or not purchasing it from another source.

Contrary to original expectations, PURPA has produced an explosion of QF development (approximately 25,000 MW), and this process has occurred under increasingly competitive conditions. The early years of PURPA were sometimes marked by excessive payments to QFs. However, as QFs began to be able in some instances to offer more capacity than utilities needed, rates paid for QF power were frequently negotiated down below the purchasing utility's own avoided cost. More recently, a growing number of states (16 by last count) have adopted, or are in the process of adopting, bidding programs for the acquisition of QF capacity by their native utilities.

In bidding programs, avoided costs prices effectively amount to market rates because they are set through direct competition between QFs and any other competing sources of supply. Bidding programs to date have exhibited a high degree of competition among suppliers. Typically, they have resulted in prices and conditions that, for various reasons, are better for ratepayers than what the purchasing utility can offer. While the track record of bidding is not yet well established, it provides some empirical basis for believing that competition in wholesale power markets can operate and benefit consumers significantly. Furthermore, the beneficial results of bidding to date are not necessarily surprising, orthodox economic theory generally holds that workable competition is a superior alternative to regulation.

There are, however, practical problems with continued development of QFs under PURPA. For small power producers, limitations on the economics of renewable resources means these sorts of QFs cannot make major contributions to power needs. Similarly, future development of congeneration is becoming increasingly restricted as available steam hosts are used up.

Given the possibilities for competition demonstrated by PURPA, a logical step would be to allow such competition to take place free of the technological restrictions of QF status. In addition, it would make sense in a competitive context to remove two of the other distorting aspects of the PURPA regime: restrictions on ownership of QFs by utilities and the facial requirement that utilities purchase all power offered by QFs. In essence, what is left after these changes are made is the concept of an IPP.

INDEPENDENT POWER PRODUCERS

In general terms, an IPP is a person (utility or nonutility) who owns a wholesale generating facility and who, because of a lack of market power, is permitted under the Federal Power Act to charge an unregulated price for power that the facility produces. Lack of market power in this context would mean either that 1) the IPP is not selling to an affiliated company and does not control transmission access to potential buyers of power from the facility or 2) the IPP is selling to an affiliate, or it controls transmission access to the buyer, but abuse of market power is prevented through regulatory oversight or conditions (example: FERC approves a market-priced power sale between affiliates because the rate is below a similar arms-length transaction between the affiiate-buyer and an unaffiliated entity).

THE NEED FOR CHANGES TO THE HOLDING COMPANY ACT

Limitations on IPP Development Under PUHCA

The QF experience under PURPA suggests that consumers could benefit from the existence of IPPs as a supply option. The need for such an option may be more than theoretical. A growing number of analysts predict large demands for new generation in the 1990s and note with alarm that much of it has not been planned. More to the point, there are at this moment a number of willing utility buyers and willing sellers (both utility and nonutility) for IPP projects who are stymied in their efforts. The obstacle standing in the way of these projects is not the need to get FERC approval for market rates, but the effective bar posed by the Public Utility Holding Company Act of 1935.

As a practical matter, IPP projects generally must be developed in a holding company format, whether they be developed by utilities or nonutilities. First, there is general consensus that the financial markets will require IPPs to be project financed. That is, debt lenders will provide capital only if it is secured by a corporate entity which controls project assets and revenues. Equity participants in turn will demand that their liability be non-recourse (i.e. limited to the value of project assets). The only effective way for these requirements to be met is by creating a separate corporate entity to develop an individual project, thus creating a holding company structure. Second, for reasons or organizational convenience, corporations generally desire to separate different lines of business into separate subsidiaries, again requiring a holding company structure. Third, to the extent that utilities develop IPPs, regulators will generally require the creation of separate subsidiaries for purposes of risk separation and cost accounting.

Unfortunately, the ownership of an IPP in a holding company format generally makes a parent owner (and its IPP) subject to the Holding Company Act. Under PUHCA, when a corporation owns more than ten percent of a separate corporate entity engaged in the business of electric generation (i.e. an IPP), it generally becomes a "holding company" subject to the provisions of the Act. All holding companies under the Holding Company Act must either become "exempt holding companies" or "registered holding companies."

As the name implies, exempt holding companies are not subject to most provisions of the Holding Company Act. However, in order to be exempt, a holding company must meet one of five criteria set out in section 3 of PUHCA. These criteria variously restrict a holding company's geographical scope of operations, its ability to be engaged in anything other than utility business, or its ability to be engaged in the utility business itself. Because of the narrow focus of the criteria and other provisions of the Holding Company Act which restrict utility acquisitions by exempt companies and give the SEC discretion to revoke an exemption in the public interest, status as an exempt holding company offers only very limited opportunities for IPP development.

In the case of registered companies, PUHCA is even more restrictive. For those companies that are not currently registered holding companies, the burdens of such status effectively preclude it as an option. Among other provisions, the Holding Company Act pervasively regulates the issuance and acquisition of securities by registered companies, requires registered companies to be operated as integrated utility systems, generally prohibits the ownership of utility and nonutility businesses which are not related to the operation of an integrated system, and requires simplification of corporate structures. Even for those companies that are already registered companies, the provisions of the Act requiring operation as an integrated system and restricting entry into unrelated businesses effectively prohibit most opportunities for IPP development.

In short, whether one is a non-utility, a simple investor-owned utility, an exempt holding company, or a registered holding company, the Holding Company Act stands as a practical bar to most opportunities for IPP development. While there are a few ways in which the restrictions of the Act may be circumvented, they have limited use. Thus, to the extent that positive opportunities for competition in wholesale power generation exist, they will be lost without changes in PUHCA.

The Obstacles to Competition in PUHCA Can Be Removed Consistent With the Public Interest

The problems that the Holding Company Act was originally intended to remedy are today largely prevented by other statutory

regimes. When the Act was enacted in 1935, control of the electric utility industry was concentrated in a few large holding companies whose operations were abusive both to investors and ratepayers. Problems included excessive profits from transactions between affiliates, issuance of securities on the basis of unsound asset values, statements of earnings based on paper profits from affiliate transactions, and the use of inconsistent accounting practices. At that time, however, the two federal securities acts and the Federal Power Act had only just been enacted. State utility laws were in their nascent stages and in some cases did not even exist. Since then the regulatory regimes created by these statutes have come into their own and to a large extent provide duplicative protections to those contained in the Holding Company Act. The Holding Company Act in turn has become somewhat superfluous.

SUMMARY OF THE LEGISLATION

Section 2

Subsection (a)

The legislation uses the term "Exempt Wholesale Generator" (EWG), rather than IPP, to designate entities exempt from PUHCA in order to clarify that the legislation is dealing only with structural problems in the Act. The term "IPP" generally denotes an entity that receives market pricing under the Federal Power Act. Since the legislation does not deal with market pricing it adopts different terminology for purposes of clarity.

Under paragraph (1), an EWG is basically a corporate person who is engaged exclusively in the wholesale generation business. Section 2(a)(11)(B) of PUHCA mentioned in paragraph (1) references downward affiliates. Thus, for purposes of the legislation an EWG could be an "EWG holding company" as well as an individual EWG affiliate engaged in developing specific projects.

The definition of an EWG has been drafted so as to permit an EWG to sell wholesale power that it has not necessarily generated itself. It appears that buyers of wholesale power may frequently desire to purchase capacity in increments that exceed what the most economical unit would produce. Consequently, the legislation would permit an EWG, for example, to generate 350 MW and purchase an additional 50 MW in order to meet a purchaser's 400 MW capacity need.

Paragraph (1) excludes affiliates of a registered holding company that are in existence as of the date of enactment from being EWGs, affiliates of registered companies would automatically become exempt from the Holding Company Act upon enactment and thus be able to circumvent the approvals required for affiliates of registered companies under subsection (e).

EWGs may only own "eligible facilities". Under paragraph (2) of subsection (a), an "eligible facility" is any generating facility which is used exclusively for wholesale generation and for which any regulatory approvals required under paragraph (3) have been obtained.

Paragraph (3) requires approval from the state regulatory authority of any state in which a facility is in retain rate base or generating retail construction work in progress (CWIP) as of date of enactment. In most cases state law is likely to require such approval independently, but it is not clear that this will be true in all cases. Thus, approval is required under the draft legislation so as to ensure that ratepayers are not disadvantaged by a change in the status of a facility that has received financial benefits (i.e. CWIP or rate base treatment) based on the assumption of dedicated service to such ratepayers. The problem dealt with in paragraph (3) does not arise in the case of pre-existing wholesale facilities because it is clear that any change in the status of such facilities requires FERC approval under the Federal Power Act.

Finally, for purposes of subsection (a) a "facility" includes a portion of a facility. Thus, a given generating unit could produce power for sale at wholesale and retail, and the undivided portion producing wholesale power could be an "eligible facility" owned by an EWG.

Subsection (b)

Subsection (b) exempts EWGs in their corporate personalities from all provisions of PUHCA. By providing that an EWG is not an "electric utility company" under PUHCA, the legislation also ensures that a company, which is not currently subject to PUHCA, cannot become subject to it by owning an EWG. This follows because the Holding Company Act only regulates "holding companies", and a holding company is defined in relevant part as a company that owns an electric utility company.

Subsection (c)

For exempt holding companies, the chief obstacle to the ownership of EWGs (other than problems covered in subsection (a) and (b)) is the restrictive terms of exempt status as provided in section 3 of PUHCA. Subsection (c) simply makes it clear that section 3 and related provisions do not bar EWG ownership by exempt holding companies.

Subsection (d)

Subsection (d) provides that a registered holding company may without further conditions under PUHCA acquire an EWG. In the absence of this provision, the acquisition by a registered company of any securities or interest in any business would require SEC approval.

Subsection (e)

Subsection (e) provides that if a registered holding company wants to: (1) issue securities (e.g. common equity) for purposes of financing an EWG; (2) guarantee the securities (e.g. debt) of an EWG; or (3) enter into service, sales, or construction contracts, or other relationships with an EWG (other than mere ownership), such actions remain subject to the SEC's existing jurisdiction under PUHCA, except that the provisions of section 11 of the Act are effectively negated for such purposes.

Section 11 requires each registered company to be operated as an integrated system and requires all of a registered company's businesses to be "functionally related" to integrated system operation. In the absence of section 11's prohibitions and policies, any approvals required under PUHCA for the creation of relationships between a registered company and an EWG will be made under the SEC's remaining authorities.

One of the advantages available to EWGs is the use of leveraged capital structures (i.e. those with a high proportion of debt) as a means of lowering overall capital costs. Typically, non-utility generation to date has employed such leveraging. In introducing this legislation it is my intention that the EWGs owned by registered holding companies have this same opportunity on equal terms. As a matter of regulatory policy, the SEC has generally required registered companies to maintain a 65% debt-equity ration on a consolidated basis. I believe that the SEC will take into account the generally higher debt ratio of EWGs and in considering the consolidated balance sheet of a registered company not automatically and inflexibly apply the 65% ratio. In particular, EWG debt which is non-recourse with respect to the registered holding company or its utility affiliates ought not to be considered by the SEC in applying the 65% ration to the consolidated balance sheet. If there are indications after hearing that the SEC will not be flexible in its consideration of these issues, then I will further consider addressing this issue in the legislation.

Finally, the Holding Company Act has always been interpreted by the SEC to exclude regulation of electric power sales since such transactions are regulated under the Federal Power Act. The legislation assumes this continuing interpretation.

Subsection (f)

Subsection (f) provides that references to "the Act" in Section 2 of the bill are references to PUHCA. Subsection (f) also provides that terms used in Section 2 and defined in PUHCA shall have the meanings defined therein.

Section 3

PURPA limits ownership of QFs to persons not primarily engaged in the generation of electricity (other than by means of QFs). Under FERC's interpretation of this provision, electric utilities may own no more than 50% of a QF. Section 3 ensures that a non-utility company which acquires an exempt wholesale generator is not forced to divest itself of 50% of an existing QF, and is not limited in its ability to own 100% of a new QF, as a result of an argument that it has become primarily engaged in the generation of electric power.

Section 4

Section 4 is a savings provision which maintains the existing division between federal and state jurisdiction over electric transactions. At present, the precise boundaries between federal and state jurisdiction are murky in situations involving registered holding companies. States may fear encroachment by FERC into their ratemaking powers. Section 4 makes clear that the jurisdictional status quo, such as it is, remains unchanged.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Friday, July 21, 1989, beginning at 9:30 a.m., in 485 Russell Senate Office Building on H.R. 498, the Indian Law Enforcement Reform Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Thursday, July 27, 1989, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 143, the Indian Development Finance Corporation Act; S. 1203, the Indian Economic Development Act of 1989; and oversight on implementation of the 1988 Indian Financing Act Amendments.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce that the hearing before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources, which was previously announced for August 1 at 2 p.m., has been rescheduled for July 24 at 10 a.m. The measure to be heard is S. 974, a bill to designate certain lands in the State of Nevada as wilderness, and for other purposes.

For further information regarding the hearing, please contact Beth Norcross of the subcommittee staff at (202) 224-7933.

COMMITEE ON ENERGY AND NATURAL RESOURCES

Mr. WIRTH. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to receive testimony on the formulation of a National Energy Plan and related policies which affect global climate change. Secretary of Energy, Adm. James D. Watkins, is scheduled to testify.

The National Energy Policy hearing will take place Tuesday, July 26, 1989, at 2:30 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the full committee, SD-306, Washington, DC 20510.

For further information, please contact Leslie Black of the committee staff at (202) 224-4971 or David Harwood, legislative assistant with Senator Wirth, at (202) 224-5852.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MERCHANT MARINES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Merchant Marine Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 13, 1989, at 9:30 a.m. to hold a hearing on national sealift policy, capability, and concerns.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, July 13 at 9 a.m. and 2 p.m. in executive session to mark up S. 1085, the Department of Defense authorization bill for fiscal years 1990-91; to receive a report from the Senate Select Committee on Intelligence; and to possibly act on certain pending military nominations and other nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on S. 1153, the proposed Veterans' Agent Orange Exposure and Vietnam Service Benefits Act of 1989, S. 1243, the proposed Court of Veterans Appeals Judges Retirement Act, reconciliation legislation, major medical construction project approval resolution, section 302(b) allocation under the fiscal year 1990 budget resolution on Thursday, July 13, 1989, at 9 a.m. in SR-418.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 13, at 2 p.m. to hold a hearing on international aspects of oilspill prevention, cleanup, and compensation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, July 13, 1989, at 9 a.m. to conduct hearings on the nomination of Francis Keating, to be General Counsel of HUD; at 9:30 a.m. to vote on nominations, committee business matters, and legislation pending before the committee; and, at 10 a.m. to conduct hearings on financial services in the 1990's.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, July 13, beginning at 9:30 a.m., to conduct a hearing on the recent oilspills in the coastal waters of Rhode Island, the Delaware River, and the Houston Ship Channel.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, July 13, 1989, at 2 p.m., to hold a hearing on civil rights commissions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 13, 1989, at 9 a.m. in SR-332, to receive testimony on disaster assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committeee on Energy and Natural Resources be authorized to meet during the session of the Senate, July 13, 10 a.m., to receive testimony from the administration on S. 710, S. 711, and S. 712, legislation to provide for a referendum on the political status of Puerto Rico.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 13, 1989, at 2 p.m., to hold a closed markup on the fiscal year 1990-91 intelligence authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ARTICLE BY JOHN G. ONTO ENTITLED ECONOMIC POPULISM EQUALS ECONOMIC SUICIDE

● Mr. WALLOP. Mr. President, I would encourage my colleagues to read an article I am submitting for the RECORD written by John G. Onto—the director for the Center for International Business and Trade, a part of the Georgetown University's School of Business.

I strongly believe that his premise that "Economic Populism Equals Economic Suicide" is right on the money. In our deliberations here in the Senate last year, I warned my friends of the possible ramifications of attacks using section 301 of the "Omnibus Trade and Competitiveness Act of 1988." It is a popular plight to call for the strong arm approach when dealing with our trading partners and their respective barriers to what we term free trade. Our constituents like to see us throw our weight around. However, I have oftentimes found the popular thing in the public's eye is not always the most

prudent and steadfast method of achieving the desired result here in the legislature.

The answer clearly is not to cast blame upon our trading partners for the Untied States is as guilty as the rest and could doubtfully pass our own 301 "litmus" test. This Japan bashing, India bashing, or Brazil bashing, among others, I fear, will not result in a fearful submission by these nations. Contrarily, a nationalistic resentment of our actions will inflict a reciprocal hostility and move us further away from productive negotiating and in the direction of a destructive trade war.

If the United States desires to move in the right direction, let's not look for someone to blame. Let's improve America's productivity, America's competitiveness, and America's overall position while effectively and productively negotiating to reach our goal of a worldwide system of free trade.

Mr. President, I ask that the article by Mr. John G. Onto entitled "Economic Populism Equals Economic Suicide" be printed in the RECORD.

The article follows:

FROM THE DIRECTOR—ECONOMIC POPULISM=ECONOMIC SUICIDE

A fast track to garnering public attention is to develop strident tones in which to describe trading practices of countries with which the US experiences trade deficits. The underlying assumption of those offering blandishments is that the US trade deficit is a function of the aberrant commercial behavior of these countries.

They are absolutely right. But, not to the extent they would have us believe. There are many estimates of the impact on our balance of trade of restrictive trade barriers imposed by our trading associates. At the most, this impact is not greater than $35 billion. If all trade barriers impacting on US exports were lifted tomorrow, the best that can be said is that the annual trade deficit would be reduced to $95 billion. These barriers are a convenient scapegoat for a lack of international competitiveness. They provide a facade of legislative energy in the absence of action intended to address the real problems confronting this country but may require politically dangerous albeit courageous behavior.

We have a greater concern. The economic rabble-rousing aimed at our trading allies is not playing well in those countries. Indeed, as the belligerence of Washington pols receives airplay in the target countries, they are performing a disservice to US firms attempting to market their goods and services in those regions. We cannot threaten these countries into any more than symbolic responses (witness the meat hormone debacle) and may well stimulate negative responses. Threats always produce a response; the risk is that the response is unpredictable and often not that sought by the threatening party.

A groundswell is building in this country in favor of some form of retaliatory action manifested in protectionist behavior. When these actions eventuate they will be justified as retaliatory and portrayed as a demonstration of US strength. They will also be portrayed a part of a negotiating strategy aimed at developing a process of concession trading. This is a high risk and intellectually flawed strategy. A possible response may be reciprocal behavior by others. As The Economist recently pointed out, the benefits of free trade accrue regardless of bilateral or multilateral responses and are available to countries who unilaterally practice free trade. Similarly, benefits are lost not when others apply restrictive policies, but when we apply them against others. Production costs increase, resource diversion from areas of comparative advantage occurs, international competitiveness is lost, productivity declines and prices to consumers rise. Moreover, these actions will not be seen by our trading partners as retaliatory but, rather, as an inflammatory extension of protectionist sentiment which has been building since the early 1980s.

We applaud the courage of President Bush's chief economic advisor, Michael Boskin, who opposes the groupthink mentality evident in the Administration and in the Congress, and is correctly warning of the dangers of Japan-bashing. He rightly recognizes who will pay the costs of these "macho" actions—the Americans consumer.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Ms. Jo Sherman, a member of the staff of Senator SIMPSON, to participate in a program in Germany, sponsored by Haus Rissen, International Institute for Politics and Economics, from August 13 to 23, 1989.

The committee has determined that participation by Ms. Sherman in the program in Germany, at the expense of Haus Rissen, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Senator and Mrs. Simpson to participate in a program in Taiwan, sponsored by the Chinese National Association of Industry and Commerce, from June 25–29, 1989. Senator and Mrs. Simpson have also requested a determination for their participation in the second UW-Pacific Rim Symposium in Hong Kong, sponsored by the University of Wyoming Foundation, from June 29–30, 1989.

The committee has determined that participation by Senator and Mrs. Simpson in the program in Taiwan, at the expense of the Chinese National Association of Industry and Commerce, and in the program in Hong Kong, at the expense of the University of Wyoming Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Alex Echols, a member of the staff of Senator KASTEN, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from July 1 to 9, 1989.

The committee has determined that participation by Mr. Echols in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Keith Smith, a member of the staff of Senator MCCONNELL, to participate in a program in Taiwan, sponsored by Soochow University, from July 1 to 9, 1989.

The committee has determined that participation by Mr. Smith in the program in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Greg D. Kubiak, a member of the staff of Senator BOREN, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from July 1 to 9, 1989.

The committee has determined that participation by Mr. Kubiak in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mandy Arney, a member of the staff of Senator WALLOP, to participate in a program in Taiwan, sponsored by the Chinese National Association of Industry and Commerce, from June 25 to July 1, 1989.

The committee has determined that participation by Ms. Arney in the program in Taiwan, at the expense of the Chinese National Association of Industry and Commerce, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Senator and Mrs. Wallop to participate in a program in Taiwan, sponsored by the Chinese National Association of Industry and Commerce, from June 25 to July 1, 1989.

The committee has determined that participation by Senator and Mrs. Wallop in the program in Taiwan, at the expense of the Chinese National Association of Industry and Commerce, is in the interest of the Senate and the United States.

The select committee has received a request from Senator CHAFEE for a determination under rule 35 for Robert

Vastine, staff director of the Senate Republican Conference, to participate in a program in West Germany, sponsored by Haus Rissen, the International Institute for Politics and Economics, from August 13 to 23, 1989.

The committee has determined that participation by Mr. Vastine in the program in West Germany, at the expense of the Haus Rissen, is in the interest of the Senate and the United States.●

STEEL SUPPLIERS SUPPORT VRA EXTENSION

● Mr. HEINZ. Mr. President, recently there has been some criticism of extension of the steel voluntary restraint agreements from a few, vocal customers of the steel industry. This group claims that VRA's are a detriment to their respective businesses and are denying U.S. industries "free market" opportunities.

In view of these assertions, it is important to recognize the equally vocal and more numerous supporters of VRA extension for 5 more years. Today, I want to discuss the depth of support VRA's have received from suppliers to the industry.

Ranging from the production of hydrochloric acid to various minerals, these concerned supply companies thrive on their interdependent relationship with the steel industry. Without the extension of the President's voluntary restraint program, these companies fear they will suffer along with the rest of the steel industry. Only with a renewed program in place will we be in a strong position to pursue the dismantling of international foreign steel subsidies, so that we can achieve a truly free and fair market.

The diversity of the respective suppliers who wrote me, in terms of size and production, did not detract from their common theme. All of the companies believe that extending VRA's is the only way the steel industry will be able to continue its reemergence to domestic and international competitiveness. For example, the DAK Supply Corp. which has 64 employees stated:

> America's steel industry is just now recovering from the worst depression ever in its industry. Continued support of VRAs will ensure that this progress will prevail.

In the past 5 years VRA's have: First, helped establish restraints on unfair and illegal steel imports; second, allowed domestic producers to begin recovery from the financial crisis of 1982-86; and third, enabled domestic steel producers to take significant steps to improve their international competitiveness.

The steel industry's suppliers' support for the extension of VRA's is impressive. They have already demonstrated substantial concern for the industry and for themselves individually, and they will continue to do so.

Mr. President, in closing I would like to quote from a letter I received from Betz Metchem, and I ask that a selection of the letters be printed in the RECORD, following my remarks:

> At this time 15 percent of the American steel capacity is in chapter 11. Unless the U.S. Government is prepared to subsidize the industry, as many foreign governments do, it must give the industry some protection from dumping of excess foreign capacity into our country. We must give our industries the opportunity to compete fairly in the world economy.

The selection of letters follows:

March 27, 1989.

Hon. H. JOHN HEINZ III,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HEINZ: I write to you both as an individual and on behalf of my company (Betz Metchem) and our employees in support of an extension of the Steel Voluntary Restraint Agreement (VRA's).

Betz Laboratories, Inc. is a specialty chemical company headquartered in Trevose, PA. We are now entering our 64th year in the specialty chemical business. Specifically, Betz utilizes specialty chemicals to prevent corrosion, deposition, and MB fouling in boiler and cooling systems. We are also intimately involved in wastewater clarification and gas scrubber efficiency improvements.

The Metchem division of Betz Laboratories is directly involved and a partner with the Steel, Auto, Container and Metal Preparation Industries. We have been partners for many years—the pre-VRA years when imports were dumped in the U.S. to an extent that they achieved nearly a 30% marketshare. The pre-VRA years when the industry was near collapse under the weight of losses nearing $12 billion. The pre-VRA years when bankruptcies were almost assured for most U.S. Steel companies. We have been partners in the VRA years when the industry was able to modernize—continuous cast steel is now approximately 60% of U.S. capacity from 20% in 1980. The VRA years when the steel industry began to recovery from the "depression" of the early '80's. The VRA years when the American steel industry recovered and again represents pride in America.

Senator Heinz, with the VRA's due to expire in September 1989, I/we feel strongly that we must extend this program. The restructuring, modernization and recovery of the industry is not yet complete. At this time 15% of the American steel capacity is in Chapter 11. Unless the U.S. government is prepared to subsidize the industry, as many foreign governments do, it must give the industry some protection from dumping of excess foreign capacity into our country. We must give our industries the opportunity to compete fairly in the world economy.

History has proven that the predictions of the anti-VRA people have not occurred. The industry has not become complacent but has modernized and reduced production costs. (We are near being the lowest cost producer in the world.) The VRA has not had an adverse effect on our foreign trade. The negative import to export numbers prove that. The price of steel did not escalate. The price of carbon steel is still 5 percent lower in current dollars than they were when VRA's were instituted.

I/we strongly believe that the VRA extension is critical to the long term recovery of the American Steel Industry. For America to remain strong we need a strong American Steel Industry.

We must invest in the future of our country. We, respectfully, urge your support for that investment by voting for the VRA program. Thank you in advance for your consideration and support.

Sincerely,

BETZ METCHEM,
Executive Vice President.

LEONARD R. WALL,
A Concerned American.

AMERICAN IRON ORE ASSOCIATION,
Cleveland, OH, March 27, 1989.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, DC.

DEAR SENATOR HEINZ: American Iron Ore Association thanks you for co-sponsoring the Steel Import Stabilization Extension Act, S. 378. We believe that continuation of the President's Steel Program, including the Voluntary Restraint Arrangement (VRA), is in the best interest of both the United States and Canada.

Our position on this legislation is not to be interpreted as advocating a formal agreement with any particular country, especially Canada. We respect the prerogative of each sovereign government, based on its individual circumstances, to decide whether it should or should not enter into an agreement with the United States.

Member companies of American Iron Ore Association account for 80 percent of the iron ore that is produced in the United States. We operate twelve iron ore pellet plants in this continent. These state-of-the-art plants competitively meet the constantly-tightening standards of steel producers and account for an effective annual capacity of over 68 million tons of iron ore. Due to location of deposits, and the transportation economics, there is a natural flow of this commodity in both directions between the United States and Canada. These factors also account for the fact that eight iron ore plants now operating in Michigan and Minnesota must depend, for their survival, upon ore consumption by U.S. and Canadian steel producers in the Great Lakes area.

There is no doubt that the President's Steel Program has worked effectively to reduce U.S. imports of unfairly-traded steel from offshore countries. Recognizing that excess steelmaking capacity throughout the world is at least 100 million tons, the entire North American steel industry is likely to again become victim to predatory trade practices unless the President's Steel Program is extended. We believe that these practices would be severely harmful to the long-term defense and economic security of North America.

Our industry has just recently become stabilized, with a reasonable balance between supply and demand, after experiencing six years of economic strife, uncertainty, and substantial structural adjustment. With fixed investment amounting to billions of dollars and a necessity to operate our plants at near capacity to remain economically viable, the U.S. Government should not permit countries around the world to unfairly sustain their own steel operations and employment at the expense of American industry and its employees.

We ask you to vote for the Steel Import Stabilization Extension Act, S. 378.

Very truly yours,

GEORGE J. RYAN,
Executive Director.

INDUSTRIAL METALS & MINERALS CO.,
Bridgeville, PA, March 13, 1989.

Subject: Extension of Voluntary Restraint Arrangements.

Hon. H.J. HEINZ III,
U.S. Senator, Federal Building, 1000 Liberty Avenue, Pittsburgh, PA.

DEAR SENATOR HEINZ: Our company is small in terms of the number of employees that we have but the expiration of the Voluntary Restraint Arrangements, on September 30th, 1989, regarding steel imports will have a serious detrimental affect on our business and the future employment of our employees.

We are a supplier of several products to the steel industry which comprise over half of our sales volume. A substantial loss of business by our steel customers, because of an increase in steel imports, will lead to a loss of business by our company, resulting in lay-offs.

Extending the VRA therefore is essential if the domestic steel industry is to complete its modernization projects and ensure its long term international competitiveness.

As you well know, steel is a cyclical industry. During the next and inevitable period of world wide market weakness, foreign producers can be expected to dump their excess capacity in the American market.

In case of an up surge in imports, American producers will have no recourse but to turn to massive and costly trade litigation.

We strongly believe that the VRA extension is critical to the long term sustained recovery of the American steel industry from one of the worst depressions in its history. Most importantly, the United States industry is just beginning its recovery and continued support of the VRA will ensure that its progress continues.

On behalf of our employees, we respectively urge your support for the extension of the steel VRA Program.

Thank you for your cooperation and prompt consideration of this issue. Naturally, we will be watching your efforts concerning the extension of this program and your voting record.

Sincerely,

GEORGE E. GILLESPIE,
Vice President of Steel Sales.

REAGENT CHEMICAL & RESEARCH, INC.,
Middlesex, NJ, March 31, 1989.

Re: Senate bill No. 378.

Hon. JOHN HEINZ,
U.S. Senate, Washington, DC.

DEAR SENATOR: I write on behalf of my company and our 250 employees in support of extension of the steel Voluntary Restraint Arrangements (VRAs). Reagent Chemical is the largest supplier to the Domestic Steel Industry of Hydrochloric Acid, a key raw material in the production of steel. Incorporated in 1959, Reagent Chemical is the second largest privately held Chemical Corporation in New Jersey and maintains offices and terminals throughout the country. Additionally, we own the largest fleet of tractor trailers and railcars dedicated to Hydrochloric Acid in the nation. With the majority of our sales derived form our Domestic Steel Industry, the extension of the steel VRAs are a critical concern.

With VRAs due to expire in September of 1989, we strongly feel that prompt action to extend this program for a five-year period is critical for the domestic steel industry's further restructuring and modernization. We view VRA renewal as the key step by government to ensure that the domestic steel industry's progress in reinvestment, improved productivity and overall efficiency continues uninterrupted.

As you know, the condition of the domestic steel industry sharply deteriorated over many years as a result of growing foreign government intervention in steel industries abroad and resulting massive foreign unfair trade practices. Such practices were pervasive when the VRA program was instituted in 1984 and they continue today. Two clear examples are (1) the enormous foreign government subsidies that have perpetuated structural world excess capacity in steelmaking and (2) the widespread dumping of foreign steel in the U.S. market.

We strongly believe that VRA extension is critical to the long term sustained recovery of the American steel industry from one of the worst depressions in its history. Most importantly, the U.S. steel industry is just beginning its recovery, and continued support of the VRAs will ensure that its progress continues.

As a key investment in America's future, we respectfully urge your support for the extension of the steel VRA program. Thank you for your prompt consideration of this issue.

Sincerely,

THOMAS J. SKEUSE,
President & CEO.

INTERNATIONAL MILL SERVICE, INC.,
Philadelphia, PA, February 23, 1989.

Subject: Steel Industry, Voluntary Restraint Arrangements (VRA's).

Senator JOHN HEINZ,
U.S. Senator, 9456 Federal Building, 600 Arch Street, Philadelphia, PA.

DEAR SENATOR HEINZ: We must extend the VRA Program for an additional five years due to:

1. Trade-distorting conditions world-wide that have not changed much since VRA's were first introduced. Foreign governments continue to subsidize their steel industries and are restricting their steel markets which, in turn, diverts more steel to the U.S. market.

2. Foreign producers continue to dump steel in the U.S., in violation of all trade laws.

3. A five-year extension will give the U.S. time to negotiate, internationally, the unfair practices that have decimated the U.S. steel industry. We cannot lose the negotiating leverage that the VRA's have created at this critical stage.

4. The U.S. industry has improved its international competitiveness through cost reductions of 35% since 1982 and productivity gains (up 40%), but the industry still lags other major steel producing countries in key areas such as product yield and continuous casting rate. Extension of VRA's will give the steel industry the time needed to complete the changes begun during the past five years.

5. If the VRA's are extended, massive capital reinvestment will continue to occur over the next five years, insuring the recovery of the U.S. steel industry. Much depends on this recovery since the steel industry is vital to our national security, our industrial base and infrastructure.

We must all support an extension to the VRA Program and ask you to do so since there is no viable alternative.

Sincerely,

R. DOUGLAS LANE,
Senior Vice President, Steel Mill Services.

NEWCOMER PRODUCTS INC.,
Latrobe, PA, April 4, 1989.

Hon. H. JOHN HEINZ III,
Russell Senate Office Building, Washington, DC.

DEAR MR. HEINZ: Senate Bill SB378, which extends the steel VRA Program is currently being considered.

Please accept this letter as a supporting vote for this legislation.

Newcomer Products of Latrobe, PA is a supplier of tooling to many steelmakers in the U.S., and we recognize the importance of giving our basic industries some protection from foreign competitors.

Although we believe in the principle of Free-Trade, we are convinced that many foreign producers are not burdened with the expense of protecting their environments nor their employees, and therefore enjoy a great cost of advantage. Free-Trade should be fair trade.

Your support for SB378 is deserved by your constituents.

Sincerely,

ROBERT S. JACOBS,
President.

DAK SUPPLY CORP.,
Cleveland, OH, March 15, 1989.

Senator JOHN HEINZ,
9456 Federal Building, Philadelphia, PA.

DEAR SENATOR HEINZ: I write on behalf of our company and our 64 employees in support of extension of the steel Voluntary Restraint Arrangements (VRA's). Our company is situated in America's heartland and is very dependent on the support of a viable and profitable steel industry.

If our domestic steel industry is to remain strong we feel that prompt action is needed to extend the VRA Program for another 5 years. These additional 5 years would allow a continuation of the efficiency steps that already have been implemented. Steps made possible by passage of the original act.

There is presently a worldwide overcapacity in steel production which only serves to encourage foreign government subsidies and the widespread dumping of foreign steel. Action on your part is necessary to stem this tide.

America's steel industry is just now recovering from the worst depression ever in its industry. Continued support of VRA's will insure that this progress will prevail. I ask for your support in continuation for 5 more years in The Voluntary Restraint Arrangements.

Sincerely,

JOSEPH K. DREHER,
President.●

CONGRESSIONAL BUDGET ACT 302(b) ALLOCATION

● Mr. JOHNSTON. Mr. President, section 302(a) of the Congressional Budget Act requires the Senate Budget Committee to allocate total budget authority, total budget outlays, and total credit authority among committees of the Senate. Each of the

committees receiving a 302(a)(2) allocation is, in turn, required by section 302(b) to file its own report showing its respective allocation of those accounts to its own subcommittees. As chairman of the Committee on Energy and Natural Resources, I hereby submit a list of the total budget authority, total outlays, and total credit authority under the jurisdiction of each subcommittee for fiscal year 1990. I ask that the subcommittee allocations for the Committee on Energy and Natural Resources be printed at this point in the RECORD.

The allocations follow:

COMMITTEE ON ENERGY AND NATURAL RESOURCES CONGRESSIONAL BUDGET ACT 302(b) ALLOCATION OF ACCOUNTS, FISCAL YEAR 1990

[In millions of dollars]

Subcommittee	Budget authority	Outlays	Credi
Direct spending:			
Energy Regulation and Conservation	0	0	0
Energy Research and Development	128	128	
Mineral Resources Development and Production	374	373	
Public Lands, National Parks and Forests	193	150	
Water and Power	466	133	
Full committee	208	208	
Total	1,369	992	0
Entitlements funded in appropriations accounts: Full committee	48	48	

Note.—Totals may not add due to rounding.●

A NEW DEMOCRACY IN PAKISTAN

● Mr. HUMPHREY. Mr. President, yesterday I was honored to meet with several members of Pakistan's National Assembly, who are visiting the United States on a USIA-sponsored tour. These freely elected members of Pakistan's Parliament are a testament of the tremendous strides that Pakistan has taken toward full democracy over the past year. Their visit to the Capitol provides an important opportunity to highlight these remarkable political developments.

Last month, Prime Minister Benazir Bhutto delivered an eloquent speech to a joint meeting of the U.S. Congress. She spoke of Pakistan's peaceful transition to full democracy. It is hard not to be awed by the progress of that country. How many times in recent years have we seen friendly governments replaced by hostile ones? How many time have we seen stable governments slip during times of crisis, only to deliver a friendly ally into a period of uncertainty? But in Pakistan, the transition was peaceful. It was democratic. Today, our relations are stronger than perhaps at any other time.

Mr. President, less than 1 year has passed since President Mohammad Zia-Ul Haq was killed in a tragic plane crash that also claimed the lives of Ambassador Arnold Raphel, Gen. Herbert Wassom, and several senior Pakistani military officials. The hours following President Zia's death were a time of great political uncertainty in Pakistan. But in the minds of Acting President Ghulam Ishaq Khan, and the Army Chief Aslam Baig, there was great certainty about the course Pakistan should follow.

These men were determined to oversee a peaceful transition to full democracy in Pakistan, and to ensure that stability was maintained. Within hours of the tragedy in Bahawalpur, Acting President Ishaq Khan announced that the elections scheduled for November 16, 1988, would proceed as scheduled. He emphasized that the Constitution would remain in force. Within a week, General Baig likewise ordered the military to refrain from political activity and expressed his personal support for free elections.

Pakistan's supreme court also played a key role in the transition, by ruling in early October that the scheduled elections should be party-based. The interim government welcomed that decision and granted broad powers to the election commission to ensure that voting was free and fair. On November 16, the people of Pakistan went to the polls and granted Pakistan People's Party a plurality of seats in the national assembly. The Islamic Democratic Alliance gained the second largest number of seats. It is important to note, that not one person died of election-related violence in Pakistan on November 16, 1988. Three days later, free elections were held for the four Provincial assemblies.

On December 1, 1988, President Ishaq Khan nominated Benazir Bhutto as Prime Minister and invited her to form a government. On December 12, the national assembly gave Mrs. Bhutto's new government a vote of confidence. On the same day, the interim President received an overwhelming vote from the electoral college of Provincial and national assembly members. Pakistan entered a new chapter in its history.

Mr. President, Pakistan's peaceful transition is all the more remarkable when one considers the enormous pressures on that country. On her western border, Pakistan faces a hostile neighbor. Through their client in Kabul, the Soviets have used every opportunity to destabilize Pakistan by sabotage, vicious acts of terrorism, and outright attacks on her territory. Despite the burdens of the war in Afghanistan, Pakistan remains stalwart in her support for the Mujahidin. That support was affirmed by Interim President Ishaq Khan shortly after President Zia's death. Just last month we were heartened by Prime Minister Bhutto's appeal to stay the course.

On her eastern border, Pakistan faces another unfriendly neighbor. India continues to portray our important military assistance to Pakistan as a threat to her own security. In my view, nothing could be further from the truth. Especially considering the overwhelming conventional imbalance in India's favor. One cannot help but wonder about India's interest in developing the Agni missile? Or why India invited President Najibullah to Delhi for a state visit shortly after the Geneva accords were signed. Certainly there are more helpful steps that could be taken to further the legitmate security interests of South Asia. Nonetheless, I am encouraged by the progress of Prime Minister Bhutto, by picking up where President Zia left off, in forging better relations with India.

Mr. President, Pakistan is our most important ally in an extremely troubled region of the world. So I take this opportunity to welcome our distinguished friends to the United States Senate and to pay tribute to Pakistan's political accomplishments of recent months. I hope that their visit to the United States will help to further the bonds of friendship between our two democracies.●

DR. STEPHEN B. KELLEY

● Mr. McCONNELL. Mr. President, every now and then I bring to the attention of my colleagues some of Kentucky's community leaders. Today, I would like to insert into the RECORD an article about a man who recently received the Silver Antelope Award at the Southeast Region Biennial Banquet of the Boy Scouts of America in Asheville, NC.

Dr. Stephen B. Kelley, 53, joined the Boy Scouts of America at the age of 12. His involvement during childhood was important to him because, as the son of a mining engineer, Kelley moved many times before high school, and missed out on some of the lasting friendships that other boys had.

Being a Boy Scout influenced Dr. Kelley's decision to become a doctor because he went through life always feeling a need to help his fellow man. He learned that serving each other is the best thing that we can do. He still devotes time to the Boy Scouts when he is not busy with his family medical practice in Somerset, KY, and is considered a unique and unselfish person in the community.

From 1964 to 1969, Dr. Kelley was Scoutmaster of a Somerset Troop. During an annual gathering of Scouts from all over the globe in Japan in 1969, he was climbing Mount Fuji with a troop of 40 Scouts when a typhoon struck. Out of the nearly 176 people who were killed, not one was a Scout. It was then that Dr. Kelley learned the importance of the Scout motto: "Be prepared." He was Lake Cumberland district chairman from 1979 to 1980, served on the Blue Grass Council

of the Boy Scouts in Lexington from 1981 to 1983, and has been a member of the National Council of the Boy Scouts of America since 1984. He was one of five people to recently receive the Silver Antelope Award for distinguished service on behalf of youth in the region. The only award above this is the Silver Buffalo Award given at the national level.

I hope that all of my colleagues in this body will take note of Dr. Kelley's dedication and join me in congratulating him for this outstanding award.

The article follows:

AT 53, SOMERSET DOCTOR GETS BOY SCOUTS AWARD FOR SERVICE

(By Christopher Lee)

For Dr. Stephen B. Kelley, Scouting is much more than a childhood hobby. It is a way of life.

Kelley, 53, who joined the Boy Scouts of America at age 12, was one of five people to receive the Silver Antelope award at the Southeast Region Biennial Banquet of the Boy Scouts of America in Asheville, N.C., last month.

The award is for distinguished service for the Boy Scouts of America on behalf of youth in the region and is second in prestige only to the Silver Buffalo award, given at the national level.

"I have sat in these meetings for many years . . . never thinking I would get this award," Kelley said at his Somerset office Friday. "I felt that the men who have received the award have been so great in so many ways that I did not put myself in the same category as them."

Kelley reached the rank of Life Scout when he was 17, but turned 18 without making Eagle Scout, the highest rank for a Boy Scout. When a Scout turns 18, he is ineligible to increase his rank.

Kelley was Scoutmaster for Troop 82 in Somerset from 1964 to 1969, and was district chairman for the Lake Cumberland district of the Boy Scouts from 1979 to 1980. From 1981 to 1983 he served on the Blue Grass Council of the Boy Scouts in Lexington, first as commissioner and later as president. Since 1984 he has been a member of the National Council of the Boy Scouts of America.

The son of a mining engineer, Kelley and his family moved frequently during his childhood.

"I had 20 residences before I went to high school," in Clay County, he said. "We just went from coalfield to coalfield."

Because his family moved so often, Kelley could not make lasting friendships. But his involvement in the Boy Scouts helped make up for this, he said.

"Regardless of where I lived, I could always be a Scout," Kelley said. "That was something they could never take away from me."

Kelley called Scouting "the most exciting adventure that a boy can take." Scouts go on camping and canoe trips, do good works and learn valuable skills to get merit badges and advance in rank. They also learn survival techniques.

Scouting "gives you a feeling for life itself," Kelley said. It teaches that "the best thing we can do is serve each other."

Kelley said that being a Boy Scout influenced his decision to become a doctor.

"I don't think a boy could travel through Scouting and not feel a need to help his fellow man," he said.

A scary experience at the 1969 Boy Scout "world jamboree" in Japan—an annual gathering of Scouts from all over the globe—taught Kelley the importance of the Scout motto: "Be prepared." Kelley was climbing Mount Fuji with a troop of 40 Boy Scouts when a typhoon struck. About "176 people were killed," he said, "but not one Scout."

"Experiences like that put Scouting into you for life," he said.

When he is not busy with his family medical practice in Somerset, Kelley devotes "any free time I have" to the Scouts, he said. These days, that usually involves a lot of letter writing and fund raising, he said.

J.W. Graybeel, 51, chairman of the Lake Cumberland district, said that Kelley gave an "inordinate" amount of time to the Scouts.

"It's amazing the amount of time that the man gives when most of the professional people say they don't have time," said Graybeel, who has known Kelley since Kelley moved to Somerset in 1963.

Clay Davis, 48, President of Citizens Fidelity Bank in Somerset, said Kelley was regarded as one of the "top people" in the community.

"He is perceived in the community as unique and unselfish," said Davis, a friend of Kelley for more than 16 years.

Kelley said he would continue to work with the Boy Scouts as long as I'm a help.

"It's a lifetime commitment. Scouting is not just a part of life; it is a way of life."●

ENHANCED RESCISSION AUTHORITY

● Mr. HUMPHREY. Mr. President, on January 25, 1989, I introduced legislation which would provide for expedited consideration of Presidential rescission requests. It simply requires Congress to go on record as either approving or disapproving—by a simple majority vote—rescissions when they are requested.

I have supported line item veto legislation for many years, but am convinced that enhanced rescission stands the best chance for enactment. My approach does not advocate granting the President any new or increased powers, but would require Congress to consider and vote on rescissions when they are proposed.

I was interested to read former President Gerald Ford's comments in the Washington Post on June 8, 1989, regarding a line item veto. When asked about a constitutional amendment to give the President a line item veto on appropriation bills, President Ford said he favors it but thinks it "never will be done—never," and that it would be "much more practical" to restore the President's power to impound funds. I completely agree with him.

I would like to share with my colleagues President Ford's comments regarding budget reform in a letter I recently received from him. I ask unanimous consent that following my remarks President Ford's letter be inserted in the RECORD.

I commend all my colleagues who have sponsored or cosponsored enhanced rescission legislation. I urge other Senators to support these efforts.

The letter follows:

JULY 3, 1989.

Hon. GORDON J. HUMPHREY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: Congratulations on your sponsorship of S. Con. Res. 9, which is a constructive proposal to improve the budget process.

Although I favor the repeal of the impoundment limitations in the Budget Reform Act of 1974, I recognize this approach is not feasible in the Congress today. Your proposal, if enacted, would be a significant improvement and potentially save huge tax dollars. Good luck.

A constitutional amendment for a "line item veto" by the President is not a realistic approach.

Warmest, best wishes,

GERALD R. FORD.●

VERIFYING SOVIET COMPLIANCE WITH ARMS CONTROL TREATIES

● Mr. DOMENICI. Mr. President, I rise in support of an important bill that my colleague and friend, Senator JEFF BINGAMAN, has introduced today and which he plans to offer as an amendment to the fiscal year 1990 Department of Defense authorization bill. That bill is intended to authorize the Assistant Secretary of Energy for Defense Programs to conduct research and development activities related to verifying Soviet compliance with arms control treaties.

This is an important and timely bill. My colleague from New Mexico well understands the necessity of confirming compliance with the arms control treaties we negotiate with the Soviet Union. Without adequate verification policies and technologies, those treaties are an invitation to violation. Without the means for verifying compliance, the treaties that are debated and ratified by the United States, may have the effect of undermining rather than supplementing our national security.

The following statement, which I believe is worth quoting in its entirety, sums up the problem we face today with arms control verification and compliance. I quote,

> The current debate on arms control and disarmament puts great stress on the problem of how to detect violations of whatever agreements may be reached. To this end inspection schemes and instruments for detection are developed, their capabilities and limitations discussed, and efforts made to test and improve them. Indeed, the technical question of detection dominates the domestic debate but also the international disarmament negotiations.

Students of arms control policy may recognize this succinct statement as the opening paragraph of Dr. Fred

Ikle's 1961 Foreign Affairs article on verification and compliance, entitled "After Detection—What?" In this timely treatise, Dr. Ikle examines some of the historical problems of arms control and addresses some of the same issues that my colleague from New Mexico hopes to focus our attention on with his bill.

In addition to discussing the challenges of verification of arms control treaty compliance or violation, Ikle also examines the necessary but so often overlooked issue of compliance policy—what should a partner to a violated treaty do in order to dissuade further violations and encourage continued compliance? Senator BINGAMAN's bill will, I believe, encourage the Department of Energy to utilize our national labs for the vital purpose of creating new means for detecting violation and compliance. What we as signatory to these treaties do with this technology to enforce compliance will be the greatest challenge and the most crucial role of the entire arms control process.

But before we are faced with the prospect of possible violation—and I believe I am being a pragmatist and not a pessimist when I say we must anticipate the possibility of Soviet noncompliance—we must be willing to research, develop, and deploy the means for ensuring continued compliance to all our arms control treaties. This bill will encourage such research and help create an atmosphere in which verification and compliance issues will be treated not as "the last refuge of scoundrels" but as the vital instrument for determining the value of our arms control treaties.

I applaud my colleague for introducing this bill and for encouraging the more extensive use of the vast talents of our national laboratories. I urge my colleagues to endorse this bill and to support the amendment when it is introduced to the Department of Defense authorization bill.●

WHAT IS AMERICA?

● Mr. SIMON. Mr. President, Anthony Lewis had a column recently in the New York Times entitled, "What Is America?"

We are in the midst of hysteria that calls for a constitutional amendment to prohibit burning the flag.

I am as proud of the flag as anyone. I served in the U.S. Armed Forces overseas, and I am proud to have done so.

The Anthony Lewis column gives us a sense of balance in this whole thing.

I urge my colleagues to read his column, which I am asking to have printed in the RECORD at this point.

The article follows:

[From the New York Times, June 29, 1989]

WHAT IS AMERICA?

(By Anthony Lewis)

"If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."—Jefferson, first Inaugural Address.

WASHINGTON.—Early Tuesday morning radio and television reported that President Bush would hold a press conference to talk about an urgent issue. One waited to see what had moved the President. Would he express outrage at the totalitarian brutalities in China? Would he call for action on the crisis of homelessness and disease afflicting our cities?

"Flag-burning is wrong," the President said as he opened the press conference. The most urgent issue facing the country, he evidently felt—the one demanding Presidential leadership—was the Supreme Court decision reversing the conviction of a political protester who burned the American flag.

There will naturally be conflict about the flag case. The Court itself divided 5 to 4, and the opinions on both sides recognized the emotional significance of the flag to Americans.

But one thing seems tolerably clear. No urgent menace arises from the decision. It does not threaten any immediate national interests, at home or abroad. It does not threaten American patriotism. Important principles are involved, but that particular facts of the case were unusual and are hardly likely to arise on a threatening scale.

At the time of the Republican Convention in Dallas in 1984, Gregory Lee Johnson burned a flag as part of a street demonstration against Government policy. He was one of the far-out characters who turn up around our political conventions and make their often nasty speeches to audiences of few or none.

Because the flag-burning was part of a political denunciation, the Court found that it was "speech" protected by the First Amendment. Many kinds of expressive conduct, such as marching, have been held to come under the amendment's guarantee of free expression.

"Nobody can suppose," Justice Brennan wrote in the opinion of the Court, "that this one gesture of an unknown man will change our Nation's attitude towards its flag."

Can President Bush believe otherwise? Does he really think American patriotism is so frail that it will be shattered by this decision?

Politics could have something to do with the President's stance. His campaign manager last year, James Baker, showed how effectively one could smear an opponent with irrelevant jingoism about the Pledge of Allegiance to the flag. Attacking the flag case also pleases Mr. Bush's troubled supporters on the right.

Congressional reaction to the flag case certainly reeks of politics. There has been a Gadarene rush to denounce the decision. Democrats, remembering 1988, do not want to be outdone in calling for correction by legislation or constitutional amendment.

A conservative Republican, Senator Gordon Humphrey of New Hampshire, has been one of the few to say out loud what many must have been thinking privately. The fuss over the flag he said was "an exercise in silliness . . . a bit of hypocrisy." He is retiring from the Senate next year.

But in calling for a constitutional amendment, President Bush was no doubt reflecting not only politics but real personal upset at the decision. If so I wonder whether he read through the Court's opinion.

"The flag's deservedly cherished place in our community," the majority said, may be "strengthened, not weakened, by our holding today. Our decision is a reaffirmation of the principles of freedom and inclusiveness that the flag best reflects, and of the conviction that our toleration of criticism such as Johnson's is a sign and source of our own strength."

Justices Brennan, Marshall and Blackmum were joined in the majority by two Reagan appointees, Justices Scalia and Kennedy. In truth, the idea of free speech is neither "liberal" nor "conservative." It is, rather, American. We have hardly lived it up consistently to the promise of the First Amendment. But it is a profoundly important part of what the world sees as the distinctively American vision of a free and self-confident society.

A Chinese diplomat was talking with an old American friend the other day about the terrible events in China. What influence, the American asked, could President Bush have on the situation? The diplomat replied: "It's not President Bush who has influence; it's President Jefferson."●

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed with the immediate consideration of Calendar Order No. 117, S. 1160, the State Department authorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the bill.

CORRECTING THE REFERRAL OF A NOMINATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be discharged of the nomination of Wade F. Horn to be Chief of the Children's Bureau, Department of Health and Human Services, and that the nomination be correctly referred to the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the

Senate proceed to executive session to consider the following nominations: Executive Calendar Nos. 223, 224, 225, and Francis A. Keating II, to be general counsel of the Department of Housing and Urban Development, reported today by the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I further ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table en bloc, that the President be immediately notified of the senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF EDUCATION

Robert Refugio Davila, of the District of Columbia, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

Nell Carney, of Virginia, to be Commissioner of the Rehabilitation Services Administration.

Charles E. M. Kolb, of Virginia, to be Deputy Under Secretary for Planning, Budget and Evaluation, Department of Education.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Francis Anthony Keating II, of Oklahoma, to be general counsel of the Department of Housing and Urban Development, vice J. Michael Dorsey, resigned.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

COMPUTER MATCHING AND PRIVACY ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 153, H.R. 2848, the Computer Matching and Privacy Act.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2848) to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the act for existing agency matching programs.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the bill.

Mr. COHEN. Mr. President, the bill we are considering today provides a very limited delay in the effective date of the Computer Matching and Privacy Protection Act of 1988. This bill was passed without objection by the House of Representatives and is supported by the administration.

As my colleagues will recall, the Computer Matching and Privacy Protection Act was passed by the Congress last year to place controls and procedural safeguards on the use of information transferred between Federal agencies of Federal and State agencies in computer matching programs. We have witnessed an explosion in the use of computer matching programs over the past decade, especially to check the eligibility of applicants and recipients to receive Federal benefits and to recover debts owed to the Federal Government. While computer matching can be a very useful tool to aid the Government in determining eligibility for and to detect fraud or waste in Government programs, the uncontrolled use of computer matching can pose serious privacy, confidentiality and due process concerns. The Computer Matching and Privacy Protection Act will, when fully implemented, go far in providing procedural safeguards on the use of information matched in these programs.

Over the past few months, the Office of Management and Budget, many Federal agencies, and many State agencies have been diligently preparing to comply with the requirements of this new law. We have learned, however, that many agencies and States will have problems meeting the July 19 effective date as contained in the law. Agencies are experiencing particular delays in having the data integrity boards, that must review and approve matching programs subject to the law, fully operational by the effective date, and State and Federal agencies need more time to negotiate the matching agreements required by the law.

In order to assist agencies with these problems, this bill would delay the effective date of the law for existing matching programs until January 1, 1990. Specifically, matching programs in operation prior to June 1, 1989, would qualify for the delay in the effective date. The bill also requires all Federal agencies to submit a report to the Senate Governmental Affairs Committee, the House Committee on Government Operations, and the Office of Management and Budget identifying the matching programs that are subject to this delayed effective date. This report must also contain a schedule showing the dates on which the agencies expect to be in compliance with the requirements of the Computer Matching Act. These reports will then be compiled by the Office of Management and Budget and published in the Federal Register.

Mr. President, this delay is necessary to ensure that ongoing matches, many of which are done routinely by agencies to determine eligibility for Federal benefits, do not have to halt simply because agencies have not had enough time to comply with the new law. The change in the administration and the need for agencies and States to become familiar with the new law's requirements have slowed compliance with the act. I hope that this delay will provide enough time for agencies to comply in good faith, while ensuring that the important due process and procedural safeguards contained in this new law are implemented as soon as possible.

Mr. LEVIN. Mr. President, the bill before us would provide 6 more months for the full implementation of the Computer Matching and Privacy Protection Act of 1988. This additional period of time would provide the Federal Government and numerous State agencies the time they need to meet the requirements of the statute for ongoing computer matches. We have received numerous requests and statements of concern from State agencies and the Department of Health and Human Service which participate in computer matching for purposes of program integrity. The administration has made a specific request for this legislation, and the House has already passed it without objection.

The evidence indicates that Federal and State agencies are diligently working to implement the new law, so this is not a case where covered agencies are resisting compliance or simply dragging their feet. This is a case where, despite reasonable diligence, agencies are encountering implementation delays on such matters as, for example, establishing their data integrity boards and negotiating the terms of their matching agreements. In light of these good faith efforts at compliance and practical startup difficulties, this bill provides a limited extension of the effective date of the statute for ongoing matches. In contrast to these ongoing matches, all new computer matches will be required to meet the law's original effective date, July 19, 1989.

I support the immediate passage of this bill and, again, commend the principal sponsor of the Computer Matching and Privacy Protection Act, Senator COHEN, for his excellent work on and commitment to this subject.

The PRESIDING OFFICER. Without objection, the bill is deemed read a third time and passed.

So the bill (H.R. 2848) was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO INDEFINITELY POSTPONE CERTAIN ITEMS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the fol-

lowing calendar items be idefinitely postponed:

Calendar No 56: S. 104, authorizing the documentation for vessel *Liberty*;

Calendar No 58: S. 475, authorizing the documentation for a vessel;

Calendar No 59: S. 572, authorizing the documentation for the vessel *Navatek I*; and

Calendar No 60: S. 638, authorizing the documentation for the vessel *Nor'Wester*.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIARY COMMITTEE DISCHARGED FROM FURTHER CONSIDERATION OF CERTAIN ITEMS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of the following: Senate Joint Resolution 129, Senate Joint Resolution 132, Senate Joint Resolution 174, and House Joint Resolution 174, and that the Senate proceed to their immediate consideration en bloc; that they be read a third time and passed and that the motion to reconsider the votes by which they were passed be laid on the table en bloc and that their preambles, where appropriate, be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL POW/MIA RECOGNITION DAY

The joint resolution (S.J. Res. 129) to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day" was considered, ordered to a third reading, and read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 129), with its preamble, reads as follows:

S.J. RES. 129

Whereas the United States has fought in many wars;

Whereas thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhuman treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer acute hardship; and

Whereas the sacrifices of Americans still missing and unaccounted for and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 15, 1989, is hereby designated as "National POW/MIA Recognition Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to recognize that day with appropriate ceremonies and activities.

NATIONAL ALCOHOL AND DRUG TREATMENT MONTH

The joint resolution (S.J. Res. 132) designating September 1 through 30, 1989, as "National Alcohol and Drug Treatment Month" was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 132), with its preamble, reads as follows:

S.J. RES. 132

Whereas alcohol and other drug abuse and dependence are major public health problems that are preventable and treatable;

Whereas the economic costs to society of alcohol and drug abuse in 1983 alone were over $176,000,000,000;

Whereas alcohol and drug abuse treatment provides an effective means toward independence from substance dependence and is a necessary element in solving the problems associated with alcohol and other drug abuse;

Whereas more than one-third of the families of the Nation are affected by alcoholism and an estimated 10,000,000 Americans are problem drinkers or alcoholics;

Whereas alcohol abuse during pregnancy is one of the leading causes in the Nation of mental retardation in infants and is the only preventable cause;

Whereas over 70 percent of the pediatric acquired immunodeficiency syndrome cases are related to intravenous drug use by one or both parents of the infant;

Whereas drug abuse treatment is an effective way of preventing the spread of AIDS among intravenous drug abusers;

Whereas alcoholism and drug dependence are illnesses requiring prevention, treatment, and rehabilitation through the assistance and cooperation of a broad range of Federal, State, and local health, law enforcement, and social service agencies, families, employers, employees, and organizations concerned about alcohol and other drug abuse; and

Whereas despite our national policy goal of making treatment available to all who request it, the existence of waiting lists highlights the need to increase the availability and quality of alcohol and other drug treatment services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 1 through 30, 1989 is designated "National Alcohol and Drug Treatment Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

SPACE EXPLORATION DAY

The joint resolution (S.J. Res. 174) to designate July 20, 1989, as "Space Exploration Day" was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 174), with its preamble, reads as follows:

S.J. RES. 174

Whereas twenty years ago, on July 20, 1969, people of the world were brought closer by the first manned exploration of the Moon;

Whereas a purpose of the United States space program is the peaceful exploration of space for the benefit of all mankind;

Whereas the United States space program has provided scientific and technological benefits affecting many areas of concern to mankind;

Whereas the United States space program, through Project Apollo, Viking and Voyager missions to the planets, the space shuttle, and other space efforts, has provided the Nation with scientific and technological leadership in space;

Whereas the National Aeronautics and Space Administration, the United States aerospace industry, and educational institutions throughout the Nation contribute research and development to the United States space program, and to the strength of the economy of the Nation;

Whereas the space program reflects technological skill of the highest order and the best in the American character—sacrifice, ingenuity, and the unrelenting spirit of adventure;

Whereas the spirit that put man on the Moon may be applied to all noble pursuits involving peace, brotherhood, courage, unity of the human spirit, and the exploration of new frontiers; and

Whereas the human race will continue to explore space for the benefit of future generations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 20, 1989, is designated as "Space Exploration Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

DECADE OF THE BRAIN

The joint resolution (H.J. Res. 174) to designate the decade beginning January 1, 1990, as the "Decade of the Brain" was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

ORDER TO INDEFINITELY POSTPONE SENATE JOINT RESOLUTION 173

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 173, and that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

RATIFYING CERTAIN AGREEMENTS RELATING TO THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2214, which ratifies certain agreements relating to the Vienna Convention, just received from the House of Representatives.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2214) to ratify certain agreements relating to the Vienna Convention on diplomatic relations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSTON. Mr. President, I would like to thank my colleagues on the Committee on Foreign Relations, Senators PELL and HELMS, for their sympathetic review of H.R. 2214. This legislation approves agreements providing for full diplomatic relations between the United States and the Republic of the Marshall Islands, and between the United States and the Federated States of Micronesia. This action is long overdue and would make our diplomatic relations with these nations consistent with U.S. policy in Micronesia.

In March of 1988, the U.S. Government and the governments of the Republic of the Marshall Islands [RMI] and the Federated States of Micronesia [FSM] concluded agreements to provide that our diplomatic relations be conducted as are relations between other nations in the international community. This legislation approves those agreements.

I support this legislation, and full diplomatic relations with the RMI and FSM because it is to the mutual benefit of our nations. Since the implementation of the Compacts of Free Association in 1986, the RMI and FSM have gained diplomatic recognition within the international community, and they have established full diplomatic relations with many countries throughout the world. Enactment of H.R. 2214 will add the United States to that list of nations which fully recognize the FSM and RMI as members in the international community. This is a clear benefit to the FSM and RMI.

The United States benefits from this legislation because it resolves an inconsistency in U.S. policy in the Pacific. U.S. policy in Micronesia is based on the fact that the U.N. Trusteeship has been terminated with respect to the FSM and the RMI, and that diplomatic relations are to be conducted with the new nations of the FSM and RMI through the State Department on a full government-to-government basis. Unfortunately, relations have so far been conducted through diplomatic "Representatives" instead of Ambassadors. This use of Representatives has created confusion in the minds of third nations as to the true nature of the relationship between the United States and FSM and RMI. H.R. 2214 will have the effect of upgrading these Representatives to Ambassadors, and thus eliminate the source of confusion. This action will promote the recognition of the FSM and RMI in the international community.

I would like to acknowledge the efforts of the House Committee on Foreign Affairs, and specifically the contributions on the bill of Congressmen SOLARZ, LAGOMARSINO, and the Delegate from Guam, Mr. BLAZ. Their support and effort on this legislation is an important contribution toward the final step in the emergence of the people of Micronesia from the outdated, and some say neocolonial, relationship established pursuant to the trusteeship agreement. It is because of the nature of that relationship that I am a bit surprised by the attitude of other Members of the House to this legislation. Some Members appear to be interested in perpetuating this paternalistic relationship of the past, and resisting the movement toward self-government for the peoples of Micronesia.

The reasons given for this foot dragging are revisionist. It is argued that the use of Representatives instead of Ambassadors was part of the compromise included in the Compact of Free Association Act on the respective roles of the Department of State and the Department of Interior in U.S. relations with the FSM and RMI. This is not so. These two issues had nothing to do with one another. In fact, the compact language on the use of Representatives long preceded any debate on the respective roles of the Department of State and Interior under the compact. These two issues were distinct, and never linked. Efforts to link these events appear to be driven by a desire to find a plausible rationale for opposing full diplomatic relations with the Freely Associated States. However, there are no valid reasons for giving the FSM and RMI second class treatment, as some have argued.

The people and governments of the FSM and RMI have struggled long and hard to achieve the dignity of full sovereignty and international recognition. Strong and friendly relations between the United States, and the FSM and RMI depend on our recognition of their achievements, and our affirmation of their dignity. To belittle these facts, or seek to undermine the reality of our new relationship with these young nations, can only cause resentment and weaken the foundations of that relationship.

I sincerely hope that all members of the U.S. Government will pull together in their commitment to make free association a success. The compact is a vast improvement over the trusteeship, and it has the broad support of the people of the FSM and RMI. The compact has my full support—as does the United States policy that the trusteeship agreement is terminated with respect to the Republic of the Marshall Islands and the Federated States of Micronesia. This policy is a fact, not a debating point. Presidential Proclamation No. 5564 states:

> • • • the Trusteeship Agreement for the Pacific Islands is no longer in effect as of October 21, 1986, with respect to the Republic of the Marshall Islands, as of November 3, 1986, with respect to the Federated States of Micronesia, and as of November 3, 1986, with respect to the Northern Mariana Islands.

Our policy in Micronesia is working, and it is mutually beneficial. The only benefit of arguing for some nebulous policy based on the flawed notion of continued trusteeship is for those who seek to continue a failed policy, and who wish to maintain their traditional role in that policy.

The compact, and trusteeship termination, represents a progressive policy which enjoys nearly unanimous support in the United States and Freely Associated States. Our policy deserves full support.

Mr. President, in conclusion I would like to congratulate Mr. Jesse Marehalau and Mr. Wilfred Kendall on their soon-to-be, new status as ambassadors. They have waited a long time for this bill to pass. With their hard work, and a lot of patience, the obstacle to enactment has been overcome.

Mr. McCLURE. Mr. President, I fully support the enactment of H.R. 2214, which would make our diplomatic relations with the Free Associated States consistent with normal relations pursuant to the Vienna Convention. I fully agree with the remarks of Senators JOHNSTON and I would especially like to express my appreciation to Congressman LAGOMARSINO and the members of the House Foreign Affairs Committee who managed to send this measure to the Senate unencumbered with irrelevant and gratuitous provisions. Unfortunately, they were unable to have the measure considered by the House without irrelevant and gratuitous remarks by some who still seem unwilling to release the reins of empire.

Senator JOHNSTON refers to the history as revisionist. I would prefer to think of it as fantasy. It reminds one of the opening of "The Last Emperor" in which the last Emperor of China lives in his palace while the world passes him by. There was no nexus at any time between the responsibilities of the State and Interior Departments and the status of the U.S. representative. Senator JOHNSTON, Senator JACKSON, and I participated in reviews of the negotiations over 15 years. Fabri-

cation of history may be an interesting pasttime, but it does not alter reality. Approval of this measure also has absolutely nothing to do with the continued intransigence of some to proceed on Palau, nor does it alter in any fashion the agreements on the compacts which are now fully in force for the Marshalls and the Federated States.

I am particularly disturbed by comments that the trusteeship has not terminated for the Marshalls and the Federated States. Perhaps that curious view provides solace to those who would pretend to be the last great white raj, a successor to the British Viceroys in India. There comes however a time to emerge from the colonial closet and treat peoples as equals and respect them for their commitments to self government. Perhaps the strains of Kipling still reverberate:

Ye dare not stoop to less—
Nor call to loud on Freedom
To cloak your weariness;

It really is time to stop the foolishness. Creating mischief, promoting litigation as some form of malingering disease, sowing confusion solely to embarass the leadershp of foreign countries, simply is irresponsible. I wonder whether those who take such delight in attempting to destroy the relationship with Micronesia plan on sowing the same seeds of discord on Puerto Rico. Will we be faced with similar fantasies on whether the present relationship is colonial under international law? Will we see the same lack of respect for elected leadership? I hope not, and perhaps the Governor of Puerto Rico will not have the same patience as the Micronesian leadership has had.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 2214) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR FRIDAY

RECESS UNTIL 9:15 A.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:15 a.m., Friday, July 14, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the time for the two leaders there be a period for morning business not to extend beyond 9:45 a.m. with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF THE STATE DEPARTMENT AUTHORIZATION BILL

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 9:45 a.m. the Senate resume consideration of S. 1160, the State Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9:15 a.m., Friday, July 14, 1989.

There being no objection, the Senate, at 7:09 p.m., recessed until Friday, July 14, 1989, at 9:15 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 13, 1989:

DEPARTMENT OF EDUCATION

ROBERT REFUGIO DAVILA, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION.

DEPARTMENT OF EDUCATION

NELL CARNEY, OF VIRGINIA, TO BE COMMISSIONER OF THE REHABILITATION SERVICES ADMINISTRATION.

CHARLES E.M. KOLB, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY FOR PLANNING, BUDGET AND EVALUATION, DEPARTMENT OF EDUCATION.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FRANCIS ANTHONY KEATING II, OF OKLAHOMA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Thursday, July 13, 1989*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D. offered the following prayer:

Teach us, O God, to express the pride we have in all that is good and noble, to appreciate the marvelous gifts of country, of heritage, of family and tradition. Even as we give thanks for our history, remind us of the danger of false pride when we make our experience so full of value that we do not see the virtues of other people and other traditions. As You have created each person in Your image, may we so live our lives with grateful pride in the bounties of our experience, that conscious of Your blessings to all, we begin each new day with earnest prayers of thanksgiving and praise. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mrs. BENTLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mrs. BENTLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 302, nays 100, not voting 29, as follows:

[Roll No. 136]

YEAS—302

Ackerman	Bevill	Campbell (CO)
Akaka	Bilbray	Cardin
Alexander	Boggs	Carper
Anderson	Bonior	Carr
Andrews	Borski	Clarke
Annunzio	Bosco	Clement
Anthony	Boucher	Clinger
Archer	Boxer	Coleman (MO)
Aspin	Brennan	Coleman (TX)
Atkins	Brooks	Combest
Barnard	Broomfield	Conte
Bartlett	Browder	Cooper
Bateman	Brown (CA)	Costello
Bates	Bruce	Coyne
Beilenson	Bustamante	Crockett
Bennett	Byron	Darden
Bereuter	Callahan	Davis
Berman	Campbell (CA)	de la Garza
DeFazio	Kleczka	Rangel
Dellums	Kolter	Ray
Derrick	Kostmayer	Regula
Dicks	LaFalce	Richardson
Dixon	Lancaster	Ritter
Donnelly	Lantos	Robinson
Dorgan (ND)	Laughlin	Roe
Downey	Leath (TX)	Rohrabacher
Durbin	Lehman (CA)	Rose
Dwyer	Lehman (FL)	Rostenkowski
Dymally	Leland	Rowland (CT)
Dyson	Lent	Rowland (GA)
Early	Levin (MI)	Roybal
Eckart	Levine (CA)	Russo
Emerson	Lewis (GA)	Sabo
Engel	Lipinski	Saiki
Erdreich	Livingston	Sangmeister
Espy	Lloyd	Sarpalius
Evans	Long	Sawyer
Fascell	Lowey (NY)	Saxton
Fazio	Luken, Thomas	Scheuer
Feighan	Manton	Schiff
Fish	Markey	Schulze
Flake	Martin (NY)	Schumer
Flippo	Martinez	Sharp
Florio	Matsui	Shaw
Foglietta	Mavroules	Shumway
Ford (MI)	Mazzoli	Shuster
Ford (TN)	McCrery	Sisisky
Frank	McCurdy	Skaggs
Frost	McDade	Skeen
Gallo	McDermott	Skelton
Garcia	McEwen	Slattery
Gaydos	McHugh	Slaughter (NY)
Gejdenson	McMillen (MD)	Smith (FL)
Gephardt	McNulty	Smith (IA)
Gibbons	Meyers	Smith (NE)
Gillmor	Michel	Smith (NJ)
Gilman	Miller (CA)	Smith (VT)
Gingrich	Miller (WA)	Snowe
Glickman	Mineta	Solarz
Gonzalez	Moakley	Spence
Gordon	Mollohan	Spratt
Gradison	Montgomery	Staggers
Grant	Moody	Stallings
Gray	Morella	Stark
Green	Morrison (CT)	Stearns
Guarini	Morrison (WA)	Stenholm
Gunderson	Mrazek	Stokes
Hall (OH)	Murtha	Studds
Hall (TX)	Myers	Swift
Hamilton	Nagle	Synar
Hammerschmidt	Natcher	Tallon
Harris	Neal (MA)	Tanner
Hatcher	Neal (NC)	Tauzin
Hawkins	Nelson	Thomas (GA)
Hayes (IL)	Oakar	Torres
Hayes (LA)	Oberstar	Torricelli
Hefner	Obey	Towns
Henry	Olin	Traficant
Hertel	Ortiz	Traxler
Hoagland	Owens (UT)	Udall
Hochbrueckner	Oxley	Unsoeld
Horton	Packard	Valentine
Houghton	Pallone	Vander Jagt
Hoyer	Panetta	Vento
Hubbard	Parker	Visclosky
Huckaby	Patterson	Volkmer
Hughes	Payne (NJ)	Walgren
Hutto	Payne (VA)	Walsh
Jenkins	Pease	Watkins
Johnson (CT)	Pelosi	Waxman
Johnson (SD)	Penny	Weiss
Johnston	Perkins	Weldon
Jones (GA)	Petri	Whitten
Jones (NC)	Pickett	Williams
Jontz	Pickle	Wilson
Kanjorski	Porter	Wolpe
Kaptur	Poshard	Wyden
Kasich	Price	Wylie
Kennedy	Pursell	Yates
Kennelly	Quillen	Yatron
Kildee	Rahall	

NAYS—100

Armey	Hastert	Roth
Baker	Hefley	Roukema
Ballenger	Herger	Schaefer
Barton	Hiler	Schroeder
Bentley	Holloway	Schuette
Bilirakis	Hopkins	Sensenbrenner
Bliley	Hunter	Shays
Boehlert	Inhofe	Sikorski
Brown (CO)	Ireland	Slaughter (VA)
Buechner	Jacobs	Smith (MS)
Bunning	James	Smith (TX)
Burton	Kolbe	Smith, Denny (OR)
Chandler	Kyl	Smith, Robert (NH)
Clay	Lagomarsino	Smith, Robert (OR)
Coble	Lewis (CA)	Solomon
Coughlin	Lewis (FL)	Stangeland
Cox	Lightfoot	Stump
Craig	Lowery (CA)	Sundquist
Crane	Lukens, Donald	Tauke
Dannemeyer	Madigan	Thomas (CA)
DeWine	Marlenee	Thomas (WY)
Dickinson	Martin (IL)	Upton
Dornan (CA)	McCandless	Vucanovich
Douglas	McCollum	Walker
Dreier	McMillan (NC)	Weber
Duncan	Miller (OH)	Wheat
Fawell	Molinari	Whittaker
Fields	Moorhead	Wolf
Gallegly	Nielson	Young (AK)
Gekas	Pashayan	Young (FL)
Goodling	Paxon	
Goss	Rhodes	
Grandy	Ridge	
Hancock	Roberts	
Hansen	Rogers	

NOT VOTING—29

Applegate	Edwards (OK)	Murphy
AuCoin	English	Nowak
Bryant	Frenzel	Owens (NY)
Chapman	Hyde	Parris
Collins	Kastenmeier	Ravenel
Conyers	Leach (IA)	Rinaldo
Courter	Machtley	Savage
DeLay	McCloskey	Schneider
Dingell	McGrath	Wise
Edwards (CA)	Mfume	

□ 1021

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. McNULTY] please come forward and lead the House in the Pledge of Allegiance?

Mr. McNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1426. An act to amend the Public Health Service Act to make technical corrections relating to subtitles A and G of title II of the Anti-Drug Abuse Act of 1988, and for other purposes.

The message also announced that the Senate recedes from its amendments numbered 1, 2, 3, 4, and 5, to the above-entitled bill.

The message also announced that the Senate recedes from its amendment numbered 8 to the bill (H.R. 1426) entitled "An act to amend the Public Health Service Act to make technical corrections relating to subtitles A and G of title II of the Anti-Drug Abuse Act of 1988, and for other purposes," with an amendment.

The message also announced that pursuant to Public Law 100-494, the Chair on behalf of the Republican leader, announces the appointment of Mr. GRASSLEY to the U.S. Alternative Fuels Council.

The message also announced that pursuant to Public Law 100-304, as amended by Public Law 99-7, the Chair on behalf of the Vice President, appoints Mr. D'AMATO, Mr. HEINZ, Mr. MCCLURE, and Mr. WALLOP, to the Commission on Security and Cooperation in Europe.

PERMISSION FOR SUBCOMMITTEE ON GENERAL OVERSIGHT AND INVESTIGATIONS OF COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. KOSTMAYER. Mr. Speaker, I ask unanimous consent that the Subcommittee on General Oversight and Investigations of the Committee on Interior and Insular Affairs be permitted to sit on Thursday, July 13, 1989, while the House is meeting under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

INTRODUCTION OF THE "GODDESS OF DEMOCRACY" BILL

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, I am pleased to join with my distinguished colleague from Missouri, Mr. BILL EMERSON, in introducing a bill to commemorate the struggle for democracy in China.

Last June, prodemocracy students in the People's Republic of China erected a beacon of hope in Tiananmen Square. They called it the Goddess of Democracy. Then, their government destroyed that symbol and massacred many of the protesting students.

We must not let that symbol die. The McNulty-Emerson bill calls for the creation of a replica of the goddess of democracy—privately financed—to be kept in the United States until prodemocracy forces in China prevail. Then it will be given to the people of China as a gift of the American people.

I urge all my colleagues to support this bipartisan effort, as a tribute to the spirit and the courage of the people of China who yearn for freedom and democracy.

LET SENIOR CITIZENS AND VETERANS HELP WITH THE 1990 CENSUS

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, like many of my colleagues, I am a cosponsor of H.R. 1860, which would improve the Census Bureau's ability to recruit and retain qualified personnel during the 1990 Census. H.R. 1860, which was introduced by our colleague TOM SAWYER, chairman of the Subcommittee on Census and Population, will help to address the Census Bureau's task of recruiting at least 1.6 million temporary employees by exempting Federal annuitants and retired military officers that work on the 1990 census from offsets in pay and other benefits they currently receive.

Although I like the rationale behind H.R. 1860, I feel that it does not go far enough. As you can image, there are many Social Security recipients and veterans who would probably like to help the Census Bureau during the 1990 census. Yesterday, to address this issue, I introduced two pieces of legislation.

Both bills would exclude from the earnings cap income earned through employment by the Census Bureau during the 1990 census. The first, H.R. 2856, would exclude this income when determining annual income for purposes of programs administered by the Department of Veterans Affairs. The second, H.R. 2857, would exclude this income when determining excess earnings under title II of the Social Security Act.

I would like to invite my colleagues in the House to join me in helping our senior citizens and veterans to become an integral part of the 1990 census.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1068

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1068, the U.S. Coinage Reform Act of 1989.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

□ 1030

PRESIDENT'S PATTERN CLEAR AND DISTURBING ON MINIMUM WAGE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, recently, President Bush vetoed minimum wage legislation, that, for the first time since 1981, would have raised the minimum wage of America's lowest paid workers from the current $3.35 per hour, to $3.85 in October; to $4.25 per hour in October 1990 and to $4.55 per hour in October 1991. In other words, a working person would earn $8,008 next year or $20 more a week than she earned this year.

Now last week, the President proposed to raise the salary of the Vice President from $115,000 to $143,800 or a raise of $554 a week or $28,000 more a year. This amounts to a 25-percent raise. The neglect of the working people of this Nation does not build a kinder nor gentler nation. It only adds insult to injury against families who are barely earning enough to stay off welfare.

Over the past decade, President and Vice President George Bush has felt most comfortable in supporting income tax changes that have raised the real incomes of the wealthiest people in our country. Now he denies a minimum wage increase to those families who struggle to keep house and home together, or students who must earn on average $20,000 to afford a 4-year public college education.

The President's pattern is clear and it is disturbing.

THE GASOLINE PRICE EQUALIZATION ACT

(Mr. CAMPBELL of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL of California. Mr. Speaker, 12 years after the EPA ordered oil companies to start phasing out lead additives in gasoline, are we still using leaded gas? Moreover, in 1989, why does leaded gasoline cost less than unleaded?

In the 1970's, we were shocked to hear the dire reports about the dangers posed by leaded fuel. Brain disease, colic, palsy, and anemia were just some of the extreme human health hazards created by the lead spewed by cars into the air.

The introduction of lead-free gasoline into our country in 1977 has since contributed to a considerable decrease in air lead levels nationwide. By 1984, the count had fallen by 75 percent, to 39,000 metric tons. Each year since, the levels have continued to fall. Yet

as recently as 1985, gasoline still spewed close to 20,000 metric tons of lead into the air, enough to cause an estimated 123,000 cases of high blood pressure a year. Even today, over a decade after the advent of unleaded gasoline, many drivers still insist on using leaded gas, even in so-called unleaded-only vehicles. Several recent surveys have put this number as high as 14 percent of all vehicles on the road.

Why do drivers still insist on putting leaded gasoline into their tanks? Pure economics. Over the last 3 years, the price of leaded gasoline has averaged almost 6 cents less than that of unleaded. Why do we still allow an environmentally dangerous fuel to cost less than safer varieties?

It is time we eliminated the differential between gasoline prices and make the worst polluters pay for the damage they do to our environment. Today, with my distinguished colleague from California, Mr. MATSUI, and my distinguished colleague from Indiana, Mr. JACOBS, both of whom share my commitment to human health and to protecting the environment, I am introducing legislation that would raise the Federal tax on leaded gasoline by 6 cents a gallon, the average price differential between leaded and unleaded from 1986 to 1988. Enactment of this bill would end the only advantage that leaded gasoline has over unleaded—that of cost.

Mr. Speaker, at the very least, this bill would raise around $600 million in revenue for the U.S. Treasury, assuming that people would simply continue to purchase leaded gas at the higher new price. But it is my hope that we will simply tax leaded gasoline out of existence. Certainly drivers who have the choice of purchasing leaded gasoline or unleaded at the same price would choose unleaded, having lost the economic incentive to do otherwise.

Mr. Speaker, I submit this legislation today before the House of Representatives and urge its quick consideration by members of the Ways and Means Committee. At a time of high environmental awareness and budget reconciliation, I believe that it is an idea whose time has come.

PUT STREET PEOPLE IN CHARGE OF HUD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, some Americans sleep on steel grates. Some sleep in cardboard boxes, and some of those street people eat dog food to survive.

To straighten out this housing mess, Congress has created an agency called HUD, [Housing and Urban Development]. Congress gives them billions of dollars per year. And guess what: Their cronies at HUD steal the money.

Today now in Suffolk County, NY, 15 people are going to court for having bought HUD homes for $500, that is right, $500, and then they were so nice they rented them back to the good people of Suffolk County for $800 a month; $800 a month is what they rented them back for.

Mr. Speaker, I say today that Congress should, put the street people in charge of HUD. That way, if they steal a little money, maybe they will get something out of the program.

A REPREHENSIBLE ACT OF GREED AND SELFISHNESS

(Mr. MARTINEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, I rise again today to continue my protest over what I believe to be a reprehensible act of greed, selfishness, and a complete disregard for maintaining a strong American defense industry. Never mind that with the FSX deal we have given a technological "leg up" to another country. Never mind that we have allowed Japan to become competitive with U.S. industry within just a few short years in the only market in which we are still the world leaders.

For the moment let us just look at a major U.S. corporation, GTE, participating in this selling out of America.

I find the situation I am referring to ironic because Americans, as individuals, are passionate in our loyalty to our country, and fiercely proud of our patriotism, yet we do not hold our own corporations to the same standard. The origin, history, and successes of this corporation came out of its reliance on the American people as an American corporation, and now GTE believes that its primary obligation is to the International Conglomeration of Corporations—or at least one French one.

While that might be necessary for GTE's private sector growth, GTE should not be wholly partaking in international market activities with American taxpayer dollars, thereby selling out this country. I say that GTE has an obligation to the United States, and to the American people which should go above and beyond what they can minimally be held to in legal terminology to a point which portrays a sense of morality, a sense of duty, and a sense of patriotism.

DELAY, DO NOT PRAY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, in light of recent discrepancies in costs and numbers reported with regard to the Catastrophic Health Act, I think it is time that we all listen to the folks back home.

We need to delay implementation of this monster we've created, so we can fix it. However, there are some who want to bulldoze through, make enough changes in catastrophic to confuse the issue, and pray that this time, through some unidentified miracle, our numbers, projections, and rationale will hold true. The latest we are hearing is a proposal to make catastrophic voluntary, but part B Medicare coverage, which includes prescription drug reimbursement and physician payment, would have to be sacrificed by those who choose not to pay the surtax under catastrophic. According to actuarial figures I was able to obtain in the past 24 hours, this would cost each beneficiary $2,000 annually if he or she passes the medical exam, and $4,000 a year if he/she fails the test. This would be financially crippling to many seniors. Clearly, it would be a lose/lose situation.

Before this Congress is forced to vote on any such measure, before we mandate these outrageous costs to our senior constituents, both dollar amounts should be carefully considered. This time, let us know for sure just what it is we are in such a hurry to push through.

INTRODUCTION OF LEGISLATION LIMITING ACQUISITION BY LEVERAGED BUYOUT OF AIRLINES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, should anyone who happens to be rich enough or anyone who can borrow enough money be allowed to buy an airline? Do we want to repeat the Eastern, Continental, Texas Air experience a few more times in America? Do we want to dismember United Airlines or any other healthy airline?

Yesterday the Washington Post had a story regarding the potential leveraged buyout or takeover of United Airlines. This is just one sentence my colleagues should pay attention to:

It is this potential for generating cash that lights up the eyes of those who think in terms of leveraged buyouts, not the potential for running a good airline, a safe, efficient public air carrier; the potential to generate cash or, more realistically, the potential to leverage debt, burdening an otherwise proud, efficient, and safe airline to the point where the airline has to reduce maintenance, where they have to defer the acquisition of new equipment and avoid modernization, shaving other safety factors.

Leveraged buyouts of the few airlines that we have left in this country after the disaster of deregulation is not in the public interest.

Today I will introduce legislation that would limit the acquisition by leveraged buyouts of the few existing airlines we have left.

Mr. Speaker, I urge my colleagues to join me in this important legislation.

□ 1040

PROTECTION FROM CRIME FOR RESIDENTS OF THE DISTRICT OF COLUMBIA

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, Washington, DC, is the murder capital of the United States of America. Mr. Speaker, Washington, DC, is one of the drug capitals of the United States of America.

If you want a gun in D.C., it is easy to get. If you want to get drugs in Washington, DC, they are easy to get. Yet law-abiding citizens do not even have the ability to defend themselves.

In the Capital of the United States of America you cannot even have a gun, a hand gun in your own home to protect yourself from somebody breaking in. You cannot even have mace in your home to ward off an attacker if they break into your apartment.

Two weeks ago one of my staff people had a gentleman if you want to call him that, break into her second-floor apartment, stab her with a 4-inch knife through the hand, try to rape and kill her. She was very forceful and wrestled with the fellow and fell down a flight of stairs, and was able to open a door. That was two blocks from this Capitol.

Mr. Speaker, the Mayor of Washington is not doing his job. The law enforcement agencies of Washington, DC, are not doing their jobs. We, Mr. Speaker, need to take this under advisement in this body and the other body. We need to protect the people who work on the Hill, the women especially who work on the Hill, and we need to do it very quickly. We need to provide a mechanism for them to be able to defend themselves in their own places of domicile, and that means allowing them to have some kind of defense to protect themselves, either mace or a weapon.

LAST OF THE ARMY CORPS NURSES OF WORLD WAR I

(Mr. ANDERSON asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON. Mr. Speaker, It is a sad occasion for me to take note of the recent passing of a great American. Now most of you don't know this person, but the great American I speak of today was Mrs. Lucille F. Tinder. Mrs. Tinder was the last surviving Army Corps Nurse of World War I.

Mrs. Tinder passed away on July 4, in Idaho, but she had been a resident of Long Beach after the war. But that is not what prompted me to rise today. I honor her here today, because our Government did not. Our Government failed to meet the needs of our World War I veterans after they had given their sweat and blood on the fields of Europe. Most of the World War I vets will meet the same fate as Mrs. Tinder. They will pass away unrecognized for their courageous service.

I introduced a bill, H.R. 1918, on January 4 of this year which would correct this shameful oversight by our Government. There are World War I vets in every one of your districts. Help them gain the recognition they deserve. Cosponsor my bill and send a message to the Veterans' Administration that we will honor all of our veterans who served this country.

THANKS TO ALASKANS WHO TESTIFIED AGAINST H.R. 987, TONGASS TIMBER REFORM ACT

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Alaska. Mr. Speaker, later on today we are going to discuss legislation, H.R. 897, that affects the State of Alaska and the communities which I represent. I would like to take this opportunity in this short period of time to thank the Alaskans of Sitka, Ketchikan, Petersburg, Wrangell, and Juneau, all of the southeast region who came to Washington, DC, to present their personal views on how this legislation will affect their lives, its direct effect upon their children and their communities. The effort they put forth in the private sector, without any backing of any national group, just themselves, the women in timber, the loggers in the field, the store owners who depend upon the industry who those in this House would try to take away from them under the guise of the environment.

So I want to thank them from the bottom of my heart for the efforts they put forth, and as we go into this battle we hope for victory. If we do not achieve that, they can go forth with their heads high because they have done the job they were sent here to do, and it is a long way betwixt here and a law that will ever go to the President's desk.

So again, from the bottom of my heart, I thank you.

CONSUMER PRODUCTS RECOVERY ACT OF 1989

(Mr. TORRES asked and was given permission to address the House for 1 minute.)

Mr. TORRES. Mr. Speaker, I have introduced into this House H.R. 2648, a significant piece of legislation. I have received support from the other body who also introduced counterpart legislation, S. 1181. It is an important and simple bill called the Consumer Products Recovery Act of 1989.

This bill would be important, I would say to my colleague from Alaska, and also tell my colleagues here in the House because 400 million gallons of used oil are dumped into our ground illegally evey year by Americans, 400 million gallons. That is equal to 35 *Exxon Valdez* spills a year, and yet we do this.

My bill would require or put into action a system of market incentives that would begin to recover used motor oil to be recycled and put back into our system again. Those 400 million gallons being dumped into our ground and into our landfills and into our sewers are fouling our groundwater, they are entering into our streams and rivers and our oceans, and they are fouling our environment.

REMEMBER THE HOSTAGES IN BEIRUT

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute.)

Mr. DORNAN of California. Mr. Speaker, there is a tragic aspect of human nature that when some outrage happens, given the passing of enough time, we just tend to forget it, not accept it, but just forget it.

This Sunday an American hostage will have been held somewhere in some cellar dungeon in Beirut for 4 years and 4 months. That is about 8 months longer than it took the United States to complete the crushing of Fascism in World War II.

Terry Anderson, the AP bureau chief in Beirut, Lebanon, was captured March 16, 4 years ago. Then that following June a gentleman that had arrived at the airport to teach agriculture at the American university in Beirut, Tom Sutherland, was taken about 20 minutes outside of the airport on the airport road, so he has been a prisoner for 4 years, 1 month, and a few days as of today.

There are seven other Americans over there. Some of them were captured after they had been asked to leave, but they had faith in the security forces in Beirut. But Terry Anderson and Tom Sutherland were not warned to leave. They were serving the world news services in our country. We cannot forget these people, either

we in this Congress or the executive branch.

□ 1050

TONGASS TIMBER REFORM ACT

The SPEAKER. Pursuant to House Resolution 196 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 987.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 987) to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wildreness, and for other purposes, with Mr. FRANK in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 30 minutes; the gentleman from Alaska [Mr. YOUNG] will be recognized for 30 minutes; the gentleman from Missouri [Mr. VOLKMER] will be recognized for 30 minutes; and the gentleman from Washington [Mr. MORRISON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona, [Mr. UDALL].

Mr. UDALL. Mr. Chairman, I rise in strong support of H.R. 987, the Tongass Timber Reform Act, as reported by the Interior Committee. I believe that this legislation is easily the most important environmental and natural resource measure to have yet come before the House in the 101st Congress.

Last year the Interior Committee brought similar legislation before the Rules Committee. The House subsequently approved it by an overwhelming margin of 361 to 47. At the time, I described to you the situation on the Tongass as a national scandal and a disgrace. Sadly, 1 year later, nothing has changed for the better. The laws requiring that the Tongass be managed unlike any other forest in the Nation—with off-budget timber management funds and mandatory timber offerings—are still on the books. The two 50-year contracts with the Sitka and Ketchikan pulp mills that stifle competition, encourage bad forest management practices such as high-grading and dictate such unbelievably bad timber sale terms that since 1982 the taxpayers have seen a return of less then $4 million while spending $386 million—these contracts are still firmly in place. Perhaps most distressing of all, the U.S. Forest Service is still defending the indefensible.

It is high time, in fact, it is well past high time, that the Congress act to correct this deplorable situation. H.R. 987 has three titles. Title I repeals portions of the Alaska Lands Act that establish an annual off-budget fund of at least $40 million and require the Forest Service to make available to industry 4.5 billion board feet of timber per decade. The former has failed so completely at its originally stated purpose—to upgrade marginal timber stands—that it has become an embarrassment. The Alaska delegation itself endorses its abolition. The later provision is foolish because it ignores the laws of supply and demand and unnecessary because industry has never cut the levels of timber called for in the mandate, which constitute legislative micro-mismanagement of the forest.

I would point out that last year the House voted to eliminate both these provisions. This year, however, the amendment to be offered by the Agriculture Committee asks us to retreat from that position by suggesting that we simply tinker with the 4.5 billion board feet mandate. Mr. Chairman, no amount of tinkering can change the fact that as long as the Forest Service is required to make these huge amounts of timber potentially available the forest planning and land use process on the Tongass will be corrupted as it has been for the past 9 years. The Agriculture Committee position on this matter is just unacceptable.

Title II cancels the two 50-year contracts. Last year, the Interior Committee proposed that those contracts be renegotiated. At the time, many of us doubted that the contracts could be satisfactorily renegotiated given the intransigence of the industry and its cozy relationship with the Forest Service, But we were willing to try that route if we could get the Senate to concur. That did not happen and as we promised on the floor of the House last year, the Interior Committee is back now with the proposal to terminate the contracts. We are confident that not only is this the wisest course of action, but also that there is ample authority and precedent for it and it can be done at little or no cost to the taxpayers. The Congressional Budget Office has attached no cost to this provision and the Congressional Research Service analysis lays a strong and well-precedented legal basis for it. Indeed, it will cost the taxpayers more to continue to honor these outmoded contracts than it might to terminate them. And given the history of contract renegotiation on the Tongass it also is very likely that renegotiation will cost the taxpayers more than termination possibly could. That history strongly indicates that for every concession won by the Forest Service, the pulp mills win a concession of their own worth millions in new taxpayer subsidies.

Finally, title III designates an additional 1.8 million acres of wilderness on the Tongass, mainly to protect some of the most important fish and wildlife habitats on the forest. These designations have strong local support of the rural communities most dependent on them and will leave the timber industry more than enough timber to meet projected demand.

The subject of Tongass timber reform has been before the Interior Committee almost constantly since I have been chairman. We have held countless hearings, discussions, negotiations, and field visits. With national attention now strongly focused on the Tongass and the prospects of Senate action growing bright, I am confident that this Congress is the Congress when we will finally be able to right some old and serious wrongs. The time for modern forest management on the Tongass has arrived. With passage of strong reform legislation we can protect one of the truly precious natural resources this Nation possesses, save the taxpayers' dollars, and protect jobs on the Tongass by expanding opportunities for commercial fishing, tourism, and recreation while continuing to provide ample timber for the logging industry.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the chairman of the full committee, the gentleman from Arizona [Mr. UDALL], for his remarks. Nobody in this House except maybe the gentleman from Alaska [Mr. YOUNG] has spent more time on the issues of Alaska of concern to its citizens and its resources than the gentleman from Arizona. His distinguished record has helped to preserve much of the natural beauty of Alaska for the rest of the Americans and at the same time trying to strike an economic balance so those citizens in Alaska have an opportunity to work and support their families and to enjoy the environment. I thank the chairman for his support of this legislation.

Mr. Chairman, this legislation has a rather long history. It was passed last year, its most recent action on the floor of the House, by a vote of over 361 to 47. This year I believe we are bringing to the floor an improved bill by Congressman MRAZEK of New York which already has 155 cosponsors.

Mr. Chairman, as reported by the Committee on Interior and Insular Affairs, H.R. 987 is a work product of years of public concern and committee attention to the natural resources and the competing uses of Alaska's Tongass National Forest. This is legisla-

tion that attempts to strike a balance. It strikes a balance between the resource needs of this Nation, of the State of Alaska, the people of Alaska, the economic needs of those individuals, the future of the forestry industry in southeast Alaska, and the emerging economies of southeast Alaska; the economies of tourism, fishing, which we see now competing with timber use of these lands and which, if we do not pass this legislation, will all be threatened by the practices that are allowed under current law.

You know, it does not take a forestry expert to figure out there is something drastically wrong with a policy where the Forest Service charges an outfitter $3 per day to take somebody into this forest to look at the trees and charges the pulp companies $1.48 to cut those trees down. Something is terribly wrong. Something is terribly wrong with the policy that allows $40 million to be spent, whether or not it is necessary, to open up these lands for timber sales, whether or not those sales take place. Something is terribly wrong when the Congress of the United States allows us to spend $386 million to create a timber industry in southeast Alaska and at the same time only receives $3.9 million in timber receipts from those sales.

Something is terribly wrong when a program that spends almost $400 million to create jobs in southeast Alaska timber sales, watches those jobs decline, at a time that we are force feeding this industry Federal subsidies, by 34 percent between 1980 and 1988. Something is terribly wrong when the Forest Service continues to engage year after year in forest practices at the behest of these companies that destroy fisheries, that destroy major streams and tributaries where a permanent economy every year is created with the spawning of the salmon and other fishes in southeast Alaska. This bill directs itself at correcting those wrongs.

The Interior Committee's substitute for H.R. 987 has five major features to restore fiscal and environmental common sense to the Tongass.

First, the bill repeals the 40 million dollar permanent timber subsidy which was tacked on to the Alaska Lands Act in 1980. Since 1982, we've spent $386 million on Tongass timber subsidies and returned only $3.9 million in timber receipts to the Treasury. As a jobs program, the GAO found this to be a dismal failure. Despite the subsidies, timber employment declined by 34 percent from 2,700 in 1980 to 1,781 in 1988.

The main boosters and beneficiaries of this boondoggle are the Forest Service bureaucrats and the pulp mill owners.

Second, the bill repeals the 4.5 billion board feet per decade timber supply which applies only to the Tongass. Eliminating the 4.5 is absolutely essential to Tongass reform. This is a license to overharvest the resource, no matter what the environmental consequences or interests of local communities. The 4.5 biases the forest planning process, reducing the upcoming Tongas plan revision to a game of cards where the timber industry holds all the aces.

Third, the bill requires that the Forest Service comply with National Marine Fisheries Service policy by retaining minimum 100 feet nonlogging buffer zones on each side of salmon streams. This policy was developed because of continuous degradation of fisheries habitat by logging activities. Tongass reared salmon are a renewable resource worth over $100 million annually to commercial and recreational fisheries.

Fourth, the bill changes the way in which timber is sold on the Tongass by replacing two long-term contracts with short-term, competitively bid sales which are standard on other national forests. The two contracts, signed in the 1950's, are the last remnants from a dark era where old-growth forest was viewed as a menace to be eliminated as quickly as possible. The contracts—which provide an unfair monopoly over two-thirds of the Tongass timber—are the primary obstacle to proper management of the forest.

Unlike last year's reform bill, H.R. 987 provides for termination rather than directing the Forest Service to try again to change the contracts. A new timber supply system is justified because the contracts, prevent proper management of the forest, because Congress has unsuccessfully tried since 1976 to make the Forest Service to achieve renegotiated change in the contracts, and because the holders have breached the contracts by systematically violating antitrust and environmental laws.

H.R. 987 should not result in Government liability for damages. A CRS study—based on the cancellation of seven timber contracts in the 1978 Minnesota Boundary Waters Canoe Wilderness Act—concludes that we will not owe any damages for terminating the Tongass contracts in the public interest.

While acknowledging the possibility of breach of contract action, CBO refused to state that any such suit would either be successful or even decided in the next 5 years. The bottom line is that CBO's cost estimate credits H.R. 987 with a savings of $191 million in outlays through fiscal year 1994.

When evaluating the costs and benefits of these contracts, I ask my colleagues to keep in mind the fact that leaving the existing contracts in place costs the taxpayers more than $30 million per year. By the year 2011, when the last contract expires, we are guaranteed to have spent more than half a billion dollars. In contrast, replacing the contracts with short-term sales would fundamentally improve forest management and stimulate jobs and generate additional revenue through competitive bidding on timber sales.

Finally, H.R. 987 designates as wilderness 23 areas covering 1.8 million acres of the Tongass. The lands include some of the most valuable fish and wildlife habitat in the United States. There is strong support for permanent protection of these areas from communities and organizations in southeast Alaska.

The new wilderness areas will not affect the ability to meet industry demand in the Tongass. Only 5.7 million acres of the 16.7-million-acre Tongass is commercial forest land. While the existing 5.5 million acres of wilderness has scenic and many other values, most of it is literally rock and ice. Over 90 percent of the highest volume timber is not currently within wilderness. The new wilderness areas would result in a loss of only 238,000 acres from the scheduled timber base of 1.75 million acres. Wilderness would reduce the scheduled Tongass timber harvest of 450 million board feet annually by only 49 million board feet. Yet the average annual harvest has been only 285 million board feet.

There is no longer any measure short of this legislation that we can take to get the Forest Service to replace its policies that are damaging the economy, damaging the environment, and damaging those resources. There is no action short of this legislation.

There has been no successful renegotiation because asking the Forest Service to renegotiate these contracts with these pulp mills is like asking Lincoln Savings & Loan to negotiate with the FSLIC. It is one and the same.

It is like asking the people at HUD to negotiate with the lenders and the borrowers; they have become one and the same, they become entangled. They become entangled when timber companies keep the bureaucrats employed and the bureaucrats keep the timber companies wallowing in Federal subsidies. That is what is going to be brought to an end today when we vote for this bill as we did last year on a bipartisan basis.

The capping of that will be that while we save the taxpayers hundreds of millions of dollars over the remaining life of this contract, we will also be saving a resource and putting it on a sustained yield basis, allowing the timber industry to thrive.

We will be enhancing the fisheries so more and more people in southeast Alaska can participate in that economy.

We will be enhancing the environment so more and more people from the lower 48 will be able to go to Alaska to enjoy its economy, to enjoy its resources, to enjoy its scenery.

We will put a stop to the rape and the pillage by two privileged companies that are allowed, from the private sector point of view, to manage a forest, America's largest, as no other forest in America is managed.

□ 1100

That is what we have an opportunity to accomplish today. I ask the Members to support the Interior bill. I ask them to repudiate the Agriculture substitute because it does nothing more than allow these obscene practices to continue, both with respect to these companies with their hand in the taxpayers' pockets and the rape of the environment with the consent of the Forest Service.

We cannot ask two parties that in fact have become one and the same to renegotiate. They have taken no action in response to the overwhelming vote of last year, and we must proceed in this fashion.

Again, Mr. Chairman, I urge my colleagues to support the Interior bill and to reject the Agriculture substitute and all of the damaging amendments that will be put forth on the floor here today.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first let me say that it is a good thing that the gentleman from California [Mr. MILLER] and I are good friends, because I have never heard such a statement made using such outdated facts and emotionalism relating to HUD and the savings and loans. That is a scare tactic; that is a Joe McCarthy-type tactic which I do not appreciate.

Let us be honest about this. This is not the same bill the gentleman was the sponsor of last year. It is not the bill the Congress voted on, and, yes, I asked some of our Members, if they wanted to, to go ahead and vote for it. But it is not the same bill. To say that it is, is absolutely not true, and the gentleman knows it.

Mr. Chairman, I oppose H.R. 987. I have represented Alaska in this body since 1973, and as the chairman has stated, and then the gentleman from Arizona [Mr. UDALL], I have been probably closer to the people of Alaska than anybody else in the sense of what I believe is good for them and also what they believe is good for them. I have listened to them; I have heard their wants and, most of all, their needs and their dreams, and that is what American is about. I come before a group of people every 2 years, and they report on my report card whether I have done right or wrong. I am not from outside that district; I am not from California or New York, and I want to make it perfectly clear that this is not the bill that all Alaskans want.

I am sure that everybody wants things to run better. They want a better mail service, a better Defense Department, and better housing, but there is nobody I know of that wants no mail service, no defense, no roads, and no housing.

H.R. 987 does that to the Tongass National Forest. It will allow no timber harvesting, period. Regardless of what the gentleman from California says, there will be no timber harvesting.

I think it has to be made clear that the Governor of Alaska, one of the gentleman's own party, is against this bill, and he is not running for reelection. The chamber of commerce and nearly all of the people of Alaska are against this bill. There are a few who support it, and, yes, I respect the position of those few. Many times I have tried to work out a solution, as the gentleman from California knows. We worked long and hard last year, and I was willing to accept a compromise. That never was able to get to the House floor, and it never went to the U.S. Senate, so we are back here today with a bill that will put 6,000 Alaskans out of work and cost the taxpayers money. It will not save any money for them; it will cost the taxpayers money.

Let us go back to this word, "Tongass." This is the Tongass. It is the largest national forest in America today, and I am proud of that. It contains 17.5 million acres of some of the most beautiful land, if not the most beautiful land, in the world. It is bigger than the whole State of West Virginia, and that is a beautiful State. There are only 60,000 people who live there. The three biggest parts of the economy in the area are fishing, timber, and tourism, the three legs of the stool, but the only year-round employment is in timber. All of the timber harvest on the Tongass complies with every environmental law on the books today that we passed in this Congress.

Mr. Chairman, I hope that my colleagues will listen very carefully to this: 90 percent of the 17.5 million acres of the Tongass is already off limits to timber harvesting. It is not off limits for tourism, it is not off limits for fishing, but 90 percent is off limits for timber harvesting. That leaves us with only 10 percent.

Contrary to what some people say, this is not the "Imperial Congress," but, unfortunately, in 1980, when most of the present Members were not here, this Congress made an agreement with the people of Alaska that there would be that 10 percent available for harvesting and that in fact there would be $40 million in unappropriated money to harvest the lower grade timber. This bill does take that $40 million out.

I do not argue with that. So does the Agriculture bill; it takes the $40 million out. That is a given. It is no longer important.

Someone said that this saves taxpayers money. I agree. It has been taken out. It is not on the table; it is gone. But let us remember that last year for every dollar the Forest Service spent they got 87 cents back, plus over $40 million in taxes, Social Security, and other payments to the Federal Government, plus jobs for thousands of Alaskans, with a payroll of $118 million, plus $486 million in cumulative value to local, State, and Federal economies.

These are just direct benefits, not indirect. We get a road system that makes communities possible, and these communities are the real story of the Tongass. These are full of people who are working with their hands and their backs. They are proud of that. They work in the great outdoors, just carving out a tiny part of the Tongass to make it possible for others to follow. They are building their communities, their hospitals, their churches, and their small businesses. This fulfills the dreams of individual American citizens. They are making sure there is a place for people to work, a place for people to dream. It is a place for people to conceive what they think America is about.

H.R. 987 takes all of that away. And for what? The gentleman from California says we passed a similar bill last year. The difference is this much. If I may, I would ask the Members to look at these charts. This is the Interior Committee bill. Under the proposal in the language that the gentleman from California and other staff members never had the decency to explain, there is a buffer zone. That sounds good, does it not? That is beyond the wilderness area, 1.8 million acres added to the 5.7 million acres they have already. They are adding that in this bill, and they are adding it in that bill. But that buffer zone concept eliminates 23 precent more of the ability to harvest any timber in southeast Alaska.

This bill repeals the contracts that this Congress, not the Forest Service, said shall take place for long-term investment, for building these two pulp mills in Alaska.

Although the Tongass is the greatest national forest, it is the least harvested forest in the United States today. California, Washington, And Oregon cut more timber in 1 year in one-third of the size than would be cut in the Tongass in 10 years.

Mr. Chairman, H.R. 987 is not the bill that Members on my side of the aisle voted for last year. It is a bill that repeals contracts, puts in buffer zones, and creates 1.8 million acres of wilderness. None of those things were in the bill last year. It is a bill that crushes the American dream.

For what, and for whom? For Long Island? This is less than a million acres, perhaps a little over a million acres for the people. That is all they are asking for. I do not know how many acres of people that amounts to. But for Long Island, we are crushing a dream?

□ 1110

Mr. Chairman, I say to my colleagues, "For Marin County in California you're going to crush a dream?"

Mr. Chairman, I have been told by the chairman of the full committee, and I wish he was here, that he was going to help us negotiate a settlement, of which I have asked for and begged for for the last 6 years, and the gentleman knows that is true, and yet today on this floor we have a bill that literally takes the livelihoods of Alaskans, American citizens, and crushes them. And I say, "For what?"

It has been said, "For the environment." The environment? This is overkill.

Mr. Chairman, the environment is being protected today, about 5.7 million acres of wilderness, and in the Ag bill there is 1.8 million acres of wilderness added, too, and I am not too happy with that, but it is there. However the bill that came out of my committee that was voted against 100 percent on my side of the aisle is the bill that does great harm to the word of this Congress, to the word of this Nation, and to the people that they gave their word to.

So, I am asking my colleagues today to think very carefully and to look inside their souls, to remember that it is not the bill that was here last year that they may have voted for, and I am asking them to vote for the Ag bill, the Ag bill that was bipartisanly supported by 100 percent that took the time to look upon the direct effect of lives of Alaskan people, that understood the buffer zone concept and the requirement to have the pulp mills, not only for the economic base, but to have the best return and the timber harvest is not wasted.

I am asking my colleagues, when the substitute is offered by the gentleman from Missouri [Mr. VOLKMER], that in fact it will be the bill to be voted yes on, and we will give a bill that can solve the problems of the timber industry, protect the environment, and save the taxpayers money.

Mr. Chairman, I am asking my colleagues to vote yes on that legislation, the Ag bill. If that fails because they are not willing to accept justice and they want to be punitive, then I am asking my colleagues in all fairness to vote no on final passage to give the State of Alaska, the people of Alaska, the opportunity for this President to try to bring those that wish to negotiate in good faith, such as myself, to the table, if they wish to solve the problem.

So, Mr. Chairman, in fairness, in justice, a yes vote for the Ag bill. If that fails, a no vote on H.R. 987, in the name of God.

Mr. Chairman, I reserve the balance of my time.

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today, of course, in support of the Committee on Agriculture substitute for H.R. 987, and the reason I do so is because we have spent a long period of time over the past several years in developing this legislation as an alternative to the Interior bill. We have heard from a long list, an extensive list, of witnesses from Alaskan and national organizations, elected officials, and from the Forest Service. We received and reviewed numerous letters from Alaskan citizens, supporters and opponents of changes in the Tongass timber program, in that period of time.

We have reached a general agreement in our committee across party lines that there are problems with recent and current management of the Tongass National Forest. The Forest Service has given too great an emphasis to the timber production, due largely to artificial constraints basically from the 1990 ANILCA timber supply mandate, 4.5 billion board-feet per decade, and under the two 50-year contracts which we feel that the Forest Service and the pulp mills have not properly interpreted. We feel that the Forest Service can have and must have greater determination as to where timber is to be cut in the Tongass, how much timber is to be cut, when it is to be cut, et cetera. That is a decision on the contracts that the Forest Service should make, and we have said so in our substitute.

Mr. Chairman, we have a strong conviction that the national forests should be managed for multiple use recognizing the public needs and capabilities of all lands in the Tongass. As we have heard here before, there are three elements to the economy of southeast Alaska and the Tongass, and those are tourism, timber industry and, of course, the fishing industry.

We have emphasized in our substitute that the Forest Service should give more credit to both tourism and the fishing industry in Alaska to equalize that with the timber production. Some timber production activities are important economic sectors, and without timber, then we are going to lose, as the gentleman from Alaksa [Mr. YOUNG] said, about 6,000 people out of work in southeastern Alaska, out of a total of approximately 60,000. That is 10 percent of the people automatically out of work, and that will have a rippling effect on the total economy of southeast Alaska.

Mr. Chairman, under our bill we do not see that we will have anybody put out of work, while under the Interior bill it is very clear to many of us that we would have the pulp mills closed, and, as a result of that closing, we are going to see an economic downturn in southeastern Alaska.

Now our committee did reject recommendations of the Forest Service, which said take no action until the revised land management plan is completed. We rejected that position because the plan would be based on timber supply requirements of 4.5 billion boardfeet a decade.

We do away with that mandate of 4.5 billion boardfeet. We do it a little bit differently than the Committee on Interior and Insular Affairs. The Committee on Interior and Insular Affairs does away with it, but they put no limit on the amount of timber that can be cut in the Tongass. We put a cap. We put a 4.5 billion cap instead of a floor, and now it is a ceiling, and, therefore, we feel that the Forest Service will not permit any further cutting beyond that cap. We, as the Committee on Interior and Insular Affairs, do provide that the Forest Service should provide the amount of timber based on the management plans and the demand of the timber up to that amount.

Now, upon review of the 1988 Timber Reform Act reported by the Committee on Interior and Insular Affairs, most of our subcommittee agreed with the actions proposed, a repeal of timber supply mandate, the contract renegotiation, moratorium to timber harvests in particularly sensitive areas.

Now that was last year's bill. This year's Agriculture bill is almost identical to last year's Interior bill which we agreed to.

Now last year that bill was taken up on this floor and passed overwhelmingly. The Committee on Interior and Insular Affairs supported that bill overwhelmingly. We supported that bill. We still feel that is the way to go in order to keep some timber industry operating up there, but to correct the wrongs that have been done without terminating the contracts.

Now, Mr. Chairman, in the 1989 bill the Committee on Interior and Insular Affairs' bill is not nearly the same as the 1988 bill. It is a King Kong squeezed into a chimpanzee suit. That is really what it is because it is very drastic. It cancels those contracts rather than requiring renegotiation and giving the Forest Service the

power to actually manage that forest up there. By cancelling the contracts we are telling those pulp mills up there that they just may go out of existence. We are telling 6,000 people up there, "You're going to be out of work."

However, Mr. Chairman, I think many people, good lawyers, will say, "Once you terminate those contracts, you're going to pay out the nose in damages for doing it," and who is going to get the money when we pay out the damages?

□ 1120

The pulp mills get the money. Those 6,000 people up there, they do not get anything. They just get out of work. So I think that everybody should think very seriously before going to the extent of cancelling those contracts.

We worked this bill out. The Agriculture bill was introduced with the gentleman from Washington [Mr. MORRISON]. It was not even considered by the Interior Committee. It was approved by our subcommittee and the Agriculture Committee then substituted it for the Interior Committee provisions.

Now, we did not address the wilderness provisions of the Interior bill because we do not have jurisdiction over them. We do have jurisdiction over all of our national forest management, because that is in the jurisdiction of the Agriculture Committee.

I think that the Agriculture Committee has worked very hard to make the determinations that we have in developing our substitute. We have not taken this matter lightly. We are very concerned about what happens in southeast Alaska.

I think there are other important differences, but clearly, the heart of the disagreement between the committees is the treatment of the contracts. We say that we need to renegotiate those contracts, that under those contracts the Forest Service has the power to manage those forests just the way they have been managing the national forests in the other States of the Union.

We also provide, as they do, for the elimination of the 4.5 mandated billion board feet per decade. We eliminate the $40 million annual appropriation, so we have agreed on those basic things.

Now, how did this all come about? What was the reason for it?

Well, back in the late forties and early fifties there was not very much up in the Tongass. There was not very much going on in southeast Alaska. Someone had a bright idea that there is a lot of good timber—and a heck of a lot of it is still up there in southeast Alaska in the Tongass—so let us get some timber industry up there.

Well, what kind of timber industry are you going to get? Are you going to get a regular saw mill that will just saw logs in the Tongass? No. You are not going to get that because 40 to 60 percent of the timber, of the trees in the Tongass, are not good for saw logs. It depends on what part of the Tongass you are cutting. Many trees are only good for pulp. As a result, without the pulp mills you are not going to have a viable timber industry in southeast Alaska. Therefore, they made the contracts with the pulp companies in order to get the pulp mills up there, in order to get a timber industry started in southeast Alaska. It was an economic boom to southeast Alaska. As a result, you have had a development in southeast Alaska around Ketchikan and Sitka and other parts of southeast Alaska.

You have had additional tourism because of what has happened under these contracts. Sure, there were roads built as a result of these timber contracts, but a lot of those roads are now being used by tourists. Without the roads, you would not have the tourism.

Now, timber employment is no longer only a jobs program, but it is actually part of the economic viability of southeast Alaska.

Clearly, I will admit, this is a subsidy for economic development when they started these pulp mills up there under these 50-year contracts; but, Mr. Chairman, we do that for other parts of this country all over this country.

We have subsidized economic development programs through economic development block grant programs, through the Defense bill, you name it, the Public Works bill. We have subsidized all other parts of this country. Are we now to say to southeast Alaska, "We don't like this subsidy. We don't like this economic development program that was started up there for your people, and therefore we are going to close it down."

I say no.

True, there are big problems with the management of the contracts. Let us correct those management problems, but let us keep the timber industry, as well as the fishing industry, as well as the tourism industry, for southeast Alaska.

Now, it has been said here and I have heard it repeatedly in the past, and it was true in the past, that this timber has been sold at less than it should have been, for $2 a thousand board feet, but those have been renegotiated as a result of what the Agriculture and Interior Committees have done in the past 2 years.

Ketchikan Pulp today is paying $84 on the average, depending on the type of tree, but on the average $84, not any dollar-and-a-half or $2 you may be hearing here. Ketchikan Pulp is now paying $84 a thousand board feet.

Alaska Pulp's contract is now being renegotiated and they, too, will be paying in the future those higher prices. That is part of the effort I say that we need to do, not terminate those contracts, but continue to renegotiate to be able to say that we are getting our money's worth for what is going on in southeast Alaska.

You know, the commitment of the U.S. Government should mean something. This Government has contracts all over. Every agency almost has a contract with some corporation or private individuals. Now, are we going to say today that our word means nothing, that we can just terminate contracts willy-nilly if we do not like them? What was done before by somebody else that we do not like, we just terminate it, is that the signal that we plan to send out today to everybody who has a contract with the U.S. Government? I do not think so.

I think the proper way to go is to require that the Forest Service manage the National Tongass Forest more properly. We have the provisions in there that require renegotiation of those contracts and those things that we find objectionable.

With that, I would like to close by saying that I would sincerely appreciate, and I know the members of the Agriculture Committee would sincerely appreciate a vote for the substitute.

Mr. MORRISON of Washington. Mr. Chairman, I yield myself such time as I may consume.

We have just heard from the distinguished gentleman from Missouri, a very good country lawyer, and I think he has eloquently stated the case on behalf of the Agriculture Committee version of the Tongass Forest.

I just want to repeat a few of those elements and perhaps add a couple additional points on something that will be underscored over and over in this exchange, and that is the bill you voted for last year is very, very much like the Agriculture substitute that we will have in front of us a little later on during this presentation. If you want to support the vote that over 300 of us cast last year on behalf of that measure, you would support the Agriculture Committee version of this package.

There are some differences. You have heard them described. You looked at these in a very measured way. We would like to think that our subcommittee takes its time. It listens to both sides of the aisle. We have virtually no division between us politically.

Essentially what we have done in looking at the Tongass is what I think all you Members would want us to do, that is to say there are conflicts that came from the 1980 agreement. Those have been before us now for several years. Let us get rid of them if we can.

Let us in fact treat the Tongass like any other forest in our national system and manage all of them properly, do the sort of planning that is necessary, do the sort of environmental protection that is justified, but to get on with the production of America's wood products and our paper sources and fiber that we need for a variety of different products that we produce.

□ 1130

So we bring up the Committee on Agriculture substitute. It has essentially three differences from the Interior version, the most contentious of which is whether we terminate the contracts that this Government has written in good faith with two different paper mills to build those mills or whether we, in fact, force them to be renegotiated.

Some of us who represent large segments of the wood products industry can share with the Members how difficult it is to build a paper mill. It is a tremendous investment, and there is no way that anyone is going to do it unless they have a long-term commitment to a supply of wood chips. This was done in the case of Alaska, and perhaps we would disagree today with the way those contracts were written. That is why our approach to them is to renegotiate them.

Do not terminate them. Keep these mills alive and well, because they are vitally important, and the only year-round industry that exists in the southeastern Alaska area. Let us not undo that long-term commitment and all the legal difficulties that would be brought with that, but let us renegotiate, and if we read our renegotiation language, it gives the Secretary of Agriculture only 1 year, forces that negotiation to move in the direction of matching other forests in the planning processes, that we go through there, returning more dollars obviously to the U.S. Treasury and yet not undoing the operation of the mills.

May I also remind the Members, as the chairman, the gentleman from Missouri [Mr. VOLKMER], has indicated, only 60 percent of the wood up there is usable in the pulp mills. The other 40 percent then goes to help operate local sawmills or is sold elsewhere to the benefits of our national forest system.

We have to have the pulp mills or we cannot afford to make the cuts, the harvesting, that leads to the operation of the sawmills, many of them also in the same area.

Let us stay with the renegotiated contract. We know we can make that work. A number of us would even say after that 1-year period and the Secretary of Agriculture reports back on his progress to us that if in fact the mills have not agreed to realistic modifications of the contracts that we could do something more heavy-handed here within Congress rather quickly.

Another difference that is important is this issue of how much wood we cut, and the agreement back in 1980 revolved around 4.5 billion board feet per decade that many of us feel is unrealistic, but the number should still be kept. We keep it, instead, as a ceiling so that it is mentioned, and the Forest Service would offer then sales on the basis of what the market demand really is up to that 4.5 billion board feet. That is a realistic approach and one that is easily supportable by the Members of the Congress.

The other area, buffer zones, there is only a slight difference between the two of us. We say that those buffer zones 100 feet wide should be preserved around just the anadromous fish streams. When we are dealing in a rain forest, folks, be careful when talking about tributaries, because every few inches there can be a tributary during part of the year, and if there is a hundred-foot protection on each side of those, we essentially have eliminated the forest from harvest, and that is not what I think any of us have in mind.

The choice, as we look at the two major versions of this bill in front of us today, one is a hard-line bargaining position. I can understand and respect my friends on the Committee on the Interior for taking this position. I am not so sure it leads us anywhere. We have seen this measure get to the Senate before where the State of Alaska has its representation as a State with two Members, and it does not have that representation here because of their limited population, though I admit my friend, the gentleman from Alaska [Mr. YOUNG], makes up for a lot of that in his rather aggressive style, but let us not send them something that is unrealistic. Let us send them something that really expresses how we feel here in the House.

Mr. Chairman, the Committee on Agriculture has tried to do that for us. We are closer to the real world, again, almost identical to the version we passed so overwhelmingly last year.

One last comment: A letter from the Governor of Alaska was sent to Senator FOLEY just in the last few days which opposes the enactment of H.R. 987, particularly the contract terminations and wilderness designations, and believes it is important to retain some reference to the 4.5 billion board feet set out in the agreement in 1980.

Again, the Committee on Agriculture version does not terminate the contracts but forces them to be renegotiated. It agrees to the wilderness designations, because those are not within our jurisdictions, and we retain that 4.5 billion board feet but as a ceiling as opposed to a mandated offering for harvest.

One last comment: My understanding is that letters exist from the Secretary of Agriculture indicating that if the Interior version of the bill passes and got all the way through the Congress by some chance that it would be very highly recommended for a veto.

Mr. Chairman, I yield 9 minutes to the gentleman from Oregon [Mr. ROBERT F. SMITH].

Mr. ROBERT F. SMITH. Mr. Chairman, I thank my friend, the gentleman from Washington, for yielding me this time.

Mr. Chairman, I, as one of three Members of this House of Representatives, sit on both the Committee on the Interior and the Committee on Agriculture. As a result of that, I have been involved in the markup on the Committee on the Interior as well as the markup on the Committee on Agriculture. I was involved with this bill when it came to the Congress in the last session of the Congress, so I think I have somewhat of a unique opportunity to look at both of these bills as they come before the Congress and as the Congress must choose between them.

Very frankly, my friends, I want the Members to know that the Interior bill is an extreme bill that would put the State of Alaska out of business. This is disaster for Alaska. This is the Interior bill. That is the Agriculture bill. That means life for Alaska, and I want to get into some detail about these provisions.

Both bills, as Members know, repeal the $40 million that has currently gone to Alaska every year to manage timber. That ought to be enough. That ought to be enough for Alaska, but, no, there is more.

Both bills include some 1.8 million acres of additional wilderness, some 23 additional wilderness areas in the Tongass. As Members can see by the yellow on this map, both bills include those, so we are not discussing those two issues.

We are discussing the question of the so-called cap of 4.5 billion board feet for 10 years, which breaks down to 450 million board feet each year for 10 years. That, in the Agriculture bill, remains as an extreme limit.

The facts are that we have been harvesting about 338 million board feet a year. That is all that has been sold on the Tongass, and so the cap really has no effect except to say that we cannot go beyond 450 million board feet, and, by the way, that is sustainable. That is a perpectual yield. We are not violating any environmental laws. We are not violating any forestry practices. Four hundred fifty million board feet is doable, and it is a perpetual opportunity for us.

I remind everybody again that this is the largest forest in the world, 17 million acres, and we are only operating

on 1.7 million acres today, 1.7 million acres. That is 10 percent of it. We are going to say, if we pass the Interior bill, we are going to wipe out almost half of the allowable cut in that 1.7 million acres that are left, and that, my friends, indeed, is 6,000 jobs.

The two committees do conflict on that question, because the Committee on the Interior wipes out any reference, of course, to the allowable, while the Committee on Agriculture retains that cap of 450 million board feet only to be sold on the basis of good forestry practices and not to sell 450, but that is as much as they can sell.

The more important difference between the committees is this question of the long-term contracts. It is easy to argue, and I would, that one should not be selling timber in Alaska for $2 a thousand to anybody. It is worth more than that. These long-term contracts were entered into to encourage the two pulp mills that are in southeast Alaska to come there, because, as has been mentioned, 60 percent of the wood that comes off the Tongass, the 1.7 million acres, is merely lousy, rotten kind of stuff that is pulped. The remainder of it is good timber that is run through the sawmill and sold as boards and such as that.

If we eliminate the pulp mills, we eliminate not only the opportunity to harvest, and that is what this does, that is why it is at 173, because there is no pulping here. If we eliminate the pulp mills, however, what do the environmentalists say when asked can we replant and reseed that kind of wood that is going to lie on the ground and is no use, no purpose, if we do not pulp it? Because we must take it off to replant and reseed.

□ 1140

The facts are in the Tongass we are doing very well in replanting and reseeding. In fact, we are growing a brandnew forest and it is a better forest than ever before. It is a spruce forest, and in these matted areas where there is a lot of material, the point is unless we take the pulp stuff off the floor of the forest we cannot reseed and we cannot replant. We are doing that, and we are planting a better forest for the future.

The difference here again is without those two pulp mills we cannot harvest either in good forest practice or for the people of Alaska. We cannot harvest this forest. If we eliminate the long-term contracts, we eliminate the pulp mills, it is that simple.

They ought to be paying a proper price and they are, by the way, as witnessed by our fine chairman, the gentleman from Missouri. Those contracts have been renegotiated. There is one left, yes. One has been renegotiated, one is left, and that will be done within 1 year.

If my colleagues go to the agriculture bill, within 1 year that will be accomplished so that we have some stability in the pulping process in Alaska, which is the fundamental issues.

What about the quality of life? I thought we ought to manage public resources for quality of life. I mean is that not what this is all about? I thought quality of life meant that you have a future, you have an opportunity, and in this case to fish and to hunt and to recreate and tourists can come, and additionally you ought to have a right to have a job. I mean that is quality of life.

Goodness knows, operating on this very small percentage of the Tongass there is a very small percentage of the forest supporting 6,000 jobs. That is quality of life. We ought to retain that.

What is happening on the Tongass? Is it being overcut? Absolutely not.

The Tongass is being managed by the Forest Service, as I mentioned, for yields of timber at the 450 level forever, forever. Beyond that, the replanting as a result of pulping will create in the future a forest that can be increased in allowable cut, and more timber developed for Alaska and for this great country.

So I urge my colleagues when looking at the two bills, and I have been involved in the markup of both of them, the agriculture bill is a reasonable position. The other is an extreme position that puts Alaska out of business.

My colleagues remember, I was here, many of them were here when we sat and spent $4.5 billion to create jobs in America, create jobs. Members remember those public works days in the early 1980's when we were out of work.

How much are we going to have to spend to refurbish Alaska if we take away 6,000 jobs? We ought to look at it I think, but we ought not to do it.

I suggest we stay with those who know about this issue, the reasonable, bipartisan side that was demonstrated in the Agricultural Committee. I suggest we stay with the Governor of Alaska. I suggest we stay with the House and Senate of Alaska, and I suggest that we have drained enough from our good friend, the gentleman from Alaska, DON YOUNG. We ought to stay with him.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. CLARKE].

Mr. CLARKE. Mr. Chairman, I rise in strong support of H.R. 987, the Tongass Timber Reform Act, as reported by the Interior Committee. This bill represents a reasonable solution to the problems that plague this great national forest, one of the crown jewels of our public lands. I have visited the Tongass and it is a shame to realize that we are selling millions of board feet of virgin timber at a huge loss to the U.S. Treasury while at the same time we are degrading the recreational value of this beautiful forest, threatening Alaska's fishing industry, and hurting the region's tourist appeal.

It is clear that the Tongass timber sale program is one of the worst cases—probably the worst case—of below-cost timber sales in the Nation. Since 1982 the Federal Treasury has paid out $386 million to support the Tongass timber program. Receipts for those timber sales in the same period totaled only $4 million. At one point in our hearings the Forest Service admitted that because of the 50-year contracts the two pulp mills were paying $3 per thousand board feet for spruce, while independent loggers in the Tongass were paying an average price of $30 per thousand board feet—10 times as much.

The Forest Service has testified that it costs the Federal Government $30 million a year to administer the 50-year contracts. If things continue at this rate the Federal Government would lose over $0.5 billion by the time the last of the two 50-year contracts expires in the year 2011.

It would be irresponsible to allow current management practices to continue. The termination of the $40 million automatic appropriation for the timber program which the bill provides would put the Tongass on the same basis as every other national forest, receiving an annual appropriation for its program on the basis of need.

According to the Congressional Research Service the termination of the 50-year contracts with the pulp mills and their replacement with standard competitive short-term sales is not likely to be found to be a breach of contract. I believe that H.R. 987 will not endanger Alaskan jobs. Many of the workers in the pulp mills are not even residents of Alaska. It is time that we manage the Tongass on a businesslike basis. H.R. 987 as reported by the Interior Committee deserves our support.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. CLARKE] has expired.

Mr. YOUNG of Alaska. That is a quick watch, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Alaska wish to yield him 1 minute?

Mr. YOUNG of Alaska. I yield 1 minute to the gentleman from North Carolina.

The CHAIRMAN. Will the gentleman yield?

Mr. CLARKE. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, does the gentleman from North

Carolina know how much money is returned to the Treasury from the forest in his State for every dollar invested?

Mr. CLARKE. Not the precise figure, no.

Mr. YOUNG of Alaska. It is 57 cents back to the Treasury for every dollar invested by the taxpayers. In the Tongass we return over 87 cents for every dollar invested. Our forest returns more dollars to the Treasury than your forest does.

Mr. CLARKE. Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 7 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Chairman, what is it we are about here today? It is not the environment. Both bills are environmentally identical. They both add the same number of acres and the exact same acres to the wilderness system.

It is not the $40 million. We have conceded $40 million is not on the table. It might be of interest to Members, the Forest Service reported appropriation for fiscal 1990 actually allocates some $44 million to the Tongass for fiscal 1990. So if we are talking about saving $40 million, I think we should be a little bit careful because actually we are already spending more than $40 million on the Tongass as it is.

We are not talking about forest management practices, because under current circumstances the Tongass is managed the same way as any other national forest in the National Forest System.

What we are talking about, in my judgment, are two very important things. The first is the human factor, the 6,000 jobs. The Committee on Interior and Insular Affairs proponents will tell us that those jobs are not in danger, that there is provision in their bill to continue logging and to continue timbering on the Tongass. But the fact of the matter is provisions in their bill will make that continuation virtually impossible.

We should talk about buffer zones. We might be deluded into thinking that buffer zones are not really a very important thing. There are buffer zones included in the Agriculture Committee bill. But that bill limits the buffer zones to the major streams containing fishery assets.

The Interior and Insular Affairs Committee bill expands that to buffer zones not only on the major streams but also on the tributaries. As the gentleman from Washington [Mr. MORRISON] has pointed out, in a rain forest such as this, defining a tributary is virtually impossible. If we are to have a 100-foot buffer zone around the streams and their tributaries, and those buffer zones are to be maintained in their "natural, undisturbed forest condition," what does that mean? That means we cannot cross those buffer zones. What does that mean? It means we cannot get across those streams and those tributaries to get into areas that would otherwise be available for timbering and logging purposes.

The buffer zones not only protect the streams, but they also prevent access to otherwise harvestable timber.

□ 1150

And according to the U.S. Forest Service that language contained in the Interior bill would reduce the available harvestable timber to those areas of the Tongass that already are roaded and would yield a harvest of something in the neighborhood of 50 million board feet, not sufficient to maintain the industry, not sufficient to keep the mills open, not sufficient to support the 6,000 jobs.

Now there are three major industries in southeast Alaska, fishing, tourism, and timbering. It is said, and has been said repeatedly, that the termination of the 50-year contracts and the elimination or significant reduction of timbering would be directly offset by increases in jobs in tourism and in fishing. Statistically and economically that could well be true.

But how much comfort is that to 6,000 people who have made their careers and their lives out of the timber industry? Shall we say to those 6,000 people in southeast Alaska, "You are either going to have to leave or you are going to have to become a fisherman or a guide?" Tell that to the 6,000 people.

I think you will find that that is small comfort to them.

The agriculture bill will do everything that is environmentally desirable on the Tongass and it will likewise retain the ability of the third industry in southeast Alaska to survive.

What is the second major issue? It is the contracts. The Interior bill directs that the contracts be revoked, the agriculture bill directs that they be renegotiated.

As Mr. SMITH pointed out, one has already been renegotiated and the other one is in the process of being renegotiated and in fact is at the Justice Department for approval. It has gotten that far.

What does revocation of these contracts mean? It means—and I do not think there is any dispute about this—it means that the United States of America is liable to the contractors for the remaining value in those contracts.

The Congressional Budget Office estimates that the liability has a range of $20 to $200 million, but it adds a caveat, and that is, if the U.S. Court of Claims should determine, as it has in other cases, that an element of damages is the diminished value in the capital investment in the plants and in the ancillary facilities that the two companies have made in reliance upon those contracts, then there could be additional damages and, in the words of CBO, those damages cannot be calculated.

Now for those of us who still have some fiscal concerns, and I think that is probably most of us, this is indeed a very significant point.

Revocation of the contracts puts the United States at risk in amounts which cannot be calculated but which, at a minimum, at a bare minimum, would be $20 million and probably would be significantly in excess.

We have a substitute in the agriculture bill that accomplishes virtually everything that is desirable on the Tongass and does so in a way that is fiscally responsible for the United States and retains the opportunity for the third great industry in southeast Alaska to survive, and for those 6,000 persons who depend upon it, to continue to do so.

Mr. Chairman, I urge your support for the agriculture substitute.

Mr. VOLKMER. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. OLIN], who has devoted a long period of time and many hours to the Tongass and has been at all the hearings.

Mr. OLIN. I thank my chairman for yielding.

Mr. Chairman, I rise in support of the agriculture substitute for the Interior Committee bill.

I would like to compliment the chairman for his work on this bill. I think we have got a good, reasonable bill.

This bill balances the interests of those who would like to preserve the old-growth forest and rainforest of that area and those citizens who live up there in rural Alaska who count on a reasonable timbering activity to support themselves.

I would also like to commend the gentleman from Washington, the ranking member, for the work that he has done.

Years ago when this area in southern Alaska, I guess it is, was being considered as to what we ought to do there, a deal was struck, I think, between people who were anxious to turn the whole thing into wilderness and preserve every tree that was ever there and those that have some responsibility for the economic development of that area and the people that lived there, original natives in many cases.

It was agreed that there would be an arrangement made whereby a large wilderness area would be established and, in return for that, there would be a plan set up to establish a couple of pulp mills to provide jobs for people

and set up a basis under which the Forest Service could prepare forest sales that would support those mills.

It was a 50-year contract. We are now quite a few decades into that contract. We have a stable situation there with an awful lot of people working, 6,000 people.

It is true we have had some dfficulty with the contracts. The Forest Service has got themselves into a mode where they, in some cases, have prepared more timber sales than actually the market required, they got well ahead. That can be stopped.

They got into a habit of allowing the pulp mills to select which stands of timber they wanted to cut out of all this timber that was prepared. And that was not a good practice. That can be fixed.

They got into some problems during the early 1980's when the timber market was very poor, of very bad pricing. That has been fixed already. Prices that you see there are competitive on the market.

The real issue now is whether because of some things that can be fixed, we should go ahead and cancel these contracts with the unknown financial liability which, as has been said, CBO estimates somewhere between $20 million and $200 million, certainly ranging in the $100 million range, with all the disruption that is going to mean to those poor rural communities and people who have jobs there, or whether we renegotiate the contracts and correct the problems.

There is no doubt that these problems that exist that people are worried about could be corrected. We can establish a limit on the timber, we can get the Forest Service to conform to good forestry practices as they have elsewhere in the country. Certainly the provisions for buffer need to be very carefully worked out on the streams.

I just feel that any reasonable person who looks at this will recognize that this is not the time to take on an unknown risk; it is not the time to pass a bill that certainly the President is going to veto if it ever gets to him—and probably never will—and to adopt the Agriculture Department's substitute which is reasonable, well thought-through, sound, and would solve these problems.

Mr. YOUNG of Alaska. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Alaska [Mr. YOUNG] has 11 minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

□ 1200

Mr. Chairman, I would like to, at this time, bring attention to two comments made by all of the speakers in reference to wilderness. If we can, these are the wilderness areas already in existence in Alaska. The light areas here are already there. It is hard to tell, and the heavy, dark areas are the additions that are being proposed under both bills.

So we are not arguing the real wilderness. I think it is too much, I will be honest, in both bills. However, when I hear someone say we have to treat the Tongass like every other forest, if Members take 5.5 million acres of wilderness plus 1.8 acres of wilderness necessary, we will have more wilderness in that one area than we have in the rest of the United States. That is a lot of wilderness. I think it is too much.

However, when someone says we want to manage this like any other forests, already we have taken away the opportunity because of this vast area of wilderness.

The second thing I would like to bring out is the buffer zone. Now, unfortunately, there are people that have sponsored the gentleman from New York's bill that do not know what a buffer zone is, yet they sign under the bill. Or do they know what an anadromous fish is? For the listening audience, I should not refer to them, but my colleagues, an anadromous fish is a fish that returns to a stream, fresh water from salt water, spawns, and dies or returns. A steelhead returns, salmon dies, and fertilizes the streams and takes care of the young. That is an anadromous stream. A tributary, as the gentleman from Washington mentioned, cannot be defined, and I know why this was put into the Interior bill. It is a lawyer's heaven. A definition of tributary can be whatever is defined by the individual once he files suit against the Forest Service, if they allow an area to be logged. Then, not crossing the streams is another one. We will see, this is the harvesting area, and this is the harvested area, and this is a buffer zone. This is the buffer zone, a stream 100 feet here, and 100 feet here, which I happen to support, but when they say it will remain in a pristine stage, that means we cannot cross, so how do we harvest over here? Then we have a tributary that runs over here, so how are we going to get around? It is an impossibility, and that is where we get the 173. That is the Interior bill. That is not last year's bill.

Mr. Chairman, I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, the gentleman is aware that we will be accepting an amendment by Mr. JONTZ to make the buffer zone identical to the Agriculture amendment.

We disagree with how the Forest Service has characterized it, but the intent and the purpose of the amendment will be to make it the same.

Mr. YOUNG of Alaska. I am very pleased to hear that.

Mr. MILLER of California. The same amount of land will be set aside.

Mr. YOUNG of Alaska. Reclaiming my time, I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, the amendment of the gentleman from Indiana is not identical to the Agriculture, and it is not the same.

Mr. YOUNG of Alaska. Mr. Chairman, may I say, again, though, the intent was there. That is to put the timber industry out of business in southeast Alaska and cost our people jobs. That is the intent of the Interior bill.

So I suggest to my friend, let Members vote for the Agriculture bill, a workable solution, that in fact is not threatened to be vetoed by the President, a bill that this House can accept and go back to the environmental communities and say it, in fact, sets aside more land than last year's bill, and I urge support.

Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in strong support of the Agriculture substitute to the Interior bill. I would like to talk about a few things that our bill does, and what it does not do.

We have heard talk about the management of the forest. Well, our bill would make needed changes in the management of the Tongass, and it would also protect the old growth forest, and it also would preserve 1.8 million acres of new wilderness, and it would eliminate automatic funding for sale timber.

While we are talking about that point, I would point out to our friends from the Committee on Interior and Insular Affairs, and for those that would support their position that if they, in fact, want to save the taxpayer money, one way to do it is to support our bill, because we have the best chance of getting our bill through to the President for his signature. We are talking about a savings of $40 million just in that regard.

Our bill would also require fair market value for the timber and would limit the timber sold on the forest, and putting the 4.5-billion per decade as a cap, where the Interior bill has no cap. What our bill would not do, it would not break the word of the Federal Government. I think that is important when we are talking about just willy-nilly breaking the contracts. Our bill will not expose the Government to damages for canceling these contracts. Our bill will not face a Presidential veto.

I would point out, too, that one thing our bill does not do, it does not present a pink slip to 6,000 Alaskan workers.

The bill that our substitute is nearly identical to, the bill that we heard talk about that passed this House last time 361 to 47, as you know, the other body never took the bill up. Our bill is a bipartisan bill to look at the problems, and when the witnesses came before our Committee on Agriculture, I probably asked as many questions as anyone about some of the management practices and other things that were going on the forest, and I am very concerned about it, but I think this is a measured approach, and an approach that we can see some action, and have already seen some action, but one of the companies having renegotiated, and the other in the stages of renegotiation as far as doing some things that we would like to see done. So we can see a better expenditure up there of the taxpayer's dollar.

I ask my colleagues to strongly support the Agriculture substitute, because we have a bill that can become law.

The CHAIRMAN. The gentleman from California [Mr. MILLER] has 19 minutes remaining.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Chairman, I think it is important to again clarify what this legislation is attempting to do.

I am proud to have first introduced the Tongass Timber Reform Act 4 years ago. I was pround to see it pass overwhelmingly on this floor last year with 361 Members in support, the majority of Democrats and Republicans in the House of Representatives.

Why did they vote to fundamental change the practices in the Tongass Forest? One reason we recognize that although it is part of the State of Alaska it is the largest national forest in the United States of America. It is a national resource. Perhaps it is a place of the most unparalleled and extraordinary beauty in the United States of America. It is the last and largest habitat for the grizzly bear and the bald eagle, the largest spawning grounds for salmon in the United States. It is a place where, right now, in natural coexistence, there is a timber industry and a tourism industry and a fishing industry. Tourism and fishing are rapidly replacing timber as a dominant industry in southeast Alaska, but certainly it is not the intention, my intention as the original sponsor of the Tongass Timber Reform Act, to drive the timber industry out of southeast Alaska.

Basically, this bill does three things: The bill repeals section 705. What is section 705? Section 705 sets up a unique circumstance in terms of the management of all the national forests in the United States. There are 155 national forests in the United States, and every single one of them, with the exception of the Tongass National Forest, comes under annual review by the U.S. Congress. Only the Tongass is different. In the Tongass, it is mandated that 450 million board feet of timber be harvested every year, regardless of whether there is any market for it. For the most part, there has not been a market for it. It is the only forest that has a mandated annual appropriation that has to be spent of $40 million to build roads to nowhere, to cut into salmon spawning grounds area, and destory habitat, even when there is no market for the timber that the Forest Service is supposed to harvest.

So our bill simply repeals section 705. It says each year Congress should spend as much as it feels is appropriate in the Tongass National Forest, and also remove the mandate that 450 million board feet of timber has to be harvested every year, regardless of whether there is a market.

□ 1210

Second, this bill does in fact cancel the contracts with the two major pulp companies in the Tongass, Alaska Pulp and Louisiana Pacific. We have heard some testimony here today to the effect that these two companies are going to be able to sue the United States of America for substantial amounts of money if these contracts are canceled. I would like to suggest to the Members some of the reasons why that will not happen.

One of them, very simply, relates to a case in Federal court called the Reed Brothers versus Ketchikan Pulp. What was that case? It was a case brought by an independent logger who was driven out of business by these two pulp companies through antitrust practices routinely undertaken by these two companies which already had these incredible sweetheart contracts.

Under the Reed Bros., the U.S. Federal court found that APC, Alaska Pulp, and Ketchikan Pulp, systematically violated the antitrust laws over a 16-year period, and they in fact recommended that the long-term contracts had been breached by these two companies. Well, if they breached those two contracts, they did not only breach them here but they have systematically violated a whole host of environmental laws in this country.

In 1989 the Alaska Department of Environmental Conservation documented their appalling record on noncompliance with environmental laws, they are presently being challenged by the EPA, and there are complaints currently in the Federal court for over 500 counts of permit violations. These two companies breached the contracts themselves, and according to the Congressional Research Service, we would not owe them a dime if we breached these contracts.

The CHAIRMAN. The time of the gentleman from New York [Mr. MRAZEK] has expired.

Mr. MILLER of California. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Chairman, if we cancel these contracts, it does not drive the timber industry out of southeast Alaska; it simply puts these two companies on the same playing field with, hopefully, more independent loggers who are Native Alaskans.

Who is the Alaska Pulp company? It is a Japanese-held corporation. No one is here to say today that the Japanese do not have a right to invest in corporations in the United States, but if my distinguished colleague, the gentleman from Alaska, is arguing on the basis of jobs for Alaskans——

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. MRAZEK. No, I will not yield. I only have an additional minute.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. MRAZEK. I will not yield.

Mr. YOUNG of Alaska. Mr. Chairman, the gentleman used my name.

The CHAIRMAN. The gentleman says that he will not yield.

Mr. MRAZEK. I will not yield, Mr. Chairman.

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman has stated he will not yield, and the gentleman does not yield for that purpose.

Mr. YOUNG of Alaska. But I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman has not yielded to the gentleman from Alaska for the purpose of making a parliamentary inquiry. The gentleman from New York will proceed.

Mr. YOUNG of Alaska. Mr. Chairman, do I understand that I have to have permission from a Member on the floor before I can make a parliamentary inquiry of the Chairman?

The CHAIRMAN. Yes, if that Member has the floor.

Mr. YOUNG of Alaska. That is a new rule, Mr. Chairman.

Mr. MRAZEK. Mr. Chairman, I withdraw what I said when I referred to my friend as my distinguished colleague.

Going back to the point at hand, I would submit that these two companies have already breached the contracts, and that by terminating the contracts we are going to allow independent Alaskan loggers to again compete for contracts which right now

allow these two companies, including the Alaska Pulp company owned by the Japanese, which presently harvests the 500- and 600-year-old trees, cuts them into raw cants, and ships them back to the Pacific Rim so they can be milled into the finest timber in the world, the right to continue these operations. And we are giving them those trees for the price of a cheeseburger.

Mr. Chairman, $1.48 per thousand board feet is what those companies pay under these sweetheart contracts. The trees are worth a thousand dollars per thousand board feet, and I am submitting to my colleagues in the House that we will not incur any damages by our action. In this way we will allow these companies to compete on an open playing field, and we will continue to have a logging industry and a pulp industry in southeast Alaska.

Mr. Chairman, I urge my colleagues not to support a substitute which weakens the contract provisions in this bill.

The CHAIRMAN. For the information of the Members of the House, the Chair will point out that one Member cannot make a parliamentary inquiry when another Member is speaking without that Member's yielding. When the floor is not occupied, one may make a parliamentary inquiry of the Chair's discretion. The Chair wishes to point that out for the benefit of the gentleman from Alaska.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Chairman, when the gentleman refers to another gentleman, is it not true that he can ask the Chair for a point of order or a parliamentary inquiry?

The CHAIRMAN. No. The Chair will state that at that point, if the gentleman wishes to have the gentleman's words taken down, he does not need the gentleman's permission.

Mr. YOUNG of Alaska. I would not do that, Mr. Chairman.

The CHAIRMAN. The gentleman has confused two points. A parliamentary inquiry requires the permission of the Member occupying the floor. An objection to his words and a request that they be taken down does not require his permission.

Mr. YOUNG of Alaska. Mr. Chairman, I appreciate the Chair's explanation, and I certainly would not take the words of the gentleman from New York down.

The CHAIRMAN. Does the gentleman have a further parliamentary inquiry?

Mr. YOUNG of Alaska. I do not, Mr. Speaker.

The CHAIRMAN. Then, if the gentleman wishes to proceed, he may yield time to himself.

Mr. YOUNG of Alaska. I would like to direct a comment to the gentleman, Mr. Chairman.

The CHAIRMAN. If the gentleman wishes to yield time to himself for the purpose of debate, he may do so.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one of the mills is owned by the Japanese, it has been, and it still contributes a tremendous amount. In fact, all the labor force from America, Alaska, and the second one is owned by an American company. So let us not put both of them together.

But more than that—and I believe this has been mentioned twice—if in fact the contracts were canceled, it would probably be true that the owners of those mills would receive moneys from this Congress or from the taxpayers, but that does not help the workers, the towns, the cities, the schools, the churches, and all the infrastructure that they have depended on from those mills. So let us not loop everything into one legal package at the same time.

Frankly with reference to the Reed case, that case was heard 19 years ago, and it was found as the gentleman from New York stated. So he is correct in some of his statements. But that was a long time ago, and most of that has been rectified.

The gentleman from California talked about the Alaskan loggers. None of the Alaskan loggers I have checked with supports this bill.

Mr. MORRISON of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Bosco].

Mr. BOSCO. Mr. Chairman, I thank the gentleman for yielding me this time period.

Mr. Chairman, I have thought a long time before taking a position on this bill, because I have great respect for the Committee on Interior and Insular Affairs, and particularly my colleague, the gentleman from California [Mr. MILLER]. But I represent the Redwood Region of California, there is always a demand in that area, as the Members might imagine, for more parks, more wilderness, and more setasides. These issues are the most contentious that any Member of Congress can deal with.

But we also have to worry about jobs, and here I think that all of us should consider one principle, and that is that we should give some weight to the Member of Congress from that district. He is the one elected to represent the territory. He is the one elected to represent the people. Presumably, he would know what is best within their interests.

We have had a lot of commentary over the years about this balance between tourism, fishing, and timber. I have seen it all the time myself, and we have to work out those balances. But it never fails that the promises do not come through. I will give the Members an example.

In 1968 Congress authorized the Redwood Park. It was supposed to cost $100 million. We just finished the final tally on it, and it was $1.4 billion. It is the most expensive park in the world. And at the time people said.

When you take a hundred thousand acres out of production, you won't lose jobs because the tourists will come up there in droves and you will get those jobs back.

Well, the sorry story is that the prediction was that we would have 1.6 million visitor days per year at the Redwood Park. Last year we had 45,000. The park has created no jobs for our area. It certainly has created a beautiful stand of redwoods, and I think in the years to come that will be valued by Americans.

Mr. Chairman, I think people would make a mistake to go for these euphoric predictions of how these jobs in the timber industry will be replaced by jobs that are predicted in the tourist industry. Right now this bill will take 60 percent of the jobs away from the people who working that forest. Right now in California we are faced with the same thing with the Spotted Owl, with the court injunctions that have been placed on Washington and Oregon and that have been extended to us by Government regulation. So we now face a 60-percent reduction in the productivity of our forests.

Mr. Chairman, I can tell the gentleman that that does mean jobs because I know the people, I know their names, I know the families who are involved, and I do not want to see them lose their jobs. I am not willing either to visit on some other Member of Congress the same exact thing.

□ 1220

Mr. Chairman, I support the compromise of the Committee on Agriculture. I think it is a good balance between protecting the environment and protecting the jobs.

Mr. VOLKMER. Mr. Chairman, I yield 3½ minutes to the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Chairman, I want to compliment the chairman of our subcommittee and the ranking minority member for the effort they have put into the substitute of the Committee on Agriculture, and I want to thank my chairman also for yielding me this time, however I regret very much that I cannot reach the same conclusions about the merits of the substitute that my chairman and some of my other colleagues on the Committee on Agriculture have reached.

Mr. Chairman, I really think that the substantive differences between the version of the Committee on Agri-

culture and the version of the Committee on Interior and Insular Affairs boils down to the contracts. The fisheries buffer zone issue can be resolved, and, in fact, I do plan to offer an amendment to the version of the Committee on Interior and Insular Affairs in the event the version of the Committee on Agriculture is defeated to resolve that matter.

Mr. Chairman, I compliment the chairman of the Subcommittee on Forests, Family Farms, and Energy for taking a creative approach to the 4.5 billion target, and I honestly believe the substantive differences between the two versions are really not that great, but, when we get down to the contracts, there is a very significant difference, and, having spent hours in the Subcommittee on Forests, Family Farms, and Energy listening to the testimony, I think one can reach no other conclusion other than the contracts must be terminated.

Mr. Chairman, the Forest Service officials told us that we are selling high-quality, old-growth trees for next to nothing prices at a time when the market for these trees is at its peak. When a thousand board feet of prime Sitka spruce is worth almost $800 on the Japanese market, the Forest Service testified the Japanese are paying us only $2.29 for the same amount of this high-quality spruce. We heard the Forest Service tell us that because two giant corporations have monopolized logging operations on the Tongass, there is not even enough competition to adequately determine what the value of the Tongass trees is. We listened to Alaskan fish and game biologists telling us that the most viable fish and wildlife habitat on the Tongass is being destroyed at a rapid rate, and we also heard residents of southeast Alaska in the tourism and commercial fishing industries telling us their livelihoods are threatened by the practices on the Tongass and those 50-year contracts.

Mr. Chairman, if the problem with these problems had only been made clearer, I could certainly applaud the effort of my chairman and the Committee on Agriculture in their approach to have the contracts renegotiated, but the truth is the Congress and the administration have long been aware of the adverse impact of the contracts and the abuses which they have brought about. The Forest Service itself investigated the problems back in the 1970's, and a review team at that time recommended changes which were never made.

Congress has been aware of the problems. We directed the Forest Service to bring the long-term contracts in line with the National Forest Management Act. The House of Representatives last year voted to renegotiate the contracts, but the Forest Service has not responded, and the problems of the contracts continue today.

Mr. Chairman, the Forest Service is not responding. The only solution to these problems is to terminate the contracts and to stop and start over, and I think that to take any other course of action would really be to fool ourselves as to whether we were really resolving the problems on the Tongass National Forest.

Mr. MILLER of Washington. Mr. Chairman, I yield 3½ minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, there has been a lot of talk about other forests and the relationship. Let us talk a little bit about the situation of some other forests in the lower 48.

Mr. Chairman, last week the Willamette National Forest in my Eugene, OR, held a timber auction. Mill owners and loggers came to the auction to bid against, bid against one another, for blackened trees killed by a fire last summer deteriorating on the stump, not prime, old-growth Sitka spruce, trees killed by fire. These trees sold for prices of over $600 per thousand board feet, more than 100 times the amount that these two Tongass mills pay under their guaranteed profit contracts. The mills in Oregon paid those prices because they have to compete for Forest Service timber. No one guarantees them a profit. No one guarantees them a timber price.

In fact, Mr. Chairman, these days a secure timber supply is the last thing Oregon mills can depend on. Unlike Oregon's mills, the two giant Tongass mills do not have to worry about competition. They ran their competitors out of business in a systematic effort that unltimately resulted in antitrust convictions against them. The Forest Service later found the actions cost the taxpayers of the United States between $63 and $83 million in lost stumpage fees.

Mr. Chairman, it gets even worse. When the Sitka mill, the one owned by the Japanese conglomerate, decided that the Forest Service appraisal for timber did not quite provide enough margin to satisfy their stockholders in Japan, they took the United States to court. They demanded that the Forest Service give them the timber for a guaranteed profit.

I say to my colleagues, "Wouldn't it be nice if United States firms could be guaranteed a profit like the Japanese firms?"

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. Mr. Chairman, I will not yield. I have very limited time; I am sorry.

Mr. Chairman, I guess they would argue that, if they still could not make money, we should pay them to cut our timber. Alaska Pulp, Japanese corporations, $1.48 per million board for a thousand-board-foot average exporting minimally processed logs and pulp.

I posit that the same amount of timber can be harvested off this forest and employ more people if we shed our colonial status and we started selling the Japanese finished products, paper and lumber, instead of nearly raw logs and pulp.

These contracts have allowed these two mills to block independent attempts to set up a truly stable and responsible timber industry in southeast Alaska. They have used the terms of the contracts to squander the timber resource of the Tongass. They have broken the unions that fought for decent wages and safe working conditions for their employees.

Mr. Chairman, I have a hard time explaining to my constituents why our mills must choose between paying exorbitant prices for Federal timber contracts and closure while these two gluttonous mills, one Japanese-owned, the other infamous for its union-busting activities, get all the timber they need for the price of hamburger.

Mr. Chairman, I urge my colleagues to support the version of the Committee on Interior and Insular Affairs of H.R. 987 and restore fairness to the Alaskan timber industry.

Mr. MILLER or California. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I would like to commend the gentleman from California [Mr. MILLER] for his great efforts on this issue and the gentleman from Alaska [Mr. YOUNG] who has worked so hard on what is obviously a very difficult situation in his own State where the people are divided to some degree, and it is not an easy issue for him to address, and I think he has done an excellent job in attempting to reach compromise, and, frankly, without the interference of the other body I think we may have been able to reach some agreement.

Now I would like to focus in on one small area of what we are going to be doing today. I think that it is a great piece of legislation that the chairman, the gentleman from California [Mr. MILLER] has put together.

As others have pointed out, these are sweetheart deals that have not benefited southeast Alaska. The United States taxpayers or the people of that region, and Florian Siever testified before the U.S. House of Representatives, and I think without any doubt he was fired because of that testimony. The company coming before the committee in defense in their action, said they did not fire Siever because he testified before Congress even though it was difficult to draw any other conclusion. They fired Siever because he sent a letter to the editor of

his local paper that was never even published.

Now that is a small town, a mill town, mentality that never existed in New England, I would hope, even in the worst days of the woolen mills. But I would commend the gentleman from California [Mr. MILLER], the chairman, for one particular provision of this bill, and I have with me my statement during the 100th Congress on this very piece of legislation.

Mr. Chairman, in my one complaint on that bill that we had in the 100th Congress, it was that it did not address the issue of the contracts because, unless we address the issues of the contracts, nothing will change in the Tongass. Now these two contracts should have ended long ago. Congress mandated their renegotiation, and the Forest Service and the Agriculture Departments failed to do so, and we find ourselves here today having spent close to a third of a billion dollars because of these two contracts for companies who have been noncompetitive in their activity, squeezing out the small loggers and small operations, companies that have ignored the environmental concerns of southeast Alaskans by the State's own agency that dealt with environmental issues. It is out of compliance in clean air, clean water, and a number of other areas, a company that has hurt its workers, that has reduced its work force and has, without any question, I think, taken advantage of what was a very generous offer to begin with from the American taxpayers.

□ 1230

It is long enough that the American taxpayers subsidize and give this sweetheart deal to these two companies in Southeast Alaska. I commend the chairman, the gentleman from California [Mr. MILLER] for his yeoman effort on this issue.

Mr. Chairman, I rise today in strong support of H.R. 987, the "Tongass Timber Reform Act." I urge my colleagues on both sides of the aisle to support this legislation and oppose any amendments which will weaken this bill.

This legislation will go a long way to returning fiscal control to the Tongass and returning the management and control of the Tongass National Forest to the Forest Service and the American people.

The Tongass National Forest is the only national forest that is immune from the annual congressional appropriations process, which oversees the Forest Service's determination of how much timber should be cut. Instead, timber is sold to holders of long-term contracts at embarrassingly low prices, resulting in tremendous loss of revenue to the Federal Treasury. Between 1980 and 1986, the Government lost in excess of $250 million in timber revenues for the Tongass. The taxpayers of this country lose 98 cents on every $1 that we appropriate to the Forest Service for Tongass timber sales. The General Accounting Office found that the Forest Service has spent $131 million to prepare timber sales that are not needed to meet current demand.

I am especially pleased that this legislation includes provisions that will terminate the two 50-year "sweetheart contracts" and instead replace them with standard, competitive bid, short-term sales contracts. Living up to a contract is a two-way street. And while opponents of this legislation speak of protecting jobs in Alaska, it seems clear that the contracts which were intended to protect jobs have not done so. The Federal Government has lost over a third of $1 billion in the Tongass National Forest in the past 9 years. This unappropriated funding was made available in a large part, to protect the jobs of the people of southeastern Alaska. However in 1988, the General Accounting Office reported that the employment rates in the Tongass timber industry have declined by more than half, from about 2,700 timber jobs in 1980 to about 1,781 jobs in 1988 despite the existence of the contracts and the permanent appropriations to fund timber operations.

The two 50-year timber contracts held by the Alaska Pulp Corp. [APC] and Ketchikan Pulp Co. [KPC] have resulted in the Forest Service's losing control over managed cutting in the Tongass. These two companies are largely deciding where and when they will cut and are taking the best quality timber from the forest. According to the former chief economist of the Forest Service in Alaska, this practice will destroy the economic viability of the Tongass National Forest within the next 5 to 10 years.

Mr. Chairman, in the 100th Congress, while considering similar legislation, I had the opportunity to chair hearings on the Tongass in the Interior Committee. One of the witnesses, Florian Sever, a millwright for the Alaska Pulp Corp. [APC] at its mill in Sitka, AK, testified in support of the Tongass Timber Reform Act and advocated the termination of the two 50-year timber sale contracts; one of which APC is a party to. Just 6 weeks after this testimony, Mr. Sever was fired. Mr. Sever had worked at the mill for 10 years and had received several favorable letters of recommendation from APC management. The objective and independent testimony of a National Labor Relations Board examiner made it clear that one of the principle reasons given by APC for firing Mr. Sever was his testimony on this legislation. Based on this information and the report that was issued by the Interior Subcommittee on Oversight and Investigations, it seems clear that the only people who can be hired are those who agree with the company or those who are willing to keep quiet about their objections to APC policy. The third of $1 billion paid out by the Federal Government to protect jobs in Tongass is not intended to pay only for employees who agree with the company's policy, nor is it intended to subsidize the squelching of free speech.

Though Mr. Sever's claims are now before the courts and perhaps he can get some justice, not so for the members of the labor unions, which was ruthlessly broken and decertified during recent strikes at the mills. Despite the contractual requirement that workers in the mill be hired from Alaska, 40 percent of this region's timber industry labor force was hired from other places—while people in Sitka and Ketchikan sit idle.

These contracts and the other funds used to promote the timber industry in the Tongass to protect jobs are not being used for that purpose. In a letter from Jesse Jones, president of the United Paperworkers International Union of Sitka, AK, expressing the union's support for H.R. 987 and the provisions for termination of the long-term contracts, Mr. Jones says:

> The basic purpose underlying the 50-year contracts was to provide stable, long-term employment for the permanent residents of southeast Alaska. The long-term contracts that were meant to help the people have ultimately caused them the greatest of harm. APC wielding the power generated by their ill-conceived 50-year contract has seen fit to punish anyone who asks for some sign of fair play or honest bargaining.

In addition to the treatment of Florian Sever by APC, the two recipients of these contracts have engaged in a series of actions which have demonstrated they are not deserving of the unique agreement that the Government has given them. In 1981, a Federal court found APC and KPC guilty of 15 years of anticompetitive practices such as price fixing and collusive bidding which drove out small independent operators. The Forest Service found that the two companies defrauded the Government of between $65 and $83 million between 1959–75.

In addition, the environmental records of these companies has been terrible. The Alaska Department of Environmental Conservation also reports that these two mills have been cited as not in compliance with the Clean Air Act for their air pollution controls. They are not in compliance with water pollution control programs for effluent limit discharges and they are in violation of their other State solid and hazardous waste permits. The Environmental Protection Agency also called the Ketchikan pulp mill one of the top five air pollution threats to public health on the entire west coast.

Opponents of H.R. 987 have expressed their concern that if these contracts are terminated, many jobs will be lost because the mills will be closed. We have been hearing these threats for years. Every time an issue arises in the Tongass, these people threaten to leave town. When they were told that they would have to comply with the Clean Air Act and the Clean Water Act, they threatened to close their mills. But these companies are still in business in the Tongass. And these mills will not be put out of business. Quite simply, they will put on the same level playing field as small lumber companies, who must bid for short-term timber contracts.

In the 100th Congress, similar legislation was passed which did not call for the termination of the contracts but was an attempt to give the Forest Service and the timber companies a final chance to negotiate these long-term contracts to establish stumpage rates that are more closely in line with those in the short-term contracts. The Forest Service and the timber companies were given opportunities to demonstrate their good faith to create a more level playing field. This was to be their last chance. However, renegotiation does not

work in the Tongass. In 1976, 13 years ago, we ordered the Forest Service to renegotiate the 50-year contracts to make them substantially the same as short-term timber sales. This was not done. In 1981, 8 years ago, the Forest Service issued a report recommending that the 50-year contracts be renegotiated. This was not done. And last year, after arguing that they needed one last chance to resolve this problem through bilateral agreement, we passed a bill by a vote of 361 to 47 that gave the Forest Service the chance it requested. Again, they accomplished nothing. As you now know, the 50-year contracts still differ greatly from normal Forest Service timber sales.

The Tongass Timber Reform Act provides us with an opportunity to protect one of the last remnants of a unique and valuable resource in this old growth forest. We have the opportunity to save the taxpayer millions of dollars in lost revenues and Federal subsidies. We also have an opportunity to protect the economy of the Tongass National Forest, by ensuring that this forest is managed properly, ending the over harvesting of this valuable resource. Once again, I encourage my colleagues to join me in supporting the Tongass Timber Reform Act to bring fiscal sanity to our policy toward this precious environmental and economic resource.

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I am happy to yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Chairman, only rarely do we see conservation legislation that saves Federal tax dollars, has broad bipartisan congressional support, and is supported by a diverse coalition of organizations. H.R. 987 is such a bill. I strongly urge passage of the Interior version of the Tongass Timber Reform Act.

H.R. 987 will stop a hemorrhaging of the Federal Treasury, and provide much needed oversight to the Tongass Timber Program.

In this body we frequently talk about waste in Government. We use numbers in the millions, and billions. But it is easy to lose sight of what those numbers really mean. On the Tongass we are talking about huge trees, abundant fish and wildlife, and a way of life unique in America. That is what has brought such a diverse coalition of groups around to the view that the Tongass National Forest is being mismanaged.

For example, it doesn't make much sense to the thriving tourist industry that the Forest Service sells prime Sitka spruce trees for $2 to the Japanese, less than it costs for a Tongass map. It doesn't make much sense to the profitable fishing industry that the Forest Service spends $4 million to log a salmon stream that produces half a million dollars' worth of fish every year and only has $40,000 worth of trees on a once in a century schedule. And it doesn't make much sense to the National Taxpayers Union that the Forest Service spends over $50 million each year for a program that only returns a couple of cents on the dollar. And you know, Mr. Chairman, none of this makes much sense to me either.

That is one reason that 155 Members of Congress have cosponsored the Tongass Timber Reform Act. And that is one reason this legislation has been endorsed by liberal and conservative politicians, labor groups, and conservation groups, scientific organizations, and the National Taxpayers Union.

Mr. Chairman, the Interior version of H.R. 987 is legislation that is good for Alaska and good for the budget. I urge its passage.

Mr. MORRISON of Washington. Mr. Chairman, I yield 1 minute to the gentlewoman from Rhode Island [Ms. SCHNEIDER].

Ms. SCHNEIDER. Mr. Chairman, we have before us an outstanding opportunity to: First, save money for the taxpayers, second, preserve an irreplaceable natural heritage of immense value to southeast Alaska's communities, and third, make an important statement on global warming prevention.

SAVE MONEY FOR TAXPAYERS

The National Taxpayers Union has said it, and the Congressional Budget Office has verified it: This bill will save more than $200 million over the next 5 years.

In sharp contrast, business as usual will result in the deliberate waste of more than half a billion taxpayer dollars over the next two decades.

PRESERVE AN IRREPLACEABLE NATURAL HERITAGE

The taxpayers are not the only losers in this fiscal disaster. The selling off of 800-year-old trees for the price of $2 ice cream bars is also an economic disaster and job loser for the communities in southeast Alaska who make their livings promoting tourism, recreation, and commercial fishing in this unique fish and wildlife habitat.

Americans place a high value on our natural heritage of pristine wilderness. This value translates into sustained incomes for southeast Alaskan businesses from tourism far in excess of the brief jobs and profits to be made by clearcutting this old growth.

Finally, I would like to share with my colleagues, 135 of whom are current cosponsors of my legislation, the Global Warming Prevention Act, H.R. 1078, that the provisions before us are largely contained in the global warming bill.

It is incumbent upon the United States, which has been quick to criticize the flooding, cutting, and burning of tropical forests in developing countries, to first get its own house in order.

We can hardly call upon these other nations to quit subsidizing the destruction of forests, when we are engaged in the very same process. Forest loss accounts for 10 to 20 percent of greenhouse gas emissions.

Ending the economic disaster in the Tongass National Forest is a necessary and vital step, among many, that we must take to prevent global warming. Doing so will send a clear message to other nations to do likewise with their forests.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. DENNY SMITH].

Mr. DENNY SMITH. Mr. Chairman, I have served in this body now this is my ninth year. I have seen us continuously, constantly eat away at the resource base that we use in this country to provide timber.

In my own State in 1983 we doubled the number of acres to 2.4 million acres in that State. Today because of the protectionist radical environmentalist community, we are in fact about ready to lose the entire logging capability in the State of Oregon.

Many people laugh about this and think this is a wonderful opportunity to save this forest, but in Oregon we could have 5 billion board feet logged in perpetuity. Perpetuity means forever. That is because reforestation allows this resource to be renewed. Unfortuantely, because of a very strong lobby by the protectionist part of our society we are already importing 30 percent of our lumber and chip needs. So with this bill we are going to further hamper our ability to operate.

In Alaska already we have 57 million acres of wilderness. In Alaska we have 500,000 people. Now, it seems we are not going to do too much damage to the environment even if every one of those people did their darndest to chop all the trees down; but the fact of the matter is that we have a renewable resource here.

This is a bad bill. It will cost jobs. If the Interior Committee bill passes, the President intends to veto it, as well he should.

This is going to affect the balance of payments. It is going to affect the opportunity of Alaskan children to enjoy good schools, good education and good opportunity in the future. What we are doing is sentencing the children of Alaska to do something else, and more than likely they will have to leave Alaska, go to some other part of our country or the world to find jobs. This is strictly a jobs bill. It is not preserving anything. Trees have a life span. They are born, they grow and they die. They either die because of bugs or fires or the wind blowing them down. Why not use these trees intelligently for the chip needs, for conventional lumber needs? This is going to drive the cost of homes in this country up. It is not going to help the average citizen. It is not going to help the Treasury.

There have been many arguments on this. I think the gentleman from northern California [Mr. Bosco] made a very good point in what had occurred in the wilderness area or the national park that surrounds the Redwoods National Forest. We have seen a deterioration in these areas. People

are not able to make a living off the tourists.

Defeat this bill and vote for the Agriculture Committee substitute.

Mr. VOLKMER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have asked to revise and extend my remarks at this point and also on the previous remarks made by me. I do so for the purpose of correcting some statements made on the floor about what the pulp mills of Alaska are paying for the timber up there. We have heard figures anywhere from a dollar-and-a-half to $2.

Well, the Ketchikan Pulp Co., in January paid $574.69 for 1,000 board feet for Alaskan yellow cedar, not $2.

In June they were paying $568.94 for 1,000 board feet.

The average for all, including hemlock, spruce cedar and red cedar for the first 6 months is $72; for the second 6 months it is $96. So we are making money through negotiations.

Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. DE LA GARZA] the chairman of the Agriculture Committee, who has worked very hard on this bill.

Mr. MORRISON of Washington. Mr. Chairman, I yield an additional 5 minutes of my time also to the gentleman from Texas [Mr. DE LA GARZA].

The CHAIRMAN. The gentleman from Texas [Mr. DE LA GARZA] is recognized for a total of 12½ minutes.

Mr. DE LA GARZA. Mr. Chairman, I thank both gentlemen for yielding me this time.

Mr. Chairman, let me say that both committees, and I am sure all the Members involved in this endeavor, have one thing in common and that is that we are looking toward the conservation, the preservation, and the protection of our national forests. We would like those forests to remain as much in their primative stage as we can with caution utilize them and leave them so that they will be there beyond our lifetimes, our children and their children's lifetimes; but then beyond that, this issue also brings up great emotion. In such an emotional stage, many Members and any individual will have a tendency to give his or her own version. This has happened here today.

Regretfully, I must say that it seems like every speaker has used his own figures, and the figures do not jibe, even being hundreds of dollars apart, so I would say disregard the figures and look at what we have before us.

One thing that has been noted and I repeat, that a bill was approved by this House 300 and some to 47 last year. That bill is basically what the Agriculture Committee substitute is, with some changes, not identical, although I have the identical bill that I would be prepared to offer as a substitute so that we might again vote for what we passed last year, that everyone has said what a great thing we did. So if that is what we want to do, I have that amendment available.

What we need now is to see where we are. What does the Agriculture bill do? It makes needed changes in the management of the Tongass, protects old growth forests, preserves 1.8 million acres of new wilderness, eliminate automatic funding to sell timber, require fair market value for timber, limit timber sold on the forest.

□ 1240

Members have now heard the figures and have heard different amounts quoted, but the fact is, let me say, we need to address this; we need to address this issue, because we need to go to the depth and the breadth of it, and it needs to be addressed but in a separate area than what we are dealing with now, because the Forest Service is losing money in the northern region, region 1. It is losing money in the Rocky Mountain region, region 2. It is losing money in the intermountain region, region 4. It is losing money in the eastern region, region 9, and it is losing money in Alaska, region 8. It is not only like it is only losing money in Alaska.

It is making some money in the largest amount, in the Pacific Northwest that was mentioned here. But yellow timber is selling in Alaska for actually more than what is quoted here in the Northwest, so do not be confused with that issue. The Forest Service is losing money in more than half of the regions, and that is a fact.

What would the Agriculture bill not do? It would not break contracts, and I do not care whether it is Japanese, from Timbuktu or Mars, the fact is that that is American forest that belongs to the people of the United States, and those in the world that come, but there are those who want to preserve and protect in its pristine stage, but if we have no jobs, then we have no people there, and we would have only the wildlife; yes, the tourists would come. I say this respectfully. I went to the Kenai River in Alaska, and there were the tourists, and one could not walk after the plastic bottles and the tin cans, the bottles. What the tourists do is they come and flip their matches and burn our forests. That is what they do. They do not leave all of these millions of dollars.

But we cannot have it in its pristine stage unless man is there, and what we are saying is that man should be there in an environment deserving the protection, but the careful utilization, and we can do both, and this bill does both. That is the beauty of the Agriculture bill. We keep the integrity, the word, of the U.S. Government. We do not go and abridge contracts. Yes, we can do it if it is for the public interest. I do not think this is for the public interest when we lose 6,000 jobs, badly needed in America. That is not the public interest.

If it were to preserve it in its pristine stage forever, fine, but the Interior bill does not do that. We do it better, balancing. Everything we do, my colleagues, is a balancing act. Legislation is the art of the possible, what is possible this day, this hour, this minute, and we need to balance. We need to. Yes, many times we have to legislate with the heart. We cannot leave it solely to the emotion. We cannot deal in a vacuum solely with fact, but even as to fact, as to one of my colleagues earlier today, we said, "The figures are wrong." He said, "I got it from the report." "Who wrote the report?" "I do not know who wrote the report." It was not written by the Members. Usually it is done by staff in cooperation with the Members. That is the system here, and that is the way all of us write our reports, but reports echo the thinking of the authors, and if the author had wrong figures, the report will have wrong figures. No question about that.

I am not challenging that. That is just fact, because we have heard from A to Z, and if someone was not here and he would read the transcript, he could not figure out heads or tails on this debate, what is the timber selling for, I do not know. I have heard from 40 cents to 600-some dollars that a Japanese group owns, one of the companies, and that should be of no consequence to us. Who gets the jobs?

We have managed so the contracts have been renegotiated. It has been said, and I heard it, that there has been no renegotiation. There has been renegotiation. One has been renegotiated. Price has gone up. It is going better. One is just about to be culminated, and that, again, will give better prices.

Did the negotiators do a good job? I do not know. They may have or they may not have, but the word and the integrity of the Government of the United States should be worth something on the floor of this House.

The Agriculture bill protects that, but yet protects the interest, the economic interest, of the people of the United States, of the taxpayers. We do that. It does that.

It protects the interest of those who want to preserve as best we can that area. It protects that. When we put it all together, the agriculture bill protects the integrity and the word of the Government of the United States, it commands the Forest Service to adhere to certain standards for the conservation and the preservation, it commands the Forest Service to work with the renegotiation, and it keeps in mind what all of us are trying to do, that as best we can within the human frailties and the failure of the mind now and then when it comes to figures

in debate, that we do as best we can what we all intend to do, which is to preserve the integrity of this great forest. It can be done, but it cannot and should not be done on the backs of 6,000 people who make their living there. That they work for a Japanese owner is of no consequence. It is the 6,000 Americans who make their living, and I would dare say who love that forest, who would not go flipping a match, who would not go throwing a plastic bottle, who would not be littering tin cans.

Mr. Chairman, I would say that anyone who works in the forest works like farmers, farmers on the land, because he loves that land. I come from the land, and there is a saying in south Texas, an old Spanish saying, "You go on the land, you do not feel the vibration, forget it. It is not going to grow for you. You are not a farmer." That is what the great forests do to people and those who work with them and those who manage them. If one does not feel the vibration when awed by the majesty of those trees, one does not belong there. That is why people work there.

That is why I am telling the Members to support the Agriculture bill, so those who feel the vibration and the love for those majestic trees and want to work them and harvest, but with care and with responsibility, which can be done, and the Committee on Agriculture version does that, harvest in a responsible way, protect for the best interests of the future, keep American jobs and yet that we do something, as it says up there, worthy that we might be remembered by, that we preserve jobs, that we allow the Member representing the area to speak for his people, that we protected and kept the word of the Government of the United States, and that we kept the faith and kept that great forest for our children and their children to enjoy in the years to come.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong support of H.R. 987, as reported from the Interior Committee. It has been well thought out and crafted to provide a much needed and comprehensive improvement for the management of the Tongass National Forest.

Mr. Chairman, a little less than 1 year ago, the House passed a similar but less far-reaching bill dealing with this same subject. It unfortunately was not acted on by the Senate, and so we are again called upon to address this important subject.

As I said last year, the Tongass is being mismanaged now. There are two causes of this. The first is a bad provision of law; namely, the language in the Alaska Lands Act that mandates a timber-supply quota of 4.5 billion board feet per decade from the Tongass and that removes from the usual congressional scrutiny the flow of money to the Forest Service activities in the Tongass.

I took part in the shaping of the Alaska Lands Act, and I well recall that when this provision was being debated, Agriculture Secretary Bob Bergland, a Minnesotan, called it a mandate to overcut the Tongass, and he was right, because it skews the planning process and distorts management of the Tongass at the expense of noncommodity uses of that precious temperate zone rain forest—one of the few such forests—and the many species that depend on it.

The House finally accepted this provision of the Senate's Alaska lands bill because the Senate simply left us no choice. The alternative was to have no Alaska Lands Act, which was totally unacceptable after the years of hard work that went into that act. But this provision was wrong then and is wrong today. It should be repealed and H.R. 987 rightly repeals the Tongass mandate to overcut.

The second basic problem in the Tongass is even older. The two long-term contracts are relics of another time. As the House bill last year stated, the contracts prevent proper management of the Tongass, they have undermined fair competition in the southeast Alaska timber industry, and they fail to provide a proper financial return to the United States.

Last year, I joined in supporting the House-passed Tongass reform bill, which would have merely directed the Secretary of Agriculture to change the contracts to the extent the Secretary could do that unilaterally, and then would have required the Secretary to negotiate with the contract holders to attempt to achieve all further needed changes. In my opinion, that was a reasonable, moderate approach.

In fact, perhaps it was too moderate. After all, as I said at that time, the repeated and extensive hearings on the Tongass held by the Interior Committee since 1980 have provided plenty of evidence that the contracts should properly be terminated without further delay, in the public interest.

Had last year's House-passed bill become law, the contract holders would have been given a chance to correct the problems those contracts now cause. Unfortunately, the Senate did not see fit to act on last year's House bill, and certainly the holders of the long-term contracts were outspoken in their opposition to it. Under these circumstances, I believe that we are completely justified in moving on, and providing for outright cancellation of these two contracts.

Mr. Chairman, some opponents of the bill argue that canceling these contracts might expose the United States to large damages in legal actions by the contract holders. Comparison has been made to the payments made pursuant to the Redwoods National Park legislation. Of course, that comparison is completely wrong, because that was a situation involving the acquisition of valuable private lands—and here all the lands affected are in public ownership.

Of course, there is precedent for canceling timber contracts. One precedent is the boundary waters canoe legislation, involving national forest lands in my own State of Minnesota, which was developed in our committee. I am very familiar with that legislation, and with the litigation that grew out of it. That litigation is directly relevant to today's debate about the Tongass, because it demonstrates that when timber contracts are canceled for broad public policy purposes, there is no liability and no damages are awarded that would be paid out of the Federal treasury.

I think that the record is absolutely clear that cancellation of the two Tongass timber contracts would serve the public interest. It would promote sound management of the forest in accordance with the National Forest Management Act. It certainly would promote protection of important parts of the nationally significant old-growth timber on the Tongass, and the many values associated with such timber. So, I think it is clear, under the boundary waters precedent, that cancellation of these contracts for these reasons will not result in awards of large amounts of damages, if any at all.

Furthermore, the contract holders affected by this bill would be even better off than were the contract holders affected by the boundary waters legislation. Seven contracts were involved there, as opposed to two here, and the companies who now have these Tongass contracts would continue to have ready access to national forest timber from the Tongass, through normal Forest Service sales programs, which was not the case in the boundary waters area.

So, Mr. Chairman, I think that we should not be misled by the arguments of some that somehow the Interior Committee bill will expose the Treasury to heavy damages. It will not.

Mr. Chairman, enough time has been spent in discussions about this legislation. The time has come to act. I commend the leadership of Chairman UDALL and the gentleman from California [Mr. MILLER], on this matter, and I urge the passage of H.R. 987 as reported by the Committee on Interior and Insular Affairs.

□ 1250

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would say to the gentleman from Minnesota that I corrected myself when it was pointed out to me that the $500 sum was per thousand board feet, not per million, and I corrected myself.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, H.R. 987, the "Tongass Timber Reform Act", as crafted by the Interior Committee, is legislation long overdue, and I want to commend the gentleman from New York [Mr. MRAZEK] and the gentleman from California [Mr. MILLER] for their leadership in this effort on behalf of the American taxpayer. When I cosponsored the original bill last year, it was clear that the Federal Government was losing vast sums of money by exempting Tongass from the congressional appropriation process. It was equally evident that two timber barons in Alaska were harvesting the rich rewards of a long-term, negotiated "sweetheart deal" highlighted by 50-year exclusive contracts designed to eliminate competition and reduce timber revenue to the Federal Government. Until we pass legislation to close the bank on the Alaskan timber barons, the till remains open. I urge my colleagues to support H.R. 987 as reported out by the Interior Committee.

The CHAIRMAN. The gentleman from Alaska [Mr. YOUNG] has 2½ minutes remaining, the gentleman from Washington [Mr. MORRISON] has 2 minutes remaining, and the gentleman from California [Mr. MILLER] has 1½ minutes remaining. The gentleman from California has the right to close debate.

Mr. MORRISON of Washington. Mr. Chairman, I yield myself my remaining minutes to try to correct the RECORD a little on some of these financial figures.

I have in my hand the sheet from the General Accounting Office for fiscal year 1988. There are two pages listing the forests of the United States in our Forest Service system.

On page 1 are those forests that break even. Two of the areas of the Tongass were above the dollars returned for dollars invested in the 1988 season. We have to be a little cautious because a number of folks standing here in the well criticized the Tongass for the expenses involved, and some of those Members have forests that are dramatically below the return that the Tongass has shown in this 1988 season.

Also I think Members should be aware that according to the CBO the savings on the Interior and Insular Affairs bill are $191 million over the next 5 years, and the Agriculture Committee's substitute is exactly the same figure, $191 million. However, the Agriculture Committee version does not trigger the potential costs of litigation because of the revocation of the contracts. Those potential costs range somewhere from $20 million at the low side to $250 million on the high side. So if Members want to save money, vote for the Agriculture Committee version of this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself my remaining 2½ minutes.

Mr. Chairman, as we draw to a close in this debate, I have 2½ minutes left. There is not much that can be said that has not already been said on the pros and cons of this legislation other than the fact of how can you put people's dreams into 2½ minutes, and their hopes, and the future of their youth and the communities of Alaska? How can you put that into 2½ minutes of words?

We have two pieces of legislation before us today. One is, as the chairman from the Agriculture Committee mentioned, a bill that retains the integrity of this U.S. Congress, thus retaining the dreams of my Alaskan constituents. We have a bill that gives us an opportunity to protect the forest additionally. We have a bill that will protect the fish, but also recognize the other major important industries in southeastern Alaska.

In fact, we have a bill that goes beyond the bill that was voted on last year. For those who are environmentally inclined and are looking forward to the environmental vote, the Agriculture Committee bill is a more environmental bill than the one voted on last year.

On the other hand, we have a bill that came out of my committee that I have served on for 17 years that takes away those dreams and those hopes and the desires of the youth and of the people of Alaska. We break the word of the U.S. Congress and our Government and, in fact, we do not manage that great forest, we neglect it. We do not recognize it; we set it aside for the few.

The choice is clear today, very clear. I am asking my colleagues on both sides of the aisle, and we have heard from the gentleman from Missouri [Mr. VOLKMER], chairman of the subcommittee; the gentleman from Texas [Mr. DE LA GARZA], chairman of the Agriculture Committee; members of that committee that has bipartisan support, 100 percent bipartisan support in the committee. Then we have on my side of the aisle the Committee on Interior and Insular Affairs with a 100-percent vote against the bill of the Interior Committee because it is wrong, dead wrong.

Mr. MILLER of California. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, there have been a lot of statistics back and forth, a lot of discussion about what would and would not happen. This has been a long and difficult fight, but we cannot accept the notion that the passage of the Interior and Insular Affairs Committee's bill would somehow throw 6,000 people out of work. There has been no evidence of that submitted to this committee or any committee.

We cannot accept the notion that should we pass this bill these mills will immediately close down, because when asked that question by the Senate, the mills said that was not the case. They had no plans to do that.

What we are being asked to buy in the arguments by the members of the Agriculture Committee is the status quo. They give the Forest Service no powers in renegotiating these contracts in addition to those which the Forest Service has had since the last time this Congress told them to renegotiate these contracts and bring them into compliance with NFMA. That was in 1976. The Forest Service has refused to implement that intent.

Last year our bill provided for renegotiation of these contracts. Last year that bill passed with over 360 votes. The Forest Service opposed that bill.

So ladies and gentleman, the difference is whether or not we will vote for the Interior and Insular Affairs Committee bill and stop the force feeding of Federal taxpayer dollars to very wealthy entities, KPC and APC pulp mills in Alaska. That is the issue.

Mr. KOLBE. Mr. Chairman, when taking actions with potentially far-reaching effects on sovereign States, Congress must exercise due caution and diligence. We have a responsibility to ensure that Federal decisions are sensitive to the needs and concerns of local residents.

It is a fact that the Federal Government is Alaska's largest landlord, and that stewardship has not necessarily resulted in great benefits to the local economies. However, as Congress identified when the Alaska Lands Act of 1980 was enacted, protection and preservation of the vast natural resources in Alaska is in the national interest. Our decisions, while sensitive to the needs of Alaskans, must also reflect proper and rational stewardship of our national trust.

It appears clear that the Forest Service has been too rigid in following the direction of the Alaska National Interest Lands Conservation Act. Harvesting an average of nearly 200 million board feet per year beyond demand is going well beyond the Federal Government's commitment to protect the Tongass economy.

We have before us today two proposals which do a great deal to improve Federal management of the Tongass National Forest. Both set aside sensitive areas for the protection of fisheries and wildlife habitat. Both

revoke the irresponsible "mandatory" Tongass supply fund. Both address the 50-year timber supply contracts held by Alaska Pulp and Louisiana Pacific-Ketchikan. And probably most importantly, both proposals send the issue to the Senate where rough edges will surely be smoothed out.

I find both versions before us acceptable. I am persuaded however, that the Interior Committee version makes a stronger statement to the Senate that Forest Service management of the Tongass timber resource must more adequately reflect the realities of market forces. I am concerned about potential application of the "buffer zone" provision. Protection of rivers and tributaries consistent with National Marine Fisheries Service guidelines is important, but the Forest Service should be advised not to expand on those guidelines to randomly prohibit timber harvesting.

I am also torn about the potential costs associated with renegotiation or termination of the long-term contracts with Alaska Pulp and Louisiana Pacific-Ketchikan. The Forest Service has already renegotiated one contract at a price below that offered by independents. Termination of the contracts would appear to be in the Federal interest, so that timber sales will return to the Government a greater portion of its investment.

The Forest Service has argued that Congress didn't intend Tongass timber sales to show a profit. That's fine, and I don't expect that to change as a result of this bill. But in 1986, this amounted to a $22 million jobs bill. I think that level is excessive.

I cast my vote with a good deal of reluctance. I have great sympathy for my Alaska colleague as he strives to defend his homeland. I understand his complaints when he says that the United States has not been the most generous of landlords. He has reason to believe that given the discretion to act, the Appropriations Committee will not be as supportive of the timber supply fund. Let me say to the gentleman that as a member of the Appropriations Committee, I will work to ensure that the Interior Subcommittee fulfills its commitment to the people of Alaska in protecting the timber industry.

Mr. HERGER. Mr. Chairman, I rise in support of H.R. 987 as reported by the House Committee on Agriculture. H.R. 987 as reported by the House Committee on Agriculture represents a reasonable approach to resolving the problems of the Tongass National Forest.

Title I of the bill requires the Secretary of Agriculture to unilaterally or through negotiations with the holders of long-term timber sales contracts, bring the management of the Tongass National Forest into conformity with the management practices of other national forests. The Secretary is required to report to Congress within 1 year the progress of this action.

Further, the bill would require the Secretary of Agriculture to place more emphasis on national and local interests when establishing management and planning priorities for the forest. The Secretary of Agriculture would be required to provide for sustained production of old growth forests in the Tongass land management plan.

Finally, title I repeals the current permanent appropriations for the maintenance of the Tongass timber supply, but requires the Secretary of Agriculture to prepare sufficient timber to meet projected market demand, up to a maximum of 4.5 billion board feet per decade. The Secretary of Agriculture, applying the timber sale site selection process now utilized by other national forests, is required to independently determine the location and size of timber sale units, and the manner and timing of harvests from the Tongass.

Title II of the bill would amend the Alaska National Interest Lands Conservation Act to designate 23 areas within the Tongass National Forest as wilderness. These designated areas will be administered by the Secretary in accordance with the Wilderness Act subject to valid rights existing on the date of enactment.

H.R. 987 as reported by the House Committee on Agriculture addresses environmentalists' concerns that the Tongass National Forest be preserved and managed properly. This bill also assures that the commitments to long-term timber sales will be maintained and that department businesses and jobs, which are a vital part of the Alaskan economy, will survive. It is very similar to bill H.R. 1516 that this body passed by a large vote in the 100th Congress.

I urge my colleagues to support the Agriculture Committee version of this bill.

□ 1300

The CHAIRMAN. All time has expired on general debate.

Pursuant to the rule, the Committee amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND DEFINITION.

(a) SHORT TITLE.—This Act may be cited as the "Tongass Timber Reform Act".

(b) DEFINITION.—As used in this Act, the term "the Act" means the Alaska National Interest Lands Conservation Act (Public Law 96-487).

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer the amendment in the nature of a substitute recommended by the Committee on Agriculture and printed in the bill.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DE LA GARZA: Strike out all after the inacting clause and insert:

SECTION 1. SHORT TITLE AND DEFINITION.

(a) SHORT TITLE.—This Act may be cited as the "Tongass Timber Reform Act".

(b) DEFINITION.—As used in this Act, the term "the Act" means the Alaska National Interest Lands Conservation Act (Public Law 96-487).

TITLE I—IMPROVEMENT OF THE MANAGEMENT OF THE TONGASS NATIONAL FOREST

SEC. 101. AMENDMENT OF TONGASS NATIONAL FOREST LONG-TERM TIMBER CONTRACTS TO BETTER ACHIEVE FOREST MANAGEMENT OBJECTIVES.

(a) FINDING.—The Congress finds that changes in the long-term timber contract between the United States and the Ketchikan Pulp and Paper Company, Contract No. A10fs-1042, and the long-term timber contract between the United States and the Alaska Pulp Corporation, Incorporated, Contract Numbered 12-11-010-1545 (hereinafter referred to as "contracts") are necessary because the contracts prevent proper management of the Tongass National Forest, have undermined fair competition in the southeast Alaska timber industry, and fail to provide a fair financial return to the United States.

(b) AMENDMENT.—The joint resolution entitled a "Joint Resolution to authorize the Secretary of Agriculture to sell timber within the Tongass National Forest" approved August 8, 1947 (61 Stat. 920), is amended by adding at the end the following:

"SEC. 4. AMENDMENT OF TONGASS NATIONAL FOREST LONG-TERM TIMBER CONTRACTS TO BETTER ACHIEVE FOREST MANAGEMENT OBJECTIVES.

"(a) No later than 90 days after the date of enactment of this section, the Secretary of Agriculture shall enter into negotiations with the holders of the contracts specified in section 101(a) of the Tongass Timber Reform Act (hereinafter referred to in this section as the 'contracts') to make changes in the contracts that will achieve the objectives specified in subsection (b), to the extent that the objectives cannot be achieved solely through unilateral actions of the Secretary of Agriculture. To the extent that the objectives specified in subsection (b) can be achieved solely through unilateral action, the Secretary of Agriculture shall, within one year of the date of enactment of this section, take such actions as are necessary to achieve those objectives.

"(b) Action and negotiations pursuant to this section shall be undertaken in order to achieve the following objectives:

"(1) To bring forest planning and management practices regarding the Tongass National Forest into conformance with such planning and practices regarding other national forests and, in light of the amendment of section 705 of the Alaska National Interest Lands Conservation Act made by the Tongass Timber Reform Act, into compliance with the Forest and Rangeland Renewable Resources Planning Act of 1974, the National Environmental Policy Act of 1969, and other laws applicable to the National Forest System;

"(2) To provide that the holders of the contracts pay stumpage rates under such contracts comparable to those paid in connection with other sales of timber out of the Tongass National Forest;

"(3) To promote fair competition within the timber industry in southeast Alaska;

"(4) To enhance the protection of fish and wildlife resources and habitats in the Tongass National Forest by preventing excessive harvesting of high-volume old-growth timber;

"(5) To bring administration of the contracts into conformance with the adminis-

tration of short-term sales by implementing the recommendations of the 'Reid Brothers Anti-Trust Case Review Team Findings', printed as an appendix to the Report of the Committee on Agriculture of the House of Representatives to accompany the bill H.R. 987; and

"(6) To provide that the operating plans under the contracts are at all times consistent with the land management plan then in effect for the Tongass National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).".

(c) REPORT TO CONGRESS.—

(1) No later than one year after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Congress a written report concerning the implementation of section 4 of the joint resolution entitled a "Joint Resolution to authorize the Secretary of Agriculture to sell timber within the Tongass National Forest" approved August 8, 1947 (61 Stat. 920), as added by subsection (b) of this section.

(2) Such report shall—

(A) describe the actions taken, and the results of the negotiations entered into, pursuant to such section 4(a), including the extent to which the holders of the contracts have agreed to changes in such contracts in order to achieve the objectives specified in such section 4(b);

(B) include recommendations for congressional action to achieve the objectives specified in such section 4(b); and

(C) in the event that the Secretary of Agriculture determines that the objectives specified in such section 4(b) have not been achieved through actions pursuant to such section 4, provided an analysis of the extent to which the objectives would be achieved through termination of the contracts.

SEC. 102. APPLICATION OF FOREST MANAGEMENT PRACTICES TO THE TONGASS NATIONAL FOREST.

(a)(1) PREPARATION OF TIMBER FOR SALE.—Subject to the provisions of the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), the Secretary of Agriculture shall prepare sufficient timber for sale from the Tongass National Forest to meet projected market demand, as determined by the Secretary of Agriculture, up to 4.5 billion board feet per decade beginning with the decade beginning January 1, 1990.

(2) The 4.5 billion board feet measure per decade shall not affect the forest planning process set forth in the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

(b) FOREST MANAGEMENT PRACTICES.—The Secretary of Agriculture shall exercise independent judgement in detemining the location and size of sale units and the manner and timing of timber harvests for the Tongass National Forest. The Secretary of Agriculture shall make such determination in accordance with those laws, guidelines, standards and policies relating generally to timber sales from other forests within the National Forest System. With regard to such determination, the Secretary of Agriculture may receive and consider proposals submitted pursuant to the contracts as well as comments from prospective purchasers and other parties, but need not adhere to such proposals or comments. The provisions of this subsection shall be deemed to be in conformance with the contracts.

SEC. 103. MANAGEMENT OF THE TONGASS NATIONAL FOREST.

(a) FINDINGS.—The Congress finds that—

(1) the commercial fishing, recreation, timber, and tourism industries each make a substantial contribution to the economy of southeast Alaska and their ability to contribute in the future depends upon balanced planning and management of the Tongass National Forest; and

(2) the Secretary of Agriculture should plan and manage the Tongass National Forest in a manner that adequately protects and enhances fish, wildlife, and recreation resources, as well as timber, and should act in the long-term best interests of all natural resources dependent industries and subsistence communities in southeast Alaska.

(b) PURPOSES.—The purposes of this section are to require the Secretary of Agriculture to—

(1) assess the extent to which planning and management of the Tongass National Forest prior to the enactment of this Act has differed from planning for, and management of, other national forests; and

(2) change, in conformance with laws applicable to the National Forest System, planning and management priorities regarding the Tongass National Forest so as to assure that greater emphasis is given to the long-term best interests of the commercial fishing, recreation, and tourism industries, subsistence communities in southeast Alaska, and the national interest in the fish and wildlife and other natural resources of the Tongass National Forest.

(c) DIRECTIVE.—The Secretary of Agriculture is authorized and directed to take such steps as are necessary to achieve the purposes described in subsection (b).

(d) OLD-GROWTH FOREST MANAGEMENT.—In developing the land management plan for the Tongass National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, the Secretary shall—

(1) provide for sustained production of old-growth forest resources within the Tongass National Forest; and

(2) upon completion of the draft of such plan, which shall be completed in any event not later than one year after the date of enactment of this Act, report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry on provisions incorporated into such plan to meet the objective set forth in paragraph (1). The report shall include—

(A) the definition of the term "old-growth forest" used for purposes of such plan;

(B) the quantity and distribution of old-growth forest in the Tongass National Forest;

(C) the management objectives and guidelines incorporated into such plan to provide for sustained production of old-growth forest resources;

(D) the criteria used to determine how to integrate old-growth forest management objectives into the plan; and

(E) the relationship between old-growth forest management objectives and other resource management goals affecting timber, fish and wildlife, water quality, recreation, subsistence uses, and aesthetics.

SEC. 104. AMENDMENT TO ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT AND CONFORMING AMENDMENT.

(a) The Alaska National Interest Lands Conservation Act is amended by—

(1) striking sections 705 (a) and (d);

(2) adding to section 705 the following new subsections:

"(e) FISHERIES PROTECTION.—The Secretary of Agriculture shall maintain a minimum buffer zone on each side of all anadromous fish streams in the Tongass National Forest. Such buffer zone shall be a minimum width of 100 feet. Logging shall be prohibited within such buffer zone.

"(f) TENAKEE SPRINGS ROAD PROHIBITION.—A vehicular access road connecting the Indian River and Game Creek roads may not be constructed, and the Secretary of Agriculture shall not engage in any further efforts to connect the city of Tenakee Springs with the logging and road system on Chichagof Island.".

(3) striking in section 706(a) "and the Committee on Interior and Insular Affairs" and inserting "the Committee on Agriculture and the Committee on Interior and Insular Affairs";

(4) striking the second sentence of subsection (a) of section 706 and inserting the following new sentence: "This report shall include a complete analysis of the losses or gains sustained by the United States Government with respect to long-term, short-term and total sales of timber from the Tongass National Forest using information from the statement on revenues and expenses of the Timber Sale Program Information Reporting System and shall display total costs, unit costs (per thousand board feet of timber sold or released) and associated revenues, for the current and previous two years of operations.";

(5) striking in section 706(b) "and (4)" and inserting "(4)";

(6) striking the period at the end of section 706(b) and inserting ", (5) the impact of timber management on subsistence resources, wildlife, and fisheries habitats, and (6) the steps taken by the Secretary of Agriculture under section 103(c) of the Tongass Timber Reform Act."; and

(7) striking in section 706(c) "and the Alaska Land Use Council" and inserting "the southeast Alaska commercial fishing industry, and the Alaska Land Use Council".

(b) Section 5202 of the Omnibus Reconciliation Act of 1987 is repealed.

TITLE II—WILDERNESS

SEC. 201. ADDITIONAL WILDERNESS AREAS.

(a) DESIGNATION.—Section 703 of the Act is amended by adding the following new subsections:

"(c) DESIGNATION OF ADDITIONAL WILDERNESS ON THE TONGASS NATIONAL FOREST.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands within the Tongass National Forest in the State of Alaska are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

"(1) ANAN CREEK WILDERNESS.—Certain lands which comprise approximately 38,415 acres, as generally depicted on a map entitled 'Anan Creek Wilderness—Proposed' and dated May 1989, which shall be known and the Anan Creek Wilderness.

"(2) BERNERS BAY WILDERNESS.—Certain lands which comprise approximately 46,135 acres, as generally depicted on a map entitled 'Berners Bay Wilderness—Proposed' and dated May 1989, which shall be known as the Berners Bay Wilderness.

"(3) CALDER-HOLBROOK WILDERNESS.—Certain lands which comprise approximately 68,693 acres, as generally depicted on a map entitled 'Calder-Holbrook Wilderness—Proposed' and dated May 1989, which shall be known as the Calder-Holbrook Wilderness.

"(4) CHICHAGOF WILDERNESS.—Certain lands which comprise approximately 347,733 acres, as generally depicted on a map entitled 'Chichagof Wilderness—Proposed' and dated May 1989, which shall be known as the Chichagof Wilderness.

"(5) CHUCK RIVER WILDERNESS.—Certain lands which comprise approximately 124,539 acres, as generally depicted on a map entitled 'Chuck River Wilderness—Proposed' and dated May 1989, which shall be known as the Chuck River Wilderness.

"(6) KADASHAN WILDERNESS.—Certain lands which comprise approximately 34,044 acres, as generally depicted on a map entitled 'Kadashan Wilderness.—Proposed' and dated May 1989, which shall be known as the Kadashan Wilderness.

"(7) KARTA RIVER WILDERNESS.—Certain lands which comprise approximately 39,886 acres, as generally depicted on a map entitled 'Karta River Wilderness—Proposed' and dated May 1989, which shall be known as the Karta River Wilderness.

"(8) KEGAN LAKE WILDERNESS.—Certain lands which comprise approximately 24,655 acres, as generally depicted on a map entitled 'Kegan Lake Wilderness—Proposed' and dated May 1989, which shall be known as the Kegan Lake Wilderness.

"(9) NAHA RIVER WILDERNESS.—Certain lands which comprise approximately 31,794 acres, as generally depicted on a map entitled 'Naha River Wilderness—Proposed' and dated May 1989, which shall be known as the Naha River Wilderness.

"(10) NUTKWA WILDERNESS.—Certain lands which comprise approximately 52,654 acres, as generally depicted on a map entitled 'Nutkwa Wilderness—Proposed' and dated May 1989, which shall be known as the Nutkwa Wilderness.

"(11) OUTSIDE ISLANDS WILDERNESS.—Certain lands which comprise approximately 98,572 acres, as generally depicted on a map entitled 'Outside Islands Wilderness—Proposed' and dated May 1989, which shall be known as the Outside Islands Wilderness.

"(12) PLEASANT-LEMESURIER-INIAN-ISLANDS WILDERNESS.—Certain lands which comprise approximately 23,140 acres, as generally depicted on a map entitled 'Pleasant-Lemesurier-Inian Islands Wilderness—Proposed' and dated May 1989, which shall be known as the Pleasant-Lemesurier-Inian Islands Wilderness.

"(13) POINT ADOLPHUS-MUD BAY WILDERNESS.—Certain lands which comprise approximately 73,346 acres, as generally depicted on a map entitled 'Point Adolphus-Mud Bay Wilderenss—Proposed' and dated May 1989, which shall be known as the Point Adolphus-Mud Bay Wilderness.

"(14) PORT HOUGHTON-SANBORN CANAL WILDERNESS.—Certain lands which comprise approximately 58,915 acres, as generally depicted on a map entitled 'Port Houghton-Sanborn Canal Wilderness—Proposed' and dated May 1989, which shall be known as the Port Houghton-Sanborn Canal Wilderness.

"(15) ROCKY PASS WILDERNESS.—Certain lands which comprise approximately 75,734 acres, as generally depicted on a map entitled 'Rocky Pass Wilderness—Proposed' and dated May 1989, which shall be known as the Rocky Pass Wilderness.

"(16) SARKAR LAKES WILDERNESS.—Certain lands which comprise approximately 25,650 acres, as generally depicted on a map entitled 'Sarkar Lakes Wilderness—Proposed' and dated May 1989, which shall be known as the Sarkar Lakes Wilderness.

"(17) SOUTH ETOLIN ISLAND WILDERNESS.—Certain lands which comprise approximately 83,642 acres, as generally depicted on a map entitled 'South Etolin Island Wilderness—Proposed' and dated May 1989, which shall be known as the South Etolin Island Wilderness.

"(18) SOUTH KUIU WILDERNESS.—Certain lands which comprise approximately 191,532 acres, as generally depicted on a map entitled 'South Kuiu Wilderness—Proposed' and dated May 1989, which shall be known as the South Kuiu Wilderness.

"(19) SULLIVAN ISLAND WILDERNESS.—Certain lands which comprise approximately 4,032 acres, as generally depicted on a map entitled 'Sullivan Island Wilderness—Proposed' and dated May 1989, which shall be known as the Sullivan Island Wilderness.

"(20) TRAP BAY WILDERNESS.—Certain lands which comprise approximately 6,667 acres, as generally depicted on a map entitled 'Trap Bay Wilderness—Proposed' and dated May 1989, which shall be known as the Trap Bay Wilderness.

"(21) WEST DUNCAN CANAL WILDERNESS.—Certain lands which comprise approximately 134,627 acres, as generally depicted on a map entitled 'West Duncan Canal Wilderness—Proposed' and dated May 1989, which shall be known as the West Duncan Canal Wilderness.

"(22) YAKUTAT FORELANDS WILDERNESS.—Certain lands which comprise approximately 220,268 acres, as generally depicted on a map entitled 'Yakutat Forelands Wilderness—Proposed' and dated May 1989, which shall be known as the Yakutat Forelands Wilderness.

"(23) YOUNG LAKE WILDERNESS ADDITION TO ADMIRALTY ISLAND NATIONAL MONUMENT.—Certain lands which comprise approximately 18,702 acres, as generally depicted on a map entitled 'Young Lake Wilderness—Proposed' and dated May 1989, which shall be managed as an addition to the Admiralty Island National Monument.

"(d) APPLICATION OF SECTION 1315(e).—Section 1315(e) of this Act (15 U.S.C. 3203(e)) shall not apply to the wilderness designated by subsection (c).".

(b) ADMINISTRATION.—Section 707 of the Act is amended by adding at the end the following new sentence: "Subject to valid existing rights, the wilderness areas designated in section 703(c) of this Act, as added by the Tongass Timber Reform Act, shall be administered by the Secretary of Agriculture in accordance with this section, except that in the case of such areas any reference in the provisions of the Wilderness Act to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of the Tongass Timber Reform Act.".

Mr. DE LA GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DE LA GARZA. Mr. Chairman and my colleagues, the substitute has been discussed at length. Both bills have been discussed. You have heard the issue being discussed.

I again caution you, but I would just dump all the figures out and go on the merits of what is in the legislation. Our legislation has—disregarding the figures our legislation says you do not abridge contracts, you mandate the Forest Service to continue the process. One has been renegotiated, another is almost to be finalized.

You preserve to the extent that we can humanly possible that great forest; you harvest from its bounty in order that you can conserve the human element because the human element without any jobs, without any sustainment, would not survive in that environment.

So you need to have jobs in that area.

I might mention that, yes, they came to our committee and said, at the subcommittee where the people from Alaska came, from both sides of the issue, where they came and those who worked there and spoke to us out in the hall and spoke to us during the subcommittee meeting said it was their livelihood, they did not want to leave.

So it is not that you are giving tax dollars to some timber baron as has been mentioned. That is not the issue here.

The issue here is do we protect that vast forest? The Agriculture version does.

Do we protect the word and the integrity of the United States? The Agriculture Committee version does.

Do we protect the human element compatible with the needs of the human element but respecting the preservation of that great forest? The Agriculture Committee version does.

I would hope that my colleagues would support our version.

With all due respect and with love, admiration, and respect to the distinguished chairman of the subcommittee, this has not been a fight, it has not been a fight because whichever way it goes we would have made some progress in the endeavor that all of us agree on, the preservation, to the extent we can.

We do not look at it as a fight. There is a difference of opinion, and so shall it be on many more issues that we might have before us. It is only that we feel that we have a version compatible with all the needs in the area, the human element, the economic viability, and the preservation of that great forest.

I think we can do that, and I would urge your support for the Agriculture Committee version.

Mr. HUCKABY. Mr. Chairman, will the chairman yield?

Mr. DE LA GARZA. I yield to the gentleman from Louisiana.

Mr. HUCKABY. I thank the gentleman for yielding.

Mr. Chairman, I would just like to point out that I rise in support of the amendment pending before the committee and that, as the chairman has stated, the agriculture version protects the sanctity of contracts, so very im-

portant I think in just the principle of America.

Let me point out also that the Tongass Forest grows more board feet each year than has ever been harvested. So in no way are the timber companies raping the forest. It is replenishing itself.

It creates jobs, it is certainly not funds just going to big timber barons.

One of these corporations, Louisiana Lands, is an American company, publicly traded, and both of these companies have large investments here, large investments in pulp that would not have made these investments and these jobs would not be possible had it not been for these contracts.

So I urge my colleagues to support the agriculture amendment before us.

Mr. DE LA GARZA. I thank the gentleman from Louisiana for his contribution.

Mr. Chairman, I urge all of our colleagues, if you want a win-win-win situation, support the Agriculture version.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, I am reluctant to do this because I recognize the very hard work that was put into the Agriculture Committee substitute by both the chairman of the subcommittee and the chairman of the full committee. I am not a member of the subcommittee although I was for many years and was on it when we drafted the Forest Management Act, which I think is the legislation which should prevail rather than the special conditions which now prevail on the Tongass.

As the chairman indicated, the distinguished gentleman from Texas, we are going to come out of this with a better situation regardless of what version we adopt.

The Agriculture Committee substitute does go a considerable distance toward correcting some of the problems that exist on the Tongass at the present time, and I think that the Agriculture Committee deserves a great deal of credit for acting responsibly on this legislation. But it is my view that, valuable as their efforts were, that they do not go far enough in correcting the very serious problems that exist here.

I, and a substantial number of other members of the Agriculture Committee, some of whom you have heard from already this morning, presented additional views in opposition to the Agriculture Committee substitute and in support of the Interior Committee bill.

I urge all of my colleagues to read those additional views, which unfortunately are contained in part 2 of the reports back there. Many of the Members who may have only picked up part 1 may not have seen them.

Let me just quote briefly from the additional views which were signed by myself, DAN GLICKMAN, CHARLIE ROSE, H. MARTIN LANCASTER, HARLEY O. STAGGERS, JR., JIM JONTZ, TIMOTHY J. PENNY, ROBIN TALLON, TIM JOHNSON, BEN NIGHTHORSE CAMPBELL, ROY DYSON, DAVE NAGLE, and CHARLES HATCHER. Most of these, other than myself, are responsible Members of Congress.

We say in these remarks that:

Although H.R. 987, as reported by the Committee on Agriculture points Congress in the appropriate direction in reforming the management of the Tongass National Forest in Southeast Alaska, we feel that the bill does not go far enough. The Tongass National Forest has been burdened with significant management problems for many years, and it will take strong measures to restore responsible management to this extraordinary national forest.

And further we went on to say:

In fact, the General Accounting Office (GAO) reported that from 1981 to 1986, the Forest Service prepared and made available for sale an average of 481 mmbf of timber per year even though an annual average of only 292 mmbf was actually sold. According to GAO, the Forest Service wasted $131 million to prepare excess timber for sale and build roads into pristine valleys and river bottoms well in advance of demand for the timber the roads could access. The resulting damage to the public land in loss of wilderness values, and fish and wildlife stocks cannot be calculated.

Now this is the type of management practice we want corrected. Innumerable efforts to renegotiate these contracts with the existing mills up there have proven unavailable to correct this situation. We think it should be corrected. We think this loss of money to the Treasury should be corrected.

I find myself in the fairly rare position of being in agreement with the National Taxpayers Union on this issue which also believes that the Interior Committee bill is the proper mechanism to address this problem. I urge all of you to defeat the Agriculture Committee substitute and support the Interior version of this bill.

Mr. Chairman, I rise in strong support of the House Interior Committee's version of the Tongass Timber Reform Act, and urge my colleagues to vote against any amendments that would weaken this legislation.

Although a member of the Agriculture Committee, I feel that its substitute of H.R. 987 does not adequately address the immense management problems that have plagued the Tongass National Forest in southeast Alaska. By contrast to H.R. 987, the Agriculture Committee's bill does not effectively handle either the damaging long-term contracts with the Alaska Pulp Co. and the Louisiana Pacific-Ketchikan pulp mills or the unreasonable 4.5 billion board feet [bbf] timber sale level. It also fails to protect permanently any of the Tongass unique fish and wildlife habitat. If responsible management of this extremely rare, temperate-zone rainforest is to be restored, stronger measures than the Agriculture Committee's bill must be taken.

H.R. 987 would require five sensible actions: First, it would terminate the two long-term contracts with the Alaska Pulp Co. and Louisiana Pacific-Ketchikan; second, it would repeal automatic appropriation of at least $40 million annually to the Tongass Timber Program; third, it would put an end to the requirement that the Forest Service make available 4.5 bbf of Tongass timber per decade; fourth, it would create 1.8 million acres of new wilderness in the forest; and fifth, it would establish a 100-foot buffer strip along salmon streams and their tributaries—at the request of commercial fishermen. Let me first address the importance of terminating the two long-term contracts.

Numerous congressional hearings have substantiated the extensive problems caused by the 50-year timber contracts on the Tongass National Forest. The contracts provide the contract holders with extraordinary power to interfere in normal Forest Service management decisions about where, when, and how to cut Federal timber. They allow the contract holders to choose the areas they want to cut and refuse areas the Forest Service offers them. They give the contract holders the right to profitable timber and the right to refuse timber considered uneconomical to cut. They have been used as the basis of antitrust violations that drove virtually every small timber operator out of business from 1960 to 1976. They ensure that the Government will never get a fair monetary return from public timber on the Tongass. Finally, they allow the pulp mills to "high grade" the forests by concentrating logging in the rare, high-volume old growth stands which are most valuable to fish and wildlife habitat.

By requiring the Forest Service to renegotiate the 50-year contracts, section 101 of H.R. 987 as reported by the Agriculture Committee is designed to restore a competitive timber market in southeast Alaska and to bring the stumpage rates paid in connection with other Tongass timber sales. We feel that these goals cannot be accomplished, however, unless the contracts are terminated and replaced with short-term, competitively bid timber sales.

Although the agency has renegotiated the contracts as part of the normal 5-year timber sale appraisal process as spelled out in the existing 50-year contracts, these renegotiations have established a disturbing trend of giving even more special considerations to the contract holders. For each reform the Government has gained in their renegotiations, the Forest Service has been forced to make a concession. The result is even more waste of taxpayer dollars in road credits and forgone antitrust damage claims.

From the first year of full implementation of the controversial provisions of section 705 of the Alaska Lands Act to the most recent available information for 1988, the Forest Service has reported to Congress that the timber program has lost $353 million, or an annual average loss of $50.5 million. The Government has never profited from its investment; in some years the Forest Service lost 98 cents for every dollar spent on the logging operations.

No firm estimates have been provided of the cost of terminating the long-term contracts. However, CRS estimated that "just compensation" for the 50-year contracts, if awarded, would most likely range between $21.5 and $150 million. The Congressional Budget Office [CBO] estimated that a court award would be relatively small if the court reasons that the contract holders will continue to have access to adequate supplies of timber after contract termination, even at a higher price. There is no reason why the Forest Service would not be able to continue to offer essentially the same quantity and quality of timber under short-term sales arrangements. Furthermore, CBO estimated that the Interior Committee's bill would save $146 million in actual expenditures over the next 5 years alone. In short, Congress can afford to compensate the contract holders, but cannot afford to continue the 50-year contracts.

The goal of Tongass reform should be to eliminate all of the peculiar management conditions that have led to the mismanagement of this grand, old growth forest. Contract termination would ensure that all purchasers of Federal timber on the Tongass bid competitively for standard timber sales just like those used in all other national forests.

Proper forest management of the Tongass is also hampered by the unprecedented directive found in section 705(A) of the Alaska National Interest Lands Conservation Act [ANILCA] which required the Forest Service to make available 4.5 billion board feet of Tongass timber to the timber industry every decade. This has led to wasteful Federal spending in the Tongass timber program and has contributed to excessive clearcutting in high value fish and wildlife habitat.

In fact, the General Accounting Office [GAO] reported that from 1981 to 1986, the Forest Service prepared and made available for sale an average of 481 million board feet [mmbf] of timber per year even though an annual average of only 292 million board feet was actually sold. According to GAO, the Forest Service wasted $131 million to prepare excess timber for sale and build roads into pristine valleys and river bottoms well in advance of demand for the timber the roads could access. The resulting damage to the public land in loss of wilderness values, and fish and wildlife stocks cannot be calculated.

Although the Committee on Agriculture substitute directs the Forest Service to consider other forest values, and the committee report includes language to clarify the 4.5 bbf figure, history has shown that as long as a timber supply level remains in statute the agency may feel compelled to make 4.5 bbf of timber available for cutting—to the detriment of land use priorities.

No other national forest is given special management direction from Congress when it comes to the timber supply level offered each year for logging. While I believe that the Agriculture Committee substitute is a substantial improvement in the language of the ANILCA provision, by retaining a specified timber level, Congress maintains a bad precedent for national forest management which should be eliminated.

I believe H.R. 987 would serve both the national interest and the interest of the State of Alaska. It directly addresses the concerns of local Alaskans by protecting 1.8 million acres of key old-growth rainforest that provides sensitive habitat for deer, grizzly bears, bald eagles, salmon, and other wildlife while leaving more-than-adequate commercial timber base for logging.

The Interior Committee has approved an excellent bill which will save taxpayer dollars, protect environmental quality and enhance the long-term prosperity and stability of southeast Alaska, but we must act on it now. Therefore, I strongly urge my colleagues to support H.R. 987.

□ 1310

AMENDMENT OFFERED BY MR. VOLKMER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DE LA GARZA

Mr. VOLKMER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER to the amendment in the nature of a substitute offered by Mr. DE LA GARZA: The amendment is amended on page 8 by inserting after line 24 the following: "The Secretary shall also maintain a buffer zone along all tributaries of such streams in accordance with best management practices for water quality.".

Mr. VOLKMER. Mr. Chairman, the amendment that I have offered now has to do with the buffer zone language that is in the substitute of the Committee on Agriculture, and merely clarifies the buffer zone language as it applies to tributaries of the anadromous streams which are used in the fishing process. The amendment I am offering now provides that the buffer zone shall extend to tributaries of such streams in accordance with the best management practices for water quality.

Now, this is exactly the language that was proposed to Members by the Southeast Alaska Sailors from Ketchikan who are the fishing industry in Alaska. We have proposed different buffer zone language totally in the substitute, and with my amendment, different from the Committee on Interior bill.

The Committee on Interior and Insular Affairs bill extends a buffer zone not only on all the anadromous streams but also on all tributaries of 100 feet. It also provides that in the Interior bill that the buffer zone cannot be crossed, it has to be maintained in the existing State, which means that they cannot even cross over or build crossings to be able to timber in adjacent or other land next to the buffer zone. As a result, it has been estimated that the language of the Interior bill would actually eliminate approximately 30 billion board feet for cutting in this area.

Therefore, the language we have offered and the amendment that I am now offering to the substitute conforms with the wishes of the fishermen in Alaska who actually protect the streams as needed to be, but also permit timbering in areas. They agree with that. They, too, realize that the timber industry is necessary to southeast Alaska.

Mr. Chairman, I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, this is an amendment to the Agriculture substitute. We have no problem if the committee wants to amend their own substitute.

Mr. VOLKMER. Mr. Chairman, I yield to the gentleman from Washington.

Mr. MORRISON of Washington. Mr. Chairman, we looked at the gentleman's amendment and concur. This clarifies the intent to match standard practice in other forests, and commend him for offering this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER] to the nature of a substitute offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, I am a member of both the Agriculture and Interior Committees. Both committes are offering legislation pertaining to the Tongass National Forest in Alaska. The Agriculture Committee bill is reform. The Interior Committee bill abrogates the finely crafted agreements reached by all parties in 1980 when Congress passed the Alaska Lands Act.

I favor standing by our commitment and our word. I favor the Agricultural Committee bill—just like the chairman of the Agriculture Committee does.

Both bills save $40 million, but the Interior Committee bill could cost hundreds of millions of dollars according to the Congressional Budget Office. This is because the Interior Committee bill would unilaterally break a government contract with the only year-round manufacturing plants in Alaska. The Agriculture Committee looked at this provision, and rejected it. We were looking for savings, not scalps.

The Interior Committee bill is excessive, reducing the legal size of industry by 61.5 percent. This is a U.S. industry which paid over $40 million to the U.S. Treasury in taxes and Social Security, and whose products contributed almost a half billion dollars to the U.S. economy last year.

The Interior Committee bill is a partisan, irresponsible, and revolutionary bill, which would cost hundreds of mil-

lions of dollars and thousands of American jobs.

The Agriculture Committee bill is a bipartisan, responsible reform package, designed to save money and jobs.

After hearing testimony before both committees and looking at both bill, I support the Volkmer-Morrison Agriculture Committee bill. I hope you do, too.

Mr. YOUNG of Alaska. It is sort of ironic, here I am urging a vote on the Agriculture bill that far exceeds the same bill that we voted on last year. That should show Members how bad the Interior bill is.

I respected the comments of the chairman of the full committee. Let Members throw all the figures out the window and think of the people effects, and how it affects those dreams and hopes.

The Agriculture bill is a bill that goes much beyond what I think is necessary, certainly beyond what most people in Alaska think is necessary. However, it is the bill that has been comprised and worked together with all members of that committee, long and lengthy hearings, and they have done the job to maintain the industry and the people factor in this legislation.

I think it is important that we recognize that effort. There is something basically wrong with a bill that comes out of a committee that is strictly along party lines. Frankly, it is westerner most of the times against easterner or vice versa. I understand that. However, it does not recognize the human factor. Do I buy a car? Do I have my children's teeth straightened? Do we put new carpet in? Can we bring our mother up to visit so she can see her grandchildren? Those things are not answered under the Interior bill. They are answered under the Agriculture bill.

Mr. Chairman, I am urging my colleagues to do as the chairman mentioned, let Members have a bill that takes care of all, let Members not divide into small different groups. Let Members have legislation that has a possibility and a reality of being signed. Let Members not continue to go through this constant divisive issue, year after year after year, not only in the Congress, but in fact, in the State of Alaska.

There have been some accusations made about the companies, as if the companies were an entity into themselves. They are not. These are people. People that work. People that want to depend upon this Government's word.

I urge a yes vote on the Agriculture bill, a resounding yes for what is right and just.

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know that both committees have worked diligently and in good faith on this issue. It is not the easiest issue in the world to deal with.

I feel a bit difficult, as a member of the Committee on Agriculture, opposing my own committee in this regard and supporting the Interior Committee, but that is consistent with the position I took last year on the floor of this House as well as in committee. Last year, I believe I talked with the gentleman from California [Mr. MILLER] about offering an amendment to terminate the contracts in question with the two companies, that in my judgment were preferential, and not in the best interests of the taxpayer.

At that time he persuaded me not to offer the amendment, that they would like to work this matter out in the course of the legislative process. That did not happen, and so today I feel it necessary to honor my position of a year ago, as well as what I said in the Committee on Agriculture, and that is to support the Committee on Interior and Insular Affairs position.

Mr. Chairman, I rise to address the Members of the House regarding a provision of H.R. 987, the Tongass Timber Reform Act. I rise in support of the termination of the two long-term timber sale contracts on the Tongass National Forest, which are currently held by Louisiana-Pacific Ketchikan and Alaska Pulp Corp.

Mr. Chairman, these contracts are and will continue to be an affront to the sound conservation and management of the unique forest resources of southeast Alaska. These contracts are the root cause of millions of dollars of taxpayers losses each year due to heavily subsidized timber sales in the Tongass National Forest. These contracts continue to permit two large timber companies—one a wholly owned Japanese firm—to maintain monopolistic control over the forest products industry in southeast Alaska and have eliminated all possibility for fair competition for timber sales to occur.

I believe these contracts work to the detriment of the public resources and the economy of southeast Alaska. Two-thirds of the southeast Alaska economy depends upon nontimber resources from the Tongass supporting a growing recreation and tourism business and a strong fishing industry. Despite the fact that only one-third of the region's economy relies on timber, most of the Tongass' budget goes into preparing timber for sale. Why? Because the Forest Service remains bound by the contracts to offer minimum levels of timber for sale, every year, irrespective of demand.

My position on contract termination stems from the preferential and anticompetitive nature of this agreement. The long-term contracts have created a monopoly for timber harvested from the Tongass which has squelched competition for timber and cost the American taxpayer millions of dollars in foregone revenues. As a result of the lack of competition and due to the terms of the contract, the two companies pay extremely low rates for stumpage—as low as $1.50 per thousand board feet, less than the value of a bushel of wheat. This is 15 times less than the value of timber sold competitively on the forest and not even close to what it costs the Forest Service to prepare the timber for sale. It is my strong sentiment that these companies have violated antitrust laws and the contracts should be terminated now.

I would like to make it clear that I believe the two pulp companies, Louisiana-Pacific Ketchikan and Alaska Pulp Co., should be provided with compensation in return for the termination of their contracts. Such compensation should include the replacement value of the timber which was lost and additional costs associated with obtaining timber. I believe this is the most responsible position Congress could take, and hopefully, H.R. 987 will contain such a provision before it becomes law. Justification for cancellation of the contracts, as well as the precedent for just compensation, is patterned after the court case, Hedstrom Lumber Co. versus United States, in which the court found that canceling contracts to log lands in Minnesota was taken in the national interest and had "public and general" application. The court also found that the logging company was entitled to just compensation.

The two companies have monopolies on timber logging in the Tongass, having driven their competition out of business and having been found guilty of antitrust violations. The Tongass National Forest is truly unique. In fact, the most important single Forest Service policy which has made possible the monopolistic system in Alaska was the grant of the long-term timber sales to the pulp companies, at a bargain price. Elimination of the contracts would bring management of the Tongass on the level with how other national forests across the country are managed.

□ 1320

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, is it not true that a majority of the board feet of timber harvested each year is used for pulp, as opposed to saw logs?

Mr. GLICKMAN. I do not know what the exact numbers are, but I know there is quite a bit of timber used for pulp, that is correct.

Mr. HUCKABY. Is it not true that there are only two pulp mills there, the two that were talked about?

Mr. GLICKMAN. That is correct.

Mr. HUCKABY. Is it not true that this is major capital investment?

Mr. GLICKMAN. That may be true, but I do not think that, in and of itself, ought to justify long-term, perpetual contracts in any line of work.

Mr. HUCKABY. Is it not true that the only source of timber there is the Federal lands, the Tongass Forest?

Mr. GLICKMAN. No, I do not think that is true. I also believe that if we used that point, it would always justify the status quo on anything. All I am saying is that the contracts ought to be typical standard-type timber contracts—shorter term contracts. That is the way it is everywhere else. So, competition I think, would work.

I understand the point the gentleman is raising about the capital investment and the jobs, but I still believe that competition works, and I think we would find that with competition jobs would also be created.

Mr. HUCKABY. Mr. Chairman, would the gentleman yield further?

Mr. GLICKMAN. I am glad to yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, the point is that no company is going to make these capital investments to put pulp mills there without a guaranteed long-term supply of timber, and here we are pulling them out.

Mr. GLICKMAN. Mr. Chairman, I heard that argument when we talked generally about deregulation. When we talk about economic franchises that are granted, whether it is in the airline industry or any other industry—and I realize those experiences have been mixed—the fact of the matter is that we usually do find capital investment taking place when these things happen. I cannot tell the gentleman for sure what happened here, but I think it is something that the U.S. Government ought not to be countenancing.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to the Tongass Timber Reform Act and in support of the Agriculture Committee's substitute.

Mr. Chairman, I have been a proponent for several years of reforms in the Tongass. In fact, I have successfully included provisions in each of the last three annual Interior appropriations bills, including the one passed yesterday, to reduce funding for the timber program in the Tongass and redirect those funds to activities such as recreation and fish and wildlife enhancements.

The bill before us today would accomplish some of those objectives. I support repeal of the permanent appropriation and the elimination of the requirement that at least 4.5 billion board feet of timber be made available each decade from the Tongass. I believe funding for this forest should be managed as funding for each of our other national forests and that supply should be equated to demand, not arbitrarily predetermined.

However, the bill goes much further than this. It includes a provision that would terminate the two long-term timber contracts with the U.S. Government. Yesterday, we passed legislation that would effectively undermine existing contracts between the Government and the oil industry. Both of these actions are clearly legislative breach of the contracts which could expose the Government to compensatory damages and sets a dangerous precedent for property rights nationwide.

We cannot continue this trend. A Government contract should mean something. It should be worth more than the paper it is written on. If we pass this bill today we are saying it is not. We are saying the word of the Government is worth nothing. As Justice Brandeis said: "If the Government becomes a law breaker it breeds contempt for the law."

The Agriculture substitute on the other hand would require renegotiation, not termination of these contracts, a far more equitable approach to all parties. The Agriculture bill would achieve the desired objective of bringing these long-term contracts in line with the planning and management practices of other national forests and require the holders of the contracts to pay stumpage rates equal to the rates for short-term contracts.

I strongly believe we need to improve management of the Tongass and that annual review of the relative priorities within the forest, and versus other national forests, through the appropriations process, is the best way to achieve this objective. I had hoped that I could vote for a bill to do this. This bill goes too far and in my view, protecting the sanctity of Government contracts, the word of the Government, outweighs the need to achieve improved management objectives.

Fortunately, we have an alternative today. We can do both by supporting the Agriculture substitute as I will do.

Unfortunately, the Agriculture Committee does not have jurisdiction over the wilderness designations also included in this bill. The Interior bill will add an additional 1.8 million acres of wilderness to the forest—this in the Nation's largest national forest and one whose land area is already over one-third in wilderness designation.

While there may be a need to review the current land designations within the forest it should be done with public input. The designations in the Interior bill were chosen with no input from those potentially affected by having these areas permanently off limits to multiple use.

While I do not support this provision of the bill, I will vote for the Agriculture bill because it is so critical that we address the needs for improved management of the forest.

Mr. TALLON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Interior Committee's version of the Tongass Timber Reform Act. The Interior Committee version removes timber supply level language and allows the Forest Service to set cutting levels via the planning process—just like on every other national forest.

Whether it is described as a cap or a goal, if the timber supply level remains in statute, we will continue to subsidize Japanese timber purchases at a cost to the taxpayer and the environment.

Right now the U.S. Forest Service loses more than 90 cents of every taxpayer dollar it spends on behalf of the Tongass timber industry. This is not sound management.

Renegotiating the long-term timber contracts on the Tongass simply won't do the job. Keeping these one-sided contracts means that the contract holders will continue to have noncompetitive access to public timber, pay ridiculously low prices, and have the power to determine where to cut on public lands. We can solve these problems by replacing the contracts with the same standard, competitive contracts used on every other national forest.

Support H.R. 987. It makes good sense.

Mr. MRAZEK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is important within the context of the recent statements made here on the floor to refresh one another's memory on where we now stand with respect to the amount of money that has been spent in the Tongass National Forest and what has been recouped in the name of the Federal taxpayers who own that forest.

According to the National Forest Service—and these are the exact figures from the National Forest Service—from 1982 to 1988 the Federal Government has spent $386,003,000 on the Tongass Timber Program. According to the Forest Service, the loss to the Federal Treasury since 1982 has been $353,575,568. The average loss each year, according to the Forest Service, to the Federal Treasury is $50,510,795.

Mr. Chairman, at the same time my colleague, the gentleman from Alaska [Mr. YOUNG], who has been diligent and committed to trying to do what is best for his constituents, has pointed out to the people involved that there are jobs at stake. Well, I have here a report from the General Accounting Office, and according to the General

Accounting Office—and I quote—"Timber industry employment declined from about 2,700 jobs in 1980 to 1,420 jobs in 1986." So for the expenditure or the loss to the Federal Treasury of $353 million, we saw a cutting in half of the number of jobs in the Tongass National Forest.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. MRAZEK. No, I will not yield at this time, but I will try to yield after I make a few points that I think are important for my colleagues to hear.

Mr. Chairman, if these contracts are canceled, what will that mean? What will it mean to people who cut down trees? What will it mean to Native corporations in Alaska? What will it mean to the company, Sea Alaska? What will it mean to the Wrangell Mill?

It will mean for the first time that Alaskans will have an opportunity, along with the Japanese-held pulp company, to compete within those areas that will allow Alaskans to bid for short-term contracts at fair, competitive rates that will benefit the American taxpayer and provide new jobs in Alaska.

The reason the timber industry is strangling in southeast Alaska is because of the sweetheart contracts these two companies have that systematically, according to the Reed Brothers case, drove out all their competition, and after driving out the competition, proceed now to ship all of the Sitka spruce trees that are 500, 600, 700, and 800 years old off to the Pacific Rim, where they are milled over there, not in Alaska but in the Pacific Rim, milled by foreign workers into the high-grade timber that they represent.

If we are going to give away that timber and continue to give it away, then I think everyone ought to recognize what the cost truly is.

□ 1330

Mr. Chairman, there is an organization called the National Taxpayers Union, and the National Taxpayers Union, it says here on the letterhead, is a nonpartisan, nonprofit organization dedicated to the public interest. They are dedicated to looking out for the interests of the American taxpayer, trying to find ways at a time of budget crisis that we can save some very needed Federal dollars for the Treasury.

Mr. Chairman, this is what the National Taxpayers Union wrote:

"In addition, two long-term timber contracts are draining revenues by providing Federal timber to two logging companies on a noncompetitive basis. Instead, timber should be sold through competitive bids and short-term sales. This would most likely return money to the Treasury in the form of higher stumpage fees."

Mr. Chairman, I urge my colleagues to oppose any amendment.

Mr. RHODES. Mr. Chairman, I move to strike the last word.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, the gentleman from New York [Mr. MRAZEK] is using outdated primer readers from the first grade. The information that he tried to enlighten his colleagues with is old, old, old information.

Yes, the market was depressed, and, yes, we lost jobs, but the mills stayed open so that they could have the years they are having now, and it is full employment, so do not tell me we are not losing jobs. If they do not have the long-term contracts, they will not be able to invest, like one mill has invested, $36 million into a sawmill. Another one has invested approximately $40 million in meeting all the modern environmental requirements.

So, the investments were made, and they are there for a long time to stay, if they have the timber. If they do not, they lose the jobs.

Mr. RHODES. Mr. Chairman, as the distinguished chairman of the Committee on Agriculture has observed during his remarks, every single person who has taken part in this debate has a different set of numbers. None of them match up. Nobody is really sure what the numbers are, and I suggest we ignore those numbers and concentrate on other factors in making our decision on this legislation.

Mr. Chairman, there is one number, though, that we should not ignore, and any legislator needs to know what the fiscal consequences of his vote will be, and that number again is something that nobody knows, and that is the damages to which the United States is exposed if these contracts are abrogated. As the gentleman from Kansas agreed in response to a question from the gentleman from Louisiana, these pulp mills have made substantial capital investments. There will be substantial loss of business from abrogation of the contracts. There will be substantial damages incurred to the pulp mills by loss or diminution of their capital assets, and nobody can estimate how much those damages are going to be.

Mr. Chairman, I say to my colleagues, If you vote for the Interior bill, you are voting to expose the United States to liability in amounts which cannot be calculated. If you vote for the Agriculture bill, the contracts simply must be renegotiated.

There must be no risk or liability to the United States. That should be a very significant factor to every Member of this body.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman and my colleagues, as everyone knows, I rise in support of the substitute of the Committee on Agriculture, and there are a few things, maybe, that I would like to point out because maybe some of the Members have not devoted the amount of time that the members of the Committee on Agriculture and the Committee on Interior and Insular Affairs have on this subject, and they do not realize some things, and some things have not been said here yet today that I think are very pertinent.

I would just like to read a little item that I think would help to understand why the Committee on Agriculture has taken the position that it has as far as the contracts.

Trees, like people, are subject to disease and ailments and given time they grow old and die. The Tongass National Forest has old trees that make up the majority of the total volume. These trees have been subjected to wind, storm, snow damage, insects, fires, and rots of many types and descriptions until the natural old stand has butt rot, heart rot, frost seams, wind shake, deformities caused by insects, broken tops, and scars from trees that finally fall against them. The result today is a stand of timber of which half is suitable only for fiber or pulp.

The "net Scribner" or "net sawlog" description of timber means that at least one-third of each log is sawable. This also means that up to two-thirds of each log is suitable only for pulp chips. On the Tongass about one-half of the timber has a high content of fiber that is suitable only for chips; consequently, these logs are sent to the pulp mills. Even if these logs were sent to the sawmill, the bulk of the output of the sawmill would be pulp chips.

The reason I bring that out is that is the reason there are two pulp mills in southeast Alaska. When contracts are abrogated, it is my position, and I think very seriously about this, and I have thought about it, there is no question that that will do away with those pulp mills. When the pulp mills are done away with, the timber industry would be destroyed in southeast Alaska for the simple reason that Wrangell, or any other independent, is not going to be able to economically go in and cut the timber with the majority of it or near majority of it being pulp because they cannot use that pulp. They are sawmills for saw logs. So, we have effectively destroyed it. We have destroyed one-third of the economy of southeast Alaska under the bill of the Committee on Interior and Insular Affairs.

Mr. Chairman, I say to my colleagues, "If that's what you want to

do, you may do it. You're going to preserve, again without the timber industry, the trees in the Tongass, and they will live for a good many years. They won't be cut, and they will die just like all trees eventually die. They're going to fall over. They're going to be unused, and you're going to have 6,000 people out of work in the meantime."

Also, as I pointed out, one thing, I think, is very necessary to understand in this, that, when you abrogate these contracts, it is the pulp mill owners that are going to benefit from the damages that are going to have to be paid by the Government for abrogating those contracts. The people who worked for those pulp mill owners, those 6,000 people up there, they do not get a penny. So, we are not helping those people at all.

Mr. MORRISON of Washington. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Washington.

Mr. MORRISON of Washington. Mr. Chairman, I thank the gentleman from Missouri [Mr. VOLKMER], my chairman, for yielding.

Mr. Chairman, I just want to associate myself with his remarks and his very sound thinking on this. The substitute of the Committee on Agriculture is a measured response. It is environmentally sound. It saves the dollar financially, and it is the measure that people here voted for last year——

Mr. VOLKMER. Overwhelmingly.

Mr. MORRISON of Washington [continuing]. Overwhelmingly, and I commend it to my colleagues.

Mr. VOLKMER. Mr. Chairman, I have one last thing to point out also.

As my colleagues know, many times in my experience as a legislator in the State legislature and up here I found usually that the best bill, the one that really must be good, is the one that nobody likes really. Well, we do not. We have that in the Agriculture bill. The environmentalists, no; they support the Interior bill. The timber industry in southeast Alaska, they do not want anything done. They do not want our bill either. The Forest Service, the Federal Government says, "Wait for a year." They do not want our bill.

Mr. Chairman, the only ones that want the Agriculture substitute are those who have really studied it and know that it is an answer to the solution.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Let us discuss just for a moment, Mr. Chairman, the upstanding character of the two companies we are discussing here, Reed Bros. Logging Co. versus Ketchikan Pulp Co. and Alaska Lumber & Pulp Co. In 1981, the Federal district court decided that between 1959 and 1975 APC and KPC had acted to violate the antitrust laws by driving their competition out of business. Damages were awarded to the Reed Bros. in the Ninth Circuit Court and upheld by the Supreme Court.

Illegal actions by these two upstanding companies that have been guaranteed a profit paid for by the taxpayers of the United States: Louisiana Pacific, famous for its union-busting activities, and then our Japanese conglomerate.

□ 1340

The pulp that we are talking about here is being shipped to Japan. It is being turned into finished products in Japan and being shipped back to the United States of America.

Now if we are saying that somehow we are going to get ourselves out of the hole we are in with international trade by selling raw materials to the Japanese and buying back finished products and subsidizing the production of those raw materials that we are buying back as finished products, I think our trade balance and deficit with the Japanese reflects it.

If these companies cannot make a profit without being subsidized by the taxpayers of the United States, another company will step in that can, and maybe that company will do more than create a raw material for the Japanese. Perhaps it will produce a finished product here in America that we will ship to Japan and improve our balance of payments.

It is time to stop subsidizing union-busting companies and multinational and foreign corporations. It is time to stop this practice of advising, asking, requesting, begging the Forest Service to do something. It got us nowhere. It is time to take definitive action. The Interior Committee version of the bill does that. I urge my colleagues to support the Interior Committee version of the bill.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the substitute amendment of the Agriculture Committee and in support of the Interior Committee substitute for H.R. 987, the Tongass Timber Reform Act.

I do say that I have a great deal of respect for all sides of the debate and for the individuals involved. It is somewhat difficult to stand here and to support the Interior Committee substitute against the opposition of a valiant and good friend, the gentleman from Alaska, who no doubt knows a good deal more about some of the details than many of us on this floor, but it does seem to me as one who has studied the issue in some depth over the last several years that it is important to remember that this legislation is essential to bring about those reforms in the management of the Tongass Forest, which is North America's last primeval rain forest, so I support the legislation for several reasons, recognizing that there have been good and valid arguments made on both sides.

First, it is important to remember at its heart that the Tongass timber program is and has been an economic disaster, a classic case of corporate welfare. It is not capitalism. It is taxpayer-subsidized jobs programs perhaps, but nevertheless, it is very noncompetitive and strictly corporate welfare.

Presently $40 million to $50 million each year is automatically appropriated to the Tongass timber supply fund to maintain a steady supply of timber to two pulp mills under contract.

Now, in 1988 the Tongass timber sale expenditures totaled $42.4 million, but that same year the timber sale receipts amounted to only $1.2 million, or a net outlay of $41.2 million. Over the last 7 years, the timber program has seen an average annual loss of $50.5 million to the taxpayers. You do not really have to be an environmentalist, just a taxpayer, to ask why the Forest Service continues to prepare timber that the market cannot absorb.

That is really what goes to the heart of the need to terminate these contracts, because these two long-term contracts are unique. They are anti-competitive and they require the U.S. taxpayers to pay for building roads and making the forest ready to harvest timber that the marketplace does not want to buy and no other forest in the country would purchase that timber in any kind of a competitive sale.

The contracts guarantee two things, and that is why they are objectionable and need to be terminated. First, they guarantee the sale of a fixed amount of timber, in this case 4.5 billion board feet per decade, regardless of the market demand.

Second, they guarantee that the contract holder, the pulp mills, the privilege of selecting areas that the Forest Service would otherwise have permanently reserved from harvesting.

Now, understand what that means. What that means is that in other forests the Forest Sevice will reserve certain areas from harvesting, but in these two contracts the Forest Service is precluded from doing so.

Would the elimination or termination of these two cotracts eliminate jobs in the timber industry? Some would say yes, but I think not.

The fact is that the timber industry is alive and well in the United States, using short-term competitive timber sales. These mills would still be able to, and indeed still would, on a short-term Forest Service management guidelines competitive basis, to pur-

chase their timber while competing against other mills and, indeed, competing against the market so that these mills would be allowed, as every other mill in the country, to purchase the timber that the market will require, but it would not require the taxpayers to make the land ready, to build roads into the Tongass for timber that is not going to be sold.

Second, it seems to me the Tongass program as it currently exists actually threatens jobs. Tourism is one of Alaska's fastest growing industries. Tourists do not visit Alaska to see thousands of acres of clearcuts. They come to enjoy the towering Sitka spruce and hemlock, ancient trees 6 to 8 feet in diameter that have taken hundreds of years to reach maturity. They come to experience millions of acres of undisturbed wilderness in one of the last remaining rain forests in the temperate zones of the world. Roadbuilding and clearcutting will only turn them away.

Salmon fishing is another flourishing industry in southeast Alaska; 90 percent of the $75 million annual salmon catch in southeast Alaska was hatched in the streams and lakes of the Tongass.

The current Federal long-term program threatens those jobs. I urge a vote in opposition to the Agriculture Committee substitute.

Mr. Chairman, I rise in support of the Interior substitute for H.R. 987, the Tongass Timber Reform Act. This legislation is essential to bring about needed reforms in the management of the Tongass Forest, North America's last primeval rain forest. I support this legislation for several reasons:

First, the Tongass Timber Program is an economic disaster—a classic case of corporate welfare. Presently $40 to $50 million each year is automatically appropriated to the Tongass timber supply fund to maintain a steady supply fo timber to two pulp mills. In 1988, Tongass timber sale expenditures totaled $42.4 million. That same year timber sale receipts amounted to $1.2 million—resulting in a net outlay of $41.2 million. Over the past 7 years the Timber Program has seen an average annual loss of $50.5 million. You don't have to be an environmentalist—just a taxpayer—to ask why the Forest Service continues to prepare timber that the market cannot absorb.

Second, this program actually threatens jobs. Tourism is the region's fastest growing industry. Tourists don't visit Alaska to see thousands of acres of clear cuts. They come to enjoy the towering Sitka spruce and hemlock, ancient trees 6 to 8 feet in diameter, that have taken hundreds of years to reach maturity. They come to experience millions of acres of undisturbed wilderness in one of the last remaining rain forests in the temperate zones of the world. Roadbuilding and clearcutting will only turn them away.

Salmon fishing is another flourishing industry in southeast Alaska. An estimated 90 percent of the $75 million annual salmon catch in southeast Alaska was hatched in the streams and lakes of the Tongass. The timbering operations devastate hundreds of thousands of acres of prime hunting and fishing habitat. Clearly the long-term health of the forest is of great value to both the tourist and fishing industries. The Forest Service is putting these two prosperous, tax-paying industries at risk with a doomed effort to support the faltering timber industry. By subsidizing 1,781 timber jobs in the Tongass, the program jeopardizes 3,500 jobs in the fishing industry and 3,600 jobs in the tourism industry in southeast Alaska.

Finally, continuation of the Tongass program would be an environmental disaster. The Tongass is one of the last remaining rain forests in the temperate zones of the world. It is home to the world's largest concentrations of grizzly bears and bald eagles. Sitka blacktailed deer thrive in this old-growth forest, protected by the massive forest canopy from periodic deep snows during the harsh winter months. To say that the animals depend on the forest is an understatement. The Tongass is an enormously complex and delicate combination of ecosystems fit together in ways that biologists are just beginning to understand. This magnificent forest is threatened with destruction by the Timber Program. It would be bad enough to permit its destruction if we needed the resources, but to subsidize it is intolerable.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Agriculture Committee substitute.

Mr. Chairman, we have had a lively debate here on the floor. I think we have come to about the end of it, where we will get a choice between the Agriculture Committee substitute and the Interior Committee bill. It is quite a distinct choice, because the status quo which has continued to rob tens of millions of dollars from the taxpayers of this country for over 30 years to force feed timber to these two pulp mills for the purpose of creating jobs.

As we have audited that program over the last decade, as we have investigated and reviewed it, what has become very clear is these mills have made a lot of money. They have made a lot of money because they have been living off taxpayer dollars.

The employment that we thought we were going to bring to southeast Alaska did not come. In fact, the employment in the timber industry has been going down, but somehow the Agriculture Committee would tell Members of this House that they must commit themselves to taking another half a billion dollars from the taxpayers over the remaining life of these contracts on some notion of a mindless commitment to these contracts, even though the other parties to the contracts have in fact breached the contracts and owe the Federal Government $80 million for the breach of those contracts.

Now, the Agriculture Committee would lead you to believe that if they simply direct the Forest Service to renegotiate these contracts, the Forest Service will do that. When we asked the Forest Service to renegotiate in the bill last year, they opposed that bill. When this Congress passed that bill overwhelmingly, the Forest Service continued to refuse to make the fundamental changes.

Now, a lot of people said that if you vote for the Interior Committee bill you are going to cause people to lose their jobs, 6,000 people. There is no evidence in the record that will take place at all.

They have said if you vote for the Interior Committee bill that the timber will be gone and these mills will close. The Interior Committee bill allows more timber to be offered to these mills than they have ever cut during their lifetime by about 100 million board feet each and every year.

Why? Because we preserve the timber economy in the Interior Committee bill. What we do not preserve is the raid on the taxpayers. We say to the Ketchikan Pulp Co., we say to the Alaska Pulp Co., "Get your hands out of our pockets. Go out and compete in the free-enterprise system. For 30 years you have been milking us; now go out and try it on your own." Other mills do it. The timber industry all over the country competes with one another, and they have down years and up years, and there are years that we make more timber available when they are having a tough time, and there are years when we restrict it.

□ 1350

Only in this forest do we force-feed this industry no matter what the economy is, no matter what the market is. Why? Because they can export the pulp. They can export the valuable logs.

Some people have said it is getting better; the price has been rising under the Forest Service renegotiations. Even the most recent figures cited here, the fact of the matter is, they are still 10 times below the value that the Forest Service puts on those logs and maybe 20 times below the value that those logs are then sold for in Japan.

In the Reid Bros. investigation, what have we seen? We have seen the very same companies that have used the taxpayer dollars to build the roads and to harvest the timber double escrow. We know the term. They double escrow it. They buy it, one company buys it from the U.S. Treasury for $1.48. They sell it immediately to a dummy company. The dummy company sells it to another, and they turn around and sell it to the pulp mill. Then the pulp mill sells it to another company that sells it in Japan. Is that what Members want to be party to? Is that what Members want their constituents to be party to? Because if

Members do not cancel the contract, it is another half-billion dollars.

The Committee on Agriculture says that we can just not walk away from the contracts. What do they do? They say to the Forest Service, "Change these contracts, and if necessary, do it unilaterally."

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, they say to do it unilaterally, because they are in the spirit of honoring contracts. The Committee on Agriculture says, in section 102(b), "We will deem what you do in conformance with the contracts." Do Members really believe they are going to escape a lawsuit? Do they really believe that?

The damages that have been discussed here are only if the pulp mills do not have timber. But they have a guarantee under our bill of more timber than they have ever cut in the last decade.

It has been a long and tortuous task for this committee, for the Committee on Appropriations. We have tried to reform this program time and again with directives to the Forest Service. They have chosen not to do that.

The Committee on Agriculture has reviewed these contracts, and I want to say how much I appreciate the views and the support of members of the Committee on Agriculture for the Committee on the Interior bill, of the gentleman from California [Mr. BROWN], my colleague, the gentleman from Kansas [Mr. GLICKMAN], the gentleman from North Carolina [Mr. ROSE], the gentleman from North Carolina [Mr. LANCASTER], the gentleman from West Virginia [Mr. STAGGERS], the people who sat in that committee and reviewed this and determined that the Committee on the Interior is headed in the right direction, the gentleman from Indiana [Mr. JONTZ], the gentleman from Minnesota [Mr. PENNY], the gentleman from South Carolina [Mr. TALLON], the gentleman from South Dakota [Mr. JOHNSON], the gentleman from Colorado [Mr. CAMPBELL], the gentleman from Maryland [Mr. DYSON], the gentleman from Iowa [Mr. NAGLE], and the gentleman from Georgia [Mr. HATCHER]. They understand the impact of that bill on the taxpayers. That is why these contracts must be terminated, because no other activity by the Committee on Appropriations, by the Committee on Agriculture, or by the Committee on the Interior has brought about the kind of reforms that are necessary to save the economy in southeast Alaska, to save this resource, and finally to save the taxpayers' money that they are entitled to be saved.

I would ask for a no vote on the Agriculture substitute.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Alaska has already been recognized on this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent to proceed.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska [Mr. YOUNG] to allow the gentleman to take 5 minutes?

Mr. MILLER of California. Mr. Chairman, reserving the right to object, I would not object if I am accorded the same unanimous-consent request. The gentleman has already spoken.

The CHAIRMAN. Does the gentleman from California object?

Mr. MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MORRISON of Washington. Mr. Chairman, I move to strike the last word.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I am happy to yield to my colleague, the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I would just like to thank the committee for listening to this lengthy debate and thank the Members who have indicated that they would support the Agriculture bill in the sense of justice and fairness, and urge those who are seeking the passage of 987 that has come out of Interior to reconsider.

I also would like to clarify two things. I sat through this bill and the redwood forest legislation by the former and great colleague, Mr. Burton, and listened to the same speech my friend, the gentleman from California, made about the redwoods and how it was not going to have a loss of jobs. There are no jobs in the redwoods, and it has cost us $1,400,000,000, and that is just the beginning. The Agriculture bill saves money.

There has been a lot of reference to the Taxpayers' Union. I would like to ask who they are, and who do they represent. Because if they had analyzed these two bills, the Agriculture bill saves over $400 million more than the Interior bill. I would like to have the so-called nonprofit organization, their broad members, check out their legislative liaison and find out who she really represents, because if she wants to save the taxpayers money, she will support the Agriculture bill. She is out here shilling for the Interior bill, and I question that.

Those who have an alliance to the Taxpayers' Union had better look at these figures very closely, because the Agriculture bill saves a great deal more money than the Interior bill. The difference is that the Agriculture bill keeps the industry and the people of Alaska working, and the Interior bill puts them out of work and removes them from Alaska, and that is the intent of the Interior bill. That is all it is.

I am asking my colleagues to vote yes on the Agriculture bill and give us a resounding vote of what is right for the Nation, what is right for the State, and what is directly honest to the people of this great Nation.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. DE LA GARZA], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 114, noes 269, not voting 18, as follows:

[Roll No. 137]

AYES—144

Anderson	Hall (TX)	Regula
Anthony	Hammerschmidt	Rhodes
Applegate	Hancock	Ridge
Archer	Hansen	Roberts
Armey	Harris	Robinson
Baker	Hayes (LA)	Rogers
Ballenger	Hefley	Rohrabacher
Barton	Herger	Roth
Bateman	Holloway	Sarpalius
Bentley	Houghton	Schaefer
Bereuter	Hubbard	Schiff
Bevill	Huckaby	Schuette
Bliley	Hunter	Schulze
Bosco	Inhofe	Shumway
Broomfield	Johnson (CT)	Shuster
Brown (CO)	Jones (NC)	Skeen
Bunning	Kasich	Skelton
Burton	Kyl	Slaughter (VA)
Bustamante	Lagomarsino	Smith (IA)
Callahan	Laughlin	Smith (MS)
Chandler	Lent	Smith (NE)
Chapman	Lewis (CA)	Smith (TX)
Clinger	Lewis (FL)	Smith, Denny (OR)
Coleman (MO)	Lightfoot	
Coleman (TX)	Livingston	Smith, Robert (OR)
Combest	Lowery (CA)	
Cox	Madigan	Solomon
Craig	Marlenee	Stallings
Crane	McCandless	Stangeland
Dannemeyer	McCollum	Stearns
Davis	McCrery	Stenholm
de la Garza	McDade	Stump
Dickinson	McEwen	Sundquist
Dornan (CA)	Michel	Swift
Dreier	Miller (OH)	Tauzin
Duncan	Molinari	Thomas (CA)
Emerson	Mollohan	Thomas (GA)
Espy	Montgomery	Thomas (WY)
Fields	Moorhead	Upton
Flippo	Morrison (WA)	Vander Jagt
Gallegly	Myers	Volkmer
Gallo	Nielson	Vucanovich
Gekas	Oberstar	Walker
Gingrich	Olin	Walsh
Goodling	Ortiz	Watkins
Gradison	Oxley	Whittaker
Grandy	Packard	Wylie
Grant	Parker	Young (AK)
Gunderson	Pashayan	

NOES—269

Ackerman	Gray	Paxon
Akaka	Green	Payne (NJ)
Alexander	Guarini	Payne (VA)
Andrews	Hall (OH)	Pease
Annunzio	Hamilton	Pelosi
Aspin	Hatcher	Penny
Atkins	Hawkins	Perkins
AuCoin	Hayes (IL)	Petri
Barnard	Hefner	Pickett
Bartlett	Henry	Pickle
Bates	Hertel	Porter
Beilenson	Hiler	Poshard
Bennett	Hoagland	Price
Berman	Hochbrueckner	Pursell
Bilbray	Horton	Rahall
Bilirakis	Hoyer	Rangel
Boehlert	Hughes	Ray
Boggs	Hutto	Richardson
Bonior	Ireland	Rinaldo
Borski	Jacobs	Ritter
Boucher	James	Roe
Boxer	Jenkins	Rose
Brennan	Johnson (SD)	Rostenkowski
Brooks	Johnston	Roukema
Browder	Jones (GA)	Rowland (CT)
Brown (CA)	Jontz	Rowland (GA)
Bruce	Kanjorski	Roybal
Bryant	Kaptur	Russo
Buechner	Kastenmeier	Sabo
Byron	Kennedy	Saiki
Campbell (CA)	Kennelly	Sangmeister
Campbell (CO)	Kildee	Savage
Cardin	Kolbe	Sawyer
Carper	Kolter	Saxton
Carr	Kostmayer	Scheuer
Clarke	LaFalce	Schneider
Clay	Lancaster	Schroeder
Clement	Lantos	Schumer
Coble	Leach (IA)	Sensenbrenner
Conte	Lehman (CA)	Sharp
Cooper	Lehman (FL)	Shaw
Costello	Leland	Shays
Coughlin	Levin (MI)	Sikorski
Coyne	Levine (CA)	Sisisky
Crockett	Lewis (GA)	Skaggs
Darden	Lipinski	Slattery
DeFazio	Lloyd	Slaughter (NY)
Dellums	Long	Smith (FL)
Derrick	Lowey (NY)	Smith (NJ)
DeWine	Luken, Thomas	Smith (VT)
Dicks	Lukens, Donald	Smith, Robert (NH)
Dingell	Machtley	Snowe
Dixon	Manton	Solarz
Donnelly	Markey	Spence
Dorgan (ND)	Martin (IL)	Spratt
Douglas	Martinez	Staggers
Downey	Matsui	Stark
Durbin	Mavroules	Stokes
Dwyer	Mazzoli	Studds
Dymally	McCloskey	Synar
Dyson	McCurdy	Tallon
Early	McDermott	Tanner
Eckart	McGrath	Tauke
Edwards (CA)	McHugh	Torres
Engel	McMillan (NC)	Torricelli
Erdreich	McMillen (MD)	Towns
Evans	McNulty	Traficant
Fascell	Meyers	Traxler
Fawell	Mfume	Udall
Fazio	Miller (CA)	Unsoeld
Feighan	Miller (WA)	Valentine
Fish	Mineta	Vento
Flake	Moakley	Visclosky
Florio	Moody	Walgren
Foglietta	Morella	Waxman
Ford (MI)	Morrison (CT)	Weber
Ford (TN)	Mrazek	Weiss
Frank	Murtha	Weldon
Frost	Natcher	Wheat
Garcia	Neal (MA)	Whitten
Gaydos	Neal (NC)	Williams
Gejdenson	Nelson	Wilson
Gephardt	Nowak	Wise
Gibbons	Oakar	Wolf
Gillmor	Obey	Wolpe
Gilman	Owens (NY)	Wyden
Glickman	Owens (UT)	Yates
Gonzalez	Pallone	Yatron
Gordon	Panetta	Young (FL)
Goss	Patterson	

NOT VOTING—18

Collins	Courter	Edwards (OK)
Conyers	DeLay	English
Frenzel	Kleczka	Nagle
Hastert	Leath (TX)	Parris
Hopkins	Martin (NY)	Quillen
Hyde	Murphy	Ravenel

□ 1416

The Clerk announced the following pairs:

On this vote:

Mr. Hastert for, with Mr. Conyers against.

Mr. Quillen for, with Mr. Kleczka against.

Mrs. LLOYD and Messrs. DONALD E. "BUZ" LUKENS, BROOKS, BUECHNER, DICKS, PAXON, and HILER changed their vote from "aye" to "no."

Mr. McEWEN and Mr. ARCHER changed their vote from "no" to "aye."

So the amendment in the nature of a substitute, as amended, was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KLECZKA. Mr. Chairman, I was unavoidably detained on rollcall vote No. 137. Had I been here, I would have voted "no."

The CHAIRMAN. Are there further amendments to section 1?

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The balance of the text of H.R. 987 is as follows:

TITLE I—ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT AMENDMENTS

SEC. 101. TO REQUIRE ANNUAL APPROPRIATIONS FOR TIMBER MANAGEMENT AND RESOURCE CONSERVATION ON THE TONGASS NATIONAL FOREST.

Section 705(a) of the Act (16 U.S.C. 539d.(a)) is repealed effective October 1, 1989.

SEC. 102. IDENTIFICATION OF LANDS UNSUITABLE FOR TIMBER PRODUCTION.

Section 705(d) of the Act (16 U.S.C. 539d(d)) is hereby repealed.

SEC. 103. FUTURE REPORTS ON THE TONGASS NATIONAL FOREST.

(a) MONITORING.—The second sentence of section 706(a) of the Act (16 U.S.C. 539e.(a)) is hereby repealed.

(b) STATUS.—Section 706(b) of the Act (16 U.S.C. 539e.(b)) is amended as follows:

(1) Strike out "and (4)" and insert in lieu thereof "(4)".

(2) Strike out the period at the end of the section and insert in lieu thereof ", and (5) the impact of timber management on subsistence resources, wildlife, and fisheries habitats.".

(c) CONSULTATION.—Section 706(c) of the Act (16 U.S.C. 539e.(c)) is amended by striking out "and the Alaska Land Use Council" and inserting in lieu thereof "the southeast Alaska commercial fishing industry, and the Alaska Land Use Council".

SEC. 104. ADMINISTRATION.

Section 705 (16 U.S.C. 539d) of the Act is amended by adding at the end thereof the following:

"(e) FISHERIES PROTECTION.—In order to assure protection of riparian habitat, the Secretary of Agriculture shall maintain a minimum buffer zone width of 100 feet, consisting of natural, existing undisturbed forest, on each side of all anadromous fish streams and their tributaries in the Tongass National Forest within which logging shall be prohibited.

"(f) TENAKEE SPRINGS ROAD PROHIBITION.—A vehicular access road connecting the Indian River and Game Creek roads may not be constructed, and the Secretary of Agriculture shall not engage in any further efforts to connect the city of Tenakee Springs with the logging road system on Chicagof Island.".

TITLE II—TERMINATION OF LONG-TERM TIMBER SALE CONTRACTS IN ALASKA

SEC. 201. TERMINATION.

Title V of the Act is amended by adding at the end thereof the following new section:

"SEC. 508. TERMINATION OF LONG-TERM TIMBER SALE CONTRACTS IN ALASKA.

"(a) FINDING.—The Congress hereby finds and declares that it is in the national interest to assure that valuable public resources in the Tongass National Forest are protected and wisely managed. Termination of the long-term timber sale contracts is necessary because the contracts prevent proper Forest Service Management, allow the holders to concentrate logging in the rare, high-volume old growth forest most valuable for fish and wildlife habitat, threaten natural resource dependent communities and industries, and undermine competition within the southeast Alaska timber industry.

"(b) TERMINATION OF LONG-TERM TIMBER SALE CONTRACTS.—Not later than 90 days after the date of enactment of this section, the Secretary of Agriculture shall terminate the long-term timber sale contracts numbered 12-11-010-1545 and A10fs-1042 between the United States and Alaska Pulp Corporation, and between the United States and Ketchikan Pulp Company, respectively.

"(c) SUBSTITUTION OF SHORT-TERM TIMBER SALES.—The Secretary of Agriculture is authorized to make available sufficient volumes of timber to meet actual market demand as determined pursuant to planning process specified in section 6 of the Forest and Rangeland Renewable Resource Planning Act of 1974 and other applicable laws. Timber sales shall be offered for competitive bid and administered consistent with standard, short-term timber sales on other national forests.".

TITLE III—WILDERNESS

SEC. 301. ADDITIONAL WILDERNESS AREAS.

(a) DESIGNATION.—Section 703 of the Act is amended by adding at the end thereof the following:

"(c) DESIGNATION OF ADDITIONAL WILDERNESS ON THE TONGASS NATIONAL FOREST.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands within the Tongass National Forest in the State of Alaska are hereby designated as wilderness and therefore as components of the National Wilderness Preservation Systems:

"(1) ANAN CREEK WILDERNESS.—Certain lands which comprise approximately 38,415 acres, as generally depicted on a map entitled 'Anan Creek Wilderness—Proposed' and

dated May, 1989, which shall be known as the Anan Creek Wilderness.

"(2) BERNERS BAY WILDERNESS.—Certain lands which comprise approximately 46,135 acres, as generally depicted on a map entitled 'Berners Bay Wilderness—Proposed' and dated May, 1989, which shall be known as the Berners Bay Wilderness.

"(3) CALDER-HOLBROOK WILDERNESS.—Certain lands which comprise approximately 68,693 acres, as generally depicted on a map entitled 'Calder-Holbrook Wilderness—Proposed' and dated May, 1989, which shall be known as the Calder-Holbrook Creek Wilderness.

"(4) CHICHAGOF WILDERNESS.—Certain lands which comprise approximately 347,733 acres, as generally depicted on a map entitled 'Chichagof Wilderness—Proposed' and dated May, 1989, which shall be known as the Chichagof Wilderness.

"(5) CHUCK RIVER WILDERNESS.—Certain lands which comprise approximately 124,539 acres, as generally depicted on a map entitled 'Chuck River Wilderness—Proposed' and dated May, 1989, which shall be known as the Chuck River Wilderness.

"(6) KADASHAN WILDERNESS.—Certain lands which comprise approximately 34,044 acres, as generally depicted on a map entitled 'Kadashan Wilderness—Proposed' and dated May, 1989, which shall be known as the Kadashan Wilderness.

"(7) KARTA RIVER WILDERNESS.—Certain lands which comprise approximately 39,886 acres, as generally depicted on a map entitled 'Karta River Wilderness—Proposed' and dated May, 1989, which shall be known as the Karta River Wilderness.

"(8) KEGAN LAKE WILDERNESS.—Certain lands which comprise approximately 24,655 acres, as generally depicted on a map entitled 'Kegan Lake Wilderness—Proposed' and dated May, 1989, which shall be known as the Kegan Lake Wilderness.

"(9) NAHA RIVER WILDERNESS.—Certain lands which comprise approximately 31,794 acres, as generally depicted on a map entitled 'Naha River Wilderness—Proposed' and dated May, 1989, which shall be known as the Naha River Wilderness.

"(10) NUTKWA WILDERNESS.—Certain lands which comprise approximately 52,654 acres, as generally depicted on a map entitled 'Nutkwa Wilderness—Proposed' and dated May, 1989, which shall be known as the Nutkwa Wilderness.

"(11) OUTSIDE ISLANDS WILDERNESS.—Certain lands which comprise approximately 98,572 acres, as generally depicted on a map entitled 'Outside Islands Wilderness—Proposed' and dated May, 1989, which shall be known as the Outside Islands Wilderness.

"(12) PLEASANT-LEMESURIER-INIAN ISLANDS WILDERNESS.—Certain lands which comprise approximately 23,140 acres, as generally depicted on a map entitled Pleasant-Lemesurier-Inian Islands Wilderness—Proposed' and dated May, 1989, which shall be known as the Pleasant-Lemesurier-Inian Islands Wilderness.

"(13) POINT ADOLPHUS-MUD BAY WILDERNESS.—Certain lands which comprise approximately 73,346 acres, as generally depicted on a map entitled 'Point Adolphus-Mud Bay Wilderness—Proposed' and dated May, 1989, which shall be known as the Point Adolphus-Mud Bay Wilderness.

"(14) PORT HOUGHTON-SANBORN CANAL WILDERNESS.—Certain lands which comprise approximately 58,915 acres, as generally depicted on a map entitled 'Port Houghton-Sanborn Canal Wilderness—Proposed' and dated May, 1989, which shall be known as the Port Houghton-Sanborn Canal Wilderness.

"(15) ROCKY PASS WILDERNESS.—Certain lands which comprise approximately 75,734 acres, as generally depicted on a map entitled 'Rocky Pass Wilderness—Proposed' and dated May, 1989, which shall be known as the Rocky Pass Wilderness.

"(16) SARKAR LAKES WILDERNESS.—Certain lands which comprise approximately 25,650 acres, as generally depicted on a map entitled 'Sarkar Lakes Wilderness—Proposed' and dated May, 1989, which shall be known as the Sarker Lakes Wilderness.

"(17) SOUTH ETOLIN ISLAND WILDERNESS.—Certain lands which comprise approximately 83,642 acres, as generally depicted on a map entitled 'South Etolin Island Wilderness—Proposed' and dated May, 1989, which shall be known as the South Etolin Island Wilderness.

"(18) SOUTH KUIU WILDERNESS.—Certain lands which comprise approximately 191,532 acres, as generally depicted on a map entitled 'South Kuiu Wilderness—Proposed' and dated May, 1989, which shall be known as the South Kuiu Wilderness.

"(19) SULLIVAN ISLAND WILDERNESS.—Certain lands which comprise approximately 4,032 acres, as generally depicted on a map entitled 'Sullivan Island Wilderness—Proposed' and dated May, 1989, which shall be known as the Sullivan Island Wilderness.

"(20) TRAP BAY WILDERNESS.—Certain lands which comprise approximately 6,667 acres, as generally depicted on a map entitled 'Trap Bay Wilderness—Proposed' and dated May, 1989, which shall be known as the Trap Bay Wilderness.

"(21) WEST DUNCAN CANAL WILDERNESS.—Certain lands which comprise approximately 134,627 acres, as generally depicted on a map entitled 'West Duncan Canal Wilderness—Proposed' and dated May, 1989, which shall be known as the West Duncan Canal Wilderness.

"(22) YAKUTAT FORELANDS WILDERNESS.—Certain lands which comprise approximately 220,268 acres, as generally depicted on a map entitled 'Yakutat Forelands Wilderness—Proposed' and dated May, 1989, which shall be known as the Yakutat Forelands Wilderness.

"(23) YOUNG LAKE WILDERNESS ADDITION TO ADMIRALITY ISLAND NATIONAL MONUMENT.—Certain lands which comprise approximately 18,702 acres, as generally depicted on a map entitled 'Young Lake Wilderness—Proposed' and dated May, 1989, which shall be managed as an addition to the Admiralty Island National Monument.

"(d) APPLICATION OF SECTION 1315(E).—Section 1315(e) of this Act (16 U.S.C. 3202(e)) shall not apply to the wilderness designated by subsection (c).".

"(b) ADMINISTRATION.—Section 707 of the Act is amended by adding the following at the end thereof: "Subject to valid existing rights, the wilderness areas designated in amendments made to section 703(c) of this Act by the Tongass Timber Reform Act shall be administered by the Secretary of Agriculture in accordance with this section, except that, in the case of such areas, any reference in the provisions of the Wilderness Act to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of the Tongass Timber Reform Act."

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: On page 3 by striking on line 10 "Section 705(a)" and inserting "(a) Section 705(a)"; and

On page 3 by striking lines 18 and 19 and inserting the following:

"(a) MONITORING.—Section 706(a) of the Act (16 U.S.C. 539e(a)) is amended—

"(1) by striking 'the Committee on Interior and Insular Affairs' and inserting 'the Committee on Agriculture and the Committee on Interior and Insular Affairs'; and

"(2) by striking the second sentence and inserting the following new sentence: 'This report shall include a complete analysis of the losses or gains sustained by the United States Government with respect to long-term, short-term and total sales of timber from the Tongass National Forest using information from the statement on revenues and expenses of the Timber Sale Program Information Reporting System and shall display total costs, unit costs (per thousand board feet of timber sold or released) and associated revenues, for the current and previous two years of operations.' ".

Mr. VOLKMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. VOLKMER. Mr. Chairman and members of the committee, this amendment is part of the Agriculture substitute which was agreeable to the Committee on Interior which we had worked out previously and was also included in last year's Tongass bill. It consists of a modification of existing requirements for annual reports on timber supply and demand as provided in ANILCA, section 706(a).

□ 1420

I believe the gentleman from California is willing to accept the amendment, and I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, we have looked at the amendment. We have no problem with it, and would agree to accept it.

Mr. VOLKMER. Mr. Chairman, I yield to the gentleman from Washington.

Mr. MORRISON of Washington. Mr. Chairman, we are delighted with the amendment and thank the gentleman for offering it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OLIN

Mr. OLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLIN: H.R. 987 is amended by adding at the end the following:

"TITLE IV—IMPROVEMENT OF THE MANAGEMENT OF THE TONGASS NATIONAL FOREST.

"SECTION 401. MANAGEMENT OF THE TONGASS NATIONAL FOREST.

"(a) FINDINGS.—The Congress finds that—

"(1) the commercial fishing, recreation, timber, and tourism industries each make a substantial contribution to the economy of southeast Alaska and their ability to contribute in the future depends upon balanced planning and management of the Tongass National Forest; and

"(2) the Secretary of Agriculture should plan and manage the Tongass National Forest in manner that adequately protects and enhances fish, wildlife, and recreation resources, as well as timber, and should act in the long-term best interests of all natural resources dependent industries and subsistence communities in southeast Alaska.

"(b) PURPOSES.—The purposes of this section are to require the Secretary of Agriculture to—

"(1) assess the extent to which planning and management of the Tongass National Forest prior to the enactment of this Act has differed from planning for, and management of, other national forests; and

"(2) change, in conformance with laws applicable to the National Forest System, planning and management priorities regarding the Tongass National Forest so as to assure that greater emphasis is given to the long-term best interests of the commercial fishing, recreation, and tourism industries, subsistence communities in southeast Alaska, and the national interest in the fish and wildlife and other natural resources of the Tongass National Forest.

"(c) DIRECTIVE.—The Secretary of Agriculture is authorized and directed to take such steps as are necessary in current management practices and in revisions of the Tongass land management plan to achieve the purposes described in subsection (b).

"(d) OLD-GROWTH FOREST MANAGEMENT.—In developing the land management plan for the Tongass National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, the Secretary shall—

"(1) provide for sustained production of old-growth forest resources within the Tongass National Forest; and

"(2) upon completion of the draft of such plan, which shall be completed in any event not later than one year after the date of enactment of this Act, report to the Committees on Agriculture and on Interior and Insular Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on provisions incorporated into such plan to meet the objective set forth in paragraph (1). The report shall include—

"(A) the definition of the term 'old-growth forest' used for purposes of such plan;

"(B) the quantity and distribution of old-growth forest in the Tongass National Forest;

"(C) the management objectives and guidelines incorporated into such plan to provide for sustained production of old-growth forest resources;

"(D) the criteria used to determine how to integrate old-growth forest management objectives into the plan; and

"(E) the relationship between old-growth forest management objectives and other resource management goals affecting timber, fish, and wildlife, water quality, recreation, subsistence uses, and aesthetics."; and

By striking on page 3 line 24 on page 3 through line 2 on page 4 and inserting the following:

"(2) strike the period at the end of the section and insert ', (5) the impact of timber management on subsistence resources, wildlife, and fisheries habitats, and (6) the steps taken by the Secretary of Agriculture under section 401(c) of the Tongass Timber Reform Act.'.".

Mr. OLIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. OLIN. Mr. Chairman, this amendment deals with the instructions to the Secretary to give greater emphasis to nontimber resources in the Tongass, and directs the Secretary to provide for sustained production of old growth forest.

Mr. Chairman, I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, we had a chance to examine the amendment. It is a very good amendment. I think it recognizes what we all do, the emerging diversity of the economy of southeast Alaska. We would be willing to accept it. I thank the gentleman for his work on behalf of the amendment.

Mr. OLIN. Mr. Chairman, I yield to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Chairman, this language is listed in the management section of the Agriculture substitute and reflects what we think is a responsible approach to management of this area. I compliment the gentleman and am pleased he offered this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. OLIN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: H.R. 987 is amended on page 4 by striking lines 11 through 17 and inserting the following:

"(e) FISHERIES PROTECTION.—The Secretary of Agriculture shall maintain a minimum buffer zone of 100 feet on each side of all anadromous fish streams in the Tongass National Forest. Logging shall be prohibited within such buffer zone. The Secretary shall also maintain a buffer zone along all tributaries of such streams in accordance with best management practices for water quality.".

Mr. VOLKMER. (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. VOLKMER. Mr. Chairman, this amendment directs itself to the language in the Interior bill having to do with buffer zones, along an anadromous stream where there is hatching of the fish, and its changes the language in the Interior bill. The Interior bill is very exclusive, put it that way. It almost covered most of the forest prohibiting any forestry in that. This language had been worked with the Alaska sailors, language that they provided, the fishermen in Alaska, to Members, in order to clarify that, and does give protection to the streams where the fishing, the hatcheries are for the fish, for salmon, while, at the same time it does permit outside of buffer zones for timber to be cut. It also provides for crossing of streams, which the Interior bill did not do, so that a person cannot go ahead and cut in other areas.

Mr. Chairman, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. In reading the gentleman's amendment in the RECORD, it says the Secretary of Agriculture shall maintain a minimum buffer zone of 100 feet on each side of the anadromous fish streams in the Tongass National Forest. Logging shall be permitted within such buffer zone.

Is logging defined as the destruction of the falling of trees, in order to construct those roads or in the case of building bridges?

Mr. VOLKMER. Yes.

Mr. YOUNG of Alaska. And you cannot cross the buffer zone?

Mr. VOLKMER. Yes, you can cross the buffer zone. Logging does not include crossing streams.

Mr. YOUNG of Alaska. If the gentleman continues to yield, is there objection to offering that "access to class of buffer zone shall be maintained"?

Mr. VOLKMER. I do not know if the gentleman wants to say "shall" be maintained. I have reservations about requiring them to build them.

Mr. YOUNG of Alaska. I am concerned the way the language is written, that one of these local lawyers that are trying to make livings out of other people's corpses are going to say that no logging shall occur in the one zone, and in fact, that will be the interpretation that there will be court action, because in fact, a falling of a tree to build a road or a bridge is logging, and you cannot have a buffer zone if you cannot go across it to get to the other area.

Mr. VOLKMER. It is our intention in working with the Forest Service on this, also, that this language would permit the crossing of streams. Would not it permit the building of roads, within that buffer zone? I mean, along that period?

Mr. YOUNG of Alaska. If the gentleman continues to yield, my problem with this language, if I go from A to C, and I have to cross B, which is a buffer zone, to get to C, a reasonable and environmentally safe area, according to this language, I will not be able to go across the stream.

Mr. VOLKMER. It is my understanding from the Forest Service that one would be able to.

Mr. YOUNG of Alaska. Any objection to offering language to say one can?

Mr. VOLKMER. That one would be able to permit it for the purpose of crossing streams?

Mr. YOUNG of Alaska. Would be able to cross streams.

Mr. VOLKMER. I have no objection to allowing, not mandating.

Mr. YOUNG of Alaska. Will the gentleman continue to yield, no, not mandate.

Mr. VOLKMER. I yield to the gentleman from California.

Mr. MILLER of California. I do not know what the gentlemen are arguing about, because the Interior bill allows one to cross streams also.

Mr. YOUNG of Alaska. Not in your language.

Mr. MILLER of California. My language clearly specifies that the National Marine Fishing Service policy applies. I am representing to the gentleman that the buffer zone language allows the crossing of streams, as represented in the letter and intent of this gentleman's language in the bill.

Mr. VOLKMER. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. JONTZ

Mr. JONTZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONTZ: H.R. 987 is amended on page 4 by striking lines 11 through 17 and inserting the following:

"'(e) FISHERIES PROTECTION.—In order to assure protection of riparian habitat, the Secretary of Agriculture shall maintain a buffer zone of a minimum of 100 feet in width within which logging shall be prohibited on each side of all anadromous fish streams in the Tongass National Forest, and their tributaries, except those tributaries with no resident fish populations which are intermittent in flow, or have flow of inadequate magnitude to directly influence downstream fish habitat.".

Mr. JONTZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. JONTZ. Mr. Chairman, I rise today to offer an amendment designed to clarify the language included in the Interior Committee's bill, H.R. 987, with regard to fisheries buffer zones. I am concerned that the language now in the bill could be misinterpreted to mean that all of the tributaries of anadromous streams in the Tongass National Forest will require a 100-foot buffer zone on both sides.

My proposed amendment is based on the policy issued by the National Marine Fisheries Service in 1988, which employs the U.S. Forest Service Stream Classification system. The Forest Service has previously used this policy to calculate the impact of buffer zones on timber supply in a 140,000-acre area within the Tongass at North Kuiu Island. They found that only 9 percent of the productive forest land would be removed with a 100-foot buffer zone around streams and tributaries that fit the specifications in the proposed amendment.

Thus, the 22-percent discrepancy between the two Forest Service estimates—one using the NMFS system, and one not—results from the inclusion of small tributaries.

To avoid any unnecessary conflicts with regard to this section, my amendment specifies that buffer zones of 100 feet would be required on both sides of all anadromous streams and their tributaries except those which do not have resident fish populations and do not flow year-round, or those whose flow is not of great enough magnitude to directly affect downstream fish habitat.

I believe that this language will alleviate concerns of the Forest Service that the current timber supply level will be unreasonably reduced as a result of the proposed buffer zones in the Interior Committee's bill. I would like to thank my colleague for yielding this time, and I urge the passage of the amendment.

I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I would like to say we have had a chance to examine the amendment and would accept the amendment. I know this was a major concern by the members on the Committee on Agriculture that somehow there was a scheme being designed where we would use buffer zones to set off more land than was necessary, and that is not, in fact, true.

Under the policy designed by the National Marine Fisheries Service, they allow for the crossing of the buffer zones.

□ 1430

As the gentleman from Alaska has pointed out, it is obviously very important that we have the ability to do that, should they be logging in other areas, at the same time protecting the water quality and the riparian needs of these streams. The gentleman from Indiana has worked with this amendment for some time. It addresses the concerns that the gentleman from Missouri [Mr. VOLKMER] had, and we will be more than willing to work with the gentleman from Alaska [Mr. YOUNG] the gentleman from Missouri [Mr. VOLKMER], and the gentleman from Indiana [Mr. JONTZ] on this issue, because we recognize that while it is important in terms of the preservation of fish and streams, it is also important so we can continue to make full utilization of the land.

Mr. Chairman, at this point I enter into the RECORD the statement of policy, the letter from the National Marine Fisheries, as to the policy about crossing streams.

Mr. Chairman, the text of the letter is as follows:

Auke Bay, AK, July 3, 1989.

Hon. GEORGE MILLER,
Chairman, Subcommittee on Water, Power, and Offshore Energy Resources, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MILLER: This is in response to your June 14, 1989 letter requesting an analysis of the protected timber supply impacts of Section 104 of the Tongass Timber Reform Act (H.R. 987, House Report 101-84). I am writing you on my own behalf as a professional fisheries research biologist with about 25 years experience studying the effects of logging on salmonids. An official National Marine Fisheries Service response will follow shortly.

Abundance of salmon and trout in southeast Alaska is directly related to the abundance of pristine habitat. Though southeast Alaska streams are relatively small in size, collectively they contribute to major commercial and recreational fisheries worth over $100 million annually. Their abundance (2500-3000 cataloged streams), size, and low productivity coupled with the topography of southeast Alaska make them vulnerable to logging impacts. Because of the continued degradation of salmon habitat by logging, the National Marine Fisheries Service (NMFS), Alaska Region issued a Policy in 1988 for Riparian Habitat Protection in order to maintain optimum production of anadromous salmonids.

NMFS's Policy is based on extensive research which shows that salmon and trout abundance is dependent on habitat derived from or influenced by the old-growth forest adjacent to streams, particularly canopy cover and large woody debris (LWD). It is well documented that buffers provide cover and shade and that the canopy density from a 30-meter wide buffer is sufficient to emulate the natural shade and stream temperature characteristics found in a stream in an old-growth forest. LWD is the principal structural feature of forested streams in Alaska and the Pacific Northwest and is responsible for forming the majority of habitat (e.g., pools, undercut banks, instream cover, stable spawning beds, etc.) critical to the production of salmonids. Nearly all of the LWD in streams comes from trees growing within 30 meters (100 feet) of the streambank. The quantity of LWD in these pristine streams is high (60-80 pieces per

100 meters length of channel) and is directly correlated with the abundance of salmonid habitat. Because the natural depletion rate of LWD resulting from decay, fragmentation, stream export, etc. is relatively high (1-3 percent per year), a continuous supply of wood from the riparian zone is needed to offset the natural loss and maintain salmonid habitat. If these streams are logged without leaving a buffer of at least 30 meters in width to replenish the natural loss of LWD, then we estimate that the level of LWD will be reduced by 70 percent in 100 years. Recovery of LWD to the original pre-logging level from the regeneration of second-growth trees next to the stream would take about 250 years. As a consequence, habitat and salmonid abundance would be significantly and irrevocably damaged over this period of logging and recovery. Because riparian habitat is the source of LWD for salmonid habitat, it must be protected in order to maintain Alaska's salmon and trout at optimum production.

NMFS Policy of advocating the protection of riparian habitat through the retention of buffer zones along both sides of all anadromous fish streams and their tributaries is intended to provide forestry and fisheries managers with a management prescription and tool to protect and maintain salmon and trout habitat during and after timber harvesting. The amount of timber "retained for fish habitat protection" (i.e., impact on timber supply) by applying the Policy is dependent on the correct interpretation of NMFS intention in the statement ". . . all anadromous fish streams and their tributaries . . ." Anadromous fish refers to all five species of Pacific salmon and to all anadromous trout and char. Any natural freshwater body of water (including lakes and ponds) containing anadromous fish or eggs is considered an anadromous stream. Any stream or tributary to an anadromous stream containing resident salmonids (non-anadromous) is considered a tributary. Streams without anadromous or resident salmonids, but which can influence anadromous or resident salmonid habitat downstream is considered a tributary. NMFS uses the United States Forest Service (USFS), Alaska Region, Aquatic Habitat Management Unit (AHMU) definition of Stream Classes based on fish use. The designation of Stream Class to a specific stream, tributary, or reach of stream is determined from the USFS Stream Classification System (Channel Typing) which uses aerial photographs to identify and characterize streams from geomormological features. Thus, under the AHMU and Stream Classification Systems, streams and tributaries are Classed according to fish use and Channel Typed according to physical features of the stream and location in the watershed:

STREAM CLASSES (USFS AHMU HANDBOOK)

Class I—Streams and tributaries with anadromous or high value resident sport fish or with habitat having reasonable enhancement opportunities for anadromous fish;

Class II—Streams and tributaries with resident fish populations of limited sport fish value generally occurring in steep gradients or upstream of migration barriers;

Class III—Tributaries with no fish populations but have potential water quality influence on downstream habitat.

CHANNEL TYPES AND STREAM CLASS DESIGNATION (FROM TABLE I, USFS AHMU HANDBOOK, FSH 6/86 R-10 TRANS)

Stream Class and Channel Type:

I: E1, E3, E4, C1, C2, C3, C7, B1, B2, B3.
I/II: E2, D4, D5, C4, C5, B5, B6.
II: D3, B4.
III: D1, D2, B7, A1, A2, A3, A4, A5.

NMFS met with USFS personnel in Juneau on June 9, 1989 to explain that the Policy was not intended to be interpreted literally and that unimportant tributaries in a watershed were not subject to buffers. A reasonable and appropriate definition of "tributaries" was discussed and the following criteria for the application of the 30-meter buffer policy to streams on the Tongass were agreed upon:

1) The minimum buffer zone width of 30 meters (100 feet) applies to all anadromous fish streams and their perennial tributaries which can be identified by the USFS stream classification system (i.e., Channel Typing) and includes Classes I, II, and III.

2) BMP's for maintenance of water quality standards will apply to all streams and tributaries.

3) Roads are permitted to intersect buffer zones for stream crossings as provided for by existing standards and guidelines (e.g., Alaska Dept. Fish and Game Title 16).

4) Roads parallel to streams are not permitted in buffer zones.

5) Yarding of logs through buffer zones is not permitted; however, if feasible, full suspension of logs over the top of trees within a buffer is permitted.

Most streams and tributaries in a watershed are a mixture of Class I, II, and III with Class I generally being the lower gradient valley bottom streams and tributaries, Class II being the mid-slope streams and tributaries, and Class III being the upper slope, high gradient tributaries. The 30-meter buffer policy of NMFS applies to all Class I and II streams and tributaries and in some cases to Class III tributaries which flow year-around (perennial) and have flow large enough to directly influence downstream habitat. The policy does not apply to Class III tributaries which are either ephemeral (seasonal) or intermittent or have a gradient generally greater than 8 percent; these can be very numerous and usually occur as small storm channels at higher elevations. Thus, generally speaking, the policy applies to all low to moderate gradient salmon and trout streams and tributaries which are perennial and does not apply to high gradient tributaries or storm drainages which do not have salmonids or do not have continuous flow. Most all of the streams and tributaries which can be classified by the USFS Channel Type system using aerial photographs should have a 30-meter buffer on each side of the stream. The numerous intermittent tributaries and storm channels which generally cannot be seen from aerial photographs or which are visible only following clear-cutting do not require buffers. These Class III tributaries and storm channels constitute the most acreage of productive forest land and are the source of the discrepancy or controversy between the USFS, timber industry, and fisheries biologists on the amount of productive forest land excluded from timber harvest. While recent USFS estimates of the "timber supply impacts" have been as high as 31 percent of the productive forest land, a more realistic estimate of the impact resulting from the NMFS Policy would be 9 percent. The difference in estimates of 22 percent is attributable to the inclusion of Class III tributaries not identified in the GIS in the USFS total. Nonidentified Class III tributaries are not subject to NMFS buffer policy, but are protected through application of Best Management Practices (BMP's) to meet Environmental Protection Agency (EPA) approved State water quality standards.

The amount of timber retained for fish habitat protection (i.e. protected timber supply) is estimated for a given stream by classifying it into stream Channel Types from aerial photographs, designating Classes according to fish use, and then calculating the amount of timber by acreage and volume class in a 30-meter buffer on both sides of the stream channel. The USFS has made these calculations using their Geographical Information System (GIS) and has presented their findings at meetings including a presentation at the Alaska Forest Practices Act Review in March, 1989 and a meeting on June 9, 1989 between USFS and NMFS personnel. One example the USFS presented was their calculations from a quadrangle of North Kuiu Island on the Tongass National Forest (Port Alexander C-1) with a total land area of 140,000 acres. The GIS calculated that 9 percent of the productive forest land (acres and total volume mmbf) would be removed with a 30-meter riparian buffer. This calculation, in agreement with MNFS's Policy, was based on timber retention along all Class I and II streams and tributaries and some of the important Class III tributaries, all of which were classified according to Channel Types from aerial photos. Based on the GIS calculations, biologists from NMFS and Alaska Dept. of Fish and Game in consultation with USFS biologists, believe that Class I (anadromous) streams only would amount to less than half (4 percent) of the 9 percent of the timber retained for habitat protection. The high gradient and intermittent tributaries, and storm channels which are not identified by Channel Typing or aerial photos (i.e., not identified in the GIS) would amount to an additional 22 percent if buffer were required. However, these noninventoried tributaries are usually insignificant and do not require buffers under the NMFS Policy; therefore, the additional 22 percent should not be included in the estimate of area of productive forest reduced by buffers. These small tributaries without salmonids can account for the highest proportion of streams or acreage in a watershed, but only require BMP's for maintenance of Alaska State Water Quality Standards.

Mr. Scott Russell, Biologist, USFS, Ketchikan Area, Tongass National Forest estimated the effects of a 30-meter buffer on the amount of operable timber that would be excluded in the 1989-94 Operating Period KPC Long-term Sale Draft EIS (395,966 operable acres). He applied a buffer to all fish and non-fish streams that were Channel Typed and found 10.7 percent of the operable timber would be excluded.

His estimates did not include the streams that could not be inventoried from aerial photos. Scott also thought that the anadromous streams would amount to less than about 4 percent of the operable timber. A study supporting the previous examples was conducted by a Fisheries Task Force (Fisheries Task Force Working Report, Tongass Land Management Plan, USFS, Juneau, AK, April 1978, 36pp) to determine the extent of fisheries habitat protection by the application of a 100 foot buffer on salmon streams and their tributaries on 14 watersheds in the Tongass National Forest. The total retained for fisheries habitat protection as extrapolated to the entire Tongass National Forest was 11 percent of the timber volume. A report prepared by the

Sealaska Corporation on Jan. 16, 1989 shows that a total of 49 percent of their study area acreage and timber volume on Prince of Wales Island would be contained in fish stream protection using a 100 foot buffer. However their data also shows that only 8 percent of this retention would apply to the important Class I and II streams, the remainder was for Class III tributaries (37 percent) most of which did not require buffers and for areas made inoperable because of buffer zones (4 percent).

NMFS policy is intended to protect Alaska's salmon and trout abundance through the application of proven management techniques and sound biological data. Because the fisheries and timber industries share the forest as a common base for their existence, a specific level of old-growth forest must be maintained for optimum production of fish. The timber retained in a buffer for fish should not be viewed as the amount "lost" to the timber industry but viewed as what is required for fish habitat in the true sense of multiple-use. Certainly, NMFS intent is not to create a severe impact on the timber industry, but through its Policy it is defining what is the minimum riparian vegetation necessary for salmon and trout habitat in order that the two industries can coexist.

Thank you for the opportunity to express my views on the NMFS's Policy and its relationship to the Tongass Timber supply. Please let me know if I can be of further assistance.

Sincerely yours,

K.V. KOSKI, PH.D.,
Fisheries Research Biologist.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I could have the attention of my colleagues, I can count the States, and this amendment, very frankly, only applies to Alaska. To my knowledge it is the only State in the Union that requires that type of buffer zone.

I believe that includes the gentleman from Indiana. I might ask the gentleman, does he have any buffer zones in his State?

Mr. JONTZ. Mr. Chairman, if the gentleman will yield, we do not have any similar streams. I can certainly attest to that. So we do not have a need for similar buffer zones.

The purpose of this amendment, if the gentleman will yield further, is to clarify what the language of the Interior Committee would do. If the gentleman disagrees with what the Interior Committee's language ought to do from the beginning, I can appreciate the gentleman's concern, but my amendment is only to clarify and limit, if you will, the intention of the Interior Committee. I believe it provides a more workable and more practical definition than what is in the bill at the present time.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, I can agree with the gentleman on that, that it is better. But the comparisons and the difference are like the comparisons between high fever and pneunomia. There are both pretty dangerous.

I am sitting here as a non-lawyer, and I can just see all kinds of lawsuits coming from this. The language is: "* * * except those tributaries with no resident fish which are intermittent in flow, or have flow of inadequate magnitude to directly influence downstream fish habitat."

I like that language, and it sounds good. It has flowers. It is like the Alaskan Forget-Me-Not. It is beautiful. But it makes a great court case for those who would continue the efforts of the Interior Committee to try to preclude any logging on that land outside of the addition 1.8 million acres.

I hope that somewhere in the RECORD the gentleman would accept the premise or at least give his good word that if there is a court case filed by one of these groups that insists that logging does not take place, he will back me up and say that was not his intent before the judge. Will the gentleman agree to that?

Mr. JONTZ. Mr. Chairman, if the gentleman will yield, I think quite honestly that the language I am offering is more likely to prevent lawsuits by clarifying the buffer zone. This language does not come from any lawyer or any litigant of any sort. It comes from the policies of the National Marine Fisheries Service, and I think it is very practicable and very workable and would prevent lawsuits.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, that is the same organization that said there would be only a 3-percent loss with the Interior Committee's language. So I do not have a great deal of faith in that organization at all. In fact, I am going to talk a little bit about that later on in the committee of which I am also the vice chairman.

So, Mr. Chairman, I reluctantly accept this amendment.

Again, it is between a good high fever and a cold. Neither one is very healthy.

Mr. Chairman, this has to be done, I guess, but it is not an amendment that is going to solve any problems.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. JONTZ].

The amendment was agreed to.

Mr. KANJORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in full support of H.R. 987, the Tongass Timber Reform Act. We must take responsibility for the environmental legacy that we leave to future generations.

For too long Congress has allowed the mismanagement of one of our national treasures to go unchecked. This mismanagement has resulted in allowing environmentally unsafe and economically unsound practices to flourish.

Over the past 30 years, the U.S. Forest Service has attempted to foster industrial-scale logging in southeast Alaska by force-feeding taxpayer dollars to a timber industry in our Nation's largest national forest.

This policy has resulted in a systematic elimination of a rare temperate-zone rainforest and has cost U.S. taxpayers millions of dollars. In fact, the General Accounting Office has concluded that this policy has cost taxpayers $131 million in 5 years on the construction of unnecessary roads to nowhere and timber sales that were not necessary to meet industry demand.

Mr. Chairman, two of the most pressing problems we as a nation now face—a growing budget deficit and declining environmental health—are responsibly addressed in the Tongass Timber Reform Act. We cannot allow the destruction of our forests, and we cannot fund contrived government programs that waste needed revenues.

Hopefully by passing this act into law, we will not only stop the destruction in the Tongass National Forest, but we will serve notice to the U.S. Forest Service that Congress, and the American public, will not stand for these or similar practices to occur in any of our national endowments.

Mr. Chairman, by passing the Tongass Timber Reform Act we can correct a wrong that has already caused too much damage and stop it from doing even more. For the sake of our environment, which is, as we are now learning, directly linked to the state of the well-being of future generations, I am lending my strong support to the Tongass Timber Reform Act, and I would like to urge all of my colleagues to do likewise.

Mr. SCHEUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today we have an opportunity to save the last expanse of old-growth pristine rain forest that exists in all of North America. The Tongass National Forest in Alaska is a national treasure. It provides habitat for all kinds of wildlife and fish species, for the grizzly bear, the gray wolf, the bald eagle, and the mountain goat. Five different varieties of Pacific salmon exist at virtually historic levels. For many of these species this forest is their only home.

The Interior Committee's version of this bill, the Tongass Timber Reform Act, would correct years of mismanagement of our forests. It would correct years of wrong-headed public policy in the management of our timber and forest resources. The old growth forest is being harvested at a rapid rate. It is not being harvested on a sustainable yield basis. It is being harvested on a basis that will give us substantial losses both to our economy and our ecology and natural environment.

The American taxpayer loses 90 cents on every dollar that is spent on the Tongass. We are paying heavily as a nation dollarwise on the bottom line for the privilege of destroying this glorious national heritage of old growth forest, and we are spending $36 million on the Tongass timber industry before a single stick of timber is cut. The guaranteed $40 million annual subsidy has not guaranteed jobs. We have spent $131 million over the last 6 years to protect jobs, and we have failed.

The Tongass Forest is capable of providing more jobs without the timber industry's 50-year contracts. Twice the number of people will be employed if we depend on the forest with its total ecological system intact than if we depend on the lumber industry. There are 1,800 jobs involved in the lumber industry in the Tongass, but there are 3,600 commercial fishermen and another 3,600 people involved in tourism and fishing. It is absurd for us to pay through the nose for the privilege of destroying this glorious stand of old forest to preserve 1,800 jobs.

Mr. Chairman, our Government has as a national policy improving the environment, preserving old stands of lumber, and indeed we are urging countries around the world to preserve their rain forests. We are jawboning the Brazilians, the Guatemalans, and the Costa Ricans, and we are jawboning countries across the entire belt of sub-Saharan Africa to preserve their forest heritage. We are destroying forests across the world at a horrifying, devastating rate, and yet here at home we are paying taxpayers' dollars for the purpose of destroying a glorious stand of old timber.

Mr. Chairman, that does not make any sense, it is aberrational, it is wrong-headed, and we ought to pass the Interior version of this bill.

The CHAIRMAN. The question is on the committee amendment in the nature as a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. YATES] having assumed the chair, Mr. FRANK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 987) to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes, pursuant to House Resolution 196, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

□ 1440

The SPEAKER pro tempore (Mr. YATES). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MRAZEK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 356, nays 60, not voting 15, as follows:

[Roll No. 138]

YEAS—356

Ackerman	Coleman (TX)	Gingrich
Akaka	Conte	Glickman
Alexander	Cooper	Gonzalez
Andrews	Costello	Goodling
Annunzio	Coughlin	Gordon
Anthony	Coyne	Goss
Atkins	Crockett	Gradison
AuCoin	Darden	Grant
Ballenger	Davis	Gray
Barnard	de la Garza	Green
Bartlett	DeFazio	Guarini
Barton	Dellums	Gunderson
Bates	Derrick	Hall (OH)
Beilenson	DeWine	Hall (TX)
Bennett	Dicks	Hamilton
Bentley	Dingell	Hammerschmidt
Bereuter	Dixon	Harris
Berman	Donnelly	Hatcher
Bevill	Dorgan (ND)	Hawkins
Bilbray	Douglas	Hayes (IL)
Bilirakis	Downey	Hayes (LA)
Bliley	Duncan	Hefley
Boehlert	Durbin	Hefner
Boggs	Dwyer	Henry
Bonior	Dymally	Hertel
Borski	Dyson	Hiler
Bosco	Early	Hoagland
Boucher	Eckart	Hochbrueckner
Boxer	Edwards (CA)	Horton
Brennan	Engel	Houghton
Brooks	Erdreich	Hoyer
Broomfield	Espy	Hubbard
Browder	Evans	Huckaby
Brown (CA)	Fascell	Hughes
Brown (CO)	Fawell	Hutto
Bruce	Fazio	Inhofe
Bryant	Feighan	Ireland
Buechner	Fish	Jacobs
Bustamante	Flake	James
Byron	Flippo	Jenkins
Callahan	Florio	Johnson (CT)
Campbell (CA)	Foglietta	Johnson (SD)
Campbell (CO)	Ford (MI)	Johnston
Cardin	Ford (TN)	Jones (GA)
Carper	Frank	Jones (NC)
Carr	Frost	Jontz
Chandler	Gallo	Kanjorski
Chapman	Garcia	Kaptur
Clarke	Gaydos	Kasich
Clay	Gejdenson	Kastenmeier
Clement	Gephardt	Kennedy
Clinger	Gibbons	Kennelly
Coble	Gillmor	Kildee
Coleman (MO)	Gilman	Kleczka
Kolbe	Oakar	Skaggs
Kolter	Oberstar	Skeen
Kostmayer	Obey	Skelton
Kyl	Olin	Slattery
LaFalce	Ortiz	Slaughter (NY)
Lagomarsino	Owens (NY)	Slaughter (VA)
Lancaster	Owens (UT)	Smith (FL)
Lantos	Pallone	Smith (IA)
Laughlin	Panetta	Smith (NJ)
Leach (IA)	Parker	Smith (TX)
Lehman (CA)	Pashayan	Smith (VT)
Lehman (FL)	Patterson	Smith, Robert (NH)
Leland	Paxon	Snowe
Lent	Payne (NJ)	Solarz
Levin (MI)	Payne (VA)	Solomon
Levine (CA)	Pease	Spence
Lewis (FL)	Pelosi	Spratt
Lewis (GA)	Penny	Staggers
Lipinski	Perkins	Stallings
Lloyd	Petri	Stark
Long	Pickett	Stearns
Lowery (CA)	Pickle	Stenholm
Lowey (NY)	Porter	Stokes
Luken, Thomas	Poshard	Studds
Lukens, Donald	Price	Swift
Machtley	Pursell	Synar
Madigan	Rahall	Tallon
Manton	Rangel	Tanner
Markey	Ray	Tauke
Martin (IL)	Richardson	Thomas (GA)
Martinez	Ridge	Torres
Matsui	Rinaldo	Torricelli
Mavroules	Ritter	Towns
Mazzoli	Roberts	Traficant
McCloskey	Robinson	Traxler
McCollum	Roe	Udall
McCrery	Rose	Unsoeld
McCurdy	Rostenkowski	Upton
McDade	Roth	Valentine
McDermott	Roukema	Vander Jagt
McGrath	Rowland (CT)	Vento
McHugh	Rowland (GA)	Visclosky
McMillan (NC)	Roybal	Volkmer
McMillen (MD)	Russo	Walgren
McNulty	Sabo	Walker
Meyers	Saiki	Walsh
Mfume	Sangmeister	Watkins
Miller (CA)	Sarpalius	Waxman
Miller (WA)	Savage	Weber
Mineta	Sawyer	Weiss
Moakley	Saxton	Weldon
Mollohan	Schaefer	Wheat
Montgomery	Scheuer	Whittaker
Moody	Schiff	Whitten
Moorhead	Schneider	Williams
Morella	Schroeder	Wilson
Morrison (CT)	Schuette	Wise
Mrazek	Schulze	Wolf
Murtha	Schumer	Wolpe
Nagle	Sensenbrenner	Wyden
Natcher	Sharp	Wylie
Neal (MA)	Shaw	Yates
Neal (NC)	Shays	Yatron
Nelson	Sikorski	Young (FL)
Nowak	Sisisky	

NAYS—60

Anderson	Hancock	Regula
Applegate	Hansen	Rhodes
Archer	Herger	Rogers
Armey	Holloway	Rohrabacher
Baker	Hopkins	Shumway
Bateman	Hunter	Shuster
Bunning	Leath (TX)	Smith (MS)
Burton	Lewis (CA)	Smith (NE)
Combest	Lightfoot	Smith, Denny (OR)
Cox	Livingston	Smith, Robert (OR)
Craig	Marlenee	Stangeland
Crane	McCandless	Stump
Dannemeyer	McEwen	Sundquist
Dickinson	Michel	Tauzin
Dornan (CA)	Miller (OH)	Thomas (CA)
Dreier	Molinari	Thomas (WY)
Emerson	Morrison (WA)	Vucanovich
Fields	Myers	Young (AK)
Gallegly	Nielson	
Gekas	Oxley	
Grandy	Packard	

NOT VOTING—15

Aspin	Edwards (OK)	Martin (NY)
Collins	English	Murphy
Conyers	Frenzel	Parris
Courter	Hastert	Quillen
DeLay	Hyde	Ravenel

□ 1500

The Clerk announced the following pair:

On this vote:

Mr. Conyers for, with Mr. Quillen against.

Mr. COX changed his vote from "yea" to "nay."

Mr. JONES of North Carolina and Mr. HAMMERSCHMIDT changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 987, the bill just passed.

The SPEAKER pro tempore (Mr. YATES). Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON H.R. 2883, RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

Mr. WHITTEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 101-137) on the bill (H.R. 2883) making appropriations for rural development, agriculture, and related agencies for fiscal year 1990, which was referred to the Union Calendar and ordered to be printed.

Mrs. SMITH of Nebraska reserved all points of order on the bill.

PROVIDING RELIEF FOR CERTAIN SOVIET AND INDOCHINESE REFUGEES

The SPEAKER pro tempore. Pursuant to House Resolution 195 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2022.

□ 1502

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2022) to establish certain categories of nationals of the Soviet Union and nationals of Indochina presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Indochinese parolees, with Ms. KAPTUR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from Texas [Mr. SMITH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, since the creation of the Soviet Union, religious groups, particularly Jews and evangelical Christians, have been oppressed. Jews and evangelicals are second-class citizens. They are excluded from schools, job opportunities, and housing. Today in the U.S.S.R., laws exist which prohibit public religious celebrations and formal religious education of children. While Jews and evangelical Christians may no longer face the purges and massacres that their forefathers suffered in the early part of this century, they must certainly still maintain a well-founded fear of persecution.

Until last year, the policy of the United States had been to embrace, with open arms, the few "refuseniks" allowed to emigrate. But, in October, the previous administration decided to nullify the presumption that Soviet Jews and Pentecostals are groups subject to persecution. As a result, the refugee camps in Ladispoli, Italy, and Vienna, Austria, hold over 11,000 refugees awaiting adjudication of their cases by the Immigration and Naturalization Service examiners.

Madam Chairman, we are wasting valuable manpower and money on an adjudication process which should be simple. The whole situation seems counterproductive. In the 1980's, the number of Soviet emigres was reduced to a tiny trickle. Now, due in part to Congress' exhaustive efforts, emigrants are flowing out once again. But, rather than expediting the process, the Immigration and Naturalization Service is throwing up roadblocks.

Madam Chairman, H.R. 2022 breaks down these roadblocks. It restores presumptive status to two Soviet groups which have suffered greatly. It streamlines the adjudication process which is now so inefficient.

I strongly urge my colleagues to join me in support of this legislation.

Mr. SMITH of Texas. Madam Chairman, I yield 5 minutes to my friend, the ranking minority member of the Committee on the Judiciary, the gentleman from New York [Mr. FISH].

Mr. FISH. Madam Chairman, I urge my colleagues to vote for H.R. 2022. After many years of presuming that Soviet Jews and other persecuted minorities qualified as refugees as a group, a new United States policy was announed last fall, rejecting some individuals for not having a "well-founded fear of persecution" and granting them "special humanitarian parole".

This sudden change in policy caught many Soviet Jews and other persecuted minorities totally unprepared. Denial of refugee status rates increased dramatically from 6.7 percent in December 1988 to 36.5 percent in March 1989. The June 1989 rate was 21.3 percent. Although denial rates increased, the "profile" of individuals seeking refugee status had not. In fact, initially, of those who ask for their cases to be reconsidered, as many as 63 percent were overturned and granted refugee status.

One problem is the various inconsistencies in the manner in which individual refugee cases were adjudicated. Several factors contributed to these inconsistencies. First, guidance provided INS officers changed as INS phased in case-by-adjudications, with resulting stricter interpretation of refugee eligibility. Initially knowledge among some INS officers about Soviet country conditions and the treatment of specific ethnic and religious groups in the Soviet Union was lacking. Differing interview approaches affected the quality and type of available information upon which to base adjudications. The tremendous volume of refugee applicants was also a contributing factor.

INS and consular officials, both in Europe and Washington, agreed that cases were not being adjudicated consistently, as indicated by the high rate of cases overturned. To their credit, INS and the administration have taken a number of actions, including training programs for INS interviewing officers, to bring greater consistency to the adjudication process. However, the use of parole should be terminated.

The new parole policy was in response to the huge numbers of persecuted religious minorities being allowed to leave the Soviet Union. Until recently the number of applicants granted exit visas from the Soviet Union was discouraging. Exits were a mere trickle in 1986, only 914. Restrictions were relaxed during late 1987 and 1988, enabling more Jews and other persecuted religous minorities to leave. In 1987, the figure was 8,155. In November 1988, 2,334 were given exit permits, the highest number in a 1-month period in 9 years.

This new Soviet policy is a historic human rights victory for the United States, fully consistent with our humanitarian tradition, of which we should be proud. However, our current parole policy is inadequate in accommodating the unanticipated flow from the Soviet Union.

It is important that the Congress and the administration have time to examine other policy options and problems. First, however, immediate steps must be taken by the administra-

tion to resume refugee status for those religiously persecuted. Since any legislative initiatives will take time to be adopted, H.R. 2022 should be considered an interim measure until long-term options have been agreed to. For this reason, the bill sunsets in 1990.

Recently, emergency consultations with Congress were held to increase the available numbers for Eastern Europe so as to provide for additional visas to refugees from the Soviet Union until the end of this fiscal year. In addition, special immigration legislation—H.R. 2646—sent up by the administration has been introduced. This legislation, of which I am a cosponsor, addresses a longer term solution to the large number of people seeking emigration from the Soviet Union and other countries in similar positions.

Madam Chairman, that Soviet Jews and other religious minorities are still being persecuted in the Soviet Union is a documented fact. The "Country Reports on Human Rights Practices for 1988," issued by the Department of State, contains many examples of group persecution of Soviet Religious minorities.

The fact of persecution, the inadequacies of parole, and the abrupt change in policy bring into question America's commitment to persecuted religious minorities. Although many Soviets are now being allowed to leave, there is no guarantee that this current relaxation of emigration policy will continue. Should Mr. Gorbachev's reform be replaced by a more repressive Soviet policy, the opportunity for persecuted minorities to leave will be lost—a risk clearly we should not run.

For these reasons, I urge my colleagues to vote for passage of H.R. 2022.

□ 1510

Mr. BROOKS. Madam Chairman, I yield 6 minutes to the gentleman from Connecticut, Mr. BRUCE MORRISON, the distinguished chairman of the Subcommittee on Immigration, Refugees, and International Law, which is really the subcommittee which is the author and the prime mover of this legislation.

Mr. MORRISON of Connecticut. Madam Chairman, I thank the gentleman from Texas, chairman of the full Judiciary Committee, for yielding this time to me, and also the gentleman from New York [Mr. FISH], the ranking minority member, for their support in facilitating the bringing of this legislation to the floor today.

This legislation gives the House, and I hope ultimately the Government of the United States, the opportunity to stand fully and squarely behind a policy that has been bipartisan and has been strongly the policy of the United States and all of its people over the last two decades, and that is the policy of encouraging free immigration from the Soviet Union. We have made that a cornerstone of our human rights policy, and we have made it a condition on trading relations between ourselves and the Soviet Union.

For much of that period we have found little success. Small numbers of individuals have been permitted to leave the Soviet Union. But beginning last summer and increasingly throughout this year we have found increasing numbers of individuals permitted to leave, and the individuals upon whom our attention has focused over the last two decades, in particular those religious minorities within the Soviet Union who have suffered persecution, not just recently but going back through Soviet history, and in fact through centuries of Russian history, Jews and Evangelical Christians, those individuals have for the first time begun to leave in significant numbers.

But why do we need this legislation? We need this legislation I say, unfortunately, because of a change in policy made by the administration last August. Whereas in the past we recongized as a matter of fact the persecution faced by these religious minorities within the Soviet Union, the attorney general at that time ordered that we cease using the presumptive status that had previously been applied to these individuals.

What is the effect of that change? Instead of assuming what we know to be true, which is that Jews and Evangelical Christians in the Soviet Union are faced with persecution and have a well-founded fear should they return to the Soviet Union of that kind of persecution, we ask each and every one of them to prove the case for him or herself. The result of that process, while seeming fair on the surface, has been disastrous.

First and foremost, instead of the Soviet Union being the bottleneck between free immigration for these individuals and their opportunity in the United States, it became the processing of these individuals by the United States that became the process, and instead of being in the position to declare a great victory in our human rights struggle about immigration we were faced with administrative problems of a significant sort with respect to allowing these individuals to enter.

This legislation does nothing to upset the balance of the Refugee Act of 1980. It merely implements within the ambit of that Act procedural efficiencies with respect to individuals about whom we have knowledge as a group. We are imposing by this legislation a practice with respect to Soviet Jews and Evangelical Christians which has already been well established with respect to 24 different groups of individuals in Southeast Asia, the use of a presumption to say that if you are a member of that group you are known to be a target of persecution, and if you come to the officials of the INS and ask that you be made a refugee on the basis of your fear of that persecution, you are entitled to be treated as a refugee.

In the absence of that kind of standard, we have seen refusal rates with respect to Jews in Italy being screened by the United States varying from a low number of approximately 6 percent fast fall, swelling up to 38 percent in the spring, and in June being over 20 percent. The numbers have had enough of an impact, but the truth is that the result has been divided families, brothers and sisters, two brothers, husbands and wives as compared to the children or grandparents, situations in which families have been treated differently despite having virtually identical experiences in the Soviet Union.

This legislation seeks to cure that problem and to add an efficient processing to those people who are waiting for refugee adjudication by the United States in Italy and in the Soviet Union. By implementing this legislation we will clear up the huge backlog that currently exists. We currently have a backlog of 12,000 individuals in Italy waiting for adjudication or who have been turned down under the prior case-by-case processing. It is the purpose of this legislation to do away with those backlogs and to allow those individuals to come to the United States.

This legislation is not permanent legislation, it is for the next 15 months. During that period we are going to have to face up to the consequences of lowered barriers for immigration in the Soviet Union and the challengers that presents for us, for Israel, and for other nations in the West. But we ought not to solve that problem by creating a huge backlog among those who in good faith and in expectation of coming to the United States have left the Soviet Union and are now knocking on our door. Let us not be the country that says no to their knock, and use this legislation that will open that door, and also open the opportunity in a studied and appropriate way to prepare the world for the day that we hope for, which is when the Soviet Union will recognize the right of all of its people to free immigration.

Madam Chairman, H.R. 2022 has two primary purposes. First, and foremost, it is designed to promote the effective and efficient processing of applications for refugee status by establishing a legislative presumption that Jews, as well as Evangelical Christians, are subject to persecution in the Soviet Union. Second, the bill would allow some 5,000 to 10,000 Soviet and Indochinese individuals who have been, or will be, allowed to come to the United States and remain here permanently, pursuant to the Attorney General's

parole authority, to adjust their status from that of a parolee to that of a refugee.

H.R. 2022 was ordered favorably reported by the full Judiciary Committee on June 20 by a recorded vote of 30 to 5. I am delighted to say that the bill has over 90 cosponsors and has received strong support from both sides of the aisle.

With the enactment of the Jackson-Vanik amendment in 1974 and the signing of the Helsinki accords in 1975, the United States made it clear that the relaxation of Soviet emigration policy was a vital goal of U.S. foreign policy. For a while it appeared that our efforts were bearing fruit. From 1976 to 1979 the number of persons permitted to leave the Soviet Union rose steadily, from 26,000 to 62,000. But in the 1980's it became apparent that Soviet emigration policy in fact bore either no relationship or a negative relationship to the force with which we attempted to persuade the Soviet Union to permit greater freedom of movement. In 1986, for example, Soviet emigration totaled less than 2,000, and the number of refuseniks grew to over 11,000.

For reasons not fully understood, Soviet emigration policy took another one of its cyclical swings in 1987. Jewish emigration increased ninefold to 8,155. In 1988, 19,165 were allowed to leave, and this year that number will be at least doubled. It is important to remember, however, that the Soviet government has still not established a standard, formal emigration procedure. Instead, they have employed a series of different requirements for different groups of applicants and have altered those requirements at their discretion, without warning. Thus, we have no way of knowing whether this more liberal emigration policy reflects fundamental changes in Soviet human rights practices or whether it constitutes merely a temporary response designed to meet some short-term policy objective.

One might have thought that as doors of emigration opened wider for Soviet citizens the United States would have responded with enthusiasm, encouragement and—above all—with a generous refugee admissions and resettlement policy. Unfortunately, that was not the case, for in August 1988 Attorney General Meese ordered the Immigration and Naturalization Service to require each and every Soviet applicant for refugee status to establish individually that he or she either had been persecuted or could demonstrate a well-founded fear of persecution. I have little doubt that in the case of Soviet armenians the Attorney General's decision to reverse a 40-year practice of deeming all Soviet emigres refugees was a correct one. But in the case of Soviet Jews and Evangelical Christians—that is, Pentecostals and Baptists—the new policy made little sense, for by every account Jews and Evangelical Christians, as a group, continue to be persecuted in the Soviet Union. Indeed, as recently as April 6, 1989, the Department of State wrote:

> For Christians and Jews alike * * * many difficulties remain. There are shortages of priests, rabbis, teaching facilities, kosher butchers, ritual baths, vernacular religious literature and many other elements needed for full spiritual or cultural expression.
>
> Anti-Semitism is deeply rooted in Russian history, and one of the side-effects of glasnost had been the emergence of groups such as Pamyat, which expresses traditional great Russian nationalism and anti-Semitism. Membership in these groups is small, but their rhetoric undoubtedly strikes a responsive chord in the hearts of some Russians, and increases Jewish feelings of insecurity. While the positions these groups take are frequently at odds with government policies and officially the government does not endorse or encourage their virulent anti-Semitism, their activities have been tolerated as an unavoidable consequence of glasnost.
>
> Most importantly, none of the reforms has been codified in law. Jews still face many forms of discrimination including exclusion from schools, jobs and housing. Believers also face discrimination in the workplace and elsewhere. There is no independent judiciary to hear and resolve these issues for individuals seeking redress through the system.
>
> The improvements noted above, limited as they are, do not apply to Pentecostalists and other Evangelical Christians. Their churches are still banned; they still face possible jail sentences for exercising their beliefs, most notably that of conscientious objection, but also Evangelical witnessing and holding religious meetings. ["Report To Congress Concerning the President's Proposal To Raise the FY 1989 Refugee Admissions Ceiling," P.4]

In October 1988, President Reagan, acting under the authority conferred upon him by the Refugee Act of 1980, authorized the admission of up to 18,000 Soviet refugees in fiscal year 1989. By December 1988, however, it became apparent that this number was inadequate to meet the growing need. Accordingly, the President raised the Soviet refugee allocation to 25,000. Despite these efforts, backlogs of refugee applicants at the United States Embassy in Moscow soared from 1,500 a month in fiscal year 1988 to 4,000 a month by early spring. And the numbers applying in Rome were nearly as high.

By October 1988, not only Soviet Armenians but also Soviet Jews and Pentecostals began to be rejected for refugee status in previously unheard of numbers—nearly 1,000 by January 31, 1989. Currently, approximately 4,000 Soviets, the majority of them Jews, remain in Italy, having been denied refugee status by the United States. A like number are awaiting decisions at the U.S. Embassy in Rome.

On April 6, 1989, witnesses from the General Accounting Office informed the subcommittee that their onsite investigation of refugee processing in Rome and Moscow revealed "various inconsistencies in the manner in which individual refugee cases were adjudicated." GAO further stated:

> We also found a lack of knowledge among the INS officials in Rome and Moscow about Soviet country conditions and the treatment of specific ethnic and religious groups in the Soviet Union. We noted differing interview approaches which affected the quality and type of available information upon which to base adjudication, and we think the tremendous volume of refugee applications is a contributing factor since it puts an enormous amount of pressure on the time allotted for processing these cases.

By April 1989, the number of Soviet Jews denied refugee status by the United States had reached 1,470, with an unprecedented disapproval rate of 37 percent having been reached in March. Since the vast majority of these rejected applicants had been processed in Rome, the Italian Government was compelled to arrange for their care and maintenance. The refugee camp in Ladispoli, Italy, now houses over 12,000 Soviet refugee applicants, many of whom have been there several months.

With the liberalization of Soviet emigration policy, the United States will accept up to 43,500 this fiscal year, the majority of them Jews. To meet the challenges of these unprecedented numbers, U.S. refugee processing must be efficient, consistent, and predictable. Therefore, the present process—which in effect requires a separate determination in each case, by each INS adjudication, as to the conditions of life for Jews and Evangelical Christians in the Soviet Union—serves no purpose other than to promote delay and confusion and waste scarce human and fiscal resources. I believe that the solution to this problem is to reestablish, legislatively, a presumption that Soviet Jews and Evangelical Christians are subject to persecution. This is precisely what H.R. 2022 does. Recognizing, however, that refugee conditions are by nature fluid, H.R. 2022 would sunset the required use of such presumptions on October 1, 1990.

H.R. 2022 also directs the Attorney General to establish procedures for Indochinese refugees—defined for purposes of H.R. 2022 as refugees from Vietnam, Laos, or Cambodia—of the type established by H.R. 2022 for Soviet Jews and Evangelical Christians. The bill does not specify particular categories of Indochinese individuals who are to be deemed subject to persecution, but I would note that since 1983 the executive branch has recognized 24 such categories of individuals, including, for example, Vietnamese Catholics and Laotian Hmong. We would expect the administration to review that list to make any necessary additions, subtractions, or modifications.

Section 2 of H.R. 2022 requires the Attorney General to adjust to refugee status an alien who was a national of the Soviet Union, Vietnam, Laos, or Cambodia is such alien—first, was—or is—denied refugee status by the United States between August 15, 1988, and September 30, 1989; second, was—or is—paroled into the United States; third, is not excludable under the provision of law that deals generally with the grounds of exclusion for refugees; and fourth, applies for such adjustment at any time.

The power to "parole" aliens into the United States is granted to the Attorney General by section 212(D)(5) of the Immigration and Nationality Act. At the time of its enactment, Congress intended that the parole authority would be used for the temporary admission of individual aliens. The practice of using the parole provision for the permanent admission of groups of aliens originated with the Hungarian refugee crisis. By 1958, 32,000 Hungarians had been paroled into the United States.

In the case of an alien whom the Attorney General has paroled into the United States not for any short term, time limited reason, but

instead under circumstances that suggest, explicitly or implicitly, that the parole will remain in effect indefinitely, parole status is an unacceptable alternative to a more permanent and defined immigration status. Perhaps the most troubling aspect for such individuals is that parole may be revoked for any or no reason, at any time. This continual uncertainty as to one's right to remain in the United States impacts on the individual's ability to plan his life. Decisions as to whether to marry, raise children, purchase a home, or start a business cannot be made simply on the merits, since the specter of forced uprooting is always on the horizon. Moreover, a parolee, no matter how long here, is legally incapable of petitioning for the admission of a family member under our immigration laws, since that right is available only to U.S. citizens and lawful permanent residents.

Recognizing the inequity of permitting individuals to remain in the United States in a status of perpetual parole, Congress has time and again enacted special legislation to allow parolees to regularize their immigration status. Most recently, Congress enacted, as part of the 1986 Immigration Reform and Control Act, a provision to allow Cuban/Haitian entrants to become lawful permanent resident aliens—Public Law 99-603, section 202. Similar legislation was enacted in 1977 for the benefit of Indochinese parolees—Public Law 95-145, section 101—and in 1966 for the benefit of Cuban parolees—Public Law 89-732, as amended. It is also noteworthy that the present administration has submitted to Congress legislation—introduced as H.R. 2646—to regularize the status of the same Soviet and Indochinese parolees who would be adjusted under the provisions of H.R. 2022.

For these reasons I urge my colleagues to support H.R. 2022.

□ 1520

Mr. SMITH of Texas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I urge my colleagues to oppose H.R. 2022, as does the administration.

It is unfair.

It is unnecessary.

And it would set a dangerous precedent.

Surprises—both pleasant and unpleasant—often come in small packages. H.R. 2022 is a small legislative package that contains some potentially unpleasant surprises for my colleagues.

Proponents of this measure feel the same sense of compassion and commitment to Soviet Jews, Pentecostals, and Indochinese that we all share.

If the issue before the House today were simply the strength of this institution's commitment to Soviet Jews, for example, I would be happy to support this measure.

But that is not the issue.

Likewise, if the issue before the House today were simply whether to facilitate the processing of administrative backlogs of refugee applications, I would not be opposed.

But that is not the issue.

Proponents of this legislative package have wrapped it attactively.

They describe it as a short-term measure.

They say H.R. 2022 is a modest administrative action to clear up processing backlogs.

I would urge my colleagues not to be seduced by the attractiveness of this simple wrapping, but rather, I would urge them to remove and set aside what I would describe as the open window or pipeline argument—an argument that would conceal the actual contents of H.R. 2022.

Unwrapped, this bill will be seen to make unfair, unnecessary, and unprecedented changes in the law.

Proponents of H.R. 2022 are asking Members to do something they have never done before.

They ask us to endorse their selection of several categories of refugees for preferential treatment. They ask you to make that commitment the law of the land. To make it U.S. policy.

Such preferential treatment in law is unprecedented and unfair.

It is unfair to those among the millions of African refugees who may seek asylum in the United States.

It says to them that U.S. refugee policy will discriminate among which refugees to accept first worldwide.

It is unfair to the hundreds of thousands of Central and South American refugees who would seek asylum in this country.

It says to them that U.S. refugee policy is political and Hispanics don't yet have enough political clout to force open the door for their brothers and sisters.

It is unfair to the individual man, woman, or child anywhere in the world who is fleeing persecution and seeks asylum in the United States.

It says to that man, that woman, that child, "While you may have lived in daily fear of persecution, you must wait."

The U.S. Congress, the House of Representatives, would say that certain other groups of people, groups of people that may or may not be similarly persecuted, are to be brought to the head of the line and given assistance first to the United States.

It says to the individual Filipino refugee who has family here in the United States, "You must continue to wait 10 years for approval."

It offers no explanation why preference and immediate entry is to be granted to others, many of whom have no family in the United States.

American citizens have a right to expect that their national refugee policy will be consistent and even handed, that it will treat all refugees fairly. H.R. 2022 does not meet this test.

It is not consistent with the even handed approach adopted by the Congress in the 1980 Refugee Act.

It makes preferential treatment for some a matter of public policy.

I know of no way that I could explain such a policy to a black or Hispanic constituent who might come to me with a specific case of a family member or friend suffering persecution in another country.

But what about—some may say—your constituent Jewish community. How do you tell them you voted against H.R. 2022?

I will tell them what I am telling my colleagues today.

H.R. 2022 is not only unfair but it is unnecessary.

Proponents of H.R. 2022 have consistently argued that their bill is necessary because of "historical treatment in the Soviet Union" of Jews and Evangelical Christians.

Some may allege that Jews and Evangelical Christians are currently suffering grave and serious persecution in the Soviet Union—persecution so grievous as to warrant unprecedented emergency action.

But, the growing evidence is to the contrary.

Soviet practice in recent years has been not to enforce the political/religious articles of the Criminal Code.

Progress is being realized in freedom to worship and pursue ethnic and cultural traditions.

The celebration of 1,000 years of Christianity a year ago was actively promoted by authorities and drew thousands of worshipers.

Services are being held in major cathedrals for the first time in decades.

Worshipers are no longer routinely harassed.

And although not eliminated, restrictions on religious literature have been liberalized.

Soviet Jews in particular have experienced improved conditions for religious and cultural expression.

The law against teaching Hebrew is no longer enforced, and Hebrew classes are now held openly.

In Leningrad, the Karl Marx Institute is even sponsoring a Hebrew class.

A Jewish cultural center was recently opened in Moscow.

A Judaic Studies Center opened this year in Moscow and is functioning as a de factor yeshiva.

Along with this new openness, we can all acknowledge a great United States human rights victory in obtaining the concurrence of the Soviets to allow Soviet Jews and Evangelical Christians to leave the country.

Proponents of H.R. 2022 argue that this opening is a window that may be slammed closed at any time, that the Congress must act immediately or risk being responsible for those that might

be unable to get out of the Soviet Union.

The particular necessity cited by proponents of H.R. 2022 is the current backlog in the processing of Soviet applicants.

Currently it is estimated that approximately 20,000 persons are awaiting processing in Moscow. Another 9,000 have already left the Soviet Union and await processing near Rome.

Under the Refugee Act of 1980, President Reagan determined, in consultation with the Congress, that 24,500 refugees from Eastern Europe and the Soviet Union could be admitted in fiscal year 1989, ending this September.

The surge at the beginning of the year in Soviet refugee applications is the type of "unforseen refugee emergency" contemplated by section 207(b) of the Immigration and Naturalization Act.

President Bush has determined that it would be inconsistent with our longstanding commitment to assisting refugees from the Soviet Union not to take steps to continue admitting Soviet refugees from Rome and to alleviate the backlog in Moscow.

Thus, the administration—again after consultating with the Congress as provided by the Refugee Act—has recently acted to increase the number of Eastern Europe and Soviet Union admittances from 24,500 to 50,000 this fiscal year. It has asked Congress for additional funding of $100 million to carry this and other related actions out.

It is the administration's intent to use 43,500 of the 50,000 for Soviet refugees.

Proponents of H.R. 2022 have not contended that additional allocations are needed. They propose no additional funding.

They further acknowledge that as efforts go forward to address the problem of applicant backlogs, the President has within his discretion the authority to take temporary administrative actions similar to those H.R. 2022 would attempt to make a matter of law.

Presidential action similar to this has been taken in the past to address needs in Southeast Asia and, unlike the enactment of H.R. 2022, has avoided the cloak of public policy.

Finally, a brief reminder of the current steps that Soviet Jews take in leaving the Soviet Union as evidence that H.R. 2022 is unnecessary.

First, a Soviet Jew or Pentacostal goes to the Israeli consulate. There visas are issued, usually to Israel.

Most then go to Rome where they have the unique privilege of being allowed to change their destination between the United States and Israel. At this point, more than 90 percent do opt to change their destination to the United States, in spite of the fact that they have a visa to Israel, they have cultural and religious ties in Israel, many have family in Israel, and the Israeli Government is strongly desirous of having these Soviet Jews as citizens.

This unique choice is a very great advantage to Soviet Jews.

If they were treated as other refugees, they would first go to Israel and then apply to come to the United States. Then, as would any other refugee, they would wait for admission.

So current law is not only fair to Soviet Jews but it is also highly favorable and generous. Soviet Jews are the only group that have the choice of going to the United States even after another option exists.

The current backlog in applicants could be resolved in a humanitarian manner that is consistent with the treatment of refugees worldwide simply by requiring Soviet Jews to go on to their original destination, Israel.

Put another way, a substantial portion of the backlog that this bill attempts to address results from preferential treatment already being given to Soviet Jews.

H.R. 2022 attempts to do more than simply speed processing of applications. It would guarantee automatically the presumption of refugee status. With that would come favorable treatment including the payment of travel expenses to the United States, the right to apply for citizenship, and relocation and adjustment expenses, averaging $7,000 per refugee.

That is codifying new and highly preferential treatment for particular groups. There is no overriding necessity to consider doing this.

Since enactment of the 1980 Refugee Act, no legislation has been passed by Congress that would create a presumption of refugee status for any particular group seeking admission to the United States.

Proponents of H.R. 2022 argue that grants of extended voluntary departure [EVD] or parole status for Cubans, Poles, and Afghans that were later adjusted to permanent resident status are similar to legislative grants of presumption of refugee status.

That is not true.

All such grants were originally issued by the administration and, in some cases, Congress later acted to adjust them to permanent residency.

H.R. 2022 would establish a dangerous and wholly unjustifiable precedent to our refugee policy.

The Refugee Act of 1980 is the legal basis for U.S. refugee admissions.

The act adopts the definition of "refugee" contained in the U.N. Convention and protocol.

To support the worldwide structure for meeting the needs of refugees, the United States works with the U.N. High Commission on Refugees and other international organizations.

An applicant for refugee admission must meet the definition of a refugee contained in the Immigration and Nationality Act, that of having a well-founded fear of persecution.

Proponents of H.R. 2022 contend Soviet Jews, Pentecostals, and Indochinese should not have to meet this test.

The normal refugee applicant also must be among those determined to be of special humanitarian concern to the United States. And the applicant must be otherwise admissible to the United States and not firmly resettled in another country.

Meeting these tests, an applicant is eligible to be considered for admission under a worldwide priority system established in consultation with the Congress.

Adherence to this refugee process is essential to consistent, evenhanded treatment of all international refugees.

By creating a presumption outside of those priorities, H.R. 2022 violates this carefully balanced program. It says that despite the policy considerations underlying this law and procedure, the Congress should give preferential status and benefits to selected groups.

If we adopt such a precedent, Members of this body soon will have to learn to live by a new rule.

There could be hundreds of thousands of such applicants.

In addition, your Hispanic constituents will be coming to ask your support for similar treatment for Hispanic refugees.

Your black constitutents will be coming to ask your support for a similar preferential treatment for African refugees.

Other ethnic groups will be coming. They will provide you with evidence of inhuman persecutions and ask you to be equally compassionate and committed to the needs of these people.

There are a number of groups around the world that would potentially qualify or that would benefit from such a presumption for a specific class.

For example, certain Nicaraguans, Afghans, Romanians, Catholic Ukrainians, in fact, any other group that is currently considered in the refugee consultations.

On that day, the danger of the precedent that H.R. 2022 would establish will have become a reality.

For refugees around the world seeking asylum, that precedent will have become a living nightmare. No longer would they be able to reach out to a structure of law, to a consistent and evenhanded system of treatment.

H.R. 2022 violates both our refugee and immigration laws.

Short-term solutions to the large number of immigrants seeking to leave the Soviet Union and Indochina are in

place. Long-term solutions are the subject of other legislation, particularly H.R. 2646, which I have introduced on behalf of the administration.

H.R. 2646 gives the President the ability to admit up to 30,000 aliens annually who do not qualify for immediate admission as immigrants and refugees.

It would allow special immigrants to petition immediately for the entry of spouses and minor children. It is a more appropriate response to the Soviet situation.

It would also adjust current Soviet parolees to permanent resident status.

Madam Chairman, the administration opposes the bill before the House, H.R. 2022.

I urge my colleagues to do the same.

Madam Chairman, I reserve the balance of my time.

□ 1530

Mr. MAZZOLI. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Madam Chairman, I thank my distinguished friend for yielding time to me.

I want to commend the distinguished chairman of the Committee on the Judiciary, Mr. BROOKS, and the ranking member, the gentleman from New York [Mr. FISH], the gentleman from Connecticut [Mr. MORRISON] and others who are responsible for getting this legislation before us.

I think the United States of America and the people of the United States have reason to be proud of immigration policy, which compared to the immigration policies of most other countries in the world has really stood out positively. Every once in a while, though, we tend to engage in an act which I think diminishes America. We did that during the 1930's when there were German Jewish refugees knocking on our doors. We refused to let them in.

For some decades now we have been telling the world how terrible the treatment of the Soviet Union is of their citizens, of Soviet Jews, of Pentecostals, and of others and we adopted a policy encouraging the Soviet Union to let those people go. Indeed, we adopted programs which provided sanctions for not allowing them to leave. Then, all of a sudden, lo and behold, they decide to open the gates, for reasons not necessarily of magnanimity, but because they felt it was in their interest to do so. How ironic that we then turn around, we, the United States of America, and say, "Sorry, that is more than we anticipated, we are not going to let them in." That is wrong. That denigrates America. It diminishes America. What this legislation seeks to do is to correct that.

The Reagan administration did the same kind of thing in regard to Cuban prisoners. We kept on saving, while Castro kept people in Cuban prisons for political reasons, that if he let them go, we would allow them in. He let them go, and we started to niggle about them being let in.

This is a chance to correct an obvious injustice. I hope my colleagues will show that we believe in what we say, and not allow persecution to go unattended, but allow those persecuted to enter our Nation.

Madam Chairman, for many years, the United States has placed pressure on the Soviet Union to improve its human rights record. I have been among the many Members of this body who have written countless letters to Soviet leaders on behalf of individuals or groups that have been persecuted in that country because of their religion, or simply because of their desire to leave the Soviet Union.

The persecution of religious minorities in the Soviet Union has been and is notorious. Jews and many other groups face many forms of discrimination, including exclusion from jobs, schools, and housing which are otherwise promised to all Soviet citizens.

The new openness in Soviet society, rather than improving this situation, has had some unfortunate results. Anti-Semitic groups such as Pamyat have grown and prospered under glasnost, perhaps even with the blessing of the Government. While refusenik demonstrations are still regularly disrupted, the KGB chooses to ignore the plethora of leaflets advocating "Death to Jews," the overturning of Jewish tombstones, and the threats of violence which pervade Jewish communities in the Soviet Union.

Perhaps the only area where glasnost has led to true progress recently is emigration. Though the Soviet Union's emigration policy is still far from free, many long-term refuseniks who have struggled against their Government for years have recently been granted permission to fulfill their dream of living in a nation like the United States where religious freedom is respected. And one might imagine that the United States, which for so long has championed their cause, would receive them with open arms.

Unfortunately, that is not the case. After years of protesting the persecution of religious minorities in the Soviet Union, the U.S. Government has suddenly said that the persecution does not exist. Now, each of these refuseniks has to prove that he or she has been persecuted, and in fact, in March, the Immigration and Naturalization Service determined that 37 percent of those who applied had not been persecuted, and could not be admitted to the United States as refugees.

This is a tragic situation, made even worse by the belief that the sudden change in policy is a result of no more than a budget shortfall in the United States. How ironic it must be to these people who have suffered all their life to be told that because the United States has budget problems, their suffering no longer qualifies as persecution.

Madam Chairman, H.R. 2022 would require INS to return to its policy of presuming that religious minorities fleeing the Soviet Union have been persecuted. It is unfortunate that this bill is even necessary, but it is obvious that it must be passed. I urge my colleagues to vote in favor of this important legislation.

Mr. SMITH of Texas. Madam Chairman, I yield 5 minutes to my colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Chairman, I am pleased to rise in strong support of the pending measure. H.R. 2022, introduced by our distinguished colleagues on the Judiciary Committee, the gentleman from Connecticut, Mr. MORRISON, and the gentleman from New York, Mr. FISH, establishes a legal presumption of persecution for certain categories of emigrees from the Soviet Union, from Vietnam, Cambodia, and Laos for the purpose of granting these individuals refugee status in the United States. There is a pressing need for enactment of this legislation. It responsibly addresses the current refugee situation.

For several decades the United States has led the world in urging the Soviet Union to allow Soviet Jews and other persecuted religious minorities to practice their religious beliefs openly and without fear. Additionally, the Helsinki Final Act, to which the Soviet Union and the United States are signatory, commit member nations to freedom of movement for its citizens, stating that every citizen has a right to leave, including his or her own country. Not a week has passed in the Congress when one of us wasn't circulating a letter to the Soviet leadership on behalf of an imprisoned or refused Soviet human rights or religious activist. The State Department, and successive administrations, have each carried the banner in this regard.

We are now in a situation, particularly with respect to the Soviet Union, where our unyielding stance on human rights has begun to bear fruit. The doors are opening for Soviet Jews, Pentacostalists, and Evangelical Christians, among others. While the Soviet Union is letting many leave, others are refused on charges of secrecy or poor relative status. Under the guise of glasnost, various nationalist movements are sprouting and flourishing, most prominent among them, Pamyat—Russian for memory. These groups, and particularly Pamyat, are virulently anti-Semitic. Its members exhort listeners with anti-Semitic rhetoric and leaflets unlike 50 years ago, the Jews of the Soviet Union are learning from history, and they are leaving the Soviet Union.

The United States has always stood foresquare with freedom. It is the height of hypocrisy when our bureaucracy, which for years allowed Soviet Jews to enter this country as refugees, when so few were being granted exit permission, now reverts administratively, and without notice, to limiting the number of Soviet Jews and other persecuted minorities solely

because more are expected. There is no difference between the Jews who exited the Soviet Union or the ones who exit now. They should all be presumed to be refugees. The history of the Soviet Union is rifed with anti-Semitism and persecution. Merely because people are being allowed to leave does not mean that such denial of human rights no longer exists, thereby disqualifying individuals from being granted refugee status.

Madam Chairman, anti-Semitism in the Soviet Union continues to this very day. In a recent report, Hebrew teachers from all over the Soviet Union have drawn attention to the growing dangers to all Soviet Jews of the continued unhampered progress of rabidly anti-Semitic groups which are now a regular part of the Moscow and Leningrad scene.

In this report, they describe a mass meeting in Moscow. Although the meeting was ostensibly in support of Palestinian victims of Zionism the dominant theme of the speeches was the "Dezionization of Soviet Institutions." Speakers from totally different organizations talked about the need to root out "Zionists hiding under Russian names who had taken over the press, television and organs of government." Perestroika itself was described as a Zionist plot and speaker after speaker with known neo-Facist backgrounds were cheered when they attacked Jews. The teachers bulletin commented that although there were different organizations represented, they were united in their anti-Semitism. "The meeting proved," they wrote, "that anti-Semitism was the cement consolidating every filth."

Typical of the speakers was Evgeny Yefseyev, research associate at the Philosophy Institute of the U.S.S.R. Academy of Sciences, who is also one of the leaders of the Committee of Soviets Against the Restoration of Diplomatic Relations with Israel. His opening address focused on "the internal enemies infiltrating our society." He referred to the percentage of Jews in Moscow, and declared that because of their number "it was simple to build up a network of Israeli spies." Speaker after speaker attacked Jewish front organizations. Anti-Semitic literature was freely available and the manifesto of Pamyat was distributed.

I learned only a few days ago from a Soviet emigre, now an American citizen, that his family, who are in the process of leaving, have learned the membership requirements for Pamyat. They are simple and clearcut: Racial purity, and the names and addresses of three Jews. The fear among the Jewish community is growing more palpable every day. It is preposterous to presume that Soviet Jews are no longer being or that they do not meet the refugee requirement easily. Unfortunately, such persecution has become a historical fact in the Soviet Union.

In this country we have laws governing immigration, and laws governing refugees. They are different for a reason. Refugee ceilings are adjusted every year, sometimes more, because of current events. Some opponents of this bill contend that H.R. 2022 would set a bad precedent. I charge that from a foreign policy stance, from a human rights stance, and from a purely humane stance, it would be dangerous precedent not to respond to current world events and would be grievous not to take credit for a significant U.S. human rights victory.

Our ad hoc House Task Force on Soviet Refugees, on which I am pleased to serve as chairman has been assured by former Secretary of State George Shultz, as well as other highly placed present State Department officials, that Soviet Jews should be presented, en bloc, to be refugees. Discussion has centered on the splitting of hairs, such as, "well, you were discriminated against but not persecuted, so you don't qualify as a refugee." Soviet Jews must be considered refugees, period. Yet, the rejection rate in Rome by U.S. immigration office in past months has not reflected that attitude.

In March of this year, 36.5 percent of Soviet Jews applying for refugee status in Rome were denied. In April that dropped to 27.9 percent in May the denial rate was 19.5 percent. On June 8, 1989, our task force held a meeting with State Department officers in which we were advised that the rejection rate would go down to 10 percent.

Our task force assured by the State Department waited for the June figures. Regrettably, in June they have not gone down to 10 percent, but rather up to a denial rate of 21.3 percent, more than the previous month, and completely contrary to what we were assured would be the standard.

The administration has indicated it plans to conduct a policy review for the long term. To this, H.R. 2022 responds by addressing the short term. Its provisions extend only through fiscal year 1990.

Mr. Chairman, I cannot express my support for H.R. 2022 strongly enough. Our Nation is the hallmark for freedom around the world. This legislation conforms to that standard. Accordingly, I urge my colleagues to support H.R. 2022, which has been endorsed by a number of human rights groups, and which has been cosponsored by a substantial number of our colleagues.

□ 1540

Mr. MORRISON of Connecticut. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Madam Chairman, I rise today in very strong support of H.R. 2022, legislation concerning refugee status for Soviets and Indochinese. I commend the leadership of the Committee on the Judiciary. I particularly want to commend the gentleman from Connecticut [Mr. MORRISON], chairman of the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary, for his initiative and his leadership on this vitally important issue.

It is certainly ironic, Madam Chairman, that at a time when the gates in the Soviet Union are finally opening, those in the United States appear to be tightening.

Madam Chairman, I think that any observer knows and understands that Soviet Jews and Evangelical Christians in particular continue to be persecuted in the Soviet Union, even if, sadly, the Bush administration is denying this and is opposing this legislation.

I think that the reasons in support of this legislation have been eloquently and well stated by the subcommittee chairman and by others. I would like to take one moment to underscore my very deep disappointment with the Bush administration for opposing this legislation. Shedding crocodile tears on behalf of Soviet Jews and Evangelical Christians and at the same time opposing this bill is sheer hypocrisy. The administration claims that other groups deserve equal treatment, and they certainly provide that—no real action for anybody.

As my distinguished colleague, the gentleman from New York [Mr. WEISS], outlined in his remarks, there have been sad moments and black spots in American history when we have closed the doors to persecuted groups that have been desperately in need of help. It would indeed be a very deep tragedy if in this set of circumstances, when the Soviet Union has finally opened its doors, the United States, the beacon of hope, the beacon of democracy, the example of the world in terms of hope, and in terms of potential, closes its doors in this set of circumstances.

For months, Madam Chairman, the administration has been aware of the Soviet refugee problem and has pledged to do all it can to rectify that regrettable situation. They have an opportunity to do so today, and yet they choose not to do so. It is an outrage.

At the same time, Madam Chairman, this is the same State Department which took a week to meekly and mildly criticize the terrorist act in Israel in which 14 people were murdered on a bus. Meanwhile, the Soviets over Radio Moscow, immediately and strongly, condemned this vicious act of violence.

One wonders why we seem to have lost our voice on such matters of principle.

Again, Madam Chairman, I want to commend the subcommittee chairman both for this bill and for his leadership on the Chinese situation that he will be pursuing and that the subcommittee will be pursuing next week.

Mr. SMITH of Texas. Madam Chairman, I yield 4 minutes to my colleague, the gentleman from Mississippi [Mr. SMITH].

Mr. SMITH of Mississippi. Madam Chairman, I thank the gentleman for yielding this time to me.

Madam Chairman, surely we all want to insure that our Nation offers generous resettlement to emigrants from the Soviet Union. There is a special concern for Soviet Jews and Pentecostals, and that is certainly a valid one. However, H.R. 2022 addresses these concerns in an impractical and costly manner.

By presuming refugee status for Soviet Jews and Evangelical Christians, this bill is a dangerous precedent in violation of the Refugee Act of 1980. Mandating the creation of categories is unnecessary and unwise.

As the gentleman from Texas said, how do we go back to our constituents and to those people or those refugees with families from the Philippines, from Vietnam, from South America and Central America, and from other areas and tell them that they are going to be treated differently than someone else?

The Refugee Act of 1980 already permits the Attorney General of the United States to designate categories of applicants identified as targets of persecution in a particular country. Such a designation should come out of the policymaking process in regard to the Soviet Union.

Madam Chairman, I also rise in opposition to H.R. 2022 because of the unlimited potential for its cost. We already spend millions of dollars every year to help refugees with their resettlement, and this bill would tack on additional costs.

And we must consider that possibly hundreds of thousands of applicants who are waiting to come into the United States may have to wait now for indefinitely long periods of time because of the very uncertain and unclear policies of the United States toward refugees. These staggering figures point to even more staggering costs on this bill that was passed by this House today.

Madam Chairman, I encourage my colleagues to cast a no vote on H.R. 2022.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Madam Chairman, I rise in very, very reluctant opposition to the bill before the committee. Let me say first that I salute the committee and I salute the gentleman from Connecticut [Mr. MORRISON] for having vastly improved on the earlier versions of the bill that were brought before us.

I think particularly the sunset provision in this version is a step in the right direction. However, despite the fact that the bill has been significantly improved, it is not, I believe, the kind of bill which the House ought to pass today. I say that from the standpoint of certainly being very unsatisfied with the terrible backlogs which have been built up in Europe and certainly from the standpoint of having every kind of sympathy for the people who are involved here.

The establishment of a presumption that certain people coming from certain areas and certain lands are automatically refugees is, I think, really a step backward. It returns, as the Members of the House know, our position to pre-1980, before the 1980 Refugee Act was passed. The reason we passed the 1980 act was to get away from nation's specific determinations of who was or was not a refugee.

□ 1550

Madam Chairman, earlier the speaker today said that this was a very political act on the part of the administration. Well, unfortunately passage of this bill today does repoliticize the whole situation of who is or who is not a refugee, so essentially, Madam Chairman, I think the bill, despite its good impulse and laudable goals, sets a very bad precedent. I think it encourages and almost invites other groups similarly situated to apply for this kind of presumption. I think it avoids our addressing the very vexing problems of immigration.

Madam Chairman, my judgment is that many of the people now leaving the Eastern bloc are refugees, are immigrants and not refugees, and our immigration laws will be required to be tailored to meet that need. I think we should relieve the backlogs in every form with parole, additional money, deploying additional agents so every refugee is immediately cleared, but I do not think, despite the again laudable goal, that this is the way to go.

Madam Chairman, I would urge my colleagues to oppose the bill.

Mr. SMITH of Texas. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Madam Chairman, I rise today in support of H.R. 2022, a bill to establish certain categories of nationals of the Soviet Union and nationals of Indochina presumed to be subject to persecution and to provide for their adjustment to refugee status.

H.R. 2022 has two basic purposes. First, it is designed to facilitate the manner in which Soviet Jews, Soviet Evangelical Christians, and certain categories of individuals from Indochina are processed for admission to the United States as refugees. It does this, in effect, by temporarily re-establishing a presumption that such individuals are, as a group, subject to persecution in their homelands.

Second, this bill would allow some 5,000 to 10,000 Soviet and Indochinese individuals who have been, or will be, allowed to come to the United States and remain here permanently, pursuant to the Attorney General's parole authority, to adjust their immigration status from that of a parollee to that of a refugee, thereby giving them an opportunity to apply eventually for lawful permanent residency and U.S. citizenship.

Through my membership of the House Judiciary Committee, the congressional coalition for Soviet Jews, and steadfast communication with my constituents, I have been involved with, and supportive of, this legislation, particularly with respect to the plight of recently released Soviet Jews. I have received from my district requests for assistance on behalf of particular families who have gained long-fought permission to emigrate. The Taubkin family, in particular, is currently living in limbo in Italy, having been denied refugee status by the United States. Although their fate is unclear at this time, the Jewish Federation of Jacksonville and the Jewish Federation of Volusia and Flagler Counties are working deligently to help them begin a new life in this country by securing housing and other forms of assistance for them.

For years the United States has upheld a presumption that Jews and Christians from the Soviet Union are fleeing religious persecution and therefore merit refugee status. Recently, however, the Immigration and Naturalization Service has backed away from this presumption and rejected a high proportion of Soviet applicants for refugee status.

As the Soviet Union has persecuted its Jewish citizens and other religious minorities, denying them freedom of worship and discriminating against them in housing, employment, and education, the U.S. Government has been most vocal in condemning the Soviets while pleading for their approval of "refuseniks' desire to emigrate.

Now we are at an historic moment to help Soviet Jews, and it makes no sense to me to not uphold our Government's long-time pledge to come to the aid of these persecuted people. Now is time to match our words with deeds and pass this crucial legislation.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Chairman, I thank the gentleman from Texas [Mr. BROOKS] for yielding time to me.

Madam Chairman, I rise today in support of H.R. 2022, and commend the committee for its leadership on this legislation which would make it easier for Soviet and Indochinese people to qualify for refugee status in the United States. I thank the committee for their hard work on this because this is an issue very important to the people of my district of San Francisco.

I believe it is essential that we adopt legislation which presumes the prosecution of Soviet Jews and Evangelical Christians and certain categories of Indochinese people. This bill shifts the burden of proof from the refugee to the U.S. Government.

The United States has long condemned the Soviet Union for its persecution of Soviet Jews and Evangelical Christians. It would be the height of hypocrisy if, in the face of an easing of Soviet restrictions on emigration—something we have all worked and hoped for—the United States decided it would not accept these people as refugees.

Likewise, in Indochina, we have witnessed an alarming growth in boat refugees from Vietnam, Laos, and Cambodia. Last month, the United States went to the Geneva Conference on Indochinese Refugees and, to our credit, pressed strongly to prohibit forcible repatriation of refugees to Vietnam. We cited repression of Vietnamese dissidents, clerics and intellectuals, and the continued existence of a "gulag" of re-education camps.

The United States must not be seen to vacillate on this issue. We should not to Geneva citing persecution in Vietnam and then come home and question whether persecution exists. This undercuts our position internationally and threatens the carefully crafted agreement made in Geneva. Rather, we must be consistent. We should acknowledge the persecution that exists in both the Soviet Union and Indochina, and admit these people as refugees.

Madam Chairman, we must not lose sight of the fact that we are talking about people here today. People who have left their homelands, in many cases risking there lives to do so. These people deserve our support.

I urge my colleagues to support this important measure.

Mr. SMITH of Texas. Madam Chairman, there are other dangers to H.R. 2022 that have not been brought out, and these dangers have been clearly shown by two articles from the New York Times. The first article was a front page article today which clearly points to the possibility of fraud and the problem of cost if H.R. 2022 is passed. Today's headline of the New York Times article is, "U.S. Foresees Rush in Soviet Emigres. Moscow Drafting Law to Lift Restrictions on Departure." And it reads in part:

Western diplomats say a draft law shown to them here would allow Soviet citizens to leave at the invitation of virtually any foreign business, organization or individual.

100,000 REQUESTS EXPECTED

The United States Consul, Max Robinson, said he expected about 100,000 immigration requests this year, as Soviet officials relax their restrictions in anticipation of the new law, and "in 1990, we could see as many as a quarter of a million Soviets seeking to immigrate".

The proposed law would also make it easier for Soviet Jews to apply for emigration directly to the United States.

It could also transform the issue of Soviet emigration from one of the West's major human rights complaints into a giant headache for the United States, the only Western democracy that offers an almost unconditional welcome to Soviet émigrés.

The huge demand has created a crushing workload in the United States Consulate. Mr. Robinson said plans for additional personnel and automation should enable the embassy to interview 6,000 applicants a month this fall—up from about 2,400 a month right now.

But the avalanche of requests keeps growing, raising difficult policy questions about America's ability to absorb masses of Soviet immigrants.

Madam Chairman, if H.R. 2022 passes and we have this change in Soviet law, as we expect, then thousands of people can come to the United States that we now no longer expect. All they have to do is raise their hand, say, "I am a Jew," or, "I am a Pentecostal'," and in they come.

In addition to that, we have the huge expense attached to refugee status which averages about $7,000 that are paid by the American taxpayer for every refugee.

Let me give my colleagues two figures based upon the two figures mentioned in this article. If a hundred thousand additional refugees are allowed admittance, that is $700 million. If the quarter of a million forecast comes true, that is almost $2 billion of American taxpayers money that would be used for refugees.

Madam Chairman, the second New York Times article I refer to is from last month, June, again a front page article, and this shows the danger of H.R. 2022, which allows an entire group, an entire class of individuals, to come to the United States on a presumptive basis. This article headline is, "Soviet Emigre Outlaws Fusing Into a New Mob."

A criminal underworld of Soviet émigrés, some of them skilled in white-collar crime and hardened by Soviet prison and labor camps, is reaching beyond its base in Brooklyn, using extortion and violence in its own neighborhoods and engaging in multimillion-dollar racketeering schemes on an international scale.

They feel we are pussycats said one New York detective monitoring the networks, and the United States is one big candy store.

Although most of the new arrivals, and many of the criminals are Jewish, investigators say those who arrived as Jews in fact forged their identity papers in order to leave the Soviet Union. Also investigators said somewhere undoubtedly KGB agents smuggled into the United States among legitimate immigrants. Federal agents say the Immigration and Naturalization Service in the absence of cooperation to the authorities is in no position to weed out criminal pasts among the thousands of immigrants passing through transit camps outside Rome.

Madam Chairman, should H.R. 2022 pass, all that is going to be doing is tempting the thugs and the criminals of the Soviet Union to try to gain admittance into the United States.

Madam Chairman, I would urge my colleagues to vote no on H.R. 2022. In addition to the reasons that I have just mentioned are pointed out by the New York Times article, H.R. 2022 is unfair. It singles out select groups for preferential treatment. It guarantees U.S.-paid travel and relocation expenses to individuals who are already declared ineligible. The administrative problem the bill seeks to address results from existing preferential treatment already provided Soviet Jews.

Second, it is unnecessary. The administration in consultation with Congress has already adjusted allocations to accept targeted groups. Necessary funding has already been requested. Administrative discretion has already been made available to address additional needs.

Third, it is bad precedent. It says the House will provide waivers for select groups. Other groups can be expected to seek similar preferential treatment as I suspect we will see in a few minutes with the case with amendments.

Lastly, the administration opposes H.R. 2022, and I would urge my colleagues to do the same.

□ 1600

Mr. MORRISON of Connecticut. Madam Chairman, will the gentleman yield?

Mr. SMITH of Texas. I am happy to yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. Madam Chairman, the gentleman made reference to the possibility of spies and criminals and others coming in among these Soviet refugees. I wonder, does the gentleman suggest that somehow these individuals, the presumption as individuals is going to bring in some special group different from the 43,500 that will come in under the numbers that are approved and the additional thousands of parolees?

The CHAIRMAN. The time of the gentleman from Texas [Mr. SMITH] has expired.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, what we are talking about is an interesting subject. What we have is an administration that over the last number of years has made the exit of persecuted minorities in the Soviet Union a high priority foreign policy goal; so for years we have been beating on the Soviet Union diplomatically to let out Jews, persecuted minorities like Pentecostals and other ethnic minorities. We have agreed over the years to take them in as a persecuted refugee.

But what happened? In October OMB, who all of a sudden has become the world's great and total, for this administration and the last one, voice on what is supposed to go on everywhere in the world, decided we were running out of money. So they contacted the INS and the Department of State and said:

> You will change your rules. These people that we have been beating on the Soviets to allow to exit and immigrate will now be treated as parolees.

So when the INS and the State Department put this into operation through OMB's decision, not our decision, what happened? We did the very thing that we have been accusing the Soviet of doing for years. We started to split up families. There are a lot of people in this Chamber who worked on families that have been split up by the United States after they were let out of the Soviet Union, but OMB's plan had gone into effect.

We are here to correct a terrible wrong that we have done to people and a foreign policy goal to set it straight that we believe is the right goal and that we have consistently supported in this Chamber.

The people that we are talking about here are refugees. They are in fear of persecution. The Jews and other ethnic minorities in the Soviet Union have not had their situation changed.

Oh, yes, haphazardly, without plan or pattern, more exit visas have been granted by the Soviet Government, but nothing has changed. No constitutional change has been made, no legal change has been made, nothing.

We must do this to correct a wrong in order to institute a policy that we have agreed on for years.

I urge you to adopt this bill and the Lipinski and the Solarz amendment which will make this bill very strong and a great foreign policy goal for what America stands for.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Madam Chairman, I rise in strong support of the Lipinski-Cox amendment. While we extend a much-needed hand to Soviet Jews and Evangelical Christians, it is imperative that we include Ukrainian Catholics and Ukrainian Orthodox as well. Both of these churches were declared nonexistent under Stalin and still remain outlawed today. They are two of the most persecuted and oppressed groups in the Soviet Union.

If we do not specifically include Ukrainian Orthodox and Catholics in this bill, they may encounter the same problems currently facing Soviet Jews seeking immigration to the United States. Let us send a strong message to Gorbachev, that while we welcome glasnost, we will not relax our vigil of human rights abuses in the Soviet Union until all religions and minorities are given their freedom.

Madam Chairman, I submit that true freedom must extend to all segments of a society. This amendment provides an opportunity to demonstrate our adherence to this principle. As the grandson of a Ukrainian immigrant, this amendment means a great deal to me. I urge support for the Lipinski amendment.

We are fortunate in this country to enjoy religious freedom, but we must never forget the plight of millions who face religious persecution around the world. I urge my colleagues to vote for the Lipinski-Cox amendment.

Mr. BROOKS. Madam Chairman, I yield 1 minute and 45 seconds to the distinguished gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Madam Chairman, the Congress over the years has erected a noble and generous immigration policy that reflects the American spirit.

For many years we have accepted more immigrants than all of the rest of Western industrialized countries in the world put together. What a noble statement that is of American ideals.

We have pressured the Soviet Union for years to live up to its obligation under the Helsinki accords and permit their people to emigrate and to loosen and relax the pressures of religious discimination that have so devastated the lives of not only Jews and Pentecostals, but others, too.

Now we are about to seize defeat out of the jaws of victory.

Now just as our relentless pressuring over the years is beginning to pay off and the Soviet Union is beginning to relax those iron chains and open up their doors, significantly, to their credit, we are saying to those who have suffered for seeking freedom that we cannot absorb them.

We cannot absorb refugees from the Soviet Union who have been among our greatest scientists, our business leaders, communications people, artists, pianists, violinists, contributing to the progress of American engineering, science, mathematics, and culture. We have a rate of adult illiteracy in this country of 25 percent. Most Soviet immigrants who come into this country are literate, productive, and contribute to our economy.

To abandon our longstanding policy now, when it is finally working would be a supreme irony. It is preposterous. It is an insult to the Congress that the Justice Department has demeaned and degraded the nobility of our immigration policy and the efforts of countless people over many years past to bring freedom to oppressed minorities who wish to come to our shores.

I want to congratulate the gentleman from Connecticut [Mr. MORRISON] and the gentleman from New York [Mr. FISH] for this marvelous amendment and I urge my colleagues to support it.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Madam Chairman, I rise in support of H.R. 2022, legislation which grants presumptive refugee status to Soviet Jews, Evangelicals, and certain Indochinese.

In 1988, the Attorney General changed U.S. policy concerning the admission of these groups to the United States. Before the policy change, applicants for refugee status were presumed to have a fear of persecution if forced to return to their country of origin. There is virtually no person in this country who is unaware of the fact that the Soviet Union, despite the very recent incremental improvements in that country, has been a nation in which Jews and others have suffered from harsh, intentional discrimination and persecution. None of us is naive enough to think that a few years of glasnost will erase decades of institutionalized anti-semitism in the Soviet system.

It is highly ironic that for more than 20 years, we have been struggling, both as individuals and as a Nation, to help secure the rights of Soviet Jews to emigrate. In the past year, the Soviet Union has opened the door to some of those wishing to leave, and now the United States starts drawing very fine distinctions, saying some who leave are persecuted and others are not.

I am sure that there are many Soviet officials who have been scratching their heads in amazement. For all these years, the President of the United States, Members of Congress, and the general public have been clamoring for the exit of Soviet Jews. Now, the Soviets are permitting many thousands to exit, and they are witnessing this embarassing spectacle. As

a result of INS policy, the Congress is forced to pass legislation to let these Soviet emigres into the United States. This is a sad commentary on a refugee admission policy which appears to be driven by a set of severely confused principles.

Madam Chairman, let us send a signal to the world that when the United States pursues a policy of emigration for Jews and others in the Soviet Union, we fulfill the objectives of that policy. One clear objective of our struggle for Jewish emigration from the Soviet Union was to give these people safe haven and the opportunity to live in freedom in the United States if they so choose. Indeed, tens of thousands of Soviet Jews have settled in the United States and now live productive lives in this country.

Madam Chairman, I urge my colleagues to support this bill, as is a measure to restore the dignity of those who have fled persecution. It is also a measure to restore the dignity of the U.S. Government, which has oddly turned its back on these people in a most awkward and undignified way. I urge the passage of H.R. 2022.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the distinguished gentleman from Minnesota [Mr. SIKORSKI].

Mr. SIKORSKI. Madam Chairman, I rise today to speak in support of H.R. 2022 and the Lipinski amendment and against the administration, which continues to carry out Ed Meese's August 1988 directive to the Immigration and Naturalization Service on new operating procedures for Soviet Jews and other minority applicants for refugee status.

Is it not ironic: Now we need not only push the Soviet Union to expand and legalize their human rights reforms, but beg the U.S. administration to rectify their treatment of these freed Russian immigrants.

For decades, America has spoken out against Soviet oppression. We have tried to enlighten the world to the plight of Soviet refuseniks—Jews, Evangelicals, and other ethnic minorities denied their basic human rights. These refuseniks have been living with fear, discrimination, and multiple persecution in their homeland. For decades they have been given our assurances of freedom during our visits with them in the Soviet Union and in repeated broadcasts of Voice of America. They have been the pivotal point of our diplomatic polemics and our foreign policy. Summit after summit, we have been arguing, negotiating, and conditioning our agreements with the Soviet Union on the basis of this group's right to emigrate. And our trade policy has put our dollars where our mouth is.

Now, they are a group of people that the American administration is spurning; making them the American version of refuseniks or "waitniks."

What has changed? This vaunted word "glasnost" has not eradicated anti-semitism and political persecution of Jews in the Soviet Union. Anti-semitism is flourishing in the Soviet Union under glasnost and the need of these refugees to emigrate has become even more pronounced.

Remember: None of the reforms that have been publicized to the world's media have been legalized or institutionalized. If President Gorbachev fails—these reforms can fail with him.

Remember: The Soviets are continuing to deny many Jewish applicants based on the spurious pretext of possessing state secrets from jobs left decades before.

Remember: The motivation of the Soviet Government are not humanitarian, but rather a desire to benefit in trade and technology from good relations with the United States—relations they know are contingent upon their human rights record. How significant will human rights be perceived by the Soviet Union as a priority of United States' foreign policy if our foremost case of Soviet human rights abuse—emigration of Soviet Jews—proves to be unworthy of our time, our money, and our sympathy?

The integrity of American foreign and human rights policy is at stake.

Under current INS operating procedure, refugee status is granted only if in the course of a 15-minute interview, with largely untrained U.S. Immigration and Naturalization Service officials, Soviet refugees can prove a well founded fear of political persecution.

According to Robert Eddy, chief INS official in Rome, the new policy's implication is that discrimination no longer amounts to political persecution.

This is tantamount to shifting the burden of proof to the victims, whose understanding of the process as well as their understanding of English is usually insufficient to create testimonial quality evidence on their behalf.

Therefore, over 4,000 individual cases of Soviet Jews have recently been denied refugee visas on the pretext that they do not fit the precise, new, glasnost sanitized definition of a political refugee.

With the administration, we have addressed the need for increased allotment numbers for this fiscal year and Congress has passed an appropriation bill to carry us through this period, as well. However, the most important and humanitarian issue has yet to be addressed. Hopefully, we will do that today.

The Immigration and Refugee Subcommittee held a hearing on the unjust situation facing Soviet emigres in Ladispoli, Italy, in April. I had the opportunity to testify before the committee. Recent legislation introduced and reported by Congressman MORRISON, chairman of the subcommittee, incorporates what I was trying to accomplish with my legislation. Chairman MORRISON deserves special praise for his sensitive and sensible work. Hopefully, our hard work and effort will culminate in the passage of legislation that will return the INS to the operating presumption for the last 8 years: a Soviet Jew, by the fact that he/she lived in the Soviet Union has suffered from political persecution. We now call on President Bush to show his "kinder, gentler nature," support this legislation, and allow these refugees to emigrate.

This bill also legislates this same status to refugees from Vietnam, Laos, or Cambodia because we have also made a significant special commitment to these people as well; through our foreign policy's recognition of their persecution in their homeland.

To those who oppose this legislation saying we are no longer making these individuals meet the well founded fear of persecution test, I say we are simply reiterating what we have been claiming in our discussions with the Soviets for years; That they, as Russian Jews and Baptists, all have been forced to live with not only a well founded fear of persecution, but in many cases real persecution.

To those who say we are giving them special treatment, I argue that the treatment we have been given them for the last 10 months is not very special in light of the commitment we have made to them for the last 20 years.

Fifty years ago this spring, the ship *St. Louis* carried 930 Jewish refugees from Hitler's Germany. It, too, was refused port in the United States. These refugees were forced to stay in Europe and many of them died from Hitler's persecution.

Have we not learned from this tragic mistake?

We cannot be silent once again and allow these 1989 immigrants' fight for freedom and opportunity in America to perish. I urge you to support Chairman MORRISON and H.R. 2022.

□ 1610

Mr. BROOKS. Madam Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Madam Chairman, I rise today in support of H.R. 2022.

I urge my colleagues to vote in favor of this bill and restore presumption of refugee status to Soviet Jews who have escaped persecution in the U.S.S.R. only to find themselves refuseniks of the United States.

The time has come to dispel a myth. A 1,000 year legacy of Russian anti-Semitism has not evaporated with glasnost. In fact the reverse is true. In

the new Soviet environment, latent anti-Semitism has reemerged as radical groups, such as the virulently racist and anti-Zionist Pamyat, spread their messages of hate. Jews still in the U.S.S.R. now live in constant fear of physical violence and possible pogroms. That is why 5,000 Jews a month are leaving the Soviet Union.

With good reason, "trust but verify" is the principle we apply to every other area of our relations with the Soviet Union. The recent tragedy in China is a compelling example of reliance on the goodwill of totalitarian governments to protect the universal rights of their citizens. With this in mind, we must remember that the Soviet Government has yet to codify its new emigration policy into any legal framework. Soviet Jewish activists are correct when they remind us that the door could slam shut at any moment. That is why we have to act now.

We made a promise to Soviet Jews. We said to them, "Fight for your principles—if necessary lose your job and go to jail to assert your basic human rights." For our part we held out the hope of refuge in this country for these brave men and women who found their inspiration in our Constitution.

That is why I believe that our present policy toward Soviet Jews is not just inhumane—it negates a decade of a successful and widely supported foreign policy—13,000 Soviet Jews wait in Italy for the right to enter this country as refugees. Each family has a story to tell of persecution, imprisonment, discrimination, of a job denied, or academic rejection—all for one reason alone—they are Jews. These are people who have uprooted their lives and taken life-threatening stands for the chance to live in freedom. They have suffered enough and it is ironic that now it is we who are responsible for their continued agony.

I am particularly concerned and dismayed at the way in which our own Immigration and Naturalization Service adjudicated and rejects refugee applications. It is a process that can only be described arbitrary and capricious. I hear stories from my own constituents, desperate for reunification with their families, or elderly relatives who having been imprisoned by the KGB and barred for years from leaving the U.S.S.R. now find themselves denied refugee admission to this country without explanation. Thousands of those seeking refugee status are being turned down by the INS. In addition, living conditions for those in Rome deteriorate daily and within a few days the first group of families will be cut off from financial support as private relief organizations begin to run out of money.

Madam Chairman, by implementing the legislation offered today by the gentleman from Connecticut, we will begin the process of alleviating the suffering. In restoring presumptive refugee status, we can in one stroke end a cruel process that divides families and reestablish a humane and decent foreign policy that promotes family reunification. We will also reduce the burden on State and local governments as well as private agencies who should not be required to pick up the check for our foreign policy decisions. By passing this bill we will lay the groundwork for establishing a stable, long-term solution for the future and most importantly, we will ensure that the pipeline to liberty remains open and unclogged for those Soviet Jews who choose to escape their homeland.

Mr. BROOKS. Madam Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Madam Chairman, I rise in strong support of H.R. 2022.

Mr. BROOKS. Madam Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Chairman, I rise in strong support of H.R. 2022.

Madam Chairman, I rise in support of H.R. 2022, a bill that will guarantee refugee status to Soviet and Indochinese groups who have historically been oppressed and denied religious freedom. This status would clear the obstacles for many Soviet Jews, as well as for other religious believers, who are trying to emigrate to the United States.

The legislation is unfortunately necessitated by a former Attorney General's reversal of the Immigration and Naturalization Service's longstanding humanitarian policy of granting presumptive refugee status to those fearing persecution in the Soviet Union and Southeast Asia. This means that the victims of the state are burdened with proving something which is painfully obvious to most reasonable people—that they have a well-founded fear of persecution—if they want to gain refugee status. The lengthy interviews and large amount of paperwork currently required have brought the normal flow of refugees to the United States to a halt, leaving many feeling stateless, hopeless, and betrayed.

I have received a large number of letters from the relatives and friends of people waiting in Rome, Vienna, and Moscow to gain refugee status. These thousands of people have given up their citizenship and all their privileges in the name of freedom.

The situation is personified by the case of Riva and Felix Sokolsky, whom I have been trying to help. They are two Soviets who became the objects of persecution simply because they were Jews. They eventually were allowed to leave and they made their way to Italy to apply for refugee status from the United States, but were denied and remain in Italy indefinitely without jobs, family, or friends. This is only one of dozens of such cases which constituents have brought to my attention in hope of assistance.

The Sokolsky's situation is representative of the desperation felt by many in similar circumstances. This bill would insure the refugee status needed to emigrate to the United States and is the only humane alternative. We cannot let these people continue to suffer.

I urge my colleagues to vote in favor of H.R. 2022.

Mr. BROOKS. Madam Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Madam Chairman, I rise in strong support of this legislation.

Madam Chairman, as someone who has been deeply concerned about Jewish emigration from the Soviet Union for many years, I strongly support enactment of H.R. 2022, which is a reasoned and compassionate response to ill-conceived actions by the Immigration and Naturalization Service. Tragically, just as the gates appear to be opening for Jews and evangelical Christians in the Soviet Union, the door of America for thousands has been slammed shut by the United States.

As a result of INS policy shifts in August 1988, denial rates have soared: A total of 4,919 Soviets were denied refugee status from October 1988 through March 31, 1989. In Rome, the denial rate for March 1989 was almost 36 percent; in Moscow, the denial rate was 85 percent by the end of March.

Despite welcome liberalization in the Soviet Union, both Soviet Jews and evangelical Christians continue to suffer, and have a well-founded fear of persecution. Moreover, in an evaluation of INS processing of Soviet asylum seekers, the General Accounting Office found several inconsistences in the new screening program—attributable to lack of knowledge about country conditions by INS officers, differing interview approaches, and the volume of applicants—and noted that 208 out of 415 cases that had been reviewed had been reversed as of March 31, 1989.

These unfortunate changes in policy come at a time in which prompt responses—rather than chaos and delay—are required to deal with the outflow of Soviet asylum seekers.

By the end of April, more than 26,000 Soviets were awaiting interviews in Moscow; at the same time, more than 5,000 persons in Rome were either awaiting interviews or had not yet had their cases presented to INS, and were forced to languish in a kind of social and economic purgatory.

The numbers—as important as they are—can at times obscure the human dimension of this unfortunate situation.

The case of two young Soviet Jews, Mark and Zanneta, a married couple in their thirties, and relatives of constituents in my district in Brooklyn, illustrate the problem. Growing up in the Soviet Union, they were constantly called "dirty Jews" by their classmates and were barred from attending college. During his stint in the Soviet Army, Mark was repeatedly beaten and chastised by a commanding officer who called him a dumb Jew. He was also beaten unconscious by his coworkers for discussing the problems facing Soviet Jews. Zan-

neta was fired from her job and the couple's home was vandalized by hooligans who painted swastikas on the door.

While Mark and Zanneta were able to escape from the Soviet Union late in 1988, they were—unbelievable as it seems—denied admission to the U.S. as refugees. Unfortunately, this is only one of many terrible stories that I have been made aware of in recent months.

The proposed legislation will ensure that these kinds of stories do not continue, and—combined with the enlarged 1989 refugee ceiling for the Soviet Union—will go a long way toward ameliorating this situation.

As the representatives of a Brooklyn constituency with the largest percentage of Soviet Jews in the Nation, permit me to say a few words about this community in particular. It is not only in the best interests of the Soviet-Jewish community to end this terrible immigration crisis, but it is in our national interest as well; like other waves of immigrants before them, Soviet Jews have brought new ideas and new ambitions, new drive, and new achievements to America. I am immensely proud to represent the flourishing Soviet Jewish neighborhoods in Brooklyn.

In addition, I strongly support the legislation's call upon the administration to establish categories of Indochinese who are subject to persecution, and I will be proposing an amendment to designate specific groups of Indochinese to be included in those categories. In the case of the Indochinese, changes in INS refugee processing in February of this year have resulted in skyrocketing denial rates for refugee applicants in Vietnam, raising important questions about whether the ODP Program is being administered fairly.

Between February and May, about 70 percent of asylum seekers were denied refugee status; prior to February, the figure was under 10 percent. These changes in procedures have created serious concerns that the INS may not be following its own guidelines on the processing of Indochinese refugees—concerns that are amplified by the fact that the INS conducts refugee interviews in Vietnamese Government buildings using Vietnamese Government interpreters, hardly an environment that promotes a free exchange of information about persecution.

I strongly urge my colleagues to support H.R. 2022.

Mr. BROOKS. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. GEJDENSON. Madam Chairman, I rise today to express my strong support for H.R. 2022, granting refugee status to certain members of groups known to be subject to persecution in the Soviet Union and Indochina.

I wish to commend Mr. MORRISON, my colleague from Connecticut, for his efforts in drafting this legislation as the chairman of the Subcommittee on Immigration, Refugees and International Law. This timely piece of legislation will provide a much needed remedy to a significant problem that has persisted with the processing of applicants who are piling up in refugee camps within Europe.

This logjam of potential emigres began in August 1988 when Attorney General Ed Meese reversed a longstanding policy of the Immigration and Naturalization Service that allowed refugee status to be determined without the need to demonstrate a "well founded fear of persecution" on an individual case-by-case basis.

It has been entirely evident in the past and continues to be that these people have been consistently subjected to persecution within their native homeland by denial of a basic human right, their right to practice their own faith.

This reversal is unfounded and ironic. The exit of Soviet Jews represents a triumph of American foreign policy and yet the United States is rejecting many Jews and Christians who were able to exit the Soviet Union only because our Government pressed for their release.

Since December 1988, 3,000 to 4,000 Soviet emigres a month have been arriving in Western Europe for processing. Maintaining these refugees has become extremely costly both in terms of dollars and human endurance. The refugee camp in Ladispoli, Italy, now houses over 12,000 Soviet refugee applicants, many of whom have been there several months.

This bill will restore a presumption of refugee status for these persecuted individuals in the Soviet Union and Indochina and direct the Government to establish categories of individuals who merit this presumption. Passage of this bill is a fair and just response in solving the current crisis in both areas. I urge my colleagues to support this legislation with me and resume the timely and much needed return of allowing these individuals the right to emigrate.

Mr. SCHUMER. Madam Chairman, I applaud the gentleman from Connecticut for his leadership on this issue, and for bringing this important bill to the House floor.

Last year, the Reagan administration won a tremendous human rights victory by convincing General Secretary Gorbachev to allow thousands of people to leave the Soviet Union. Yet, no sooner were the gates of the Soviet Union flung open, when the doors of America were slammed closed on those fleeing persecution.

No one anticipated the tide of refugees that have flowed from the Soviet Union. As a result of the large numbers, budgetary constraints initially led to a temporary suspension of refugee visa processing at the American Embassy in Moscow. Families were left stranded.

Then, the administration reversed longstanding policy that presumed that Soviet Jews and Evangelical Christians were refugees. This policy reversal has resulted in arbitrary denials of refugee visa applications for Soviet citizens, and has divided thousands of families. My office alone has received hundreds of appeals to reunite Soviet families where certain family members have been denied refugee status, and others, from the same household, have been granted permission to come to the United States.

Finally, in an attempt to accommodate the swelling numbers of Soviet refugees, the administration cut back on the number of refugee visas available to the Indochinese. Pitting one deserving group of people against another who seek safe haven in our country is unacceptable.

This is not the showing of compassion worthy of a kinder, gentler nation.

When the administration said to Gorbachev, "Let your people go," our Nation made a commitment to let those people come to our country. Despite the promise of glasnost, many Soviet citizens are still constrained in the practice and teaching of their religion. Antisemitism still prevails in the Soviet Union.

While there is a crack in the Iron Curtain, let America welcome those who can come through.

H.R. 2022 recognizes the years of persecution faced by Soviet Jews and Evangelical Christians, and by the Indochinese. I urge my colleagues to vote for this bill which restores the proper balance to our refugee program.

Mr. LANTOS. Madam Chairman, I rise in strong support of legislation being considered today by the House which will make it significantly easier for Soviet Jews and other persecuted minorities to gain admission into the United States as refugees.

First, I would like to pay tribute to our distinguished colleagues who have worked to bring this essential bill to the floor: Congressman BRUCE MORRISON, the author of the bill and chairman of the Subcommittee on Immigration; Congressmen BARNEY FRANK, of Massachusetts, CHUCK SCHUMER and HAMILTON FISH, of New York, and HOWARD BERMAN, of California, all members of the subcommittee who have devoted a great deal of time and effort to this matter; and my good friend, Congressman BEN GILMAN, of New York, who has worked tirelessly to see the adoption of this important legislation.

Over the years, the United States has made it clear that the relaxation of Soviet emigration policy was a vital United States foreign policy goal. We have supported Soviet refuseniks who desire freedom and we have supported their efforts to emigration. But after years when Soviet Jews automatically qualified as refugees, the Immigration and Naturalization Service recently departed from its longstanding practice of presuming that these individuals have a well-founded fear of persecution. The result is that many Jewish refuseniks have emigrated from the Soviet Union, only to find that they do not have refugee status and thus cannot enter the United States.

We cannot and must not turn our backs on these Soviet refugees. We cannot stand idly by and see them excluded from admission to the country for which they risked their lives. It would be a grievous betrayal of our principles and the abandonment of a decades-long effort by the Congress and the U.S. Government. Mr. Chairman, we have a responsibility to meet the aspirations of these persecuted peoples for freedom and human rights.

For years the United States has fought for the persecuted who have risked their lives, their careers, and their well-being—and in some cases faced years of deprivation in the gulag or work camps—to come to the United States. Tragically, just as large numbers are finally receiving permission to leave the Soviet Union, we have changed the rules. As a result, large numbers of applicants have been denied refugee status, despite a lack of mean-

ingful change in the condition facing them. Anti-Semitism is on the rise in the Soviet Union and ancient prejudices and hatred continue to brew.

Emigration from the Soviet Union has shown sharp shifts over the past several decades, In the 1970's, emigration reached unprecedented levels, as tens of thousands of Jews were granted permission to emigrate. In 1979, Jewish emigration from the Soviet Union reached over 50,000. In the first half of the 1980's, however, Soviet policy became much more restrictive. From 1983 to 1986, the number of Jews allowed to emigrate averaged 1,000 per year. Soviet emigration took another sharp upswing in 1987, when Jewish emigration increased to over 8,000. In 1988, 19,000 were allowed to leave, and this year it is estimated that this number will be at least double that number.

Madam Chairman, the problem is not simply a Jewish issue. In 1988, over 1,500 Pentacostals and other Evangelical Christians were denied refugee status, and there has been a rapid increase in rejection of refugee status in the Vietnamese Orderly Departure Program. Because of the change of INS immigration policy, however, a large number of refugees faced being stranded either in their home country or in transit.

Madam Chairman, the Congress must remedy the gross inequities being caused by INS's ill-conceived and heartless policy. I strongly support—and urge my colleagues in the Congress to support—H.R. 2202. This legislation will return the presumption of refugee status to Soviet Jews and other persecuted minorities. It will also allow those entering the United States under parole status to adjust their status to refugee through reapplication.

Mr. GALLO. Madam Chairman, I rise in strong support of H.R. 2022, to restore presumptive refugee status to members of groups known to be subject to persecution in the Soviet Union.

Today, thousands of Jews who emigrated from the Soviet Union are waiting in Moscow, Vienna, and Rome, for permission to enter the United States as refugees. Their dream of starting a new life in America has been indefinitely delayed because our Government arbitrarily changed the rules. H.R. 2022 simply corrects this inequity.

Over the years, a number of Members of Congress and the administration, in recognition of the fact that Soviet Jews have suffered from persecution under the Soviet regime, have challenged the Soviet authorities to allow these individuals to immigrate freely to the United States.

As a result of this persistent pressure, the Soviet Government is now allowing large numbers of citizens to emigrate. In 1988, 22,000 Soviets received permission to leave compared to 913 in 1986. Currently, 3,000 to 4,000 Soviet emigrants a month are arriving in Western Europe.

This is a tremendous accomplishment and the Reagan and Bush administrations deserve much of the credit. But at the same time that their tireless efforts have begun to produce results, the Immigration and Naturalization Service has stopped granting automatic refugee status to Soviet Jews.

Prior to the summer of 1988, the INS held that all Soviet Jews had a "well-founded fear of persecution" and thus granted them automatic refugee status. Because of this change, to date, over 4,000 Soviet Jews have been denied refugee status.

Many of those who have been waiting for months for a determination of their refugee status or who have been denied refugee status have friends and loved ones in my district. Thus, I have learned first hand of their ordeals.

The case of Vilenin Tikhonov epitomizes the hardship that Soviet Jews have suffered as a result of the change in our refugee policy.

A few years ago I helped Irene Goland, her son, and her parents emigrate from the Soviet Union to the United States. Unfortunately, Irene's husband, Vilenin Tikhonov, was unable to emigrate at that time.

After being fired from his job and threatened with imprisonment for expressing his religious and political views, Vilenin Tikhonov was finally granted permission to leave the Soviet Union. He left the Soviet Union on April 16 and arrived in Italy shortly thereafter.

Unfortunately, Vilenin is still waiting in Italy. By passing this bill we will ensure that Vilenin and hundreds like him will finally be reunited with their families.

In sum, I find the change in our treatment of Soviet Jews unjustifiable. The Soviet Union's long history of state-sponsored oppression and persecution of Jews has been well documented. President Gorbachev's reforms have not significantly improved the situation. As a group, Jews are still perhaps the most oppressed in the Soviet Union.

It took years of constant pressure to convince the Soviet Government to allow freer emigration. Now that these doors are beginning to open, we must follow through on our longstanding commitment to these emigrants.

Therefore, I fully support H.R. 2022 and urge my colleagues to ensure its passage.

Ms. SCHNEIDER. Madam Chairman, I rise in strong support of H.R. 2022, legislation to provide refugee status for Soviet Jews. For years I have, independently and in concert with my colleagues in Congress, written letters to various Soviet leaders requesting that Jews known to be singled out for particularly harsh treatment be allowed to emigrate to the West. We now have an opportunity to accept a large increase in the number of Soviet Jews seeking to emigrate, but only if we are consistent in our desire to help them.

Mr. Speaker, several of my constituents have made trips to Ladispoli, Italy, to gain a firsthand understanding of the difficulties faced by Jews who have been allowed to leave the Soviet Union, but who lack the presumption of persecution necessary to obtain refugee status. They have reported back their dismay at the lack of consistent policy in determining who is deserving of refugee status and who is not. By allowing the presumption of persecution to Soviet Jews, Evangelical Christians, and certain categories of Indochinese emigrants, the United States continues a tradition of humanitarian assistance to those seeking to escape intolerable living circumstances in their own countries.

The bill before us today is a modest effort to take advantage of an opportunity to provide refuge for groups known to suffer persecution in their homeland. We have no way of knowing how long the current liberalization of emigration policy will exist in the Soviet Union. We should, however, assume that this opportunity may not persist and that every effort should be made to allow every Soviet Jew who wishes to establish a new life in America be given that opportunity.

Mr. PORTER. Madam Chairman, I rise in strong support of H.R. 2022 to provide relief for certain Soviet and Indochinese refugees.

This bill creates an important presumption that certain categories of emigrees from the Soviet Union and certain parts of Indochina are persecuted at home and should be granted refugee status.

This is the correct move to make in this situation—Soviet Jews and Evangelical Christians are classes of individuals subject to persecution. So are the categories of Vietnamese, Laotians, and Cambodians included in the bill.

The bill is limited in scope—this special status applies only through September 30, 1990.

The bill does not change the requirement that refugee status be granted on a case by case basis, it simply shifts the burden of proof.

This bill solves one part of the refugee crises we are currently facing.

Much more needs to be done by the Congress and by the administration.

We cannot ignore the flow of refugees exiting the Soviet Union. We cannot ignore the need to provide for them.

In this regard I must note that the administration budget requests for funding refugee activities of the State Department and in the Department of Health and Human Services are not realistic nor adequate.

Madam Chairman, for years the United States—Congress and administration together—have banged on the door of the Soviet Union demanding the release of Christians and Jews who wish to leave.

With glasnost, these persons finally are being allowed to leave in increasing numbers.

But now it is the United States which is being humiliated in the international arena because we are not addressing the needs created by this situation.

This bill, at least, represents a step in the right direction. I applaud the gentleman from Connecticut [Mr. MORRISION], for bringing it to the floor today.

Much more must be done, but the road to acknowledging and meeting our responsibility to the oppressed of this world begins with an "aye" vote on this measure.

Mr. CARDIN. Madam Chairman, I rise today in support of H.R. 2022. In October 1988, the President authorized the admission of up to 18,000 Soviet refugees for fiscal year 1989. By December, it became apparent that these numbers would not be sufficient to meet the increasing number of people permitted to leave the Soviet Union. In response, the President raised the refugee allocation to 25,000. Despite these efforts, the backlog continued to soar at the U.S. Embassy in Moscow as well as at stopover points such as Rome, Italy.

By October 1988, Soviet Jews, Armenians, and Pentecostals began to be rejected for refugee status. This problem continued to escalate over the winter and spring and persists even now. Approximately 4,000 Soviets, the majority of them Jews, have been denied refugee status and remain in Rome. Another 5,000 have applications pending before our 3 INS officers, while more than 3,000 have not yet applied for immigration.

The change in administration policy is traced back to an August 1988 memo issued by then Attorney General Edwin Meese. The Attorney General asserted that the "current practices in processing Soviet emigrees appear not to conform with the requirements of the 1980 Refugee Act." U.S. policy toward those few emigrees permitted to leave the Soviet Union before Gorbachev opened the gates, received refugee status on an almost automatic basis. It is tragic that the administration changed its policy just as the Soviets changed their immigration policy. Thousands of Soviets who have waited many years to emigrate, must now face the prospect of waiting up to 2 or more additional years to leave.

U.S. policy has long been based on the presumption that Soviet Jews, were by definition, persecuted. Although the situation for Jews has improved under Gorbachev, there remains an institutionalized antisemitism. Groups like Pamyat have growing membership lists and continue to foment antisemitism. It is still against the law to teach Hebrew in the Soviet Union. While this and many other restrictions are not currently being enforced, we have no reason to believe that these changes will remain once Gorbachev is gone.

The bill currently before the House is a good first step toward improving the situation for Soviet Jews and Evangelical Christians. It requires that the administration return to its commitment of granting refugee status to certain individuals. It requires that the administration return to its policy of presuming that some individuals, by virtue of the fact that they belong to certain religious and ethnic groups, are subject to persecution.

The bill also adjusts to refugee status nationals of Vietnam, Laos, or Cambodia and Soviets who have been denied refugee status between August 1988 and September 1989 or who were paroled into the United States.

This legislation is needed to force the administration to return to its presumption of refugee status. We have spent far too much time telling emigrees you can go, but you cannot come. It is far too long to tell Soviet citizens who have been waiting many years that they must wait longer. And it is far too difficult to accept that the United States, whose President, Secretary of State, and Members of Congress year after year urged the Soviets to open the gates of emigration, has suddenly lost the key to the gates of American freedom.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered under the 5-minute rule by sections, and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CATEGORIES OF NATIONALS OF THE SOVIET UNION AND NATIONALS OF INDOCHINA PRESUMED SUBJECT TO PERSECUTION

(a) PRESUMPTION OF PERSECUTION FOR ALIENS WITHIN CATEGORIES. —Any alien who is within a category established under subsection (b), and alleges that the alien is the subject of persecution (as defined in subsection (e)) shall be treated, for purposes of admission as a refugee under section 207 of the Immigration and Nationally Act, as subject to persecution without the need to provide independent or additional evidence regarding persecution.

(b) ESTABLISHMENT OF CATEGORIES.—(1) For purposes of section 207 of the Immigration and Nationality Act, the Attorney General, in consultation with the Secretary of State and the Coordinator for Refugee Affairs, shall establish—

(A) one or more categories of aliens who are or were nationals and residents of the Soviet Union and who share common characteristics that identify them as targets of persecution in the Soviet Union, and

(B) one of more categories of aliens who are or were nationals and residents of Vietnam, Laos, or Cambodia and who share common characteristics that identify them as targets of persecution in such respective foreign state.

(2) Aliens who are (or were) nationals and residents of the Soviet Union and who are Jews or Evangelical Christians shall be deemed a category of alien established under paragraph (1)(A).

(c) PERIOD OF APPLICATION. —This section shall only apply to admissions of refugees under section 207b of the Immigration and National Act during the period beginning on the date of the enactment of this Act and ending on September 30, 1990.

(d) TREATMENT OF CERTAIN ALIENS. —The Attorney General shall provide an opportunity for aliens described in subsection (b) who, during the period beginning on August 15, 1988, and ending on the date of the enactment of this Act, sought, but were denied, refugee status, to reapply for such status, taking into account the application of this section.

(e) PERSECUTION DEFINED.—In this section, the term "persecution" refers, with respect to an alien, or a well-founded fear of persecution of the alien, on account of race, religion, nationality, membership in a particular social group, or political opinion.

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT OFFERED BY MR. SOLARZ

Mr. SOLARZ. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLARZ: Page 3, line 13, insert "(A)" after "(2)".

Page 3, after line 16, insert the following new subparagraph:

(B) Aliens who are (or were) nationals and residents of Vietnam, Laos, or Cambodia and who are members of categories of individuals determined, by the Attorney General in accordance with the "Immigration and Naturalization Service Worldwide Guidelines for Overseas Refugee Processing" (issued by the Immigration and Naturalization Service in August 1983) to be presumed to be targets of persecution in Vietnam, Laos, or Cambodia shall be deemed a category of alien established under paragraph (1)(B).

Mr. SOLARZ. Madam Chairman, I offer this amendment in behalf of the gentleman from Massachusetts [Mr. ATKINS] and myself. I do not believe it should be very controversial. I think it is acceptable to the leadership of the committee.

Essentially it is designed to establish categories of Indochinese aliens who are presumed to be targets of persecution and is analogous to the provisions in the bill regarding Soviet Jews and Evangelicals. In fact, what the amendment seeks to do is to take the categories that were set forth in the guidelines for Indochinese refugee processing issued by the Immigration and Naturalization Service a few years ago and put them into law. They include 24 categories of Vietnamese, Laotians, and Cambodians who have a real reason to fear persecution in the countries from which they come. It includes such categories as reeducation camp prisoners, former employees of the governments of those countries that were associated with us, ethnic Chinese, Buddhist monks, and others, all of whom have been systematically persecuted and discriminated against over the course of the last 14 years in Indochina.

Over the past several months, there has been a precipitous decline in the number of Indochinese whose applications for refugee status have been approved by INS. The purpose of this amendment is to put into law the very strong presumption that if one fits into one of these categories which were devised by the INS itself, he or she is entitled to refugee status.

Mr. BROOKS. Madam Chairman, will the gentleman yield?

Mr. SOLARZ. I am happy to yield to the gentleman from Texas.

Mr. BROOKS. Madam Chairman, I know that the administration has been using presumptions of refugee status since 1983 for 24 different groups of Indochinese refugees as the gentleman pointed out, and these presumptions have been used in the Immigration and Naturalization Service regulations.

I do not see any objection to the inclusion of these presumptions in the law.

Mr. SOLARZ. I thank the chairman, very much for his observations.

Mr. MORRISON of Connecticut. Madam Chairman, will the gentleman yield?

Mr. SOLARZ. I am happy to yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. Madam Chairman, I thank the gentleman for his contribution in this regard and his close work with me and with other members of the subcommittee and on the committee, and to say that we held a hearing on the question of what was going on in particular in

Vietnam and, in that hearing, elicited testimony explicitly that these categories are in effect and are to be used.

I can see absolutely no reason why this amendment would do any harm and, in fact, it supports the very process that is going forward.

I commend the gentleman on his amendment.

Mr. SOLARZ. Madam Chairman, I thank the gentleman very much for his comments. His leadership on this issue is greatly appreciated. He, more so than almost anybody else in the last year, has helped to redeem the honor of this Nation as we deal with the problem of refugees from Southeast Asia. I greatly appreciate his willingness to express support for the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, In my opening statement, I said H.R. 2022 would set a dangerous precedent.

If adopted it could eventually set off an avalanche of legislation to grant special, preferential refugee and immigration status to select groups. That in turn would demolish the framework established by the 1980 Refugee Act to handle refugee applications in a consistent, even-handed manner.

With the offering of this amendment, I think I hear the first rumblings of that avalanche.

I am sympathetic to the intent of the amendment offered by my colleague.

And if the House is going to change the rules and set itself up as an arbiter of which categories of refugees are to be given preference this year, then my colleague is only to be commended for his initiative.

I rise then in opposition not to the particular merits of the amendment but rather to the idea that the House should be making these kinds of decisions through legislation.

The House is ill-equipped to administer this Nation's refugee program.

The 1980 Refugee Act is the appropriate framework within which consistent, even-handed administration of those policies can and should be carried out.

But once this House changes the rules and the avalanche of legislation starts to move, it will be difficult if not impossible to stop its rush. This precedent's potential for wreaking havoc on our refugee policy seems unbounded.

I would anticipate that there would not be a single group in the special refugee categories that would not come forward with evidence of greater need and unconscionable administrative backlogs in the processing of applications for their group.

Is the House going to take over the administration of the Nation's refugee program?

This amendment and H.R. 2022 propose to do just that.

They would set the clear precedent that if any group is either unhappy with the administration of the current law or seeks to gain additional advantage under the law, they need only come to the House.

It is difficult to imagine a group that would not understandably try.

The House will face serious problems when it has to confront the physical impossibility of being able to move everyone to the head of the line.

Madam Chairwoman, I oppose the amendment and urge my colleagues to do the same.

Mr. BALLENGER. Madam Chairman, will the gentleman yield?

Mr. SMITH of Texas. I am happy to yield to the gentleman from North Carolina.

Mr BALLENGER. Madam Chairman, would the gentleman from Texas say that this thought might apply to the 150,000 Nicaraguans who live in Miami illegally and have not been included in this? Would they not possibly be one of the next ones to bring along?

Mr. SMITH of Texas. I would say to my colleague, the gentleman from North Carolina, that he is exactly right. We have untold numbers of groups that could try to gain admission to the United States because of the precedent we are setting today. That is the reason this is a dangerous precedent. We are opening up the floodgates. We are saying basically that whoever gets in line and whoever finds a political champion or whoever has enough political influence, that they can perhaps get special attention, get special preference. That is not fair to the rest of the immigrants.

Mr. BALLENGER. Would it not also apply even more so in the fact that there are large groups of people to the south of us who can walk across the border? In Brownsville, TX, there are camps in Brownsville, TX, at the present time that look like prison camps that are maintaining people that I guess are on the parole system, but eventually should be approached to have them brought in under the same rules that they are speaking of.

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Mr. SMITH of Texas. Madam Chairman, as I pointed out, today there are brothers and sisters of Hispanics in the United States and Central and South America, there are black Africans, there are many kinds of groups who are going to be discriminated against by letting one special group get to the head of the line. We need to treat everyone equally. That is the basis of the current refugee policy, that is the basis of any law we should pass here in the House.

Mr. MORRISON of Connecticut. Madam Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. Mr. Chairman, does the gentleman from North Carolina [Mr. BALLENGER] recognize in order to gain admission to the United States as a refugee, the President has to allocate specific numbers to that nationality, and that this legislation does absolutely nothing in terms of changing the numbers which will be admitted to the United States, and the country about which the gentleman spoke has an allocation of 3,500 for Central America. Nothing in this legislation has any effect on how many numbers shall be authorized to come in. So I think the gentleman's concerns are unfounded.

Mr. BALLENGER. If the gentleman from Texas will yield, would it not be possible then for an amendment to be put in to accept the Nicaraguan groups that have already come here to the present time because of the repression and the jailing and the beatings and so forth that are going on in that country?

Mr. MORRISON of Connecticut. If the gentleman will yield, I suggest the gentleman will have an opportunity in short order to vote on a piece of legislation sponsored by the chairman of the Rules Committee, the gentleman from Massachusetts [Mr. MOAKLEY], which the subcommittee of which I am the chairman has already reported to the full Committee on the Judiciary, and when that bill comes to the floor it will provide an opportunity for those individuals to gain a status in the United States, and come out of the shadows, and no longer be in illegal status. But it is a temporary status in the hopes that things will change in Central America and those individuals will have a chance to go home, and I hope we will have the gentleman's support when that measure comes to the floor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLARZ].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LIPINSKI

Mr. LIPINSKI. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LIPINSKI: Page 3, line 13, insert "(A)" after "(2)".

Page 3, after line 16, insert the following new subparagraph:

(B) Aliens who—

(i) are (or were) nationals and residents of the Soviet Union, and

(ii) are current members of, and demonstrate public, active, and continuous participation (or attempted participation) in the religious activities of, the Ukranian Catholic Church or the Ukranian Orthodox Church,

shall be deemed a category of alien established under paragraph (1)(A).

Mr. LIPINSKI. Madam Chairman, along with my colleague from California, I rise to offer an amendment to H.R. 2022, the bill to establish categories of nationals from the Soviet Union and Indochina presumed to be subject to persecution and to provide refugee status to certain Soviet and Indochinese parolees.

I am a cosponsor of H.R. 2022, a necessary and important piece of legislation that will end the period of limbo for 4,000 Soviet emigres stranded in Italy because of August 1988 changes in United States immigration policy.

The Lipinski-Cox amendment will add Ukrainian Orthodox and Ukrainian Catholics to the list of Soviet Nationals who are presumed persecuted in the Soviet Union. As confirmed by the State Department, Soviet dissidents, and private organizations, the Ukrainian Catholic and Ukrainian Orthodox Churches remain the most severely persecuted religions in the Soviet Union. In fact, they are the only two churches in the U.S.S.R. still outlawed, or unrecognized by the government.

Granting refugee status to Ukrainian Catholics and Ukrainian Orthodox on the grounds that they are persecuted in the Soviet Union is completely consistent with my Millenium of Christianity Resolution which Congress passed last year. Pubic Law 100-305 states that Congress deplores the Soviet Union's active persecution of religious believers in the Ukraine, as well as the forcible liquidation of the Ukrainian Orthodox and Catholic Churches. Congress made that strong statement just over a year ago, and I feel it is necessary and consistent to include there Ukrainian groups in this immigration bill.

Passing H.R. 2022 without including Ukrainian Orthodox and Catholics would send the wrong signal to Soviet authorities, that the United States no longer places a high priority on ending Soviet human rights violations against the Ukrainians.

Things certainly have been changing in the Soviet Union, but unfortunately the benefits of glasnost and liberalization under Gorbachev have not translated into new freedom for Ukrainian Catholics and Orthodox. While the Russian Orthodox Church has been recognized by the Soviet Government, this act is mere window dressing. The fact is the Russian Orthodox Church and the Government is attempting to assimilate the Ukrainian Orthodox Church, disallowing religious freedom for worshipers in the Ukraine. The forceful liquidation of the Church in the Ukraine is alive and well. In the last few years, over 150 churches in the Ukraine had been closed or destroyed. We must make it clear to the Soviets that new freedom and liberalization in the Soviet Union must include all Soviet peoples and all denominations.

I would like to thank my colleague Mr. MORRISON, author of the bill and chairman of the Subcommittee on Immigration, Refugees, and International Law, who has been instrumental in finding the form for this important amendment. The amendment includes appropriate provisions against a blanket qualification for all Ukrainians. I am grateful for his help and support.

In the Senate version of the bill, Senator LAUTENBERG has included Ukrainian Orthodox and Catholics in the category of persecuted peoples of the Soviet Union, so the language will likely come in conference.

In short, the amendment is an opportunity for the United States to maintain our consistent policy of recognizing and opposing religious suppression and human rights violations in the Soviet Union and throughout the world. I urge my colleagues on both sides of the aisle to support this logical and important amendment.

Mr. COX. Madam Chairman, I rise in support and as a cosponsor with the gentleman from Illinois of the Lipinski-Cox amendment.

Madam Chairman, I appeal even to those who oppose H.R. 2022 to consider favorably this amendment. There is nothing more insidious than government persecution of an individual because of his or her religion. State-sponsored atheism is every bit as ugly as state-sponsored racism.

I recognize the good faith arguments of those particularly on this side of the aisle who are concerned about some of the ramifications of H.R. 2022, but if we are going to have this bill it would be a grave mistake to except out the two institutions, the two official churches in the Soviet Union which are made illegal.

This bill, were it to pass in its present form, would exclude from its provisions members of the Ukrainian Catholic Church and members of the Ukrainian Orthodox Church. The fact is that dating even from the earliest days of Stalin's bloody reign over the Ukraine, the Communist Party of the Soviet Union has sought to erode religion in general, and the two Ukrainian Christian churches in particular.

Unfortunately, glasnost and perestroika have not brought about an end to this official policy of state discrimination against religion. In its tenacious and occasionally extemely brutal attack on Ukrainian nationalism and Christianity, no institutions have suffered more than the Ukrainian Catholic Church and the Ukrainian Orthodox Church.

□ 1630

Commanding the unwavering faith of millions in the Ukraine, these two churches, the priesthood and membership alike have been systematically repressed by Soviet rule. Yet despite the unyielding brutality in the Soviet regime, both churches have succeeded in upholding the faith of their forefathers in the catacombs.

According to the editor of the independent paper Glasnost, who was recently with us here in Washington, Sergei Grigoryants:

> The situation in the Ukraine is extremely difficult. The Ukrainians are the most repressed people in the Soviet Union with the possible exception of those in the Caucasus. The Ukrainians are the largest ethnic group in the Soviet Union (other than the Russians). . . . The Ukrainian Catholic Church expresses the feeling of the Ukrainian people better than anyone else. The Ukrainian Catholic Church is perhaps the most undiluted, pure and energetic group in the Ukraine.

At a press conference held under the auspices of the Helsinki Commission on June 20, 1989, in the Rayburn House Office Building, Mr. Grigoryants stated that Ukrainian churches now being reopened are being handed over to the Russian Orthodox Church, to prevent the expected powerful resurgence of Ukrainian nationalism.

Bishop Pavlo Vasylk of the Ukrainian Catholic Church held a press conference in Moscow early this year. He also stated that despite glasnost, the situation of Ukrainian believers has worsened. As one example of this, Bishop Vasylk cited the case of Father Mykhailo Voloshyn—who celebrated a memorial service with a Ukrainian Orthodox priest in the west Ukrainian city of Lvov, in February 1989. After the celebration, the two priests told the congregation of about 30,000 believers that the Soviet authorities prevent the Ukrainian Catholics and Orthodox from living together in peace. For this statement, Father Voloshyn was assigned to a 6-month army detail.

These and many other documented cases prove that regardless of glasnost, Ukrainian faithfuls of both churches are systematically harassed and presecuted by the Soviet regime. The fact that both the Ukrainian Catholic and the Ukrainian orthodox churches remain the only two churches still illegal in the Soviet Union, requires that if we are today to consider passing H.R. 2022, at the very least their followers be on the list of those presecuted in the Soviet Union. In fact, they are the most presecuted.

So, Madam Chairman, so long as believers of these two Ukrainian churches are actively presecuted and continually victimized by job discrimination, arbitrary arrests and house searches for religious literature, they deserve our utmost sympathy and assistance.

Based on the overwhelming evidence and my sense of fairness, I implore my colleagues to support the Lipinski amendment.

Mr. FRANK. Madam Chairman, I move to strike the last word.

Madam Chairman, I want to express my appreciation to the gentleman from Illinois for his amendment, which I fully support, and also the chairman of the subcommittee and of the full Committee on Immigration in the Committee on the Judiciary for bringing this bill forward. All of us whish no such bill was necessary. If the administration had been applying the law in an evenhanded fashion, it would not have been.

Shockingly to me, sometime last year the administration, the previous administration, began substantially to diminish the number of Soviet individuals who were being persecuted in the Soviet Union who were being allowed into the United States.

Earlier this year we found ourselves in the appalling situation whereby the Soviet Union was willing to let out more of those it had persecuted than we were willing to let in. A good deal has been done to alleviate that. A number of Members on all sides have worked on that; the gentleman from New York from the Committee on Foreign Affairs, who sits on the Republican side, and the gentleman from California here, and a number of others.

The chairman of the Subcommittee on Immigration has taken the lead in forging a policy whereby this Congress has effectively been able to bring some pressure to bear to get the administration to reverse that policy.

With his support, the support of the chairman of the full Committee on the Judiciary, we are at this point.

Again I would repeat none of us think that the ideal way to legislate is for Congress to deal category by category with groups of potential refugees. But it was a series of failures on the part of the administration and some unfortunate politicization that occurred there first which led us to this point.

We now have a bill with broad bipartisan support which seems to me to effectively accomplish what ought to be accomplished.

The current administration has already begun to change the policies that it had inherited and that were causing the damage, and I hope that we will soon again be at the point where our historical, traditional role as a beacon of democracy and as a welcomer of the oppressed will be vindicated.

This bill will help and this amendment broadening its scope is an important part of making sure that that happens.

Mr. SMITH of Texas. Madam Chairmam, I move to strike the requisite number of words and I rise in opposition to the amendment.

My opposition to this amendment and the other amendment today is generic. It does not matter what group we are talking about, it does not matter what part of the world they come from, what is wrong with the fundamental principle of treating all immigrants equally? If we admit one group, where does it end? Why should we say one thing to one group and another thing to other groups? What about Hispanics in Central and South America, what about blacks in Africa, why are they not a part of these amendments, not a part of this bill today?

Apparently we are saying that the line forms at the door. If you have a political champion, if you are a part of a politically influential group, you can get to the head of the line, you can step around the others. No more do we have an evenhanded approach that is applied equally.

We have an approach that is applied to an entire group or a class for a given preference. I find it interesting that today during the discussion of H.R. 2022, discussion of the last two amendments, no figures and no numbers have been mentioned.

The State Department estimates with regard to this last amendment it will affect over 100,000 individuals who would be admitted to the United States. H.R. 2022 may affect several hundred thousand who would be admitted to the United States.

In my judgment, this amendment to H.R. 2022, without knowing what numbers we are talking about, makes signing a blank check look like an exercise in fiscal responsibility.

Mr. HENRY. Madam Chairman, I move to strike the last word and I rise in support of the amendment.

I would simply like to make a very simple observation. Last year over half the Members of the House cosigned a letter which was signed by the Speaker, the majority leader, the minority leader, and the overwhelming majority of this House to Secretary-General of the Soviet Union dealing with the problem of religious persecution in that nation. We detailed about 15 different ways in which religious persecution demonstrates itself in that country; problems with education, jobs, housing, religious materials publishing, importation of religious materials, inability to register a church and subsequently arrest for participating in a religious observance after the religious activity because it is unregistered because it could not get registered, and so forth.

In many of these areas the Soviet Union has recently made some tremendous strides. There have been strides in terms of the importation of religious materials; there has been forward movement in terms of allowing even limited publication domestically of religious materials; there has been tremendous improvement in terms of religious practices in the Jewish community as well as Jewish emigration patterns; there has been improvement in terms of Baptists and Evangelicals being allowed to establish their own seminary and publish their own literature. But the largest ethnic and religious group that has received absolutely no relief in the current situation happens to be the Ukrainian Catholic Church and the Ukrainian Orthodox Church. If there is to be any group singled out for special concern and our awareness, it is that group which this amendment represents, and I support the amendment.

Mr. BROOKS. Madam Chairman, I move to strike the requisite number of words and rise in support of the amendment. I say that is well recognized that the members of the Ukrainian Catholics and Ukrainian Orthodox Churches have suffered lots of persecution for a long time. The Ukrainian Catholic Church was outlawed in 1946. The Ukrainian Orthodox Church was banned in 1933 by the Soviet Government.

Madam Chairman, I support the inclusion of these two groups as worthy to be included in the provisions of refugees under H.R. 2022.

Mr. GILMAN. Madam Chairman, I move to strike the last word.

Madam Chairman, I am pleased to rise in strong support of the pending Lipinski amendment on behalf fo the Ukrainian Catholic people. No single group other than the Russian people has been as widely repressed and persecuted as the Ukrainian nation.

Including members of the Ukrainian Catholic and Orthodox Churches as those presumed to be eligible for refugee status is a logical extension of our foreign and human rights policy, and large adoption of the amendment.

Mr. WOLPE. Madam Chairman, I rise in strong support of H.R. 2022, legislation to restore the presumption of refugee status to Soviet Jews and other persecuted minorities.

There are few issues that have so united Democrats and Republicans, and successive Congresses and Presidents; over the past two decades as freedom for Soviet Jewry. From the moment of the modern awakening of the consciousness, identity, and surge for freedom among Soviet Jews—in the wake of Israel's miraculous victory in the 1967 6-day war—the American people and the United States Government have stood with them; and spoken with one voice, to echo their demands for freedom from persecution and the right, if they so chose, to emigrate wherever destiny might lead them. Our solidarity with Soviet Jewry—and, by extension, with all ethnic and religious minorities who have been systematically persecuted by the Soviet Government—has served as a beacon of hope and solace for them, from the streets of Moscow to the furthest reaches of the gulag.

For two decades, Soviet Jews have known that if they could get out, they would find refuge in Israel or the United States. This has been the bedrock of American policy—in both

the worst of times, such as the past decade when only pitiful handfuls were permitted to leave, and in better times, such as 1979 when 50,000 emigrated. In 1988, the number of Soviet Jews permitted to leave climbed back up to 10,000 and this year over 40,000 are expected to leave.

Our Government consistently kept faith with its commitment to Soviet Jewry. But in October 1988, then-Attorney General Edwin Meese changed the rules. Rather than uphold the blanket presumption that Soviet Jews automatically enjoyed the refugee status under our immigration laws, the Attorney General decided that sanctuary would only be extended to them on a case-by-case basis. The emigres would have to prove, individually, that they would be persecuted if they returned to Russia.

The Attorney General's action was Shocking and insensitive. President Gorbachev's policies of glasnost and perestroika are indeed promising, and they hold a measure of hope for better treatment of Soviet Jewry. But the reforms in Soviet policies toward religious minorities, including Jews, are rhetorical and atmospheric. They have not been written into Soviet law. The exercise of full religious rights are not protected by statute. Jews are differentiated as a class, separate from regular citizens in official state identification and control documents. The Soviet Union is marked by a bitter and intense legacy of anti-Semitism—one that has yet to be redeemed.

Only the United States has the power and influence with the Soviet Union to stand for freedom and human rights for Soviet Jews and other minorities, and to make a difference on their behalf. It is a sad and bitter irony that, at the very moment our steadfast policy is exacting a degree of success, we are closing the doors on the peoples whose cause we have championed. The Meese policy has had a predictable, and cruel, effect: A backlog of over 12,000 Soviet Jewish refugees in Italy. These numbers will swell further unless we restore our previous policy toward them and other Soviet ethnic and religious minorities.

Madam Chairman, H.R. 2022 repeals the Meese policy, and brings our immigration procedures for Soviet Jews and other persecuted minorities in consonance with our beliefs. I also note that this legislation contains a sunset provision of September 30, 1990, permitting a thorough review of these matters next year as circumstances warrant. But, in the meantime, a shameful retreat from our solidarity with Soviet Jewry will be reversed. I urge support for H.R. 2022.

Robert Greenberger of the Wall Street Journal recently reported on the Soviet refugee backlog in Ladispoli, Italy. I commend his superb account to my colleagues.

[From the Wall Street Journal, June 23, 1989]

BETWEEN WORLDS: NOW THAT SOVIET JEWS ARE FREER TO EMIGRATE, U.S. IS LESS HOSPITABLE

(By Robert S. Greenberger)

LADISPOLI, ITALY—To thousands of Soviet Jews stranded in this sunny Mediterranean resort, life is a paradox.

So long as the Soviet government refused to let them leave the U.S.S.R., or jailed them for asking to go, or kept them waiting years for a visa, the U.S. government considered them persecuted. It automatically offered refugee status—and a ticket to America—to the few who trickled out.

But last spring, the Soviets suddenly began issuing emigration permits by the thousand. And there's the catch. If so many Jews are being allowed to leave, then they aren't necessarily persecuted, the U.S. government has declared—and they aren't necessarily eligible to enter the U.S. as refugees.

"The American government fought for us to leave," says Boris Levin, who arrived here in Ladispoli from Moscow in March. "It's very difficult for us to understand why America is now rejecting us."

To U.S. policy makers the tide of Soviet Jews is becoming an unmanageable and embarrassing problem, and one that probably will get worse. This year, about 54,000 Jews are expected to leave the Soviet Union, and Alan Nelson, commissioner of the Immigration and Naturalization Service, says that the potential pool of Soviet refugees exceeds six million-including three million Armenians, 2½ million Jews and 800,000 Pentecostals.

DEMOGRAPHIC FEARS

While the U.S. is increasingly wary of a flood of Soviets, Israel is eager for it—and annoyed with the U.S. for not helping direct Soviet Jews to Israel. Israel is fearful that the explosive birthrates of Arabs under its governance will result in a Jewish homeland with a Jewish minority by early in the next century. They see the Russian Jews in the Soviet Union as the answer to their demographic fears.

So the Israelis are pressing the U.S. to funnel Soviet Jews to Israel by, among other means, calling for more-direct flights from Moscow to Israel. Currently, the Soviet airline deposits them in Austria, and most move on to Italy for U.S. processing.) Israeli Prime Minister Yitzhak Shamir raised the issue on two recent trips to Washington. He even suggested to Secretary of State James Baker that those Russian Jews cleared to leave the Soviet Union wait in Moscow rather than in Italy.

The U.S. turned down that proposal and others, delcaring that it believes in "freedom of choice" for the emigrants. But nobody is more opposed to the idea of depositing the Soviet Jews in Israel than the Soviet Jews themselves are. Fewer than 10% of those who leave Russia want to go to Israel, which offers immediate citizenship to all Jews. An earlier generation of Refuseniks wore their Zionism on their sleeves, but today's appear to have an essentially negative view of the Jewish state.

QUALMS ABOUT ISRAEL

Many have been influenced by official anti-Israel propaganda, or they have been put off by the Israel-Palestinian hostilities, or they are just tired of the burdens of being "Jewish." The word, which is stamped in their Soviet passports under "nationality," limits their opportunities. Victor Kurashov, a 19-year-old who left his home in Kharkov in the Ukraine, says, "Some of us feel that Israel isn't a very democratic country. Many of us don't want to take part in the violence."

So nearly 10,000 Jews like Mr. Kurashov are in limbo in Ladispoli, which was chosen as an international way station because, when the immigrant flood began, living costs here were reasonably low. With nothing to do but wait, the arrivals have converted the movie theater by the boardwalk to a synagogue and have taken over a nearby park, where they sell one another cigarettes and socialize.

About 2,000 people already have been rejected for refugee status. One of them, Leonid Livshits, is a lanky 23-year-old Muscovite who left Russia in January with his wife and son, as well as with the older brother, Alexander, and Alexander's family.

EVIDENCE OF PERSECUTION

Mr. Livshits contends that his affidavit of persecution is the three-inch scar on his scalp he got several years ago when he was beaten by thugs because "I had a Jewish face." Last June, he says, following several threatening letters in which he and his family were told that "Russia is for Russians, not Jews," their weekend cottage outside Moscow was burned to the ground. That was when they decided to get out.

In March, the INS rejected Mr. Livshits's application to enter the U.S. as a refugee; in April, it granted his brother's. Like most other Soviet Jews here, Mr. Livshits has appealed the adverse decision. He won't be sent back to Russia, but his appeal could take months to resolve.

"The Americans used to confront the Soviets with a list of 35 families [separated] by Russian emigration policy. Now, the INS is dividing families," complains Leonid Raytburg, a long-haired 23-year-old from Leningrad who is the leader of the "Committee of Refuseniks" that has formed here.

Until former Attorney General Edwin Meese tightened the immigration guidelines in the last days of his tenure, Soviet Jews who managed to get emigrant visas could expect to be declared, refugees and be welcomed to America with government resettlement benefits of up to $5,000 a year.

But the immigraion service will take just 116,500 refugees this year (plus another 600,000 nonrefugee immigrants), and the Soviets are competing for those slots with Asians, Hispanics and others. "We can't solve the problems of Soviet refugees in a way that ravages our efforts in other parts of the globe," says Jonathan Moore, who until recently was the State Department's ambassador for refugee affairs.

WHAT'S IN IT FOR ITALY?

Meanwhile, tensions are growing here in Ladispoli, a blue-collar resort 22 miles from Rome that was fashionable during the reign of Mussolini. Crescenzio Paliotta, a doctor who is Ladispoli's part-time deputy mayor, complains that just a few residents benefit from the growing number of Soviet Jews. "The Russians buy only in shops where things are cheap. And only a few people are making the money on apartment rentals," he says. "Meanwhile, everybody else suffers from the overcrowding. The people say, 2,000—that's OK. But 6,000—that's too much."

Last winter, swastikas were spray-painted on some walls. Then, black and yellow posters appeared, noting pointedly that Ladispoli had 16,000 permanent residents and 8,000 stranieri, or strangers. Enough! the posters declared. More recently, emigres were ejected from the Piazza Della Vittoria, the main square, where they had congregated to swap rumors. Now, they meet at an education center, and gaze longingly at a New York City subway map on the wall.

"The Italians think we are garbage," complains Helena Malin, a pediatrician who left Leningrad last April with five members of her family.

Ladispoli's hoteliers profited nicely during the winter the Soviet influx began: Dr. Malin's family paid $700 a month for two

rooms. But now that the summer season has began, the Malins' landlord wants $1,000 a month—the Malins' total monthly stipend from the American Jewish Joint Distribution Committee, a private U.S. group that aids Soviet Jews until they are settled.

SUBSISTING ON OFFAL

To pay for food and other necessities, Dr. Malin works 16 hours a week at odd jobs for about $32. In Russia, she never saw anything like the plentiful fruit and vegetables available in the markets here. But she can't afford much of that. She buys potatoes and tomatoes and watches the butcher shops for "farsh," ground animal organs, which Italians disdain.

The first signs of a major loosening of Soviet emigration policy appeared last spring when an unusually large number of educated, relatively affluent Americans began getting permits to leave. Soon, the Armenians were joined by increasing numbers of Jews.

Last summer, Mr. Meese ordered immigration officials to stop granting refugee status automatically to people leaving the Soviet Union—and instead to require that each individual prove he merited it as a persecuted person under the 1980 refugee law. Officials didn't want to give preference to Soviet Jews over others seeking the same status. And they were concerned about the potentially enormous cost of accepting unprecedented numbers of Soviet emigres. The State Department estimated recently that every 10,000 persons admitted as refugees cost the U.S. $70 million.

At the same time, Mr. Meese said he would use his statutory authority to admit additional Soviet Jews as regular immigrants. But that wouldn't include resettlement benefits or a fast track to U.S. citizenship. And entrants would have to find a U.S. sponsor to guarantee their medical expenses and such. One INS official estimates that about half the Soviet migrants would have trouble finding sponsors under the new rules.

POLICY CONTRADICTION?

On Capitol Hill, some legislators are furious over the policy change inherited by the Bush administration. "The President calls on the Soviets to open up emigration. At the same time, his administration makes it impossible for Soviet Jews to be processed expeditiously and fairly into the U.S.," complains Rep. Bruce Morrison (D., Conn.).

President Bush has offered an emergency plan to allow an extra 30,000 immigrants a year to enter the U.S. for the next five years. But not all of the new slots would be for Soviet Jews, and they wouldn't confer the benefits of refugee status.

Moreover, the administration is considering a new policy discouraging entry of anyone with a firm offer to settle in another country and with no family ties in the U.S. That would sharply curb the number of Soviet Jews who could come here, and would touch off an imbroglio in Congress.

The immigration dilemma poses a delicate problem to U.S. Jews. The United Jewish Appeal recently undertook a $75 million campaign to supplement federal aid to the refugees—in the U.S. and here in Ladispoli. Privately, however, Israeli officials complain that such efforts discourage migration to Israel, and some U.S. Jews—including the Anti-Defamation League—now are trying to persuade those leaving the Soviet Union to head for Israel.

A group of New Jersey businessmen and rabbis are here visiting on just such a mission. Over lunch, each makes a strong pitch for Israel to a table of Soviet Jews. "Probably about one-third of you would be better off in Israel," one businessman argues.

But the Soviets aren't buying. Israel's climate is too hot, says one. Its people are too religious, complains another. Hebrew is too hard to learn, says a third. A fourth young man feels the streets of Israel are unsafe. He wants to settle in Detroit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. LIPINSKI].

The amendment was agreed to.

Ms. PELOSI. Madam Chairman, I move to strike the requisite number of words for the purpose of engaging in a colloquy with the chairman, the gentleman from Connecticut [Mr. MORRISON].

□ 1640

I hoped to offer my bill, H.R. 2712, the Emergency Chinese Adjustment Status Facilitation Act, as an amendment to this measure today, but the amendment was ruled nongermane by the Parliamentarian's Office. For this reason, I will not offer it today.

However, it was my understanding that the Subcommittee on Immigration, Refugees and International Law will hold a hearing, followed immediately by a markup of H.R. 2712 on Thursday, July 20. I also understand that the chairman who worked during H.R. 2712 will bring this to the floor for consideration before the August recess.

This is the gentleman's understanding?

Mr. MORRISON of Connecticut. First let me thank the gentlewoman for her cooperation during the consideration of this bill and her support for it, and her discussions with me and with others about the best way to respond to what we all understand to be a pressing need, the status of Chinese nationals, especially Chinese students who are here in the United States following the disaster that occurred in China, with the killing of so many brave students standing up democracy.

I want to commend the gentlewoman for her leadership and for her filing of a bill that I think presents a vehicle through which we can both benefit: Benefit to those students, benefit the United States, and also send a clear message to the Chinese Government that we will not have their students used as pawns in their attempts to assert or reassert control and oppress people seeking democracy.

The gentlewoman's understanding is correct, the subcommittee scheduled a hearing and a markup on her legislation, as well as on another bill which will seek to regularize the temporary status that has been extended to Chinese nationals in the United States by the administration to try to give that a more complete legal framework so those individuals will not be in doubt about their rights while they remain in the United States temporarily, hoping for return to reform and movement toward democracy at home in China.

The gentlewoman can rely on the fact that we will have that hearing and markup the bill she has filed, and also working with the chairman of the full committee, the gentleman from Texas [Mr. BROOKS], try to move that legislation as expeditiously as possible to the floor. It is my understanding that the leadership is sympathetic to the consideration of this bill as it is reported by the Committee on the Judiciary under suspension, and I hope it would have the kind of support on both sides of the aisle that would make passage a matter to be considered under rules of suspension.

Ms. PELOSI. Madam Chairman, I yield to the gentleman from Oregon.

Mr. AUCOIN. Madam Chairman, I want to rise to compliment the gentlewoman for the leadership she has shown on the legislation she has introduced. She knows I am a strong supporter of it. I wish that it would have been possible for her to attach to the bill—to the amendment—today, but I am delighted to hear the news she got from the subcommittee chairman, leadership of the subcommittee. I want to state to my colleagues that the gentlewoman, I think is doing excellent work. I am delighted to join her in that legislation.

Ms. PELOSI. Madam Chairman, I yield to the gentlewoman from California.

Mrs. BOXER. Madam Chairman, I would like to tell the gentlewoman, once again she has moved swiftly on an urgent issue. It is such a privilege to work with her in this way to help the people in our area and all over the country who find they are harassed by the Chinese Government here in this country.

I want to thank the gentleman from Connecticut [Mr. MORRISON] for being so receptive to the gentlewoman's bill, and to say I look forward to working with both of them to make sure that the students and others who are in this country who so want and deserve freedom get it.

Ms. PELOSI. Madam Chairman, I thank the gentlewoman for her comments, and our colleague from Oregon [Mr. AUCOIN] for his comments and support. With their help we have received cosponsorship of over 200 of our colleagues on this legislation, and the number continues to grow.

I wish also to commend our colleague from Connecticut [Mr. MORRISON], and the chairman of the subcommittee for his commitment to the passage of this legislation and his commitment to provide protection for the Chinese students in the United States at this very, very sad time in their country's history.

AMENDMENT OFFERED BY MR. KLECZKA

Mr. KLECZKA. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLECZKA:

Page 2, line 4, insert, ", POLAND," after "UNION"/

Page 3, line 7, strike "and".

Page 3, line 12, strike the period and insert ", and".

Page 3, after line 12, insert the following new subparagraph:

(C) one or more categories of aliens who are or were nationals of Poland and who share common characteristics that identify them as targets of persecution in Poland.

Mr. KLECZKA (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KLECZKA. Madam Chairman, this amendment to H.R. 2022 would include language in the bill granting refugee status to those Polish immigrants in Europe who, if they return, would be targets of persecution in Poland.

Today there are almost 16,000 Polish expatriates in Western Europe waiting to emigrate to the United States as refugees. Most of these people were actively involved in the Solidarity movement.

I know of one young man, Mr. Jacek Klukowski, who has been in a refugee camp in Vienna for almost 1 year and still has not been interviewed by the Immigration and Naturalization Service. He lives with his wife, Dorota, and their son in a small, one-room apartment. He works as a printer's helper in a job he knows well, after having been deeply involved in printing and distributing Solidarity literature while in Poland.

In Poland, Jacek worked as an electrician by day and a printer and runner for Solidarity by night. Jacek has been in a refugee camp for 11 months. As of July 5, there were 3,200 Poles ahead of his family waiting to obtain visas. This was the situation in just Vienna. To date, only 1,500 of these Poles have been interviewed by the INS.

Soviet Jews, Vietnamese protestors, Polish Solidarity activists, they all have one thing in common: They spoke out against their oppressive Communist government at great risk to themselves and their families. Freedom is valuable. Will they be forgiven? Will the slate be wiped clean, and will they be allowed to return to normal lives in Poland? The answer is a definite no.

In 1988, President Reagan signed an agreement establishing a ceiling of 6,500 refugee admissions for Eastern Europeans. With 3,200 in Vienna alone waiting for visas, Mr. Klukowski's and others in his similar situation find a very slim chance of being granted refugee status in the next year or two. By including Polish nationals, who are identified as targets of persecution, we are sending a uniform message to refugees around the world, to those who have the courage to speak out and ultimately leave their homeland for the betterment of their lives, the United States appreciates their struggle and is willing to help. We cannot and will not trust their Governments that have a history of oppression to treat their dissenters with new-found dignity and humanity, when we know that their not-so-distant past record proves otherwise.

With hope that the oppression in Poland and other Communist countries can come to an end, and with caution and fear for what Polish expatriates in Europe may endure upon their return to Poland, I offer this amendment to protect these citizens of Poland who are the backbone of the Solidarity movement.

Madam Chairman, I yield to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Madam Chairman, let me say to my distinguished friends of Polish ancestry that some 200 years ago my ancestors fought with the Polish generals who came to this country, helped them win our freedom, in the late 1700's. I think it is only fair that we give some of those brothers and sisters an opportunity to come here now and see no difficulty with that amendment. It will not increase the numbers, gives them category if they are in a classification that is now persecuted, then we will let them in on the same basis.

Mr. KLECZKA. Madam Chairman, I yield to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Madam Chairman, I thank my colleague, the gentleman from Wisconsin [Mr. KLECZKA] for this outstanding amendment, and on behalf of the 175,000 people who reside in the Fifth Congressional District in Illinois of Polish-American heritage, I want to say that I support this amendment, and I certainly hope that it is passed today on the floor of the House of Representatives.

Mr. KLECZKA. Madam Chairman, let me also thank my friend and colleague from Illinois [Mr. LIPINSKI] for his support.

Mr. SMITH of Texas. Madam Chairman, I rise in opposition to the amendment. In regard to this amendment, and in regard to other amendments that we have considered here today, and in regard to H.R. 2022, I would ask my colleagues before they vote to consider several questions that have glaringly gone unanswered.

First, what is the cost of all these amendments? What is the cost of H.R. 2022? It is likely to be several billion dollars. Second, how many people are we talking about? How many immigrants? Again, we do not know, but we are probably talking about many hundreds of thousands of immigrants.

□ 1650

Third of all, when we let these classes of individuals or these groups of individuals, how are we going to keep the criminals and the thugs out? There is no way that I have heard of today we can do that.

Finally, there is the question, why should we treat one group of immigrants different than others? Why should we violate the fundamental principle that all Americans hold dear, that of equal treatment for all?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLECKZA].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN SOVIET AND INDOCHINESE PAROLEES.

(a) IN GENERAL.—The Attorney General shall provide for the adjustment of status of an alien who (A) was a national of the Soviet Union, Vietnam, Laos, or Cambodia, (B) was inspected and granted parole into the United States after being found ineligible for refugee status during the period beginning on August 15, 1988, and ending on September 30, 1989, and (C) is physically present in the United States, to the status of a refugee admitted under section 207 of the Immigration and Nationality Act, if the alien makes an application for such adjustment and if the alien (except as otherwise provided in paragraph (2)) is admissible as an immigrant under the Immigration and Nationality Act. Upon the approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission as a refugee as of the date of the alien's inspection and parole.

(2) Section 207(c)(3) of the Immigration and Nationality Act shall apply to adjustment of status under paragraph (1) in the same manner as it applies to aliens seeking admission to the United States under section 207(c) of such Act.

(b) NO CHANGE IN REFUGEE ADMISSIONS.—Adjustments of status effected under this section shall not result in any decrease or otherwise affect the number of aliens who may be admitted as refugees under section 207 of the Immigration and Nationality Act for any fiscal year.

The CHAIRMAN. Are there any amendments to section 2?

Are there any additional amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore. [Mr. MURTHA] having assumed the chair, Ms. KAPTUR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2022) to estab-

lish certain categories of nationals of the Soviet Union and nationals of Indochina presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Indochinese parolees, pursuant to House Resolution 195, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MORRISON of Connecticut. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 358, nays 44, not voting 29, as follows:

[Roll No. 139]

YEAS—358

Ackerman	Campbell (CO)	Eckart
Akaka	Cardin	Edwards (CA)
Alexander	Carper	Engel
Anderson	Carr	Erdreich
Andrews	Chandler	Espy
Annunzio	Chapman	Evans
Anthony	Clarke	Fascell
Applegate	Clement	Fawell
Aspin	Clinger	Fazio
Atkins	Coble	Feighan
AuCoin	Coleman (MO)	Fish
Barnard	Coleman (TX)	Flake
Bartlett	Conte	Flippo
Bates	Conyers	Foglietta
Beilenson	Cooper	Ford (MI)
Bennett	Costello	Ford (TN)
Bentley	Coughlin	Frank
Bereuter	Cox	Gallo
Berman	Coyne	Garcia
Bevill	Crockett	Gaydos
Bilbray	Darden	Gejdenson
Bilirakis	Davis	Gephardt
Bliley	de la Garza	Gillmor
Boehlert	DeFazio	Gilman
Boggs	Dellums	Gingrich
Bonior	Derrick	Glickman
Borski	Dicks	Gonzalez
Boucher	Dingell	Gordon
Boxer	Dixon	Goss
Brennan	Donnelly	Gradison
Brooks	Dorgan (ND)	Grandy
Broomfield	Dornan (CA)	Grant
Browder	Douglas	Gray
Brown (CA)	Downey	Green
Brown (CO)	Dreier	Guarini
Bruce	Duncan	Gunderson
Bryant	Durbin	Hall (OH)
Buechner	Dwyer	Hall (TX)
Bunning	Dymally	Hamilton
Byron	Dyson	Harris
Campbell (CA)	Early	Hatcher
Hawkins	McEwen	Schiff
Hayes (IL)	McGrath	Schneider
Hayes (LA)	McHugh	Schroeder
Hefley	McMillen (MD)	Schuette
Hefner	McNulty	Schulze
Henry	Meyers	Schumer
Hertel	Mfume	Sensenbrenner
Hiler	Michel	Sharp
Hoagland	Miller (CA)	Shaw
Hochbrueckner	Miller (WA)	Shays
Holloway	Mineta	Sikorski
Hopkins	Moakley	Sisisky
Horton	Molinari	Skaggs
Houghton	Mollohan	Skeen
Hoyer	Moody	Skelton
Hubbard	Moorhead	Slattery
Huckaby	Morella	Slaughter (NY)
Hughes	Morrison (CT)	Smith (FL)
Hunter	Morrison (WA)	Smith (IA)
Inhofe	Mrazek	Smith (NE)
Jacobs	Murtha	Smith (NJ)
James	Nagle	Smith (VT)
Jenkins	Natcher	Smith, Robert (OR)
Johnson (CT)	Neal (MA)	
Johnson (SD)	Neal (NC)	Snowe
Johnston	Nelson	Solarz
Jones (GA)	Nielson	Solomon
Jones (NC)	Nowak	Spence
Jontz	Oakar	Spratt
Kanjorski	Oberstar	Staggers
Kaptur	Obey	Stallings
Kasich	Olin	Stark
Kastenmeier	Ortiz	Stearns
Kennedy	Owens (UT)	Stokes
Kennelly	Oxley	Studds
Kildee	Pallone	Sundquist
Kleczka	Panetta	Swift
Kolbe	Parker	Synar
Kolter	Pashayan	Tallon
Kostmayer	Paxon	Tanner
Kyl	Payne (NJ)	Tauke
LaFalce	Payne (VA)	Tauzin
Lagomarsino	Pease	Thomas (CA)
Lancaster	Pelosi	Thomas (GA)
Lantos	Penny	Thomas (WY)
Laughlin	Perkins	Torres
Leach (IA)	Petri	Torricelli
Leath (TX)	Pickett	Towns
Lehman (CA)	Pickle	Traficant
Lehman (FL)	Poshard	Traxler
Leland	Price	Udall
Levin (MI)	Pursell	Upton
Levine (CA)	Rahall	Valentine
Lewis (CA)	Rangel	Vander Jagt
Lewis (FL)	Ray	Vento
Lewis (GA)	Regula	Visclosky
Lightfoot	Rhodes	Volkmer
Lipinski	Richardson	Vucanovich
Livingston	Ridge	Walgren
Lloyd	Rinaldo	Walker
Long	Ritter	Walsh
Lowery (CA)	Roberts	Watkins
Lowey (NY)	Roe	Waxman
Luken, Thomas	Rohrabacher	Weber
Lukens, Donald	Rose	Weiss
Machtley	Rostenkowski	Weldon
Madigan	Roth	Wheat
Manton	Roukema	Whittaker
Markey	Rowland (CT)	Whitten
Martin (IL)	Rowland (GA)	Williams
Martinez	Russo	Wilson
Matsui	Sabo	Wise
Mavroules	Saiki	Wolf
McCloskey	Sangmeister	Wolpe
McCollum	Sarpalius	Wyden
McCrery	Savage	Wylie
McCurdy	Sawyer	Yates
McDade	Saxton	Yatron
McDermott	Scheuer	

NAYS—44

Archer	Goodling	Rogers
Armey	Hammerschmidt	Roybal
Baker	Hancock	Shumway
Ballenger	Hansen	Shuster
Barton	Herger	Slaughter (VA)
Bateman	Hutto	Smith (MS)
Callahan	Ireland	Smith (TX)
Combest	Marlenee	Smith, Denny (OR)
Craig	Mazzoli	
Crane	McCandless	Smith, Robert (NH)
Dannemeyer	McMillan (NC)	
Dickinson	Miller (OH)	Stenholm
Emerson	Montgomery	Stump
Fields	Myers	Young (FL)
Gallegly	Packard	
Gekas	Patterson	

NOT VOTING—29

Bosco	Florio	Parris
Burton	Frenzel	Porter
Bustamante	Frost	Quillen
Clay	Gibbons	Ravenel
Collins	Hastert	Robinson
Courter	Hyde	Schaefer
DeLay	Lent	Stangeland
DeWine	Martin (NY)	Unsoeld
Edwards (OK)	Murphy	Young (AK)
English	Owens (NY)	

□ 1712

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to establish certain categories of nationals of the Soviet Union, nationals of Poland, and nationals of Indochina presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Indochinese parolees."

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2022, PROVIDING RELIEF FOR CERTAIN SOVIET AND INDOCHINESE REFUGEES

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2022, the Clerk be instructed to make such clerical corrections in the designation of the provisions as may be appropriate to reflect the actions of the House in the passage of H.R. 2022.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimnous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2022, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1549, NUCLEAR REGULATORY COMMISSION AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

Ms. SLAUGHTER of New York, from the Committee on Rules, submitted a privileged report (Rept. No. 101-138) on the resolution (H. Res. 198) providing for the consideration of the bill (H.R. 1549) to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1990, and

1991, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1484, TO ESTABLISH A NATIONAL PARK SYSTEM REVIEW BOARD

Ms. SLAUGHTER of New York, from the Committee on Rules, submitted a privileged report (Rept. No. 101-139) on the resolution (H. Res. 199) providing for the consideration of the bill (H.R. 1484) to establish a National Park System Review Board, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 828, BUREAU OF LAND MANAGEMENT AUTHORIZATION, 1990, 1991, 1992, AND 1993

Ms. SLAUGHTER of New York, from the Committee on Rules, submitted a privileged report (Rept. No. 101-140) on the resolution (H. Res. 200) providing for the consideration of the bill (H.R. 828) to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my distinguished friend, the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I would like to announce the program for the rest of the week and for next week.

When the House adjourns today, it will adjourn until Monday, July 17. On that day, the House will meet at noon. We will have the Consent Calendar.

We will have seven bills under Suspensions. Recorded votes on suspensions will be postponed until the end of the day, and we believe that will be on or around 5 p.m. in the afternoon.

The bills that we will consider are:

H.R. 1860, to provide that a Federal annuitant or former member of a uniformed service who returns to government service under a temporary appointment, to assist in carrying out the 1990 decennial census of population, be exempt from provisions of law relating to offsets from pay and other benefits;

H.R. 2802, miscellaneous Postal Service Amendments of 1989;

H.R. 2431, to redesignate the General Mail Facility in Midland, TX, "Carl O. Hyde General Mail Facility";

H.R. 2799, to amend the Agricultural Act of 1949 to allow the planting of alternate crops on permitted acreage for the 1990 crop year;

H.R. 875, Fredericksburg and Spotsylvania Battlefields Memorial National Military Park Expansion Act;

H.R. 919, Big Thicket National Preserve Addition Act of 1989;

H.R. 952, to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA;

H.R. 1484, to establish a National Park System Review Board (subject to a rule);

H.R. 828, Bureau of Land Management Authorization, fiscal 1990-93 (subject to a rule); and

H.R. 1549, Nuclear Regulatory Commission Authorization Act, fiscal 1990-91.

On the last bill, H.R. 1549, that will be the rule only.

On Tuesday, July 18, the House will meet at noon and take up the Private Calendar and an unnumbered H.R. bill not yet determined, Agriculture and related agencies appropriations for fiscal year 1990.

Then on Wednesday, Thursday, and Friday, July 19, 20, and 21, with the House meeting at 10 a.m., we will consider the Veterans' Administration Housing and Urban Development Appropriation Act for fiscal year 1990, subject to a rule, and the Foreign Operations Appropriations Act for fiscal year 1990, also subject to a rule.

In addition, we will try to consider H.R. 1056, to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities, also subject to a rule.

Conference reports may be brought up at any time and any further program will be announced later.

We hope and believe that we can finish our business by the end of business on Friday. Members should expect that we will have votes on Friday.

Mr. MICHEL. Mr. Speaker, might I inquire of the distinguished majority leader again with respect to Monday. Did I hear the gentleman say that the votes on any suspensions that might be ordered would be deferred until after all business of the day was concluded, or just consideration of those on suspension?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, it will be held, our intent is to try to have the votes begin in the period around 5 p.m. We will run business until that can be done.

Mr. MICHEL. So that is a time certain then for Members when they would begin voting next Monday, 4:30 to 5 o'clock?

Mr. GEPHARDT. Correct.

□ 1720

Mr. MICHEL. Depending upon how far we are in the consideration of one or the other of the bills, that would be the time that we would begin voting?

Mr. GEPHARDT. The gentleman is correct.

Mr. MICHEL. Second, on H.R. 1549, the NRC Authorization Act, the program I have says subject to a rule. Did I understand the gentleman to say that we would consider that on Monday, the rule only, or would we go on to general debate?

Mr. GEPHARDT. The rule only.

Mr. MICHEL. Then I think that completes it.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I wanted to make a couple of quick points, and I would appreciate it very much if our colleague would comment.

First of all, on the voting on Mondays, I might just put in an applause for the westerners, although I represent Atlanta, that, if necessary, it would probably be useful to go to special orders and then come back to voting so that if we decided, say, on a 5 o'clock time as our normal time for voting on Mondays, as I understand it, on the west coast, if we vote much earlier than that, one would have to come back on Sunday, or they would miss the vote even if they got up very early. I would just like to say on our side that I think we would be agreeable to, if necessary, suspending legislative business and taking special orders for a while and then come back to vote around 5 to guarantee, even if we get done with legislative business early, that Members would not be halfway between here and Dulles. I do not know if the majority leader would care to comment.

Mr. GEPHARDT. That is our intent.

Mr. GINGRICH. Second, as I mentioned earlier, and I know the Republican leader has mentioned, I really do think it is important for the Committee on Appropriations to face two realities in its proceedings. One is that if they do not report a bill our with adequate time for Members, individual Members, the Democratic Study Group, the Repubican Study Committee and other activists, to look at the bill, it is a real, I think, injury to individual Members to have an appropriations bill reported out and less than 48 hours later on the floor when the paperwork of reporting a bill out means

the average Member in essence is being asked to take it or leave it because they would not know until after we get through conference what is in there. As I mentioned, all of us are caught, I think, a little surprised by the particular section on HUD involving drugs, and what Jack Kemp is trying to do on drugs, that none of us, to the best of my knowledge, on either side of the aisle was aware of what was in the supplemental. I would hope that the Democratic leadershp would work with the full Committee on Appropriations and the chairman to try to get bills out so that we have at least 72 hours, 3 days, from the time of the final vote in committee to the time we see it on the floor. I do not know if the gentleman would like to comment on that for a second. And I do have one more comment on appropriations.

Mr. GEPHARDT. The gentleman's point is well taken. We have a 3-day rule in the House, and where appropriations bills are obtaining rules, it would be our hope and intent that in most cases we could have the 3-day rule be observed. I would say to the gentleman unfortunately with the bills next week we have had some difficulty getting them finished in time for a variety of reasons, and it will be impossible to have the full 3 days for some or all of those bills.

It would be our intent and hope, and we have talked to the committee members and the subcommittee chairs on the bills that are coming next week and the week after that, to try in every case. We may not reach it in every case, but in every case to try to have as best we can the 3-day rule be observed.

Mr. GINGRICH. If I might pursue that one more minute: it is my understanding the Office of Management and Budget on a bipartisan basis has staff-to-staff work going on in the other body on appropriations starting at the subcommittee, and I would just mention that to the degree we can get on a bipartisan basis the House Committee on Appropriations to agree that analytical work and staff-to-staff work begin at the subcommittee level, and I think it would help the executive branch and the President understand even in a relatively short time if we do get into the kind of crunch the majority leader discussed so that again there will just be an equity in terms of not suddenly ending up in conference and discovering that we in the House had failed to deal with some issue because literally it was impossible for the Office of Management and Budget to analyze it in a short amount of time. I do not know if the gentleman would like to comment at all.

Mr. GEPHARDT. I think all Members on and off the committee deserve a chance to analyze the numbers expressed in a particular piece of legislation, especially appropriations legislation, and that is the reason we want to try to hit this 3-day rule and allow the budget committees to do their work.

Mr. GINGRICH. My last point, and I appreciate the leader tolerating my having this much time to pursue this, and the Democratic leader for participating, but I do think the Members will begin to get a little concerned about that August 5 target date if we have very much slippage in the near future. I would hope we would sort of look carefully at either trying to keep literally the Friday date and, if necessary, postponing things until September, and I just looked at next week's tentative schedule, and I began to look at some slippage that might build in the next week with the defense authorization bill coming up, and I do not know if the gentleman's leadership has thought through or would like to share with us what might begin to happen. I know that the August 5 date is the date the gentleman wants to keep.

Mr. GEPHARDT. It surely is. Our hope is to do the defense authorization bill in 4 days, and on Friday of next week to be able to do another appropriation bill which will leave us with the remainder of the appropriation bills in the last week. We have plotted out a schedule through that week that we believe will allow us, with some room, to be able to get the rest or almost all of the rest done. We may not be able to get one bill done by the August date, but we believe we can.

Mr. GINGRICH. Mr. Speaker, I thank both the leaders for giving me so much time.

Mr. MICHEL. Before yielding back, I have been asked on the Nuclear Regulatory Commission Authorization Act where we are going to consider the rule only, when would the general debate or further consideration of that bill be considered? Would that follow on as the first order of business of Tuesday?

Mr. GEPHARDT. It is unclear at this point. I would hope that we could do it in the following week. It may be able to be done later in the week. I do not know the answer.

Mr. MICHEL. I thank the gentleman.

Furthermore, another question: What if either one of those two appropriation bills scheduled for next week, VA, HUD, and Foreign Ops, are not completed in time for our considering them next week? What does that do to the schedule, I guess more pointedly, on Friday?

Mr. GEPHARDT. Obviously, if we have one of those bills come off, it could mean we will not meet on Friday, but it is my belief that we will get all those bills up and that we will be here on Friday.

Mr. MICHEL. And that our original schedule did alert Members to be ready for work on that Friday?

Mr. GEPHARDT. That is exactly right.

Mr. MICHEL. I thank the distinguished majority leader.

ADJOURNMENT TO MONDAY, JULY 17, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2360

Mr. HOLLOWAY. Mr. Speaker, I ask unanimous consent that the name of the gentleman from New York [Mr. WALSH] be removed as a cosponsor of H.R. 2360. His name was mistakenly added.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

TWO CHILDREN DIE IN FIRE STARTED BY CIGARETTE IN MATTRESS

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOAKLEY. Mr. Speaker, on July 4, an apartment fire, believed to have started when a cigarette ignited a mattress, killed two young boys ages 2 and 4, and seriously injured a 35-year-old woman.

This incident is just one of many tragedies that could be prevented in the future. A cigarette which would not ignite furniture and mattresses is technically and economically feasible to produce. The development of a fire safe cigarette would save thousands of lives, prevent thousands of burn injuries, and save millions in property damage.

H.R. 293, the Fire Safe Cigarette Act of 1989, takes the necessary steps to

prevent these fires. Three leading national fire service organizations, along with many other State and local fire service organizations, endorsed H.R. 293. More than 50 Members have expressed their support and cosponsored the legislation. I urge my fellow colleagues to please give this legislation their utmost consideration.

For every day that passes and no action is taken to develop a fire safe cigarette, another innocent child may become a victim to this senseless and unpublicized killer.

Mr. Speaker, I include the following article from the San Francisco Examiner of July 5:

[From the San Francisco Examiner, July 5, 1989]

2 BOYS DIE IN FIRE STARTED BY CIGARETTE IN MATTRESS

Two young boys—a 2-year-old and a 4-year-old—have died in a fire in a Polk Gulch apartment fire believed to have started when a cigarette ignited a mattress, fire officials said.

A 35-year-old woman, identified by the apartment building manager as Ines Shapiro, was in serious condition Wednesday morning at San Francisco General Hospital suffering from smoke inhalation. She was in the apartment at 1030 Post St. when the fire started.

The boys' names were withheld pending notification of relatives.

The 8:27 p.m. one-alarm blaze was in a fourth-floor apartment. Firefighters, who were right across the street, doused the blaze quickly.

Assistant Fire Chief Ed Murphy said the boys probably were overcome by smoke from the small fire. He said firefighters responded quickly in removing the children from the structure.

Murphy couldn't estimate the damage to the two-room apartment but says there was not much structural damage. He said the fire was held to the mattress and contents.

LOCAL NEWSPAPER AD AN EMBARRASSMENT TO MEDICAL PROFESSION

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McDERMOTT. Mr. Speaker, many of us have seen a full-page ad in our local newspapers, with the headline "How do you tell someone on Medicare she is an 'expenditure target'?" The ad says the Ways and Means Committee's bipartisan proposal to keep Medicare costs under control will lead to "the rationing of care."

I do not know where the American Medical Association has been while some of us have been trying to bring affordable health care to all Americans, but I have news for them: health care is already rationed. If they have coverage, they get the best medical care in the world, sometimes even more than they need. If they do not have coverage, they can hope for an underfunded public hospital or a doctor who feels charitable.

This ad is a blatant distortion of the committee proposal, and an embarrassment to the medical profession. It says "services would have to be reduced" if expenditure targets are exceeded. What could be reduced are increases in physicians' fees. If the AMA wants to write itself out of the debate on health care policy, this strategy of distortion will go a long way to do so.

Mr. Speaker, 50 years ago the AMA opposed the very idea of health insurance; 25 years ago they opposed Medicare and Medicaid. It is a good thing that good public policy won out on those occasions, and it looks like it may happen again. Physicians have a lot to contribute to health care policymaking. The expenditure target approach is not the only way to reconcile access with cost containment. I hope America's physicians will start playing a constructive part in the process.

[From the New York Times, July 13, 1989]

A LEGAL LID FOR DOCTORS' FEES

The Congressional version of E.T. isn't lovable or extraterrestrial. But it will likely become an even bigger financial success than the joyous movie character. Medicare payments to doctors have risen more than 15 percent a year in the 1980's. Because three-quarters of these reimbursements are paid by taxes, Congress wants to impose a program of expenditure targets, or E.T. While not without risk, the plan deserves support.

E.T., approved by the House Ways and Means Committee last month, is part of a comprehensive overhaul of Medicare payments to physicians. Under it, the Department of Health and Human Services would effect a new schedule of fees that Government will pay Medicare doctors. The legislation would also limit how much doctors could charge beyond the approved fees.

In the past, controlling fees has failed to control Medicare outlays because physicians have found ways to bill for additional services. E.T. would answer this problem by offsetting excessive billing in one year with lower fees the next.

Each year, Human Services would set a national target for overall outlays based on factors like the number of retirees and inflation. If actual outlays nationwide exceed the target by, say, 2 percent, then the department would lower fees it will pay for procedures by 2 percent the following year.

Reductions would not have to apply equally across the board. Human Services would have plenty of discretion to single out particular specialties, procedures or regions that appeared to be contributing more than others to the overruns.

As expected, the American Medical Association has denounced E.T. Controlling fees, the A.M.A. warns, could make Medicare treatment unprofitable, causing doctors to turn away Medicare patients. But those predictions are alarmist. The legislation strictly limits the amount by which Human Services could lower fees in any one year no matter how large the previous cost overrun.

In the unlikely event that Human Services set fees below cost so that physicians began withdrawing their services, the error would become obvious, and it would face enormous pressure to raise fees.

Instead of E.T., the A.M.A. prefers treatment guidelines to control unnecessary billings. Such guidelines could be used by peer review panels to keep an eye on individual physicians. That's not a bad idea, though health experts like Alain Enthoven, professor of management at Stanford, are skeptical that such guidelines can adequately control costs.

Yet E.T. and treatment guidelines are not contradictory. In fact E.T. should encourage the A.M.A. to design such guidelines as a way to live with E.T. Only by disciplining themselves and weeding out unnecessary billing will physicians insulate their fees from the Human Service hatchet.

E.T. is not riskless. Doctors may fail at self-discipline; or Human Services may, despite pressure to the contrary, persist in setting fees too low. But those risks are worth taking. Previous attempts to control physician costs have failed. E.T. offers a reasonable way to do much better.

U.S. ALTERNATIVE FUELS COUNCIL MEMO NO. 71389; ALCOHOL FUEL, ONE FOR THE ROAD

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, the National Press Corps is to be commended. During the last several weeks I have been pleased to observe that with increasing regularity more and more attention is being given to the subject of clean air and the environment.

Just last week in the Washington Post Outposts section an article appeared, authored by Dr. Harry P. Gregor, professor emeritus of chemical engineering at Columbia University. He observes that 40 percent of the clean air problems in America originate from automotive emissions—burning gasoline in our automobiles.

He writes that if ethanol was used in all city-owned or regulated vehicles such as buses, taxis, police cars and garbage trucks in the nine U.S. areas of highest air pollution, air quality would rapidly and markedly improve.

Cleaner air, expanded markets for our farmers and renewable fuel sources—what better reasons to proceed as rapidly as possible in developing an alternate fuels program for our Nation.

Mr. Speaker, what a great opportunity our President has tomorrow as he begins the economic summit in Paris by addressing the problem of clean air and the environment.

I include the article as follows:

[From the Washington Post, July 9, 1989]

ALCOHOL FUEL: THE ONE FOR THE ROAD

(By Harry P. Gregor)

President Bush recently proposed that the United States gradually phase-in vehicles that run on clean, alternatives fuels such as methanol, ethanol and compressed natural gas. No matter which of these—or others—we finally select, it will have momentous

consequences for America's air quality, public health and economy as well as the ecological future of the planet.

Any serious contender for an alternative vehicular fuel must meet six criteria. It must:

—be comparable in cost to gasoline;
—be renewable—derived from a virtually inexhaustible energy source;
—produce minimal pollution;
—not come from fossil fuels and thus not add net carbon dioxide to the atmosphere, exacerbating the greenhouse effect;
—be easily transported, stored and suitable for reasonably priced vehicles; and
—be producible using technologies already, proven to be feasible, in amounts large enough to fulfill our most pressing needs soon and ultimately to supply a major fraction of our national demand.

The only alternative fuel that can meet these requirements is ethanol—ethyl alcohol. It is already being produced from starch (corn) and sugar (cane and beet) crops. And it has been proven on the road: In Brazil, ethanol from sugar cane powers 2 million vehicles—most of them manufactured by General Motors and Ford.

Brazil uses archaic technologies of biomass conversion that consume more energy than they produce in fuel. But if modern, energy- and cost-effective membrane technologies are employed for biomass conversion ethanol fuels can compete easily with gasoline in cost. There is no doubt that world agriculture can soon produce enough biomass feedstock to replace an appreciable fraction of the liquid fossil-derived fuels we now consume. Ultimately, alcohol fuel can become our major liquid energy source. A land mass equal in area to 10 percent of the Amazon rain forest can produce enough biomass to satisfy all of the energy requirements for both Americas in the year 2000.

Moreover, of the alternative fuels the president mentioned, ethanol is the only one which meets the Clean Air Act requirements for low pollution while adding no net carbon dioxide to the atmosphere. The latter is imperative if we are to avoid disastrous global warming from the greenhouse effect.

A CLEAN MACHINE

Ethanol is ideally suited to use in vehicles, which are collectively responsible for over 40 percent of the nation's air-quality problem. Cars emit numerous pollutants including: noxious organic gases, of which benzene and other aromatics are the worst; particulate matter in the form of smoke and soot (largely from diesel fuel); oxides of nitrogen; and carbon monoxide.

Even without combustion, vaporized fuel escapes from the carburetor, fuel line and gas cap. In the presence of sunlight, it reacts with oxygen in the air to form ozone. Although "closed-loop" carburation, better gas caps and vapor-recovery fuel nozzles can alleviate much of this problem, as a practical matter evaporative fuel losses cannot be eliminated. Hence, another advantage of ethanol: It is less volatile than other alternatives. Evaporative pressures, as measured by industry standards, are 2.2 for ethanol, 4 for methanol and 10 for gasoline. (Compressed natural gas or CNG should have no evaporation because it requires a pressurized, completely closed system.)

Methanol and ethanol burn with a nearly colorless and odorless flame, cleaner than CNG and much cleaner than gasoline or diesel fuel. They also burn cooler. This is important because in the engine, high flame temperatures lead to reactions with nitrogen from air to produce oxides of nitrogen (NOx). Alcohols make only one-fifth as much NOx. Incomplete combustion of any fuel results in carbon monoxide. All the alternative fuels make less of it than gasoline, possibly because they allow the catalysts to be more efficient.

Incomplete combustion of alcohols also produces compounds called aldehydes. Methanol yields formaldehyde, a carcinogen and the active ingredient in embalming fluid. Ethanol leads to acetaldehyde—rather benign despite its name. (When you drink an alcoholic beverage, the ethanol is metabolized to acetaldehyde, and then to carbon dioxide and water.)

In addition, efficient auto motors require fuels having a high octane number—that is, fuels that do not burn too quickly, producing engine "knock." Gasoline requires antiknock additives; but methanol and ethanol naturally have very high octane numbers, which is one reason why ethanol is used to fuel racing cars.

Admittedly, cold starts with alcohols present problems. Gasoline blends provide volatile components to ease starting; but they also cause pollution. There are, however, volatile substances that can be added to alcohols without increasing pollution (while also acting as a denaturant to keep people from drinking the fuel). And alcohol tanks would have to be larger than conventional gas tanks, since ethanol has two-thirds the energy content of gasoline. (Methanol has about one-half.)

* * * * *

For biomass conversion, a pilot-plant study is a must because agribusinesses are highly conservative. Given the virtually unlimited market available for liquid fuels, it is probable that there will be adequate private investment capital for new construction, with no need for governmental grants and subsidies. Since membrane technologies are of the "add-on" variety, owners of existing sugar and alcohol plants will find it profitable to convert and modernize to increase production and lower costs. American exports might also benefit, since the United States is the major innovator and producer of membrane equipment, and a substantial market will evolve.

There is another feedstock for ethanol, one costing about one cent a pound and available in massive amounts: cellulose from trees. Cellulose is a long-chain molecule made of the same sugar units as starch, but with a different linkage that has traditionally been difficult to break. Only one substance can do this in a cost-effective manner—concentrated hydrochloric acid at room temperature. Large plants built in the 1930s in Germany and operated through World War II accomplished this conversion to sugars and alcohol. One step in the conversion was far too expensive in equipment and energy so the process was abandoned.

But now we have the conceptual understanding to carry out that step at low cost using membranes. With a modest research effort over the next two years, the United States could be in a position to start a pilot plant study in 1992. Cellulose conversion has real promise of being the ultimate process to supply our worldwide energy needs while contributing to the environment.

And to do so at an attractive price: It takes 14 pounds of feedstock to make one gallon of ethanol, so feedstock price is highly important. At 2 cents a pound, this comes to 28 cents a gallon for biomass. Add a total conversion cost (using membranes) of about 15 cents, and the total price per gallon of ethanol is 43 cents—competitive with gasoline on an energy basis. Moreover, additional revenues from byproducts and fertilizer reuse make the process even more attractive. Published costs for methanol and CNG production and use are appreciably higher.

CLEANING THE AIR

If ethanol use were mandated for all city-owned or regulated vehicles such as buses, taxis, police cars and garbage trucks in the nine U.S. area of highest air pollution, air quality would rapidly and markedly improve. Even a limited ethanol production and motor modification program could serve that need. The new legislation in California mandating the use of non-polluting fuels is an empty threat unless a practical candidate fuel is available. The same applies to EPA regulatory sanctions.

A substantial use of any alternative fuel in the United States will be slow in coming, since the quantities involved are staggering. We now consume one-third of the world's oil production, with automobiles using some 40 percent of that share and contributing about 40 percent to U.S. air pollution. Yet it is crucial that we begin now.

If we lower our rate of new carbon dioxide production by even limited use of ethanol, oceans and the land will have more time to absorb carbon dioxide and blunt the greenhouse effect. Geochemists estimate that a 50-percent reduction in new carbon dioxide emissions from fossil fuels will stabilize atmospheric levels and negate the threatened greenhouse effect.

And in the long term, biomass conversion and the virtually unlimited market for fuel alcohol will free many nations from dependency on foreign oil and convert them into energy-producing states. The Philippines, for example, have an enormous potential for biomass production and are near a huge market for liquid fuels in the Far East. For many developing nations, biomass conversion could be a major factor in accelerating economic development. Countries with an indigenous agriculture can have an independent source of energy.

The color green is becoming a dominant one on the international political scene. What better way to purify our environment and stabilize economies than to harness the energy of the sun, using plants to perform the only truly difficult part of biomass utilization, photosynthesis. That R&D program is Godgiven and proven; we have only to add our modest man-made technologies to make cost-effective and renewable fuels.

A DISTILLERY FOR CARS

When most people think of producing alcohol, they envision a process of distillation in which a fermented mass is heated, and the vaporized alcohol is recovered by condensation. Unfortunately, this method requires more energy than it puts out in fuel.

However, another method of alcohol extraction has been evolving since the 1940s. This technology, pioneered at the University of Minnesota by Karl Sollner and myself, employs permeable, selective membranes. Made from synthetic plastics, these membranes selectively permit only certain desired molecules to pass through while screening others out.

Five membrane technologies can be employed to produce ethanol from sugar cane and beets, with the same two or three used for starch conversion. When applicable, membrane technologies are remarkably energy-efficient. Typically, they require less

than 10 percent—and often only about 3 percent—of the energy required by evaporation, the principal concentrating process in use today.

In addition, membrane processes operate at room temperatures, so the substantial and heat-unstable byproduct values present in cane and beet juices and in corn wet milling streams remain intact for recovery, instead of being largely destroyed by the heat of evaporation.

Three, state-of-the art membrane technologies are already in widespread use: Ultrafiltration removes large molecules and impurities; reverse osmosis concentrates by removing water; electrodialysis removes and concentrates salts. Numerous industries use these techniques, and they are employed on a very large scale for water desalination.

Recently, two new membrane technologies have been developed. Innovative microfilters make fermentation more rapid and cost-efficient by recycling the yeast cells and removing alcohol during fermentation. New "pervaporation" techniques—in effect, distillation across a membrane—afford a particularly energy-efficient means of separating the water-alcohol mixtures which result.

We know enough now to build a pilot plant, starting with the three commercially available devices. At the same time, benchscale studies will select the best of available membrane and define how the two new pilot plant devices might be constructed. Full-scale plants of modest size for biomass, conversion will cost about $50 million, large ones more than twice as much.

□ 1730

HONESTY IN DEFICIT ACCOUNTING ACT OF 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. DERRICK] is recognized for 5 minutes.

Mr. DERRICK. Mr. Speaker, I have today introduced legislation which will reveal to the American people the truth about the financial condition of the Federal Government. I rise today to express to the House by grave concern about the menace posed to present and future generations of Social Security retirees and beneficiaries by the practice of including Social Security trust fund surpluses in the Federal budget for purposes of calculating the maximum deficit amount under the Gramm-Rudman-Hollings law. One evil effect of this bookkeeping sleight-of-hand is to conceal from the American people the true size of the Federal budget deficit. Now, Mr. Speaker, as if that weren't enough, an even more threatening aspect of this practice is the effective use of Social Security trust fund surpluses, which Uncle Sam holds in trust for future generations to offset massive operating deficits elsewhere in the budget. In other words, today's Federal spending binge is financed in part by Social Security taxes.

This insidious use of Social Security trust funds developed as follows. The 1983 Social Security amendments strengthened the financial position of the system in part by scheduling a series of increases in payroll taxes. The tax, current 15.02 percent of the first $48,000 of qualifying wages—borne equally by employers and employees—now generates billions more each year than is required to pay benefits to current beneficiaries.

The American public largely believes that as dedicated revenues Social Security trust funds remain entirely separate from the rest of the budget and do not enter into overall Federal tax-and-spend calculations. However, this perception is correct only on paper. In truth, current Social Security tax receipts are used to pay current Social Security benefits, but are also used to defray current day-to-day operating expenses of the Government because the Treasury borrows the excess cash and issues the trust funds an "IOU."

By the end of fiscal year 1990 the Social Security trust funds will have accumulated a surplus of $68 billion. By fiscal 1991 that surplus will have grown to $79 billion, and by fiscal 1993 to $103 billion. The presence in the Treasury of these billions, which under Gramm-Rudman offset deficits elsewhere, arguably entices the Government to spend more than it should, or alternatively, not to tax as heavily as it should to support its present level of services. As long as the Government continues to include these surpluses in the calculation of the Gramm-Rudman-Hollings maximum deficit, then policymakers can postpone facing fiscal reality. In other words, the Government will not act to eliminate this deficit, releasing resources for national savings, as soon as it would if these billions were unavailable.

Mr. Speaker, we must stop using the trust fund surpluses to hide the true size of the deficit. It not only defies logic and accepted accounting principles, it is intellectually dishonest, and it poses a very real risk to the future financial security of millions of workers now contributing to Social Security who expect it to be there when they retire. The American people are becoming aware of the problem, though. In the process of compiling data garnered through a recent nationwide project entitled "An Exercise in Hard Choices," the Committee for a Responsible Federal Budget noted a growing public awareness of government use of Social Security trust funds to finance the deficit.

Mr. Speaker, I hope all my colleagues will join me in supporting the "Honesty in Deficit Accounting Act of 1989." This measure will exclude the surpluses of the Social Security trust funds from the maximum deficit calculations under Gramm-Rudman-Hollings law and revise the Gramm-Rudman-Hollings deficit reduction targets and target dates accordingly. This legislation represents another important step toward restoring fiscal financial health. Only when the American people truly understand the gravity of the illness will they fully appreciate the need for a cure.

B-2 "STEALTH" BOMBER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio. [Mr. MCEWEN] is recognized for 5 minutes.

Mr. MCEWEN. Mr. Speaker, I would like to briefly address the House this evening concerning a matter that has come to the attention of the Armed Services Committee in recent days. It has to do with the final development and public discussion of the B-2.

As Members know, a B-2 long-distance strategic bomber was previously under the jurisdiction of the Intelligence Committee, but this past week it came to light of the general public and much discussion has ensued.

Mr. Speaker, I would like to share with my colleagues one major concern, and that is the fearsome attack that has been made on the B-2 concerning the price of the airplane. There is much to recommend it. It is certainly in the discussion of our national defenses not to be weighed in the terms of dollars and cents, but if they choose to address the debate on the basis of the cost per airplane, I would like to focus the attention of my colleagues on the cost of airplanes in general.

Mr. Speaker, perhaps the longest running commercial aircraft to be produced in this country is the 747. That is now in its 20th year of production. It is 1960's technology. It has been refined and improved every step until now it is the most efficient, most cost-efficient airplane on the market today, and yet if one were to go in to purchase a 747 at this moment, the price for the purchase of a standard stock 747 is $125 million. That is the cost of a commercial transport that is mass produced and has been for 20 years. That means that the dies and the tools and all of the necessary ingredients have been amortized over a quarter of a century, and yet it still costs $125 million.

Mr. Speaker, if some amendments or changes were to be made to that airplane; for example, if we were to add Presidential communications to it, the cost of that airplane immediately jumps to $250 million, $300 million, or in the case of Air Force One, $323 million.

Let us go to the B-1 bomber. The B-1 bomber today costs $351 million, yet it is 1960's and 1970's technology with improved electronics. The B-2 is a quantum leap forward in development. With its new stealth technology, it is 20 to 25 years ahead of anything in the world today. It has to be built from scratch. Every piece that is put together is brand new. Therefore, we

must develop prototypes because when we do, we create the necessary ingredients and the tools and the dies in order to make the airplane in general.

Yet with all of that, this tremendous aircraft is coming to us at a cost in the neighborhood of $450 million a copy, which is not much more than a 747 with Presidential electronic communications. It would revolutionize that leg of the triad known as the long distance air defense bomber.

So Mr. Speaker, for those who will attempt to say, as they have already said we really do not need the sea power, and we hear much debate about the fact we certainly should not have any new missiles, now we should disarm in the area of the air defenses and the Air Force long bomber wing leg of the triad. I think we should take a long hard look before we are stampeded into doing anything radical in the next few days and in the discussions of the Armed Services Committee markup the week after next that will do permanent, terminal harm to keeping our national defenses with a strong Air Force.

HANK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, there is one sure sign of success and achievement, particularly in the entertainment business, that sign is when fans recognize you without having to use your last name, like Elvis. One of the top country music performers of all time can make that claim. Hank, or as his father used to call him, "Bocephus."

Today I want to pay tribute to Hank Williams, Jr., He has won the Country Music Association's "Entertainer of the Year" award 2 years in a row, and the Academy of Country Music "Entertainer of the Year" award 3 consecutive times.

While the awards indicate recognition by his peers, the most meaningful tribute, the real reason Hank Williams, Jr. has kept performing since boyhood, is the admiration, devotion and love that he shares with his fans.

If you've ever been to a Hank Williams, Jr. show it's difficult I describe what he gives his fans, and the special feeling they give him in return, unless you've been there yourself.

Billboard magazine plans to dedicate a special issue to Hank Williams, Jr., on August 26, 1989. I want to pay my own tribute to Hank today, right here on the floor of the U.S. House of Representatives.

Hank Williams, Jr. never had it easy, but I believe that is part of the reason why he is the No. 1 country music entertainer in the world today. In the lines of one of Hank's songs he asks himself the rhetorical question—"Hank, why must you live out the songs that your wrote?" The joy, the pain, and the life of the man, Hank Williams, Jr. is reflected in each note he sings.

Bocephus grew up in the shadow of his famous father, and I understand the way he often must have felt. My own father, the late Governor Frank G. Clement, of Tennessee, was one of the most reknown politicians in Volunteer State history. I recently talked with Hank on his bus prior to one of his concert appearances, and I couldn't help but think about how proud both of our late fathers would be if they were alive today.

Hank Williams, Jr., the top-grossing country music performer in the world, has emerged from that shadow to become a legend in his own right. He has overcome obstacles that literally included a fight for his very life. After a near fatal fall from a mountaintop in Montana, the struggle to establish his own musical identity and the rigors of a hectic worldwide travel schedule, to become an international superstar.

His musical roots can be traced to 1957 when Johnnie Bailes of the Bailes Brothers group introduced him in Swaynesboro, GA, the very first time he ever appeared on stage at the tender age of 8.

Since then Hank has gone on to sell 25 million records and receive 17 gold albums, five platinum albums and one double platinum album.

Hank Williams, Jr. can play it all, from haunting country melodies to rock and roll to rhythm and blues. He is comfortable playing with the rock group like Van Halen, soul legend Ray Charles or with country and gospel performers. He even did a version of the broadway show tune "Ain't Misbehavin'" from Porgy and Bess that became a best seller. His broad musical range and diversity indicate that Hank Jr. is one of the most remarkable musical talents in the world today.

I'd also like to note the accomplishments of the "Man Behind the Man," Hank Jr.'s manager, Merle Kilgore.

Merle, a Shreveport, LA, native and country music star in his own right, first went to work for Hank Williams, Sr. at the age of 14 after asking him if he could carry his guitar.

He went to work for Hank, Jr. when Bocephus was 14 years old, on May 1, 1964.

Merle, through his hard work, dedication and old school savvy, has helped Hank, Jr. stay at the top of the country music charts for a quarter-century.

It is fitting and proper that billboard magazine dedicate a special issue to Hank Willliams, Jr. and his organization. It is my distinct honor and privilege to offer my own salute today for this incredible performer who has accomplished nearly every achievement possible in his field.

I am very proud to boast that Hank Williams, Jr. has established his home and corporate headquarters in Paris, TN, in my home State. I am proud of Hank, Jr. for everything he has achieved, and I am proudest to call him my friend.

In conclusion, my feelings about this great artist can best be summed up by using the lines of one of Hank, Jr.'s own songs, "A Country Boy Can Survive"—

We came from the West Virginia coal mines—
And the Rocky Mountains and the western skies—
And we can skin a buck, we can run a trout line—
And a country boy can survive—
Country folks can survive.
We're from North California and South Alabam'—
And little towns all around this land—
And we can skin a buck, we can run a trout line—
And a country boy can survive—
Country folks can survive—

Hank Williams, Jr., is a country boy, and through all of the miles, the years and the tears, Bocephus has survived. So will his music. Not only will it will survive—it will live on forever.

□ 1740

SECRETARY MARSH COMMEMORATES D-DAY ANNIVERSARY

The SPEAKER pro tempore (Mr. CHAPMAN). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, the Secretary of the Army, John O. Marsh, represented the Defense Department and President Bush on June 6 at the 45th anniversary of the D-Day invasion of Europe. More than 3,000 people attended the ceremonies at the Normandy-American Cemetery. One of those present was our colleague, SAM GIBBONS of Florida, who was also there 45 years ago when the allies stormed the beaches.

I want to share with my colleagues the very eloquent remarks Secretary Marsh made to that distinguished group. I might add that our former colleague, Jack Marsh, has served as Secretary of the Army, longer than any other individual.

Distinguished military guests, veterans of Normandy and World War II, and I would particularly single out the Member of the United States Congress who made the parachute assault on D-Day, my good friend, Sam Gibbons. Sam, stand up.

To all the members of the U.S. armed forces, ladies and gentlemen. It is an honor for me to be here as the President's representative. His valorous career in World War II and his public service demonstrate his commitment to freedom and to world peace. This was made clear in his recent visit and statements when he came to Europe.

Normandy shall always be an event of historic significance—militarily, politically, and culturally. Its commemoration should raise for us two questions. The first, what brought them here? That question shall be asked by other generations in other times. The answer is important to us all. It was shared values. Shared values that brought them here. Values that created a common bond, forged a wartime alliance to pursue a common endeavor.

1989 is a year of historical significance to three nations that played a major role in that alliance. It is the tercentennial of the English Bill of Rights which define the rights of Englishmen. It is the bicentennial of the French Declaration of Rights and of the Citizen, a hallmark of human freedom. It is the 200th anniversary of the founding of the American Republic, a representative government dedicated to ordered liberty. These three events and their mutual values came into confluence here. They established a common course, gave us a mutual goal. It was not just national preservation, but the perpetuation of ideas central to human freedom and individual worth.

True, that rifleman clawing his way across the beach that was swept by fire, or the sailor whose craft was bobbing as a target in the English channel, or the airman diving into a tracer stream of antiaircraft fire did not perceive in their personal world of survival these great causes. Nevertheless, their deeds were essential to their attainment and to victory.

The second question is, What brings us here? We are here to remember what was done at this place and why. We are here to thank the living and to honor the dead. Our presence is a symbol that what occurred here was important, and what was endured here should never be forgotten.

From the vantage point of time it is our task, it is our duty, to discern the grandeur of purpose, to more clearly define the values of that purpose. It is imortant that we understand that we are the beneficiaries of their sacrifice and just how we have benefited.

This 45th anniversary of Normandy is the 40th year of the North Atlantic Treaty Organization—an alliance for freedom that has its roots in Normandy. An alliance that has kept the peace in Western Europe for a longer period of time than any time since the fall of the Roman Empire. Only through the eyes of the past can we see the consequence of the deeds that are done each day. And 45 years later, we can begin to measure the importance of Normandy to us all and to a world that some day might be at peace with freedom unto all.

For those who fell, they died in youth that liberty might grow old.

JOINT RESOLUTION TO DESIGNATE 1989 AS "UNITED STATES CUSTOMS SERVICE 200TH ANNIVERSARY YEAR"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am proudly introducing a joint resolution to designate 1989 as the "United States Customs Service 200th Anniversary Year" and to authorize the President to issue a proclamation calling upon the people of the United States to observe the year with appropriate ceremonies and activities.

The U.S. Customs Service is one of the oldest of all Federal agencies. It was created on July 31, 1789, when George Washington signed into law the legislation creating it, the Fifth Act of the First Congress.

In the early years, the Customs Service was our primary source of revenue. For nearly 200 years, the many dedicated employees of the Customs Service have, in addition to collecting revenue, enforced all of our laws at the U.S. border and protected U.S. citizens from a wide range of illegal importations such as illicit drugs and other contraband goods.

I have seen firsthand in my role as chairman of the Committee on Ways and Means, which is responsible for oversight of the Customs Service, the creative means that smugglers have used to circumvent our laws and I have witnessed the great ingenuity with which our Customs officers have responded in order to protect our borders.

The responsibilities of the Customs Service have become increasingly complex over the years as the Congress has passed wide ranging legislation regulating trade in goods. With a dramatic increase in the volume of imports, the Customs Service has had to be resourceful in carrying out its responsibilities without a significant increase in personnel.

By introducing this resolution, I want to commend all of the dedicated employees of the Customs Service, both present and past, for their significant contribution to the welfare of the United States. My father once proudly served as the Collector of Customs in Chicago and I want to honor his memory as well with this resolution.

Somehow, it seems fitting that we are commemorating the 200th anniversary of the Customs Service during the same year that its oversight committee, the Committee on Ways and Means, is also celebrating its 200th anniversary. I urge all of my colleagues to join with me in honoring this important Federal agency.

TESTIMONY ON THE FLAG AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois [Mr. MICHEL] is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, I wish to share with my colleagues my testimony and the testimony of the gentleman from Mississippi [Mr. MONTGOMERY] before the Subcommittee on Civil and Constitutional Rights in support of a constitutional amendment to prohibit the physical desecration of the American flag. A text of the testimony follows:

TESTIMONY OF HOUSE REPUBLICAN LEADER BOB MICHEL, SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS, THE FLAG AMENDMENT

Mr. Chairman, let me first thank you and the members of the Subcommittee and the Chairman of the Judiciary Committee, Mr. Brooks, for this opportunity to present our views on the proposed Constitutional amendment.

Our amendment reads as follows:

"The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

Since we first proposed the amendment, we have been asked many questions, but 3 stand out:

First, why a Constitutional amendment? Won't legislation do the job as well?

Second, what do we mean by the words "physically desecrate"?

Third, isn't this amendment a threat to First Amendment rights? Aren't you really trying to amend the Bill of Rights?

Let me take those questions in order.

Why a Constitutional amendment?

Our goal is to overturn the *Texas* v. *Johnson* Supreme Court decision. Some of the scholars and experts we contacted told us that it was impossible to do so by statute. Mr. John M. Luckey, an American Law Division lawyer in the Library of Congress has written, "an amendment to the Constitution would be the most certain method of effectively reversing *Texas* v. *Johnson.*"

Right after the decision came down, the Senate, while debating child care legislation, considered and passed an amendment by voice vote to the current Federal Statute on desecrating the flag with scarcely 15 minutes of discussion and only 4 Senators participating.

Judge Robert Bork and Richard Thornburgh, Attorney General of the United States, believe that the Constitutional Amendment approach is the only way. The Veterans of Foreign Wars tell us it is their counsel's best opinion that only a Constitutional amendment would work.

Even experts who do not favor a Constitutional amendment approach say that a legislative approach would not work. Dr. Walter Berns, of Georgetown University and the American Enterprise Institute, opposed to an amendment, says legislation won't do the job.

Floyd Abrams, leading Constitutional scholar, was asked on the David Brinkley show, July 2nd, if he thought the language of Senator Biden's statute would "solve the problem".

Mr. Abrams said: "I don't think so". He praised Senator Biden's contribution and said he himself would first look to the statutory approach if he were against the ruling. But again, when asked, he said, concerning a test case of the Biden statute:

"I don't think it would stand . . . I don't think it can be done by statute . . . I think it's a losing argument, that there's a way to draft a statute . . ."

Let me repeat that Mr. Abrams does not support a Constitutional amendment. But the important point here is that while he doesn't believe an amendment is necessary, if something should be done, he says the statutory approach can't do the job.

Mr. Chairman, we believe there is no quick legislative fix on this issue. Either we amend the Constitution—as grave and complicated an undertaking as that is—or else we let the decision stand. There is no middle ground.

But the question "Why an amendment?" has another kind of meaning, one that transcends mere technical differences between legislation and amendments. In the deeper sense of the word, we are being asked why we are taking any course of action at all.

We can give no better answer than to quote from the majority and the minority opinions in *Texas* v. *Johnson.*

Justice William Brennan, for the majority, speaks of the "flag's deservedly cherished place in our community." He speaks twice of "the flag's special role" and of "the feeling it inspires".

Justice Kennedy speaks of the "lonely place of honor" held by the flag.

Chief Justice Rehnquist's opening pages of his dissent quote from patriotic poems

about the flag and document its revered place in our history. Critics dismiss these passages as mere rhetoric.

But, to the contrary, it seems to us that the Chief Justice was reinforcing by these passages the unique place the flag holds in the history and in the hearts of the American people.

"No other American symbol" the Chief Justice writes, "has been as universally honored as the flag . . . the flag is not simply another 'idea' or 'point of view', competing for recognition in the marketplace of ideas . . ."

Again, Mr. Chairman, let me stress the point that what I have quoted from the majority and minority opinions is not "mere rhetoric". It is instead, the very heart of the matter. The flag holds a unique place in our nation.

In his majority opinion, Justice Brennan wrote:

"We do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents."

But we do not seek to "consecrate" the flag through our amendment. The flag already *is* consecrated through 200 years of love and sacrifice and reverence of a very special kind. We seek only to protect it, just as you'd protect any loved one under attack.

And since I have just quoted Justice Brennan using the word "desecration", this is as good a time as any to raise the second major question:

"What do we mean by the words 'physically desecrate' "?

Some say the word "desecrate" is too vague and could mean anything or everything and, therefore, should not be used in the amendment. We respectfully disagree.

In common usage there is no permanent elasticity to the definition of the word "desecrate". Common usage and the dictionary give us reasonable limits outside which the word "desecrate" cannot reasonably be used.

To desecrate, according to one dictionary definition, means "to treat an object of veneration irreverently or contemptuously . . ."

Justice Brennan himself uses the word "desecration" in one or another of its forms no fewer than ten times in his majority opinion. No one that I am aware of has asked the distinguished Justice what he intends to mean by the word.

The Congress itself passed a law in 1968 titled: "Desecration of the flag of the United States" (Title 18 U.S. Code, Section 700) which uses words like "publicly mutilating, defacing, defiling, burning or trampling upon" under the general category of "desecration". When Congress passed that law, we presumably had no difficulty understanding what the words meant.

Constitutional amendments are relatively short and to the point. Our proposal is in keeping with this historical format. It is not and has not been the objective of Constitutional amendments to prescribe in specific, detailed form, that which is forbidden or permitted.

We inserted the word "physically" before "desecrate" precisely to make the point, as columnist David Broder recently put it, that "the Dallas demonstrator could have stood freely outside the Republican convention and declared to all the world 'I abhor this flag and all it stands for', (but) he could not have burned it, as he did."

Our amendment does not command the States and the Congress to pass laws protecting the flag from desecration. It simply gives to them the right to do so.

Each State and the Congress, through testimony, discussion and debate, will create a legislative history in which the reasonable limits of the definition of "desecration" will be made known.

Finally, some say our amendment will weaken our First Amendment rights. Mr. Chairman, I have more faith in the strength of the Constitution and in the common sense of the American people than to believe that the First Amendment can be weakened by protecting the flag from desecration.

You can say anything you want to about the flag. Our amendment in no way infringes upon even one small part of that right.

You can write anything you want to about the flag, so long as the writing is not itself on the flag in such a way that it physically desecrates the flag itself.

You can express yourself anyway you want—so long as your expression doesn't physically desecrate the flag.

Far from prohibiting free expression against the government, this amendment simply places the flag above and beyond the almost endless variety of means through which political dissent can be made.

We are not, as some suggest, "amending the Bill of Rights". Just like the First Amendment itself and the 25 amendments that come after it, our amendment will be to the Constitution as a whole, not to one part of it.

It is the genius of the Founders that the process of amending the Constitution demands scrutiny at many levels, ensuring that what we finally agree to, will be the product of our best efforts.

I am convinced that the American system of free debate, the inquiry into history, political philosophy and Constitutional issues, the deliberations in Congress and in the state legislatures not only can be trusted to give us the best answers—they must be trusted.

We shouldn't fear this demanding democratic process—we should recognize its strength and use it.

It has been argued that the fabric of national unity is not threatened by the despicable act of desecrating the flag and that therefore we need no amendment to protect the flag. After all, it is argued, how often do we have flag-burnings? Very rarely. Why all the fuss?

Whether one flag is burned or 5000 flags, the objection is still the same: a national symbol of unique reverence to Americans is being desecrated.

When you desecrate one flag you desecrate the sacred values which all flags symbolize.

The day this country begins to pass or not to pass laws based on the number of despicable acts, rather than on their nature, we are in big trouble.

Mr. Chairman, let me once again thank you and the members of the Sub-Committee for the opportunity to present our views.

REMARKS OF HON. G.V. MONTGOMERY, CIVIL AND CONSTITUTIONAL RIGHTS SUBCOMMITTEE

I want to thank the chairman of the subcommittee, Don Edwards and the ranking minority member, Jim Sensenbrenner, for giving Bob Michel and myself the opportunity to present our resolution that calls for a constitutional amendment to prevent the physical desecration of the flag. Mr. Chairman, we are asking you to give us the chance to bring this resolution to the House floor for a vote this summer.

I am glad to be with Bob Michel today because this is not a Democrat or Republican issue. Members of both sides of the aisle have expressed their disappointment with the Court decision. This is a bi-partisan effort.

After being home over the July 4th district work period, I am convinced more than ever that we need to take action. Support for this change was universal. It came from people in all walks of life and in every age group. The people of this country are upset about what the Court has done. We have to take action, otherwise people will be burning flags throughout the country on every holiday occasion. That is a terrible message to be sending to Americans, young and old. And it is the wrong message to be sending around the world to people who respect the flag as a symbol of freedom and democracy. Mr. Chairman, if we don't do something, I fear that Americans, and especially veterans groups, are going to stop the desecration of the flag in their own way and people are going to get hurt.

The last time the American flag was officially ordered burned was just before the Island of Corregidor fell to the Japanese in World War II. The colors were ordered burned to prevent the flags from falling into enemy hands. That very proper action was taken by men who were proud to defend the flag. They would not be so proud today to learn that the Supreme Court says it is also OK to burn the flag on any street corner in America as a form of legitimate protest. I think that is just plain wrong.

From childhood, we are taught respect for the flag. I haven't forgotten my Boy Scout training that taught me not to let the flag touch the ground and that it should be properly folded when not flying. I am concerned that this Court ruling has tarnished that respect and we are pursuing this amendment to restore it.

As Judge Bork said, the Supreme Court went too far in saying it was OK to burn the flag. The flat is the symbol of our country. Burning it is wrong. People don't carry the Constitution around with them, but they do carry and fly the flag, which represents the freedoms guaranteed in that Constitution. It also represents the sacrifices of those one million Americans who died in battle and the millions more wounded, many of whom we see every day on the steps of the U.S. Capitol. And you can't tell the loved ones of those killed in service that the flag draped over that casket doesn't mean something special.

This amendment is tightly drawn to protect the first amendment while still protecting the flag from desecration. We are not actually amending the bill of rights. We are amending the Constitution as a whole. You would be hard pressed to find someone out in the country who thinks their first amendment rights are being harmed by preventing the physical desecration of the flag.

I am sure there are those who can find some things wrong with this amendment, but we believe it will stop the burning of the flag and that is what the majority of the American people want done.

We have been told by those who have studied the issue that the Court ruling is so broad in its coverage that any statute enacted by Congress or the States would probably be quickly struck down in the district courts. That is why we think the constitutional amendment route is the right way to go.

Our forefathers set aside a vehicle by which the Constitution could be amended,

and it has been done 26 times. We are here today asking your to allow that amendment process to work again.

I hope your committee will give us the opportunity to vote on this amendment on the floor of the House of Representatives, I don't believe that is an unreasonable request.

FURTHER INROADS INTO THE BUYING OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MARTINEZ] is recognized for 30 minutes.

Mr. MARTINEZ. Mr. Speaker, no Representative enjoys receiving news that there will be a major layoff of workers in his or her district, especially when it is moving jobs from a district already suffering major job loss and at the same time removing a contract from an American subcontractor to a foreign one, making further inroads into the buying of America. One of our own major U.S. corporations, is a coconspirator in this move to weaken an American firm's defense contracting ability.

For this reason I bring these events to the attention of my colleagues and the American public. The situation I am referring to displays a shameful clash between the intent of American people and the intent of a foreign firm which is disregarding U.S. interests in favor of their own bid to become a major defense contractor in this country.

I recently spoke on the floor of the House of Representatives about the $4.3 billion Mobile Subscriber Equipment [MSE] Program. Unless action is taken quickly by the United States Army or by the prime contractor, GTE, our country is about to become entirely dependent on a French firm, Thomson-CSF, for the success of this program that is so critical to our national defense. Thomson-CSF is in the process of moving the contract from an American-owned company, which employs American workers, to a French-owned company. The American firm, is currently successfully producing the VHF radio subsystem to the MSE, which lies at the heart of the system. While Wilcox currently manufactures other systems for U.S. Army contracts, they have never produced even a single one of these radios. In other words Wilcox will be starting the VHF radio subsystem from scratch, costing an exceptional amount of time and money to start up manufacturing, as opposed to continuing the contract with the current manufacturer. Why would Thomson want to go to all this trouble unless they are trying to become major players in America's defense industry.

Thomson-CSF, and its United States subsidiary, Wilcox, are companies that are owned by the French Government, the same government that refused to let our fighters fly over their air space during the United States raid on Libya. How many of my colleagues feel that the people of this great country would support a move which would relinquish control of the key component to the MSE Program to that very same government. I doubt if any American could say such a move represents the best interests of this Nation. Yet, the Department of the Army, which has been formally notified of these proceedings, appears to be content to allow its decision to be based on only one section of the law; a section which simply asks if the new firm is certifiable with regard to production capability. The Army will not even check Wilcox's quality capability because proof of quality would not be expected until after production is started at Wilcox.

I fail to understand why we are allowing Thomson to end its relationship with the U.S. contractor which is delivering a quality product, ahead of contract schedule, in favor of setting up a new radio manufacturing site in Thomson's wholly owned subsidiary, Wilcox Electric.

This subsidiary has no experience whatsoever producing such radio equipment and does not even carry the most basic DOD quality rating. I ask you—if you and I are compelled by our sense of duty to be concerned that our Armed Forces are equipped adequately in order to carry out the defense of our country, then is it not also appropriate that our own Government be as concerned about the American defense industry that will ultimately be the only ones that our country can count on in case of a national emergency?

I am extremely dismayed that we do not own any design rights on this radio, as we appear content to become totally dependent on a French company for these radios. One must question who's interests are being served here. I ask you to examine some of the facts in this case:

Someone was concerned enough about this French dependency issue that the original contract award was based on a claim to have an independent United States VHF radio manufacturing company online within the first option year. The U.S. manufacturer doing this work, again successfully, is an American-owned company.

The American company is online delivering a quality product ahead of schedule. The Army has recently reported to me, and I quote:

> The company deliveries are ahead of their current delivery requirements, and there appears to be little risk that they will not successfully meet the remainder of the required deliveries.

Thomson is proposing replacing this company with Wilcox Electric, their own U.S. subsidiary, starting with a "bare floor factory". Wilcox has no radio manufacturing facilities nor a trained workforce, while NavCom already has both of these major factors fully operational.

The government/prime contract specifically states, and I quote directly from page 478 of the contract, "expenditures for services produced by a foreign national in a foreign nation shall not be considered U.S. nor shall expenditures for services of a U.S. national working for a foreign subcontractor be considered U.S." Yet, I have recently been advised by the Army, in writing, that they consider Wilcox as U.S. content as far as this contract is concerned.

While I can understand Thomson acting in a self-interest manner, I cannot understand why our prime contractor is backing them in this matter. The prime contractor's position has been that since they can not be held legally responsible for Thomson's move, they will do whatever their subcontractor wants. This lack of accountability by the prime contractor is downright disgraceful and disingenuous. I call on them to oppose Thomson's decision, and prove themselves to be a responsible U.S. corporation which protects American capability, and which will show its trust and pride in U.S. commodities. After all they were given the Army contract in the first place based on their agreement to a 76 percent American content clause; 76 percent of all money allocated by the contract must be spent on American components. Will they meet this 76 percent requirement if Thomson moves the contract to Wilcox? The answer is probably yes if the Army defines Wilcox as U.S. content. All the evidence you have just read however, shows that Wilcox clearly is not U.S. content. Where will the profits go to if Wilcox is the manufacturer for the MSE radio unit?

The answer is France. The intent of the government contract was to keep U.S. money in the United States. This will not occur if Wilcox counts as U.S. production content.

In this period where it has become so important to protect United States interests to preserve our economy, how can we allow the French or any other foreign corporation to keep taking money out of this country, particularly when there is a growing concern by most Americans about whats happening to American companies and American competitiveness? I'm asking the people of this great country to speak up for American industry and stop helping the French to pillage our economy. We should define Wilcox as it should be defined: a French manufacturer. I am sure that many of you that I address today must be questioning the motives of the foreign manufacturer.

It is inconceivable that anyone finds such a move in the best interest of our

economy, our Nation's defense, our defense industry, or our American workers. How will we, the Representatives of the people of the United States, feel if the United States Army may no longer acquire the radios which lay at the heart of our battlefield tactical communications system due to the whims of the French Government, and the owners of Thomson. Given that the French will control 100 percent of both the design and production technologies, our solution will not be as simple as flying around French airspace. Maybe there are hidden agendas that cause us to sit by passively while the French systematically paint the United States Army, and one of our own United States companies into a corner.

I plan in the near future to initiate legislative action which will attempt to stop this travesty. I call on my colleagues to support this action which is required to put an end to these very subtle and dangerous activities by foreign intrusion into our defense industries.

In closing Mr. Speaker, I bring to your attention an article entitled "Thomson's French Revolution," which can be found in the June 1989 issue of the British in flight magazine, Business. The magazine is published by Business People Publications, Ltd., as part of the Financial Times, Ltd., of London, England. The article frankly discusses Thomson-CSF's world market strategy, and I believe this is important in helping my colleagues, and all, to judge the notoriousness of this situation for yourselves.

THOMSON'S FRENCH REVOLUTION

During the late 1960s, Alain Gomez and Jean-Pierre Chevènement, both graduates of France's prestigious Ecole Nationale d'Administration, collaborated on a 100-page invective against their élitist Alma Mater. Under a pseudonym, they complained that the training ground for the country's future leaders was class-ridden, and that it made for stagnant government. They wrote a strident book, calling for militant socialism, and founded Ceres, a far-left political party, to practice what they preached.

Two decades later the two still collaborate, only now Gomez heads the state-owned Thomson SA, France's foremost defence and consumer electronics company, and Chevènement, as Socialist minister of defence, is one of his interested shareholders. "Those were childhood follies," Gomez says of the books he wrote under the *nom de plume* Jacques Mandrin. The 1960s radicals have, as so often happens, become part of the system they condemned.

Yet 50-year-old Gomez remains something of a mandrin, or bandit; only today he is considered a capitalist maverick whose bold but risky strategies have taken him to the forefront of French business. In his seven years as head of Thomson, he has transformed a loss-making, nationalistic company into a world leader in two main markets; defence and consumer electronics. Profits for 1988 are expected to top Ffr 2.2 billion (£204.7 million), on sales of Ffr75 billion—40 per cent bigger than sales at GEC, its nearest UK counterpart—with 70 percent coming from outside France.

In defence electronics, Thomson-CSF, with turnover in 1988 of Ffr33.5 billion, ranks number two in the world behind General Motors; in consumer electronics, only Philips of the Netherlands and Japan's Matsushita are bigger than Thomson Consumer Electronics, which accounts for 43 per cent of the group's total sales. In 1987, the division doubled in size when Gomez went on a mega-shopping spree, buying RCA from General Electric in the US for about $800 million, and Ferguson from Thorn EMI in the UK for £90 million. In April, another division, SGS Thomson Microelectronics, acquired Inmos, Thorn EMI's technically brilliant but costly microelectronics operation, in an asset swap. Thomson also sells white goods, to the tune of Ffr6 billion in 1987.

In 1982, when President François Mitterrand's Socialists nationalized most of France's largest businesses, including Thomson, few would have given the company the least chance of success. Thomson was a sprawl of ill-thought-out diversification that made the Harrods sale look orderly. It produced everything from light-bulbs, medical equipment, computers and televisions to radars, semiconductors, washing machines, toasters and missile platforms; 23 product areas in all. In the process it racked up losses of more than Ffr1 billion. The challenge was to take a company that typified the stodgy, bureaucratic style of French business, and turn it into a lean, mean fighting machine.

Gomez, then aged 43, was one of Mitterrand's more spectacular choices to lead a newly nationalized industry. The transformation from left-wing radical to corporation commander happened abruptly. Though Chevènement continued his association with Ceres, Gomez abandoned his Marxist intellectualizing for the industrial battlefield only a few years after the party was founded. Today, in his office, he keeps a Japanese samurai helmet rather than a copy of *Das Kapital*.

The grandson of a Spanish anarchist who moved to Paris during the first world war, Gomez sported credentials that went beyond his flirtation with radical socialism to the heart of the French social hierarchy: he had attended one of the best universities, of *grandes écoles*—l'Institut d'Etudes Politiques—studied law and, most important, was an *énarque*, as graduates of the Ecole Nationale d'Administration are called.

ENA was started after the second world war expressly to train future national leaders. At the time Gomez and Chevenement wrote their critique of the school, most ministerial positions and leading cabinet posts were held by *énargues*. They still are. In his book, *The French*, historian Theodore Zeldin writes: "ENA suggests that power is now something ordinary people can expect even to touch . . . it has given the routine business of training civil servants the aura of an organized conspiracy, and so acquired many of the traditional trappings and myths of a secret society."

Gomez graduated 11th in his class, qualifying for a post as government inspector of finances, the first rung on the ladder to the top. But after four years in government, he opted for industry, attending Harvard Business School and, in 1970, joined the ailing glass manufacturer St Gobain as an auditor. For 12 years he trouble-shot his way through the company, returning one division after another to profitability. Primed by his Harvard experience, Gomez started introducing such un-French policies at St Gobain as freezing wages to cut costs. His reputation was heightened by his playboy good looks and personal life-style: he often rode a motorcycle to work and his wife at the time, Francine, was president of the prestigious Waterman pen company. The couple emanated an aura of modern success. (Today Gomez is remarried, to a former Thomson press officer.)

But even the disarray he found at St Gobain failed to prepare Gomez for Thomson. Over the years since it was founded in 1893, the company had moved far beyond the electricity patents it had been set up to exploit. (The same patents, registered by physicists Elihu Thomson and Edwin M. Houston of the Thomson Houston Electric Corporation in Connecticut, were used to found GEC in the UK and AEG in Germany.) In 1966, the company added automobiles and domestic appliances to its range of activities by merging with Hotchkiss-Brandt. Two years later the acquisition of Compagnie Générale de TSF—which became a separate subsidiary called Thomson-CSF—bolstered the company's prowess in radio communications, components and high technology.

When he joined Thomson in 1982, Gomez described his charge as a replica of the Austro-Hungarian empire, split by rival leaders. The headquarters on the Boulevard Haussann in Paris was a labyrinth of offices filled by *less barons*, senior executives who did little more than dabble in petty power plays. Two camps dominated: Thomson-Brandt, the nominal parent company, of which Gomez was president, and the fiercely independent Thomson-CSF. There was no group strategy, no treasury operation and no controls. Losses that year amounted to about Ffr1 billion. When Gomez received the 1983 financial report from Thomson-CSF, which employed more than 100,000 staff and had sales of Ffr25.8 billion and losses of Ffr812 million, it came on three pages, only one of which bore any figures.

After determining the magnitude of the problem, the reorganization happened swiftly. In less than two years, Gomez cut the headquarters staff of 300 to 30. *Les barons* soon found themselves without fiefdoms. "We moved office three times in almost as many months," on former Thomson information systems manager says. "No one was sure what was going to happen, which parts of the business would be kept, which ones sold.

Finally, in an effort to unify the operation, all headquarters offices moved to a concrete and marble block in La Défense, the commercial district on the western edge of Paris. The buildings make up for their lack of charm with modern efficiency, a solid symbol of Gomez's no-frills style. The company still has no inherent corporate culture, in the manner of IBM, but seven years of cutting and pasting have brought it a long way from the early disorder.

Thomson might no longer be spread thin across the spectrum of industry, but its core businesses are far from stable. With peace creeping across the middle east and perestroika in the Soviet Union, defence budgets are shrinking; at the same time, the cost of producing new weapon systems is rocketing. Not surprisingly, a restructuring of the defence industry is under way. In Europe alone, five companies make on-board radar systems for a market of 800 fighter planes, compared with one consortium in the US for a market of more than 2,000. "There will be two to three major defence companies in

Europe by the end of the century and we want to be a player," Gomez says.

He started clearing the path to this goal in 1983. In an asset swap Gomez passed the company's ailing telecommunications business to Compagnie Générale d'Electricité, whose CIT-Alcatel telecom subsidiary leads the French telecoms market. In return Thomson acquired CGE's military and consumer goods companies, including Sintra, a manufacturer of sophisticated microwave transmission systems.

A happy consequence of this marriage is Rita, a $4.3 billion battlefield communications system for the US army that uses a substantial portion of Sintra technology. When Thomson, partnered by the US company GTE, won the order in 1985, Rita was the largest-ever US military contract based on non-US technology. Even more remarkably, the Reagan administration chose a system supplied by a socialist, state-owned company over rival pitches from Plessey—vaunted by Reagan's ally Margaret Thatcher—and Rockwell International.

Contracts such as Rita and Saudi Arabia's 1984 order for Ffr35 billion of defence equipment (dubbed "Al Takheb") have helped Thomson become Europe's largest defence electronics company, ahead of Daimler-Benz and British Aerospace. Its products range from air traffic control systems to underwater submarine detection devices and high-tech gadgetry. It has developed helmets that use holograms to project images in front of pilots' eyes so that they do not have to look down at control panels; and it makes cameras that see through the dark, enabling helicopters to bob and weave barely a few feet above the ground at night.

The company won 3,300 patents last year to the pride of research and technology director Erich Spitz. Gleefully he relates the story of a South American colonel who tested one of Thomson's battlefield tank simulators. "He said he didn't need the seat belt," Spitz says, "but when the tank was hit the force so knocked him, he broke his arm."

The shake-out of the European defence electronics industry started last year with proposals for the consolidation of Messerschmidt-Bolkow-Blohm (MBB) into Daimler-Benz in West Germany and the Siemens/GEC bid for Plessey. Thomson, despite its size, is at a balance sheet disadvantage to its main competitors. It already has spent Ffr2 billion on restructuring over the past four years and invests what it considers an obligatory 12 per cent of sales on research and development—the industry norm—half of which it finances itself. Thomson claims that most of its competitors pay for up to 80 per cent of their R&D expenses through military contracts. When Gomez looks at the treasure chests of Daimler-Benz (Ffr75 billion), Siemens (Ffr70 billion) and GEC (Ffr15 billion), he bristles with envy.

"Daimler-Benz has at its disposal the equivalent of our total sales," he says. Though Thomson has an order backlog equal to two years' turnover, at a time when mega-contracts such as Rita and Al Takheb are few and far between, Gomez does not have that kind of cash and is unlikely to generate it internally. So far the French government has not indicated how far it is willing to help. Rather than compete in the acquisitions game, therefore, Gomez's strategy is to seek alliances or joint ventures.

In 1987 he decided that Thomson's flagging semiconductor operation was to small to compete against Japan and the US, yet too strategic to abandon. The problems were shared by the Italian state-owned semiconductor maker SGS-Microelectronica. The solution was a 50-50 joint venture, SGS-Thomson Microelectronics, that ranks 13th in the world and second in Europe after Philips. It is run by a charismatic Italian, Pasquale Pistorio, who has, Gomez-style, revamped operations across five continents and turned 1987's losses of $131 million into profits of $2.2 million last year.

In April, Pistorio brought Inmos into the fold. Its much-praised 32-bit transputer microprocessor, which Thorn EMI was underresourced to exploit, fills a gap in SGS-Thomson's product line. Unlike traditional microprocessors, transputers can be linked to build a system as powerful as today's supercomputers, at a fraction of the cost. In an asset swap, Thorn EMI took 10 per cent of the SGS-Thomson holding company and agreed to put up $10 million of the next $100 million of capital infusion from the French and Italian parent companies.

In aerospace, Thomson has teamed with France's Aerospatiale. The combination will make France fourth in the world market for flight electronics, but still a long way behind the leader, Honeywell Commercial Flight Systems Group, with its sales of $7.1 billion. Talks with British Aerospace are also under way. However, when it comes to the Rafale fighter plane, which will replace the Mirage 2000—the French state remains traditionally isolationist. Though analysts estimate that producing the 330 Rafales ordered by the French military will cost the state $17 billion, and while critics believe France cannot afford the project, the government has refused to join the UK in the four-country European Fighter Aircraft (EFA) consortium working on a rival project. EFA expects to take orders for 800 planes within Europe alone. To Gomez the situation represents a lost market for Thomson's radar systems, which he dearly wants to fit to non-French fighter planes.

In consumer electronics, Thomson faces different problems. After making money consistently into 1983, the division baulked in the face of world recession. The state, as shareholder, had *suggested* strongly that Thomson should continue to make hi-fi equipment in Europe rather than go offshore as its competitors had done—a proposal that strained the bottom line still further. In personal computers, though Thomson easily secured the contract to supply more than 100,000 systems to French schools, its product—technically inferior and not IMB-compatible—bombed in the free market.

Gomez ordered an audit of the company's consumer businesses. At the same time he held talks with potential buyers. The names Daiwoo and Toshiba appeared in the press, though Thomson denied it ever intended to bow out of the business. "We were always looking to expand," Pierre Garcin, chairman of Thomson Consumer Electronics, maintains. Its commitment was underlined when Thomson bought Ferguson from Thorn EMI and swapped its medical equipment business for General Electric's RCA.

"It had been an uncertain time for us until RCA," says André Lefèvre, who runs Seipel, Thomson's television manufacturing company at Angers in the Loire Valley. Seipel felt Gomez's restructuring keenly. A 77-year-old factory making personal computers in Saint-Pierre-Montlimard, outside Angers, was sold, and automation and modernization cost 1,500 jobs at the main Seipel factory. Today, Seipel employs 1,450 people and Thomson holds 23 per cent of the US television market and almost 20 per cent of the UK market. In West Germany, despite a reputation as a job killer after it took over Telefunken and shut down a factory, Thomson has a 22 per cent share.

The challenge facing the division is to integrate all the newly acquired operations and stay price competitive with Japan and South Korea. Last July, Garcin reorganized the consumer electronics operation, underscoring Thomson's evolution from a French company that has international business, into a true multinational. Instead of managing subsidiaries as independent units, Garcin developed a corporate structure along product lines, eliminating layers of administration and duplication of duties. Televisions are managed worldwide—for Ferguson in the UK, Telefunken in West Germany and RCA in the US—from RCA's base in Indiana. Similarly, audio-equipment for the group is controlled from Paris, research and development from West Germany.

Garcin cannot afford to stumble. The battle in the market-place waits for no one. Prices of televisions and video cassette recorders fall on average by 20 per cent a year, whereas component prices drop by 5 per cent; so far the Japanese and Koreans have proved better than their western competitors at lowering their overheads.

One key to success will be the arrival of high-definition television (HDTV), a sector where Thomson is already a leading player. It could produce a replacement market for 600 million television sets in the 1990s, and for the millions of screen-based computer systems. Existing televisions in Europe use a matrix of 625 lines that gives a somewhat fuzzy image. The goal is to double the density of the lines and sharpen the picture. The Japanese have a system that uses 1,125 lines; Thomson and Philips, refusing to cede yet another lucrative market to the Far East, and backed by the European Commission's Eureka programme, have together demonstrated a system based on 1,250 lines. Helped by David Sarnoff Laboratories, a jewel in RCA's crown, Thomson is among 17 companies bidding to develop the US standard. When the dust settles, probably not before the middle of the 1990s, there will be three world HDTV standards, with Thomson playing a role in perhaps two.

Despite the fierce competition and uncertain future of defence and consumer electronics, Gomez says the company had no choice but to concentrate on the two markets. "We sold businesses that needed cash and had no hope of returning satisfactory results," he says. "You have to lead the battle from the front." But a closer look at Thomson's income statement reveals that its star profit performer has nothing to do with making televisions or building missile platforms. Thomson-CSF Finance, with its subsidiaries Société de Banque Thomson and Batif Banque, provided almost two thirds of 1988's net income. The fact that the group employs only 200 people has raised eyebrows, particularly among trade unions. "The money being made comes through financial operations that are not creating jobs," says Gérard Lecoz, who represents the dominant union at Thomson. (Out of a workforce of 104,000, the company expects to cut 9,000 posts by the end of 1989.)

The controversy over Thomson-CSF Finance centres on the nature of what makes a contemporary industrial company. Gomez maintains that business is undergoing fun-

damental change and the finance is as legitimate a market sector as any. With that in mind, in 1982 he hired economics specialist Jean-Francois Hénin to develop Thomson's then non-existent treasury function. Hénin started his career managing the finances at aluminium giant Pechiney and computermaker Bull. Since his move to Thomson he has created a high-performance financial empire from scratch.

Today Société de Banque Thomson manages the treasury needs of the company as a whole and Batif Banque works on its own account in arbitrage, brokering, barter and venture capital. Batif, which employs only 27 staff, posted a net profit of Ffr800 million in 1988, double the previous year's results. None of its venture investments is losing money. The turnover of one, Concept, founded to market the sophisticated financial software developed by Thomson in its "laboratory of financial techniques", has grown from Ffr30 million in 1984 to an estimated Ffr2 billion this year.

Thomson-CSF Finance's nerve-centre is on the third floor of a nondescript office building near the Arc de Triomphe. Its three banks of consoles, each housing 14 computer screens, track the international money markets 24 hours a day. A cadre whose average age in under 30 manipulates a multi-billion franc treasury. One floor below, 44-year-old Hénin, whose soft-spoken affability sets him apart from the tightly-wound Gomez, watches over the operation.

Only careful management of funds, Hénin maintains, can keep companies from losing in the foreign exchange markets what they earn through core activities. The nature of Thomson's defense business, for example, makes it necessary for the company to bid on multi-year contracts such as Al Takheb. The first payment on the project, in dollars, arrived when the dollar was worth Ffr10. Now it changes at Ffr6.50.

"The group lives with $3 billion to $4 billion in its porfolio," Hénin explains. "A variation of one cent in the dollar's exchange rate represents Ffr30 million for $3 billion." He hedges his investments through arbitrage, loan swaps and foreign exchange dealings. When the validity of Thomson's finance operation is raised, executives point to losses at British Aerospace in 1987 as proof of the need for a sophisticated treasury.

Critics of Thomson's financial operations point out that not all Hénins' market calls have been successful. Last year one of his dealers was marooned with Ffr400 million in a Saudi Arabian bank that went bankrupt. The group was also mentioned in two financial scandals, though it has little to do with either. "The criticism is mainly brought on by jealousy," says Jean Lecaze, a director of Manufacturers Hanover Bank in Paris.

Jean Mizrahi, technical adviser to the ministry of industry, says: "One could question whether the financial operation should stay as it is or develop relations with banks so Thomson does not become more centred on finance than industry." The state, he adds, would not force Thomson's hand.

Nevertheless, the controversy reached such a pitch this spring that press reports speculated that Gomez will need all his pull in high places to be reconfirmed as Thomson's chairman when his job is reviewed this month. The posts of state industry chiefs are reviewed every three years. In 1985, when Jacques Chirac became prime minister, he replaced 12 of the 25 chairmen of France's largest companies with businessmen who were faithful to his right-wing cause. Much to everyone's surprise, the socialist Gomez was left in place, testament to the success of his restructuring.

Whether or not Gomez stays, the question remains: can a French, state-owned company meet the might of the U.S. in a shrinking defense market and also survive the bite of the Japanese consumer electronics pacmen? Thomson is, thanks to Gomez's streamlining, one of the fittest competitors in its chosen industry segments. The French government would never let in fail, but its success could hang in the balance if Gomez were dethroned in a political powerplay.

"When a company is in good health, that attracts interested detractors," Gomez says, "When it is in a bad state, people say you have to reprimand the managers; when it is doing middling well, they say you should be better, or that someone could do better."

He treats the furore about reconfirmation with nonchalance. "Do I look worried?" He asks, sitting back, arms outstretched, eyes smiling, jaw firmly set.●

Mr. Speaker, are we in Congress of smoke and mirrors? We write language which supposedly protects our industry from foreign invasion, and call it U.S. content, but what does that mean unless we define U.S. content?

The success of corporate America depends on its ability to protect our own industries from unfair practices from abroad. To that end, Government contracts include U.S. content clauses in any contract where there are foreign interests at work. Are these clauses necessary because there is no national patriotism in corporate America?

To remain in stride with congressional intent, the Army formulated a defense contract with GTE which contained a 76-percent U.S. production content "Buy American" clause. The clause clearly states that only an American owned subcontractor with American employees can be considered U.S. content. A foreign owned subcontractor with American employees is not to be considered U.S. content. But more, the Army says that the language is ambiguous. Is it? No. So let's put it into law.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCEWEN) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes, each day on July 17, 20, and 24.

Mr. COMBEST, for 30 minutes, today.

Mr. MICHEL, for 60 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Mr. CLEMENT) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 15 minutes, today.

Mr. SKELTON, for 60 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MARTINEZ, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCHUMER, in support of H.R. 2022, before vote in House today.

(The following Members (at the request of Mr. MCEWEN) and to include extraneous matter:)

Mr. GILMAN in three instances.
Mr. SCHAEFER.
Mr. MCEWEN.
Mr. HEFLEY.
Mr. HANSEN.
Mr. SAXTON.
Mr. GEKAS.
Mr. MILLER of Ohio.
Mr. SENSENBRENNER.
Mr. SOLOMON.
Mr. GALLO.
Mr. BUECHNER.
Ms. SCHNEIDER.
Mr. PORTER.
Mr. BAKER.
Mr. BEREUTER.
Mr. LAGOMARSINO.

(The following Members (at the request of Mr. CLEMENT) and to include extraneous matter:)

Mr. LAFALCE.
Mr. FLORIO in two instances.
Mr. MARTINEZ.
Mr. FASCELL in two instances.
Mr. LIPINSKI.
Mr. BATES.
Mr. SKELTON.
Mr. WEISS.
Mr. WHITTEN.
Mr. FEIGHAN.
Mr. DINGELL.
Mr. BONIOR.
Mr. PAYNE of New Jersey.
Mr. CARR.
Mr. KLECZKA.
Mr. STARK in two instances.
Mr. HOYER.
Mr. DARDEN.
Mr. DYSON.
Mr. CARDIN.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 1722. An act to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such act.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 95. Joint resolution to designate the week of September 10, 1989, through September 16, 1989, as "National Check-Up Week," and

S.J. Res. 137. Joint resolution designating January 7, 1990, through January 13, 1990, as "National Law Enforcement Training Week."

ADJOURNMENT

Mr. MARTINEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 54 minutes p.m.) under its previous order, the House adjourned until Monday, July 17, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1443. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-58, "Closing of a Public Alley in Square 2960, S.O. 87-273, Act of 1989," and report, pursuant to D.C. Code section, 1-233(c)(1); to the Committee on the District of Columbia.

1444. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-59, "Guardianship, Protective Proceedings, and Durable Power of Attorney Revision Amendment Act of 1989," and report, pursuant to D.C. Code section, 1-233(c)(1); to the Committee on the District of Columbia.

1445. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-57, "Conveyance of the Jewish Community Center Act of 1989," and report, pursuant to D.C. Code section, 1-233(c)(1); to the Committee on the District of Columbia.

1446. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Follow-up Compliance Audit of the Escheated Estates Fund," pursuant to D.C. Code section, 47-117(d); to the Committee on the District of Columbia.

1447. A letter from the Assistant Secretary of State for Legislative Affairs; transmitting copies of the original report of political contributions for Evelyn Irene Hoopes, Ambassador Extraordinary and Plenipotentiary-designate of the United States to Fiji, to the Kingdom of Tonga, to Tuvalu and to the Republic of Kiribati; for Alexander Flecther Watson, Deupty Representative-designate of the United States to the United Nations; for Jerry Alexander Moore, Jr., Ambassador Extraordinary and Plenipotentiary-designate to the Kingdom of Lesotho; for Michael G. Sotirhos Ambassador Extraordinary and Plenipotentiary-designate to Greece; for Eric M. Javits, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Venezuela; for Raymond Charles Ewing, Ambassador Extraordinary and Plenipotentiary-designate to the Pepublic of Ghana; and for Thomas F. Stroock, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Guatemala, and members of their family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1448. A letter from the Secretary, Department of Transportation, transmitting a report on the protection of the Channel Islands National Marine Sanctuary, pursuant to Public Law 100-627, section 209(a)(b) (102 Stat. 3222; to the Committee on Merchant Marine and Fisheries.

1449. A letter from the Secretary of Commerce, transmitting the first biennial report on the extent to which Federal agencies are using the authorities vested in them by the Federal Technology Transfer Act of 1986, pursuant to 15 U.S.C. 3710; to the Committee on Science, Space, and Technology.

1450. A letter from the Secretary of the Interior, transmitting a copy of the annual report for fiscal year 1988 covering the Outer Continental Shelf [OCS] Oil and Gas Leasing and Production Program administered through the Minerals Management Service, pursuant to 43 U.S.C. 1343; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHITTEN: Committee on Appropriations. H.R. 2883. A bill making appropriations for rural development, agriculture, and related agencies programs for the fiscal year ending September 30, 1990, and for other purposes (Rept. 101-137). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 198. Resolution providing for the consideration of H.R. 1549, a bill to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1990, and 1991, and for other purposes (Rept. 101-138). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 199. Resolution providing for the consideration of H.R. 1484, a bill to establish a National Park System Review Board, and for other purposes (Rept. 101-139). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 200. Resolution providing for the consideration of H.R. 828, a bill to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993 (Rept. 101-140). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1056. A bill to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities; with an amendment (Rept. 101-141). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Post Office and Civil Service. H.R. 1860. A bill to provide that a Federal annuitant or former member of a uniformed service who returns to Government service, under a temporary appointment, to assist in carrying out the 1990 decennial census of population shall be exempt from certain provisions of title 5, United States Code, relating to offsets from pay and other benefits; with amendments (Rept. 101-142). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Post Office and Civil Service. H.R. 2802. A bill to amend title 39, United States Code, and associated provisions of other laws, to make technical and perfecting corrections and for other purposes (Rept. 101-143). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN:

H.R. 2883. A bill making appropriations for rural development, agriculture, and related agencies programs for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. COMBEST (for himself, Mr. BARNARD, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. EMERSON, Mr. GOODLING, Mr. IRELAND, Mr. LAGOMARSINO, Mr. LEATH of Texas, Mr. DONALD E. LUKENS, Mr. MCEWEN, Mr. NIELSON of Utah, Mr. OXLEY, Mr. RITTER, Mr. ROBINSON, Mr. ROBERTS, Mr. DENNY SMITH, Mr. SMITH of New Hampshire, Mr. STANGELAND, Mr. STENHOLM, Mr. UPTON, Mr. VALENTINE, and Mr. WALKER):

H.R. 2884. A bill to replace the Legal Services Corporation with a Legal Services Administration in the Office of Justice Programs of the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 2885. A bill to amend title 5, United States Code, to establish the appropriate grade and rates of pay for certain administrative law judges; to the Committee on Post Office and Civil Service.

By Mr. ACKERMAN (for himself and Mr. HOYER):

H.R. 2886. A bill to amend title 5, United States Code, to authorize the continuation of the performance management and recognition system through the end of fiscal year 1995, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. BENTLEY:

H.R. 2887. A bill to protect and promote the American merchant marine by shipping U.S. mail exclusively aboard U.S.-flag vessels; jointly, to the Committee on Post Office and Civil Service and Merchant Marine and Fisheries.

By Mr. BROWN of Colorado (for himself and Mr. SISISKY):

H.R. 2888. A bill to provide an annuity to certain surviving spouses and dependent children of Reserve members of the Armed Forces who died between September 21, 1972, and September 30, 1978; to the Committee on Armed Services.

By Mr. CAMPBELL of California (for himself, Mr. MATSUI, Mr. JACOBS, Mr. GREEN, and Mr. STARK):

H.R. 2889. A bill to amend the Internal Revenue Code of 1986 to increase the tax on leaded gasoline; to the Committee on Ways and Means.

By Mr. COSTELLO:

H.R. 2890. A bill to redesignate the Federal buildings and courthouse located in East St. Louis, IL, as the "Melvin Price Federal Courthouse"; to the Committee on Public Works and Transportation.

By Mr. DEFAZIO:

H.R. 2891. A bill to amend the Federal Aviation Act of 1958 to prohibit the acquisition of a controlling interest in an air carrier unless the Secretary of Transportation has made certain determinations concerning the effect of such acquisition on aviation safety; to the Committee on Public Works and Transportation.

By Mr. DERRICK:

H.R. 2892. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to exclude receipts and disbursements of the Social Security trust funds from the calculation of Federal deficits and maximum deficit amounts and to amend provisions of such act relating to floor consideration of budget resolutions, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. FRANK:

H.R. 2893. A bill to amend the Internal Revenue Code of 1986 to require 5 year vesting for employees in the multiemployer plan who are covered pursuant to a collective-bargaining agreement; to the Committee on Ways and Means.

By Mr. HALL of Texas:

H.R. 2894. A bill to remove a limitation on the amount of acre-feet of water annually supplied to the city of Denison, TX, from Lake Texoma; to the Committee on Interior and Insular Affairs.

H.R. 2895. A bill to continue the authorization for the flood protection project for the east fork of the Trinity River, TX; to the Committee on Public Works and Transportation.

By Mr. HEFLEY:

H.R. 2896. A bill to authorize the Secretary of the Interior to construct, operate, and maintain a water treatment plant for the purpose of treating water discharged from the Leadville Mine Drainage Tunnel near Leadville, CO, in order to meet water quality standards, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HERTEL (for himself, Mr. BILBRAY, Mr. BENNETT, Mr. BEILENSON, Mr. PENNY, Mr. DONNELLY, Mr. FOGLIETTA, Mrs. BOXER, Mr. BRYANT, Ms. PELOSI, Mr. ATKINS, Mr. KLECZKA, Mr. CAMPBELL of Colorado, Mr. AUCOIN, Mr. VENTO, Mr. DELLUMS, Mr. LEWIS of Georgia, Mr. KILDEE, Mr. MFUME, Mr. HUGHES, Mr. TRAXLER, Ms. SLAUGHTER of New York, Mr. TRAFICANT, Mr. WOLPE, Mr. BATES, Mr. SMITH of Florida, Mr. SABO, Mr. BROWN of California, Mr. LELAND, Mr. CARR, and Mr. STAGGERS):

H.R. 2897. A bill to amend title 10, United States Code, to establish in the Department of Defense a system for defense acquisition under which all acquisition functions of the Department of Defense shall be performed, and for other purposes; to the Committee on Armed Services.

By Mr. HOPKINS:

H.R. 2898. A bill to amend title 5, United States Code, to provide that Federal employees who are voluntarily or involuntarily separated from service as a result of the closure or realignment of a military installation under title II of the Defense Authorization Amendments and Base Closure and Realignment Act shall be eligible for early retirement; to the Committee on Post Office and Civil Service.

By Mr. KOLBE:

H.R. 2899. A bill to amend title 28, United States Code, to make certain positions on the U.S. Sentencing Commission part time beginning October 1, 1989; to the Committee on the Judiciary.

By Mr. McEWEN:

H.R. 2900. A bill to certify that charges and fees may be collected in connection with foreign trade zones at certain small airports; to the Committee on Ways and Means.

By Mr. MURPHY (for himself and Mr. HAWKINS):

H.R. 2901. A bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act) to revise the standard for coverage under that act, and for other purposes; to the Committee on Education and Labor.

By Mr. SAXTON:

H.R. 2902. A bill to amend title 39 of the United States Code to grant local governments the discretion to assign mailing addresses to sites within their jurisdiction; to the Committee on Post Office and Civil Service.

By Mrs. SMITH of Nebraska (by request):

H.R. 2903. A bill to amend the Solid Waste Disposal Act to set a lower financial responsibility requirement for certain owners and operators of underground storage tanks; to the Committee on Energy and Commerce.

By Mr. ROSTENKOWSKI:

H.J. Res. 363. Joint resolution to designate 1989 as "United States Customs Service 200th Anniversary Year"; jointly, to the Committees on Post Office and Civil Service and Ways and Means.

By Mr. APPLEGATE (for himself, Mr. McEWEN, Mr. STUMP, and Mr. MONTGOMERY):

H.J. Res. 364. Joint Resolution designating April 9, 1990, as "National Former Prisoner of War Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. DYSON:

H.J. Res. 365. Joint resolution proposing an amendment to the Constitution of the United States to authorize the Congress to prohibit the misuse and improper display of the flag of the United States; to the Committee on the Judiciary.

By Mr. BROOKS (for himself and Mr. FISH):

H. Res. 201. Resolution providing amounts from the contingent fund of the House for further expenses of investigations and studies by the Committee on the Judiciary in the 1st session of the 101st Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

198. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the use of triple trailers; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Mr. WISE.

H.R. 40: Mr. PRICE.

H.R. 94: Mr. SHAYS, Mr. MURTHA, and Mr. MATSUI.

H.R. 101: Mr. RICHARDSON.

H.R. 118: Mr. DORNAN of California.

H.R. 160: Mr. HAYES of Illinois, Mr. MARTINEZ, and Mr. JOHNSON of South Dakota.

H.R. 221: Mr. HOAGLAND.

H.R. 215: Mr. HUTTO and Mr. PAXON.

H.R. 237: Mr. FOGLIETTA, Mr. WOLPE, Mr. NEAL of North Carolina, Mr. KOLTER, and Mr. CROCKETT.

H.R. 291: Mr. FROST.

H.R. 293: Mr. LEVINE of California, Mr. GEJDENSON, and Mr. DEFAZIO.

H.R. 377: Mr. FLORIO, Mr. GINGRICH, and Mr. STUMP.

H.R. 378: Mr. FAWELL.

H.R. 418: Mr. BROWN of California and Mr. VENTO.

H.R. 488: Mr. BRENNAN, Mr. CHAPMAN, Mr. FOGLIETTA, and Mr. BEVILL.

H.R. 561: Mr. EVANS, Ms. SCHNEIDER, and Mr. JOHNSON of South Dakota.

H.R. 586: Mr. BOSCO.

H.R. 747: Mr. ALEXANDER, Mr. ENGEL, and Mr. HAWKINS.

H.R. 777: Mr. PURSELL.

H.R. 930: Mr. HORTON.

H.R. 995: Mr. BILBRAY.

H.R. 1030: Mr. HAWKINS.

H.R. 1074: Mr. YATES and Mr. HAYES of Illinois.

H.R. 1181: Mr. RIDGE.

H.R. 1210: Mr. MYERS of Indiana and Mr. WALKER.

H.R. 1268: Mrs. LLOYD, Mr. TORRICELLI, Mr. TRAFICANT, Mr. DYMALLY, Mr. CLEMENT, Mr. JACOBS, Mr. HEFNER, Mr. TALLON, and Mr. MARTINEZ.

H.R. 1281: Mr. WEISS and Mr. PALLONE.

H.R. 1293: Mr. BEREUTER, Mr. LANTOS, Mr. PAYNE of Virginia, Mr. HENRY, Mr. LIPINSKI, Mrs. JOHNSON of Connecticut, Mr. HORTON, Mr. GUARINI, and Mr. WOLF.

H.R. 1612: Mr. HAWKINS, Mr. LEHMAN of Florida, Mr. RANGEL, Mr. BATES, Mr. CROCKETT, Mr. CLAY, Mr. TOWNS, and Mr. LEWIS of Georgia.

H.R. 1661: Mr. FLAKE, Mr. MARKEY, Mr. TAUZIN, Mr. NAGLE, Mr. MCNULTY, Mr. CARPER, Mr. COYNE, Mr. CROCKETT, Mr. FROST, Mr. MOLLOHAN, Mr. GORDON, Mr. ROE, Mr. GILMAN, Mr. AKAKA, Mr. CARDIN, Mr. DE LA GARZA, and Mr. STAGGERS.

H.R. 1691: Mr. LIPINSKI, Mr. SCHEUER, Mr. FUSTER, and Mrs. COLLINS.

H.R. 1730: Mr. PRICE, Mr. WOLF, Mr. DENNY SMITH, Mr. PENNY, Mr. BALLENGER, and Mr. HENRY.

H.R. 1776: Mr. MCCOLLUM.

H.R. 1845: Mr. FAUNTROY and Mr. MARKEY.

H.R. 1860: Mr. BOEHLERT, Mr. ROE, Mr. WOLPE, and Mr. RAHALL.

H.R. 1957: Mr. MACHTLEY.

H.R. 2025: Mr. ACKERMAN.

H.R. 2051: Mr. ROBINSON, Mr. FUSTER, and Mr. STAGGERS.

H.R. 2128: Mr. STARK.

H.R. 2131: Mr. CAMPBELL of California, Mr. FLORIO, Mr. BEREUTER, and Mr. HAWKINS.

H.R. 2168: Mr. PALLONE, Mr. LIPINSKI, Mr. DORGAN of North Dakota, Mr. ROBINSON, and Mr. WILSON.

H.R. 2181: Mrs. LLOYD, Mr. FORD of Tennessee, Mr. MRAZEK, and Mr. DARDEN.

H.R. 2192: Mr. CLINGER.

H.R. 2223: Mr. WALSH, Mr. BONIOR, and Mr. HOCHBRUECKNER.

H.R. 2228: Mr. BEREUTER.

H.R. 2265: Mr. CRAIG.

H.R. 2290: Mr. GRANT, Mr. CLINGER, Mr. EVANS, and Mrs. COLLINS.

H.R. 2380: Mr. LEWIS of California, Mr. FASCELL, and Mr. SMITH of Florida.

H.R. 2395: Mr. HEFLEY and Mr. SIKORSKI.

H.R. 2418: Mr. DICKS, Mr. MILLER of Washington, Mr. MCCURDY, Mr. BATES, Mr. WHITTAKER, Mr. PETRI, Ms. LONG, and Ms. KAPTUR.

H.R. 2445: Mr. SANGMEISTER, Mr. KANJORSKI, Mr. JONTZ, Mr. KENNEDY, and Mr. MORRISON of Connecticut.

H.R. 2493: Mr. TORRES.

H.R. 2507: Mr. FEIGHAN.

H.R. 2546: Mr. KENNEDY.

H.R. 2560: Mr. WHEAT, Mr. ACKERMAN, Mr. TORRES, Mr. FAZIO, Mr. MILLER of California, Mr. MOAKLEY, Mr. FASCELL, Mr. FAUNTROY, Mr. GILMAN, Mr. FROST, Mr. MATSUI, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. FOGLIETTA, and Mr. OWENS of New York.

H.R. 2578: Mr. RANGEL, Mr. MORRISON of Connecticut, Mr. SIKORSKI, Mr. OWENS of New York, and Mr. APPLEGATE.

H.R. 2584: Mrs. BOXER, Mr. LIPINSKI, and Mr. HENRY.

H.R. 2642: Mr. STEARNS and Mr. GIBBONS.

H.R. 2654: Mr. PACKARD, Mr. BROWN of Colorado, and Mr. LIVINGSTON.

H.R. 2682: Mr. BEREUTER and Mr. SLATTERY.

H.R. 2694: Mr. BRENNAN and Mr. NEAL of Massachusetts.

H.R. 2700: Mr. MOLLOHAN.

H.R. 2732: Mr. SMITH of New Hampshire.

H.R. 2734: Mr. WALGREN, Mr. HENRY, Mr. FAUNTROY, Mr. BEILENSON, Mr. BATES, Mr. RICHARDSON, Mr. DE LUGO, Mr. OWENS of New York, Mr. MCGRATH, Mr. PALLONE, Mr. MANTON, Mr. LEWIS of Georgia, Mr. DWYER of New Jersey, Mr. LIPINSKI, Mr. HOCHBRUECKNER, Mr. BEVILL, and Mrs. COLLINS.

H.R. 2794: Mrs. ROUKEMA.

H.J. Res. 47: Mr. AUCOIN, Mr. BARNARD, Mr. BARTLETT, Mr. BATES, Mr. BEREUTER, Mr. BURTON of Indiana, Mr. CRAIG, Mr. CROCKETT, Mr. DANNEMEYER, Mr. DEWINE, Mr. DONNELLY, Mr. FISH, Mr. MCDADE, Mr. MILLER of Washington, Mr. PALLONE, Mr. SKELTON, Mr. TAUZIN, Mr. WOLF, and Mr. YOUNG of Alaska.

H.J. Res. 54: Mr. HOCHBRUECKNER.

H.J. Res. 104: Mr. YOUNG of Florida, Mr. GILMAN, Mr. WYDEN, Mr. SUNDQUIST, Mr. DEFAZIO, Mr. FASCELL, Mr. DORGAN of North Dakota, Mr. OWENS of New York, and Mr. TAUKE.

H.J. Res. 130: Mr. DE LA GARZA, Mr. PALLONE, Mr. BROWN of Colorado, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. ATKINS, Mr. EVANS, Mr. SANGMEISTER, Mr. JONES of Georgia, Mr. HATCHER, and Mr. CHAPMAN.

H.J. Res. 138: Mr. REGULA, Mr. HYDE, Mr. NAGLE, Mr. LEHMAN of California, Mr. BROWN of Colorado, Mrs. BYRON, Mr. COBLE, Mr. ESPY, Mr. MORRISON of Connecticut, Mr. SISISKY, Mr. ATKINS, Mr. MANTON, Mr. MOODY, Mr. LIPINSKI, Mr. HUTTO, Mr. WILSON, Mr. VALENTINE, Mr. BEILENSON, Mr. BUSTAMANTE, Mr. DARDEN, Mr. DYSON, Mr. DOWNEY, Mr. FASCELL, Mr. LELAND, Mr. FEIGHAN, Mr. DICKS, Mr. YATRON, Mr. COLEMAN of Texas, Mr. MARTINEZ, Mr. JONTZ, Mr. CAMPBELL of Colorado, Mr. BRENNAN, Mrs. PATTERSON, Mr. GALLEGLY, Mr. HARRIS, Mr. HERTEL, Mr. MCCLOSKEY, Mr. MARKEY, Mr. MILLER of California, Ms. OAKAR, Mr. ORTIZ, Mr. PANETTA, Mr. NOWAK, Mr. RUSSO, Mr. SAWYER, Mr. SCHEUER, Mr. SCHUMER, Mr. SKAGGS, Mr. SKELTON, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. STAGGERS, Mr. TORRES, Mr. WELDON, Mr. WOLPE, Mr. WYDEN, Mr. LEVIN of Michigan, Mr. MCHUGH, Mr. DINGELL, Mr. MCCOLLUM, Mr. FUSTER, Mr. LEWIS of California, and Mr. JONES of North Carolina.

H.J. Res. 168: Mr. PAXON.

H.J. Res. 186: Mr. HALL of Texas, Mr. FORD of Michigan, Mr. LELAND, Mr. NIELSON of Utah, and Mr. PORTER.

H.J. Res. 209: Mr. WALGREN, Mr. MCDADE, Mr. CLARKE, Mr. MCCLOSKEY, Mr. MILLER of California, Mr. MURPHY, Mr. PALLONE, Mr. BLAZ, Mr. SOLARZ, Mr. PAXON, Mr. RINALDO, Mr. ROE, Mr. PAYNE of New Jersey, Mr. RAVENEL, Mr. PASHAYAN, Mr. SCHEUER, Mr. SKEEN, Mr. SAVAGE, Mr. TOWNS, Mr. TRAFICANT, Mr. TAUKE, Mr. WEISS, Mr. TRAXLER, Mrs. ROUKEMA, Mr. MORRISON of Washington, Mr. AUCOIN, Mr. RANGEL, Mr. SAWYER, Ms. PELOSI, Mr. HOCHBRUECKNER, and Mr. RUSSO.

H.J. Res. 215: Mr. DELLUMS, Mr. OWENS of New York, Mr. KENNEDY, Mr. KLECZKA, Mr. SPRATT, Ms. KAPTUR, Mr. ROE, Mr. MILLER of California, and Mr. FAWELL.

H.J. Res. 220: Mr. WAXMAN, Mr. AUCOIN, Mr. ACKERMAN, Mr. JACOBS, Mr. HAYES of Louisiana, Mr. BLILEY, Mr. JONES of Georgia, and Mr. BRENNAN.

H.J. Res. 221: Mr. CLAY, Mr. COLEMAN of Missouri, Mr. DARDEN, Mr. GEKAS, Mr. HANSEN, Mrs. JOHNSON of Connecticut, Mr. MFUME, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. PARRIS, Mr. ROWLAND of Georgia, Mr. SAWYER, Mr. SCHUMER, Mr. STUDDS, Mr. JONES of North Carolina, and Mr. WISE.

H.J. Res. 231: Mr. DERRICK, Mr. ENGEL, Mr. FORD of Tennessee, Mr. HAWKINS, Mr. COURTER, Mr. MCDERMOTT, Mr. MCGRATH, Mr. POSHARD, Mr. RAVENEL, Mr. ROWLAND of Connecticut, Mr. SAVAGE, Mr. SCHEUER, Mr. SHARP, Mr. SMITH of Florida, Mr. VOLKMER, Mr. APPLEGATE, Mrs. MORELLA, Mr. HENRY, Mr. PALLONE, Mr. SAXTON, Mr. SOLARZ, Mr. TALLON, Mr. TRAFICANT, Mr. SKELTON, and Mr. SHAYS.

H.J. Res. 255: Mr. ENGLISH, Mr. BURTON of Indiana, and Mr. CLINGER.

H.J. Res. 292: Mr. MCGRATH, Mr. FISH, Mr. LAGOMARSINO, Mr. NEAL of North Carolina, Mr. GALLEGLY, Mrs. MARTIN of Illinois, Mr. LANTOS, Mr. COURTER, Mrs. BOXER, Mr. FOGLIETTA, Mr. FAZIO, Mr. APPLEGATE, Mr. LANCASTER, Mr. ROE, Mr. ENGEL, Mr. MCNULTY, Mr. CARPER, Mr. LOWERY of California, Mr. MACHTLEY, Mr. LEHMAN of Florida, Mr. AUCOIN, Mr. DEFAZIO, Mr. RANGEL, Mr. COYNE, Mr. BROWN of Colorado, Mr. JONES of Georgia, Mr. SAWYER, Mr. BILBRAY, and Mr. FRENZEL.

H.J. Res. 308: Mr. PAXON, Mr. MILLER of Ohio, Mr. GALLEGLY, Mr. PICKETT, Mr. CRANE, Mr. STEARNS, Mrs. VUCANOVICH, and Mr. PAYNE of Virginia.

H.J. Res. 318: Mrs. VUCANOVICH and Mr. PAYNE of Virginia.

H.J. Res. 322: Mr. HUCKABY, Mr. HOLLOWAY, Mr. TAUZIN, Mr. PAXON, Mr. MCGRATH, Mr. GALLEGLY, Mr. PAYNE of Virginia, and Mrs. VUCANOVICH.

H.J. Res. 338: Mr. ACKERMAN, Mr. ATKINS, Mr. AUCOIN, Mr. BEILENSON, Mr. BOEHLERT, Mrs. BOXER, Mr. BROWN of California, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. FOGLIETTA, Mr. FUSTER, Mr. GILMAN, Mr. GORDON, Mr. HORTON, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. MACHTLEY, Mr. MILLER of California, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. MYERS of Indiana, Mr. NEAL of North Carolina, Mr. OWENS of New York, Mr. PALLONE, Ms. PELOSI, Mr. RANGEL, Mr. RICHARDSON, Mr. ROE, Mr. ROYBAL, Mr. SANGMEISTER, Mr. SAXTON, Mr. WALGREN, Mr. WALSH, and Mr. YATES.

H.J. Res. 349: Mrs. VUCANOVICH.

H.J. Res. 350: Mr. ORTIZ, Mr. ROBINSON, Mr. PERKINS, Mr. HUCKABY, Mr. LAUGHLIN, Mr. FLIPPO, Mr. BATEMAN, Mr. MCCANDLESS, and Mr. HALL of Texas.

H. Con. Res. 39: Mr. HORTON.

H. Con. Res. 145: Mr. ENGEL and Mr. MORRISON of Connecticut.

H. Con. Res. 154: Mr. BEREUTER.

H. Res. 116: Mr. BILBRAY, Mr. FAZIO, Mr. HAYES of Illinois, Mr. CLAY, Mr. ATKINS, and Mr. BRENNAN.

H. Res. 181: Mr. PORTER, Mr. IRELAND, Mr. HANCOCK, Mr. RITTER, and Mr. GINGRICH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1068: Mr. QUILLEN.

H.R. 2360: Mr. WALSH.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2461

By Mr. FRENZEL:

—At the end of part A of title VI (page 119, after line 8), insert the following new section:

SEC. 603. PROHIBITION ON AUTHORIZING THE ADVANCE PAYMENT OF PAY AND ALLOWANCES RELATING TO THE PAY PERIOD ENDING ON SEPTEMBER 30, 1989.

(a) ADVANCEMENT ORDER RESCINDED.—The order of the Secretary of Defense, dated May 24, 1989, relating to requiring the advancement of the October 1, 1989, military payday to September 29, 1989, is hereby rescinded.

(b) PROHIBITION ON ADVANCING PAYDAY.—

(1) Notwithstanding subsection (h) of section 1006 of title 37, United States Code, for the pay period ending on September 30, 1989, the Secretary concerned may not advance the October 1, 1989, payday for the payment of pay and allowances to members of a uniformed service under the jurisdiction of the Secretary.

(2) For purposes of this subsection, the term "Secretary concerned" has the meaning given to that term in section 101(5) of title 37, United States Code.

By Mr. WOLF:

—At the end of title XII (page 253, after line 15), add the following new section:

SEC. 1243. LIMITATION WITH RESPECT TO PRESIDENTIAL DESIGNEE AUTHORIZED TO REVIEW CERTAIN FOREIGN INVESTMENT IN THE UNITED STATES.

Any designee chosen by the President to carry out the authority conferred by section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) shall be—

(1) in the case of a designee that is an individual, the Secretary of Defense; or

(2) in the case of a designee that is a group or committee, a group or committee whose chairman is the Secretary of Defense.

EXTENSIONS OF REMARKS

THE SUPREME COURT AND CIVIL RIGHTS

HON. F. JAMES SENSENBRENNER
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. SENSENBRENNER. Mr. Speaker, civil rights groups and Members of both Houses have raised a significant cry of outrage over the Supreme Court's recent civil rights decision in Wards Cove versus Atonio. So often when an issue gets flagged by civil rights groups as "Bad" for civil rights, many Members jump right on the bandwagon and start singing the same tune—lest they should be labeled "anti-civil rights."

Well, I can assure you that to be labeled anti-civil rights today, you need only follow the civil rights leadership agenda—because what you will get are quotas. But quotas are not what we bargained for in civil rights. Any bill to overturn Wards Cove is a bill to mandate quotas.

As it stands, employers will finally be able to make some employment decisions on the basis of merit for a change and now Congress wants to take all that away. No, they say—quotas are what we want. Well, I say no to that. That goes against everything we have worked so hard to achieve—civil rights in a color-blind society.

The recent editorial in the Wall Street Journal by the very distinguished Judge Robert H. Bork, eloquently explains this outrage. I include it in my remarks and urge my colleagues to read and heed.

[From the Wall Street Journal, June 30, 1989]

THE SUPREME COURT AND CIVIL RIGHTS

(By Robert H. Bork)

The Supreme Court has decided a series of civil rights cases this term and from much of the press reaction, as well as that of the civil rights groups, one might suppose that the justices had reinstituted segregation.

The New York Times editorialized that the court "displays an icy indifference . . . to the hopes of discrimination victims." A guest columnist in the Washington Post angrily asked, "Is the only choice now for civil rights activists between capitulation or an angry return to the streets?" Reaching an even shriller note, an editor of the New Republic proclaimed that in America "Race is the wound that will not heal, and the Supreme Court has just rubbed fresh salt in that wound. . . ." He invited us to behold "the dizzying moral fall from the Warren Court, a product of Eisenhower Republicanism, to the Rehnquist Court, a product of Reagan Republicanism." Something pretty savage must have happened.

What actually happened is that the court made some moderate and overdue adjustments to legal doctrine in the field of civil rights law. The real cause of the caterwauling is not that discrimination is being allowed—it isn't—but that it is now harder to justify quotas or force them upon employers. Almost all Americans want to heal the wounds of race; almost all are concerned with civil liberties; but most are opposed to racial and sexual quotas in employment, promotion and education.

MORAL ASSAULT

But quotas are the pet solution of the American left, which specializes not in argument but in moral assault upon those with whom it has substantive differences. Now that the moral assault is directed at the Supreme Court it is important that Americans understand what the court has in fact done and what it has not.

The court's January decision in *Richmond* v. *J.A. Croson Co.,* held unconstitutional the city's minority set-aside program. The City Council had adopted an ordinance requiring prime contractors on city construction contracts to subcontract at least 30% of the dollar amount of the contract to businesses at least 51% owned by U.S. citizens who are "Blacks, Spanish-speaking, Orientals, Indians, Eskimos, or Aleuts." It was less than clear why Richmond thought it should extend the benefits of its quota to minorities from anywhere in the U.S. and even less clear how Orientals, Indians, Eskimos, and Aleuts got on the favored list. The one thing that was clear was that white-owned companies were to be discriminated against. Croson Co. was.

Croson was the only bidder on a project and the only minority supplier of fixtures willing to participate came in well over market price. The city denied requests that the minority requirement be waived or that the contract price be raised and Croson lost the contract.

The court found a violation of the equal protection clause of the fourteenth amendment. "The Richmond Plan," Justice O'Connor's opinion said, "denies certain citizens the opportunity to complete for a fixed percentage of public contracts based solely upon their race." The 30% quota was not an allowable remedy because there was no evidence that the city or anyone in the Richmond construction industry had illegally discriminated against anyone.

The opinion is marred only by its argument that the federal government could impose quotas that the states and cities may not because the federal government has the power to "enforce" the 14th Amendment. The power to enforce, however, is the power to prescribe remedies, not the power to change the substantive command of the equal protection clause. Justice Kennedy said in concurring, "The process by which a law that is an equal protection violation when enacted by a State becomes transformed to an equal protection guarantee when enacted by Congress poses a difficult proposition for me. . . ." If the Court sticks to that untenable distinction, the pro-quota forces will have won more than they should.

In June, when the court handed down *Wards Cove Packing Co.* v. *Atonio,* the left's moral assault moved into high gear. Eighteen years before, in *Griggs* v. *Duke Power Co.,* the court had decided that under Title VII of the Civil Rights Act of 1964 a plaintiff need not have intentional discrimination. Statistical imbalance in the racial composition of the work force was presumed discriminatory unless proven otherwise. The test was the *consequences* of business practices, not their motivation.

This highly questionable reading of the act produced unfortunate results. Statistical imbalances are everywhere in our society since entirely innocent social forces and cultural differences do not produce proportional representation of each ethnic group in each occupation.

Wards Cove involved Alaskan salmon canneries that had a predominantly white work force in skilled jobs and a predominantly nonwhite work force in unskilled jobs. The court of appeals had held that imbalance created a prima facie case against the companies. Justice White's opinion for the majority disagreed: The lower court's theory "at the very least, would mean that any employer who had a segment of his work force that was—for some reason—racially imbalanced, could be hauled into court and forced to engage in the expensive and time-consuming task of defending the 'business necessity' of the methods used to select the other members of his work force." Thus, the "only practicable option for many employers will be to adopt racial quotas. . . : this is a result that Congress expressly rejected in drafting Title VII."

The court held that the proper comparison was between the proportion of a racial group in the work force and the proportion of qualified members of that race in the pool available to the employer. The plaintiff must also identify the employment practice alleged to be responsible for the disparity. Once that has been done, the employer must produce evidence of business justification for those practices but the ultimate burden of persuading the court that discrimination exists remains with the plaintiff.

Civil rights activists charged that the court had done two terrible things. One was to change the rule of *Griggs;* the other was to make it more difficult to win a discrimination case. Neither charge has any merit. Courts modify prior decisions all of the time. Indeed, the court the activists most admire, that headed by Earl Warren, continually jettisoned prior rulings if found politically or morally unseemly. For the present court to modify a rule that produced results contrary to the intention of the 1964 Civil Rights Act is not only unexceptionable but praiseworthy. The fact that plaintiffs may have more difficulty winning proves nothing at all. The object of the law is not to see the plaintiffs always win. All the Supreme Court has held is that discrimination must be proved rather than assumed. Only to those who think America pervasively and incurably racist does that seem outrageous.

Also this month, *Martin* v. *Wilks* held that white firefighters in Birmingham, Alabama, were not barred by a consent decree, to which they were not parties, from challenging the preferential promotion of allegedly less qualified black firefighters. The challengers had a right to their day in court. The court majority applied the estab-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

lished "general rule that a person cannot be deprived of his legal rights in a proceeding to which he is not a party." The opinion necessarily relied upon the Federal Rules of Civil Procedure to hold that the white firefighters were under no obligation to intervene in the litigation.

That New Republic editor found the technical language insufficiently "exalted", and quoted Justice Blackmun's dissent in *Wards Cove*. "One wonders whether the majority still believes that race discrimination—or, more accurately, race discrimination against non-whites—is a problem in our society, or even remembers that it ever was." That attack is wide of the mark. It is not only an unjustified slur on five justices but assumes that the court's function is to replace law with moral passion, even if that moral passion produces dubious results.

These and other decisions of the court have prompted the civil rights groups to say they will turn to Congress to undo the Supreme Court's decisions. Since those decisions are clearly correct, it is to be hoped that Congress will not respond. President Bush has stated that he does not think new legislation is needed. But if these matters are taken up, and if new legislation is written, Congress should specifically disapprove of quotas and avoid any provisions that have the effect of pressuring employers to adopt them.

The moral passion of the dissents in these cases is imprudent on more grounds than one. For too long, in our zeal to achieve moral results, we have ignored the morality of process. A judge should have the compassion to understand the human situation before him in order to apply law intelligently and sensitively. The judge should never, however, allow compassion to control his reading of the law. The morality of process is the highest morality of the jurist.

SALT IN THE WOUND

But there is a second objection to a morality that leads to quotas, and this objection applies no matter what arm of government approves or requires them. Race is indeed a wound that has not healed. But it is precisely the use of preferential quotas that rubs fresh salt into the wound. When non-white individuals who have not themselves been the victims of discrimination are preferred to white individuals who have not inflicted discrimination, racial resentments are certain to be inflamed. The problem is likely to grow more acute, for the question of race and ethnicity is no longer simply a black-white issue.

As the composition of our population changes, we see competition for group entitlements among whites of European ancestry, blacks, Hispanics, and Asians. The competition has become bitter and has led to the expression of sentiments that can only be called racist. The only possibility of avoiding a much worse situation than the one we now face is to drop the entire notion of group entitlements, which means abandoning quotas. The Supreme Court has been moving in that direction, which is fortunate both for the integrity of the law and for social policy. We must hope that the court is not affected by the moral intimidation to which it, and we, are being subjected.

TRIBUTE TO JOHN MOONEY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. FLORIO. Mr. Speaker, I would like to invite my colleagues to join me in paying tribute to John G. Mooney, the recently elected commander of the Veterans of Foreign Wars [VFW] for the State of New Jersey.

Mr. Mooney was born in West Orange, NJ, and graduated from high school there. He attended Rutgers University before joining the Army in 1952 and serving in Korea for 2 years.

When he returned home, he was in the trucking industry prior to going to work for Essex County.

A member of the Bloomfield VFW Post 711, he has been active in the organization for 29 years. He has served as post and district commander and has been active on numerous VFW committees at both the State and local levels.

As a member of the House Veterans' Affairs Committee, I have had the pleasure of working closely with my friend John Mooney, and the members of the VFW of New Jersey. For years, the VFW has fought for the rights of veterans and has worked to ensure that veterans are given the respect and dignity they deserve.

I feel Mr. Mooney is well prepared to lead the New Jersey Veterans of Foreign Wars in meeting the challenges ahead. John Mooney and the fully-staffed VFW office in Newark keep their door open to any veteran for advice and referrals.

I am delighted that John Mooney has been elected to serve as commander of the VFW of New Jersey. I look forward to continuing to work with John Mooney in his new position. I would like to share with my colleagues the following article:

[From the Sunday Star-Ledger, June 25, 1989]

VFW COMMANDER SEES U.S. WINNING THE PEACE

(By Charles Q. Finley)

John Mooney, 53, of Bloomfield, the new state commander of the Veterans of Foreign Wars, hopes America never fights another war.

"We've had enough of war, and I hope VFW membership will fade away in the next century because our country remained at peace," said Mooney, an investigator for the Supervisor of Elections in Essex County.

"The VFW is a marvelous organization which carries on programs to help veterans and others as well, but none of us ever want to see a new conflict. Since Vietnam, our government has become much more cautious as to what action it takes when trouble develops in some other part of the world.

"It'll be taking a long, hard look before sending in troops. Of course, we must maintain a strong defense, and nuclear armament is in itself a deterrent to war.

"I don't believe a nuclear conflict ever will come about between the major powers. But I am concerned that the wrong smaller nation might attain nuclear capability; then there's no way of knowing what might happen.

"I visited Israel recently and was shocked by what I saw there. The state is so small that a soldier standing guard on any border couldn't be more than two hours' drive away from his mother sitting on her back porch.

"It's a huge military base on a war footing seven days a week. Surrounded on three sides by its enemies, and on the fourth side by the sea, the Israelis worship the ground they walk on, and have tremendous respect and love for their country.

"Israel is smaller than the state of New Jersey, and really is fighting for its life. The visit really was an eye-opener for me."

Mooney was "appalled" by the recent Supreme Court decision that burning the American flag is not illegal.

"The decision was a damn shame, and I'm sure I speak for every VFW member when I say I'm appalled. It indicates to me that our whole justice system is breaking down.

"Promoting patriotism and protecting the flag is what the VFW stands for, and we'll protest this decision vigorously. We will seek possible ways to nullify it.

"I also find the situation in China very upsetting. The young man seen on television trying to stop a tank by himself during the democracy uprising deserves a world peace award.

"The democracy movement in China has only been wounded. You can rest assured it'll be heard from again.

"It was a genuine uprising of the people. They were telling the government in no uncertain terms 'Enough is enough!' "

Mooney sees a resurgence of patriotism in America.

"We're entering upon a new era. America has a good feeling about itself, and is confident about its future despite its problems."

Mooney said VFW projects are many and varied.

"We bring cheer into the veterans hospitals, even taking some patients on fishing trips. Gibbstown VFW Post 5579 recently received a national award for such a project.

"There are 365 VFW posts in New Jersey, with a total membership of 73,000. We stand ready to help any individual veteran who is down on his luck.

"There is a fully staffed VFW office in Newark open to any veteran for advice and referrals. We have an ongoing project at the veterans hospital in Paramus, in which we're raising $65,000 to build a glass-enclosed garden with a gazebo as a recreation area for the patients.

"There are VFW scholarship programs nationwide. We go into the schools to spread the word about our freedoms.

"We tell the young people what America is all about. It's important they are knowledgeable about this nation's heritage.

"When adults tell them personally where we've come from, and what we are today, it prepares them to follow in our footsteps. This is a way to make America stronger."

Mooney was born in West Orange and graduated from high school there. He attended Rutgers University before joining the Army in 1952 and serving in Korea for two years.

When he returned home, he was in the trucking industry prior to going to work for the county.

A member of Bloomfield VFW Post 711, he has been active in the organization for 29 years. He has served as post and district commander, as well as being active on numerous VFW committees at both the state and local levels.

Mooney and his wife, Helen, have three children—John Jr., a financial planner;

Thomas, a computer analyst, and Patricia, an assistant bank manager.

Mooney said the VFW will be pressing Congress for more adequate funding for veterans hospital construction.

"Cutbacks in this area have caused much hardship."

Mooney said he enjoys golfing and fishing, but he spends most of his free time taking part in VFW activities.

"I meet many fine people in the VFW, and I also gain much self-satisfaction being a member of a group that does so much good for so many."

FLORIDA A&M BAND TO MOONWALK THROUGH PARIS

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. GIBBONS. Mr. Speaker, as we are all aware, tomorrow is the bicentennial of the French Revolution. Among the festivities to take place in Paris, the French Government is putting on an extravagant Bastille Day Parade. A parade which will begin at the Arc de Triomphe and march down the Champs Elysees.

Only 16 bands from around the world were picked to participate in this parade and it gives me great pleasure to inform my fellow colleagues that the one band chosen to represent the United States of America is the Florida A&M University's Marching Band. The Marching 100 will bring their unique vibrance and talent to an internationally televised event that will be seen by millions.

I'm sure the band was picked both because every member is extremely talented and no one else could moon-walk through Paris while playing James Brown.

All Floridians and alumni everywhere are very proud of the Marching 100 and the great honor they have received in being selected to go to Paris. I hope that all Members will have an opportunity to see Florida A&M's Band; they put on quite a show.

Mr. Speaker, I would like to share with my colleagues the following Tampa Tribune article about the FAMU band.

MOON-WALK THROUGH PARIS

(By Jim Henry, Tribune Sports Writer)

TALLAHASSEE.—They strut. They swing. They march doubletime onto the football field.

And on July 14, they are going to moonwalk down the Champs Elysees while the eyes of the world watch on television.

The FAMU band, representing Florida A&M University, is internationally FAMoUs.

The band, also called the Marching 100 and the Rattlers was selected to be the sole representative band from the United States, and one of only 16 bands from around the world invited to participate in the Bastille Day Parade.

This Saturday, an excited and enthusiastic FAMU entourage of 250 leaves for Paris to perform at extravagant ceremonies marking the bicentennial of the French Revolution.

An estimated 150,000 people will line a three-mile parade route on July 14, and the extravaganza will be televised worldwide, including coverage in the United States.

The Rattlers, decked in their familiar orange-and-green uniforms, are eager to play their instruments, smile and march—or more precisely moon-walk—through the streets of Paris and perhaps into the hearts, if not feet, of people around the globe.

Jean Paul Goude, artistic director of the $16 million extravaganza, said the Marching 100 was his first choice to represent the United States because it is "the epitome of black music."

Goude, who first saw the Marching 100 when he lived in New York City 12 years ago, said that groups in all parts of the world have incorporated elements of American black music and dance into their presentations.

"They (Marching 100) combine extraordinary talent," said Goude, who was in Tallahassee to watch the band rehearse two weeks ago. "To me, they are the illustration of American music. They are young; they are vibrant, they are so alive. I wanted our bands to reflect what I call 'world music.'"

Goude said he hopes to turn the parade, which will begin at 10 a.m. in Paris, into an eccentric explosion of color and sound.

From Africa will come 150 drummers perched on a 25-foot high pyramid of metal drums. Two hundred military bagpipers and drummers from Britain are to march enveloped in a cloud of fog.

The centerpiece for the Soviet contingent of dancers and gymnasts is a portable skating rink, featuring a dancing bear and a ballet dancer showered by a snowstorm. The climax will feature a wall of water that will divide suddenly to let through the more than 8,000 marchers and 1,000 sheep.

Near the middle of the parade, at the No. 7 spot in a line of 16, will be the Marching 100. The band has appeared at Disney World and in Super Bowl III, received numerous national accolades and is best known for its innovative and precise halftime performances during school football games.

But Paris will be different. Most band members know of this global centerpiece only through grade-school history lessons.

"This will be a cultural explosion, FAMU's chance to give to the world," Marching 100 director William P. Foster said. "The closer we get the more overwhelming it becomes. Paris is on the lips and minds of everyone here. We are extremely thankful and eager for the opportunity.

"As you may well know, these kids sure love to put on a show."

Larry Rentz, a 19-year-old tuba player, echoes that excitement. "Everyone is really eager to go," he said. "I am sure everyone is expecting us to moon-walk for three miles, but that's going to be pretty difficult. I mean, try walking backwards for three miles and see how your feet feel. Believe me, we will give those folks quite a show."

Goude and other French officials saw the Marching 100 perform in Tampa Stadium last November during the annual Florida Classic football game between FAMU and Bethune-Cookman.

The invitation was issued two months later from the French minister of culture. The French government is paying FAMU's expenses, expected to be more than $550,000.

Foster said the band's role is to portray black music of America in its soulful form, so the Marching 100 will perform a medley of James Brown tunes—"Living in America," "I Feel Good," "Cold Sweat" and "Papa's Got a Brand New Bag."

It's expected to take the band nearly an hour to cover the three-mile route, which begins at the Arc de Triomphe and winds down the Champs Elysees.

The Marching 100—cut in half because of summer break—has been practicing five days a week for the last month in preparation. The remaining band members arrived yesterday for rehearsal and this week's practice sessions.

Representatives of the French consulate will visit the Florida A&M campus today to discuss their country's culture and customs.

"You get kind of nervous when you think about representing this country, but this is a great chance to showcase music and exchange and learn of different cultures," said Sherwood Brown, a 21-year-old baritone player.

"Sometimes I won't really believe it until we are actually there. I guess the first thing we will do is check the streets. It will be tough (moon)-walking on cobblestone. But, we have our passports, and we are ready to go.

FEDERAL HOUSING ADMINISTRATION AUDIT INDICATES HEAVY LOSSES

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. KLECZKA. Mr. Speaker, I take this opportunity to share with my colleagues an article in this morning's copy of the New York Times entitled, "Losses Twice as High as Thought Are Found in an FHA Program."

According to the New York Times, Price Waterhouse, which supervised an audit of the Federal Housing Administration [FHA] for the General Accounting Office, estimated that over several years a single FHA coinsurance program lost $1 billion, twice as much as had been originally suspected.

I eagerly await the full GAO audit report to see the actual extent of all losses at the FHA. I am deeply concerned that FHA reserves have dropped from $4 to $2.5 billion with no halt to this financial hemorrhage in sight. In view of this very serious situation, I have requested Housing Subcommittee hearings on the solvency of the FHA and hope that we can take a closer look at the current financial status of this program.

I urge my colleagues to read about these developments in the following article.

[From the New York Times, July 13, 1989]

LOSSES TWICE AS HIGH AS THOUGHT ARE FOUND IN AN FHA PROGRAM

(By Jeff Gerth)

WASHINGTON, July 12.—Federal officials and independent auditors say a co-insurance program at the Federal Housing Administration has accumulated losses of $1 billion, twice as much as Government auditors originally thought.

That estimate of co-insurance losses alone would make the F.H.A., which insures mortgages totaling $275 billion, the most troubled segment of the Department of Housing and Urban Development. It would also account for half of Housing Secretary Jack F. Kemp's estimate, given in Congressional testimony Tuesday, of a $2 billion cost in waste, fraud and mismanagement involving

the department during the Reagan Administration.

Meanwhile, Bush Administration officials say that an inquiry by the Federal Bureau of Investigation into a private co-insurer has broadened to include an examination of the company's ties with Thomas T. Demery, the Assistant Secretary for Housing from 1986 to 1988.

Mr. Demery, formerly a developer and mortgage consultant in Michigan, has previously described how he won his appointment at the department by lobbying high Republican officials. In recent weeks, he and Deborah Gore Dean, who was executive assistant to the Reagan Administration's Housing Secretary, Samuel R. Pierce Jr., have emerged as central figures in the awarding of consulting contracts to former officials of that Administration as well as other influential Republicans.

Various Federal inquiries into the management of the department have so far focused mainly on the activities of consultants and on a program to rehabilitate housing for the poor. Now the expanded F.B.I. inquiry, involving the DRG Funding Corporation, the largest lender in the F.H.A.'s $5 billion co-insurance program, is the first indication that the bureau is interested in the activities of Reagan Administration political appointees while they were a H.U.D.

NATURE OF THE PROGRAM

No one has been charged with wrongdoing in connection with the co-insurance program, and Mr. Demery said in an interview today that he had acted properly while at the department. But enough evidence has now come to light to indicate that co-insurance is the most costly legacy of Secretary Pierce's troubled tenure.

"Co-insurance" is H.U.D. terminology for a program under which private lenders assume about 20 percent of the risk of insuring a mortgage while the Government assumes responsibility for the remaining 80 percent.

This division of risk and responsibility was introduced in 1983 as one of the Reagan Administration's initiatives in public-private partnership. It was based on an assumption that the private lenders could oversee most of the underwriting process, credit checks and appraisals without Government supervision.

But auditors from Price Waterhouse, hired by the Government to look into the program, have concluded that this approach led to enormous losses, and their work and the intensified F.B.I activity seem to have opened a major new front in the H.U.D. investigations being carried out by the Justice Department, Congressional committees and Secretary Kemp.

BLOATED MORTGAGES

Investigators say the large losses in co-insurance stemmed in significant part from some lenders' practice of vastly overvaluing property that was being mortgaged.

In the course of arranging these inflated mortgages, the investigators say, a lender would receive a large servicing fee based on the size of the mortgage. Later, when the owner or developer defaulted, the lender was able to pay its 20 percent share of insurance costs and still come away with a profit, leaving the Government responsible for the rest of the loss.

The F.B.I. is looking into the possibility that officials at the department who supervised the program were improperly influenced to give preferential treatment to at least one lender.

BROADER LOSSES BY F.H.A.

Co-insurance is just one of the programs creating losses for the F.H.A., which pays claims out of four separate funds. The General Accounting Office, Congress's investigative and auditing arm, reported in May that the agency as a whole lost $452 million last year. Premiums paid by private lenders are the main source of the agency's income, and they have been declining at a time when claims have been mounting, a result largely of a depressed real estate market, particularly in areas of the Southwest.

H.U.D.'s co-insurance literature for lenders explains that the program "reduces the number of persons who have to prepare and review documents at each processing step and shifts decision-making authority from H.U.D. to the lender."

But a vast layoff of auditors at the department left "nobody to watch the store" when lenders arbitrarily "did their own underwriting" in the co-insurance program, said Dennis Penman, a Buffalo builder who was interviewed for a H.U.D. post by the Bush White House but was not appointed.

A report last December by the department's auditors said that adequate oversight had led to unsound loans, initiated appraisals and inflated mortgages, which in turn led to large fees for the lenders and losses for the department.

Indeed, auditors working for Paul A. Adams, H.U.D.'s inspector general, have been warning in reports since 1985 that co-insurance projects are "overmortgaged."

"Overvalued properties can further increase the amount of H.U.D.'s losses when insurance claims are paid," a 1988 report noted, "since less than the estimated value of the projects may be realized from disposition of the properties."

But Mr. Adams told a Congressional subcommittee last month that when he alerted senior political appointees at the department who had helped develop the program, they "characterized our findings as unfair and unjustified."

Mr. Adams said in his Congressional testimony that co-insurance losses resulting solely from mortgages held by DRG, the company at the center of the F.B.I. inquiry, had come to $55 million and that the losses for the entire program might amount to hundreds of millions of dollars.

PRICE WATERHOUSE FINDINGS

The new, even larger estimate of $1 billion in accumulated losses over several years was reached as a reusit of a recently completed audit by Price Waterhouse, said Roger R. Stolz, the official who is supervising the audit for the G.A.O.

The auditors have not yet released their audit of the F.H.A. for 1988. But for 1987 they have made more than 60 adjustments to the agency's books, including a drastic reduction in its equity, or capital, from $3.1 billion to $1.2 billion, and they expect a negative cash flow for the next two years.

"They hadn't anticipated these kinds of losses," Mr. Stolz said, "but the lack of oversight led to the abuses. You can't give someone your checkbook to write checks without oversight."

When asked whether any information about H.U.D. officials that might have been uncovered in the audit had been brought to the attention of the F.B.I., Mr. Stolz said he had no comment. "It's pretty sensitive," he said.

But Administration officials said that Price Waterhouse had taken certain information to the F.B.I. and that bureau agents were now working with the firm's auditors. Last January the offices of DRG and its affiliates were searched by F.B.I. agents, who charged that the company had engaged in H.U.D.-related fraud and theft, according to an affidavit filed last January by one agent, Robert E. Carroll.

Officials said that documents involving Mr. Demery that were seized in the search of DRG's offices were an important part of the expanded F.B.I. inquiry.

According to Mr. Demery and his financial disclosure statement, he brokered loans through his private real estate consulting company in Michigan until 1984, two years before he became H.U.D.'s top official for housing. In an interview, he denied any wrongdoing but acknowledged that he had not accepted other department officials' criticism of DRG and the co-insurance program. He added that while he had recommended a less aggressive position concerning DRG than other, "competing" officials at the department, he had shared the overall objective of trying to save money for the F.H.A. and make DRG a more "responsible" lender.

Mr. Demery also said that ethics officials had allowed him to participate in DRG matters because "I had no financial interest" in the company while at the department. He said that from 1982 to 1986 he was a H.U.D. consultant "pretty much full time" and that around "1984 or 1985" he investigated for the department a troubled DRG-financed project in Houston, Colonial House.

Colonial House is at the heart of the F.B.I. inquiry into overvalued loans by DRG, and the F.H.A. is expected to lose $35 million on the now-defaulted project, according to the affidavit by Mr. Carroll, the Federal agent.

An inventory of dockets retrieved by the F.B.I. in the search of a real estate affiliate of DRG that has no business with H.U.D. uncovered at least five memorandums and letters in the titles of which Mr. Demery's name appears.

The inventory lists only a brief description of the seized files. But Federal officials said the documents were pertinent to their inquiry whether there was a financial or other relationship that was improper between Mr. Demery and the DRG after he became Assistant Secretary for Housing in 1986.

Mr. Demery said in the interview that he did not know what the seized documents pertained to.

RICO, ABORTION AND THE FIRST AMENDMENT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. LAFALCE. Mr. Speaker, I would like to include in the RECORD an excellent column written by Nat Hentoff which appeared in the Washington Post on Saturday, July 8, 1989.

Mr. Hentoff brings to our attention the convergence of two of today's most heated issues: the preservation of first amendment rights of protesters and the issue of abortion. Under the application of the controversial racketeer influence and corrupt organizations law, abortion protesters have been labeled as gangsters and sued for both treble damages and attorney's fees. Regardless of one's posi-

tion on the issue of abortion, all legislators should reject the application of RICO to moral and political protesters. I am pleased to share with you Nat Hentoff's insights into the conflicts which the present application of RICO presents.

[From the Washington Post, July 8, 1989]

RICO, ABORTION AND THE FIRST AMENDMENT

(By Nat Hentoff)

The National Organization for Women and the American Civil Liberties Union are in firm accord on the need to protect abortion rights. There is dissonance, however, between the national ACLU and NOW on the use of the formidable federal RICO statute to safeguard those rights.

The Racketeer Influenced and Corrupt Organizations law, with its broad and loose language and its heavy penalties, can stigmatize antiabortion and other demonstrators as "racketeers" practicing "extortion" if they are convicted of what would ordinarily be trespass and disorderly conduct under state and local laws.

In a recent issue of the National Law Journal, Antonio Califa, legislative counsel for the ACLU in Washington, wrote that "the ACLU believes that Civil RICO's potential for chilling First Amendment rights of expression is enormous."

On the other hand, in a letter to The Post taking issue with my prediction that a wide variety of organizations, including NOW, could be vulnerable to RICO suits, Patricia Ireland, NOW's executive vice president, dismissed that possibility. She concluded, "As long as antiabortion extremists continue to behave like gangsters, it is wholly appropriate to treat them as gangsters under the racketeering laws."

In Pittsburgh, a group of antiabortion "gangsters" are defendants in a RICO suit that illustrates the ACLU's apprehension and NOW's myopia.

Helen Cindrich is executive director of People Concerned for the Unborn Child, which operates a hot line—a clearing house for information about prolife meetings and other events. She used to think she couldn't possibly be sued for just reporting news, some of which is taken from local newspapers. She does indeed include news of arrests, and she asks prayers for those in jail.

None of the above would seem to qualify as "extortion." And, in any case, as she told me, "You call the number; the number doesn't call you."

Last October, the owners of the Highland Building, which houses an abortion clinic, retaliated against a number of demonstrations at the clinic—including some by Operation Rescue—by suing a range of people and organizations, including People Concerned for the Unborn Child.

One of the lawyers for the plaintiffs is Ellen Doyle, former executive director of the ACLU in Pittsburgh. She explained to me why People Concerned for the Unborn Child is a defendant: "All those demonstrators were showing up at the building, and we're suing all those who were responsible for all those people showing up at the building."

Had there been a RICO statute at the time, the American Revolution might have been considerably delayed while John Adams and other attorneys tried to extricate members of the Committees of Correspondence from RICO.

Helen Cindrich has become a lot more careful about what she puts on the hot line and in her newsletter. She is concerned, for instance, that it may be held against her that the newsletter printed an account of the Operation Rescue demonstration after it was over. (A lawyer in Philadelphia tells me she has been getting calls from people who want advice on what to avoid printing in their newsletters so they can escape RICO).

Three years ago, People Concerned for the Unborn Child invited Randall Terry, who has since become the leader of Operation Rescue, to speak. "I would not invite him to come now," says Cindrich.

At trial, however, the judge, some supporters of RICO argue, will separate out the true racketeers from the peaceable demonstrators. Some judges may, some may not. But the expenses of pretrial combat are heavy and can persuade an innocent group with marginal funds to cease its protests.

Furthermore, as Antonio Califa of the ACLU emphasizes, "Under RICO's expansive provisions, it is relatively easy for plaintiffs to survive a motion to dismiss and to embark upon intrusive discovery proceedings, which may be particularly threatening to political advocacy groups. Indeed, plaintiffs intolerant of a group's opinions may file suit with the sole intention of inhibiting activities they abhor."

Defendant Cindrich, charged with "racketeering" and "extortion," told me with some wonder: "They want our entire mailing list. There are 4,000 names on it." Each one a potential suspect.

Well, as NOW says, one must deal firmly with gangsters.

FLAG BURNING IS WRONG

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. SKELTON. Mr. Speaker, being fully in accord with a constitutional amendment that would override a recent Supreme Court decision that protected a person who burned the American flag from prosecution, I publish today an editorial from the Post Tribune, of Jefferson City, MO, June 23, 1989. I am in full agreement with the views expressed by this writer concerning the flag burning and free speech.

The article follows:

FLAG-BURNING FREE SPEECH?

In protecting persons who burn the American flag from prosecution, the Supreme Court stretched the First Amendment's right of free speech to an excessive degree.

The court ruled, by a narrow 5-4 vote, that it was "expressive conduct" permitted by the Constitution when Texan Gregory Johnson torched the U.S. flag during the 1984 Republican convention while anti-Reagan marchers chanted: "America, the red, white and blue, we spit on you."

Johnson was arrested for violating a Texas law making it a crime to desecrate the American flag. Similar laws have been passed by 47 other states and the federal government. He was sentenced to a year in jail and fined $2,000.

In overturning his conviction, the Supreme Court said, in an opinion written by Justice William Brennan Jr., that the "government may not prohibit expression simply because it disagrees with its message . . . We do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents."

Brennan misread the intent of the state of Texas if he believes Johnson was prosecuted because it disagreed with his message, whatever that message was. The state prosecuted him because its people and its legislature believe that the American flag is a symbol of all this nation stands for and should not be defiled.

Chief Justice William Rehnquist, in his dissenting opinion, aptly characterized Johnson's repugnant action. He said that flag burning "is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others."

Said Rehnquist: "Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to a majority of people."

Another dissenter, liberal Justice John Paul Stevens said that "sanctioning the public desecration of the flag will tarnish its value—both for those who cherish the ideas for which it waves and for those who desire to don the robes of martyrdom by burning it."

The Supreme Court's decision will not sit well with most Americans, and something ought to be done about it. The Supreme Court is a judicial umpire; it is not sovereign. The Constitution clearly gives the people, through their representatives, the right to nullify high court decisions by changing the basic law.

President Bush, who leaned heavily on the symbolism of the flag in his campaign last fall, could ask Congress to initiate an amendment to the Constitution making it illegal to desecrate the American flag. Since 48 states already make that a crime within their own borders, they no doubt would hasten to approve such a federal amendment.

REMEMBERING JACK CURTIS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. FLORIO. Mr. Speaker, I would like to share with my colleagues the many accomplishments of Jack Curtis, a truly entertaining and sensitive man who passed away on May 21. Mr. Curtis, who was 76, died of a heart ailment at Pennsylvania Hospital in Philadelphia.

To most of his fans, Jack will be remembered as the irreplaceable master of ceremonies who lit up the Latin Casino with his polished introductions, amusing jokes, and humorous songs. His 25-year entertainment career was intertwined with such legends as Frank Sinatra and Dean Martin.

However, Mr. Curtis was best known for his tireless dedication to his fellow senior citizens and community. A resident of Cooper River Plaza, Mr. Curtis served as president of the tenants' association where he firmly advocated senior citizens' rights and fought for rent controls. He also remained politically active in Camden County as a Democratic leader from Pennsauken and as a coordinator for the county's Office on Aging in Haddon Heights.

Jack Curtis must be praised for his never-ending talent as a hard-working entertainer. At the same time, his zest for life and commitment to friendships will not be forgotten. I join his many friends in missing him, and extend my sympathies to his family.

I would like to direct the attention of my colleagues to the following article about the valuable contributions Jack Curtis will be remembered for.

JACK CURTIS—ENTERTAINER

(By Jeffrey Bramnick, Courier-Post Staff)

PENNSAUKEN.—Friends say that what Jack Curtis did best was entertain.

Thousands of patrons from the flashy, neon nights of the 1940s, '50s and '60s at the Latin Casino would probably agree.

During a 25-year stint as master of ceremonies and house singer at the huge nightclub, Mr. Curtis, whose real name was Jacob Kurtz, rubbed elbows with entertainers and film stars of the time.

Mr. Curtis, who was 76, died May 21 of a heart ailment at Pennsylvania Hospital in Philadelphia. He was buried May 24 in a small ceremony at a Northeast Philadelphia cemetery.

"(Frank) Sinatra, Dean Martin, Sammy Davis, this guy worked with them all," remembered Bart Paradise, a friend who performed with Mr. Curtis at shows for senior citizens across South Jersey. "Everybody loved him."

Looking out at the audience at the Latin, it was Mr. Curtis' job to warm up the crowd with a couple of songs, a joke or two and a polished introduction.

"He used to sing 'My Funny Valentine,' really well," Paradise said. "But his special favorite was 'You're My Girl.' "

Mr. Curtis worked during the summer months as master of ceremonies at the 500 Club in Atlantic City.

During the past eight years, Paradise and Mr. Curtis teamed up for performances at area retirement homes.

"He sang and I did comedy," Paradise said.

The depth of Mr. Curtis' interest in senior citizens transcended his singing talent.

"He was a tireless advocate for senior citizens rights," said John Maroccia, Mr. Curtis' friend, attorney and political ally. "He understood them and they related to him."

A resident of the Cooper River Plaza, Mr. Curtis served as president of the tenants' association for many years. He had a reputation as a staunch fighter for rent control.

Even after two recent operations, Mr. Curtis continued working at his full-time job as a coordinator for senior citizens' affairs for the Camden County Office on Aging in Haddon Heights.

He also remained very active in politics in Camden County and as a Democratic district leader from Pennsauken.

"If you were involved in Pennsauken at all, Jack was a part of you," said Maroccia, a former committeeman in Pennsauken.

"He was like a second father to me," Maroccia said.

Maroccia said he remembered visiting Mr. Curtis in a Philadelphia hospital after an eye operation about five years ago.

"I walked into the room and he's on the phone with Frank Sinatra," Maroccia said. "Sinatra wanted to know if he was OK and if there was anything he needed.

"He told him he was fine."

Maroccia described Mr. Curtis as a lyric baritone who could not resist an opportunity to get up and sing "Life is a Cabaret."

"He was a character, in the good sense of the word," Maroccia said. "He had that irresistible flourish; I can still picture him in his blue, sequined tux."

Paradise and Maroccia agreed that whether Mr. Curtis stood in front of the crowd at the Latin, or a senior citizens' group, he just wanted to make people smile.

"He was a man," Maroccia said, "who always believed the best about people and saw the best in life."

PROTEST OF REPRESSION IN CHINA

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. FOGLIETTA. Mr. Speaker, the massacre of Chinese students in Tiananmen Square at the order of the Chinese Government appalled observers around the world. This tragedy shocked our Government and others into the realization that despite policies of economic liberalization, the current Chinese Government has not moved into the age of political freedom. At the same time, the events of the past couple of months have shown that many Chinese students—and other Chinese—are ready for that age, and for the benefits of liberty and democracy that accompany it.

As the massacre in Tiananmen begins to disappear into the past, it is crucial for the well-being of the demonstrators—many of whom are now in captivity—and for all Chinese that we do not let the memory of this ruthless killing fade. That is why this body voted overwhelmingly to include sanctions against China in the foreign aid bill, and why private citizens continue to express their outrage.

The Campaign for Peace and Democracy East and West, a group of peace activists, has prepared a short statement on the massacre, which is reprinted below with a list of signatories:

U.S. ACTIVISTS PROTEST REPRESSION IN CHINA

We, Americans active in behalf of peace, the environment, trade union and human rights, are as inspired by the example of the students and workers of the democracy movement in China as we are horrified by the massacres that have taken place in Beijing.

To the Chinese students and workers who mourn the deaths of their comrades, we say that we share your grief. We share as well your outrage and admire your courage, your will, your dignity, your nonviolence. The seriousness of your commitment to democracy has never been clearer. The importance of popular control over the government—over all governments—has never been clearer.

To those in the government responsible for the massacres, we say that a government that can open fire on its unarmed citizens has forfeited the right to govern, has forfeited the respect of the community of nations. The importance of democracy is underscored by your terrible violation of it. For it is only because you are responsible to no one but yourselves that you could commit such atrocities against the popular will. As May 4, 1919 will live in history as the moment when China "stood up" against foreign domination, so June 4, 1989 will live in infamy as the day when your rule was revealed before the eyes of a horrified world as indefensible and illegitimate.

Bella Abzug; Angela Berryman; Bruce Birchard; Julian Bond; Frank Brodhead; William Sloane Coffin; Gail Daneker; Tom DeLuca; Gabe Gabrielsky; Todd Gitlin; Myra Goldberg; Paula Gutlove; Minard Hamilton.

Thomas Harrison; Judith Hempfling; Henry Hiz; Adam Hochschild; Doug Hostetter; Irving Howe; Phyllis and Julius Jacobson; Ian Keith; Rob Leavitt; Arthur Lipow; Stephanie Marquet; David McReynolds; Everett Mendelsohn.

Samuel Meyers; Brian Morton; Stefan Niewiaworski; David F. Noble; Grace Paley; Marvin Resnikoff; Ruth Rosen; Robert N. Bellah; Paul Berman; Joanne Landy; Zoharah Simmons; Franz Schurmann; Michael Simmons; Pam Solo; Gordon Thompson; Paul Walker; Christine Wing.

VOICE OF DEMOCRACY CONTEST WINNER FROM MISSISSIPPI

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. WHITTEN. Mr. Speaker, the Veterans of Foreign Wars annually conducts the Voice of Democracy broadcast scriptwriting contest, in which young people compete for scholarships.

I am pleased to say that this year's winner from Mississippi was Heather Louise Ray of Tupelo, MS. I would like to share her winning essay with my colleagues.

"I like the sound of America, the sight and the sound of America. Land of the free where I want to be, that's America to me. The sounds of people laughing that you hear most every day. The factories and the farms and the playground where I play. The silence of the mountains and the ocean's mighty roar, America! America!

Those very words, put to music so patriotically yet with innocence by Flo Price, have tugged at the heartstrings of Americans and brought thoughts of joy from times present and past. The sounds of America today are mere echos of yesteryear. Those who so humbly fought for our freedom deserve our gratitude. For it was our forefathers who paved the way for us and broadened America's opportunities. Now, as we stand face to face with the challenges of society today, we must realize it's our turn—our turn to make our future and the future of generations to come, one not of fear, but of hope. Preparing for America's future involves not only mindpower and talent, but willingness—the bill to work together for an even better America. For now, it is up to us.

America's destiny is in our hands. William Jennings Bryan wisely stated many years ago, "Destiny is not a matter of chance, it is a matter of choice; it is not a thing to be waited for, it is a thing to be achieved." Yes, as Americans it's not only our choice, but our responsibility to achieve our goals for a better future. We can't wait any longer. America's future is what we make it today.

We, the people of the great United States of America, should look toward our country's future with hopes and dreams. And

with that we must work to pursue those dreams. One must reach within to find the true desires of his heart and reach out to obtain them. No, we mustn't look back to find past mistakes, but reach forward to a better and brighter future for all mankind.

America is what it is today because of bold and mighty people who've come before us. It's truly a land of opportunity, and now it's our chance, our choice to take those opportunities at hand, search for new horizons, and make dreams a reality. Those sounds and sights of America as we know it are ones that we can make even brighter for our children.

The future starts now. It is a hope within each of us. It is something we can obtain only by working together as one, yet without suppressing individuality. As we are called the United States, let us portray that quality of unity with pride—such pride in knowing that nothing can stand in our way. We are the key to open tomorrow's doors, and tomorrow is just a day away.

TRIBUTE TO SARAH JESSICA PARKER AND ROBERT DOWNEY, JR., FOR PARTICIPATING IN THE CONGRESSIONAL ARTS COMPETITION

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. CARR. Mr. Speaker, I rise today to draw to your attention the contribution made by two fine young artists to our recent Congressional arts competition.

Robert Downey, Jr., and Sarah Jessica Parker are an example and encouragement to all of us eager to pursue artistic endeavors.

I would like to express my gratitude to these talented artists and take this opportunity to share with my colleagues the contribution that they made to the opening.

REMARKS BY SARAH JESSICA PARKER AT THE RIBBON CUTTING CEREMONY FOR 'AN ARTISTIC DISCOVERY' ON THURSDAY, JUNE 29, 1989

First of all I want to salute all the students for their incredible and beautiful works of art. Yesterday going through the Cannon corridor I was struck by and amazed at the beauty and uniqueness of the pieces. You should all be proud of your work. Not everyone has the natural talent you possess so I hope all of you will continue your pursuit in the field of arts.

I also want to thank the Members of Congress for your commitment to the arts and to this program. You have shown by encouraging students in your district to participate in this contest that we not only applaud academic achievements but achievements in the arts. I hope and trust that arts will remain a priority to the Members of Congress so that other students will have an opportunity to pursue their goals and dreams. These students here today and other younger students are some of the arts most important resources and will be a vital part of America's role in the arts.

Once again thank you and congratulations to all the students for their extraordinary work.

REMARKS BY ROBERT DOWNEY, JR., AT THE RIBBON CUTTING CEREMONY FOR 'AN ARTISTIC DISCOVERY' ON THURSDAY, JUNE 29, 1989

I feel very honored to be here this afternoon, in the presence of such a talented group of people, and of the Members of Congress who encouraged the students to participate.

The wide range of perspective which I experienced in the Cannon corridor struck me as a symbol of the arts and their relationship to the individual. Throughout history, the arts have been a constant in defining the climate of the times as seen through the eyes of the individual. With this comes great freedom, yet a certain responsibility as well. Responsibility to be truthful to one's self through art. As an actor, I seem to be a channel to others, yet to myself as well. My individual experience of the process and growth derived go hand in hand. So, I thank you for the inspiration I found in your expressions of yourselves as individuals.

REUSABLE MATERIALS TO EASE THE SOLID-WASTE CRISIS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. GEKAS. Mr. Speaker, recently at a ground breaking ceremony at the Susquehanna University, I had the opportunity to speak with members of the distinguished faculty. The faculty of this fine institution is concerned about the environmental problems which society faces. One member of the faculty, Robert Goodspeed, professor of geology, has published his opinions and ideas about the mounting problem of waste disposal which shed light on possible solutions.

Professor Goodspeed spoke of a rule of nature in which there is no such thing as "away." Our violation of this rule manifests itself when the trash we throw "away" reappears: in our lakes, drinking water and on our beaches. It should be our responsibility to encourage the development of completely reusable packaging to reduce the mountains of waste which are marring the luster our land once had.

Now, I draw the attention of my colleagues to the article written by Professor Goodspeed, which deals with this problem of solid waste disposal.

CHOKING ON THROWAWAYS

(By Robert M. Goodspeed)

In recent months, we've become accustomed to the news of daily closings of landfills, the rarer openings of improved waste disposal sites, and the escalating costs of disposal. All seem to be the results of the recently instituted regulations of Pennsylvania's Department of Environmental Resources (DER).

Reports indicate that the DER is aware of many of the potential problems and that, at least, a partial or short-term "solution" is to ship our garbage out of this region, say, to Western Pennsylvania.

This and other information leads us to believe that, as new landfills begin to replace those closing antiquated "dumps," we can rest assured that we'll be able to rid ourselves of waste efficiently, albeit at higher costs. It leads us to believe that we'll be doing our part as responsible citizens by following the mandatory recycling regulations.

The ultimate goal of DER and other lawmakers seems to be further prevention, while helping to clean up leaking, outdated waste disposal sites that are degrading our environment. No one can fault them for attempting these notable aims. However, we've not begun to attack the real problem.

We're not looking at the real cause of the problem: Our society is producing and using too many disposable products. The public is being tricked into thinking that they're getting a good deal by only being asked to throw away products when they are no longer useful.

One rule of Nature is that there is "no away." Everything has to go somewhere. The motto by which it seems our society lives by is: It's no longer our problem if we can no longer see it, smell it, or trip over it.

Wouldn't it be much better for our environment and society if we eliminated disposables? Think about a life without non-returnable glass bottles, disposable lighters, flashlights, tin cans, one-use aluminum and paper products, plastic dishes and utensils.

Even recyclable products require melting and complete reprocessing. Many paper products today are unacceptable for reprocessing because of an ingredient or chemical used in its manufacturing. These items comprise a large part of the bulky waste materials that must be eliminated each day. Without the disposables we use daily, there just might be enough suitable landfills to meet our waste disposal needs for many years.

One possible solution might be for national and state legislators and local officials to focus their attention and energy on forcing industry to create reusable—not recyclable—products. Reusable products would be returned to the marketplace in their original state after being cleaned, sterilized, refilled or whatever its original use dictates.

This solution to the waste-disposal problem would require a radical change in our lifestyles. We'd be expected to return those goods when they've exceeded their usefulness.

It's time that we realize that our society gives companies the incentive to produce throwaway products and even recyclable products at ever-escalating rates. Companies will continue to produce them because we continue to purchase them.

Meanwhile, the shrinking number of waste-disposal sites, despite some improvements, will continue to be overloaded, and our environment will continue to be degraded. Our costs for disposal will continue to rise while our natural-resource base will continue to shrink.

This will happen unless each of us becomes more willing to push for more sound inducements, legislation, and enforcements to reduce, and even eliminate, portions of the growing volume of waste we find necessary to dump into someone else's backyard. Such actions would make far fewer demands on the continued exploration and mining of many related natural resources used to produce the vast quantities and forms of energy required to make, transport and bury garbage. Our environment and our society would benefit from such positive actions.

Why do humans require throwaways when there is "no away?" It's a matter of choice. We can either continue to bury ourselves and others in garbage or we can refuse to accept programmed obsolescence

of the present-day garbage we have been using and dumping.

Even wild animals seem to have better sense than to defile their environments than we have demonstrated historically.

CONGRATULATIONS EXTENDED TO THE NEW PRESIDENT OF THE LOUISIANA FARM BUREAU

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. BAKER. Mr. Speaker, I would like to take this opportunity to extend a warm welcome to the newly elected president of the Louisiana Farm Bureau, Ronnie Anderson. Ronnie has been active within our farm community for years. He has a successful dairy and beef cattle business, and farms corn, soybeans, and wheat in East and West Feliciana Parishes. His qualifications for this position are unmatched. I believe that Ronnie will continue the positive policies and programs of the Louisiana Farm Bureau, and will contribute much to the success of Louisiana's farm community. I welcome Ronnie to this important and rewarding position, and I am looking forward to working closely with him and my friends of the farm bureau.

EXPLANATION OF VOTE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. PORTER. Mr. Speaker, no issue has been of greater importance to me than the question addressed by H.R. 2022, considered on the floor of the House today, the presumption of persecution that should obtain regarding Soviets seeking refugee status and admission to the United States. I wanted to participate in the debate on this matter and have submitted my remarks for the permanent record, but a very heavy afternoon schedule did not permit my doing so. At 4 p.m. today it was necessary for me to be in the House recording studio to record two radio interviews of a half hour each. When I checked at the desk with the recording studio's receptionist, I explained that an important vote was coming up and would she please make certain that I was informed when it occurred. She said that that would be done, but, Mr. Speaker, I was not informed that the vote on final passage of H.R. 2022 was occurring during the taping of the interviews and consequently did not come to the floor and cast my vote. Obviously, had I been informed that the House was voting, I would have interrupted the interview and come to the floor and cast my vote in favor of final passage of this important legislation (roll-call No. 139).

HONORING THE AMERICAN LEGION, MARYLAND DEPARTMENT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. CARDIN. Mr. Speaker, on July 12, 13, and 14, 1989, the Maryland Department of the American Legion 71st Annual Convention is being held in Ocean City, MD. Formed in 1919, the American Legion has nearly 3 million members.

The American Legion helps us preserve the memories of the sacrifices that American soldiers have made in the duty of serving their country.

The American Legion helps us remember our history and appreciate the sacrifices and heroism of those who fought. It has been 14 years since the fall of Saigon; almost 36 years since the cease fire was agreed to in Korea; more than 43 years since the end of World War II; and 71 years since World War I. The American soldiers who answered the call to arms during these wars were not looking to be heroes, but they became heroes.

They did not go to war to conquer other lands, or vanquish other peoples. They went because they loved their country. They loved their country enough to risk their lives to defend it and keep it free.

I urge my colleagues to join me in honoring the Maryland Department of the American Legion on the occasion of their 71st Annual Convention.

LOOKING TOWARD EASTERN EUROPE WITH A SENSE OF PRIDE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. LIPINSKI. Mr. Speaker, I rise today as one of the millions of Polish-Americans who are looking toward Eastern Europe with a sense of pride today. Poland, a land where the spirit of freedom was crushed but never extinguished, has received the man who represents that freedom to people worldwide. President Bush has completed his 2-day journey through the streets of Polonia, and though the trip has widely been regarded as symbolic, people of Polish descent, from Cracow to Chicago, must admit to a new sense of dignity today. West came to meet East, and for the first time in 40 years, the common bond was democracy.

How improbable such an encounter seemed just 1 year ago, Mr. Speaker. How inconceivable it once seemed to see an American President walking through the shipyard where Solidarity was born, or watch as the leader of the free world lay a wreath at Poland's Tomb of the Unknown Soldier. How unlikely we once thought the possibility of Mr. Bush not only getting a chance to break bread with Lech Walesa, but doing so while General Jaruzelski sat at his side. It was after all, only 2 years ago, when the same Jaruzelski declared the outlawed Solidarity dead and buried to then Vice President Bush. How wrong Jaruzelski turned out to be. The Pole's quest for liberty may have been outlawed, but it was very much alive. With President Bush in their homeland for the last 2 days, the Polish citizens were able to exclaim what they have been feeling in their hearts for many years—communism has failed the people, and a new age must begin.

The role of the United States in this new era has of course been cause for much controversy. Solidarity asked for $10 billion over the next 3 years to rebuild an economy crushed by Marxist policies that could not work. Needless to say, despite our strong support of democracy, capitalism, and liberalization in Poland, such direct aid could not be forthcoming. It has become clear that this is no longer 1948. We no longer have the economic resources to pick up friend and foe alike, and viable economic plan for reform. As Mr. Bush told the Polish parliament, "The United States stands ready to help as you help yourselves."

Contrary to the beliefs of some, the Poles understand very well the difficulty that lies ahead for them. They suffered in the invasion of Hitler, they have suffered for decades under Soviet oppression, and they realize the hardships that will exist with economic reform. The Poles have been idealistic in their search for independence, but they are realistic in the knowledge of difficulties that lie ahead. Prime Minister Mieczyslaw Rakowski recently told the Sejm: "Every day I have been overwhelmed by awareness of the fact that the model Poland of my dreams, a well-managed country governed by sound and just laws and populated by reasonably happy people, is impossible to achieve in a year, two or even five." President Bush need not fear inciting a country that does not understand the dangers of its situation. The Polish people understand more clearly than any American citizen what it means to be suppressed by the Soviet regime. For them, democracy is not something to be taken for granted, but something to be cherished. While describing American reluctance to provide more money to Poland until further reforms are planned, John Sununu, the President's Chief of Staff, compared the plight of Poland to an undisciplined young person in a candy store. Poles seeking only a pound of meat or a roll of toilet paper have stood in too many lines to be patronized with such rhetoric. For decades they have dreamed not of anything as luxurious as candy but of things as basic as food for their meals and the right to live as free human beings. Mr. Walesa has been the most vocal in telling the world that Poland needs help immediately. "We are at the end of a rope, we deserve in the world and Europe, better treatment," he has said. "We agree the reforms will reach far, and they will. We shouldn't wait. There's not time to wait." The caution of President Bush is understandable at this time—budget realities make American's role limited, and we want to make sure Poland has solid economic plans. But Mr. Walesa is correct. Poles have waited too long to join the West, and the West has been waiting too long for the opportunity to extend a

helping raise them out of the ashes of economic destitution. The Marshall Plan was one of, if not the most, successful foreign policy ventures in history, and from it we were able to rebuild many of the same nations that now provide our competition. However, that competition, along with the expensive military protection of these countries, has meant that we can no longer afford any new Marshall Plans. We no longer dominate the world market, and that means we can no longer carry the full burden of resurrecting those in need. Poland must know that it will always enjoy this nation's unwavering support in its struggle for independence. But other Western nations must also know that it is going to take worldwide cooperation to get Poland back on its feet. We have protected our allies militarily for the past 40 years, but the battlefield has shifted. We have entered an age in which financial strength is as important as military might, and thus it has become more and more clear that is time for our allies to make their contribution to protecting democracy worldwide.

Nations like West Germany and Japan, which once benefited from American money after World War II, now must realize that the time has come to return the favor. Next week in Paris, those nations will be able to pledge that support. President Bush promised the Polish citizens that he would make their plight a priority at the economic summit meeting in Paris. He must carry out that pledge, and the world's other economic powers must repond if Poland can ever hope to emerge from the economic black hole that threatens to devour it. In the financial reality of 1989, the United States cannot carry the burden alone, but with a consortium of European nations and Japan providing assistance, Poland can indeed be rebuilt. Surely economic powers like West Germany and Japan can see what benefits are to be gained from the addition of every new trading partner. They have the opportunity to join with the United States in supporting budding capitalism, and in the process to help themselves. Poland with be counting on their support. In the meantime, the United States can promise greater American support tied to the continued formation of a hand. With the rest of the world, we must not lose this historic chance to aid a nation which yearns only for freedom and economic recovery.

COAST GUARD MAKES RECORD DRUG BUST

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. FASCELL. Mr. Speaker, last week, the Coast Guard, in cooperation with the Customs Service and the National Narcotics Border Interdiction Service [NNBIS], made one of the largest drug seizures in the country.

Three thousand three hundred pounds of cocaine were found in a Panamanian freighter off Key West. The story behind this seizure bears testimony to the dedication and bull-dog determination of the outstanding personnel who conducted this operation.

Upon receiving intelligence from Customs that the freighter was transporting a huge amount of illegal drugs, the Coast Guard launched surveillance flights and located the vessel. A boarding party searched the vessel but was unable to locate the contraband in the large cargo of cement. Still convinced that it was there, the Coast Guard wanted to escort the vessel to Key West where a more thorough search could be done. However, this required approval of the Panamanian Government and we are all aware of that government's record—particularly, its leader, General Manuel Noriega—with respect to drug trafficking.

With some ingenuity, the Coast Guard contacted the Panamanian Government in exile and received permission to bring the freighter into port at Key West.

Following a search that totalled eleven hours, the Coast Guard hit paydirt—one of the largest seizures of cocaine in the history of our narcotics interdiction effort.

Mr. Speaker, the men and women involved in this seizure, from Adm. Paul Yost, Commandant of the Coast Guard, down to the men who crawled through the cement to find the secret hiding compartment, deserve our congratulations and thanks. While I continue to believe we will not put an end to the drug problem in this country until we put an end to the demand for the product, we must continue to make it difficult for those who traffic in drugs to carry out their trade.

Last week's seizure certainly had to make a dent in the cocaine supply. We should keep this in mind as we consider appropriations bills in the next few weeks to fund the Customs Service, Coast Guard and the anti-drug program in general.

In the meantime, I urge our colleagues to join me in extending our heartfelt thanks and congratulations for a job well done.

TRIBUTE TO THE OUTSTANDING CONTRIBUTION MADE BY JAMES H. "JIMMY" GRAUGNARD, PRESIDENT OF THE LOUISIANA FARM BUREAU

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. BAKER. Mr. Speaker, I would like to take this opportunity to extol the outstanding contribution Mr. James H. "Jimmy" Graugnard, has made to the Louisiana Farm Bureau. For the past 26 years, Jimmy has been president of one of the most influential and highly respected farm bureaus in the United States. It has been my honor to have worked with him closely during some of these years. Since Jimmy's advice and recommendations were sought out by all of us, including many U.S. President's, we will sorely miss his input into developing sound farm policies. Clearly, Jimmy's leadership ability and personal style will be sorely missed. I wish Jimmy the best in all future endeavors and that his future remain bright. I will deeply miss his leadership as president of the Louisiana Farm Bureau.

REAUTHORIZATION OF VISTA

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. MARTINEZ. Mr. Speaker, there is a song that says "What the world needs now is love, more love." That's VISTA. VISTA is about Americans just saying yes to working to build a better America because they love their country, and the people in it. VISTA is about volunteers—those million points of light that bring growth in understanding, compassion, and humane change. It allows the public and nonprofit sectors to work together in one of the most effective programs our Nation has.

The VISTA Literacy Corps attacks one of the most subtle and prevalent problems in America today, a problem that is the root cause of many of our social problems—including poverty, drug abuse, and homelessness.

The administration called for dismantling the literacy corps. This legislation demonstrates strong congressional support for the literacy corps. It incorporates my amendment to provide technical assistance to strengthen local literacy programs. Too often literacy programs have had to reinvent the wheel. This measure builds on the "National Clearinghouse for Literacy Education" established under the Adult Education Act to get word about what works out to all who help build effective literacy.

VISTA is a model and a foundation to build on in any future youth services program. I urge my colleagues to support this important measure.

LT. COL. JAMES M. SULLIVAN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. STOKES. Mr. Speaker, Lt. Col. James M. Sullivan from the Office of Legislative Affairs, United States Air Force, is about to depart for a new assignment in Misawa, Japan.

For the past 3 years, Colonel Sullivan has served with distinction as he coordinated and defended several key Air Force intelligence programs. As the former chairman of the House Permanent Select Committee on Intelligence, I can personally attest to his professionalism, candor and resourcefulness.

Mr. Speaker, Colonel Sullivan is a fine example of the dedication we need in our Armed Forces today. I congratulate Col. Jim Sullivan for a job well done and wish him and his family well-deserved success for the future.

THE ADMINISTRATIVE LAW JUDGE CLASSIFICATION ACT OF 1989 (H.R. 2885)

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. GILMAN. Mr. Speaker, today I am introducing legislation aimed at correcting an inequity in the existing classification structure affecting Administrative Law Judges (ALJ's). This past spring the Committee on Post Office and Civil Service completed a series of hearings concerning the recommendations of the National Commission on the Public Service. Included in those testifying before the Committee were witnesses representing various ALJ organizations detailing their specific observations and experiences regarding the current state of Federal compensation. Witnesses pointed out that one of the problems of the current pay system involves the disparity in grade structure between GS–15 and GS–16 ALJ's. H.R. 2885 is intended to correct this problem by reclassifying all GS–15 level ALJ's and GS–16 level administrative law judges.

Administrative law judges are the presiding officers in both adjudicative and rulemaking proceedings conducted by administrative agencies. They play an important part in the administration of justice at the Federal level. The current distinction between GS–15 level ALJ's and GS–16 ALJ's is the degree of latitude the employee has in the exercise of independent judgement. Under current law, sections 5104(16) and 5104(15) of title 5, United States Code, the position of GS–16 ALJ includes the performance of work with an unusual latitude for the exercise of independent judgement, while the GS–15 position includes the performance of work with very wide latitude for the exercise of independent judgment.

H.R. 2885 removes this spurious distinction. During the hearings, the Committee received testimony urging the Committee to adopt legislation which would treat the functions and responsibilities of the Administrative Law Judge in the GS–15 or GS–16 levels as being of equal complexity and flexibility. The disparity in grade structure is outdated and no longer truly identifies any distinction in the expertise required for work as an ALJ.

Mr. Speaker, I believe the Federal pay and benefit system is in serious need of reform. The Committee hearings identified several key areas that Congress should review if it wishes to retain a competent and motivated workforce. The legislation I am introducing today represents a small step toward achieving this goal. Accordingly, I urge all my colleagues to join me in this effort by sponsoring this legislation. I insert the full text of this bill at this point in the RECORD:

H.R. 2885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

That (a) section 5372 of title 5, United States Code, is amended—

(1) by inserting "(a)" before "Administrative"; and

(2) by adding at the end the following:

"(b)(1) Notwithstanding subsection (a) or any other provision of law, the position of any administrative law judge under subsection (a) which is classified at GS–15 (determined disregarding the provisions of this subsection) shall, for all purposes, be deemed to have been classified at GS–16.

"(2) Any individual who, under subchapter VI, has a retained grade of GS–15 and who otherwise satisfies the requirements of paragraph (1) for having such individual's position treated as if classified at GS–16 shall be covered by such paragraph for so long as such individual continues to have that retained grade and otherwise satisfy those requirements."

SEC. 2. EFFECTIVE DATE; TRANSITION RULES; OTHER PROVISIONS.

(a) EFFECTIVE DATE.—This Act shall take effect as of the first day of the first fiscal year beginning on or after the date of enactment of this Act.

(b) TRANSITION RULES.—The Office of Personnel Management shall prescribe regulations under which the rate of basic pay for any administrative law judge who is appointed under section 3105 of title 5, United States Code, and whose position (as of the effective date of this Act) is classified at GS–15 of the General Schedule, shall be brought into conformance with the amendments made by section 1. Under the regulations, if, as of such effective date—

(1) the administrative law judge is receiving a rate of basic pay which is less than the minimum rate for GS–16, the rate payable shall be increased to that minimum rate;

(2) the administrative law judge is receiving a rate of basic pay which is equal to a rate under GS–16, the rate payable shall not be changed under this subsection; and

(3) the administrative law judge is receiving a rate of basic pay which is between 2 rates for GS–16, the rate payable shall be increased to the higher of those 2 rates.

The regulations shall include appropriate transition provisions relating to any individual who, as of the effective date, meets the requirements of section 5372(b)(2) of title 5, United States Code (as added by this Act).

(c) OTHER PROVISIONS.—

(1) CONVERSIONS NOT TO BE TREATED AS TRANSFERS OR PROMOTIONS.—The conversion of positions and employees to GS–16 of the General Schedule, and the initial adjustment of rates of pay of those positions and employees, under this Act shall not be considered to be transfers or promotions within the meaning of section 5334(b) of title 5, United States Code.

(2) TIMING RULE.—Each administrative law judge on the effective date of this Act whose position is reclassified under this Act and who, prior to the initial adjustment of his rate of pay under subsection (b), has earned, but has not been credited with, an increase in that rate, shall be granted credit for such increase before his rate of pay is initially adjusted under that subsection.

(3) CREDIT FOR STEP INCREASES.—Each administrative law judge on the effective date of this Act whose position is reclassified under this Act shall be granted credit, for purposes of his first step increase under the General Schedule, for all service performed by him since his last increase in pay prior to the initial adjustment of his rate of pay under subsection (b).

(4) ADJUSTMENT NOT AN EQUIVALENT INCREASE IN PAY.—An increase in rate of pay by reason of the enactment of subsection (b) shall not be considered to be an equivalent increase in pay for purposes of section 5335 of title 5, United States Code.

SENDING THE WRONG SIGNAL TO CHINA

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. WEISS. Mr. Speaker, the number of arrests and executions in the People's Republic of China continues to rise as Chinese Government broadens its nationwide crackdown on the prodemocracy movement. Press reports indicate that, since the brutal massacre in Tiananmen Square, over 10,000 people have been arrested or detained and 36 have been executed. And the hard-line government in Beijing announced this week that martial law would be extended indefinitely.

Yet our Government remains divided on the issue of the appropriate U.S. response to these events. Congress and the American people are of one voice in calling for more stringent measures against the Chinese Government. As indicated by the strong sanctions unanimously approved by the House on June 29, Members of Congress clearly believe that the Chinese Government's campaign of violence demands the strongest response from the United States.

The Bush administration, however, is moving in precisely the opposite direction. Rather than increasing the pressure on the Chinese Government to make needed reforms, the State Department announced on July 7 that it would soften the United States position by lifting certain trade sanctions against China. The new decision allows four Boeing jetliners to be delivered to Beijing, even though such deliveries would clearly violate the restrictions already announced by the President.

The decision to lift the U.S. trade sanctions and to allow these Boeing deliveries is inconsistent with the expressed will of Congress and is out of step with the views of an overwhelming majority of the American people.

Most importantly, this weakening of the U.S. response sends the wrong signal to the hard-line government in Beijing. So long as the Chinese Government systematically attempts to silence the democratic aspirations of its own people, the United States should be thinking about strengthening rather than weakening, the American response.

DANNY WHITE WAS A GREAT QUARTERBACK FOR AMERICA'S TEAM

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. ARMEY. Mr. Speaker, one of my constituents made bittersweet news yesterday, drawing a close to a stellar career as the quarterback for "America's team." Danny White of Allen, TX, will no longer grace the

playing fields of the NFL as the Dallas Cowboys' top signal caller, ending 13 years with that famed organization.

Danny signed with the Cowboys in 1976 and has left his mark on the team's record books. The Pro-Bowler holds the Cowboy record for career completion percentage, 59.7; season completion percentage, a remarkable 63.2 percent in 1982; and all-time touchdown pass leader with 155. Apart from his notable success as quarterback, White was named to the Cowboys' 25th anniversary team as punter in 1984.

Today, I'd like to add my name to the long list of professional athletes and Texas citizens who are wishing Danny well as he pursues life off the middle of the field. Danny White is a role model for aspiring young athletes across the country—a class act both on and off the field. I'm proud to have rooted for a quarterback of his caliber for the past 13 years, and just as proud to have represented in Congress a citizen of his caliber for the past 5 years.

Thanks for all the great Sunday memories No. 11, and best of luck.

TRIBUTE TO REV. HARRY L. BATTS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to ask my colleagues to join me in paying tribute to a man of dedication and commitment to the service of others, Rev. Harry L. Batts. This week marks a very special occasion, as Reverend Batts is commemorating his 18th anniversary as pastor of Messiah Baptist Church in East Orange, NJ.

Reverend Batts has given generously of his time and talent to enhance the lives of those around him. His contributions to the community are many and diverse. Out of concern for the hungry and homeless. Reverend Batts instituted the free lunch program at Messiah Baptist Church. A hot, nutritious meal is served there 5 days a week.

Reverend Batts is presently chaplain of the East Orange Police Department. He served as a member of the board of police commissioners for 12 years, and has also held the position of president. He was on the board of directors at the College of Medicine and Dentistry of New Jersey and served as a board member of the Psychiatric Institute of East Orange. He was chaplain of the Essex County Jail for 8 years, and was also one of the first males to become a member of the New Jersey Council of Negro Women.

Before coming to New Jersey in July 1971, Reverend Batts was pastor of the Mount Olive Baptist Church at Virginia Beach, VA. He was the pastor of the first church of that city, and also taught school there. He was the first black in the history of Virginia Beach to run for the office of city council.

Reverend Batts holds an associate of arts degree and a bachelor of science degree from Virginia College. He holds a master of divinity degree and a doctor of divinity degree from Virginia Seminary, and a master's degree in counseling from the Blanton Peal Institute of New York.

Mr. Speaker, Reverend Batts' work in church and community affairs has touched the lives of many people. Please join me in honoring this outstanding minister of his 18th anniversary as pastor of the Messiah Baptist Church.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWRY: 1989

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. HALL of Ohio. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the ongoing struggle of the people of the Soviet Union for religious freedom. As in the past, I rise once again to participate in the Congressional Call to Conscience Vigil and openly condemn the oppression of Jews in the Soviet Union.

Over the years, I have supported the causes of many refuseniks in their struggles for religious freedom. Residents of my district in Ohio have personally taken responsibility for these cases. Recently, our concern and attention were rewarded when Boris Lifshitz of Moscow and his family, refuseniks since 1979, were finally granted permission to emigrate. They now live free in Israel.

I greatly appreciate the cooperation that I have received from the Soviet Government in resolving this particular case; however, the fact that thousands of Jews remain in the Soviet Union against their will is still deplorable. I feel that it is unfortunate that an initiative such as the Congressional Call to Conscience Vigil is a necessary means by which fundamental human rights must be obtained. As the spirit of glasnost has swept the Soviet Union, there have been dramatic changes in many areas, including the increased emigration of refuseniks. It is time that we take full advantage of this social "openness" and obtain freedom for the oppressed in the Soviet Union.

I would like to share with you the personal tragedy of Boris Kelman who has been a refusenik since 1978, when he and his family first applied for exit visas from the Soviet Union. Though over the next year more than 50,000 Jews were permitted to leave the country, Kelman was denied because the Soviet Government claimed that he had been exposed to state secrets. Upon application for emigration privileges, Kelman was forced to leave his profession as an engineer and had no choice but to accept a series of menial jobs. Because of his refusenik status he has little possibility of advancement.

For his wife, Alla, the situation is much the same. When the family applied for emigration, she lost her job as a pediatrician and was unemployed for quite a while. She now works in the Leningrad Polyclinic and has a difficult professional life. She is known as "the refusenik doctor of Leningrad," and she sees to the medical needs of many of her fellow refuseniks.

The Kelmans have two sons, Maxim and Efim, both students.

In the last 10 years, the Kelmans have become leaders of the Jewish community in Leningrad. Despite their hardship and suffering, the family now enthusiastically observes the rituals of Judaism. Kelman has been described by a friend as having an "evangelical mission in life, which is to pass his newfound zeal for Judaism to others."

Unfortunately, in the shadow of religious intolerance this mission may not be accomplished. The Kelmans and the multitudes of others in the same situation yearn to escape from their oppressed existences and see the light of freedom awaiting them outside of the Soviet Union. Let us hope that the idea of glasnost is not just an empty promise and that Boris Kelman and his family as well as the thousands of other refuseniks may soon live free.

TRIBUTE TO LENNY WILKENS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. STOKES. Mr. Speaker, I would like to bring to my colleagues' attention the many contributions Mr. Lenny Wilkens, head coach of the Cleveland Cavaliers, has made to the sports world. I am honored to have this opportunity to praise one of Cleveland's favorite sons and its winningest coach. In May of this year, Coach Wilkens' long and outstanding career as a coach and a player earned him entry into the National Basketball Association [NBA] Hall of Fame.

Mr. Speaker, I am pleased to share with my colleagues the following sketch of Lenny Wilkens, which appeared in the Cleveland Cavaliers 1988–89 Media Guide. After you have read it, you will join me in saluting Coach Lenny Wilkens for his leadership of the Cleveland Cavaliers.

In just three seasons, Lenny Wilkens has been the commander of one of the greatest resurgences in NBA history. Coach Wilkens has taken a veteran Cavs' team that won 29 games in 1985–86 and transformed them into a team that went 42 and 40 this season with one of the most youthful rosters in the league.

Wilkens, one of the most popular members of the Cleveland Cavaliers in the early 1970's, guided the Cavs to their best record since the 1977–78 season when the team finished 43 and 39. He has accomplished a great deal in a brief period of time by displaying the same traits that characterized his career as a player—his outstanding work ethic, his ability to build good working relationships, and his ability to think on the court.

In June 1986, Wilkens became the 10th coach in the 18-year history of the franchise, after serving as the general manager of the Seattle SuperSonics during the 1985–86 season. He is a 15-year veteran as a head coach in the league, having coached 1,208 regular season NBA games. With 626 wins, Wilkens is eighth on the all-time winningest NBA coaches list and he is the fourth winningest active NBA coach.

Under the direction of Coach Wilkens, the Cavaliers made their fifth playoff appearance in franchise history in taking the Chicago Bulls to five games last spring. It was the team's first playoff berth since the 1984–85 season and the second postseason opportunity of the Cavaliers in the last 10 years. The Cavs improved 11 games in the 1987–88 season from their slate of 31 and 51 in Wilken's first season.

The Cavaliers improvement has stemmed from their solid play at the Coliseum. One of Coach Wilkens' first goals in Cleveland was for his team to establish themselves at home. That is exactly what this season's edition of the Cavaliers was able to do. The Cavs posted a 31-to-10 mark at the Coliseum, the best home season in team history. The Cavaliers concluded the regular season with eight straight home wins and with victories in 15 of the last 17 games played at the Coliseum. As a result of the Cavs 9 and 2 record in April, Lenny was named the NBA's Coach of the Month. In his two seasons at the coach of the Cavs, Cleveland is 56 and 26 (.683) at the Coliseum.

Wilkens, 50, previously served as a player-coach for Seattle in 1969–72, and for the Portland Trail Blazers from 1974–76. He returned to Seattle as head coach midway through the 1977–78 season, and remained as the head coach through the 1984–85 campaign before moving to the front office as general manager.

The Sonics made the playoffs in six of the last eight seasons under Wilkens, including the 1977–78 and 1978–79 seasons when the Sonics advanced to the World Championship Series. In the 1978–79 campaign, the Sonics finished with a 52 and 30 record, giving them their first Pacific Division Title. They went on to defeat the Los Angeles Lakers 4 to 1 in the conference semifinals, and then won their second consecutive western conference title from the Phoenix Suns 4 to 3. In the NBA finals, Seattle downed the Washington Bullets in a rematch from the previous season, four games to one.

Wilkens enjoyed a 15-year playing career in the NBA, and he ranks among the career all-time leaders in assists, second with 7,211, games played, minutes played, free throws made and he was named most valuable player in the 1971 All-Star Game in San Diego.

A first round draft choice in the 1960 draft, Wilkens spent his first eight NBA seasons as a member of the St. Louis Hawks. In 1968, Wilkens was traded to Seattle, where he spent the next four seasons. Then in 1972, Lenny became a member of the Cavs when he was acquired along with Barry Clemens in exchange for Butch Beard. Wilkens represented the Cavaliers in the 1973 NBA All-Star Game, in a season when he averaged 20.5 points and 8.4 assists per game. Wilkens concluded his playing career with the Trail Blazers in the 1974–75 season as a player-coach.

Wilkens played his college ball at Providence College, and he led his freshman team to a 23 and 0 record. In his junior year, the Friars lost in the semifinals of the National Invitation Tournament, but in his senior season (1959–60), Providence reached the NIT finals losing to Bradley. He was named as the tourney's MVP and was a first-team selection to two All-American teams. In March of this year, Lenny was selected to join the NIT–NIKE Hall of Fame, joining such basketball legends as George Mikan, Tom Gola, Walt Frazier, Erni Claverly, Maurice Stokes, Ed McCauley, and Larry Bird. Wilkens graduated from Providence with a degree in economics.

Lenny has also given generously of his time to various charitable causes during his playing and coaching careers. Most recently, he has worked with the Boys and Girls Clubs of Greater Cleveland and the Catholic Diocese of Cleveland, as well as speaking to as many service organizations as his schedule permits. In addition, Lenny served as the honorary chairman of the 1988 Marymount-Cavs RP Golf Classic which benefits the RP Foundation Fighting Blindness, as well as chairing the 1988 Make-A-Wish golf tournament. Also, he was honored at the annual Shoes For Kids luncheon in August as the recipient of the organization's "Golden Shoe Award," in recognition of his involvement with their program.

Lenny was born in the Bedford-Stuyvesant section of Brooklyn, NY. He and his wife Marilyn have three children—Leesha, Randy, and Jamee.

TRIBUTE TO TOOELE ARMY DEPOT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. HANSEN. Mr. Speaker, every year, the Army makes an annual presentation to the military installation with the best environmental protection and enhancement program during the previous 2-year period. Today, I stand before my colleagues as the proud representative of Tooele Army Depot, which has been selected as the winner of the 1989 Secretary of the Army Environmental Quality Award.

Tooele Army Depot is responsible for the maintenance of wheeled vehicles and troop support equipment. Located 40 miles from Salt Lake City, it employes 4,000 civilians and is ideally located to support its mission. In addition to Tooele's mission of depot maintenance, it is tasked with the responsibility of overhauling of engines and transmissions, and the storage of conventional and chemical ammunition.

Few would dispute the need to deal with America's waste problems. While some might attempt to escape the obligation to take quick and decisive action, Tooele met its environmental problems head on. A new waste treatment plant is in operation, and Tooele recently broke ground on a consolidated maintenance facility that will eliminate even more industrial waste from discharging into the environment. It also instituted an Environmental Management Board, giving executive-level attention to its environmental concerns. The results have not only had a positive impact on the environment, it improved the quality of work life for the people.

Environmental protection is a top priority for Tooele Army Depot. It is committed to a clean, safe environment and preserving America's natural beauty. Its achievements in environmental quality offer a welcome opportunity of building a partnership between Federal, State and local governments.

I view this award as the launching pad for a new direction in environmental protection to insure a safe environment for future generations. I congratulate Tooele for taking the initiative, and for its selection as the winner of the 1989 Secretary of the Army Environmental Quality Award.

A TRIBUTE TO ARNOLD SPIROFF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. COSTELLO. Mr. Speaker, today I want to bring to the attention of my colleagues an act of heroism that took place in my congressional district.

On April 8 of this year, Arnold Spiroff of Granite City, IL, was on duty in his position as security officer at the Charles Melvin Price Support Center. At about 10 o'clock that evening, he received a call involving a child nearby who had stopped breathing.

Eleven minutes later, Officer Spiroff reached the residence of Sgt. Gloria Pedroza and saw her cradling her 5-month-old son. Spiroff performed cardiopulmonary resuscitation on the boy, part of his training recommended as a security officer at the base.

While ambulatory services responded to the emergency call, Spiroff was able to clear the infant's breathing passages and breathe oxygen into his lungs. Emergency paramedics later confirmed that the security officer's actions had saved the life of the child.

On July 11, Officer Spiroff was awarded the Meritorious Civilian Service Award at the Price Support Center. I want to use this occasion to express my gratitude and that of my colleagues to him for his truly heroic actions that night.

It is too seldom that we pause to thank a fellow citizen for their efforts to lend a helping hand in an emergency situation. However, Officer Spiroff's actions saved a life of a child, and he deserves our deepest recognition and appreciation.

INSURANCE CRISIS REVISITED

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. FEIGHAN. Mr. Speaker, there has been much discussion in recent years on ways to increase affordability and availability of various lines of insurance. On Capitol Hill, we have focused on the antitrust exemption which has long applied to the insurance industry. Last year the Subcommittee on Economic and Commercial Law, on which I serve, examined this topic at length and decided that some modifications to the McCarran-Ferguson Act,

the statute that provides this exemption, would help the "insurance crisis." This year our subcommittee will again consider this issue. Mr. Speaker, I think we should go forward cautiously. The insurance industry has recently taken a bold and beneficial step: The Insurance Service Office [ISO] has ceased publication of final advisory rates. Many considered these rates to be tantamount to fixed prices and thus contrary to consumers' best interests. I think we should give the insurance industry a chance to implement and then adjust to this dramatic change before repealing the Federal statute which has governed insurance for over 40 years.

The recent change by the Insurance Services Office [ISO] is significant. Responding to widespread public concern over its practices, the insurance industry unilaterally decided to cease publication of final advisory rates. ISO previously performed four functions for its members: loss data collection, historical loss analysis, trending, and final advisory rating.

No one disputes the need for central collection of loss data and actuarial analysis. However trending—the extrapolation of that data and analysis to predict future loss experience—and final rating—adding costs and overhead to estimate what companies should charge—were both subject to much criticism as anticompetitive. ISO has thus voluntarily responded to the criticism by eliminating the last—and most offensive—practice. Many of the smaller companies claim that it will take them some time to adjust to the loss of this service. They will need to perform a greater amount of calculations themselves to get to each rate. I think it might be wise to let the industry adjust to the new, truncated system before taking additional steps which might further disrupt the market. The insurance industry plays an important role in the smooth functioning of our economy; we must be cautious before making significant changes in the Federal statute regulating it.

REMEMBERING WATERGATE: KEY SENATE REPORT ISSUED 15 YEARS AGO TODAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. STARK. Mr. Speaker, 15 years ago today the final report of the Senate Select Committee on Presidential Campaign Activities was released. The evidence contained in the report elucidated the fact that "campaign practices must be effectively supervised and enforcement of the criminal laws vigorously pursued against all offenders—even those of high estate—if our free institutions are to survive."

The report included 35 legislative proposals including an independent and permanent public attorney, a Federal Elections Commission, limits on cash campaign contributions by individuals, reforms in reporting procedures and restrictions on solicitation of campaign funds by presidential staff, tightening of laws involving use of Federal agencies to aid the election of candidates.

An article in the Hartford Courant dated July 12, 1974, effectively indicates the need for immediate reforms in the Presidential campaign process: "America is getting numb. We are losing our ability and capacity to react. And this is a dangerous condition. Inability to remove one's self from peril, whether through lethargy, exhaustion or sheer fascination, usually is fatal. This holds for subzero weather, and certainly chilling Watergate."

Many people would have liked to be able to forget Watergate. Recorded testimony before the various committees has reached several million sentences. When the average citizens turned on his or her television set or radio during the summer of 1974 that person received an intense assault on their senses dealing with the Watergate affair in various ways. This caused many people to hide from the truth in an effort to shield themselves from the complexities of the entire fiasco.

However this report needs to be remembered. It holds 35 essential warnings to prevent another corruption of our Constitution. Now that we have been warned it is up to us to heed the warnings or suffer the consequences for forgetting.

PERSONAL EXPLANATION

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. BATES. Mr. Speaker, I was unavoidably absent on Friday, June 23, 1989. Had I been present, I would have voted:

"Yea" on roll No. 106, approving the Journal of Thursday, June 22, 1989; and

"Yea" on roll No. 107, approving the Senate amendment to H.R. 2042, the fiscal year Department of Veterans Affairs supplemental appropriations bill.

PROBLEMS CREATED BY PEOPLE WITH DUAL ADDRESSES

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. SAXTON. Mr. Speaker, today many individuals and families live under a dual address. One of these is their mailing address. The second address is their locatable address which usually includes a house number, always the name of their road or street, and the name of town in which they reside.

But why must there be two addresses for these people? It creates untold opportunities for confusion. One of my constituents tells the story of a neighbor who was seriously burned in a home accident—yet the emergency squad had difficulty finding him because they were using his mailing address to find him. His mailing address included the name of a town in which the victim did not live.

Today, I am introducing a bill to help put an end to this address confusion. My bill, the Locatable Address Bill provides that if a municipality and its governing body decide that the address confusion within the locale is out-of-control, then they may, at their option, adopt a single address system. That system would require that the proper name of the town be included in the third and last line of every address within that time. But there is one caveat—the proper ZIP Codes for each address must also be used. In other words, this legislation does not change the ZIP Codes already in place.

For example, there are two residences in my district that share the same mailing address, 701 Delaware Avenue, Riverside, NJ, 08075. One is actually located in Riverside. The other is in a town called Delanco that is in the Riverside Post Office delivery area. Under my bill, the town of Delanco would be allowed to use the ZIP Code of the Riverside Post Office, making their address 701 Delaware Avenue, Delanco, NJ, 08075. In that way each residence would have one locatable address.

In other words, this bill would permit the fundamental right of municipalities to correct faulty address systems to facilitate the location of property and people by anyone within the township.

One immediate advantage to my proposal is that it will save aggravation and money. When a town seeks to regain its identity, what does it do? The answer, of course, is that it seeks to have its own post office built. This bill allows that town the ability to gain its identity without engaging in a protracted fight with the Postal Service for a new post office.

Second, by adopting a locatable address system, the job of the rural mail carrier should be made easier. He or she knows more specifically where a letter should be delivered—the house, the street, and the town. They need not be confused by three roads with the same name in three different towns, which, unfortunately, all have the same third line address. Instead, the third line will indicate exactly what town the letter is going to.

The discrepancies with a dual address system also impacts census figures, the cost of insurance, and inaccurate tax payments to municipalities by states.

In fact, I recently received a letter from the mayor of Southampton Township, NJ. The letter reads as follows:

DEAR SOUTHAMPTON TOWNSHIP RESIDENT: Your township needs an accurate census and is asking for your full cooperation and special help so that we can get the best possible census result.

This is very important since the census results affect our Federal and State funding, our congressional and State representation, and a host of county, State, and Federal programs.

The address on your tax bill reflects the newly assigned property number, the street name, and the name of the postal facility that delivers your mail. To eliminate confusion we need you to write "Southampton TWP." on the census form so your count will be obviously credited to our township, not to one of the five other townships or municipalities where our delivering post offices are located. This is very important.

I urge you to join me in allowing municipalities to remedy this critical situation. Support the locatable address bill.

THE IMPORTANCE OF VOA

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. McEWEN. Mr. Speaker, over the past few months, we have heard and read of the phenomenal impact of the Voice of America in China. As many as 300 million Chinese—more than the population of the entire United States—may be listening to VOA on a regular basis for the news they can't get from their own media. This alone is an awesome accomplishment and one worthy of recognition.

But Chinese is just 1 of the 43 languages in which VOA broadcasts. In a number of countries, VOA is the leading international radio station—sometimes even more popular than the local radio station. As Poland reforms its political system for the first time in 40 years, VOA presents the American model of democracy and covers news of Solidarity in Polish. In Iran, convulsing after the death of the Ayatollah, VOA broadcasts in Farsi provide a voice of accuracy, stability, and reason. Radio Marti broadcasts in Spanish told the Cuban people the truth about the rampant corruption and human rights violations in their country long before the Castro regime did.

Mr. Speaker, VOA is a vital national resource. Richard Carlson, the Director of the Voice of America, and his staff should be proud of their unswerving dedication to informing the world. All Americans should likewise take pride in such an effective representative overseas.

THANK YOU, CHIEF KENNEDY

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. MILLER of Ohio. Mr. Speaker, I would like to take this opportunity to publicly commend the 33 years of devoted service to the Amanda, OH, Township Fire Department rendered by retiring fire chief Dale E. Kennedy.

Chief Kennedy joined the fire department in 1956, and has served as a fireman, lieutenant, assistant chief and, for the past 8 years, chief of this unit. The Amanda Township Fire Department provides fire protection to three central Ohio townships containing 100 square miles and hundreds of families, farms, and businesses. The department is a volunteer unit in the truest sense of the word: Its firemen and women receive no pay or reimbursement for their community service work and fire protection.

For more than three decades, Dale Kennedy has been a stable element in this impressive unit. He has worked tirelessly for the improvement of the community and its citizens. He has upheld the responsibilities of each post held in the department and the region is proud of his efforts.

It is fitting that he is being honored by his community upon his retirement. Collectively, the good citizens of the region will have a chance to say thank you for his leadership, professionalism, and personal interest in the well-being of the area. I want to express my gratitude, as well, and bring his record of service to the people of central Ohio to the attention of the U.S. House of Representatives. Oftentimes, this Nation looks for those who make a difference. It need look no further than Amanda, OH, and in the person of Dale Kennedy. His influence, investment, and impact of good will, hard work, and service will be long remembered and deeply appreciated for years, and years, to come. Thank you, Dale.

H.R. 2655

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. SCHAEFER. Mr. Speaker, I would like to take this opportunity to commend the Foreign Affairs Committee for including special development language in H.R. 2655, the Foreign Assistance Authorization Act.

Specifically the committee, in section 1102, refocuses America's objectives for economic assistance and development programs. This language stresses the pursuit of four new policies; economic growth, sustainable development, poverty reduction, and pluralism. These objectives serve both the interests of the United States and the recipient country.

The first two objectives will lead these countries into self-reliance. Not only will these countries reduce their dependency on the United States and foreign assistance, they can be a role model for other developing countries. Perhaps in the future these countries could begin their own foreign assistance programs. Japan is a superb example of a once devastated country contributing to worldwide development. The latter two objectives will address the quality of life in the developing countries. Through the conquest of poverty, illness, and ignorance, these countries can become stalwart supporters of freedom.

Again, I commend the committee for recognizing the need to set specific objectives in the distribution of American assistance. These are noble objectives and I was glad to support this legislation which the House recently passed.

THE DEATH OF COLOMBIAN GOV. ANTONIO ROLDAN BETACUR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. GILMAN. Mr. Speaker, just a few short days ago on June 27, we noted the assassination of Jorge Leon Vallejo, a Colombian human rights activist who was kidnaped by gunmen and found shot dead outside of Medellin, home base of the drug cartel bearing the city's name. It is with deep regret that we must now mark the passing of yet another Columbian martyr in the ongoing international struggle against drugs, Antonio Roldan Betacur. On June 5, 1989, Antonio Roldan, along with three bodyguards and three other individuals, was killed in a car bomb explosive.

The late Mr. Roldan was the Governor of Antioquia, one of the most violent states in all of Colombia, and whose state capital is Medellin. Governor Roldan was also one of the foremost human rights leaders in Latin America. This outrageous attack upon the Governor illustrates the impunity with which the drug lords eliminate the legitimate leaders of that beleaguered country.

Governor Roldan was well aware of the risks he was taking by daring to defy the drug kingpins. He was not blind to the drug traffickers' contempt for democracy. At the very moment that his life was so brutally snatched away, Governor Roldan was on his way to deliver a speech denouncing political violence and praising his late colleague, human rights leader Hector Abad Gomez, who was killed for his anti-drug stance in August 1987. Yet like so many other brave souls who have sacrificed their lives for freedom and justice, Governor Roldan was willing to accept the risks which come with standing up for one's beliefs. He condemned paramilitary death squads and paid the ultimate price for his courage. May all of us be so blessed with the courage of our convictions.

Tragically, Governor Roldan is far from being the only one of his countrymen forced to pay with their lives for their convictions. In the past several years, over 50 judges, including half of the Supreme Court, the Attorney General as well as scores of other law enforcement personnel, government officials, journalists, and private citizens have lost their lives in drug related murders.

Colombia is far from being alone in its problems. Wherever drugs are found, death and destruction follow in its wake. The murder of New York City patrolman Edward Byrne is a reminder that all nations are vulnerable to drug-related crime and violence.

Mr. Speaker, far too many good people both at home and abroad have died already as a result of illicit narcotics. Drug trafficking and abuse threaten the very fabric of democratic societies. We must not allow the sacrifice of Governor Roldan and the hundreds and thousands of other brave individuals like him to be empty ones, lest we forget who we are, and what we stand for as a Nation.

There is much that we must do to combat drugs. Crucial work needs to be done both on the streets of our cities and in the jungles of Central and South America. We must educate our children to say "No" to drugs, and we must rehabilitate those for whom the message comes too late. We must help our Latin American allies take back the land from the drug growers in Latin America, and we must take back the streets from the drug dealers in our own cities. Governor Roldan and others have led the way, but their struggle is not over. We must now continue to pursue their goal of eliminating drug abuse and trafficking. If we do not, then Governor Roldan's death will have been in vain.

THE ALLEN PARK VA HOSPITAL: 50 YEARS OF HEALTH CARE SERVICE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. DINGELL. Mr. Speaker, I rise today in honor of the 50th anniversary of the Veterans' Administration Hospital in Allen Park, MI, in my congressional district. This occasion marks 50 years of service to the veterans of southeast Michigan and serves as a testimony to our commitment, as a nation, to care for our honored veterans in their times of need.

In 1937, Henry and Clara Ford donated to the Federal Government the land on which the Allen Park facility now stands. On July 27, 1939, a groundbreaking ceremony was held paving the way to a six-story facility that housed 350 general medical/surgical beds. The hospital admitted its first veteran on April 15, 1939.

Since then, the Allen Park facility has expanded. To handle the increased medical care needs of World War II veterans, two 10-story wings were added in November 1947. In October 1960, two three-story wings were constructed to serve as an outpatient clinic and administration offices.

Today, the Allen Park facility is a campus-like complex consisting of a large, multiwinged, 611-bed hospital with separate outpatient, administration, and maintenance buildings. It provides inpatient care to over 6,000 veterans and records over 25,000 outpatient visits every year. The Allen Park facility is a complete health care facility, providing surgical, neurological, psychiatric, and intermediate care, as well as nursing home care.

In September 1988, Congress passed legislation providing funding to establish a dual campus facility in southeast Michigan, consisting of a new 503-bed Detroit facility to take over surgical and intensive care for veterans along with funds to restore and improve the Allen Park facility to provide long-term nursing care for veterans.

The Allen Park Veterans' Administration facility has come a long way since its modest beginnings 50 years ago. It now symbolizes the commitment of our Nation to our distinguished veterans. With the planned improvements, the Allen Park facility should be able to provide another 50 years of health care, in fulfillment of the obligation our Nation has incurred to the veterans who served selflessly to preserve this great country.

KIP GRANT: NEWSMAN, FIREFIGHTER, AND GREAT AMERICAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. SOLOMON. Mr. Speaker, there are many of what I call quiet Americans all over this country, and I take pleasure in paying tribute to one of them today.

His name is Clifford Grant, Jr., but in the Glens Falls, NY, area everyone calls him Kip. He is still a young man, but for many years he has been an institution. He is ending a 22-year career as a radio newsman with Station WWSC, the last 15 as news director, to take a post as deputy fire marshall in the town of Queensbury.

My quiet Americans are people who, without attracting a great deal of attention, do their jobs well and give something back to their communities. Invariably, they are patriotic, family oriented, good neighbors, and tirelessly involved in civic affairs. Kip Grant is all of those things.

As a newsman, he has always been a first-rate professional, always satisfied to report the news honestly, which is so much harder than engaging in irresponsible sensationalism. His has long been the most trusted voice in Glens Falls.

He is known affectionately for his interest in two things, firefighting and trains. He has a very impressive photographic collection of both the fires he has covered and of train engines. His childhood interest in fire engines led to joining the local fire department. As is the case in many rural areas, much of our fire protection comes from volunteer fire departments staffed with dedicated volunteers like Kip Grant. It's just one of the ways he has made a contribution to his community.

Mr. Speaker, it's not enough to list Kip Grant's professional accomplishments and civic involvement. You really have to know Kip Grant to appreciate his unfailing cheerfulness and decency. I have had that privilege for many years, and that is why I ask Members to join me in saluting Kip Grant, newsman, firefighter, and great American.

TRIBUTE TO JUDGE LUTHER C. HAMES

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. DARDEN. Mr. Speaker, next Monday, July 17, Judge Luther C. Hames, Jr., a distinguised former trial judge and district attorney from Cobb County, GA, will be honored by his local bar association. At that time, Judge Hames will observe the 50th anniversary of his admission to the State Bar of Georgia. He will also be honored by having his portrait commissioned and placed in the courtroom where he served with distinction as judge of the superior court for more than 12 years.

I have personally known and admired Judge Hames since 1967, the year I finished law school and began my legal career. He was at that time considered the most competent criminal prosecutor in Georgia, having recently retired as solicitor general.

While Judge Hames' strict, impartial courtroom demeanor has demanded competence and respect from all attorneys who practiced before him, his reputation for honesty and fairness is unquestioned.

Notwithstanding his insistence that all attorneys appearing before him capably represent their clients, he always had time to give counsel and advice to young lawyers. His legal scholarship is legendary; his personal legal diaries are the most extensive sources of legal precedents available.

State Senator Roy Barnes once observed that Judge Hames' famous bound volumes probably contained even a form to commission a Russian admiral.

I regret my inability to attend the ceremony in Marietta next week due to our legislative schedule, but I want to pay tribute to an exemplary judge and public official, the Honorable Luther C. Hames, Jr.

The following resolution of appreciation has been passed by the Cobb County Bar Association and will be presented to Judge Hames:

RESOLUTION OF APPRECIATION

Whereas, Honorable Luther C. Hames, Jr. was admitted to the Bar of Georgia on July 21, 1939; and,

Whereas, he has served with distinction the State of Georgia as Attorney at Law, Solicitor General, and Superior Court Judge; and,

Whereas, he was born in Marietta, Georgia on November 18, 1917, was educated in the public schools of Marietta and received his LL.B. degree from Woodrow Wilson College of Law in 1939; and,

Whereas, he served in the United States Army from 1940 through 1945, and was honorably discharged as a Captain; and,

Whereas, he practiced law privately in Marietta from 1945 through 1953; and,

Whereas, he served as Solicitor General of the Cobb Judicial Circuit from 1953 through 1968; and,

Whereas, he served subsequently as District Attorney Emeritus from 1968 forward; and,

Whereas, he served as Judge of Cobb Superior Court from 1968 through December 31, 1980; and,

Whereas, he has served as Senior Judge, Georgia, Superior Courts since 1980; and,

Whereas, he served as Mayor Pro tem of the City of Marietta and Councilman for the City of Marietta; and,

Whereas, he served as Chairman of the Marietta Housing Authority in 1950; and,

Whereas, he served as President of the Cobb Circuit Bar Association in 1954; and,

Whereas, he served as President of the District Attorney Association of Georgia in 1956; and,

Whereas, he served as Chairman of the Criminal Pattern Jury Instructions Committee from 1973 forward; and,

Whereas, he is respected and admired by his peers and fellows at the bar.

Now therefore, this resolution is duly passed by the Board of Trustees of the Cobb County Bar Association commending and honoring our brother of the bar on this occasion of his 50th year of admission to the State Bar of Georgia.

AMY HSU: A WINNER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. HOYER. Mr. Speaker, I am proud that one of this year's winners of the Public Service Scholarships sponsored by the Public Employees Roundtable is Amy Hsu, who is an

undergraduate at the University of Maryland at College Park and a resident of Laurel.

The Public Employees Roundtable grants annual scholarships to a limited number of students from across the country who intend to pursue careers in government. This year, 8 recipients were selected from 450 applicants.

Ms. Hsu is an accounting major at the University of Maryland. She maintains a 3.57 cumulative average, but has found time to work at the university's accounting office and to volunteer at a D.C. homeless shelter. After graduating from the university, she hopes to become a government accountant.

Last year, the Hudson Institute issued a report warning the Congress that we face a "crisis of competence" if we fail to attract young people to work for the Federal Government. After reading Ms. Hsu's essay: "How My Chosen Career Affects the Quality of American Life," I am sure that each of my colleagues will be pleased that this woman is attracted to a career in public service.

HOW MY CHOSEN CAREER AFFECTS THE QUALITY OF AMERICAN LIFE

One of the hardest decisions to make in a person's lifetime is choosing their career. There are so many interesting and challenging fields to pursue. As for me, one career stood out in front of the rest, and that is to become a government accountant.

The work of government accountants—whether federal, state, or local—affects the health, welfare, and security of every American. This is because accounting aids in collecting, classifying and reporting events or transactions which occur in the routine, everyday life of all individuals. Governments, like all others, need accountants to help them obtain information. Accountants assist in keeping financial matters in an orderly fashion—from the simple reconciliation of the monthly bank statement to the highly detailed investigations of the year-end audit.

Accountants are of vital importance to our society. Information provided by accountants supports investors and creditors in channeling resources effectively. Labor unions and management need financial information to use in bargaining during contract negotiations. Furthermore, non-profit organizations use accounting systems in order to keep track of their revenues and costs. Hospitals, for example, establish patient billing rates largely on the basis of such information, and managers of private foundations use accounting records to determine how they can award grants at any particular time.

Accountants also influence public policy issues and decisions. It would be impossible, for example, to collect taxes if individuals and businesses did not have an accounting system. Government agencies, as well, employ accountants to evaluate the profitability of businesses, and they often base policy decisions on such evaluations. Government also uses accounting information to help determine whether it should give aid to those corporations undergoing financial difficulties. For example, the federal government used the information determined by accountants in deciding to grant $1.5 billion in loan guarantees to the Chrysler Corporation. Most importantly, accountants gather vast amounts of information each year in order to determine whether the government will be in surplus or deficit.

As a result, the main objective of accountants and their role in society is to improve the quality of American life. As the social-economic-political-legal conditions, restraints and influences of the environment change from time to time, accountants must analyze, investigate and trace those events to meet the changing demands and influences. Accountants recognize that people live in a world of scarce means and resources; thereby, through an efficient use of resources, the standard of living can increase. It is the job of the accountant to help society obtain a higher standard of living by measuring, communicating and comparing data in order to identify an efficient and effective use of resources. Accountants recognize and accept society's current legal and ethical concepts in order to provide equitable treatment to protect the standards of society. In conclusion, accountants play a significant role in shaping and molding the quality of American life into an acceptable environment for society to live in.

COMMEMORATING LITHUANIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 149 designating February 16, 1990, as "Lithuanian Independence Day," and commend my distinguished colleague from Illinois [Mr. RUSSO] for sponsoring this resolution.

Mr. Speaker, I am proud to be a cosponsor and an earnest advocate of this resolution to commemorate the valiant struggle for Lithuanian independence. Unfortunately, not all peoples of the world have the opportunity to celebrate their freedom and liberty. It is vital, therefore, to recognize this distinctive day in memory of those people who are denied their liberty to celebrate freedom themselves. As the longest standing democracy in the world, the United States has an obligation to provide an example to all nations in supporting basic liberties for all citizens of the world. Our recognition of Lithuanian Independence Day represents our identification with the strong desire for democracy and freedom which is shared by people all over the world, especially the Lithuanian people and Americans of Lithuanian descent.

For more than a century, the Lithuanian people had endured the tyranny and indignation of domination as a province of the czarist Russian State. By 1915, with the commencement of World War I, Lithuania was overrun by marauding German armies. The cost for Lithuania was great due to the destruction which retreating Russian armies and invading Germans left in their wake. Following a succession of German defeats, czarist Russia reasserted its dominance over Lithuania. Finally, when the Bolsheviks brought about the collapse of czarist Russia in November 1917, Lithuania temporarily succeeded in freeing itself from foreign control, culminating with the declaration of independence on February 16, 1918. However, independence was short lived as the Red Army returned in 1919 and installed a Communist government in Lithuania. The Red Army was driven out of Lithuania the next year by combined Polish and Lithuanian fighting units. Also in 1920 Russia signed a peace treaty with Lithuania recognizing it as an independent nation. However, in collaboration with Adolf Hitler's Nazi-German Government, the Soviet Union impeded the Lithuanian dream for lasting independence by annexing Lithuania in September 1939. This cleared the way for the Soviet Union to reexert its authority in a brutal suppression during July 1940.

Like many other Eastern European countries, and many other countries around the world, the Lithuanian people have not lost their identity or their strong yearning for freedom. With this in mind, the United States celebrates Lithuanian Independence Day for those who cannot. Through this celebration, we are reminding the Soviet Union that we do not condone their unacceptable practices with regard to Lithuania, and we firmly reject their incorporation of Lithuania into the Soviet Union. Other countries with similar tyrannical practices are also served notice that we do not sanction their policies but instead firmly deplore them.

Mr. Speaker, Lithuanian Independence Day is also a day for Americans of Lithuanian descent to celebrate their ethnic heritage and point with pride to their contribution to American society. We celebrate with them but at the same time share their concern over the plight of their loved ones living in Europe. As long as there are individual seekers of freedom who are being persecuted for attempts to exercise their rights, as the Lithuanians are by the Soviet Union, the United States is obligated to show our support for these people who desire freedom and democracy. We recognize this special day through the adoption of House Joint Resolution 149, and I invite my colleagues to support the measure.

COMMENDING THE GREATER WALDORF JAYCEES

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. DYSON. Mr. Speaker, I rise to recognize and commend 20 years of wonderful work accomplished by the Greater Waldorf Jaycees in my home district—Maryland's First.

"The final line of the jaycee creed states that, "Service to humanity is the best work of life." Nowhere is that axiom more in evidence than in the enterprises of the Greater Waldorf Chapter.

For 20 years they have thought up, planned, and carried out so many meaningful, essential projects. From the Bumby Oaks Drug Abuse Center to the senior citizens apartments to the Millwood Training Center for the Mentally Retarded, the jaycees have improved the lives of those most in need. One wonders what we would do without their industriousness and dedication.

As the Greater Waldorf Jaycees celebrate their 20th anniversary, the community celebrates, too. For it has seen 20 years of important projects realized, friendships made, and citizens helped through the tireless community

service of this special group. Southern Maryland itself is a living testament to their unflagging effort.

The anniversary coincides with the election of the chapter's first woman president, Sally Jameson. She is a forward-looking leader who will confront many challenges in the coming year but plans to use those challenges to make the jaycees better than ever before. The community can look forward to much important work during her tenure.

The whole Nation will soon be hearing about this special group. The Waldorf Jaycees have been building a 56-acre sports complex dedicated to Robert Dean Stethem, the heroic Navy diver and Waldorf citizen who was killed in Beirut. President Bush plans to commemorate Stethem's courage and acknowledge our jaycees' hard work next spring at the ribbon-cutting ceremony of the sports complex.

The Greater Waldorf Jaycees are a wonderful example to all of us of the true spirit of voluntarism. The jaycees have actively involved themselves in the life of our communities and we are so grateful to them. Their humanitarianism inspires and touches us all.

A TRIBUTE TO THE AAU/CARRIER BASKETBALL TOURNAMENT AND TO THE ST. LOUIS HAWKS

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. BUECHNER. Mr. Speaker, I rise today on the occasion of the 1989 AAU/Carrier Boys 15 and Under National Basketball Championship Tournament which is being held this week in Kingsport, TN. I especially rise to salute the St. Louis Hawks from my hometown of St. Louis, MO. These young participants from city and county schools epitomize the values of competitiveness, teamwork, good sportsmanship, and plain, old-fashioned fun that have always been the backbone of amateur sports in America.

The week-long tournament features some of the premier junior basketball talent in America; select teams from across the country will be participating. The Hawks represent the best Missouri has to offer between 8th and 10th grades. I wish the best of luck to these youngsters as they represent "The Gateway to the West". Regardless of the outcome, the Hawks are a team St. Louis can be proud of: A class team for a class area.

Mr. Speaker, I ask my colleagues to join me in saluting the AAU and Carrier for sponsoring this tournament. I am sure that many of us in this assembly can look back to our youth and importantly, some of the lessons we learned there. Perhaps some of these boys will grow up to be the Michael Jordan, Larry Bird and Magic Johnson, or, with a tip of the hat to a former St. Louis Hawk great, Bob Petit of the future. Others will, no doubt, grow up to be businessmen, lawyers, doctors, coaches, and yes, fathers. The gift of amateur athletics is that it will help them to grow into men of discipline and fair play. The dedication, teamwork, and camaraderie they have learned through sports will be with them long after the ball stops bouncing; indeed it will be with them for life—the greatest game in which they will ever play. May the buzzer sound with them far ahead!

Congratulations to the St. Louis Hawks:

Chris Brefield, Leon Clay, Torri Fossett, Dave Gansmann, J. Lavon Kincaid, Kevin Kullum, Mylin Johnson, Cedric Laster, Chip Walther, Brent Dalrymple, Bill Ennis, and Coach Roy Walther.

EAST LOS ANGELES COLLEGE: KEYS TO THE FUTURE

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. MARTINEZ. Mr. Speaker, institutions which serve large proportions of minorities have often struggled against discrimination and insufficient funding. The needs of these institutions are still largely unrecognized but their role is becoming increasing vital. This year non-Hispanic whites became a minority in California's schools. This is also the case in Texas' elementary schools. In the next 10 years, it is estimated that one of every three American students will be Hispanic-American, African-American, or Asian-American. As a recent OECD study of California's education system put it, "California may be the crucial, and is certainly a fascinating, test case of the capacity of an educational plan to unite a prosperous country."

I want to take this occasion to congratulate East Los Angeles College and its new president, Dr. Omero Suarez, for their innovative work in education which builds a nation. I also want to draw to my colleagues' attention a recent article, "East Los Angeles College: The Trend Setter," by Jose A. Romo, which was published in the April/May edition of Hispanic Today which highlights many of these initiatives. East Los Angeles College is particularly effective in providing a successful program for minority and disadvantaged students. With an enrollment of over 12,700 students, East Los Angeles College is a "real asset to the education community" by encouraging students to compete academically, as well as, work towards admission to a major college or university.

East Los Angeles College is succeeding against great obstacles. For the past few years the U.S. high school dropout rate has been an appalling 30 percent, but this figure is small compared to the horrifying percentages of dropouts among urban minorities: 50 percent for blacks and 80 percent for Hispanics. About half of Hispanic high school graduates never go to college and of those who do, 54 percent attend two-year community colleges. Less than 7 percent of them transfer to 4-year colleges to continue their education. Of the few that are admitted to postsecondary institutions, the attrition rate for Hispanic college students is 57 percent for males and 54 percent for females, compared to 34 percent for non-Hispanic white males and females.

The United States is in desperate need of programs to build bridges between secondary schools and postsecondary institutions and ELAC has provided many programs to bridge this gap. One of them is the East Los Angeles College Upward Bound Program. College upward bound is designed for potential first generation college graduates of low-income families, 24 percent of which live at, or below the poverty level. This program provides much needed individual attention to improve basic academic skills and provides a complete education about careers and college opportunities.

Of those who remain in the program until they graduate from high school, 98 percent of them go on to college. Of those students, 75 percent continue their studies at a 4-year college or university. The remainder go on to a community college. This is a great achievement for any program, but especially considering that upward bound is targeted toward high schools with average dropout rates of 39 to 65 percent.

Also offered through East Los Angeles College are: Summer internships for high-school students, the Garfield Math Enrichment Program—made famous by Jaime Escalante—and the ELAC High School Extension Program. These programs provide individual tutoring, college electives, and a chance to receive credits toward high school graduation.

For those students attending East Los Angeles College, programs are tailored for their needs. The Puente Program is designed specifically for Mexican-American community college students to reduce the dropout rate and encourage them to pursue a bachelor's degree. Also, a transfer program offers the student an opportunity to meet representatives from major colleges and universities to discuss transfer arrangements.

These are just some of the major programs offered at East Los Angeles College. They are looking forward to implementing other programs that will aid the student in attaining "that most important goal—a degree." Unfortunately, these efforts are severely limited by the lack of funding appropriated to these programs which are in such high demand throughout the country.

At East Los Angeles College alone, it is estimated that there will be 6,000 potential eligible students in desperate need of these services. Presently, the East Los Angeles College Upward Bound Program is only authorized to enroll 100 students on a budget of $330,905. During the last 8 years, this program has maintained a current enrollment of 110 while maintaining a waiting list of 60 students who qualify to participate but are unable because of "nonroom availability." Funding is what these programs must have to stay in operation and the success of East Los Angeles College would have been impossible without moneys provided by the U.S. Department of Education.

My dear colleagues, I ask you to join me in congratulating East Los Angeles College and its new president, Dr. Omero Suarez, for their innovative work in the realm of higher education. With the upcoming reauthorization of the Higher Education Act, it is important that we remember the successful "trend setting" educational programming established by ELAC. East Los Angeles College is a shining example of what initiative and creativity, coupled

with Federal backing, can do to provide special programs for America's growing minority population.

TO REFORM THE DAVIS-BACON ACT

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. MURPHY. Mr. Speaker, I rise today to introduce legislation to reform the Davis-Bacon Act. For over 50 years this law has guaranteed a decent standard of living for many American workers. I am introducing this bill today because I believe that it is once again time for us to reaffirm our commitment to this principle.

The Davis-Bacon Act mandates that all federally funded or assisted construction projects pay the wage prevailing in the local area for the various types of trades involved. The purpose of this act is to prevent Federal procurement laws from undermining living standards and local economies which are impacted by the process of Federal and federally assisted construction.

Mindful of this promise it is important for us to insure that the provisions of this law are current and timely for our present economy. Under current law, the act is applicable to all contracts in excess of $2,000. This figure has not been adjusted to reflect inflation since it was enacted in 1935. That is why this legislation proposes to increase this threshold to $50,000.

This is only one of many comprehensive reforms that this proposal accomplishes. I would now like to describe very briefly the other provisions of this bill:

Compels the Department of Labor to issue more timely wage determinations.

Restores the scope of prevailing wage surveys to include all similar construction in the applicable area.

Provides two alternatives to the present much criticized compliance system of exclusive relief through the DOL: First, expedited administrative process; and second, private right of action.

Cuts in half the employer payroll reporting requirements under the Copeland Act.

Codifies the authority of the Secretary to issue decisions concerning the interpretation and application of the act that are final and binding on all executive branch agencies.

Strengthens current law applying prevailing wages on lease-construction projects.

Defines "apprentice," "trainee," and "helper."

Restricts the amount of fringe benefits an employer may include as part of the prevailing wage payment to the aggregate level of fringe benefits determined to be prevailing.

This bill both simplifies and updates the Davis-Bacon Act. It brings it up to date for 1989, and in doing so it renews and strengthens our resolve to protect American workers against exploitive working conditions. This legislation is a sound and balanced approach to reform of the Davis-Bacon Act, and I ask for your support.

SPACEWEEK

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. LAGOMARSINO. Mr. Speaker, on July 20, 1969, American astronaut Neil Armstrong became the first person to set foot on the Moon. Like millions of Americans, I can remember my feelings of pride and awe on that historic occasion. It was one of those moments frozen in time, as people around the globe watched that televised image from another celestial body—an imaging technology which, by the way, was one of the benefits of the space program.

In a sense, that was the day when the entire world became a global village—linked through American technology as we watched at first hand one of the most momentous steps in human history. It really was "one small step for a man, one giant step for mankind." Today, the technologies developed for the space program have made the global village more than just a concept. The entire world was focused on Tiananmen Square last month as we witnessed, through satellite technology, the unfolding of a new democratic movement. And because they were watching, nations around the Earth were able to react with conviction when that movement was quashed—for now. This week, we watched as President Bush stood in Karl Marx University in Budapest and urged a greater unity between the Eastern bloc and the West. The world has been brought into our living rooms—and not just parts of the world. Of all the images sent back from the Moon, although the footsteps of a human being were the most historic, the most breathtaking were those of the blue-and-white Earth rising above the desolate craters of the moon.

It was then we saw our planet as a living organism—an ark, as some put it—carrying human life through the cosmos. It was this truly transcendent image which forever changed our view of life on this Earth and or role in the universe.

Next week, Mr. Speaker, will mark the celebration of Spaceweek. At Vanderberg Air Force Base, CA, there will be a weeklong symposium on the theme "From Apollo to the Stars—Join the Journey".

The theme promises more than we can even imagine here today. Some of our best minds in the military, civilian, and commercial space industry will be onhand to present their vision of what our next steps in space should be. There are many options, all of which deserve our close consideration. In addition to marking the 20th anniversary of the Apollo Moon landing, July 20 also marks the 16th anniversary of the landing of *Viking 1* on Mars. And next month, the *Voyager* spacecraft will soar past the planet Neptune as it continues its journey to the edge of the solar system and beyond.

But these momentous voyages of discovery are only the beginning of mankind's quest for knowledge. From the day when the first humans gazed at the starry night sky, we have wondered at that vast panorama and what it signifies. This same quest for knowledge and adventure set Christopher Columbus on a voyage of discovery to a New World 497 years ago. I hope that by the time we celebrate the 500th anniversary of Columbus' epic voyage in 1992, we will have firmly committed ourselves to undertake a continuation of that journey of discovery to the cosmos. And I hope that by the dawn of the new millenium, in the year 2000 A.D., we will be well on our way toward establishing a base on the Moon, and eventually, a base on Mars. Nor should we limit our vision to the stars. That unprecedented view of Earth which we first saw from the Tranquility Moon base 20 years ago should remind us of the need to pursue a mission to the planet Earth. The space station Freedom will provide an essential platform from which to monitor the vital signs of our earthly home, as well as a jumping off point for voyages to the Moon, Mars, and beyond. With our new global perspective we can see the need to work together to insure that the Earth remains a safe, habitable home.

It has fallen to us, Mr. Speaker, to be the first space-faring generation in human history. I hope that lessons we learn during Spaceweek will lead to a greater appreciation of how far we have come, and how far we have to go. And I extend to the participants in this symposium, on behalf of the Congress of the United States, our best wishes for a productive and enlightening conference: "From Apollo to the Stars—Join the Journey".

THE OMAHA WORLD-HERALD CENTENNIAL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. BEREUTER. Mr. Speaker, 100 years ago, on July 14, 1889, Gilbert M. Hitchcock, publisher of the Omaha Daily World, announced that he had purchased the Omaha Herald from John A. McShane. The next day, July 15, 1989, the first edition of the Omaha World-Herald was published.

On the occasion of the World-Herald's 100th anniversary this Member wants to pay tribute to the most influential newspaper in the State of Nebraska. The World-Herald publishes morning and evening editions. Its circulation exceeds 222,750 daily and 289,100 on Sundays, in a city with a population just over 311,680 and a State with a population of 1½ million. A very high percentage of the population of the State of Nebraska and western Iowa reads the Omaha World-Herald.

Politically, the World-Herald has at various times found itself on either side of the aisle. Gilbert Hitchcock, the first publisher, supported Democrats, including William Jennings Bryan. During Bryan's campaign for the Senate, Hitchcock made him editor of the World-Herald—a position which afforded him additional visibility and, apparently, some financial backing. While Bryan's Senate bid was unsuccessful, the World-Herald also strongly supported him in his presidential campaigns. Hitchcock himself served three terms in Congress.

Henry Doorly, who succeeded Hitchcock as publisher of the Omaha World-Herald, was Hitchcock's son-in-law. He and the paper supported Alf Landon, and for the next 30 years the paper was staunchly Republican.

The Omaha World-Herald, in its centennial year, is a progressively conservative newspaper. It has an impressive history of service to the people of Omaha and the people of Nebraska. This Nebraskan newspaper represents a tradition of fine journalism. The World-Herald is an institution of which Omaha, Nebraska and western Iowa can be justly proud.

AUTHORIZATION FOR THE BUREAU OF RECLAMATION TO CONSTRUCT AND OPERATE A WATER TREATMENT PLANT AT THE LEADVILLE MINE DRAINAGE TUNNEL, LEADVILLE CO

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1989

Mr. HEFLEY. Mr. Speaker, at the request of the Bureau of Reclamation, U.S. Department of Interior, I am introducing a bill to authorize $10.7 million for water treatment operations at the Leadville mine drainage tunnel near Leadville, CO.

Of that $10.7 million, $9.5 million would be used for construction, operation, maintenance and replacement, when necessary, of a water treatment plant; and $1.2 million for installation of concrete lining on a rehabilitated portion of the Leadville mine drainage tunnel.

I am including in my statement a letter from Bureau Commissioner C. Dale Duvall, which states the reasons for this project more fully and outlines its history. Briefly, the Leadville mine drainage tunnel was constructed by the Bureau of Mines during World War II to aid in the mining of strategic metals for the war efforts. In 1959, the Bureau of Reclamation assumed ownership of the tunnel with the intent of using the effluent for the Fryingpan-Arkansas project. However, the Bureau was unsuccessful in obtaining rights to the water.

In March 1975, the Bureau was cited by the Environmental Protection Agency for violations of the Clean Water Act stemming from claims the tunnel effluent is contaminated with heavy metals. A solution has been under study since that time, with this proposal the result. Meanwhile, the bureau faces the threat of legal action from the Sierra Club, which has questioned the Bureau's good-faith efforts toward a cleanup.

I would like to insert the text of Commissioner Duvall's letter to me concerning the Leadville mine drainage tunnel project:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, DC, July 6, 1989.

Hon. JOEL HEFLEY,
U.S. House of Representatives, Washington, DC.

DEAR MR. HEFLEY: The Leadville Mine Drainage Tunnel was constructed by the Bureau of Mines of your District during World War II to facilitate the mining of strategic metals needed for the war effort. The Bureau of Reclamation accepted custody of the tunnel in December 1959, with the intent of using the water flowing from the tunnel for the Fryingpan-Arkansas project. Reclamation was unsuccessful in obtaining rights to the water flowing from the tunnel.

In March of 1975 the Environmental Protection Agency, pursuant to the Clean Water Act, issued a National Pollution Discharge Elimination System (NPDES) permit for the tunnel, because the tunnel effluent is contaminated with heavy metals which exceed applicable limitations.

The Reclamation Authorization Act of 1976, P.L. 94-423, authorized, "* * * such sums as necessary for * * * water quality monitoring and investigations leading to recommendations for treatment measures if necessary to bring the quality of the tunnel discharge into compliance with applicable water quality statutes . . ." (emphasis added). The legislative history of the bill indicates that the Senate version included a provision for construction and operation of a water treatment plant. The Interior Department at that time preferred to study the problem to be sure that a water treatment plant would be effective or whether unblocking the tunnel might solve the effluent discharge problem. As quoted above, the final bill did not contain authorization to build a water treatment plant.

Based upon that legislative history, the Solicitor's office, in an opinion dated November 18, 1988, indicated that the Department should seek legislative authority to build a water treatment plant. On the basis of that opinion, the Department submitted a draft bill to Congress. However some questions have been raised about whether the Department can utilize the general authority of the Clean Water Act to support a request for appropriations to build the treatment plant. The Solicitor's office is presently reviewing the Clean Water Act to ascertain whether it does provide independent authority to request or use appropriations to meet obligations under the Act. Despite the outcome of that general review, we believe that enough uncertainty regarding the intent of Congress and this Department with regard to the building of the treatment plant has been created by the unique legislative history of this matter that further Congressional direction is needed. Therefore we are requesting that the proposed legislation be introduced. We further request the passage of that legislation be expedited as much as possible.

Reclamation's completed agreement with EPA includes a schedule that shows on-site construction beginning by May 1990; therefore it is important that Congressional direction be received during this session of Congress to allow all construction prerequisites to be completed so that this construction schedule can be maintained.

The proposed FY 1990 budget, which is being considered by the Congress, contains funds to begin construction of the water treatment plant. This budget was prepared in 1987 with the expectation that the studies would show a need for the plant and that the Congress would authorize it before FY 1990 begins.

Thank you for your assistance in this matter.

Sincerely yours,
For C. DALE DUVALL,
Commissioner.

Mr. Speaker, Leadville, CO is a community that has suffered for its history. For many years, that community enjoyed prosperity due to its gold and lead mines. When those closed, that community fell into an economic depression that has pushed its unemployment rate to double digits, among the highest in the State of Colorado, and in the Nation.

Mining began in Leadville in 1861 with placer deposits of gold in the California Gulch. As underground mining progressed, drainage became an economic factor in mine operation. Two major tunnels were built to deal with this problem, the Yak Tunnel, in 1895, and the Leadville mine drainage tunnel, in 1943.

As time went on, the tunnels, built to solve one problem, became a problem in themselves through water pollution. These, coupled with the problem of heavy metals leaching from mine wastes around Leadville, have resulted in that community being designated a Superfund site. Thirteen entities, among them a family of three, have been designated as potentially responsible parties, with liability costs ranging into the millions of dollars. One of these PRP's, the Elder family, inherited a 2-acre mining claim and has spent as much as $2,500 a month on legal fees. A small mining company, the Leadville Corp., has been driven to the edge of bankruptcy because of its Superfund liability.

Mr. Speaker, I will not pretend that this bill is a cure-all for all of the problems that confront Leadville. It will not do anything to help the Elder family or the 12 other PRP's cited for Superfund violations. But it is a starting point for discussion of ways to begin the total cleanup and recovery of the Leadville area. It is a step that has the approval of the EPA and the Office of Management and Budget. I understand that moneys for this project have already been appropriated.

However, in introducing this bill, I would urge that a comprehensive plan be developed to clean up Leadville. The problems there have been studied for years, both by the Bureau and by the EPA. What needs to be done is for all of these plans to be collected into a coherent whole. Doing so will speed the way for a resolution and lessen the possibility that the Leadville cleanup will become a yearly budget item.

In response to questions submitted to the Senate Appropriations Committee earlier this year, the Bureau of Reclamation stated that the EPA began preliminary evaluations of the California Gulch area of Leadville in 1982, culminating in phase I remedial investigations in 1984 focus on the Yak Tunnel and the city of Leadville. The Bureau of Reclamation also indicated it could supply technological expertise and oversight to cleanup operations, as well as the findings of its study on the Leadville mine drainage tunnel. I would hope the committee reviewing this legislation do so with this history in mind.

In conclusion, I would ask that this authorization will be speedily considered and I look forward to working with members of the Interior and Insular Affairs Committee on this issue.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WATER TREATMENT PLANT FOR THE LEADVILLE MINE IN COLORADO.

(a) AUTHORIZATION FOR CONSTRUCTION, OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION.—In order that water flowing from the Leadville Mine Drainage

Tunnel may meet water quality standards, the Secretary of the Interior is authorized—

(1) to construct, operate, maintain, and replace when necessary, a water treatment plant, including the disposal of sludge produced by the treatment plant as appropriate, and

(2) to install concrete lining on the rehabilitated portion of the Leadville Mine Drainage Tunnel.

(b) DESIGN.—The treatment plant authorized by subsection (a) shall be designed and constructed to treat the quantity and quality of effluent historically discharged from the Leadville Mine Drainage Tunnel.

(c) TREATMENT OF COSTS.—Construction, operation, maintenance, and replacement costs of the works authorized by this Act shall be nonreimbursable.

(d) RESPONSIBILITY OF SECRETARY.—The Secretary of the Interior shall be responsible for operation, maintenance, and replacement of the water treatment plant, including sludge disposal authorized by this Act. The Secretary may contract for these services.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated beginning October 1, 1989, for construction of a water treatment plant for water flowing from the Leadville Mine Drainage Tunnel, including sludge disposal, and concrete lining the rehabilitated portion of the tunnel, the sum of $10,700,000 (October 1988 price levels), plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexed applicable to the types of construction involved and, in addition, such sums as may be required for operation, maintenance, and replacement of the works authorized by this Act.